

RESOLUTION NO. _____

**A RESOLUTION OF THE CITY OF MANSFIELD, TEXAS
AUTHORIZING THE CITY ATTORNEY TO BRING A
CONDEMNATION ACTION FOR THE PURPOSE OF OBTAINING
RIGHT-OF-WAY AND EASEMENTS FOR USE BY THE CITY FOR THE
EAST BROAD STREET IMPROVEMENT PROJECT, OR FOR OTHER
PUBLIC PURPOSES PERMITTED BY LAW**

WHEREAS, the City of Mansfield (the "City") is in the process of constructing public improvements in connection with the East Broad Street Improvement Project (the "Project") which will serve existing and future development in the City; and

WHEREAS, in order to complete construction of the Project, it is necessary for the City to acquire fee title for permanent right-of-way, temporary construction easements, and drainage easements from the property owners who own land across which the Project will be located; and

WHEREAS, the City and the owner of the following property have been unable to reach an agreement on the acquisition of the needed right-of-way and easements:

Barbara Bobo Barksdale

2.797 acre permanent right-of-way
0.021 acre permanent drainage easement
0.286 acre temporary construction easement
(see Exhibits "1 through 3" attached hereto)

out of an approximate 129 acre tract located in the H. Brandenburg Survey, Abstract No. 129, Mansfield, Texas, commonly known as 3800 East Broad Street; and

WHEREAS, the City has made an initial offer to the property owner to purchase the necessary right-of-way and easements, and provided the property owner with a copy of the Landowner's Bill of Rights, as required by law; and

WHEREAS, the City Council finds and determines that the acquisition of the right-of-way and easements for the Project constitutes a public use for a public purpose; and

WHEREAS, the City Council now deems it necessary to authorize the City Attorney to initiate condemnation proceedings in order to acquire the necessary right-of-way and easements.

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

SECTION 1.

The City Council of the City of Mansfield, Texas, hereby finds and determines that the recitals made in the preamble of this Resolution are true and correct, and incorporates such

recitals herein.

SECTION 2.

The City Council of the City of Mansfield, Texas hereby finds and determines that a public use and necessity exists for the City of Mansfield, Texas to acquire fee title to an approximate 2.797 acre tract of permanent right-of-way, an approximate 0.021 acre permanent drainage easement, and an approximate 0.286 acre temporary construction easement, as more particularly described and depicted on the attached Exhibits "1" through "3" (the "Property") which are incorporated herein by reference, for constructing municipal improvements in connection with the Project described above.

SECTION 3.

The City Attorney is hereby authorized to bring a condemnation lawsuit against the owner, and any and all other parties having an interest in the Property, for the purpose of acquiring the above referenced right-of-way and easements through the exercise of the City's power of eminent domain, provided that the following conditions are first met:

(a) The City will obtain ownership information and a legal description for the Property to be acquired;

(b) If the Property owner and/or other parties are located through the exercise of due diligence, the City Manager, the City Attorney, or their designated representative, will:

(1) Make an initial offer and a final offer to the owner and/or other parties for the purchase of the Property;

(2) When the final offer to purchase is made, the City will disclose to the owner and/ or other parties, all existing appraisal reports or value studies produced or acquired by the City relating to the Property and used by the City in determining the amount of the final offer;

(3) Comply with the statutes of the State of Texas with reference to the necessary legal prerequisites existing or relating to the exercise of eminent domain to appropriate the Property; and

(4) If the owner and/or other parties fail or refuse to accept the City's final offer, the City Manager may direct the City Attorney to file eminent domain proceedings.

(c) When the owner and/or other parties cannot be located through the exercise of due diligence, the City Attorney may file eminent domain proceedings against such owner and/or other parties, and shall cite such owner and/or other parties, who cannot be located, by publication in the manner authorized by law.

(d) The City Council hereby authorizes the City Manager and/or the City Attorney to make a final offer to the owner of such Property for conveyance to the City of the Property, based upon appraisals available to the City.

SECTION 4.

The City Council hereby finds and determines that the above described Property is needed so that the City of Mansfield can construct the East Broad Street Improvement Project, which is a public use and is necessary to serve the public health, safety and welfare.

SECTION 5.

This Resolution shall take effect upon its adoption, and it is so Resolved.

PASSED AND APPROVED THIS THE _____ DAY OF _____, 2012.

David L. Cook, Mayor

ATTEST:

Vicki Collins, City Secretary

Exhibit "1"

EXHIBIT "A"
LEGAL DESCRIPTION
PERMANENT RIGHT-OF-WAY
EAST BROAD STREET ROAD IMPROVEMENTS PARCEL 2

BEING 2.797 acres of land located in the H. BRANDENBURG SURVEY, ABSTRACT NO. 129, Mansfield, Tarrant County, Texas, and being a portion of the tract of land conveyed to Barbara Bobo Barksdale, by the deed recorded in Volume 9876, Page 1526 of the Deed Records of Tarrant County, Texas. Said 2.797 acres of land being more particularly described by metes and bounds as follows:

BEGINNING at a "PK" nail found at the North corner of said Barksdale Tract, lying in the centerline of East Broad Street;

THENCE S 30° 14' 07" E 58.91 feet, along the Northeast boundary line of said Barksdale Tract, to a ½" iron rod set in the new Southeast right-of-way line of said East Broad Street;

