

**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": Approximately 36,053 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": Southwest 120/96-inch Water Transmission Pipeline Project

"USE": The construction, use, and maintenance of a pipeline or lines for the transmission of treated water together with such appurtenant facilities as may be necessary.

"PROPERTY INTEREST": Fee Simple

"OWNER": Southport Properties, LP, 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.

"OFFER AMOUNT": \$72,010

"CLOSING COSTS AND TITLE EXPENSES": Not to exceed \$5,990

"AUTHORIZED AMOUNT": \$78,000

**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 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 Water Utilities Capital Construction Funds, Fund No. 0102, Department DWU, Unit CW40, Activity MPSA, Program No. 706035, Object 4210, Encumbrance No. CT-DWU706035CPBL. The OFFER AMOUNT, CLOSING COSTS and TITLE EXPENSES together shall not exceed the AUTHORIZED AMOUNT.

**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.

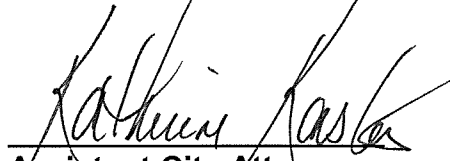
**SECTION 9.** That OWNER has been provided with a copy of the Landowner's Bill of Rights as required by Texas Property Code Section 21.0112.

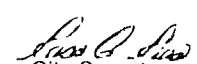
**SECTION 10.** That in the event the Special Commissioners in Condemnation appointed by the Court return an award that is the same amount or less than the OFFER AMOUNT, the City Attorney is hereby authorized to settle the lawsuit for that amount and the Chief Financial Officer is hereby authorized to 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.

150982  
May 27, 2015

**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  
  
MAY 27 2015  
  
  
City Secretary

**EXHIBIT "A"**  
**PAGE 1 OF 5**  
**PARCEL W-99**  
**LEGAL DESCRIPTION**  
**0.8277 ACRES (36,053 SQ. FT.) PARCEL**  
**SOUTHPORT PROPERTIES, L.P. TRACT**  
**ULRICH WUTHRICK SURVEY, ABSTRACT NO. 1518**  
**CITY BLOCK 8266**  
**CITY OF DALLAS, DALLAS COUNTY, TEXAS**

DESCRIPTION

BEING a 0.8277 acre (36,053 square feet) tract of land situated in the Ulrich Wuthrick Survey, Abstract No. 1518, being in City Block 8266, City of Dallas, Dallas County, Texas and being a portion of a called 9.597 acre tract of land (unplatted) described as Tract 1 (Parcel 156) in the Substitute Trustee's Deed to SouthPort Properties, L.P. as recorded in Instrument No. 201100113978 of the Official Public Records of Dallas County, Texas (O.P.R.D.C.T.), and being more particularly described by metes and bounds as follows:

BEGINNING at a 1/2" iron rod with plastic cap stamped "TX REG NO 100189-00" set at the southeast corner of the aforementioned Tract 1 (Parcel 156) having coordinates of N 6924991.6011, E 2510114.8737, said corner being at the intersection of the northerly right-of-way line of Langdon Road (variable width right-of-way ~ 80' wide at this point) as conveyed to the County of Dallas according to the Right-of-way Deeds as recorded in Volume 2417, Page 325, Volume 2483, Page 126 and Volume 2506, Page 123 of the Deed Records of Dallas County, Texas (D.R.D.C.T.) and the westerly right-of-way line of the Union Pacific Railroad Company (UPRR) 100' right-of-way (as described in the Deed to Dallas and Waco Railway Company as recorded in Volume 88, Page 14, D.R.D.C.T.);

THENCE S 59°05'38" W, with the southerly line of said Tract 1 (Parcel 156), said northerly right-of-way line of Langdon Road and the southerly line of said City Block 8266, 269.32 feet (deed-S 59°05'37" W~269.33 feet) to a 5/8" iron rod with plastic cap stamped "KHA", having coordinates of N 6924853.2865, E 2509883.8225, found at the beginning of a curve to the left having a central angle of 01°44'15", a radius of 858.64 feet, a tangent of 13.02 feet and a chord which bears S 58°13'31" W, 26.04 feet;

