

November 10, 2008

A RESOLUTION DETERMINING UPON THE NECESSITY OF ACQUIRING REAL PROPERTY AND AUTHORIZING ITS APPROPRIATION AND/OR CONDEMNATION FOR A MUNICIPAL PURPOSE AND PUBLIC USE.

DEFINITIONS: For the purposes of this resolution, the following definitions of terms shall apply:

"CITY": The City of Dallas.

"PROPERTY": The tracts or parcels of land described in "Exhibit A", attached hereto and made a part hereof for all purposes.

"PROJECT": Highland Hills Branch Library

"PROPERTY INTEREST": Fee Simple

"OWNER": Excellence 2000, Inc., a Texas non-profit corporation, provided, however, that the term "OWNER" as used in this resolution means all persons having an ownership interest, regardless of whether those persons are actually named herein.

"OFFER AMOUNT": \$95,000

"CLOSING COSTS": Not to exceed \$1,600

"AUTHORIZED AMOUNT": \$96,600

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DALLAS:

SECTION 1. That the PROJECT is a municipal and public purpose and a public use.

SECTION 2. That public necessity requires that the CITY acquire the PROPERTY INTEREST in the PROPERTY for the PROJECT.

SECTION 3. That for the purpose of acquiring the PROPERTY INTEREST in the PROPERTY, the Assistant Director of the Development Services Department, Real Estate Division, or such person as she may designate, is hereby authorized and directed to offer the OFFER AMOUNT as payment for the PROPERTY INTEREST in the PROPERTY.

SECTION 4. That in the event the OWNER accepts the OFFER AMOUNT, the City Controller is authorized and directed to draw a warrant in favor of the OWNER, or the then current owner of record, in the OFFER AMOUNT payable out of Library Facilities Fund, Fund No. 7T42, Department PBW, Unit T637, Activity LIBF, Program No. PB06T637, Object 4210, Encumbrance No. CT-DEVT637DM062. The OFFER AMOUNT and the CLOSING COSTS together shall not exceed the AUTHORIZED AMOUNT.

COUNCIL CHAMBER

November 10, 2008

SECTION 5. That the CITY is to have possession of the PROPERTY at closing; and the CITY will pay any title expenses and closing costs. In the event of condemnation the CITY will pay court costs as may be assessed by the Special Commissioners or the court. Further, that litigation expenses determined by the City Attorney to be necessary are authorized for payment. All costs and expenses described in this section shall be paid from the previously described funds.

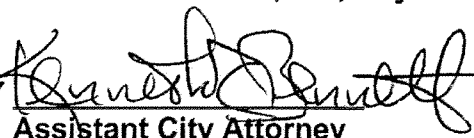
SECTION 6. That if the OWNER refuses to accept the OFFER AMOUNT the CITY will appropriate the PROPERTY INTEREST in the PROPERTY for the PROJECT under the laws of eminent domain and the provisions of the Charter of the City of Dallas. In such case, the City Attorney is authorized and requested to file the necessary suit(s) and take the necessary action for the prompt acquisition of the PROPERTY INTEREST in the PROPERTY by condemnation or in any manner provided by law.

SECTION 7. That in the event it is subsequently determined that additional persons other than those named herein have an interest in the PROPERTY, the City Attorney is authorized and directed to join said parties as defendants in said condemnation suit(s).

SECTION 8. That in the event the Special Commissioners in Condemnation appointed by the Court return an award that is the same amount or less than the OFFER AMOUNT, the City Attorney is hereby authorized to settle the lawsuit for that amount and the City Controller is hereby authorized to issue a check drawn on the previously described funds in an amount not to exceed the Commissioners' award made payable to the County Clerk of Dallas County, to be deposited into the registry of the Court, to enable the CITY to take possession of the PROPERTY without further action of the Dallas City Council.

SECTION 9. That this resolution shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so resolved.

APPROVED AS TO FORM:
THOMAS P. PERKINS, JR., City Attorney

BY 
Assistant City Attorney

APPROVED BY
CITY COUNCIL

NOV 10 2008


City Secretary

Exhibit "A"**FIELD NOTES DESCRIBING LAND TO BE ACQUIRED BY THE CITY OF DALLAS IN BLOCK 6870 FROM EXCELLENCE 2000, INC.**

All that certain lot, tract or parcel of land lying and being situated in the City and County of Dallas, Texas and being more particularly described as follows:

Being a 211,368 Sq. Ft. tract of land situated in the Levi Dixon Survey, Abstract No. 380, City of Dallas, Dallas County, Texas, and being a portion of Block 6870, official City of Dallas Block Numbers, and being all of a tract of land conveyed to Excellence 2000, Inc., recorded in Volume 2005001, Page 5906, Deed Records, Dallas County, Texas and being more particularly described as follows:

Beginning a 5/8 inch iron rod with a red plastic cap stamped "City of Dallas" (hereinafter referred as "with cap") set for a corner, at a corner clip of Bonnie View Road (R.O.W. varies) with the South line of Highland Hills Drive (50' R.O.W.), from which a found 1/2 inch iron rod bears South 36°34'01" East, a distance of 1.31 feet;

Thence North 59°55'00" East, with the South line of said Highland Hills Drive, a distance of 374.46 feet to a 5/8 inch iron rod with cap set for corner at the beginning of a tangent circular curve to the left, from which a found 1/2 inch iron rod bears North 14°32'08" West, a distance of 0.22 feet;

Thence continuing with said South line of said Highland Hills Drive and said circular curve to the left having a central angle of 37°55'00", a radius of 200.00 feet, a tangent length of 68.70 feet, a chord distance of 129.95 feet, a chord bearing of North 40°57'30" East and an arc length of 132.35 feet to a 1/2 inch iron rod found for the point of tangency, from which a found 1/2 inch iron rod bears North 27°46'01" West, a distance of 0.53 feet;

