

**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 482 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": Cesar Chavez Boulevard and Pearl Street from Commerce Street to Live Oak Boulevard

"USE": The construction, use, and maintenance of a street improvements together with such appurtenant facilities as may be necessary 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 Title subject to the exceptions, reservations, covenants, conditions and/or interests, if any, provided in the instrument more particularly described in Exhibit "B"

"OWNER": Westdale Properties America I, LTD, 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": \$17,320

"CLOSING COSTS AND TITLE EXPENSES": Not to exceed \$1,210

"AUTHORIZED AMOUNT": Not to exceed \$18,530

**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.

**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 and CLOSING COSTS AND TITLE EXPENSES payable out of 2006 Bond Funds, Fund No. 7T22, Department PBW, Unit U779, Activity THRF, Program No. PB06U779, Object 4210, Encumbrance No. SUSU779PM54. The PURCHASE AMOUNT, CLOSING COSTS and TITLE EXPENSES together shall not exceed the AUTHORIZED AMOUNT.

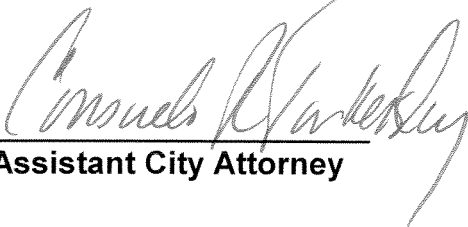
**SECTION 7.** That CITY is to have possession and/or use, as applicable, of the PROPERTY at closing; and CITY will pay any title expenses and closing costs. All costs and expenses described in this section shall be paid from the previously described funds.

**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**

APPROVED BY  
CITY COUNCIL

JUN 12 2013

  
City Secretary

**482 SQUARE FOOT (0.0111 ACRE) ACQUISITION IN BLOCK 270 ½  
FROM WESTDALE PROPERTIES AMERICA, LTD. FOR STREET RIGHT-OF-WAY**

**ALL THAT** certain lot, tract or parcel of land lying and being situated in the City and County of Dallas, Texas, more particularly described as follows:

**BEING** an approximately 482 square foot (0.0111 acres) tract of land lying in the John Grigsby League and Labor Survey, Abstract No. 495, City of Dallas, Dallas County, Texas and being part of an unplatted tract of land in Block 270 ½, Official City of Dallas Block Numbers, and being part of the land conveyed to Westdale Properties America I, Ltd., by Special Warranty Deed, recorded in Volume 98079, Page 4958, Tract IV, Deed Records of Dallas County, Texas (DRDCT) and being more particularly described as follows:

**COMMENCING** at a Type I TX DOT monument found at the intersection of the northeast line of US Interstate 345 (Variable Width) and the southwest line of Hawkins St. (Variable Width) from which the intersection of the said southwest line of Hawkins St. and the northwest line of Elm St. (60' width) bears South 14°57'35" East, a distance of 70.00 feet:

**THENCE** North 64°03'33" West, departing the southwest line of said Hawkins St. and along the northeast line of said US Interstate 345 and the southwest line of said Westdale Properties tract, a distance of 198.89 feet to an angle point in said Interstate 345;

**THENCE** North 54°39'45" West, continuing along said Interstate 345, a distance of 58.38 feet to a 5/8" Iron Rod with red plastic cap stamped, "City of Dallas", hereinafter referred to as "with cap", set at the **POINT OF BEGINNING**;

**THENCE** North 54°39'45" West, continuing along said Interstate 345, a distance of 34.00 feet to a 5/8" Iron Rod with cap set at the intersection of the northeast line of said US Interstate 345 and the southeast line of Pacific Ave. (80' Right-of-Way), said iron rod being the most westerly corner of herein described tract and on a curve to the left with a radius of 1185.90 feet and a chord that bears, North 68°18'16" East, a distance of 34.00 feet;

**THENCE** with the southeast line of Pacific Ave. and the northwest line of said Westdale Properties America I, Ltd. tract and along said curve to the left through a central angle of 1°38'34", an arc distance of 34.00 feet to a Mag Nail with red anodized washer stamped "City of Dallas" set in the said southeast line of Pacific Ave., said Mag Nail also being the most northerly corner of the herein described tract;

**THENCE** South 6°49'18" West, departing the southeast line of said Pacific Ave. and over and across said Westdale Properties America I, Ltd. tract, a distance of 32.46 feet, to the **POINT OF BEGINNING** and containing approximately 482 square feet or 0.0111 acres of land.

