

ORDINANCE NO. 202

AN ORDINANCE AUTHORIZING, EMPOWERING AND DIRECTING THE ATTORNEY FOR THE CITY TO NEGOTIATE FOR A SANITARY SEWER EASEMENT WITH LUCAS FARMS, INC. AND LUCAS PROPERTIES, ET AL, AND MAKING AN OFFER FOR SAID EASEMENT AND PROVIDING FOR CONDEMNATION AND DECLARING AN EMERGENCY.

WHEREAS heretofore the City Council of the City of Mesquite, Texas has determined and decided that there exists a public necessity for acquiring sanitary sewer easements upon and across certain property out of the JOHN P. ANDERSON SURVEY in Dallas County, Texas, the fee owner of the said property being LUCAS PROPERTIES, INC. and said easements described as follows:

Being a 20 foot permanent sanitary sewer easement with a 100 foot wide construction easement (the 100 foot construction easement to terminate one year from the date construction is begun) upon, across, and through properties belonging to Lucas Properties, Inc., said property being out of the JOHN P. ANDERSON LEAGUE SURVEY, A-1, and being property conveyed to Lucas Properties, Inc. as described in deed recorded in Vol. 4500, page 4, Deed Records, Dallas County, Texas, the center line of said easement being described as follows:

BEGINNING AT A POINT IN THE CENTERLINE OF MERCURY ROAD, SAID POINT BEING SOUTH 45 DEGREES WEST 4358.7 FEET FROM THE INTERSECTION OF THE CENTERLINE OF MERCURY ROAD AND CARTWRIGHT ROAD AND BEING IN THE NORTHERLY LINE OF A 34.5 ACRE TRACT DEEDED TO MARSINA LUCAS BY DEED DATED NOVEMBER 16, 1932, RECORDED IN DALLAS COUNTY, TEXAS DEED RECORDS. THENCE SOUTH 63 DEGREES 15 MINUTES EAST 1877 FEET; THENCE SOUTH 35 DEGREES 45 MINUTES EAST 800 FEET; THENCE SOUTH 45 DEGREES 45 MINUTES EAST 1124 FEET TO A POINT IN THE COMMON LINE OF THE 76.2 ACRE TRACT DEEDED TO LUCAS PROPERTIES, INC. BY DEED DATED MARCH 24, 1951 AND THE 75 ACRE TRACT DEEDED TO GEORGE F. LUCAS ET AL BY DEED DATED MARCH 24, 1951 AND THE 75 ACRE TRACT DEEDED TO GEORGE F. LUCAS ET AL BY DEED DATED FEBRUARY 25, 1955 RECORDED IN DALLAS COUNTY, TEXAS, DEED RECORDS.

Being a further 20 foot permanent easement with a 100 foot wide construction easement (the 100 foot construction easement to terminate one year from

Page 2
Ordinance No. 202

the date construction is begun) upon, across and through properties out of the JOHN P. ANDERSON LEAGUE SURVEY, A-1, said property being Tracts 5 and 6 as described in Deed to Lucas Properties, Inc. dated December 19, 1950 and recorded in Vol. 3426, page 81 of the Deed Records of Dallas County, Texas, the center line of such easement being described as follows:

BEGINNING AT A POINT IN THE CENTERLINE OF MERCURY ROAD, SAID POINT BEING SOUTH 45 DEGREES WEST 4358.7 FEET FROM THE INTERSECTION OF THE CENTERLINE OF MERCURY ROAD AND CARTWRIGHT ROAD; THENCE NORTH 73 DEGREES 15 MINUTES WEST AT 442 FEET CROSSING THE CENTERLINE OF THE TEXAS POWER AND LIGHT CO. OVER-HEAD ELECTRIC TRANSMISSION LINE EASEMENT CENTERLINE IN ALL A DISTANCE OF 623 FEET; THENCE NORTH 68 DEGREES 25 MINUTES WEST 7104 FEET TO A POINT IN THE CENTERLINE OF PIONEER ROAD, SAID POINT BEING 522 FEET FROM THE CENTERLINE OF MESQUITE CREEK.

WHEREAS the said City Council previously authorized by resolution the City Attorney to negotiate with said Fee owner and specifically authorized the said City Attorney to offer the said Fee owner the sum of TWO THOUSAND SIX HUNDRED AND NO/100 (\$2,600.00) DOLLARS for all damages involved in the securing of said easement, and WHEREAS said offer was made and refused, and WHEREAS it has now come to the attention of the said City Council that the said property in question has been leased to LUCAS FARMS, INC. By an unrecorded instrument and it has further come to the knowledge of the said City Council that the said property is subject to a lien,

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

THAT LONCY L. LEAKE, an Attorney at Law and his associates be and they are hereby authorized, empowered and directed to negotiate with LUCAS FARMS, INC., LUCAS PROPERTIES and the lien holders and anyone else having an interest in and to the said property above mentioned, and THAT FURTHER that the said City Attorney be authorized to offer TWENTY SIX HUNDRED AND NO/100 (\$2,600.00) DOLLARS to be offered jointly to the fee owner, the lessee and the lien holders.

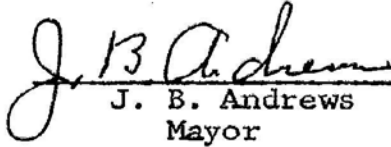
Ordinance No.202

Page 3

BE IT FURTHER RESOLVED that should the attempt to negotiate with said parties fail and should the City and the said Owners, the Lessee and lien holder are unable to agree upon the amount of the compensation for the securing of said easements and damages thereto, then it is hereby ordained by the City Council of the City of Mesquite, Texas, that LONCY L. LEAKE, Attorney at Law and his associates be and are hereby authorized and directed to institute proceedings to condemn said property under the law of eminent domain and obtain said sanitary sewer easements.

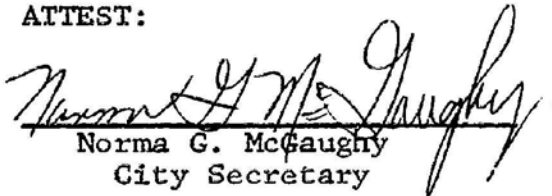
THE FACT THAT these easements are urgently needed to provide better sewer facilities for public use creates an emergency and urgency in the preservation of the public peace, health, safety and general welfare and requests that this ordinance shall take effect immediately from and after its passage and it is accordingly so ordained.

PASSED AND ADOPTED this 18th day of March, 1958.



J. B. Andrews
Mayor

ATTEST:



Norma G. McGaughy
City Secretary