

ORDINANCE NO. _____

AN ORDINANCE GRANTING A PERMANENT ONCOR ELECTRIC EASEMENT IN, UPON AND ACROSS CITY OWNED PROPERTY AS DESCRIBED IN VOL. 13582 PG. 221 D.R.T.C.T. (918 MAGNOLIA ST.), IN THE CITY OF MANSFIELD, TARRANT COUNTY, TEXAS; AUTHORIZING THE MAYOR OF THE CITY OF MANSFIELD 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 of Mansfield is making improvements to Magnolia Street from East Broad Street to Wisteria Street which is reducing parkway area within the right-of-way making it necessary for Oncor Electric Delivery to relocate infrastructure outside city ROW; therefore, an Oncor Electric Delivery easement will be provided on property at 918 Magnolia St., owned by the City of Mansfield; and,

WHEREAS, the City Council of the City of Mansfield has determined that there is a need for the permanent utility easement in, upon and across city owned property as described in Vol. 13582 PG. 221 D.R.T.C.T. (918 Magnolia St.), owned by the City of Mansfield;

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

SECTION 1.

The City of Mansfield grants a permanent Oncor Electric easement for the benefit of Oncor Electric Delivery Company, LLC, 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 Oncor Electric Delivery Company, LLC, installing infrastructure on city owned property as described in Vol. 13582 PG. 221 D.R.T.C.T. (918 Magnolia St.).

SECTION 2.

The Mayor 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.

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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 judgement 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 8TH DAY OF OCTOBER, 2018.

SECOND READING APPROVED ON THE 22ND DAY OF OCTOBER, 2018.

DULY PASSED ON THE THIRD AND FINAL READING BY THE CITY COUNCIL OF THE CITY OF MANSFIELD, TEXAS, THIS 12TH DAY OF NOVEMBER, 2018.

David L. Cook, Mayor

ATTEST:

Tracy Norr, TRMC/MMC City Secretary

APPROVED AS TO FORM AND LEGALITY

Allen Taylor, City Attorney