

ORDINANCE NO. 5096

AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, PROVIDING FOR THE ABANDONMENT OF APPROXIMATELY 1,470.3 LINEAR FEET OF THREE (3) SEPARATE FIFTEEN (15)-FOOT UTILITY EASEMENTS ALL GENERALLY LOCATED SOUTH OF MILITARY PARKWAY AND ITS INTERSECTION WITH GROSS ROAD, FOR DEVELOPMENT OF CLASS A INDUSTRIAL BUILDINGS; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR A SEVERABILITY CLAUSE; AND DECLARING AN EFFECTIVE DATE.

WHEREAS, DFW-Mesquite Distribution Center LLC (“**Company**”) is the owner of approximately 30.38 acres located south of Military Parkway and its intersection with Gross Road and commonly known as 1110, 1204 and 1420 Military Parkway, Mesquite, Texas (the “**Property**”) and Company is developing the Property, and adjoining land, to include Class A Industrial Buildings in the City of Mesquite, Texas (“**City**”);

WHEREAS, in 1953, the City acquired three (3) fifteen (15)-foot utility easements as recorded in Volume 3986, Pages 491, 496 and 500, of the Deed Records of Dallas County, Texas (collectively the “**Easements**”), for the purpose of constructing a sanitary sewer line (the “**Sewer Line**”) on the Property and adjoining land;

WHEREAS, the Sewer Line was abandoned and removed from the Easements; and

WHEREAS, the Easements currently burden the Property as described and depicted in Exhibits A, B and C attached hereto and incorporated herein by reference; and

WHEREAS, Company has requested that the City abandon the portions of the Easements that cross the Property and otherwise complied with the City’s ROW & Easement Abandonment Procedure, including confirming in writing that all of the franchised utility companies have no facilities within the Easements and no objections to abandonment of the portions of the Easements on the Property; and

WHEREAS, Company is dedicating to the City by plat an easement through the Property to provide access to the City owned property abutting the Property on its south side from the Military Parkway right-of-way; and

WHEREAS, the Director of Public Works and Director of Planning and Development Services have reviewed the request to abandon and release the portions of the Easements on the Property and found that the Easements are no longer required for public use and recommend approval of this Ordinance; and

WHEREAS, it is in the public interest of the City to abandon the portions of the Easements on the Property and receive by plat dedication the easement described above.

Engineering / Abandonment of Easements / March 4, 2024
Page 2 of 8

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

SECTION 1. The recitals set forth in this ordinance are found to be true and correct and are adopted as the findings of the City Council.

SECTION 2. The approximately 1,470.3 linear feet of three separate fifteen (15)-foot utility easements that are located on the Property, as more particularly described and depicted in **Exhibits A, B and C**, shall be and the same is hereby abandoned.

SECTION 3. 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 4. 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 5. This ordinance shall be effective on and after its date of passage.

DULY PASSED AND APPROVED by the City Council of the City of Mesquite, Texas, on the 4th day of March 2024.

DocuSigned by:

Daniel Aleman Jr.

D999585317D142B...

Daniel Alemán, Jr.
Mayor

ATTEST:

DocuSigned by:

Sonja Land

C2518095973F46A...

Sonja Land
City Secretary

APPROVED AS TO LEGAL FORM:

DocuSigned by:

David Paschall

666E18891208434...

David L. Paschall
City Attorney

Engineering / Abandonment of Easements / March 4, 2024
Page 3 of 8

**EXHIBIT A
ABANDONMENT OF A
15-FOOT WIDE UTILITY EASEMENT
SITUATED IN THE
DANIEL S. CARVER SURVEY, ABSTRACT NUMBER 342
CITY OF MESQUITE, DALLAS COUNTY, TEXAS**

