

Memorandum



CITY OF DALLAS

RECEIVED

2015 OCT 19 PM 1:26

CITY OF DALLAS
DALLAS, TEXAS

DATE October 15, 2015
TO City Secretary
SUBJECT Correction to CR 15-1661

This is the first correction to the subject Council Resolution.

The subject Council Resolution was approved on 09/09/15 authorizing acquisition, including the exercise of the right of eminent domain, if such becomes necessary, from 1507 Dragon Street DDD, LLC, of a subsurface easement under approximately 4,944 square feet of land located on Ross Avenue at its intersection with Hall Street for the Mill Creek/Peaks Branch/State Thomas Drainage Relief Tunnel Project – Not to exceed \$30,500 (\$28,000 plus closing costs and title expenses not to exceed \$2,500) - Financing: 2006 Bond Funds

Change(s) is/are needed to correct (select all applicable):

Typo Financial/funding information Obvious error from CR context

Council Resolution Exhibit A is corrected to replace the legal description for Parcel 518, as attached, all other provisions authorized by Resolution No. 15-1661 remain in full force and effect.

Department: TWM – Trinity Watershed Management

Director (or designee.): *[Signature]* 10/15/15
Signature Date

Sarah Standifer, Director

OFS: Approved Denied Is ATT Approval Needed? Y N

OFS: *[Signature]* 10/19/15
Signature Date

Daisy T. Fast
Print Name

ATT: Approved Denied

Assistant City Attorney: *[Signature]* 10/19/2015
Signature Date

Benjamin N. Samples, II
Print Name

*see 10/20/15
by gpat/15*

FIELD NOTES DESCRIBING A 4,944 SQUARE FOOT (0.1135 ACRE)
 SUB-SURFACE DRAINAGE TUNNEL EASEMENT
 CITY OF DALLAS DRAWING NO. 423R-54 (PARCEL 518)
 TO BE ACQUIRED IN CITY OF DALLAS BLOCK 596
 JOHN GRIGSBY SURVEY, ABSTRACT NUMBER 495
 CITY OF DALLAS, DALLAS COUNTY, TEXAS
 FROM TOMAINO PROPERTIES, L.P.

BEING a 4,944 square foot (0.1135 acre) tract of land (unplatted) situated in the John Grigsby Survey, Abstract No. 495, in Block 596 (Official City of Dallas Block number) of the City of Dallas, Dallas County, Texas, and being part of Burton's Addition, an addition to the City of Dallas according to the map thereof recorded in Volume 70, Page 260 of the Deed Records of Dallas County, Texas, and being parts of those tracts of land described as Tract 9A, Tract 13, Tract 28 and Tract 29 (all unplatted) in Special Warranty Deed to Tomaino Properties, L.P. recorded in Instrument Number 200600227192 of the Official Public Records of Dallas County, Texas, and being more particularly described as follows:

(Note: Subsurface easement corners are not monumented.)

BEGINNING at the east corner of said Tract 29 having coordinates of N=6976795.2627, E=2494328.9653 (not monumented) and south corner of that tract of land (unplatted) described in Executor's Special Warranty Deed to Charles Macon Warlick recorded in Instrument Number 20080150920 of said Official Public Records, from whence a PK nail found for the east corner of said Charles Macon Warlick tract and the south corner of Ross-McCoy Addition, an addition to the City of Dallas recorded in Instrument Number 201200060574 of the Official Public Records of Dallas County, Texas, bears North 44 degrees 12 minutes 50 seconds East, 51.51 feet (deed called 50.00 feet);

THENCE South 44 degrees 12 minutes 50 seconds West, with said northwest right-of-way line of Ross Avenue and the southeasterly line of said Tracts 29, 28, 13 and 9A, at 52.00 feet passing a 1/2 inch iron rod found for the south corner of Tract 29 and east corner of Tract 28 (controlling monument), and continuing with said northwest right-of-way line of Ross Avenue and said southeasterly line of said Tracts 29, 28, 13 and 9A, at a cumulative distance of 97.00 feet passing a 1 inch pipe found for the south corner of Tract 28 and north corner of Tract 13 (controlling monument), and continuing with said northwest right-of-way line of Ross Avenue and said southeasterly line of said Tracts 29, 28, 13 and 9A for a total of 218.80 feet to the south corner of said Tract 9A having coordinates of N=6976638.4615, E=2494176.4088 (not monumented), same being the intersection of said northwest right-of-way line of Ross Avenue with the northeast right-of-way line of Hall Street (a 40 foot wide right-of-way);

