

December 13, 2023

A RESOLUTION AUTHORIZING SETTLEMENT OF A CONDEMNATION LAWSUIT.

All 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 FIRST 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 FIRST RESOLUTION, filed a CONDEMNATION PROCEEDING for the acquisition of the PROPERTY INTEREST in and to the PROPERTY for the PROJECT; and

WHEREAS, the Dallas City Council by the SECOND RESOLUTION authorized the City Attorney to deposit the SPECIAL COMMISSIONERS' AWARD AMOUNT rendered by the Special Commissioners appointed by the Court in the CONDEMNATION PROCEEDING; and

WHEREAS, objections to the SPECIAL COMMISSIONERS' AWARD AMOUNT were filed, turning the CONDEMNATION PROCEEDING into a CONDEMNATION LAWSUIT; and

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

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

December 13, 2023

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. 15-0681 approved by the Dallas City Council on April 8, 2015, authorizing negotiations and the filing of a condemnation proceeding, which is incorporated herein by reference.

“CONDEMNATION PROCEEDING/LAWSUIT”: Cause No. 98574-CC, in Kaufman County Court at Law, and styled City of Dallas v. Pamela Samantha Keats, et al., filed pursuant to the FIRST RESOLUTION.

“SECOND RESOLUTION”: Resolution No. 18-0742 approved by the Dallas City Council on May 23, 2018, authorizing deposit of the SPECIAL COMMISSIONERS’ AWARD AMOUNT, which is incorporated herein by reference.

“PROPERTY”: Approximately 902,535 square feet of land located in Kaufman County, Texas, as described in the CONDEMNATION PROCEEDING.

“PROPERTY INTEREST”: Fee

“PROJECT”: Lake Tawakoni 144-inch 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”: Pamela Samantha Keats, 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”: \$207,200.00, as approved in the FIRST RESOLUTION.

December 13, 2023

SECTION 1. (continued)

SPECIAL COMMISSIONERS' AWARD AMOUNT": \$414,400.00, the same having been previously deposited pursuant to the SECOND RESOLUTION.

"SETTLEMENT AMOUNT": \$750,000.00, which includes the SPECIAL COMMISSIONERS' AWARD AMOUNT.

"ADDITIONAL AMOUNT": \$335,600.00, the difference between the SETTLEMENT AMOUNT and the SPECIAL COMMISSIONERS' AWARD AMOUNT.

"CLOSING COSTS AND TITLE EXPENSES": Not to exceed \$10,000.00

"AUTHORIZED AMOUNT": Not to exceed \$340,600.00 (ADDITIONAL AMOUNT plus CLOSING COSTS AND TITLE EXPENSES)

"DESIGNATED FUNDS":

\$335,600.00 from Water Construction Fund, Fund 0102, Department DWU, Unit CW20, Program 704041, Object 4230, Encumbrance/Contract No. CX DWU-2023-00023268.

\$5,000.00 from Water Construction Fund, Fund 0102, Department DWU, Unit CW20, Program 704041, Object 4230, Encumbrance/Contract No. CX DWU-2023-00023270.

\$210,700.00 from Water Construction Fund, Fund 0102, Department DWU, Unit CW20, Program 704041, Object 4210, Encumbrance/Contract No. CX DWU-2018-00005622.

\$208,700.00 from Water Capital Improvement E Fund, Fund 3115, Department DWU, Unit PW20, Program 704041, Object 4230, Encumbrance/Contract No. CX DWU-2023-00023270.

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

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

December 13, 2023

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 ADDITIONAL 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 ADDITIONAL AMOUNT, made payable to the OWNER, or the OWNER's attorney, Dawson Sodd Firm PLLC, or to the County Clerk of Kaufman County, Texas. If a check is made payable to the County Clerk of Kaufman County, said check shall 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 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