

August 8, 2012

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

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

"CITY": The City of Dallas

"PROPERTY": Approximately 10.5 acres of land located 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 thereto.

"PROJECT": Trinity River Corridor Project

"USE": Great Trinity Forest portion of the Trinity River Corridor Project 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": David Billingsly, 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": \$101,023

"CLOSING COSTS AND TITLE EXPENSES": Not to exceed \$2,500

"AUTHORIZED AMOUNT": Not to exceed \$103,523

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 CITY acquire the PROPERTY INTEREST in the PROPERTY for the PROJECT.

SECTION 3. 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 4. 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 5. That OWNER has been provided with a copy of the Landowner's Bill of Rights as contemplated by applicable state statute.

SECTION 6. 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 PURCHASE AMOUNT and CLOSING COSTS AND TITLE EXPENSES payable out of Trinity River Corridor Project Fund, Fund No 1P14, Department TWM, Unit N966, Activity TRPP, Program No. PB98N966, Object 4210, Encumbrance No. PBW98N966I6. The PURCHASE AMOUNT, CLOSING COSTS and TITLE EXPENSES together shall not exceed the AUTHORIZED AMOUNT.

SECTION 7. 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 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 Roxanne Almond
Assistant City Attorney

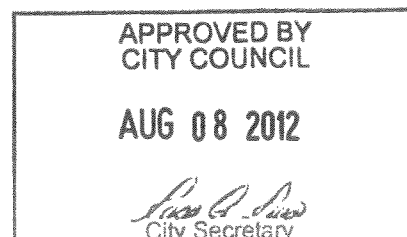


Exhibit A

**Field Notes Describing a 460,542 Square Foot (10.573 Acres)
Tract of Land To Be Acquired in City Block 6239
From David Billingsly**

Being a 460,542 Square Foot (10.573 Acres) tract of land out of the John Beeman Survey, Abstract Number 97, Dallas County, Texas, and being a part of that tract of land conveyed to David Billingsly by Warranty Deed dated July 5, 2006 and recorded in Instrument No. 200600242748 of the Official Public Records of Dallas County, Texas (OPRDCT), and being more particularly described as follows:

BEGINNING at a 5/8 inch diameter iron rod with red plastic cap stamped "CITY OF DALLAS" (hereinafter referred to as "with cap") set at the intersection of the west line of a tract of land conveyed to Lois E. Billingsly and Roy Dan Spross by Warranty Deed dated April 25, 1990 and recorded in Volume 90083, Page 3018 of the Deed Records of Dallas County, Texas (DRDCT) and the north line of Tract 2 of the Pemberton Partition set aside to Claude Pemberton as described in Cause No. 23696-b, styled "Claude Pemberton vs. Mary E. Pemberton", dated October 22, 1917 and recorded in Book 40, Page 185, Minutes of the 44th District Court, Dallas County, Texas, a certified copy of which appears in Volume 3081, Page 520, DRDCT, from which a 1/2 inch diameter iron rod (Controlling Monument) found at the intersection of the said north line of Tract 2 of the Pemberton Partition and the west line of Pemberton Hill Rd. (an undedicated roadway by use and occupation, 60 foot width at this point), the same being the northeast corner of said Billingsly and Spross tract, bears North 89°09'45" East, a distance of 210.00 feet:

THENCE South 0°18'01" East, with the common line between the Lois E. Billingsly and Roy Dan Spross and the David Billingsly tracts, a distance of 333.00 feet to an inner ell corner (unable to monument) of the David Billingsly tract and the southwest corner of the Lois E. Billingsly and Roy Dan Spross tract;

THENCE North 89°09'45" East, continuing with the common line between the Lois E. Billingsly and Roy Dan Spross and the David Billingsly tracts, a distance of 210.00 feet to a 5/8 inch iron rod with cap set at the intersection of the observed west line of said Pemberton Hill Rd. and the most northerly east corner of said David Billingsly tract;

