

341



201600095043

ORD 1/6

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

ORDINANCE NO. 4411

AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, PROVIDING FOR THE ABANDONMENT OF ALL STREET AND ALLEY RIGHT-OF-WAY AND UTILITY EASEMENTS DEDICATED WITH THE ORIGINAL PLAT FOR WHITSON GARDENS ADDITION NO. 7, BLOCK S; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR A SEVERABILITY CLAUSE; AND DECLARING AN EMERGENCY.

WHEREAS, a representative of the Mesquite Independent School District (MISD) requested abandonment of all street and alley right-of-way and utility easements (aerial and anchor) located in the Whitson Gardens Addition No. 7, Block S for the relocation and construction of the new J. H. Florence Elementary School; and

WHEREAS, the easements were dedicated with the original subdivision plat in 1964; and

WHEREAS, the street, alley and utility improvements originally proposed for the Whitson Gardens Addition No. 7, Block S were never constructed; and

WHEREAS, the requested abandonment of the associated right-of-way and easements are recommended to remove these unneeded encumbrances from the property; and

WHEREAS, the consulting engineers for MISD have confirmation letters or emails from Oncor Electric Delivery, Atmos Energy, AT&T and Time Warner Cable indicating they have no facilities in the subject street and alley right-of-way or utility easements (aerial and anchor) and no objections to the abandonment.

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

SECTION 1. That all street and alley right-of-way and utility easements located in the Whitson Gardens Addition No. 7, Block S, said easements more fully described in Exhibit "A" attached hereto and included herein for all purposes, are hereby abandoned.

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.

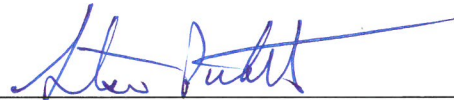
SECTION 3. That the abandonment provided for herein is made subject to all present zoning and deed restrictions, if the latter exist, and are subject to all existing easement rights of others, if any, whether apparent or non-apparent, aerial, surface, underground or otherwise.

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.

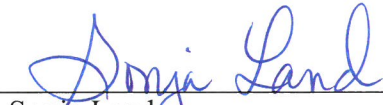
SECTION 6. That the orderly development of the City of Mesquite requires the release and abandonment of all street and alley right-of-way and utility easements described herein, creates an urgency and an emergency for the preservation of the public health, safety and welfare, and requires that this ordinance 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 March, 2016.



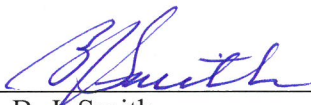
Stan Pickett
Mayor

ATTEST:



Sonja Land
City Secretary

APPROVED:



B. J. Smith
City Attorney

EXHIBIT "A"
RIGHT-OF-WAY AND EASEMENT ABANDONMENT
WHITSON GARDENS ADDITION NO. 7
BLOCK "S"

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

LEGAL DESCRIPTION

BEING an 8.8765 acre (386,661 square foot) tract of land situated in the Theophalus Thomas Survey, Abstract No. 1461, in the City of Mesquite, Texas and being a portion of a called 9.73 acre tract of land conveyed to City of Mesquite, a Municipal Corporation and described in the Warranty Deed (Cash Form) as recorded in Volume 522, Page 685 of the Deed Records of Dallas County, Texas (D.R.D.C.T.), and being all of Block "S" (includes Lots 1-37 and all dedicated street and alley rights-of-way within the limits of said block) as reflected on the plat of Whitson Gardens Addition No. 7, an addition to the City of Mesquite, Texas, according to the plat thereof as recorded in Volume 295, Page 1475, D.R.D.C.T., and being more particularly described by metes and bounds as follows:

BEGINNING at the southerly corner of said Block "S", said corner being at the intersection of the northwesterly right-of-way line of Whitson Way (50' right-of-way) and the northeasterly right-of-way line of Ashwood Lane (50' right-of-way);

THENCE N 22°09'50" W, with said northeasterly right-of-way line of Ashwood Lane, 819.07 feet to the westerly corner of said Block "S", said corner being at the intersection of said northeasterly right-of-way line of Ashwood Lane and the southeasterly right-of-way line of Oates Road (variable with right-of-way);

