

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": The tracts or parcels of land more particularly described in "Exhibit A", attached hereto and made a part hereof for all purposes.

"PROJECT": Rush Creek Flood Protection and Storm Drainage Improvement Project

"PROPERTY INTEREST": Easement (Exhibit A – Tract I & Tract II)
Fee Simple (Exhibit A – Tract III)

"OWNER": Jim Mills, 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": \$52,135

"CLOSING COSTS": Not to exceed \$3,865

"AUTHORIZED AMOUNT": \$56,000

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 payable out of Flood Protection and Storm Drainage Facilities Fund, Fund No. 6R23, Department PBW, Unit T533, Activity SDRS, Program No. PB06T433, Object 4210, Encumbrance No. CT PBW06T533I1. The OFFER AMOUNT and the CLOSING COSTS 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.

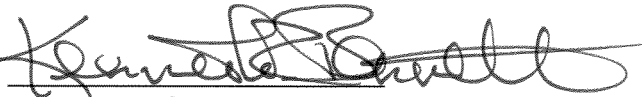
SECTION 6. That if the OWNER refuses to accept the OFFER AMOUNT, the CITY will appropriate the PROPERTY INTEREST in the PROPERTY for the PROJECT under the laws of eminent domain and the provisions of the Charter of the City of Dallas. In such case, the City Attorney is authorized and requested to file 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.

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

DRAINAGE EASEMENT

Resubdivision of Ridgewood Park No. 3 Addition – Vol. 27, Pg. 9 **111823**
1899 square feet out of Lot 13-A, Block 11/5424
M.R.D.C.T.

and being out of the
Daniel Murray Survey, Abstract No. 920
City of Dallas, Dallas County, Texas

Being an 1899 square feet or 0.044 acre tract of land situated in the Daniel Murray Survey, Abstract No. 920, in the City of Dallas, Dallas County, Texas, and being part of Lot 13-A, Block 11 of the Resubdivision of Ridgewood Park No. 3 Addition, recorded in Volume 27, Page 9 of the Map Records of Dallas County, Texas, and lying in Block 11/5424 Official City of Dallas Numbers, conveyed to Jim Mills by General Warranty Deed, recorded in Instrument Number 20080397591 of the Official Public Records of Dallas County, Texas, and being more particularly described as follows:

BEGINNING at a 5/8" iron rod with plastic cap stamped "SGI", set in the southwest corner of said Lot 13-A, and being in the north line of Trammel Drive (60' Right-of-Way);

THENCE North 00°55'33" West, along the west line of said Lot 13-A, passing at a distance of 1.35 feet, the southeast corner of Lot 16, Block B/5422 of the William Kelman Addition recorded in Volume 13, Page 365-366 of the Map Records of Dallas County, Texas, conveyed to Jim Mills by General Warranty Deed, recorded in Instrument Number 20080397591 of the Official Public Records of Dallas County, Texas, and continuing along the west line of said Lot 13-A, same being the east line of said Lot 16, for a total distance of 71.34 feet, to a 5/8" iron rod with plastic cap stamped "SGI", set for the northwest corner of said 0.044 acre tract;

THENCE departing the west line of said Lot 13-A and the common east line of said Lot 16, and passing through said Lot 13-A, the following courses and distances:

South 70°55'31" East, a distance of 16.69 feet, to a 5/8" iron rod with plastic cap stamped "SGI", set for corner;

South 16°13'40" East, a distance of 31.62 feet, to a 5/8" iron rod with plastic cap stamped "SGI", set for corner;

South 61°12'40" East, a distance of 38.98 feet, to a 5/8" iron rod with plastic cap stamped "SGI", set in the north line of said Trammel Drive, same being the south line of said Lot 13-A;

THENCE South 73°47'20" West, a distance of 60.00 feet, along the north line of said Trammel Drive, and the common south line of said Lot 13-A, to the **POINT OF BEGINNING**, and containing 1899 square feet or 0.044 acres of land, more or less.

REVIEWED BY
JL 6-24-10

DRAINAGE EASEMENT

Resubdivision of Ridgewood Park No. 3 Addition – Vol. 27, Pg. 9
1899 square feet out of Lot 13-A, Block 11/5424
M.R.D.C.T.

