

**A RESOLUTION DETERMINING UPON THE NECESSITY OF ACQUIRING REAL PROPERTY AND AUTHORIZING ITS PURCHASE FOR PUBLIC USE.**

**DEFINITIONS:** For the purposes of this resolution, the following definitions of terms shall apply:

"CITY": The City of Dallas

"PROPERTY": Approximately 15,337 square feet of land located in Dallas County, 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 thereto.

"PROJECT": Southwest 120/96-inch Water Transmission Pipeline Project

"USE": The installation, use, and maintenance of a pipeline or lines for the transmission of treated water together with such appurtenant facilities 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 here provided.

"PROPERTY INTEREST": Fee Simple subject to the exceptions, reservations, covenants, conditions and/or interests, if any, provided in the instrument more particularly described in Exhibit "B".

"OWNER": County of Dallas, 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.

"PURCHASE AMOUNT": \$30,674

"CLOSING COSTS AND TITLE EXPENSES": Not to Exceed \$3,000

"AUTHORIZED AMOUNT": \$33,674

**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 CITY acquire the PROPERTY INTEREST in the PROPERTY for the PROJECT.

March 23, 2016

**SECTION 3.** 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 CITY of the PROPERTY INTEREST in and to the PROPERTY pursuant to the conveyancing instrument substantially in the form described in Exhibit "B", attached hereto and made a part hereof for all purposes, and 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 this transaction.

**SECTION 4.** 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 5.** That OWNER has been provided with a copy of the Landowner's Bill of Rights as contemplated by applicable state statute.

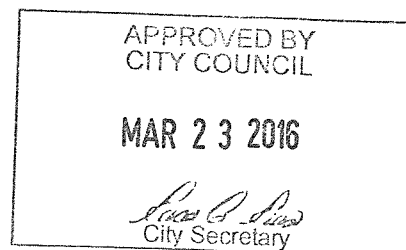
**SECTION 6.** That in the event this acquisition closes, the Chief Financial Officer is authorized and directed to draw a warrant in favor of the OWNER, or the then current owner of record, or the title company closing the transaction described herein in the PURCHASE AMOUNT and CLOSING COSTS AND TITLE EXPENSES payable out of Water Utilities Capital Construction Funds, Fund No. 0102, Department DWU, Unit CW40, Activity MPSA, Program No. 706623, Object 4210, Encumbrance No. CT-DWU706623CPDU. The PURCHASE AMOUNT, CLOSING COSTS and TITLE EXPENSES together shall not exceed the AUTHORIZED AMOUNT.

**SECTION 7.** That CITY is to have possession and/or use, as applicable, of the PROPERTY at closing; and 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 8.** 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 Benjamin N. Lynch II  
**Assistant City Attorney**



PARCEL E-437  
CITY OF DALLAS RIGHT-OF-WAY  
15,337 SQUARE FOOT (0.3521 ACRE) TRACT  
COUNTY OF DALLAS  
CITY OF HUTCHINS, DALLAS COUNTY, TEXAS

BEING an 15,337 square foot (0.3521 acre) tract of land situated in the Ulrich Wuthrich Survey, Abstract No. 1518, City of Hutchins, Dallas County, Texas, and being part of the second tract of land described in Warranty Deed dated May 31, 1884 to the County of Dallas as recorded in Volume 67, Page 11 of the Deed Records of Dallas County, Texas (D.R.D.C.T.), and being more particularly described as follows:

BEGINNING at a 5/8-inch set iron rod with yellow plastic cap stamped "HALFF" (hereinafter referred to as "with cap") for the south corner of a corner clip for the intersection of the easterly right-of-way line of U.S. Highway 310 (a variable width right-of-way, 190 feet wide at this point) with the southeasterly right-of-way line of Langdon Road (a variable width right-of-way), both rights-of-way described as Tract No. I in deed to the State of Texas as recorded in Volume 2793, Page 441, D.R.D.C.T.;

