

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, PROVIDING FOR THE PARTIAL ABANDONMENT OF A UTILITY EASEMENT LOCATED AT TISINGER ELEMENTARY SCHOOL, OTHERWISE KNOWN AS BEN F. TISINGER ELEMENTARY SCHOOL ADDITION, BLOCK A, LOT 1; 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 a utility easement located at Tisinger Elementary School, otherwise known as Ben F. Tisinger Elementary School Addition, Block A, Lot 1; and

WHEREAS, research of the Dallas County land records indicates that the subject easement was dedicated by plat in 2002 for the construction of a fire hydrant and water line to service the school; and

WHEREAS, MISD proposes to build an addition where the subject easements and water line are located and relocate the water main and dedicate a new easement by replat as part of the building addition project; and

WHEREAS, Nathan D. Maier Consulting Engineers, Inc., has obtained confirmation letters from the four franchise utility companies indicating they have no facilities in the subject easement and no objection to the abandonment.

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

SECTION 1. That the partial abandonment of a utility easement located at Tisinger Elementary School, otherwise known as Ben F. Tisinger Elementary School Addition, Block A, Lot 1, said easement is 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or portions thereof in conflict with the provisions of this ordinance, to the extent of such conflict, are hereby repealed.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 16th day of April, 2018.

Stan Pickett
Mayor

ATTEST:

APPROVED:

Sonja Land
City Secretary

Interim City Attorney

EXHIBIT "A"
UTILITY EASEMENT ABANDONMENT
MESQUITE INDEPENDENT SCHOOL DISTRICT
BEN. F. TISINGER ELEMENTARY SCHOOL ADDITION, BLOCK A, LOT 1
CITY OF MESQUITE, DALLAS COUNTY, TEXAS

DESCRIPTION

BEING a 0.0766 acre (3,338 square foot) tract of land situated in the Daniel Tanner Survey, Abstract No. 1462, in the City of Mesquite, Dallas County, Texas, and being a portion of a 15' Utility Easement as reflected on the plat of Ben F. Tisinger Elementary School Addition, Block A, Lot 1, an addition to the City of Mesquite, Texas according to the plat thereof recorded in Volume 2002077, Page 22 of the Deed Records of Dallas County, Texas (D.R.D.C.T.), said Block A, Lot 1 being the remainder of those certain tracts of land conveyed to Mesquite Independent School District (MISD), said tracts being described in the Deed to MISD recorded in Volume 4132, Page 32, D.R.D.C.T. as Lot 1, Block 23 of Northridge Estates No. 2, an addition to the City of Mesquite, Texas according to the plat thereof recorded in Volume 24, Page 111 of the Map Records of Dallas County, Texas (M.R.D.C.T.) and in the Deed to MISD recorded in Volume 4132, Page 34, D.R.D.C.T. as Lot 4, Block 23 of Northridge Estates No. 1, an addition to the City of Mesquite, Texas according to the plat thereof recorded in Volume 24, Page 109, M.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" set for the easterly corner of the aforementioned Block A, Lot 1, said corner being in the northwesterly right-of-way line of Hillcrest Street (50' right-of-way) and also being the southerly corner of Lot 3/23 of Replat of Lots 3 and 4, Block 23, Northridge Estates No. 1 and Lots 1 and 2, Block 23, Northridge Estates No. 2, an addition to the City of Mesquite, Texas according to the plat thereof recorded in Volume 31, Page 221, M.R.D.C.T.;

THENCE N 45°44'11" W (current plat ~ S 45°30'00" E), departing said northwesterly right-of-way line of Hillcrest Street and with the northeasterly line of said Block A, Lot 1 and the southwesterly line of said Replat of Lots 3 and 4, Block 23, Northridge Estates No. 1 and Lots 1 and 2, Block 23, Northridge Estates No. 2, 156.55 feet to the most easterly corner of the aforementioned 15' Utility Easement as reflected on said plat of Ben F. Tisinger Elementary School Addition, Block A, Lot 1, from whence a cut "X" set in the southeasterly right-of-way line of Crestridge Street (50' right-of-way) for the northerly corner of said Block A, Lot 1 and the westerly corner of said Replat of Lots 3 and 4, Block 23, Northridge Estates No. 1 and Lots 1 and 2, Block 23, Northridge Estates No. 2 bears N 45°44'11" W (current plat ~ S 45°30'00" E), 392.80 feet;

