

ORDINANCE NO. 340

AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, RELEASING FROM FIRST READING CERTAIN TERRITORY TAKEN UNDER FIRST READING BY ORDINANCE PASSED ON FIRST READING BY THE CITY COUNCIL ON MARCH 30, 1954, AND REPASSED ON FIRST READING BY ORDINANCE PASSED ON MAY 17, 1960, BY REDESCRIBING THE AREA WHICH IS TO REMAIN UNDER FIRST READING; PROVIDING THAT ALL TERRITORY HEREINAFTER DESCRIBED SHALL CONTINUE UNDER FIRST READING AND THAT SUCH AREA WHEN FINALLY ANNEXED SHALL BE WITHIN THE CITY LIMITS OF THE CITY OF MESQUITE AND GRANTING TO ALL THE INHABITANTS AND OWNERS OF SAID PROPERTY ALL THE RIGHTS AND PRIVILEGES OF OTHER CITIZENS AND BINDING SAID INHABITANTS BY ALL THE ACTS, ORDINANCES, RESOLUTIONS AND REGULATIONS OF SAID CITY; DECLARING AN EMERGENCY; PROVIDING THAT IT IS NOT THE INTENTION OF THE CITY COUNCIL TO REVOKE OR RESCIND PRIOR ORDINANCES, EXCEPT AS SPECIFICALLY INCONSISTENT WITH THE PROVISIONS OF THIS ORDINANCE; AND PROVIDING FOR THE EFFECTIVE DATE OF SAID ORDINANCE.

WHEREAS, on March 30, 1954, the City Council of the City of Mesquite passed on first reading an ordinance commencing annexation proceedings on certain territory described in said ordinance and placing such territory under the exclusive jurisdiction of the City of Mesquite for annexation purposes; and,

WHEREAS, on May 17, 1960, the City Council of the City of Mesquite again passed on first reading another ordinance commencing annexation proceedings on the territory described in the ordinance of March 30, 1954, and as so described in said ordinance passed on first reading May 17, 1960, reaffirming the commencement of the annexation proceedings on the territory described in said ordinance and placing such territory under the exclusive jurisdiction of the City of Mesquite for annexation purposes; and,

WHEREAS, in order to adjust boundaries between the City of Mesquite, the City of Garland and the City of Dallas, it is necessary and desirable that a certain portion of the territory taken under first reading by said ordinances above referred to be eliminated and removed from said ordinances in order that said areas may be annexed by the City of Dallas and the City of Garland; and,

WHEREAS, it is the specific intention of the governing body of the City of Mesquite not to release from first reading the remaining portions of said area but to continue said area under first reading the same as if a portion of said area had not been removed from first reading by the enactment of this ordinance, and the area described herein shall continue under first reading under the provisions of the Charter of the City of Mesquite until said area has been finally annexed by the City of Mesquite; NOW, THEREFORE,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MESQUITE, TEXAS:

SECTION 1. That the unnumbered annexation ordinances passed on first reading on March 30, 1954, and reaffirmed by passage of ordinance on first reading on May 17, 1960, be and the same are hereby amended so that the areas for annexation described in said ordinances shall hereafter be described as follows, to-wit:

THAT one certain territory or tract of land situated in Dallas County, Texas, being particularly described by metes and bounds as follows, to-wit:

BEGINNING at a point in the present City Limits of the City of Mesquite, said point being in the northeasterly boundary of the Daniel Tanner Survey, Abstract 1462 and 400 feet north of north line of Tripp Road;

THENCE in a northeasterly and easterly direction 400 feet north of and parallel to the north line of Tripp Road to a point, said point being an extension of the western boundary of the S. Caldwell Survey Abstract 337;

THENCE south along the extension of the western boundary line of the S. Caldwell Survey, Abstract 337, Dallas County, Texas, and the western boundary line of the S. Caldwell Survey 337 to a point in the west boundary line of the S. Caldwell Survey 337, said point being the intersection of the centerline of Hanby Drive and the west boundary line of the S. Caldwell Survey 337;

THENCE east along the centerline of Hanby Drive, an east-west street in the S. Caldwell Survey 337 to the intersection of the centerline of Hanby Drive and the centerline of Belt Line Road;

THENCE south along the centerline of Belt Line Road to a point said point being the intersection of the centerline of Belt Line Road and the north right-of-way line of U. S. Highway 80;

