

**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 4,631 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": Dennis Rogers and Linda Rogers 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": \$3,473

"CLOSING COSTS AND TITLE EXPENSES": Not to exceed \$1,500

"AUTHORIZED AMOUNT": \$4,973 (\$3,473, plus closing costs not to exceed \$1,500)

**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-DWU706623CPBR. 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.


June 22, 2011

**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-249**  
**CITY OF DALLAS RIGHT-OF-WAY**  
**0.1063 ACRE TRACT**  
**JOHN P. ANDERSON SURVEY, ABSTRACT NUMBER 1**  
**CITY OF MESQUITE, DALLAS COUNTY, TEXAS**

BEING a tract of land situated in the John P. Anderson Survey, Abstract Number 1, City of Mesquite, Dallas County, Texas, and being a part of that tract of land described in Warranty Deed With Vendor's Lien dated January 28, 1982, to Dennis Rogers and wife, Linda Rogers as recorded in Volume 82023, Page 1930 of the Deed Records of Dallas County, Texas (D.R.D.C.T.), and being more particularly described as follows:

BEGINNING at a 1/2-inch set iron rod with yellow plastic cap stamped "HALFF" (hereinafter referred to as "with cap") for the north corner of Wainwright Addition, Lot 1, Block 1, an addition to the City of Mesquite, Dallas County, Texas, as recorded in Volume 93033, Page 0707, D.R.D.C.T., said point being on the southwest line of said Rogers tract, said point also being on the southeasterly right-of-way line of Lawson Road (a 100 foot wide right-of-way as described in the Notice of Lis Pendens as recorded in Volume 87188, Page 1470, D.R.D.C.T.), and from which a 4-inch metal fence corner post bears South 34 degrees 41 minutes 56 seconds East a distance of 2.01 feet;

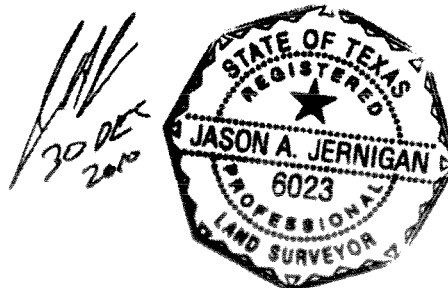
THENCE North 75 degrees 28 minutes 11 seconds East, with said southeasterly right-of-way line, a distance of 185.24 feet to a 1/2-inch set iron rod with cap in the northeast line of said Rogers tract at the west corner of Lot 1, Block 1 of Lawson Road Estates, Block 1, Lots 1 and 2, an addition to the City of Mesquite, Dallas County, Texas, as recorded in Volume 93156, Page 1575, D.R.D.C.T., and from which a 4-inch metal fence corner post bears South 12 degrees 06 minutes 47 seconds East a distance of 1.46 feet;

THENCE South 44 degrees 47 minutes 21 seconds East, departing said southeasterly right-of-way line, with the common southwest line of said Lawson Road Estates addition and said northeast line of said Rogers tract, a distance of 28.94 feet to a 1/2-inch set iron rod with cap for corner;

THENCE South 75 degrees 28 minutes 11 seconds West, departing said common line, over and across said Rogers tract, with a line offset 25 feet southeasterly from and parallel to said southeasterly right-of-way line of Lawson Road, a distance of 185.24 feet to a 1/2-inch set iron rod with cap for corner on the common southwest line of said Rogers tract and the northeast line of the aforementioned Wainwright Addition;

THENCE North 44 degrees 47 minutes 21 seconds West, departing said parallel offset line, with said common line, a distance of 28.94 feet to the POINT OF BEGINNING and containing 4.631 square feet or 0.1063 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.



0 50 100 150 200  
SCALE: 1"=100'

# JOHN P. ANDERSON SURVEY, ABSTRACT NO. 1

**EXHIBIT A**  
**111712**



## LAWSON ROAD

(100' WIDE R.O.W.)  
(VOL. 87188, PG. 1470)

**PARCEL E-249**  
**4,631 SQ. FT.**  
**OR**  
**0.1063 ACRE**

$\Delta = 04^{\circ}03'46''$   
 $R = 1,390.00'$   
 $T = 49.30'$   
 $L = 98.56'$   
 $CL = 98.54'$   
 $CB = N73^{\circ}26'01''E$

$\frac{3}{8}$ " FIR  
(C.M.)

$N44^{\circ}47'21''W$

$198.17'$

$\frac{1}{2}$ " SIR W/CAP  
(4" METAL FENCE CORNER  
POST BEARS  
 $S12^{\circ}06'47''E-1.46'$ )

$N75^{\circ}27'54''E$   
 $174.48'$

$\frac{1}{2}$ " FIR W/  
"RPLS 3963"  
CAP (C.M.)

**POINT OF  
BEGINNING**

$N75^{\circ}28'11''E$   
 $185.24'$

$N75^{\circ}27'54''E$   
 $S44^{\circ}47'21''E$   
 $28.94'$

LOT 1, BLOCK 1  
LAWSON ROAD ESTATES,  
BLOCK 1, LOTS 1 AND LOT 2  
(VOL. 93156, PG. 1575)

DENNIS ROGERS  
AND WIFE,  
LINDA ROGERS  
(VOL. 82023, PG. 1930)

**JOHN P. ANDERSON SURVEY,  
ABSTRACT NO. 1**

APPROX.  
ABST. LINE

$\frac{1}{2}$ " SIR W/CAP  
(4" METAL FENCE  
CORNER POST BEARS  
 $S34^{\circ}41'56''E$   
 $2.01'$ )

Basis of Bearing rotated  
clockwise  $00^{\circ}01'39''$  from  
deed bearing of  $S44^{\circ}49'E$

WAINWRIGHT ADDITION,  
LOT 1, BLOCK 1  
(VOL. 93033, PG. 0707)

### LEGEND

$\frac{1}{2}$ " SIR 1/2-INCH SET IRON ROD WITH YELLOW  
W/CAP PLASTIC CAP STAMPED "HALFF"  
(C.M.) CONTROL MONUMENT  
FIR FOUND IRON ROD



*30 DEC 2010*

### 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-249**  
**CITY OF DALLAS RIGHT-OF-WAY**  
**0.1063 ACRE TRACT**  
**JOHN P. ANDERSON SURVEY, ABSTRACT NO. 1**  
**CITY OF MESQUITE, DALLAS COUNTY, TEXAS**



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

DATE: DEC., 2010

AVO.: 25143

PAGE 2 OF 2

**REVIEWED BY** *for 1/27/11*