

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

"USE": The construction, use, and maintenance of a pipeline or lines for the transmission of treated water together with such appurtenant facilities as may be necessary.

"PROPERTY INTEREST": Fee Simple

"OWNER": Jeannine Hall, Ervin M. Hall, Carmen A. Hall and James C. Hall, 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": \$41,543

"CLOSING COSTS AND TITLE EXPENSES": Not to exceed \$2,457

"AUTHORIZED AMOUNT": \$44,000

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 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.

March 28, 2012

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 Water Utilities Capital Improvement Funds, Fund No. 2115, Department DWU, Unit PW40, Activity RWPT, Program No. 706623, Object 4210, Encumbrance No. CT-DWU706623CPL. The OFFER AMOUNT, 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 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 9. That OWNER has been provided with a copy of the Landowner's Bill of Rights as required by Texas Property Code Section 21.0112.

SECTION 10. 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 11. 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

PARCEL 117
FIELD NOTE DESCRIPTION

120958
EXHIBIT A

CITY OF DALLAS RIGHT OF WAY
2.119 ACRE TRACT
CITY OF DALLAS BLOCK 8499
JOHN M. PRUITT SURVEY, ABSTRACT NO. 1179
CITY OF DALLAS, DALLAS COUNTY, TEXAS

BEING a 2.119 acre tract of land situated in the John M. Pruitt Survey, Abstract No. 1179, City of Dallas, Dallas County, Texas and being a portion of the southern remaining portion of that certain tract of land described to Jeannine Hall, Ervin M. Hall, Carmen A. Hall and James C. Hall by General Warranty Deed recorded in Volume 94040, Page 2595 of the Deed Records of Dallas County, Texas (DRDCT), said 2.119 acre tract of land being more particularly described by metes and bounds as follows:

BEGINNING at a concrete monument with TxDOT brass disk (controlling monument) found for the northeasterly corner of said Hall tract of land and the northwesterly corner of that certain tract of land described to John Martin Davis, Jr. by Warranty Deed with Vendor's Lien recorded in Volume 80037, Page 492, DRDCT and being in the southerly right-of-way line of Interstate Highway 20 (a variable width right-of-way);

THENCE South 03°09'38" West along the easterly line of said Hall tract of land and the westerly line of said Davis tract of land, a distance of 172.16 feet to a 5/8-inch iron rod with yellow plastic cap stamped "LGG" set for corner in the southeasterly line of new City of Dallas right-of-way;

THENCE North 57°26'57" West along the southerly line of said new City of Dallas right-of-way, a distance of 18.83 feet to a point for corner;

THENCE South 75°16'14" West continuing along the southerly line of said new City of Dallas right-of-way, a distance of 593.08 feet to a point for corner in the westerly line of said Hall tract of land and the easterly line of that certain tract of land described as Tract 2 to 635-Dowdy Venture by General Warranty Deed recorded in Volume 84229, Page 1910, DRDCT;

THENCE North 00°06'27" East along said westerly line and the easterly line of said 635-Dowdy Venture tract of land, a distance of 155.17 feet to a concrete monument with TxDOT brass disk (controlling monument) found for the northwesterly corner of said Hall tract of land and the northeasterly corner of said 635-Dowdy Venture tract of land in the southerly right-of-way line of said Interstate Highway 20; **T.D.K.**

REVIEWED BY *AKC* 12-11-08

(For SPRG use only)

Reviewed By: _____
Date: _____
SPRG NO.: _____

PARCEL 117
FIELD NOTE DESCRIPTION

120958
EXHIBIT A

CITY OF DALLAS RIGHT OF WAY
2.119 ACRE TRACT
CITY OF DALLAS BLOCK 8499
JOHN M. PRUITT SURVEY, ABSTRACT NO. 1179
CITY OF DALLAS, DALLAS COUNTY, TEXAS

THENCE North 75°16'14" East along the northerly line of said Hall tract of land and said southerly right-of-way line, a distance of 619.00 feet to the **POINT OF BEGINNING; T.D.P.**

CONTAINING a computed area of 92,318 square feet or 2.119 acres of land.

Bearings and distances shown hereon are based on the southerly right-of-way line of Interstate Highway 20 being North 75°16'14" East as described by General Warranty Deed recorded in Volume 94040, Page 2595 of the Deed Records of Dallas County, Texas.

