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 35 acres 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 thereto.
- "PROJECT": Chalk Hill Trail Project
- "USE": The construction and maintenance of a trail as park property 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. The property is not officially dedicated as municipal parkland and shall be dedicated as such time the property is developed for park purpose.
- "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": Burlington Northern and Santa Fe Railway Company, a Delaware corporation, 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.

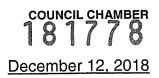
"PURCHASE AMOUNT": \$950,000.00

"CLOSING COSTS AND TITLE EXPENSES": Not to exceed \$15,000.00

"AUTHORIZED AMOUNT": Not to exceed \$965,000.00

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, 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 payable as follows:

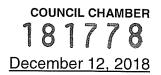
\$104,488.00 from Park and Recreation Facilities Fund (2006 Bond Funds), Fund 7T00, Department PKR, Unit T038, Activity PKLA, Program PK06T038, Object 4210.

\$517,000.00 from Park and Recreation Facilities Fund (2006 Bond Funds), Fund 8T00, Department PKR, Unit T038, Activity PKLA, Program PK06T038, Object 4210.

\$328,512.00 from Park and Recreation Facilities Fund (2006 Bond Funds), Fund 4T00, Department PKR, Unit T038, Activity PKLA, Program PK06T038, Object 4210.

CLOSING COSTS AND TITLE EXPENSES payable out of Park and Recreation Facilities Fund (2006 Bond Funds): \$15,000.00, Fund 7T00, Department PKR, Unit T038, Activity PKLA, Program PK06T038, Object 4210, Encumbrance/Contract No. CX-PKR-2019-00008367. 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: CHRISTOPHER J. CASO, Interim City Attorney

BY: <u>B</u>. <u>N</u>. <u>J</u>. <u>H</u> Assistant City Attorney

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APPROVED BY CITY COUNCIL
DEC 1 2 2018
Bow
CITY SECRETARY

FIELD NOTES DESCRIBING 34.47 ACRES (1,501,512 SQUARE FEET) PART OF OFFICIAL CITY OF DALLAS BLOCK NUMBER 6990 TO BE ACQUIRED FOR PARK FROM BURLINGTON NORTHERN IN THE ABRAHAM BAST SURVEY, ABSTRACT NUMBER 109, CITY OF DALLAS, DALLAS COUNTY, TEXAS CITY DRAWING NUMBER 043D-12

BEING a 34.47 acre (1,501,512 square feet) tract of land situated in the Abraham Bast Survey, Abstract Number 109, City of Dallas, Dallas County, Texas, and being part of Official City of Dallas Block Number 6990, and being all of a called 12,3 acre tract of land described in Warranty Deed to Gulf, Colorado and Santa Fe Railway Company, (GC&SF RY Co.) as recorded in Volume 1021, Page 618, of the Deed Records of Dallas County, Texas, (D.R.D.C.T.), and being all of a called 7.17 acre tract of land described in Warranty Deed to said GC&SF RY Co., as recorded in Volume 1001, Page 516, D.R.D.C.T., and being all of a called 4 acre tract of land described in Warranty Deeds to said GC&SF RY Co., as recorded in Volume 1017, Page 292, and Volume 1023, Page 441, D.R.D.C.T., band being all of a called 10.05 acre tract of land described in Warranty Deed to said GC&SF RY Co., as recorded in Volume 1020, Page 432, D.R.D.C.T., and being all of a called 0.91 acre tract of land described in Warranty Deeds to said GC&SF RY Co., as recorded in Volume 1051, Page 600, Volume 1051, Page 457, Volume 1053, Page 426, Volume 1057, Page 456, Volume 1069, Page 430, Volume 1071, Page 357, Volume 1081, Page 201, and Volume 1822, Page 561, D.R.D.C.T., said tract being hereinafter referred to as (GC&SF Hale Cement tract), and being more particularly described as follows:

COMMENCING at a calculated point located at the intersection of the west right-of-way line of Westmoreland Road (a variable width right-of-way) with the north right-of-way line of Westmoreland Avenue (a 40 foot wide right-of-way), same being the south line of Block 1 (Block 1/6624 official City of Dallas Block Numbers), said point also being the southeast corner of Lot 3, Block 1/6624 as dedicated by Acreage Estates Number 2, an addition to the City of Dallas, Texas, as recorded in Volume 8, Page 152, Map Records of Dallas County, Texas, (M.R.D.C.T.) from which point a found 60D nail for witness bears North 39 degrees 01 minute 02 seconds East, 1.79 feet, and a 1/2-inch found iron rod for witness bears South 89 degrees 22 minutes 34 seconds West, 218.37 feet, and a 1/2-inch found iron rod for witness bears South 89 degrees 22 minutes 34 seconds West, 218.37 feet, and a 1/2-inch found iron rod for witness bears South 89 degrees 22 minutes 34 seconds West, 796.47 feet;

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HELD NOTES O.K.

FIELD NOTES DESCRIBING 34.47 ACRES (1,501,512 SQUARE FEET) PART OF OFFICIAL CITY OF DALLAS BLOCK NUMBER 6990 TO BE ACQUIRED FOR PARK FROM BURLINGTON NORTHERN IN THE ABRAHAM BAST SURVEY, ABSTRACT NUMBER 109, CITY OF DALLAS, DALLAS COUNTY, TEXAS CITY DRAWING NUMBER 043D-12

THENCE North 00 degrees 55 minutes 19 seconds West, departing said north right-of-way line and with the common west right-of-way line of said Westmoreland Road and the east line of said City of Dallas Block 1/6624 and the east line of said addition, passing at a distance of 587.49 feet the north corner of said addition and the southeast corner of City of Dallas Block 6990, and continuing with said west right-of-way line in all, a total distance of 695.88 feet to a calculated point for the POINT OF BEGINNING of the herein described tract of land, from which point a set PK nail with shiner stamped "HALFF" for witness bears North 00 degrees 46 minutes 37 seconds West, 8.55 feet, said point also being at the intersection of said west right-of-way line with the common north right-of-way line of a called 100 foot wide strip of land described by Warranty Deeds to the Chicago, Texas and Mexican Central Railway Company, (CT&MC RY Co.) as recorded in Volume 51, Page 381, Volume 51, Page 368, and Volume 51, Page 390, D.R.D.C.T., known as BNSF Railway Company (currently owned and operated by BNSF), and the south line of said GC&SF Hale Cement tract;

