

130868

**Memorandum**

RECEIVED

2017 APR -7 PM 12: 04

CITY SECRETARY  
DALLAS, TEXAS

CITY OF DALLAS

DATE April 4, 2017

TO City Secretary

SUBJECT Correction on CR No. 13-0868

This is the first (Y / N) correction to the subject Council Resolution. If no, attach copies of any previous approved correction memos.

Authorize acquisition, including the exercise of the right of eminent domain, if such becomes necessary, from Mary Joann Woods, of a tract of land containing approximately 34,588 square feet located in Kaufman County for the Lake Tawakoni 144-inch Pipeline - Not to exceed \$33,350 (\$30,350, plus closing costs and title expenses not to exceed \$3,000) - Financing: Water Utilities Capital Construction Funds

Change(s) is/are needed to correct (select all applicable):

- ☐ Typo  
☐ Obvious error from Council Resolution context  
☒ Financial/funding information

Council Resolution Section 4 should read as follows:

**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 Construction Funds, Fund No. 0102, Department DWU, Unit CW20, Activity RWPT, Program No. 704041, Object 4210, Encumbrance No. ~~CT-DWU704041GE~~ **CT-DWU704041GX1**. The OFFER AMOUNT and the CLOSING COSTS AND TITLE EXPENSES together shall not exceed the AUTHORIZED AMOUNT.

130868

Department: Sustainable Development and Construction

Director (or designee):

*[Signature]*  
Signature

4/6/17  
Date

Ashley Eubanks  
Print Name

Attachment: Council Resolution [16-0987]

OFS: ☒ Approved

☐ Denied

Is ATT Approval Needed? ☐ Y ☒ N

OFS:

*Victoria Chittam*  
Signature

4/6/17  
Date

Victoria Chittam  
Print Name

ATT: ☐ Approved

☐ Denied

Assistant City Attorney:

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Print Name

**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 34,588 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": Lake Tawakoni 144-inch Raw Water Transmission Pipeline

"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": Mary Joann Woods, 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": \$30,350

"CLOSING COSTS AND TITLE EXPENSES": Not to exceed \$3,000

"AUTHORIZED AMOUNT": \$33,350 (\$30,350, plus closing costs and title expenses not to exceed \$3,000)

**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.

**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 Construction Funds, Fund No. 0102, Department DWU, Unit CW20, Activity RWPT, Program No. 704041, Object 4210, Encumbrance No. CT-DWU704041GE. 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.

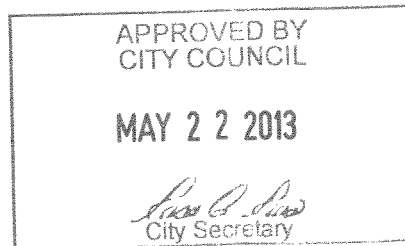
**SECTION 10.** That in the event the Special Commissioners in Condemnation appointed by the Court return an award that is the same amount or less than the OFFER AMOUNT, the City Attorney is hereby authorized to settle the lawsuit for that amount and the City Controller is hereby authorized to issue 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. Foxgier  
**Assistant City Attorney**



**FIELD NOTES**  
**DESCRIBING A TRACT OF LAND TO BE ACQUIRED FOR THE RIGHT-OF-  
WAY FOR THE LAKE TAWAKONI RAW WATER TRANSMISSION MAIN**  
**KAUFMAN COUNTY, TEXAS**  
**Parcel: 64**

BEING a 0.794 acre tract of land in the Juan Lopez Survey, Abstract No. 286, in Kaufman County, Texas, and being part of a 3.000 acre tract of land described in Warranty Deed to Mary Joann Woods, dated October 7, 2004, as recorded in Volume 2534, Page 309 of the Deed Records of Kaufman County, Texas (D.R.K.C.T.):

BEGINNING at a 1/2-inch iron with red cap stamped "DAL-TECH" (hereinafter referred to as "with cap") set at the north corner of said Woods tract, and being in the southeast line of a City of Dallas Water Line Right-of-Way (130' Right-of-Way at this point) as recorded in Volume 5901, Page 553, D.R.K.C.T.;

THENCE South 46 degrees 36 minutes 42 seconds East, departing the southeast line of said City of Dallas Water Line Right-of-Way and along the northeast line of said Woods tract, a distance of 145.64 feet to a 1/2-inch iron with cap set;

THENCE South 70 degrees 11 minutes 16 seconds West, departing said northeast line, a distance of 266.06 feet to a 1/2-inch iron with cap set in the southwest line of said Woods tract;

THENCE North 46 degrees 36 minutes 42 seconds West, along the southwest line of said Woods tract, a distance of 145.64 feet to a 1/2-inch iron with cap set at the west corner of said Woods tract, and being in the southeast line of said City of Dallas Water Line Right-of-Way;

THENCE North 70 degrees 11 minutes 16 seconds East, along the southeast line of said City of Dallas Water Line Right-of-Way, a distance of 266.06 feet to the POINT OF BEGINNING and containing 34,588 square feet or 0.794 acres of land, more or less.

All bearings for this tract refer to the NAD-83 Texas State Plane Coordinate System, North Central Zone 4202, according to measurements made at NGS continuously operating reference stations Collin CORS ARP, Dallas CORS ARP, Kaufman CORS ARP, Tyler CORS ARP, and Paris CORS ARP. The Kaufman County scale factor of 1.000114077 as published by the Texas Department of Transportation, Dallas District was used for this project.

A plat of even survey date herewith accompanies this legal description.

Company Name: DAL-TECH Engineering, Inc.

By: PRELIMINARY, NOT FOR RECORD Date: \_\_\_\_\_

Surveyor's Name: Patrick J. Baldasaro  
Registered Professional Land Surveyor  
Texas No. 5504

