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RESOLUTION NO. 50-88

A RESOLUTION OF THE CITY OF MESQUITE, TEXAS, AUTHORIZING A FINAL OFFER FOR THE ACQUISITION OF FEE SIMPLE TITLE FOR THE CONSTRUCTION, RECONSTRUCTION, ENLARGEMENT AND MAINTENANCE OF A MUNICIPAL AIRPORT TOGETHER WITH SAFETY ZONES WITHIN THE CORPORATE LIMITS OF THE CITY OF MESQUITE, TEXAS, AS DESCRIBED HEREIN; AUTHORIZING THE ATTORNEY FOR THE CITY TO INSTITUTE CONDEMNATION PROCEEDINGS.

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 Land in Fee Simple Title for the construction, reconstruction, enlargement and maintenance of a Municipal Airport and all lawful purposes incident thereto within 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:

<u>PARCEL</u>	<u>OWNER</u>
Tract 3	Estate of Richard R. Russell, Deceased W.R. Ewing, Trustee

**SECTION 2.** That the Mayor is hereby authorized to make a final offer for the acquisition of said property as follows:

\$155,000 to the Estate of Richard R. Russell, Deceased, and W.R. Ewing, Trustee

Such offer shall be made by certified mail.

**SECTION 3.** If no response is made to the final offer within thirty (30) days, the Attorney for the City is hereby authorized to institute Eminent Domain proceedings to condemn said property for said use according to law and to obtain fee simple title to and upon said property for the purposes expressed herein.

**SECTION 4.** Should any portion of the property described in Exhibit "A", attached hereto, not be subject to legal condemnation by the City of Mesquite, such fact shall not prevent the City from condemning such land which is described in Exhibit "A" and is subject to legal condemnation by the City, and it is the intention of the City of Mesquite to condemn only such territory as may be legally condemned by it within the limits of the land described in Exhibit "A".

DULY RESOLVED by the City Council of the City of Mesquite, Texas, on the 3rd day of October, 1988.

*George A. Verner, Sr.*  
George A. Verner, Sr.  
Mayor

ATTEST:

APPROVED:

*Lynn Pregel*  
Lynn Pregel  
City Secretary

*Elizabeth A. Lunday*  
Elizabeth A. Lunday  
Acting City Attorney

00260

EXHIBIT "A"

Russell  
TRACT 3

BOUNDARY SURVEY

BEING a tract of land out of 72.666 acres of land conveyed to Richard R. Russell by Raymond Berry and wife, Bessie Berry in deed recorded in Volume 74127, Page 0279, of the Deed Records of Dallas County, Texas; said 72.666 acres being a part of the W. W. Bruton Survey, Abstract No. 160, Dallas County, Texas;

BEGINNING at a 1/2" iron rod set in the northeast line of said 72.666 acre tract and the northeast line of said Bruton Survey; and being South 44°45'21" East 478.11 feet from a 1" iron rod found for the north corner of said 72.666 acre tract; said northeast line also being the southwest line of the Benjamin Beckner Survey, Abstract No. 1617 and a southwest line of a 337.162 acre tract conveyed to Evelyn Fowler Scott, et al, in deed recorded in Volume 80169, Page 1647, of the Deed Records of Dallas County;

THENCE South 44°45'21" East with said northeast line 754.71 feet to a 1/2" iron rod set for the northwest corner of the 40.517 acre tract conveyed to Lanny Edwards in deed recorded in Volume 73087, Page 0299, Dallas County Deed Records; said corner also being the south corner of said Scott 337.162 acre tract;

THENCE South 45°50'07" East with said northeast line and southwest line of said Edwards 40.517 acre tract a distance of 410.34 feet to a 1/2" iron rod set for the southeast corner of this tract;

THENCE North 89°40'00" West 953.06 feet to a 1/2" iron rod set for the southwest corner of this tract;

THENCE North 08°51'52" East 826.15 feet to the Place of Beginning and containing 8.871 acres of land.

Said tract has located across it a 50 foot wide pipeline easement for a 30 inch diameter pipeline; said easement being conveyed to Lone Star Gas Co. by instrument dated July 18, 1968, and recorded in Volume 68168, Page 0874, Deed Records of Dallas County, Texas.

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