

ORDINANCE NO. 2159

AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, DETERMINING THAT A PUBLIC NECESSITY EXISTS FOR THE ACQUISITION OF AN EASEMENT FOR ENLARGEMENT AND MAINTENANCE OF A DRAINAGE CHANNEL 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 an easement for the construction, reconstruction, enlargement and maintenance of a drainage channel 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:

PARCELOWNER

Tract 1

The Estate of Henry Kyle,
deceased, his administrators,
representatives, heirs and
devisees

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.

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 drainage channel in order to permit its proper development and to protect the public interest

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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 1st day of April, A.D., 1985.

Mrs. Brunhilde Nystrom
Mrs. Brunhilde Nystrom
Mayor

ATTEST:

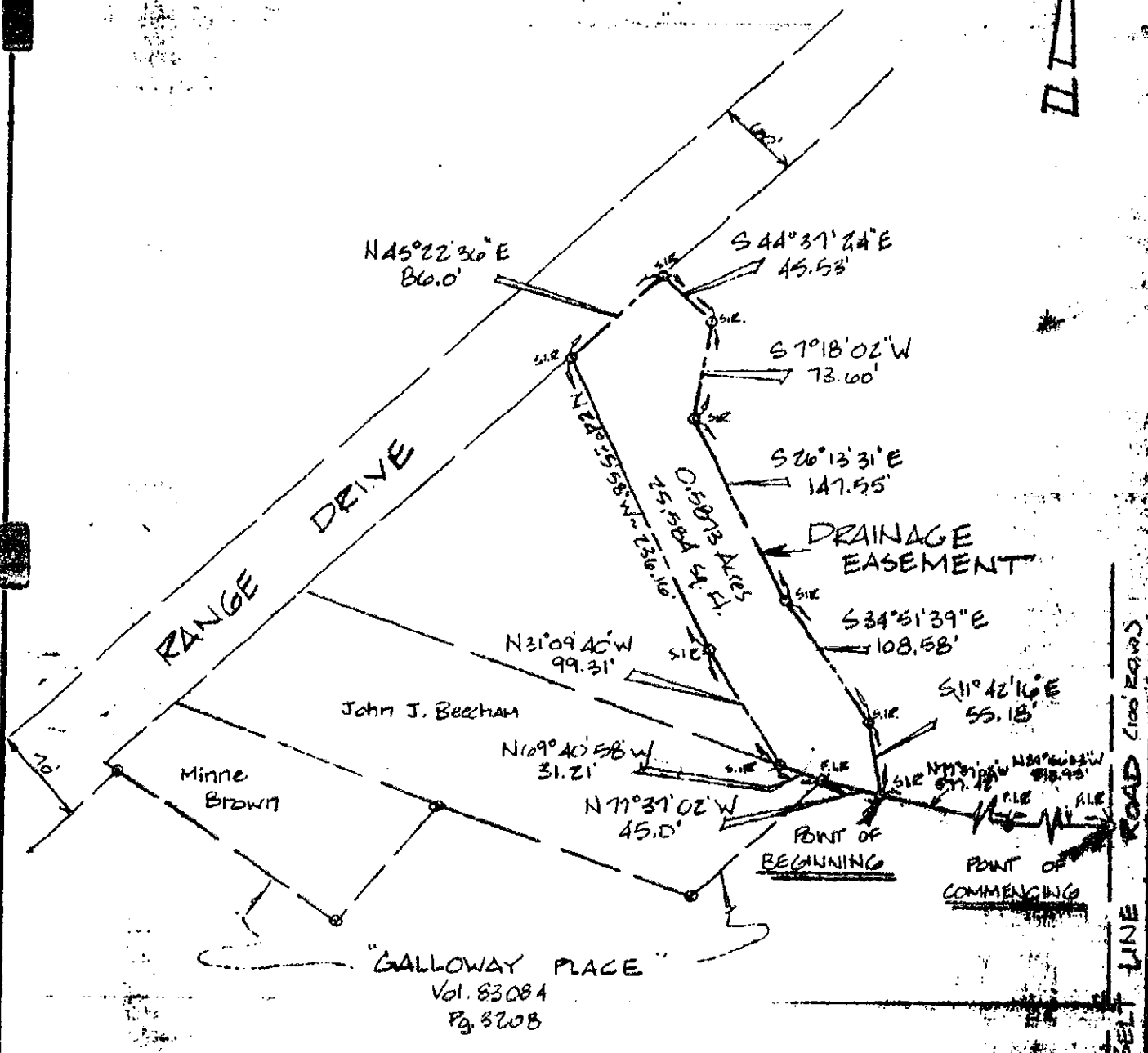
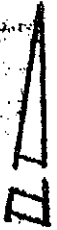
APPROVED AS TO FORM:

Lynn Prugel
Lynn Prugel
City Secretary

Elland Archer
Elland Archer
City Attorney

DRAINAGE EASEMENT

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DRAINAGE EASEMENT

COMMENCING at an iron rod found on the west line of Belt Line Road (100 ft. R.O.W.), said iron rod being the northeast corner of Galloway Place, an addition to the City of Mesquite as recorded in Volume 83084, Page 3208 of the Deed Records of Dallas County, Texas;

THENCE: NORTH 89°56'33" West departing the said west line of Belt Line Road a distance of 393.95 ft. along the north line of Galloway Place to an iron rod found for a corner; THENCE NORTH 77°37'02" West a distance of 577.42 ft. continuing along the north line of Galloway Place to the POINT OF BEGINNING;

THENCE: NORTH 77°37'02" West a distance of 45.00 ft. along the said north line of Galloway Place to an iron rod found for corner;

THENCE: NORTH 69°40'58" West a distance of 31.21 ft. departing the said north line of Galloway Place to an iron rod set for corner;

THENCE: NORTH 31°09'40" West a distance of 99.31 ft. to an iron rod set for corner;

THENCE: NORTH 24°25'58" West a distance of 236.16 ft. to an iron rod set for corner on the south R.O.W. line of Range Drive (60 ft. R.O.W.);

THENCE: NORTH 45°22'36" East a distance of 86.00 ft. along the said south line of Range Drive to an iron rod set for corner;

THENCE: SOUTH 44°37'24" East a distance of 45.53 ft. departing the said south line of Range Drive to an iron rod set for corner;

THENCE: SOUTH 7°18'02" West a distance of 73.60 ft. to an iron rod set for corner;

THENCE: SOUTH 26°13'31" East a distance of 147.55 ft. to an iron rod set for corner;

THENCE: SOUTH 34°51'39" East a distance of 108.58 ft. to an iron rod set for corner;

THENCE: SOUTH 11°42'16" East a distance of 55.18 ft. to the POINT OF BEGINNING and containing 0.5873 Acres (25,584 sq. ft.) of land.