

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 955 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": McKamy and Osage Branch Wastewater Interceptor Project

"USE": The installation, use, and maintenance of a pipeline or lines for the transmission of wastewater 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.

"PROPERTY INTEREST": Easement 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": Berkeley Industries, Ltd., 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": \$10,027.00

"CLOSING COSTS AND TITLE EXPENSES": Not to exceed \$1,223.00

"AUTHORIZED AMOUNT": Not to exceed \$11,250.00

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.

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.

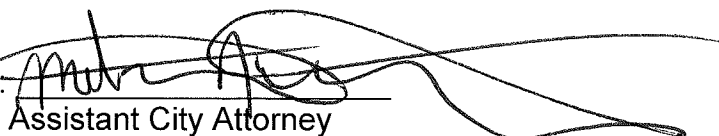
SECTION 5. That OWNER has been provided with a copy of the Landowner's Bill of Rights as contemplated by applicable state statute.

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 payable out of Wastewater Capital Improvement Fund, Fund 2116, Department DWU, Unit PS40, Activity MPSA, Program 706028, Object 4250, Encumbrance/Contract No. CX-DWU-2018-00006897. 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: 
Assistant City Attorney



955 SQUARE FOOT (0.022 ACRE)
DALLAS CITY BLOCK D/8222
WASTEWATER EASEMENT
BERKELEY INDUSTRIES, LTD.

190990
EXHIBIT A

BEING a 955 square foot (0.022 acre) parcel of land situated in the ROBERT WILBURN SURVEY, ABSTRACT NO. 1580, in Official City Block Number D/8222 in the City of Dallas, Dallas County, Texas, said parcel being part of Lot 3, Block D/8222 of Prestonwood Oaks Addition, an addition to the City of Dallas according to the plat thereof recorded in Volume 82135, Page 1831 of the Deed Records of Dallas County, Texas (D.R.D.C.T.), said Lot 3 being described in a deed to Berkeley Industries, Ltd. as recorded in Volume 96227, Page 2827 D.R.D.C.T., and being more particularly described as follows;

COMMENCING at a 1/2-inch steel rod (controlling monument-Texas Coordinate System of 1983 (Grid Coordinates) - N=7,036,859.97, E=2,485,312.79) found at the end of a curve, in the common north right-of-way line of Arapaho Road (a 80 foot right-of-way) and the south line of Lot 4 of said Prestonwood Oaks Addition;

THENCE South 85 degrees 49 minutes 36 seconds East, along said common line, a distance of 413.18 feet to a 1/2-inch steel rod (controlling monument-Texas Coordinate System of 1983 (Grid Coordinates) - N=7,036,829.90, E=2,485,724.82) found for the beginning of a tangent curve to the right;

THENCE continuing along said common line and along said tangent curve to the right with a radius of 793.00 feet, passing the common southeast corner of said Lot 4 and southwest corner of Lot 2, Block D/8222 of said Prestonwood Oaks Addition, continuing along the common north right-of-way line of Arapaho Road and the south line of said Lot 2 in total a central angle of 12 degrees 30 minutes 28 seconds, Eastwardly, an arc length of 173.11 feet with a chord bearing and distance of South 79 degrees 34 minutes 22 seconds East for 172.77 feet for the end of said curve;

THENCE South 73 degrees 19 minutes 08 seconds East, continuing along said common line, a distance of a distance of 18.19 feet to a point for corner;

THENCE South 80 degrees 04 minutes 36 seconds East, continuing along said common line, passing at a distance of 9.28 the common southeast corner of said Lot 2 and southwest corner of said Lot 3, continuing along the common north right-of-way line of Arapaho Road and the south line of said Lot 3, a total distance of 39.43 feet to a point for the common southeast corner of said Lot 3 and southwest corner of a called 64.2897 acre tract of land designated "Tract II" being described in a deed to Prestonwood Golf Club, LLC. as recorded in Instrument Number 201400052410 Official Public Records Dallas County, Texas;

RECEIVED
2/13/15
AK



955 SQUARE FOOT (0.022 ACRE)
DALLAS CITY BLOCK D/8222
WASTEWATER EASEMENT
BERKELEY INDUSTRIES, LTD.

190990
EXHIBIT A

THENCE North 09 degrees 09 minutes 54 seconds East, along the common east line of said Lot 3 and the west line of said Prestonwood Golf Club LLC. tract of land, a distance of 148.47 feet to a 5/8-inch steel rod (controlling monument-Texas Coordinate System of 1983 (Grid Coordinates) - N=7,036,933.17, E=2,485,974.61) found for corner;

THENCE North 11 degrees 03 minutes 14 seconds East, continuing along said common line, a distance of 15.26 feet to a 1/2-inch steel rod with a cap marked "AZ&B" set for the **POINT OF BEGINNING**;

