

KEY FOCUS AREA: Better Cultural, Arts and Recreational Amenities

AGENDA DATE: October 10, 2012

COUNCIL DISTRICT(S): 4

DEPARTMENT: Trinity Watershed Management
Park & Recreation

CMO: Jill A. Jordan, P.E., 670-5299
Paul D. Dyer, 670-4071

MAPSCO: N/A

SUBJECT

Authorize acquisition, including the exercise of the right of eminent domain if such becomes necessary, from Dallas Demolition Excavating Company, Inc., of an unimproved tract of land containing approximately 67,795 square feet located near the intersection of Stokes Street and Hull Avenue for the South Central/Joppa Gateway Project - Not to exceed \$8,400 (\$6,400 plus closing costs and title expenses not to exceed \$2,000) - Financing: 2006 Bond Funds

BACKGROUND

This item authorizes the acquisition of an unimproved tract of land containing approximately 67,795 square feet from Dallas Demolition Excavating Company, Inc. This property is located near the intersection of Stokes Street and Hull Avenue and will be used for the South Central/Joppa Gateway Project. The consideration is based upon an independent appraisal.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

This item has no prior action.

FISCAL INFORMATION

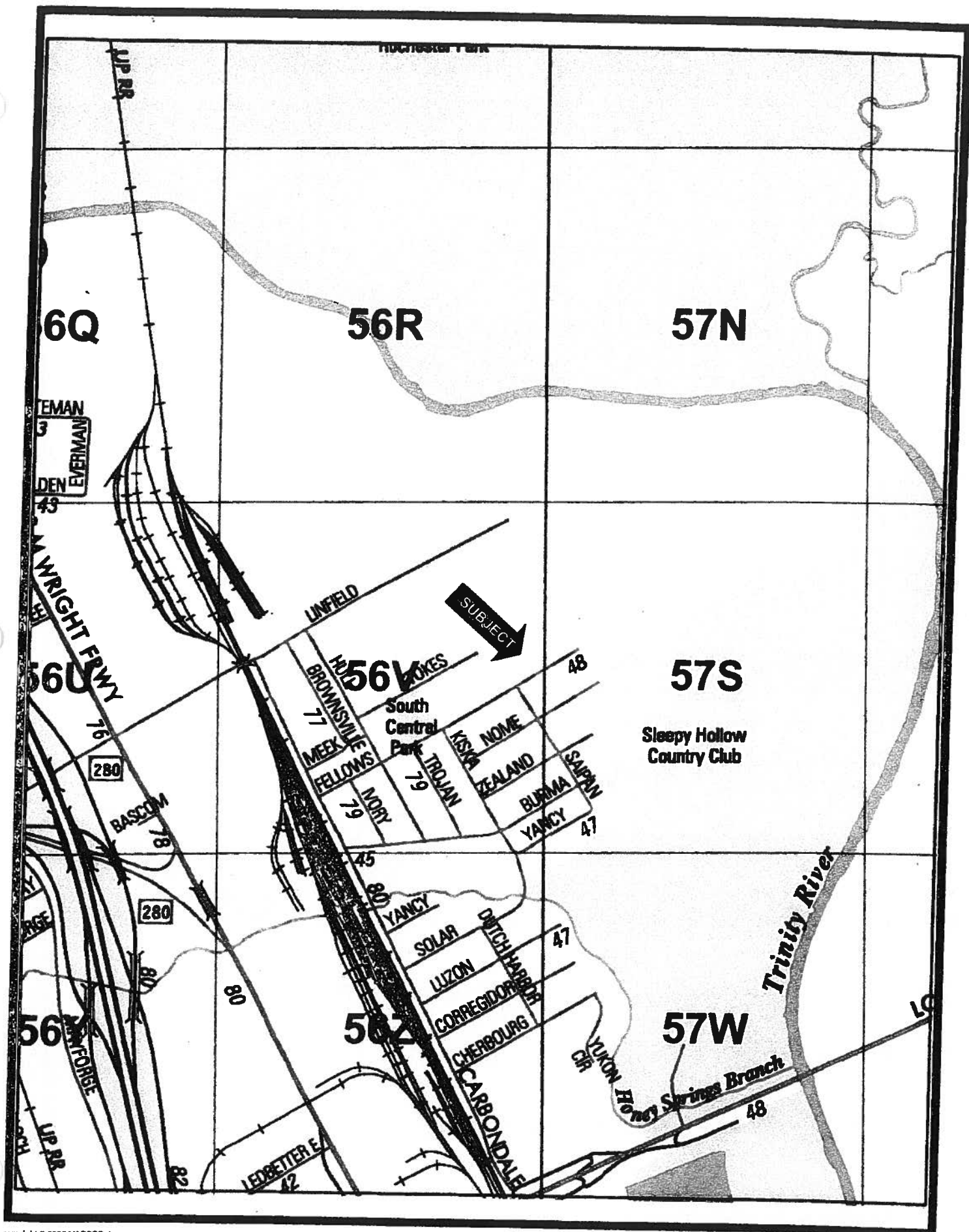
2006 Bond Funds - \$8,400 (\$6,400 plus closing costs and title expenses not to exceed \$2,000)

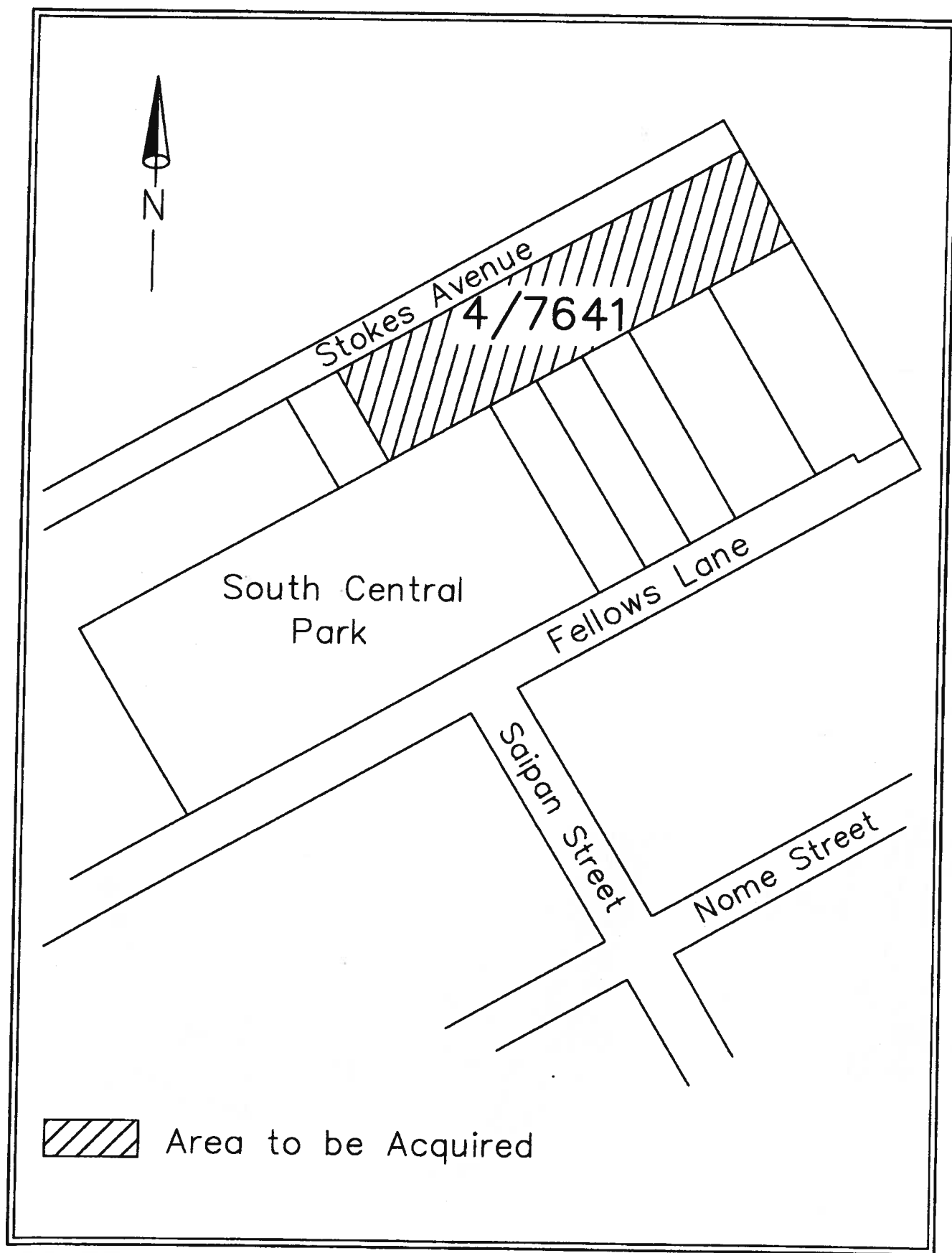
OWNER

Dallas Demolition Excavating Company, Inc.

MAPS

Attached





Stokes Avenue

4/7641

South Central
Park

Fellows Lane

Saipan Street

Nome Street



Area to be Acquired

October 10, 2012

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 67,795 square feet 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": South Central/Joppa Gateway Project

"USE": The construction, installation, use, and maintenance of a parking lot, a pavilion and athletic fields for the South Central Park, together with such appurtenant facilities as may be necessarily provided.

"PROPERTY INTEREST": Fee Simple

"OWNER": Dallas Demolition Excavating Company, Inc., 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": \$6,400.00

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

"AUTHORIZED AMOUNT": \$8,400.00

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 she may designate, is hereby authorized and directed to offer the OFFER AMOUNT as payment for the PROPERTY INTEREST in the PROPERTY.

October 10, 2012

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 2006 Bond Funds: \$6,400, Fund No. 8T00, Department PKR, Unit T283, Activity RFSI, Program No. PK06T283, Object 4210, Encumbrance No. CT-PKR12019345, CLOSING COSTS AND TITLE EXPENSES payable out of 2006 Bond Funds: \$2,000, Fund No. 8T00, Department PKR, Unit T283, Activity RFSI, Program No. PK06T283, Object 4230, Encumbrance No. CT-PKR12019345. 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.

SECTION 10. 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.

October 10, 2012

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:
THOMAS P. PERKINS, JR., City Attorney

BY 
Assistant City Attorney

**Field Notes Describing a 67,795 Square Foot (1.556 Acre)
Tract of Land to Be Acquired in Block 4/7641
From The Dallas Demolition Excavating Company, Inc.**

Being situated in the Robinson T. Smith Survey, Abstract No. 1376, Dallas County, Texas, and being all of Lots 12 and 14, Block 4 (Block 4/7641, Official City of Dallas Block Numbers), of the Hines Subdivision, an addition to the City of Dallas, recorded in Volume 4, Page 206 of the Map Records of Dallas County, Texas, and being all of the property acquired by the Dallas Demolition Excavating Company, Inc., by Deed dated July 23, 1980 and recorded in Volume 80150, Page 1980 of the Deed Records of Dallas County, Texas. Containing 67,795 Square feet, or 1.556 Acres of land, based on an on the ground survey to locate said Lots 12 and 14 as shown on City of Dallas Public Works Department Drawing Number 041D-64, on file in the City of Dallas Public Works Department Survey Vault, located at 320 E. Jefferson, Room 314.

This description is approved as to form.



Scott Holt, R.P.L.S.
Surveyor Program Manager
City of Dallas

Date: 9/19/2012

**Robinson T. Smith
Survey
Abstract No. 1376**

**Hines Subdivision
Vol. 4, Pg. 206**

**BLOCK
37640**

STOKES STREET
(60 Foot Wide Right-of-Way)

**BLOCK
47641**

**67,795 Square Foot
(1.556 Acre) Tract
To Be Acquired**

**BLOCK
7643**

Set 80-D Nail
w/COD Washer

1/2" I.P. Found
Bears 0.32'
S 13°21'17" E

1/2" I.P. Found
Bears 0.80'
S 28°18'53" E

1/2" I.P. Found
CONTROLLING
MONUMENT

**BLOCK
7641**

City of Dallas
Vol. 5438, Pg. 845

**BLOCK
57642**



Dallas Demolition
Excavating Company, Inc.
Volume 80150, Page 1880

Dennis Topletz
Int. #2071002390883
Vol. 553, Pg. 1208

Sedalia Harris
Int. #207100271397
Tanner Montgomery
Vol. 19, Pg. 2007

Harold Topletz
& Jack Topletz
Vol. 166, Pg. 2878

City of Dallas
Int. #20070277159

FELLOWS AVENUE
(Variable Right-of-Way)

Central Ave. Addition No. 3
Volume 8, Page 231



**Joppa Area Properties
Parcel Acquisition**

Dallas Demolition Excavating Company, Inc.