THENCE N 44°43' E, with said southeasterly right-of-way line of Oates Road, 338.92 feet to the northerly corner of said Block "S", said corner being at the intersection of said southeasterly right-of-way line of Oates Road and the northeasterly line of a 15' Alley right-of-way as reflected on the aforementioned plat of Whitson Gardens Addition No. 7, and being the westerly corner of North Mesquite Full Gospel Assembly Addition, an addition to the City of Mesquite, Texas, according to the plat thereof as recorded in Volume 72103, Page 2680, D.R.D.C.T., from whence a 1/2" iron rod found for the northerly corner of said North Mesquite Full Gospel Assembly Addition bears N 44°43' E, 241.85 feet;

THENCE S 45°08' E, departing said southeasterly right-of-way line of Oates Road and with the northeasterly line of said 15' Alley right-of-way and the southwesterly line of said North Mesquite Full Gospel Assembly Addition, passing at 279.92 feet the common southerly corner of said North Mesquite Full Gospel Assembly Addition and the westerly corner of the remainder of a called 8.07 acre tract conveyed to Mesquite Independent School District (MISD) and described in the Warranty Deed as recorded in Volume 435, Page 824, D.R.D.C.T., from whence a 1/2" iron rod found in the northwesterly line of said MISD tract for the easterly corner of said North Mesquite Full Gospel Assembly Addition bears N 44°40'30" E, 150.80 feet and N 69°31'30" E, 100.53 feet, and continuing with the northeasterly line of said 15' Alley right-of-way and the southwesterly line of said MISD tract a total distance of 786.60 feet to the easterly corner of said Block "S", said corner being at the intersection of the northeasterly line of said 15' Alley right-of-way and the aforementioned northwesterly right-of-way line of Whitson Way;



NATHAN D. MAIER CONSULTING ENGINEERS, INC.
TBPE FIRM REG. NO. F-356
TBPLS FIRM REG. NO. 100189-00
Two Park Lane Place / 8080 Park Lane / Suite 600
Dallas, Texas 75231 / Ph. (214) 739-4741

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OCT. 12, 2015
JOB NO. 11-09-043
11043EX03 ABANDONMENT.dwg

EXHIBIT "A"
RIGHT-OF-WAY AND EASEMENT ABANDONMENT
WHITSON GARDENS ADDITION NO. 7
BLOCK "S"

LEGAL DESCRIPTION (continued)

THENCE S 47°36'45" W, with said northwesterly right-of-way line of Whitson Way, 659.31 feet to the POINT OF BEGINNING and containing 8.8765 acres (386,661 square feet) of land, more or less.

FOR NATHAN D. MAIER CONSULTING ENGINEERS, INC.



John L. Melton, Texas R.P.L.S. No. 4268
Registered Professional Land Surveyor



NOTE:

The basis of bearings for this survey is the southeasterly right-of-way line of Oates Road (N 44°43' E) as reflected on the plat of Whitson Gardens Addition No. 7, an addition to the City of Mesquite, Texas, according to the plat thereof as recorded in Volume 295, Page 1475 of the Deed Records of Dallas County, Texas

