

A RESOLUTION AUTHORIZING THE ACQUISITION OF REAL PROPERTY FOR A NEGOTIATED PRICE HIGHER THAN THE AUTHORIZED PURCHASE AMOUNT.

WHEREAS, the Dallas City Council by the FIRST RESOLUTION authorized acquisition, by purchase and/or condemnation, of the PROPERTY INTERESTS in the PROPERTY held by OWNER for the PROJECT (all said capitalized terms being defined below); and

WHEREAS, OWNER refused the FIRST RESOLUTION PURCHASE AMOUNT, but has agreed to the SETTLEMENT AMOUNT stated herein; and

WHEREAS, the City Council desires to authorize the City Manager to acquire the PROPERTY INTERESTS in the PROPERTY for the negotiated PURCHASE AMOUNT stated herein.

Now, Therefore,

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

SECTION 1. That the following definitions shall apply to this resolution:

“CITY”: The City of Dallas

“FIRST RESOLUTION”: Resolution No. 15-1429 approved by the Dallas City Council on August 12, 2015 authorized the acquisition by purchase and/or condemnation of a tract of land containing approximately 26,810 square feet for a purchase amount of \$17,000.00 (\$14,477.00, plus closing costs and title expenses not to exceed \$2,523.00)

“PROJECT”: Southwest 120/96-inch Water Transmission Pipeline Project

“USE”: The construction, use, and maintenance of a pipeline or lines for the transmission of treated water together with such appurtenant facilities as may be necessary, 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.

“OWNER”: Thorntree Golf, LLC., 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.

“PROPERTY INTEREST”: Easement, subject to the exceptions, reservations, covenants, conditions and/or interests, if any provided in the conveyance instrument more particularly described in Exhibit "B" attached hereto and made a part hereof for all purposes.

“PROPERTY”: Approximately 26,810 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.

“FIRST RESOLUTION PURCHASE AMOUNT”: \$14,477.00

“SETTLEMENT AMOUNT”: \$26,514.00

“CLOSING COSTS AND TITLE EXPENSES”: Not to exceed \$2,523.00

“REVISED AUTHORIZED AMOUNT”: \$43,514.00

SECTION 2. 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 the CITY of the PROPERTY INTERESTS in and to the PROPERTY pursuant to the conveyance instrument 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 the transaction.

SECTION 3. 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 4. That OWNER has been provided with a copy of the Landowner’s Bill of Rights as contemplated by applicable state statute.

SECTION 5. 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 SETTLEMENT AMOUNT and CLOSING COSTS AND TITLE EXPENSES payable as follows:

Water Capital Improvement Series D Fund, Fund 2115, Department DWU, Unit PW40, Activity N/A, Program 706035, Object 4250, Encumbrance/Contract No. CX-DWU-2019-00008521, in an amount not to exceed \$26,514.00.

Water Capital Improvement Series D Fund, Fund 2115, Department DWU, Unit PW40, Activity N/A, Program 706035, Object 4250, Encumbrance/Contract No. CX-DWU-2019-00008521, in an amount not to exceed \$17,000.00.

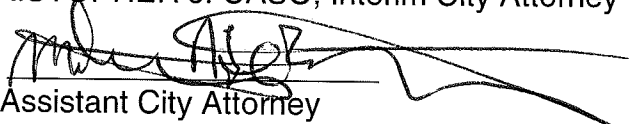
The SETTLEMENT AMOUNT and the CLOSING COSTS and TITLE EXPENSES together shall not exceed the REVISED AUTHORIZED AMOUNT.

February 27, 2019

SECTION 6. That the CITY is to have possession and/or use, as applicable, of the PROPERTY at closing; and the 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 7. 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: 
Assistant City Attorney



VARIABLE WIDTH PERMANENT WATER EASEMENT

0.6155 ACRE/26,810 SQ. FT. PARCEL

WSG THORNTREE IV, LP TRACT

NEL A. AYERS SURVEY, ABSTRACT NO. 11

CITY OF DESOTO, DALLAS COUNTY, TEXAS

DESCRIPTION

BEING a 0.6155 acre or 26,810 square foot tract of land situated in the Nel A. Ayers Survey, Abstract No. 11, being in the City of Desoto, Dallas County, Texas, and being a portion of the remainder of a called 74.7804 acre tract described as Tract 2 in that certain Deed (Without Warranties) to WSG Thorntree IV, LP as recorded in Volume 2005042, Page 11591 of the Official Public Records of Dallas County, Texas, and being more particularly described by metes and bounds as follows:

BEGINNING at a 1/2" iron rod found for the most southerly southeast corner of the aforementioned Tract 2, said southeast corner being in the northerly right-of-way line of Wintergreen Road (variable width right-of-way) and also being the southwest corner of Lot 1A, Block 1 of the Amending Plat of Lots 1 and 2, Block 1 of St. Andrews Place, The Second Replat of Thorntree Phase IV, an addition to the City of Desoto, Dallas County, Texas, according to the plat thereof recorded in Volume 2003016, Page 18 of the Deed Records of Dallas County, Texas (D.R.D.C.T.), from whence a 5/8" iron rod found for the most southerly southeast corner of said Lot 1A, at the intersection of said northerly right-of-way line of Wintergreen Road and the northwesterly line of St. Andrews Place (50' wide private street), bears S 86°59'08" E, 147.44 feet;

