

September 11, 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 11,837 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": Lower Eastbank 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": Dallas Heights Associates, 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.

"PURCHASE AMOUNT": \$443,888.00

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

"AUTHORIZED AMOUNT": Not to exceed \$453,888.00

**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.

September 11, 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 D Fund, Fund 2116, Department DWU, Unit PS40, Activity MPSA, Program 716358, Object 4250, Encumbrance/Contract No. CX-DWU-2019-00010996. 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

APPROVED BY  
CITY COUNCIL  
  
SEP 11 2019  
  
CITY SECRETARY

**11,837 SQUARE FOOT (0.272 ACRES)  
PERMANENT WASTE WATER EASEMENT  
GARRETT FOX SURVEY, ABSTRACT NO. 1679**

**Exhibit A**

Being a 11,837 square foot or 0.272 acre permanent waste water easement situated in the Garrett Fox Survey, Abstract No. 1679, City of Dallas, Dallas County, Texas, said 0.272 acre permanent waste water easement being a portion of Lot 3, Block A/409 of Continental-Industrial Addition, an addition to the City of Dallas, Texas, as recorded in Volume 97134, Page 3873 of the Deed Records of Dallas County, Texas, and being a portion of a tract of land designated as "650 North Industrial" conveyed to Prescott Interests Stonebridge I, Ltd. as recorded in Volume 2005171, Page 7993 of Official Public Records of Dallas County, Texas, said 0.272 acre permanent waste water easement being more particularly described by metes and bounds as follows:

**BEGINNING** at a 1/2 inch iron rod with plastic cap stamped (illegible) found (controlling monument) for the northwesterly corner of said Lot 3 and the southwesterly corner of Lot 1, Block A/409 of Exxon West Addition, an addition to the City of Dallas, Texas, as recorded in Volume 86028, Page 5569 of said Deed Records of Dallas County, Texas, said 1/2 inch iron rod with plastic cap stamped (illegible) also being in the easterly right-of-way line of N. Riverfront Boulevard (a variable width right-of-way);

**THENCE** North 86 degrees 26 minutes 13 seconds East, with the northerly line of said Lot 3 and with the southerly line of said Lot 1, a distance of 6.51 feet to a 5/8 inch iron rod with cap stamped "Gorronдона & Associates" set for corner in the northerly line of said Lot 3 and in the southerly line of said Lot 1, from which a 1/2 inch iron rod found (controlling monument) for the southeasterly corner of said Lot 1, and the southwesterly corner of Lot 2A, Block A/409 of Popeye's – Continental, an addition to the City of Dallas, Texas, as recorded in Volume 99240, Page 108 of said Deed Records of Dallas County, Texas, said 1/2 inch iron rod also being in the northerly line of said Lot 3, bears North 86 degrees 26 minutes 13 seconds East, a distance of 110.79 feet;

**THENCE** South 53 degrees 15 minutes 50 seconds East, a distance of 9.28 feet to a 5/8 inch iron rod with cap stamped "Gorronдона & Associates" set for corner;

**THENCE** North 86 degrees 26 minutes 11 seconds East, a distance of 156.43 feet to an "X" cut set for corner;

**THENCE** South 02 degrees 14 minutes 36 seconds East, a distance of 25.01 feet to an "X" cut set for corner;

**THENCE** South 86 degrees 26 minutes 11 seconds West, a distance of 126.38 feet to an "X" cut set for corner;



FIELD NOTES APPROVED:

*[Signature]* 12/13/18

## Exhibit A

- THENCE** South 53 degrees 15 minutes 50 seconds East, a distance of 174.68 feet to an "X" cut set for corner;
- THENCE** South 12 degrees 24 minutes 50 seconds East, a distance of 22.96 feet to a 5/8 inch iron rod with cap stamped "Gorrondona & Associates" set for corner in the southerly line of said Lot 3 and in the northerly right-of-way line of Woodall Rogers Freeway (a variable width right-of-way);
- THENCE** North 73 degrees 46 minutes 43 seconds West, with the southerly line of said Lot 3 and with the northerly right-of-way line of said Woodall Rogers Freeway, a distance of 125.62 feet to a 5/8 inch iron rod with cap stamped "Gorrondona & Associates" set for the southwesterly corner of said Lot 3 and the intersection of the northerly right-of-way line of said Woodall Rogers Freeway with the easterly right-of-way line of said N. Riverfront Boulevard, said 5/8 inch iron rod with cap stamped "Gorrondona & Associates" being the beginning of a non-tangent curve to the left having a radius of 3,884.83 feet, a central angle of 01 degrees 17 minutes 47 seconds, whose chord bears North 30 degrees 39 minutes 43 seconds West, a distance of 87.90 feet,
- THENCE** Northwesterly with said non-tangent curve to the left, with the westerly line of said Lot 3 and with the easterly right-of-way line of said N. Riverfront Boulevard, an arc length of 87.90 feet to a 5/8 inch iron rod with cap stamped "Gorrondona & Associates" set for corner in the westerly line of said Lot 3 and in the easterly right-of-way line of said N. Riverfront Boulevard;
- THENCE** North 28 degrees 44 minutes 14 seconds West, with the westerly line of said Lot 3 and with the easterly right-of-way line of said N. Riverfront Boulevard, a distance of 50.71 feet to the **POINT OF BEGINNING**, and containing 11,837 square feet or 0.272 acres of land, more or less.

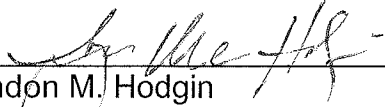
## Exhibit A

**NOTE:** All bearings and coordinates are referenced to the Texas State Plane Coordinate System, North Central Zone 4202, with horizontal datum of NAD83, with a Surface Factor for this project of 1.000136506. Distances and areas shown are surface.

\* SURVEYOR'S CERTIFICATE \*

TO ALL PARTIES INTERESTED IN TITLE TO THE PREMISES SURVEYED, I DO HEREBY STATE THAT THE ABOVE LEGAL DESCRIPTION WAS PREPARED FROM PUBLIC RECORDS AND FROM AN ACTUAL AND ACCURATE SURVEY UPON THE GROUND AND THAT SAME IS TRUE AND CORRECT.

