



201000138136

ORD 1/8

RETURN TO: CITY SECRETARY
CITY OF MESQUITE
P.O. BOX 050137
MESQUITE, TX 75185-0137

ORDINANCE NO. 4091

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 PIONEER ROAD PAVING AND DRAINAGE IMPROVEMENT PROJECT AND THE SOUTH MESQUITE CREEK SANITARY SEWER TRUNK MAIN REPLACEMENT, PHASE 2, ON PIONEER ROAD AT THE INTERSECTION OF PIONEER ROAD AND WILKINSON STREET; 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 Pioneer Road Paving and Drainage Improvement Project and the South Mesquite Creek Sanitary Sewer Trunk Main Replacement, Phase 2, from Faithon P. Lucas, Sr. Boulevard to Pioneer Road (the "Projects") requires securing ROW and/or easements from Parcel 27 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 rights-of-way and easements for the construction of the Pioneer Road Paving and Drainage Improvement Project and the South Mesquite Creek Sanitary Sewer Trunk Main Replacement, Phase 2, from Faithon P. Lucas, Sr. Boulevard to Pioneer Road (the "Projects") together with location and relocation of utilities and all lawful purposes incident thereto on Pioneer Road at the intersection of Pioneer Road and Wilkinson Street in the City of Mesquite (the "Property") described in Exhibits "A" and "B" attached hereto and made a part hereof by reference.

SECTION 2. That the City Attorney or his designee is hereby authorized to file or cause to be filed against the owner(s) and against all others holding an interest in the Property, proceedings in eminent domain to acquire the street rights-of-way or easements to the Property 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 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 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 Property.

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.

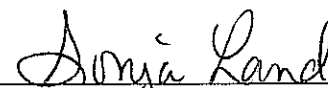
SECTION 5. That this ordinance shall become effective immediately from and after its passage.

DULY PASSED AND APPROVED by the City Council of the City of Mesquite, Texas, on the 17th day of May, 2010.




John Monaco
Mayor

ATTEST:



Sonja Land
City Secretary

APPROVED:



B. J. Smith
City Attorney

EXHIBIT "A"
RIGHT-OF-WAY

BEING a 190,535 square feet tract of land situated in the Benjamin Beckner Survey, Abstract Number 167, City of Mesquite, Dallas County, Texas, being part of tracts I and II described in deed to Jane Austin Cole recorded in Volume 92104, Page 4356, of the Deed Records of Dallas County, Texas, (D.R.D.C.T.), and being more particularly described as follows;

COMMENCING at the northwest corner of said Cole tract I and being in the east right-of-way line of Wilkinson Road (a variable width right-of-way);

THENCE South 01 degree 05 minutes 26 seconds East, along said east right-of-way line, a distance of 1,389.11 feet to the POINT OF BEGINNING;

THENCE North 88 degrees 55 minutes 35 seconds East, departing said east right-of-way line, a distance of 15.43 feet to a point for corner;

THENCE South 01 degree 04 minutes 25 seconds East, a distance of 324.04 feet to a point for corner;

THENCE South 45 degrees 17 minutes 14 seconds East, a distance of 34.31 feet to a 1/2-inch set iron rod with yellow plastic cap stamped "HALFF ASSOC. INC" (hereinafter referred to as "with cap") for corner;

THENCE North 67 degrees 45 minutes 36 seconds East, a distance of 111.43 feet to a 1/2-inch set iron rod with cap for corner;

THENCE North 46 degrees 12 minutes 23 seconds East, a distance of 480.31 feet to a 1/2-inch set iron rod with cap for corner;

THENCE North 31 degrees 09 minutes 07 seconds East, a distance of 42.25 feet to a 1/2-inch set iron rod with cap for corner;

THENCE North 04 degrees 36 minutes 05 seconds West, a distance of 144.16 feet to a 1/2-inch set iron rod with cap for corner;

THENCE North 88 degrees 54 minutes 34 seconds East, a distance of 104.15 feet to a 1/2-inch set iron rod with cap for corner on the common line of said tract I and said tract II;

THENCE South 01 degree 05 minutes 26 seconds East, along said common line, a distance of 97.15 feet to a point for corner;

