

A RESOLUTION AUTHORIZING THE ACQUISITION OF REAL PROPERTY FOR A NEGOTIATED PRICE HIGHER THAN THE AUTHORIZED PURCHASE AMOUNT.

WHEREAS, the Dallas City Council by the FIRST RESOLUTION authorized acquisition, by purchase and/or eminent domain, of the PROPERTY INTEREST in the PROPERTY held by OWNER for the PROJECT (all said capitalized terms being defined below); and

WHEREAS, OWNER refused the FIRST RESOLUTION OFFER AMOUNT, but has agreed to the SETTLEMENT AMOUNT stated herein; and

WHEREAS, the City Council desires to authorize the City Manager to acquire the PROPERTY INTEREST in the PROPERTY for the negotiated PURCHASE AMOUNT stated herein: **Now, Therefore,**

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

SECTION 1. That the following definitions shall apply to this resolution:

“CITY”: The City of Dallas

“FIRST RESOLUTION”: Resolution No. 12-2543 approved by the Dallas City Council on October 10, 2012

“PROJECT”: South Central/Joppa Gateway Project

“USE”: The construction, use, and maintenance of a parking lot, pavilion and athletic fields for the South Central Park, 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”: Harold Topletz and the Estate of Joseph M. (Jack) Topletz, 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.

“PROPERTY INTEREST”: Fee Simple, subject to the exceptions, reservations, covenants, conditions and/or interests, if any provided in the form instrument more particularly described in Exhibit “B” attached hereto and made a part hereof for all purposes.

“PROPERTY”: Approximately 26,639 square feet of land 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, and any and all improvements, rights and appurtenances appertaining hereto.

“FIRST RESOLUTION OFFER AMOUNT”: \$7,200.00

“SETTLEMENT AMOUNT”: \$9,200.00

“CLOSING COSTS AND TITLE EXPENSES”: Not to exceed \$2,000.00

“REVISED AUTHORIZED AMOUNT”: \$11,200.00

SECTION 2. That the City Manager, and/or the City Manager’s designees, is hereby authorized and directed to consummate and accept the purchase, grant and conveyance to the CITY of the PROPERTY INTEREST in and to the PROPERTY pursuant to the conveyance instrument substantially in the form described in Exhibit “B”, attached hereto and made a part hereof for all purposes, and approved as to form by the City Attorney and to execute, deliver and receive such other usual and customary documents necessary, appropriate and convenient to consummating the transaction.

SECTION 3. That the City Controller is authorized to draw checks for the SETTLEMENT AMOUNT, closing costs and title expenses, payable out of 2006 Bond Funds: \$9,200, Fund No. 8T00, Department PKR, Unit T283, Activity RFSI, Object 4210, Program No. PK06T283, Encumbrance No. CT-PKR12019345C, CLOSING COSTS AND TITLE EXPENSES payable out of 2006 Bond Funds: \$2,000, Fund No. 8T00, Department PKR, Unit T283, Activity RFSI, Object 4230, Program No. PK06T283, Encumbrance No. CT-PKR12019345C., and said payment shall be delivered to a title insurance company after evidence of satisfactory title has been provided to and approved by the City Attorney. The SETTLEMENT AMOUNT - \$9,200 and the CLOSING COSTS AND TITLE EXPENSES - \$2,000 together shall not exceed the REVISED AUTHORIZED AMOUNT - \$11,200.

SECTION 4. That the CITY is to have possession and/or use, as applicable, of the PROPERTY at closing; and the CITY will pay any title expenses and closing costs. All costs and expenses described in this section shall be paid from the previously described funds.

