

RESOLUTION NO. 60-2015

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MESQUITE, TEXAS, AUTHORIZING THE EXCHANGE OF PROPERTY WITH THE MESQUITE INDEPENDENT SCHOOL DISTRICT ("MISD") FOR THE RECONSTRUCTION OF FLORENCE ELEMENTARY SCHOOL; AND AUTHORIZING THE MAYOR TO EXECUTE THE EXCHANGE AGREEMENT WITH THE MISD FOR SUCH PURPOSE.

WHEREAS, the City of Mesquite (the "City") owns approximately 6.9103 acres of land in the Theophalus Thomas Survey, Abstract No. 1461, in the City of Mesquite, Dallas County, Texas (the "City Tract"), the City Tract being more particularly described in Exhibit "A" attached to the Agreement For Exchange of Real Property attached hereto as Exhibit "1" and made a part hereof for all purposes (the "Exchange Agreement"); and

WHEREAS, the Mesquite Independent School District ("MISD") owns approximately 6.9103 acres of land in the Theophalus Thomas, Abstract No. 1461, in the City of Mesquite, Dallas County, Texas (the "MISD Tract"), said the MISD Tract being more particularly described in Exhibit "B" attached to the Exchange Agreement; and

WHEREAS, the MISD Tract and the City Tract are adjacent to each other; and

WHEREAS, both the MISD and the City are governmental entities with the power of eminent domain; and

WHEREAS, the MISD presently operates the Florence Elementary School located on the MISD Tract and the City presently utilizes the City Tract as a park; and

WHEREAS, enrollment is increasing in the MISD and the MISD has determined that it is necessary to replace the existing Florence Elementary School with a new school structure; and

WHEREAS, in order not to disrupt the MISD's school instructional program at Florence Elementary School, it is necessary for the MISD to construct a new school structure on the adjoining City Tract; and

WHEREAS, upon completion of the new MISD school facilities and prior to delivering the MISD Tract to the City, the MISD, at its sole cost and expense, has agreed to demolish the existing school facilities on the MISD Tract and construct a new baseball diamond comparable in all aspects to the baseball diamond presently existing on the City Tract; and

WHEREAS, the exchange of the City Tract for the MISD Tract will result in no net loss of City park property; and

WHEREAS, the exchange of the MISD Tract and the City Tract, together with the construction by the MISD of a new school facility on the City Tract, the removal by the MISD of existing school facilities on the MISD Tract, the construction by the MISD of a new baseball facility on the MISD Tract and other actions incidental thereto (collectively the "Project") will

facilitate the need for a new school facility while minimizing any harm to the City's park property;
and

WHEREAS, following a public hearing, notice of which had been properly posted, the City Council makes the findings and decisions more fully set forth herein.


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 (the "City Council"), hereby finds and determines that: (i) the Project requires the use or taking of the City Tract which is currently being used as a City park; (ii) there is no feasible and prudent alternative to the use or taking of the City Tract; and (iii) the Project includes all reasonable planning to minimize harm to the City Tract as a park resulting from such use or taking.

SECTION 2. That the City Council approves the Project and the transfer of the City Tract to the MISD in exchange for the transfer of the MISD Tract to the City.

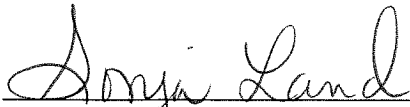
SECTION 3. That the City Council approves the terms and provisions of the Exchange Agreement attached hereto as Exhibit "1" and authorizes the Mayor to execute the Exchange Agreement and all documents necessary to consummate the transactions contemplated therein including, without limitation, all documents necessary to transfer the City Tract to the MISD in exchange for the transfer of the MISD Tract to the City.

DULY RESOLVED by the City Council of the City of Mesquite, Texas, on the 7th day of December, 2015.



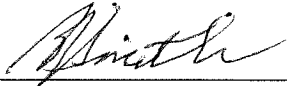
Stan Pickett
Mayor

ATTEST:



Sonja Land
City Secretary

APPROVED:



B. J. Smith
City Attorney

AGREEMENT FOR EXCHANGE OF REAL PROPERTY

This Agreement for the exchange of real property is made by and between Mesquite Independent School District ("MISD") and the City of Mesquite ("City").

RECITALS

MISD is an independent school district duly organized and existing under and by virtue of the laws of the State of Texas.

City is a Texas home rule municipality duly organized and existing under and by virtue of the laws of the State of Texas.

City owns fee simple title to the real property legally described in Exhibit "A" appended to this Agreement.

MISD owns fee simple title to the real property legally described in Exhibit "B" appended to this Agreement.

The tracts of real property described in Exhibits "A" and "B" adjoin and abut each other.

City and MISD desire and intend to make an exchange of the like-kind properties described in Exhibits "A" and "B" appended to this Agreement.

Both MISD and City are governmental entities with the power of eminent domain.

Accordingly, for Ten Dollars (\$10.00) and other good and valuable consideration, MISD and City agree as follows:

AGREEMENT, TERMS AND CONDITIONS

- 1. City agrees to transfer the real property described in Exhibit "A" to MISD.
- 2. MISD agrees to transfer the real property described in Exhibit "B" to City.

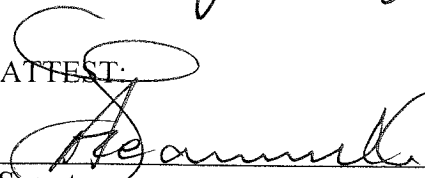
3. City warrants and represents to MISD that, at the time of closing, it will convey good and marketable fee simple title to the real property described in Exhibit "A" to MISD, free and clear of any encumbrances other than utility easements that will not interfere with MISD's use of the property to construct and operate a public school on the property.
4. MISD warrants and represents to City that, at the time of closing, it will convey good and marketable fee simple title to the real property described in Exhibit "B" to City, free and clear of any encumbrances other than utility easements that will not interfere with City's use of the property as a public park.
5. The closing under this Agreement shall take place within thirty (30) days of the enactment of resolutions of MISD's Board of Trustees and City's City Council approving this transaction.
6. At closing, MISD shall deliver a deed in substantially the form as that appended to this Agreement as Exhibit "C" to City; and, City shall deliver a deed in substantially the form as that appended to this Agreement as Exhibit "D" to MISD.
7. City presently utilizes the real property described in Exhibit "A" as a park; and MISD presently operates an elementary school on the real property described in Exhibit "B." It is anticipated by the parties that, after closing, MISD will construct a new school structure on the real property described in Exhibit "A." Upon completion of the new school facilities, MISD will demolish the school facilities presently existing on the real property described in Exhibit "B." MISD and City agree:
 - a. Possession of the real property, described in Exhibit "A" shall be delivered to MISD upon closing.

- b. Possession of the real property described in Exhibit “B” shall be delivered to City within sixty (60) days after completion and occupation of the new school facilities to be constructed on the real property described in Exhibit “A” by MISD.
- c. The costs of preparation of the real property described in Exhibit “A” for construction and demolition of any improvements on such tract shall be borne and paid by MISD.
- d. The costs of demolition of the school site presently existing on the real property described in Exhibit “B” shall be borne and paid by MISD.
- e. Prior to delivery of the real property described in Exhibit “B” to City, MISD shall construct upon such property, at its sole cost and expense, a baseball diamond comparable in all aspects to the baseball diamond presently existing on the real property described in Exhibit “A.”
- f. MISD agrees, prior to delivery of possession of the real property described in Exhibit “B” to City, to demolish and remove, at its sole cost and expense, all fences, driveways, permanent buildings and utilities presently located upon the property and deliver same to City in a neat and presentable condition; and, to restore to smooth surface contours and neat condition all earth disturbed during demolition of such improvements.
- g. City grants to MISD a temporary easement on and across the real property described in Exhibit “B” to facilitate MISD’s demolition of existing structures and construction of a new baseball field, practice field and parking to be constructed by MISD in accordance with the site plan attached as Exhibit “E.”

