

ORDINANCE NO. 774

AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, LEVYING ASSESSMENTS AGAINST THE VARIOUS PERSONS AND THEIR PROPERTY FOR THE PAYMENT OF A PART OF THE COST OF IMPROVING AND PAVING PORTIONS OF THE FOLLOWING STREETS IN THE CITY OF MESQUITE, TEXAS, TO-WIT:

- (1) Bryan Street from Tosch Lane to south of Whitehurst Street,
  - (2) Lakeview Drive from Tosch Lane to south of Whitehurst Street,
  - (3) Bruton Road from Hickory Tree Road to Interstate Highway 635;
- PROVIDING FOR THE TIME WHEN SUCH ASSESSMENTS BECOME DUE AND PAYABLE, THE RATE OF INTEREST, AND FIXING A LIEN AND CHARGE AGAINST SAID PROPERTY AND MAKING SAID CHARGE A PERSONAL LIABILITY OF THE PROPERTY OWNERS OWNING PROPERTY ABUTTING ON SAID STREETS AND PROVIDING FOR THE COLLECTION THEREOF; AND DECLARING AN EMERGENCY.

WHEREAS, heretofore a resolution was duly adopted by the City Council ordering the improvement of said streets by excavating or filling so as to bring the same to grade; by paving with said Bryan St. and Lakeview Dr. with 5-inch thick 3,000 P.S.I. reinforced concrete pavement meeting the City's Specifications; by constructing concrete driveway approaches where specified and by constructing all necessary drainage facilities; and by paving said Bruton Road with 8-inch thick 3,000 P.S.I. reinforced concrete pavement meeting the City's Specifications; by constructing concrete driveway approaches where specified; and by constructing all necessary drainage facilities where specified. Any existing curb and gutters in place, meeting these specifications, or which can be utilized, shall be left in place, if any, and corresponding credits to the property owners shall be allowed on the assessments; and

WHEREAS, pursuant to said resolution, specifications were prepared for said work by the Director of Public Works, filed with said Council, examined, approved, and adopted by it, all as required by applicable law; and

WHEREAS, thereafter in compliance with the law, the Director of Public Works prepared his statements or lists showing the names of property owners upon said streets, the description of their property, the total cost of the said improvements, the cost thereof per front foot and the cost of each property owner, said statements possessing all the other requisites required by law; and

WHEREAS, thereafter the said statements were filed with the City Council and by them examined and approved and a resolution was passed by said Council determining the necessity of making an assessment for part of the cost of said pavement against property owners and their property, and fixing a time and providing for a hearing to such property owners, their agents or attorneys, all in accordance with the terms of applicable law, at which hearing said owners were to be heard as to the benefits of said improvements to their property, as to any error or invalidity in said proceedings or to any matter or thing connected with the said improvements; and

WHEREAS, the said resolution in connection with the improvements of said streets was duly adopted in compliance with the law on the 16 day of December, 1968 and

WHEREAS, thereafter, in accordance with the terms of the law, the City Secretary of the City of Mesquite gave notice to the property owners on said streets, their agents and attorneys, of said hearing, by publishing a copy of said resolution three times in the TEXAS MESQUITER, a weekly paper of general circulation in the City of Mesquite twenty-one days prior to the day set for the hearing, to-wit, the 20 day of January, 1969; and the City Secretary also gave notice of said hearing by posting letters containing the same to the property owners, their agents and attorneys, fourteen days before the said hearing; provided, however, that any failure of the property owners to receive said notices shall not invalidate those proceedings, and

WHEREAS, said hearing was had at the time and place mentioned in said resolution and notice, to-wit, on the 20 day of January, 1969, at 2:30 o'clock p.m. at the Council Chamber in the Municipal Building of the City of Mesquite, Texas, which hearing was continued from day to day, and time to time, until the 20 day of January, 1969, and was then closed; and

WHEREAS, at said hearing, all desiring to contest the said assessments, correct the same, or in any manner to be heard concerning the benefits thereof, or in any other matter, were heard, and error and all matters of error or mistake or inequalities or other matters requiring rectification which were called to the attention of the Council were rectified and corrected;

