

A RESOLUTION AUTHORIZING SETTLEMENT OF A CONDEMNATION SUIT.

IN THIS RESOLUTION THE FOLLOWING DEFINITIONS SHALL APPLY:

CONDEMNATION SUIT: Cause No. cc-09-09703-A, in County Court at Law No. 1, and styled. *City of Dallas vs. Mainland Land & Equipment Co., et al.*

PROJECT: Trinity River Project – Dallas Floodway Extension

PROPERTY: The real property described in Exhibit A, being approximately 48 acres.

COMMISSIONERS' AWARD: The sum of \$55,000.00, the same having been previously approved and deposited into the registry of the County Court at Law.

SETTLEMENT AMOUNT: \$223,000.00, which includes the Commissioners' Award

ADDITIONAL AMOUNT: \$168,000.00, the difference between the Commissioners' Award and the Settlement Amount.

CLOSING COSTS AND TITLE EXPENSES: Not to exceed \$3,500.00

AUTHORIZED AMOUNT: \$171,500.00

DESIGNATED FUNDS:

\$171,500.00 – 1998 Bond Funds, Fund No. 4P14, Department PBW, Unit N962, Activity TRPP, Program No. PB98N962, Object 4210, Encumbrance No. CT-PBW98N962G3.

WHEREAS, the City Council desires to authorize the City Attorney and the City Manager to enter into a settlement of the CONDEMNATION SUIT in connection with the PROJECT,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DALLAS:

SECTION 1. That the area of land acquired by the CONDEMNATION SUIT shall be identified as the PROPERTY.

SECTION 2. That the City Attorney and the City Manager are authorized to settle said CONDEMNATION SUIT for the SETTLEMENT AMOUNT. The ADDITIONAL AMOUNT, CLOSING COSTS and TITLE EXPENSES together shall not exceed the AUTHORIZED AMOUNT.

111728
June 22, 2011

SECTION 3. That the City Attorney and the City Manager are authorized to prepare and execute such documents as may be necessary to effect the settlement described herein.

SECTION 4. That the City Controller is hereby authorized and directed to draw a warrant in favor of *Mainland Land & Equipment Co.* and/or the *County Clerk of Dallas County* in the CONDEMNATION SUIT and/or the title company closing and/or issuing a title policy in the transaction described herein in the ADDITIONAL AMOUNT and/or CLOSING COSTS AND TITLE EXPENSES, paid out of and charged to the DESIGNATED FUNDS.

SECTION 5. 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 2,084,187 (47.846 Acre) Tract of Land
in City Block No. 7718
to be Acquired from the Mainland Land and Equipment Co., Inc.**

Being a 2,084,187 Square Foot (47.846 Acre) tract of land in the City of Dallas, Dallas County, Texas, lying in the W.J. Elliott Survey, Abstract No. 448, being a portion of that tract of land called Tract I, conveyed to the Mainland Land and Equipment Company by Warranty Deed With Vendor's Lien dated February 1, 1985 and recorded in Volume 85027, Page 3332 of the Deed Records of Dallas County, Texas, and being more particularly described as follows:

COMMENCING at a 5/8" Iron Rod found on the common line between said W.J. Elliott Survey and the Robert Sloan Survey, Abstract No. 1449, at the common East corner of Tract I and Tract II of the above said Mainland Land and Equipment Company property, being also the Northwest line of a tract of land conveyed to Darling- Delaware, Inc., by deed recorded in volume 83166, Page 2988 of the Deed Records of Dallas County, Texas:

THENCE North 59°11'14" East with the common line between said Mainland and Darling-Delaware tracts a distance of 157.59 feet to a 5/8 inch diameter Iron Rod with cap marked "PROPERTY CORNER" set at the intersection with a line off-set 10.00 feet Northeasterly from the alignment of a chain-link fence, being the most Southerly corner and **POINT OF BEGINNING** of the herein described tract of land:

THENCE Northwesterly with said off-set line, along the following courses and distances:

North 20°13'17" East a distance of 19.56 feet:

North 10°45'27" East a distance of 19.29 feet:

North 64°38'34" West a distance of 43.24 feet to the Point of Curvature of a curve to the Right:

Northwesterly along said curve, having a Radius of 110.00 feet, a Central Angle of 26°40'23", an Arc Length of 51.21 feet and a Chord which bears North 51°18'23" West a distance of 50.75 feet to the Point of Reverse Curvature of a curve to the Left:

Northwesterly along said curve, having a Radius of 400.00 feet, a Central Angle of 10°27'39", an Arc Length of 73.03 feet and a Chord which bears North 43°12'01" West a distance of 72.93 feet to the Point of Tangency:

North 48°25'51" West a distance of 123.93 feet to the Point of Curvature of a curve to the Left:

Northwesterly along said curve, having a Radius of 125.00 feet, a Central Angle of 30°23'05", an Arc Length of 66.29 feet and a Chord which bears North 63°37'23" West a distance of 65.52 feet to the Point of Reverse Curvature of a curve to the Right:

FIELD NOTES OK
OK 5-24-11

**Field Notes Describing a 2,084,187 (47.846 Acre) Tract of Land
in City Block No. 7718
to be Acquired from the Mainland Land and Equipment Co., Inc.**

Northwesterly along said curve, having a Radius of 110.00 feet, a Central Angle of $32^{\circ}51'21''$, an Arc Length of 62.92 feet and a Chord which bears North $62^{\circ}25'41''$ West a distance of 62.07 feet to the Point of Tangency:

Northwesterly along said curve, having a Radius of 409.62 feet, a Central Angle of $11^{\circ}27'03''$, an Arc Length of 81.86 and a Chord which bears North $51^{\circ}45'57''$ West a distance of 81.73 feet to the Point of Tangency:

North $56^{\circ}05'29''$ West a distance of 10.97 feet to the Point of Curvature of a curve to the Right:

Northwesterly along said curve, having a Radius of 200.00 feet, a Central Angle of $11^{\circ}18'56''$, an Arc Length of 39.50 feet and a Chord which bears North $50^{\circ}26'01''$ West a distance of 39.43 feet to the Point of Tangency:

North $44^{\circ}46'33''$ West a distance of 12.28 feet:

North $27^{\circ}20'18''$ West a distance of 21.78 feet to the Point of Curvature of a curve to the Left:

Northwesterly along said curve, having a Radius of 53.83 feet, a Central Angle of $60^{\circ}43'26''$, an Arc Length of 57.06 feet and a Chord which bears North $57^{\circ}42'01''$ West a distance of 54.42 feet to the Point of Tangency:

North $88^{\circ}03'43''$ West a distance of 28.65 feet to the Point of Curvature of a curve to the Right:

Northwesterly along said curve, having a Radius of 105.15 feet, a Central Angle of $28^{\circ}01'04''$, an Arc Length of 51.42 feet and a Chord which bears North $74^{\circ}03'11''$ West a distance of 50.91 feet to the Point of Tangency:

North $60^{\circ}02'39''$ West a distance of 40.42 feet to the Point of Curvature of a curve to the Right:

Northwesterly along said curve, having a Radius of 32.98 feet, a Central Angle of $63^{\circ}37'03''$, an Arc Length of 36.62 feet and a Chord which bears North $28^{\circ}14'07''$ West a distance of 34.77 feet to the Point of Tangency:

North $03^{\circ}34'25''$ East a distance of 29.54 feet to the Point of Curvature of a curve to the Left:

Northwesterly along said curve, having a Radius of 41.08 feet, a Central Angle of $59^{\circ}00'09''$, an Arc Length of 42.30 feet and a Chord which bears North $25^{\circ}55'41''$ West a distance of 40.46 feet to the Point of Tangency:

North $55^{\circ}25'43''$ West a distance of 10.14 feet:

FIELD NOTES OK

5/24/11

**Field Notes Describing a 2,084,187 (47.846 Acre) Tract of Land
in City Block No. 7718
to be Acquired from the Mainland Land and Equipment Co., Inc.**

South 67°45'13" West a distance of 16.87 feet to a 5/8" diameter Iron Rod with Cap marked "PROPERTY CORNER" set at the intersection with the Northwest line of Tract II of said Mainland Land and Equipment property, being also the Southeast line of the Burlington Northern, Santa Fe Railroad (hereinafter referred to as the "BNSF RR"):

THENCE North 20°10'34" East along the common line between said Mainland Land and Equipment and BNSF RR properties, a distance of 1,949.80 feet to a 5/8 inch diameter Iron Rod found at the intersection with the Southerly Gradient Boundary line of the Trinity River, as established by a survey performed by William C. Boden, LSLS number 1932, in April of 2000:

THENCE Southeasterly with said Gradient Boundary line, the following courses and distances:

South 68°08'59" East a distance of 133.39 feet:

South 40°24'53" East a distance of 582.31 feet:

South 21°16'30" East a distance of 152.22 feet:

South 17°36'30" West a distance of 440.38 feet:

South 19°15'07" West a distance of 165.34 feet:

South 28°28'37" East a distance of 238.86 feet:

South 66°52'59" East a distance of 131.31 feet:

South 81°37'43" East a distance of 134.18 feet:

North 78°41'49" East a distance of 360.54 feet:

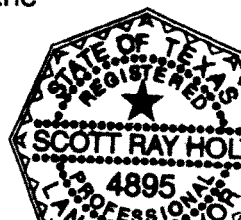
South 83°40'48" East a distance of 142.16 feet:

South 67°23'41" East a distance of 217.79 feet to the intersection with the Southeasterly line of Tract II of said Mainland Land and Equipment tract, being also the common line between said W.J. Elliott and Robert Sloan Surveys, and the Northeast corner of the herein described tract of land:

THENCE South 59°11'14" West along said common Survey line, pass at 775.88 feet an Iron Rail found at the West corner of a tract of land conveyed to the City of Dallas by deed recorded in Volume 2095, Page 187 of the Deed Records of Dallas County, Texas, and continuing for a total distance of 1,679.86 feet to the **POINT OF BEGINNING**, containing 2,084,187 Square Feet, or 47.846 Acres of land.

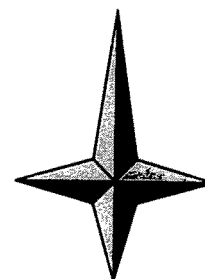
BASIS OF BEARINGS: Bearings are based on the Texas State Plane Coordinate System, North Central Zone, North American Datum of 1983.

Scott Hoyt
5/24/2011



FIELD NOTES OK
5/24/11

N



0 100 200 300 400

FIELD NOTES O.K.
5/24/11

58" I.R. Fnd.
w/ Yellow Cap
CONTROLLING
MONUMENT

133.39'
S 88°08'59" E

TRINITY RIVER

Gradient Boundary
of the Trinity River

152.22'
S 21°16'30" E

Mainland Land &
Equipment Co.
Vol. 90075, Pg. 3131
Tract I

BLOCK
7719

B. N. & S.F. RAILROAD
Vol. 156, Pg. 153

W. J. ELLIOTT SURVEY
Abstract #448

35' Southwestern Bell
Telephone Company Easement
Vol. 1994, Pg. 124

165.34'
S 19°15'07" W

238.86'
S 28°28'37" E

BLOCK
7718

2,084,187 Square Foot
(47.846 Acre)
Tract To Be Acquired
(Un-Platted)

See Page 5 of 5 for
Off-Set Line Detail

58" I.R. Set. Marked;
"PROPERTY CORNER"

