

571



201600095042

ORD 1/6

RETURN TO: CITY OF MESQUITE  
P.O. BOX 10000  
MESQUITE, TX 75185-0137

ORDINANCE NO. 4416

AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, PROVIDING FOR THE ABANDONMENT OF A UTILITY EASEMENT DEDICATED BY AMENDING THE PLAT FOR WEST MESQUITE HIGH SCHOOL ADDITION; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR A SEVERABILITY CLAUSE; AND DECLARING AN EMERGENCY.

WHEREAS, the Mesquite Independent School District (MISD) requested abandonment of a portion of a 20-foot wide utility easement located in West Mesquite High School Addition, which contains an eight-inch diameter water main and associated easement which are in conflict with a proposed expansion of West Mesquite High School; and

WHEREAS, MISD proposes to relocate the eight-inch diameter water main with a new main and to dedicate a new utility easement for the relocated main; and

WHEREAS, the consulting engineers for MISD have obtained confirmation letters or emails from Oncor Electric Delivery, Atmos Energy, AT&T and Time Warner Cable indicating they have no facilities in the subject utility easement and no objections to the abandonment; and

WHEREAS, the consulting engineers have provided the necessary surveys and legal description prepared for the abandonment of the subject utility easement; and

WHEREAS, the requested abandonment of the utility easement is conditional upon relocation of the eight-inch water main in accordance with plans and specifications approved by the City of Mesquite and filing of a new plat that would dedicate a new utility easement for the relocated water main.

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

SECTION 1. That the partial abandonment of the 20-foot utility easement located at West Mesquite High School, said easement more fully described in Exhibits "A" and "B" attached hereto and included herein for all purposes, is hereby abandoned conditional upon:

1. Relocation of the eight-inch water main in accordance with plans and specifications approved by the City of Mesquite; and
2. Filing of a new plat that would dedicate a new utility easement for the relocated water main.

This abandonment shall not be effective unless, within 24 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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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.

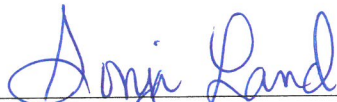
SECTION 6. That the orderly development of the City of Mesquite requires the release and abandonment of the utility easement described herein, creates an urgency and an emergency for the preservation of the public health, safety and welfare, and requires that this ordinance shall take effect immediately from and after its passage and publication of said ordinance as the law in such cases provides.

DULY PASSED AND APPROVED by the City Council of the City of Mesquite, Texas, on the 21st day of March, 2016.




Stan Pickett  
Mayor

ATTEST:



Sonja Land  
City Secretary

APPROVED:



B. J. Smith  
City Attorney

**EXHIBIT "A"**  
**UTILITY EASEMENT ABANDONMENT**  
**DANIEL TANNER SURVEY, ABST. NO. 1462**  
**CITY OF MESQUITE, DALLAS COUNTY, TEXAS**

EASEMENT DESCRIPTION

Being a 0.2789 acres (12,149 square foot) tract of land situated in the Daniel Tanner Survey, Abstract No. 1462, in the City of Mesquite, Dallas County, Texas, and being a portion of the 20' utility easement created by the amending plat of West Mesquite High School, an addition to the City of Mesquite, Texas according to the plat thereof as recorded in Volume 91219, Page 2494 of the Deed Records of Dallas County, Texas and reflected on the plat of West Mesquite High School Addition, Block B, Lot 1R, an addition to the City of Mesquite, Texas according to the plat thereof as recorded in Instrument Number 200503600833 of the Official Public Records of Dallas County, Texas, and being more particularly described by metes and bounds as follows:

COMMENCING at an "X" set in concrete found for the northwest corner of the aforementioned West Mesquite High School Addition, Block B, Lot 1R, said corner also being the northwest corner of a variable width right-of-way dedication as reflected on the plat of said Addition, said corner being at the intersection of the original east right-of-way line of Brunswick Lane (now a variable width right-of-way) and the south right-of-way line of Memorial Boulevard (80' right-of-way);

THENCE N 88°18'53" E, with the north line of said right-of-way dedication, at a distance of 10.00 feet passing the most northerly northwest corner of Lot 1R and the northeast end of a corner-clip, and continuing along the south right-of-way line of said Memorial Boulevard and the north line of said Lot 1R, a total distance of 220.00 feet, from whence a 1/2 inch iron rod with plastic cap stamped "NDM" found for the beginning of a tangent curve to the right on said south right-of-way line of Memorial Boulevard bears N 88°18'53" E, a distance of 1376.19 feet;

THENCE S 01°37'08" E, departing the north line of said Lot 1R and the south line of Memorial Boulevard, a distance of 201.83' to the POINT OF BEGINNING;

THENCE N 88°22'52" E, a distance of 20.00 feet;

THENCE S 01°37'08" E, a distance of 253.14 feet;

THENCE N 88°22'52" E, a distance of 20.00 feet;

THENCE S 01°37'08" E, a distance of 20.00 feet;

THENCE S 88°22'52" W, a distance of 15.00 feet;

