

A RESOLUTION AUTHORIZING SETTLEMENT OF A CONDEMNATION LAWSUIT.

All said capitalized terms are defined in Section 1 below.

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 OFFICIAL OFFER AMOUNT contained in the FIRST RESOLUTION; and

WHEREAS, the Dallas City Council by the SECOND RESOLUTION authorized eminent domain, of the PROPERTY INTEREST in and to the PROPERTY held by OWNER for the PROJECT; and

WHEREAS, the Dallas City Council by the SECOND RESOLUTION authorized and directed the City Attorney to file the necessary proceeding and to take the necessary action for the acquisition of the PROPERTY INTEREST in and to the PROPERTY by condemnation, or in any other manner provided by law; and

WHEREAS, the City Attorney, pursuant to the SECOND RESOLUTION, filed a CONDEMNATION PROCEEDING for the acquisition of the PROPERTY INTEREST in and to the PROPERTY for the PROJECT; and

WHEREAS, OWNERS have agreed to settle the CONDEMNATION PROCEEDING for the SETTLEMENT AMOUNT; and

WHEREAS, the Dallas City Council desires to authorize the City Attorney and the City Manager to settle the CONDEMNATION PROCEEDING for the SETTLEMENT AMOUNT.

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. 24-0795 approved by the Dallas City Council on May 22, 2024, authorizing negotiations, which is incorporated herein by reference.

"SECOND RESOLUTION": Resolution No. 24-0965 approved by the Dallas City Council on June 26, 2024, authorizing filing of a condemnation proceeding, which is incorporated herein by reference.

"CONDEMNATION PROCEEDING": Cause No. CC-25-00165-A, in Dallas County Court at Law No. 1, and styled City of Dallas v. Heather J. Heflin, et. al., filed pursuant to the SECOND RESOLUTION

"PROPERTY": Approximately 675 square feet of land located in Dallas County, as described in the CONDEMNATION PROCEEDING

"PROPERTY INTEREST": Easement interest

"PROJECT": Throckmorton-Reagan Drainage Improvement Project

"USE": The installation, use, and maintenance of a pipeline or lines and or other improvements as may be necessary for the control of drainage and flooding, provided, however to the extent fee title to the PROPERTY is acquired, such title and the PROPERTY shall not be limited to or otherwise deemed restricted to the USE herein provided.

"OWNER": Heather J. Heflin, 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.

"OFFICIAL OFFER AMOUNT": \$27,844.00 as approved in the SECOND RESOLUTIONS.

"SETTLEMENT AMOUNT": \$40,000.00

"ADDITIONAL AMOUNT": \$12,156.00, the difference between the SETTLEMENT AMOUNT and the amounts approved by the SECOND RESOLUTION.

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

"AUTHORIZED AMOUNT": Not to exceed \$42,000.00

SECTION 1 (continued)

"DESIGNATED FUNDS": SDM - Capital Construction Fund, Fund 0063, Department SDM, Unit W198, Activity SD01, Program TW17W198, Object 4210, Encumbrance/Contract No. SDM-2022-00019653 (\$40,000.00); and CLOSING COSTS AND TITLE EXPENSES payable out of the SDM - Capital Construction Fund, Fund 0063, Department SDM, Unit W198, Activity SD01, Program No, TW17W198, Object 4230, Encumbrance/Contract No. SDM-2024-00023634 (\$2,000.00). The PURCHASE AMOUNT, CLOSING COSTS and TITLE EXPENSES together shall not exceed the AUTHORIZED AMOUNT.

SECTION 2. That the City Attorney and the City Manager are hereby authorized to settle the CONDEMNATION PROCEEDING for the SETTLEMENT AMOUNT.

SECTION 3. That the City Attorney and the City Manager are hereby authorized to prepare and execute such documents as may be necessary to effect the settlement described herein.

SECTION 4. That 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 the amount of the SETTLEMENT 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 SETTLEMENT AMOUNT, made payable to the County Clerk of Dallas County, Texas, which is to be deposited into the registry of the Court. 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 ADDITIONAL AMOUNT and the ADDITIONAL CLOSING COSTS AND TITLE EXPENSES together shall not exceed the AUTHORIZED AMOUNT.

SECTION 5. 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:

Tammy L. Palomino, City Attorney

BY:


Assistant City Attorney