

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 20,474 square feet 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": Southwest 120/96-inch Water Transmission Pipeline Project

"USE": The construction, use, and maintenance of a pipeline or lines for the transmission of treated water 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 Title, subject to the exceptions, reservations, covenants, conditions and/or interests, if any, provided in the form instrument more particularly described in Exhibit "B"

"OWNER": Joseph Pflanze, individually and as Trustee of the Evelyn Pflanze Testamentary Trust, 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": \$20,474

"CLOSING COSTS AND TITLE EXPENSES": Not to exceed \$4,526

"AUTHORIZED AMOUNT": Not to exceed \$25,000

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 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.

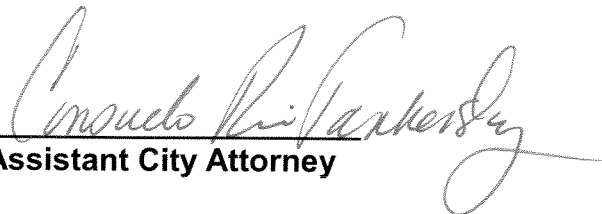
SECTION 6. That in the event this acquisition closes, the City Controller is authorized and directed to draw a warrant in favor of the OWNER, or the then current owner of record, or the title company closing the transaction described herein in the PURCHASE AMOUNT and CLOSING COSTS AND TITLE EXPENSES payable out of Water Utilities Capital Improvement Funds, Fund No 2115, Department DWU, Unit PW40, Activity MPSA, Program No. 706035, Object 4210, Encumbrance No. CT-DWU706035CPAR. 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 title expenses and closing costs. 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


Assistant City Attorney

APPROVED BY
CITY COUNCIL

DEC 12 2012


City Secretary

EXHIBIT "A"

PAGE 1 OF 3

PARCEL W-15

EXHIBIT A

VARIABLE WIDTH RIGHT-OF-WAY ACQUISITION FOR WATER

20,474 SQ. FT. PARCEL

YOUNG E. BROWN SURVEY, ABSTRACT NO. 124

CITY OF CEDAR HILL, DALLAS COUNTY, TEXAS

DESCRIPTION

BEING a 20,474 square foot tract of land situated in the Young E. Brown Survey, Abstract No. 124, being in the City of Cedar Hill, Dallas County, Texas, and being a portion of that certain tract of land conveyed to Joseph Pflanzner and wife, Evelyn Pflanzner as described in the Warranty Deed (With Vendor's Lien Printed) recorded in Volume 72095, Page 764 of the Deed Records of Dallas County, Texas (D.R.D.C.T.) and devised unto said Joseph Pflanzner according to the Will of Evelyn Pflanzner recorded in Case No. 00-2100-P of the Records of Probate Court No. 1 of Dallas County, Texas, said tract being part of Lot 30 of Ten Mile Creek Estates, an addition to Dallas County, Texas, according to the plat thereof recorded in Volume 8, Page 253 of the Map Records of Dallas County, Texas, and being more particularly described by metes and bounds as follows:

BEGINNING at a 1/2" iron rod with plastic cap stamped "TX REG NO 100189-00" set for corner in the easterly line of the aforementioned Lot 30, said easterly line being the westerly right-of-way line of Joe Wilson Road (60' right-of-way);

THENCE S 01°06'44" E (plat-South), with said easterly line of Lot 30 and said westerly right-of-way line of Joe Wilson Road, 15.00 feet to a 1/2" iron rod with plastic cap stamped "TX REG NO 100189-00" set for the common southeast corner of said Lot 30 and northeast corner of Lot 29 of the aforementioned Ten Mile Creek Estates;

THENCE S 88°46'47" W (plat-West), departing said westerly right-of-way line of Joe Wilson Road and with the common south line of said Lot 30 and north line of said Lot 29, passing at 5.02 feet a found 1" (o.d.) iron pipe and continuing a total distance of 890.53 feet to a 3/4" smooth iron rod found for the southeast corner of a called 0.087 acre tract of land conveyed to Dallas Power & Light Company (D.P.&L. Co.) as described in the instrument recorded in Volume 206, Page 619, D.R.D.C.T., from whence a found 5/8" iron rod bears S 38°10'58" E, 1.45 feet;

