

120959
March 28, 2012

A RESOLUTION DETERMINING UPON THE NECESSITY OF ACQUIRING REAL PROPERTY AND AUTHORIZING ITS APPROPRIATION AND/OR CONDEMNATION FOR PUBLIC USE.

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

"CITY": The City of Dallas

"PROPERTY": Three tracts of land containing a total of approximately 10,419 square feet of property located in Dallas County, and being the same property particularly described in "Exhibit A", attached hereto and made a part hereof for all purposes.

"PROJECT": Meek Street Paving and Drainage Improvements

"USE": Construction, use and maintenance of paving and drainage improvements to a city street.

"PROPERTY INTEREST": Street Easement

"OFFER AMOUNT", "OWNER" and "AUTHORIZED AMOUNT" are described below:

Parcel No.	<u>Owner</u>	<u>Offer Amount</u>	Closing Costs and Title Expenses	<u>Authorized Amount</u>
			<u>Not to Exceed</u>	
1	Mrs. DeFloyd	\$10,000	\$1,200	\$11,200
2	Mildred Faye Crowder Cole	\$6,495	\$1,000	\$7,495
3	Taylor Oliver	\$90	\$800	\$890

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, and including their unknown heirs.

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.

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 title company closing the transaction described herein in the OFFER AMOUNT and CLOSING COSTS AND TITLE EXPENSES payable out of 2003 Bond Funds – Street and Transportation Improvements Fund, Fund No. 3R22, Department PBW, Unit P378, Activity No. PPPF, Program No. PB03P378, Object 4250. The OFFER AMOUNT and the CLOSING COSTS and TITLE EXPENSES together shall not exceed the AUTHORIZED AMOUNT.

<u>Parcel No.</u>	<u>Offer Amount</u>	<u>Closing Costs and Title Expenses not to exceed</u>	<u>Authorized Amount</u>	<u>Encumbrance No.</u>
1	\$10,000	\$1,200	\$11,200	SUSSDP37891
2	\$ 6,495	\$1,000	\$ 7,495	SUSSDP37892
3	\$ 90	\$ 800	\$ 890	SUSSDP37893

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.

March 28, 2012

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).

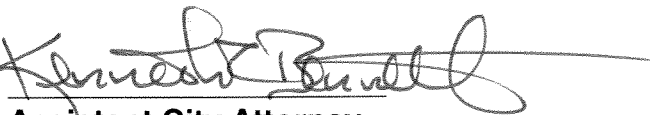
SECTION 8. That in the event the Special Commissioners in Condemnation appointed by the Court return an award that is the same amount or less than the OFFER AMOUNT, the City Attorney is hereby authorized to settle the lawsuit for that amount and the City Controller is hereby authorized to issue a check 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

MAR 28 2012


City Secretary

**FIELD NOTES DESCRIBING LAND TO BE ACQUIRED BY THE CITY OF
DALLAS IN BLOCK 7637 FROM MRS. DEFLOYD**

ALL THAT certain Lot, tract or parcel of land lying and being situated in the City and County of Dallas, Texas and being more particularly described as follows:

BEING a 5,553 Sq. Ft. tract of land situated in the R.F. Smith Survey, Abstract Number 1376, and being in Block 7637, official City of Dallas Block Numbers, and being a portion of a tract of land conveyed to Mrs. DeFloyd by warranty deed, recorded in Volume 530, Page 99, Deed Records, Dallas County, Texas (D.R.D.CT.), and being more particularly described as follows:

BEGINNING at a 5/8" iron rod set with a red plastic cap stamped "City of Dallas" (hereinafter referred to as a 5/8" iron rod with cap set) at the intersection of the east line of Carbondale Street (50' Right-Of-Way) with the south line of Meek Street (14' Right-Of-Way in this section);

THENCE North 59°34'09" East, continuing along said south line of Meek Street, a distance of 152.34 feet to a 5/8" iron rod with cap set on the northwest corner of said DeFloyd tract, said point also being the southwest corner of a tract of land conveyed to Rheda C. Barnes, recorded in Volume 67181, Page 615, D.R.D.CT.,

THENCE South 28°45'17" East, departing said south line of Meek Street and along the common line of said DeFloyd tract and said Barnes tract, a distance of 36.02 feet to a 5/8" iron rod with cap set;

