

A RESOLUTION AUTHORIZING THE ACQUISITION OF REAL PROPERTY FOR A NEGOTIATED PRICE HIGHER THAN THE AUTHORIZED OFFER.

WHEREAS, the Dallas City Council by the FIRST RESOLUTION authorized acquisition, by purchase and/or eminent domain, of the INTERESTS in the PROPERTY held by OWNER for the PROJECT (as such terms are defined herein); and

WHEREAS, OWNER refused the official offer authorized by the FIRST RESOLUTION, but agreed to the CONSIDERATION stated herein; and

WHEREAS, the City Council desires to authorize the City Manager to acquire the INTERESTS in the PROPERTY for the CONSIDERATION stated herein: Now, Therefore,

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

SECTION 1. That the following definitions shall apply to this resolution:

FIRST RESOLUTION: Resolution No. 11-1333 approved by the Dallas City Council on May 25, 2011

PROJECT: Rush Creek Flood Protection and Storm Drainage Improvement Project

OWNER: Kirk O. Mears

INTEREST: Easement

PROPERTY: Two tracts of land containing approximately 1,920 square feet located in City of Dallas Block No. E/2960 Official City Numbers, and being the same property more particularly described in "Exhibit A", attached hereto and made a part hereof for all purposes.

CONSIDERATION: \$8,877

CLOSING COSTS: \$2,500

AUTHORIZED AMOUNT: \$11,377

June 22, 2011

SECTION 2. That the City Manager is authorized to acquire the INTERESTS in the PROPERTY and IMPROVEMENTS from OWNER for the CONSIDERATION, and is authorized to execute such documents, after approval of same as to form by the City Attorney, as may be necessary.

SECTION 3. That the City will have possession at closing and will pay all closing costs and title expenses.

SECTION 4. That the City Controller is authorized to draw checks for the OFFER AMOUNT, closing costs and title expenses, payable out of Flood Protection and Storm Drainage Facilities Fund, Fund 6R23, Dept. PBW, Unit T533, Activity SDRS, Object 4210, Program PB06T533, Encumbrance No. CT-PBW06T533F3, and said payment shall be delivered to a title insurance company after evidence of satisfactory title has been provided to and approved by the City Attorney. The CONSIDERATION - \$8,877 and the CLOSING COSTS - \$2,500 together shall not exceed the AUTHORIZED AMOUNT - \$11,377.

SECTION 5. That appropriate acquisition instruments be forwarded to a title insurance company for preparation of the necessary documents for closing, which shall be forwarded to the City Attorney for review and approval as to form and, subsequent to closing, filed with the County Clerk and returned, along with the original Owner's Policy of Title Insurance, to the City Secretary for permanent record.

SECTION 6. 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, CITY ATTORNEY

BY: 

Assistant City Attorney

APPROVED BY
CITY COUNCIL

JUN 22 2011


City Secretary

Exhibit A Tract I

111824

DRAINAGE EASEMENT

Mockingbird Hill Addition – Vol. 18, Pg. 183
599 square feet out of Lot 9, Block E/2960
M.R.D.C.T.
and being out of the
Daniel Murray Survey, Abstract No. 920
City of Dallas, Dallas County, Texas

Being a 599 square feet or 0.014 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 9, Block E of the Mockingbird Hill Addition, recorded in Volume 18, Page 183 of the Map Records of Dallas County, Texas, and lying in Block E/2960 Official City of Dallas Numbers, and being conveyed to Kirk O. Mears by Warranty Deed with Vendor's Lien recorded in Instrument Number 20080394738 of the Official Public Property Records of Dallas County, Texas, and being more particularly described as follows:

COMMENCING at a 1" iron pipe found at the intersection of the north line of Patrick Drive (50' Right-of-Way) and the east line of Blessing Drive (50' Right-of-Way);

THENCE North 73°35'36" East, a distance of 56.73 feet along the north line of Patrick Drive to a 5/8" iron rod with plastic cap stamped "SGI", set in the beginning of a tangent curve to the left, having a radius of 800.00 feet and a delta angle of 02°16'40";

THENCE continuing along said curve to the left for a distance of 31.81 feet (Chord Bears: North 72°37'59" East, a distance of 31.80 feet), to a 5/8" iron rod with plastic cap stamped "SGI", set for the **POINT OF BEGINNING**, and being the southwest corner of said 0.014 acre tract;

THENCE departing said north line of Patrick Drive and passing through said Mears tract, the following courses and distances:

North 37°00'37" West, a distance of 28.20 feet, to a 5/8" iron rod with plastic cap stamped "SGI", set for corner;

North 07°17'24" West, a distance of 28.22 feet, to a 5/8" iron rod with plastic cap stamped "SGI", set in the west line of a 30' Sanitary Sewer Easement, recorded in Volume 18, Page 183 of the Map Records of Dallas County, Texas;

South 37°01'41" East, a distance of 57.25 feet, along the west line of said 30' Sanitary Sewer Easement, to a 5/8" iron rod with plastic cap stamped "SGI", set in the north line of said Patrick Drive, and being the beginning of a non-tangent curve to the right, having a radius of 800.00 feet and a delta angle of 01°03'17";

THENCE continuing along said curve to the right, being the north line of Patrick Drive, a distance of 14.73 feet (Chord Bears: South 70°58'00" West, a distance of 14.73 feet), to the **POINT OF BEGINNING**, and containing 599 square feet or 0.014 acres of land, more or less.

