

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 43,509 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 treated 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": Keller Springs Estates, 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": \$228,442.00

"CLOSING COSTS AND TITLE EXPENSES": Not to exceed \$5,500.00

"AUTHORIZED AMOUNT": Not to exceed \$233,942.00

**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 Water Capital Improvement Fund, Fund 3116, Department DWU, Unit PS40, Program 706028, Object 4250, Encumbrance/Contract No. CX-DWU-2019-00008635. 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: *Benji N. [Signature]*  
Assistant City Attorney

APPROVED BY  
CITY COUNCIL  
  
JUN 26 2019  
*[Signature]*  
CITY SECRETARY

43,509 SQUARE FOOT (0.999 ACRE)  
DALLAS CITY BLOCK 8217  
WASTEWATER EASEMENT  
KELLER SPRINGS ESTATE, LTD.

EXHIBIT A  
190991

**BEING** a 43,509 square feet (0.999 acre) parcel of land situated in the ROBERT WILBURN SURVEY, ABSTRACT NO. 1580 in Official City Block No. 8217, in the City of Dallas, Dallas County, Texas, said parcel being part of a called 14.68 acre tract of land described in a Special Warranty Deed with Vendor's Lien to Keller Springs Estate, Ltd., recorded in Volume 2004228, Page 00022 of the Official Public Records of Dallas County, Texas (O.P.R.D.C.T.), and being more particularly described as follows:

**COMMENCING** at an "X" cut in concrete (controlling monument) found for the northeast corner of said 14.68 acre tract and the northwest corner of a tract of land described in a deed to the City of Dallas recorded in Volume 78095, Page 1656 of said Deed Records;

**THENCE** South 30 degrees 51 minutes 35 seconds East, along the common line between said 14.68 acre tract and said City of Dallas tract, a distance of 513.44 feet to a ½-inch steel rebar with cap marked "AZ&B" set for the **POINT OF BEGINNING**;

**THENCE** South 30 degrees 51 minutes 35 seconds East, continuing along said common line a distance of 35.19 feet to a ½-inch steel rebar with a cap marked "AZ&B" set in the north line of the Dallas Area Rapid Transit (DART) right-of-way (100' width right-of-way), as evidenced by deed recorded in Volume 88083, Page 4905 of the Deed Records of Dallas County, Texas, for the southeast corner of said 14.68 acre tract and the southwest corner of said City of Dallas tract, from which a ½-inch steel rebar found bears South 49 degrees 36 minutes 16 seconds West a distance of 9.53 feet and a 5/8-inch steel rebar found (controlling monument) at the north corner of Woodhaven Apartments, an addition to the City of Dallas according to the plat thereof recorded in Volume 79038, Page 0284 of said Deed Records bears South 03 degrees 17 minutes 11 seconds East, a distance of 1859.93 feet;

**THENCE** South 53 degrees 08 minutes 25 seconds West, along the common line between said 14.68 acre tract and the north line of said DART right-of-way, a distance of 976.47 feet to a ½-inch steel rebar with a cap marked "AZ&B" set for corner;

**THENCE** North 47 degrees 09 minutes 14 seconds West, departing the common line between said 14.68 acre tract and said DART right-of-way and across said 14.68 acre tract, a distance of 279.61 feet to a ½-inch steel rebar with a cap marked "AZ&B" set in the west line of said 14.68 acre tract and the east line of a called 12.910 acre tract of land described as Tract III in a Quitclaim Deed to Providence Texas Capital Corporation Inc., recorded in Volume 97076, Page 4407 of said Deed Records;

FIELD NOTES APPROVED:

*Don. A. Harts*



43,509 SQUARE FOOT (0.999 ACRE)  
DALLAS CITY BLOCK 8217  
WASTEWATER EASEMENT  
KELLER SPRINGS ESTATE, LTD.

EXHIBIT A  
190991

**THENCE** North 00 degrees 48 minutes 39 seconds West, along the common line between said 14.68 acre tract and said 12.910 acre tract, a distance of 37.05 feet to a ½-inch steel rebar with a cap marked "AZ&B" set for corner;

**THENCE** departing said common line and across said 14.68 acre tract, the following courses and distances:

South 82 degrees 13 minutes 13 seconds East, a distance of 14.26 feet to a ½-inch steel rebar with a cap marked "AZ&B" set for corner;

South 47 degrees 09 minutes 14 seconds East, a distance of 264.29 feet to a ½-inch steel rebar with a cap marked "AZ&B" set for corner;

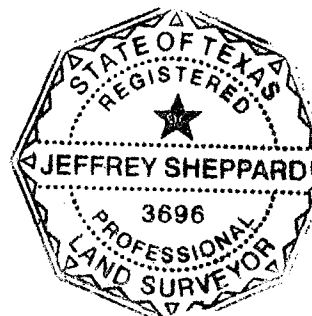
North 53 degrees 08 minutes 25 seconds East, a distance of 950.94 feet to the **POINT OF BEGINNING** and containing 43,509 square feet (0.999 acre) of land, more or less.

