

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 60,003 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": Southwest 120/96-inch Water Transmission Pipeline Project

"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": United States of America and the Estates of Leila May Bledsoe, Floyd W. Offhaus, and Roy May, 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": \$7,200

"CLOSING COSTS AND TITLE EXPENSES": Not to exceed \$1,800

"AUTHORIZED AMOUNT": \$9,000 (\$7,200, plus closing costs and title expenses not to exceed \$1,800)

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 Improvement Funds, Fund No. 0115, Department DWU, Unit PW40, Activity MPSA, Program No. 706623, Object 4210, Encumbrance No. CT-DWU706623CPAI. 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.

May 22, 2013

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. Youg

Assistant City Attorney

APPROVED BY
CITY COUNCIL

MAY 22 2013

Steve G. Prew
City Secretary

PARCEL E-402
CITY OF DALLAS RIGHT-OF-WAY
1.378 ACRE TRACT
CITY OF DALLAS BLOCK NO. 8535,
THO. J. WAMPLER SURVEY, ABSTRACT NUMBER 1587,
CITY OF DALLAS, DALLAS COUNTY, TEXAS

BEING a tract of land situated in the Tho. J. Wampler Survey, Abstract No. 1587, City of Dallas, Dallas County, Texas, and being part of that tract of land described in Warranty Deed to Ed. I. Cobley and Leila May Bledsoe as recorded in Volume 2160, Page 567 of the Deed Records of Dallas County, Texas (D.R.D.C.T.), same being that tract of land described in Warranty Deed to Olive Cobley as recorded in Volume 423, Page 1615, D.R.D.C.T., said tract also being part of Tract No. 105E-2 as described in the Judgment on Declaration of Taking for a Channel Easement to the United States of America as recorded in Volume 69024, Page 0043, D.R.D.C.T., and being more particularly described as follows:

BEGINNING at a 5/8-inch set iron rod with yellow plastic cap stamped "HALFF ASSOC. INC." (hereinafter referred to as "with cap") for the common northeast corner of said Tract No. 105E-2 and the northwest corner of that tract of land described as Tract No. 4 in the Special Warranty Deed to the City of Dallas as recorded in Volume 97165, Page 04448, D.R.D.C.T., said point being on the south right-of-way line of Interstate Highway 20 (a variable width right-of-way, 500 feet wide at this point) as established in the Judgment to The State of Texas as recorded in Volume 71121, Page 0102, D.R.D.C.T.;

THENCE South 08 degrees 30 minutes 43 seconds East, along the common easterly line of said Tract No. 105E-2 and the westerly line of said Tract No. 4, a distance of 150.02 feet to a 5/8-inch set iron rod with cap for corner;

THENCE South 82 degrees 31 minutes 33 seconds West, departing said common line, along a line offset 150 feet southerly from and parallel to said south right-of-way line of Interstate Highway 20 and over and across said Tract No. 105E-2, a distance of 16.88 feet to a 5/8-inch set iron rod with cap for the point of curvature of a non-tangent circular curve to the left having a radius of 11,059.16 feet whose chord bears South 81 degrees 26 minutes 46 seconds West a distance of 383.12 feet;

THENCE Westerly, continuing along said parallel offset line and over and across said Tract No. 105E-2 and along said curve, through a central angle of 01 degree 59 minutes 06 seconds, an arc distance of 383.14 feet to a 5/8-inch set iron rod with cap for the end of said curve on the common westerly line of said Tract No. 105E-2 and the easterly line of Tract No. 3 described in the aforementioned deed to the City of Dallas;

REVIEWED BY: *DLA* 3/29/10

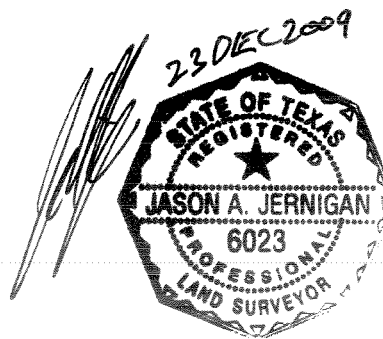
PARCEL E-402
CITY OF DALLAS RIGHT-OF-WAY
1.378 ACRE TRACT
CITY OF DALLAS BLOCK NO. 8535,
THO. J. WAMPLER SURVEY, ABSTRACT NUMBER 1587,
CITY OF DALLAS, DALLAS COUNTY, TEXAS

