

ORDINANCE NO. 1600

AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, ABANDONING CERTAIN REAL PROPERTY SITUATED IN THE CITY OF MESQUITE, COUNTY OF DALLAS, STATE OF TEXAS; PROVIDING FOR THE REVOCATION OF ACCEPTANCE OF THE DEDICATION OF CERTAIN SUCH REAL PROPERTY HERETOFORE HAVING BEEN EFFECTED BY CERTAIN PRIVATE INDIVIDUALS; AND DIRECTING THE APPROPRIATE CITY OFFICIALS TO EXECUTE NECESSARY OR APPROPRIATE ABANDONMENT INSTRUMENTS, INCLUDING, BUT NOT LIMITED TO, INSTRUMENTS OF CONVEYANCE; AND DECLARING AN EMERGENCY.

WHEREAS, certain private individuals, to-wit, RUTH L. HANBY and MARY HANBY DUKE, formerly owned a tract of real property lying and being situated in the City of Mesquite, County of Dallas, State of Texas, out of the M. L. Swing Survey, Abstract No. 1397, comprising 4.11 acres, more or less, being more fully described in a conveyance to RUTH L. HANBY, as Grantee, by MECCO, INC., et al, Grantors, said conveyance being dated October 16, 1964, recorded in Volume 64431, Page 0704 of the Deed Records of the County of Dallas, State of Texas (hereinafter denoted the "ORIGINAL TRACT"); and

WHEREAS, said private individuals subsequently conveyed to the City of Mesquite, Grantee, part of said ORIGINAL TRACT, said part of said ORIGINAL TRACT so dedicated being part of a conveyance described in a Dedication Deed from MECCO, INC., GEORGE M. UNDERWOOD, JR., and MRS. RUTH L. HANBY, Grantors, to the City of Mesquite, Grantee, recorded in the Deed Records of the County of Dallas, State of Texas, at Volume 890, Page 0153, dated the 3rd day of March, 1965 (hereinafter "FIRST DEDICATION"); and

WHEREAS, said private individuals subsequently conveyed unto the County of Dallas, Grantee, part of said ORIGINAL TRACT, said part of said ORIGINAL TRACT being more fully described by a Right-of-Way Deed from RUTH L. HANBY and MARY HANBY DUKE, Grantors, to the County of Dallas, Grantee, recorded in the Deed Records in and for the County of Dallas, State of Texas, at Volume 7413, Page 1164 (hereinafter "SECOND DEDICATION"); and

WHEREAS, said private individuals subsequently conveyed part of said ORIGINAL TRACT to MESQUITE MEDICAL & SURGICAL SPECIALTIES CLINIC, said conveyance being more fully described in a Deed from MARY HANBY DUKE and RUTH L. HANBY, Grantors, to MESQUITE MEDICAL & SURGICAL SPECIALTIES CLINIC, Grantee, dated May 15, 1980, and recorded in Deed Records in and for the County of Dallas, State of Texas, at Volume 80100, Page 0663 thereof (hereinafter

00214

"TRACT SOLD"); and

WHEREAS, incident to the purchase and sale of the TRACT SOLD said private individuals, to-wit, MARY HANBY DUKE and RUTH L. HANBY, did anticipatorily convey unto said MESQUITE MEDICAL & SURGICAL SPECIALTIES CLINIC that certain real property being situated and lying in the City of Mesquite, County of Dallas, State of Texas, consisting of the ORIGINAL TRACT, less the SECOND DEDICATION, and less the TRACT SOLD (hereinafter "SUBJECT REAL PROPERTY"), which SUBJECT REAL PROPERTY is more fully described in a Special Warranty Deed recorded in the Deed Records in and for the County of Dallas, State of Texas at Volume 80109, Page 0728 thereof, and in an Agreement incident to the Purchase and Sale of Real Property, similarly recorded in the Deed Records in and for the County of Dallas, State of Texas, at Volume 80109, Page 0720 thereof; and

WHEREAS, said ORIGINAL TRACT is depicted in the map in Exhibit "A" hereto, said FIRST DEDICATION is depicted in the map in Exhibit "B" hereto, said SECOND DEDICATION is depicted in the map in Exhibit "C" hereto, said TRACT SOLD is depicted in the map in Exhibit "D" hereto, and said SUBJECT REAL PROPERTY is depicted in the map in Exhibit "E" hereto, all of which exhibits are fully incorporated herein; and

