

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 61,512 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": Eung Pyo Choi, Heung Soon Choi, and Heung Soo Lim, 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": \$35,511

"CLOSING COSTS AND TITLE EXPENSES": Not to exceed \$2,200

"AUTHORIZED AMOUNT": \$37,711 (\$35,511, plus closing costs and title expenses not to exceed \$2,200)

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-DWU706623CPAY. 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.

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

David A. Davis
City Secretary

EXHIBIT A

**PARCEL E-264
CITY OF DALLAS RIGHT-OF-WAY
1.412 ACRE TRACT
CITY OF DALLAS BLOCK NO. 8837,
ROBERT KLEBERG SURVEY, ABSTRACT NUMBER 716
CITY OF DALLAS, DALLAS COUNTY, TEXAS**

BEING a tract of land situated in the Robert Kleberg Survey, Abstract Number 716, Official City of Dallas Block Number 8837, City of Dallas, Dallas County, Texas, and being a part of that tract of land described as Tract 1 and Tract 2 in Warranty Deed, Assumption with Jr. Lein to Eung Pyo Choi and wife, Heung Soon Choi, and John H. Lim and wife, Heung Soo Lim (hereinafter referred to as Choi tract) as recorded in Volume 84139, Page 1599 of the Deed Records of Dallas County, Texas (D.R.D.C.T.), and being more particularly described as follows:

BEGINNING at a 1-inch found iron pipe in the southwesterly right-of-way line of Lasater Road (a variable width right-of-way at this point), being the north corner of said Choi tract, said point also being in the southeast line of a tract of land described in deed to Joseph A Edwards and wife, Marceline E. Edwards as recorded in Volume 71218, Page 2587, D.R.D.C.T.;

THENCE South 44 degrees 56 minutes 28 seconds East, along the common northeasterly line of said Choi tract and said southwesterly right-of-way line, a distance of 410.00 feet to a point for corner from which a 3/8-inch found iron rod bears North 31 degrees 48 minutes 00 seconds West, a distance of 1.78 feet, said point also being the common east corner of said Choi tract and the north corner of a tract of land described in deed to S.M. Johnson as recorded in Volume 99183, Page 01655, D.R.D.C.T.;

THENCE South 44 degrees 56 minutes 40 seconds West, departing said southwesterly right-of-way line and along the common southeast line of said Choi tract and northwest line of said Johnson tract, a distance of 150.03 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 44 degrees 56 minutes 28 seconds West, departing said common line, over and across said Choi tract, a distance of 410.00 feet to a 1/2-inch set iron rod with cap for corner in the common northwest line of said Choi tract and southeast line of said Edwards tract;

THENCE North 44 degrees 56 minutes 40 seconds East, along said common line, a distance of 150.03 feet to the POINT OF BEGINNING AND CONTAINING 61,512 square feet or 1.412 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.



A. J. Staffer
OCT. 07, 2010

REVIEWED BY [Signature] 10/7/10

EXHIBIT A ROBERT KLEBERG SURVEY, ABSTRACT NO. 716

N

FND. CONC. MON.
Bears=S85°59'49"E
0.62'

POINT OF BEGINNING

(OWNER)
JOSEPH A. EDWARDS AND WIFE,
MARCELINE E. EDWARDS
(VOL. 71218, PG. 2587)

1/2" SIR
W/CAP

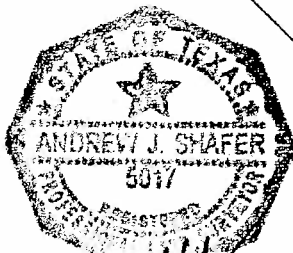
1" FIP
(C.M.)

LASATER ROAD
(A VARIABLE WIDTH RIGHT-OF-WAY)
APPROX. SURVEY LINE

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

BLOCK 8837

TRACTS 1 & 2
EUNG PYO CHOI AND WIFE,
HEUNG SOON CHOI
JOHN H. LIM AND WIFE, HEUNG
SOO LIM
(VOL. 84139, PG. 1599)



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
FIR	FOUND IRON ROD

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-264
CITY OF DALLAS RIGHT-OF-WAY
1.412 ACRE TRACT
CITY OF DALLAS BLOCK NO. 8837,
ROBERT KLEBERG SURVEY, ABSTRACT NUMBER 716,
CITY OF MESQUITE, DALLAS COUNTY, TEXAS



HALFF

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

DATE: OCT., 2010

AVO.: 25143

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