

**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 4,133 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": Spring Avenue Redevelopment Project

"USE": Easement to be used in conjunction with street and bridge improvement project 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": Easement subject to the exceptions, reservations, covenants, conditions and/or interests, if any, provided in the instrument more particularly described in Exhibit "B"

"OWNER": South Dallas/Fair Park Innercity Community Development Corporation, 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": \$13,433

"CLOSING COSTS AND TITLE EXPENSES": Not to exceed \$2,000

"AUTHORIZED AMOUNT": Not to exceed \$15,433

**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 CITY acquire the PROPERTY INTEREST in the PROPERTY for the PROJECT.

May 22, 2013

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

**SECTION 6.** 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 payable out of FY 08-09 CDBG Reprogramming Funds, Fund 08RP, Department HOU, Unit 682B, Activity HO93, Program No. PBNIP007, Object 4210, Encumbrance No. SUSAB037481. The PURCHASE AMOUNT, CLOSING COSTS and TITLE EXPENSES together shall not exceed the AUTHORIZED AMOUNT.

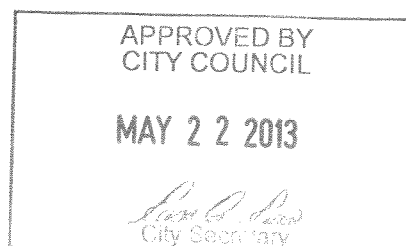
**SECTION 7.** That CITY is to have possession and/or use, as applicable, of the PROPERTY at closing; and CITY will pay any title expenses and closing costs. All costs and expenses described in this section shall be paid from the previously described funds.

**SECTION 8.** 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 4,133 Square Foot (0.0949 Acre)  
Tract of Land To Be Acquired  
in Lots 31, 44 and part of Lot 32 in City Block B/2421  
From South Dallas/Fair Park Innercity Community  
Development Corporation**

130844

Being a 4,133 Square Foot (0.0949 Acre) Tract of land situated in the Thomas Lagow Survey, Abstract No. 759, City of Dallas, Dallas County, Texas, and being the remainder of Lots 31, 44 and part of Lot 32 of Block B (Block B/2421 Official City of Dallas Block Numbers), of the Parks & Friedman Spring Avenue Addition an addition to the City of Dallas, recorded in Volume 4, Page 176, of the Map Records of Dallas County, Texas, and being a part of the property conveyed to South Dallas / Fair Park Innercity Community Development Corporation, by deed recorded in Instrument number 201000302371, dated November 23, 2010 of the Official Public Records of Dallas County, Texas (O.P.R.D.C.T.), and being more particularly described as follows:

**BEGINNING** at the East corner of the remainder of Lot 31, after City of Dallas Right-of-Way acquisition, by deed recorded in Volume 3121, Page 84, of the Deed Records of the City of Dallas, Texas, same being at the intersection of the Southwest line of Troy Avenue (a variable width Right-of-Way) and the present Northwest line of Spring Avenue (a variable width Right-of-Way), same being the East corner of said Block B/2421 as currently configured, and the East corner of the herein described tract of land, from which a 3/8" iron rod (controlling monument) found bears North 41°33'19" East, a distance of 0.31 feet:

**THENCE** South 41°32'14" West, departing the said Southwest line of Troy Avenue, and with the said Northwest line of Spring Avenue, a distance of 73.99 feet to a PK nail with "City of Dallas" washer (hereinafter referred as "PK nail w/COD washer") set in the common line of said Lot 32 and 33, at the South corner of the herein described tract of land:

**THENCE** North 51°08'39" West, departing the last said Northwest line of Spring Avenue, and with the said common line of Lots 32 and 33, a distance of 8.86 feet, to a PK nail w/COD washer set at the most Southerly West corner of the herein described tract of land:

**THENCE** North 41°35'19" East, departing the last said common Lot lines, a distance of 2.99 feet to a PK nail w/COD washer set at an inside corner of the herein described tract of land:

**THENCE** North 04°09'08" East, a distance of 15.40 feet, to a PK nail w/COD washer set at an inside corner of the herein described tract of land:

Field Notes Describing a 4,133 Square Foot (0.0949 Acre)  
Tract of Land To Be Acquired  
in Lots 31, 44 and part of Lot 32 in City Block B/2421  
From South Dallas/Fair Park Innercity Community  
Development Corporation

130844

**THENCE** North 33°20'52" West, a distance of 53.71 feet to a PK nail w/COD washer set at the beginning of a curve to the left:

**THENCE** Northwesterly, with the last said curve to the left, having a Radius of 242.00 feet, a Central Angle of 01°36'25", an Arc Length of 6.91 feet and a Chord which bears North 34°09'56" West, a distance of 6.91 feet to a PK nail w/COD washer set on the common Northwest line of Lot 32 with the Southeast line of Lot 46 of said Block B/2421, same being at the most Westerly West corner of the herein described tract of land:

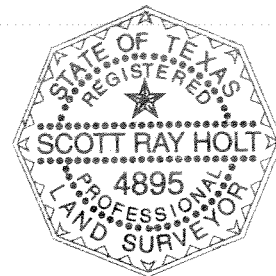
**THENCE** North 41°18'15" East, with the last said common line between Lots 32 and 46, a distance of 2.86 feet to a 60D nail set at the common corner of Lots 32, 44, 45 and 46 of said Block B/2421:

**THENCE** North 41°18'15" East, continuing with said common line between Lots 44 and 45, a distance of 36.97 feet to a PK nail w/COD washer set at the common corner of Lots 44 and 45, being on the Northeast line of said Block B/2421 and also on the said Southwest line of Troy Avenue, and the North corner of the herein described tract of land:

**THENCE** South 51°10'01" East, with the last said Southwest line of Troy Avenue, a distance of 76.99 feet to the **POINT OF BEGINNING**, containing 4,133 Square Feet, or 0.0949 Acres of land.

**BASIS OF BEARINGS:** Bearings are based on the Texas State Plane Coordinate System, North Central Zone 4202, North American Datum of 1983.

*Scott Holt*  
11/23/11

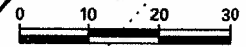
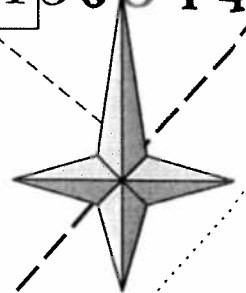


**Thomas Lagow  
Survey  
Abstract #759**

All corners are monumented with  
PK nails with "City of Dallas" washer  
unless otherwise noted.

130844

*Parks & Friedman  
Spring Ave. Addition  
Vol. 4, Pg. 176*



"X" cut found

**SPRING AVENUE**  
(Variable Width R.O.W.)

**TROY STREET**  
(Variable Width R.O.W.)

**TROY AVENUE**  
(Variable Width R.O.W.)

**POINT OF  
BEGINNING**  
3/8" IR found  
**CONTROLLING  
MONUMENT**  
Bears: 0.31'  
N 41°33'19" E

4,133 Sq. Ft. (0.0949 Acre)  
Tract To Be Acquired From  
South Dallas/Fair Park  
Innecity Community  
Development Corporation  
Instr. #201000302371

"X" cut found  
**CONTROLLING  
MONUMENT**  
Bears: 0.13'  
S 59°57'04" W

12" IR found w/  
Shields & Lee cap  
**CONTROLLING  
MONUMENT**

3/8" IR found

- Property to be acquired
- previous
- Right-of-Way acquisition
- Right-of-Way & Block lines
- platted lot lines
- property line (deed acquisition)

**CURVE DATA**

L = 6.91'  
R = 242'  
Δ = 01°38'08"

