

**A RESOLUTION DETERMINING UPON THE NECESSITY OF ACQUIRING REAL PROPERTY AND AUTHORIZING ITS PURCHASE FOR PUBLIC USE.**

**DEFINITIONS:** For the purposes of this resolution, the following definitions of terms shall apply:

"CITY": The City of Dallas

"PROPERTY": Approximately 114,529 square feet of improved land located in Dallas County, Texas, and being the same property more particularly described in "Exhibit A", attached hereto and made a part hereof for all purposes, and any and all improvements, rights and appurtenances appertaining thereto.

"PROJECT": Southwest 120/96-inch Water Transmission Pipeline Project

"USE": The installation, use, and maintenance of a pipeline or lines for the transmission of treated water together with such appurtenant facilities as may be necessary, provided, however, to the extent fee title to the PROPERTY is acquired, such title and the PROPERTY shall not be limited to or otherwise deemed restricted to the USE here provided.

"PROPERTY INTEREST": Fee Title subject to the exceptions, reservations, covenants, conditions and/or interests, if any, provided in the instrument more particularly described in Exhibit "B"

"OWNER": Franklin O. Herren and Carla S. Herren, 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.

"PURCHASE AMOUNT": \$535,000

"CLOSING COSTS AND TITLE EXPENSES": Not to exceed \$6,000

"AUTHORIZED AMOUNT": Not to exceed \$541,000

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

**SECTION 1.** That the USE of the PROPERTY for the PROJECT is a public use.

**SECTION 2.** That public necessity requires that CITY acquire the PROPERTY INTEREST in the PROPERTY for the PROJECT.

**SECTION 3.** That the City Manager, and/or the City Manager's designees, is hereby authorized and directed to consummate and accept the purchase, grant, and conveyance to CITY of the PROPERTY INTEREST in and to the PROPERTY pursuant to the conveyancing, instrument substantially in the form described in Exhibit "B", attached hereto and made a part hereof for all purposes, and approved as to form by the City Attorney and to execute, deliver and receive such other usual and customary documents necessary, appropriate and convenient to consummating this transaction.

**SECTION 4.** That to the extent the PROPERTY is being purchased wholly or partly with bond proceeds CITY has obtained an independent appraisal of the PROPERTY'S market value.

**SECTION 5.** That OWNER has been provided with a copy of the Landowner's Bill of Rights as contemplated by applicable state statute.

**SECTION 6.** That in the event this acquisition closes, 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 PURCHASE AMOUNT and 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-DWU706623CPCD (\$147,000) and Water Improvement Series C, Fund No. 1170, Department DWU, Unit PW40, Activity MPSA, Program No. 706623, Object 4210, Encumbrance No. CT-DWU706623CPCS (\$394,000). The PURCHASE AMOUNT, CLOSING COSTS and TITLE EXPENSES together shall not exceed the AUTHORIZED AMOUNT (\$541,000).

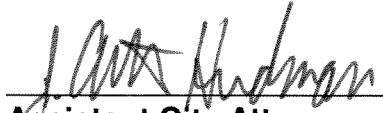
**SECTION 7.** That CITY is to have possession and/or use, as applicable, of the PROPERTY at closing; and CITY will pay any title expenses and closing costs. All costs and expenses described in this section shall be paid from the previously described funds.

**SECTION 8.** 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

MAR 28 2012

  
City Secretary

PARCELS E-213 AND E-475  
FIELD NOTES DESCRIBING 114,529 SQ.FT. (2.629 AC.)  
FRANKLIN O. HERREN TRACT,  
IN THE JOHN PIKE SURVEY, ABSTRACT NO. 1174,  
IN THE CITY OF MESQUITE, DALLAS COUNTY, TEXAS  
TO BE ACQUIRED IN FEE FOR A 120 INCH WATER LINE

BEING a 114,529 square foot (2.629 acre) tract of land situated in the John Pike Survey, Abstract Number 1174, City of Mesquite, Dallas County, Texas, and being a part of that tract of land described in Warranty Deed with Vendor's Lien to Franklin O. Herren and wife, Carla S. Herren, recorded in Volume 77109, Page 1656, of the Deed Records of Dallas County, Texas (D.R.D.C.T.), and in Warranty Deed with Vendor's Lien to Franklin O. Herren and wife, Carla Sue Herren, recorded in Volume 84121, Page 3189, D.R.D.C.T. (hereafter known as the Herren Tract), and being more particularly described as follows:

BEGINNING at a set 1/2 inch iron rod with yellow cap stamped "GLD" for corner, said point being the west corner of said Herren Tract in Volume 77109, Page 1656, and the south corner of said Herren Tract in Volume 84121, Page 3189, said point also being the north corner of a called 18.71 acre tract described in Warranty Deeds to Peggy Berry Justiss and Raymond E. Berry, as recorded in Volume 93251, Page 6106, and Volume 94005, Page 6416, D.R.D.C.T., said point also being the most easterly corner of an 18 foot wide alley as dedicated by plat of Creek Crossing Estates #11, Phase 2, an addition to the City of Mesquite, as recorded in Volume 86188, Page 3973, D.R.C.D.T.;

THENCE North 44 degrees 34 minutes 14 seconds West, with the common northeast line of said 18 foot wide alley and the southwest line of said Herren Tract in Volume 84121, Page 3189, a distance of 257.98 feet to a set 1/2 inch iron rod with yellow cap stamped "GLD" for corner, said point being the west corner of said Herren Tract in Volume 84121, Page 3189, and the most westerly south corner of that tract of land described in Warranty Deed to the City of Mesquite, Texas, as recorded in Instrument No. 20070323750, of the Official Public Records of Dallas County, Texas;

THENCE North 45 degrees 26 minutes 06 seconds East, departing said common line and with the northwest line of said Herren Tract in Volume 84121, Page 3189, and a southeast line of said City of Mesquite tract, a distance of 171.97 feet to a set 1/2 inch iron rod with yellow cap stamped "GLD" for corner, said point being the north corner of said Herren Tract in Volume 84121, Page 3189, and an "ell" corner in said City of Mesquite tract;

THENCE South 44 degrees 34 minutes 14 seconds East, departing said northwest line and said southeast line and with the northeast line of said Herren Tract in Volume 84121, Page 3189, and a southwest line of said City of Mesquite tract, a distance of 248.65 feet to a set 1/2 inch iron rod with yellow cap stamped "GLD" for corner, said point being the common east corner of said Herren Tract in Volume 84121, Page 3189, and the south corner of said City of Mesquite tract, said point also being on the northwest line of said Herren Tract in Volume 77109, Page 1656;

REVIEWED BY *DA* 10/17/11

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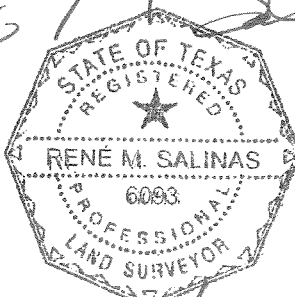
THENCE North 42 degrees 19 minutes 46 seconds East, with said northwest line of Herren Tract in Volume 77109, Page 1656, and with the southeast line of said City of Mesquite tract, a distance of 203.94 feet to a set 1/2 inch iron rod with yellow cap stamped "GLD" for corner, said point being the north corner of said Herren Tract in Volume 77109, Page 1656, and the east corner of said City of Mesquite tract, said point also being on the southwest right-of-way line of Berry Road (a called 60 foot wide right-of-way per County Plans, formerly known as Mesquite Valley Road);

THENCE South 24 degrees 25 minutes 44 seconds East, with said southwest right-of-way line, a distance of 410.65 feet to a set 1/2 inch iron rod with yellow cap stamped "GLD" for corner, said point being the east corner of said Herren Tract in Volume 77109, Page 1656, and the northeast corner of said Peggy Berry Justiss tract;

THENCE North 77 degrees 14 minutes 37 seconds West, departing said southwest right-of-way line and with the common southwest line of said Herren Tract in Volume 77109, Page 1656 and the north line of said Peggy Berry Justiss tract, a distance of 433.84 feet to the POINT OF BEGINNING AND CONTAINING 114,529 square feet or 2.629 acres of land, more or less.

**SUBJECT TO:** Easement to Farmers Electric Cooperative, Inc., as recorded in Volume 71217, Pages 379, D.R.D.C.T.

**BASIS OF BEARINGS:** 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. Basis of Bearings rotated clockwise 00 degrees 25 minutes 46 seconds from deed to Franklin O. Herren and wife, Carla S. Herren, recorded in Volume 77109, Page 1656, D.R.D.C.T., with a bearing of North 41 degrees 54 minutes East along the northwest line of said Herren Tract.

