

April 28, 2021

WHEREAS, the City of Dallas (“City”) is the owner of a tract of unwanted and unneeded land containing approximately 141,134 square feet, together with approximately 10,750 square feet of building improvements, located in the City of Dallas, Collin County, Texas as described on Exhibit “A”, attached herein and incorporated by reference, and which is no longer needed for municipal use; and

WHEREAS, pursuant to Sections 253.008 and 272.001 of the Texas Local Government Code, in accordance with certain procedures the City may sell its property by public auction, where the highest bid received reflects the fair market value of the property; and

WHEREAS, on March 25, 2021, the Park and Recreation Board was briefed by City staff and recommended a reserve amount to be established on the surplus property described in Exhibit “A”; and

WHEREAS, on October 24, 2018 the City Council approved Resolution No. 18-1513 authorizing a three-year contract with Hudson & Marshall, a Real Estate auction firm.

Now, Therefore,

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

SECTION 1. That the City-owned property listed on Exhibit “A”, attached herein and incorporated by reference is declared unwanted and unneeded by the City Council and the property is to be advertised for sale and sold by public auction pursuant to state law.

SECTION 2. That the reserve amount established by the Park Board, is hereby authorized by the City Council and established as the reserve amount for the sale of property tract listed on Exhibit “A”.

SECTION 3. That the Director of Sustainable Development and Construction is authorized to advertise the property listed on Exhibit “A” for sale by public auction and upon conclusion of the advertising period conduct the public auction as authorized herein.

SECTION 4. That the advertisement of the property shall state:

- (a) that the sale shall be by a Deed Without Warranty in a form approved by the City Attorney;
- (b) that the sale shall be subject to the terms, covenants, conditions, reservations, restrictions and exceptions of this authorizing resolution, including without limitation the following:
 - i. a restriction prohibiting the placement of industrialized housing on the property;

SECTION 4. (continued)

- ii. reservation by the City of Dallas of all oil, gas and other minerals in and under the property with a waiver of surface access rights relating to said minerals;
 - iii. any and all visible and apparent easements and encroachments, whether of record or not;
 - iv. any and all covenants, conditions, reservations, restrictions, exceptions, easements, rights-of-way, mineral interests, mineral leases, or other instruments of record and applicable to the property or any part thereof; and
 - v. standby fees, taxes and assessments, if any, by any taxing authority for the year of closing and subsequent years and assessments by any taxing authority for prior years due to changes in land usage or ownership, the payment of said standby fees, taxes, and assessments being assumed by **GRANTEE**.
- (c) that, to the maximum extent allowed by law, the sale shall be strictly on an “AS IS, WHERE IS, WITH ALL FAULTS” basis; and
- (d) such other terms and requirements of the sale and/or disclaimers as the City deems necessary, convenient or appropriate.

SECTION 5. That, upon the conclusion of the public auction that has been advertised and conducted pursuant to Section 2-24.1 and state law, as applicable, the highest qualified bid received at such auction for the surplus property that meets or exceeds the reserve amount established by the City shall be deemed the sales price and shall be conclusive of the fair market value of such property and shall be accepted by the City.

SECTION 6. That the City Manager or designee is authorized to execute a Purchase and Sales Agreement, approved as to form by the City Attorney, to be entered into with respect to the surplus property listed on Exhibit “A” between the City and the highest qualified bidder for such property at such advertised public auction.

SECTION 7. That, upon receipt of the consideration from the highest qualified bidder, the City Manager or designee is authorized to execute a Deed Without Warranty in a form approved by City Attorney and to be attested by the City Secretary, and other miscellaneous closing documents upon approval as to form by the City Attorney.

SECTION 8. That the sale proceeds shall be deposited into the name of Park Fund, Fund 0001, Dept PKR, Bal Sheet 0519 and Department of Sustainable Development and Construction, Real Estate Division shall be reimbursed for the cost of obtaining legal

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SECTION 8. (continued)

description, appraisal and other administrative costs incurred. The reimbursement proceeds shall be deposited in General Fund, Fund 0001, Dept DEV, Unit 1183, Object 5011 and any remaining proceeds shall be transferred to the General Capital Reserve Fund, Fund 0625, Department BMS, Unit 8888, Revenue Code 8118.

SECTION 9. That if a title policy is desired by **GRANTEE**, same shall be at the expense of the **GRANTEE**.

SECTION 10. That the sale shall be subject to standby fees, taxes and assessments, if any by any taxing authority for the year of the closing and subsequent years and assessments by any taxing authority for prior years due to changes in land usage or ownership, the payment of said standby fees, taxes and assessments being assumed by **GRANTEE**.

SECTION 11. 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