SUBJECT

Authorize acquisition, including the exercise of the right of eminent domain, if such becomes necessary, of nine tracts of land containing a total of approximately 63,700 square feet located near the intersection of Colonial Avenue and Starks Avenue for the Trinity Parkway; potential relocation assistance may be warranted - Not to exceed $134,700 ($111,700, plus closing costs not to exceed $23,000) - Financing: 1998 Bond Funds

BACKGROUND

This item authorizes the acquisition of nine tracts of land containing a total of approximately 63,700 square feet. Three tracts are improved with single family residences which may require potential relocation assistance at a future date. Six tracts are unimproved. These properties are located near the intersection of Colonial Avenue and Starks Avenue and are required for the reconstruction of a direct connector route between US 175/SM Wright to I-45 to ultimately eliminate "dead-man's curve". This connector is part of the Trinity Parkway, without it the downgrade of SM Wright cannot proceed. The offer amounts are based upon independent appraisals.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

This item has no prior action.

FISCAL INFORMATION

1998 Bond Funds - $134,700 ($111,700, plus closing costs not to exceed $23,000)
OWNERS

Salem Institutional Baptist Church
Lennis Levine, Trustee

Angelos Kolobotos

W.J. Jones

Alan Coleman and Latese Coleman

Emanuel V. Goss and Jerrod Bourquin

Detroit Michigan Packer, Alvin Packer and Angela L. Packer

Avan Easter, Sr. and Melba Easter Revocable Living Trust

M.H. Now, LLC
Clark Carman, Manager

Desoto Real Estate Resource
Eliich Muhammed, President

MAPS

Attached
Property to be acquired
A RESOLUTION DETERMINING UPON THE NECESSITY OF ACQUIRING REAL PROPERTY AND AUTHORIZING ITS APPROPRIATION AND/OR CONDEMNATION FOR A MUNICIPAL PURPOSE AND PUBLIC USE.

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

CITY: The City of Dallas.

PROPERTY: The tracts or parcels of land described in "Exhibit A", attached hereto and made a part hereof for all purposes.

PROJECT: Trinity Parkway

PROPERTY INTEREST: Fee Simple Interest

OFFER AMOUNT, OWNER and CLOSING COSTS are described below:

<table>
<thead>
<tr>
<th>TRACT NO.</th>
<th>OWNER</th>
<th>OFFER AMOUNT</th>
<th>CLOSING COSTS NOT TO EXCEED</th>
<th>ENCUMBRANCE NO.</th>
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<tr>
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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.

AUTHORIZED AMOUNT: $134,700.00
COUNCIL CHAMBER

September 23, 2009

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

SECTION 1. That the PROJECT is a municipal and public purpose and 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 Development Services 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 City Controller is authorized and directed to draw a warrant in favor of the OWNER, or the title company closing the transaction described herein, in the OFFER AMOUNT payable out of Trinity River Corridor Project, Fund No. 6P14, Department PBW, Unit N965, Activity TRPP, Object 4210, Program PB98N965, Vendor No. 342843. The OFFER AMOUNT and the CLOSING COSTS together shall not exceed the AUTHORIZED AMOUNT.

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<th>TRACT NO.</th>
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<tr>
<td>9</td>
<td>$10,500.00</td>
<td>PBW98N965KH</td>
</tr>
</tbody>
</table>
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 in the event the Special Commissioners in Condemnation 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 lawsuit for that amount and the City Controller is hereby authorized to issue a check drawn on the previously described funds in an amount not to exceed the 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.

SECTION 9. 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 TRACT 1

Field Notes describing a 7,000 Square Foot (0.1607 Acre) Tract of Land
In City Block 2247, to be Acquired from the
Salem Institutional Baptist Church

Being 7,000 Square Feet (0.1607 Acres) of land situated in the John M. Crockett Survey, Abstract No. 353, Dallas County, Texas, and lying in Block 2247 (official City of Dallas Block Numbers), being the remainder of Lot 44 of the Ervay Place addition, an addition to the City of Dallas, recorded in Volume 1, Page 443 of the Map Records of Dallas County, and being all of the property conveyed to the Salem Institutional Baptist Church by Quit Claim deed dated December 2, 1995 and recorded in Volume 95234, Page 2803 of the Deed Records of Dallas County, Texas and being more particularly described as follows:

BEGINNING at an “X” cut in concrete at the most Easterly corner of said Lot 44 and Block 2247, being also the intersection of the Northwest line of Stark Street (a variable width Right-of-Way) with the Southwest line of Colonial Avenue (a 60' Right-of-Way):

THENCE South 50°35'02" West, departing the last said Southwest line of Colonial Avenue and with the said Northwest line of Stark Street a distance of 140.00 feet to a 5/8" dia. Iron Rod with cap marked “City of Dallas” set at the most Southerly corner of said Lot 44, at the intersection with the Northeast line of a 15-foot alley:

THENCE North 38°54'58" West, departing the last said Northwest line of Stark Street and with the Northeast line of said Alley a distance of 50.00 feet to an “X” cut in concrete at the most Westerly corner of the herein described tract of land:

THENCE North 50°35'02" East, departing the last said Northeast line of said Alley, and 5.00 feet distant from and parallel with the Northwest line of said Lot 44 a distance of 140.00 feet to a 5/8" dia. Iron Rod with cap marked “City of Dallas” set on the Southwest line of the above referenced Colonial Avenue, and the most Northerly corner of the herein described tract of land:

THENCE South 38°54'58" East with the said Southwest line of Colonial Avenue a distance of 50.00 feet to the POINT OF BEGINNING, containing 7,000 Square Feet, or 0.1607 Acres of land.

BASIS OF BEARINGS: Bearings are based on the Southwest line of Colonial Avenue, at South 38°54'58" East, as derived from Global Positioning System observations using the North Texas Cooperative Real Time Kinematic Survey, Virtual Reference Station System, North American Datum of 1983.

[Signature]

Scott Holt
5-28-09

Parcel 543
EXHIBIT A TRACT 2

Field Notes describing a 7,700 Square Foot (0.1768 Acre) Tract of Land
In City Block 2247, to be Acquired from
Angelos Kolobotos

Being 7,700 Square Feet (0.1768 Acres) of land situated in the John M. Crockett Survey, Abstract No. 353, Dallas County, Texas, and lying in Block 2247 (official City of Dallas Block Numbers), being all of Lot 45 and the Northwest 5.00 feet of Lot 44 of the Ervay Place addition, an addition to the City of Dallas, recorded in Volume 1, Page 443 of the Map Records of Dallas County, and being all of the property conveyed to Angelos Kolobotos by Warranty Deed dated December 10, 2007 and recorded in Instrument 20070449018 of the Official Public Records of Dallas County, Texas and being more particularly described as follows:

BEGINNING at a 5/8" dia. Iron Rod with cap marked "CITY OF DALLAS" (hereinafter referred to as a "5/8" I.R. w/COD cap") set on the Southwest line of Colonial Avenue (a 60' Right-of-Way) at the most Easterly corner of the herein described tract of land, from which the most Easterly corner of Block 2247 bears South 36°54'58" East a distance of 50.00':

THENCE South 50°35'02" West, departing the last said Southwest line of Colonial Avenue, at 5.00 feet Southeastly from and parallel with the common line between Lots 44 and 45, a distance of 140.00 feet to an "X" cut in concrete at the most Southerly corner of the herein described tract of land, at the intersection with the Northeast line of a 15-foot alley:

THENCE North 38°54'58" West with the Northeast line of said Alley, pass at 5.00 feet the common Southwest corner of Lots 45 and 46, a distance of 55.00 feet to a 5/8: I.R. w/COD cap set at the most Westerly corner of the herein described tract of land:

THENCE North 50°35'02" East, departing the last said Northeast line of said Alley and with the common line between said Lots 45 and 46 a distance of 140.00 feet to a 5/8" I.R. w/COD cap set on the Southwest line of the above referenced Colonial Avenue, at the common Northeast corner of said Lots 45 and 46 and the most Northerly corner of the herein described tract of land:

THENCE South 38°54'58" East with the said Southwest line of Colonial Avenue a distance of 55.00 feet to the POINT OF BEGINNING, containing 7,700 Square Feet, or 0.1768 Acres of land.

