

Exhibit C
Memorandum

RECEIVED

2016 JAN 27 AM 8:30



CITY OF DALLAS

DATE January 22, 2016

CITY SECRETARY
DALLAS, TEXAS

TO City Secretary
SUBJECT Correction to CR 14-1090

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

The subject Council Resolution was approved on 06/25/14 authorizing, "acquisition, including the exercise of the right of eminent domain, if such becomes necessary, from the owners (List attached), of three parcels of land totaling approximately 8,386 square feet consisting of a vacant lot, a single family residence, and a retail building located near the intersection of Spring Avenue and Troy Street for Spring Avenue Redevelopment Project – Not to exceed \$97,900 (\$86,900 plus closing cost and title expenses not to exceed \$11,000) - Financing: 2010-11 Community Development Block Grant Reprogramming Funds \$75,780 and Deerfield Housing Funds \$22,120"

This correction action is to affect Parcel No. 2 of the subject Council Resolution referenced below:

| | | | | |
|-------------|------------------------------------|----------|---------|----------|
| SUSSD804D33 | The Heirs at law of Leon Hooker | \$23,000 | \$4,000 | \$27,000 |
|-------------|------------------------------------|----------|---------|----------|

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

Typo Financial/funding information Obvious error from CR context

Council Resolution Section 4 should read as follows:

SECTION 4. That in the event the OWNER accepts the OFFER AMOUNT, the City Controller Chief Financial Officer 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 FY10-11 CDBG REPROGRAMMING, Fund No. 10RP, Department HOU, Unit 804D, Activity HO93, Program No. PBNIP007, Object 4210; and Deerfield Housing Fund, Fund No. 0605, Department HOU, Unit 5993, Activity HO95, Program No. PBNIP007, Object 4210, Encumbrance No. for each is stated below. The OFFER AMOUNT, CLOSING COSTS and TITLE EXPENSES together shall not exceed the AUTHORIZED AMOUNT.

Handwritten signature and date: RAR 1/22/16

Department: Sustainable Development and Construction

Director (or designee.):

Ashley Eubanks
Signature

1/22/16

Date

Ashley Eubanks

Print Name

Attachment for reference: Council Resolution [number], and if applicable, previous correction memo(s)

OFS: Approved

Denied

Is ATT Approval Needed? Y N

OFS:

Terry Ryan
Signature

1/27/2016
Date

TERRY RYAN
Print Name

ATT: Approved

Denied

Assistant City Attorney:

Signature

Date

Print Name

June 25, 2014

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": A total of approximately 8,386 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": Spring Avenue Redevelopment

"USE": The construction, widening and improvements to Spring Avenue

"PROPERTY INTEREST": Fee Simple

"OWNER", "OFFER AMOUNT", and "AUTHORIZED AMOUNT" are described below:

| Parcel No. | Square Feet | Owner | Closing Costs | | Authorized Amount |
|------------|-------------|--|---------------|----------------------------------|-------------------|
| | | | Offer Amount | and title expenses not to Exceed | |
| 1 | 1,724 | Dallas Neighborhood Alliance for Habitat | \$2,700 | \$2,000 | \$4,700 |
| 2 | 2,805 | The Heirs at law of Leon Hooker | \$23,000 | \$4,000 | \$27,000 |
| 3 | 3,857 | Tuyet Lan-Thi Vo | \$61,200 | \$5,000 | \$66,200 |

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.

