

January 26, 2022

**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 182,530 square feet of land located in Dallas County, Texas, and being the same property more particularly described in Exhibit "A" Tract 1 and Tract 2, 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": Valley Proteins, Inc., Estate of Virginia Cash, as their interest may appear and Estate of Mary Nell Cash, as their interest may appear, 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": \$1,073,309.00

"CLOSING COSTS AND TITLE EXPENSES": Not to exceed \$8,000.00

"AUTHORIZED AMOUNT": Not to exceed \$1,081,309.00

**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.

January 26, 2022

**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 3T23, Department SDM, Unit W632, Activity TRPP, Program PB98W397, Object 4210, Encumbrance/Contract No. SDM-2022-00018111; and CLOSING COSTS AND TITLE EXPENSES payable out of the Flood Protection and Storm Drainage Facilities Fund, Fund 3T23, Department SDM, Unit W632, Activity TRPP, Program PB98W397, Object 4230, Encumbrance/Contract No. SDM-2022-00018112. 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-106**

Field Notes Describing a 102,301 Square Foot (2.349 Acre)  
Tract of Land to be Acquired in City Block 3/5907

**BEING** a 102,301 Square Foot (2.349 Acre) tract of land out of the William J. Elliot Survey, Abstract No. 448, Dallas County, Texas, and being out of Block 3/5907 of Forest Avenue and Eighth Street Industrial Addition, an addition to the City of Dallas, Dallas County, Texas, according to the plat recorded in Volume 10, Page 335, Map Records of Dallas County, Texas (M.R.D.C.T.), and also being out of a tract of land conveyed to Valley Proteins, Inc. by deeds recorded in Instrument Numbers 201600290721, 2001600310484, 201700289696, 201700289701, 201700335264, 201700335270, 201700335285, 201800016079 and 201800027939 of the Official Public Records of Dallas County, Texas (O.P.R.D.C.T.) and being more particularly described by metes and bounds as follows:

*Chart Hoff*  
FIELD NOTES APPROVED:  
2/23/2021  


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

**BEGINNING** at a ½-inch iron rod found (N=6958885.0804, E=2496012.6593) (Controlling Monument) at the most easterly corner of said Valley Proteins tract, said point also being the most northerly corner of a tract of land out of said Block 3/5907 conveyed to Valley Proteins, Inc. by deed recorded in Instrument Number 201600290720, O.P.R.D.C.T., said point also being in a southwesterly line of a tract of land described as "Tract 1-C" conveyed to the City of Dallas by the Judgment in the Absence of Objections, Cause No. CC-09-05825-E, recorded in Instrument Number 201000031431 of the Official Public Records of Dallas County, Texas (O.P.R.D.C.T.);

**THENCE** departing the southwesterly line of said City of Dallas tract, over and across said Block 3/5907 the following courses and distances:

South 63°00'29" West, a distance of 85.41 feet to a ½-inch iron rod set with yellow plastic cap stamped "LIM ASSOC" (N=6958846.3257, E=2495936.5697);

North 01°31'15" West, a distance of 6.41 feet to a ½-inch iron rod set with yellow plastic cap stamped "LIM ASSOC" (N=6958852.7248, E=2495936.3997)

South 66°47'45" West, a distance of 232.07 feet to a ½-inch iron rod set with yellow plastic cap stamped "LIM ASSOC" (N=6958761.3073, E=2495723.1288);

North 60°56'04" West, a distance of 129.54 feet to a ½-inch iron rod set with yellow plastic cap stamped "LIM ASSOC" (N=6958824.2287, E=2495609.9143);

North 64°12'59" West, a distance of 92.54 feet to a ½-inch iron rod set with yellow plastic cap stamped "LIM ASSOC" (N=6958864.4732, E=2495526.5956) in a southeasterly line of said City of Dallas tract;

**DALLAS FLOODWAY EXTENSION**  
**CADILLAC LEVEE, TRACT CL-106**

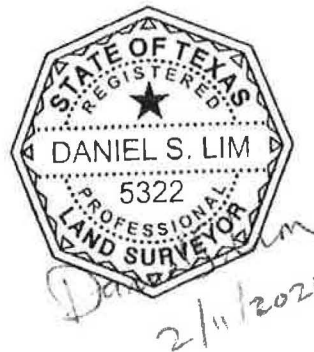
Field Notes Describing a 102,301 Square Foot (2.349 Acre)  
Tract of Land to be Acquired in City Block 3/5907