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

SECTION 1. That the action of the City Council closing the hearing and overruling the protests at the public hearing on the 20 day of January, 1969, in these proceedings is hereby ratified and confirmed by this ordinance; that the City Council, from the evidence, finds that the assessments herein levied should be made and levied against the respective parcels of property abutting upon the streets hereinbelow mentioned and against the owners thereof, and that such assessments and charges are right and proper, and are substantially in proportion to the benefits to the respective parcels of property by means of the improvement in the unit or district for which such assessments are levied, and establish substantial justice and equality and uniformity among the respective owners of the respective properties and among all parties concerned, considering the benefits received and the burdens imposed, and further finds that in each case the abutting property assessed is specially benefited in enhanced value to the said properties by means of the

said improvements in the unit or district upon which the particular property abuts, and for which assessment is levied and charge made, in a sum in excess of the said assessment and charge made against the same by this ordinance, and further finds that the apportionment of the cost of the improvements is in accordance with the law in force in this City and the proceedings of the City heretofore had with reference to said improvements and is in all respects valid and regular.

SECTION 2. There shall be and is hereby levied and assessed against the parcels of property hereinbelow mentioned and against the real and true owners thereof (whether such owners be correctly named herein or not), the sums of money below mentioned and itemized shown opposite the description of the respective parcels of property, and the several amounts assessed against the same, and the owners thereof, as far as such owners are known, being as follows:

(See Attached Assessment List)

SECTION 3. Where more than one person, firm or corporation owns an interest in any property above described, each said person, firm or corporation shall be personally liable only for its, his or her pro rata of the total assessment against such property in proportion as its, his or her respective interest bears to the total ownership of such property, and its, his or her respective interest in such property may be released from the assessment lien upon payment of such proportionate sum.

SECTION 4. The several sums above mentioned and assessed against the said parcels of property and the owners thereof, and interest thereon at the rate of six per centum (6%) per annum, together with reasonable attorney's fees and costs of collection, if incurred, are hereby declared to be and are made a lien upon the respective parcels of property against which the same are assessed, and a personal liability and charge against the real and true owners of such property, whether such owners be named herein or not, and the said liens shall be and constitute the first enforceable lien and claim against the property on which such assessments are levied and shall be a first and paramount lien thereon, superior to all other liens and claims except State, County, School District and City ad valorem taxes.

The sums so assessed against the abutting property and the owners thereof shall be and become due and payable as follows, to-wit: In twenty-four (24) equal installments, the first payment on or before thirty (30) days from the completion and acceptance of the improvements in the unit or district upon which the property abuts, and one (1) payment each month thereafter until the total amount is paid; deferred payments shall bear interest from the date of such completion and acceptance at the rate of six per centum (6%) per annum, payable monthly with each installment, so that upon the completion and acceptance of the improvements in a particular unit or district, assessments against such completed and accepted unit or district shall be and become due and payable in such installments, and with interest from the date of such completion and acceptance. Provided, however, that any owner shall have the right to pay the entire assessment, or any installment thereof, before maturity by payment of principal and accrued interest, and further provided that, if default shall be made in the payment of any installment of principal or interest promptly as the same matures, then the entire amount of the assessment upon which such default is made shall, at the option of the said City of Mesquite, or its assigns, be and become immediately due and payable, and shall be collectible, together with reasonable attorney's fees and costs of collection, if incurred.

SECTION 5. That if default be made in the payment of any of the said sums hereby assessed against said property owners and their

property, collection thereof shall be enforced either by the sale of the said property by the Assessor and Collector of Taxes of the City of Mesquite as near as possible in the manner provided for the sale of property for non-payment of ad valorem taxes; or at the option of the said City of Mesquite the payment of the said sums shall be enforced by suit in any court having jurisdiction.

SECTION 6. That for the purpose of evidencing the several sums payable by said property owners and the time and terms of payment, and to aid in the enforcement thereof, assignable certificates shall be issued by the City of Mesquite upon the completion and acceptance of the said work of improvement, which shall be executed by the Mayor, signing the same or by his facsimile signature impressed thereon, attested by the City Secretary, under the impress of the corporate seal, and shall be payable to the City of Mesquite or its assigns, which certificate shall declare the said amounts and the time and terms of payment thereof, and the said rate of interest payable thereof, and shall contain the name of the owner and the description of his property by Lot or Block Number of front feet thereof, or such description as may otherwise identify the same by reference to any other fact, and if said property shall be owned by an estate, then the description thereof as so owned shall be sufficient.

And the said certificates shall further provide that if default shall be made in the payment of any installment of principal or interest thereon, when due then at the option of the said City of Mesquite being the owners and holder thereof, the whole of the said assessment shall at once become due and payable and shall be collectible with reasonable attorney's fees and costs if incurred.