THENCE N 86°59'08" W (deed-N 85°54'38" W), with a southerly line of said Tract 2 and said northerly right-of-way line of Wintergreen Road, 368.64 feet (deed-369.97 feet) to a 1/2" iron rod with plastic cap stamped "TX REG NO 100189-00" set for the most southerly southwest corner of said Tract 2, said corner being in the center of Ten Mile Creek;

THENCE N 40°27'00" W (deed-N 39°16'20" W), departing said northerly right-of-way line of Wintergreen Road and with a southwesterly line of said Tract 2 and said center of Ten Mile Creek, passing at 1.29 feet a 1/2" iron rod with plastic cap stamped "TX REG NO 100189-00" set for the southeast corner of a called 1.6958 acre tract described in the Warranty Deed to Richard L. Mai as recorded in Volume 83138, Page 1246, D.R.D.C.T., and continuing with the common northeasterly line of said Mai tract, said southwesterly line of Tract 2 and said center of Ten Mile Creek, a total distance of 138.95 feet to a 1/2" iron rod with plastic cap stamped "TX REG NO 100189-00" set for corner at the beginning of a non-tangent curve to the right having a central angle of 11°04'00", a radius of 2500.00 feet, a tangent of 242.19 feet and a chord which bears S 76°58'07" E, 482.13 feet;

FIELD NOTES APPROVED:

10/25/13



Dallas Water Utilities
Southwest 120/96-inch Water
Transmission Pipeline Project

NDM
NATHAN D. MAIER
CONSULTING ENGINEERS, INC.
TBPE FIRM REG. NO. F-356
TBPLS FIRM REG. NO. 100189-00

Two Northpark / 8080 Park Lane / Suite 600
Dallas, Texas 75231 / (214) 739-4741

AECOM

AECOM TECHNICAL SERVICES INC, TX
16000 DALLAS PARKWAY, SUITE 350
DALLAS, TEXAS 75248
WWW.AECOM.COM
TBPE REG. NO. F-3580

OCTOBER 22, 2013

7059-ES47-R.dwg

PARCEL W-47

VARIABLE WIDTH PERMANENT WATER EASEMENT

0.6155 ACRE/26,810 SQ. FT. PARCEL

WSG THORNTREE IV, LP TRACT

NEL A. AYERS SURVEY, ABSTRACT NO. 11

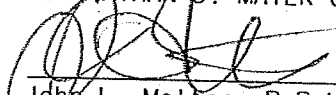
CITY OF DESOTO, DALLAS COUNTY, TEXAS

EXHIBIT A
90315

THENCE, departing the common line of said Tract 2 and said Mai tract and said center of Ten Mile Creek and with said non-tangent curve to the right, an arc distance of 482.87 feet to a 1/2" iron rod with plastic cap stamped "TX REG NO 100189-00" set for corner in a southeasterly line of said Tract 2, said southeasterly line also being the northwesterly line of the aforementioned of Lot 1A, Block 1 of the Amending Plat of Lots 1 and 2, Block 1 of St. Andrews Place, The Second Replat of Thorntree Phase IV;

THENCE S 34°52'05" W (deed-S 35°56'35" W), with the common southeasterly line of said Tract 2 and northwesterly line of said Lot 1A, Block 1, 20.00 feet to the POINT OF BEGINNING and containing 0.6155 acres or 26,810 square feet of land, more or less.

FOR NATHAN D. MAIER CONSULTING ENGINEERS, INC.


John L. Melton, R.P.L.S. No. 4268
Registered Professional Land Surveyor



NOTES:

Bearings for this survey are based on the Western Data Systems Texas Cooperative Network (www.txrtk.com) and are referenced to NAD83 State Plane Coordinate System, Texas North Central Zone 4202. Stations DPKC, DTNA and DUNP were utilized as base stations during GPS data collection sessions and serve as controlling monuments.

The easement and right-of-way for "one or more sanitary sewer line or lines" granted to The Trinity River Authority of Texas, as recorded in Volume 69199, Page 1610 of the Deed Records of Dallas county, Texas (D.R.D.C.T.), affects the subject tract and contains the following: "together with a temporary easement to use, during temporary periods, the portion of grantor's property lying 50' on each side of and outside the described permanent easement, in connection with the construction, maintenance, repair, replacement or removal of said lines".

The easements and rights-of-way for "two sanitary sewer line or lines" granted to The Trinity River Authority of Texas, as described in the second description of the instruments recorded in Volume 71055, Page 82, Volume 71055, Page 86, Volume 71055, Page 90, Volume 71055, Page 94, Volume 71055, Page 98 and Volume 71055, Page 102, D.R.D.C.T., affect the subject tract.

