

ORDINANCE NO. 2060

AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, DETERMINING THAT A PUBLIC NECESSITY EXISTS FOR THE ACQUISITION OF FEE SIMPLE TITLE FOR THE CONSTRUCTION, RECONSTRUCTION, ENLARGEMENT AND MAINTENANCE OF A MUNICIPAL AIRPORT TOGETHER WITH SAFETY ZONES WITHIN 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 Land in Fee Simple Title for the construction, reconstruction, enlargement and maintenance of a Municipal Airport and all lawful purposes incident thereto within 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 1A and Tract 1B	Estate of Hugh Fowler, Jr., Deceased Hugh C. Fowler, Jr. and Evelyn F. Scott, Co-Executors
Tract 2	W. J. Snoeyenbos, Jr.
Tract 3	Estate of Richard R. Russell, Deceased W. R. Ewing, Trustee
Tract 4	Lanny Edwards

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 or such other estate as the law provides to said property for the purposes expressed herein.

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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, reconstruction, enlargement and maintenance of a Municipal Airport in order to permit its proper 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 6th day of August, A.D., 1984.

Mrs. Brunhilde Nystrom
Mrs. Brunhilde Nystrom
Mayor

ATTEST:

APPROVED AS TO FORM:

Lynn Prugel
Lynn Prugel
City Secretary

Elland Archer
City Attorney

EXHIBIT "A"
BOUNDARY SURVEY

Fowler
CC103
TRACT 1A

BEING a tract of land out of a 337.162 acre tract conveyed to Evelyn Fowler Scott, et al, in a deed recorded in Volume 80169, Page 1647, Deed Records of Dallas County, Texas; said tract being out of the Sam Houston Survey Abstract No. 657, said survey also known as the William Bryan Survey, Abstract No. 657;

BEGINNING at a 1" iron rod for an ell corner of the Sam Houston Survey and the southeast corner of the William S. Robinson Survey, Abstract No. 1262; said corner also being the southeast corner of a tract conveyed to the City of Mesquite by Phil L. Hudson Airport, Inc. in deed dated January 11, 1982, and recorded in Volume 82007, Page 1782 of the Deed Records of Dallas County, Texas;

THENCE South 00°20'00" West with an extension of the east line of said Phil L. Hudson Airport tract a distance of 1750.00 feet to a 1/2" iron rod;

THENCE South 08°11'51" East 1161.36 feet to a 1" iron rod set for corner in the southeast line of said 337.162 acre tract; said line being in the northwest line of a 40.517 acre tract of Lanny Edwards as recorded in Volume 73087, Page 0299, Deed Records of Dallas County, Texas; said corner being South 45°38'40" West 1014.07 feet from a 1" iron rod found for north corner of the said Edwards 40.517 acre tract;

THENCE South 45°38'40" West with said southeast line and an old fence row 380.10 feet to a 1/2" iron rod set for corner at the south corner of said 337.162 acre tract; said corner also being the west corner of the said Edwards 40.517 acre tract and in the northeast line of a 72.665 acre tract conveyed to Richard L. Russell in deed recorded in Volume 74127, Page 0279, Deed Records of Dallas County, Texas; said line also being the southwest line of the Benjamin Beckner Survey, Abstract No. 1617 and the northeast line of the W. W. Bruton Survey, Abstract No. 160;

THENCE North 44°45'21" West with the southwest line of said 337.162 acre tract and the Beckner Survey 1232.82 feet to a 1" iron rod found for the west corner of the Beckner Survey; being in the southeast line of a 24.3 acre tract conveyed as First Tract, to Sally Berry Snoeyenbos in deed recorded in Volume 3540, Page 171, Dallas County Deed Records; said line also being the southeast line of the John Pike Survey Abstract No. 1174;

THENCE North 45°07'27" East with said survey line 679.47 feet to a 1" iron rod found for the east corner of the John Pike Survey and the south corner of the Sam Houston Survey; said corner being in an old fence and tree row;

THENCE North 45°03'10" West with said common Pike and Houston Survey line 451.63 feet to a 1/2" iron rod set in old tree line and fence row;

THENCE North 00°20'00" East 1490.99 feet to the north line of the Houston Survey and the south line of the William S. Robinson Survey; said line also being the south line of said Phil L. Hudson Airport tract;

THENCE North 89°58'39" East with said line and old tree line 813.85 feet to the Place of Beginning and containing 53.938 acres of land.

Said tract has located across the southeast corner a 50 foot wide pipeline easement for a 30 inch diameter pipeline; said easement being conveyed to Lone Star Gas Co. by instrument dated February 24, 1969, and recorded in Volume 69138, Page 0948, Deed Records of Dallas County, Texas.

A Tract of land situated in Dallas County, Texas, in the Sam Houston Survey, Abstract No. 657, and being a triangular shaped parcel on west side of a tract of land deeded to Evelyn Fowler Scott and Hugh C. Fowler, Jr., August 26, 1980 recorded in Vol. 80169, Page 1647, of Dallas County Deed Records, Dallas, Texas and being more particularly described as follows;

BEGINNING at a 3/8" iron rod found, being the southwest corner of the Phil Hudson Airport record in Dallas County records Vol. 82007, Page 1782, said point also in the North line of above mentioned parcel of land;

THENCE North 89°58'39" East a distance of 446.33 feet to a 1" iron rod found for northeast corner of said triangular parcel;

THENCE South 00°20'00" West a distance of 1490.99 feet to a 1" iron rod found for south corner of triangle;

THENCE North 45°03'10" West a distance of 2109.65 feet to a 1" iron rod set for northwest corner of triangle;

THENCE North 90°58'39" East a distance of 1055.47 feet to POINT OF BEGINNING, containing 25.700 acres of land.