THENCE North 15 degrees 06 minutes 27 seconds East, with said corner clip, a distance of 90.40 feet to a 5/8-inch set iron rod with cap for the north corner of said corner clip on the southeasterly right-of-way line of said Langdon Road (80 feet wide at this point);

THENCE North 58 degrees 50 minutes 27 seconds East, with the southeasterly right-of-way line of said Langdon Road, a distance of 63.32 feet to a 1/2-inch set iron rod with cap for corner;

THENCE South 29 degrees 41 minutes 47 seconds East, departing said southeasterly right-of-way line, over and across said County of Dallas tract, a distance of 79.79 feet to a 1/2-inch set iron rod with cap for corner;

THENCE South 15 degrees 06 minutes 27 seconds West, with a line offset 100 feet southeasterly from and parallel to said corner clip, a distance of 101.60 feet to a 5/8-inch set iron rod with cap for corner;

THENCE South 58 degrees 50 minutes 27 seconds West, departing said parallel offset line, continuing over and across said County of Dallas tract, a distance of 73.39 feet to a 5/8-inch set iron rod with cap for corner in the easterly right-of-way line of said U.S. Highway 310;

THENCE North 18 degrees 09 minutes 33 seconds West, with the easterly right-of-way line of said U.S. Highway 310, a distance of 89.81 feet to the POINT OF BEGINNING and containing 15,337 square feet (0.3521 of an acre) of land, more or less.

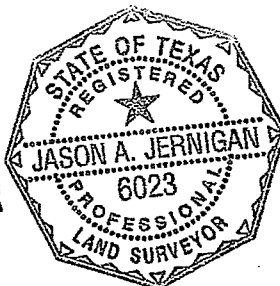
The Basis of Bearing is the North American Datum of 1983, Texas State Plane Coordinate System, North Central Zone 4202. All distances are surface distances. Surface Adjustment Scale Factor: 1.0001365060.

FIELD NOTES APPROVED:

*Handwritten signature and date: JAL 3/2/14*



*Handwritten signature and date: JAL 21 FEB 2014*

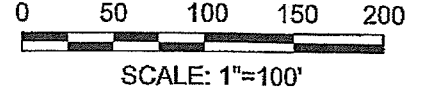


ULRICH WUTHRICH SURVEY,  
ABSTRACT NO. 1518

160447

EXHIBIT A

MARK C. JACOBS AND  
LESLIE D. JACOBS  
(VOL. 2001250, PG. 01546)

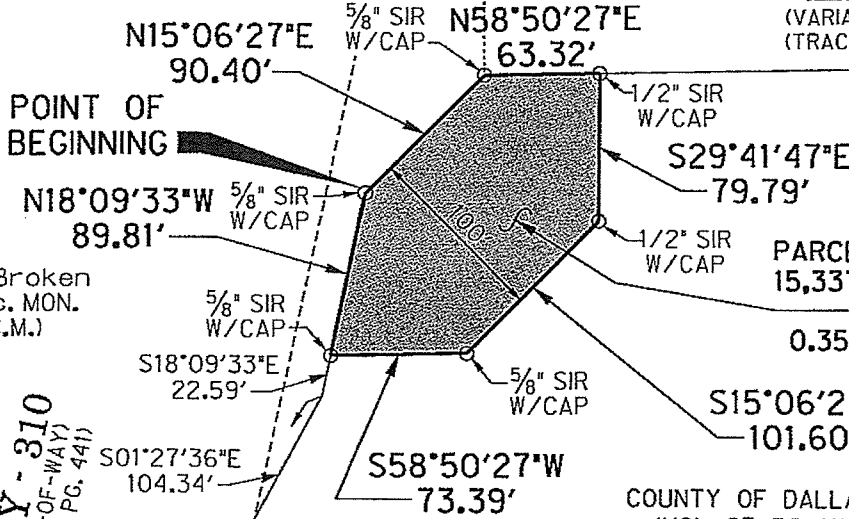


U.S. HIGHWAY - 310  
(VARIABLE WIDTH RIGHT-OF-WAY)

Approx. location of  
T.P. & L. Easement  
(VOL. 2258, PG. 135)

FND. CONC.  
MON.  
(C.M.)