THENCE South 66 degrees 23 minutes 11 seconds West, departing the west right-of-way line of said Westmoreland Road and with the common south line of said GC&SF Hale Cement tract and the north right-of-way line of said BNSF, a distance of 1,079.27 feet to a 1/2-inch set iron rod with yellow plastic cap stamped "HALFF" (hereinafter referred to as "with cap") for the point of curvature of a tangent circular curve to the left having a radius of 2,914.93 feet, whose chord bears South 62 degrees 16 minutes 41 seconds West, a distance of 417.67 feet;

THENCE Southwesterly, continuing with said common line and along said curve, through a central angle of 08 degrees 13 minutes 00 seconds, an arc distance of 418.02 feet to a 1/2-inch set iron rod with cap for the point of tangency;

THENCE South 58 degrees 10 minutes 11 seconds West, continuing with said common line, a distance of 2,952.60 feet to a calculated point for the southwest corner of said GC&SF Hale Cement tract and the easterly southeast corner of City of Dallas Block 2/6983 Highland Road Village, an addition to the City of Dallas, Texas, as recorded in Volume 68019, Page 326, D.R.D.C.T., from which point a 1/2-inch found iron rod for witness bears North 01 degree 59 minutes 51 seconds East, 0.22 of a foot;

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FIELD NOTES U.

FIELD NOTES DESCRIBING 34.47 ACRES (1,501,512 SQUARE FEET) PART OF OFFICIAL CITY OF DALLAS BLOCK NUMBER 6990 TO BE ACQUIRED FOR PARK FROM BURLINGTON NORTHERN IN THE ABRAHAM BAST SURVEY, ABSTRACT NUMBER 109, CITY OF DALLAS, DALLAS COUNTY, TEXAS CITY DRAWING NUMBER 043D-12



THENCE North 01 degree 03 minutes 01 second West, departing the north right-of-way line of said BNSF and with the common east line of said Highland Road Village addition and the west line of said GC&SF Hale Cement tract, a distance of 790.97 feet to a calculated point for corner, same point being the northeast corner City of Dallas Block Number 2/6983 and also being the southeast corner of Lot 1, Block A/6983, Village Green Number 2, an addition to the City of Dallas, Texas, as recorded in Volume 70239, Page 1255, D.R.D.C.T., from which point a 1/2-inch found iron rod for witness bears North 52 degrees 29 minutes 56 seconds West, 0.16 of a foot;

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FIELD NOTES

THENCE North 00 degrees 47 minutes 23 seconds West, with the common east line of said Village Green Number 2 addition and the west line of said GC&SF Hale Cement tract, passing at a distance of 608.84 feet the northeast corner of said Lot 1, Block A/6983, same being the southeast corner of that tract of land described in Special Warranty Deed to the City of Dallas, Texas, as recorded in Instrument Number 200900071519 of the Official Public Records of Dallas County, Texas (O.P.R.D.C.T.), and continuing with the common east line of said City of Dallas tract and the west line of said GC&SF Hale Cement tract in all, a total distance of 712.82 feet to a 1/2-inch set iron rod with cap for corner, same point being the most westerly northwest corner of said GC&SF Hale Cement tract and the most easterly northeast corner of said City of Dallas tract, and also being the south corner of that tract of land described by Deed to the City of Dallas, Texas, as recorded in Volume 75041, Page 427, D.R.D.C.T., and also being the southwest corner of that tract of land described as Tract 3 by Warranty Deed to the City of Dallas, Texas, as recorded in Volume 4124, Page 266, D.R.D.C.T., and also being in the common south line of City of Dallas Block 6990;

THENCE South 43 degrees 41 minutes 23 seconds East, with the common northerly line of said GC&SF Hale Cement tract and southerly line of said City of Dallas Tract 3 and with said common Block line, a distance of 267.99 feet to a 1/2-inch set iron rod with cap for the point of curvature of a tangent circular curve to the left having a radius of 917.87 feet, whose chord bears South 78 degrees 35 minutes 23 seconds East, a distance of 1,050.31 feet;

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THENCE Southeasterly, continuing with said common line and along said curve, passing a 1/2-inch set iron rod with cap at an arc distance of 366.43 feet for the southeast corner of said Tract 3 and the southwest corner of a tract of land described as Tract 8 by Warranty Deed to the City of Dallas, Texas, as recorded in Volume 4240, Page 416, D.R.D.C.T., and continuing with said common line and along said curve, passing a calculated point at a cumulative arc distance of 618.15 feet for the southeast corner of said Tract 8 and the southwest corner of a tract of land described as Tract 9 to 3912 West Illinois Avenue, L.P. by Warranty Deed as recorded in Volume 2001015, Page 4317, D.R.D.C.T., from which point a 5/8-inch found iron pipe for witness bears North 63 degrees 19 minutes 28 seconds West, 3.49 feet, and continuing with said common line and along said curve through a central angle of 69 degrees 48 minutes 00 seconds, in all, a total arc distance of 1,118.18 feet to a calculated point for the point of tangency, from which point a 3-inch found brass disk for witness bears North 60 degrees 23 minutes 45 seconds East, 3.87 feet;

THENCE North 66 degrees 30 minutes 37 seconds East, continuing with said common line, a distance of 129.13 feet to a calculated point for corner, from which point a 1/2-inch found iron pipe for witness bears North 18 degrees 48 minutes 21 seconds West, 0.57 of a foot;

THENCE North 00 degrees 39 minutes 33 seconds West, continuing with said common line, a distance of 282.10 feet to a calculated point for corner, from which point a 3-inch found brass disk for witness bears North 67 degrees 30 minutes 46 seconds West, 0.53 of a foot, and a 1-inch found iron pipe for witness bears North 71 degrees 42 minutes 15 seconds West, 0.44 of a foot, said point also being on the common south line of Lot 3, Block 6114, Polo Acres, an addition to the City of Dallas, Texas, as recorded in Volume 2005074, Page 191, O.P.R.D.C.T;

THENCE North 89 degrees 11 minutes 35 seconds East, continuing with said common line, passing at a distance of 319.15 feet the southeast corner of said Lot 3 and the southwest corner of a tract of land described to the City of Dallas, as recorded in Volume 97098, Page 2767, D.R.D.C.T., and continuing with said common line in all, a total distance of 438.47 feet to 1/2-inch found iron rod with plastic cap stamped "Fugate Surveying" for corner, said point also being on the west right-of-way line of Coombs Creek Drive (a called 100-foot wide right-of-way);

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THE NOTES O.K.

