

A RESOLUTION AUTHORIZING THE DEPOSIT OF A SPECIAL COMMISSIONERS' AWARD AND SETTLEMENT OF THE CONDEMNATION SUIT FOR THE AWARD

IN THIS RESOLUTION THE FOLLOWING DEFINITIONS SHALL APPLY:

CONDEMNATION SUIT: Cause No. 84249CC, in Kaufman County Court at Law, and styled City of Dallas v. Marilyn LaFern Briscoe, Individually and as executrix of the Estate of J. D. Briscoe, Kaufman County and Forney Independent School District, filed pursuant to City Council Resolution No. 08-2028.

PROPERTY: Approximately 14,637 square feet of land situated in the John Gregg Survey, Abstract 171, Kaufman County, Texas, as described in the Condemnation Suit.

PROJECT: Tawakoni Pipeline Project

OFFICIAL OFFER: \$8,736.00.

AWARD \$19,000.00.

CLOSING COSTS AND TITLE EXPENSES: Not to exceed \$3,500.00

AUTHORIZED AMOUNT: \$22,500.00.

DESIGNATED FUNDS: Water Utilities Capital Construction Funds No. 0102, Department DWU, Unit CW20, Object 4210, Activity RWPT, Program No. 704041, Encumbrance Nos. CTDWU704041BH for (\$10,500) and CTDWU704041IGN for (\$12,000).

WHEREAS, the Official Offer having been made and refused, the City Attorney filed the Condemnation Suit for the acquisition of the Property for the Project; and,

WHEREAS, the Special Commissioners appointed by the Court in the Condemnation Suit made an Award which the City Council wishes to deposit with the County Clerk of Kaufman County, Texas, so that the City may take possession of the Property; and,

WHEREAS, the City Council desires to authorize the City Attorney to settle the Condemnation Suit for an amount not to exceed the Award; **Now, Therefore,**

April 10, 2013**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DALLAS:**

Section 1. That the City Controller is hereby authorized and directed to issue a check, paid out of and charged to the Designated Funds, in the amount of the Award payable to the County Clerk of Kaufman County, Texas, to be deposited by the City Attorney with said County Clerk and in the amount of the Closing Costs and Title Expenses payable to the title company closing the transaction described herein. The Award, Closing Costs, and Title Expenses together shall not exceed the Authorized Amount.

Section 2. That the City Attorney is authorized to settle the Condemnation Suit for an amount not to exceed the Award.

Section 3. 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

APR 10 2013


CITY CLERK