

RESOLUTION NO. 14-96

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MESQUITE, TEXAS, DETERMINING THAT A PUBLIC NECESSITY EXISTS FOR THE ACQUISITION OF EASEMENTS FOR THE CONSTRUCTION OF A SANITARY SEWER PROJECT BETWEEN NORTH MESQUITE CREEK AND CLAY-MATHIS ROAD; AUTHORIZING THE CITY ATTORNEY TO INSTITUTE CONDEMNATION PROCEEDINGS; AND PROVIDING 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 easements in certain real property for the construction of the Mesquite Airport Sanitary Sewer Project.

WHEREAS, the property in which the easements are to be acquired for such purposes is located between North Mesquite Creek and Clay-Mathis Road north of Lawson Road located in the J. P. Anderson Survey, Abstract No. 1 in the City of Mesquite, Dallas County, Texas, said easements being a 1.009 acre utility easement more particularly described in Exhibit "A" attached hereto and made a part hereof by reference.

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 for the welfare of the City and its citizens, and has determined that a public necessity exists for the acquisition of the utility easement described in the preamble of this Resolution, which is adopted and made a part of the body of this Resolution, and more particularly described in Exhibit "A" (the "Easements") and made a part hereof, in connection with the construction and improvement, maintenance, operation and all lawful purposes incident thereto of the Mesquite Airport Sanitary Sewer.

SECTION 2. That it is hereby confirmed that the City Manager was authorized to and did make an offer, based upon value determined from appraisal of the easements by competent and qualified appraisers, to acquire the easements, and such offer was transmitted via certified mail to the property owners, Ben Day, Richard J. Day and Donna D. Cockrell on May 1, 1996 in the amount of EIGHT THOUSAND, SEVEN HUNDRED THIRTY DOLLARS AND NO/100 DOLLARS (\$8,730.00), and said offer was not accepted by the owner of the property and it has been determined that further negotiations would be futile, agreement cannot be reached and the City will need to initiate eminent domain proceedings to acquire said easements.

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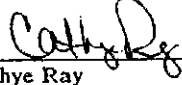
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SECTION 3. That the City Attorney or his designee is hereby authorized to file or cause to be filed, against the owner and against all others holding an interest in the property, proceedings in eminent domain to acquire the Easements described herein for the purposes described herein.

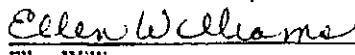
SECTION 4. It is the intent of the City Council that this Resolution authorize the condemnation of all interest in property necessary to accomplish the purposes described herein, however, should any portion of the property described herein not be subject to legal condemnation by the City of Mesquite, 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 interest 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 City Council Resolution authorizing the condemnation of the corrected or revised property.

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

DULY RESOLVED and passed by the City Council of the City of Mesquite, Texas on the 6th day of May, 1996.

  
\_\_\_\_\_  
Cathye Ray  
Mayor

ATTEST:

  
\_\_\_\_\_  
Ellen Williams  
City Secretary

APPROVED:

  
\_\_\_\_\_  
B.J. Smith  
City Attorney

DESCRIPTION  
UTILITY EASEMENT  
TRACT 1

Being a tract or parcel of land situated in the J.P. Anderson Survey, Abstract Number 1, in the City of Mesquite, Dallas County, Texas, and being a portion of that certain tract of land conveyed to Nell Francis Day, as described in Volume 2896, Page 388, Deed Records, Dallas County, Texas, and being more particularly described as follows:

COMMENCING at a 1/2" iron rod found for the north corner of a tract of land described in Volume 88119, Page 3156, of said Deed Records, Thence S 48°01'31" E, 600.46 feet to a point for the north corner of a tract of land conveyed to Walter T. Hardi, as recorded in Volume 72054, Page 212, of said Deed Records, Thence S 47°11'34" E, 334.51 feet with the north line of said Hardi tract to a point, Thence S 62°38'02" E, 250.92 feet with the north line of said Hardi tract to the POINT OF BEGINNING:

THENCE N 10°02'35" E, 14.67 feet to a point;

THENCE N 44°15'35" E, 879.62 feet to the point of curvature of a tangent curve to the left, having a central angle of 10°40'58", a radius of 485.00 feet, a tangent length of 45.35 feet, and a long chord that bears N 38°55'06" E, 90.30 feet;

THENCE an arc distance of 90.43 feet with said curve to the point of curvature of a tangent curve to the right, having a central angle of 24°16'25", a radius of 265.00 feet, a tangent length of 56.99 feet, and a long chord that bears N 45°42'50" E, 111.43 feet;

THENCE an arc distance of 112.27 feet with said curve to a point;

THENCE N 57°51'03" E, 85.68 feet to a point;

THENCE N 26°42'35" E, 158.57 feet to a point;

THENCE N 40°00'06" E, 128.50 feet to a point in the approximate centerline of Clay-Mathis Road;

THENCE S 45°22'16" E, 30.10 feet with the approximate centerline of Clay-Mathis Road to a point;

THENCE S 40°00'06" W, 122.58 feet to a point;

THENCE S 26°42'35" W, 163.43 feet to a point;

THENCE S 57°51'03" W, 94.04 feet to the point of curvature of a tangent curve to the left, having a central angle of 24°16'25", a radius of 235.00 feet, a tangent length of 50.54 feet, and a long chord that bears S 45°42'50" W, 98.82 feet;

THENCE an arc distance of 99.56 feet with said curve to the point of curvature of a tangent curve to the right, having a central angle of 10°40'58", a radius of 515.00 feet, a tangent length of 48.15 feet, and a long chord that bears S 38°55'06" W, 95.88 feet;

THENCE an arc distance of 96.02 feet with said curve to a point;

THENCE S 44°15'35" W, 870.38 feet to a point;

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THENCE S 10°02'35" W, 14.79 feet to a point in the  
aforementioned northeast line of the Hardi tract;

THENCE N 62°38'02" W, 31.43 feet with the north line of said  
Hardi Tract to the POINT OF BEGINNING and containing 1.009 Acres,  
(43,958 S.F.) of land, more or less, of which 0.021 Acre, (903  
S.F.) of land is contained within the apparent right-of-way of  
Clay-Mathis Road

The Basis Of Bearings for this Easement is the 1983 State Plane  
Coordinate System, Lambert Projection, North Central Zone, Per  
N.G.S. Triangulation Stations "Garland NE Base", "Buckner", and  
"Grove RM 1".

