

120995
March 28, 2012

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": Approximately 3.5 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": Trinity River Corridor

"USE": Development of wetlands for the Dallas Floodway Extension.

"PROPERTY INTEREST": Fee Simple

"OWNER": C. A. Keating, 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": \$7,700.00

"CLOSING COSTS AND TITLE EXPENSES ": Not to exceed \$2,000.00

"AUTHORIZED AMOUNT": \$9,700.00

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.

120995
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 Trinity River Corridor Project Fund, Fund No. 4P14, Department TWM, Unit N962, Activity TRPP, Program No. PB98N962, Object 4210, Encumbrance No. CT-PBW98N962F1. 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 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 10. 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

EXHIBIT A

**Field Notes Describing a
152,229 Square Foot (3.495 Acre) Tract Of Land In Block 4651
To Be Acquired From C.A. Keating**

BEING a 152,229 Square Foot (3.495 Acre) tract of unplatted land lying in the William John Elliot Survey, Abstract No. 448, City of Dallas, Dallas County, Texas, and being part of Block 4651, Official City of Dallas Block Numbers, and being all of the land conveyed to C.A. Keating, by reversionary clause as contained in a deed from C.A. Keating to Quentin D. Corley, County Judge, dated June 5, 1915 and recorded in Volume 694, Page 607 of the Deed Records of Dallas County, Texas, and abandoned by the Commissioners Court of Dallas County by Order No. 21927, dated December 3, 1953 and recorded in Volume 50, Page 425, of the minutes of the Commissioner Court of Dallas County, Texas, and being more particularly described as follows:

COMMENCING at the intersection of the North line of Eleventh St. (60-foot Right-of-Way) with the Northwest line of Martin Luther King Jr. Blvd. (a Variable Width Right-of-Way), said intersection also being the southeast corner of a tract of land conveyed to William J. Ondrusek by deed recorded in Volume 3655, Page 72 (not monumented):

THENCE North 17°40'00" East, departing the said North line of Eleventh St. and along the said Northwest line of Martin Luther King Jr. Blvd., a distance of 590.64 feet to a 5/8 inch diameter Iron Rod with cap marked "CITY OF DALLAS" (hereinafter referred to as "5/8" I.R. w/COD Cap"), set at a Northerly outside corner of a tract of land conveyed to Dallas County for the relocation of Forest Ave. now known as Martin Luther King, Jr. Boulevard, by deed dated October 31, 1951 and recorded in Volume 3614, Page 487 (Tract 1), of the Deed Records of Dallas County, Texas, and being also the Southwest corner and **POINT OF BEGINNING** of the herein described tract of land:

THENCE North 5°58'31" East, departing the said Northerly line of Martin Luther King, Jr. Boulevard and with the Westerly line of the abandoned portion of said Forest Ave., being also a common line with said Ondrusek property, a distance of 171.51 feet to a 5/8" I.R. w/COD Cap set at an outside corner of the herein described tract of land, being also an inside corner of a tract of land conveyed to Dallas Power and Light by Warranty Deed dated February 3, 1970 and recorded in Volume 70031, Page 1766, of the Deed Records of Dallas County, Texas:

THENCE North 16°21'54" East, continuing with the common line between (abandoned) Forest Avenue and said DP&L tract, at a distance of 37.03 feet pass the most southerly corner of a tract of land conveyed to the City of Dallas by Warranty Deed recorded in Volume 2005118, Page 2839, of the Deed Records of Dallas County, Texas, and continuing for a total distance of 725.56 feet to a 1/2" iron rod found at an inside corner of the herein described tract of land:

THENCE North 19°51'56" West, continuing with the said Westerly line of (abandoned) Forest Ave. and the easterly line of said City of Dallas tract, a distance of 275.62 feet to the intersection with the gradient boundary of the Trinity River (not monumented):

EXHIBIT A

**Field Notes Describing a
152,229 Square Foot (3.495 Acre) Tract Of Land In Block 4651
To Be Acquired From C.A. Keating**

THENCE North 68°22'28" East, departing the westerly line of said (abandoned) Forest Ave. and along the said gradient boundary of the Trinity River, a distance of 130.06 feet to the intersection with the easterly line of said (abandoned) Forest Ave., at the Northwest corner of a tract of land conveyed to the City of Dallas by Warranty Deed recorded in Instrument No. 200900209000, Official Public Records, Dallas County, Texas (not monumented):

