

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 \$4,000.00.

“FIRST RESOLUTION”: Resolution No. 14-1401 approved by the Dallas City Council on August 27, 2014, as amended by Resolution No. 14-2135.

“FIRST RESOLUTION OFFER AMOUNT”: \$31,706.00.

“OWNER”: Stonewood Terrace 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 57,609 square feet in area, lying between the subsurface elevations of 186 feet and 366 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”: \$54,000.00.

“SETTLEMENT AMOUNT”: \$50,000.00.

“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-PBW06T525L5, 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-PBW06T525L6.

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 - \$50,000.00 and the CLOSING COSTS AND TITLE EXPENSES - \$4,000.00 together shall not exceed the REVISED AUTHORIZED AMOUNT - \$54,000.00.

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.

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 100)
 57,609 SQ. Ft. or 1.3225 Acres
 City of Dallas Block 6123
 And City of Dallas Block 6/6122
 Part of Lots 1, 2 & 3 of South Dallas Gardens Addition
 Thomas Lagow Survey, Abstract No.759
 City of Dallas, Dallas County, Texas
 From Stonewood Terrace Apartments Ltd.

Being a 57,609 square feet or 1.3225 acre tract of land situated in the Thomas Lagow Survey, Abstract No. 759, in the City of Dallas, Dallas County, Texas, being part of Block 6123 of the Silas Lagow Partition Land out of Thomas Lagow League by Volume 250, Page 234, and being part of Lots 1, 2 & 3, Block 6/6122 of the South Dallas Gardens Addition, recorded in Volume 1, Page 448, of the Map Records of Dallas County, Texas, and also being a part of a tract of land conveyed to Stonewood Terrace Apartments Ltd. (herein called, Stonewood Terrace tract) by Special Warranty Deed recorded by Volume 2001250, Page 5188 of the Official Public Records of Dallas County, Texas, and being more particularly described as follows:

NOTE: 1. Subsurface easement corners are not monumented.

2. All Coordinates are State Plane on grid. All Distances are Surface Distances. Surface Adjustment Scale Factor: 1.0001365060.

COMMENCING at a found angle Iron (Controlling Monument) being a southwest corner of said Stonewood Terrace tract, and being in the northwest line of a tract of land conveyed to City of Dallas by deed recorded in Volume 86121, Page 106 of the Deed Records of Dallas County, Texas, and being the northeasterly corner of a tract of land conveyed to Common Ground Community Economic Development Corporation, recorded in Volume 85101, Page 2973 of the Deed Records of Dallas County, Texas, being in the common Lot line of Lot 4 and said Lot 3, Block 6/6122;

THENCE North 42°23'25" East, with the said Common line of said Lots 3 and 4, Block 6/6122, with the said line of said City of Dallas tract, with the southeast line of said Stonewood Terrace Tract, a distance of 64.74 feet to the **POINT OF BEGINNING** having coordinates of N=6965622.7911, E=2511920.8528, being in the east line of said Stonewood Terrace tract, being the west line of said City of Dallas tract, and the southeast line of said Lot 3, Block 6/6122;

THENCE North 47°46'30" West, departing the said common Lot line of Lots 3 and 4, Block 6/6122 said line of said City of Dallas tract and said southeast line of Stonewood Terrace tract and over and across said Stonewood Terrace Tract and said South Dallas Gardens Addition, a passing distance of 100.00 feet being the common line of Lot 2 and said Lot 3 of said Block 6/6122, a passing distance of 200.00 feet, being in the common line of Lot 1 and said Lot 2 of said Block 6/6122, a passing distance of 300.00 feet, being the northwest line of said Lot 1, Block 6/6122, and being the northwest subdivision line of said South Dallas Gardens Addition, and being the common Block line of said Block 6/6122 and said Block 6123, and said Silas Lagow Partition, having a total distance of 639.72 feet, to a point in the northwest line of said Stonewood Terrace tract and the south Right-of-Way line of Dixon Avenue (50' Right-of-Way) dedicated by the South Dallas Gardens Addition, an Addition to the City of Dallas, Recorded in by Plat in Volume 5, Page 177 of the Map Record of Dallas County, Texas, having coordinates of N= 6966052.6537, E= 2511447.1960;



FIELD NOTES APPROVED:

DER 11-14-14

150976

EXHIBIT A

SUB-SURFACE DRAINAGE TUNNEL EASEMENT

City of Dallas Drawing No. 423R-54 (Parcel 100)

57,609 SQ. Ft. or 1.3225 Acres

City of Dallas Block 6123

And City of Dallas Block 6/6122

Part of Lots 1, 2 & 3 of South Dallas Gardens Addition

Thomas Lagow Survey, Abstract No.759

City of Dallas, Dallas County, Texas

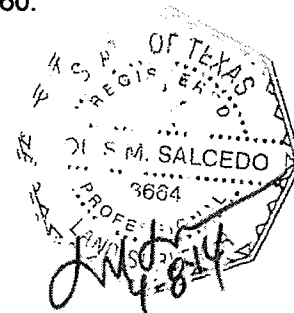
From Stonewood Terrace Apartments Ltd.

THENCE North 41°54'30" East, with the south Right-of-Way line of said Dixon Avenue and the said northwest line of Stonewood Terrace tract, a distance of 90.00 feet, to a point in the northwest line of said Stonewood Terrace tract and the southeast Right-of-Way line of said Dixon Avenue, having coordinates of N= 6966119.6248, E= 2511507.3034;

THENCE South 47°46'30" East, Departing the south Right-of-Way line of said Dixon Avenue and the northwest line of Stonewood Terrace tract and over and across said Stonewood Terrace tract and said South Dallas Gardens Addition, a passing distance of 340.48 feet, being in the northwest line of said Lot 1, Block 6/6122, being in the northwest subdivision line of said South Dallas Gardens Addition, and being the common Block line of said Block 6/6122 and said Block 6123 and said Silas Lagow Partition, a passing distance of 440.48 feet, being in the common line of said Lots 1 and 2, Block 6/6122, a passing distance of 540.48 feet, being in the common line of said Lots 2 and 3, Block 6/6122, having a total distance of 640.48 feet, to a point in the east line of said Stonewood Terrace tract and the west line of said City of Dallas tract, and being in the common line of Lot 3 and Lot 4, Block 6/6122, having coordinates of N= 6965689.2536, E= 2511981.5207;

THENCE South 42°23'25" West, with the said common line of Lots 3 and 4, Block 6/6122 and with southeast line of said Stonewood Terrace tract, a distance of 90.00 feet, to the **POINT OF BEGINNING**, and containing 57,609 square feet or 1.3225 acres of land.

