

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

AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, PROVIDING FOR THE CONDITIONAL ABANDONMENT OF THREE SANITARY SEWER EASEMENTS IN AND AROUND NORTH MESQUITE DRIVE, TOWN EAST BOULEVARD AND NORTH MESQUITE HIGH SCHOOL; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR A SEVERABILITY CLAUSE; AND DECLARING AN EFFECTIVE DATE.

WHEREAS, authorized representatives of the Mesquite Independent School District and Stallion Town East, LLC requested that the City of Mesquite ("**City**") abandon three 20-foot sanitary sewer easements in and around North Mesquite Drive, Town East Boulevard and North Mesquite High School, generally described as a total of 58,577 square feet (1.3448 acres) of land situated in the Zach Motley and Isham Thomas Surveys, Abstract Numbers 1007 and 1501, respectively, in the City, Dallas County, Texas, and all being part of Block A, Lot 1 of the North Mesquite High School Addition to the City as recorded in Instrument Number 201000076841 of the Official Public Records of Dallas County Texas, and as more particularly described and depicted in Exhibit "A" attached hereto and incorporated herein for all purposes (the "**Easements**"); and

WHEREAS, Dallas County land records show the Easements were dedicated to the City by separate instrument and by plat for the construction of three sanitary sewer mains; and

WHEREAS, the sanitary sewer mains that were constructed within the Easements are abandoned in place, and new easements for the new mains have been dedicated to the City and replacement sanitary sewer mains to serve the same area were constructed in those easements; and

WHEREAS, additional easements ("**Additional Easements**") to serve the subject property are to be dedicated by plat, including access easements, stormwater easements, sanitary sewer easements and water easements; and

WHEREAS, the square footage of the Additional Easements to be dedicated by plat will exceed the square footage of the sanitary sewer easements being abandoned; and

WHEREAS, the abandonment of the Easements provided herein is conditioned on dedication by plat to the City of the Additional Easements, to the satisfaction of the City and within six months from the effective date of this ordinance; whereupon the occurrence of such condition, the Easements will no longer be needed for public purposes and the Additional Easements will be available to serve the subject property, consequently it will be in the public interest of the City that the Easements be abandoned.

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

SECTION 1. The recitals set forth in this ordinance are found to be true and correct and are adopted as the findings of the City Council, and Exhibit "A" attached to this ordinance is made a part hereof for all purposes.

SECTION 2. Conditioned on Additional Easements being satisfactorily dedicated to the City by plat within six months from the effective date this ordinance, the Easements are hereby abandoned. Failure to timely satisfy the foregoing condition shall render this ordinance null and void and of no further effect.

SECTION 3. The abandonment of Easements provided herein shall extend only to the public rights, titles, easements and interests the City Council of the City of Mesquite may legally and lawfully abandon and vacate.

SECTION 4. The abandonment of Easements provided 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 5. 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 6. 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 7. 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 December 2019.

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Bruce Archer  
Mayor

ATTEST:

APPROVED AS TO LEGAL FORM:

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Sonja Land  
City Secretary



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David L. Paschall  
City Attorney

**EXHIBIT "A"**  
**SANITARY SEWER EASEMENT ABANDONMENT**  
**PARTS 1, 2 & 3**  
**SITUATED IN THE**  
**ZACH MOTLEY SURVEY, ABSTRACT NUMBER 1007 AND**  
**ISHAM THOMAS SURVEY, ABSTRACT NUMBER 1501**  
**CITY OF MESQUITE, DALLAS COUNTY, TEXAS**

