

**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 122,789 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": Matthew Millard, 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": \$70,470

"CLOSING COSTS AND TITLE EXPENSES": Not to exceed \$1,974

"AUTHORIZED AMOUNT": \$72,444 (\$70,470, plus closing costs and title expenses not to exceed \$1,974)

**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. 2115, Department DWU, Unit PW40, Activity RWPT, Program No. 706623, Object 4210, Encumbrance No. CT-DWU706623CPV. 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. Yurgin  
**Assistant City Attorney**

APPROVED BY  
CITY COUNCIL

APR 10 2013

Lucas C. Pineda  
City Secretary

## EXHIBIT A

**PARCEL E-95**  
**CITY OF DALLAS RIGHT-OF-WAY**  
**2.819 ACRE TRACT**  
**CITY OF DALLAS BLOCK NO. 8790,**  
**SOLOMON DIXON SURVEY, ABSTRACT NUMBER 407,**  
**CITY OF DALLAS, DALLAS COUNTY, TEXAS**

BEING a tract of land situated in the Solomon Dixon Survey, Abstract No. 407, City of Dallas, Dallas County, Texas and in Official City of Dallas Block Number 8790, and a part of that tract of land described in Warranty Deed to Matthew Millard as recorded in County Clerk's Document Number 200503553505 of the Official Public Records of Dallas County, Texas, and being more particularly described as follows:

COMMENCING at a 5/8-inch found iron rod for the northwest corner of Lot 25, Block D/8790 of Alexander Heights Addition, an addition to Dallas County, Texas, as recorded in Volume 23, Page 73, of the Deed Records of Dallas County, Texas (D.R.D.C.T.), said point being on the east right-of-way line of Sewell Circle (a 60 foot wide right-of-way as dedicated by said Alexander Heights Addition plat) and on the south line of said Millard tract;

THENCE North 89 degrees 29 minutes 55 seconds East, along the common south line of said Millard tract and north line of said Alexander Heights Addition, a distance of 32.74 feet to a 1/2-inch set iron rod with yellow plastic cap stamped "HALFF" (hereinafter referred to as "with cap") for the POINT OF BEGINNING;

THENCE North 60 degrees 33 minutes 31 seconds East, departing said common line and over and across said Millard tract, a distance of 309.99 feet to a 1/2-inch set iron rod with cap for corner;

THENCE North 89 degrees 29 minutes 55 seconds East, continuing over and across said Millard tract, along a line offset 150 feet northerly of and parallel to said common line between said Millard tract and said Alexander Heights Addition, a distance of 582.82 feet to a 1/2-inch set iron rod with cap for corner on the common easterly line of said Millard tract and the southwesterly right-of-way line of the Union Pacific Railroad, formerly Texas & New Orleans Railroad (a 100 foot wide right-of-way) same being part of that tract of land labeled "No. 6" on the Railroad Valuation Map titled "Southern Pacific Transportation Company, Right-of-Way and Track Map, Athens Branch, Dallas County, Texas, from Station 14,459+30 to Station 14,670+50," Sheet Number T.&N.O. V-4/39, with title to said tract No. 6 vested in Union Pacific Railroad Company per the Corrected Certificate of Merger recorded in Volume 98066, Page 04909, D.R.D.C.T.; *T.D.K.*

REVIEWED BY *AK 6-2-09*

## EXHIBIT A

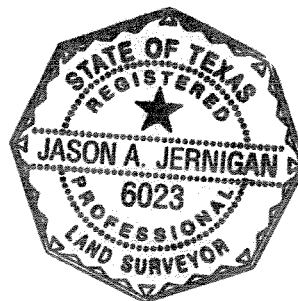
PARCEL E-95  
CITY OF DALLAS RIGHT-OF-WAY  
2.819 ACRE TRACT  
CITY OF DALLAS BLOCK NO. 8790,  
SOLOMON DIXON SURVEY, ABSTRACT NUMBER 407,  
CITY OF DALLAS, DALLAS COUNTY, TEXAS

THENCE South 53 degrees 40 minutes 05 seconds East, departing said parallel offset line and along said common line, a distance of 250.21 feet to a 1/2-inch set iron rod for the common southeast corner of said Millard tract and the most northerly northeast corner of said Alexander Heights Addition;

THENCE South 89 degrees 29 minutes 55 seconds West, departing the last described common line and along the aforementioned common line between said Millard tract and said Alexander Heights Addition, a distance of 1,054.36 feet to the POINT OF BEGINNING AND CONTAINING 122,789 square feet or 2.819 acres of land, more or less. *T.D.K.*

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.

