

August 28, 2019

A RESOLUTION AUTHORIZING CONDEMNATION FOR THE ACQUISITION OF REAL PROPERTY.

All capitalized terms are defined in Section 1 below.

WHEREAS, the Dallas City Council by the FIRST RESOLUTION found that the USE of the PROPERTY INTEREST in and to the PROPERTY for the PROJECT is a public use; and

WHEREAS, the Dallas City Council by the FIRST RESOLUTION found that a public necessity requires that CITY acquire the PROPERTY INTEREST in and to the PROPERTY from OWNER for the PROJECT; and

WHEREAS, the Dallas City Council by the FIRST RESOLUTION authorized acquisition, by purchase, of the PROPERTY INTEREST in and to the PROPERTY held by OWNER for the PROJECT; and

WHEREAS, the OWNER refused to sell the PROPERTY INTEREST in and to the PROPERTY to CITY for the OFFICIAL OFFER AMOUNT contained in the FIRST RESOLUTION; and

WHEREAS, the Dallas City Council desires to authorize the City Attorney to acquire the PROPERTY INTEREST in and to the PROPERTY by condemnation for the OFFICIAL OFFER AMOUNT stated herein.

Now, Therefore,

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

SECTION 1. For the purposes of this resolution, the following definitions shall apply:

“CITY”: The City of Dallas

“FIRST RESOLUTION”: Resolution No. 11-1714 approved by the Dallas City Council on June 22, 2011, which is incorporated herein by reference.

“PROPERTY”: Approximately 6,587 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.

“PROPERTY INTEREST”: Fee Simple

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

August 28, 2019**SECTION 1.** (continued)

"USE": The installation, 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": The Joyce Clark Living Trust Agreement provided, however, that the term "OWNER" as used in this resolution means all persons or entities having an ownership interest, regardless of whether those persons or entities are actually named herein.

"OFFICIAL OFFER AMOUNT": \$20,584.00

"CLOSING COSTS AND TITLE EXPENSES": Not to exceed \$2,500.00

"AUTHORIZED AMOUNT": \$23,084.00 (OFFICIAL OFFER AMOUNT plus CLOSING COSTS AND TITLE EXPENSES)

"DESIGNATED FUNDS":

\$7,500.00 from Water Capital Improvement Fund, Fund 3115, Department DWU, Unit PW40, Activity MPSA, Program 706623, Object 4210, Encumbrance/Contract No. CX-DWU-2019-00010856.

\$15,584.00 from Water Capital Construction Fund, Fund 0102, Department DWU, Unit CW40, Activity MPSA, Program 706623, Object 4210, Encumbrance/Contract No. CX-DWU-2019-00010856.

SECTION 2. That the CITY will pay court costs as may be assessed by the Special Commissioners' or the Court. Further, that litigation expenses determined by the City Attorney to be necessary are authorized for payment. All costs and expenses described in this section shall be paid out of and charged to the DESIGNATED FUNDS.

SECTION 3. That the City Attorney is authorized and requested to file the necessary proceeding and take the necessary action for the acquisition of the PROPERTY INTEREST in and to the PROPERTY by condemnation or in any manner provided by law.

SECTION 4. That in the event it is subsequently determined that additional persons or entities other than those named herein have an interest in the PROPERTY, the City Attorney is authorized and directed to join said parties as defendants in said condemnation proceeding and/or suit.

