

AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, ABANDONING A RIGHT OF WAY EASEMENT AS MORE PARTICULARLY HEREINAFTER DESCRIBED; PROVIDING THAT SUCH ABANDONMENT SHALL BE ONLY INsofar AS APPLICABLE TO THE PUBLIC RIGHT, TITLE AND INTEREST IN AND TO THAT PORTION OF SAID EASEMENT BELONGING TO THE CITY OF MESQUITE; PROVIDING THAT SAID ABANDONMENT SHALL BE CONSTRUED AS A QUITCLAIM DEED IN FAVOR OF ABUTTING PROPERTY OWNER; PROVIDING FOR THE RECORDING OF SAID ORDINANCE IN THE DEED RECORDS OF DALLAS COUNTY, TEXAS; AND DECLARING AN EMERGENCY.

WHEREAS, a right of way easement located adjacent to Lot 1, Block 22-C, and abutting on South Galloway Avenue in the City of Mesquite is no longer needed or necessary for public right of way purposes and is needed by the abutting property owner for the development of his property; and,

WHEREAS, such right of way easement is no longer needed or necessary for public right of way purposes and should be abandoned;

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

SECTION 1. That the hereinafter described right of way easement located within the limits of the City of Mesquite, Texas, be and the same is hereby abandoned insofar as the right, title and interest of the public is concerned. That said right of way easement being abandoned is described as follows, to-wit:

Being a triangular shaped parcel of land off the Southeast corner of Lot 1, Block 22-C in the Town of Mesquite, in the W. Castell Survey, Abstract 343, said parcel of land being more particularly described as follows:

Beginning at the intersection of the present West line of South Galloway Avenue and the present North line of Gross Street, said point being the Southeast corner of said Lot 1, Block 22-C in the Town of Mesquite;

Thence Northerly along the present West line of South Galloway Avenue, a distance of 134.7 feet to a point for an angle of $165^{\circ} 29'$ to the left;

Thence Southwesterly along the proposed Northwest right of way line of South Galloway Avenue, 139.4 feet

to a point for an angle of 104° 41' to the left, said point being in the present North line of Gross Street;

Thence Easterly along said North line of Gross Street, 35.0 feet to the place of beginning and enclosing 2357.3 square feet of land more or less.

SECTION 2. That the abandonment provided for herein shall extend only to the public right, title and interest in and to that above described right of way easement and shall be construed to extend only to that interest which the Governing Body of the City of Mesquite may legally and lawfully abandon. Provided, however, the City of Mesquite does hereby expressly reserve the right to construct, reconstruct, operate and maintain a drainage easement and storm sewer easement across, under and above the above described property.

SECTION 3. That this abandonment ordinance shall constitute a quitclaim deed in favor of Sam Rutherford, the abutting property owner, 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. The fact that the above right of way easement is no longer needed or necessary for public use and is needed by the abutting property owner for the proper development of his property creates an urgency and an emergency and in the preservation of the public health, safety and welfare requires that this ordinance shall take effect immediately from and after its passage, as the Charter in such cases provides.

DULY PASSED by the City Council of the City of Mesquite, Texas, on the 7 day of September, 1965.

APPROVED:

George Boyce
MAYOR

APPROVED AS TO FORM:

DULY RECORDED:

B. Robert Baker
ATTORNEY

Norma G. McLaughlin
CITY SECRETARY