

**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 1,910 square feet of land 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": Donna Beth Babb Witherspoon 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": \$859

"CLOSING COSTS AND TITLE EXPENSES": Not to exceed \$1,141

"AUTHORIZED AMOUNT": \$2,000 (\$859, plus closing costs not to exceed \$1,141)

**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, CLOSING COSTS AND TITLE EXPENSES 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-DWU706623CPBE. The OFFER AMOUNT and the CLOSING COSTS AND TITLE EXPENSES 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

JUN 22 2011

  
City Secretary

**PARCEL E-400**  
**CITY OF DALLAS RIGHT-OF-WAY**  
**0.0439 ACRE TRACT**  
**CITY OF DALLAS BLOCK NO. 8523,**  
**JOHN R. FONDREN SURVEY, ABSTRACT NUMBER 476,**  
**CITY OF DALLAS, DALLAS COUNTY, TEXAS**

BEING a tract of land situated in the John R. Fondren Survey, Abstract No. 476, City of Dallas, Dallas County, Texas, and being part of that tract of land described in Cash Warranty Deed to Donna Beth Babb Witherspoon as recorded in Volume 2003232, Page 05856 of the Deed Records of Dallas County, Texas (D.R.D.C.T.), and being more particularly described as follows:

COMMENCING at a 5/8-inch found iron rod with yellow plastic cap stamped "LGG" for the most easterly northeast corner of that tract of land described in deed to Lloyd E. Miller as recorded in Volume 0088170, Page 03085, D.R.D.C.T., said point being the intersection of the northwest line of that tract of land described as Tract 4 in deed to Carol Diane Hass Shelnett and Doyle Edward Shelnett as recorded in Instrument Number 200600422774 of the Official Public Records of Dallas County, Texas, with in the southwest right-of-way line of Dowdy Ferry Road (a variable width right-of-way), said point also being the west corner of that tract of land described in deed to the State of Texas as recorded in Volume 950, Page 0614, D.R.D.C.T.;

THENCE South 42 degrees 19 minutes 28 seconds East, along said southwest right-of-way line of Dowdy Ferry Road, same being the southwesterly line of said State of Texas tract, a distance of 63.00 feet to a found brass TXDOT monument for an angle point is said southwest right-of-way line, said point being in the common northwest line of said Witherspoon tract and the southeast line of said Tract 4 and the south corner of said State of Texas tract, said point also being the POINT OF BEGINNING;

THENCE North 47 degrees 09 minutes 09 seconds East, along the common northwest line of said Witherspoon tract and a jog in said southwest right-of-way line and the southwest line of said State of Texas tract, at a distance of 30.25 feet passing a found brass TXDOT monument for an angle point in said southwest right-of-way line, continuing along the common northwest line of said Witherspoon tract and the southeast line of said State of Texas tract into the right-of-way of said Dowdy Ferry Road, in all a total distance of 60.25 feet to a PK nail set for the common north corner of said Witherspoon tract and the east corner of said State of Texas tract in the centerline of said right-of-way;

THENCE South 42 degrees 50 minutes 51 seconds East, along the common northeast line of said Witherspoon tract and said centerline of Dowdy Ferry Road right-of-way, a distance of 34.68 feet to a set PK nail for corner;

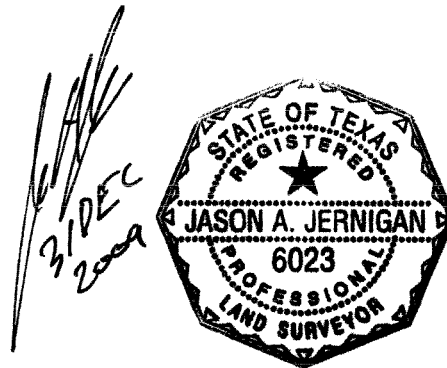
REVIEWED BY: *me* 7/29/10

PARCEL E-400  
CITY OF DALLAS RIGHT-OF-WAY  
0.0439 ACRE TRACT  
CITY OF DALLAS BLOCK NO. 8523,  
JOHN R. FONDREN SURVEY, ABSTRACT NUMBER 476,  
CITY OF DALLAS, DALLAS COUNTY, TEXAS