Dallas Water Utilities Southwest 120/96-inch Water Transmission Pipeline Project	
AECOM	AECOM TECHNICAL SERVICES INC. TX 16000 DALLAS PARKWAY, SUITE 350 DALLAS, TEXAS 75248 WWW.AECOM.COM TBPE REG. NO. F-3580
OCTOBER 22, 2013	7059-ES47-R.dwg

NDM	NATHAN D. MAIER CONSULTING ENGINEERS, INC. TBPE FIRM REG. NO. F-358 TBPLS FIRM REG. NO. 100189-00
Two Northpark / 8080 Park Lane / Suite 600 Dallas, Texas 75231 / (214) 739-4741	

PARCEL W-47
VARIABLE WIDTH PERMANENT WATER EASEMENT
0.6155 ACRE/26,810 SQ. FT. PARCEL
WSG THORNTREE IV, LP TRACT
NEL A. AYERS SURVEY, ABSTRACT NO. 11
CITY OF DESOTO, DALLAS COUNTY, TEXAS

The utility easement granted to the City of Desoto, as recorded in Volume 97244, Page 157, D.R.D.C.T., affects the subject tract. Exhibit "B" (pictorial exhibit) of said instrument contains the following caption, "existing 15' sanitary sewer easement (to be abandoned)". The easement depicted apparently refers to the sanitary sewer easement granted to the City of Desoto, Texas as recorded in Volume 80028, Page 291, D.R.D.C.T. Though shown on said Exhibit "B" to be located on the subject tract, said sanitary sewer easement is located on the adjoining property and abuts the subject tract. No abandonment document was found.

The herein described tract is subject to the terms, provisions and conditions of the instrument entitled Memorandum of Facility Lease Agreement, by and between Meditrust Golf Group, Inc. and MOC Texas Golf Company, as recorded in Volume 98061, Page 4879, D.R.D.C.T.

The herein described tract is subject to the terms, conditions and obligations of the instrument entitled "Permit to Appropriate State Water" executed by the Texas Water Commission and recorded in Volume 84024, Page 1312, D.R.D.C.T., said instrument contains an expiration date of December 31, 1994, as amended by the instrument entitled "Amendment to Permit to Appropriate State Water" executed by the Texas Natural Resource Conservation Commission and recorded in Volume 95236, Page 1270, D.R.D.C.T., said amended instrument contains an expiration date of December 31, 2006.

The easement and right-of-way for permanent erosion control structures granted to Trinity River Authority of Texas, as described in Exhibit 1A of the instrument recorded in Volume 95236, Page 1801, D.R.D.C.T., affects the subject tract. The easement and right-of-way for permanent erosion control structures, as described in Exhibit 2A of said instrument, does not affect the subject tract.

NDM
NATHAN D. MAIER
CONSULTING ENGINEERS, INC.
TBPE FIRM REG. NO. F-356
TBPLS FIRM REG. NO. 100189-00

Two Northpark / 8080 Park Lane / Suite 600
Dallas, Texas 75231 / (214) 739-4741

Dallas Water Utilities
Southwest 120/96-inch Water
Transmission Pipeline Project

AECOM

AECOM TECHNICAL SERVICES INC. TX
16000 DALLAS PARKWAY, SUITE 350
DALLAS, TEXAS 75248
WWW.AECOM.COM
TBPE REG. NO. F-3580

OCTOBER 22, 2013

7059-ES47-R.dwg

PARCEL W-47

VARIABLE WIDTH PERMANENT WATER EASEMENT

0.6155 ACRE/26,810 SQ. FT. PARCEL

WSG THORNTREE IV, LP TRACT

NEL A. AYERS SURVEY, ABSTRACT NO. 11

CITY OF DESOTO, DALLAS COUNTY, TEXAS

EXHIBIT A

EASEMENT AND RIGHT-OF-WAY FOR PERMANENT EROSION CONTROL STRUCTURES TO

TRINITY RIVER AUTHORITY OF TEXAS VOL. 95236, PG. 1801

EXHIBIT "2A" D.R.D.C.T.

EASEMENT AND RIGHT-OF-WAY FOR UTILITY LINES AND EROSION CONTROL IMPROVEMENTS TO

TRINITY RIVER AUTHORITY OF TEXAS VOL. 98139, PG. 3766

EXHIBIT "B" D.R.D.C.T.

40' EASEMENT AND RIGHT-OF-WAY FOR ONE OR MORE SANITARY SEWER LINE OR LINES TO

THE TRINITY RIVER AUTHORITY OF TEXAS VOL. 69199, PG. 1610

D.R.D.C.T. (SEE NOTES)

AND 40' EASEMENT AND RIGHT-OF-WAY FOR TWO SANITARY SEWER LINE OR LINES TO

THE TRINITY RIVER AUTHORITY OF TEXAS VOL. 71055, PG. 82, VOL. 71055, PG. 86, VOL. 71055, PG. 90, VOL. 71055, PG. 94, VOL. 71055, PG. 98, VOL. 71055, PG. 102

SECOND DESCRIPTION D.R.D.C.T.

