

March 8, 2023

**A RESOLUTION AUTHORIZING THE ACQUISITION OF REAL PROPERTY FOR A NEGOTIATED PRICE HIGHER THAN THE AUTHORIZED PURCHASE AMOUNT.**

**WHEREAS**, the Dallas City Council by the FIRST RESOLUTION authorized acquisition, by purchase and/or eminent domain, of the PROPERTY INTERESTS in the PROPERTY held by OWNER for the PROJECT (all said capitalized terms being defined below); and

**WHEREAS**, OWNER refused the FIRST RESOLUTION PURCHASE AMOUNT, but has agreed to the SETTLEMENT AMOUNT stated herein; and

**WHEREAS**, the City Council desires to authorize the City Manager to acquire the PROPERTY INTERESTS in the PROPERTY for the negotiated PURCHASE AMOUNT stated herein: Now, Therefore,

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

**SECTION 1.** That the following definitions shall apply to this resolution:

“CITY”: The City of Dallas

“FIRST RESOLUTION”: Resolution No. 22-0252 approved by the Dallas City Council on January 26, 2022.

“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.

“OWNER”: Dallas Independent School District, 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.

“PROPERTY INTEREST”: Fee Simple, 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.

March 8, 2023

**SECTION 1. (continued)**

“PROPERTY”: Approximately 168,546 square feet of land 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 hereto.

“FIRST RESOLUTION PURCHASE AMOUNT”: \$4,183,267.00

“SETTLEMENT AMOUNT”: \$4,550,000.00

“CLOSING COSTS AND TITLE EXPENSES”: Not to exceed \$24,000.00

“REVISED AUTHORIZED AMOUNT”: \$4,574,000.00

**SECTION 2.** That the City Manager, and/or the City Manager's designees, is hereby authorized and directed to consummate and accept the (purchase/donation), grant, and conveyance to the CITY of the PROPERTY INTERESTS in and to the PROPERTY pursuant to the conveyance 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 the transaction.

**SECTION 3.** 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 Trinity River Corridor Project Fund, Fund 2P14, Department SDM, Unit W632, Activity TRPP, Program PB98W397, Object 4210, Encumbrance/Contract No. SDM-2021-00017102 (\$3,467,176.00); Trinity River Corridor Project Fund, Fund 8P14, Department SDM, Unit W632, Activity TRPP, Program PB98W397, Object 4210, Encumbrance/Contract No. SDM-2021-00017102 (\$246,733.00); Flood Protection and Storm Drainage Facilities Fund, Fund 7T23, Department SDM, Unit W632, Activity TRPP, Program PB98W397, Object 4210, Encumbrance/Contract No. SDM-2021-00017102 (\$100,000.00); Flood Protection and Storm Drainage Facilities Fund, Fund 3T23, Department SDM, Unit W632, Activity TRPP, Program PB98W397, Object 4210, Encumbrance/Contract No. SDM-2021-00017102 (\$736,091.00); 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-2021-00017103 (\$24,000.00). The PURCHASE AMOUNT, CLOSING COSTS and TITLE EXPENSES together shall not exceed the AUTHORIZED AMOUNT.

March 8, 2023

**SECTION 4.** 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.

APPROVED AS TO FORM:  
Tammy Palomino, Interim City Attorney

BY

  
Assistant City Attorney