WHEREAS, the City of Mesquite is of the opinion, based upon the manifest facts and circumstances disclosed by its inquiries and investigations, that it is in the best interests of the City of Mesquite to abandon a portion of the SUBJECT REAL PROPERTY and revoke its acceptance of the dedication heretofore having been effected, and to alienate title to that portion of the SUBJECT REAL PROPERTY to private hands; and

WHEREAS, premises considered, there do now exist facts and circumstances necessitating the full exercise of the powers of the City of Mesquite in aid of and in consideration of the public health, safety, welfare and morals committed to its dominion, in order to effect said abandonment, revocation, and conveyance;

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

SECTION 1. That the City of Mesquite hereby abandons the SUBJECT REAL PROPERTY save and except that portion comprising right of way shown as North Bryan Street.

SECTION 2. That the City of Mesquite hereby revokes its acceptance of the dedication of the SUBJECT REAL PROPERTY save and except that portion shown as North Bryan Street heretofore having been made to it.

SECTION 3. That the City of Mesquite hereby directs the appropriate officer or officers of the City Government to execute the instruments necessary or appropriate to carry this Ordinance into effect, including, but not limited to, an appropriate instrument of conveyance with RUTH L. HANBY and MARY HANBY DUKE as Nominal Grantees, it being the express intent of the City of Mesquite that the title so conveyed shall instantaneously and ultimately vest in MESQUITE MEDICAL AND SURGICAL SPECIALTIES CLINIC by the operation of that certain Special Warranty Deed dated the 15th day of May, 1980, and recorded in Volume 80109, Page 0728 of the Deed Records in and for the County of Dallas, State of Texas, and by the Agreement Incident to the Purchase and Sale of Real Property recorded in the Deed Records in and for the County of Dallas, State of Texas at Volume 80109, Page 0720 thereof. 00215

SECTION 4. That the term "SUBJECT REAL PROPERTY" as used herein shall mean the ORIGINAL TRACT, less the SECOND DEDICATION, and less the TRACT SOLD save and except that portion shown as North Bryan Street Right-of-Way.

That the "ORIGINAL TRACT" shall mean that certain real property lying and being situated in the County of Dallas, City of Mesquite, State of Texas, and being more fully described in a conveyance to RUTH L. HANBY, Grantee, by MECCO, INC., et al, Grantors, said conveyance being dated October 16, 1964, recorded in Volume 64431, Page 0704 of the Deed Records in and for the County of Dallas, State of Texas.

That the "SECOND DEDICATION" shall mean that certain real property lying and being situated in the County of Dallas, City of Mesquite, State of Texas, and being more fully described in a Right-of-Way Deed from RUTH L. HANBY and MARY HANBY DUKE, Grantors, to the County of Dallas, Grantee, recorded in the Deed Records in and for the County of Dallas, State of Texas, at Volume 7413, Page 1164 thereof.

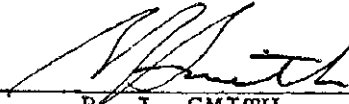
That the "TRACT SOLD" shall mean that certain real property lying and being situated in the County of Dallas, City of Mesquite State of Texas, and being more fully described in a Deed from MARY HANBY DUKE and RUTH L. HANBY, Grantors, to MESQUITE MEDICAL & SURGICAL SPECIALTIES CLINIC, Grantee, dated the 15th day of May, 1980, and being recorded in the Deed Records in and for the County of Dallas, State of Texas, at Volume 80100, Page 0663 thereof.

SECTION 5. All of the declarations and findings contained in the preamble of this Ordinance are made a part hereof and shall be fully effective as a part of the ordained subject matter of this Ordinance.

00216

SECTION 6. That the orderly development of the City of Mesquite requires that the described right-of-way be abandoned, creating an urgency and an emergency in the public interest and necessitates that this ordinance become effective immediately from and after its date of passage and the publication of the caption as the law in such cases provides.

DULY PASSED AND APPROVED by the City Council of the City of Mesquite, Texas, on the 16th day of June, A.D., 1980.



