



6

ORDINANCE NO. 4031

AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, DETERMINING THAT A PUBLIC NECESSITY EXISTS FOR THE ACQUISITION OF A RIGHT-OF-WAY PARCEL (1,377 SQUARE FEET) LOCATED IN THE WILLIAM FOREMAN SURVEY, ABSTRACT NO. 486, CITY OF MESQUITE, DALLAS COUNTY, TEXAS, LOT 1, BLOCK A, LAWLER OFFICE PARK AS DESCRIBED IN VOLUME 73095, PAGE 1458 FOR THE CONSTRUCTION OF ROADWAY AND UTILITY IMPROVEMENTS FOR THE US-80 AND NORTH GALLOWAY AVENUE RIGHT-TURN LANE 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, Texas, 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 right-of-way on certain real property for the construction of roadway and utility improvements; and

WHEREAS, the property in which the right-of-way (1,377 square feet) is to be acquired for such purposes is located within a tract of land in the William Foreman Survey, Abstract No. 486, City of Mesquite, Dallas County, Texas, Lot 1, Block A, Lawler Office Park as described in Volume 73095, Page 1458 for roadway and utility 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 deems 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 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 roadway and utility 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, Roger H. Lawler, on December 1, 2008, in the amount of Seven Thousand, Five Hundred and Seventy-Four Dollars and No/100 Cents (\$7,574.00).

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.

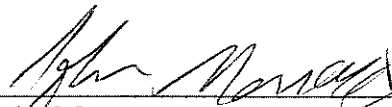
SECTION 3. That the City Attorney or his designee is hereby authorized to file or cause to be filed against the owners and against all others holding an interest in the Property, proceedings in eminent domain to acquire the right-of-way to the Property described herein and for the purposes described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

SECTION 4. That 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.

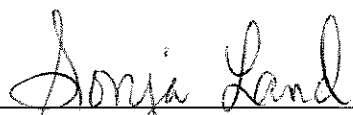
DULY PASSED AND APPROVED by the City Council of the City of Mesquite, Texas, on the 2nd day of February 2009.




John Monaco
Mayor

ATTEST:

APPROVED:



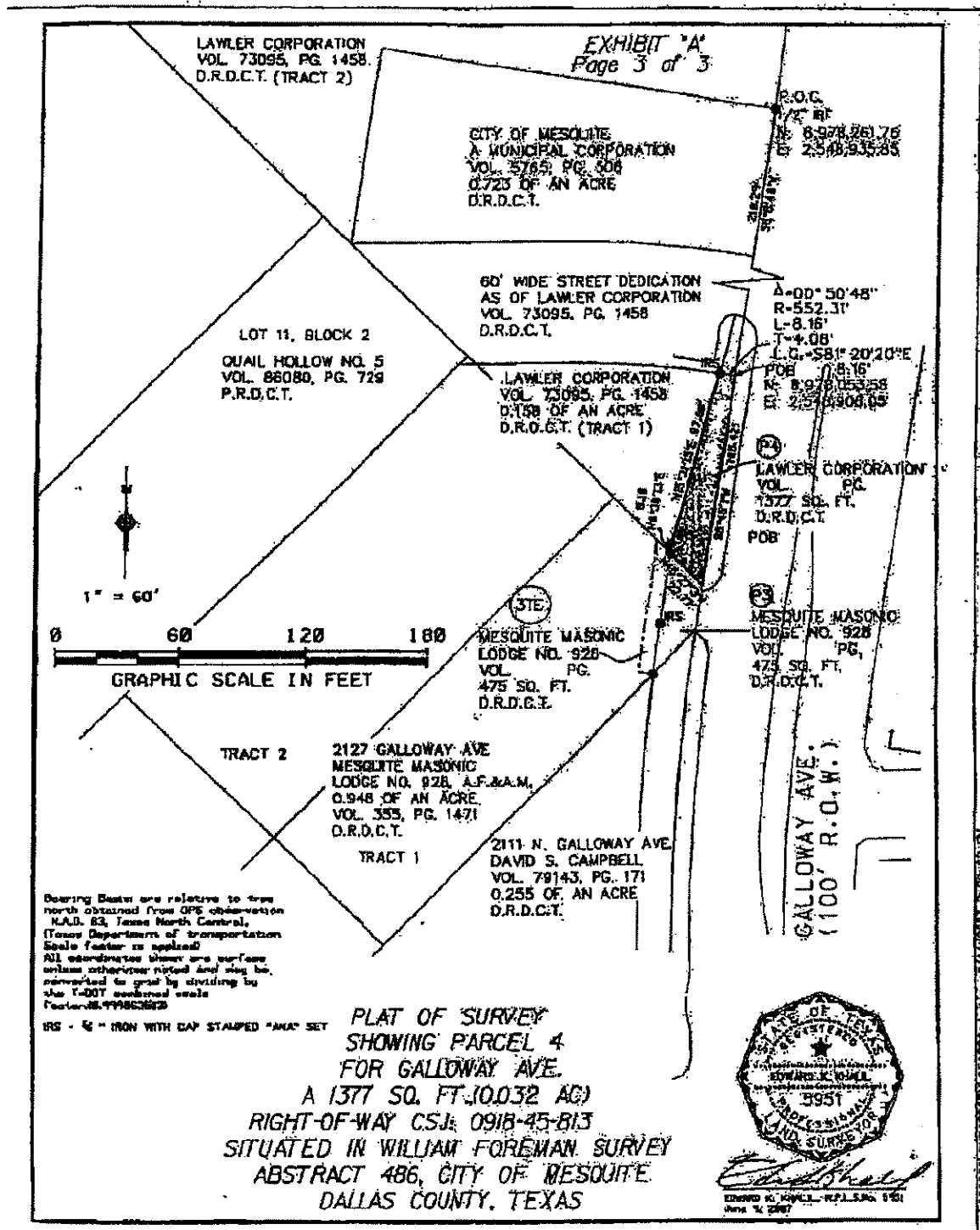
Sonja Land
City Secretary



B. J. Smith
City Attorney

Form ROW-A-5
Rev. 3/2004

FIELD NOTES



Form ROW-A-5
Rev. 3/2004

FIELD NOTES CONTINUED

EXHIBIT A

County: Dallas
Highway: Galloway Avenue at US 80
RIGHT-OF-WAY CSJ: 0918-45-813

PAGE 1 OF 3
June 9, 2007

DESCRIPTION FOR PARCEL 4

BEING 1377 SQUARE FEET OF LAND, A PORTION OF THAT CERTAIN TRACT OF LAND SITUATED IN WILLIAM FOREMAN SURVEY ABSTRACT NO. 486, DALLAS COUNTY, TEXAS, AS CONVEYED TO LAWLER CORPORATION BY DEED RECORDED IN VOLUME 73096, PAGE 1458, (TRACT I) DEED RECORDS, DALLAS COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

COMMENCE AT 1/2 INCH IRON ROD FOUND FOR THE MOST EASTERLY SOUTHEAST CORNER OF A TRACT OF LAND AS CONVEYED TO LAWLER CORPORATION TRACT II, BY DEED RECORDED IN VOLUME 73096, PAGE 1458, DEED RECORDS, DALLAS COUNTY, TEXAS, THE NORTHEAST CORNER OF A TRACT OF LAND AS CONVEYED TO THE CITY OF MESQUITE, BY DEED RECORDED IN VOLUME 5765, PAGE 506, DEED RECORDS, DALLAS COUNTY, TEXAS ALSO BEING IN THE WEST RIGHT-OF-WAY LINE OF GALLOWAY AVENUE (100' RIGHT-OF-WAY) HAVING N.A.D. 83, TEXAS STATE PLANE, NORTH CENTRAL ZONE, SURFACE COORDINATE OF NORTH 6,978,261.75, EAST 2,548,935.88,

TENENCE SOUTH 08 DEGREES 06 MINUTES 43 SECONDS WEST, 210.25 FEET ALONG THE WEST RIGHT-OF-WAY LINE OF GALLOWAY AVENUE TO THE NORTHEAST CORNER OF SAID LAWLER CORPORATION TRACT AND THE SOUTHEAST CORNER OF A 60 FOOT WIDE STREET DEDICATION AS OF LAWLER CORPORATION DEED RECORDED IN VOLUME 73096, PAGE 1458, DEED RECORDS, DALLAS COUNTY, TEXAS, ALSO BEING THE POINT OF BEGINNING HAVING N.A.D. 83, TEXAS STATE PLANE, NORTH CENTRAL ZONE, SURFACE COORDINATE OF NORTH 6,978,051.58, EAST 2,548,906.05;