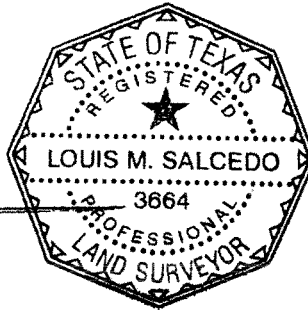
and being out of the
Daniel Murray Survey, Abstract No. 920
City of Dallas, Dallas County, Texas

BASIS OF BEARING: The Basis of Bearing is the centerline of Trammel Drive assumed as, North 73°47'20" East (Plat Record Bearing: North 73°57'19" East), as monumented on the ground, parallel with the south line of Trammel Drive, and shown on Ridgewood Park No. 3, recorded in Volume 23, Page 77 of the Map Records of Dallas County, Texas.

I, Louis M. Salcedo, a Registered Professional Land Surveyor in the State of Texas, do hereby certify that I have prepared this plat from an actual on the ground survey of the land, and the monuments shown thereon were found and/or placed under my personal supervision in accordance with the platting rules and regulations of the City Plan Commission of the City of Dallas, Texas.

Signed this 23
day of June 2010 by:

Lm Salcedo
Louis M. Salcedo R.P.L.S. 3664



REVIEWED BY
JL 6-24-10

111823

WILLIAM KELMAN
ADDITION
Vol. 13 Pg. 365-366
BLOCK B/5422

LOT 16
JIM MILLS
INSTR. #20080397591

RESUBDIVISION OF
RIDGEWOOD PARK
NO. 3 ADDITION
Vol. 27, Pg. 9
BLOCK 11/5424

LOT 13-B
JAMES A. NEWMAN
Vol. 2004139, Pg. 6732

LOT 15
FRANK LESKOVICS
Vol. 2005156,
Pg. 2901

DRAINAGE EASEMENT
1899 SQ.FT.
0.044 AC.

10' SAN. SWR. EASEMENT
VOL. 3786, PG. 442
D.R.D.C.T.

LOT 13-A
JIM MILLS
INSTR. #20080397591

5/8" FND IR
CONTROL MONUMENT

POINT OF BEGINNING

TRAMMEL DRIVE
(60' Right-of-Way)

5/8" FND IR
CONTROL MONUMENT

CITY BLOCK
5434
CITY OF DALLAS

GENERAL NOTES

1. THE BASIS OF BEARING IS THE CENTERLINE OF TRAMMEL DRIVE ASSUMED AS, NORTH 73°47'20" EAST (PLAT RECORD BEARING: NORTH 73°57'19" EAST), AS MONUMENTED ON THE GROUND, PARALLEL WITH THE SOUTH LINE OF TRAMMEL DRIVE, AND SHOWN ON RIDGEWOOD PARK NO. 3, RECORDED IN VOLUME 23, PAGE 77 OF THE MAP RECORDS OF DALLAS COUNTY, TEXAS.
2. 5/8" IRS - IRON ROD SET WITH YELLOW PLASTIC CAP STAMPED "SGI".

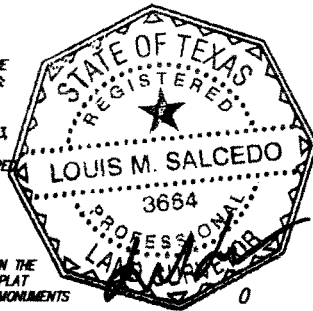
SURVEYOR'S CERTIFICATE

I, LOUIS M. SALCEDO, A REGISTERED PROFESSIONAL LAND SURVEYOR IN THE STATE OF TEXAS, DO HEREBY CERTIFY THAT I HAVE PREPARED THIS PLAT FROM AN ACUTAL ON THE GROUND SURVEY OF THE LAND, AND THE MONUMENTS SHOWN THEREON WERE FOUND AND/OR PLACED UNDER MY PERSONAL SUPERVISION IN ACCORDANCE WITH THE PLATTING RULES AND REGULATIONS OF THE CITY PLAN COMMISSION OF THE CITY OF DALLAS, TEXAS.