LANGDON ROAD  
(VARIABLE WIDTH RIGHT-OF-WAY)  
(TRACT NO. 1, VOL. 2793, PG. 441)



UNPLATTED  
ULRICH WUTHRICH SURVEY,  
ABSTRACT NO. 1518

U.S. HIGHWAY - 310  
(VARIABLE WIDTH RIGHT-OF-WAY)  
(TRACT NO. 1, VOL. 2793, PG. 441)

21 FEB  
2014



NOTES:  
1. The Basis of Bearing is the North American Datum of 1983, Texas State Plane Coordinate System, North Central Zone 4202. All distances are surface distances. Surface Adjustment Scale Factor: 1.0001365060.  
2. Metes and Bounds description of even date accompanies this survey exhibit.

PARCEL E-437  
CITY OF DALLAS RIGHT-OF-WAY  
15,337 SQUARE FOOT (0.3521 ACRE) TRACT  
COUNTY OF DALLAS  
CITY OF HUTCHINS, DALLAS COUNTY, TEXAS

LEGEND

SIR	SET IRON ROD
W/CAP	WITH YELLOW CAP STAMPED "HALFF"
(C.M.)	CONTROL MONUMENT
T.P. & L.	TEXAS POWER AND LIGHT COMPANY

**HALFF**  
1201 N. BOWSER ROAD RICHARDSON, TEXAS 75081  
TELE. (214)346-6200 FAX (214)739-0095

DATE: FEBRUARY, 2014
AVO.: 25143
PAGE 2 OF 2

2E\_IRR05E\_MON\_FS\_FW.dwg  
Design  
3/7/2014 2:40:28 PM ah1808 HALFF 1:250000925143CADD\EXHIBIT\EXB-437R-25143.DGN

**Notice of Confidentiality Rights: If you are a natural person, you may remove or strike any or all of the following information from any Instrument that transfers an interest in real property before it is filed for record in the public records: Your social security number or your driver's license number.**

**SPECIAL WARRANTY DEED**

**EXHIBIT B**

THE STATE OF TEXAS §

KNOW ALL BY THESE PRESENTS:

COUNTY OF DALLAS §

That the **County of Dallas**, a political subdivision of the State of Texas, ("Grantor"), pursuant to a duly executed Commissioners Court Order No. 2016- \_\_\_\_\_ dated \_\_\_\_\_, 2016, for and in consideration of the sum of Thirty Thousand Six Hundred Seventy Four and No Dollars (\$30,674.00), has Granted, Sold and Conveyed, and by these presents does Grant, Sell and Convey, without warranty, express or implied, and subject to the terms, covenants, conditions, reservations, restrictions and exceptions hereinafter made unto the **City of Dallas**, a Texas municipal corporation, of 1500 Marilla Street, Dallas, Texas, 75201 ("Grantee"), all of the property as described in Exhibit A, which is attached hereto and made a part hereof ("Property").

Grantor reserves all of the oil, gas and sulphur in and under the land herein conveyed but waives all rights of ingress and egress to the surface thereof for the purpose of exploring, developing, mining or drilling for same; however, nothing in this reservation shall affect the title and rights of the Grantee to take and use all other minerals and materials thereon, therein and thereunder.

This conveyance is executed and delivered subject to all easements, reservations, conditions, covenants and restrictive covenants as the same appears of record in the Real Property Records of Dallas County, Texas, or apparent on the ground, and to all encroachments, zoning, regulations and ordinances of municipal and/or other governmental authorities, if any, which affect the property herein conveyed, to the extent they are valid and subsisting and are enforceable against a political subdivision of the State of Texas.