Being a 15-foot wide utility easement situated in the Daniel S. Carver Survey, Abstract Number 342, City of Mesquite, Dallas County, Texas, and being that same Utility Easement granted to the City of Mesquite, Texas as recorded in Volume 3986, Page 491 of the Deed Records of Dallas County, Texas (D.R.D.C.T.), and being a part of that 7.50 acre tract of land described in Special Warranty Deed to DFW-Mesquite Distribution Center LLC, as recorded in Instrument Number 202100390414, Official Public Records of Dallas County, Texas (O.P.R.D.C.T.), the centerline of said 15 foot wide utility easement being described as follows:

COMMENCING at a 1/2-inch found iron pipe for the northeast corner of said 7.50 acre tract, same being the northwest corner of a called 1.396 acre tract of land described in deed to Pedro Lira and Juan Jose Lira and Rafael Lira, as recorded in Instrument Number 201900067791, (O.P.R.D.C.T.), on the south right-of-way line of Military Parkway (also known as State Highway 352, a variable width right-of-way);

THENCE South 00 degrees 37 minutes 47 seconds East, departing said south right-of-way line and with the east line of said 7.50 acre tract and west line of said 1.396 acre tract, a distance of 482.51 feet to the **POINT OF BEGINNING** of said centerline description;

THENCE North 82 degrees 19 minutes 00 seconds West, departing said east and west lines, and over and across said 7.50 acre tract, a distance of 410.82 feet to a point for corner;

THENCE North 01 degree 39 minutes 00 seconds West, continuing over and across said 7.50 acre tract, a distance of 442.89 feet to a point on the said south right-of-way line of Military Parkway for the **END OF SAID CENTERLINE DESCRIPTION AND CONTAINING 853.71** linear feet.

NOTES:

This property description is accompanied by a parcel plat of even date.

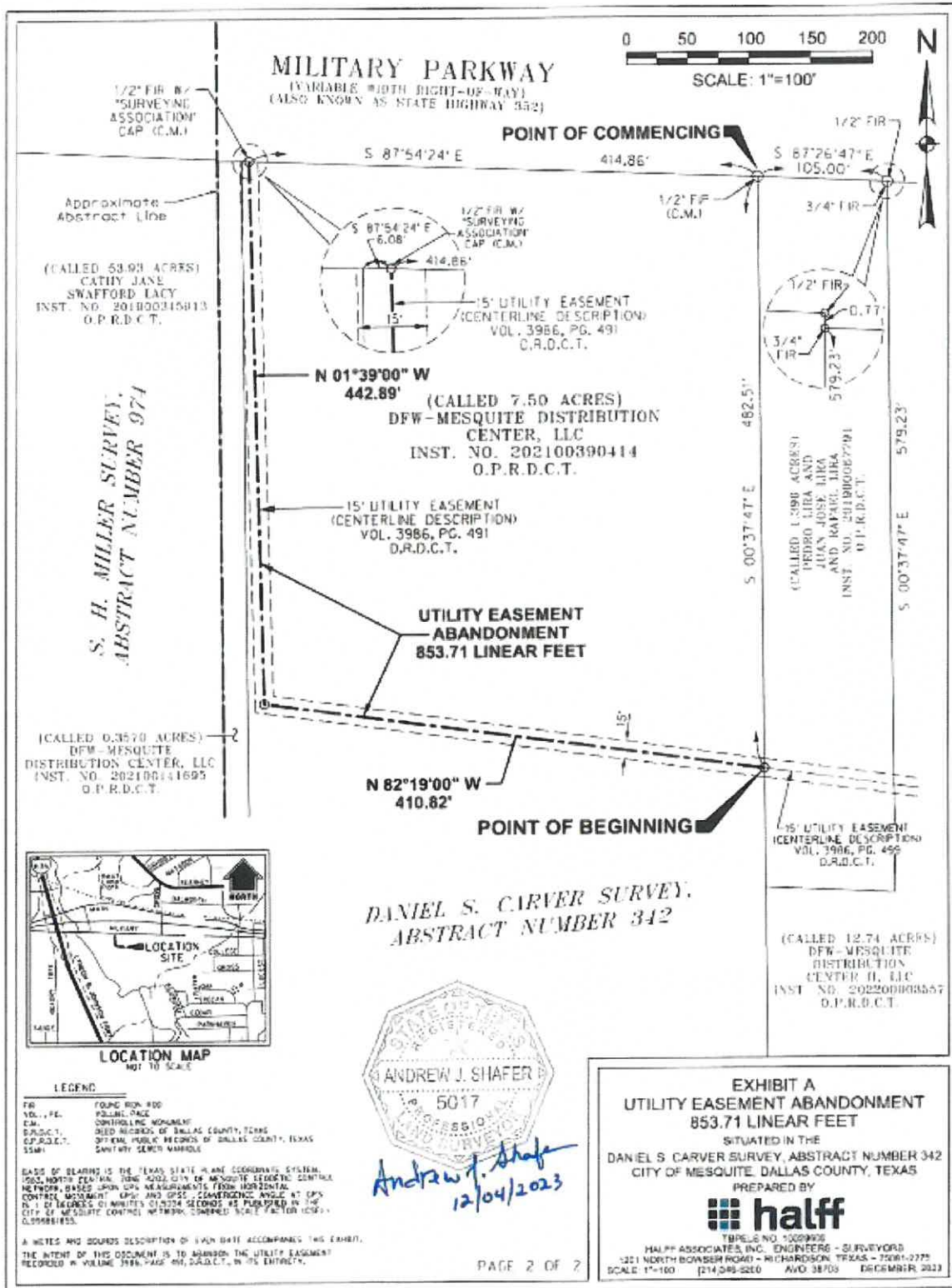
The intent of this document is to abandon said utility easement recorded in Volume 3986, Page 491, D.R.D.C.T., in its entirety.

