

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, PROVIDING FOR THE PARTIAL ABANDONMENT OF STADIUM DRIVE RIGHT-OF-WAY LOCATED ALONG FRASIER MIDDLE SCHOOL, OTHERWISE KNOWN AS WEST MESQUITE HIGH SCHOOL, BLOCK A, LOT 1R; 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 the partial abandonment of Stadium Drive right-of-way located along Frasier Middle School, otherwise known as West Mesquite High School, Block A, Lot 1R; and

WHEREAS, research of the Dallas County land records indicates that the subject right-of-way was acquired through Rights-of-Way Deeds filed February 19, 1938, for the improvement of Peachtree Road which is now Stadium Drive; and

WHEREAS, the City of Mesquite (the “City”) will retain a public utility easement in all the area within the portion of the right-of-way to be abandoned; and

WHEREAS, franchise utilities have no objections to the right-of-way abandonment given that the area will remain as a public utility easement; and

WHEREAS, on January 3, 2017, the City approved a transfer of land to MISD in exchange for a transfer of land from MISD to the City; and

WHEREAS, as part of this transfer agreement, the City agreed to the transfer of a portion of Stadium Drive to MISD.

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

SECTION 1. That the portion of Stadium Drive right-of-way located along Frasier Middle School, otherwise known as West Mesquite High School, Block A, Lot 1R, said right-of-way more fully described in Exhibit “A” attached hereto and included herein for all purposes, is hereby abandoned.

SECTION 2. That the partial abandonment provided for herein shall extend only to the public rights, titles, easements and interests, and shall be construed to extend only to those interests the Governing Body of the City of Mesquite may legally and lawfully abandon and vacate.

SECTION 3. That the partial abandonment provided for herein is made subject to all present zoning and deed restrictions, if the latter exist, and is 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 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 19th day of March, 2018.

Stan Pickett
Mayor

ATTEST:

APPROVED:

Sonja Land
City Secretary



B. J. Smith
City Attorney

DANIEL TANNER SURVEY
ABSTRACT NO. 1462

LOT 1, BLOCK A
DOCUMENT NO. 199102197283
COUNTY CLERK RECORDS, DALLAS COUNTY, TEXAS

N88° 59' 51"E
60.00'

POINT OF BEGINNING

FOUND 1/2" IRON ROD W/"#100189-00" CAP

SCYENE RODEO, LTD.
VOL. 2000064, PG. 2651
DEED RECORDS, DALLAS COUNTY, TEXAS

STADIUM DRIVE
(60' RIGHT-OF-WAY)

ABANDONMENT OF RIGHT-OF-WAY
0.841 ACRES (36,645 SQ. FT.)

CITY OF MESQUITE, TEXAS
VOL. 86214, PG. 5994
DEED RECORDS, DALLAS COUNTY, TEXAS

S0° 47' 41"E
543.47'

N0° 47' 41"W
690.51'

FOUND 1/2"
IRON ROD W/
"#100189-00"
CAP

SOUTH PEACHTREE ROAD
(50' RIGHT-OF-WAY)

TOWN RIDGE ADDITION

S64° 33' 29"E
1.13'
Δ=12° 35' 09"
R=725.00'
T=79.95'
L=159.26'
S21° 46' 43"W
Lc=158.94'

BASIS OF BEARING IS NORTH AMERICAN DATUM
OF 1983 (NAD-83) (2011) STATE PLANE
COORDINATE SYSTEM, TEXAS NORTH CENTRAL
ZONE BASED ON GPS OBSERVATIONS.

EXHIBIT "A"

PARTIAL ABANDONMENT OF STADIUM DRIVE RIGHT-OF-WAY

0.841 ACRES - (36,645 SQUARE FEET)

F. B. DANIEL TANNER SURVEY, ABSTRACT NO. 1462

CITY OF MESQUITE, DALLAS COUNTY, TEXAS



Graham Associates, Inc.
CONSULTING ENGINEERS & PLANNERS
600 SIX FLAGS DRIVE, SUITE 500
ARLINGTON, TEXAS 76011 (817) 640-8535
TBPE FIRM: F-1191/TBPLS FIRM: 101538-00

GRAPHIC SCALE 1"=100'



0 100 200



DRAWN BY: GAI

DATE: 9/30/2016

SHEET 1 OF 2

EXHIBIT "A"
ABANDONMENT OF RIGHT-OF-WAY
0.841 ACRES - (36,645 SQUARE FEET)
A PORTION OF STADIUM DRIVE
IN THE F. B. DANIEL TANNER SURVEY, ABSTRACT NO. 1462,
CITY OF MESQUITE, DALLAS COUNTY, TEXAS.

Being a portion of the Stadium Road right-of-way situated in the Daniel Tanner Survey, Abstract No. 1462, City of Mesquite, Dallas County, Texas;

BEGINNING at a found 1/2 inch iron rod with "#100189-00" cap being in the east right-of-way line of Stadium Road (a 60' right-of-way) and the northwest corner of a tract of land conveyed to the City of Mesquite, Texas, as recorded in Volume 86214, Page 5994, Deed Records, Dallas County, Texas;

THENCE South 00°47'41" East, along said east right-of-way line and the west line of said City of Mesquite tract, being a common line, a distance of 543.47 feet to a found 1/2 inch iron rod with "#100189-00" cap, being the southwest corner of said City of Mesquite tract;

THENCE South 64°33'29" East, along said common line, a distance of 1.13 feet to a point, being in said common line, for the beginning of a non-tangent curve to the left having a radius of 725.00 feet, a central angle of 12°35'09", a chord which bears South 21°46'43" West, 158.94 feet;

THENCE leaving said common line, along said non-tangent curve, a distance of 159.26 feet to a point, being in the east line of Lot 1, Block A, as recorded in Document No. 1991102197283, County Clerk Records, Dallas County, Texas, and the west right-of-way of said Stadium Road, being a common line;

THENCE North 00°47'41" West, along said common line, a distance of 690.51 feet to a point;

THENCE North 88°59'51" East, leaving said common line, a distance of 60.00 feet to the **POINT OF BEGINNING** and **CONTAINING** (36,645 sq. ft.) 0.841 acres, more or less.

