

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 and/or eminent domain, 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 SETTLEMENT 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. 15-1422 approved by the Dallas City Council on August 12, 2015, to authorize the purchase and/or condemnation for a purchase amount of \$16,850.00, (\$14,350 plus closing costs and title expenses not to exceed \$2,500.00).

“PROJECT”: Lake Tawakoni 144-inch Pipeline Project

“USE”: The installation, use, and maintenance of a pipeline or lines for the transmission of raw 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.

“OWNER”: Abdul Nasser Mohmand, 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.

SECTION 1. (continued)

“PROPERTY”: Approximately 25,004 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 hereto.

“FIRST RESOLUTION PURCHASE AMOUNT”: \$14,350.00

“SETTLEMENT AMOUNT”: \$8,610.00

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

“REVISED AUTHORIZED AMOUNT”: \$25,960.00

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.

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:

Water Capital Improvement D Fund, Fund 2115, Department DWU, Unit PW20, Activity RWPT, Program 704041, Object 4210, Encumbrance/Contract No. CX- DWU-2020-00012308, in an amount not to exceed \$16,850.00.

Water Capital Improvement D Fund, Fund 2115, Department DWU, Unit PW20, Activity RWPT, Program 704041, Object 4210, Encumbrance/Contract No. CX- DWU-2020-00012308, in an amount not to exceed \$9,110.00.

The SETTLEMENT AMOUNT and the CLOSING COSTS and TITLE EXPENSES together shall not exceed the REVISED AUTHORIZED AMOUNT.

200984

June 24, 2020

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, City Attorney

BY: B. M. S. F.
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: 56

BEING a 25,004 square foot tract of land in the Juan Lopez Survey, Abstract No. 286, in Kaufman County, Texas, being all of Lot 11C of the Lakeview Estates Addition, an addition to Kaufman County (unrecorded plat), also being all of a tract of land described as "Tract 2" in a Texas General Warranty Deed with Vendor's Lien to Matthew G. Daniel, married, dated September 28, 2007, as recorded in Instrument 200700023650, of the Deed Records of Kaufman County, Texas (D.R.K.C.T.), being more particularly described as follows:

BEGINNING at 3/8-inch iron rod with cap stamped "RPLS3935" at the northernmost corner of said Lot 11C, being the northwest corner of Lot 12C of said Lakeview Estates Addition, also being in the south line of a City of Dallas Water Line Right-of-Way (variable width at this point), as recorded in Volume 508, Page 526, D.R.K.C.T.;

THENCE South 23 degrees 07 minutes 34 seconds West, with the common line of the west line of said Lot 12C and the east line of said Lot 11C, a distance of 195.45 feet to the southernmost corner of said Lot 11C (unable to set) and the southwest corner said Lot 12C;

THENCE North 76 degrees 19 minutes 59 seconds West, with the south line of said Lot 11C, a distance of 259.39 feet to the westernmost corner (unable to set) of said Lot 11C, being in the south line of said City of Dallas Water Line Right-of-Way;

THENCE North 70 degrees 11 minutes 16 seconds East, with the common line of the south line of said City of Dallas Water Line Right-of-Way and the north line of said Lot 11C, a distance of 349.49 feet to the POINT OF BEGINNING and containing 25,004 square feet or 0.5740 acres of land, more or less.

