

201029

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, 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. That for the purposes of this resolution, the following definitions shall apply:

“CITY”: The City of Dallas

“FIRST RESOLUTION”: Resolution No. 20-0754 approved by the Dallas City Council on May 13, 2020, which is incorporated herein by reference.

“PROPERTY”: Approximately 11,502 square feet of easements with an upper elevation limit of 418 feet, National Geodetic Vertical Datum 1929, Mean Sea Level, located in Dallas County, Texas, the boundary of which property being more particularly described in "Exhibit A", attached hereto and made a part hereof for all purposes.

“PROPERTY INTEREST”: Easement

SECTION 1. (continued)

"PROJECT": Riverfront Boulevard: UPRR to Cadiz Street

"USE": The passage of vehicular and pedestrian traffic, together with the customary uses attendant thereto, including sidewalks, retaining walls, drainage and utilities, including installation, use, and maintenance of together with such appurtenant facilities as may be necessary.

"OWNER": Union Pacific Railroad Company, Inc., 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": \$71,776.00

"CLOSING COSTS AND TITLE EXPENSES": Not to exceed \$4,000.00

"AUTHORIZED AMOUNT": \$75,776.00 (OFFICIAL OFFER AMOUNT plus CLOSING COSTS AND TITLE EXPENSES)

"DESIGNATED FUNDS": OFFICIAL OFFER AMOUNT payable out of Street and Transportation Improvements Fund, Fund 4T22, Department PBW, Unit U215 Activity INGV, Program PB06U215, Object 4210, Encumbrance/Contract No. TRN-2020-00013107; and CLOSING COSTS AND TITLE EXPENSES payable out of Street and Transportation Improvements Fund, Fund 4T22, Department PBW, Unit U215, Activity INGV, Program PB06U215, Object 4230, Encumbrance/Contract No. TRN-2020-00013108. The PURCHASE AMOUNT, CLOSING COSTS and TITLE EXPENSES together shall not exceed the AUTHORIZED AMOUNT.

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.

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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 contract is designated as Contract No. TRN-2020-00013107.

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 Christopher C. Hunt
Assistant City Attorney



**Field Notes Describing Easements to be Acquired
from the
Union Pacific Railroad Company
For Street Purposes**

TRACT NO. 1

BEING a 5,751 square foot (0.132 Acre) tract of land lying in the City of Dallas, Dallas County, Texas, and situated in the John Beeman Survey, Abstract Number 209, Dallas County, Texas, and being a portion of the land conveyed by Sarah H. Cockrell to the Texas and Pacific Railway Company (predecessor in title to the Union Pacific Railroad Company) by Deed dated October 25, 1872, and recorded in Volume S, Page 412 of the Deed Records of Dallas County, Texas, and Deed dated September 4, 1880, and recorded in Volume 50, Page 99 of the Deed Records of Dallas County, Texas, and being more particularly described as follows:

BEGINNING at a ½-inch diameter iron rod without cap (Controlling Monument) found in concrete at the intersection of the Northwest line of the above said Union Pacific Railroad property and the Southeast corner of Riverfront Boulevard Right-of-Way (originally called Industrial Boulevard), as shown on the "Street Dedication Map" recorded in Volume 5, Page 5 of the Map Records of Dallas County, Texas, and being also the Southwest corner of Lot 1, Block 6827 of the Stemmons Place Addition, an addition to the City of Dallas recorded in Volume 77136, Page 202 of the Deed Records of Dallas County, Texas and being also the Northeast corner of the herein described tract of land *from which* a 5/8-inch diameter uncapped iron rod (Controlling Monument) found at the intersection of the said Northwest line of the Union Pacific Railroad Company property with the West Right-of-Way line of Interstate Highway 35-East, and the Southeast corner of said Lot 1, Block 6827 bears North 75°06'25" East a distance of 313.21 feet:

THENCE South 15°07'20" East, over and across said Union Pacific Railroad property a distance of 147.01 feet to a 5/8-inch diameter iron rod with cap marked "CITY OF DALLAS" set at the Point of Curvature of a Curve to the Right:

**Field Notes Describing Easements to be Acquired
from the
Union Pacific Railroad Company
For Street Purposes**

THENCE Southeasterly, continuing over and across said Union Pacific Railroad property and along said Curve (pass at 18.70 feet the Northwest corner of Lot 1, Block 6825 of the Dallas County Criminal Courts Facility Addition, an addition to the City of Dallas recorded in Volume 89122, Page 663 of the Deed Records of Dallas County, Texas, *from which* a ½-inch diameter iron rod found without cap bears North 73°35'47" West a distance of 2.76 feet), having a Radius of 1,211.28 feet, a Central Angle of 3°55'41", an Arc Length of 83.04 feet and a Chord which bears South 13°09'30" East a distance of 83.02 feet to a Mag Nail with washer marked "CITY OF DALLAS" set in concrete pavement at the intersection with the Southeast line of the said railroad property at the Northeast corner of said Riverfront Boulevard Right-of-Way, and being also the Southeast corner of the herein described tract of land:

THENCE South 75°06'25" West, departing the last said Northeast line of Riverfront Boulevard and with the said Southeast line of the Union Pacific Railroad property, over and across a portion Riverfront Boulevard a distance of 25.05 feet to the Southeast corner of an easement for street purposes conveyed to Dallas County by the Texas and Pacific Railway Company by agreement dated May 8, 1930 and recorded in the Minutes of the Clerk of the Commissioners' Court of Dallas County, Texas (not monumented):

THENCE Northerly, over and across the said Union Pacific Railroad property and with the East line of said street easement, along a Curve to the Left having a Radius of 1,186.28 feet, a Central Angle of 03°00'22", an Arc Length of 82.94 feet and a Chord which bears North 13°07'09" West a distance of 82.93 feet to the Point of Tangency (not monumented):

THENCE North 15°07'20" West, continuing over and across a portion of said Union Pacific property and with the East line of said street easement a distance of 147.01 feet to the intersection with the above said Northwest line of said railroad, being also the Southeast line of said Riverfront Boulevard (not monumented):

THENCE North 75°06'25" East with the Northwest line of said railroad a distance of 25.00 feet to the POINT OF BEGINNING, containing 5,751 Square Feet, or 0.132 Acres of land.

BASIS OF BEARINGS: Bearings are based on the State Plane Coordinate System, Texas North Central Zone 4202, North American Datum of 1983, Realization of 2011.

Scott Holt
e/7/19
Sheet 2 of 7



**Field Notes Describing Easements to be Acquired
from the
Union Pacific Railroad Company
For Street Purposes**

TRACT NO. 2

BEING a 5,751 square foot (0.132 Acre) tract of land lying in the City of Dallas, Dallas County, Texas, and situated in the John Beeman Survey, Abstract Number 209, Dallas County, Texas, and being a portion of the land conveyed by Sarah H. Cockrell to the Texas and Pacific Railway Company (predecessor in title to the Union Pacific Railroad Company) by Deed dated October 25, 1872, and recorded in Volume S, Page 412 of the Deed Records of Dallas County, Texas, and Deed dated September 4, 1880, and recorded in Volume 50, Page 99 of the Deed Records of Dallas County, Texas, and being more particularly described as follows:

BEGINNING at the Northwest corner of an easement for street purposes conveyed to Dallas County by the Texas and Pacific Railway Company by agreement dated May 8, 1930 and recorded in the Minutes of the Clerk of the Commissioners' Court of Dallas County, Texas (not monumented), said corner lying on the Northwest line of the above said railroad property *from which* a ½-inch diameter iron rod without cap (Controlling Monument) found in concrete at the intersection of the Northwest line of the above said Union Pacific Railroad property and the Southeast corner of the riverfront Boulevard right-of-Way bears North 75°06'25" East a distance of 80.00 feet :

