

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 246 square feet of property 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": Goodnight Lane Phase I

"USE": the construction, use, and maintenance of a public thoroughfare

"PROPERTY INTEREST": Fee Simple

"OWNER": David W. and Jacquelyn H. Anderson, 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": \$2,730

"CLOSING COSTS": Not to exceed \$2,000

"AUTHORIZED AMOUNT": \$4,730

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 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 payable out of Street and Transportation Improvements Fund, Fund No. 8T22, Department PBW, Unit U788, Activity THRF, Program No. PB06U788, Object 4210, Encumbrance No. CT-SUSAB036212. 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.

December 12, 2012

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

GOODNIGHT LANE - PARCEL NO. 2
PROPERTY OF "DAVID W. ANDERSON AND
JACQUELYN H. ANDERSON"
CITY OF DALLAS, BLOCK 6545
DALLAS COUNTY, TEXAS
WILLIAM COCHRAN SURVEY, ABSTRACT NO. 279

BEING 246 square feet of land situated in the William Cochran Survey, Abstract No. 279, in the City of Dallas, Dallas County, Texas, and being further located in Block 6545, official City of Dallas numbers and being part of Tract II as conveyed to "David W. Anderson and Jacquelyn H. Anderson" by Special Warranty Deed recorded in Volume 97192, Page 05163 of the Deed Records of Dallas County, Texas (D.R.D.C.T.) and being more particularly described by metes and bounds as follows:

COMMENCING at the southeast corner of a tract of land conveyed to "Dallas County, Texas", by deed recorded in Volume 1672, Page 616 (D.R.D.C.T.), said corner lying at the intersection of the north line of Joe Field Road (variable width right of way) with the west line of a tract of land bequeathed to Mary Kathleen Curran Hoelsher and Carl James Curran, Jr., as heirs to the estate of Helen Marie Rick Curran, Deceased, recorded as Cause Number 02-4611-P in Probate Court No. 1, Dallas County, Texas, a 50% interest being subsequently conveyed to C. J. Curran, Jr. by deed recorded in Volume 2004129, Page 07734 of the Official Public Records of Dallas County Texas (O.P.R.D.C.T.), from said point a found $\frac{3}{4}$ " iron pipe (controlling monument) lying at the northeast corner of said "Dallas County, Texas" tract, bears North $00^{\circ}27'55''$ West, 513.56 feet;

THENCE South $89^{\circ}23'03''$ West, departing the west line of said C. J. Curran, Jr. tract and along the north line of said Joe Field Road, same being the south line of said "Dallas County, Texas" tract, a distance of 417.45 feet to the southwest corner of same, said point lying in the east line of said "David W. Anderson and Jacquelyn H. Anderson" tract;

THENCE North $00^{\circ}28'36''$ West, departing the existing north right of way line of said Joe Field Road and along the common east line of said "David W. Anderson and Jacquelyn H. Anderson" tract and the west line of said "Dallas County, Texas" tract, a distance of 182.97 feet to a set P.K. nail and the **POINT OF BEGINNING**, (grid northing 7011752.35 and grid easting 2458927.11), and being the beginning of a non tangent curve to the right, having a radius of 452.50 feet and a chord which bears North $06^{\circ}22'38''$ West, 62.67 feet;

THENCE departing the last mentioned common line and in a northwesterly direction along said curve to the right, through a central angle of $07^{\circ}56'30''$, an arc distance of 62.72 feet to a set $\frac{5}{8}$ " iron rod with cap marked "LTRA" (hereafter referred to as set $\frac{5}{8}$ " iron rod), located in the common north line of said David W. Anderson and Jacquelyn H. Anderson tract and the south line of a called 2.2235 acre tract of land conveyed to Master Cleaning Supply, Inc., a Texas Corporation, dba Master Supply Source, by deed recorded in Volume 2005139, Page 01727 (O.P.R.D.C.T.);

REVIEWED BY *Det 12/14/10*

GOODNIGHT LANE - PARCEL NO. 2
PROPERTY OF "DAVID W. ANDERSON AND
JACQUELYN H. ANDERSON"
CITY OF DALLAS, BLOCK 6545
DALLAS COUNTY, TEXAS
WILLIAM COCHRAN SURVEY, ABSTRACT NO. 279

Page 2 of 3
August 25, 2010

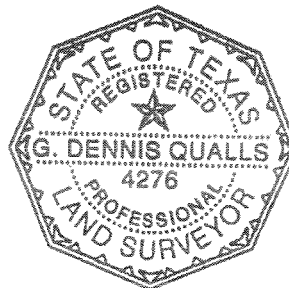
THENCE North 89°12'15" East, along the last mentioned common line, a distance of 6.44 feet to a point lying inside a 24" Oak Tree for the northeast corner of said David W. Anderson and Jacquelyn H. Anderson tract, the southeast corner of said Master Cleaning Supply, Inc. tract, and located in the west line of said Dallas County, Texas tract;

THENCE South 00°28'36" East, departing the north line of said Master Cleaning Supply, Inc. tract and along the common east line of said David W. Anderson and Jacquelyn H. Anderson tract and the west line of said Dallas County tract, a distance of 62.37 feet to the **POINT OF BEGINNING** and containing approximately 246 square feet or 0.0056 acre of land.

