

May 13, 2020

**A RESOLUTION AUTHORIZING AN INCREASED OFFER AMOUNT FOR THE ACQUISITION OF REAL PROPERTY.**

**WHEREAS**, the Dallas City Council by the FIRST RESOLUTION found that the USE of the PROPERTY INTEREST in and to the PROPERTY for the PROJECT is a public use; and

**WHEREAS**, the Dallas City Council by the FIRST RESOLUTION found that a public necessity requires that CITY acquire the PROPERTY INTEREST in and to the PROPERTY from OWNER for the PROJECT; and

**WHEREAS**, the Dallas City Council by the FIRST RESOLUTION authorized acquisition, by purchase, of the PROPERTY INTEREST in and to the PROPERTY held by OWNER for the PROJECT; and

**WHEREAS**, OWNER refused to sell the PROPERTY INTEREST in and to the PROPERTY to CITY for the ORIGINAL OFFICIAL OFFER AMOUNT contained in the FIRST RESOLUTION; and

**WHEREAS**, the Dallas City Council by the Second Resolution authorized the City Attorney to acquire the PROPERTY INTEREST in and to the PROPERTY by condemnation for the ORIGINAL OFFICIAL OFFER AMOUNT; and

**WHEREAS**, the SECOND RESOLUTION had a ministerial error in that the wrong use was listed; and

**WHEREAS**, the Dallas City Council desires to authorize the City Attorney to acquire the PROPERTY INTEREST in and to the PROPERTY by condemnation for the USE and REVISED OFFICIAL OFFER AMOUNT stated herein.

**Now, Therefore,**

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

**SECTION 1.** For the purposes of this resolution, the following definitions shall apply:

“CITY”: The City of Dallas

“FIRST RESOLUTION”: Resolution No. 17-1556 approved by the Dallas City Council on September 27, 2017, which is incorporated herein by reference.

“SECOND RESOLUTION”: Resolution No. 18-0822 approved by the Dallas City Council on June 13, 2018, authorizing filing of a condemnation proceeding, which is incorporated herein by reference.

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**SECTION 1.** (continued)

"PROPERTY": Approximately 5,379 square feet of land located in Van Zandt County, Texas, and being the same property more particularly described in "Exhibit A", attached hereto and made a part hereof for all purposes.

"PROPERTY INTEREST": Fee Simple

"PROJECT": Lake Tawakoni 144-inch Transmission Pipeline Project

"USE": The installation, use, and maintenance of a pipeline or lines for the transmission of treated water, together with such appurtenant facilities as may be necessary, however, to the extent fee title to the PROPERTY is acquired through instrument, such title in and to the PROPERTY shall not be limited to, or otherwise deemed restricted to, the USE herein provided.

"OWNER": Harold J. Baber, provided, however, that the term "OWNER" as used in this resolution means all persons or entities having an ownership interest, regardless of whether those persons or entities are actually named herein.

"ORIGINAL OFFICIAL OFFER AMOUNT": \$27,750

"REVISED OFFICIAL OFFER AMOUNT": \$28,000

"CLOSING COSTS AND TITLE EXPENSES": Not to exceed \$1,950

"AUTHORIZED AMOUNT": Not to exceed \$90,415 (REVISED OFFICIAL OFFER AMOUNT plus CLOSING COSTS AND TITLE EXPENSES)

"DESIGNATED FUNDS":

\$29,700 from Water Construction Fund, Fund 0102, Department DWU, Unit CW20, Activity RWPT, Program 704041, Object 4210, Encumbrance/Contract No.CX-DWU-2017-00002861.

\$250 from Water Construction Fund, Fund 0102, Department DWU, Unit CW20, Activity RWPT, Program 704041, Object 4210, Encumbrance/Contract No.CX-DWU-2020-00013389.

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**SECTION 2.** That 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 out of and charged to the DESIGNATED FUNDS.

**SECTION 3.** That the City Attorney is authorized and requested to file the necessary proceeding and take the necessary action for the acquisition of the PROPERTY INTEREST in and to the PROPERTY by condemnation or in any manner provided by law.

**SECTION 4.** That in the event it is subsequently determined that additional persons or entities 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 proceeding and/or suit.

**SECTION 5.** That in the event the Special Commissioners appointed by the Court return an award that is the same amount, or less, than the REVISED OFFICIAL OFFER AMOUNT, the City Attorney is hereby authorized to acquire the PROPERTY INTEREST in and to the PROPERTY by instrument, or judgment, for the Special Commissioners' Award Amount. If the PROPERTY INTEREST in and to the PROPERTY is being acquired by instrument, the Chief Financial Officer is hereby authorized and directed to issue a check, paid out of and charged to the DESIGNATED FUNDS, in an amount not to exceed the Special Commissioners' Award Amount, made payable to OWNER, or the then current owner(s) of record, or to the title company insuring the transaction described herein. If the PROPERTY INTEREST in and to the PROPERTY is not being acquired through instrument, the Chief Financial Officer is hereby authorized and directed to issue a check, paid out of and charged to the DESIGNATED FUNDS, in an amount not to exceed the Special Commissioners' Award Amount, made payable to the County Clerk of Kaufman County, Texas, to be deposited into the registry of the Court, to enable CITY to take possession of the PROPERTY INTEREST in and to the PROPERTY without further action of the Dallas City Council. The Chief Financial Officer is further authorized and directed to issue another check, to be paid out of and charged to the DESIGNATED FUNDS, in the amount of the CLOSING COSTS AND TITLE EXPENSES, made payable to the title company insuring the transaction described herein. The Special Commissioners Award Amount and the CLOSING COSTS AND TITLE EXPENSES together shall not exceed the AUTHORIZED AMOUNT.

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

APPROVED AS TO FORM:  
Christopher J. Caso, City Attorney

BY   
Assistant City Attorney