As a material part of the consideration for this deed, GRANTOR and GRANTEE agree that, to the maximum extent allowed by law, (a) GRANTEE is taking the Property "AS IS, WHERE IS, WITH ALL FAULTS", (b) GRANTOR disclaims responsibility as to the accuracy or completeness of any information relating to the Property, (c) GRANTEE assumes all responsibility to examine all applicable building codes and zoning ordinances to determine if the Property can be used for the purposes desired and to check for outstanding or pending code enforcement actions including but not limited to repair or demolition orders, and (d) GRANTOR expressly disclaims and GRANTEE expressly waives, any warranty or representation, express or implied, including without limitation any warranty of condition, habitability, merchantability or fitness for a particular purpose of the Property. Without limiting the foregoing, GRANTOR makes no representations of any nature regarding the Property and specifically disclaims any warranty, guaranty or representation, oral or written, express or implied, past, present, or future, concerning: (i) the nature and condition of the Property, including without limitation, the water, soil and geology, and the suitability thereof and the Property for any and all activities and

uses which GRANTEE may elect to conduct thereon, and the existence of any environmental substances, hazards or conditions or presence of any endangered or protected species thereon or compliance with all applicable laws, rules or regulations; (ii) the nature and extent of any right-of-way, lease, possession, lien, encumbrance, license, reservation, condition or otherwise; (iii) the compliance of the Property or its operation with any law, ordinance or regulation of any federal, state, or local governmental authority; and (iv) whether or not the Property can be developed or utilized for any purpose. For purposes hereof, "environmental substances" means the following: (a) any "hazardous substance" under the Comprehensive Environmental Response, Compensation and Liability Act of 1980, 42 U.S.C.A. Section 9601 et. seq., as amended, (b) any "hazardous substance" under the Texas Hazardous Substances Spill Prevention and Control Act, Tex. Water Code, Section 26.261, et. seq., as amended, (c) petroleum or petroleum-based products (or any derivative or hazardous constituents thereof or additives thereto), including without limitation, fuel and lubrication oils, (d) any "hazardous chemicals" or "toxic chemicals" under the Occupational Safety and Health Act, 29 U.S.C.A. Section 651 et. seq., as amended, (e) any "hazardous waste" under the Resource Conservation and Recovery Act, 42 U.S.C.A. Section 6901 et. seq., as amended, (f) asbestos, (g) polychlorinated biphenyls, (h) underground storage tanks, whether empty, filled, or partially filled with any substance, (i) any substance, the presence of which is prohibited by federal, state or local laws and regulations, and (j) any other substance which by federal, state or local laws and regulations requires special handling or notification of governmental authorities in its collection, storage, treatment or disposal. References to particular acts or codifications in this definition include all past and future amendments thereto, as well as applicable rules and regulations as now or hereafter promulgated thereunder.

TO HAVE AND TO HOLD the premises herein described and conveyed, together with all and singular the rights, appurtenances and hereditaments thereto in anywise belonging unto the said Grantee, its successors and assigns, forever; and Grantor hereby binds Grantor and Grantor's heirs, executors, administrators, successors and assigns to Warrant and Forever Defend all and singular the rights and title to said premises unto the Grantee, its successors and assigns, against every person whosoever lawfully claiming or to claim the same or any part thereof, by, through, or under Grantor; but not otherwise.

*(signature page follows)*

EXECUTED this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

\*Approved as to Form:

SUSAN HAWK  
DALLAS COUNTY DISTRICT ATTORNEY

COUNTY OF DALLAS, TEXAS

By: \_\_\_\_\_  
Sherri L. Turner  
Assistant District Attorney

By: \_\_\_\_\_  
Clay Lewis Jenkins  
Dallas County Judge

\*By law, the District Attorney's Office may only advise or approve contracts or legal documents on behalf of its clients. It may not advise or approve a contract or legal document on behalf of other parties. Our review of this document was conducted solely from the legal perspective of our client. Our approval of this document was offered solely for the benefit of our client. Other parties should not rely on this approval, and should seek review and approval by their own respective attorney(s).

**ACKNOWLEDGMENT**

**THE STATE OF TEXAS        §**

**COUNTY OF DALLAS        §**

This instrument was acknowledged before me on the \_\_\_\_\_ day of \_\_\_\_\_, 2016, by Clay Lewis Jenkins, County Judge for the County of Dallas, Texas, on behalf of the County of Dallas, Texas, a political subdivision of the State of Texas.

