

RESOLUTION NO. _____

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 RECONSTRUCTION OF RUTHERFORD ELEMENTARY SCHOOL; AND AUTHORIZING THE MAYOR TO EXECUTE THE EXCHANGE AGREEMENT WITH THE MISD FOR SUCH PURPOSE.

WHEREAS, the City of Mesquite (the “City”) owns approximately 8.22 acres of land generally described as located south of Sea Shell Drive, east of Rutherford Drive and north of Sierra Drive in the City of Mesquite, Dallas County, Texas (the “City Tract”), the City Tract being more particularly described in Exhibit “B” of the Agreement For Exchange of Real Property attached hereto as Attachment “1” and made a part hereof for all purposes (the “Exchange Agreement”); and

WHEREAS, the Mesquite Independent School District (“MISD”) owns approximately 8.22 acres of land generally described as located west of the rear property line of Covington Drive, north of Sierra Drive, and south of Sea Shell Drive in the City of Mesquite, Dallas County, Texas (the “MISD Tract”), said the MISD Tract being more particularly described in Exhibit “A” attached to the Exchange Agreement; and

WHEREAS, the MISD Tract and the City Tract are adjacent to each other; and

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

WHEREAS, the MISD presently operates the school located on the MISD Tract and the City presently utilizes the City Tract as a park; and

WHEREAS, enrollment is increasing in the MISD and the MISD has determined that it is necessary to replace the existing school structure with a new one; and

WHEREAS, in order not to disrupt the MISD’s school instructional program at Rutherford Elementary School, it is necessary for the MISD to construct a new school structure on the adjoining City Tract; and

WHEREAS, upon completion of the new MISD school facilities and prior to delivering the MISD Tract to the City, the MISD, at its sole cost and expense, has agreed to demolish and remove the existing school facilities, including fences, driveways, buildings, structures and utilities on the MISD Tract and to construct park facilities substantially compatible to the park facilities presently existing on the City Tract, including an unlit, full size football practice field with a grass surface, an unlit baseball practice field with a grass and dirt surface, and a lit double play court presently existing on the City Tract; and

WHEREAS, MISD will not alter and will retain the existing parking and the current gymnasium on the City Tract and will remove the corner of the current playground on the City Tract so it can be used as a bus loop; and

WHEREAS, the exchange of the City Tract for the MISD Tract will result in no net loss of City park property; and

WHEREAS, the exchange of the MISD Tract and the City Tract, together with the construction by the MISD of a new school facility on the City Tract, the removal by the MISD of existing school facilities on the MISD Tract and other actions incidental thereto (collectively the "Project") will facilitate the need for a new school facility while minimizing any harm to the City's park property; and

WHEREAS, following a public hearing, notice of which had been properly 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. That the City Council of the City of Mesquite, Texas (the "City Council"), hereby adopts and incorporates into this Resolution the recitals (whereas clauses) set forth herein as the legislative findings and intent of the City Council.

SECTION 2. That the City Council hereby finds and determines that: (i) the Project requires the use or taking of the City Tract which is currently being used as a City park; (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. That 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. That the City Council approves the terms and provisions of the Exchange Agreement attached hereto as Exhibit "1" and authorizes the Mayor to execute the Exchange Agreement and all documents necessary to consummate the transactions contemplated therein including but not limited to, all documents necessary to transfer the City Tract to the 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 6th day of March, 2017.

ATTEST:

Sonja Land
City Secretary

Stan Pickett
Mayor

APPROVED:



B. J. Smith
City Attorney

ATTACHMENT “1”

**Agreement between
The City of Mesquite and Mesquite Independent School District
Regarding the Exchange of Property
for the Reconstruction of Rutherford Elementary School**

(to be attached)