

December 11, 2019

A RESOLUTION AUTHORIZING THE ACQUISITION OF REAL PROPERTY FOR A NEGOTIATED PRICE HIGHER THAN THE AUTHORIZED PURCHASE AMOUNT.

WHEREAS, the Dallas City Council by the FIRST RESOLUTION authorized acquisition, by purchase, of the PROPERTY INTERESTS in the PROPERTY held by OWNER for the PROJECT (all said capitalized terms being defined below); and

WHEREAS, the Dallas City Council by the SECOND RESOLUTION authorized acquisition, by condemnation, of the PROPERTY INTERESTS in the PROPERTY held by OWNER for the PROJECT (all said capitalized terms being defined below); and

WHEREAS, OWNER refused the FIRST RESOLUTION PURCHASE AMOUNT, but has agreed to the SETTLEMENT AMOUNT stated herein; and

WHEREAS, the City Council desires to authorize the City Manager to acquire the PROPERTY INTERESTS in the PROPERTY for the negotiated PURCHASE AMOUNT stated herein.

Now, Therefore,

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

SECTION 1. That the following definitions shall apply to this resolution:

“CITY”: The City of Dallas

“FIRST RESOLUTION”: Resolution No. 11-2002 approved by the Dallas City Council on August 10, 2011 authorized the acquisition by purchase and/or condemnation of a tract of land containing approximately 4,419 square feet of land for a purchase amount of \$5,351.00 (\$3,350.00, plus closing costs and title expenses not to exceed \$2,001.00).

“SECOND RESOLUTION”: Resolution No. 19-1533 approved by the Dallas City Council on September 25, 2019 authorized condemnation for the acquisition of a tract of land containing approximately 4,419 square feet of land for a purchase amount of \$12,163.00 (\$9,662.00, plus closing costs and title expenses not to exceed \$2,501.00).

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

“USE”: The construction, 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

December 11, 2019**SECTION 1.** (continued)

acquired, such title and the PROPERTY shall not be limited to or otherwise deemed restricted to the USE herein provided.

“OWNER”: Korilynn Marley Snow and Wil Snow, 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.

“PROPERTY INTEREST”: Fee Simple, subject to the exceptions, reservations, covenants, conditions and/or interests, if any provided in the conveyance instrument more particularly described in Exhibit "B" attached hereto and made a part hereof for all purposes.

“PROPERTY”: 4,419 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 hereto.

“FIRST RESOLUTION PURCHASE AMOUNT”: \$3,350.00

“SECOND RESOLUTION INCREASED PURCHASE AMOUNT”: \$9,662.00

“INCREASED AMOUNT”: \$4,259.00

“SETTLEMENT AMOUNT”: \$13,921.00

“CLOSING COSTS AND TITLE EXPENSES”: Not to exceed \$2,501.00

“REVISED AUTHORIZED AMOUNT”: \$16,422.00

SECTION 2. 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 the CITY of the PROPERTY INTERESTS in and to the PROPERTY pursuant to the conveyance instrument 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 the transaction.

SECTION 3. 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 4. That OWNER has been provided with a copy of the Landowner’s Bill of Rights as contemplated by applicable state statute.

191884

December 11, 2019

SECTION 5. 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 SETTLEMENT AMOUNT and CLOSING COSTS AND TITLE EXPENSES payable as follows:

INCREASED AMOUNT - Water Construction Fund, Fund 0102, Department DWU, Unit CW40, Program 706623, Object 4210, Encumbrance/Contract No. CX-DWU-2019-00009854, in an amount not to exceed \$4,259.00.

SECOND RESOLUTION PURCHASE AMOUNT - Water Construction Fund, Fund 0102, Department DWU, Unit CW40, Program 706623, Object 4210, Encumbrance/Contract No. CX-DWU-2019-00009854, in an amount not to exceed \$6,812.00.

FIRST RESOLUTION PURCHASE AMOUNT - Water Capital Improvement Fund, Fund 3115, Department DWU, Unit PW40, Program 706623, Object 4210, Encumbrance/Contract No. CX-DWU-2019-00009854, in an amount not to exceed \$5,351.00.