\_\_\_\_\_  
Notary Public, State of Texas  
My Commission Expires \_\_\_\_\_

GRANTORS ADDRESS: RETURN ORIGINAL TO GRANTOR:  
County of Dallas  
411 Elm Street, 3rd Floor  
Dallas, Texas 75202  
Attn: Assistant Director  
Public Works Property Division

PARCEL E-437  
CITY OF DALLAS RIGHT-OF-WAY  
15,337 SQUARE FOOT (0.3521 ACRE) TRACT  
COUNTY OF DALLAS  
CITY OF HUTCHINS, DALLAS COUNTY, TEXAS

BEING an 15,337 square foot (0.3521 acre) tract of land situated in the Ulrich Wuthrich Survey, Abstract No. 1518, City of Hutchins, Dallas County, Texas, and being part of the second tract of land described in Warranty Deed dated May 31, 1884 to the County of Dallas as recorded in Volume 67, Page 11 of the Deed Records of Dallas County, Texas (D.R.D.C.T.), and being more particularly described as follows:

BEGINNING at a 5/8-inch set iron rod with yellow plastic cap stamped "HALFF" (hereinafter referred to as "with cap") for the south corner of a corner clip for the intersection of the easterly right-of-way line of U.S. Highway 310 (a variable width right-of-way, 190 feet wide at this point) with the southeasterly right-of-way line of Langdon Road (a variable width right-of-way), both rights-of-way described as Tract No. I in deed to the State of Texas as recorded in Volume 2793, Page 441, D.R.D.C.T.;

THENCE North 15 degrees 06 minutes 27 seconds East, with said corner clip, a distance of 90.40 feet to a 5/8-inch set iron rod with cap for the north corner of said corner clip on the southeasterly right-of-way line of said Langdon Road (80 feet wide at this point);

THENCE North 58 degrees 50 minutes 27 seconds East, with the southeasterly right-of-way line of said Langdon Road, a distance of 63.32 feet to a 1/2-inch set iron rod with cap for corner;

THENCE South 29 degrees 41 minutes 47 seconds East, departing said southeasterly right-of-way line, over and across said County of Dallas tract, a distance of 79.79 feet to a 1/2-inch set iron rod with cap for corner;

THENCE South 15 degrees 06 minutes 27 seconds West, with a line offset 100 feet southeasterly from and parallel to said corner clip, a distance of 101.60 feet to a 5/8-inch set iron rod with cap for corner;

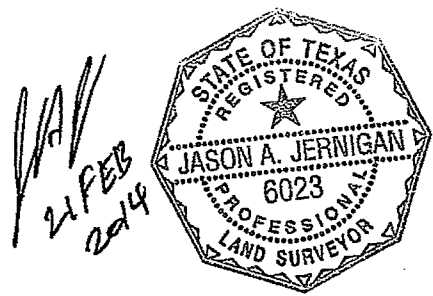
THENCE South 58 degrees 50 minutes 27 seconds West, departing said parallel offset line, continuing over and across said County of Dallas tract, a distance of 73.39 feet to a 5/8-inch set iron rod with cap for corner in the easterly right-of-way line of said U.S. Highway 310;

THENCE North 18 degrees 09 minutes 33 seconds West, with the easterly right-of-way line of said U.S. Highway 310, a distance of 89.81 feet to the POINT OF BEGINNING and containing 15,337 square feet (0.3521 of an acre) of land, more or less.

The Basis of Bearing is the North American Datum of 1983, Texas State Plane Coordinate System, North Central Zone 4202. All distances are surface distances. Surface Adjustment Scale Factor: 1.0001365060.