BASIS OF BEARINGS: Bearings are based on the Southwest line of Colonial Avenue, at South 38°54'58" East, monumented as noted and derived from Global Positioning System observations using the North Texas Cooperative Real Time Kinematic Survey; Virtual Reference Station System, North American Datum of 1983.
EXHIBIT A TRACT 3

Field Notes Describing Land To Be Acquired in Block 2247
From W. J. Jones

Being situated in the John M. Crockett Survey, Abstract No. 353, Dallas County, Texas, and being all of Lot 46, Block 2247 (Official City of Dallas Block Numbers) of the Ervay Place Addition, an addition to the City of Dallas, recorded in Volume 1, Page 443 of the Map Records of Dallas County, and being all of the property conveyed to W. J. Jones, by Deed dated July 22, 1959 and recorded in Volume 5156, Volume 47 of the Deed Records of Dallas County, Texas and containing 7,000 square feet (0.1607 Acres) of land, according to the plat thereof.

This description is approved as to form.

Larry T. Billingsley, RLSS
Chief City Surveyor

Date: 8/12/99
EXHIBIT A TRACT 4
Field Notes Describing Land To Be Acquired in Block 2247 From Alan & Latese Coleman

Being situated in the John M. Crockett Survey, Abstract No. 353, Dallas County, Texas, and being all of Lot 47, Block 2247 (Official City of Dallas Block Numbers) of the Ervay Place Addition, an addition to the City of Dallas, recorded in Volume 1, Page 443 of the Map Records of Dallas County, and being all of the property conveyed to Alan Coleman and Latese Coleman, by Deed dated March 20, 2008 and recorded in Instrument Number 20080101359 of the Deed Records of Dallas County, Texas and containing 7,000 square feet (0.1607 Acres) of land, according to the plat thereof.

This description is approved as to form.

[Signature]
Larry T. Billingsley, GPLS
Chief City Surveyor

Date: 03-20-09
LOCATOR MAP: Parcel No. 531

TRINITY RIVER CORRIDOR
Tollway Project
Alan & Latessa Coleman, 5109 Colonial Ave. (Lot 47)
DEPT. OF PUBLIC WORKS & TRANSPORTATION
SURVEY DIVISION CITY OF DALLAS, TEXAS

Sheet 2 of 2

Property to be Acquired
EXHIBIT A TRACT 5

Field Notes Describing Land To Be Acquired in Block 2247
From Jerrod Bourquin

Being situated in the John M. Crockett Survey, Abstract No. 353, Dallas County, Texas, and being all of Lot 49, Block 2247 (Official City of Dallas Block Numbers) of the Ervay Place Addition, an addition to the City of Dallas, recorded in Volume 1, Page 443 of the Map Records of Dallas County, and being all of the property conveyed to Jerrod Bourquin, by Deed dated October 22, 2007 and recorded in Instrument Number 20070388655 of the Deed Records of Dallas County, Texas and containing 7,000 square feet (0.1607 Acres) of land, according to the plat thereof.

This description is approved as to form.

Scott Holt, RPLS
Assistant Chief City Surveyor
For: Larry T. Billingsley, RPLS
Chief City Surveyor

Date: 9-22-09

Parcels: Lot 49, Block 2247
EXHIBIT A TRACT 6

Field Notes Describing Land To Be Acquired in Block 2249
From Detroit Michigan Packer

Being situated in the John M. Crockett Survey, Abstract No. 353, Dallas County, Texas, and being all of Lot 71, Block 2249 (Official City of Dallas Block Numbers) of the Ervay Place Addition, an addition to the City of Dallas, recorded in Volume 1, Page 443 of the Map Records of Dallas County, and being all of the property conveyed to Detroit Michigan Packer by Affidavit of Heirship dated December 12, 1986 and recorded in Volume 87007, Page 5113 of the Deed Records of Dallas County, Texas and containing 7,000 square feet (0.1607 Acres) of land, according to the plat thereof.

This description is approved as to form.

Larry T. Billingsley, RPLS
Chief City Surveyor

Date: 5-19-2009
EXHIBIT A TRACT 7

Field Notes Describing Land To Be Acquired in Block 2249
From The Avan Easter Sr. and Melba Easter Revocable Living Trust

Being situated in the John M. Crockett Survey, Abstract No. 353, Dallas County, Texas, and being all of Lot 70, Block 2249 (Official City of Dallas Block Numbers) of the Ervay Place Addition, an addition to the City of Dallas, recorded in Volume 1, Page 443 of the Map Records of Dallas County, and being all of the property conveyed to the Avan Easter Sr. and Melba Easter Revocable Living Trust, by Quitclaim Deed dated December 29, 2000 and recorded in Volume 2001020, Page 3999 of the Deed Records of Dallas County, Texas and containing 7,000 square feet (0.1607 Acres) of land, according to the plat thereof.