**THENCE** North  $18^{\circ}16'30''$  East, along the common line of said Valley Proteins and City of Dallas tracts, a distance of 331.00 feet to a ½-inch iron rod set with yellow plastic cap stamped "LIM ASSOC" (N=6959178.7403, E=2495630.3815) at the most northerly corner of said Valley Proteins tract, said point also being an internal corner of said City of Dallas tract;

**THENCE** South  $52^{\circ}28'10''$  East, along the common line of said Valley Proteins and City of Dallas tracts, a distance of 482.12 feet to the **POINT OF BEGINNING**, containing 102,301 square feet, or 2.349 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.







**DALLAS FLOODWAY EXTENSION  
CADILLAC LEVEE, TRACT CL-107**

Field Notes Describing a 80,229 Square Foot (1.842 Acre)  
Tract of Land to be Acquired in City Block 3/5907

**BEING** a 80,229 Square Foot (1.842 Acre) tract of land out of the William J. Elliot Survey, Abstract No. 448, Dallas County, Texas, and being out of Block 3/5907 of Forest Avenue and Eighth Street Industrial Addition, an addition to the City of Dallas, Dallas County, Texas, according to the plat recorded in Volume 10, Page 335, Map Records of Dallas County, Texas (M.R.D.C.T.), and also being out of a tract of land conveyed to Valley Proteins, Inc. by deed recorded in Instrument Number 201600290720 of the Official Public Records of Dallas County, Texas (O.P.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 found (N=6958701.4655, E=2496251.6867) (Controlling Monument) at the most easterly corner of said Valley Proteins tract, said point also being the most northerly corner of Childs Street (a 60-foot right-of-way) (Volume 10, Page 335, M.R.D.C.T.), said point also being in a southwesterly line of a tract of land described as "Tract 1-C" conveyed to the City of Dallas by the Judgment in the Absence of Objections, Cause No. CC-09-05825-E, recorded in Instrument Number 201000031431 of the Official Public Records of Dallas County, Texas (O.P.R.D.C.T.);

**THENCE** South 49°31'38" West, along the southeasterly line of said Valley Proteins tract and the northwesterly right-of-way line of said Childs Street, a distance of 210.00 feet to a ½-inch iron rod set with yellow plastic cap stamped "LIM ASSOC" (N=6958565.1841, E=2496091.9585);

**THENCE** departing the northwesterly right-of-way line of said Childs Street, over and across said Block 3/5907 tract the following courses and distances:

North 57°55'44" West, a distance of 194.15 feet to a ½-inch iron rod set with yellow plastic cap stamped "LIM ASSOC" (N=6958668.2500, E=2495927.4609);

North 71°15'59" West, a distance of 100.00 feet to a ½-inch iron rod set with yellow plastic cap stamped "LIM ASSOC" (N=6958700.3656, E=2495832.7739)

North 60°56'04" West, a distance of 125.46 feet to a ½-inch iron rod set with yellow plastic cap stamped "LIM ASSOC" (N=6958761.3073, E=2495723.1288) in the southeasterly line of a tract of land out of said Block 3/5907 conveyed to Valley Proteins, Inc. by deeds recorded in Instrument Numbers 201600290721, 2001600310484, 201700289696, 201700289701, 201700335264, 01700335270, 201700335285, 201800016079 and 201800027939, O.P.R.D.C.T.;

**DALLAS FLOODWAY EXTENSION  
CADILLAC LEVEE, TRACT CL-107**

Field Notes Describing a 80,229 Square Foot (1.842 Acre)  
Tract of Land to be Acquired in City Block 3/5907

North 66°47'45" East, a distance of 232.07 feet to a ½-inch iron rod set with yellow plastic cap stamped "LIM ASSOC" (N=6958852.7248, E=2495936.3997);

