

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  
GRAND MEADOW BOULEVARD 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 Grand Meadow Boulevard 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

2.917 acre permanent right-of-way  
200 square foot permanent drainage easement  
0.281 acre temporary construction easement  
0.445 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 2.917 acre tract of permanent right-of-way, an approximate 200 square foot permanent drainage easement, an approximate 0.281 acre temporary construction easement, and an approximate 0.445 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 Grand Meadow Boulevard 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

BEING 2.917 acres of land located in the H. BRANDENBERG SURVEY, ABSTRACT NO. 129, Mansfield, Tarrant County, Texas, and being a portion of the tract of land conveyed to Barbara Bobo Barksdale according to the deed recorded in Volume 9876, Page 1526 of the Deed Records of Tarrant County, Texas. Said 2.917 acres of land being more particularly described by metes and bounds as follows:

BEGINNING at a ½" iron rod found at the East corner of said Barksdale Tract, and said POINT OF BEGINNING also lying in the Southeast boundary line of said BRANDENBERG SURVEY;

THENCE along the Southeast boundary line of said BRANDENBERG SURVEY, and said Barksdale Tract, as follows:

1. S 59° 44' 52" W 1246.34 feet, along the Northwest boundary line of the tract of land conveyed to Travis Jones, Trustee of the Day Family Trust for the benefit of Jolene Day Rampy, by the deed recorded in Volume 9125, Page 937 of the Deed Records of Tarrant County, Texas, to a point at the West corner of said Trustee Tract, lying at the North corner of the 35-foot-wide right-of-way strip dedicated on the plat of MEADOW GLEN – PHASE I, an addition to the City of Mansfield, Tarrant County, Texas, according to the plat recorded in Cabinet A, Slide 10671 of the Plat Records of Tarrant County, Texas;
2. S 59° 36' 04" W 1278.02 feet, along the Northwest boundary line of said Right-of-Way Dedication, to a point at the North corner of the Right-of-Way Dedication for Holland Road, according to the plat of Lot 1 and Lot 2, WILLIAM C. LOWE ADDITION, to the City of Mansfield, Tarrant County, Texas, according to the plat recorded in Cabinet A, Slide 6074 of the Plat Records of Tarrant County, Texas;
3. S 59° 49' 27" W 411.87 feet, along the Northwest boundary line of said Holland Road Dedication, to a point at the East corner of the right-of-way dedicated for the expansion of North Holland Road, by the deed recorded in County Clerk's File No. D206009400 of the Deed Records of Tarrant County, Texas;