**PART 1**

BEING a 27,101 square foot (0.6222 acres) tract of land situated in the Zach Motley Survey, Abstract Number 1007 and the Isham Thomas Survey, Abstract Number 1501, City of Mesquite, Dallas County, Texas, and being part of Block A, Lot 1 of North Mesquite High School Addition, an addition to the City of Mesquite, Dallas County, Texas, as recorded in Instrument Number 201000076841 of the Official Public Records of Dallas County, Texas (O.P.R.D.C.T), and being part of a tract of land described in Warranty Deed to Mesquite Independent School District, as recorded in Volume 124, Page 1639 and Volume 124, Page 1643, of the Deed Records of Dallas County, Texas (D.R.D.C.T.), and being all of a 20-foot wide sanitary sewer easement, as recorded in Volume 69028, Page 845, D.R.D.C.T., and being more particular described as follows:

**COMMENCING** at the northwest corner of said Lot 1 and the northeast corner of Lot 2, Block A of Schulz Addition Replat, an addition to the City of Mesquite, as recorded in Volume 78051, Page 1501, D.R.D.C.T., said corner being on the south right-of-way line of Town East Boulevard (a variable width right-of-way);

**THENCE** North 80 degrees 01 minute 21 seconds East, with the common line between the north line of said Lot 1 and the south right-of-way line of said Town East Boulevard, passing a distance of 75.84 feet to an "ell" corner said Lot 1, and continuing over and across said Town East Boulevard, for a total distance of 126.57 feet to a corner (not monumented) for the **POINT OF BEGINNING**;

**THENCE** North 80 degrees 01 minute 21 seconds East, over and across said Town East Boulevard, a distance of 20.35 feet to a corner (not monumented);

**THENCE** South 00 degrees 35 minutes 58 seconds West, over and across said Town East Boulevard, passing at a distance of 5.71 feet to said common line, and continuing over and across said Lot 1, for a total distance of 514.61 feet to a corner (not monumented);

**THENCE** over and across said Lot 1, the following bearings and distances:

South 34 degrees 30 minutes 02 seconds East, a distance of 589.43 feet to a corner (not monumented);

South 11 degrees 46 minutes 02 seconds East, a distance of 265.92 feet to a corner (not monumented) on the common line between the southwest line of said Lot 1 and the northeast right-of-way line of North Mesquite Drive (a variable width right-of-way);

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**ISHAM THOMAS SURVEY, ABSTRACT NUMBER 1501**  
**CITY OF MESQUITE, DALLAS COUNTY, TEXAS**

THENCE North 44 degrees 53 minutes 45 seconds West, with said common line, a distance of 36.60 feet to a corner (not monumented);

THENCE over and across said Lot 1, the following bearings and distances:

North 11 degrees 46 minutes 02 seconds West, departing said common line, a distance of 231.25 feet to a corner (not monumented);

North 34 degrees 30 minutes 02 seconds West, a distance of 591.73 feet to a corner (not monumented);

North 00 degrees 35 minutes 58 seconds East, passing at a distance of 514.28 feet to a common line between the north line of said Lot 1 and the south right-of-way line of said Town East Boulevard, and continuing over and across said Town East Boulevard, for a total distance of 517.20 feet to the **POINT OF BEGINNING AND CONTAINING** 27,101 square feet or 0.6222 acres of land, more or less.

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**ISHAM THOMAS SURVEY, ABSTRACT NUMBER 1501**  
**CITY OF MESQUITE, DALLAS COUNTY, TEXAS**

**PART 2**

BEING a 27,094 square foot (0.6220 acres) tract of land situated in the Zach Motley Survey, Abstract Number 1007 and the Isham Thomas Survey, Abstract Number 1501, City of Mesquite, Dallas County, Texas, and being part of Block A, Lot 1 of North Mesquite High School Addition, an addition to the City of Mesquite, Dallas County, Texas, as recorded in Instrument Number 201000076841 of the Official Public Records of Dallas County, Texas (O.P.R.D.C.T), and being part of a tract of land described in Warranty Deed to Mesquite Independent School District, as recorded in Volume 124, Page 1639 and Volume 124, Page 1643, of the Deed Records of Dallas County, Texas (D.R.D.C.T.), and being all of a 20-foot wide sanitary sewer easement, as recorded in Volume 4214, Page 36, and Volume 4214, Page 44, D.R.D.C.T., and being more particular described as follows:

**COMMENCING** at the northwest corner of said Lot 1 and the northeast corner of Lot 2, Block A of Schulz Addition Replat, an addition to the City of Mesquite, as recorded in Volume 78051, Page 1501, D.R.D.C.T., said corner being on the south right-of-way line of Town East Boulevard (a variable width right-of-way);

**THENCE** North 80 degrees 01 minute 21 seconds East, with the common line between the north line of said Lot 1 and the south right-of-way line of said Town East Boulevard, passing a distance of 75.84 feet to an "ell" corner said Lot 1, and continuing over and across said Town East Boulevard, for a total distance of 130.43 feet to a corner (not monumented) for the **POINT OF BEGINNING**;

**THENCE** North 80 degrees 01 minute 21 seconds East, over and across said Town East Boulevard, a distance of 20.00 feet to a corner (not monumented);

**THENCE** South 10 degrees 37 minutes 11 seconds East, over and across said Town East Boulevard, passing at a distance of 6.38 feet to said common line, and continuing over and across said Lot 1, for a total distance of 576.03 feet to a corner (not monumented);

**THENCE** over and across said Lot 1, the following bearings and distances:

South 38 degrees 15 minutes 12 seconds East, a distance of 451.24 feet to a corner (not monumented);

South 01 degree 20 minutes 48 seconds West, a distance of 339.17 feet to a corner (not monumented) on the common line between the southwest line of said Lot 1 and the northeast right-of-way line of North Mesquite Drive (a variable width right-of-way);

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**ISHAM THOMAS SURVEY, ABSTRACT NUMBER 1501**  
**CITY OF MESQUITE, DALLAS COUNTY, TEXAS**

THENCE North 44 degrees 53 minutes 45 seconds West, with said common line, a distance of 27.69 feet to a corner (not monumented);

THENCE over and across said Lot 1, the following bearings and distances:

North 01 degrees 20 minutes 48 seconds East, departing said common line, a distance of 312.82 feet to a corner (not monumented);

North 38 degrees 15 minutes 12 seconds West, a distance of 448.96 feet to a corner (not monumented);

North 10 degrees 37 minutes 11 seconds West, passing at a distance of 577.77 feet to a common line between the north line of said Lot 1 and the south right-of-way line of said Town East Boulevard, and continuing over and across said Town East Boulevard, for a total distance of 581.17 feet to the **POINT OF BEGINNING AND CONTAINING** 27,094 square feet or 0.6220 acres of land, more or less.

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**ISHAM THOMAS SURVEY, ABSTRACT NUMBER 1501**  
**CITY OF MESQUITE, DALLAS COUNTY, TEXAS**

**PART 3**

BEING a 4,382 square foot (0.1006 acres) tract of land situated in the Isham Thomas Survey, Abstract Number 1501, City of Mesquite, Dallas County, Texas, and being part of Block A, Lot 1 of North Mesquite High School Addition, an addition to the City of Mesquite, Dallas County, Texas, as recorded in Instrument Number 201000076841 of the Official Public Records of Dallas County, Texas (O.P.R.D.C.T), and being part of a tract of land described in Warranty Deed to Mesquite Independent School District, as recorded in Volume 124, Page 1643, of the Deed Records of Dallas County, Texas (D.R.D.C.T.), and being all of a 20-foot wide sanitary sewer easement, as recorded in Volume 2005077, Page 256, D.R.D.C.T., and being more particular described as follows:

**COMMENCING** at the west corner of said Lot 1, on the east line of Lot 2, Block A of Schulz Addition Replat, an addition to the City of Mesquite, as recorded in Volume 78051, Page 1501, D.R.D.C.T., and on the northeast right-of-way line of North Mesquite Drive (a variable width right-of-way);