EASEMENT AND RIGHT-OF-WAY FOR PERMANENT EROSION CONTROL STRUCTURES TO

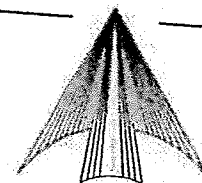
TRINITY RIVER AUTHORITY OF TEXAS VOL. 95236, PG. 1801

EXHIBIT "1A" D.R.D.C.T.

VARIABLE WIDTH PERMANENT WATER EASEMENT 26,810 SQ. FT. PARCEL

A=11'04"00" R=2500.00' T=242.19' L=482.87' CB=S 76°58'07" E CL=482.13'

REPLAT OF THORNTREE PHASE III VOL. 87068, PG. 2453 D.R.D.C.T.



NORTH SCALE: 1"=150'

WSG THORNTREE IV, LP VOL. 2005042, PG. 11591

TRACT 2 O.P.R.D.C.T.

REMAINDER OF CALLED 74.7804 ACRES

10' MAINTENANCE ESMT. (TYPICAL) VOL. 92054, PG. 792 D.R.D.C.T.

5' SCREENING WALL ESMT. VOL. 92054, PG. 792 D.R.D.C.T.

ST. ANDREWS PLACE (THE SECOND REPLAT OF THORNTREE PHASE IV VOL. 92054, PG. 792 D.R.D.C.T.)

ST. ANDREWS PLACE (50' WIDE PRIVATE STREET) FIRELANE, ACCESS AND UTILITY ESMT VOL. 92054, PG. 792 D.R.D.C.T.

SIGHT ESMT. VOL. 92054, PG. 792 D.R.D.C.T.

WINTERGREEN ROAD (VARIABLE WIDTH R.O.W.)

3' FENCE ESMT. BLOCK B

ST. GEORGE'S PLACE VOL. 2001055, PG. 7 D.R.D.C.T.

POINT OF BEGINNING 1/2" IRF

1/2" IRF

1/2" IRF

1/2" IRF

1/2" IRF

1/2" IRF

1/2" IRF

1/2" IRF

1/2" IRF

1/2" IRF

1/2" IRF

1/2" IRF

1/2" IRF

1/2" IRF

1/2" IRF

1/2" IRF

1/2" IRF

1/2" IRF

1/2" IRF

1/2" IRF

1/2" IRF

1/2" IRF

1/2" IRF

1/2" IRF

1/2" IRF

1/2" IRF

1/2" IRF

1/2" IRF

RICHARD L. MAI VOL. 83138, PG. 1246 D.R.D.C.T. CALLED 1.6958 ACRES

15' UTILITY ESMT. TO CITY OF DESOTO VOL. 97244, PG. 157, D.R.D.C.T.

15' UTILITY ESMT. TO CITY OF DESOTO VOL. 97244, PG. 187, D.R.D.C.T.

APPROXIMATE LOCATION OF SANITARY SEWER ESMT. TO CITY OF DESOTO, TEXAS VOL. 80028, PG. 291, D.R.D.C.T.

1/2" IRF (SMOOTH)

1/2" IRF (SEMI)

1/2" IRF (LEANING)

1/2" IRF (LEANING)

1/2" IRF (LEANING)

1/2" IRF (LEANING)

1/2" IRF (LEANING)

1/2" IRF (LEANING)

1/2" IRF (LEANING)

1/2" IRF (LEANING)

1/2" IRF (LEANING)

1/2" IRF (LEANING)

1/2" IRF (LEANING)

1/2" IRF (LEANING)

1/2" IRF (LEANING)

1/2" IRF (LEANING)

LEGEND table with symbols and definitions for O.P.R.D.C.T., D.R.D.C.T., M.R.D.C.T., INST. NO., VOL., PG., SQ. FT., R.O.W., ESMT., C.L., C.M., IRF, IPF, IRS W/CAP.

UNLESS NOTED OTHERWISE, SET 1/2" IRON ROD WITH PLASTIC CAP STAMPED "TX REG NO 100189-00" AT CORNERS.

NDM NATHAN D. MAIER CONSULTING ENGINEERS, INC. TBPE FIRM REG. NO. F-356 TBPLS FIRM REG. NO. 100189-00

Dallas Water Utilities Southwest 120/96-inch Water Transmission Pipeline Project AECOM AECOM TECHNICAL SERVICES INC. TX 16000 DALLAS PARKWAY, SUITE 350 DALLAS, TEXAS 75248 WWW.AECOM.COM TBPE REG. NO. F-3580

WATER EASEMENT

THE STATE OF TEXAS §
 §
COUNTY OF DALLAS §

KNOW ALL PERSONS BY THESE PRESENTS:

That Thorntree Golf, 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 FORTY THOUSAND NINE HUNDRED NINETY ONE AND NO/100 DOLLARS (\$40,991.00) 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, and the further benefits to be derived by the remaining property as a result of projected public improvements, has granted, sold and conveyed and does hereby grant, sell and convey unto City, its successors and assigns, an easement for the purpose of laying, constructing, maintaining, repairing and replacing a City water main or mains and appurtenances and such additional main or mains and appurtenances as are needed in the future in, under, through, across and along all that certain lot, tract or parcel of land described in Exhibit "A", attached hereto and made a part hereof by reference for all purposes.

