

181253

Memorandum

RECEIVED
2018 OCT -3 AM 10:43
CITY SECRETARY
DALLAS, TEXAS



DATE September 24, 2018

CITY OF DALLAS

TO Bilirae Johnson
City Secretary

SUBJECT Correction on CR No. 181253

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 Lawshe Realty, LLC, of approximately 49,399 square feet of land improved with a 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 \$686,000 (\$680,000, plus closing costs and title expenses not to exceed \$6,000) – 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-2018-0005808~~ CX-DWU-2018-0005807. 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]

6/10/3/18

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

A RESOLUTION DETERMINING UPON THE NECESSITY OF ACQUIRING REAL PROPERTY AND AUTHORIZED ITS PURCHASE FOR PUBLIC USE.

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 49,399 square feet of land improved with a 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": Lawshe Realty, LLC, 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": \$680,000.00

"CLOSING COSTS AND TITLE EXPENSES": Not to exceed \$6,000.00

"AUTHORIZED AMOUNT": Not to exceed \$686,000.00

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

September 12, 2018

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 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 Funds, Fund 2115, Department DWU, Unit CW60, Program 7A1371, Object 4210, Encumbrance/Contract No. CX-DWU-2018-00005808. 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. E. H.
Assistant City Attorney



Parcel #5
Field Notes Describing a 49,399 Square Foot (1.1340 Acre)
Tract of Land To Be Acquired
in City Block 5828
From Lawshe Realty, LLC

Being a 49,399 Square Foot (1.1340 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 Lander Industrial Park, an addition to the City of Dallas dated October 18, 1948 and recorded in Volume 13, Page 91 of the Map Records of Dallas County, Texas, and being all of the property conveyed to Lawshe Realty, LLC as described in Special Warranty Deed with Vendor's Lien dated July 20, 2006 and recorded in Instrument number 200600264389 of the Official Public Records of Dallas County, Texas, and being more particularly described as follows:

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

BEGINNING at a 5/8-inch iron rod set with cap stamped "City of Dallas", lying on 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) at its intersection with the East line of Scottsdale Drive (60-foot wide Right-of-Way), same being the Northwest corner of said Block 5828, and also of the herein described tract of land;

THENCE North 88°53'07" East, with the said South line of railroad Right-of-Way and the North line of said Block and Addition, a distance of 291.80 feet to a 5/8-inch iron rod with cap stamped "City of Dallas" set at the Northeast corner of the herein described tract of land and of said Lander Industrial Park Addition, being the Northwest corner of an Unplatted tract of land conveyed to Best Trucking Company, Inc. described in Warranty Deed with Vendor's Lien, recorded in Volume 93075, Page 1147 of the Deed Records of Dallas County, Texas;

THENCE South 0°0'0" West, departing said South line of the railroad and said North line of Addition, and with the common of said addition and above said Unplatted tract of land a distance of 170.35 feet to its intersection with the Northwest line of a tract of land (also referred to as railroad spur) conveyed to the Union Pacific Railroad Company (successor in title to the Texas & Pacific Railroad Company, recorded in Volume 3120, Page 275 and 279 of the Deed Records of Dallas County, Texas) (corner not monumented), from which a 5/8-inch iron rod found with cap stamped "DCA" bears South 89°24'31" East, a distance of 1.35 feet;

Parcel #5
Field Notes Describing a 49,399 Square Foot (1.1340 Acre)
Tract of Land To Be Acquired
in City Block 5828
From Lawshe Realty, LLC

THENCE South 89°10'32" West, departing said common line, along the common line with a tract of land conveyed to Wm. H. LaDEW, Inc. by Warranty Deed recorded in Volume 69236, Page 184 of said Deed Records to a MAG nail with washer stamped "City of Dallas" set in concrete pavement at the Southwest corner of the herein described tract of land lying on the East line of said Scottsdale Drive, same being the Southwest corner of the herein described tract of land and the Northwest corner of said LaDEW tract, from which a ½-inch iron rod found bears South 21°16'05" East, a distance of 3.92 feet;

THENCE North 0°19'53" West, with said East line of Scottsdale Drive, a distance of 118.76 feet to a point from which a 5/8-inch iron rod found bears South 89°30'07" West, a distance of 1.52 feet, continuing for a total distance of 168.86 feet to the **POINT OF BEGINNING**, containing 49,399 Square Feet, or 1.1340 Acres of land.