PUBLIC WORKS DEPARTMENT

SURVEY DIVISION CITY OF DALLAS, TEXAS

CREATOR DESIGN FILE NAME SCALE DATE

PARTY CHIEF HOLT M:\GIS\GIS\PROJECTS\Joppa\Joppa.dgn AS 7-6-12

PECK HOLT BLOCK 7641 FILE NO. 041D-04

AGENDA ITEM # 21

KEY FOCUS AREA: Better Cultural, Arts and Recreational Amenities

AGENDA DATE: October 10, 2012

COUNCIL DISTRICT(S): 7

DEPARTMENT: Trinity Watershed Management
Public Works Department

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

MAPSCO: 45 Y and 55 C

SUBJECT

Authorize an increase in the construction contract with Massana Construction Inc. for the Moore Park Gateway Project to remove an additional retaining wall, relocate and combine electrical services, add additional drainage pipe, revise the concrete mix, and add a vapor barrier behind all of the retaining walls – Not to exceed \$94,957, from \$1,612,360 to \$1,707,317 – Financing: 1998 Bond Funds (\$1,512) and Private Funds (\$93,445)

BACKGROUND

On February 27, 2008 the City authorized the acceptance of the donation from the Hoblitzelle Foundation through the Trinity Trust Foundation to advance design and construction of Moore Park. On June 22, 2011, the City of Dallas awarded the contract for the construction of the Moore Park Gateway Project. The construction has been ongoing since January 2012 and is nearing completion. Changes to the contract are needed to remove an additional retaining wall, relocate and combine electrical services, add additional drainage pipe, revise the concrete mix, and add a vapor barrier behind all of the retaining walls.

This action will authorize Change Order No. 1 to the construction contract for the increased items for the Moore Park Gateway Project.

ESTIMATED SCHEDULE OF PROJECT

| | |
|-----------------------|---------------|
| Began Construction | January 2012 |
| Complete Construction | November 2012 |

PRIOR ACTION/REVIEW (COUNCIL BOARDS, COMMISSIONS)

Authorized the acceptance of the donation from the Hoblitzelle Foundation through the Trinity Trust Foundation on February 27, 2008, by Resolution No. 08-0685.

Authorized a contract with Massana Construction Inc. for the construction of site improvements including pavilion, walkways, pedestrian bridges, land forms, amphitheater, parking area, landscaping and other miscellaneous items necessary to complete the project for the Moore Park Gateway Project on June 22, 2011, by Resolution No. 11-1818.

FISCAL INFORMATION

Private Funds - \$93,445.00
1998 Bond Funds - \$1,512.00

| | |
|----------------------------------|--------------------|
| Original Contract Amount | \$1,612,360.00 |
| Change Order No. 1 (this action) | <u>\$94,957.00</u> |
| Total Project Cost | \$1,707,317.00 |

M/WBE INFORMATION

See attached

ETHNIC COMPOSITION

Massana Construction Inc.

| | | | |
|-------------------------|---|-----------------------|----|
| Hispanic Female | 0 | Hispanic Male | 24 |
| African-American Female | 0 | African-American Male | 3 |
| White Female | 3 | White Male | 31 |
| Other Female | 0 | Other Male | 1 |

OWNER(S)

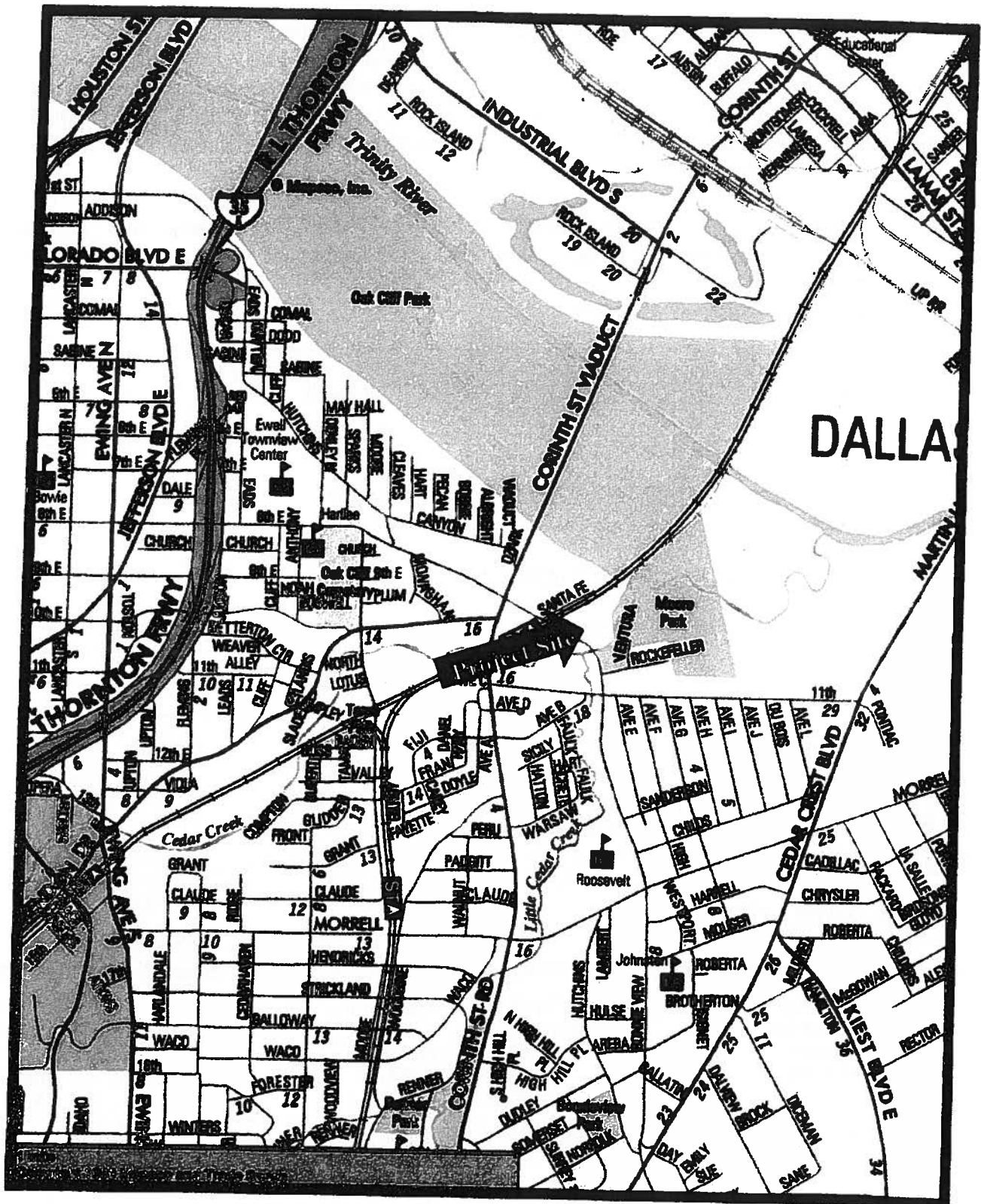
Massana Construction Inc.

Mark Massmann, President
Christell Bakken, Corporate Secretary

MAPS

Attached

Moore Park Gateway



Mapsco 55C

BUSINESS INCLUSION AND DEVELOPMENT PLAN SUMMARY

PROJECT: Authorize an increase in the construction contract with Massana Construction Inc. for the Moore Park Gateway Project to remove an additional retaining wall, relocate and combine electrical services, add additional drainage pipe, revise the concrete mix, and add a vapor barrier behind all of the retaining walls – Not to exceed \$94,957, from \$1,612,360 to \$1,707,317 – Financing: 1998 Bond Funds (\$1,512) and Private Funds (\$93,445)

Massana Construction Inc. is a local, non-minority firm, has signed the "Business Inclusion & Development" documentation, and proposes to use the following sub-contractors.

PROJECT CATEGORY: Construction

LOCAL/NON-LOCAL CONTRACT SUMMARY - THIS ACTION ONLY

| | <u>Amount</u> | <u>Percent</u> |
|--------------------------|--------------------|----------------|
| Local contracts | \$279.10 | 0.29% |
| Non-local contracts | \$94,667.90 | 99.71% |
| TOTAL THIS ACTION | \$94,947.00 | 100.00% |

LOCAL/NON-LOCAL M/WBE PARTICIPATION THIS ACTION

Local Contractors / Sub-Contractors

| <u>Local</u> | <u>Certification</u> | <u>Amount</u> | <u>Percent</u> |
|--------------------------------|----------------------|-----------------|----------------|
| West Texas Rebar Placers, Inc. | HMDB52531Y0213 | \$279.10 | 100.00% |
| Total Minority - Local | | \$279.10 | 100.00% |

Non-Local Contractors / Sub-Contractors

None

TOTAL M/WBE PARTICIPATION

| | <u>This Action</u> | | <u>Participation to Date</u> | |
|-------------------|--------------------|----------------|------------------------------|----------------|
| | <u>Amount</u> | <u>Percent</u> | <u>Amount</u> | <u>Percent</u> |
| African American | \$0.00 | 0.00% | \$14,790.00 | 0.87% |
| Hispanic American | \$279.10 | 0.29% | \$218,981.10 | 12.83% |
| Asian American | \$0.00 | 0.00% | \$76,940.80 | 4.51% |
| Native American | \$0.00 | 0.00% | \$0.00 | 0.00% |
| WBE | \$0.00 | 0.00% | \$223,662.30 | 13.10% |
| Total | \$279.10 | 0.29% | \$534,374.20 | 31.30% |

October 10, 2012

WHEREAS, the Trinity Trust Foundation applied on behalf of the project for a donation from the Hoblitzelle Foundation to provide additional enhancements for the Moore Park Gateway; and

WHEREAS, on February 27, 2008, by Resolution No. 08-0685, authorized the acceptance of the donation from the Hoblitzelle Foundation through the Trinity Trust Foundation; and

WHEREAS, on June 22, 2011, by Resolution No. 11-1818, Massana Construction Inc. was awarded a contract for Moore Park Gateway Project, in an amount not to exceed \$1,612,360; and

WHEREAS, it is now desirable to authorize Change Order No. 1 to increase the construction contract with Massana Construction Inc. to remove an additional retaining wall, relocate and combine electrical services, add additional drainage pipe; revise the concrete mix and add a vapor barrier behind all of the retaining walls for Moore Park Gateway Project in an amount not to exceed \$94,957.00, from \$1,612,360.00 to \$1,707,317.00.

Now, Therefore,

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

Section 1. That the City Manager be and is hereby authorized to execute an increase in the construction contract with Massana Construction Inc. to remove an additional retaining wall, relocate and combine electrical services, add additional drainage pipe, revise the concrete mix and add a vapor barrier behind all of the retaining walls for the Moore Park Gateway Project in an amount not to exceed \$94,957.00, from \$1,612,360.00 to \$1,707,317.00.

Section 2. That the City Controller is hereby authorized to disburse funds in accordance with the terms and conditions of the contract from:

Moore Park Gateway Donation Fund
Fund DM14, Dept. TWM, Unit. P430, Act. TRPP
Obj. 4599, Program No. PB98N966, Encumbrance No. PBW98N966I4
Vendor #VS0000054478, in an amount not to exceed \$93,445.00

Trinity River Corridor Project Fund
Fund 9P14, Dept. PBW, Unit. N966, Act. TRPP
Obj. 4599, Program No. PB98N966, Encumbrance No. PBW98N966I4
Vendor #VS0000054478, in an amount not to exceed \$ 1,512.00

Total \$94,957.00

October 10, 2012

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.

AGENDA ITEM # 28

KEY FOCUS AREA: Better Cultural, Arts and Recreational Amenities

AGENDA DATE: October 10, 2012

COUNCIL DISTRICT(S): 4

DEPARTMENT: Trinity Watershed Management
Park & Recreation

CMO: Jill A. Jordan, P.E., 670-5299
Paul D. Dyer, 670-4071

MAPSCO: 56 V

SUBJECT

Authorize acquisition, including the exercise of the right of eminent domain if such becomes necessary, from Ike Stearn and Sarah Stearn, of an unimproved tract of land containing approximately 6,145 square feet located near the intersection of Stokes Street and Hull Avenue for the South Central/Joppa Gateway Project - Not to exceed \$4,150 (\$2,150 plus closing costs and title expenses not to exceed \$2,000) – Financing: 2006 Bond Funds

BACKGROUND

This item authorizes the acquisition of an unimproved tract of land containing approximately 6,145 square feet from Ike Stearn and Sarah Stearn. This property is located near the intersection of Stokes Street and Hull Avenue and will be used for the South Central/Joppa Gateway Project. The consideration is based upon an independent appraisal.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

This item has no prior action.

