

**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 45,835 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": Mark C. Jacobs and Leslie D. Jacobs, 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": \$70,662

"CLOSING COSTS AND TITLE EXPENSES": Not to exceed \$2,518

"AUTHORIZED AMOUNT": \$73,180 (\$70,662, plus closing costs and title expenses not to exceed \$2,518)

**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.

April 10, 2013

**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-DWU706623CPAD. 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.

April 10, 2013

**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.

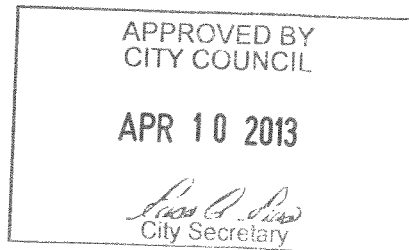
**SECTION 11.** That this resolution shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so resolved.

**APPROVED AS TO FORM:**

**THOMAS P. PERKINS, JR., City Attorney**

BY

Brandi M. Burge  
Assistant City Attorney



## EXHIBIT A

PARCEL E-130  
 CITY OF DALLAS RIGHT-OF-WAY  
 1.052 ACRE TRACT  
 ULRICH WUTHRICH SURVEY, ABSTRACT NUMBER 1518,  
 CITY OF HUTCHINS, DALLAS COUNTY, TEXAS

BEING a tract of land situated in the Ulrich Wuthrich Survey, Abstract No. 1518, City of Hutchins, Dallas County, Texas, and being part of that tract of land described in Warranty Deed to Mark C. Jacobs and Leslie D. Jacobs as recorded in Volume 2001250, Page 01546 of the Deed Records of Dallas County, Texas (D.R.D.C.T.), and being more particularly described as follows:

BEGINNING at a found concrete monument at the most southerly southwest corner of said Jacobs tract, said point also being the intersection of the of the northwesterly right-of-way line of Langdon Road (a variable width right-of-way) with the easterly right-of-way line of U.S. Highway 310 (a variable width right-of-way);

THENCE North 70 degrees 00 minutes 38 seconds West, along the common southwest line of said Jacobs tract and said easterly right-of-way line, a distance of 66.74 feet to a found broken concrete monument for the most westerly southwest corner of said Jacobs tract;

THENCE North 18 degrees 04 minutes 55 seconds West, along the common west line of said Jacobs tract and said easterly right-of-way line, a distance of 100.72 feet to a 1/2-inch set iron rod with yellow plastic cap stamped "HALFF" (hereinafter referred to as "with cap") for corner;

THENCE North 59 degrees 05 minutes 28 seconds East, departing said common line, over and across said Jacobs tract, a distance of 164.13 feet to a 1/2-inch set iron rod with cap for corner;

THENCE North 65 degrees 35 minutes 27 seconds East, continuing over and across said Jacobs tract, a distance of 136.12 feet to a 1/2-inch set iron rod with cap for corner in the common northeast line of said Jacobs tract and the southwest line of that tract of land described in deed to Texas Power & Light Company (now known as TXU Electric Delivery Company) as recorded in Volume 2258, Page 199, D.R.D.C.T.;

THENCE South 24 degrees 38 minutes 18 seconds East, along said common line, a distance of 150.49 feet to a bent 1/2-inch found iron rod for the southeast corner of said Jacobs tract in the aforementioned northwesterly right-of-way line of Langdon Road;

THENCE along the common southeast line of said Jacobs tract and said northwesterly right-of-way line of Langdon Road through the following courses and distances:

South 59 degrees 05 minutes 28 seconds West, departing said common line between said Jacobs tract and said TXU Electric Delivery tract, a distance of 119.24 feet to a 1/2-inch found iron rod with cap stamped "RPLS 4773" for corner;

**PARCEL E-130**  
**CITY OF DALLAS RIGHT-OF-WAY**  
**1.052 ACRE TRACT**  
**ULRICH WUTHRICH SURVEY, ABSTRACT NUMBER 1518,**  
**CITY OF HUTCHINS, DALLAS COUNTY, TEXAS**

North 30 degrees 45 minutes 29 seconds West a distance of 15.00 feet to a 1/2-inch found iron rod with cap stamped "RPLS 4773" for corner;

South 59 degrees 05 minutes 28 seconds West, a distance of 144.00 feet to the POINT OF BEGINNING AND CONTAINING 45,835 square feet or 1.052 acres of land, more or less.

