

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 3,811 square feet in area, lying between the subsurface elevations of 252 feet and 426 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": Post Apartment Homes, L.P., 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": \$68,598.00

"CLOSING COSTS AND TITLE EXPENSES": Not to exceed \$4,000.00

"AUTHORIZED AMOUNT": \$72,598.00

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. 1T23, Department TWM, Unit T525, Activity SDRS, Program No. PB06T525, Object 4210, Encumbrance No. CT-PBW06T525G58, CLOSING COSTS AND TITLE EXPENSES payable out of 2006 Bond Funds: Fund No. 1T23, Department TWM, Unit T525, Activity SDRS, Program No. PB06T525, Object 4230, Encumbrance No. CT-PBW06T525G59. 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 \$4,000.00 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

SEP 09 2015


City Secretary

FIELD NOTES DESCRIBING A 3,811 SQUARE FOOT (0.0875 ACRE)
 SUB-SURFACE DRAINAGE TUNNEL EASEMENT
 CITY OF DALLAS DRAWING NO. 423R-54 (PARCEL 525)
 TO BE ACQUIRED IN CITY OF DALLAS BLOCK G/558
 PART OF LOT 1, UPTOWN VILLAGE
 JOHN GRIGSBY SURVEY, ABSTRACT NUMBER 495
 CITY OF DALLAS, DALLAS COUNTY, TEXAS
 FROM POST APARTMENT HOMES, L.P.

EXHIBIT A

BEING a 3,811 square foot (0.0875 acre) tract of land situated in the John Grigsby Survey, Abstract No. 495, in City Block G/558 of the City of Dallas, Dallas County, Texas, and being part of that tract of land described as Tract 1 in Release of Lien to Post Apartment Homes, L.P. recorded in Instrument Number 200900131878 of the Official Public Records of Dallas County, Texas, and being part of Lot 1 of said Block G/558, Uptown Village, an addition to the City of Dallas recorded in Volume 93246, Page 5500 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 most easterly corner of said Lot 1, Block G/558 having coordinates of N=6975856.7496, E=2491674.2075 (not monumented), same being the intersection of the northwesterly right-of-way line of State Highway Spur 366, Woodall Rodgers Freeway (a variable width right-of-way) with the northeasterly line of a 4.5 foot wide Drainage, Utility, Sidewalk and Street Easement as shown on the plat of said Uptown Village, same being the southwesterly line of a 45 foot wide right-of-way dedication for Columbus Street as shown on said plat of Uptown Village, together with an additional 4.5 foot wide Drainage, Utility, Sidewalk and Street Easement adjoining the northeasterly line of said 45 foot wide right-of-way dedication for a total effective width of 54.00 feet;

THENCE South 52 degrees 00 minutes 07 seconds West, departing said northeasterly line of said 4.5 foot wide Drainage, Utility, Sidewalk and Street Easement and said southwesterly line of said 45 foot wide right-of-way dedication and continuing with said southeasterly line of Lot 1, Block G/558 and said northwesterly right-of-way line of State Highway Spur 366, Woodall Rodgers Freeway, at a distance of 14.63 feet passing the intersection of the southwesterly line of said 4.5 foot wide Drainage, Utility, Sidewalk and Street Easement with said northwesterly right-of-way line of State Highway Spur 366, Woodall Rodgers Freeway, and continuing with said southeasterly line of Lot 1, Block G/558 and said northwesterly right-of-way line of State Highway Spur 366, Woodall Rodgers Freeway for a total of 180.44 feet to the most easterly corner of a dedication for street purposes by the plat of Chandler/Commodore, an addition to the City of Dallas recorded in Volume 85189, Page 5363 of the Deed Records of Dallas County, Texas, said easterly corner being the intersection of said northwesterly right-of-way line of State Highway Spur 366, Woodall Rodgers Freeway with the northerly right-of-way line of Maple-Routh Connection (a variable width right-of-way) having coordinates of N=6975745.6767, E=2491532.0309 (not monumented);

THENCE South 82 degrees 53 minutes 10 seconds West, departing said northwesterly right-of-way line of State Highway Spur 366, Woodall Rodgers Freeway and continuing with the southeasterly line of said Lot 1, Block G/558 and said northerly right-of-way line of Maple-Routh Connection, same being the northerly line of said dedication for street purposes, 8.44 feet to the point of curvature having coordinates of N=6975744.6317, E=2491523.6571 (not monumented) of a non-tangent circular curve to the left having a central angle of 03 degrees 06 minutes 20 seconds, a radius of 711.03 feet, a tangent of 19.27 feet and a chord which bears North 68 degrees 07 minutes 13 seconds West 38.53 feet;



