

**KEY FOCUS AREA:** Economic Vibrancy  
**AGENDA DATE:** September 9, 2015  
**COUNCIL DISTRICT(S):** 13  
**DEPARTMENT:** Sustainable Development and Construction  
**CMO:** Ryan S. Evans, 671-9837  
**MAPSCO:** 25U

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**SUBJECT**

An ordinance abandoning a portion of a utility easement to Intercity Investments, Inc., the abutting owner, containing approximately 13,467 square feet of land, located near the intersection of Edgemere Road and Bandera Avenue - Revenue: \$5,400, plus the \$20 ordinance publication fee

**BACKGROUND**

This item authorizes the abandonment of a portion of a utility easement to Intercity Investments, Inc., the abutting owner. The area will be included with the property of the abutting owner for the expansion of the existing retirement facility and construction of underground parking. The cost for this abandonment is the minimum processing fee pursuant to the Dallas City Code, therefore, no appraisal is required.

**PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)**

Information about this item will be provided to the Economic Development Committee on September 8, 2015.

**FISCAL INFORMATION**

Revenue: \$5,400, plus the \$20 ordinance publication fee

**OWNER**

**Intercity Investments, Inc.**

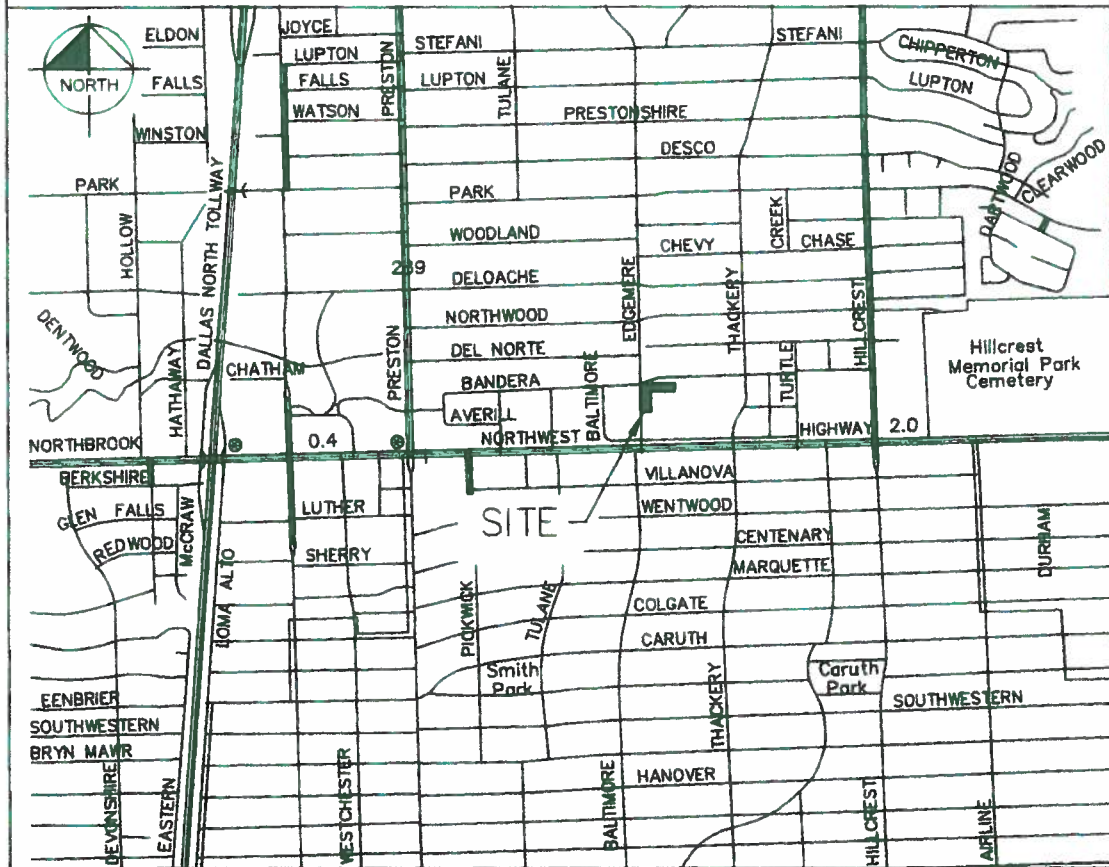
Christopher G. Jordan, President

**MAP**

Attached

# VICINITY MAP

N.T.S.



**KEY FOCUS AREA:** Economic Vibrancy  
**AGENDA DATE:** September 9, 2015  
**COUNCIL DISTRICT(S):** 8  
**DEPARTMENT:** Sustainable Development and Construction  
**CMO:** Ryan S. Evans, 671-9837  
**MAPSCO:** 65U Y

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**SUBJECT**

Authorize partial release of deed restrictions on three tracts of land containing approximately 23 acres to be conveyed by the University of North Texas System to Dallas Area Rapid Transit, located near Wheatland Road and University Hills Boulevard for construction and operation of a rail line - Financing: No cost consideration to the City

**BACKGROUND**

This item is on the addendum because additional review time was required. This item authorizes the partial release of deed restrictions on three tracts of land containing a total of approximately 23 acres located near Wheatland Road and University Hills Boulevard. Deed restrictions were placed on the property by Special Warranty Deed by the City of Dallas when the City donated approximately 203 acres of public property to the University of North Texas System (UNT) for the development of a public, state-supported, institution of higher education. The deed restrictions restrict the donated property for seventy-five (75) years commencing on November 27, 2001, to ownership and use by UNT for construction and operation of a public, state-supported, institution of higher education.

Release of the deed restrictions on the 23 acre tracts will permit UNT to convey the land to DART unencumbered by the restrictions and allow DART to construct its rail line.

**PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)**

On May 12, 2010, Dallas City Council authorized Resolution No. 10-0354, conveying approximately 203 acres of property to UNT subject to certain covenants, conditions, restrictions and other provisions (collectively, the "Deed Restrictions").

**PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)** (continued)

Information about this item will be provided to the Economic Development Committee on September 8, 2015.

**FISCAL INFORMATION**

No cost consideration to the City.

**OWNER**

**University of North Texas System**

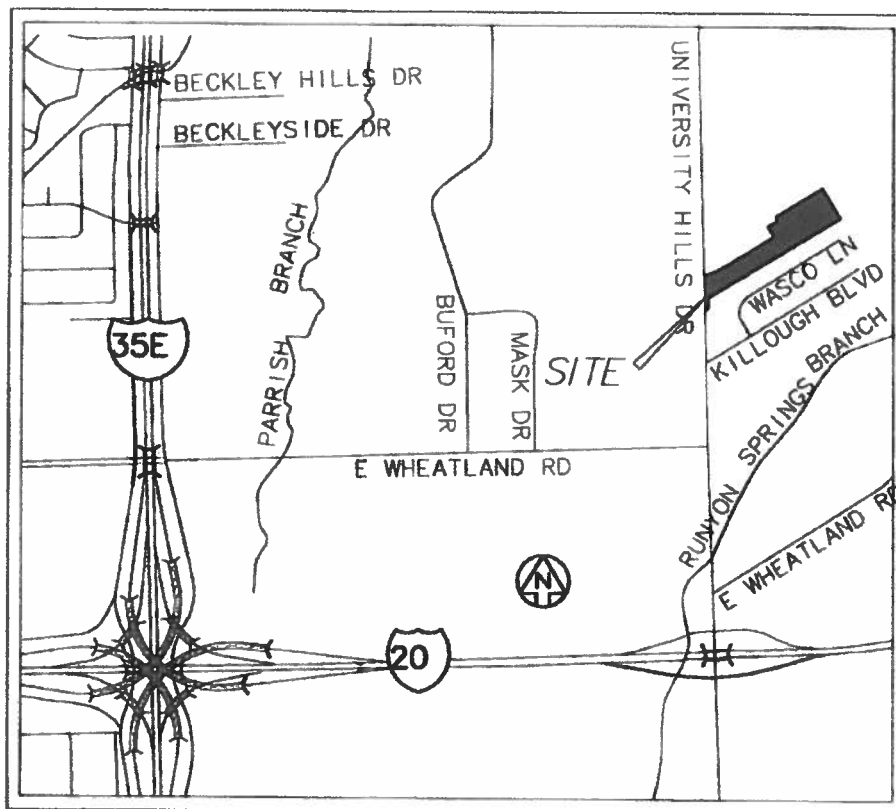
John Ellis Price, Vice Chancellor

**MAP**

Attached

EXHIBIT  
UNT DALLAS STATION ADDITION  
LOTS 1, 2, AND 3 BLOCK A/7604  
DALLAS, TEXAS

VICINITY MAP  
NOT TO SCALE



**AGENDA ITEM # 19**

**KEY FOCUS AREA:** Economic Vibrancy  
**AGENDA DATE:** September 9, 2015  
**COUNCIL DISTRICT(S):** 14  
**DEPARTMENT:** Trinity Watershed Management  
**CMO:** Mark McDaniel, 670-3256  
**MAPSCO:** 45H

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**SUBJECT**

Authorize settlement in lieu of proceeding further with condemnation of a subsurface easement under approximately 4,944 square feet of land from 1507 Dragon Street DDD, LLC, located on Ross Avenue at its intersection with Hall Street for the Mill Creek/Peaks Branch/State Thomas Drainage Relief Tunnel Project – Not to exceed \$30,500 (\$28,000 plus closing costs and title expenses not to exceed \$2,500); an increase of \$6,118 from the amount Council originally authorized for this acquisition - Financing: General Obligation Commercial Paper Funds

**BACKGROUND**

This item authorizes a settlement for the acquisition of a subsurface easement located under approximately 4,944 square feet of land from 1507 Dragon Street DDD, LLC, for the Mill Creek/Peaks Branch/State Thomas Drainage Relief Tunnel Project. This settlement will allow acquisition of the property without further condemnation proceedings.

The original authorizing resolution authorized an offer amount of \$21,882 plus closing costs and title expenses not to exceed \$2,500. That amount is being increased to \$28,000 plus closing costs and title expenses not to exceed \$2,500.

**PRIOR ACTION / REVIEW (COUNCIL BOARDS, COMMISSIONS)**

On May 13, 2015, City Council approved Resolution No. 15-0890.

Information about this item will be provided to the Economic Development Committee on September 8, 2015.

**FISCAL INFORMATION**

2006 Bond Program (General Obligation Commercial Paper Funds) - \$30,500 (\$28,000 plus closing costs and title expenses not to exceed \$2,500)

**OWNER**

**1507 Dragon Street DDD, LLC**

Desmond Donohoe, President

**MAP**

Attached



September 9, 2015

**A RESOLUTION AUTHORIZING THE ACQUISITION OF REAL PROPERTY FOR AN AMOUNT HIGHER THAN THE FIRST RESOLUTION OFFER 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 SETTLEMENT 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.

“CLOSING COSTS AND TITLE EXPENSES”: Not to exceed \$2,500.00.

“FIRST RESOLUTION”: Resolution No. 15-0890 approved by the Dallas City Council on May 13, 2015.

“FIRST RESOLUTION OFFER AMOUNT”: \$21,882.00.

“OWNER”: 1507 Dragon Street DDD, LLC, provided, however, that the term “OWNER” as used in this resolution means all persons having an ownership interest in the PROPERTY, regardless of whether those persons are actually named herein.

“PROJECT”: Mill Creek/Peaks Branch/State Thomas Drainage Relief Tunnel Project.

“PROPERTY”: Located under approximately 4,944 square feet in area, lying between the subsurface elevations of 237 feet and 412 feet (U.S. Survey Feet), inclusive, North American Vertical Datum of 1988, located in Dallas County, Texas, the boundary of which property being more particularly described in “Exhibit A”, attached hereto and made a part hereof for all purposes.

September 9, 2015

“PROPERTY INTEREST”: Flood Control Tunnel Easement.

“REVISED AUTHORIZED AMOUNT”: \$30,500.00.

“SETTLEMENT AMOUNT”: \$28,000.00.

“USE”: The below ground construction, installation, use and maintenance of a deep tunnel for the storage and transmission of stormwater drainage.

**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 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 Chief Financial Officer is authorized to draw checks for the SETTLEMENT AMOUNT, payable out of 2006 Bond Funds: Fund No. 3T23, Dept. TWM, Unit T525, Activity SDRS, Object 4210, Program No. PB06T525 Encumbrance No. CT-PBW06T525G60, and CLOSING COSTS AND TITLE EXPENSES payable out of 2006 Bond Funds: Fund No. 3T23, Dept. TWM, Unit T525, Activity SDRS, Object 4230, Program No. PB06T525 Encumbrance No. CT-PBW06T525G61.

**SECTION 4.** That the payment referenced in Section 3 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.** The SETTLEMENT AMOUNT - \$28,000.00 and the CLOSING COSTS AND TITLE EXPENSES - \$2,500.00 together shall not exceed the REVISED AUTHORIZED AMOUNT - \$30,500.00.

**SECTION 6.** That the CITY is to have possession and/or use, as applicable, of the PROPERTY at closing.

**SECTION 7.** That 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.

COUNCIL CHAMBER

September 9, 2015

**SECTION 8.** 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:** \_\_\_\_\_  
**Assistant City Attorney**

September 9, 2015

**SECTION 8.** 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:   
Assistant City Attorney

FIELD NOTES DESCRIBING A 4,944 SQUARE FOOT (0.1135 ACRE)  
SUB-SURFACE DRAINAGE TUNNEL EASEMENT  
CITY OF DALLAS DRAWING NO. 423R-54 (PARCEL 518)  
TO BE ACQUIRED IN CITY OF DALLAS BLOCK 596  
JOHN GRIGSBY SURVEY, ABSTRACT NUMBER 495  
CITY OF DALLAS, DALLAS COUNTY, TEXAS  
FROM TOMAINO PROPERTIES, L.P.

**EXHIBIT A**

BEING a 4,944 square foot (0.1135 acre) tract of land (unplatted) situated in the John Grigsby Survey, Abstract No. 495, in Block 596 (Official City of Dallas Block number) of the City of Dallas, Dallas County, Texas, and being part of Burton's Addition, an addition to the City of Dallas according to the map thereof recorded in Volume 70, Page 260 of the Deed Records of Dallas County, Texas, and being parts of those tracts of land described as Tract 9A, Tract 13, Tract 28 and Tract 29 (all unplatted) in Special Warranty Deed to Tomaino Properties, L.P. recorded in Instrument Number 200600227192 of the Official Public Records of Dallas County, Texas, and being more particularly described as follows:

(Note: Subsurface easement corners are not monumented.)

BEGINNING at the east corner of said Tract 29 having coordinates of N=6976795.2627, E=2494328.9653 (not monumented) and south corner of that tract of land (unplatted) described in Executor's Special Warranty Deed to Charles Macon Warlick recorded in Instrument Number 20080150920 of said Official Public Records, from whence a PK nail found for the east corner of said Charles Macon Warlick tract and the south corner of Ross-McCoy Addition, an addition to the City of Dallas recorded in Instrument Number 201200060574 of the Official Public Records of Dallas County, Texas, bears North 44 degrees 12 minutes 50 seconds East, 51.51 feet (deed called 50.00 feet);

THENCE South 44 degrees 12 minutes 50 seconds West, with said northwest right-of-way line of Ross Avenue and the southeasterly line of said Tracts 29, 28, 13 and 9A, at 52.00 feet passing a 1/2 inch iron rod found for the south corner of Tract 29 and east corner of Tract 28 (controlling monument), and continuing with said northwest right-of-way line of Ross Avenue and said southeasterly line of said Tracts 29, 28, 13 and 9A, at a cumulative distance of 97.00 feet passing a 1 inch pipe found for the south corner of Tract 28 and north corner of Tract 13 (controlling monument), and continuing with said northwest right-of-way line of Ross Avenue and said southeasterly line of said Tracts 29, 28, 13 and 9A for a total of 218.80 feet to the south corner of said Tract 9A having coordinates of N=6976638.4615, E=2494176.4088 (not monumented), same being the intersection of said northwest right-of-way line of Ross Avenue with the northeast right-of-way line of Hall Street (a 40 foot wide right-of-way);

THENCE North 45 degrees 38 minutes 50 seconds West, departing said northwest right-of-way line of Ross Avenue with said northeast right-of-way line of Hall Street and southwest line of said Tract 9A, 42.78 feet to the point of curvature having coordinates of N=6976668.3666, E=2494145.8203 (not monumented) of a non-tangent circular curve to the left having a central angle of 09 degrees 22 minutes 05 seconds, a radius of 1,355.00 feet, a tangent of 111.02 feet and a chord which bears North 53 degrees 07 minutes 03 seconds East, 221.30 feet;



FIELD NOTES APPROVED:

FER 6/30/2

FIELD NOTES DESCRIBING A 4,944 SQUARE FOOT (0.1135 ACRE)  
SUB-SURFACE DRAINAGE TUNNEL EASEMENT  
CITY OF DALLAS DRAWING NO. 423R-54 (PARCEL 518)  
TO BE ACQUIRED IN CITY OF DALLAS BLOCK 596  
JOHN GRIGSBY SURVEY, ABSTRACT NUMBER 495  
CITY OF DALLAS, DALLAS COUNTY, TEXAS  
FROM TOMAINO PROPERTIES, L.P.


**EXHIBIT A**

THENCE Northeasterly, departing said northwest right-of-way line of Ross Avenue and said northeast right-of-way line of Hall Street, and across said Tracts 9A, 13, 28 and 29 with said curve to the left for an arc distance of 221.55 feet to the end of said curve having coordinates of N=6976801.1675, E=2494322.8073 (not monumented), said end of curve being on the northeast line of said Tract 29;

THENCE South 45 degrees 00 minutes 50 seconds East, with said northeasterly line of Tract 29, 8.53 feet to the POINT OF BEGINNING and containing 4,944 square feet (0.1135 acre) of land, more or less.

Basis of Bearing is the State Plane Coordinate System, Texas North Central Zone (4202), North American Datum of 1983. All coordinates are state plane on grid. All distances are surface distances. Surface Adjustment Scale Factor: 1.000136506

For Nathan D. Maier Consulting Engineers, Inc.

  
\_\_\_\_\_  
Gary W. Matthews  
Registered Professional Land Surveyor  
Texas No. 5534     9.12.2013



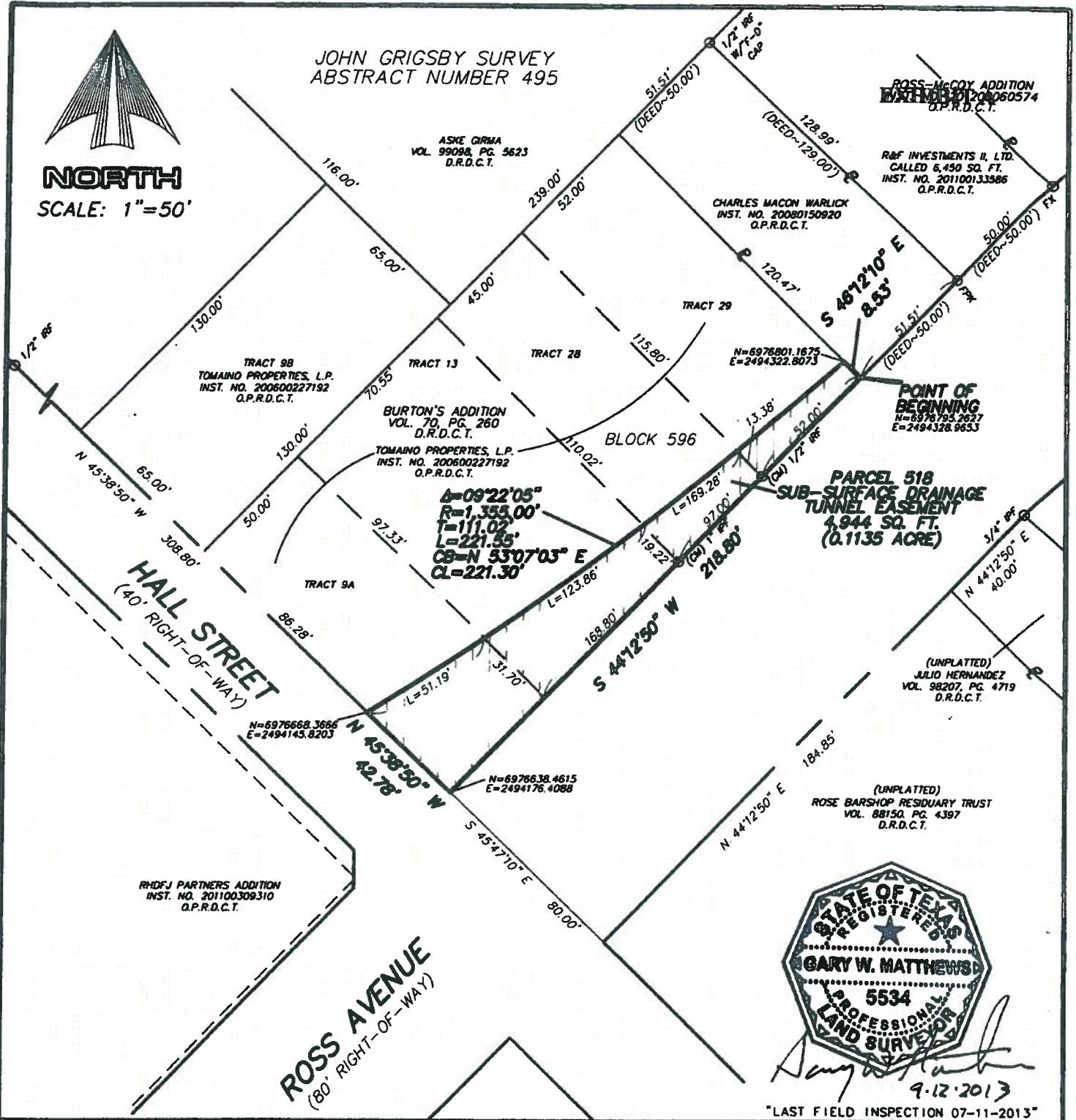
FIELD NOTES APPROVED:

JK 11/20/13



**NORTH**  
SCALE: 1"=50'

JOHN GRIGSBY SURVEY  
ABSTRACT NUMBER 495



ROSS-MCCOY ADDITION  
VOL. 9808, PG. 20060574  
O.P.R.D.C.T.

R&F INVESTMENTS II, LTD.  
CALLED 6,430 SQ. FT.  
INST. NO. 201100133586  
O.P.R.D.C.T.

CHARLES MACON WARLUCK  
INST. NO. 20080150820  
O.P.R.D.C.T.

TRACT 9B  
TOMAINO PROPERTIES, L.P.  
INST. NO. 200600227192  
O.P.R.D.C.T.

BURTON'S ADDITION  
VOL. 70, PG. 260  
D.R.D.C.T.

TOMAINO PROPERTIES, L.P.  
INST. NO. 200600227192  
O.P.R.D.C.T.

$\Delta=09^{\circ}22'05''$   
 $R=1,355.00'$   
 $T=111.02'$   
 $L=221.55'$   
 $CB=N 53^{\circ}07'03'' E$   
 $CL=221.30'$

POINT OF BEGINNING  
N=6976793.2627  
E=2494326.9653

PARCEL 518  
SUB-SURFACE DRAINAGE  
TUNNEL EASEMENT  
4,944 SQ. FT.  
(0.1135 ACRE)

(UNPLATTED)  
JULIO HERNANDEZ  
VOL. 98207, PG. 4719  
D.R.D.C.T.

(UNPLATTED)  
ROSE BARSHOP RESIDUARY TRUST  
VOL. 88150, PG. 4397  
D.R.D.C.T.

RHDFJ PARTNERS ADDITION  
INST. NO. 201100309310  
O.P.R.D.C.T.



9.12.2013  
"LAST FIELD INSPECTION 07-11-2013"

NOTE: SUBSURFACE EASEMENT CORNERS ARE NOT MONUMENTED.

PAGE 3 OF 3

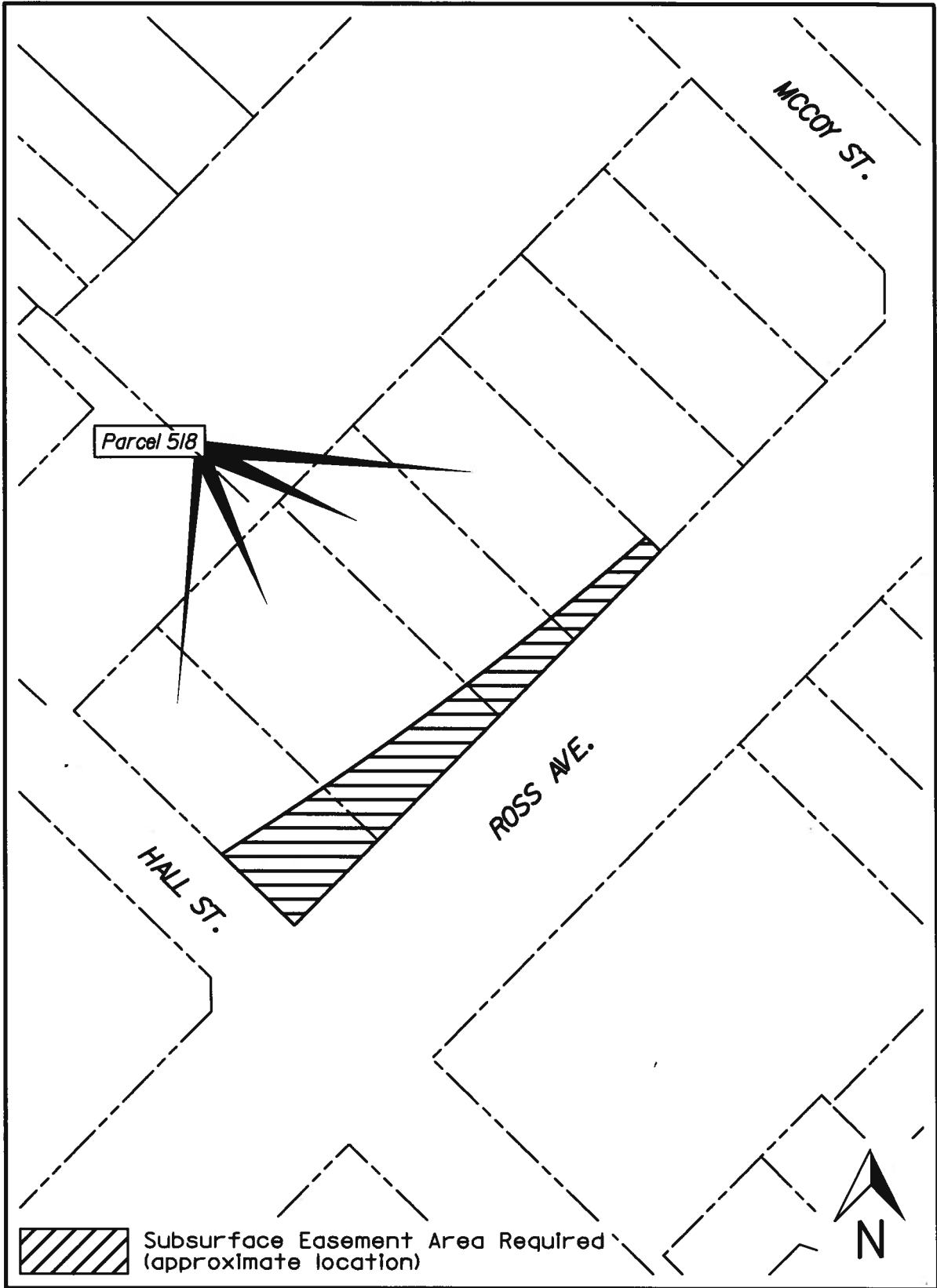
Basis of Bearing is the State Plane Coordinate System, Texas North Central Zone (4202), North American Datum of 1983. All coordinates are state plane on grid. All distances are surface distances. Surface Adjustment Scale Factor: 1.0001365060.

4,944 SQ. FT. (0.1135 ACRE) SUB-SURFACE DRAINAGE TUNNEL EASEMENT CITY OF DALLAS DRAWING NO. 423R-54 (PARCEL 518) TO BE ACQUIRED IN CITY OF DALLAS BLOCK 596, JOHN GRIGSBY SURVEY, ABSTRACT NUMBER 495 CITY OF DALLAS, DALLAS COUNTY, TEXAS. FROM TOMAINO PROPERTIES, L.P.

LEGEND	
D.R.D.C.T.	DEED RECORDS OF DALLAS COUNTY, TEXAS
M.R.D.C.T.	MAP RECORDS OF DALLAS COUNTY, TEXAS
O.P.R.D.C.T.	OFFICIAL PUBLIC RECORDS OF DALLAS COUNTY, TEXAS
INST. NO.	INSTRUMENT NUMBER
VOL., PG.	VOLUME, PAGE
ESMT.	EASEMENT
SQ. FT.	SQUARE FEET
---	RIGHT-OF-WAY LINE
---	EASEMENT LINE
---	SUBDIVISION LINE
---	PROPERTY LINE
IRF	IRON ROD FOUND
IPF	IRON PIPE FOUND
CM	CONTROLLING MONUMENT
FPK	FOUND P.K. NAIL
FX	FOUND "X"

**NDM** NATHAN D. MAIER  
CONSULTING ENGINEERS, INC.  
TBPE FIRM REG. NO. F-356  
TBPLS FIRM REG. NO. 100189-00  
Two Northpark / 8080 Park Lane / Suite 600  
Dallas, Texas 75231 / (214) 788-4741

09/12/2013      PARCEL-518.DWG



Parcel 518

MCCOY ST.

ROSS AVE.

HALL ST.



Subsurface Easement Area Required (approximate location)





**AGENDA ITEM # 20**

**KEY FOCUS AREA:** Economic Vibrancy  
**AGENDA DATE:** September 9, 2015  
**COUNCIL DISTRICT(S):** 2  
**DEPARTMENT:** Trinity Watershed Management  
**CMO:** Mark McDaniel, 670-3256  
**MAPSCO:** 46E

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**SUBJECT**

Authorize an amendment to Resolution No. 15-0857, previously approved on May 13, 2015, to modify the elevations of the subsurface easement and to authorize acquisition, including the exercise of the right of eminent domain, if such becomes necessary, from M.I. Gaston Partners, Ltd. and MSC-I, Ltd., of a subsurface easement located under approximately 10,702 square feet of land, located on Gaston Avenue near its intersection with Peak Street for the Mill Creek/Peaks Branch/State Thomas Drainage Relief Tunnel Project - Financing: This action has no cost consideration to the City

**BACKGROUND**

This item authorizes an amendment to Resolution No. 15-0857, previously approved on May 13, 2015, to modify the elevations of the subsurface easement located under approximately 10,702 square feet of land, from lying between the subsurface elevations of 214 feet and 391 feet to 214 feet and 389 feet (U.S. Survey Feet), inclusive, North American Vertical Datum of 1988 for the Mill Creek/Peaks Branch/ State Thomas Drainage Relief Tunnel Project.

All other provisions authorized by Resolution No. 15-0857 remain in full force and effect.

**PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)**

Authorized acquisition by appropriation and/or condemnation on May 13, 2015, by Resolution No. 15-0857.

Information about this item will be provided to the Economic Development Committee on September 8, 2015.

**FISCAL INFORMATION**

This action has no cost consideration to the City.

**OWNER**

M.I. Gaston Partners, Ltd.  
MSC-I, Ltd.

**MAPS**

Attached

September 9, 2015

**A RESOLUTION DETERMINING UPON THE NECESSITY OF ACQUIRING REAL PROPERTY AND AUTHORIZING ITS APPROPRIATION AND/OR CONDEMNATION FOR PUBLIC USE.**

**WHEREAS**, on May 13, 2015, the Dallas City Council determined the necessity of acquiring a subsurface easement and authorized its appropriation and/or condemnation for public use by Resolution No. 15-0857; and

**WHEREAS**, on May 13, 2015, Resolution No. 15-0857 authorized acquisition of a subsurface easement of the PROPERTY located under approximately 10,702 square feet in area, lying between the subsurface elevations of 214 feet and 391 feet (U.S. Survey Feet), inclusive, North American Vertical Datum of 1988, located in Dallas County, Texas for the Mill Creek/Peaks Branch/State Thomas Drainage Relief Tunnel Project; and

**WHEREAS**, the City of Dallas desires to authorize the City Manager to modify the elevation reference for a subsurface easement from 214 feet and 391 feet to 214 feet and 389 feet (U.S. Survey Feet), inclusive, North American Vertical Datum of 1988;  
**NOW THEREFORE,**

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

**SECTION 1.** That Resolution No. 15-0857, previously approved on May 13, 2015, is hereby amended by altering the definition of "PROPERTY", as follows:

"PROPERTY": Located under approximately 10,702 square feet in area, lying between the subsurface elevations of 214 feet and 389 feet (U.S. Survey Feet), inclusive, North American Vertical Datum of 1988, located in Dallas County, Texas, the boundary of which property being more particularly described in "Exhibit A", attached hereto and made a part hereof for all purposes.

**SECTION 2.** That the definitions, terms and conditions of Resolution No. 15-0857 shall remain in full force and effect except as amended hereby.

**SECTION 3.** 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 \_\_\_\_\_  
**Assistant City Attorney**

September 9, 2015

**A RESOLUTION DETERMINING UPON THE NECESSITY OF ACQUIRING REAL PROPERTY AND AUTHORIZING ITS APPROPRIATION AND/OR CONDEMNATION FOR PUBLIC USE.**

**WHEREAS**, on May 13, 2015, the Dallas City Council determined the necessity of acquiring a subsurface easement and authorized its appropriation and/or condemnation for public use by Resolution No. 15-0857; and

**WHEREAS**, on May 13, 2015, Resolution No. 15-0857 authorized acquisition of a subsurface easement of the PROPERTY located under approximately 10,702 square feet in area, lying between the subsurface elevations of 214 feet and 391 feet (U.S. Survey Feet), inclusive, North American Vertical Datum of 1988, located in Dallas County, Texas for the Mill Creek/Peaks Branch/State Thomas Drainage Relief Tunnel Project; and

**WHEREAS**, the City of Dallas desires to authorize the City Manager to modify the elevation reference for a subsurface easement from 214 feet and 391 feet to 214 feet and 389 feet (U.S. Survey Feet), inclusive, North American Vertical Datum of 1988;  
**NOW THEREFORE,**

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

**SECTION 1.** That Resolution No. 15-0857, previously approved on May 13, 2015, is hereby amended by altering the definition of "PROPERTY", as follows:

"PROPERTY": Located under approximately 10,702 square feet in area, lying between the subsurface elevations of 214 feet and 389 feet (U.S. Survey Feet), inclusive, North American Vertical Datum of 1988, located in Dallas County, Texas, the boundary of which property being more particularly described in "Exhibit A", attached hereto and made a part hereof for all purposes.

**SECTION 2.** That the definitions, terms and conditions of Resolution No. 15-0857 shall remain in full force and effect except as amended hereby.

**SECTION 3.** 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   
**Assistant City Attorney**

**FIELD NOTES DESCRIBING A 0.2457-ACRE (10,702-SQUARE-FOOT)  
SUB-SURFACE DRAINAGE TUNNEL EASEMENT  
CITY OF DALLAS DRAWING NO. 423R-54 (PARCEL 414)  
PART OF CITY BLOCK 7/767, PEAK'S SUBURBAN ADDITION  
JOHN GRIGSBY SURVEY, ABSTRACT NUMBER 495  
CITY OF DALLAS, DALLAS COUNTY, TEXAS  
FROM MSC-I, LTD.**

**EXHIBIT A**

**BEING** a 0.2457-acre (10,702-square-foot) tract of land situated in the City of Dallas and the John Grigsby Survey, Abstract Number 495, Dallas County, Texas, and being part of Block 7 (Official City of Dallas Block Number 7/767) of Peak's Suburban Addition, an addition to the City of Dallas recorded in Volume 45, Page 56 of the Deed Records of Dallas County, Texas, and being part of that certain tract of land conveyed to MSC-I, Ltd. as evidenced by Special Warranty Deed recorded in Volume 2001229, Page 3303 of the Deed Records of Dallas County, Texas, and being more particularly described as follows:

(NOTE: Subsurface easement corners are not monumented.)

**BEGINNING** in the northwest line of Gaston Avenue, a 70-foot right-of-way, and the southeast line of City Block 7/767 at the common east corner of said MSC-I tract and the south corner of that certain tract of land conveyed to North Peak Center, LLC as evidenced by Special Warranty Deed recorded in Instrument Number 200900037207 of the Official Public Records of Dallas County, Texas, having coordinates of N=6976551.0466, E=2498339.3488 (not monumented), from which an "X" cut in concrete found bears North 45 degrees 24 minutes 31 seconds West a distance of 0.63 feet;

**THENCE** South 44 degrees 24 minutes 29 seconds West along the common southeast line of said MSC-I tract, the northwest line of Gaston Avenue, and the southeast line of City Block 7/767 a distance of 83.47 feet, having coordinates of N=6976491.4229, E=2498280.9445 (not monumented);

**THENCE** North 75 degrees 10 minutes 00 seconds West departing the common southeast line of said MSC-I tract, the northwest line of Gaston Avenue, and the southeast line of City Block 7/767 over and across said MSC-I tract a distance of 18.27 feet to the southwest line of said MSC-I tract and the northeast line of that certain tract of land conveyed to East West Gaston Partners, LP as evidenced by Special Warranty Deed with Vendor's Lien recorded in Instrument Number 201200355919 of the Official Public Records of Dallas County, Texas, having coordinates of N=6976496.0987, E=2498263.2887 (not monumented), from which an "X" cut in concrete found bears South 45 degrees 30 minutes 20 seconds East a distance of 15.23 feet;

**THENCE** North 45 degrees 30 minutes 20 seconds West along the common southwest line of said MSC-I tract and northeast line of said East West Gaston Partners tract a distance of 181.87 feet, having coordinates N=6976623.5404, E=2498133.5785 (not monumented);

**THENCE** South 75 degrees 10 minutes 00 seconds East departing said common southwest line of said MSC-I tract and northeast line of said East West Gaston Partners tract, over and across, said MSC-I tract a distance of 186.94 feet to the common northeast line of said MSC-I tract and southwest line of said North Peak Center tract, having coordinates N=6976575.6883, E=2498314.2657 (not monumented);

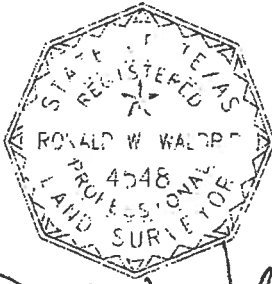
**THENCE** South 45 degrees 30 minutes 31 seconds East along the common northeast line of said MSC-I tract and southwest line of said North Peak Center tract a distance of 35.17 feet to the **POINT OF BEGINNING**;

**FIELD NOTES DESCRIBING A 0.2457-ACRE (10,702-SQUARE-FOOT)  
SUB-SURFACE DRAINAGE TUNNEL EASEMENT  
CITY OF DALLAS DRAWING NO. 423R-54 (PARCEL 414)  
PART OF CITY BLOCK 7/767, PEAK'S SUBURBAN ADDITION  
JOHN GRIGSBY SURVEY, ABSTRACT NUMBER 495  
CITY OF DALLAS, DALLAS COUNTY, TEXAS  
FROM MSC-I, LTD.**

**EXHIBIT A**

**CONTAINING** within the metes recited 0.2457 acre (10,702 square feet) of land, more or less.

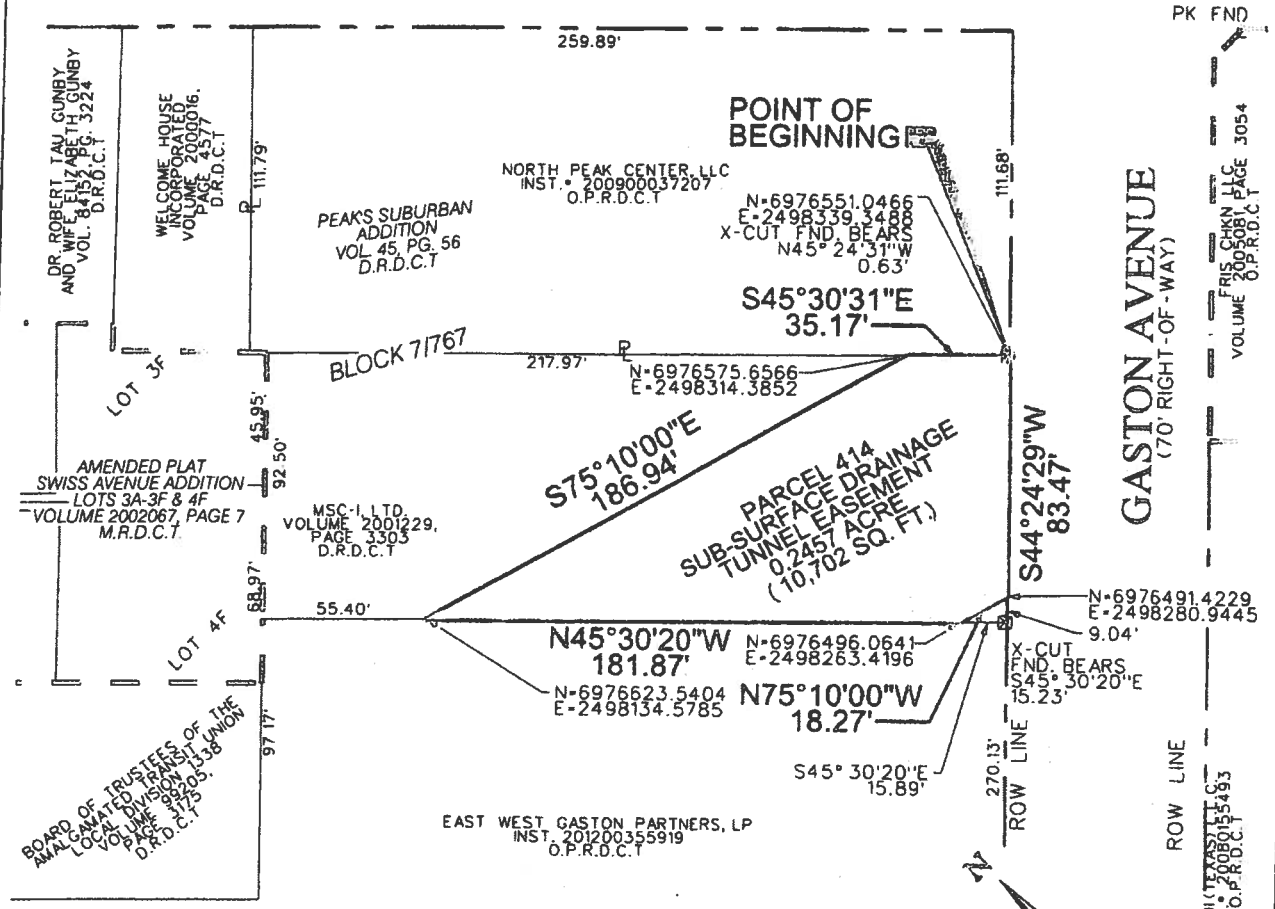
Basis of Bearing is the State Plane Coordinate System, Texas North Central Zone (4202), North American Datum of 1983. All coordinates are state plane on grid. All distances are surface distances. Surface Adjustment Scale Factor: 1.0001365060.



*Ronald W. Waldrip 10/15/13*

*10/15/13*

**PEAK STREET**  
(60' RIGHT-OF-WAY)



DR. ROBERT TAU GUNBY AND WIFE ELIZABETH GUNBY VOL. 84 PG. 3224 D.R.D.C.T.

WELCOME HOUSE INCORPORATED VOL. 2001016 PAGE 2001017 D.R.D.C.T.

PEAK'S SUBURBAN ADDITION VOL. 45 PG. 56 D.R.D.C.T.

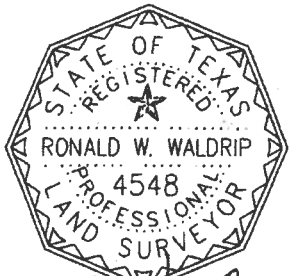
NORTH PEAK CENTER LLC INST. 200900037207 O.P.R.D.C.T.

AMENDED PLAT SWISS AVENUE ADDITION LOTS 3A-3F & 4F VOLUME 2002067, PAGE 7 M.R.D.C.T.

MSC-1, LTD. VOLUME 2001229, PAGE 3303 D.R.D.C.T.

BOARD OF TRUSTEES OF THE AMALGAMATED DIVISION UNION LOCAL NO. 92205, 38 UNION VOL. 14 PG. 375 D.R.D.C.T.

**JOHN GRIGSBY SURVEY**  
ABSTRACT NO. 495



*Ronald W. Waldrip*  
10/15/13

**LEGEND**

	ROW LINE	(C.M.)	CONTROLLING MONUMENT
	PROPERTY LINE	FIR	FOUND IRON ROD
	LOT LINE	FIP	FOUND IRON PIPE
	SUBDIVISION LINE	D.R.D.C.T	DEED RECORDS DALLAS COUNTY TEXAS
	PROP. EASEMENT LINE	O.P.R.D.C.T	OFFICIAL PUBLIC RECORDS DALLAS COUNTY TEXAS
	IRON ROD		
	X-CUT MONUMENT		

NOTE: SUBSURFACE EASEMENT CORNERS ARE NOT MONUMENTED

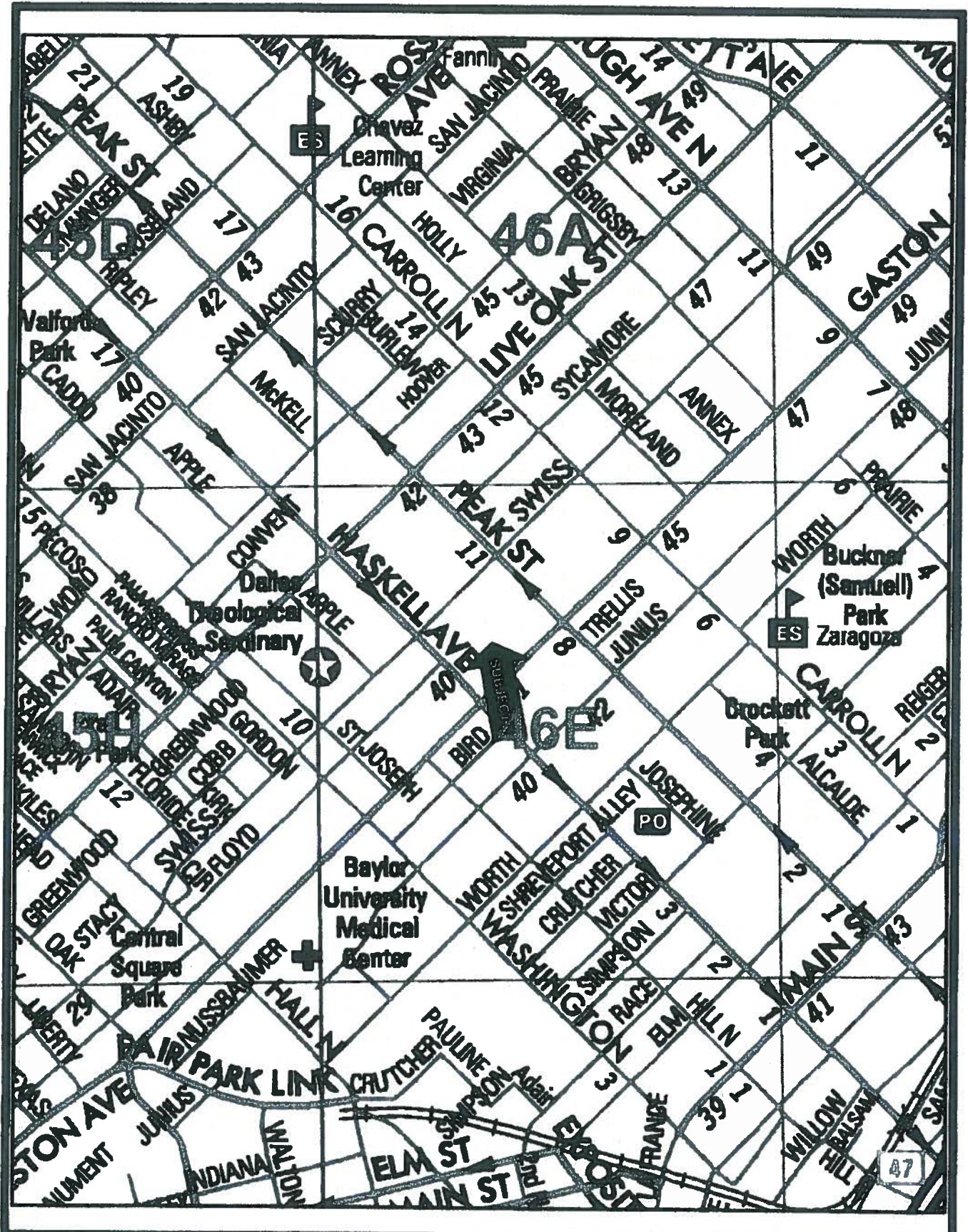
0 30 60 90 120

**SCALE: 1"=60'**

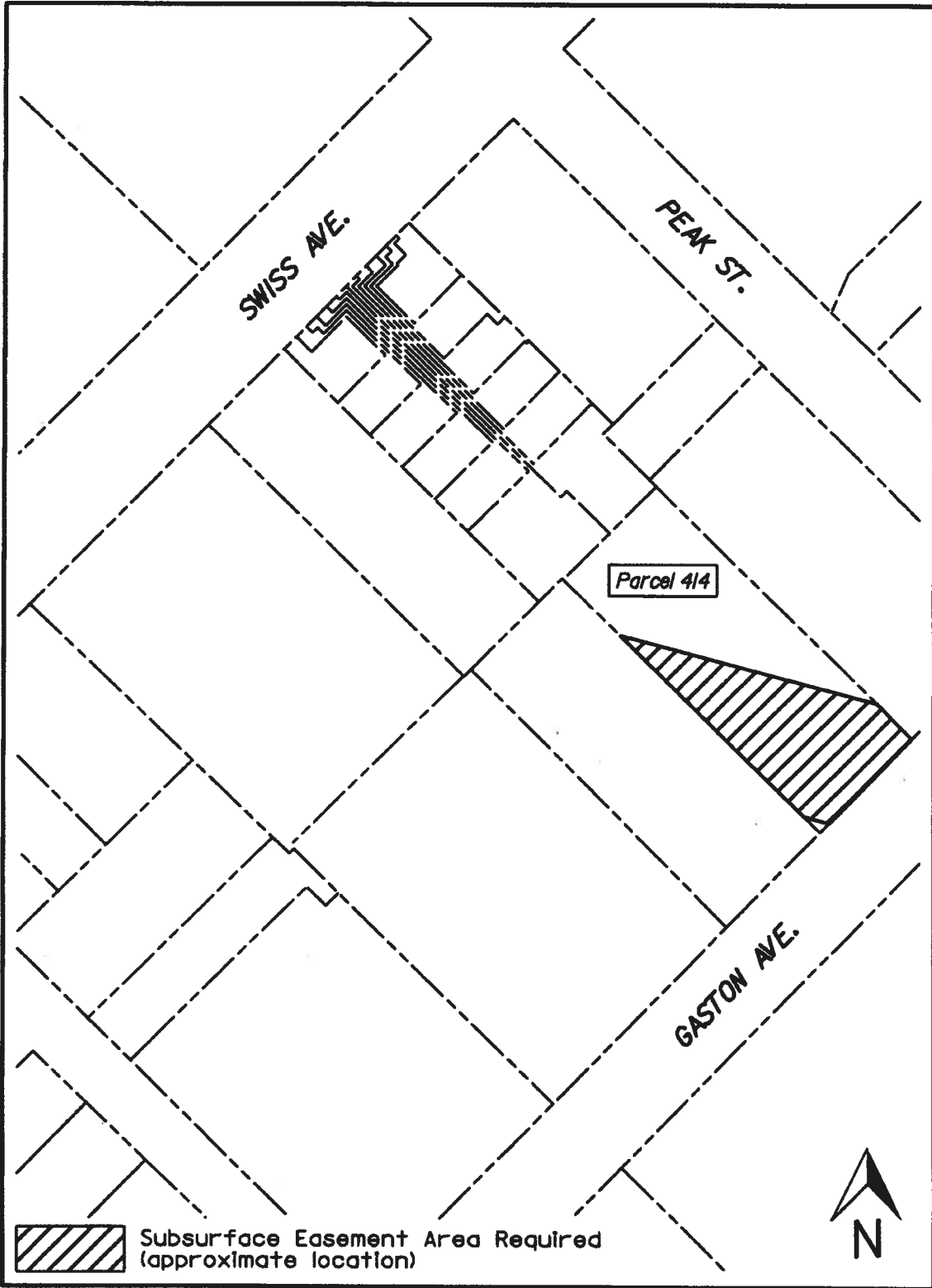
Basis of Bearing is the State Plane Coordinate System, Texas North Central Zone (4202), North American Datum of 1983. All coordinates are state plane on grid. All distances are surface distances. Surface Adjustment Scale Factor: 1.0001365060.

SUB-SURFACE DRAINAGE TUNNEL EASEMENT  
CITY OF DALLAS DRAWING NO. 423R-54 (PARCEL 414)  
PART CITY BLOCK 7767 OF  
PEAK'S SUBURBAN ADDITION  
JOHN GRIGSBY SURVEY, ABSTRACT NUMBER 495  
CITY OF DALLAS, DALLAS COUNTY, TEXAS

**ARS Engineers, Inc.**  
12801 N. Central Expressway, Suite 1250  
Dallas, Texas 75243  
(214) 739-3152 Fax (214) 739-3169







Subsurface Easement Area Required  
(approximate location)



**AGENDA ITEM # 25**

**KEY FOCUS AREA:** Economic Vibrancy  
**AGENDA DATE:** September 9, 2015  
**COUNCIL DISTRICT(S):** 14  
**DEPARTMENT:** Trinity Watershed Management  
**CMO:** Mark McDaniel, 670-3256  
**MAPSCO:** 45 G

---

**SUBJECT**

Authorize acquisition, including the exercise of the right of eminent domain, if such becomes necessary, from PATRONMARCHE, LLC, of a subsurface easement under approximately 519 square feet of land located on Flora Street near its intersection with Interstate Highway 345 for the Mill Creek/Peaks Branch/State Thomas Drainage Relief Tunnel Project – Not to exceed \$3,517 (\$1,817 plus closing costs and title expenses not to exceed \$1,700) - Financing: General Obligation Commercial Paper Funds

**BACKGROUND**

This item authorizes the acquisition of a subsurface easement located under approximately 519 square feet of land from PATRONMARCHE, LLC. This property is located on Flora Street near its intersection with Interstate Highway 345 and will be used for the Mill Creek/Peaks Branch/State Thomas Drainage Relief Tunnel Project. The consideration is based on an independent appraisal.

**PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)**

Information about this item will be provided to the Economic Development Committee on September 8, 2015.

**FISCAL INFORMATION**

2006 Bond Funds (General Obligation Commercial Paper Funds) - \$3,517 (\$1,817 plus closing costs and title expenses not to exceed \$1,700)

**OWNER**

**PATRONMARCHE, LLC**

Richard Andrew Ornsby, Manager

**MAP**

Attached

September 9, 2015

**A RESOLUTION DETERMINING UPON THE NECESSITY OF ACQUIRING REAL PROPERTY AND AUTHORIZING ITS APPROPRIATION AND/OR CONDEMNATION FOR PUBLIC USE.**

**DEFINITIONS:** For the purposes of this resolution, the following definitions of terms shall apply:

"CITY": The City of Dallas

"PROPERTY": Located under approximately 519 square feet in area, lying between the subsurface elevations of 242 feet and 416 feet (U.S. Survey Feet), inclusive, North American Vertical Datum of 1988, located in Dallas County, Texas, the boundary of which property being more particularly described in "Exhibit A", attached hereto and made a part hereof for all purposes.

"PROJECT": Mill Creek/Peaks Branch/State Thomas Drainage Relief Tunnel Project

"USE": The below ground construction, installation, use, and maintenance of a deep tunnel for storage and transmission of storm drainage.

"PROPERTY INTEREST": Flood Control Tunnel Easement

"OWNER": PATRONMARCHE, LLC, 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": \$1,817.00

"CLOSING COSTS AND TITLE EXPENSES": Not to exceed \$1,700.00

"AUTHORIZED AMOUNT": \$3,517.00

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

**SECTION 1.** That the USE of the PROPERTY for the PROJECT is a public use.

**SECTION 2.** That public necessity requires that the CITY acquire the PROPERTY INTEREST in the PROPERTY for the PROJECT.

September 9, 2015

**SECTION 3.** That for the purpose of acquiring the PROPERTY INTEREST in the PROPERTY, the Assistant Director of the Department of Sustainable Development and Construction Department, 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 Chief Financial Officer is authorized and directed to draw a warrant in favor of the OWNER, the then current owner of record, or the title company closing the transaction described herein in the OFFER AMOUNT payable out of 2006 Bond Funds: Fund No. 3T23, Department TWM, Unit T525, Activity SDRS, Program No. PB06T525, Object 4210, Encumbrance No. CT-PBW06T525H11, CLOSING COSTS AND TITLE EXPENSES payable out of 2006 Bond Funds (General Obligation Commercial Paper Funds): Fund No. 3T23, Department TWM, Unit T525, Activity SDRS, Program No. PB06T525, Object 4230, Encumbrance No. CT-PBW06T525H12. The OFFER AMOUNT, CLOSING COSTS and TITLE EXPENSES 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 the CLOSING COSTS AND TITLE EXPENSES. In the event of condemnation, the CITY will pay costs as may be assessed by the Special Commissioners or the court. Further, that 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 proceeding(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 proceedings or suit(s).

**SECTION 8.** That to the extent the PROPERTY is being purchased wholly or partly with bond proceeds CITY has obtained an independent appraisal of the PROPERTY'S market value.

**SECTION 9.** That OWNER has been provided with a copy of the Landowner's Bill of Rights as required by Texas Property Code Section 21.0112.

September 9, 2015

**SECTION 10.** That in the event the City Attorney files a condemnation proceeding because the OWNER refused to accept the OFFER AMOUNT; and in the event the special commissioners 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 deposit the award in the registry of the Court and to settle the condemnation proceeding, or if the condemnation proceeding becomes a lawsuit, the lawsuit, for an amount not to exceed the OFFER AMOUNT; and the Chief Financial Officer is hereby authorized to issue a check drawn on the previously described funds in an amount not to exceed the OFFER AMOUNT 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; and the Chief Financial Officer is hereby authorized to issue a check drawn on the previously described funds in an amount not to exceed \$1,700.00 for CLOSING COSTS AND TITLE EXPENSES in favor of the title company closing the transaction described herein. The Award, CLOSING COSTS AND TITLE EXPENSES together shall not exceed the AUTHORIZED AMOUNT.

**SECTION 11.** 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 \_\_\_\_\_  
**Assistant City Attorney**

September 9, 2015

**SECTION 10.** That in the event the City Attorney files a condemnation proceeding because the OWNER refused to accept the OFFER AMOUNT; and in the event the special commissioners 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 deposit the award in the registry of the Court and to settle the condemnation proceeding, or if the condemnation proceeding becomes a lawsuit, the lawsuit, for an amount not to exceed the OFFER AMOUNT; and the Chief Financial Officer is hereby authorized to issue a check drawn on the previously described funds in an amount not to exceed the OFFER AMOUNT 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; and the Chief Financial Officer is hereby authorized to issue a check drawn on the previously described funds in an amount not to exceed \$1,700.00 for CLOSING COSTS AND TITLE EXPENSES in favor of the title company closing the transaction described herein. The Award, CLOSING COSTS AND TITLE EXPENSES together shall not exceed the AUTHORIZED AMOUNT.

**SECTION 11.** 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   
**Assistant City Attorney**

FIELD NOTES DESCRIBING A 519 SQUARE FOOT (0.0119 ACRE)  
SUB-SURFACE DRAINAGE TUNNEL EASEMENT  
CITY OF DALLAS DRAWING NO. 423R-54 (PARCEL 541)  
TO BE ACQUIRED IN CITY OF DALLAS BLOCK 595  
JOHN GRIGSBY SURVEY, ABSTRACT NUMBER 495  
CITY OF DALLAS, DALLAS COUNTY, TEXAS  
FROM PATRONMARCHE, L.L.C.

EXHIBIT A

BEING a 519 square foot (0.0119 acre) unplatted tract of land situated in the John Grigsby Survey, Abstract No. 495, in City Block 595 of the City of Dallas, Dallas County, Texas, and being part of that called 3,958 square foot tract of land described as Tract 3 in Special Warranty Deed (with Vendor's Lien) to Patronmarche, L.L.C. recorded in Instrument Number 200600195976 of the Official Public Records of Dallas County, Texas, and being more particularly described as follows:

(Note: Subsurface easement corners are not monumented.)

BEGINNING on the southeast right-of-way line of Flora Street (a variable width right-of-way, 46.3 feet wide at this point) at the north corner of said Tract 3 having coordinates of N=6976393.8745 E=2493384.7535 (not monumented) and west corner of that called 0.2544 acre unplatted tract of land described in General Warranty Deed to Stuart Crow recorded in Instrument Number 200600247127 of said Official Public Records;

THENCE South 45 degrees 28 minutes 07 seconds East, with the northeasterly line of said Tract 3 and the southwesterly line of said called 0.2544 acre tract, 34.00 feet to the point of curvature having coordinates of N=6976370.1019, E=2493408.4144 (not monumented) of a non-tangent circular curve to the right having a central angle of 01 degree 26 minutes 54 seconds, a radius of 1,445.00 feet, a tangent of 18.26 feet and a chord which bears North 88 degrees 39 minutes 42 seconds West 36.53 feet;

THENCE Westerly, departing said northeasterly line of said Tract 3 and said southwesterly line of said called 0.2544 acre tract and across said Tract 3 with said curve to the right, an arc distance of 36.53 feet to the end of said curve having coordinates of N=6976370.9549, E=2493371.9043 (not monumented), said end of curve being on the southwesterly line of said Tract 3 and northeasterly line of that called 3,960 square foot tract of land described as Tract 1 in said Special Warranty Deed (with Vendor's Lien) to Patronmarche, L.L.C. recorded in Instrument Number 200600195976 of said Official Public Records;

THENCE North 45 degrees 28 minutes 08 seconds West, with said southwesterly line of said Tract 3 and said northeasterly line of Tract 1, 7.29 feet to the west corner having coordinates of N=6976376.0651, E=2493366.7098 (not monumented) of said Tract 3 and north corner of said Tract 1, said corner being on said southeast right-of-way line of Flora Street;





FIELD NOTES DESCRIBING A 519 SQUARE FOOT (0.0119 ACRE)  
SUB-SURFACE DRAINAGE TUNNEL EASEMENT  
CITY OF DALLAS DRAWING NO. 423R-54 (PARCEL 541)  
TO BE ACQUIRED IN CITY OF DALLAS BLOCK 595  
JOHN GRIGSBY SURVEY, ABSTRACT NUMBER 495  
CITY OF DALLAS, DALLAS COUNTY, TEXAS  
FROM PATRONMARCHE, L.L.C.

EXHIBIT A

THENCE North 44 degrees 21 minutes 01 second East, departing said southwesterly line of said Tract 3 and said northeasterly line of Tract 1, and with said southeast right-of-way line of Flora Street and the northwesterly line of said Tract 3, 25.00 feet to the POINT OF BEGINNING and containing 519 square feet (0.0119 acre) of land, more or less.

Basis of Bearing is the State Plane Coordinate System, Texas North Central Zone (4202), North American Datum of 1983. All coordinates are state plane on grid. All distances are surface distances. Surface Adjustment Scale Factor: 1.000136506

For Nathan D. Maier Consulting Engineers, Inc.

  
\_\_\_\_\_  
Gary W. Matthews  
Registered Professional Land Surveyor  
Texas No. 5534 9-13-2013



Page 2 of 3



FIELD NOTES APPROVED:

DER 11/20/13

**EXHIBIT A**

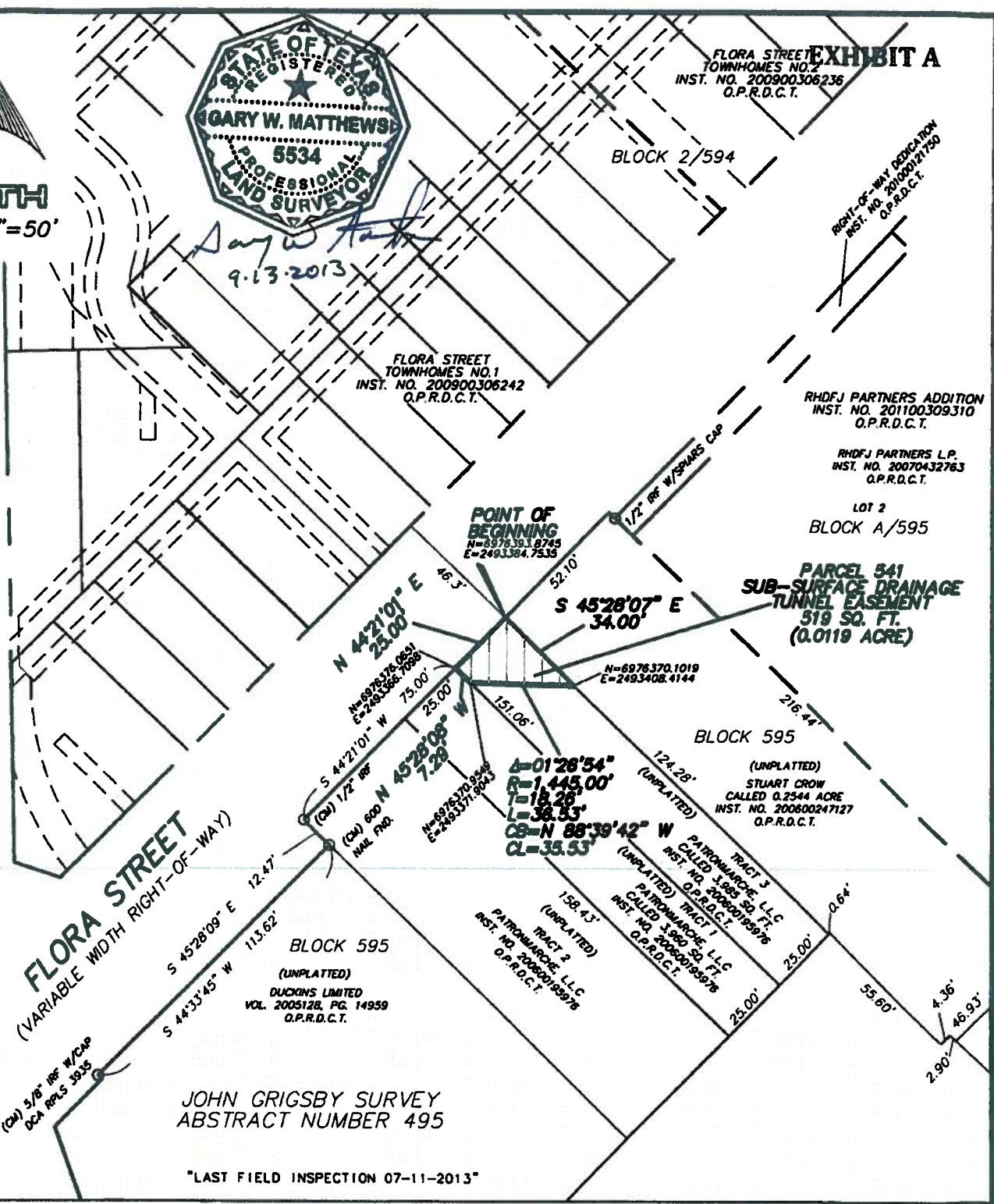


**NORTH**  
SCALE: 1"=50'



9.13.2013

**I.H. SPUR 345  
NORTH CENTRAL EXPRESSWAY  
(U.S. HWY 75)**  
(VARIABLE WIDTH RIGHT-OF-WAY)



FLORA STREET TOWNHOMES NO. 2  
INST. NO. 200900306236  
O.P.R.D.C.T.

BLOCK 2/594

RIGHT-OF-WAY DEDICATION  
INST. NO. 20100021750  
O.P.R.D.C.T.

FLORA STREET TOWNHOMES NO. 1  
INST. NO. 200900306242  
O.P.R.D.C.T.

RHDFJ PARTNERS ADDITION  
INST. NO. 201100309310  
O.P.R.D.C.T.

RHDFJ PARTNERS L.P.  
INST. NO. 20070432763  
O.P.R.D.C.T.

LOT 2  
BLOCK A/595

**PARCEL 541  
SUB-SURFACE DRAINAGE  
TUNNEL EASEMENT  
319 SQ. FT.  
(0.0119 ACRE)**

**POINT OF BEGINNING**  
N=6976393.8745  
E=2493384.7535

1/2" IRF W/SPARS CAP

N 44°21'01" E  
25.00'

S 45°28'07" E  
34.00'

N=6976370.1019  
E=2493408.4144

N=6976376.0851  
E=2493386.7886

S 44°21'01" W  
75.00'

N 45°28'08" W  
7.28'

Δ=01°28'34"  
R=1,445.00'  
T=19.28'  
L=38.53'  
CB=N 88°39'42" W  
CL=35.53'

BLOCK 595

(UNPLATTED)  
STUART CROW  
CALLED Q.2544 ACRE  
INST. NO. 200600247127  
O.P.R.D.C.T.

**FLORA STREET**  
(VARIABLE WIDTH RIGHT-OF-WAY)

(CM) 1/2" IRF  
(CM) 600' NAIL FND

BLOCK 595  
(UNPLATTED)  
DUCKINS LIMITED  
VOL. 2005128, PG. 14959  
O.P.R.D.C.T.

JOHN GRIGSBY SURVEY  
ABSTRACT NUMBER 495

"LAST FIELD INSPECTION 07-11-2013"

NOTE: SUBSURFACE EASEMENT CORNERS ARE NOT MONUMENTED.

PAGE 3 OF 3

Basis of Bearing is the State Plane Coordinate System, Texas North Central Zone (4202), North American Datum of 1983. All coordinates are state plane on grid. All distances are surface distances. Surface Adjustment Scale Factor: 1.0001365060.

LEGEND	
D.R.D.C.T.	DEED RECORDS OF DALLAS COUNTY, TEXAS
M.R.D.C.T.	MAP RECORDS OF DALLAS COUNTY, TEXAS
O.P.R.D.C.T.	OFFICIAL PUBLIC RECORDS OF DALLAS COUNTY, TEXAS
INST. NO.	INSTRUMENT NUMBER
VOL., PG.	VOLUME, PAGE
ESMT.	EASEMENT
SQ. FT.	SQUARE FEET
---	RIGHT-OF-WAY LINE
- - - -	EASEMENT LINE
---	SUBDIVISION LINE
---	PROPERTY LINE
IRF	IRON ROD FOUND
IPF	IRON PIPE FOUND
CM	CONTROLLING MONUMENT
FPK	FOUND PK NAIL
FX	FOUND "X"

519 SQ. FT. (0.0119 ACRE) SUB-SURFACE DRAINAGE TUNNEL EASEMENT CITY OF DALLAS DRAWING NO. 423R-54 (PARCEL 541) TO BE ACQUIRED IN CITY OF DALLAS BLOCK 595, JOHN GRIGSBY SURVEY, ABSTRACT NUMBER 495 CITY OF DALLAS, DALLAS COUNTY, TEXAS. FROM PATRONMACHE, L.L.C.

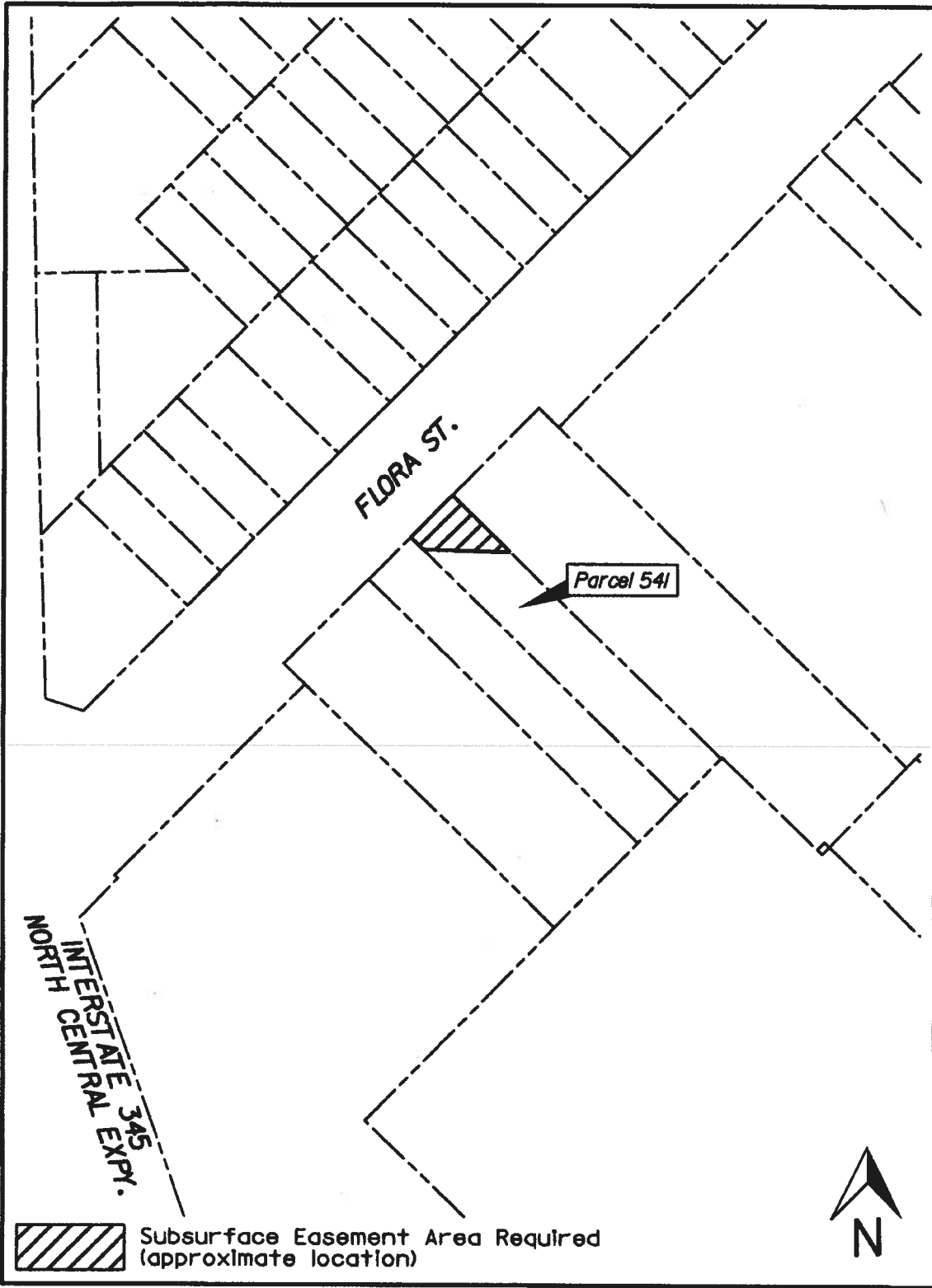


NATHAN D. MAIER  
CONSULTING ENGINEERS, INC.  
TBPE FIRM REG. NO. F-356  
TBPLS FIRM REG. NO. 100189-00

Two Northpark / 8080 Park Lane / Suite 600  
Dallas, Texas 75251 / (214) 799-4743

09/13/2013

PARCEL-541.DWG



FLORA ST.

Parcel 54

INTERSTATE 345  
NORTH CENTRAL EXP.



Subsurface Easement Area Required  
(approximate location)



**AGENDA ITEM # 26**

**KEY FOCUS AREA:** Economic Vibrancy  
**AGENDA DATE:** September 9, 2015  
**COUNCIL DISTRICT(S):** 14  
**DEPARTMENT:** Trinity Watershed Management  
**CMO:** Mark McDaniel, 670-3256  
**MAPSCO:** 45 G

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**SUBJECT**

Authorize acquisition, including the exercise of the right of eminent domain, if such becomes necessary, from Post Apartment Homes, L.P., of a subsurface easement under approximately 3,811 square feet of land located on Woodall Rodgers Freeway at its intersection with Maple-Routh Connection for the Mill Creek/Peaks Branch/State Thomas Drainage Relief Tunnel Project – Not to exceed \$72,598 (\$68,598 plus closing costs and title expenses not to exceed \$4,000) - Financing: 2006 Bond Funds

**BACKGROUND**

This item authorizes the acquisition of a subsurface easement located under approximately 3,811 square feet of land from Post Apartment Homes, L.P. This property is located on Woodall Rodgers Freeway at its intersection with Maple-Routh Connection and will be used for the Mill Creek/Peaks Branch/State Thomas Drainage Relief Tunnel Project. The consideration is based on an independent appraisal.

**PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)**

Information about this item will be provided to the Economic Development Committee on September 8, 2015.

**FISCAL INFORMATION**

2006 Bond Funds - \$72,598 (\$68,598 plus closing costs and title expenses not to exceed \$4,000)

**OWNER**

**Post Apartment Homes, L.P.**

Post GP Holdings, Inc., Sole General Partner  
David P. Stockert, President

**MAP**

Attached

September 9, 2015

**A RESOLUTION DETERMINING UPON THE NECESSITY OF ACQUIRING REAL PROPERTY AND AUTHORIZING ITS APPROPRIATION AND/OR CONDEMNATION FOR PUBLIC USE.**

**DEFINITIONS:** For the purposes of this resolution, the following definitions of terms shall apply:

"CITY": The City of Dallas

"PROPERTY": Located under approximately 3,811 square feet in area, lying between the subsurface elevations of 252 feet and 426 feet (U.S. Survey Feet), inclusive, North American Vertical Datum of 1988, located in Dallas County, Texas, the boundary of which property being more particularly described in "Exhibit A", attached hereto and made a part hereof for all purposes.

"PROJECT": Mill Creek/Peaks Branch/State Thomas Drainage Relief Tunnel Project

"USE": The below ground construction, installation, use, and maintenance of a deep tunnel for storage and transmission of storm drainage.

"PROPERTY INTEREST": Flood Control Tunnel Easement

"OWNER": Post Apartment Homes, L.P., 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": \$68,598.00

"CLOSING COSTS AND TITLE EXPENSES": Not to exceed \$4,000.00

"AUTHORIZED AMOUNT": \$72,598.00

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

**SECTION 1.** That the USE of the PROPERTY for the PROJECT is a public use.

**SECTION 2.** That public necessity requires that the CITY acquire the PROPERTY INTEREST in the PROPERTY for the PROJECT.

September 9, 2015

**SECTION 3.** That for the purpose of acquiring the PROPERTY INTEREST in the PROPERTY, the Assistant Director of the Department of Sustainable Development and Construction Department, 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 Chief Financial Officer is authorized and directed to draw a warrant in favor of the OWNER, the then current owner of record, or the title company closing the transaction described herein in the OFFER AMOUNT payable out of 2006 Bond Funds: Fund No. 1T23, Department TWM, Unit T525, Activity SDRS, Program No. PB06T525, Object 4210, Encumbrance No. CT-PBW06T525G58, CLOSING COSTS AND TITLE EXPENSES payable out of 2006 Bond Funds: Fund No. 1T23, Department TWM, Unit T525, Activity SDRS, Program No. PB06T525, Object 4230, Encumbrance No. CT-PBW06T525G59. The OFFER AMOUNT, CLOSING COSTS and TITLE EXPENSES 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 the CLOSING COSTS AND TITLE EXPENSES. In the event of condemnation, the CITY will pay costs as may be assessed by the Special Commissioners or the court. Further, that 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 proceeding(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 proceedings or suit(s).

**SECTION 8.** That to the extent the PROPERTY is being purchased wholly or partly with bond proceeds CITY has obtained an independent appraisal of the PROPERTY'S market value.

**SECTION 9.** That OWNER has been provided with a copy of the Landowner's Bill of Rights as required by Texas Property Code Section 21.0112.

September 9, 2015

**SECTION 10.** That in the event the City Attorney files a condemnation proceeding because the OWNER refused to accept the OFFER AMOUNT; and in the event the special commissioners 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 deposit the award in the registry of the Court and to settle the condemnation proceeding, or if the condemnation proceeding becomes a lawsuit, the lawsuit, for an amount not to exceed the OFFER AMOUNT; and the Chief Financial Officer is hereby authorized to issue a check drawn on the previously described funds in an amount not to exceed the OFFER AMOUNT 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; and the Chief Financial Officer is hereby authorized to issue a check drawn on the previously described funds in an amount not to exceed \$4,000.00 for CLOSING COSTS AND TITLE EXPENSES in favor of the title company closing the transaction described herein. The Award, CLOSING COSTS AND TITLE EXPENSES together shall not exceed the AUTHORIZED AMOUNT.

**SECTION 11.** 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 \_\_\_\_\_  
**Assistant City Attorney**



September 9, 2015

**SECTION 10.** That in the event the City Attorney files a condemnation proceeding because the OWNER refused to accept the OFFER AMOUNT; and in the event the special commissioners 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 deposit the award in the registry of the Court and to settle the condemnation proceeding, or if the condemnation proceeding becomes a lawsuit, the lawsuit, for an amount not to exceed the OFFER AMOUNT; and the Chief Financial Officer is hereby authorized to issue a check drawn on the previously described funds in an amount not to exceed the OFFER AMOUNT 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; and the Chief Financial Officer is hereby authorized to issue a check drawn on the previously described funds in an amount not to exceed \$4,000.00 for CLOSING COSTS AND TITLE EXPENSES in favor of the title company closing the transaction described herein. The Award, CLOSING COSTS AND TITLE EXPENSES together shall not exceed the AUTHORIZED AMOUNT.

**SECTION 11.** 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   
**Assistant City Attorney**

FIELD NOTES DESCRIBING A 3,811 SQUARE FOOT (0.0875 ACRE)  
SUB-SURFACE DRAINAGE TUNNEL EASEMENT  
CITY OF DALLAS DRAWING NO. 423R-54 (PARCEL 525)  
TO BE ACQUIRED IN CITY OF DALLAS BLOCK G/558  
PART OF LOT 1, UPTOWN VILLAGE  
JOHN GRIGSBY SURVEY, ABSTRACT NUMBER 495  
CITY OF DALLAS, DALLAS COUNTY, TEXAS  
FROM POST APARTMENT HOMES, L.P.

**EXHIBIT A**

BEING a 3,811 square foot (0.0875 acre) tract of land situated in the John Grigsby Survey, Abstract No. 495, in City Block G/558 of the City of Dallas, Dallas County, Texas, and being part of that tract of land described as Tract 1 in Release of Lien to Post Apartment Homes, L.P. recorded in Instrument Number 200900131878 of the Official Public Records of Dallas County, Texas, and being part of Lot 1 of said Block G/558, Uptown Village, an addition to the City of Dallas recorded in Volume 93246, Page 5500 of the Deed Records of Dallas County, Texas, and being more particularly described as follows:

(Note: Subsurface easement corners are not monumented.)

BEGINNING at the most easterly corner of said Lot 1, Block G/558 having coordinates of N=6975856.7496, E=2491674.2075 (not monumented), same being the intersection of the northwesterly right-of-way line of State Highway Spur 366, Woodall Rodgers Freeway (a variable width right-of-way) with the northeasterly line of a 4.5 foot wide Drainage, Utility, Sidewalk and Street Easement as shown on the plat of said Uptown Village, same being the southwesterly line of a 45 foot wide right-of-way dedication for Columbus Street as shown on said plat of Uptown Village, together with an additional 4.5 foot wide Drainage, Utility, Sidewalk and Street Easement adjoining the northeasterly line of said 45 foot wide right-of-way dedication for a total effective width of 54.00 feet;

THENCE South 52 degrees 00 minutes 07 seconds West, departing said northeasterly line of said 4.5 foot wide Drainage, Utility, Sidewalk and Street Easement and said southwesterly line of said 45 foot wide right-of-way dedication and continuing with said southeasterly line of Lot 1, Block G/558 and said northwesterly right-of-way line of State Highway Spur 366, Woodall Rodgers Freeway, at a distance of 14.63 feet passing the intersection of the southwesterly line of said 4.5 foot wide Drainage, Utility, Sidewalk and Street Easement with said northwesterly right-of-way line of State Highway Spur 366, Woodall Rodgers Freeway, and continuing with said southeasterly line of Lot 1, Block G/558 and said northwesterly right-of-way line of State Highway Spur 366, Woodall Rodgers Freeway for a total of 180.44 feet to the most easterly corner of a dedication for street purposes by the plat of Chandler/Commodore, an addition to the City of Dallas recorded in Volume 85189, Page 5363 of the Deed Records of Dallas County, Texas, said easterly corner being the intersection of said northwesterly right-of-way line of State Highway Spur 366, Woodall Rodgers Freeway with the northerly right-of-way line of Maple-Routh Connection (a variable width right-of-way) having coordinates of N=6975745.6767, E=2491532.0309 (not monumented);

THENCE South 82 degrees 53 minutes 10 seconds West, departing said northwesterly right-of-way line of State Highway Spur 366, Woodall Rodgers Freeway and continuing with the southeasterly line of said Lot 1, Block G/558 and said northerly right-of-way line of Maple-Routh Connection, same being the northerly line of said dedication for street purposes, 8.44 feet to the point of curvature having coordinates of N=6975744.6317, E=2491523.6571 (not monumented) of a non-tangent circular curve to the left having a central angle of 03 degrees 06 minutes 20 seconds, a radius of 711.03 feet, a tangent of 19.27 feet and a chord which bears North 68 degrees 07 minutes 13 seconds West 38.53 feet;



FIELD NOTES APPROVED:

12/14/15

FIELD NOTES DESCRIBING A 3,811 SQUARE FOOT (0.0875 ACRE)  
SUB-SURFACE DRAINAGE TUNNEL EASEMENT  
CITY OF DALLAS DRAWING NO. 423R-54 (PARCEL 525)  
TO BE ACQUIRED IN CITY OF DALLAS BLOCK G/558  
PART OF LOT 1, UPTOWN VILLAGE  
JOHN GRIGSBY SURVEY, ABSTRACT NUMBER 495  
CITY OF DALLAS, DALLAS COUNTY, TEXAS  
FROM POST APARTMENT HOMES, L.P.

EXHIBIT A


THENCE Northwesterly, departing said southeasterly line of Lot 1, Block G/558 and with the southwesterly line of Lot 1, Block G/558, said northerly right-of-way line of Maple-Routh Connection, said northerly line of said dedication for street purposes and said curve to the left for an arc distance of 38.54 feet to the end of said curve having coordinates of N=6975758.9897, E=2491487.9040 (not monumented), same being the beginning of a non-tangent circular curve to the left having a central angle of 08 degrees 11 minutes 46 seconds, a radius of 1,455.00 feet, a tangent of 104.24 feet and a chord which bears North 60 degrees 04 minutes 03 seconds East 207.96 feet;

THENCE Northeasterly, departing said southwesterly line of Lot 1, Block G/558, said northerly right-of-way line of Maple-Routh Connection and said northerly line of said dedication for street purposes and over and across said Lot 1, Block G/558 with said curve to the left, at an arc distance of 202.41 feet passing the southwesterly line of said 4.5 foot wide Drainage, Utility, Sidewalk and Street Easement and said effective southwesterly right-of-way line of Columbus Street, and continuing over and across said Lot 1, Block G/558 with said curve to the left for a total arc distance of 208.13 feet to the end of said curve having coordinates of N=6975862.7414, E=2491668.0964 (not monumented), said end of curve being on the northeasterly line of said 4.5 foot wide Drainage, Utility, Sidewalk and Street Easement and said southwesterly line of said 45 foot wide right-of-way dedication;

THENCE South 45 degrees 33 minutes 53 seconds East, with said northeasterly line of said Drainage, Utility, Sidewalk and Street Easement and said southwesterly line of said 45 foot wide right-of-way dedication, 8.56 feet to the POINT OF BEGINNING and containing 3,811 square feet (0.0875 acre) of land, more or less, of which 89 square feet is in a Drainage, Utility, Sidewalk and Street Easement, leaving a net area of 3,722 square feet (0.0854 acre), more or less.

Basis of Bearings is the State Plane Coordinate System, Texas North Central Zone (4202), North American Datum of 1983. All coordinates are state plane on grid. All distances are surface distances. Surface Adjustment Scale Factor: 1.000136506

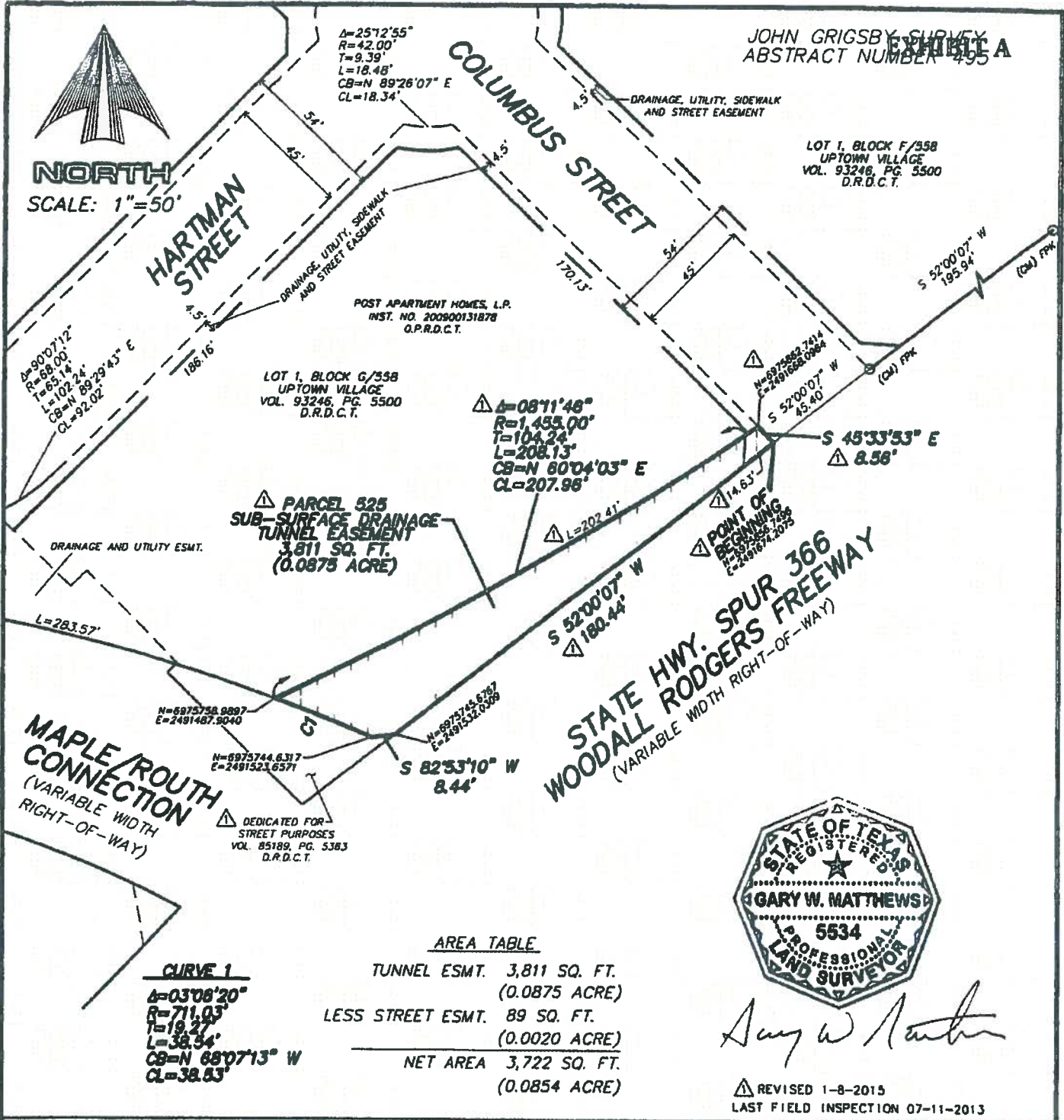
For Nathan D. Maier Consulting Engineers, Inc.

  
Gary W. Matthews  
Registered Professional Land Surveyor  
Texas No. 5534  
1-8-2015



1 - Revised metes and bounds, coordinates and area 1-8-2015

JOHN GRIGSBY SURVEY  
ABSTRACT NUMBER 495  
EXHIBIT A



LOT 1, BLOCK F/558  
UPTOWN VILLAGE  
VOL. 93246, PG. 5500  
D.R.D.C.T.

LOT 1, BLOCK G/558  
UPTOWN VILLAGE  
VOL. 93246, PG. 5500  
D.R.D.C.T.

POST APARTMENT HOMES, L.P.  
INST. NO. 200900131878  
Q.P.R.D.C.T.

PARCEL 525  
SUB-SURFACE DRAINAGE  
TUNNEL EASEMENT  
3,811 SQ. FT.  
(0.0875 ACRE)

MAPLE/ROUTH  
CONNECTION  
(VARIABLE WIDTH  
RIGHT-OF-WAY)

STATE HWY. SPUR 366  
WOODALL RODGERS FREEWAY  
(VARIABLE WIDTH RIGHT-OF-WAY)

AREA TABLE

CURVE 1	TUNNEL ESMT.	3,811 SQ. FT.
$\Delta=03^{\circ}08'20''$		(0.0875 ACRE)
$R=711.03'$	LESS STREET ESMT.	89 SQ. FT.
$T=19.27'$		(0.0020 ACRE)
$L=38.54'$	NET AREA	3,722 SQ. FT.
$CB=N 68^{\circ}07'13'' W$		(0.0854 ACRE)
$CL=38.53'$		



*Gary W. Matthews*

REVISD 1-8-2015  
LAST FIELD INSPECTION 07-11-2013

NOTE: SUBSURFACE EASEMENT CORNERS ARE NOT MONUMENTED.

Basis of Bearing is the State Plane Coordinate System, Texas North Central Zone (4202), North American Datum of 1983. All coordinates are state plane on grid. All distances are surface distances. Surface Adjustment Scale Factor: 1.0001365060.

LEGEND			
D.R.D.C.T.	DEED RECORDS OF DALLAS COUNTY, TEXAS	---	RIGHT-OF-WAY LINE
M.R.D.C.T.	MAP RECORDS OF DALLAS COUNTY, TEXAS	---	EASEMENT LINE
O.P.R.D.C.T.	OFFICIAL PUBLIC RECORDS OF DALLAS COUNTY, TEXAS	---	SUBDIVISION LINE
INST. NO.	INSTRUMENT NUMBER	---	PROPERTY LINE
VOL., PG.	VOLUME, PAGE	IRF	IRON ROD FOUND
ESMT.	EASEMENT	IPF	IRON PIPE FOUND
SQ. FT.	SQUARE FEET	CM	CONTROLLING MONUMENT
		FPK	FOUND P.K. MAIL
		FX	FOUND "X"

PAGE 3 OF 3

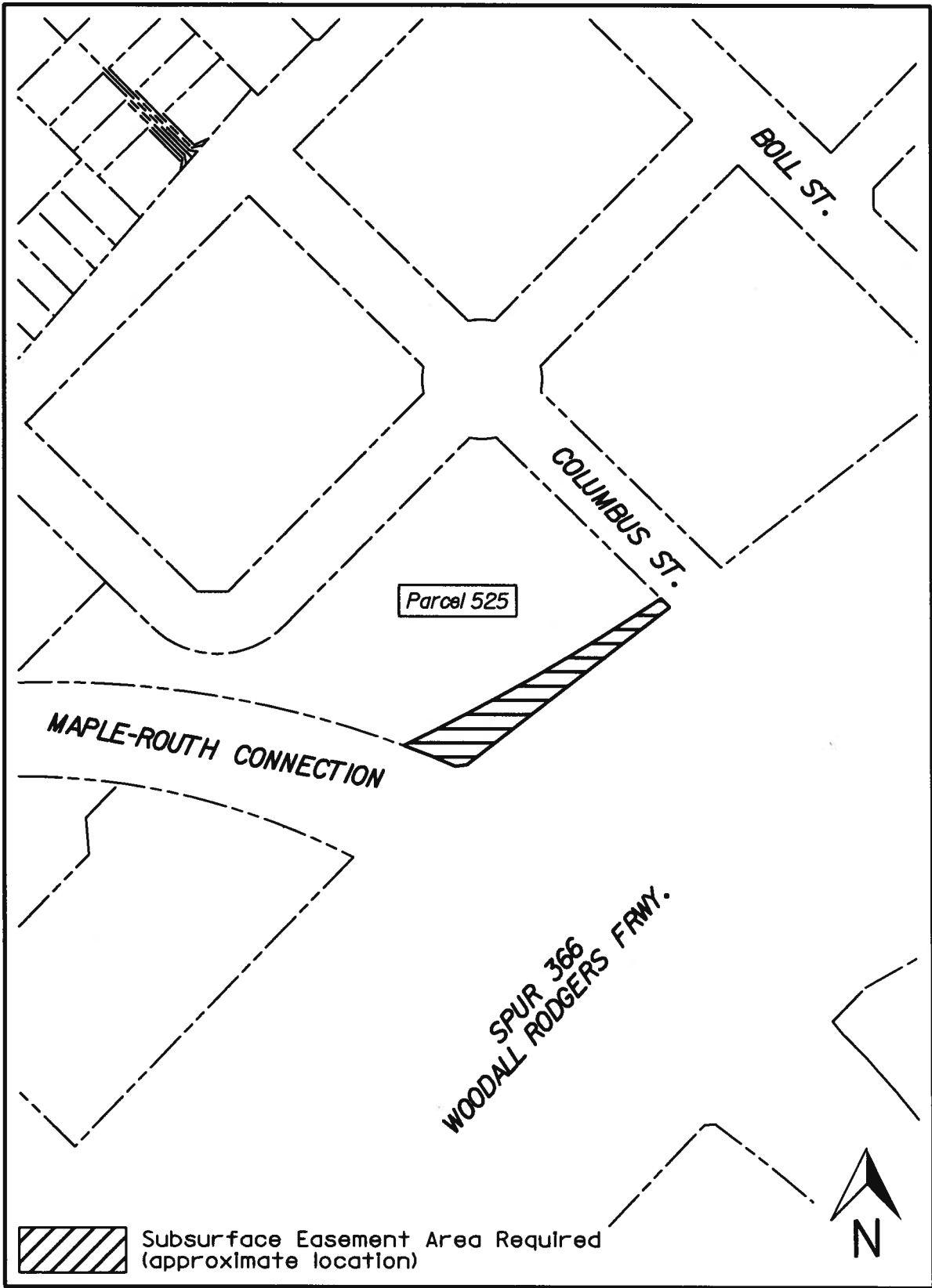
3,811 SQ. FT. (0.0875 ACRE) SUB-SURFACE DRAINAGE TUNNEL EASEMENT CITY OF DALLAS DRAWING NO. 423R-54 (PARCEL 525) TO BE ACQUIRED IN CITY OF DALLAS BLOCK G/558, PART OF LOT 1, UPTOWN VILLAGE, JOHN GRIGSBY SURVEY, ABSTRACT NUMBER 495 CITY OF DALLAS, DALLAS COUNTY, TEXAS FROM POST APARTMENT HOMES, L.P.



NATHAN D. MAIER  
CONSULTING ENGINEERS, INC.  
TBE FIRM REG. NO. F-356  
TBPLS FIRM REG. NO. 100189-00  
Two Northpark / 8050 Park Lane / Suite 600  
Dallas, Texas 75231 / (214) 739-4741

1/8/2015

PARCEL-525.DWG



Parcel 525

BOLL ST.

COLUMBUS ST.

MAPLE-ROUTH CONNECTION

SPUR 366  
WOODALL RODGERS FRWY.



Subsurface Easement Area Required  
(approximate location)



**AGENDA ITEM # 27**

**KEY FOCUS AREA:** Economic Vibrancy  
**AGENDA DATE:** September 9, 2015  
**COUNCIL DISTRICT(S):** 14  
**DEPARTMENT:** Trinity Watershed Management  
**CMO:** Mark McDaniel, 670-3256  
**MAPSCO:** 45D

---

**SUBJECT**

Authorize acquisition, including the exercise of the right of eminent domain, if such becomes necessary, from San Jacinto Urban Lofts, L.P., of three subsurface easements under a total of approximately 2,304 square feet of land located on San Jacinto Street near its intersection with Caddo Street for the Mill Creek/Peaks Branch/State Thomas Drainage Relief Tunnel Project - Not to exceed \$10,525 (\$8,525 plus closing costs and title expenses not to exceed \$2,000) - Financing: General Obligation Commercial Paper Funds

**BACKGROUND**

This item authorizes the acquisition of three subsurface easements located under a total of approximately 2,304 square feet of land from San Jacinto Urban Lofts, L.P. This property is located on San Jacinto Street near its intersection with Caddo Street and will be used for the Mill Creek/Peaks Branch/ State Thomas Drainage Relief Tunnel Project. The consideration is based on an independent appraisal.

**PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)**

Information about this item will be provided to the Economic Development Committee on September 8, 2015.

**FISCAL INFORMATION**

2006 Bond Program (General Obligation Commercial Paper Funds) - \$10,525 (\$8,525 plus closing costs and title expenses not to exceed \$2,000)

**OWNER**

**San Jacinto Urban Lofts, L.P.**

**MAP**

Attached

September 9, 2015

**A RESOLUTION DETERMINING UPON THE NECESSITY OF ACQUIRING REAL PROPERTY AND AUTHORIZING ITS APPROPRIATION AND/OR CONDEMNATION FOR PUBLIC USE.**

**DEFINITIONS:** For the purposes of this resolution, the following definitions of terms shall apply:

"CITY": The City of Dallas

"PROPERTY": Parcel 500a - Located under approximately 577 square feet in area, lying between the subsurface elevations of 229 feet and 402 feet (U.S. Survey Feet), inclusive, North American Vertical Datum of 1988, located in Dallas County, Texas, the boundary of which property being more particularly described in "Exhibit A", attached hereto and made a part hereof for all purposes.

Parcel 500b - Located under two tracts containing a total of approximately 1,481 square feet in area, lying between the subsurface elevations of 229 feet and 404 feet (U.S. Survey Feet), inclusive, North American Vertical Datum of 1988, located in Dallas County, Texas, the boundary of which property being more particularly described in "Exhibit A", attached hereto and made a part hereof for all purposes.

Parcel 500c - Located under approximately 246 square feet in area, lying between the subsurface elevations of 230 feet and 403 feet (U.S. Survey Feet), inclusive, North American Vertical Datum of 1988, located in Dallas County, Texas, the boundary of which property being more particularly described in "Exhibit A", attached hereto and made a part hereof for all purposes.

"PROJECT": Mill Creek/Peaks Branch/State Thomas Drainage Relief Tunnel Project

"USE": The below ground construction, installation, use, and maintenance of a deep tunnel for storage and transmission of storm drainage.

"PROPERTY INTEREST": Flood Control Tunnel Easement

"OWNER": San Jacinto Urban Lofts, L.P., 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.



September 9, 2015

"OFFER AMOUNT": \$8,525.00

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

"AUTHORIZED AMOUNT": \$10,525.00

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

**SECTION 1.** That the USE of the PROPERTY for the PROJECT is 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 the Department of Sustainable Development and Construction Department, 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 Chief Financial Officer is authorized and directed to draw a warrant in favor of the OWNER, the then current owner of record, or the title company closing the transaction described herein in the OFFER AMOUNT payable out of 2006 Bond Funds: Fund No. 3T23, Department TWM, Unit T525, Activity SDRS, Program No. PB06T525, Object 4210, Encumbrance No. CT-PBW06T525H15, CLOSING COSTS AND TITLE EXPENSES payable out of 2006 Bond Funds: Fund No. 3T23, Department TWM, Unit T525, Activity SDRS, Program No. PB06T525, Object 4230, Encumbrance No. CT-PBW06T52H16. The OFFER AMOUNT, CLOSING COSTS and TITLE EXPENSES 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 the CLOSING COSTS AND TITLE EXPENSES. In the event of condemnation, the CITY will pay costs as may be assessed by the Special Commissioners or the court. Further, that 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 proceeding(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.

September 9, 2015

**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 proceedings or suit(s).

**SECTION 8.** That to the extent the PROPERTY is being purchased wholly or partly with bond proceeds CITY has obtained an independent appraisal of the PROPERTY'S market value.

**SECTION 9.** That OWNER has been provided with a copy of the Landowner's Bill of Rights as required by Texas Property Code Section 21.0112.

**SECTION 10.** That in the event the City Attorney files a condemnation proceeding because the OWNER refused to accept the OFFER AMOUNT; and in the event the special commissioners 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 deposit the award in the registry of the Court and to settle the condemnation proceeding, or if the condemnation proceeding becomes a lawsuit, the lawsuit, for an amount not to exceed the OFFER AMOUNT; and the Chief Financial Officer is hereby authorized to issue a check drawn on the previously described funds in an amount not to exceed the OFFER AMOUNT 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; and the Chief Financial Officer is hereby authorized to issue a check drawn on the previously described funds in an amount not to exceed \$2,000.00 for CLOSING COSTS AND TITLE EXPENSES in favor of the title company closing the transaction described herein. The Award, CLOSING COSTS AND TITLE EXPENSES together shall not exceed the AUTHORIZED AMOUNT.

**SECTION 11.** 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 \_\_\_\_\_  
**Assistant City Attorney**

September 9, 2015

**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 proceedings or suit(s).

**SECTION 8.** That to the extent the PROPERTY is being purchased wholly or partly with bond proceeds CITY has obtained an independent appraisal of the PROPERTY'S market value.

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**SECTION 10.** That in the event the City Attorney files a condemnation proceeding because the OWNER refused to accept the OFFER AMOUNT; and in the event the special commissioners 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 deposit the award in the registry of the Court and to settle the condemnation proceeding, or if the condemnation proceeding becomes a lawsuit, the lawsuit, for an amount not to exceed the OFFER AMOUNT; and the Chief Financial Officer is hereby authorized to issue a check drawn on the previously described funds in an amount not to exceed the OFFER AMOUNT 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; and the Chief Financial Officer is hereby authorized to issue a check drawn on the previously described funds in an amount not to exceed \$2,000.00 for CLOSING COSTS AND TITLE EXPENSES in favor of the title company closing the transaction described herein. The Award, CLOSING COSTS AND TITLE EXPENSES together shall not exceed the AUTHORIZED AMOUNT.

**SECTION 11.** 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 Christopher C. Ernst  
**Assistant City Attorney**

**FIELD NOTES DESCRIBING A 0.0132-ACRE (577-SQUARE-FOOT)  
SUB-SURFACE DRAINAGE TUNNEL EASEMENT  
CITY OF DALLAS DRAWING NO. 423R-54 (PARCEL 500a)  
PART OF THE COMMON AREA, CITY BLOCK 2/642 OF SAN JACINTO LOFTS II ADDITION  
JOHN GRIGSBY SURVEY, ABSTRACT NUMBER 495  
CITY OF DALLAS, DALLAS COUNTY, TEXAS  
FROM SAN JACINTO URBAN LOFTS, L.P.**

**BEING** a 0.0132-acre (577-square-foot) tract of land situated in the City of Dallas and the John Grigsby Survey, Abstract Number 495, Dallas County, Texas, and being part of the Common Area (Official City of Dallas Block Number 2/642) of the San Jacinto Lofts II Addition, an addition to the City of Dallas recorded in Instrument 200600353458 of the Official Public Records of Dallas County, Texas and being part of that certain tract of land conveyed to San Jacinto Urban Lofts, L.P. as evidenced by General Warranty Deed with Vendor's Lien recorded in Instrument Number 200600118439 of the Official Public Records of Dallas County, Texas, and being more particularly described as follows:

(NOTE: Subsurface easement corners are not monumented.)

**BEGINNING** at an "X" cut in concrete (controlling monument) found at the intersection of the northeast line of Caddo Street, a 50-foot right-of-way, and the northwest line of San Jacinto Street, a variable width right-of-way, for the south corner of said Common Area of the San Jacinto Lofts II Addition having coordinates of N=6977654.9144, E=2495703.2947;

**THENCE** North 45 degrees 53 minutes 12 seconds West along the common northeast line of Caddo Street, southwest line of City Block 2/642 and southwest line of said Common Area a distance of 15.00 feet to a 1/2-inch iron rod found (controlling monument) for the west corner of said Common Area and the south corner of Lot 19A, City Block 2/642 of the San Jacinto Lofts II Addition, having coordinates of N=6977665.3542, E=2495692.5267;

**THENCE** North 44 degrees 04 minutes 37 seconds East departing the common northeast line of Caddo Street and southwest line of City Block 2/642 along the common southeast line of Lot 19A, northwest line of said Common Area, over and across City Block 2/642 a distance of 30.32 feet to the beginning of a non-tangent curve to the right, having coordinates of N=6977687.1315, E=2495713.6134 (not monumented);

**THENCE** departing the common southeast line of Lot 19A and northwest line of said Common Area, over and across said Common Area, along said curve to the right having a central angle of 00 degrees 52 minutes 30 seconds, a radius of 1445.00 feet, an arc length of 22.07 feet, and a chord bearing North 86 degrees 54 minutes 10 seconds East a distance of 22.07 feet to the northwest line of San Jacinto Street, the southeast line of said Common Area, and the southeast line of City Block 2/642, having coordinates of N=6977688.3236, E=2495735.6443;

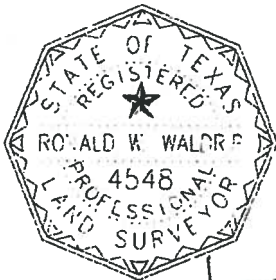
**THENCE** South 44 degrees 04 minutes 37 seconds West along the common northwest line of San Jacinto Street, southeast line of said Common Area, and southeast line of City Block 2/642 a distance of 46.51 feet to the **POINT OF BEGINNING**;



FIELD NOTES DESCRIBING A 0.0132-ACRE (577-SQUARE-FOOT)  
SUB-SURFACE DRAINAGE TUNNEL EASEMENT  
CITY OF DALLAS DRAWING NO. 423R-54 (PARCEL 500a)  
PART OF THE COMMON AREA, CITY BLOCK 2/642 OF SAN JACINTO LOFTS II ADDITION  
JOHN GRIGSBY SURVEY, ABSTRACT NUMBER 495  
CITY OF DALLAS, DALLAS COUNTY, TEXAS  
FROM SAN JACINTO URBAN LOFTS, L.P.

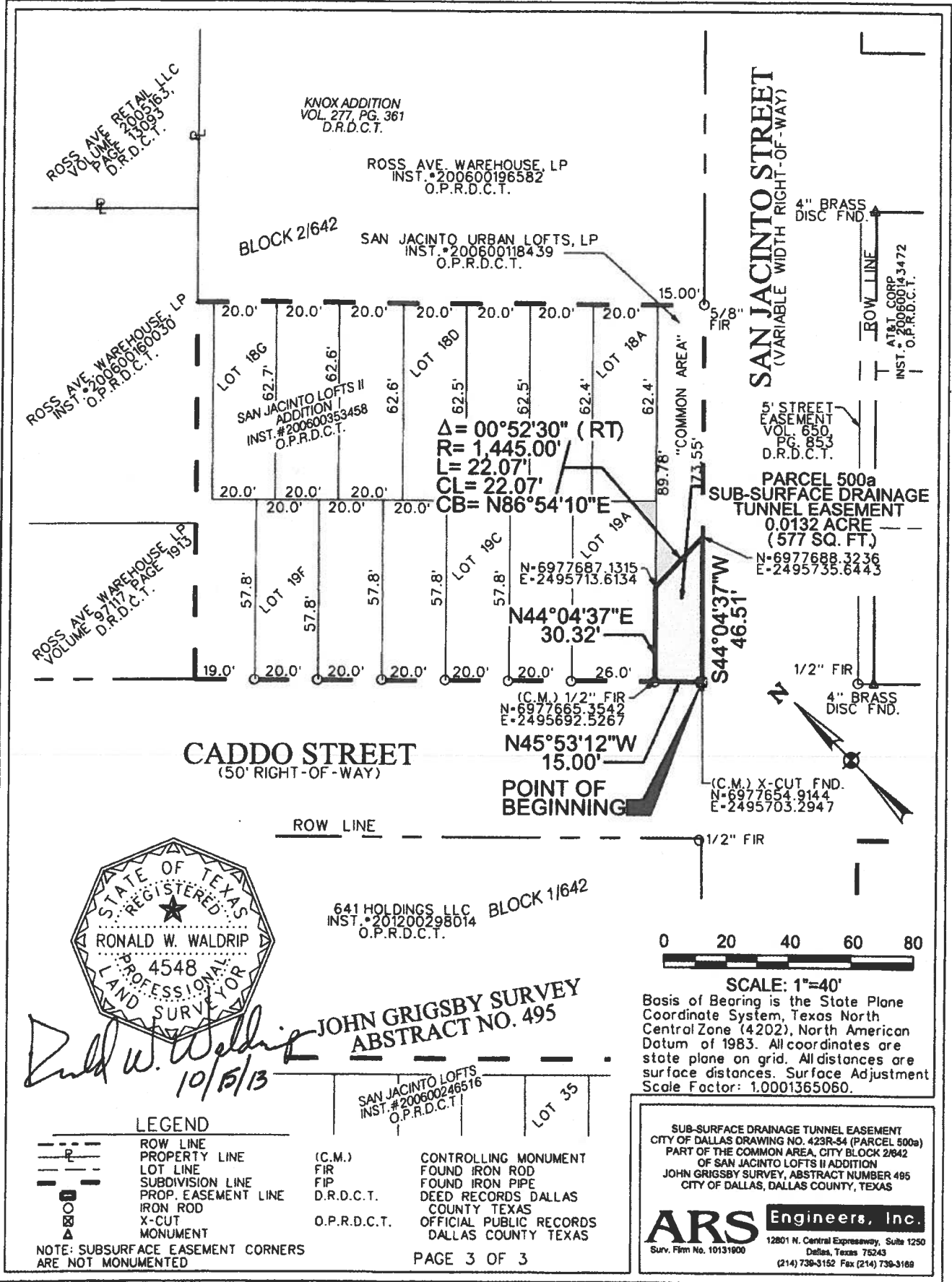
CONTAINING within the metes recited 0.0132 acre (577 square feet) of land, more or less.

Basis of Bearing is the State Plane Coordinate System, Texas North Central Zone (4202), North American Datum of 1983. All coordinates are state plane on grid. All distances are surface distances. Surface Adjustment Scale Factor: 1.0001365060.



*Ronald W. Waldorf 10/15/13*





ROSS AVE RETAIL  
 VOL. 277, PG. 361  
 PAGE 3093  
 D.R.D.C.T.

KNOX ADDITION  
 VOL. 277, PG. 361  
 D.R.D.C.T.

ROSS AVE. WAREHOUSE, LP  
 INST. # 200600196582  
 O.P.R.D.C.T.

BLOCK 2/642

SAN JACINTO URBAN LOFTS, LP  
 INST. # 200600118439  
 O.P.R.D.C.T.

ROSS AVE. WAREHOUSE LP  
 INST. # 200600160030  
 O.P.R.D.C.T.

LOT 18G  
 20.0' 20.0' 20.0' 20.0' 20.0' 20.0' 20.0' 20.0'  
 62.7' 62.6' 62.6' 62.5' 62.5' 62.4' 62.4' 62.4'  
 SAN JACINTO LOFTS II  
 ADDITION  
 INST. # 200600353458  
 O.P.R.D.C.T.

$\Delta = 00^\circ 52' 30''$  (RT)  
 $R = 1,445.00'$   
 $L = 22.07'$   
 $CL = 22.07'$   
 $CB = N86^\circ 54' 10'' E$

SAN JACINTO STREET  
 (VARIABLE WIDTH RIGHT-OF-WAY)

5' STREET  
 EASEMENT  
 VOL. 650  
 PG. 853  
 D.R.D.C.T.

PARCEL 500a  
 SUB-SURFACE DRAINAGE  
 TUNNEL EASEMENT  
 0.0132 ACRE  
 (577 SQ. FT.)

ROSS AVE WAREHOUSE LP  
 VOLUME 97117 PAGE 1913  
 D.R.D.C.T.

CADDO STREET  
 (50' RIGHT-OF-WAY)

N-6977687.1315  
 E-2495713.6134

N44°04'37"E  
 30.32'

(C.M.) 1/2" FIR  
 N-6977665.3542  
 E-2495692.5267

N45°53'12"W  
 15.00'

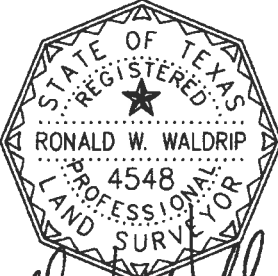
POINT OF BEGINNING

S44°04'37"W  
 46.51'

(C.M.) X-CUT FND.  
 N-6977654.9144  
 E-2495703.2947

1/2" FIR  
 4" BRASS DISC FND.

ROW LINE

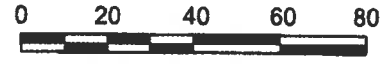


641 HOLDINGS, LLC  
 INST. # 201200298014  
 O.P.R.D.C.T. BLOCK 1/642

*Ronald W. Waldrip*  
 10/5/13

JOHN GRIGSBY SURVEY  
 ABSTRACT NO. 495

SAN JACINTO LOFTS  
 INST. # 200600246516  
 O.P.R.D.C.T.



SCALE: 1"=40'

Basis of Bearing is the State Plane  
 Coordinate System, Texas North  
 Central Zone (4202), North American  
 Datum of 1983. All coordinates are  
 state plane on grid. All distances are  
 surface distances. Surface Adjustment  
 Scale Factor: 1.0001365060.

- LEGEND
- ROW LINE
  - PROPERTY LINE
  - LOT LINE
  - SUBDIVISION LINE
  - PROP. EASEMENT LINE
  - IRON ROD
  - △ X-CUT MONUMENT
- NOTE: SUBSURFACE EASEMENT CORNERS ARE NOT MONUMENTED

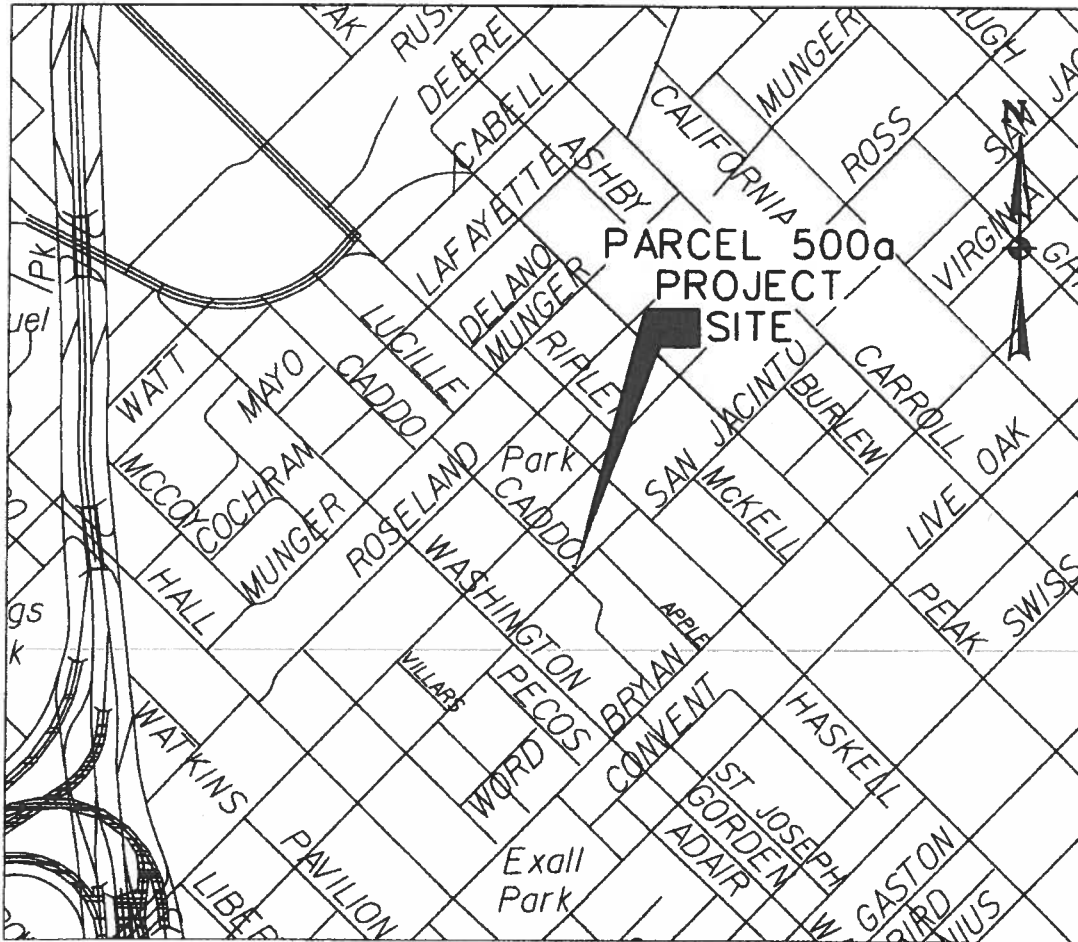
- (C.M.) CONTROLLING MONUMENT
- FIR FOUND IRON ROD
- FIP FOUND IRON PIPE
- D.R.D.C.T. DEED RECORDS DALLAS COUNTY TEXAS
- O.P.R.D.C.T. OFFICIAL PUBLIC RECORDS DALLAS COUNTY TEXAS

SUB-SURFACE DRAINAGE TUNNEL EASEMENT  
 CITY OF DALLAS DRAWING NO. 423R-54 (PARCEL 500a)  
 PART OF THE COMMON AREA, CITY BLOCK 2/642  
 OF SAN JACINTO LOFTS II ADDITION  
 JOHN GRIGSBY SURVEY, ABSTRACT NUMBER 495  
 CITY OF DALLAS, DALLAS COUNTY, TEXAS

**ARS** Engineers, Inc.  
 12801 N. Central Expressway, Suite 1250  
 Dallas, Texas 75243  
 (214) 736-3152 Fax (214) 736-3169

SUB-SURFACE DRAINAGE TUNNEL EASEMENT  
CITY OF DALLAS DRAWING NO. 423R-54 (PARCEL 500a)  
PART OF THE COMMON AREA, CITY BLOCK 2/642  
OF SAN JACINTO LOFTS II ADDITION  
JOHN GRIGSBY SURVEY, ABSTRACT NUMBER 495  
CITY OF DALLAS, DALLAS COUNTY, TEXAS

MAPSCO NO. 45-D



LOCATION MAP

NOT TO SCALE

FIELD NOTES DESCRIBING A  
SUB-SURFACE DRAINAGE TUNNEL EASEMENT  
CITY OF DALLAS DRAWING NO. 423R-54 (PARCEL 500b – TRACTS 1 AND 2)  
TRACT 1: BEING 546 SQ. FT. (0.0125 ACRE)  
TRACT 2: BEING 935 SQ. FT. (0.0215 ACRE)  
TO BE ACQUIRED IN CITY OF DALLAS BLOCK 641, PARTS OF A 5' SHARED ACCESS  
AND COMMON AREA, SAN JACINTO LOFTS  
JOHN GRIGSBY SURVEY, ABSTRACT NUMBER 495  
CITY OF DALLAS, DALLAS COUNTY, TEXAS  
FROM SAN JACINTO URBAN LOFTS, L.P.

TRACT 1:

BEING a 546 square foot (0.0125 acre) tract of land situated in the John Grigsby Survey, Abstract No. 495, in City Block 641 of the City of Dallas, Dallas County, Texas, and being part of that tract of land described in General Warranty Deed (with Vendor's Lien) to San Jacinto Urban Lofts, L.P. recorded in Instrument No. 200600007144 of the Official Public Records of Dallas County, Texas, and being part of a 5' Shared Access and Common Area of San Jacinto Lofts, an addition to the City of Dallas according to the map of said San Jacinto Lofts addition recorded in Instrument No. 200600246516 of the Official Public Records of Dallas County, Texas, and being more particularly described as follows:

(Note: Subsurface easement corners not monumented are so noted hereon.)

COMMENCING at a PK nail (controlling monument) found on the northwesterly line of a 15' Shared Access Area according to said map of said San Jacinto Lofts addition for the south corner of Lot 36 and the east corner of Lot 23 of said San Jacinto Lofts addition;

THENCE North 44 degrees 06 minutes 00 seconds East, with the southeasterly line of said Lot 36 and the northwesterly line of said 15' Shared Access Area, 56.40 feet to the east corner of said Lot 36;

THENCE North 45 degrees 54 minutes 00 seconds West, departing said southeasterly line of Lot 36 and said northwesterly line of said 15' Shared Access Area and with the southwesterly line of a 5' Shared Access and Common Area, 11.86 feet to the POINT OF BEGINNING having coordinates of N=6977584.1540, E=2495596.7674 (not monumented);

THENCE North 45 degrees 54 minutes 00 seconds West, continuing with said southwesterly line of said 5' Shared Access and Common Area, 110.97 feet to the point of curvature having coordinates of N=6977661.3723, E=2495517.0844 (not monumented) of a non-tangent circular curve to the right having a central angle of 00 degrees 14 minutes 31 seconds, a radius of 1,445.00 feet, a tangent of 3.05 feet and a chord which bears North 78 degrees 43 minutes 11 seconds East, 6.10 feet;

THENCE Easterly, departing said southwesterly line of said 5' Shared Access and Common Area, and over said 5' Shared Access and Common Area with said curve to the right, an arc distance of 6.10 feet to the end of said curve having coordinates of N=6977662.5658, E=2495523.0679 (not monumented), said end of curve being on the northeasterly line of said 5' Shared Access and Common Area, same being the northeasterly line of said San Jacinto Lofts addition, and southwesterly line of Lot 21 of Knox Addition according to the Map of Knox Addition to the City of Dallas, Texas recorded in Volume 277, Page 361 of the Map Records of Dallas County, Texas;





**FIELD NOTES DESCRIBING A  
SUB-SURFACE DRAINAGE TUNNEL EASEMENT  
CITY OF DALLAS DRAWING NO. 423R-54 (PARCEL 500b – TRACTS 1 AND 2)  
TRACT 1: BEING 546 SQ. FT. (0.0125 ACRE)  
TRACT 2: BEING 935 SQ. FT. (0.0215 ACRE)  
TO BE ACQUIRED IN CITY OF DALLAS BLOCK 641, PARTS OF A 5' SHARED ACCESS  
AND COMMON AREA, SAN JACINTO LOFTS  
JOHN GRIGSBY SURVEY, ABSTRACT NUMBER 495  
CITY OF DALLAS, DALLAS COUNTY, TEXAS  
FROM SAN JACINTO URBAN LOFTS, L.P.**

THENCE South 45 degrees 47 minutes 10 seconds East, with said northeasterly line of said 5' Shared Access and Common Area and northeasterly line of said San Jacinto Lofts addition, and said southwesterly line of said Lot 21, 111.16 feet to the point of curvature having coordinates of N=6977585.0577, E=2495602.7326 (not monumented) of a non-tangent circular curve to the left having a central angle of 00 degrees 15 minutes 19 seconds, a radius of 1,355.00 feet, a tangent of 3.02 feet and a chord which bears South 81 degrees 23 minutes 06 seconds West, 6.03 feet;

THENCE Westerly, departing said northeasterly line of said 5' Shared Access and Common Area and said San Jacinto Lofts addition and said southwesterly line of Lot 21, and over said 5' Shared Access and Common Area with said curve to the left, an arc distance of 6.03 feet to the POINT OF BEGINNING and containing 546 square feet (0.0125 acre) of land, more or less.

**TRACT 2:**

BEING a 935 square foot (0.0215 acre) tract of land situated in the John Grigsby Survey, Abstract No. 495, in City Block 641 of the City of Dallas, Dallas County, Texas, and being part of that tract of land described in General Warranty Deed (with Vendor's Lien) to San Jacinto Urban Lofts, L.P. recorded in Instrument No. 200600007144 of the Official Public Records of Dallas County, Texas, and being part of that tract of land described in General Warranty Deed (with Vendor's Lien) to San Jacinto Urban Lofts, L.P. recorded in Instrument No. 200600007151 of the Official Public Records of Dallas County, Texas, and being part of a 5' Shared Access and Common Area of San Jacinto Lofts, an addition to the City of Dallas according to the map of said San Jacinto Lofts addition recorded in Instrument No. 200600246516 of the Official Public Records of Dallas County, Texas, and being more particularly described as follows:

(Note: Subsurface easement corners not monumented are so noted hereon.)

BEGINNING at a PK nail having coordinates of N=6977632.8203, E=2495465.5141 (controlling monument) found on the southeasterly line of a 5' Shared Access and Common Area according to said map of said San Jacinto Lofts addition for the west corner of Lot 30 and the north corner of Lot 29 of said San Jacinto Lofts addition;

THENCE South 44 degrees 06 minutes 00 seconds West, with the southeasterly line of said 5' Shared Access and Common Area, 123.75 feet to the west corner of Lot 16 of said San Jacinto Lofts addition having coordinates of N=6977543.9644, E=2495379.4067 (not monumented);



FIELD NOTES DESCRIBING A  
SUB-SURFACE DRAINAGE TUNNEL EASEMENT  
CITY OF DALLAS DRAWING NO. 423R-54 (PARCEL 500b – TRACTS 1 AND 2)  
TRACT 1: BEING 546 SQ. FT. (0.0125 ACRE)  
TRACT 2: BEING 935 SQ. FT. (0.0215 ACRE)  
TO BE ACQUIRED IN CITY OF DALLAS BLOCK 641, PARTS OF A 5' SHARED ACCESS  
AND COMMON AREA, SAN JACINTO LOFTS  
JOHN GRIGSBY SURVEY, ABSTRACT NUMBER 495  
CITY OF DALLAS, DALLAS COUNTY, TEXAS  
FROM SAN JACINTO URBAN LOFTS, L.P.

THENCE South 45 degrees 54 minutes 00 seconds East, departing said southeasterly line of said 5' Shared Access and Common Area and with a northeasterly line of said 5' Shared Access and Common Area, 12.80 feet to the point of curvature having coordinates of N=6977535.0601, E=2495388.5951 (not monumented) of a non-tangent circular curve to the left having a central angle of 00 degrees 14 minutes 15 seconds, a radius of 1,355.00 feet, a tangent of 2.81 feet and a chord which bears South 72 degrees 05 minutes 03 seconds West, 5.61 feet;

THENCE Westerly, departing said northeasterly line of said 5' Shared Access and Common Area and over said 5' Shared Access and Common Area with said curve to the left, an arc distance of 5.61 feet to the end of said curve having coordinates of N=6977533.3333, E=2495383.2539 (not monumented), said end of curve being on the southwesterly line of said San Jacinto Lofts addition and northeasterly line of Washington Street Townhomes Addition, an addition to the City of Dallas according to the map thereof recorded in Volume 2001153, Page 44 of the Deed Records of Dallas County, Texas;

THENCE North 45 degrees 47 minutes 10 seconds West, with said southwesterly line of San Jacinto Lofts addition and said northeasterly line of Washington Street Townhomes Addition, 15.97 feet to the west corner of said San Jacinto Lofts addition and north corner of said Washington Street Townhomes Addition having coordinates of N=6977544.4685, E=2495371.8088 (not monumented), from whence a 3/8 inch iron rod found bears South 38 degrees 35 minutes 17 seconds East, 0.94 feet, said corner being on the southeasterly line of that tract of land described in General Warranty Deed to Gordon W. Elden recorded in Volume 2003241, Page 10584 of the Official Public Records of Dallas County, Texas;

THENCE North 44 degrees 12 minutes 50 seconds East, departing said southwesterly line of San Jacinto Lofts addition and said northeasterly line of Washington Street Townhomes Addition and with the northwesterly line of said San Jacinto Lofts addition and said southeasterly line of said Elden tract, at a distance of 54.11 feet passing the east corner of said Elden tract and south corner of that part of the Estate of George U. Tan described as 3820 Ross Ave., Dallas, Texas 75204 in Cause No. 01-3905 recorded in Volume 526, Page 585 of the Probate Records of Dallas County, Texas, and departing said southeasterly line of said Elden tract and continuing with said northwesterly line of San Jacinto Lofts addition and the southeasterly line of said Estate of George U. Tan tract, at a cumulative distance of 115.86 feet passing the east corner of said Estate of George U. Tan tract and south corner of that tract of land described as 3826 Ross Ave., Dallas, Texas in Special Warranty Deed to Sarkis J. Kechejian Trust recorded in Instrument Number 200900005925 of the Official Public Records of Dallas County, Texas, and departing said southeasterly line of said Estate of George U. Tan tract and continuing with said northwesterly line of San Jacinto Lofts addition and the southeasterly line of said Sarkis J. Kechejian Trust tract for a total distance of 151.06 feet to the point of curvature having coordinates of N=6977652.7267, E=2495477.1364 (not monumented) of a non-tangent circular curve to the right having a central angle of 00 degrees 24 minutes 00 seconds, a radius of 1,445.00 feet, a tangent of 5.05 feet and a chord which bears North 77 degrees 10 minutes 41 seconds East, 10.09 feet ;



FIELD NOTES DESCRIBING A  
SUB-SURFACE DRAINAGE TUNNEL EASEMENT  
CITY OF DALLAS DRAWING NO. 423R-54 (PARCEL 500b – TRACTS 1 AND 2)  
TRACT 1: BEING 546 SQ. FT. (0.0125 ACRE)  
TRACT 2: BEING 935 SQ. FT. (0.0215 ACRE)  
TO BE ACQUIRED IN CITY OF DALLAS BLOCK 641, PARTS OF A 5' SHARED ACCESS  
AND COMMON AREA, SAN JACINTO LOFTS  
JOHN GRIGSBY SURVEY, ABSTRACT NUMBER 495  
CITY OF DALLAS, DALLAS COUNTY, TEXAS  
FROM SAN JACINTO URBAN LOFTS, L.P.

THENCE Easterly, departing said northwesterly line of San Jacinto Lofts addition and the southeasterly line of said Sarkis J. Kechejian Trust tract and over said 5' Shared Access and Common Area with said curve to the right, an arc distance of 10.09 feet to the end of said curve having coordinates of N=6977654.9659, E=2495486.9747 (not monumented), said end of curve being on a southeasterly line of said 5' Shared Access and Common Area;

THENCE South 44 degrees 06 minutes 00 seconds West, with said southeasterly line of said 5' Shared Access and Common Area, 30.84 feet to the POINT OF BEGINNING and containing 935 square feet (0.0215 acre) of land, more or less.

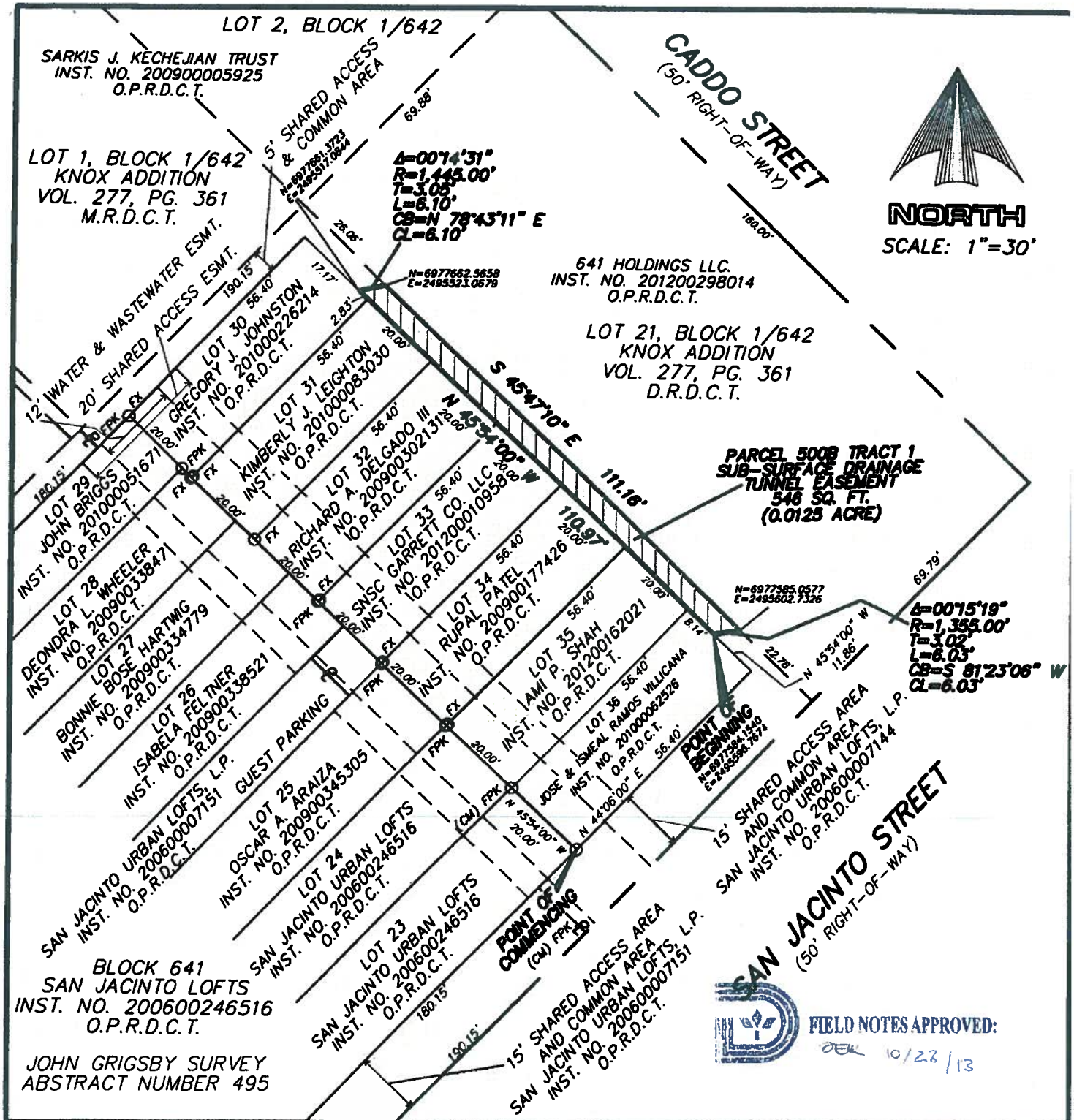
Basis of Bearing is the State Plane Coordinate System, Texas North Central Zone (4202), North American Datum of 1983. All coordinates are state plane on grid. All distances are surface distances. Surface Adjustment Scale Factor: 1.000136506

For Nathan D. Maier Consulting Engineers, Inc.



Gary W. Matthews  
Registered Professional Land Surveyor  
Texas No. 5534      9-13-2013





NOTE: SUBSURFACE EASEMENT CORNERS ARE NOT MONUMENTED.

Basis of Bearing is the State Plane Coordinate System, Texas North Central Zone (4202), North American Datum of 1983. All coordinates are state plane on grid. All distances are surface distances. Surface Adjustment Scale Factor: 1.0001365060.

LEGEND	
D.R.D.C.T.	DEED RECORDS OF DALLAS COUNTY, TEXAS
M.R.D.C.T.	MAP RECORDS OF DALLAS COUNTY, TEXAS
O.P.R.D.C.T.	OFFICIAL PUBLIC RECORDS OF DALLAS COUNTY, TEXAS
INST. NO.	INSTRUMENT NUMBER
VOL., PG.	VOLUME, PAGE
ESMT.	EASEMENT
SQ. FT.	SQUARE FEET
---	RIGHT-OF-WAY LINE
---	EASEMENT LINE
---	SUBDIVISION LINE
---	PROPERTY LINE
IRF	IRON ROD FOUND
IPF	IRON PIPE FOUND
CM	CONTROLLING MONUMENT
CPK	FOUND CPK NAIL
FX	FOUND "X"

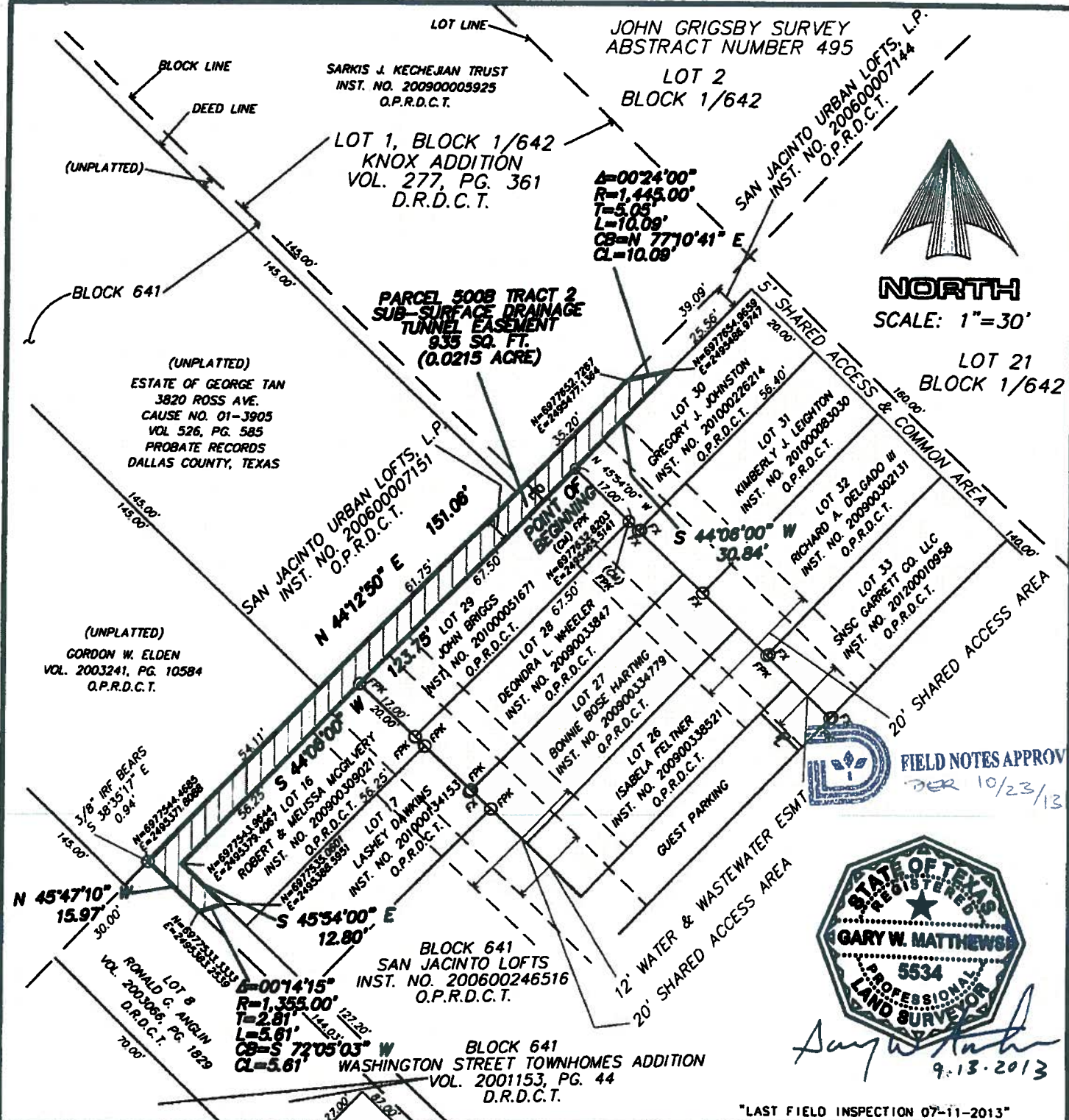
SUB-SURFACE DRAINAGE TUNNEL EASEMENT  
 CITY OF DALLAS DRAWING NO. 423R-54  
 (PARCEL 500B-TRACTS 1 AND 2)  
 TRACT 1: BEING 546 SQ. FT. (0.0125 ACRE)  
 TRACT 2: BEING 935 SQ. FT. (0.0215 ACRE)  
 TO BE ACQUIRED IN CITY OF DALLAS BLOCK 641, PARTS OF A 5' SHARED ACCESS AND COMMON AREA, SAN JACINTO LOFTS, JOHN GRIGSBY SURVEY, ABSTRACT NUMBER 495, CITY OF DALLAS, DALLAS COUNTY, TEXAS, FROM SAN JACINTO URBAN LOFTS, L.P.



NATHAN D. MAIER  
 CONSULTING ENGINEERS, INC.  
 TBPE FIRM REG. NO. F-356  
 TBPLS FIRM REG. NO. 100189-00  
 Two Northpark / 8000 Park Lane / Suite 600  
 Dallas, Texas 75231 / (214) 799-4743

FIELD NOTES APPROVED:

DEL 10/23/13



**NORTH**  
SCALE: 1"=30'

FIELD NOTES APPROV  
PER 10/23/13



*Gary W. Matthews*  
9.13.2013

"LAST FIELD INSPECTION 07-11-2013"

NOTE: SUBSURFACE EASEMENT CORNERS ARE NOT MONUMENTED.

Basis of Bearing is the State Plane Coordinate System, Texas North Central Zone (4202), North American Datum of 1983. All coordinates are state plane on grid. All distances are surface distances. Surface Adjustment Scale Factor: 1.0001365060.

**LEGEND**

D.R.D.C.T.	DEED RECORDS OF DALLAS COUNTY, TEXAS	---	RIGHT-OF-WAY LINE
M.R.D.C.T.	MAP RECORDS OF DALLAS COUNTY, TEXAS	- - - -	EASEMENT LINE
O.P.R.D.C.T.	OFFICIAL PUBLIC RECORDS OF DALLAS COUNTY, TEXAS	---	SUBDIVISION LINE
INST. NO.	INSTRUMENT NUMBER	---	PROPERTY LINE
VOL. PG.	VOLUME, PAGE	IRF	IRON ROD FOUND
ESMT.	EASEMENT	IPF	IRON PIPE FOUND
SQ. FT.	SQUARE FEET	CM	CONTROLLING MONUMENT
		FPK	FOUND PK NAIL
		FX	FOUND "X"

PAGE 6 OF 6

SUB-SURFACE DRAINAGE TUNNEL EASEMENT  
CITY OF DALLAS DRAWING NO. 423R-54  
(PARCEL 500B-TRACTS 1 AND 2)  
TRACT 1: BEING 546 SQ. FT. (0.0125 ACRE)  
TRACT 2: BEING 935 SQ. FT. (0.0215 ACRE)  
TO BE ACQUIRED IN CITY OF DALLAS BLOCK 641, PARTS OF A 5' SHARED ACCESS AND COMMON AREA, SAN JACINTO LOFTS, JOHN GRIGSBY SURVEY, ABSTRACT NUMBER 495, CITY OF DALLAS, DALLAS COUNTY, TEXAS, FROM SAN JACINTO URBAN LOFTS, L.P.



NATHAN D. MAIER  
CONSULTING ENGINEERS, INC.  
TBPE FIRM REG. NO. F-356  
TBPLS FIRM REG. NO. 100189-00

Two Northpark / 8080 Park Lane / Suite 600  
Dallas, Texas 75231 / (214) 739-4741

09/13/2013

PARCEL-500B.DWG

FIELD NOTES DESCRIBING A 246 SQUARE FOOT (0.0056 ACRE)  
 SUB-SURFACE DRAINAGE TUNNEL EASEMENT  
 CITY OF DALLAS DRAWING NO. 423R-54 (PARCEL 500c)  
 TO BE ACQUIRED IN CITY OF DALLAS BLOCK 641,  
 PART OF GUEST PARKING, SAN JACINTO LOFTS  
 JOHN GRIGSBY SURVEY, ABSTRACT NUMBER 495  
 CITY OF DALLAS, DALLAS COUNTY, TEXAS  
 FROM SAN JACINTO URBAN LOFTS, L.P.

BEING a 246 square foot (0.0056 acre) tract of land situated in the John Grigsby Survey, Abstract No. 495, in City Block 641 of the City of Dallas, Dallas County, Texas, and being part of Guest Parking of San Jacinto Lofts, an addition to the City of Dallas according to the map of said San Jacinto Lofts addition recorded in Instrument No. 200600246516 of the Official Public Records of Dallas County, Texas, and being part of that tract of land described in General Warranty Deed (with Vendor's Lien) to San Jacinto Urban Lofts, L.P. recorded in Instrument No. 200600007144 of the Official Public Records of Dallas County, Texas, and being part of that called 18,640 gross square foot tract of land described in General Warranty Deed (with Vendor's Lien) to San Jacinto Urban Lofts, L.P. recorded in Instrument No. 200600007151 of the Official Public Records of Dallas County, Texas, and being more particularly described as follows:

(Note: Subsurface easement corners not monumented are so noted hereon.)

BEGINNING at a PK nail (controlling monument) having coordinates of N=6977577.1549, E=2495522.9564 found for the east corner of said Guest Parking, and south corner of Lot 33, west corner of Lot 34 and north corner of Lot 25 of said San Jacinto Lofts addition, from whence an X cut found bears North 49 degrees 45 minutes 21 seconds East, 0.70 feet;

THENCE South 44 degrees 06 minutes 00 seconds West, with the southeasterly line of said Guest Parking and the northwesterly line of said Lot 25, at a distance of 8.30 feet passing the southwest line of said tract described in Instrument No. 200600007151 and northeast line of said called 18,640 gross square foot tract, and continuing with said southeasterly line of said Guest Parking and said northwesterly line of Lot 25 for a total of 11.34 feet to the point of curvature having coordinates of N=6977569.0117, E=2495515.0651 (not monumented) of a non-tangent circular curve to the left having a central angle of 00 degrees 55 minutes 38 seconds, a radius of 1,355.00 feet, a tangent of 10.96 feet and a chord which bears South 77 degrees 16 minutes 46 seconds West, 21.93 feet;

THENCE Westerly, departing said southeasterly line of Guest Parking and said northwesterly line of Lot 25, and over said Guest Parking with said curve to the left, an arc distance of 21.93 feet to the end of said curve having coordinates of N=6977564.1840, E=2495493.6789 (not monumented), said end of curve being on the northwesterly line of said Guest Parking and southeasterly line of Lot 26 of said San Jacinto Lofts addition;

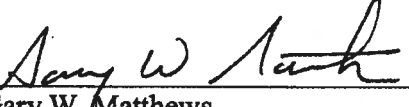
FIELD NOTES DESCRIBING A 246 SQUARE FOOT (0.0056 ACRE)  
SUB-SURFACE DRAINAGE TUNNEL EASEMENT  
CITY OF DALLAS DRAWING NO. 423R-54 (PARCEL 500c)  
TO BE ACQUIRED IN CITY OF DALLAS BLOCK 641,  
PART OF GUEST PARKING, SAN JACINTO LOFTS  
JOHN GRIGSBY SURVEY, ABSTRACT NUMBER 495  
CITY OF DALLAS, DALLAS COUNTY, TEXAS  
FROM SAN JACINTO URBAN LOFTS, L.P.

THENCE North 44 degrees 06 minutes 00 seconds East, with said northwesterly line of Guest Parking and said southeasterly line of Lot 26, at a distance of 21.42 feet passing said southwest line of said tract described in Instrument No. 200600007151 and said northeast line of said called 18,640 gross square foot tract, and continuing with said northwesterly line of Guest Parking and said southeasterly line of Lot 26 for a total of 29.69 feet to the north corner of said Guest Parking having coordinates of N=6977585.5047, E=2495514.3400 (not monumented), said north corner being on the southwesterly line of said Lot 33, from whence a PK nail (controlling monument) found for the west corner of said Lot 33 and south corner of Lot 32 bears North 45 degrees 54 minutes 00 seconds West, 8.00 feet;

THENCE South 45 degrees 54 minutes 00 seconds East, departing said northwesterly line of Guest Parking and said southeasterly line of Lot 26 and with the northeasterly line of said Guest Parking and southwesterly line of said Lot 33, 12.00 feet to the POINT OF BEGINNING and containing 246 square feet (0.0056 acre) of land, more or less.

Basis of Bearing is the State Plane Coordinate System, Texas North Central Zone (4202), North American Datum of 1983. All coordinates are state plane on grid. All distances are surface distances. Surface Adjustment Scale Factor: 1.000136506

For Nathan D. Maier Consulting Engineers, Inc.

  
\_\_\_\_\_  
Gary W. Matthews  
Registered Professional Land Surveyor  
Texas No. 5534 9.13.2013



JOHN GRIGSBY SURVEY  
ABSTRACT NUMBER 495



ROSS AVENUE  
(80' RIGHT-OF-WAY)

CADDO STREET  
(50' RIGHT-OF-WAY)

SAN JACINTO LOFTS II ADDITION  
INST. NO. 20090053438  
O.P.R.D.C.T.

LOT 1 SARKIS J. KECHEJIAN TRUST  
INST. NO. 20090005925  
O.P.R.D.C.T.

LOT 2 SARKIS J. KECHEJIAN TRUST  
INST. NO. 20090005925  
O.P.R.D.C.T.

BLOCK 1/642 KNOX ADDITION  
VOL. 277, PG. 361  
D.R.D.C.T.

BLOCK 1/642 KNOX ADDITION  
VOL. 277, PG. 361  
D.R.D.C.T.

BLOCK 641  
(UNPLATTED)  
ESTATE OF GEORGE TAN  
3820 ROSS AVE.  
CAUSE NO. 01-3905  
VOL. 526, PG. 585  
PROBATE RECORDS  
DALLAS COUNTY, TEXAS

LOT 21, BLOCK 1/642  
KNOX ADDITION  
VOL. 277, PG. 361  
D.R.D.C.T.

641 HOLDINGS LLC  
INST. NO. 201200298014  
O.P.R.D.C.T.

BLOCK 641  
(UNPLATTED)  
GORDON W. ELDEN  
VOL. 2003241, PG. 10584  
O.P.R.D.C.T.

TRIBECA WAY  
20' SHARED ACCESS AREA

SOHO LANE  
20' SHARED ACCESS AREA

\*SEE DETAIL ON  
PAGE 4 OF 4\*

LOT 7  
ROLAND PERDUE JR.  
VOL. 2005181, PG. 10044  
O.P.R.D.C.T.

LOT 8  
ERIC & LISA SPOFFORD  
VOL. 20101007934  
O.P.R.D.C.T.

LOT 9  
SAN JACINTO URBAN LOFTS I, L.P.  
INST. NO. 20090007078  
O.P.R.D.C.T.

LOT 10  
SAN JACINTO URBAN LOFTS I, L.P.  
INST. NO. 20090007078  
O.P.R.D.C.T.

LOT 11  
SAN JACINTO URBAN LOFTS I, L.P.  
INST. NO. 20090007078  
O.P.R.D.C.T.

LOT 12  
SAN JACINTO URBAN LOFTS I, L.P.  
INST. NO. 20090007078  
O.P.R.D.C.T.

LOT 13  
SAN JACINTO URBAN LOFTS I, L.P.  
INST. NO. 20090007078  
O.P.R.D.C.T.

LOT 14  
SAN JACINTO URBAN LOFTS I, L.P.  
INST. NO. 20090007078  
O.P.R.D.C.T.

LOT 15  
SAN JACINTO URBAN LOFTS I, L.P.  
INST. NO. 20090007078  
O.P.R.D.C.T.

BLOCK 641  
SAN JACINTO LOFTS  
INST. NO. 200600246516  
O.P.R.D.C.T.

SAN JACINTO STREET  
(50' RIGHT-OF-WAY)

FIELD NOTES  
JER 10/20/13

Basis of Bearing is the State Plane Coordinate System, Texas North Central Zone (4202), North American Datum of 1983. All coordinates are state plane on grid. All distances are surface distances. Surface Adjustment Scale Factor: 1.0001365060.

LEGEND	
D.R.D.C.T.	DEED RECORDS OF DALLAS COUNTY, TEXAS
M.R.D.C.T.	MAP RECORDS OF DALLAS COUNTY, TEXAS
O.P.R.D.C.T.	OFFICIAL PUBLIC RECORDS OF DALLAS COUNTY, TEXAS
INST. NO.	INSTRUMENT NUMBER
VOL., PG.	VOLUME, PAGE
ESMT.	EASEMENT
SQ. FT.	SQUARE FEET
---	RIGHT-OF-WAY LINE
- - -	EASEMENT LINE
---	SUBDIVISION LINE
---	PROPERTY LINE
IRF	IRON ROD FOUND
IPF	IRON PIPE FOUND
CM	CONTROLLING MONUMENT
FPK	FOUND PK NAIL
FX	FOUND "X"

246 SQ. FT. (0.0056 ACRE) SUB-SURFACE DRAINAGE TUNNEL EASEMENT CITY OF DALLAS DRAWING NO. 423R-54 (PARCEL 500C) TO BE ACQUIRED IN CITY OF DALLAS BLOCK 641, PART OF GUEST PARKING, SAN JACINTO LOFTS, JOHN GRIGSBY SURVEY, ABSTRACT NUMBER 495, CITY OF DALLAS, DALLAS COUNTY, TEXAS FROM SAN JACINTO URBAN LOFTS, L.P.

**NDM**  
NATHAN D. MAIER  
CONSULTING ENGINEERS, INC.  
TBPE FIRM REG. NO. F-356  
TBPLS FIRM REG. NO. 100189-00

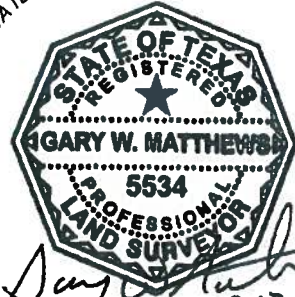
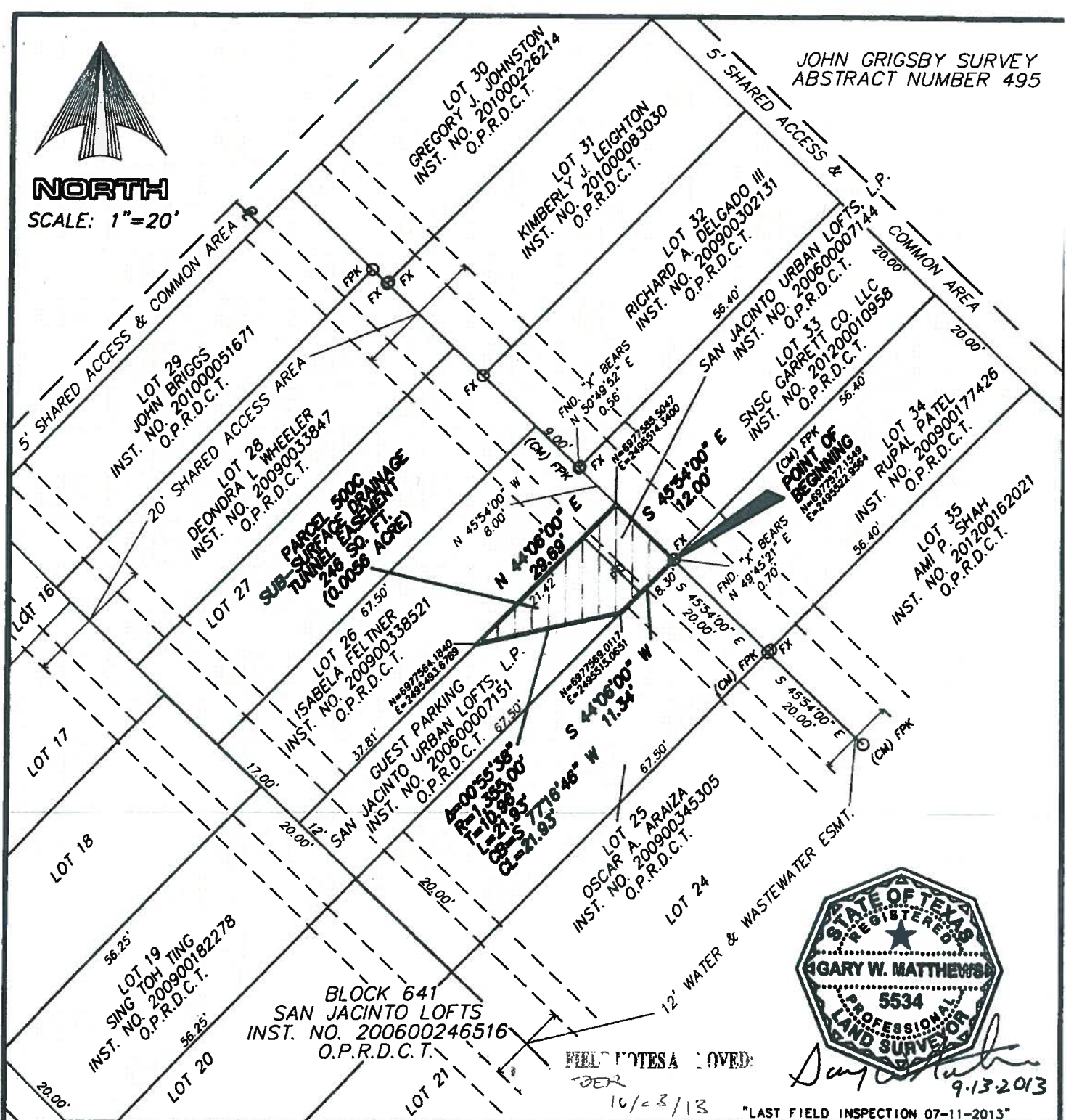
Two Northpark / 9080 Park Lane / Suite 600  
Dallas, Texas 75231 / (214) 739-4741





**NORTH**

SCALE: 1"=20'



*Gary W. Matthews*  
9.13.2013

FIELD NOTES PROVIDED:  
10/23/13

"LAST FIELD INSPECTION 07-11-2013"

Basis of Bearing is the State Plane Coordinate System, Texas North Central Zone (4202), North American Datum of 1983. All coordinates are state plane on grid. All distances are surface distances. Surface Adjustment Scale Factor: 1.0001365060.

246 SQ. FT. (0.0056 ACRE) SUB-SURFACE DRAINAGE TUNNEL EASEMENT CITY OF DALLAS DRAWING NO. 423R-54 (PARCEL 500C) TO BE ACQUIRED IN CITY OF DALLAS BLOCK 641, PART OF GUEST PARKING, SAN JACINTO LOFTS, JOHN GRIGSBY SURVEY, ABSTRACT NUMBER 495, CITY OF DALLAS, DALLAS COUNTY, TEXAS FROM SAN JACINTO URBAN LOFTS, L.P.

**NDM** NATHAN D. MAIER  
CONSULTING ENGINEERS, INC.  
TBPE FIRM REG. NO. F-358  
TBPLS FIRM REG. NO. 100189-00

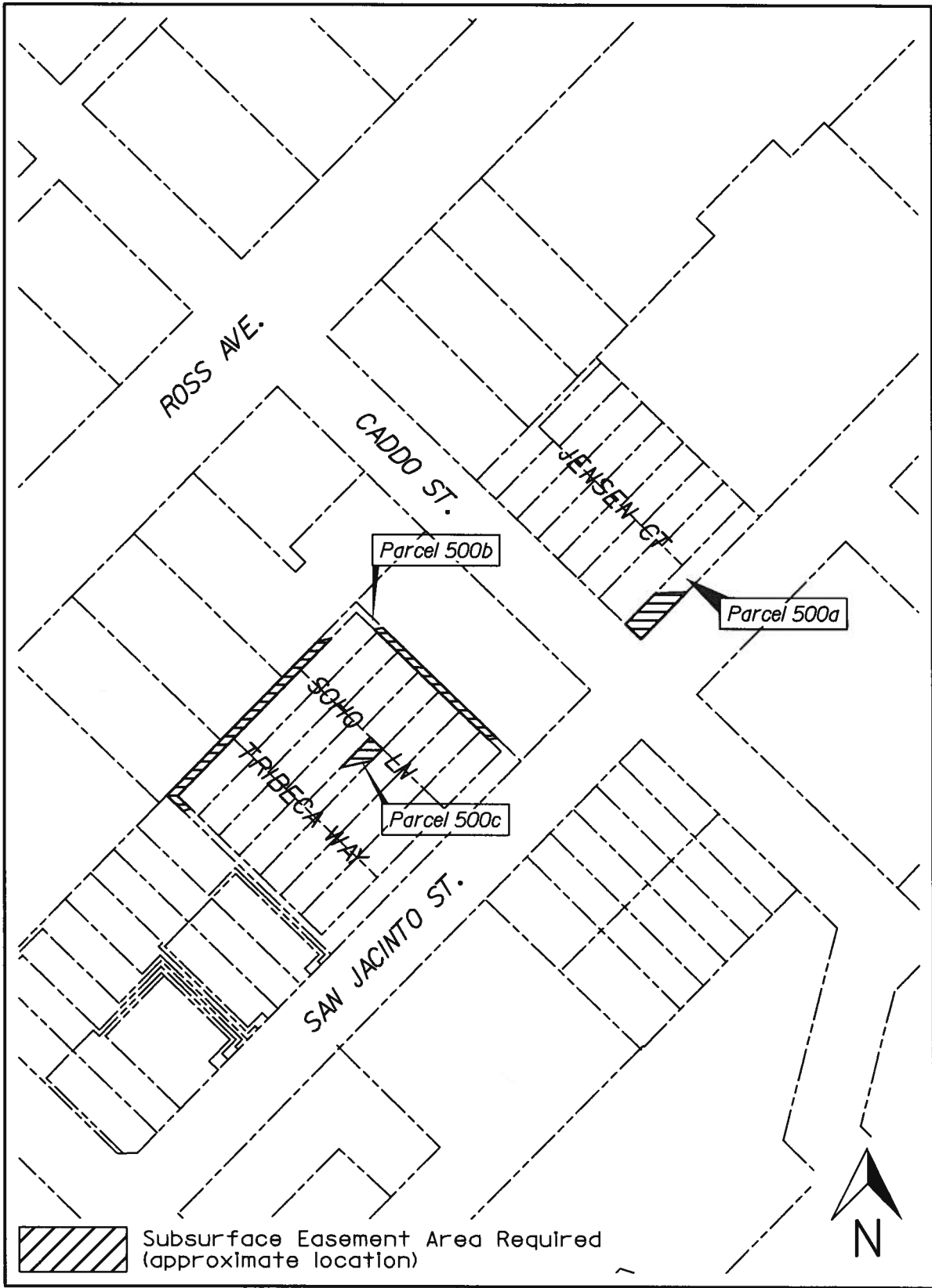
Two Northpark / 8080 Park Lane / Suite 600  
Dallas, Texas 75231 / (214) 789-4741

09/13/2013

PARCEL-500C.DWG

**LEGEND**

D.R.D.C.T.	DEED RECORDS OF DALLAS COUNTY, TEXAS	-----	RIGHT-OF-WAY LINE
M.R.D.C.T.	MAP RECORDS OF DALLAS COUNTY, TEXAS	-----	EASEMENT LINE
O.P.R.D.C.T.	OFFICIAL PUBLIC RECORDS OF DALLAS COUNTY, TEXAS	-----	SUBDIVISION LINE
INST. NO.	INSTRUMENT NUMBER	-----	PROPERTY LINE
VOL., PG.	VOLUME, PAGE	-----	IRON ROD FOUND
ESMT.	EASEMENT	-----	IRON PIPE FOUND
SQ. FT.	SQUARE FEET	-----	CONTROLLING MONUMENT
		IRF	FOUND PK NAIL
		IPF	FOUND "X"
		CM	
		FPK	
		FX	



**AGENDA ITEM # 28**

**KEY FOCUS AREA:** Economic Vibrancy  
**AGENDA DATE:** September 9, 2015  
**COUNCIL DISTRICT(S):** 14  
**DEPARTMENT:** Trinity Watershed Management  
**CMO:** Mark McDaniel, 670-3256  
**MAPSCO:** 45G

---

**SUBJECT**

Authorize acquisition, including the exercise of the right of eminent domain, if such becomes necessary, from SHF I ICON, LLC, of a subsurface easement under approximately 62,688 square feet of land located on Hall Street at its intersection with Ross Avenue for the Mill Creek/Peaks Branch/State Thomas Drainage Relief Tunnel Project – Not to exceed \$257,752 (\$250,752 plus closing costs and title expenses not to exceed \$7,000) - Financing: 2006 Bond Funds

**BACKGROUND**

This item authorizes the acquisition of a subsurface easement located under approximately 62,688 square feet of land from SHF I ICON, LLC. This property is located on Hall Street at its intersection with Ross Avenue and will be used for the Mill Creek/Peaks Branch/State Thomas Drainage Relief Tunnel Project. The consideration is based on an independent appraisal.

**PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)**

Information about this item will be provided to the Economic Development Committee on September 8, 2015.

**FISCAL INFORMATION**

2006 Bond Funds - \$257,752 (\$250,752 plus closing costs and title expenses not to exceed \$7,000)

**OWNER**

**SHF I ICON, LLC**

**MAPS**

Attached

September 9, 2015

**A RESOLUTION DETERMINING UPON THE NECESSITY OF ACQUIRING REAL PROPERTY AND AUTHORIZING ITS APPROPRIATION AND/OR CONDEMNATION FOR PUBLIC USE.**

**DEFINITIONS:** For the purposes of this resolution, the following definitions of terms shall apply:

"CITY": The City of Dallas

"PROPERTY": Located under approximately 62,688 square feet in area, lying between the subsurface elevations of 238 feet and 416 feet (U.S. Survey Feet), inclusive, North American Vertical Datum of 1988, located in Dallas County, Texas, the boundary of which property being more particularly described in "Exhibit A", attached hereto and made a part hereof for all purposes.

"PROJECT": Mill Creek/Peaks Branch/State Thomas Drainage Relief Tunnel Project

"USE": The below ground construction, installation, use, and maintenance of a deep tunnel for storage and transmission of storm drainage.

"PROPERTY INTEREST": Flood Control Tunnel Easement

"OWNER": SHF I ICON, LLC, 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": \$250,752.00

"CLOSING COSTS AND TITLE EXPENSES": Not to exceed \$7,000.00

"AUTHORIZED AMOUNT": \$257,752.00

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

**SECTION 1.** That the USE of the PROPERTY for the PROJECT is a public use.

**SECTION 2.** That public necessity requires that the CITY acquire the PROPERTY INTEREST in the PROPERTY for the PROJECT.

September 9, 2015

**SECTION 3.** That for the purpose of acquiring the PROPERTY INTEREST in the PROPERTY, the Assistant Director of the Department of Sustainable Development and Construction Department, 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 Chief Financial Officer is authorized and directed to draw a warrant in favor of the OWNER, the then current owner of record, or the title company closing the transaction described herein in the OFFER AMOUNT payable out of 2006 Bond Funds: Fund No. 1T23, Department TWM, Unit T525, Activity SDRS, Program No. PB06T525, Object 4210, Encumbrance No. CT-PBW06T525G46, CLOSING COSTS AND TITLE EXPENSES payable out of 2006 Bond Funds: Fund No. 1T23, Department TWM, Unit T525, Activity SDRS, Program No. PB06T525, Object 4230, Encumbrance No. CT-PBW06T525G47. The OFFER AMOUNT, CLOSING COSTS and TITLE EXPENSES 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 the CLOSING COSTS AND TITLE EXPENSES. In the event of condemnation, the CITY will pay costs as may be assessed by the Special Commissioners or the court. Further, that 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 proceeding(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 proceedings or suit(s).

**SECTION 8.** That to the extent the PROPERTY is being purchased wholly or partly with bond proceeds CITY has obtained an independent appraisal of the PROPERTY'S market value.

**SECTION 9.** That OWNER has been provided with a copy of the Landowner's Bill of Rights as required by Texas Property Code Section 21.0112.

September 9, 2015

**SECTION 10.** That in the event the City Attorney files a condemnation proceeding because the OWNER refused to accept the OFFER AMOUNT; and in the event the special commissioners 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 deposit the award in the registry of the Court and to settle the condemnation proceeding, or if the condemnation proceeding becomes a lawsuit, the lawsuit, for an amount not to exceed the OFFER AMOUNT; and the Chief Financial Officer is hereby authorized to issue a check drawn on the previously described funds in an amount not to exceed the OFFER AMOUNT 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; and the Chief Financial Officer is hereby authorized to issue a check drawn on the previously described funds in an amount not to exceed \$7,000.00 for CLOSING COSTS AND TITLE EXPENSES in favor of the title company closing the transaction described herein. The Award, CLOSING COSTS AND TITLE EXPENSES together shall not exceed the AUTHORIZED AMOUNT.

**SECTION 11.** 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 \_\_\_\_\_  
**Assistant City Attorney**

September 9, 2015

**SECTION 10.** That in the event the City Attorney files a condemnation proceeding because the OWNER refused to accept the OFFER AMOUNT; and in the event the special commissioners 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 deposit the award in the registry of the Court and to settle the condemnation proceeding, or if the condemnation proceeding becomes a lawsuit, the lawsuit, for an amount not to exceed the OFFER AMOUNT; and the Chief Financial Officer is hereby authorized to issue a check drawn on the previously described funds in an amount not to exceed the OFFER AMOUNT 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; and the Chief Financial Officer is hereby authorized to issue a check drawn on the previously described funds in an amount not to exceed \$7,000.00 for CLOSING COSTS AND TITLE EXPENSES in favor of the title company closing the transaction described herein. The Award, CLOSING COSTS AND TITLE EXPENSES together shall not exceed the AUTHORIZED AMOUNT.

**SECTION 11.** 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   
**Assistant City Attorney**



FIELD NOTES DESCRIBING A 1.439 ACRE (62,688 SQUARE FOOT)  
SUB-SURFACE DRAINAGE TUNNEL EASEMENT  
CITY OF DALLAS DRAWING NO. 423R-54 (PARCEL 519)  
TO BE ACQUIRED IN CITY OF DALLAS BLOCK A/595,  
PART OF LOT 2, RHDFJ PARTNERS ADDITION  
JOHN GRIGSBY SURVEY, ABSTRACT NUMBER 495  
CITY OF DALLAS, DALLAS COUNTY, TEXAS  
FROM RHDFJ PARTNERS L.P.

**Exhibit A**

BEING a 1.439 acre (62,688 square foot) tract of land situated in the John Grigsby Survey, Abstract No. 495, in City Block A/595 of the City of Dallas, Dallas County, Texas, and being part of that called 0.3815 acre tract of land described in Special Warranty Deed With Vendor's Lien to RHDFJ Partners L.P. recorded in Instrument Number 20070432759 of the Official Public Records of Dallas County, Texas, and being part of that called 3.6067 acre tract of land described in Special Warranty Deed With Vendor's Lien to RHDFJ Partners L.P. recorded in Instrument Number 20070349385 of said Official Public Records, and being part of that called 0.6382 acre tract of land described in Special Warranty Deed With Vendor's Lien to RHDFJ Partners L.P. recorded in Instrument Number 20070432763 of said Official Public Records, and being part of Lot 2, RHDFJ Partners Addition, and addition to the City of Dallas recorded in Instrument Number 201100309310 of said Official Public Records, and being more particularly described as follows:

(Note: Subsurface easement corners are not monumented.)

BEGINNING at the south corner of a 10 foot by 10 foot right-of-way dedication by the plat of said Lot 2, Block A/595, RHDFJ Partners Addition having coordinates of N=6976602.5035, E=2494141.5897 at the intersection of the southwest right-of-way line of Hall Street (a 40 foot wide right-of-way) with the northwest right-of-way line of Ross Avenue (an 80 foot wide right-of-way), same being the southeasterly line of said Lot 2, Block A/595, RHDFJ Partners Addition;

THENCE South 44 degrees 13 minutes 05 seconds West, with said northwest right-of-way line of Ross Avenue and southeasterly line of said Lot 2, Block A/595, RHDFJ Partners Addition, 119.87 feet to the point of curvature having coordinates of N=6976516.6021, E=2494058.0016 (not monumented) of a non-tangent circular curve to the right having a central angle of 23 degrees 44 minutes 27 seconds, a radius of 1,445.00 feet, a tangent of 303.73 feet and a chord which bears South 75 degrees 50 minutes 16 seconds West 594.47 feet, from whence an X cut found (controlling monument) for the most southerly corner of said Lot 2, Block A/595, RHDFJ Partners Addition bears South 44 degrees 13 minutes 05 seconds West 447.26 feet;

THENCE Southwesterly, departing said northwest right-of-way line of Ross Avenue and said southeasterly line of said Lot 2, Block A/595, RHDFJ Partners Addition and across said called 3.6067 acre tract, said called 0.6382 acre tract and said Lot 2, Block A/595, RHDFJ Partners Addition with said curve to the right for an arc distance of 598.74 feet to the end of said curve having coordinates of N=6976371.1745, E=2493481.6791 (not monumented), said end of curve being on the southwesterly line of said Lot 2, Block A/595, RHDFJ Partners Addition and northeasterly line of that called 0.2544 acre tract of land described in General Warranty Deed to Stuart Crow recorded in Instrument Number 200600247127 of said Official Public Records;



FIELD NOTES DESCRIBING A 1.439 ACRE (62,688 SQUARE FOOT)  
SUB-SURFACE DRAINAGE TUNNEL EASEMENT  
CITY OF DALLAS DRAWING NO. 423R-54 (PARCEL 519)  
TO BE ACQUIRED IN CITY OF DALLAS BLOCK A/595,  
PART OF LOT 2, RHDFJ PARTNERS ADDITION  
JOHN GRIGSBY SURVEY, ABSTRACT NUMBER 495  
CITY OF DALLAS, DALLAS COUNTY, TEXAS  
FROM RHDFJ PARTNERS L.P.

**Exhibit A**

THENCE North 45 degrees 30 minutes 06 seconds West, with said southwesterly line of said Lot 2, Block A/595, RHDFJ Partners Addition and said northeasterly line of said called 0.2544 acre tract, 73.92 feet to the most westerly corner of said Lot 2, Block A/595, RHDFJ Partners Addition having coordinates of N=6976424.4201, E=2493427.4010 (not monumented), same being the south corner of that tract of land described as Street Right-of-Way Dedication in Correction Warranty Deed recorded in Instrument Number 201000121750 of said Official Public Records;

THENCE North 43 degrees 43 minutes 16 seconds East, departing said southwesterly line of said Lot 2, Block A/595, RHDFJ Partners Addition and said northeasterly line of said called 0.2544 acre tract and with the southeasterly line of said Street Right-of-Way Dedication and the northwesterly line of said Lot 2, Block A/595, RHDFJ Partners Addition, 52.11 feet to the point of curvature having coordinates of N=6976460.6292, E=2493464.9740 (not monumented) of a non-tangent circular curve to the left having a central angle of 04 degrees 59 minutes 55 seconds, a radius of 1,355.00 feet, a tangent of 59.14 feet and a chord which bears North 85 degrees 45 minutes 49 seconds East 118.18 feet;

THENCE Easterly, departing said southeasterly line of said Street Right-of-Way Dedication and said northwesterly line of Lot 2, Block A/595, RHDFJ Partners Addition and across said called 0.6382 acre tract and said Lot 2, Block A/595, RHDFJ Partners Addition with said curve to the left for an arc distance of 118.21 feet to the end of said curve having coordinates of N=6976469.3581, E=2493582.8113 (not monumented), said end of curve being on an interior line of said Lot 2, Block A/595, RHDFJ Partners Addition, same being the southwesterly line of Lot 1, Block A/595, Flora Addition No. II, an addition to the City of Dallas recorded in Instrument Number 200600275713 of said Official Public Records, from whence a 5/8 inch iron rod found (controlling monument) bears North 46 degrees 04 minutes 23 seconds West 88.24 feet;

THENCE South 46 degrees 04 minutes 23 seconds East, with said interior line of Lot 2, Block A/595, RHDFJ Partners Addition and said southwesterly line of Lot 1, Block A/595, Flora Addition No. II, 10.56 feet to an ell corner having coordinates of N=6976461.9894, E=2493590.3200 (not monumented) in said interior line of Lot 2, Block A/595, RHDFJ Partners Addition and the westerly line of the aforementioned called 3.6067 acre tract, same being the south corner of said Lot 1, Block A/595, Flora Addition No. II;

FIELD NOTES DESCRIBING A 1.439 ACRE (62,688 SQUARE FOOT) **Exhibit A**  
SUB-SURFACE DRAINAGE TUNNEL EASEMENT  
CITY OF DALLAS DRAWING NO. 423R-54 (PARCEL 519)  
TO BE ACQUIRED IN CITY OF DALLAS BLOCK A/595,  
PART OF LOT 2, RHDFJ PARTNERS ADDITION  
JOHN GRIGSBY SURVEY, ABSTRACT NUMBER 495  
CITY OF DALLAS, DALLAS COUNTY, TEXAS  
FROM RHDFJ PARTNERS L.P.

THENCE North 44 degrees 18 minutes 50 seconds East, departing said southwesterly line of Lot 1, Block A/595, Flora Addition No. II and with the southeasterly line of said Lot 1, Block A/595, Flora Addition No. II and continuing with said interior line of said Lot 2, Block A/595, RHDFJ Partners Addition, 13.16 feet to the point of curvature having coordinates of N=6976471.4483, E=2493599.6065 (not monumented) of a non-tangent circular curve to the left having a central angle of 22 degrees 59 minutes 54 seconds, a radius of 1,355.00 feet, a tangent of 275.66 feet and a chord which bears North 71 degrees 02 minutes 57 seconds East 540.25 feet;


THENCE Northeasterly, departing said southeasterly line of said Lot 1, Block A/595, Flora Addition No. II and said interior line of said Lot 2, Block A/595, RHDFJ Partners Addition and across said called 3.6067 acre tract, the aforementioned called 0.3815 acre tract and said Lot 2, Block A/595, RHDFJ Partners Addition with said curve to the left for an arc distance of 543.89 feet to the end of said curve having coordinates of N=6976646.8734, E=2494110.5038 (not monumented), said end of curve being on the northeasterly line of said Lot 2, Block A/595, RHDFJ Partners Addition and southwest right-of-way line of the aforementioned Hall Street;

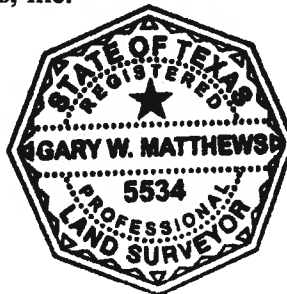
THENCE South 45 degrees 39 minutes 03 seconds East, with said northeasterly line of Lot 2, Block A/595, RHDFJ Partners Addition and said southwest right-of-way line of Hall Street, 43.23 feet to the north corner having coordinates of N=6976616.6587, E=2494141.4128 of the aforementioned 10 foot by 10 foot right-of-way dedication by the plat of said Lot 2, Block A/595, RHDFJ Partners Addition at the intersection of the southwest right-of-way line of said Hall Street with the northwest right-of-way line of said Ross Avenue;

THENCE South 00 degrees 42 minutes 59 seconds East, departing said northeasterly line of said Lot 2, Block A/595, RHDFJ Partners Addition and with the west line of said 10 foot by 10 foot right-of-way dedication and the most easterly line of said Block A/595, 14.16 feet to the POINT OF BEGINNING and containing 1.439 acres (62.688 square feet) of land, more or less.

Basis of Bearing is the State Plane Coordinate System, Texas North Central Zone (4202), North American Datum of 1983. All coordinates are state plane on grid. All distances are surface distances. Surface Adjustment Scale Factor: 1.000136506

For Nathan D. Maier Consulting Engineers, Inc.


  
Gary W. Matthews  
Registered Professional Land Surveyor  
Texas No. 5534 9.12.2013



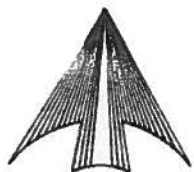
Page 3 of 4



FIELD NOTES APPROVED:

 11/20/13

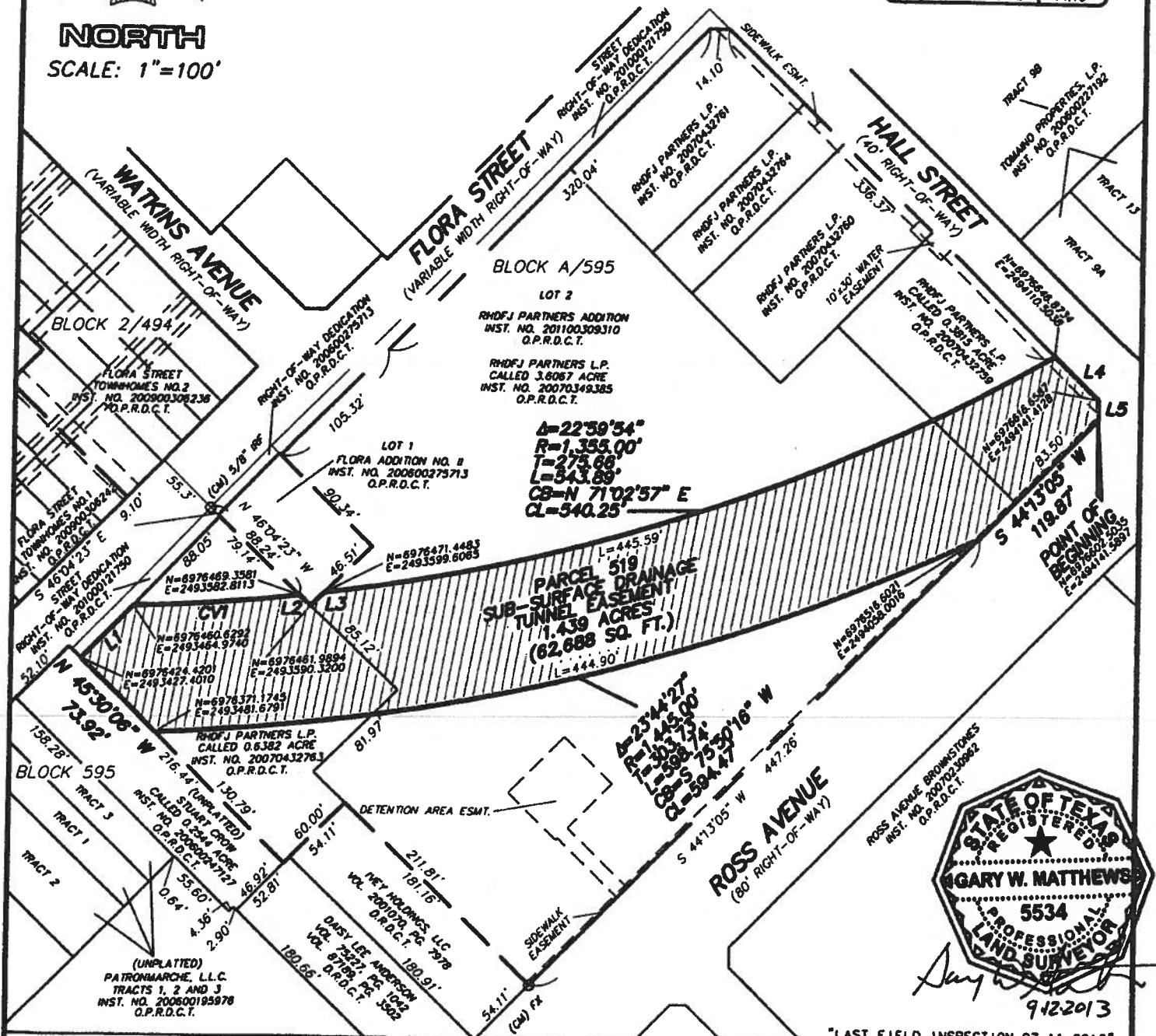
JOHN GRIGSBY SURVEY  
ABSTRACT NUMBER 495



**NORTH**  
SCALE: 1"=100'

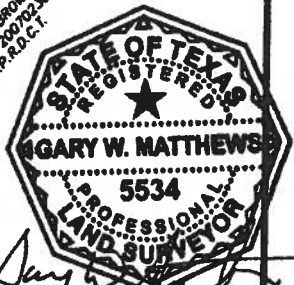
EASEMENT CURVE TABLE	
CVI	$\Delta=04^{\circ}39'55"$ $R=1,355.00'$ $T=59.14'$ $L=118.21'$ $CB=N 85^{\circ}45'49" E$ $CL=118.18'$

EASEMENT CURVE TABLE		
NO.	BEARING	DISTANCE
L1	N 43°43'16" E	52.11'
L2	S 46°04'23" E	10.56'
L3	N 44°18'50" E	13.16'
L4	S 45°39'03" E	43.23'
L5	S 00°42'59" E	14.16'



$\Delta=22^{\circ}38'54"$   
 $R=1,355.00'$   
 $T=275.66'$   
 $L=543.89'$   
 $CB=N 71^{\circ}02'57" E$   
 $CL=540.25'$

PARCEL 519  
SUB-SURFACE DRAINAGE  
TUNNEL EASEMENT  
(1.439 ACRES  
(62,688 SQ. FT.))



*Gary W. Matthews*  
9122013

"LAST FIELD INSPECTION 07-11-2013"

NOTE: SUBSURFACE EASEMENT CORNERS ARE NOT MONUMENTED.

Basis of Bearing is the State Plane Coordinate System, Texas North Central Zone (4202), North American Datum of 1983. All coordinates are state plane on grid. All distances are surface distances. Surface Adjustment Scale Factor: 1.0001363060.

LEGEND			
D.R.D.C.T.	DEED RECORDS OF DALLAS COUNTY, TEXAS	---	RIGHT-OF-WAY LINE
M.R.D.C.T.	MAP RECORDS OF DALLAS COUNTY, TEXAS	---	EASEMENT LINE
O.P.R.D.C.T.	OFFICIAL PUBLIC RECORDS OF DALLAS COUNTY, TEXAS	---	SUBDIVISION LINE
INST. NO.	INSTRUMENT NUMBER	---	PROPERTY LINE
VOL., PG.	VOLUME, PAGE	IRF	IRON ROD FOUND
ESMT.	EASEMENT	IPF	IRON PIPE FOUND
SQ. FT.	SQUARE FEET	CM	CONTROLLING MONUMENT
		FPK	FOUND FPK NAIL
		FX	FOUND "X"

PAGE 4 OF 4

1.439 ACRES (62,688 SQ. FT) SUB-SURFACE DRAINAGE TUNNEL EASEMENT CITY OF DALLAS DRAWING NO. 423R-54 (PARCEL 519) TO BE ACQUIRED IN CITY OF DALLAS BLOCK A/595, PART OF LOT 2, RHDFJ PARTNERS ADDITION, JOHN GRIGSBY SURVEY, ABSTRACT NUMBER 495 CITY OF DALLAS, DALLAS COUNTY, TEXAS FROM RHDFJ PARTNERS L.P.

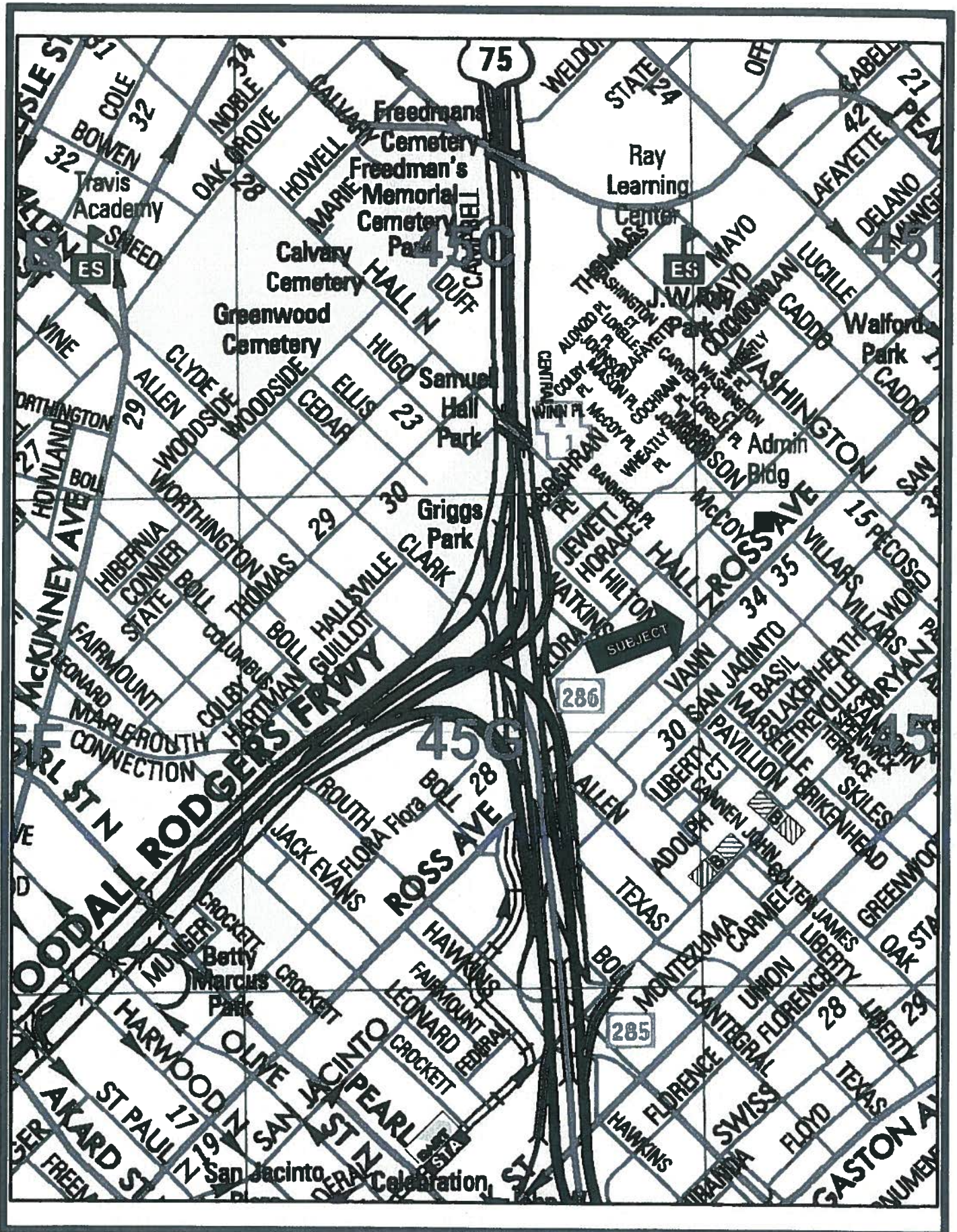


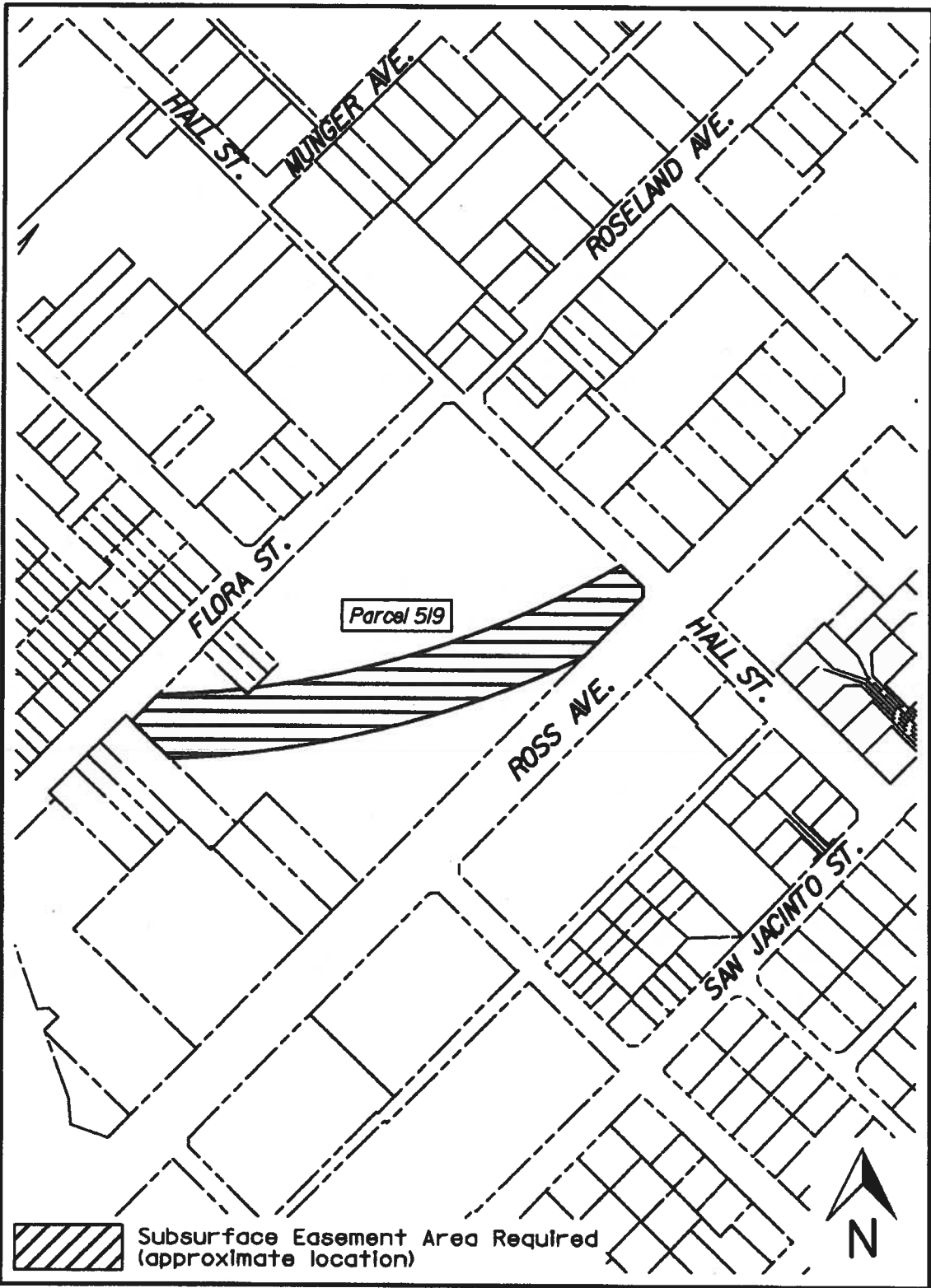
NATHAN D. MAIER  
CONSULTING ENGINEERS, INC.  
TBPE FIRM REG. NO. F-356  
TBPLS FIRM REG. NO. 100189-00

Two Northpark / 8080 Park Lane / Suite 600  
Dallas, Texas 75231 / (214) 759-4741

09/12/2013

PARCEL-519.DWG





 Subsurface Easement Area Required (approximate location)



# Memorandum



DATE September 4, 2015

TO Members of the Economic Development Committee:  
Rickey D. Callahan (Chair), Casey Thomas, II (Vice Chair), Adam Medrano, Lee M. Kleinman,  
Carolyn King Arnold, B. Adam McGough

SUBJECT **Upcoming Agenda Item on the September 22, 2015 Council Agenda – Authorize an Amendment to the contract with the World Affairs Council of Dallas/Fort Worth for Economic Development and Protocol Services.**

This item authorizes an amendment to the contract with the World Affairs Council of Dallas / Fort Worth for Economic Development and Protocol Services to: **(1)** extend the existing grant agreement from October 1, 2015 through December 31, 2015; and **(2)** increase funding by \$62,500 for the additional services for 3 months - Not to exceed \$62,500 - Financing: Public/Private Partnership Funds (subject to appropriations).

Please let me know if you have any questions.

Ryan S. Evans  
First Assistant City Manager

C: The Honorable Mayor and Members of the City Council  
A.C. Gonzalez, City Manager  
Warren M.S. Ernst, City Attorney  
Craig D. Kinton, City Auditor  
Rosa A. Rios, City Secretary  
Daniel F. Solis, Administrative Judge  
Eric D. Campbell, Assistant City Manager

Jill A. Jordan, P.E., Assistant City Manager  
Mark McDaniel, Assistant City Manager  
Joey Zapata, Assistant City Manager  
Jeanne Chipperfield, Chief Financial Officer  
Sana Syed, Public Information Officer  
Elsa Cantu, Assistant to the City Manager – Mayor & Council

# Memorandum



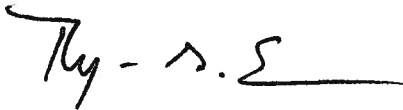
DATE September 4, 2015

TO Members of the Economic Development Committee:  
Rickey D. Callahan (Chair), Casey Thomas, II (Vice Chair), Adam Medrano, Lee M. Kleinman,  
Carolyn King Arnold, B. Adam McGough

SUBJECT **Upcoming Agenda Item on the September 22, 2015 Council Agenda – Authorize Supplemental Agreement No.1 to the contract with Southern Dallas Development Corporation (SDDC)**

This item authorizes a Supplemental Agreement No.1 to the contract with Southern Dallas Development Corporation (SDDC) to extend the term of the fourth and final renewal option from October 1, 2015 to March 30, 2016 to continue administration and loan servicing of the Community Development Block Grant (CDBG) funded Business Revolving Loan Program - Financing: No cost consideration to the City.

Please let me know if you have any questions.



Ryan S. Evans  
First Assistant City Manager

C: The Honorable Mayor and Members of the City Council  
A.C. Gonzalez, City Manager  
Warren M.S. Ernst, City Attorney  
Craig D. Kinton, City Auditor  
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Mark McDaniel, Assistant City Manager  
Joey Zapata, Assistant City Manager  
Jeanne Chipperfield, Chief Financial Officer  
Sana Syed, Public Information Officer  
Elsa Cantu, Assistant to the City Manager – Mayor & Council



# Memorandum



DATE September 4, 2015

TO Members of the Economic Development Committee:  
Rickey D. Callahan (Chair), Casey Thomas, II (Vice Chair), Adam Medrano, Lee M. Kleinman,  
Carolyn King Arnold, B. Adam McGough

SUBJECT **Upcoming Agenda Item on the September 22, 2015 Council Agenda – Business Assistance Center (BAC) Contract Renewal**

This item authorizes a first renewal option for eight Business Assistance Centers (BACs) for a twelve-month service contract, with one additional twelve-month renewal option, subject to funding availability with the eight Business Assistance Center (BAC) contractors to provide technical assistance, incubator space and other support services to low-to-moderate income persons owning or starting microenterprises listed herein for each contract as follows: **(1)** Greater Dallas Hispanic Chamber of Commerce located at 4622 Maple Avenue, Suite 207 (BAC#1) in an amount not to exceed \$80,000; **(2)** The Dallas Black Chamber of Commerce located at 2838 Martin Luther King Boulevard (BAC #2) ), in an amount not to exceed \$80,000; **(3)** CEN-TEX Certified Development Corporation dba Business & Community Lenders (BCL) of Texas to be located at the J. Erik Jonsson Central Library at 1515 Young Street, Sammons Small Business Center (BAC, #3) in an amount not to exceed \$80,000; **(4)** CENT-TEX Certified Development Corporation doing business as Business & Community Lenders (BCL) of Texas located at 4907 Spring Avenue(BAC#4) in an amount not to exceed \$80,000; **(5)** Business Assistance Center, Inc. located at 1201 West Camp Wisdom Road, Suite 224 (BAC#5) in an amount not to exceed \$80,000; **(6)** Organization of Hispanic Contractors Association dba Regional Hispanic Contractors Association to be located at 3918 N Hampton Rd (BAC#6), in an amount not to exceed \$80,000; **(7)** Organization of Hispanic Contractors Association dba Regional Hispanic Contractors Association located at 2210 West Illinois Avenue(BAC#7) in an amount not to exceed \$80,000; **(8)** CENT-TEX Certified Development Corporation doing business as Business & Community Lenders (BCL) of Texas located at 1322 Record Crossing(BAC#8) in an amount not exceed \$80,000; Not to exceed \$640,000 - Financing: 2015-16 Community Development Block Grant Funds.

Please let me know if you have any questions.

Ryan S. Evans  
First Assistant City Manager

C: The Honorable Mayor and Members of the City Council  
A.C. Gonzalez, City Manager  
Warren M.S. Ernst, City Attorney  
Craig D. Kinton, City Auditor  
Rosa A. Rios, City Secretary  
Daniel F. Solis, Administrative Judge  
Eric D. Campbell, Assistant City Manager

Jill A. Jordan, P.E., Assistant City Manager  
Mark McDaniel, Assistant City Manager  
Joey Zapata, Assistant City Manager  
Jeanne Chipperfield, Chief Financial Officer  
Sana Syed, Public Information Officer  
Elsa Cantu, Assistant to the City Manager – Mayor & Council

# Memorandum



DATE September 4, 2015

TO Members of the Economic Development Committee:  
Rickey D. Callahan (Chair), Casey Thomas, II (Vice Chair), Adam Medrano, Lee M. Kleinman,  
Carolyn King Arnold, B. Adam McGough

SUBJECT **Upcoming Agenda Item on the September 9, 2015 Council Agenda – Authorize a one year service contract to a no-cost Federal income tax preparation program with focus on Earned Income Tax Credit (EITC)**

This item authorizes a one-year service contract to a no-cost Federal income tax preparation program with a focus on Earned Income Tax Credit (EITC) filings and financial education for low to moderate income filers citywide – Foundation Communities, sole respondent – Not to exceed \$200,000 – Financing: Current Funds (subject to appropriations).

Please let me know if you have any questions.

Ryan S. Evans  
First Assistant City Manager

C: The Honorable Mayor and Members of the City Council  
A.C. Gonzalez, City Manager  
Warren M.S. Ernst, City Attorney  
Craig D. Kinton, City Auditor  
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# Memorandum



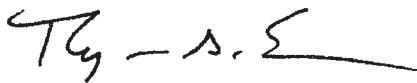
DATE September 4, 2015

TO Members of the Economic Development Committee:  
Rickey D. Callahan (Chair), Casey Thomas, II (Vice Chair), Adam Medrano, Lee M. Kleinman,  
Carolyn King Arnold, B. Adam McGough

SUBJECT **Upcoming Agenda Item on the September 22, 2015 Council Agenda – 100 Resilient Cities – Grant Agreement**

This item authorizes the acceptance and the execution of the 2014 100 Resilient Cities Grant from the Rockefeller Foundation to provide funding for economic resilience and preparedness for the rapid growth of natural and man-made disasters. This will fund the employment of a Chief Resilience Officer for the period October 1, 2015 – September 30, 2017.

Please let me know if you have any questions.



Ryan S. Evans  
First Assistant City Manager

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