THENCE North 45 degrees 38 minutes 50 seconds West, departing said northwest right-of-way line of Ross Avenue with said northeast right-of-way line of Hall Street and southwest line of said Tract 9A, 42.78 feet to the point of curvature having coordinates of N=6976668.3666, E=2494145.8203 (not monumented) of a non-tangent circular curve to the left having a central angle of 09 degrees 22 minutes 05 seconds, a radius of 1,355.00 feet, a tangent of 111.02 feet and a chord which bears North 53 degrees 07 minutes 03 seconds East, 221.30 feet;




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 JOHN GRIGSBY SURVEY, ABSTRACT NUMBER 495
 CITY OF DALLAS, DALLAS COUNTY, TEXAS
 FROM TOMAINO PROPERTIES, L.P.

THENCE Northeasterly, departing said northwest right-of-way line of Ross Avenue and said northeast right-of-way line of Hall Street, and across said Tracts 9A, 13, 28 and 29 with said curve to the left for an arc distance of 221.55 feet to the end of said curve having coordinates of N=6976801.1675, E=2494322.8073 (not monumented), said end of curve being on the northeast line of said Tract 29;

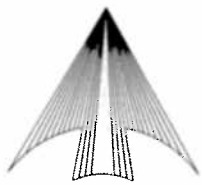
THENCE South 46 degrees 12 minutes 10 seconds East, with said northeasterly line of Tract 29, 8.53 feet to the POINT OF BEGINNING and containing 4,944 square feet (0.1135 acre) of land, more or less.

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 10.13.2015





NORTH

SCALE: 1"=50'

JOHN GRIGSBY SURVEY
ABSTRACT NUMBER 495

ASKE GIRMA
VOL. 99098, PG. 5623
D.R.D.C.T.

ROSS-McCOY ADDITION
INST. NO. 201200060574
O.P.R.D.C.T.

R&F INVESTMENTS II, LTD
CALLED 6,450 SQ. FT.
INST. NO. 201100133586
O.P.R.D.C.T.

CHARLES MACON WARLICK
INST. NO. 20080150920
O.P.R.D.C.T.

TRACT 98
TOMAINO PROPERTIES, L.P.
INST. NO. 200600227192
O.P.R.D.C.T.

TRACT 13

TRACT 28

N=6976801.1675
E=2494322.8073

BURTON'S ADDITION
VOL. 70, PG. 260
D.R.D.C.T.

TOMAINO PROPERTIES, L.P.
INST. NO. 200600227192
O.P.R.D.C.T.

POINT OF BEGINNING
N=6976793.2627
E=2494328.9653

$\Delta=09^{\circ}22'05"$
 $R=1,355.00'$
 $T=111.02'$
 $L=221.55'$
 $CB=N 53^{\circ}07'03" E$
 $CL=221.30'$

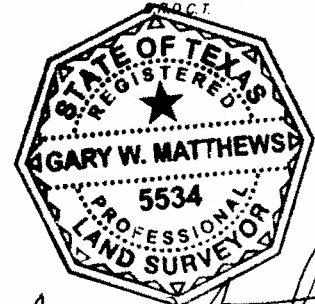
PARCEL 518
SUB-SURFACE DRAINAGE
TUNNEL EASEMENT
4,944 SQ. FT.
(0.1135 ACRE)

(UNPLATTED)
JULIO HERNANDEZ
VOL. 98207, PG. 4719
D.R.D.C.T.

(UNPLATTED)
ROSE BARSHOP RESIDUARY TRUST
VOL. 88150, PG. 4397
D.R.D.C.T.

