

Memorandum

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CITY SECRETARY
DALLAS, TEXAS

CITY OF DALLAS

DATE September 29, 2015

TO City Secretary

SUBJECT Correction to CR 15-0975

This is the first correction to the subject Council Resolution.

The subject Council Resolution was approved on 05/27/2015 authorizing settlement in lieu of proceeding further with condemnation of a subsurface easement under approximately 16,115 square feet of land from Dallas Hidden Creek Apartments, Ltd., located on Hatcher Street near its intersection with Junction Street for the Mill Creek/Peaks Branch/State Thomas Drainage Relief Tunnel Project – Not to exceed \$18,000 (\$15,000 plus closing costs and title expenses not to exceed \$3,000); an increase of \$5,734 from the amount Council originally authorized for this acquisition - Financing: 2006 Bond Funds

Change is needed to correct (select all applicable):

Typo Financial/funding information Obvious error from CR context

Council Resolution Section 3 should read as follows:

SECTION 3. That the Chief Financial Officer is authorized to draw checks for the SETTLEMENT AMOUNT, payable out of 2006 Bond Funds: Fund No. 3T23, Dept. TWM, Unit T525, Activity SDRS, Object 4210, Program No. PB06T525 Encumbrance No. CT-~~PBW06T525L7~~ PBW06T525L7-1, and CLOSING COSTS AND TITLE EXPENSES payable out of 2006 Bond Funds: Fund No. 3T23, Dept. TWM, Unit T525, Activity SDRS, Object 4230, Program No. PB06T525 Encumbrance No. CT-PBW06T525L8.

Department: TWM – Trinity Watershed Management

Director (or designee.):

Sarah Standifer, Director

September 29, 2015

Attachment for reference: Council Resolution 15-0975, and if applicable, previous correction memo(s)

*Done 10/2/15
R*

OFS: Approved

Denied

Is ATT Approval Needed? Y N

OFS:

[Handwritten Signature]
Signature

10/1/15
Date

Zachery Krentz
Print Name

ATT: Approved

Denied

Assistant City Attorney: _____
Signature

Date

Print Name

A RESOLUTION AUTHORIZING THE ACQUISITION OF REAL PROPERTY FOR AN AMOUNT HIGHER THAN THE FIRST RESOLUTION OFFER 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 SETTLEMENT 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.

“CLOSING COSTS AND TITLE EXPENSES”: Not to exceed \$3,000.00.

“FIRST RESOLUTION”: Resolution No. 14-1399 approved by the Dallas City Council on August 27, 2014, as amended by Resolution No. 14-2134.

“FIRST RESOLUTION OFFER AMOUNT”: \$9,266.00.

“OWNER”: Dallas Hidden Creek Apartments, Ltd., provided, however, that the term “OWNER” as used in this resolution means all persons having an ownership interest in the PROPERTY, regardless of whether those persons are actually named herein.

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

“PROPERTY”: Located under approximately 16,115 square feet in area, lying between the subsurface elevations of 184 feet and 363 feet (U.S. Survey Feet), inclusive, North American Vertical Datum of 1988, located in Dallas County, Texas, the boundary of which property being more particularly described in “Exhibit A”, attached hereto and made a part hereof for all purposes.

“PROPERTY INTEREST”: Flood Control Tunnel Easement.

“REVISED AUTHORIZED AMOUNT”: \$18,000.00.

“SETTLEMENT AMOUNT”: \$15,000.00.

“USE”: The below ground construction, installation, use and maintenance of a deep tunnel for the storage and transmission of stormwater drainage.

SECTION 2. 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 the CITY of the PROPERTY INTEREST in and to the PROPERTY pursuant to the conveyance instrument 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 the Chief Financial Officer is authorized to draw checks for the SETTLEMENT AMOUNT, payable out of 2006 Bond Funds: Fund No. 3T23, Dept. TWM, Unit T525, Activity SDRS, Object 4210, Program No. PB06T525 Encumbrance No. CT-PBW06T525L7, and CLOSING COSTS AND TITLE EXPENSES payable out of 2006 Bond Funds: Fund No. 3T23, Dept. TWM, Unit T525, Activity SDRS, Object 4230, Program No. PB06T525 Encumbrance No. CT-PBW06T525L8.

SECTION 4. That the payment referenced in Section 3 shall be delivered to a title insurance company after evidence of satisfactory title has been provided to and approved by the City Attorney.

