

ORDINANCE NO. 3629

AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, DETERMINING THAT A PUBLIC NECESSITY EXISTS FOR THE ACQUISITION OF A DRAINAGE UTILITY EASEMENT TO INCLUDE APPROXIMATELY 2,159-SQUARE FEET OF LAND LOCATED WITHIN A TRACT OF LAND IN THE DANIEL TANNER SURVEY, ABSTRACT NO. 1462, AS DESCRIBED IN VOLUME 81145, PAGE 2466, FOR THE PECAN BEND ADDITION DRAINAGE IMPROVEMENT PROJECT; 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 drainage utility easements on certain real property for the construction of drainage improvements; and

WHEREAS, the property in which the drainage utility easement is to be acquired for such purposes is situated in the City of Mesquite, Dallas County, Texas, a part of the Daniel Tanner Survey, Abstract Number 1462, being a portion of Lot 15, Block A, of Replat Pecan Bend, an addition to the City of Mesquite as recorded in Volume 81145, Page 2466 of the Deed Records of Dallas County, Texas and being a 2,159-square foot parcel for the drainage 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 drainage improvements.

SECTION 2. That it is hereby confirmed that the City Manager was authorized to and did make a firm and final offer, based upon value determined from appraisal of the Property by competent and qualified appraisers, to acquire the Property, and such offer was hand delivered to the property owner Katherine E. Jones on January 5, 2004, in the amount of Thirty Thousand and No/100 (\$30,000.00) 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.

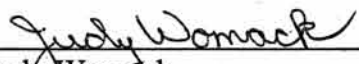
SECTION 6. That this ordinance shall become effective immediately from and after its passage.

DULY PASSED AND APPROVED by the City Council of the City of Mesquite, Texas, on the 20th day of January, 2004.




Mike Anderson
Mayor

ATTEST:



Judy Womack
City Secretary

APPROVED:



B. J. Smith
City Attorney

EXHIBIT "A"
LEGAL DESCRIPTION

BEING a 2,159 square feet tract of land situated in the City of Mesquite, Dallas County, Texas, a part of the Daniel Tanner Survey, Abstract Number 1462, being a portion of Lot 15, Block A, of Replat Pecan Bend, an addition to the City of Mesquite as recorded in Volume 81145, Page 2466 of the Deed Records of Dallas County, Texas (D.R.D.C.T.), also being a part of that tract of land described in deed to Katherine E. Jones as recorded in Volume 2000027, Page 4401, D.R.D.C.T., and being more particularly described as follows:

BEGINNING at a 1/2-inch found iron rod on the southwest right-of-way line of an 18 foot wide alley as dedicated by said plat of record, being the easternmost corner of said Lot 15 and the most northerly corner of Lot 14, Block A, of said addition;

THENCE South 26 degrees 30 minutes 35 seconds West, along the common line between said Lot 15 and said Lot 14, a distance of 113.19 feet to the northeasterly line of Golden Grove Drive (a variable width right-of-way as dedicated by said plat of record) and being the beginning of a non-tangent circular curve to the left having a radius of 50.00 feet and whose chord bears North 74 degrees 39 minutes 56 seconds West, a distance of 19.38 feet;

THENCE Northwesterly, along said northeasterly right-of-way line and along said curve to the left, through a central angle of 22 degrees 21 minutes 00 seconds, an arc distance of 19.50 feet to a point for corner;

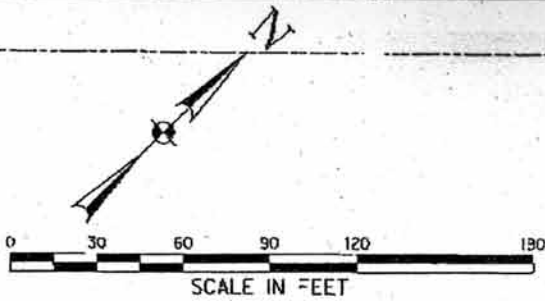
THENCE North 33 degrees 30 minutes 57 seconds East, departing said northeasterly right-of-way line, a distance of 22.24 feet to a point for corner;

THENCE North 26 degrees 30 minutes 35 seconds East, a distance of 73.81 feet to a point for corner;

THENCE North 00 degree 30 minutes 05 seconds West, a distance of 36.76 feet to a point for corner on said alley southwest right-of-way line;

THENCE South 43 degrees 59 minutes 40 seconds East, along said alley right-of-way line, a distance of 35.00 feet to the POINT OF BEGINNING AND CONTAINING 2,159 square feet or 0.0496 acre of land, more or less.