RHDFJ PARTNERS ADDITION
INST. NO. 201100309310
O.P.R.D.C.T.

ROSS AVENUE
(80' RIGHT-OF-WAY)



Gary W. Matthews

"LAST FIELD INSPECTION 07-11-2013"

NOTE: SUBSURFACE EASEMENT CORNERS ARE NOT MONUMENTED.

PAGE 3 OF 3

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.

LEGEND

D.R.D.C.T.	DEED RECORDS OF DALLAS COUNTY, TEXAS	---	RIGHT-OF-WAY LINE
M.R.D.C.T.	MAP RECORDS OF DALLAS COUNTY, TEXAS	---	EASEMENT LINE
O.P.R.D.C.T.	OFFICIAL PUBLIC RECORDS OF DALLAS COUNTY, TEXAS	---	SUBDIVISION LINE
INST. NO.	INSTRUMENT NUMBER	---	PROPERTY LINE
VOL., PG.	VOLUME, PAGE	IRF	IRON ROD FOUND
ESMT.	EASEMENT	IPF	IRON PIPE FOUND
SQ. FT.	SQUARE FEET	CM	CONTROLLING MONUMENT
		FPK	FOUND PK NAIL
		FX	FOUND "X"

4,944 SQ. FT. (0.1135 ACRE) SUB-SURFACE DRAINAGE TUNNEL EASEMENT CITY OF DALLAS DRAWING NO 423R-54 (PARCEL 518) TO BE ACQUIRED IN CITY OF DALLAS BLOCK 596, JOHN GRIGSBY SURVEY, ABSTRACT NUMBER 495 CITY OF DALLAS, DALLAS COUNTY, TEXAS. FROM TOMAINO PROPERTIES, L.P.



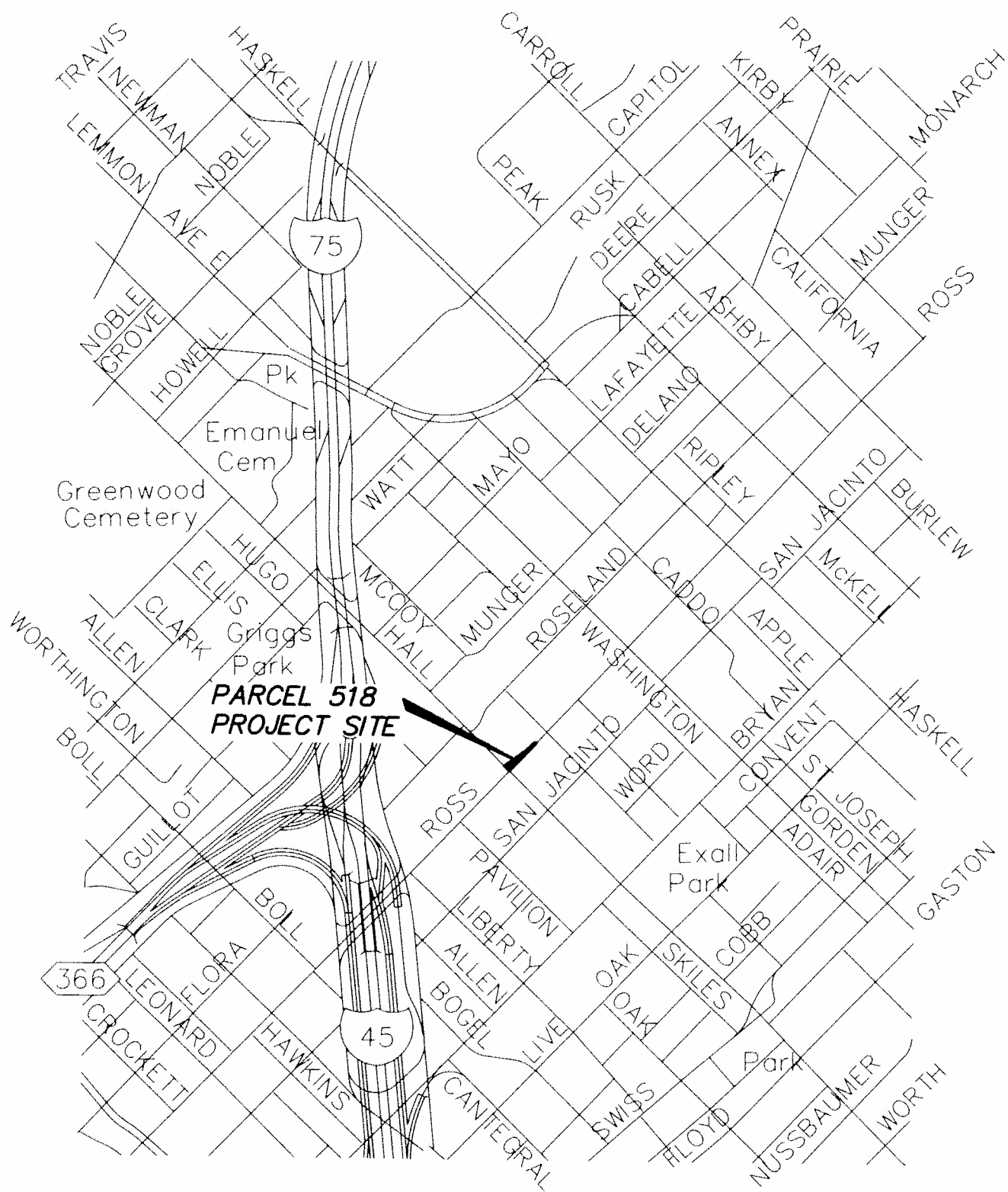
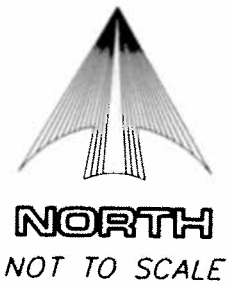
NATHAN D. MAIER
CONSULTING ENGINEERS, INC.
TBPE FIRM REG NO F-356
TBPLS FIRM REG NO 100189-00