THENCE N 49°05'27" E (deed-S 46°38' E), departing said common line of Lot 30 and Lot 29 and with the northeasterly line of said D.P.&L. Co. tract, 96.97 feet (deed-99.64 feet) to the north corner of said D.P.&L. Co. tract, from whence a 60D nail with pin flag found in the base of a 12" cedar bears N 49°05'27" W, 0.19 feet, said north corner being in the common northwesterly line of said Lot 30 and southeasterly line of Lot 17 of the aforementioned Ten Mile Creek Estates;

REVIEWED BY *dbt 7/8/11*

Dallas Water Utilities
Southwest 120/96-inch Water
Transmission Pipeline Project

NDM NATHAN D. MAIER
CONSULTING ENGINEERS, INC.
TBPE FIRM REG. NO. F-356
TBPLS FIRM REG. NO. 100189-00

Two Northpark / 8080 Park Lane / Suite 600
Dallas, Texas 75231 / (214) 739-4741

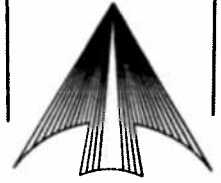
AECOM

AECOM USA GROUP, INC.
17300 DALLAS PARKWAY, SUITE 1010
DALLAS, TEXAS 75248-1157
WWW.AECOM.COM
TBPE REG. NO. F-3082

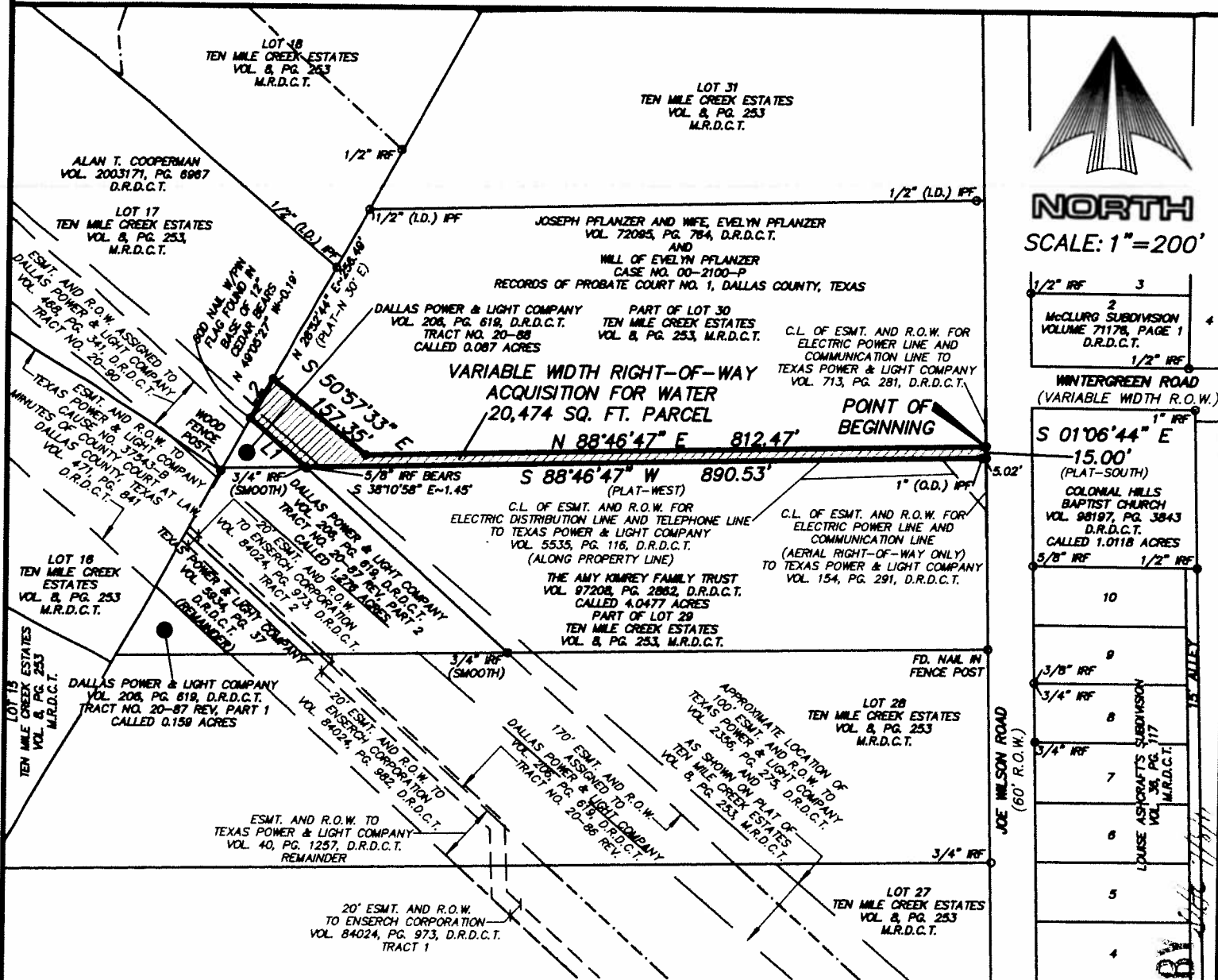
JUNE 20, 2011

7059-EX15.dwg

EXHIBIT "A"
PAGE 3 OF 3
PARCEL W-15
VARIABLE WIDTH RIGHT-OF-WAY ACQUISITION FOR WATER
20,474 SQ. FT. PARCEL
YOUNG E. BROWN SURVEY, ABSTRACT NO. 124
CITY OF CEDAR HILL, DALLAS COUNTY, TEXAS



NORTH
SCALE: 1"=200'



LEGEND

O.P.R.D.C.T. OFFICIAL PUBLIC RECORDS OF DALLAS COUNTY, TEXAS
D.R.D.C.T. DEED RECORDS OF DALLAS COUNTY, TEXAS
M.R.D.C.T. MAP RECORDS OF DALLAS COUNTY, TEXAS
INST. NO. INSTRUMENT NUMBER
VOL., PG. VOLUME, PAGE
SQ. FT. SQUARE FEET
R.O.W. RIGHT-OF-WAY
ESMT. EASEMENT
C.L. CENTERLINE
C.M. CONTROLLING MONUMENT
IRF IRON ROD FOUND
IPF IRON PIPE FOUND
IRS W/CAP IRON ROD SET WITH PLASTIC CAP STAMPED "TX REG NO 100189-00"

UNLESS NOTED OTHERWISE, 1/2"