And the said certificates shall further set forth and evidence the said personal liability of the owner and the lien upon his premises, and shall provide that if default shall be made in the payment thereof, the same may be enforced either by sale of the property by the Tax Assessor and Collector of the City of Mesquite, as above recited, or by suit in any court having jurisdiction.

And the said certificates shall further recite that the proceedings with reference to making said improvements have been regularly had in compliance with the terms of the applicable law, and that all pre-requisites to the fixing of the lien and claims of personal liability evidenced by such certificates have been performed, which recitals shall be evidence of the facts so recited and no further proof thereof shall be required.

That the said certificates shall also provide the amounts payable thereunder shall be paid to the Assessor and Collector of Taxes of the City of Mesquite, who shall credit said payments upon the said certificates, and shall immediately deposit the amounts so collected with the City Treasurer of the City of Mesquite, to be kept and held

by him in a special fund, and which payments shall be by the Treasurer paid to the said City of Mesquite or other holder of the said certificates, on presentation thereof to him, duly credited by Assessor and Collector of Taxes, the said credit by said Assessor and Collector of Taxes, being the Treasurer's Warranty for making such payment and the said City of Mesquite or other holder of said certificate, shall deliver receipt in writing to said Treasurer when paid in full, together with all costs of collection.

And the said certificates shall further provide that the City of Mesquite shall exercise all legal power, when requested to do so by the holder of said certificate, to aid in the collection thereof; but the City of Mesquite shall in no wise be liable to the holder of said certificates or for any costs or expense in the premises, or for any failure of the said City Council or any of its officers in connection therewith.

Full power to make and levy reassessments, and to correct mistakes, errors, invalidities or irregularities, either in the assessments or in the certificates issued in evidence thereof, is in accordance with the law in force in this City, vested in the City.

SECTION 7. All assessments levied are a personal liability and charge against the real and true owners of the premises described, notwithstanding such owners may not be named, or may be incorrectly named.

SECTION 8. The assessments herein levied are made and levied under and by virtue of the terms, powers and provisions of an Act passed at the First Called Session of the Fortieth Legislature of the State of Texas, known as Chapter 106 of the Acts of said Session, with amendments thereto, now shown as Article 1105b of Vernon's Texas Civil Statutes, which said law has been adopted as an alternative method for the construction of street and alley improvements in the City of Mesquite, Texas, and Section 12 of Article III of the Charter of the City of Mesquite:

Section 12. The act by the Legislature of the State of Texas in 1927 and shown as Chapter 106, Acts of the First Called Session of the Fortieth Legislature together with all amendments thereof, said Act with amendments being shown as Article 1105b, Vernon's Annotated Revised Civil Statutes of the State of Texas, is hereby embraced in and made a part of this Charter.

SECTION 9. The assessments so levied are for the improvements in the particular unit or district upon which the property described abuts, and the assessments for the improvements in one unit or district

are in nowise related to or connected with the improvements in any other unit or district, and in making assessments and in holding said hearing, the amounts assessed for improvements in one unit or district have been in nowise affected by any fact in anywise connected with the improvements or the assessments therefore in any other unit or district. 5

SECTION 10. The fact that in order to finance these improvements in an expeditious manner creates an urgency and an emergency in the immediate preservation of public peace, health, and safety and required that the rules providing for ordinances to be read more than one time or at more than one meeting, be suspended, and that this ordinance be passed as and take effect as an emergency measure, and such rules are accordingly suspended and this ordinance is passed as and shall take effect and be in force as an emergency measure, and shall be in force and effect immediately from and after its passage.

PASSED by the City Council of the City of Mesquite, Texas, on the 20 day of January, 1969.

  
MAYOR

ATTEST:

  
ACTING CITY SECRETARY

ASSESSMENT LIST

BRYAN STREET FROM TOSCH LANE TO SOUTH OF WHITEHURST ST.

