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CITY SECRETARY  
DALLAS, TEXAS



## Memorandum

CITY OF DALLAS

Date March 26, 2013  
To Rosa A. Rios  
City Secretary  
Subject Resolution No. 121941  
Revised Program Number

Council Resolution number 121941 was approved on August 8, 2012. Section 4 listed the Program Number as PB06R793. The correct Program Number is PB03R793.

Please attach this memo as a permanent addition to the resolution file.

  
Bonnie Moeder  
Assistant Director  
Development Services

Attachment

Rev 4/8/13  
RB 4/8/13

**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 5,266 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": Bexar Street Improvement Project

"USE": The construction, widening and improvements to Bexar Street.

"PROPERTY INTEREST": Fee Simple

"OWNER": Maxine Johnson, 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": \$21,500

"CLOSING COSTS AND TITLE EXPENSES": Not to exceed \$1,500

"AUTHORIZED AMOUNT": \$23,000

**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 Department of 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 Specified Street Project Funds: 2003 Bond Funds - \$23,000, Fund No. 4R21, Department PBW, Unit R793, Activity SSUD, Program No. PB06R793, Object 4210, Encumbrance No. CT-SUSDR79387. 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.

121941  
August 8, 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

AUG 08 2012

  
City Secretary


## EXHIBIT A

**Field Notes Describing Land To Be Acquired In Block 13/2555  
From Maxine Johnson**

Being situated in the J.M. Crockett Survey, Abstract Number 353, Dallas County, Texas, and being the remainder of Lots 15, 16, 17 and 18 of Block 13 (Block 13/2555 official City of Dallas Block Numbers) of the Lincoln Manor Addition Number 2, an addition to the City of Dallas, recorded in Volume 1, Page 474 of the Map Records of Dallas County, Texas and being all of the property conveyed to Maxine Johnson, by Special Warranty Deed dated December 4, 1991 and recorded in Volume 91251, Page 298 of the Deed Records of Dallas County, Texas (DRDCT) and containing 5,266 square feet of land, based on an on the ground survey to locate said Lots 15, 16, 17 and 18, as shown on City of Dallas Public Works and Transportation Drawing Number 320R-369, on file in the City of Dallas Public Works and Transportation Survey Vault, located at 320 E. Jefferson, Room 314.

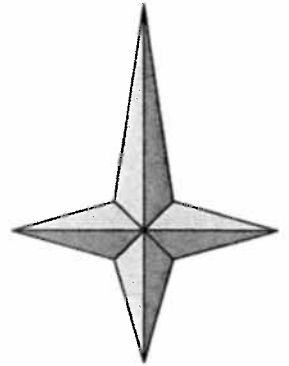
**SAVE AND EXCEPT** that portion of Lots 15, 16, 17 and 18 conveyed to the City of Dallas for street purposes, by Deed recorded in Volume 3379, Page 9 of the Deed Records of Dallas County.

This description is approved as to form.

  
For: Larry T. Billingsley, R.P.L.S.  
Chief City Surveyor

Date: 10-7-2009

EXHIBIT A 121941  
N



5,266 Square Foot  
(0.1209 Acre)  
Area To Be Acquired

**BLOCK  
2559**

Dallas  
Independent  
School District

**BEXAR STREET**  
(Variable Right-of-Way)

**H.S. THOMPSON  
SUBDIVISION**

Area To Be Acquired ☐

LOCATOR MAP

Sheet 2 of 2

<b>BEXAR STREET</b>			
Project #PB03R793			
2530 Bethurum Ave.: Maxine Johnson			
DEPT. OF PUBLIC WORKS & TRANSPORTATION			
SURVEY DIVISION CITY OF DALLAS, TEXAS			
OPERNAME	DESIGN FILE NAME	SCALE	DATE
Scott Holt	N:\ENGR\SURVEY\HOLT2004 Projects\Bexar\PB03R793.DGN	Not to Scale	10-7-09
PARTY CHIEF	CALCULATIONS	FOLDER	FILE NO.
J. Scantlon	S. Holt	Bexar Street Phase I	320R-369-R