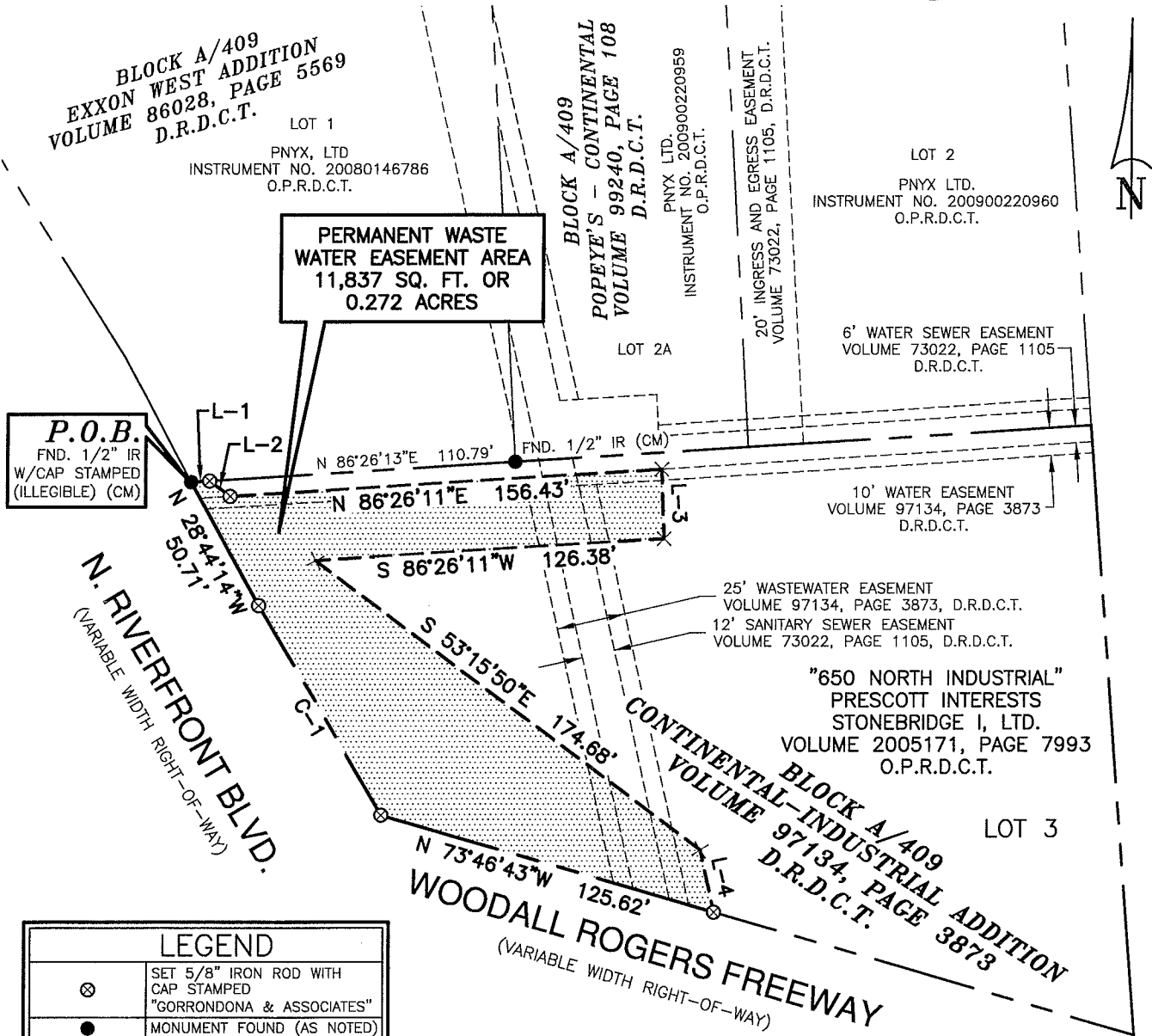
Date of Survey: October 03, 2018

  
\_\_\_\_\_  
Lyndon M. Hodgkin  
Registered Professional Land Surveyor,  
Texas No. 4584  
Texas Firm No. 10106903



11,837 SQUARE FOOT (0.272 ACRES)  
 PERMANENT WASTE WATER EASEMENT  
 GARRETT FOX SURVEY, ABSTRACT NO. 1679

Exhibit A



PERMANENT WASTE WATER EASEMENT AREA  
 11,837 SQ. FT. OR  
 0.272 ACRES

P.O.B.  
 FND. 1/2" IR  
 W/CAP STAMPED  
 (ILLEGIBLE) (CM)

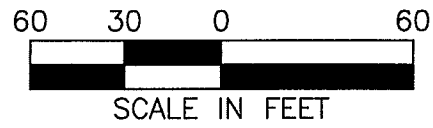
N. RIVERFRONT BLVD.  
 (VARIABLE WIDTH RIGHT-OF-WAY)

WOODALL ROGERS FREEWAY  
 (VARIABLE WIDTH RIGHT-OF-WAY)

"650 NORTH INDUSTRIAL"  
 PRESCOTT INTERESTS  
 STONEBRIDGE I, LTD.  
 VOLUME 2005171, PAGE 7993  
 O.P.R.D.C.T.

