

**A RESOLUTION AUTHORIZING THE ACQUISITION OF REAL PROPERTY FOR A NEGOTIATED AMOUNT.**

**WHEREAS**, on December 8, 2010, City Council approved Resolution No. 10-3018 authorizing the acquisition of approximately 49,649 square feet of certain property located in Collin County by purchase and/or eminent domain for the McKamy Branch (Upper) Project; and

**WHEREAS**, on December 11, 2011, City Council approved Resolution No. 11-3302 authorizing the acquisition of the same property as approved in Resolution No. 10-3018, to ensure compliance with new procedures mandated by state law; and

**WHEREAS**, owner of the property refused the original offer amount authorized by Resolution No. 11-3302, but has agreed to an increase in the square footage of the acquisition area for a higher purchase price amount; and

**WHEREAS**, City Council hereby authorizes the City Manager to acquire the property interests for the consideration stated herein; **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

"PROPERTY": Approximately 73,441 square feet of land located in Collin 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": McKamy Branch (Upper) Project

"USE": For the installation, use, and maintenance of a swale, channel or other improvements as may be necessary for the control of drainage and flooding, 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 here provided.

"PROPERTY INTEREST": Fee Simple subject to the exceptions, reservations, covenants, conditions and/or interests, if any, provided in the instrument more particularly described in Exhibit "B".

"OWNER": TKD Mapleshade, 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.

"CONSIDERATION": \$440,646

"CLOSING COSTS AND TITLE EXPENSES": Not to exceed \$6,730

"AUTHORIZED AMOUNT": Not to exceed \$447,376

**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 the conveyancing instrument substantially in the form described in Exhibit "B", attached hereto and made a part hereof for all purposes, and 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 this acquisition 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 CONSIDERATION and CLOSING COSTS AND TITLE EXPENSES payable as follows: \$342,693.54 out of the 2003 Bond Funds – Flood Protection and Storm Drainage, Fund No. 4R23, Department PBW, Unit R710, Activity FLDM, Program No. PB03R710, Object 4210, Encumbrance No. PBW03R710F1; and \$104,682.46 out of the 2003 Bond Funds – Flood Protection and Storm Drainage, Fund No. 6R23, Department PBW, Unit R710, Activity FLDM, Program No. PB03R710, Object 4210, Encumbrance No. PBW03R710F1. The CONSIDERATION, CLOSING COSTS and TITLE EXPENSES together shall not exceed the AUTHORIZED AMOUNT.

**SECTION 8.** That CITY is to have possession and/or use, as applicable, of the PROPERTY at closing; and CITY will pay any CLOSING COSTS AND TITLE EXPENSES. All costs and expenses described in this section shall be paid from the previously described funds.

**SECTION 9.** 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**



Field Notes Describing Land To Be Acquired in Block F/8728 From  
TKD MAPLESHADE, LLC

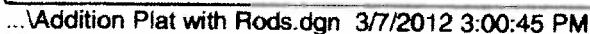
Being situated in the Martha McBride Survey, Abstract No. 553, Collin County, Texas, and being all of Lots 92, 93, 94 and 95, Block F/8728 (official City of Dallas Block Numbers) of the Preston Villa Addition, an addition to the City of Dallas, Recorded in Volume 2, Page 63 of the Map Records of Collin County, and being a portion of the property conveyed to TKD Mapleshade, LLC by Deed dated June 9, 2003 and recorded in Volume 5438, Page 916 of the Deed Records of Collin County, and containing 73,441 Square Feet, or 1.686 Acres of land, according to the plat thereof.

This description is approved as to form.

  
\_\_\_\_\_  
Scott Holt, RPLS  
Survey Program Manager

Date: 3/7/2012

# EXHIBIT A



## EXHIBIT B

**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 TKD Mapleshade, LLC, a Texas limited liability company, (hereinafter called "Grantor" whether one or more natural persons or legal entities) for and in consideration of the sum of FOUR HUNDRED FORTY THOUSAND SIX HUNDRED FORTY-SIX AND NO/100 DOLLARS (\$440,646.00) 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 \_\_\_\_\_, \_\_\_\_\_.

TKD Mapleshade, LLC  
 a Texas limited liability company

By: \_\_\_\_\_  
 Daniel W. Schreimann  
 President

**EXHIBIT B**

\* \* \* \* \*

STATE OF TEXAS

COUNTY OF DALLAS

This instrument was acknowledged before me on \_\_\_\_\_

by Daniel W. Schreimann, President of TKD Mapleshade, LLC, a Texas limited liability company, on behalf of said limited liability company.

\_\_\_\_\_  
Notary Public, State of Texas

\* \* \* \* \*

After recording return to:  
City of Dallas,  
Trinity Watershed Management Department, Real Estate Division  
1500 Marilla Street, Room 6B South  
Dallas, Texas 75201  
attn: Todd Wright

Warranty Deed Log No. TRC316