

RECEIVED

2018 OCT -3 AM 10:43

CITY SECRETARY
DALLAS, TEXAS



Memorandum

DATE September 24, 2018

CITY OF DALLAS

TO Bilirae Johnson
City Secretary

SUBJECT Correction on CR No. 181252

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 John R. Keller Masonry, Inc. of approximately 78,923 square feet of land improved with a vacant commercial building located near the intersection of Scottsdale Drive and Military Parkway for the Dallas Water Utilities Distribution Division Scottsdale Drive Project – Not to exceed \$219,000 (\$215,600, plus closing costs and title expenses not to exceed \$3,400) – 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 ~~CW60~~ PW60, Program 7A1371, Object 4210, Encumbrance/Contract No. CX-DWU-2018-0005809. 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

9/25/18
Date

Ashley Eubanks
Print Name

Attachment: Council Resolution [17-0699]

9/23/18

OFS: Approved

Denied

Is ATT Approval Needed? Y N

OFS:

Kent R. Austin
Signature

10-1-2019
Date

Kent R. Austin
Print Name

ATT: Approved

Denied

Assistant City Attorney: _____
Signature

Date

Print Name

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 78,923 square feet of land improved with a vacant commercial building 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": John R. Keller Masonry, Inc., 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": \$215,600.00

"CLOSING COSTS AND TITLE EXPENSES": Not to exceed \$3,400.00

"AUTHORIZED AMOUNT": Not to exceed \$219,000.00

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-2018-00005809. 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. R. F.
Assistant City Attorney



Parcel #2
Field Notes Describing a 78,923 Square Foot (1.8118 Acre)
Tract of Land To Be Acquired
in City Block 5828
From John R. Keller Masonry, Inc.

Being a 78,923 Square Foot (1.8118 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), and of the "Revised Plat of Part" of a "19.92 Acre Tract in the John S. Beeman Survey – Abstract #100", an addition to the City of Dallas, dated August 25, 1950 and recorded in Volume 16, Page 63 of the Map Records of Dallas County, Texas, and being all of the property conveyed to John R. Keller Masonry, Inc. as described in Warranty Deed dated September 27, 2000, recorded in Volume 2001193, Page 10691 of the Deed Records of Dallas County, Texas, and being more particularly described as follows:

BEGINNING at the Southeast corner of the herein described tract of land (corner not monumented), lying on the West line of Scottsdale Drive (a 60-foot wide Right-of-Way, as recorded in Volume 13, Page 91, Map Records of Dallas County, Texas), and being also the Northeast corner of a tract of land conveyed to Wm. H. LaDEW, Inc. by Volume 4389, Page 154 of the said Deed Records, from which a 5/8-inch iron rod found bears S 40°23'57" East, a distance of 0.64 feet;

THENCE South 88°56'07" West, departing said West Right-of-Way line, over and across a portion of said Block 5828 and said addition, along the common property line of said Keller Masonry and LaDEW tracts, a distance of 260.97 feet to the Southwest corner of the herein described tract of land (corner not monumented) lying at the intersection of said common property line and the East line of the Texas and Pacific Railway Company Right-of-Way (variable width, created by instrument recorded in Volume 3120, Page 281 of said Deed Records), from which a concrete monument found bears North 11°03'56" East, a distance of 2.27 feet;

THENCE North 0°12'07" West, along the said East Right-of-Way line and the West line of the herein described tract of land, a distance of 305.36 feet to a 5/8-inch iron rod set in concrete with cap stamped "City of Dallas" at the Northwest corner of the herein described tract of land, same being the Southwest corner of a tract of land conveyed to Mustang Masonry by an instrument recorded in Volume 84229, Page 340 of said Deed Records;

Exhibit A
181252

Parcel #2
Field Notes Describing a 78,923 Square Foot (1.8118 Acre)
Tract of Land To Be Acquired
in City Block 5828
From John R. Keller Masonry, Inc.

THENCE South 89°57'09" East, departing said East Right-of-Way line, over and across a portion of said Block and with the common property line of said Keller and Mustang Masonry tracts, a distance of 260.30 feet to a MAG nail stamped "City of Dallas" set in concrete in the said West line of Scottsdale Drive, same being the Northeast corner of the herein described tract of land and Southeast corner of said Mustang Masonry tract;

THENCE South 0°19'28" East, with said West line of Scottsdale Drive and the East line of the herein described tract of land, a distance of 300.30 feet to the **POINT OF BEGINNING**, containing 78,923 Square Feet, or 1.8118 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.



