

December 8, 2021

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 514,906 square feet of land located in 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 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": Barbara Ann Ondrusek Wolfe; Timpy Kay Ondrusek; Independent Executrix of The Estate of Joseph C. Ondrusek, 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": \$497,034.00

"CLOSING COSTS AND TITLE EXPENSES": Not to exceed \$5,000.00

"AUTHORIZED AMOUNT": Not to exceed \$502,034.00

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.

December 8, 2021

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 hereby 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-2021-00017098; 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-2021-00017099. 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-101**

Field Notes Describing a 514,906 Square Foot (11.821 Acre)
Tract of Land to be Acquired in City Block 4651

BEING a 514,906 Square Foot (11.821 Acre) tract of land out of the W.S. Beatty Survey, Abstract No. 57, Dallas County, Texas and the William J. Elliot Survey, Abstract No. 448, Dallas County, Texas, lying in City Block 4651, City of Dallas, Dallas County, Texas, also being out of that tract of land conveyed to Joseph Carl Ondrusek and Barbara Ann Ondrusek Wolfe by deed recorded in Instrument No. 201700218412 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:

David Hobbs
FIELD NOTES APPROVED:
10/19/2020



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

COMMENCING at the southeasterly corner of said Ondrusek tract, being at the intersection of the northerly right-of-way line of Eleventh Street (an 80-foot right-of-way at this point)(Volume 3, Page 360, Map Records of Dallas County, Texas, (M.R.D.C.T.)) with the westerly right-of-way line of Cedar Crest Boulevard (a variable width right-of-way)(Volume 694, Page 607 and Volume 3614, Page 487, of the Deed Records of Dallas County, Texas (D.R.D.C.T.));

THENCE North 17° 26' 58" East, along the westerly right-of-way line of said Cedar Crest Boulevard, the same being the easterly line of said Ondrusek tract, a distance of 212.45 feet to a ½-inch iron rod set with yellow plastic cap stamped "LIM ASSOC" (N=6958996.8252, E=2495287.1683) for the **POINT OF BEGINNING** of the herein described tract of land;

THENCE North 69° 21' 07" West, departing the westerly right-of-way line of said Cedar Crest Boulevard and the easterly line of said Ondrusek tract, over and across said Ondrusek tract, a distance of 187.00 feet to a ½-inch iron rod set with yellow plastic cap stamped "LIM ASSOC";

THENCE North 77° 52' 47" West, continuing over and across said Ondrusek tract, a distance of 160.00 feet to a ½-inch iron rod set with yellow plastic cap stamped "LIM ASSOC";

THENCE South 86° 51' 29" West, continuing over and across said Ondrusek tract, a distance of 100.00 feet to a ½-inch iron rod set with yellow plastic cap stamped "LIM ASSOC";

THENCE North 80° 34' 27" West, continuing over and across said Ondrusek tract, a distance of 165.00 feet to a ½-inch iron rod set with yellow plastic cap stamped "LIM ASSOC" (N=6959117.8887, E=2494693.2094) in the westerly line of said Ondrusek tract, said point also being in the easterly line of a tract of conveyed to Columbia Packing of Texas, Inc. by deed recorded in Volume 93020, Page 5398, D.R.D.C.T.;

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THENCE North 12° 31' 10" West, along the common line of said Columbia Packing of Texas and Ondrusek tracts, a distance of 945.74 feet to a ½-inch iron rod set with yellow plastic cap stamped "LIM ASSOC" at the northwesterly corner (N=6960041.0226, E=2494488.2274) of said Ondrusek tract, said point also being in the southerly line of a tract of land conveyed to Dallas Power & Light Company (predecessor in title to the Oncor Electric Delivery Company) by deed recorded in Volume 70031, Page 1766, D.R.D.C.T.;

THENCE South 58° 43' 07" East, along the common line of said Ondrusek and Dallas Power & Light Company tracts, a distance of 1,082.12 feet to a ½-inch iron rod found at the northeasterly corner (N=6959479.2093, E=2495412.9112) of said Ondrusek tract, said point also being in the westerly line of a tract of land conveyed to the City of Dallas by deed recorded in Instrument No. 201200204158, O.P.R.D.C.T.;

