

ORDINANCE NO. 4966

AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, DETERMINING THE NECESSITY OF ACQUIRING REAL PROPERTY FOR CONSTRUCTION, OPERATION, AND MAINTENANCE OF PUBLIC FACILITIES ON A PORTION OF THE PROPERTY LOCATED AT 2210 EAST SCYENE ROAD; AUTHORIZING APPROPRIATION OF THE REAL PROPERTY AND/OR THE USE OF THE POWER OF EMINENT DOMAIN TO ACQUIRE THE REAL PROPERTY FOR PUBLIC USE; AND DELEGATING AUTHORITY TO INITIATE CONDEMNATION PROCEEDINGS TO THE CITY MANAGER.

WHEREAS, the City Council of the City of Mesquite, Texas (the “**City Council**”), authorized the engineering and design of public facilities, including water mains, sewer mains, communication cables, maintenance roads, and associated appurtenances along East Glen Boulevard (the “**Project**”); and

WHEREAS, the Project will require the acquisition of a 3,246 square foot tract of land; and

WHEREAS, upon consideration of this matter and for construction, operation, and maintenance of the Project, the City Council has determined that there is a public need and necessity for the health, safety, and welfare of the City of Mesquite (the “**City**”) and the public at large (the “**Public Uses**”) to acquire permanent easement rights and temporary easement rights, if any (the “**Real Property Interests**”), to, on, and across the property as described and depicted in Exhibit A attached hereto and incorporated herein by reference (the “**Property**”); and

WHEREAS, the City Council has investigated and determined that the Project constitutes a public use for a public purpose; and

WHEREAS, the City Council finds that the descriptions of the Real Property Interests for acquisition on and across the Property by eminent domain for the Project complies with applicable law in that the same identifies the Property that will be used by the City for the Project in a way that provides the property owner reasonable notice that the owners’ property may be subject to condemnation proceedings during the planning or construction of the Project; and

WHEREAS, the City is required to make a bona fide offer, as defined by and in compliance with Texas Property Code § 21.0113, to acquire the Real Property Interests on and across the Property for the Public Use, voluntarily, from the subject landowners prior to moving forward with the acquisition by eminent domain; and

WHEREAS, the City Council deems it necessary to authorize the City Manager or his designee (hereinafter collectively referred to as the “**City Manager**”) to comply with all statutory requirements necessary to initiate condemnation proceedings, and to initiate said proceedings, in order to acquire the necessary Real Property Interests in the event negotiations are unsuccessful.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MESQUITE, TEXAS:

SECTION 1. The City Council hereby finds and determines that the recitals made in the preamble of this ordinance are true and correct, and incorporates such recitals in the body of this ordinance as if copied in their entirety.

SECTION 2. The City Council hereby finds and determines that a public use and necessity exists for the Public Uses and authorizes acquisition of the necessary Real Property Interests on and across the Property for such purposes, as allowed by law, together with all necessary appurtenances, additions, and improvements on, over, under and through that certain lot, tract, or parcel of land.

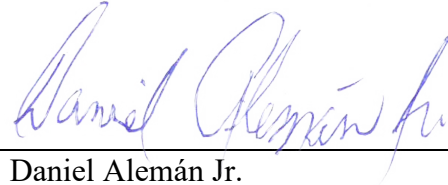
SECTION 3. The City Council authorizes the City Manager to negotiate for and to acquire the required Real Property Interests on and across the Property for the City, and to acquire said rights in compliance with State and any other applicable law, including Chapter 21 of the Texas Property Code. Moreover, the City Manager is specifically authorized and directed to do each and every act necessary to acquire the needed Real Property Interests on and across the Property including, but not limited to, the authority to negotiate, give notices, make written offers to purchase, prepare contracts, to retain and designate a qualified appraiser to determine the just compensation for the acquisition of the Real Property Interests on and across the Property being acquired, as well as any other experts or consultants the City Manager deems necessary for the acquisition process and, if necessary, to institute proceedings in eminent domain.