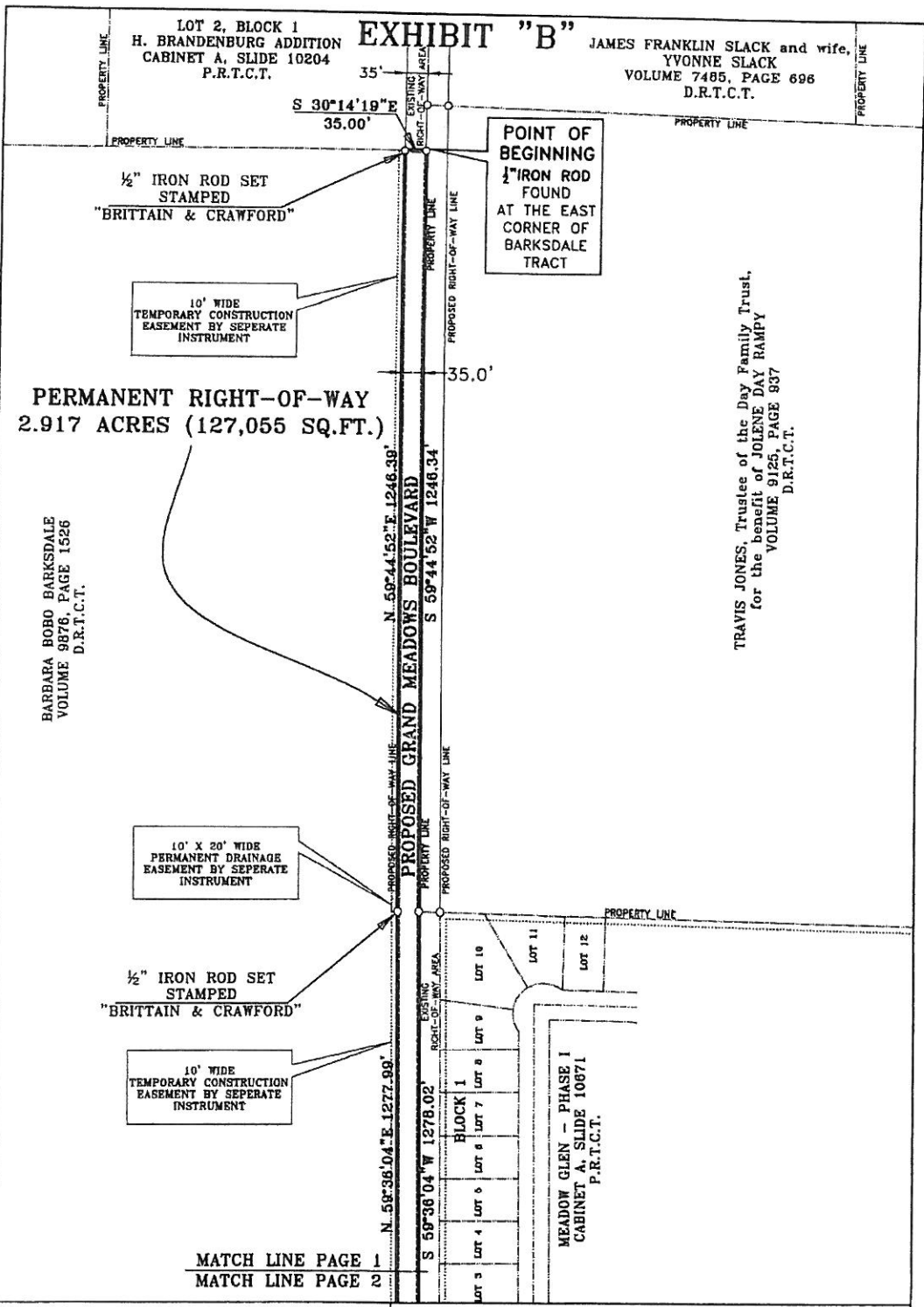
THENCE along the North boundary line of said right-of-way dedicated in County Clerk's File No. D206009400 of the Deed Records of Tarrant County, Texas, as follows:

1. S 85° 02' 28" W 207.14 feet, to a point;
2. SOUTHWESTERLY 50.00 feet, along a curve to the left having a radius of 855.00 feet, a central angle of 03°21'02", and a chord bearing S 64° 21' 15" W 49.99 feet, to a point;
3. NORTHWESTERLY 10.47 feet, along a curve to the left having a radius of 1260.00 feet, a central angle of 00°28'34", and a chord bearing N 29° 34' 21" W 10.47 feet, to a point at the end of said curve;
4. N 30° 36' 04" W 8.96 feet, to a ½" iron rod marked "Brittain & Crawford", set in the new Northwest right-of-way line of Grand Meadows Boulevard;

THENCE along the new Northwest right-of-way line of said Grand Meadows Boulevard, as follows:

1. S 75° 43' 19" E 21.03 feet, to a ½" iron rod marked "Brittain & Crawford", set;
2. N 58° 46' 28" E 220.36 feet, to a ½" iron rod marked "Brittain & Crawford", set;
3. N 68° 52' 51" E 418.87 feet, to a ½" iron rod marked "Brittain & Crawford", set at the beginning of a curve to the left;
4. N 59° 36' 04" E 1277.99 feet, to a ½" iron rod marked "Brittain & Crawford", set;
5. N 59° 44' 52" E 1246.39 feet, to a ½" iron rod marked "Brittain & Crawford", set in the Northeast boundary line of said Barksdale Tract;

THENCE S 30° 14' 19" E 35.00 feet, along the Northeast boundary line of said Barksdale Tract, to the POINT OF BEGINNING containing 2.917 acres (127,055 square feet) of land.