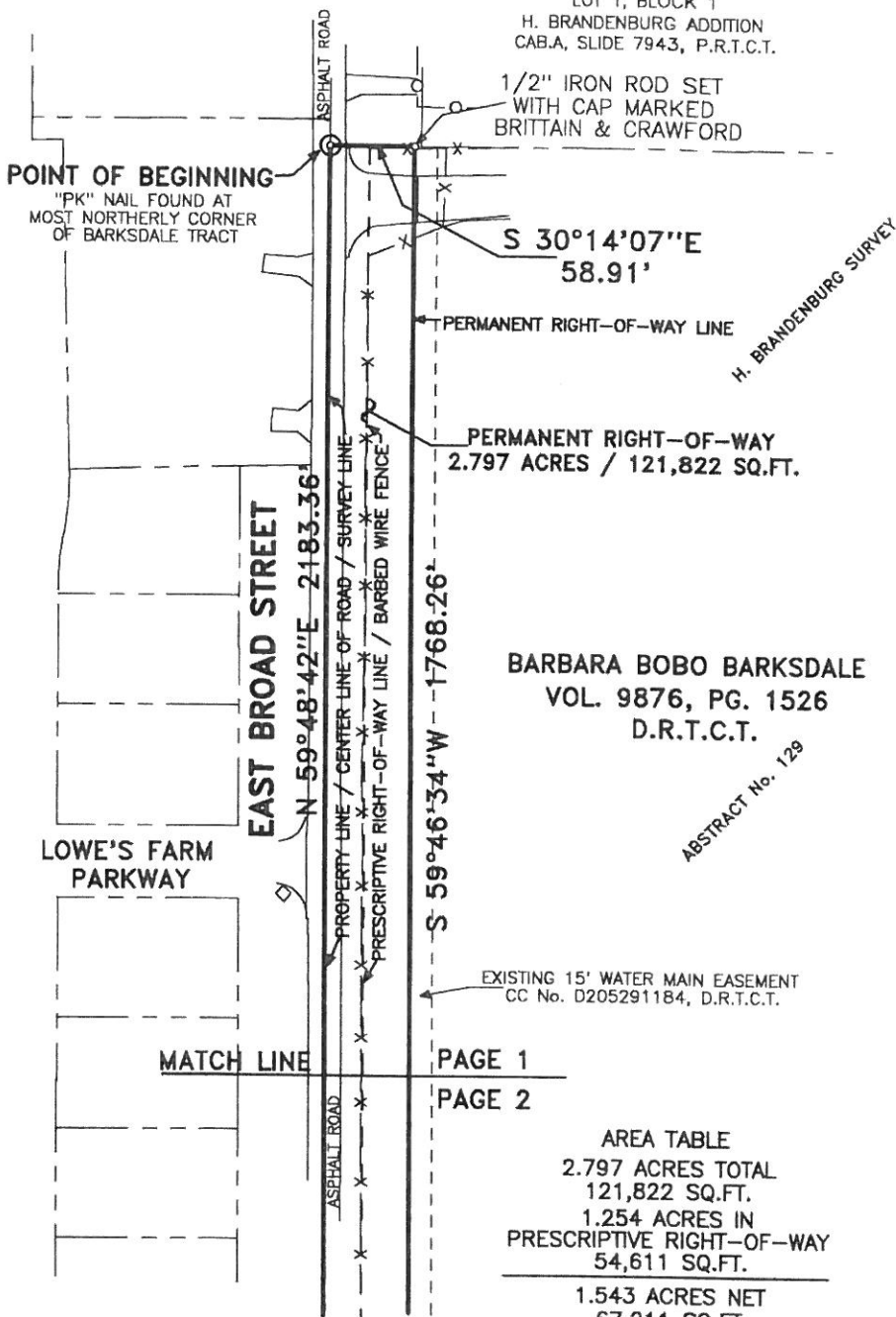
THENCE along the new Southeast right-of-way line of said East Broad Street, as follows:

1. S 59° 46' 34" W 1768.26 feet, to a ½" iron rod marked "Brittain & Crawford", set at the beginning of a curve to the right;
2. SOUTHWESTERLY 420.92 feet, along a curve to the right having a radius of 1,460.00 feet, a central angle of 16°31'06", and a chord bearing S 68° 02' 07" W 419.46 feet, to a ½" iron rod marked "Brittain & Crawford", set in the Northwest boundary line of said Barksdale Tract, and the projection of the centerline of East Broad Street;

THENCE N 59° 48' 42" E 2183.36 feet, along the Northwest boundary line of said Barksdale Tract and along the centerline of said East Broad Street, to the POINT OF BEGINNING containing 2.797 acres (121,822 square feet) of land.

EXHIBIT "B"

LOT 1, BLOCK 1
H. BRANDENBURG ADDITION
C.A.B.A, SLIDE 7943, P.R.T.C.T.



BARBARA BOBO BARKSDALE
VOL. 9876, PG. 1526
D.R.T.C.T.

ABSTRACT No. 128

PAGE 1
PAGE 2

AREA TABLE

2.797 ACRES TOTAL
121,822 SQ.FT.
1.254 ACRES IN PRESCRIPTIVE RIGHT-OF-WAY
54,611 SQ.FT.
<hr/>
1.543 ACRES NET
67,211 SQ.FT.

