

**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": Approximately 29,789 square feet of property located in Dallas County and being the same property more particularly described on the "Exhibit A", attached hereto and made a part hereof for all purposes.

"PROJECT": Southwest 120/96-inch Water Transmission Pipeline Project

"PROPERTY INTEREST": Fee Simple

"OWNER": Charles C. Deason and Inez F. Deason, 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": \$180,000

"CLOSING COSTS": Not to exceed \$5,000

"AUTHORIZED AMOUNT": \$185,000 (\$180,000, plus closing costs not to exceed \$5,000)

**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 Sustainable Development and Construction, 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, or the title company closing the transaction described herein in the OFFER AMOUNT and CLOSING COSTS payable out of Water Utilities Capital Improvement Funds, Fund No. 0115, Department DWU, Unit PW40, Activity MPSA, Program No. 706623, Object 4210, Encumbrance No. CT-DWU706623CPAK. The OFFER AMOUNT and the CLOSING COSTS together shall not exceed the AUTHORIZED AMOUNT.

**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

SEP 22 2010

  
City Secretary

**PARCEL E-53  
CITY OF DALLAS RIGHT-OF-WAY  
0.6839 ACRE TRACT  
CITY OF DALLAS BLOCK NO. 8833,  
C.L. REEDY SURVEY, ABSTRACT NUMBER 1265  
CITY OF DALLAS, DALLAS COUNTY, TEXAS**

BEING a tract of land situated in the C.L. Reedy Survey, Abstract Number 1265, Official City of Dallas Block Number 8833, City of Dallas, Dallas County, Texas, and being all of that tract of land described in Warranty Deed to Charles C. Deason and Inez F. Deason as recorded in Volume 94129, Page 03086 of the Deed Records of Dallas County, Texas (D.R.D.C.T.), and being more particularly described as follows:

COMMENCING at a 1/2-inch found iron rod for the northeast corner of that tract of land as described in deed to Rosendo Roel and wife, Patricia M. Roel as recorded in Volume 92169, Page 0446, D.R.D.C.T., and the northwest corner of that tract of land described in deed to George E. Holy and Marjorie E. Holy as recorded in Document Number 20080199768, of the Official Public Records of Dallas County, Texas, (O.P.R.D.C.T.), and said point also being in the south right-of-way line of Interstate Highway 20 (a variable width right-of-way);

THENCE South 82 degrees 26 minutes 02 seconds West, along the north line of said Roel tract and along said south right-of-way line, a distance of 170.95 feet to a point for corner from which a 1/2-inch found iron rod for the northeast corner of said Deason tract bears South 18 degrees 36 minutes 54 seconds East, a distance of 0.26 feet, said point being the POINT OF BEGINNING;

THENCE South 00 degrees 12 minutes 02 seconds West, along the common east line of said Deason tract with the west line of said Roel tract, departing said south right-of-way line, a distance of 165.29 feet to a 1/2-inch found iron rod for the common southeast corner of said Deason tract and southwest corner of said Roel tract, said point being in the north line of a tract of land described in deed to Betty Sue Paschall Lewis, Clyde Wesley Paschall, Jr. and Martha Kay Paschall Looper as recorded in Volume 92065, Page 3299, D.R.D.C.T.;

THENCE South 89 degrees 34 minutes 30 seconds West, along the common south line of said Deason tract and north line of said Paschall tract, a distance of 194.61 feet to a 1/2-inch found iron rod with yellow plastic cap stamped "HALFF" (hereinafter referred to as "with cap") for the southwest corner of said Deason tract, from which a 1/2-inch found iron rod bears South 00 degrees 12 minutes 02 seconds West, a distance of 0.49 feet, and said point being the southeast corner of a tract land described in deed to Donald Ellis Wiley as recorded in Volume 90074, Page 3746, D.R.D.C.T.;

5/13/10  
JTC  
RECORDED

EXHIBIT A

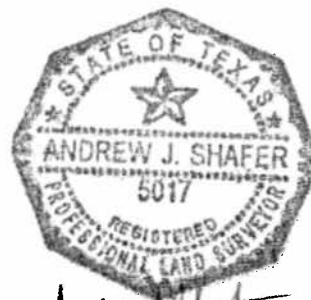
102393

**PARCEL E-53  
CITY OF DALLAS RIGHT-OF-WAY  
0.6839 ACRE TRACT  
CITY OF DALLAS BLOCK NO. 8833,  
C.L. REEDY SURVEY, ABSTRACT NUMBER 1265  
CITY OF DALLAS, DALLAS COUNTY, TEXAS**

