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CITY SECRETARY
DALLAS, TEXAS



Memorandum

DATE September 24, 2018

CITY OF DALLAS

TO Bilirae Johnson
City Secretary

SUBJECT Correction on CR No. 181251

This is the first (Y / N) correction to the subject Council Resolution. If no, attach copies of any previous approved correction memos.

The subject Council Resolution was approved on **September 12, 2018** authorizing acquisition from Aristeo Hernandez, of approximately 50,711 square feet of land located near the intersection of Scottsdale Drive and Military Parkway for the Dallas Water Utilities Distribution Division Scottsdale Drive Project – Not to exceed \$66,000 (\$63,389, plus closing costs and title expenses not to exceed \$2,611) – Financing: Water Utilities Capital Improvement Funds

Change(s) is/are needed to correct (select all applicable):

- Typo
- Obvious error from Council Resolution context
- Financial/funding information

SECTION 6. should read as follows:

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 the PURCHASE AMOUNT and CLOSING COSTS AND TITLE EXPENSES payable out of the Water Capital Improvement Fund, Fund 2115, Department DWU, Unit **EW60** PW60, Program 7A1371, Object 4210, Encumbrance/Contract No. CX-DWU-2018-0005831. The PURCHASE AMOUNT, CLOSING COSTS and TITLE EXPENSES together shall not exceed the AUTHORIZED AMOUNT.

Department: Sustainable Development and Construction

Director (or designee): *Ashley Eubanks*
Signature

9/24/18
Date

Ashley Eubanks
Print Name

Attachment: Council Resolution [17-0699]

Rg
10/2/18

OFS: Approved

Denied

Is ATT Approval Needed? Y N

OFS:

Kent R. Austin
Signature

10-1-2018
Date

Kent R. Austin
Print Name

ATT: Approved

Denied

Assistant City Attorney: _____
Signature

Date

Print Name

September 12, 2018

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

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

"CITY": The City of Dallas

"PROPERTY": Approximately 50,711 square feet of land located 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.

"PROJECT": Dallas Water Utilities Distribution Division Scottsdale Drive Project

"USE": The location will be used as operations, fleet parking and storage for equipment and supplies that assist the Dallas Water Utilities Distribution Division in the maintenance of major water distribution lines from the water treatment plants and servicing all City of Dallas customers and to customer cities, 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": Aristeo Hernandez, provided, however, that the term "OWNER" as used in this resolution means all persons or entities having an ownership interest, regardless of whether those persons or entities are actually named herein.

"PURCHASE AMOUNT": \$63,389.00

"CLOSING COSTS AND TITLE EXPENSES": Not to exceed \$2,611.00

"AUTHORIZED AMOUNT": Not to exceed \$66,000.00

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.

September 12, 2018

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 or donation, 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 the PURCHASE AMOUNT and CLOSING COSTS AND TITLE EXPENSES payable out of the Water Capital Improvement Fund, Fund 2115, Department DWU, Unit CW60, Program 7A1371, Object 4210, Encumbrance/Contract No. CX-DWU-2018-00005831. 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: B. N. S. T.
Assistant City Attorney



Parcel #6
Field Notes Describing a 50,711 Square Foot (1.1642 Acre)
Tract of Land To Be Acquired
in City Block 5828
From Philip Allen Beshear

Being a 50,711 Square Foot (1.1642 Acre) Tract of land situated in the John S. Beeman Survey, Abstract No. 100, City of Dallas, Dallas County, Texas, and being a portion of Block 5828 (Official City of Dallas Block Numbers), of the "Revised Plat Part of 19.92 Acre Tract", an addition to the City of Dallas dated May 8, 1950, recorded in Volume 16, Page 63 of the Map Records of Dallas County, Texas, and being all of the property conveyed to Philip Allen Beshear by two separate instruments recorded in Instrument number 200900161020 and 200900161021 of the Official Public Records of Dallas County, Texas, and being more particularly described as follows:

Note: Listed coordinates are State Plane (grid) values. Distances and areas are surface values, using TXDOT scale factor of 1.000136506.