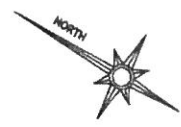


1200 EAST BROAD STREET
MANSFIELD, TEXAS, 76063

EAST BROAD STREET ROAD IMPROVEMENTS

BRITAIN & CRAWFORD
LAND SURVEYING &
TOPOGRAPHIC MAPPING
(817) 925-0211 - METRO (817) 429-5112
FAX No. (817) 928-9347
P. O. BOX 11374 W 3906 SOUTH FREEWAY
FORT WORTH, TEXAS 76110
EMAIL: admin@brittain-crawford.com

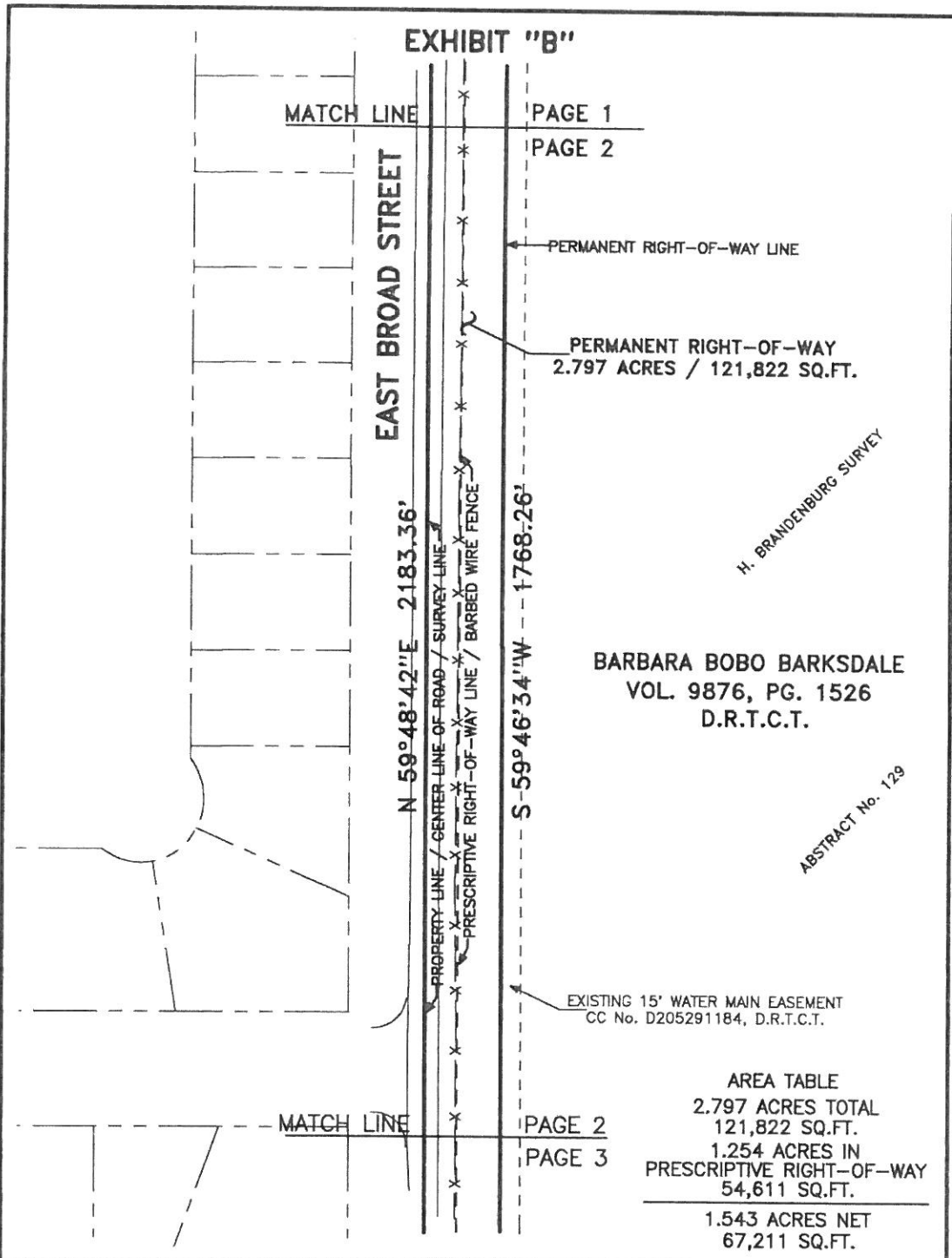
**PERMANENT RIGHT-OF-WAY
PARCEL 2**
2.797 ACRES OF LAND
LOCATED IN THE
H. BRANDENBURG SURVEY
ABSTRACT No. 129
MANSFIELD, TARRANT COUNTY, TEXAS



SCALE 1" = 100'

\\EBROAD09\ROW2A\

EXHIBIT "B"



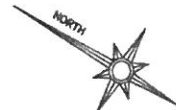
1200 EAST BROAD STREET
MANSFIELD, TEXAS, 76063

EAST BROAD STREET ROAD IMPROVEMENTS

BRITAIN & CRAWFORD
LAND SURVEYING &
TOPOGRAPHIC MAPPING
(817) 828-0211 - METRO (817) 429-5112
FAX No. (817) 826-8347
P.O. BOX 11374 • 3006 SOUTH FREEWAY
FORT WORTH, TEXAS 76110
EMAIL: admin@britain-crawford.com