Agincourt Spring LLC  
Instr. #201100061031

44  
TRACT 3

31  
TRACT 1

32  
TRACT 2

South Dallas/Fair Park Innecity  
Community Dev. Co.  
Instr. #201000302371

47

33

34

*Parks & Friedman  
Spring Ave. Addition  
Vol. 4, Pg. 176*

**BLOCK  
B/2421**

35

**LOCATOR MAP**

Sheet 3 of 3

<b>SPRING AVENUE</b>			
Property Acquisition for Street Widening South Dallas/Fair Park Innecity Community Development Corporation			
DEPT. OF PUBLIC WORKS & TRANSPORTATION			
SURVEY DIVISION CITY OF DALLAS, TEXAS			
OPER. NAME	DESIGN FILE NAME	SCALE	DATE
HOLT	N:\ENGR\SURVEY\LOMA\PROJECTS\SPRING AVE\Spring Ave Field Notes.dgn	As Noted	10-20-11
PARTY CHIEF	CALCULATIONS	FOLDER	FILE NO.
PECK	HOLT	SPRING AVE.	311D-4174(14)

## EASEMENT

THE STATE OF TEXAS   §  
                                  §  
COUNTY OF DALLAS   §

KNOW ALL PERSONS BY THESE PRESENTS:

That South Dallas/Fair Park Innercity Community Development Corporation, a Texas non-profit 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 THIRTEEN THOUSAND FOUR HUNDRED THIRTY THREE AND 00/100 DOLLARS (\$13,433.00) 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, and the further benefits to be derived by the remaining property as a result of projected public improvements, has granted, sold and conveyed and does hereby grant, sell and convey unto City, its successors and assigns, an easement for the passage of vehicular and pedestrian traffic, together with the customary uses attendant thereto, including drainage and utilities, over, under, through, across and along all that certain lot, tract or parcel of land described in Exhibit "A", attached hereto and made a part hereof by reference for all purposes.

The City is acquiring this property for the purpose of erecting thereon a public trafficway for the passage of vehicular and pedestrian traffic, including the right to make the improvements on such grade and according to such plans and specifications as will, in its opinion, best serve the public purpose. The payment of the purchase price for the property herein conveyed shall be considered full compensation for same and for any diminution in value that may result to Grantor's remaining property by virtue of project proximity thereto, grade alignment, utility installation, or the alteration of drainage patterns and facilities.

Should one or more of the Grantor(s) herein be natural persons and not joined by their respective spouse, it is conclusively presumed that the land herein conveyed is not the residence or business homestead of such Grantor(s). Should one or more of the Grantors herein be a legal entity other than a natural person, it shall be conclusively presumed that the person signing on behalf of such a party has been duly and legally authorized to so sign and there shall be no necessity for a seal or attestation.

The City and/or its contractor shall have the right to grade or fill a slope at three to one across Grantor's abutting property in conjunction with the presently projected public improvements.

Nothing in this easement shall be construed as a waiver by the City of any connection charge or charges imposed by ordinance or Charter of the City of Dallas.

SPECIAL PROVISIONS: "None".

TO HAVE AND TO HOLD the above described easement, 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 easement unto the City of Dallas, its successors and assigns, against every person whomsoever lawfully claiming, or to claim the same or any part thereof.

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

South Dallas/Fair Park Inncity Community Development Corporation, a Texas non-profit corporation

By: \_\_\_\_\_  
Diane Ragsdale, Managing Director

\* \* \* \* \*

STATE OF TEXAS            '

COUNTY OF DALLAS        '

This instrument was acknowledged before me on \_\_\_\_\_  
by Diane Ragsdale, Managing Director of South Dallas/Fair Park Inncity Community Development Corporation, a Texas non-profit corporation, on behalf of said non-profit corporation.

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

\* \* \* \* \*

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

Easement Log No. 37481-4851 & 4847 SPRING; 2837 TROY-#14