THENCE in a westerly direction along the north right-of-way line of U. S. Highway 80 to its intersection with the western boundary line of the S. Caldwell Survey Abstract 337 Dallas County, Texas;

THENCE south along the westerly boundary line of the S. Caldwell Survey Abstract 337 to a southwest corner of the S. Caldwell Survey Abstract 337 Dallas County, Texas;

THENCE east along the southern boundary of the S. Caldwell Survey 337 to a southeasterly corner of the S. Caldwell Survey Abstract 337;

THENCE south along the western boundary of the C. Vernoy Survey Abstract 1512 Dallas County, Texas, to the southwest corner of the said C. Vernoy Survey, Abstract 1512;

THENCE east along the southern boundary of said C. Vernoy Survey Abstract 1512 300 feet more or less to a point in the south line of the said C. Vernoy Survey Abstract 1512 said point being at the intersection of the projection of a line 1261 feet east of and parallel to the west survey line of the J. R. Warrall Survey Abstract 1607 and the south line of the C. Vernoy Survey Abstract 1512;

THENCE south along the projection of and a line parallel to and 1261 feet east of the west survey line of the J. R. Warrell Survey Abstract 1607 to a point in the north right-of-way line of the T. & P. Railroad said point being 1261 feet east of the west survey line of the said J. R. Warrell Survey;

THENCE in an easterly direction along the north right-of-way line of the T. & P. Railroad to a point in the north right-of-way line of the T. & P. Railroad said point being at the intersection of the north right-of-way line of the said T. & P. Railroad and the east property line of the Paddy Heights Addition extended and being 1700 feet more or less;

THENCE southerly along the east property line of Paddy Heights Addition extended and the east property line of Paddy Heights Addition a distance of approximately 1,100 feet;

THENCE easterly along a line parallel to and 1,000 feet south of the north line of Scyene Road for a distance of approximately .4 miles to the east line of Dallas County, Texas;

THENCE northerly along the east line of Dallas County a distance of 1,000 feet to a point in the north right-of-way line of Scyene Road;

THENCE westerly along the north right-of-way line of Scyene Road a distance of approximately 3-1/4 miles to its intersection with the west line of the S. Andrews Survey Abstract 40;

THENCE northerly along the west line of the S. Andrews Survey Abstract 40, the S. Andrews Survey Abstract 39 and the T. D. Coats Survey Abstract 331 to the northeast corner of the S. Houston Survey, Abstract 656;

THENCE Westerly along the north line of the S. Houston Survey Abstract 656 to the southeast corner of the Alexander McGahey Survey, Abstract 960;

THENCE northerly along the east boundary line of the said Alexander McGahey Survey Abstract 960 to its northeast corner, same being a point in the south line of Tripp Road;

THENCE in a westerly and northwesterly direction along the south line of Tripp Road across its intersection with Belt Line Road continuing to its intersection with north Mesquite Creek;

THENCE northwesterly along the said north Mesquite Creek with its meanders to its intersection with the south line of Murphy School Road;

THENCE easterly along the south line of the said Murphy School Road to a point 300 feet west of the west line of Belt Line Road;

THENCE northerly on a line parallel to and 300 feet west of the west line of Belt Line Road a distance of 1,277 feet to a point for a corner, said corner being the northwestern corner of the G. R. Kearney tract in the Joesiah Phelps Survey Abstract 1157;

THENCE northeasterly with the north line of the said G. R. Kearney tract to its intersection with the west line of Belt Line Road;

THENCE Northerly along the west line of Belt Line Road to an intersection with the center line of Duck Creek;

THENCE westerly and northwesterly along the meanderings of the center line of Duck Creek to an intersection with a line that is parallel with and 500 feet perpendicularly distant from the southeast right-of-way line of U. S. Highway No. 67;

THENCE southwesterly along a line that is at all times 500 feet perpendicularly distant from and parallel with the southeast right-of-way line of U. S. Highway No. 67 to an intersection with the southeasterly prolongation of the common line of the J. W. O'Banion 651.34 acre tract and the Bertha L. Chapman, et al, 524.88 acre tract, both in the T. Thomas Survey, Abstract No. 1461;