PERMANENT RIGHT-OF-WAY
PARCEL 2

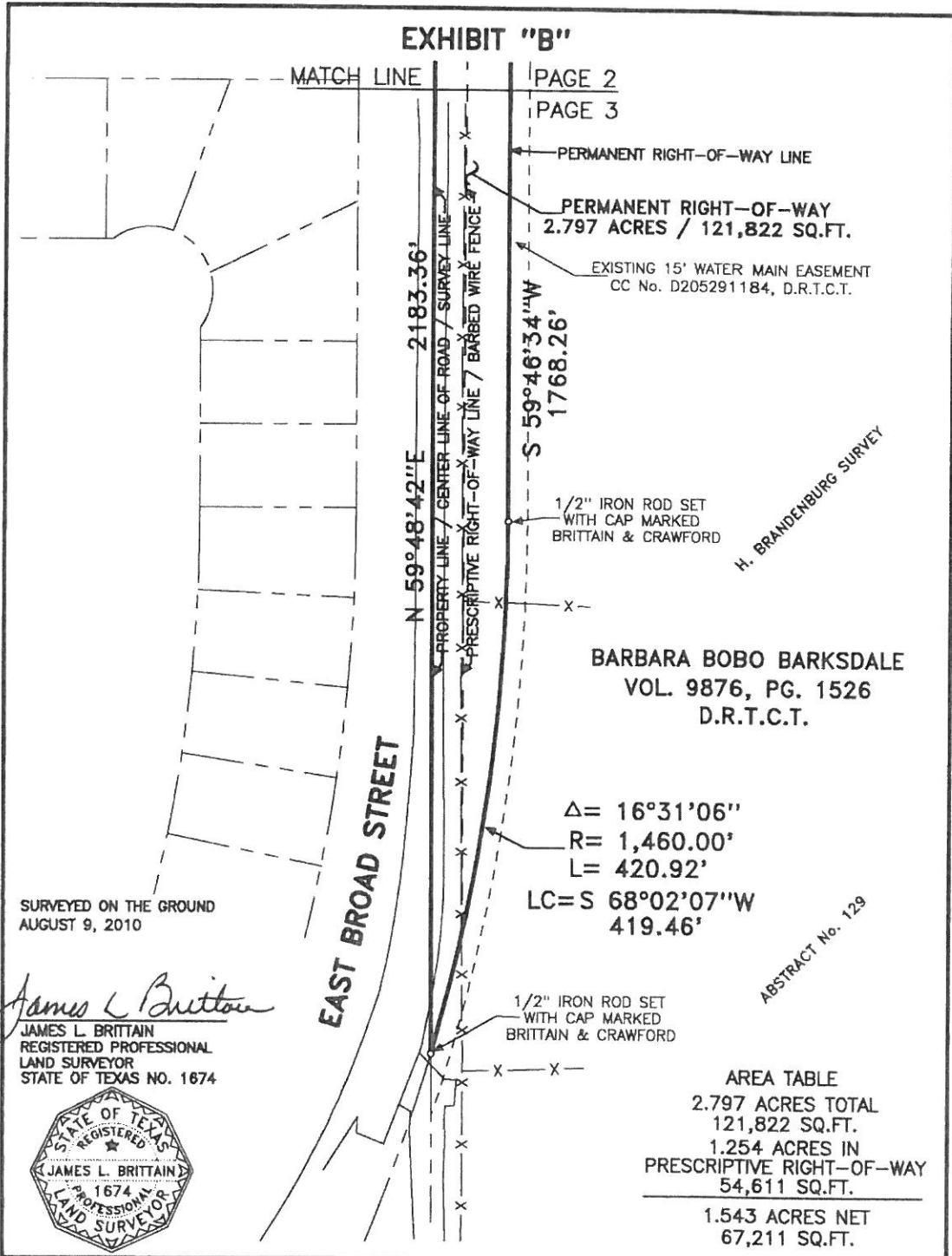
2.797 ACRES OF LAND
LOCATED IN THE
H. BRANDENBURG SURVEY
ABSTRACT No. 129
MANSFIELD, TARRANT COUNTY, TEXAS



SCALE 1" = 100'

\\EBROAD09_ROW2B\

EXHIBIT "B"



SURVEYED ON THE GROUND
AUGUST 9, 2010

James L. Brittain

JAMES L. BRITTAIN
REGISTERED PROFESSIONAL
LAND SURVEYOR
STATE OF TEXAS NO. 1674



BARBARA BOBO BARKSDALE
VOL. 9876, PG. 1526
D.R.T.C.T.

$\Delta = 16^{\circ}31'06''$
 $R = 1,460.00'$
 $L = 420.92'$
 $LC = S 68^{\circ}02'07''W$
 $419.46'$

AREA TABLE
2.797 ACRES TOTAL
121,822 SQ.FT.
1.254 ACRES IN
PRESCRIPTIVE RIGHT-OF-WAY
54,611 SQ.FT.

1.543 ACRES NET
67,211 SQ.FT.

MANSFIELD
TEXAS

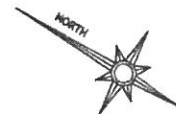
1200 EAST BROAD STREET
MANSFIELD, TEXAS, 76063

EAST BROAD STREET ROAD IMPROVEMENTS

BRITTAIN & CRAWFORD
LAND SURVEYING &
TOPOGRAPHIC MAPPING
(817) 926-0211 - METRO (817) 429-0112
FAX No. (817) 926-0347
P.O. BOX 11374 - 3906 SOUTH FREEMAN
FORT WORTH, TEXAS 76110
EMAIL: admin@brittain-crawford.com

**PERMANENT RIGHT-OF-WAY
PARCEL 2**

2.797 ACRES OF LAND
LOCATED IN THE
H. BRANDENBURG SURVEY
ABSTRACT No. 129
MANSFIELD, TARRANT COUNTY, TEXAS



SCALE 1" = 100'

\\EBROAD09_ROW2C\

Exhibit "2"

EXHIBIT "A"
LEGAL DESCRIPTION
PERMANENT DRAINAGE EASEMENT
EAST BROAD STREET ROAD IMPROVEMENTS PARCEL 2

BEING 0.021 acre of land located in the H. BRANDENBURG SURVEY, ABSTRACT NO. 129, Mansfield, Tarrant County, Texas, and being a portion of the tract of land conveyed to Barbara Bobo Barksdale, by the deed recorded in Volume 9876, Page 1526 of the Deed Records of Tarrant County, Texas. Said 0.021 acres of land being more particularly described by metes and bounds as follows:

BEGINNING at a point in the new Southeast right-of-way line of East Broad Street, lying S 59° 48' 42" W 2183.36 feet and N 75° 34' 42" E 36.48 feet from a "PK" nail found at the North corner of said Barksdale Tract;

THENCE NORTHEASTERLY 62.81 feet, along the new Southeast right-of-way line of said East Broad Street, and along a curve to the left having a radius of 1,460.00 feet, a central angle of 02°27'53", and a chord bearing N 73° 37' 50" E 62.80 feet, to a point;

THENCE S 59° 48' 42" W 93.84 feet, to a point;

THENCE N 30° 11' 18" W 15.00 feet, to a point;

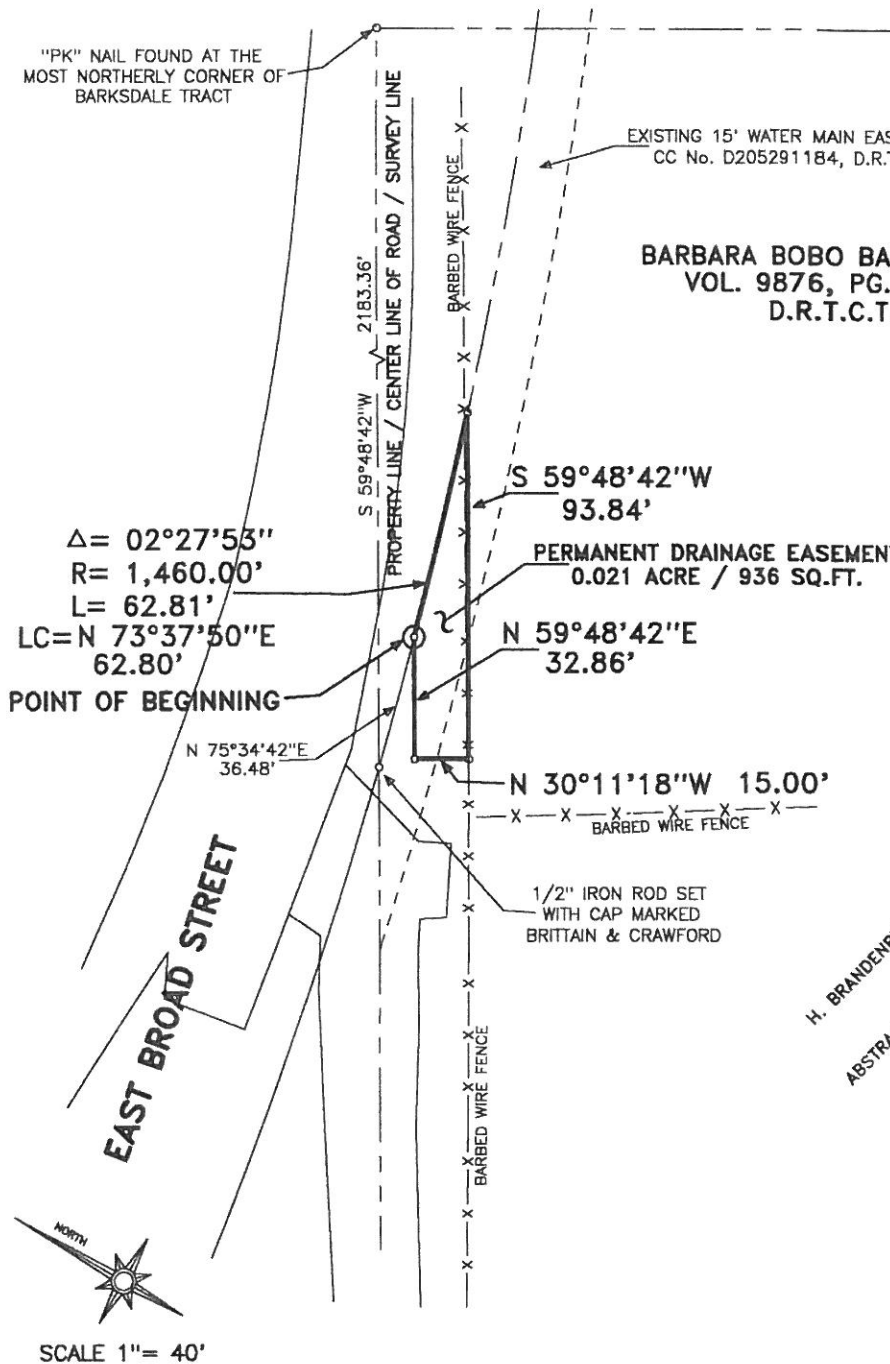
THENCE N 59° 48' 42" E 32.86 feet, to the POINT OF BEGINNING containing 0.021 acre (936 square feet) of land.

EXHIBIT "B"

"PK" NAIL FOUND AT THE MOST NORTHERLY CORNER OF BARKSDALE TRACT

EXISTING 15' WATER MAIN EASEMENT
CC No. D2052911B4, D.R.T.C.T.

BARBARA BOBO BARKSDALE
VOL. 9876, PG. 1526
D.R.T.C.T.



$\Delta = 02^{\circ}27'53''$
 $R = 1,460.00'$
 $L = 62.81'$
 $LC = N 73^{\circ}37'50''E$
 $62.80'$

POINT OF BEGINNING

$N 75^{\circ}34'42''E$
 $36.48'$

$S 59^{\circ}48'42''W$
 $93.84'$

PERMANENT DRAINAGE EASEMENT
0.021 ACRE / 936 SQ.FT.