**THENCE** South 44 degrees 53 minutes 45 seconds East, with the southwest line of said Lot 1 and the northeast right-of-way line of said North Mesquite Drive, a distance of 18.36 feet to a corner (not monumented) for the **POINT OF BEGINNING**;

**THENCE** over and across said Lot 1, the following bearings and distances:

North 47 degrees 33 minutes 23 seconds East, departing the southwest line of said Lot 1 and the northeast right-of-way line of said North Mesquite Drive, a distance of 220.96 feet to a corner (not monumented);

South 34 degrees 30 minutes 02 seconds East, a distance of 20.19 feet to a corner (not monumented);

South 47 degrees 33 minutes 23 seconds West, a distance of 217.32 feet to a corner (not monumented) on the southwest line of said Lot 1 and the northeast right-of-way line of said North Mesquite Drive;

**THENCE** North 44 degrees 53 minutes 45 seconds West, with the southwest line of said Lot 1 and the northeast right-of-way line of said North Mesquite Drive, a distance of 20.01 to the **POINT OF BEGINNING AND CONTAINING** 4,382 square feet or 0.1006 acres of land, more or less.

**EXHIBIT "A"**  
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**ISHAM THOMAS SURVEY, ABSTRACT NUMBER 1501**  
**CITY OF MESQUITE, DALLAS COUNTY, TEXAS**

Basis of Bearing: State Plane Coordinate System, Texas North Central Zone 4202, North American Datum of 1983. 2011 Adjustment, Epoch 2010.00. All coordinates and distances shown hereon are US Survey Feet, displayed in surface values and may be converted to grid by dividing by the TxDOT Surface Adjustment Factor of 1.000136506.

This metes and bounds description was prepared with an exhibit of even date.

G. J. Suthan      Sept. 03/2019

Getsy J. Suthan  
Registered Professional Land Surveyor  
Texas No. 6449  
Halff Associates, Inc.,  
1201 North Bowser Rd.  
Richardson, Texas 75081  
713-588-2466  
TBPLS Firm No. 10029600





N00°35'58"E - 517.20'

S00°35'58"W ~ 514.61'

0 50 100 150 200

MATCH LINE, SEE SHEET 8 OF 8

SCALE IN FEET

NORTH MESQUITE HIGH SCHOOL ADDITION  
BLOCK A, LOT 1  
INST. NO. 201000076811  
O.P.R.D.C.T.



**PART 2  
SANITARY SEWER  
ABANDONMENT  
27,094 SQ. FT.  
OR  
0.6220 ACRES**

MESQUITE INDEPENDENT SCHOOL DISTRICT  
VOL. 121 PG. 1639  
D.R.D.C.T.

ZACH MOTLEY SURVEY, ABSTRACT NO. 1007

FLOODPLAIN & DRAINAGE EASEMENT  
VOL. 200507, PG. 256

S01°20'48"W  
339.17'  
N01°20'48"E  
312.82'

TXU ELECTRIC DELIVERY CO. EASEMENT  
VOL. 200507, PG. 256

S11°46'02"E  
265.92'  
N11°46'02"W  
231.25'

10' NTRWD  
VOL. 200507, PG. 256

N44°53'45"W  
36.60'  
N44°53'45"W  
27.69'

1/2" FIR  
N44°41'15"E  
34.15'

N82°29'26"E  
93.50'  
FOUND "X" (C.M.)

DRainage, UTILITY & GREENBELT EASEMENT  
VOL. 77131, PG. 106

POINT OF COMMENCING PART 3

S44°53'45"E  
18.36'

N47°33'23"E  
220.96'

1/2" FIR W/ CAP (C.M.)

N44°53'45"W  
20.01'

POINT OF BEGINNING PART 3

10' SOUTHWESTERN BELL EASEMENT  
VOL. 17055, PG. 124

BANK ONE TEXAS  
VOL. 92179, PG. 4729  
D.R.D.C.T.

