RESOLUTION

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BURLESON APPROVING AN OFFER BETWEEN THE CITY OF BURLESON, AS SELLER, AND THE STATE OF TEXAS THROUGH THE DEPARTMENT OF TRANSPORTATION, AS BUYER, TO SELL FEE SIMPLE TITLE TO A TRACT OF LAND SITUATED IN JOHNSON COUNTY, TEXAS, COMMONLY KNOWN AS 0.0050 ACRES OF LAND NEAR THE INTERSECTION OF E. RENFRO STREET AND CARDINAL RIDGE ROAD, FOR THE SALES PRICE OF \$1,000.00 AND OTHER CONSIDERATION, AS PRESCRIBED IN THE OFFER LETTER AS ATTACHED IN EXHIBIT "A" (THE "OFFER"); AUTHORIZING THE CITY MANAGER TO EXECUTE ALL DOCUMENTS NECESSARY TO CLOSE ON THE OFFER; AUTHORIZING THE EXPENDITURE OF FUNDS; INCORPORATING THE RECITALS; PROVIDING FOR THE REPEAL OF RESOLUTION CSO#5445-04-2024; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Burleson, Texas ("City"), is a home rule city acting under its charter adopted by the electorate pursuant to Article XI, Section 5 of the Texas Constitution and Chapter 9 of the Local Government Code; and

WHEREAS, the City desires to accept, approve and enter into the Offer; and

WHEREAS, the City desires to close the real estate transaction described in the Offer; and

WHEREAS, the City desires the City Manager execute all documents necessary to close the real estate transaction described in the Offer; and

WHEREAS, the City desires to expend funds pursuant to the Offer that are necessary to close the real estate transaction described therein.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BURLESON, TEXAS, THAT:

Section 1.

The City Manager, Tommy Ludwig, is authorized: (a) to execute on behalf of the City (i) the Offer between the City and the Buyer, substantially in the form attached as Exhibit "A", with the purchase price of \$1,000.00 and other consideration, and (ii) any other documents necessary for closing the transaction contemplated by the Offer, including a warranty deed conveying the real property; and (b) to make expenditures in accordance with the terms of the Offer and in closing the transaction contemplated by the Offer, if any.

Section 2.

The foregoing recitals are adopted and incorporated herein for all purposes.

Section 3.

Resolution CSO#5445-04-2024 is hereby repealed and replaced. To the extent that the provisions of Resolution CSO#5445-04-2024 conflict with this resolution, the terms of this resolution shall control.

Section 4.

This resolution shall take effect immediately from and after its passage.

PASSED AND SO RESOLVED by the City Council of the City of Burleson, Texas, this _____ day of _____, 20____.

Chris Fletcher, Mayor City of Burleson, Texas

ATTEST:

APPROVED AS TO LEGAL FORM:

Amanda Campos, City Secretary

E. Allen Taylor, Jr., City Attorney



EXHIBIT "A"

AtkinsRéali 11801 Domain Blvd, 5th Floor Austin, TX 78758 www.atkinsrealis.com

CONSULTANT TO THE TEXAS DEPARTMENT OF TRANSPORTATION

OFFER LETTER

October 19, 2023

County: Johnson TXC Project ID: A00057946 Highway: FM 3391 District: Fort Worth ROW CSJ: 3372-01-015 Parcel #: 15 Parcel ID: P00071147 Limits: IH 35W in Burleson to East of CR 602

VIA CERTIFIED MAIL RETURN RECEIPT REQUESTED & REGULAR MAIL: #7021 2720 0000 4056 7238

CITY OF BURLESON Attn: Errick Thompson 141 W. Renfro St. Burleson, TX 76028-0000

Dear Mr. Thompson:

In acquiring property for the highway system of Texas, the Texas Department of Transportation (the "Department") follows a definite procedure for appraising the land needed and for handling personal negotiations with each owner. As has been or will be explained by the Department's negotiator, Linda Lindsay, the Department will acquire a portion of your property for the construction or improvement of the above-referenced highway project. The property is located at 620 Memorial Plaza, Burleson, Texas, as described in the enclosed property description and survey (the "Property").