FIELD NOTES APPROVED:

*Handwritten signature*

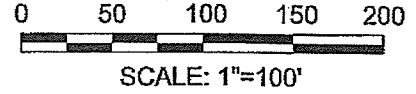




ULRICH WUTHRICH SURVEY, 160447  
 ABSTRACT NO. 1518

EXHIBIT A

MARK C. JACOBS AND  
 LESLIE D. JACOBS  
 (VOL. 2001250, PG. 01546)



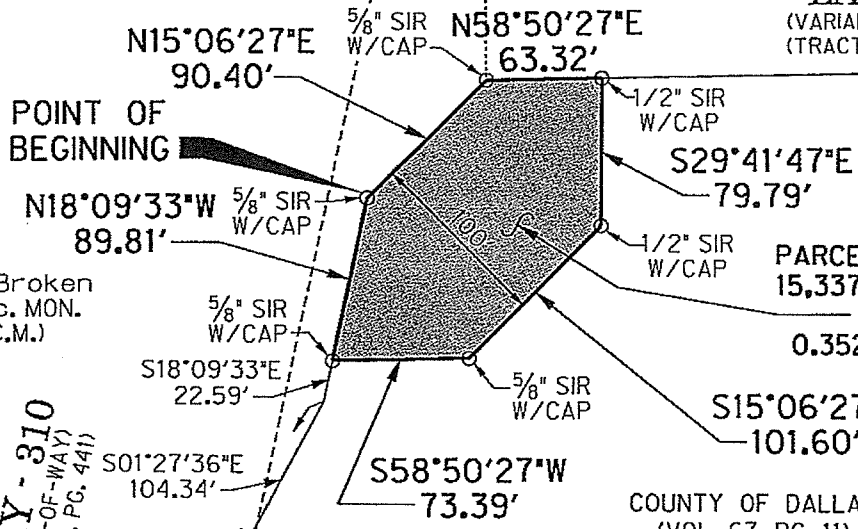
U.S. HIGHWAY - 310  
 (VARIABLE WIDTH RIGHT-OF-WAY)

Approx. location of  
 T.P. & L. Easement  
 (VOL. 2258, PG. 135)

FND. CONC.  
 MON.  
 (C.M.)

LANGDON ROAD

(VARIABLE WIDTH RIGHT-OF-WAY)  
 (TRACT NO. 1, VOL. 2793, PG. 441)



PARCEL E-437  
 15,337 SQ. FT.  
 OR  
 0.3521 ACRE

COUNTY OF DALLAS  
 (VOL. 67, PG. 11)

UNPLATTED

ULRICH WUTHRICH SURVEY,  
 ABSTRACT NO. 1518

U.S. HIGHWAY - 310  
 (VARIABLE WIDTH RIGHT-OF-WAY)  
 (TRACT NO. 1, VOL. 2793, PG. 441)

FND. Broken  
 Conc. MON.  
 (C.M.)

(Basis of Bearing  
 rotated clockwise 01°48'33"  
 from the R.O.W. map  
 bearing of S16°21'E)

NOTES:

1. The Basis of Bearing is the North American Datum of 1983, Texas State Plane Coordinate System, North Central Zone 4202. All distances are surface distances. Surface Adjustment Scale Factor: 1.0001365060.
2. Metes and Bounds description of even date accompanies this survey exhibit.

PARCEL E-437  
 CITY OF DALLAS RIGHT-OF-WAY  
 15,337 SQUARE FOOT (0.3521 ACRE) TRACT  
 COUNTY OF DALLAS  
 CITY OF HUTCHINS, DALLAS COUNTY, TEXAS

21 FEB  
 2014



LEGEND

SIR	SET IRON ROD
W/CAP	WITH YELLOW CAP STAMPED "HALFF"
(C.M.)	CONTROL MONUMENT
T.P. & L.	TEXAS POWER AND LIGHT COMPANY



1201 N. BOWSER ROAD RICHARDSON, TEXAS 75081  
 TELE. (214)346-6200 FAX (214)739-0095

DATE: FEBRUARY, 2014

AVO.: 25143

PAGE 2 OF 2

3/7/2014 2:40:28 PM ah1808 HALFF I:\25000\025143\CADD\EXHIBIT\EXB-437R-25143.DGN