THENCE North 45 degrees 20 minutes 23 seconds East, departing said common line, a distance of 361.88 feet to a point for corner;

PIONEER ROAD
PROJECT 21902
PARCEL 27
FEBRUARY 2010

THENCE North 88 degrees 55 minutes 35 seconds East, a distance of 79.21 feet to a 1/2 inch set iron rod with cap for corner in the east line of said Cole tract II, and being in the west line of Pioneer Valley Estates Replat, an addition to the City of Mesquite, recorded in Volume 92215, Page 2254, D.R.D.C.T.;

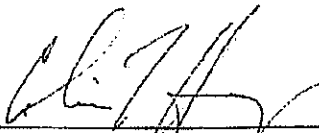
THENCE South 01 degree 05 minutes 26 seconds East, along said east line and said west line, a distance of 69.47 feet to point for corner;

THENCE South 44 degrees 39 minutes 34 seconds West, departing said east Cole tract II line and said west Pioneer Valley Estates Replat line, a distance of 1,333.80 feet to a point for corner;

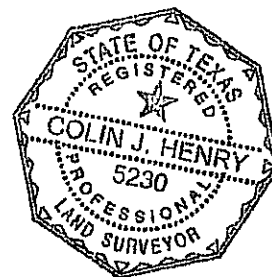
THENCE North 01 degree 05 minutes 26 seconds West, along said east right-of-way line, a distance of 651.00 feet to the POINT OF BEGINNING AND CONTAINING 190,535 square feet or 4.374 acres of land, more or less, of which approximately 34,891 square feet of land is in the prescriptive roadway of Pioneer Road, to which no warranty is made hereunder, but all of which land is herein conveyed.

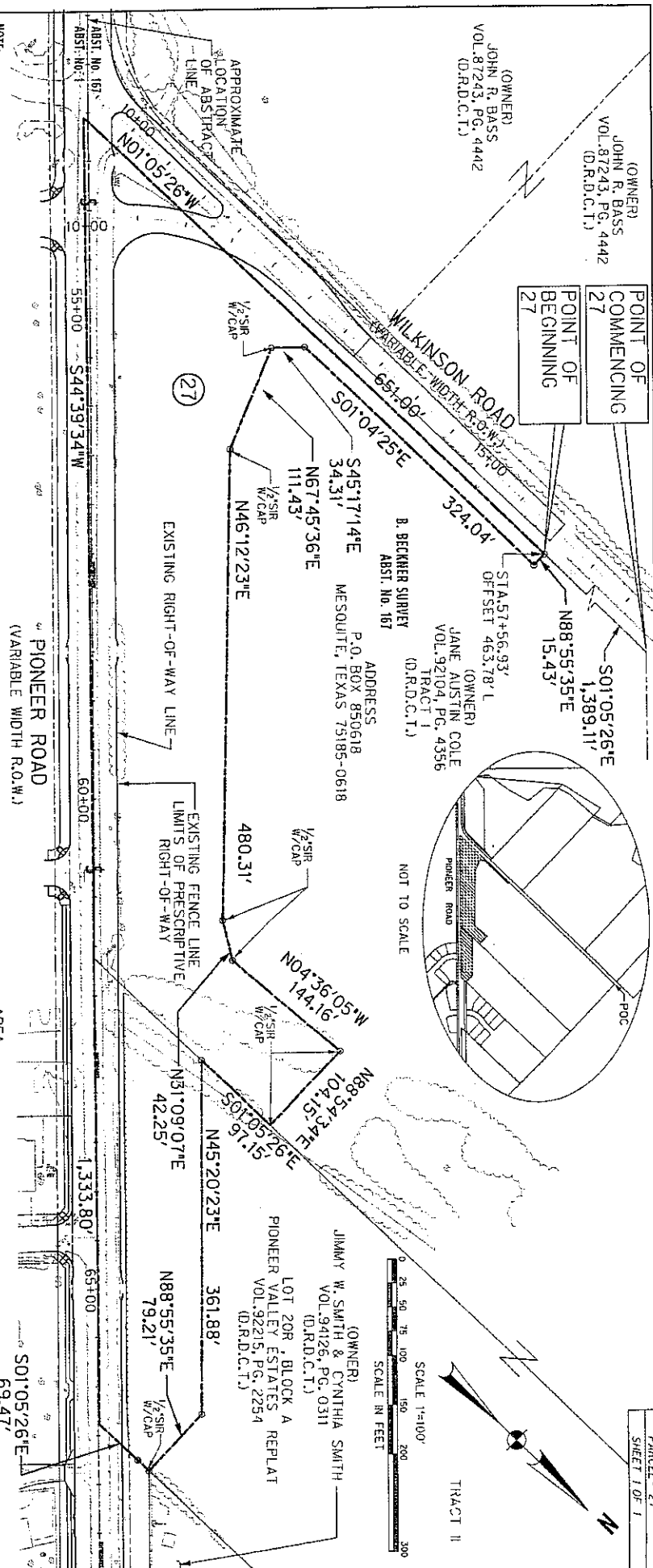
Basis of Bearing is Texas State Plane coordinate system, N.A.D. 83 (HARN) North Central Zone 4202, as determined by GPS measurements on Julian Day 064 and 065, 2002 from PID DF8984 (TXDA) and PID CS3400 (TXAR). All distance and coordinates shown are surface and may be converted to grid by dividing by TxDOT conversion factor of 1.000136506. Convergence angle at DF8984 is +00 degrees 59 minutes 47.4 seconds.

