

A RESOLUTION AUTHORIZING THE ACQUISITION OF REAL PROPERTY FOR A NEGOTIATED PRICE HIGHER THAN THE AUTHORIZED OFFER.

WHEREAS, the Dallas City Council by the FIRST RESOLUTION authorized acquisition, by purchase and/or eminent domain, of the fee simple title to the PROPERTY held by OWNER for the PROJECT (all said capitalized terms being defined below); and

WHEREAS, OWNER refused the official offer authorized by the FIRST RESOLUTION, but agreed to the PURCHASE AMOUNT stated herein; and

WHEREAS, the City Council desires to authorize the City Manager to acquire the PROPERTY INTERESTS in the PROPERTY for the PURCHASE AMOUNT stated herein: Now, Therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DALLAS:

SECTION 1. That the following definitions shall apply to this resolution:

“FIRST RESOLUTION”: Resolution No. 12-2117 approved by the Dallas City Council on August 22, 2012.

“PROJECT”: Mill Creek, Peaks Branch and State Thomas Storm Drainage Project.

“USE”: The construction, installation, use, and maintenance of a storm drainage intake structure and connecting lines for the transmission of storm drainage, and a construction staging area for the intake structure and connecting lines, 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 herein provided.

“OWNER”: AccessBank Texas (formerly known as Access 1st Capital Bank), 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.

“PROPERTY INTEREST”: Fee Simple, subject to the exceptions, reservations, covenants, conditions and/or interests, if any provided in the form instrument more particularly described in Exhibit “B” attached hereto and made a part hereof for all purposes.

"PROPERTY": Approximately one acre 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 hereto.

"IMPROVEMENTS": None

"PURCHASE AMOUNT": \$840,500.00

"CLOSING COSTS AND TITLE EXPENSES": Not to exceed \$9,500.00

"AUTHORIZED AMOUNT": \$850,000.00

SECTION 2. That the City Manager is authorized to acquire the PROPERTY INTEREST in the PROPERTY and IMPROVEMENTS from OWNER for the PURCHASE AMOUNT, and is authorized to execute such documents, after approval of same as to form by the City Attorney, as may be necessary.

SECTION 3. That the City will have possession at closing and will pay all CLOSING COSTS AND TITLE EXPENSES.

SECTION 4. That the City Controller is authorized to draw checks for the PURCHASE AMOUNT, CLOSING COSTS AND TITLE EXPENSES, payable out of Flood Protection and Storm Drainage Facilities Fund, Fund 1T23, Dept. TWM, Unit T525, Activity SDRS, Object 4210, Program PB06T525 CT-PBW06T525K1, and said payment shall be delivered to a title insurance company after evidence of satisfactory title has been provided to and approved by the City Attorney. The PURCHASE AMOUNT - \$840,500.00 and the CLOSING COSTS AND TITLE EXPENSES - \$9,500.00 together shall not exceed the AUTHORIZED AMOUNT - \$850,000.00.

SECTION 5. That appropriate acquisition instruments be forwarded to a title insurance company for preparation of the necessary documents for closing, which shall be forwarded to the City Attorney for review and approval as to form and, subsequent to closing, filed with the County Clerk and returned, along with the original Owner's Policy of Title Insurance, to the City Secretary for permanent record.

December 12, 2012

SECTION 6. 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 7. 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 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: *Roxanne Diamond*
Assistant City Attorney



123071

**A TRACT OF LAND TO BE ACQUIRED
BY THE CITY OF DALLAS IN FEE SIMPLE
LOTS 28, 29, 30, 36, 37, & 38 OF BLOCK 5/642
OF KNOX ADDITION
PART OF THE JOHN GRIGSBY SURVEY, ABSTRACT NO. 495
CITY OF DALLAS, DALLAS COUNTY, TEXAS**

BEING a 42,750 square foot tract of land in the John Grigsby Survey, Abstract Number 495, in the City of Dallas, Dallas County, Texas and being all of Lots 28, 29, 30, 36, 37, and 38 of Knox Addition, an addition to the City of Dallas, as evidenced by plat recorded in Volume 277, Page 361 of the Deed Records of Dallas County, Texas conveyed to Access 1st Capital Bank as evidenced by Substitute Trustee's Deed recorded in Instrument Number 201000082838 of the Official Public Records of Dallas County, Texas and being more particularly described as follows:

BEGINNING a at a 3/8-inch iron rod (controlling monument) found for the west corner of Lot 28 of said Knox Addition, at the intersection of the southeast line of San Jacinto Street (50-foot right-of-way by said Knox Addition plat) and the northeast line of Apple Street (50-foot right-of-way by said Knox Addition plat);

THENCE North 44°04'37" East departing the northeast line of Apple Street along the common southeast line of San Jacinto Street and the northwest line of Lots 28, 29, and 30 of said Knox Addition a distance of 150.00 feet to a "X" cut in concrete set for the north corner of Lot 30 of said Knox Addition;

THENCE South 46°02'44" East departing the southeast line of San Jacinto Street along the northeast line of Lot 30 of said Knox Addition at a distance of 3.00 feet pass a 5/8-inch iron rod (controlling monument) found for the west corner of Lot 31L of Tuscan Villas Addition, an addition to the City of Dallas, as evidenced by plat recorded in Instrument Number 20090247820 of the Official Public Records of Dallas County, Texas, from which a 5/8-inch iron rod with plastic cap stamped "RPLS 5587" (controlling monument) found bears North 44°04'37" East a distance of 28.82 feet for the common north corner of Lot 31L and the west corner of Lot 31K of said Tuscan Villas Addition, in all a total distance of 150.00 feet to a 1/2-inch iron rod with plastic cap stamped "SHIELDS AND LEE" (controlling monument) found for the common east corner of Lot 30 of said Knox Addition and the south corner of Lot 31L of said Tuscan Villas Addition, from which a 5/8-inch iron rod with plastic cap stamped "RPLS 5587" (controlling monument) found bears North 44°04'37" East a distance of 28.82 feet for the common east corner of Lot 31L and the south corner of Lot 31G of said Tuscan Villas Addition, in the northwest line of Lot 44 of said Knox Addition;

THENCE South 44°04'37" West along the common southeast line of Lot 30 and the northwest line of Lot 44 of said Knox Addition a distance of 15.00 feet, from which a 1/2-inch iron rod found bears South 46°02'44" East a distance of 0.24 feet, for the common west corner of Lot 44 and the north corner of Lot 36 of said Knox Addition;

THENCE South 46°02'44" East along the common southwest lines of Lots 44, 43, and 42 and the northeast lines of Lots 36, 37, and 38 of said Knox Addition a distance of 150.00 feet, from which a 1/2-inch iron rod with plastic cap stamped "SHIELDS AND LEE" found bears South 46°02'44" East a distance of 0.30 feet, for the common east corner of Lot 38, the south corner of Lot 42, the west corner of Lot 41, and the north corner of Lot 39 of said Knox Addition;

THENCE South 44°04'37" West along the common southeast line of Lot 38 and the northwest line of Lot 39 of said Knox Addition a distance of 135.00 feet, from which a 1/2-inch iron rod with plastic cap stamped "SHIELDS AND LEE" found bears South 46°02'44" East a distance of 0.30 feet, for the common south corner of said Lot 38 and the west corner of Lot 39 of said Knox Addition and being in the northeast line of Apple Street;

THENCE North 46°02'44" West along the common northeast line of Apple Street and the southwest line of Lots 38, 37, 36, and 28 of said Knox Addition a distance of 300.00 feet to the POINT OF BEGINNING;

CONTAINING within the metes recited 42,750 square feet of land, more or less.

REVIEWED BY: *Post Hart*

123071

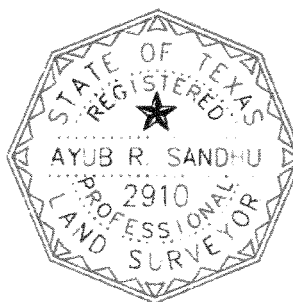
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CITY OF DALLAS, DALLAS COUNTY, TEXAS

Basis of Bearings: BEARINGS AND DISTANCES SHOWN HEREON ARE BASED ON NAD 83, TEXAS
STATE PLANE COORDINATE SYSTEM, NORTH CENTRAL ZONE (4202). DISTANCES SHOWN HAVE
BEEN MODIFIED TO SURFACE BY APPLYING A SCALE FACTOR OF 1.000136506 TO THE STATE
PLANE COORDINATES

A plat of even survey date herewith accompanies this description.