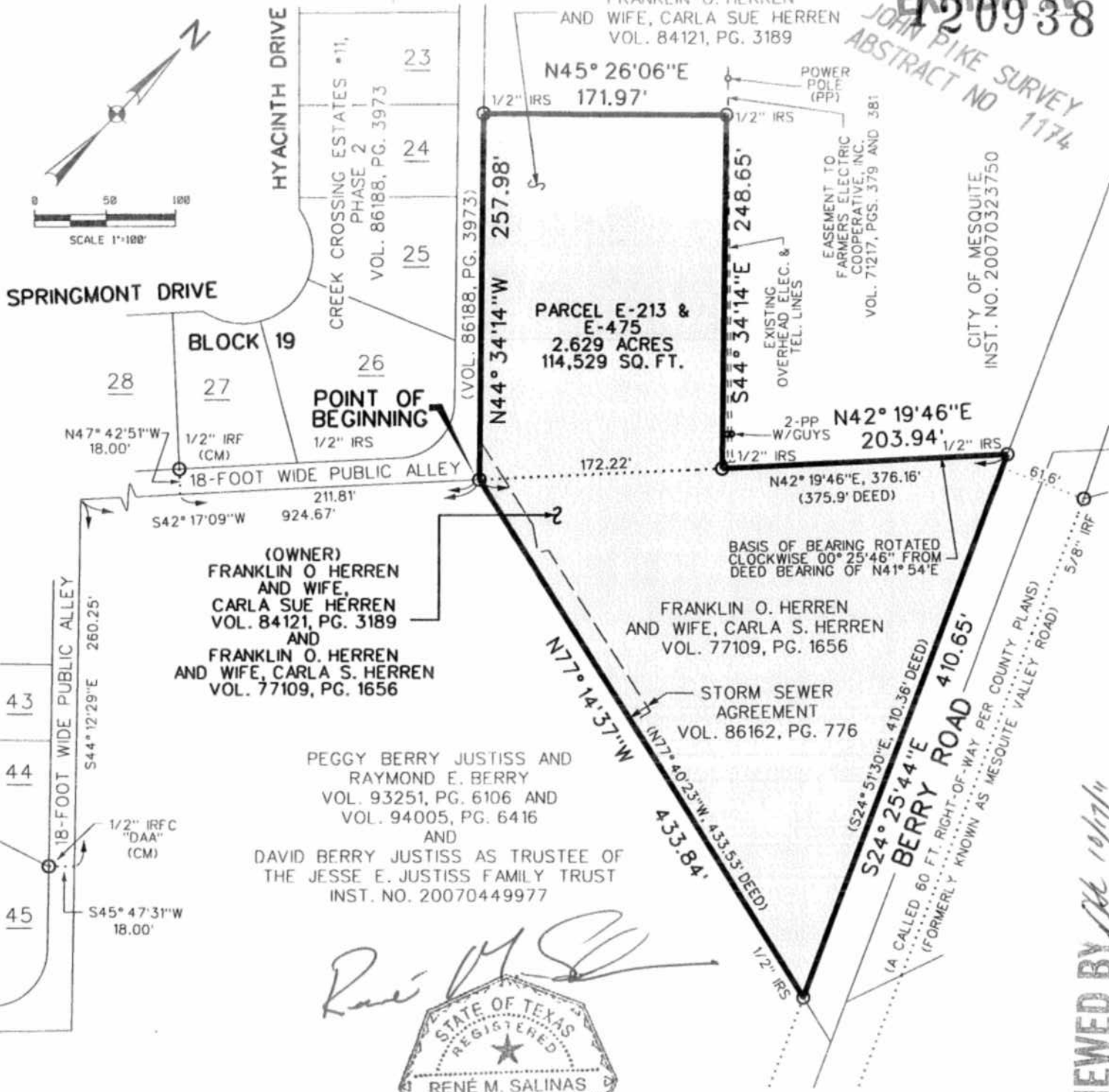
*René M. Salinas*  
  
*9/23/2011*

REVIEWED BY *pkc 10/17/11*

**EXHIBIT A**  
**120938**  
**JOHN PIKE SURVEY**  
**ABSTRACT NO 1174**

FRANKLIN O. HERREN  
 AND WIFE, CARLA SUE HERREN  
 VOL. 84121, PG. 3189

CITY OF MESQUITE  
 INST. NO. 20070323750



*René M. Salinas*



9/23/2011

**LEGEND:**  
 IRF IRON ROD FOUND  
 IRS IRON ROD SET W/ YELLOW "GLD" CAP  
 IRFC IRON ROD FOUND W/CAP  
 (CM) CONTROL MONUMENT  
 U.T.S. UNABLE TO SET

**NOTES:**  
 1.) BEARINGS SYSTEM: NORTH AMERICAN DATUM OF 1983, TEXAS STATE PLANE COORDINATE SYSTEM, NORTH CENTRAL ZONE 4202, SURFACE ADJUSTMENT SCALE FACTOR 1.0001365060

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**Garcia Land Data, Inc.**  
 T 214-987-0149 6710 Campbell Rd., Ste. 110  
 F 214-987-4026 Dallas, TX 75248-1388

DATE: 09/26/11  
 PROJ: 5338  
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REVIEWED BY *John 10/17/11*