



\*VG-364-2022-202200038602\*

Dallas County  
John F. Warren  
Dallas County Clerk

Instrument Number: 202200038602

Real Property Recordings

Recorded On: February 09, 2022 11:57 AM

Number of Pages: 13

" Examined and Charged as Follows: "

Total Recording: \$70.00

\*\*\*\*\* THIS PAGE IS PART OF THE INSTRUMENT \*\*\*\*\*

Any provision herein which restricts the Sale, Rental or use of the described REAL PROPERTY because of color or race is invalid and unenforceable under federal law.

File Information:

Document Number: 202200038602  
Receipt Number: 20220209000584  
Recorded Date/Time: February 09, 2022 11:57 AM  
User: Hilga R  
Station: CC15

Record and Return To:

CITY SECRETARY - CITY OF MESQUITE  
PO BOX 850137  
MESQUITE TX 75185



STATE OF TEXAS  
Dallas County

I hereby certify that this Instrument was filed in the File Number sequence on the date/time printed hereon, and was duly recorded in the Official Records of Dallas County, Texas

John F. Warren  
Dallas County Clerk  
Dallas County, TX

ORDINANCE NO. 4922

AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, PROVIDING FOR THE ABANDONMENT AND TRANSFER OF INTERESTS IN REAL PROPERTY LOCATED NORTH OF THE INTERSECTION OF EAST MAIN STREET (STATE HIGHWAY 352) AND CARVER STREET, AND SOUTH OF THE UNION PACIFIC RAILROAD TRACKS AND RIGHT-OF-WAY, SUBJECT TO RESERVATION OF A PERMANENT EASEMENT; AUTHORIZING THE CITY MANAGER TO TAKE ACTIONS NECESSARY TO COMPLETE THE ABANDONMENT AND TRANSFER; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR A SEVERABILITY CLAUSE; AND DECLARING AN EFFECTIVE DATE.

**WHEREAS**, in or about August 1901 and as a part of the D.S. Carvers Addition plat filed at Volume 250, Page 306 of the real property records of Dallas County, a true and correct copy of which is attached hereto as Exhibit 1 and incorporated herein by reference, real property was dedicated to the City of Mesquite, Texas ("**City**"), for the planned construction of Carver Street; and

**WHEREAS**, the foregoing dedicated real property is located south of the then Texas and Pacific Railway tracks and right of way which are now the Union Pacific Railroad tracks and right of way, and both north and south of East Main Street (also known as State Highway 352); and

**WHEREAS**, the City did construct Carver Street south of East Main Street, but has not constructed Carver Street to the north of East Main Street (being the area highlighted on Exhibit 1); and

**WHEREAS**, the area of the Carver Street dedication north of East Main Street is an approximately 3,959 square foot tract of land more particularly described and depicted in Exhibit 2, attached hereto and incorporated herein by reference (the "**Subject Property**"), and the Subject Property remains wholly unimproved; and

**WHEREAS**, there are adequate streets and roadways crossing over or under the Union Pacific Railway tracks in the area of the Subject Property, no additional crossing at the location of the Subject Property is necessary, and construction of any such crossing would be a waste of municipal resources; and

**WHEREAS**, no public purpose would be served by extending and constructing Carver Street on the Subject Property as the properties in the area are adequately served by East Main Street; and

**WHEREAS**, the Subject Property is a narrow strip of land that by itself is not developable and has no use to the City other than as a roadway and the City has no use or plans for use of the Subject Property, but the City continues incurring costs for maintaining the Subject Property; and

**WHEREAS**, the southern thirty (30) feet of the Subject Property, being an approximately 1,512 square foot tract of land more particularly described and depicted in Exhibit 3, attached hereto and incorporated herein by reference (the “**Easement Property**”), is currently used for utilities and should be reserved as public right-of-way for current and future utility purposes; and

**WHEREAS**, Esteban A. Maldonado owns the underlying fee simple of the tract of real property abutting the Subject Property to the east, having an address of 100 Carver Street, Mesquite, Texas 75149, and as depicted on the Dallas County Appraisal District property map attached hereto as Exhibit 4 and incorporated herein by reference (the “**Maldonado Property**”); and

**WHEREAS**, due to its unusual size, shape, and location, the Maldonado Property is not developable; and

**WHEREAS**, Mr. Maldonado requested the abandonment of the Subject Property and transfer of same to Mr. Maldonado; and

**WHEREAS**, abandoning the Subject Property and transferring same to Mr. Maldonado, while reserving the Utility Easement provided herein, will eliminate the City’s responsibility for maintaining the Subject Property and will allow development of the Subject Property and the Maldonado Property, thus increasing ad valorem taxes paid to the City; and

**WHEREAS**, the Subject Property is no longer needed for public purposes, other than for utilities as provided herein, and it is in the public interest of the City to abandon the Subject Property and transfer it subject to the Utility Easement reserved herein.

