

**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": Approximately 2,502 square feet 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": K. B. Polk Park Expansion

"USE": For park use, including the construction and use of a parking lot for the K. B. Polk Park Recreation Center.

"PROPERTY INTEREST": Fee Simple

"OWNER": Fanney Frances Reece Price, 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": \$20,000

"CLOSING COSTS AND TITLE EXPENSES ": Not to exceed \$1,700

"AUTHORIZED AMOUNT": \$21,700

**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 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 required by Texas Property Code Section 21.0112.

**SECTION 6.** 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 payable out of 2006 Bond Funds: \$20,000, Fund No. BT00, Department PKR, Unit T184, Activity RFSI, Program No. PK06T184, Object 4210, Encumbrance No. PKR12019322. The OFFER AMOUNT, CLOSING COSTS and TITLE EXPENSES together shall not exceed the AUTHORIZED AMOUNT.

**SECTION 7.** That in the event the OWNER accepts the OFFER AMOUNT, the City Controller is authorized to draw a warrant in favor of the title company closing the transaction described above, in the amount of the CLOSING COSTS AND TITLE EXPENSES payable out of 2006 Bond Funds: \$1,700, Fund No. BT00, Department PKR, Unit T184, Activity RFSI, Program No. PK06T184, Object 4230, Encumbrance No. PKR12019322. The OFFER AMOUNT, CLOSING COSTS and TITLE EXPENSES together shall not exceed the AUTHORIZED AMOUNT.

**SECTION 8.** 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 9.** 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 10.** 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).

June 27, 2012

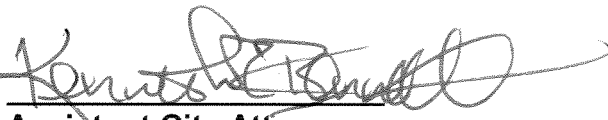
**SECTION 11.** That in the event the Special Commissioners in Condemnation appointed by the Court return an award that is the same amount or less than the OFFER AMOUNT, the City Attorney is hereby authorized to settle the lawsuit for that amount and the City Controller is hereby authorized to issue 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 12.** 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

JUN 27 2012

  
City Secretary

# EXHIBIT A

121671

## BEING A 2,502 SQUARE FOOT TRACT OF LAND IN BLOCK N/2604 TO BE DEDICATED AS A PUBLIC PARK

BEING a tract of land situated in the City and County of Dallas, Texas, being a part of the C. G. Cole Survey Abstract Number 320, being part of Block Number N/2604, official number of the City of Dallas, being also being part of Lots 1 and 2, Block N (City Block N/2604) of the Webster and Wood North Park Addition, an addition to the City of Dallas, Dallas County, Texas as recorded in Volume 124, Page 338, Plat Records of Dallas, County, Texas, as described in a deed to Fannee Frances Reece Price, recorded in Volume 81153, Page 121, of the Deed Records of Dallas County, Texas, said tract of land being more particularly described as follows:

BEGINNING at a 1/2 inch set iron rod with a yellow plastic cap stamped " HALFF ASSOC INC. " (hereinafter referred to as "with cap") for the northwest corner of said Lot 1, and being on the south right-of-way line of Thedford Street (a variable width public right-of-way) and the east right-of-way line of Victoria Avenue (a 50 foot wide public right-of-way);

THENCE North 88 degrees 43 minutes 18 seconds East, along the north line of said Lot 1 and the south right-of-way line of Thedford Street a distance of 41.70 feet to a calculated point for corner and being the northeast corner of said Price tract and a corner of the Whitlow Missionary Baptist Church Addition, an addition to the City of Dallas, Dallas, County, Texas, as recorded in Volume 91236, Page 4878, Deed Records of Dallas County, Texas;

THENCE South 00 degrees 29 minutes 02 seconds East, departing the south right-of-way line of Thedford Street with a common line of said Price Tract and Whitlow Addition, a distance of 60.00 feet to a calculated point for a corner;

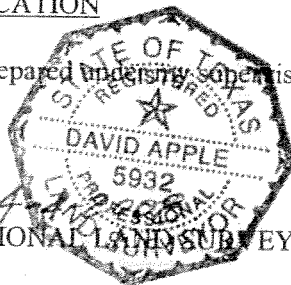
THENCE South 88 degrees 43 minutes 18 seconds West, continuing with said common line a distance of 41.70 feet to a calculated point for a corner in the east right-of-way line of said Victoria Avenue;

THENCE North 00 degrees 29 minutes 02 seconds West, along the east right-of-way line of said Victoria Avenue, a distance of 60.00 feet to the POINT OF BEGINNING AND CONTAINING 2,502 square feet or 0.0574 acres of land, more or less.

### SURVEYOR'S CERTIFICATION

This plat of survey was prepared under my supervision as surveyed on the ground on March 14, 2008.

DAVID APPLE  
REGISTERED PROFESSIONAL LAND SURVEYOR  
TEXAS No. 5932



Basis of bearings is NAD 83 State Plane Coordinates adjusted to surface using TxDOT scale factor of 1.00013650600.

(For SPRG use only)

Reviewed By: \_\_\_\_\_

Date: \_\_\_\_\_

SPRG NO.: \_\_\_\_\_

REVIEWED BY

*[Signature]*  
4/24/08

Reviewed By: \_\_\_\_\_  
Date: \_\_\_\_\_  
SPRG NO.: \_\_\_\_\_

THEDFORD STREET

SSMH

BY David J. Jones  
VICTORIA AVENUE

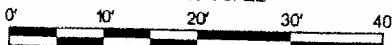
CITY  
BLOCK N2604

C.G. COLE SURVEY,  
ABSTRACT NO. 320

FND 3"  
BRASS  
DISC M  
(C.M.)



GRAPHIC SCALE



SCALE: 1"=20'



LOCATION MAP  
NOT TO SCALE

## BOUNDARY SURVEY

OF  
3802, THEDFORD AVENUE  
0.0574 ACRE TRACT  
AND PART OF LOT 1 AND LOT 2, BLOCK N/2604  
OF THE WEBSTER AND WOOD NORTH PARK ADDITION  
SITUATED IN THE  
C.G. COLE SURVEY, ABSTRACT NO. 320  
CITY OF DALLAS, DALLAS COUNTY, TEXAS

PARK AND RECREATION DEPARTMENT

PREPARED BY


**HALFF**

(2/2)

HALFF ASSOCIATES, INC. ENGINEERS - SURVEYORS  
1201 NORTH BOWSER ROAD ~ RICHARDSON, TEXAS ~ 75081-2275  
SCALE: 1"=20' (214)346-6200 AVO. 25917 APRIL 2008