The Basis of Bearing is the North American Datum of 1983, Texas State Plane Coordinate System, North Central Zone 4202. All distances are surface distances. Surface Adjustment Scale Factor: 1.0001365060.



11/15/09  
JAJ

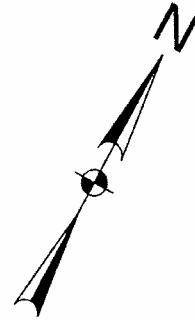
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# ULRICH WUTHRICH SURVEY, EXHIBIT A

## ABSTRACT NO. 1518

0 50 100 150 200  
SCALE: 1"=100'

INTERSTATE HIGHWAY - 20  
(VARIABLE WIDTH RIGHT-OF-WAY)



UNION PACIFIC RAILROAD  
(200' WIDE RIGHT OF WAY  
VOL. 268, PG. 5)

MILLERS FERRY ROAD  
(ROADWAY BY USAGE)

01/5/11

NO. 1518

U.S. HIGHWAY - 310  
(VARIABLE WIDTH RIGHT-OF-WAY)

MARK C. JACOBS AND  
LESLIE D. JACOBS  
(VOL. 2001250, PG. 01546)

TEXAS POWER & LIGHT COMPANY  
(NOW KNOWN AS TXU ELECTRIC  
DELIVERY COMPANY)  
(VOL. 2258, PG. 199)

N65°35'27"E  
136.12'

N59°05'28"E  
164.13'

PARCEL E-130  
45,835 SQ. FT.

OR  
1.052 ACRES

1/2" FIR  
W/CAP  
"RPLS 4773"  
(C.M.)

1/2" FIR  
(BENT)

S24°38'18"E  
150.49'

FND.  
CONC. MON.  
(BROKEN)

FND.  
CONC. MON.  
(C.M.)

N70°00'38"W  
66.74'

S59°05'28"W  
144.00'

N30°45'29"W  
15.00'

S59°05'28"W  
119.24'

POINT OF  
BEGINNING

LANGDON ROAD  
(VARIABLE WIDTH RIGHT-OF-WAY)

(Basis of Bearing  
rotated counterclockwise  
00°35'05" from deed  
bearing of S58°30'23"W)

ULRICH WUTHRICH  
SURVEY,  
ABSTRACT NO. 1518



### LEGEND

1/2" SIR	1/2-INCH SET IRON ROD WITH YELLOW
W/CAP	PLASTIC CAP STAMPED 'HALFF'
(C.M.)	CONTROL MONUMENT
FIR	FOUND IRON ROD
MON.	MONUMENT

### NOTES:

1. The Basis of Bearing is the North American Datum of 1983, Texas State Plane Coordinate System, North Central Zone 4202. All distances are surface distances. Surface Adjustment Scale Factor: 1.0001365060.
2. Metes and Bounds description of tract shown hereon was prepared of even date.

PARCEL E-130  
CITY OF DALLAS RIGHT-OF-WAY  
1.052 ACRE TRACT

ULRICH WUTHRICH SURVEY, ABSTRACT NUMBER 1518  
CITY OF HUTCHINS, DALLAS COUNTY, TEXAS



1201 N. BOWSER ROAD DALLAS, TEXAS 75081  
TELE. (214)346-6200 FAX (214)739-0095

DATE: NOVEMBER, 2009

AVO.: 25143

PAGE 3 OF 3