8. In determining market value of the tracts of real property described in Exhibits "A" and "B," both tracts shall be considered to be raw land.
9. Exhibits "A," "B," "C," "D" and "E" and the Recitals set out above are incorporated in this Agreement by reference for all purposes.
10. All closing costs, appraisal fees and survey costs shall be paid by MISD.
11. This Agreement contains the complete agreement between the parties and cannot be modified except through the written agreement of the parties.
12. The terms of this Agreement shall survive closing and shall not merge with any deeds delivered by the parties.
13. This Agreement shall be construed and interpreted under and in accordance with the laws of the State of Texas; and is, wholly performable in Dallas County, Texas.
14. Any party to this Agreement who is a prevailing party in a legal proceeding against the other party brought under or in relation to this Agreement shall be entitled to recover from the other party reasonable attorney's fees and costs of litigation.

Dated: January 7, ~~2015~~ ²⁰¹⁶ ME

ATTEST:

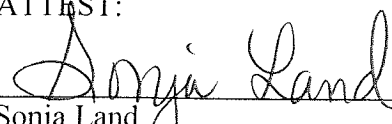

Secretary

Mesquite Independent School District

By:

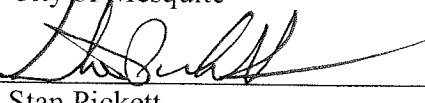

Board President

ATTEST:


Sonja Land
City Secretary

City of Mesquite

By:


Stan Pickett
Mayor

APPROVED AS TO FORM:

By:

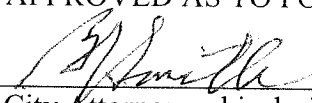

City Attorney or his designee

EXHIBIT "A"**DESCRIPTION**

BEING a 6.9103 acre (301,013 square feet) tract of land situated in the Theophalus Thomas Survey, Abstract No. 1461, in the City of Mesquite, Dallas County, Texas, and being a portion of a tract of land conveyed to the City of Mesquite, a Municipal Corporation, according to the Warranty Deed recorded in Volume 522, Page 685, Deed Records of Dallas County, Texas (D.R.D.C.T.), and a portion of a tract of land conveyed to Mesquite Independent School District according to Warranty Deed recorded in Volume 435, Page 824, D.R.D.C.T., and being a portion of Whitson Gardens Addition No. 7, an addition to the City of Mesquite, Texas, according to the plat thereof recorded in Volume 295, Page 1475, D.R.D.C.T., Texas, and being more particularly described by metes and bounds as follows:

BEGINNING at an "X" cut in concrete set at the intersection of the northwesterly line of Whitson Way (50' right of way) and the northeasterly line of Ashwood Drive (50' right of way);

THENCE N 22°42'12" W, with the northeasterly line of said Ashwood Drive, a distance of 588.11 feet to an "X" cut in concrete set for corner;

THENCE N 66°36'06" E, departing the northeasterly line of said Ashwood Drive, 171.75 feet to an "X" cut in concrete set for corner;

THENCE N 44°19'11" E, passing at a distance of 269.53 feet a 1/2" iron rod found, said iron rod being the most southerly corner of a tract of land conveyed to North Mesquite Full Gospel Assembly, Inc. according to Warranty Deed recorded in Volume 72045, Page 2653, D.R.D.C.T., and being the most southerly corner of the North Mesquite Full Gospel Assembly Addition, an addition to the City of Mesquite, Texas, according to the plat thereof recorded in Volume 72103, Page 2680, D.R.D.C.T., and being the most westerly corner of said Mesquite Independent School District tract, continuing with the southeasterly line of said North Mesquite Full Gospel Assembly, Inc. tract, the southeasterly line of said North Mesquite Full Gospel Assembly Addition and the northwesterly line of said Mesquite Independent School District tract for a total distance of 420.32 feet to an "X" cut in concrete set for corner;

THENCE N 69°10'11" E, with the southeasterly line of said North Mesquite Full Gospel Assembly, Inc. tract, the southeasterly line of said North Mesquite Full Gospel Assembly Addition, and the northwesterly line of said Mesquite Independent School District tract, a distance of 55.94 feet to a 1/2" iron rod with plastic cap stamped "TX REG NO 100189-00" set for corner;

THENCE S 20°43'55" E, departing the southeasterly line of said North Mesquite Full Gospel Assembly, Inc. tract, the southeasterly line of said North Mesquite Full Gospel Assembly Addition, and the northwesterly line of said Mesquite Independent School District tract, a distance of 128.04 feet to an "X" cut in concrete set for corner;

THENCE S 42°31'45" E, 120.87 feet to a 1/2" Iron rod with plastic cap stamped "TX REG NO 100189-00" set for corner;

THENCE S 47°05'47" W, passing the southwesterly line of said Mesquite Independent School District tract and the northeasterly line of said City of Mesquite tract at a distance of 141.92 feet, continuing for a total distance of 221.82 feet to a 1/2" iron rod with plastic cap stamped "TX REG NO 100189-00" set for corner;



NATHAN D. MAIER CONSULTING ENGINEERS, INC.

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TBPLS FIRM REG. NO. 100189-00

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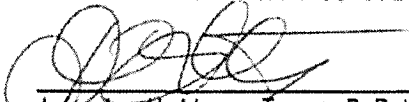
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EXHIBIT "A"

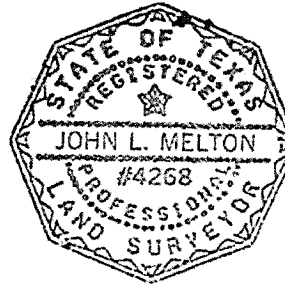
THENCE S 43°05'40" E, 253.73 feet to a 1/2" iron rod with plastic cap stamped "TX REG NO 100189-00" set in the northwesterly line of said Whitson Way;

THENCE S 47°01'08" W, 566.56 feet with the northwesterly line of said Whitson Way to the POINT OF BEGINNING and containing 6.9103 acres (301,013 square feet) of land, more or less.

FOR NATHAN D. MAIER CONSULTING ENGINEERS, INC.



John L. Melton, Texas R.P.L.S. No. 4268
Registered Professional Land Surveyor



NOTES

Bearings for this survey are based on the Western Data Systems Texas Cooperative RTK Network and are referenced to the Texas State Plane Coordinate System (NAD83), North Central Zone 4202. Station DUNP_G1012 was utilized as a base station during GPS data collection sessions.

There are platted lots, streets, alleys and easements reflected on the plot of Whitson Gardens Addition No. 7, an addition to the City of Mesquite, Texas, according to the plat thereof recorded in Volume 295, Page 1475, D.R.D.C.T., Texas, which affect the subject property that not reflected hereon.

NDM

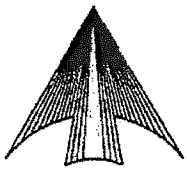
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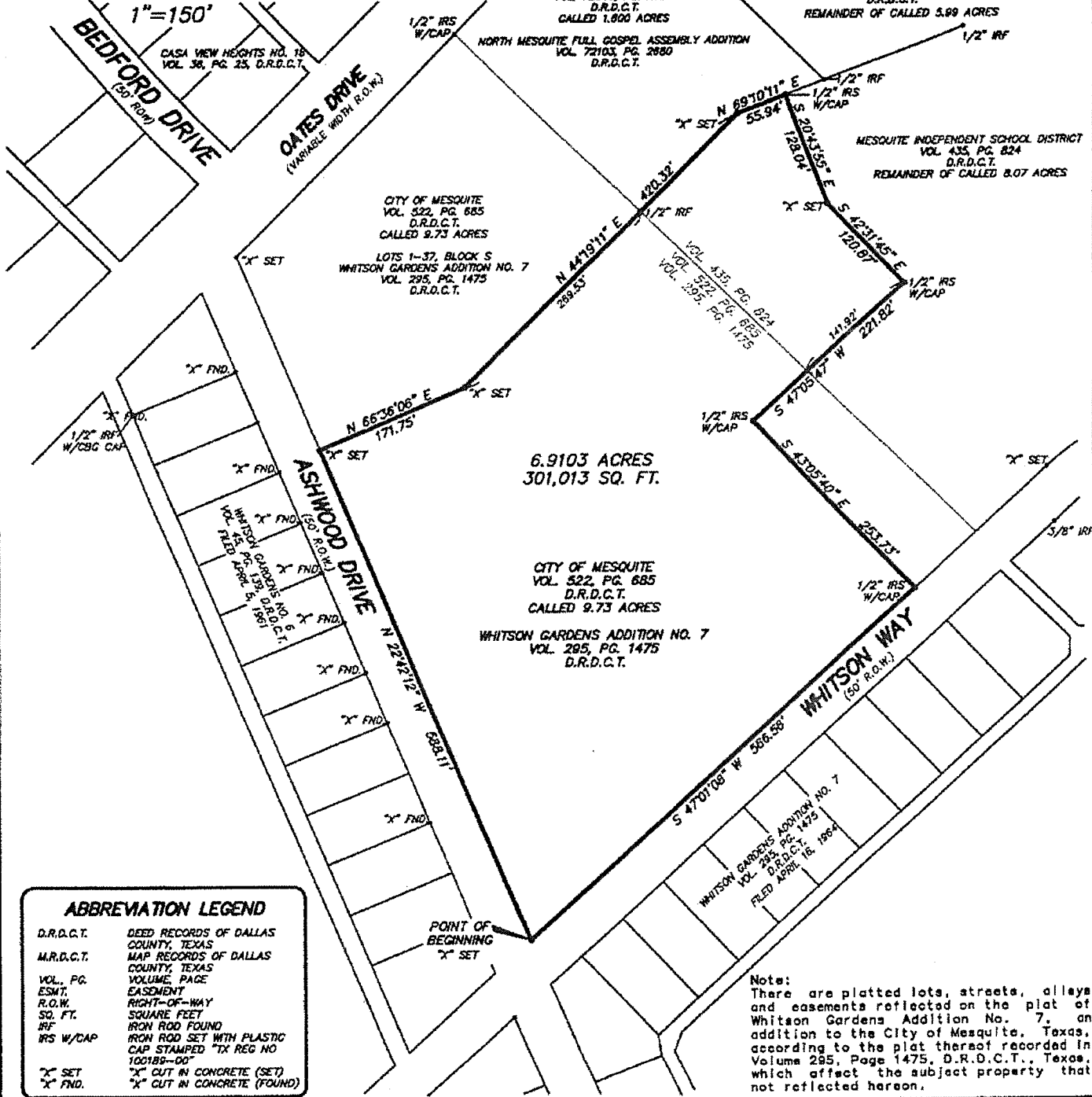
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NDM JOB# 11-09-043
11043EX01 CITY TRACT.dwg

EXHIBIT "A"



NORTH

1"=150'



ABBREVIATION LEGEND

D.R.D.C.T.	DEED RECORDS OF DALLAS COUNTY, TEXAS
M.R.D.C.T.	MAP RECORDS OF DALLAS COUNTY, TEXAS
VOL., PG.	VOLUME, PAGE
ESWT.	EASEMENT
R.O.W.	RIGHT-OF-WAY
SQ. FT.	SQUARE FEET
IRF	IRON ROD FOUND
IRS W/CAP	IRON ROD SET WITH PLASTIC CAP STAMPED "TX REG NO 100189-00"
"X" SET	"X" CUT IN CONCRETE (SET)
"X" FND.	"X" CUT IN CONCRETE (FOUND)

Notes:
 There are platted lots, streets, alleys and easements reflected on the plat of Whitson Gardens Addition No. 7, an addition to the City of Mesquite, Texas, according to the plat thereof recorded in Volume 285, Page 1475, D.R.D.C.T., Texas, which affect the subject property that not reflected hereon.



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09/21/2015
 NDM JOB# 11-09-043
 11043EX01 CITY TRACT.dwg

DESCRIPTION

BEING a 6.9103 acre (301,013 square feet) tract of land situated in the Theophilus Thomas Survey, Abstract No. 1461, in the City of Mesquite, Dallas County, Texas, and being a portion of a tract of land conveyed to Mesquite Independent School District according to Warranty Deed recorded in Volume 435, Page 824, Deed Records of Dallas County, Texas (D.R.D.C.T.), and a portion of a tract of land conveyed to the City of Mesquite, a Municipal Corporation, according to the Warranty Deed recorded in Volume 522, Page 685, D.R.D.C.T., and being a portion of Whitson Gardens Addition No. 7, an addition to the City of Mesquite, Texas, according to the plat thereof recorded in Volume 295, Page 1475, D.R.D.C.T., Texas, and being more particularly described by metes and bounds as follows:

BEGINNING at an "X" cut in concrete set at the intersection of the northwesterly line of Whitson Way (50' right of way) and the westerly line of Gleneagle Drive (a variable width right of way);

THENCE S 72°07'50" W, with the northwesterly line of said Whitson Way, a distance of 280.59 feet to an "X" cut in concrete set for the beginning of a tangent curve to the left having a central angle of 25°06'42", a radius of 249.57 feet, a tangent length of 55.58 feet, a chord bearing of S 59°34'29" W and a chord length of 108.51 feet;

THENCE along said tangent curve to the left and with the northwesterly line of said Whitson Way, an arc length of 109.38 feet to an "X" cut in concrete set for corner;

THENCE S 47°01'08" W, with the northwesterly line of said Whitson Way, passing the southwesterly line of said Mesquite Independent School District tract and the northeasterly line of said City of Mesquite tract at a distance of 105.83 feet, continuing for a total distance of 196.33 feet to a 1/2" iron rod with plastic cap stamped "TX REG NO 100189-00" set for corner;

THENCE N 43°05'40" W, departing the northwesterly line of said Whitson Way, a distance of 253.73 feet to a 1/2" iron rod with plastic cap stamped "TX REG NO 100189-00" set for corner;

THENCE N 47°05'47" E, passing the southwesterly line of said Mesquite Independent School District tract and the northeasterly line of said City of Mesquite tract at a distance of 79.90 feet, continuing for a total distance of 221.82 feet to a 1/2" iron rod with plastic cap stamped "TX REG NO 100189-00" set for corner;

THENCE N 42°31'45" W, 120.87 feet to an "X" cut in concrete set for corner;

THENCE N 20°43'55" W, 128.04 feet to a 1/2" iron rod with plastic cap stamped "TX REG NO 100189-00" set for corner in the northerly line of said Mesquite Independent School District tract, and being in the southerly line of a tract of land conveyed to North Mesquite Full Gospel Assembly, Inc. according to Warranty Deed recorded in Volume 72045, Page 2653, D.R.D.C.T., and being in the southerly line of the North Mesquite Full Gospel Assembly Addition, an addition to the City of Mesquite, Texas, according to the plat thereof recorded in Volume 72103, Page 2680, D.R.D.C.T.;



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11043EX02 MISD TRACT.dwg

EXHIBIT "B"

THENCE N 69°10'11" E, with the northerly line of said Mesquite Independent School District tract, the southerly line of said North Mesquite Full Gospel Assembly, Inc. tract and the southerly line of said North Mesquite Full Gospel Assembly Addition, a distance of 44.59 feet to a 1/2" iron rod found for the southeast corner of said North Mesquite Full Gospel Assembly, Inc. tract, same being the southeast corner of said North Mesquite Full Gospel Assembly Addition, and being the southwest corner of the remainder of a tract of land conveyed to William Henderson, David Bennett, Billy R. Fulenwider, Herman Glover, Jack Harper and Arthur Weatherred, Trustees of St. Stephen Methodist Church according to the Warranty Deed recorded in Volume 5675, Page 661, D.R.D.C.T.;

THENCE N 69°16'05" E, with the northerly line of said Mesquite Independent School District tract and the southerly line of said Trustees of St. Stephen Methodist Church tract, a distance of 159.75 feet to a 1/2" iron rod found for corner;

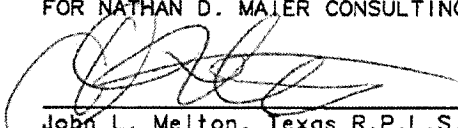
THENCE N 44°09'41" E, with the northerly line of said Mesquite Independent School District tract and the southerly line of said Trustees of St. Stephen Methodist Church tract, a distance of 340.07 to a 1/2" iron rod with plastic cap stamped "TX REG NO 100189-00" set for corner in the westerly line of said Gleneagle Drive;

THENCE S 45°47'31" E, with the westerly line of said Gleneagle Drive, a distance of 0.85 feet to a 1/2" iron rod with plastic cap stamped "TX REG NO 100189-00" set for the beginning of a tangent curve to the right having a central angle of 28°00'00", a radius of 207.32 feet, a tangent length of 51.69 feet, a chord bearing of S 31°47'31" E and a chord distance of 100.31 feet;

THENCE along said tangent curve to the right and with the westerly line of said Gleneagle Drive, an arc length of 101.32 feet (unable to monument);

THENCE S 17°47'31" E, with the westerly line of said Gleneagle Drive, a distance of 525.87 feet to the POINT OF BEGINNING and containing 6.9103 acres (301,013 square feet) of land, more or less.

FOR NATHAN D. MAIER CONSULTING ENGINEERS, INC.


John L. Melton, Texas R.P.L.S. No. 4268
Registered Professional Land Surveyor



NOTES

Bearings for this survey are based on the Western Data Systems Texas Cooperative RTK Network and are referenced to the Texas State Plane Coordinate System (NAD83), North Central Zone 4202. Station DUNP_G1012 was utilized as a base station during GPS data collection sessions.

There are platted lots, streets, alleys and easements reflected on the plat of Whitson Gardens Addition No. 7, an addition to the City of Mesquite, Texas, according to the plat thereof recorded in Volume 295, Page 1475, D.R.D.C.T., Texas, which affect the subject property that not reflected hereon and there are additional easement which affect the subject property that not reflected hereon.

NDM

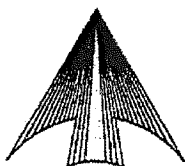
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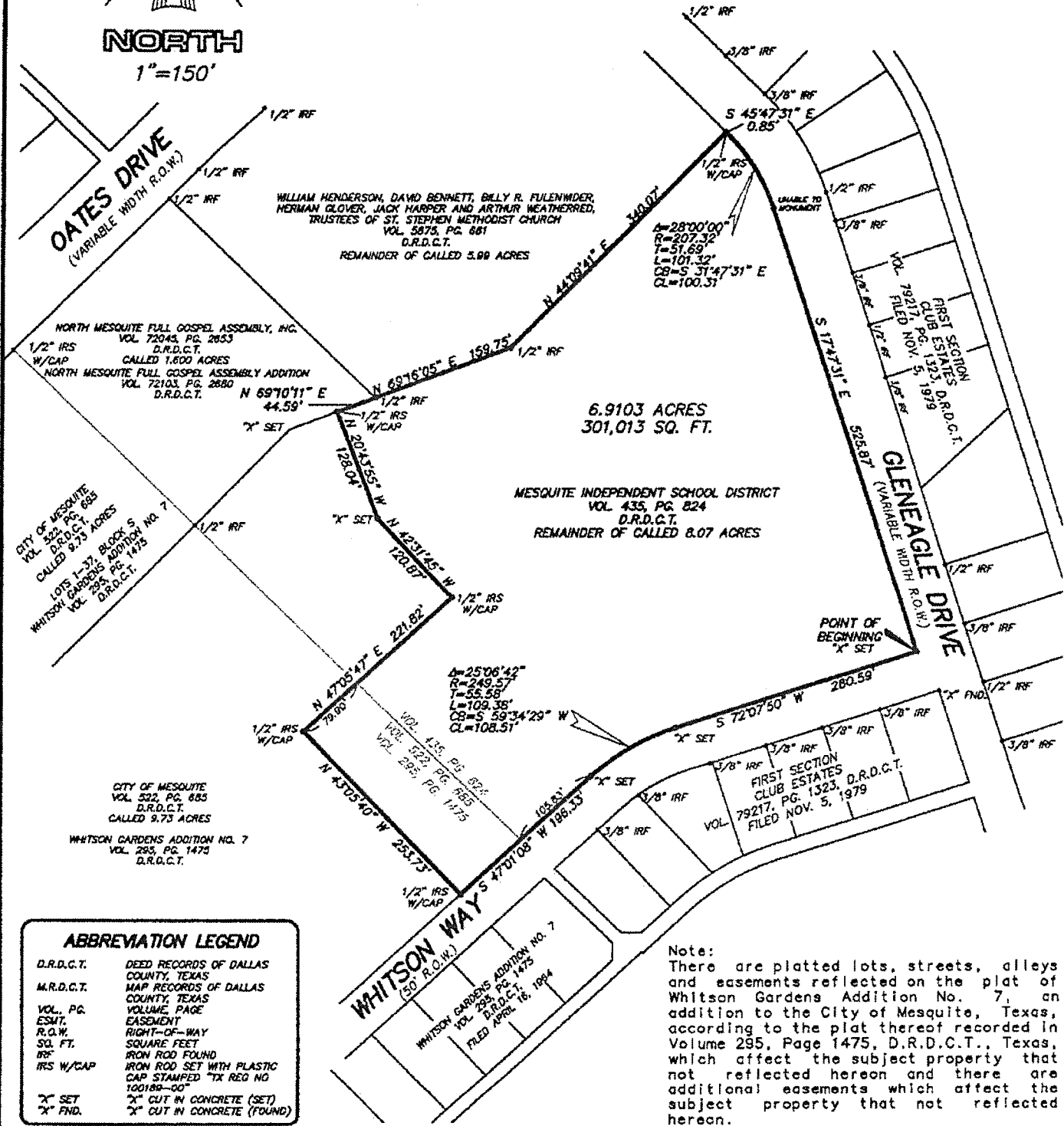
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NDM JOB# 11-09-043
11043EX02 MISD TRACT.dwg

EXHIBIT "B"



NORTH

1"=150'



ABBREVIATION LEGEND

D.R.D.C.T.	DEED RECORDS OF DALLAS COUNTY, TEXAS
M.R.D.C.T.	MAP RECORDS OF DALLAS COUNTY, TEXAS
VOL., PG.	VOLUME, PAGE
ESMT.	EASEMENT
R.O.W.	RIGHT-OF-WAY
SQ. FT.	SQUARE FEET
IRF	IRON ROD FOUND
IRS W/CAP	IRON ROD SET WITH PLASTIC CAP STAMPED "TX REG NO 100189-00"
"X" SET	"X" CUT IN CONCRETE (SET)
"X" FND.	"X" CUT IN CONCRETE (FOUND)

Note:
There are platted lots, streets, alleys and easements reflected on the plat of Whitson Gardens Addition No. 7, an addition to the City of Mesquite, Texas, according to the plat thereof recorded in Volume 295, Page 1475, D.R.D.C.T., Texas, which affect the subject property that not reflected hereon and there are additional easements which affect the subject property that not reflected hereon.



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EXHIBIT "C"

**Special Warranty Deed
From MISD to City
Florence Elementary School**



201600037936
DEED 1/6

RETURN TO: CITY SECRETARY
CITY OF MESQUITE
P.O. BOX 850137
MESQUITE, TX 75185-0137

Florence Tract

SPECIAL WARRANTY DEED
(Without Title Policy or Title Search)

NOTICE OF CONFIDENTIALITY RIGHTS: IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY OR ALL OF THE FOLLOWING INFORMATION FROM ANY INSTRUMENT THAT TRANSFERS AN INTEREST IN REAL PROPERTY BEFORE IT IS FILED FOR RECORD IN THE PUBLIC RECORDS: YOUR SOCIAL SECURITY NUMBER OR YOUR DRIVER'S LICENSE NUMBER

Date: *January 1, 2016*
~~December~~ , 2015 *MC*

Grantor:
Grantor's Mailing Address: MESQUITE INDEPENDENT SCHOOL DISTRICT
405 E. Davis
Mesquite, Texas 75149
(Dallas County)

Grantee:
Grantee's Mailing Address: CITY OF MESQUITE
1515 N. Galloway
Mesquite, Texas 75149
(Dallas County)

Consideration: For and in consideration of the sum of TEN AND NO/100 DOLLARS (\$10.00) and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged

Property (including any improvements):

The real property and improvements described in Exhibit "A" attached hereto and incorporated herein.

Reservations from and Exceptions to Conveyance and Warranty:

This Deed is executed and delivered subject to all easements, reservations, conditions, covenants and restrictive covenants as the same appear of record in the office of the County Clerk of Dallas County, Texas, or which are apparent on the face of the property.

THIS CONVEYANCE IS MADE AND ACCEPTED "AS IS" WITHOUT WARRANTY FOR FITNESS FOR PURPOSE, MERCHANTABILITY, OR OTHERWISE, EXCEPTING ONLY THE LIMITED WARRANTY OF TITLE HEREIN CONTAINED.

Grantor, for the consideration and subject to the reservations from and exceptions to conveyance and warranty, grants, sells and conveys to Grantee the property, together with all and singular the rights and appurtenances thereto in any wise belonging, to have and hold it to Grantee, Grantee's heirs, executors, administrators, successors, or assigns forever. Grantor binds Grantor and Grantor's heirs, executors, administrators, and successors to warrant and forever defend all and singular the property to Grantee and Grantee's heirs, executors, administrators, successors, and assigns against every person whosoever lawfully claiming or to claim the same or any part thereof, by, through or under Grantor but not otherwise, except as to the reservations from and exceptions to conveyance and warranty.

TURN TO: CITY SECRETARY
CITY OF MESQUITE
P.O. BOX 850137
MESQUITE, TX 75185-0137

When the context requires, singular nouns and pronouns include the plural.

This instrument was prepared based on information furnished by the parties, and no independent title search has been made.

MESQUITE INDEPENDENT SCHOOL DISTRICT

By: Michael Coffey

[ACKNOWLEDGMENT]

THE STATE OF TEXAS §
 §
COUNTY OF DALLAS §

THIS INSTRUMENT was acknowledged before me by Michael Coffey
(Title) Asst. Supt. Adm. Services on the 7th day of December ~~2015~~ January 20 10



Linda Samples
Notary Public, State of Texas

AFTER RECORDING RETURN TO:

Sonja Land, City Secretary
City of Mesquite
PO Box 850137
Mesquite, TX 75185-0137

EXHIBIT "A"

DESCRIPTION

BEING a 6.9103 acre (301,013 square feet) tract of land situated in the Theophilus Thomas Survey, Abstract No. 1461, in the City of Mesquite, Dallas County, Texas, and being a portion of a tract of land conveyed to Mesquite Independent School District according to Warranty Deed recorded in Volume 435, Page 824, Deed Records of Dallas County, Texas (D.R.D.C.T.), and a portion of a tract of land conveyed to the City of Mesquite, a Municipal Corporation, according to the Warranty Deed recorded in Volume 522, Page 685, D.R.D.C.T., and being a portion of Whitson Gardens Addition No. 7, an addition to the City of Mesquite, Texas, according to the plat thereof recorded in Volume 295, Page 1475, D.R.D.C.T., Texas, and being more particularly described by metes and bounds as follows:

BEGINNING at an "X" cut in concrete set at the intersection of the northwesterly line of Whitson Way (50' right of way) and the westerly line of Gleneagle Drive (a variable width right of way);

THENCE S 72°07'50" W, with the northwesterly line of said Whitson Way, a distance of 280.59 feet to an "X" cut in concrete set for the beginning of a tangent curve to the left having a central angle of 25°06'42", a radius of 249.57 feet, a tangent length of 55.58 feet, a chord bearing of S 59°34'29" W and a chord length of 108.51 feet;

THENCE along said tangent curve to the left and with the northwesterly line of said Whitson Way, an arc length of 109.38 feet to an "X" cut in concrete set for corner;

THENCE S 47°01'08" W, with the northwesterly line of said Whitson Way, passing the southwesterly line of said Mesquite Independent School District tract and the northeasterly line of said City of Mesquite tract at a distance of 105.83 feet, continuing for a total distance of 196.33 feet to a 1/2" iron rod with plastic cap stamped "TX REG NO 100189-00" set for corner;

THENCE N 43°05'40" W, departing the northwesterly line of said Whitson Way, a distance of 253.73 feet to a 1/2" iron rod with plastic cap stamped "TX REG NO 100189-00" set for corner;

THENCE N 47°05'47" E, passing the southwesterly line of said Mesquite Independent School District tract and the northeasterly line of said City of Mesquite tract at a distance of 79.90 feet, continuing for a total distance of 221.82 feet to a 1/2" iron rod with plastic cap stamped "TX REG NO 100189-00" set for corner;

THENCE N 42°31'45" W, 120.87 feet to an "X" cut in concrete set for corner;

THENCE N 20°43'55" W, 128.04 feet to a 1/2" iron rod with plastic cap stamped "TX REG NO 100189-00" set for corner in the northerly line of said Mesquite Independent School District tract, and being in the southerly line of a tract of land conveyed to North Mesquite Full Gospel Assembly, Inc. according to Warranty Deed recorded in Volume 72045, Page 2653, D.R.D.C.T., and being in the southerly line of the North Mesquite Full Gospel Assembly Addition, an addition to the City of Mesquite, Texas, according to the plat thereof recorded in Volume 72103, Page 2680, D.R.D.C.T.;

CITY OF MESQUITE
P.O. BOX 850137
MESQUITE, TX 75185-0137

NDM

NATHAN D. MAIER CONSULTING ENGINEERS, INC.

TBPE FIRM REG. NO. F-356

TBPLS FIRM REG. NO. 100189-00

Two Park Lane Place / 8080 Park Lane / Suite 600
Dallas, Texas 75231 / Ph. (214) 739-4741

PAGE 1 OF 3

09/21/2015

NDM JOB# 11-09-043

11043EX02 MISD TRACT.dwg

EXHIBIT "A"

CITY SECRETARY
CITY OF MESQUITE
P.O. BOX 850137
MESQUITE, TX 75185

THENCE N 69°10'11" E, with the northerly line of said Mesquite Independent School District tract, the southerly line of said North Mesquite Full Gospel Assembly, Inc. tract and the southerly line of said North Mesquite Full Gospel Assembly Addition, a distance of 44.59 feet to a 1/2" iron rod found for the southeast corner of said North Mesquite Full Gospel Assembly, Inc. tract, same being the southeast corner of said North Mesquite Full Gospel Assembly Addition, and being the southwest corner of the remainder of a tract of land conveyed to William Henderson, David Bennett, Billy R. Fulenwider, Herman Glover, Jack Harper and Arthur Weatherred, Trustees of St. Stephen Methodist Church according to the Warranty Deed recorded in Volume 5675, Page 661, D.R.D.C.T.;

THENCE N 69°16'05" E, with the northerly line of said Mesquite Independent School District tract and the southerly line of said Trustees of St. Stephen Methodist Church tract, a distance of 159.75 feet to a 1/2" iron rod found for corner;

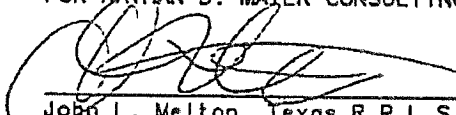
THENCE N 44°09'41" E, with the northerly line of said Mesquite Independent School District tract and the southerly line of said Trustees of St. Stephen Methodist Church tract, a distance of 340.07 to a 1/2" iron rod with plastic cap stamped "TX REG NO 100189-00" set for corner in the westerly line of said Gleneagle Drive;

THENCE S 45°47'31" E, with the westerly line of said Gleneagle Drive, a distance of 0.85 feet to a 1/2" iron rod with plastic cap stamped "TX REG NO 100189-00" set for the beginning of a tangent curve to the right having a central angle of 28°00'00", a radius of 207.32 feet, a tangent length of 51.69 feet, a chord bearing of S 31°47'31" E and a chord distance of 100.31 feet;

THENCE along said tangent curve to the right and with the westerly line of said Gleneagle Drive, an arc length of 101.32 feet (unable to monument);

THENCE S 17°47'31" E, with the westerly line of said Gleneagle Drive, a distance of 525.87 feet to the POINT OF BEGINNING and containing 6.9103 acres (301,013 square feet) of land, more or less.

FOR NATHAN D. MAIER CONSULTING ENGINEERS, INC.


John L. Melton, Texas R.P.L.S. No. 4268
Registered Professional Land Surveyor



NOTES

Bearings for this survey are based on the Western Data Systems Texas Cooperative RTK Network and are referenced to the Texas State Plane Coordinate System (NAD83), North Central Zone 4202. Station DUNP_G1012 was utilized as a base station during GPS data collection sessions.

There are platted lots, streets, alleys and easements reflected on the plat of Whitson Gardens Addition No. 7, an addition to the City of Mesquite, Texas, according to the plat thereof recorded in Volume 295, Page 1475, D.R.D.C.T., Texas, which affect the subject property that not reflected hereon and there are additional easement which affect the subject property that not reflected hereon.

NDM

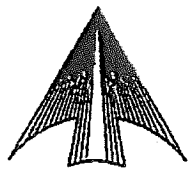
NATHAN D. MAIER CONSULTING ENGINEERS, INC.

TBPE FIRM REG. NO. F-356
TBPLS FIRM REG. NO. 100189-00
Two Park Lane Place / 8080 Park Lane / Suite 600
Dallas, Texas 75231 / Ph. (214) 739-4741

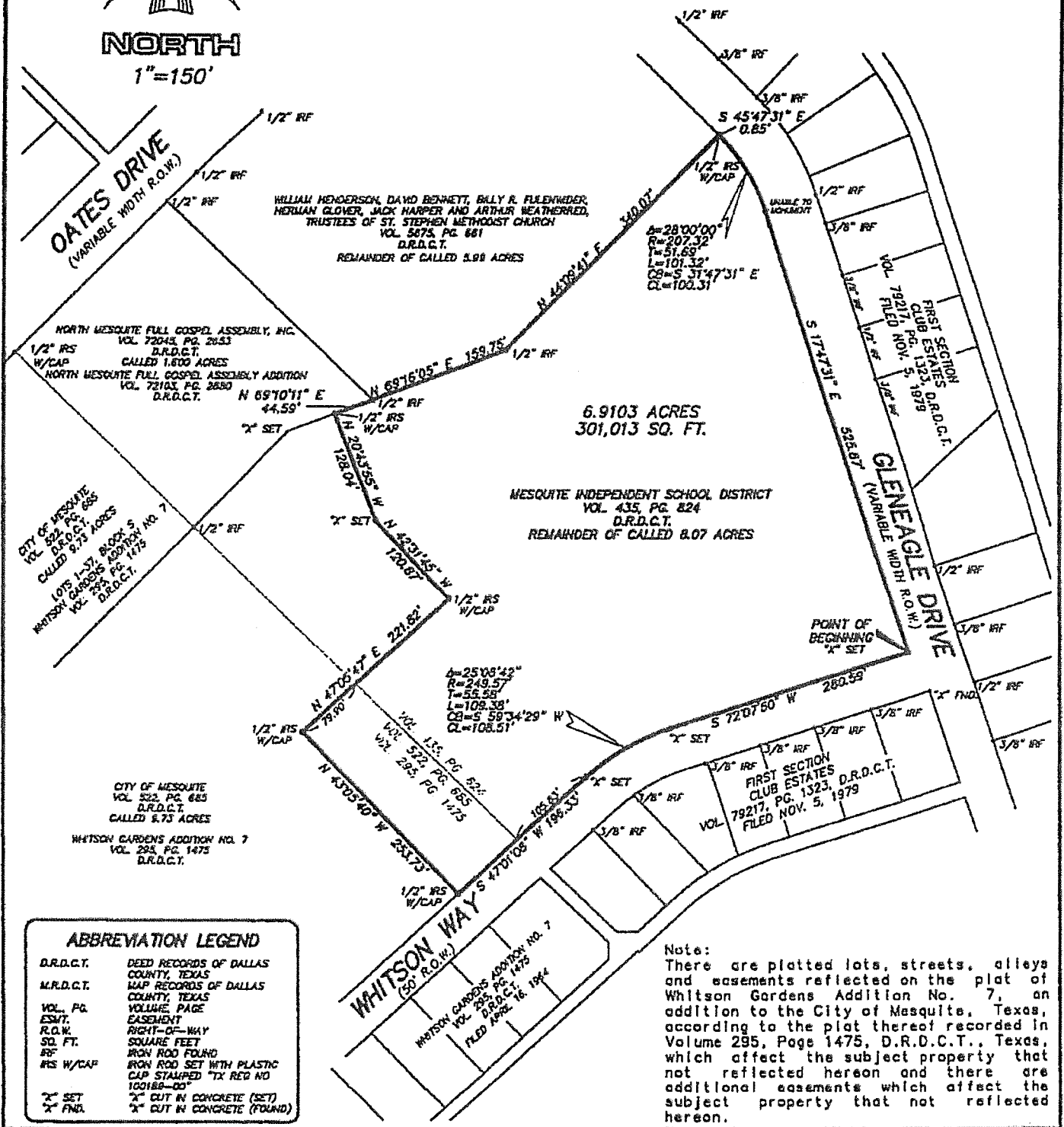
PAGE 2 OF 3

09/21/2015
NDM JOB# 11-09-043
11043EX02 MISD TRACT.dwg

EXHIBIT "A"



NORTH
 1"=150'



ABBREVIATION LEGEND

D.R.D.C.T.	DEED RECORDS OF DALLAS COUNTY, TEXAS
M.R.D.C.T.	MAP RECORDS OF DALLAS COUNTY, TEXAS
VOL. PG.	VOLUME, PAGE
ESMT.	EASEMENT
R.O.W.	RIGHT-OF-WAY
SQ. FT.	SQUARE FEET
RF	IRON ROD FOUND
RS W/CAP	IRON ROD SET WITH PLASTIC CAP STAMPED "TX REG NO 100180-00"
"X" SET	"X" CUT IN CONCRETE (SET)
"X" FND.	"X" CUT IN CONCRETE (FOUND)

Note:
 There are platted lots, streets, alleys and easements reflected on the plat of Whitson Gardens Addition No. 7, an addition to the City of Mesquite, Texas, according to the plat thereof recorded in Volume 295, Page 1475, D.R.D.C.T., Texas, which affect the subject property that not reflected hereon and there are additional easements which affect the subject property that not reflected hereon.

NDM

NATHAN D. MAIER CONSULTING ENGINEERS, INC.
 TBPE FIRM REG. NO. F-356
 TBPLS FIRM REG. NO. 100189-00
 Two Park Lane Place / 8080 Park Lane / Suite 600
 Dallas, Texas 75231 / Ph. (214) 739-4741

RECEIVED
FEB 26 2016
CITY OF MESQUITE
CITY SECRETARY

Filed and Recorded
Official Public Records
John F. Warren, County Clerk
Dallas County, TEXAS
02/12/2016 02:43:05 PM
\$42.00



A handwritten signature in black ink, appearing to be "J. F. Warren", is written to the right of the seal.

201600037936

EXHIBIT "D"

**Special Warranty Deed
From City to MISD
Florence Elementary School**



201600037934

DEED 1/6

RETURN TO: CITY SECRETARY
CITY OF MESQUITE
P.O. BOX 850137
MESQUITE, TX 75185-0137

Florence Tract

SPECIAL WARRANTY DEED
(Without Title Policy or Title Search)

NOTICE OF CONFIDENTIALITY RIGHTS: IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY OR ALL OF THE FOLLOWING INFORMATION FROM ANY INSTRUMENT THAT TRANSFERS AN INTEREST IN REAL PROPERTY BEFORE IT IS FILED FOR RECORD IN THE PUBLIC RECORDS: YOUR SOCIAL SECURITY NUMBER OR YOUR DRIVER'S LICENSE NUMBER

Date: January 6, 2016
~~December _____, 2015~~

Grantor: CITY OF MESQUITE
Grantor's Mailing Address: 1515 N. Galloway
Mesquite, Texas 75149
(Dallas County)

Grantee: MESQUITE INDEPENDENT SCHOOL DISTRICT
Grantee's Mailing Address: 405 E. Davis
Mesquite, Texas 75149
(Dallas County)

Consideration: For and in consideration of the sum of TEN AND NO/100 DOLLARS (\$10.00) and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged

Property (including any improvements):

The real property and improvements described in Exhibit "A" attached hereto and incorporated herein.

Reservations from and Exceptions to Conveyance and Warranty:

This Deed is executed and delivered subject to all easements, reservations, conditions, covenants and restrictive covenants as the same appear of record in the office of the County Clerk of Dallas County, Texas, or which are apparent on the face of the property.

THIS CONVEYANCE IS MADE AND ACCEPTED "AS IS" WITHOUT WARRANTY FOR FITNESS FOR PURPOSE, MERCHANTABILITY, OR OTHERWISE, EXCEPTING ONLY THE LIMITED WARRANTY OF TITLE HEREIN CONTAINED.

Grantor, for the consideration and subject to the reservations from and exceptions to conveyance and warranty, grants, sells and conveys to Grantee the property, together with all and singular the rights and appurtenances thereto in any wise belonging, to have and hold it to Grantee, Grantee's heirs, executors, administrators, successors, or assigns forever. Grantor binds Grantor and Grantor's heirs, executors, administrators, and successors to warrant and forever defend all and singular the property to Grantee and Grantee's heirs, executors, administrators, successors, and assigns against every person whatsoever lawfully claiming or to claim the same or any part thereof, by, through or under Grantor but not otherwise, except as to the reservations from and exceptions to conveyance and warranty.

When the context requires, singular nouns and pronouns include the plural.

This instrument was prepared based on information furnished by the parties, and no independent title search has been made.

ATTEST:

CITY OF MESQUITE

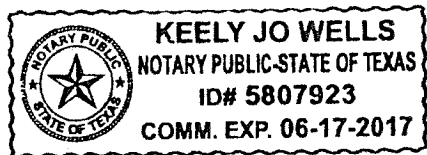
Sonja Land
City Secretary

By: [Signature]

[ACKNOWLEDGMENT]

THE STATE OF TEXAS §
COUNTY OF DALLAS §

THIS INSTRUMENT was acknowledged before me by Stan Pickett,
(Title) Mayor on the 7th day of December, 2015.
January, 2016.



[Signature]
Notary Public, State of Texas

AFTER RECORDING RETURN TO:

Sonja Land, City Secretary
City of Mesquite
PO Box 850137
Mesquite, TX 75185-0137

EXHIBIT "A"

DESCRIPTION

BEING a 6.9103 acre (301,013 square feet) tract of land situated in the Theophilus Thomas Survey, Abstract No. 1461, in the City of Mesquite, Dallas County, Texas, and being a portion of a tract of land conveyed to the City of Mesquite, a Municipal Corporation, according to the Warranty Deed recorded in Volume 522, Page 685, Deed Records of Dallas County, Texas (D.R.D.C.T.), and a portion of a tract of land conveyed to Mesquite Independent School District according to Warranty Deed recorded in Volume 435, Page 824, D.R.D.C.T., and being a portion of Whitson Gardens Addition No. 7, an addition to the City of Mesquite, Texas, according to the plat thereof recorded in Volume 295, Page 1475, D.R.D.C.T., Texas, and being more particularly described by metes and bounds as follows:

BEGINNING at an "X" cut in concrete set at the intersection of the northwesterly line of Whitson Way (50' right of way) and the northeasterly line of Ashwood Drive (50' right of way);

THENCE N 22°42'12" W, with the northeasterly line of said Ashwood Drive, a distance of 588.11 feet to an "X" cut in concrete set for corner;

THENCE N 66°36'06" E, departing the northeasterly line of said Ashwood Drive, 171.75 feet to an "X" cut in concrete set for corner;

THENCE N 44°19'11" E, passing at a distance of 269.53 feet a 1/2" iron rod found, said iron rod being the most southerly corner of a tract of land conveyed to North Mesquite Full Gospel Assembly, Inc. according to Warranty Deed recorded in Volume 72045, Page 2653, D.R.D.C.T., and being the most southerly corner of the North Mesquite Full Gospel Assembly Addition, an addition to the City of Mesquite, Texas, according to the plat thereof recorded in Volume 72103, Page 2680, D.R.D.C.T., and being the most westerly corner of said Mesquite Independent School District tract, continuing with the southeasterly line of said North Mesquite Full Gospel Assembly, Inc. tract, the southeasterly line of said North Mesquite Full Gospel Assembly Addition and the northwesterly line of said Mesquite Independent School District tract for a total distance of 420.32 feet to an "X" cut in concrete set for corner;