**EXHIBIT "B"**

LOT 2, BLOCK 1  
H. BRANDENBURG ADDITION  
CABINET A, SLIDE 10204  
P.R.T.C.T.

JAMES FRANKLIN SLACK and wife,  
YVONNE SLACK  
VOLUME 7485, PAGE 696  
D.R.T.C.T.

**POINT OF BEGINNING**  
1/2" IRON ROD SET  
FOUND  
AT THE EAST  
CORNER OF  
BARKSDALE  
TRACT

1/2" IRON ROD SET  
STAMPED  
"BRITTAIN & CRAWFORD"

10' WIDE  
TEMPORARY CONSTRUCTION  
EASEMENT BY SEPERATE  
INSTRUMENT

**PERMANENT RIGHT-OF-WAY**  
2.917 ACRES (127,055 SQ.FT.)

BARBARA BOBO BARKSDALE  
VOLUME 9876, PAGE 1526  
D.R.T.C.T.

TRAVIS JONES, Trustee of the Day Family Trust,  
for the benefit of JOLENE DAY RAMPY  
VOLUME 9125, PAGE 937  
D.R.T.C.T.

10' X 20' WIDE  
PERMANENT DRAINAGE  
EASEMENT BY SEPERATE  
INSTRUMENT

1/2" IRON ROD SET  
STAMPED  
"BRITTAIN & CRAWFORD"

10' WIDE  
TEMPORARY CONSTRUCTION  
EASEMENT BY SEPERATE  
INSTRUMENT

MATCH LINE PAGE 1  
MATCH LINE PAGE 2

**MANSFIELD**  
T E X A S

1200 East. Broad St.  
Mansfield, TX 76063  
Phone: 817-276-4200

**BRITTAIN & CRAWFORD**  
LAND SURVEYING &  
TOPOGRAPHIC MAPPING  
(817) 926-0211 - METRO (817) 429-5112  
FAX No (817) 926-9347  
P.O. BOX 11374 • 3908 SOUTH FREEWAY  
FORT WORTH, TEXAS 76110  
EMAIL: admin@brittain-crawford.com

**PERMANENT  
RIGHT-OF-WAY**  
2.917 ACRES OF LAND  
LOCATED IN THE  
H. BRANDENBERG SURVEY  
ABSTRACT No. 129, MANSFIELD,  
TARRANT COUNTY, TEXAS

**SCALE 1"=200'**  
**PAGE 3 OF 4**

# EXHIBIT "B"

MATCH LINE PAGE 1  
MATCH LINE PAGE 2

**PERMANENT RIGHT-OF-WAY  
2.917 ACRES (127,055 SQ.FT.)**

PROPOSED GRAND MEADOWS BOULEVARD

MEADOW GLEN - PHASE I  
CABINET A, SLIDE 10671  
P.R.T.C.T.

BARBARA BOBO BARKSDALE  
VOLUME 9878, PAGE 1526  
D.R.T.C.T.

1/2" IRON ROD SET  
STAMPED  
"BRITTAIN & CRAWFORD"

10' WIDE  
TEMPORARY CONSTRUCTION  
EASEMENT BY SEPERATE  
INSTRUMENT

10.5' WIDE UTILITY EASEMENT  
INSTRUMENT No. 0206129066  
D.R.T.C.T.

PROPERTY LINE  
RIGHT-OF-WAY DEDICATION  
CC# 0206009400  
D.R.T.C.T.

