

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": Approximately 4,048 square feet of property 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.

"PROJECT": Mill Creek/Peaks Branch/State-Thomas Drainage Relief Tunnel

"USE": The construction, installation, use, and maintenance of a realigned section of roadway, utility relocation, land area to support tunnel construction and operation, together with such appurtenant facilities as may be necessary.

"PROPERTY INTEREST": Fee Simple

"OWNER": John Earl Patterson and Linda K. Patterson, 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": \$4,050.00

"CLOSING COSTS AND TITLE EXPENSES": Not to exceed \$2,000.00

"AUTHORIZED AMOUNT": \$6,050.00

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-TWM06T525J7, CLOSING COSTS AND TITLE EXPENSES payable out of 2006 Bond Funds: Fund No. 3T23, Department TWM, Unit T525, Activity SDRS, Program No. PB06T525, Object 4230, Encumbrance No. CT-TWM06T525J8. 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 \$2,000.00 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

MAR 23 2016


City Secretary

PROPERTY ACQUISITION**EXHIBIT A**

City of Dallas Drawing No. 423R-54 (Parcel 142)
 4,048 Sq. Ft. or 0.0929 Acres
 Being a Part Lot 17 of City of Dallas Block 7/6122
 South Dallas Gardens Addition
 Thomas Lagow Survey, Abstract No.759
 City of Dallas, Dallas County, Texas
 From Otis Scruggs

Being a 4,048 square feet or 0.0929 acre tract of land situated in the Thomas Lagow Survey, Abstract No. 759, in the City of Dallas, Dallas County, Texas, and being in City of Dallas Block 7, (Official City of Dallas Block Numbers 7/6122), and being part of Lot 17, of said Block 7 of the South Dallas Gardens Addition, an Addition to the City of Dallas, Recoded by Plat in Volume 1, Page 448, of the Map Records of Dallas County, Texas, being all of that tract of land conveyed to Otis Scruggs, by Warranty Deed recorded in Volume 80149, Page 1634 of the Deed Records of Dallas County, Texas, and being more particularly described as follows:

COMMENCING at the most easterly corner of a tract of land conveyed to Elza McKnight Jr. and wife, Mamie Lee McKnight by Warranty Deed recorded in Volume 4993, Page 177 of the Deed Records of Dallas County, Texas, and being in the intersection of the southwest line of Barber Avenue (30' Right-of-Way) dedicated by said South Dallas Gardens Addition, and the northwest line of Mural Lane (Variable Right-of-Way) as "Variable width roadway by use and occupation", referenced as a 25 feet wide street easement in the following deeds: Volume 3975, Page 99; Volume 4993, Page 175; Volume 4993, Page 177 of the Deed of the Deed Records of Dallas County, from which a ½" iron rod found with broken cap (controlling monument) bears North 45°49'30" West, a distance of 140.00 feet, for the most northerly corner of a tract of land conveyed to Gaythell Smith by Instrument No. 201000148256 of the Official Public Records of Dallas County, Texas, also being the most easterly corner of a tract of land conveyed to Jeffery D. Smith by Instrument No. 201000184285 of the Official Public Records of Dallas County, Texas, being in the northwest Subdivision line of said South Dallas Gardens Addition, being the most northerly corner of Lot 17, of said Block 7/6122, being in the southwest line of said Barber Avenue;

THENCE North 45°49'30" West, departing said intersection and with the southwest line of said Barber Avenue, and the common northeast line of said McKnight tract, along the northeast line of Lot 16, of said Block 7/6122, a passing distance of 40.00 feet, being the common corner of Lots 16 and 17, Block 7/6122, along the northeast line of said Lot 17, Block 7/6122, having a total distance of 45.00 feet, to the **POINT OF BEGINNING**, being a set ½" iron rod with yellow cap stamped "SGI RPLS 3664", being in the southwest line of said Barber Avenue, being the most northerly corner of said McKnight tract, and being the most easterly corner of said Scruggs tract;

THENCE South 42°22'50" East, departing the southwest line of said Barber Avenue, and along the common southeast line of said Scruggs tract, and the northwest line of said McKnight tract, over and across said Lot 17, Block 7/6122, a distance of 90.00 feet, to a set ½" iron rod with yellow cap stamped "SGI RPLS 3664", being the most southerly corner of said Scruggs tract, and being an interior corner of said McKnight tract;

