

06147

RESOLUTION NO. 10-79

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MESQUITE, TEXAS, DETERMINING THAT A PUBLIC NECESSITY EXISTS FOR THE ACQUISITION OF FEE SIMPLE TITLE TO CERTAIN LAND FOR THE CONSTRUCTION, AND MAINTENANCE OF A PUBLIC THOROUGHFARE LOCATED NEAR THE INTERSECTION OF U.S. HIGHWAY 80 AND GUS THOMASSON ROAD, IN AND WITHOUT THE CORPORATE LIMITS OF THE CITY OF MESQUITE, TEXAS, AS DESCRIBED HEREIN; AUTHORIZING THE CITY ATTORNEY TO INSTITUTE CONDEMNATION PROCEEDINGS; AND PROVIDING AN EFFECTIVE DATE THEREOF.

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

SECTION 1. That the City Council of the City of Mesquite, Texas, has and does deem it necessary and expedient and has determined that a public necessity exists for the acquisition of fee simple title to certain land for the construction and maintenance of a public thoroughfare located near the intersection of U.S. Highway 80 and Gus Thomasson Road, in and without the corporate limits of the City of Mesquite, and more particularly described in Exhibit "A" attached hereto, the owners or those claiming an interest to said land being:

PARCEL

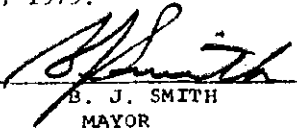
OWNER

Parcel No. 5

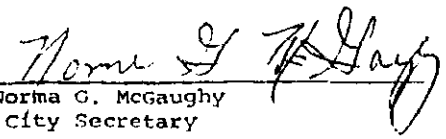
Andrew Gentle and
Howard Schweitzer

SECTION 2. That the City Attorney is hereby authorized to institute Eminent Domain Proceedings to condemn said property for said use according to law and to obtain fee simple title right-of-way and/or drainage easements to and upon said property for the purposes expressed therein.

DULY RESOLVED by the City Council of the City of Mesquite, Texas, on the 2nd day of April, A.D., 1979.


B. J. SMITH
MAYOR

ATTEST:


Norma G. McGaughy
City Secretary

00148

Situated in William Foreman Survey, Abstract 486, and in the City of Mesquite, Dallas County, Texas.

BEING a 2674 square feet tract of land, more or less, out of a 30,138 square feet tract of land which was conveyed to Andrew Jackson Gentle and Harold William Schweitzer by deed recorded in Volume 75197, Page 0859, Deed Records of said county; and said 2674 square feet tract of land being more particularly described as follows:

BEGINNING at the point of intersection of the South right of way line of U. S. 80 and the East right of way line of Gus Thomasson Road which bears 244.12 feet North 45 deg. 13 min. 42 sec. West and 40.49 feet North 22 deg. 31 min. 42 sec. West of the Southwest corner of the said Gentle tract;

- (1) THENCE North 89 deg. 19 min. 50 sec. East along the South right of way line of U. S. 80 for a distance of 178.40 feet the Northeast corner of said Gentle tract;
- (2) THENCE South 80 deg. 09 min. 35 sec. West for a distance of 147.23 feet;
- (3) THENCE South 22 deg. 11 min. 37 sec. West for a distance of 24.60 feet to a point in the Northeast right of way line of Gus Thomasson Road;
- (4) THENCE North 45 deg. 13 min. 42 sec. West along the said Northeast line for a distance of 12.0 feet;
- (5) THENCE North 22 deg. 31 min. 42 sec. West continuing along the said Northeast right of way line for a distance of 40.49 feet to the place of beginning.

AND IN ADDITION THERETO:

PLAINTIFF would show that the location of the new proposed right of way line would require that certain fixed improvements, namely two (2) masonry buildings, be bisected in such a manner that the portion of said structures situated on the remaining property of Defendant could not be restored to a condition which would permit the original use of said structures to be continued in a reasonable and prudent manner; therefore, Defendant is entitled to the value of the entire bisected improvements. Plaintiff would further show that the severance of the improvements along the new right of way line would constitute a hazard to such right of way; therefore, to avoid the creation of such a hazard and to afford reasonable protection to said right of way, it is necessary for Plaintiff to acquire, in addition to the above described land, all of the above described improvements situated partially on the remaining land of Defendant, together with the temporary right to enter upon said remaining property of Defendant for the sole purpose of removing therefrom said improvements.