*RECEIVED  
01 MAY  
2009*



REVIEWED BY *OK 6-2-09*

SOLOMON DIXON SURVEY,  
ABSTRACT NO. 407

EXHIBIT A

130640

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

BLOCK 8790

(OWNER)  
MATTHEW MILLARD  
(CC# 200503553505)

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

APPROX. LOCATION OF DALLAS  
POWER & LIGHT CO. EASEMENT  
(VOL. 67084, PG. 0106)  
(VOL. 84025, PG. 2224)

N89°29'55"E  
32.74'

5/8" FIR  
(C.M.)

POINT OF  
COMMENCING

SEWELL CIRCLE  
(60' ROW)  
(VOL. 23, PG. 73)

POINT OF  
BEGINNING

N60°33'31"E  
309.99'

1/2" SIR  
W/CAP

S89°29'55"W  
10' UTILITY EASEMENT  
(VOL. 23, PG. 73)

LOT 25

LOT 24

LOT 23

LOT 22

LOT 21

LOT 20

LOT 19

ALEXANDER HEIGHTS ADDITION  
(VOL. 23, PG. 73)

HAZELCREST DRIVE  
(60' ROW)  
(VOL. 23, PG. 73)

N89°29'55"E

582.82'

PARCEL E-95  
122,789 SQ. FT.  
OR  
2.819 ACRES

(Basis of Bearing rotated  
counter clockwise 00°30'05"  
from deed bearing of due West)

5/8" FIR  
Bears=N12°47'11"W

5/8" FIR

1/2" SIR  
W/CAP

1" FIR  
(C.M.)

150'

1,054.36'

MATCH LINE (SEE PAGE OF 4 OF 4)

LEGEND

1/2" SIR 1/2-INCH SET IRON ROD WITH YELLOW  
W/CAP PLASTIC CAP STAMPED "HALFF"  
(C.M.) CONTROL MONUMENT  
FIP FOUND IRON PIPE  
CC# COUNTY CLERK'S DOCUMENT NUMBER

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-95  
CITY OF DALLAS RIGHT-OF-WAY  
2.819 ACRE TRACT  
CITY OF DALLAS BLOCK NO. 8790,  
SOLOMON DIXON SURVEY, ABSTRACT NUMBER 407,  
CITY OF DALLAS, DALLAS COUNTY, TEXAS



HALFF

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

DATE: APRIL, 2009

AVO.: 25143

PAGE 3 OF 4

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# SOLOMON DIXON SURVEY, ABSTRACT NO. 407 EXHIBIT A

130040

N



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

**UNION PACIFIC RAILROAD**  
(FORMERLY TEXAS & NEW ORLEANS RAILROAD)  
(100' ROW)

BLOCK 8790

(OWNER)  
MATTHEW MILLARD  
(CC# 200503553505)

N89°29'55"E

582.82'

PARCEL E-95  
122,789 SQ. FT.  
OR  
2.819 ACRES

1/2" FIR  
Bears=N00°04'07"W  
0.72'

1/2" SIR  
W/CAP

1/2" FIR  
Bears=N73°52'04"W  
1.22'

S53°40'05"E  
250.21'

1/2" FIR W/CAP  
"RPLS 5693"  
Bears=N62°47'36"W  
1.03'

1/2" SIR  
W/CAP

S89°29'55"W

1,054.36'

1/2" FIR  
(C.M.)

BLOCK 8790/D  
LOT 18 LOT 17 LOT 16 LOT 15  
ALEXANDER HEIGHTS ADDITION  
(VOL. 23, PG. 73)

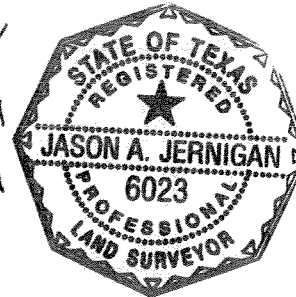
LOT 14

LOT 13

LOT 12

HAZELCREST DRIVE  
(60' ROW)  
(VOL. 23, PG. 73)

*Handwritten signature and date: 01 MAY 2009*



MATCH LINE (SEE PAGE OF 3 OF 4)

## LEGEND

1/2" SIR 1/2-INCH SET IRON ROD WITH YELLOW  
W/CAP PLASTIC CAP STAMPED "HALFF"  
(C.M.) CONTROL MONUMENT  
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2.819 ACRE TRACT  
CITY OF DALLAS BLOCK NO. 8790,  
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CITY OF DALLAS, DALLAS COUNTY, TEXAS



**HALFF**

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REVIEWED BY *DK* 6-2-09