

ORDINANCE NO. 638

AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, ABANDONING A PORTION OF A PUBLIC ALLEY 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 alley located in the Eastside Addition No. 1, an addition to the City of Mesquite, Dallas County, Texas, is no longer needed or necessary for the use of citizens as an alley and is needed by the abutting property owner for the proper development of their property; and,

WHEREAS, said public alley 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 alley 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 alley being abandoned is described as follows, to-wit:

Being the south 100 ft. of a 20 ft. wide alley located between Lot 4 and Lot 5 in Block 64 of Eastside Addition No. 1, an addition to the City of Mesquite, Dallas County, Texas, and being more particularly described by metes and bounds as follows:

BEGINNING at a point in the southeast corner of Lot 4 in said Block 64; said point being in the north right-of-way line of Davis Street;

THENCE Northerly along the east line of said Lot 4 a distance of 100 ft., more or less, to a point for corner, said point being the northeast corner of said Lot 4;

THENCE east 20 ft., more or less, to point for corner, said point being the northwest corner of Lot 5 in said Block 64;

THENCE southerly along the west line of said Lot 5 a distance of 100 ft., more or less, to point for corner, said point being the southwest corner of said Lot 5 and being in the north right of way line of Davis Street;

THENCE westerly along the north right of way line of Davis Street a distance of 20 ft., more or less, to the place of beginning.

SECTION 2. That the abandonment provided for herein shall extend only to the public right, title and interest in and to the above described public alley 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 the Mesquite Independent School District, 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 public alley is no longer needed or necessary for public use and is needed by the abutting property owner 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 4 day of April, 1966.

APPROVED:

George Boyce
MAYOR

DULY ENROLLED:

Norm G. M. Laughy
CITY SECRETARY

APPROVED AS TO FORM:

B. Robert Baker
ATTORNEY