I, Ayub R. Sandhu, a Registered Professional Land Surveyor, hereby certify that the legal description
hereon and the accompanying plat represent an actual survey made on the ground under my supervision.

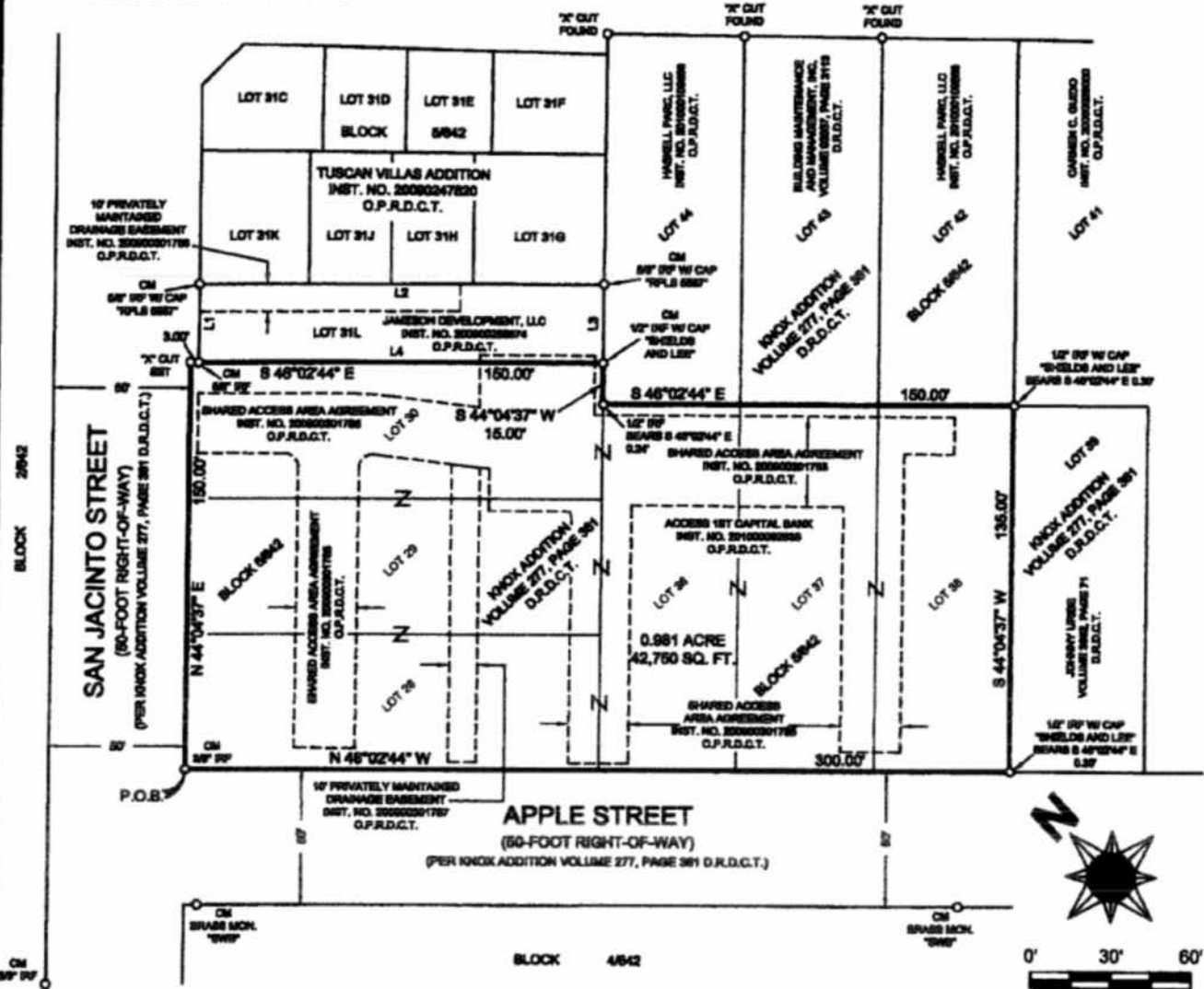
Ayub R. Sandhu 11-19-10
Ayub R. Sandhu, R.P.L.S.
Texas Registration No. 2910