N 58°46'28"E  
220.36'

S 75°43'19"E  
21.03'

N 30°36'04"W  
8.96'

Δ=00°28'34"  
R=1260.00'  
L=10.47'  
CH=N 29°34'21"W  
10.47'

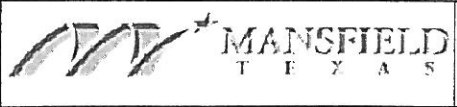
N. HOLLAND ROAD  
Δ=3°21'02"  
R=865.00'  
L=50.00'  
CH=S 84°21'15"W  
49.99'



SURVEYED ON THE GROUND  
MAY 4, 2012

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

ALL IRON RODS (IRS) SET  
ARE WITH YELLOW CAP  
STAMPED "BRITTAIN &  
CRAWFORD."



1200 East. Broad St.  
Mansfield, TX 76063  
Phone: 817-276-4200

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EMAIL: admin@brittain-crawford.com

**PERMANENT  
RIGHT-OF-WAY  
2.917 ACRES OF LAND  
LOCATED IN THE  
H. BRANDENBERG SURVEY  
ABSTRACT No. 129, MANSFIELD,  
TARRANT COUNTY, TEXAS**



SCALE 1"=200'  
PAGE 4 OF 4

## Exhibit "2"

### EXHIBIT "A" LEGAL DESCRIPTION PERMANENT DRAINAGE EASEMENT

BEING a 10-foot-wide strip of land located in the H. BRANDENBERG SURVEY, ABSTRACT NO. 129, Mansfield, Tarrant County, Texas, and being a portion of the tract of land conveyed to Barbara Bobo Barksdale according to the deed recorded in Volume 9876, Page 1526 of the Deed Records of Tarrant County, Texas. Said 10-foot-wide strip of land being more particularly described by metes and bounds as follows:

COMMENCING at a ½" iron rod found at the East corner of said Barksdale Tract, and said POINT OF COMMENCING also lying in the Southeast boundary line of said BRANDENBERG SURVEY;

THENCE N 30° 14' 19" W 35.00 feet, along the Northeast boundary line of said Barksdale Tract, to a ½" iron rod marked "Brittain & Crawford", set in the new Northwest right-of-way line of Grand Meadows Boulevard;

