

August 11, 2021

A RESOLUTION DETERMINING UPON THE NECESSITY OF ACQUIRING REAL PROPERTY AND AUTHORIZING ITS PURCHASE FOR PUBLIC USE.

DEFINITIONS: For the purposes of this resolution, the following definitions of terms shall apply:

"CITY": The City of Dallas

"PROPERTY": Approximately 115,531 square feet of land located in Dallas County, Texas, and being the same property more particularly described in "Exhibit A", attached hereto and made a part hereof for all purposes, and any and all improvements, rights and appurtenances appertaining thereto.

"PROJECT": Dallas Floodway Extension

"USE": The installation, use, and maintenance of a levee, swale, channel 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.

"PROPERTY INTEREST": Fee Simple Estate subject to the exceptions, reservations, covenants, conditions and/or interests, if any, provided in the form instrument more particularly described in Exhibit "B" attached hereto and made a part hereof for all purposes.

"OWNER": Long Huynh and Kimyen Huynh, 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.

"PURCHASE AMOUNT": \$359,271.00

"CLOSING COSTS AND TITLE EXPENSES": Not to exceed \$4,000.00

"AUTHORIZED AMOUNT": Not to exceed \$363,271.00

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 CITY acquire the PROPERTY INTEREST in the PROPERTY for the PROJECT.

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SECTION 3. That the City Manager, and/or the City Manager's designees, is hereby authorized and directed to consummate and accept the purchase, grant, and conveyance to CITY of the PROPERTY INTEREST in and to the PROPERTY pursuant to the conveyancing instrument substantially in the form described in Exhibit "B", attached hereto and made a part hereof for all purposes, and approved as to form by the City Attorney and to execute, deliver and receive such other usual and customary documents necessary, appropriate and convenient to consummating this transaction.

SECTION 4. 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 5. That OWNER has been provided with a copy of the Landowner's Bill of Rights as contemplated by applicable state statute.

SECTION 6. That in the event this acquisition closes, the Chief Financial Officer 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 PURCHASE AMOUNT payable out of the Flood Protection and Storm Drainage Facilities Fund, Fund 4T23, Department SDM, Unit W632, Activity TRPP, Program PB98W397, Object 4210, Encumbrance/Contract No. SDM-2021-00016166; and CLOSING COSTS AND TITLE EXPENSES payable out of the Flood Protection and Storm Drainage Facilities Fund, Fund 4T23, Department SDM, Unit W632, Activity TRPP, Program PB98W397, Object 4230, Encumbrance/Contract No. SDM-2021-00016165. The PURCHASE AMOUNT, CLOSING COSTS and TITLE EXPENSES together shall not exceed the AUTHORIZED AMOUNT.

SECTION 7. That CITY is to have possession and/or use, as applicable, of the PROPERTY at closing; and CITY will pay any title expenses and closing costs. All costs and expenses described in this section shall be paid from the previously described funds.

SECTION 8. 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

**DALLAS FLOODWAY EXTENSION
CADILLAC LEVEE, TRACT CL-137**

Field Notes Describing a 115,531 Square Foot (2.652 Acres)
Tract of Land To be Acquired in City Block 7712

BEING a 115,531 Square Foot (2.652 Acres) tract of land out of the Robert Sloan Survey, Abstract No. 1449, Dallas County, Texas, lying in Block 7712, City of Dallas, Dallas County Texas, also being out of a tract of land conveyed to Long Huynh by the quitclaim deed recorded in Volume 99043, Page 1406 of the Deed Records of Dallas County, Texas (D.R.D.C.T) and being more particularly described by metes and bounds as follows:

NOTE: All distances are surface projection, using a scale factor of 1.000136506.