FIELD NOTES DESCRIBING 34.47 ACRES (1,501,512 SQUARE FEET) PART OF OFFICIAL CITY OF DALLAS BLOCK NUMBER 6990 TO BE ACQUIRED FOR PARK FROM BURLINGTON NORTHERN IN THE ABRAHAM BAST SURVEY, ABSTRACT NUMBER 109, CITY OF DALLAS, DALLAS COUNTY, TEXAS CITY DRAWING NUMBER 043D-12

THENCE South 88 degrees 32 minutes 00 seconds East, continuing with said common ine, over and across said Coombs Creek Drive, a distance of 109.91 feet to a calculated point for corner on the east right-of-way line of said Coombs Creek Drive, said point being the most westerly southwest corner of that tract of land described in Special Warranty Deed to the City of Dallas, Texas, as recorded in Volume 97043, Page 6493, D.R.D.C.T., from which point a 5/8-inch found iron pipe for witness bears North 23 degrees 07 minutes 49 seconds West, 2.15 feet,

Q.K.

FIELD NOTES

THENCE North 89 degrees 15 minutes 14 seconds East, continuing with said common line, a distance of 61.00 feet to a 1/2-inch set iron rod with cap for corner;

THENCE North 66 degrees 30 minutes 14 seconds East, continuing with said common line, a distance of 35.55 feet to a calculated point for the southeast corner of said City of Dallas tract and the south corner of Lot 7, Block A/6115, Sierra Vista, an addition to the City of Dallas, Texas, as recorded in Volume 2004122, Page 5257, O.P.R.D.C.T, from which point a 1/2-inch found iron rod with cap stamped "Pacheco Koch" for witness bears North 43 degrees 07 minutes 36 seconds West, 0.67 of a foot;

THENCE North 66 degrees 19 minutes 30 seconds East, with the common south line of said addition and north line of said GC&SF Hale Cement tract, same being the common north line of City of Dallas Block 6990 and the south line of City of Dallas Block A/6115, a distance of 1,156.45 feet to a calculated point for corner, from which point a 1/2-inch found iron rod with cap stamped "Pacheco Koch" for witness bears North 31 degrees 07 minutes 36 seconds West, 0.67 of a foot;

THENCE North 88 degrees 59 minutes 30 seconds East, continuing with said common line, a distance of 90.82 feet to a calculated point for corner, from which point a 1/2-inch found iron rod with cap stamped "Pacheco Koch" for witness bears North 73 degrees 10 minutes 18 seconds West, 0.24 of a foot;

THENCE North 66 degrees 19 minutes 30 seconds East, continuing with said common line, a distance of 98.30 feet to a calculated point for corner, from which point a 1/2-inch found iron rod with cap stamped "Pacheco Koch" for witness bears North 42 degrees 23 minutes 30 seconds West, 0.28 of a foot;

THENCE North 01 degree 00 minutes 30 seconds West, continuing with said common line, a distance of 37.93 feet to a 1/2-inch found iron rod with cap stamped "Pacheco Koch" for corner;

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FIELD NOTES DESCRIBING 34.47 ACRES (1,501,512 SQUARE FEET) PART OF OFFICIAL CITY OF DALLAS BLOCK NUMBER 6990 TO BE ACQUIRED FOR PARK FROM BURLINGTON NORTHERN IN THE ABRAHAM BAST SURVEY, ABSTRACT NUMBER 109, CITY OF DALLAS, DALLAS COUNTY, TEXAS CITY DRAWING NUMBER 043D-12

THENCE North 66 degrees 19 minutes 30 seconds East, continuing with said common line, a distance of 491.33 feet to a calculated point for the southeast corner of City of Dallas Block A/6115 and the southwest corner of City of Dallas Block 6115, same point being the southwest corner of a tract of land described by Warranty Deed to Long John Silver's Inc., as recorded in Volume 93032, Page 4525, D.R.D.C.T., from which point a 3/8-inch found iron rod bears North 83 degrees 44 minutes 35 seconds West, 0.26 of a foot, and a disturbed 1/2-inch found iron rod bears North 39 degrees 53 minutes 43 seconds East, 0.25 of a foot;

THENCE North 66 degrees 19 minutes 30 seconds East, continuing with the common south line of City of Dallas Block 6115 and the north line of City of Dallas Block 6990, passing a calculated point at a distance of 212.93 feet, same point being the southeast corner of said Long John Silver's Inc. tract, from which point a 1/2-inch found iron rod bears South 23 degrees 27 minutes 48 seconds East, 1.61 feet, and continuing with said common line in all, a total distance of 249.74 feet to a set "X" in concrete for the most easterly northeast common corner of said City of Dallas Block 6990 and said GC&SF Hale Cement tract on the west right-of-way line of said Westmoreland Road;

THENCE South 00 degrees 55 minutes 19 seconds East, departing said common Block line and with the common east line of City of Dallas Block 6990 and said GC&SF Hale Cement tract and the west right-of-way line of said Westmoreland Road, a distance of 111.03 feet to the POINT OF BEGINNING AND CONTAINING 1,501,512 square feet or 34.47 acres of land, more or less, of which approximately 42,014 square feet of land is in the roadway of Coombs Creek Drive, to which no warranty is made hereunder, but all of which land is herein conveyed.

