

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, PROVIDING FOR THE PARTIAL ABANDONMENTS OF A 10-FOOT-WIDE UTILITY EASEMENT AND A 30-FOOT FIRE LANE AND UTILITY EASEMENT LOCATED AT THE MARKET EAST SHOPPING CENTER AT 1645 AND 1649 TOWN EAST BOULEVARD; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR A SEVERABILITY CLAUSE; AND DECLARING AN EMERGENCY.

WHEREAS, a representative of the Fidelis Realty Partners requested partial abandonments of a 10-foot-wide utility easement and a 30-foot fire lane and utility easement located at the Market East Shopping Center at 1645 and 1649 Town East Boulevard; and

WHEREAS, Dallas County land records show that both easements were dedicated for the construction of the shopping center when the original subdivision was platted; and

WHEREAS, the easements contain various franchise and city utilities that have been relocated by the applicant as part of the approved engineering plans that are currently under construction; and

WHEREAS, Santec Consulting Services, Inc., obtained confirmation letters from the four franchise utility companies, indicating they have no facilities in the subject easements and no objection to the abandonments; and

WHEREAS, Santec Consulting Services, Inc., had the necessary survey and legal description prepared for the portions of the easements to be abandoned.

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

SECTION 1. That the partial abandonments of a 10-foot-wide utility easement and a 30-foot fire lane and utility easement located at the Market East Shopping Center at 1645 and 1649 at Town East Boulevard, said easements more fully described in Exhibit "A," attached hereto and included herein for all purposes, are hereby abandoned.

SECTION 2. That the abandonments 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 abandonments provided for herein are 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or portions thereof in conflict with the provisions of this ordinance, to the extent of such conflict, are hereby repealed.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 easements 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 19th day of June, 2017.

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Stan Pickett  
Mayor

ATTEST:

APPROVED:

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Sonja Land  
City Secretary



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B. J. Smith  
City Attorney

**EXHIBIT "A"**  
**PARTIAL UTILITY EASEMENT ABANDONMENT**  
**JOHN T. NELMS SURVEY, ABSTRACT NO. 1095**  
**CITY OF MESQUITE, DALLAS COUNTY, TEXAS**

BEING A 4,820 SQUARE FOOT TRACT OF LAND SITUATED IN THE JOHN T. NELMS SURVEY, ABSTRACT NO. 1095, CITY OF MESQUITE, DALLAS COUNTY, TEXAS, BEING A PORTION OF A UTILITY EASEMENT DEDICATED BY THE EMPORIUM PHASE II, AN ADDITION TO THE CITY OF MESQUITE ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 86234, PAGE 6186, DEED RECORDS OF DALLAS COUNTY, TEXAS, (D.R.D.C.T.), AND BEING A PORTION OF LOTS 1 AND 3, BLOCK C OF SAID EMPORIUM PHASE II ADDITION AND ALSO BEING A PORTION OF THOSE CERTAIN TRACTS OF LAND DESIGNATED AS "TRACT 6" AND "TRACT 7", IN A SPECIAL WARRANTY DEED TO MARKET EAST ASSOCIATES, LLC RECORDED IN INSTRUMENT NUMBER 201400286957, OFFICIAL PUBLIC RECORDS OF DALLAS COUNTY, TEXAS, (O.P.R.D.C.T.); SAID 4,820 SQUARE FOOT TRACT OF LAND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

**COMMENCING**, AT A CUT "X" FOUND FOR THE NORTHEAST CORNER OF LOT 9, BLOCK C OF THE EMPORIUM, PHASE II, BLOCK C, LOTS 7, 8 & 9, AN ADDITION TO THE CITY OF MESQUITE ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 96010, PAGE 0870, D.R.D.C.T., SAME BEING THE SOUTHEAST CORNER OF LOT 8, BLOCK C OF SAID EMPORIUM, PHASE II, BLOCK C, LOTS 7, 8 & 9 AND BEING IN THE WEST RIGHT-OF-WAY LINE OF EMPORIUM CIRCLE, (A VARIABLE WIDTH PUBLIC RIGHT-OF-WAY);

