

December 9, 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 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. 11-0946 approved by the Dallas City Council on April 13, 2011, which is incorporated herein by reference.

“PROPERTY”: Approximately 187,175 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”: Fee Simple

“PROJECT”: Southwest 120/96-inch Water Transmission Pipeline

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SECTION 1. (continued)

"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.

"OWNER": Pecan Creek Homeowners' Association, 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": \$18,718.00

"CLOSING COSTS AND TITLE EXPENSES": Not to exceed \$3,282.00

"AUTHORIZED AMOUNT": \$22,000.00 (OFFICIAL OFFER AMOUNT plus CLOSING COSTS AND TITLE EXPENSES)

"DESIGNATED FUNDS":

\$22,000.00 from Water Capital Improvement E Fund, Fund 3115, Department DWU, Unit PW40, Activity MPSA, Program 706623, Object 4210, Encumbrance/Contract No. CX-DWU-2019-00010858.

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.

December 9, 2020

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



**PARCEL E-14
FIELD NOTES DESCRIBING PART OF PARCEL 2,
PECAN CREEK PHASE 1B, IN THE NANCY BRUTON SURVEY,
ABSTRACT NO. 1702, THE WILLIAM W. BRUTON SURVEY,
ABSTRACT NO. 160, AND THE JAMES S. RAMSEY SURVEY,
ABSTRACT NO. 1189, CITY OF MESQUITE, DALLAS COUNTY, TEXAS
TO BE ACQUIRED FOR A 120 INCH WATER LINE**

BEING a 4.297 acre tract of land situated in the Nancy Bruton Survey, Abstract Number 1702, the William W. Bruton Survey, Abstract Number 160, and the James S. Ramsey Survey, Abstract Number 1189, in the City of Mesquite, Dallas County, Texas, and being part of that tract of land described in Deed without Warranty to Pecan Creek (Mesquite) Homeowners' Association, Inc., as recorded in Instrument Number 20080061371 of the Official Public Records of Dallas County, Texas (O.P.R.D.C.T.), said tract also being a part of Parcel 2, Pecan Creek Phase 1B, an addition to the City of Mesquite, Texas, as shown on plat thereof recorded in Volume 2001187, Page 19, Deed Records of Dallas County, Texas (D.R.D.C.T.), and being more particularly described as follows:

BEGINNING at a set 1/2 inch iron rod with yellow cap stamped "GLD" for the south corner of said Parcel 2, said point being on the intersection of the northeast right-of-way line of Clay Mathis Road (a variable width right-of-way) and the northwest right-of-way line of Lawson Road (a variable width right-of-way);

THENCE North 45 degrees 19 minutes 19 seconds West, with the southwest line of said Parcel 2 and with said northeast right-of-way line, a distance of 214.44 feet to a set 1/2 inch iron rod with yellow cap stamped "GLD" for corner;

THENCE North 44 degrees 48 minutes 46 seconds East, with said northeast right-of-way line and with the northwest line of said Parcel 2, passing the south corner of Block A of said Pecan Creek Phase 1B addition at a distance of 7.76 feet, departing said northeast right-of-way line and continuing with said northwest line and with the southeast line of said Block A, in all, a total distance of 106.29 feet to a set 1/2 inch iron rod with yellow cap stamped "GLD" for corner;

THENCE North 49 degrees 36 minutes 22 seconds East, with said northwest line and said southeast line, a distance of 272.77 feet to found 1/2 iron rod for corner;

THENCE North 36 degrees 20 minutes 23 seconds East, continuing with said northwest line and said southeast line, a distance of 130.22 feet to a set 1/2 inch iron rod with yellow cap stamped "GLD" for corner;

REVIEWED BY *AKC* 11/19/10

**PARCEL E-14
FIELD NOTES DESCRIBING PART OF PARCEL 2,
PECAN CREEK PHASE 1B, IN THE NANCY BRUTON SURVEY,
ABSTRACT NO. 1702, THE WILLIAM W. BRUTON SURVEY,
ABSTRACT NO. 160, AND THE JAMES S. RAMSEY SURVEY,
ABSTRACT NO. 1189, CITY OF MESQUITE, DALLAS COUNTY, TEXAS
TO BE ACQUIRED FOR A 120 INCH WATER LINE**