The INCREASED AMOUNT, FIRST AND SECOND RESOLUTION PURCHASE AMOUNTS, CLOSING COSTS and TITLE EXPENSES together shall not exceed the REVISED AUTHORIZED AMOUNT.

SECTION 6. That the CITY is to have possession and/or use, as applicable, of the PROPERTY at closing; and the 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 7. 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:

B. N. A. A.
Assistant City Attorney

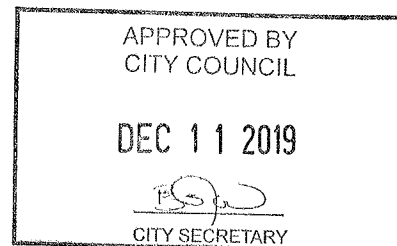


EXHIBIT A
PARCEL E-241
CITY OF DALLAS RIGHT-OF-WAY
0.1015 ACRE TRACT
JOHN M. HARDING SURVEY, ABSTRACT NO. 569
CITY OF MESQUITE, DALLAS COUNTY, TEXAS

BEING a tract of land situated in the John M. Harding Survey, Abstract No. 569, City of Mesquite, Dallas County, Texas, and being a part of that tract of land described in Warranty Deed With Vendor's Lien dated May 12, 1994, to Patricia Thomas Coe as recorded in Volume 94106, Page 04745 of the Deed Records of Dallas County, Texas (D.R.D.C.T.), and being more particularly described as follows:

COMMENCING at a 5/8-inch found iron rod with cap stamped "DC&A" for the west corner of said Coe tract in the southeast right-of-way line of Lawson Road (a variable width right-of-way established in part by instruments recorded in Volume 89184, Page 3595, and Volume 87141, Page 0982, both D.R.D.C.T.);

THENCE North 43 degrees 54 minutes 10 seconds East, with the common northwest line of said Coe tract and said southeast right-of-way line of Lawson Road, a distance of 12.83 feet to a 1/2-inch found iron rod with cap stamped "DC&A" for corner;

THENCE North 44 degrees 15 minutes 50 seconds East, continuing with said common line, a distance of 32.09 feet to a 1/2-inch set iron rod with yellow plastic cap stamped "HALFF" (hereinafter referred to as "with cap") for the POINT OF BEGINNING;

THENCE North 44 degrees 15 minutes 50 seconds East, continuing with said common line, a distance of 128.98 feet to a 1/2-inch set iron rod with cap for the point of curvature of a non-tangent circular curve to the left having a radius of 1,390.00 feet whose chord bears North 54 degrees 50 minutes 00 seconds East a distance of 65.99 feet;

THENCE Northeasterly, continuing with said common line and with said curve, through a central angle of 02 degrees 43 minutes 14 seconds, an arc distance of 66.00 feet to a 1/2-inch set iron rod with cap for the end of said curve;

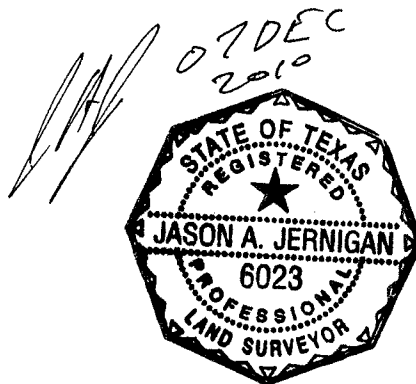
THENCE South 45 degrees 44 minutes 10 seconds East, with a jog in said common line, at a distance of 7.60 feet passing a 3" wood fence corner post in the common northeast line of said Coe tract and the southwest line of that tract of land described in deed to Eugene Ellis Edmonds and wife Ruth Edmonds as recorded in Volume 615, Page 1726, D.R.D.C.T., departing said southwest right-of-way line of Lawson Road, continuing with said common line between said Coe and Edmonds tracts, in all a total distance of 32.92 feet to a 1/2-inch set iron rod with cap for the point of curvature of a non-tangent circular curve to the right having a radius of 1,415.00 feet whose chord bears South 57 degrees 20 minutes 28 seconds West a distance of 199.01 feet;

REVIEWED BY *laa r/epj*

EXHIBIT A
PARCEL E-241
CITY OF DALLAS RIGHT-OF-WAY
0.1015 ACRE TRACT
JOHN M. HARDING SURVEY, ABSTRACT NO. 569
CITY OF MESQUITE, DALLAS COUNTY, TEXAS

THENCE Southwesterly, departing said common line, over and across said Coe tract, with said curve, through a central angle of 08 degrees 03 minutes 54 seconds, an arc distance of 199.17 feet to the POINT OF BEGINNING and containing 4,419 square feet or 0.1015 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.

