

December 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 122,559 square feet of land located in Kaufman 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": Lake Tawakoni 144-inch Transmission Pipeline

"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.

"PROPERTY INTEREST": Fee Simple, 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": BJ Baker and Jeannine Baker, 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": \$14,633.00

"CLOSING COSTS AND TITLE EXPENSES": Not to exceed \$3,000.00

"AUTHORIZED AMOUNT": Not to exceed \$17,633.00

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.

December 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 Water Construction Fund, Fund 0102, Department DWU, Unit CW20, Activity RWPT, Program 704041, Object 4210, Encumbrance/Contract No. CX-DWU-2020-00011794. The PURCHASE AMOUNT, CLOSING COSTS and TITLE EXPENSES together shall not exceed the AUTHORIZED AMOUNT.

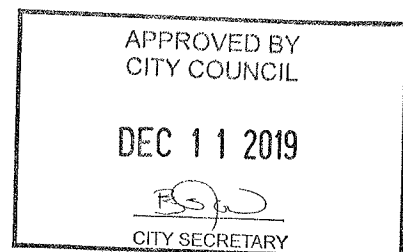
SECTION 7. That CITY is to have possession and/or use, as applicable, of the PROPERTY at closing; and CITY will pay any title expenses and closing costs. All costs and expenses described in this section shall be paid from the previously described funds.

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



FIELD NOTES
DESCRIBING A TRACT OF LAND FOR FEE SIMPLE ACQUISITION
OF RIGHT-OF-WAY FOR THE LAKE TAWAKONI RAW WATER
TRANSMISSION MAIN
KAUFMAN COUNTY, TEXAS
Parcel: 278

BEING a 2.814 acre tract of land in the S.P. HEATH Survey, Abstract No. 208, in Kaufman County, Texas, and being part of a called 37.23 acre tract of land described in Warranty Deed to B.J. Baker and wife, Jeannine Baker, dated March 3, 1989, as recorded in Volume 955, Page 434, Deed Records of Kaufman County, Texas, (D.R.K.C.T.), and being more particularly described as follows:

BEGINNING at a 1/2-inch iron rod with red cap stamped "DAL-TECH" (hereinafter referred to as "with cap") set in the southwest line of said Baker tract, being the northeast corner of a called 1.058 acre tract of land described in Warranty Deed to Oncor Electric Delivery Company, LLC, dated March 29, 2010, as recorded in Volume 3741, Page 70, Official Public Records of Kaufman County, Texas, (O.P.R.K.C.T.), being the southwest corner of a City of Dallas Water Line Right-of-Way (130' Right-of-Way), recorded in Volume 431, Page 64, D.R.K.C.T., and being the approximate center of Kaufman County Road No. 331 (variable width Right-of-Way by Use and Occupation);

THENCE North 81 degrees 34 minutes 58 seconds East, departing the southwest line of said Baker tract and with the southwest line of said City of Dallas Water Line Right-of-Way, a distance of 1,002.72 feet to a PK nail with shiner set in the east line of said Baker tract and the west line of a tract of land described in Warranty Deed with Vendor's Lien to John T. Clayton and Margaret Clayton, dated April 7, 1958, as recorded in Volume 416, Page 397, D.R.K.C.T., being the southeast corner of said City of Dallas Water Line Right-of-Way, being the approximate center of Kaufman County Road No. 332 (variable width Right-of-Way by Use and Occupation);

THENCE South 00 degrees 31 minutes 16 seconds East, departing the southeast line of said City of Dallas Water Line Right-of-Way, with the east line of said Baker tract and the west line of said Clayton tract, along the approximate center of said Kaufman County Road No. 332, a distance of 131.24 feet to a PK nail with shiner set;

THENCE South 81 degrees 34 minutes 58 seconds West, departing the east line of said Baker tract, the west line of said Clayton tract, a distance of 882.70 feet to a 1/2-inch iron rod with red cap stamped "DAL-TECH" set in the southwest line of said Baker tract and the approximate center of said Kaufman County Road No. 331, being the northeast line of a called 1.057 acre tract of land described in Warranty Deed to Oncor Electric Delivery Company, LLC, dated March 19, 2010, as recorded in Volume 3736, Page 470, O.P.R.K.C.T.;

THENCE North 46 degrees 36 minutes 01 seconds West, with the southwest line of said Baker tract, the northeast line of said 1.057 acre tract, and the along approximate center of said Kaufman County Road No. 331, a distance of 70.91 feet to a 1/2-inch iron rod with red cap stamped "DAL-TECH" set at the northwest corner of said 1.057 acre tract and the northeast corner of said 1.058 acre tract;

THENCE North 46 degrees 28 minutes 56 seconds West, with the west line of said Baker tract, the northeast line of said 1.058 acre tract and along the approximate center of said County Road No. 331, a distance of 94.33 feet to the POINT OF BEGINNING and containing 122,559 square feet or 2.814 acres of land, more or less.

