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June 27, 2012

A RESOLUTION DETERMINING UPON THE NECESSITY OF ACQUIRING REAL PROPERTY AND AUTHORIZING ITS PURCHASE FOR PUBLIC USE.

WHEREAS, reconstruction of the Sylvan Bridge over the Trinity River began in March 2012; and

WHEREAS, Oncor Electric Deliver Company, LLC (Oncor) owns certain real property located adjacent to Sylvan Avenue near Morris Street, on the west side of the Trinity River, on which Oncor has an electric transition station (the "Topeka Transition Station"); and

WHEREAS, reconstruction of the Sylvan Bridge would encroach onto the Topeka Transition Station property at its frontage on Sylvan Avenue; and

WHEREAS, Oncor has agreed to convey to the City of Dallas a portion of the Topeka Transition Station property, containing approximately 2,859 square feet of land and being more fully described in Exhibit "A", attached hereto and incorporated herein for all purposes, to the City in order to accommodate the Sylvan Bridge Project and avoid the encroachment; and

WHEREAS, Oncor has certain fencing and related electrical improvements located on the property to be conveyed to the City of Dallas by Oncor or that will otherwise be impacted by the Sylvan Bridge Project, such that Oncor will require the City of Dallas to reimburse it for the expenses of relocating said improvements as additional consideration for the sale of the property; and

WHEREAS, as a result of the Sylvan Bridge Project, acquisition by the City of Dallas of the property described in Exhibit "A", and/or relocation of certain of Oncor's facilities, Oncor has need of and is requiring it be granted an easement on certain real property owned by the City of Dallas, containing approximately 2,112 square feet of land, and being more fully described in Exhibit "B", attached hereto and incorporated herein for all purposes, as additional consideration for the acquisition of the property; **NOW, THEREFORE**

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

Section 1. DEFINITIONS: For the purposes of this resolution, the following definitions of terms shall apply:

"CITY": The City of Dallas, a Texas municipal corporation.

"PROPERTY": Approximately 2,859 square feet of land located in City Block A/7097, 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 thereto.

"PROJECT": Sylvan Bridge Project.

"USE": Reconstruction of the Sylvan Bridge; 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.

"PROPERTY INTEREST": Fee Simple Title, subject to the exceptions, reservations, covenants, conditions and/or interests, if any, provided in the appropriate conveyancing instrument, approval as to form by the City Attorney.

"OWNER": Oncor Electric Delivery Company, 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.

"PURCHASE AMOUNT": \$29,431.

"RELOCATION EXPENSES": Costs and expenses actually incurred by OWNER related to and necessitated by the relocation of the fence and electrical site improvements and facilities from the PROPERTY, include costs for materials, labor, taxes and tax treatment (including income, sales, or other), design, construction contractor costs, transportation costs, overhead, purchasing and storage expenses, and surveying costs, documented to CITY'S reasonable satisfaction, in an amount not to exceed \$150,000.

"CLOSING COSTS AND TITLE EXPENSES": Not to exceed \$2,000.

"EASEMENT": An easement as to certain real property owned by the City of Dallas, containing approximately 2,112 square feet of land, and being more fully described in Exhibit "B", attached hereto and incorporated herein for all purposes, required by Oncor for its electrical site improvements and facilities, as additional consideration for the conveyance of the PROPERTY to CITY.

SECTION 2. That the USE of the PROPERTY for the PROJECT is a public use.

SECTION 3. That public necessity requires that CITY acquire the PROPERTY INTEREST in the PROPERTY for the PROJECT.

SECTION 4. That the City Manager, and/or the City Manager's designees, is hereby authorized and directed to consummate and accept the purchase, grant, and conveyance to CITY of the PROPERTY INTEREST in and to the PROPERTY, pursuant to conveyancing instrument(s) approved as to form by the City Attorney, and to execute, deliver and receive such other usual and customary documents necessary, appropriate and convenient to consummating this transaction.

SECTION 5. 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 6. That OWNER has been provided with a copy of the Landowner's Bill of Rights as contemplated by applicable state statute.