An Exhibit of even date accompanies this Legal Description.

Andrew J. Shafer 12/04/2023
ANDREW J. SHAFER
REGISTERED PROFESSIONAL LAND SURVEYOR
TEXAS No. 5017
TBPELS Firm No. 10029600



Engineering / Abandonment of Easements / March 4, 2024
 Page 4 of 8



**EXHIBIT B
ABANDONMENT OF A
15-FOOT WIDE UTILITY EASEMENT
SITUATED IN THE
DANIEL S. CARVER SURVEY, ABSTRACT NUMBER 342
CITY OF MESQUITE, DALLAS COUNTY, TEXAS**

Being a 15-foot wide utility easement situated in the Daniel S. Carver Survey, Abstract Number 342, City of Mesquite, Dallas County, Texas, and being that same Utility Easement granted to the City of Mesquite, Texas as recorded in Volume 3986, Page 496 of the Deed Records of Dallas County, Texas (D.R.D.C.T.), and being a part of that 12.74 acre tract of land described in Special Warranty Deed to DFW-Mesquite Distribution Center II LLC, as recorded in Instrument Number 202200003557, Official Public Records of Dallas County, Texas (O.P.R.D.C.T.), the centerline of said 15 foot wide utility easement being described as follows:

COMMENCING at a 1/2-inch iron rod with a yellow plastic cap stamped "HALFF" set for the northeast corner of said 12.74 acre tract, same being the northwest corner of a called 10.14 acre tract of land described in Special Warranty Deed to DFW-Mesquite Distribution Center LLC, as recorded in Instrument Number 202200003556, (O.P.R.D.C.T.), on the south right-of-way line of Military Parkway (also known as State Highway 352, a variable width right-of-way), from which said point a 1/2-inch iron rod at the northeast corner of said 10.14 acre tract bears South 87 degrees 20 minutes 14 seconds East, 346.61 feet;

THENCE South 00 degrees 37 minutes 47 seconds East, departing said south right-of-way line and with the east line of said 12.74 acre tract and west line of said 10.14 acre tract, a distance of 507.02 feet to the **POINT OF BEGINNING** of said centerline description;

THENCE North 82 degrees 19 minutes 00 seconds West, departing said east and west lines, and over and across said 12.74 acre tract, a distance of 165.88 feet to a point on the west line of said 12.74 acre tract, being the east line of a called 1.396 acre tract of land described in deed to Pedro Lira and Juan Jose Lira and Rafael Lira, as recorded in Instrument Number 201900067791, (O.P.R.D.C.T.), for the **END OF SAID CENTERLINE DESCRIPTION AND CONTAINING 165.88 linear feet.**

NOTES:

This property description is accompanied by a parcel plat of even date.

