

RECEIVED

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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. 181255

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 Mustang Masonry, a trade style of S.D.S. Quality Masonry of Dallas, of approximately 72,525 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 \$384,000 (\$380,000, plus closing costs and title expenses not to exceed \$4,000) – 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. 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]

9/25/18

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 72,525 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": Mustang Masonry, a trade style of S.D.S. Quality Masonry of Dallas, 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": \$380,000.00

"CLOSING COSTS AND TITLE EXPENSES": Not to exceed \$4,000.00

"AUTHORIZED AMOUNT": Not to exceed \$384,000.00

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.

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. R. H.
Assistant City Attorney

APPROVED BY
CITY COUNCIL

SEP 12 2018

B. N. R. H.
CITY SECRETARY

Parcel #4
Field Notes Describing a 72,525 Square Foot (1.6649 Acre)
Tract of Land To Be Acquired
in City Block 5828
From Mustang Masonry

Being a 72,525 Square Foot (1.6649 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 Mustang Masonry as described in Warranty Deed with Vendor's Lien dated November 5, 1984 and recorded in Volume 84229, Page 340 of the Deed 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 the most Northeast corner of the herein described tract of land, (not monumented, N=6970002.71, E=2525289.68) being the Northeast corner of the said Mustang Masonry tract, same being the Southeast corner of the property conveyed to Philip Allen Beshear (Tract 2) as described in Warranty Deed recorded in Instrument number 200900161021 of the Official Public Records of Dallas County, Texas, lying on the West line of Scottsdale Drive (60-foot wide Right-of-Way), same being also the East line of "Revised Plat Part of 19.92 Acre Tract", an addition to the City of Dallas, recorded in Volume 16, Page 63 of the Map Records of Dallas County, Texas, in Block 5828, from which a 1-inch iron pin found bears South 60°21'47" West, a distance of 1.05 feet;

THENCE South 0°19'53" East, with said common line of the East line of said "Revised Plat Part of 19.92 Acre Tract" addition and the West line of said Scottsdale Drive, a distance of 350.01 feet to a MAG nail with washer stamped "City of Dallas" set (N=6969652.23, E=2525290.75) at the most Southerly East corner of the herein described tract of land, same being the Northeast corner of a tract of land conveyed to John R. Keller Masonry, Inc., recorded in Volume 2001193, Page 10691 of the above said Deed Records;

THENCE North 89°57'09" West, departing said common line of said subdivision and Scottsdale Drive, a distance of 260.30 feet over and across a portion of said Block 5828 and said Addition, along the common line of said Mustang and John R. Keller Masonry tracts, to a 5/8-inch iron rod set with cap stamped "City of Dallas" (N=6969652.45, E=2525030.48), lying on the East line 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) and recorded in Volume 3120, Page 281 of said Deed Records;

Mustang Masonry.: Parcel #4 (041D-81E)

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Field Notes Describing a 72,525 Square Foot (1.6649 Acre)
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in City Block 5828
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THENCE North 0°12'07" West, with the said East line of the railroad spur, same being the West line of the above described tract, a distance of 3.56 feet (not monumented) to the Point of Beginning of a Curve to the Right;

THENCE in the Northeasterly direction along said Curve to the Right and the said East line of the railroad spur and a tract of land conveyed to Philip Allen Beshear by Instrument number 200900161020 of the said Official Public Records, having a radius of 437.09 feet, a Central Angle of 52°35'02" and a Chord which bears North 26°35'53" East, a distance of 387.21 feet for an Arc distance of 401.19 feet to a 5/8-inch iron rod with cap stamped "City of Dallas" set at the intersection with the common line of said Mustang Masonry and Philip Allen Beshear tracts (recorded in Instrument number 200900161021, Tract 2)

THENCE North 90°0'0" East, departing said arc and following said common line of the Masonry and Beshear (Tract 2) tracts a distance of 84.95 feet to the **POINT OF BEGINNING**, containing 72,525 Square Feet, or 1.6649 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 Mustang Masonry, a trade style of S.D.S. Quality Masonry of Dallas, a Texas corporation (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 THREE HUNDRED EIGHTY THOUSAND AND 00/100 DOLLARS (\$380,000.00) 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 _____, _____.

