

**KEY FOCUS AREA:** Economic Vibrancy  
**AGENDA DATE:** January 23, 2013  
**COUNCIL DISTRICT(S):** 6  
**DEPARTMENT:** Trinity Watershed Management  
**CMO:** Jill A. Jordan, P.E., 670-5299  
**MAPSCO:** 42 K

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**SUBJECT**

Authorize settlement, in lieu of proceeding with condemnation, for an unimproved tract of land containing approximately 17 acres from Saber Development Corporation, located near the intersection of Leath Street and Ingersoll Street for continued operation and maintenance of the West Levee – Not to exceed \$55,000 (\$50,790, plus closing costs and title expenses not to exceed \$4,210) - Financing: 2006 Bond Funds

**BACKGROUND**

This item authorizes a settlement for the acquisition of an unimproved tract of land containing approximately 17 acres from Saber Development Corporation. This property is located near the intersection of Leath Street and Ingersoll Street. This property will be used for continued operation and maintenance of the West Levee. This settlement will allow acquisition of the property without proceeding with condemnation.

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

Authorized acquisition on June 13, 2012, by Resolution No. 12-1562, for a total authorized amount of not more than \$45,000.

**FISCAL INFORMATION**

2006 Bond Funds - \$55,000 (\$50,790, plus closing costs and title expenses not to exceed \$4,210)

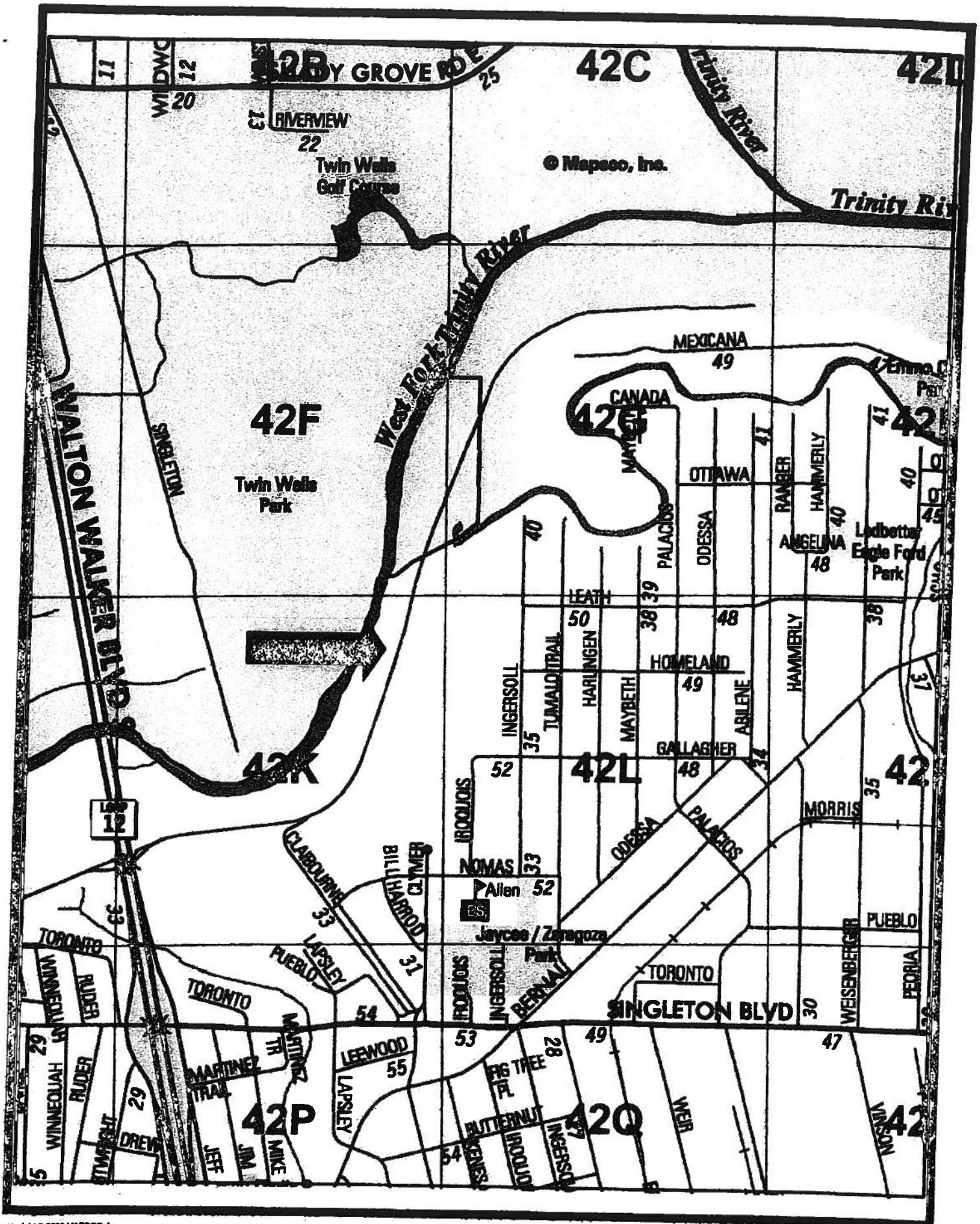
**OWNER**

**Saber Development Corporation**

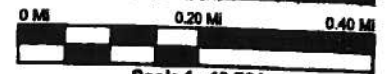
Robert Farrow, Director/President

**MAPS**

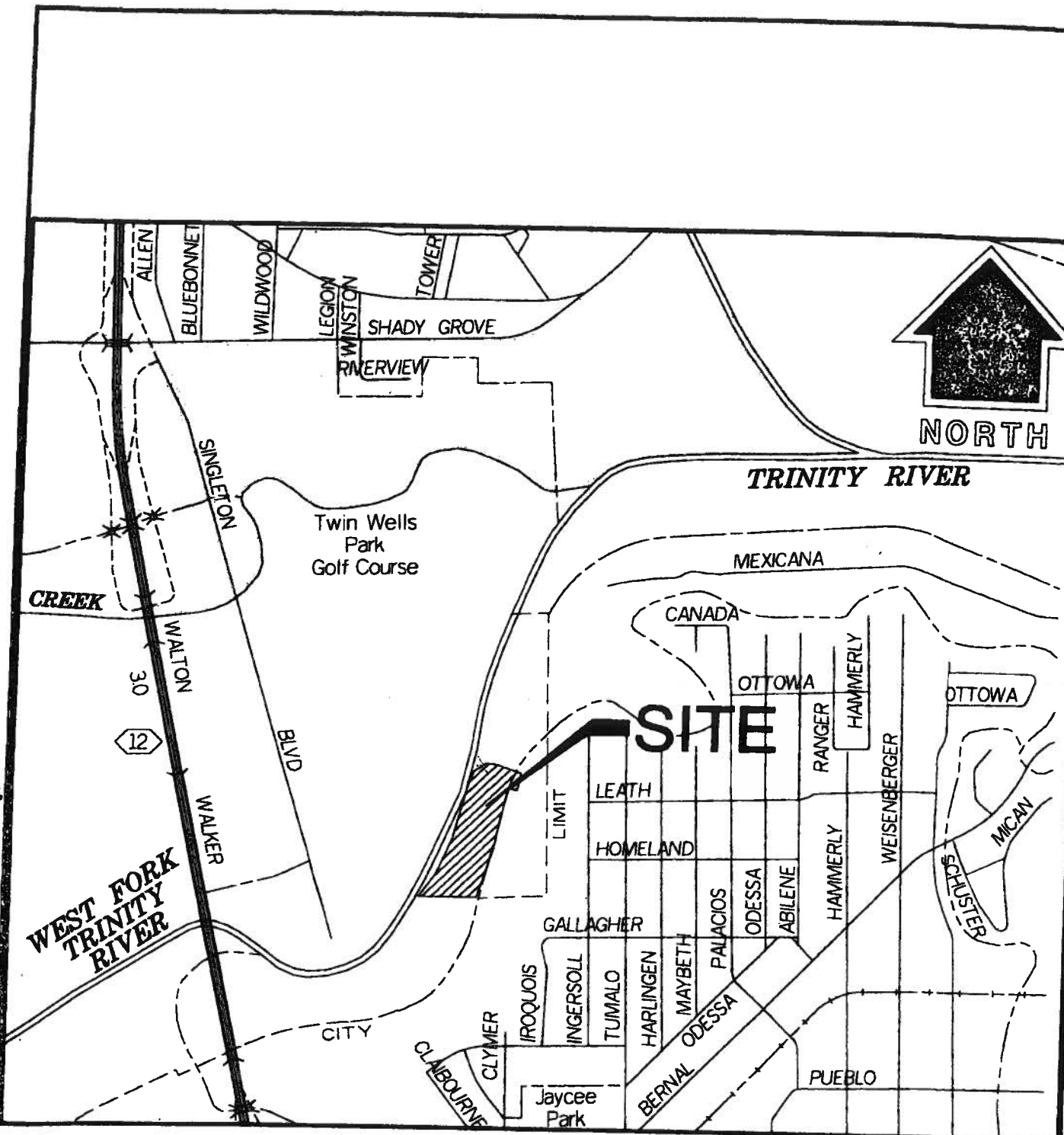
Attached



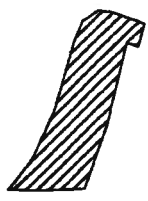
© Mapscoc, Inc.



k117000s1726W059 - ROW Survey\CADD\Sheet\PAR-3014-TAKE.dgn