SECTION 5. 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:

WARREN M. S. ERNST, CITY ATTORNEY

BY: Roxanne Diamond

Assistant City Attorney

APPROVED BY
CITY COUNCIL

NOV 12 2013

Shirley D. Lewis
City Secretary

**Field Notes Describing a 26,639 Square Foot (0.612 Acre)
Tract of Land To Be Acquired in City Block 5/7642
From Harold Topletz and Jack Topletz**

Being a 26,639 Square Foot (0.612 Acre) tract of land situated in the Robinson T. Smith Survey, Abstract No. 1376, City of Dallas, Dallas County, Texas, and being a portion of Lot 5, Block 5/7642 (Official City of Dallas Block Numbers), of the Hines Subdivision, an addition to the City of Dallas, recorded in Volume 4, Page 206, of the Map Records of Dallas County, Texas, and being all of the property conveyed to Harold Topletz and Jack Topletz by Warranty Deed dated September 27, 1963 and recorded in Volume 166, Page 2678 of the Deed Records of Dallas County, Texas, and being more particularly described as follows:

BEGINNING at a 5/8 inch diameter Iron Rod with cap marked "CITY OF DALLAS" set on the Northwest Right-of-Way line of Fellows Avenue (a variable width Right-of-Way) being also the common line between the above mentioned Hines Subdivision and the Central Avenue Addition No. 3, an addition to the City of Dallas recorded in Volume 8, Page 231 of the Map Records of Dallas County, Texas, lying also on the common line between said Block 5/7642 and Block 7643 (Official City of Dallas Block Numbers) and the Southwest boundary line of a tract of land conveyed to the City of Dallas by Deed recorded in Instrument Number 20070277159 of the Official Public Records of Dallas County, Texas, at the most Easterly corner of said Lot 5 and of the herein described tract of land:

THENCE South 57°33'05" West, departing the common line between said Hines Subdivision and City of Dallas tract and with the common line between said Lot 5 and Fellows Avenue, a distance of 113.37 feet to a 60-D Nail with Washer marked "CITY OF DALLAS" set at the common Southeast corner with a tract of land conveyed to Clifford Montgomery and Tanner Montgomery, by Warranty Deed dated December 5, 1962 and recorded in Volume 19, Page 2007 of the Deed Records of Dallas County, Texas, being also the most Southerly corner of the herein described tract of land:

THENCE North 30°30'05" West, departing the last said common line between Fellows Avenue and Lot 5 and with the common line between said Topletz and Montgomery tracts, a distance of 234.99 feet to a 60-D Nail with Washer marked "CITY OF DALLAS" set on the common line between said Lot 5 and Lot 14 of said Hines Subdivision, being also the common Northwest corner of said Topletz and Montgomery tracts, and the most Westerly corner of the herein described tract of land:

THENCE North 59°59'52" East, departing the common line between said Topletz and Montgomery tracts and with the said common line between Lots 5 and 14, a distance of 115.81 feet to a 3/8 inch diameter Iron Rod found at the common Northeast corner of said Lots 5 and 14, being also the most Northerly corner of the herein described tract of land, and lying on the Southwest line of the above reference City of Dallas tract:

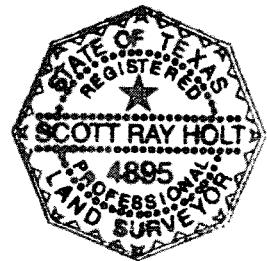
**Field Notes Describing a 26,639 Square Foot (0.612 Acre)
Tract of Land To Be Acquired in City Block 5/7642
From Harold Topletz and Jack Topletz**

EXHIBIT A

THENCE South 29°53'48" East, departing the said common Northeast corner of Lots 5 and 14 and with the Northeast line of Lot 5 and said Hines Addition, a distance of 230.14 feet to the **POINT OF BEGINNING**, containing 26,639 Square Feet, or 0.612 Acres of land.

BASIS OF BEARINGS: Bearings are based on the Texas State Plane Coordinate System, North Central Zone 4202, North American Datum of 1983.

Scott Holt
9/19/2012



132002

N
EXHIBIT A

**Robinson T. Smith
Survey
Abstract No. 1376**

Dallas Demolition
Excavating Company, Inc.
Volume 80150, Page 1980

**14
BLOCK
47641**

Set 60-D Nail
w/COD Washer

115.81' N 59°59'52" E

38" I.R. Found
CONTROLLING
MONUMENT

**26,639 Square Foot
(0.612 Acre) Tract
To Be Acquired**

City of Dallas
Int. #20070277159

**BLOCK
7643**

Harold Topletz
& Jack Topletz
Vol. 166, Pg. 2678

*Hines Subdivision
Vol. 4, Pg. 206*

**LOT 5
BLOCK
57642**

234.99' N 30°31'05" W

230.14' S 29°53'48" E

Set 58" I.R.
w/COD
POINT OF
BEGINNING

Tanner Montgomery
Vol. 19, Pg. 2007

Sedalia Harris
Int. #201100181825
Int. #201100217357

Tanner Montgomery
Vol. 553, Pg. 1208

Dennis Topletz
Int. #201100290853

Set 60-D Nail
w/COD Washer

113.37' S 57°33'05" W

10

9

FELLOWS AVENUE
(Variable Right-of-Way)

