

**A RESOLUTION AUTHORIZING THE ACQUISITION OF REAL PROPERTY FOR A NEGOTIATED PRICE HIGHER THAN THE AUTHORIZED PURCHASE AMOUNT.**

**WHEREAS**, the Dallas City Council by the FIRST RESOLUTION authorized acquisition, by purchase and/or eminent domain, of the PROPERTY INTERESTS in the PROPERTY held by OWNER for the PROJECT (all said capitalized terms being defined below); and

**WHEREAS**, OWNER refused the FIRST and SECOND RESOLUTION PURCHASE AMOUNT, but has agreed to the REVISED SETTLEMENT AMOUNT stated herein; and

**WHEREAS**, the City Council desires to authorize the City Manager to acquire the PROPERTY INTERESTS in the PROPERTY for the negotiated REVISED 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

“FIRST RESOLUTION”: Resolution No. 06-2581 was approved by the Dallas City Council on September 27, 2006, to authorize the purchase amount of \$14,760.

“SECOND RESOLUTION”: Resolution No. 08-3319 was approved by the Dallas City Council on December 10, 2008, in lieu of proceeding further with condemnation proceedings, an authorized amount of \$30,000 plus closing costs and title expenses not to exceed \$2,500.

“ADDITIONAL AMOUNT (this authorization)”: \$6,000

“PROJECT”: Peak Street and Gaston Avenue Project

“USE”: The construction, use, and maintenance of the wastewater main as may be necessary, provided, however to the extent fee title to the PROPERTY is acquired, such title and the PROPERTY shall not be limited to or otherwise deemed restricted to the USE herein provided.

“OWNER”: Brigida Flores, 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.

“PROPERTY INTEREST”: Wastewater easement, subject to the exceptions, reservations, covenants, conditions and/or interests, if any provided in the conveyance instrument approved as to form by the City Attorney .

“PROPERTY”: Approximately 1,640 square feet of land in Dallas County, Texas, and being the same property more particularly described in “Exhibit A”, attached hereto and made a part hereof for all purposes, and any and all improvements, rights and appurtenances appertaining hereto.

“FIRST RESOLUTION PURCHASE AMOUNT”: \$14,760.00

“SECOND RESOLUTION SETTLEMENT AMOUNT”: \$32,500.00

“REVISED SETTLEMENT AMOUNT”: \$35,420.00

“CLOSING COSTS AND TITLE EXPENSES”: Not to exceed \$3,080.00

“REVISED AUTHORIZED AMOUNT”: \$38,500.00

**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 INTERESTS 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 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 4.** That OWNER has been provided with a copy of the Landowner’s Bill of Rights as contemplated by applicable state statute.

**SECTION 5.** That the Chief Financial Officer is authorized to draw checks for the REVISED SETTLEMENT AMOUNT, closing costs and title expenses, payable as follows:

\$32,500 (Second Resolution Authorized Amount) out of Water Utilities Capital Construction Fund, Fund 0103, Dept. DWU, Unit CS42, Activity RELP, Object 4210, Program 7A1019, Encumbrance No. CT-DWU7A1019EN


\$6,000 (The Additional Amount) is payable out of Wastewater Capital Improvement Fund, Fund 2116, Dept. DWU, Unit PS40, Activity RELP, Object 4250, Program 716028, Encumbrance No. CT-DWU716028CPA, and said payment shall be delivered to a title insurance company after evidence of satisfactory title has been provided to and approved by the City Attorney. The REVISED SETTLEMENT AMOUNT - \$35,420 and the CLOSING COSTS AND TITLE EXPENSES - \$3,080 together shall not exceed the REVISED AUTHORIZED AMOUNT - \$38,500.

**SECTION 6.** That the CITY is to have possession and/or use, as applicable, of the PROPERTY at closing; and 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 7.** 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  
  
MAR 23 2016  
  
  
City Secretary

Field Notes Describing a 1,640 Square Foot (0.0376 Acre)  
Wastewater Easement  
To Be Acquired in Block 8/768  
from Felix Flores, Sr.

Being a 1,640 Square Foot (0.0376 Acre) tract of land situated in the John Grigsby Survey, Abstract No. 495, in the City of Dallas, Dallas County, Texas, and being a portion of Lots 1 & 2 of Block No. 8 of Peak's Suburban Addition (Block 8/768, official City of Dallas Block Numbers), an addition to the City of Dallas dated February 24, 1879 and recorded in Volume 45, Page 56 of the Deed Records of Dallas County, and being a portion of that tract of land conveyed to Felix Flores, Sr. from Floyd Loupot by Warranty Deed dated July 14, 2006 and recorded in Instrument Number 200600275683 of the Official Public Records of Dallas County, Texas, all lying in Block 8/768, official City of Dallas Block Numbers, and being more particularly described as follows:

**COMMENCING** at a 5/8 inch dia. iron rod with cap marked "DC&A, RPLS 3935" found at the intersection of the Southeast line of Swiss Avenue (an 80-Foot wide Right-of-Way) with the Northeast line of Peak Street (a 60-Foot wide Right-of-Way), both streets having been dedicated by said Peak's Suburban Addition, being the most Westerly corner of said block 8/768, and the most Westerly corner of Lot 8, Block 8/768 of the said Peak's Suburban Addition:

**THENCE** South 45°00'00" East with the said Northeast line of Peak Street, being also the Southwest line of said Lot 8, a distance of 252.50 feet to a 5/8 inch diameter iron rod with cap marked "DALLAS" (herein after called "5/8" I.R. w/COD Cap") set at the common Southwest corner of Lots 1 and 8, being also the most Westerly corner of a tract of land conveyed to C&M Management Co. by deed recorded in Volume 98166, Page 02165 of the Deed Records of Dallas County:

**THENCE** North 44°54'00" East, departing the last said Northeast line of Peak Street and with the common line between said Lots 8 and 1, for a distance of 113.98 feet to a 5/8" I.R. w/COD Cap set at the common Northwest corner of said C&M Management parcel and said Felix Flores tract, being also the most Westerly corner and **POINT OF BEGINNING** of the herein described tract of land:

**THENCE** North 44°54'00" East, continuing with the said common line between Lots 1 and 8, pass at 50.02 feet the common corner between Lots 1, 2, 7 & 8, and continuing for a total distance of 82.02 feet to a 5/8" I.R. w/COD Cap set at the common corner with a tract of land conveyed to Charles Krovetz by deed recorded in Volume 79089, Page 892 of the Deed Records of Dallas County:

Field Notes Describing a 1,640 Square Foot (0.0376 Acre)  
Wastewater Easement  
To Be Acquired in Block 8/768  
from Felix Flores, Sr.

**THENCE** South 45°00'12" East with the common line between said Felix Flores and Charles Krovetz tracts a distance of 20.00 feet to a 5/8" I.R. w/COD Cap set at the most Easterly corner of this tract:

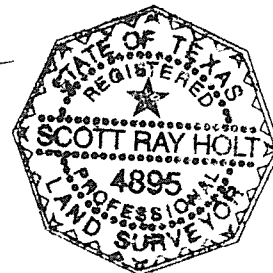
**THENCE** South 44°54'00" West, being at all times 20 feet measured perpendicularly Southeasterly from and parallel with the said common line between Lots 1, 2, 7 & 8, a distance of 82.02 feet to an "X" cut in concrete on the said common line between said Felix Flores and C&M Management tracts:

**THENCE** North 45°00;12" West with the common line between the Felix Flores and C&M Management tracts a distance of 20.00 feet to the **POINT OF BEGINNING**, containing 1,640 square feet, or 0.0376 acres of land.

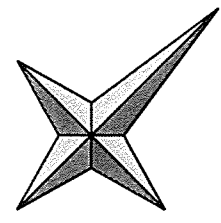
**BASIS OF BEARINGS:** The Northeast line of Gaston Avenue, at South 45°00'00" East, as called in the deed to C&M Management Co., recorded in Volume 98166, page 2165 of the Deed Records of Dallas County, Texas.

*Scott Holt*

*10/5/2015*



SWISS AVE.  
80' R.O.W.)



PK Nail Found

1" I.P. Found

58" I.R. Found wCap  
Marked "DC&A RPLS 3935"  
POINT OF COMMENCING

JOHN GRIGSBY SURVEY  
Abstract No. 495

PHSW Investments LLC  
Int. #20070026672  
(Pt. Lot 7)

Peak's Suburban Addn.  
Vol. 45, Pg. 56

BLOCK  
8/768

PEAK ST.  
(60' R.O.W.)

252.50', S 45°00'00" E

8

Dennis W. Hetrick &  
Victoria L. Hetrick  
Vol. 88140 Pg. 3460  
(Lot 8 & Pt. Lot 7)

1,640 Sq. Ft. (0.0375 Ac.)  
Wastewater Easement  
To Be Acquired

POINT OF BEGINNING

113.98', N 44°54'00" E

82.02', N 44°54'00" E

58" I.R. Found

12" I.R. Found

SET 58" I.R.  
wCOD Cap

20.00'  
S 45°00'12" E

20.00'  
S 45°00'12" E

58" I.R. Found

Wastewater Easement  
to City of Dallas  
Int. #201000054131

"X" Cut  
in Conc.

C & M Management Co.  
Vol. 98166 Pg. 2165 et al  
(3 Tracts, all Pt. Lot 1)

Felix Flores, Sr.  
Int. #200600275683  
(Pt. Lots 1&2)

Charles Krovetz  
Real Estate Company  
Vol. 79089 Pg. 0892

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Sheet 3 of 3

LEGEND

ROW Line	—————
Lot Line	- - - - -
Property Line	—————

⊗ Indicates 5/8-inch Diameter Iron Rod set with Cap Marked "DALLAS"

Dallas Water Utilities			
Project #787114			
Wastewater Easement; To Be Acquired Through City Block #8768, Between Swiss Ave. & Gaston Ave., From Peak Street to Carroll Ave.			
City of Dallas, PW&T Survey Division			
OPERNAME	DESIGN FILE NAME	SCALE	DATE
Scott Holt	N:\ENGR\SURVEY\HOLT\Swiss\Field Notes & Easements.dgn	As Noted	6-10-15
PARTY CHIEF	CALCULATIONS	FOLDER	FILE NO.
Prunty	S. Holt	Block Folder 8768	411D-049-B