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201600095041
ORD 1/7

RETURN TO: CITY SECRETARY
CITY OF MESQUITE
P.O. BOX 850137
MESQUITE, TX 75185-0137

ORDINANCE NO. 4365

AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, PROVIDING FOR THE ABANDONMENT OF A PORTION OF A 24-FOOT WIDE UTILITY EASEMENT AND A 77-FOOT WIDE DRAINAGE EASEMENT LOCATED AT THE MESQUITE SPECIALTY HOSPITAL AT 1115 NORTH BELT LINE ROAD; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR A SEVERABILITY CLAUSE; AND DECLARING AN EMERGENCY.

WHEREAS, the Mesquite Specialty Hospital requested abandonment of a portion of a 24-foot wide utility easement and a 77-foot wide drainage easement; and

WHEREAS, the utility easement currently contains no City facilities; and

WHEREAS, the drainage easement contains portions of a detention pond and associated drainage piping that is in conflict with proposed hospital expansion; and

WHEREAS, engineering plans for the hospital expansion are presently under review and propose to relocate and adjust the detention pond and associated drainage piping to locations that will not interfere with the proposed building expansion; and

WHEREAS, the requested abandonment of the easements is conditional upon relocation of the detention pond and associated drainage piping in accordance with plans and specifications approved by the City of Mesquite and filing of a new plat that would dedicate a new drainage easement for the relocated facilities; and

WHEREAS, Mesquite Specialty Hospital's engineers have confirmation that Oncor Electric Delivery, Atmos Energy, AT&T and Time Warner Cable indicated they have no objections to the abandonment.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MESQUITE, TEXAS:

SECTION 1. That the portion of the 24-foot wide utility easement and the 77-foot wide drainage easement located at the Mesquite Specialty Hospital at 1115 North Belt Line Road, said easements more fully described in Exhibit "A" attached hereto and included herein for all purposes, are hereby abandoned conditional upon:

1. Relocation of the detention pond and associated drainage piping in accordance with plans and specifications approved by the City of Mesquite; and
2. Filing of a new plat that would dedicate a new drainage easement for the relocated facilities.

This abandonment shall not be effective unless, within 18 months after the effective date of this ordinance, these conditions have been met. Failure to timely comply with Conditions (1) and (2) above shall render this ordinance null and void and of no further effect.

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CITY OF MESQUITE
P.O. BOX 50137
MESQUITE, TX 75153-0137

SECTION 2. That the abandonment provided for herein shall extend only to the public right, title, easement and interest, and shall be construed to extend only to that interest the Governing Body of the City of Mesquite may legally and lawfully abandon and vacate.

SECTION 3. That the abandonment provided for herein is made subject to all present zoning and deed restrictions, if the latter exist, and are subject to all existing easement rights of others, if any, whether apparent or non-apparent, aerial, surface, underground or otherwise.

SECTION 4. That all ordinances or portions thereof in conflict with the provisions of this ordinance, to the extent of such conflict, are hereby repealed. To the extent that such ordinances or portions thereof are not in conflict herewith, the same shall remain in full force and effect.

SECTION 5. That should any word, sentence, clause, paragraph or provision of this ordinance be held to be invalid or unconstitutional, the validity of the remaining provisions of this ordinance shall not be affected and shall remain in full force and effect.

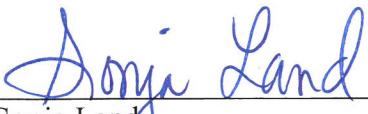
SECTION 6. That the orderly development of the City of Mesquite requires the release and abandonment of the utility and drainage easements described herein, creates an urgency and an emergency for the preservation of the public health, safety and welfare, and requires that this ordinance shall take effect immediately from and after its passage.

DULY PASSED AND APPROVED by the City Council of the City of Mesquite, Texas, on the 6th day of July, 2015.



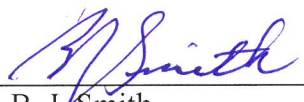
Stan Pickett
Mayor

ATTEST:



Sonja Land
City Secretary

APPROVED:



B. J. Smith
City Attorney

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CITY OF MESQUITE
P.O. BOX 850137
MESQUITE, TX 75185-0137

EXHIBIT "A"
ABANDONMENT OF PART OF 24' UTILITY EASEMENT
LOT 2-A, BLOCK A
MIMOSA LANE BAPTIST CHURCH ADDITION, LOT 2-A, BLOCK A
INST. NO. 201000231771 M.R.D.C.T.
CITY OF MESQUITE, DALLAS COUNTY, TEXAS.

EASEMENT DESCRIPTION

BEING part of Lot 2-A, Block A of MIMOSA LANE BAPTIST CHURCH ADDITION, LOT 2-A, BLOCK A, an addition to the City of Mesquite, Texas, recorded in Instrument Number 201000231771 of the Map Records of Dallas County, Texas, and said tract being more particularly described as follows:

COMMENCING at the northwest corner of the above mentioned Lot 2-A and the northwest corner of a 15' wide Utility Easement, recorded in Instrument Number 200600180095 of the Map Records of Dallas County, Texas; said point being in the east R.O.W. line of N. Galloway Avenue (a variable width R.O.W.); THENCE N 75°56'13" E, along the north line of said Lot 2-A and 15' Utility Easement, at 108.01' passing a northwesterly corner of Lot 2-A, and continuing along said 15' Utility Easement, a total distance of 116.34' to a point; THENCE S 58°39'20" E, 24.12' along the northeast line of said 15' Utility Easement to a point in the northwest line of a 24' Utility Easement, recorded in Instrument Number 200600180095 of the Map Records of Dallas County, Texas; THENCE N 39°18'19" E, 12.23' along the northwest line of said 24' Utility Easement to the beginning of a curve to the right having a central angle of 37°02'20" and a radius of 50.00'; Thence along the northwest line of said 24' Utility Easement and around said curve, a distance of 32.32' to a point; THENCE N 76°20'39" E, 158.43' along the northwest line of said 24' Utility Easement to the Point of Beginning;

THENCE N 76°20'39" E, continuing along the northwest line of said 24' Utility Easement, a distance of 9.17' to a point for corner at the beginning of a curve to the right having a central angle of 13°05'21" and a radius of 50.00';

Thence along the north line of said 24' Utility Easement and around said curve, a distance of 11.42' to a point for corner;

THENCE N 89°26'00" E, continuing along the north line of said 24' Utility Easement, a distance of 67.69' to a point for corner;

THENCE S 00°34'00" E, 24.00' to a point in the south line of said 24' Utility Easement;

THENCE S 89°26'00" W, continuing along the south line of said 24' Utility Easement, a distance of 67.69' to a point for corner at the beginning of a curve to the left having a central angle of 13°05'21" and a radius of 26.00';

Thence along the south line of said 24' Utility Easement and around said curve, a distance of 5.94' to a point for corner;

THENCE S 76°20'39" W, continuing along the south line of said 24' Utility Easement, a distance of 9.17' to a point for corner;

THENCE N 13°39'21" W, 24.00' over and across said 24' Utility Easement to the Point of Beginning and containing 2,052.99 square feet or 0.0471 acres of land.



Scott Davis

BEARING SOURCE IS THE MIMOSA LANE BAPTIST CHURCH ADDITION, LOTS 1 AND 2, BLOCK A, RECORDED IN INSTRUMENT NUMBER 200600180095 M.R.D.C.T. & CERTIFICATE OF CORRECTION, RECORDED IN INSTRUMENT NUMBER 200600306185.

