

RESOLUTION NO. 8-71

0039

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MESQUITE, TEXAS, AUTHORIZING THE CLOSING OF A PORTION OF A STREET KNOWN AS OLD GUS THOMASSON ROAD AND ABANDONING THE RIGHT-OF-WAY THEREOF TO THE ABUTTING PROPERTY OWNERS IN FULL SETTLEMENT OF ANY CLAIM ARISING FROM SUCH CLOSING; AUTHORIZING MAYOR, GEORGE BOYCE, TO EXECUTE INSTRUMENTS CONVEYING SUCH INTEREST AS THE CITY OF MESQUITE MAY HAVE IN SAID RIGHT-OF-WAY TO THE PARTIES AS THEIR INTERESTS MAY APPEAR BY WRITTEN AGREEMENT; PROVIDING ACCEPTANCE OF SUCH CONVEYANCE SHALL CONSTITUTE FULL PAYMENT AND RELEASE FOR ANY CLAIMS RELATING THERETO; AND DECLARING THE EFFECTIVE DATE OF THIS RESOLUTION.

WHEREAS, it is deemed to be in the public interest to close a certain portion of a street known as Old Gus Thomasson Road; and

WHEREAS, the abutting land owners have certain rights under the law in relation to such closing; and

WHEREAS, it is desirable to avoid litigation over said closing of said street; and

WHEREAS, the abutting land owners have agreed with each other and with the City of Mesquite upon the disposition of this matter and have requested that said street be closed and the right-of-way be abandoned to the said parties in full settlement of any claim by either party arising from such closing;

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

SECTION 1. That it is in the best interest of the City of Mesquite to abandon the right-of-way known as Old Gus Thomasson Road and more particularly described in Exhibit "A", attached hereto, and to close said street.

SECTION 2. That the herein described street is hereby declared closed and the right-of-way therefore is hereby abandoned and quit claimed to the owners of the abutting property, Florence Schulz and Henry S. Miller, Trustee, according to the interests agreed upon between said parties in full settlement of any claim for damage or compensation for the closing of said street.


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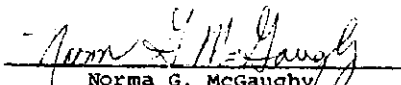
SECTION 3. That the Honorable George Boyce, Mayor, is hereby authorized to execute instruments conveying to said parties the interest of the City of Mesquite, Texas, in the herein described land as the written agreement of said parties shall indicate; acceptance of same by said parties to constitute payment in full and release of any claim whatsoever by said parties, their heirs, assigns and principals against the City of Mesquite, Texas, by reason of the closing and re-routing of the said Gus Thomasson Road.

SECTION 4. That this resolution take effect immediately upon its passage as the law in such cases provides.

DULY RESOLVED by the City Council of the City of Mesquite, Texas, on the 1 day of March, A.D., 1971.


George Boyce
Mayor

ATTEST:


Norma G. McGaughey
City Secretary

APPROVED AS TO FORM:

Elland Archer
City Attorney

EXHIBIT "A"

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ALL that certain tract and parcel of land lying in the City of Mesquite and County of Dallas, Texas, and being that portion of Gus Thomasson Road right-of-way sixty (60) feet in width, extending southeasterly from Town East Boulevard approximately 700 feet to its intersection with that portion of Gus Thomasson Road relocated, as shown by the plans and specifications on file in the Office of Public Works of the City of Mesquite; said tract being known locally as "Old Gus Thomasson Road" and lying between a tract of land owned by Florence Schulz and a tract of land owned by Henry S. Miller, Trustee, as shown by the Tax Records of the City of Mesquite, Texas; save and except, however, an easement in this tract is retained for the benefit of all existing utilities until such utilities are relocated. Such easement shall include egress and ingress for maintenance and for such work necessary to relocate said utilities.