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 FY10-11 CDBG REPROGRAMMING Fund No. 10RP, Department HOU, Unit 804D, Activity HO93, Program No. PBNIP007, Object 4210, Encumbrance No. for each is stated below. The OFFER AMOUNT, CLOSING COSTS and TITLE EXPENSES together shall not exceed the AUTHORIZED AMOUNT.

| Parcel No. | Encumbrance No. | Owner | Offer Amount | Closing Costs and title expenses not to Exceed | Authorized Amount |
|------------|-----------------|--|--------------|--|-------------------|
| 1 | SUSSD804D32 | Dallas Neighborhood Alliance for Habitat | \$2,700 | \$2,000 | \$4,700 |
| 2 | SUSSD804D33 | The Heirs at law of Leon Hooker | \$23,000 | \$4,000 | \$27,000 |
| 3 | SUSSD804D34 | Tuyet Lan-Thi Vo | \$61,200 | \$5,000 | \$66,200 |

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:
WARREN M. S. ERNST, City Attorney**

BY 
Assistant City Attorney

APPROVED BY
CITY COUNCIL

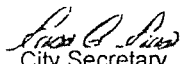
JUN 25 2014

City Secretary

EXHIBIT A

PARCEL 1

**Field Notes Describing a 1,724 Square Foot (0.0396 Acre)
Tract of Land To Be Acquired in Lot 43, City Block B/2421
From The Dallas Neighborhood Alliance for Habitat
(Parcel #8-I)**

Being a 1,724 Square Foot (0.0396 Acre) Tract of land situated in the Thomas Lagow Survey, Abstract No. 759, City of Dallas, Dallas County, Texas, and being a part of Lot 43 of Block B (Block B/2421 Official City of Dallas Block Numbers), of the Parks & Friedman Spring Avenue Addition (2nd) an addition to the City of Dallas recorded in Volume 4, Page 176, of the Map Records of Dallas County, Texas, and being all of the property conveyed to the Dallas Neighborhood Alliance for Habitat by deed dated August 14, 2007 and recorded in Instrument number 20070298435 of the Official Public Records of Dallas County, Texas and being more particularly described as follows:

BEGINNING at a 60-D Nail with washer marked "CITY OF DALLAS" set in the Northeast line of Benton Street (a variable width Right-of-Way), at the common Southwest corner of said Lot 43 and Lot 57 of said Parks & Friedman Spring Avenue Addition (2nd), and the most Westerly corner of the herein described tract of land:

THENCE North 41°32'14" East, departing the last said Northeast line of Benton Street and with the said common line between Lots 57 and 43, a distance of 23.00 feet to the most Northerly corner of the herein described tract of land, being also the most Westerly corner of a tract of land conveyed to Frances Washington by Deed dated January 8, 1947 and recorded in Volume 2772, Page 254 of the Deed Records of Dallas County, Texas (Not Monumented):

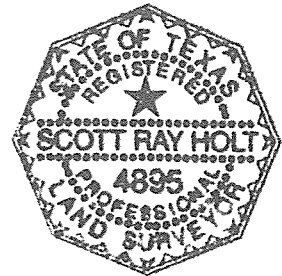
THENCE South 49°59'19" East, departing the last said common line between Lots 57 and 43 and with the common line between said Frances Washington and Dallas Neighborhood Alliance for Habitat tracts, over and across a portion of Lot 43 a distance of 75.00 feet to a 60-D Nail with washer marked "CITY OF DALLAS" set on the Northwest Right-of-Way line of Spring Avenue (a variable width Right-of-Way), as established by the conveyance of a portion of said Lot 43 to the City of Dallas for street purposes, as recorded in Volume 3165, Page 316 of the Deed Records of Dallas County, Texas, at the most Easterly corner of the herein described tract of land, from which a one-inch diameter Iron Pipe (Controlling Monument) found on the said Northwest line of Spring Avenue bears North 41°32'14" East a distance of 10.76 feet:

**Field Notes Describing a 1,724 Square Foot (0.0396 Acre)
Tract of Land To Be Acquired in Lot 43, City Block B/2421
From The Dallas Neighborhood Alliance for Habitat
(Parcel #8-I)**

THENCE South 41°32'14" West, departing the common line between said Frances Washington and Dallas Neighborhood Alliance for Habitat tracts, and with the said Northwest line of Spring Avenue, a distance of 23.00 feet to a Mag Nail with washer marked "CITY OF DALLAS" set at the most Southerly corner of the herein described tract of land, on the above referenced Northeast line of Benton Street:

THENCE North 49°59'19" West, departing the last said Northwest line of Spring Avenue and with the said Northeast line of Benton Street, a distance of 75.00 feet to the **POINT OF BEGINNING**, containing 1,724 Square Feet, or 0.0396 Acres of land.