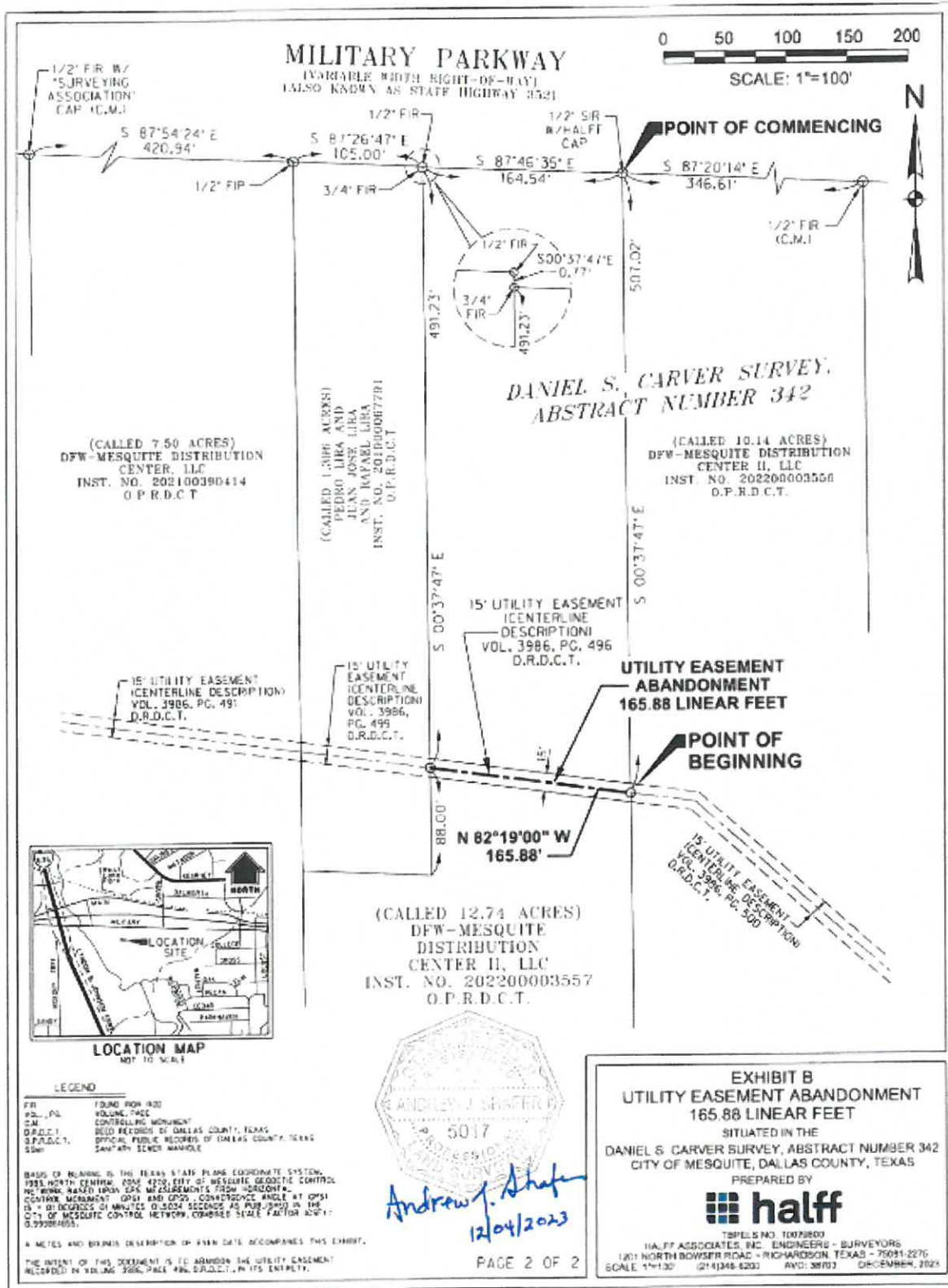
The intent of this document is to abandon said utility easement recorded in Volume 3986, Page 496, D.R.D.C.T., in its entirety.