FIELD NOTES APPROVED:

4/2/15



FIELD NOTES
DESCRIBING A TRACT OF LAND FOR FEE SIMPLE ACQUISITION
OF RIGHT-OF-WAY FOR THE LAKE TAWAKONI RAW WATER
TRANSMISSION MAIN
KAUFMAN COUNTY, TEXAS
Parcel: 278

Exhibit A

All bearings for this tract refer to the NAD-83 Texas State Plane Coordinate System, North Central Zone 4202, according to measurements made at NGS continuously operating reference stations Collin CORS ARP, Dallas CORS ARP, Kaufman CORS ARP, Tyler CORS ARP, and Paris CORS ARP. The Kaufman County scale factor of 1.000114077 as published by the Texas Department of Transportation, Dallas District was used for this project.

A plat of even survey date herewith accompanies this legal description.

Company Name: DAL-TECH Engineering, Inc.
TBPLS Firm No. 10123500

By:  Date: 3-22-15

Surveyor's Name: Patrick J. Baldasaro
Registered Professional Land Surveyor
Texas No. 5504



CITY OF DALLAS
WATER LINE
RIGHT-OF-WAY
(VOL. 440, PG. 375)
D.R.K.C.T.
(130' RIGHT-OF-WAY)

OWNER:
B.J. BAKER AND WIFE,
JEANNINE BAKER
(VOL. 955, PG. 782)
D.R.K.C.T.

**POINT OF
BEGINNING**

FOUND CONCRETE
MONUMENT W/BRASS
DISK STAMPED
"CITY OF DALLAS"
(C.M.)

CITY OF DALLAS
WATER LINE
RIGHT-OF-WAY
(VOL. 431, PG. 64)
D.R.K.C.T.
(130' WIDE ROW.)

FOUND CONCRETE
MONUMENT W/BRASS
DISK STAMPED
"CITY OF DALLAS"
(C.M.)

0 200 400
SCALE: 1"=200'

CITY OF DALLAS
WATER LINE
RIGHT-OF-WAY
VOL. 446, PG. 183
D.R.K.C.T.
(VARIABLE WIDTH)

SPK W/
SHINER

S00° 31'16"E
131.24'

OWNER:
JOHN T. CLAYTON AND
MARGARET CLAYTON
VOL. 416, PG. 397
D.R.K.C.T.

R. CHRISTIAN
SURVEY
ABSTRACT NO.
89

OWNER:
B.J. BAKER AND WIFE,
JEANNINE BAKER
(VOL. 955, PG. 434)
D.R.K.C.T.

PARCEL 278
122,559 S.F.
2.814 AC.

OWNER:
ONCOR ELECTRIC
DELIVERY COMPANY, LLC
0.890 ACRES
(VOL. 3737, PG. 415)
D.R.K.C.T.

OWNER:
ONCOR ELECTRIC
DELIVERY COMPANY, LLC
1.058 ACRES
(VOL. 3741, PG. 70)
O.P.R.K.C.T.

OWNER:
ONCOR ELECTRIC
DELIVERY COMPANY, LLC
1.057 ACRES
(VOL. 3736, PG. 470)
O.P.R.K.C.T.

OWNER:
BEN E. JARVIS AND
BRUCE WILDER
(VOL. 849, PG. 2)
D.R.K.C.T.

NOTE: SURVEY COMPLETED WITHOUT THE BENEFIT OF TITLE
COMMITMENT.

LEGEND:

S.F. SQUARE FEET
C.M. CONTROL MONUMENT
○ FIR FOUND IRON ROD
○ FIP FOUND IRON PIPE
○ 1/2" SIR 1/2" SET IRON ROD WITH A
W/CAP RED PLASTIC CAP STAMPED
"DAL-TECH" OR "DTE"
○ SX SET "X" CUT IN CONCRETE
○ FPK FOUND PK. NAIL
○ SPK SET PK. NAIL

ALL BEARINGS FOR THIS TRACT REFER TO THE NAD-83
TEXAS STATE PLANE COORDINATE SYSTEM, NORTH CENTRAL
ZONE 4202. ACCORDING TO MEASUREMENTS MADE AT NGS
CONTINUOUSLY OPERATING REFERENCE STATIONS COLLIN
CORS ARP, DALLAS CORS ARP, KAUFMAN CORS ARP, TYLER
CORS ARP, AND PARIS CORS ARP. THE KAUFMAN COUNTY
SCALE FACTOR OF 1.000114077 AS PUBLISHED BY THE
TEXAS DEPARTMENT OF TRANSPORTATION, DALLAS
DISTRICT WAS USED FOR THIS PROJECT.