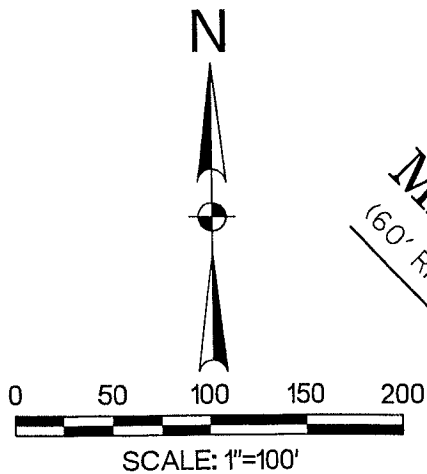


REVIEWED BY *for 12/22/10*

JOHN M. HARDING SURVEY,
ABSTRACT NO. 569

EXHIBIT A 191884

$\Delta = 02^{\circ}43'14''$
 $R = 1,390.00'$
 $T = 33.01'$
 $L = 66.00'$
 $CL = 65.99'$
 $CB = N54^{\circ}50'00''E$



JOHN P. ANDERSON SURVEY,
ABSTRACT NO. 1

$N44^{\circ}15'50''E$
128.98'

JOHN M. HARDING
SURVEY,
ABSTRACT NO. 569

LAWSON ROAD
 (VARIABLE WIDTH RIGHT-OF-WAY)
 (VOL. 89184, PG. 3595)
 (VOL. 87141, PG. 0982)

POINT OF
BEGINNING

R.O.W.
LINE

1/2" SIR
W/CAP

1/2" SIR
W/CAP

$N44^{\circ}15'50''E$
32.09'

1/2" FIR W/
"D.C.&A."
CAP

5/8" FIR
W/ "D.C.&A."
CAP(C.M.)

POINT OF
COMMENCING

PARCEL E-241
4,419 SQ. FT.
OR
0.1015 ACRES

$\Delta = 08^{\circ}03'54''$
 $R = 1,415.00'$
 $T = 99.75'$
 $L = 199.17'$
 $CL = 199.01'$
 $CB = S57^{\circ}20'28''W$

Approx. $\frac{1}{2}$ TP&L
Easement
 (VOL. 2112, PG. 220)
 (VOL. 2162, PG. 184)
 (VOL. 3527, PG. 191)

EUGENE (OWNER)
ELLIS EDMONDS
AND WIFE RUTH EDMONDS
 (VOL. 615, PG. 1726)

PATRICIA (OWNER)
THOMAS COE
 (VOL. 94106, PG. 04745)

(Basis of Bearing
rotated clockwise
01'01'12" from deed
bearing of $S47^{\circ}20'27''E$)

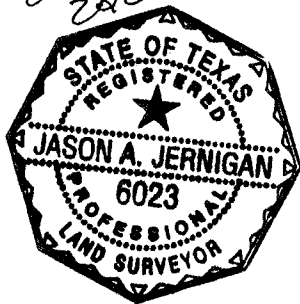
NOTES:

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-241
CITY OF DALLAS RIGHT-OF-WAY
0.1015 ACRE TRACT
JOHN M. HARDING SURVEY, ABSTRACT NO. 569
CITY OF MESQUITE, DALLAS COUNTY, TEXAS

LEGEND

| | |
|----------|-----------------------------------|
| 1/2" SIR | 1/2-INCH SET IRON ROD WITH YELLOW |
| W/CAP | PLASTIC CAP STAMPED "HALFF" |
| (C.M.) | CONTROL MONUMENT |
| FCP | FENCE CORNER POST |
| INST. # | INSTRUMENT NUMBER |



HALFF

1201 N. BOWSER ROAD RICHARSON, TEXAS 75081
 TELE. (214)346-6200 FAX (214)739-0095

DATE: DEC., 2010

AVO.: 25143

PAGE 3 OF 3

REVIEWED BY

12/22/10

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 we, Korilynn Marley Snow, and spouse, Wil Snow (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 THIRTEEN THOUSAND NINE HUNDRED TWENTY ONE AND 00/100 DOLLARS (\$13,921.00) 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 _____, _____.

