

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 62,688 square feet in area, lying between the subsurface elevations of 238 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": SHF I ICON, 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": \$250,752.00

"CLOSING COSTS AND TITLE EXPENSES": Not to exceed \$7,000.00

"AUTHORIZED AMOUNT": \$257,752.00

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-PBW06T525G46, 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-PBW06T525G47. 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.

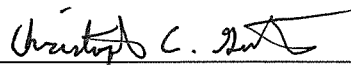
SECTION 9. That OWNER has been provided with a copy of the Landowner's Bill of Rights as required by Texas Property Code Section 21.0112.

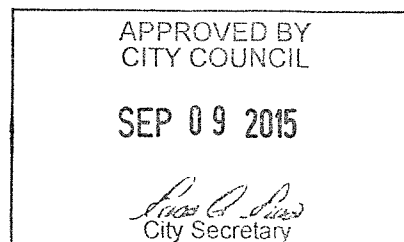
September 9, 2015

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 \$7,000.00 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



FIELD NOTES DESCRIBING A 1.439 ACRE (62,688 SQUARE FOOT)
 SUB-SURFACE DRAINAGE TUNNEL EASEMENT
 CITY OF DALLAS DRAWING NO. 423R-54 (PARCEL 519)
 TO BE ACQUIRED IN CITY OF DALLAS BLOCK A/595,
 PART OF LOT 2, RHDFJ PARTNERS ADDITION
 JOHN GRIGSBY SURVEY, ABSTRACT NUMBER 495
 CITY OF DALLAS, DALLAS COUNTY, TEXAS
 FROM RHDFJ PARTNERS L.P.

BEING a 1.439 acre (62,688 square foot) tract of land situated in the John Grigsby Survey, Abstract No. 495, in City Block A/595 of the City of Dallas, Dallas County, Texas, and being part of that called 0.3815 acre tract of land described in Special Warranty Deed With Vendor's Lien to RHDFJ Partners L.P. recorded in Instrument Number 20070432759 of the Official Public Records of Dallas County, Texas, and being part of that called 3.6067 acre tract of land described in Special Warranty Deed With Vendor's Lien to RHDFJ Partners L.P. recorded in Instrument Number 20070349385 of said Official Public Records, and being part of that called 0.6382 acre tract of land described in Special Warranty Deed With Vendor's Lien to RHDFJ Partners L.P. recorded in Instrument Number 20070432763 of said Official Public Records, and being part of Lot 2, RHDFJ Partners Addition, and addition to the City of Dallas recorded in Instrument Number 201100309310 of said Official Public Records, and being more particularly described as follows:

(Note: Subsurface easement corners are not monumented.)

BEGINNING at the south corner of a 10 foot by 10 foot right-of-way dedication by the plat of said Lot 2, Block A/595, RHDFJ Partners Addition having coordinates of N=6976602.5035, E=2494141.5897 at the intersection of the southwest right-of-way line of Hall Street (a 40 foot wide right-of-way) with the northwest right-of-way line of Ross Avenue (an 80 foot wide right-of-way), same being the southeasterly line of said Lot 2, Block A/595, RHDFJ Partners Addition;

THENCE South 44 degrees 13 minutes 05 seconds West, with said northwest right-of-way line of Ross Avenue and southeasterly line of said Lot 2, Block A/595, RHDFJ Partners Addition, 119.87 feet to the point of curvature having coordinates of N=6976516.6021, E=2494058.0016 (not monumented) of a non-tangent circular curve to the right having a central angle of 23 degrees 44 minutes 27 seconds, a radius of 1,445.00 feet, a tangent of 303.73 feet and a chord which bears South 75 degrees 50 minutes 16 seconds West 594.47 feet, from whence an X cut found (controlling monument) for the most southerly corner of said Lot 2, Block A/595, RHDFJ Partners Addition bears South 44 degrees 13 minutes 05 seconds West 447.26 feet;

THENCE Southwesterly, departing said northwest right-of-way line of Ross Avenue and said southeasterly line of said Lot 2, Block A/595, RHDFJ Partners Addition and across said called 3.6067 acre tract, said called 0.6382 acre tract and said Lot 2, Block A/595, RHDFJ Partners Addition with said curve to the right for an arc distance of 598.74 feet to the end of said curve having coordinates of N=6976371.1745, E=2493481.6791 (not monumented), said end of curve being on the southwesterly line of said Lot 2, Block A/595, RHDFJ Partners Addition and northeasterly line of that called 0.2544 acre tract of land described in General Warranty Deed to Stuart Crow recorded in Instrument Number 200600247127 of said Official Public Records;



