

ORDINANCE NO. 3494

AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, DETERMINING THAT A PUBLIC NECESSITY EXISTS FOR THE ACQUISITION OF A UTILITY EASEMENT TO INCLUDE APPROXIMATELY 42,651 SQUARE FEET OF LAND LOCATED WITHIN A TRACT OF LAND IN THE DANIEL TANNER SURVEY, ABSTRACT NO. 1462, AS DESCRIBED IN VOLUME 94116, PAGE 3056, FOR THE CONSTRUCTION OF A SANITARY SEWER LINE; AUTHORIZING THE CITY ATTORNEY TO INSTITUTE CONDEMNATION PROCEEDINGS; PROVIDING FOR A SEVERABILITY CLAUSE; AND PROVIDING FOR 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 utility easements on certain real property for the construction of a sanitary sewer line; and

WHEREAS, the property in which the utility easement is to be acquired for such purposes is located within a tract of land in the Daniel Tanner Survey, Abstract No. 1462, described in Volume 94116, Page 3056 in the City of Mesquite, Dallas County, Texas and being a 42,651-square foot parcel for the sanitary sewer 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 utility easement on 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 sanitary sewer 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 Ashiq A. Kanji on March 6, 2002, in the amount of Fifteen Thousand Seven Hundred Eighty and No/100 (\$15,780.00) Dollars 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 utility easement.

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 utility easement 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 are authorized to have such errors corrected or revisions made without the necessity of obtaining a new 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.

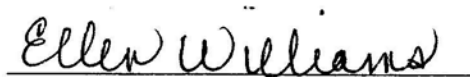
DULY PASSED AND APPROVED by the City Council of the City of Mesquite, Texas, on the 18th day of March, 2002.



Mike Anderson
Mayor

ATTEST:

APPROVED:



Ellen Williams
City Secretary



B.J. Smith
City Attorney

EXHIBIT "A"
UTILITY EASEMENT
ASHIQ A. KANJI
MESQUITE, DALLAS COUNTY, TEXAS
BOUNDARY DESCRIPTION

A 20 feet wide tract of land situated in the Daniel Tanner Survey. Abstract No. 1462 in the City of Mesquite, Dallas County, Texas and being part of 20.3089 acres tract described in the deed to Ashiq A. Kanji recorded in Volume 94116 Page 3056 in the Dallas County Deed Records, and being more particularly described as follows:

COMMENCING at a found ½-inch iron rod at the most westerly southwest corner of Lot 3, Block 69 of "Northridge Estates No. 5", an addition to the City of Mesquite recorded in Volume 28 Page 147 in the Dallas County Map Records;

THENCE North 49°53'45" East 204.32 feet along the west side of said "Northridge Estates No. 5" to a found ½-inch iron rod for the POINT OF BEGINNING at the most southerly southwest corner of said 20.3089 acres tract;

THENCE North 08°08'47" East 30.16 feet along the west side of said 20.3089 acres tract and along the east side of the 7.466 acres tract described in the deed to Argus Resources, Inc. recorded in Volume 99034 Page 4486 in the Dallas County Deed Records;

THENCE North 49°53'45" East 20.98 feet along a line 20 feet northwest of and parallel to the northwest side of said "Northridge Estates No. 5";

THENCE North 58°54'45" East 189.67 feet continuing along a line 20 feet northwest of and parallel to the northwest side of said "Northridge Estates No. 5";

THENCE North 45°25'45" East 1547.04 feet continuing along a line 20 feet northwest of and parallel to the northwest side of said "Northridge Estates No. 5";

THENCE North 39°32'13" East 37.86 feet;

THENCE North 44°34'41" West 287.35 feet;

THENCE North 45°25'19" East 40.44 feet to the east side of said 20.3089 acres tract;

THENCE South 01°02'51" West 28.60 feet along the east side of said 20.3089 acres tract;

THENCE South 44°34'41" East 291.24 feet continuing along the east side of said 20.3089 acres tract;

THENCE South 45°25'45" West 1607.07 feet along the northwest side of said "Northridge Estates No. 5";

THENCE South 58°54'45" West 190.46 feet continuing along the northwest side of said "Northridge Estates No. 5";

THENCE South 49°46'51" West 41.91 feet continuing along the west side of said "Northridge Estates No. 5" to the POINT OF BEGINNING and CONTAINING 42,651 square feet of land more or less.

