

**WHEREAS**, the City of Dallas is the owner of a tract of land containing approximately 10,573 square feet of land in Abstract No. 511, Blocks 7216 and 7217, Dallas County, Texas, (the "Property"), and located near the intersection of Interstate Highway 30 and Westmoreland Road, which is no longer needed for municipal use; and

**WHEREAS**, the Texas Department of Transportation (TXDOT), a State of Texas Agency, has requested that the City convey the Property to the State of Texas for less than fair market value, for the construction and maintenance of a highway ramp for Interstate Highway 30; and

**WHEREAS**, the City may sell or donate its property to a governmental entity for less than fair market value, without complying with the notice and bidding requirements for the sale of public lands provided for in Chapter 272, Section 272.001 of the Texas Local Government Code; and

**WHEREAS**, certain provisions of Section 2-24 of the Dallas City Code do not apply to the sale of land by the City of Dallas to other governmental entities as contemplated and authorized herein; **Now Therefore**,

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DALLAS:**

**SECTION 1.** That the City Manager or designee is authorized to execute a Deed to be attested by the City Secretary upon approval as to form by the City Attorney conveying approximately 10,573 square feet of land in Abstract No. 511, Blocks 7216 and 7217, Dallas County, Texas and located near the intersection of Interstate Highway 30 and Westmoreland Road.

**SECTION 2.** That the Deed shall provide that the conveyance to the State of Texas ("**GRANTEE**") is subject to the following:

- (a) a condition subsequent with right of reentry in favor of the City of Dallas requiring that the Property be used only for public state highway and related purposes and providing for the reversion of title to the Property to the City of Dallas upon its exercise thereof; and
- (b) reservation by the City of Dallas of all oil, gas and other minerals in and under the Property with a waiver of surface access rights relating to said minerals; and

April 10, 2013

- (c) any visible and apparent easements and any encroachments whether of record or not; and
- (d) any and all covenants, conditions, reservations, restrictions, exceptions, easements, rights-of-way, mineral interests, mineral leases or other instruments of record and applicable to the Property or any part thereof; and
- (e) to the maximum extent allowed by law, (i) **GRANTEE** is taking the Property "AS IS"; (ii) **GRANTEE** acknowledges that it is not relying on any representation, statement, or other assertion by **GRANTOR** with respect to the property condition, but is relying on its own examination of the Property, and (iii) **GRANTEE** takes the Property with the express understanding and stipulation that, with the exception of a limited warranty of title, there are no express or implied warranties as to the Property; and
- (f) customary regulated and limited access rights from **GRANTOR's** remaining abutting properties, if any, to the highway facilities contemplated; and
- (g) such other terms and requirements of the sale and/or disclaimers as the City deems necessary, convenient or appropriate.

**SECTION 4.** That if a title policy is desired by **GRANTEE**, same shall be at the expense of said **GRANTEE**.

**SECTION 5.** That the procedures required by Section 2-24 of the Dallas City Code that are not required by state law concerning the sale of unneeded real property are waived with respect to this tract of land.

**SECTION 6.** 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 Secretary

## EXHIBIT A

10,573 SQ.FT. (0.243 ACRE) RIGHT-OF-WAY DEDICATION  
FOR INTERSTATE HIGHWAY 30  
SITUATED IN BLOCKS 7216 & BLOCK 7217  
THACKERY GRIFFIN SURVEY, ABSTRACT NO. 511  
CITY OF DALLAS, DALLAS COUNTY, TEXAS  
TO BE ACQUIRED FROM SLF III - THE CANYON IN OAK CLIFF, L.P.

**BEING** a 10,573 square foot tract of land situated in the Thackery Griffin Survey, Abstract No. 511, City of Dallas, Dallas County, Texas, City of Dallas Blocks 7216 and 7217 and being part of a tract of land described in Special Warranty Deed to SLF III/Incap L.P. recorded in Instrument No. 20080313895, Official Public Records of Dallas County, Texas and being more particularly described as follows:

**BEGINNING** at an aluminum disk stamped "TxDOT 3686" found at northernmost end of a right-of-way corner clip at the intersection of the south right-of-way line of Interstate Highway No. 30 (a variable width right-of-way) and the west right-of-way line of Westmoreland Road (a variable width right-of-way);