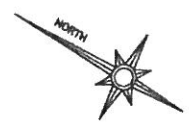
$N 59^{\circ}48'42''E$
 $32.86'$

$N 30^{\circ}11'18''W$ 15.00'
BARBED WIRE FENCE

1/2" IRON ROD SET
WITH CAP MARKED
BRITAIN & CRAWFORD

EAST BROAD STREET

H. BRANDENBURG SURVEY
ABSTRACT No. 129



SCALE 1" = 40'

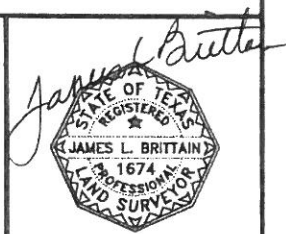


1200 EAST BROAD STREET
MANSFIELD, TEXAS, 76063

EAST BROAD STREET ROAD IMPROVEMENTS

BRITAIN & CRAWFORD
LAND SURVEYING &
TOPOGRAPHIC MAPPING
(817) 926-0211 - METRO (817) 429-0112
FAX No. (817) 926-9347
P.O. BOX 11374 • 3908 SOUTH FREEMAN
FORT WORTH, TEXAS 76110
EMAIL: admin@britain-crawford.com

**PERMANENT DRAINAGE
EASEMENT
PARCEL 2**
0.021 ACRE OF LAND
LOCATED IN THE
H. BRANDENBURG SURVEY
ABSTRACT No. 129
MANSFIELD, TARRANT COUNTY, TEXAS



OCTOBER 29, 2010

Exhibit "3"

EXHIBIT "A" LEGAL DESCRIPTION TEMPORARY CONSTRUCTION EASEMENT EAST BROAD STREET ROAD IMPROVEMENTS PARCEL 2

BEING 0.286 acre of land located in the H. BRANDENBURG SURVEY, ABSTRACT NO. 129, Mansfield, Tarrant County, Texas, and being a portion of the tract of land conveyed to Barbara Bobo Barksdale, by the deed recorded in Volume 9876, Page 1526 of the Deed Records of Tarrant County, Texas. Said 0.286 acre of land being more particularly described by metes and bounds as follows:

BEGINNING at a ½" iron rod marked "Brittain & Crawford", set in the Northeast boundary line of said Barksdale Tract, lying S 30° 14' 07" E 58.91 feet, from a "PK" nail found marking the most Northerly corner of said Barksdale Tract, and said POINT OF BEGINNING also lying in the new South right-of-way line of East Broad Street;

- THENCE S 30° 14' 07" E 5.00 feet, along the Northeast boundary line of said Barksdale Tract, to a point;
- THENCE S 59° 46' 34" W 16.97 feet, to a point;
- THENCE S 30° 13' 26" E 7.00 feet, to a point;
- THENCE S 59° 46' 34" W 45.25 feet, to a point;
- THENCE N 30° 13' 26" W 4.10 feet, to a point;
- THENCE S 62° 06' 47" W 71.14 feet, to a point;
- THENCE S 59° 46' 34" W 950.00 feet, to a point;
- THENCE S 58° 37' 50" W 125.03 feet, to a point;
- THENCE S 59° 46' 34" W 325.00 feet, to a point;
- THENCE S 62° 38' 19" W 50.06 feet, to a point;
- THENCE S 59° 46' 54" W 184.95 feet, to a point at the beginning of a curve to the right;
- THENCE SOUTHWESTERLY 438.94 feet, along said curve to the right having a radius of 1,465.00 feet, a central angle of 17°10'01", and a chord bearing S 68° 21' 35" W 437.30 feet, to a point set in the Northwest boundary line of said Barksdale Tract;
- THENCE N 59° 48' 42" E 17.29 feet, to a ½" iron rod marked "Brittain & Crawford", set in the new Southeast right-of-way line of said East Broad Street;
- THENCE along the new Southeast right-of-way line of said East Broad Street, as follows:
1. NORTHEASTERLY 420.92 feet, along a curve to the left having a radius of 1,460.00 feet, a central angle of 16°31'06", and a chord bearing N 68° 02' 07" E 419.46 feet, to a ½" iron rod marked "Brittain & Crawford", set;
 2. N 59° 46' 34" E 1768.26 feet, to the to the POINT OF BEGINNING containing 0.286 acres (12,443 square feet) of land.

EXHIBIT "B"

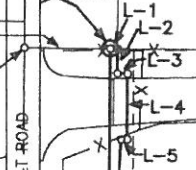
LOT 1, BLOCK 1
H. BRANDENBURG ADDITION
CAB.A, SLIDE 7943, P.R.T.C.T.

POINT OF BEGINNING
1/2" IRON ROD SET
WITH CAP MARKED
BRITAIN & CRAWFORD

S 30°14'07"E 58.91'

"PK" NAIL FOUND
MOST NORTHERLY
CORNER OF
BARKSDALE TRACT

PERMANENT RIGHT-OF-WAY LINE



H. BRANDENBURG SURVEY

**TEMPORARY CONSTRUCTION
EASEMENT**
0.286 ACRES / 12,443 SQ.FT.

BARBARA BOBO BARKSDALE
VOL. 9876, PG. 1526
D.R.T.C.T.

ABSTRACT No. 129

LOWE'S FARM
PARKWAY

EAST BROAD STREET

PROPERTY LINE / CENTER LINE OF ROAD / SURVEY LINE
N 59°46'34"E 1768.26'
S 59°46'34"W 950.00'

EXISTING 15' WATER MAIN EASEMENT
CC No. D205291184, D.R.T.C.T.