LOCATION MAP  
N.T.S.



**AREA TO BE ACQUIRED**

January 23, 2013

**A RESOLUTION AUTHORIZING THE ACQUISITION OF REAL PROPERTY FOR A NEGOTIATED PRICE HIGHER THAN THE AUTHORIZED OFFER.**

**WHEREAS**, the Dallas City Council by the FIRST RESOLUTION authorized acquisition, by purchase 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 official OFFER AMOUNT authorized by the FIRST RESOLUTION, but agreed to the PURCHASE AMOUNT stated herein; and

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

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

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

“FIRST RESOLUTION”: Resolution No. 12-1562 approved by the Dallas City Council on June 13, 2012.

“PROJECT”: Trinity Project – Dallas Floodway.

“USE”: The construction, use, and maintenance of the Dallas Floodway as may be necessary, provided, however to the extent fee title to the PROPERTY is acquired, such title and the PROPERTY shall not be limited to or otherwise deemed restricted to the use herein provided.

“OWNER”: Saber Development Corporation, provided, however, that the term “OWNER” as used in this resolution means all persons having an ownership interest, regardless of whether those persons are actually named herein.

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

“PROPERTY”: Approximately 17 acres of land located in Dallas County, Texas, and being the same property more particularly described in “Exhibit A”, which is attached hereto and made a part hereof for all purposes, and any and all improvements, rights and appurtenances appertaining hereto.

January 23, 2013

"OFFER AMOUNT": \$42,000.00

"PURCHASE AMOUNT": \$50,790.00

