

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 26,849 square feet of land located in Van Zandt 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 thereto.

"PROJECT": Lake Tawakoni 144-inch Transmission Pipeline

"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 herein provided.

"PROPERTY INTEREST": Fee Simple Title, subject to the exceptions, reservations, covenants, conditions and/or interests, if any, provided in the form instrument more particularly described in Exhibit "B" attached hereto and made a part hereof for all purposes.

"OWNER": Robert Pannell, Stephen Beasley, Paul Barnett and Brandi Barnett 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": \$100,900

"CLOSING COSTS AND TITLE EXPENSES": Not to exceed \$4,100

"AUTHORIZED AMOUNT": Not to exceed \$105,000

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.

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 hereby 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 0102, Department DWU, Unit CW20, Activity RWPT, Program 704041, Object 4210, Encumbrance/Contract No. CX-DWU-2017-00004071. 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:
LARRY E. CASTO, City Attorney

BY: 
Assistant City Attorney

APPROVED BY
CITY COUNCIL


DEC 13 2017

Interim City Secretary

Exhibit A
171847

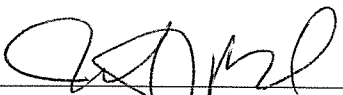
FIELD NOTES
DESCRIBING A TRACT OF LAND FOR FEE SIMPLE ACQUISITION
OF RIGHT-OF-WAY FOR THE LAKE TAWAKONI RAW WATER
TRANSMISSION MAIN
VAN ZANDT COUNTY, TEXAS
Parcel: 245

BEING a 26,849 square foot (0.6164 acre) tract of land in the J. McCown Survey, Abstract No. 527, being all of Lots 216, 217, 218 and 219 of the Retirement Village No. II, an Addition to Rolling Oaks Subdivision, as recorded in Cabinet 34, Slide A of the Plat Records of Van Zandt County, also recorded in Volume 1, Page 71 of the Deed Records of Van Zandt County, Texas, said Lots 217 and 219 being described in Warranty Deed with Vendor's Lien dated August 9, 2000 to Robert G. Pannell and Jessie N. Pannell, as recorded in Volume 1574, Page 17, of the Real Records of Van Zandt County, Texas, said Lot 216 being described in Cash Warranty Deed to Bob Pannell, as recorded in Volume 1358, Page 393, of the Real Records of Van Zandt County, Texas, said Lot 218 being described Warranty Deed to Robert Pannell, dated January 24, 2008, as recorded in Document No. 2008-000815, of the Official Public Records of Van Zandt County, Texas;

All bearings for this tract refer to the NAD-83 Texas State Plane Coordinate System, North Central Zone 4202, according to measurements made at NGS continuously operating reference stations Collin CORS ARP, Dallas CORS ARP, Kaufman CORS ARP, Tyler CORS ARP, and Paris CORS ARP. The Kaufman County scale factor of 1.000114077 as published by the Texas Department of Transportation, Dallas District was used for this project.


A plat of even survey date herewith accompanies this legal description.

