

# Memorandum

2012 DEC 20 PM 2:00

CITY SECRETARY  
DALLAS, TEXAS



CITY OF DALLAS

Date December 20, 2012

To Rosa Rios  
City Secretary

Subject Resolution No. 122992 – Authorized by City Council on December 12, 2012

In Resolution Number 122992 authorized by City Council on December 12, 2012, "Owner:" 7586 Mountain Creek Parkway, LLC incorrectly indicated the first of the two Program No. entries as "706635" in Section 6 of the resolution.

The correct Program No. should be: Program No. 706035

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



Bonnie Meeder  
Assistant Director  
Sustainable Development and Construction

Attachment

RR 12/28/12

**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 32,576 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 installation, 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": 7586 Mountain Creek Parkway, 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.

"PURCHASE AMOUNT": \$130,304

"CLOSING COSTS AND TITLE EXPENSES": Not to exceed \$2,812

"AUTHORIZED AMOUNT": Not to exceed \$133,116

**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.

December 12, 2012

**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 0115, Department DWU, Unit PW40, Activity MPSA, Program No. 706635, Object 4210, Encumbrance No. CT-DWU706035CPAF - \$121,054 and 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-DWU706035CPAY - \$12,062. 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

**RIGHT-OF-WAY ACQUISITION FOR WATER**  
**32,576 SQ. FT. PARCEL**  
**CATHARINE KIMMELL SURVEY, ABSTRACT NO. 724**  
**CITY BLOCK 8606**  
**CITY OF DALLAS, DALLAS COUNTY, TEXAS**

DESCRIPTION

BEING a 32,576 square foot tract of land situated in the Catharine Kimmell Survey, Abstract No. 724, being in Block 8606 of the City of Dallas, Dallas County, Texas and being a portion of a called 3.7332 acre tract as described in that certain General Warranty Contribution Deed to 7586 Mountain Creek Parkway, LLC as recorded in Instrument No. 200900311922 of the Official Public Records of Dallas County, Texas, said 3.7332 acre tract being a portion of Tract No. Two of First Section Green Hills, an addition to the City of Dallas, Texas, according to the plat thereof recorded in Volume 126, Page 2535 of the Deed Records of Dallas County, Texas (D.R.D.C.T.), and being more particularly described by metes and bounds as follows:

BEGINNING at a 1/2" iron rod found for the northwest corner of the aforementioned 3.7332 acre tract and the southwest corner of a 10' easement for passage of vehicular and pedestrian traffic granted to the City of Dallas and described as Tract 1 (Block 8606) in the instrument recorded in Volume 77156, Page 3373, D.R.D.C.T. and being in the northeasterly line of the remainder of a called 7.448 acre tract as described in that certain Warranty Deed to Dallas Power & Light Company (D.P.&L. Co.) as recorded in Volume 15, Page 2399, D.R.D.C.T.;

THENCE N 88°49'03" E (deed-S 89°59'15" E), departing said northeasterly line of said D.P.&L. Co. tract and with the north line of said 3.7332 acre tract and the south line of said 10' easement, 43.55 feet to a 1/2" iron rod with plastic cap stamped "TX REG NO 100189-00" set for corner;

THENCE S 47°38'12" E, departing the north line of said 3.7332 acre tract and the south line of said 10' easement, 418.71 feet to a 1/2" iron rod with plastic cap stamped "TX REG NO 100189-00" set for corner;

THENCE N 42°20'03" E, 30.00 feet to a 1/2" iron rod with plastic cap stamped "TX REG NO 100189-00" set for corner;

THENCE S 47°38'12" E, 99.86 feet to a 1/2" iron rod with plastic cap stamped "TX REG NO 100189-00" set for corner;

THENCE S 47°44'44" E, 225.77 feet to a 1/2" iron rod with plastic cap stamped "TX REG NO 100189-00" set for corner;

FIELD NOTES APPROVED:

*Doc 8/1/12*



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



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

JULY 13, 2012

7059-EX121R.dwg

**RIGHT-OF-WAY ACQUISITION FOR WATER**  
32,576 SQ. FT. PARCEL  
CATHARINE KIMMELL SURVEY, ABSTRACT NO. 724  
CITY BLOCK 8606  
CITY OF DALLAS, DALLAS COUNTY, TEXAS