BEGINNING at a 5/8-inch iron rod with cap stamped "City of Dallas" (N=6970084.67, E=2524998.56) set at the Northwest corner of the herein described tract of land and of Block 5828, at the intersection of the South line of a tract of land conveyed to the Union Pacific Railroad Company (successor in title to the Texas & Pacific Railroad Company, 115-foot wide at this point), same being the North line of said "Revised Plat Part of 19.92 Acre Tract" addition and of said Beshear tract and the East line of "First Installment of Urbandale Heights Addition", an addition to the City of Dallas dated December 12, 1949 and recorded in Volume 14, Page 371 of the Map Records of Dallas County, Texas, and of Block C/5828, from which a 1/2-inch iron pipe found (Controlling Monument, N=6970079.41, E=2524998.61) bears South 0°18'20" West, a distance of 5.24 feet;

THENCE North 88°53'07" East, with the said common line of the railroad and Revised Plat addition a distance of 289.76 feet to a 5/8-inch iron rod with cap stamped "City of Dallas" set (N+6970090.29, E=2525288.26) at the Northeast corner of said addition and said Beshear tract and the herein described tract of land, lying on the West line of Scottsdale Drive (60-foot wide Right-of-Way);

THENCE South 0°19'53" East, departing said common line and continuing with the East line of said Revised Plat addition and said Beshear tract and of the said West line of Scottsdale Drive a distance of 88.11 feet to the Southeast corner of said Beshear tract, same being the Northeast corner of a tract of land conveyed to Mustang Masonry, as described in Warranty Deed with Vendor's Lien, recorded in Volume 84229, Page 340 of the Deed Records of Dallas County, Texas, (corner not monumented N=6970002.71, E=2525289.68) from which a 1-inch iron pin found bears South 60°21'47" West, a distance of 1.05 feet;

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THENCE South 90°0'0" West, departing the said West line of Scottsdale Drive and the East line of said Revised Plat addition, along the said common line of Mustang Masonry and Beshear tracts a distance of 84.95 feet to a 5/8-inch iron rod with cap stamped "City of Dallas" set at an inside corner of the herein described tract of land, lying on a non-tangent beginning of a Curve to the Left (N=6970002.19, E=2525203.83);

THENCE in the Southwesterly direction continuing with said common line and along said Curve to the Left and having a Radius of 437.09 feet, a Central Angle of 52°35'02", an Arc distance of 401.19 feet and a Chord which bears South 26°35'53" West, a distance of 387.21 feet to a 5/8-inch iron rod with cap stamped "City of Dallas" set (N=6969741.48, E=2525039.39) at the intersection with the remainder of a tract of land (also referred to as railroad spur) conveyed to the Union Pacific Railway Company (successor in title to the Texas & Pacific Railway Company) recorded in Volume 3120, Page 281 of said Deed Records;

THENCE South 88°30'08" West, along the South line of the said Beshear tract, over and across said remainder railroad spur tract a distance of 38.99 feet to the West line of said Revised Plat addition and of said Beshear tract, same being the East line of said "First Installment of Urbandale Heights Addition" and of Block C/5828, Lot 17 (corner not monumented, N=6969740.43, E=2525000.39);

THENCE North 0°18'20" West, along said common line of said additions a distance of 62.96 feet to the intersection of the common line of Lots 18 and 19, from which a 1/2-inch iron rod found bears North 88°45'20" East, a distance of 0.41 feet, continuing along said common line for a total distance of 344.24 feet to the **POINT OF BEGINNING**, containing 50,711 Square Feet, or 1.1642 Acres of land.

BASIS OF BEARINGS: Bearings are based on the State Plane Coordinate System, Texas North Central Zone 4202, North American Datum of 1983.

*Ilona E.
Rossato
5/10/2018*



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 DALLAS §

That Aristeo Hernandez, a single man (hereinafter called "Grantor" whether one or more natural persons or legal entities) of the County of Dallas, State of Texas, for and in consideration of the sum of SIXTY THREE THOUSAND THREE HUNDRED EIGHTY NINE AND 00/100 DOLLARS (\$63,389.00) 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 _____, _____.

Aristeo Hernandez

* * * * *

STATE OF TEXAS '
COUNTY OF DALLAS '

This instrument was acknowledged before me on _____
by Aristeo Hernandez.

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: Lisa Junge

Warranty Deed Log No. 45805

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