FISCAL INFORMATION

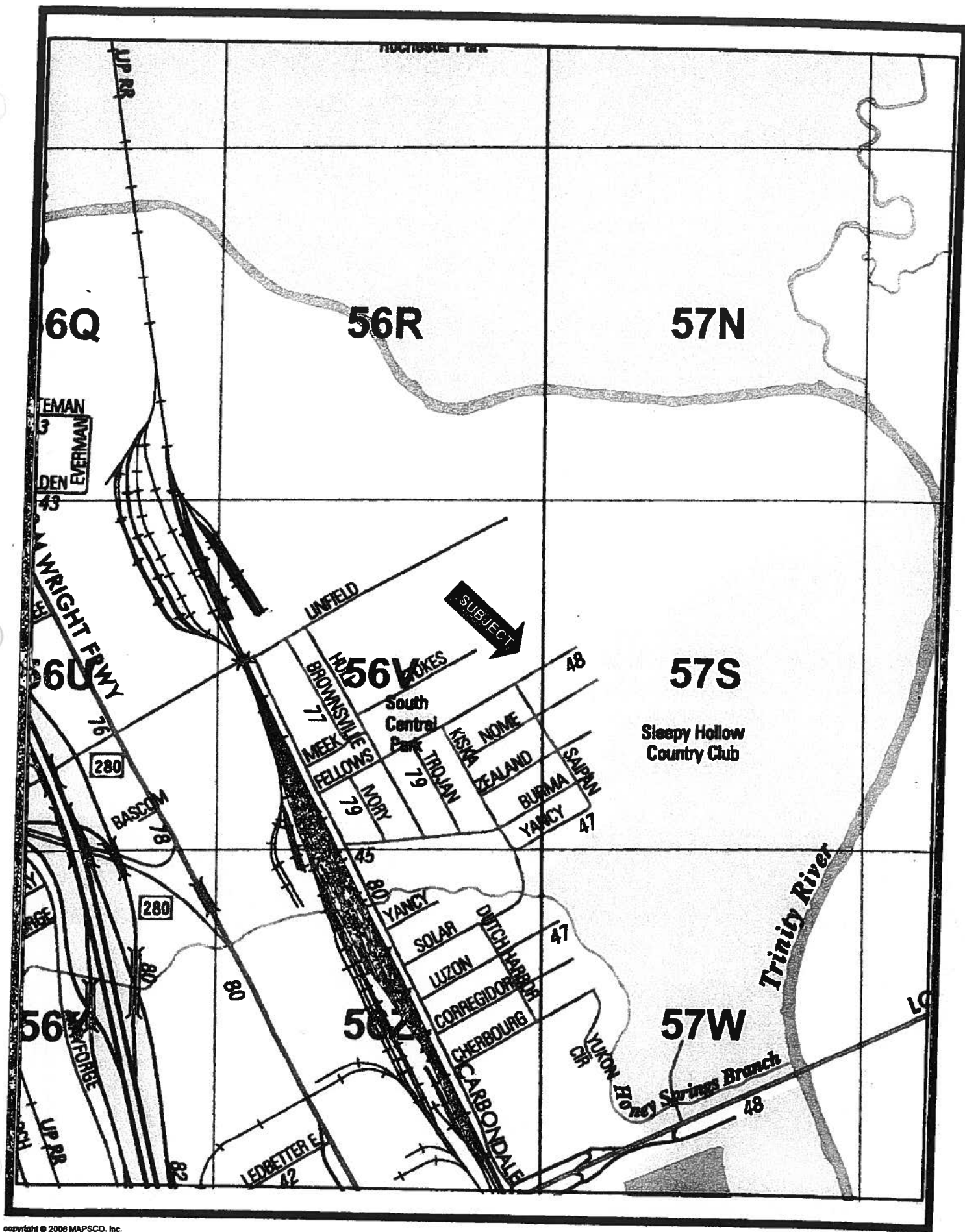
2006 Bond Funds - \$4,150 (\$2,150 plus closing costs and title expenses not to exceed \$2,000)

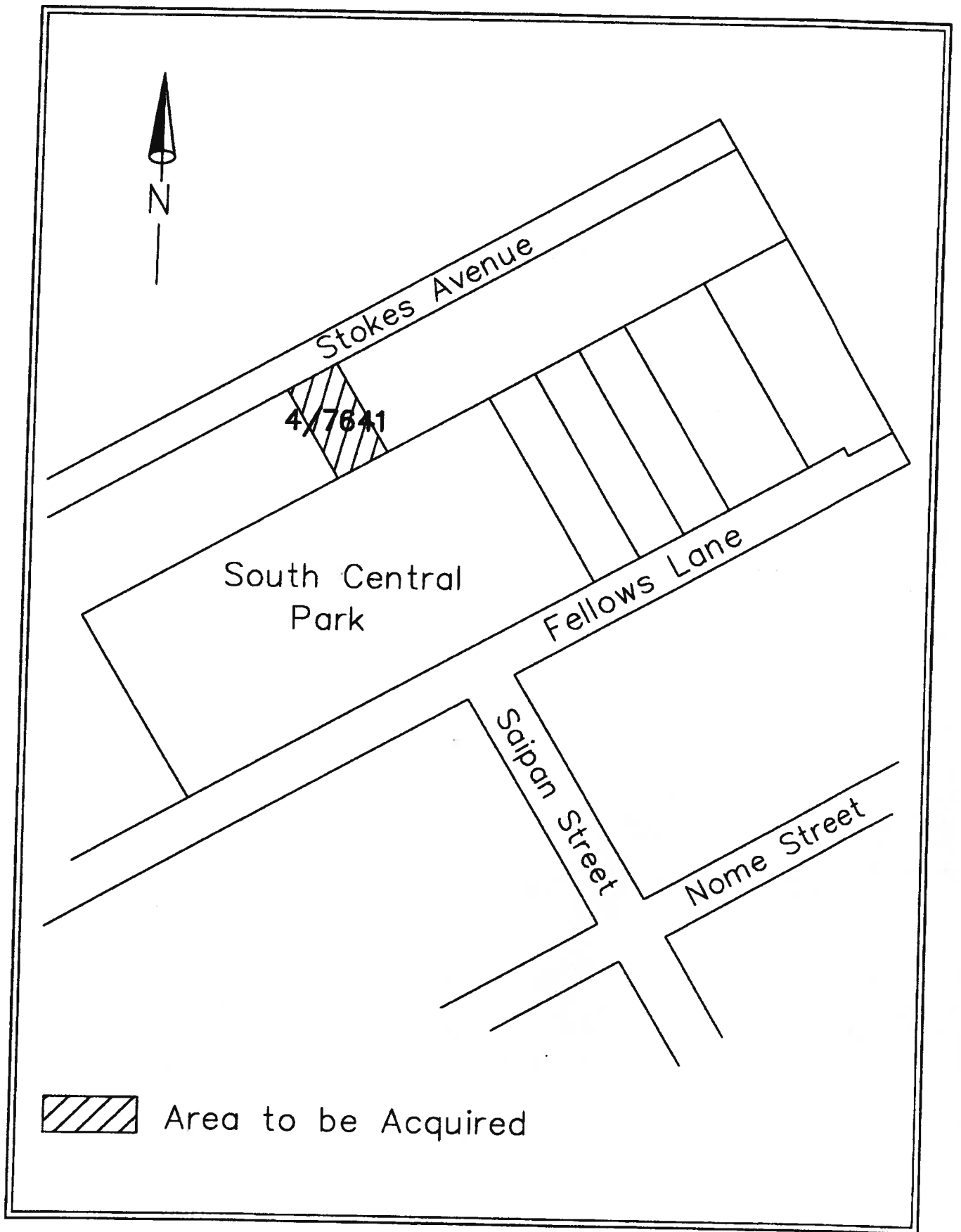
OWNERS

Ike Stearn
Sarah Stearn

MAPS

Attached





October 10, 2012

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 6,145 square feet 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": South Central/Joppa Gateway Project

"USE": The construction, installation, use, and maintenance of a parking lot, a pavilion and athletic fields for the South Central Park, together with such appurtenant facilities as may be necessarily provided.

"PROPERTY INTEREST": Fee Simple

"OWNER": Ike Stearn and Sarah Stearn, 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": \$2,150.00

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

"AUTHORIZED AMOUNT": \$4,150.00

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 she may designate, is hereby authorized and directed to offer the OFFER AMOUNT as payment for the PROPERTY INTEREST in the PROPERTY.

October 10, 2012

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 2006 Bond Funds: \$2,150, Fund No. 8T00, Department PKR, Unit T283, Activity RFSI, Program No. PK06T283, Object 4210, Encumbrance No. CT-PKR12019345, CLOSING COSTS AND TITLE EXPENSES payable out of 2006 Bond Funds: \$2,000, Fund No. 8T00, Department PKR, Unit T283, Activity RFSI, Program No. PK06T283, Object 4230, Encumbrance No. CT-PKR12019345. 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.

October 10, 2012

SECTION 10. 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 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:

THOMAS P. PERKINS, JR., City Attorney

BY


Assistant City Attorney

**Field Notes Describing a 6,145 Square Foot (0.141 Acre)
Tract of Land To Be Acquired in City Block 4/7641
From Ike Stearn and Sarah Stearn**

EXHIBIT A

Being a 6,145 Square Foot (0.141 Acre) tract of land situated in the Robinson T. Smith Survey, Abstract No. 1376, City of Dallas, Dallas County, Texas, and being a portion of Lot 10, Block 4 (Block 4/7641, Official City of Dallas Block Numbers), of the Hines Subdivision, an addition to the City of Dallas, recorded in Volume 4, Page 206, of the Map Records of Dallas County, Texas, and being all of the property conveyed to Ike Stearn and Sarah Stearn by Correction Deed dated December 16, 1960 and recorded in Volume 80005, Page 688 of the Deed Records of Dallas County, Texas, and being more particularly described as follows:

BEGINNING at a 5/8 inch diameter Iron Rod with cap marked "CITY OF DALLAS" set on the Southeast Right-of-Way line of Stokes Street (a 40-foot wide Right-of-Way) being also Northwest line of said Lot 10 of the above mentioned Hines Subdivision, and the most Westerly corner of the herein described tract of land, from which a 1/2 inch diameter Iron Rod (Controlling Monument) found on the said Southeast line of Stokes Street bears South 59°59'52" West a distance of 106.14 feet:

THENCE North 59°59'52" East with the said common line between Stokes Street and Lot 10 a distance of 53.00 feet to the common Northwest corner of said Lot 10 and Lot 12 of said Block 4/7641 of the Hines Subdivision, being also the most Northerly corner of the herein described tract of land (not monumented), from which a 1/2 inch diameter Iron Pipe (found) bears South 13°21'17" East a distance of 0.22 feet:

THENCE South 30°00'08" East, departing the last said common Northwest lot corner and with the common line between said Lots 10 and 12, a distance of 115.95 feet to the intersection with the common line between said Block 4/7641 and Block 5/7642 (official City of Dallas Block Numbers), being also the most Easterly corner of the herein described tract of land (unable to monument):

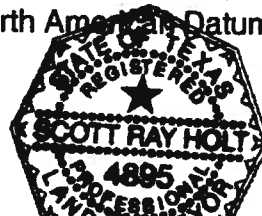
THENCE South 59°59'52" West, departing the last said common line between Lots 10 and 12 and with the said common line between Block 4/7641 and 5/7642, a distance of 53.00 feet to a 5/8 inch diameter Iron Rod with cap marked "CITY OF DALLAS" set at the most Southerly corner of the herein described tract of land:

THENCE North 30°00'08" West, departing the last said common line between Block 4/7641 and 5/7642, over and across a portion of said Lot 10 a distance of 115.95 feet to the **POINT OF BEGINNING**, containing 6,145 Square Feet, or 0.141 Acres of land.

BASIS OF BEARINGS: Bearings are based on the Texas State Plane Coordinate System, North Central Zone 4202, North American Datum of 1983.

