

ORDINANCE NO. 752

AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, ABANDONING THAT PORTION OF PUBLIC RIGHT-OF-WAY BEING KNOWN AS FORNEY ROAD LYING AND BEING SITUATED EAST OF THE EAST RIGHT-OF-WAY LINE OF PHILLIP STREET, AND AS MORE PARTICULARLY HEREINAFTER DESCRIBED; BY PROVIDING THAT SUCH ABANDONMENT SHALL BE ONLY INSOFAR AS APPLICABLE TO THE PUBLIC RIGHT, TITLE, AND INTEREST IN AND TO THAT PORTION OF SAID STREET RIGHT-OF-WAY BELONGING TO THE CITY OF MESQUITE; PROVIDING THAT SAID ABANDONMENT SHALL BE CONSTRUED AS A QUIT-CLAIM DEED IN FAVOR OF THE ABUTTING PROPERTY OWNERS; PROVIDING FOR THE RECORDING OF SAID ORDINANCE IN THE LAND DEED RECORDS OF DALLAS COUNTY, TEXAS; AND DECLARING AN EMERGENCY.

WHEREAS, that portion of Forney Road lying east of Phillip Street in the City of Mesquite, Dallas County, Texas, constitutes a street right-of-way that is no longer needed or necessary for public purposes and is needed by the owners of the abutting property for the development of their property; and,

WHEREAS, such street right-of-way being no longer needed or needed for a public purpose should be abandoned.

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

Section 1. That the hereinafter described street right-of-way, the same being that portion of Forney Road lying and situated east of the east right-of-way line of Phillip Street, located within the city limits of the City of Mesquite, Dallas County, Texas, be, and the same is, hereby abandoned insofar as the right, title, and interest of the public is concerned. That said street right-of-way hereby abandoned to the abutting property owners is described as follows, to wit:

All that certain tract and parcel of land lying and being situated within the city limits of the City of Mesquite, Dallas County, Texas, and being more particularly described in Exhibit "A," said exhibit attached hereto and made a part of this conveyance for all intents and purposes.

Section 2. That the abandonment provided for herein shall extend only to the public right, title, and interest in and to that above described street right-of-way and shall be construed to extend only to that interest which the governing body of the City of Mesquite may legally and lawfully abandon.


Section 3. That this abandonment ordinance shall constitute a quitclaim deed in favor of the abutting property owners, and a certified copy of the same may be filed for record in the Deed Records of Dallas County, Texas, to indicate such abandonment.

Section 4. The fact that the above street right-of-way is no longer needed or necessary for public use and is needed by the abutting property owners for the proper development of their property creates an urgency and emergency and in the preservation of the public health, safety, and welfare requires that this ordinance shall take effect immediately from and after its passage, as the charter in such cases provides.

DULY PASSED by the City Council of the City of Mesquite, Texas, on the 15 day of July, 1968.


George Boyce, - Mayor

ATTEST:


Norma G. McGaughy - City Secretary

APPROVED AS TO FORM:



William R. Springfield - City Attorney

EXHIBIT "A"

TRACT NO. 2

Being situated in the City of Mesquite, Dallas County, Texas, out of the W. Caruth and Brothers Survey, Abstract No. 362 and being more particularly described as follows:

BEGINNING at the Southeast corner of said W. Caruth and Brothers Survey, said point also being the Northeast corner of the J. C. Chapman Survey;

THENCE North 89 degrees 44 minutes 50 seconds West along the South line of said W. Caruth and Brothers Survey a distance of 118.51 feet to a point for corner;

THENCE North 0 degrees 15 minutes 10 seconds East a distance of 15 feet to a point for corner;

THENCE South 89 degrees 44 minutes 50 seconds East parallel with the South line of the W. Caruth and Brothers Survey a distance of 118.25 feet to a point for corner in the East line of said survey;

THENCE South 0 degrees 43 minutes 30 seconds East along the East line of the W. Caruth and Brothers Survey a distance of 15 feet to the place of **BEGINNING** and containing 0.04076 acres of land, more or less.

TRACT NO. 3:

Being situated in the City of Mesquite, Dallas County, Texas, out of the W. Caruth and Brothers Survey, Abstract No. 362 and being more particularly described as follows:

BEGINNING at a point in the East line of the W. Caruth and Brothers Survey, said point being the Southeast corner of Lot 22 in Block E of Paddy Heights Second Installment, an addition to the City of Mesquite, Texas, according to the plat thereof recorded in Volume 20 at page 273 of the Map Records of Dallas County, Texas;

THENCE South 0 degrees 43 minutes 30 seconds East along the East line of the W. Caruth and Brothers Survey a distance of 15 feet to a point for corner;

THENCE North 89 degrees 44 minutes 50 seconds West parallel with the said South line of Lot 22 a distance of 118.25 feet to a point for corner;

THENCE North 0 degrees 15 minutes 10 seconds East a distance of 15 feet to a point for corner in said South line of Lot 22;

THENCE South 89 degrees 44 minutes 50 seconds East with said South line of Lot 22 a distance of 118.0 feet to the place of **BEGINNING** and containing 0.04068 acres of land more or less.