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RELD NOTES O.K.

FIELD NOTES DESCRIBING 34.47 ACRES (1,501,512 SQUARE FEET) PART OF OFFICIAL CITY OF DALLAS BLOCK NUMBER 6990 TO BE ACQUIRED FOR PARK FROM BURLINGTON NORTHERN IN THE ABRAHAM BAST SURVEY, ABSTRACT NUMBER 109, CITY OF DALLAS, DALLAS COUNTY, TEXAS CITY DRAWING NUMBER 043D-12

"Basis of Bearing is NAD 83 (NSRS2007) Texas State Plane North Central Zone 4202 as observed by GPS on Julian day 097 of 2011 from Western Data Systems network station "DUNP". Convergence angle at "DUNP" is +00 degrees 56 minutes 34.23759 seconds."

I, Colin J. Henry, a Registered Professional Land Surveyor in the State of Texas, do hereby certify that this Survey correctly reflects the location of the property lines and other matters of record. This map is the result of an on-the-ground Survey, conducted by me or under my supervision, during the month of July, 2011, and substantially complies with the current Texas Society of Professional Surveyor's Standards and Specifications for a Category 1A, Condition II survey.

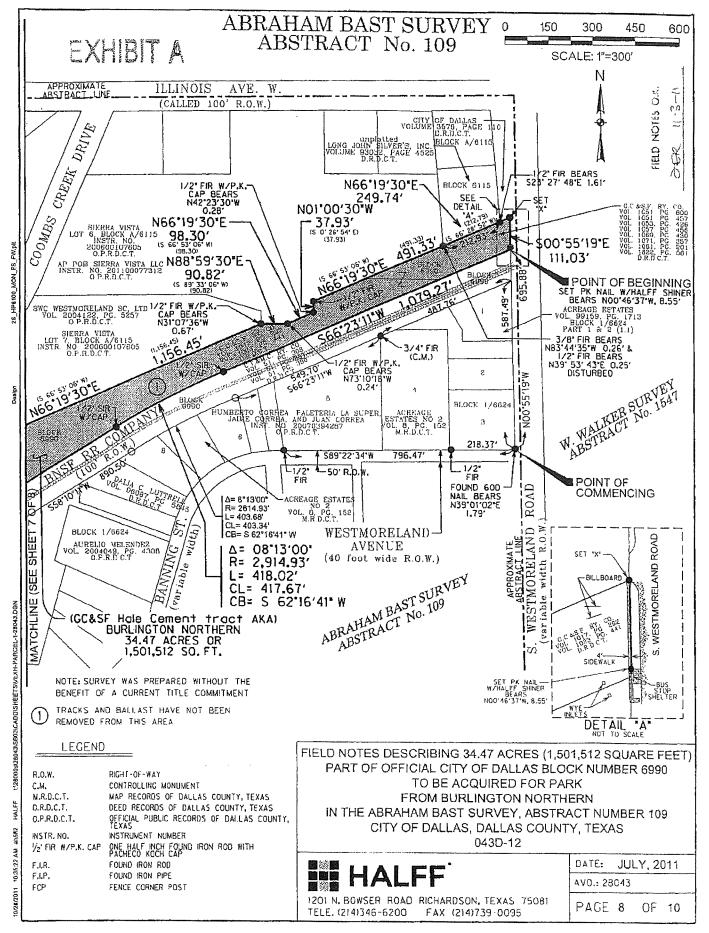
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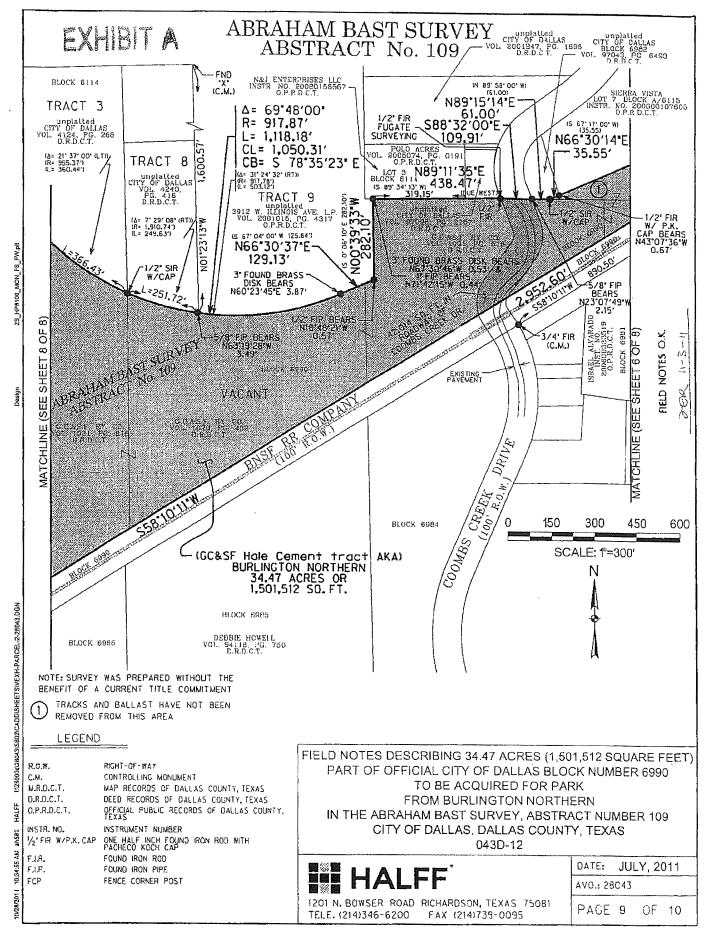
Colin J. Henry, R.P.L.S. Registered Professional Land Surveyor Texas Registration No. 5230 Halff Associates, Inc., 1201 North Bowser Rd. Richardson, Texas 75081 214-346-6212 Date