SECTION 7. That in the event the acquisition by CITY of the PROPERTY INTEREST in and to the PROPERTY closes, 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 PURCHASE AMOUNT and CLOSING COSTS AND TITLE EXPENSES payable out of Street and Transportation Improvements Fund, Fund No. 8T22, Department PBW, Unit U230, Activity INGV, Program No. PB06U230, Object 4210, Encumbrance No. CT-PBW06U230J3, Vendor No. 342843.

SECTION 8. That in the event the acquisition by CITY of the PROPERTY INTEREST in and to the PROPERTY closes and upon completion of the relocation work and approval by the City Manager, and/or City Manager's designees, of documentation of the RELOCATION EXPENSES, the City Controller is further authorized and directed to draw a warrant in favor of the OWNER in the amount of the RELOCATION EXPENSES payable out of Street and Transportation Improvements Fund, Fund No. 1T22, Department PBW, Unit U230, Activity INGV, Program No. PB06U230, Object 4154 Encumbrance No. CT-PBW06U230J2, Vendor No. 255302.

SECTION 9. The PURCHASE AMOUNT and CLOSING COSTS AND TITLE EXPENSES together shall not exceed \$31,341 and the RELOCATION EXPENSES shall not exceed \$150,000.

SECTION 10. That, as additional consideration for the acquisition of the PROPERTY INTEREST in the PROPERTY and in furtherance of the PROJECT, the City Manager, and/or City Manager's designees, is authorized to execute and deliver to OWNER the EASEMENT to be attested by the City Secretary and upon approval as to form by the City Attorney.

SECTION 11. That CITY is to have possession and/or use, as applicable, of the PROPERTY at closing subject to the reasonable accommodation of OWNER'S relocation work for a reasonable time after closing; and CITY will pay CLOSING COSTS AND TITLE EXPENSES. All costs and expenses described in this section shall be paid from the pertinent aforementioned funds.

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 Roxanne Diamond
Assistant City Attorney



Exhibit A

**Field Notes Describing a 2,859 Square Foot (0.066 Acre)
Tract of Land To Be Acquired From
ONCOR Electric Delivery Company, LLC
For Street Purposes
In City Block A/7097**

Being a 2,859 Square Foot (0.066 Acre) tract of land situated in the Amariah Hanna Survey, Abstract Number 564, Dallas County, Texas, and being a part of Lot 1A of the ONCOR West Levee Norwood Transition Addition, an addition to the City of Dallas dated December 29, 2010 and recorded in Instrument Number 201000332165 of the Official Public Records of Dallas County, Texas, and being also a part of that property conveyed to the ONCOR Electric Delivery Company, LLC, by Deed dated June 16, 2011 and recorded in Instrument Number 201100168643 of the Official Public Records of Dallas County, Texas and being more particularly described as follows:

BEGINNING at a 5/8 inch diameter Iron Rod with cap marked "CITY OF DALLAS" set at the intersection of the Southwest Right-of-Way line of Canada Drive (a variable width Right-of-Way) with the East line of Sylvan Avenue (a variable width Right-of-Way), being also the Northwest corner of said Lot 1A of said Block A/7097 and of the herein described tract of land:

THENCE South 61°34'56" East, departing the last said East line of Sylvan Avenue and with the said Southwest line of Canada Drive, being also the Northeast line of said Lot 1A, a distance of 9.19 feet to the Northeast corner of the herein described tract of land (not monumented):

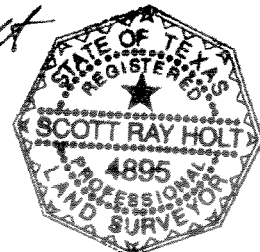
THENCE South 01°05'31" East, departing the last said common line between Canada Drive and Lot 1A, over and across Lot 1A, at all times 8.00 feet from and parallel with the said East line of Sylvan Avenue, a distance of 355.05 feet to the intersection with the South line of said Lot 1A, being also the North line of Lot 6A, Block A/7097 of said ONCOR West Levee Norwood Transition Addition, and the Southeast corner of the herein described tract of land (not monumented):

THENCE South 88°54'29" West with the said common line between Lots 1A and 6A, a distance of 8.00 feet to the intersection with the said East line of Sylvan Avenue, being also the Southwest corner of the herein described tract of land (not monumented):