<u>Property Owner</u>	<u>Property Description</u> <u>Lakeside Addition No. 2</u>	<u>Footage</u>	<u>Total Assessment<sup>+</sup></u>
	<u>Block E</u>		
1. V. D. Armstrong 1107 Bryan St.	Lot 2	75 fr.ft.	\$ 206.25
2. F. H. A. 1621 Main St. Dallas	Lot 3	60 fr.ft.	165.00
3. Phillip A. Edwards 1115 Bryan St.	Lot 4	60 fr.ft.	165.00
4. L. D. Spinks 1119 Bryan St.	Lot 5	60 fr.ft.	165.00
5. Earl Little 1123 Bryan St.	Lot 6	60 fr.ft.	165.00
6. R. N. Black 1127 Bryan St.	Lot 7	60 fr.ft.	165.00
7. Rex W. Black 1131 Bryan St.	Lot 8	60 fr.ft.	165.00
8. Seth Dahn 1135 Bryan St.	Lot 9	60 fr.ft.	165.00
9. Jesse L. Bellamy, Jr. 1139 Bryan St.	Lot 10	80 fr.ft.	220.00
10. C. L. Hodges 1235 Tosch Lane	Lot 11	120 sd.ft.	150.00
	<u>Block D</u>		
11. M. L. Davis 1106 Bryan St.	Lot 22	75 fr.ft.	206.25
12. Clarence A. Walker 1110 Bryan St.	Lot 21	60 fr.ft.	165.00
13. F. L. Castlow 1114 Bryan St.	Lot 20	60 fr.ft.	165.00
14. J. C. Mabry 1118 Bryan St.	Lot 19	60 fr.ft.	165.00



Assessment List - Bryan St. from Tosch Ln. to So. of Whitehurst St.

<u>Property Owner</u>	<u>Property Description</u>	<u>Footage</u>	<u>Total Assessment</u>
	<u>Lakeside No. 2</u>		
	<u>Block D</u>		
15. G. E. McKinzie 1122 Bryan St.	Lot 18	60 fr.ft.	165.00
16. Travis A. Isom 1126 Bryan St.	Lot 17	60 fr.ft.	165.00
17. Joe H. Hill 1130 Bryan St.	Lot 16	60 fr.ft.	165.00
18. C. W. Beasley 1134 Bryan St.	Lot 15 No. 15' of Lot 14	75 fr.ft.	206.25
19. Melvin Jordan 1138 Bryan St.	So. 65' of Lot 14	65 fr.ft.	178.75
20. William F. Thompson 1223 Tosch Lane	Lot 13	120 sd.ft.	150.00

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\$ 3,462.50

ASSESSMENT LIST

LAKEVIEW DRIVE FROM TOSCH LANE TO SOUTH OF WHITEHURST STREET

<u>Property Owner</u>	<u>Property Description</u> Lakeside Addition No. 2	<u>Footage</u>	<u>Total Assessment</u>
	<u>Block F</u>		
1. John Stotts 1141 Lakeview Dr.	Lot 12-A	68.9 fr.ft.	\$189.48
2. Don McNally 1135 Lakeview Dr.	Lot 11	100.0 fr.ft.	275.00
3. H. D. Clark 1129 Lakeview Dr.	Lot 10	100.0 fr.ft.	275.00
4. J. M. Pirrung 1123 Lakeview Dr.	Lot 9	100.0 fr.ft.	275.00
5. J. J. McGlothlin 1117 Lakeview Dr.	Lot 8	100.0 fr.ft.	275.00
6. Daphna F. Murphrey 1111 Lakeview Dr.	Lot 7	100.0 fr.ft.	275.00
7. Lewis E. Scott 1105 Lakeview Dr.	Lot 6	100.0 fr.ft.	275.00
8. Mrs. F.B. Agnew 1101 Lakeview Dr.	Lot 5	10.0 fr.ft.	27.50
	<u>Block E</u>		
9. Ervin Layne 1243 Tosch Lane	Lot 13	120.0 sd.ft.	150.00
10. T. N. Nichols 1136 Lakeview Dr.	Lot 14	80.0 fr.ft.	220.00
11. Frank A. Baker 1132 Lakeview Dr.	Lot 15	60.0 fr.ft.	165.00
12. A. S. Copeland 1128 Lakeview Dr.	Lot 16	60.0 fr.ft.	165.00
13. W. P. Stuart 1124 Lakeview Dr.	Lot 17	60.0 fr.ft.	165.00
14. Roy Cantrell 1120 Lakeview Dr. (403 Riggs )	Lot 18	60.0 fr.ft.	165.00