THENCE South 15°07'20" East with the West line of said street easement, over and across said railroad property a distance of 147.43 feet to the Point of Curvature of a Curve to the Right (not monumented):

THENCE Southeasterly, continuing over and across said railroad property and with the West line of said street easement and along said Curve, having a Radius of 1,106.28 feet, a Central Angle of 04°16'47", an Arc Length of 82.63 feet and a Chord which bears South 12°58'57" East a distance of 82.61 feet to the Southwest corner of said street easement, lying on the Southeast line of said railroad property, being also the North line of said Riverfront Boulevard (not monumented):

**Field Notes Describing Easements to be Acquired
from the
Union Pacific Railroad Company
For Street Purposes**

THENCE South 75°06'25" West, departing the last said street easement and with the said Southeast line of said railroad property a distance of 25.06 feet to a Mag Nail with washer marked "CITY OF DALLAS" set in concrete pavement at the intersection with the Southwest line of Riverfront Boulevard, being also the Northeast line of Lot 1, Block 6826 of the said Dallas County Criminal Courts Facility Addition, and being the Southwest corner of the herein described tract of land, on a Curve to the Left:

THENCE Northwesterly, over and across said Union Pacific Railroad property and with the common line between said Lot 1, Block 6826 and the Southwest line of Riverfront Boulevard and along said Curve, having a Radius of 1,081.28 feet, a Central Angle of 4°22'25", an Arc Length of 82.54 feet and a Chord which bears North 12°56'08" West a distance of 82.52 feet to a 5/8-inch diameter iron rod with cap marked "CITY OF DALLAS" set at the Point of Tangency:

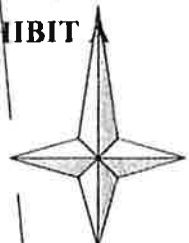
THENCE North 15°07'20" West" East continuing with the common line between said Lot 1, Block 6826 and said railroad property, and continuing over and across said Union Pacific Railroad property for a total distance of 147.53 feet to the intersection with the above said Northwest line of the Union Pacific Railroad property, being also the South line of said Riverfront Boulevard (Not Monumented) being also the Northwest corner of the herein described tract of land, *from which* a 5/8-inch diameter iron rod found with cap marked "STANTEC" bears North 88°26'36" East a distance of 1.17 feet:

THENCE North 75°06'25" East, with the said South line of Riverfront Boulevard and with the said Northwest line of the Union Pacific Railroad property, over and across Riverfront Boulevard a distance of 25.00 feet to the **POINT OF BEGINNING**, containing 5,751 Square Feet, or 0.132 Acres of land.

BASIS OF BEARINGS: Bearings are based on the State Plane Coordinate System, Texas North Central Zone 4202, North American Datum of 1983, Realization of 2011

Scott Holt
8/7/19





Stemmons Place Addition
Volume 77136, Page 202

505 Riverfront, Ltd.
Int. #201300117694

JOHN BEEMAN SURVEY
ABSTRACT NO. 209

LOT 1
BLOCK
6827

BLOCK
6828

(Unplatted)

505 Riverfront, Ltd.
Int. #201200355763

RIVERFRONT (Industrial) BOULEVARD
130-FOOT RIGHT-OF-WAY
"Street Dedication Map"
Vol. 5, Pg. 5, Map Records

Tract 1, See Detail,
Sheet 6 of 6

5/8 I.R.
Found
CONTROLLING
MONUMENT

313.21', N 75°06'25" E
(Volume 50, Page 99)

UNION PACIFIC
(Texas & Pacific) Railroad
(Book S, Page 412)

3/4" I.R.
Found
CONTROLLING
MONUMENT

(Volume 50, Page 99)

5-Foot Sidewalk Easements
Dallas County Commissioner's
Court, May 8, 1930

Easement for
Street Purposes
Dallas County
Commissioner's Court
May 8, 1930

294.70', N 75°06'25" E
36.21'
S 00°01'15" E

DALLAS COUNTY
Vol. 78085, Pg. 313

137.03'
S 01°31'15" W

99.50'
S 02°41'39" W

104.82'
S 03°58'27" W

19.69'
S 02°08'35" E

INTERSTATE HIGHWAY 35E

393.99'
S 74°52'40" W

U.P. RR
Mile Post 214

(Volume 50, Page 99)

