

**A RESOLUTION DETERMINING UPON THE NECESSITY OF ACQUIRING REAL PROPERTY AND AUTHORIZING ITS PURCHASE FOR PUBLIC USE.**

**DEFINITIONS:** For the purposes of this resolution, the following definitions of terms shall apply:

"CITY": The City of Dallas

"PROPERTY": Approximately 10,260 square feet of land located in Dallas County, Texas, and being the same property more particularly described in "Exhibit A", attached hereto and made a part hereof for all purposes, and any and all improvements, rights and appurtenances appertaining thereto.

"PROJECT": Zang-Davis Median Improvement

"USE": Public Gateway Improvement to Bishop Arts District provided, however, to the extent fee title to the PROPERTY is acquired, such title and the PROPERTY shall not be limited to or otherwise deemed restricted to the USE here provided.

"PROPERTY INTEREST": Fee Simple Interest subject to the exceptions, reservations, covenants, conditions and/or interests, if any, provided in the instrument more particularly described in Exhibit "B"

"OWNER": Roy L. Smith, Inc., 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.

"PURCHASE AMOUNT": \$370,368

"CLOSING COSTS AND TITLE EXPENSES": Not to exceed \$5,000

"AUTHORIZED AMOUNT": Not to exceed \$375,368 (\$370,368, plus closing costs and title expenses not to exceed \$5,000)

**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.

May 22, 2013

**SECTION 2.** That public necessity requires that CITY acquire the PROPERTY INTEREST in the PROPERTY for the PROJECT.

**SECTION 3.** That the City Manager, and/or the City Manager's designees, is hereby authorized and directed to consummate and accept the purchase, grant, and conveyance to CITY of the PROPERTY INTEREST in and to the PROPERTY pursuant to the conveyancing instrument substantially in the form described in Exhibit "B", attached hereto and made a part hereof for all purposes, and approved as to form by the City Attorney and to execute, deliver and receive such other usual and customary documents necessary, appropriate and convenient to consummating this transaction.

**SECTION 4.** 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 5.** That prior to closing on the PROPERTY, the CITY is to apply for, and have the PROPERTY accepted to, the Texas Commission on Environmental Quality (TCEQ) Voluntary Cleanup Program.

**SECTION 6.** That OWNER has been provided with a copy of the Landowner's Bill of Rights as contemplated by applicable state statute.

**SECTION 7.** That in the event this acquisition closes, 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 PURCHASE AMOUNT and CLOSING COSTS AND TITLE EXPENSES payable out of FY 2010-11 CDBG Reprogramming Funds, Fund No. 10RP, Department HOU, Unit 807D, Activity HO93, Program No. PBCD0004, Object 4210, Encumbrance No. CT-SUS807DKJ90. The PURCHASE AMOUNT, CLOSING COSTS and TITLE EXPENSES together shall not exceed the AUTHORIZED AMOUNT.

**SECTION 8.** That CITY is to have possession and/or use, as applicable, of the PROPERTY at closing; and CITY will pay any title expenses and closing costs. All costs and expenses described in this section shall be paid from the previously described funds.

May 22, 2013

**SECTION 9.** 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.

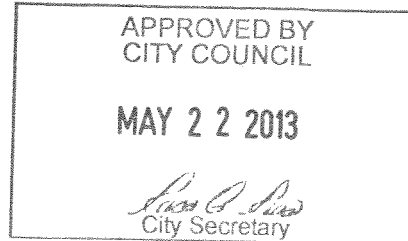
**APPROVED AS TO FORM:**

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

BY



**Assistant City Attorney**



Field Notes Describing a 10,260 Square Foot (0.236 Acre)  
Tract of Land in City Block 19/3135  
To Be Acquired from Brent L. Smith  
For Median Enhancement Purposes

EXHIBIT A

Being a 10,260 Square Foot (0.236 Acre) tract of Unplatted land lying in the George L. Leonard Survey, Abstract No. 770, City of Dallas, Dallas County, Texas, and being all of that property (incorrectly called "Lot 1 and 2, Block 19/3135 an addition to the City of Dallas.."), conveyed to Brent L. Smith by Deed dated January 15, 2008 and recorded in Instrument Number 20080016786 of the Official Public Records of Dallas County, Texas, and being more particularly described as follows:

**BEGINNING** at an "X" cut in concrete found on the West line of Zang Boulevard (a 110-foot Right-of-Way) as re-aligned and conveyed to the City of Dallas by deed recorded in Volume 2295, Page 536 of the Deed Records of Dallas County, Texas, at the intersection with the North line of Seventh Street (a Variable Width, Undedicated Public Street at this location), and being also the Southeast corner of the herein described tract of land:

**THENCE** South 89°21'48" West, departing the last said West line of Zangs Boulevard (re-aligned), and with the said North line of the undedicated portion of Seventh Street, a distance of 57.54 feet to a 5/8 inch diameter Iron Rod with cap marked "DALLAS" set at the Southwest corner of the herein described tract of land at the intersection with the East line of Zang Boulevard (a Variable Width, Undedicated Public Street at this location), as shown on City of Dallas property map K-13-W, on file in the City of Dallas Survey Records Vault:

**THENCE** North 01°06'12" West, departing the last said undedicated North line of Seventh Street and with the said East line of the undedicated portion of Zang Boulevard a distance of 125.00 feet to a Mag Nail with washer set at the Northwest corner of the herein described tract of land at the intersection with the South line of Davis Street (a Variable Width, Undedicated Public Street at this location), as shown on said City of Dallas Property map K-13-W:

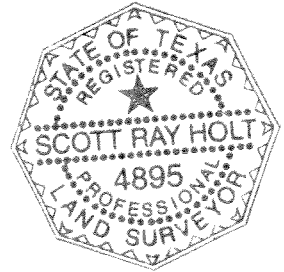
**THENCE** North 89°21'48" East, departing the last said undedicated East line of Zang Boulevard and with the said South line of the undedicated portion of Davis Street, a distance of 97.27 feet to a Mag Nail with washer set at the Northeast corner of the herein described tract of land, at the intersection with the above said West line of Zang Boulevard (re-aligned), said corner being also at the beginning of a Curve to the Right:

130843

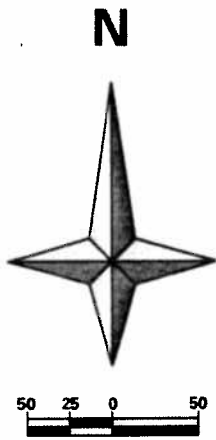
Field Notes Describing a 10,260 Square Foot (0.236 Acre)  
Tract of Land in City Block 19/3135  
To Be Acquired from Brent L. Smith  
For Median Enhancement Purposes

**THENCE** South-Southwesterly with the said West line of Zang Boulevard (re-aligned) and said Curve, having a Radius of 325.00 feet, a Central Angle of  $23^{\circ}15'27''$ , an Arc Length of 131.92 feet and a Chord which bears South  $16^{\circ}48'20''$  West a distance of 131.02 feet to the **POINT OF BEGINNING**, containing 10,260 Square Feet, or 0.235 Acres of land.

**BASIS OF BEARINGS:** Bearings are based on the Texas State Plane Coordinate System, North Central Zone, North American Datum of 1983.



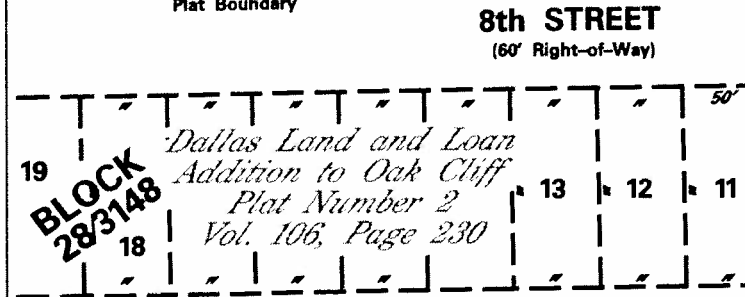
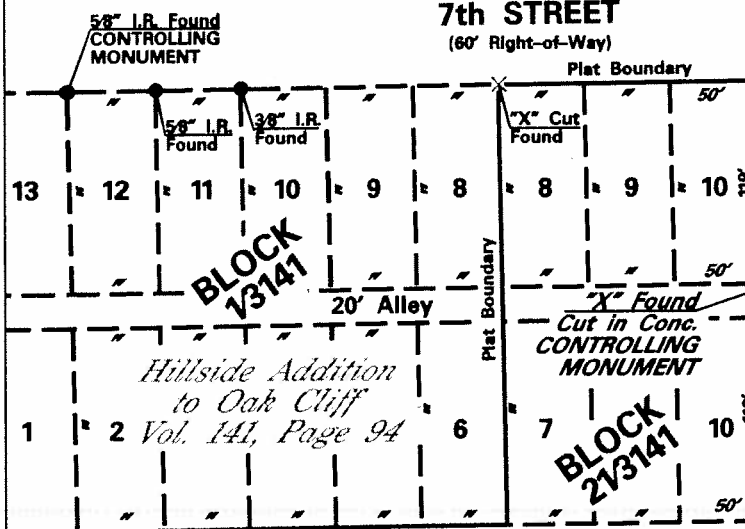
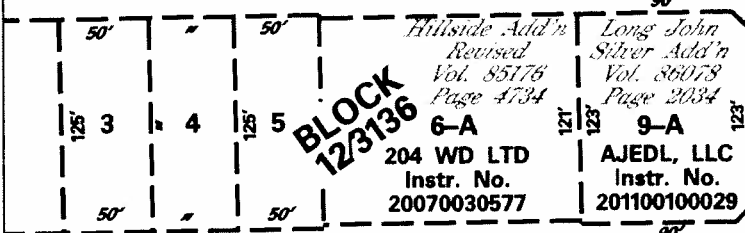
*Scott Holt*  
8/18/2011



