

April 10, 2013

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 45,199 square feet of land located in Dallas County and being the same property more particularly described on the "Exhibit A", attached hereto and made a part hereof for all purposes.

"PROJECT": Southwest 120/96-inch Water Transmission Pipeline Project

"USE": The installation, use, and maintenance of a pipeline or lines for the transmission of treated water together with such appurtenant facilities as may be necessary.

"PROPERTY INTEREST": Fee Simple

"OWNER": Isidoro Lopez, 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": \$29,379

"CLOSING COSTS AND TITLE EXPENSES": Not to exceed \$2,400

"AUTHORIZED AMOUNT": \$31,779 (\$29,379, plus closing costs and title expenses not to exceed \$2,400)

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 Sustainable Development and Construction, 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, CLOSING COSTS AND TITLE EXPENSES payable out of Water Utilities Capital Improvement Funds, Fund No. 0115, Department DWU, Unit PW40, Activity MPSA, Program No. 706623, Object 4210, Encumbrance No. CT-DWU706623CPAX. The OFFER AMOUNT and the CLOSING COSTS AND TITLE EXPENSES 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.

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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

Brandi M. Youngkin
Assistant City Attorney

APPROVED BY
CITY COUNCIL

APR 10 2013

Lucas D. Price
City Secretary

EXHIBIT A

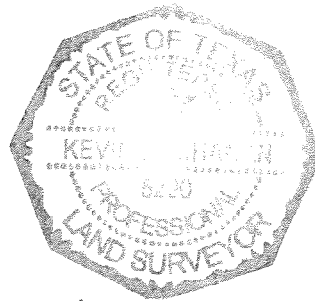
130638

**PARCEL E-303
FIELD NOTES DESCRIBING LOT 1, BLOCK K OF
PLEASANT FOREST ADDITION TO THE CITY OF BALCH SPRINGS
TO BE ACQUIRED FOR A 120 INCH WATER LINE**

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

BEING all of Lot 1, Block K of Pleasant Forest Addition, an addition to the City of Balch Springs, Dallas County, Texas, filed on July 16, 1954 according to the map or plat thereof recorded in Volume 23, Page 41 of the Map Records, Dallas County, Texas, also being in the William J. Snow Survey, Abstract Number 1348, and being all of that parcel of land conveyed to Isidoro Lopez by Warranty Deed with Vendor's Lien dated March 6, 2000 from Ben E. George as recorded in Volume 2000052, Page 3098 of the Deed Records of Dallas County, Texas.

KB 12/7/9
Updated 10/12/10
5330 E-303

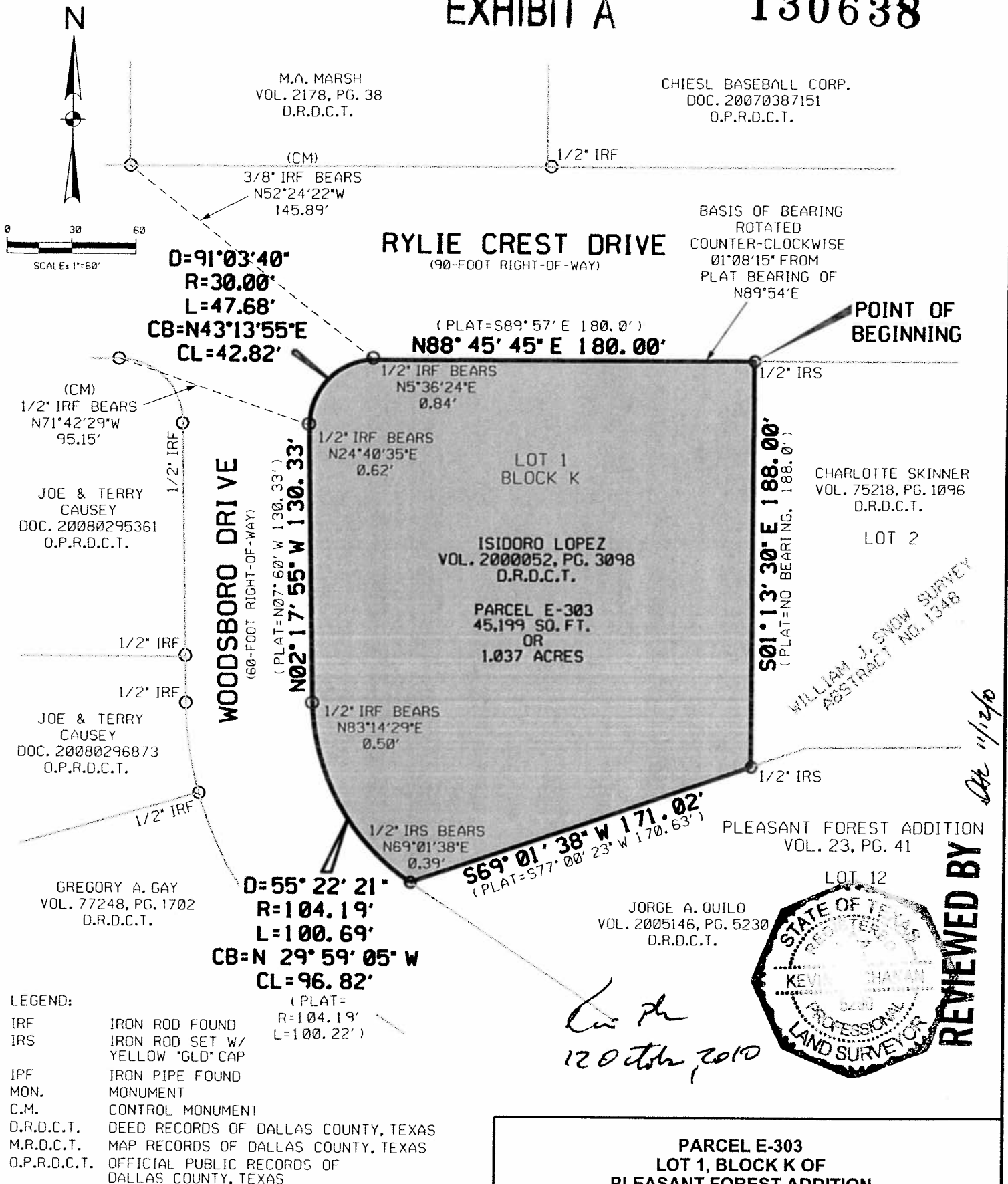


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12 October 2010

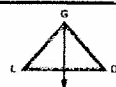
REVIEWED BY *dlc* 11/2/10

EXHIBIT A

130638



PARCEL E-303
LOT 1, BLOCK K OF
PLEASANT FOREST ADDITION
TO THE CITY BALCH SPRINGS, TEXAS
TO BE ACQUIRED FOR A 120-INCH WATER LINE



Garcia Land Data, Inc.

T 214-987-0149 6219 Campbell Rd., Ste. 110
F 214-987-4026 Dallas, TX 75248-1388

DATE: 10/12/10

PROJ: 5330

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