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

WHEREAS, OWNER has refused the official offer as authorized by the FIRST RESOLUTION; and

WHEREAS, OWNER and the City of Dallas desire to settle in lieu of proceeding further with condemnation proceedings: 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:

FIRST RESOLUTION: Resolution No. 08-2247 approved by the Dallas City Council on August 27, 2008.

PROJECT: Lake Tawakoni 144-inch Pipeline

OWNER: SAMS Partnership, LP

INTERESTS: Fee Simple

PROPERTY: Approximately 500,938 square feet of unimproved land located in Kaufman County, and being the same property more specifically described as Tract No. 4 in the FIRST RESOLUTION.

IMPROVEMENTS: none

CONSIDERATION: $350,000 ($345,000 plus closing cost of $5,000)

SECTION 2. That in lieu of proceeding further with condemnation proceedings, the City Manager is authorized to acquire the INTERESTS in the PROPERTY and IMPROVEMENTS from OWNER for the CONSIDERATION after approval of same as to form by the City Attorney.

SECTION 3. That the City will have possession at closing and will pay all closing costs and title expenses.

SECTION 4. That the City Controller is authorized to draw checks for the CONSIDERATION, closing costs and title expenses, payable out of Water Utilities Capital Construction Fund 0102, Dept. DWU, Unit CW20, Activity RWPT, Object 4210, Program 704041, CT-DWU704041DN, 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.
SECTION 5. That appropriate acquisition instruments be forwarded to a title insurance company for preparation of the necessary documents for closing, which shall be forwarded to the City Attorney for review and approval as to form and, subsequent to closing, filed with the County Clerk and returned, along with the original Owner's Policy of Title Insurance, to the City Secretary for permanent record.

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:

THOMAS P. PERKINS, CITY ATTORNEY

BY:  

Assistant City Attorney

APPROVED BY 

CITY COUNCIL

APR 28 2010

City Secretary
FIELD NOTES
DEscribing A Tract of land to be Acquired for the Right-of-Way for the Lake Tawakoni Raw water Transmission Main
Kaufman County, Texas
Parcel: 22

BEING an 11.50 acre tract of land in the D. Harris Survey, Abstract No. 199, and being located in
Kaufman County, Texas, and being a portion of a tract of land described in Gift Deed to Dorothy
Lynn Sullins, Martha Nell McAllister, Mary Elizabeth Awanessian, and William Dewey Samuels, Jr.,
dated December 30, 1971, as recorded in Volume 556, Page 126 of the Deed Records of Kaufman
County, Texas (D.R.K.C.T.), and being more particularly described as follows:

COMMENCING at a 1/2-inch found iron rod for the west corner of a tract of land described in
Warranty Deed with Vendor’s Lien to Mehdi Mahdavi and Jackie Mahdavi, dated December 10,
2004, as recorded in Volume 2553, Page 250, D.R.K.C.T., on the southeast right-of-way line of F.M.
Road No. 548 (100 feet wide), said point being North 44 degrees 11 minutes 07 seconds East, a
distance of 2,885.91 feet from a found broken concrete monument;

THENCE North 44 degrees 11 minutes 07 seconds East, along the common line between the
northwest line of said Mahdavi tract and the southeast right-of-way line of said F.M. Road No. 548, a
distance of 1,724.96 feet to a 1/2-inch iron rod with a red plastic cap stamped “DAL-TECH”
(hereinafter referred to as “with cap”) set for the POINT OF BEGINNING for the west corner of said
Sullins, McAllister, Awanessian, and Samuels tract, and the north corner of said Mahdavi tract;

THENCE North 44 degrees 11 minutes 07 seconds East, along the common line between a northwest
line of said Sullins, McAllister, Awanessian, and Samuels tract, and the southeast right-of-way line of
said F.M. Road No. 548, a distance of 27.17 feet to a 1/2-inch set iron rod with cap on the southeast

THENCE North 79 degrees 18 minutes 23 seconds East, departing the southeast right-of-way line of
said F.M. Road No. 548, along the southeast line of said City of Dallas Water Line Right-of-Way,
passing at a distance of 3,768.61 feet, a found leaning concrete monument with brass disk stamped,
“City of Dallas” and continuing for a total distance of 3,820.81 feet to a 60D nail set on the northeast
line of said Sullins, McAllister, Awanessian, and Samuels tract and on the southwest line of a 25-foot
Right-of-Way dedication of Highpoint Farms Section 2, an addition to Kaufman County, Texas, as
recorded in Cabinet 1, Envelope 261, D.R.K.C.T., said corner also being in Colquitt Road (variable
width Right-of-Way);

THENCE South 46 degrees 27 minutes 32 seconds East, departing the southeast line of said City of
Dallas Water Line Right-of-Way, along the common line between the northeast line of said Sullins,
McAllister, Awanessian, and Samuels tract, and the southwest line of said 25-foot Right-of-Way
dedication, a distance of 160.19 feet to a 60D nail set for corner in said Colquitt Road;

THENCE South 79 degrees 17 minutes 39 seconds West, departing the said common line, and
crossing said Sullins, McAllister, Awanessian, and Samuels tract, along a line parallel with and 130
feet perpendicularly distant southeast from the south line of said City of Dallas Water Line Right-of-
Way, a distance of 93.61 feet to a 1/2-inch set iron rod with cap for an angle point;

THENCE South 79 degrees 18 minutes 23 seconds West, continuing across said Sullins, McAllister,
Awanessian, and Samuels tract, a distance of 3,763.17 feet to a 1/2-inch set iron rod with cap on the
common line between the southwest line of said Sullins, McAllister, Awanessian, and Samuels tract,
and the northeast line of said Mahdavi tract; T.O.E.
FIELD NOTES
DESCRIBING A TRACT OF LAND TO BE ACQUIRED FOR THE RIGHT-OF-WAY FOR THE LAKE TAWAKONI RAW WATER TRANSMISSION MAIN
KAUFMAN COUNTY, TEXAS
Parcel: 22

THENCE North 45 degrees 37 minutes 22 seconds West, along said common line, a distance of 139.50 feet to the POINT OF BEGINNING AND CONTAINING 500,938 square feet or 11.50 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.

Company Name: DAL-TECH Engineering, Inc.

By: [Signature] Date: 12-13-07

Surveyor's Name: Mark D. Yale
Registered Professional Land Surveyor
Texas No. 5975
NOTE: THIS SURVEY WAS PERFORMED BASE UPON RECORD DATA PROVIDED UNDER TICOR TITLE INSURANCE COMPANY TITLE COMMITMENT G.F. NUMBER Z1100—KF06. WITH AN EFFECTIVE DATE OF NOVEMBER 7, 2006.

LEGEND:
S.F. SQUARE FEET
C.M. CONTROL MONUMENT
OFIR FOUND IRON ROD
OFIP FOUND IRON PIPE
OFIR W/CAP WITH A RED PLASTIC CAP STAMPED "DAL-TECH"
OFIR "X" CUT IN CONCRETE
SUPER INS. HOLDER
FPK FOUND PK. NAIL
SPK SET PK. NAIL

SCALE: 1" = 150'