An Exhibit of even date accompanies this Legal Description.

Andrew J. Shafer 12/04/2023
ANDREW J. SHAFER
REGISTERED PROFESSIONAL LAND SUVEYOR
TEXAS No. 5017
TBPELS Firm No. 10029600



Engineering / Abandonment of Easements / March 4, 2024
 Page 6 of 8



Engineering / Abandonment of Easements / March 4, 2024
Page 7 of 8

**EXHIBIT C
ABANDONMENT OF A
15-FOOT WIDE UTILITY EASEMENT
SITUATED IN THE
DANIEL S. CARVER SURVEY, ABSTRACT NUMBER 342
CITY OF MESQUITE, DALLAS COUNTY, TEXAS**

Being a 15-foot wide utility easement situated in the Daniel S. Carver Survey, Abstract Number 342, City of Mesquite, Dallas County, Texas, and being that same Utility Easement granted to the City of Mesquite, Texas as recorded in Volume 3986, Page 500 of the Deed Records of Dallas County, Texas (D.R.D.C.T.), and being a part of that 10.14 acre tract of land described in Special Warranty Deed to DFW-Mesquite Distribution Center II LLC, as recorded in Instrument Number 202200003556, Official Public Records of Dallas County, Texas (O.P.R.D.C.T.), the centerline of said 15 foot wide utility easement being described as follows:

COMMENCING at a 1/2-inch found iron rod for the northeast corner of said 10.14 acre tract, same being the northwest corner of Lot 2 of the Church of Prayer and Worship Addition, an addition to the City of Mesquite, Texas as recorded in Instrument Number 201300356777, (O.P.R.D.C.T.), on the south right-of-way line of Military Parkway (also known as State Highway 352, a variable width right-of-way);

THENCE South 00 degrees 38 minutes 46 seconds East, departing said south right-of-way line and with the east line of said 10.14 acre tract and west line of said Lot 2, a distance of 762.54 feet to the **POINT OF BEGINNING** of said centerline description;

THENCE North 48 degrees 17 minutes 00 seconds West, departing said east and west lines, and over and across said 10.14 acre tract, a distance of 397.45 feet to a point for corner;

THENCE North 82 degrees 19 minutes 00 seconds West, continuing over and across said 10.14 acre tract, a distance of 53.26 feet to a point on the west line of said 10.14 acre tract, same being the east line of a called 12.74 acre tract of land described in Special Warranty Deed to DFW-Mesquite Distribution Center II LLC, as recorded in Instrument Number 202200003557, (O.P.R.D.C.T.) for the **END OF SAID CENTERLINE DESCRIPTION AND CONTAINING 450.71 linear feet.**

NOTES:

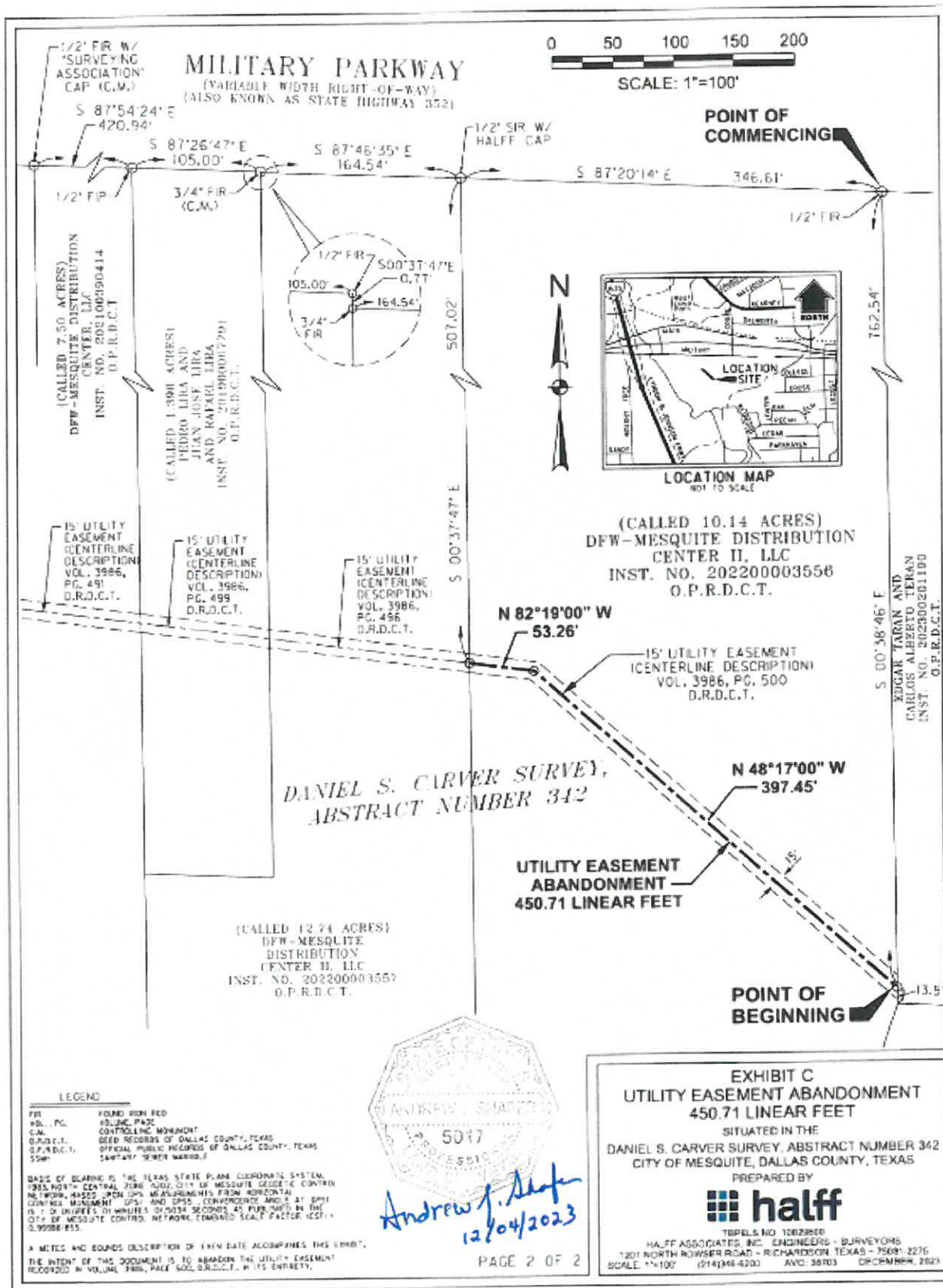
This property description is accompanied by a parcel plat of even date.

The intent of this document is to abandon said utility easement recorded in Volume 3986, Page 500, D.R.D.C.T., in its entirety.

An Exhibit of even date accompanies this Legal Description.

Andrew J. Shafer 12/04/2023
ANDREW J. SHAFER
REGISTERED PROFESSIONAL LAND SUVEYOR
TEXAS No. 5017
TBPELS Firm No. 10029600







VG-364-2024-202400060801

Dallas County
John F. Warren
Dallas County Clerk



Instrument Number: 202400060801

Real Property Recordings

Recorded On: March 27, 2024 11:12 AM

Number of Pages: 9

" Examined and Charged as Follows: "

Total Recording: \$53.00

***** 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: 202400060801
Receipt Number: 20240327000387
Recorded Date/Time: March 27, 2024 11:12 AM
User: Pamela G
Station: CC149

Record and Return To:

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