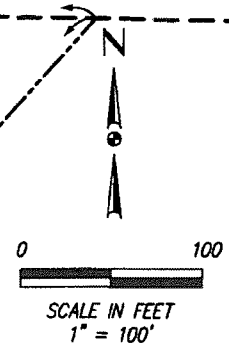
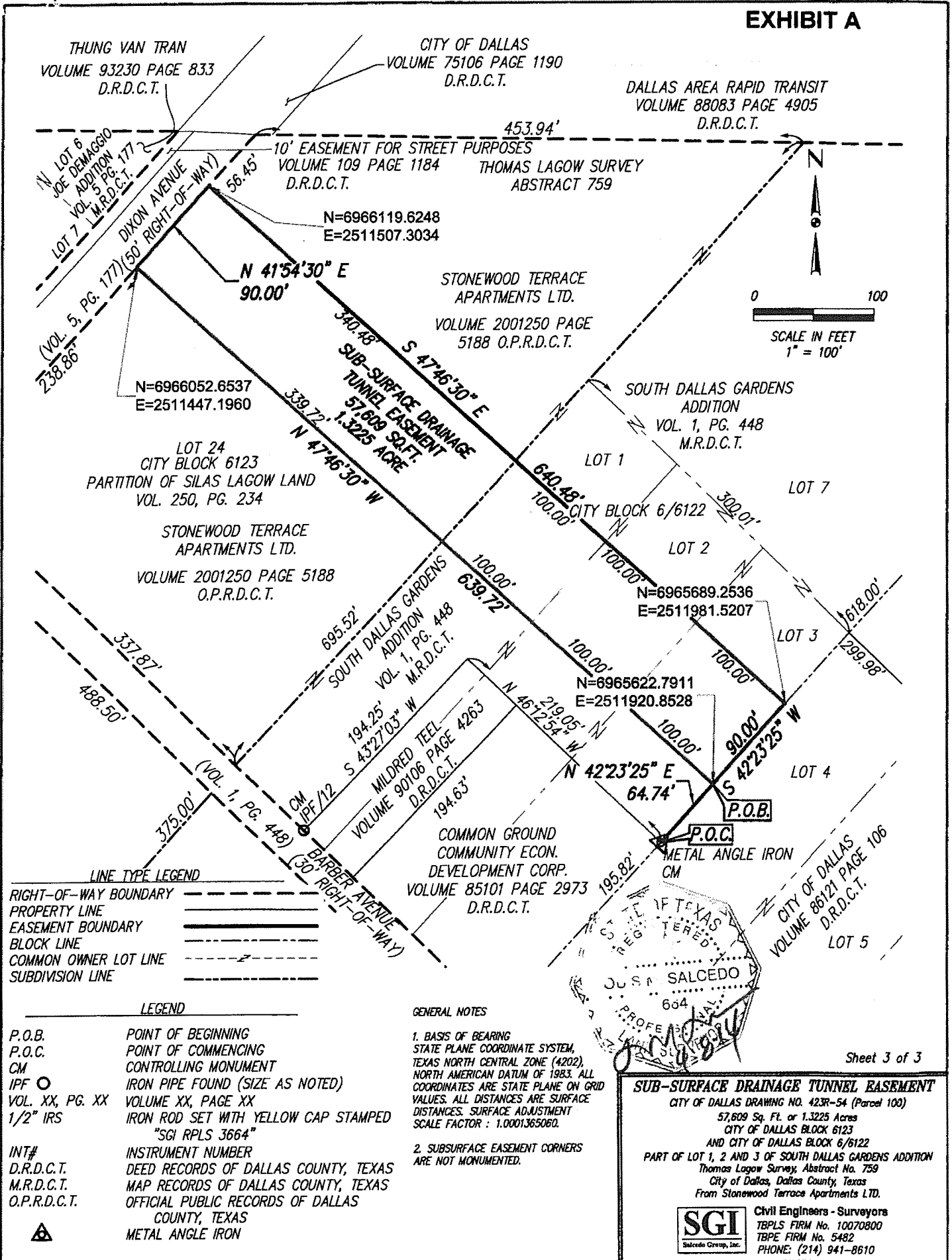
BASIS OF BEARING: State Plane Coordinate System, Texas North Central Zone (4202), North American Datum of 1983. All Coordinates are State Plane on grid. All Distances are Surface Distances. Surface Adjustment Scale Factor: 1.0001365060.



FIELD NOTES APPROVED:

002 4-17-14

EXHIBIT A



LINE TYPE LEGEND

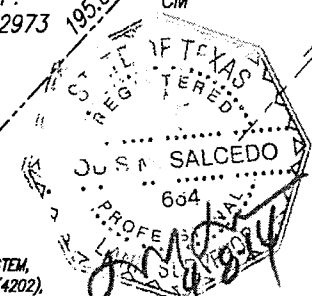
RIGHT-OF-WAY BOUNDARY	---
PROPERTY LINE	---
EASEMENT BOUNDARY	---
BLOCK LINE	---
COMMON OWNER LOT LINE	---
SUBDIVISION LINE	---

LEGEND

P.O.B.	POINT OF BEGINNING
P.O.C.	POINT OF COMMENCING
CM	CONTROLLING MONUMENT
IPF ○	IRON PIPE FOUND (SIZE AS NOTED)
VOL. XX, PG. XX	VOLUME XX, PAGE XX
1/2" IRS	IRON ROD SET WITH YELLOW CAP STAMPED "SGI RPLS 3664"
INT#	INSTRUMENT NUMBER
D.R.D.C.T.	DEED RECORDS OF DALLAS COUNTY, TEXAS
M.R.D.C.T.	MAP RECORDS OF DALLAS COUNTY, TEXAS
O.P.R.D.C.T.	OFFICIAL PUBLIC RECORDS OF DALLAS COUNTY, TEXAS
△	METAL ANGLE IRON

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 100)
 57,609 Sq. Ft. or 1.3225 Acres
 CITY OF DALLAS BLOCK 6123
 AND CITY OF DALLAS BLOCK 6/6122
 PART OF LOT 1, 2 AND 3 OF SOUTH DALLAS GARDENS ADDITION
 Thomas Lagow Survey, Abstract No. 759
 City of Dallas, Dallas County, Texas
 From Stonewood Terrace Apartments LTD.

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