

November 10, 2008

WHEREAS, the Dallas City Council by the FIRST RESOLUTION authorized acquisition, by purchase and/or eminent domain, of the INTERESTS in the PROPERTY held by OWNER for the PROJECT (all said capitalized terms being defined below); and

WHEREAS, OWNER has refused the official offer as authorized by the FIRST RESOLUTION; and

WHEREAS, OWNER and the City of Dallas desire to settle in lieu of proceeding further with condemnation proceedings: Now, Therefore,

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

SECTION 1. That the following definitions shall apply to this resolution:

FIRST RESOLUTION: Resolution No. 08-2487 approved by the Dallas City Council on September 10, 2008

PROJECT: Trinity Parkway

OWNER: Stemmons Hotel Limited Partnership

INTERESTS: Fee Simple

PROPERTY: Approximately 197,480 square feet in City of Dallas Block Nos. 6368 and 6/6368 Official City Numbers, and being the same property more specifically described in Exhibit A (Tract I and Tract II) in the FIRST RESOLUTION.

IMPROVEMENTS: 120-room motel

CONSIDERATION: \$ 3,949,600.00

CLOSING COSTS: Not to exceed \$21,000.00

AUTHORIZED AMOUNT: \$3,970,600.00

SECTION 2. That in lieu of proceeding further with condemnation proceedings, the City Manager is authorized to acquire the INTERESTS in the PROPERTY and IMPROVEMENTS from OWNER for the CONSIDERATION after approval of same as to form by the City Attorney.

SECTION 3. That the City will have possession at closing and will pay all closing costs and title expenses.

SECTION 4. That the City Controller is authorized to draw checks for the CONSIDERATION, CLOSING COSTS and title expenses, payable out of Fund No. 6P14, Department PBW, Unit N965, Activity TRPP, Object 4210, Program No. PB98N965, Encumbrance No. PBW98N965L8, and said payment shall be delivered to a title insurance company after evidence of satisfactory title has been provided to and approved by the City Attorney.

SECTION 5 That appropriate acquisition instruments be forwarded to a title insurance company for preparation of the necessary documents for closing, which shall be forwarded to the City Attorney for review and approval as to form and, subsequent to closing, filed with the County Clerk and returned, along with the original Owner's Policy of Title Insurance, to the City Secretary for permanent record.

SECTION 6. 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 F. PERKINS, CITY ATTORNEY**

BY: 
Assistant City Attorney

APPROVED BY
CITY COUNCIL

NOV 10 2008


City Secretary

Exhibit A - Tract I

Field Notes Describing Land To Be Acquired in Block 6368 From Stemmons Hotel Limited Partnership

Being 3.721 Acres of land situated in the Thomas E. Mannin Survey, Abstract No. 958, Dallas County, Texas, and lying in Block 6368 (official City of Dallas Block Numbers), and being a part of the property conveyed to Stemmons Hotel Limited Partnership by deed dated February 7, 1995 and recorded in Volume 95033 Page 02709 of the Deed Records of Dallas County, Texas and being more particularly described as follows:

BEGINNING at a 3" Dia. Brass Cap Right-of-Way Monument set in concrete (hereafter referred to as a "Type II TxDOT Monument") found at the intersection of the Southwest line of the Stemmons Freeway (Interstate Highway 35E) with the Northwest line of Commonwealth Drive (also State Highway 356, having a 224' Right-of-Way):

THENCE South $47^{\circ}22'32''$ West with the said Northwest line of Commonwealth Drive a distance of 497.31 feet to the Point of Curvature of a Curve to the Right:

THENCE Northwesterly along said Curve, having a Radius of 20.00 feet, a Central Angle of $90^{\circ}01'47''$, an Arc Length of 31.43 feet and a Chord which Bears North $87^{\circ}38'40''$ West a distance of 28.29 feet to the Point of Tangency, lying in the Northeast line of Iron Ridge Street (a 58 foot Right-of-Way), from which a 1/2 inch dia. steel rod with red cap (found) lies North $42^{\circ}15'47''$ West a distance of 2.34 feet:

THENCE North $42^{\circ}37'28''$ West with the said Northeast line of Iron Ridge Street a distance of 138.74 feet to the Point of Curvature of a Curve to the Right, from which a 1/2 inch dia. steel rod with red cap (found) bears North $25^{\circ}47'49''$ West a distance of 2.88 feet:

THENCE Northwesterly along said Curve, having a Radius of 241.00 feet, a Central Angle of $42^{\circ}24'56''$, an Arc Length of 178.41 feet and a Chord which bears North $21^{\circ}25'00''$ West a distance of 174.36 feet to the Point of Tangency:

THENCE North $00^{\circ}12'28''$ West with the East Right-of-Way line of Iron Ridge Street a distance of 170.60 feet to the Northwesterly corner of this tract, being also the Southwest corner of Lot 2, Block 6/6368 of the Inwood Industrial District Addition, Second Installment, as shown on the plat thereof recorded in Volume 43, Page 31 of the Map Records of Dallas County, from which a 5/8 inch dia. steel rod (found) bears North $43^{\circ}27'50''$ East a distance of 0.66 feet:

Exhibit A – Tract I

**Field Notes Describing Land To Be Acquired in Block 6368 From
Stemmons Hotel Limited Partnership**

THENCE North $89^{\circ}47'32''$ East with the South line of said Lot 2, departing the last said East line of Iron Ridge Street, a distance of 424.29 feet to the intersection with the said Southwest line of Interstate Highway 35E, being also the most Easterly Southeast corner of said Lot 2, from which a 1/2 inch dia. steel rod with red cap (found) bears North $57^{\circ}10'27''$ East a distance of 0.87 feet:

THENCE South $73^{\circ}30'43''$ East with the said Southwest line of Interstate Highway 35E a distance of 117.46 feet to a Type II TxDOT Right-of-Way monument found at the most Northerly Northeast corner of this tract:

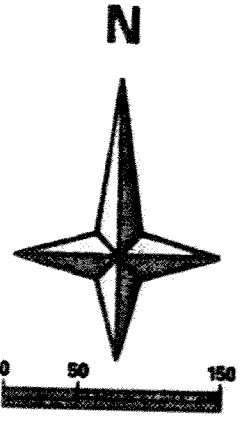
THENCE South $12^{\circ}55'26''$ East with the said Southwest line of Interstate Highway 35E a distance of 69.36 feet to the **POINT OF BEGINNING**, containing 162,088 Square Feet, or 3.721 Acres of land.

BASIS OF BEARINGS: Bearings are based on the Southwest line of Interstate Highway 35E (the East line of the herein described tract of land), at South $12^{\circ}55'26''$ East, 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
2-20-08

Exhibit A - Tract I



STEMMONS FREEWAY
(I.H. 35-E)
(Variable Width R.O.W.)

James McLaughlin
SURVEY
Abstract #646

Thomas E. Mannin
SURVEY
Abstract #658

Lot 14

Block 4/169

Inwood Industrial District
Second Installment
Vol. 43, Pg. 31
Map Records

R = 28.00'
L = 21.42'
Δ = 90°00'00"
Ch. Brs. 28.28'
N71°28'28"E

1/2" I.B.
wired Cap

64.82'
N28°30'20"E

318.70' S82°22'49"E

Lot 2
35,382 Sq. Ft.
(0.8125 Ac.)

R = 28.00'
L = 21.42'
Δ = 90°00'00"
Ch. Brs. 28.28'
N71°28'28"E

68.28'
S73°30'43"E

1/2" I.B.
wired Cap

IRON RIDGE ST.
(56' R.O.W.)

Lot 4

1/2" I.B.
Found

1/2" I.B.
Found

124.28'
N58°47'32"E

177.00'
S73°30'43"E

68.28'
S12°55'28"E

To/From
Monument
CONTROLLING
MONUMENTS

POINT OF BEGINNING

Stemmons Hotel Limited Partnership
Volume 95033, Page 02709

Lot 3

(Unplatted)
162,088 Sq. Ft.
(3.721 Ac.)

R = 241.00'
L = 178.41'
Δ = 42°24'58"
Ch. Brs. 174.38'
N21°28'30"W

Block 5/169

1/2" I.B.
wired Cap
Found

1/2" I.B.
wired Cap
Found

857.37' S87°22'24"W

COMMONWEALTH DRIVE
(224' R.O.W.)