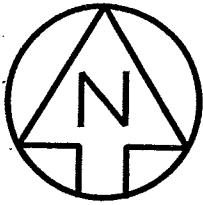
Basis of bearings is the Texas State Plane Coordinate System, North American Datum of 1983 (NAD83), North Central Zone No. 4202, as determined by GPS observations using the WDS-VRS network.

A survey plat of even date accompanies this property description.

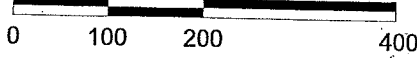
I the undersigned, a Registered Professional Land Surveyor in the State of Texas, do hereby certify that this description and the accompanying survey plat were prepared from an actual survey made on the ground in the month of December, 2011.

  
Jeffrey Sheppard  
Registered Professional Land Surveyor No. 3696





SCALE (IN FEET)



MUSTANG TEXAS GALLC  
INSTRUMENT NO. 20070235122  
O.P.R.D.C.T.

# EXHIBIT A / 790991

KELLER SPRINGS ROAD  
(VARIABLE ROW)

P.O.C.  
"X" CUT FND.  
(CM)

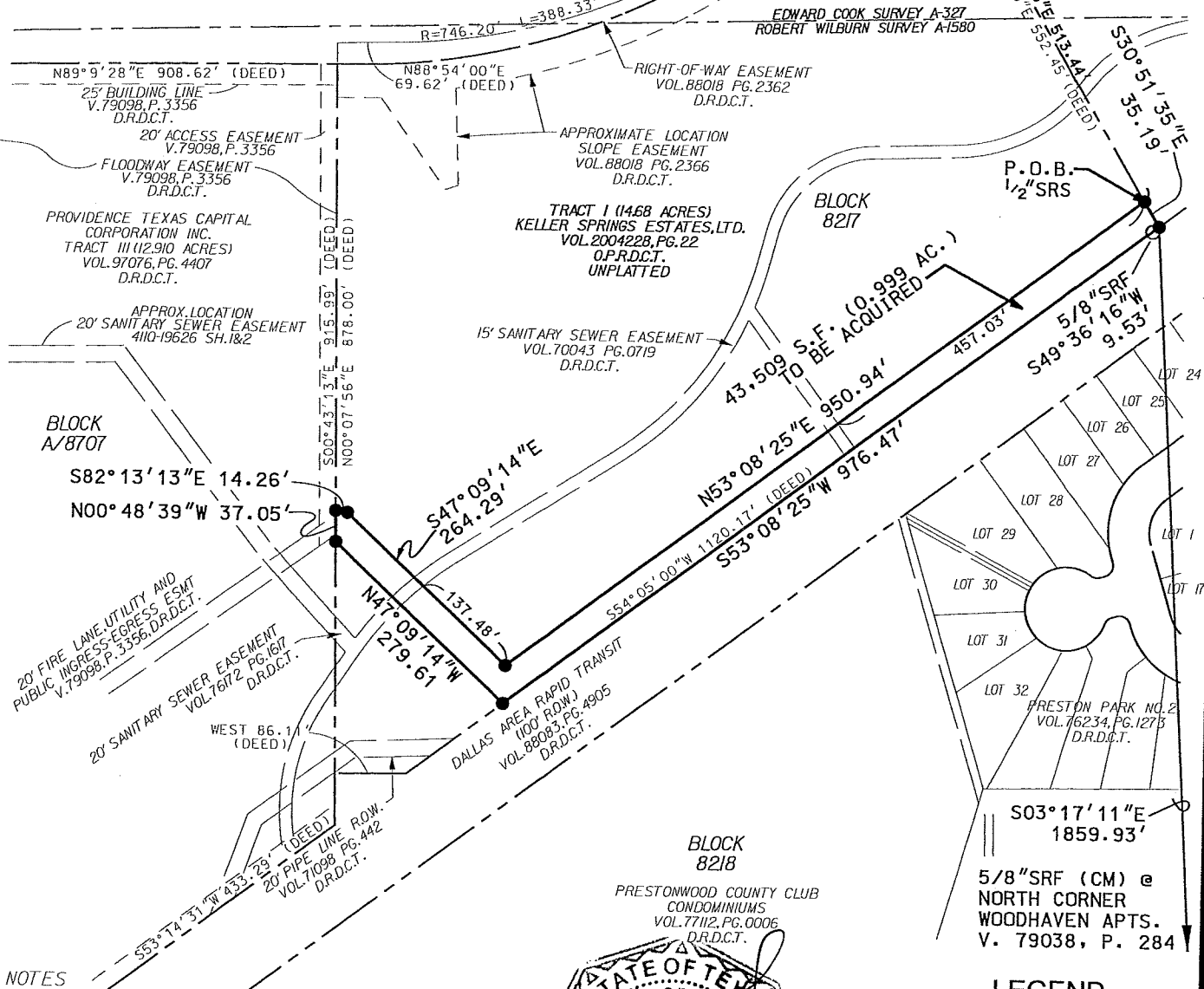
BLOCK  
8215

CITY OF DALLAS  
VOL. 78095, PG. 1656  
D.R.D.C.T.

8:11:12 AM

2/16/2013

S:\DWJ\207010.001-Halff-McKamy\Dgn\Easement\Keller Springs Estates\Esmt-413.dgn



PROVIDENCE TEXAS CAPITAL CORPORATION INC.  
TRACT III (12.910 ACRES)  
VOL. 97076, PG. 4407  
D.R.D.C.T.

TRACT I (4.68 ACRES)  
KELLER SPRINGS ESTATES, LTD.  
VOL. 2004228, PG. 22  
O.P.R.D.C.T.  
UNPLATTED

BLOCK  
A/8707

BLOCK  
8218

PRESTONWOOD COUNTY CLUB  
CONDOMINIUMS  
VOL. 77112, PG. 0006  
D.R.D.C.T.

5/8" SRF (CM) @  
NORTH CORNER  
WOODHAVEN APTS.  
V. 79038, P. 284

### NOTES

A PROPERTY DESCRIPTION OF EVEN DATE ACCOMPANIES THIS PLAT.

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



2/16/2013

### LEGEND

- (P.O.B.) POINT OF BEGINNING
- (P.O.C.) POINT OF COMMENCING
- (CM) CONTROLLING MONUMENT
- STEEL REBAR FOUND (SIZE AS NOTED)
- x "X" CUT FOUND
- 1/2" STEEL REBAR SET W/ AZB PLASTIC CAP (EXCEPT AS NOTED)
