

KEY FOCUS AREA: Economic Vibrancy
AGENDA DATE: May 14, 2014
COUNCIL DISTRICT(S): 6
DEPARTMENT: Trinity Watershed Management
CMO: Jill A. Jordan, P.E., 670-5299
MAPSCO: 42F G

DRAFT

SUBJECT

Authorize acquisition, including the exercise of the right of eminent domain, if such becomes necessary, from the City of Irving, of an unimproved tract of land containing approximately 20 acres located on the east bank of the Trinity River near the west termination of Mexicana Drive for the Dallas Floodway Project - Not to exceed \$39,700 (\$36,700 plus closing costs and title expenses not to exceed \$3,000) – Financing: 2006 Bond Funds

BACKGROUND

This item authorizes the acquisition of an unimproved tract of land containing approximately 20 acres from the City of Irving. This property is located on the east bank of the Trinity River near the west termination of Mexicana Drive and will be used for the Dallas Floodway Project. The consideration is based upon an independent appraisal.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

This item has no prior action.

FISCAL INFORMATION

2006 Bond Funds - \$39,700 (\$36,700 plus closing costs and title expenses not to exceed \$3,000)

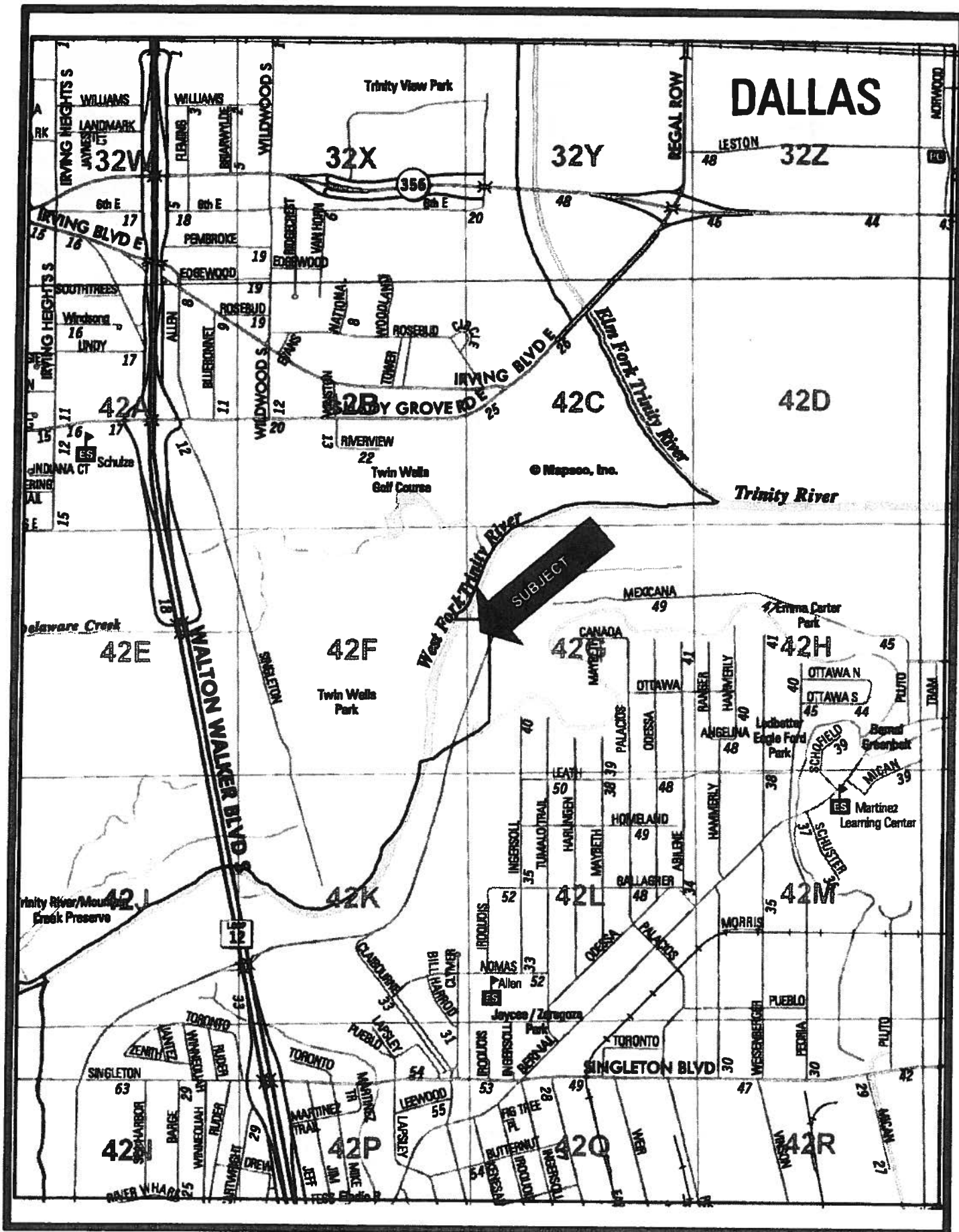
OWNER

City of Irving

MAPS

Attached

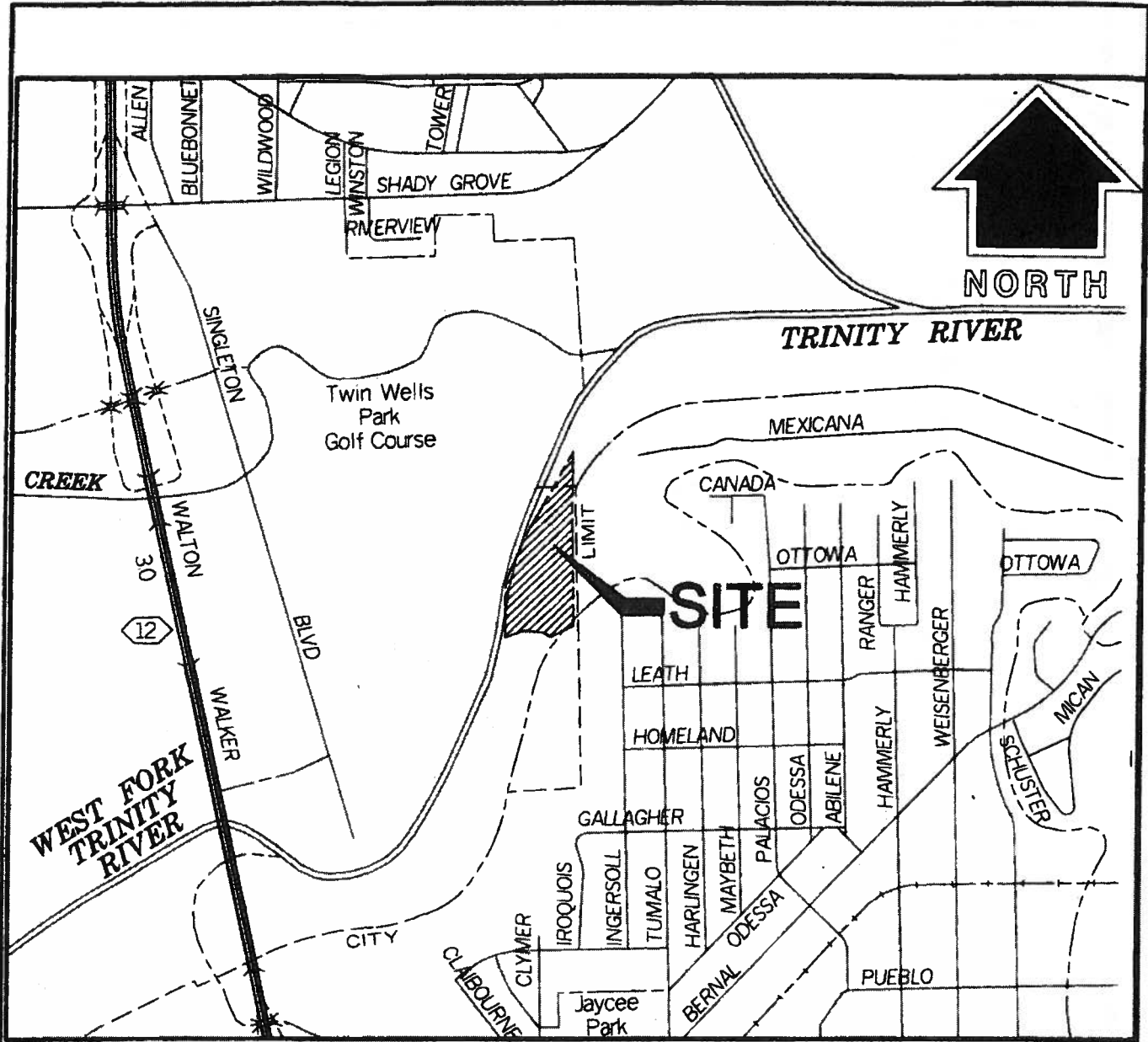
DALLAS



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SUBJECT





AREA TO BE ACQUIRED

May 14, 2014

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": Approximately 20 acres of property located in Dallas County, and being the same property more particularly described in "Exhibit A", attached hereto and made a part hereof for all purposes.

