

237

ORDINANCE NO. 964

AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, DETERMINING THAT A PUBLIC NECESSITY EXISTS FOR THE ACQUISITION OF RIGHT-OF-WAY FOR THE CONSTRUCTION, WIDENING AND IMPROVEMENT OF OATES DRIVE BETWEEN FORREST DRIVE AND INTERSTATE HIGHWAY 635, IN THE CITY OF MESQUITE, TEXAS, AS DESCRIBED HEREIN; AUTHORIZING THE CITY ATTORNEY TO INSTITUTE CONDEMNATION PROCEEDINGS; PROVIDING A SEVERABILITY CLAUSE AND DECLARING AN EMERGENCY.

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

SECTION 1. That the City Council of the City of Mesquite, Texas, has and does deem it necessary and expedient and has determined that a public necessity exists for the acquisition of the right-of-way for the construction, widening and improvement of Oates Drive together with location and relocation of utilities and all lawful purposes incident thereto between Forrest Drive and Interstate Highway 635, in the City of Mesquite, and more particularly described in Exhibit "A" attached hereto, the owners or those claiming an interest to said land being:

<u>PARCEL</u>	<u>OWNER</u>
Parcel 1	Charlie R. Wise, Administrator of Effie Dixon Estate
Parcel 2	Mike Lambeth
Parcel 3	Mrs. Ann Stallcup
Parcel 4	Mrs. Karen Berry Cage
Parcel 5	St. Stephens Methodist Church
Parcel 6	Humble Oil Corp.

(Or such other owners as may appear)

SECTION 2. That the City Attorney is hereby authorized to institute Eminent Domain proceedings to condemn said property for said use according to law and to obtain fee simple title right-of-way and/or drainage easements to and upon said property for the purposes expressed herein.

ORDINANCE/PAGE 2

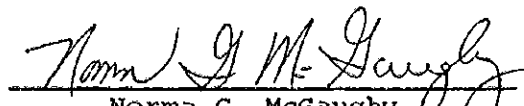
SECTION 3. Should any portion of the property described in Exhibit "A", attached hereto, not be subject to legal condemnation by the City of Mesquite, such fact shall not prevent the City from condemning such land which is described in Exhibit "A" and is subject to legal condemnation by the City, and it is the intention of the City of Mesquite to condemn only such territory as may be legally condemned by it within the limits of the land described in Exhibit "A".

SECTION 4. Whereas, it is necessary that the property described in Exhibit "A" be acquired for the widening and improvement of Oates Drive in order to permit its proper development and to protect the public interest and general welfare of the City of Mesquite, and creates an urgency and an emergency for the preservation of the public interest and welfare and requires that this ordinance shall take effect immediately from and after its passage and publication as the law in such cases provides.

DULY PASSED this 19th day of July, A.D., 1971.

  
George Boyce  
Mayor

ATTEST:

  
Norma G. McGaughy  
City Secretary

APPROVED AS TO FORM:

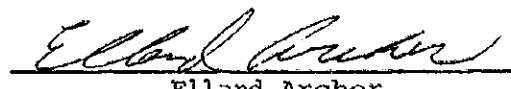
  
Elland Archer  
City Attorney

EXHIBIT "A"/PAGE 1  
PARCEL 1

1125 J.C.

169

Effie Dixon  
5631 Winton  
Dallas, Texas

R.O.W. DEED FOR OATES DRIVE

Being a tract, lot, or parcel of land situated in the City of Mesquite, Texas, and being out of the Theophalus Thomas Survey, Abstract 1461.

Beginning at a point in the existing Northwest R.O.W. line of Oates Drive, a 70' R.O.W., said point being North 45°00' East 542.49' and South 45°00' East 10' feet from the intersection of the Northeast R.O.W. line of Sarazen Drive, a 50' R.O.W., with the Northeast R.O.W. line of Oates Drive, a 80 foot R.O.W.

Thence North 45°00' West with the N.E. R.O.W. of Oates Drive, 208.75 feet to a point thence North 45°00' West 10' feet to a point thence South 45°00' West 208.75 feet to a point, at all times 10 feet perpendicular to and parallel to Oates Drive.

Thence South 45°00' East 10' to place of beginning containing 0.048 acres.

170

EXHIBIT "A"/PAGE 2  
PARCEL 2

C. L. Travers  
2717 Oates Drive  
Mesquite, Texas 75149

R.O.W. DEED FOR OATES DRIVE

Being a tract, lot or parcel of land situated in the City of Mesquite, Texas, and being out of the Theophalus Thomas Survey, Abstract 1461.

Beginning at a point in the existing Northwest R.O.W. line of Oates Drive, a 70' R.O.W., said point being North 45°00' East 821.94 feet and South 45°00' East 10 feet from the intersection of the Northeast R.O.W. line of Sarazen Drive a 50' foot R.O.W., with the Northeast R.O.W. line of Oates Drive, a 80' R.O.W.

Thence North 45°00' East 68.0 feet with said Oates Drive R.O.W. to a point, thence North 45°00' West 10' feet to a point, thence South 45°00' West 68.0 feet to a point, at all times being 10' feet perpendicular to and parallel to said Oates Drive.