B. J. SMITH
MAYOR

ATTEST:

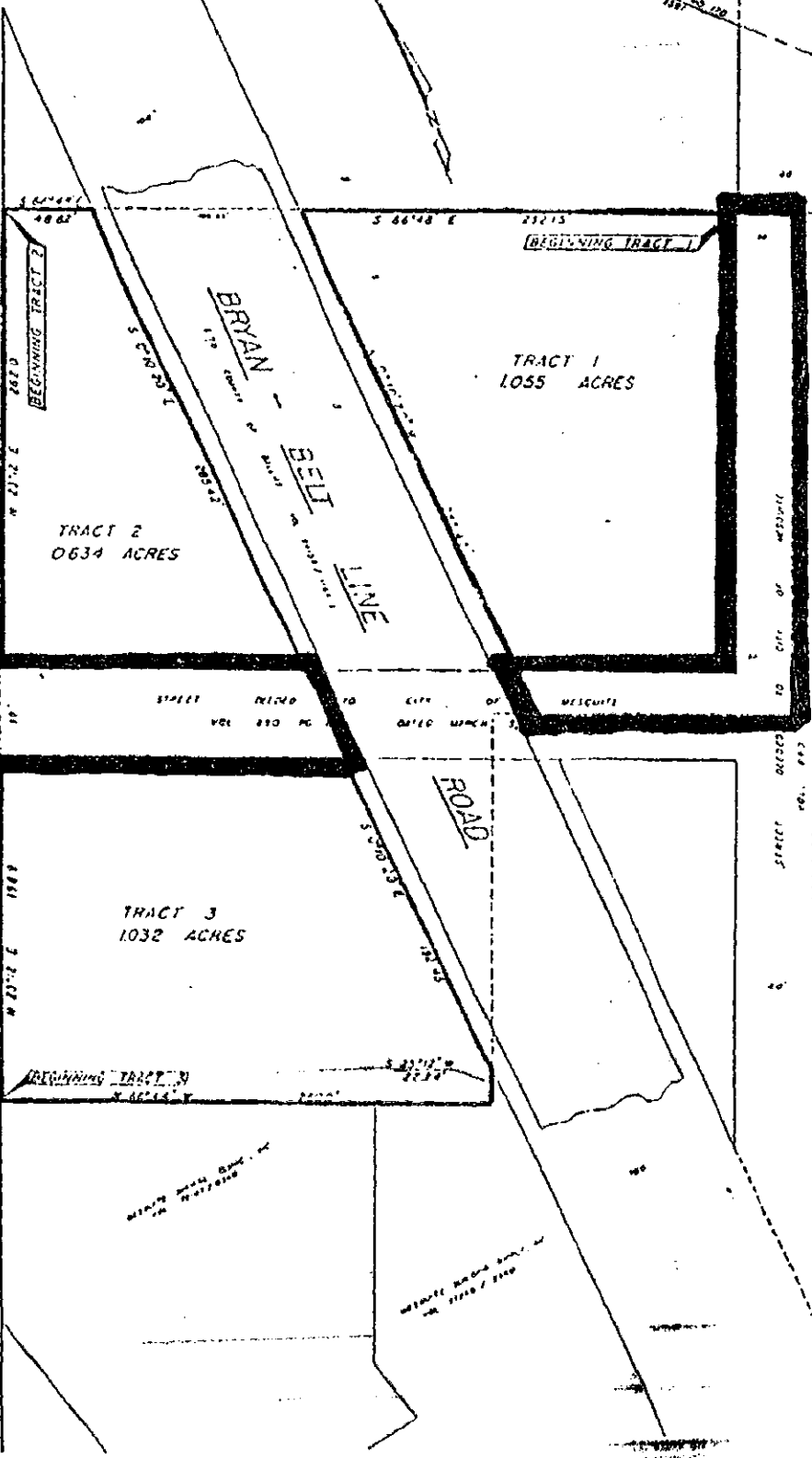
APPROVED AS TO FORM:


Norma G. McGaughy
City Secretary

Elland Archer
City Attorney

00217

BELT LINE ROAD



TRACT 1
1055 ACRES

TRACT 2
0634 ACRES

TRACT 3
1032 ACRES

BRYAN STREET
NORTH BRYAN STREET

BRYAN BELT LINE

ROAD

BEGINNING TRACT 2

BEGINNING TRACT 1

BEGINNING TRACT 3

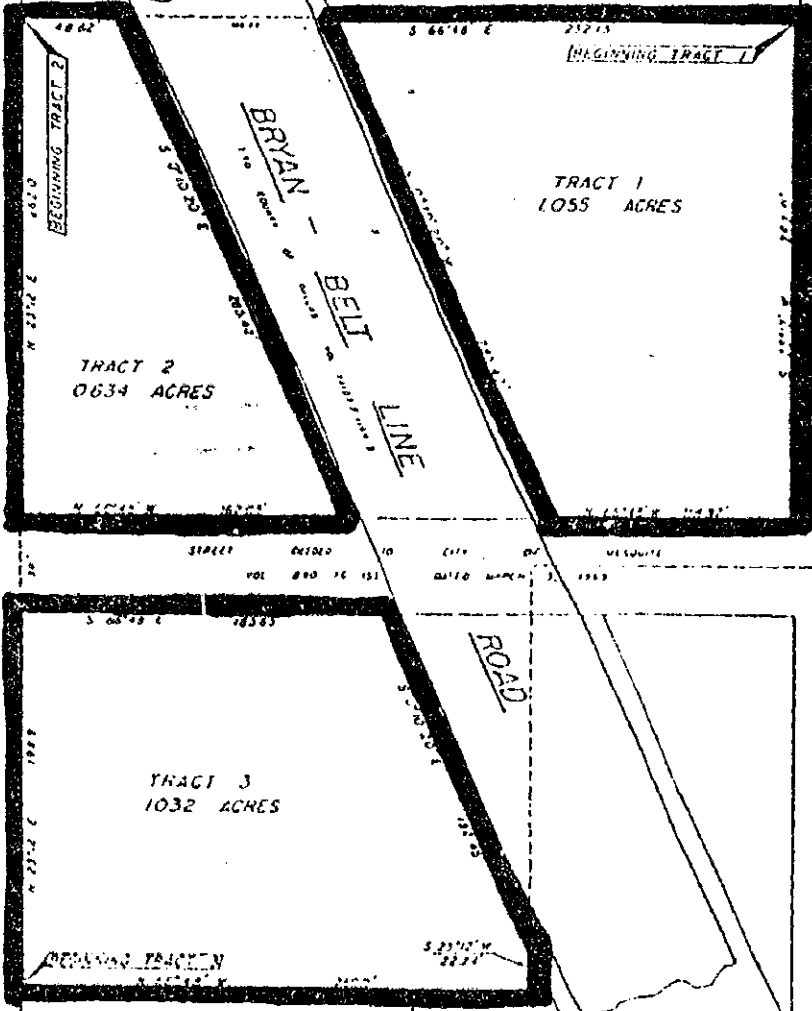
STREET DEEDS TO CITY OF MESQUITE VOL. 220 PG. 212