**THENCE**, SOUTH 00°48'47" WEST ALONG THE WEST RIGHT-OF-WAY LINE OF SAID EMPORIUM CIRCLE, A DISTANCE OF 289.98 FEET TO THE SOUTHEAST CORNER OF SAID LOT 9, BLOCK C, SAME BEING THE EASTERLY NORTHEAST CORNER OF SAID LOT 1, BLOCK C, AND THE POINT OF INTERSECTION OF THE NORTHEASTERLY LINE OF SAID UTILITY EASEMENT WITH THE WEST RIGHT-OF-WAY LINE OF SAID EMPORIUM CIRCLE;

**THENCE**, (L1) NORTH 89°11'13" WEST DEPARTING THE WEST RIGHT-OF-WAY LINE OF SAID EMPORIUM CIRCLE AND ALONG THE COMMON LINE OF SAID LOT 9, BLOCK C AND SAID LOT 1, BLOCK C, AND ALONG THE NORTHEASTERLY LINE OF SAID UTILITY EASEMENT, A DISTANCE OF 15.00 FEET TO THE **POINT OF BEGINNING**;

**THENCE**, DEPARTING THE COMMON LINE OF SAID LOT 9, BLOCK C AND SAID LOT 1, BLOCK C, AND THE NORTHEASTERLY LINE OF SAID UTILITY EASEMENT, OVER AND ACROSS SAID LOT 1, BLOCK C AND SAID LOT 3, BLOCK C, THE FOLLOWING CALLS:

(L2) SOUTH 00°48'47" WEST, OVER AND ACROSS SAID UTILITY EASEMENT, A DISTANCE OF 20.00 FEET TO A POINT FOR CORNER IN THE SOUTHWESTERLY LINE OF SAID UTILITY EASEMENT;

(L3) NORTH 89°11'13" WEST, ALONG THE SOUTHWESTERLY LINE OF SAID UTILITY EASEMENT, A DISTANCE OF 11.72 FEET TO AN ANGLE POINT IN THE SOUTHWESTERLY LINE OF SAID UTILITY EASEMENT;

NORTH 49°11'13" WEST, CONTINUING ALONG THE SOUTHWESTERLY LINE OF SAID UTILITY EASEMENT, A DISTANCE OF 465.81 FEET TO AN ANGLE POINT IN THE SOUTHWESTERLY LINE OF SAID UTILITY EASEMENT;

SOUTH 89°16'17" EAST, OVER AND ACROSS SAID UTILITY EASEMENT, A DISTANCE OF 15.53 FEET TO A POINT FOR CORNER IN THE COMMON LINE OF SAID LOT 9, BLOCK C AND SAID LOT 3, BLOCK C, AND IN THE NORTHEASTERLY LINE OF SAID UTILITY EASEMENT;

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**CITY OF MESQUITE, DALLAS COUNTY, TEXAS**

**THENCE**, SOUTH 49°11'13" EAST, ALONG THE COMMON LINE OF SAID LOT 9, BLOCK C AND SAID LOT 3, BLOCK C, AND NORTHEASTERLY LINE OF SAID UTILITY EASEMENT, AT A DISTANCE OF 328.21 FEET PASSING THE MOST EASTERLY CORNER OF SAID LOT 3, BLOCK C, SAME BEING THE MOST NORTHERLY CORNER OF SAID LOT 1, BLOCK C, CONTINUING ALONG THE COMMON LINE OF SAID LOT 9, BLOCK C AND SAID LOT 1, BLOCK C, IN ALL FOR A TOTAL DISTANCE OF 434.73 FEET TO AN ANGLE POINT IN SAID COMMON LINE;

**THENCE**, (L4) SOUTH 89°11'13" EAST, CONTINUING ALONG SAID COMMON LINE AND THE NORTHEASTERLY LINE OF SAID UTILITY EASEMENT, A DISTANCE OF 20.00 FEET TO THE POINT OF BEGINNING;

