

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 7,118 square feet of land located in Hunt 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": James A. Elmore and Sarah E. Elmore, 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": \$30,000.00

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

"AUTHORIZED AMOUNT": Not to exceed \$33,000.00

**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.

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.

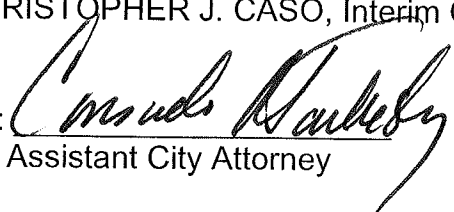
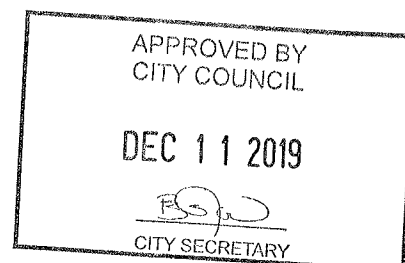
**SECTION 6.** That in the event this acquisition closes, the Chief Financial Officer is hereby authorized and directed to draw a warrant in favor of the OWNER, or the then current owner of record, or the title company closing the transaction described herein in the PURCHASE AMOUNT and CLOSING COSTS 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-2020-00011902. 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

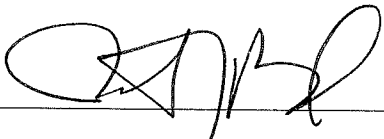
**FIELD NOTES**  
**DESCRIBING A TRACT OF LAND FOR FEE SIMPLE ACQUISITION**  
**OF RIGHT-OF-WAY FOR THE LAKE TAWAKONI RAW WATER**  
**TRANSMISSION MAIN**  
**HUNT COUNTY, TEXAS**  
**Parcel: 357**

BEING a 7,118 square foot (0.1634 acre) tract of land in the T. McGee Survey, Abstract No. 779, being all of Lots 14 through 17, of Block 1C of the Waco Bay Estates Subdivision, Phase I as recorded in Volume 400, Page 576 of the Plat Records of Hunt County, Texas, said Lots 14 through 17 being described in Warranty Deed to James A. and Sarah E. Elmore, dated September 18, 1985, as recorded in Volume 975, Page 1 of the Deed Records of Hunt County, Texas;

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: 4.28.15  
 Surveyor's Name: Patrick J. Baldasaro  
 Registered Professional Land Surveyor  
 Texas No. 5504

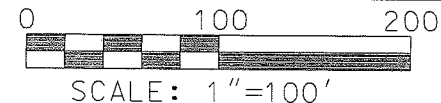


FIELD NOTES APPROVED:

*6/1/15*



E. PORTER SURVEY  
ABSTRACT NO. 823



CITY OF DALLAS  
WATER LINE  
RIGHT-OF-WAY  
(VOL. 592, PG. 417)  
D.R.H.C.T.  
(VARIABLE WIDTH  
RIGHT-OF-WAY)

HUNT COUNTY

LOT 21

WACO BAY ESTATES  
RANCHETTES  
PHASE 4  
(VOL. 400, PG. 650)  
(P.R.H.C.T.)

PARCEL 357  
7,118 S.F.  
0.1634 AC.

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

S89° 44'00"E  
100.00'

S01° 08'31"E  
71.20'

N71° 52'43"E  
39.40'

S89° 44'00"E  
213.33'

1/2" SIR  
W/CAP

1/2" SIR  
W/CAP

APPROXIMATE  
SURVEY LINE

WACO BAY ESTATES SUBDIVISION  
PHASE 1  
(VOL. 400, PG. 576)  
(P.R.H.C.T.)

N01° 08'31"W  
71.20'

\*LAKEVIEW DRIVE

N89° 44'00"W  
100.00'

\*LAKEVIEW DRIVE

APPROXIMATE  
SURVEY LINE

1
2
3

BLOCK U

\*COVE LANE

80	40	1
81	41	2
82		3

OWNER:  
JAMES A. AND  
SARAH E. ELMORE  
(VOL. 975, PG. 1)  
(D.R.H.C.T.)

\*SANDY LANE

76	38	1
77	39	2
78	40	3

BLOCK S

WACO BAY ESTATES SUBDIVISION  
PHASE III  
(VOL. 400, PG. 631-633)  
(P.R.H.C.T.)

T. MCGEE SURVEY  
ABSTRACT NO. 779

NOTE: THIS SURVEY WAS PERFORMED BASED UPON  
RECORD DATA PROVIDED UNDER TITLE RESOURCES  
GUARANTY COMPANY COMMITMENT G.F. NUMBER  
1182846, WITH AN EFFECTIVE DATE OF NOVEMBER 12, 2013.

\* OWNED AND MAINTAINED BY  
TEXAS RESORT PROPERTIES, INC.



LEGEND:

- S.F. SQUARE FEET
- C.M. CONTROL MONUMENT
- FIR FOUND IRON ROD
- FIP FOUND IRON PIPE
- 1/2" SIR SET IRON ROD WITH A 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

T. MCGEE SURVEY, ABSTRACT NO. 779  
HUNT 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

191887

## EXHIBIT B

**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 HUNT       §

That we James A. Elmore, and spouse, Sarah E. Elmore (hereinafter called "Grantor" whether one or more natural persons or legal entities) of the County of Hunt, State of Texas, for and in consideration of the sum of THIRTY THOUSAND AND 00/100 DOLLARS (\$30,000.00) 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 \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
 James A. Elmore

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

\_\_\_\_\_  
 Sarah E. Elmore

By: \_\_\_\_\_  
 Assistant City Attorney

\* \* \* \* \*

STATE OF TEXAS   '  
COUNTY OF HUNT   '

This instrument was acknowledged before me on \_\_\_\_\_  
by James A. Elmore.

\_\_\_\_\_  
Notary Public, State of TEXAS

\* \* \* \* \*

STATE OF TEXAS   '  
COUNTY OF HUNT   '

This instrument was acknowledged before me on \_\_\_\_\_  
by Sarah E. Elmore.

\_\_\_\_\_  
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. 43954

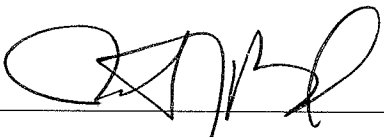
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A plat of even survey date herewith accompanies this legal description.

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By:  Date: 4.28.15  
Surveyor's Name: Patrick J. Baldasaro  
Registered Professional Land Surveyor  
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FIELD NOTES APPROVED:

*Mr 6/1/15*



E. PORTER SURVEY  
ABSTRACT NO. 823

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SCALE: 1"=100'

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WATER LINE  
RIGHT-OF-WAY  
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SITUATED IN THE  
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HUNT 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: APR. 2015

REVISED -

SCALE: 1"=100'

SHEET 2 OF 2

191887