

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, PROVIDING FOR THE PARTIAL ABANDONMENT OF A 10-FOOT-WIDE SANITARY SEWER EASEMENT LOCATED AT WEST MESQUITE HIGH SCHOOL AT THE NORTHWEST CORNER OF SOUTH PEACHTREE ROAD AND MEMORIAL BOULEVARD; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR A SEVERABILITY CLAUSE; AND DECLARING AN EMERGENCY.

WHEREAS, on behalf of the Mesquite Independent School District (MISD), a representative of Nathan D. Maier Consulting Engineers, Inc., requested partial abandonment of a 10-foot-wide sanitary sewer easement located at West Mesquite High School at the northwest corner of South Peachtree Road and Memorial Boulevard; and

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

WHEREAS, MISD's 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 10-foot-wide sanitary sewer easement located at West Mesquite High School at the northwest corner of South Peachtree Road and Memorial Boulevard, 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or portions thereof in conflict with the provisions of this ordinance, to the extent of such conflict, are hereby repealed.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 sanitary sewer 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 3rd day of January, 2017.

Stan Pickett
Mayor

ATTEST:

APPROVED:

Sonja Land
City Secretary



B. J. Smith
City Attorney

EXHIBIT "A"
SANITARY SEWER EASEMENT ABANDONMENT
DANIEL TANNER SURVEY, ABST. NO. 1462
CITY OF MESQUITE, DALLAS COUNTY, TEXAS

DESCRIPTION

BEING all that certain tract of land situated in the Daniel Tanner Survey, Abstract No. 1462, in the City of Mesquite, Dallas County, Texas, said tract being a portion of a 10' sanitary sewer easement as reflected on the plat of West Mesquite High School Addition, an addition to the City of Mesquite, Texas according to the plat thereof recorded in Volume 75222, Page 579 of the Deed Records of Dallas County, Texas (D.R.D.C.T.), and being a portion of West Mesquite High School Addition, Block A, Lot 1R, an addition to the City of Mesquite, Texas according to the plat thereof recorded in Instrument No. 201500215404 of the Official Public Records of Dallas County, Texas, said Lot 1R, Block A being a portion of Tract No. 1 as described in the Warranty Deed to Mesquite Independent School District as recorded in Volume 70206, Page 1310, D.R.D.C.T., and being more particularly described by metes and bounds as follows:

COMMENCING at a 1/2" iron rod with plastic cap stamped "TX REG NO 100189-00" found for corner at an angle point in the easterly line of the aforementioned Block A, Lot 1R, said angle point being at the intersection of the west right-of-way line of Stadium Drive (formerly Peachtree Road ~ 60' right-of-way) and the curving northwesterly right-of-way line of Peachtree Road (variable width right-of-way);

THENCE N 01°21'37" W, with the easterly line of said Block A, Lot 1R and said west right-of-way line of Stadium Drive, 82.31 feet to the southeast corner of the aforementioned sanitary sewer easement;

THENCE S 68°20'10" W, departing the easterly line of said Block A, Lot 1R and said west right-of-way line of Stadium Drive and with the southeasterly line of said sanitary sewer easement, 52.88 feet to the POINT OF BEGINNING;

THENCE S 68°20'10" W, continuing with the southeasterly line of said sanitary sewer easement, 198.80 feet to a point from whence a 1/2" iron rod with plastic cap stamped "TX REG NO 100189-00" found for corner at a point of curvature of the southerly line of said Block A, Lot 1R (same being the northerly right-of-way line of Memorial Boulevard ~ 80' right-of-way) bears S 68°20'10" W, 76.37 feet and N 88°18'53" E, 88.87 feet;

THENCE WEST, departing the southeasterly line of said sanitary sewer easement, 27.09 feet to the northwesterly line of said sanitary sewer easement;

THENCE N 68°20'10" E, with the northwesterly line of said sanitary sewer easement, 231.25 feet;

THENCE S 14°22'21" W, departing the northwesterly line of said sanitary sewer easement, 12.37 feet to the POINT OF BEGINNING and containing 0.0494 acres or 2,150 square feet of land, more or less.

FOR NATHAN D. MAIER CONSULTING ENGINEERS, INC.

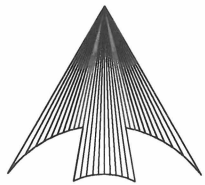


John L. Melton, Texas R.P.L.S. No. 4268
Registered Professional Land Surveyor



NOTE:
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.

EXHIBIT "B"
SANITARY SEWER EASEMENT ABANDONMENT
DANIEL TANNER SURVEY, ABST. NO. 1462
CITY OF MESQUITE, DALLAS COUNTY, TEXAS



NORTH
SCALE: 1"=60'

MESQUITE INDEPENDENT SCHOOL DISTRICT
VOL. 70206, PG. 1310
D.R.D.C.T.
(A PORTION OF TRACT NO. 1)
WEST MESQUITE HIGH SCHOOL,
BLOCK A, LOT 1R
INST. NO. 201500215404
O.P.R.D.C.T.

10' SANITARY SEWER ESMT.
VOL. 75222, PG. 579
D.R.D.C.T.
(HATCHED PORTION
TO BE ABANDONED)

WEST
27.09'

S 68°20'10" W
76.37'

N 88°18'53" E ~ 88.87'
1/2" IRF
W/CAP (CM)

N 68°20'10" E
S 68°20'10" W

SANITARY SEWER
ESMT. ABANDONMENT
0.0494 ACRES
2,150 SQ. FT.

S 14°22'21" W
12.37'

231.25'
198.80'

POINT OF
BEGINNING

1/2" IRF
W/CAP (CM)

POINT OF
COMMENCING

1/2" IRF
W/CAP

FD. "X"
IN CONC.

MEMORIAL BOULEVARD
(80' R.O.W.)

1/2" IRF
W/NDM CAP

1/2" IRF
W/NDM CAP

1/2" IRF
W/CAP

1/2" IRF
W/NDM CAP

WEST MESQUITE HIGH SCHOOL ADDITION,
BLOCK B, LOT 1R
INST. NO. 200503600833
O.P.R.D.C.T.

1/2" IRF
W/NDM CAP

1/2" IRF
W/DAMAGED CAP

26

34

BLOCK "C"

1/2" IRF

PEACHTREE ROAD
(VAR. WIDTH R.O.W.)

TOWN RIDGE ADDITION,
FIRST INCREMENT
VOL. 84217, PG. 3610
D.R.D.C.T.

CITY OF MESQUITE
VOL. 86214, PG. 5994
D.R.D.C.T.
CALLED 2.0830 ACRES

CITY OF MESQUITE, TEXAS
(RIGHT-OF-WAY DEDICATION
FOR TEMPORARY ACCESS
FROM OLD PEACHTREE ROAD
VOL. 84009, PG. 3752
D.R.D.C.T.)

20' WATERLINE ESMT.
CITY OF MESQUITE, TEXAS
VOL. 632, PG. 1513
D.R.D.C.T.

1/2" IRF

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 STAMPED "TX REG NO 100189-00"
(CM)	CONTROLLING MONUMENT

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

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DEC. 07, 2016
JOB. NO. 16-06-029.X
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NDM