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

**SECTION 1.** The findings contained in the preamble of this ordinance are determined to be true and correct and are hereby adopted as part of this ordinance.

**SECTION 2.** The Subject Property, more fully described and depicted in Exhibit 2, shall be and the same is hereby abandoned subject to the following reservation of a permanent and perpetual easement, hereby reserved, upon the Easement Property as more fully described and depicted in Exhibit 3:

The City of Mesquite, Texas, a Texas home rule municipality (the “**City**”), the owner of that certain real property described and depicted in Exhibit 2 hereto, incorporated herein by reference for all purposes as if fully set forth herein (the “**Subject Property**”), hereby reserves from abandonment of the Subject Property and maintains for its interests and the interests of public utility providers a permanent and perpetual easement, and hereby dedicates the easement as public right-of-way for the public purpose of installing, constructing, operating, inspecting, repairing, maintaining, altering, enlarging, replacing, relocating, rebuilding and removing utilities and drainage structures, together with all

incidental improvements and appurtenances (the “**Facilities**”), in, under, upon, over, and across and within the boundaries of certain real property located within the Subject Property, as more particularly described and depicted in Exhibit 3, attached hereto and incorporated herein by reference for all purposes as if fully set forth herein (the “**Easement Property**”). The City and public utility providers are permitted to temporarily erect a barricade, fence, or similar structure over, on, through, across, or within the Easement Property during any period of construction of the Facilities and during periods of routine maintenance and repair of the Facilities. This permanent and perpetual easement is a covenant running with the land and shall be binding upon and inure to the benefit of the City and its successors and assigns. This easement shall be governed by, construed, and enforced in accordance with the laws of the State of Texas and, where not in conflict with State law, the laws of the City. This easement may not be modified or terminated except by a written instrument duly executed by an authorized representative of the City and filed in the real property records of Dallas County, Texas. If any one or more provisions contained in this permanent and perpetual easement reservation and dedication shall for any reason be held to be invalid, illegal or unenforceable in any respect, such invalidity, illegality, or unenforceability shall not affect any other provision hereof, and this easement shall be construed as if such invalid, illegal, or unenforceable provision had never been contained herein.

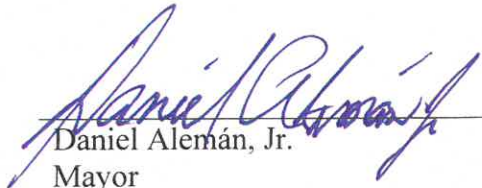
**SECTION 3.** The City Manager is hereby authorized to take all actions necessary to complete abandonment of the Subject Property and transfer of ownership of same to the owner of the underlying fee simple of the Maldonado Property, subject to the easement reserved in Section 2 of this Ordinance and upon such terms as determined by the City Manager.

**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.

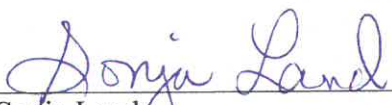
**SECTION 5.** That should any word, sentence, clause, paragraph, or provision of this ordinance be held to be invalid or unconstitutional, the validity of the remaining provisions of this ordinance shall not be affected and shall remain in full force and effect.

**SECTION 6.** That the orderly development of the City of Mesquite requires the release and abandonment of the Subject Property described herein and 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 20th day of December 2021.

  
\_\_\_\_\_  
Daniel Alemán, Jr.  
Mayor

ATTEST:

  
\_\_\_\_\_  
Sonja Land  
City Secretary

APPROVED AS TO LEGAL FORM:

  
\_\_\_\_\_  
David L. Paschall  
City Attorney





**EXHIBIT 2**  
**A PORTION OF CARVER STREET**  
**J.R. WORRALL SURVEY NO. 118F**  
**ABSTRACT NO. 1606**  
**CITY OF MESQUITE, DALLAS COUNTY, TEXAS**