Company Name: DAL-TECH Engineering, Inc.
TBPLS Firm No. 10123500

By:  Date: 6-1-15

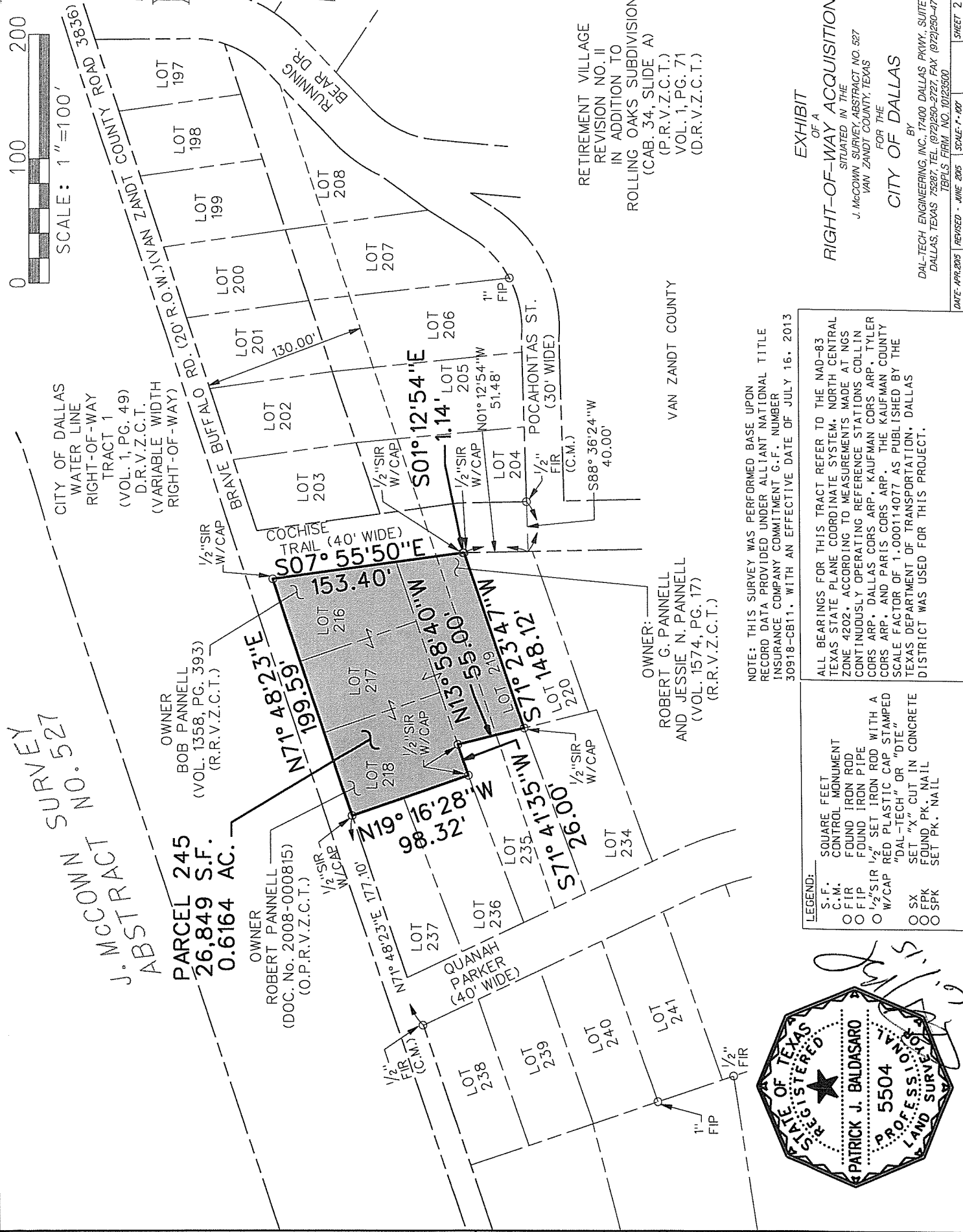
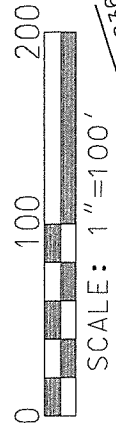
Surveyor's Name: Patrick J. Baldasaro
Registered Professional Land Surveyor
Texas No. 5504



FIELD NOTES APPROVED:

6/5/15



171847



J. MCCOWN SURVEY
ABSTRACT NO. 527

PARCEL 245
26.849 S.F.
0.6164 AC.

OWNER
ROBERT PANNELL
(DOC. No. 2008-000815)
(O.P.R.V.Z.C.T.)

OWNER
BOB PANNELL
(VOL. 1358, PG. 393)
(R.R.V.Z.C.T.)

OWNER:
ROBERT G. PANNELL
AND JESSIE N. PANNELL
(VOL. 1574, PG. 17)
(R.R.V.Z.C.T.)

