

ORDINANCE NO. 1421

AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS DETERMINING THAT A PUBLIC NECESSITY EXISTS FOR THE ACQUISITION OF AN EASEMENT FOR THE CONSTRUCTION, AND MAINTENANCE OF A SANITARY SEWER LINE FOR THE EAST KEARNEY STREET INDUSTRIAL SANITARY SEWER MAIN, IN AND WITHOUT THE CORPORATE LIMITS OF THE CITY OF MESQUITE, TEXAS, AS DESCRIBED HEREIN; AUTHORIZING THE CITY ATTORNEY TO INSTITUTE CONDEMNATION PROCEEDINGS; PROVIDING A SEVERABILITY CLAUSE AND DECLARING AN EMERGENCY.

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

SECTION 1. That the City Council of the City of Mesquite, Texas, has and does deem it necessary and expedient and has determined that a public necessity exists for the acquisition of an easement for the construction, and maintenance of a sanitary sewer line and all lawful purposes incident thereto for the East Kearney Street Industrial Sanitary Sewer Main, in and without the corporate limits of the City of Mesquite, and more particularly described in Exhibit "A" attached hereto, the owners or those claiming an interest to said land being:

<u>PARCEL</u>	<u>OWNER</u>
Tract 12	Herman C. Holloway
Tract 11	Nathan R. Totty

(or such other owners as may appear)

SECTION 2. That the City Attorney is hereby authorized to institute Eminent Domain proceedings to condemn said property for said use according to law and to obtain fee simple title right-of-way and/or drainage easements to and upon said property for the purposes expressed herein.

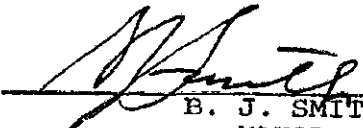
SECTION 3. Should any portion of the property described in Exhibit "A", attached hereto, not be subject to legal condemnation by the City of Mesquite, such fact shall not prevent the City from condemning such land which is described in Exhibit "A" and is subject to legal condemnation by the City, and it is the intention of the City of Mesquite to condemn only such territory as may be legally condemned by it within the limits of the land described in Exhibit "A".

SECTION 4. The fact that it is necessary that the property described in Exhibit "A" be acquired for the construction and maintenance of a sanitary sewer line in order to permit its proper

00028

development and to protect the public interest and general welfare of the City of Mesquite, creates an urgency and an emergency for the preservation of the public interest and welfare and requires that this ordinance shall take effect immediately from and after its passage and publication as the law in such cases provides.

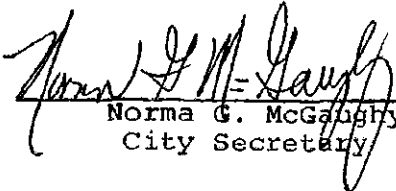
DULY PASSED by the City Council of the City of Mesquite, Texas, on the 20th day of March, A.D., 1978.



B. J. SMITH
MAYOR

ATTEST:

APPROVED AS TO FORM:



Norma G. McGaughey
City Secretary

Elland Archer
City Attorney

EXHIBIT "A"

00029

H. C. Holloway
Route 2, Box 11
Mesquite, Texas 75149

SANITARY SEWER EASEMENT

Being a tract, lot or parcel of land located in the Thomas Scott Survey, Abstract 1353, City of Mesquite, Dallas County, Texas, and being a part of that certain tract of land deeded to H. C. Holloway by deed dated 1-31-68 and recorded in the deed records of Dallas County, Texas, and being more fully described as follows:

Commencing at the most northern northwest corner of said H. C. Holloway tract, also said point being the north corner of the Billy E. Amburn tract, also said point being in the southeast R.O.W. line of State Highway 352;

Thence south $0^{\circ} 11' 30''$ east with the west line of the said H. C. Holloway tract 462.96 feet to a point, the place of beginning;

Thence north $88^{\circ} 14' 10''$ east 379.79 feet to a point in the east line of said H. C. Holloway tract;

Thence south $4^{\circ} 44'$ east with said Holloway tract 20.25 feet to a point;

Thence south $88^{\circ} 14' 10''$ west 382.95 feet to a point;

Thence north $0^{\circ} 11' 30''$ west 20.17 feet to the place of beginning containing 0.175 acres (7627.40 S.F.).

00030

EXHIBIT "A"

Nathan R. Totty
4651 Bridlewood
Dallas, Texas 75211

SANITARY SEWER EASEMENT

Being a lot, tract or parcel of land located in the Thomas Scott Survey, Abstract 1353, City of Mesquite, Dallas County, Texas, and being a part of the P. W. Lewis 104.46 acre tract recorded in Volume 1064, Page 122, and a part of an 7.006 acre tract conveyed from B. W. Cruce to Nathan R. Totty and recorded in the Deed Records of Dallas County, Texas, and being more fully described as follows:

Beginning at the most southern northwest corner of said 7.006 acre tract, said point also being the southwest corner of an 8.005 acre tract of land conveyed to Mesquite Lodge No. 2404, also being in the east line of the H. C. Holloway tract;

Thence south $85^{\circ} 46'$ east 349.1 feet to a point in the east line of said 7.006 acre tract;

Thence south $4^{\circ} 14'$ West with the east line of said 7.006 acre tract 20' feet to a point;

Thence north $85^{\circ} 46'$ west 345.74 to a point, said point being in the west line of said 7.006 acre tract;

Thence north $4^{\circ} 44'$ west 20.25 feet to the place of beginning containing 0.160 acres (6950.4 S.F.).