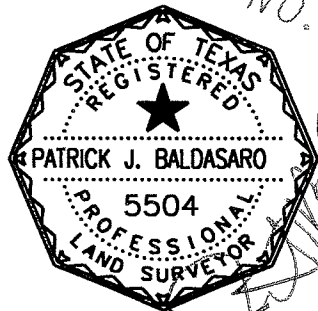


EXHIBIT
OF A
RIGHT-OF-WAY ACQUISITION
SITUATED IN THE
S.P. HEATH SURVEY, ABSTRACT NO. 208
KAUFMAN COUNTY, TEXAS
FOR THE
CITY OF DALLAS

BY
DAL-TECH ENGINEERING, INC., 17400 DALLAS PKWY., SUITE 110
DALLAS, TEXAS 75287, TEL. (972)250-2727, FAX (972)250-4774
TBPLS FIRM NO. 10123500

DATE: NOV. 14 REVISED: MAR. 15 SCALE: 1"=200' SHEET 3 OF 3

Exhibit A

191885

P:\025\Land\mexico\Parcel\24-278-10p Printed on 1/10/2015 at 10:55:55 AM By Susan Prohaska Of Dallas Plot Driven from the office PlotTablet.plt

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
KAUFMAN §

That we, BJ Baker, and spouse, Jeannine Baker, a married couple (hereinafter called "Grantor" whether one or more natural persons or legal entities) of the County of Van Zandt, State of Texas, for and in consideration of the sum of FOURTEEN THOUSAND SIX HUNDRED THIRTY THREE AND 00/100 DOLLARS (\$14,633.00) 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

BJ Baker

By: _____
Assistant City Attorney

MT

Jeannine Baker

191885
EXHIBIT B

* * * * *

STATE OF TEXAS
COUNTY OF KAUFMAN

This instrument was acknowledged before me on _____
by BJ Baker.

Notary Public, State of TEXAS

* * * * *

STATE OF TEXAS
COUNTY OF KAUFMAN

This instrument was acknowledged before me on _____
by Jeannine Baker.

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. 42043

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A plat of even survey date herewith accompanies this legal description.

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TBPLS Firm No. 10123500

By:  Date: 3-22-15

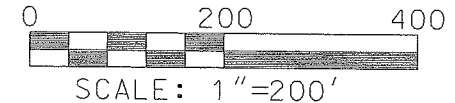
Surveyor's Name: Patrick J. Baldasaro
Registered Professional Land Surveyor
Texas No. 5504



CITY OF DALLAS
WATER LINE
RIGHT-OF-WAY
(VOL. 440, PG. 375)
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(130' RIGHT-OF-WAY)

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JEANNINE BAKER
(VOL. 955, PG. 782)
D.R.K.C.T.

S.P. HEATH SURVEY
ABSTRACT NO. 208



CITY OF DALLAS
WATER LINE
RIGHT-OF-WAY
VOL. 446, PG. 183
D.R.K.C.T.
(VARIABLE WIDTH)

POINT OF
BEGINNING

CITY OF DALLAS
WATER LINE
RIGHT-OF-WAY
(VOL. 431, PG. 64)
D.R.K.C.T.
(130' WIDE ROW.)

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MONUMENT W/BRASS
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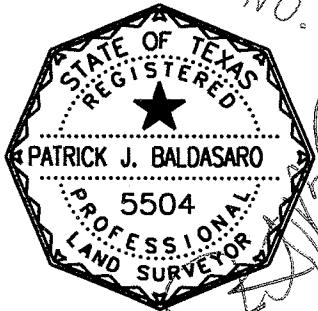
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(VOL. 3736, PG. 470)
O.P.R.K.C.T.

E. ABLES SURVEY
ABSTRACT NO. 6



LEGEND:

- S.F. SQUARE FEET
- C.M. CONTROL MONUMENT
- FIR FOUND IRON ROD
- FIP FOUND IRON PIPE
- 1/2" SIR 1/2" SET IRON ROD WITH A
- W/CAP RED PLASTIC CAP STAMPED
- "DAL-TECH" OR "DTE"
- SX SET "X" CUT IN CONCRETE
- FPK FOUND PK. NAIL
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NOTE: SURVEY COMPLETED WITHOUT THE BENEFIT OF TITLE COMMITMENT.

ALL BEARINGS FOR THIS TRACT REFER TO THE NAD-83 TEXAS STATE PLANE COORDINATE SYSTEM, NORTH CENTRAL ZONE 4202, ACCORDING TO MEASUREMENTS MADE AT NGS CONTINUOUSLY OPERATING REFERENCE STATIONS COLLIN CORS ARP, DALLAS CORS ARP, KAUFMAN CORS ARP, TYLER CORS ARP, AND PARIS CORS ARP. THE KAUFMAN COUNTY SCALE FACTOR OF 1.000114077 AS PUBLISHED BY THE TEXAS DEPARTMENT OF TRANSPORTATION, DALLAS DISTRICT WAS USED FOR THIS PROJECT.

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OF A
RIGHT-OF-WAY ACQUISITION
SITUATED IN THE
S.P. HEATH SURVEY, ABSTRACT NO. 208
KAUFMAN COUNTY, TEXAS
FOR THE
CITY OF DALLAS

BY
DAL-TECH ENGINEERING, INC., 17400 DALLAS PKWY., SUITE 110
DALLAS, TEXAS 75287, TEL. (972)250-2727, FAX (972)250-4774
TBPLS FIRM NO. 10123500

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