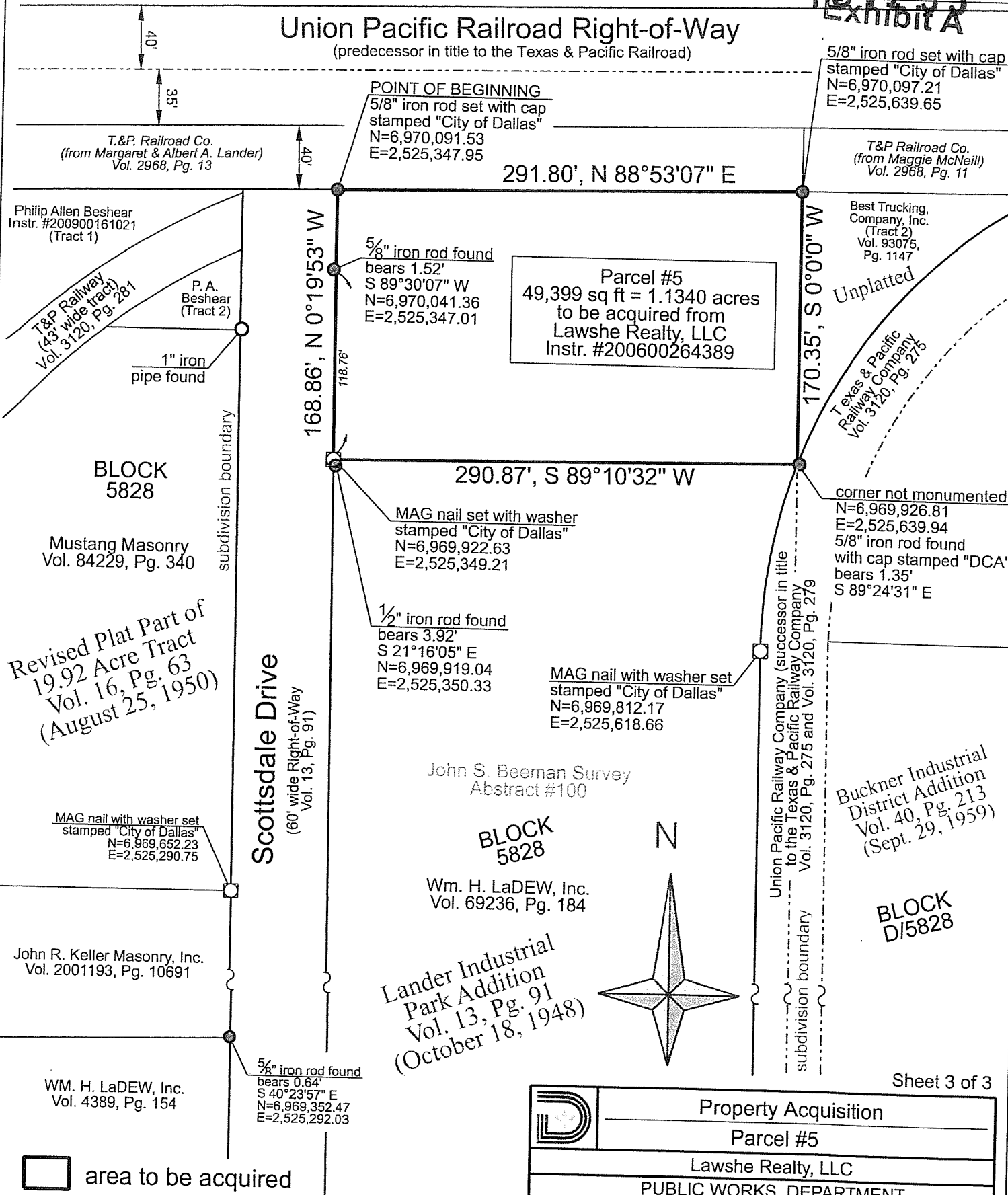
BASIS OF BEARINGS: Bearings are based on the State Plane Coordinate System, Texas North Central Zone 4202, North American Datum of 1983.

Ilona E. Rossato
5/10/2012



Union Pacific Railroad Right-of-Way

(predecessor in title to the Texas & Pacific Railroad)



Parcel #5
49,399 sq ft = 1.1340 acres
to be acquired from
Lawshe Realty, LLC
Instr. #200600264389

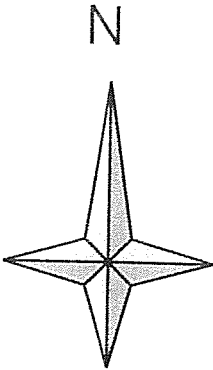
290.87', S 89°10'32" W

Scottsdale Drive
(60' wide Right-of-Way
Vol. 13, Pg. 91)

BLOCK 5828

BLOCK 5828

BLOCK D/5828



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

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 #5			
Lawshe Realty, LLC			
PUBLIC WORKS DEPARTMENT			
SURVEY DIVISION			
OPER. NAME	DESIGN FILE NAME	SCALE	DATE
Rossato	N:\ENGR\SURVEY\01\proj\SCOTTSDALE\SCOTTSDALE.dgn	NTS	9/28/2017
PARTY CHIEF	CALCULATIONS	FOLDER	FILE NO.
E. Prunty	I. Rossato	Scottsdale Avenue	041D-81D

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 Lawshe Realty, LLC, a Texas limited liability company (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 SIX HUNDRED EIGHTY THOUSAND AND 00/100 DOLLARS (\$680,000.00) 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 _____, _____.