The City is acquiring this property for the purpose of laying, constructing, maintaining, repairing and replacing a City water main or mains and appurtenances, and such additional main or mains and appurtenances as are needed in the future, according to such plans and specifications as will, in City's opinion, best serve the public purpose. The payment of the purchase price shall be considered full and adequate compensation for the easement rights herein granted.

Should one or more of the Grantors herein be natural persons and not joined by their respective spouse, it is conclusively presumed that the land herein conveyed is not the residence or business homestead of such Grantor(s). Should one or more of the Grantors herein be a legal entity other than a natural person, it shall be conclusively presumed that the person signing on behalf of such a party has been duly and legally authorized to so sign and there shall be no necessity for a seal or attestation.

The City shall have all other rights and benefits necessary or convenient for the full enjoyment or use of the rights herein granted, including, but without limiting the same to, the right of ingress and egress over and across said property to and from said easement for the purpose of constructing, reconstructing, maintaining, inspecting or repairing said main or mains and appurtenances.

The City shall have the right to remove and keep removed from the permanent easement herein granted any and all structures, fences, trees, shrubs, growths or other obstructions which may endanger or interfere with the construction, reconstruction, maintenance, repair or operation of the said main or mains. (Grantor, its successors or assigns, shall not place or store any material upon, or cover, bury, pave over or otherwise obstruct any cleanout, valve, meter or manhole located within the herein described permanent easement.)

Grantor, its successors or assigns, shall not be permitted to plant trees or shrubs of any kind within the boundaries of the herein described permanent easement.

All expenses in the construction and maintenance of said main or mains and appurtenances shall be borne by the City. In the construction of said main or mains and appurtenances, should the City find it necessary to remove any improvements now on the above-described property, all of those expenses shall also be borne by the City. Upon completion of construction, all surplus excavation, debris, trash or litter resulting from construction shall be cleaned up and hauled off the premises, and the easement property, including any fences disturbed, shall be restored to its original contour and condition.

Nothing in this easement shall be construed as a waiver by the City of any connection charge or charges imposed by ordinance or Charter of the City of Dallas.

SPECIAL PROVISIONS: This conveyance is made and accepted subject to the restoration of the golf course features located in the easement such as; bunkers, green and tea box and any replacement of such items.

TO HAVE AND TO HOLD the above described easement, 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 easement 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 _____, _____.

By: Thorntree Golf, LLC,
a Texas limited liability company

APPROVED AS TO FORM:
CHRISTOPHER J. CASO, Interim City Attorney

By: _____
Randy Jones , Vice President and Chief Operating Officer

By: _____
Assistant City Attorney

MH

* * * * *

STATE OF TEXAS :
COUNTY OF DALLAS :

This instrument was acknowledged before me on _____
by Randy Jones, Vice President and Chief Operating Officer of Thorntree Golf, 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: Christian Roman
Water Easement Log No. 37213

PARCEL W-47
VARIABLE WIDTH PERMANENT WATER EASEMENT
0.6155 ACRE/26,810 SQ. FT. PARCEL
WSG THORNTREE IV, LP TRACT
NEL A. AYERS SURVEY, ABSTRACT NO. 11
CITY OF DESOTO, DALLAS COUNTY, TEXAS

DESCRIPTION

BEING a 0.6155 acre or 26,810 square foot tract of land situated in the Nel A. Ayers Survey, Abstract No. 11, being in the City of Desoto, Dallas County, Texas, and being a portion of the remainder of a called 74.7804 acre tract described as Tract 2 in that certain Deed (Without Warranties) to WSG Thorntree IV, LP as recorded in Volume 2005042, Page 11591 of the Official Public Records of Dallas County, Texas, and being more particularly described by metes and bounds as follows:

BEGINNING at a 1/2" iron rod found for the most southerly southeast corner of the aforementioned Tract 2, said southeast corner being in the northerly right-of-way line of Wintergreen Road (variable width right-of-way) and also being the southwest corner of Lot 1A, Block 1 of the Amending Plat of Lots 1 and 2, Block 1 of St. Andrews Place, The Second Replat of Thorntree Phase IV, an addition to the City of Desoto, Dallas County, Texas, according to the plat thereof recorded in Volume 2003016, Page 18 of the Deed Records of Dallas County, Texas (D.R.D.C.T.), from whence a 5/8" iron rod found for the most southerly southeast corner of said Lot 1A, at the intersection of said northerly right-of-way line of Wintergreen Road and the northwesterly line of St. Andrews Place (50' wide private street), bears S 86°59'08" E, 147.44 feet;

THENCE N 86°59'08" W (deed-N 85°54'38" W), with a southerly line of said Tract 2 and said northerly right-of-way line of Wintergreen Road, 368.64 feet (deed-369.97 feet) to a 1/2" iron rod with plastic cap stamped "TX REG NO 100189-00" set for the most southerly southwest corner of said Tract 2, said corner being in the center of Ten Mile Creek;