Parcel No. 7

Scott Holt
9/19/2012



Page 1 of 2

**Robinson T. Smith
Survey
Abstract No. 1376**

EXHIBIT A

11

**Hines Subdivision
Vol.4, Pg. 206**

STOKES STREET
(40 Foot Wide Right-of-Way)

12" I.P. Found
Bears 2.93'
N 30°00'08" W

Dallas Demolition
Excavating Company, Inc.
Volume 80150, Page 1980

**BLOCK
3/7640**

9

6,145 Square Foot
(0.141 Acre) Tract
To Be Acquired

**12
BLOCK
4/7641**

Set 5/8" I.R.
wCOD Cap
POINT OF
BEGINNING

12" I.R. Found
"RPLS 5310"
Bears 0.80'
S 28°19'53" E

12" I.R. Found
CONTROLLING
MONUMENT

10

City of Dallas
Int. #200900289428

Found 12" I.R.
Bears 3.68'
N 34°24'33" W

Set 5/8" I.R.
wCOD Cap

Unable to
Monument




**BLOCK
5/7642**

City of Dallas
Vol. 5438, Pg. 645

LOCATOR MAP: PARCEL #7

Page 2 of 2

| | | | |
|---|---|-------------|----------|
|  | | | |
| Joppa Area Properties | | | |
| Parcel Acquisition | | | |
| Ike and Sarah Stearn Tract | | | |
| PUBLIC WORKS DEPARTMENT | | | |
| SURVEY DIVISION CITY OF DALLAS, TEXAS | | | |
| OPERNAME | DESIGN FILE NAME | SCALE | DATE |
| Holt | N:\ENGR\SURVEY\HOLT\Joppa\Field Notes.dgn | As Noted | 7-6-12 |
| PARTY CHIEF | CALCULATIONS | FOLDER | FILE NO. |
| Peck | Holt | Block 7641 | 041D-64 |

KEY FOCUS AREA: Better Cultural, Arts and Recreational Amenities

AGENDA DATE: October 10, 2012

COUNCIL DISTRICT(S): 4

DEPARTMENT: Trinity Watershed Management
Park & Recreation

CMO: Jill A. Jordan, P.E., 670-5299
Paul D. Dyer, 670-4071

MAPSCO: 56 V

SUBJECT

Authorize acquisition, including the exercise of the right of eminent domain if such becomes necessary, from Harold Topletz and Jack Topletz, of an unimproved tract of land containing approximately 26,639 square feet located near the intersection of Fellows Lane and Saipan Street for the South Central/Joppa Gateway Project - Not to exceed \$9,200 (\$7,200 plus closing costs and title expenses not to exceed \$2,000) – Financing: 2006 Bond Funds

BACKGROUND

This item authorizes the acquisition of an unimproved tract of land containing approximately 26,639 square feet from Harold Topletz and Jack Topletz. This property is located near the intersection of Fellows Lane and Saipan Street and will be used for the South Central/Joppa Gateway Project. The consideration is based upon an independent appraisal.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

This item has no prior action.

FISCAL INFORMATION

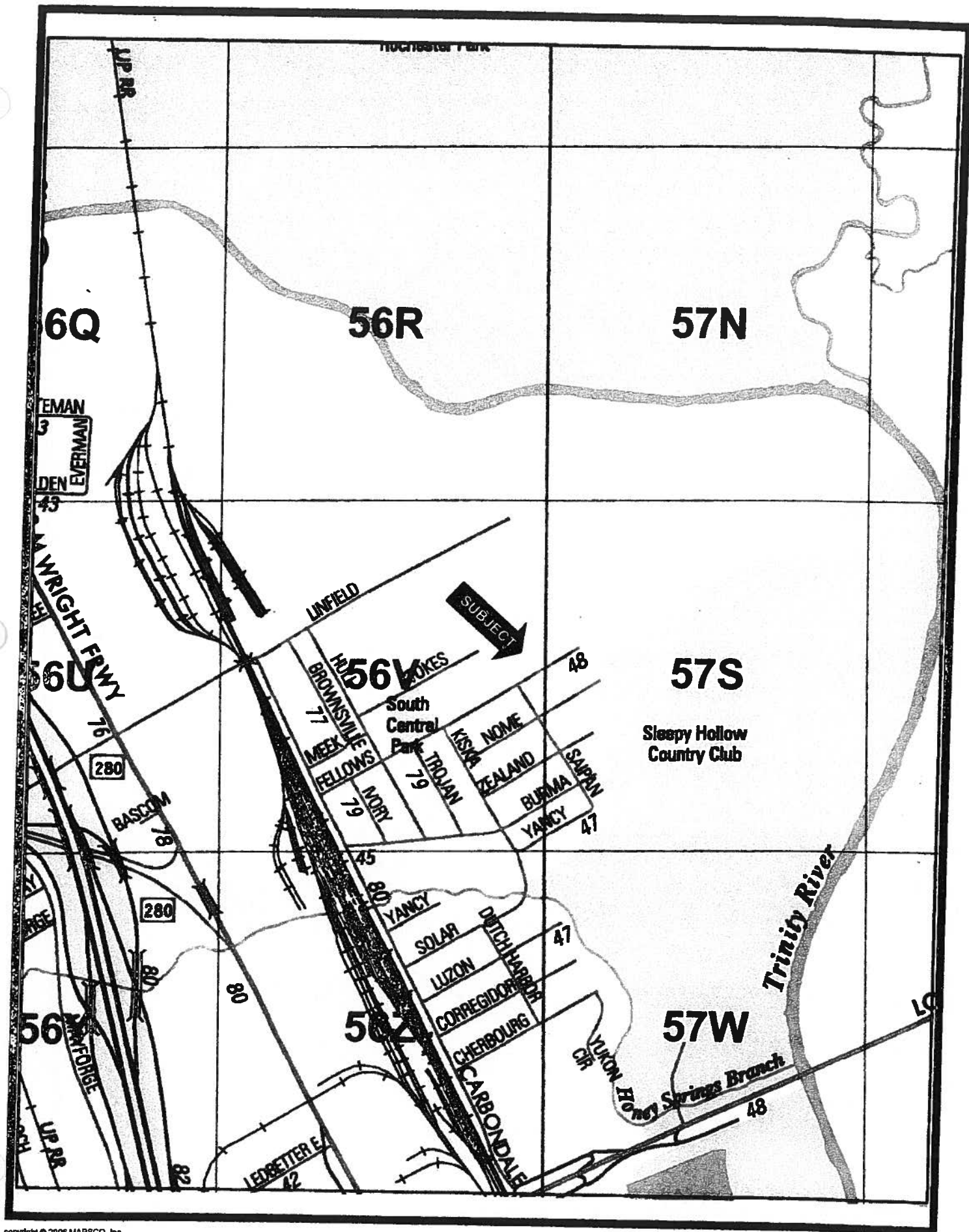
2006 Bond Funds - \$9,200 (\$7,200 plus closing costs and title expenses not to exceed \$2,000)

OWNERS

Harold Topletz
Jack Topletz

MAPS

Attached





Stokes Avenue

5/7642

South Central
Park

Fellows Lane

Saipan Street

Nome Street



Area to be Acquired

October 10, 2012

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 26,639 square feet 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": South Central/Joppa Gateway Project

"USE": The construction, installation, use, and maintenance of a parking lot, a pavilion and athletic fields for the South Central Park, together with such appurtenant facilities as may be necessarily provided.

"PROPERTY INTEREST": Fee Simple

"OWNER": Harold Topletz and Jack Topletz, 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": \$7,200.00

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

"AUTHORIZED AMOUNT": \$9,200.00

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 she may designate, is hereby authorized and directed to offer the OFFER AMOUNT as payment for the PROPERTY INTEREST in the PROPERTY.

October 10, 2012

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 2006 Bond Funds: \$7,200, Fund No. 8T00, Department PKR, Unit T283, Activity RFSI, Program No. PK06T283, Object 4210, Encumbrance No. CT-PKR12019345, CLOSING COSTS AND TITLE EXPENSES payable out of 2006 Bond Funds: \$2,000, Fund No. 8T00, Department PKR, Unit T283, Activity RFSI, Program No. PK06T283, Object 4230, Encumbrance No. CT-PKR12019345. 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.

SECTION 10. 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.

October 10, 2012

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:
THOMAS P. PERKINS, JR., City Attorney

BY 
Assistant City Attorney

**Field Notes Describing a 26,639 Square Foot (0.612 Acre)
Tract of Land To Be Acquired in City Block 5/7642
From Harold Topletz and Jack Topletz**

EXHIBIT A

Being a 26,639 Square Foot (0.612 Acre) tract of land situated in the Robinson T. Smith Survey, Abstract No. 1376, City of Dallas, Dallas County, Texas, and being a portion of Lot 5, Block 5/7642 (Official City of Dallas Block Numbers), of the Hines Subdivision, an addition to the City of Dallas, recorded in Volume 4, Page 206, of the Map Records of Dallas County, Texas, and being all of the property conveyed to Harold Topletz and Jack Topletz by Warranty Deed dated September 27, 1963 and recorded in Volume 166, Page 2678 of the Deed Records of Dallas County, Texas, and being more particularly described as follows:

BEGINNING at a 5/8 inch diameter Iron Rod with cap marked "CITY OF DALLAS" set on the Northwest Right-of-Way line of Fellows Avenue (a variable width Right-of-Way) being also the common line between the above mentioned Hines Subdivision and the Central Avenue Addition No. 3, an addition to the City of Dallas recorded in Volume 8, Page 231 of the Map Records of Dallas County, Texas, lying also on the common line between said Block 5/7642 and Block 7643 (Official City of Dallas Block Numbers) and the Southwest boundary line of a tract of land conveyed to the City of Dallas by Deed recorded in Instrument Number 20070277159 of the Official Public Records of Dallas County, Texas, at the most Easterly corner of said Lot 5 and of the herein described tract of land:

THENCE South 57°33'05" West, departing the common line between said Hines Subdivision and City of Dallas tract and with the common line between said Lot 5 and Fellows Avenue, a distance of 113.37 feet to a 60-D Nail with Washer marked "CITY OF DALLAS" set at the common Southeast corner with a tract of land conveyed to Clifford Montgomery and Tanner Montgomery, by Warranty Deed dated December 5, 1962 and recorded in Volume 19, Page 2007 of the Deed Records of Dallas County, Texas, being also the most Southerly corner of the herein described tract of land:

THENCE North 30°30'05" West, departing the last said common line between Fellows Avenue and Lot 5 and with the common line between said Topletz and Montgomery tracts, a distance of 234.99 feet to a 60-D Nail with Washer marked "CITY OF DALLAS" set on the common line between said Lot 5 and Lot 14 of said Hines Subdivision, being also the common Northwest corner of said Topletz and Montgomery tracts, and the most Westerly corner of the herein described tract of land:

THENCE North 59°59'52" East, departing the common line between said Topletz and Montgomery tracts and with the said common line between Lots 5 and 14, a distance of 115.81 feet to a 3/8 inch diameter Iron Rod found at the common Northeast corner of said Lots 5 and 14, being also the most Northerly corner of the herein described tract of land, and lying on the Southwest line of the above reference City of Dallas tract:

**Field Notes Describing a 26,639 Square Foot (0.612 Acre)
Tract of Land To Be Acquired In City Block 5/7642
From Harold Topletz and Jack Topletz**

EXHIBIT A

THENCE South 29°53'48" East, departing the said common Northeast corner of Lots 5 and 14 and with the Northeast line of Lot 5 and said Hines Addition, a distance of 230.14 feet to the **POINT OF BEGINNING**, containing 26,639 Square Feet, or 0.612 Acres of land.

BASIS OF BEARINGS: Bearings are based on the Texas State Plane Coordinate System, North Central Zone 4202, North American Datum of 1983.

Scott Holt
9/19/2012



**Robinson T. Smith
Survey
Abstract No. 1376**

Dallas Demolition
Excavating Company, Inc.
Volume 80150, Page 1980

**14
BLOCK
47641**

*Hines Subdivision
Vol. 4, Pg. 206*

**LOT 5
BLOCK
57642**

Sedalia Harris
Int. #201100161625
Int. #201100217357

Tanner Montgomery
Vol. 553, Pg. 1208

Dennis Topletz
Int. #201100290653

Tanner Montgomery
Vol. 19, Pg. 2007

Harold Topletz
& Jack Topletz
Vol. 166, Pg. 2678

City of Dallas
Int. #20070277159

**BLOCK
7643**

Sat 5/8" I.R.
wCOD
POINT OF
BEGINNING

3/8" I.R. Found
CONTROLLING
MONUMENT

**26,639 Square Foot
(0.612 Acre) Tract
To Be Acquired**

230.14' S 29°53'46" E

234.99' N 30°31'05" W

113.37' S 57°33'05" W

Sat 60-D Nail
wCOD Washer

Sat 60-D Nail
wCOD Washer

115.81' N 59°59'52" E

FELLOWS AVENUE
(Variable Right-of-Way)

Found Axle
Bears 1.17'
N 14°22'28" W

Found 3/4" I.P.
Bears 0.77'
N 15°30'10" W

*Central Ave. Addition No. 3
Volume 8, Page 231*

0 25 50



LOCATOR MAP: PARCEL #5

Page 3 of 3

| | | | |
|---|---|-------------|----------|
| | | | |
| Joppa Area Properties Parcel Acquisition | | | |
| Harold and Jack Topletz Tract | | | |
| PUBLIC WORKS DEPARTMENT | | | |
| SURVEY DIVISION CITY OF DALLAS, TEXAS | | | |
| OPERNAME | DESIGN FILE NAME | SCALE | DATE |
| Holt | H:\ENGR\SURVEY\HOLT\Joppa\Field Notes.dgn | As Noted | 6-22-12 |
| PARTY CHIEF | CALCULATIONS | FOLDER | FILE NO. |
| Peck | Holt | Block 7641 | 041D-64 |

AGENDA ITEM # 31

KEY FOCUS AREA: Better Cultural, Arts and Recreational Amenities

AGENDA DATE: October 10, 2012

COUNCIL DISTRICT(S): 4

DEPARTMENT: Trinity Watershed Management
Park & Recreation

CMO: Jill A. Jordan, P.E., 670-5299
Paul D. Dyer, 670-4071

MAPSCO: 56 V

SUBJECT

Authorize acquisition, including the exercise of the right of eminent domain if such becomes necessary, from Tanner Montgomery, of two unimproved tracts of land containing a total of approximately 35,978 square feet located near the intersection of Fellows Lane and Saipan Street for the South Central/Joppa Gateway Project - Not to exceed \$11,800 (\$9,800 plus closing costs and title expenses not to exceed \$2,000) – Financing: 2006 Bond Funds

BACKGROUND

This item authorizes the acquisition of two unimproved tracts of land containing a total of approximately 35,978 square feet from Tanner Montgomery. This property is located near the intersection of Fellows Lane and Saipan Street and will be used for the South Central/Joppa Gateway Project. The consideration is based upon an independent appraisal.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

This item has no prior action.

