

May 22, 2013

**A RESOLUTION AUTHORIZING THE DEPOSIT OF A SPECIAL COMMISSIONERS
AWARD AND SETTLEMENT OF THE CONDEMNATION SUIT FOR THE AWARD.**

IN THIS RESOLUTION THE FOLLOWING DEFINITIONS SHALL APPLY:

CONDEMNATION SUIT: Cause No. CC-12-06590-B, in County Court at Law No. 2, and styled City of Dallas v. Tomaino Properties, L.P., et al., filed pursuant to City Council Resolution No. 12-1678.

PROPERTY: Approximately 12,389 square feet of land situated in City Block B/136 in the City of Dallas, Dallas County, Texas, as described in the Condemnation Suit.

PROJECT: Central Expressway from Commerce to Live Oak Realignment Project

OFFICIAL OFFER: \$410,000.00

AWARD: \$805,285.00

CLOSING COSTS AND TITLE EXPENSES: Not to exceed: \$3,500.00

AUTHORIZED AMOUNT: Not to exceed \$808,785.00

DESIGNATED FUNDS: \$808,785.000 payable out of General Obligation Commercial Paper Funds, Fund No. 1T22, Department PBW, Unit U779, Activity THRF, Program No. PB06U779, Object 4210, Encumbrance No. CT-SUSU779PM27.

WHEREAS, the Official Offer having been made and refused, the City Attorney filed the Condemnation Suit for the acquisition of the Property for the Project; and,

WHEREAS, the Special Commissioners appointed by the Court in the Condemnation Suit made an Award which the City Council wishes to deposit with the County Clerk of Dallas County, Texas, so that the City may take possession of the Property; and,

WHEREAS, the City Council desires to authorize the City Attorney to settle the Condemnation Suit for an amount not to exceed the Award; **Now, Therefore**,

May 22, 2013**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DALLAS:**

SECTION 1. That the City Controller is hereby authorized and directed to issue a check, paid out of and charged to the Designated Funds, in the amount of the Award payable to the County Clerk of Dallas County, Texas, to be deposited by the City Attorney with the County Clerk and in the amount of the Closing Costs and Title Expenses payable to the title company closing the transaction described herein. The Award, Closing Costs and Title Expenses together shall not exceed the Authorized Amount.

SECTION 2. That the City Attorney is authorized to settle the Condemnation Suit for an amount not to exceed the Award.

SECTION 3. 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: _____

Christopher C. Smith
Assistant City AttorneyAPPROVED BY
CITY COUNCIL

MAY 22 2013

Lucas D. Shaw
City Secretary

EXHIBIT A

ACQUISITION IN, BLOCK B/136
TOMAINO PROPERTIES LP

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

BEING an approximately 12389 square foot tract of land lying in the John Grigsby League and Labor Survey, Abstract No. 495, Dallas County, Texas and being part of lots 1 & 2 and all of lot 3 in Block B/136, official City of Dallas numbers, and being all of the land conveyed to Tomaino Properties by Special Warranty Deed dated June 15, 2006 and recorded in Instrument number 200600227192, Tract 18, Official Public Records Dallas County, Texas (OPRDCT) and being more particularly described as follows:

BEGINNING at the intersection of the southeast line of Pacific Ave. (80' Right-of-Way) and the southwest line of Central Blvd. (variable width Right-of-Way), said intersection also being the most northerly corner of herein described tract;

THENCE South 15°26'20" East, along the said southwest line of Central Blvd. and the northeast line of said Tomaino Properties tract, a distance of 138.34 feet, to a PK Nail found at the intersection of the most easterly corner of said Tomaino Properties tract and the most northerly corner of a tract of land conveyed to CJT Properties & Trust 12 by Warranty Deed dated April 29, 1982 and recorded in Volume 82150, Page 3161, Deed Records Dallas County, Texas (DRDCT);

THENCE South 74°56'01" West, departing the southwest line of said Central Blvd. and along the common line of said Tomaino and CJT Partnership tracts, a distance of 45.04 feet, to a PK Nail set at an inner ell corner, said corner also being the most westerly corner of herein described tract;

THENCE South 15°03'59" East, along the common line of said Tomaino and CJT Partnership tracts, a distance of 80.00 feet to a point in the northwest line of Elm St. (80' Right-of-Way);

