

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, PROVIDING FOR THE ABANDONMENT OF APPROXIMATELY 256,347 SQUARE FEET OF RIGHT-OF-WAY OF EAST GLEN BOULEVARD LOCATED WEST OF THE INTERSECTION OF FAITHON P. LUCAS, SR., BOULEVARD, SUBJECT TO RESERVATION OF AN EASEMENT, FOR DEVELOPMENT OF THE ALCOTT LOGISTICS STATION CLASS A INDUSTRIAL BUSINESS PARK; PROVIDING FOR A REPEALER CLAUSE; AUTHORIZING THE CITY MANAGER TO RELEASE THE EASEMENT UPON SATISFACTION OF STATED CONDITIONS; PROVIDING FOR A SEVERABILITY CLAUSE; AND DECLARING AN EFFECTIVE DATE.

WHEREAS, the City of Mesquite, Texas (“**City**”), and Alcott Logistics Partners, LP (“**Developer**”), have entered into a Master Development Agreement and Chapter 380 Agreement (“**Agreement**”) for development of property west of Faithon P. Lucas Sr., Boulevard and south of East Scylene Road to be known as Alcott Logistics Station, a Class A industrial business park (the “**Project**”); and

WHEREAS, under the Agreement and at a point approximately 2,563 linear feet west of its intersection with Faithon P. Lucas Sr., Boulevard, the Developer will construct a realignment of East Glen Boulevard, connecting it to East Scylene Road, as depicted in **Exhibit A** attached hereto and incorporated herein by reference, and the same will be owned by the City for the use and benefit of the public as a perpetual right-of-way for all purposes for which a public street and right-of-way are commonly used; and

WHEREAS, in connection with the realignment of East Glen Boulevard and the Agreement, City staff and the Developer have requested abandonment of the portion of the East Glen Boulevard right-of-way beginning at the intersection of Faithon P. Lucas, Sr., Boulevard to the point of its realignment, as more particularly described and depicted in **Exhibits B** and **C** attached hereto and incorporated herein by reference (the “**ROW**”); and

WHEREAS, the City acquired the ROW and a drainage easement from Dallas County pursuant to Dallas County Commissioners Court Order No. 2021-0176 and Quitclaim Deed executed February 24, 2021, and recorded as Instrument No. 202100054586 in the Real Property Recordings of Dallas County, Texas; and

WHEREAS, the Director of Public Works has confirmed in writing that, other than the street, drainage structure and water line owned by the City, Oncor Electric Delivery Company LLC (“**Oncor**”), is the only other owner of facilities located within the ROW and all franchise utility companies in the City, including Oncor, do not object to the ROW being abandoned; and

WHEREAS, under the Agreement and as agreed by Oncor, the Oncor facilities will be relocated from the ROW to new right-of-way to be dedicated as part of the realigned East Glen Boulevard; and

WHEREAS, the Developer is obligated under the Agreement and City regulations to address and accommodate drainage onto and off of the Project; and

WHEREAS, the Director of Public Works has determined the water line within the ROW is no longer required for public use; and

WHEREAS, the City will reserve an easement in the ROW for the benefit of Oncor to maintain and operate its facilities in, along, under and across the ROW, and for the benefit of the City to maintain and operate the drainage structure in, along and across the ROW (the “**Easement**”); and

WHEREAS, the City will release the Easement after Oncor’s facilities are reconstructed and operational within the realigned East Glen Boulevard new right-of-way and after the Developer complies with the Agreement and City regulations to address and accommodate drainage onto and off of the Project, and the City Manager should be authorized to execute such a release upon satisfaction of these conditions; and

WHEREAS, following abandonment of the ROW, a portion of the ROW will be conveyed to the Developer in accordance with the Agreement; and

WHEREAS, the Director of Public Works and Director of Planning and Development Services have reviewed the request to abandon and release the ROW and found that, upon the Oncor facilities being relocated and the Developer addressing and accommodating drainage for the Project, the ROW will no longer be required for public use and recommends approval of this Ordinance; and

WHEREAS, it is in the public interest of the City to abandon the ROW, subject to the aforesaid Easement.

