

0 0 2 5 3

ORDINANCE NO. 3144

AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, DETERMINING THAT A PUBLIC NECESSITY EXISTS FOR THE ACQUISITION OF FEE SIMPLE TITLE TO APPROXIMATELY 487.5 SQUARE FEET OF LAND LOCATED WITHIN LOT 29, BLOCK 22, COUNTRY CLUB ESTATES ADDITION, SECOND INSTALLMENT ALLEY RIGHT-OF-WAY FOR THE CONSTRUCTION AND IMPROVEMENT OF AN ALLEY BETWEEN JAMAICA WAY AND TRINIDAD DRIVE FROM GUS THOMASSON ROAD TO SARAZEN DRIVE; AUTHORIZING THE CITY ATTORNEY TO INSTITUTE CONDEMNATION PROCEEDINGS; AND PROVIDING AN EFFECTIVE DATE THEREOF.

WHEREAS, the City Council of the City of Mesquite has determined that a public necessity exists for the welfare of the citizens of the City of Mesquite and it is in the public interest to acquire necessary right-of-way in certain real property for alley right of way to construct an alley between Jamaica Way and Trinidad Drive from Gus Thomasson Road to Sarazen Drive.

WHEREAS, the property in which the right-of-way is to be acquired for such purposes is located within Lot 29, Block 22, Country Club Estates Addition, Second Installment, in the City of Mesquite, Dallas County, Texas and being a 487.5 square foot parcel for the alley improvements more particularly described in Exhibit "A" attached hereto and made a part hereof by reference (the "Property").

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, hereby finds and does deem it necessary and expedient for the welfare of the City and its citizens, and has determined that a public necessity exists for the acquisition of the fee simple title to the Property described in the preamble of this Ordinance, which for all purposes is adopted and made a part of the body of this Ordinance, for right of way in connection with the construction and improvement, maintenance, operation and all lawful purposes incident thereto of alley improvements.

SECTION 2. That it is hereby confirmed that the City Manager was authorized to and did make an offer, based upon value determined from appraisal of the Property by competent and qualified appraisers, to acquire the Property, and such offer was transmitted via certified mail to the property owner, David N. and Donna S. Quinlan, on February 20, 1997, in the amount of FIVE HUNDRED SIXTY-ONE AND 80/100 (\$561.80), and said offer was not accepted by the owner of the Property and it has been determined that further negotiations would be futile, agreement cannot be reached and the City will need to initiate eminent domain proceedings to acquire said Property.

SECTION 3. That the City Attorney or his designee is hereby authorized to file or cause to be filed, against the owner and against all others holding an interest in the Property, proceedings

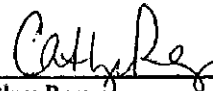
Ordinance - page 2

in eminent domain to acquire the fee simple title to the property described herein for the purposes described herein.

SECTION 4. It is the intent of the City Council that this Ordinance authorize the condemnation of all interest in property necessary to accomplish the purposes described herein, however, should any portion of the property described herein not be subject to legal condemnation by the City of Mesquite, such fact shall not prevent the City from condemning that portion of the described land which is subject to legal condemnation by the City, and it is the intention of the City Council to condemn only such property interest as may be legally condemned by the City within the limits of the land described herein. Further, if it is determined that there are any errors in the descriptions contained herein, the City Attorney, or his designee, is authorized to have such errors corrected or revisions made without the necessity of obtaining a new City Council Ordinance authorizing the condemnation of the corrected or revised property.


SECTION 5. That this Ordinance shall become effective immediately from and after its passage.

DULY PASSED AND APPROVED by the City Council of the City of Mesquite, Texas, on the 3rd day of March, 1997.




