

**A RESOLUTION CONSENTING TO AND AUTHORIZING SETTLEMENT OF A CONDEMNATION SUIT FILED AGAINST THE CITY.**

**WHEREAS**, the City of Dallas owns a tract of land containing approximately 5,488 square feet situated in City Block O/6787, Dallas, Dallas County, Texas, located at 9100 Cedar Run Drive in the City of Dallas, Dallas County, Texas, as described in Exhibit "A", attached herein (the PROPERTY); and

**WHEREAS**, Union Pacific Railroad Company filed a lawsuit styled Union Pacific Railroad Company, a Delaware Corporation vs. The City of Dallas, Texas, Cause No. CC-16-00069-A, in County Court at Law No. 1 of Dallas County, Texas (the CONDEMNATION SUIT) on January 6, 2016, seeking to acquire a drainage easement in the PROPERTY by eminent domain; and

**WHEREAS**, the Judge appointed three Special Commissioners to determine the compensation owed for the acquisition of the PROPERTY; and

**WHEREAS**, the Special Commissioners held a hearing on June 8, 2016, and determined the PROPERTY'S market value was \$2,600 (the COMMISSIONERS' AWARD); and

**WHEREAS**, the City consents, in this instance, to allow the condemnation of the PROPERTY; and

**WHEREAS**, the City Council desires to authorize the City Attorney to settle the CONDEMNATION SUIT for the amount of the COMMISSIONERS' AWARD; **Now, Therefore,**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DALLAS:**

**SECTION 1.** That the City consents to the condemnation of the PROPERTY and authorizes the City Attorney to settle the CONDEMNATION SUIT for the amount of the COMMISSIONERS' AWARD.

**SECTION 2.** That the City Attorney is authorized to prepare and execute such documents as may be necessary to effect the settlement described herein.

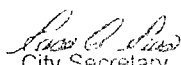
**SECTION 3.** That any and all proceeds received for the PROPERTY be deposited to General Fund 0001, Dept TWM, Balance Sheet Account 0895 and Trinity Watershed Management shall be reimbursed for the cost of obtaining legal description, appraisal and other administrative costs incurred. The reimbursement proceeds shall be deposited in General Fund 0001, Dept TWM, Unit 3009, Object 5011 and any remaining proceeds shall be transferred to the General Capital Reserve Fund 0625, Department BMS, Unit 8888, Revenue Source 8118.

**161468**  
September 14, 2016

**SECTION 4.** 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:**  
**CHRISTOPHER D. BOWERS, Interim City Attorney**

BY   
**Assistant City Attorney**

APPROVED BY  
CITY COUNCIL  
  
SEP 14 2016  
  
  
City Secretary

## Exhibit A

BEING a 0.1260 acre tract of land situated in the JOE BADGELY SURVEY ABSTRACT NO. 75, City of Dallas, Dallas County, Texas and being part of Block O/6787 of Cedar Run Phase II, an addition to the City of Dallas, according to the plat thereof recorded in Volume 86077, Page 4952, Plat Records, Dallas County, Texas (P.R.D.C.T.) and being part of that tract of land conveyed to the City of Dallas, recorded in Volume 86077, Page 5704, Deed Records, Dallas County, Texas (D.R.D.C.T.) and being more particularly described as follows:

BEGINNING at a 1/2" iron rod set for corner in the southerly right-of-way line of the Union Pacific Railroad (UPRR) (a 100' R.O.W.) and being the northwest corner of Lot 40, Block L/6787 of said Cedar Run Phase II and being the northeast corner of the said City of Dallas tract of land;

THENCE S 12 deg. 20 min. 36 sec. W, along the west line of said Lot 40 and the east line of said City of Dallas tract of land, a distance of 37.17 feet to a 1/2" iron rod set for corner and being the beginning of a non-tangent curve to the right, having a central angle of 00 deg. 58 min. 42 sec. a radius of 9222.34 feet and a chord which bears S 88 deg. 27 min. 40 sec. W. a distance of 157.46 feet;

THENCE southwesterly, along the said curve, an arc distance of 157.46 feet to a 1/2" iron rod set for corner in the west line of said City of Dallas tract of land and the east line of that tract of land conveyed by deed to DWL Real Estate Inc. recorded in Volume 2002066, Page 8705, D.R.D.C.T.;

THENCE N 26 deg. 17 min. 16 sec. E, along the east line of said DWL Real Estate Inc. tract of land and the west line of said City of Dallas tract of land, a distance of 40.55 feet to a 1/2" iron rod set for corner in the southerly right-of-way line of said UPRR and being the northeast corner of said DWL Real Estate Inc. tract of land and the northwest corner of said City of Dallas tract of land and being in a curve to the left, having a central angle 00 deg. 55 min. 11 sec., a radius of 9186.34 feet and a chord which bears N 88 deg. 22 min. 28 sec. E, a distance of 147.45 feet;

THENCE northeasterly along the southerly right-of-way line of said UPRR and the north line of said City of Dallas tract of and along the said curve, an arc distance of 147.85 feet to the POINT OF BEGINNING and containing 5488 sq. ft. or 0.1260 acres of land.

FIELD NOTES APPROVED:

*Christ Hoff 9/30/2016*