THENCE North 42 degrees 39 minutes 46 seconds East, departing said northwest line and said southeast line, a distance of 712.09 feet to a set 1/2 inch iron rod with yellow cap stamped "GLD" for corner on the common east line of said Parcel 2 and the west line of that tract of land described in General Warranty Deed to Devin Phillips, as recorded in Instrument Number 20080076668, O.P.R.D.C.T., and in General Warranty Deed to Progressive Relocation of Texas, L.P., as recorded in Instrument Number 20070102202, O.P.R.D.C.T.;

THENCE South 20 degrees 47 minutes 13 seconds West, with said common line, a distance of 183.20 feet to a found 1/2 inch iron rod with cap stamped "DAA" for corner;

THENCE South 16 degrees 28 minutes 29 seconds West, continuing with said common line, a distance of 243.15 feet to a set 1/2 inch iron rod with yellow cap stamped "GLD" for corner, said point being on said northwest right-of-way line of Lawson Road;

THENCE South 41 degrees 36 minutes 42 seconds West, departing said common line and with the southeast line of said Parcel 2 and said northwest right-of-way line, a distance of 759.63 feet to a found 1/2 inch iron rod for corner;

THENCE South 41 degrees 03 minutes 41 seconds West, with said southeast line and said northwest right-of-way line, a distance of 78.38 feet to the POINT OF BEGINNING AND CONTAINING 187,175 square feet or 4.297 acres of land, more or less.

SUBJECT TO: drainage easement per plat of Pecan Creek Phase 1B Addition, an addition to the City of Mesquite, Texas according to the plat thereof as recorded in Volume 2001187, Page 19, D.R.D.C.T.;

Sanitary Sewer easement to City of Mesquite dated June 20, 1996 as recorded in Volume 96121, Page 4579, D.R.D.C.T.

REVIEWED BY: *AK* 10/7/10

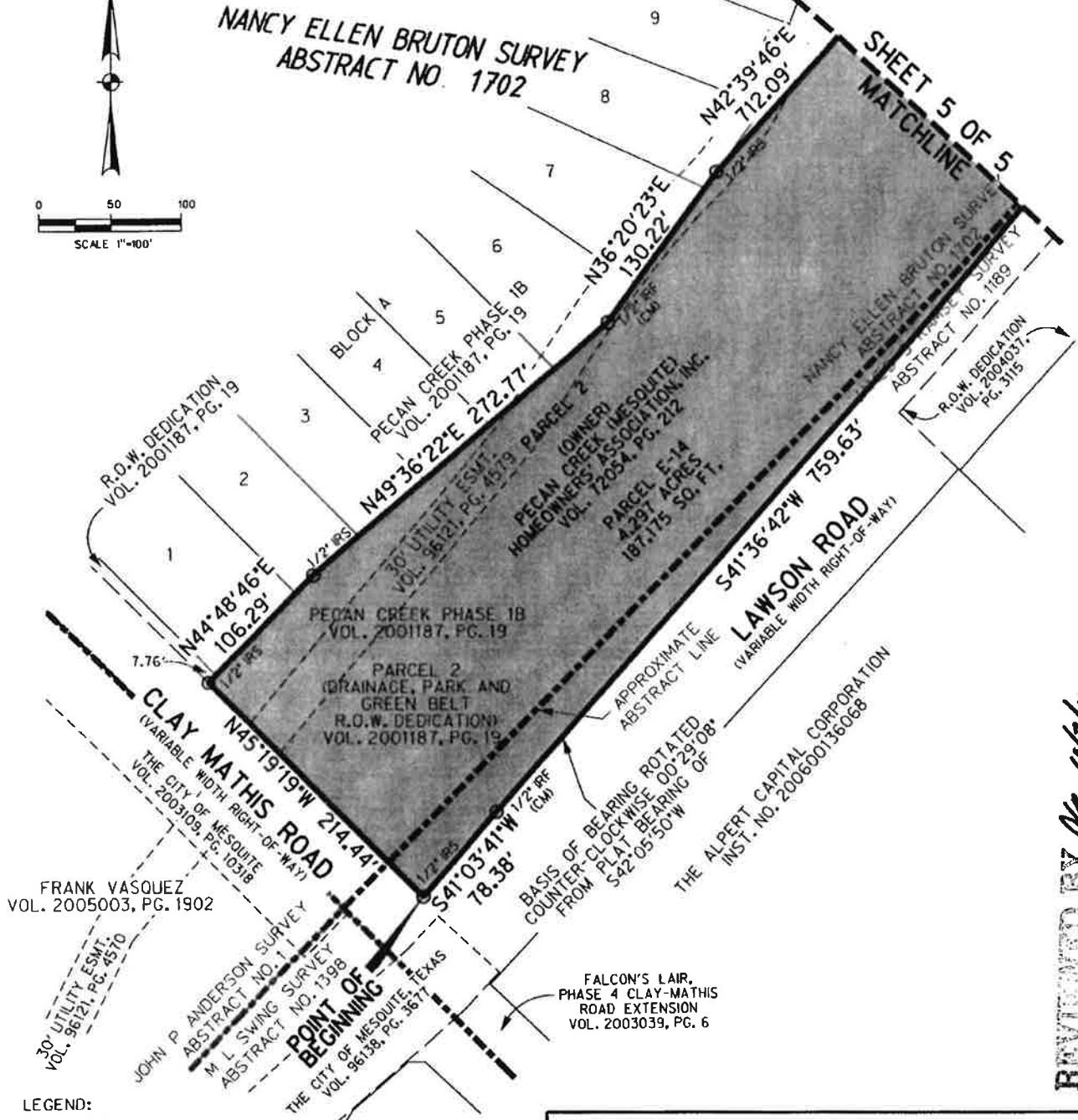
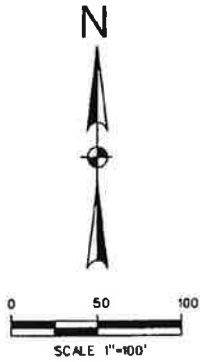
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BASIS OF BEARINGS: North American Datum of 1983, Texas State Plane Coordinate System, North Central Zone 4202. All distances are surface distances. Surface adjustment scale factor: 1.0001365060. Basis of Bearings rotated counter-clockwise 00 degrees 29 minutes 08 seconds from plat of Pecan Creek Phase 1B, an addition to the City of Mesquite, Texas, thereof recorded in Volume 2001187, Page 19, D.R.D.C.T., with a bearing of South 42 degrees 05 minutes 50 seconds West along the northwest line of Lawson Road.