- LIMITS OF PROPERTY TO BE ACQUIRED

COMPUTED PMC CKD JHS  
 DRAWN PMC CKD JHS  
 SUPERVISOR E.D. UTZMAN  
 DATE 12-9-11  
 SCALE 1" = 200'

#### REVISION HISTORY

NO.	DATE	DESCRIPTION

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

43,509 SQUARE FOOT (0.999 ACRE)  
 DALLAS CITY BLOCK 8217  
 WASTEWATER EASEMENT  
 KELLER SPRINGS ESTATES, LTD.

# WASTEWATER EASEMENT

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

That Keller Springs Estates, 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 TWO HUNDRED TWENTY-EIGHT FOUR THOUSAND FOUR HUNDRED TWENTY-TWO AND NO/100 DOLLARS (\$228,422.00) 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 \_\_\_\_\_, \_\_\_\_\_.

GRANTOR

Keller Springs Estates, Ltd.,  
a Texas limited partnership

By: \_\_\_\_\_  
Name:  
Title:

\* \* \* \* \*

STATE OF TEXAS       '  
COUNTY OF DALLAS   '

This instrument was acknowledged before me on \_\_\_\_\_  
by \_\_\_\_\_ of Keller Springs Estates, Ltd., a  
Texas limited partnership, on behalf of said limited partnership.

\_\_\_\_\_  
Notary Public, State of TEXAS

\* \* \* \* \*

190991  
EXHIBIT B

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

Wastewater Easement Log No. 40196



43,509 SQUARE FOOT (0.999 ACRE)  
DALLAS CITY BLOCK 8217  
WASTEWATER EASEMENT  
KELLER SPRINGS ESTATE, LTD.

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FIELD NOTES APPROVED:

*Don. H. 4/22/13*



43,509 SQUARE FOOT (0.999 ACRE)  
DALLAS CITY BLOCK 8217  
WASTEWATER EASEMENT  
KELLER SPRINGS ESTATE, LTD.

EXHIBIT A  
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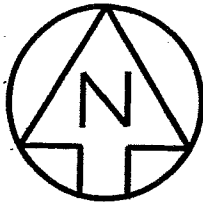
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A survey plat of even date accompanies this property description.