FISCAL INFORMATION

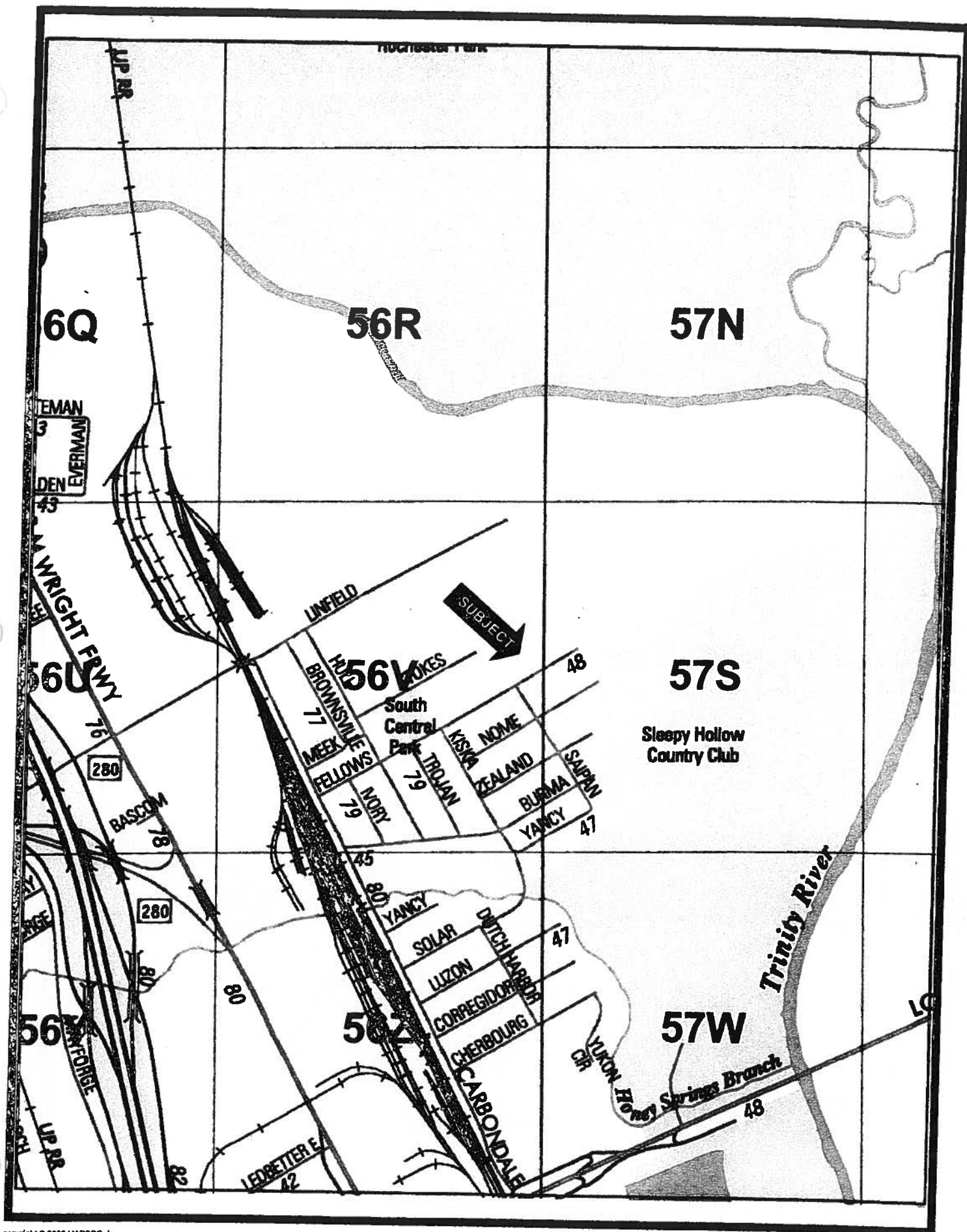
2006 Bond Funds - \$11,800 (\$9,800 plus closing costs and title expenses not to exceed \$2,000)

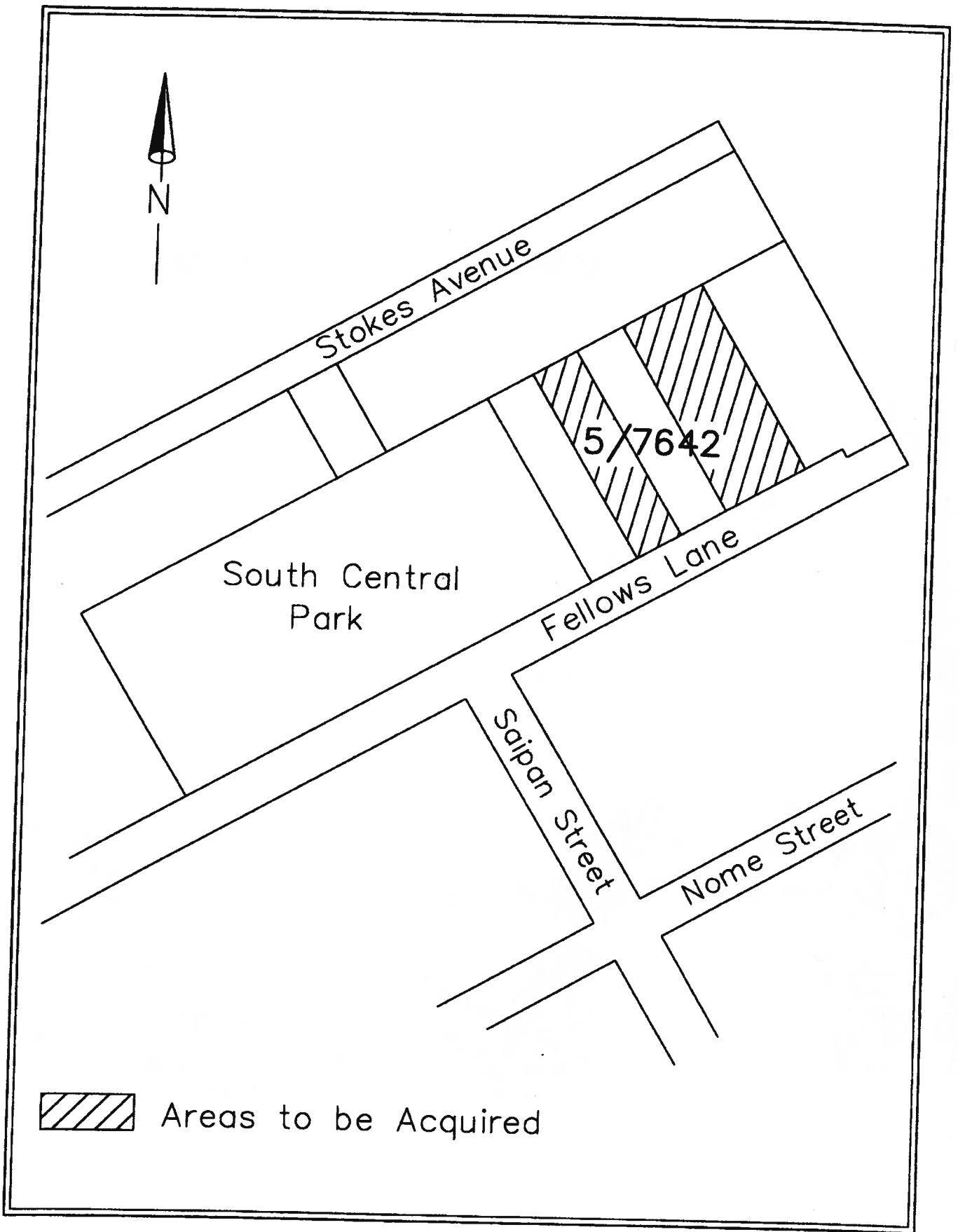
OWNER

Tanner Montgomery

MAPS

Attached





October 10, 2012

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 35,978 square feet 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": South Central/Joppa Gateway Project

"USE": The construction, installation, use, and maintenance of a parking lot, a pavilion and athletic fields for the South Central Park, together with such appurtenant facilities as may be necessarily provided.

"PROPERTY INTEREST": Fee Simple

"OWNER": Tanner Montgomery, 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": \$9,800.00

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

"AUTHORIZED AMOUNT": \$11,800.00

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 she may designate, is hereby authorized and directed to offer the OFFER AMOUNT as payment for the PROPERTY INTEREST in the PROPERTY.

October 10, 2012

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 2006 Bond Funds: \$9,800, Fund No. 8T00, Department PKR, Unit T283, Activity RFSI, Program No. PK06T283, Object 4210, Encumbrance No. CT-PKR12019345, CLOSING COSTS AND TITLE EXPENSES payable out of 2006 Bond Funds: \$2,000, Fund No. 8T00, Department PKR, Unit T283, Activity RFSI, Program No. PK06T283, Object 4230, Encumbrance No. CT-PKR12019345. 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.

October 10, 2012

SECTION 10. 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 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:

THOMAS P. PERKINS, JR., City Attorney

BY


Assistant City Attorney

**Field Notes Describing a 12,173 Square Foot (0.279 Acre)
Tract of Land To Be Acquired in City Block 5/7642
From Tanner Montgomery**

Being a 12,173 Square Foot (0.279 Acre) tract of land situated in the Robinson T. Smith Survey, Abstract No. 1376, City of Dallas, Dallas County, Texas, and being a portion of Lot 5, Block 5/7642 (Official City of Dallas Block Numbers), of the Hines Subdivision, an addition to the City of Dallas, recorded in Volume 4, Page 206, of the Map Records of Dallas County, Texas, and being all of the property conveyed to Clifford Montgomery and Tanner Montgomery, by Warranty Deed dated April 22, 1965 and recorded in Volume 553, Page 1208 of the Deed Records of Dallas County, Texas, and being more particularly described as follows:

BEGINNING at a 60-D Nail with washer marked "CITY OF DALLAS" (hereinafter referred to as "60-D Nail w/COD Washer") set on the Northwest Right-of-Way line of Fellows Avenue (a variable width Right-of-Way) being also the common line between the above mentioned Hines Subdivision and Central Avenue Addition No. 3, an addition to the City of Dallas recorded in Volume 8, Page 231 of the Map Records of Dallas County, Texas, and the Southeast line of said Lot 5, being also the common Southeast corner of a tract of land conveyed to Sedalia Harris by Special Warranty Deeds recorded in Instruments Number 201100181625 and 201100217357 of the Official Public Records of Dallas County, Texas, and the most Easterly corner of the herein described tract of land:

THENCE South 57°33'05" West with the said common line between Fellows Avenue and Lot 5 a distance of 50.23 feet to the most Southerly corner of the herein described tract of land, being a common Southeast corner with a tract of land conveyed to Dennis Topletz, by deed recorded in Instrument Number 201100290653 of the Official Public Records of Dallas County, Texas (not monumented), from which a ½ inch diameter Iron Rod found bears North 28°34'24" East a distance of 0.25 feet:

THENCE North 30°31'05" West, departing the last said common line between Lot 5 and Fellows Avenue, over and across a portion of said Lot 5 a distance of 243.57 feet to a 60-D Nail w/COD Washer set on the common line between said Lot 5 and Lot 12 of said Hines Subdivision, being the common Northwest corner of said Topletz and Montgomery tracts, and the most Westerly corner of the herein described tract of land:

**Field Notes Describing a 12,173 Square Foot (0.279 Acre)
Tract of Land To Be Acquired in City Block 5/7642
From Tanner Montgomery**

