

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 8,877 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": Dallas Arboretum and Botanical Society – 8706 Garland Road

"USE": Future support facilities for Dallas Arboretum operations 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": Dallas Arboretum & Botanical Society, Inc., a Texas non-profit corporation, 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": \$225,000

"CLOSING COSTS AND TITLE EXPENSES": Not to exceed \$2,360

"AUTHORIZED AMOUNT": Not to exceed \$227,360

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 payable out of 2006 Bond Funds: \$225,000, Fund No 1T00, Department PKR, Unit T005, Activity DABS, Program No. PK06T005, Object 4210, Encumbrance No. PKR12019342, and CLOSING COSTS AND TITLE EXPENSES payable out of 2006 bond Funds: \$2,360, Fund No 1T00, Department PKR, Unit T005, Activity DABS, Program No. PK06T005, Object 4230, Encumbrance No. PKR12019342. 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

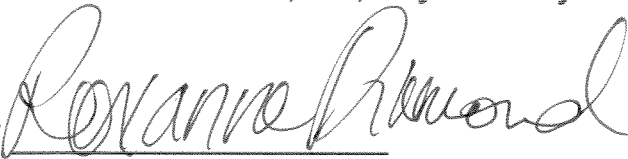
BY 
Assistant City Attorney



EXHIBIT A 122994

8,877 Square Foot (0.204 Acre) Tract

To Be Acquired

City of Dallas Block 5284

Richard Scurry Survey, Abstract No. 1382

City of Dallas, Dallas County, Texas

DESCRIPTION, of an 8,877 square foot (0.204 acre) tract of land situated in the Richard Scurry Survey, Abstract No. 1382, Dallas County, Texas; said tract being part of City Block 5284, Official Numbers of the City of Dallas, Texas and all of that certain tract of land described in General Warranty Deed to Paul E. Lokey d/b/a Hood Investments recorded in Instrument No. 200900114628 of the Official Public Records of Dallas County, Texas; said 8,877 square foot tract being more particularly described as follows (bearing system for this survey is based on a bearing of North 45 degrees, 00 minutes, 00 seconds East for the southeast right-of-way line of Garland Road according to the Warranty Deed to the City of Dallas, Texas recorded in Instrument No. 201000188307 of said Official Public Records):

BEGINNING, at a PK nail found for corner in the said southeast line of Garland Road (a 100-foot wide right-of-way); said point being the northernmost corner of said Lokey tract and the westernmost corner said City of Dallas tract; said point also being South 45 degrees, 00 minutes, 00 seconds West, a distance of 100.00 feet from a 1/2-inch iron rod found at the northernmost corner of said City of Dallas tract and the westernmost corner of Lot 1, Block 6/5284, Vickers Petroleum Addition No. 1, an addition to the City of Dallas, Texas according to the plat recorded in Volume 72134, Page 989 of the Deed Records of Dallas County, Texas;

THENCE, South 45 degrees, 00 minutes, 00 seconds East, departing the said southeast line of Garland Road and along the southwest line of said City of Dallas tract, a distance of 198.96 feet to a 1/2-inch iron rod with "PIBURN PARTNERS" cap found for corner in the northwest line of a variable width alley recorded in Volume 2958, Page 400 of said Deed Records; said point being the southernmost corner of said City of Dallas tract and in a non-tangent curve to the right;

THENCE, in a westerly direction, along the northwest line of said alley, the following two (2) calls:

Along said curve to the right, having a central angle of 21 degrees, 16 minutes, 14 seconds, a radius of 35.60 feet, a chord bearing and distance of South 84 degrees, 23 minutes, 52 seconds West, 13.14 feet, an arc distance of 13.22 feet to a 1/2-inch iron rod with "PACHECO KOCH" cap set at the end of said curve; said point being the beginning of a tangent curve to the left;

