

June 24, 2026

A RESOLUTION AUTHORIZING THE DEPOSIT OF A SPECIAL COMMISSIONERS AWARD, AND SETTLEMENT OF THE CONDEMNATION PROCEEDING AND IF OBJECTIONS ARE FILED, THE LAWSUIT ARISING FROM THE CONDEMNATION PROCEEDING FOR THE AWARD.

IN THIS RESOLUTION THE FOLLOWING DEFINITIONS SHALL APPLY:

"CONDEMNATION PROCEEDING/LAWSUIT": Cause No. CC-25-02219-C, in Dallas County Court at Law No. 3, and styled City of Dallas v. Delart Investments, Inc., a Texas corporation, et al., filed pursuant to City Council Resolution No. 24-1216.

"PROPERTY": Approximately a total of 23,058 square feet of land for a wastewater easement located in Dallas County, as described in the Condemnation Suit.

"PROJECT": McKamy and Osage Branch Wastewater Interceptor Project

"OFFICIAL OFFER": \$393,312.00

"AWARD": \$750,000.00

"CLOSING COSTS AND TITLE EXPENSES": Not to exceed \$6,688.00

"AUTHORIZED AMOUNT": Not to exceed \$756,688.00

"DESIGNATED FUNDS":

\$400,000.00 from Wastewater Capital Improvement F Fund, Fund 4116, Department DWU, Unit PS40, Activity MPSA, Program 706028, Object 4250, Encumbrance CX-DWU-2022-00019901.

\$356,688.00 from Wastewater Construction Fund, Fund 0103, Department DWU, Unit CS40, Activity MPSA, Program 706028, Object 4250, Encumbrance/Contract No. CX-DWU-2022-00019901.

WHEREAS, the OFFICIAL OFFER having been made and refused, the City Attorney filed the CONDEMNATION PROCEEDING for the acquisition of the PROPERTY for the PROJECT; and

WHEREAS, the Special Commissioners appointed by the Court in the CONDEMNATION PROCEEDING made an Award which the City Council wishes to deposit with the County Clerk of Dallas County, Texas, so that the City may take possession of the PROPERTY; and

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WHEREAS, objections to the AWARD have been filed, which converted the CONDEMNATION PROCEEDING into a CONDEMNATION/LAWSUIT; and

WHEREAS, the City Council desires to authorize the City Attorney to settle the CONDEMNATION/LAWSUIT for an amount not to exceed the AWARD.

Now, Therefore,

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

SECTION 1. That 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 AWARD payable to the County Clerk of Dallas County, Texas, to be deposited by the City Attorney with the Clerk and in the amount of the CLOSING COSTS and TITLE EXPENSES payable to the title company closing the transaction described herein. The AWARD, CLOSING COSTS and TITLE EXPENSES together shall not exceed the AUTHORIZED AMOUNT.

SECTION 2. That the City Attorney is authorized to settle the CONDEMNATION /LAWSUIT for an amount not to exceed the AWARD.

SECTION 3. 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:
BERTRAM A. VANDENBERG, Interim City Attorney

BY 
Assistant City Attorney