THENCE North 01°05'31" West with the said East line of Sylvan Avenue, pass at 3.13 feet a 5/8 inch diameter Iron Rod with cap marked "CITY OF DALLAS," and continuing for a total distance of 359.58 feet to the **POINT OF BEGINNING**, containing 2,859 Square Feet, or 0.066 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
3/20/12



CANADA DRIVE
(Variable Right-of-Way)
Amariah Hannah Survey 564
Abstract No. 564



**BLOCK
A7097**

ONCOR
West Levee Norwood
Transition Addition
Instrument No. 201000332165

TOPEKA AVENUE

Variable Right-of-Way)

**58" I.R. (Found)
CONTROLLING
MONUMENT**

58" I.R. w/
COD Cap
POINT OF
BEGINNING

Dallas County
Vol 148, Pg 172

Dallas County
Vol. 4091 Pg 526

Dallas County
Vol 4169, Pg. 172

Dallas County
Vol. 4091, Pg 523

Dallas County
Vol 90078, Pg. 125,

Set PK Nail
WOOD Washer

**1st LP.
Found**

SYLVAN AVENUE

(Variable Right-of-Way)

Lot 6A
City of Dallas
instr. #200900116393

LOCATOR MAP Sheet 2 of 2

SYLVAN AVENUE

Tract to be Acquired for Street Purposes

To Be Acquired from ONCOR Electric Delivery Co. LLC

DEPT. OF PUBLIC WORKS & TRANSPORTATION

SURVEY DIVISION CITY OF DALLAS, TEXAS

OPERNAME	DESIGNER FILE NAME	SCALE	DATE
HOLT	STANDARD/WORK/PROJECTS/HOLT STANDARD/Work 0000-00-00000000	As Noted	1-29-82
PARTY CHG#	CALCULATIONS	FOLDER	FILE NO.
PECK	HOLT	SYLVAN AVE.	

Exhibit B

**Field Notes Describing
a 2,112 Square Foot (0.048 Acre)
Easement
In City Block A/7097**

Being a 2,112 Square Foot (0.048 Acre) tract of land situated in the Amariah Hanna Survey, Abstract Number 564, Dallas County, Texas, and being a part of Lot 6A, Block A/7097 of the ONCOR West Levee Norwood Transition Addition, an addition to the City of Dallas dated December 29, 2010 and recorded in Instrument Number 201000332165 of the Official Public Records of Dallas County, Texas, and being also a part of that property conveyed to the City of Dallas in three deeds;

Instrument Number 200900116393, April 23, 2009

Instrument Number 200900111935, April 17, 2009

Instrument Number 200900158172, June 3, 2009

and being more particularly described as follows:

BEGINNING at the common West corner of said Lot 6A and Lot 1A of said Block A/7097, lying on the East Right-of-Way line of Sylvan Avenue (a variable width Right-of-Way), and being also the Northwest corner of the herein described tract of land (not monumented), from which a 5/8 inch diameter Iron Rod with cap marked "CITY OF DALLAS" bears North 04°23'26" West a distance of 3.13 feet,;

THENCE North 88°54'29" East, departing the last said East line of Sylvan Avenue and with the said common line between said Lots 1A and 6A a distance of 15.02 feet to the Northeast corner of the herein described tract of land (not monumented);

THENCE South 04°23'26" East, departing the last said common line between Lots 1A and 6A, over and across said Lot 6A, being at all times 15.00 feet from and parallel with the above said East line of Sylvan Avenue, a distance of 146.39 feet to the intersection with the North line of Morris Street (a variable width Right-of-Way), being also the South line of said Lot 6A, at the Southeast corner of the herein described tract of land (not monumented);

THENCE South 88°54'29" West with the said North line of Morris Street a distance of 2.33 feet to the Southeast end of a corner cut-off established by said ONCOR West Levee Norwood Transition Addition (not monumented);

THENCE North 46°44'11" West departing the last said North line of Morris Street and along said corner cut-off, a distance of 18.81 feet to the intersection with the above said East line of Sylvan Avenue (not monumented);

**Field Notes Describing
a 2,112 Square Foot (0.048 Acre)
Easement
In City Block A7097**

THENCE North 04°23'26" West, with the said East line of Sylvan Avenue, being also the West line of said Lot 6A, a distance of 133.22 feet to the **POINT OF BEGINNING**, containing 2,112 Square Feet, or 0.048 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
1/23/2012

