

A RESOLUTION AUTHORIZING CONDEMNATION FOR THE ACQUISITION OF REAL PROPERTY.

All capitalized terms are defined in Section 1 below.

WHEREAS, the Dallas City Council by the FIRST RESOLUTION found that the USE of the PROPERTY INTEREST in and to the PROPERTY for the PROJECT is a public use; and

WHEREAS, the Dallas City Council by the FIRST RESOLUTION found that a public necessity requires that CITY acquire the PROPERTY INTEREST in and to the PROPERTY from OWNER for the PROJECT; and

WHEREAS, the Dallas City Council by the FIRST RESOLUTION authorized acquisition, by purchase, of the PROPERTY INTEREST in and to the PROPERTY held by OWNER for the PROJECT; and

WHEREAS, the OWNER refused to sell the PROPERTY INTEREST in and to the PROPERTY to CITY for the OFFICIAL OFFER AMOUNT contained in the FIRST RESOLUTION; and

WHEREAS, the Dallas City Council desires to authorize the City Attorney to acquire the PROPERTY INTEREST in and to the PROPERTY by condemnation for the OFFICIAL OFFER AMOUNT stated herein.

Now, Therefore,

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

SECTION 1. For the purposes of this resolution, the following definitions shall apply:

“CITY”: The City of Dallas

“FIRST RESOLUTION”: Resolution No. 19-1391 approved by the Dallas City Council on September 11, 2019, which is incorporated herein by reference.

“PROPERTY”: Approximately 2,706 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.

“PROPERTY INTEREST”: Easement Interest

“PROJECT”: Lower East Bank Interceptor Project

SECTION 1. (continued)

"USE": The installation, use, and maintenance of a pipeline or lines for the transmission of wastewater 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": Azoff Irving, Co Trustee of the Red Oak Trust, provided, however, that the term "OWNER" as used in this resolution means all persons or entities having an ownership interest, regardless of whether those persons or entities are actually named herein.

"OFFICIAL OFFER AMOUNT": \$110,946.00

"CLOSING COSTS AND TITLE EXPENSES": Not to exceed \$3,054.00

"AUTHORIZED AMOUNT": \$114,000.00 (OFFICIAL OFFER AMOUNT plus CLOSING COSTS AND TITLE EXPENSES)

"DESIGNATED FUNDS":

\$114,000.00, from Wastewater Capital Improvement D Fund, Fund 2116, Department DWU, Unit PS40, Activity MPSA, Program 716358, Object 4250, Encumbrance/Contract No. CX-DWU-2019-00011002.

SECTION 2. That the CITY will pay court costs as may be assessed by the Special Commissioners' or the Court. Further, that litigation expenses determined by the City Attorney to be necessary are authorized for payment. All costs and expenses described in this section shall be paid out of and charged to the DESIGNATED FUNDS.

SECTION 3. That the City Attorney is authorized and requested to file the necessary proceeding and take the necessary action for the acquisition of the PROPERTY INTEREST in and to the PROPERTY by condemnation or in any manner provided by law.

SECTION 4. That in the event it is subsequently determined that additional persons or entities other than those named herein have an interest in the PROPERTY, the City Attorney is authorized and directed to join said parties as defendants in said condemnation proceeding and/or suit.

SECTION 5. That in the event the Special Commissioners' appointed by the Court return an award that is the same amount, or less, than the OFFICIAL OFFER AMOUNT, the City Attorney is hereby authorized to acquire the PROPERTY INTEREST in and to the

SECTION 5. (continued)

