

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MESQUITE, TEXAS, AUTHORIZING THE MAYOR TO EXECUTE A QUIT CLAIM DEED FOR THE ABANDONMENT OF THE SANITARY SEWER EASEMENT LOCATED NEAR THE FRONTAGE ROAD OF U. S. HIGHWAY 80 AND BAMBOO STREET AND DESCRIBED AS TRACT 2 (694 SQUARE FEET) PURCHASED ON FEBRUARY 7, 2000, FROM INTERCITY INVESTMENT PROPERTIES, INC., AS RECORDED IN VOLUME 2000126, PAGE 6733, DEED RECORDS OF DALLAS COUNTY, TEXAS.

WHEREAS, the City Council approved a Standard Utility Agreement with the Texas Department of Transportation (TxDOT) to relocate water and sanitary sewer lines beyond the limits of their U. S. Highway 80 frontage road reconstruction project on March 5, 2007; and

WHEREAS, part of the agreement includes acquisition of new sanitary sewer easements and abandonment of easements that are no longer needed; and

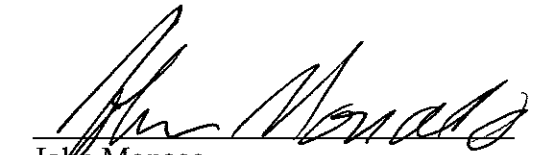
WHEREAS, TxDOT has requested the City execute a Quit Claim Deed for the abandonment of a sanitary sewer easement.

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

SECTION 1. That the Mayor is hereby authorized to execute a Quit Claim Deed, attached hereto as Exhibit "A," for the abandonment of the sanitary sewer easement located near the frontage road of U. S. Highway 80 and Bamboo Street and described as Tract 2 (694 square feet) purchased on February 7, 2000, from Intercity Investment Properties, Inc., as recorded in Volume 2000126, Page 6733, Deed Records of Dallas County, Texas.

SECTION 2. That the Texas Department of Transportation (TxDOT) has committed to reimbursing the City of Mesquite for the cost of acquiring a new easement for the relocated sanitary sewer line.

DULY RESOLVED by the City Council of the City of Mesquite, Texas, on the 4th day of August, 2008.




John Monaco
Mayor

ATTEST:



Judy Womack
City Secretary

APPROVED:



B. J. Smith
City Attorney

Notice of Confidentiality Rights: If you are a natural person, you may remove or strike any of the following information from this instrument before it is filed for record in the public records: your Social Security Number or your Driver's License Number.



QUITCLAIM DEED

THE STATE OF TEXAS

§

COUNTY OF Dallas

§

§

KNOW ALL MEN BY THESE PRESENTS:

That, City of Mesquite of the County of Dallas, State of Texas, hereinafter referred to as Grantors, whether one or more, for and in consideration of the sum of One Dollars (\$1.00) and other good and valuable consideration to Grantors in hand paid by the State of Texas, acting by and through the Texas Transportation Commission, the receipt of which is hereby acknowledged, and for which no lien is retained, either expressed or implied, have Quitclaimed and do by these presents Bargain, Sell, Release and forever Quitclaim unto the State of Texas all of Grantors' right, title, interest, claim and demand in and to that certain tract or parcel of land, situated in the County of Dallas, State of Texas, more particularly described in Exhibit "A," attached hereto and incorporated herein for any and all purposes.

A sanitary sewer easement, known as "Tract 2" as described in the instrument from INTERCITY INVESTMENT PROPERTIES, INC. to the City of Mesquite as recorded in Volume 2000126 Page 6733 Deed Records of Dallas County, Texas; Said City of Mesquite instrument being attached as Exhibit "A"

TO HAVE AND TO HOLD for said purposes together with all and singular the rights, privileges, and appurtenances thereto in any manner belonging unto the said State of Texas forever.

IN WITNESS WHEREOF, this instrument is executed on this the _____ day of _____, 2008.

ROW-N-30
Rev. 8/2003
Page 2 of 2

Acknowledgement

State of Texas
County of Dallas

This instrument was acknowledged before me on _____

by _____.

Notary Public's Signature

Corporate Acknowledgment

State of Texas
County of Dallas

This instrument was acknowledged before me on _____ by _____

of _____, a _____

corporation, on behalf of said corporation.