REVIEWED BY
JL 6-8-10

111824

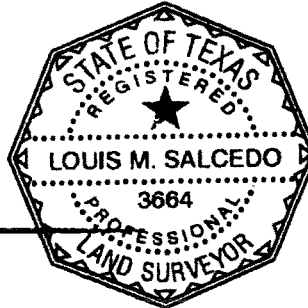
DRAINAGE EASEMENT
Mockingbird Hill Addition – Vol. 18, Pg. 183
599 square feet out of Lot 9, Block E/2960
M.R.D.C.T.
and being out of the
Daniel Murray Survey, Abstract No. 920
City of Dallas, Dallas County, Texas

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 3
day of June 2010 by:

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



REVIEWED BY
JL 6-8-10

111824

LOT 12

LAUREL MARLIN W
LOT 11CONTROL MONUMENT
1/2" FIND IPEx. 30' Sta. Sur. Easement
Vol. 18, Pg. 183GILES BRIAN
VOL. 2003174, PG. 10087
LOT 10MOCKINGBIRD HILL
ADDITION
Vol. 18 Pg. 183
BLOCK E/2980MARK D. MEARS
INSTR. #20080394738
LOT 9N 07°17'24" W
28.22'DRAINAGE EASEMENT
599 SQ.FT.
0.014 AC.N 37°00'37" W
28.20'

POINT OF BEGINNING

POINT OF COMMENCING
N 73°35'36" E
58.73'
1" FIND IP
CONTROL MONUMENTL=31.81'
R=800.00'
Delta=276°40'
Chord=31.80'
Chd Brg=N 72°37'58" EMOCKINGBIRD HILL
ADDITION
Vol. 18 Pg. 183
BLOCK E/2980PATRICK DRIVE
(50' Right-of-Way)L=14.73'
R=800.00'
Delta=170°17'
Chord=14.73'
Chd Brg=S 70°58'00" WSEAN T. HOOPER & WIFE,
PATRICIA A. HOOPER
INSTR. #20070183254
LOT 21-AAMOCKINGBIRD HILLS
REVISED ADDITION
Vol. 20 Pg. 15
BLOCK D/2980ROBERT K. MASSE
VOL. 94100 PG. 2111
LOT 20MOCKINGBIRD HILL
ADDITION
Vol. 18 Pg. 183
BLOCK D/2980Ex. 15' Sta. Sur. Easement
Vol. 18, Pg. 183

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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°57'10" 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 ADJUTAL 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. 3884

DATE

6-3-10



0 40
SCALE IN FEET

Registered Surveyor: Louis M. Salcedo
Registered Land Surveyor No.: 3884
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

DRAINAGE EASEMENT

for

Mockingbird Hill Addition - Vol. 18, Pg. 183
599 square feet out of Lot 9, Block E/2980
M.R.D.C.T.
and being out of the
Daniel Murray Survey, Abstract No. 920
City of Dallas, Dallas County, Texas

REVIEWED BY
JL 6-8-10

Sheet 3 of 3



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

Exhibit A Tract II

111824

TEMPORARY CONSTRUCTION EASEMENT

Mockingbird Hill Addition – Vol. 18, Pg. 183

1321 square feet out of Lot 9, Block E/2960

M.R.D.C.T.

and being out of the

Daniel Murray Survey, Abstract No. 920

City of Dallas, Dallas County, Texas

Being a 1321 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 9, Block E of the Mockingbird Hill Addition, recorded in Volume 18, Page 183 of the Map Records of Dallas County, Texas, and lying in Block E/2960 Official City of Dallas Numbers, and being conveyed to Kirk O. Mears by General Warranty Deed with Vendor's Lien recorded in Instrument Number 20080394738 of the Official Public Property Records of Dallas County, Texas, and being more particularly described as follows:

COMMENCING at a 1" iron pipe found at the intersection of the north line of Patrick Drive (50' Right-of-Way) and the east line of a 15' Alley;

THENCE North 73°35'36" East, a distance of 56.73 feet along the north line of Patrick Drive, same being the south line of said Lot 9, to a 5/8" iron rod with plastic cap stamped "SGI", set in the beginning of a tangent curve to the left, having a radius of 800.00 feet and a delta angle of 00°45'38";