THENCE North 00 degrees 12 minutes 02 seconds East, along the common west line of Deason tract and east line of said Wiley tract, a distance of 140.87 feet to a 1/2-inch found iron rod with cap for the northwest corner of said Deason tract, from which a 1/2-inch found iron rod bears South 00 degrees 12 minutes 02 seconds West a distance of 0.45 feet, and said point being in said south right-of-way line of Interstate Highway 20;

THENCE North 82 degrees 26 minutes 02 seconds East, along the north line of said Deason tract and along said south right-of-way line, a distance of 196.40 feet to the POINT OF BEGINNING AND CONTAINING 29,789 square feet or 0.6839 acre of land, more or less.

The Basis of Bearing is the North American Datum of 1983, Texas State Plane Coordinate System, North Central Zone 4202. All distances are surface distances. Surface Adjustment Scale Factor: 1.0001365060.



*Andrew J. Shafer*  
April 21, 2010

REVIEWED BY *AKC 5/13/10*

# C.L. REEDY SURVEY, ABSTRACT NO. 1265

## EXHIBIT A



0 30 60 90 120  
SCALE: 1"=60'

INTERSTATE  
HIGHWAY - 20  
(VARIABLE WIDTH RIGHT-OF-WAY)

C.L. REEDY SURVEY,  
ABSTRACT NO. 1265

1/2" FIR  
BEARS-S18°36'54"E  
0.26'  
PARCEL E-53  
29,789 SQ. FT.  
OR  
0.6839 ACRE

(Basis of Bearing rotated  
counterclockwise 01°11'36" from  
deed bearing of N83°37'38"E)

POINT OF BEGINNING

S82°26'02"W  
170.95'

1/2" FIR  
(C.M.)

POINT OF  
COMMENCING

(OWNER)  
ROSENDO ROEL AND WIFE,  
PATRICIA M. ROEL  
(VOL 92169, PG 0446)

1/2" FIR W/CAP  
(1/2" FIR  
BEARS-S00°12'02"W  
0.45')

(OWNER)  
DONALD ELLIS WILEY  
(VOL 90074, PG 3746)

N00°12'02"E 140.87'

(OWNER)  
CHARLES C. DEASON AND  
INEZ F. DEASON  
(VOL. 94129, PG. 03086)

S00°12'02"W 165.29'

APPROX. ABST. LINE

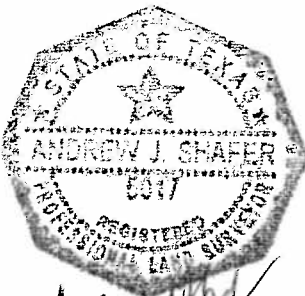
S89°34'30"W 194.61'

1/2" FIR  
(C.M.)

1/2" FIR W/CAP  
(1/2" FIR  
BEARS-S00°12'02"W  
0.49')

(OWNER)  
BETTY SUE PASCHALL LEWIS, CLYDE WESLEY PASCHALL, JR.  
AND MARTHA KAY PASCHALL LOOPER  
(VOL 92065, PG 3299)

CASWELL JOHNSON SURVEY,  
ABSTRACT NO. 714



Andrew J. Shafer  
April 2, 2010

### LEGEND

1/2" FIR 1/2-INCH FOUND IRON ROD  
PLASTIC CAP STAMPED "HALFF"  
1/2" FIR 1/2-INCH FOUND IRON ROD  
(C.M.) CONTROL MONUMENT

### NOTES:

1. The Basis of Bearing is the North American Datum of 1983, Texas State Plane Coordinate System, North Central Zone 4202. All distances are surface distances. Surface Adjustment Scale Factor: 1.0001365060.
2. Metes and Bounds description of tract shown hereon was prepared of even date.

PARCEL E-53  
CITY OF DALLAS RIGHT-OF-WAY  
0.6839 ACRE TRACT  
CITY OF DALLAS BLOCK NO. 8833,  
C.L. REEDY SURVEY, ABSTRACT NUMBER 1265,  
CITY OF DALLAS, DALLAS COUNTY, TEXAS



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DATE: MARCH 2010

AVO.: 25143

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REVIEWED BY [Signature] 5/17/10