THENCE N 69°10'11" E, with the southeasterly line of said North Mesquite Full Gospel Assembly, Inc. tract, the southeasterly line of said North Mesquite Full Gospel Assembly Addition, and the northwesterly line of said Mesquite Independent School District tract, a distance of 55.94 feet to a 1/2" iron rod with plastic cap stamped "TX REG NO 100189-00" set for corner;

THENCE S 20°43'55" E, departing the southeasterly line of said North Mesquite Full Gospel Assembly, Inc. tract, the southeasterly line of said North Mesquite Full Gospel Assembly Addition, and the northwesterly line of said Mesquite Independent School District tract, a distance of 128.04 feet to an "X" cut in concrete set for corner;

THENCE S 42°31'45" E, 120.87 feet to a 1/2" iron rod with plastic cap stamped "TX REG NO 100189-00" set for corner;

THENCE S 47°05'47" W, passing the southwesterly line of said Mesquite Independent School District tract and the northeasterly line of said City of Mesquite tract at a distance of 141.92 feet, continuing for a total distance of 221.82 feet to a 1/2" iron rod with plastic cap stamped "TX REG NO 100189-00" set for corner;

CITY SECRETARY
CITY OF MESQUITE
P.O. BOX 850137
MESQUITE, TX 75185-0137



NATHAN D. MAIER CONSULTING ENGINEERS, INC.
TBPE FIRM REG. NO. F-356
TBPLS FIRM REG. NO. 100189-00
Two Park Lane Place / 8080 Park Lane / Suite 600
Dallas, Texas 75231 / Ph. (214) 739-4741

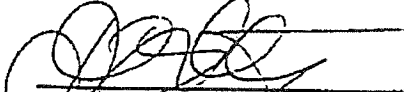
EXHIBIT "A"

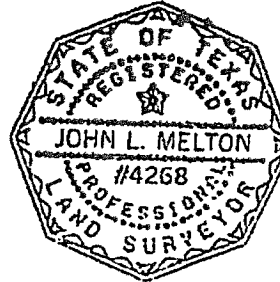
CITY OF MESQUITE
P.O. BOX 850137
MESQUITE, TX 75185-0137

THENCE S 43°05'40" E, 253.73 feet to a 1/2" Iron rod with plastic cap stamped "TX REG NO 100189-00" set in the northwesterly line of said Whitson Way;

THENCE S 47°01'08" W, 566.56 feet with the northwesterly line of said Whitson Way to the POINT OF BEGINNING and containing 6.9103 acres (301,013 square feet) of land, more or less.

FOR NATHAN D. MAIER CONSULTING ENGINEERS, INC.


John L. Melton, Texas R.P.L.S. No. 4268
Registered Professional Land Surveyor



NOTES

Bearings for this survey are based on the Western Data Systems Texas Cooperative RTK Network and are referenced to the Texas State Plane Coordinate System (NAD83), North Central Zone 4202. Station DUNP_G1012 was utilized as a base station during GPS data collection sessions.

There are platted lots, streets, alleys and easements reflected on the plat of Whitson Gardens Addition No. 7, an addition to the City of Mesquite, Texas, according to the plat thereof recorded in Volume 295, Page 1475, D.R.D.C.T., Texas, which affect the subject property that not reflected hereon.

NDM

NATHAN D. MAIER CONSULTING ENGINEERS, INC.

TBPE FIRM REG. NO. F-356

TBPLS FIRM REG. NO. 100189-00

Two Park Lane Place / 8080 Park Lane / Suite 600
Dallas, Texas 75231 / Ph. (214) 739-4741

PAGE 2 OF 3

09/21/2015

NDM JOB# 11-09-043

11043EX01 CITY TRACT.dwg

EXHIBIT "A"

CITY OF MESQUITE
P.O. BOX 850137
MESQUITE, TX 75185

NORTH

1"=150'

BEDFORD DRIVE
(50' R.O.W.)

CASA VIEW HEIGHTS NO. 18
VOL. 38, PG. 25, D.R.D.C.T.

OKATES DRIVE
(VARIABLE WIDTH R.O.W.)

1/2" IRS
W/CAP

NORTH MESQUITE FULL GOSPEL ASSEMBLY, INC.
VOL. 72043, PG. 2853
D.R.D.C.T.
CALLED 1.800 ACRES

NORTH MESQUITE FULL GOSPEL ASSEMBLY ADDITION
VOL. 72101, PG. 2880
D.R.D.C.T.

WILLIAM HENDERSON, DAVID BENNETT, BILLY R. FULENWIJER,
HERMAN GLOVER, JACK HARPER AND ARTHUR HEATHERRED,
TRUSTEES OF ST. STEPHEN METHODIST CHURCH
VOL. 5675, PG. 681
D.R.D.C.T.

REMAINDER OF CALLED 5.98 ACRES

1/2" IRF

CITY OF MESQUITE
VOL. 522, PG. 685
D.R.D.C.T.
CALLED 8.73 ACRES

LOTS 1-37, BLOCK 5
WHITSON GARDENS ADDITION NO. 7
VOL. 285, PG. 1475
D.R.D.C.T.

N 69°10'11" E
1/2" IRF
55.94
1/2" IRF
128.04
1/2" IRF
128.04

MESQUITE INDEPENDENT SCHOOL DISTRICT
VOL. 435, PG. 624
D.R.D.C.T.
REMAINDER OF CALLED 8.07 ACRES

6.9103 ACRES
301,013 SQ. FT.

CITY OF MESQUITE
VOL. 522, PG. 685
D.R.D.C.T.
CALLED 8.73 ACRES

WHITSON GARDENS ADDITION NO. 7
VOL. 285, PG. 1475
D.R.D.C.T.

ASHWOOD DRIVE
(VARIABLE WIDTH R.O.W.)

N 22°42'21" W
508.11

WHITSON WAY
(50' R.O.W.)

S 47°01'08" W
586.55

ABBREVIATION LEGEND

D.R.D.C.T.	DEED RECORDS OF DALLAS COUNTY, TEXAS
M.R.D.C.T.	MAP RECORDS OF DALLAS COUNTY, TEXAS
VOL. PG.	VOLUME PAGE
ESWT.	EASEMENT
R.O.W.	RIGHT-OF-WAY
SQ. FT.	SQUARE FEET
IRF	IRON ROD FOUND
IRS W/CAP	IRON ROD SET WITH PLASTIC CAP STAMPED "TX REG NO 100189-00"
X SET	X CUT IN CONCRETE (SET)
X FND	X CUT IN CONCRETE (FOUND)

POINT OF BEGINNING
X SET

Note:
There are platted lots, streets, alleys and easements reflected on the plat of Whitson Gardens Addition No. 7, an addition to the City of Mesquite, Texas, according to the plat thereof recorded in Volume 285, Page 1475, D.R.D.C.T., Texas, which affect the subject property that not reflected hereon.

NATHAN D. MAIER CONSULTING ENGINEERS, INC.
TBPE FIRM REG. NO. F-356
TBPLS FIRM REG. NO. 100189-00
Two Park Lane Place / 8080 Park Lane / Suite 600
Dallas, Texas 75231 / Ph. (214) 739-4741



RECEIVED

FEB 26 2016

CITY OF MESQUITE
CITY SECRETARY

Filed and Recorded
Official Public Records
John F. Warren, County Clerk
Dallas County, TEXAS
02/12/2016 02:43:03 PM
\$42.00



A handwritten signature in black ink, appearing to be "JFW", is written over the seal.

201600037934

EXHIBIT "E"

Site Plan for Florence Elementary School