**THENCE** with said right-of-way corner clip, South 68°12'51" East, a distance of 124.73 feet to a 5/8" iron rod with "KHA" cap set for corner;

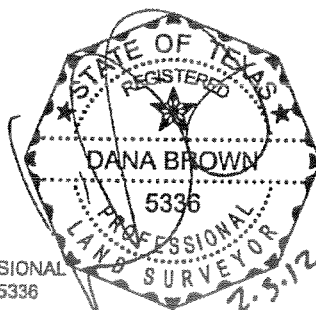
**THENCE** departing said existing west right-of-way line and with the proposed south right-of-way line of Interstate Highway No. 30, the following courses and distances:

In a northwesterly direction, with said curve to the left, an arc distance of 67.50 feet to a 5/8" iron rod with "KHA" cap set at the end of said curve;  
North 70°43'00" West, a distance of 27.66 feet to a 5/8" iron rod with "KHA" cap set for corner;  
North 84°37'23" West, a distance of 96.04 feet to a 5/8" iron rod with "KHA" cap set for corner;  
South 89°21'38" West, a distance of 40.21 feet to a 5/8" iron rod with "KHA" cap set for corner;  
North 87°44'47" West, a distance of 397.42 feet to a 5/8" iron rod with "KHA" cap set for corner;  
South 89°56'26" West, a distance of 452.52 feet to a 5/8" iron rod with "KHA" cap set for corner;  
North 88°58'00" West, a distance of 635.63 feet to a 5/8" iron rod with "KHA" cap set for corner;  
North 88°41'38" West, a distance of 209.74 feet to a 5/8" iron rod with "KHA" cap found for corner at the intersection of the east line of the G.C. & S.F. Railroad (a variable width right-of-way, Volume 1662, Page 103, Deed Records of Dallas County, Texas) and the existing south right-of-way line of Interstate Highway No. 30 (a variable width right-of-way);

**THENCE** with said existing south right-of-way line of Interstate Highway No. 30, the following courses and distances:

South 88°58'00" East, a distance of 845.36 feet to an aluminum disk stamped "TxDot 3686" found for corner;  
North 89°42'03" East, a distance of 962.83 feet to the **POINT OF BEGINNING** and containing 0.243 acres or 10,573 square feet of land.

Bearing system of this survey is based on a bearing of North 0°37'02" West for the west line of Westmoreland Road according to Special Warranty Deed to SLF III/Incap L.P., recorded in Instrument No. 20080313895, Official Public Records of Dallas County, Texas.



DANA BROWN  
REGISTERED PROFESSIONAL  
LAND SURVEYOR NO. 5336



FIELD NOTES APPROVED:

*DH 2/21/12*



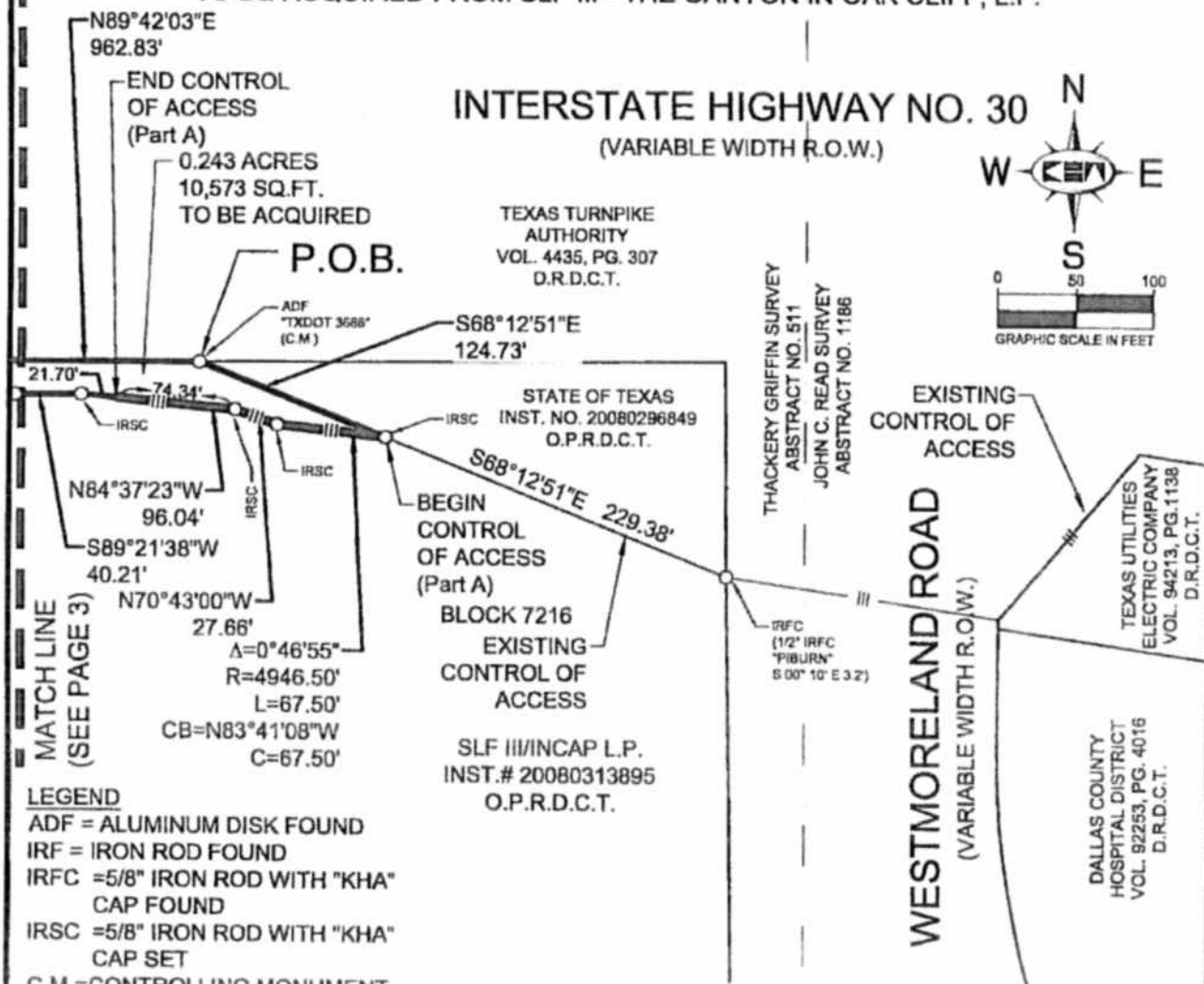
**Kimley-Horn  
and Associates, Inc.**

12700 Park Central Drive, Suite 1800  
Dallas, Texas 75261

Tel. No. (972) 770-1300  
Fax No. (972) 239-3820

Scale	Drawn by	Checked by	Date	Project No.	Sheet No.
N/A	SRD	DAB	JAN. 2012	084410504	1 OF 7

10,573 SQ.FT. (0.243 ACRE) RIGHT-OF-WAY DEDICATION  
FOR INTERSTATE HIGHWAY 30  
SITUATED IN BLOCKS 7216 & BLOCK 7217  
THACKERY GRIFFIN SURVEY, ABSTRACT NO. 511  
CITY OF DALLAS, DALLAS COUNTY, TEXAS  
TO BE ACQUIRED FROM SLF III - THE CANYON IN OAK CLIFF, L.P.



#### LEGEND

ADF = ALUMINUM DISK FOUND  
IRF = IRON ROD FOUND  
IRFC = 5/8" IRON ROD WITH "KHA" CAP FOUND  
IRSC = 5/8" IRON ROD WITH "KHA" CAP SET  
C.M. = CONTROLLING MONUMENT  
P.O.B. = POINT OF BEGINNING  
D.R.D.C.T. = DEED RECORDS OF DALLAS COUNTY, TEXAS  
O.P.R.D.C.T. = OFFICIAL PUBLIC RECORDS OF DALLAS COUNTY, TEXAS  
R.O.W. = RIGHT-OF-WAY

#### NOTES

Bearing system of this survey is based on a bearing of North 0°37'02" West for the west line of Westmoreland Road according to Special Warranty Deed to SLF III/Incap L.P., recorded in Instrument No. 20080313895, Official Public Records of Dallas County, Texas.



