

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 4,889 square feet in area, lying between the subsurface elevations of 225 feet and 399 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": John D. Crocker, Jr., Jason D. Rothstein, Ryan M. Haggerty, Patrick Robert Skillin, and Carolyn Lacy Miller, 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": \$18,090.00

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

"AUTHORIZED AMOUNT": \$21,090.00

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.

June 17, 2015

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- PBW06T525G84, 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- PBW06T525G85. 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.

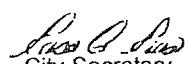
SECTION 11. That this resolution shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so resolved.

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 0.1122-CRE (4,889-SQUARE-FOOT)
SUB-SURFACE DRAINAGE TUNNEL EASEMENT
CITY OF DALLAS DRAWING NO. 423R-54 (PARCEL 423)
PART OF LOT 10A, CITY BLOCK 2/645
DWELLING AT HASKELL, AN ADDITION TO THE CITY OF DALLAS
JOHN GRIGSBY SURVEY, ABSTRACT NUMBER 495
DALLAS COUNTY, TEXAS
FROM THE DWELLINGS AT HASKELL, INC.**

EXHIBIT A

BEING a 0.1122-acre (4,889-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 Lot 10A, City Block 2/645, Dwelling at Haskell, an addition to the City of Dallas as evidenced by Final Plat recorded in Instrument Number 20070154574 of the Official Public Records of Dallas County, Texas and being part of that certain tract of land conveyed to The Dwellings at Haskell, Inc. as evidenced by General Warranty Deed recorded in Instrument Number 20070163382 of the Official Public Records of Dallas County, Texas, and being more particularly described as follows:

(NOTE: Subsurface easement corners are not monumented.)

BEGINNING in the northeast line of a 15-foot wide alley at the south corner of Lot 14, Block 2 (Official City of Dallas Block Number 2/645) of the Convent Addition, an addition to the City of Dallas recorded in Volume 93, Page 628 of the Map Records of Dallas County, Texas, same being the west corner of said Lot 10A and the west corner of said Dwelling at Haskell addition, having coordinates of N=6977580.4571, E=2496260.8636 (not monumented);

THENCE North 44 degrees 30 minutes 49 seconds East along the common northwest line of said Lot 10A, northwest line of said Dwelling at Haskell addition, and southeast line of Lot 14 a distance of 36.50 feet to the beginning of a non-tangent curve to the right, having coordinates of N=6977606.4840, E=2496286.4524 (not monumented);

THENCE departing the common northwest line of said Lot 10A, northwest line of said Dwelling at Haskell addition, and southeast line of Lot 14, over and across said Lot 10A and said Dwelling at Haskell addition, along said curve to the right having a central angle of 03 degrees 46 minutes 18 seconds, a radius of 1445.00 feet, an arc length of 95.12 feet, a chord bearing South 68 degrees 33 minutes 07 seconds East a distance of 95.10 feet to the southeast line of said Lot 10A and the southeast line of said Dwelling at Haskell addition, having coordinates of N=6977571.7140, E=2496374.9567 (not monumented);

THENCE South 44 degrees 30 minutes 49 seconds West along the common southeast line of said Lot 10A and the southeast line of said Dwelling at Haskell addition a distance of 74.11 feet to the south corner of said Lot 10A and the south corner of said Dwelling at Haskell addition in the northeast line of said 15-foot alley, having coordinates of N=6977518.8743, E=2496323.0064;

THENCE North 45 degrees 15 minutes 34 seconds West along the common northeast line of said 15-foot alley, the southwest line of said Lot 10A, and the southwest line said Dwelling at Haskell addition a distance of 87.50 feet to the **POINT OF BEGINNING**;

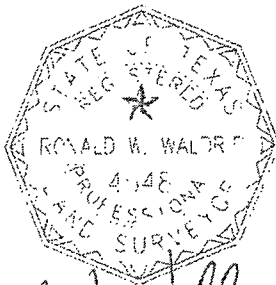
FIELD NOTES APPROVED:
DER 1/13/14

FIELD NOTES DESCRIBING A 0.1122-CRE (4,889-SQUARE-FOOT)
SUB-SURFACE DRAINAGE TUNNEL EASEMENT
CITY OF DALLAS DRAWING NO. 423R-54 (PARCEL 423)
PART OF LOT 10A, CITY BLOCK 2/645
DWELLING AT HASKELL, AN ADDITION TO THE CITY OF DALLAS
JOHN GRIGSBY SURVEY, ABSTRACT NUMBER 495
DALLAS COUNTY, TEXAS
FROM THE DWELLINGS AT HASKELL, INC.

