

May 22, 2013

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 8,541 square feet of property located in Dallas County, and being the same property more particularly described in "Exhibit A", attached hereto and made a part hereof for all purposes.

"PROJECT": Chalk Hill Improvements

"USE": Street Improvements for widening and sidewalk improvements

"PROPERTY INTEREST": Fee

"OWNER": Palestine Concrete Tile Company, L.P., 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": \$50,512

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

"AUTHORIZED AMOUNT": \$53,512

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 the Department of Sustainable Development and Construction Department, 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 and CLOSING COSTS AND TITLE EXPENSES payable out of Street and Transportation Fund, Fund No. 7T22, Department PBW, Unit U780, Activity THRF, Program No. PB06U780, Object 4210, Encumbrance No. SUSU780EG51. The OFFER AMOUNT, 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



Assistant City Attorney

APPROVED BY
CITY COUNCIL

MAY 22 2013


City Secretary

**An 8,541 square foot (0.196 acre)
tract of land in Lots 1 thru 8, Block A/7204,
Lots 1 thru 4 and remainder of Lot 5, Block B/7205,
and in an abandoned street,
Horace Burnham Survey, Abstract No. 106,
City of Dallas, Dallas County, Texas
to be acquired for a public road,
as established by the City of Dallas Council Resolution No. 101330
from Palestine Concrete Tile Company, L.P.**

FIELD NOTES O.K.
2-E. Remate 12-8-11
BEING an 8,541 square foot (0.196 acre) tract of land situated in the Horace Burnham Survey, Abstract No. 106, in the City of Dallas, Dallas County, Texas, lying in Lots 1 thru 8, Block A/7204; Lots 1 thru 4 and the remainder of Lot 5, Block B/7205; and in the abandoned street lying between said Blocks A/7204 and B/7205 of the Charles B. Horton Addition, an addition to the City of Dallas, according to the plat thereof recorded in Volume 1, Page 207, Map Records of Dallas County, Texas (M.R.D.C.T.), and also being a part of that tract of land conveyed to Palestine Concrete Tile Company, L.P., according to the general warranty deed thereof recorded in Volume 2004209, Page 175, Deed Records of Dallas County, Texas (D.R.D.C.T.), and being a portion of land to be acquired for public road by City Council Resolution No. 101330, dated May 26, 2010, referencing Council Alignment Map 221R-27, recorded in the City of Dallas Survey Vault, and being more particularly described as follows:

COMMENCING at a 3/8-inch iron rod found in the common corner of Lot 1 and Lot 2, Block D/7202, Turnpike West Proper, an addition to the City of Dallas according to the plat thereof recorded in Instrument Number 200600198974, Official Public Records of Dallas County, Texas (O.P.R.D.C.T.), said point also being in the existing east right-of-way line of Chalk Hill Road (variable width right-of-way);

THENCE North 14 degrees 41 minutes 55 seconds West, along said east right-of-way line of Chalk Hill Road and the west line of said Lot 1, Block D/7202, a distance of 35.04 feet to a 1/2-inch iron rod found in the most westerly northwest corner of said Lot 1, Block D/7202, said point also being the common corner with the remainder of Lot 5, Block B/7205, Charles B. Horton Addition, an addition to the City of Dallas, according to the plat thereof recorded in Volume 1, Page 207, M.R.D.C.T. for the POINT OF BEGINNING of the herein described tract of land, said point also being the southwest corner of said Palestine Concrete Tile Company tract;

THENCE North 14 degrees 50 minutes 49 seconds West, along said existing east right-of-way line of Chalk Hill Road, same being the west line of said Palestine Concrete Tile Company tract, a distance of 691.08 feet to a 1/2-inch iron rod found in the northwest corner of Lot 1, of said Block A/7204, Charles B. Horton Addition for the northwest corner of the herein described tract of land, said point also being the northwest corner of said Palestine Concrete Tile Company tract, said point also being in the south line of Missouri Pacific Railroad Company right-of-way, according to the deed thereof recorded in Volume Y, Page 299, D.R.D.C.T.;

EXHIBIT A

130870

FIELD NOTES O.K.

