

ORDINANCE NO. 349

AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, ABANDONING A UTILITY EASEMENT AS HEREINAFTER MORE PARTICULARLY DESCRIBED; PROVIDING FOR THE FULFILLMENT OF CERTAIN CONDITIONS AS HEREINAFTER DESCRIBED; AND PROVIDING AN EFFECTIVE DATE OF THE ORDINANCE.

WHEREAS, there exists a fifteen (15) foot utility easement across the entire Southeast side of Tract "B", Block 25 of COUNTRY CLUB ESTATES #2, an Addition to the City of Mesquite, Texas, according to the Map thereof recorded in Volume 36 Page 41 of the Map Records of Dallas County, Texas; and

WHEREAS, the said easement is not located commensurate with good engineering practice and does not allow the fullest and best use of adjoining property and it is desired that the said easement be relocated and upon relocation thereof, the present easement as described will be no longer needed or necessary and should now be abandoned conditioned upon the granting of a new easement or public street sufficient to provide sound and effective utility services; and

WHEREAS, the governing body of the City of Mesquite has concluded that such hereinafter described easement is no longer needed for public use and should be abandoned. NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MESQUITE:

SECTION 1: That the hereinafter described easement be and the same is hereby abandoned subject to the fulfillment of the conditions set out in Section 2 below. That the said easement so abandoned is described as follows, to-wit:

Being a fifteen (15) foot utility easement across the entire Southeast side of Tract "B", Block 25 of Country Club Estates #2, an Addition to the City of Mesquite, Texas, according to the Map thereof recorded in Volume 36 page 41 of the Map Records of Dallas County, Texas.

SECTION 2:

A. That an easement equal and comparable to the abandoned easement be granted of a width of 15 feet for utility purposes, said easement to run Northeast from Karla Street to Oates Drive and to lie within the entire Northeast 25 feet of those two tracts of land as described in Short Form Option Agreement dated July 11, 1959 by and between J. B. Galloway et al and Trammell Crow. Said instrument of record in Volume 5170, page 312 of the Deed Records, Dallas County, Texas. In lieu of the granting

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of the easement, the condition will be deemed met by the dedication or deeding for street purposes a 25 ft. strip of ground, the same being the entire Northeast 25 feet of the property described in the option agreement above mentioned. Said dedication or deeds for street purposes shall include the rights to maintain public utilities within the property described therein.

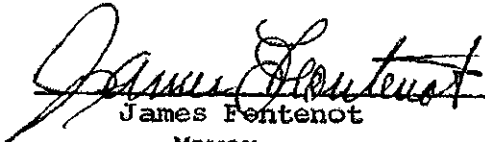
B. That without expense to the City, a six-inch (6") sanitary sewer line meeting City specifications shall be installed and connected with the City System at a point just South of Oates Drive, and at a point 140 feet South of Karla Drive, said sewer line to lie within the area mentioned in Section "A" above.

C. When the conditions set forth in Sections A and B above mentioned have been fulfilled, the City Manager of Mesquite, Texas, or his authorized representative is hereby authorized and instructed, to so certify that the said conditions have been met and such certification may be filed for record in the Deed Records of Dallas County, Texas, and be conclusive of the fulfillment of the conditions.

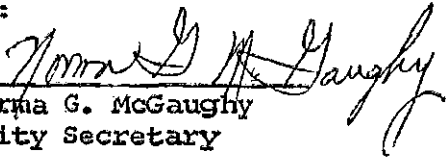
SECTION 3: That this abandonment ordinance shall constitute a quitclaim deed in favor of J. B. Galloway and Walter B. Hailey, Sr., and a certified copy of the same may be filed for record in the Deed Records of Dallas County, Texas to indicate such abandonment.

SECTION 4: That this ordinance shall take effect as the law in such cases provides and it is accordingly so ordained.

PASSED and ADOPTED by the City Council of the City of Mesquite, Texas, on December 5, 1960.


James Fentenot
Mayor

ATTEST:


Norma G. McGaughy
City Secretary