APPROVED AS TO FORM:

CHRISTOPHER J. CASO, Interim City Attorney

By: 
Assistant City Attorney

Korilynn Marley Snow

Wil Snow

* * * * *

STATE OF TEXAS '
COUNTY OF DALLAS '

This instrument was acknowledged before me on _____
by Korilynn Marley Snow.

Notary Public, State of TEXAS

* * * * *

STATE OF TEXAS '
COUNTY OF DALLAS '

This instrument was acknowledged before me on _____
by Wil Snow.

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

Warranty Deed Log No. 36736

PARCEL E-241
CITY OF DALLAS RIGHT-OF-WAY
0.1015 ACRE TRACT
JOHN M. HARDING SURVEY, ABSTRACT NO. 569
CITY OF MESQUITE, DALLAS COUNTY, TEXAS

BEING a tract of land situated in the John M. Harding Survey, Abstract No. 569, City of Mesquite, Dallas County, Texas, and being a part of that tract of land described in Warranty Deed With Vendor's Lien dated January 24, 2011, to Korilynn Marley as recorded in Instrument Number 201100026068 of the Official Public Records of Dallas County, Texas (O.P.R.D.C.T.), and being more particularly described as follows:

COMMENCING at a 5/8-inch found iron rod with cap stamped "DC&A" for the west corner of said Marley tract in the southeast right-of-way line of Lawson Road [a variable width right-of-way established in part by instruments recorded in Volume 89184, Page 3595, and Volume 87141, Page 0982, both of the Deed Records of Dallas County, Texas (D.R.D.C.T.)];

THENCE North 43 degrees 54 minutes 10 seconds East, with the common northwest line of said Marley tract and said southeast right-of-way line of Lawson Road, a distance of 12.83 feet to a 1/2-inch found iron rod with cap stamped "DC&A" for corner;

THENCE North 44 degrees 15 minutes 50 seconds East, continuing with said common line, a distance of 32.09 feet to a 1/2-inch set iron rod with yellow plastic cap stamped "HALFF" (hereinafter referred to as "with cap") for the POINT OF BEGINNING;

THENCE North 44 degrees 15 minutes 50 seconds East, continuing with said common line, a distance of 128.98 feet to a 1/2-inch set iron rod with cap for the point of curvature of a non-tangent circular curve to the left having a radius of 1,390.00 feet whose chord bears North 54 degrees 50 minutes 00 seconds East a distance of 65.99 feet;

THENCE Northeasterly, continuing with said common line and with said curve, through a central angle of 02 degrees 43 minutes 14 seconds, an arc distance of 66.00 feet to a 1/2-inch set iron rod with cap for the end of said curve;

THENCE South 45 degrees 44 minutes 10 seconds East, with a jog in said common line, at a distance of 7.60 feet passing a 3" wood fence corner post in the common northeast line of said Marley tract and the southwest line of that tract of land described in deed to Lester J. Lawson and Celeste L. Lawson as recorded in Instrument Number 201300293633, O.P.R.D.C.T., departing said southwest right-of-way line of Lawson Road, continuing with said common line between said Marley and Lawson tracts, in all a total distance of 32.92 feet to a 1/2-inch set iron rod with cap for the point of curvature of a non-tangent circular curve to the right having a radius of 1,415.00 feet whose chord bears South 57 degrees 20 minutes 28 seconds West a distance of 199.01 feet;

FIELD NOTES APPROVED:

1/3/17

DB



191884

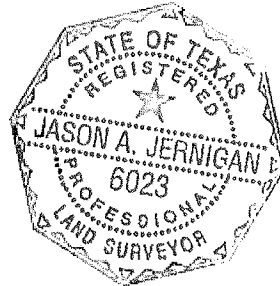
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CITY OF DALLAS RIGHT-OF-WAY
0.1015 ACRE TRACT
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CITY OF MESQUITE, DALLAS COUNTY, TEXAS