THENCE North 45°49'30" West, over and across said Lot 17, Block 7/6122, continuing along said common line, a distance of 45.00 feet, to a set ½" iron rod with yellow cap stamped "SGI RPLS 3664", being in the southwest line of said Smith tract, being the most westerly north corner of said McKnight tract, and being the most westerly corner of said Scruggs tract;

PROPERTY ACQUISITION

City of Dallas Drawing No. 423R-54 (Parcel 142)
 4,048 Sq. Ft. or 0.0929 Acres
 Being a Part Lot 17 of City of Dallas Block 7/6122
 South Dallas Gardens Addition
 Thomas Lagow Survey, Abstract No.759
 City of Dallas, Dallas County, Texas
 From Otis Scruggs

EXHIBIT A

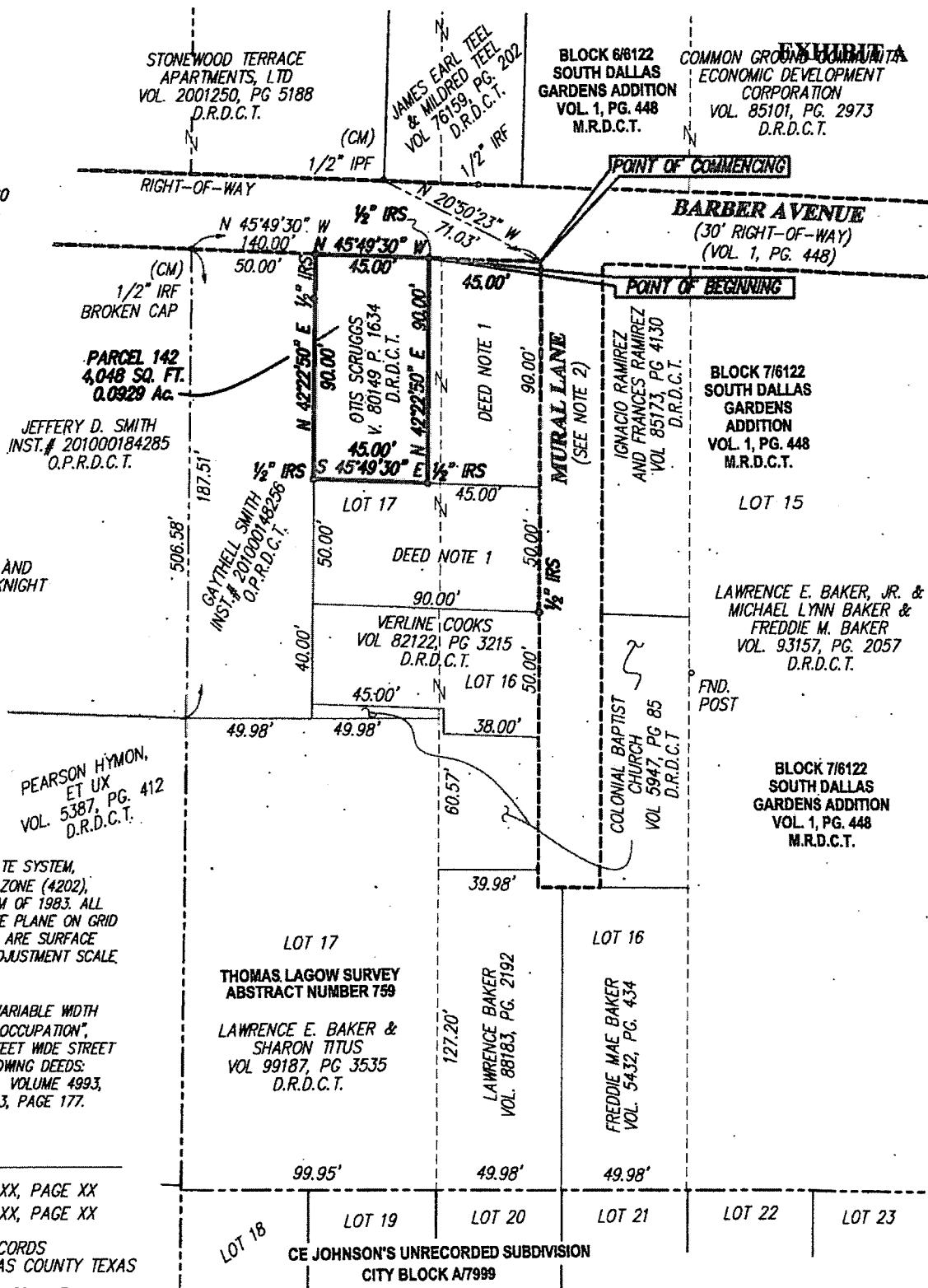
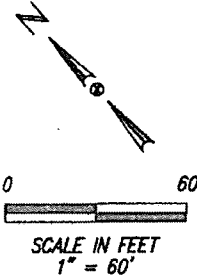
THENCE North 42°22'50" East, over and across said Lot 17, Block 7/6122, departing said McKnight tract and along the common southeast line of said Smith tract and the northwest line of said Scruggs tract, a distance of 90.00 feet, to a set 1/2" iron rod with yellow cap stamped "SGI RPLS 3664", being the most easterly corner of said Smith tract and the most northerly corner said Scruggs tract, being in the southwest line of said Barber Avenue, and being in the northeast line of said Lot 17, Block 7/6122;