Cathye Ray
Mayor

ATTEST:



Ellen Williams
City Secretary

APPROVED:



B. J. Smith
City Attorney

EXHIBIT "A"

DESCRIPTION
ALLEY RIGHT-OF-WAY
LOT 29, BLOCK 22,
COUNTRY CLUB ESTATES,
SECOND INSTALLMENT

Being a tract or parcel of land situated in the Theophilus Thomas Survey, Abstract No. 1461, Dallas County and also situated in Lot 29, Block 22, Country Club Estates Addition, Second Installment in the City of Mesquite, Texas, and being more particularly described

BEGINNING at the northwesterly corner of Lot 29, Block 22, Country Club Estates, Second Installment;

THENCE, N 44° 57' E, a distance of 65.00 feet along the northwesterly lot line of Lot 29 to the northeasterly corner of Lot 29;

THENCE, S 45° 11' E, a distance of 7.50 feet, along the easterly lot line of Lot 29 to a corner of this parcel, also being in the southerly line of a utility easement dedicated by the Country Club Estates Addition, Second Installment Plat;

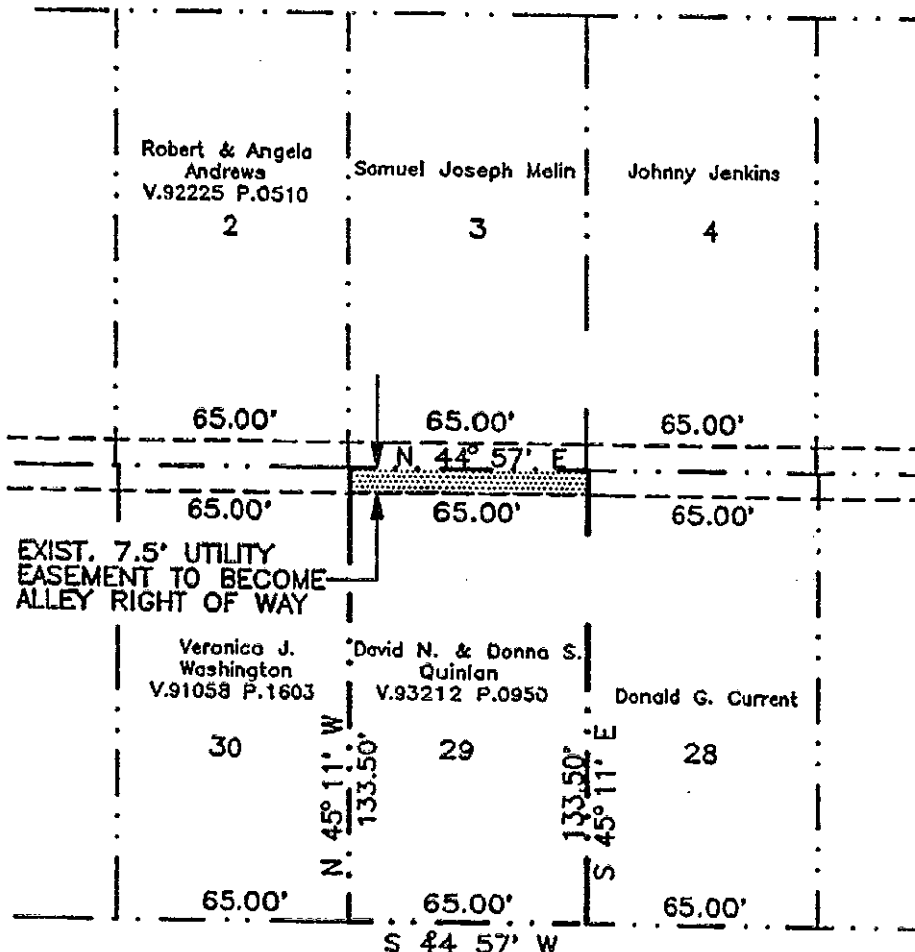
THENCE, S 44° 57' W, a distance of 65.00 feet along the southerly line of the herein described tract, said line being 7.50 feet south of and parallel to the northwesterly lot line of Lot 29, Block 22, to a point in the westerly lot line of Lot 29, block 22;

THENCE, N 45° 11' W, a distance of 7.50 feet along the westerly lot line of Lot 29, Block 22, to the POINT OF BEGINNING, and containing 487.50 square feet of lane, more or less.

SCALE 1" = 50'



JAMAICA WAY



TRINIDAD DRIVE

ALLEY RIGHT-OF-WAY
COUNTRY CLUB ESTATES
SECOND INSTALLMENT
BLOCK 22, LOT 29
3349 TRINIDAD DRIVE
MESQUITE, TEXAS