

A RESOLUTION AUTHORIZING THE ACQUISITION OF REAL PROPERTY FOR A NEGOTIATED PRICE HIGHER THAN THE AUTHORIZED PURCHASE AMOUNT.

WHEREAS, the Dallas City Council by the FIRST RESOLUTION authorized acquisition, by purchase and/or eminent domain, of the PROPERTY INTEREST in the PROPERTY held by OWNER for the PROJECT (all said capitalized terms being defined below); and

WHEREAS, OWNER refused the FIRST RESOLUTION OFFER AMOUNT, but has agreed to the SETTLEMENT AMOUNT stated herein; and

WHEREAS, the City Council desires to authorize the City Manager to acquire the PROPERTY INTEREST in the PROPERTY for the negotiated PURCHASE AMOUNT stated herein: Now, Therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DALLAS:

SECTION 1. That the following definitions shall apply to this resolution:

“CITY”: The City of Dallas

“FIRST RESOLUTION”: Resolution No. 14-0427 approved by the Dallas City Council on February 26, 2014

“PROJECT”: Mill Creek/Peaks Branch/State Thomas Drainage Relief Tunnel Project

“USE”: The construction, installation, use, and maintenance of a storm water collection basin to intercept overland flow and alleviate downstream flooding, together with such appurtenant facilities as may be necessary.

“OWNER”: Chan Ha and Van Phuoc Pham, 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.

“PROPERTY INTEREST”: Fee Simple, subject to the exceptions, reservations, covenants, conditions and/or interests, if any provided in the form instrument more particularly described in Exhibit “B” attached hereto and made a part hereof for all purposes.

June 25, 2014

“PROPERTY”: Approximately 11,237 square feet of land 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 hereto.

“FIRST RESOLUTION OFFER AMOUNT”: \$96,900.00

“SETTLEMENT AMOUNT”: \$107,250.00

“CLOSING COSTS AND TITLE EXPENSES”: Not to exceed \$2,900.00

“REVISED AUTHORIZED AMOUNT”: \$110,150.00

SECTION 2. That the City Manager, and/or the City Manager’s designees, is hereby authorized and directed to consummate and accept the donation, grant, and conveyance to the CITY of the PROPERTY INTEREST in and to the PROPERTY pursuant to the conveyance 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 the transaction.

SECTION 3. 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 Flood Protection and Storm Drainage Improvements Fund, Fund No. 1T23, Department TWM, Unit T525, Activity SDRS, Program No. PB06T525, Object 4210, Encumbrance No. CT-PBW06T525E1. The OFFER AMOUNT, CLOSING COSTS and TITLE EXPENSES together shall not exceed the AUTHORIZED AMOUNT.

SECTION 4. That the CITY is to have possession and/or use, as applicable, of the PROPERTY at closing; and the 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 5. 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.

COUNCIL CHAMBER

141041

June 25, 2014

APPROVED AS TO FORM:

WARREN M. S. ERNST, CITY ATTORNEY

BY: Roxanne Diamond
Assistant City Attorney

APPROVED BY
CITY COUNCIL

JUN 25 2014

Scott B. Lewis
City Secretary

**FIELD NOTES DESCRIBING A 0.2580-ACRE (11,237-SQUARE-FOOT)
TRACT OF LAND TO BE ACQUIRED BY THE CITY OF DALLAS (IN FEE)
CITY OF DALLAS DRAWING NO. 423R-54 (PARCEL 323)
PART OF OFFICIAL CITY OF DALLAS BLOCK NUMBER 793 (UNPLATTED)
JOHN GRIGSBY SURVEY, ABSTRACT NO. 495
CITY OF DALLAS, DALLAS COUNTY, TEXAS
FROM CHAN HA AND VAN PHUOC PHAM**

BEING a 0.2580-acre (11,237-square-foot) tract of (unplatted) land situated in the City of Dallas and the John Grigsby Survey, Abstract Number 495, City of Dallas Block Number 793, Dallas County, Texas, and being all of that certain tract of land conveyed to Chan Ha and Van Phuoc Pham as evidenced by Warranty Deed recorded in Volume 200218, Page 5553 of the Deed Records of Dallas County, Texas, and being more particularly described as follows:

BEGINNING in the southeast line of Junius Street, a variable width right-of-way, and the northwest line of City Block 793 at the north corner of said Chan Ha and Van Phuoc Pham tract and the west corner of that certain tract of land conveyed to Matthew Rolnick as evidenced by deed recorded in Volume 2003122, Page 10587 of the Deed Records of Dallas County, Texas, having coordinates of N=6977153.9620, E=2499660.0332, from which a 5/8-inch iron rod found with cap stamped "DCA" at the north corner of said Rolnick tract bears North 44 degrees 54 minutes 19 seconds East a distance of 49.96 feet;