THENCE S 44°15'49" W, departing the northeasterly line of said Block A, Lot 1 and the southwesterly line of said Replat of Lots 3 and 4, Block 23, Northridge Estates No. 1 and Lots 1 and 2, Block 23, Northridge Estates No. 2 and with the southeasterly line of said 15' Utility Easement, 25.00 feet to an angle point in said southeasterly line;



NATHAN D. MAIER CONSULTING ENGINEERS, INC.
TBPE FIRM REG. NO. F-356
TBPLS FIRM REG. NO. 100189-00
12377 Merit Drive, Suite 700
Dallas, Texas 75251 / Ph. (214) 739-4741

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EXHIBIT "A"
UTILITY EASEMENT ABANDONMENT
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BEN. F. TISINGER ELEMENTARY SCHOOL ADDITION, BLOCK A, LOT 1
CITY OF MESQUITE, DALLAS COUNTY, TEXAS

THENCE N 45°44'11" W, continuing with the southeasterly line of said 15' Utility Easement, 10.00 feet to an angle point in said southeasterly line for corner and for the POINT OF BEGINNING of the herein described tract;

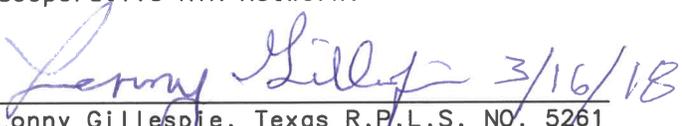
THENCE S 44°15'49" W, continuing with the southeasterly line of said 15' Utility Easement, 222.50 feet to an angle point in said southeasterly line for corner;

THENCE N 45°44'11" W, departing the southeasterly line of said 15' Utility Easement, 15.00 feet to a corner in the northwesterly line of said 15' Utility Easement;

THENCE N 44°15'49" E, with the northwesterly line of said 15' Utility Easement, 222.50 feet to a corner;

THENCE S 45°44'11" E, departing the northwesterly line of said 15' Utility Easement, 15.00 feet to the POINT OF BEGINNING and containing 0.0766 acre or 3,338 square feet of land, more or less.

The Basis of Bearings for this survey is the State Plane Coordinate System, Texas North Central Zone 4202, North American Datum of 1983 as obtained with the Western Data Systems Texas Cooperative RTK Network.


Lonny Gillespie, Texas R.P.L.S. NO. 5261
Registered Professional Land Surveyor
Nathan D. Maier Consulting Engineers, Inc.
12377 Merit Drive, Suite 700
Dallas, Texas 75251
214-739-4741
TBPE Firm Registration No.: F-356
TBPLS Firm Registration No.: 100189-00