Assessment List - Lakeview Dr. from Tosch Ln. to So. of Whitehurst

<u>Property Owner</u>	<u>Property Description</u> <u>Lakeside Addn. No. 2</u>	<u>Footage</u>	<u>Total</u> <u>Assessment</u>
15. Roy Cantrell 1116 Lakeview (403 Riggs)	<u>Block E</u> Lot 19	60.0 fr.ft.	165.00
16. Fredrick Jones 1112 Lakeview Dr.	Lot 20	60.0 fr.ft.	165.00
17. Lyndal Bush 1108 Lakeview Dr.	Lot 21	60.0 fr.ft.	165.00
18. Roy Cantrell 1104 Lakeview (403 Riggs)	Lot 22	75.0 fr.ft.	206.25
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			\$ 3,598.23

ASSESSMENT LIST

BRUTON ROAD FROM HICKORY TREE ROAD TO I. H. 635

<u>Property Owner</u>	<u>Property Description</u> <u>Hickory Heights Addn.</u>	<u>Footage</u>	<u>Total</u> <u>Assessment</u>
	<u>Block A</u>		
1. Shelley Coleman 1302 Davis Bldg. Dallas	Lot 1	115.0 fr.ft.	\$ 1,092.22
2. S. P. Hammers 1621 Bruton Rd. (1402 Quail Dr.)	Lot 18	55.0 fr.ft.	136.13
3. Troy L. Mills 1615 Bruton Rd. (1219 Lorraine Ln.)	Lot 20	90.0 fr.ft.	261.26
4. Katie Pounds 1609 Bruton Rd.	Lot 22	90.0 fr.ft.	261.26
5. Walter Robinson 1603 Bruton Rd. (Box 16, Mesquite)	Lot 24	90.0 fr.ft.	261.26
6. Walter Robinson Box 16, Mesquite	Lot 25	90.0 fr.ft.	793.80
	<u>Hickory Heights #1</u>		
	<u>Block L</u>		
7. Bernice Hawkins 1521 Bruton Rd.	Lot 1	70.0 fr.ft.	173.25
8. Harley M. Anderson 1517 Bruton Rd.	Lot 2	60.0 fr.ft.	148.50
9. Jessie H. Decker 1513 Bruton Rd.	Lot 3	60.0 fr.ft.	148.50
10. Robert L. Baker 1509 Bruton Rd.	Lot 4	60.0 fr.ft.	148.50
11. Bobby L. Kilpatrick 1505 Bruton Rd.	Lot 5	60.0 fr.ft.	148.50
12. Bertie L. Lowery 1501 Bruton Rd.	Lot 6	70.0 fr.ft.	173.25

Assessment List - Bruton Rd. from Hickory Tree Rd. to I.H.635

<u>Property Owner</u>	<u>Property Description</u> <u>Hickory Heights No.1</u> <u>Block M</u>	<u>Footage</u>	<u>Total</u> <u>Assessment</u>
13. H. G. Limbaugh 1425 Bruton Rd.	Lot 29	75.0 fr.ft.	185.63
14. W. Case 1421 Bruton Rd.	Lot 28	60.0 fr.ft.	148.50
15. William C. Davis 1417 Bruton Rd.	Lot 27	60.0 fr.ft.	148.50
16. A. B. Evans 1413 Bruton Rd.	Lot 26	60.0 fr.ft.	148.50
17. Rachel Enloe 1409 Bruton Rd.	Lot 25	60.0 fr.ft.	148.50
18. F. D. Reisch 1405 Bruton Rd.	Lot 24	60.0 fr.ft.	148.50
19. A. C. Gunnels 1401 Bruton Rd.	Lot 23	60.0 fr.ft.	148.50
20. T. L. Savage 1329 Bruton Rd. (Rt.1,Box 194,Kaufman)	Lot 22	75.2 fr.ft.	186.12
21. T. L. Savage 1323 Bruton Rd. (Rt.1,Box 194,Kaufman)	Lot 21	115.0 fr.ft.	284.63
22. C. B. Hollis 1317 Bruton Rd.	Lot 20	60.0 fr.ft.	148.50
23. James D. Partridge 1313 Bruton Rd.	Lot 19	60.0 fr.ft.	148.50
24. James C. Crow 1309 Bruton Rd.	Lot 18	60.0 fr.ft.	148.50
25. Raymon L. Draper 1305 Bruton Rd.	Lot 17	60.0 fr.ft.	148.50
26. F. T. Miller 1301 Bruton Rd.	Lot 16	75.0 fr.ft.	185.63