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: 10-2-13

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





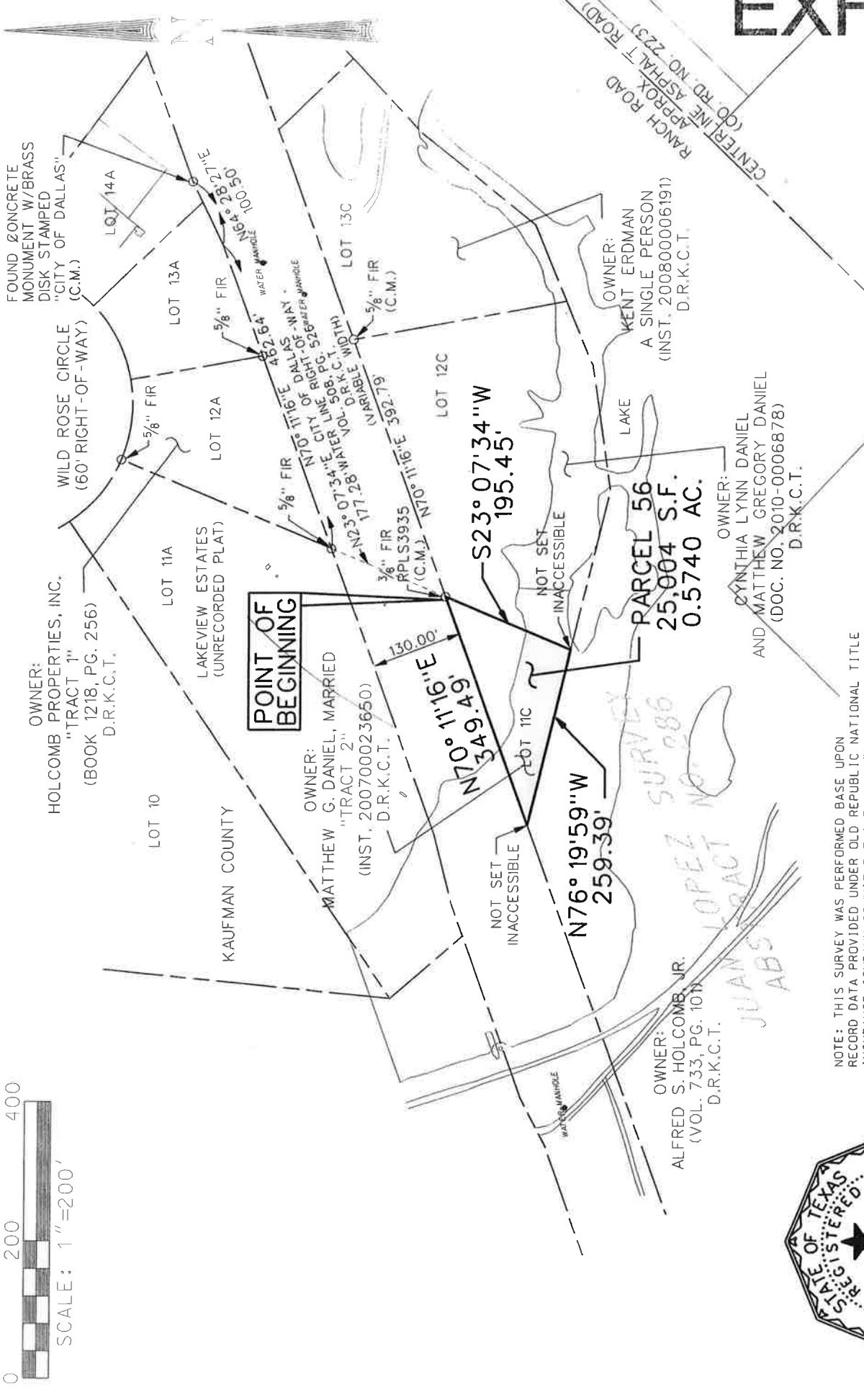
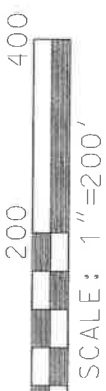
FIELD NOTES APPROVED:



EXHIBIT A



EXHIBIT

OF A
RIGHT-OF-WAY ACQUISITION
SITUATED IN THE
JUAN LOPEZ SURVEY, ABSTRACT NO 286
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

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.