LOUIS M. SALCEDO
REGISTERED PROFESSIONAL LAND SURVEYOR NO. 3664

DATE

6-23-10



0 30
SCALE IN FEET

Registered Surveyor: Louis M. Salcedo
Registered Land Surveyor No. : 3664
In the State of: Texas
Date of Survey: January 25, 2010
Date of Last Revision: January 25, 2010
Date Printed: January 25, 2010
SGI Project No. 07313

REVIEWED BY
JL 6-24-10

DRAINAGE EASEMENT

for
Resubdivision of Ridgewood Park No. 3 - Vol. 27, Pg. 9
1899 square feet out of Lot 13-A, Block 11/5424
M.R.D.C.T.
and being out of the
Daniel Murray Survey, Abstract No. 920
City of Dallas, Dallas County, Texas



Salcedo Group, Incorporated
Asbult Land Title Surveyors

400 South Zang Boulevard, Suite No. 1420 - Dallas, Texas 75208
Phone: (214) 941-8610, Fax: (214) 941-2331 www.salcedogroupinc.com

Sheet 3 of 3

TEMPORARY CONSTRUCTION EASEMENT

Resubdivision of Ridgewood Park No. 3 Addition – Vol. 27, Pg. 9

716 square feet out of Lot 13-A, Block 11/5424

M.R.D.C.T.

and being out of the

Daniel Murray Survey, Abstract No. 920

City of Dallas, Dallas County, Texas

Being an 716 square feet or 0.016 acre tract of land situated in the Daniel Murray Survey, Abstract No. 920, in the City of Dallas, Dallas County, Texas, and being part of Lot 13-A, Block 11 of the Resubdivision of Ridgewood Park No. 3 Addition, recorded in Volume 27, Page 9 of the Map Records of Dallas County, Texas, and lying in Block 11/5424 Official City of Dallas Numbers, conveyed to Jim Mills by General Warranty Deed, recorded in Instrument Number 20080397591 of the Official Public Records of Dallas County, Texas, and being more particularly described as follows:

COMMENCING at a 5/8" iron rod with plastic cap stamped "SGI", set in the southwest corner of said Lot 13-A, and being in the north line of Trammel Drive (60' Right-of-Way);

THENCE North 73°47'20" East, a distance of 60.00 feet, along the north line of Trammel Drive and the common south line of said Lot 13-A, to a 5/8" iron rod with plastic cap stamped "SGI", set for the **POINT OF BEGINNING**, and being the southwest corner of said 0.016 acre tract;

THENCE departing the north line of Trammel Drive, and passing through said Lot 13-A, the following courses and distances:

North 61°12'40" West, a distance of 38.98 feet, to a 5/8" iron rod with plastic cap stamped "SGI", set for corner,

North 16°13'40" West, a distance of 31.62 feet, to a 5/8" iron rod with plastic cap stamped "SGI", set for corner,

North 70°55'31" West, a distance of 16.69 feet, to a 5/8" iron rod with plastic cap stamped "SGI", set in the west line of said Lot 13-A, same being the east line of Lot 16, Block B/5422 of the William Kelman Addition, recorded in Volume 13, Page 365-366 of the Map Records of Dallas County, Texas, conveyed to Jim Mills by General Warranty Deed, recorded in Instrument Number 20080397591 of the Official Public Records of Dallas County, Texas;

THENCE North 00°55'33" West, a distance of 10.64 feet, along the west line of said Lot 13-A and the common east line of said Lot 16, to a 5/8" iron rod with plastic cap stamped "SGI", set for the northwest corner of said 0.016 acre tract;

THENCE departing the west line of said Lot 13-A, and passing through said Lot 13-A, the following courses and distances:

South 70°55'31" East, a distance 21.82 feet, to a 5/8" iron rod with plastic cap stamped "SGI", set for corner,

South 16°13'40" East, a distance of 36.01 feet, to a 5/8" iron rod with plastic cap stamped "SGI", set for corner;

REVIEWED BY
JL 6-8-10

TEMPORARY CONSTRUCTION EASEMENT

Resubdivision of Ridgewood Park No. 3 Addition – Vol. 27, Pg. 9

716 square feet out of Lot 13-A, Block 11/5424

M.R.D.C.T.

and being out of the

Daniel Murray Survey, Abstract No. 920

City of Dallas, Dallas County, Texas

South 61°12'40" East, a distance of 43.08 feet, to a 5/8" iron rod with plastic cap stamped "SGI", set in the north line of said Trammel Drive, and the common south line of said Lot 13-A;

