

ORDINANCE NO. 3426

AN ORDINANCE ABANDONING A PUBLIC UTILITY EASEMENT ON PROPERTY LOCATED IN THE HEWITT ESTATES ADDITION IN THE CITY OF NORTH RICHLAND HILLS; DECLARING THAT SUCH EASEMENT IS UNNECESSARY FOR USE BY THE PUBLIC; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of North Richland Hills, Texas ("the City") is a home rule city acting under its power adopted by the electorate pursuant to Article XI, Section 5 of the Texas Constitution and Chapter 9 of the Local Government Code; and

WHEREAS, on or about June 10, 1985, the City of North Richland Hills abandoned the Mabell Street right-of-way but left a residual Utility Easement ("the Easement") to the City by Ordinance No. 1230, which ordinance is filed in DRTCT Volume 8226, Page 73, Tarrant County, Texas; and

WHEREAS, the City Council of the City of North Richland Hills, after careful study and consideration, has determined that a portion of the residual Utility Easement is not being used by the public, is not useful or convenient to the public in general, and that the public would be better served and benefited by its vacation and abandonment.

WHEREAS, in order to remove any question as to the continued interest in the easements, the City desires to execute a quitclaim deed releasing and assigning all title and control in said easement to the owner of the fee estate on which the easement is located.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF NORTH RICHLAND HILLS, TEXAS:

Section 1: THAT the above and foregoing recitals are true and correct and are incorporated herein and made a part hereof for all purposes.

Section 2: A portion of the utility easement located on Lot 1, Block 1, Hewitt Estates Addition to the City of North Richland Hills, Tarrant County, Texas, which easement is described in an instrument recorded in DRTCT Volume 8226, Page 73, Tarrant County, Texas and depicted on Exhibits "A" and "B" hereto is hereby abandoned and discontinued.

Section 3: The Mayor of the City of North Richland Hills, Texas, is hereby authorized and empowered to execute a quitclaim deed releasing all claims to title, ownership, or control of the above-described easements to the current

owner of the fee estate on which the easement is located.

Section 4: After the quitclaim deed is executed, the City Secretary is authorized and instructed to file it in the deed records of Tarrant County, Texas.

Section 5: It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs and sections of this ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this ordinance, since the same would have been enacted by the City Council without the incorporation in this ordinance of any such unconstitutional phrase, clause, sentence, paragraph or section.

Section 6: This Ordinance shall be in full force and effect from and its passage, and it so ordained.

PASSED AND APPROVED this 12th day of September, 2016.

CITY OF NORTH RICHLAND HILLS

By: _____
Oscar Trevino, Mayor

ATTEST:

Alicia Richardson, City Secretary

Approved as to content:

Mike Curtis, Managing Director

Approved as to form and legality:

City Attorney

EXHIBIT A
EASEMENT ABANDONMENT
METES AND BOUNDS DESCRIPTION
4,495 SQUARE FEET IN THE
J. McCOMAS SURVEY, A-1202
NORTH RICHLAND HILLS, TARRANT COUNTY, TEXAS

All that certain 4,495 square feet of land, which is the east half of Mabell Street right-of-way (measured 60.58' right-of-way), as described in Ordinance Number 1230, of the Public Records of Tarrant County, Texas (P.R.T.C.T.), in the J. McComas Survey, A-1040, City of North Richland Hills, Tarrant County, Texas and more particularly described by metes and bounds as follows: (all bearings shown hereon are based on the plat of said Hewitt Estates, recorded in Volume 388-O, Page 311, P.R.T.C.T.)

BEGINNING at a 5/8" iron rod found for the northeast corner of the herein described right-of-way, common to the northwest corner of Lot 1, Block 1, of said Hewitt Estates, in the south right-of-way line of Buck Street (60' R.O.W);

THENCE South 00° 11' 00" East – 148.40' (called 150') along the west line of said Lot 1, Block 1, Hewitt Estates, to a wood fence corner, being the southeast corner of the herein described right-of-way;

THENCE North 89° 54' 00" West – 30.29' to a 1/2" iron rod with cap stamped "SPRY 5647" found for the southwest corner of the herein described right-of-way, being in the centerline of said Mabell Street;

THENCE North 00° 11' 00" East – 148.40' (called 150') to a 1/2" iron rod with cap stamped "SPRY 5647" found for the northwest corner of the herein described right-of-way, in the south right-of-way line of said Buck Street, from with a 1/2" iron rod found bears South 89° 54' 00" West – 30.29', found for the northeast corner of a tract of land conveyed to Kenneth and Doris Wilson, recorded in Volume 4004, Page 123, P.R.T.C.T.;

THENCE South 89° 54' 00" East – 30.29' along the south right-of-way line of said Buck Street to the POINT OF BEGINNING and containing 4,495 square feet of land.