Two Northpark / 8080 Park Lane / Suite 600
Dallas, Texas 75231 / (214) 739-4741

10/13/2015

PARCEL-518.DWG

4,944 SQ. FT. (0.1135 ACRE) SUB-SURFACE
DRAINAGE TUNNEL EASEMENT CITY OF DALLAS
DRAWING NUMBER 423R-54 (PARCEL 518) TO BE
ACQUIRED IN CITY OF DALLAS BLOCK 596,
JOHN GRIGSBY SURVEY, ABSTRACT NUMBER 495,
CITY OF DALLAS, DALLAS COUNTY, TEXAS
FROM TOMAINO PROPERTIES, L.P.



LOCATION MAP

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 INTEREST 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.

“CLOSING COSTS AND TITLE EXPENSES”: Not to exceed \$2,500.00.

“FIRST RESOLUTION”: Resolution No. 15-0890 approved by the Dallas City Council on May 13, 2015.

“FIRST RESOLUTION OFFER AMOUNT”: \$21,882.00.

“OWNER”: 1507 Dragon Street DDD, LLC, 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.

“PROJECT”: Mill Creek/Peaks Branch/State Thomas Drainage Relief Tunnel Project.

“PROPERTY”: Located under approximately 4,944 square feet in area, lying between the subsurface elevations of 237 feet and 412 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.

“PROPERTY INTEREST”: Flood Control Tunnel Easement.

“REVISED AUTHORIZED AMOUNT”: \$30,500.00.

“SETTLEMENT AMOUNT”: \$28,000.00.

“USE”: The below ground construction, installation, use and maintenance of a deep tunnel for the storage and transmission of stormwater drainage.

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 SETTLEMENT AMOUNT, payable out of 2006 Bond Funds: Fund No. 3T23, Dept. TWM, Unit T525, Activity SDRS, Object 4210, Program No. PB06T525 Encumbrance No. CT-PBW06T525G60, and CLOSING COSTS AND TITLE EXPENSES payable out of 2006 Bond Funds: Fund No. 1T23, Dept. TWM, Unit T525, Activity SDRS, Object 4230, Program No. PB06T525 Encumbrance No. CT-PBW06T525G61.