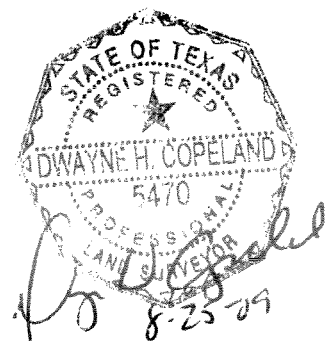
THENCE South 59°34'09" West, leaving said common line of said DeFloyd tract and said Barnes tract and being at all times 36.00 feet perpendicularly distant south from and parallel with said south line of Meek Street, a distance of 144.64 feet to a 5/8" iron rod with cap set;

THENCE South 08°31'03" West, a distance of 14.90 feet to a 5/8" iron rod with cap set on said east line of Carbondale Street;

THENCE North 27°09'58" West, along said east line of Carbondale Street, a distance of 47.66 feet to a 5/8" iron rod with cap set, said point being the **POINT OF BEGINNING**; and containing approximately 5,553 square feet of land.

Basis of Bearings are based on the south line of Meek Street, at North 59°34'09" East, based on field observations using the North Texas Cooperative Real Time Kinematic Virtual Reference Station Global Positioning System survey instruments and procedures, North American Datum of 1983. *pep*

AR
Meek St. FN1.doc
Date: 8/24/09



FIELD NOTES DESCRIBING LAND TO BE ACQUIRED
BY THE CITY OF DALLAS IN BLOCK 7637
FROM MRS. DEFLOYD

HENRY MAE HORTON
Vol. 2003086, Pg. 5108

~ HONEY SPRINGS ADDITION ~
Vol 28 Pg 159
M.R.D.C.T.

R.F. SMITH SURVEY
ABSTRACT No. 1376

LOT 42
TAYLOR OLIVER
Vol. 67083, Pg. 57

PART OF LOT 42
CITY OF DALLAS
Vol. 93165, Pg. 7057

ALLEY

LOTS 20 & 21
LIZZIE CROWDER
Vol. 2682, Pg. 538

BLOCK
B/ 7636

MECK STREET
(14' RIGHT-OF-WAY)

Basis of Bearings
N 59°34'09" E

CARBONDALE ST.
(50' RIGHT-OF-WAY)

N 27°09'58" W
47.66'

P.O.B.
Set 5/8" I.R.

N 59°34'09" E
152.34'

S 08°31'03" W
14.90'

S 59°34'09" W
144.64'

S 28°45'17" E
36.02'

5,553 Sq. Ft.
To Be Acquired

MRS. DEFLOYD
Vol. 530, Pg. 99

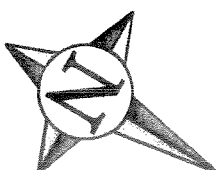
BLOCK
7637

LOT 11
RHEDA C. BARNES
Vol. 67181, Pg. 615



LEGEND:

- SET 5/8" I.R.
- EXISTING R.O.W LINE
- - - PROPOSED CENTERLINE
- ▨ LIMITS OF PROPERTY TO BE ACQUIRED
- PROPERTY LINE



SCALE: 1" = 30'
PAGE 2 OF 2

**FIELD NOTES DESCRIBING LAND TO BE ACQUIRED BY THE CITY OF
DALLAS IN BLOCK 7637 FROM RHEDA C. BARNES**

ALL THAT certain Lot, tract or parcel of land lying and being situated in the City and County of Dallas, Texas and being more particularly described as follows:

BEING a 4,811 Sq. Ft. tract of land situated in the R.F. Smith Survey, Abstract Number 1376, and being in Block 7637, official City of Dallas Block Numbers, and being a portion of a tract of land conveyed to Mrs. Rheda C. Barnes, by Affidavit of Heirship, recorded in Volume 67131, Page 615, Deed Records, Dallas County, Texas (D.R.D.C.T.), and being more particularly described as follows:

COMMENCING at the intersection of the east line of Carbondale Street (50' Right-Of-Way) with the south line of Meek Street (14' Right-Of-Way in this section);

THENCE North 59°34'09" East, along said south line of Meek Street, a distance of 152.34 feet to a 5/8" iron rod set with a red plastic cap stamped "City of Dallas" (hereinafter referred to as a 5/8" iron rod with cap set), said point being the northwest corner of said Barnes tract, said point being the **POINT OF BEGINNING**;