Thence North 21°57'02" East, continuing with the South line of said Highland Hills Drive, a distance of 35.08 feet to a 3/4 inch iron pipe found for corner and being the intersection of the south line of said Highland Hills Drive with the Southwest line of Baraboo Drive (50' R.O.W), from which a found 1/2 inch iron rod bears North 70°07'18" West, a distance of 0.57 feet;

Thence South 59°27'23" East, continuing with the Southwest line of said Baraboo Drive, a distance 373.22 feet to a 3/4 inch iron pipe found for corner, said 3/4 inch iron pipe found being the Northeast corner of a 19.94 acres of land as described in Warranty Deed for Tabor Holding Company, Inc, and recorded in Volume 99171, Page 1910, of Deed Records of Dallas County, Texas;

Thence South 47°41'44" West, leaving said Southwest line of Baraboo Drive, a distance of 331.60 feet to a 5/8 inch iron pipe found for corner at the common line of said tract of land as described in a Deed for Vera Phillips, and recorded in Volume 1968, Page 360, of Deed Records of Dallas County, Texas;

Exhibit "A"

FIELD NOTES DESCRIBING LAND TO BE ACQUIRED BY THE CITY OF
DALLAS IN BLOCK 6870 FROM EXCELLENCE 2000, INC.

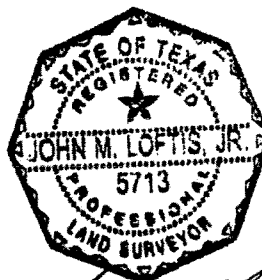
Thence South 59°55'38" West, a distance of 396.58 feet to 5/8 inch iron rod with cap set for corner at the East line of said Bonnie View Road and a tract of land as described in a Deed for the City of Dallas, and recorded in Volume 435, Page 1773, of Deed Records of Dallas County, Texas, from which a found 1 1/4 inch iron post found bears South 28°38'53" East, a distance of 1.49 feet and a found 60D nail bears South 8°53'04" West, a distance of 0.84 feet;

Thence North 28°46'34" West along the east line of said Bonnie View Road, a distance of 326.65 feet to a point for corner at a beginning of a corner clip, from which a found "X" cut on concrete bears South 43°57'40" East, a distance of 1.31 feet, a found 1/2 inch iron rod bears South 46°39'23" East, a distance of 3.73 feet and a found 1/2 inch iron rod bears South 62°18'48" East, a distance of 6.33 feet;

Thence North 15°38'14" East, along said corner clip, a distance of 7.16 feet to the point of beginning.

Said tract containing 4.852 acres (211,368 Sq. Ft.) of land.

Basis of Bearings: The South line of Highland Hills Drive as N 59°55'00" E, as recorded in a Warranty Deed for Greater Rock of Ages Missionary Baptist Church, Vol. 97100, Pg. 5261, DRDCT.



John M. Loftis, Jr.
6-18-08

Exhibit "A"

FIELD NOTES DESCRIBING LAND TO BE ACQUIRED
BY THE CITY OF DALLAS IN BLOCK 6870 FROM
EXCELLENCE 2000, INC.

**BLOCK
6870**

ELYAHOU LAVIZADEH &
PARVANEH LAVIZADEH TRUSTEES
Inst. 200600388963

BARABOO DRIVE
(50' Right-of-Way)
S59°27'23"E

TABOR HOLDING
COMPANY INC
Vol. 99171, Pg. 1910

FND 1/2" I.R.
0.57' NW

FND 2/4" I.P.

N21°57'02"E
35.08'

FND 1/2" I.R.
(0.53' NW)

FND 1/2" I.R.

CHB = N40°57'30"E
CH = 129.95'
R = 200.00'
L = 132.35'
Δ = 37°55'00"

SET 5/8" I.R.

FND 1/2" I.R.
(0.22' NW)

FND 3/4" I.P.
C.M.

373.22'

331.60'

S47°41'44"W

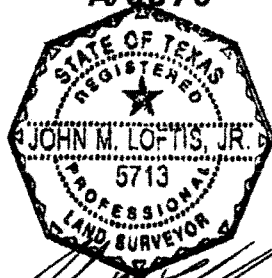
FND 5/8" I.P.
C.M.

**BLOCK
A/6870**

**BLOCK
6870**

EXCELLENCE 2000 INC.
Vol. 2005001, Pg. 5906

VERA PHILLIPS
Vol. 1968, Pg. 360



PM = Control Monument
6-18-08

HIGHLAND HILLS DRIVE
(50' Right-of-Way)

AREA =
211,368 SQ FT, 4.852 AC.

396.58'

374.46'

N59°55'00"E

FND 1/2" I.R.
(ONLINE)

CITY OF DALLAS
Vol. 435, Pg. 1773

P.O.B.
SET 5/8" I.R.

FND 1/2" I.R.
(1.31' SE)

N15°38'14"E
7.16'

N28°46'34"W
326.65'

SET 5/8" I.R.

FND 1 1/4" I.P.
(1.49' SE)

FND 60D NAIL
(0.84' SW)

FND "X" CUT
(1.31' SE)

FND 1/2" I.R.
(3.73' SE)

FND 1/2" I.R.
(6.33' SE)

BONNIE VIEW ROAD
(Variable Right-of-Way)



NOTE:

1. Basis of Bearing:
Bearings are based on the South line of Highland Hills Drive,
being N 59°55'00" E, as recorded in a Warranty Deed for Greater
Rock of Ages Missionary Baptist Church, Vol. 97100, Pg. 5261, DRDCT.

SCALE: 1" = 100'
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