

A RESOLUTION DETERMINING UPON THE NECESSITY OF ACQUIRING REAL PROPERTY AND AUTHORIZING ITS APPROPRIATION AND/OR CONDEMNATION FOR PUBLIC USE.

WHEREAS, on May 13, 2015, the Dallas City Council determined the necessity of acquiring a subsurface easement and authorized its appropriation and/or condemnation for public use by Resolution No. 15-0857; and

WHEREAS, on May 13, 2015, Resolution No. 15-0857 authorized acquisition of a subsurface easement of the PROPERTY located under approximately 10,702 square feet in area, lying between the subsurface elevations of 214 feet and 391 feet (U.S. Survey Feet), inclusive, North American Vertical Datum of 1988, located in Dallas County, Texas for the Mill Creek/Peaks Branch/State Thomas Drainage Relief Tunnel Project; and

WHEREAS, the City of Dallas desires to authorize the City Manager to modify the elevation reference for a subsurface easement from 214 feet and 391 feet to 214 feet and 389 feet (U.S. Survey Feet), inclusive, North American Vertical Datum of 1988; **NOW THEREFORE**,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DALLAS:

SECTION 1. That Resolution No. 15-0857, previously approved on May 13, 2015, is hereby amended by altering the definition of "PROPERTY", as follows:

"PROPERTY": Located under approximately 10,702 square feet in area, lying between the subsurface elevations of 214 feet and 389 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.

SECTION 2. That the definitions, terms and conditions of Resolution No. 15-0857 shall remain in full force and effect except as amended hereby.

SECTION 3. 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 *Christina C. Ernst*
Assistant City Attorney

APPROVED BY
CITY COUNCIL
SEP 09 2015
Lisa C. Davis
City Secretary

FIELD NOTES DESCRIBING A 0.2457-ACRE (10,702-SQUARE-FOOT)
 SUB-SURFACE DRAINAGE TUNNEL EASEMENT
 CITY OF DALLAS DRAWING NO. 423R-54 (PARCEL 414)
 PART OF CITY BLOCK 7/767, PEAK'S SUBURBAN ADDITION
 JOHN GRIGSBY SURVEY, ABSTRACT NUMBER 495
 CITY OF DALLAS, DALLAS COUNTY, TEXAS
 FROM MSC-I, LTD.

EXHIBIT A

BEING a 0.2457-acre (10,702-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 7 (Official City of Dallas Block Number 7/767) 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 MSC-I, Ltd. as evidenced by Special Warranty Deed recorded in Volume 2001229, Page 3303 of the Deed Records of Dallas County, Texas, and being more particularly described as follows:

(NOTE: Subsurface easement corners are not monumented.)

BEGINNING in the northwest line of Gaston Avenue, a 70-foot right-of-way, and the southeast line of City Block 7/767 at the common east corner of said MSC-I tract and the south corner of that certain tract of land conveyed to North Peak Center, LLC as evidenced by Special Warranty Deed recorded in Instrument Number 200900037207 of the Official Public Records of Dallas County, Texas, having coordinates of N=6976551.0466, E=2498339.3488 (not monumented), from which an "X" cut in concrete found bears North 45 degrees 24 minutes 31 seconds West a distance of 0.63 feet;

THENCE South 44 degrees 24 minutes 29 seconds West along the common southeast line of said MSC-I tract, the northwest line of Gaston Avenue, and the southeast line of City Block 7/767 a distance of 83.47 feet, having coordinates of N=6976491.4229, E=2498280.9445 (not monumented);

THENCE North 75 degrees 10 minutes 00 seconds West departing the common southeast line of said MSC-I tract, the northwest line of Gaston Avenue, and the southeast line of City Block 7/767 over and across said MSC-I tract a distance of 18.27 feet to the southwest line of said MSC-I tract and the northeast line of that certain tract of land conveyed to East West Gaston Partners, LP as evidenced by Special Warranty Deed with Vendor's Lien recorded in Instrument Number 201200355919 of the Official Public Records of Dallas County, Texas, having coordinates of N=6976496.0987, E=2498263.2887 (not monumented), from which an "X" cut in concrete found bears South 45 degrees 30 minutes 20 seconds East a distance of 15.23 feet;

THENCE North 45 degrees 30 minutes 20 seconds West along the common southwest line of said MSC-I tract and northeast line of said East West Gaston Partners tract a distance of 181.87 feet, having coordinates N=6976623.5404, E=2498133.5785 (not monumented);

THENCE South 75 degrees 10 minutes 00 seconds East departing said common southwest line of said MSC-I tract and northeast line of said East West Gaston Partners tract, over and across, said MSC-I tract a distance of 186.94 feet to the common northeast line of said MSC-I tract and southwest line of said North Peak Center tract, having coordinates N=6976575.6883, E=2498314.2657 (not monumented);

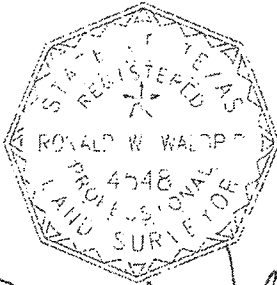
THENCE South 45 degrees 30 minutes 31 seconds East along the common northeast line of said MSC-I tract and southwest line of said North Peak Center tract a distance of 35.17 feet to the POINT OF BEGINNING;

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CONTAINING within the metes recited 0.2457 acre (10,702 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.