9/01/2010

REVIEWED BY *lpc* 9/9/10



- LEGEND:**
- IRF IRON ROD FOUND
 - IRS IRON ROD SET W/ YELLOW "GLD" CAP
 - IRFC IRON ROD FOUND W/CAP
 - (CM) CONTROL MONUMENT

NOTES:

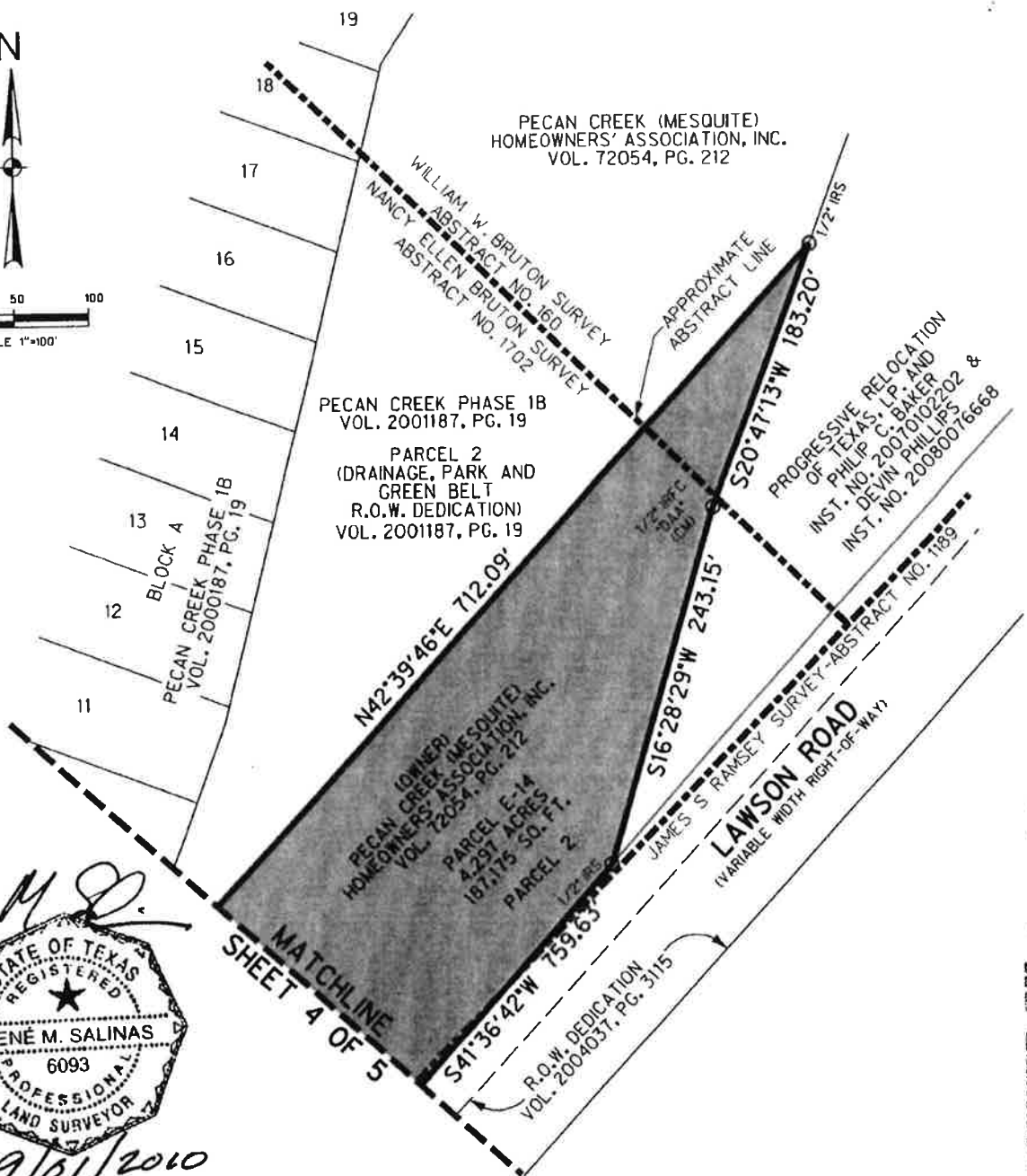
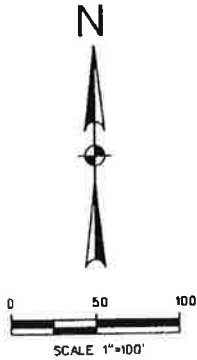
1.) BEARINGS SYSTEM: NORTH AMERICAN DATUM OF 1983, TEXAS STATE PLANE COORDINATE SYSTEM, NORTH CENTRAL ZONE 4202 SURFACE ADJUSTMENT SCALE FACTOR 1.0001365060

PARCEL E-14
FIELD NOTES DESCRIBING A PORTION OF
PECAN CREEK (MESQUITE) HOMEOWNERS'
ASSOCIATION, INC. TRACT
IN THE NANCY BRUTON SURVEY, ABST. NO. 1702,
WILLIAM W. BRUTON SURVEY, ABST. NO. 160 &
JAMES S. RAMSEY SURVEY, ABST. NO. 1189
CITY OF MESQUITE, DALLAS COUNTY, TEXAS
TO BE ACQUIRED FOR A 120-INCH WATER LINE

	T 214-987-0149 6210 Campbell Rd., Ste 110	DATE: 09/03/10
	P 214-987-4026 Dallas, TX 75248-1388	PROJ: 5330
Garcia Land Data, Inc.		PAGE 4 OF 5

REVIEWED BY *me* 10/1/10

EXHIBIT A 201938



René M. Salinas

 9/01/2010

LEGEND:
 IRF IRON ROD FOUND
 IRS IRON ROD SET W/
 YELLOW "GLD" CAP
 IRFC IRON ROD FOUND W/CAP
 (CM) CONTROL MONUMENT

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 1.) BEARINGS SYSTEM: NORTH AMERICAN
 DATUM OF 1983, TEXAS STATE PLANE
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REVIEWED BY *René M. Salinas* 9/1/10