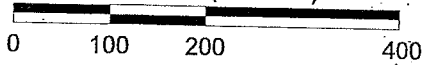
I the undersigned, a Registered Professional Land Surveyor in the State of Texas, do hereby certify that this description and the accompanying survey plat were prepared from an actual survey made on the ground in the month of December, 2011.

  
Jeffrey Sheppard  
Registered Professional Land Surveyor No. 3696





SCALE (IN FEET)



# EXHIBIT A 190991

MUSTANG TEXAS, G.A.L.L.C.  
INSTRUMENT NO. 20070235122  
O.P.R.D.C.T.

KELLER SPRINGS ROAD  
(VARIABLE R.O.W.)

P.O.C.  
"X" CUT FND.  
(CM)

BLOCK  
8215

CITY OF DALLAS  
VOL. 78095, PG. 1656  
D.R.D.C.T.

EDWARD COOK SURVEY A-327  
ROBERT WILBURN SURVEY A-1580

N89° 9' 28" E 908.62' (DEED)  
25' BUILDING LINE  
V. 79098, P. 3356  
D.R.D.C.T.

20' ACCESS EASEMENT  
V. 79098, P. 3356  
FLOODWAY EASEMENT  
V. 79098, P. 3356  
D.R.D.C.T.

PROVIDENCE TEXAS CAPITAL  
CORPORATION INC.  
TRACT III (12,910 ACRES)  
VOL. 97076, PG. 4407  
D.R.D.C.T.

APPROX. LOCATION  
20' SANITARY SEWER EASEMENT  
4110-19626 SH. 1&2

BLOCK  
A/8707

S82° 13' 13" E 14.26'  
N00° 48' 39" W 37.05'

20' FIRE LANE, UTILITY AND  
PUBLIC INGRESS-EGRESS ESMT  
V. 79098, P. 3356, D.R.D.C.T.

20' SANITARY SEWER EASEMENT  
VOL. 76172, PG. 1617  
D.R.D.C.T.

WEST 86.1' (DEED)

53° 14' 31" W 433.23' (DEED)  
20' PIPE LINE ROW.  
VOL. 71098, PG. 442  
D.R.D.C.T.

DALLAS AREA RAPID TRANSIT  
(100 ROW)  
VOL. 88083, PG. 4905  
D.R.D.C.T.

BLOCK  
8218

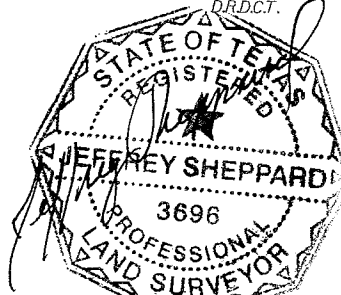
PRESTONWOOD COUNTY CLUB  
CONDOMINIUMS  
VOL. 77112, PG. 0006  
D.R.D.C.T.

S03° 17' 11" E  
1859.93'

5/8" SRF (CM) @  
NORTH CORNER  
WOODHAVEN APTS.  
V. 79038, P. 284

## LEGEND

- (P.O.B.) POINT OF BEGINNING
- (P.O.C.) POINT OF COMMENCING
- (CM) CONTROLLING MONUMENT
- STEEL REBAR FOUND (SIZE AS NOTED)
- x "X" CUT FOUND
- 1/2" STEEL REBAR SET W/ AZB PLASTIC CAP (EXCEPT AS NOTED)
- LIMITS OF PROPERTY TO BE ACQUIRED



2/16/2013

## NOTES

A PROPERTY DESCRIPTION OF EVEN DATE ACCOMPANIES THIS PLAT.

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

COMPUTED PMC CKD JHS  
 DRAWN PMC CKD JHS  
 SUPERVISOR E.D. UTZMAN  
 DATE 12-9-11  
 SCALE 1"=200'

## REVISION HISTORY

NO.	DATE	DESCRIPTION

**AZ&B**  
 ARREDONDO, ZEPEDA & BRUNZ, INC.  
 11355 MCCREE ROAD  
 DALLAS, TX. 75238  
 PH. 214-341-3809  
 FAX 214-341-9925  
 email - office@azb-engrs.com

43,509 SQUARE FOOT (0.999 ACRE)  
 DALLAS CITY BLOCK 8217  
 WASTEWATER EASEMENT  
 KELLER SPRINGS ESTATES, LTD.

8:11:12 AM

2/16/2013

S:\DWU\207010.001-Haliff-McKamy\Dgn\Easement\Keller Springs Estates\Esmt-413.dgn