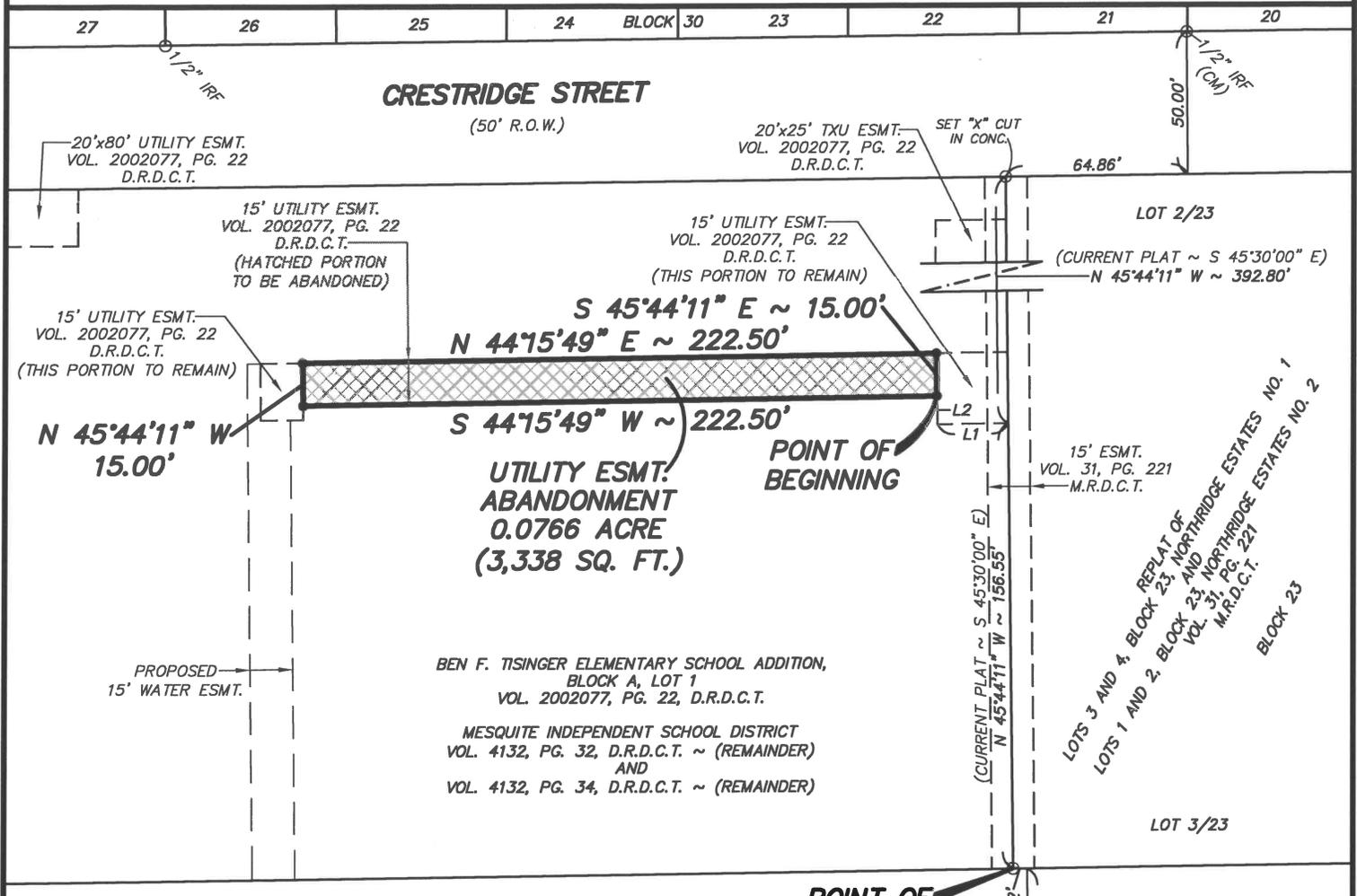
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 BEN. F. TISINGER ELEMENTARY SCHOOL ADDITION, BLOCK A, LOT 1
 CITY OF MESQUITE, DALLAS COUNTY, TEXAS



BEN. F. TISINGER ELEMENTARY SCHOOL ADDITION,
 BLOCK A, LOT 1
 VOL. 2002077, PG. 22, D.R.D.C.T.
 MESQUITE INDEPENDENT SCHOOL DISTRICT
 VOL. 4132, PG. 32, D.R.D.C.T. ~ (REMAINDER)
 AND
 VOL. 4132, PG. 34, D.R.D.C.T. ~ (REMAINDER)

REPLAT OF
 LOTS 3 AND 4, BLOCK 23, NORTHDRIDGE ESTATES NO. 1
 AND
 LOTS 1 AND 2, BLOCK 23, NORTHDRIDGE ESTATES NO. 2
 VOL. 31, PG. 221
 M.R.D.C.T.
 BLOCK 23

ABBREVIATION LEGEND

D.R.D.C.T.	DEED RECORDS OF DALLAS COUNTY, TEXAS
M.R.D.C.T.	MAP 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
CM	CONTROLLING MONUMENT
IRF	IRON ROD FOUND
IRS W/CAP	IRON ROD SET WITH PLASTIC CAP STAMPED "TX REG NO 100189-00"

LINE TABLE

NO.	BEARING	DISTANCE
L1	S 44°15'49" W	25.00'
L2	N 45°44'11" W	10.00'

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