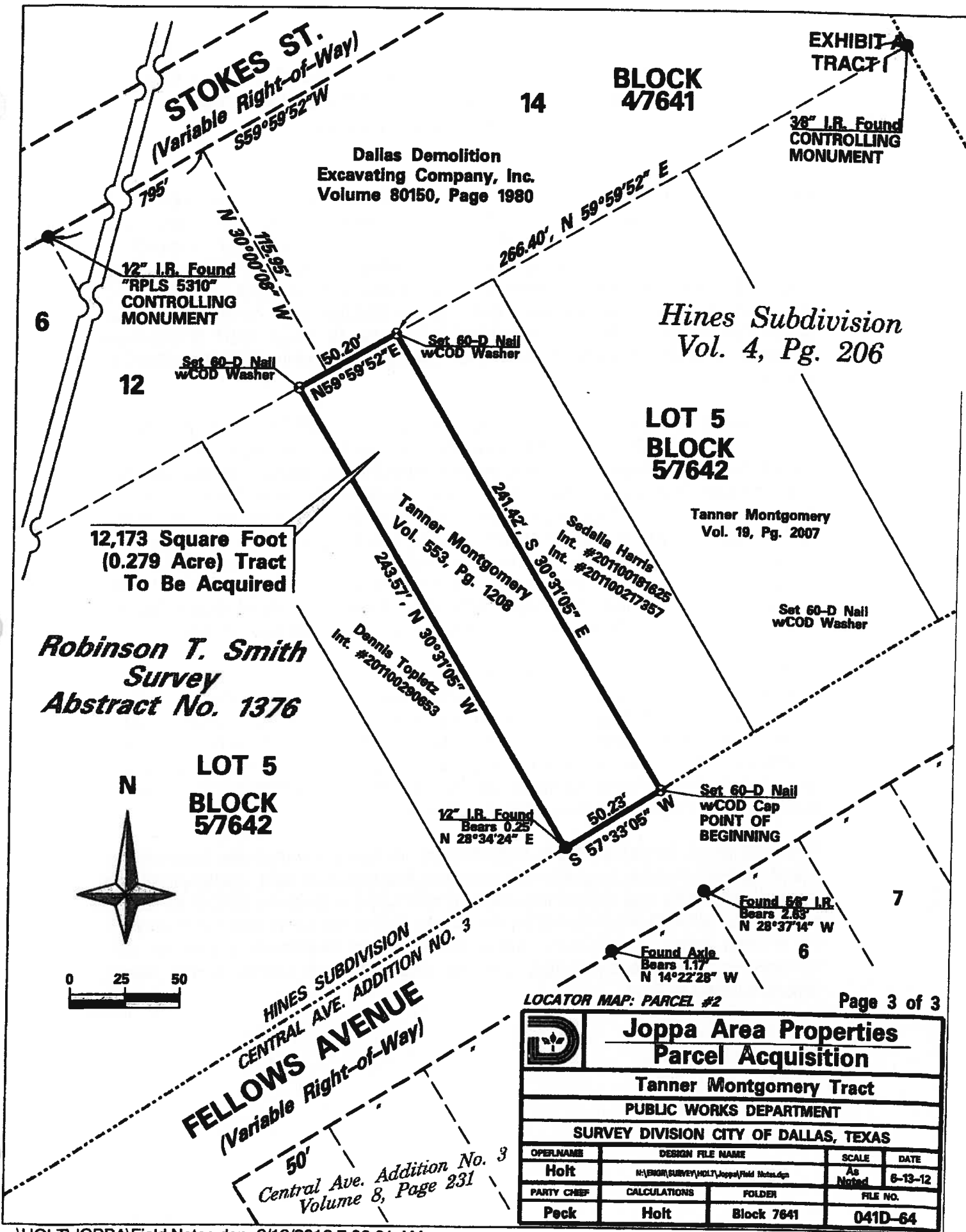
THENCE North 59°59'52" East, departing the common line between said Montgomery and Topletz tracts and with the said common line between Lots 5 and 12, a distance of 50.20 feet to a 60-D Nail w/COD Washer set at the most Northerly corner of the herein described tract of land, being also the common Northwest corner with said Harris tract and on the common line between said Lot 5 and Lot 14 of said Hines Subdivision, from which a 3/8 inch diameter Iron Rod found at the most Northerly corner of said Lot 5 bears North 59°59'52" East a distance of 266.40 feet:

THENCE South 30°31'05" East with the common line between said Montgomery and Harris tracts, a distance of 241.42 feet to the **POINT OF BEGINNING**, containing 12,173 Square Feet, or 0.279 Acres of land.

BASIS OF BEARINGS: Bearings are based on the Texas State Plane Coordinate System, North Central Zone 4202, North American Datum of 1983.

Scott Holt
9/19/2012





**Field Notes Describing a 23,805 Square Foot (0.546 Acre)
Tract of Land To Be Acquired in City Block 5/7642
From Tanner Montgomery**

Being a 23,805 Square Foot (0.546 Acre) tract of land situated in the Robinson T. Smith Survey, Abstract No. 1376, City of Dallas, Dallas County, Texas, and being a portion of Lot 5, Block 5/7642 (Official City of Dallas Block Numbers), of the Hines Subdivision, an addition to the City of Dallas, recorded in Volume 4, Page 206, of the Map Records of Dallas County, Texas, and being all of the property conveyed to Clifford Montgomery and Tanner Montgomery, by Warranty Deed dated December 5, 1962 and recorded in Volume 19, Page 2007 of the Deed Records of Dallas County, Texas, and being more particularly described as follows:

BEGINNING at a 60-D Nail with washer marked "CITY OF DALLAS" (hereinafter referred to as "60-D Nail w/COD Washer") set on the Northwest Right-of-Way line of Fellows Avenue (a variable width Right-of-Way) being also the common line between the above mentioned Hines Subdivision and Central Avenue Addition No. 3, an addition to the City of Dallas recorded in Volume 8, Page 231 of the Map Records of Dallas County, Texas, and the Southeast line of said Lot 5, being also the common Southeast corner with a tract of land conveyed to Harold Topletz and Jack Topletz by Warranty Deed dated September 27, 1963 and recorded in Volume 166, Page 2678 of the Deed Records of Dallas County, Texas, and the most Easterly corner of the herein described tract of land:

THENCE South 57°33'05" West, departing the common line between said Montgomery and Topletz tracts and with the said common line between Fellows Avenue and Lot 5 a distance of 100.44 feet to a 60-D Nail w/COD Washer set at the most Southerly corner of the herein described tract of land, being a common Southeast corner with a tract of land conveyed to Sedalia Harris, by deeds recorded in Instruments Number 201100181625, and 201100217357 of the Official Public Records of Dallas County, Texas:

THENCE North 30°31'05" West, departing the last said common line between Lot 5 and Fellows Avenue and with the common line between said Montgomery and Harris tracts, over and across a portion of said Lot 5 a distance of 239.28 feet to a 60-D Nail w/COD Washer set on the common line between said Lot 5 and Lot 14 of said Hines Subdivision, being the common Northwest corner of said Montgomery and Harris tracts, and the most Westerly corner of the herein described tract of land:

**Field Notes Describing a 23,805 Square Foot (0.546 Acre)
Tract of Land To Be Acquired in City Block 5/7642
From Tanner Montgomery**

THENCE North 59°59'52" East, departing the common line between said Montgomery and Harris tracts and with the said common line between Lots 5 and 14, a distance of 100.39 feet to a 60-D Nail w/COD Washer set at the most Northerly corner of the herein described tract of land, being also the common Northwest corner of said Montgomery and Topletz tracts, from which a 3/8 inch diameter Iron Rod (controlling monument) found at the most Northerly corner of said Lot 5 bears North 59°59'52" East a distance of 115.81 feet:

THENCE South 30°31'05" East with the common line between said Montgomery and Topletz tracts, a distance of 234.99 feet to the **POINT OF BEGINNING**, containing 23,805 Square Feet, or 0.546 Acres of land.

BASIS OF BEARINGS: Bearings are based on the Texas State Plane Coordinate System, North Central Zone 4202, North American Datum of 1983.

Scott Holt
9/19/2012



STOKES ST.
(Variable Right-of-Way)

Hines Subdivision
Vol. 4, Pg. 206

Robinson Smith
Survey
Abstract No. 1376

Dallas Demolition
Excavating Company, Inc.
Volume 80150, Page 1980

BLOCK
47641

14

Set 60-D Nail
w/COD Washer

115.81' N 59°59'52" E

38" I.R. Found
CONTROLLING
MONUMENT

N



0 25 50

City of Dallas
Int. #20070277159

Set 60-D Nail
w/COD Washer

100.39'
N 59°59'52" E

LOT 5
BLOCK
57642

Harold Topletz
& Jack Topletz
Vol. 166, Pg. 2678

LOT 5
BLOCK
57642

Sedalia Harris
Int. #201100161625
Int. #201100217357

Tanner Montgomery
Vol. 19, Pg. 2007

239.28' N30°31'05"W

234.99' S30°31'05"E

23,805 Square Foot
(0.546 Acre) Tract
To Be Acquired

Tanner Montgomery
Vol. 553, Pg. 1208

Dennis Topletz
Int. #201100290653

Set 60-D Nail
w/COD Washer

100.44'
S 57°33'05" W

Set 60-D Nail
w/COD Washer
POINT OF
BEGINNING

12" I.R. Found
Bears 0.25'
N 28°34'24" E

Found Axis
Bears 1.17'
N 14°22'28" W


Found 34" I.P.
Bears 0.77'
N 15°30'10" W

FELLOWS AVENUE
(Variable Right-of-Way)

Central Ave. Addition No. 3
Volume 8, Page 231

LOCATOR MAP: PARCEL #4

Page 3 of 3

| | | | |
|---|---|------------|----------|
|  | | | |
| Joppa Area Properties | | | |
| Parcel Acquisition | | | |
| Tanner Montgomery Tract II | | | |
| PUBLIC WORKS DEPARTMENT | | | |
| SURVEY DIVISION CITY OF DALLAS, TEXAS | | | |
| OPERNAME | DESIGN FILE NAME | SCALE | DATE |
| Holt | N:\ESRI\SURVEY\HOLT\Joppa\Field Notes.dgn | As Noted | 6-12-12 |
| PARTY CHIEF | CALCULATIONS | FOLDER | FILE NO. |
| Peck | Holt | Block 7641 | 041D-64 |

AGENDA ITEM # 32

KEY FOCUS AREA: Better Cultural, Arts and Recreational Amenities

AGENDA DATE: October 10, 2012

COUNCIL DISTRICT(S): 4

DEPARTMENT: Trinity Watershed Management
Park & Recreation

CMO: Jill A. Jordan, P.E., 670-5299
Paul D. Dyer, 670-4071

MAPSCO: 56 V

SUBJECT

Authorize acquisition, including the exercise of the right of eminent domain if such becomes necessary, from Sedalia Harris, of an improved tract of land containing approximately 12,066 square feet located near the intersection of Fellows Lane and Saipan Street for the South Central/Joppa Gateway Project - Not to exceed \$19,200 (\$17,000 plus closing costs and title expenses not to exceed \$2,200) – Financing: 2006 Bond Funds

BACKGROUND

This item authorizes the acquisition of approximately 12,066 square feet of land improved with a 1,067 square foot residential structure from Sedalia Harris. This property is located near the intersection of Fellows Lane and Saipan Street and will be used for the South Central/Joppa Gateway Project. Future relocation assistance may be required. The consideration is based upon an independent appraisal.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

This item has no prior action.