THENCE North 59°34'09" East, along said south line of Meek Street, a distance of 136.99 feet to a point for corner on the northeast corner of said Barnes tract, from which a found 1/2 inch iron rod bears North 9°29'28" West, a distance of 0.75 feet; said point also being northwest corner of a tract of land conveyed to Dallas Neighborhood Alliance for Habitat by General Warranty Deed, recorded in Instrument number 20070270743, Official Public Records, Dallas County, Texas (O.P.R.D.C.T.);

THENCE South 28°52'42" East, leaving said south line of Meek Street and along the common line of said Barnes tract and said Dallas Neighborhood Alliance for Habitat tract, a distance of 28.69 feet to a 5/8" iron rod with cap set;

THENCE South 47°14'32" West, leaving said common line of said Barnes tract and said Dallas Neighborhood Alliance for Habitat tract, a distance of 34.29 feet to a 5/8" iron rod with cap set;

THENCE South 59°34'09" West, and being at all times 36.00 feet perpendicularly distant south from and parallel with said south line of Meek Street, a distance of 103.76 feet to a 5/8" iron rod with cap set on the common line of said Barnes tract and a tract of land conveyed to Mrs. DeFloyd, recorded in Volume 530, Page 99, D.R.D.C.T.;

THENCE North 28°45'17" West, along said common line of said Barnes tract and said DeFloyd tract, a distance of 36.02 feet to the **POINT OF BEGINNING**; and containing approximately 4,811 square feet of land.

Basis of Bearings are based on the south line of Meek Street, at North 59°34'09" East, based on field observations using the North Texas Cooperative Real Time Kinematic Virtual Reference Station Global Positioning System survey instruments and procedures North American Datum of 1983. *per*



FIELD NOTES DESCRIBING LAND TO BE ACQUIRED
BY THE CITY OF DALLAS IN BLOCK 7637
FROM RHEDA C. BARNES

R.F. SMITH SURVEY
ABSTRACT No. 1376

LOT 41

**BLOCK
B/ 7636**

PART OF LOT 42
CITY OF DALLAS
Vol. 93165, Pg. 7057

ALLEY

~ HONEY SPRINGS ADDITION ~
Vol 28 Pg 159
M.R.D.C.T.

LOTS 20 & 21
LIZZIE CROWDER
Vol. 2682, Pg. 538

BROWNSVILLE AVE.
(50' RIGHT-OF-WAY)

MECK STREET
(14' RIGHT-OF-WAY)

CARBONDALE ST.
(50' RIGHT-OF-WAY)

MRS. DEFLOYD
Vol. 530, Pg. 98

LOT 11
RHEDA C. BARNES
Vol. 67181, Pg. 615

4,811 Sq. Ft.
To Be Acquired

**BLOCK
7637**

LOT 7
DALLAS NEIGHBORHOOD
ALLIANCE FOR HABITAT
Inst. 20070270743

Basis of Bearings
N 59°34'09" E

End 1/2" I.R.
(N09°29'28"W
0.75')
S 28°52'42" E
28.69'

S 47°14'32" W
34.29'

S 59°34'09" W 103.76'

P.O.B.
Set 5/8" I.R.

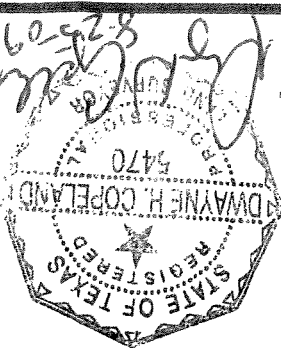
N 59°34'09" E 136.99'

(14' RIGHT-OF-WAY)

N 59°34'09" E
152.34'

P.O.C.