BEGINNING at a ½-inch iron rod set with yellow plastic cap stamped "LIM ASSOC" (N=6955447.0197, E=2495188.4618) at the northwesterly corner of said Long Huynh tract, said point also being the intersection of the northeasterly right-of-way line of Kiest Boulevard (a 100-foot right-of-way) (Volume 3518, Page 43, D.R.D.C.T.) with the southeasterly right-of-way line of McGowan Street (a 60-foot right-of-way) (Volume 4032, Page 530, D.R.D.C.T.);

THENCE North 58°58'33" East, departing the northeasterly right-of-way line of said Kiest Boulevard, and along the southeasterly right-of-way line of said McGowan Street and the northwesterly line of said Long Huynh tract, a distance of 182.00 feet to a ½-inch iron rod set with yellow plastic cap stamped "LIM ASSOC" (N=6955540.8069, E=2495344.4105);

THENCE South 37°30'45" East, departing the southeasterly right-of-way line of said McGowan Street and the northwesterly line of said Long Huynh tract, over and across said Long Huynh tract, a distance of 186.20 feet to a ½-inch iron rod set with yellow plastic cap stamped "LIM ASSOC" (N=6955393.1271, E=2495457.7750);

THENCE North 55°24'38" East, continuing over and across said Long Huynh tract, a distance of 91.66 feet to a ½-inch iron rod set with yellow plastic cap stamped "LIM ASSOC" (N=6955445.1500, E=2495533.2247) in the northeasterly line of said Long Huynh tract, also being the southwesterly line of a remainder tract of land conveyed to Moody and Tips by the deed recorded in Volume 3673, Page 627, D.R.D.C.T., and said point also being on a circular curve to the left;

THENCE Southeasterly and Easterly, along the common line of said Long Huynh and Moody tracts, and along said curve to the left, having a radius of 304.94 feet and a chord that bears South 70° 21' 45" East, a distance of 295.46 feet, through a central angle of 57° 57' 10", an arc distance of 308.44 feet to a ½-inch iron rod found (N=6955345.8736, E=2495811.4568) (Controlling Monument) at the end of said curve, also being the most easterly corner of said Long Huynh tract;



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Tract of Land To be Acquired in City Block 7712

THENCE South 59°38'44" West, continuing along the common line of said Long Huynh and Moody tracts, a distance of 438.03 feet to a ½-inch iron rod found (N=6955124.5438, E=2495433.5184) (Controlling Monument);

THENCE South 30°21'16" East, continuing along the common line of said Long Huynh and Moody tracts, a distance of 17.00 feet to a ½-inch iron rod set with yellow plastic cap stamped "LIM ASSOC" (N=6955109.8758, E=2495442.1072), said point being a southeasterly corner of said Long Huynh tract, also being the most southerly corner of said Moody tract, and also being in the northwesterly line of a tract of land conveyed to Dallas Independent School District (DISD) by deed recorded in Volume 88024, Page 1303, D,R.D.C.T.;

THENCE South 59°38'44" West, along the common line of said Long Huynh and DISD tracts, a distance of 50.23 to a cut "X" found (N=6955084.4892, E=2495398.7731) (Controlling Monument) at the most southerly corner of said Long Huynh tract, said point also being the most westerly corner of said DISD tract, said point also being in the northeasterly right-of-way line of said Kiest Boulevard, and said point also being on a circular curve to the left;

THENCE Northwesterly, along the southwesterly line of said Long Huynh tract and the northeasterly right-of-way line of said Kiest Boulevard, and along said curve to the left, having a radius of 3,870 feet and a chord that bears North 29° 23' 04" West, a distance of 161.42 feet, through a central angle of 02° 23' 24", an arc distance of 161.43 feet to a ½-inch iron rod set with yellow plastic cap stamped "LIM ASSOC" (N=6955225.1300, E=2495319.5839) at the end of said curve;

