

RESOLUTION NO. 63-2015

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MESQUITE, TEXAS, ACCEPTING THE DONATION OF TWO TRACTS OF REAL PROPERTY FROM DALLAS COUNTY, TEXAS; AND AUTHORIZING THE CITY MANAGER TO APPROVE AND EXECUTE ALL DOCUMENTS AND TAKE ALL ACTIONS NECESSARY TO CONSUMMATE SUCH DONATION.

WHEREAS, Dallas County, Texas (“Dallas County”), owns the two tracts of real property described and depicted in Exhibit “A,” attached hereto and made a part of this Resolution for all purposes (collectively the “Properties”); and

WHEREAS, the Properties are located within the corporate limits of the City of Mesquite, Texas (the “City”); and

WHEREAS, the first tract described in Exhibit “A” was purchased by Dallas County when Dallas County constructed East Glen Boulevard in 1981 (“Tract 1”); and

WHEREAS, the second tract described in Exhibit “A” was part of the defunct Texas Interurban Railway right-of-way purchased by Dallas County in 1938 (“Tract 2”); and

WHEREAS, Dallas County desires to donate the Properties to the City; and

WHEREAS, the City intends at some point in the future to widen Faithon P. Lucas, Sr. Boulevard.; and

WHEREAS, in connection with the widening of Faithon P. Lucas, Sr. Boulevard., the City would be required to obtain a drainage easement and roadway right-of-way over all or a portion of Tract 1 and a roadway right of way over all or a portion of Tract 2; and

WHEREAS, the City desires to accept the donation of the Properties from Dallas County for the use and benefit of the citizens of the City; and

WHEREAS, the donation of the Properties will serve a public purpose; and

WHEREAS, the City’s acceptance of the donation of the Properties is conditioned upon: (i) the Commissioners’ Court of Dallas County, Texas, authorizing the donation of the Properties to the City by virtue of a duly executed Commissioner’s Court Order; and (ii) Dallas County executing and delivering to the City a Quitclaim Deed in form reasonably acceptable to the City quitclaiming all right, title and interest of Dallas County in and to the Properties to the City.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MESQUITE, TEXAS:

SECTION 1. That the City Council hereby finds that the acceptance of the donation of the Properties from Dallas County will benefit the citizens of the City and will serve a public purpose.

SECTION 2. That the City hereby accepts the donation of the Properties from Dallas County subject to the conditions set forth in Section 3 below.

SECTION 3. That the City's acceptance of the donation of the Properties is conditioned upon: (i) the Commissioners' Court of Dallas County, Texas, authorizing the donation of the Properties to the City by virtue of a duly executed Commissioners' Court Order; and (ii) the execution and delivery to the City of a Quitclaim Deed in form acceptable to the City quitclaiming all right, title and interest of Dallas County in and to the Properties to the City.

SECTION 4. That the City Manager shall be authorized to approve the form of the Quitclaim Deed to be executed and delivered to the City and the recording by the City of such deed in the official public records of Dallas County, Texas, shall be evidence of the City Manager's approval of the form of such deed.

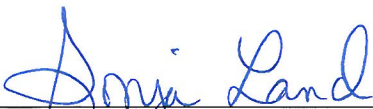
SECTION 5. That the City Manager is further hereby authorized to execute all documents and to take such actions as are necessary to consummate the foregoing donation of the Properties to the City by Dallas County.

DULY RESOLVED by the City Council of the City of Mesquite, Texas, on the 21st day of December, 2015.



Stan Pickett
Mayor

ATTEST:



Sonja Land
City Secretary

APPROVED:



B. J. Smith
City Attorney

EXHIBIT A-TRACT :

PARCEL E-477
CITY OF DALLAS RIGHT-OF-WAY
17,145 SQUARE FOOT TRACT
THOMAS F. MCKINNEY & SAMUEL M. WILLIAMS SURVEY,
ABSTRACT NO. 1026
CITY OF MESQUITE, DALLAS COUNTY, TEXAS

BEING a tract of land situated in the Thomas F. McKinney & Samuel M. Williams Survey, Abstract No. 1026, City of Mesquite, Dallas County, Texas, and being a part of that tract of land described in Right-of-Way deed to the County of Dallas as recorded in Volume 84076, Page 1954 of the Deed Records of Dallas County, Texas (D.R.D.C.T.), and being more particularly described as follows:

COMMENCING at a 5/8-inch found iron rod for the northwest corner of that tract of land described as Tract One in deed to Laura Jernigan Espensen and James William Jernigan as recorded in Volume 2004172, Page 10588, D.R.D.C.T., said Tract One being the same as that tract of land described in deed to Laura Jernigan Espensen as recorded in Volume 2004172, Page 10617, D.R.D.C.T., said Tract One also being the same as that tract of land described in deed to James William Jernigan as recorded in Volume 2004172, Page 10643, D.R.D.C.T., said corner being at the intersection of the southerly right-of-way line of Seyene Road (60 foot wide roadway by usage) with the east right-of-way line of Faithon P. Lucas Boulevard (a variable width right-of-way);

THENCE South 00 degrees 49 minutes 25 seconds East, with the common west line of said Tract One and said east right-of-way line of Faithon P. Lucas Sr. Boulevard, a distance of 501.75 feet to a 1/2-inch set iron rod with yellow plastic cap stamped "HALFF" (hereinafter referred to as "with cap") for the northwest corner of said County of Dallas tract and for the POINT OF BEGINNING;

THENCE North 89 degrees 04 minutes 55 seconds East, departing said common line and with the north right-of-way line of said County of Dallas tract, a distance of 171.53 feet to a 1/2-inch set iron rod with cap for corner;

THENCE South 00 degrees 44 minutes 03 seconds East, departing said north right-of-way line over and across said County of Dallas tract, a distance of 100.00 feet to a 1/2-inch set iron rod with cap for corner in the south right-of-way line of said County of Dallas tract;

THENCE South 89 degrees 04 minutes 55 seconds West, with said south right-of-way line, a distance of 171.37 feet to a 1/2-inch set iron rod with cap for the southwest corner of said County of Dallas tract on the aforementioned east right-of-way line of Faithon P. Lucas Boulevard;

REVIEWED BY *abw 1/18/10*

EXHIBIT "A"

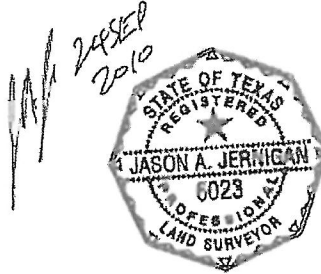
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EXHIBIT A-TRACT 1

PARCEL E-477
CITY OF DALLAS RIGHT-OF-WAY
17,145 SQUARE FOOT TRACT
THOMAS F. MCKINNEY & SAMUEL M. WILLIAMS SURVEY,
ABSTRACT NO. 1026
CITY OF MESQUITE, DALLAS COUNTY, TEXAS

THENCE North 00 degrees 49 minutes 25 seconds West, with the common west line of said County of Dallas tract and said east right-of-way line of Faithon P. Lucas Sr. Boulevard, a distance of 100.00 feet to the POINT OF BEGINNING and containing 17,145 square feet or 0.3936 of an acre of land, more or less.

The Basis of Bearing is the North American Datum of 1983, Texas State Plane Coordinate System, North Central Zone 4202. All distances are surface distances. Surface Adjustment Scale Factor: 1.0001365060.



REVIEWED BY *JAJ* 1/14/10

EXHIBIT A-TRACT 2

PARCEL E-478
CITY OF DALLAS RIGHT-OF-WAY
15,355 SQUARE FOOT TRACT
THOMAS F. MCKINNEY & SAMUEL M. WILLIAMS SURVEY,
ABSTRACT NO. 1026,
CITY OF MESQUITE, DALLAS COUNTY, TEXAS

BEING a tract of land situated in the Thomas F. McKinney & Samuel M. Williams Survey, Abstract No. 1026, City of Mesquite, Dallas County, Texas, and being part of that tract of land described as Third Tract in deed to Texas Interurban Railway as recorded in Volume 908, Page 644 of the Deed Records of Dallas County, Texas (D.R.D.C.T.), said Third Tract being the same as that tract of land described as Tract No. Five in Deed to the County of Dallas, Texas, as recorded in Volume 2158, Page 314, D.R.D.C.T., said tract being more particularly described as follows:

COMMENCING at a 5/8-inch found iron rod for the northwest corner of that tract of land described as Tract One in deed to Laura Jernigan Espensen and James William Jernigan as recorded in Volume 2004172, Page 10588, D.R.D.C.T., said Tract One being the same as that tract of land described in deed to Laura Jernigan Espensen as recorded in Volume 2004172, Page 10617, D.R.D.C.T., said Tract One also being the same as that tract of land described in deed to James William Jernigan as recorded in Volume 2004172, Page 10643, D.R.D.C.T., said corner being at the intersection of the southerly right-of-way line of Seyene Road (60 foot wide roadway by usage) with the east right-of-way line of Faithon P. Lucas Sr. Boulevard (a variable width right-of-way);

THENCE South 00 degrees 49 minutes 25 seconds East, with the common west line of said Tract One and said east right-of-way line of Faithon P. Lucas Sr. Boulevard, at a distance of 501.75 feet passing a 1/2 inch set iron rod with yellow plastic cap stamped "HALF" (hereinafter referred to as "with cap") for the northwest corner of a 100 foot wide right-of-way to the County of Dallas as recorded in Volume 84076, Page 1954, D.R.D.C.T., continuing with the common west line of said County of Dallas tract and said east right-of-way line of Faithon P. Lucas Sr. Boulevard, at a cumulative distance of 601.75 feet passing a 1/2-inch set iron rod with cap for the southwest corner of said County of Dallas tract, continuing again with said common west line of said Tract One and said east right-of-way line of Faithon P. Lucas Sr. Boulevard, in all a total distance of 673.00 feet to a found "X" cut in concrete for corner;

THENCE South 04 degrees 39 minutes 41 seconds East, continuing with said common line, a distance of 100.48 feet to a point for corner from which a 5/8-inch found iron rod stamped "CLS 5129" bears North 65 degrees 36 minutes 54 seconds West a distance of 0.27 of a foot;

THENCE South 00 degrees 50 minutes 41 seconds East, continuing with said common line, a distance of 354.00 feet to a 1/2-inch found iron rod with cap stamped "RPLS 5129" for corner;

REVIEWED 8/1/10

EXHIBIT A-TRACT 2

PARCEL E-478
CITY OF DALLAS RIGHT-OF-WAY
15,355 SQUARE FOOT TRACT
THOMAS F. MCKINNEY & SAMUEL M. WILLIAMS SURVEY,
ABSTRACT NO. 1026,
CITY OF MESQUITE, DALLAS COUNTY, TEXAS

THENCE South 00 degrees 44 minutes 03 seconds East, continuing with said common line, a distance of 370.12 feet to a 1/2-inch set iron rod with cap for the POINT OF BEGINNING at the intersection of said common line with the north line of the aforementioned Tract No. Five;

THENCE South 78 degrees 23 minutes 43 seconds East, departing said common line, with said north line, a distance of 153.55 feet to a 1/2-inch set iron rod with cap for corner;

THENCE South 00 degrees 44 minutes 03 seconds East, departing said north line, with a line offset 150 feet east of and parallel to the last cited east right-of-way line of Faithon P. Lucas Sr. Boulevard, over and across said Tract No. Five, a distance of 102.36 feet to a 1/2-inch set iron rod with cap for corner on the south line of said Tract No. Five;

THENCE North 78 degrees 23 minutes 43 seconds West, departing said parallel offset line, with the south line of said Tract No. Five, a distance of 153.55 feet to a 1/2-inch set iron rod with cap for the intersection of said south line with said east right of way line of Faithon P. Lucas Sr. Boulevard;

THENCE North 00 degrees 44 minutes 03 seconds West, departing said south line, with said east right-of-way line, a distance of 102.36 feet to the POINT OF BEGINNING and containing 15,355 square feet or 0.3525 of an acre of land, more or less.

The Basis of Bearing is the North American Datum of 1983, Texas State Plane Coordinate System, North Central Zone 4202. All distances are surface distances. Surface Adjustment Scale Factor: 1.0001365060.

Handwritten signature
30 SEP 2010



REVIEWED BY *ASB* 11/14/11

