

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

**AN ORDINANCE GRANTING A PERMANENT ACCESS EASEMENT IN, UPON AND ACROSS CITY OWNED PROPERTY ON LOT 4, BLK 5, ORIGINAL TOWN OF MANSFIELD (301 SOUTH MAIN 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 of Mansfield is making improvements to South Main Street from Broad Street to Hunt Street and in an effort to provide public on-street parking, the existing driveway on Lot 5, Blk 5, Original Town of Mansfield (315 South Main St.) will be removed in conjunction with this project; therefore, access to Lot 5 will be provided by a permanent access through Lot 4, Blk 5, Original Town of Mansfield (301 South Main 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 access easement in, upon, and across Lot 4, Blk 5, Original Town of Mansfield, 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 access easement for the benefit of Lot 5, Blk 5, Original Town of Mansfield, 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 South Main Street to Lot 5, Blk 5, Original Town of Mansfield.

**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.

**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 of 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 24<sup>TH</sup> DAY OF SEPTEMBER, 2018.**

**SECOND READING APPROVED ON THE 8<sup>TH</sup> DAY OF OCTOBER, 2018.**

**DULY PASSED ON THE THIRD AND FINAL READING BY THE CITY COUNCIL OF THE CITY OF MANSFIELD, TEXAS, THIS 22<sup>ND</sup> DAY OF OCTOBER 2018.**

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**David L. Cook, Mayor**

**ATTEST:**

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**Tracy Norr, TRMC/MMC City Secretary**

**APPROVED AS TO FORM AND LEGALITY**

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**Allen Taylor, City Attorney**