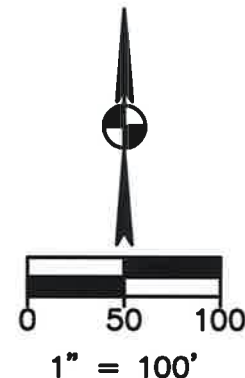
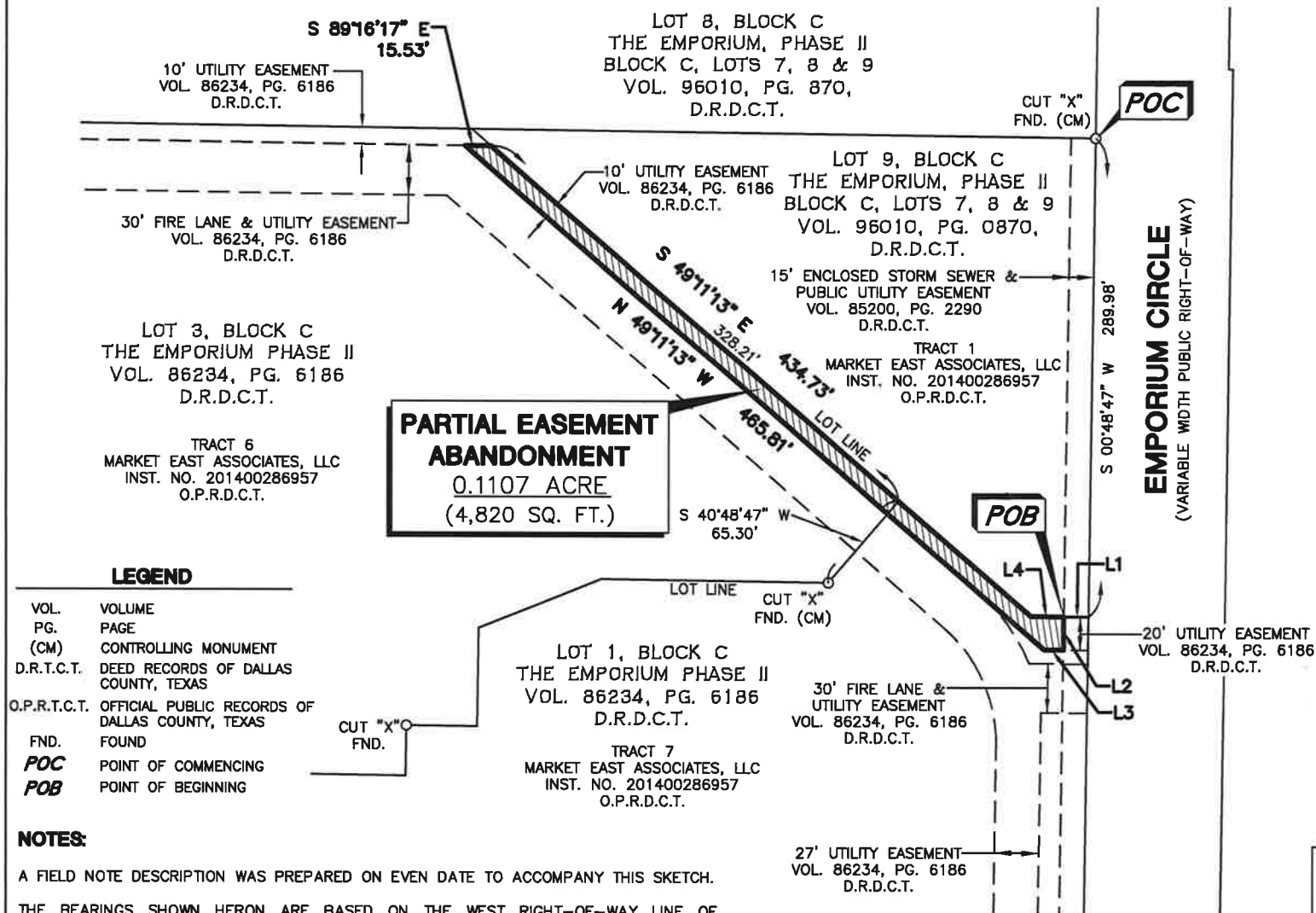
CONTAINING A COMPUTED AREA OF 4,820 SQUARE FEET OR 0.1107 ACRES OF LAND.