Notary Public's Signature

Exhibit "A"

WESTOVER PARK II & III
Sanitary Sewer

1044626

06/28/00

2191490

\$19.00

Seed

EASEMENT AND RIGHT OF WAY
(INCLUDING ADDITIONAL TEMPORARY CONSTRUCTION EASEMENT)

THE STATE OF TEXAS)
)
COUNTY OF DALLAS)
) KNOW ALL MEN BY THESE PRESENTS:

That, INTERCITY INVESTMENT PROPERTIES, INC., (hereinafter called Grantor, whether one or more) for and in consideration of TEN AND NO/100 DOLLARS (\$10.00) and other good and valuable consideration to Grantor in hand paid by the CITY OF MESQUITE, TEXAS, a Texas municipal corporation of Dallas County, Texas 75185, hereinafter called Grantee, has granted, sold and conveyed, and does by these presents grant, sell and convey, unto Grantee, its successors and assigns, an easement and right of way to lay, construct, maintain, operate, repair, replace, change and remove a sanitary sewer pipeline, with all incidental equipment and appurtenances, in, on, over, through, under and across that certain land situated in Dallas, County, Texas, more particularly described in Exhibits "A & B", attached hereto and made a part hereof.

Further Grantor has granted, sold and conveyed and by these presents does grant, sell and convey unto Grantee, its successors and assigns, an additional temporary construction easement, more particularly described in Exhibit "C", attached hereto and made a part hereof, for the purpose of permitting Grantee, its contractors, subcontractors, agents and employees the temporary use for vehicles, construction equipment, construction crews and storage of construction materials in the construction of the sanitary sewer pipeline within the above-described permanent easement, which said temporary construction easement shall expire and terminate upon completion and acceptance by Grantee of said sanitary sewer pipeline.

Grantor acknowledges that the consideration paid by the Grantee is full and final payment for all rights conveyed herein.

Grantee shall clean up and remove all trash and debris, repair or replace all fences and repair other damages caused by said construction.

Grantee, its contractors or subcontractors shall upon completion of the construction of the pipeline to be constructed within the herein described easement, restore the surface of the permanent and temporary easements with a mixture of native grasses, by seeding, sprigging or sodding until such grasses are fully established.

The above rights shall constitute covenants running with the land and shall be binding

2000 | 26 06733

1c

Exhibit "A"

WESTOVER PARK II & III
Sanitary Sewer

upon and inure to the benefit of Grantor and Grantee, respectively, and their respective heirs, executors, administrators, successors and assigns.

To have and to hold the above-described easement and right of way, and rights appurtenant thereto, unto Grantee, its successors and assigns, until all of said lines are permanently abandoned, in which event, said easement and right of way, and rights appurtenant thereto, shall cease and terminate and revert to Grantor and Grantor's heirs, executors, administrators, successors and assigns.

Grantor hereby binds Grantor and Grantor's heirs, executors, administrators, successors and assigns to warrant and forever defend said easement and right of way and rights appurtenant thereto unto Grantee, its successors and assigns, against every person whomsoever lawfully claiming, or to claim the same or any part thereof.

It is expressly understood that all rights, conveyances or covenants are herein written and no verbal agreements of any kind shall be binding or recognized or in any way modify this instrument of conveyance.

EXECUTED this 14th day of February, 2000

GRANTOR

INTERCITY INVESTMENT PROPERTIES,

INC.

By: [Signature]

GRANTEE

CITY OF MESQUITE

By: [Signature]
Ted Barron
City Manager

Exhibit "A"

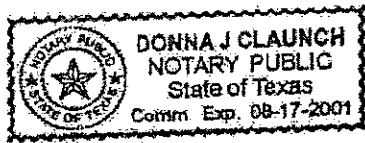
WESTOVER PARK II & III
Sanitary Sewer

STATE OF TEXAS }

COUNTY OF DALLAS }

BEFORE ME, the undersigned authority, on this day personally appeared
Erwin B. Jordan, Jr., President of INTERCITY INVESTMENT
PROPERTIES, INC., known to me to be the person whose name is subscribed to the
foregoing instrument, and acknowledged to me that he executed the same for the purposes and
consideration therein expressed, in the capacity therein stated and as an act and deed of said
INTERCITY INVESTMENT PROPERTIES, INC.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, This 7th day of
February, A.D. 2000.



Donna J. Claunch
Notary Public, in and for the State of Texas

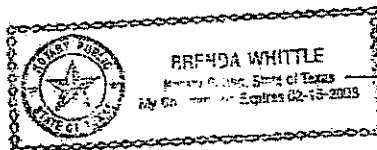
My Commission Expires 8-17-2001

STATE OF TEXAS }

COUNTY OF DALLAS }

BEFORE ME, the undersigned authority, on this day personally appeared
Ted Barron, City Manager of THE CITY OF MESQUITE, a
Texas Municipality, known to me to be the person whose name is subscribed to the foregoing
instrument.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, This 16th day of
February, A.D. 2000.