THENCE South 45 degrees 26 minutes 38 seconds East departing the common southeast line of Junius Street and the northwest line of City Block 793 along the common northeast line of said Chan Ha and Van Phuoc Pham tract and southwest line of said Rolnick tract, over and across City Block 793, at a distance of 0.44 feet pass a 5/8-inch iron rod found with cap stamped "DCA", continuing in all a distance of 149.83 feet to a 1/2-inch iron rod found at the east corner of said Chan Ha and Van Phuoc Pham tract and the south corner of said Rolnick tract, having coordinates of N=6977048.8558, E=2499766.7803;

THENCE South 44 degrees 54 minutes 19 seconds West along the southeast line of said Chan Ha and Van Phuoc Pham tract a distance of 75.00 feet to a 5/8-iron rod with cap stamped "ARS" set at the south corner of said Chan Ha and Van Phuoc Pham tract and the east corner of that certain tract of land conveyed to Jose F. Garcia and Rosa Garcia as evidenced by deed recorded in Volume 70151, Page 1598 of the Deed Records of Dallas County, Texas, having coordinates of N=6976995.7423, E=2499713.8423;

THENCE North 45 degrees 26 minutes 38 seconds West along the common southwest line of said Chan Ha and Van Phuoc Pham tract and northeast line of said Garcia tract a distance of 149.83 feet to a 5/8-iron rod with cap stamped "ARS" set in the southeast line of said Junius Street and the northwest line of City Block 793 at the west corner of said Chan Ha and Van Phuoc Pham tract and the north corner of said Garcia tract, having coordinates of N=6977100.8485, E=2499607.0953;

THENCE North 44 degrees 54 minutes 19 seconds East along the southeast line of Junius Street and the northwest line of City Block 793 a distance of 75.00 feet to the **POINT OF BEGINNING**;



FIELD NOTES APPROVED:

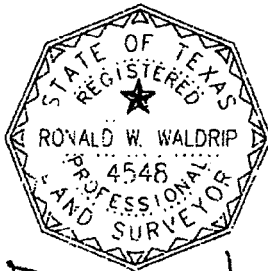
DER 12/19/13

EXHIBIT A

**FIELD NOTES DESCRIBING A 0.2580-ACRE (11,237-SQUARE-FOOT)
TRACT OF LAND TO BE ACQUIRED BY THE CITY OF DALLAS (IN FEE)
CITY OF DALLAS DRAWING NO. 423R-54 (PARCEL 323)
PART OF OFFICIAL CITY OF DALLAS BLOCK NUMBER 793 (UNPLATTED)
JOHN GRIGSBY SURVEY, ABSTRACT NO. 495
CITY OF DALLAS, DALLAS COUNTY, TEXAS
FROM CHAN HA AND VAN PHUOC PHAM**

CONTAINING within the metes recited 0.2580 acre (11,237 square feet) of land, more or less.

Basis of Bearing is the State Plane Coordinate System, Texas North Central Zone (4202), North American Datum of 1983. All coordinates are state plane on grid. All distances are surface distances. Surface Adjustment Scale Factor: 1.0001365060.