This description is approved as to form.

For: Larry T. Billingsley, RPLS
Chief City Surveyor

Date: 3-16-2009
Property to be Acquired
EXHIBIT A TRACT 8

Field Notes Describing Land To Be Acquired in Block 2249
From M.H. NOW, LLC

Being situated in the John M. Crockett Survey, Abstract No. 353, Dallas County, Texas, and being all of Lot 68, Block 2249 (Official City of Dallas Block Numbers) of the Ervay Place Addition, an addition to the City of Dallas, recorded in Volume 1, Page 443 of the Map Records of Dallas County, and being all of the property conveyed to the M.H. NOW, LLC, by Deed dated January 25, 2007 and recorded in Instrument Number 20070051376 of the Deed Records of Dallas County, Texas and containing 7,000 square feet (0.1607 Acres) of land, according to the plat thereof.

This description is approved as to form.

Larry T. Billingsley, RPLS
Chief City Surveyor

Date: 03-17-09
EXHIBIT A TRACT 9

Field Notes Describing Land To Be Acquired in Block 2249
From The DeSoto Real Estate Resource

Being situated in the John M. Crockett Survey, Abstract No. 353, Dallas County, Texas, and being all of Lot 67, Block 2249 (Official City of Dallas Block Numbers) of the Ervay Place Addition, an addition to the City of Dallas, recorded in Volume 1, Page 443 of the Map Records of Dallas County, and being all of the property conveyed to the DeSoto Real Estate Resource, by Deed dated April 2, 2008 and recorded in Instrument Number 20080115844 of the Deed Records of Dallas County, Texas and containing 7,000 square feet (0.1607 Acres) of land, according to the plat thereof.

This description is approved as to form.

Larry T. Billingsley, RPL
Chief City Surveyor

03-17-09
Date:
KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: September 23, 2009

COUNCIL DISTRICT(S): 7

DEPARTMENT: Trinity River Corridor Project

CMO: Jill A. Jordan, P.E., 670-5299

MAPSCO: 56 G

SUBJECT

Authorize acquisition, including the exercise of the right of eminent domain, if such becomes necessary, of two tracts of land containing a total of approximately 27,449 square feet improved with commercial buildings located at the intersection of Lamar Street and Starks Avenue for the Trinity Parkway; potential relocation assistance may be warranted – Not to exceed $465,000 ($445,000, plus closing costs not to exceed $20,000) - Financing: 1998 Bond Funds

BACKGROUND

This item authorizes the acquisition of two tracts of land containing a total of approximately 27,449 square feet of land. Each tract is improved with a commercial building. Relocation assistance may be required at a future date. These properties are located at the intersection of Lamar Street and Starks Avenue and are necessary for the reconstruction of a direct connector route between US 175/SM Wright to I-45 to ultimately eliminate “dead-man’s curve”. This connector is part of the Trinity Parkway, without it the downgrade of SM Wright cannot proceed. The offer amounts are based upon independent appraisals.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

This item has no prior action.

FISCAL INFORMATION

1998 Bond Funds - $465,000 ($445,000, plus closing costs not to exceed $20,000)
OWNERS

Brian Famkar and Seyed Moosavi

Fermin Lopez and Gloria Lopez

MAPS

Attached
Property to be acquired
A RESOLUTION DETERMINING UPON THE NECESSITY OF ACQUIRING REAL PROPERTY AND AUTHORIZING ITS APPROPRIATION AND/OR CONDEMNATION FOR A MUNICIPAL PURPOSE AND PUBLIC USE.

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

CITY: The City of Dallas.

PROPERTY: The tracts or parcels of land described in "Exhibit A", attached hereto and made a part hereof for all purposes.

PROJECT: Trinity Parkway

PROPERTY INTEREST: Fee Simple Interest

OFFER AMOUNT, OWNER and CLOSING COSTS are described below:

<table>
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<tr>
<th>TRACT NO.</th>
<th>OWNER</th>
<th>OFFER AMOUNT</th>
<th>CLOSING COSTS NOT TO EXCEED</th>
<th>ENCUMBRANCE NO.</th>
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<td>Brian Famkar, Seyed Moosavi</td>
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<tr>
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<td>Fermin Lopez, Gloria Lopez</td>
<td>$220,000.00</td>
<td>$10,000.00</td>
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</table>

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.

