

**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 9,120 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": Goodnight Lane Phase I

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

"PROPERTY INTEREST": Fee Simple

"OWNER": Curl Floor Equipment and Supply, Inc., 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": \$280,000

"CLOSING COSTS": Not to exceed \$5,000

"AUTHORIZED AMOUNT": \$285,000

**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 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.

December 12, 2012

**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. 1T22, Department PBW, Unit U788, Activity THRF, Program No. PB06U788, Object 4210, Encumbrance No. CT-SUSAB036214. 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

GOODNIGHT LANE - PARCEL NO. 4  
PROPERTY OF "CURL FLOOR EQUIPMENT  
AND SUPPLY, INC."  
CITY OF DALLAS, BLOCK A/6546  
DALLAS COUNTY, TEXAS  
WILLIAM COCHRAN SURVEY, ABSTRACT NO. 279

Page 1 of 4  
August 25, 2010

**BEING** 9,120 square feet of land situated in the William Cochran Survey, Abstract No. 279, in the City of Dallas, Dallas County, Texas, and located in Block A/6546, official City of Dallas numbers and being part of a 15,609 square foot tract of land conveyed to "Curl Floor Equipment and Supply, Inc." by Warranty Deeds recorded in Volume 77001, Page 1824 and Volume 78037, Page 1422, of the Deed Records of Dallas County, Texas (D.R.D.C.T.), and being further described as part of Lot 1 in Block A/6546 of the Curl Subdivision, an addition to the City of Dallas, Texas as recorded in Volume 78180, Page 1187 (D.R.D.C.T.), and being more particularly described by metes and bounds as follows:

**COMMENCING** at the northwest corner 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 of the Official Public Records of Dallas County, Texas (O.P.R.D.C.T.), said corner lying at the intersection of the existing south right of way line of Royal Lane (a variable width right of way) with the northeast corner of Lot 2B in Block 1/6545 of the Glin-Hee Hong Addition, an addition to the City of Dallas, Texas as recorded in Volume 2001070, Page 01115 (D.R.D.C.T.) from said point a found ½" iron rod (controlling monument) bears South 00°38'39" East, 3.02 feet;

**THENCE** North 89°12'15" East, departing the east line of said Glin-Hee Hong Addition and along the common north line of said Master Cleaning Supply, Inc. tract and the existing south right of way line of said Royal Lane, a distance of 155.70 feet to a set "X" cut in concrete for the northwest corner of said Curl Floor Equipment and Supply, Inc. tract, same being the northwest corner of said Lot 1, Block A/6546, and being the **POINT OF BEGINNING**, (grid northing 7012435.59 and grid easting 2458921.43);

**THENCE** North 89°12'15" East, departing the east line of said Master Cleaning Supply, Inc. tract and along the common north line of said Curl Floor Equipment and Supply, Inc. tract and the existing south right of way line of said Royal Lane, a distance of 29.23 feet to a set "X" cut in concrete located at the beginning of a tangent curve to the left, having a radius of 2914.79 feet and a chord which bears North 88°54'19" East, 30.40 feet;

**THENCE** in an easterly direction, continuing along the last mentioned common line and said curve to the left, through a central angle of 00°35'51", an arc distance of 30.40 feet (called 30.11 feet on File 221D-25) to the end of said curve and a set "X" cut in concrete;

**THENCE** South 43°05'31" West, departing the north line of said Curl Floor Equipment and Supply, Inc. tract and the existing south right of way line of said Royal Lane, a distance of 35.26 feet to a point for corner inside an existing one story building and being the beginning of a non tangent curve to the left, having a radius of 387.50 feet and a chord which bears South 10°30'20" East, 78.93 feet;

REVIEWED BY [Signature] 12/14/10

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**THENCE** in a southeasterly direction along the last mentioned curve, through a central angle of  $11^{\circ}41'27''$ , an arc distance of 79.07 feet to a point for corner inside an existing one story building and being the beginning of a reverse curve to the right, having a radius of 452.50 feet and a chord which bears South  $13^{\circ}55'50''$  East, 38.21 feet;

**THENCE** in a southeasterly direction along said reverse curve, through a central angle of  $04^{\circ}50'25''$ , an arc distance of 38.23 feet to a set 5/8" iron rod with cap marked "LTRA" (hereafter referred to as set 5/8" iron rod) located in the southeasterly line of said Curl Floor Equipment and Supply, Inc. tract, same being the southeasterly line of said Lot 1, Block A/6546 and the northwesterly line of a called 5,053 square foot tract of land conveyed to the County of Dallas by Right of Way Deed recorded in Volume 90245, Page 1791 (D.R.D.C.T.);

**THENCE** South  $30^{\circ}54'49''$  West, along the southeasterly line of said Lot 1, Block A/6546 and the northwesterly line of said County of Dallas tract, a distance of 111.27 feet to a set 5/8" iron rod for the most southerly corner of said Curl Floor Equipment and Supply, Inc. tract, same being the most southerly corner of said Lot 1, Block A/6546 and located in the east line of said Master Cleaning Supply, Inc. tract;


**THENCE** North  $00^{\circ}28'36''$  West, departing the northwesterly line of said County of Dallas tract and along the common east line of said Master Cleaning Supply, Inc. tract and the west line of said Curl Floor Equipment and Supply, Inc. tract, a distance of 234.93 feet to the **POINT OF BEGINNING** and containing approximately 9,120 square feet or 0.2093 acre of land and being subject to a Water Easement and a Floodway Easement as shown on said Curl Subdivision Plat recorded in Volume 78180, Page 1187.

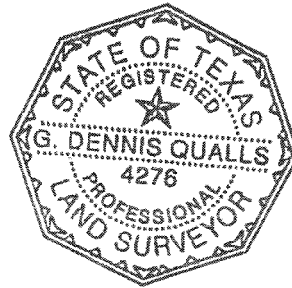
A Survey Plat of even date accompanies this property description.

REVIEWED BY *dk* 12/14/10

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**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 *dkc 12/14/10*



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Dallas, Texas 75247  
FIRM REGISTRATION NO. F-182

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OF

**PARCEL 4**  
**GOODNIGHT LANE**  
**RIGHT OF WAY ACQUISITION**  
**FROM: CURL FLOOR**  
**EQUIPMENT AND SUPPLY INC.**  
**BLOCK: A6546**

123011  
**EXHIBIT A**

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

**ROYAL LANE**

(VARIABLE WIDTH RIGHT-OF-WAY)

