

ORDINANCE NO. 3543

AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, DETERMINING THAT A PUBLIC NECESSITY EXISTS FOR THE ACQUISITION OF STREET RIGHT-OF-WAY FOR THE RECONSTRUCTION, WIDENING AND IMPROVEMENT OF CLAY-MATHIS ROAD BETWEEN EDWARDS-CHURCH ROAD AND LAWSON ROAD; AUTHORIZING THE CITY ATTORNEY TO INSTITUTE CONDEMNATION PROCEEDINGS; PROVIDING 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 reconstruction, widening and improvement of a street; and

WHEREAS, the property in which the street right-of-way is to be acquired for such purposes is 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 for the reconstruction, widening and improvement of Clay-Mathis Road together with location and relocation of utilities and all lawful purposes incident thereto between Edwards-Church Road and Lawson Road in the City of Mesquite and more particularly described in Exhibit "A" attached hereto and made a part hereof by reference (the "Property"), the owner claiming an interest to said land being:

PARCEL

OWNER

Parcel #3

Gary C. Coffman

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 in the amount as follows:

PARCEL

OFFER

Parcel #3

\$ 3,434.00

That 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.

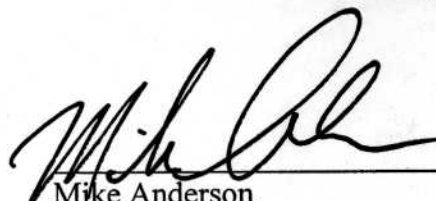
SECTION 3. That the City Attorney or his designee is hereby authorized to file or cause to be filed against the owner and against all others holding an interest in the Property, proceedings in eminent domain to acquire the street right-of-way to the Property described herein for the purposes described 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 2nd day of December, 2002.



Mike Anderson  
Mayor

ATTEST:

APPROVED:



Ellen Williams  
City Secretary



B. J. Smith  
City Attorney

**Exhibit "A"**  
**Metes and Bounds Description**  
**Clay-Mathis Road**  
**City of Mesquite**  
**Dallas County, Texas**

BEING a tract of land situated in the Nancy Ellen Bruton Survey, Abstract No. 1702, in the City of Mesquite, Dallas County, Texas, and being a portion of Lot 1, Block A of Creek Crossing No. 11, Phase 3, an addition to the City of Mesquite, Texas according to the Map or Plat thereof recorded in Volume 95184 at Page 3752 of the Deed Records of Dallas County, Texas (D.R.D.C.T.) and being more particularly described by metes and bounds as follows (bearings based upon the Texas State Plane Grid bearing (NAD83) from City of Mesquite control monuments 13 and 14. Distances are local surface distances):

BEGINNING at a ½-inch iron rod found for the west corner of said Lot 1, same being on the southeast line of a called 1.00-acre tract of land conveyed to Janice A. McCormick as evidenced in a Warranty Deed recorded in volume 98182 at Page 536 D.R.D.C.T., same being the current northeast right-of-way line of Clay-Mathis Road (a variable width right-of-way);

THENCE North 44°41'59" East, departing the current northeast right-of-way line of said Clay-Mathis Road, along the northwest line of said Lot 1 and a southeast line of said 1.00-acre tract, a distance of 9.03 feet to a 5/8-inch "KHA" capped iron rod set for the point of curvature of a non-tangent curve to the right;

THENCE in a southeasterly direction, departing the northwest line of said Lot 1 and the southeast line of said 1.00-acre tract and along the arc of said curve to the right, through a central angle of 02°10'37", having a radius of 1000.00 feet, a chord bearing of South 25°09'09" East, a chord distance of 37.99 feet and an arc length of 38.00 feet to a 5/8-inch "KHA" capped iron rod set for the point of reverse curvature of a curve to the left;

