

May 22, 2024

A RESOLUTION AUTHORIZING THE DEPOSIT OF A SPECIAL COMMISSIONERS' AWARD AND SETTLEMENT OF A CONDEMNATION PROCEEDING, AND IF OBJECTIONS ARE FILED, SETTLEMENT OF A CONDEMNATION LAWSUIT, FOR AN AMOUNT NOT TO EXCEED THE AWARD.

All said capitalized terms are defined in Section 1 below.

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

WHEREAS, the Special Commissioners appointed by the Court in the CONDEMNATION PROCEEDING rendered the SPECIAL COMMISSIONERS' AWARD AMOUNT, which the City Council wishes to deposit with the County Clerk of Dallas County, Texas, so that CITY may take possession of the PROPERTY INTEREST in and to the PROPERTY; and

WHEREAS, the Dallas City Council desires to authorize the City Attorney to settle the CONDEMNATION PROCEEDING, and if objections are filed, the CONDEMNATION LAWSUIT, for an amount not to exceed the SPECIAL COMMISSIONERS' AWARD AMOUNT:

Now, Therefore,

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

SECTION 1. That For the purposes of this resolution, the following definitions shall

apply: "CITY": The City of Dallas

"FIRST RESOLUTION": Resolution No. 22-0737 approved by the Dallas City Council on May 11, 2022, authorizing negotiations, which is incorporated herein by reference.

"SECOND RESOLUTION": Resolution No. 22-1627 approved by the Dallas City Council on October 26, 2022, authorizing filing of a condemnation proceeding, which is incorporated herein by reference.

SECTION 1. (continued)

"CONDEMNATION PROCEEDING/LAWSUIT": Cause No. CC-23-02112-C, in Dallas County Court at Law No. 3, and styled CITY OF DALLAS VS. ONE MORRELL LLC, et al., filed pursuant to City Council Resolution No. 22- 1627.

"PROPERTY": Approximately 206,362 square feet of land in Dallas County, Texas, as described in the CONDEMNATION PROCEEDING.

"PROJECT": Dallas Floodway Extension

"USE": The installation, use, and maintenance of a levee, swale, channel or other improvements, 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": One Morrell, LLC, 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.

"OFFICIAL OFFER AMOUNT": \$4,135,174.00

"SPECIAL COMMISSIONERS' AWARD AMOUNT": \$4,450,000.00

"CLOSING COSTS AND TITLE EXPENSES": Not to exceed \$23,000.00

"AUTHORIZED AMOUNT": Not to exceed \$4,473,000.00 (SPECIAL COMMISSIONERS' AWARD plus CLOSING COSTS AND TITLE EXPENSES)

"DESIGNATED FUNDS": SPECIAL COMMISSIONERS' AWARD AMOUNT

payable out of the:

Stormwater Drainage Management Capital Construction Fund
Fund 0063, Department SDM, Unit W632, Activity TRPP
Program PB98W397, Object 4210
Encumbrance/Contract No. SDM-2022- 0001836 \$1,492,597.87

Flood Protection and Storm Drainage Facilities Fund
Fund 1T23, Department SDM, Unit W632, Activity TRPP
Program PB98W397, Object 4210
Encumbrance/Contract No. SDM-2022-00018365 \$ 853,568.13

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SECTION 1. (continued)

Flood Protection and Storm Drainage Facilities Fund Fund 7T23, Department SDM, Unit W632 Activity TRPP, Program PB98W397, Object 4210 Encumbrance/Contract No. SDM-2022-00018365	\$ 509,799.88
Trinity River Corridor Project Fund Fund 2P14, Department SDM, Unit W632 Activity TRPP, Program PB98W397, Object 4210 Encumbrance/Contract No. SDM-2022-00018365	\$ 324,299.00
Flood Protection Storm Drainage Fund Fund 0L23, Department SDM, Unit W632 Activity TRPP, Program PB98W397, Object 4210 Encumbrance/Contract No. SDM-2022-00018365	\$ 112,952.48
Flood Protection Fund Fund 6R23, Department SDM, Unit W632 Activity TRPP, Program PB98W397, Object 4210 Encumbrance/Contract No. SDM-2022-00018365	\$ 125,605.60
Flood Protection and Storm Drainage Facilities Fund Fund 8P23, Department SDM, Unit W632 Activity TRPP, Program PB98W397, Object 4210 Encumbrance/Contract No. SDM-2022-00018365	\$ 123,359.41
Flood Protection and Storm Drainage Facilities Fund Fund 0P23, Department SDM, Unit W632 Activity TRPP, Program PB87W397, Object 4210 Encumbrance/Contract No. SDM-2022-00018365	\$ 110,802.71
Flood Protection and Storm Drainage Facilities Fund Fund 3T23, Department SDM, Unit W632 Activity TRPP, Program PB98W397, Object 4210 Encumbrance/Contract No. SDM-2022-00018365	\$ 469,645.88
Flood Protection and Storm Drainage Facilities Fund Fund BT23, Department SDM, Unit W632 Activity TRPP, Program PB98W397, Object 42110 Encumbrance/Contract No. SDM-2022-00018365	\$ 100,000.00

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SECTION 1. (continued)

Trinity River Corridor Project Fund
Fund 6P14, Department SDM, Unit W632
Activity TRPP, Program PB98W397, Object 4210
Encumbrance/Contract No. SDM-2022-00018365 \$ 73,019.15

Flood Protection and Storm Drainage Facilities Fund
Fund 0N23, Department SDM, Unit W632
Activity TRPP, PB98W397, Object 4210
Encumbrance/Contract No. SDM-2022-00018365 \$ 66,025.75

Trinity River Corridor Project Fund
Fund 9P14, Department SDM, Unit W632
Activity TRPP, Program PB898W397, Object 4210
Encumbrance/Contract No. SDM-2022-00018365 \$ 12,527.39

Trinity River Corridor Project Fund
Fund TP14, Department SDM, Unit W632
Activity TRPP, Program PB98W397, Object 4210
Encumbrance/Contract No. SDM-2022-00018365 \$ 9,883.29

Flood Protection and Storm Drainage Facilities Fund
Fund 1P23, Department SDM, Unit W632
Activity TRPP, Program PB98W397, Object 4210
Encumbrance/Contract No. SDM-2022-00018365 \$ 65,913.46

Flood Protection and Storm Drainage Facilities Fund
Fund 1P23, Department SDM, Unit W632
Activity TRPP, Program PB98W397, Object 4230
Encumbrance/Contract No. SDM-2022-00018365 \$ 23,000.00

Total amount not to exceed \$4,473,000.00

SECTION 3. That the City Manager is hereby authorized to increase appropriations in an amount not to exceed \$314,826.00 in Stormwater Drainage Management Capital Construction Fund, Fund 0063, Department SDM, Unit W632, Activity TRPP, Object 4210.

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SECTION 4. That 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 to issue a check, to be 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 to issue a check, to be 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 Dallas 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.

SECTION 5. That the City Attorney is authorized to settle the CONDEMNATION PROCEEDING, and if objections are filed, the CONDEMNATION LAWSUIT, for an amount not to exceed the SPECIAL COMMISSIONERS' AWARD AMOUNT.

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:
Tammy L. Palomino, City Attorney



BY _____

Assistant City Attorney