THENCE departing said common line and across said Lot 3 the following three (3) courses and distances:

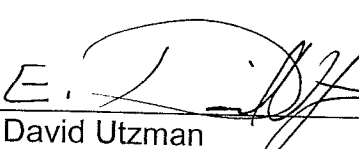
1. North 42 degrees 07 minutes 56 seconds West, a distance of 40.39 feet to a point for corner (not set - concrete rip rap);
2. North 47 degrees 52 minutes 04 seconds East, a distance of 35.00 feet to a point for corner (not set - concrete rip rap);
3. South 42 degrees 07 minutes 56 seconds East, a distance of 14.19 feet to a point for corner (not set - concrete rip rap) in the common east line of said Lot 3 and west line of said Prestonwood Golf Club LLC. tract of land;

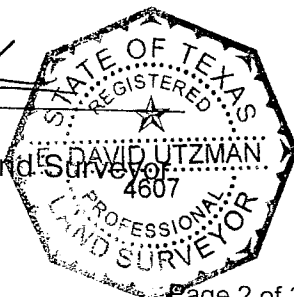
THENCE South 11 degrees 03 minutes 14 seconds West, along said common line, a distance of 43.72 feet to the **POINT OF BEGINNING** and containing 955 square feet (0.022 acre) of land, more or less.

Basis of bearings and source of coordinates is the Texas Coordinate System of 1983, North American Datum of 1983 (NAD83), North Central Zone No. 4202, as determined by GPS observations using the WDS-VRS network.

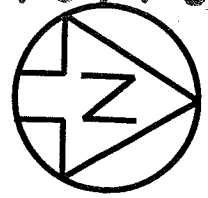
A survey plat of even date accompanies this property description.

I, the undersigned, a Registered Professional Land Surveyor in the State of Texas, do hereby certify that this description and the accompanying survey plat were prepared from an actual survey made on the ground in the month of September 2014.


E. David Utzman
Registered Professional Land Surveyor
No. 4607



10/13/14
Date



LEGEND

- (CM) CONTROLLING MONUMENT
- SRF STEEL ROD FOUND
- P.O.B. POINT OF BEGINNING
- P.O.C. POINT OF COMMENCING
- MONUMENT FOUND (SIZE/TYPE AS NOTED)
- 1/2" STEEL REBAR SET W/ AZB PLATIC CAP (OR AS NOTED)
- LIMITS OF PROPERTY TO BE ACQUIRED

NOTES

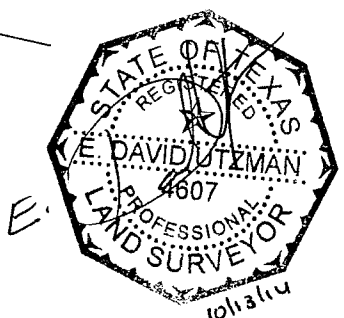
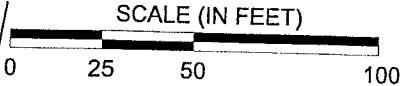
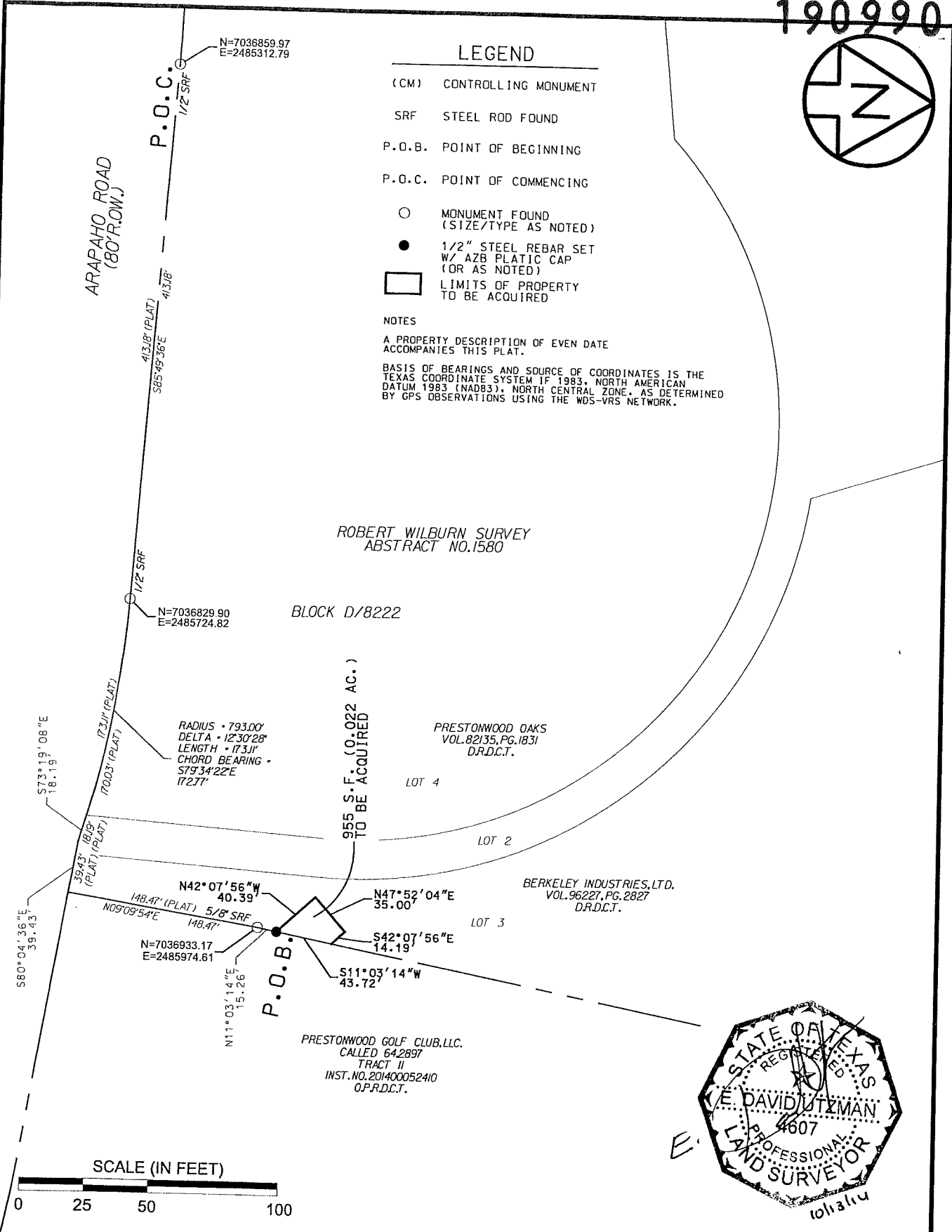
A PROPERTY DESCRIPTION OF EVEN DATE ACCOMPANIES THIS PLAT.

