

201027

June 24, 2020

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 Dallas City Council by the SECOND RESOLUTION authorized an increased offer amount for the 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 SECOND 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. 11-1317 approved by the Dallas City Council on May 25, 2011, which is incorporated herein by reference.

“SECOND RESOLUTION”: Resolution No. 19-1485 approved by the Dallas City Council on September 25, 2019, which is incorporated herein by reference.

“PROPERTY”: Approximately 27,782 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.

SECTION 1. (continued)

"PROPERTY INTEREST": Fee Simple

"PROJECT": Southwest 120/96-inch Water Transmission Pipeline Project

"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, together with such appurtenant facilities as may be necessary, however, to the extent fee title to the PROPERTY is acquired through instrument, such title in and to the PROPERTY shall not be limited to, or otherwise deemed restricted to, the USE herein provided.

"OWNER": Paul E. Wainwright and Ruby Lee Wainwright, 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": \$48,091.00

"CLOSING COSTS AND TITLE EXPENSES": Not to exceed \$3,500.00

"AUTHORIZED AMOUNT": \$51,591.00 (OFFICIAL OFFER AMOUNT plus CLOSING COSTS AND TITLE EXPENSES)

"DESIGNATED FUNDS":

\$17,000.00 from Water Capital Improvement E Fund, Fund 3115, Department DWU, Unit PW40, Activity MPSA, Program 706623, Object 4210, Encumbrance/Contract No. CX- DWU-2019-00010659.

\$34,591.00 from Water Construction Fund, Fund 0102, Department DWU, Unit CW40, Activity MPSA, Program 706623, Object 4210, Encumbrance/Contract No. CX- DWU-2020-00010659.

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.

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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 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: 
Assistant City Attorney

APPROVED BY
CITY COUNCIL

JUN 24 2020

CITY SECRETARY

PARCEL E-24
CITY OF DALLAS RIGHT-OF-WAY
0.6378 ACRE TRACT
JOHN P. ANDERSON SURVEY, ABSTRACT NUMBER 1
CITY OF MESQUITE, DALLAS COUNTY, TEXAS

BEING a tract of land situated in the John P. Anderson Survey, Abstract Number 1, City of Mesquite, Dallas County, Texas, and being a part of that tract of land described in Warranty Deed dated May 15, 1991, to Paul E. Wainwright and wife, Ruby Lee Wainwright as recorded in Volume 91101, Page 2724 of the Deed Records of Dallas County, Texas (D.R.D.C.T.), said tract also being part of Wainwright Addition, Lot 1, Block 1, an addition to the City of Mesquite, Dallas County, Texas, as recorded in Volume 93033, Page 0707, D.R.D.C.T., and being more particularly described as follows:

BEGINNING at a point for the common west corner of said Lot 1 and the north corner of that tract of land described as Tract 2 in deed to City of Mesquite, Texas as recorded in Volume 93248, Page 2192, D.R.D.C.T., said point being on the southeasterly right-of-way line of Lawson Road (a 100 foot wide right-of-way as described in deed to the City of Mesquite as recorded in Volume 87250, Page 1864, D.R.D.C.T.), and from which a 1/2-inch found iron rod bears South 28 degrees 01 minute 45 seconds West, a distance of 0.25 feet;

THENCE North 75 degrees 28 minutes 11 seconds East, with the common northwest line of said Lot 1 and said southeasterly right-of-way line of Lawson Road, a distance of 783.80 feet to a 1/2-inch set iron rod with yellow plastic cap stamped "HALFF" (hereinafter referred to as "with cap") for the north corner of said Lot 1 on the southwest line of that tract of land described in deed to Dennis Rogers and wife, Linda Rogers as recorded in Volume 82023, Page 1930, D.R.D.C.T., an from which a 4-inch metal fence corner post bears South 34 degrees 41 minutes 56 seconds East, a distance of 2.01 feet;

THENCE South 44 degrees 47 minutes 21 seconds East, departing said common line, with the common northeast line of said Lot 1 and said southwest line of said Rogers tract, a distance of 28.94 feet to a 1/2-inch set iron rod with cap for corner;

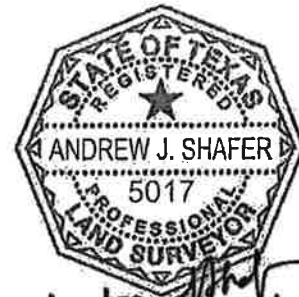
THENCE South 75 degrees 28 minutes 11 seconds West, departing said common line, with a line offset 25 feet southerly from and parallel to said southeasterly right-of-way line of Lawson Road, and over and across said Lot 1, a distance of 621.05 feet to a 1/2-inch set iron rod with cap for corner;

THENCE South 30 degrees 28 minutes 11 seconds West, departing said parallel offset line, continuing over and across said Lot 1, a distance of 142.89 feet to a 1/2-inch set iron rod with cap for corner on the common southwest line of said Lot 1 and the northeast line of the aforementioned Tract 2;

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THENCE North 45 degrees 43 minutes 05 seconds West, with said common line, a distance of 147.33 feet to the POINT OF BEGINNING and containing 27,782 square feet or 0.6378 of an acre of land, more or less.