**NOTES:**

*A SKETCH WAS PREPARED ON EVEN DATE TO ACCOMPANY THIS DESCRIPTION.*

*THE BEARINGS CALLED FOR HEREIN ARE BASED ON THE WEST RIGHT-OF-WAY LINE OF EMPORIUM CIRCLE, BEING SOUTH 00°48'47" WEST, AS SHOWN ON THE EMPORIUM PHASE II, RECORDED IN VOLUME 86234, PAGE 6186, D.R.D.C.T.*





#### LEGEND

VOL. VOLUME  
PG. PAGE  
(CM) CONTROLLING MONUMENT  
D.R.D.C.T. DEED RECORDS OF DALLAS COUNTY, TEXAS  
O.P.R.T.C.T. OFFICIAL PUBLIC RECORDS OF DALLAS COUNTY, TEXAS  
FND. FOUND  
POC POINT OF COMMENCING  
POB POINT OF BEGINNING

#### NOTES:

A FIELD NOTE DESCRIPTION WAS PREPARED ON EVEN DATE TO ACCOMPANY THIS SKETCH.

THE BEARINGS SHOWN HEREON ARE BASED ON THE WEST RIGHT-OF-WAY LINE OF EMPORIUM CIRCLE, BEING SOUTH 00°48'47" WEST, AS RECORDED IN VOLUME 86234, PAGE 6186, D.R.D.C.T.

LINE TABLE		
LINE #	BEARING	DISTANCE
L1	N89°11'13"W	15.00'
L2	S0°48'47"W	20.00'
L3	N89°11'13"W	11.72'
L4	S89°11'13"E	20.00'



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## EXHIBIT "A"

### PARTIAL UTILITY EASEMENT ABANDONMENT

JOHN T. NELMS SURVEY, ABSTRACT NO. 1095  
CITY OF MESQUITE, DALLAS COUNTY, TEXAS



MICHAEL J. MURPHY  
REGISTERED PROFESSIONAL  
LAND SURVEYOR NO. 5724

DATE: 10-10-2016 SCALE: 1" = 100' DRAWN BY: GW PROJECT NO.: 222210126 SHEET NO. 3 OF 3

**EXHIBIT "A"**  
**PARTIAL FIRE LANE & UTILITY EASEMENT ABANDONMENT**  
**JOHN T. NELMS SURVEY, ABSTRACT NO. 1095**  
**CITY OF MESQUITE, DALLAS COUNTY, TEXAS**

BEING A 13,260 SQUARE FOOT TRACT OF LAND SITUATED IN THE JOHN T. NELMS SURVEY, ABSTRACT NUMBER 1095, CITY OF MESQUITE, DALLAS COUNTY, TEXAS, BEING A PORTION OF A 30-FOOT FIRE LANE & UTILITY EASEMENT DEDICATED BY THE EMPORIUM PHASE II, AN ADDITION TO THE CITY OF MESQUITE ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 86234, PAGE 6186, DEED RECORDS OF DALLAS COUNTY, TEXAS, (D.R.D.C.T.), AND BEING A PORTION OF LOTS 1 AND 3, BLOCK C OF SAID EMPORIUM PHASE II ADDITION AND ALSO BEING A PORTION OF THOSE CERTAIN TRACTS OF LAND DESIGNATED AS "TRACT 6" AND "TRACT 7", IN A SPECIAL WARRANTY DEED TO MARKET EAST ASSOCIATES, LLC, RECORDED IN INSTRUMENT NUMBER 201400286957, OFFICIAL PUBLIC RECORDS OF DALLAS COUNTY, TEXAS, (O.P.R.D.C.T.); SAID 13,260 SQUARE FOOT TRACT OF LAND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

**COMMENCING** AT A CUT "X" FOUND FOR THE NORTHEAST CORNER OF LOT 9, BLOCK C OF THE EMPORIUM PHASE II, BLOCK C, LOTS 7, 8 & 9, AN ADDITION TO THE CITY OF MESQUITE ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 96010, PAGE 0870, D.R.D.C.T., SAME BEING THE SOUTHEAST CORNER OF LOT 8, BLOCK C OF SAID EMPORIUM PHASE II, BLOCK C, LOTS 7, 8 & 9 AND BEING IN THE WEST RIGHT-OF-WAY LINE OF EMPORIUM CIRCLE, (A VARIABLE WIDTH PUBLIC RIGHT-OF-WAY);