THIS METES AND BOUNDS DESCRIPTION IS ISSUED IN CONJUNCTION WITH THE SURVEY PREPARED BY SPRY SURVEYORS, HEREBY REFERENCED AS EXHIBIT B. THIS METES AND BOUNDS DESCRIPTION IS EXHIBIT A.

SPRY  SURVEYORS

Project Number: 023-087-50 • Issue Date: August 4, 2016

Certificate Date: April 20, 2016 • Firm Reg No. 10112000

8241 Mid-Cities Blvd., Suite 100 • North Richland Hills, TX 76182

Phone 817-776-4049 • email: spry@sprysurveyors.com



8/4/16

David Lewis
R.P.L.S. NO. 5647

8-24-16 @ 9:04am
CBooth

EXHIBIT B EASEMENT ABANDONMENT

BUCK STREET
(60' R.O.W.)

+/- 425'
HEWITT STREET

1/2" IRF w/CAP "SPRY 5647" S 89°54'00" E P.O.B.

1/2" IRF(C.M.)

30.29'

30.29'

5/8" IRF (C.M.)

EASEMENT
VOL. 388-0, PG. 311
P.R.T.C.T.

30.29'

25' B.L.
VOL. 388-0, PG. 311
P.R.T.C.T.

NOTES

1. This survey is issued in conjunction with the Metes and Bounds Description by Spry Surveyors, of the same certification date shown hereon, hereby referenced as Exhibit A. This Survey is Exhibit B.

2. All bearings and/or easements shown hereon are according to the Plat of Hewitt Estates recorded under Volume 388-0, Page 311, in the Plat Records of Tarrant County, Texas, unless otherwise noted.

3. The Surveyor has not physically located any underground utilities and/or improvements which may be located under or near the subject property.

ABBREVIATIONS

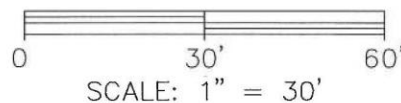
P.R.T.C.T.	PUBLIC RECORDS OF TARRANT COUNTY, TEXAS
VOL.	VOLUME
PG.	PAGE
IRF	IRON ROD FOUND
P.O.B.	POINT OF BEGINNING
C.M.	CONTROLLING MONUMENT
R.O.W.	RIGHT-OF-WAY
B.L.	BUILDING LINE

LEGEND

• PROPERTY CORNER



Graphic Scale in Feet



KENNETH WILSON &
DORIS WILSON
VOL. 4004, PG. 123
P.R.T.C.T.

MABELL STREET, CLOSED AND
ABANDONED BY ORDINANCE NO. 1230
(EASEMENT RESERVED FOR EXISTING UTILITIES)
VOL. 8226, PG. 73 P.R.T.C.T.

N 00°11'00" E 148.40'

0.1032 ACRE, 4,495 SQ.FT.
MABELL STREET, CLOSED AND
ABANDONED BY ORDINANCE NO. 1230
(EASEMENT RESERVED FOR EXISTING UTILITIES)
VOL. 8226, PG. 73 P.R.T.C.T.

S 00°11'00" W 148.40'

LOT 1, BLOCK 1
HEWITT ESTATES
VOL. 388-0, PG. 311
P.R.T.C.T.

STEPHEN AND TRACY
PRESKENIS
DOC. NO. 215067549
P.R.T.C.T.

1/2" IRF w/CAP "SPRY 5647"

N 89°54'00" W 30.29'

LOT 1, BLOCK 4
MCCOMAS SUBDIVISION
VOL. 388-90, PG. 58
P.R.T.C.T.

MABELL STREET
(60' R.O.W.)

4.0' UTILITY EASEMENT
VOL. 388-0, PG. 311
P.R.T.C.T.

WOOD FENCE
CORNER

LOT 6, BLOCK 1
HEWITT ESTATES
VOL. 388-165, PG. 45
P.R.T.C.T.

LOT 1, BLOCK 4
MCCOMAS SUBDIVISION
VOL. 388-90, PG. 58
P.R.T.C.T.



I certify that this survey was made on the ground, that this plat correctly represents the facts found at the time of survey.

[Signature] 8/4/16
DAVID CARLTON LEWIS, R.P.L.S. NO. 5647

April 20, 2016
CERTIFICATE DATE

4,495 SQUARE FEET
EASEMENT ABANDONMENT

PORTION OF MABELL STREET

IN THE J. MCCOMAS SURVEY, A-1040
CITY OF NORTH RICHLAND HILLS, TARRANT COUNTY, TEXAS

ISSUE DATE: 8/4/2016

SCALE: 1" = 30'

PROJECT NO.: 023-087-50

SPRY SURVEYORS

8241 Mid-Cities Blvd., Suite 100 • North Richland Hills, TX 76182
Ph 817-776-4049 • spry@sprysurveyors.com • www.sprysurveyors.com
Firm Reg. No. 10112000