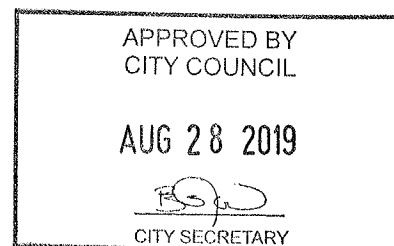
August 28, 2019

SECTION 5. That in the event the Special Commissioners' appointed by the Court return an award that is the same amount, or less, than the OFFICIAL OFFER AMOUNT, the City Attorney is hereby authorized to acquire the PROPERTY INTEREST in and to the PROPERTY by instrument, or judgment, for the Special Commissioners' Award Amount. If the PROPERTY INTEREST in and to the PROPERTY is being acquired by instrument, the Chief Financial Officer is hereby authorized and directed to issue a check, paid out of and charged to the DESIGNATED FUNDS, in an amount not to exceed the Special Commissioners' Award Amount, made payable to OWNER, or the then current owner(s) of record, or to the title company insuring the transaction described herein. If the PROPERTY INTEREST in and to the PROPERTY is not being acquired through instrument, the Chief Financial Officer is hereby authorized and directed to issue a check, paid out of and charged to the DESIGNATED FUNDS, in an amount not to exceed the Special Commissioners' Award Amount, made payable to the County Clerk of Dallas County, Texas, to be deposited into the registry of the Court, to enable CITY to take possession of the PROPERTY INTEREST in and to the PROPERTY without further action of the Dallas City Council. The Chief Financial Officer is further authorized and directed to issue another check, to be paid out of and charged to the DESIGNATED FUNDS, in the amount of the CLOSING COSTS AND TITLE EXPENSES, made payable to the title company insuring the transaction described herein. The Special Commissioners' Award Amount and the CLOSING COSTS AND TITLE EXPENSES together shall not exceed the AUTHORIZED AMOUNT.

SECTION 6. 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



PARCEL E-248
CITY OF DALLAS RIGHT-OF-WAY
0.1512 ACRE TRACT
JOHN P. ANDERSON SURVEY, ABSTRACT NUMBER 1
CITY OF MESQUITE, DALLAS COUNTY, TEXAS

BEING a tract of land situated in the John P. Anderson Survey, Abstract Number 1, City of Mesquite, Dallas County, Texas, and being a part of that tract of land described in Warranty Deed dated March 23, 1993, to Robert E. Carathers and wife, Margaret Carathers and Thomas Ray and wife, Sue Kay as recorded in Volume 93057, Page 7225 of the Deed Records of Dallas County, Texas (D.R.D.C.T.), and a part of that tract of land described in Cash Warranty Deed dated September 28, 1993, to Thomas Kay and Sue Kay as recorded in Volume 93188, Page 3455, D.R.D.C.T., said tract also being part of Lot 1, Block 1 of Lawson Road Estates, Block 1, Lots 1 and 2, an addition to the City of Mesquite, Dallas County, Texas, as recorded in Volume 93156, Page 1575, D.R.D.C.T., and being more particularly described as follows:

BEGINNING at a 1/2-inch found iron rod with "RPLS 3963" cap for the most northerly common corner of said Lot 1 and Lot 2, Block 1 of said Lawson Road Estates addition on the southeasterly right-of-way line of Lawson Road (a 100 foot wide right-of-way as described in Agreed Judgment as recorded in Volume 89184, Page 3595, D.R.D.C.T.);

THENCE South 18 degrees 06 minutes 15 seconds East, with the common line between said Lots 1 and 2, a distance of 25.05 feet to a 1/2-inch set iron rod with yellow plastic cap stamped "HALFF" (hereinafter referred to as "with cap") for corner;

THENCE South 75 degrees 27 minutes 54 seconds West, departing said common line, over and across said Lot 1, with a line offset 25 feet southeasterly from and parallel to said southeasterly right-of-way line of Lawson Road, a distance of 256.98 feet to a 1/2-inch set iron rod with cap for corner on the common southwest line of said Lot 1 the northeast line of that tract of land described in deed to Dennis Rogers and wife, Linda Rogers as recorded in Volume 82023, Page 1930, D.R.D.C.T.;

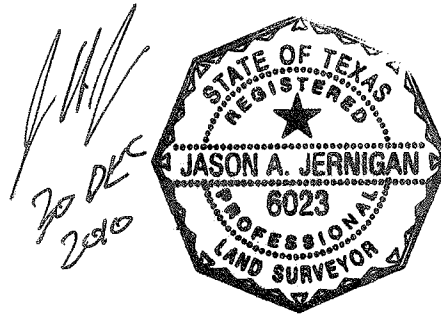
THENCE North 44 degrees 47 minutes 21 seconds West, departing said parallel offset line, with said common line, a distance of 28.94 feet to a 1/2-inch set iron rod with cap for the west corner of said Lot 1 on said southeasterly right-of-way line of Lawson Road, and from which a 4-inch metal fence corner post bears South 12 degrees 06 minutes 47 seconds East a distance of 1.46 feet;

REVIEWED BY *Doc* 1/27/11

PARCEL E-248
CITY OF DALLAS RIGHT-OF-WAY
0.1512 ACRE TRACT
JOHN P. ANDERSON SURVEY, ABSTRACT NUMBER 1
CITY OF MESQUITE, DALLAS COUNTY, TEXAS

THENCE North 75 degrees 27 minutes 54 seconds East, departing said common line, with the common northwest line of said Lot 1 and said southeasterly right-of-way line of Lawson Road, a distance of 270.00 feet to the POINT OF BEGINNING and containing 6,587 square feet or 0.1512 of an acre of land, more or less.