GEORGE S. C. LEONARD Survey  
Abstract No. 780

Abstract No. 780  
Abstract No. 770

DAVIS STREET  
(60' Right-of-Way)



Limits of Property  
to be Acquired

8th STREET  
(60' Right-of-Way)

ZANG BOULEVARD  
(60' right-of-Way)

ZANG BLVD. RE-ALIGNMENT

GEORGE L. LEONARD Survey  
Abstract No. 770



LOCATOR MAP Sheet 3 of 3

# ZANGS BOULEVARD

PROPERTY TO BE ACQUIRED  
168 Davis Street; Davis Street at Zang Boulevard

DEPT. OF PUBLIC WORKS & TRANSPORTATION

SURVEY DIVISION CITY OF DALLAS, TEXAS

OPER. NAME	DESIGN FILE NAME	SCALE	DATE
HOLT	N:\ENGR\SURVEY\HOLT\ZANGS\Field Notes.dgn	As Noted	8-12-11
PARTY CHIEF	CALCULATIONS	FOLDER	FILE NO.
PECK	HOLT	ZANGS BLVD.	041D-59

**NOTICE OF CONFIDENTIALITY RIGHTS: IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY OR ALL OF THE FOLLOWING INFORMATION FROM ANY INSTRUMENT THAT TRANSFERS AN INTEREST IN REAL PROPERTY BEFORE IT IS FILED FOR RECORD IN THE PUBLIC RECORDS: YOUR SOCIAL SECURITY NUMBER OR YOUR DRIVER'S LICENSE NUMBER.**

## WARRANTY DEED

THE STATE OF TEXAS   §  
  §    KNOW ALL PERSONS BY THESE PRESENTS:  
COUNTY OF DALLAS   §

That Roy L. Smith, Inc., a Texas corporation (hereinafter called "Grantor" whether one or more natural persons or legal entities) of the County of Dallas, State of Texas, for and in consideration of the sum of THREE HUNDRED SEVENTY THOUSAND THREE HUNDRED SIXTY EIGHT AND 00/100 DOLLARS (\$370,368.00) to the undersigned in hand paid by the **City of Dallas, 1500 Marilla Street, Dallas, Texas, 75201**, a Texas municipal corporation (hereinafter called "City"), the receipt of which is hereby acknowledged and confessed, has granted, sold and conveyed and does hereby grant, sell and convey unto City, its successors and assigns, all of the property described in Exhibit "A", attached hereto and made a part hereof by reference for all purposes.

SPECIAL PROVISIONS: "None".

TO HAVE AND TO HOLD the above described premises, together with all and singular the rights and appurtenances thereto in anywise belonging unto City, its successors and assigns forever, and Grantor binds Grantor and Grantor's heirs, executors, administrators or successors, to Warrant and Forever Defend all and singular the said premises unto City, its successors and assigns, against every person whomsoever lawfully claiming, or to claim the same or any part thereof.

EXECUTED this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

ROY L. SMITH, INC.  
a Texas corporation

By: \_\_\_\_\_  
Roy L. Smith, Inc.,  
President

\* \* \* \* \*

STATE OF TEXAS           '  
COUNTY OF DALLAS       '

This instrument was acknowledged before me on \_\_\_\_\_  
by Roy L. Smith, President of Roy L. Smith, Inc. , a Texas corporation, on behalf of said  
corporation.

\_\_\_\_\_  
Notary Public, State of TEXAS

\* \* \* \* \*

After recording return to:  
City of Dallas  
Department of Sustainable Development and Construction  
Real Estate Division  
320 East Jefferson Boulevard, Room 203  
Dallas, Texas 75203  
attn: Lois King

Warranty Deed Log No. 36957