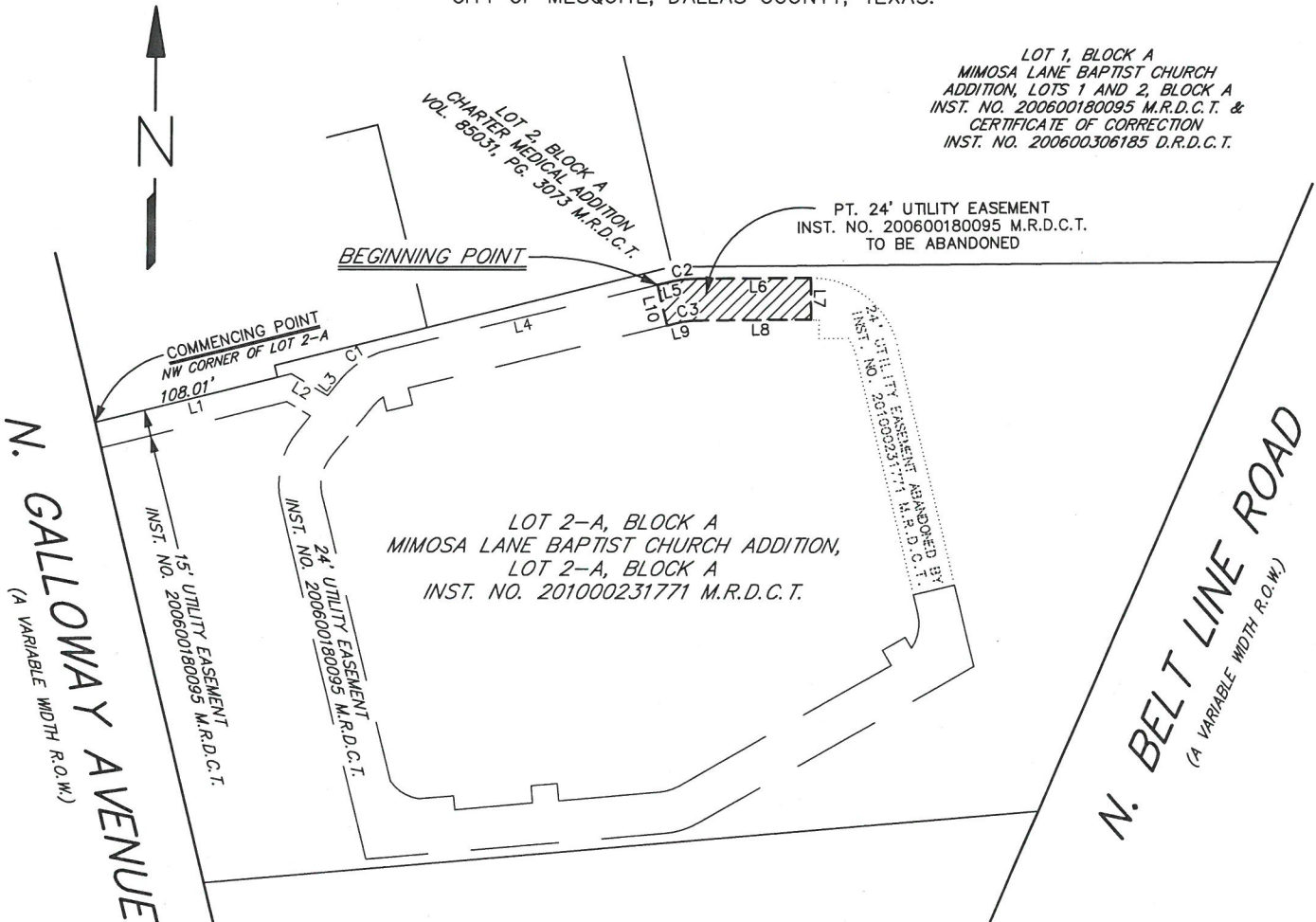
DAVIS LAND SURVEYING CO., INC.
9777 FERGUSON ROAD, SUITE 105
DALLAS, TEXAS 75228 214-321-0569