The basis of bearing for this description is North 44 degrees 56 minutes 45 seconds East, along the northwest line of Replat Pecan Bend Addition, recorded in Volume 81145, Page 2466, D.R.D.C.T., an addition to the City of Mesquite.

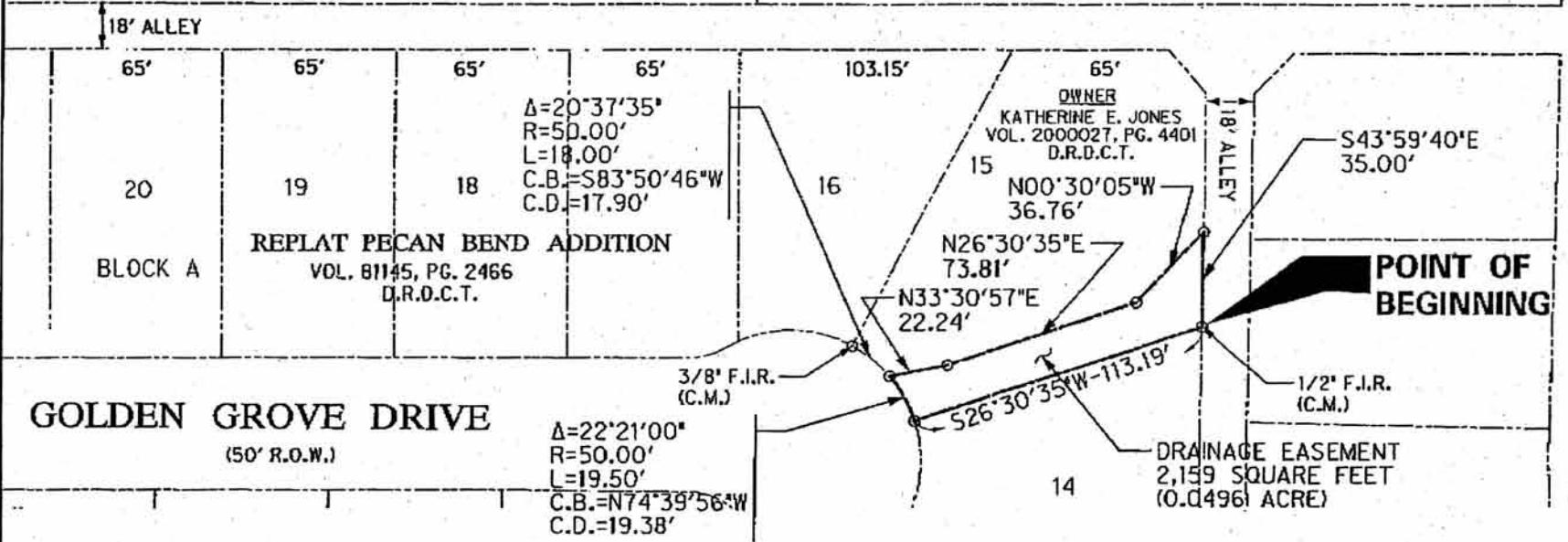


125'
DALLAS POWER
& LIGHT CO.
(TXU) R.O.W.
Vol. 5563, Pg. 577
D.R.D.C.T.

N44°56'45"E (PLAT)

SOUTH PARKWAY BLVD

Exhibit "A"
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GOLDEN GROVE DRIVE
(50' R.O.W.)

The basis of bearing for this description is North 44 degrees 56 minutes 45 seconds East, along the northwest line of Replat Pecan Bend Addition, recorded in Volume 81145, Page 2466, D.R.D.C.T., an addition to the City of Mesquite.

LEGEND:

1/2" F.I.R. 1/2-Inch Found Iron Rod
(C.W.) (Control Monument)

PREPARED BY :
HALFF ASSOCIATES, INC.
ENGINEERS & SURVEYORS
DALLAS - FORT WORTH - HOUSTON
SCALE: 1"=60' AVG 20670 JUNE 2003

EXHIBIT "B"
OF A
DRAINAGE EASEMENT
PART OF THE
DANIEL TANNER SURVEY, ABSTRACT NO. 1462
CITY OF MESQUITE, DALLAS COUNTY, TEXAS

FOR THE
CITY OF MESQUITE

(2/2)