RETIREMENT VILLAGE
REVISION NO. II
IN ADDITION TO
ROLLING OAKS SUBDIVISION
(CAB. 34, SLIDE A)
(P.R.V.Z.C.T.)
VOL. 1, PG. 71
(D.R.V.Z.C.T.)

VAN ZANDT COUNTY

NOTE: THIS SURVEY WAS PERFORMED BASE UPON
RECORD DATA PROVIDED UNDER ALLIANT NATIONAL TITLE
INSURANCE COMPANY COMMITMENT G.F. NUMBER
30918-CB11, WITH AN EFFECTIVE DATE OF JULY 16, 2013

ALL BEARINGS FOR THIS TRACT REFER TO THE NAD-83
TEXAS STATE PLANE COORDINATE SYSTEM, NORTH CENTRAL
ZONE 4202, ACCORDING TO MEASUREMENTS MADE AT NGS
CONTINUOUSLY OPERATING REFERENCE STATIONS COLLIN
CORS ARP, DALLAS CORS ARP, KAUFMAN CORS ARP, TYLER
CORS ARP, AND PARIS CORS ARP. THE KAUFMAN COUNTY
SCALE FACTOR OF 1.000114077 AS PUBLISHED BY THE
TEXAS DEPARTMENT OF TRANSPORTATION, DALLAS
DISTRICT WAS USED FOR THIS PROJECT.

- LEGEND:
- S.F. SQUARE FEET
 - C.M. CONTROL MONUMENT
 - FIP FOUND IRON ROD
 - FIP FOUND IRON PIPE
 - 1/2" SIR 1/2" SET IRON ROD WITH A RED PLASTIC CAP STAMPED "DAL-TECH" OR "DTE"
 - W/CAP SET "X" CUT IN CONCRETE
 - SX FOUND PK. NAIL
 - FPK FOUND PK. NAIL
 - SPK SET PK. NAIL

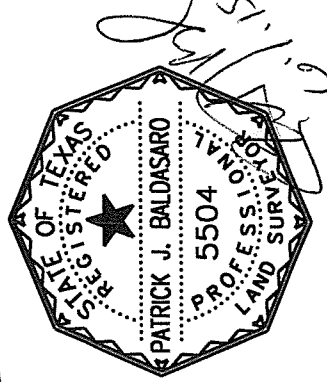


EXHIBIT
OF A
RIGHT-OF-WAY ACQUISITION
SITUATED IN THE
J. MCCOWN SURVEY, ABSTRACT NO. 527
VAN ZANDT COUNTY, TEXAS
FOR THE
CITY OF DALLAS
BY
DAL-TECH ENGINEERING, INC., 17400 DALLAS PKWY., SUITE 110
DALLAS, TEXAS 75287, TEL. (972)250-2727, FAX (972)250-4774
TBPLS FIRM, NO. 10123500
DATE: APR. 2015 | REVISED - JUNE 2015 | SCALE: 1"=100' | SHEET 2 OF 2

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.

WARRANTY DEED

THE STATE OF TEXAS §
 § KNOW ALL PERSONS BY THESE PRESENTS:
COUNTY OF VAN ZANDT §

That Robert Pannell, a widower, Stephen Beasley, a married person, not joined herein by spouse, as the property hereby conveyed constitutes no part of their business or residence homestead and is in his sole management and control, Paul Barnett, a single man, Brandi Barnett, a married person, not joined herein by spouse, as the property hereby conveyed constitutes no part of their business or residence homestead and is in his sole management and control, (hereinafter called "Grantor" whether one or more natural persons or legal entities) of the County of Van Zandt, State of Texas, for and in consideration of the sum of ONE HUNDRED THOUSAND NINE HUNDRED AND 00/100 DOLLARS (\$100,900.00) to the undersigned in hand paid by the **City of Dallas, 1500 Marilla Street, Dallas, Texas, 75201**, a Texas municipal corporation (hereinafter called "City"), the receipt of which is hereby acknowledged and confessed, has granted, sold and conveyed and does hereby grant, sell and convey unto City, its successors and assigns, all of the property described in Exhibit "A", attached hereto and made a part hereof by reference for all purposes.