80.30'
S 75°06'25" W

LOT 1
BLOCK
6825

Dallas County Criminal
Courts Facility Addition
Volume 89122, Page 663

Tract 2, See Detail,
Sheet 6 of 6

LOT 1
BLOCK
6826

DALLAS COUNTY
Vol. 78085, Pg. 313

130.00'
(Typical)

Dallas County Criminal
Courts Facility Addition
Volume 89122, Page 663

- ⊙ Indicates a 5/8" I.R. w/City of Dallas Cap
- ⊠ Indicates a Mag Nail w/City of Dallas Washer
- ⊡ Indicates a Type II TxDOT R/W Marker

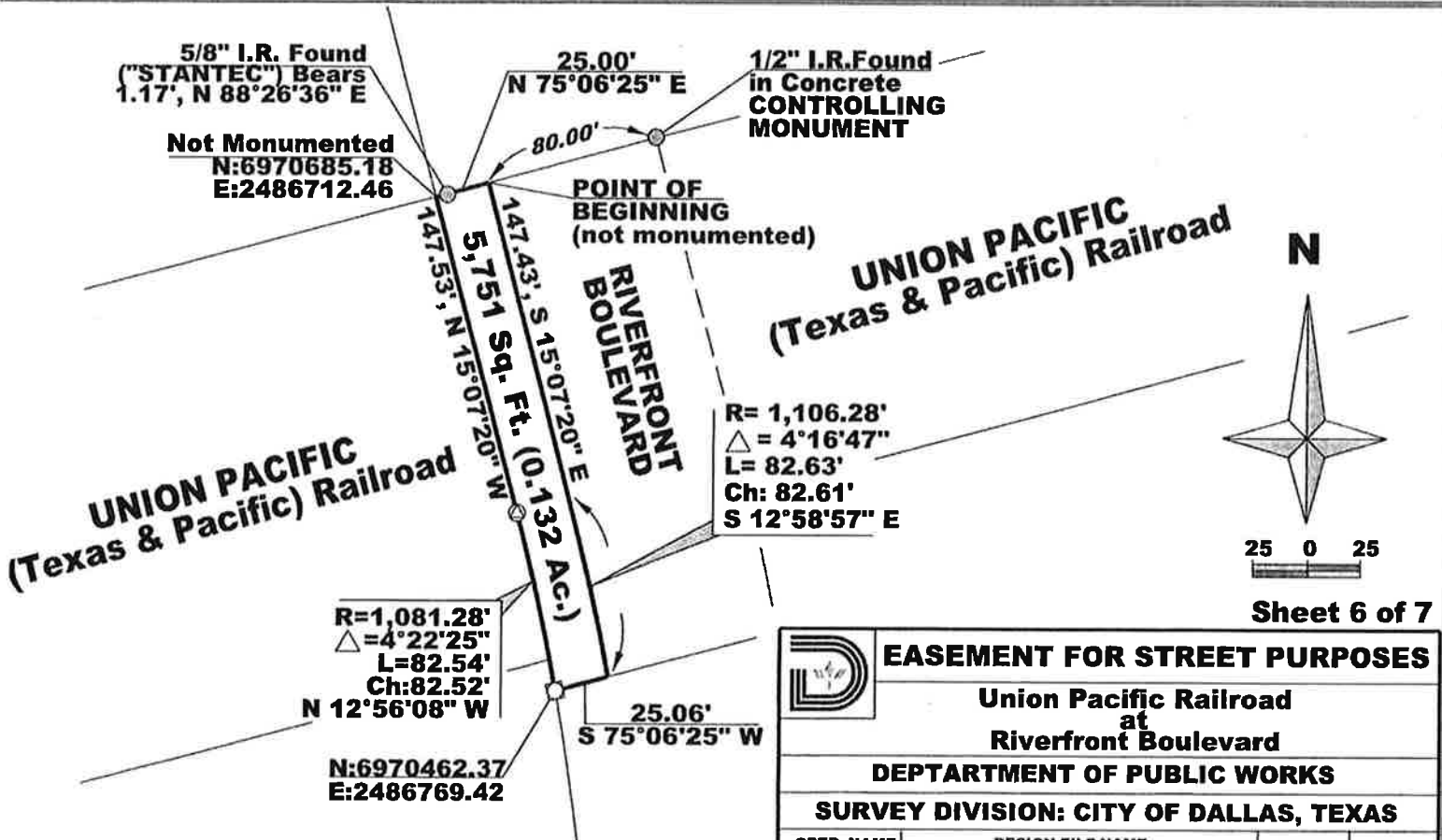
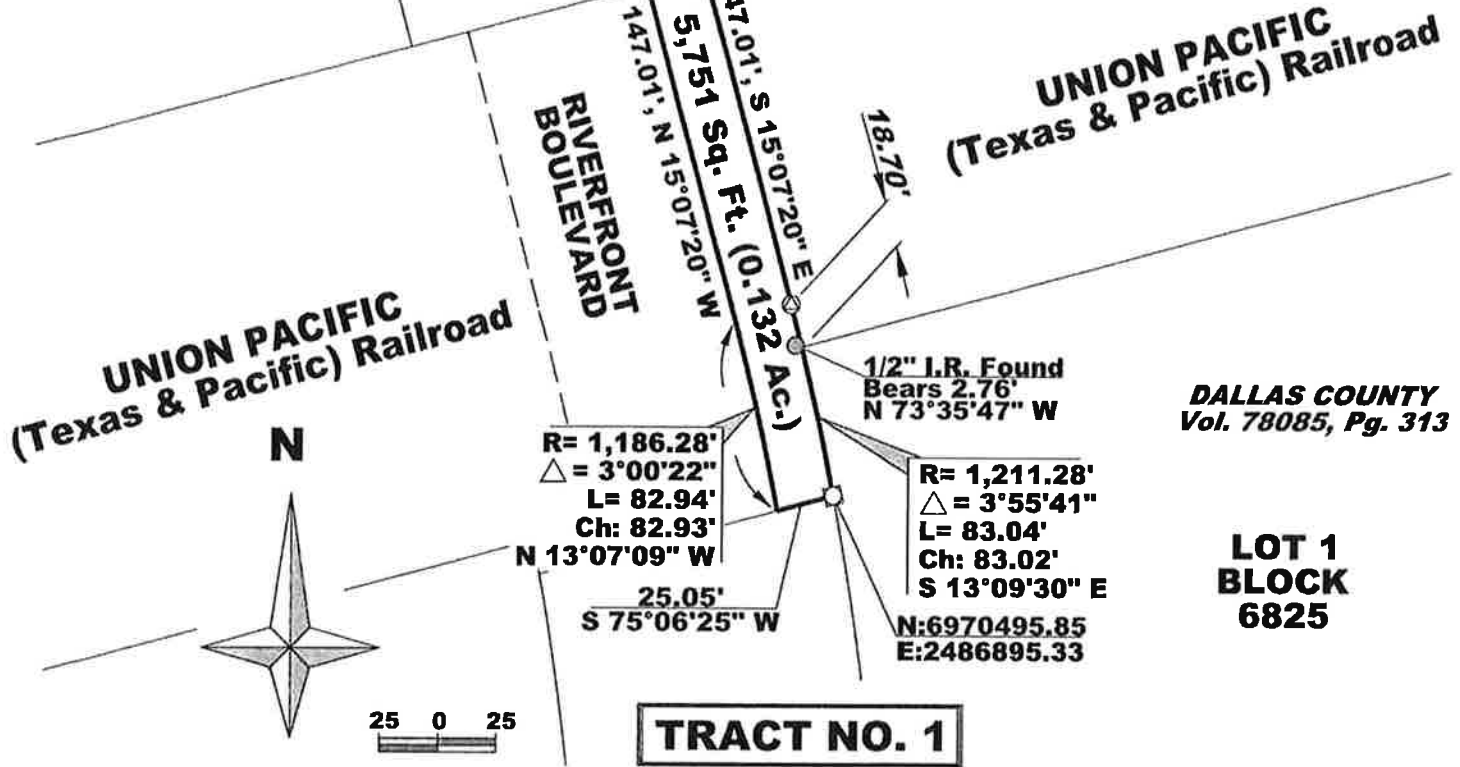
BASIS OF BEARINGS: Bearings are based on the State Plane Coordinate System, Texas North Central Zone 4202, North American Datum of 1983, Realization of 2011.