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 - \$28,000.00 and the CLOSING COSTS AND TITLE EXPENSES - \$2,500.00 together shall not exceed the REVISED AUTHORIZED AMOUNT - \$30,500.00.

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.

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: *Christopher C. Ernst*
Assistant City Attorney

APPROVED BY
CITY COUNCIL

SEP 09 2015

Lance A. Price
City Secretary

FIELD NOTES DESCRIBING A 4,944 SQUARE FOOT (0.1135 ACRE)
 SUB-SURFACE DRAINAGE TUNNEL EASEMENT
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 CITY OF DALLAS, DALLAS COUNTY, TEXAS
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EXHIBIT A

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FIELD NOTES APPROVED:

PER 6/10/2

FIELD NOTES DESCRIBING A 4,944 SQUARE FOOT (0.1135 ACRE)
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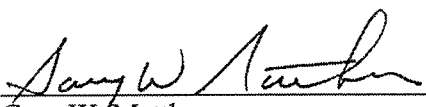
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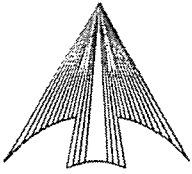
For Nathan D. Maier Consulting Engineers, Inc.



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

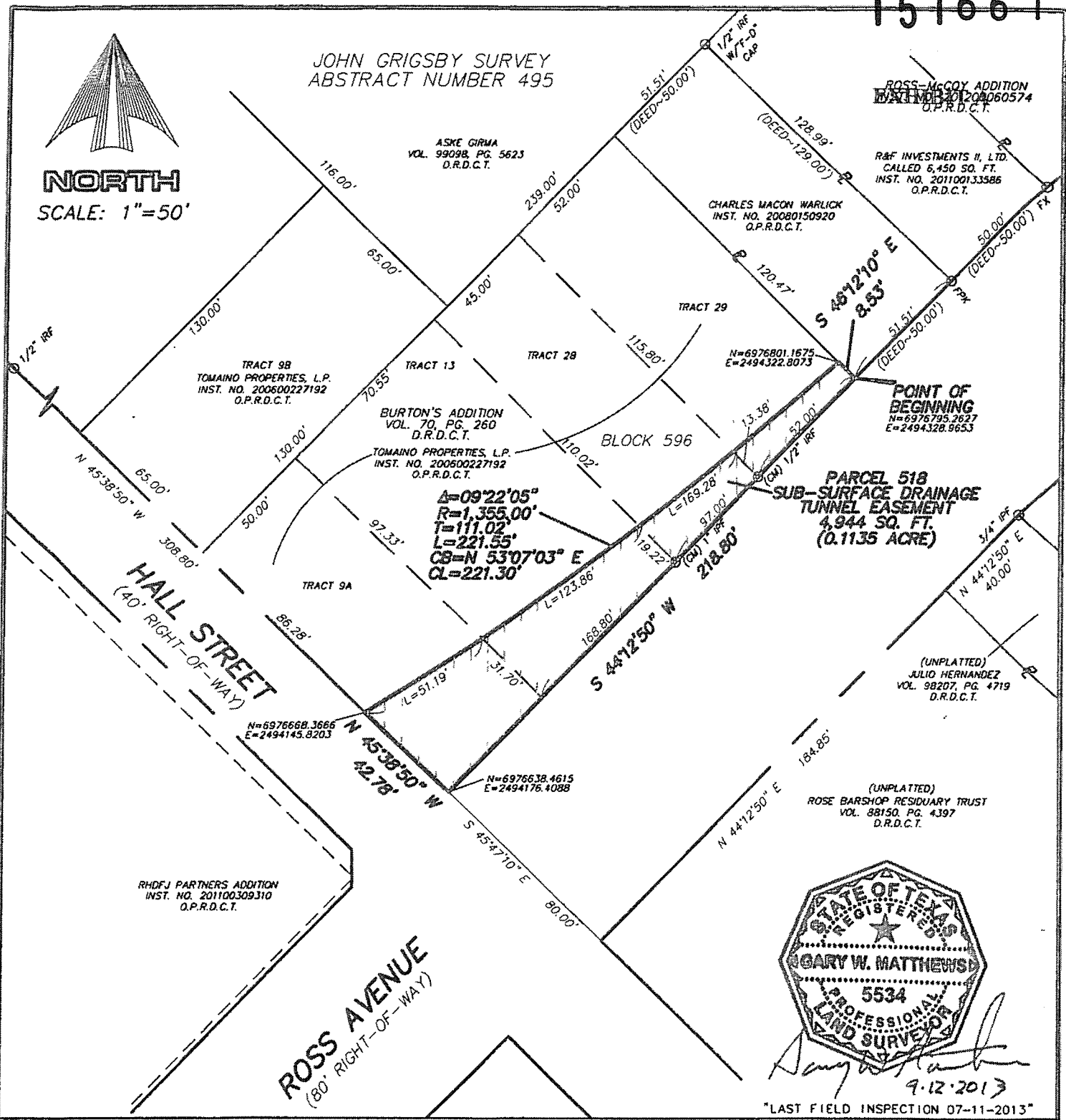


 FIELD NOTES APPROVED:
DEK 11/20/13



NORTH
SCALE: 1"=50'

JOHN GRIGSBY SURVEY
ABSTRACT NUMBER 495



ROSS-MCCOY ADDITION
INST. NO. 20060574
O.P.R.D.C.T.

RAF INVESTMENTS II, LTD.
CALLED 6,450 SQ. FT.
INST. NO. 201100133586