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.

SECTION 2. The approximately 256,347 square feet of ROW of East Glen Boulevard, beginning at the intersection of Faithon P. Lucas, Sr., Boulevard to a point approximately 2,563 linear feet west thereof, as more particularly described and depicted in **Exhibits B** and **C** attached hereto, shall be and the same is hereby abandoned, subject the following reservation of the Easement: An easement is hereby reserved in the area more particularly described and depicted in **Exhibits B** and **C** for the benefit of (i) Oncor to maintain and operate its facilities in, along, under and across the easement, and (ii) the City to maintain and operate the drainage structure in, along, under and across the easement.

SECTION 3. The Easement reserved in Section 2 shall be released after (i) Oncor’s facilities are reconstructed and operational within the realigned East Glen Boulevard new

right-of-way and (ii) the Developer complies with the Agreement and City regulations to address and accommodate drainage onto and off of the Project. The City Manager is hereby authorized to execute and record such a release upon satisfaction of these conditions.

SECTION 4. 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. 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. This 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 3rd day of May 2021.

Bruce Archer
Mayor

ATTEST:

Sonja Land
City Secretary

APPROVED AS TO LEGAL FORM:



David L. Paschall
City Attorney

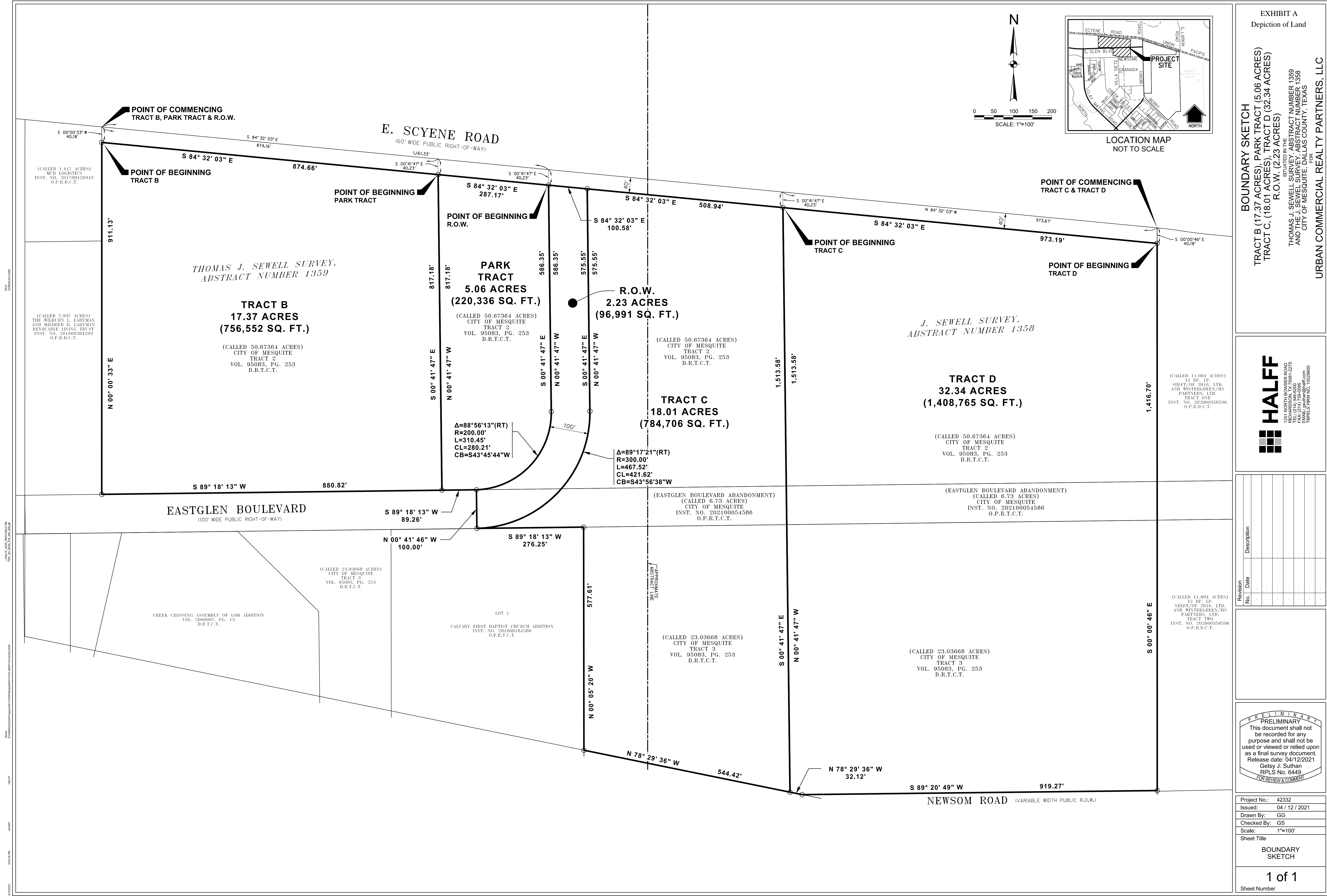


EXHIBIT "B"
Right-of-Way Abandonment
East Glen Boulevard
Jernigan and Espensen
1.802 Acres or 78,507 Square Feet

Being all that certain lot, tract or parcel of land situated in the James E. Sewell Survey, Abstract Number 1358, City of Mesquite, Dallas County, Texas, being all of that certain called 1.845 acre tract of land described as Parcel 8 in Right-of-Way (ROW) Deed to the County of Dallas recorded in Volume 84076, Page 1952 of the Deed Records of Dallas County, Texas, and being more particularly described as follows:

BEGINNING at a ½" iron rod found at the northeast corner of said ROW tract, being the southeast corner of that certain tract of land described as Tract 2 in deed to James William Jernigan and Laura Jernigan Espensen (Jernigan and Espensen) recorded in Volume 2004172, Page 10588 of the Deed Records of Dallas County, Texas, said point being on the west right-of-way line of Faithon P. Lucas Boulevard, formerly Berry Road (85' R.O.W.);

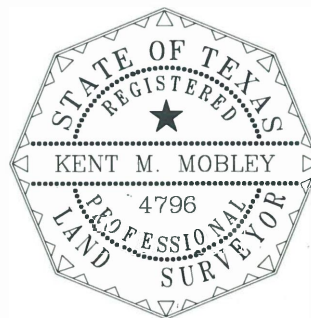
THENCE S 00°50'32" E, 100.00 feet, along the west right-of-way line of Faithon P. Lucas Boulevard and the east line of said ROW tract, to a ½" capped iron rod (G&A) set at the southeast corner thereof, being the northeast corner of that certain tract of land described as Tract 3 in deed to Jernigan and Espensen cited above;

THENCE S 89°18'19" W, 785.26 feet, along the south line of said ROW tract and the north line of said Jernigan and Espensen Tract 3, to a ½" capped iron rod set (G&A), being the northeast corner of that certain tract of land described as Tract 3 in deed to the City of Mesquite recorded in Volume 95083, Page 253 of the Deed Records of Dallas County, Texas, being the southeast corner of that certain ROW tract described in Volume 75112, Page 1271 of said Dallas County Deed Records;

THENCE N 00°37'37" W, 100.00 feet, along the east line of said ROW tract recorded in Volume 75112, Page 1271, to a 1/2" iron rod found at the northwest corner thereof, being the southwest corner of said Jernigan and Espensen Tract 2 and the southeast corner of that certain tract of land described as Tract 2 in deed to the City of Mesquite cited above;

THENCE N 89°18'19" E, 784.88 feet, along the north line of said ROW tract and the south line of said Jernigan and Espensen Tract 2, to the POINT OF BEGINNING and containing approximately 1.802 acres or 78,507 square feet of land.

