

ORDINANCE NO. 2869

AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, DECLARING THE NECESSITY FOR ACQUIRING BY CONDEMNATION A PERMANENT SANITARY SEWER EASEMENT UPON AND ACROSS CERTAIN DESCRIBED PROPERTY IN CONJUNCTION WITH THE SHANNON-LUMLEY SANITARY SEWER PIPE TIES PROJECT, AND ORDERING THE CONDEMNATION OF SAID PROPERTY TO PROCEED.

WHEREAS, the City Council of the City of Mesquite has heretofore determined to acquire the right-of-way necessary for a permanent sanitary sewer easement; and

WHEREAS, an independent professional appraisal report of the subject properties was made and an official written offer based upon the amount determined to be just compensation has been transmitted to the owners of the property described herein, and the owners have been unable to agree with the City of Mesquite upon the properties' fair cash market value and further negotiations for settlement have become futile and impossible; and

WHEREAS, the City of Mesquite has complied with all prerequisites of the law and condemnation has become necessary in order to acquire the permanent sanitary sewer easement.

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 a permanent sanitary sewer easement for the Shannon-Lumley Road Sanitary Sewer Project and all lawful purposes incident thereto upon and across property located at and more particularly in Exhibit "A" attached hereto, the owners of those claiming an interest to said land being:

<u>Parcel</u>	<u>Owner</u>
Parcel #3	Murphy Lee and Gloria Palmer Lee
Parcel #12	Larry L. Thornton and Debbie S. Thornton

SECTION 2. That the official offer by the City of Mesquite for the easement across the land described in Exhibit "A" in the amount of One Thousand (\$1,000.00) Dollars for Tract #3 and Four Hundred Eighty (\$480.00) Dollars for Tract #12 is hereby confirmed.

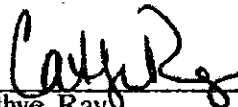
SECTION 3. That it is hereby determined that the City of Mesquite has in fact transmitted a bona fide offer to the property owners in accord with the laws of the

State of Texas for the easement upon and across the property described in Exhibit "A", and the owners of the property and the City of Mesquite have been unable to agree and cannot agree upon the value of the land or the damages to be paid and further settlement negotiations have become futile and impossible.

SECTION 4. 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 5. The fact that it is necessary that the property described in Exhibit "A" be acquired for the Shannon-Lumley Sanitary Sewer Project 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 AND APPROVED by the City Council of the City of Mesquite, Texas, on the 19th day of April, 1993.




Cathye Ray
Mayor

ATTEST:

APPROVED:



Lynn Prugel
City Secretary



B.J. Smith
City Attorney

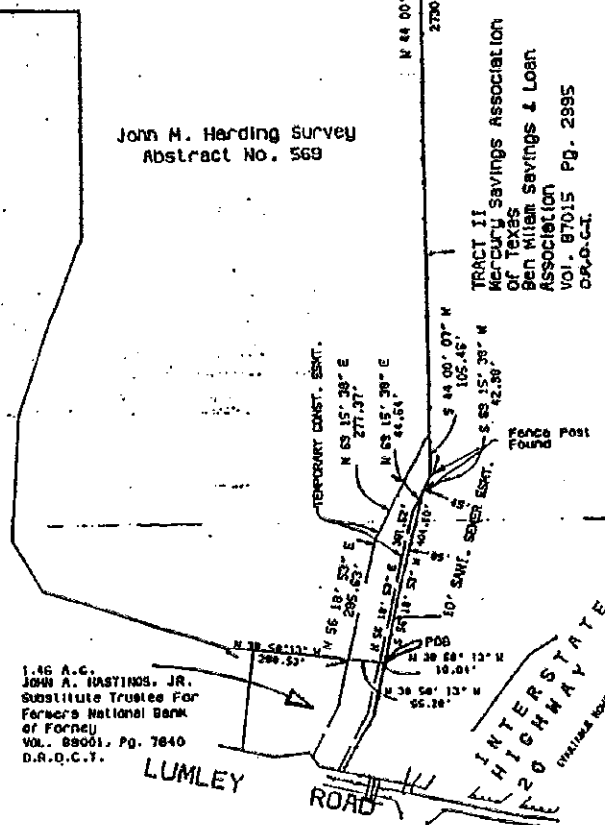
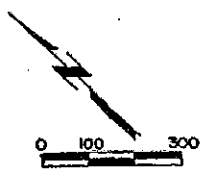
EXHIBIT "A"

86.192 AC.
GLORIA POWER PALMER
Vol. 89024, Pg. 2921
D.R.D.C.T.

SANITARY SEWER EASEMENT 3828 sq.ft.
TEMPORARY CONSTRUCTION EASEMENT 29245 sq.ft.

John M. Harding Survey
Abstract No. 569

239.1518 AC.
TRACT II
Mercury Savings Association
of Texas
Ben Mitan Savings & Loan
Association
Vol. 87015 Pg. 2995
D.R.D.C.T.




