

571



201600192124

ORD 1/6

ORDINANCE NO. 4430

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

AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, PROVIDING FOR THE ABANDONMENT OF 20-FOOT WIDE UTILITY EASEMENTS LOCATED AT THE QUIKTRIP CONVENIENCE STORE UNDER CONSTRUCTION AT 1610 WEST SCYENE ROAD FOR THE FAIR MARKET VALUE OF \$28,035.00; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR A SEVERABILITY CLAUSE; AND DECLARING AN EMERGENCY.

WHEREAS, a representative for QuikTrip Corporation (the "QT Corporation") requested abandonment of 20-foot wide utility easements located at the QuikTrip Convenience Store under construction at 1610 West Scyene Road; and

WHEREAS, the QT Corporation has 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, research revealed the easements were dedicated by two separate instruments in 1955 for the construction of a city sanitary sewer main; and

WHEREAS, State law dictates the City of Mesquite be compensated for release of the easements at market value since they were acquired by separate instruments; and

WHEREAS, the QT Corporation is required to pay the fair market value of the State-certified general real estate appraiser's estimate of \$28,035.00; and

WHEREAS, Staff believes the abandonment is in the public interest and recommends abandonment of the 20-foot utility easements for the fair market value of \$28,035.00.

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

SECTION 1. That the abandonment of the 20-foot utility easements located at the QuikTrip Convenience Store under construction at 1610 West Scyene Road, said easements more fully described in Exhibit "A" and attached hereto and included herein for all purposes, is hereby abandoned conditional upon receiving the fair market value of \$28,035.00.

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.

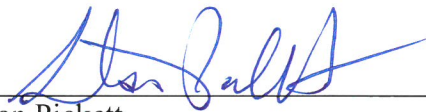
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SECTION 4. That all ordinances or portions thereof in conflict with the provisions of this ordinance, to the extent of such conflict, are hereby repealed. To the extent that such ordinances or portions thereof are not in conflict herewith, the same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

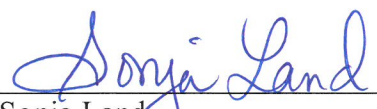
SECTION 6. That the orderly development of the City of Mesquite requires the release and abandonment of the utility easement described herein, creates an urgency and an emergency for the preservation of the public health, safety and welfare, and requires that this ordinance shall take effect immediately 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 6th day of June, 2016.



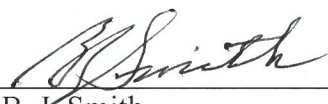
Stan Pickett
Mayor

ATTEST:



Sonja Land
City Secretary

APPROVED:



B. J. Smith
City Attorney

EXHIBIT "A"

TRACT 1

BEING a tract of land located in the City of Mesquite, Dallas County, Texas, part of the Daniel Tanner Survey, Abstract No. 1462, part of Lot 1, Block B, Gateway Center Addition, an addition to the City of Mesquite, Dallas County, Texas, according to the plat thereof recorded in Volume 86049, Page 1350, Deed Records, Dallas County, Texas, and being all of that certain 20' wide Utility Easement granted by deed to the City of Mesquite, Texas, as recorded by Volume 4214, Page 35, Deed Records, Dallas County, Texas, and being more particularly described as follows:

COMMENCING at a 1/2 inch iron rod with plastic cap stamped "J&B" found in the south right-of-way line of Scyene Road (a variable width public right-of-way) for the northwest corner of said Lot 1, being located at the northeast corner of that certain drainage easement described by deed to the State of Texas, as recorded by Volume 77157, Page 1412 and Volume 79004, Page 1314, Deed Records, Dallas County, Texas;

THENCE, along the north line of said Lot 1 and said south right-of-way line as follows:

North 71 degrees 48 minutes 42 seconds East, a distance of 44.52 feet to 1/2 inch iron rod with plastic cap stamped "J&B" found;

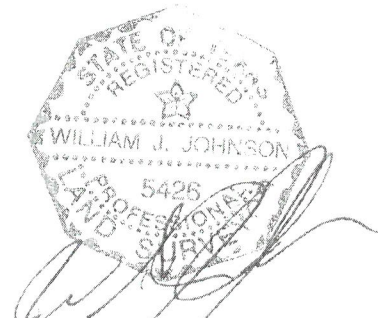
North 71 degrees 27 minutes 01 seconds East, a distance of 103.15 feet to the northwest corner of said 20' wide Utility Easement for the **POINT OF BEGINNING**;

THENCE, continuing along the north line of said Lot 1, said south right-of-way line and the northerly line of said Utility Easement, North 71 degrees 27 minutes 01 seconds East, a distance of 20.43 feet to the northeast corner of said Utility Easement;

THENCE, departing said south right-of-way line, over and across said Lot 1 and along the easterly line of said Utility Easement, South 30 degrees 15 minutes 41 seconds East, a distance of 324.15 feet to the southeast corner of said Utility Easement, being in the southeast line of said Tanner Survey;

THENCE, along the southeasterly line of said Utility Easement and the southeast line of said Tanner Survey, South 45 degrees 16 minutes 09 seconds West, a distance of 20.66 feet to the southwest corner of said Utility Easement;

THENCE, departing the south line of said Tanner Survey and along the westerly line of said Utility Easement, North 30 degrees 15 minutes 41 seconds West, a distance of 333.46 feet to the **POINT OF BEGINNING**, and containing 6,576 square feet or 0.1510 acre of land, more or less.



