

June 27, 2012

**A RESOLUTION AUTHORIZING THE ACQUISITION OF REAL PROPERTY FOR A NEGOTIATED PRICE HIGHER THAN THE AUTHORIZED OFFER.**

**WHEREAS**, the Dallas City Council by the FIRST RESOLUTION authorized acquisition, by purchase and/or eminent domain, of the INTERESTS in the PROPERTY held by OWNER for the PROJECT (all said capitalized terms being defined below); and

**WHEREAS**, OWNER refused the official offer authorized by the FIRST RESOLUTION, but agreed to the PURCHASE AMOUNT stated herein; and

**WHEREAS**, the City Council desires to authorize the City Manager to acquire the INTERESTS in the PROPERTY for the PURCHASE AMOUNT stated herein: **Now, Therefore,**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DALLAS:**

**SECTION 1.** That the following definitions shall apply to this resolution:

"FIRST RESOLUTION": Resolution No. 11-1133 approved by the Dallas City Council on April 27, 2011

"PROJECT": Southwest 120/96-inch Water Transmission Pipeline Project

"USE": The construction, use, and maintenance of a pipeline or lines for the transmission of treated water together with such appurtenant facilities as may be necessary, provided, however to the extent fee title to the PROPERTY is acquired, such title and the PROPERTY shall not be limited to or otherwise deemed restricted to the USE herein provided.

"OWNER": Soon S. Song and Hyun Jin Park, 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.

"PROPERTY INTEREST": Fee Simple, subject to the exceptions, reservations, covenants, conditions and/or interest, if any, provided in the form instrument more particularly described in Exhibit "B" attached hereto and made a part hereof for all purposes.

"PROPERTY": Approximately 27,559 square feet of land in Dallas County, Texas, and being the same property more particularly described in Exhibit "A" attached hereto and made a part hereof for all purposes, and any and all improvements, rights and appurtenances appertaining hereto.

"IMPROVEMENTS": None

"PURCHASE AMOUNT": \$124,078

"CLOSING COSTS AND TITLE EXPENSES": Not to exceed \$2,300

"AUTHORIZED AMOUNT": \$126,378

**SECTION 2.** That the City Manager is authorized to acquire the PROPERTY INTEREST in the PROPERTY and IMPROVEMENTS from OWNER for the PURCHASE AMOUNT, and is authorized to execute such documents, after approval of same as to form by the City Attorney, as may be necessary.

**SECTION 3.** 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 4.** That OWNER has been provided with a copy of the Landowner's Bill of Rights as contemplated by applicable state statute.

**SECTION 5.** That the City will have possession at closing and will pay all closing costs and title expenses.

**SECTION 6.** That the City Controller is authorized to draw checks for the PURCHASE AMOUNT and CLOSING COSTS AND TITLE EXPENSES, payable out of Water Utilities Capital Improvement Funds: \$17,000.00 - Fund 0115, Dept. DWU, Unit PW40, Activity MPSA, Object 4210, Program 706623, CT-DWU706623CPBP and payable out of Water Utilities Capital Improvement Funds: \$109,378.00 - Fund 2115, Dept. DWU, Unit PW40, Activity MPSA, Object 4210, Program 706623, CT-DWU706623CPCU, said payment shall be delivered to a title insurance company after evidence of satisfactory title has been provided to and approved by the City Attorney. The PURCHASE AMOUNT - \$124,078 and the CLOSING COSTS AND TITLE EXPENSES - \$2,300 together shall not exceed the AUTHORIZED AMOUNT - \$126,378.

**SECTION 7.** That appropriate acquisition instruments be forwarded to a title insurance company for preparation of the necessary documents for closing, which shall be forwarded to the City Attorney for review and approval as to form and, subsequent to closing, filed with the County Clerk and returned, along with the original Owner's Policy of Title Insurance, to the City Secretary for permanent record.

