

ORDINANCE NO. 3555

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 Exhibits "A" and "B" 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 Exhibits "A" and "B" attached hereto and made a part hereof by reference (the "Property"), the owners claiming an interest to said land being:

PARCEL

OWNERS

Parcel #6

Rita J. White and Teresa M. Holmes

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 owners in the amount as follows:

PARCEL

OFFER

Parcel #6

\$ 9,146.00

That said offer was not accepted by the owners 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.

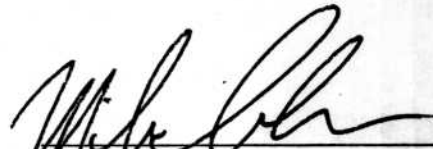
SECTION 3. That the City Attorney or his designee is hereby authorized to file or cause to be filed against the owners and against all others holding an interest in the Property, proceedings in eminent domain to acquire the street right-of-way to the Property described herein for the purposes described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

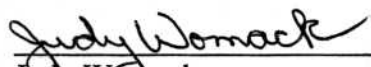
DULY PASSED AND APPROVED by the City Council of the City of Mesquite, Texas, on the 3rd day of February, 2003.



Mike Anderson
Mayor

ATTEST:

APPROVED:



Judy Womack
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 Isaac Edwards Survey, Abstract No. 445, in the City of Mesquite, Dallas County, Texas, and being a portion of a called Tract I (0.569-acres) and Tract II (0.359-acres) conveyed to Teresa M. Holmes and Rita J. White as evidenced in a Warranty Deed recorded in Volume 96232 at Page 1450 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 the west corner of said Tract I, same being the current northeast right-of-way line of Clay-Mathis Road (a variable width right-of-way);

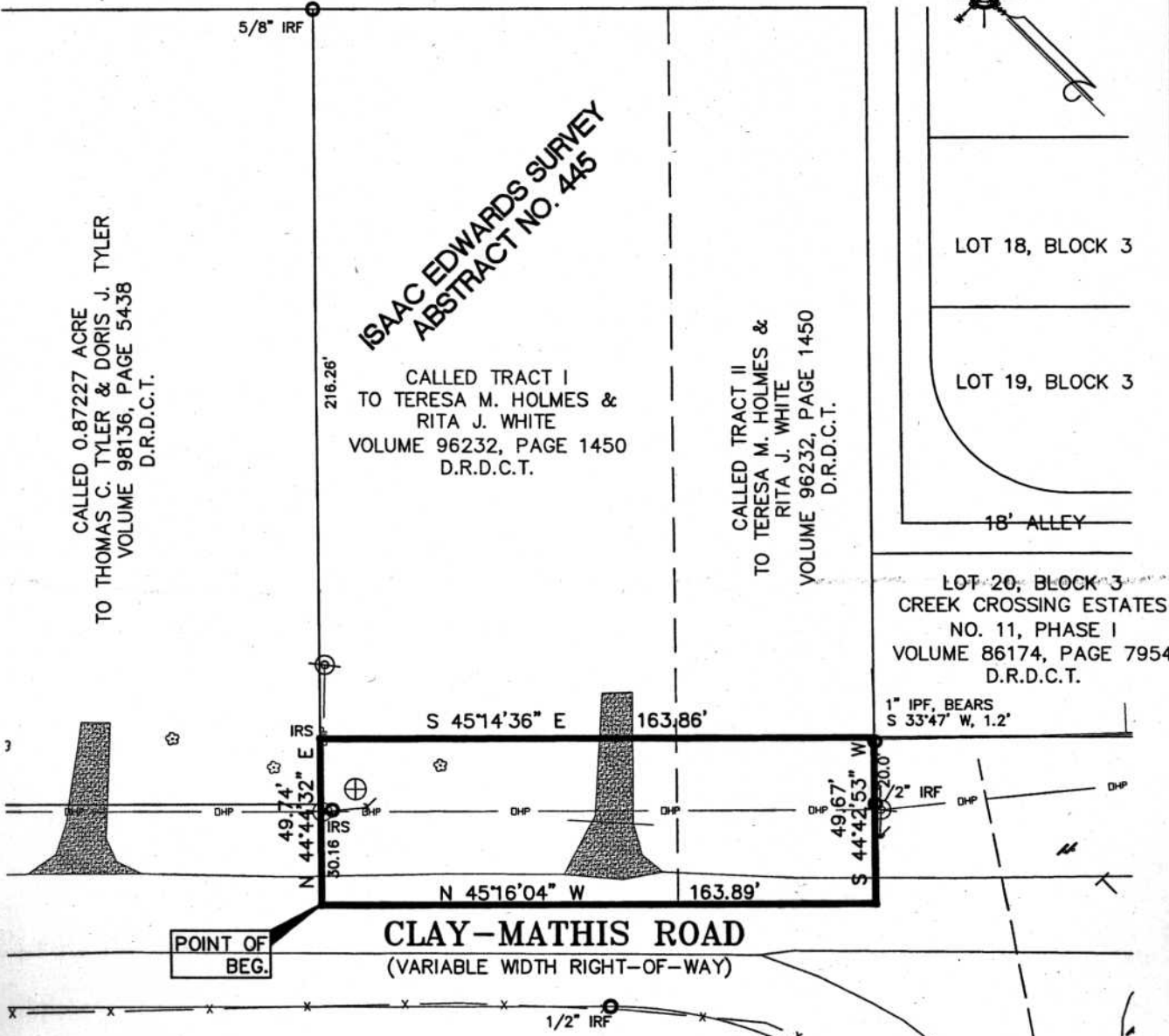
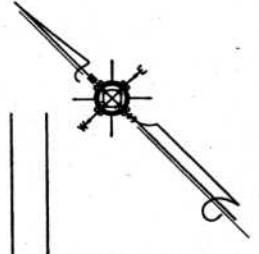
THENCE North 44°44'32" East, along the northwest line of said Tract I and along the current northeast right-of-way line of said Clay-Mathis Road, passing at a distance of 30.16 feet, a 5/8-inch "KHA" capped iron rod set for the south corner of a called 0.87227 acre tract of land conveyed to Thomas C. Tyler and Doris J. Tyler as evidence in a Warranty Deed recorded in Volume 98136 at Page 5438 D.R.D.C.T., continuing along the common line of said Tract I and said 0.87227-acre tract for a total distance of 49.74 feet to a 5/8-inch "KHA" capped iron rod set for a corner, from said corner, a 5/8-inch capped iron rod found for the north corner of said Tract I bears North 44°44'32" East, 216.26 feet;