FIELD NOTES APPROVED:

12/28/15

FIELD NOTES DESCRIBING A 3,811 SQUARE FOOT (0.0875 ACRE)
 SUB-SURFACE DRAINAGE TUNNEL EASEMENT
 CITY OF DALLAS DRAWING NO. 423R-54 (PARCEL 525)
 TO BE ACQUIRED IN CITY OF DALLAS BLOCK G/558
 PART OF LOT 1, UPTOWN VILLAGE
 JOHN GRIGSBY SURVEY, ABSTRACT NUMBER 495
 CITY OF DALLAS, DALLAS COUNTY, TEXAS
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THENCE Northwesterly, departing said southeasterly line of Lot 1, Block G/558 and with the southwesterly line of Lot 1, Block G/558, said northerly right-of-way line of Maple-Routh Connection, said northerly line of said dedication for street purposes and said curve to the left for an arc distance of 38.54 feet to the end of said curve having coordinates of N=6975758.9897, E=2491487.9040 (not monumented), same being the beginning of a non-tangent circular curve to the left having a central angle of 08 degrees 11 minutes 46 seconds, a radius of 1,455.00 feet, a tangent of 104.24 feet and a chord which bears North 60 degrees 04 minutes 03 seconds East 207.96 feet;

THENCE Northeasterly, departing said southwesterly line of Lot 1, Block G/558, said northerly right-of-way line of Maple-Routh Connection and said northerly line of said dedication for street purposes and over and across said Lot 1, Block G/558 with said curve to the left, at an arc distance of 202.41 feet passing the southwesterly line of said 4.5 foot wide Drainage, Utility, Sidewalk and Street Easement and said effective southwesterly right-of-way line of Columbus Street, and continuing over and across said Lot 1, Block G/558 with said curve to the left for a total arc distance of 208.13 feet to the end of said curve having coordinates of N=6975862.7414, E=2491668.0964 (not monumented), said end of curve being on the northeasterly line of said 4.5 foot wide Drainage, Utility, Sidewalk and Street Easement and said southwesterly line of said 45 foot wide right-of-way dedication;

THENCE South 45 degrees 33 minutes 53 seconds East, with said northeasterly line of said Drainage, Utility, Sidewalk and Street Easement and said southwesterly line of said 45 foot wide right-of-way dedication, 8.56 feet to the POINT OF BEGINNING and containing 3,811 square feet (0.0875 acre) of land, more or less, of which 89 square feet is in a Drainage, Utility, Sidewalk and Street Easement, leaving a net area of 3,722 square feet (0.0854 acre), more or less.

Basis of Bearings 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
 1-8-2015