N 28°45'17" W
36.02'



LEGEND:

- SET 5/8" I.R.
- EXISTING R.O.W LINE
- - - PROPOSED CENTERLINE
- ▤ LIMITS OF PROPERTY TO BE ACQUIRED
- PROPERTY LINE



SCALE: 1" = 30'
PAGE 2 OF 2

**FIELD NOTES DESCRIBING LAND TO BE ACQUIRED BY THE CITY OF
DALLAS IN BLOCK B/7636 FROM TAYLOR OLIVER**

ALL THAT certain Lot, tract or parcel of land lying and being situated in the City and County of Dallas, Texas and being more particularly described as follows:

BEING a 55 Sq. Ft. tract of land situated in the R.F. Smith Survey, Abstract Number 1376, and being in Block B/7636, official City of Dallas Block Numbers, and being a portion of a tract of land conveyed to Taylor Oliver by Warranty Deed, recorded in Volume 67083, Page 57, Deed Records, Dallas County, Texas (D.R.D.C.T.), said tract also known as Lot 42, Honey Springs Addition, an addition to the City of Dallas, Texas, recorded in Volume 28, Pg. 159, Map Records, Dallas County, Texas (M.R.D.C.T.), and being more particularly described as follows:

BEGINNING at a 5/8" iron rod set with a red plastic cap stamped "City of Dallas" (hereinafter referred to as a 5/8" iron rod with cap set) at the intersection of the east line of Carbondale Street (50' Right-Of-Way) with the north line of Meek Street (14' Right-Of-Way in this section), said point being the southwest corner of said Oliver tract;

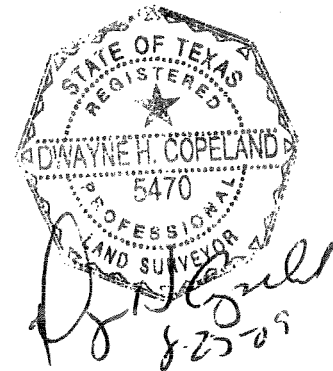
THENCE North 27°09'58" West, along said east line of Carbondale Street, a distance of 13.08 feet to a 5/8" iron rod with cap set;

THENCE South 60°50'12" East, leaving said east line of Carbondale Street, a distance of 15.14 feet to a 5/8" iron rod with cap set on said north line of Meek Street;

THENCE South 59°34'09" West, along said north line of Meek Street, a distance of 8.41 feet to the **POINT OF BEGINNING**; and containing approximately 55 square feet of land.

Basis of Bearings are based on the south line of Meek Street, at North 59°34'09" East, based on field observations using the North Texas Cooperative Real Time Kinematic Virtual Reference Station Global Positioning System survey instruments and procedures, North American Datum of 1983. *per?*

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Meek St. FN3.doc
Date: 8/24/09

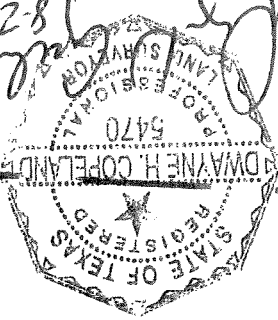


120959

FIELD NOTES DESCRIBING LAND TO BE ACQUIRED
BY THE CITY OF DALLAS IN BLOCK B/7636
FROM TAYLOR OLIVER

R.F. SMITH SURVEY
ABSTRACT No. 1376

HONEY SPRINGS ADDITION
Vol 28 Pg 159
M.R.D.C.T.



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HENRY MAE HORTON
Vol. 2003098, Pg. 5108

LOT 42
TAYLOR OLIVER
Vol. 67083, Pg. 57

PART OF LOT 42
CITY OF DALLAS
Vol. 93165, Pg. 7057

LOT 20 & 21
LUZIE CROWDER

55 Sq. Ft.
To Be Acquired

N 27°09'58" W
13.08'

S 60°50'12" E
15.14'

S 59°34'09" W
8.41'

MEEK STREET
(14' RIGHT OF WAY)

Basis of Bearings

N 59°34'09" E

P.O.B.
Set 56" I.R.

CARBONDALE ST.
(50' RIGHT OF WAY)

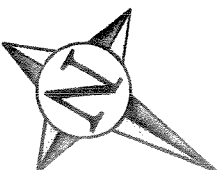
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MRS. DEFLOYD
Vol. 530, Pg. 99

LOT 11
RHEDA C. BARNES
Vol. 67181, Pg. 615

BLOCK
7637

LEGEND:

- SET 5/8" I.R.
- EXISTING R.O.W LINE
- - - PROPOSED CENTERLINE
- ===== LIMITS OF PROPERTY TO BE ACQUIRED
- PROPERTY LINE



SCALE: 1" = 30'
PAGE 2 OF 2