121680

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**SECTION 8.** 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

PARCEL E-69  
FIELD NOTES DESCRIBING A PORTION OF TRACT 10  
BLOCK 8830 IN THE CITY OF DALLAS  
TO BE ACQUIRED FOR A 120 INCH WATER LINE

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

BEING a 27,559 square feet tract of land conveyed to Soon S Song by Warranty Deed dated October 20, 2009 from Charlie Parnian, formerly also known as Charles Parnian, Sussan Afrasiabian, Sohr ab Bosak-Barani and Sirous Bosak-Barani formerly also known as Sirous Barani, as their interest appears, as recorded in Document Number 200900345323 of the Official Public Records of Dallas County, Texas, said tract of land formerly conveyed to Adrian Clark by General Warranty Deed dated November 22, 2002 from Len Clark as recorded in Volume 2003043, Page 6683 of the Deed Records of Dallas County, Texas, said tract of land also formerly conveyed to Phil Young and Allan Clark by Warranty Deed dated November 1, 1981 from Ronald Johnston Frame as recorded in Volume 83217, Page 5431 of said Deed Records, said tract of land also formerly conveyed to Ronald Johnston Frame by Warranty Deed dated September 29, 1972 by Russ Mangrum as recorded in Volume 72202, Page 687 of said Deed Records, also being part of Tract 10, Block 8830, official City of Dallas Numbers and being in the William Latham Survey, Abstract Number 838 and being more particularly described as follows:

COMMENCING at a found ½ inch iron rod with yellow cap stamped "NDM 2609" at the north corner of Matt's Green Acres Addition, an addition to the City of Dallas according to the map or plat thereof recorded in Volume 2004039, Page 164 of said Deed Records, said point being at the southwest intersection of Interstate Highway 20 and Seagoville Road;

THENCE South 44°59'08" West along the south line of Interstate Highway 20 as conveyed to The State of Texas by Agreed Judgment dated November 13, 1985 from Thomas Carl Black, et ux as recorded in Volume 85241, Page 4866 of said Deed Records, said line also being the north line of said Matt's Green Acres Addition a distance of 9.37 feet to a found ½ inch iron rod with red cap stamped "RPLS 4888";

THENCE South 71°26'42" West along said common line between Interstate Highway 20 as recorded in Volume 85241, Page 4866 of said Deed Records and Matt's Green Acres Addition, a distance of 57.48 feet to a found 4" brass Texas Department of Transportation monument at the northwest corner of Matt's Green Acres Addition, said point also being the southeast corner of a tract of land conveyed to The State of Texas by Agreed Judgment dated September 1, 1987 from Jack M Smith, et al as recorded in Volume 87206, Page 2903 of said Deed Records, said point also being the northeast corner of said Song tract, said point also being the **POINT OF BEGINNING**;

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**FIELD NOTES DESCRIBING A PORTION OF TRACT 10**  
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THENCE South 1°09'50" East along the common line between said Song tract and Matt's Green Acres Addition, a distance of 100.70 feet to a set ½ inch iron rod with a yellow cap stamped "GLD";

THENCE North 84°23'19" West a distance of 215.27 feet to a set ½ inch iron rod with a yellow cap stamped "GLD";

THENCE North 0°38'44" West along the west line of said Song tract, said line also being the east line of a tract of land conveyed to Vicki C Flannery by Special Warranty Deed dated December 10, 1990 from Jack K Flannery as recorded in Volume 90245, Page 987 of said Deed Records, a distance of 148.78 feet from which a found ½ inch iron rod with yellow cap stamped "DAVIS SURVEYING RPLS NO 5111" bears South 2°04'03" East a distance of 0.82 feet and a found concrete monument bears North 79°34'38" East a distance of 1.10 feet;

THENCE North 88°42'12" East (South 89°34'29" East per Song deed) along the north line of said Song tract, said line also being the south line of a tract of land conveyed to The State of Texas by Agreed Judgment dated September 1, 1987 from Ronald J Frame, et ux and described as the first part of said parcel as recorded in Volume 87208, Page 3186 of said Deed Records, a distance of 99.73 feet (96.57 feet per Song deed) from which a found concrete monument bears North 0°12'15" West a distance of 1.42 feet;

THENCE South 0°12'15" East (South 0°27'54" West per Song deed) along a north-south line of said Song tract, said line also being the west line of said tract of land conveyed to The State of Texas by Volume 87206, Page 2903 of said Deed Records, a distance of 48.16 feet (47.36 feet per Song deed) to a found 4" brass Texas Department of Transportation monument;

THENCE South 78°28'43" East (South 76°22'21" East per Song deed) along the common line between said Song tract and said State of Texas tract as described in Volume 87206, Page 2903 of said Deed Records, a distance of 116.34 feet (125.03 feet per Song deed) to the POINT OF BEGINNING and containing approximately 27,559 square feet or 0.633 acres of land.