This description is accompanied by a right-of-way plat, consisting of one page, and depicting the tract of land herein described.



Colin J. Henry, R.P.L.S. Date
Texas Registration No. 5230





NOTE:
The structures and other physical features shown on this plat are taken from an aerial topography received from APN Associates, Inc., on April 23, 2004.

Basis of Bearing is Texas State Plane coordinate system, N.A.D. 83 (HARP) North Central Zone 4202, as determined by GPS measurements on Julian Day 064 and 065, 2002 from PID 078984 (TX04) and PID C3400 (TXA4). All distances and coordinates shown are surface and may be converted to grid by dividing by TRAD conversion factor of 1.000135506. Convergence angle at 058984 is +00 degrees 59 minutes 47.4 seconds.

John P. Anderson
John P. Anderson Surveyor
Registered Professional Land Surveyor
Texas No. 5230



LEGEND

①	PARCEL NO.	1/2 SIR	FOUND 1/2 IRON ROD W/CAP
	PROPOSED RIGHT-OF-WAY	W/CAP	STAMPED HALF ASSOC.
	EXIST. RIGHT-OF-WAY	SL	FOUND 1/2 IRON ROD W/CAP
	TEMPORARY EASEMENT	1/2 SIR	SET 1/2 IRON ROD W/CAP
	EXIST. EASEMENT LINE	W/CAP	SET STAMPED HALF ASSOC.
	DRAINAGE EASEMENT LINE	FIR	FOUND IRON ROD
		CM	CONTROL MONUMENT
		FND'X	FOUND 'X'-CUT
		SET'X	SET 'X'-CUT

AREA
GROSS = 1,504,521 SQ. FT. (34.54 AC.)
PARCEL 27 = 1,313,986 SQ. FT. (30.165 AC.)
NET = 1,313,986 SQ. FT. (30.165 AC.)
PRESCRIPTIVE ROADWAY = 34,891 SQ. FT. (0.801 AC.)

County of Dallas, Texas
John P. Anderson Surveyor
REGISTERED PROFESSIONAL LAND SURVEYOR
TEXAS NO. 5230

Half Associates
SURVEYING ENGINEERING ARCHITECTURE

DATE: 05/20/10
SCALE: 1"=100'
DRAWN BY: [Signature]

EXHIBIT "A"
13,336 SQ. FT. / 0.3062 ACRE TRACT
SANITARY SEWER EASEMENT
SITUATED IN THE
BENJAMIN BECKNER SURVEY - ABSTRACT NO. 167
CITY OF MESQUITE, DALLAS COUNTY, TEXAS

DESCRIPTION

BEING all that certain lot, tract or parcel of land situated in the Benjamin Beckner Survey, Abstract No. 167, in the City of Mesquite, Dallas County, Texas, and being a portion of that certain tract of land conveyed to DCJC Investments Limited (DCJC) according to the instrument recorded in Clerk's File No. 200503639465 of the Official Public Records of Dallas County, Texas (OPRDCT), and being more particularly described by metes and bounds as follows:

BEGINNING at a point in the southeasterly line of the aforementioned DCJC tract, being the northwesterly line of Pioneer Road (variable width right-of-way), from whence a 1" iron pipe found for the northeast corner of said DCJC tract bears N 44°31'15" E ~ 1137.84 feet and N 00°45'01" W ~ 1109.40 feet;

THENCE S 44°31'15" W, with the southeasterly line of said DCJC tract, 43.32 feet;

THENCE N 22°54'56" W, departing the southeasterly line of said DCJC tract, 292.62 feet to a point in the westerly line of said DCJC tract, being the easterly line of Wilkinson Road (colled 60' right-of-way);

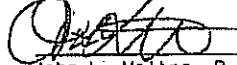
THENCE N 00°45'01" W, with the westerly line of said DCJC tract, 106.02 feet to a point from whence a 1" iron pipe found for the northwest corner of that certain tract conveyed to David Curtis Cole and Carolyn Cole Miller, Co-trustees of the Almeda Cole Jane Family Trust according to the instrument recorded in Clerk's File No. 200503639440, OPRDCT, bears N 00°45'01" E ~ 1560.63 feet;

THENCE S 22°54'56" E, departing the westerly line of said DCJC tract, 374.18 feet to the POINT OF BEGINNING and containing 0.3062 acres or 13,336 square feet of land, more or less.

BASIS OF BEARINGS:

The bearings shown and recited hereon are related to the 1983 State Plane Coordinate System, Lambert Projection, North Central Zone, per City of Mesquite GPS control monuments 13 and 58.

For Nathan D. Maier Consulting Engineers, Inc.



