



201600311322

ORD 1/6

ORDINANCE NO. 4456

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 PARTIAL ABANDONMENT OF A 15-FOOT-WIDE DRAINAGE EASEMENT LOCATED AT JUDGE FRANK BERRY MIDDLE SCHOOL AT 2675 BEAR ROAD; 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 partial abandonment of a 15-foot-wide drainage easement located at Judge Frank Berry Middle School at 2675 Bear Road; and

WHEREAS, the easement is exclusively a City drainage easement with no other franchised utilities having authority to occupy the easement; and

WHEREAS, the consulting engineers have provided the necessary survey and legal description prepared for the portion of the easement to be abandoned.

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

SECTION 1. That the partial abandonment of a 15-foot-wide drainage easement located at Judge Frank Berry Middle School at 2675 Bear Road, said easement more fully described in Exhibits "A" and "B" attached hereto and included herein for all purposes, is 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or portions thereof in conflict with the provisions of this ordinance, to the extent of such conflict, are hereby repealed.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 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

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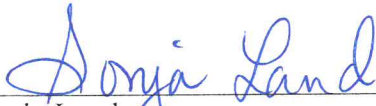
ordinance shall take effect immediately from and after its passage and publication of said ordinance as the law in such cases provides.

DULY PASSED AND APPROVED by the City Council of the City of Mesquite, Texas, on the 17th day of October, 2016.



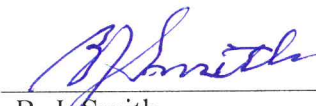
Stan Pickett  
Mayor

ATTEST:



Sonja Land  
City Secretary

APPROVED:



B. J. Smith  
City Attorney

EXHIBIT "A"

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**DRAINAGE EASEMENT ABANDONMENT**  
**JOHN P. ANDERSON SURVEY, ABST. NO. 1**  
**CITY OF MESQUITE, DALLAS COUNTY, TEXAS**

DESCRIPTION

Being a 0.0065 acres (282 square feet) tract of land situated in the John P. Anderson Survey, Abstract No. 1, in the City of Mesquite, Dallas County, Texas, and being a portion of a 15 foot drainage easement reflected on the plat of Judge Frank Berry Middle School Addition, an addition to the City of Mesquite, Texas, according to the plat thereof recorded in Volume 2002025, Page 56 of the Deed Records of Dallas County, Texas (D.R.D.C.T.), and being more particularly described by metes and bounds as follows:

COMMENCING at a 1/2 inch iron rod with plastic cap stamped "DA1" found for an easterly corner of the Cantura Cove Addition, Phase 1, an addition to the City of Mesquite, Texas according to the plat thereof as recorded in Volume 99211, Page 2763, D.R.D.C.T., and being on the northwest right of way line of Bear Drive (formerly Cartwright Road, variable width right-of-way);

THENCE N 45°50'24" W, with the northwest line of said right-of-way, a distance of 18.61 feet to the most southerly corner of said Judge Frank Berry Middle School Addition, from whence a 1/2 inch iron rod with plastic cap stamped "DCA INC" found at the point of curvature of the southwest line of said Judge Frank Berry Middle School Addition, and the northeast line of said Cantura Cove Addition, Phase 1, bears N 45°50'24" W, a distance of 1006.16 feet;

THENCE N 44°08'35" E, with the northwest line of said Bear Drive right-of-way and the southeast line of said Judge Frank Berry Middle School Addition, a distance of 15.00 feet to the southeast corner of a 15 foot drainage easement to the City of Mesquite according to instrument recorded in Volume 99058, Page 3352, D.R.D.C.T.;

THENCE N 45°50'24" W, with the northeasterly line of said 15 foot drainage easement recorded in Volume 99058, Page 3352, 965.01 feet to the southwest corner of the aforementioned 15 foot drainage easement reflected on said plat of Judge Frank Berry Middle School Addition;

THENCE N 64°21'10" E, with the south line of said 15 foot drainage easement reflected on said plat of Judge Frank Berry Middle School Addition, a distance of 527.78' to the POINT OF BEGINNING;

THENCE N 20°41'08" E, a distance of 21.72 feet to the north line of said 15 foot drainage easement reflected on said plat of Judge Frank Berry Middle School Addition;