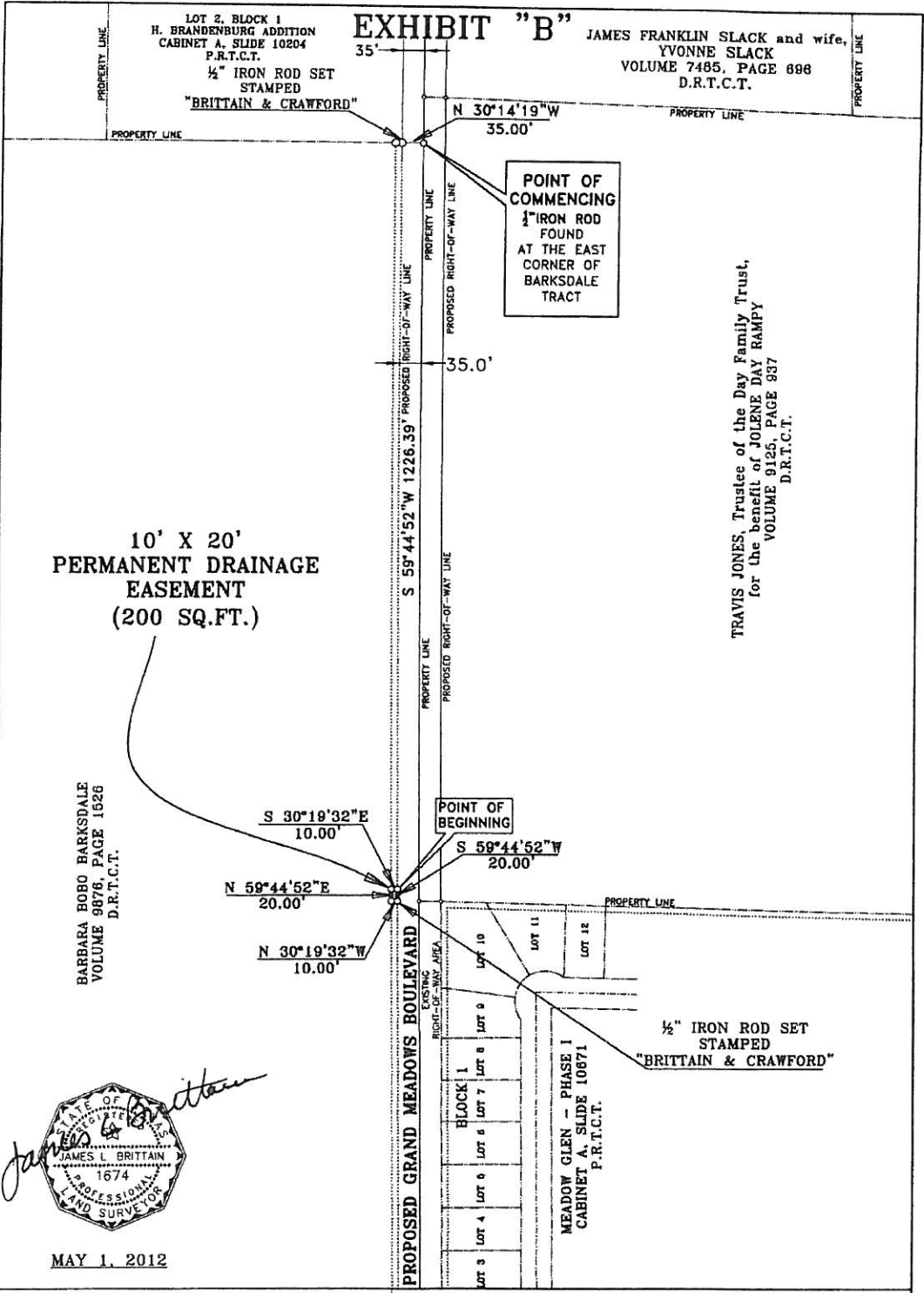
THENCE S 59° 44' 52" W 1226.39 feet, along the new Northwest right-of-way line of said Grand Meadows Boulevard, to the POINT OF BEGINNING;

THENCE S 59° 44' 52" W 20.00 feet, to a point;

THENCE N 30° 19' 32" W 10.00 feet, to a point;

THENCE N 59° 44' 52" E 20.00 feet, along a line 10 feet Northwest of and parallel to the new Northwest right-of-way line of said Grand Meadows Boulevard, to a point;

THENCE S 30° 19' 32" E 10.00 feet, to the POIT OF BEGINNING containing 200 square feet of land.



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T E X A S

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FORT WORTH, TEXAS 76110  
EMAIL: admin@brittain-crawford.com

**PERMANENT DRAINAGE EASEMENT**  
200 SQUARE FEET OF LAND  
LOCATED IN THE  
H. BRANDBERG SURVEY  
ABSTRACT No. 129, MANSFIELD,  
TARRANT COUNTY, TEXAS

**SCALE 1"=200'**



MAY 1, 2012

## Exhibit "3"

### EXHIBIT "A" LEGAL DESCRIPTION TEMPORARY CONSTRUCTION EASEMENT "A"

BEING a 10-foot-wide strip of land located in the H. BRANDENBERG SURVEY, ABSTRACT NO. 129, Mansfield, Tarrant County, Texas, and being a portion of the tract of land conveyed to Barbara Bobo Barksdale according to the deed recorded in Volume 9876, Page 1526 of the Deed Records of Tarrant County, Texas. Said 10-foot-wide strip of land being more particularly described by metes and bounds as follows:

COMMENCING at a ½" iron rod found at the East corner of said Barksdale Tract, and said POINT OF COMMENCING also lying in the Southeast boundary line of said BRANDENBERG SURVEY;

THENCE N 30° 14' 19" W 35.00 feet, along the Northeast boundary line of said Barksdale Tract, to a ½" iron rod marked "Brittain & Crawford", set in the new Northwest right-of-way line of Grand Meadows Boulevard, and the POINT OF BEGINNING;