THENCE in a southeasterly direction, along the arc of said curve to the left, through a central angle of 14°21'25", having a radius of 900.00 feet, a chord bearing of South 31°14'33" East, a chord distance of 224.93 feet and an arc length of 225.52 feet to a 5/8-inch "KHA" capped iron rod set for the end of said curve, same being on the southeast line of said Lot 1, said corner also being on a northwesterly line of a called 20.731-acre tract of land conveyed to the KB Homes Lone Star LP, as evidenced in a Special Warranty Deed recorded in Volume 2001251 at Page 9464 D.R.D.C.T.;

THENCE South 44°33'03" West, along the southeast line of said Lot 1, the northwest line of said 20.731-acre tract, a distance of 1.89 feet to a 5/8-inch "KHA" capped iron rod set for the south corner of said Lot 1, same being on the northeast right-of-way line of Clay-Mathis Road said corner also being the point of curvature of a non-tangent curve to the right;

THENCE in a northwesterly direction along the southwest line of said Lot 1, the northeast right-of-way line of said Clay-Mathis Road and along the arc of said curve to the right, through a central angle of  $15^{\circ}10'16''$ , having a radius of 950.00 feet, a chord bearing of North  $32^{\circ}09'54''$  West, a chord distance of 250.81 feet and an arc length of 251.55 feet to a chiseled cross set for the point of reverse curvature of a curve to the left;

THENCE in a northwesterly direction continuing along the southwest line of said Lot 1, the northeast right-of-way line of said Clay-Mathis Road and along the arc of said curve to the left, through a central angle of  $00^{\circ}33'36''$ , having a radius of 1050.00 feet, a chord bearing of North  $24^{\circ}51'30''$  West, a chord distance of 10.26 feet and an arc length of 10.26 feet to the POINT OF BEGINNING and containing 1,434 square feet of land, more or less.



SAM HOUSTON SURVEY  
ABSTRACT NO. 655

CALLED 1.00 ACRE  
TO JANICE A. MCCORMICK  
VOLUME 98182, PAGE 0536  
D.R.D.C.T.

1/2" IRF  
APPROX. LOCATION OF ABSTRACT LINE

C-1  
DELTA=15°10'16"  
RADIUS=950.00'  
LENGTH=251.55'  
CHORD=N 32°09'54" W  
250.81'

C-2  
DELTA=00°33'36"  
RADIUS=1050.00'  
LENGTH=10.26'  
CHORD=N 24°51'30" W  
10.26'

LOT 1, BLOCK A  
CREEK CROSSING ESTATES  
NO. 11, PHASE 3  
VOLUME 95184, PAGE 3752  
D.R.D.C.T.

NANCY ELLEN BRUTON SURVEY  
ABSTRACT NO. 1702

CALLED 20.731 ACRES  
TO KB HOME LONE STAR LP  
VOLUME 2001251, PAGE 9464  
D.R.D.C.T.

DELTA=02°10'37"  
RADIUS=1000.00'  
LENGTH=38.00'  
CHORD=S 25°09'09" E  
37.99

DELTA=14°21'25"  
RADIUS=900.00'  
LENGTH=225.52'  
CHORD=S 31°14'33" E  
224.93'

N 44°41'59" E  
9.05'  
POINT OF BEG.

S 44°33'03" W  
1.89'

CLAY-MATHIS ROAD  
(VARIABLE WIDTH RIGHT-OF-WAY)

APPROX. LOCATION OF ABSTRACT LINE

PARK CHASE, PHASE ONE  
VOLUME \_\_\_\_\_ PAGE \_\_\_\_\_  
D.R.D.C.T.

JOHN P. ANDERSON LEAGUE  
ABSTRACT NO. 1

EXHIBIT "B"  
RIGHT-OF-WAY DEDICATION  
CLAY-MATHIS ROAD  
NANCY ELLEN BRUTON SURVEY, ABSTRACT NO. 1702  
CITY OF MESQUITE, DALLAS COUNTY  
TEXAS

NOTE:  
1. IRS DENOTES A 5/8-INCH "KHA"  
CAPPED IRON ROD SET

