

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

"PROJECT": State-Thomas TIF Infrastructure Improvements Project

"PROPERTY INTEREST": Fee Simple

"OWNER": Thomas, LP, 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": \$11,650

"CLOSING COSTS AND TITLE EXPENSES": Not to exceed \$1,200

"AUTHORIZED AMOUNT": \$12,850

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 the Sustainable Development and Construction Department, 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 AND TITLE EXPENSES payable out of STATE-THOMAS TIF DISTRICT FUNDS, Fund No. 0032, Department ECO, Unit P145, Activity STTI, Program No. PBTIF006, Object 4250, Encumbrance No. CT-SUSP145PM24. 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

FIELD NOTES DESCRIBING A
95 SQ. FT. & A 93 SQ. FT.
ONCOR ELECTRIC DELIVERY COMPANY
EASEMENT
FROM THOMAS, LP
IN CITY OF DALLAS BLOCK T/587

EXHIBIT A

111716

TRACT A

BEING a 95 square foot tract of land situated in the John Grigsby League Survey, Abstract No. 495, City of Dallas, Dallas County, Texas and being a portion of Lot 1A, Block T/587 of Thomas Avenue Town Home Addition, an addition to the City of Dallas, Texas as recorded under Inst.# 200600241720 of the Official Public Records of Dallas County, Texas, and being a portion of that tract of land as described in Grant Deed to Thomas, LP, executed on December 12, 2008 and filed for record on January 14, 2009 under Inst.# 200900012037 of the Official Public Records of Dallas County, Texas, said tract being more particularly described as follows:

COMMENCING at a 1/2 inch iron rod found with yellow cap for the most easterly corner of said Lot 1A, said point being at the intersection of the westerly right-of-way line of North Central Expressway (U.S. Highway 75, a variable width right-of-way) with the southwesterly right-of-way line of Hall Street (a variable width right-of-way) from which an "X" cut found in concrete for the most westerly corner of said Lot 1A bears, South 45 degrees 29 minutes 59 seconds West along the southeasterly line of Lot 1A a distance of 86.71 feet to a 5/8 inch iron rod found with yellow cap stamped "Bury Partners"- North 44 degrees 19 minutes 10 seconds West along a southwesterly line of said Lot 1A a distance of 50.00 feet to a point for a corner (no monument found) - South 45 degrees 30 minutes 00 seconds West along a southeasterly line of said Lot 1A a distance of 27.75 feet to a point for a corner (no monument found) - North 44 degrees 19 minutes 10 seconds West along a southwesterly line of said Lot 1A a distance of 100.00 feet;

THENCE North 24 degrees 06 minutes 33 seconds West along the southwesterly right-of-way line of said Hall Street a distance of 13.23 feet to an angle point (no monument found);

THENCE North 44 degrees 52 minutes 29 seconds West continuing along the southwesterly right-of-way line of Hall Street, a distance of 37.59 feet to an angle point (no monument found);

THENCE North 44 degrees 51 minutes 31 seconds West continuing along the southwesterly right-of-way line of said Hall Street, a distance of 5.60 feet to an "X" cut set for the **POINT OF BEGINNING** of this tract;

- 1) Thence South 45 degrees 08 minutes 29 seconds West departing the southwesterly right-of-way line of Hall Street, a distance of 9.51 feet to a 5/8" iron rod set with yellow plastic cap stamped "Huitt-Zollars" for a corner;
- 2) Thence North 44 degrees 51 minutes 31 seconds West, a distance of 10.00 feet to a 5/8" iron rod set with yellow plastic cap stamped "Huitt-Zollars" for a corner;
- 3) Thence North 45 degrees 08 minutes 29 seconds East, a distance of 9.51 feet to an "X" cut set for a corner on the southwesterly right-of-way line of said Hall Street;
- 4) Thence South 44 degrees 51 minutes 31 seconds East along the southwesterly right-of-way line of said Hall Street, a distance of 10.00 feet to the **POINT OF BEGINNING** and containing 95 square feet of land, more or less.

FIELD NOTES O.K.