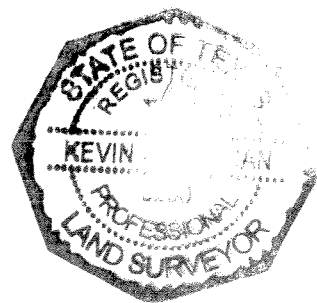
*Doc 8/15/10*

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**SUBJECT TO:** 20 feet wide Sanitary Sewer easement adjacent to and parallel with the north line of said tract, to the City of Dallas by Judgment dated December 4, 1987 by Phil Young and Allen L Clark as recorded in Volume 88008, Page 2063 of said Deed Records

**BASIS OF BEARINGS:** North American Datum of 1983, Texas State Plane Coordinate System, North Central Zone 4202. All distances are surface distances. Surface adjustment scale factor: 1.0001365060. The northwest line of Matt's Green Acres Addition has been rotated 0°33'50" counterclockwise from North 72°00'32" West according to the map or plat thereof recorded in Volume 2004039, Page 164 of said Deed Records in order to match this.

KB 4/30/10  
5330 E-69



*Kevin [Name]*  
*30 April 2010*

*File 8/18/10*

NOTICE OF CONFIDENTIALITY RIGHTS: IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY OR ALL OF THE FOLLOWING INFORMATION FROM ANY INSTRUMENT THAT TRANSFERS AN INTEREST IN REAL PROPERTY BEFORE IT IS FILED FOR RECORD IN THE PUBLIC RECORDS: YOUR SOCIAL SECURITY NUMBER OR YOUR DRIVER'S LICENSE NUMBER.

## WARRANTY DEED

THE STATE OF TEXAS   §  
                                  §       KNOW ALL PERSONS BY THESE PRESENTS:  
COUNTY OF DALLAS   §

That Soon S. Song, a married person, not joined herein by her spouse, as the property hereby conveyed constitutes no part of their business or residence homestead and is in her sole management and control, and Hyun Jin Park, a single person (hereinafter called "Grantor" whether one or more natural persons or legal entities) of the County of Dallas, State of Texas, for and in consideration of the sum of ONE HUNDRED TWENTY-FOUR THOUSAND SEVENTY-EIGHT AND 00/100 DOLLARS (\$124,078.00) to the undersigned in hand paid by the **City of Dallas, 1500 Marilla Street, Dallas, Texas, 75201**, a Texas municipal corporation (hereinafter called "City"), the receipt of which is hereby acknowledged and confessed, has granted, sold and conveyed and does hereby grant, sell and convey unto City, its successors and assigns, all of the property described in Exhibit "A", attached hereto and made a part hereof by reference for all purposes.

SPECIAL PROVISIONS: "None"

TO HAVE AND TO HOLD the above described premises, together with all and singular the rights and appurtenances thereto in anywise belonging unto City, its successors and assigns forever, and Grantor binds Grantor and Grantor's heirs, executors, administrators or successors, to Warrant and Forever Defend all and singular the said premises unto City, its successors and assigns, against every person whomsoever lawfully claiming, or to claim the same or any part thereof.

EXECUTED this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
Soon S. Song

\_\_\_\_\_  
Hyun Jin Park

\* \* \* \* \*

STATE OF TEXAS  
COUNTY OF DALLAS

This instrument was acknowledged before me on \_\_\_\_\_  
by Soon S. Song.

\_\_\_\_\_  
Notary Public, State of TEXAS

\* \* \* \* \*

STATE OF TEXAS  
COUNTY OF DALLAS

This instrument was acknowledged before me on \_\_\_\_\_  
by Hyun Jin Park.

\_\_\_\_\_  
Notary Public, State of TEXAS

\* \* \* \* \*

After recording return to:  
City of Dallas  
Department of Sustainable Development and Construction  
Real Estate Division  
320 East Jefferson Boulevard, Room 203  
Dallas, Texas 75203  
attn: Mark Proctor

Warranty Deed Log No. 36101 / Parcel E-69