

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 41,842 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": Jacqueline Eve Brotherton, 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": \$85,000.00

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

"AUTHORIZED AMOUNT": Not to exceed \$88,000.00

**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.

191886

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-2020-00011879. 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

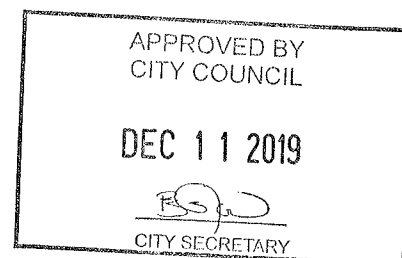


EXHIBIT A  
191886

**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: 303**

BEING a 0.9606 acre tract of land in the A. Maxamilia Survey, Abstract No. 311, in Kaufman County, Texas, and being all of a called 1.00 acre tract of land described in Warranty Deed to Tommy Lee Brotherton, et ux Jacqueline Eve Brotherton, as recorded in Volume 710, Page 420, 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 found at the southwest corner of said Brotherton tract, being the southeast corner of a called 2.059 acre tract of land described in Special Warranty Deed to Henry Oluwarotimi Sunday Somoye, dated December 11, 2006, as recorded in Volume 3041, Page 366, D.R.K.C.T., and the northeast corner of a called 4.677 acre tract of land described in Warranty Deed with Vendor's Lien to Lester B. Covington and wife, Sylvia Covington, as recorded in Volume 1166, Page 419, D.R.K.C.T., and the northwest corner of a called 1.665 acre tract of land described in Warranty Deed with Vendor's Lien to Lester B. Covington and wife, Sylvia Covington, as recorded in Volume 1166, Page 422, D.R.K.C.T.;

THENCE North 01 degree 03 minutes 32 seconds West, with the west line of said Brotherton tract and the east line of said Somoye tract, a distance of 201.96 feet to a 1/2-inch iron rod with red cap stamped "DAL-TECH" (hereinafter referred to as "with cap") set at the northwest corner of said Brotherton tract and the northeast corner of said Somoye tract, being in the south line of a City of Dallas Water Line Right-of-Way (130 foot variable width Right-of-Way) as recorded in Volume 435, Page 507, D.R.K.C.T.;

THENCE North 85 degrees 59 minutes 31 seconds East, with the north line of said Brotherton tract and the south line of said City of Dallas Water Line Right-of-Way, a distance of 200.01 feet to a 1/2-inch iron rod with cap set at the northeast corner of said Brotherton tract and the northwest corner of a called 2.2082 acre tract of land described in Warranty Deed with Vendor's Lien to Jose Gloria Herrera and Francisco Javier Herrera, dated September 13, 1996, as recorded in Volume 1227, Page 399, D.R.K.C.T.;

THENCE South 04 degrees 16 minutes 29 seconds East, departing the North line of said Brotherton tract and the south line of said City of Dallas Water Line Right-of-Way and with the east line of said Brotherton tract and the west line of said Herrera tract, a distance of 205.11 feet to a 1/2 -inch iron rod with cap set at the southeast corner of said Brotherton tract and the southwest corner of said Herrera tract, being in the north line of said Covington 1.665 acre tract;

THENCE South 86 degrees 55 minutes 05 seconds West, with the south line of said Brotherton tract and the north line of said Covington 1.665 acre tract, a distance of 211.38 feet to the POINT OF BEGINNING and containing 41,842 square feet or 0.9606 acres of land.

FIELD NOTES APPROVED:

Mc 7/6/14

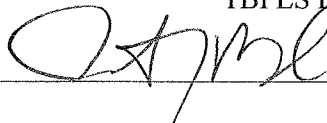


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**OF RIGHT-OF-WAY FOR THE LAKE TAWAKONI RAW WATER**  
**TRANSMISSION MAIN**  
**KAUFMAN COUNTY, TEXAS**  
**Parcel: 303**

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.

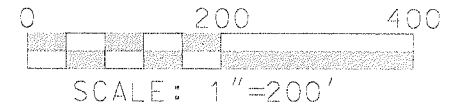
Company Name: DAL-TECH Engineering, Inc.  
 TBPLS Firm No. 10123500

By:  Date: 6-24-14

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



# A. MAXAMILIA SURVEY ABSTRACT NO. 311



CITY OF DALLAS WATER LINE  
RIGHT-OF-WAY  
VOL. 435, PG. 507  
D.R.K.C.T.  
(130' WIDTH ROW)

TOMMY LEE BROTHERTON  
ET UX  
JACQUELINE EVE BROTHERTON  
VOL. 710, PG. 420  
D.R.K.C.T.