Chain-Link
Fence

1" Cut
Found

137.94' N 74°20'46" W
S 59°11'14" W
99.87' N 74°20'46" W

Mainland Land &
Equipment Co.
Vol. 90075, Pg. 3131
Tract II

SURVEY ABSTRACT BOUNDARY

58" I.R. Found
CONTROLLING
MONUMENT &
POINT OF
COMMENCING

Darling - Delaware, Inc
Vol. 83166, Pg. 2988

134.18'
S 81°37'43" E

TRINITY
RIVER

217.79'
S 67°23'41" E
142.16'
S 83°40'48" E

131.31'
S 66°52'59" E

360.54'
N 78°41'49" E

1,679.86' S 59°11'14" W

Iron Rail
Found

City of Dallas
Vol. 2095, Pg. 187

BLOCK
7721

ROBERT SLOAN SURVEY
Abstract #1449

City of Dallas
Int. 201000164671

1/2" I.R. Found

58" I.R. Set. Marked;
"PROPERTY CORNER"
POINT OF BEGINNING

LOCATOR MAP Sheet 4 of 5



Trinity Watershed Management

Mainland Land & Equipment

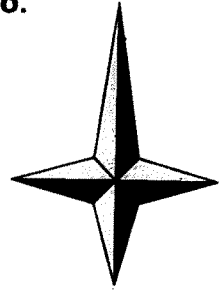
Property Acquisition

DEPT. OF PUBLIC WORKS & TRANSPORTATION

SURVEY DIVISION CITY OF DALLAS, TEXAS

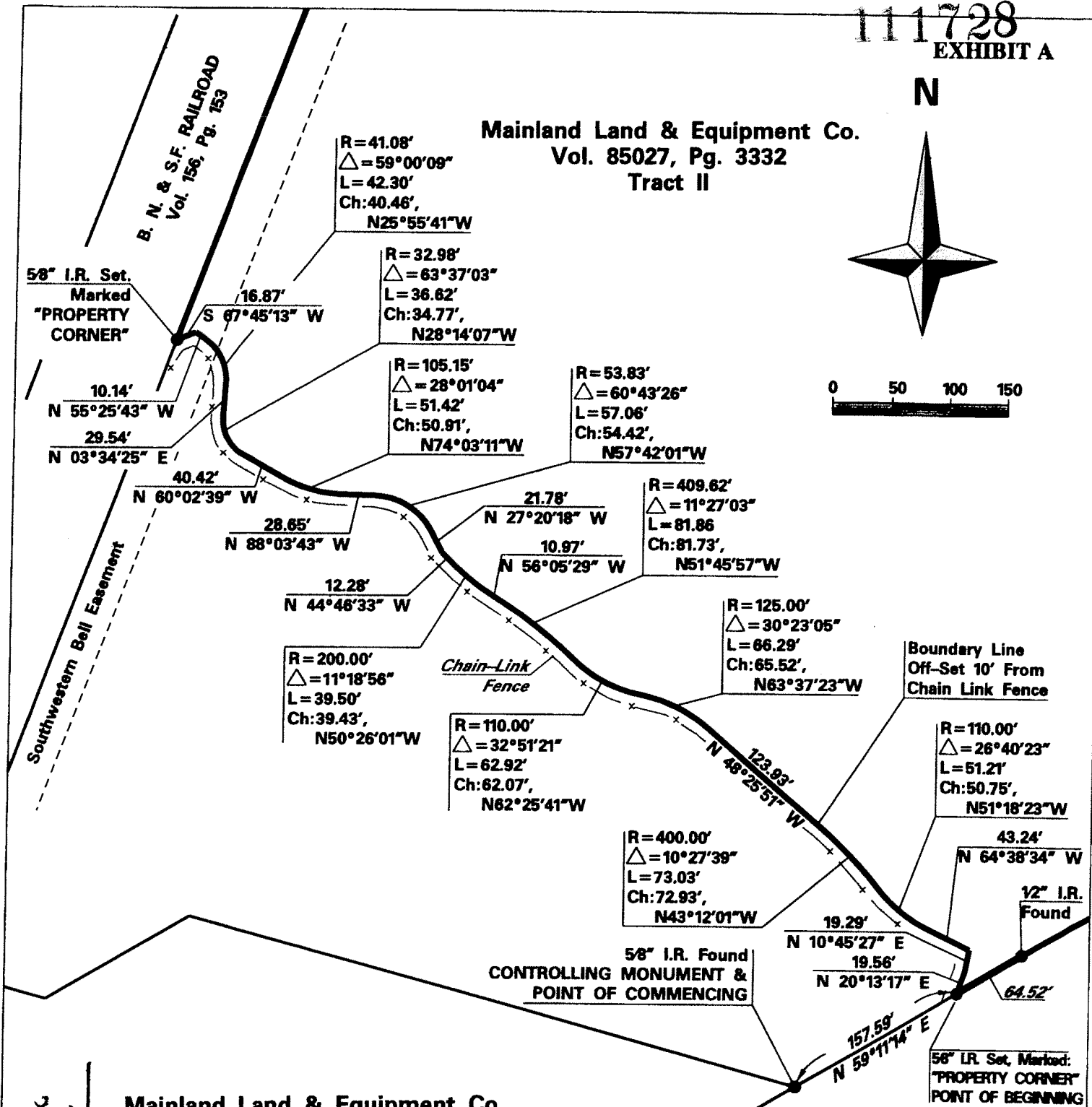
OPERNAME	DESIGN FILE NAME	SCALE	DATE
Holt	N:\ENGR\SURVEY\HOLT\Mainland\Field Notes.dgn	Not to Scale	5/21/2011
PARTY CHIEF	CALCULATIONS	FOLDER	FILE NO.
Peck	Holt	Mainland	320R-408

N



0 50 100 150

Mainland Land & Equipment Co.
Vol. 85027, Pg. 3332
Tract II



FIELD NOTES Q.K.G.
Date 5/24/11

Mainland Land & Equipment Co.
Vol. 85027, Pg. 3332
Tract I

LOCATOR MAP Sheet 5 of 5

Trinity Watershed Management			
Mainland Land & Equipment			
Property Acquisition			
DEPT. OF PUBLIC WORKS & TRANSPORTATION			
SURVEY DIVISION CITY OF DALLAS, TEXAS			
OPERNAME	DESIGN FILE NAME	SCALE	DATE
Holt	H:\ENGR\SURVEY\HOLT\TRINITY\Railroad Properties.dgn	As Noted	5/21/2011
PARTY CHIEF	CALCULATIONS	FOLDER	FILE NO.
Peck	Holt	Mainland	320R-408