

ORDINANCE NO. 3217

AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, DETERMINING THAT A PUBLIC NECESSITY EXISTS FOR THE ACQUISITION OF FEE SIMPLE TITLE TO APPROXIMATELY 1,306.0 SQUARE FEET OF LAND LOCATED WITHIN A TRACT OF LAND IN THE J.T. NELMS SURVEY ABSTRACT NO. 1095, AND ALSO BEING WITHIN LOT 10, BLOCK B, OF THE EMPORIUM ADDITION TO THE CITY OF MESQUITE, AS DESCRIBED IN VOLUME 90162, PAGE 0843, FOR THE CONSTRUCTION OF IMPROVEMENTS AT THE INTERSECTION OF TOWN EAST BOULEVARD AND INTERSTATE 635; AUTHORIZING THE CITY ATTORNEY TO INSTITUTE CONDEMNATION PROCEEDINGS; PROVIDING A SEVERABILITY CLAUSE; 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 street right of way to construct roadway improvements at the intersection of Town East Boulevard and Interstate Highway 635;

WHEREAS, the property in which the right-of-way is to be acquired for such purposes is located within a tract of land in the J.T. Nelms Survey, Abstract No. 1095, described in Volume 90162, Page 0843 in the City of Mesquite, Dallas County, Texas and being a 1,306.0 square foot parcel for the street 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 street 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, Mesquite Texas Crossing, L.P., on March 16, 1998, in the amount of Thirty-Two Thousand Six Hundred Fifty and No/100 (\$32,650.00), 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.

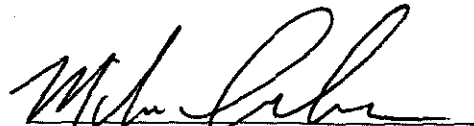
SECTION 3. That the City Attorney or his designee is hereby authorized to file or cause to be filed, against the owner and against all others holding an interest in the property, proceedings in eminent domain to acquire the fee simple title to the property described herein for the purposes described 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 should any word, sentence, clause, paragraph or provision of this ordinance be held to be invalid or unconstitutional, the remaining provisions of this ordinance shall remain in full force and effect.

SECTION 6. 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 6th day of April, 1998.



Mike Anderson  
Mayor

ATTEST:

APPROVED:



Ellen Williams  
City Secretary



B.J. Smith  
City Attorney

00047

**Metes and Bounds Description**

**0.030 Acre  
Right-Of-Way Dedication  
City of Mesquite, Dallas County, Texas**

Being a description of a 0.030 acre (1,306 Square Foot) tract of land located in the J. T. Nelms Survey, Abstract No. 1095 and being part of a 5.50 acre tract of land conveyed to Mesquite Crossing Corporation on August 15, 1990 and recorded in Volume 90162, Page 0843, of the Deed Records of Dallas County, Texas, also being part of Lot 10, Block B of The Emporium, an addition to the City of Mesquite, as recorded in Volume 89162, Page 2420, of said Deed Records, and being more particularly described by metes and bounds as follows:

**BEGINNING** at a 1/2 inch iron rod found for the Southwest corner of said 5.50 acre tract of land, and being in the East Right-of-Way line of Interstate Highway 635 (a variable width Right-of-Way) as conveyed to the State of Texas on September 22, 1967, and recorded in Volume 68014, Page 0027, of said Deed Records and the North Right-of-Way line of Town East Boulevard (a variable width Right-of-Way) as dedicated to the City of Mesquite by the Street Right of Way Dedication Plat of Emporium at LBJ on August 23, 1985, and recorded in Volume 85212, Page 3726, of said Deed Records;