THENCE South 0°18'01" East, with the west line of said Pemberton Hill Rd. and the most easterly line of said David Billingsly tract, a distance of 5.28 feet to 5/8 inch iron rod with cap set at the southeast corner of the herein described tract and the intersection of the west line of said Pemberton Hill Rd. and also being the northeast corner of a tract of land conveyed to Paula Pemberton Hill by Warranty Deed (by independent Executrix) dated December 23, 2003 and recorded in Volume 2003253, Page 3873, Tract 4, Official Public Records Dallas County, Texas (OPRDCT) (from which a 1/2 inch diameter iron rod found, bears South 0°18'01" East, a distance of 4.48 feet):

**Field Notes Describing a 460,542 Square Foot (10.573 Acres)
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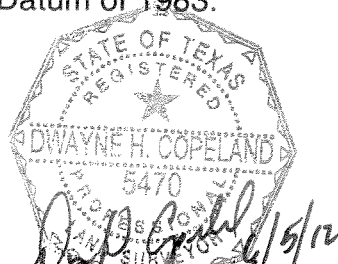
THENCE South 89°16'42" West, departing said Pemberton Hill Rd. and with the common line between the said David Billingsly tract and the said Paula Pemberton Hill tract, a distance of 1729.60 feet to a 5/8 inch iron rod with cap set at the southwest corner of the David Billingsly tract; the northwest corner of the Paula Pemberton Hill tract; the southeast corner of a tract of land awarded to the City of Dallas by judgment rendered for Cause No. 88-10629-e, styled "*City of Dallas vs. Katrana Pemberton Spross*", dated September 5, 1989 in the County Court of Law Number 5, Dallas County, Texas and recorded in Volume 88241, Page 2947, DRDCT and the northeast corner of a tract of land conveyed to the City of Dallas by Confirmation Warranty Deed dated November 7, 1988 for judgment rendered in Cause No. 88-7359-b, styled "*City of Dallas vs. John Case Pemberton and Lucille L. Pemberton*", in County Court at Law No. 2, Dallas County, Texas and recorded in Volume 88218, Page 4151, DRDCT and being also the southwest corner of the herein described tract of land from which a ½ inch diameter iron rod found (controlling monument) bears South 89°09'45" West, a distance of 894.64 feet (894.67 feet – deed):

THENCE North 42°07'53" East, with the common line between the David Billingsly tract and the City of Dallas tract (Volume 88241, Page 2947), a distance of 449.23 feet (451.47 feet - deed) to a 5/8 inch diameter iron rod with cap set;

THENCE North 42°41'13" East, continuing with the common line between the David Billingsly tract and the City of Dallas tract (Volume 88241, Page 2947), a distance of 8.36 feet (8.02 feet - deed) to a 5/8 inch diameter iron rod with cap set in the north line of Tract 2 of said Pemberton Partition, said corner being the northeast corner of said City of Dallas tract (Volume 88241, Page 2947); the northwest corner of said David Billingsly tract; the southeast corner of a tract of land conveyed to the City of Dallas by Warranty Deed dated August 20, 1987 and recorded in Volume 87164, Page 99, DRDCT and the southwest corner of a tract of land conveyed to Eugene Dawson, by Warranty Deed dated March 31, 1993 and recorded in Volume 93068, Page 724, DRDCT, said iron rod also being the northwest corner of the herein described tract of land:

THENCE North 89°09'45" East, with the north line of said Tract 2 of said Cause No. and along the common line between the David Billingsly tract and the Eugene Dawson tract, a distance of 1210.80 feet to the **POINT OF BEGINNING**, containing 460,542 Square Feet, or 10.573 Acres of land.

BASIS OF BEARINGS: Bearings are based on the Texas State Plane Coordinate System, North Central Zone, North American Datum of 1983.