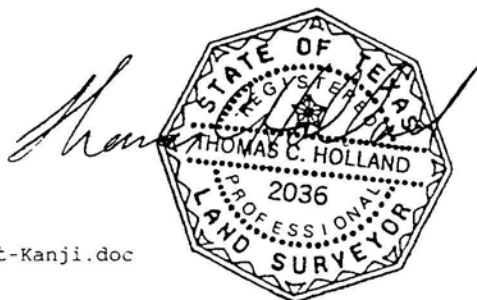


EXHIBIT "A"
TEMPORARY CONSTRUCTION EASEMENT
ASHIQ A. KANJI
MESQUITE, DALLAS COUNTY, TEXAS
BOUNDARY DESCRIPTION

A 50 feet wide tract of land situated in the Daniel Tanner Survey, Abstract No. 1462 in the City of Mesquite, Dallas County, Texas and being part of 20.3089 acres tract described in the deed to Ashiq A. Kanji recorded in Volume 94116 Page 3056 in the Dallas County Deed Records, and being more particularly described as follows:

COMMENCING at a found ½-inch iron rod at the most westerly southwest corner of Lot 3, Block 69 of "Northridge Estates No. 5", an addition to the City of Mesquite recorded in Volume 28 Page 147 in the Dallas County Map Records;

THENCE North 49°53'45" East 204.32 feet along the west side of said "Northridge Estates No. 5" to a found ½-inch iron rod;

THENCE North 08°08'47" East 30.16 feet along the west side of said 20.3089 acres tract and along the east side of the 7.466 acres tract described in the deed to Argus Resources, Inc. recorded in Volume 99034 Page 4486 in the Dallas County Deed Records, to the POINT OF BEGINNING;

THENCE North 08°08'47" East 68.80 feet along the west side of said 20.3089 acres tract and along the east side of said 7.466 acres tract;

THENCE North 58°54'45" East 160.97 feet along a line 70 feet northwest of and parallel to the northwest side of said "Northridge Estates No. 5";

THENCE North 45°25'45" East 1528.78 feet continuing along a line 70 feet northwest of and parallel to the northwest side of said "Northridge Estates No. 5";

THENCE North 44°34'41" West 291.23 feet;

THENCE North 45°25'19" East 141.55 feet to the east side of said 20.3089 acres tract;

THENCE South 01°02'51" West 71.50 feet along the east side of said 20.3089 acres tract;

THENCE South 45°25'19" West 40.44 feet;

THENCE South 44°34'41" East 287.35 feet;

THENCE South 39°32'13" West 37.86 feet;

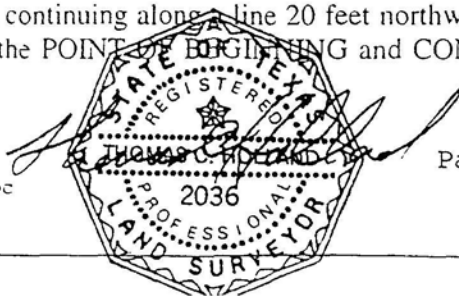
THENCE South 45°25'45" West 1547.04 feet along a line 20 feet northwest of and parallel to the northwest side of said "Northridge Estates No. 5";

THENCE South 58°54'45" West 189.67 feet continuing along a line 20 feet northwest of and parallel to the northwest side of said "Northridge Estates No. 5";

THENCE South 49°53'45" West 20.98 feet continuing along a line 20 feet northwest of and parallel to the northwest side of said "Northridge Estates No. 5" to the POINT OF BEGINNING and CONTAINING 106.122 square feet of land more or less.