THENCE N 64°21'10" E, with the north line of said 15 foot drainage easement reflected on said plat of Judge Frank Berry Middle School Addition, a distance of 10.92 feet to the northeast corner of said 15 foot drainage easement reflected on said plat of Judge Frank Berry Middle School Addition;

THENCE S 25°38'50" E, with the east line of said 15 foot drainage easement reflected on said plat of Judge Frank Berry Middle School Addition, a distance of 15.00 feet to the southeast corner of said 15 foot drainage easement reflected on said plat of Judge Frank Berry Middle School Addition;

THENCE S 64°21'10" W, with the south line of said 15 foot drainage easement reflected on said plat of Judge Frank Berry Middle School Addition, a distance of 26.63 feet to the POINT OF BEGINNING and containing 0.0065 acres (282 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.



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

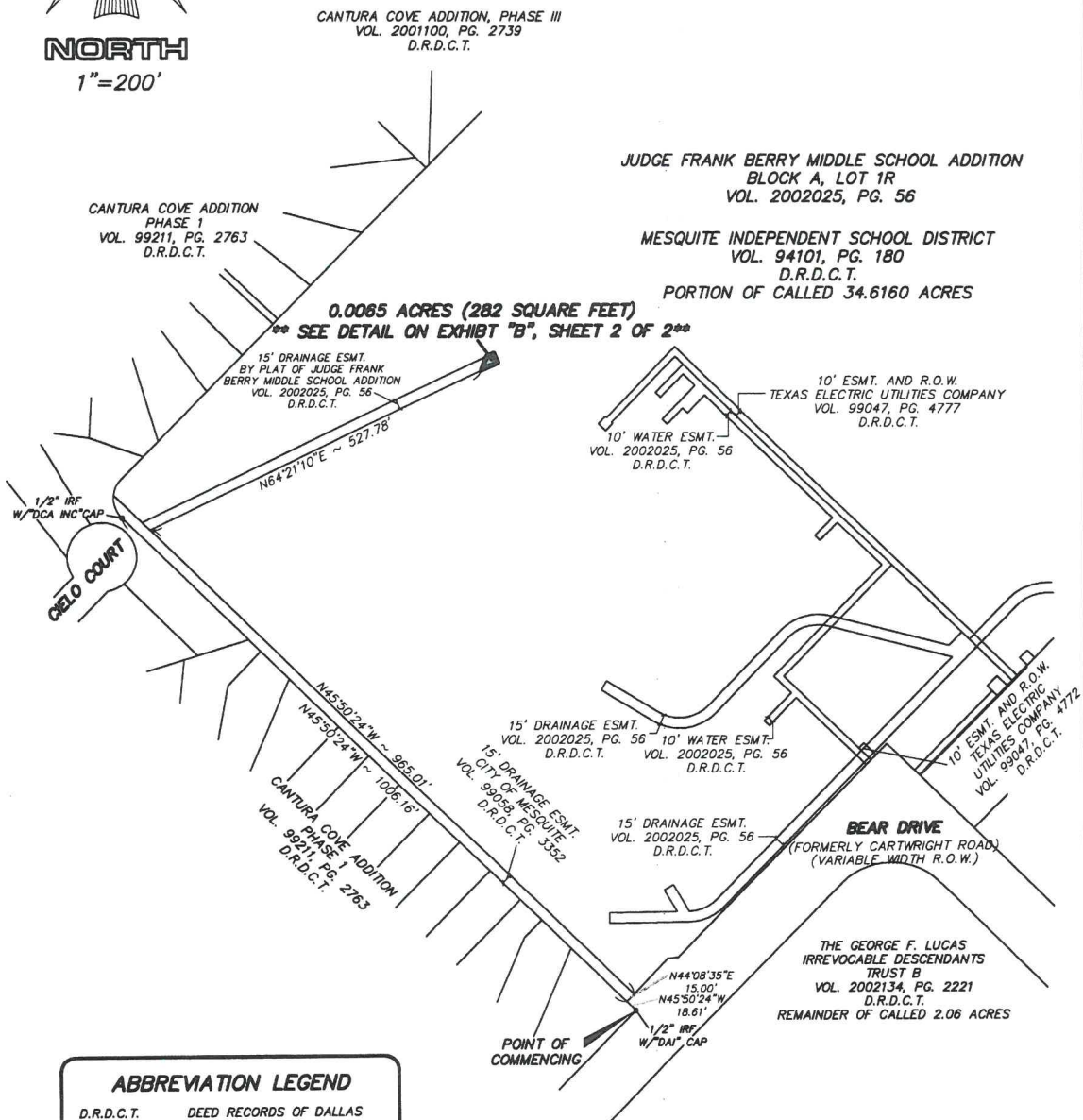
1 OF 1  
JULY 27, 2016  
15-09-055  
15055F-EX01