THENCE, continuing with said southerly line of Tract 1 (Parcel 156), said northerly right-of-way line of Langdon Road and said southerly line of City Block 8266 and with said curve to the left, an arc distance of 26.04 feet (deed-26.01 feet) to a 5/8" iron rod with plastic cap stamped "KHA" found at the southwest corner of said Tract 1 (Parcel 156) having coordinates of N 6924839.5774, E 2509861.6906, said southwest corner also being the southeast corner of a called 156.0 acre tract (unplatted) described as Parcel 87 (Tract 23) in the Substitute Trustee's Deed to American Bank of Texas as recorded in Instrument No. 201100175769, O.P.R.D.C.T.;

FIELD NOTES APPROVED:  
  


Dallas Water Utilities  
 Southwest 120/96-inch Water  
 Transmission Pipeline Project

**NDM**  
 NATHAN D. MAIER  
 CONSULTING ENGINEERS, INC.  
 TBPE FIRM REG. NO. F-356  
 TBPLS FIRM REG. NO. 100189-00  
 Two Northpark / 8080 Park Lane / Suite 600  
 Dallas, Texas 75231 / (214) 739-4741

**AECOM**  
 JUNE 18, 2014

AECOM TECHNICAL SERVICES INC., TX  
 16000 DALLAS PARKWAY, SUITE 350  
 DALLAS, TEXAS 75248  
 WWW.AECOM.COM  
 TBPE REG. NO. F-3580  
 7059-EX99R3.dwg

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THENCE N 30°53'31" W (deed-N 30°53'32" W), departing said southerly line of Tract 1 (Parcel 156), said northerly right-of-way line of Langdon Road and said southerly line of City Block 8266 and with the westerly line of said Tract 1 (Parcel 156), the easterly line of said Parcel 87 (Tract 23), the westerly line of said City Block 8266 and the easterly line of City Block 8285, 70.03 feet to a set 1/2" iron rod with plastic cap stamped "TX REG NO 100189-00" having coordinates of N 6924899.6648, E 2509825.7405, and being the beginning of a non-tangent curve to the right having a central angle of 01°11'16", a radius of 928.64 feet, a tangent of 9.63 feet and a chord which bears N 58°04'56" E, 19.25 feet;

THENCE, departing said westerly line of Tract 1 (Parcel 156), said easterly line of Parcel 87 (Tract 23), said westerly line of City Block 8266 and said easterly line of City Block 8285 and with said non-tangent curve to the right, over and across said Tract 1 (Parcel 156), an arc distance of 19.25 feet to a corner having coordinates of N 6924909.8416, E 2509842.0786 (not monumented);

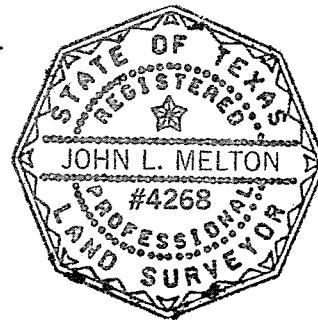
THENCE N 36°35'35" E, 225.96 feet to a corner having coordinates of N 6925091.2371, E 2509976.7607 (not monumented);

THENCE N 59°05'35" E, 71.99 feet to a corner, having coordinates of N 6925128.2088, E 2510038.5191 (not monumented), in the common easterly line of said Tract 1 (Parcel 156) and the aforementioned westerly right-of-way line of the UPRR 100' right-of-way, and being the beginning of a non-tangent curve to the right having a central angle of 04°49'21", a radius of 1860.10 feet, a tangent of 78.33 feet and a chord which bears S 29°12'11" E, 156.52 feet;

THENCE, with said common line, an arc distance of 156.56 feet to the POINT OF BEGINNING and containing 0.8277 acre (36,053 square feet) of land, more or less.

