

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

**AN ORDINANCE GRANTING AN INGRESS – EGRESS AND ACCESS EASEMENT IN, UPON, AND ACROSS CITY OWNED PROPERTY AT 1004 MAGNOLIA STREET IN THE CITY OF MANSFIELD, TARRANT COUNTY, TEXAS; AUTHORIZING THE CITY MANAGER TO EXECUTE THE EASEMENT DOCUMENT; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the City of Mansfield is a home rule city acting under its charter adopted by the electorate pursuant to Article XI, Section 5 of the Texas Constitution and Chapter 9 of the Local Government Code; and

**WHEREAS**, the City Council of the City of Mansfield has determined that the previous sale of real property by the City to the Mansfield Independent School District further required an ingress – egress and access easement be granted in order to provide access from Magnolia Street to the Mansfield Independent School District’s property located at 1004 Magnolia Street; and

**WHEREAS**, currently there is no grant of access from the Mansfield Independent School District’s property to a public road; and

**WHEREAS**, the City Council of the City of Mansfield has determined that there is a need for the ingress – egress and access easement in, upon, and across City owned properties at 1004 Magnolia Street; and

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

**SECTION 1**

The City of Mansfield grants an ingress – egress and access easement to Mansfield Independent School District, in, upon, and across that property specifically shown in the easement instrument, attached hereto as Exhibit A, and incorporated herein for the sole and limited purpose of providing access from Magnolia Street to the Mansfield Independent School District’s property located at 1004 Magnolia Street.

**SECTION 2**

The City Manager of the City of Mansfield, Texas, is hereby authorized and empowered to execute the easement instrument, attached hereto as Exhibit A.

**SECTION 3**

A copy of the easement instrument is attached hereto as Exhibit A, and shall be presented for filing with the County Clerk of Tarrant County, Texas by the office of the City Secretary.

**SECTION 4**

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 5**

This ordinance shall take effect immediately from and after its passage on third and final reading and the publication of the caption, as the law and charter in such cases provide.

First reading approved on the \_\_\_\_\_ day of \_\_\_\_\_, 201\_\_.

Second reading approved on the \_\_\_\_\_ day of \_\_\_\_\_, 201\_\_.

DULY PASSED on the third and final reading by the City Council of the City of Mansfield, Texas, this \_\_\_\_\_ day of \_\_\_\_\_, 201\_\_.

\_\_\_\_\_  
**David L. Cook, Mayor**

ATTEST:

\_\_\_\_\_  
**Jeanne Heard, City Secretary**

APPROVED AS TO FORM AND LEGALITY

\_\_\_\_\_  
**Allen Taylor, City Attorney**  
CITY ATTORNEY