SCALE: 1" = 30'
DATE: 5/20/15
JOB NO. 14140C

RETURN TO: CITY SECRETARY
 CITY OF MESQUITE
 P.O. BOX 850137
 MESQUITE, TX 75185-0137

EXHIBIT "A"
 ABANDONMENT OF PART OF 24' UTILITY EASEMENT
 LOT 2-A, BLOCK A
 MIMOSA LANE BAPTIST CHURCH ADDITION, LOT 2-A, BLOCK A
 INST. NO. 201000231771 M.R.D.C.T.
 CITY OF MESQUITE, DALLAS COUNTY, TEXAS.

LOT 1, BLOCK A
 MIMOSA LANE BAPTIST CHURCH
 ADDITION, LOTS 1 AND 2, BLOCK A
 INST. NO. 200600180095 M.R.D.C.T. &
 CERTIFICATE OF CORRECTION
 INST. NO. 200600306185 D.R.D.C.T.



LOT 2-A, BLOCK A
 MIMOSA LANE BAPTIST CHURCH ADDITION,
 LOT 2-A, BLOCK A
 INST. NO. 201000231771 M.R.D.C.T.

LINE TABLE		
LINE	BEARING	LENGTH
L1	N75°56'13"E	116.34'
L2	S58°39'20"E	24.12'
L3	N39°18'19"E	12.23'
L4	N76°20'39"E	158.43'
L5	N76°20'39"E	9.17'
L6	N89°26'00"E	67.69'
L7	S00°34'00"E	24.00'
L8	S89°26'00"W	67.69'
L9	S76°20'39"W	9.17'
L10	N13°39'21"W	24.00'

CURVE TABLE			
CURVE	DELTA	RADIUS	LENGTH
C1	37°02'20"	50.00'	32.32'
C2	13°05'21"	50.00'	11.42'
C3	13°05'21"	26.00'	5.94'



Scott Davis

LEGEND
 R.O.W. RIGHT-OF-WAY
 D.R.D.C.T. DEED RECORDS,
 DALLAS COUNTY, TEXAS
 M.R.D.C.T. MAP RECORDS,
 DALLAS COUNTY, TEXAS
 INST. INSTRUMENT
 NO. NUMBER
 FD. FOUND
 I.R. IRON ROD

BEARING SOURCE IS THE MIMOSA LANE BAPTIST CHURCH
 ADDITION, LOTS 1 AND 2, BLOCK A, RECORDED IN
 INSTRUMENT NUMBER 200600180095 M.R.D.C.T. &
 CERTIFICATE OF CORRECTION, RECORDED IN INSTRUMENT
 NUMBER 200600306185.

SCALE: 1" = 100'
 DATE: 5/20/15
 JOB NO. 14140C

DAVIS LAND SURVEYING CO., INC.
 9777 FERGUSON ROAD, SUITE 105
 DALLAS, TEXAS 75228 214-321-0569

RETURN TO: CITY SECRETARY
CITY OF MESQUITE
P.O. BOX 650137
MESQUITE, TX 75185-0137

EXHIBIT "A"
ABANDONMENT OF 77' DRAINAGE EASEMENT
LOT 1, BLOCK A OR MIMOSA LANE BAPTIST CHURCH ADDITION, LOTS 1
AND 2, BLOCK A INST. NO. 200600180095 M.R.D.C.T. & CERTIFICATE
OF CORRECTION INST. NO. 200600306185 D.R.D.C.T.
CITY OF MESQUITE, DALLAS COUNTY, TEXAS.