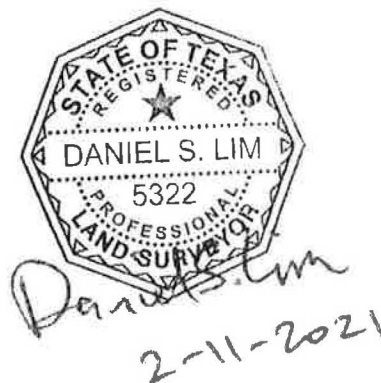
South 01°31'15" East, a distance of 6.41 feet to a ½-inch iron rod set with yellow plastic cap stamped "LIM ASSOC" (N=6958846.3257, E=2495936.5697);

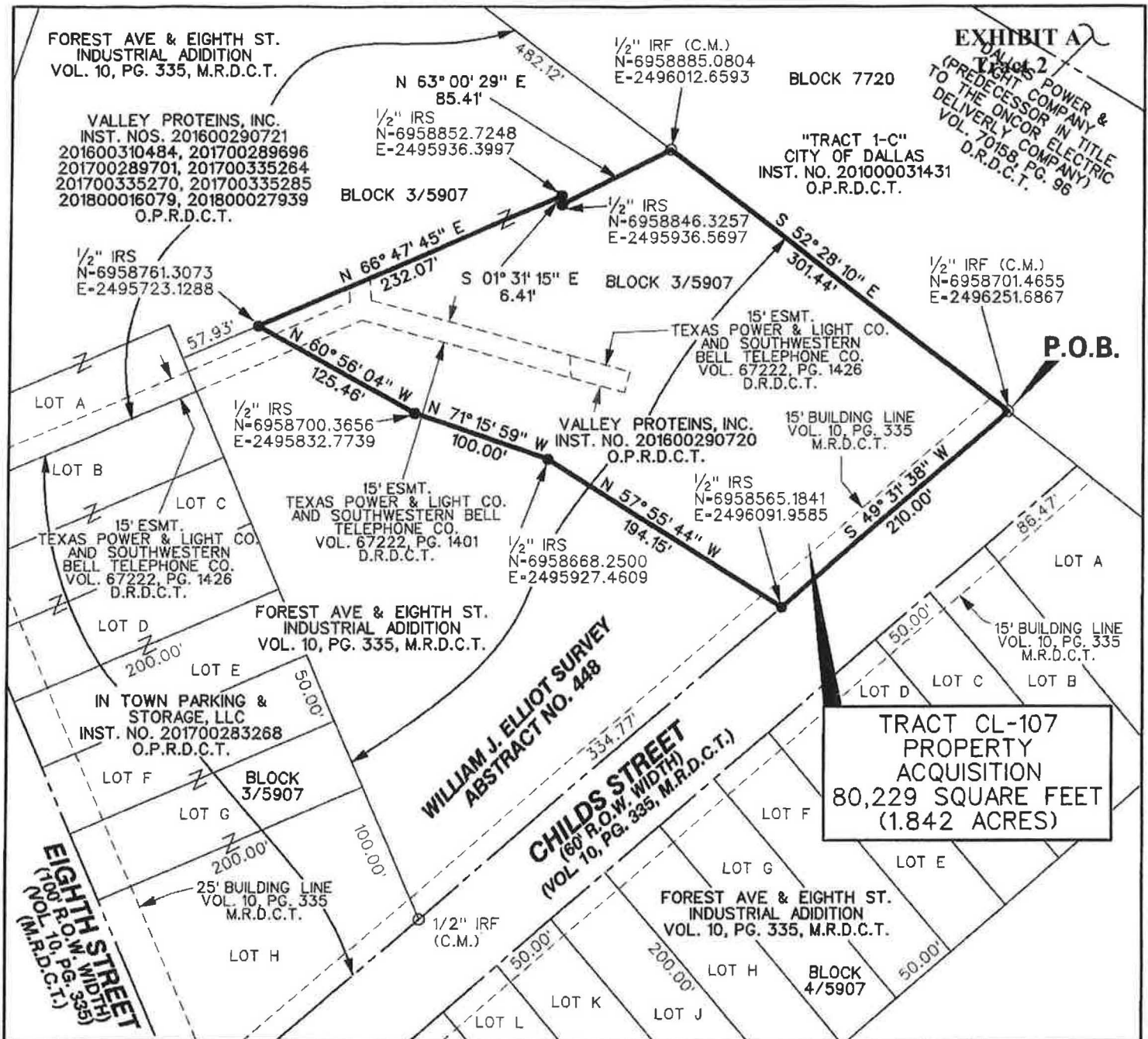
North 63°00'29" East, a distance of 85.41 feet to a ½-inch iron rod found (N=6958885.0804, E=2496012.6593) (Controlling Monument) in a southwesterly line of said City of Dallas tract;