THENCE South 45°14'36" East, departing the northwest line of said Tract I, a distance of 163.86 feet to a 5/8-inch "KHA" capped iron rod set for a corner on the southeast line of said Tract II, same being the west corner of Lot 20, Block 3 of Creek Crossing Estates No. 11, Phase 1, an addition to the City of Mesquite, Texas, according to the Map or Plat thereof recorded in Volume 86174 at Page 7954 D.R.D.C.T, said corner also being on the current northeast right-of-way line of said Clay-Mathis Road, from said corner, a found 1-inch iron pipe bears South 33°47' West, 1.2 feet;

THENCE South 44°42'53" West, along the southeast line of said Tract II and the northeast right-of-way line of said Clay-Mathis Road, passing at a distance of 20.0 feet, a found 1/2-inch iron rod, continuing for a total distance of 49.67 feet to the south corner of said Tract II, same being on the northeast right-of-way line of said Clay-Mathis Road;

THENCE North 45°16'04" West, along the southwest line of said Tracts I and II and continuing along the northeast right-of-way line of said Clay-Mathis Road, a distance of 163.89 feet to the POINT OF BEGINNING and containing 8,146 square feet of land, more or less.

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



CALLED 0.87227 ACRE
TO THOMAS C. TYLER & DORIS J. TYLER
VOLUME 98136, PAGE 5438
D.R.D.C.T.

ISAAC EDWARDS SURVEY
ABSTRACT NO. 445

CALLED TRACT I
TO TERESA M. HOLMES &
RITA J. WHITE
VOLUME 96232, PAGE 1450
D.R.D.C.T.

CALLED TRACT II
TO TERESA M. HOLMES &
RITA J. WHITE
VOLUME 96232, PAGE 1450
D.R.D.C.T.

LOT 18, BLOCK 3

LOT 19, BLOCK 3

18' ALLEY

LOT 20, BLOCK 3
CREEK CROSSING ESTATES
NO. 11, PHASE I
VOLUME 86174, PAGE 7954
D.R.D.C.T.

1" IPF, BEARS
S 33°47' W, 1.2'

POINT OF
BEG.

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

CALLED 19.1648 ACRES
TO MESQUITE INDEPENDENT
SCHOOL DISTRICT
VOLUME 97246, PAGE 4147
D.R.D.C.T.

EXHIBIT "B"
RIGHT-OF-WAY DEDICATION
CLAY-MATHIS ROAD
ISAAC EDWARDS SURVEY, ABSTRACT NO. 445
CITY OF MESQUITE, DALLAS COUNTY
TEXAS