FIELD NOTES DESCRIBING A 1.439 ACRE (62,688 SQUARE FOOT)
 SUB-SURFACE DRAINAGE TUNNEL EASEMENT
 CITY OF DALLAS DRAWING NO. 423R-54 (PARCEL 519)
 TO BE ACQUIRED IN CITY OF DALLAS BLOCK A/595,
 PART OF LOT 2, RHDFJ PARTNERS ADDITION
 JOHN GRIGSBY SURVEY, ABSTRACT NUMBER 495
 CITY OF DALLAS, DALLAS COUNTY, TEXAS
 FROM RHDFJ PARTNERS L.P.

THENCE North 45 degrees 30 minutes 06 seconds West, with said southwesterly line of said Lot 2, Block A/595, RHDFJ Partners Addition and said northeasterly line of said called 0.2544 acre tract, 73.92 feet to the most westerly corner of said Lot 2, Block A/595, RHDFJ Partners Addition having coordinates of N=6976424.4201, E=2493427.4010 (not monumented), same being the south corner of that tract of land described as Street Right-of-Way Dedication in Correction Warranty Deed recorded in Instrument Number 201000121750 of said Official Public Records;

THENCE North 43 degrees 43 minutes 16 seconds East, departing said southwesterly line of said Lot 2, Block A/595, RHDFJ Partners Addition and said northeasterly line of said called 0.2544 acre tract and with the southeasterly line of said Street Right-of-Way Dedication and the northwesterly line of said Lot 2, Block A/595, RHDFJ Partners Addition, 52.11 feet to the point of curvature having coordinates of N=6976460.6292, E=2493464.9740 (not monumented) of a non-tangent circular curve to the left having a central angle of 04 degrees 59 minutes 55 seconds, a radius of 1,355.00 feet, a tangent of 59.14 feet and a chord which bears North 85 degrees 45 minutes 49 seconds East 118.18 feet;

THENCE Easterly, departing said southeasterly line of said Street Right-of-Way Dedication and said northwesterly line of Lot 2, Block A/595, RHDFJ Partners Addition and across said called 0.6382 acre tract and said Lot 2, Block A/595, RHDFJ Partners Addition with said curve to the left for an arc distance of 118.21 feet to the end of said curve having coordinates of N=6976469.3581, E=2493582.8113 (not monumented), said end of curve being on an interior line of said Lot 2, Block A/595, RHDFJ Partners Addition, same being the southwesterly line of Lot 1, Block A/595, Flora Addition No. II, an addition to the City of Dallas recorded in Instrument Number 200600275713 of said Official Public Records, from whence a 5/8 inch iron rod found (controlling monument) bears North 46 degrees 04 minutes 23 seconds West 88.24 feet;

THENCE South 46 degrees 04 minutes 23 seconds East, with said interior line of Lot 2, Block A/595, RHDFJ Partners Addition and said southwesterly line of Lot 1, Block A/595, Flora Addition No. II, 10.56 feet to an ell corner having coordinates of N=6976461.9894, E=2493590.3200 (not monumented) in said interior line of Lot 2, Block A/595, RHDFJ Partners Addition and the westerly line of the aforementioned called 3.6067 acre tract, same being the south corner of said Lot 1, Block A/595, Flora Addition No. II;



FIELD NOTES DESCRIBING A 1.439 ACRE (62,688 SQUARE FOOT)
 SUB-SURFACE DRAINAGE TUNNEL EASEMENT
 CITY OF DALLAS DRAWING NO. 423R-54 (PARCEL 519)
 TO BE ACQUIRED IN CITY OF DALLAS BLOCK A/595,
 PART OF LOT 2, RHDFJ PARTNERS ADDITION
 JOHN GRIGSBY SURVEY, ABSTRACT NUMBER 495
 CITY OF DALLAS, DALLAS COUNTY, TEXAS
 FROM RHDFJ PARTNERS L.P.