Brenda Whittle

2000126 06735

Exhibit "A"

EXHIBIT "A"
SANITARY SEWER EASEMENT
TRACT 1

BEING; a tract, parcel, or lot of land located in the Daniel Tanner Survey, Abstract No. 1462, in the City of Mesquite, Dallas County, Texas, and being part of that certain tract of land described in deed to Intercity Investment Properties, Inc. recorded in Volume 84252, Page 5330, in the Deed Records of Dallas County, Texas (DRDCT), subject tract being more particularly described as follows;

COMMENCING; at a 5/8 inch iron rod found at the intersection of the northerly right-of-way line of U.S. Highway No. 80 (Interstate Highway 20 - variable width R.O.W.) and the westerly right-of-way line of Bamboo Street (60 foot R.O.W.);

THENCE; South 88°50'26" West, with the said northerly line of U.S. Highway No. 80, a distance of 88.27 feet to a point for corner;

THENCE; North 01°13'48" West, leaving said northerly line of U.S. Highway No. 80, a distance of 14.99 feet to the POINT OF BEGINNING of herein described tract, said point being located on the northerly line of a 15 foot Sanitary Sewer Outfall Easement described in deed recorded in Volume 442, Page 1582, DRDCT;

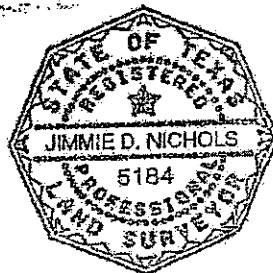
THENCE; South 88°50'26" West, with said northerly line of the 15 foot Sanitary Sewer Outfall Easement, and the northerly line of a 15 foot Sanitary Sewer Easement described in deed recorded in Volume 5423, Page 503, DRDCT, a distance of 268.07 feet to a point for corner;

THENCE; North 33°58'52" West, with a northeast line of the said Easement recorded in Volume 5423, Page 503, a distance of 9.04 feet to a point for corner;

THENCE; North 88°32'59" East, leaving the said northeast Easement line, a distance of 272.96 feet to a point for corner;

THENCE; South 01°13'48" East, a distance of 8.99 feet to the POINT OF BEGINNING of herein described tract, containing 2245 square feet of land, more or less.

Note: The bearings shown and recited hereon are related to 1983 State Plane Coordinate System, Lambert Projection, North Central Zone, N.G.S. Triangulation Stations "Garland NE Base", "Buckner", and "Grove RM 1".



For Nathan D. Maier Consulting Engineers, Inc.

Jimmie D. Nichols
Jimmie D. Nichols, Registered Professional Land Surveyor No. 5184

2000126 06736

1c

Exhibit "A"

EXHIBIT "B"
SANITARY SEWER EASEMENT
TRACT 2

BEING; a tract, parcel, or lot of land located in the Daniel Tanner Survey, Abstract No. 1462, in the City of Mesquite, Dallas County, Texas, and being part of that certain tract of land described in deed to Intercity Investment Properties, Inc. recorded in Volume 84252, Page 5330, in the Deed Records of Dallas County, Texas (DRDCT), subject tract being more particularly described as follows;

COMMENCING; at a 5/8 inch iron rod found at the intersection of the northerly right-of-way line of U.S. Highway No. 80 (Interstate Highway 20 - variable width R.O.W.) and the westerly right-of-way line of Bamboo Street (60 foot R.O.W.);

THENCE; South 88°50'26" West, with the said northerly line of U.S. Highway No. 80, a distance of 364.53 feet to the POINT OF BEGINNING of herein described tract;

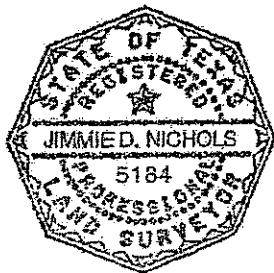
THENCE; South 88°50'26" West, continuing with the said northerly line of U.S. Highway No. 80, a distance of 31.20 feet to a point for corner, said point being the southeast corner of that certain tract of land platted as Faulkner Gardens, an addition to the City of Mesquite recorded in Volume 83197, Page 1452, in the Plat Records of Dallas County, Texas, from which a 5/8 inch iron rod with "PBSJ" cap bears South 88°28'46" West, a distance of 180.59 feet;

THENCE; North 33°03'34" West, with the northeasterly line of said Faulkner Gardens, a distance of 26.33 feet to a point for corner;

THENCE; North 88°32'59" East, leaving the northeasterly line of said Faulkner Gardens, a distance of 30.59 feet to a point for corner, said point being located on a southwesterly line of a 15 foot Sanitary Sewer Easement described in deed recorded in Volume 5423, Page 503, DRDCT;

THENCE; South 33°58'52" East, with the said southwesterly Easement line, a distance of 26.79 feet to the POINT OF BEGINNING of herein described tract, containing 694 square feet of land, more or less.