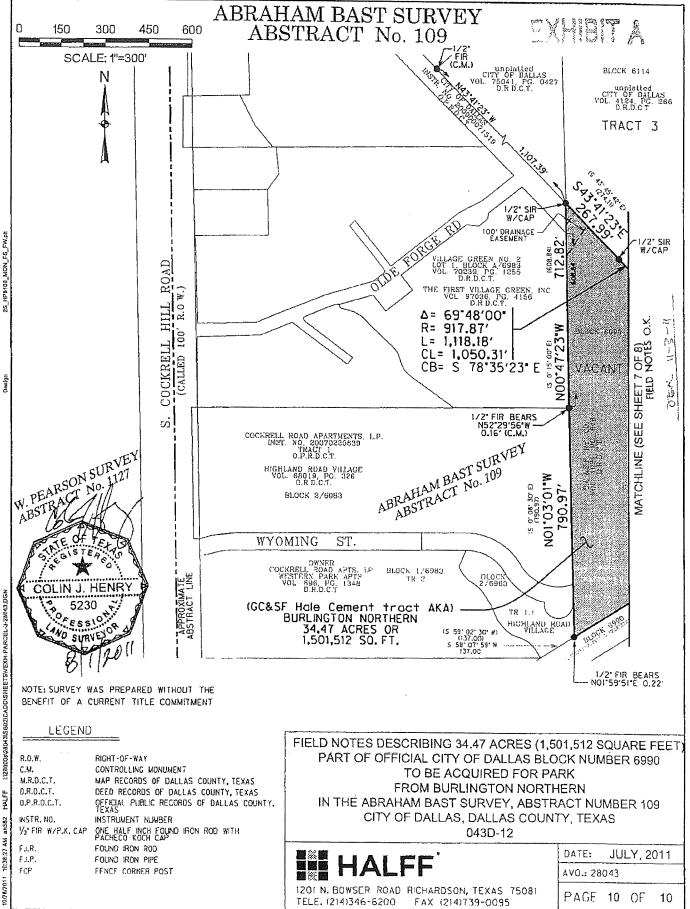


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HELD NOTES O.K.







HALFF th582

EXHIBIT B

181778

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

COUNTY OF DALLAS

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KNOW ALL PERSONS BY THESE PRESENTS:

That Burlington Northern and Santa Fe Railway Company, a Delaware 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 NINE HUNDRED AND FIFTY THOUSAND AND 00/100 DOLLARS (\$950,000.00) 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 _____, ____,

Burlington Northern and Santa Fe Railway Company, a Delaware corporation

By

Mark Ude, Assistant Vice President

	EXHIBIT B	181778
* * *	* * * * * * * * * * * *	* * * *
STATE OF DE COUNTY OF _	AWARE '	
This instrument	was acknowledged before me on	
by Mark Ude, A	ssistant Vice President of Burlington Northern and Sar aware corporation, on behalf of said corporation.	ita Fe Railway
	Notary Public, State of	DELAWARE
E	After recording return to: City of Dallas epartment of Sustainable Development and Construct Real Estate Division 320 East Jefferson Boulevard, Room 203	tion
Warranty Deed Log No.	Dallas, Texas 75203 attn: Shaun Davis	

. .

BEING a 34.47 acre (1,501,512 square feet) tract of land situated in the Abraham Bast Survey, Abstract Number 109, City of Dallas, Dallas County, Texas, and being part of Official City of Dallas Block Number 6990, and being all of a called 12.3 acre tract of land described in Warranty Deed to Gulf, Colorado and Santa Fe Railway Company, (GC&SF -FRY Co.) as recorded in Volume 1021, Page 618, of the Deed Records of Dallas County, Texas, (D.R.D.C.T.), and being all of a called 7.17 acre tract of land described in Warranty Deed to said GC&SF RY Co., as recorded in Volume 1001, Page 516, D.R.D.C.T., and Z being all of a called 4 acre tract of land described in Warranty Deeds to said GC&SF RY Co., as recorded in Volume 1017, Page 292, and Volume 1023, Page 441, D.R.D.C.T., bland being all of a called 10.05 acre tract of land described in Warranty Deed to said GC&SF RY Co., as recorded in Volume 1020, Page 432, D.R.D.C.T., and being all of a called 0.91 acre tract of land described in Warranty Deeds to said GC&SF RY Co., as recorded in Volume 1051, Page 600, Volume 1051, Page 457, Volume 1053, Page 426, Volume 1057, Page 456, Volume 1069, Page 430, Volume 1071, Page 357, Volume 1081, Page 201, and Volume 1822, Page 561, D.R.D.C.T., said tract being hereinafter referred to as (GC&SF Hale Cement tract), and being more particularly described as follows:

COMMENCING at a calculated point located at the intersection of the west right-of-way line of Westmoreland Road (a variable width right-of-way) with the north right-of-way line of Westmoreland Avenue (a 40 foot wide right-of-way), same being the south line of Block 1 (Block 1/6624 official City of Dallas Block Numbers), said point also being the southeast corner of Lot 3, Block 1/6624 as dedicated by Acreage Estates Number 2, an addition to the City of Dallas, Texas, as recorded in Volume 8, Page 152, Map Records of Dallas County, Texas, (M.R.D.C.T.) from which point a found 60D nail for witness bears North 39 degrees 01 minute 02 seconds East, 1.79 feet, and a 1/2-inch found iron rod for witness bears South 89 degrees 22 minutes 34 seconds West, 218.37 feet, and a 1/2-inch found iron rod for witness bears South 89 degrees 22 minutes 34 seconds West, 218.37 feet, and a 1/2-inch found iron rod for witness bears South 89 degrees 22 minutes 34 seconds West, 218.37 feet, and a 1/2-inch found iron rod for witness bears South 89 degrees 22 minutes 34 seconds West, 218.45 feet, and a 1/2-inch found iron rod for witness bears South 89 degrees 22 minutes 34 seconds West, 218.45 feet, and a 1/2-inch found iron rod for witness bears South 89 degrees 22 minutes 34 seconds West, 218.45 feet, 34 seconds West, 796.47 feet;

HELD NOTES O.K.