THENCE S 59° 44' 52" W 1226.39 feet, along the new Northwest right-of-way line of said Grand Meadows Boulevard, to a point;

THENCE N 30° 19' 32" W 10.00 feet, to a point;

THENCE N 59° 44' 52" E 1226.41 feet, along a line 10 feet Northwest of and parallel to the new Northwest right-of-way line of said Grand Meadows Boulevard, to a point in the Northeast boundary line of aforesaid Barksdale Tract;

THENCE S 30° 14' 19" E 10.00 feet, along the Northeast boundary line of said Barksdale Tract, to the POINT OF BEGINNING containing 0.281 acre (12,264 square feet) of land.

### TEMPORARY CONSTRUCTION EASEMENT "B"

BEING 0.445 acre of land located in the H. BRANDENBERG SURVEY, ABSTRACT NO. 129, Mansfield, Tarrant County, Texas, and being a portion of the tract of land conveyed to Barbara Bobo Barksdale according to the deed recorded in Volume 9876, Page 1526 of the Deed Records of Tarrant County, Texas. Said 0.445 acre of land being more particularly described by metes and bounds as follows:

COMMENCING at a ½" iron rod found at the East corner of said Barksdale Tract, and said POINT OF COMMENCING also lying in the Southeast boundary line of said BRANDENBERG SURVEY;

THENCE N 30° 14' 19" W 35.00 feet, along the Northeast boundary line of said Barksdale Tract, to a ½" iron rod marked "Brittain & Crawford", set in the new Northwest right-of-way line of Grand Meadows Boulevard;

THENCE S 59° 44' 52" W 1246.39 feet, to the POINT OF BEGINNING, said POINT OF BEGINNING also lying in the new Northwest right-of-way line of Grand Meadows Boulevard;

THENCE along the new Northwest right-of-way line of said Grand Meadows Boulevard, as follows:

1. S 59° 36' 04" W 1277.99 feet, to a ½" iron rod marked "Brittain & Crawford", set;

2. S 68° 52' 51" W      418.87 feet, to a ½" iron rod marked "Brittain & Crawford", set;
3. S 58° 46' 28" W      220.36 feet, to a ½" iron rod marked "Brittain & Crawford", set;
4. N 75° 43' 19" W      21.03 feet, to a ½" iron rod marked "Brittain & Crawford", set in the Northeast boundary line of the right-of-way dedication recorded in County Clerk's File No. D206009400 of the Deed Records of Tarrant County, Texas;

THENCE N 30° 36' 04" W    14.11 feet, along the Northeast boundary line of said right-of-way dedication, to a point;

THENCE S 75° 43' 19" E    26.79 feet, to a point;

THENCE N 58° 46' 28" E    217.06 feet, to a point;

THENCE N 68° 52' 51" E    418.95 feet, to a point;

THENCE N 59' 36' 04" E    1277.20 feet, to a point;