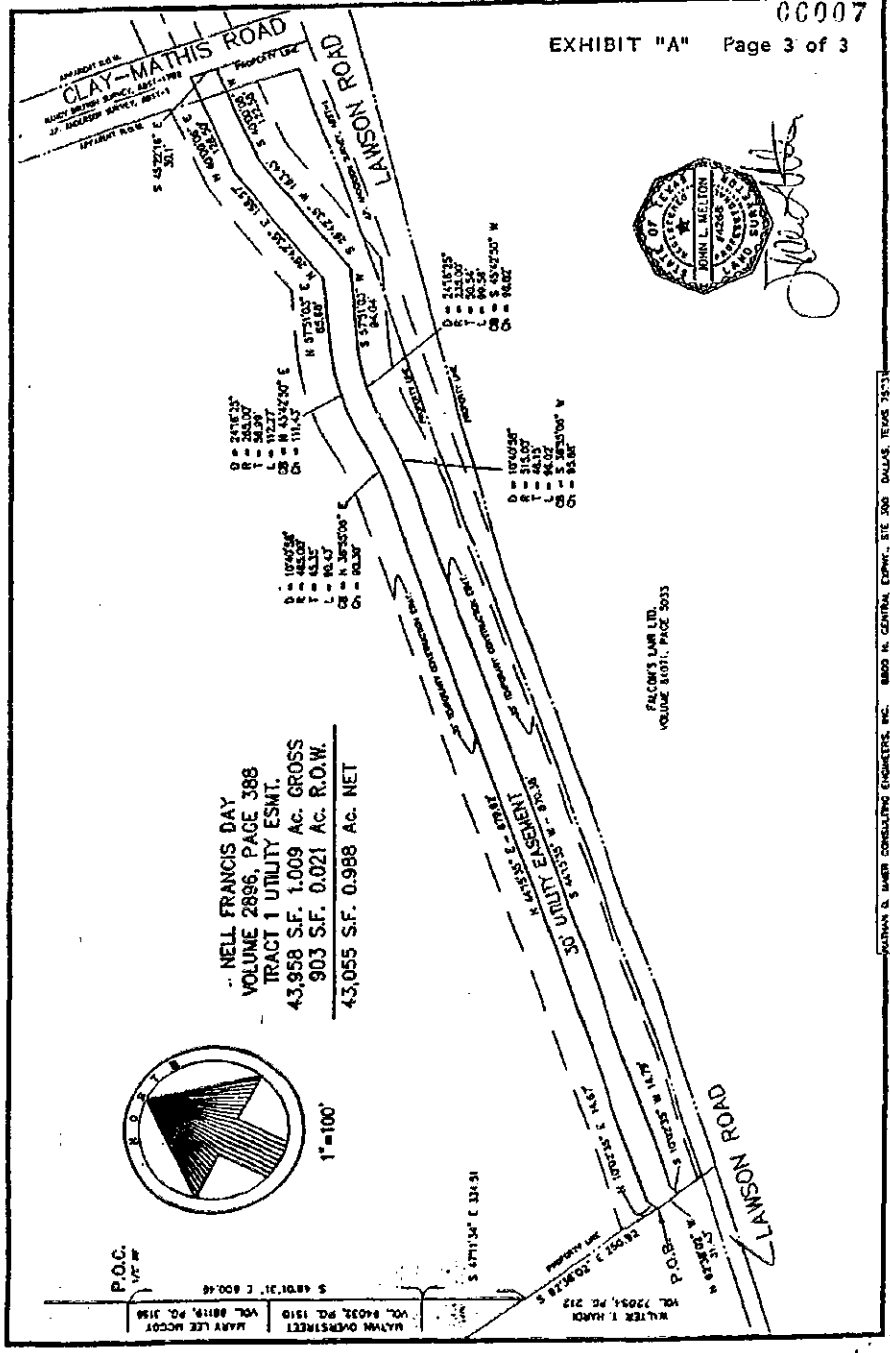


John L. Melton  
Registered Professional Land Surveyor  
Texas Registration Number 4268



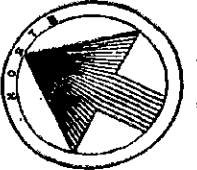
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*John L. Melton*

NELL FRANCIS DAY  
 VOLUME 2896, PAGE 388  
 TRACT 1 UTILITY ESMT.  
 43,958 S.F. 1.009 AC. GROSS  
 903 S.F. 0.021 AC. R.O.W.  
 43,055 S.F. 0.988 AC. NET



1"=100'

P.O.C.  
1/17/98

MARY LEE MCCOY  
 VOL. 8402, P. 1510  
 VOL. 8819, P. 318

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 VOL. 8402, P. 1510  
 VOL. 8819, P. 318

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 VOL. 8402, P. 1510  
 VOL. 8819, P. 318

ADAM D. WARD CONSULTING ENGINEERS, INC. 8600 N. CENTRAL EXPW. STE 300 DALLAS, TEXAS 75213  
 FILE NAME: 0817001.DWG JOB NUMBER: 94-09-008 DATE: OCTOBER 1995

PAULSON'S LAW LTD.  
 VOLUME 8071, PAGE 3033