

RESOLUTION NO. 24-96

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MESQUITE, TEXAS, DETERMINING THAT A PUBLIC NECESSITY EXISTS FOR THE ACQUISITION OF RIGHT OF WAY FOR THE CONSTRUCTION OF THE TOWNE CENTRE DRIVE WIDENING PROJECT NEAR POTEET DRIVE; 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 right-of-way in certain real property for the construction of the Towne Centre Drive Widening Project.

WHEREAS, the property in which the right-of-way is to be acquired for such purposes is located on Towne Centre Drive south of Poteet Drive located in the John T. Helms Survey, Abstract No. 1095 in the City of Mesquite, Dallas County, Texas and being a portion of Lot 1, Block B of Towne Centre Village No. 4, an Addition to the City of Mesquite according to the Map or Plat thereof recorded in Volume 83162 at Page 5247 in the Deed Records of Dallas County, Texas, said right-of-way being a 0.011 acre tract 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 right-of-way 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 "Right-of-Way") and made a part hereof, in connection with the construction and improvement, maintenance, operation and all lawful purposes incident thereto of Towne Centre Drive Improvements.

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, One Towncrest Associates, LTD, a Texas limited partnership and leinholder, Federal National Mortgage Associates, on August 8, 1996 in the amount of FOUR THOUSAND AND NO/100 DOLLARS (\$4,000.00), 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.

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 Right-of-Way described herein for the purposes described herein.

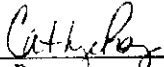
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Resolution - page 2

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.

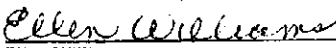
SECTION 5. That this Resolution shall become effective immediately from and after its passage.

DULY RESOLVED and passed by the City Council of the City of Mesquite, Texas on the 19th day of August, 1996.



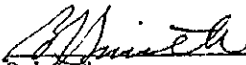
Cathyc Ray
Mayor

ATTEST:



Ellen Williams
City Secretary

APPROVED:



B. J. Smith
City Attorney

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EXHIBIT "A"
Metes and Bounds Description

0.011 Acre
Right-of-Way Dedication
City of Mesquite, Dallas County, Texas

BEING a tract of land situated in the John T. Helms Survey, Abstract No. 1095 in the City of Mesquite, Dallas County, Texas and being a portion of Lot 1, Block B of Towne Centre Village No. 4, an Addition to the City of Mesquite according to the Map or Plat thereof recorded in Volume 83162 at Page 5247 and corrected in Volume 94128 at Page 1050 same being a portion of a called 9.4565-acre tract as conveyed to One Towncrest Associates, Ltd. and evidenced in a Special Warranty Deed with Vendor's Lien recorded in Volume 92058 at Page 2297 all of the Deed Records of Dallas County, Texas and being more particularly described by metes and bounds as follows:

BEGINNING at a 5/8-inch iron rod set for the most westerly northwest corner of said Lot 1B(R) and the southwest corner of Lot 13, Block G of Towne Centre Village No. 1 Retail, an Addition to the City of Mesquite according to the Map or Plat thereof recorded in Volume 86031 at Page 1346 of the Deed Records of Dallas County, Texas, same being on the curving easterly right-of-way line of Towne Centre Drive (a 60-foot wide right-of-way);

THENCE South $62^{\circ}34'03''$ East, along the common line between said Lot 1 and Lot 13, a distance of 7.88 feet to a 5/8-inch iron rod set for a corner;

THENCE South $27^{\circ}22'00''$ West, departing said common line between Lots 1 and 13, a distance of 2.20 feet to a 5/8-inch iron rod set for a corner;

THENCE South $35^{\circ}26'13''$ West, a distance of 61.63 feet to a 5/8-inch iron rod set for a corner;

THENCE South $42^{\circ}39'20''$ West, a distance of 20.30 feet to a 5/8-inch iron rod set on the westerly line of said Lot 1;

THENCE North $27^{\circ}25'57''$ East, along the westerly line of said Lot 1, a distance of 23.60 feet to a 5/8-inch iron rod set for corner on the west line of said Lot 1 and the curving easterly right-of-way line of said Towne Centre Drive, said curve being a non-tangent curve to the left;

THENCE in a northeasterly direction, along the westerly line of said Lot 1 and the easterly right-of-way line of said Towne Centre Drive, the following:

- Along the arc of said non-tangent curve to the left having a radial bearing of North $54^{\circ}42'13''$ West, through a central angle of $04^{\circ}01'09''$, having a radius distance of 830.00 feet and an arc length of 58.22 feet to a 5/8-inch iron rod set for the point of curvature of a curve to the right;

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EXHIBIT "A"

- Along the arc of said curve to the right through a central angle of $00^{\circ}11'15''$, having a radius distance of 400.00 feet and an arc length of 1.31 feet to the POINT OF BEGINNING and CONTAINING 0.011 of an acre of land, more or less.

**RETAKE
OF
PREVIOUS
DOCUMENT**