30' WATER EASEMENT
V. 72190, P. 242

City of Dallas
Vol. 87164, Pg. 99

S89°09'45"W - 1205.08'c

1204.82'd

City of Dallas
Vol. 89241, Pg. 2947

N42°07'53"E - 449.23'c

487.47'd

City of Dallas
Vol. 88218, Pg. 4151

S89°09'45"W - 894.64'c

894.67'd

City of Dallas
Vol. 87164, Pg. 99

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City of Dallas
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Vol. 89241, Pg. 2947

N42°07'53"E - 449.23'c

487.47'd

TRINITY WATERSHED MANAGEMENT			
Acquisition From DAVID BILLINGSLEY			
GREAT TRINITY FOREST			
DEPT. OF PUBLIC WORKS & TRANSPORTATION			
SURVEY DIVISION CITY OF DALLAS, TEXAS			
OPER NAME	DESIGN FILE NAME	SCALE	DATE
D. Copeland	N:\COPY\BUTTS\COPELAND\pembertonhill\pembertonhill.dwg	AS NOTED	5-22-2012
PARTY CHIEF	CALCULATIONS	FOLDER	FILE NO.
B. Peck	D. Copeland	Block 6239	

Sheet 3 of 3



11. Hill Survey Abstract No. 648

58" I.R. Set
POINT OF BEGINNING

Block 6239

30' WATER EASEMENT
CC-71-7088-B CCDC@L#2

N89°09'45"E - 1210.80'c

460,542 Sq. Ft. (10.573 Acres)
To Be Acquired

Inst. No. 200600242748
David Billingsley

S89°16'42"W - 1729.60'c

Paula Pemberton Hill
Vol. 2003253, Pg. 3873

Unable to Monument
N89°09'45"E - 210.00'c

S89°16'42"W - 1729.60'c

12" IR bears
S0°18'01"E - 4.48'

5.28'c

58" I.R. Set
S0°18'01"E

341.66'c

341.78'd

City of Dallas
Vol. 5556A, Pg. 385

PEMBERTON HILL RD.
(60' Right-of-Way)

To Be Acquired

BASIS OF BEARINGS: Bearing are based on the Texas
State Plane Coordinate System, North Central Zone, North
American Datum of 1983.

Lamer Nealy, Jr.
Vol. 97229, Pg. 4324

City of Dallas
Vol. 84218, Pg. 5620
Tract 5

NORTHEAST CORNER
OF TRACT 2
PEMBERTON PARTITION
CAUSE #23696-B
BK. 40, Pg. 185

60' WASTEWATER EASEMENT
AS SHOWN ON DALLAS WATER
UTILITIES CONSTRUCTION PLAN
411Q-1780, SHEET 29

FND 12" IR

C.M.

N89°09'45"E - 210.00'

Lois E. Billingsley
& Roy Dan Spross
Vol. 90083, Pg. 3018

LAKE JUNE RD.
(100' Right-of-Way)

121930

John Freeman Survey Abstract No. 98

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 David Billingsly and Lillian F. Billingsly, husband and wife, (hereinafter called "Grantor" whether one or more natural persons or legal entities) of the County of Arlington, State of Virginia, for and in consideration of the sum of ONE HUNDRED ONE THOUSAND TWENTY-THREE AND NO/100 DOLLARS (\$101,023.00) 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 _____, _____.

David Billingsly

Lillian F. Billingsly

* * * * *

STATE OF VIRGINIA
COUNTY OF ARLINGTON

This instrument was acknowledged before me on _____
by David Billingsly.

Notary Public, State of Virginia

* * * * *

STATE OF VIRGINIA
COUNTY OF ARLINGTON

This instrument was acknowledged before me on _____
by Lillian F. Billingsly.

Notary Public, State of Virginia

* * * * *

After recording return to:
City of Dallas
Trinity Watershed Management
Real Estate Division
1500 Marilla, Room 6BS
Dallas, Texas 75201
attn: Hector Reynoso

Warranty Deed Log No. TRC338