

WHEREAS, the City of Mesquite had heretofore indorsed into a lease agreement for certain real property as described in the attached "Release of Contract", for use as sanitary land fill, and

WHEREAS, by the terms of this agreement either the City or Lessors may terminate same upon the giving of ninety days written notice one to the other, and

WHEREAS, Mr. John Beecham d/b/a P. B. Y., Inc. is the successor in title of the original lessors thereof, as to that portion of the land described therein as the "South Tract", and

WHEREAS, by letter of August 23, 1968, the said John Beecham has requested that the lease be cancelled as to that portion of the land to which he now has title, and

WHEREAS, a written release of lease agreement has been requested in order that a formal record of such release may be filed with the Land Deed Record of Dallas County; and

WHEREAS, the maximum period of ninety days before cancellation may be waived in keeping with the interest of the City of Mesquite.

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

Section 1. That the Mayor is hereby authorized to execute the release attached hereto, thereby waiving and quitclaiming unto John Beecham d/b/a P. B. Y., Inc. all of the City's rights and interest in that tract of land described therein.

Section 2. That this resolution is to take effect immediately from and after its date of passage.

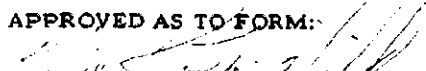
PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF MESQUITE, TEXAS, ON THIS THE 3 DAY OF September, 1968.

ATTEST:


Norma G. McGaughy - City Secretary


George Boyce - Mayor

APPROVED AS TO FORM:


William R. Springfield - City Attorney

RELEASE OF CONTRACT

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STATE OF TEXAS

COUNTY OF DALLAS

WHEREAS, on the 30th day of November, 1964, a grant of a lease to certain properties for use as sanitary land fill was made unto the City of Mesquite from Dr. Joe C. Fritchett, Robert E. Lamb and Vance W. Stallcup as Lessors, said lease-contract having been duly recorded in Volume 468, page 0602 of the land deed records of Dallas County, Texas, and

WHEREAS, said lease-contract as above described contained the letting of two distinct and separate tracts of land, the first being known as the North Tract and the second being known as the South Tract, and

WHEREAS, by the terms of the lease-contract either the Lessors or the City shall have the right to terminate such lease upon ninety days written notice one to the other, and

WHEREAS, by deed dated February 1, 1968 the original Lessors of such properties conveyed their rights, title and interest to the aforesaid land represented by South Tract to Mr. John Beecham d/b/a P. B. Y. Inc., and

WHEREAS, by letter of August 23, 1968 the said P. B. Y. Inc. through John Beecham as successor in title to the original Lessors has requested that this lease-contract be canceled in accordance with the terms thereof.

WITNESSETH:

(1) That the City of Mesquite does hereby release and quick claim unto John Beecham d/b/a P. B. Y. Inc. all of its rights, interest and equities in any way pertaining unto that certain tract and parcel of land lying in Mesquite, Dallas County, Texas, and described as follows:

SOUTH TRACT: Being 39.105 acres of land out of the S. H. Miller Survey, Abstract No. 969, Dallas County, Texas; BEGINNING at a point in the present south line of Bruton Road, a 100 foot R. O. W. road, said point being 2640 feet S 89 deg 31' 09" E from the center line of Hickory Tree Road; THENCE S 00 deg. 39' 00" E 874.54 feet along the East line of Edgemont Park No. 6, addition to a point for corner; THENCE N 39 deg. 55' 43" E 1741.98 feet along an existing fence line to a point for corner; THENCE N 72 deg. 36' 02" E 167.51 feet along an existing fence line to a point for corner; THENCE N 68 deg. 03' 08" E 328.45 feet along an existing fence line to a point for corner; THENCE N 23 deg. 53' 51" E 123.05 feet to a point for corner in the present south line of Bruton Road; THENCE N 47 deg. 09' 09" W 418.10 feet along the present South line of Bruton Road to a point for corner; THENCE along a circular curve to the left having a central angle of 42 deg. 22' and a radius of 1095.92 feet to an arc distance of 810.36 feet to a point for corner; THENCE N 89 deg. 31' 09" W 1216.02 feet along the South line of Bruton Road to the PLACE OF BEGINNING and containing 39.105 acres of land, exclusive of that portion that will be Interstate Highway 635 right-of-way.

(2) That this release of lease-contract is intended and shall be construed, as a release only of that land originally leased which is described in the aforesaid lease-contract of November 30, 1964, as the "South Tract"; and nothing herein contained shall be construed as a relinquishment of any of the City of Mesquite's


interest or rights in that portion of the land so originally leased and described herein as the "North Tract".

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Section 3. That a certified copy of this release may be recorded in the land deed records of Dallas County, Texas.

ATTEST:

CITY OF MESQUITE


Norma G. McGaughy - City Secretary

By: 
George Boyce - Mayor