Kent M. Mobley 12-15-2020
Kent M. Mobley, RPLS
Texas Registration No. 4796



Bearings herein are referred to the Texas Coordinate System, North Central Zone, No. 4202
NAD '83

J:\1403-20\Drawings\1403JERNIGAN.dwg, 12/15/2020 11:42:25 AM

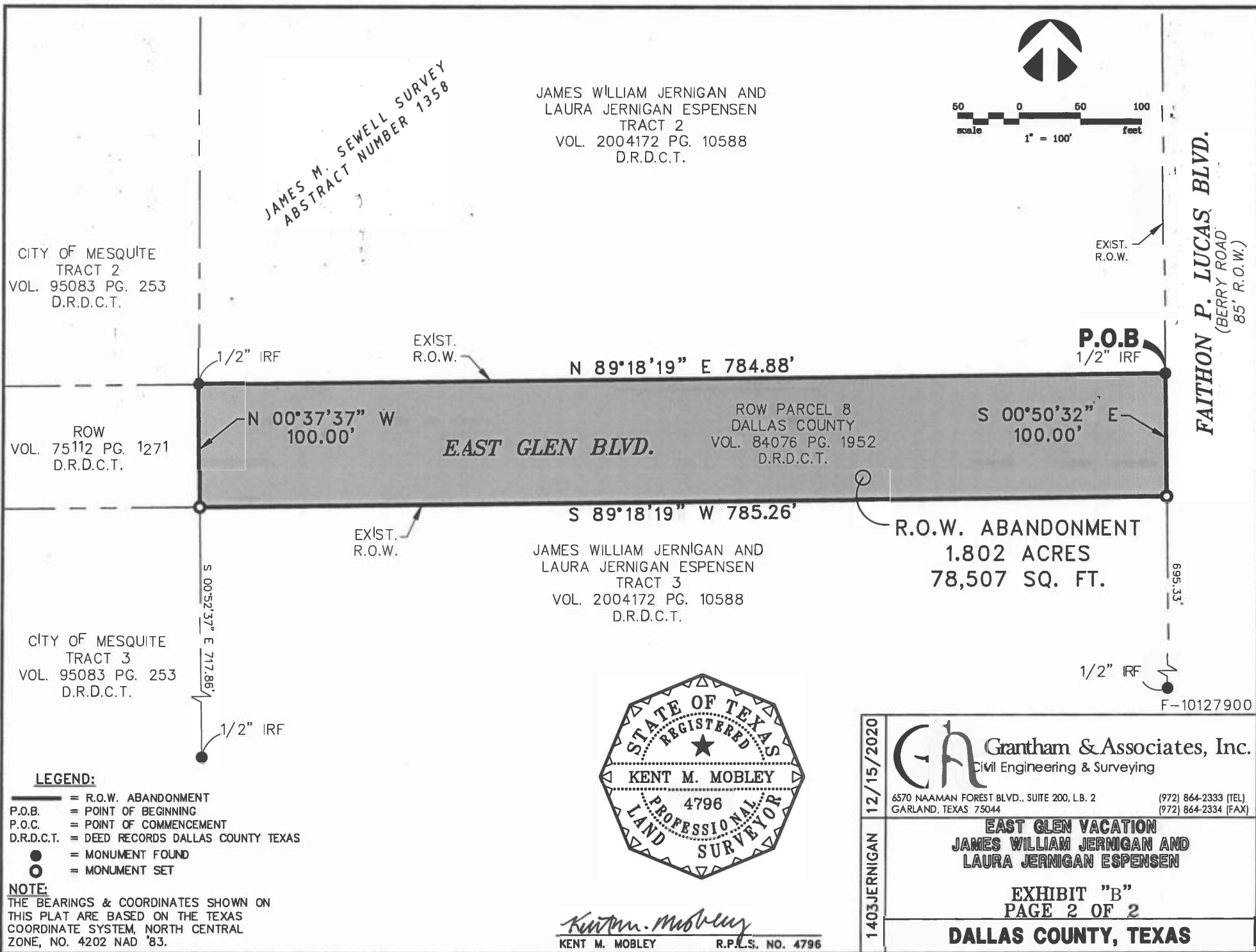


EXHIBIT "C"
Right-of-Way Abandonment
East Glen Boulevard
City of Mesquite
4.083 Acres or 177,840 Square Feet