THENCE South 74°56'01" West, along the northwest line of said Elm St. and the most southeast line of said Tomaino Properties tract, a distance of 29.16 feet to the intersection of the said northwest line of Elm St. with the common corner of lots 3 and 4 of said block, said corner also being the most southerly corner of herein described tract and the most easterly corner of a tract of land conveyed to JC O'Connor Estate et. al. and recorded in Volume 964, Page 140, DRDCT;

THENCE North 15°03'59" West, departing the northwest line of said Elm St. and with the common line of the Tomaino Properties and O'Connor tracts, a distance of 214.43 feet to a PK Nail set in the southeast line of said Pacific Ave., said PK Nail also being the beginning of a non-tangent curve to the left having a radius of 11499.11 feet and a chord that bears North 71°52'48" East, a distance of 73.40 feet;

THENCE in a northeasterly direction with said curve to the left and along the said southeast line of Pacific Ave., through a central angle of 0°21'57", a distance of 73.40 feet the **POINT OF BEGINNING** and containing approximately 12389 square feet or 0.284 square acres of land:

BASIS OF BEARINGS: Bearings are based on the Southwest line of Central Blvd., at North 15°03'59" West, monumented as noted and derived from Global Positioning System observations using the North Texas Cooperative Real Time Kinematic Survey, Virtual Reference Station System, North American Datum of 1983. *AR*

DHC/dhc
centraiblvdfN8.doc

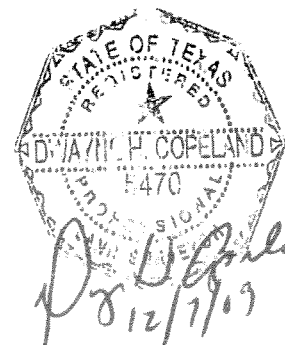
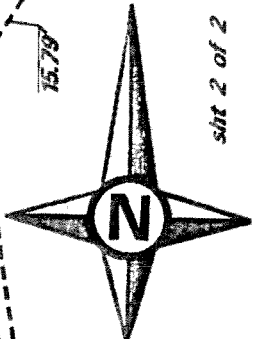


EXHIBIT A

PACIFIC AVE.
(80' Width Right-of-Way)



sh 2 of 2

PK NAIL SET

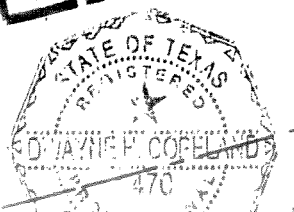
Block 148

Block 148

ELM STREET
(80' Width Right-of-Way)

PAN COASTAL LIMITED PS
Vol. 96026, Pg. 4551

12389 square feet
To Be Acquired



$R=11499.11'$
 $L=73.40'$
 $CB=N71^{\circ}52'48''E$
 $LC=73.40'$

$R=579.00'$
 $L=104.29'$
 $CB=N9^{\circ}50'23''E$
 $LC=104.15'$

$R=162.67'$
 $L=34.18'$
 $CB=N8^{\circ}58'49''E$
 $LC=34.12'$

$R=232.01'$
 $L=61.36'$
 $CB=N8^{\circ}58'49''E$
 $LC=61.24'$

P.I. Sta. 15+50.50
Survey Baseline

P.I. Sta. 15+59.50
Survey Baseline

P.O.T. Sta. 18+60.35
Survey Baseline

P.I. Sta. 18+23.11
Survey Baseline

$R=20'$
 $L=12.56'$
 $CB=N56^{\circ}56'26''E$
 $LC=12.36'$

C J T PARTNERSHIP
& TRUST 12
Vol. 82150 Pg. 3161

TOMAINO PTIES LP
Int. 20060022192

133.21'
O'CONNOR J C ESTATE
ET AL GREY
& JAMES 140
Vol. 964, Pg. 140

CROSS OUT
PK NAIL SET

16'

22.59'

45.56'

$S74^{\circ}56'01''W - 45.04'$

$S15^{\circ}03'59''E - 80.00'$

$S15^{\circ}26'20''E - 138.34'$

$169^{\circ}59'50''$

Variable Width Right-of-Way

241.16'

173'

$N15^{\circ}03'59''W - 214.43'$

24.95'

80'

24.95'

13.47'