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FIELD NOTES APPROVED:

*[Signature]* 2/21/12



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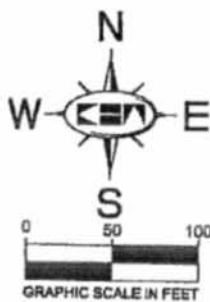
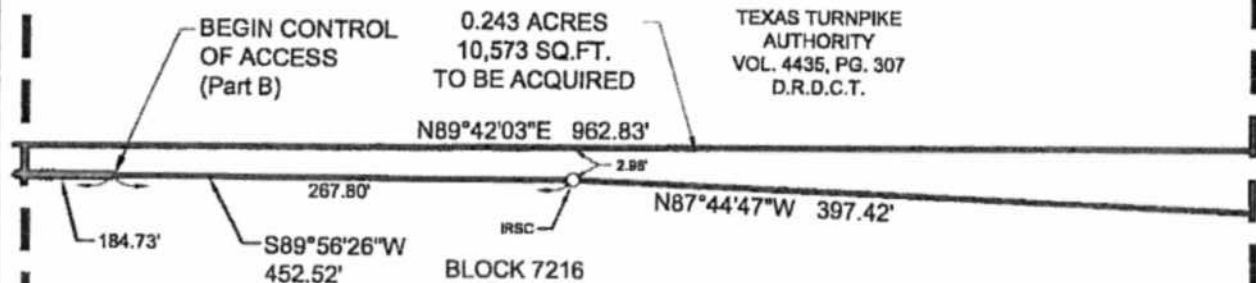
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MATCH LINE  
(SEE PAGE 4)

MATCH LINE  
(SEE PAGE 2)

# INTERSTATE HIGHWAY NO. 30 (VARIABLE WIDTH R.O.W.)



**NOTE**  
VERTICAL SCALE OF THIS  
SHEET IS EXAGGERATED FOR  
CLARITY.

## **NOTES**

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*[Signature]* 2/21/12



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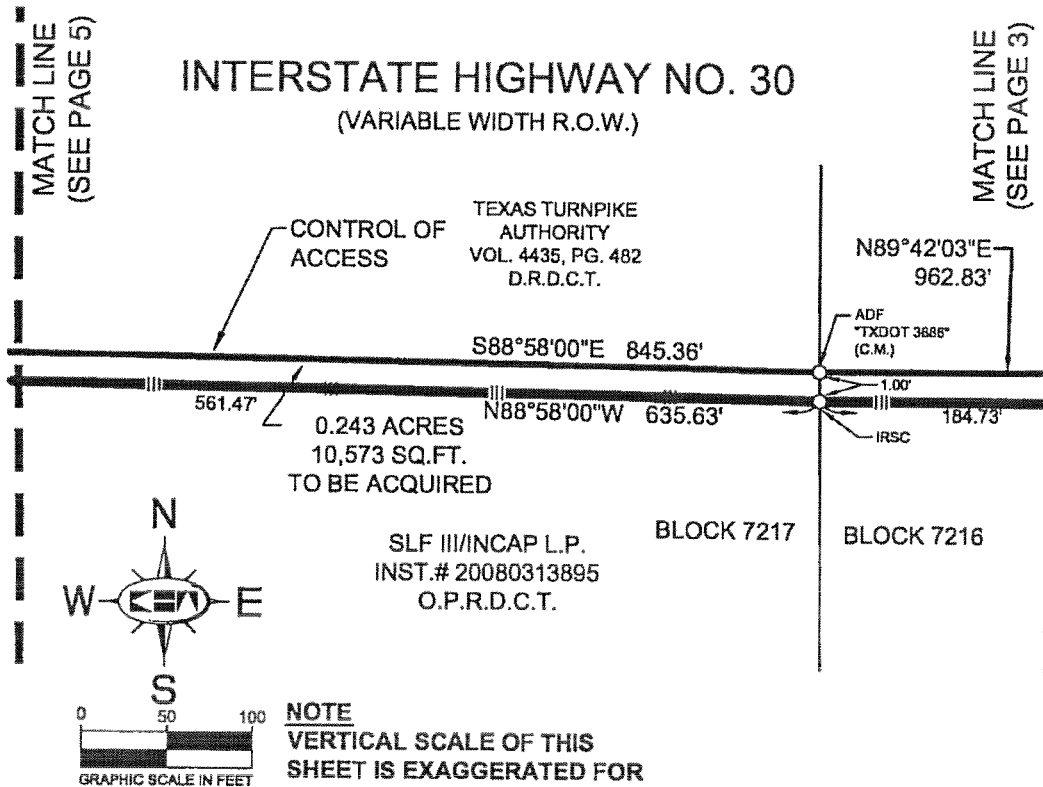
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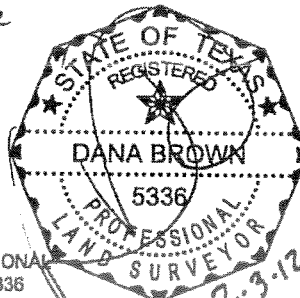
#### NOTES