"PROJECT": Dallas Floodway

"USE": The use and maintenance of the Dallas Levee together with such appurtenant facilities as may be necessarily provided.

"PROPERTY INTEREST": Fee Simple

"OWNER": City of Irving, 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": \$36,700.00

"CLOSING COSTS AND TITLE EXPENSES ": Not to exceed \$3,000.00

"AUTHORIZED AMOUNT": \$39,700.00

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 Sustainable Development and Construction Department, Real Estate Division, or such person as he/she may designate, is hereby authorized and directed to offer the OFFER AMOUNT as payment for the PROPERTY INTEREST in the PROPERTY.

May 14, 2014

SECTION 4. That in the event the OWNER accepts the OFFER AMOUNT, the City Controller is authorized and directed to draw a warrant in favor of the OWNER, or the then current owner of record, or the title company closing the transaction described herein in the OFFER AMOUNT payable out of the Flood Protection and Storm Drainage Facilities Fund: Fund No. BT23, Department TWM, Unit P646, Activity TRPP, Program No. TW06P646, Object 4210, Encumbrance No. CT-TWM06P646F1. CLOSING COSTS AND TITLE EXPENSES payable out of the Flood Protection and Storm Drainage Facilities Fund: Fund No. BT23, Department TWM, Unit P646, Activity TRPP, Program No. TW06P646, Object 4230, Encumbrance No. CT-TWM06P646F2. 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 any title expenses and closing costs. In the event of condemnation, the CITY will pay court costs as may be assessed by the Special Commissioners or the court. Further, that litigation 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 suit(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 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.

May 14, 2014

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 settle the condemnation proceeding, or if the condemnation proceeding becomes a lawsuit, the lawsuit for the amount awarded by the special commissioners; and the City Controller is hereby authorized to issue a check drawn on the previously described funds in an amount not to exceed the special commissioners' award 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 City Controller is hereby authorized to issue a check drawn on the previously described funds in an amount not to exceed \$3,000.00 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

DRAFT

KEY FOCUS AREA: Economic Vibrancy
AGENDA DATE: May 14, 2014
COUNCIL DISTRICT(S): 6
DEPARTMENT: Trinity Watershed Management
Public Works Department
CMO: Jill A. Jordan, P.E., 670-5299
MAPSCO: 22X

SUBJECT

Authorize acquisition, including the exercise of the right of eminent domain, if such becomes necessary, from the John G. Campbell Trust, of an unimproved tract of land containing approximately 4 acres located on Wildwood Drive near its intersection with California Crossing Road for the Elm Fork Flood Control Project - Not to exceed \$18,279 (\$16,079 plus closing costs and title expenses not to exceed \$2,200) – Financing: 1998 Bond Funds

BACKGROUND

This item authorizes the acquisition of an unimproved tract of land containing approximately 4 acres from the John G. Campbell Trust. This property is located on Wildwood Drive near its intersection with California Crossing Road and will be used as a floodway management area for the Elm Fork Flood Control Project. The consideration is based upon an independent appraisal.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

This item has no prior action.