THENCE N 45 deg. West along the southeasterly prolongation of the common line of the said J. W. O'Banion and the Bertha L. Chapman, et al, tracts, crossing U. S. Highway No. 67 and Oates Drive and continuing North 45 deg. West along said southeasterly prolongation to a south corner of the said J. W. O'Banion 651.34 acre tract, same being the most easterly corner of the Bertha L. Chapman, et al, 524.88 acre tract, and being located in the northwest line of the Lula McGaughey 126.5 acre tract in the T. Thomas Survey, Abstract No. 1461;

THENCE southwesterly along the northwest boundary line of the said Lula McGaughey tract, 2336 feet, more or less, to the northeast corner of the J. F. Wheat 89.35 acre tract and continuing southwesterly along the northwest line of said J. F. Wheat tract to a point 200 feet northwesterly and at right angles to the northerly right-of-way line of Barnes Bridge Road;

THENCE southeasterly and easterly along a line parallel to and 200 feet north and northeasterly of the said Barnes Bridge Road crossing U. S. Highway 67 and continuing to a point in the westerly line of the W. J. Little Survey Abstract 809;

THENCE southerly along the westerly line of the said W. J. Little Survey and the westerly line of the A. S. Warrall Survey Abstract 1605 to the southwest corner of the A. S. Warrall Survey Abstract 1605;

THENCE easterly along the south line of the A. S. Warrall Survey Abstract 1605 to the northwest corner of the J. A. Coats Survey Abstract 339;

THENCE southerly along the westerly line of the said J. A. Coats Survey Abstract 339 to its southwest corner of said corner also being in the north line of the H. Harter Survey Abstract 594;

THENCE westerly to the northwest corner of the said H. Harter Survey;

THENCE southerly along the west line of the said H. Harter Survey to the point of beginning.

SECTION 2. That all provisions of said unnumbered ordinances passed on first reading on March 30, 1954, and May 17, 1960, shall remain in full force and effect, except as amended herein, and that the area and territory described herein shall continue under first reading and subject to the annexation jurisdiction of the City of Mesquite, Texas.

SECTION 3. That all provisions of said unnumbered annexation ordinances passed on first reading on March 30, 1954, and May 17, 1960, not in conflict with the provisions of this ordinance shall remain in full force and effect and it is the intntion of the City Council by the passage of this ordinance to only release and exclude from first reading that portion of the territory described in said ordinances and which is not included within the description contained in Section 1 of this ordinance.

SECTION 4. That it is the intention of the governing body of the City of Mesquite to continue by the passage of this ordinance the exercise of its annexation jurisdiction as commenced on March 30, 1954, on the territory described in Section 1 of this ordinance.

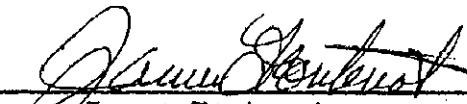
SECTION 5. That should any portion of the above described tract of land have been heretofore annexed by any other city or town having prior annexation jurisdiction over that asserted by the City of Mesquite on March 30, 1954, or should a portion of said area have been placed under first reading for annexation by any city or town so as to preclude the City of Mesquite from asserting annexation jurisdiction, then such portion shall not be included within the area being annexed herein, it being the intention of the governing body of the City of Mesquite to only attempt to annex such area as can legally be annexed by the City of Mesquite. Should any portion of the above described area not be subject to annexation jurisdiction of the City of Mesquite, such fact shall not affect or invalidate the annexation or retention under first reading of any area above described which is legally subject to annexation by the City of Mesquite.

SECTION 6. That by the passage of this ordinance, the City of Mesquite does not waive or abandon any of its right to exercise annexation jurisdiction heretofore asserted by it in the passage of annexation ordinances covering all or any portion of the area described in Section 1 hereof.

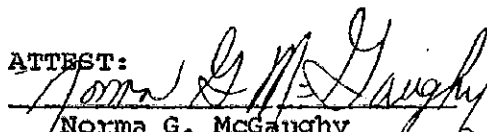
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SECTION 7. The fact that it is necessary to fix proper boundaries between the City of Dallas, City of Mesquite and City of Garland in order to properly provide for the furnishing of public utility services, and the fact that such proper boundary lines cannot be fixed without the City of Mesquite releasing from first reading a portion of territory now under first reading creates an urgency and an emergency in the preservation of the public health, safety and welfare and requires that this ordinance shall take effect immediately from and after its passage as the law in such cases provides.

PASSED ON FINAL READING by the City Council of the City of Mesquite on the 7th day of November, 1960.


James Fontenot
Mayor

ATTEST:


Norma G. McGaughy
City Secretary