AUTHORIZED AMOUNT: $465,000.00

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

SECTION 1. That the PROJECT is a municipal and public purpose and 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 Development Services 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 City Controller is authorized and directed to draw a warrant in favor of the OWNER, or the title company closing the transaction described herein, in the OFFER AMOUNT payable out of Trinity River Corridor Project, Fund No. 6P14, Department PBW, Unit N965, Activity TRPP, Object 4210, Program PB98N965, Vendor No. 342843. The OFFER AMOUNT and the CLOSING COSTS together shall not exceed the AUTHORIZED AMOUNT.

1 Brian Famkar, Seyed Moosavi $225,000.00 PBW98N965KN

2 Fermin Lopez, Gloria Lopez $220,000.00 PBW98N965KM

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 in the event the Special Commissioners in Condemnation 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 lawsuit for that amount and the City Controller is hereby authorized to issue a check drawn on the previously described funds in an amount not to exceed the 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.

SECTION 9. 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 – Tract 1

Field Notes Describing Land To Be Acquired In Block 2247 From Fermin Lopez and Gloria Lopez

Being 9,000 Square Feet (0.2066 Acres) of land situated in the John M. Crockett Survey, Abstract No. 353, Dallas County, Texas, and lying in Block 2247 (official City of Dallas Block Numbers), being the remainder of Lots 8 and 9 of the Envoy Place addition, an addition to the City of Dallas, recorded in Volume 1, Page 443 of the Map Records of Dallas County, and being all of the property conveyed to Fermin Lopez and Gloria Lopez by deed dated July 17, 2007 and recorded in Instrument 20070259308 of the Official Public Records of Dallas County, Texas and being more particularly described as follows:

BEGINNING at a PK Nail set on the common line between Lots 9 and 10 of said Block 2247, at the most Easterly corner of a tract of land conveyed to the Texas Highway Department by Deed recorded in Volume 2188, Page 221 of the Deed Records of Dallas County, and being the most Southerly corner of the herein described tract of land:

THENCE North 38°54'58" West along the Northeast line of said Texas Highway Department tract, being also the Northeast line of Lamar Street, pass at 50 feet the common line between said Lots 8 and 9, same being also the most Easterly corner of a tract of land conveyed to the Texas Highway Department by Deed recorded in Volume 2188, Page 405 of the Deed Records of Dallas County, and continuing for a total distance of 81.00 feet to an "X" cut in concrete at the Point of Curvature of a Curve to the left:

THENCE Northwesterly along said Curve, having a Radius of 2,914.93 feet, a Central Angle of 0°22'24", an Arc Length of 19.00 feet and a Chord which bears North 39°06'10" West a distance of 19.00 feet to the most Northerly corner of said Texas Highway Department tract, and being also the most Westerly corner of the herein described tract of land (unable to monument) lying on the common line between Lots 7 and 8:

THENCE North 50°35'02" East, departing the said Northeast line of Lamar Street and with the common line between said Lots 7 and 8 a distance of 90.06 feet to a 5/8" Dial. Iron Rod with cap marked "CITY OF DALLAS" (hereinafter referred to as "5/8" I.R. w/COD cap") set at the common Northeast corner of said Lots 7 and 8, on the Southwest line of a 15-foot wide alley:

THENCE South 38°54'58" East along the Southwest line of said alley, pass at 50.00 feet a 5/8" I.R. w/COD cap set at the common Northeast corner of said Lots 8 and 9, and continuing for a total distance of 100.00 feet to a 5/8" I.R. w/COD cap set at the common Northeast corner of said Lots 9 and 10:

Parcel No’s 532 & 536
Field Notes Describing Land To Be Acquired In Block 2247 From Brian Fermin Lopez and Giorla Lopez

THENCE South 50°35'02" West with the common line between said Lots 9 and 10 a distance of 90.00 feet to the POINT OF BEGINNING, containing 9,000 Square Feet, or 0.2066 Acres of land.