THENCE North 08 degrees 30 minutes 43 seconds West, departing said parallel offset line and along said common line, a distance of 150.02 feet to a 5/8-inch set iron rod with cap for the common northwest corner of said Tract No. 105E-2 and the northeast of said Tract No. 3, said point being on the aforementioned south right-of-way line of Interstate Highway 20, said point also being the point of curvature of a non-tangent circular curve to the right having a radius of 11,209.16 feet whose chord bears North 81 degrees 27 minutes 11 seconds East, a distance of 385.61 feet;

THENCE Easterly, departing said common line, along the common north line of said Tract No. 105E-2 and said south right-of-way line of Interstate Highway 20 and along said curve, through a central angle of 01 degree 58 minutes 16 seconds, an arc distance of 385.63 feet to a 5/8-inch set iron rod with cap for the end of said curve;

THENCE North 82 degrees 31 minutes 33 seconds East, continuing along said common line, a distance of 14.39 feet to the POINT OF BEGINNING AND CONTAINING 60,003 square feet or 1.378 acres of land, more or less.

The Basis of Bearing is the North American Datum of 1983, Texas State Plane Coordinate System, North Central Zone 4202. All distances are surface distances. Surface Adjustment Scale Factor: 1.0001365060.



REVIEWED BY: *AK 3/27/16*

THO. J. WAMPLER SURVEY, ABSTRACT NO. 1587

130869

THO. J. WAMPLER SURVEY,
ABSTRACT NO. 1587



$\Delta = 24^{\circ}11'46''$
 $R = 11,459.16'$
 $T = 2,456.22'$
 $L = 4,839.22'$
 $CL = 4,803.34'$
 $CB = S70^{\circ}20'26''W$

0 100 200 300 400
 SCALE: 1"=200'

**INTERSTATE
HIGHWAY - 20**
 (VARIABLE WIDTH RIGHT-OF-WAY)

RIGHT OF PASSAGE
 EASEMENT TO
 OLIVE MARIE COBLEY,
 LEILA MAY BLEDSOE, &
 THOMAS F. BLEDSOE
 THEIR HEIRS OR ASSIGNS
 (PART 2, VOL. 71121, PG. 0102)

MATCH LINE (SEE PAGE OF 3 OF 4)

REVIEWED BY: *DA 7/29/0*

S58°14'33"W
 700.46'

(Basis of Bearing
 rotated counterclockwise
 00°33'26" from ROW
 bearing of N58°47'59"E)

S31°45'27"E
 165.00'

TXDOT CONC.
 MON. (C.M.)

George Choyce, August Tessman,
 Lucien B. O'Dell, and John B. Miller
 (Volume 259, Page 609)

CITY OF DALLAS
 (TRACT NO. 3, VOL. 97165, PG. 04448)

ORIGINAL CHANNEL
 OF TRINITY RIVER

ULRICH WUTHRICH SURVEY,
 ABSTRACT NO. 1518

NOTES:

1. The Basis of Bearing is the North American Datum of 1983, Texas State Plane Coordinate System, North Central Zone 4202. All distances are surface distances. Surface Adjustment Scale Factor: 1.0001365060.

2. Metes and Bounds description of tract shown hereon was prepared of even date.

3. This survey was prepared without the benefit of a title commitment.

LEGEND

5/8" SIR 5/8-INCH SET IRON ROD WITH YELLOW
 W/CAP PLASTIC CAP STAMPED "HALFF ASSOC. INC."
 MON. MONUMENT
 (C.M.) CONTROL MONUMENT
 CL CENTER LINE



HALFF

1201 N. BOWSER ROAD DALLAS, TEXAS 75081
 TELE. (214)346-6200 FAX (214)739-0095

DATE: DECEMBER, 2009

AVO.: 25143

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