THENCE S 42°15'06" W, passing at 29.10 feet an angle point in the southerly line of said 3.7332 acre tract, said angle point being the most northerly northwest corner of Lot 1, Block 1/8606 of Traynor Addition, an addition to the City of Dallas, Texas, according to the plat thereof recorded in Volume 90092, Page 2383, D.R.D.C.T., and continuing with the southerly line of said 3.7332 acre tract and the northwesterly line of said Traynor Addition an additional 30.90 feet (deed-S 43°34'00" W, 31.17 feet), for a total distance of 60.00 feet to a 1/2" iron rod with plastic cap stamped "TX REG NO 100189-00" set for the southwest corner of said 3.7332 acre tract and the most westerly northwest corner of said Traynor Addition, said iron rod also being in the aforementioned northeasterly line of said D.P.&L. Co. tract;

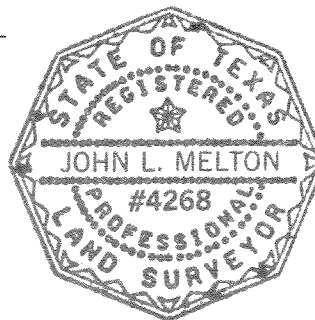
THENCE N 47°44'44" W (deed-N 45°26'00" W), with the southwesterly line of said 3.7332 acre tract and the northeasterly line of said D.P.&L. Co. tract, 225.83 feet to a 1/2" iron rod with plastic cap stamped "TX REG NO 100189-00" set for corner;

THENCE N 47°38'12" W (deed-N 45°26'00" W), continuing with the southwesterly line of said 3.7332 acre tract and the northeasterly line of said D.P.&L. Co. tract, 550.18 feet to the POINT OF BEGINNING and containing 0.7478 acres or 32,576 square feet of land, more or less.

FOR NATHAN D. MAIER CONSULTING ENGINEERS, INC.



John L. Melton, R.P.L.S. No. 4268  
Registered Professional Land Surveyor



**NDM**  
NATHAN D. MAIER  
CONSULTING ENGINEERS, INC.  
TBPE FIRM REG. NO. F-356  
TBPLS FIRM REG. NO. 100189-00  
Two Northpark / 9090 Park Lane / Suite 600  
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Dallas Water Utilities  
Southwest 120/96-inch Water  
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NOTES:

Bearings for this survey are based on the Western Data Systems Texas Cooperative Network and are referenced to NAD83 State Plane Coordinate System, Texas North Central Zone 4202. Stations DPKC, DTNA and DUNP were utilized as base stations during GPS data collection sessions and serve as controlling monuments.

The sanitary sewer easement as shown on Plat C-20 of the City of Dallas sewer maps does not affect the subject tract.

The rights-of-way for sanitary sewer mains granted to the City of Dallas, as recorded in Volume 77010, Page 878 of the Deed Records of Dallas County, Texas (D.R.D.C.T.), do not affect the subject tract.

The easements granted to Southwestern Bell Telephone, as recorded in Volume 77028, Page 1116, D.R.D.C.T., do not affect the subject tract.

The easements for passage of vehicular and pedestrian traffic granted to the City of Dallas, as recorded in Volume 77156, Page 3373, D.R.D.C.T., do not affect the subject tract.

The 10' right-of-way and easement for pipeline and its appurtenances granted to Enserch Corporation, as recorded in Volume 88159, Page 555, D.R.D.C.T., affects the subject tract and is plotted hereon.

The right-of-way for sanitary sewer main granted to the City of Dallas, as recorded in Volume 89159, Page 1799, D.R.D.C.T., does not affect the subject tract.