SPECIAL PROVISIONS: NONE

TO HAVE AND TO HOLD the above described premises, together with all and singular the rights and appurtenances thereto in anywise belonging unto City, its successors and assigns forever, and Grantor binds Grantor and Grantor's heirs, executors, administrators or successors, to Warrant and Forever Defend all and singular the said premises unto City, its successors and assigns, against every person whomsoever lawfully claiming, or to claim the same or any part thereof.

EXECUTED this _____ day of _____, _____.

Approved As To Form:

LARRY E. CASTO

City Attorney

By: _____

Assistant City Attorney

Robert Pannell

Stephen Beasley

Paul Barnett

Brandi Barnett

* * * * *

STATE OF TEXAS '
COUNTY OF VAN ZANDT '

This instrument was acknowledged before me on _____
By Robert Pannell.

Notary Public, State of TEXAS

* * * * *

STATE OF TEXAS '
COUNTY OF VAN ZANDT '

This instrument was acknowledged before me on _____
By Stephen Beasley.

Notary Public, State of TEXAS

* * * * *

STATE OF TEXAS ,
COUNTY OF VAN ZANDT ,

This instrument was acknowledged before me on _____
By Paul Barnett.

Notary Public, State of TEXAS

* * * * *

STATE OF TEXAS ,
COUNTY OF VAN ZANDT ,

This instrument was acknowledged before me on _____
By Brandi Barnett.

Notary Public, State of TEXAS

* * * * *

After recording return to:
City of Dallas
Department of Sustainable Development and Construction
Real Estate Division
320 East Jefferson Boulevard, Room 203
Dallas, Texas 75203
attn: Christian Roman

Warranty Deed Log No. 44277

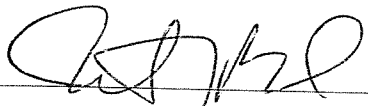
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A plat of even survey date herewith accompanies this legal description.

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TBPLS Firm No. 10123500

By:  Date: 6.1.15

Surveyor's Name: Patrick J. Baldasaro
Registered Professional Land Surveyor
Texas No. 5504



FIELD NOTES APPROVED:

abc 6/1/15



J. MCCOWN SURVEY NO. 527
ABSTRACT

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26,849 S.F.
0.6164 AC.

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ROBERT PANNELL
 (DOC. No. 2008-000815)
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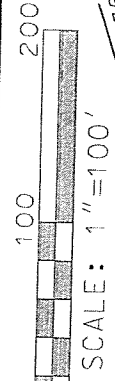
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BY
DAL-TECH ENGINEERING, INC. 17400 DALLAS PKWY., SUITE 110
 DALLAS, TEXAS 75287. TEL (972)250-2727. FAX (972)250-4774
 TRPLS. FIRM NO. 10123500



CITY OF DALLAS
 WATER LINE
 RIGHT-OF-WAY
 TRACT 1
 (VOL. 1, PG. 49)
 D.R.V.Z.C.T.
 (VARIABLE WIDTH
 RIGHT-OF-WAY)

BRAVE BUFFALO RD. (20' R.O.W.)
 VAN ZANDT COUNTY ROAD 3836

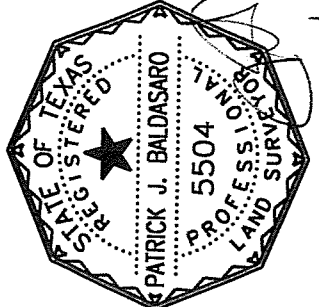
COCHISE TRAIL (40' WIDE)

POCAHONTAS ST. (30' WIDE)

VAN ZANDT COUNTY

LEGEND:

- S.F. SQUARE FEET
- C.M. CONTROL MONUMENT
- FIR FOUND IRON ROD
- FIP FOUND IRON PIPE
- 1/2" SIR SET IRON ROD WITH A RED PLASTIC CAP STAMPED "DAL-TECH" OR "DTE"
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