

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 7,199 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": M. A. Marsh, 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": \$4,679

"CLOSING COSTS AND TITLE EXPENSES": Not to exceed \$1,521

"AUTHORIZED AMOUNT": \$6,200 (\$4,679, plus closing costs not to exceed \$1,521)

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.

June 22, 2011

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-DWU706623CPBK. 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

EXHIBIT A**111713**

**PARCEL E-75
FIELD NOTES DESCRIBING PART OF THE MARSH TRACT
IN THE CITY OF BALCH SPRINGS
TO BE ACQUIRED FOR A 120 INCH WATER LINE**

ALL THAT certain lot, tract, or parcel of land lying and being situated in the City of Balch Springs, Dallas County, Texas, more particularly described as follows:

BEING a 7199 square feet tract of land conveyed to MA Marsh by Warranty Deed dated December 22, 1939 by WJ Montgomery as recorded in Volume 2178, Page 38 of the Deed Records of Dallas County, Texas and being in the WJ Snow Survey, Abstract Number 1348 and being more particularly described as follows:

BEGINNING at a found 3/8 inch iron rod on the north right-of-way line of Rylie Crest Drive (90 feet wide) for the southwest corner of the MA Marsh tract as recorded in Volume 2178, Page 38 of said Deed Records, said point also being the southeast corner of Tract III as conveyed to 635 – I20 JV by General Warranty Deed dated December 18, 1997 by Clara Belle Freeman, Patsy Ruth Winslett, and Carroll Lewis Murphy as recorded in Volume 97252, Page 0275 of said Deed Records, from which a found 1/2 inch iron rod on the southern right-of-way line of said Rylie Crest Drive at the western most point of a curving corner cut-off at its intersection with Woodsboro Drive (60 feet wide) bears South 1°53'04" West a distance of 90.23 feet;

THENCE North 0°34'08" West along the common line between said Marsh and 635 – I20 JV tracts a distance of 100.00 feet to a set 1/2 inch iron rod with a yellow cap stamped "GLD";

THENCE South 56°14'15" East a distance of 174.34 feet to a set 1/2 inch iron rod with a yellow cap stamped "GLD" at said north right-of-way of Rylie Crest Drive from which a found 1/2 inch iron rod bears North 88°13'31" East a distance of 54.30 feet;

THENCE South 88°45'45" West along said north line of Rylie Crest Drive a distance of 143.98 feet to the POINT OF BEGINNING and containing approximately 7199 square feet of land.

SUBJECT TO: a utility easement to Dallas County Water Control and Improvement District No. 6 by deed dated November 6, 1960 from MA Marsh as recorded in Volume 5568, Page 479 of said Deed Records.

BASIS OF BEARINGS: 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. Basis of Bearings rotated counterclockwise 0°34'08" from deed bearing of North along the west line of said Marsh tract.

KB 4/10/10
5330 E-75



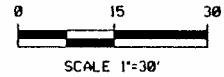
Parcel E-75, Page 1 of 2

REVIEWED BY *Dee Spill*

Kevin Buchanan
10 April, 2010

EXHIBIT A

111713



MA MARSH
VOL. 2178, PG. 38

BASIS OF BEARING
ROTATED
COUNTER-CLOCKWISE
00°34'08" FROM DEED
BEARING OF NORTH

TRACT III
635-120 JV
VOL. 97252, PG. 275

1/2" IRS

N00°34'08"W 100.00'

PARCEL E-75
7199 SQ. FT.

(OWNER) MA MARSH
VOL. 2178, PG. 38

S56°14'15"E 174.34'

(CM)
3/8" IRF

S88°45'45"W 143.98'

1/2" IRS

1/2" IRF
WHICH BEARS
N88°13'31"E-54.30'

POINT OF
BEGINNING

RYLIE CREST DRIVE
(90-FOOT WIDE RIGHT-OF-WAY)

1/2" FIR
WHICH BEARS
S01°53'04"W-90.23'
(CM)

LEGEND:

IRF IRON ROD FOUND
IRS IRON ROD SET W/
YELLOW 'GLD' CAP
IPF IRON PIPE FOUND
MON. MONUMENT
(CM) CONTROL MONUMENT

NOTES:

1.) BEARING SYSTEM:
NORTH AMERICAN DATUM OF 1983, TEXAS
STATE PLANE COORDINATE SYSTEM, NORTH
CENTRAL ZONE 4202, SURFACE
ADJUSTMENT SCALE FACTOR= 1.0001365060

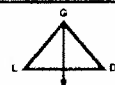
WOODSBORO
DRIVE
(60-FOOT WIDE
RIGHT-OF-WAY)



Kevin Buchanan
10 April 2010

REVIEWED BY *Dee Spiller*

PARCEL E-75
FIELD NOTES DESCRIBING PART OF THE MARSH TRACT
IN THE CITY OF BALCH SPRINGS
TO BE ACQUIRED FOR A 120-INCH WATER LINE



Garcia Land Data, Inc.

T 214-987-0149 6210 Campbell Rd., Ste. 110
F 214-987-4026 Dallas, TX 75248-1388

DATE: 04/10/10

PROJ: 5330

PAGE 2 OF 2