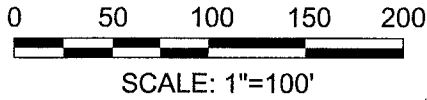
The Basis of Bearing is the North American Datum of 1983, Texas State Plane Coordinate System, North Central Zone 4202. All distances are surface distances. Surface Adjustment Scale Factor: 1.0001365060.



REVIEWED BY: *dkc 1/27/11*

JOHN P. ANDERSON SURVEY,
ABSTRACT NO. 1

EXHIBIT A
191291



Δ = 04°03'46"
R = 1,390.00'
T = 49.30'
L = 98.56'
CL = 98.54'
CB = N73°26'01"E

PARCEL E-248
6,587 SQ. FT.
OR
0.1512 ACRE

RCH/2S_HP8100_8-5x11.plt

Design

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3/8" FIR (C.M.)
Basis of Bearing rotated counter-clockwise 00°33'07" from N76°01'01"E

LAWSON ROAD
(100' RIGHT-OF-WAY)
(VOL. 89184, PG. 3595)

POINT OF BEGINNING

1/2" FIR W/ "RPLS 3963" CAP (C.M.)

APPROX. SURVEY LINE

198.17'
N44°47'21"W

N75°27'54"E 270.00'

N75°27'54"E 174.48'

S18°06'15"E 25.05'

25' B.L. (VOL. 93156, PG. 1577)

1/2" SIR W/CAP (4" METAL FENCE CORNER POST BEARS S12°06'47"E 1.46')

1/2" SIR W/CAP

25' BLDG. LINE (VOL. 93156, PG. 1577)

LAWSON ROAD ESTATES, BLOCK 1, LOTS 1 AND LOT 2 (VOL. 93156, PG. 1575)

LOT 1, BLOCK 1

THOMAS KAY AND SUE KAY (VOL. 93057, PG. 7225) (VOL. 93188, PG. 3455)

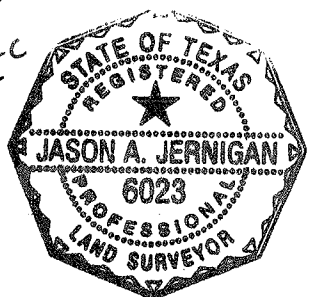
DENNIS ROGERS AND WIFE, LINDA ROGERS (VOL. 82023, PG. 1930)

JOHN P. ANDERSON SURVEY, ABSTRACT NO. 1
JOHN M. HARDING SURVEY, ABSTRACT NO. 569

OLD LAWSON ROAD
(VARIABLE WIDTH RIGHT-OF-WAY)
(VOL. 89184, PG. 3595)

REVIEWED BY: [Signature] 1/27/11

[Handwritten signature and date: 1/26/2011]



LEGEND

1/2" SIR	1/2-INCH SET IRON ROD WITH YELLOW
W/CAP	PLASTIC CAP STAMPED "HALFF"
(C.M.)	CONTROL MONUMENT
FIR	FOUND IRON ROD

NOTES:
1. The Basis of Bearing is the North American Datum of 1983, Texas State Plane Coordinate System, North Central Zone 4202. All distances are surface distances. Surface Adjustment Scale Factor: 1.0001365060.
2. Metes and Bounds description of tract shown hereon was prepared of even date.

PARCEL E-248
CITY OF DALLAS RIGHT-OF-WAY
0.1512 ACRE TRACT
JOHN P. ANDERSON SURVEY, ABSTRACT NO. 1
CITY OF MESQUITE, DALLAS COUNTY, TEXAS

<p>1201 N. BOWSER ROAD RICHARSON, TEXAS 75081 TELE. (214)346-6200 FAX (214)739-0095</p>	DATE: DEC., 2010
	AVO.: 25143
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