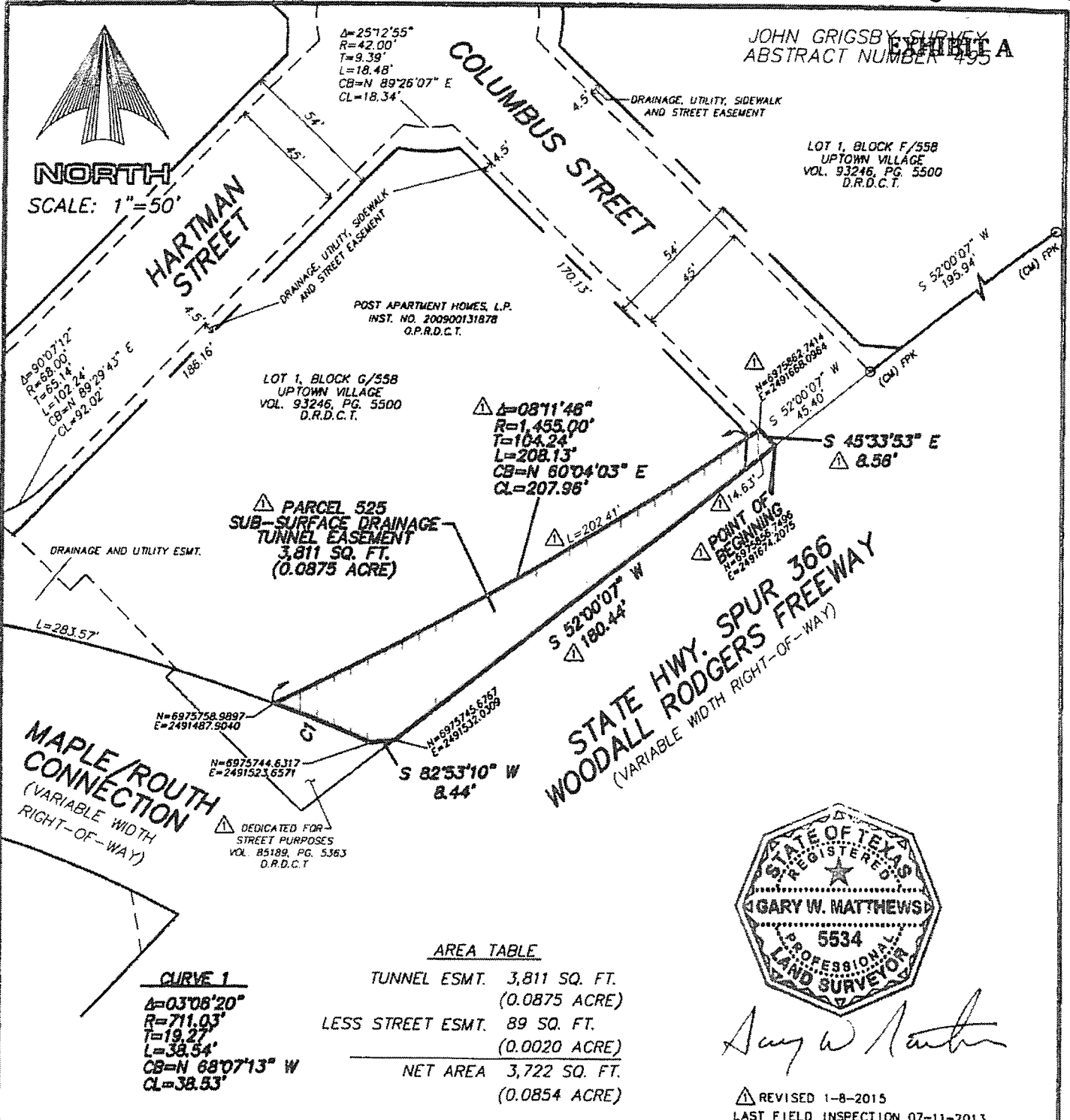


1 - Revised metes and bounds, coordinates and area 1-8-2015

JOHN GRIGSBY SURVEY
ABSTRACT NUMBER 495

EXHIBIT A

NORTH
SCALE: 1"=50'



PARCEL 525
SUB-SURFACE DRAINAGE
TUNNEL EASEMENT
3,811 SQ. FT.
(0.0875 ACRE)

AREA TABLE

CURVE 1	TUNNEL ESMT.	3,811 SQ. FT.
$\Delta=03^{\circ}08'20"$		(0.0875 ACRE)
$R=711.03'$	LESS STREET ESMT.	89 SQ. FT.
$T=19.27'$		(0.0020 ACRE)
$L=38.54'$	NET AREA	3,722 SQ. FT.
$CB=N 68^{\circ}07'13" W$		(0.0854 ACRE)
$CL=38.53'$		



Gary W. Matthews

REVISD 1-8-2015
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 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
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"

3,811 SQ. FT. (0.0875 ACRE) SUB-SURFACE DRAINAGE TUNNEL EASEMENT CITY OF DALLAS DRAWING NO. 423R-54 (PARCEL 525) TO BE ACQUIRED IN CITY OF DALLAS BLOCK G/558, PART OF LOT 1, UPTOWN VILLAGE, JOHN GRIGSBY SURVEY, ABSTRACT NUMBER 495 CITY OF DALLAS, DALLAS COUNTY, TEXAS FROM POST APARTMENT HOMES, L.P.



NATHAN D. MAIER
CONSULTING ENGINEERS, INC.
TSPE FIRM REG. NO. F-356
TBPLS FIRM REG. NO. 100189-00
Two Northpark / 8080 Park Lane / Suite 600
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1/8/2015

PARCEL-525.DWG