"ADDITIONAL AMOUNTS": \$8,790.00, the difference between the OFFER AMOUNT and the PURCHASE AMOUNT, plus \$1,210.00 in additional closing costs and title expenses.

"CLOSING COSTS AND TITLE EXPENSES": Not to exceed \$4,210

"AUTHORIZED AMOUNT": \$55,000.00

**SECTION 2.** That the City Manager is authorized to acquire the PROPERTY INTEREST in the PROPERTY from OWNER for the PURCHASE AMOUNT, and is authorized to execute such documents, after approval of same as to form by the City Attorney, as may be necessary.

**SECTION 3.** That the City will have possession at closing and will pay all CLOSING COSTS AND TITLE EXPENSES.

**SECTION 4.** That the City Controller is authorized to draw checks for the PURCHASE AMOUNT, CLOSING COSTS AND TITLE EXPENSES, payable out of Floodplain and Storm Drainage Improvements Fund, Fund BT23, Dept. TWM, Unit P646, Activity TRPP, Object 4210, Program TWM06P646, CT-TWM06P646G1, in the ADDITIONAL AMOUNTS, and these payments shall be delivered to a title insurance company after evidence of satisfactory title has been provided to and approved by the City Attorney. The PURCHASE AMOUNT - \$50,790 and the CLOSING COSTS AND TITLE EXPENSES - \$4,210 together shall not exceed the AUTHORIZED AMOUNT - \$55,000.

**SECTION 5.** That appropriate acquisition instruments be forwarded to a title insurance company for preparation of the necessary documents for closing, which shall be forwarded to the City Attorney for review and approval as to form and, subsequent to closing, filed with the County Clerk and returned, along with the original Owner's Policy of Title Insurance, to the City Secretary for permanent record.

January 23, 2013

**SECTION 6.** That this resolution shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Dallas and it is accordingly so resolved.

**APPROVED AS TO FORM:  
THOMAS P. PERKINS, JR., CITY ATTORNEY**

**BY:**

  
Assistant City Attorney

# Exhibit A

**FIELD NOTES DESCRIBING PARCEL 3014  
16.93 ACRES (737,332 SQUARE FEET) TO BE ACQUIRED FROM  
SABER DEVELOPMENT COMPANY  
FOR TRINITY RIVER LEVEE RIGHT-OF-WAY,  
OFFICIAL CITY OF DALLAS BLOCK NO. 7166, IN THE  
J. B. EARHART SURVEY, ABSTRACT NUMBER 436,  
CITY OF DALLAS, DALLAS COUNTY, TEXAS**

BEING a 16.93 acre (737,332 square feet) tract of land situated in the J. B. Earhart Survey, Abstract Number 436, City of Dallas, Dallas County, Texas, Official City of Dallas Block Number 7166, and being all of that called 17.04 acre tract of land described as Tract I in Special Warranty Deed to Saber Development Company, as recorded in Volume 89249, Page 1235 of the Deed Records of Dallas County, Texas, (D.R.D.C.T.), and being more particularly described by metes and bounds as follows:

COMMENCING at a found concrete monument for the common southeast corner of said J. B. Earhart Survey, the northeast corner of the M. B. Reynolds Survey, Abstract Number 1227, the southeast corner of that called 7.322 acre tract of land described as Tract I in Warranty Deed to John M. Bushman, Trustee of the C & J Revocable Trust, as recorded in Volume 86176, Page 4136, D.R.D.C.T., the southwest corner of that called 14.204 acre tract of land described as Tract II in Warranty Deed to John M. Bushman, Trustee of the C & J Revocable Trust, as recorded in Volume 86176, Page 4136, D.R.D.C.T., the northeast corner of that called 25.278 acre tract of land described as Tract III in Warranty Deed to John M. Bushman, Trustee of the C & J Revocable Trust, as recorded in Volume 86176, Page 4136, D.R.D.C.T., and the most westerly northwest corner of Joe Irwin No. 3, an addition to the City of Dallas, Dallas County, Texas, as recorded in Volume 10, Page 165 of the Map Records of Dallas County, Texas, said point being the intersection of the north right-of-way line of Bickers Street (a 50 foot wide right-of-way) with the west right-of-way line of Iroquois Street, formerly known as Matthews Avenue, (a 60 foot wide right-of-way), from which point a found 24-inch Elm tree marked "X" bears North 09 degrees 38 minutes 06 seconds West, a distance of 13.89 feet;

THENCE North 89 degrees 48 minutes 00 seconds West, with the common south line of said J. B. Earhart Survey, the north line of said M. B. Reynolds Survey, the south line of said called 7.322 acre tract, and the north line of said called 25.278 acre tract, passing at a distance of 562.00 feet a 1/2-inch set iron rod with yellow plastic cap stamped "HALFF" (hereinafter referred to as "with cap") for the southeast corner of that called 0.769 acre tract of land described in Warranty Deed with Vendor's Lien to Sterling W. Kenty and Sidney L. Hoover, as recorded in Volume 79017, Page 1281, D.R.D.C.T., and continuing with the common south line of said J. B. Earhart Survey, the north line of said M. B. Reynolds Survey, the north line of said called 25.278 acre tract, and the south line of said called 0.769 acre tract, in all, a total distance of 615.00 feet to a 1/2-inch set iron rod with cap for the POINT OF BEGINNING, said point being the common southwest corner of said called 0.769 acre tract and the southeast corner of said called 17.04 acre tract;

THENCE North 89 degrees 48 minutes 00 seconds West, continuing with the common south line of said J. B. Earhart Survey, the north line of said M. B. Reynolds Survey and the south line of said called 17.04 acre tract, passing at a distance of 450.00 feet a 1/2-inch set iron rod with cap for witness, and continuing with said common line in all, a total distance of 627.23 feet to a point for corner on the east bank of the West Fork of the Trinity River (unable to set);

THENCE North 34 degrees 55 minutes 00 seconds East, departing said common line and with the east bank of the West Fork of the Trinity River, a distance of 304.84 feet to a calculated point for corner (unable to set);

FIELD NOTES O.K.

Done to Report 2/17/11



**FIELD NOTES DESCRIBING PARCEL 3014  
16.93 ACRES (737,332 SQUARE FEET) TO BE ACQUIRED FROM  
SABER DEVELOPMENT COMPANY  
FOR TRINITY RIVER LEVEE RIGHT-OF-WAY,  
OFFICIAL CITY OF DALLAS BLOCK NO. 7166, IN THE  
J. B. EARHART SURVEY, ABSTRACT NUMBER 436,  
CITY OF DALLAS, DALLAS COUNTY, TEXAS**

FIELD NOTES OK,  
John G. Korcok 2/17/11

THENCE North 23 degrees 18 minutes 00 seconds East, continuing with said east bank of the West Fork of the Trinity River, a distance of 446.30 feet to a point for corner (unable to set);

THENCE North 14 degrees 14 minutes 00 seconds East, continuing with said east bank of the West Fork of the Trinity River, a distance of 583.70 feet to a point for corner (unable to set);

THENCE North 21 degrees 03 minutes 00 seconds East, continuing with said east bank of the West Fork of the Trinity River, a distance of 192.00 feet to a point for corner (unable to set);

THENCE North 55 degrees 32 minutes 00 seconds East, continuing with said east bank of the West Fork of the Trinity River, passing at a distance of 110.00 feet a 1/2-inch set iron rod with cap for witness, and continuing with said east bank of the West Fork of the Trinity River, in all, a total distance of 163.40 feet to a 1/2-inch set iron rod with cap for corner;

THENCE South 81 degrees 25 minutes 00 seconds East, continuing with said east bank of the West Fork of the Trinity River, a distance of 125.40 feet to a 1/2-inch set iron rod with cap for corner;

THENCE South 70 degrees 53 minutes 00 seconds East, continuing with said east bank of the West Fork of the Trinity River, a distance of 275.00 feet to a 1/2-inch set iron rod with cap for the most easterly northeast corner of said called 17.04 acre tract, said point being on the common southeast line of said called 17.04 acre tract, the northwest line of that called 0.442 acre tract of land described in Quit Claim Deed to Jose Luis Cardoza and Timoteo Silva and Associates, as recorded in Volume 85084, Page 4005, D.R.D.C.T.;

THENCE South 12 degrees 07 minutes 00 seconds West, departing said east bank of the West Fork of the Trinity River and with said common line, passing at a distance of 95.82 feet a 1/2-inch set iron rod with cap for a northwest corner of that called 5.000 acre tract of land described in Special Warranty Deed to Pedro Montoya, as recorded in Volume 89247, Page 1180, D.R.D.C.T., and continuing with the common southeast line of said called 17.04 acre tract and the northwest line of said called 5.000 acre tract, in all, a total distance of 200.00 feet to a 1/2-inch set iron rod with cap for corner;

THENCE North 70 degrees 53 minutes 00 seconds West, departing said common line and with the common southwest line of said called 17.04 acre tract and the northeast line of said called 5.000 acre tract, passing at a distance of 53.64 feet a 1/2-inch set iron rod with cap for a common northwest corner of said called 5.000 acre tract and the northeast corner of that called 0.550 acre tract of land described in Quit Claim Deed to Jose Luis Cardoza and Timoteo Silva and Associates, as recorded in Volume 85084, Page 4005, D.R.D.C.T., and continuing with the common southwest line of said called 17.04 acre tract and the northeast line of said called 0.550 acre tract, in all, a total distance of 100.00 feet to a 1/2-inch set iron rod with cap for corner;

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OFFICIAL CITY OF DALLAS BLOCK NO. 7166, IN THE  
J. B. EARHART SURVEY, ABSTRACT NUMBER 436,  
CITY OF DALLAS, DALLAS COUNTY, TEXAS**

*FIELD NOTES O.K.  
AOK 2/17/11*


THENCE South 12 degrees 07 minutes 00 seconds West, with the common southeast line of said called 17.04 acre tract and the northwest line of said called 0.550 acre tract, passing at a distance of 620.49 feet a 1/2-inch set iron rod with cap for the common southwest corner of said called 0.550 acre tract and the northwest corner of said called 0.769 acre tract, and continuing with the common southeast line of said called 17.04 acre tract and the northwest line of said called 0.769 acre tract, in all, a total distance of 720.00 feet to a 1/2-inch set iron rod with cap for corner;

THENCE South 17 degrees 42 minutes 00 seconds West, continuing with said common line, a distance of 550.00 feet to the POINT OF BEGINNING AND CONTAINING 737,332 square feet or 16.93 acres of land, more or less.

Basis of Bearing is defined as NAD 83 (NSRS2007) Texas State Plane North Central Zone 4202 as observed by VRS RTK GPS from City of University Park control station DUNP. Convergence angle at "DUNP" is +00 degrees 56 minutes 34.23759 seconds." Combined Surface Adjustment Scale Factor = 1.000136506.

Surveyor's Certification

This plat of survey was prepared under my supervision as surveyed on the ground on November 16, 2010. Items in Schedule B of the Title Commitment GF#10R32094 CR7, issued by First American Title Insurance Company November 5, 2010, effective October 10, 2010, have either been noted or shown hereon.

  
Colin J. Henry, R.P.L.S.  
Registered Professional Land Surveyor  
State of Texas Number 5230



PARCEL 3014  
 16.93 ACRES (737,332 SQUARE FEET) TO BE ACQUIRED FROM  
 SABER DEVELOPMENT COMPANY  
 FOR TRINITY RIVER LEVEE RIGHT-OF-WAY,  
 OFFICIAL CITY OF DALLAS BLOCK NO. 7166, IN THE  
 600 U. B. EARHART SURVEY, ABSTRACT NUMBER 436,  
 CITY OF DALLAS, DALLAS COUNTY, TEXAS

SCALE: 1"=300'

0' 150' 300'



3014

(OWNER)  
 SABER DEVELOPMENT  
 COMPANY, TRACT I  
 VOL. 89249,  
 PG. 1235  
 D. R. D. C. T.  
 (CALLED 17.04 AC.)  
 737,332 SQ. FT.  
 OR  
 16.93 ACRES

CITY OF IRVING

CITY OF DALLAS

TRACT II  
 UNPLATTED

UNPLATTED  
 BLOCK  
 7166

J. B. EARHART SURVEY,  
 ABSTRACT NO. 436

EDWIN REID SURVEY,  
 ABSTRACT NO. 1212

BLOCK A 7166

BLOCK C 7166

BLOCK H 7166

BLOCK I 7166

BLOCK IRWIN NO. 3  
 VOL. M. R. D. C. T. 165  
 PG. 8

BLOCK IRWIN NO. 5  
 VOL. M. R. D. C. T. 165  
 PG. 8

BLOCK IRWIN NO. 7  
 VOL. M. R. D. C. T. 165  
 PG. 8

BLOCK IRWIN NO. 9  
 VOL. M. R. D. C. T. 165  
 PG. 8

BLOCK IRWIN NO. 11  
 VOL. M. R. D. C. T. 165  
 PG. 8

WEST FORK TRINITY RIVER  
 UNPLATTED  
 L3 (L3)

POINT OF BEGINNING

POINT OF COMMENCING

M.B. REYNOLDS SURVEY,  
 ABSTRACT NO. 1227

BLOCK 7166  
 FOUND CONCRETE MONUMENT  
 FOUND 24" ELM TREE  
 MARKED "X" BEARS  
 N09° 38' 06" W  
 13.89'

TRACT III  
 UNPLATTED

IROQUOIS STREET  
 (60' WIDE R.O.W.)  
 (FORMERLY KNOWN AS  
 MATTHEWS AVENUE)

BICKERS STREET  
 (50' WIDE R.O.W.)

NOTE: SEE PAGE 5 OF 5  
 FOR OWNERSHIP, WITNESS CALLS,  
 PLAT INFORMATION  
 AND FOUND MONUMENTS

LEGEND

- ( ) RECORD CALLS
- 1/2-INCH SET IRON ROD WITH YELLOW PLASTIC CAP STAMPED "HALFF" (UNLESS OTHERWISE NOTED)
- FOUND MONUMENT (AS NOTED)
- U.T.S. UNABLE TO SET
- FIR FOUND IRON ROD
- M.R.D.C.T. MAP RECORDS DALLAS COUNTY TEXAS
- D.R.D.C.T. DEED RECORDS DALLAS COUNTY TEXAS
- O.P.R.D.C.T. OFFICIAL PUBLIC RECORDS DALLAS COUNTY TEXAS

PARCEL 3014  
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 J. B. EARHART SURVEY, ABSTRACT NUMBER 436,  
 CITY OF DALLAS, DALLAS COUNTY, TEXAS



1201 N. BOWSER ROAD RICHARDSON, TEXAS 75081  
 TELE. (214) 346-6200 FAX (214) 739-0095

DATE: FEB. 2011  
 AVO.: 17826 W059  
 PAGE 4 OF 5

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**PARCEL 3014**  
**16.93 ACRES (737,332 SQUARE FEET) TO BE ACQUIRED FROM**  
**SABER DEVELOPMENT COMPANY**  
**FOR TRINITY RIVER LEVEE RIGHT-OF-WAY,**  
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**CITY OF DALLAS, DALLAS COUNTY, TEXAS**

①  
 5/8" FIR BEARS  
 S00°42'00"E  
 0.29'

②  
 1" FIP

③  
 5/8" FIR

④

JOHN M. BUSHMAN, TRUSTEE OF  
 THE C & J REVOCABLE TRUST  
 TRACT II  
 VOL. 86176, PG. 4136  
 D.R.D.C.T.  
 (CALLED 14.204 AC.)  
 UNPLATTED

⑤

PEDRO MONTOYA  
 VOL. 89247, PG. 1180  
 D.R.D.C.T.  
 (CALLED 5.000 AC.)  
 UNPLATTED

⑥

JOHN M. BUSHMAN, TRUSTEE OF  
 THE C & J REVOCABLE TRUST, TRACT I  
 VOL. 86176, PG. 4136  
 D.R.D.C.T.  
 (CALLED 7.322 AC.)  
 UNPLATTED

⑦

JOHN M. BUSHMAN, TRUSTEE OF  
 THE C & J REVOCABLE TRUST  
 TRACT III  
 VOL. 86176, PG. 4136  
 D.R.D.C.T.  
 (CALLED 25.278 AC.)  
 UNPLATTED

⑧

CITY AND COUNTY  
 OF DALLAS  
 (PER DALLAS CENTRAL  
 APPRAISAL DISTRICT)  
 UNPLATTED

⑨

STERLING W. KENTY AND  
 SIDNEY L. HOOVER  
 VOL. 79017, PG. 1281  
 D.R.D.C.T.  
 (CALLED 0.769 AC.)  
 UNPLATTED

⑩  
 JOSE LUIS CARDOZA AND  
 TIMOTEO SILVA AND ASSOCIATES  
 VOL. 85084, PG. 4005  
 D.R.D.C.T.  
 (CALLED 0.550 AC.)  
 UNPLATTED

⑪

JOSE LUIS CARDOZA AND  
 TIMOTEO SILVA AND ASSOCIATES  
 VOL. 85084, PG. 4005  
 D.R.D.C.T.  
 (CALLED 0.442 AC.)  
 UNPLATTED

⑫

EASEMENT AND ROW FOR  
 STORM SEWER DRAIN FACILITY  
 TO CITY OF DALLAS  
 VOL. 72187, PG. 1887  
 D.R.D.C.T.  
 ACCESS EASEMENT  
 VOL. 79017, PG. 1228  
 D.R.D.C.T.

⑬

LOT 1, BLOCK A OF  
 TWIN WELLS GOLF COURSE  
 VOL. 87138, PG. 4320  
 D.R.D.C.T.

LINE TABLE

LINE NO.	BEARING	DISTANCE
L1	N89°48'00"W	627.23'
(L1)	(N89°54'00"E)	(630.00')
L2	N34°55'00"E	304.84'
(L2)	(S34°37'00"W)	(330.80')
L3	N23°18'00"E	446.30'
(L3)	(S23°00'00"W)	(446.30')
L4	N14°14'00"E	583.70'
(L4)	(S13°56'00"W)	(583.70')
L5	N21°03'00"E	192.00'
(L5)	(S20°45'00"W)	(192.00')
L6	N55°32'00"E	163.40'
(L6)	(S55°14'00"W)	(163.40')
L7	S81°25'00"E	125.40'
(L7)	(N81°43'00"W)	(125.40')
L8	S70°53'00"E	275.00'
(L8)	(N71°11'00"W)	(275.00')
L9	S12°07'00"W	200.00'
(L9)	(N11°49'00"E)	(200.00')
L10	N70°53'00"W	100.00'
(L10)	(S70°54'40"E)	(103.45')
L11	S12°07'00"W	720.00'
(L11)	(N11°49'00"E)	(720.43')
L12	S17°42'00"W	550.00'
(L12)	(N17°40'20"E)	(550.00')