THENCE North 44 degrees 18 minutes 50 seconds East, departing said southwesterly line of Lot 1, Block A/595, Flora Addition No. II and with the southeasterly line of said Lot 1, Block A/595, Flora Addition No. II and continuing with said interior line of said Lot 2, Block A/595, RHDFJ Partners Addition, 13.16 feet to the point of curvature having coordinates of N=6976471.4483, E=2493599.6065 (not monumented) of a non-tangent circular curve to the left having a central angle of 22 degrees 59 minutes 54 seconds, a radius of 1,355.00 feet, a tangent of 275.66 feet and a chord which bears North 71 degrees 02 minutes 57 seconds East 540.25 feet;

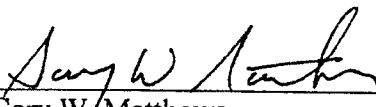
THENCE Northeasterly, departing said southeasterly line of said Lot 1, Block A/595, Flora Addition No. II and said interior line of said Lot 2, Block A/595, RHDFJ Partners Addition and across said called 3.6067 acre tract, the aforementioned called 0.3815 acre tract and said Lot 2, Block A/595, RHDFJ Partners Addition with said curve to the left for an arc distance of 543.89 feet to the end of said curve having coordinates of N=6976646.8734, E=2494110.5038 (not monumented), said end of curve being on the northeasterly line of said Lot 2, Block A/595, RHDFJ Partners Addition and southwest right-of-way line of the aforementioned Hall Street;

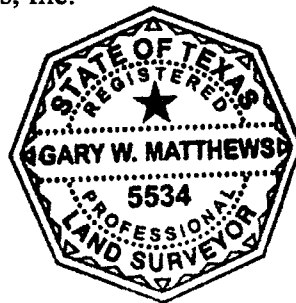
THENCE South 45 degrees 39 minutes 03 seconds East, with said northeasterly line of Lot 2, Block A/595, RHDFJ Partners Addition and said southwest right-of-way line of Hall Street, 43.23 feet to the north corner having coordinates of N=6976616.6587, E=2494141.4128 of the aforementioned 10 foot by 10 foot right-of-way dedication by the plat of said Lot 2, Block A/595, RHDFJ Partners Addition at the intersection of the southwest right-of-way line of said Hall Street with the northwest right-of-way line of said Ross Avenue;

THENCE South 00 degrees 42 minutes 59 seconds East, departing said northeasterly line of said Lot 2, Block A/595, RHDFJ Partners Addition and with the west line of said 10 foot by 10 foot right-of-way dedication and the most easterly line of said Block A/595, 14.16 feet to the POINT OF BEGINNING and containing 1.439 acres (62.688 square feet) of land, more or less.

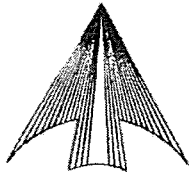
Basis of Bearing is the State Plane Coordinate System, Texas North Central Zone (4202), North American Datum of 1983. All coordinates are state plane on grid. All distances are surface distances. Surface Adjustment Scale Factor: 1.000136506

For Nathan D. Maier Consulting Engineers, Inc.