EASEMENT DESCRIPTION

BEING part of Lot 1, Block A of MIMOSA LANE BAPTIST CHURCH ADDITION, LOTS 1 AND 2, BLOCK A, an addition to the City of Mesquite, Texas, recorded in Instrument Number 200600180095 of the Map Records of Dallas County, Texas, with Certificate of Correction, recorded in Instrument Number 200600306185 of the Deed Records of Dallas County, Texas, and said tract being more particularly described as follows:

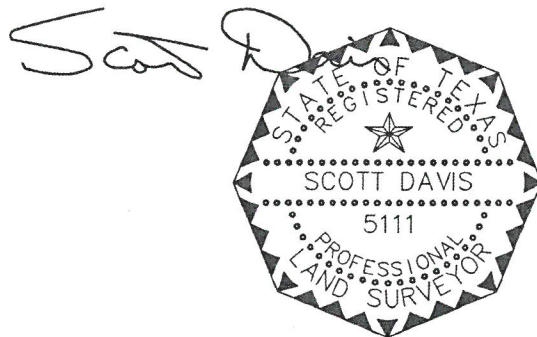
BEGINNING at a cross found at the southeast corner of the above mentioned Lot 1 and being in the west R.O.W. line of N. Belt line Road (a variable width R.O.W.);

THENCE S 89°26'00" W, 346.77' along the south line of said Lot 1 to a 5/8" iron rod found for corner;

THENCE N 13°22'28" W, 78.96' along the west line of said Lot 1 to a point for corner;

THENCE N 89°26'00" E, 77' north of and parallel to the south line of said Lot 1, a distance of 398.18' to a point for corner in the west line of N. Belt Line Road;

THENCE S 23°12'00" W, 84.13' along the west line of N. Belt Line Road to the Point of Beginning and containing 28,680.7115 square feet or 0.6584 acres of land.



BEARING SOURCE IS THE MIMOSA LANE BAPTIST CHURCH
ADDITION, LOTS 1 AND 2, BLOCK A, RECORDED IN
INSTRUMENT NUMBER 200600180095 M.R.D.C.T. &
CERTIFICATE OF CORRECTION, RECORDED IN INSTRUMENT
NUMBER 200600306185.

SCALE: 1" = 30'