MINUTE MERIDIAN... ON... 1882

MINUTE MERIDIAN... ON... 1882

00218

BELT LINE ROAD



TRACT 2
0634 ACRES

TRACT 1
1055 ACRES

TRACT 3
1032 ACRES

NORTH BRYAN STREET

BEGINNING TRACT 2

BEGINNING TRACT 1

BEGINNING TRACT 3

SECTION 10
T10N R10E

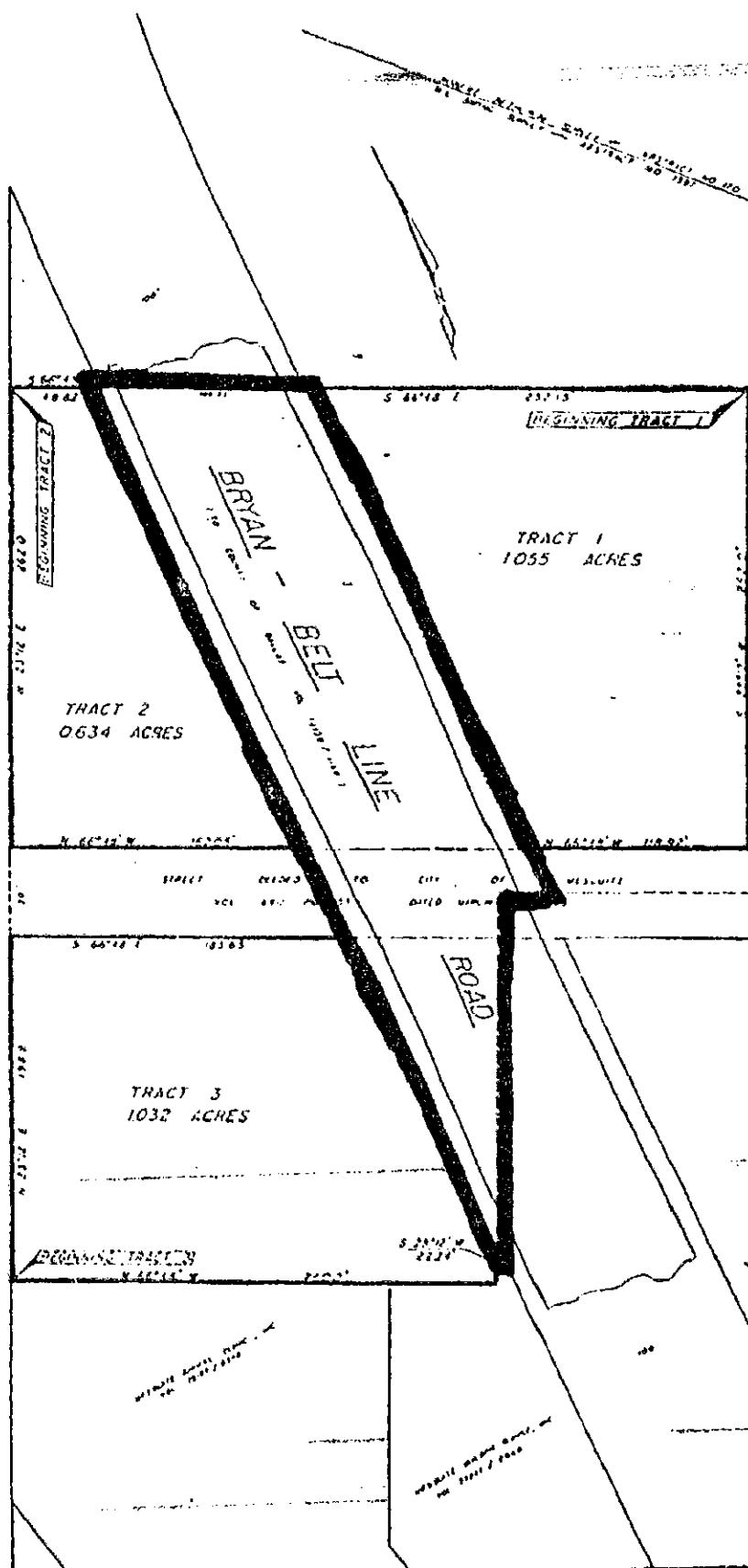
SECTION 10
T10N R10E

SECTION 10
T10N R10E

SECTION 10
T10N R10E

00219

BELT LINE ROAD

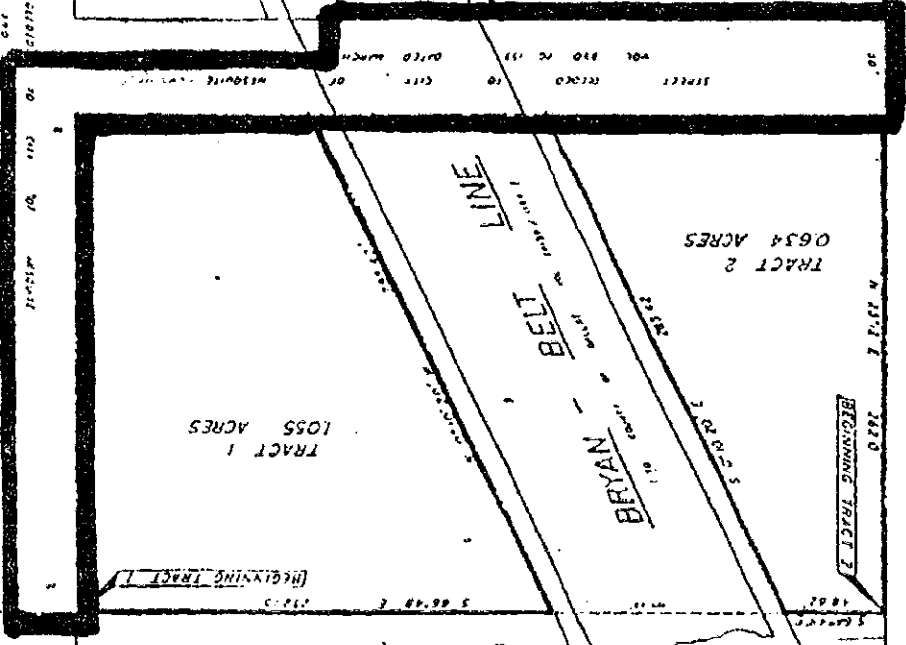


00220

NORTH BRYAN STREET

ROAD

BELT LINE ROAD



178 02' E 30 00' N 100 00' W

178 02' E 30 00' N 100 00' W

178 02' E 30 00' N 100 00' W