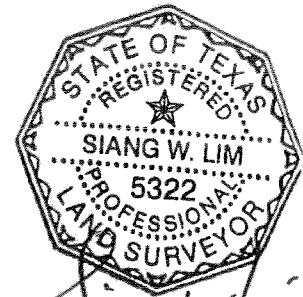
DEP 12-8-11

THENCE North 75 degrees 01 minute 00 seconds East, departing said existing east right-of-way line of Chalk Hill Road and along the north line of said Lot 1, Block A/7204, same being said south line of Missouri Pacific Railroad Company right-of-way and the north line of said Palestine Concrete Tile Company tract, a distance of 12.00 feet to a ½-inch iron rod with yellow plastic cap stamped "LIM ASSOC" (hereinafter referred to as "with cap") (monument set for previous survey) in the new east right-of-way alignment of Chalk Hill Road, as approved by said Council Resolution;

THENCE South 14 degrees 54 minutes 23 seconds East, departing said north line of Lot 1, Block A/7204 and said south line of Missouri Pacific Railroad Company right-of-way, and along said new east right-of-way alignment of Chalk Hill Road, as shown on said Council Alignment Map 221R-27, approved by said Council Resolution, a distance of 690.73 feet to a ½-inch iron rod with cap (monument set for previous survey) in the south line of said Palestine Concrete Tile Company tract, same being in the north line of said Lot 1, Block D/7202;

THENCE South 73 degrees 26 minutes 56 seconds West, departing said new east right-of-way alignment of Chalk Hill Road, as shown on said Council Alignment Map 221R-27, approved by said Council Resolution and along the common line of said Palestine Concrete Tile Company tract and Lot 1, Block D/7202, a distance of 12.73 feet to the POINT OF BEGINNING and containing 8,541 square feet or 0.196 acre of land, more or less.

BASIS OF BEARING is the Texas State Plane Coordinate System, North Central Texas Zone 4202, North American Datum 1983 (NAD83), 1993 adjustment, using Geoid03 Model.



Siang W. Lim
12/6/2011

RAILROAD RIGHT-OF-WAY
MISSOURI PACIFIC RAILROAD CO.
(RESERVED FOR DEPOT AND RAILWAY PURPOSES)
VOL. Y, PG. 299
D.R.D.C.T.

130870

N 75° 01' 00" E
12.00'

EXHIBIT A

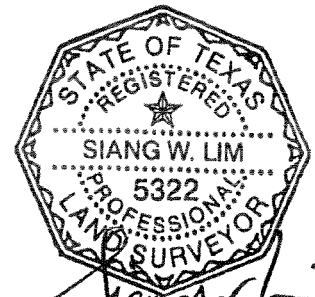


SCALE: 1"=100'

8,541 SQUARE FEET
(0.196 ACRE)
TO BE ACQUIRED FOR PUBLIC ROAD
BY CITY OF DALLAS COUNCIL
RESOLUTION NO. 101330

LEGEND:

- C.M. CONTROLLING MONUMENT
- IRON ROD FOUND (I.R.F.)
- 1/2-INCH IRON ROD SET (I.R.S.) WITH YELLOW PLASTIC CAP STAMPED "LIM ASSOC"
- * DENOTES MONUMENT SET FOR PREVIOUS SURVEY



12/6/2011

LOT 1, BLOCK D/7202
TURNPIKE WEST PROPER "addition"
INST. NO. 200600198974
O.P.R.D.C.T.

UNITED STATES
COLD STORAGE, LP
INST. NO. 20070332447
O.P.R.D.C.T.

LOT 2
TURNPIKE WEST PROPER "addition"
INST. NO. 200600198974
O.P.R.D.C.T.

TURNPIKE WEST, LCC
VOL. 2004230, PG. 9010
D.R.D.C.T.

**8,541 SQUARE FEET
(0.196 ACRE)
TO BE ACQUIRED
FOR PUBLIC ROAD
BY THE CITY COUNCIL
RESOLUTION NO. 101330**



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