Lot 2

Inwood Industrial District
Third Installment
Vol. 43, Pg. 121
Map Records

R = 28.00'
L = 21.42'
Δ = 90°00'00"
Ch. Brs. 28.28'
N71°28'28"E

Area To Be Acquired
LOCATOR MAP Sheet 3 of 4

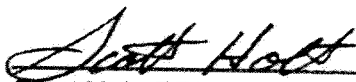
TRINITY RIVER CORRIDOR			
Tollway Project			
Hotel Property, Commonwealth @ I-35E			
DEPT. OF PUBLIC WORKS & TRANSPORTATION			
SURVEY DIVISION CITY OF DALLAS, TEXAS			
OPERNAME	DESIGN FILE NAME	SCALE	DATE
S. Holt	trinityrivercorridor\TrinityRiverCorridor_Hotel_Prop_2008.dgn	AS NOTED	2-7-2008
PARTY CHIEF	CALCULATIONS	FOUNDER	FILE NO.
J. Chambers	S. Holt	Trinity Tollway	320R-408-B

Exhibit A - Tract II

Field Notes Describing Land To Be Acquired in Block 6/6368 From
Stemmons Hotel Limited Partnership

Being situated in the Thomas E. Mannin Survey, Abstract No. 958, Dallas County, Texas, and being all of Lot 2, Block 6/6368 (official City of Dallas Block Numbers) of the Inwood Industrial District Addition, Second Installment, an addition to the City of Dallas, Recorded in Volume 43, Page 121 of the Map Records of Dallas County, and being a part of the property conveyed to Stemmons Hotel Limited Partnership by Special Warranty Deed dated February 7, 1995 and recorded in Volume 95033, Page 02709 of the Deed Records of Dallas County, and containing 35,392 square feet of land (0.8125 Acres), according to the plat thereof.

This description is approved as to form.

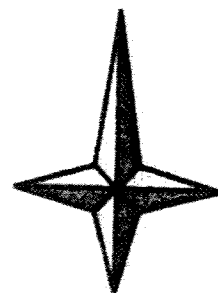


Scott Holt, RPLS
Assistant Chief City Surveyor
For: Larry T. Billingsley, RPLS
Chief City Surveyor

2-20-08
Date:

Exhibit A - Tract II

N



STEMMONS FREEWAY
(I.H. 35-E)
(Variable Width R.O.W.)

James McCaughlin
SURVEY
Abstract #966

Thomas E. Mannin
SURVEY
Abstract #966

Lot 14

Block
4/169

Inwood Industrial District
Second Installation
Vol. 43, Pg. 31
Map Records

N = 20.00'
L = 31.42'
Δ = 90°00'00"
Ch. Brs. 28.28'
N71°30'20"E

N = 20.00'
L = 31.42'
Δ = 90°00'00"
Ch. Brs. 28.28'
N71°30'20"E

Lot 2
36,382 Sq. Ft.
(0.8125 Ac.)

68.38'
S73°30'43"E

ToDot
Monument
CONTROLLING
MONUMENTS

Stemmons Hotel Limited Partnership
Volume 95033, Page 02709

Lot 4

Lot 3

Block
5/169
(Unplatted)
162,088 Sq. Ft.
(3.721 Ac.)

N = 20.00'
L = 178.41'
Δ = 42°24'58"
Ch. Brs. 174.38'
N21°28'30"W

487.91' S47°22'32"W
COMMONWEALTH DRIVE
(224' R.O.W.)

Block
5/169

Lot 2

Inwood Industrial District
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Map Records

N = 20.00'
L = 21.43'
Δ = 90°01'47"
Ch. Brs. 28.28'
N72°38'40"W

Area To Be Acquired
LOCATOR MAP Sheet 2 of 2

TRINITY RIVER CORRIDOR			
Tollway Project			
Hotel Property, Commonwealth @ I-35E			
DEPT. OF PUBLIC WORKS & TRANSPORTATION			
SURVEY DIVISION CITY OF DALLAS, TEXAS			
OPERNAME	DESIGN FILE NAME	SCALE	DATE
S. Holt	D:\MSR\PROJECTS\2008\TrinityTollway\Map\Locator.dwg	As Noted	2-7-2008
PARTY CHIEF	CALCULATIONS	PLANNED	FILE NO.
J. Chambers	S. Holt	Trinity Tollway	320R-408-B