

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



02/01/2016 08:24:33 AM

201600025417

ORD 1/4

ORDINANCE NO. 4406

AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS,
PROVIDING FOR THE ABANDONMENT OF 10-FOOT WIDE
UTILITY EASEMENTS LOCATED IN THE BIG TOWN
ADDITION; PROVIDING FOR A REPEALER CLAUSE;
PROVIDING FOR A SEVERABILITY CLAUSE; AND
DECLARING AN EMERGENCY.

WHEREAS, a representative of the FedEx Corporation requested abandonment of 10-foot wide utility easements at the previous site of Big Town Mall south of US80 and west of Big Town Boulevard; and

WHEREAS, the easements were dedicated by plat in July 1958 for the construction of water mains at the Big Town Mall during its initial construction; and

WHEREAS, the easements contain 8-inch diameter cast iron water mains that were installed in 1958 when Big Town Mall was originally developed and later abandoned by City crews when Big Town Mall was demolished in 2006; and

WHEREAS, the requested abandonment of the easements is conditional upon fee dedication of the Big Town Elevated Water Tank site and associated necessary easements for access and utility connections to the tank site and the City's release of engineering plans and the start of construction; and

WHEREAS, the consulting engineers for FedEx have confirmation letters from Oncor Electric Delivery, Atmos Energy, AT&T and Time Warner Cable indicating they have no active facilities in the subject easement and no objections to the abandonment.

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

SECTION 1. That the 10-foot wide utility easements located in the Big Town Addition, said easements more fully described in Exhibit "A" attached hereto and included herein for all purposes, are hereby abandoned conditional upon fee dedication of the Big Town Elevated Water Tank site and associated necessary easements for access and utility connections to the tank site and the City's release of engineering plans and the start of construction.

That this abandonment shall not be effective unless, within nine months after the effective date of this ordinance, these conditions have been met. Failure to timely comply with these conditions mentioned above shall render this ordinance null and void and of no further effect.

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.

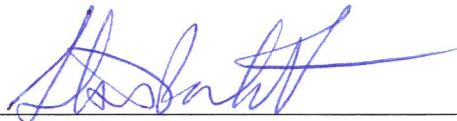
SECTION 3. That the abandonment provided for herein is made subject to all present zoning and deed restrictions, if the latter exist, and are subject to all existing easement rights of others, if any, whether apparent or non-apparent, aerial, surface, underground or otherwise.

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.

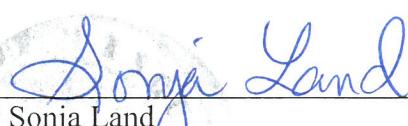
SECTION 6. That the orderly development of the City of Mesquite requires the release and abandonment of the utility and drainage easements described herein, creates an urgency and an emergency for the preservation of the public health, safety and welfare, and requires that this ordinance shall take effect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

DULY PASSED AND APPROVED by the City Council of the City of Mesquite, Texas, on the 7th day of December, 2015.



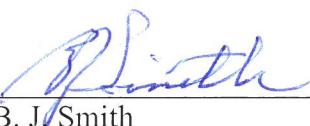
Stan Pickett
Mayor

ATTEST:



Sonja Land
City Secretary

APPROVED:



B. J. Smith
City Attorney

RETURN TO: CITY SECRETARY
CITY OF MESQUITE
PO BOX 2527

MESQUITE, TX 75185-0137

MESQUITE, TX 75185-0137

EXHIBIT "A"

PROPERTY DESCRIPTION:
PORTION OF 10 UTILITY EASEMENT
Big Town Addition
Volume 37, Page 215
Map Records, Dallas County, Texas

NOTE: Exhibit and segment description herein is based on the final plat of Big Town Addition as recorded in Volume 37, Page 215, Map Records, Dallas County, Texas.

COMPLAINANT A, residing at 103 East Main Street, in the north right-of-way line of East Park Road (150' R.O.W. from the center line of said road) as the east boundary corner of said lot 103.
THEREFORE, N. 87° 54' 38" W., along the north right-of-way line of said East Park Road, and the south boundary corner of said lot 103, being the point where the north right-of-way line of said East Park Road intersects the south boundary corner of said lot 103, being the point where the north right-of-way line of said East Park Road and the south boundary corner of said lot 103 meet.

COMPLAINANT B, residing at 103 East Main Street, in the north right-of-way line of East Park Road, across said Big Tower, being the point where the north right-of-way line of said East Park Road intersects the south boundary corner of said lot 103.

LINÉ	LINE
L4	4.1
L5	5.2
L3	3.3
L4	4.4
L5	5.5
L6	6.6
L7	7.7
L8	8.8
L9	9.9
L10	10.10
L11	11.11
L12	12.12
L13	13.13
L14	14.14
L15	15.15
L16	16.16
L17	17.17
L18	18.18
L19	19.19
L20	20.20
L21	21.21
L22	22.22
L23	23.23
L24	24.24
L25	25.25
L26	26.26
L27	27.27
L28	28.28
L29	29.29
L30	30.30
L31	31.31

POINT OF
COMMENCING

S 02-0357-W 1006
N 87°54'30"
POINT OF
BEGINNING

S 02 03 57 - M 795 20
N 02 03 57 - E 749 20

16 TOWN ADDITION
SILVER CITY, N.M.
CITY OF SILVER CITY
W.A.C.T.

W 1515 3
B1
E ROAD
BOULEVARD)

N 87°54'36" E 102°43'30"
EAST PIKE
(SAMUEL B.)

PER PLATE
VOL. 27, PG.
MARCH,
(TO BE ABANDONED)

154 of 154

**GOODWIN &
MARSHALL, L.L.C.**

CIVIL ENGINEERS - PLANNERS - SURVEYORS
2405 Mainland Drive, Dallas, Texas 75261
Metro (972) 384-4773
TELETYPE REGISTRATION # F-2944
TELE 10267700

EASEMENT ABANDONMENT EXHIBIT

FOR A PORTION OF 10' UTILITY EASEMENT PER PLAT
BIG TOWN ADDITION
VOL. 317, PG. 215, M.R.D.C.T.
CITY OF MESQUITE, DALLAS COUNTY, TEXAS

NOTE: Bearings are based on the first plot of Big Town Addition as recorded in Volume 37, Page 2915. Hand bearings fall on Cuyahoga County.

Filed and Recorded
Official Public Records
John F. Warren, County Clerk
Dallas County, TEXAS
02/01/2016 08:24:33 AM
\$34.00



A handwritten signature in black ink, appearing to read "JF Warren".

201600025417