Bearing system of this survey is based on a bearing of North 0°37'02" West for the west line of Westmoreland Road according to Special Warranty Deed to SLF III/Incap L.P., recorded in Instrument No. 20080313895, Official Public Records of Dallas County, Texas.



FIELD NOTES APPROVED:

*DAB 2/21/12*



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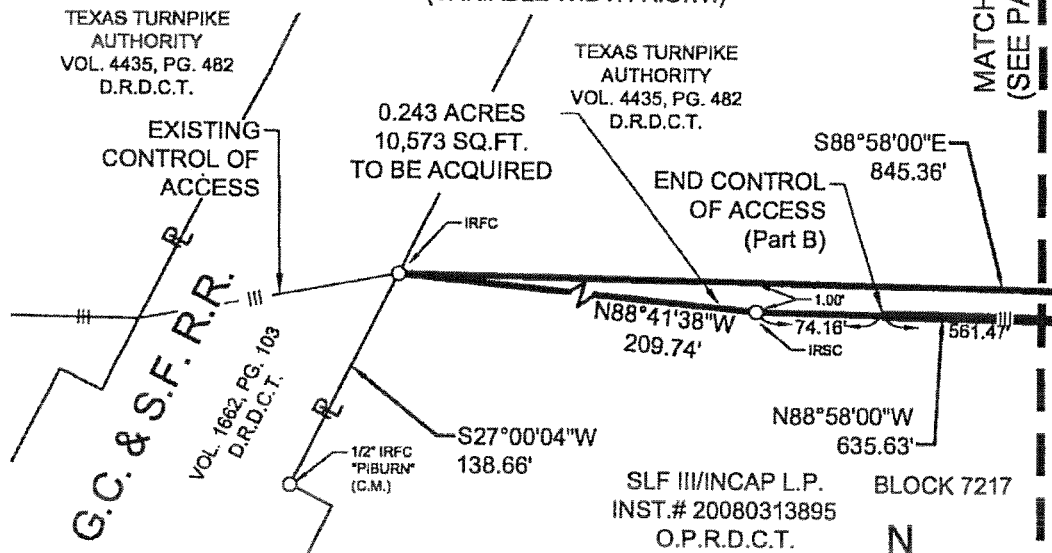
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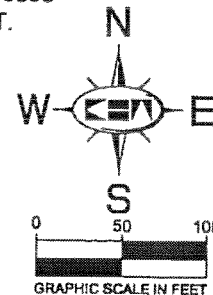
## INTERSTATE HIGHWAY NO. 30

(VARIABLE WIDTH R.O.W.)



MATCH LINE  
(SEE PAGE 4)

**NOTE**  
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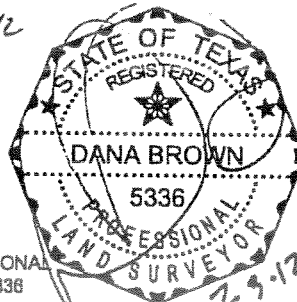
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FIELD NOTES APPROVED:

*for 2/21/12*



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**CONTROL OF ACCESS DESCRIPTION**

**PART A**

**BEING** 169.51 linear feet along the south line of a 10,573 square foot tract of land situated in the Thackery Griffin Survey, Abstract No. 511, City of Dallas, Dallas County, Texas, City of Dallas Blocks 7216 and 7217 and being part of a tract of land described in Special Warranty Deed to SLF III/Incap L.P. recorded in Instrument No. 20080313895, Official Public Records of Dallas County, Texas and being more particularly described as follows:

**COMMENCING** at an aluminum disk stamped "TxDOT 3686" found at northernmost end of a right-of-way corner clip at the intersection of the south right-of-way line of Interstate Highway No. 30 (a variable width right-of-way) and the west right-of-way line of Westmoreland Road (a variable width right-of-way);

**THENCE** with said right-of-way corner clip, South 68°12'51" East, a distance of 124.73 feet to a 5/8" iron rod with "KHA" cap set for the **POINT OF BEGINNING** of the control of access line (**Part A**); said point being the beginning of a non-tangent curve to the left having a central angle of 00°46'55", a radius of 4946.50 feet, a chord bearing and distance of North 83°41'08" West, 67.50 feet;

**THENCE** departing said existing west right-of-way line and with the new south right-of-way line of Interstate Highway No. 30, the following three (3) courses and distances:

In a northwesterly direction, with said curve to the left, an arc distance of 67.50 feet to a 5/8" iron rod with "KHA" cap set at the end of said curve;

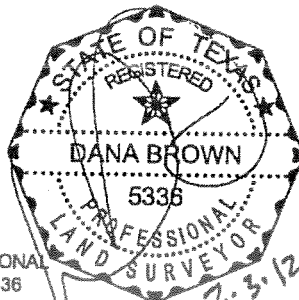
North 70°43'00" West, a distance of 27.66 feet to a 5/8" iron rod with "KHA" cap set for corner;

North 84°37'23" West, a distance of 74.34 feet to the **POINT OF ENDING** of the control of access line (**Part A**);

**PART B**

**BEING** 746.19 linear feet along the south line of a 10,573 square foot tract of land situated in the Thackery Griffin Survey, Abstract No. 511, City of Dallas, Dallas County, Texas, City of Dallas Blocks 7216 and 7217 and being part of a tract of land described in Special Warranty Deed to SLF III/Incap L.P. recorded in Instrument No. 20080313895, Official Public Records of Dallas County, Texas and being more particularly described as follows:

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FIELD NOTES APPROVED:

*Dbe 2/21/12*



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**THENCE** with said right-of-way corner clip, South 68°12'51" East, a distance of 124.73 feet to a 5/8" iron rod with "KHA" cap set for corner;

**THENCE** departing said existing west right-of-way line and with the new south right-of-way line of Interstate Highway No. 30, the following courses and distances:

In a northwesterly direction, with said curve to the left, an arc distance of 67.50 feet to a 5/8" iron rod with "KHA" cap set at the end of said curve;  
North 70°43'00" West, a distance of 27.66 feet to a 5/8" iron rod with "KHA" cap set for corner;  
North 84°37'23" West, a distance of 96.04 feet to a 5/8" iron rod with "KHA" cap set for corner;  
South 89°21'38" West, a distance of 40.21 feet to a 5/8" iron rod with "KHA" cap set for corner;  
North 87°44'47" West, a distance of 397.42 feet to a 5/8" iron rod with "KHA" cap set for corner;  
South 89°56'26" West, a distance of 267.80 feet to the **POINT OF BEGINNING** of the control of access line (**Part B**);

**THENCE** continuing with said new south right-of-way line of Interstate Highway No. 30, the following two (2) courses and distances:

South 89°56'26" West, a distance of 184.73 feet to a 5/8" iron rod with "KHA" cap set for corner;  
North 88°58'00" West, a distance of 561.47 feet to the **POINT OF ENDING** of the control of access line (**Part B**); from said point, a 5/8" iron rod with "KHA" cap found at the intersection of the east line of the G.C. & S.F. Railroad (a variable width right-of-way, Volume 1662, Page 103, Deed Records of Dallas County, Texas) and the existing south right-of-way line of Interstate Highway No. 30 (a variable width right-of-way) bears North 88°58'00" West, a distance of 74.16 feet and North 88°41'38" West, a distance of 209.74 feet;

Bearing system of this survey is based on a bearing of North 0°37'02" West for the west line of Westmoreland Road according to Special Warranty Deed to SLF III/Incap L.P., recorded in Instrument No. 20080313895, Official Public Records of Dallas County, Texas.



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FIELD NOTES APPROVED:

*File 2/21/12*



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