PARCEL 303  
41,842 S.F.  
0.9606 AC.

N85° 59'31"E  
200.01'

S04° 16'29"E  
205.11'

N01° 03'32"W  
201.96'

OWNER:  
HENRY OLUWAROTIMI  
SUNDAY SOMOYE  
2.059 AC.  
VOL. 3041, PG. 366  
D.R.K.C.T.

OWNER:  
LESTER B. COVINGTON AND  
WIFE, SYLVIA COVINGTON  
3.5763 AC.  
VOL. 726, PG. 470  
D.R.K.C.T.

JOSE GLORIA HERRERA  
AND  
FRANCISCO JAVIER HERRERA  
2.2082 AC.  
VOL. 1227, PG. 399  
D.R.K.C.T.

OWNER:  
LESTER B. COVINGTON AND WIFE,  
SYLVIA COVINGTON  
4.677 AC.  
VOL. 1166, PG. 419  
D.R.K.C.T.

OWNER:  
LESTER B. COVINGTON AND  
WIFE, SYLVIA COVINGTON  
1.665 AC.  
VOL. 1166, PG. 422  
D.R.K.C.T.

POINT OF  
BEGINNING

NOTE: THIS SURVEY WAS PERFORMED BASED UPON  
RECORD DATA PROVIDED UNDER TIGOR TITLE INSURANCE  
COMPANY COMMITMENT G.F. NUMBER  
21877-KF07, WITH AN EFFECTIVE DATE OF APRIL 4, 2007

## 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"
- OX 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.

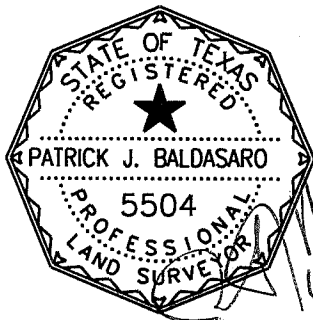


EXHIBIT  
OF A  
RIGHT-OF-WAY ACQUISITION  
SITUATED IN THE  
A. MAXAMILIA SURVEY, ABSTRACT NO. 311  
KAUFMAN COUNTY, TEXAS  
FOR THE  
CITY OF DALLAS

DAL-TECH ENGINEERING, INC., 17400 DALLAS PKWY., SUITE 110  
DALLAS, TEXAS 75287, TEL. (972)250-2727, FAX (972)250-4774

191886

EXHIBIT A

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 Jacqueline Eve Brotherton, a widow (hereinafter called "Grantor" whether one or more natural persons or legal entities) of the County of Kaufman, State of Texas, for and in consideration of the sum of EIGHTY FIVE THOUSAND AND 00/100 DOLLARS (\$85,000.00) 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     MH

\_\_\_\_\_  
Jacqueline Eve Brotherton

\* \* \* \* \*

STATE OF TEXAS           '  
COUNTY OF KAUFMAN    '

This instrument was acknowledged before me on \_\_\_\_\_

by Jacqueline Eve Brotherton.

\_\_\_\_\_  
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. 40841

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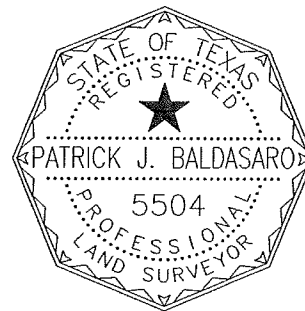
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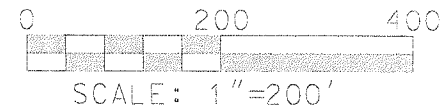
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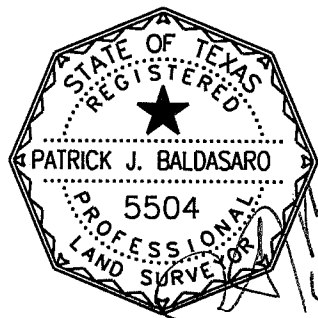
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SITUATED IN THE  
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FOR THE  
CITY OF DALLAS

BY  
DAL-TECH ENGINEERING, INC., 17400 DALLAS PKWY., SUITE 110  
DALLAS, TEXAS 75287, TEL. (972)250-2727, FAX (972)250-4774

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