Note: The bearings shown and recited hereon are related to 1983 State Plane Coordinate System, Lambert Projection, North Central Zone, N.G.S. Triangulation Stations "Garland NE Base", "Buckner", and "Grove RM 1".



For Nathan D. Maier Consulting Engineers, Inc.

Jimmie D. Nichols 8/20/89
Jimmie D. Nichols, Registered Professional Land Surveyor No. 5184

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1c

Exhibit "A"

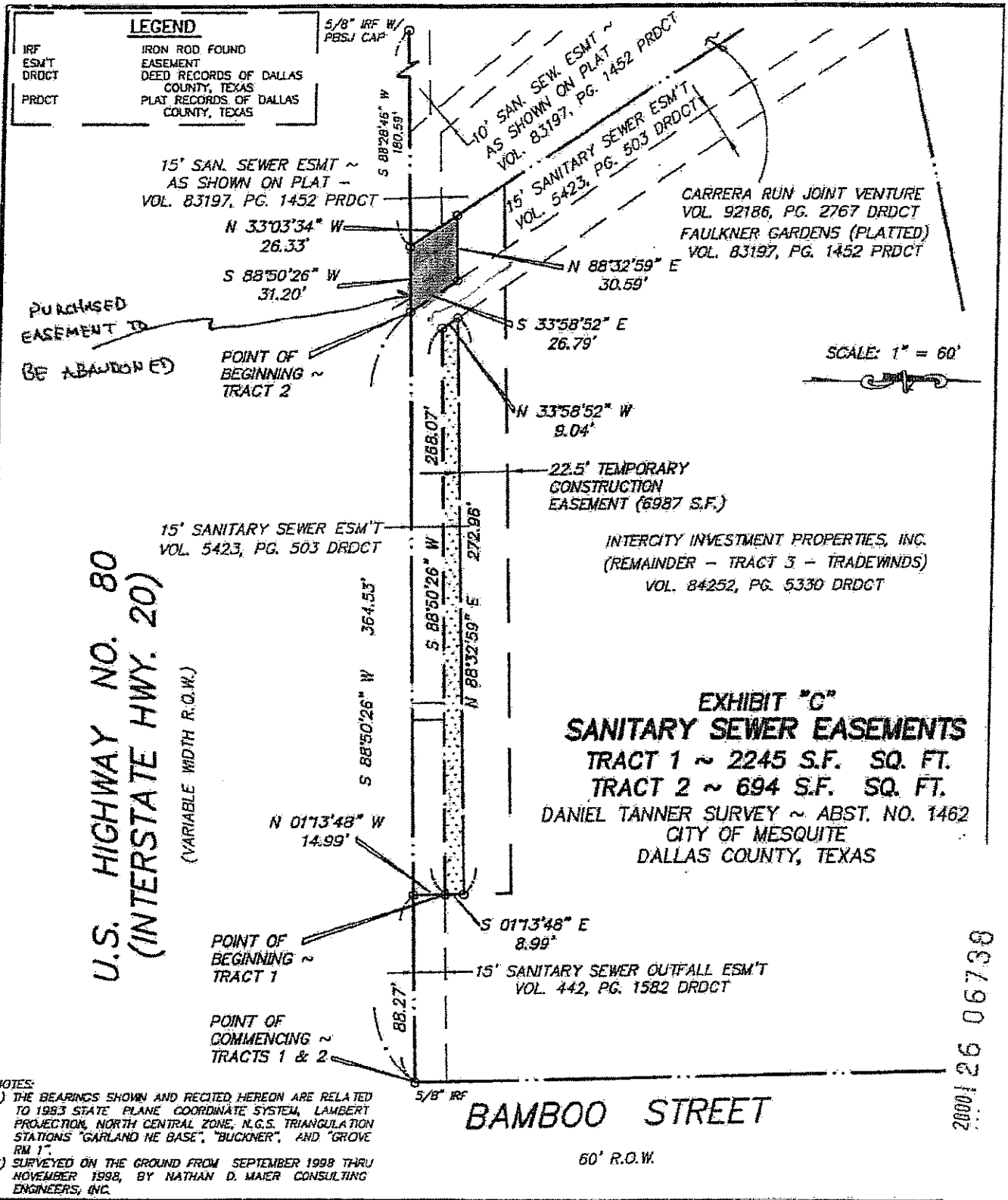


EXHIBIT "C"
SANITARY SEWER EASEMENTS
TRACT 1 ~ 2245 S.F. SQ. FT.
TRACT 2 ~ 694 S.F. SQ. FT.
DANIEL TANNER SURVEY ~ ABST. NO. 1462
CITY OF MESQUITE
DALLAS COUNTY, TEXAS

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