SECTION 5. The SETTLEMENT AMOUNT - \$15,000.00 and the CLOSING COSTS AND TITLE EXPENSES - \$3,000.00 together shall not exceed the REVISED AUTHORIZED AMOUNT - \$18,000.00.

SECTION 6. That the CITY is to have possession and/or use, as applicable, of the PROPERTY at closing.

SECTION 7. That 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.

150975
May 27, 2015

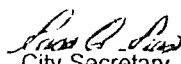
SECTION 8. That this resolution shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so resolved.

**APPROVED AS TO FORM:
WARREN M. S. ERNST, CITY ATTORNEY**

BY: 
Assistant City Attorney

APPROVED BY
CITY COUNCIL

MAY 27 2015


City Secretary

SUB-SURFACE DRAINAGE TUNNEL EASEMENT

City of Dallas Drawing No. 423R-54 (Parcel 108)

16,115 Sq. Ft. or 0.3700 Acres

Part of City of Dallas Block 4471

Thomas Lagow Survey, Abstract No.759

City of Dallas, Dallas County, Texas

From Dallas Hidden Creek Apartments Ltd.

EXHIBIT A

Being a 16,115 square feet or 0.3700 acre tract of land situated in the Thomas Lagow Survey, Abstract No. 759, in the City of Dallas, Dallas County, Texas, and being part of City Block 4471 (an unplatted tract), being in a tract of land conveyed to Dallas Hidden Creek Apartments Ltd., recorded in Volume 2003138, Page 3203 of the Deed Records of Dallas County, Texas and being more particularly described as follows:

NOTE: Subsurface easement corners are not monumented.

COMMENCING at a found PK Nail (Controlling Monument) at the intersection of the centerline of Junction Street (a Variable width right-of-way) and the northwest right-of-way line of Hatcher Street (an 80 foot wide right-of-way) and being the southeast corner of said Hidden Creek Tract, being in the southwest line of said Block 4471, and being the southeast corner of a tract of land conveyed to the City of Dallas as easement for Street Purposes, in Volume 5030, Page 661 of the Deed Records of Dallas County, Texas;

THENCE North 42°03'17" East, with the northwest Right-of-Way line of said Hatcher Street and with said southeast line of Hidden Creek tract, a distance of 44.96 feet to a point being in the northwest line of said Hatcher Street and being in the southeast line of said Hidden Creek tract, at the beginning of a curve to the left, having a radius of 1106.28 feet, and having a chord which bears North 35°27'39" East, for a chord distance of 254.07 feet;

THENCE Northeasterly, continuing with the northwest Right-of-Way line of said Hatcher Street and with said southeast line of said Hidden Creek tract, along said curve to the left, through a central angle of 13°11'16", for an arc distance of 254.63 feet to the **POINT OF BEGINNING** having coordinates of N=6967451.4845 E=2509905.8526, being in the northwest line of said Hatcher Street, and the southeast line of said Hidden Creek tract;

THENCE North 47°46'30" West, departing said northwest Right-of-Way line of said Hatcher street and over and across a portion of said Hidden Creek tract and said Block 4471, a distance of 371.62 feet to a point having coordinates of N= 6967701.1941, E= 2509630.7028, being on the north line of said Hidden Creek tract and the south line of a tract of land conveyed to the City of Dallas, recorded in Volume 1795, Page 618 of the Deed Records of Dallas County, Texas;

THENCE South 61°44'57" East, with common northeast line of said Hidden Creek tract and the southwest line of the aforementioned City of Dallas Tract, a distance of 357.94 feet to a point having coordinates N=6967531.7924 E= 2509945.9650, being in the northwest Right-of-Way line of said Hatcher Street, being the southeast corner of the aforementioned City of Dallas tract, and being the northeast corner of said Hidden Creek tract, to the beginning of a curve to the right having a radius of 1106.28 feet, and having a chord bearing South 26°32'29" West with a chord distance of 89.78 feet;

THENCE Southwesterly, with the common southeast line of said Hidden Creek tract and the northwest Right-of-Way line of said Hatcher Street, along said curve having a central angle of



FIELD NOTES APPROVED:

3ER 7-21-14

SUB-SURFACE DRAINAGE TUNNEL EASEMENT

City of Dallas Drawing No. 423R-54 (Parcel 108)

