

**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": Located under approximately 1,778 square feet in area, lying between the subsurface elevations of 242 feet and 416 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.

"PROJECT": Mill Creek/Peaks Branch/State Thomas Drainage Relief Tunnel Project

"USE": The below ground construction, installation, use, and maintenance of a deep tunnel for storage and transmission of storm drainage.

"PROPERTY INTEREST": Flood Control Tunnel Easement

"OWNER": Scott Rogers and Eugenie B. Robichaux, 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": \$5,636.00

"CLOSING COSTS AND TITLE EXPENSES": Not to exceed \$2,000.00

"AUTHORIZED AMOUNT": \$7,636.00

**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, the then current owner of record, or the title company closing the transaction described herein in the OFFER AMOUNT payable out of 2006 Bond Funds: Fund No. 3T23, Department TWM, Unit T525, Activity SDRS, Program No. PB06T525, Object 4210, Encumbrance No. CT-PBW06T525G56, CLOSING COSTS AND TITLE EXPENSES payable out of 2006 Bond Funds: Fund No. 3T23, Department TWM, Unit T525, Activity SDRS, Program No. PB06T525, Object 4230, Encumbrance No. CT-PBW06T525G57. 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 the CLOSING COSTS AND TITLE EXPENSES. In the event of condemnation, the CITY will pay costs as may be assessed by the Special Commissioners or the court. Further, that 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 proceeding(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 proceedings or 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.

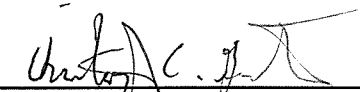
**SECTION 9.** That OWNER has been provided with a copy of the Landowner's Bill of Rights as required by Texas Property Code Section 21.0112.

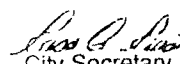
June 17, 2015

**SECTION 10.** That in the event the City Attorney files a condemnation proceeding because the OWNER refused to accept the OFFER AMOUNT; and in the event the special commissioners 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 deposit the award in the registry of the Court and to settle the condemnation proceeding, or if the condemnation proceeding becomes a lawsuit, the lawsuit, for an amount not to exceed the OFFER 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 OFFER AMOUNT 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; and the Chief Financial Officer is hereby authorized to issue a check drawn on the previously described funds in an amount not to exceed \$2,000.00 for CLOSING COSTS AND TITLE EXPENSES in favor of the title company closing the transaction described herein. The Award, CLOSING COSTS AND TITLE EXPENSES together shall not exceed the AUTHORIZED AMOUNT.

**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 17 2015  
  
  
City Secretary

FIELD NOTES DESCRIBING A 1,778 SQUARE FOOT (0.0408 ACRE)  
 SUB-SURFACE DRAINAGE TUNNEL EASEMENT  
 CITY OF DALLAS DRAWING NO. 423R-54 (PARCEL 522c)  
 TO BE ACQUIRED IN CITY OF DALLAS BLOCK 2/594  
 PART OF LOT 27 OF LOTS 2-34, FLORA STREET TOWNHOMES NO. 1  
 JOHN GRIGSBY SURVEY, ABSTRACT NUMBER 495  
 CITY OF DALLAS, DALLAS COUNTY, TEXAS  
 FROM MEGATEL HOMES II, LLC

EXHIBIT A

BEING a 1,778 square foot (0.0408 acre) tract of land situated in the John Grigsby Survey, Abstract No. 495, in City Block 2/594 of the City of Dallas, Dallas County, Texas, and being part of that tract of land described in Special Warranty Deed With Vendor's Lien to Megatel Homes II, LLC recorded in Instrument Number 201300274302 of the Official Public Records of Dallas County, Texas, and being part of Lot 27 of Lots 2-34, Block 2/594, Flora Street Townhomes No. 1, an addition to the City of Dallas recorded in Instrument Number 200900306242 of said Official Public Records, and being more particularly described as follows:

(Note: Subsurface easement corners not monumented are so noted hereon.)

BEGINNING on the northwest right-of-way line of Flora Street (a variable width right-of-way, 46.3 feet wide at this point) as dedicated by the plat of said Lots 2-34, Block 2/594, Flora Street Townhomes No. 1, at a 1/2 inch iron rod with cap stamped "DAA" (controlling monument) found for the east corner of said Lot 27 having coordinates of N=6976433.2327, E=2493357.8530 and south corner of Lot 28 of said Lots 2-34, Block 2/594, Flora Street Townhomes No. 1 addition;

THENCE South 44 degrees 12 minutes 57 seconds West, with the southeasterly line of said Lot 27 and said northwest right-of-way line of Flora Street, 30.33 feet to an X cut (controlling monument) having coordinates of N=6976411.4975, E=2493336.7049 found for the south corner of said Lot 27 and east corner of Lot 26 of said Lots 2-34, Block 2/594, Flora Street Townhomes No. 1 addition;

