

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MESQUITE, TEXAS, AUTHORIZING THE EXCHANGE OF PROPERTY IN THE VICINITY OF THE INTERSECTIONS OF MEMORIAL AND STADIUM DRIVES WITH NORTH PEACH-TREE ROAD WITH THE MESQUITE INDEPENDENT SCHOOL DISTRICT ("MISD"); AND AUTHORIZING THE MAYOR TO EXECUTE THE EXCHANGE AGREEMENT WITH MISD FOR SUCH PURPOSE.

WHEREAS, the City of Mesquite (the "City") is a home rule municipality duly organized and existing under the laws of the State of Texas; and

WHEREAS, the Mesquite Independent School District ("MISD") is an independent school district duly organized and existing under the laws of the State of Texas; and

WHEREAS, pursuant to the authority granted by Section 272.001(l) of the Texas Local Government Code, the City and MISD desire to make an exchange of the properties described in the Agreement for Exchange of Real Property ("the Agreement"), which is attached to and incorporated into this Resolution as Exhibit "1"; and

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

WHEREAS, MISD owns fee simple title to the real property described in Exhibit "A" ("the MISD Tract") appended to the attached Agreement; and

WHEREAS, the City owns fee simple title to the real property described in Exhibit "B" ("the City Tract") appended to the attached Agreement; and

WHEREAS, the MISD Tract and the City Tract adjoin and abut each other; and

WHEREAS, the City desires to acquire the MISD Tract for the public purpose of maintaining a water tower on that tract; and

WHEREAS, MISD desires to acquire the City Tract for the public purpose of constructing a groundwater retention pond required in conjunction with the construction of an adjacent school; and

WHEREAS, MISD's construction of the groundwater retention pond will provide a public benefit to the City; and

WHEREAS, based on the foregoing, the City Council of the City of Mesquite ("City Council") finds and determines that the MISD Tract and the City Tract, respectively, will carry out a purpose, when conveyed to the other, that benefits the public interest of each granting political subdivision; and that it is in the public interest of the City to acquire the MISD Tract.

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

SECTION 1. That the City Council hereby finds and determines that the foregoing recitals are true and correct and are incorporated for all purposes into this Resolution.

SECTION 2. That the City Council approves 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 and incorporated herein, and authorizes the Mayor to execute the Exchange Agreement and all documents necessary to consummate the transactions contemplated therein including all documents necessary to transfer the City Tract to the MISD in exchange for the transfer of the MISD Tract to the City.

SECTION 4. That the Mayor is authorized to execute the deed appended as Exhibit "C" to the Agreement.

DULY RESOLVED by the City Council of the City of Mesquite, Texas, on the 3rd day of January, 2017.

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Stan Pickett  
Mayor

ATTEST:

APPROVED:

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Sonja Land  
City Secretary



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B. J. Smith  
City Attorney

**EXHIBIT “1”**

**Agreement between  
The City of Mesquite and Mesquite Independent School District  
Regarding the Exchange of Property**

**(to be attached)**