**THENCE** South 52°28'10" East, along the common line of said Valley Proteins and City of Dallas tracts, a distance of 301.44 feet to the **POINT OF BEGINNING**, containing 80,229 square feet, or 1.842 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.



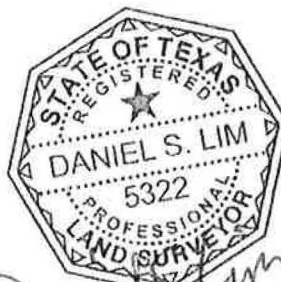


#### NOTES:

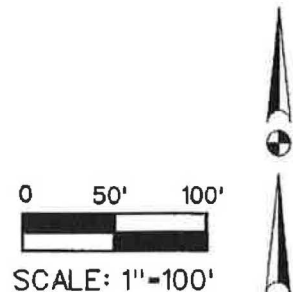
1. BASIS OF BEARING is the State Plane Coordinate System, Texas North Central Zone 4202, North American Datum of 1983 (2011).
2. All Coordinates are State Plane Values, No Scale, No Projection. All distances are surface projection, using a scale factor of 1.000136506.

#### 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
- O.P.R.D.C.T. - OFFICIAL PUBLIC RECORDS, DALLAS COUNTY, TEXAS



*Daniel Lim*  
2-11-2021



**LIM & ASSOCIATES, inc.**  
engineering & surveying consultants  
TBPRLS Surveying Firm Reg. 101236-00  
1112 N. Zang Boulevard, Suite 200  
Dallas, Texas 75203  
Tel. (214) 942-1888 Fax (214) 942-8881

PAGE 3 OF 3

DALLAS FLOODWAY EXTENSION				
PROPERTY ACQUISITION				
CADILLAC LEVEE: TRACT CL-107				
FOR: DEPARTMENT OF PUBLIC WORKS				
SURVEYOR'S NAME: LIM & ASSOCIATES, INC.				
TECHNICIAN	USACE APPROVAL DATE			
LIM	02/03/21			
PARTY CHIEF	CALCULATIONS	SCALE	FOLDER	NUMBER
LIM	LIM	1"=100'	BLOCK 3/5907	CL-107



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 Valley Proteins, Inc., a Delaware corporation, Estate of Virginia Cash, as their interest may appear and Estate of Mary Nell Cash, as their interest may appear, (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 ONE MILLION SEVENTY-THREE THOUSAND THREE HUNDRED NINE AND NO/100 DOLLARS (\$1,073,309.00) 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

**EXHIBIT B**

EXECUTED this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

Valley Proteins, Inc., a Delaware corporation

By: \_\_\_\_\_  
Gerald Smith Jr., President

Estate of Virginia Cash

By: \_\_\_\_\_  
Kellie McFarlane Buchanan

Estate of Mary Nell Cash

By: \_\_\_\_\_  
Kellie McFarlane Buchanan

\* \* \* \* \*  
STATE OF VIRGINIA '  
COUNTY OF FREDERICK '

This instrument was acknowledged before me on \_\_\_\_\_  
by Gerald Smith Jr., President of Valley Proteins, Inc., a Delaware corporation, on  
behalf of said corporation.

\_\_\_\_\_  
Notary Public, State of Virginia

\* \* \* \* \*  
STATE OF TEXAS '  
COUNTY OF DALLAS  
'

This instrument was acknowledged before me on \_\_\_\_\_  
by Kellie McFarlane Buchanan.

\_\_\_\_\_  
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-106