

# City of Mesquite, Texas

## Legislation Details (With Text)

<b>File #:</b>	19-4556	<b>Version:</b>	2	<b>Name:</b>	Ord - MHT Ph 2 - Barons Condemnation
<b>Type:</b>	Agenda Item	<b>Status:</b>	Passed		
<b>File created:</b>	11/27/2019	<b>In control:</b>	City Council		
<b>On agenda:</b>	12/16/2019	<b>Final action:</b>	12/16/2019		
<b>Title:</b>	Consider an ordinance determining the public necessity of acquiring a total of approximately 0.291 acres of real property interests from property located at 2101 U.S. Highway 80, Mesquite, Dallas County, Texas known as Barons Apartment Homes and owned by Atlantic Pacific Companies for construction of a public trail easement, authorizing the City Manager to acquire the real property, authorizing the use of the power of eminent domain to condemn the real property if such becomes necessary and delegating authority to initiate condemnation proceedings to the City Manager.				
<b>Sponsors:</b>					
<b>Indexes:</b>					
<b>Code sections:</b>					
<b>Attachments:</b>	1. Ordinance - Condemnation, 2. Location Map				

Date	Ver.	Action By	Action	Result
12/16/2019	2	City Council	Approved	Pass

Consider an ordinance determining the public necessity of acquiring a total of approximately 0.291 acres of real property interests from property located at 2101 U.S. Highway 80, Mesquite, Dallas County, Texas known as Barons Apartment Homes and owned by Atlantic Pacific Companies for construction of a public trail easement, authorizing the City Manager to acquire the real property, authorizing the use of the power of eminent domain to condemn the real property if such becomes necessary and delegating authority to initiate condemnation proceedings to the City Manager.

The engineering design for Mesquite Heritage Trail, Phase 2, is complete and has identified properties and easements necessary for construction. The Trail is proposed to cross the Ocean Barons, L.P., property along South Mesquite Creek.

The City's right-of-way agent has made several contacts with representatives of Ocean Barons, L.P., starting on April 16, 2018, to discuss terms and value but has been unsuccessful in completing negotiations and closing on the property. The proposed ordinance authorizes staff to continue negotiations and, if necessary, initiate condemnation proceedings.

All other properties for the project have been closed except the pending Extra Property Holdings, LLC, condemnation. Dallas County stated that all properties should have been acquired by June 1, 2019, in order to bid the project in a timely manner.

Section 2206.053 of the Government Code mandates specific wording for a motion to initiate condemnation proceedings. Staff will furnish the appropriate wording at the Council meeting.

### Recommended/Desired Action

Staff recommends approval of the ordinance.

**Attachment(s)**

Proposed Ordinance

Location Map

**Drafter**

Wes McClure, P.E.

**Head of Department**

Matthew Holzapfel, P.E.