THENCE South 45°49'30" East, departing said common corner and along the northeast line of said Lot 17, Block 7/6122, and along the southwest line of said Barber Avenue, a distance of 45.00 feet, to the **POINT OF BEGINNING** and containing 0.0929 acres (4,048 square feet) of land, more or less.

BASIS OF BEARING State Plane Coordinate System, Texas North Central Zone (4202), North American Datum of 1983. All Coordinates are State Plane on grid values. All Distances are Surface Distances. Surface Adjustment Scale Factor: 1.0001365060.



PER 2 3-16



DEED NOTES:
 1. ELZA MCKNIGHT, JR. AND WIFE, MAMIE LEE MCKNIGHT VOL. 4993, PG. 177 D.R.D.C.T.

GENERAL NOTES
 1. BASIS OF BEARING STATE PLANE COORDINATE SYSTEM, TEXAS NORTH CENTRAL ZONE (4202), NORTH AMERICAN DATUM OF 1983. ALL COORDINATES ARE STATE PLANE ON GRID VALUES. ALL DISTANCES ARE SURFACE DISTANCES. SURFACE ADJUSTMENT SCALE FACTOR: 1.0001365060.
 2. MURAL LANE IS A "VARIABLE WIDTH ROADWAY BY USE AND OCCUPATION", REFERENCED AS A 25 FEET WIDE STREET EASEMENT IN THE FOLLOWING DEEDS: VOLUME 3975, PAGE 99; VOLUME 4993, PAGE 175; VOLUME 4993, PAGE 177.

LEGEND

VOL. PG.	VOLUME XX, PAGE XX
V. P.	VOLUME XX, PAGE XX
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
CM	CONTROLLING MONUMENT
○	IRON PIPE FOUND (IPF)
●	IRON ROD FOUND (IRF)
● 1/2" IRS	1/2" IRON ROD SET WITH YELLOW CAP STAMPED "SGI RPLS 3664"

--- COMMON LOT LINE
 - - - - - LOT LINE
 - - - - - RIGHT-OF-WAY LINE
 - - - - - DEED LINE
 - - - - - SUBDIVISION LINE
 - - - - - PROPERTY ACQUISITION

Sheet 3 of 3

PROPERTY ACQUISITION

CITY OF DALLAS DRAWING NO. 423R-54 (Parcel 142)
 4,048 Sq. Ft. or 0.0929 Acres
 BEING A PART OF CITY OF DALLAS BLOCK 7/6122
 SOUTH DALLAS GARDENS ADDITION
 Thomas Lagow Survey, Abstract No. 759
 City of Dallas, Dallas County, Texas
 From OTIS SRUGGS

SGI
 Salcedo Group, Inc.
 Civil Engineers - Surveyors
 TBPLS FIRM No. 10070800
 TBPE FIRM No. 5482
 PHONE: (214) 941-8610