

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 519 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": PATRONMARCHE, LLC, 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": \$1,817.00

"CLOSING COSTS AND TITLE EXPENSES": Not to exceed \$1,700.00

"AUTHORIZED AMOUNT": \$3,517.00

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-PBW06T525H11, CLOSING COSTS AND TITLE EXPENSES payable out of 2006 Bond Funds (General Obligation Commercial Paper Funds): Fund No. 3T23, Department TWM, Unit T525, Activity SDRS, Program No. PB06T525, Object 4230, Encumbrance No. CT-PBW06T525H12. 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.

September 9, 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 \$1,700.00 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

SEP 09 2015


City Secretary

FIELD NOTES DESCRIBING A 519 SQUARE FOOT (0.0119 ACRE)
 SUB-SURFACE DRAINAGE TUNNEL EASEMENT
 CITY OF DALLAS DRAWING NO. 423R-54 (PARCEL 541)
 TO BE ACQUIRED IN CITY OF DALLAS BLOCK 595
 JOHN GRIGSBY SURVEY, ABSTRACT NUMBER 495
 CITY OF DALLAS, DALLAS COUNTY, TEXAS
 FROM PATRONMARCHE, L.L.C.

EXHIBIT A

BEING a 519 square foot (0.0119 acre) unplatted tract of land situated in the John Grigsby Survey, Abstract No. 495, in City Block 595 of the City of Dallas, Dallas County, Texas, and being part of that called 3,958 square foot tract of land described as Tract 3 in Special Warranty Deed (with Vendor's Lien) to Patronmarche, L.L.C. recorded in Instrument Number 200600195976 of the Official Public Records of Dallas County, Texas, and being more particularly described as follows:

(Note: Subsurface easement corners are not monumented.)

BEGINNING on the southeast right-of-way line of Flora Street (a variable width right-of-way, 46.3 feet wide at this point) at the north corner of said Tract 3 having coordinates of N=6976393.8745 E=2493384.7535 (not monumented) and west corner of that called 0.2544 acre unplatted tract of land described in General Warranty Deed to Stuart Crow recorded in Instrument Number 200600247127 of said Official Public Records;

THENCE South 45 degrees 28 minutes 07 seconds East, with the northeasterly line of said Tract 3 and the southwesterly line of said called 0.2544 acre tract, 34.00 feet to the point of curvature having coordinates of N=6976370.1019, E=2493408.4144 (not monumented) of a non-tangent circular curve to the right having a central angle of 01 degree 26 minutes 54 seconds, a radius of 1,445.00 feet, a tangent of 18.26 feet and a chord which bears North 88 degrees 39 minutes 42 seconds West 36.53 feet;

THENCE Westerly, departing said northeasterly line of said Tract 3 and said southwesterly line of said called 0.2544 acre tract and across said Tract 3 with said curve to the right, an arc distance of 36.53 feet to the end of said curve having coordinates of N=6976370.9549, E=2493371.9043 (not monumented), said end of curve being on the southwesterly line of said Tract 3 and northeasterly line of that called 3,960 square foot tract of land described as Tract 1 in said Special Warranty Deed (with Vendor's Lien) to Patronmarche, L.L.C. recorded in Instrument Number 200600195976 of said Official Public Records;

THENCE North 45 degrees 28 minutes 08 seconds West, with said southwesterly line of said Tract 3 and said northeasterly line of Tract 1, 7.29 feet to the west corner having coordinates of N=6976376.0651, E=2493366.7098 (not monumented) of said Tract 3 and north corner of said Tract 1, said corner being on said southeast right-of-way line of Flora Street;



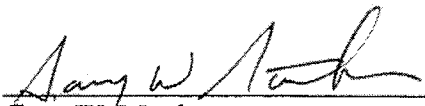
FIELD NOTES DESCRIBING A 519 SQUARE FOOT (0.0119 ACRE)
SUB-SURFACE DRAINAGE TUNNEL EASEMENT
CITY OF DALLAS DRAWING NO. 423R-54 (PARCEL 541)
TO BE ACQUIRED IN CITY OF DALLAS BLOCK 595
JOHN GRIGSBY SURVEY, ABSTRACT NUMBER 495
CITY OF DALLAS, DALLAS COUNTY, TEXAS
FROM PATRONMARCHE, L.L.C.

EXHIBIT A

THENCE North 44 degrees 21 minutes 01 second East, departing said southwesterly line of said Tract 3 and said northeasterly line of Tract 1, and with said southeast right-of-way line of Flora Street and the northwesterly line of said Tract 3, 25.00 feet to the POINT OF BEGINNING and containing 519 square feet (0.0119 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

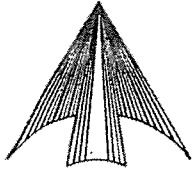
For Nathan D. Maier Consulting Engineers, Inc.



Gary W. Matthews
Registered Professional Land Surveyor
Texas No. 5534 9-13-2013



FIELD NOTES APPROVED:
DER 11/20/13



NORTH
SCALE: 1"=50'

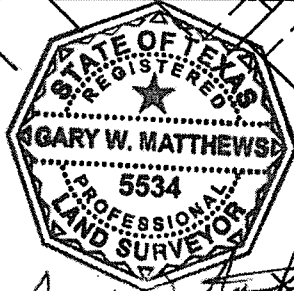


EXHIBIT A
FLORA STREET TOWNHOMES NO. 2
INST. NO. 200900306236
O.P.R.D.C.T.

BLOCK 2/594

RIGHT-OF-WAY DEDICATION
INST. NO. 20100021750
O.P.R.D.C.T.

9.13.2013

FLORA STREET TOWNHOMES NO. 1
INST. NO. 200900306242
O.P.R.D.C.T.

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

RHDFJ PARTNERS L.P.
INST. NO. 20070432763
O.P.R.D.C.T.

LOT 2
BLOCK A/595

PARCEL 541
SUB-SURFACE DRAINAGE
TUNNEL EASEMENT
519 SQ. FT.
(0.0119 ACRE)

POINT OF BEGINNING
N=6976393.8745
E=2493384.7535

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

FLORA STREET
(VARIABLE WIDTH RIGHT-OF-WAY)

N 44°21'01" E
25.00'

S 45°28'07" E
34.00'

N=6976376.0831
E=2493286.7088

N=6976370.1019
E=2493408.4144

S 44°21'01" W 75.00'
(CM) 1/2" IRF
(CM) 600 MAIL FNU

A=01°26'54"
R=1,445.00'
T=18.26'
L=36.53'
CB=N 88°39'42" W
CL=35.53'

BLOCK 595

(UNPLATTED)
STUART CROW
CALLED 0.2544 ACRE
INST. NO. 20060024727
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"

NOTE: SUBSURFACE EASEMENT CORNERS ARE NOT MONUMENTED.

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Basis of Bearing is the State Plane Coordinate System, Texas North Central Zone (4202), North American Datum of 1983. All coordinates are state planes on grid. All distances are surface distances. Surface Adjustment Scale Factor: 1.0001365060.

519 SQ. FT. (0.0119 ACRE) SUB-SURFACE DRAINAGE TUNNEL EASEMENT CITY OF DALLAS DRAWING NO. 423R-54 (PARCEL 541) TO BE ACQUIRED IN CITY OF DALLAS BLOCK 595, JOHN GRIGSBY SURVEY, ABSTRACT NUMBER 495 CITY OF DALLAS, DALLAS COUNTY, TEXAS. FROM PATRONMARCHÉ, L.L.C.

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"

NDM 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

09/13/2013 PARCEL-541.DWG