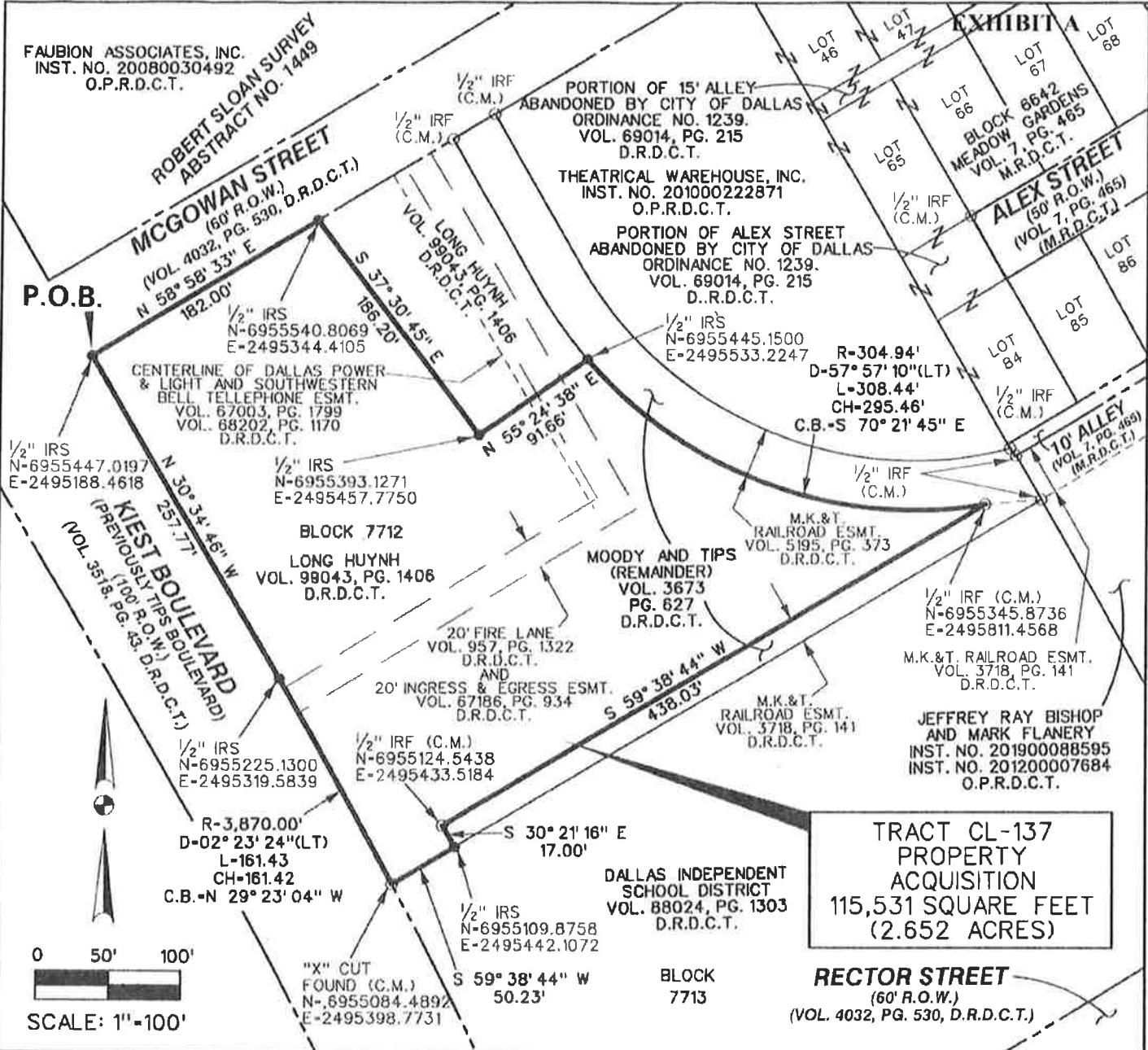
THENCE North 30°34'46" West, continuing along the southwesterly line of said Long Huynh tract and the northeasterly right-of-way line of said Kiest Boulevard, a distance of 257.77 feet to the **POINT OF BEGINNING**, containing 115,531 square feet, or 2.652 acres of land.

BASIS OF BEARING: Bearings are based on the Texas State Plane Coordinate System, North Central Zone (4202), North American Datum of 1983 (2011).

COORDINATES: All Coordinates are State Plane Values, No Scale, No Projection.