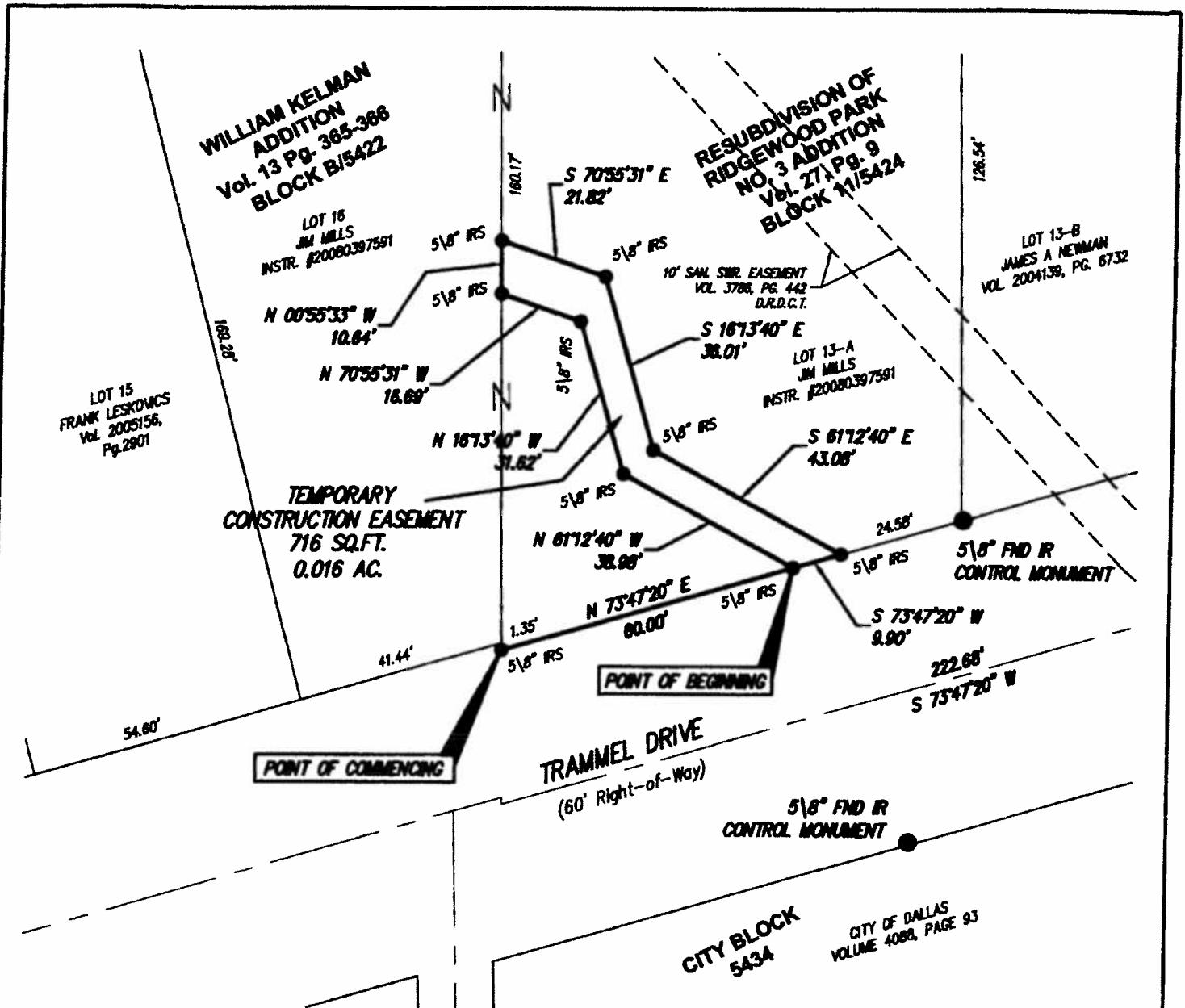
THENCE South 73°47'20" West, a distance of 9.90 feet, along the north line of said Trammel Drive, and the common south line of said Lot 13-A, to the **POINT OF BEGINNING**, and containing 716 square feet or 0.016 acres of land, more or less.