Dona E. Romo 2/9/11

FIELD NOTES DESCRIBING A
95 SQ. FT. & A 93 SQ. FT.
ONCOR ELECTRIC DELIVERY COMPANY
EASEMENT
FROM THOMAS, LP
IN CITY OF DALLAS BLOCK T/587

EXHIBIT A

111716

TRACT B

BEING a 93 square foot tract of land situated in the John Grigsby League Survey, Abstract No. 495, City of Dallas, Dallas County, Texas and being a portion of Lot 1A, Block T/587 of Thomas Avenue Town Home Addition, an addition to the City of Dallas, Texas as recorded under Inst.# 200600241720 of the Official Public Records of Dallas County, Texas, and being a portion of that tract of land as described in Grant Deed to Thomas, LP, executed on December 17, 2008 and filed for record on January 14, 2008 under Inst.# 200900012037 of the Official Public Records of Dallas County, Texas, said tract being more particularly described as follows:

COMMENCING at a 1/2 inch iron rod found with yellow cap for the most easterly corner of said Lot 1A, said point being at the intersection of the westerly right-of-way line of North Central Expressway (U.S. Highway 75, a variable width right-of-way) with the southwesterly right-of-way line of Hall Street (a variable width right-of-way) from which an "X" cut found in concrete for the most westerly corner of said Lot 1A bears, South 45 degrees 29 minutes 59 seconds West along the southeasterly line of Lot 1A a distance of 86.71 feet to a 5/8 inch iron rod found with yellow cap stamped "Bury Partners"- North 44 degrees 19 minutes 10 seconds West along a southwesterly line of said Lot 1A a distance of 50.00 feet to a point for a corner (no monument found) - South 45 degrees 30 minutes 00 seconds West along a southeasterly line of said Lot 1A a distance of 27.75 feet to a point for a corner (no monument found) - North 44 degrees 19 minutes 10 seconds West along a southwesterly line of said Lot 1A a distance of 100.00 feet;

THENCE North 24 degrees 06 minutes 33 seconds West along the southwesterly right-of-way line of said Hall Street, a distance of 13.23 feet to an angle point (no monument found);

THENCE North 44 degrees 52 minutes 29 seconds West continuing along the southwesterly right-of-way line of Hall Street, a distance of 37.59 feet to an angle point (no monument found);

THENCE North 44 degrees 51 minutes 31 seconds West continuing along the southwesterly right-of-way line of Hall Street, a distance of 45.50 feet to an "X" cut set for the **POINT OF BEGINNING** of this tract;

- 1) Thence South 45 degrees 48 minutes 43 seconds West departing the southwesterly right-of-way line said Hall Street, a distance of 9.20 feet to a 5/8" iron rod set with yellow plastic cap stamped "Huitt-Zollars" for a corner;
- 2) Thence North 44 degrees 11 minutes 17 seconds West, a distance of 10.00 feet to a 5/8" iron rod set with yellow plastic cap stamped "Huitt-Zollars" for a corner;
- 3) Thence North 45 degrees 48 minutes 43 seconds East, a distance of 9.78 feet to an "X" cut set for a corner on the said southwesterly right-of-way line of Hall Street;
- 4) Thence South 37 degrees 35 minutes 17 seconds East along the southwesterly right-of-way line of Hall Street, a distance of 5.51 feet to an "X" cut set for an angle point;

FIELD NOTES O.K.
Steven E. Korpach 2/9/11

FIELD NOTES DESCRIBING A
95 SQ. FT. & A 93 SQ. FT.
ONCOR ELECTRIC DELIVERY COMPANY
EASEMENT
FROM THOMAS, LP
IN CITY OF DALLAS BLOCK T/587

EXHIBIT A

111716

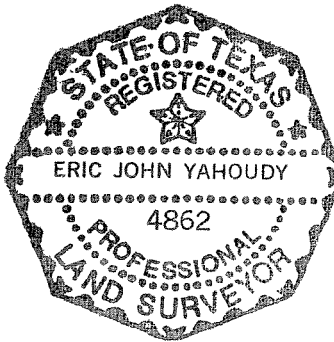
- 5) Thence South 44 degrees 51 minutes 31 seconds East along the southwesterly right-of-way line of said Hall Street, a distance of 4.52 feet to the **POINT OF BEGINNING** and containing 93 square feet of land, more or less.

Bearings are based on the monuments found along the southeasterly line of the Final Plat of Thomas Avenue Town Home Addition, an addition to the City of Dallas as recorded under Inst.# 200600241720 of the Official Public Records of Dallas County, Texas.

For Huitt-Zollars, Inc.

 1-28-2011

Eric J. Yahoudy
Registered Professional Land Surveyor
Texas Registration No. 4862
Huitt-Zollars, Inc.
1717 McKinney Avenue, Suite 1400
Dallas, Texas 75202
Ph. 214-871-3311



Date: January 28, 2011

FIELD NOTES O.K.

2/9/11

LOT 1A
BLOCK S/583

EXHIBIT A

111716

0 30
SCALE IN FEET



HALL STREET
(VARIABLE R.O.W.)

ABBREVIATIONS:
S.F. = SQUARE FEET
O.P.R.D.C.T. = OFFICIAL
PUBLIC RECORDS DALLAS
COUNTY TEXAS
D.R.D.C.T. = DEED
RECORDS DALLAS
COUNTY TEXAS

LOT 6

THOMAS AVENUE
(50' R.O.W.)

TRACT B
ONCOR ELECTRIC
DELIVERY COMPANY
EASEMENT (93 S.F.)

LOT 1A
BLOCK T/587

THOMAS AVENUE TOWN HOME ADD.
INST. # 200600241720

TRACT A
ONCOR ELECTRIC
DELIVERY COMPANY
EASEMENT (95 S.F.)

THOMAS, LP
INST. # 200900012037
O.P.R.D.C.T.

POINT OF COMMENCING
1/2" IRON ROD FOUND WITH
YELLOW CAP (Controlling Monument)

POINT OF BEGINNING, TRACT B

POINT OF BEGINNING, TRACT A

(U.S. HWY. 75)
NORTH CENTRAL
EXPRESSWAY
(VARIABLE R.O.W.)

JOHN GRIGSBY LEAGUE SURVEY
ABST. NO. 495

IRS - 5/8" IRON ROD SET WITH YELLOW PLASTIC HUITT-ZOLLARS CAP

LOT 7A
BLOCK T/587
GABLES HUGO STREET ADD.
INST. # 200201889937
VOL. 2002127, PG. 1

BASIS OF BEARINGS:
BEARINGS ARE BASED ON THE MONUMENTS FOUND ALONG THE
SOUTHEASTERLY LINE OF THE FINAL PLAT OF THOMAS AVENUE
TOWN HOME ADDITION, AN ADDITION TO THE CITY OF DALLAS,
TEXAS AS RECORDED UNDER INST. # 200600241720 OF THE
OFFICIAL PUBLIC RECORDS OF DALLAS COUNTY, TEXAS.

5/8" IRON ROD
FOUND WITH
YELLOW CAP
STAMPED "BURY
PARTNERS"
(Controlling Monument)

S 45°30'00"W
2.75'

3.5' STREET EASEMENT
VOL. 2002127, PG. 1

5/8" IRON ROD
FOUND WITH
YELLOW CAP
STAMPED "BURY
PARTNERS"

CLEAR CHANNEL
OUTDOOR INC.
VOL. 2003145,
PG. 9651
D.R.D.C.T.

For Huitt-Zollars, Inc.

Eric J. Yahoudy
Registered Professional Land
Surveyor Texas Reg. No. 4862

Date: 1-28-2011

HUITT-ZOLLARS

Huitt-Zollars, Inc. Dallas
1717 McKinney Avenue, Suite 1400
Dallas, Texas 75202-1236
Phone (214) 871-3311 Fax (214) 871-0757

95 SQ. FT. & 93 SQ. FT.
ONCOR ELECTRIC DELIVERY
COMPANY EASEMENTS
FROM THOMAS, LP
CITY BLOCK T/587
DALLAS, DALLAS COUNTY, TX

COLBY STREET
(VARIABLE R.O.W.)

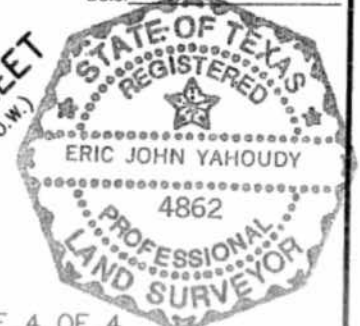


EXHIBIT PAGE 4 OF 4