- 1) TENENCE SOUTH 08 DEGREES 45 MINUTES 01 SECONDS WEST, 105.42 FEET WITH SAID EXISTING WEST RIGHT-OF-WAY LINE OF GALLOWAY AVENUE TO A POINT IN THE COMMON LINE OF SAID LAWLER CORPORATION TRACT AND A TRACT OF LAND AS CONVEYED TO MESQUITE MASONIC LODGE NO.928, A.F. & A.M., BY DEED RECORDED IN VOLUME 355, PAGE 1471, DEED RECORD, DALLAS COUNTY, TEXAS
- 2) TENENCE NORTH 45 DEGREES 27 MINUTES 03 SECONDS WEST, 22.77 FEET WITH SAID COMMON LINE TO A 5/8 INCH IRON ROD WITH CAP STAMPED "AMA" SET, HAVING N.A.D. 83, TEXAS STATE PLANE, NORTH CENTRAL ZONE, SURFACE COORDINATE OF NORTH 6,977,965.36, EAST 2,548,873.79, ALSO BEING IN THE PROPOSED WEST RIGHT-OF-WAY LINE OF GALLOWAY AVENUE (VARIABLE WIDTH RIGHT-OF-WAY);
- 3) TENENCE NORTH 08 DEGREES 30 MINUTES 13 SECONDS EAST, 5.16 FEET WITH SAID PROPOSED WEST RIGHT-OF-WAY LINE OF GALLOWAY AVENUE TO A 5/8 INCH IRON ROD WITH CAP STAMPED "AMA" SET;
- 3) TENENCE NORTH 15 DEGREES 31 MINUTES 15 SECONDS EAST, 87.60 FEET TO A 5/8 INCH IRON ROD WITH CAP STAMPED "AMA" SET IN THE WORTHLINE OF SAID LAWLER CORPORATION TRACT AND THE BEGINNING OF A CURVE TO THE RIGHT;

Form ROW-A-5
Rev. 3/2004

FIELD NOTES CONTINUED

KREDDY A

County: Dallas
Highway: Galloway Avenue at US 80
RIGHT-OF-WAY CSJ: 0918-45-813

PAGE 2 OF 3
June 9, 2007

DESCRIPTION FOR PARCEL 4

- 4) THENCE 8.16 FEET ALONG THE ARC OF SAID CURVE TO THE RIGHT AND NORTHLINE OF SAID LAMLER CORPORATION TRACT THROUGH A CENTRAL ANGLE OF 00 DEGREES 50 MINUTES 48 SECONDS WITH A RADIUS OF 551.31 FEET, A TANGENT LEGNTH OF 4.08 FEET AND A CHORD WHICH BEARS SOUTH 81 DEGREE 20 MINUTES 20 SECONDS EAST, 8.16 FEET TO THE POINT OF BEGINNING AND CONTAINING 1377 SQUARE FEET OR 0.032 OF AN ACRE OF LAND, MORE OR LESS.

Surveyed on the ground December 2006

Bearing Bases are relative to true north obtained from GPS observation N.A.D. 83, Texas North Central, (Texas Department of Transportation Scale factor is applied)

All coordinates shown are surface unless otherwise noted and may be converted to grid by dividing by the TxDOT combined scale factor (0.999863613)

Note: In accordance with the Texas Board of Professional Land Surveying, General Rules of Procedure and Practice, 663.19(5), this "report" consists of the Real Property Description included herein, and Map of Survey attached herewith.

Note: In accordance with the Texas Board of Professional Land Surveying, General Rules of Procedure and Practice, 663.19(7); "The cited instruments are not necessarily the current owners of the subject property, but are the documents containing the descriptions of the boundaries as surveyed."

I, Edward K. Khalil, a Registered Professional Land Surveyor in the State of Texas, Herby certify that the best description and plat represent an actual survey made on the ground under my supervision.

Edward K. Khalil

EDWARD K. KHALIL
Registered Professional Land Surveyor No. 5951
June 9, 2007



FILED AND RECORDED

OFFICIAL PUBLIC RECORDS



John F. Warren
John F. Warren, County Clerk
Dallas County TEXAS

February 20, 2009 08:44:01 AM

FEE: \$32.00

200900049107