Assessment List - Bruton Rd. from Hickory Tree Rd. to I.H.635

<u>Property Owner</u>	<u>Property Description</u>	<u>Footage</u>	<u>Total Assessment</u>
	<u>Hickory Heights No. 1</u>		
	<u>Block N</u>		
27. Odie D. Kyles 1217 Bruton Rd.	Lot 1	80.0 fr.ft.	198.00
28. L. F. Malone 1213 Bruton Rd.	Lot 2	60.0 fr.ft.	148.50
29. James E. Howieson 1209 Bruton Rd.	Lot 3	60.0 fr.ft.	148.50
30. V. D. Adair 1205 Bruton Rd.	Lot 4	60.0 fr.ft.	148.50
31. H. D. Clark 1201 Bruton Rd.	Lot 5	109.66 fr.ft.	271.40
32. Humble Oil Company Box 2180, Houston	Item I Attachment A	150.0 fr.ft.	\$ 1,805.85
33. T. C. Stricklin 1603 Fuller, Dallas	Item II Attachment A	690.0 fr.ft.	6,085.80
	<u>Edgemont Park No.7</u>		
	<u>Block E</u>		
34. M. W. Jackson 1603 Savage	Lot 1	120.0 sd.ft.	135.00
	<u>Block D</u>		
35. Don Cox 1602 Savage	Lot 26	120.0 sd.ft.	135.00
36. James J. Hill, Jr. 1603 Evergreen	Lot 1	120.0 sd.ft.	135.00
	<u>Block C</u>		
37. Casa Linda Lumber Co. 1602 Evergreen (1603 Fuller, Dallas)	Lot 26	120.0 sd.ft.	135.00
	<u>Edgemont Park #6</u>		
	<u>Block C</u>		
38. Casa Linda Lumber Co. 1603 Spring Lake (1603 Fuller, Dallas)	Lot 1	120.0 sd.ft.	135.00
	<u>Block B</u>		
39. Casa Linda Lumber Co. 1602 Spring Lake (1603 Fuller, Dallas)	Lot 20	100.0 sd.ft.	112.50

Assessment List - Bruton Rd. from Hickory Tree to I.H.635

<u>Property Owner</u>	<u>Property Description</u> <u>Edgemont Park No.6</u>	<u>Footage</u>	<u>Total</u> <u>Assessment</u>
	<u>Block B</u>		
40. Coy Norris 1601 Poplar	Lot 1	150.0 sd.ft.	168.75
	<u>Block A</u>		
41. D. L. Humphrey 1600 Poplar	Lot 1	135.64 sd.ft.	152.59
42. Jimmy D. Petillo 1612 Poplar Pl.	Lot 4	132.10 rear ft.	74.30
43. Robert E. Justiss 1616 Poplar Pl.	Lot 5	111.14 rear ft.	62.51
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			\$16,125.64

**ATTACHMENT A**

**ITEM I - Noble Oil Company**

Being a tract of land 150 ft. x 150 ft. and located in the N. L. Swing Survey #1392, City of Mesquite, Dallas County, Texas, and more fully described as follows: BEGINNING at the southeast corner of Bruton Road and Hickory Tree Road; THENCE East 150 feet along the south line of Bruton Road; THENCE South 150 feet; THENCE West 150 feet to the east line of Hickory Tree Road; THENCE North 150 feet along Hickory Tree Road to the place of BEGINNING.

**ITEM II - E. G. Stricklin**

All that certain lot, tract or parcel of land situated in the City of Mesquite, Dallas County, Texas, and being a tract of land out of the W. J. Swing Survey, Abst. No. 1392, and the McKinney and Williams Survey, Abst. No. 1035, Dallas County, Texas, and being part of the 73.4 acre tract deeded to C. H. Harriott and wife, by Sam Davis by deed recorded in Vol. 3833, Page 129, Deed Records, Dallas County, Texas, described by notes and bounds as follows: BEGINNING at a point which is 55 feet south and 190 feet east of the Northwest corner of the N. L. Swing Survey, Abst. No. 1392;

THENCE S. 89 deg. 24 min. E., 698 feet along the south right of way line of Bruton Road to the west line of a 15 ft. alley in Block E, Edgemont Park Addn. No. 7 to a point for corner;

THENCE in a southerly direction along the west line of the said 15 ft. alley to a point for corner in the north right of way line of Howarter Drive;

THENCE westerly along the north right of way line of Howarter Drive to a point for corner in the east right of way line of Hickory Tree Road;

THENCE North 0 deg. 09 min. east 448 feet;

THENCE South 89 deg. 24 min. east 150 feet;

THENCE North 0 deg. 09 min. east, 150 feet to the PLACE OF BEGINNING.