BASIS OF BEARINGS: Bearings are based on the Northeast line of Lamar Street, at North 38°54'58" West, monumented as noted and derived from Global Positioning System observations using the North Texas Cooperative Real Time Kinematic Survey, Virtual Reference Station System, North American Datum of 1983.

Scott Holt
8-20-2009
Exhibit A – Tract II

Field Notes Describing Land To Be Acquired In Block 2247 From
Brian Famkar and Seyed Moosavi

Being 18,449 Square Feet (0.4235 Acres) of land situated in the John M. Crockett Survey, Abstract No. 353, Dallas County, Texas, and lying in Block 2247 (official City of Dallas Block Numbers), being the remainder of Lots 10, 11, 12 and 13 of the Evay Place addition, an addition to the City of Dallas, recorded in Volume 1, Page 443 of the Map Records of Dallas County, and being all of the property conveyed to Brian Famkar and Seyed Moosavi by deed dated June 19, 2008 and recorded in Instrument 20080245151 of the Official Public Records of Dallas County, Texas and being more particularly described as follows:

BEGINNING at a 5/8” dia. Iron Rod with cap marked “CITY OF DALLAS” (hereinafter referred to as “5/8”I.R. w/COD cap”) set at the most Easterly Corner of said Lot 13, at the Intersection of the Northwest line of Stark Street (a 105-foot Right-of-Way) with the Southwest line of a 15-foot wide Alley:

THENCE South 50°35’02” West, departing the Southwest line of said alley, and with the said Northeast line of Stark Street a distance of 90.00 feet to a PK Nail set at the intersection with the Northeast line of a tract of land conveyed to the Texas Highway Department by deed March 13, 1940 and recorded in Volume 2207, Page 371 of the Deed Records of Dallas County, same being now the Northeast line of Lamar Street (a variable width Right-of-Way):

THENCE North 38°54’58” West, departing the last said Northeast line of Stark Street and with the said Southwest line of Lamar Street, a distance of 205.00 feet to a PK nail set at the most Westerly corner of said lot 10, being also a common Southwest corner with Lot 9:

THENCE North 50°35’02” East along the common line of said Lots 9 and 10, a distance of 90.00 feet to a 5/8”I.R. w/COD cap set at the common Northeast corner of said Lots 9 and 10, in the Southwest line of said 15-foot wide Alley, and being also the most Northerly corner of the herein described tract of land:

THENCE South 38°54’58” East with the Southeast line of said Alley a distance of 205.00 feet to the POINT OF BEGINNING, containing 18,449 Square Feet, or 0.4235 Acres of land.

BASIS OF BEARINGS: Bearings are based on the Northwest line of Stark Street, at South 50°35’02” West, monumented as noted and derived from Global Positioning System observations using the North Texas Cooperative Real Time Kinematic Survey, Virtual Reference Station System, North American Datum of 1983.

[Signature]
7-7-2009

Parcel No’s 540 & 546
KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: September 23, 2009

COUNCIL DISTRICT(S): 1, 2, 3, 4, 5, 6, 7

DEPARTMENT: Trinity River Corridor Project

CMO: Jill A. Jordan, P.E., 670-5299

MAPSCO: 43 44 45 55 56 57

SUBJECT

Authorize (1) acceptance of a donation from the Trinity Trust Foundation through the Dallas Foundation in an amount not to exceed $2,000,000 for the creation and operation of the Dallas Urban Design Studio; (2) establishment of appropriations in an amount not to exceed $2,000,000; and (3) execution of an agreement with the Trinity Trust Foundation for the creation and funding of the Dallas Urban Design Studio - Not to exceed $2,000,000 - Financing: Private Funds

BACKGROUND

The Trinity Trust Foundation has received a private donation to establish the Dallas Urban Design Studio in partnership with the City of Dallas, with an initial focus on neighborhoods and development areas within the Trinity River Corridor. The purpose of the Dallas Urban Design Studio is to elevate the design consciousness and culture of Dallas, while working to balance social, economic, environmental, and design sustainability towards enhancing livability for all Dallas residents. Its primary functions include:

Advising city staff, City Council, boards and commissions, the development community and public interest groups on the importance of quality urban design and urbanism;

Facilitating an urban culture in Dallas within the City and throughout the community; and

Engaging in collaborative design of large private projects with private design and development forces, as well as review and influence significant public works projects.