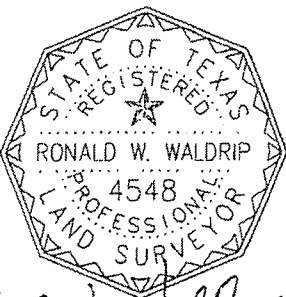
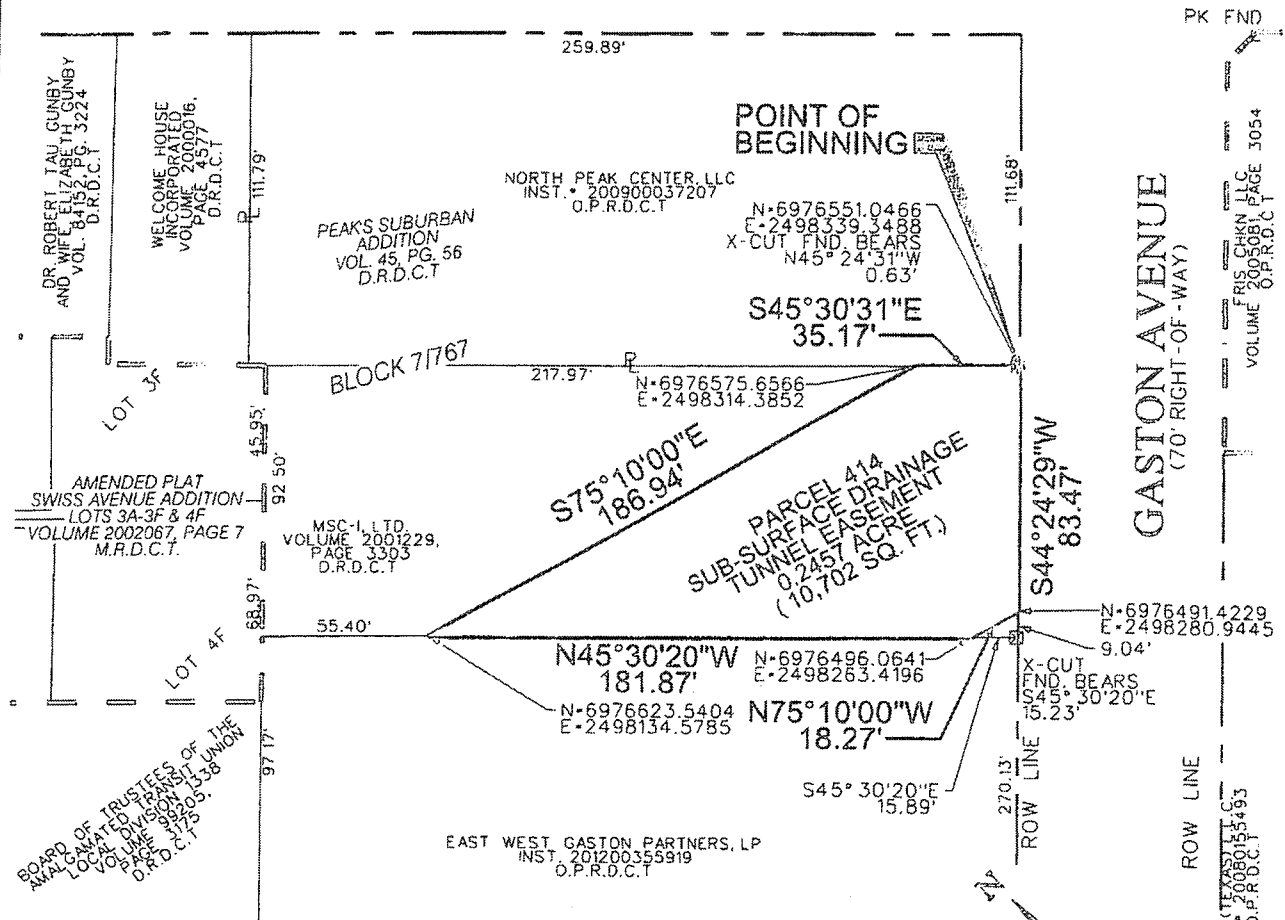


Ronald W. Waldrip 10/15/13

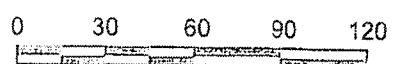
REC 10/15/13

EXHIBIT A
5/8" FIRE

PEAK STREET
(60' RIGHT-OF-WAY)



JOHN GRIGSBY SURVEY
ABSTRACT NO. 495



SCALE: 1"=60'

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LEGEND

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

NOTE: SUBSURFACE EASEMENT CORNERS ARE NOT MONUMENTED

SUB-SURFACE DRAINAGE TUNNEL EASEMENT
CITY OF DALLAS DRAWING NO. 423R-54 (PARCEL 414)
PART CITY BLOCK 71767 OF
PEAK'S SUBURBAN ADDITION
JOHN GRIGSBY SURVEY, ABSTRACT NUMBER 495
CITY OF DALLAS, DALLAS COUNTY, TEXAS

ARS **Engineers, Inc.**
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 (214) 739-3152 Fax (214) 739-3168
 Surv. Firm No. 10131900

Ronald W. Waldrip
10/15/13