THENCE N 40°27'00" W (deed-N 39°16'20" W), departing said northerly right-of-way line of Wintergreen Road and with a southwesterly line of said Tract 2 and said center of Ten Mile Creek, passing at 1.29 feet a 1/2" iron rod with plastic cap stamped "TX REG NO 100189-00" set for the southeast corner of a called 1.6958 acre tract described in the Warranty Deed to Richard L. Mai as recorded in Volume 83138, Page 1246, D.R.D.C.T., and continuing with the common northeasterly line of said Mai tract, said southwesterly line of Tract 2 and said center of Ten Mile Creek, a total distance of 138.95 feet to a 1/2" iron rod with plastic cap stamped "TX REG NO 100189-00" set for corner at the beginning of a non-tangent curve to the right having a central angle of 11°04'00", a radius of 2500.00 feet, a tangent of 242.19 feet and a chord which bears S 76°58'07" E, 482.13 feet;

FIELD NOTES APPROVED:

Att 10/25/13



Dallas Water Utilities
Southwest 120/96-inch Water
Transmission Pipeline Project

	NATHAN D. MAIER CONSULTING ENGINEERS, INC. TBPE FIRM REG. NO. F-356 TBPLS FIRM REG. NO. 100189-00
	Two Northpark / 8080 Park Lane / Suite 600 Dallas, Texas 75231 / (214) 739-4741



AECOM TECHNICAL SERVICES INC, TX
16000 DALLAS PARKWAY, SUITE 350
DALLAS, TEXAS 75248
WWW.AECOM.COM
TBPE REG. NO. F-3580

OCTOBER 22, 2013

7059-ES47-R.dwg

PARCEL W-47

EXHIBIT A
90315

VARIABLE WIDTH PERMANENT WATER EASEMENT

0.6155 ACRE/26,810 SQ. FT. PARCEL

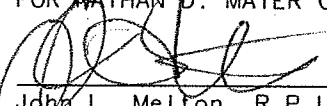
WSG THORNTREE IV, LP TRACT

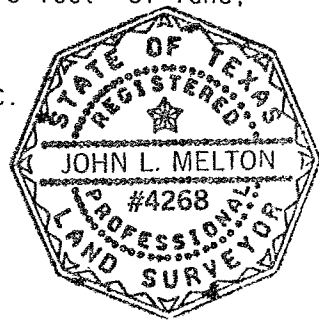
NEL A. AYERS SURVEY, ABSTRACT NO. 11

CITY OF DESOTO, DALLAS COUNTY, TEXAS

THENCE, departing the common line of said Tract 2 and said Mai tract and said center of Ten Mile Creek and with said non-tangent curve to the right, an arc distance of 482.87 feet to a 1/2" iron rod with plastic cap stamped "TX REG NO 100189-00" set for corner in a southeasterly line of said Tract 2, said southeasterly line also being the northwesterly line of the aforementioned of Lot 1A, Block 1 of the Amending Plat of Lots 1 and 2, Block 1 of St. Andrews Place, The Second Replat of Thorntree Phase IV;

THENCE S 34°52'05" W (deed-S 35°56'35" W), with the common southeasterly line of said Tract 2 and northwesterly line of said Lot 1A, Block 1, 20.00 feet to the POINT OF BEGINNING and containing 0.6155 acres or 26,810 square feet of land, more or less.

FOR NATHAN D. MAIER CONSULTING ENGINEERS, INC.

John L. Melton, R.P.L.S. No. 4268
Registered Professional Land Surveyor



NOTES:

Bearings for this survey are based on the Western Data Systems Texas Cooperative Network (www.txrtk.com) and are referenced to NAD83 State Plane Coordinate System, Texas North Central Zone 4202. Stations DPKC, DTNA and DUNP were utilized as base stations during GPS data collection sessions and serve as controlling monuments.

The easement and right-of-way for "one or more sanitary sewer line or lines" granted to The Trinity River Authority of Texas, as recorded in Volume 69199, Page 1610 of the Deed Records of Dallas county, Texas (D.R.D.C.T.), affects the subject tract and contains the following: "together with a temporary easement to use, during temporary periods, the portion of grantor's property lying 50' on each side of and outside the described permanent easement, in connection with the construction, maintenance, repair, replacement or removal of said lines".

The easements and rights-of-way for "two sanitary sewer line or lines" granted to The Trinity River Authority of Texas, as described in the second description of the instruments recorded in Volume 71055, Page 82, Volume 71055, Page 86, Volume 71055, Page 90, Volume 71055, Page 94, Volume 71055, Page 98 and Volume 71055, Page 102, D.R.D.C.T., affect the subject tract.