THENCE S 01°37'08" E, a distance of 15.00 feet;

THENCE S 88°22'52" W, a distance of 5.00 feet;

THENCE S 01°37'08" E, a distance of 305.61 feet, from whence a 1/2 inch iron rod with plastic cap stamped "TX REG NO 100189-00" found for a re-entrant corner of said Lot 1R at the intersection of the north right-of-way line of Sandy Lane (a 60 foot right-of-way) and the west right-of-way line of Fielding Drive (a 60 foot right-of-way) bears S 86°34'43" E, a distance of 242.07 feet;

THENCE N 46°26'02" W, a distance of 28.38 feet;

THENCE N 01°37'08" W, a distance of 573.62 feet to the POINT OF BEGINNING and containing 0.2789 acres or 12,149 square feet of land, more or less.

FOR NATHAN D. MAIER CONSULTING ENGINEERS, INC.

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

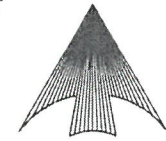


NOTES:

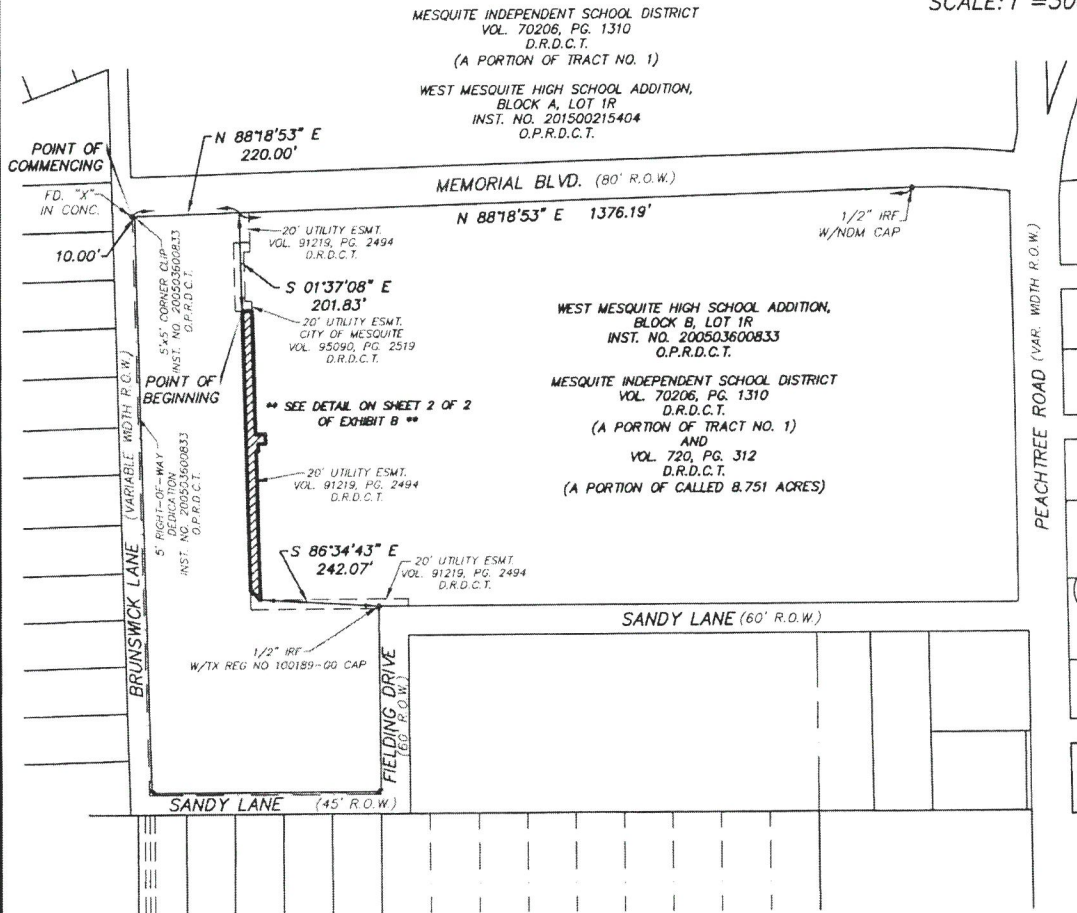
BASIS OF BEARINGS ~ Bearings for this survey are referenced to the Texas State Plane Coordinate System (NAD83), North Central Zone 4202, as obtained with the Western Data Systems Texas Cooperative RTK Network.



