

ORDINANCE NO. 381

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 RE-PASSED ON FIRST READING BY THE ORDINANCE PASSED ON MAY 17, 1960, PROVIDING THAT ALL TERRITORY OTHER THAN THAT DESCRIBED HEREINAFTER SHALL CONTINUE UNDER FIRST READING, PROVIDING IT IS NOT THE INTENTION OF THE CITY COUNCIL TO REVOKE OR RESCIND PRIOR ORDINANCES EXCEPT 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 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 May 17, 1960, reaffirming the commencement of 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 the boundary between the City of Mesquite and the City of Balch Springs, 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 Balch Springs; and

WHEREAS, it is the specific intention of the City Council of the City of Mesquite not to release the first reading, any territory described by the ordinances above referred to other than the territory described hereinafter, but to continue the remainder of said territory under first reading the same as if the portion of said area had not been removed from first reading by the enactment of this ordinance.

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 an ordinance on first reading on May 17, 1960, be and the same are hereby amended so that the following described area shall be released from the territory described in said ordinances and that such hereinafter

described territory shall be and the same is hereby released from the exclusive jurisdiction of the City of Mesquite for annexation purposes. That such territory is described as follows, to-wit:

TRACT NO. 1: Beginning at a point in the center line of Pioneer Road, said point being 500 feet north of the centerline of Quail Drive; Thence, northwesterly along the centerline of Pioneer Road to a point in said centerline, said point being 60 feet perpendicular from and west of the centerline of Belt Line Road; Thence southeasterly along a line 60 feet west of and parallel to the centerline of Belt Line Road to said lines point of intersection with the present Corporate Limits line of the City of Balch Springs; Thence in a Westerly northerly direction along said present Corporate limits line of the City of Balch Springs to the place of beginning.

TRACT NO. 2: Beginning at a point in the east line of the J. Smith Survey, Abstract No. 1388, said point being located 60 feet perpendicular from and west of the centerline of Belt Line Road; Thence South along the east line of the said J. Smith Survey, Abstract No. 1388 and the J. W. Smith Survey, Abstract No. 1673 to the northwest corner of a 16.45 acre tract deeded to Maury Hughes out of the A. Moore Survey, Abstract No. 976, by deed dated April 16, 1947; Thence easterly along the north line of the said 16.45 acre tract and the present Corporate limits line of the City of Balch Springs to the northeast corner of said 16.45 acre Maury Hughes tract; Thence south along the east line of said 16.45 acre tract and the present Corporate Limits line of the City of Balch Springs to the northwest corner of a 51.5 acre tract deeded by Maury Hughes Estate to Louis Dorfman et al. Trustee and being in the A. Moore Survey, Abstract No. 976; Thence easterly and Northeasterly along the northerly line of the said 51.5 acre tract and the present Corporate Limits line of the City of Balch Springs to a point in said line, said point being 60 feet perpendicular from and west of the centerline of Belt Line Road; Thence northwesterly along a line 60 feet west of and parallel to the centerline of Belt Line Road to the place of beginning.

TRACT NO. 3. Beginning at a point in the northerly line of a 9.0 acre tract deeded by James W. Carter to Hazel Gibson McClain and being in the I. & G.N.R.R. Survey, Abstract No. 1644, said point being located 60 feet perpendicular from and west of the centerline of Belt Line Road; Thence westerly along the northerly line of the said 9.0 acre tract and the present Corporate Limits line of the City of Balch Springs to the Northwest corner of a 21 acre tract deeded by James W. Carter to Hazel Gibson McClain and being in the A. Moore Survey, Abstract No. 976; Thence southerly along the present Corporate limits line of the City of Balch Springs being also the westerly line of the said McClain 21 acre tract and along the westerly line of a 20.25 acre tract owned by F. A. McWhorter and F. W. Greenhaw in the A. Moore Survey Abstract No. 976, to a point in the north survey line of the J. M. Smith Survey Abstract No. 1374; Thence east along the north line of the said J. M. Smith Survey, Abstract No. 1374 to the northwest corner of the 40 acre tract deeded by L. Z. Miller to O. L. Nelms and Ben Hoffman out of the said J. M. Smith

Survey, Abstract No. 1374; Thence south along the present Corporate limits line of the City of Balch Springs and the westerly line of the said O. L. Nelms and Ben Hoffman 40 acre tract to a corner in the said 40 acre tract; Thence southeasterly along the southwesterly line of the said O. L. Nelms and Ben Hoffman 40 acre tract and a 20.43 acre tract deeded by L. Z. Miller to O. L. Nelms and Ben Hoffman out of the Robert Kleberg League Survey, Abstract No. 716; to a point in the northwesterly right-of-way line of Alexander Road; Thence Easterly along the northwesterly right-of-way line of Alexander Road to a point, in said right-of-way, said point being located 60 feet westerly from the centerline of Belt Line Road; Thence northwesterly along a line 60 feet west of and parallel to the centerline of Belt Line Road to the place 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 by the release of the above described territory and that the remaining area and territory described in said ordinances 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 ordinances passed on first reading on March 30, 1954 and May 17, 1960 not in conflict with provisions of this ordinance shall remain in full force and effect and it is the intention 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 which is described above in Section 1 of this ordinance.

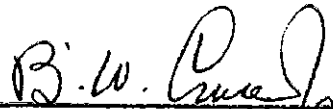
SECTION 4: That it is the intention of the City Council of the City of Mesquite to retain by the passage of this ordinance the exercise of its annexation jurisdiction as commenced on March 30, 1954 and May 17, 1960 on all the territory described therein with the exception of the territory described in 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 and on May 17, 1960 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 portions shall not be included within the area to be released herein. Should any portion of the above described area not be subject to annexation jurisdiction by the City of Mesquite, such fact shall not affect or invalidate the annexation or retention of the first reading of any area described in said ordinances of March 30, 1954 and May 17, 1960 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 and the passage of annexation ordinances covering the remaining territory described in the ordinances of March 30, 1954 and May 17, 1960.


SECTION 7. The fact that it is necessary to fix proper boundaries between the City of Mesquite and the City of Balch Springs in order to properly provide for the furnishing of public utility services and the improvement of public streets 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 AND adopted on final reading of the City Council of the City of Mesquite on the 7th day of August, 1961.



B. W. Cruce, Jr.
Mayor

ATTEST:



Norma G. McGaughy
City Secretary