

June 26, 2019

**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 244,712 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 thereto.

"PROJECT": District 2 Service Center Project

"USE": City services and maintenance facilities 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 with closing conditions to include all improvements and tenant lease(s), subject to the exceptions, reservations, covenants, conditions and/or interests, if any, provided in the conveyance instrument(s) approved as to form by the City Attorney and such other usual and customary documents necessary, appropriate and convenient to consummating this transaction.

"OWNER": Omega Industries, Inc., 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": \$1,500,000.00

"CLOSING COSTS AND TITLE EXPENSES": Not to exceed \$10,000.00

"AUTHORIZED AMOUNT": Not to exceed \$1,510,000.00

**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.

June 26, 2019

**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, including the assignment to and assumption by CITY of existing tenant lease(s).

**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 and CLOSING COSTS AND TITLE EXPENSES \$795,652.34 payable out of Park and Recreation Facilities Fund, Fund 1T00, Department PKR, Unit P764, Activity PKLA, Program PK764, Object 4210, Encumbrance/Contract No. PKR-2019-00010438, \$704,674.66 payable out of Park and Recreation Facilities Fund, Fund 2T00, Department PKR, Unit P764, Activity PKLA, Program PK764, Object 4210, Encumbrance/Contract No. PKR-2019-00010438 and \$10,000.00 payable out of Park and Recreation Facilities Fund, Fund 2T00, Department PKR, Unit P764, Activity PKLA, Program PK764, Object 4230, Encumbrance/Contract No. PKR-2019-00010438. 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 in the event the PROPERTY acquisition closes, and active lease(s) are in effect, the City Manager, and/or the City Manager's designees, is hereby authorized and directed to assume or terminate the lease(s) under terms and conditions 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.

June 26, 2019

**SECTION 9.** That in the event the PROPERTY acquisition closes, the Chief Financial Officer is hereby authorized and directed to deposit funds in accordance with the terms and conditions of any assumed lease(s) in the Capital Gifts, Donations and Development Funds, Fund 0530, Department PKR, Unit 919A, Activity PKLA, Program PKCF Hawn, Revenue Code 8471.

**SECTION 10.** 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

APPROVED BY  
CITY COUNCIL  
  
JUN 26 2019  
  
CITY SECRETARY

**Exhibit A****FIELD NOTES DESCRIBING A 244,712 SQUARE FOOT (5.618 ACRE)  
TRACT OF LAND TO BE ACQUIRED BY THE CITY OF DALLAS  
FROM OMEGA INDUSTRIES, INC.**

Being a 244,712 Square Foot (5.618 Acre) tract of land in the City of Dallas, Dallas County, Texas, being situated in the James R. Rylie Survey, Abstract Number 1245, Dallas County, Texas and being a portion of Lots 18 and 19 of the Union Central Life Insurance Co. Addition, an addition to the City of Dallas recorded in Volume 5, Page 282 of the Map Records of Dallas County, Texas and a portion of the Town of Rylie Unrecorded Addition, lying in Blocks 8775 and 8777, Official City of Dallas Block Numbers, and being all of the land conveyed to Omega Industries, Inc. as Tract I and Tract II by Deed recorded in Instrument Number 201700061075 of the Official Public Records of Dallas County, Texas, and being more particularly described as follows:

**BEGINNING** at a ½-inch diameter iron rod (Record Monument) found at the most Northerly corner of said Tract I, being also the most Northerly corner of the herein described tract of land and the most Easterly corner of a tract of land conveyed to Alberto M. Cedano by Instrument No. 20080307662 of the Official Public Records of Dallas County, Texas, lying on the Southwest Right-of-Way line of United States Highway 175 (C.F. Hawn Freeway) a variable width Right-of-Way:

**THENCE** South 58°08'29" East with the said Southwest line of Highway 175, pass at 60.02 feet the most Easterly corner of said Tract I, being also the most Northerly corner of said Tract II, and continuing for a total distance of 216.42 feet to a Mag Nail with washer marked "CITY OF DALLAS" set at the most Easterly corner of said Tract II and of the herein described tract of land, *from which* an "X" cut in concrete (Record Monument) found at the most Easterly corner of a tract of land conveyed to Sparkle Holdings, Inc. by deed recorded in Instrument No. 200600076126 of the Official Public Records of Dallas County, Texas bears South 58°08'29" East a distance of 69.13 feet:

**THENCE** South 31°14'41" West, departing the said Southwest line of Highway 175 and with the common line between said Omega Industries and Sparkle Holdings tracts a distance of 372.40 feet to an outside corner of the herein described tract of land, being also an inside corner of a tract of land conveyed to MM Rylie Holdings, LLC by deed recorded in Instrument No. 201700063274 of the Official Public Records of Dallas County, Texas (not monumented):