THENCE South 19°51'56" East, departing the last said gradient boundary of the Trinity River and with the common line between said (abandoned) Forest Ave. and said City of Dallas tract, a distance of 322.14 feet to a 5/8" iron rod with aluminum cap stamped "LCI" found at an outside corner of the herein described tract of land:

THENCE South 16°21'54" West, continuing with the said common line between (abandoned) Forest Ave. and City of Dallas tract, pass at a distance of 748.93 feet the Southwest corner of said City of Dallas tract, being also the most Northerly corner of a tract of land conveyed to Dallas Power and Light by Warranty Deed dated August 17, 1970 and recorded in Volume 70162, Page 1538, DRDCT, and continuing for a total distance of 758.37 feet, to a 5/8" I.R. w/COD Cap set at an outside corner of the herein described tract of land:

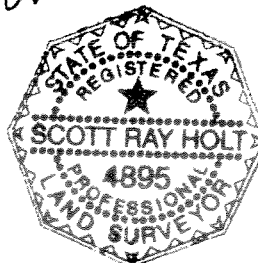
THENCE South 29°17'25" West, continuing along the easterly line of said abandoned Forest Ave. and the northwest line of said DP&L tract, a distance of 197.43 feet to a 5/8" I.R. w/COD Cap set at an inside corner of the herein described tract of land:

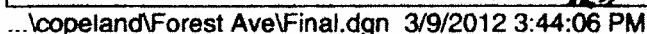
THENCE South 17°40'25" West, with the common line between said (abandoned) Forest Ave. and said DP&L tract, a distance of 8.20 feet to a 5/8" I.R. w/COD Cap set at the Southwest corner of said DP&L tract, being also the Southeast corner of the herein described tract of land, lying on the above referenced Northerly line of Martin Luther King, Jr. Boulevard:

THENCE North 51°28'05" West, along the common line between the said abandoned Forest Ave. and said Northerly line of Martin Luther King, Jr. Boulevard, a distance of 58.93 feet to the **POINT OF BEGINNING** and containing 152,229 square feet or 3.495 acres of land.

BASIS OF BEARINGS: Bearings are based on the Texas State Plane Coordinate System, North Central Zone (4202), North American Datum of 1983.

Scott Holt
3/9/12





**Field Notes Describing a
152,229 Square Foot (3.495 Acre) Tract Of Land In Block 4651
To Be Acquired From C.A. Keating**

BEING a 152,229 Square Foot (3.495 Acre) tract of unplatted land lying in the William John Elliot Survey, Abstract No. 448, City of Dallas, Dallas County, Texas, and being part of Block 4651, Official City of Dallas Block Numbers, and being all of the land conveyed to C.A. Keating, by reversionary clause as contained in a deed from C.A. Keating to Quentin D. Corley, County Judge, dated June 5, 1915 and recorded in Volume 694, Page 607 of the Deed Records of Dallas County, Texas, and abandoned by the Commissioners Court of Dallas County by Order No. 21927, dated December 3, 1953 and recorded in Volume 50, Page 425, of the minutes of the Commissioner Court of Dallas County, Texas, and being more particularly described as follows:

COMMENCING at the intersection of the North line of Eleventh St. (60-foot Right-of-Way) with the Northwest line of Martin Luther King Jr. Blvd. (a Variable Width Right-of-Way), said intersection also being the southeast corner of a tract of land conveyed to William J. Ondrusek by deed recorded in Volume 3655, Page 72 (not monumented):

THENCE North 17°40'00" East, departing the said North line of Eleventh St. and along the said Northwest line of Martin Luther King Jr. Blvd., a distance of 590.64 feet to a 5/8 inch diameter Iron Rod with cap marked "CITY OF DALLAS" (hereinafter referred to as "5/8" I.R. w/COD Cap"), set at a Northerly outside corner of a tract of land conveyed to Dallas County for the relocation of Forest Ave. now known as Martin Luther King, Jr. Boulevard, by deed dated October 31, 1951 and recorded in Volume 3614, Page 487 (Tract 1), of the Deed Records of Dallas County, Texas, and being also the Southwest corner and **POINT OF BEGINNING** of the herein described tract of land:

THENCE North 5°58'31" East, departing the said Northerly line of Martin Luther King, Jr. Boulevard and with the Westerly line of the abandoned portion of said Forest Ave., being also a common line with said Ondrusek property, a distance of 171.51 feet to a 5/8" I.R. w/COD Cap set at an outside corner of the herein described tract of land, being also an inside corner of a tract of land conveyed to Dallas Power and Light by Warranty Deed dated February 3, 1970 and recorded in Volume 70031, Page 1766, of the Deed Records of Dallas County, Texas:

THENCE North 16°21'54" East, continuing with the common line between (abandoned) Forest Avenue and said DP&L tract, at a distance of 37.03 feet pass the most southerly corner of a tract of land conveyed to the City of Dallas by Warranty Deed recorded in Volume 2005118, Page 2839, of the Deed Records of Dallas County, Texas, and continuing for a total distance of 725.56 feet to a 1/2" iron rod found at an inside corner of the herein described tract of land:

THENCE North 19°51'56" West, continuing with the said Westerly line of (abandoned) Forest Ave. and the easterly line of said City of Dallas tract, a distance of 275.62 feet to the intersection with the gradient boundary of the Trinity River (not monumented):

**Field Notes Describing a
152,229 Square Foot (3.495 Acre) Tract Of Land In Block 4651
To Be Acquired From C.A. Keating**

THENCE North 68°22'28" East, departing the westerly line of said (abandoned) Forest Ave. and along the said gradient boundary of the Trinity River, a distance of 130.06 feet to the intersection with the easterly line of said (abandoned) Forest Ave., at the Northwest corner of a tract of land conveyed to the City of Dallas by Warranty Deed recorded in Instrument No. 200900209000, Official Public Records, Dallas County, Texas (not monumented):

THENCE South 19°51'56" East, departing the last said gradient boundary of the Trinity River and with the common line between said (abandoned) Forest Ave. and said City of Dallas tract, a distance of 322.14 feet to a 5/8" iron rod with aluminum cap stamped "LCI" found at an outside corner of the herein described tract of land:

THENCE South 16°21'54" West, continuing with the said common line between (abandoned) Forest Ave. and City of Dallas tract, pass at a distance of 748.93 feet the Southwest corner of said City of Dallas tract, being also the most Northerly corner of a tract of land conveyed to Dallas Power and Light by Warranty Deed dated August 17, 1970 and recorded in Volume 70162, Page 1538, DRDCT, and continuing for a total distance of 758.37 feet, to a 5/8" I.R. w/COD Cap set at an outside corner of the herein described tract of land:

THENCE South 29°17'25" West, continuing along the easterly line of said abandoned Forest Ave. and the northwest line of said DP&L tract, a distance of 197.43 feet to a 5/8" I.R. w/COD Cap set at an inside corner of the herein described tract of land:

THENCE South 17°40'25" West, with the common line between said (abandoned) Forest Ave. and said DP&L tract, a distance of 8.20 feet to a 5/8" I.R. w/COD Cap set at the Southwest corner of said DP&L tract, being also the Southeast corner of the herein described tract of land, lying on the above referenced Northerly line of Martin Luther King, Jr. Boulevard:

THENCE North 51°28'05" West, along the common line between the said abandoned Forest Ave. and said Northerly line of Martin Luther King, Jr. Boulevard, a distance of 58.93 feet to the **POINT OF BEGINNING** and containing 152,229 square feet or 3.495 acres of land.

BASIS OF BEARINGS: Bearings are based on the Texas State Plane Coordinate System, North Central Zone (4202), North American Datum of 1983.

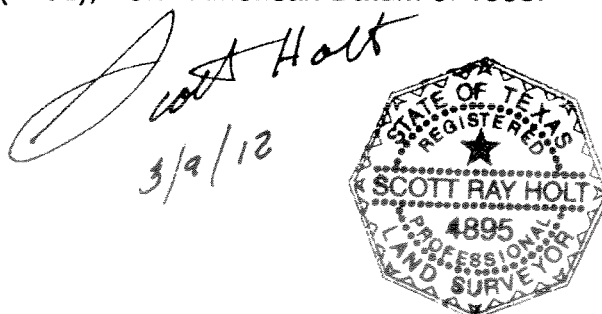


EXHIBIT A

