

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 2,880 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": Harvard Partners I, LLC, 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": \$750,000

"CLOSING COSTS AND TITLE EXPENSES ": Not to exceed \$7,000

"AUTHORIZED AMOUNT": \$757,000

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.

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-SUSU779PM87. 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.

121679
June 27, 2012

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
HARVARD PARTNERS I, LLC**

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

BEING situated in the John Grigsby League and Labor Survey, Abstract Number 495, Dallas County, Texas, and being all of Lot 26 and the west 7 feet of Lot 27 of Block 22/137 of the Railroad Addition, an addition to the City of Dallas as recorded in Volume 40, Page 109 as H&TC Railroad Addition, and also recorded in Volume P, Page 343 (DRDCT) and transferred to Volume 4, Page 350, Map Records, Dallas County, Texas (MRDCT) and being all of the property conveyed to Harvard Partners I, LLC, by Warranty Deed with vendors lien, dated June 1, 2004, recorded in Volume 2004112, Page 10282, Deed Records of said county, and more particularly described as follows;

BEGINNING at the intersection of the northeast corner of said Harvard Partners I, LLC tract and the southeast line of Elm Street (an 80' Right-of-Way), said corner also being the northwest corner of a tract of land described in a Deed without Warranty and agreement to Dallas 2224 Elm Ltd. in Volume 2003224, Page 04711, DRDCT from which an iron rod bears North 74°40'13" East, a distance of 43.57 feet;

THENCE South 15°03'59" East, departing said southeast line of Elm St., a distance of 90.00 feet to the northwest line of a 20' alley in said block of said Railroad Addition, said point also being the southeast corner of said Harvard Partners tract and the southwest corner of Dallas 2224 Elm Ltd. tract;

THENCE South 74°56'01" West, along the northwest line of said 20' alley, a distance of 32.00 feet to the common corner of Lots 25 and 26 of said Railroad Addition;

THENCE North 15°03'59" West, departing said northwest line of a 20' alley and along the common line of Lots 25 and 26, a distance of 90.00 feet to the southeast line of said Elm St.;

THENCE North 74°56'01" East, along the said southeast line of Elm St., a distance of 32.00 feet to the **POINT OF BEGINNING** and containing 2880 square feet or 0.066 acres of land.

BASIS OF BEARING: Bearings are based on the Southwest line of Central Blvd., at North 15°03'59" West, monumented as noted and derived from Global Positioning System observations using the North Texas Cooperative Real Time Kinematic Survey, Virtual Reference Station System, North American Datum of 1983.

DHC/dhc
centralblvdFN4a.doc



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

121679
EXHIBIT A

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

POB
15+19.5 - 69.55 Lt.
2880 SQ. FT.
TO BE ACQUIRED

DALLAS 2224 ELM LTD
Vol. 2001144, Pg. 7690

HARVARD PARTNERS I LLC
Vol. 2004112, Pg. 10282

HYMIE & JEANNETTE
SCHWARTZ TR
Vol. 90106, Pg. 1532

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

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

DORBET INC ET AL
Vol. 2000204, Pg. 4378

CENTRAL BOULEVARD
(Variable Width Right-of-Way)

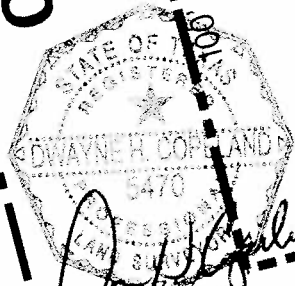
RESUBDIVISION OF
LOTS 1 - 25 IN BLOCK 149
V. 82180, P. 2667

P.I. Sta. 12+79.50
Survey Baseline

P.I. Sta. 15+59.50
Survey Baseline

P.I. Sta. 15+50.50
Survey Baseline

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



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