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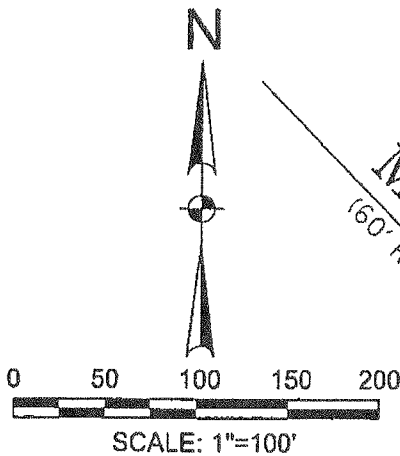
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OCDE
2/16



JOHN M. HARDING SURVEY,
ABSTRACT NO. 569

191884
EXHIBIT A



MILAM RD.
(60' RIGHT-OF-WAY)

$\Delta = 02^{\circ}43'14''$
 $R = 1,390.00'$
 $T = 33.01'$
 $L = 66.00'$
 $CL = 65.99'$
 $CB = N54^{\circ}50'00''E$

JOHN P. ANDERSON SURVEY,
ABSTRACT NO. 1

$N44^{\circ}15'50''E$
128.98'

R.O.W. LINE

1/2" SIR
W/CAP

TEXAS UTILITIES ELECTRIC
COMPANY EASEMENT
(VOL. 92059, PG. 2951)

JOHN M. HARDING
SURVEY,
ABSTRACT NO. 569

R.O.W. LINE

LAWSON ROAD
(VARIABLE WIDTH RIGHT-OF-WAY)
(VOL. 89184, PG. 3595)
(VOL. 87141, PG. 0982)

POINT OF
BEGINNING

1/2" SIR
W/CAP

$N44^{\circ}15'50''E$
32.09'

1/2" FIR W/
'D.C.&A.'
CAP

POINT OF
COMMENCING

JOSE ALFREDO ORDONEZ
(INST. #20080224220)

PARCEL E-241
0.1015 ACRE
(4,419 SQ. FT.)

$\Delta = 08^{\circ}03'54''$
 $R = 1,415.00'$
 $T = 99.75'$
 $L = 199.17'$
 $CL = 199.01'$
 $CB = S57^{\circ}20'28''W$

Approx. Q. TP&L
Easement
(VOL. 2112, PG. 220)
(VOL. 2162, PG. 184)
(VOL. 3527, PG. 191)

LESTER J. LAWSON
CELESTE L. LAWSON
(INT. NO. 201300293633)
KORILYNN MARLEY
(INT. NO. 201100026068)

5/8" FIR
(C.M.)
(Basis of Bearing
rotated clockwise
01'01'12" from deed
bearing of $S47^{\circ}20'27''E$)

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 even date accompanies this survey exhibit.

PARCEL E-241
CITY OF DALLAS RIGHT-OF-WAY
0.1015 ACRE TRACT
JOHN M. HARDING SURVEY, ABSTRACT NO. 569
CITY OF MESQUITE, DALLAS COUNTY, TEXAS



HALFF

1201 N. BOWSER ROAD RICHARDSON, TEXAS 75081
TELE. (214)346-6200 FAX (214)739-0095
TBPLS FIRM NO. 10029600

DATE: DEC., 2016

AVO.: 25143

PAGE 3 OF 3

LEGEND

| | |
|----------|-----------------------------------|
| 1/2" SIR | 1/2-INCH SET IRON ROD WITH YELLOW |
| W/CAP | PLASTIC CAP STAMPED 'HALFF' |
| (C.M.) | CONTROL MONUMENT |
| FCP | FENCE CORNER POST |
| INST. # | INSTRUMENT NUMBER |



OGD/KC
246

2E: JRG/SS: MDN, ES: FWH: d

Design

12/26/2016 3:01:01 PM 201608 HALFF 1:250000:025143:CAODXEXH18UTVEB-241:25143 DGN