Along said curve to the left, having a central angle of 25 degrees, 05 minutes, 21 seconds, a radius of 115.60 feet, a chord bearing and distance of South 82 degrees, 29 minutes, 19 seconds West, 50.22 feet, an arc distance of 50.62 feet to a 1/2-inch iron rod with "PACHECO KOCH" cap set for corner; said point being the easternmost corner of that certain tract of land described in Warranty Deed with Vendor's Lien to Robert A. Handy and Margaret Ellen Vick Handy recorded in Volume 96141, Page 667 of said Deed Records;

THENCE, North 45 degrees, 00 minutes, 00 seconds West, departing the northwest line of said alley and along the northeast line of said Handy tract, a distance of 160.06 feet to a "+" cut in concrete found for corner in the said southeast line of Garland Road; said point being the northernmost corner of said Handy tract;

FIELD NOTES APPROVED:

1/31/12



122994

8,877 Square Foot (0.204 Acre) Tract
To Be Acquired
City of Dallas Block 5284
Richard Scurry Survey, Abstract No. 1382
City of Dallas, Dallas County, Texas

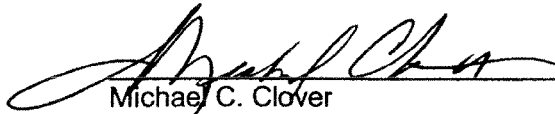
EXHIBIT 7

THENCE, North 45 degrees, 00 minutes, 00 seconds East, along the said southeast line of Garland Road, a distance of 50.00 feet to the POINT OF BEGINNING;

CONTAINING, 8,877 square feet or 0.204 acres of land, more or less.

(A survey plat of even survey date herewith accompanies this description.)

The undersigned, Registered Professional Land Surveyor, hereby certifies that the foregoing description accurately sets out the metes and bounds of the tract of land described.

 01/18/2012
Michael C. Clover Date
Registered Professional Land Surveyor No. 5225
Pacheco Koch Consulting Engineers, Inc.
8350 N. Central Expwy, #1000, Dallas TX 75206
(972) 235-3031
TX Reg. Surveying Firm LS-100080-00



Revised: 01/18/2012

0.204 Acre Tract.doc.jsa
1214-07-300E4-2

FIELD NOTES APPROVED:

OK 1/31/12



EXHIBIT A

GARLAND ROAD

N 45°00'00" E

N 45°00'00" E 100.00'

POINT OF BEGINNING

BLOCK
5284

PAUL E. LOKEY
D/B/A HOOD
INVESTMENTS
(INST. NO.
200900114628)
O.P.R.D.C.T.

**BLOCK
5284**

LOT 1, BLOCK 6/5284
VICKERS PETROLEUM ADDITION NO. 1
(VOL. 72134, PG. 989) D.R.D.C.T.

"+" CUT IN
CONCRETE
FOUND (C.M.)

PART OF
LOT 15

1/2-INCH
IRON ROD
FOUND (C.M.)

IRS
(1/2-INCH IRON
ROD FOUND BRS.
S 45°00' E, 1.7')
L=52.0'

LOT 16

15' ALLEY
(VOL. 2958,
PG. 400)
D.R.D.C.T.

1

BLOCK 5284
WILLIAMS SUBDIVISION OF
CITY BLOCK 5284
(VOL. 16, PG. 247)
M.R.D.C.T.

LOT 2

BLOCK 5284
J.L. LITTLE SUBDIVISION
(VOL. 11, PG. 447)
M.R.D.C.T.

FIELD NOTES APPROVED:



| | | |
|--|--|--|
| | | |
| | | |

GRAPHIC SCALE IN FEET

PROPERTY LINE
(C.M.) - CONTROLLING MONUMENT
IRS
1/2-INCH IRON ROD W/
"DAGUESS KOSU" CAP

8350 N. CENTRAL EXPWY. SUITE 1000
DALLAS, TX 75206 972.235.3031
TX REG. ENGINEERING FIRM F-469
TX REG. SURVEYING FIRM LS-100080-00