Lawshe Realty, LLC, a Texas limited liability company

By: G. Michael Lawshe, Manager

* * * * *

STATE OF TEXAS '
COUNTY OF DALLAS '

This instrument was acknowledged before me on _____
by G. Michael Lawshe, Manager of Lawshe Realty, LLC, a Texas limited liability
company, on behalf of said limited liability company.

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. 45804

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THENCE North 88°53'07" East, with the said South line of railroad Right-of-Way and the North line of said Block and Addition, a distance of 291.80 feet to a 5/8-inch iron rod with cap stamped "City of Dallas" set at the Northeast corner of the herein described tract of land and of said Lander Industrial Park Addition, being the Northwest corner of an Unplatted tract of land conveyed to Best Trucking Company, Inc. described in Warranty Deed with Vendor's Lien, recorded in Volume 93075, Page 1147 of the Deed Records of Dallas County, Texas;

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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
5/10/2012



Union Pacific Railroad Right-of-Way

(predecessor in title to the Texas & Pacific Railroad)

5/8" iron rod set with cap stamped "City of Dallas"
N=6,970,097.21
E=2,525,639.65

T.&P. Railroad Co.
(from Margaret & Albert A. Lander)
Vol. 2968, Pg. 13

POINT OF BEGINNING

5/8" iron rod set with cap stamped "City of Dallas"
N=6,970,091.53
E=2,525,347.95

T&P Railroad Co.
(from Maggie McNeill)
Vol. 2968, Pg. 11

291.80', N 88°53'07" E

Philip Allen Beshear
Instr. #200900161021
(Tract 1)

Best Trucking,
Company, Inc.
(Tract 2)
Vol. 93075,
Pg. 1147

Parcel #5
49,399 sq ft = 1.1340 acres
to be acquired from
Lawshe Realty, LLC
Instr. #200600264389

Unplatted

Texas & Pacific
Railway Company
Vol. 3120, Pg. 275

1" iron pipe found

168.86', N 0°19'53" W

5/8" iron rod found
bears 1.52'
S 89°30'07" W
N=6,970,041.36
E=2,525,347.01

170.35', S 0°00" W

corner not monumented
N=6,969,926.81
E=2,525,639.94
5/8" iron rod found
with cap stamped "DCA"
bears 1.35'
S 89°24'31" E

BLOCK 5828

290.87', S 89°10'32" W

Mustang Masonry
Vol. 84229, Pg. 340

MAG nail set with washer stamped "City of Dallas"
N=6,969,922.63
E=2,525,349.21

1/2" iron rod found
bears 3.92'
S 21°16'05" E
N=6,969,919.04
E=2,525,350.33

MAG nail with washer set stamped "City of Dallas"
N=6,969,812.17
E=2,525,618.66

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

Scottsdale Drive

(60' wide Right-of-Way
Vol. 13, Pg. 91)

John S. Beerman Survey
Abstract #100

BLOCK 5828

Wm. H. LaDEW, Inc.
Vol. 69236, Pg. 184

Union Pacific Railway Company (successor in title to the Texas & Pacific Railway Company)
Vol. 3120, Pg. 275 and Vol. 3120, Pg. 279

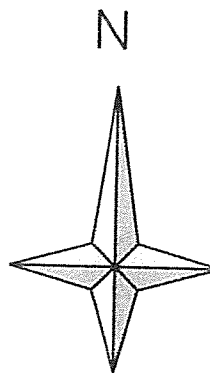
Buckner Industrial
District Addition
Vol. 40, Pg. 213
(Sept. 29, 1959)

BLOCK D/5828

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

John R. Keller Masonry, Inc.
Vol. 2001193, Pg. 10691

Lander Industrial
Park Addition
Vol. 13, Pg. 91
(October 18, 1948)



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

5/8" iron rod found
bears 0.64'
S 40°23'57" E
N=6,969,352.47
E=2,525,292.03

area to be acquired

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

BASIS OF BEARINGS:
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	Property Acquisition			
	Parcel #5			
	Lawshe Realty, LLC			
PUBLIC WORKS DEPARTMENT				
SURVEY DIVISION				
OPER. NAME	DESIGN FILE NAME	SCALE	DATE	
Rossato	N:\ENGR\SURVEY\10\PROJECTS\Scottsdale Ave\Scottsdale Fieldnotes.dgn	NTS	9/28/2017	
PARTY CHIEF	CALCULATIONS	FOLDER	FILE NO.	
E. Prunty	I. Rossato	Scottsdale Avenue	041D-81D	