BASIS OF BEARINGS AND SOURCE OF COORDINATES IS THE TEXAS COORDINATE SYSTEM IF 1983, NORTH AMERICAN DATUM 1983 (NAD83), NORTH CENTRAL ZONE, AS DETERMINED BY GPS OBSERVATIONS USING THE WDS-VRS NETWORK.

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10/13/2014

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COMPUTED JDS CKD RLD
 DRAWN JDS CKD RLD
 SUPERVISOR E.D. UTZMAN
 DATE 10-10-14
 SCALE 1"=100'

REVISION HISTORY	

AZ&B
 ARREDONDO, ZEPEDA
 & BRUNZ, INC.
 11355 MCCREE ROAD
 DALLAS, TX 75238
 PH 214-341-9900
 FAX 214-341-9925
 email - office@azb-engrs.com

955 SQUARE FOOT (0.022 ACRE)
 DALLAS CITY BLOCK D/8222
 WASTEWATER EASEMENT
 BERKELEY INDUSTRIES, LTD.

WASTEWATER EASEMENT

THE STATE OF TEXAS §
 § KNOW ALL PERSONS BY THESE PRESENTS:
COUNTY OF DALLAS §

That Berkeley Industries, Ltd., a Texas limited partnership (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 TEN THOUSAND TWENTY SEVEN DOLLARS AND NO/100 DOLLARS (\$10,027.00) 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 wastewater 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 wastewater 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: "None".

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 _____, _____.

Berkeley Industries, Ltd.,
a Texas limited partnership

By: _____
Name: _____
Title: _____

* * * * *

STATE OF TEXAS '
COUNTY OF DALLAS '

This instrument was acknowledged before me on _____
by _____, _____ of Berkeley Industries, Ltd., a Texas limited
partnership on behalf said limited partnership.