16,115 Sq. Ft. or 0.3700 Acres

Part of City of Dallas Block 4471

Thomas Lagow Survey, Abstract No.759

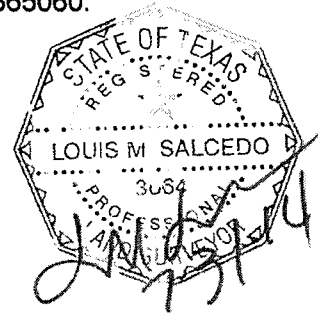
City of Dallas, Dallas County, Texas

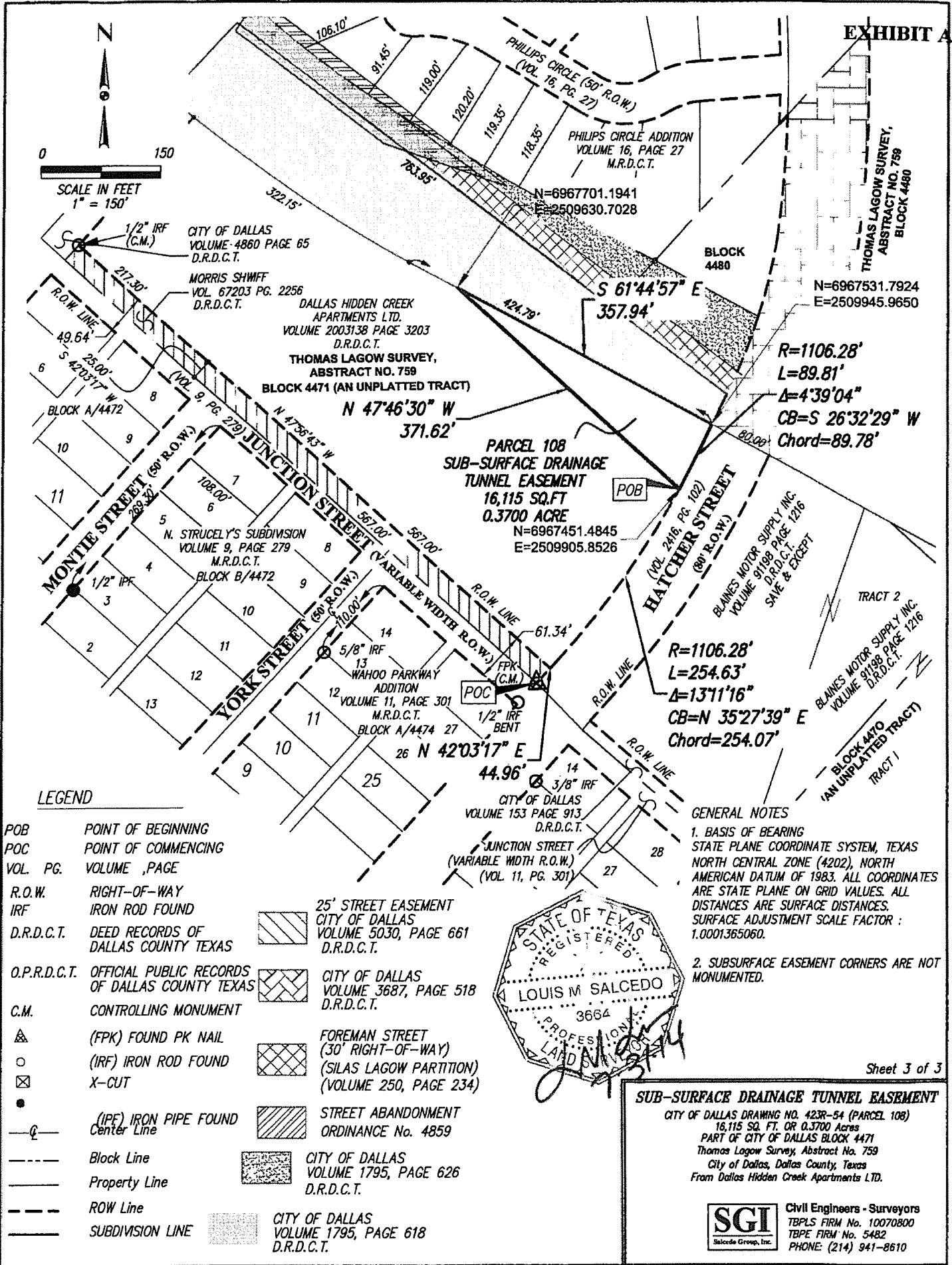
From Dallas Hidden Creek Apartments Ltd.