LEGEND	
⊗	SET 5/8" IRON ROD WITH CAP STAMPED "GORRONDONA & ASSOCIATES"
●	MONUMENT FOUND (AS NOTED)
□	MAGNAIL SET
X	"X" CUT SET
---	EASEMENT LINE (AS NOTED)
---	PROPOSED EASEMENT LINE
---	PROPERTY LINE (AS NOTED)
D.R.D.C.T.	DEED RECORDS DALLAS COUNTY, TEXAS
O.P.R.D.C.T.	OFFICIAL PUBLIC RECORDS DALLAS COUNTY, TEXAS

LINE TABLE		
LINE	BEARING	DISTANCE
L-1	N 86°26'13"E	6.51'
L-2	S 53°15'50"E	9.28'
L-3	S 02°14'36"E	25.01'
L-4	S 12°24'50"E	22.96'



CURVE TABLE						
CURVE	RADIUS	DELTA ANGLE	CHORD BEARING	CHORD LENGTH	ARC LENGTH	
C-1	3,884.83'	01°17'47"	N 30°39'43"W	87.90'	87.90'	



NOTES:  
 1. A LEGAL DESCRIPTION OF EVEN DATE ACCOMPANIES THIS PLAT.  
 2. ALL BEARINGS AND COORDINATES ARE REFERENCED TO THE TEXAS STATE PLANE COORDINATE SYSTEM, NORTH CENTRAL ZONE 4202, WITH HORIZONTAL DATUM OF NAD83, WITH A SURFACE FACTOR FOR THIS PROJECT OF 1.000136506. DISTANCES AND AREAS SHOWN ARE SURFACE.

STATE OF TEXAS  
 REGISTERED  
 LAND SURVEYOR  
 4584  
 LYNDON M. HODGINK  
 REGISTERED PROFESSIONAL LAND SURVEYOR  
 NO. 4584 TEXAS FIRM No. 10106903

## WASTEWATER EASEMENT

THE STATE OF TEXAS §  
  §  
COUNTY OF DALLAS §

KNOW ALL PERSONS BY THESE PRESENTS:

That Dallas Heights Associates, 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 FOUR HUNDRED FORTY THREE THOUSAND EIGHT HUNDRED EIGHTY EIGHT AND 00/100 DOLLARS (\$443,888.00) 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.

191392  
EXHIBIT B

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 \_\_\_\_\_, \_\_\_\_\_.

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

By: *[Signature]*  
Assistant City Attorney

\_\_\_\_\_  
Dallas Heights Associates, LLC,  
A Texas Limited Liability Company

\* \* \* \* \*

STATE OF TEXAS :  
COUNTY OF DALLAS :

This instrument was acknowledged before me on  
by \_\_\_\_\_, as \_\_\_\_\_ of Dallas Heights  
Associates, LLC, a Texas Limited Liability Company, 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: Christian Roman

