

RESOLUTION NO. 25-96

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 AND IMPROVEMENT OF SOUTH MESQUITE CREEK BETWEEN OATES DRIVE AND LAPRADA 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 easements in certain real property for channel improvements to South Mesquite Creek.

WHEREAS, the property in which the easements are to be acquired for such purposes is located between Oates Drive and LaPrada Drive west of Gus Thomasson Road located in the William Johnson Survey, Abstract No. 706 in the City of Mesquite, Dallas County, Texas and being a 0.058 acre drainage easement for the channel improvements 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 and drainage and utility easement described in the preamble of this Ordinance, which is adopted and made a part of the body of this Ordinance, 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 channel improvements to South Mesquite Creek.

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 owner, Hnu Thi Tran, on August 9, 1996 in the amount of THREE THOUSAND DOLLARS AND NO/100 (\$3,000.00), 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 Easements described herein for the purposes described herein.

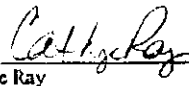
00072

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.

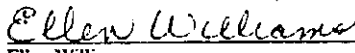
SECTION 5. That this Resolution shall become effective immediately from and after its passage.

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




Cathye Ray
Mayor

ATTEST:



Ellen Williams
City Secretary

APPROVED:



B. J. Smith
City Attorney

DESCRIPTION
DRAINAGE EASEMENT
TRACT 13

Being a tract or parcel of land situated in the William Johnson Survey, Abstract Number 706, in the City of Mesquite, Dallas County, Texas, and being a portion of that certain tract of land conveyed to HNU THI TRAN described in Volume 85225, Page 2874, Deed Records, Dallas County, Texas, and being more particularly described as follows;

COMMENCING at a 1/2" IRF;

THENCE N 47°47'03" E, 75.00 feet to a point for corner for the POINT OF BEGINNING;

THENCE N 42°24'58" W, 120.85 feet to a point for corner;

THENCE N 40°52'58" W, 49.13 feet to a point for corner;

THENCE N 45°04'52" E, 15.04 feet to a point for corner;

THENCE S 40°52'58" E, 49.99 feet to a point for corner;

THENCE S 42°24'58" E, 114.89 feet to a point for corner for the point of curvature of a non-tangent curve to the left, having a central angle of 08°29'39", a radius of 99.53 feet, a tangent length of 7.39 feet, and a long chord that bears S 24°32'39" W, 14.74 feet;

THENCE an arc distance of 14.75 feet with said curve to a point for corner;

THENCE S 47°47'03" W, 1.43 feet to the POINT OF BEGINNING and containing 0.058 Acres (2,513 S.F.) of land, more or less.

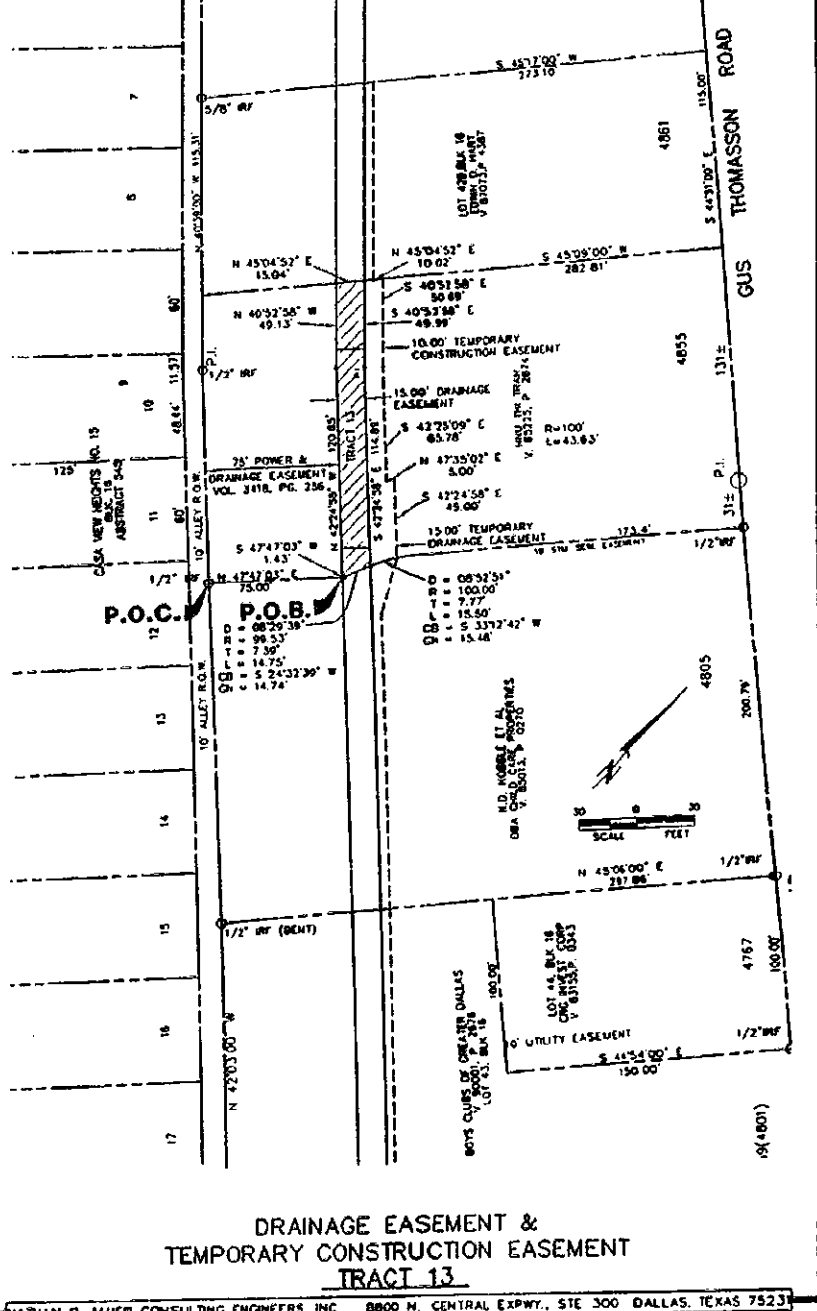
The Basis Of Bearings for this Easement is the 1983 State Plane Coordinate System, Lambert Projection, North Central Zone, Per N.G.S. Triangulation Stations "Garland NE Base", "Buckner", and "Grove RM 1".

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

Error of Closure: N = 0.001' E = 0.011', S 86°41'36" W, 0.011' @
1:34034.63

00077

EXHIBIT "A"



DRAINAGE EASEMENT &
 TEMPORARY CONSTRUCTION EASEMENT
TRACT 13

NATHAN D. MAIER CONSULTING ENGINEERS, INC 8800 N. CENTRAL EXPWY., STE 300 DALLAS, TEXAS 75237

FILE NAME: ES.LATS.DWG JOB NUMBER: 95-02-009 DATE: 11/8/95