

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 INTERESTS 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

“FIRST RESOLUTION”: Resolution No. 13-1097 approved by the Dallas City Council on June 26, 2013, authorized the purchase and/or eminent domain for a purchase amount of \$535,000 (\$530,000, plus closing costs and title expenses not to exceed \$5,000).

“PROPERTY”: Approximately 54,898 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”: White Rock Hills Park Project

“USE”: The future construction and use as park property. The property is not officially dedicated as municipal park land until such time the property is developed for its intended use. Provided, however to the extent fee title to the PROPERTY is acquired, such title and the PROPERTY shall not be limited to or otherwise deemed restricted to the USE herein provided.

“PROPERTY INTEREST”: Fee Simple

“OWNER”: Schenk Family, 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.

“FIRST RESOLUTION OFFER AMOUNT”: \$530,000

“SETTLEMENT AMOUNT”: \$719,765.43

“CLOSING COSTS AND TITLE EXPENSES”: Not to exceed \$6,234.57

“REVISED AUTHORIZED AMOUNT”: \$726,000.00

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 difference between the FIRST RESOLUTION AMOUNT and the REVISED AUTHORIZED AMOUNT, payable as follows:

\$189,765.43, payable out of 2006 Bond Funds – Fund 2T00, Dept. PKR, Unit T329, Activity RFSI, Program PK03K209, Object 4210 Encumbrance No. PKR13019374.

\$1,234.57, payable out of 2006 Bond Funds – Fund 2T00, Dept. PKR, Unit T329, Activity RFSI, Program PK03K209, Object 4230 Encumbrance No. PKR13019374.

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 - \$719,765.43 and the CLOSING COSTS AND TITLE EXPENSES - \$6,234.57 together shall not exceed the REVISED AUTHORIZED AMOUNT - \$726,000.00.

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.

June 17, 2015

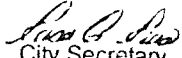
SECTION 8. That this resolution shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so resolved.

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

BY: 
Assistant City Attorney

APPROVED BY
CITY COUNCIL

JUN 17 2015


City Secretary

FIELD NOTES DESCRIBING 1.260 AC. (54,898 SQ. FT.) IN BLOCK 7037
TO BE ACQUIRED FOR PARK FROM LA PRADERA PARTNERS, LTD.
CITY OF DALLAS DRAWING NUMBER 043D-15

BEING a 1.260 acre (54,898 square feet) tract of land (unplatted) situated in the C. Lovejoy Survey, Abstract Number 830, in Block 7037, City of Dallas, Dallas County, Texas, and being all of those tracts of land described as Tract 2 and Tract 3 in Warranty Deed with Vendor's Lien to La Pradera Partners, Ltd. recorded in Volume 2004109, Page 2359, Official Public Records of Dallas County, Texas (O.P.R.D.C.T.), and being more particularly described as follows:

BEGINNING at the most southerly west corner of Penzance Hamlet Addition, an addition to the City of Dallas recorded in Volume 70142, Page 2137, D.R.D.C.T., same being the south corner of said Tract 3 (not monumented) as called in said Warranty Deed with Vendor's Lien, same being on the northeast right-of-way line of Highland Road (variable width right-of-way), from which a 1/2-inch found iron rod for witness bears South 28 degrees 54 minutes 37 seconds East a distance of 0.25 feet, and also from which a 1/2-inch found iron rod for witness bears South 54 degrees 33 minutes 23 seconds West a distance of 0.71 feet;

THENCE North 45 degrees 02 minutes 40 seconds West, along said northeast right-of-way line, same being the southwest line of said Tract 3, at a distance of 75.00 feet passing the west corner of said Tract 3 and south corner of said Tract 2 (not monumented), and departing said southwest line and continuing along said northeast right-of-way line, same being the southwest line of said Tract 2, in all a total distance of 164.94 feet to a 5/8-inch found iron rod (controlling monument) for the west corner of said Lot 2 and most southerly corner of that tract of land described in Assumption Warranty Deed with Vendor's Lien to Highland Partnership, LLC recorded in Instrument Number 201000054528, O.P.R.D.C.T.;

THENCE North 45 degrees 08 minutes 14 seconds East, departing said northeast right-of-way line and said southwest line and along the southeast line of said Highland Partnership tract, a distance of 487.80 feet to a 1/2-inch found iron rod (controlling monument) in the northeast line of said Tract 2 and in the southwest line of that tract of land described in Special Warranty Deed to Access II Ministorage, L.C. recorded in Volume 98112, Page 07051, Deed Records of Dallas County, Texas (D.R.D.C.T.) as called in said deed for the most easterly corner of said Highland Partnership tract;