FISCAL INFORMATION

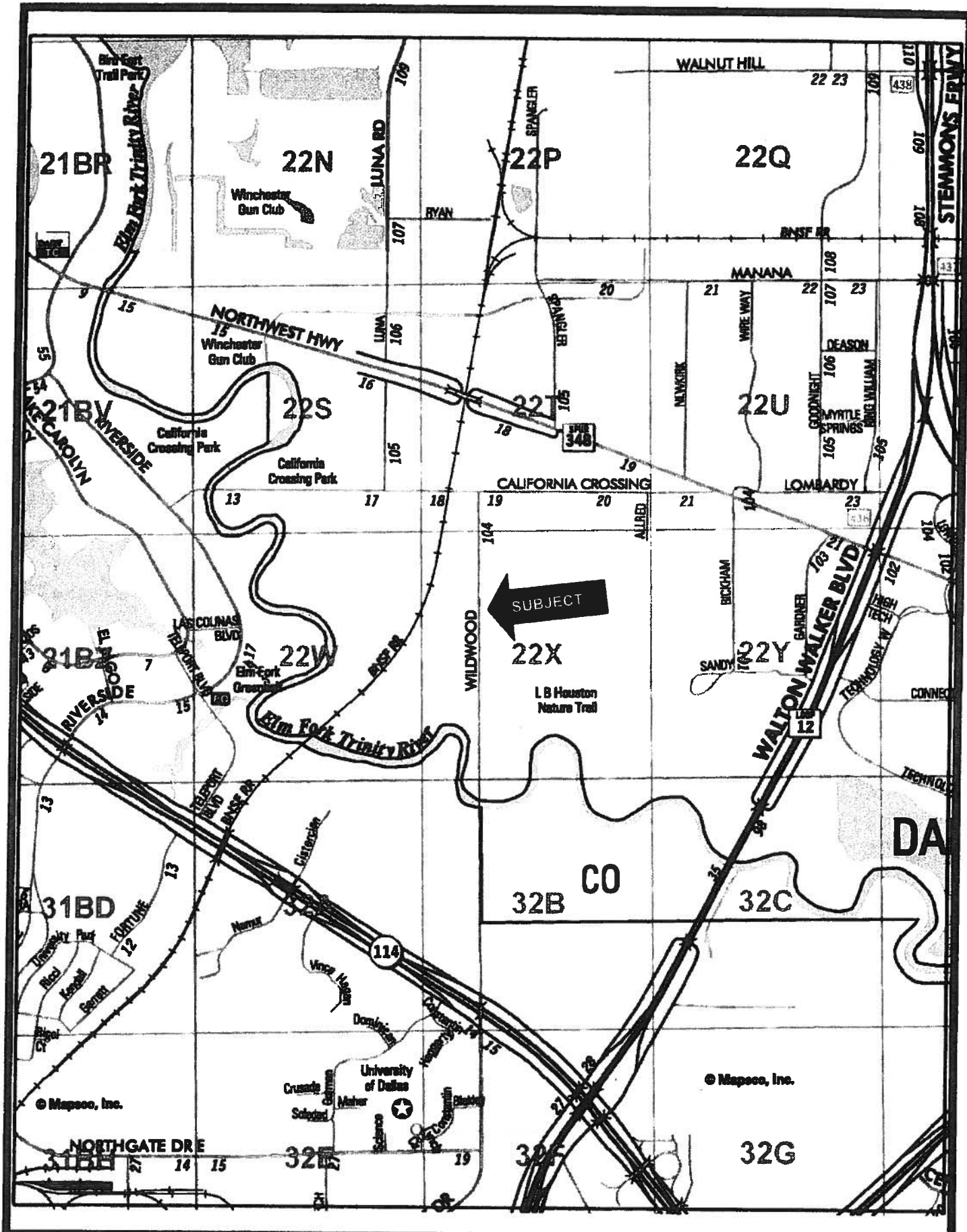
1998 Bond Funds - \$18,279 (\$16,079 plus closing costs and title expenses not to exceed \$2,200)