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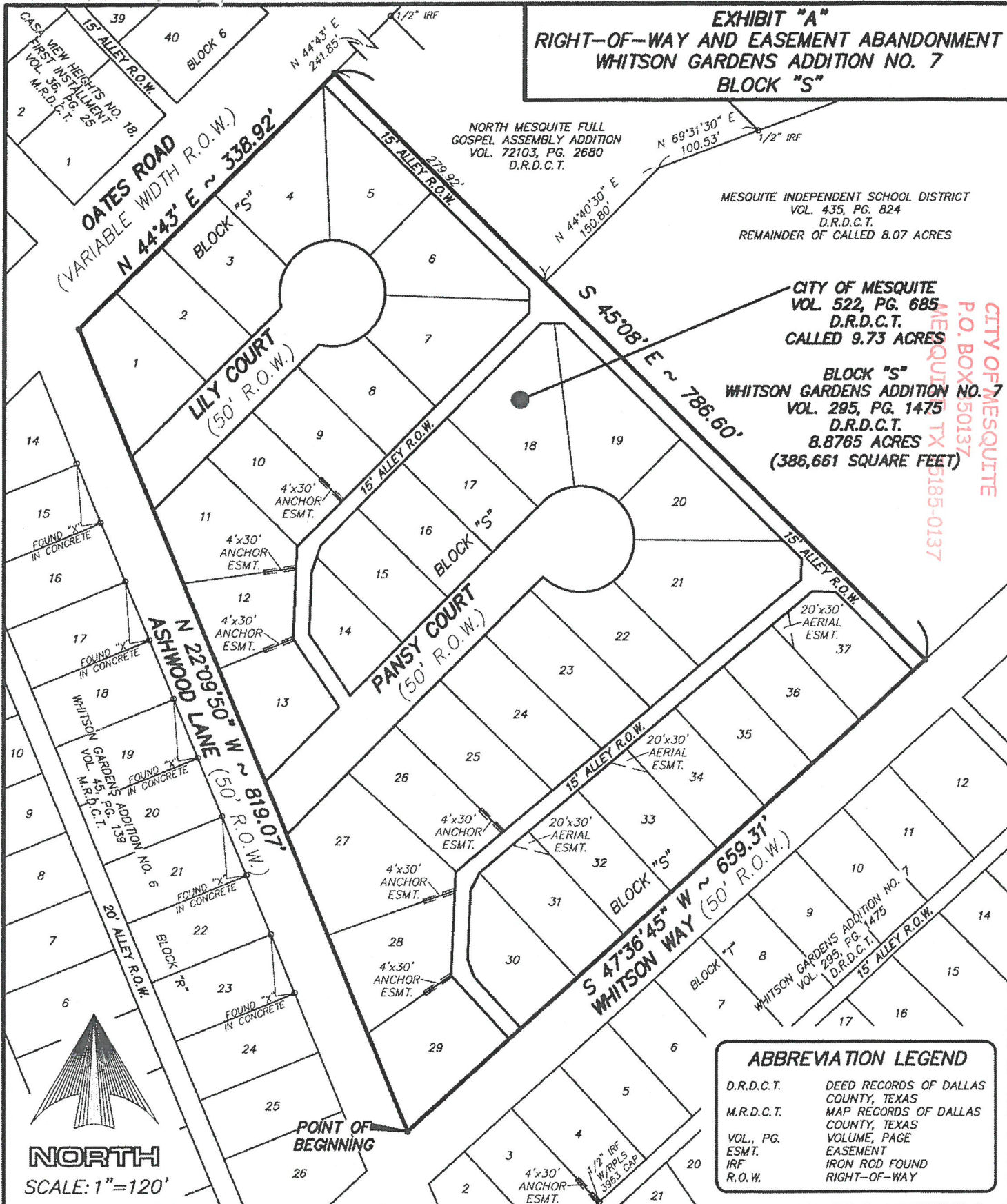


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WHITSON GARDENS ADDITION NO. 7
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MESQUITE INDEPENDENT SCHOOL DISTRICT
 VOL. 435, PG. 824
 D.R.D.C.T.
 REMAINDER OF CALLED 8.07 ACRES

CITY OF MESQUITE
 VOL. 522, PG. 685
 D.R.D.C.T.
 CALLED 9.73 ACRES

BLOCK "S"
 WHITSON GARDENS ADDITION NO. 7
 VOL. 295, PG. 1475
 D.R.D.C.T.
 8.8765 ACRES
 (386,661 SQUARE FEET)

CITY OF MESQUITE
 P.O. BOX 50137
 MESQUITE, TX 75185-0137

ABBREVIATION LEGEND

D.R.D.C.T.	DEED RECORDS OF DALLAS COUNTY, TEXAS
M.R.D.C.T.	MAP RECORDS OF DALLAS COUNTY, TEXAS
VOL., PG.	VOLUME, PAGE
ESMT.	EASEMENT
IRF	IRON ROD FOUND
R.O.W.	RIGHT-OF-WAY

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Filed and Recorded
Official Public Records
John F. Warren, County Clerk
Dallas County, TEXAS
04/12/2016 12:04:49 PM
\$42.00



A handwritten signature in black ink, appearing to be "JFW", is written to the right of the Dallas County seal.

201600095043

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APR 27 2016
CITY OF MESQUITE
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