1.46 A.C.
JOHN A. HASTINGS, JR.
Substitute Trustee For
Farmers National Bank
of Forney
Vol. 89001, Pg. 7840
D.R.D.C.T.

SANITARY SEWER EASEMENT
And
TEMPORARY CONSTRUCTION EASEMENT
Being a portion of that certain
TRACT OF LAND

Situated in the JOHN M. HARDING SURVEY ABSTRACT NO. 569
Mesquite, Texas as described by deed recorded in
Volume 89024, Page 2921 D.R.D.C.T.
See attached notes and bounds description "Exhibit A"

SCALE: 1"=300' JOB#: 160-4

PARCEL: 3

 **Black & Veatch**
Engineers - Architects
Kansas City, Missouri

VILBIG & ASSOCIATES, INC.
CONSULTING ENGINEERS & SURVEYORS
2700 STEMMONS FREEWAY TOWER EAST
SUITE 600 DALLAS, TEXAS 75207



I do hereby certify that the plot hereon is a true, correct and accurate representation of the property as determined by a survey on the ground. The lines and dimensions of the said property being as indicated by the plot.

David A. Vilbig
DAVID A. VILBIG, 2012 2010

DATE: 7/9/92

FIELD NOTE DESCRIPTION

BEING a 0.0879 acre tract of land situated in the John M. Harding Survey, Abstract No. 589, City of Mesquite, Dallas County, Texas, and being a portion of that certain 96.192 acre tract of land conveyed by deed to Gloria Power Palmer as recorded in Volume 89024, Page 2921, of the Deed Records, Dallas County, Texas, and being more particularly described by metes and bounds as follows:

BEGINNING at an intersection point of the most southerly southwest property line of said 96.192 acre tract with a northwest property line of a 239.1518 acre tract of land, known as Tract II, as described in a deed to Ben Milam Savings and Loan Association, and Mercury Savings Association of Texas as recorded in Volume 87015, Page 2995, of said Deed Records;

THENCE departing said northwest line along said southwest line North 38 degrees 58 minutes 13 seconds West a distance of 10.04 feet to a point for corner;

THENCE departing said southwest property line, North 56 degrees 18 minutes 53 seconds East a distance of 361.52 feet to an angle point for corner;

THENCE North 69 degrees 15 minutes 38 seconds East a distance of 44.64 feet to a fence post found for corner, said fence corner being an angle point on the aforesaid northwest property line;

THENCE along said northwest property line, along and near a fence, South 56 degrees 18 minutes 53 seconds West a distance of 404.10 feet to the POINT OF BEGINNING and containing 3,828 square feet or 0.0879 acre of land.

David A. Vilbig 7/9/92
David A. Vilbig
Registered Professional Land
Surveyor Texas # 3989
2700 Stemmons Fwy. Suite 600
Dallas, Texas 75207
(214) 630-1565

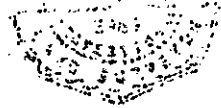


EXHIBIT "A"
TWENTY (20') FOOT SANITARY SEWER BASEMENT
FIELD NOTE DESCRIPTION

BEING a 0.1104 acre tract of land situated in the James Moore Survey, Abstract No. 691, City of Mesquite, Dallas County, Texas, also being a portion of that certain 2.27451 acre tract of land conveyed by a deed to Larry L. Thornton and wife, Debbie S. Thornton, as recorded in Volume 89011, Page 758 of the Deed Records of Dallas County, Texas and being a portion of a 15.009 acre tract of land conveyed to Billy M. Smith and wife, Ruth M. Smith as recorded in Volume 70071, Page 1166 of said Deed Records and more particularly described by metes and bounds as follows:

COMMENCING at a 1/2" iron rod set for the westerly corner of said Smith tract:

THENCE along the southwest property line of said Smith Tract South 45 degrees 46 minutes 08 seconds East a distance of 804.57 feet to the west property corner of said 2.27451 acre tract;

THENCE along the northwest property line of said 2.27451 acre tract North 44 degrees 48 minutes 27 seconds East a distance of 30.00 feet to the POINT OF BEGINNING;

THENCE continuing along the northwest property line North 44 degrees 48 minutes 27 seconds East a distance of 20.00 feet to a point for corner;

THENCE departing said property line, being 50 feet northeast and parallel at right angles to the southwest property line of said 2.27451 acre tract, South 45 degrees 46 minutes 08 seconds East a distance of 240.38 feet to a point for corner on the southeast property line of said 2.27451 acre tract;

THENCE along said southeast property line South 44 degrees 48 minutes 27 seconds West a distance of 20.00 feet to a point for corner;

THENCE departing said property line, being 30 feet northeast and parallel at right angles to the aforementioned southwest property line, North 45 degrees 46 minutes 08 seconds West a distance of 240.38 feet to the POINT OF BEGINNING and containing 4807 square feet or 0.1104 acre of land.