EASEMENTS FOR STREET PURPOSES			
Union Pacific Railroad at Riverfront Boulevard			
DEPARTMENT OF PUBLIC WORKS			
SURVEY DIVISION: CITY OF DALLAS, TEXAS			
OPER. NAME	DESIGN FILE NAME	SCALE	DATE
S. Holt	N:\ENGR\SURVEY\HOLT\TRINITY\Railroad Properties.dgn	As Noted	8-11-19
PARTY CHIEF	CALCULATIONS	FOLDER	FILE NO.
E. Prunty	S. Holt	Riverfront Blvd.	311D-4361

201029

EXHIBIT A

BLOCK 6828



Sheet 6 of 7

EASEMENT FOR STREET PURPOSES			
Union Pacific Railroad at Riverfront Boulevard			
DEPARTMENT OF PUBLIC WORKS			
SURVEY DIVISION: CITY OF DALLAS, TEXAS			
OPER. NAME	DESIGN FILE NAME	SCALE	DATE
S. Holt	M:\ENGR\SURVEY\HOLT\TRINITY\Railroad Properties.dgn	As Noted	8-11-19
PARTY CHIEF	CALCULATIONS	FOLDER	FILE NO.
E. Prunty	S. Holt	Riverfront Blvd.	311D-4361

505 Riverfront, Ltd.
Int. #201200355763

505 Riverfront, Ltd.
Int. #201300117694

201029
EXHIBIT A

LOT 1
BLOCK
6827

(Volume 50, Page 99)

UNION PACIFIC
(Texas & Pacific)
RAILROAD
(Book S, Page 412)

Elev: 419.92

Elev: 420.40

East
Abutment

West
Abutment

Bent #1

Bent #2

Bent #3

Union Pacific
Railroad Bridge

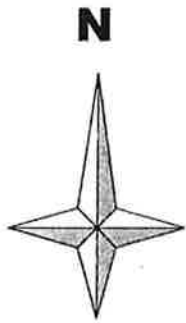
Elev: 419.89

Elev: 420.37

NOTE: All elevations are to
bottom chord of girder;
NGVD '29, Mean Sea Level

DALLAS COUNTY
Vol. 78085, Pg. 313

LOT 1
BLOCK
6825



(Volume 50, Page 99)



LOT 1
BLOCK
6826

DALLAS COUNTY
Vol. 78085, Pg. 313

RIVERFRONT
(Industrial) BOULEVARD
130-Foot Right-of-Way
("Street Dedication Map"
vol. 5, Pg. 5, Map Records)

Sheet 7 of 7

				EASEMENTS FOR STREET PURPOSES			
				Union Pacific Railroad at Riverfront Boulevard			
				DEPARTMENT OF PUBLIC WORKS			
				SURVEY DIVISION: CITY OF DALLAS, TEXAS			
OPER. NAME	DESIGN FILE NAME			SCALE	DATE		
S. Holt	N:\ENGR\B\SURVEY\HOLT\TRINITY\Railroad Properties.dgn			As Noted	8-11-19		
PARTY CHIEF	CALCULATIONS	FOLDER		FILE NO.			
E. Prunty	S. Holt	Riverfront Blvd.		311D-4361			