

ORDINANCE NO. 2538

AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, PROVIDING FOR THE ABANDONMENT OF CERTAIN EASEMENTS SITUATED IN DALLAS COUNTY, TEXAS AND BEING A PORTION OF THE PROPOSED OAK BROOK ADDITION AS RECORDED IN ABSTRACT NO. 1462, DEED RECORDS OF DALLAS COUNTY, TEXAS; PROVIDING THE EFFECTIVE DATE THEREOF; AND DECLARING AN EMERGENCY.

WHEREAS, the City of Mesquite has heretofore obtained public easements that are currently vacant and will not be needed in the future.

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

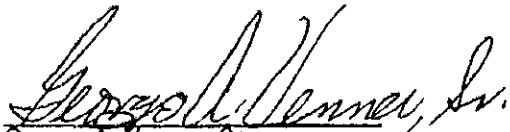
SECTION 1. That the City of Mesquite does hereby release and abandon the following easements cated in the proposed Oak Brook Addition as shown in Exhibit "A" and described as follows:

1. 20 foot Sanitary Sewer Easement
Recorded in Volume 4238, Page 280, Deed Records of Dallas County, Texas and being more particularly described in Exhibit "B" attached hereto.
2. A various width Channel Easement
Recorded in Volume 4472, Page 307, Deed Records of Dallas County, Texas and being more particularly described in Exhibit "C" attached hereto.

SECTION 2. That said easements are not needed for public purposes and it is the public interest of the City of Mesquite to abandon said described easements and the same are hereby abandoned, vacated and closed insofar as the right, title or easement of the public is concerned.


SECTION 3. That the orderly development of the City of Mesquite requires the release and abandonment of the easements described herein, creates an urgency and emergency in the public interest and necessitates that this ordinance become effective immediately from and after its date of passage and 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 18th day of July, A.D., 1988.


George A. Venner, Sr.
Mayor

TEST:

APPROVED:


Lynn Prugel
City Secretary


Jonathan Graham
City Attorney

THE STATE OF TEXAS
COUNTY OF DALLAS

MELEN W. BRASWELL, wife of A. M. BRASWELL

MELEN W. BRASWELL, wife of A. M. BRASWELL, do hereby certify that the foregoing is a true and correct copy of the original as the same appears in the records of the County Clerk of Dallas County, Texas, and that she has no objection to the same being published in the Dallas Morning News, a newspaper published in Dallas, Texas, and that she has no objection to the same being published in the Dallas Morning News, a newspaper published in Dallas, Texas, and that she has no objection to the same being published in the Dallas Morning News, a newspaper published in Dallas, Texas.

Witness my hand and seal of office this 17th day of March A. D. 1955

(L.S.)
Notary Public in and for Dallas County, Texas



71-8-1-100

to

THE CITY OF MESQUITE, TEXAS

THE STATE OF TEXAS
COUNTY OF DALLAS

We, Lorene Green, a single woman, Tulista Terhune, joined by her husband, N. L. Terhune, Mildred (Lively) King, joined by her husband, Troy King, all of Dallas County, Texas, and Pauline Stigler, joined by her husband, F. H. Stigler, of Erath County, Texas, and Little Nell Caraway, joined by her husband, Holley Caraway, of Hood County, Texas, for and in consideration of the sum of One (\$1.00) Dollar cash to us in hand paid by the City of Mesquite, Texas, and other valuable considerations, receipt of which is acknowledged, do hereby give and grant to the City of Mesquite, Texas, the right to construct, reconstruct and perpetually maintain a sanitary sewer line upon and across the following described property:

Being a strip of land 30.0 feet wide, 10.0 feet on either side side of a centerline situated in the Daniel Lamer Survey, Abstract No. 1462, Dallas County, Texas, for a perpetual easement, but with a 50 foot wide construction easement which will terminate at the end of nine months from the date of this instrument, and being more particularly described as follows:

BEGINNING at a point on the northeasterly line of Gross road, said point being North 85 degrees West 681 feet (approximately) from the E. F. Lively Estates southern corner, thence along said centerline as follows:

- North 12 degrees 36 minutes East, 100.0 feet to a point;
- North 8 degrees, 30 minutes East, 727.7 feet to a point;
- North 2 degrees, 0 minutes East, 585.4 feet to a point;
- North 8 degrees, 42 minutes East, 612.7 feet to a point;
- North 8 degrees, 11 minutes East, 312.7 feet to a point;
- North 85 degrees, 62 minutes East, 260.9 feet to a point;
- North 5 degrees, 51 minutes East, 466.7 feet to a point;
- North 5 degrees, 43 minutes West, 179.3 feet to a point on the south line of U. S. Highway No. 80 (a 100 foot right-of-way), said point being East (approximately), 61.1 feet from the East line of Gross Road.