I hereby certify that this metes and bounds description and accompanying parcel plat represent a survey made on the ground under my supervision during the months of May and June, 2008.



Lyndon M. Hodgins
Registered Professional Land Surveyor
Texas Registration No. 4584

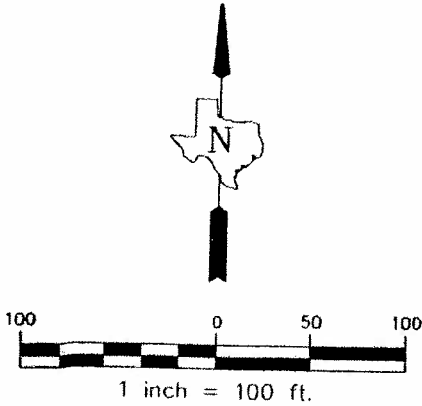
7-08-08
Date



FILED IN 21 FILE 12-11-08

(For SPRG use only)	
Reviewed By:	_____
Date:	_____
SPRG NO.:	_____

JOHN M. PRUITT SURVEY
ABSTRACT NO. 1179



INTERSTATE HIGHWAY 20
(VARIABLE WIDTH RIGHT-OF-WAY)

POB

TMF (CM)

TMF (CM)

N 00°06'27" E

155.17'

N 75°16'14" E 619.00'

2.119 ACRES
(92,318 S.F.)

S 75°16'14" W 593.08'

N 57°26'57" W 18.83'

S 03°09'38" W 172.16'

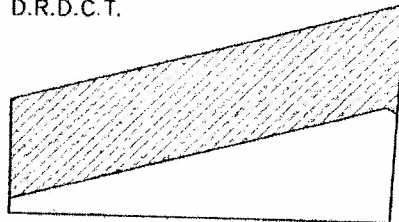
5/8" IRS

JEANNINE HALL, ERVIN M. HALL,
CARMEN A. HALL AND
JAMES C. HALL
VOL. 94040, PG. 2595
D.R.D.C.T.

CITY BLOCK NO. 8499

JOHN AND ROSIE F. BANKSTON
VOL. 83028, PG. 1712
D.R.D.C.T.

JOHN MARTIN DAVIS, JR.
VOL. 80037, PG. 492
D.R.D.C.T.



3.498 ACRE REMAINING PORTION
WHOLE PROPERTY SKETCH

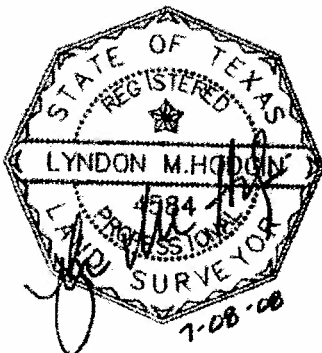
LEGEND

- 1/2" IRF - 1/2" IRON ROD FOUND
- 3/4" IRF - 3/4" IRON ROD FOUND
- 5/8" IRS - 5/8" IRON ROD WITH YELLOW PLASTIC CAP STAMPED "LGG SET"
- TMF - CONCRETE MONUMENT WITH TxDOT BRASS DISK FOUND
- (CM) - CONTROLLING MONUMENT
- D.R.D.C.T. - DEED RECORDS OF DALLAS COUNTY, TEXAS
- M.R.D.C.T. - MAP RECORDS OF DALLAS COUNTY, TEXAS

NOTES:

1. Bearings and distances shown hereon are based on the southerly right-of-way line of Interstate Highway 20 being North 75°16'14" East as described by General Warranty Deed recorded in Volume 94040, Page 2595 of the Deed Records of Dallas County, Texas.

2. Metes and Bounds description of tract shown hereon was prepared of even date.



(For SPRG use only)

Reviewed By: _____

Date: _____

SPRG NO.: _____



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Dallas, Texas 75207
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CITY OF DALLAS RIGHT OF WAY

2.119 ACRE TRACT

CITY OF DALLAS BLOCK 8499

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CITY OF DALLAS, DALLAS COUNTY, TEXAS

DATE: JUNE, 2008

JOB NO. 207119.01

PAGE 3 OF 3