SECTION 4. The City Manager is appointed as negotiator for the acquisition of the needed Property Interests and, as such, the City Manager is authorized and directed to do each and every act and deed hereinabove specified or authorized by reference, subject to the availability of funds appropriated by the City Council for such purpose. Additionally, if the City Manager determines that an agreement as to damages or compensation cannot be reached after making a bona fide offer, then the City Attorney is hereby authorized and directed to file or cause to be filed, against the owner(s) and interested parties of the needed Real Property Interests on and across the Property, proceedings in eminent domain to acquire the above-stated Real Property Interests on and across the Property.

SECTION 5. 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.

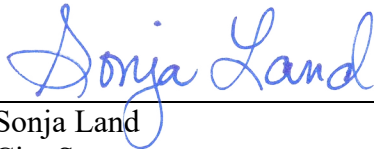
SECTION 6. This ordinance shall take effect immediately from and after its passage, and it is accordingly so passed and approved.

DULY PASSED AND APPROVED by the City Council of the City of Mesquite, Texas,
on the 1st day of August 2022.



Daniel Alemán Jr.
Mayor

ATTEST:



Sonja Land
City Secretary

APPROVED AS TO LEGAL FORM:



David L. Paschall
City Attorney

EXHIBIT "A"
DESCRIPTION
VARIABLE WIDTH PUBLIC UTILITY EASEMENT
3,246 SQUARE FEET

BEING 3,246 SQUARE FEET OF LAND LOCATED IN THE SAMUEL ANDREWS SURVEY, ABSTRACT NUMBER 40, CITY OF MESQUITE, DALLAS COUNTY, TEXAS, AND BEING A PORTION OF THE REMAINDER OF THE DON VALK TRACT AS DESCRIBED IN INSTRUMENT NUMBER 201300148318, OFFICIAL PUBLIC RECORDS, DALLAS COUNTY, TEXAS (O.P.R.D.C.T.), AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING AT A 5/8" IRON ROD WITH CAP STAMPED "RPLS 5430" FOUND IN THE NORTH LINE OF EAST GLEN BLVD. (100' RIGHT-OF-WAY) AS DEDICATED IN VOLUME 84043, PAGE 1264, DEED RECORDS, DALLAS COUNTY, TEXAS (D.R.D.C.T.) AT THE SOUTHWEST CORNER OF SAID VALK TRACT AND THE COMMON SOUTHEAST CORNER OF LOT 1, BLOCK 2, PARAGON PARK, AN ADDITION TO THE CITY OF MESQUITE BY PLAT THEREOF RECORDED IN VOLUME 2005009, PAGE 73, PLAT RECORDS, DALLAS COUNTY, TEXAS (P.R.D.C.T.);

THENCE NORTH 02 DEGREES 37 MINUTES 36 SECONDS EAST, ALONG THE COMMON LINE OF SAID VALK TRACT AND SAID LOT 1, A DISTANCE OF 27.26 FEET TO A POINT FOR CORNER;

THENCE SOUTH 82 DEGREES 57 MINUTES 19 SECONDS EAST, LEAVING SAID COMMON LINE AND GOING OVER AND ACROSS SAID VALK TRACT, A DISTANCE OF 107.37 FEET TO A POINT FOR CORNER IN THE WEST LINE OF S16 TEXAS HOLD-EM MESQUITE LLC CALLED 14.753 ACRE TRACT AS DESCRIBED IN INSTRUMENT NUMBER 201900350539, (O.P.R.D.C.T.);

THENCE SOUTH 01 DEGREES 54 MINUTES 21 SECONDS WEST, A DISTANCE OF 33.32 FEET TO A 1/2" IRON ROD WITH CAP STAMPED "ONEAL 6570" FOUND IN THE NORTH LINE OF SAID EAST GLEN BLVD. AT THE SOUTHWEST CORNER OF SAID 14.753 ACRE TRACT;

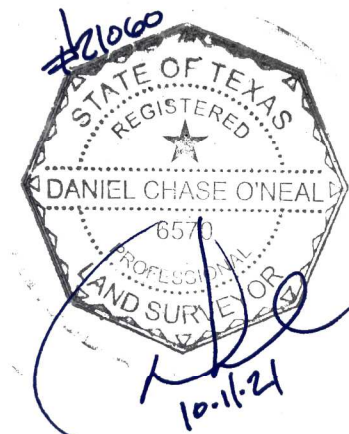
THENCE NORTH 79 DEGREES 46 MINUTES 35 SECONDS WEST, ALONG THE NORTH LINE OF SAID EAST GLEN BLVD., A DISTANCE OF 108.42 FEET TO THE **POINT OF BEGINNING** AND CONTAINING 3,246 SQUARE FEET OF LAND, MORE OR LESS.

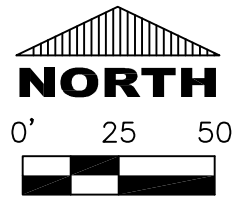
SURVEYOR NOTES:

1. THE BEARINGS SHOWN OR RECITED HEREON ARE BASED UPON THE TEXAS COORDINATE SYSTEM OF 1983, NORTH CENTRAL ZONE NO. 4202 (NAD83(2011)).
2. SEE PLAT MAP OF EVEN DATE ATTACHED HERETO.

FOR O'NEAL SURVEYING COMPANY, LLC,

BY: DANIEL O'NEAL
REGISTERED PROFESSIONAL LAND SURVEYOR
STATE OF TEXAS NO. 6570



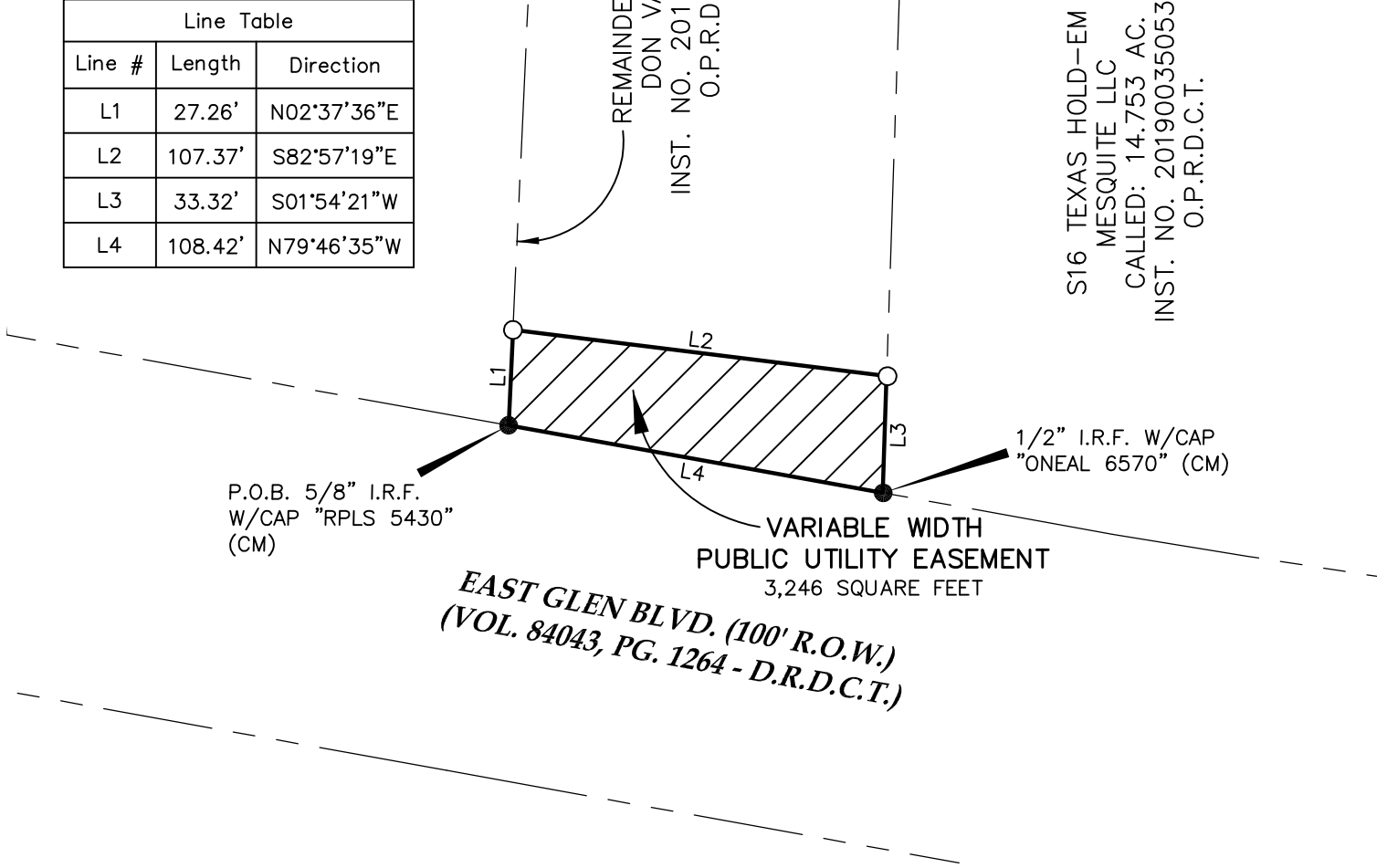


LOT 1, BLOCK 2
PARAGON PARK
VOL. 2005009, PG. 73
P.R.D.C.T.

Line Table		
Line #	Length	Direction
L1	27.26'	N02°37'36"E
L2	107.37'	S82°57'19"E
L3	33.32'	S01°54'21"W
L4	108.42'	N79°46'35"W

REMAINDER OF:
DON VALK
INST. NO. 201300148318
O.P.R.D.C.T.

S16 TEXAS HOLD-EM
MESQUITE LLC
CALLED: 14.753 AC.
INST. NO. 201900350539
O.P.R.D.C.T.



P.O.B. 5/8" I.R.F.
W/CAP "RPLS 5430"
(CM)

1/2" I.R.F. W/CAP
"ONEAL 6570" (CM)

VARIABLE WIDTH
PUBLIC UTILITY EASEMENT
3,246 SQUARE FEET

EAST GLEN BLVD. (100' R.O.W.)
(VOL. 84043, PG. 1264 - D.R.D.C.T.)

SURVEYOR NOTES:

1. BEARINGS BASED ON THE TEXAS STATE PLANE COORDINATE SYSTEM OF 1983 (2011), NORTH CENTRAL ZONE (4202).

2. SEE METES AND BOUNDS DESCRIPTION PREPARED EVEN DATE.

DANIEL CHASE O'NEAL
REGISTERED PROFESSIONAL
LAND SURVEYOR NO. 6570
PH. 903-708-2891
daniel.oneal@onealsurveying.com

LEGEND

- (CM) CONTROLLING MONUMENT
- POINT FOR CORNER
- MONUMENT FOUND AS NOTED
- O.P.R.D.C.T. OFFICIAL PUBLIC RECORDS, DALLAS COUNTY, TEXAS
- P.R.D.C.T. PLAT RECORDS, DALLAS COUNTY, TEXAS
- D.R.D.C.T. DEED RECORDS, DALLAS COUNTY, TEXAS
- INST. NO. INSTRUMENT NUMBER
- P.O.B. POINT OF BEGINNING
- PROPERTY LINE
- PROPOSED EASEMENT

VARIABLE WIDTH PUBLIC UTILITY EASEMENT
SHOWING ALL OF SAID EASEMENT LOCATED IN
REMAINDER OF DON VALK TRACT
SAMUEL ANDREWS SURVEY, ABSTRACT NO. 40
CITY OF MESQUITE, DALLAS COUNTY, TEXAS

O'NEAL SURVEYING CO.
205 WINDCO CIR., STE. 100
WYLIE, TX 75098
TBPLS FIRM # 10194132
WWW.ONEALSURVEYING.COM