178 02' E 30 00' N 100 00' W

178 02' E 30 00' N 100 00' W

178 02' E 30 00' N 100 00' W

178 02' E 30 00' N 100 00' W

178 02' E 30 00' N 100 00' W

178 02' E 30 00' N 100 00' W

178 02' E 30 00' N 100 00' W

178 02' E 30 00' N 100 00' W

178 02' E 30 00' N 100 00' W

178 02' E 30 00' N 100 00' W

178 02' E 30 00' N 100 00' W

178 02' E 30 00' N 100 00' W

178 02' E 30 00' N 100 00' W

00221

NORTH BRYAN STREET

BELT LINE ROAD

ROAD

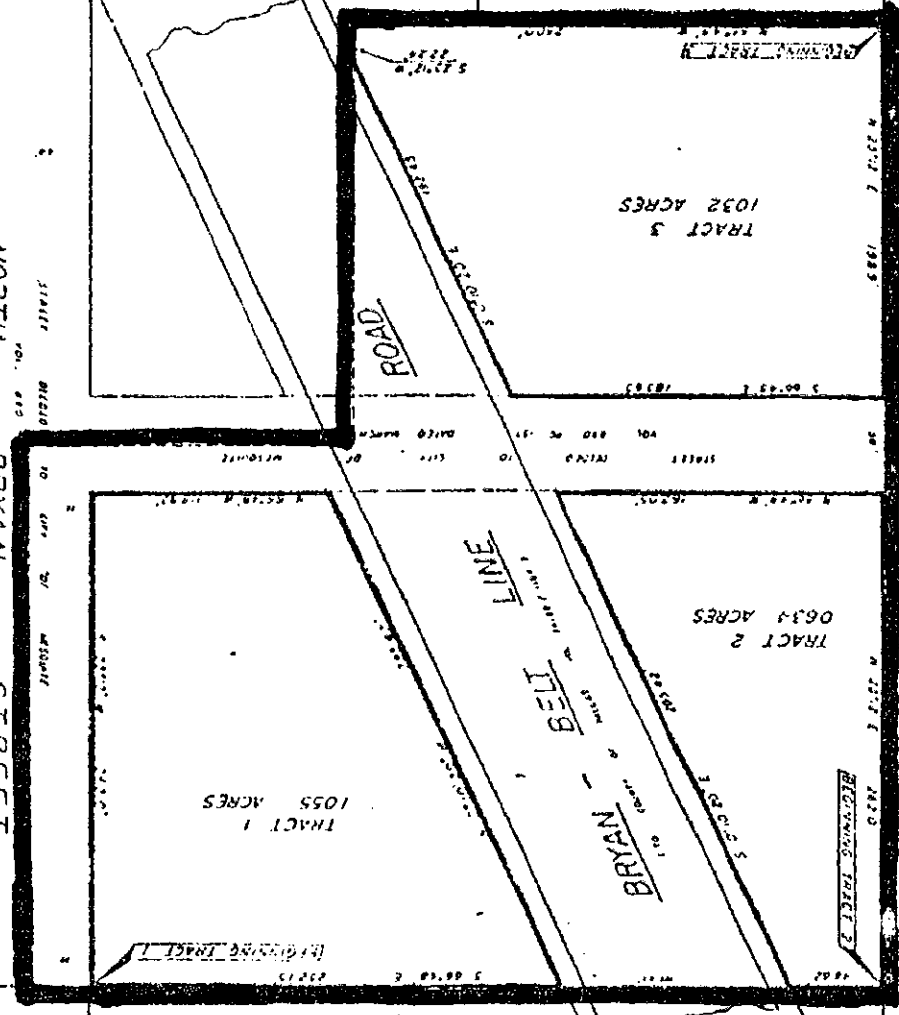
LINE

BELT BRYAN

TRACT 3
1032 ACRES

TRACT 2
0634 ACRES

TRACT 1
1055 ACRES



00222