PROPERTY by instrument, or judgment, for the Special Commissioners' Award Amount. If the PROPERTY INTEREST in and to the PROPERTY is being acquired by instrument, the Chief Financial Officer is hereby authorized and directed to issue a check, paid out of and charged to the DESIGNATED FUNDS, in an amount not to exceed the Special Commissioners' Award Amount, made payable to OWNER, or the then current owner(s) of record, or to the title company insuring the transaction described herein. If the PROPERTY INTEREST in and to the PROPERTY is not being acquired through instrument, the Chief Financial Officer is hereby authorized and directed to issue a check, paid out of and charged to the DESIGNATED FUNDS, in an amount not to exceed the Special Commissioners' Award Amount, made payable to the County Clerk of Dallas County, Texas, to be deposited into the registry of the Court, to enable CITY to take possession of the PROPERTY INTEREST in and to the PROPERTY without further action of the Dallas City Council. The Chief Financial Officer is further authorized and directed to issue another check, to be paid out of and charged to the DESIGNATED FUNDS, in the amount of the CLOSING COSTS AND TITLE EXPENSES, made payable to the title company insuring the transaction described herein. The Special Commissioners' Award Amount and the CLOSING COSTS AND TITLE EXPENSES together shall not exceed the AUTHORIZED AMOUNT.

SECTION 6. 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: Christopher C. Smith
Assistant City Attorney



**2,706 SQUARE FOOT (0.062 ACRES)
PERMANENT WASTE WATER EASEMENT
SAMUEL LOCKHART SURVEY, ABSTRACT NO. 817**

Exhibit A

Being a 2,706 square foot or 0.062 acre permanent waste water easement situated in the Samuel Lockhart Survey, Abstract No. 817, City of Dallas, Dallas County, Texas, said permanent waste water easement being a portion of Lot 7 and Lot 2, Block 36/7888 of Trinity Industrial District Installment No. 13, an addition to the City of Dallas, Texas, as recorded in Volume 23, Page 165 of the Map Records of Dallas County, Texas, and being a portion of a tract of land conveyed to Azoff Irving, Co Trustee of The Red Oak Trust as recorded in Instrument No. 201100016593 of the Official Public Records of Dallas County, Texas, said 0.062 acre permanent waste water easement being more particularly described by metes and bounds as follows:

BEGINNING at a 5/8 inch iron rod with plastic cap stamped "Gorronдона & Associates" found (controlling monument) for the southeasterly corner of said Lot 1 and the southwesterly corner of Lot 7, Block 36/7888 of said Trinity Industrial District Installment No. 13 Addition, said 5/8 inch iron rod with plastic cap stamped "Gorronдона & Associates" rod also being in the northwesterly right-of-way line of Turtle Creek Boulevard (a variable width right-of-way) and the beginning of a non-tangent curve to the right having a radius of 309.44 feet, a central angle of 17 degrees 51 minutes 56 seconds, and whose chord bears North 01 degrees 59 minutes 24 seconds East, a distance of 96.10 feet;

THENCE Northerly with said non-tangent curve to the right, with the westerly line of said Lot 7 and with the easterly line of said Lot 1, passing at an arc distance of 68.49 feet a 5/8 inch iron rod with plastic cap stamped "Gorronдона & Associates" set for the northeasterly corner of said Lot 1 and the southeasterly corner of Lot 6, Block 36/7888 of said Trinity Industrial District Installment No. 13 Addition, from which a 1/2 inch iron rod found (controlling monument) for the most northerly northeast corner of said Lot 1 and the southwesterly corner of said Lot 6, bears North 78 degrees 21 minutes 54 seconds West, a distance of 31.30 feet, and continuing in a total arc distance of 96.49 feet to a 5/8 inch iron rod with plastic cap stamped "Gorronдона & Associates" set for corner;

THENCE South 60 degrees 16 minutes 39 seconds East, a distance of 46.86 feet to a point for corner;

THENCE South 20 degrees 50 minutes 30 seconds West, a distance of 61.93 feet to a point for corner in the southeasterly line of said Lot 7 and the northwesterly right-of-line of said Turtle Creek Boulevard;

 FIELD NOTES APPROVED:
[Signature] 11/14/18

Exhibit A

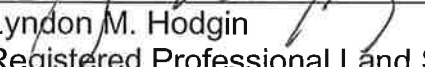
THENCE South 55 degrees 50 minutes 31 seconds West, with the southeasterly line of said Lot 7 and the northwesterly right-of-line of said Turtle Creek Boulevard, a distance of 26.59 feet to the **POINT OF BEGINNING**, and containing 2,706 square feet or 0.062 acres of land, more or less.