FISCAL INFORMATION

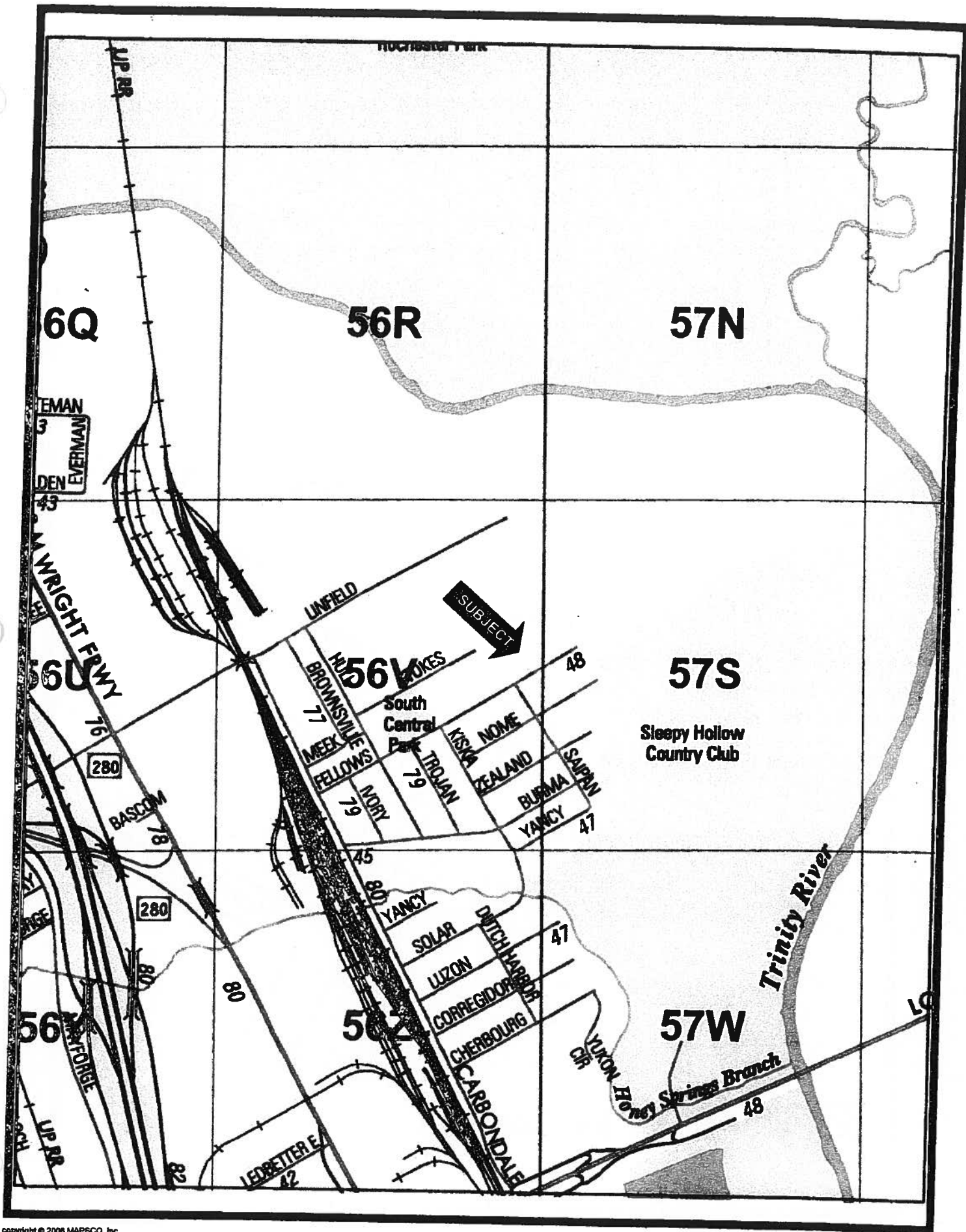
2006 Bond Funds - \$19,200 (\$17,000 plus closing costs and title expenses not to exceed \$2,200)

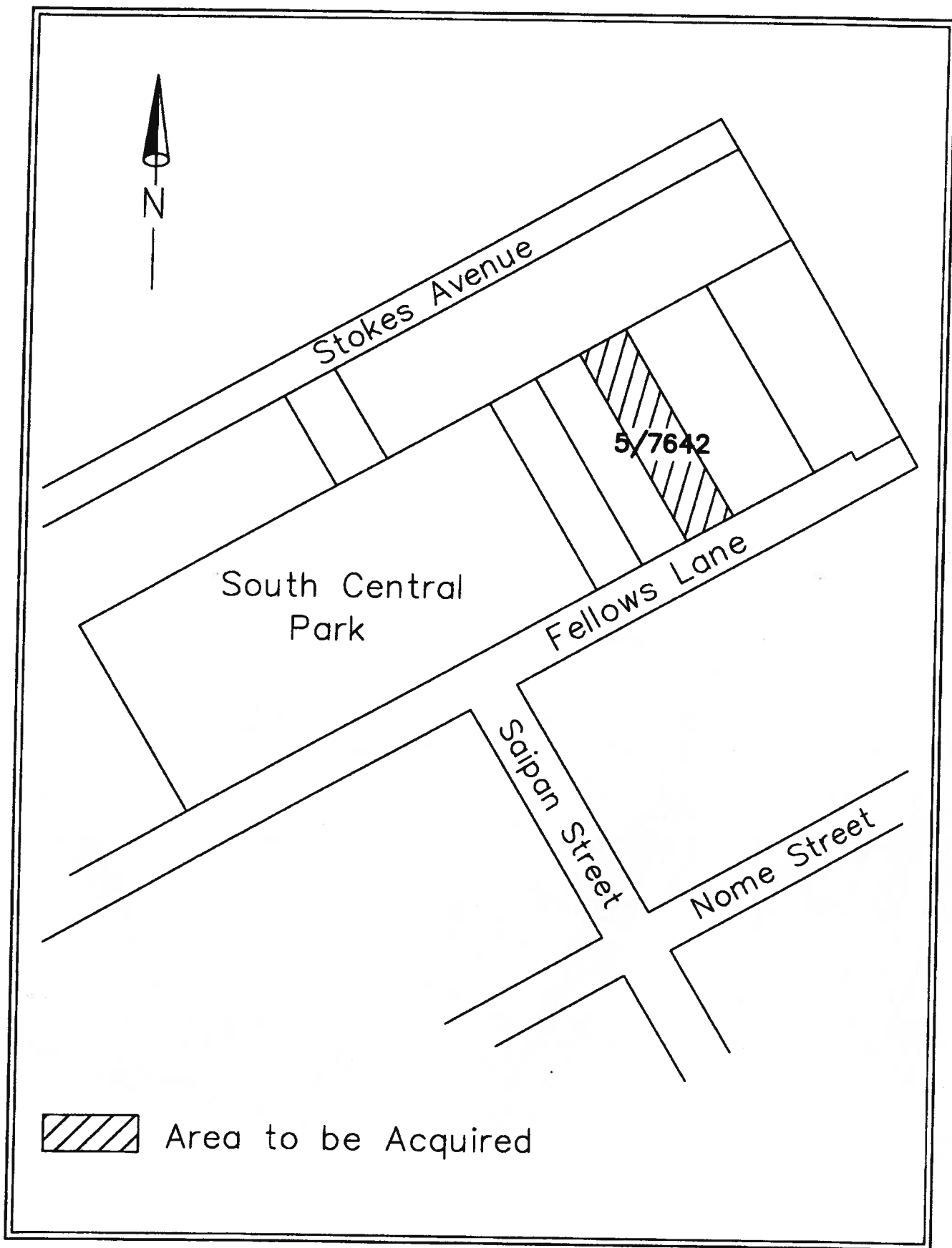
OWNER

Sedalia Harris

MAPS

Attached





October 10, 2012

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 12,066 square feet 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": South Central/Joppa Gateway Project

"USE": The construction, installation, use, and maintenance of a parking lot, a pavilion and athletic fields for the South Central Park, together with such appurtenant facilities as may be necessarily provided.

"PROPERTY INTEREST": Fee Simple

"OWNER": Sedalia Harris, 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": \$17,000.00

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

"AUTHORIZED AMOUNT": \$19,200.00

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 she may designate, is hereby authorized and directed to offer the OFFER AMOUNT as payment for the PROPERTY INTEREST in the PROPERTY.

October 10, 2012

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 2006 Bond Funds: \$17,000, Fund No. 8T00, Department PKR, Unit T283, Activity RFSI, Program No. PK06T283, Object 4210, Encumbrance No. CT-PKR12019345, CLOSING COSTS AND TITLE EXPENSES payable out of 2006 Bond Funds: \$2,200, Fund No. 8T00, Department PKR, Unit T283, Activity RFSI, Program No. PK06T283, Object 4230, Encumbrance No. CT-PKR12019345. 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.

SECTION 10. 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.

October 10, 2012

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:
THOMAS P. PERKINS, JR., City Attorney

BY


Assistant City Attorney

**Field Notes Describing a 12,066 Square Foot (0.277 Acre)
Tract of Land To Be Acquired in City Block 5/7642
From Sedalia Harris**

EXHIBIT A

Being a 12,066 Square Foot (0.277 Acre) tract of land situated in the Robinson T. Smith Survey, Abstract No. 1376, City of Dallas, Dallas County, Texas, and being a portion of Lot 5, Block 5/7642 (Official City of Dallas Block Numbers), of the Hines Subdivision, an addition to the City of Dallas, recorded in Volume 4, Page 206, of the Map Records of Dallas County, Texas, and being all of the property conveyed to Sedalia Harris by Special Warranty Deeds, the first dated July 12, 2011 and recorded in Instrument Number 201100181625, the second dated August 16, 2011 and recorded in Instrument Number 201100217357, of the Official Public Records of Dallas County, Texas, and being more particularly described as follows:

BEGINNING at a 60-D Nail with washer marked "CITY OF DALLAS" (hereinafter referred to as "60-D Nail w/COD Washer") set on the Northwest Right-of-Way line of Fellows Avenue (a variable width Right-of-Way) being also the common line between the above mentioned Hines Subdivision and Central Avenue Addition No. 3, an addition to the City of Dallas recorded in Volume 8, Page 231 of the Map Records of Dallas County, Texas, and the Southeast line of said Lot 5, being also the common Southeast corner with said Harris tract and a tract of land conveyed to Clifford Montgomery and Tanner Montgomery by deed recorded in Volume 19, Page 2007 of the Deed Records of Dallas County, Texas, and the most Easterly corner of the herein described tract of land:

THENCE South 57°33'05" West, departing the common line between said Harris and Montgomery tracts and with the said common line between Fellows Avenue and Lot 5, a distance of 50.23 feet to a 60-D Nail w/COD Washer set at the most Southerly corner of the herein described tract of land, being also the common Southeast corner with said Harris tract and a tract of land conveyed to Tanner Montgomery, by deed recorded in Volume 553, Page 1208 of the Deed Records of Dallas County, Texas:

THENCE North 30°31'05" West, departing the last said common line between Lot 5 and Fellows Avenue and with the common line between said Harris and Montgomery tracts, over and across a portion of said Lot 5 a distance of 241.42 feet to a 60-D Nail w/COD Washer set on the common line between said Lot 5 and Lot 14 of said Hines Subdivision, being the common Northwest corner of said Harris and Montgomery tracts, and the most Westerly corner of the herein described tract of land:

**Field Notes Describing a 12,066 Square Foot (0.277 Acre)
Tract of Land To Be Acquired in City Block 5/7642
From Sedalia Harris**

EXHIBIT A

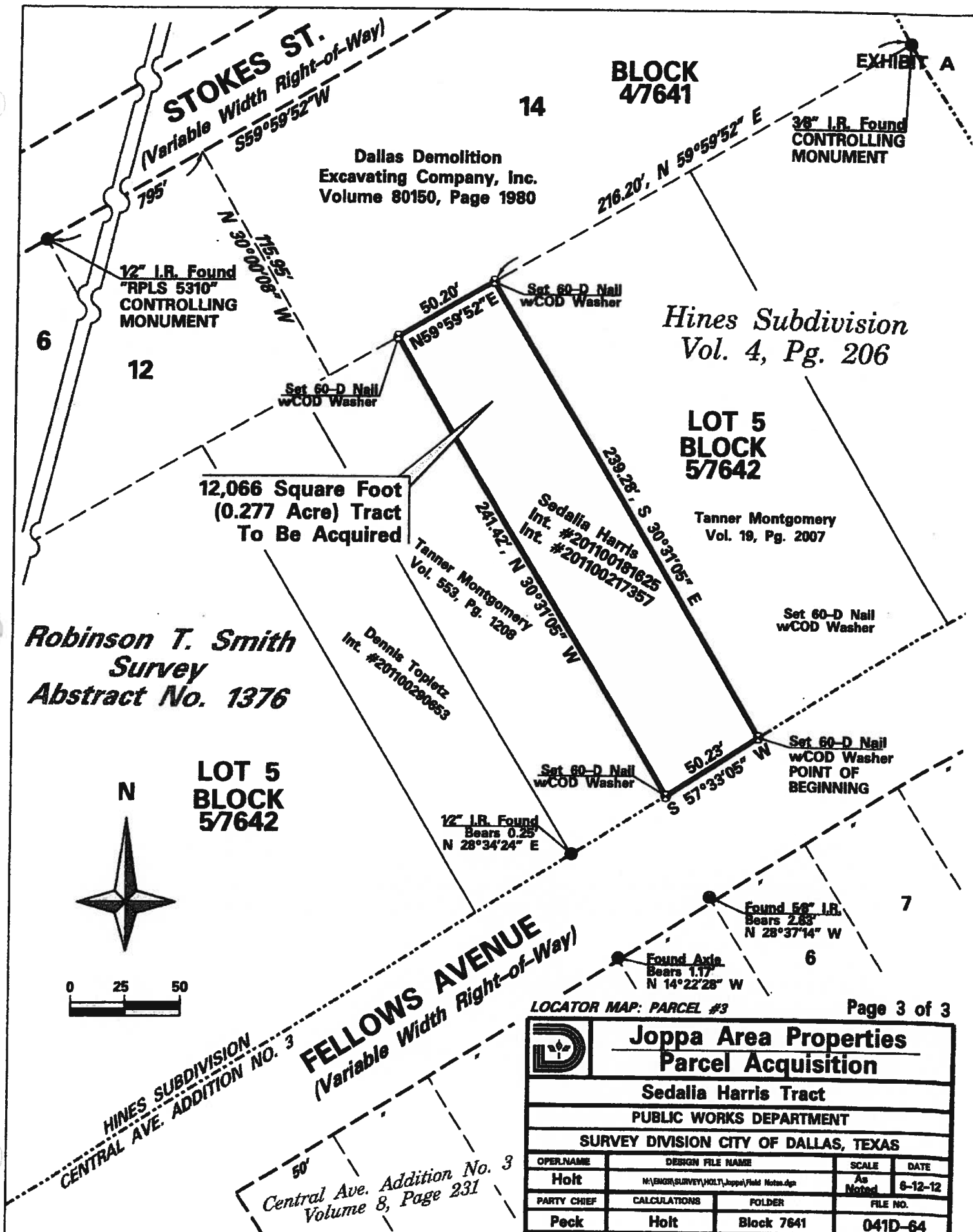
THENCE North 59°59'52" East, departing the common line between said Harris and Montgomery tracts and with the said common line between Lots 5 and 14, a distance of 50.20 feet to a 60-D Nail w/COD Washer set at the most Northerly corner of the herein described tract of land and the common Northwest corner of said Harris and Montgomery tracts, lying on the common line between said Lots 5 and 14 of said Hines Subdivision, from which a 3/8 inch diameter Iron Rod (controlling monument) found at the most Northerly corner of said Lot 5 bears North 59°59'52" East a distance of 216.20 feet:

THENCE South 30°31'05" East, departing the last said common line between Lots 5 and 14 and with the common line between said Montgomery and Harris tracts, a distance of 239.28 feet to the **POINT OF BEGINNING**, containing 12,066 Square Feet, or 0.277 Acres of land.

BASIS OF BEARINGS: Bearings are based on the Texas State Plane Coordinate System, North Central Zone 4202, North American Datum of 1983.


Scott Holt
9/19/2012





LOCATOR MAP: PARCEL #3

Page 3 of 3

| | | | |
|---|--|------------|----------|
|  Joppa Area Properties Parcel Acquisition | | | |
| Sedalia Harris Tract | | | |
| PUBLIC WORKS DEPARTMENT | | | |
| SURVEY DIVISION CITY OF DALLAS, TEXAS | | | |
| OPERNAME | DESIGN FILE NAME | SCALE | DATE |
| Holt | N:\ENGIN\SURVEY\HOLT\Joppa\Field Notes.dgn | As Noted | 6-12-12 |
| PARTY CHIEF | CALCULATIONS | FOLDER | FILE NO. |
| Peck | Holt | Block 7641 | 041D-64 |

AGENDA ITEM # 33

KEY FOCUS AREA: Better Cultural, Arts and Recreational Amenities

AGENDA DATE: October 10, 2012

COUNCIL DISTRICT(S): 4

DEPARTMENT: Trinity Watershed Management
Park & Recreation

CMO: Jill A. Jordan, P.E., 670-5299
Paul D. Dyer, 670-4071

MAPSCO: 56 V

SUBJECT

Authorize acquisition, including the exercise of the right of eminent domain if such becomes necessary, from Dennis Topletz, of an improved tract of land containing approximately 12,198 square feet located near the intersection of Fellows Lane and Saipan Street for the South Central/Joppa Gateway Project - Not to exceed \$22,000 (\$19,000 plus closing costs and title expenses not to exceed \$3,000) – Financing: 2006 Bond Funds

BACKGROUND

This item authorizes the acquisition of approximately 12,198 square feet of land improved with a 1,235 square foot residential structure from Dennis Topletz. This property is located near the intersection of Fellows Lane and Saipan Street and will be used for the South Central/Joppa Gateway Project. Future relocation assistance may be required. The consideration is based upon an independent appraisal.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

This item has no prior action.

FISCAL INFORMATION

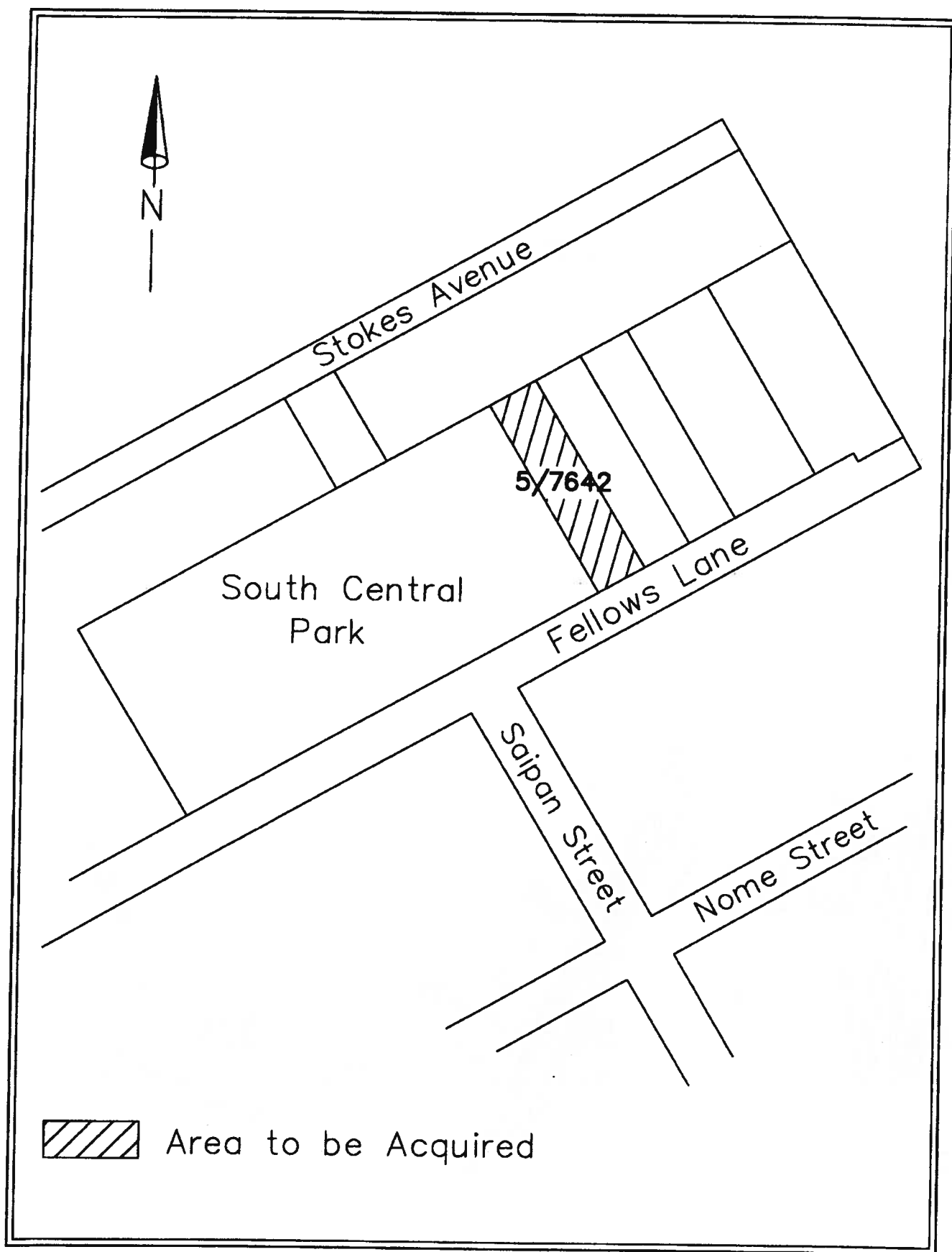
2006 Bond Funds - \$22,000 (\$19,000 plus closing costs and title expenses not to exceed \$3,000)

OWNER

Dennis Topletz

MAPS

Attached



October 10, 2012

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 12,198 square feet 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": South Central/Joppa Gateway Project

"USE": The construction, installation, use, and maintenance of a parking lot, a pavilion and athletic fields for the South Central Park, together with such appurtenant facilities as may be necessarily provided.

"PROPERTY INTEREST": Fee Simple

"OWNER": Dennis Topletz, 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": \$19,000.00

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

"AUTHORIZED AMOUNT": \$22,000.00

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.

October 10, 2012

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 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 then current owner of record, or the title company closing the transaction described herein in the OFFER AMOUNT payable out of 2006 Bond Funds: \$19,000, Fund No. 8T00, Department PKR, Unit T283, Activity RFSI, Program No. PK06T283, Object 4210, Encumbrance No. CT-PKR12019345, CLOSING COSTS AND TITLE EXPENSES payable out of 2006 Bond Funds: \$3,000, Fund No. 8T00, Department PKR, Unit T283, Activity RFSI, Program No. PK06T283, Object 4230, Encumbrance No. CT-PKR12019345. The OFFER AMOUNT, CLOSING COSTS and TITLE EXPENSES together shall not exceed the AUTHORIZED AMOUNT.

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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.

October 10, 2012

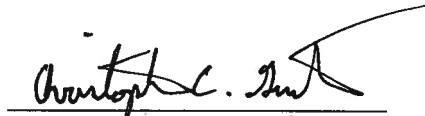
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SECTION 11. That this resolution shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so resolved.

APPROVED AS TO FORM:

THOMAS P. PERKINS, JR., City Attorney

BY



Assistant City Attorney

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Tract of Land To Be Acquired in City Block 5/7642
From Dennis Topletz**

EXHIBIT A

Being a 12,198 Square Foot (0.28 Acre) tract of land situated in the Robinson T. Smith Survey, Abstract No. 1376, City of Dallas, Dallas County, Texas, and being a portion of Lot 5, Block 5/7642 (Official City of Dallas Block Numbers), of the Hines Subdivision, an addition to the City of Dallas, recorded in Volume 4, Page 206, of the Map Records of Dallas County, Texas, and being all of the property conveyed to Dennis Topletz by General Warranty Deed dated November 1, 2011 and recorded in Instrument Number 201100290653 of the Official Public Records of Dallas County, Texas, and being more particularly described as follows:

BEGINNING at a 5/8 inch diameter Iron Rod with cap marked "CITY OF DALLAS" set on the Northwest Right-of-Way line of Fellows Avenue (a variable width Right-of-Way) being also the common line between the above mentioned Hines Subdivision and the Central Avenue Addition No. 3, an addition to the City of Dallas recorded in Volume 8, Page 231 of the Map Records of Dallas County, Texas, and the Southeast line of said Lot 5, at the common Southeast corner with a tract of land conveyed to the City of Dallas by Deed recorded in Volume 5438, Page 645 of the Deed Records of Dallas County, Texas, being also the most Southerly corner of the herein described tract of land:

THENCE North 30°31'05" West, departing the last said Northwest line of Fellows Avenue and with the common line between said Dennis Topletz and City of Dallas Tracts, over and across a portion of Lot 5 a distance of 245.70 feet to the most Westerly corner of the herein described tract of land, lying on the common line between said Lot 5 and Lot 12 of said Hines Subdivision (unable to monument):

THENCE North 59°59'52" East, departing the common line between said Dennis Topletz and City of Dallas tracts and with the said common line between Lots 5 and 12, a distance of 49.86 feet to a 60-D Nail with Washer marked "CITY OF DALLAS" set at the most Northerly corner of the herein described tract of land, at the common Northwest corner with a tract of land conveyed to Clifford Montgomery and Tanner Montgomery by deed recorded in Volume 553, Page 1208 of the Deed Records of Dallas County, Texas:

THENCE South 30°31'05" East, departing the last said common line between Lots 5 and 12 and with the common line between said Dennis Topletz and Montgomery tracts, a distance of 243.57 feet to the intersection with the above referenced common line between Lot 5 and Fellows Lane, being the most Easterly corner of the herein described tract of land, from which a ½ inch diameter Iron Rod (found) bears North 28°34'24" East a distance of 0.25 feet (corner not monumented):

**Field Notes Describing a 12,198 Square Foot (0.28 Acre)
Tract of Land To Be Acquired in City Block 5/7642
From Dennis Topletz**

EXHIBIT A

THENCE South 57°33'05" West, departing the common line between said Dennis Topletz and Montgomery tracts and with the said common line between Lot 5 and Fellows Lane, a distance of 49.89 feet to the **POINT OF BEGINNING**, containing 12,198 Square Feet, or 0.28 Acres of land.

BASIS OF BEARINGS: Bearings are based on the Texas State Plane Coordinate System, North Central Zone 4202, North American Datum of 1983.

Scott Holt
9/19/2012