**HINES SUBDIVISION
CENTRAL AVE. ADDITION NO. 3**

Found Axle
Bears 1.17'
N 14°22'28" W

Found 3/4" I.P.
Bears 0.77'
N 15°30'10" W

*Central Ave. Addition No. 3
Volume 8, Page 231*

LOCATOR MAP: PARCEL #5

Page 3 of 3

Joppa Area Properties Parcel Acquisition			
Harold and Jack Topletz Tract			
PUBLIC WORKS DEPARTMENT			
SURVEY DIVISION CITY OF DALLAS, TEXAS			
OPERNAME	DESIGN FILE NAME	SCALE	DATE
Holt	W:\JOPP\SURVEY\HOLT\Joppa\Field Notes.dgn	As Noted	6-22-12
PARTY CHIEF	CALCULATIONS	FOLDER	FILE NO.
Peck	Holt	Block 7641	041D-64

EXHIBIT B

NOTICE OF CONFIDENTIALITY RIGHTS: IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY OR ALL OF THE FOLLOWING INFORMATION FROM ANY INSTRUMENT THAT TRANSFERS AN INTEREST IN REAL PROPERTY BEFORE IT IS FILED FOR RECORD IN THE PUBLIC RECORDS: YOUR SOCIAL SECURITY NUMBER OR YOUR DRIVER'S LICENSE NUMBER.

WARRANTY DEED

THE STATE OF TEXAS §
 § KNOW ALL PERSONS BY THESE PRESENTS:
 COUNTY OF DALLAS §

That Harold Topletz individually, a married person, not joined herein by his spouse as the property hereby conveyed constitutes no part of their business or residence homestead and is in his sole management and control, and as Independent Executor of the Estate of Joseph M. (Jack) Topletz, deceased, (hereinafter called "Grantor" whether one or more natural persons or legal entities) of the County of Dallas, State of Texas, for and in consideration of the sum of NINE THOUSAND TWO HUNDRED AND NO/100 DOLLARS (\$9,200.00) to the undersigned in hand paid by the **City of Dallas, 1500 Marilla Street, Dallas, Texas, 75201**, a Texas municipal corporation (hereinafter called "City"), the receipt of which is hereby acknowledged and confessed, has granted, sold and conveyed and does hereby grant, sell and convey unto City, its successors and assigns, all of the property described in Exhibit "A", attached hereto and made a part hereof by reference for all purposes.

SPECIAL PROVISIONS: NONE

TO HAVE AND TO HOLD the above described premises, together with all and singular the rights and appurtenances thereto in anywise belonging unto City, its successors and assigns forever, and Grantor binds Grantor and Grantor's heirs, executors, administrators or successors, to Warrant and Forever Defend all and singular the said premises unto City, its successors and assigns, against every person whomsoever lawfully claiming, or to claim the same or any part thereof.

EXECUTED this _____ day of _____, _____.

By: _____
 Harold Topletz

By: _____
 Harold Topletz as Independent
 Executor of the Estate of Joseph
 M. (Jack) Topletz, deceased

EXHIBIT B

* * * * *

STATE OF TEXAS

COUNTY OF DALLAS

This instrument was acknowledged before me on _____

by Harold Topletz.

Notary Public, State of Texas

* * * * *

STATE OF TEXAS

COUNTY OF DALLAS

This instrument was acknowledged before me on _____

by Harold Topletz, as Independent Executor of the Estate of Joseph M. (Jack) Topletz,
deceased.

Notary Public, State of Texas

* * * * *

After recording return to:
City of Dallas,
Trinity Watershed Management Department, Real Estate Division
1500 Marilla Street, Room 6B South
Dallas, Texas 75201
attn: Todd Wright

Warranty Deed Log No. TRC325