NOTE: All bearings and coordinates are referenced to the Texas State Plane Coordinate System, North Central Zone 4202, with horizontal datum of NAD83, with a Surface Factor for this project of 1.000136506. Distances and areas shown are surface.

* SURVEYOR'S CERTIFICATE *

TO ALL PARTIES INTERESTED IN TITLE TO THE PREMISES SURVEYED, I DO HEREBY STATE THAT THE ABOVE LEGAL DESCRIPTION WAS PREPARED FROM PUBLIC RECORDS AND FROM AN ACTUAL AND ACCURATE SURVEY UPON THE GROUND AND THAT SAME IS TRUE AND CORRECT.

Date of Survey: October 17, 2018



Lyndon M. Hodgin
Registered Professional Land Surveyor,
Texas No. 4584
Texas Firm No. 10106903



3,275 SQUARE FOOT (0.075 ACRES)
 PERMANENT WASTE WATER EASEMENT
 SAMUEL LOCKHART SURVEY, ABSTRACT NO. 817

Exhibit A

OLD CHANNEL
 OF THE
 TRINITY RIVER

FEIZY PROPERTIES, INC.
 VOLUME 2001162, PAGE 5381
 D.R.D.C.T.

BLOCK 36/7888
 TRINITY INDUSTRIAL DISTRICT
 INSTALLMENT NO. 13
 VOLUME 23, PAGE 165
 M.R.D.C.T.

LOT 2
 AZOFF IRVING, CO TRUSTEE
 RED OAK TRUST
 INSTRUMENT NO. 201100016593
 O.P.R.D.C.T.

PERMANENT WASTE
 WATER EASEMENT AREA
 2,706 SQ. FT. OR
 0.062 ACRES

LOT 1
 FBDWLL PARTNERS, LP
 INSTRUMENT NO. 201500342417
 O.P.R.D.C.T.

P.O.B.
 FND. 5/8" IR W/CAP
 STAMPED "GORRONDONA
 & ASSOCIATES" (CM)

TURTLE CREEK BLVD.
 (VARIABLE WIDTH RIGHT-OF-WAY)

MARKET
 CENTER BLVD.
 (100' WIDTH RIGHT-OF-WAY)

LEGEND	
⊗	SET 5/8" IRON ROD WITH CAP STAMPED "GORRONDONA & ASSOCIATES"
●	MONUMENT FOUND (AS NOTED)
○	CALCULATED POINT
×	"X" CUT SET
---	EASEMENT LINE (AS NOTED)
---	PROPOSED EASEMENT LINE
---	PROPERTY LINE (AS NOTED)
D.R.D.C.T.	DEED RECORDS DALLAS COUNTY, TEXAS
O.P.R.D.C.T.	OFFICIAL PUBLIC RECORDS DALLAS COUNTY, TEXAS

LINE TABLE		
LINE	BEARING	DISTANCE
L-1	N 78°21'54"W	31.30'
L-2	S 60°16'39"E	46.86'
L-3	S 20°50'30"W	61.93'
L-4	S 55°50'31"W	26.59'



CURVE TABLE					
CURVE	RADIUS	DELTA ANGLE	CHORD BEARING	CHORD LENGTH	ARC LENGTH
C-1	309.44'	17°51'56"	N 01°59'24"E	96.10'	96.49'

NOTES:
 1. A LEGAL DESCRIPTION OF EVEN DATE ACCOMPANIES THIS PLAT.
 2. ALL BEARINGS AND COORDINATES ARE REFERENCED TO THE TEXAS STATE PLANE COORDINATE SYSTEM, NORTH CENTRAL ZONE 4202, WITH HORIZONTAL DATUM OF NAD83, WITH A SURFACE FACTOR FOR THIS PROJECT OF 1.000136506. DISTANCES AND AREAS SHOWN ARE SURFACE.