VOL. 81093, PG. 1062  
D.R.D.C.T.

**DANIEL TANNER SURVEY, ABSTRACT NO. 1462**

CHINAMPA IOY  
VOL. 91169, PG. 633  
D.R.D.C.T.

**PART 3  
SANITARY SEWER  
ABANDONMENT  
4,382 SQ. FT.  
OR  
0.1006 ACRES**

ISHAM THOMAS SURVEY, ABSTRACT NO. 1501

**PART 1  
SANITARY SEWER  
ABANDONMENT  
27,101 SQ. FT.  
OR  
0.6222 ACRES**

NORTH MESQUITE DRIVE  
(VARIABLE WIDTH PUBLIC RIGHT-OF-WAY)  
INST. NO. 201000167836  
P.R.D.C.T.

60' UTILITY EASEMENT  
INST. NO. 201000167836  
P.R.D.C.T.

S47°33'23"W  
217.32'

20' SANITARY SEWER EASEMENT  
VOL. 200507, PG. 256

20' SANITARY SEWER EASEMENT  
VOL. 59048, PG. 845

S34°30'02"E  
20.19'

S34°30'02"W

S38°15'12"E

451.24'

448.96'

589.43'

591.73'

APPROXIMATE ABSTRACT LINE

25' BUILDING LINE

N44°53'45"W

APPROXIMATE ABSTRACT LINE

781.74'

APPROXIMATE ABSTRACT LINE

APPROXIMATE ABSTRACT LINE

APPROXIMATE ABSTRACT LINE

APPROXIMATE ABSTRACT LINE

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APPROXIMATE ABSTRACT LINE

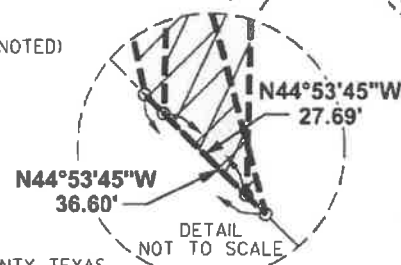
APPROXIMATE ABSTRACT LINE

**NOTES:**  
1. Basis of Bearing: State Plane Coordinate System, Texas North Central Zone 4202, North American Datum of 1983, 2011 Adjustment, Epoch 2010.00. All distances are U.S. Survey feet displayed in surface values and may be converted to grid by dividing by the combined scale factor of 1.000136506 (Tx001 Dallas County Scale Factor)

2. This exhibit was prepared with a meter and bounds description of even date.  
3. This survey was prepared without the benefit of a title commitment.

**LEGEND**

O	NOT MONUMENTED (UNLESS NOTED)
Z	SAME PROPERTY OWNERSHIP
---	PROPOSED LINE
- - -	EASEMENT LINE
---	PROPERTY LINE
⊕	CONTROLLING MONUMENT
FIR	FOUND IRON ROD
VOL. PG.	VOLUME AND PAGE
INST. NO.	INSTRUMENT NUMBER
D.R.D.C.T.	DEED RECORDS DALLAS COUNTY, TEXAS
O.P.R.D.C.T.	OFFICIAL PUBLIC RECORD DALLAS COUNTY, TEXAS



**EXHIBIT "A"  
SANITARY SEWER ABANDONMENT  
PARTS 1, 2 & 3**

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ZACH MOTLEY SURVEY, ABSTRACT NUMBER 1007 AND  
ISHAM THOMAS SURVEY, ABSTRACT NUMBER. 1501  
CITY OF MESQUITE, DALLAS COUNTY, TEXAS

**HALFF**

TBPLS FIRM NO. 10028600  
HALFF ASSOCIATES, INC. ENGINEERS - SURVEYORS  
1201 NORTH BOWSER ROAD - RICHARDSON, TEXAS - 75081-2275  
SCALE: 1"=100 (214)346-6200 AVO. 31576 FEBRUARY, 2019