Dallas Water Utilities
Southwest 120/96-inch Water
Transmission Pipeline Project

NDM
NATHAN D. MAIER
CONSULTING ENGINEERS, INC.
TBPE FIRM REG. NO. F-356
TBPLS FIRM REG. NO. 100189-00

AECOM

AECOM TECHNICAL SERVICES INC, TX
16000 DALLAS PARKWAY, SUITE 350
DALLAS, TEXAS 75248
WWW.AECOM.COM
TBPE REG. NO. F-3580

Two Northpeak / 8080 Park Lane / Suite 600
Dallas, Texas 75231 / (214) 739-4741

OCTOBER 22, 2013

7059-ES47-R.dwg

PARCEL W-47

EXHIBIT A
190315

VARIABLE WIDTH PERMANENT WATER EASEMENT

0.6155 ACRE/26,810 SQ. FT. PARCEL

WSG THORNTREE IV, LP TRACT

NEL A. AYERS SURVEY, ABSTRACT NO. 11

CITY OF DESOTO, DALLAS COUNTY, TEXAS

The utility easement granted to the City of Desoto, as recorded in Volume 97244, Page 157, D.R.D.C.T., affects the subject tract. Exhibit "B" (pictorial exhibit) of said instrument contains the following caption, "existing 15' sanitary sewer easement (to be abandoned)". The easement depicted apparently refers to the sanitary sewer easement granted to the City of Desoto, Texas as recorded in Volume 80028, Page 291, D.R.D.C.T. Though shown on said Exhibit "B" to be located on the subject tract, said sanitary sewer easement is located on the adjoining property and abuts the subject tract. No abandonment document was found.

The herein described tract is subject to the terms, provisions and conditions of the instrument entitled Memorandum of Facility Lease Agreement, by and between Meditrust Golf Group, Inc. and MOC Texas Golf Company, as recorded in Volume 98061, Page 4879, D.R.D.C.T.

The herein described tract is subject to the terms, conditions and obligations of the instrument entitled "Permit to Appropriate State Water" executed by the Texas Water Commission and recorded in Volume 84024, Page 1312, D.R.D.C.T., said instrument contains an expiration date of December 31, 1994, as amended by the instrument entitled "Amendment to Permit to Appropriate State Water" executed by the Texas Natural Resource Conservation Commission and recorded in Volume 95236, Page 1270, D.R.D.C.T., said amended instrument contains an expiration date of December 31, 2006.

The easement and right-of-way for permanent erosion control structures granted to Trinity River Authority of Texas, as described in Exhibit 1A of the instrument recorded in Volume 95236, Page 1801, D.R.D.C.T., affects the subject tract. The easement and right-of-way for permanent erosion control structures, as described in Exhibit 2A of said instrument, does not affect the subject tract.

Dallas Water Utilities
Southwest 120/96-inch Water
Transmission Pipeline Project



NATHAN D. MAIER
CONSULTING ENGINEERS, INC.
TBPE FIRM REG. NO. F-356
TBPLS FIRM REG. NO. 100189-00



AECOM TECHNICAL SERVICES INC, TX
16000 DALLAS PARKWAY, SUITE 350
DALLAS, TEXAS 75248
WWW.AECOM.COM
TBPE REG. NO. F-3580

Two Northpark / 8080 Park Lane / Suite 600
Dallas, Texas 75231 / (214) 739-4741

OCTOBER 22, 2013

7059-ES47-R.dwg

VARIABLE WIDTH PERMANENT WATER EASEMENT

0.6155 ACRE/26,810 SQ. FT. PARCEL

WSG THORNTREE IV, LP TRACT

NEL A. AYERS SURVEY, ABSTRACT NO. 11

CITY OF DESOTO, DALLAS COUNTY, TEXAS

EXHIBIT A

EASEMENT AND RIGHT-OF-WAY FOR PERMANENT EROSION CONTROL STRUCTURES TO

TRINITY RIVER AUTHORITY OF TEXAS VOL. 95236, PG. 1801

EXHIBIT "2A" D.R.D.C.T.

EASEMENT AND RIGHT-OF-WAY FOR UTILITY LINES AND EROSION CONTROL IMPROVEMENTS TO

TRINITY RIVER AUTHORITY OF TEXAS VOL. 98139, PG. 3766

EXHIBIT "B" D.R.D.C.T.

40' EASEMENT AND RIGHT-OF-WAY FOR ONE OR MORE SANITARY SEWER LINE OR LINES TO

THE TRINITY RIVER AUTHORITY OF TEXAS VOL. 69199, PG. 1610

D.R.D.C.T. (SEE NOTES) AND

40' EASEMENT AND RIGHT-OF-WAY FOR TWO SANITARY SEWER LINE OR LINES TO

THE TRINITY RIVER AUTHORITY OF TEXAS VOL. 71055, PG. 82, VOL. 71055, PG. 86, VOL. 71055, PG. 90, VOL. 71055, PG. 94, VOL. 71055, PG. 98, VOL. 71055, PG. 102

SECOND DESCRIPTION D.R.D.C.T.

EASEMENT AND RIGHT-OF-WAY FOR PERMANENT EROSION CONTROL STRUCTURES TO

TRINITY RIVER AUTHORITY OF TEXAS VOL. 95236, PG. 1801

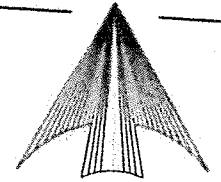
EXHIBIT "1A" D.R.D.C.T.

