

RESOLUTION NO. 41-94

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MESQUITE, TEXAS, DETERMINING THE NECESSITY FOR THE CONSTRUCTION OF SANITARY SEWER IMPROVEMENTS ALONG NORTH MESQUITE CREEK AND LONG BRANCH CREEK AND AUTHORIZING THE CITY MANAGER TO ACQUIRE EASEMENTS AND RIGHTS-OF-WAY REQUIRED FOR THE PROJECT.

WHEREAS, the City of Mesquite has an existing sanitary sewer trunk main extending along North Mesquite Creek; and

WHEREAS, the flows in this existing sewer main have reached the maximum capacity of the sewer main; and

WHEREAS, additional areas are being developed which will contribute additional flow amounts to the North Mesquite Creek Trunk Main; and

WHEREAS, there is an area in the northeast portion of the City of Mesquite that is not served by the City of Mesquite sanitary sewer collection system;

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

SECTION 1. That the City Council has determined that it is necessary to construct additional sanitary sewer mains and appurtenances along North Mesquite Creek and Long Branch Creek from the sewage treatment plant at Lawson Road to Interstate Highway 635.

SECTION 2. That the City Manager is authorized to acquire the easements and rights-of-way required for the project, including purchase of said easements and rights-of-way for an amount equal to the appraised value of said easements and rights-of-way.

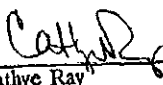
SECTION 3. That the City Manager is authorized to acquire easements and rights-of-way by eminent domain condemnation for those easements and rights-of-way where negotiated purchase is refused by the property owner.

SECTION 4. That the City Manager is authorized to offer an amount to those parcels being acquired by condemnation of the appraised value of the easement or right-of-way plus five thousand (\$5,000) dollars in an effort to avert the need for condemnation. Said additional amount being the approximate cost to the City resulting in the condemnation process.

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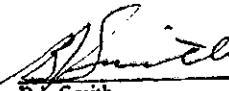
DULY RESOLVED by the City Council of the City of Mesquite, Texas, on the 7th day of November, 1994.



Cathye Ray
Mayor

APPROVED:

ATTEST:



B.J. Smith
City Attorney



Lynn Frugel
City Secretary