**UTILITY EASEMENT ABANDONMENT
LOT 1, BLOCK B, GATEWAY CENTER ADDITION
(VOL. 86049, PG. 1350, D.R.D.C.T.)
DANIEL TANNER SURVEY, ABSTRACT NO. 1462
CITY OF MESQUITE, DALLAS COUNTY, TEXAS**



903 N. Bowser Road, Suite 240
Richardson, Texas 75081
(972) 424-7002 Voice
(972) 633-1702 Fax
WWW.SurveyConsultantsInc.Com
TBPLS Firm No. 10139600

EXHIBIT "A"

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

TRACT 2

BEING a tract of land located in the City of Mesquite, Dallas County, Texas, part of the S.H. Smith Survey, Abstract No. 974, part of Lot 1, Block B, Gateway Center Addition, an addition to the City of Mesquite, Dallas County, Texas, according to the plat thereof recorded in Volume 86049, Page 1350, Deed Records, Dallas County, Texas, and being all of that certain 20' wide Utility Easement granted by deed to the City of Mesquite, Texas, as recorded by Volume 4238, Page 276, Deed Records, Dallas County, Texas, and being more particularly described as follows:

COMMENCING at a 5/8 inch iron rod with plastic cap stamped "RPLS 5119" set for the southeast corner of said Lot 1, same being the intersection of the north right-of-way line of Military Parkway (a variable width public right-of-way) and the west right-of-way line of Honorary Blvd. (formerly Gateway Blvd., a 60' public right-of-way);

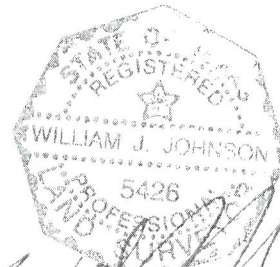
THENCE, along said north right-of-way line and the south line of said Lot 1, North 87 degrees 02 minutes 15 seconds West, a distance of 85.10 feet to the southeast corner of said 20' wide Utility Easement for the **POINT OF BEGINNING**;

THENCE, continuing along said north right-of-way line, the south line of said Lot 1 and along the south line of said Utility Easement, North 87 degrees 02 minutes 15 seconds West, a distance of 23.91 feet to the southwest corner of said Utility Easement;

THENCE, departing said north right-of-way line, over and across said Lot 1, North 30 degrees 15 minutes 41 seconds West, a distance of 321.70 feet to the northwest corner of said Utility Easement, being in the northwest line of said Smith Survey;

THENCE, along the northwest line of said Smith Survey and the northwesterly line of said Utility Easement, North 45 degrees 16 minutes 09 seconds East, a distance of 20.66 feet to the northeast corner of said Utility Easement;

THENCE, departing the northwest line of said Smith Survey and along the easterly line of said Utility Easement, South 30 degrees 15 minutes 41 seconds East, a distance of 339.96 feet to the **POINT OF BEGINNING**, and containing 6,617 square feet or 0.1519 acre of land, more or less.



W. J. Johnson

UTILITY EASEMENT ABANDONMENT
LOT 1, BLOCK B, GATEWAY CENTER ADDITION
(VOL. 86049, PG. 1350, D.R.D.C.T.)
S.H. SMITH SURVEY, ABSTRACT NO. 974
CITY OF MESQUITE, DALLAS COUNTY, TEXAS

Date: 01/20/2016

Project No. 12149119



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TBPLS Firm No. 10139600

EXHIBIT "A"

0 50' 100'

SCALE: 1"=100'

LEGEND

(C.M.)	CONTROLLING MONUMENT
D.R.D.C.T.	DEED RECORDS, DALLAS COUNTY, TEXAS
I.R.F.	IRON ROD FOUND
I.R.F.C.	IRON ROD FOUND WITH CAP
PG.	PAGE
P.O.B.	POINT OF BEGINNING
P.O.C.	POINT OF COMMENCING
R.O.W.	RIGHT-OF-WAY
VOL.	VOLUME