TO HAVE AND TO HOLD the same perpetually to the City of Mesquite, Texas, and its successors, together with the right and privilege at any and all times to enter said premises, or any part hereof, for the purpose of constructing, reconstructing and maintaining the said sanitary sewer line; on the condition that the City of Mesquite, Texas, and its successors will at all times, after doing any work in connection with the construction, reconstruction and repairing of said sanitary sewer line, restore said premises to the condition in which same were found before such work was undertaken and that in the use of said rights and privileges herein granted, the said City of Mesquite, Texas, and its successors will not create a nuisance or do any act that will be detrimental to said premises.

THE STATE OF TEXAS
COUNTY OF HOOD

BEFORE ME, the undersigned, a Notary Public in and for said County and State, on this day personally appeared
HOLLEY CARAWAY and **ETTIE HALL CARAWAY**, his wife, both known to me to be the persons whose names are subscribed to the foregoing instrument, and acknowledged to me that they had executed the same for the purposes and considerations therein expressed, and the said
ETTIE HALL CARAWAY, wife of the said **HOLLEY CARAWAY**, having been enabled by me privately and apart from her husband, and having the same fully explained to her, she, the said **ETTIE HALL CARAWAY**, acknowledged such instrument to be her act and deed, and she declared that she had signed the same for the purposes and considerations therein expressed, and that she did not wish to retract it.

WITNESSE MY HAND AND SEAL OF OFFICE on the 15th day of November A.D. 1955
Notary Public in and for HOOD County, Texas

THE STATE OF TEXAS
COUNTY OF DALLAS

BEFORE ME, the undersigned, a Notary Public in and for said County and State, on this day personally appeared
H. L. TULLIS and **TULLIS TULLIS**, his wife, both known to me to be the persons whose names are subscribed to the foregoing instrument, and acknowledged to me that they had executed the same for the purposes and considerations therein expressed, and the said
TULLIS TULLIS, wife of the said **H. L. TULLIS**, having been enabled by me privately and apart from her husband, and having the same fully explained to her, she, the said **TULLIS TULLIS**, acknowledged such instrument to be her act and deed, and she declared that she had signed the same for the purposes and considerations therein expressed, and that she did not wish to retract it.

WITNESSE MY HAND AND SEAL OF OFFICE on the 1st day of March A.D. 1955
Notary Public in and for HOOD County, Texas

AD 1955
ED M. STEGER, County Clerk
Dallas County, Texas

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UTILITY EASEMENT

TO
THE CITY OF MESQUITE, TEXAS

THE STATE OF TEXAS
COUNTY OF DALLAS

Know all men by these presents, that **Ray McKinley**, and wife **Paula McKinley**, for and in consideration of the sum of One (\$1,000) Dollar shall to and in favor of the City of Mesquite, Texas, and other citizens thereof, execute a certain instrument, the right to construct, reconstruct and perpetually maintain a sanitary sewer line upon and across the following described property:

Being a strip of land 20.0 feet wide, 10.0 feet on either side of a sewerline situated in the Daniel Toddler Survey, Abstract No. 1428, Dallas County, Texas, for a perpetual easement, but also a 20 foot wide construction easement which will terminate at the end of said sewerline from the date of this instrument, and being more particularly described as follows:

Beginning at a point on the north line of the T & P R.R., (200 feet right of way), said point being 900 feet from the Ray McKinley (short line) thence along said centerline as follows:

North 11 degrees, 00 minutes East, 10.0 feet to a point;
North 88 degrees, 15 minutes East, parallel to and 18.0 feet north of the T & P R.R. north line 189.0 feet to the Ray McKinley short line.

STATE OF TEXAS
COUNTY OF [unclear]

BEFORE ME, the undersigned, a Notary Public in and for said County and State, on this day personally appeared [unclear] and [unclear], both known to me to be the persons whose names are subscribed to the foregoing instrument, and acknowledged to me that they executed the same for the purposes and consideration therein expressed, and the said [unclear] having been questioned by me privately and apart from her husband, and having the same fully explained to her, she, the said [unclear], acknowledged such instrument to be her act and deed, and she declared that she voluntarily signed the same for the purposes and consideration therein expressed, and that she did not wish to retract the same.

