

ORDINANCE NO. 3499

AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, DETERMINING THAT A PUBLIC NECESSITY EXISTS FOR THE ACQUISITION OF STREET RIGHT-OF-WAY TO INCLUDE APPROXIMATELY 2,683 SQUARE FEET OF LAND LOCATED WITHIN A TRACT OF LAND IN THE JOHN P. ANDERSON SURVEY, ABSTRACT NO. 1, AS DESCRIBED IN VOLUME 2001012, PAGE 5297, FOR THE CONSTRUCTION OF A STREET; 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 street right-of-way on certain real property for the construction of a street; and

WHEREAS, the property in which the street right-of-way is to be acquired for such purposes is located within a tract of land in the John P. Anderson Survey, Abstract No. 1, described in Volume 2001012, Page 5297, in the City of Mesquite, Dallas County, Texas, and being a 2,683-square foot parcel 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 street right-of-way 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 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 Mr. Chris Tutt, in the amount of Two Thousand, Four Hundred and No/100 (\$2,400.00) 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 right-of-way.


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 street right-of-way 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.

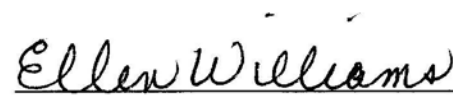
SECTION 6. That this ordinance shall become effective immediately from and after its passage.

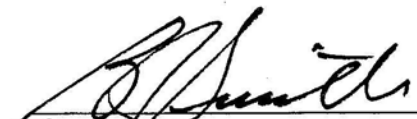
DULY PASSED AND APPROVED by the City Council of the City of Mesquite, Texas, on the 7th day of May, 2002.

  
\_\_\_\_\_  
Mike Anderson  
Mayor

ATTEST:

APPROVED:

  
\_\_\_\_\_  
Ellen Williams  
City Secretary

  
\_\_\_\_\_  
B. J. Smith  
City Attorney

# RIGHT-OF-WAY DEDICATION EXHIBIT "A"

## LEGAL DESCRIPTION

BEING all that certain lot, tract or parcel of land situated in the John P. Anderson Survey, Abstract No. 1, Dallas County, Texas, and being a portion of that certain tract of land conveyed to Chris Tutt as recorded in Volume 2001012, Page 5297, Deed Records, Dallas County, Texas, (D.R.D.C.T.), and being more particularly described as follows:

BEGINNING at a 3/8" iron rod found for the North corner of the aforementioned Tutt tract, and located in the Southeasterly right-of-way line of Edwards Church Road, a 60' right-of-way, said iron rod also being the West corner of Close Addition, an addition to the City of Mesquite according to the plat thereof recorded in Volume 78098, Page 3245, Map Records, Dallas County, Texas;

THENCE S 45°43'00" E, departing the southeasterly line of said Edwards Church Road, a distance of 10.17' to a 1/2" iron rod with an NDM plastic cap set for corner;

THENCE S 54°41'04" W, a distance of 174.71' to a 1/2" iron rod with an NDM plastic cap set for corner;

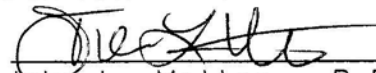
THENCE S 09°45'32" W, a distance of 41.78' to a 1/2" iron rod with an NDM plastic cap set for corner in the Northeasterly right-of-way line of Cartwright Road, a variable width right-of-way at this point;

THENCE N 45°43'00" W, along the Northeasterly line of said Cartwright Road, a distance of 40.85' to a 1/2" iron rod with an NDM plastic cap set for the West corner of the aforementioned Tutt tract, said iron rod being at the intersection of the Northeasterly line of said Cartwright Road and the Southeasterly line of the aforementioned Edwards Church Road;

THENCE N 54°52'00" E, along the Southeasterly line of said Edwards Church Road, a distance of 209.83' to the POINT OF BEGINNING containing 0.0616 acres, 2,683 square feet of land, more or less.

BASIS OF BEARINGS for this dedication is the 1983 State Plane Coordinate System, Lambert Projection, North Central Zone, Per N.G.S. Triangulation Stations "Garland NE Base", "Buckner", and "Grove RM 1".

FOR NATHAN D. MAIER CONSULTING ENGINEERS, INC.

 4-11-02  
John L. Melton - R.P.L.S. #4268  
Registered Professional Land Surveyor



# NDM

NATHAN D. MAIER CONSULTING ENGINEERS, INC.  
Two Northpark / 8080 Park Lane / Suite 600  
Dallas, Texas 75231 / Ph. (214) 739-4741

REV2RW6.DWG  
SEPTEMBER 28, 2001  
REVISED APRIL 11, 2002

# RIGHT-OF-WAY DEDICATION EXHIBIT "B"

BILLY & NANCY BEACH  
VOL. 72118, PG. 271

EDWARDS CHURCH ROAD  
60' RIGHT-OF-WAY

P.O.B.  
3/8" IRF

S 45°43'00" E  
10.17'

CLOSE ADDITION  
VOL. 78098, PG. 3245

AREA  
0.0616 ACRES  
2,683 SQ. FT.

N 54°52'00" E - 209.83'  
S 54°41'04" W - 174.71'

CHRIS TUTT  
VOL. 2001012, PG. 5297

1/2" IRS  
W/NDM CAP

1/2" IRS  
W/NDM CAP

1/2" IRS  
W/NDM CAP

N 45°43'00" W  
40.85'

S 09°45'32" W  
41.78'

1/2" IRS  
W/NDM CAP



CARTWRIGHT ROAD  
VARIABLE WIDTH RIGHT-OF-WAY

S 45°43'00" E - 169.59'


THE TOSCH REVOCABLE TRUST  
VOL. 97124, PG. 4340

MACK H. and wife  
BETTY DOCKINS  
VOL. 4647, PG. 488

1/2" IRF

BASIS OF BEARINGS for this dedication is the 1983 State Plane Coordinate System, Lambert Projection, North Central Zone, Per N.G.S. Triangulation Stations "Garland NE Base", "Buckner", and "Grove RM 1".

FOR NATHAN D. MAIER CONSULTING ENGINEERS, INC.

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