Being a 3,959 square foot tract of land situated within the J.R. Worrall Survey No. 118F, Abstract No. 1606, City of Mesquite, Dallas County, Texas, being a portion of Carver Street, a 50-foot right of way, as dedicated on the plat of East Side Addition to the Town of Mesquite recorded in Volume 1, Page 309 of the Deed Records of Dallas County, Texas. Said 3,959 square foot tract of land surveyed on the ground in 2021 under the direction and supervision of Robert A. Hansen, Registered Professional Land Surveyor No. 6439 (the Basis of Bearings for this survey is Grid North as established by GPS observation utilizing the Texas Coordinate System of 1983, North Central Zone – 4202) being more particularly described by metes and bounds as follows:

**BEGINNING** at a 1/2-inch capped iron rod stamped “Peiser & Mankin SURV” found at the intersection of the east right of way line of said Carver Street with the north right of way line of East Main Street, a 50-foot right of way and being the northwest corner of a tract of land as described in the deed to Dallas County recorded in Volume 1128, Page 78 of said Deed Records;

**THENCE** SOUTH 78 degrees 55 minutes 34 seconds WEST, 50.37 feet to the intersection of the west right of way line of said Carver Street with the north right of way line of said East Main Street and being the northeast corner of a tract of land as described in the deed to Dallas County recorded in Volume 1191, Page 433 of said deed records, from which a found 1/2-inch iron rod with an illegible cap bears NORTH 87 degrees 32 minutes WEST, 1.4 feet and a found 5/8-inch capped iron rod stamped “DC&A RPLS 3935” bears NORTH 44 degrees 53 minutes EAST, 4.3 feet;

**THENCE** NORTH 00 degrees 03 minutes 28 seconds WEST, 87.20 feet with the west right of way line of said Carver Street to a 5/8-inch capped iron rod stamped “DC&A RPLS 3935” found at the northwest corner of said Carver Street and common with the northeast corner of Lot 6, Block 15 of Carver Addition recorded in Volume 250, Page 306 of said Deed Records and being on the south right of way line of the Union Pacific Railroad, a 100-foot right of way, as described in the deed recorded in Volume S, Page 385 of said Deed Records;

**THENCE** SOUTH 84 degrees 33 minutes 54 seconds EAST, 49.75 feet with the south right of way line of said Union Pacific Railroad to a 1/2-inch capped iron rod stamped “Peiser & Mankin SURV” found at the northeast corner of said Carver Street common with the northwest corner of Lot 1, Block 64 of said East Side Addition to the Town of Mesquite;

**THENCE** SOUTH 00 degrees 00 minutes 02 seconds WEST, 72.81 feet with the east right of way line of said Carver Street to the **POINT OF BEGINNING** containing 3,959 square feet (0.0909 acres).


**NOTES:**

1. A plat of same date accompanies this legal description.

**\* SURVEYOR'S CERTIFICATE \***

TO ALL PARTIES INTERESTED IN TITLE TO THE PREMISES SURVEYED, I DO HEREBY STATE THAT THE ABOVE LEGAL DESCRIPTION WAS PREPARED FROM PUBLIC RECORDS AND FROM AN ACTUAL AND ACCURATE SURVEY UPON THE GROUND AND THAT SAME IS TRUE AND CORRECT.

Company Name: **1519 Surveying, LLC**

By:   
\_\_\_\_\_  
Surveyor's Name: Robert A. Hansen  
Registered Professional Land Surveyor  
Texas No. 6439  
Date: March 10, 2021  
Texas Firm No. 10194283





# PLAT OF EXHIBIT "2"

ORIGINAL GRANTEE: T&P RR  
 VOLUME S, PAGE 385  
 D.R.D.C.T.  
 UNION PACIFIC RAILROAD  
 (100' WIDTH RIGHT-OF-WAY)

CENTER LINE OF RAILROAD TRACKS

50.00'

FOUND 1/2" CIR "RHODES SURVEYING"  
 "RPLS 3963"

FOUND 5/8" CIR "DC&A RPLS 3935"  
 VOLUME 2002071  
 PAGE 8830  
 D.R.D.C.T.

BILLY DON EDWARDS  
 A PORTION OF LOT 6  
 BLOCK 15  
 CARVER ADDITION  
 VOLUME 250, PAGE 306  
 D.R.D.C.T.