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: LOIS KING

Wastewater Easement Log No. 42655

190990

EXHIBIT A

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FIELD NOTES APPROVED

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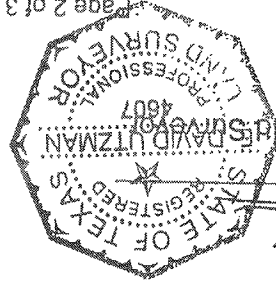
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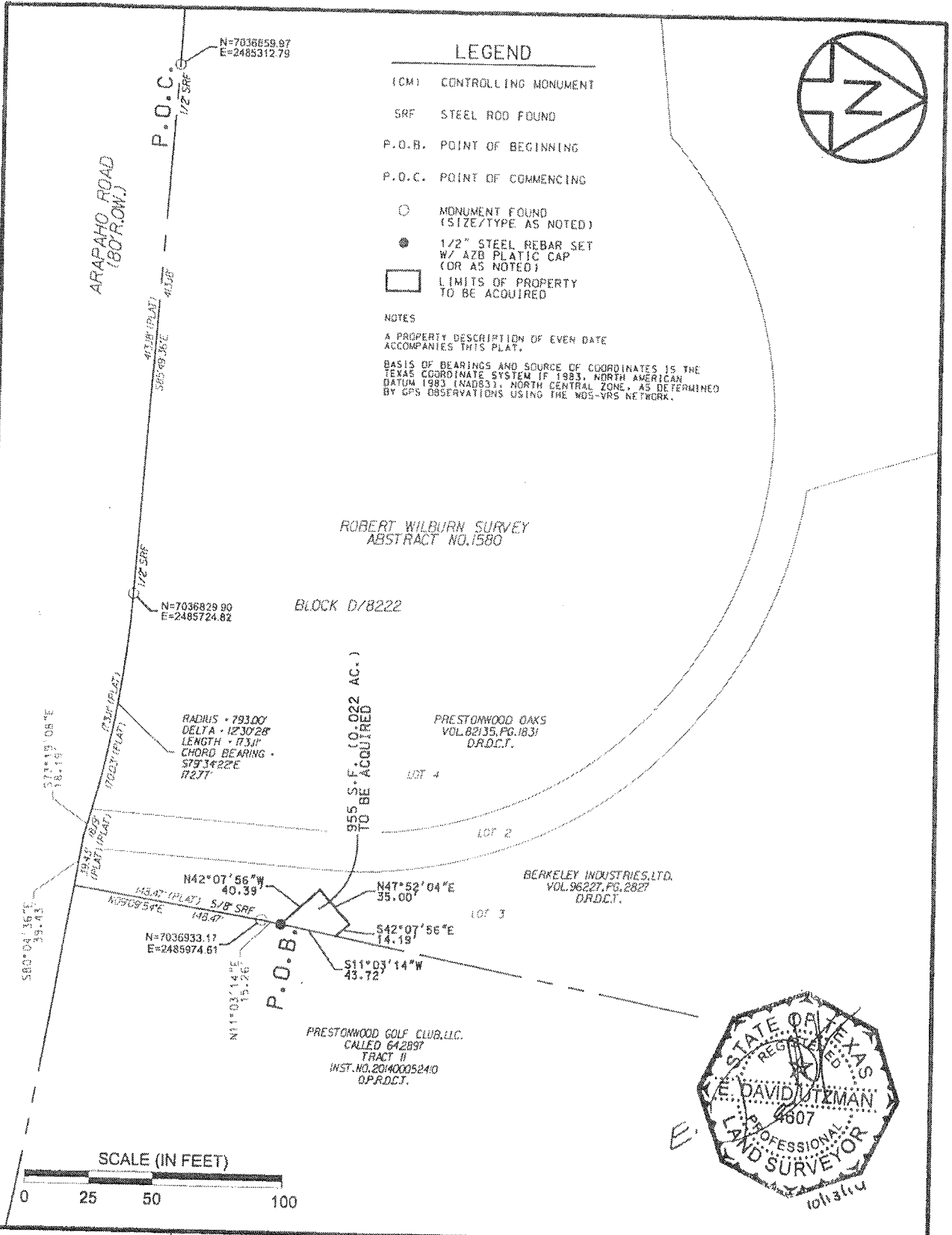
I, the undersigned, a Registered Professional Land Surveyor in the State of Texas, do hereby certify that this description and the accompanying survey plat were prepared from an actual survey made on the ground in the month of September 2014.



E. David Utzman
Registered Professional Land Surveyor
No. 4607

Date 10/13/14

S:\DWU\207010.001-Half-McKamy\Dgn\Easement\Prestonwood Oaks\ESMT-506.dgn 10/13/2014 1:45:20 PM

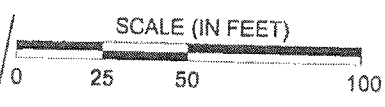
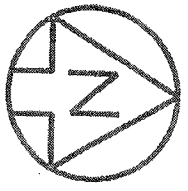


- LEGEND**
- (CM) CONTROLLING MONUMENT
 - SRF STEEL ROD FOUND
 - P.O.B. POINT OF BEGINNING
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 - MONUMENT FOUND (SIZE/TYPE AS NOTED)
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 - LIMITS OF PROPERTY TO BE ACQUIRED

NOTES

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COMPUTED	JDS	CKD	RLD
DRAWN	JDS	CKD	RLD
SUPERVISOR	E. D. UZMAN		
DATE	10-10-14		
SCALE	1"=100'		

REVISION HISTORY	

AZ&B
ARREDONDO, ZEPEDA & BRUNZ, INC.
11385 MCKEEW ROAD
DALLAS, TX 75239
PH: 214-521-9200
FAX: 214-361-0225
email: office@azab-inc.com

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