

RESOLUTION NO. 61-2015

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 SEABOURN 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 8.1328 acres of land in the Daniel Tanner League, Abstract No. 1462, and the J. W. Halford Survey, Abstract No. 589, 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 8.1328 acres of land in the Daniel Tanner League, Abstract No. 1462, and the J. W. Halford Survey, Abstract No. 589, 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 Seabourn 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 Seabourn Elementary School with a new school structure; and

WHEREAS, in order not to disrupt the MISD’s school instructional program at Seabourn 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 restroom, concession building and football practice field; 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 restroom,

concession building and practice football field 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.

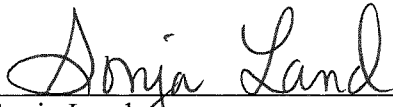
SECTION 3. That the City Council approves the terms and provisions of the Exchange Agreement attached hereto as Exhibit "1" and authorizes the Mayor to execute the Exchange Agreement and all documents necessary to consummate the transactions contemplated therein including, without limitation, all documents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

EXHIBIT "1"

**Exchange Agreement with
Mesquite Independent School District
Seabourn Elementary School**

THE STATE OF TEXAS §
§
COUNTY OF DALLAS §

**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 restroom, concession building and football practice field 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: _____, 2015.

ATTEST:

Mesquite Independent School District

Secretary

By:

Board President

ATTEST:

City of Mesquite

Sonja Land
City Secretary

By:

Stan Pickett
Mayor

APPROVED AS TO FORM:

By:

City Attorney or his designee

EXHIBIT "A"**DESCRIPTION**

BEING an 8.1328 acre (354,265 square feet) tract of land situated in the Daniel Tanner League, Abstract No. 1462, and the J.W. Halford Survey, Abstract No. 589, in the City of Mesquite, Dallas County, Texas, and being a portion of a tract of land conveyed to the City of Mesquite, Texas, a Municipal Corporation, according to the Warranty Deed recorded in Volume 818, Page 351, Deed Records of Dallas County, Texas (D.R.D.C.T.), and being a portion of Sherwood Forests, First Section, an addition to the City of Mesquite, Texas, according to the plat thereof recorded in Volume 7, Page 313, Map Records of Dallas County, Texas, and being more particularly described by metes and bounds as follows:

BEGINNING at a 5/8" iron rod found for the southeast corner of said City of Mesquite tract, being the southeast corner of Lot 170 of said Sherwood Forests, First Section, and being in the north line of Picadilly Boulevard (50' right of way);

THENCE N 89°56'19" W, with the south line of said City of Mesquite tract, and the north line of said Picadilly Boulevard, a distance of 838.14 feet to a 1/2" iron rod with plastic cap stamped "TX REG NO 100189-00" set for corner;

THENCE N 00°23'54" W, departing the south line of said City of Mesquite tract and the north line of said Picadilly Boulevard, 412.65 feet to a 1/2" iron rod with plastic cap stamped "TX REG NO 100189-00" set for corner;

THENCE S 89°56'34" E, 401.84 feet to a 1/2" iron rod with plastic cap stamped "TX REG NO 100189-00" set for corner;

THENCE N 00°23'54" W, 20.29 feet to a 1/2" iron rod with plastic cap stamped "TX REG NO 100189-00" set for corner in the north line of said City of Mesquite tract, same being a north line of said Sherwood Forests, First Section, and the south line of the remainder of a tract of land conveyed to the Mesquite Independent School District according to Warranty Deed recorded in Volume 720, Page 312, D.R.D.C.T.;

THENCE S 89°56'34" E, 434.20 feet with the north line of said City of Mesquite tract and the south line of said Mesquite Independent School District tract to the northeast corner of said City of Mesquite tract, same being the northeast corner of Lot 170 of said Sherwood Forests, First Section, from whence a 5/8" iron rod found bears N 00°40'33" W, 0.19 feet, and a 1/2" iron rod found in the east line of said Mesquite Independent School District tract, and being the northwest corner of a tract of land conveyed to Mesquite Independent School District described as Tract No. 2 according to Warranty Deed recorded in Volume 70206, Page 1310, D.R.D.C.T., and being in the south line of Sandy Lane (60' right of way), bears N 00°40'12" W, 366.52 feet;

THENCE S 00°40'33" E, with the east line of said City of Mesquite tract, and the west line of said Sherwood Forests, First Section, 433.01 feet to the POINT OF BEGINNING and containing 8.1328 acres (354,265 square feet) of land, more or less.

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

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NDM JOB# 15-06-039
15039EX01 CITY TRACT.dwg

EXHIBIT "A"

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.

No easements or improvements are reflected on this survey.

NDM

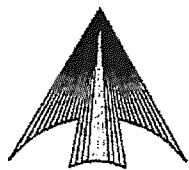
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15039EX01 CITY TRACT.dwg

EXHIBIT "A"



NORTH

1"=150'

SANDY LANE
(60' ROW)

5/8" IRF

1/2" IRF
IN CONC.
(CM)

N 00°40'12" W 366.62'

MESQUITE INDEPENDENT SCHOOL DISTRICT
TRACT NO. 2 ~ CALLED 0.923 ACRES
VOL. 70206, PG. 1310
D.R.D.C.T.

MESQUITE INDEPENDENT SCHOOL DISTRICT
VOL. 720, PG. 312
D.R.D.C.T.
REMAINDER OF CALLED 8.751 ACRES

5/8" IRF BRS.
N 00°40'33" W
0.19'

N 00°23'54" W
20.29'

S 89°56'34" E 434.20'

BRUNSWICK LN.
(45' R.O.W.)

1/2" IRS
W/CAP

FIELDING DRIVE
(60' R.O.W.)

SHERWOOD FORESTS, FIRST SECTION
VOL. 7, PG. 313
M.R.D.C.T.

LOT 161

FIELDING DRIVE
(NOT DEDICATED)

LOT 162

N 00°23'54" W 412.65'

LOT 163

LOT 164

LOT 165

LOT 166

LOT 167

LOT 168

LOT 169

LOT 170

CITY OF MESQUITE, TEXAS
VOL. 818, PG. 351
D.R.D.C.T.
CALLED 8.847 ACRES

SHERWOOD FORESTS, FIRST SECTION
VOL. 7, PG. 313
M.R.D.C.T.

8.1328 ACRES
(354,265 SQ. FT.)

LOT 171

1/2" IRS
W/CAP

S 100°40'33" E 433.01'

LOT 172

LOT 173

LOT 174

SHERWOOD FORESTS, FIRST SECTION
VOL. 7, PG. 313
M.R.D.C.T.

1/2" IRS
W/CAP

1/2" IRS
W/CAP

PICADILLY BOULEVARD N 89°56'19" W 838.14'
(50' R.O.W.)

POINT OF
BEGINNING
5/8" IRF (CM)

3/4" IRF

1/2" IRF

1/2" IRF

1/2" IRF

LOT 88

LOT 85

LOT 84

LOT 83

LOT 82

LOT 81

LOT 80

LOT 79

LOT 78

SHERWOOD FORESTS, SECOND SECTION
VOL. 7, PG. 361
M.R.D.C.T.

ROBIN HOOD BOULEVARD
(50' R.O.W.)

SHERWOOD FORESTS, SECOND SECTION
VOL. 7, PG. 361
M.R.D.C.T.

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)

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

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09/29/2015
NDM JOB# 15-06-039
15039EX01 CITY TRACT.dwg



EXHIBIT "B"

DESCRIPTION

BEING an 8.1328 acre (354,265 square feet) tract of land situated in the Daniel Tanner League, Abstract No. 1462, and the J.W. Halford Survey, Abstract No. 589, 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 720, Page 312, Deed Records of Dallas County, Texas (D.R.D.C.T.), and all of a tract of land conveyed to Mesquite Independent School District described as Tract No. 2 according to Warranty Deed recorded in Volume 70206, Page 1310, D.R.D.C.T., and being a portion of a tract of land conveyed to the City of Mesquite, Texas, a Municipal Corporation, according to the Warranty Deed recorded in Volume 818, Page 351, D.R.D.C.T., and being a portion of Sherwood Forests, First Section, an addition to the City of Mesquite, Texas, according to the plat thereof recorded in Volume 7, Page 313, Map Records of Dallas County, Texas, and being more particularly described by metes and bounds as follows:

BEGINNING at a 5/8" iron rod found for the northeast corner of said Mesquite Independent School District Tract No. 2, and being the northwest corner of a tract of land conveyed to North Texas District Council of The Assemblies of God, Inc., according to the General Warranty Deed recorded in Instrument No. 201100328435 of the Official Public Records of Dallas County, Texas, and being in the south line of Sandy Lane (60' right of way):

THENCE S 01°07'16" E, departing the south line of said Sandy Lane, and with the east line of said Mesquite Independent School District Tract No. 2 tract and the west line of said North Texas District Council of The Assemblies of God, Inc. tract, 366.67 feet to a 1/2" iron rod with plastic cap stamped "TX REG NO 100189-00" set for the southeast corner of said Mesquite Independent School District Tract No. 2, same being the southwest corner of said North Texas District Council of The Assemblies of God, Inc. tract, and being in the north line of Lot 171 of Sherwood Forests, First Section;

THENCE N 89°56'34" W, with the south line of said Mesquite Independent School District Tract No. 2, and the north line of said Sherwood Forests, First Section, passing the southwest corner of said Mesquite Independent School District Tract No. 2 and the southeast corner of the aforementioned Mesquite Independent School District tract at a distance of 111.17 feet, and continuing with the south line of the aforementioned Mesquite Independent School District tract, the north line of said City of Mesquite tract, and the north line of said Sherwood Forests, First Section, for a total distance of 545.37 feet to a 1/2" iron rod with plastic cap stamped "TX REG NO 100189-00" set for corner;

THENCE S 00°23'54" E, departing the south line of said Mesquite Independent School District tract, the north line of said City of Mesquite tract and the north line of said Sherwood Forests, First Section, a distance of 20.29 feet to a 1/2" iron rod with plastic cap stamped "TX REG NO 100189-00" set for corner;

THENCE N 89°56'34" W, 401.84 feet to a 1/2" iron rod with plastic cap stamped "TX REG NO 100189-00" set for corner;

THENCE N 00°23'54" W, 20.29 feet to a 1/2" iron rod with plastic cap stamped "TX REG NO 100189-00" set for the intersection of the south line of Brunswick Lane (45' right of way) and the east line of Fielding Drive (60' right of way), and being in the south line of said Mesquite Independent School District tract, the north line of said City of Mesquite tract and the north line of said Sherwood Forests, First Section;

NDM

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09/29/2015
NDM JOB# 15-06-039
15039EX02 MISD TRACT.dwg

EXHIBIT "B"

THENCE N 00°28'33 W, departing the south line of said Mesquite Independent School District tract, the north line of said City of Mesquite tract and the north line of said Sherwood Forests, First Section, and with the east line of said Fielding Drive, a distance of 365.82 feet to a 1/2" iron rod with plastic cap stamped "NDM" found for at intersection of the east line of said Fielding Drive and the south line of said Sandy Lane;

THENCE S 89°59'25 E, with the south line of said Sandy Lane, passing the northwest corner of said Mesquite Independent School District Tract No. 2 at a distance of 834.79 feet, and continuing for a total distance of 943.08 feet to the POINT OF BEGINNING and containing 8.1328 acres (354,265 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.

No easements or improvements are reflected on this survey.

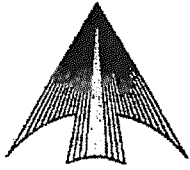
NDM

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09/29/2015
NDM JOB# 15-06-039
15039EX02 MISD TRACT.dwg

EXHIBIT "B"



NORTH

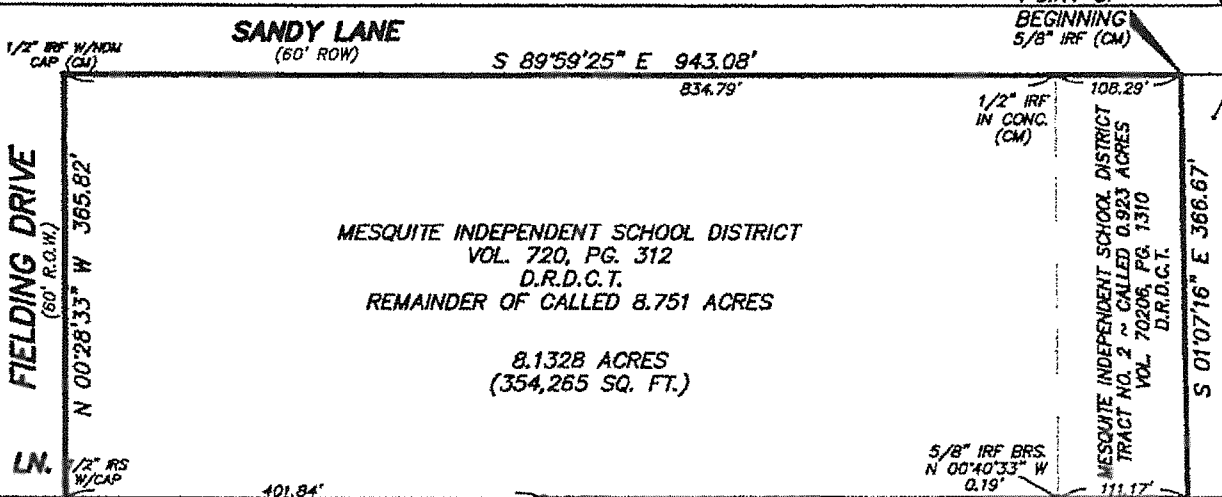
1"=150'

WEST MESQUITE HIGH SCHOOL ADDITION
BLOCK B, LOT 1R
INSTRUMENT NO. 200503600833
O.P.R.D.C.T.

NORTH TEXAS DISTRICT COUNCIL OF
THE ASSEMBLES OF GOD, INC.
TRACT 3 - CALLED 0.96 ACRES
INSTRUMENT NO. 201100328435
O.P.R.D.C.T.

POINT OF
BEGINNING
5/8" IRF (CM)

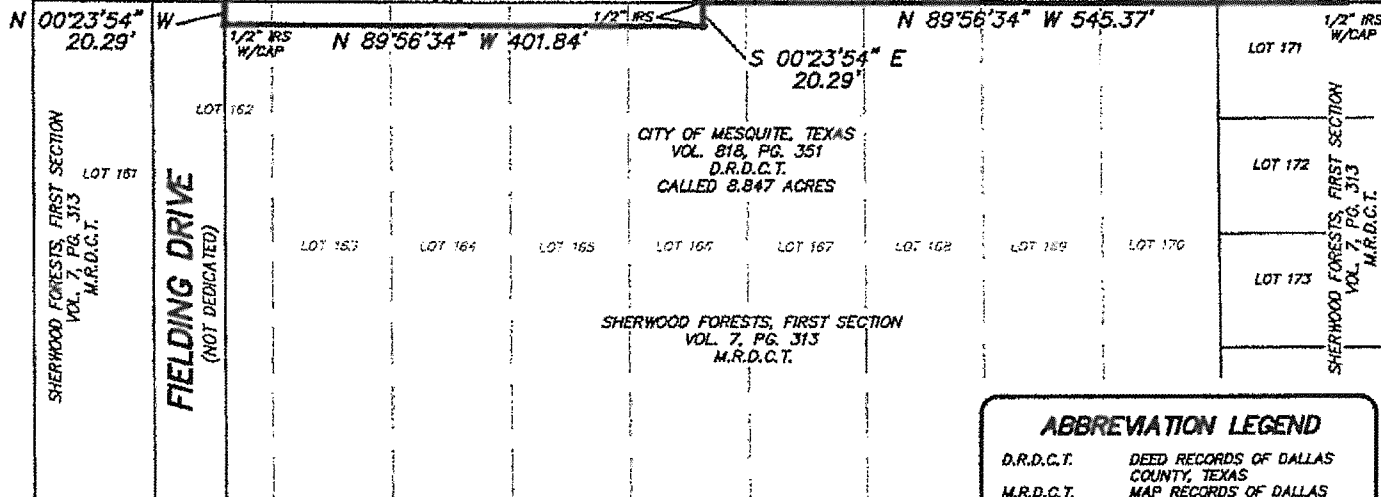
WEST MESQUITE HIGH SCHOOL ADDITION
BLOCK B, LOT 1R
INSTRUMENT NO. 200503600833
O.P.R.D.C.T.



MESQUITE INDEPENDENT SCHOOL DISTRICT
VOL. 720, PG. 312
D.R.D.C.T.
REMAINDER OF CALLED 8.751 ACRES

8.1328 ACRES
(354,265 SQ. FT.)

BRUNSWICK LN.
(45' R.O.W.)



CITY OF MESQUITE, TEXAS
VOL. 818, PG. 351
D.R.D.C.T.
CALLED 8.847 ACRES

SHERWOOD FORESTS, FIRST SECTION
VOL. 7, PG. 313
M.R.D.C.T.

ABBREVIATION LEGEND

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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)

PICADILLY BOULEVARD



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 "C"

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

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: December _____, 2015

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

Grantee: CITY OF MESQUITE
Grantee's Mailing Address: 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.

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: _____

[ACKNOWLEDGMENT]

THE STATE OF TEXAS §
 §
COUNTY OF DALLAS §

THIS INSTRUMENT was acknowledged before me by _____,
(Title) _____ on the _____ day of December, 2015.

Notary Public, State of Texas

AFTER RECORDING RETURN TO:

EXHIBIT "A"

DESCRIPTION

BEING an 8.1328 acre (354,265 square feet) tract of land situated in the Daniel Tanner League, Abstract No. 1462, and the J.W. Halford Survey, Abstract No. 589, 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 720, Page 312, Deed Records of Dallas County, Texas (D.R.D.C.T.), and all of a tract of land conveyed to Mesquite Independent School District described as Tract No. 2 according to Warranty Deed recorded in Volume 70206, Page 1310, D.R.D.C.T., and being a portion of a tract of land conveyed to the City of Mesquite, Texas, a Municipal Corporation, according to the Warranty Deed recorded in Volume 818, Page 351, D.R.D.C.T., and being a portion of Sherwood Forests, First Section, an addition to the City of Mesquite, Texas, according to the plat thereof recorded in Volume 7, Page 313, Map Records of Dallas County, Texas, and being more particularly described by metes and bounds as follows:

BEGINNING at a 5/8" iron rod found for the northeast corner of said Mesquite Independent School District Tract No. 2, and being the northwest corner of a tract of land conveyed to North Texas District Council of The Assemblies of God, Inc., according to the General Warranty Deed recorded in Instrument No. 201100328435 of the Official Public Records of Dallas County, Texas, and being in the south line of Sandy Lane (60' right of way);

THENCE S 01°07'16" E, departing the south line of said Sandy Lane, and with the east line of said Mesquite Independent School District Tract No. 2 tract and the west line of said North Texas District Council of The Assemblies of God, Inc. tract, 366.67 feet to a 1/2" iron rod with plastic cap stamped "TX REG NO 100189-00" set for the southeast corner of said Mesquite Independent School District Tract No. 2, same being the southwest corner of said North Texas District Council of The Assemblies of God, Inc. tract, and being in the north line of Lot 171 of Sherwood Forests, First Section;

THENCE N 89°56'34" W, with the south line of said Mesquite Independent School District Tract No. 2, and the north line of said Sherwood Forests, First Section, passing the southwest corner of said Mesquite Independent School District Tract No. 2 and the southeast corner of the aforementioned Mesquite Independent School District tract at a distance of 111.17 feet, and continuing with the south line of the aforementioned Mesquite Independent School District tract, the north line of said City of Mesquite tract, and the north line of said Sherwood Forests, First Section, for a total distance of 545.37 feet to a 1/2" iron rod with plastic cap stamped "TX REG NO 100189-00" set for corner;

THENCE S 00°23'54" E, departing the south line of said Mesquite Independent School District tract, the north line of said City of Mesquite tract and the north line of said Sherwood Forests, First Section, a distance of 20.29 feet to a 1/2" iron rod with plastic cap stamped "TX REG NO 100189-00" set for corner;

THENCE N 89°56'34" W, 401.84 feet to a 1/2" iron rod with plastic cap stamped "TX REG NO 100189-00" set for corner;

THENCE N 00°23'54" W, 20.29 feet to a 1/2" iron rod with plastic cap stamped "TX REG NO 100189-00" set for the intersection of the south line of Brunswick Lane (45' right of way) and the east line of Fielding Drive (60' right of way), and being in the south line of said Mesquite Independent School District tract, the north line of said City of Mesquite tract and the north line of said Sherwood Forests, First Section;

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

09/29/2015

NDM JOB# 15-06-039
15039EX02 MISD TRACT.dwg

EXHIBIT "A"

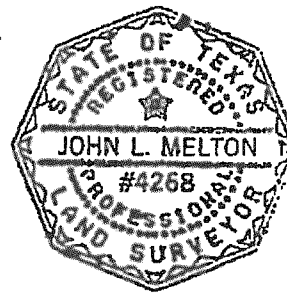
THENCE N 00°28'33 W, departing the south line of said Mesquite Independent School District tract, the north line of said City of Mesquite tract and the north line of said Sherwood Forests, First Section, and with the east line of said Fielding Drive, a distance of 365.82 feet to a 1/2" iron rod with plastic cap stamped "NDM" found for at intersection of the east line of said Fielding Drive and the south line of said Sandy Lane;

THENCE S 89°59'25 E, with the south line of said Sandy Lane, passing the northwest corner of said Mesquite Independent School District Tract No. 2 at a distance of 834.79 feet, and continuing for a total distance of 943.08 feet to the POINT OF BEGINNING and containing 8.1328 acres (354,265 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.

No easements or improvements are reflected on this survey.

NDM

NATHAN D. MAIER CONSULTING ENGINEERS, INC.

TBPE FIRM REG. NO. F-356

TBPLS FIRM REG. NO. 100189-00

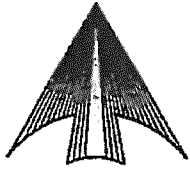
Two Park Lane Place / 8080 Park Lane / Suite 600
Dallas, Texas 75231 / Ph. (214) 739-4741

PAGE 2 OF 3

09/29/2015

NDM JOB# 15-06-039
15039EX02 MISD TRACT.dwg

EXHIBIT "A"



NORTH

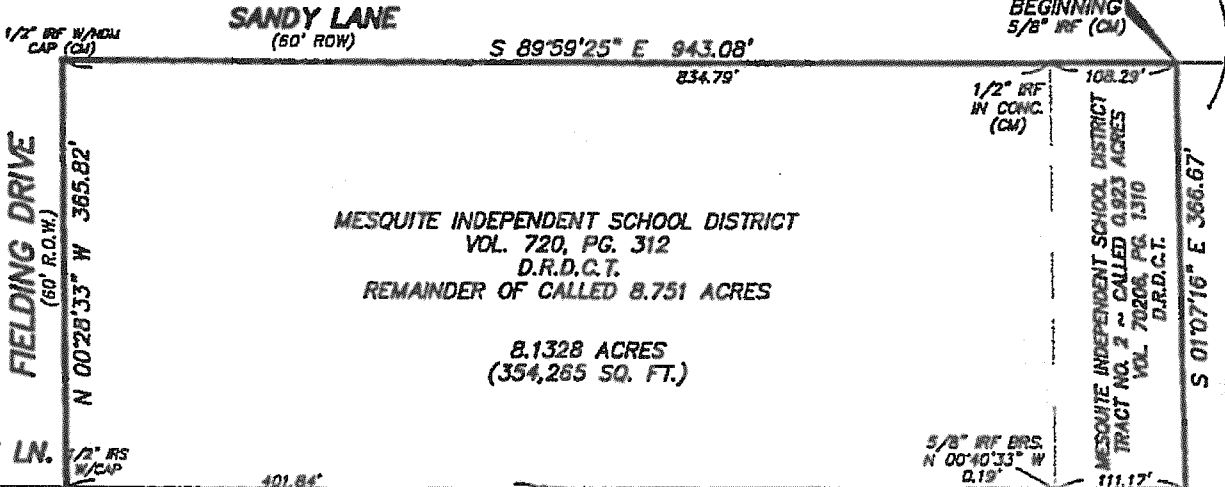
1"=150'

WEST MESQUITE HIGH SCHOOL ADDITION
BLOCK B, LOT 1R
INSTRUMENT NO. 200503600833
O.P.R.D.C.T.

NORTH TEXAS DISTRICT COUNCIL OF
THE ASSEMBLES OF GOD, INC.
TRACT 3 - CALLED 0.86 ACRES
INSTRUMENT NO. 201100328433
O.P.R.D.C.T.

POINT OF
BEGINNING
5/8" IRF (CM)

WEST MESQUITE HIGH SCHOOL ADDITION
BLOCK B, LOT 1R
INSTRUMENT NO. 200503600833
O.P.R.D.C.T.

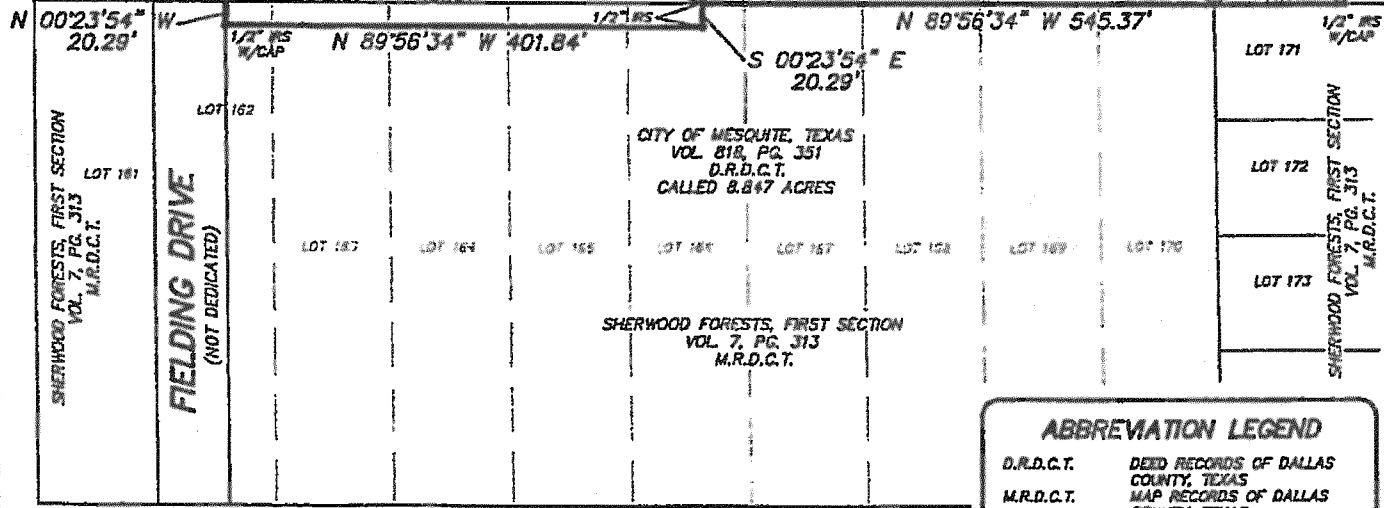


MESQUITE INDEPENDENT SCHOOL DISTRICT
VOL. 720, PG. 312
D.R.D.C.T.
REMAINDER OF CALLED 8.751 ACRES

8.1328 ACRES
(354,265 SQ. FT.)

BRUNSWICK LN.
(15' R.O.W.)

5/8" IRF BRS.
N 00°40'33" W
0.19'



CITY OF MESQUITE, TEXAS
VOL. 818, PG. 351
D.R.D.C.T.
CALLED 8.847 ACRES

SHERWOOD FORESTS, FIRST SECTION
VOL. 7, PG. 313
M.R.D.C.T.

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)

PICADILLY BOULEVARD



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 800
Dallas, Texas 75231 / Ph. (214) 739-4741

PAGE 3 OF 3

09/29/2015
NDM JOB# 15-06-039
15039EX02 MISD TRACT.dwg

EXHIBIT "D"

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

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: 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 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.

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

City Secretary

By: _____

[ACKNOWLEDGMENT]

THE STATE OF TEXAS §
 §
COUNTY OF DALLAS §

THIS INSTRUMENT was acknowledged before me by _____,
(Title) _____ on the _____ day of December, 2015.

Notary Public, State of Texas

AFTER RECORDING RETURN TO:

EXHIBIT "A"

DESCRIPTION

BEING an 8.1328 acre (354,265 square feet) tract of land situated in the Daniel Tanner League, Abstract No. 1462, and the J.W. Halford Survey, Abstract No. 589, in the City of Mesquite, Dallas County, Texas, and being a portion of a tract of land conveyed to the City of Mesquite, Texas, a Municipal Corporation, according to the Warranty Deed recorded in Volume 818, Page 351, Deed Records of Dallas County, Texas (D.R.D.C.T.), and being a portion of Sherwood Forests, First Section, an addition to the City of Mesquite, Texas, according to the plat thereof recorded in Volume 7, Page 313, Map Records of Dallas County, Texas, and being more particularly described by metes and bounds as follows:

BEGINNING at a 5/8" iron rod found for the southeast corner of said City of Mesquite tract, being the southeast corner of Lot 170 of said Sherwood Forests, First Section, and being in the north line of Picadilly Boulevard (50' right of way);

THENCE N 89°58'19" W, with the south line of said City of Mesquite tract, and the north line of said Picadilly Boulevard, a distance of 838.14 feet to a 1/2" iron rod with plastic cap stamped "TX REG NO 100189-00" set for corner;

THENCE N 00°23'54" W, departing the south line of said City of Mesquite tract and the north line of said Picadilly Boulevard, 412.65 feet to a 1/2" iron rod with plastic cap stamped "TX REG NO 100189-00" set for corner;

THENCE S 89°56'34" E, 401.84 feet to a 1/2" iron rod with plastic cap stamped "TX REG NO 100189-00" set for corner;

THENCE N 00°23'54" W, 20.29 feet to a 1/2" iron rod with plastic cap stamped "TX REG NO 100189-00" set for corner in the north line of said City of Mesquite tract, same being a north line of said Sherwood Forests, First Section, and the south line of the remainder of a tract of land conveyed to the Mesquite Independent School District according to Warranty Deed recorded in Volume 720, Page 312, D.R.D.C.T.;

THENCE S 89°56'34" E, 434.20 feet with the north line of said City of Mesquite tract and the south line of said Mesquite Independent School District tract to the northeast corner of said City of Mesquite tract, same being the northeast corner of Lot 170 of said Sherwood Forests, First Section, from whence a 5/8" iron rod found bears N 00°40'33" W, 0.19 feet, and a 1/2" iron rod found in the east line of said Mesquite Independent School District tract, and being the northwest corner of a tract of land conveyed to Mesquite Independent School District described as Tract No. 2 according to Warranty Deed recorded in Volume 70206, Page 1310, D.R.D.C.T., and being in the south line of Sandy Lane (60' right of way), bears N 00°40'12" W, 366.52 feet;

THENCE S 00°40'33" E, with the east line of said City of Mesquite tract, and the west line of said Sherwood Forests, First Section, 433.01 feet to the POINT OF BEGINNING and containing 8.1328 acres (354,265 square feet) of land, more or less.

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

09/29/2015
 NDM JOB# 15-06-039
 15039EX01 CITY TRACT.dwg

FOR NATHAN D. MAIER CONSULTING ENGINEERS, INC.



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



NOTES

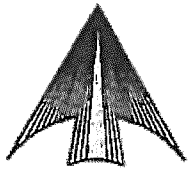
Bearings for this survey are based on the Western Data Systems Texas Cooperative RTK Network and are referenced to the Texas State Plane Coordinate System (NAD83), North Central Zone 4202. Station DUNP_G1012 was utilized as a base station during GPS data collection sessions.

No easements or improvements are reflected on this survey.



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

EXHIBIT "A"



NORTH
1"=150'

SANDY LANE
(60' ROW)

5/8" IRF

1/2" IRF
IN CONC.
(CM)

N 00°40'12" W 366.62'

MESQUITE INDEPENDENT SCHOOL DISTRICT
VOL. 720, PG. 312
D.R.D.C.T.
REMAINDER OF CALLED 8.751 ACRES

MESQUITE INDEPENDENT SCHOOL DISTRICT
TRACT NO. 2 - CALLED 0.925 ACRES
VOL. 70206, PG. 1370
D.R.D.C.T.

FIELDING DRIVE
(60' R.O.W.)
BRUNSMICK LN.
(45' R.O.W.)

N 00°23'54" W
20.29'

S 89°56'34" E 434.20'

5/8" IRF BRG.
N 00°40'33" W
0.19'

1/2" IRS
W/CAP

1/2" IRS
W/CAP

1/2" IRS
W/CAP

S 89°56'34" E 401.84'

CITY OF MESQUITE, TEXAS
VOL. 818, PG. 351
D.R.D.C.T.
CALLED 8.847 ACRES

S 00°40'33" E 433.01'

SHERWOOD FORESTS, FIRST SECTION
VOL. 7, PG. 313
M.R.D.C.T.

FIELDING DRIVE
(NOT DEDICATED)
N 00°23'54" W 412.65'

LOT 161 LOT 162 LOT 163 LOT 164 LOT 165 LOT 166 LOT 167 LOT 168 LOT 169 LOT 170

SHERWOOD FORESTS, FIRST SECTION
VOL. 7, PG. 313
M.R.D.C.T.

8.1328 ACRES
(354,265 SQ. FT.)

SHERWOOD FORESTS, FIRST SECTION
VOL. 7, PG. 313
M.R.D.C.T.

PICADILLY BOULEVARD N 89°56'19" W 838.14'
(50' R.O.W.)

POINT OF BEGINNING
5/8" IRF (CM)

LOT 86 LOT 85 LOT 84 LOT 83 LOT 82 LOT 81 LOT 80 LOT 79 LOT 78

SHERWOOD FORESTS, SECOND SECTION
VOL. 7, PG. 361
M.R.D.C.T.

ROBIN HOOD BOULEVARD
(50' R.O.W.)

SHERWOOD FORESTS, SECOND SECTION
VOL. 7, PG. 361
M.R.D.C.T.

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"
- * SET * CUT IN CONCRETE (SET)
- * FND * CUT IN CONCRETE (FOUND)

NDM

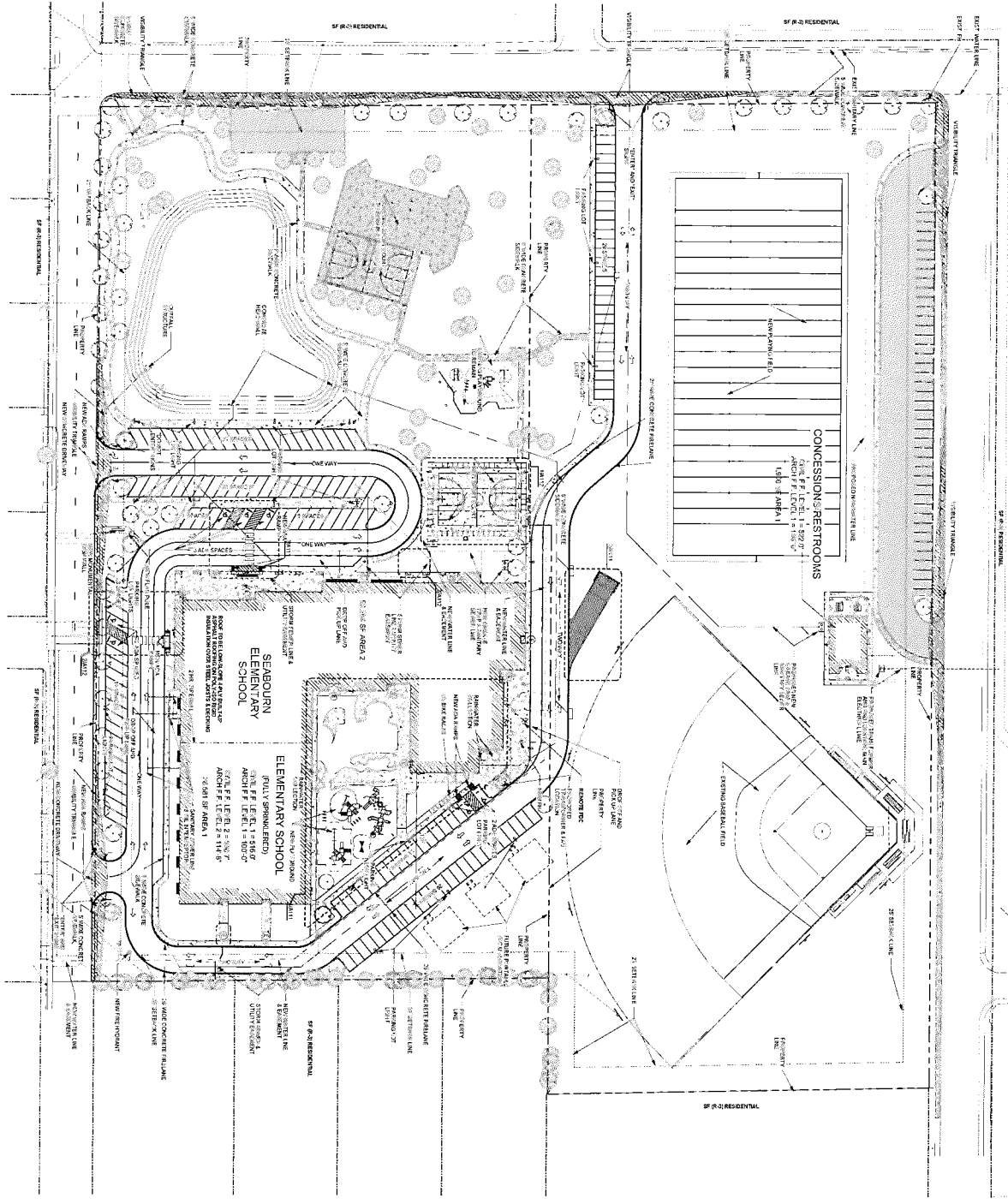
NATHAN D. MAIER CONSULTING ENGINEERS, INC.
TBPE FIRM REG. NO. F-356
TBPLS FIRM REG. NO. 100189-00
Two Park Lane Place / 8080 Park Lane / Suite 600
Dallas, Texas 75231 / Ph. (214) 739-4741

EXHIBIT "E"

Site Plan for Seabourn Elementary School



1 Overall Site Plan



SITE PLAN NOTES

1. ALL UTILITIES SHOWN ARE BASED ON THE LATEST AVAILABLE RECORDS AND FIELD SURVEY DATA.
2. REFER TO ALL SHEETS FOR THE PROJECT FOR ALL DIMENSIONS AND NOTES.
3. ALL DIMENSIONS ARE IN FEET AND INCHES UNLESS OTHERWISE NOTED.
4. ALL DIMENSIONS ARE TO THE CENTERLINE UNLESS OTHERWISE NOTED.
5. ALL DIMENSIONS ARE TO THE FACE UNLESS OTHERWISE NOTED.
6. ALL DIMENSIONS ARE TO THE CENTERLINE UNLESS OTHERWISE NOTED.
7. ALL DIMENSIONS ARE TO THE FACE UNLESS OTHERWISE NOTED.
8. ALL DIMENSIONS ARE TO THE CENTERLINE UNLESS OTHERWISE NOTED.
9. ALL DIMENSIONS ARE TO THE FACE UNLESS OTHERWISE NOTED.
10. ALL DIMENSIONS ARE TO THE CENTERLINE UNLESS OTHERWISE NOTED.
11. ALL DIMENSIONS ARE TO THE FACE UNLESS OTHERWISE NOTED.
12. ALL DIMENSIONS ARE TO THE CENTERLINE UNLESS OTHERWISE NOTED.
13. ALL DIMENSIONS ARE TO THE FACE UNLESS OTHERWISE NOTED.
14. ALL DIMENSIONS ARE TO THE CENTERLINE UNLESS OTHERWISE NOTED.
15. ALL DIMENSIONS ARE TO THE FACE UNLESS OTHERWISE NOTED.
16. ALL DIMENSIONS ARE TO THE CENTERLINE UNLESS OTHERWISE NOTED.
17. ALL DIMENSIONS ARE TO THE FACE UNLESS OTHERWISE NOTED.
18. ALL DIMENSIONS ARE TO THE CENTERLINE UNLESS OTHERWISE NOTED.
19. ALL DIMENSIONS ARE TO THE FACE UNLESS OTHERWISE NOTED.
20. ALL DIMENSIONS ARE TO THE CENTERLINE UNLESS OTHERWISE NOTED.

NOT FOR CONSTRUCTION - 50% CD's

S.M. SEABOURN ELEMENTARY SCHOOL

2249 PICADILLY BLVD., MESQUITE, TEXAS 75149



WRA Architects, Inc.
 1777 West Edge
 Dallas, Texas 75201
 214.343.7777
 www.wraarchitects.com



No.	DATE	DESCRIPTION
1	11/20/2019	ISSUED FOR 50% CD'S
2	11/20/2019	ISSUED FOR 50% CD'S
3	11/20/2019	ISSUED FOR 50% CD'S
4	11/20/2019	ISSUED FOR 50% CD'S
5	11/20/2019	ISSUED FOR 50% CD'S
6	11/20/2019	ISSUED FOR 50% CD'S
7	11/20/2019	ISSUED FOR 50% CD'S
8	11/20/2019	ISSUED FOR 50% CD'S
9	11/20/2019	ISSUED FOR 50% CD'S
10	11/20/2019	ISSUED FOR 50% CD'S

11/20/2019 10:56:01 AM