A Survey Plat of even date accompanies this property description.

BASIS OF BEARING is a line between City of Dallas Control Monument for Goodnight Lane No. 112 (North 7011511.819, East 2459043.674 Grid Coordinates) and City of Dallas Control Monument for Goodnight Lane No. 100 (North 7012435.857, East 2458944.275 Grid Coordinates), North American Datum 1983 (1993), which is North 06°08'23" West - Texas State Plane, North Central Zone (4202). Coordinates may be converted using a grid to surface adjustment factor of 1.000136506.


G. Dennis Qualls Date
Registered Professional Land Surveyor
Texas No. 4276



Lina T. Ramey & Associates, Inc.
1349 Empire Central, Suite 900
Dallas, Texas 75247
Ph. 214-979-1144

REVIEWED BY *AKC 12/14/10*



LINA T. RAMEY & ASSOCIATES, INC.
1349 Empire Central, Suite 900
Dallas, Texas 75247
FIRM REGISTRATION NO. F-182

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**PARCEL 2
GOODNIGHT LANE
RIGHT OF WAY ACQUISITION
FROM: DAVID W. ANDERSON
AND JACQUELYN H. ANDERSON
BLOCK:6545**

MASTER CLEANING SUPPLY,
INC., A TEXAS CORPORATION,
DBA MASTER SUPPLY SOURCE
2.2235 AC.
VOL. 2005139, PG. 01727
O.P.R.D.C.T.

15' SAN. SEWER ESMT.
VOL. 92056, PG. 1182
WATER EASEMENT
VOL. 92056, PG. 1178

N89°12'15"E
6.44'
246 80. FT.
0.0056 AC.
R-452.50'
L-62.72'
D-07°56'30"
CB-N06°22'38"W
CD-62.67'

POB
N-7011752.35
E-2458927.11

24" OAK TREE

SET P.K. NAIL

**WILLIAM COCHRAN
SURVEY
ABSTRACT NO. 279**

TRACT II
DAVID W. ANDERSON AND
JACQUELYN H. ANDERSON
VOL. 97192, PG. 05163
D.R.D.C.T.

BLOCK 6545

CITY OF DALLAS,
A MUNICIPAL CORP.
ROW EASEMENT
VOL. 93056, PG. 1554
D.R.D.C.T.

JOE FIELD RD.
(VARIABLE WIDTH RIGHT-OF-WAY)

GOODNIGHT LN.
(VARIABLE WIDTH RIGHT-OF-WAY)

0 40 80
SCALE: 1" = 40'

LEGEND

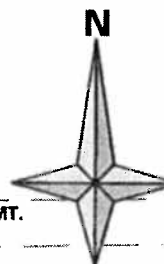
- POB = POINT OF BEGINNING
- POC = POINT OF COMMENCING
- I.R. = IRON ROD
- I.P. = IRON PIPE
- D.R.D.C.T. = DEED RECORDS DALLAS COUNTY TEXAS
- M.R.D.C.T. = MAP RECORDS DALLAS COUNTY TEXAS
- O.P.R.D.C.T. = OFFICIAL PUBLIC RECORDS DALLAS COUNTY TEXAS
- CM = CONTROLLING MONUMENT
- = SET 5/8" IRON ROD WITH CAP MARKED "LTRA" (UNLESS OTHERWISE NOTED)
- = FOUND MONUMENT

BLOCK 6546

FND 34" I.P.
CM

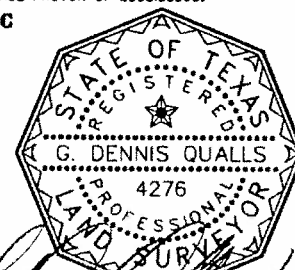
10' PRIVATE DRAINAGE ESMT.
INST. NO. 20080281201

FND 34" I.P.



NOTE:
PARCEL ESTABLISHED PER CITY OF DALLAS - COUNCIL
APPROVED ALIGNMENT - FILE: 220-25 ON FILE IN THE
CITY OF DALLAS PUBLIC WORKS & TRANSPORTATION
SURVEY RECORDS VAULT.

BASIS OF BEARINGS IS A LINE BETWEEN CITY OF
DALLAS CONTROL MONUMENT FOR GOODNIGHT LN.
NO. 12 (NORTH 70°58'18.9", EAST 2459043.674
GRID COORDINATES) & CITY OF DALLAS CONTROL
MONUMENT FOR GOODNIGHT LN. NO. 100 (NORTH
70°24'35.857", EAST 2458944.275 GRID COORDINATES),
NORTH AMERICAN DATUM 1983 (1993), WHICH IS
N06°08'23"W-TEXAS STATE PLANE, NORTH CENTRAL
ZONE 142021. ALL COORDINATES SHOWN ARE SURFACE
UNLESS OTHERWISE NOTED AND MAY BE CONVERTED
TO GRID BY DIVIDING BY THE TXDOT COMBINED
SCALE FACTOR OF 1.00036506.



G. DENNIS QUALLS, R.P.L.S. NO. 4276 DATE 12/6/2010

REVIEWED 12/6/10