Being all that certain lot, tract or parcel of land situated in the James M. Sewell Survey, Abstract Number 1358 and Thomas J. Sewell Survey, Abstract Number 1359, City of Mesquite, Dallas County, Texas, being part of that certain called 6.73 acre tract of land described in Special Warranty Deed to the County of Dallas recorded in Volume 75112, Page 1271 of the Deed Records of Dallas County, Texas, and being more particularly described as follows;

BEGINNING at a ½" iron rod found at the northeast corner of said ROW tract, being the southwest corner of Tract 2 in deed to James William Jernigan and Laura Jernigan Espensen (Jernigan and Espensen) recorded in Volume 2004172, Page 10588 of the Deed Records of Dallas County, Texas, and being the southeast corner of that certain tract of land described as Tract 2 in deed to the City of Mesquite recorded in Volume 95083, Page 253 of the Deed Records of Dallas County, Texas;

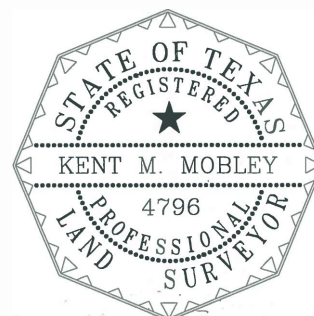
THENCE S 00°37'37" E, 100.00 feet, along the east line of said ROW tract, to a ½" capped iron rod (G&A) set at the southeast corner thereof, being the northeast corner of that certain tract of land described as Tract 3 in deed to the City of Mesquite cited above;

THENCE S 89°18'19" W, along the south line of said ROW tract and the north line of said City of Mesquite tract, passing the northwest corner thereof and the northeast corner of that certain tract of land described in deed to Calvary First Baptist Church recorded in Instrument Number 20080229280 of the Deed Records of Dallas County, Texas, and continuing a total distance of 1778.45 feet, to a ½" capped iron rod (G&A) set;

THENCE N 00°41'41" W, 100.00 feet, crossing said ROW tract, to a ½" capped iron rod (G&A) set on the north line thereof and the south line of City of Mesquite Tract 2;