THENCE South 64 degrees 37 minutes 26 seconds West, departing said common line, over and across said Witherspoon tract and said Dowdy Ferry Road right-of-way, at a distance of 33.28 feet passing a 1/2-inch set iron rod with yellow plastic cap stamped "HALFF" (hereinafter referred to as "with cap") in the southwest right-of-way line of said Dowdy Ferry Road, continuing over and across said Witherspoon tract, in all a total distance of 115.50 feet to a 1/2-inch set iron rod with cap for corner in the aforementioned common northwest line of said Witherspoon tract and the southeast line of said Tract 4;

THENCE North 47 degrees 09 minutes 09 seconds East, along said common line, a distance of 49.92 feet to the POINT OF BEGINNING AND CONTAINING 1,910 square feet or 0.0439 of an 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.



REVIEWED BY: *Mr. 3/29/11*

N

# JOHN R. FONDREN SURVEY, ABSTRACT NO. 476

# EXHIBIT A 111711

0 50 100 150 200

SCALE: 1"=100'

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

(OWNER)  
DONNA BETH BABB WITHERSPOON  
(VOL. 2003232, PG. 05856)

N47°09'09"E  
60.25'

FND. TXDOT  
BRASS MON.  
(C.M.)

(OWNER)  
STATE OF TEXAS  
(VOL. 950, PG. 0614)

5/8" FIR W/CAP  
Stamped "LGG"

S42°19'28"E  
63.00'

P.K. NAIL  
SET

S42°50'51"E  
34.68'

P.K. NAIL  
SET

S42°50'51"E

25.62'  
C of Dowdy  
Ferry Rd.

32.87'

S47°09'09"W  
33.28'

FND.  
5/8" FIR  
IN CONC.

APPROX. C.T.P. & L. EASEMENT  
(VOL. 2572, PG. 491)

DOWDY ROAD  
(VARIABLE WIDTH RIGHT-OF-WAY)

S64°37'26"W  
115.50'

PARCEL E-400  
1,910 SQ. FT.  
OR  
0.0439 ACRE

1/2" SIR  
W/CAP

1/2" SIR  
W/CAP

FND. TXDOT  
BRASS MON. (C.M.)

N47°09'09"E  
49.92'

(OWNER)  
LLOYD E. MILLER  
(VOL. 0088170,  
PG. 03085)  
BLOCK 8523

30' SANITARY  
SEWER EASEMENT  
(VOL. 68042, PG. 0991)

10' SANITARY  
SEWER EASEMENT  
(VOL. 81113, PG. 0196)

50' SANITARY  
SEWER EASEMENT  
(VOL. 86141, PG. 1792)

(Basis of Bearing  
rotated counterclockwise  
00°20'51" from deed  
bearing of S47°30'W)

JOHN R. FONDREN  
SURVEY,  
ABSTRACT NO. 476

(OWNER)  
CAROL DIANE HASS SHELNUTT  
DOYLE EDWARD SHELNUTT  
(TRACT 4, CC# 200600422774)

(OWNER)  
RALPH BAILEY AND WIFE,  
LINDA BAILEY  
(VOL. 81105, PG. 3771)



## LEGEND

1/2" SIR	1/2-INCH SET IRON ROD WITH YELLOW
W/CAP	PLASTIC CAP STAMPED "HALFF"
(C.M.)	CONTROL MONUMENT
FIR	FOUND IRON ROD
MON	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-400  
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0.0439 ACRE TRACT  
CITY OF DALLAS BLOCK NO. 8523,  
JOHN R. FONDREN SURVEY, ABSTRACT NUMBER 476,  
CITY OF DALLAS, DALLAS COUNTY, TEXAS



# HALFF

1201 N. BOWSER ROAD DALLAS, TEXAS 75081  
TELE. (214)346-6200 FAX (214)739-0095

DATE: DECEMBER, 2009

AVO.: 25143

PAGE 3 OF 3

REVIEWED BY: *John 3/29/10*

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