VARIABLE WIDTH PERMANENT WATER EASEMENT 26,810 SQ. FT. PARCEL

A=11'04"00" R=2500.00' T=242.19' L=482.87' CB=S 76°58'07" E CL=482.13'

REPLAT OF THORNTREE PHASE III VOL. 87068, PG. 2453 D.R.D.C.T.

WSG THORNTREE IV, LP VOL. 2005042, PG. 11591 TRACT 2 O.P.R.D.C.T. REMAINDER OF CALLED 74 7804 ACRES



NORTH SCALE: 1"=150'

RICHARD L. MAI VOL. 83132, PG. 1246 D.R.D.C.T. CALLED 1.6958 ACRES

TEN MILE CREEK

15' UTILITY ESMT. TO CITY OF DESOTO VOL. 97244, PG. 157, D.R.D.C.T.

15' UTILITY ESMT. TO CITY OF DESOTO VOL. 97244, PG. 187, D.R.D.C.T.

APPROXIMATE LOCATION OF SANITARY SEWER ESMT. TO CITY OF DESOTO, TEXAS VOL. 80028, PG. 291, D.R.D.C.T.

1 1/2" IRF (SMOOTH)

1 1/2" IRF (90°)

1 1/2" IRF (LEANING)

1 1/2" IRF (LEANING)

N 40°27'00" W 138.95' (DEED-N 39°16'20" W)

N 86°59'08" W ~368.64' (DEED-N 85°54'38" W ~369.97')

N 40°27'00" W ~1.26' (DEED-N 39°16'20" W)

POINT OF BEGINNING 1/2" IRF

S 34°52'05" W 20.00' (DEED-S 35°56'35" W)

5 86°59'08" E 147.44'

10' MAINTENANCE ESMT. (TYPICAL) VOL. 92054, PG. 792 D.R.D.C.T.

5' SCREENING WALL ESMT. VOL. 92054, PG. 792 D.R.D.C.T.

ST. ANDREWS PLACE THE SECOND REPLAT OF THORNTREE PHASE IV VOL. 92054, PG. 792 D.R.D.C.T.

ST. ANDREWS PLACE (50' WIDE PRIVATE STREET) FIRELANE, ACCESS AND UTILITY ESMT VOL. 92054, PG. 792 D.R.D.C.T.

SIGHT ESMT. VOL. 92054, PG. 792 D.R.D.C.T.

3' FENCE ESMT. VOL. 92054, PG. 792 D.R.D.C.T.

ST. GEORGE'S PLACE VOL. 2001055, PG. 7 D.R.D.C.T.

100-YEAR FLOODPLAIN

TRINITY RIVER AUTHORITY OF TEXAS VOL. 98114, PG. 7433 D.R.D.C.T. CALLED 0.544 ACRES

LOT 1 BLOCK 1 CUNNINGHAM ADDITION VOL. 91091, PG. 2699 D.R.D.C.T.

LOT 1 BLOCK 1

FLOODWAY EASEMENT VOL. 91091, PG. 2699 D.R.D.C.T.

CONFLICT IN DEEDS & RIGHT-OF-WAY

EASEMENT FOR SANITARY SEWER MAIN & STORM SEWER MAIN CITY OF DESOTO, TEXAS VOL. 85339, PG. 2269 D.R.D.C.T.

LOT 4

LEGEND: O.P.R.D.C.T. OFFICIAL PUBLIC RECORDS OF DALLAS COUNTY, TEXAS; D.R.D.C.T. DEED RECORDS OF DALLAS COUNTY, TEXAS; M.R.D.C.T. MAP RECORDS OF DALLAS COUNTY, TEXAS; INST. NO. INSTRUMENT NUMBER; VOL., PG. VOLUME, PAGE; SQ. FT. SQUARE FEET; R.O.W. RIGHT-OF-WAY; ESMT. EASEMENT; C.L. CENTERLINE; C.M. CONTROLLING MONUMENT; IRF IRON ROD FOUND; IRP IRON PIPE FOUND; IRS W/CAP IRON ROD SET WITH PLASTIC CAP STAMPED "TX REG NO 100189-00"

UNLESS NOTED OTHERWISE, SET 1/2" IRON ROD WITH PLASTIC CAP STAMPED "TX REG NO 100189-00" AT CORNERS.

NDM NATHAN D. MAIER CONSULTING ENGINEERS, INC. TBPE FIRM REG. NO. F-356 TBPLS FIRM REG. NO. 100189-00

Dallas Water Utilities Southwest 120/96-inch Water Transmission Pipeline Project AECOM AECOM TECHNICAL SERVICES INC. TX 16000 DALLAS PARKWAY, SUITE 350 DALLAS, TEXAS 75248 WWW.AECOM.COM TBPE REG. NO. F-3580

Two Northpark / 8080 Park Lane / Suite 600 Dallas, Texas 75231 / (214) 739-4741

OCTOBER 22, 2013 7059-ES47-R.dwg