FOUND 1/2" CIR "RHODES SURVEYING"  
 "RPLS 3963"

FOUND 5/8" CIR "DC&A RPLS 3935"  
 BEARS N44°53'E, 4.3'

FOUND 1/2" CIR "ILLEGIBLE"  
 BEARS N87°32'W, 1.4'

SEE NOTE 20

FOUND 1/2" CIR "RHODES SURVEYING"

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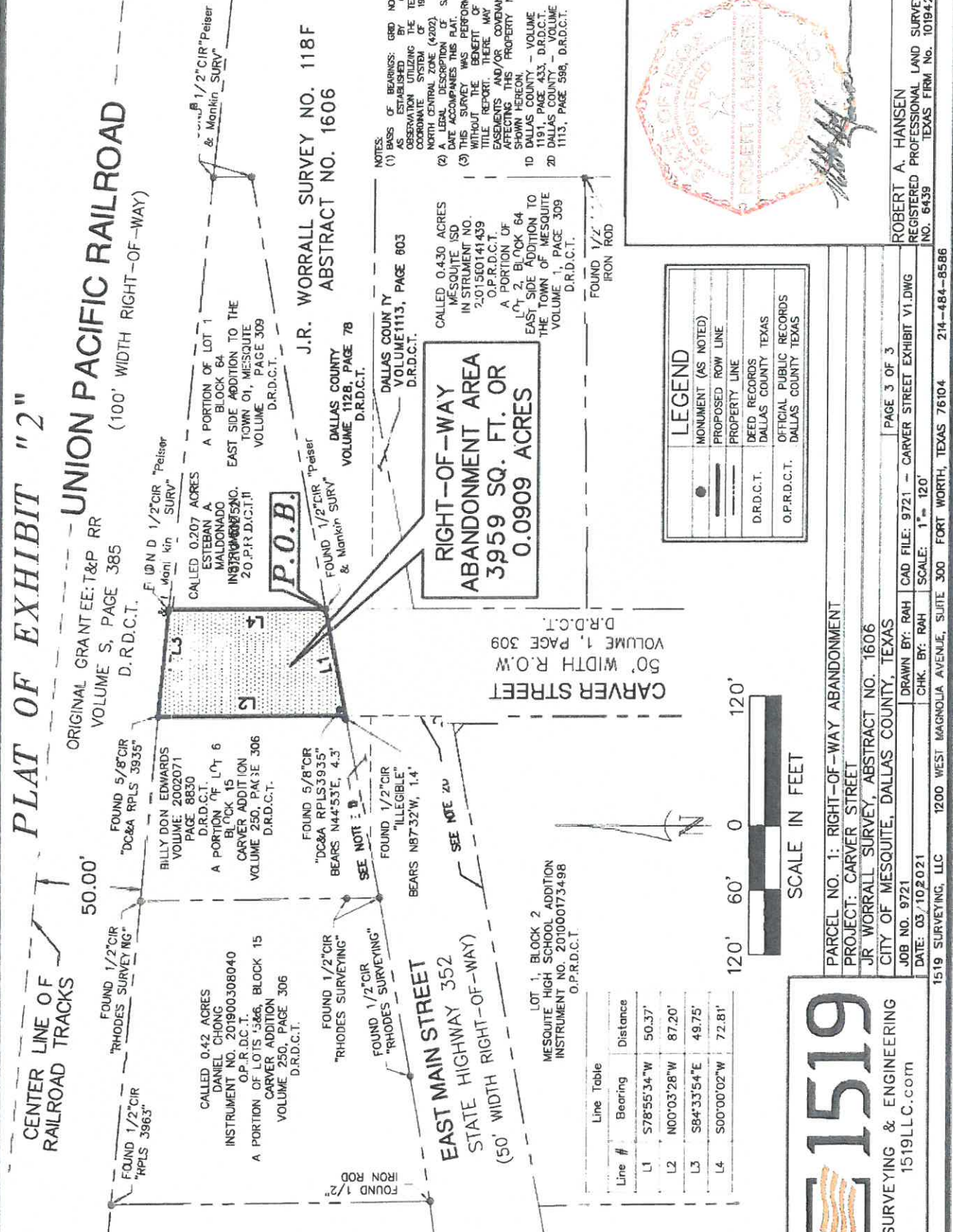
FOUND 1/2" CIR "RHODES SURVEYING"

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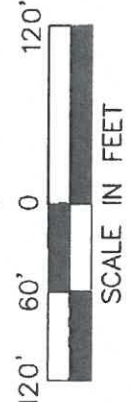
FOUND 1/2" CIR "RHODES SURVEYING"



**RIGHT-OF-WAY ABANDONMENT AREA**  
 3959 SQ. FT. OR  
 0.0909 ACRES

50' WIDTH R.O.W.  
 CARVER STREET  
 VOLUME 1, PAGE 309  
 D.R.D.C.T.