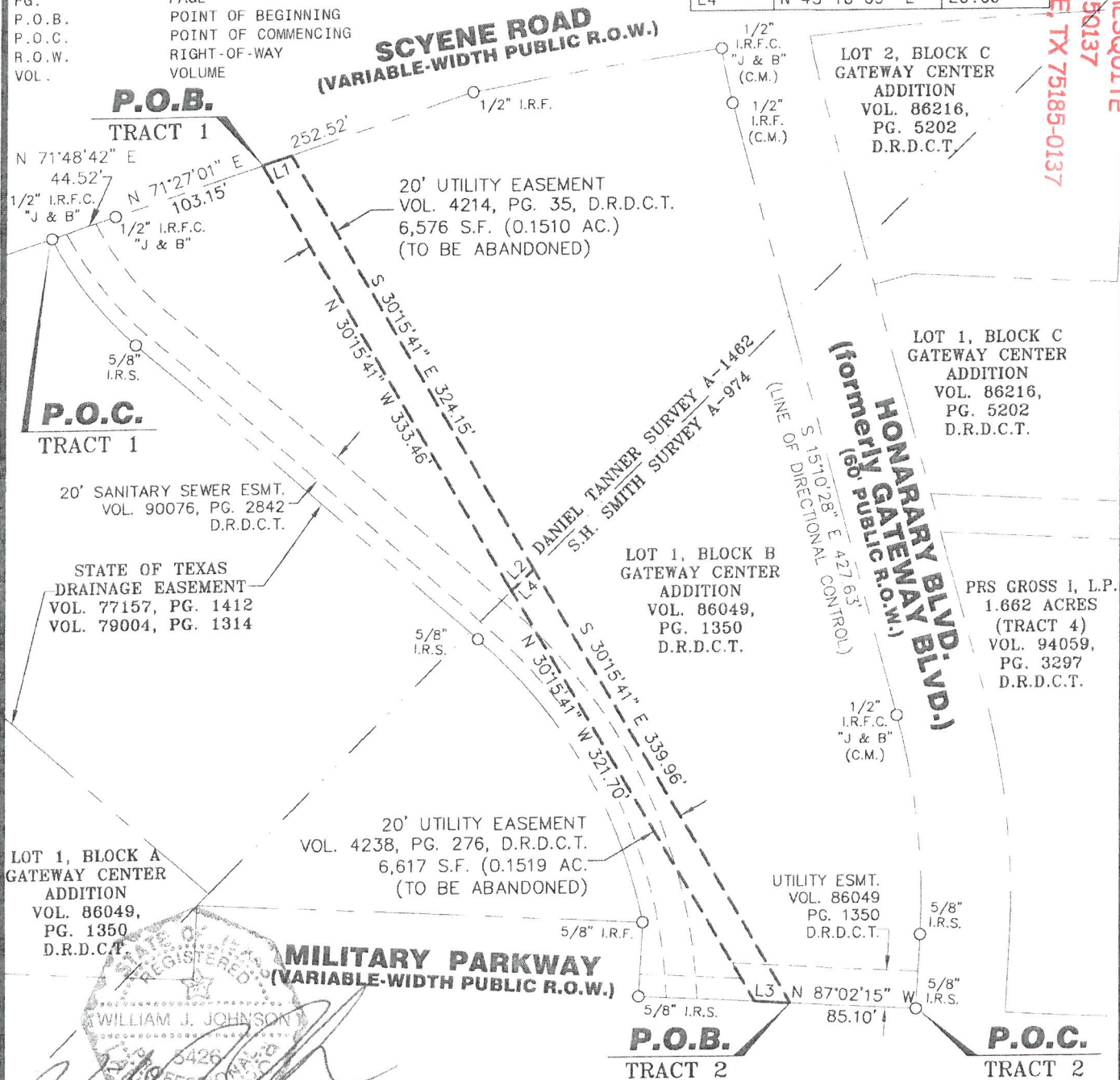
BASIS OF BEARINGS
 EAST LINE OF LOT 1, BLOCK B
 GATEWAY CENTER ADDITION
 S 15°10'28" E
 (VOL. 86049, PG. 1350, D.R.D.C.T.)

LINE TABLE

NUMBER	DIRECTION	DISTANCE
L1	N 71°27'01" E	20.43'
L2	S 45°16'09" W	20.66'
L3	N 87°02'15" W	23.91'
L4	N 45°16'09" E	20.66'

CITY OF MESQUITE
 P.O. BOX 859137
 MESQUITE, TX 75185-0137

RETURN TO: CITY SECRETARY



UTILITY EASEMENT ABANDONMENT
 LOT 1, BLOCK B, GATEWAY CENTER ADDITION
 (VOL. 86049, PG. 1350, D.R.D.C.T.)
 DANIEL TANNER SURVEY, ABSTRACT NO. 1462
 S.H. SMITH SURVEY, ABSTRACT NO. 974
 CITY OF MESQUITE, DALLAS COUNTY, TEXAS

Date: 01/20/2016

Project No. 12149119



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 TBPLS Firm No. 10139600

Filed and Recorded
Official Public Records
John F. Warren, County Clerk
Dallas County, TEXAS
07/15/2016 08:17:36 AM
\$42.00



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

201600192124

RECEIVED
JUL 28 2016
CITY OF MESQUITE
CITY SECRETARY