WITNESSE MY HAND AND SEAL OF OFFICE this 3 day of March, A.D. 1955

[Signature]
Notary Public in and for [unclear] County, Texas

STATE OF TEXAS
COUNTY OF [unclear]

BEFORE ME, the undersigned, a Notary Public in and for said County and State, on this day personally appeared [unclear] and [unclear], both known to me to be the persons whose names are subscribed to the foregoing instrument, and acknowledged to me that they executed the same for the purposes and consideration therein expressed, and the said [unclear] having been questioned by me privately and apart from her husband, and having the same fully explained to her, she, the said [unclear], acknowledged such instrument to be her act and deed, and she declared that she voluntarily signed the same for the purposes and consideration therein expressed, and that she did not wish to retract the same.

WITNESSE MY HAND AND SEAL OF OFFICE this 3 day of March, A.D. 1955

[Signature]
Notary Public in and for [unclear] County, Texas

STATE OF TEXAS
COUNTY OF [unclear]

BEFORE ME, the undersigned, a Notary Public in and for said County and State, on this day personally appeared [unclear] and [unclear], both known to me to be the persons whose names are subscribed to the foregoing instrument, and acknowledged to me that they executed the same for the purposes and consideration therein expressed, and the said [unclear] having been questioned by me privately and apart from her husband, and having the same fully explained to her, she, the said [unclear], acknowledged such instrument to be her act and deed, and she declared that she voluntarily signed the same for the purposes and consideration therein expressed, and that she did not wish to retract the same.

WITNESSE MY HAND AND SEAL OF OFFICE this 10th day of March, A.D. 1955

[Signature]
Notary Public in and for [unclear] County, Texas

DEED VOL 4238

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EX
PA

THE STATE OF TEXAS)
COUNTY OF DALLAS)

BEFORE ME, the undersigned, a Notary Public in and for said County and State, on this day personally appeared L. S. Strommons, Vice President of Industrial Properties Corporation, known to me to be the person and officer whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same as the act of said Corporation for the purposes and consideration therein expressed, and in the capacity therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this the 14th day of March, A. D. 1956.

George A. ...
Notary Public in and for
Dallas County, Texas
My Comm. Expires ...
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THE STATE OF TEXAS)
COUNTY OF DALLAS)

KNOW ALL MEN BY THESE PRESENTS:

THAT, we, Lorena Cross, a single woman; Yulita Tortuno, joined by my husband, M. L. Tortuno; Mildred (Lively) King, joined by my husband, Trey King, all of Dallas County, Texas; Pauline Bigler, joined by my husband, F. M. Bigler, of Erath County, Texas, and Mattie Nell Caraway, joined by my husband, Nolley Caraway, of Meck County, Texas, (Legal Heirs of Tracie O. Lively and her son, Miron F. Lively, Jr.),

in consideration of the sum of One and 80/100 (\$1.80) Dollar, and other good and valuable consideration in hand paid by the County of Dallas, receipt of which is hereby acknowledged, do by these presents grant, bargain, sell and convey unto the County of Dallas, the free and uninterrupted use, liberty and privilege of the passage in, along, upon and across the following described property, owned by us, situated in Dallas County, Texas, in the Daniel Turner Survey, Abstract No. 1142.

Right of Way Easement

Beginning at the West corner of a tract in said survey, owned by N.S. Stallmacher, in centerline of the present Cross Road;
Thence North 43 deg. 09 min. 45 sec. West, along said present centerline, 1425.0 feet, to a turn in said road;
Thence North 7 deg. 21 min. East, along said present centerline, 127.7 feet, to a point in the proposed Northeast right-of-way line of said road, as follows:
Thence 41 deg. 09 min. East, parallel to and 60.0 feet from proposed centerline of said road, 1708.6 feet, to a point in the Northeast line of said Stallmacher tract;
Thence South 48 deg. 11 min. West, along said property line, 38.6 feet, to the place of beginning and containing 3.975 acres of land, more or less.

General Easement

Beginning at a point in the proposed Northeast right-of-way line of Cross Road, to the intersection of said line with the Northeast line of a tract in said survey owned by N. S. Stallmacher bears South 41 deg. 09 min. East, 396.0 feet;
Thence North 43 deg. 09 min. West, along said right-of-way line, 1100.0 feet to a point normal to and 60.0 feet from Station 11420 of the survey of said Cross Road;
Thence North 48 deg. 11 min. East, 38.6 feet;
Thence South 48 deg. 11 min. West, parallel to and 60.0 feet from said right-of-way line, 1708.6 feet, to a point normal to and 60.0 feet from center-

DEED VOL 4472

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EXHIBIT "A"
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