The Basis of Bearing is the North American Datum of 1983, Texas State Plane Coordinate System, North Central Zone 4202. All distances are surface distances. Surface Adjustment Scale Factor: 1.0001365060.



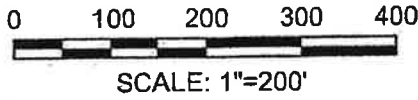
Andrew J. Shafer
8/16/2019

JOHN P. ANDERSON SURVEY, ABSTRACT NO. 1

Exhibit A



PARCEL E-24
27,782 SQ. FT.
OR
0.6378 ACRE



Basis of Bearing rotated counter-clockwise 00°32'50" from plat bearing of N76°01'01"E

DENNIS ROGERS AND WIFE,
LINDA ROGERS
(VOL. 82023, PG. 1930)

N45°35'09"E
160.00'
1/2" SIR W/CAP
(4" METAL FENCE
CORNER POST BEARS
S34°41'56"E
2.01')

3/8" FIR
(C.M.)

S44°47'21"E
28.94'

POINT OF BEGINNING

1/2" FIR
Bears=S28°01'45"W
0.25'

LAWSON ROAD
(100' RIGHT-OF-WAY)
(VOL. 87250, PG. 1864)

N44°47'21"W
105.87'
50' BLDG. LINE
(VOL. 93033, PG. 0707)

1/2" SIR
W/CAP

S75°28'11"W
256.19'
N45°43'05"W
116.89'
1/2" FIR
(C.M.)

N75°28'11"E
783.80'

WAINWRIGHT ADDITION,
LOT 1, BLOCK 1
(VOL. 93033, PG. 0707)
PAUL E. WAINWRIGHT AND WIFE,
RUBY LEE WAINWRIGHT
(VOL. 91101, PG. 2724)

N45°43'05"W
147.33'

1/2" SIR
W/CAP

DRAINAGE ESMT.
(VOL. 93033, PG. 0707)

APPROX. C
TEXAS POWER &
LIGHT CO. ESMT.
(VOL. 3892, PG. 367)

DRAINAGE EASEMENT
(TRACT IV (DE 1,4),
VOL. 88023, PG. 2327)

S30°28'11"W
142.89'

FLOODWAY EASEMENT
(VOL. 93033, PG. 0707)

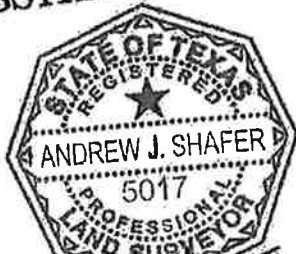
CITY OF MESQUITE, TEXAS
(TRACT 2, VOL. 93248, PG. 2192)

JOHN P. ANDERSON SURVEY,
ABSTRACT NO. 1

JOHN P. ANDERSON SURVEY,
ABSTRACT NO. 1

JOHN M. HARDING SURVEY,
ABSTRACT NO. 569

JOHN M. HARDING SURVEY,
ABSTRACT NO. 569



Andrew J. Shafer
8/16/2019

NOTE:

Corners labeled hereon as 1/2" SIR W/CAP, and described as 'set' in the corresponding metes and bounds description were set in December, 2010, and field verified in August, 2019.

LEGEND

1/2" SIR	1/2-INCH SET IRON ROD WITH YELLOW
W/CAP	PLASTIC CAP STAMPED "HALFF"
(C.M.)	CONTROL MONUMENT
FIR	FOUND IRON ROD

NOTES:

- The Basis of Bearing is the North American Datum of 1983, Texas State Plane Coordinate System, North Central Zone 4202. All distances are surface distances. Surface Adjustment Scale Factor: 1.0001365060.
- Metes and Bounds description of even date accompanies this survey exhibit.

PARCEL E-24
CITY OF DALLAS RIGHT-OF-WAY
0.6378 ACRE TRACT
JOHN P. ANDERSON SURVEY, ABSTRACT NO. 1,
CITY OF MESQUITE, DALLAS COUNTY, TEXAS



HALFF

1201 N. BOWSER ROAD RICHARDSON, TEXAS 75081
TELE. (214)346-6200 FAX (214)739-0095
TBPLS FIRM NO. 10029600

DATE: AUG., 2019

AVO.: 25143

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Design

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