BASIS OF BEARINGS: Bearings are based on the State Plane Coordinate System, Texas North Central Zone 4202, North American Datum of 1983 (2011).



Scott Holt
4/21/2014

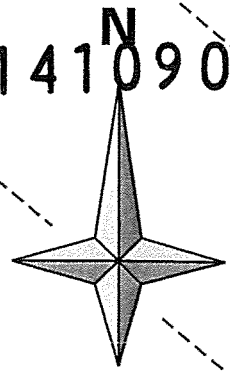


EXHIBIT A

54
Parks & Friedman
Spring Ave. Addition
Vol. 4, Pg. 176

55
South Dallas/
Fair Park Inncrcity
Community Dev. Co.
Instr. #200900212577

56
**Thomas Lagow
Survey
Abstract #759**

57
Mestin Gebre
Vol. 2001075, Pg. 1745

Parcel 8
1,724 Sq. Ft.
(0.0396 Acre) Tract
To Be Acquired

Dallas Neighborhood
Alliance for Habitat
Instr. #20070298435

40
Glenda R. Johnson
& Juanne J. Johnson
Vol. 2005078, Pg. 2561

42
Frances Washington
Vol. 2772, Pg. 254

43
1" I.P. Found
CONTROLLING
MONUMENT

Lot 6

Shady Grove Missionary
Baptist Church
Instr. #20080115508

H. M. Skelton's Addition
Vol. 1, Pg. 77

LEGEND

- ✕ "X" Cut in Pavement
- ⊙ 5/8" Iron Rod w/COD Cap Set
- Mag Nail w/COD Washer Set
- ⊗ 60-D Nail w/COD Washer Set
- * Corner Not Monumented

LOCATOR MAP Sheet 3 of 3

SPRING AVENUE

Property Acquisition for Street Widening

Dallas Neighborhood Alliance for Habitat (Parcel #8-1)

DEPT. OF PUBLIC WORKS & TRANSPORTATION


SURVEY DIVISION CITY OF DALLAS, TEXAS

| OPER.NAME | DESIGN FILE NAME | SCALE | DATE |
|-------------|---|-------------|--------------|
| HOLT | N:\ENGR\SURVEY\JLONA\PROJECTS\SPRING AVE\ Spring Ave Field Notes.dgn | As Noted | 11-9-11 |
| PARTY CHIEF | CALCULATIONS | FOLDER | FILE NO. |
| PECK | HOLT | SPRING AVE. | 311D-4174(8) |

Field Notes Describing a 2,805 Square Foot (0.064 Acre)
Tract of Land in Block 2421
To Be Acquired From Leon Hooker

Being situated in the Thomas Lagow Survey, Abstract No. 759, Dallas County, Texas, and being all of Lot 45, (Block 2241 Official City of Dallas Block Numbers) of the Parks & Friedman Spring Avenue Addition Addition, an addition to the City of Dallas, recorded in Volume 4, Page 176 of the Map Records of Dallas County, and being all of the property conveyed to Leon Hooker by Deed dated March 22, 2002, and recorded in Volume 2002065, Page 796 of the Deed Records of Dallas County, Texas and containing 2,805 square feet, or 0.064 Acres of land, according to the plat thereof.

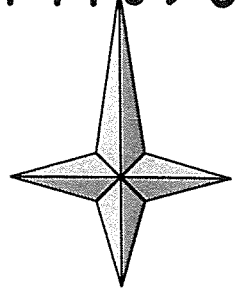
This description is approved as to form.