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THENCE North 00 degrees 55 minutes 19 seconds West, departing said north right-of-way line and with the common west right-of-way line of said Westmoreland Road and the east line of said City of Dallas Block 1/6624 and the east line of said addition, passing at a distance of 587.49 feet the north corner of said addition and the southeast corner of City of Dallas Block 6990, and continuing with said west right-of-way line in all, a total distance of 695.88 feet to a calculated point for the POINT OF BEGINNING of the herein described tract of land, from which point a set PK nail with shiner stamped "HALFF" for witness bears North 00 degrees 46 minutes 37 seconds West, 8.55 feet, said point also being at the intersection of said west right-of-way line with the common north right-of-way line of a called 100 foot wide strip of land described by Warranty Deeds to the Chicago, Texas and Mexican Central Railway Company, (CT&MC RY Co.) as recorded in Volume 51, Page 381, Volume 51, Page 368, and Volume 51, Page 390, D.R.D.C.T., known as BNSF Railway Company (currently owned and operated by BNSF), and the south line of said GC&SF Hale Cement tract;

FIELD NOTES O

THENCE South 66 degrees 23 minutes 11 seconds West, departing the west right-of-way line of said Westmoreland Road and with the common south line of said GC&SF Hale Cement tract and the north right-of-way line of said BNSF, a distance of 1,079.27 feet to a 1/2-inch set iron rod with yellow plastic cap stamped "HALFF" (hereinafter referred to as "with cap") for the point of curvature of a tangent circular curve to the left having a radius of 2,914.93 feet, whose chord bears South 62 degrees 16 minutes 41 seconds West, a distance of 417.67 feet;

THENCE Southwesterly, continuing with said common line and along said curve, through a central angle of 08 degrees 13 minutes 00 seconds, an arc distance of 418.02 feet to a 1/2-inch set iron rod with cap for the point of tangency;

THENCE South 58 degrees 10 minutes 11 seconds West, continuing with said common line, a distance of 2,952.60 feet to a calculated point for the southwest corner of said GC&SF Hale Cement tract and the easterly southeast corner of City of Dallas Block 2/6983 Highland Road Village, an addition to the City of Dallas, Texas, as recorded in Volume 68019, Page 326, D.R.D.C.T., from which point a 1/2-inch found iron rod for witness bears North 01 degree 59 minutes 51 seconds East, 0.22 of a foot;

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HELD NOTES O.K.

THENCE North 01 degree 03 minutes 01 second West, departing the north right-of-way line of said BNSF and with the common east line of said Highland Road Village addition and the west line of said GC&SF Hale Cement tract, a distance of 790.97 feet to a calculated point for corner, same point being the northeast corner City of Dallas Block Number 2/6983 and also being the southeast corner of Lot 1, Block A/6983, Village Green Number 2, an addition to the City of Dallas, Texas, as recorded in Volume 70239, Page 1255, D.R.D.C.T., from which point a 1/2-inch found iron rod for witness bears North 52 degrees 29 minutes 56 seconds West, 0.16 of a foot;

THENCE North 00 degrees 47 minutes 23 seconds West, with the common east line of said Village Green Number 2 addition and the west line of said GC&SF Hale Cement tract, passing at a distance of 608.84 feet the northeast corner of said Lot 1, Block A/6983, same being the southeast corner of that tract of land described in Special Warranty Deed to the City of Dallas, Texas, as recorded in Instrument Number 200900071519 of the Official Public Records of Dallas County, Texas (O.P.R.D.C.T.), and continuing with the common east line of said City of Dallas tract and the west line of said GC&SF Hale Cement tract in all, a total distance of 712.82 feet to a 1/2-inch set iron rod with cap for corner, same point being the most westerly northwest corner of said GC&SF Hale Cement tract and the most easterly northeast corner of said City of Dallas tract, and also being the south corner of that tract of land described by Deed to the City of Dallas, Texas, as recorded in Volume 75041, Page 427, D.R.D.C.T., and also being the southwest corner of that tract of land described as Tract 3 by Warranty Deed to the City of Dallas, Texas, as recorded in Volume 4124, Page 266, D.R.D.C.T., and also being in the common south line of City of Dallas Block 6990;

THENCE South 43 degrees 41 minutes 23 seconds East, with the common northerly line of said GC&SF Hale Cement tract and southerly line of said City of Dallas Tract 3 and with said common Block line, a distance of 267.99 feet to a 1/2-inch set iron rod with cap for the point of curvature of a tangent circular curve to the left having a radius of 917.87 feet, whose chord bears South 78 degrees 35 minutes 23 seconds East, a distance of 1,050.31 feet;

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FIELD NOTES O.K.

THENCE Southeasterly, continuing with said common line and along said curve, passing a 1/2-inch set iron rod with cap at an arc distance of 366.43 feet for the southeast corner of said Tract 3 and the southwest corner of a tract of land described as Tract 8 by Warranty Deed to the City of Dallas, Texas, as recorded in Volume 4240, Page 416, D.R.D.C.T., and continuing with said common line and along said curve, passing a calculated point at a cumulative arc distance of 618.15 feet for the southeast corner of said Tract 8 and the southwest corner of a tract of land described as Tract 9 to 3912 West Illinois Avenue, L.P. by Warranty Deed as recorded in Volume 2001015, Page 4317, D.R.D.C.T., from which point a 5/8-inch found iron pipe for witness bears North 63 degrees 19 minutes 28 seconds West, 3.49 feet, and continuing with said common line and along said curve through a central angle of 69 degrees 48 minutes 00 seconds, in all, a total arc distance of 1,118.18 feet to a calculated point for the point of tangency, from which point a 3-inch found brass disk for witness bears North 60 degrees 23 minutes 45 seconds East, 3.87 feet;

THENCE North 66 degrees 30 minutes 37 seconds East, continuing with said common line, a distance of 129.13 feet to a calculated point for corner, from which point a 1/2-inch found iron pipe for witness bears North 18 degrees 48 minutes 21 seconds West, 0.57 of a foot;

