

**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": Southwest 120/96-inch Water Transmission Pipeline

"PROPERTY INTEREST": Fee Simple

"OWNER": Donald Zeno and Donette Zeno, 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": \$82,000

"CLOSING COSTS": Not to exceed \$2,041

"AUTHORIZED AMOUNT": \$84,041 (\$82,000, plus closing costs not to exceed \$2,041)

**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 Sustainable Development and Construction, 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, or the title company closing the transaction described herein in the OFFER AMOUNT and CLOSING COSTS payable out of Water Utilities Capital Improvement Funds, Fund No. 2115, Department DWU, Unit PW40, Activity RWPT, Program No. 706623, Object 4210, Encumbrance No. CT-DWU706623CPN (\$84,041). The OFFER AMOUNT and the CLOSING COSTS together shall not exceed the AUTHORIZED AMOUNT.

**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.

January 13, 2010

**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

JAN 13 2010

  
City Secretary

**EXHIBIT A**

**PARCEL E-337  
CITY OF DALLAS RIGHT-OF-WAY  
0.3669 ACRE TRACT  
CITY OF DALLAS BLOCK NO. D/8790,  
ALEXANDER HEIGHTS ADDITION,  
SOLOMON DIXON SURVEY, ABSTRACT NUMBER 407,  
CITY OF DALLAS, DALLAS COUNTY, TEXAS**

BEING a tract of land situated in the Solomon Dixon Survey, Abstract No. 407, City of Dallas, Dallas County, Texas and in Official City of Dallas Block Number D/8790, being all of Lot 23, Block D/8790 of Alexander Heights Addition, an addition to Dallas County, Texas as recorded in Volume 23, Page 73 of the Deed Records of Dallas County, Texas (D.R.D.C.T.), also being all of that tract of land described in General Warranty Deed with Vendor's Lien to Donald Zeno and Donette Zeno, husband and wife, as recorded in Volume 2001056, Page 07957, D.R.D.C.T., and being more particularly described as follows:

COMMENCING at 5/8-inch found iron rod for the northwest corner of Lot 25, Block D/8790 of said Alexander Heights Addition, said point being in the common north line of Alexander Heights Addition and the south line of that tract of land described in deed to Matthew Millard as recorded in County Clerk's Document Number 200503553505 of the Official Public Records of Dallas County, Texas, and said point also being in the east right-of-way line of Sewell Circle (a 60 foot wide right-of-way as dedicated by said plat of Alexander Heights Addition);

THENCE North 89 degrees 29 minutes 55 seconds East, along said common line, a distance of 177.73 feet to the common northeast corner of Lot 24, Block D/8790 of said Alexander Heights Addition and the northwest corner of said Lot 23 for the POINT OF BEGINNING, and from which point a 5/8-inch found iron rod bears North 12 degrees 47 minutes 11 seconds West a distance of 0.27 feet;

THENCE North 89 degrees 29 minutes 55 seconds East, continuing along said common line, a distance of 85.00 feet to a 1/2-inch set iron rod with yellow plastic cap stamped "HALFF ASSOC INC." (hereinafter referred to as "with cap") for the common northeast corner of said Lot 23 and the northwest corner of Lot 22, Block D/8790 of said Alexander Heights Addition;

THENCE South 00 degrees 30 minutes 05 seconds East, departing said common line and along the common east line of said Lot 23 and the west line of said Lot 22, a distance of 188.00 feet to a point for the common southeast corner of said Lot 23 and the southwest corner of said Lot 22, said point being in the north right-of-way line of Hazelcrest Drive (a 60 foot wide right-of-way as dedicated by said plat of Alexander Heights Addition) and from which point a 1/2-inch found iron rod bears North 18 degrees 46 minutes 30 second West a distance of 0.33 feet; **T.D.K.**

REVIEWED BY JWC 5-13-19

100165

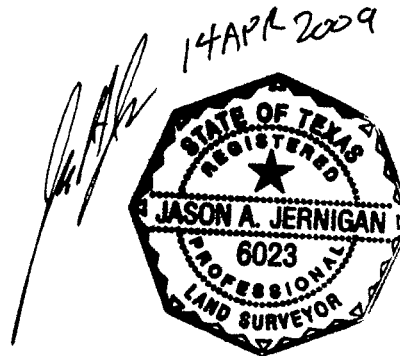
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CITY OF DALLAS RIGHT-OF-WAY  
0.3669 ACRE TRACT  
CITY OF DALLAS BLOCK NO. D/8790,  
ALEXANDER HEIGHTS ADDITION,  
SOLOMON DIXON SURVEY, ABSTRACT NUMBER 407,  
CITY OF DALLAS, DALLAS COUNTY, TEXAS**

THENCE South 89 degrees 29 minutes 55 seconds West, departing said common line, along the common south line of said Lot 23 and said north right-of-way line of Hazelcrest Drive, a distance of 85.00 feet to a 1/2-inch set iron rod with cap for the common southwest corner of said Lot 23 and the southeast corner of said Lot 24;

THENCE North 00 degrees 30 minutes 05 seconds West, along the common west line of said Lot 23 and the east line of said Lot 24, a distance of 188.00 feet to the POINT OF BEGINNING AND CONTAINING 15,980 square feet or 0.3669 acre of land, more or less. *T.D.R.*

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.



REVIEWED BY *064 5-13-09*

# SOLOMON DIXON SURVEY, ABSTRACT NO. 407

## EXHIBIT A

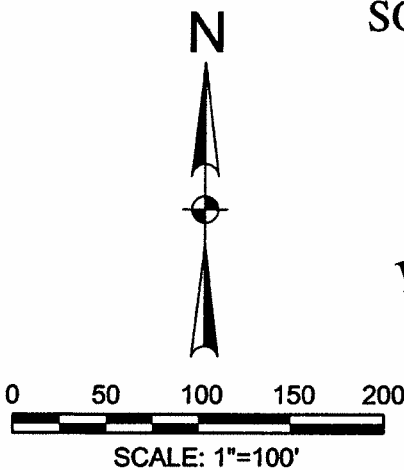
### INTERSTATE HIGHWAY - 20 (VARIABLE WIDTH RIGHT-OF-WAY)

MATTHEW MILLARD  
(CC# 200503553505)

(Basis of Bearing rotated  
clockwise 00°25'05" from  
plat bearing of S89°55'00"W)

PARCEL E-337  
15,980 SQ. FT.

OR  
0.3669 ACRE



POINT OF  
COMMENCING

(OWNER)  
ALBERT A. PERRY  
AND WIFE  
CINDA J. PERRY  
(VOL. 81090, PG. 2633)

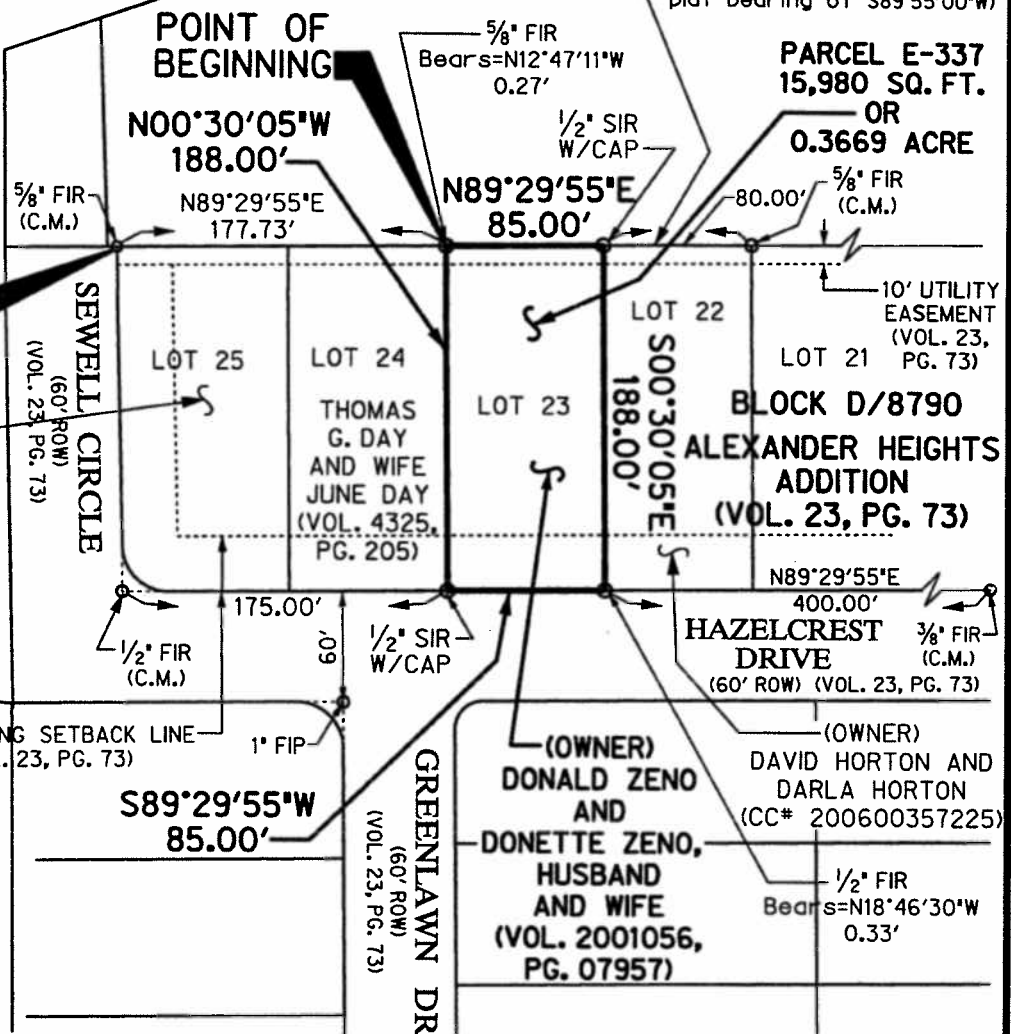
MICHAEL RUIBAL AND WIFE,  
LINDA RUIBAL  
AND EDMOND D. RUIBAL  
(VOL. 2001073, PG. 02946)

BLOCK 8790



#### LEGEND

1/2" SIR	1/2-INCH SET IRON ROD WITH YELLOW
W/CAP	PLASTIC CAP "HALFF ASSOC. INC."
(C.M.)	CONTROL MONUMENT
FND. A.D.	FOUND TXDOT ALUMINUM DISK
	ON 5/8-INCH IRON ROD
FIR	FOUND IRON ROD
FIP	FOUND IRON PIPE



#### NOTES:

1. 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.

2. Metes and Bounds description of tract shown hereon was prepared of even date.

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CITY OF DALLAS, DALLAS COUNTY, TEXAS



## HALFF

1201 N. BOWSER ROAD DALLAS, TEXAS 75081  
TELE. (214)346-6200 FAX (214)739-0095

DATE: APRIL, 2009

AVO.: 25143

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