IRON ROD WITH PLASTIC CAP
STAMPED "TX REG NO 100189-00"
SET AT CORNERS



NATHAN D. MAIER
CONSULTING ENGINEERS, INC.
TBPE FIRM REG. NO. F-356
TBPLS FIRM REG. NO. 100189-00

Two Northpark / 8080 Park Lane / Suite 600
Dallas, Texas 75231 / (214) 739-4741

PROPERTY LINE TABLE

NO.	BEARING	DISTANCE
L1	N 49°05'27" W (DEED-S 46°38' E)	96.97' (DEED-99.64')
L2	N 28°52'44" E (PLAT-N 30° E)	59.69'

Dallas Water Utilities
Southwest 120/96-inch Water
Transmission Pipeline Project



AECOM USA GROUP, INC.
17300 DALLAS PARKWAY, SUITE 1010
DALLAS, TEXAS 75248-1157
WWW.AECOM.COM
TBPE REG. NO. F-3082

JUNE 20, 2011

7059-EX15.dwg

REVIEWED BY

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 Joseph Pflanze, individually and as Trustee of the Evelyn Pflanze Testamentary Trust, (hereinafter called "Grantor" whether one or more natural persons or legal entities) of the County of Dallas, State of Texas, for and in consideration of the sum of TWENTY THOUSAND FOUR HUNDRED SEVENTY-FOUR AND 00/100 DOLLARS (\$20,474.00) 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 _____, _____.

Joseph Pflanze, individually and as
Trustee of the Evelyn Pflanze Testamentary Trust

122991
EXHIBIT B

* * * * *

STATE OF TEXAS '
COUNTY OF DALLAS '

This instrument was acknowledged before me on _____
by Joseph Pflanzner, individually and as Trustee of the Evelyn Pflanzner Testamentary
Trust

Notary Public, State of TEXAS

* * * * *

After recording return to:
City of Dallas
Department of Sustainable Development and Construction
Real Estate Division
320 East Jefferson Boulevard, Room 203
Dallas, Texas 75203
attn: Mark Proctor

Warranty Deed Log No. 36965 / Parcel W-15