FOR NATHAN D. MAIER CONSULTING ENGINEERS, INC.

  
 John L. Melton, R.P.L.S. No. 4268  
 Registered Professional Land Surveyor



Dallas Water Utilities  
 Southwest 120/96-inch Water  
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**NOTES:**

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: 1.000136506

The permanent easement to Southwestern Bell Telephone Company as recorded in Volume 2018, Page 3 of the Deed Records of Dallas County, Texas (D.R.D.C.T.), does not affect the subject tract.

The right-of-way easement to the State of Texas as recorded in Volume 2793, Page 267, D.R.D.C.T., does not affect the subject tract.

The easement and right-of-way to Texas Power & Light Company as recorded in Volume 2858, Page 7, D.R.D.C.T., does not affect the subject tract.

The easement and right-of-way to Texas Power & Light Company as recorded in Volume 3104, Page 331, D.R.D.C.T., does not affect the subject tract.

The easement and right-of-way (aerial right-of-way) to Texas Power & Light Company as recorded in Volume 3742, Page 143, D.R.D.C.T., does not affect the subject tract.

The easement and right-of-way to Texas Power & Light Company as recorded in Volume 5004, Page 470, D.R.D.C.T., does not affect the subject tract.

The lack of direct access to the controlled access highway facility as set forth in the instrument recorded in Volume 902, Page 79, D.R.D.C.T., does not affect the subject tract.

The easement and right-of-way to Texas Power & Light Company as recorded in Volume 67084, Page 120, D.R.D.C.T., does not affect the subject tract.

The easement and right-of-way to Texas Power & Light Company as recorded in Volume 67084, Page 122, D.R.D.C.T., does not affect the subject tract.

The rights-of-way or easements for water main to the City of Dallas as recorded in Volume 82061, Page 2252, D.R.D.C.T., do not affect the subject tract.

**Dallas Water Utilities**  
**Southwest 120/96-inch Water**  
**Transmission Pipeline Project**

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## NOTES (continued):

The aerial easements and rights-of-way to Dallas Power & Light as recorded in Volume 89114, Page 1037, D.R.D.C.T., do not affect the subject tract.

The terms, provisions, conditions and easements as described in the instrument entitled "Right of Possession Agreement" as recorded in Volume 89132, Page 2152, D.R.D.C.T., do not affect the subject tract.

The easements for wastewater main to the City of Dallas as recorded in Volume 91033, Page 1531, D.R.D.C.T., do not affect the subject tract.

No sanitary sewer lines and appurtenances thereto as shown on City of Dallas sewer map H-18 affect the subject tract.