OWNER

John G. Campbell, Trust
John G. Campbell, Trustee

MAPS

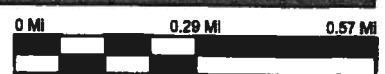
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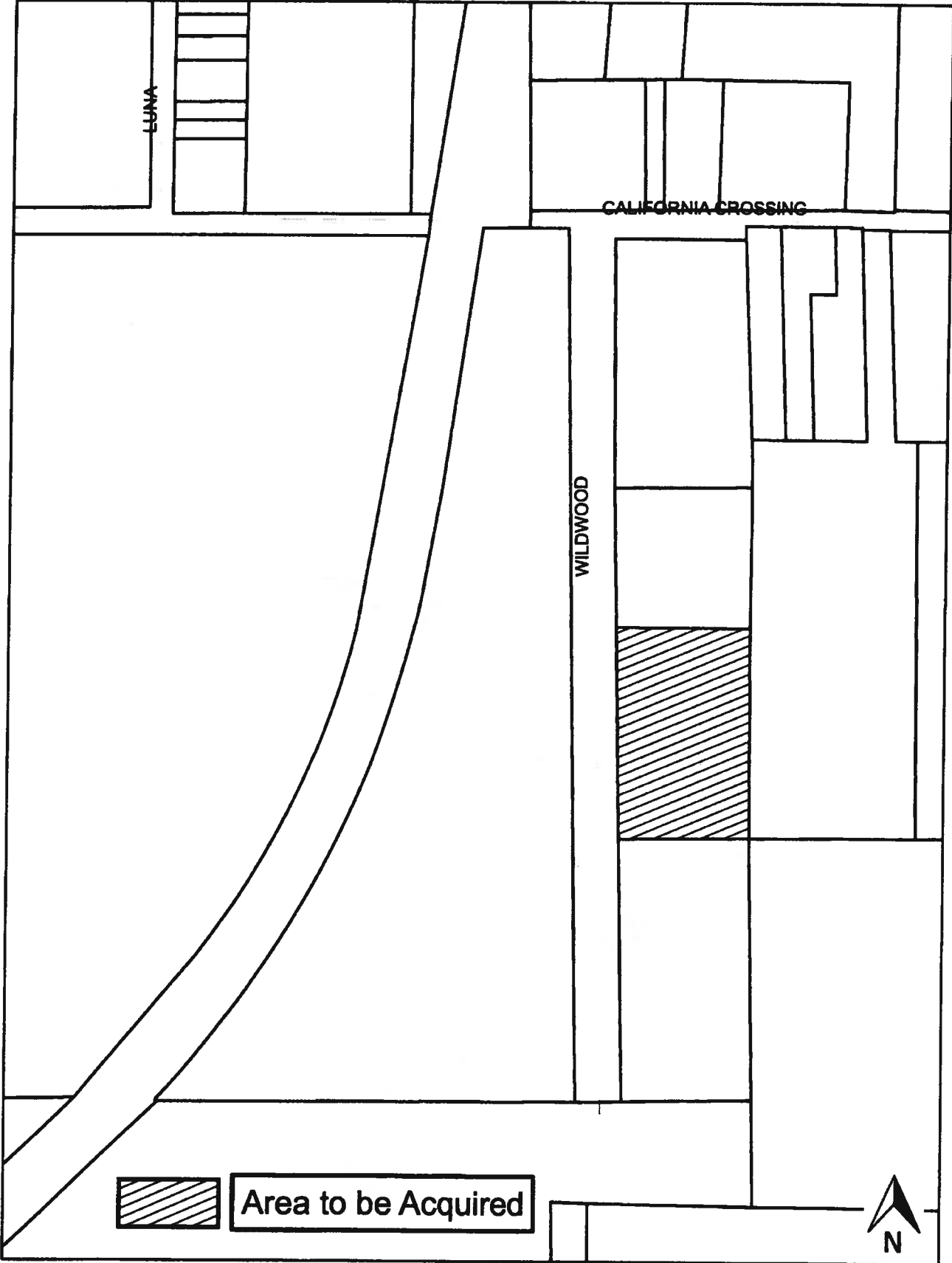
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22X



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May 14, 2014

SECTION 4. That in the event the OWNER accepts the OFFER AMOUNT, the City Controller is authorized and directed to draw a warrant in favor of the OWNER, or the then current owner of record, or the title company closing the transaction described herein in the OFFER AMOUNT payable out of the Trinity River Corridor Project Fund: Fund No. 5P14, Department PBW, Unit N964, Activity TRPP, Program No. PB98N964, Object 4210, Encumbrance No. CT-PBW98N964H2. CLOSING COSTS AND TITLE EXPENSES payable out of the Trinity River Corridor Project Fund: Fund No. 5P14, Department PBW, Unit N964, Activity TRPP, Program No. PB98N964, Object 4230, Encumbrance No. CT-PBW98N964H3. 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 any title expenses and closing costs. In the event of condemnation, the CITY will pay court costs as may be assessed by the Special Commissioners or the court. Further, that litigation 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 suit(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 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.

May 14, 2014

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": Approximately 4 acres of property located in Dallas County, and being the same property more particularly described in "Exhibit A", attached hereto and made a part hereof for all purposes.

"PROJECT": Elm Fork Flood Control Project

"USE": The construction, installation, use, and maintenance of a floodway management area, together with such appurtenant facilities as may be necessarily provided.

"PROPERTY INTEREST": Fee Simple

"OWNER": John G. Campbell Trust, 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": \$16,079.00

"CLOSING COSTS AND TITLE EXPENSES ": Not to exceed \$2,200.00

"AUTHORIZED AMOUNT": \$18,279.00

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.

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May 14, 2014

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APPROVED AS TO FORM:
WARREN M. S. ERNST, City Attorney

BY _____
Assistant City Attorney

