

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": The Woodside Pedestrian Way Extension

"PROPERTY INTEREST": Fee Simple

"OWNER": PBH Investments, L.L.C., 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": \$106,275.00

"CLOSING COSTS": Not to exceed \$1,739.00

"AUTHORIZED AMOUNT": \$108,014.00

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 Real Estate Division of the Development Services Department, 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.

November 10, 2008

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 State-Thomas TIF District funds: Fund No. 0032, Department ECO, Unit P425, Activity No. STTI, Program No. ECOST0001, Object 4210, Encumbrance No. CT-DEVP425EG64.

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.

November 10, 2008

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


Assistant City Attorney

APPROVED BY
CITY COUNCIL

NOV 10 2008


City Secretary

Field Notes Describing a 1,950 Square Foot Tract of Land lying between City Block P/582 and the Greenwood Cemetery Association property, to be Acquired from GWTH L.P.

Being situated in the John Grigsby Survey, Abstract Number 495, Dallas County, Texas, lying between City Block P/582 and the Greenwood Cemetery Association property, and being a part of a 12-foot wide alley abandoned by City ordinance No. 2572, dated July 26, 1933, and being also a part of the property conveyed to GWTH, L.P., by deed dated September 23, 2005 and recorded in Instrument No. 200503521826 of the Deed Records of Dallas County, and being more particularly described as follows:

COMMENCING at the most Easterly corner of Lot 1, Block P of the Simpson & Clark's Addition (Block P/582, official City of Dallas Block Numbers) an addition to the City of Dallas recorded in Volume 85, Page 426 of the Map Records of Dallas County, being also the most Northerly corner of Lot 2A, Block A/582 of the West Side at State-Thomas Addition, an addition to the City of Dallas recorded in Volume 2005148, Page 382 of the Deed Records of Dallas County, from which an "X" cut in concrete found in the Southwest Right-of-Way line of Hall Street (a 50-foot width ROW) bears N 64°05'17" E a distance of 0.25 feet:

THENCE N 45°51'20" W with the said Southwest line of Hall Street, pass at 50.00 feet a 5/8 inch dia. steel rod with cap marked "Dallas" (hereinafter called "5/8" COD rod") set at the most Northerly corner of said Lot 1 and continuing for a total distance of 55.50 feet to a 5/8" COD rod set at the most Easterly corner and **POINT OF BEGINNING** of the herein described tract of land:

THENCE S 44°08'40" W, departing the last said Southwest line of Hall Street and parallel with and 5.50 feet perpendicularly distant from the Northwest line of Lot 1 for a distance of 300.00 feet to an "X" cut in the concrete sidewalk pavement , 5.50' perpendicularly distant form the South west most corner of Hugo Street:

THENCE N 45°51'20" W with the Southwest line of Hugo Street produced Northwesterly a distance of 6.50 feet to an "X" found cut in the concrete sidewalk pavement and the most Westerly corner of this tract, being also an inside "L" corner of the Greenwood Cemetery Association property:

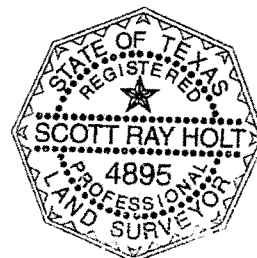
THENCE N 44°08'40" E with the common line between said 12-foot alley and the Greenwood Cemetery Association property a distance of 300.00 feet to a 5/8" COD rod set in the said Southwest line of Hall St. at the most Northerly corner of this tract:

EXHIBIT A

Field Notes Describing a 3,600 Square Foot Tract of Land lying between City Block P/582 and the Greenwood Cemetery Association property, to be Acquired from GWTH L.P.

THENCE S 45°51'20" E with the said Southwest line of Hall Street a distance of 6.50 feet to the **POINT OF BEGINNING**, containing 1,950 square feet of land.

BASIS OF BEARINGS: Bearings are based on the Southwest line of Hall Street, at S 45°51'20" E, as derived from Global Positioning System observations using the North Texas Cooperative Real Time Kinematic Survey, Virtual Reference Station System, North American Datum of 1983.



Scott Holt
10-9-08

John Grigsby
Survey
Abstract #495

EXHIBIT A

HALL ST.
50' Right-of-Way

"X" Found
CONTROLLING
MONUMENT
POINT OF
COMMENCING

58" I.R. Set
POINT OF
BEGINNING

6.50'
S45°51'20"E

55.50'
N 87°58'10" E

58" I.R. Set

58" I.R. Set

BLOCK
P582

1950 Sq. Ft.

1
SIMPSON & CLARK'S ADDITION
Vol. 85, Pg. 426

LOT 2A

BLOCK
A582
WEST SIDE AT
STATE-THOMAS ADDITION
Vol. 2005148, Pg. 382

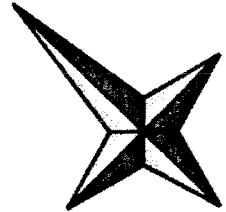
BLOCK
578

GREENWOOD
CEMETERY
ASSOCIATION

300.00' S44°08'40" W
300.00' N44°08'40" E

16
Inst. GWTH L.P.
No. 200503521826

N



HUGO ST.
50' Right-of-Way

"X" Found
in Conc.

"X" Cut
in Conc.

6.50'
N45°51'20"W

"X" Cut
in Conc.

1
GABLES ELLIS ST.
ADDITION
Vol. 2002067, Pg. 147
2

Area To Be Acquired

LOCATOR MAP

Sheet 3 of 3

PUBLIC WALKWAY			
Project #PB031276			
from HUGO ST. to HALL ST.			
DEPT. OF PUBLIC WORKS & TRANSPORTATION			
SURVEY DIVISION CITY OF DALLAS, TEXAS			
OPERNAME	DESIGN FILE NAME	SCALE	DATE
Hona Rosario	#(UNCR)SURVEY/Capital Improvement Project/Workable	1/4" = 10' Scale	10-17-07
PARTY CHIEF	CALCULATIONS	FOLDER	FILE NO.
J. Scantlen	S. Holt	Block 582	041D-50