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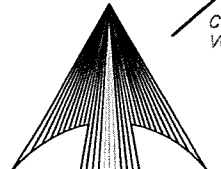
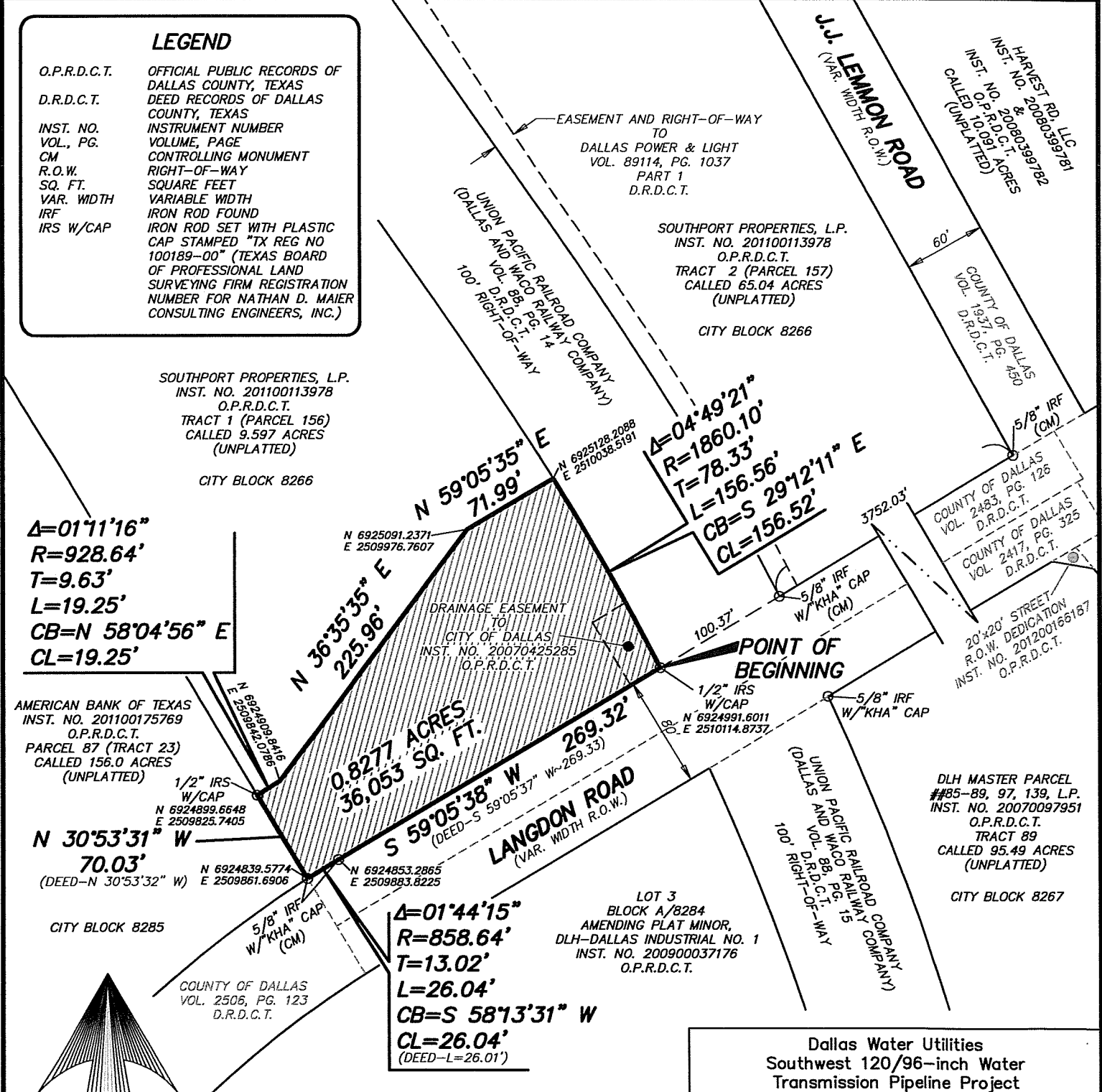
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**LEGEND**

O.P.R.D.C.T. OFFICIAL PUBLIC RECORDS OF DALLAS COUNTY, TEXAS  
 D.R.D.C.T. DEED RECORDS OF DALLAS COUNTY, TEXAS  
 INST. NO. INSTRUMENT NUMBER  
 VOL., PG. VOLUME, PAGE  
 CM CONTROLLING MONUMENT  
 R.O.W. RIGHT-OF-WAY  
 SQ. FT. SQUARE FEET  
 VAR. WIDTH VARIABLE WIDTH  
 IRF IRON ROD FOUND  
 IRS W/CAP IRON ROD SET WITH PLASTIC CAP STAMPED "TX REG NO 100189-00" (TEXAS BOARD OF PROFESSIONAL LAND SURVEYING FIRM REGISTRATION NUMBER FOR NATHAN D. MAIER CONSULTING ENGINEERS, INC.)



**NORTH**  
 SCALE: 1"=100'

**NDM**  
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