THENCE North 00 degrees 39 minutes 33 seconds West, continuing with said common line, a distance of 282.10 feet to a calculated point for corner, from which point a 3-inch found brass disk for witness bears North 67 degrees 30 minutes 46 seconds West, 0.53 of a foot, and a 1-inch found iron pipe for witness bears North 71 degrees 42 minutes 15 seconds West, 0.44 of a foot, said point also being on the common south line of Lot 3, Block 6114, Polo Acres, an addition to the City of Dallas, Texas, as recorded in Volume 2005074, Page 191, O.P.R.D.C.T;

THENCE North 89 degrees 11 minutes 35 seconds East, continuing with said common line, passing at a distance of 319.15 feet the southeast corner of said Lot 3 and the southwest corner of a tract of land described to the City of Dallas, as recorded in Volume 97098, Page 2767, D.R.D.C.T., and continuing with said common line in all, a total distance of 438.47 feet to 1/2-inch found iron rod with plastic cap stamped "Fugate Surveying" for corner, said point also being on the west right-of-way line of Coombs Creek Drive (a called 100-foot wide right-of-way);

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FIELD NOTES O.K.

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THENCE South 88 degrees 32 minutes 00 seconds East, continuing with said common line, over and across said Coombs Creek Drive, a distance of 109.91 feet to a calculated point for corner on the east right-of-way line of said Coombs Creek Drive, said point being the most westerly southwest corner of that tract of land described in Special Warranty Deed to the City of Dallas, Texas, as recorded in Volume 97043, Page 6493, D.R.D.C.T., from which point a 5/8-inch found iron pipe for witness bears North 23 degrees 07 minutes 49 seconds West, 2.15 feet,

THENCE North 89 degrees 15 minutes 14 seconds East, continuing with said common line, a distance of 61.00 feet to a 1/2-inch set iron rod with cap for corner;

THENCE North 66 degrees 30 minutes 14 seconds East, continuing with said common line, a distance of 35.55 feet to a calculated point for the southeast corner of said City of Dallas tract and the south corner of Lot 7, Block A/6115, Sierra Vista, an addition to the City of Dallas, Texas, as recorded in Volume 2004122, Page 5257, O.P.R.D.C.T, from which point a 1/2-inch found iron rod with cap stamped "Pacheco Koch" for witness bears North 43 degrees 07 minutes 36 seconds West, 0.67 of a foot;

THENCE North 66 degrees 19 minutes 30 seconds East, with the common south line of said addition and north line of said GC&SF Hale Cement tract, same being the common north line of City of Dallas Block 6990 and the south line of City of Dallas Block A/6115, a distance of 1,156.45 feet to a calculated point for corner, from which point a 1/2-inch found iron rod with cap stamped "Pacheco Koch" for witness bears North 31 degrees 07 minutes 36 seconds West, 0.67 of a foot;

THENCE North 88 degrees 59 minutes 30 seconds East, continuing with said common line, a distance of 90.82 feet to a calculated point for corner, from which point a 1/2-inch found iron rod with cap stamped "Pacheco Koch" for witness bears North 73 degrees 10 minutes 18 seconds West, 0.24 of a foot;

THENCE North 66 degrees 19 minutes 30 seconds East, continuing with said common line, a distance of 98.30 feet to a calculated point for corner, from which point a 1/2-inch found iron rod with cap stamped "Pacheco Koch" for witness bears North 42 degrees 23 minutes 30 seconds West, 0.28 of a foot;

THENCE North 01 degree 00 minutes 30 seconds West, continuing with said common line, a distance of 37.93 feet to a 1/2-inch found iron rod with cap stamped "Pacheco Koch" for corner;

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ISTREST OF DALLAS ACRES (1,501,512 SQUARE FEET) PART OF OFFICIAL CITY OF DALLAS BLOCK NUMBER 6990 TO BE ACQUIRED FOR PARK FROM BURLINGTON NORTHERN EXHIBIT A IN THE ABRAHAM BAST SURVEY, ABSTRACT NUMBER 109, CITY OF DALLAS COUNTY, TEXAS CITY DRAWING NUMBER 043D-12

THENCE North 66 degrees 19 minutes 30 seconds East, continuing with said common line, a distance of 491.33 feet to a calculated point for the southeast corner of City of Dallas Block A/6115 and the southwest corner of City of Dallas Block 6115, same point being the southwest corner of a tract of land described by Warranty Deed to Long John Silver's Inc., as recorded in Volume 93032, Page 4525, D.R.D.C.T., from which point a 3/8-inch found iron rod bears North 83 degrees 44 minutes 35 seconds West, 0.26 of a foot, and a disturbed 1/2-inch found iron rod bears North 39 degrees 53 minutes 43 seconds East, 0.25 of a foot;

THENCE North 66 degrees 19 minutes 30 seconds East, continuing with the common south line of City of Dallas Block 6115 and the north line of City of Dallas Block 6990, passing a calculated point at a distance of 212.93 feet, same point being the southeast corner of said Long John Silver's Inc. tract, from which point a 1/2-inch found iron rod bears South 23 degrees 27 minutes 48 seconds East, 1.61 feet, and continuing with said common line in all, a total distance of 249.74 feet to a set "X" in concrete for the most easterly northeast common corner of said City of Dallas Block 6990 and said GC&SF Hale Cement tract on the west right-of-way line of said Westmoreland Road;

THENCE South 00 degrees 55 minutes 19 seconds East, departing said common Block line and with the common east line of City of Dallas Block 6990 and said GC&SF Hale Cement tract and the west right-of-way line of said Westmoreland Road, a distance of 111.03 feet to the POINT OF BEGINNING AND CONTAINING 1,501,512 square feet or 34.47 acres of land, more or less, of which approximately 42,014 square feet of land is in the roadway of Coombs Creek Drive, to which no warranty is made hereunder, but all of which land is herein conveyed.

HELD NOTES O.K.