David A. Vilbig
Registered Professional Land Surveyor
Texas # 3989
2700 Stemmons Fwy. Suite 600
Dallas, Texas 75207
(214) 630-1565

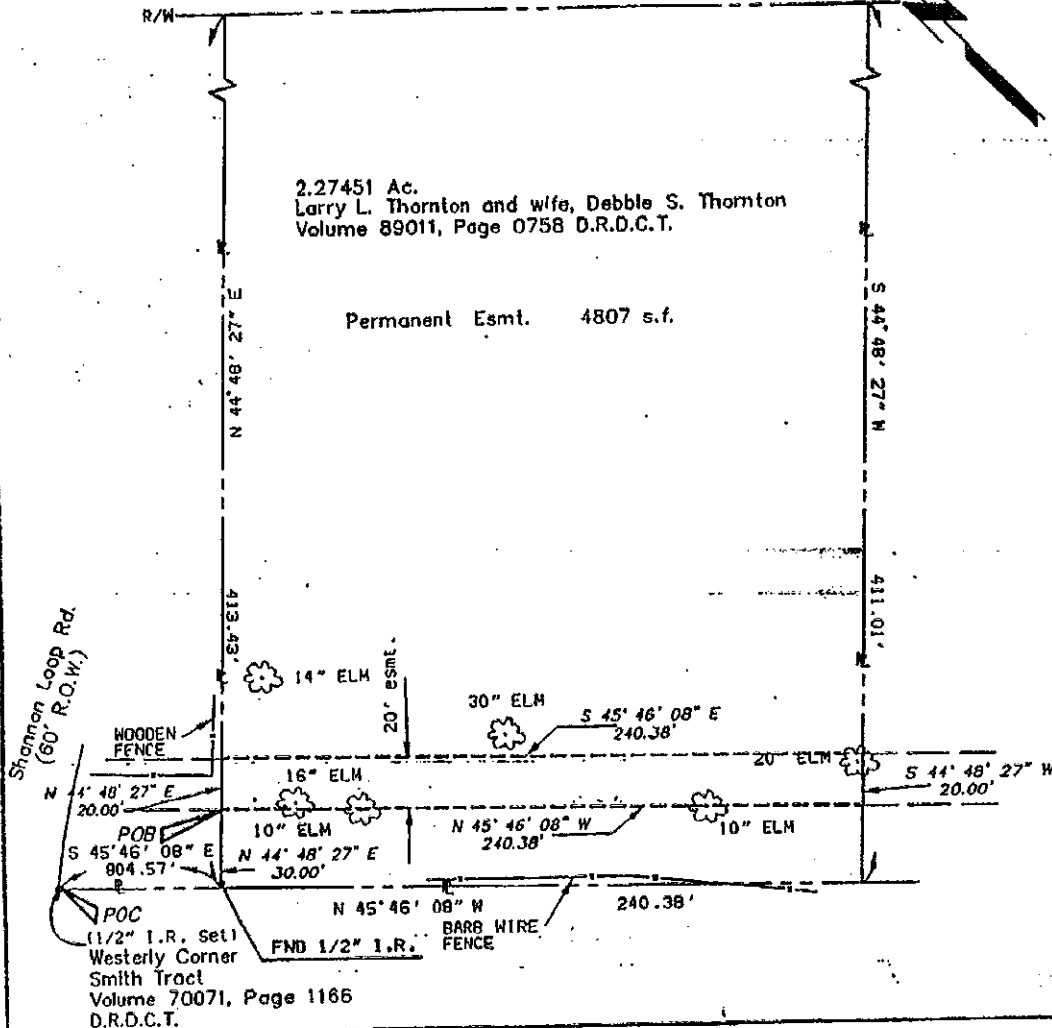
EXHIBIT "A"



Shannon Loop Rd. (80' R.O.W.)

2.27451 Ac.
Larry L. Thornton and wife, Debbie S. Thornton
Volume 89011, Page 0758 D.R.D.C.T.

Permanent Esmt. 4807 s.f.



SANITARY SEWER EASEMENT

Being a portion of that certain
TRACT OF LAND
Situated in the JAMES MOORE SURVEY ABSTRACT 961
Mesquite, Texas as described by deed recorded in
Volume 89011, Page 0758 D.R.D.C.T.
See attached metes and bounds description "Exhibit A"

SCALE: 1"=50' JOB#: 160-4 PARCEL NO. 12



Black & Veatch
Engineers - Architects
Kansas City, Missouri

VILBIG & ASSOCIATES, INC.
CONSULTING ENGINEERS & SURVEYORS
2700 STEMMONS FREEWAY TOWER EAST
SUITE 800 DALLAS, TEXAS 75207

I do hereby certify that the plat herein is a true, correct and accurate representation of the property as determined by a survey on the ground. The lines and dimensions of the sold property being as indicated by the plat.

DATE: