

RESOLUTION NO. 19-2023

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 FOR FUTURE EXPANSION OF VANGUARD HIGH SCHOOL ON PROPERTY LOCATED AT 4200 FAITHON P. LUCAS, SR. BOULEVARD, MESQUITE, TEXAS, IN EXCHANGE FOR MISD LAND ON PROPERTY LOCATED AT 4201 FAITHON P. LUCAS, SR. BOULEVARD, MESQUITE, TEXAS; FINDING THAT THERE IS NO FEASIBLE AND PRUDENT ALTERNATIVE TO MISD’S USE OF THE LAND, AND ALL REASONABLE PLANNING HAS BEEN DONE TO MINIMIZE HARM TO THE LAND AS A PARK; AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE EXCHANGE AGREEMENT WITH MISD AND ALL DOCUMENTS NECESSARY TO CONSUMMATE THE TRANSACTIONS CONTEMPLATED IN THE EXCHANGE AGREEMENT.

WHEREAS, the Mesquite Independent School District (“**MISD**”) owns an approximately 1.121-acre tract of unimproved land generally described as located in the John P. Anderson Survey, Abstract No. 1, City of Mesquite, Dallas County, Texas (the “**MISD Tract**”), said MISD 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 City of Mesquite (the “**City**”) owns an approximately 1.121-acre tract of unimproved land dedicated for park use and generally described as located in the John P. Anderson Survey, Abstract No. 1, City of Mesquite, Dallas County, Texas (the “**City Tract**”), said City Tract being more particularly described in Exhibit B attached to the Exchange Agreement; and

WHEREAS, the City Tract and the MISD Tract are in close proximity to each other and are of equal size and value; and

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

WHEREAS, MISD desires to reserve land for future expansion of and use in connection with Vanguard High School (the “**Project**”) and the City Tract is adjacent to both Vanguard High School and vacant and unused City park land; and

WHEREAS, MISD’s use of the City Tract for school use would be compatible and complimentary to the City’s potential and future use of the adjacent park land; and

WHEREAS, no adequate alternative site is available to MISD for the Project; and

WHEREAS, in exchange for the City Tract, MISD will convey the MISD Tract to the City for use as public right-of-way for the improvement and maintenance of Faithon P. Lucas, Sr. Boulevard, which will benefit Vanguard High School; and

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WHEREAS, following a public hearing, notice of which was properly published and 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. All of the above premises are hereby found to be true and correct legislative and factual findings of the City Council of the City of Mesquite, Texas (the “**City Council**”), and they are hereby approved and incorporated into the body of this ordinance as if copied in their entirety.

SECTION 2. After conducting a public hearing and reviewing the information provided by staff, the City Council hereby finds and determines that: (i) the Project requires the use or taking of the City Tract; (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 3. 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 4. The City Council approves the terms and provisions of the Exchange Agreement attached hereto as Exhibit 1 and authorizes the City Manager 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 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 1st day of May 2023.

DocuSigned by:

Daniel Aleman Jr.

D999585317D142B...

Daniel Alemán, Jr.

Mayor

ATTEST:

APPROVED AS TO LEGAL FORM:

DocuSigned by:

Sonja Land

C2518095973F46A...

Sonja Land

City Secretary

DocuSigned by:

David Paschall

666E18891208434...

David L. Paschall

City Attorney

EXHIBIT 1

AGREEMENT FOR EXCHANGE OF REAL PROPERTY

**Between
Mesquite Independent School District and the City of Mesquite**

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.

MISD owns fee simple title to the real property legally described in Exhibit A appended to this agreement.

City owns fee simple title to the real property legally described in Exhibit B appended to this agreement.

City desires to acquire fee simple title to the real property described in Exhibit A from MISD for the public purpose of dedication as right-of-way for the improvement and maintenance of Faithon P. Lucas, Sr. Blvd. MISD desires to acquire fee simple title to the real property described in Exhibit B from City for the public purpose of future expansion of Dr. Vroonland Vanguard High School.

The tracts of real property described in Exhibits A and B are located in close proximity to each other and are of equal size and value.

MISD and City have found and determined, and by this agreement find and determine, that the properties described in Exhibits A and B will carry out a purpose, when conveyed to the other, that benefits the public interest of each granting political subdivision.

MISD and City desire and intend to make an exchange of the properties described in Exhibits A and B pursuant to authority granted to City and MISD by Section 272.001(1) Texas Local Government Code.

Both MISD and City are governmental entities with the power of eminent domain to condemn each other's lands for a paramount public use or need.

Due to the site requirements for the improvement of Faithon P. Lucas, Sr. Blvd. and future expansion of Dr. Vroonland Vanguard High School, there is no feasible alternative to the use of the tracts to be exchanged.

The exchange contemplated by this agreement includes all reasonable planning to minimize harm to the City's land as a park resulting from the exchange.

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

Agreement, Terms and Conditions

1. The Recitals contained above, and Exhibits A and B hereto, are incorporated in this agreement for all purposes.
2. MISD agrees to transfer the real property described in Exhibit A to City.
3. City agrees to transfer the real property described in Exhibit B to MISD.
4. MISD warrants and represents to City that, at time of closing, it will convey good and indefeasible fee simple title to the real property described in Exhibit B to City subject to any easements, reservations, conditions, agreements, instruments, covenants and restrictive covenants

which are visible or apparent or as the same appear of record in the public records of Dallas County, Texas.

5. City warrants and represents to MISD that, at time of closing, it will convey good and indefeasible fee simple title to the real property described in Exhibit B to MISD subject to any easements, reservations, conditions, agreements, instruments, covenants and restrictive covenants which are visible or apparent or as the same appear of record in the public records of Dallas County, Texas.

6. 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.

7. At closing, MISD shall deliver a Special Warranty Deed to City transferring the real property described in Exhibit A to the City subject to the matters set forth in Section 4 above; and, City shall deliver a Special Warranty Deed to MISD transferring the real property described in Exhibit B to MISD subject to the matters set forth in Section 5 above.

8. MISD agrees the real property described in Exhibit B shall be used for the public purpose of a future expansion of Dr. Vroonland Vanguard High School.

9. City agrees the real property described in Exhibit A shall be used for the public purpose of right-of-way for the improvement and maintenance of Faithon P. Lucas, Sr. Blvd.

10. All closing costs shall be paid equally by MISD and City.

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.

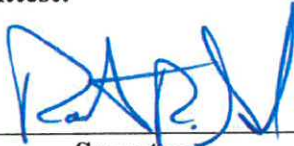
13. This agreement shall be construed and interpreted under and in accordance with the laws of the State of Texas; and, is wholly performable in Dallas County, Texas.

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 not be entitled to recover from the other party reasonable attorney's fees and costs of litigation.

16. MISD and City agree that the title and right to possession of the real properties described in Exhibits A and B shall revert to the granting political subdivision if the acquiring political subdivision ceases to use the land in carrying out the public purpose set out and defined in this agreement.

Dated: May 8, 2023.

Attest:



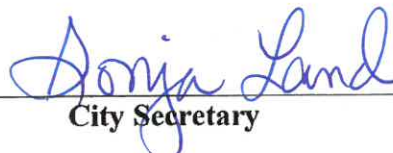
Secretary

Mesquite Independent School District

By: Greg Everett

Board President

Attest:



City Secretary

City of Mesquite

By: Cliff Keheley

Cliff Keheley, City Manager

EXHIBIT A
MISD Property to be Conveyed to City

RIGHT-OF-WAY DEDICATION
Part of Lot 1, Block A
Vanguard High School
John P Anderson Survey, Abstract No. 1
City of Mesquite, Dallas County, Texas

DESCRIPTION, of a 1.121 acre (48,842 square foot) tract of land situated in the John P. Anderson Survey, Abstract No. 1, Dallas County, Texas; said tract being part of Lot 1, Block A of Vanguard High School, an addition to the City of Mesquite, according to the plat recorded in Instrument No. 202100264921 of the Official Public Records of Dallas County, Texas; said 1.121 acre (48,842 square foot) tract being more particularly described as follows: Bearing System for this survey is based on the State Plane Coordinate System, North American Datum of 1983 (2011), Texas North Central Zone 4202. Distances shown have been adjusted to surface by applying the Dallas County TxDOT scale factor of 1.000136506.

BEGINNING, at a point for corner in the northwest right-of-way line of Faithon P Lucas Sr. Boulevard (a variable width right-of-way); said point being the east corner of said Lot 1;

THENCE, southwesterly direction, along the said northwest line of Faithon P Lucas Sr. Boulevard and the southeast line of said Lot 1 the following three (3) calls:

South 43 degrees, 51 minutes, 42 seconds West, a distance of 474.21 feet to a 1/2-inch iron rod with "HALFF" cap found for corner;

South 44 degrees, 17 minutes, 15 seconds West, a distance of 348.10 feet to a 1/2-inch iron rod with "HALFF" cap found for corner

South 44 degrees, 20 minutes, 48 seconds West, a distance of 521.41 feet to a point for corner; said point being the south corner of said Lot 1;

THENCE, North 41 degrees, 14 minutes, 54 seconds West, along the southwest line of said Lot 1, a distance of 9.82 feet to a point for corner; said point being the beginning of a non-tangent curve to the left;

THENCE, departing the said southwest line of Lot 1, into and across said Lot 1 the following four (4) calls:

In a northeasterly direction along said non-tangent curve to the left, having a central angle of 04 degrees, 09 minutes, 14 seconds, a radius of 2,440.00 feet, a chord bearing and distance of North 41 degrees, 02 minutes, 59 seconds East, 176.86 feet, and an arc distance of 176.90 feet to a point at the end of said curve;

North 38 degrees, 58 minutes, 22 seconds East, a distance of 104.55 feet to a point for corner; said point being the beginning of a curve to the right;

In a northeasterly direction along said curve to the right, having a central angle of 04 degrees, 59 minutes, 13 seconds, a radius of 2560.00 feet, a chord bearing and distance of North 41 degrees, 27 minutes, 59 seconds East, 222.75 feet, an arc distance of 222.82 feet to a point at the end of said curve;

North 43 degrees, 57 minutes, 36 seconds East, a distance of 839.89 feet to a point for corner; said point being in the northeast line of said Lot 1;

RIGHT-OF-WAY DEDICATION
(Continued)

THENCE, South 45 degrees, 36 minutes, 07 seconds East, along the said northeast line of Lot 1, a distance of 42.25 feet to the **POINT OF BEGINNING**;

CONTAINING: 48,842 square feet or 1.121 acres of land, more or less.

(A survey plat of even survey date herewith accompanies this description.)

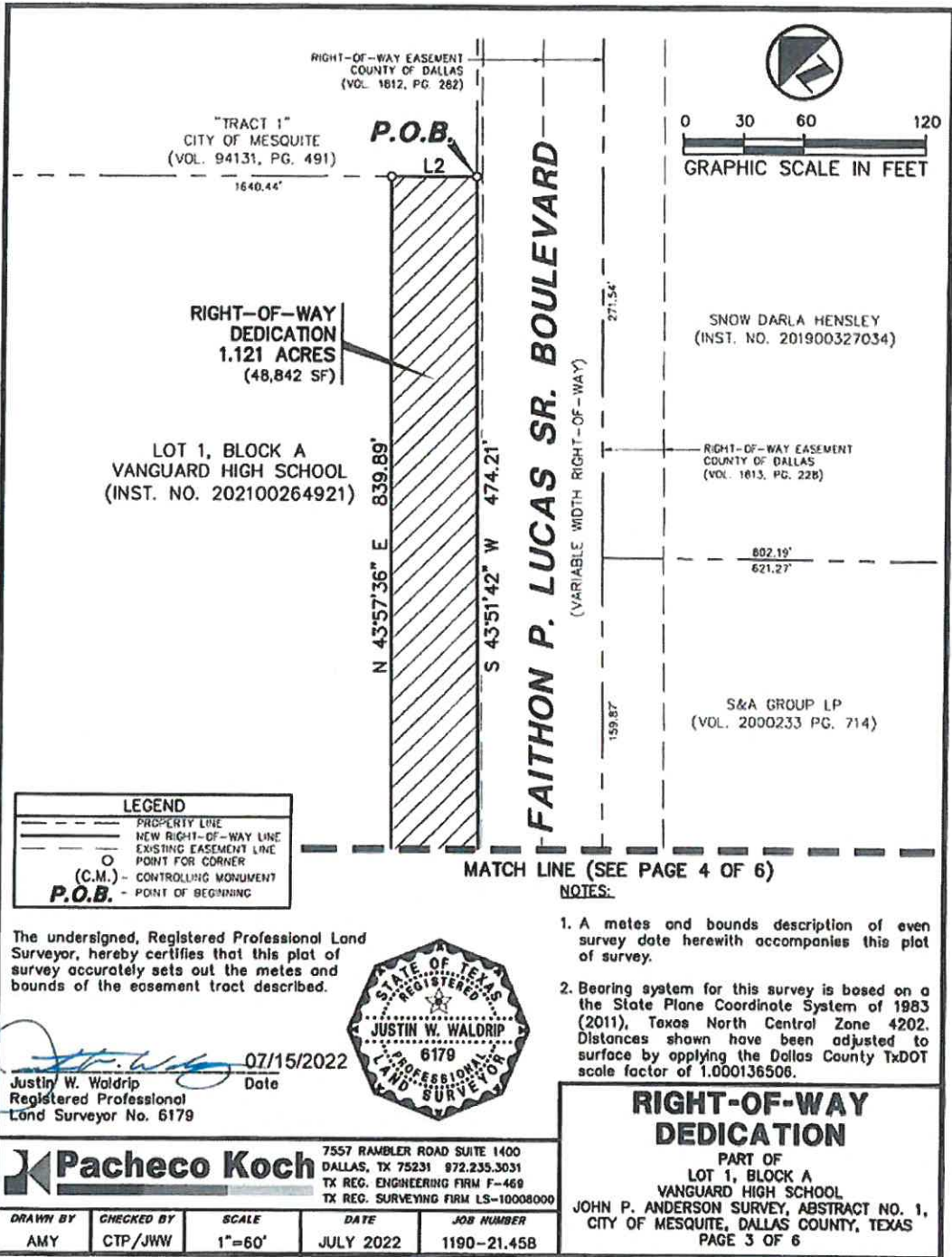
The undersigned, Registered Professional Land Surveyor, hereby certifies that the foregoing description accurately sets out the metes and bounds of the tract of land described.

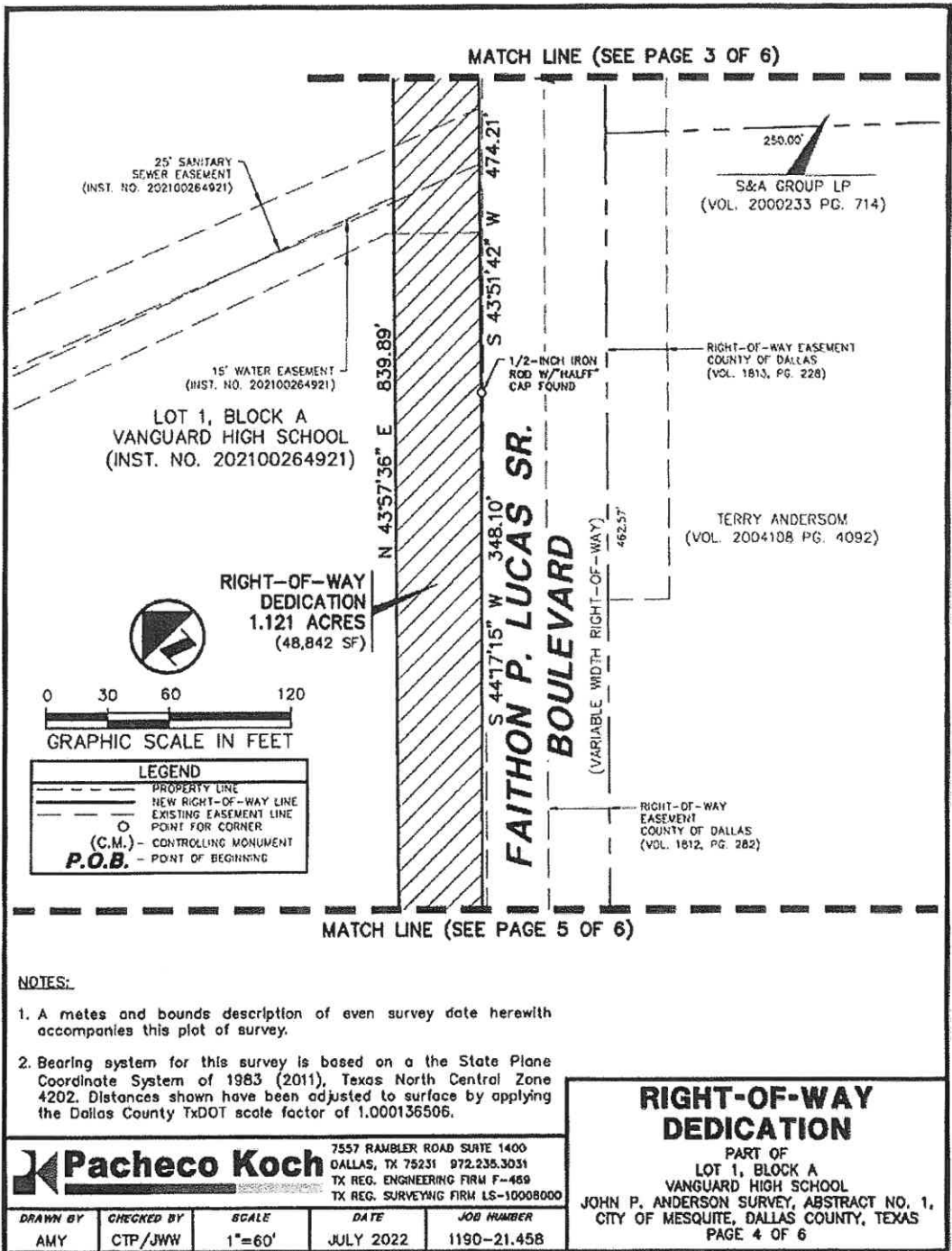
 07/15/2022
Justin W. Waldrip Date
Registered Professional Land Surveyor No. 6179
Pacheco Koch Consulting Engineers, LLC.
7557 Rambler Road, Suite 1400, Dallas TX 75231
(972) 235-3031
TX Reg. Surveying Firm LS-1000800000

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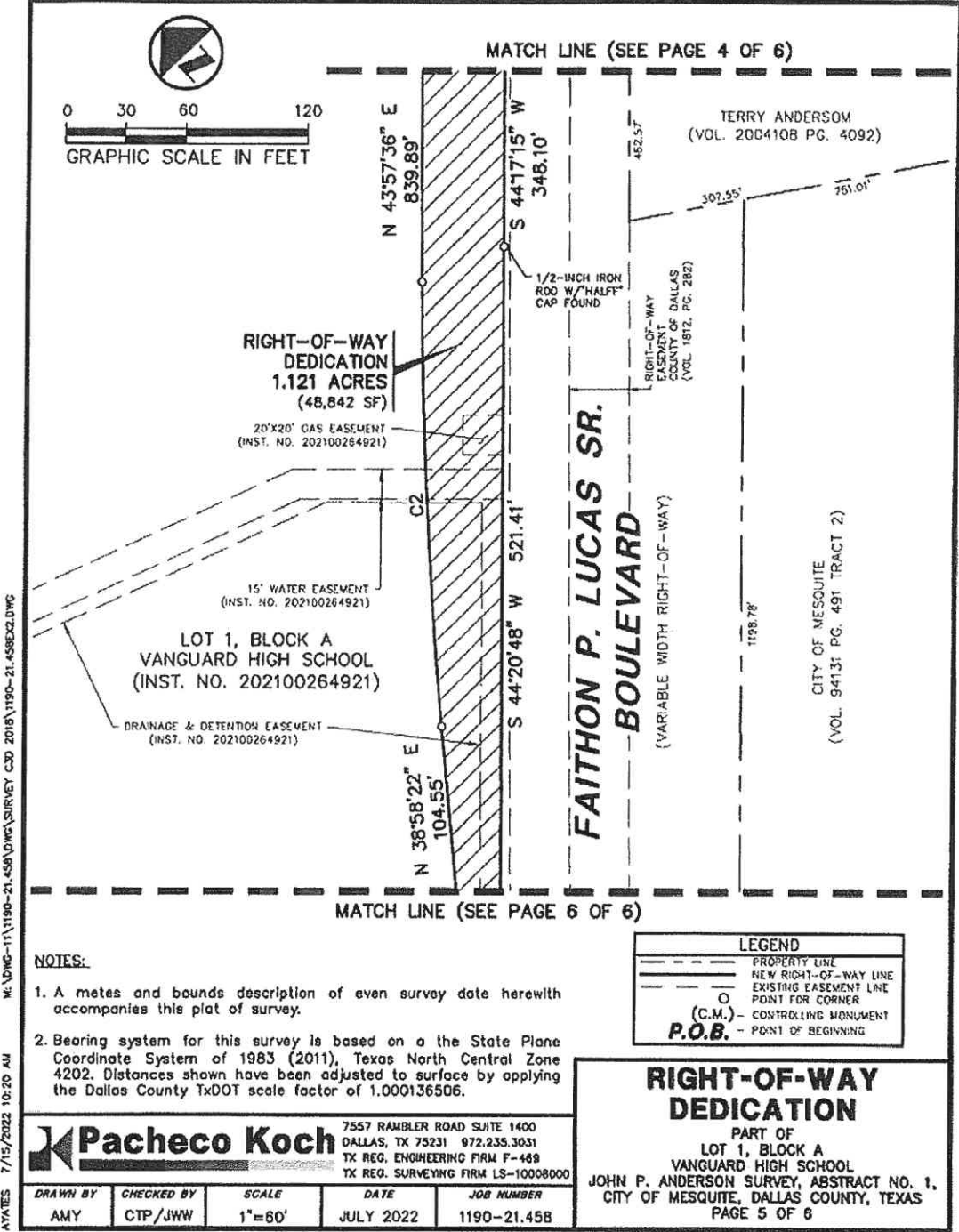


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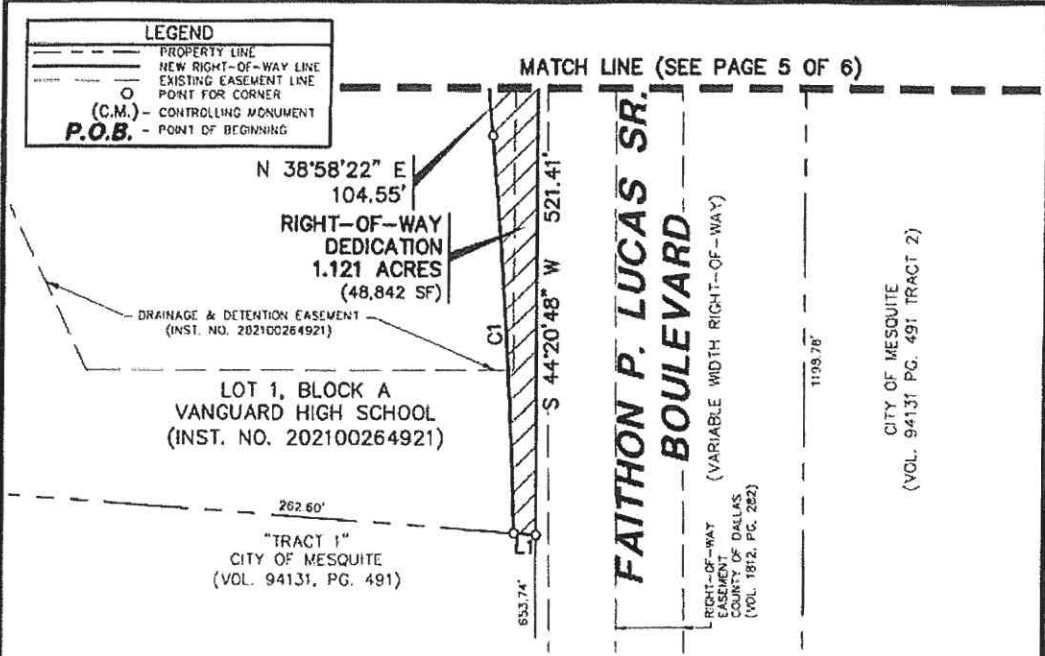
1. A metes and bounds description of even survey date herewith accompanies this plat of survey.
2. Bearing system for this survey is based on a the State Plane Coordinate System of 1983 (2011), Texas North Central Zone 4202. Distances shown have been adjusted to surface by applying the Dallas County TxDOT scale factor of 1.000136506.

LEGEND	
	PROPERTY LINE
	NEW RIGHT-OF-WAY LINE
	EXISTING EASEMENT LINE
	POINT FOR CORNER
	(C.M.) - CONTROLLING MONUMENT
	P.O.B. - POINT OF BEGINNING

RIGHT-OF-WAY DEDICATION
 PART OF
 LOT 1, BLOCK A
 VANGUARD HIGH SCHOOL
 JOHN P. ANDERSON SURVEY, ABSTRACT NO. 1,
 CITY OF MESQUITE, DALLAS COUNTY, TEXAS
 PAGE 5 OF 6

		7557 RAMBLER ROAD SUITE 1400 DALLAS, TX 75231 972.235.3031 TX REG. ENGINEERING FIRM F-489 TX REG. SURVEYING FIRM LS-10008000		
DRAWN BY	CHECKED BY	SCALE	DATE	JOB NUMBER
AMY	CTP/JWW	1"=60'	JULY 2022	1190-21.458

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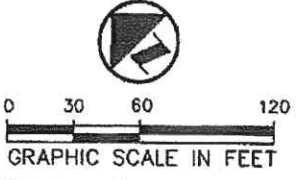
LINE TABLE

LINE	BEARING	LENGTH
L1	N 41°14'54" W	9.82'
L2	S 45°36'07" E	42.25'

CURVE TABLE

CURVE	DELTA	RADIUS	LENGTH	TANGENT	CHORD BEARING	CHORD
C1	04°09'14"	2,440.00'	176.90'	88.49'	N 41°02'59" E	176.86'
C2	04°59'13"	2,560.00'	222.82'	111.48'	N 41°27'59" E	222.75'

- NOTES:**
1. A metes and bounds description of even survey date herewith accompanies this plat of survey.
 2. Bearing system for this survey is based on the State Plane Coordinate System of 1983 (2011), Texas North Central Zone 4202. Distances shown have been adjusted to surface by applying the Dallas County TxDOT scale factor of 1.000136506.



Pacheco Koch
 7857 RAMBLER ROAD SUITE 1400
 DALLAS, TX 75231 972.235.3031
 TX REG. ENGINEERING FIRM F-469
 TX REG. SURVEYING FIRM LS-10008000

DRAWN BY AMY	CHECKED BY CTP/JWW	SCALE 1"=60'	DATE JULY 2022	JOB NUMBER 1190-21.458
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RIGHT-OF-WAY DEDICATION

PART OF
 LOT 1, BLOCK A
 VANGUARD HIGH SCHOOL
 JOHN P. ANDERSON SURVEY, ABSTRACT NO. 1,
 CITY OF MESQUITE, DALLAS COUNTY, TEXAS
 PAGE 6 OF 6

EXHIBIT B

City Property to be Conveyed to MISD

1.121 ACRE TRACT
Part of City of Mesquite
John P. Anderson Survey, Abstract No. 1
City of Mesquite, Dallas County, Texas

DESCRIPTION, of a 1.121 acre tract of land situated in the John P. Anderson Survey, Abstract No. 1, Dallas County, Texas; said tract being part of a tract of land described in Special Warranty Deed to the City of Mesquite recorded in Instrument No. 202100204927 of the Official Public Records of Dallas County, Texas; said 1.121 acre tract being more particularly described as follows: Bearing System for this survey is based on the State Plane Coordinate System, North American Datum of 1983 (2011), Texas North Central Zone 4202. Distances shown have been adjusted to surface by applying the Dallas County TxDOT scale factor of 1.000136506.

COMMENCING, at a 1/2-inch iron rod with "RPLS 5310" cap found in the northwest line of Faithon P. Lucas Sr. Boulevard (a variable width right-of-way); said point being the east corner of Lot 1, Block A, Vanguard High School, an addition to the City of Mesquite, according to the plat recorded in Instrument No. 202100264921 of said Official Public Records;

THENCE, North 45 degrees, 38 minutes, 17 seconds West, departing the said northwest line of Faithon P. Lucas Sr. Boulevard, along the northeast line of said Lot 1, a distance of 1,683.53 feet to the **POINT OF BEGINNING**; said point being the north corner of said Lot 1 and the east corner of the said City of Mesquite tract;

THENCE, South 44 degrees, 21 minutes, 43 seconds West, along the northwest line of said Lot 1 and the southeast line of the said City of Mesquite tract, a distance of 1,099.99 feet to a 1/2-inch iron rod with "RPLS 4613" cap found for corner; said point being the west corner of said Lot 1 and the south corner of the said City of Mesquite tract;

THENCE, North 45 degrees, 38 minutes, 17 seconds West, along the southwest line of the said City of Mesquite tract, a distance of 44.40 feet to a point for corner;

THENCE, North 44 degrees, 21 minutes, 43 seconds East, departing the said southwest line of the City of Mesquite tract, over and across the said City of Mesquite tract, a distance of 1,099.99 feet to a point for corner in the northeast line of the said City of Mesquite tract;

1.121 ACRE TRACT

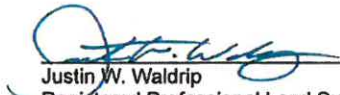
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THENCE, South 45 degrees, 38 minutes, 17 seconds East, along the northeast line of the said City of Mesquite tract, a distance of 44.40 feet to the **POINT OF BEGINNING**;

CONTAINING: 48,836 square feet or 1.121 acre of land, more or less.