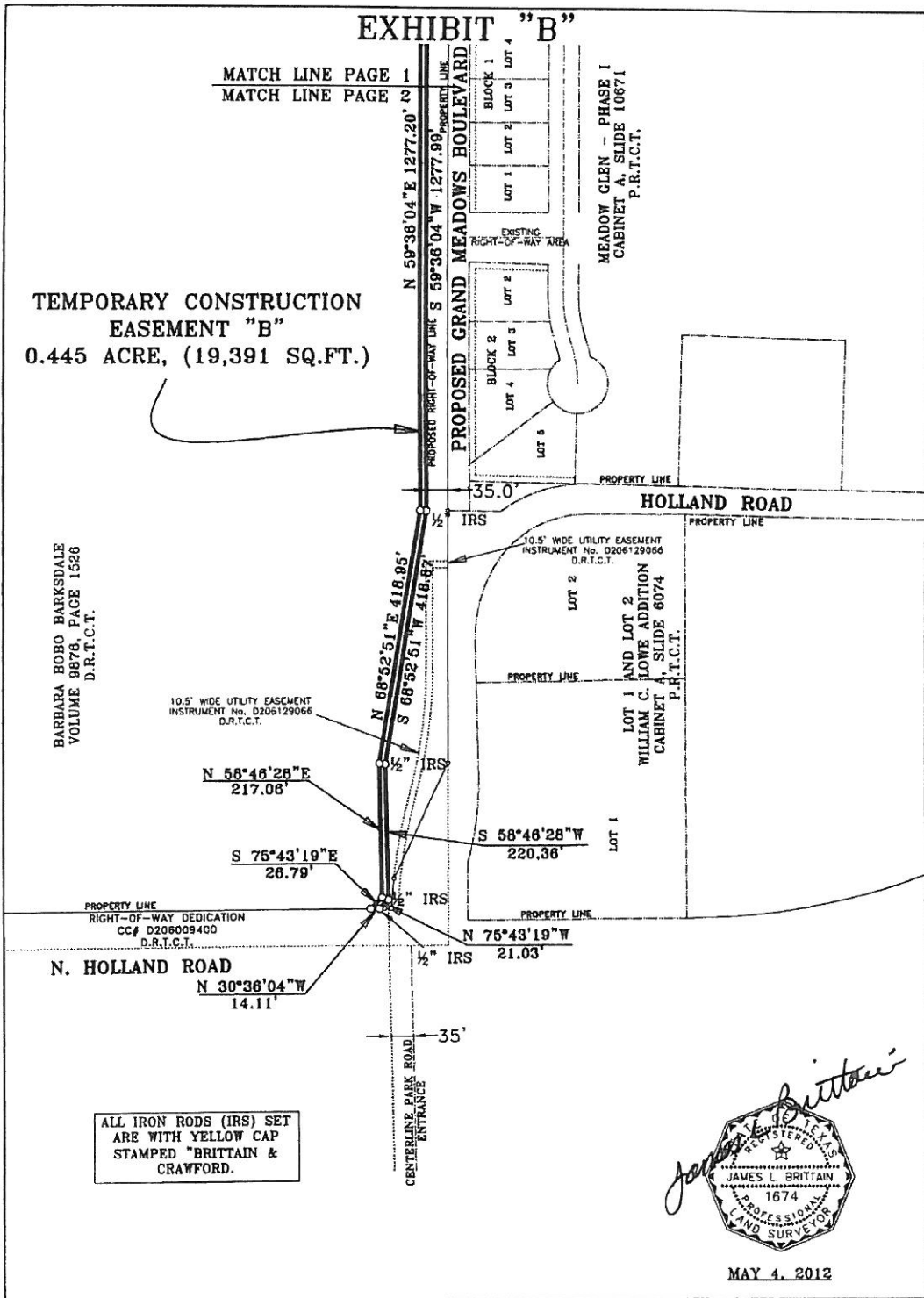
THENCE S 30° 19' 32" E    10.00 feet, to the POINT OF BEGINNING containing 0.445 acres (19,391 square feet) of land.



**EXHIBIT "B"**

MATCH LINE PAGE 1  
MATCH LINE PAGE 2

**TEMPORARY CONSTRUCTION  
EASEMENT "B"**  
0.445 ACRE, (19,391 SQ.FT.)



ALL IRON RODS (IRS) SET  
ARR WITH YELLOW CAP  
STAMPED "BRITAIN &  
CRAWFORD."



MAY 4, 2012



1200 East. Broad St.  
Mansfield, TX 76063  
Phone: 817-276-4200

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**TEMPORARY  
CONSTRUCTION  
EASEMENT'S A & B**  
TWO TRACTS OF LAND  
LOCATED IN THE  
H. BRANDENBERG SURVEY  
ABSTRACT No. 129, MANSFIELD,  
TARRANT COUNTY, TEXAS



SCALE 1"=200'  
PAGE 4 OF 4