BASIS OF BEARING: The Basis of Bearing is the centerline of Trammel Drive assumed as, North 73°47'20" East (Plat Record Bearing: North 73°57'19" East), as monumented on the ground, parallel with the south line of Trammel Drive, and shown on Ridgewood Park No. 3, recorded in Volume 23, Page 77 of the Map Records of Dallas County, Texas.

I, Louis M. Salcedo, a Registered Professional Land Surveyor in the State of Texas, do hereby certify that I have prepared this plat from an actual on the ground survey of the land, and the monuments shown thereon were found and/or placed under my personal supervision in accordance with the platting rules and regulations of the City Plan Commission of the City of Dallas, Texas.

Signed this 3day of June 2010 by:Luis M. Salcedo
Louis M. Salcedo R.P.L.S. 3664

REVIEWED BY
JL 6-8-10



GENERAL NOTES

1. THE BASIS OF BEARING IS THE CENTERLINE OF TRAMMEL DRIVE ASSUMED AS NORTH 73°47'20" EAST (PLAT RECORD BEARING: NORTH 73°57'19" EAST), AS MONUMENTED ON THE GROUND, PARALLEL WITH THE SOUTH LINE OF TRAMMEL DRIVE, AND SHOWN ON RIDGEWOOD PARK NO. 3, RECORDED IN VOLUME 23, PAGE 77 OF THE MAP RECORDS OF DALLAS COUNTY, TEXAS.
2. 5/8" IRS - IRON ROD SET WITH YELLOW PLASTIC CAP STAMPED "50".

SURVEYOR'S CERTIFICATE

I, LOUIS M. SALCEDO, A REGISTERED PROFESSIONAL LAND SURVEYOR IN THE STATE OF TEXAS, DO HEREBY CERTIFY THAT I HAVE PREPARED THIS PLAT FROM AN ACCTUAL ON THE GROUND SURVEY OF THE LAND, AND THE MONUMENTS SHOWN THEREON WERE FOUND AND/OR PLACED UNDER MY PERSONAL SUPERVISION IN ACCORDANCE WITH THE PLATING RULES AND REGULATIONS OF THE CITY PLAN COMMISSION OF THE CITY OF DALLAS, TEXAS.

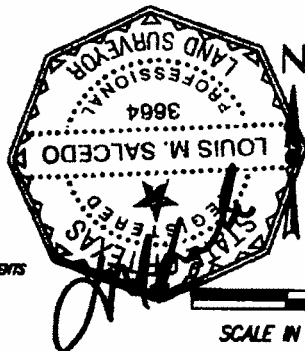
LOUIS M. SALCEDO
REGISTERED PROFESSIONAL LAND SURVEYOR NO. 3864

DATE



Salcedo Group, Incorporated
Asbuilt Land Title Surveyors

400 South Zang Boulevard, Suite No. 1420 - Dallas, Texas 75208
Phone: (214) 941-8810, Fax: (214) 941-2331 www.salcedogroupinc.com



SCALE IN FEET

Sheet 3 of 3

TEMPORARY CONSTRUCTION EASEMENT

for
Resubdivision of Ridgewood Park No. 3 Addition - Vol. 27, Pg. 9
716 square feet out of Lot 13-A, Block 11/5424
M.R.D.C.T.
and being out of the
Daniel Murray Survey, Abstract No. 820
City of Dallas, Dallas County, Texas

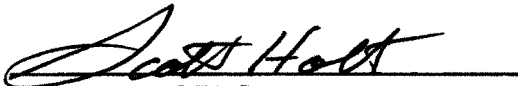
REVIEWED BY
JL C-B-10

Exhibit A – Tract III

Field Notes Describing a 10,934 Square Foot (0.2510 Acre)
Tract of Land To Be Acquired in Block B/5422
From Jim Mills

Being situated in the Daniel Murray Survey, Abstract No. 920, Dallas County, Texas, and being all of Lot 16, Block B/5422, of the William Kelman Addition, an addition to the City of Dallas, Texas recorded in Volume 13, Page 365 of the Map Records of Dallas County, Texas, and being a portion of the property conveyed to Jim Mills by Deed dated December 19, 2008 and recorded in Instrument No. 20080397591 of the Official Public Records of Dallas County, Texas and containing 10,934 square feet, or 0.2510 Acres of land, according to the plat thereof.

This description is approved as to form.


Scott Holt, RPLS
Survey Program Manager


Date:

