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. 09-2054 approved by the Dallas City Council on August 26, 2009.

PROJECT: Lake Tawakoni 144-inch Pipeline

OWNER: Barbara Ann Jackson

INTERESTS: Fee Simple

PROPERTY: Approximately 83,295 square feet of improved land located in Dallas County, and being the same property more specifically described in the FIRST RESOLUTION.

IMPROVEMENTS: Single family dwelling, outbuilding and horse stables

CONSIDERATION: $264,743 ($258,243, plus closing cost not to exceed $6,500)

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-DWU704041CT ($253,000) and CT-DWY704041DX ($11,743), 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

AUG 11 2010

City Secretary
FIELD NOTES
DESCRIPTING A TRACT OF LAND TO BE ACQUIRED FOR THE RIGHT-OF-WAY FOR THE LAKE TAWAKONI RAW WATER TRANSMISSION MAIN
DALLAS COUNTY, TEXAS
Parcel: 116

BEING a 1.917 acre tract of land in the James M. Bennett Survey, Abstract No. 85, and located in the City of Sunnyvale, Dallas County, Texas, and being a portion of a tract of land as described in General Warranty Deed with Lien in Favor of Third Party to William J. Jackson and wife, Barbara Jackson, dated September 4, 1980, as recorded in Volume 80180, Page 2311, of the Deed Records of Dallas County, Texas (D.R.D.C.T.), and being more particularly described as follows:

BEGINNING at a found 1/2-inch iron rod for the northeast corner of said Jackson tract, the southeast corner of Larkin Road extension (variable width right-of-way), and on the northwest line of a tract of land described as “Tract 3” in Correction Special Warranty Deed with Vendor’s Lien to Fausto Martinez and wife, Maria Martinez, dated September 26, 2007, as recorded in Document Number 20080033780, D.R.D.C.T., said point being South 43 degrees 27 minutes 05 seconds West, along the northwest line of said “Tract 3”, a distance of 51.06 feet from a 1/2-inch iron rod with a red plastic cap stamped “DAL-TECH” (hereinafter referred to as “with cap”) set for the northwest corner of said “Tract 3,” and the northeast corner of said Larkin Road extension, and on the south line of a City of Dallas Water Line Right-of-Way, described as “Tract 1,” as recorded in Volume 24, Page 754, D.R.D.C.T.;

THENCE South 43 degrees 27 minutes 05 seconds West, along the common line between the southeast line of said Jackson tract and the northwest line of said “Tract 3”, a distance of 474.95 feet to a point, (not set, inaccessible) for the south corner of said Jackson tract and the west corner of said “Tract 3”, said point also being on the easterly right-of-way line of said Larkin Road (variable width right-of-way at this point);

THENCE North 15 degrees 24 minutes 49 seconds West, departing said common line, along the common line between the westerly line of said Jackson tract and the easterly right-of-way line of said Larkin Road, a distance of 151.54 feet to a 1/2-inch iron rod with cap set for the beginning of a non-tangent curve to the left, having a radius of 348.31 feet and whose chord bears North 21 degrees 47 minutes 16 seconds West, a distance of 123.76 feet;

THENCE Northwesterly, continuing along said common line and said curve to the left through a central angle of 20 degrees 27 minutes 58 seconds and an arc distance of 124.42 feet to a 1/2-inch iron rod with cap set for the end of said curve;

THENCE North 32 degrees 01 minute 13 seconds West, continuing along said common line, a distance of 139.43 feet to a found 1/2-inch iron rod for the northwest corner of said Jackson tract, and the intersection of the easterly right-of-way line of said Larkin Road with the south right-of-way line of said Larkin Road extension; T.D.K.
FIELD NOTES

DESCRIBING A TRACT OF LAND TO BE ACQUIRED FOR THE RIGHT-OF-WAY FOR THE LAKE TAWAKONI RAW WATER TRANSMISSION MAIN

DALLAS COUNTY, TEXAS

Parcel: 116

THENCE South 85 degrees 57 minutes 13 seconds East, along the common line between the north line of said Jackson tract and the south right-of-way line of said Larkin Road extension, a distance of 488.00 feet to the POINT OF BEGINNING AND CONTAINING 83,491 square feet or 1.917 acres of land, more or less. T.F.K.

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: ___________________________ Date: 4-9-09

Surveyor's Name: Mark D. Yale
Registered Professional Land Surveyor
Texas No. 5975