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

SRH/dhc  
WestdalePropertiesAmerica.doc

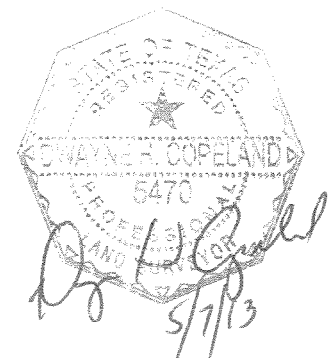
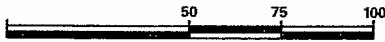
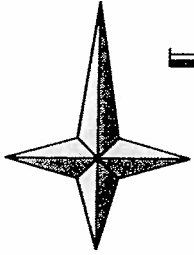


EXHIBIT A

130973

N



URBAN TRADERS, LTD.  
V. 2001003, P. 6405

JOE CANGELOSE  
V. 82217, P. 3261

BLOCK 277

GASTON AVE.  
(Variable Width  
Right-of-Way)

PACIFIC AVE.  
(80' Right-of-Way)

HAWKINS ST.  
(50' Right-of-Way)

**R.O.W. CURVE**  
L = 34.00'  
R = 1185.90'  
 $\Delta = 1^{\circ}38'34''$   
C = 34.00'  
CB = N68°18'16"E

Mag Nail  
w/washer set

WESTDALE PROPERTIES  
AMERICA I, LTD.  
V. 98079, P. 4958  
TRACT IV

482 Sq. Ft. (0.0111 acres)  
To Be Acquired

S06°49'18"W  
32.46'

BLOCK 270 12

R = 1185.9'd  
L = 35.14'd

5/8" I.R. w/cap set

N54°39'45"W  
34.00'

POINT OF  
BEGINNING

CITY BLOCK LINE

John Grigsby Survey  
Abstract No. 495

STATE OF TEXAS  
CAUSE NO. CC-67-7357-a  
V. 71065, P. 1740

US Interstate 345  
(Variable Width Right-of-Way)

BLOCK 272

N64°03'33"W  
198.89'

TxDot Mon. Fnd  
CONTROLLING  
MONUMENT  
POINT OF  
COMMENCEMENT

Sheet 2 of 2

☒ Mag Nail w"City of Dallas"  
Washer (Set)

☐ 5/8" I.R. w"City of Dallas"  
Cap (Set)

☐ To Be Acquired

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

ELM ST.  
(60' Right-of-Way)

<b>CENTRAL BOULEVARD</b>			
Property Acquisition for Street Widening			
<b>Westdale Properties America I, LTD.</b>			
DEPT. OF PUBLIC WORKS & TRANSPORTATION			
SURVEY DIVISION CITY OF DALLAS, TEXAS			
OPER. NAME	DESIGN FILE NAME	SCALE	DATE
D. Copeland	N:\ENGR\SURVEY\COPELAND\Part1\WestdalePropertiesAmerica.dgn	As Noted	4/06/12 Rev. 5/07/13
PARTY CHIEF	CALCULATIONS	FOLDER	FILE NO.
D. Copeland	D. Copeland	Block 270 12	311D-4103h

**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 Westdale Properties America I, LTD, a Texas limited partnership (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 SEVENTEEN THOUSAND THREE HUNDRED TWENTY AND NO/100 DOLLARS (\$17,320.00) 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 \_\_\_\_\_, \_\_\_\_\_.

Westdale Properties America I, LTD,  
a Texas limited partnership

By: JGB Ventures I, LTD,  
a Texas limited partnership, its general partner

**EXHIBIT B**

By: JGB Holdings, Inc.,  
a Texas corporation, its general partner

By: \_\_\_\_\_  
Name: Joseph G. Beard  
Title: President

\* \* \* \* \*

STATE OF TEXAS       '  
COUNTY OF DALLAS   '

This instrument was acknowledged before me on \_\_\_\_\_

by Joseph G. Beard , President of JGB Holdings, Inc., a Texas corporation, general partner of JGB Ventures I, LTD, a Texas limited partnership, general partner of Westdale Properties America I, LTD, a Texas limited partnership, on behalf of said limited partnership.

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

\* \* \* \* \*

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: Mark Proctor

Warranty Deed Log No. 38058 Block 270 1/2

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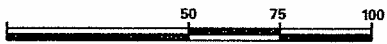
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