FIELD NOTES APPROVED:
P. G. KERR
3-15-12



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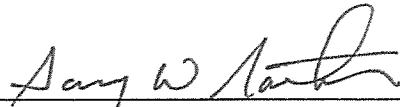
THENCE South 46 degrees 10 minutes 12 seconds East, along the northeast line of said Tract 2 and the southwest line of said Access II Ministorage, L.C. tract, a distance of 88.92 feet to the most easterly corner of said Tract 2 and northerly corner of said Penzance Hamlet Addition (not monumented), from which a 1/2-inch found iron pipe for witness bears South 38 degrees 27 minutes 42 seconds West a distance of 0.36 feet;

THENCE South 45 degrees 02 minutes 07 seconds West, departing said northeast and southwest lines and along the northwest line of said Penzance Hamlet Addition, same being the southeast line of said Tract 2, a distance of 340.10 feet to the north corner of said Tract 3 and an ell corner of said Penzance Hamlet Addition (not monumented), from which point a 5/8-inch found iron rod for witness bears South 04 degrees 10 minutes 05 seconds East a distance of 0.28 feet;

THENCE South 45 degrees 30 minutes 53 seconds East, departing said southeast line and continuing along said northwest line of said Penzance Hamlet Addition and along the northeast line of said Tract 3, a distance of 75.00 feet to a reentrant corner of said Penzance Hamlet Addition and the east corner of said Tract 3 (not monumented), from which point a 5/8-inch found iron rod for witness bears South 08 degrees 45 minutes 09 seconds West a distance of 0.92 feet;

THENCE South 44 degrees 58 minutes 07 seconds West, departing said northeast line and continuing along the northwesterly line of said Penzance Hamlet Addition and along the southeast line of said Tract 3, a distance of 150.06 feet to the POINT OF BEGINNING AND CONTAINING 54,898 square feet or 1.260 acres of land, more or less.

Basis of Bearing is NAD 83 (NSRS2007) Texas State Plane North Central Zone 4202 as observed by GPS on Julian day 311 of 2011 from Western Data Systems network station "DUNP". Convergence angle at "DUNP" is +00 degrees 56 minutes 34.23759 seconds.

 2-1-2012

Gary W. Matthews
Registered Professional Land Surveyor
Texas No. 5534

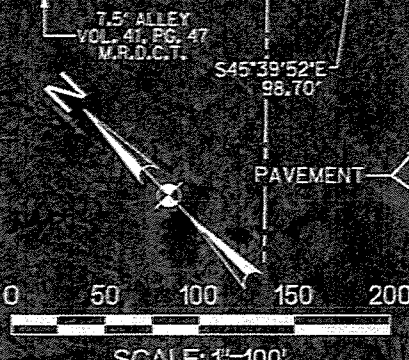
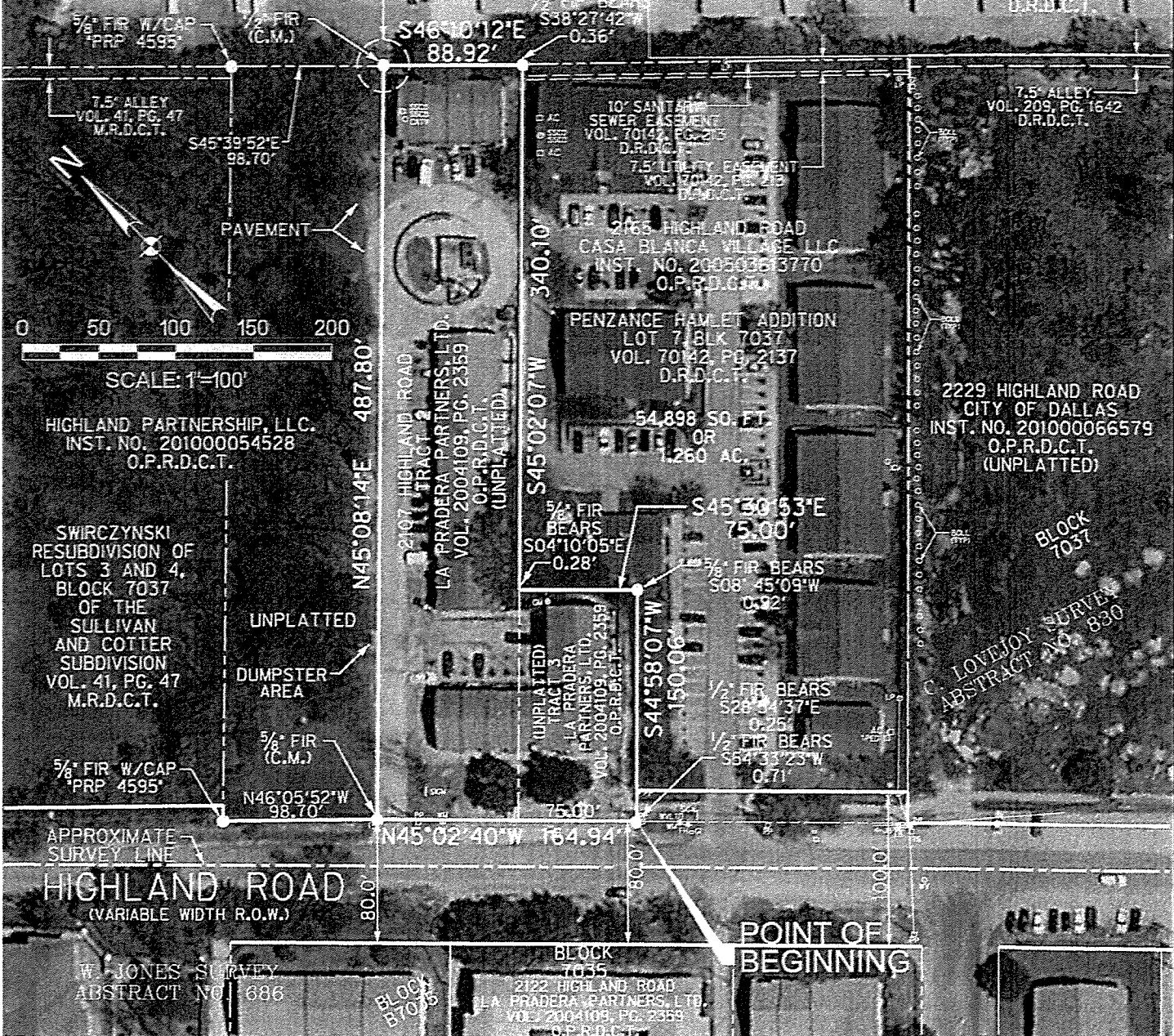


