

**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 2,250 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": Central Expressway from Commerce to Live Oak Realignment Project

"USE": The construction, use, and maintenance of a six lane divided roadway with two-way operation, increasing roadway capacity for future growth.

"PROPERTY INTEREST": Fee Simple

"OWNER": Hymie Schwartz Trust & Jeannette Schwartz Trust, 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": \$400,000

"CLOSING COSTS AND TITLE EXPENSES ": Not to exceed \$3,500

"AUTHORIZED AMOUNT": \$403,500

**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 the title company closing the transaction described herein in the OFFER AMOUNT and CLOSING COSTS AND TITLE EXPENSES payable out of 2006 Bond Funds, Fund No. 1T22, Department PBW, Unit U779, Activity THRF, Program No. PB06U779, Object 4210, Encumbrance No. CT-SUSU779PM88. 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.

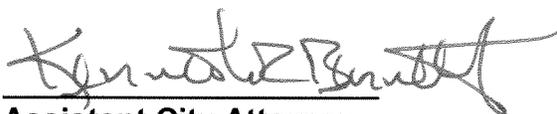
**SECTION 9.** That OWNER has been provided with a copy of the Landowner's Bill of Rights as required by Texas Property Code Section 21.0112.

**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**

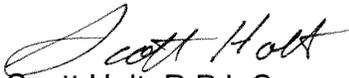
BY   
**Assistant City Attorney**

APPROVED BY  
CITY COUNCIL  
  
JUN 27 2012  
  
  
City Secretary

**ACQUISITION IN BLOCK 22/137  
THE HYMIE SCHWARTZ TRUST**

**BEING** situated in the John Grigsby League and Labor Survey, Abstract Number 495, Dallas County, Texas, and being all of Lot 28 of Block 22/137 of the Railroad Addition, an addition to the City of Dallas, recorded as H&TC Railroad Addition in Volume 40, Page 109, Map Records, Dallas County, Texas (MRDCT) and as the Railroad Addition as recorded in Volume P, Page 343 Deed Records, Dallas County, Texas (DRDCT) and transferred to Volume 4, Page 350, MRDCT and being all of the property conveyed to The Hymie Schwartz Trust by Special Warranty Deed, dated May 31, 1990, recorded in Volume 90106, Page 1532, Parcel 19, Deed Records of said county and by ½ interest to The Jeannette Schwartz Trust by Special Warranty Deed also dated May 31, 1990, recorded in Volume 90106, Page 1562, Parcel 19, Deed Records of said county and containing 2250 square feet or 0.052 acres of land according to dimensions shown on said Railroad Addition plat.

This description is approved as to form.

  
Scott Holt, R.P.L.S.  
Survey Program Manager

Date: 5/3/2012

**ELM STREET**  
(80' Width Right-of-Way)

**EXHIBIT A**

12107

PARK A LOT LP &  
FRED BAKER  
Vol. 96175, Pg. 2086

HARVARD PARTNERS, LLC  
Vol. 2004112, Pg. 10282

DALLAS 2224 ELM LTD  
Vol. 2001144, Pg. 1690

**THE HYMIE SCHWARTZ TRUST &  
THE JEANNETTE SCHWARTZ TRUST**  
Vol. 90106, Pg. 1532 TRUST  
Vol. 90106, Pg. 1562 TRUST

P.I. Sta. 15 + 59.50  
Survey Baseline

P.I. Sta. 15 + 50.50  
Survey Baseline

**CENTRAL BOULEVARD**  
(Variable Width Right-of-Way)

**RESUBDIVISION OF  
LOTS 1 - 25 IN BLOCK 149**  
V. 82180, P. 2667

DORBET INC ET AL  
Vol. 2000204, Pg. 4378

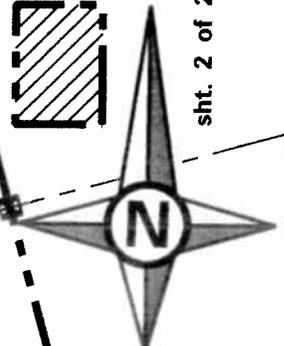
PAN COASTAL LIMITED PS  
& SOUTHSTATE MGMT CORP  
Vol. 89047, Pg. 3093

PARK A LOT LP  
& FRED BAKER  
Vol. 96175, Pg. 2086

P.I. Sta. 12 + 79.50  
Survey Baseline

2250 SQUARE FEET  
TO BE ACQUIRED

sht. 2 of 2



**MAIN STREET**  
(79.5' Width Right-of-Way)

**H&TC RAILROAD ADDITION**  
V. 40, P. 109  
**RAILROAD ADDITION**  
V. P. P. 343  
V. MRDCT 5  
V. P. P. 350  
V. MRDCT 4

24 90'  
25 90'  
26 90'

27 90'  
28 90'

14

15

6 90'

5 90'

4 90'

3 90'

2 90'

1 90'

14

13

25'

25'

100'

32'

25'

100'

25'

32'

100'

100'

100'

Variable

100'

32'

25'

100'

25'

15

25'

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