

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 2,157 square feet of land 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": Cadiz Street Improvements

"USE": Widening and Improvement of City thoroughfare

"PROPERTY INTEREST": Fee Simple

"OWNER": Shero Industrial Properties, LP, a Texas limited partnership, 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": \$27,759

"CLOSING COSTS AND TITLE EXPENSES": Not to exceed \$2,500

"AUTHORIZED AMOUNT": \$30,259

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 Street and Transportation Improvements fund, Fund No. 7T22, Department PBW, Unit U778, Activity THRF, Program No. PB06U778, Object 4210, Encumbrance No. CT-SUSAB349090. The OFFER AMOUNT and the CLOSING COSTS 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.

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

DEC 12 2012


City Secretary

**RIGHT-OF-WAY ACQUISITION IN BLOCK 418
SHERO INDUSTRIAL PROPERTIES, LP**

ALL THAT certain lot, tract or parcel of land lying and being situated in the City and County of Dallas, Texas, more particularly described as follows:

BEING an approximately 2157 square feet tract of land lying in the John N. Bryan Survey, Abstract No. 149, Dallas County, Texas and being in Block 418, official City of Dallas numbers, and being part of the land conveyed to Shero Industrial Properties LP, by Special Warranty Deed, recorded by Instrument Number 200503567321, Official Public Records of Dallas County, Texas, and being part of a tract of land abandoned by, Ordinance Number 14993, (utility easement retained), recorded in Volume 75189, Page 1230, of the Deed Records of said County and being more particularly described as follows:

BEGINNING at a found 5/8" iron rod at the intersection of the southeasterly corner of a tract of land conveyed to the City of Dallas by instruments as follows; Volume 618, Page 338, Volume 642, Page 532, Volume 68103, Page 960, Volume 81046, Page 1819, by Ordinance Number 17772, Volume 83100, Page 2835 of said Deed Records, said iron rod also being the most northeasterly corner of said Shero Industrial property and the northeast corner of said abandonment tract and lying on the northwest line of Cadiz Street (variable width Right-of-Way);

THENCE South 30°17'37" West, continuing along the northwest line of said Cadiz Street, the southeast line of said Shero Industrial property and the southeast line of said abandonment tract, a distance of 42.40 feet, to a point for corner;

THENCE South 39°47'28" West, along the northwest line of said Cadiz Street, a distance of 106.37 feet, to a point for corner, said point being the most southeasterly corner of said Shero Industrial property, and also the most southeasterly corner of said abandonment tract and in the northerly line of the old Trinity River Channel;

THENCE North 42°10'30" West, departing the said northwest line of Cadiz Street and along the said northerly line of the old Trinity River Channel, a distance of 15.98 feet, to a set 5/8" iron rod with a red plastic cap, stamped "City of Dallas", said point lying on the southerly line of said Shero Industrial property and the southerly line of said abandonment tract:

**RIGHT-OF-WAY ACQUISITION IN BLOCK 418
SHERO INDUSTRIAL PROPERTIES, LP
(Continued)**

THENCE North 39°53'06" East, a distance of 144.53 feet, being at all times 50.00 feet perpendicularly distant northwest from and parallel with the centerline of said Cadiz Street, to a set 5/8" iron rod with red plastic cap, stamped "City of Dallas", said point lying on the northerly line of said Shero Industrial property, the southerly line of said City of Dallas property and the northerly line of said abandonment tract;

THENCE South 59°43'00" East, along said northerly and southerly lines, a distance of 8.71 feet, to the **PLACE OF BEGINNING** and containing approximately 2157 square feet of land.

BASIS OF BEARING: The north line of Cadiz Street, being North 39°47'28" East, as evident from land conveyed to Shero Industrial Properties LP, by Special Warranty Deed, recorded by Instrument Number 200503567321, Official Public Records of Dallas County, Texas.

DHC/jdb
shero.wpd
08/05/09



JOHN N. BRYAN SURVEY Abstract #149

SHERO INDUSTRIAL PROPERTIES LP
Inst. #200503567321

BLOCK 418

UTILITY EASEMENT

ABANDONED BY
Ord. #14993
(utility easement retained)

$R = 131.77$

34.15'

144.53'
N 39°53'06" E

58" I.R. SET
W/RED CAP
City of Dallas

58" I.R. SET
W/RED CAP
City of Dallas

4.06'

8.71'
S 59°43'00" E

P.O.B.
58" I.R. END

106.37'
S 39°47'28" W

42.40'
S 30°17'37" W

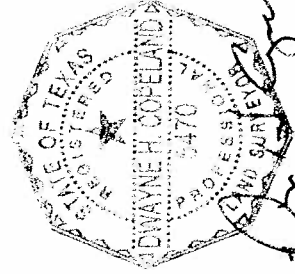
2157 SQUARE FEET
AREA TO BE ACQUIRED



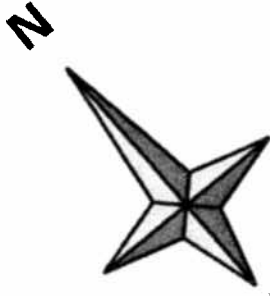
CADIZ STREET
(Variable Width Right-of-Way)

SHEET 3 OF 3

123009
EXHIBIT A



Handwritten signature and date: 08-1-27-09



NOT TO SCALE

CITY OF DALLAS

52.60'

128.77'

100.00 feet
right-of-way

TRINITY RIVER CHANNEL