This is a unique opportunity to help advance livable communities within Dallas and elevate an awareness and attention to design in both private and public projects. A key to the success of the Studio is blending together elements from Dallas' design community and City Hall.
BACKGROUND (Continued)

With this in mind, the Studio will be guided and directed by experts in the field. An Urban Design Special Advisor will provide experience and expertise in urban design to assist City staff in the ongoing work of the Studio. The Studio Director will be an architect by profession with the intent to better the City by engaging design professionals and the general public. Contracts for the services of each of these professional services will be brought back to Council for consideration on a future Council agenda.

The Studio will be organized as part of the City in partnership with the Trinity Trust. An agreement will be executed between the City and the donor, subject to the terms outlined in Attachment A.

PRIOR ACTION / REVIEW (COUNCIL, BOARDS, COMMISSIONS)

The Trinity River Corridor Project Committee is scheduled to be briefed on September 22, 2009.

FISCAL INFORMATION

Private Funds - $2,000,000
Attachment A
Terms for the creation of the Dallas Urban Design Studio

1. **Mission**: The Dallas Urban Design Studio will be created with an initial focus on the Trinity River Corridor for the purpose of elevating the design consciousness and culture of Dallas. The Studio will balance social, economic, environmental, and design sustainability to enhance livability for all Dallas residents. The success and effectiveness of the Studio at achieving its mission will be tracked through goals and performance measures which will be developed by the City and the Trinity Trust.

2. **Functions**: The primary functions of the Studio include:
   - Advising city staff, City Council, boards and commissions, the development community and public interest groups on the importance of quality urban design and urbanism;
   - Facilitating an urban culture in Dallas within the City and throughout the community; and
   - Engaging in collaborative design of large private projects with private design and development forces, as well as review and influence significant public works projects.

3. **Funding**: The total amount of the grant shall not exceed $2,000,000 to be utilized over a five-year period. The City will not provide a cash match for the initial year (FY 2009-2010) of the Studio’s operation. The city will provide an increasing share of the Studio’s funding over years two (FY 2010-2011) through five (FY 2013-2014), with the Studio being completely funded by the City in year six (FY 2014-2015). Funding for the Studio will be reviewed annually, subject to annual appropriations.

4. **Reporting**: The Dallas Urban Design Studio will report to the City Manager.

5. **Office**: The City of Dallas will provide space and equipment at City Hall for the operation of the Dallas Urban Design Studio.

6. **Affiliation with other City Departments**: The Dallas Urban Design Studio will work cooperatively with other departments of the City to advance the Studio’s mission and elevate an awareness and attention to design in both public and private projects.
WHEREAS, the Trinity Trust Foundation works closely with the City of Dallas to achieve excellence in the Trinity River Corridor Project; and,

WHEREAS, the Trinity Trust Foundation raises private funds to implement the Balanced Vision Plan for the Trinity River Corridor Project; and,

WHEREAS, the Trinity Trust Foundation has received a private donation to establish the Dallas Urban Design Studio in partnership with the City of Dallas with an initial focus on areas adjacent to the Trinity River Corridor Project; and,

WHEREAS, the purpose of the Dallas Urban Design Studio shall be to elevate the design consciousness and culture of Dallas, while working to balance social, economic, environmental, and design sustainability towards enhancing livability for all Dallas residents; and

WHEREAS, the Dallas Urban Design Studio will be funded via a donor advised fund at the Dallas Foundation; and,

Now, Therefore,

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

Section 1. That the City Manager is hereby authorized to (1) accept the donation from Trinity Trust Foundation in an amount not to exceed $2,000,000 for the creation of the Dallas Urban Design Studio; and (2) execute an agreement with the Trinity Trust Foundation for the creation and funding of the Dallas Urban Design Studio, after approval as to form by the City Attorney.

Section 2. That the City Manager is hereby authorized to establish appropriations in an amount not to exceed $2,000,000 in Fund DL02, Dept. CMO, Unit 5801.

Section 3. That the City Controller is hereby authorized to deposit funds in Fund DL02, Dept. CMO, Unit 5801, Revenue Source 8411 in an amount not to exceed $2,000,000.

Section 4. That this resolution shall take effect immediately from and after its passage in accordance with the Charter of the City of Dallas, and it is accordingly so resolved.

Distribution: Trinity River Corridor Project, David Whitley, 6CS
City Attorney
Office of Financial Services