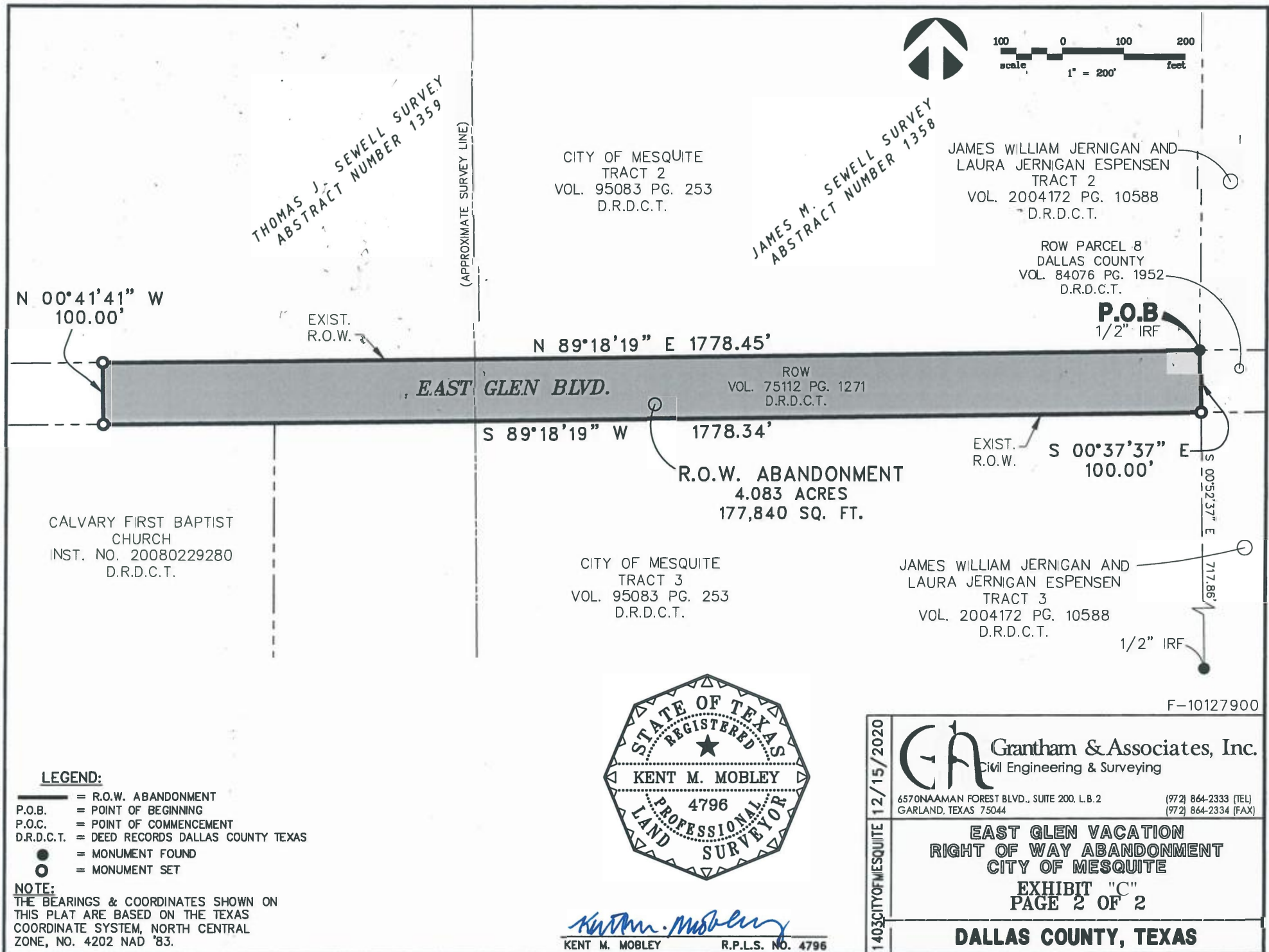
THENCE N 89°18'19" E, 1778.45 feet, along the north line of said ROW tract and the south line of said City of Mesquite Tract 2, to the POINT OF BEGINNING and containing approximately 4.083 acres or 177,840 square feet of land.

Kent M. Mobley 12-15-2020
Kent M. Mobley, RPLS
Texas Registration No. 4796



Bearings herein are referred to the Texas Coordinate System, North Central Zone, No. 4202
NAD '83

J:\1403-20\Drawings\1403CITYOFMESQUITE.dwg, 12/15/2020 11:37:45 AM



LEGEND:

- = R.O.W. ABANDONMENT
- = POINT OF BEGINNING
- = POINT OF COMMENCEMENT
- = DEED RECORDS DALLAS COUNTY TEXAS
- = MONUMENT FOUND
- = MONUMENT SET

NOTE:
THE BEARINGS & COORDINATES SHOWN ON
THIS PLAT ARE BASED ON THE TEXAS
COORDINATE SYSTEM, NORTH CENTRAL
ZONE, NO. 4202 NAD '83.



Kent M. Mobley
KENT M. MOBLEY R.P.L.S. NO. 4796

1403CITYOFMESQUITE 12/15/2020

Grantham & Associates, Inc.
Civil Engineering & Surveying
657 ONAAMAN FOREST BLVD., SUITE 200, L.B. 2
GARLAND, TEXAS 75044

(972) 864-2333 (TEL)
(972) 864-2334 (FAX)

**EAST GLEN VACATION
RIGHT OF WAY ABANDONMENT
CITY OF MESQUITE**

**EXHIBIT "C"
PAGE 2 OF 2**

DALLAS COUNTY, TEXAS

F-10127900