

September 10, 2025

A RESOLUTION AUTHORIZING SETTLEMENT IN LIEU OF PROCEEDING WITH CONDEMNATION.

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 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, OWNERS have agreed to sell the PROPERTY to the CITY for the SETTLEMENT AMOUNT; and

WHEREAS, the Dallas City Council desires to authorize the City Attorney and the City Manager to purchase the PROPERTY 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

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"FIRST RESOLUTION": Resolution No. 25-0452 approved by the Dallas City Council on March 26, 2025, authorizing negotiations, which is incorporated herein by reference.

"SECOND RESOLUTION": Resolution No. 25-0961 approved by the Dallas City Council on June 11, 2025, authorizing filing of a condemnation proceeding, which is incorporated herein by reference.

"PROPERTY": Approximately 52,059 square feet of land in Dallas County, Texas, as described in the CONDEMNATION PROCEEDING/LAWSUIT.

"PROPERTY INTEREST": Fee Simple

"PROJECT": Fire Station No. 43 Replacement Project

"USE": The construction, use and maintenance of a fire station together with such appurtenant facilities as may be necessary, 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": AT&T, Inc., formerly known as Southwestern Bell Telephone Company, 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": \$1,100,000.00, as approved in the FIRST RESOLUTION.

"SETTLEMENT AMOUNT": \$1,160,747.00, negotiated between City and Property Owner.

"ADDITIONAL AMOUNT": \$61,000.00, the difference between the SETTLEMENT AMOUNT and the original OFFICIAL OFFER AMOUNT

"CLOSING COSTS AND TITLE EXPENSES": Not to exceed \$9,313.69

"AUTHORIZED AMOUNT": Not to exceed \$1,170,060.69 (\$1,160,747.00 SETTLEMENT AMOUNT plus CLOSING COSTS AND TITLE EXPENSES not to exceed \$9,313.69)

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"DESIGNATED FUNDS": \$1,170,060.69 from Public Safety (G) Funds, Fund 1V33, Department BSD, Unit VG54, Object 4210, Activity FIRF, Program EB17VG54, Encumbrance /Contract No. FRM-2025-00027030.

SECTION 2. That the City Attorney and the City Manager are authorized to purchase the PROPERTY from the OWNER 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 effect the settlement described herein.

SECTION 4. That in the event this acquisition closes 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. 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

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