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



JOHN GRIGSBY SURVEY
ABSTRACT NUMBER 495

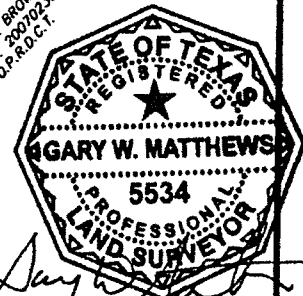
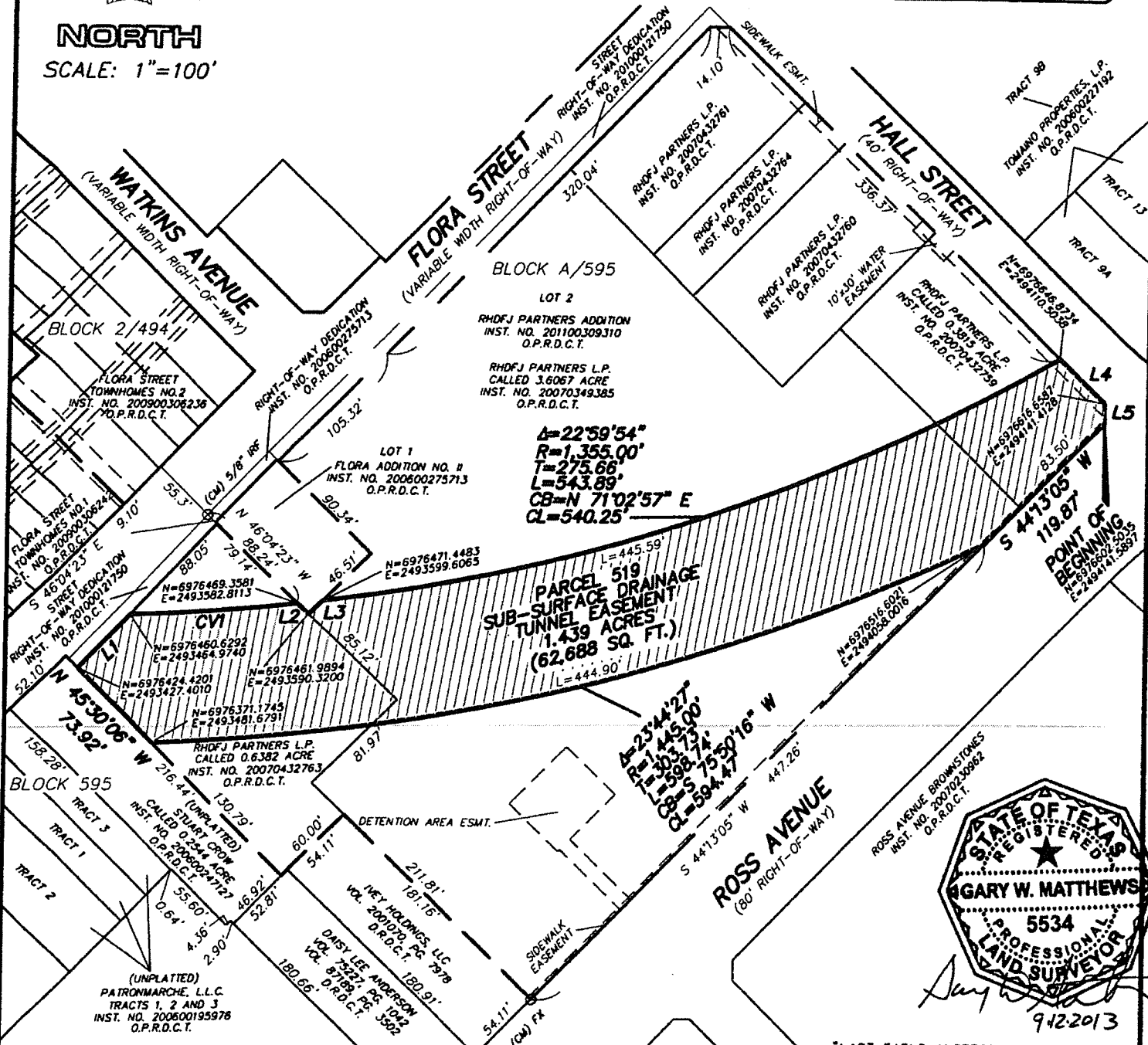


NORTH

SCALE: 1"=100'

EASEMENT CURVE TABLE	
CVI	$\Delta=04^{\circ}59'55''$
	$R=1,355.00'$
	$T=59.14'$
	$L=118.21'$
	$CB=N 85^{\circ}45'49'' E$
	$CL=118.18'$

EASEMENT LINE TABLE		
NO.	BEARING	DISTANCE
L1	N 43°43'16" E	52.11'
L2	S 46°04'23" E	10.56'
L3	N 44°18'50" E	13.16'
L4	S 45°39'03" E	43.23'
L5	S 00°42'59" E	14.16'



"LAST FIELD INSPECTION 07-11-2013"

NOTE: SUBSURFACE EASEMENT CORNERS ARE NOT MONUMENTED.

PAGE 4 OF 4

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"

1.439 ACRES (62,688 SQ. FT) SUB-SURFACE DRAINAGE TUNNEL EASEMENT CITY OF DALLAS DRAWING NO. 423R-54 (PARCEL 519) TO BE ACQUIRED IN CITY OF DALLAS BLOCK A/595, PART OF LOT 2, RHDFJ PARTNERS ADDITION, JOHN GRIGSBY SURVEY, ABSTRACT NUMBER 495 CITY OF DALLAS, DALLAS COUNTY, TEXAS. FROM RHDFJ PARTNERS 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

09/12/2013

PARCEL-519.DWG