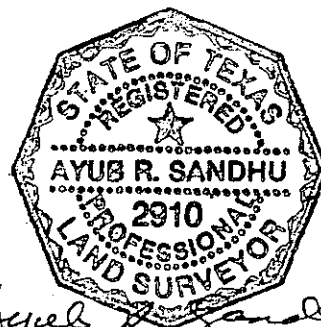
**THENCE**, NORTH 07° 36' 07" WEST, along the West line of said 5.50 acre tract and said East Right-of-Way line of Interstate Highway 635, a distance of 55.61 feet to a 5/8 inch iron rod, with ARS cap, set for corner;

**THENCE**, SOUTH 42° 58' 48" EAST, leaving said West line of the 5.50 acre tract and said East Right-of-Way line of Interstate Highway 635, a distance of 41.06 feet to a 5/8 inch iron rod, with ARS cap, set for corner;

**THENCE**, SOUTH 68° 59' 26" EAST, a distance of 41.91 feet to a "X" cut in concrete set for corner; in the South line of said 5.50 acre tract and said North Right-of-Way line of Town East Blouvard;

**THENCE**, SOUTH 80° 26' 53" WEST, along said South line of the 5.50 acre tract and said North Right-of-Way line of Town East Blouvard, a distance of 60.60 feet to the **PLACE OF BEGINNING** and enclosing 0.030 acre (1,306 Square Feet) of land, more or less.

**Basis of Bearing:** Bearings are based upon Grid North as derived by GPS observations at the monument designated "Buckner"[1947].



*Ayub R. Sandhu*  
10-1-97

GROSS 5.500 Ac. 239,580 Sq. Ft.  
PARCEL 0.030 Ac. 1,306 Sq. Ft.  
NET 5.470 Ac. 238,274 Sq. Ft.

J. T. NELMS SURVEY  
ABSTRACT 1095

MESQUITE CROSSING CORPORATION  
CALLED 5.50 ACRES  
VOLUME 90162, PAGE 0843  
D.R.D.C.T.

THE EMPORIUM  
BLOCK B, LOT 10  
VOLUME 89162, PAGE 2420  
D.R.D.C.T.

INTERSTATE HIGHWAY 635  
(VOL. 68014, PG.0027, D.R.D.C.T.)

FND. TxDOT MON.

SET 5/8" I.R.

N 07°36'07" W  
55.61'

S 42°58'48" E - 41.06'

SET 5/8" I.R.

S 68°59'26" E - 41.91'

1,306 Sq. Ft.  
0.030 Ac.

SET "X" CUT  
IN CONC.

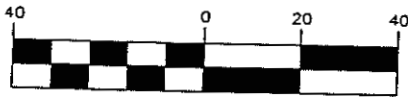
60.60'

S 80°26'53" W

(VOL. 85212, PG.3726, D.R.D.C.T.)

TOWN EAST BOULEVARD

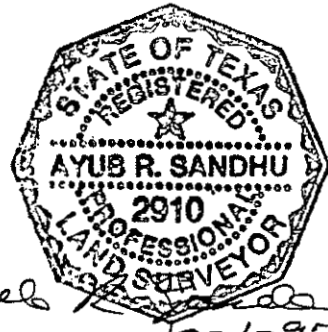
1/2" I.R.F.  
P.O.B.



1 inch = 40 ft.

NOTE:

BEARINGS ARE BASED UPON GRID NORTH  
AS DERIVED BY GPS OBSERVATIONS  
AT THE MONUMENT "BUCKNER" (1947).



SHEET	DATE: 9/26/97
	SCALE: 1" = 40'
	CALC. BY: J.F.P.
	DRAWN BY: J.F.P.
	CHK BY: C.E.C.
	JOB NO.: 302-96-012
FILE: 635TWN E	

1 OF 1

NO.	REVISION	BY	DATE
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0.030 Ac. ROW PARCEL  
IN THE J. T. NELMS SURVEY  
ABSTRACT No. 1095  
IN THE CITY OF MESQUITE  
DALLAS COUNTY, TEXAS

**ARS**  
Engineers, Inc.

4245 N. Central Expressway Suite 600  
Dallas, Texas 75206  
(214) 622-8888 Fax (214) 621-9214