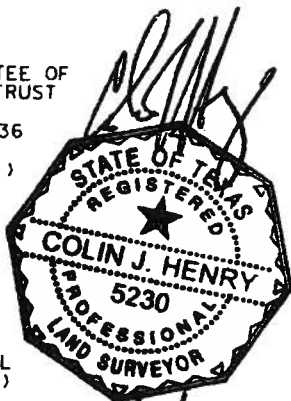
NOTES

1. Basis of Bearing is defined as NAD 83 (NSRS2007) Texas State Plane North Central Zone 4202 as observed by VRS RTK GPS from City of University Park control station DUNP. Convergence angle at "DUNP" is +00 degrees 56 minutes 34.23759 seconds." Combined Surface Adjustment Scale Factor = 1.000136506.

2. Terms and Conditions of Ordinance No. 71-100, as recorded in Volume 82173, Page 0178 of the Deed Records of Dallas County, Texas (D.R.D.C.T.), affect the subject property.

3. The Easement to the City and County of Dallas Levee Improvement District of Dallas County, Texas, as recorded in Volume 1502, Page 407, D.R.D.C.T., affects the subject property.

**PARCEL 3014**  
**16.93 ACRES (737,332 SQUARE FEET) TO BE ACQUIRED FROM**  
**SABER DEVELOPMENT COMPANY**  
**FOR TRINITY RIVER LEVEE RIGHT-OF-WAY,**  
**OFFICIAL CITY OF DALLAS BLOCK NO. 7166, IN THE**  
**J. B. EARHART SURVEY, ABSTRACT NUMBER 436,**  
**CITY OF DALLAS, DALLAS COUNTY, TEXAS**



**HALFF**

TBPE FIRM #F-312  
 1201 N. BOWSER ROAD RICHARDSON, TEXAS 75081  
 TELE. (214)346-6200 FAX (214)739-0095

DATE: FEB. 2011

AVO.: 17826 W059

PAGE 5 OF 5

FIELD NOTES O.K.

2/10/11

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

## WARRANTY DEED

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

That Saber Development Corporation, a Texas corporation (also known as Saber Development Company), acting by and through its duly authorized officer, on behalf of said corporation, (hereinafter called "Grantor" whether one or more natural persons or legal entities) of the County of Dallas, State of Texas for and in consideration of the sum of FIFTY THOUSAND SEVEN HUNDRED NINETY AND NO/100 DOLLARS (\$50,790.00) to the undersigned in hand paid by the City of Dallas, 1500 Marilla Street, Dallas, Texas, 75201, a Texas municipal corporation (hereinafter called "City"), the receipt of which is hereby acknowledged and confessed, has granted, sold and conveyed and does hereby grant, sell and convey unto City, its successors and assigns, all of the property described in Exhibit "A", attached hereto and made a part hereof by reference for all purposes.

SPECIAL PROVISIONS: See Exhibit B

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

EXECUTED this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

Saber Development Corporation,  
a Texas Corporation

By: \_\_\_\_\_  
Robert Farrow, President

\* \* \* \* \*

STATE OF TEXAS :  
COUNTY OF DALLAS :

This instrument was acknowledged before me on \_\_\_\_\_ by  
Robert Farrow, President of Saber Development Corporation, a Texas corporation, on  
behalf of said corporation.

\_\_\_\_\_  
Notary Public, State of Texas

\* \* \* \* \*

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

Approved As To Form:  
THOMAS P. PERKINS, JR.,  
City Attorney

By: \_\_\_\_\_ RD  
Assistant City Attorney

Warranty Deed Log No. TRC276

## **EXHIBIT B**

### **MINERAL RESERVATION**

Grantor does hereby reserve for Grantor and Grantor's successors, and assigns forever all oil, gas, and other minerals in and under and that may be produced from the property described in Exhibit "A". Grantor fully and completely waives and conveys to Grantee the right of ingress and egress to and from the property relating to the portion of the mineral estate owned by Grantor. Nothing herein, however, restricts or prohibits the pooling or unitization of the portion of the mineral estate owned by Grantor with land other than the property described in Exhibit "A"; or the exploration or production of the oil, gas, and other minerals by means of wells that are drilled or mines that open on land other than the property described in Exhibit "A" but enter or bottom under said property, provided that these operations in no manner interfere with the surface and/or any improvements constructed or to be constructed on or use of the property described in Exhibit "A".