8,877 SQUARE FOOT (0.204 ACRE) TRACT

CITY OF DALLAS BLOCK 5284

RICHARD SCURRY SURVEY,

ABSTRACT NO. 1382

CITY OF DALLAS, DALLAS COUNTY, TEXAS
SHEET 3 OF 4

| | | | | |
|------------------------|--------------------------|------------------------|--------------------------|----------------------------------|
| DRAWN BY JSA | CHECKED BY MCC | SCALE 1"=50' | DATE OCT. 2010 | JOB NUMBER 1214-07.300 |
|------------------------|--------------------------|------------------------|--------------------------|----------------------------------|

DWG FILE: 1214-07-300E4-2.DWG

EXHIBIT A 122994

CURVE TABLE

| CURVE | DELTA | RADIUS | LENGTH | TANGENT | CHORD BEARING | CHORD |
|----------|-----------|---------|--------|---------|---------------|--------|
| C1 | 21°16'14" | 35.60' | 13.22' | 6.69' | S 84°23'52" W | 13.14' |
| DEED: C1 | 20°51'16" | 35.60' | 12.96' | --- | S 83°49'05" W | 12.89' |
| C2 | 25°05'21" | 115.60' | 50.62' | 25.72' | S 82°29'19" W | 50.22' |
| DEED: C2 | 24°38'54" | 115.60' | 49.73' | --- | S 80°57'24" W | 49.35' |
| C3 | 28°45'45" | 35.60' | 17.87' | 9.13' | N 59°22'52" E | 17.68' |

NOTES:

1. A legal description of even survey date herewith accompanies this plat of survey.
2. Bearing system for this survey is based on a bearing of North 45 degrees, 00 minutes, 00 seconds East for the southeast line of Garland Road according to the Warranty Deed to the City of Dallas, Texas recorded in Instrument No. 201000188307 of the Official Public Records of Dallas County, Texas.
3. This survey is based on deeds, easements and/or recorded plats and other records furnished by the client and/or the client's representative as well as significant visible monuments found on the subject property and adjacent properties, field measurements and evidence of boundaries found on the ground. However, this survey shall not represent warranty of title or guarantee of ownership. The surveyor did not abstract the subject property.
4. The survey abstract lines shown hereon are approximate and are not located on the ground.

The undersigned, Registered Professional Land Surveyor, hereby certifies that this plat of survey accurately sets out the metes and bounds of the tract of land described.

FIELD NOTES APPROVED:

1/31/12 *dt*



Michael C. Clover
Registered Professional
Land Surveyor No. 5225
REVISED: 01/18/2012

1/10/2012

**8,877 SQUARE FOOT
(0.204 ACRE) TRACT**

CITY OF DALLAS BLOCK 5284

RICHARD SCURRY SURVEY,

ABSTRACT NO. 1382

CITY OF DALLAS, DALLAS COUNTY, TEXAS

SHEET 4 OF 4



Pacheco Koch

DALLAS • FORT WORTH • HOUSTON

8350 N. CENTRAL EXPWY. SUITE 1000
DALLAS, TX 75206 972.235.3031
TX REG. ENGINEERING FIRM F-489
TX REG. SURVEYING FIRM LS-100080-00

DRAWN BY
JSA

CHECKED BY
MCC

SCALE
1"=50'

DATE
OCT. 2010

JOB NUMBER
1214-07.300

122994
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 Dallas Arboretum & Botanical Society, Inc., a Texas non profit corporation (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 TWO HUNDRED AND TWENTY FIVE THOUSAND AND 00/100 DOLLARS (\$225,000.00) 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 _____, _____.

Dallas Arboretum & Botanical Society, Inc.
a Texas non-profit corporation

By _____
Mary Brinegar, President and CEO

* * * * *

STATE OF TEXAS '
COUNTY OF DALLAS '

This instrument was acknowledged before me on _____
by Mary Brinegar, President and CEO of Dallas Arboretum & Botanical Society, Inc. a
Texas non-profit corporation on behalf of said corporation.

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: Shaun Davis

Warranty Deed Log No. 37228