

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": Approximately 4,002 square feet of land located in Dallas County and being the same property more particularly described on the "Exhibit A", attached hereto and made a part hereof for all purposes.

"PROJECT": Southwest 120/96-inch Water Transmission Pipeline Project

"PROPERTY INTEREST": Fee Simple

"OWNER": Jessie Foster and Patricia Foster, 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": \$33,091

"CLOSING COSTS": Not to exceed \$2,115

"AUTHORIZED AMOUNT": \$35,206 (\$33,091, plus closing costs not to exceed \$2,115)

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. 0115, Department DWU, Unit PW40, Activity MPSA, Program No. 706623, Object 4210, Encumbrance No. CT- DWU706623CPAT. 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.

February 9, 2011

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

FEB - 9 2011


City Secretary

EXHIBIT A

110411

PARCEL E-319
FIELD NOTES DESCRIBING PART OF THE FOSTER TRACT
IN THE CITY OF DALLAS, BLOCK 8795
TO BE ACQUIRED FOR A 120 INCH WATER LINE

ALL THAT certain lot, tract, or parcel of land lying and being situated in the City of Dallas, Dallas County, Texas, more particularly described as follows:

BEING a 4002 square feet tract of land conveyed to Jessie Foster and wife, Patricia Foster by Warranty Deed dated April 15, 1999 by A & A Sand & Gravel, Inc as recorded in Volume 99085, Page 2575 of the Deed Records of Dallas County, Texas and being Tract 40 of Block 8795, official City of Dallas Numbers and being in the McKinney and Williams Survey, Abstract Number 1006 and being more particularly described as follows:

COMMENCING at a set ½ inch iron rod with a yellow cap stamped "GLD" at the intersection of the east right-of-way line of Kleberg Road (variable width) with the south right-of-way line of Ravenview Road (60 feet wide), from which a 4" brass Texas Department of Transportation monument bears North 3°16'35" East a distance of 1.86 feet, said point being the northwest corner of a tract of land conveyed to Ruby Fay Dickey by Assumption Deed dated April 26, 2004 from Les Davidson as recorded in Volume 2004089, Page 10047 of said Deed Records;

THENCE South 00°23'28" East along said east line of Kleberg Road a distance of 101.92 feet to the southwest corner of Tract No. One of said Dickey tract;

THENCE South 89°37'30" West a distance of 1.96 feet to the northwest corner of Tract No. Two of said Dickey tract, a distance of 2.02 feet to a set ½ inch iron rod with a yellow cap stamped "GLD";

THENCE South 01°06'53" West along said east line of Kleberg Road a distance of 29.61 feet to a set ½ inch iron rod with a yellow cap stamped "GLD";

THENCE South 24°26'53" East along said east line of Kleberg Road a distance of 65.01 feet to the **POINT OF BEGINNING**, from which a 4" brass Texas Department of Transportation monument bears South 79°21'34" West a distance of 2.34 feet, said point also being the southwest corner of Tract No. Two of said Dickey tract;

THENCE North 89°14'32" East along the south line of said Dickey tract a distance of 96.72 feet to a set ½ inch iron rod with a yellow cap stamped "GLD," said point also being the southeast corner of said Dickey tract;

Handwritten note: 110411
Date 4/29/10

EXHIBIT A

110411

**PARCEL E-319
FIELD NOTES DESCRIBING PART OF THE FOSTER TRACT
IN THE CITY OF DALLAS, BLOCK 8795
TO BE ACQUIRED FOR A 120 INCH WATER LINE**

THENCE South 00°25'41" East a distance of 82.76 feet to a set ½ inch iron rod with a yellow cap stamped "GLD" at the intersection of same with the north right-of-way of US 175;

THENCE North 50°04'02" West along said north line of US 175 a distance of 126.93 feet to the POINT OF BEGINNING and containing approximately 4002 square feet of land.

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 counterclockwise 0°01'35" from deed bearing of North 50°02'27" West along the southwest line of said Foster tract.

KB 4/8/10
5330 E-319



Kevin Buchanan
3 June, 2010

APPROVED BY
Dr. G. J. ...

EXHIBIT A

THOMAS W. HAEUSSLER AND WIFE,
PATRICIA A. HAEUSSLER
VOL. 97252, PG. 00262

110411 1" IPF

4" BRASS TXDOT
MONUMENT (CM)

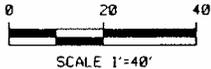
N88° 53'14"E - 183.20'

N

RAVENVIEW ROAD

APPROXIMATE
CITY LIMITS (60-FOOT WIDE PUBLIC RIGHT-OF-WAY)

BALCH SPRINGS
DALLAS



KLEBERG ROAD
(VARIABLE WIDTH PUBLIC
RIGHT-OF-WAY)

4" BRASS TXDOT
MONUMENT
BEARS
N03° 16'35"E - 1.86'

N88° 53'14"E - 120.37'

N88° 53'14"E - 209.43'

**POINT OF
COMMENCING**
1/2" IRS

(CM)
1" IRF

(OWNER)
TRACT NO. ONE
RUBY FAY DICKEY
VOL. 2004089, PG. 10047

MCKINNEY & WILLIAMS SURVEY
ABSTRACT NO. 1006

S89° 37'30"W
1.96'

1/2" IRS

(OWNER)
JESSIE FOSTER
INST. NO. 20080391771

S01° 06'53"W
29.61'

(OWNER)
TRACT NO. TWO
RUBY FAY DICKEY
VOL. 2004089, PG. 10047

4" BRASS TXDOT
MONUMENT
BEARS
S79° 21'34"W - 2.34'

N89° 14'32"E 96.72'

1/2" IRS

**POINT OF
BEGINNING**

(OWNER)
JESSIE FOSTER AND WIFE,
PATRICIA FOSTER
VOL. 99085, PG. 2575

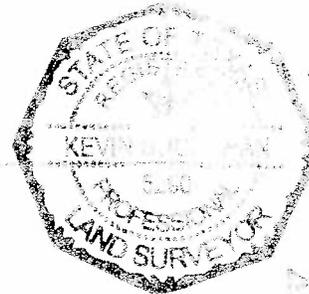
PARCEL E-319
4,002 SQ. FT.
OR
0.092 ACRES

BASIS OF BEARING -
ROTATED
COUNTER-CLOCKWISE
00° 01'35" FROM DEED
BEARING OF N50° 02'27"W

N50° 04'02"W 126.93'
US 175
(VARIABLE WIDTH
PUBLIC RIGHT-OF-WAY)

S00° 25'41"E 82.76'

1/2" IRS



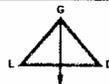
LEGEND:

- IRF IRON ROD FOUND
- IRS IRON ROD SET W/
YELLOW "GLD" CAP
- IPF IRON PIPE FOUND
- MON. MONUMENT
- (CM) CONTROL MONUMENT

NOTES:

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

PARCEL E-319
FIELD NOTES DESCRIBING PART
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IN THE CITY OF DALLAS, BLOCK 8795
TO BE ACQUIRED FOR A 120-INCH WATER LINE



Garcia Land Data, Inc.

T 214-987-0149 6210 Campbell Rd., Ste 110
F 214-987-4026 Dallas, TX 75248-1388

DATE: 06/03/10

PROJ: 5330

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