John L. Melton, R.P.L.S. No. 4268
Registered Professional Land Surveyor

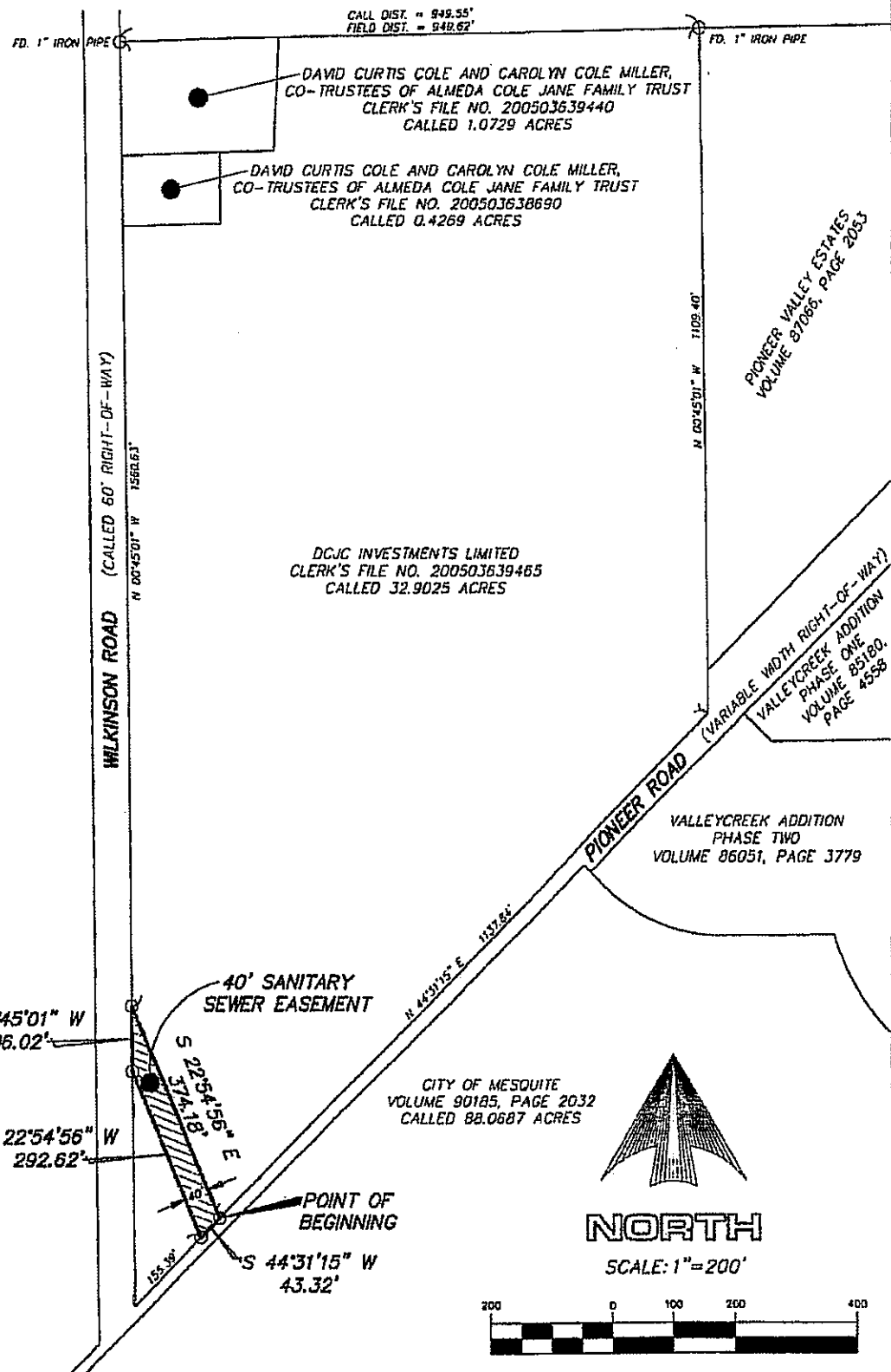


NDM

NATHAN D. MAIER CONSULTING ENGINEERS, INC.
Two Northpark / 8080 Park Lane / Suite 600
Dallas, Texas 75231 / Ph. (214) 739-4741

01-01-001.H
1001H-ES01.dwg
07/13/08

EXHIBIT "B"
13,336 SQ. FT. / 0.3062 ACRE TRACT
SANITARY SEWER EASEMENT
 SITUATED IN THE
BENJAMIN BECKNER SURVEY - ABSTRACT NO. 167
CITY OF MESQUITE, DALLAS COUNTY, TEXAS



CALL DIST. = 949.55'
 FIELD DIST. = 948.62'

FD. 1" IRON PIPE

DAVID CURTIS COLE AND CAROLYN COLE MILLER,
 CO-TRUSTEES OF ALMEDA COLE JANE FAMILY TRUST
 CLERK'S FILE NO. 200503639440
 CALLED 1.0729 ACRES

DAVID CURTIS COLE AND CAROLYN COLE MILLER,
 CO-TRUSTEES OF ALMEDA COLE JANE FAMILY TRUST
 CLERK'S FILE NO. 200503638690
 CALLED 0.4269 ACRES

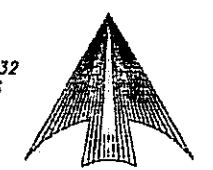
PIONEER VALLEY ESTATES
 VOLUME 87066, PAGE 2053

DCJC INVESTMENTS LIMITED
 CLERK'S FILE NO. 200503639465
 CALLED 32.9025 ACRES

(VARIABLE WIDTH RIGHT-OF-WAY)
 VALLEYCREEK ADDITION
 PHASE ONE
 VOLUME 85180,
 PAGE 4558

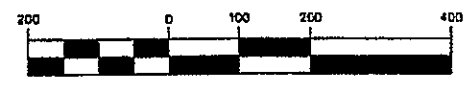
VALLEYCREEK ADDITION
 PHASE TWO
 VOLUME 86051, PAGE 3779

CITY OF MESQUITE
 VOLUME 90185, PAGE 2032
 CALLED 88.0687 ACRES



NORTH

SCALE: 1"=200'



INDM

NATHAN D. MAIER CONSULTING ENGINEERS, INC.
 Two Northpark / 8080 Park Lane / Suite 600
 Dallas, Texas 75231 / Ph. (214) 739-4741

01-01-001.H
 1001H-ES01.dwg
 07/15/08

Filed and Recorded
Official Public Records
John F. Warren, County Clerk
Dallas County, TEXAS
06/04/2010 11:07:34 AM
\$40.00



A handwritten signature in black ink, appearing to be "JFW", is written over the seal.

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