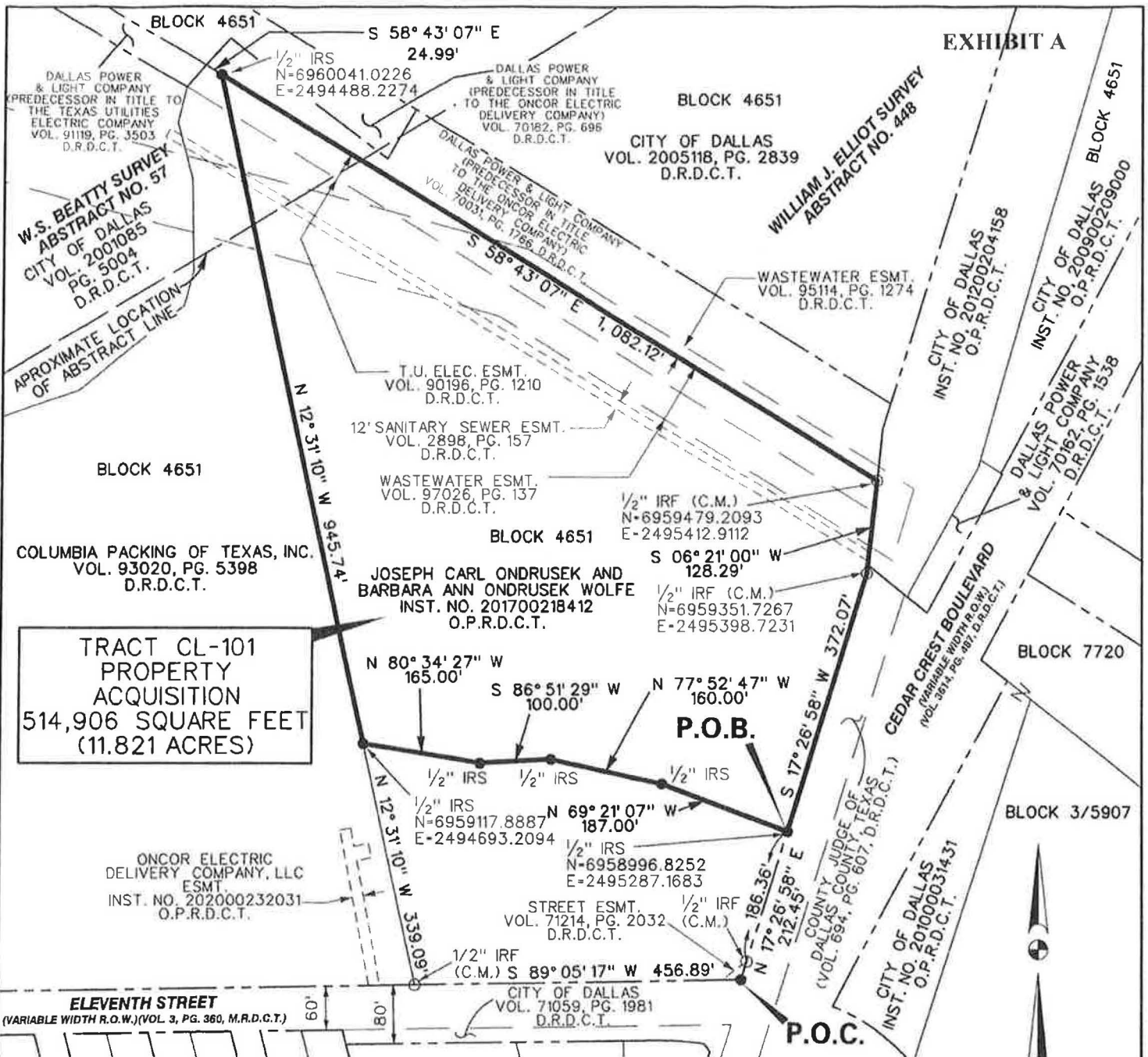
THENCE South 06° 21' 00" West, along the common line of said Ondrusek and City of Dallas tracts, a distance of 128.29 feet to a ½-inch iron rod found (N=6959351.7267, E=2495398.7231) in the westerly right-of-way line of said Cedar Crest Boulevard;

THENCE South 17° 26' 58" West, along the westerly right-of-way line of said Cedar Crest Boulevard and the easterly line of said Ondrusek tract, a distance of 372.07 feet to the **POINT OF BEGINNING**, containing 514,906 Square Feet, or 11.821 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:

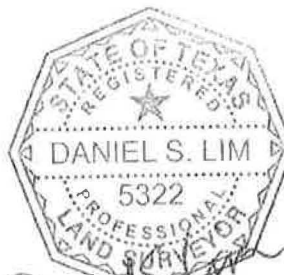
1. BASIS OF BEARING is the State Plane Coordinate System, Texas North Central Zone 4202, North American Datum of 1983 (2011).
2. All Coordinates are State Plane Values, No Scale, No Projection. All distances are surface projection, using a scale factor of 1.000136506.

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

LIM & ASSOCIATES, inc.
 engineering & surveying consultants
 TPELS Surveying Firm 101236-00
 1112 N. Zang Boulevard, Suite 200
 Dallas, Texas 75203
 Tel. (214) 942-1898 Fax (214) 942-9881

EXHIBIT "A"
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David
 10-16-2020

DALLAS FLOODWAY EXTENSION				
PROPERTY ACQUISITION				
CADILLAC LEVEE: TRACT CL-101				
FOR: DEPARTMENT OF PUBLIC WORKS				
SURVEYOR'S NAME: LIM & ASSOCIATES, INC.				
TECHNICIAN	CALCULATOR		SCALE	DATE
LIM	LIM		1"=200'	10/16/20
PARTY CHIEF	FOLDER		NUMBER	
LIM	BLOCK 4651		CL-101	