Scott Holt, RPLS
Survey Program Manager
Office of the Chief City Surveyor

10/21/2011
Date:

2A **EXHIBIT A**
BLOCK 2419 **141090**



*Troy-Spring Addition
 Volume 98032, Page 60*

BRASHEAR ST.
 (30' Right-of-Way)

*Parks & Friedman Spring Ave.
 ADDITION
 Vol. 4, Pg. 9*

TROY AVENUE
 (Variable Width R.O.W.)

SPRING AVENUE
 (Variable Width R.O.W.)

**2,805 Sq. Ft.
 (0.064 Acre) Tract
 To Be Acquired
 Lot 45, Block 2421**

**Leon Hooker
 Vol. 2002065, Pg. 796**

Mary Cornelliou

**South Dallas Fair Park Innercity
 Community Development Co.
 Instr. #201000302371**

**Thomas Lagow
 Survey
 Abstract #759**

BLOCK 2421

LOCATOR MAP Sheet 3 of 3

SPRING AVENUE

Property Acquisition for Street Widening
 Leon Hooker (Parcel #15)

DEPT. OF PUBLIC WORKS & TRANSPORTATION
 SURVEY DIVISION CITY OF DALLAS, TEXAS

| OPER.NAME | DESIGN FILE NAME | SCALE | DATE |
|-------------|---|-------------|---------------|
| HOLT | N:\ENGR\SURVEY\ILONA\PROJECTS\SPRING AVE\ Spring Ave Field Notes.dgn | As Noted | 10-20-11 |
| PARTY CHIEF | CALCULATIONS | FOLDER | FILE NO. |
| PECK | HOLT | SPRING AVE. | 311D-4174(15) |

PROPERTY TO BE ACQUIRED

**X cut found
 CONTROLLING
 MONUMENT**

**38" IR found
 CONTROLLING
 MONUMENT**

**"X" cut
 found**

**"X" cut
 found**

**"X" cut
 found**

**12" IR
 found**

**"X" cut
 found**

**X cut found
 CONTROLLING
 MONUMENT**

58

BLOCK 2422

21

45

46

44

47

31

32

BLOCK 2421

33

34

35

EXHIBIT A

PARCEL 3

Parcel 37-I
Field Notes Describing a 3,857 Square Foot (0.089 Acre)
Tract of Land To Be Acquired
in Lot 1 in City Block 4487
From Tuyet Lan-Thi Vo

Being a 3,857 Square Foot (0.089 Acre) Tract of land situated in the Thomas Lagow Survey, Abstract No. 759, City of Dallas, Dallas County, Texas, being a part of Lot 1 (Block 4487, Official City of Dallas Block Numbers) of the D. Rowen Subdivision, an addition to the City of Dallas dated August 29, 1925 and recorded in Volume 3, Page 448 of the Map Records of Dallas County, Texas, and being a part of that property conveyed to Tuyet Lan-Thi Vo by Special Warranty Deed dated November 3, 2010 and recorded in Instrument Number 201000291633 of the Official Public Records of Dallas County, Texas, and being more particularly described as follows:

BEGINNING at a ½ inch diameter Iron Pipe found at the intersection of the Southeast line of Spring Avenue (a variable width Right-of-Way), as established by the conveyance of a portion of said Lot 1 to the City of Dallas for street purposes, as recorded in Volume 3128, Page 130 of the Deed Records of Dallas County Texas, with the Southwest Right-of-Way line of Hatcher Street (a variable width Right-of-Way), as established by the conveyance of a portion of said Lot 1 to the City of Dallas for street purposes, as recorded in Volume 3666, Page 123 of the Deed Records of Dallas County, Texas, at the Most Northerly corner of the herein described tract of land:

THENCE South 45°24'01" East, departing the last said Southeast line of Spring Avenue and with the said Southwest line of Hatcher Street, a distance of 39.09 feet to an "X" cut in concrete pavement set at the intersection with the East line of Hatcher Street, as established by the conveyance of a portion of said Lot 1 to the City of Dallas for street purposes, as recorded in Volume 2337, Page 631 of the Deed Records of Dallas County, Texas:

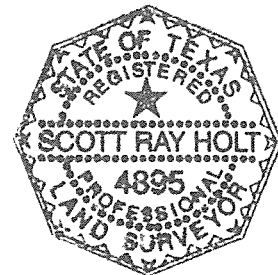
THENCE South 10°29'19" West, departing the last said Southwest line of Hatcher Street and with the said West line of Hatcher Street a distance of 78.54 feet to a one-inch diameter Iron Pipe (Controlling Monument) found at the intersection with the Southwest line of said Lot 1, being also the Northeast line of Lot 2 of said Block 4487:

Parcel 37-I
Field Notes Describing a 3,857 Square Foot (0.089 Acre)
Tract of Land To Be Acquired
in Lot 1 in City Block 4487
From Tuyet Lan-Thi Vo

THENCE North 45°15'03" West, departing the last said West line of Hatcher Street and with the common line between said Lots 1 and 2, a distance of 79.81 feet to a ½ inch diameter Iron Rod (Controlling Monument) found on the above said Southeast line of Spring Avenue as established by said conveyance to the City of Dallas, at the most Westerly corner of the herein described tract of land:

THENCE North 41°39'34" East, departing the last said Southwest line of Lot 1 and with the said Southeast line of Spring Avenue, a distance of 64.90 feet to the **POINT OF BEGINNING**, containing 3,857 Square Feet, or 0.089 Acres of land.

BASIS OF BEARINGS: Bearings are based on the State Plane Coordinate System, Texas North Central Zone 4202, North American Datum of 1983 (2011).

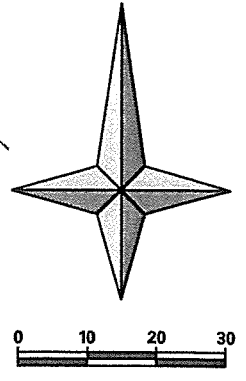


Scott Holt
4/21/2014

Parks & Friedman
Spring Ave. Addition
Vol. 4, Pg. 176

EXHIBIT A

141090
N



BLOCK 2419
2A

BLOCK 2419

Troy-Spring
ADDITION
Vol. 98032,
Pg. 60

SPRING AVENUE
(Variable Width Right-of-Way)

12" I.P. Found
CONTROLLING
MONUMENT &
POINT OF
BEGINNING

Parcel 37-1
3,857 Sq. Ft.
(0.089 Acre)
Tract To Be Acquired
1

Tuyet Lan-Thi Vo
Instrument Number
201000291633
(Tract 1)

HATCHER STREET
(Variable Width Right-of-Way)

Thomas Lagow
Survey
Abstract #759

BLOCK 4487

2

South Dallas / Fair Park
Innercity Community
Development Co.
Instr. #201000296220

D. Rowen Subdivision
Vol. 3, Pg. 448


1" IP Found
CONTROLLING
MONUMENT

LEGEND

- ✕ "X" Cut in Pavement
- ⊙ 5/8" Iron Rod w/COD Cap Set
- Mag Nail w/COD Washer Set
- ⊙ 60-D Nail Set

LOCATOR MAP

Sheet 3 of 3

| | | | |
|---|---|-------------|---------------|
|  | | | |
| SPRING AVENUE | | | |
| Property Acquisition for Street Widening | | | |
| Tuyet Lan-Thi Vo (Parcel #37-1) | | | |
| DEPT. OF PUBLIC WORKS & TRANSPORTATION | | | |
| SURVEY DIVISION CITY OF DALLAS, TEXAS | | | |
| OPER.NAME | DESIGN FILE NAME | SCALE | DATE |
| HOLT | N:\ENGR\SURVEY\ILONA\PROJECTS\SPRING AVE\ Spring Ave Field Notes.dgn | As Noted | 4-21-14 |
| PARTY CHIEF | CALCULATIONS | FOLDER | FILE NO. |
| PECK | HOLT | SPRING AVE. | 311D-4174(37) |