MATCH LINE

PAGE 1
PAGE 2

TANGENT TABLE

L-1	S 30°14'07"E	5.00'
L-2	S 59°46'34"W	16.97'
L-3	S 30°13'28"E	7.00'
L-4	S 59°46'34"W	45.25'
L-5	N 30°13'28"W	4.10'
L-6	S 62°06'47"W	71.14'



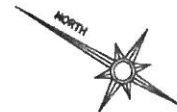
1200 EAST BROAD STREET
MANSFIELD, TEXAS, 76063

EAST BROAD STREET ROAD IMPROVEMENTS

BRITAIN & CRAWFORD
LAND SURVEYING &
TOPOGRAPHIC MAPPING
(817) 926-0211 - METRO (817) 429-0112
FAX No. (817) 926-0347
P.O. BOX 11574 W 3906 SOUTH FREEWAY
FORT WORTH, TEXAS 76110
EMAIL: admin@brittain-crawford.com

**TEMPORARY CONSTRUCTION
EASEMENT
PARCEL 2**

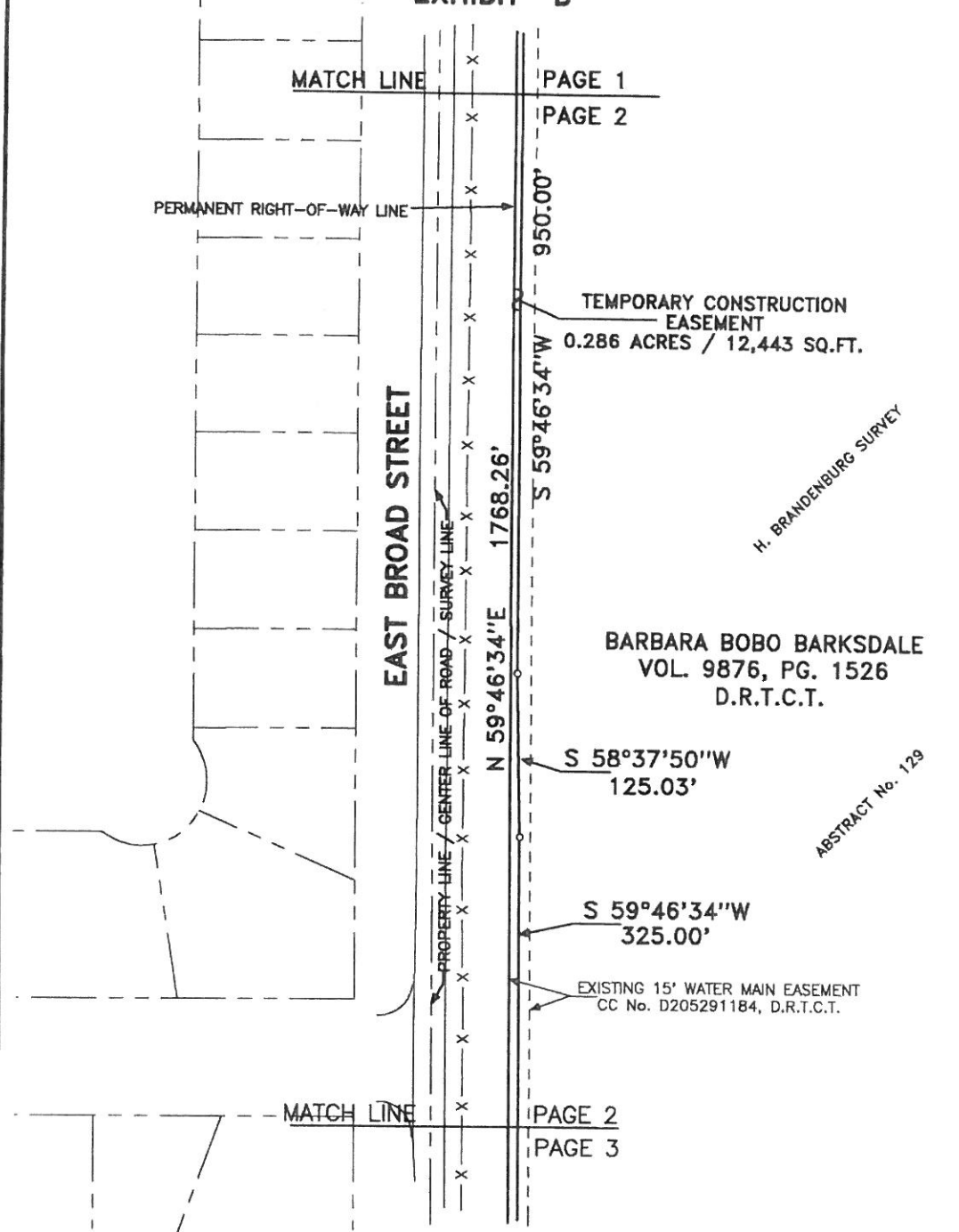
0.286 ACRE OF LAND
LOCATED IN THE
H. BRANDENBURG SURVEY
ABSTRACT No. 129
MANSFIELD, TARRANT COUNTY, TEXAS



SCALE 1"= 100'

EBROAD09_TEMP2A

EXHIBIT "B"

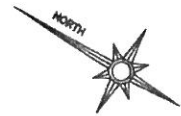


1200 EAST BROAD STREET
MANSFIELD, TEXAS, 76063

EAST BROAD STREET ROAD IMPROVEMENTS

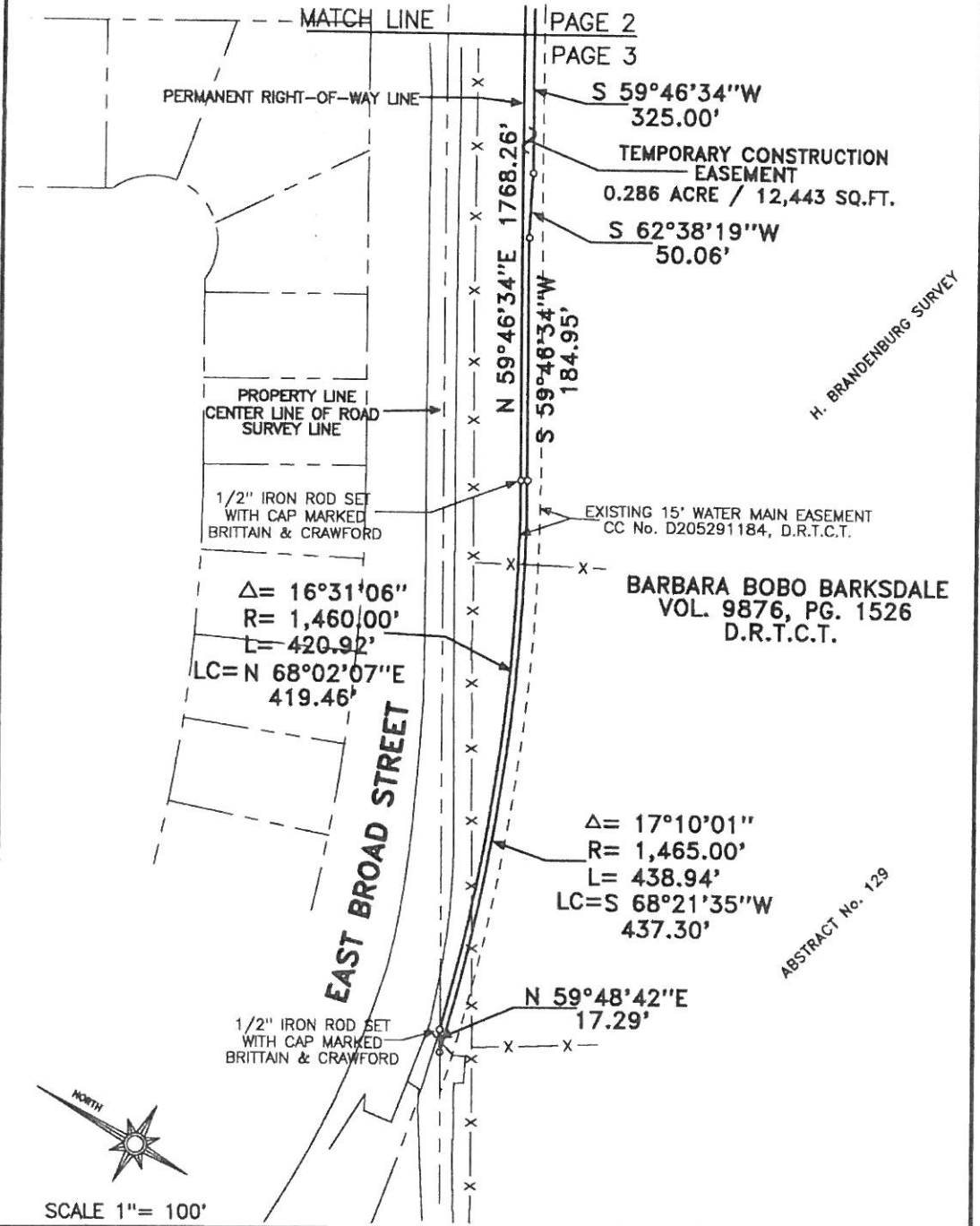
BRITAIN & CRAWFORD
LAND SURVEYING &
TOPOGRAPHIC MAPPING
(817) 926-0211 - METRO (817) 429-0112
FAX No. (817) 926-0347
P.O. BOX 11374 W 3808 SOUTH FREEMWAY
FORT WORTH, TEXAS 76110
EMAIL: admin@britain-crawford.com

**TEMPORARY CONSTRUCTION
EASEMENT
PARCEL 2**
0.286 ACRE OF LAND
LOCATED IN THE
H. BRANDENBURG SURVEY
ABSTRACT No. 129
MANSFIELD, TARRANT COUNTY, TEXAS



SCALE 1" = 100'

EXHIBIT "B"



NORTH
SCALE 1" = 100'

MANSFIELD TEXAS 1200 EAST BROAD STREET
MANSFIELD, TEXAS, 76063

EAST BROAD STREET ROAD IMPROVEMENTS

BRITTAIN & CRAWFORD
LAND SURVEYING &
TOPOGRAPHIC MAPPING
(817) 926-0211 - METRO (817) 489-5112
FAX No. (817) 926-0347
P.O. BOX 11374 W 3906 SOUTH FREEMWAY
FORT WORTH, TEXAS 76110
EMAIL: admin@brittain-crawford.com

**TEMPORARY CONSTRUCTION
EASEMENT
PARCEL 2**
0.286 ACRE OF LAND
LOCATED IN THE
H. BRANDENBURG SURVEY
ABSTRACT No. 129
MANSFIELD, TARRANT COUNTY, TEXAS

James L. Brittain
JAMES L. BRITTAIN
REGISTERED
1674
PROFESSIONAL
LAND SURVEYOR
AUGUST 9, 2010