FIELD NOTES APPROVED
PER 5-15-12


FIELD NOTES DESCRIBING 1.260 AC. (54,898 SQ. FT.)
IN CITY BLOCK 7037
TO BE ACQUIRED FOR PARK FROM
LA PRADERA PARTNERS, LTD.

EXHIBIT A
8047 FERGLISON
ACCESS #1111 STORAGE, L.L.C.
VOL. 98112, PG. 0705
D.R.D.C.T.
LOT 12 BLOCK 7037
FERGLISON ROAD SELF
STORAGE ADDITION
VOL. 88050, PG. 0626
D.R.D.C.T.

8047 FERGLISON ROAD
ACCESS #1111 STORAGE, L.L.C.
VOL. 98112, PG. 0705
D.R.D.C.T.
(UNPLATTED)



HIGHLAND PARTNERSHIP, LLC.
INST. NO. 201000054528
O.P.R.D.C.T.

SWRCZYNSKI
RESUBDIVISION OF
LOTS 3 AND 4,
BLOCK 7037
OF THE
SULLIVAN
AND COTTER
SUBDIVISION
VOL. 41, PG. 47
M.R.D.C.T.

HIGHLAND ROAD
(VARIABLE WIDTH R.O.W.)



BOUNDARY SURVEY
OF
2107 HIGHLAND ROAD
1.260 ACRE TRACT
IN CITY BLOCK 7037
SITUATED IN THE
C. LOVEJOY SURVEY, ABSTRACT 830
CITY OF DALLAS, DALLAS COUNTY, TEXAS
CITY OF DALLAS DRAWING NUMBER 043D-15

FOR
CITY OF DALLAS
PREPARED BY :

