

**A RESOLUTION DETERMINING UPON THE NECESSITY OF ACQUIRING REAL PROPERTY AND AUTHORIZING ITS APPROPRIATION AND/OR CONDEMNATION FOR A MUNICIPAL PURPOSE AND PUBLIC USE.**

**DEFINITIONS:** For the purposes of this resolution, the following definitions of terms shall apply:

"CITY": The City of Dallas.

"PROPERTY": The tracts or parcels of land described in "Exhibit A", attached hereto and made a part hereof for all purposes.

"PROJECT": Trinity Parkway

"PROPERTY INTEREST": Fee simple

"OWNER": Stemmons Hotel Limited Partnership, provided, however, that the term "OWNER" as used in this resolution means all persons having an ownership interest, regardless of whether those persons are actually named herein.

"OFFER AMOUNT": \$3,160,000.00

"CLOSING COSTS": Not to exceed \$17,000.00

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

**SECTION 1.** That the PROJECT is a municipal and public purpose and a public use.

**SECTION 2.** That public necessity requires that the CITY acquire the PROPERTY INTEREST in the PROPERTY for the PROJECT.

**SECTION 3.** That for the purpose of acquiring the PROPERTY INTEREST in the PROPERTY, the Assistant Director of the Development Services Department, Real Estate Division, or such person as she may designate, is hereby authorized and directed to offer the OFFER AMOUNT as payment for the PROPERTY INTEREST in the PROPERTY.

**SECTION 4.** That in the event the OWNER accepts the OFFER AMOUNT, the City Controller is authorized and directed to draw a warrant in favor of the OWNER, or the then current owner of record, in the OFFER AMOUNT payable out of Fund No. 6P14, Department PBW, Unit N965, Activity TRPP Program No. PB98N965, Object 4210, Encumbrance No. PBW98N965L8.

September 10, 2008

**SECTION 5.** That the CITY is to have possession of the PROPERTY at closing; and the CITY will pay any title expenses and closing costs. In the event of condemnation 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 from the previously described funds.

**SECTION 6.** That if the OWNER refuses to accept the OFFER AMOUNT the CITY will appropriate the PROPERTY INTEREST in the PROPERTY for the PROJECT under the laws of eminent domain and the provisions of the Charter of the City of Dallas. In such case, the City Attorney is authorized and requested to file the necessary suit(s) and take the necessary action for the prompt acquisition of the PROPERTY INTEREST in the PROPERTY by condemnation or in any manner provided by law.

**SECTION 7.** That in the event it is subsequently determined that additional persons 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 suit(s).

**SECTION 8.** That in the event the Special Commissioners in Condemnation appointed by the Court return an award that is the same amount or less than the OFFER AMOUNT, the City Attorney is hereby authorized to settle the lawsuit for that amount and the City Controller is hereby authorized to issue a check drawn on the previously described funds in an amount not to exceed the Commissioners' award made payable to the County Clerk of Dallas County, to be deposited into the registry of the Court, to enable the CITY to take possession of the PROPERTY without further action of the Dallas City Council.

**SECTION 9.** 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:**

**THOMAS P. PERKINS, JR., City Attorney**

BY   
Assistant City Attorney

APPROVED BY  
CITY COUNCIL

SEP 10 2008

  
City Secretary

## Field Notes Describing Land To Be Acquired in Block 6368 From Stemmons Hotel Limited Partnership

Being 3.721 Acres of land situated in the Thomas E. Mannin Survey, Abstract No. 958, Dallas County, Texas, and lying in Block 6368 (official City of Dallas Block Numbers), and being a part of the property conveyed to Stemmons Hotel Limited Partnership by deed dated February 7, 1995 and recorded in Volume 95033 Page 02709 of the Deed Records of Dallas County, Texas and being more particularly described as follows:

**BEGINNING** at a 3" Dia. Brass Cap Right-of-Way Monument set in concrete (hereafter referred to as a "Type II TxDOT Monument") found at the intersection of the Southwest line of the Stemmons Freeway (Interstate Highway 35E) with the Northwest line of Commonwealth Drive (also State Highway 356, having a 224' Right-of-Way):

**THENCE** South  $47^{\circ}22'32''$  West with the said Northwest line of Commonwealth Drive a distance of 497.31 feet to the Point of Curvature of a Curve to the Right:

**THENCE** Northwesterly along said Curve, having a Radius of 20.00 feet, a Central Angle of  $90^{\circ}01'47''$ , an Arc Length of 31.43 feet and a Chord which Bears North  $87^{\circ}38'40''$  West a distance of 28.29 feet to the Point of Tangency, lying in the Northeast line of Iron Ridge Street (a 58 foot Right-of-Way), from which a 1/2 inch dia. steel rod with red cap (found) lies North  $42^{\circ}15'47''$  West a distance of 2.34 feet:

**THENCE** North  $42^{\circ}37'28''$  West with the said Northeast line of Iron Ridge Street a distance of 138.74 feet to the Point of Curvature of a Curve to the Right, from which a 1/2 inch dia. steel rod with red cap (found) bears North  $25^{\circ}47'49''$  West a distance of 2.88 feet:

**THENCE** Northwesterly along said Curve, having a Radius of 241.00 feet, a Central Angle of  $42^{\circ}24'56''$ , an Arc Length of 178.41 feet and a Chord which bears North  $21^{\circ}25'00''$  West a distance of 174.36 feet to the Point of Tangency:

**THENCE** North  $00^{\circ}12'28''$  West with the East Right-of-Way line of Iron Ridge Street a distance of 170.60 feet to the Northwesterly corner of this tract, being also the Southwest corner of Lot 2, Block 6/6368 of the Inwood Industrial District Addition, Second Installment, as shown on the plat thereof recorded in Volume 43, Page 31 of the Map Records of Dallas County, from which a 5/8 inch dia. steel rod (found) bears North  $43^{\circ}27'50''$  East a distance of 0.66 feet:


**Field Notes Describing Land To Be Acquired in Block 6368 From  
Stemmons Hotel Limited Partnership**

**THENCE** North 89°47'32" East with the South line of said Lot 2, departing the last said East line of Iron Ridge Street, a distance of 424.29 feet to the intersection with the said Southwest line of Interstate Highway 35E, being also the most Easterly Southeast corner of said Lot 2, from which a 1/2 inch dia. steel rod with red cap (found) bears North 57°10'27" East a distance of 0.87 feet:

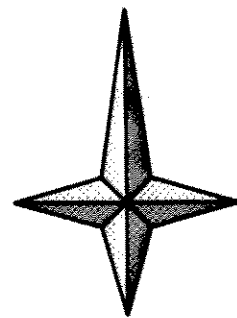
**THENCE** South 73°30'43" East with the said Southwest line of Interstate Highway 35E a distance of 117.46 feet to a Type II TxDOT Right-of-Way monument found at the most Northerly Northeast corner of this tract:

**THENCE** South 12°55'26" East with the said Southwest line of Interstate Highway 35E a distance of 69.36 feet to the **POINT OF BEGINNING**, containing 162,088 Square Feet, or 3.721 Acres of land.

**BASIS OF BEARINGS:** Bearings are based on the Southwest line of Interstate Highway 35E (the East line of the herein described tract of land), at South 12°55'26" East, as derived from Global Positioning System observations using the North Texas Cooperative Real Time Kinematic Survey, Virtual Reference Station System, North American Datum of 1983.



*Scott Holt*  
2-20-08



**STEMMONS FREEWAY**  
(I.H. 35-E)  
(Variable Width R.O.W.)

James McLaughlin  
SURVEY  
Abstract #845

Thomas E. Mannin  
SURVEY  
Abstract #958

Lot 14

Block  
47697

Inwood Industrial District  
Second Installation  
Vol. 43, Pg. 31  
Map Records

R = 20.00'  
L = 31.42'  
Δ = 90°00'00"  
Ch. Brs. 28.28'  
N71°30'20"E

12" I.R.  
w/Red Cap

64.52'  
N26°30'20"E

R = 210.58'  
L = 98.18'  
Δ = 26°42'48"  
Ch. Brs. 97.29'  
N13°08'56"E

58" I.R.  
Found

Lot 4

12" I.R.  
Found

IRON RIDGE ST.  
(58' R.O.W.)

Block  
66368

Lot 2  
35,392 Sq. Ft.  
(0.8125 Ac.)

424.29'  
N89°47'32"E

Stemmons Hotel Limited Partnership  
Volume 95033, Page 02709

66.39'  
S73°30'43"E

12" I.R.  
w/Red Cap

117.46'  
S73°30'43"E

TxDot  
Monument  
CONTROLLING  
MONUMENTS

POINT OF  
BEGINNING

69.36'  
S12°55'26"E

Lot 3

Block  
6368

(Unplatted)  
162,088 Sq. Ft.  
(3.721 Ac.)

R = 241.00'  
L = 178.41'  
Δ = 42°24'56"  
Ch. Brs. 174.36'  
N21°25'00"W

12" I.R.  
w/Red Cap  
Found

Block  
57697

COMMONWEALTH DRIVE  
(224' R.O.W.)

12" I.R.  
w/Red Cap  
Found

Lot 2

Inwood Industrial District  
Third Installation  
Vol. 43, Pg. 121  
Map Records

R = 20.00'  
L = 31.43'  
Δ = 90°01'47"  
Ch. Brs. 28.29'  
N87°38'40"W

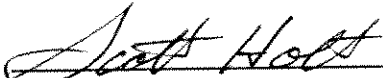
**Area To Be Acquired**  
**LOCATOR MAP** Sheet 3 of 3

<b>TRINITY RIVER CORRIDOR</b>			
Tollway Project			
Hotel Property, Commonwealth @ I-35E			
DEPT. OF PUBLIC WORKS & TRANSPORTATION			
SURVEY DIVISION CITY OF DALLAS, TEXAS			
OPER. NAME	DESIGN FILE NAME	SCALE	DATE
S. Holt	N:\ENGR\SURVEY\DOT\Trinity\Tollway\Hotel\Delux Hotel Final Boundary.dgn	As Noted	2-7-2008
PARTY CHIEF	CALCULATIONS	FOLDER	FILE NO.
J. Chambers	S. Holt	Trinity Tollway	320R-408-B

Field Notes Describing Land To Be Acquired in Block 6/6368 From  
Stemmons Hotel Limited Partnership

Being situated in the Thomas E. Mannin Survey, Abstract No. 958, Dallas County, Texas, and being all of Lot 2, Block 6/6368 (official City of Dallas Block Numbers) of the Inwood Industrial District Addition, Second Installment, an addition to the City of Dallas, Recorded in Volume 43, Page 121 of the Map Records of Dallas County, and being a part of the property conveyed to Stemmons Hotel Limited Partnership by Special Warranty Deed dated February 7, 1995 and recorded in Volume 95033, Page 02709 of the Deed Records of Dallas County, and containing 35,392 square feet of land (0.8125 Acres), according to the plat thereof.

This description is approved as to form.

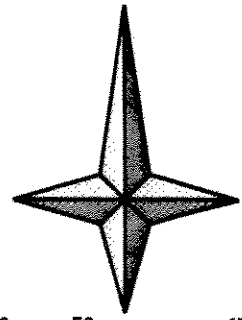


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Scott Holt, RPLS  
Assistant Chief City Surveyor  
For: Larry T. Billingsley, RPLS  
Chief City Surveyor

2-20-08  
Date:

082487N

Exhibit A - Tract II



James McGlaughlin  
SURVEY  
Abstract #845

Thomas E. Mannin  
SURVEY  
Abstract #958

**STEMMONS FREEWAY**  
(I.H. 35-E)  
(Variable Width R.O.W.)

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Area To Be Acquired

LOCATOR MAP Sheet 2 of 2

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Hotel Property, Commonwealth @ I-35E			
DEPT. OF PUBLIC WORKS & TRANSPORTATION			
SURVEY DIVISION CITY OF DALLAS, TEXAS			
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