

ORDINANCE NO. 3853

AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, DETERMINING THAT A PUBLIC NECESSITY EXISTS FOR THE ACQUISITION OF STREET RIGHTS-OF-WAY AND EASEMENTS FOR THE CONSTRUCTION OF THE TRIPP ROAD PAVING, DRAINAGE, WATER, SANITARY SEWER AND AESTHETIC ENHANCEMENT PROJECT ON TRIPP ROAD BETWEEN BELT LINE ROAD AND GALLOWAY AVENUE; AUTHORIZING THE CITY ATTORNEY TO INSTITUTE CONDEMNATION PROCEEDINGS FOLLOWING NON-ACCEPTANCE OR REJECTION OF FINAL OFFERS FROM THE CITY RIGHT-OF-WAY AGENT; 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 rights-of-way ("ROW") and easements on certain real properties for the construction, widening and improvement of a street; and

WHEREAS, the construction of the Tripp Road Paving, Drainage, Water, Sanitary Sewer and Aesthetic Enhancement Project (the "Project") requires securing ROW and/or easements from approximately 34 separate parcels.

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 rights-of-way and easements for the construction of the Tripp Road Paving, Drainage, Water, Sanitary Sewer and Aesthetic Enhancement Project (the "Project") together with location and relocation of utilities and all lawful purposes incident thereto on Tripp Road between Belt Line Road and Galloway Avenue in the City of Mesquite (the "Properties").

SECTION 2. 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 Properties, proceedings in eminent domain to acquire the street rights-of-way or easements to the Properties described herein for the purposes described herein following non-acceptance or rejection of final offers from the City's right-of-way agent.

SECTION 3. It is the intent of the City Council that this ordinance authorize the condemnation of all interests in properties necessary to accomplish the purposes described herein, however, should any portion of the Properties 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 interests 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 is 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 Properties.

SECTION 4. 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 5. 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 5th day of February, 2007.



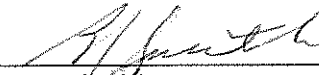
Mike Anderson
Mayor

ATTEST:

APPROVED:



Judy Womack
City Secretary



B. J. Smith
City Attorney