**EXHIBIT "B"**

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 P.O. BOX 850137  
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**DRAINAGE EASEMENT ABANDONMENT**

**JOHN P. ANDERSON SURVEY, ABST. NO. 1  
 CITY OF MESQUITE, DALLAS COUNTY, TEXAS**



**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



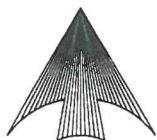
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1 OF 2  
 JULY 27, 2016  
 15-09-055  
 15055F-EX01

EXHIBIT "B"

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JOHN P. ANDERSON SURVEY, ABST. NO. 1  
CITY OF MESQUITE, DALLAS COUNTY, TEXAS

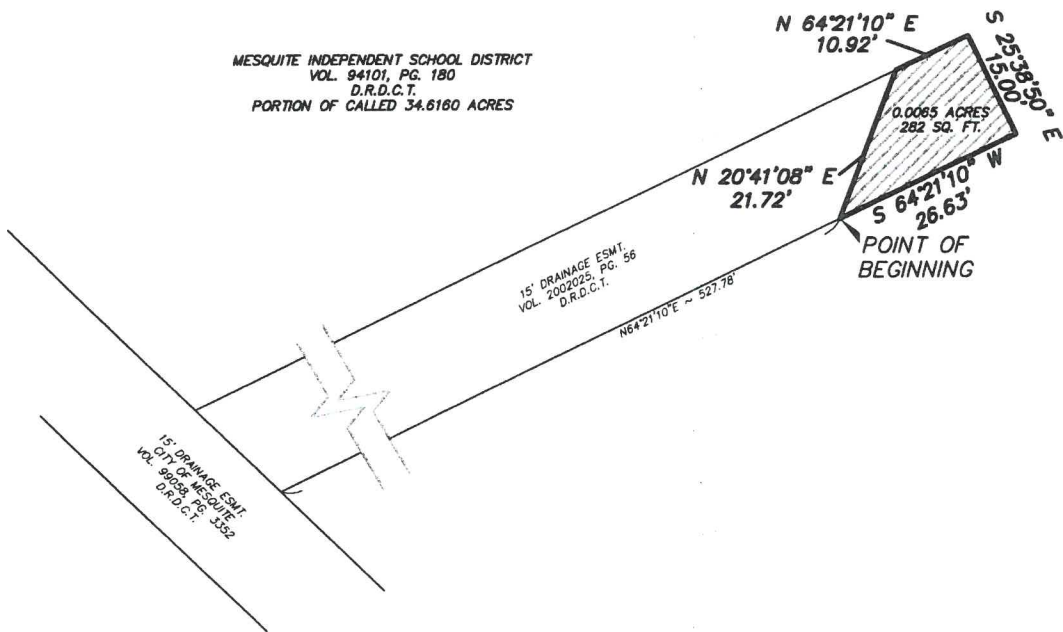


**NORTH**

1"=20'

JUDGE FRANK BERRY MIDDLE SCHOOL ADDITION  
VOL. 2002025, PG. 56  
BLOCK A, LOT 1R

MESQUITE INDEPENDENT SCHOOL DISTRICT  
VOL. 94101, PG. 180  
D.R.D.C.T.  
PORTION OF CALLED 34.6180 ACRES



**ABBREVIATION LEGEND**

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Filed and Recorded  
Official Public Records  
John F. Warren, County Clerk  
Dallas County, TEXAS  
11/04/2016 11:37:31 AM  
\$42.00



A handwritten signature in black ink, appearing to be "JFW", is written over the seal.

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