

November 14, 2012

A RESOLUTION AUTHORIZING SETTLEMENT OF A CONDEMNATION SUIT.**IN THIS RESOLUTION THE FOLLOWING DEFINITIONS SHALL APPLY:**

CONDEMNATION SUIT: Cause No. cc-11-04102-e, in County Court at Law No. 5, and styled City of Dallas v. Carolyn McClain, et al. filed in accordance with City Council Resolution No. 09-2535.

PROJECT: Dallas Convention Center

COMMISSIONERS' AWARD: The sum of \$182,000.00, the same having been previously approved and deposited into the registry of the County Court at Law.

SETTLEMENT AMOUNT: \$405,000.00, which includes the Commissioners' Award.

ADDITIONAL AMOUNT: \$223,000.00, the difference between the Commissioners' Award and the settlement amount.

PROPERTY: Approximately 2,500 square feet of land situated in City Block 56/52 of the City of Dallas, Dallas County, Texas, as described in the condemnation suit.

CLOSING COSTS AND TITLE EXPENSES: \$3,000.00

AUTHORIZED AMOUNT: \$226,000.00 (\$3,000.00 plus \$223,000.00)

DESIGNATED FUNDS: (1) \$129,000.00 for the Additional Amount and \$3,000.00 for Closing Costs and Title Expenses payable out of General Capital Reserve Fund No. 0625, Department BMS, Unit 0618, Activity LAAQ, Program No. BMS00618, Object Code 4210, Encumbrance No. DEV0618LJ01; and (2) \$94,000.00 for the Additional Amount payable out of 2008 Certificates of Obligation Fund No. 0564, Department CCT, Unit P431, Activity PSDI, Program No. CCTP431, Object Code 4210, Encumbrance No. DEVP431LJ37.

WHEREAS, Defendants, through their attorneys, have agreed to settle the CONDEMNATION SUIT for the SETTLEMENT AMOUNT; and,

WHEREAS, the City Council desires to authorize the City Attorney and the City Manager to settle the CONDEMNATION SUIT in connection with the PROJECT; **Now, Therefore,**

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

Section 1. That the City Attorney and the City Manager are authorized to settle the CONDEMNATION SUIT for the SETTLEMENT AMOUNT. The ADDITIONAL AMOUNT and the CLOSING COSTS AND TITLE EXPENSES together shall not exceed the AUTHORIZED AMOUNT.

Section 2. That the City Attorney and the City Manager are authorized to prepare and execute such documents as may be necessary to effect the settlement described herein.

Section 3. That the City Controller is hereby authorized and directed to draw a warrant in favor of Carolyn McClain or the title company closing and/or issuing a title policy in the transaction described herein in the ADDITIONAL AMOUNT and/or CLOSING COSTS AND TITLE EXPENSES, paid out of and charged to the DESIGNATED FUNDS.

Section 4. 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 BY
CITY COUNCIL

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City Secretary