

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 6,587 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": Thomas Kay and Sue Kay 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": \$5,355

"CLOSING COSTS AND TITLE EXPENSES": Not to exceed \$2,145

"AUTHORIZED AMOUNT": \$7,500 (\$5,355, plus closing costs not to exceed \$2,145)

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-DWU706623CPCA. 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.

111714
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-248
CITY OF DALLAS RIGHT-OF-WAY
0.1512 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 dated March 23, 1993, to Robert E. Carathers and wife, Margaret Carathers and Thomas Ray and wife, Sue Kay as recorded in Volume 93057, Page 7225 of the Deed Records of Dallas County, Texas (D.R.D.C.T.), and a part of that tract of land described in Cash Warranty Deed dated September 28, 1993, to Thomas Kay and Sue Kay as recorded in Volume 93188, Page 3455, D.R.D.C.T., said tract also being part 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 being more particularly described as follows:

BEGINNING at a 1/2-inch found iron rod with "RPLS 3963" cap for the most northerly common corner of said Lot 1 and Lot 2, Block 1 of said Lawson Road Estates addition on the southeasterly right-of-way line of Lawson Road (a 100 foot wide right-of-way as described in Agreed Judgment as recorded in Volume 89184, Page 3595, D.R.D.C.T.);

THENCE South 18 degrees 06 minutes 15 seconds East, with the common line between said Lots 1 and 2, a distance of 25.05 feet to a 1/2-inch set iron rod with yellow plastic cap stamped "HALFF" (hereinafter referred to as "with cap") for corner;

THENCE South 75 degrees 27 minutes 54 seconds West, departing said common line, over and across said Lot 1, with a line offset 25 feet southeasterly from and parallel to said southeasterly right-of-way line of Lawson Road, a distance of 256.98 feet to a 1/2-inch set iron rod with cap for corner on the common southwest line of said Lot 1 the northeast line of that tract of land described in deed to Dennis Rogers and wife, Linda Rogers as recorded in Volume 82023, Page 1930, D.R.D.C.T.;

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 a 1/2-inch set iron rod with cap for the west corner of said Lot 1 on said southeasterly right-of-way line of Lawson Road, 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;

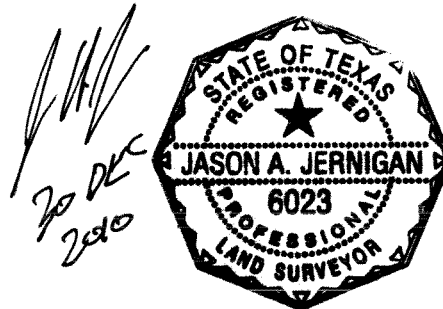
REVIEWED BY *pkc* 1/27/11

EXHIBIT A
111714

PARCEL E-248
CITY OF DALLAS RIGHT-OF-WAY
0.1512 ACRE TRACT
JOHN P. ANDERSON SURVEY, ABSTRACT NUMBER 1
CITY OF MESQUITE, DALLAS COUNTY, TEXAS

THENCE North 75 degrees 27 minutes 54 seconds East, departing said common line, with the common northwest line of said Lot 1 and said southeasterly right-of-way line of Lawson Road, a distance of 270.00 feet to the POINT OF BEGINNING and containing 6,587 square feet or 0.1512 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.

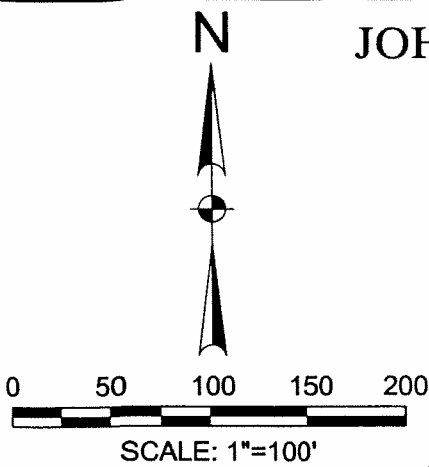


REVIEWED BY *dec 1/27/11*

JOHN P. ANDERSON SURVEY, ABSTRACT NO. 1

EXHIBIT A 111714

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



PARCEL E-248
 6,587 SQ. FT.
 OR
 0.1512 ACRE

SCALE: 1"=100'

Basis of Bearing rotated
 counter-clockwise $00^{\circ}33'07''$
 from
 $N76^{\circ}01'01''E$

LAWSON ROAD
 (100' RIGHT-OF-WAY)
 (VOL. 89184, PG. 3595)

POINT OF BEGINNING

$\frac{1}{2}$ " FIR W/
 "RPLS 3963"
 CAP

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

APPROX. SURVEY LINE

$N44^{\circ}47'21''W$
 198.17'

$N75^{\circ}27'54''E$
 270.00'

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

$S18^{\circ}06'15''E$
 25.05'

25' B.L.
 (VOL. 93156,
 PG. 1577)

$\frac{1}{2}$ " SIR
 W/CAP

LOT 2, BLOCK 1

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

LOT 1, BLOCK 1

THOMAS KAY
 AND SUE KAY
 (VOL. 93057, PG. 7225)
 (VOL. 93188, PG. 3455)

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

$N44^{\circ}47'21''W$
 28.94'

$S75^{\circ}27'54''W$
 256.98'

25' BLDG. LINE
 (VOL. 93156, PG. 1577)

$\frac{1}{2}$ " SIR
 W/CAP

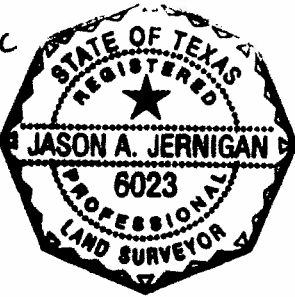
$\frac{1}{2}$ " SIR W/CAP
 (4" METAL FENCE
 CORNER POST
 BEARS
 $S12^{\circ}06'47''E$
 1.46')

OLD LAWSON ROAD
 (VARIABLE WIDTH RIGHT-OF-WAY)
 (VOL. 89184, PG. 3595)

JOHN P. ANDERSON SURVEY,
 ABSTRACT NO. 1
 JOHN M. HARDING SURVEY,
 ABSTRACT NO. 569

REVIEWED BY *DA 1/27/11*

30 DEC 2010



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

NOTES:

- 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.
- Mets and Bounds description of tract shown hereon was prepared of even date.

PARCEL E-248
 CITY OF DALLAS RIGHT-OF-WAY
 0.1512 ACRE TRACT
 JOHN P. ANDERSON SURVEY, ABSTRACT NO. 1
 CITY OF MESQUITE, DALLAS COUNTY, TEXAS



HALFF

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

DATE: DEC., 2010

AVO.: 25143

PAGE 3 OF 3

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