

AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, ABANDONING A PORTION OF A PUBLIC RIGHT OF WAY AND ROAD 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 OWNERS; PROVIDING FOR THE RECORDING OF SAID ORDINANCE IN THE DEED RECORDS OF DALLAS COUNTY, TEXAS; AND DECLARING AN EMERGENCY.

WHEREAS, a public right of way and road located in the William Crittenton Survey, Abstract No. 333, in the City of Mesquite, Dallas County, Texas, is no longer needed or necessary for public use as a right of way or road and is needed by the abutting property owners for the proper development of their property; and,

WHEREAS, said public right of way and road is no longer needed or necessary for public use 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 public right of way and road 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 public right of way and road being abandoned is described as follows, to-wit:

TRACT NO. 1. Being a part of that certain tract conveyed to the State of Texas as "Parcel No. 2" in deed from Mrs. Nannie Lawrence Henard of record in Volume 441, Page 3, Deed Records of said county, and being more particularly described as follows:

Beginning at a point on the existing southeast right of way line of Interstate Highway 30 (U. S. Highway 67) (a 300' right of way), said point being North 61° 04' East 560.5 feet from the intersection of said right of way line and the south line of the William Crittenton Survey, Abstract No. 333, said point also being 150 feet at right angles from the centerline of said highway;

THENCE North 61° 04' East 150 feet from and parallel to said highway centerline, for a distance of 50.0 feet to a point for corner;

THENCE South $28^{\circ} 56'$ East for a distance of 50.0 feet to a point for corner;

THENCE North $73^{\circ} 56'$ West for a distance of 70.71 feet to the place of beginning, and containing .0287 of an acre of land, more or less.

TRACT NO. 2. Being a part of that certain tract conveyed to the State of Texas as "Parcel No. 3" in deed from Mrs. Wilma L. Carrington of record in Volume 4386, Page 522, Deed Records of said county, and being more particularly described as follows:

Beginning at a point on the existing southeast right of way line of Interstate Highway 30 (U. S. Highway 67) (a 300' right of way), said point being South $61^{\circ} 04'$ West 627.2 feet from the intersection of said right of way line and the east line of the William Crittenton Survey, Abstract No. 333, said point also being 150 feet at right angles from the centerline of said highway;

THENCE South $61^{\circ} 04'$ West 150 feet from and parallel to said highway centerline, for a distance of 50.0 feet to a point for corner;

THENCE South $28^{\circ} 56'$ East for a distance of 50.0 feet to a point for corner;

THENCE North $16^{\circ} 04'$ East for a distance of 70.71 feet to the place of beginning, and containing .0287 of an acre 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 the above described right of way and road 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 A. P. Roffino, Charles Roffino, I. S. Fonville and Roy R. Dixon, the abutting property owners, and a certified copy of the same may be filed for record in the Deed Records of Dallas County, Texas, to indicate such abandonment.

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SECTION 4. The fact that the above public right of way and road is no longer needed or necessary for public use and is needed by the abutting property owners for the proper development of their 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 6 day of December, 1965.

APPROVED:

George Boyce
MAYOR

DULY ENROLLED:

Norma G. McLaughly
CITY SECRETARY

APPROVED AS TO FORM:

CITY ATTORNEY