Thence South 45°00' East 10' feet to place of beginning, containing 0.016 acres.

Ann Stallcup  
P.O.Box 28414  
Dallas, Texas

RIGHT OF WAY DEED FOR OATES DRIVE

Being a tract, lot or parcel of land situated in the City of Mesquite, Texas, and being out of the Theophalus Thomas Survey, Abstract 1461.

Beginning at the existing northwest right-of-way line of Oates Drive a 60 foot right-of-way with the existing southwest right-of-way line of Barnes Bridge Road, a 60 foot right-of-way,

Thence south  $45^{\circ} 00'$  west with said right-of-way line of Oates Drive 819.77 feet to a point in the northwest line of an alley,

Thence north  $45^{\circ} 00'$  west with said alley right-of-way 20 feet to a point,

Thence north  $45^{\circ} 00'$  east 819.77 feet to a point in the southwest right-of-way of Oates Drive, at all times being 20 feet perpendicular to and parallel to northwest right-of-way of Oates Drive.

Thence south  $45^{\circ} 00'$  east 20 feet with the southwest right-of-way line of Barnes Bridge Road to place of beginning, containing 0.376 acres.

210  
1  
GAGE  
Mrs. Karen Berry Cage  
Route 4, Box 68  
Blanco, Texas

EXHIBIT "A"/PAGE 4  
PARCEL 4

RIGHT OF WAY DEED FOR OATES DRIVE

Being a tract, lot or parcel of land situated in the City of Mesquite, Texas, and being out of the Theophalus Thomas Survey, Abstract 1461,

Beginning at the existing northeast right-of-way line of Oates Drive a 60 foot right-of-way with the northwest right-of-way line of Barnes Bridge Road, a 60 foot right-of-way,

Thence north  $45^{\circ} 00'$  east with said Barnes Bridge Road 162.81 feet to a point in the west right-of-way of LBJ Freeway,

Thence north  $45^{\circ} 00'$  west with said LBJ Freeway 20.0 feet to a point,

Thence south  $45^{\circ} 00'$  west 162.81 feet to a point in the northeast right-of-way of Oates Drive, at all times being 20 feet perpendicular to and parallel to Oates Drive,

Thence south  $45^{\circ} 00'$  east with said Barnes Bridge Road right-of-way 20 feet to place of beginning, containing 0.075 acres.

St. Stephen Methodist Church  
2520 Oates Drive  
Mesquite, Texas

PARCEL 5

173

## RIGHT OF WAY DEED FOR OATES DRIVE

Being a tract, lot, or parcel of land situated in the City of Mesquite, Texas, and being out of the Theophalus Thomas Survey, Abstract 1461,

Beginning at the existing southwest right-of-way line of Oates Drive a 70 foot right-of-way with the existing southeast right-of-way of Linhaven Drive a 60 foot right-of-way,

Thence south  $45^{\circ} 00'$  east with the southeast right-of-way line of Linhaven Drive 20.0 feet to a point,

Thence south  $45^{\circ} 00'$  west 237.0 feet to the P.C. of a curve to the right having a central angle of  $5^{\circ} 44' 20''$ ,  $R=997.54$ ,  $T=50.00$ ,

Thence around said curve to the right an arc distance of 99.12 feet to the P.C. of a curve to the left having a central angle of  $5^{\circ} 44' 20''$ ,  $R=997.54$ ,  $T=50.00$ ,

Thence around said curve to the left an arc distance of 99.12 feet,

Thence south  $45^{\circ} 00'$  west 288.5 feet to the northeast line of a 15 foot alley,

Thence north  $45^{\circ} 00'$  west with said alley 10.0 feet to a point in the southwest right-of-way line of Oates Drive,

Thence north  $45^{\circ} 00'$  east with the southwest right-of-way line of Oates Drive 725.0 feet to the place of beginning, containing 0.198 acres. *nd*

HUMBLE OIL CORP.  
P. O. Box 2180  
Houston, Texas

EXHIBIT "A"/PAGE 6  
PARCEL 6

RIGHT OF WAY DEED FOR OATES DRIVE

Being a tract, lot, or parcel of land situated in the City of Mesquite, Texas, and being out of the Theophalus Thomas Survey, Abstract 1461,

Beginning at the existing southeast right-of-way line of Oates Drive a 60 foot right-of-way with the northeast right-of-way line of Barnes Bridge Road, a 60 foot right-of-way,

Thence North  $45^{\circ} 00'$  east with said right-of-way of Oates Drive 183.0 feet to a point in the west right-of-way line of LBJ Freeway,

Thence south  $45^{\circ} 00'$  east with said LBJ Freeway 20.0 feet to a point,

Thence south  $45^{\circ} 00'$  west 183.0 feet to a point in the northeast right-of-way line of Barnes Bridge Road, said point being at all times 20 feet perpendicular to and 20 feet parallel to Oates Drive,

Thence north  $45^{\circ} 00'$  west with said right-of-way line of Barnes Bridge Road 20 feet to place of beginning containing 0.084 acres.