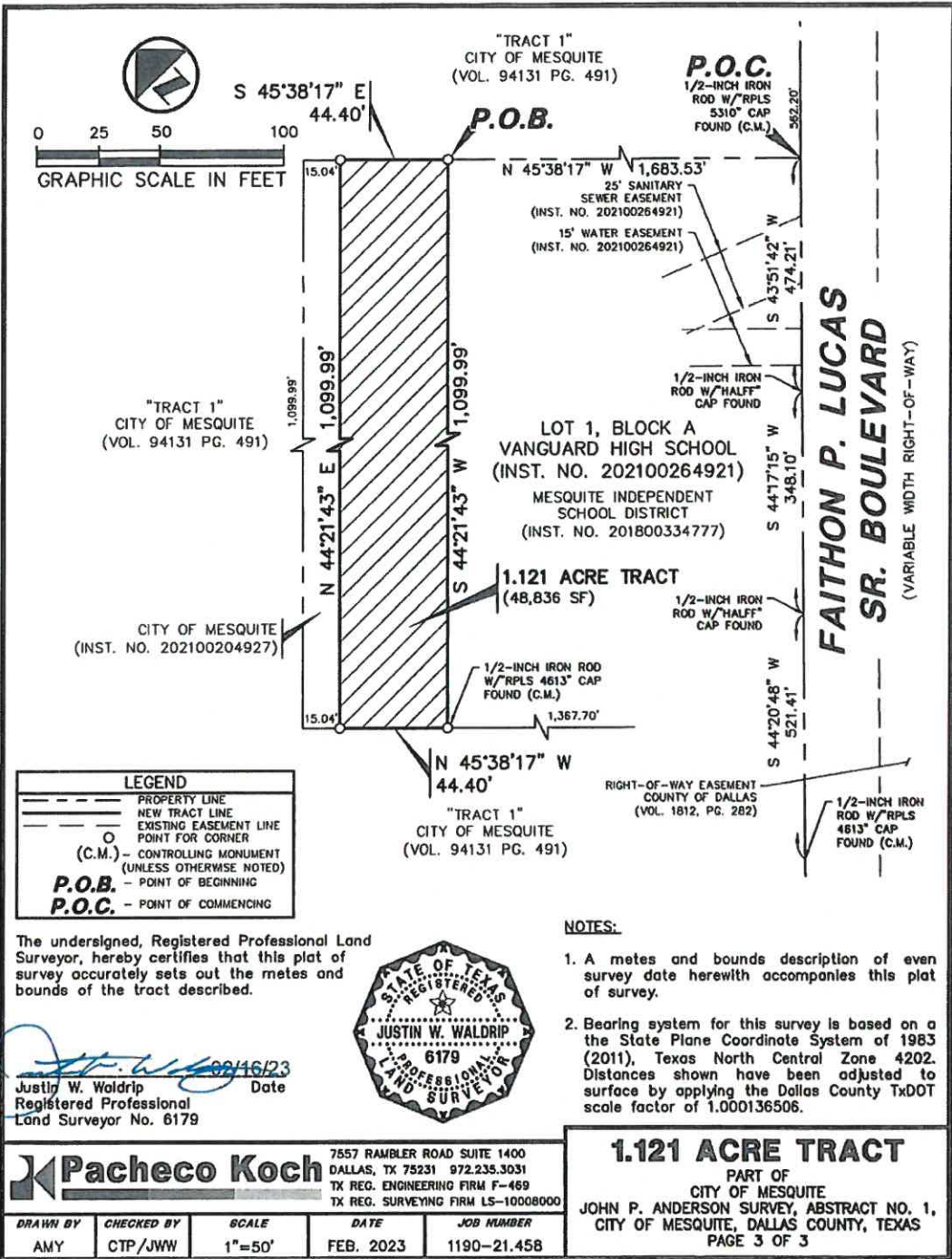
(A survey plat of even survey date herewith accompanies this description.)

The undersigned, Registered Professional Land Surveyor, hereby certifies that the foregoing description accurately sets out the metes and bounds of the tract described.


Justin W. Waldrip _____ 02/16/23
Date
Registered Professional Land Surveyor No. 6179
Pacheco Koch, LLC
7557 Rambler Road, Suite 1400, Dallas TX 75231
(972) 235-3031
TX Reg. Surveying Firm LS-10008000



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