DATE: 5/20/15

JOB NO. 14140B

DAVIS LAND SURVEYING CO., INC.
9777 FERGUSON ROAD, SUITE 105
DALLAS, TEXAS 75228 214-321-0569

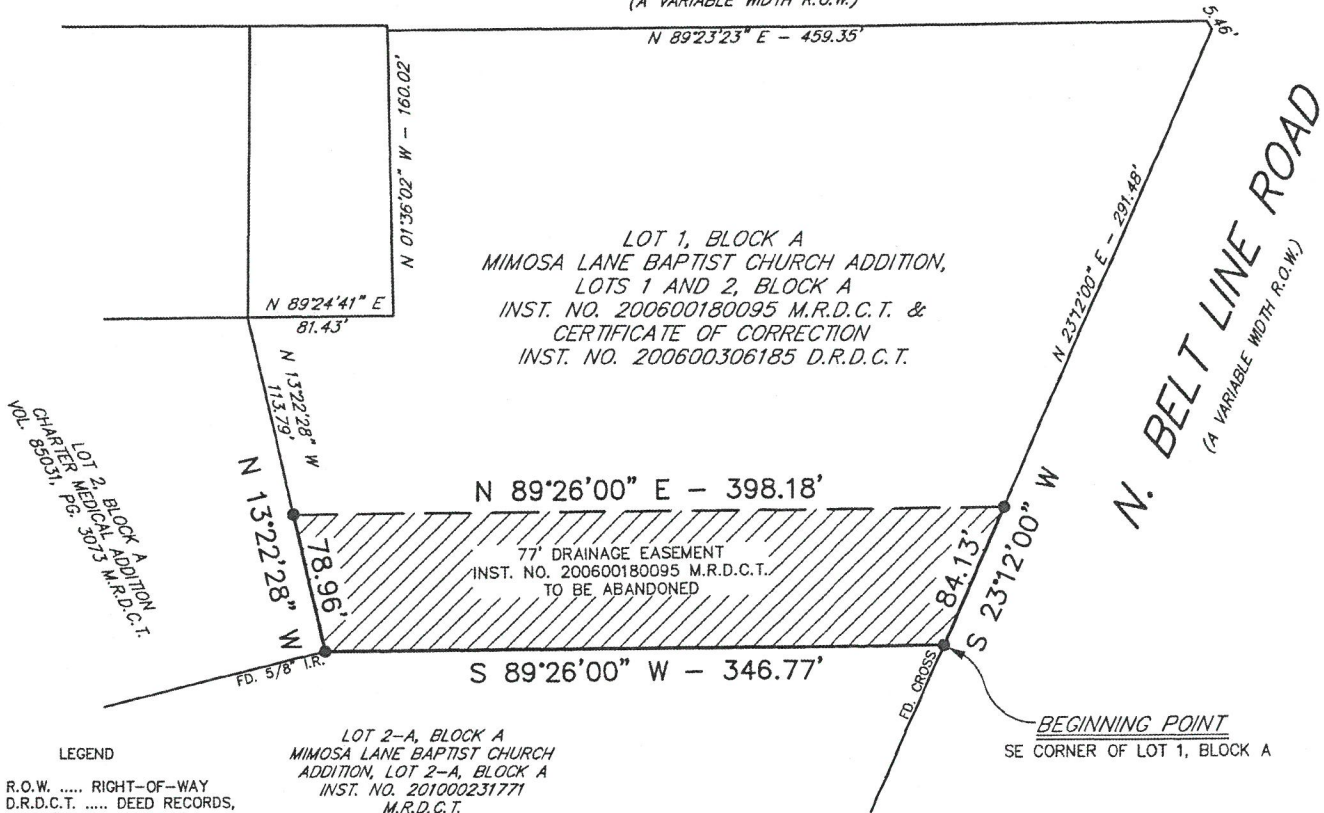
RETURN TO: CITY SECRETARY
 CITY OF MESQUITE
 P.O. BOX 850137
 MESQUITE, TX 75185-0137

EXHIBIT "A"
 ABANDONMENT OF 77' DRAINAGE EASEMENT
 LOT 1, BLOCK A OR MIMOSA LANE BAPTIST CHURCH ADDITION, LOTS 1
 AND 2, BLOCK A INST. NO. 200600180095 M.R.D.C.T. & CERTIFICATE
 OF CORRECTION INST. NO. 200600306185 D.R.D.C.T.
 CITY OF MESQUITE, DALLAS COUNTY, TEXAS.



Scott Davis

PARK AVENUE
 (A VARIABLE WIDTH R.O.W.)



LEGEND
 R.O.W. RIGHT-OF-WAY
 D.R.D.C.T. DEED RECORDS,
 DALLAS COUNTY, TEXAS
 M.R.D.C.T. MAP RECORDS,
 DALLAS COUNTY, TEXAS
 INST. INSTRUMENT
 NO. NUMBER
 FD. FOUND
 I.R. IRON ROD

BEARING SOURCE IS THE MIMOSA LANE BAPTIST CHURCH
 ADDITION, LOTS 1 AND 2, BLOCK A, RECORDED IN
 INSTRUMENT NUMBER 200600180095 M.R.D.C.T. &
 CERTIFICATE OF CORRECTION, RECORDED IN INSTRUMENT
 NUMBER 200600306185.

SCALE: 1" = 100'

DATE: 5/20/15

JOB NO. 14140B

DAVIS LAND SURVEYING CO., INC.
 9777 FERGUSON ROAD, SUITE 105
 DALLAS, TEXAS 75228 214-321-0569

Filed and Recorded
Official Public Records
John F. Warren, County Clerk
Dallas County, TEXAS
04/12/2016 12:04:47 PM
\$46.00



A handwritten signature in black ink, appearing to be "JF2" followed by a horizontal line.

201600095041

RECEIVED

APR 27 2016

**CITY OF MESQUITE
CITY SECRETARY**