REVIEWED BY: Scott Hall

JOHN GRIGSBY SURVEY
ABSTRACT NO. 495

HASKELL AVENUE



LINE	BEARING	DISTANCE
L1	N 44°04'37" E	28.82'
L2	S 46°02'44" E	147.00'
L3	S 44°04'37" W	28.82'
L4	N 46°02'44" W	147.00'

BEARING BASIS: BEARINGS AND DISTANCES SHOWN HEREON ARE BASED ON NAD 83, TEXAS STATE PLANE COORDINATE SYSTEM, NORTH CENTRAL ZONE (4202). DISTANCES SHOWN HAVE BEEN MODIFIED TO SURFACE BY APPLYING A SCALE FACTOR OF 1.000136506 TO THE STATE PLANE COORDINATES

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PART OF THE JOHN GRIGSBY SURVEY, A-495
CITY OF DALLAS, DALLAS COUNTY, TEXAS

REV. NOVEMBER 19, 2010

LEGEND

These standard symbols can be found in this drawing.

P.O.B. - POINT OF BEGINNING
CM - CONTROLLING MONUMENT

D.R.D.C.T. - DEED RECORDS DALLAS COUNTY, TEXAS

O.P.R.D.C.T. - OFFICIAL PUBLIC RECORDS DALLAS COUNTY, TEXAS



DRAWN BY:	J. WALDRIP	DATE:	OCTOBER 21, 2010
CHECKED BY:	R. WALDRIP	SCALE:	1 INCH = 60 FEET
JOB NUMBER:	301-07-002	SHEET:	3 OF 3

ARS Engineers, Inc.

5910 N. Central Expressway, Suite 1000
Dallas, Texas 75248
Phone: (214) 739-3152 Fax: (214) 739-3169

REVIEWED BY: *Dee Hest*

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 AccessBank Texas, a state-chartered bank, formerly known as Access 1st Capital Bank, (hereinafter called "Grantor" whether one or more natural persons or legal entities) of the County of Denton, State of Texas, for and in consideration of the sum of EIGHT HUNDRED FORTY THOUSAND FIVE HUNDRED AND NO/100 DOLLARS (\$840,500.00) 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 _____, _____.

AccessBank Texas,
 a state-chartered bank

By: _____
 Kevin L. Hodges,
 Senior Vice President/Chief Lending Officer

EXHIBIT B

* * * * *

STATE OF TEXAS
COUNTY OF DALLAS

This instrument was acknowledged before me on _____
by Kevin L. Hodges, Senior Vice President/Chief Lending Officer of AccessBank Texas,
a state-chartered bank, on behalf of said bank.

Notary Public, State of Texas

Approved As To Form:
THOMAS P. PERKINS, JR.,
City Attorney

By: _____ RD
Assistant City Attorney

* * * * *

After recording return to:
City of Dallas,
Trinity Watershed Management Department, Real Estate Division
1500 Marilla Street, Room 6B South
Dallas, Texas 75201
attn: Todd Wright

Warranty Deed Log No. TRC232

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REVIEWED BY: *Debt Host*

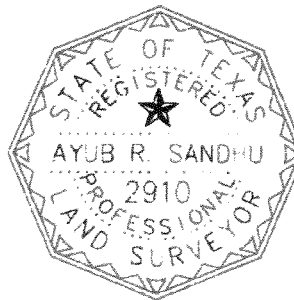
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Ayub R. Sandhu 11-19-10
Ayub R. Sandhu, R.P.L.S.
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REVIEWED BY: *Scott Holt*

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REV. NOVEMBER 19, 2010

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Dallas, Texas 75248
Phone: (214) 736-3152 Fax: (214) 736-3169

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EXECUTED this _____ day of _____, _____.

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By: _____
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a state-chartered bank, on behalf of said bank.

Notary Public, State of Texas

Approved As To Form:
THOMAS P. PERKINS, JR.,
City Attorney

By: _____ *RD*
Assistant City Attorney

* * * * *

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