O.P.R.D.C.T.

CHARLES MACON WARLICK
INST. NO. 20080150920
O.P.R.D.C.T.

TRACT 9B
TOMAINO PROPERTIES, L.P.
INST. NO. 20060227192
O.P.R.D.C.T.

BURTON'S ADDITION
VOL. 70, PG. 260
D.R.D.C.T.

TOMAINO PROPERTIES, L.P.
INST. NO. 200600227192
O.P.R.D.C.T.

$A=09^{\circ}22'05''$
 $R=1,355.00'$
 $T=111.02'$
 $L=221.55'$
 $CB=N 53^{\circ}07'03'' E$
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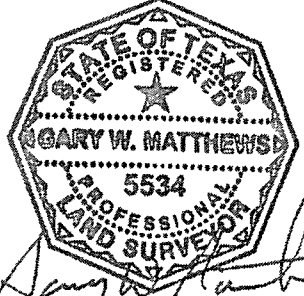
POINT OF BEGINNING
 $N=6976801.1675$
 $E=2494322.8073$

PARCEL 518
SUB-SURFACE DRAINAGE
TUNNEL EASEMENT
4,944 SQ. FT.
(0.1135 ACRE)

(UNPLATTED)
JULIO HERNANDEZ
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(UNPLATTED)
ROSE BARSHOP RESIDUARY TRUST
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RHDFJ PARTNERS ADDITION
INST. NO. 201100309310
O.P.R.D.C.T.



9.12.2013
"LAST FIELD INSPECTION 07-11-2013"

NOTE: SUBSURFACE EASEMENT CORNERS ARE NOT MONUMENTED.
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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"

4,944 SQ. FT. (0.1135 ACRE) SUB-SURFACE DRAINAGE TUNNEL EASEMENT CITY OF DALLAS DRAWING NO. 423R-54 (PARCEL 518) TO BE ACQUIRED IN CITY OF DALLAS BLOCK 596, JOHN GRIGSBY SURVEY, ABSTRACT NUMBER 495 CITY OF DALLAS, DALLAS COUNTY, TEXAS, FROM TOMAINO PROPERTIES, L.P.

NDM
NATHAN D. MAIER
CONSULTING ENGINEERS, INC.
TBPE FIRM REG. NO. F-356
TBPLS FIRM REG. NO. 100189-00