**THENCE** South 40°23'52" West, continuing with said common line between Omega Industries and MM Rylie Holdings properties a distance of 333.66 feet to the intersection with the Northeast line of the Dallas Area Rapid Transit (D.A.R.T.; successor in title to the Texas and New Orleans Railroad) property as shown on the above said Town of Rylie Unrecorded Addition (not monumented):

**Exhibit A**

**FIELD NOTES DESCRIBING A 244,712 SQUARE FOOT (5.618 ACRE)  
TRACT OF LAND TO BE ACQUIRED BY THE CITY OF DALLAS  
FROM OMEGA INDUSTRIES, INC.**

**THENCE** North 53°43'02" West, departing the said common line between the Omega Industries and MM Rylie Holdings properties, and with the said Northeast line of said D.A.R.T. property a distance of 377.58 feet to a ½-inch diameter iron rod (Record Monument) found at an inside corner of the herein described tract of land:

**THENCE** South 36°19'03" West, continuing with the said common line between D.A.R.T. and Omega Industries properties a distance of 50.09 feet to a ½-inch diameter iron rod (Record Monument) found at an outside corner of the herein described tract of land"

**THENCE** North 53°43'02" West, continuing with the said common line between D.A.R.T. and Omega Industries properties a distance of 278.90 feet to a ½-inch diameter iron rod (Record Monument) found at the most Southerly Southwest corner of the herein described tract of land, being also a southeast corner of Lot 1, Block 1/8777 of the Cavett Subdivision, an addition to the City of Dallas recorded in Volume 88179, Page 3232 of the Deed Records of Dallas County, Texas:

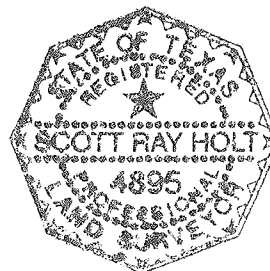
**THENCE** North 00°23'01" East, departing the last said Northeast line of D.A.R.T. property and with the East line of said Lot 1 a distance of 43.31 feet to a ½-inch diameter iron rod (Record Monument) found at an outside corner of the herein described tract of land:

**THENCE** North 89°22'51" East with the South line of said Lot 1, and a portion of the South line of Lots 18 and 19 of the above referenced Union Central Life Insurance Addition, a distance of 605.59 feet to a ½-inch diameter iron rod (Record Monument) found at an inside corner of the herein described tract of land, being also the Southeast corner of a tract of land conveyed to Alberto M. Cedano by deed recorded in Instrument No. 20080307662 of the Official Public Records of Dallas County, Texas:

**THENCE** North 31°43'55" East with the common line between said Cedano and Omega Industries properties a distance of 339.56 feet to the **POINT OF BEGINNING**, containing 244,712 Square Feet, or 5.618 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 (2011).

*Scott Holt*  
12/4/18

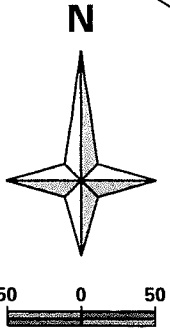


\* Indicates Corner Not Monumented.

CAVETT SUBDIVISION  
Volume 88179, Page 3232

UNION CENTRAL LIFE  
INSURANCE CO. ADDITION  
Volume 5, Page 282  
(Map Records)

U.S. HIGHWAY 175  
(C. F. HAWN FREEWAY)  
(Variable Width Right-of-Way)



Ruibal Farms, LP  
Int. #201500298071

LOT 1  
BLOCK  
18777

LOT 19  
BLOCK  
8777

12" I.R. Fnd.  
RECORD MON. &  
POINT OF  
BEGINNING  
6940876.76  
2540543.63

Proficient Concrete, LLC, Int. #201400275718  
Farzad Farahmand, Int. #201400035822  
Alberto M. Cedano, Int. #20080307682

LOT 18

Set Mag Nail  
w/COD Washer

69.13'  
S 58°08'29" E

"X" Cut Fnd.  
RECORD MON.  
6940725.60  
2540786.87

Exhibit A

12" I.R. Fnd.  
RECORD MON.  
6940581.41  
2539759.49

605.59', N 89°22'51" E

43.31'  
N 00°23'01" E

12" I.R. Fnd.  
RECORD MON.  
6940587.959  
2540365.037

OMEGA INDUSTRIES, INC.  
INT. #201700061075  
Tract II

Subdivision  
Boundary

Juan Saucedo &  
Christina Mata  
INT. #201500299795

12" I.R. Fnd.  
RECORD MON.  
6940560.82  
2540952.61

Luisa Guzman &  
Salvador Jimenez  
Int. #201700260966

372.40' S 31°14'41" W  
Sparkle Holdings, Inc.  
Int. #200600076126  
152.00'  
68.62'  
291.24' S 54°07'03" E  
222.62'  
220.14'  
MM Rylie Holdings, LLC  
Int. #201700063274