NOTE: THIS SURVEY WAS PERFORMED BASE UPON RECORD DATA PROVIDED UNDER OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY COMMITMENT G.F.F. NUMBER 20727-KF06, WITH AN EFFECTIVE DATE OF AUGUST 22, 2010

- LEGEND:
- S.F. SQUARE FEET
 - C.M. CONTROL MONUMENT
 - O FIR FOUND IRON ROD
 - O 1/2" IR 1/2" SET IRON ROD WITH A RED PLASTIC CAP STAMPED "DAL-TECH" OR "OTE"
 - O SX SET "X" CUT IN CONCRETE
 - O FPK FOUND PK. NAIL
 - O SPK SET PK. NAIL

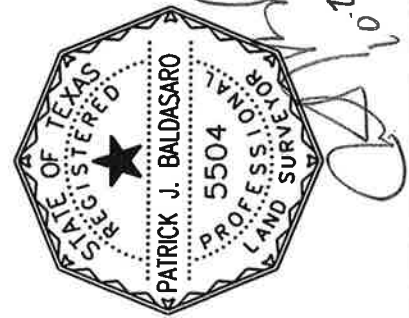


EXHIBIT B

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 KAUFMAN §

That Abdul Nasser Mohmand, a single man (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 TWENTY TWO THOUSAND NINE HUNDRED SIXTY AND 00/100 DOLLARS (\$22,960.00) 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 _____, _____.

EXHIBIT B

* * * * *

STATE OF TEXAS
COUNTY OF KAUFMAN

This instrument was acknowledged before me on _____
by ABDUL NASSER MOHMAND.

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: CHRIS ROMAN

Warranty Deed Log No. 48499

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: 56

BEING a 25,004 square foot tract of land in the Juan Lopez Survey, Abstract No. 286, in Kaufman County, Texas, being all of Lot 11C of the Lakeview Estates Addition, an addition to Kaufman County (unrecorded plat), also being all of a tract of land described as "Tract 2" in a Texas General Warranty Deed with Vendor's Lien to Matthew G. Daniel, married, dated September 28, 2007, as recorded in Instrument 200700023650, of the Deed Records of Kaufman County, Texas (D.R.K.C.T.), being more particularly described as follows:

BEGINNING at 3/8-inch iron rod with cap stamped "RPLS3935" at the northernmost corner of said Lot 11C, being the northwest corner of Lot 12C of said Lakeview Estates Addition, also being in the south line of a City of Dallas Water Line Right-of-Way (variable width at this point), as recorded in Volume 508, Page 526, D.R.K.C.T.;

THENCE South 23 degrees 07 minutes 34 seconds West, with the common line of the west line of said Lot 12C and the east line of said Lot 11C, a distance of 195.45 feet to the southernmost corner of said Lot 11C (unable to set) and the southwest corner said Lot 12C;

THENCE North 76 degrees 19 minutes 59 seconds West, with the south line of said Lot 11C, a distance of 259.39 feet to the westernmost corner (unable to set) of said Lot 11C, being in the south line of said City of Dallas Water Line Right-of-Way;

THENCE North 70 degrees 11 minutes 16 seconds East, with the common line of the south line of said City of Dallas Water Line Right-of-Way and the north line of said Lot 11C, a distance of 349.49 feet to the POINT OF BEGINNING and containing 25,004 square feet or 0.5740 acres of land, more or less.

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.

