

June 26, 2024

**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 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 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**, OWNERS have agreed to settle the CONDEMNATION PROCEEDING for the SETTLEMENT AMOUNT; and

**WHEREAS**, the Dallas City Council desires to authorize the City Attorney and the City Manager to settle the CONDEMNATION PROCEEDING for the SETTLEMENT AMOUNT.

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**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

"FIRST RESOLUTION": Resolution No. 15-1426 approved by the Dallas City Council on August 12, 2015 authorizing negotiations, and or the use of eminent domain and filing of a condemnation proceeding, which is incorporated herein by reference.

"PROPERTY": Approximately 225,781 square feet of land in fee in Kaufman County, Texas, and being the same property more particularly described in "Exhibit A", attached hereto and made a part hereof for all purposes.

"PROPERTY INTEREST": Fee Simple

"PROJECT": Lake Tawakoni 144-inch Transmission Pipeline

"USE": The installation, use, and maintenance of a pipeline or lines for the transmission of raw water together with such appurtenant facilities as may be necessary, 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": TES-BIG RACK RANCH, INC, 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.

"OFFICIAL OFFER AMOUNT": \$26,952.00 as approved in the FIRST RESOLUTION.

"SETTLEMENT AMOUNT": \$450,000.00

"ADDITIONAL AMOUNT": \$423,048.00, the difference between the SETTLEMENT AMOUNT and the amounts approved by the FIRST RESOLUTION.

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**SECTION 1.** (continued)

“ADDITIONAL CLOSING COSTS AND TITLE EXPENSES”: \$2,500.00, Not to exceed \$6,000.00

“AUTHORIZED AMOUNT”: Not to exceed \$ 456,000.00

“DESIGNATED FUNDS”:

\$26,952.00 from Water Construction Fund, Funds 0102, Department DWU, Unit CW20, Program 704041, Object 4210, Encumbrance CT-DWU704041IH

\$3,500.00 from Water Construction Fund, Funds 0102, Department DWU, Unit CW20, Program 704041, Object 4210, Encumbrance CX DWU-2024-00025036

\$139,850.00 from Water Construction Fund, Funds 0102, Department DWU, Unit CW20, Program 704041, Object 4210, Encumbrance CX DWU-2024-00025035

\$283,198.00 from Water Capital Improvement F Fund, Fund 4115, Department DWU, Unit PW20, Program 704041, Object 4210, Encumbrance CX DWU-2024-00025035

\$2,500.00 from Water Construction Fund, Fund 0102, Department DWU, Unit CW20, Program 704041, Object 4210, Encumbrance CX DWU-2024-00025036

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

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

**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 SETTLEMENT 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

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**SECTION 4.** (continued)

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 SETTLEMENT AMOUNT, made payable to the County Clerk of Kaufman County, Texas, which is to 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 ADDITIONAL 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