1" I.P. Fnd.  
CONTROLLING  
MONUMENT  
6940376.29  
2540832.72

TOWN OF RYLIE  
UNRECORDED ADDITION

Page 3 of 3

244,712 Square Foot  
(5.618 Acres) Tract  
To Be Acquired

BLOCK  
8775

50.09'  
S 36°19'03" W

12" I.R.  
RECORD MON.  
6940413.42  
2540013.69

12" I.R.  
RECORD MON.  
6940373.06  
2539984.02

377.58' N 53°43'02" W  
50'  
333.66' S 40°23'52" W

Dallas Area Rapid Transit  
(Variable Width Right-of-Way)

JAMES R. RYLIE SURVEY  
ABSTRACT NO. 1245

Bearings and Coordinates are based on the State Plane Coordinate System, Texas North Central Zone 4202, North American Datum of 1983, Realization of 2011. All distances are surface projection, scale factor 1.000136506.

		<b>10818 CF HAWN FREEWAY</b>	
		<b>Dallas Park &amp; Recreation</b>	
<b>District #2 Maintenance Acquisition</b>			
<b>DEPARTMENT OF PUBLIC WORKS</b>			
<b>SURVEY DIVISION CITY OF DALLAS, TEXAS</b>			
OPER.NAME	DESIGN FILE NAME	SCALE	DATE
Holt	N:\ENGR\SURVEY\HOLT\Trinity\Able Pump Station.dgn	As Noted	12-3-18
PARTY CHIEF	CALCULATIONS	FOLDER	FILE NO.
Peck	Holt	Blocks 8777 & 8775	041D-89

**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 Omega Industries, Inc. 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 ONE MILLION FIVE HUNDRED AND NO/100 DOLLARS (\$1,500,000.00) 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 \_\_\_\_\_, \_\_\_\_\_.

**GRANTOR**

Omega Industries, Inc.,  
a Texas corporation

By: \_\_\_\_\_

Name: Shivaram Ashvat Shetty

Title: President

\* \* \* \* \*

STATE OF TEXAS       '  
COUNTY OF DALLAS    '

This instrument was acknowledged before me on \_\_\_\_\_  
by Shivaram Ashvat Shetty, President of Omega Industries, 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: MARK PROCTOR

Warranty Deed Log No. 47034 / City Block 8775 and 8777



## Exhibit A

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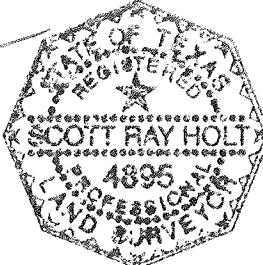
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12/4/18



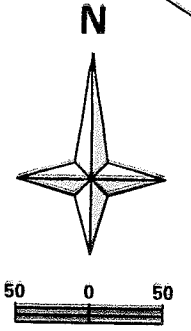
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CAVETT SUBDIVISION  
Volume 88179, Page 3232

**Exhibit A**

UNION CENTRAL LIFE  
INSURANCE CO. ADDITION  
Volume 5, Page 282  
(Map Records)

U.S. HIGHWAY 175  
(C. F. HAWN FREEWAY)  
(Variable Width Right-of-Way)



Ruibal Farms, LP  
Int. #201500298071

LOT 1  
BLOCK  
18777

LOT 19  
BLOCK  
8777

LOT 18

Proficient Concrete, LLC, Int. #201400275778  
Farzad Farahmand, Int. #201400035822  
Alberto M. Cedano, Int. #20080307662

12" I.R. End.  
RECORD MON. &  
POINT OF  
BEGINNING  
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2540543.63

Set Mag Nail  
w/COD Washer

69.13'  
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12" I.R. End.  
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2539759.49

605.59', N 89°22'51" E

43.31'  
N 00°23'01" E

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RECORD MON.  
6940587.959  
2540365.037

OMEGA INDUSTRIES, INC.  
INT. #201700061075  
Tract II

BLOCK  
8775

244,712 Square Foot  
(5.618 Acres) Tract  
To Be Acquired

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S 36°19'03" W  
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JAMES R. RYLIE SURVEY  
ABSTRACT NO. 1245

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Juan Saucedo &  
Christina Mata  
INT. #201500299795

TOWN OF RYLIE  
UNRECORDED ADDITION

1" I.P. End.  
CONTROLLING  
MONUMENT  
6940376.29  
2540832.72

220.14'  
ELLENWOOD STREET  
(Variable Width Right-of-Way)

Page 3 of 3

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		<b>District #2 Maintenance Acquisition</b>	
		<b>DEPARTMENT OF PUBLIC WORKS</b>	
		<b>SURVEY DIVISION CITY OF DALLAS, TEXAS</b>	
OPER. NAME	DESIGN FILE NAME	SCALE	DATE
Holt	N:\ENGR\SURVEY\HOLT\Trinity\Able Pump Station.dgn	As Noted	12-3-18
PARTY CHIEF	CALCULATIONS	FOLDER	FILE NO.
Peck	Holt	Blocks 8777 & 8775	041D-89