**EXHIBIT "B"**  
**UTILITY EASEMENT ABANDONMENT**  
 DANIEL TANNER SURVEY, ABST. NO. 1462  
 CITY OF MESQUITE, DALLAS COUNTY, TEXAS



**NORTH**  
 SCALE: 1"=300'



**ABBREVIATION LEGEND**

D.R.D.C.T.	DEED RECORDS OF DALLAS COUNTY, TEXAS
O.P.R.D.C.T.	OFFICIAL PUBLIC RECORDS OF DALLAS COUNTY, TEXAS
INST. NO.	INSTRUMENT NUMBER
VOL., PG.	VOLUME, PAGE
ESMT.	EASEMENT
R.O.W.	RIGHT-OF-WAY
SQ. FT.	SQUARE FEET
IRF	IRON ROD FOUND
IRF W/CAP	IRON ROD FOUND WITH PLASTIC CAP STAMPED "TX REG NO 100189-00"

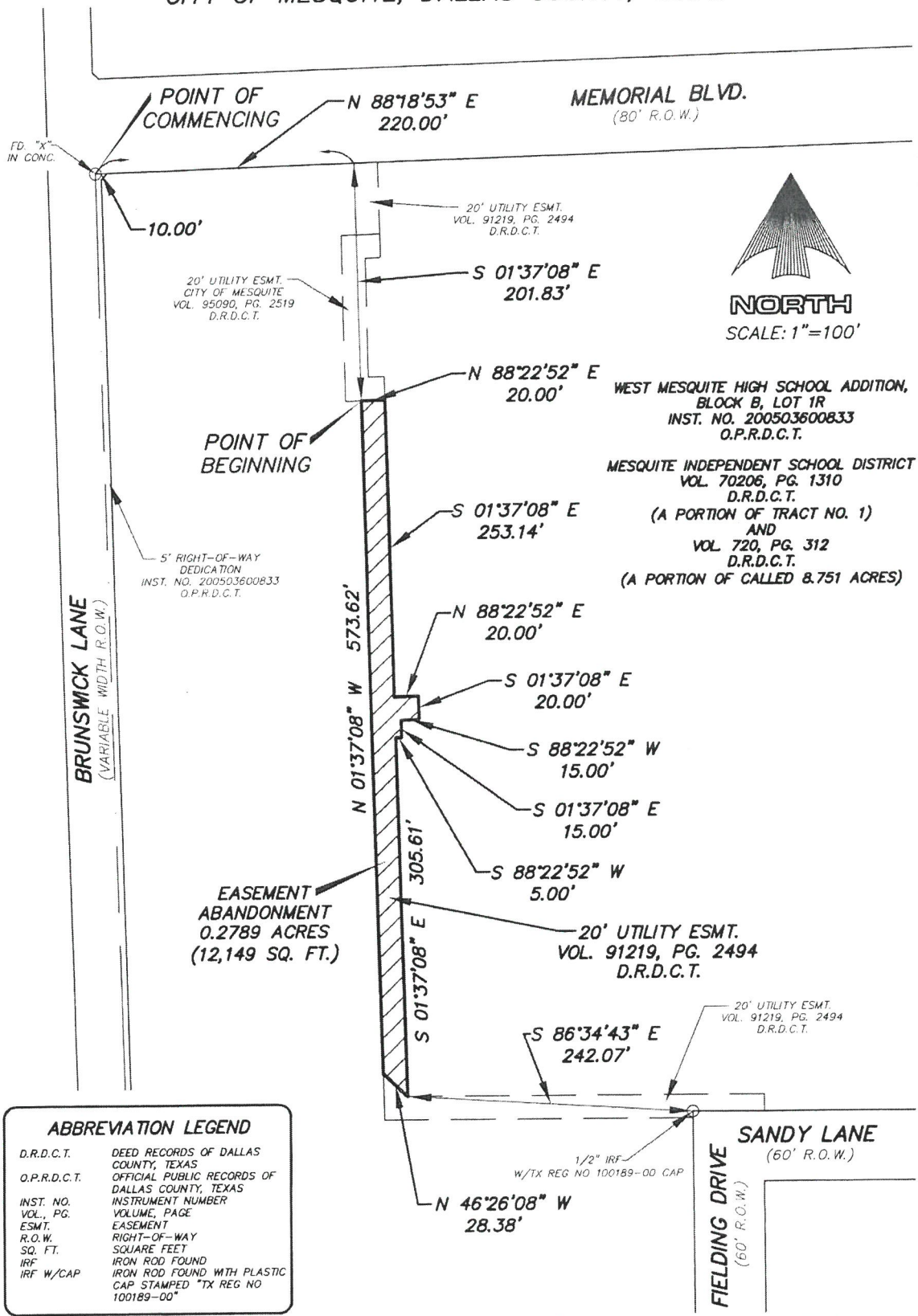


EXHIBIT "B"

UTILITY EASEMENT ABANDONMENT

DANIEL TANNER SURVEY, ABST. NO. 1462  
CITY OF MESQUITE, DALLAS COUNTY, TEXAS

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IRF W/CAP	IRON ROD FOUND WITH PLASTIC CAP STAMPED "TX REG NO 100189-00"

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



Filed and Recorded  
Official Public Records  
John F. Warren, County Clerk  
Dallas County, TEXAS  
04/12/2016 12:04:48 PM  
\$42.00



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

201600095042

**RECEIVED**

**APR 27 2016**

**CITY OF MESQUITE  
CITY SECRETARY**