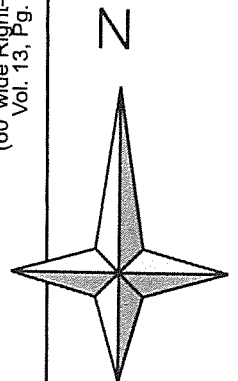
Ilona E. Rosato
5/10/2018

Exhibit A
181252

John S. Beeman Survey
Abstract #100

Lander Industrial
Park
Addition
Vol. 13,
Pg. 91

BLOCK
5828



Sheet 3 of 3

Mustang Masonry
Vol. 84229, Pg. 340

260.30', S 89°57'09" E

5/8" iron rod set with cap
stamped "City of Dallas"
N=6,969,652.45
E=2,525,030.48

MAG nail with washer set
stamped "City of Dallas"
N=6,969,652.23
E=2,525,290.75

**BLOCK
5828**

Parcel #2
78,923 sq ft = 1.8118 acres
to be acquired from
John R. Keller Masonry, Inc.
Vol. 2001193, Pg. 10691

300.30', S 0°19'28" E

305.36', N 0°12'07" W

POINT OF BEGINNING
N=6,969,351.98
E=2,525,292.45
(corner not monumented)
5/8" iron rod found
bears 0.64'
S 40°23'57" E

(corner not monumented)
N=6,969,347.13
E=2,525,031.56
Concrete monument
found bears 2.27'
N 11°03'56" E

260.97', S 88°56'07" W

Brass disc found stamped
"Southwestern Bell
Telephone Company"
CONTROLLING
MONUMENT
N=6969248.8403
E=2525031.9197

WM. H. LaDEW, Inc.
Vol. 4389, Pg. 154

1/2" iron pipe found
bears 4.77'
S 88°43'21" E
N=6,969,248.91
E=2,525,036.67

Brass Disc found stamped
"Southwestern Bell
Telephone Company"
CONTROLLING
MONUMENT
N=6,969,252.50
E=2,525,293.01

Southwestern Bell
(predecessor in title to AT&T)
Vol. 120, Pg. 595

Brass disc found stamped
"Southwestern Bell
Telephone Company"
CONTROLLING
MONUMENT
N=6,969,048.56
E=2,525,032.78

Revised Plat Part of
19.92 Acre Tract
Vol. 16, Pg. 63
(August 25, 1950)

Texas & Pacific Railway Company
(Variable width Right-of-Way)
Vol. 3120, P. 281

Carr Street
(50' wide Right-of-Way
Vol. 13, Pg. 91)

McNeil Street
(50' wide Right-of-Way
Vol. 14, Pg. 371)

- 16 1" iron pipe found
- 15 3/8" iron rod found
- 14 1/2" iron rod found
- 13 1/2" iron rod found
- 12 1 1/2" iron rod found with cap stamped "PRECISE"
- 11 1/2" iron rod found
- 10 1/2" iron rod found
- 9 1/2" iron rod found
- 8 1/2" iron rod found
- 5 1/2" iron rod found
- 4

**BLOCK
C/5828**

First Installment
Urbandale Heights Addition
Vol. 14, Pg. 371
(December 12, 1949)

Corners are monumented with 5/8" iron rods
with caps marked "City of Dallas", unless otherwise noted.

area to be acquired

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

Property Acquisition			
Parcel #2			
John R. Keller Masonry, Inc.			
PUBLIC WORKS DEPARTMENT			
SURVEY DIVISION			
OPER.NAME	DESIGN FILE NAME	SCALE	DATE
Rossato	N:\ENGR\SURVEY\lona\PROJECTS\Scottsdale Ave\Scottsdale Fieldnotes.dgn	NTS	1/17/2017
PARTY CHIEF	CALCULATIONS	FOLDER	FILE NO.
E. Prunty	I. Rossato	Scottsdale Avenue	041D-81B

* * * * *

STATE OF TEXAS '
COUNTY OF DALLAS '

This instrument was acknowledged before me on _____
by Victor Keller, President of John R. Keller Masonry, Inc., a Texas corporation, on
behalf of said corporation.

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. 45802

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THENCE South 88°56'07" West, departing said West Right-of-Way line, over and across a portion of said Block 5828 and said addition, along the common property line of said Keller Masonry and LaDEW tracts, a distance of 260.97 feet to the Southwest corner of the herein described tract of land (corner not monumented) lying at the intersection of said common property line and the East line of the Texas and Pacific Railway Company Right-of-Way (variable width, created by instrument recorded in Volume 3120, Page 281 of said Deed Records), from which a concrete monument found bears North 11°03'56" East, a distance of 2.27 feet;

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5/10/2012

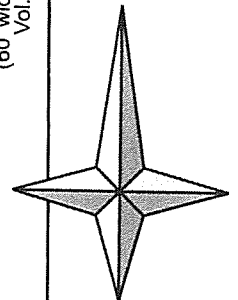
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PARTY CHIEF	CALCULATIONS	FOLDER	FILE NO.
E. Prunty	I. Rossato	Scottsdale Avenue	041D-81B