01/11/02

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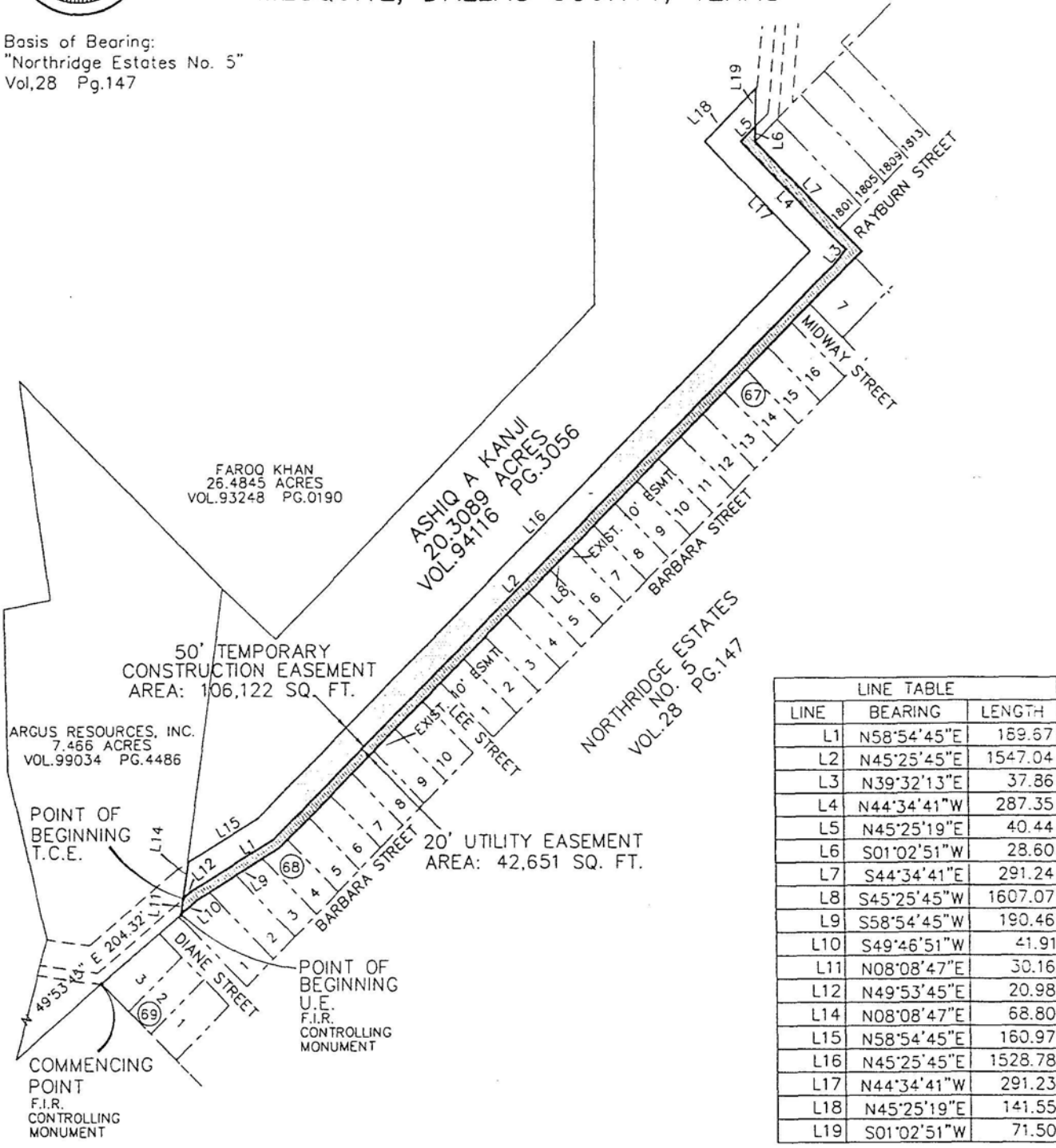


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EXHIBIT "A"
UTILITY EASEMENT
TEMPORARY CONSTRUCTION EASEMENT
ASHIQ A. KANJI
MESQUITE, DALLAS COUNTY, TEXAS

Basis of Bearing:
 "Northridge Estates No. 5"
 Vol.28 Pg.147



LINE TABLE		
LINE	BEARING	LENGTH
L1	N58°54'45"E	189.67
L2	N45°25'45"E	1547.04
L3	N39°32'13"E	37.86
L4	N44°34'41"W	287.35
L5	N45°25'19"E	40.44
L6	S01°02'51"W	28.60
L7	S44°34'41"E	291.24
L8	S45°25'45"W	1607.07
L9	S58°54'45"W	190.46
L10	S49°46'51"W	41.91
L11	N08°08'47"E	30.16
L12	N49°53'45"E	20.98
L14	N08°08'47"E	68.80
L15	N58°54'45"E	160.97
L16	N45°25'45"E	1528.78
L17	N44°34'41"W	291.23
L18	N45°25'19"E	141.55
L19	S01°02'51"W	71.50



C&P ENGINEERING, LTD.
 Engineering • Planning • Surveying •

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 CORINTH, TEXAS 76210 (940)270-0602

Scale: 1"=300'	Date: 01/11/02
Job No.: 00071	Dwg. File: 071Esmt1R