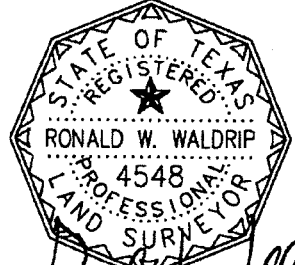
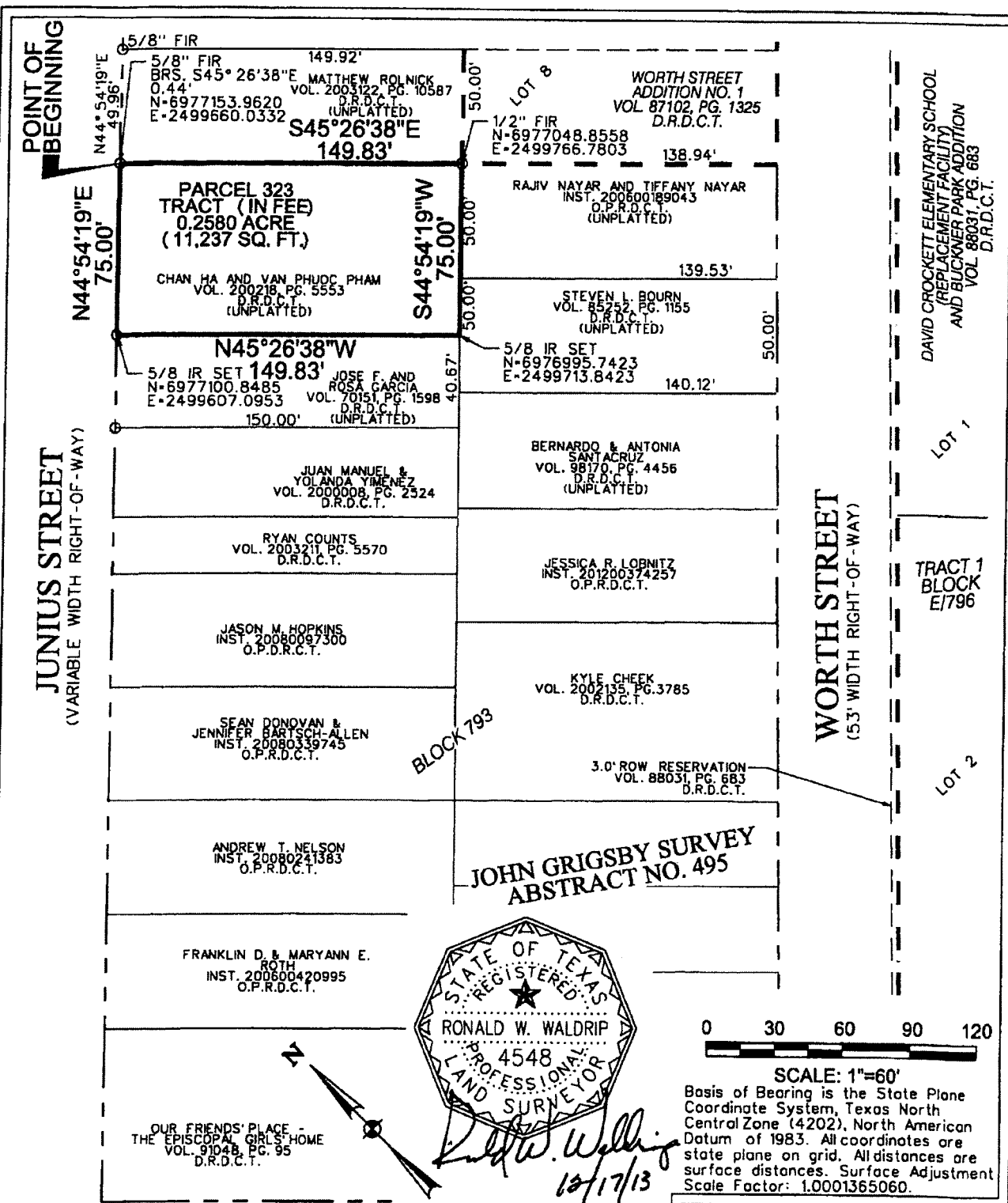
Ronald W. Waldrip 12/17/13



FIELD NOTES APPROVED:

DER 12/19/13

EXHIBIT A



Ronald W. Waldrip
 12/17/13



SCALE: 1"=60'

Basis of Bearing is the State Plane Coordinate System, Texas North Central Zone (4202), North American Datum of 1983. All coordinates are state plane on grid. All distances are surface distances. Surface Adjustment Scale Factor: 1.0001365060.

LEGEND

	ROW LINE
	PROPERTY LINE
	LOT LINE
	SUBDIVISION LINE
	PROP. EASEMENT LINE
	IRON ROD
	X-CUT
	MONUMENT

N. CARROLL AVENUE
 (VARIABLE WIDTH RIGHT-OF-WAY)

(C.M.)	CONTROLLING MONUMENT
FIR	FOUND IRON ROD
FIP	FOUND IRON PIPE
D.R.D.C.T.	DEED RECORDS DALLAS COUNTY TEXAS
O.P.R.D.C.T.	OFFICIAL PUBLIC RECORDS DALLAS COUNTY TEXAS

TRACT OF LAND TO BE ACQUIRED BY THE CITY OF DALLAS (IN FEE)
 CITY OF DALLAS DRAWING NO. 423R-54 (PARCEL 323)
 PART OF OFFICIAL CITY OF DALLAS BLOCK NUMBER 793 (UNPLATTED)
 JOHN GRIGSBY SURVEY, ABSTRACT NO. 495
 CITY OF DALLAS, DALLAS COUNTY, TEXAS

ARS Engineers, Inc.
 12801 N. Central Expressway, Suite 1250
 Dallas, Texas 75243
 Surv. Firm No. 10131900 (214) 739-3152 Fax (214) 739-3159

EXHIBIT B

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 Chan Ha and Van Phuoc Pham, wife and husband, (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 ONE HUNDRED SEVEN THOUSAND TWO HUNDRED FIFTY AND NO/100 DOLLARS (\$107,250.00) 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 _____, _____.

Chan Ha

Van Phuoc Pham

EXHIBIT B

* * * * *

STATE OF TEXAS '
COUNTY OF DALLAS '

This instrument was acknowledged before me on _____

by Chan Ha.

Notary Public, State of Texas

* * * * *

STATE OF TEXAS '
COUNTY OF DALLAS '

This instrument was acknowledged before me on _____

by Van Phuoc Pham.

Notary Public, State of Texas

* * * * *

After recording return to:
City of Dallas,
Trinity Watershed Management, Real Estate Division
1500 Marilla Street, Room 6B South
Dallas, Texas 75201
attn: Todd Wright

Warranty Deed Log No. MC323