

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 7,621 square feet in area, lying between the subsurface elevations of 220 feet and 395 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": Greenville Ross Partners, Ltd., 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": \$25,911.00

"CLOSING COSTS AND TITLE EXPENSES": Not to exceed \$3,000.00

"AUTHORIZED AMOUNT": \$28,911.00

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- PBW06T525G80, 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- PBW06T525G81. 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.

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 \$3,000.00 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.

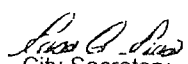
SECTION 11. That this resolution shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so resolved.

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 0.1749-ACRE (7,621-SQUARE-FOOT) SUB-SURFACE DRAINAGE TUNNEL EASEMENT
CITY OF DALLAS DRAWING NO. 423R-54 (PARCEL 419)
PART OF CITY BLOCK 10/740, PEAK'S SUBURBAN ADDITION
JOHN GRIGSBY SURVEY, ABSTRACT NUMBER 495
CITY OF DALLAS, DALLAS COUNTY, TEXAS
FROM GREENVILLE ROSS PARTNERS, LTD.**

EXHIBIT A

BEING a 0.1749-acre (7,621-square-foot) tract of land situated in the City of Dallas and the John Grigsby Survey, Abstract Number 495, Dallas County, Texas, and being part of Block 10 (Official City of Dallas Block Number 10/740) of Peak's Suburban Addition, an addition to the City of Dallas recorded in Volume 45, Page 56 of the Deed Records of Dallas County, Texas, and being part of that certain tract of land conveyed to Greenville Ross Partners, Ltd. as evidenced by Special Warranty Deed recorded in Volume 2003019, Page 2515 of the Deed Records of Dallas County, Texas, and being more particularly described as follows:

(NOTE: Subsurface easement corners are not monumented.)

BEGINNING at the west corner of said Greenville Ross Partners tract and the west corner of City Block 10/740 at the intersection of the northeast line of Haskell Avenue, a variable width right-of-way, and the southeast line of Live Oak Street, an 80-foot right-of-way, having coordinates of N=6977028.7515, E=2497077.8888 (not monumented);

THENCE North 44 degrees 27 minutes 50 seconds East along the southeast line of Live Oak Street, the northwest line of said Greenville Ross Partners tract, and the northwest line of City Block 10/740 a distance of 13.13 feet to the beginning of a non-tangent curve to the left, having coordinates of N=6977038.1177, E=2497087.0813 (not monumented);

THENCE departing the common southeast line of Live Oak Street, northwest line of said Greenville Ross Partners tract, and northwest line of City Block 10/740, over and across said Greenville Ross Partners tract, along said curve to the left having a central angle of 06 degrees 40 minutes 32 seconds, a radius of 1955.00 feet, an arc length of 227.78 feet, a chord bearing South 57 degrees 15 minutes 33 seconds East a distance of 227.65 feet to the southeast line of said Greenville Ross Partners tract and the northwest line of that certain tract of land conveyed to SHG Resources, LP as evidenced by Special Warranty Deed recorded in Instrument Number 200600413699 of the Official Public Records of Dallas County, Texas, having coordinates of N=6976915.0124, E=2497278.5364 (not monumented);

THENCE South 44 degrees 27 minutes 50 seconds West along the common northwest line of said SHG Resources tract and southeast line of said Greenville Ross Partners tract a distance of 59.77 feet to the west corner of said SHG Resources tract and the south corner of said Greenville Ross Partners tract in the northeast line of Haskell Avenue and the southwest line of City Block 10/740 (not monumented), having coordinates of N=6976872.3621, E=2497236.6767;

THENCE North 45 degrees 26 minutes 10 seconds West along the common southwest line of said Greenville Ross Partners tract, northeast line of Haskell Avenue, and southwest line of City Block 10/740 a distance of 222.90 feet to the **POINT OF BEGINNING**;



FIELD NOTES APPROVED:

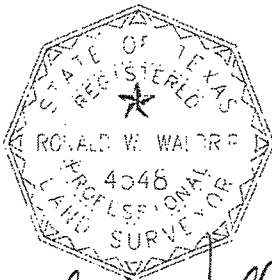
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FIELD NOTES DESCRIBING A 0.1749-ACRE (7,621-SQUARE-FOOT)
SUB-SURFACE DRAINAGE TUNNEL EASEMENT
CITY OF DALLAS DRAWING NO. 423R-54 (PARCEL 419)
PART OF CITY BLOCK 10/740, PEAK'S SUBURBAN ADDITION
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CONTAINING within the metes recited 0.1749 acre (7,621 square feet) 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: 1.0001365060.



Ronald W. Waldrip 10/15/13



FIELD NOTES APPROVED:

[Signature] 3/14