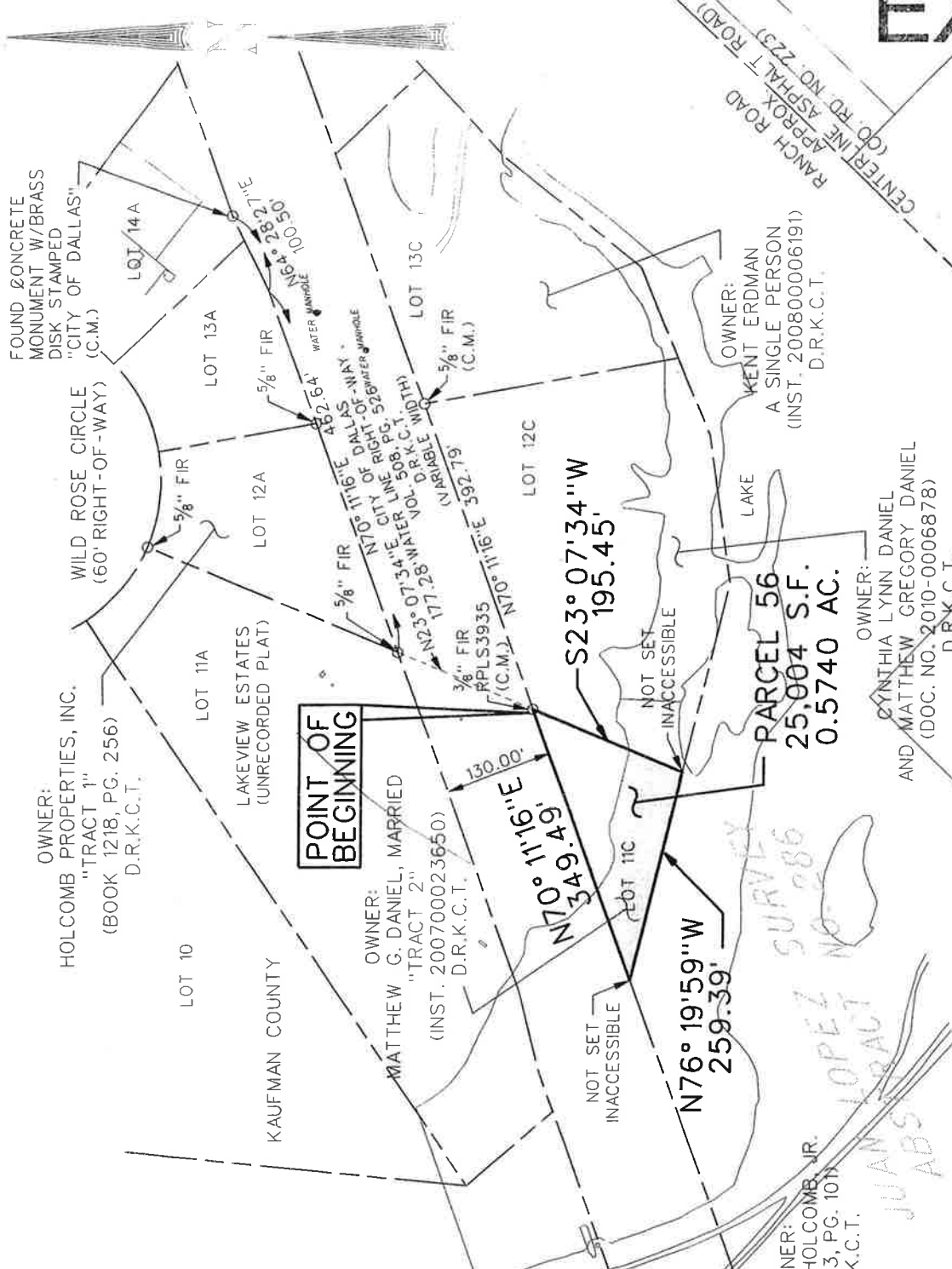
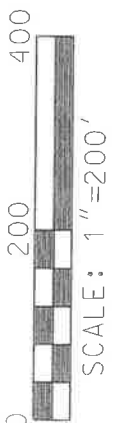
Company Name: DAL-TECH Engineering, Inc.
TBPLS Firm No. 10123500

By:  Date: 10.2.13

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



FIELD NOTES APPROVED:





NOTE: THIS SURVEY WAS PERFORMED BASE UPON RECORD DATA PROVIDED UNDER OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY COMMITMENT G.F. NUMBER 20727-KF06, WITH AN EFFECTIVE DATE OF AUGUST 22, 2010

- LEGEND:**
- S.F. SQUARE FEET
 - C.M. CONTROL MONUMENT
 - FIR FOUND IRON ROD
 - FIP FOUND IRON PIPE
 - 1/2" SIP 1/2" SET IRON ROD WITH A RED PLASTIC CAP STAMPED "DAL-TECH" OR "DTE"
 - W/CAP W/CAP
 - SX SET "X" CUT IN CONCRETE 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 CONTIGUOUSLY OPERATING REFERENCE STATIONS COLLIN CORP. ARP., DALLAS CORP. ARP., KAUFMAN CORP. ARP., TYLER CORP. ARP., AND PARIS CORP. 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
 (I) A

RIGHT-OF-WAY ACQUISITION
 SITUATED IN THE
 JUAN LOPEZ SURVEY, ABSTRACT NO 286
 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)250-4777