Daniel S. Lim
3/5/2021



NOTES:

1. BASIS OF BEARING is the State Plane Coordinate System, Texas North Central Zone 4202, North American Datum of 1983 (2011).
2. All Coordinates are State Plane Values, No Scale, No Projection. All distances are surface projection, using a scale factor of 1.000136506.

LEGEND:

- C.M. - CONTROLLING MONUMENT
- I.R.S. - 1/2-INCH IRON ROD SET WITH YELLOW PLASTIC CAP STAMPED "LIM ASSOC"
- I.R.F. - IRON ROD FOUND
- X SET - CUT "X" SET
- D.R.D.C.T. - DEED RECORDS, DALLAS COUNTY, TEXAS
- M.R.D.C.T. - MAP RECORDS, DALLAS COUNTY, TEXAS
- O.P.R.D.C.T. - OFFICIAL PUBLIC RECORDS, DALLAS COUNTY, TEXAS



Daniel S. Lim
3/5/2024

LIM & ASSOCIATES, inc.
engineering & surveying consultants
 TBPELS Surveying Firm 101256-00
 1112 N. Zang Boulevard, Suite 260
 Dallas, Texas 75201
 Tel. (214) 942-1868 Fax (214) 942-9881

DALLAS FLOODWAY EXTENSION				
PROPERTY ACQUISITION				
CADILLAC LEVEE: TRACT CL-137				
LIM: DEPARTMENT OF PUBLIC WORKS				
SURVEYOR'S NAME: LIM & ASSOCIATES, INC.				
SECTION	TRACE APPROVAL DATE			
LIM	3/5/2024			
DATE	CALCULATED	SCALE	FOOTED	NUMBER
LIM	LIM	1"=100'	0.00	01-117

NOTICE OF CONFIDENTIALITY RIGHTS: IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY OR ALL OF THE FOLLOWING INFORMATION FROM ANY INSTRUMENT THAT TRANSFERS AN INTEREST IN REAL PROPERTY BEFORE IT IS FILED FOR RECORD IN THE PUBLIC RECORDS: YOUR SOCIAL SECURITY NUMBER OR YOUR DRIVER'S LICENSE NUMBER.

WARRANTY DEED

THE STATE OF TEXAS §
 § KNOW ALL PERSONS BY THESE PRESENTS:
COUNTY OF DALLAS §

That Long Huynh, (hereinafter called "Grantor" whether one or more natural persons or legal entities) of the County of Dallas, State of Texas, for and in consideration of the sum of THREE HUNDRED FIFTY-NINE THOUSAND TWO HUNDRED SEVENTY-ONE AND NO/100 DOLLARS (\$359,271.00) to the undersigned in hand paid by the **City of Dallas, 1500 Marilla Street, Dallas, Texas, 75201**, a Texas municipal corporation (hereinafter called "City"), the receipt of which is hereby acknowledged and confessed, has granted, sold and conveyed and does hereby grant, sell and convey unto City, its successors and assigns, all of the property described in Exhibit "A", attached hereto and made a part hereof by reference for all purposes.

SPECIAL PROVISIONS: NONE

TO HAVE AND TO HOLD the above described premises, together with all and singular the rights and appurtenances thereto in anywise belonging unto City, its successors and assigns forever, and Grantor binds Grantor and Grantor's heirs, executors, administrators or successors, to Warrant and Forever Defend all and singular the said premises unto City, its successors and assigns, against every person whomsoever lawfully claiming, or to claim the same or any part thereof.

SIGNATURES TO APPEAR ON THE FOLLOWING PAGE

EXECUTED this _____ day of _____, 2021.

Long Huynh

* * * * *

STATE OF TEXAS '
COUNTY OF DALLAS '

This instrument was acknowledged before me on _____
by Long Huynh.

Notary Public, State of Texas

* * * * *

After recording return to:
City of Dallas,
Dallas Water Utilities, Real Estate Division
1500 Marilla Street, Room 4AN
Dallas, Texas 75201
Attn: Todd Wright

Warranty Deed Log No. DWU CL-137