**THENCE**, SOUTH 00°48'47" WEST ALONG THE WEST RIGHT-OF-WAY LINE OF SAID EMPORIUM CIRCLE, AT A DISTANCE OF 289.98 FEET PASSING THE SOUTHEAST CORNER OF SAID LOT 9, BLOCK C, SAME BEING THE EASTERLY NORTHEAST CORNER OF SAID LOT 1, BLOCK C, CONTINUING IN ALL FOR A TOTAL DISTANCE OF 318.48 FEET TO THE POINT OF INTERSECTION OF THE WEST RIGHT-OF-WAY LINE OF SAID EMPORIUM CIRCLE WITH NORTH LINE OF SAID FIRE LANE & UTILITY EASEMENT;

**THENCE**, (L1) NORTH 89°11'13" WEST DEPARTING THE WEST RIGHT-OF-WAY LINE OF SAID EMPORIUM CIRCLE AND ALONG THE NORTH LINE OF SAID FIRE LANE & UTILITY EASEMENT, A DISTANCE OF 35.80 FEET TO THE **POINT OF BEGINNING**;

**THENCE**, (L2) NORTH 90°00'00" WEST OVER AND ACROSS SAID FIRE LANE & UTILITY EASEMENT, A DISTANCE OF 33.49 FEET TO A POINT FOR CORNER IN THE SOUTHWESTERLY LINE OF SAID FIRE LANE & UTILITY EASEMENT, SAID POINT ALSO BEING THE POINT OF CURVATURE OF A CURVE TO THE LEFT HAVING A RADIUS POINT WHICH BEARS SOUTH 58°58'21" WEST, A DISTANCE OF 85.00 FEET;

**THENCE**, (C1) ALONG THE SOUTHWESTERLY LINE OF SAID FIRE LANE & UTILITY EASEMENT, NORTHWESTERLY WITH SAID CURVE TO THE LEFT THROUGH A CENTRAL ANGLE OF 18°09'35" FOR AN ARC LENGTH OF 26.94 FEET, A CHORD BEARING OF NORTH 40°06'26" WEST AND A CHORD DISTANCE OF 26.83 FEET TO A POINT FOR CORNER;

**THENCE**, NORTH 49°11'13" WEST CONTINUING ALONG THE SOUTHWESTERLY LINE OF SAID EASEMENT, AT A DISTANCE OF 72.39 FEET PASSING THE NORTHERLY LINE OF SAID LOT 1, BLOCK C, FROM WHICH A CUT "X" FOUND FOR AN ANGLE POINT IN THE

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NORTHERLY LINE OF SAID LOT 1, BLOCK C, BEARS SOUTH 40°48'47" WEST, A DISTANCE OF 25.30 FEET, CONTINUING IN ALL FOR A TOTAL DISTANCE OF 401.54 FEET TO A POINT FOR CORNER;

**THENCE**, NORTH 40°48'47" EAST OVER AND ACROSS SAID FIRE LANE & UTILITY EASEMENT, A DISTANCE OF 30.00 FEET TO A POINT FOR CORNER IN THE NORTHEASTERLY LINE OF SAID FIRE LANE & UTILITY EASEMENT;

**THENCE**, SOUTH 49°11'13" EAST ALONG THE NORTHEASTERLY LINE OF SAID FIRE LANE & UTILITY EASEMENT, A DISTANCE OF 401.54 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE RIGHT HAVING A RADIUS OF 115.00 FEET;

**THENCE**, (C2) CONTINUING ALONG THE NORTHEASTERLY LINE OF SAID FIRE LANE & UTILITY EASEMENT, SOUTHEASTERLY WITH SAID CURVE TO THE RIGHT THROUGH A CENTRAL ANGLE OF 26°47'33" FOR AN ARC LENGTH OF 53.78 FEET, A CHORD BEARING OF SOUTH 35°47'27" EAST AND A CHORD DISTANCE OF 53.29 FEET TO THE POINT OF BEGINNING;

CONTAINING A COMPUTED AREA OF 13,260 SQUARE FEET OR 0.3044 ACRES OF LAND.

**NOTES:**

A SKETCH WAS PREPARED ON EVEN DATE TO ACCOMPANY THIS DESCRIPTION.

THE BEARINGS CALLED FOR HEREIN ARE BASED ON THE WEST RIGHT-OF-WAY LINE OF EMPORIUM CIRCLE, BEING SOUTH 00° 48' 47" WEST, AS RECORDED IN VOLUME 86234, PAGE 6186, D.R.D.C.T.