EXHIBIT A

CONTAINING within the metes recited 0.1122 acre (4,889 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.



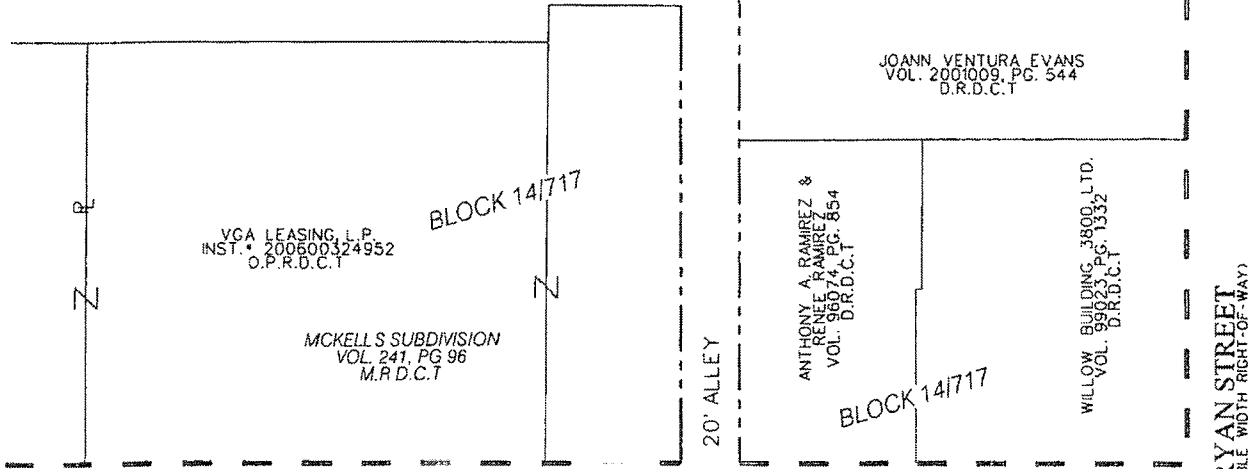
Ronald W. Walter 10/15/13



FIELD NOTES APPROVED:

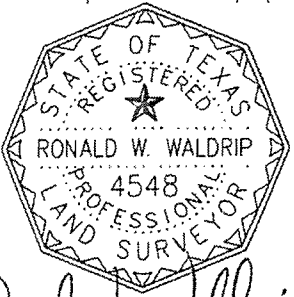
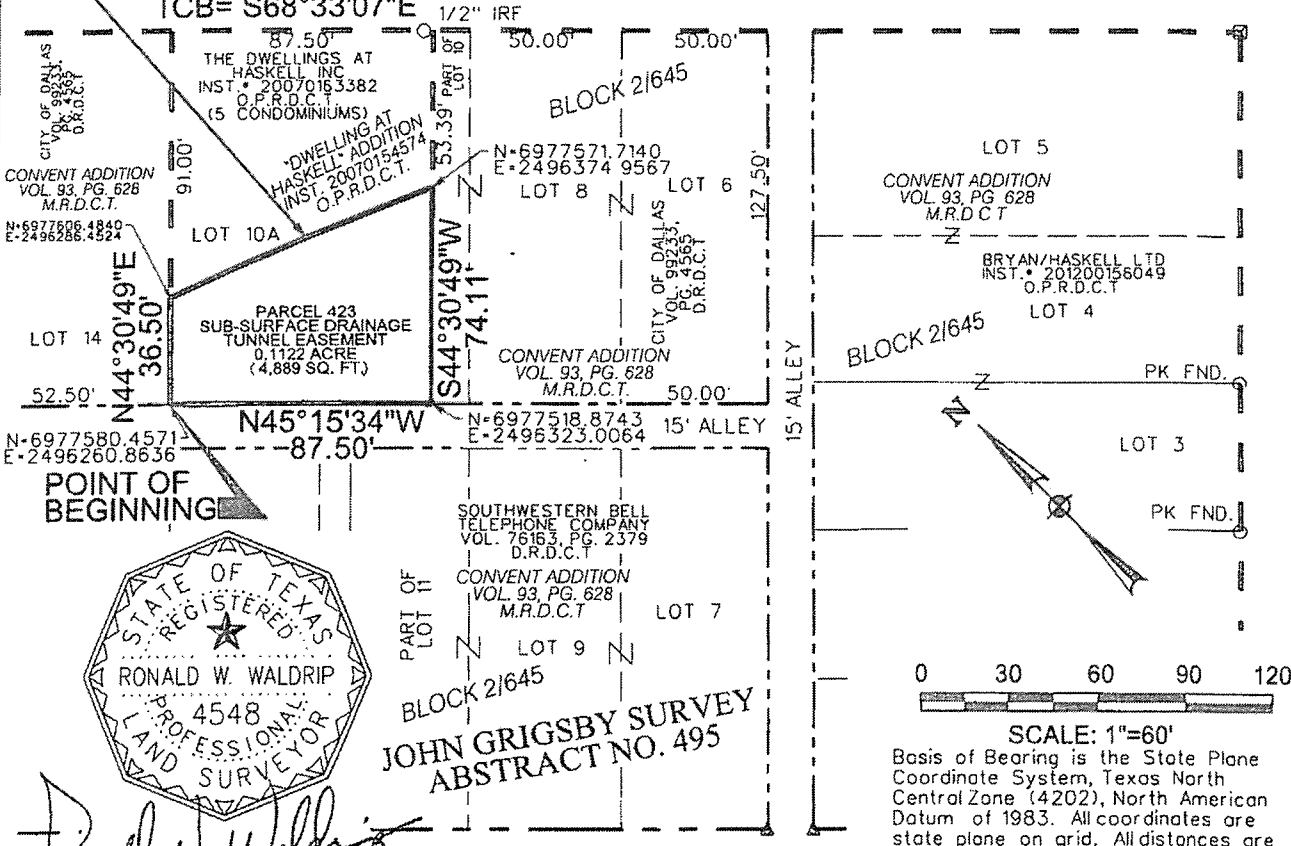
SR 1/13/14

EXHIBIT A



$\Delta = 03^{\circ}46'18''$ (RT)
 $R = 1,445.00'$
 $L = 95.12'$
 $CL = 95.10'$
 $CB = S68^{\circ}33'07''E$

N. HASKELL AVENUE
 (VARIABLE WIDTH RIGHT-OF-WAY)



Ronald W. Waldrup
 10/15/13

JOHN GRIGSBY SURVEY
 ABSTRACT NO. 495

LEGEND

---	ROW LINE	(C.M.)	CONTROLLING MONUMENT
---	PROPERTY LINE	FIR	FOUND IRON ROD
---	LOT LINE	FIP	FOUND IRON PIPE
---	SUBDIVISION LINE	D.R.D.C.T	DEED RECORDS DALLAS COUNTY TEXAS
---	PROP. EASEMENT LINE	O.P.R.D.C.T	OFFICIAL PUBLIC RECORDS DALLAS COUNTY TEXAS
---	IRON ROD		
---	X-CUT MONUMENT		

NOTE: SUBSURFACE EASEMENT CORNERS ARE NOT MONUMENTED

APPLE STREET
 (VARIABLE WIDTH RIGHT-OF-WAY)

SUB-SURFACE DRAINAGE TUNNEL EASEMENT
 CITY OF DALLAS DRAWING NO. 423R-54 (PARCEL 423)
 PART OF LOTS 10A, CITY BLOCK 21645,
 DWELLING AT HASKELL,
 AN ADDITION TO THE CITY OF DALLAS
 JOHN GRIGSBY SURVEY, ABSTRACT NUMBER 495
 CITY OF DALLAS DALLAS COUNTY, TEXAS

ARS Engineer, Inc.
 12801 N Central Expressway, Suite 1250
 Dallas Texas 75243
 Surv. Firm No. 10131900 (214) 739-3152 Fax (214) 739-3169