THENCE North 45 degrees 47 minutes 03 seconds West, departing said northwesterly right-of-way line of Flora Street and said southeasterly line of Lot 27, and with the southwesterly line of said Lot 27 and northeasterly line of said Lot 26, 65.01 feet to an X cut (controlling monument) having coordinates of N=6976456.8251, E=2493290.1194 found on the southeast line of Lot 20 of said Lots 2-34, Block 2/594, Flora Street Townhomes No. 1 addition for the west corner of said Lot 27 and north corner of said Lot 26;

THENCE North 44 degrees 12 minutes 57 seconds East, departing said southwesterly line of said Lot 27 and said northeasterly line of Lot 26, and with the southeasterly line of said Lot 20 and northwesterly line of said Lot 27, at 11.42 feet passing an X cut found for the east corner of said Lot 20 and south corner of Lot 19 of said Lots 2-34, Block 2/594, Flora Street Townhomes No. 1 addition, and departing said southeast line of Lot 20 and with the southeast line of said Lot 19 and continuing with said northwesterly line of Lot 27 for a total distance of 12.51 feet to the point of curvature having coordinates of N=6976465.7908, E=2493298.8432 (not monumented) of a non-tangent circular curve to the left having a central angle of 01 degree 11 minutes 03 seconds, a radius of 1,355.00 feet, a tangent of 14.00 feet and a chord which bears South 85 degrees 17 minutes 45 seconds East 28.01 feet;

THENCE Easterly, departing said southeasterly line of Lot 19 and said northwesterly line of Lot 27 and across said Lot 27 with said curve to the left, an arc distance of 28.01 feet to the end of said curve having coordinates of N=6976463.4943, E=2493326.7515, said end of curve being on said northeasterly line of Lot 27 and said southwesterly line of Lot 28;



FIELD NOTES APPROVED:

DER 11/26/15

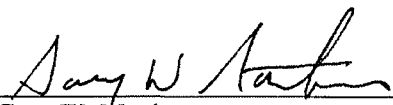
FIELD NOTES DESCRIBING A 1,778 SQUARE FOOT (0.0408 ACRE)  
SUB-SURFACE DRAINAGE TUNNEL EASEMENT  
CITY OF DALLAS DRAWING NO. 423R-54 (PARCEL 522c)  
TO BE ACQUIRED IN CITY OF DALLAS BLOCK 2/594  
PART OF LOT 27 OF LOTS 2-34, FLORA STREET TOWNHOMES NO. 1  
JOHN GRIGSBY SURVEY, ABSTRACT NUMBER 495  
CITY OF DALLAS, DALLAS COUNTY, TEXAS  
FROM MEGATEL HOMES II, LLC

EXHIBIT A

THENCE South 45 degrees 47 minutes 03 seconds East, with said northeasterly line of Lot 27 and said southwesterly line of Lot 28, 43.40 feet to the POINT OF BEGINNING and containing 1,778 square feet (0.0408 acre) of land, more or less.


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

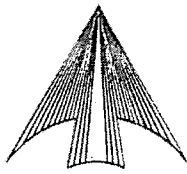
For Nathan D. Maier Consulting Engineers, Inc.

  
\_\_\_\_\_  
Gary W. Matthews  
Registered Professional Land Surveyor  
Texas No. 5534 9.12.2013



FIELD NOTES APPROVED:

 11/20/13

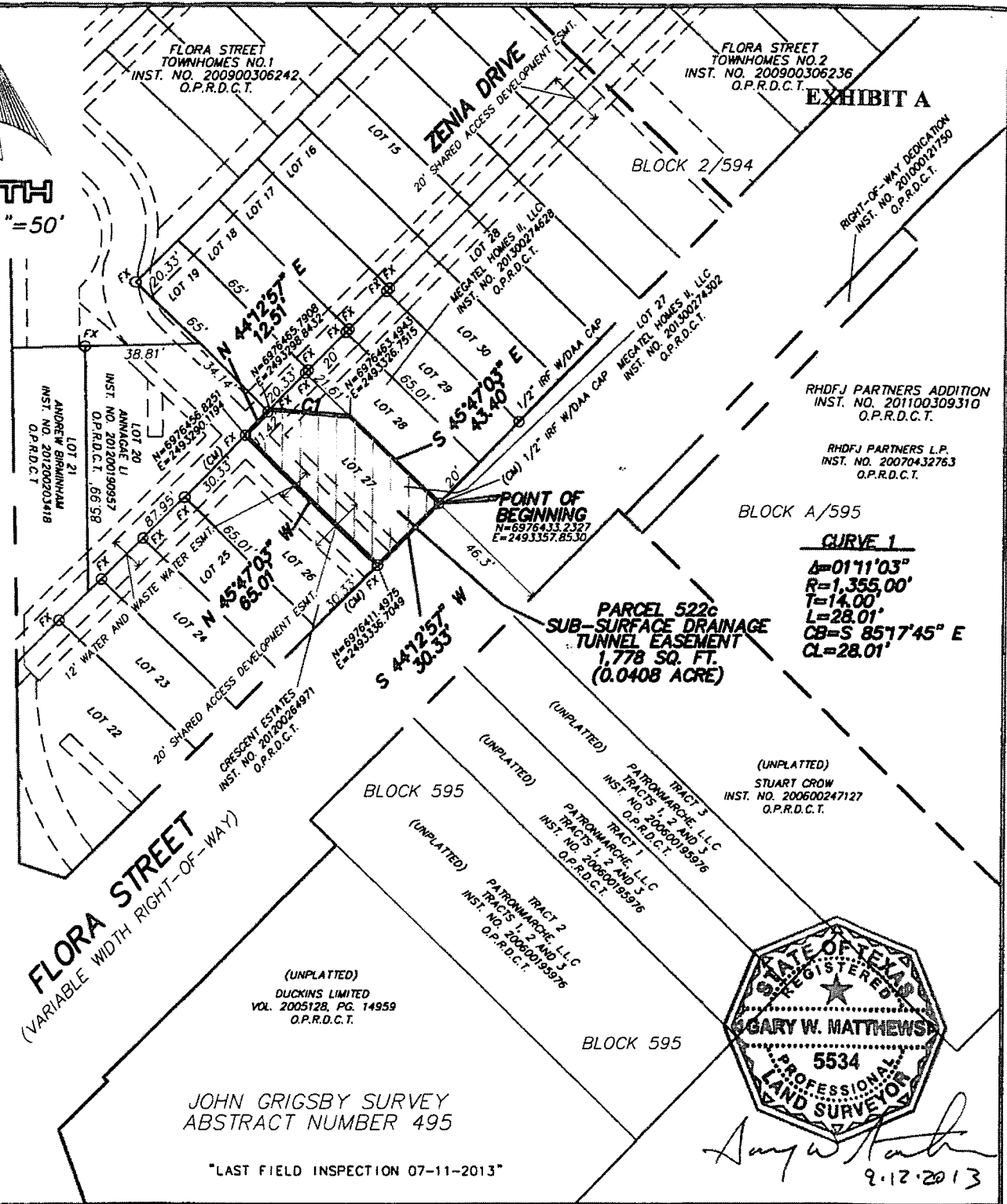


**NORTH**  
SCALE: 1"=50'

**EXHIBIT A**

**I.H. SPUR 345**  
**NORTH CENTRAL EXPRESSWAY**  
**(U.S. HWY 75)**  
(VARIABLE WIDTH RIGHT-OF-WAY)

**FLORA STREET**  
(VARIABLE WIDTH RIGHT-OF-WAY)



**CURVE 1**  
 $\Delta = 01^{\circ}11'03''$   
 $R = 1,355.00'$   
 $T = 14.00'$   
 $L = 28.01'$   
 $CB = S 85^{\circ}17'45'' E$   
 $CL = 28.01'$

**PARCEL 522C**  
**SUB-SURFACE DRAINAGE**  
**TUNNEL EASEMENT**  
**1,778 SQ. FT.**  
**(0.0408 ACRE)**

(UNPLATTED)  
STUART CROW  
INST. NO. 200600247127  
O.P.R.D.C.T.

BLOCK 595

(UNPLATTED)  
DUCKINS LIMITED  
VOL. 2005128, PG. 14959  
O.P.R.D.C.T.

JOHN GRIGSBY SURVEY  
ABSTRACT NUMBER 495

"LAST FIELD INSPECTION 07-11-2013"



*Gary W. Matthews*  
9.12.2013

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 a grid. All distances are surface distances. Surface Adjustment Scale Factor: 1.0001365060.

LEGEND	
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
INST. NO.	INSTRUMENT NUMBER
VOL., PG.	VOLUME, PAGE
ESMT.	EASEMENT
SQ. FT.	SQUARE FEET
---	RIGHT-OF-WAY LINE
- - - -	EASEMENT LINE
- . - . -	SUBDIVISION LINE
—	PROPERTY LINE
IRF	IRON ROD FOUND
IPF	IRON PIPE FOUND
CM	CONTROLLING MONUMENT
FPK	FOUND PK NAIL
FX	FOUND "X"

1,778 SQ. FT. (0.0408 ACRE) SUB-SURFACE DRAINAGE TUNNEL EASEMENT CITY OF DALLAS DRAWING NO. 423R-54 (PARCEL 522c) TO BE ACQUIRED IN CITY OF DALLAS BLOCK 2/594, PART OF LOT 27, FLORA STREET TOWNHOMES NO. 1, JOHN GRIGSBY SURVEY, ABSTRACT NUMBER 495 CITY OF DALLAS, DALLAS COUNTY, TEXAS FROM MEGATEL HOMES II, LLC

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

09/13/2013      PARCEL-522C.DWG