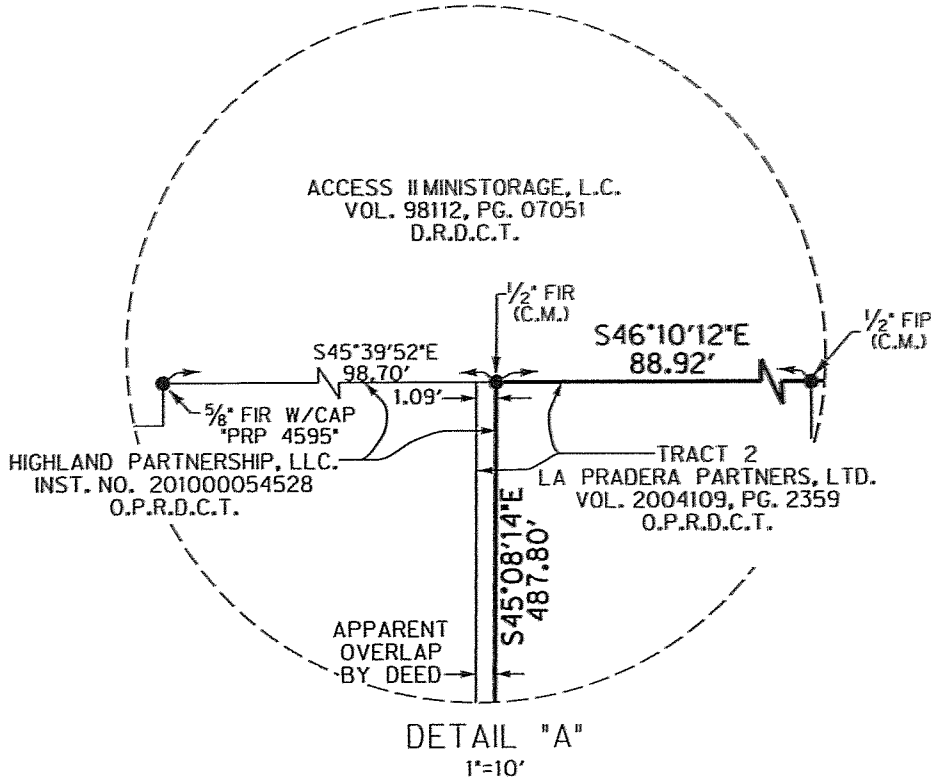


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FIELD NOTES DESCRIBING 1.260 AC. (54,898 SQ. FT.)
 IN CITY BLOCK 7037
 TO BE ACQUIRED FOR PARK FROM
 LA PRADERA PARTNERS, LTD.

151175

EXHIBIT A



FIELD NOTES APPROVED:
 PER 3-15-12



BOUNDARY SURVEY

OF
 2107 HIGHLAND ROAD
 1.260 ACRE TRACT
 IN CITY BLOCK 7037
 SITUATED IN THE
 C. LOVEJOY SURVEY, ABSTRACT 830
 CITY OF DALLAS, DALLAS COUNTY, TEXAS
 CITY OF DALLAS DRAWING NUMBER 043D-15

FOR
 CITY OF DALLAS

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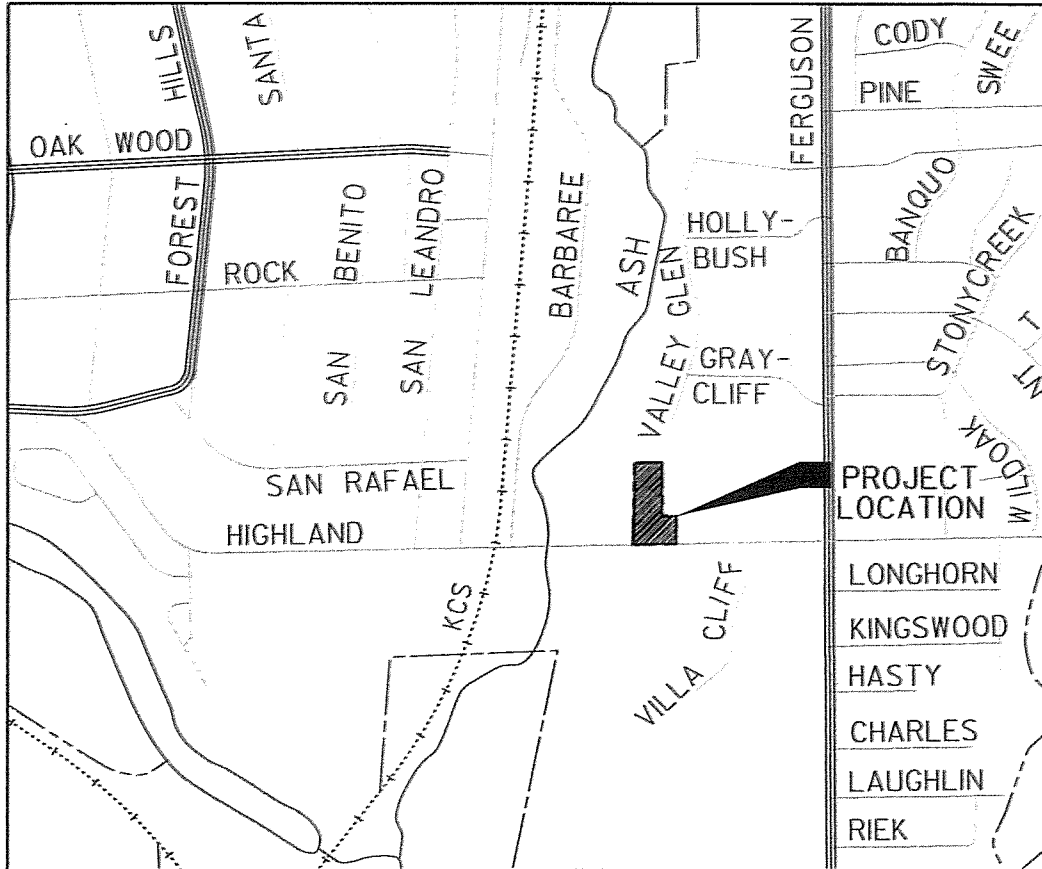


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EXHIBIT A



LOCATION MAP

NOT TO SCALE