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



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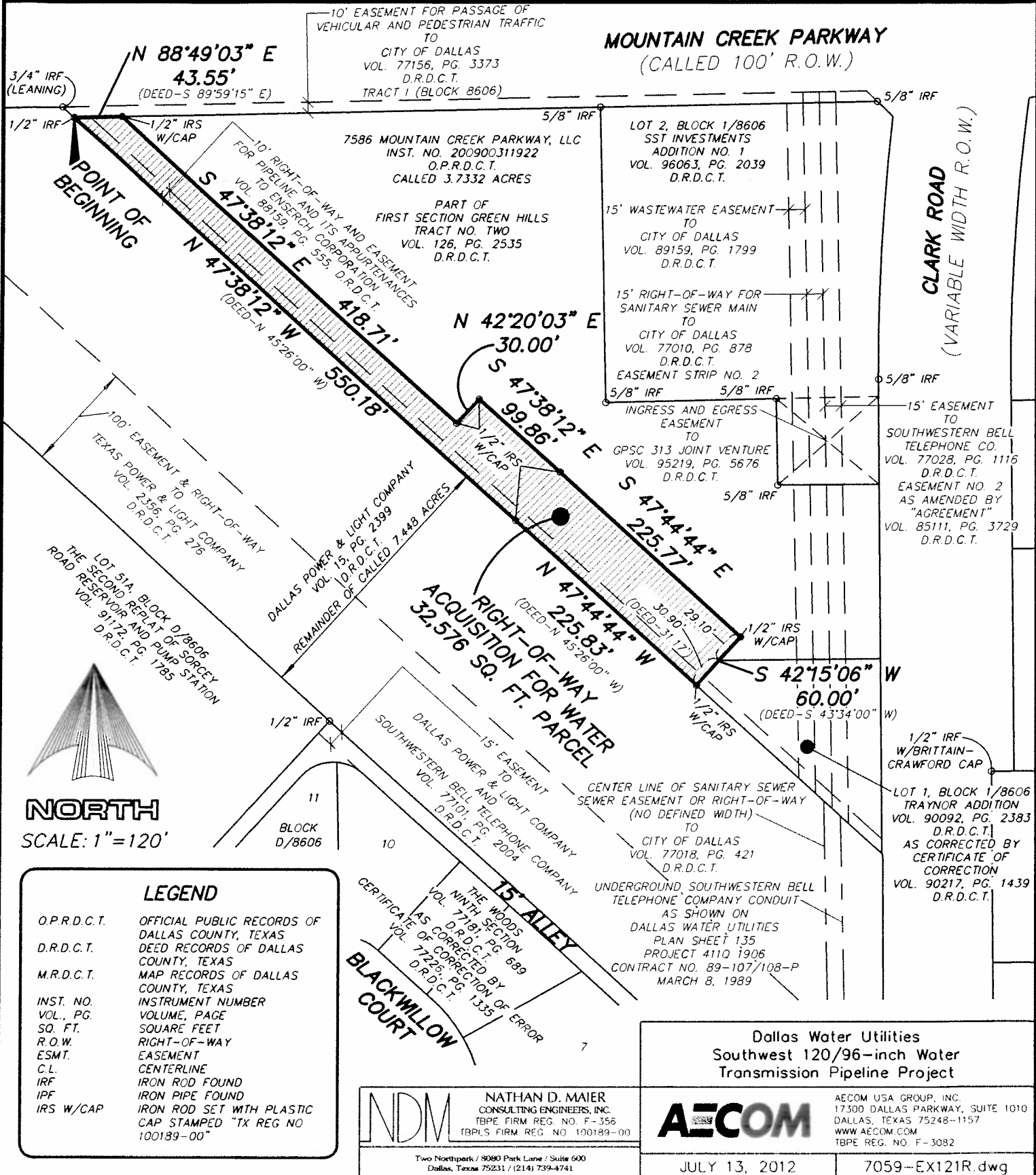


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7059-EX121R.dwg

CITY OF DALLAS, DALLAS COUNTY, TEXAS



# EXHIBIT B

122992

**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 7586 Mountain Creek Parkway, LLC, a Texas limited liability company (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 ONE HUNDRED THIRTY THOUSAND THREE HUNDRED FOUR AND 00/100 DOLLARS (\$130,304.00) 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:** This conveyance is made and accepted subject to the reservation provided in Exhibit "B" which is attached hereto and incorporated herein for all purposes.

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 \_\_\_\_\_, \_\_\_\_\_.

7586 Mountain Creek Parkway, LLC,  
a Texas limited liability company

By: \_\_\_\_\_  
George Roberts, Manager





# EXHIBIT B

122992

\* \* \* \* \*

STATE OF TEXAS            '

COUNTY OF DALLAS        '

This instrument was acknowledged before me on \_\_\_\_\_,  
by George Roberts, Manager of 7586 Mountain Creek Parkway, 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  
Department of Sustainable Development and Construction  
Real Estate Division  
320 East Jefferson Boulevard, Room 203  
Dallas, Texas 75203  
attn: Reginald Collins

Warranty Deed Log No. 36512