LEGEND	
●	MONUMENT (AS NOTED)
—	PROPOSED ROW LINE
—	PROPERTY LINE
—	DEED RECORDS DALLAS COUNTY TEXAS
—	OFFICIAL PUBLIC RECORDS DALLAS COUNTY TEXAS



Line #	Bearing	Distance
L1	S78°55'34"W	50.37'
L2	N00°03'28"W	87.20'
L3	S84°33'54"E	49.75'
L4	S00°00'02"W	72.81'

**1519**  
 SURVEYING & ENGINEERING  
 1519LLC.COM

PARCEL NO. 1: RIGHT-OF-WAY ABANDONMENT  
 PROJECT: CARVER STREET  
 JR WORRALL SURVEY ABSTRACT NO. 1606  
 CITY OF MESQUITE, DALLAS COUNTY, TEXAS  
 JOB NO. 9721  
 DATE: 03/10/2021  
 DRAWN BY: RAH  
 CHK. BY: RAH  
 SCALE: 1" = 120'

1519 SURVEYING, LLC 1200 WEST MAGNOLIA AVENUE, SUITE 300 FORT WORTH, TEXAS 76104 214-484-8586

NOTES:  
 (1) BASIS OF BEARINGS: GRID NORTH AS OBSERVED UTILIZING THE TEXAS COORDINATE SYSTEM OF 1983, NORTH CENTRAL ZONE (4202)  
 (2) THIS SURVEY WAS PERFORMED WITHOUT THE BENEFIT OF A TITLE REPORT THERE, MAY BE EASEMENTS AND/OR COVENANTS AFFECTING THIS PROPERTY NOT SHOWN HEREON.  
 (3) DALLAS COUNTY - VOLUME 1191, PAGE 433, D.R.D.C.T.  
 (4) DALLAS COUNTY - VOLUME 1113, PAGE 598, D.R.D.C.T.



ROBERT A. HANSEN  
 REGISTERED PROFESSIONAL LAND SURVEYOR  
 TEXAS FIRM NO. 10194283  
 NO. 6439

J.R. WORRALL SURVEY NO. 118F  
 ABSTRACT NO. 1606  
 DALLAS COUNTY  
 VOLUME 112B, PAGE 78  
 D.R.D.C.T.

DALLAS COUNTY  
 VOLUME 1113, PAGE 803  
 D.R.D.C.T.

FOUND 0.430 ACRES  
 MESQUITE ISD  
 INSTRUMENT NO.  
 2-015001-41439  
 O.P.R.D.C.T.  
 A PORTION OF  
 LOT 2, BLOCK 64  
 EAST SIDE ADDITION TO  
 THE TOWN OF MESQUITE  
 VOLUME 1, PAGE 309  
 D.R.D.C.T.

FOUND 1/2" IRON ROD

**EXHIBIT 3**  
**30' UTILITY EASEMENT AREA**  
**J.R. WORRALL SURVEY NO. 118F**  
**ABSTRACT NO. 1606**  
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**THENCE** NORTH 00 degrees 03 minutes 28 seconds WEST, 30.56 feet with the west right of way line of said Carver Street to a point from which a 5/8-inch capped iron rod stamped "DC&A RPLS 3935" found at the northwest corner of said Carver Street and common with the northeast corner of Lot 6, Block 15 of Carver Addition recorded in Volume 250, Page 306 of said Deed Records and being on the south right of way line of the Union Pacific Railroad, a 100-foot right of way, as described in the deed recorded in Volume S, Page 385 of said Deed Records bears NORTH 00 degrees 03 minutes 28 seconds WEST, 56.63 feet;

**THENCE** NORTH 78 degrees 55 minutes 34 seconds EAST, 50.41 feet to a point on the east right of way line of said Carver Street, from which a 1/2-inch capped iron rod stamped "Peiser & Mankin SURV" found at the northeast corner of said Carver Street common with the northwest corner of Lot 1, Block 64 of said East Side Addition to the Town of Mesquite bears NORTH 00 degrees 00 minutes 02 seconds EAST, 42.24 feet;

**THENCE** SOUTH 00 degrees 00 minutes 02 seconds WEST, 72.81 feet with the east right of way line of said Carver Street to the **POINT OF BEGINNING** containing 1,512 square feet (0.0347 acres).

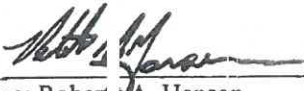
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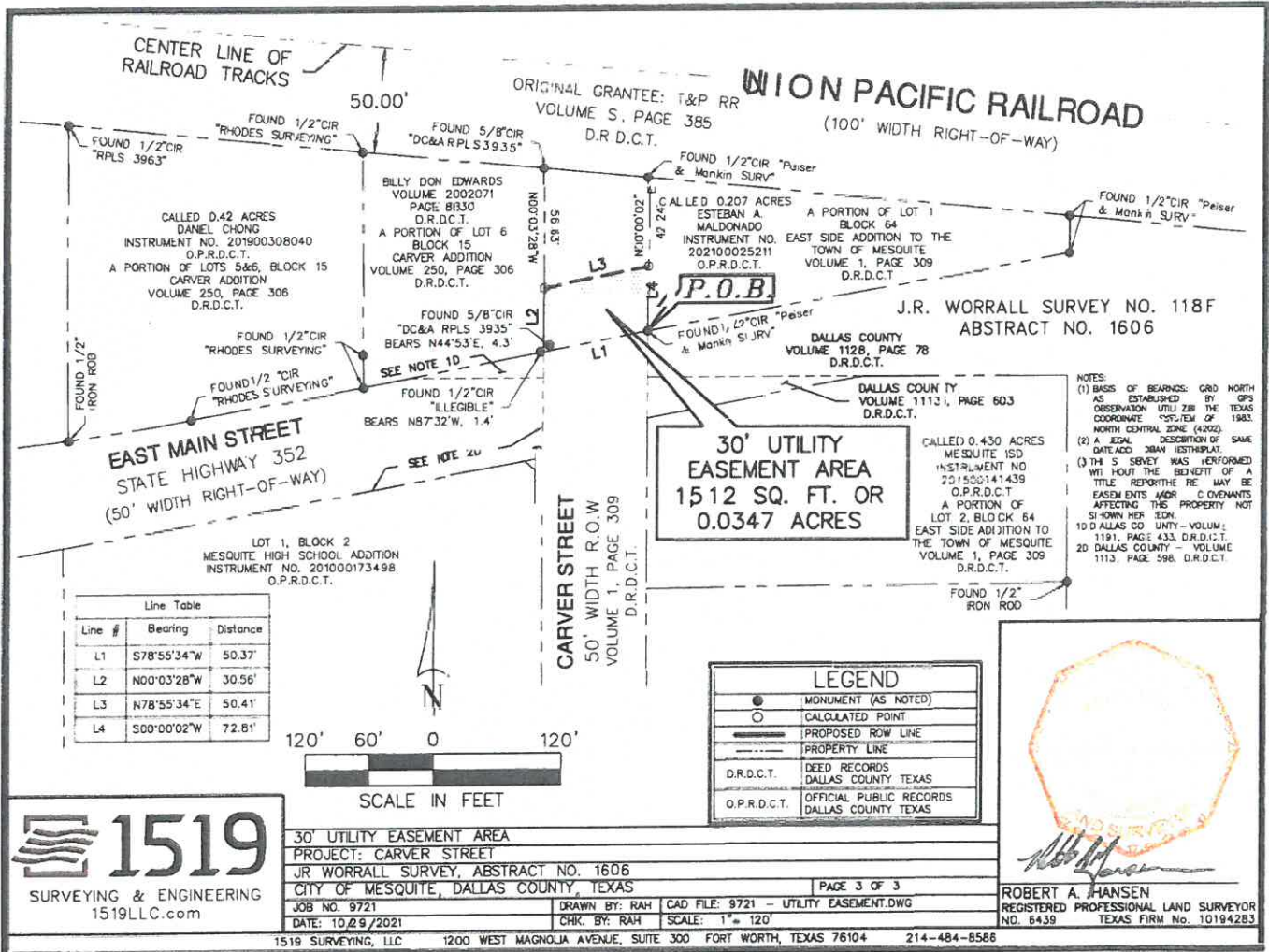
Company Name: 1519 Surveying, LLC

By:   
Surveyor's Name: Robert A. Hansen  
Registered Professional Land Surveyor  
Texas No. 6439  
Date: October 29, 2021  
Texas Firm No. 10194283





# PLAT OF EXHIBIT 3





# DCAD Property Map

Search by: Account/Prop Addr/Owner Name

Search

## 100 CARVER ST

Parcel ID: 38000500640010000  
Account Number: 38000500640010000

Property Jurisdiction

### DCAD Property Map

### EXHIBIT 4



E TEXAS ST 62.01 50.11 52.86