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"Basis of Bearing is NAD 83 (NSRS2007) Texas State Plane North Central Zone 4202 as observed by GPS on Julian day 097 of 2011 from Western Data Systems network station "DUNP". Convergence angle at "DUNP" is +00 degrees 56 minutes 34.23759 seconds."

I, Colin J. Henry, a Registered Professional Land Surveyor in the State of Texas, do hereby certify that this Survey correctly reflects the location of the property lines and other matters of record. This map is the result of an on-the-ground Survey, conducted by me or under my supervision, during the month of July, 2011, and substantially complies with the current Texas Society of Professional Surveyor's Standards and Specifications for a

Category 1A, Condition II survey.

FIELD NOTES O.K.

11-2-11

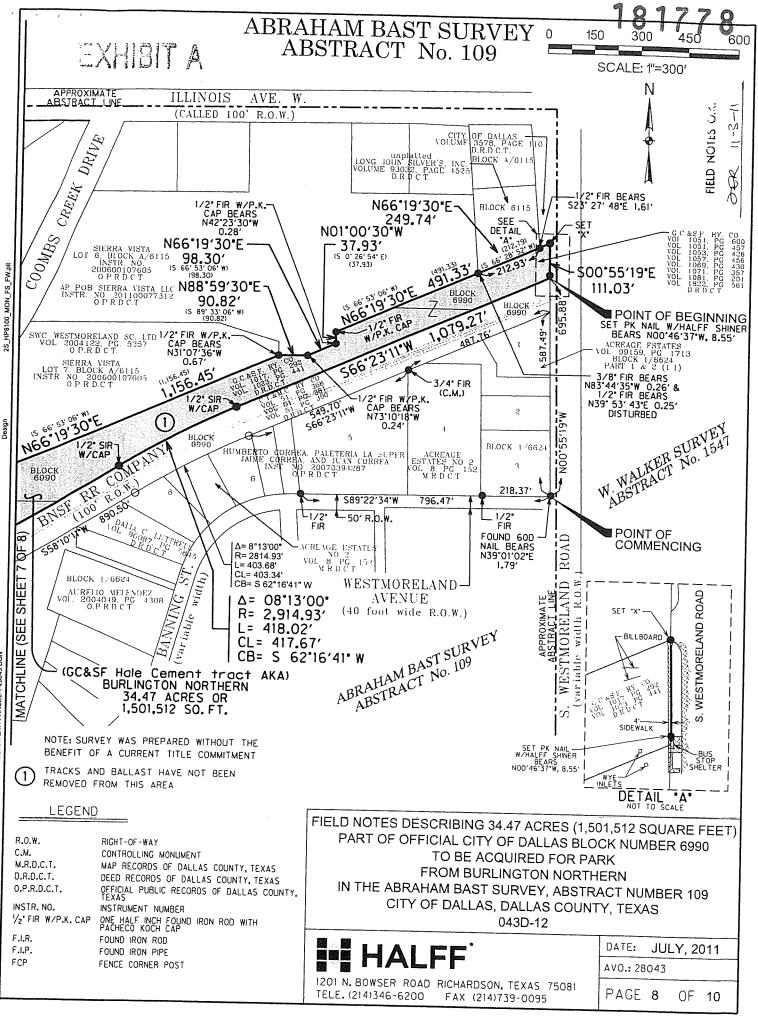
Colin J. Henry, R.P.L.S.

Date

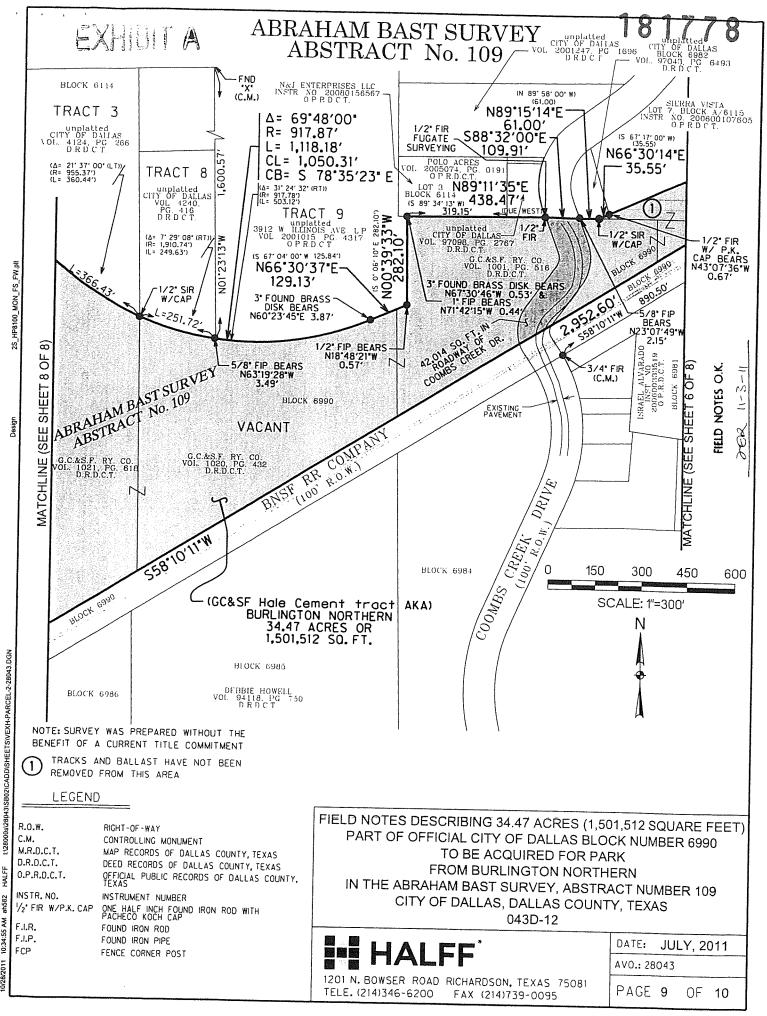
Registered Professional Land Surveyor Texas Registration No. 5230 Halff Associates, Inc., 1201 North Bowser Rd. Richardson, Texas 75081 214-346-6212



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