THENCE continuing along said curve to the left for a distance of 10.62 feet (Chord Bears: North 73°23'30" East, a distance of 10.62 feet), to a 5/8" iron rod with plastic cap stamped "SGI", set for the **POINT OF BEGINNING**, and being the southwest corner of said 0.044 acre tract;

THENCE departing said north line of Patrick Drive and passing through said Mears tract, the following courses and distances:

North 37°00'38" West, a distance of 16.83 feet, to a 5/8" iron rod with plastic cap stamped "SGI", set for corner;

North 22°55'41" East, a distance of 9.46 feet, to a 5/8" iron rod with plastic cap stamped "SGI", set in the beginning of a tangent curve to the left, having a radius of 5.00 feet and a delta angle of 92°26'17";

Continuing along said curve to the left, a distance of 8.07 feet (Chord Bears: North 23°17'27" West, a distance of 7.22 feet), to a 5/8" iron rod with plastic cap stamped "SGI", set for corner;

North 69°30'32" West, a distance of 8.56 feet, to a 5/8" iron rod with plastic cap stamped "SGI", set for corner;

North 07°17'24" West, a distance of 32.87 feet, to a 5/8" iron rod with plastic cap stamped "SGI", set for corner;

North 18°50'04" East, a distance of 17.70 feet, to a 5/8" iron rod with plastic cap stamped "SGI", set in the west line of a 30' Sanitary Sewer Easement recorded in Volume 18, Page 183 of the Map Records of Dallas County, Texas, and being the northeast corner of said 0.044 acre tract;

REVIEWED BY
JL 6-8-10

TEMPORARY CONSTRUCTION EASEMENT

Mockingbird Hill Addition – Vol. 18, Pg. 183

1321 square feet out of Lot 9, Block E/2960

M.R.D.C.T.

and being out of the

Daniel Murray Survey, Abstract No. 920

City of Dallas, Dallas County, Texas

111824

South 22°52'39" East, a distance of 9.26 feet, to a 5/8" iron rod with plastic cap stamped "SGI", set in the west line of said 30' Sanitary Sewer Easement and the common east line of said 0.044 acre tract;

South 37°01'41" East, a distance of 19.59 feet, along the west line of said 30' Sanitary Sewer Easement, to a 5/8" iron rod with plastic cap stamped "SGI", set for corner;

THENCE South 07°17'24" East, a distance of 28.22 feet, departing the west line of said 30' Sanitary Sewer Easement, to a 5/8" iron rod with plastic cap stamped "SGI", set for corner;

THENCE South 37°00'37" East, a distance of 28.20 feet, to a 5/8" iron rod with plastic cap stamped "SGI", set in the north line of Patrick Drive, same being the south line of said Lot 9, and being the beginning of a non-tangent curve to the right, having a radius of 800.00 feet and a delta angle of 01°31'03";

THENCE continuing along said curve to the right, being the north line of Patrick Drive, and being the south line of said Lot 9, a distance of 21.19 feet (Chord Bears: South 72°15'07" West, a distance of 21.19 feet), to the **POINT OF BEGINNING**, and containing 1321 square feet or 0.030 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 3

day of June 2010 by:

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



REVIEWED BY
JL 6-8-10

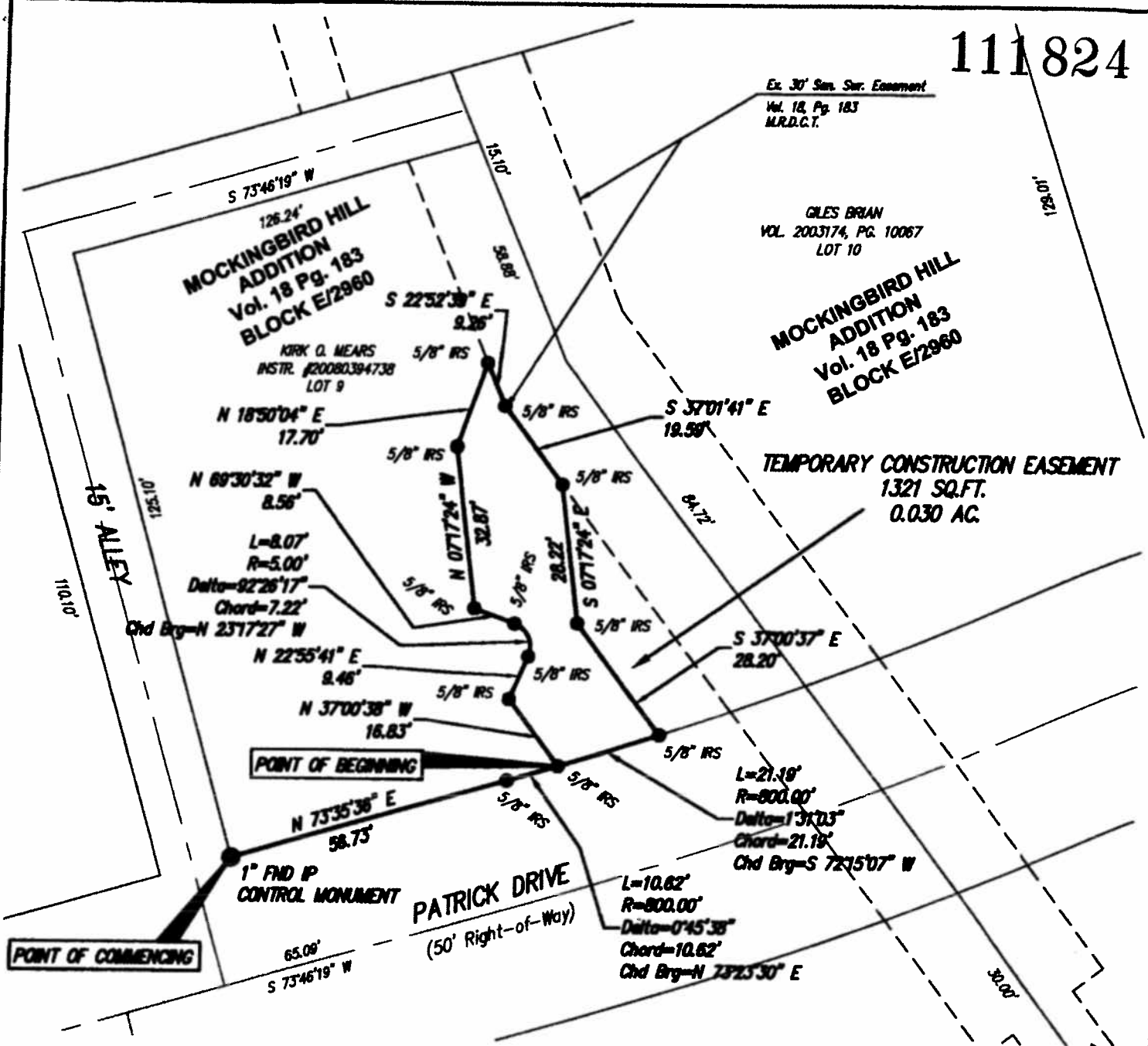
111824

Ex. 30' San. Sur. Easement
Vol. 18, Pg. 183
M.R.D.C.T.

GILES BRIAN
VOL. 2003174, PG. 10067
LOT 10

MOCKINGBIRD HILL
ADDITION
Vol. 18 Pg. 183
BLOCK E/2960

TEMPORARY CONSTRUCTION EASEMENT
1321 SQ.FT.
0.030 AC.



GENERAL NOTES

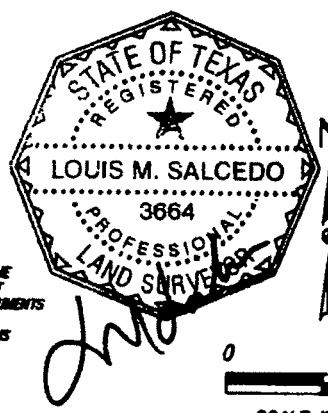
1. THE BASIS OF BEARING IS THE CENTERLINE OF TRAMMEL DRIVE ASSUMED AS, NORTH 73°47'20" EAST (PLAT RECORD BEARING: NORTH 73°37'10" EAST), AS MONUMENTED ON THE GROUND, PARALLEL WITH THE SOUTH LINE OF TRAMMEL DRIVE, AND SHOWN ON RIVERWOOD PARK NO. 3, RECORDED IN VOLUME 23, PAGE 77 OF THE MAP RECORDS OF DALLAS COUNTY, TEXAS.
2. 5/8" IRS - IRON ROD SET WITH PLASTIC CAP STAMPED "36".

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 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.

LOUIS M. SALCEDO
REGISTERED PROFESSIONAL LAND SURVEYOR NO. 3864

DATE 6-3-10



Registered Surveyor: Louis M. Salcedo
Registered Land Surveyor No.: 3864
In the State of: Texas
Date of Survey: January 21, 2010
Date of Last Revision: January 25, 2010
Date Printed: January 25, 2010
SSI Project No. 07383

REVIEWED BY
JL 6-8-10

TEMPORARY CONSTRUCTION EASEMENT

for
Mockingbird Hill Addition - Vol. 18, Pg. 183
out of Lot 9, Block E/2960
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
Asbuilt Land Title Surveyors
400 South Zang Boulevard, Suite No. 1420 - Dallas, Texas 75208
Phone: (214) 841-0610, Fax: (214) 841-2331 www.salcedogroupinc.com