

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. 20-1412 approved by the Dallas City Council on September 23, 2020, which is incorporated herein by reference.

“PROPERTY”: Approximately 811,065 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.

“PROPERTY INTEREST”: Fee Simple

“PROJECT”: Lake Tawakoni 144-inch Raw Water Transmission Pipeline

December 9, 2020**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": CTMGT Land Holdings LP, 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": \$563,600.00

"CLOSING COSTS AND TITLE EXPENSES": Not to exceed \$10,000.00

"AUTHORIZED AMOUNT": \$573,600.00 (OFFICIAL OFFER AMOUNT plus CLOSING COSTS AND TITLE EXPENSES)

"DESIGNATED FUNDS":

\$573,600.00 from Water Capital Improvement D Fund, Fund 2115, Department DWU, Unit PW20, Activity RWPT, Program 704041, Object 4210, Encumbrance/Contract No. CX-DWU-2020-00014362.

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.

201939

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: *Christopher C. Henth*
Assistant City Attorney



Exhibit A
201939

FIELD NOTES
DESCRIBING A TRACT OF LAND FOR FEE SIMPLE ACQUISITION FOR THE
LAKE TAWAKONI RAW WATER TRANSMISSION MAIN
KAUFMAN COUNTY, TEXAS
Parcel: 75R

BEING a 811,065 square feet, 18.62 acre tract, of land situated in Kaufman County, Texas, of which approximately 9.903 acres being in the James R. Briscoe Survey, Abstract No. 40, approximately 4.833 acres being in the Isaac Jones Survey, Abstract No. 257, and approximately 3.884 acres being in the Simon C. White Survey, Abstract No. 572, said 18.62 acre tract being completely out of Tract 1, a called 328.450 acre tract of land described in Special Warranty Deed With Vendor's Lien to Travis Ranch, LLC, a Nevada Limited Liability Company, dated October 10, 2008, as recorded in Document No. 2008-00019838, Official Public Records of Kaufman County, Texas (O.P.R.K.C.T.), said 18.62 acre tract also being partially within Pecan Avenue, a private way and partially within Lots 12, 13, 14, 15, 16, 17, 18, 21, 22, 23, 24, and 25 of Pecan Grove Estates, an addition to Kaufman County, Texas as recorded in Plat Cabinet No. 1, Page 91, Plat Records of Kaufman County, Texas (P.R.K.C.T.), said 18.62 acre tract being further described by Metes and Bounds as follows:

COMMENCING at an 1/2-inch iron rebar with cap stamped "Halff", (control monument), found at the southern corner of the eastern most corner clip of said Tract 1, and southern corner of the eastern most corner clip of said Pecan Grove Estates Addition, and being in the northwest right-of-way line of F.M. 460 (90-foot wide right-of-way);

THENCE South $46^{\circ}44'59''$ West, with a southeast line of said Tract 1, a southeast line of said Pecan Grove Estates Addition and the northwest line of said F.M. 460, a distance of 755.30 feet to a 1/2-inch iron rod with red cap stamped "DAL-TECH" (hereinafter referred to as "with cap") set in the southerly line of Parcel 1 of the City of Dallas Water Line Right-of-Way (130' width), as described in Volume 454, Page 117, Deed Records of Kaufman County, Texas (D.R.K.C.T.), and being the northeasterly corner of a called 1.013 acre tract of land described in Warranty Deed to the City of Dallas as recorded in Instrument No. 2018-0027578, (O.P.R.K.C.T.);

THENCE South $76^{\circ}37'44''$ West, departing said southeast line of Tract 1, said southeast line of Pecan Grove Estates Addition and said northwest line of FM 460, along said southerly line of Parcel 1 of the City of Dallas Water Line Right-of-Way and along the northerly line of said called 1.013 acre tract of land, a distance of 442.30 feet to a 1/2-inch iron rod with cap set for the POINT OF BEGINNING, said corner being the point of curvature of a non-tangent curve to the left, having a radius of 300.00 feet, a central angle of 02 degrees 02 minutes 37 seconds, and a tangent of 5.35 feet;

THENCE in southeasterly direction, departing said southerly line of Parcel 1 of the City of Dallas Water Line Right-of-Way and said northerly line of called 1.013 acre tract of land, and along the southwesterly line of said called 1.013 acre tract of land with said curve to the left, an arc distance of 10.70 feet (Chord Bearing South $32^{\circ}29'51''$ East – 10.70 feet) to a 1/2-inch iron rod with cap set for the point of tangency of said curve;

THENCE South $39^{\circ}43'05''$ East, continuing along said southwesterly line of said called 1.013 acre tract of land, a distance of 70.02 feet to a 1/2-inch iron rod with cap stamped "WESTWOOD" found for corner;

THENCE South $43^{\circ}15'24''$ East, continuing along said southwesterly line of said called 1.013 acre tract of land, a distance of 65.91 feet to a 1/2-inch iron rod with cap set for corner 130.00 feet southerly from and perpendicular to said southerly line of Parcel 1 of the City of Dallas Water Line Right-of-Way;

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EXHIBIT A

THENCE South $76^{\circ}37'44''$ West, 130.00 feet southerly from and perpendicular and parallel to said southerly line of Parcel 1 of the City of Dallas Water Line Right-of-Way, a distance of 3,565.32 feet to a 1/2-inch iron rod with cap set for corner;

THENCE, North $88^{\circ}43'56''$ West, continuing 130.00 feet southerly from, perpendicular and parallel to said southerly line of Parcel 1 of the City of Dallas Water Line Right-of-Way, a distance of 1,582.11 feet to a 1/2-inch iron rod with cap set;

THENCE South $11^{\circ}23'50''$ West, a distance of 1,036.37 feet to a 1/2-inch iron rod with cap set in a southerly line of said Tract 1, said corner being in the northerly right-of-way line of U.S. Highway 80 (variable width right-of-way);

THENCE North $77^{\circ}25'16''$ West, with said southerly line of Tract 1 and said northerly right-of-way line of U.S. Highway 80, a distance of 130.03 feet to a 1/2-inch iron rod with cap set;

THENCE North $11^{\circ}23'50''$ East, departing said southerly line of Tract 1 and said northerly right-of-way line of U.S. Highway 80, a distance of 1,142.52 feet to a 1/2-inch iron rod with cap set in the southerly line of Parcel 1 of said City of Dallas Water Line Right-of-Way;

THENCE South $88^{\circ}43'56''$ East, with said southerly line of Parcel 1 of said City of Dallas Water Line Right-of-Way, a distance of 1,674.24 feet to a concrete monument with brass disk stamped "City of Dallas" (control monument) found for corner;

THENCE North $76^{\circ}37'44''$ East, continuing with said southerly line of Parcel 1 of the City of Dallas Water Line Right-of-Way, a distance of 3,481.20 feet to the POINT OF BEGINNING and containing 811,065 square feet or 18.62 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.

By:  Date: Nov. 19, 2019

Surveyor's Name: Gregory Scott Kays
Registered Professional Land Surveyor
Texas No. 5040

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



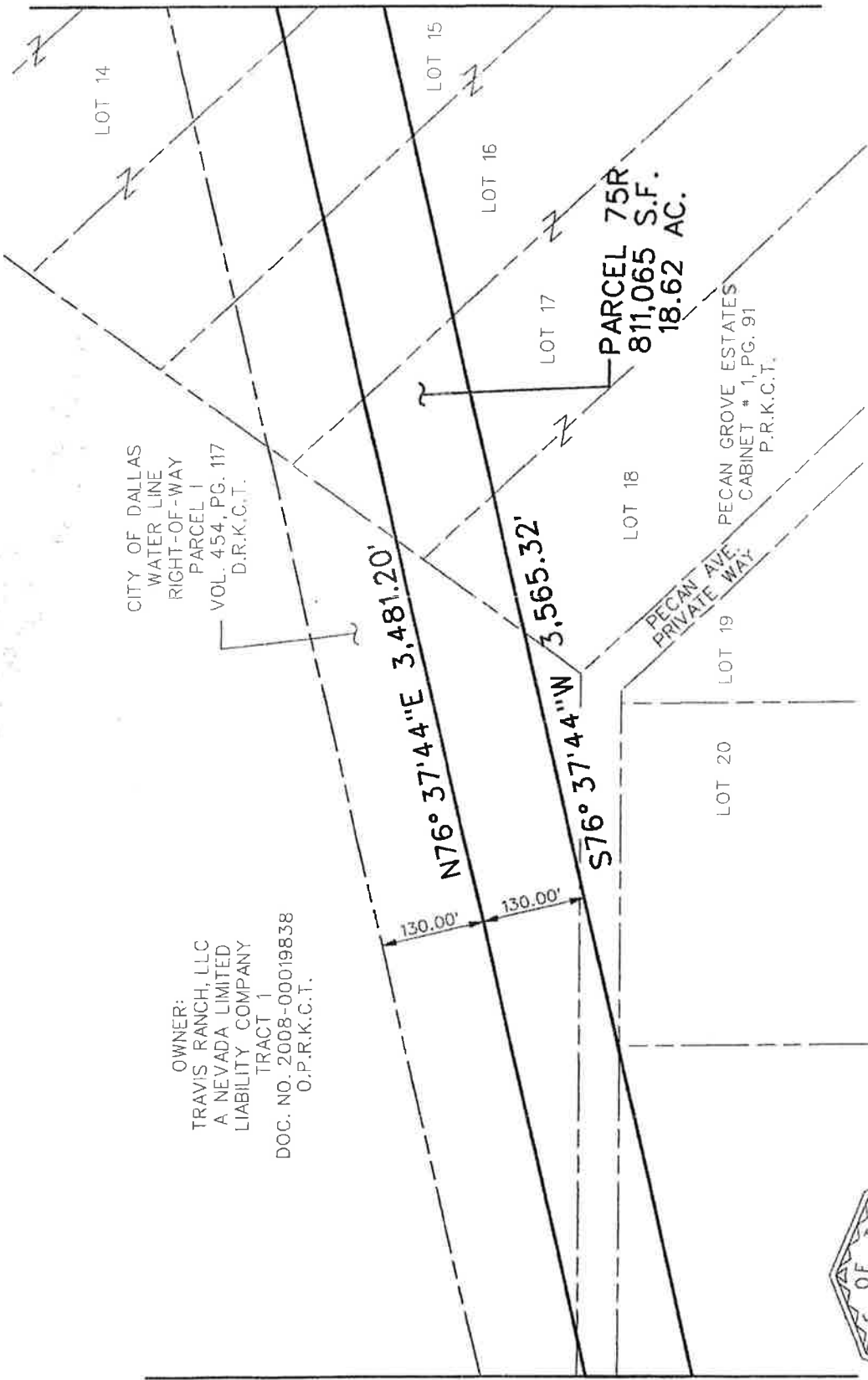


MATCH LINE SEE SHEET 3 OF 6

CITY OF DALLAS
WATER LINE
RIGHT-OF-WAY
PARCEL 1
VOL. 454, PG. 117
D.R.K.C.T.

OWNER:
TRAVIS RANCH, LLC
A NEVADA LIMITED
LIABILITY COMPANY
TRACT 1
DOC. NO. 2008-00019838
O.P.R.K.C.T.

MATCH LINE SEE SHEET 5 OF 6



NOTE: THIS SURVEY WAS PERFORMED WITHOUT THE BENEFIT OF A TITLE COMMITMENT.

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 DOLLIN 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.

LEGEND:

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

EXHIBIT OF A
RIGHT-OF-WAY ACQUISITION
SITUATED IN THE
JAMES R. BRISCOE SURVEY, ABSTRACT NO. 40,
ISAAC JONES SURVEY, ABSTRACT NO. 257,
SIMON C. WHITE SURVEY, ABSTRACT NO. 572 AND
KAUFMAN COUNTY, TEXAS
FOR THE
CITY OF DALLAS
BY
DAL-TECH ENGINEERING, INC., 17400 DALLAS PKWY, SUITE
DALLAS, TEXAS 75287, TEL (972) 260-2727, FAX (972) 260-4774
TSPS FORM NO. 10293500
SCALE: 1"=200'

MATCH LINE SEE SHEET 4 OF 6



APPROXIMATE LOCATION OF SURVEY LINE

OWNER:
 TRAVIS RANCH, LLC
 A NEVADA LIMITED LIABILITY COMPANY
 TRACT 1
 DOC. NO. 2008-00019838
 O.P.R.K.C.T.

APPROXIMATE LOCATION OF SURVEY LINE

CITY OF DALLAS
 WATER LINE
 RIGHT-OF-WAY
 PARCEL 1
 VOL. 454, PG. 117
 D.R.K.C.T.

PRIVATE WAY

LOT 24

MATCH LINE SEE SHEET 6 OF 6

APPROXIMATE LOCATION OF SURVEY LINE

FOUND CONCRETE MONUMENT W/BRASS DISK STAMPED "CITY OF DALLAS" (C.M.)

S88° 43'56"E 1,674.24'
 N88° 43'56"W 1,582.11'

LOT 25

PECAN GROVE ESTATES
 CABINET # 1, PG. 91
 P.R.K.C.T.

APPROXIMATE LOCATION OF SURVEY LINE

PECAN AVE.
 PRIVATE WAY

PARCEL 75R
 811,065 S.F.
 18.62 AC.

OWNER:
 TRAVIS RANCH, LLC
 A NEVADA LIMITED LIABILITY COMPANY
 TRACT 1
 DOC. NO. 200800019838
 O.P.R.K.C.T.

APPROXIMATE LOCATION OF SURVEY LINE

ISAAC JONES SURVEY ABSTRACT NO. 287

SIMON C. WHITE SURVEY ABSTRACT NO. 572

JAMES R. BRISCOE SURVEY ABSTRACT NO. 40

LOT 23

LOT 22

NOTE: THIS SURVEY WAS PERFORMED WITHOUT THE BENEFIT OF A TITLE COMMITMENT.

LEGEND:

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



ALL BEARINGS FOR THIS TRACT REFER TO THE MAD-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.

EXHIBIT OF A

RIGHT-OF-WAY ACQUISITION

SITUATED IN THE
 JAMES R. BRISCOE SURVEY ABSTRACT NO. 40,
 ISAAC JONES SURVEY ABSTRACT NO. 287,
 SIMON C. WHITE SURVEY ABSTRACT NO. 572 AND
 KAUFMAN COUNTY, TEXAS

FOR THE
 CITY OF DALLAS

BY:
 DAL-TECH ENGINEERING, INC. 17400 DALLAS PRIVV. SUITE,
 DALLAS, TEXAS 75287 TEL (972) 250-2727 FAX (972) 250-4777
 TERRY S. FISHER, L.D. 00123500
 DATE: 09/23/2019 REVISED: 10/12/2019 15:00 P.M. 2019

LOT 24

PECAN GROVE ESTATES
CABINET # 1, PG. 91
P.R.K.C.T.

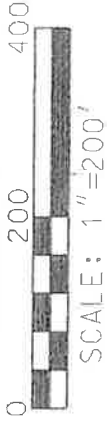


EXHIBIT
OF A

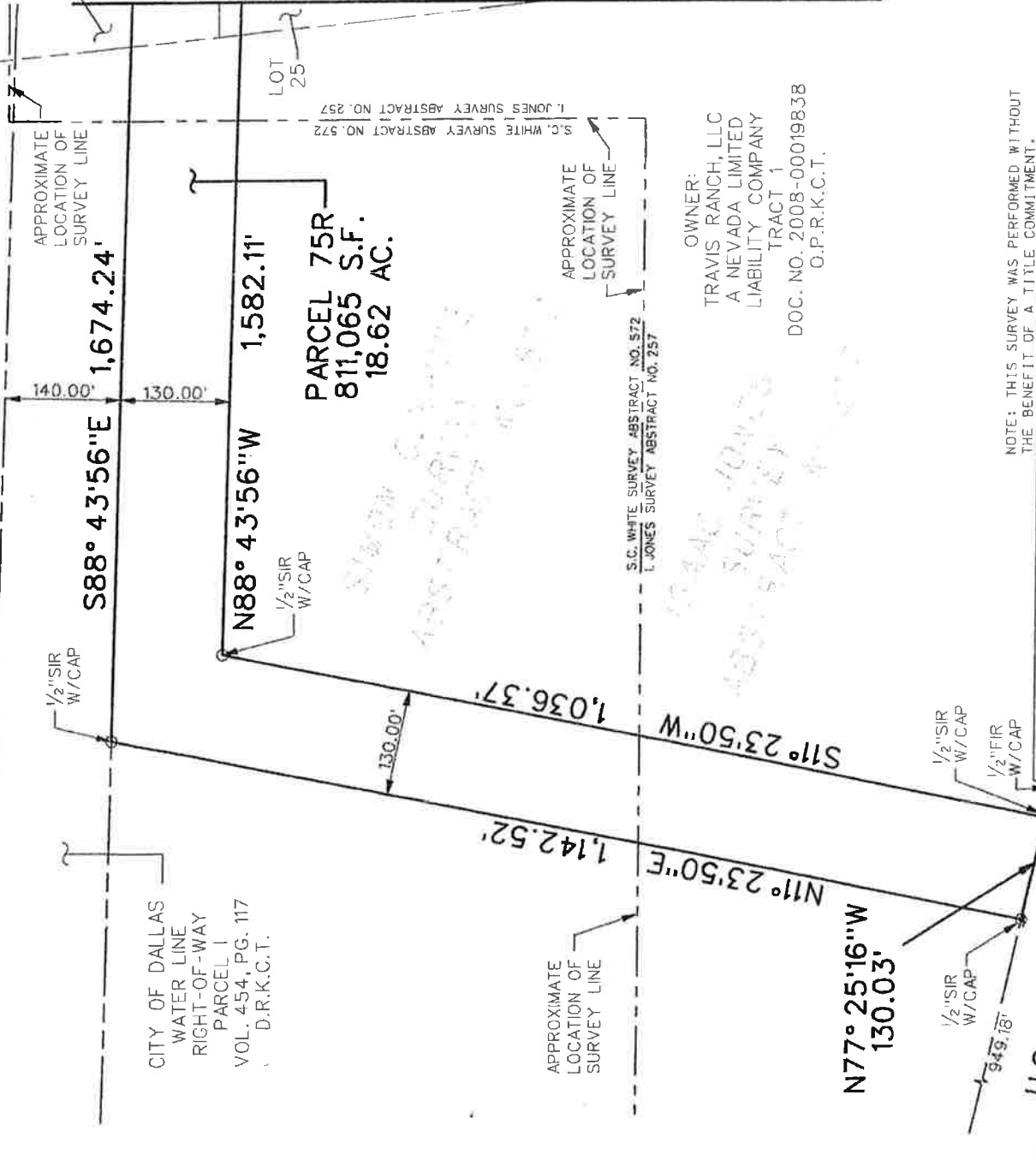
RIGHT-OF-WAY ACQUISITION

JAMES A BRISCOE SURVEY, ABSTRACT NO. 40,
ISAAC JONES SURVEY, ABSTRACT NO. 257,
SIMON C WHITE SURVEY, ABSTRACT NO. 572 AND
KAUFMAN COUNTY, TEXAS

FOR THE
CITY OF DALLAS

BY
DAL-TECH ENGINEERING, INC., 7400 DALLAS PARKWAY, SUITE 110
DALLAS, TEXAS 75237, TEL. (972) 650-2727, FAX (972) 650-2727
DATE: 11/19/2019, REVISED: 07/1/2009 SCALE: 1" = 200' SHEET 5 OF 5

MATCH LINE SEE SHEET 5 OF 6



OWNER:
TRAVIS RANCH, LLC
A NEVADA LIMITED
LIABILITY COMPANY
TRACT 1
DOC. NO. 2008-00019838
O.P.R.K.C.T.

NOTE: THIS SURVEY WAS PERFORMED WITHOUT
THE BENEFIT OF A TITLE COMMITMENT.

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.

LEGEND:

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C.M.	CONTROL MONUMENT
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○ W/CAP	W/ CAP
○ SX	SET "X" CUT IN CONCRETE
○ FPK	FOUND PK. NAIL
○ SPK	SET PK. NAIL
○ FIR	FOUND IRON ROD WITH CAP
○ W/CAP	STAMPED

U.S. HIGHWAY 80
(VARIABLE WIDTH R.O.W.)

CITY OF DALLAS
WATER LINE
RIGHT-OF-WAY
PARCEL 1
VOL. 454, PG. 117
D.R.K.C.T.

APPROXIMATE
LOCATION OF
SURVEY LINE

APPROXIMATE
LOCATION OF
SURVEY LINE

APPROXIMATE
LOCATION OF
SURVEY LINE

PARCEL 75R
811,065 S.F.
18.62 AC.

LOT 25

S.C. WHITE SURVEY, ABSTRACT NO. 572
L. JONES SURVEY, ABSTRACT NO. 257

S.C. WHITE SURVEY, ABSTRACT NO. 572
L. JONES SURVEY, ABSTRACT NO. 257

THIS SURVEY WAS PERFORMED WITHOUT THE BENEFIT OF A TITLE COMMITMENT.