Mustang Masonry, a trade style of S.D.S. Quality Masonry of Dallas, Inc.,
a Texas corporation

By: Nancy C. Stateler, President

* * * * *

STATE OF TEXAS '
COUNTY OF DALLAS '

This instrument was acknowledged before me on _____
by Nancy C. Stateler, President of Mustang Masonry, a trade style of S.D.S. Quality
Masonry of Dallas, 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. 45803

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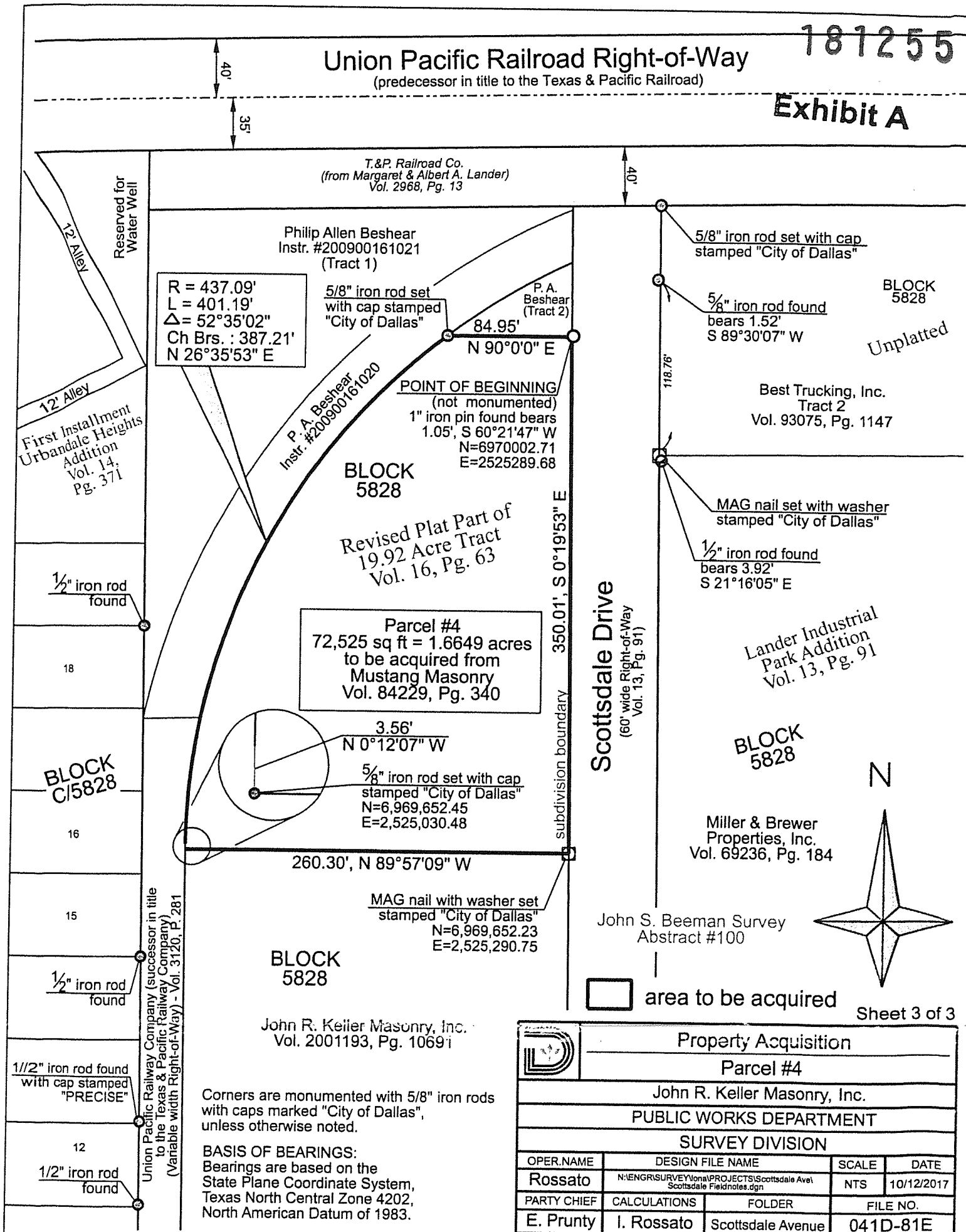


Ilona E. Rossato
5/10/2018

181255

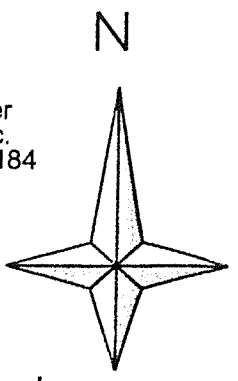
Union Pacific Railroad Right-of-Way
(predecessor in title to the Texas & Pacific Railroad)

Exhibit A



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.



□ area to be acquired

Sheet 3 of 3

Property Acquisition			
Parcel #4			
John R. Keller Masonry, Inc.			
PUBLIC WORKS DEPARTMENT			
SURVEY DIVISION			
OPER. NAME	DESIGN FILE NAME	SCALE	DATE
Rossato	N:\ENGR\SURVEY\Yona\PROJECTS\Scottsdale Ave\Scottsdale Fieldnotes.dgn	NTS	10/12/2017
PARTY CHIEF	CALCULATIONS	FOLDER	FILE NO.
E. Prunty	I. Rossato	Scottsdale Avenue	041D-81E