Wastewater Easement Log No. 47155



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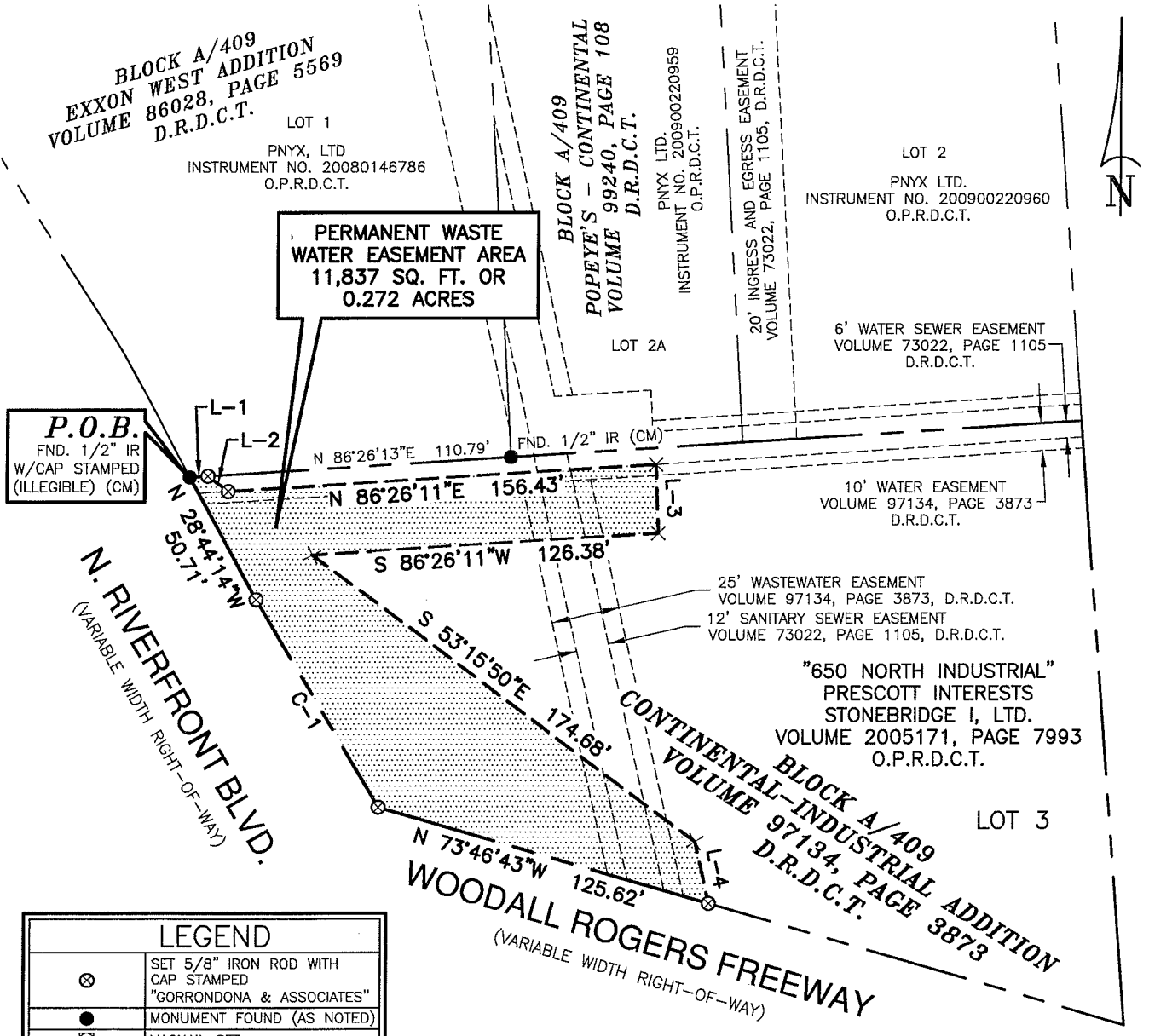
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 (VARIABLE WIDTH RIGHT-OF-WAY)

**WOODALL ROGERS FREEWAY**  
 (VARIABLE WIDTH RIGHT-OF-WAY)

6' WATER SEWER EASEMENT  
 VOLUME 73022, PAGE 1105  
 D.R.D.C.T.

10' WATER EASEMENT  
 VOLUME 97134, PAGE 3873  
 D.R.D.C.T.

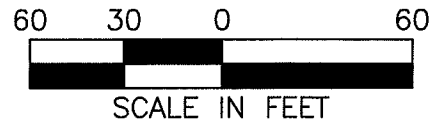
25' WASTEWATER EASEMENT  
 VOLUME 97134, PAGE 3873, D.R.D.C.T.

12' SANITARY SEWER EASEMENT  
 VOLUME 73022, PAGE 1105, D.R.D.C.T.

"650 NORTH INDUSTRIAL"  
 PRESCOTT INTERESTS  
 STONEBRIDGE I, LTD.  
 VOLUME 2005171, PAGE 7993  
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