EXHIBIT "A"

L. Snoeyenbos

TRACT 2 00105

BOUNDARY SURVEY

BEING a tract of land out of a 24.3 acre tract conveyed to Sallie Berry Snoeyenbos as First Tract in a partition deed recorded in Volume 3540, Page 171, Deed Records of Dallas County, Texas; said 24.3 acre tract being out of the John Pike Survey, Abstract No. 1174;

BEGINNING at a 1" iron rod found for the east corner of said 24.3 acre tract and the east corner of said Pike Survey; said corner also being an ell corner of a 337.162 acre tract conveyed to Evelyn Fowler Scott, et al, in deed recorded in Volume 80169, Page 1647, Deed Records of Dallas County, Texas;

THENCE South 45°07'27" West with the southeast line of said 24.3 acre tract and said Pike Survey 456.33' to a 1" iron rod set for south corner of this tract; said corner being North 45°07'27" East 223.14 feet from a 1" iron rod found for a west corner of said Scott 337.162 acre tract and the north corner of a 72.665 acre tract conveyed to Richard R. Russell in deed recorded in Volume 74127, Page 0279, Deed Records, Dallas County, Texas;

THENCE North 00°20'00" East 641.04 feet to a 3/4" iron rod set in the northeast line of said 24.3 acre tract; said line being a southwest boundary of said Scott 337.162 acre tract and being in an old fence row and tree line;

THENCE South 45°03'10" east with said line 451.63 feet to the Place of Beginning and containing 2.366 acres of land.

00106

BOUNDARY SURVEY

BEING a tract of land out of 72.665 acres of land conveyed to Richard R. Russell by Raymond Berry and wife, Bessie Berry in deed recorded in Volume 74127, Page 0279, of the Deed Records of Dallas County, Texas; said 72.665 acres being a part of the W. W. Bruton Survey, Abstract No. 160, Dallas County, Texas;

BEGINNING at a $\frac{1}{2}$ " iron rod set in the northeast line of said 72.665 acre tract and the northeast line of said Bruton Survey; and being South $44^{\circ}45'21''$ East 478.11 feet from a 1" iron rod found for the north corner of said 72.665 acre tract; said northeast line also being the southwest line of the Benjamin Beckner Survey, Abstract No. 1617 and a southwest line of a 337.162 acre tract conveyed to Evelyn Fowler Scott, et al, in deed recorded in Volume 80169, Page 1647, of the Deed Records of Dallas County;

THENCE South $44^{\circ}45'21''$ East with said northeast line 754.71 feet to a $\frac{1}{2}$ " iron rod set for the northwest corner of the 40.517 acre tract conveyed to Lanny Edwards in deed recorded in Volume 73087, Page 0299, Dallas County Deed Records; said corner also being the south corner of said Scott 337.162 acre tract;

THENCE South $45^{\circ}50'07''$ East with said northeast line and southwest line of said Edwards 40.517 acre tract a distance of 410.34 feet to a $\frac{1}{2}$ " iron rod set for the southeast corner of this tract;

THENCE North $89^{\circ}40'00''$ West 953.06 feet to a $\frac{1}{2}$ " iron rod set for the southwest corner of this tract;

THENCE North $08^{\circ}51'52''$ East 826.15 feet to the Place of Beginning and containing 8.871 acres of land.

Said tract has located across it a 50 foot wide pipeline easement for a 30 inch diameter pipeline; said easement being conveyed to Lone Star Gas Co. by instrument dated July 18, 1968, and recorded in Volume 68168, Page 0874, Deed Records of Dallas County, Texas.

NOEYENBOS
PL 3540



BOUNDARY SURVEY

TRACT 4

BEING a tract of land out of 40.517 acres of land described in Deed of Trust Lanny Edwards to R. P. Steward, Jr., Trustee, in instrument recorded in Volume 73087, Page 0299, Deed Records of Dallas County, Texas; said 40.517 acres being out of the Benjamin Beckner Survey Abstract No. 1617, Dallas County, and being part of two tracts of land conveyed by W. H. Tolleyer to Veteran's Land Board of the State of Texas by deeds dated September 21, 1953, and recorded in Volume 3920, Pages 483 and 485 of the Deed Records of Dallas County, Texas.

BEGINNING at a $\frac{1}{2}$ " iron rod set in the northwest line of said Edwards 40.517 acre tract; said line also being the south line of a 337.162 acre tract of land conveyed to Evelyn Fowler Scott in deed recorded in Volume 80169, Page 1647, Deed Records of Dallas County, Texas; said beginning point being South $45^{\circ}38'40''$ West 1014.07 feet from a 1" iron rod found for the north corner of said 40.517 acre tract;

THENCE South $08^{\circ}11'51''$ East 557.66 feet across said 40.517 acre tract to a $\frac{1}{2}$ " iron rod set for the southeast corner of this tract;

THENCE North $89^{\circ}40'00''$ West 56.94 feet to a $\frac{1}{2}$ " iron rod set for the southwest corner of this tract; said corner being in the southwest line of said 40.517 acre tract; the southwest line of the Benjamin Beckner Survey; and the northeast line of a 72.665 acre tract conveyed to Richard R. Russell in deed recorded in Volume 74127, Page 0279, Deed Records, Dallas County, Texas;

THENCE North $45^{\circ}50'07''$ West with said southwest line 410.34 feet to a $\frac{1}{2}$ " iron rod set for the northwest corner of this tract and said 40.517 acre tract;

THENCE North $45^{\circ}38'40''$ East with the northwest line of said 40.517 acre tract generally with an old fence line a distance of 380.10 feet to the Place of Beginning and containing 2.152 acres of land.

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