EXHIBIT A

4°39'04", for an arc length of 89.81 feet to the **POINT OF BEGINNING** and containing 0.3700 acres (16,115 square feet) of land, more or less.

BASIS OF BEARING State Plane Coordinate System, Texas North Central Zone (4202), North American Datum of 1983. All Coordinates are State Plane on grid values. All Distances are Surface Distances. Surface Adjustment Scale Factor: 1.0001365060.

FIELD NOTES APPROVED:
JER 7-31-14



SCALE IN FEET
1" = 150'

1/2" IRF (C.M.)

CITY OF DALLAS
VOLUME 4860 PAGE 65
D.R.D.C.T.

MORRIS SHIFF
VOL. 67203 PG. 2256
D.R.D.C.T.

DALLAS HIDDEN CREEK
APARTMENTS LTD.
VOLUME 2003138 PAGE 3203
D.R.D.C.T.

THOMAS LAGOW SURVEY,
ABSTRACT NO. 759
BLOCK 4471 (AN UNPLATTED TRACT)

PARCEL 108
SUB-SURFACE DRAINAGE
TUNNEL EASEMENT
16,115 SQ.FT
0.3700 ACRE
N=6967451.4845
E=2509905.8526

HATCHER STREET
(VOL. 2416, PG. 102)
(80' R.O.W.)

BLAINES MOTOR SUPPLY INC.
VOLUME 91198 PAGE 1216
D.R.D.C.T.
SAVE & EXCEPT

TRACT 2
BLAINES MOTOR SUPPLY INC.
VOLUME 91198 PAGE 1216
D.R.D.C.T.

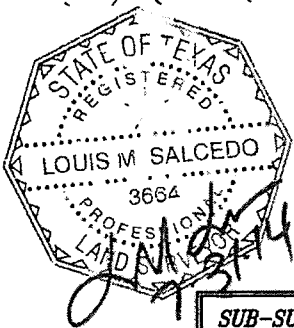
TRACT 1
BLOCK 4470
(AN UNPLATTED TRACT)

LEGEND

- POB POINT OF BEGINNING
- POC POINT OF COMMENCING
- VOL. PG. VOLUME ,PAGE
- R.O.W. RIGHT-OF-WAY
- IRF IRON ROD FOUND
- D.R.D.C.T. DEED RECORDS OF DALLAS COUNTY TEXAS
- O.P.R.D.C.T. OFFICIAL PUBLIC RECORDS OF DALLAS COUNTY TEXAS
- C.M. CONTROLLING MONUMENT
- (FPK) FOUND PK NAIL
- (IRF) IRON ROD FOUND
- X-CUT
- (IPF) IRON PIPE FOUND Center Line
- Block Line
- Property Line
- ROW Line
- SUBDIVISION LINE
- 25' STREET EASEMENT CITY OF DALLAS VOLUME 5030, PAGE 661 D.R.D.C.T.
- CITY OF DALLAS VOLUME 3687, PAGE 518 D.R.D.C.T.
- FOREMAN STREET (30' RIGHT-OF-WAY) (SILAS LAGOW PARTITION) (VOLUME 250, PAGE 234)
- STREET ABANDONMENT ORDINANCE No. 4859
- CITY OF DALLAS VOLUME 1795, PAGE 626 D.R.D.C.T.
- CITY OF DALLAS VOLUME 1795, PAGE 618 D.R.D.C.T.

GENERAL NOTES

1. BASIS OF BEARING STATE PLANE COORDINATE SYSTEM, TEXAS NORTH CENTRAL ZONE (4202), NORTH AMERICAN DATUM OF 1983. ALL COORDINATES ARE STATE PLANE ON GRID VALUES. ALL DISTANCES ARE SURFACE DISTANCES. SURFACE ADJUSTMENT SCALE FACTOR : 1.0001365060.
2. SUBSURFACE EASEMENT CORNERS ARE NOT MONUMENTED.



SUB-SURFACE DRAINAGE TUNNEL EASEMENT
CITY OF DALLAS DRAWING NO. 423R-54 (PARCEL 108)
16,115 SQ. FT. OR 0.3700 Acres
PART OF CITY OF DALLAS BLOCK 4471
Thomas Lagow Survey, Abstract No. 759
City of Dallas, Dallas County, Texas
From Dallas Hidden Creek Apartments LTD.

SGI Civil Engineers - Surveyors
TBPLS FIRM No. 10070800
TBPE FIRM No. 5482
PHONE: (214) 941-8610