The Department believes at this stage of the purchase process it is mutually beneficial to confirm that, based on an appraisal, the Department is authorized to offer you \$1,000.00 for your property, which includes \$1,000.00 for the property to be purchased and \$0.00 for damages to your remaining property.

This amount listed above is the total amount of just compensation for all interests in the portion of the Property, as determined in accordance with State law, less oil, gas and sulphur, subject to clear title being conveyed to the Department. In accordance with State law, it is the policy of the Department to negotiate with the fee owner(s) of the Property with the understanding that the fee owner(s) will, in turn, negotiate with any lessee or other party who may own any interest in the Property or improvements located within the Property, with the exception of public utility easements, which will be handled separately by the Department.

This offer to purchase includes the contributory value(s) of the improvement(s) owned by you as listed below, which are considered to be part of the Property. Since the improvement(s) must be removed, it is the policy of the Department to permit owner(s) who convey voluntarily to the Department to thereafter retain the improvement(s), if they wish to do so. The retention value(s) are estimated amounts the

EXHIBIT "A"

improvement(s) would bring if sold on public bids. If you wish to retain title to any of the following improvement(s) and remove it (them) from the Property, the amount of the above offer must be reduced by the appropriate retention amount(s). This option to retain the improvement(s) does NOT apply should it become necessary for the Department to acquire the Property by eminent domain.

		Amount to be
Improvement Type	Type Construction	Subtracted if Retained
N/A	N/A	N/A

If you wish to accept the offer based upon this appraisal, please contact Linda Lindsay, as soon as possible, at (972) 588-3161, who is an employee of AtkinsRéalis, an affiliate that is providing acquisition services on behalf of the Department, so that the process of issuing your payment may be started. If you are not willing to accept this offer, you may submit a written request for administrative settlement/counteroffer, setting forth a counteroffer amount and the basis for such amount, provided such settlement request is received in writing within 30 days from the date of this letter. Please note that your opportunity to submit an administrative settlement shall be forfeited if such a settlement request is not received by the Department within the 30-day time deadline.

In the event the condition of the Property changes for any reason, the Department shall have the right to withdraw or modify this offer.

After the date of payment of the purchase price, or the date of deposit in court of funds to satisfy the award of compensation as determined through eminent domain proceedings to acquire the Property, you will be reimbursed by the Department for any fair and reasonable incidental expenses necessarily incurred in transferring title to the Property to the Department. Expenses eligible for reimbursement may include (1) recording fees, transfer taxes and similar expenses incidental to conveying the Property to the Department and (2) penalty costs for prepayment of any preexisting recorded mortgage entered into in good faith encumbering the Property. Voluntary unnecessary expenses or expenses incurred in clearing questionable title will not be eligible for reimbursement. Eligible incidental expenses will be reimbursed upon submission of a claim supported by receipted bills or other evidence of actual expenses incurred. You may file a written request for review if you believe that the Department failed to properly determine the eligibility for, or the amount of, incidental expenses to be reimbursed. There is no standard form to request a review of a claim; however, the claim must be filed with this office within six months after you are notified of the Department's determination on any claim for reimbursement.

You have the right to discuss with others any offer or agreement regarding the Department's acquisition of the Property, or you may (but are not required to) keep the offer or agreement confidential from others, subject to the provisions of Chapter 552, Government Code (the Public Records Act) as it may apply to the Department.

Please see the enclosed copy of the proposed instrument that will convey the Property and any improvement owned by you on the Property to the Department. Additionally, please see the enclosed copy of the Texas Landowner Bill of Rights.

Also enclosed is a copy of the Department brochure entitled "State Purchase of Right of Way", which the Department trusts will give you a better understanding of the procedures followed by the Department in

EXHIBIT "A"

purchasing property interests for highway purposes. The Department respectfully requests the opportunity to meet with you or to otherwise discuss and answer any questions you may have regarding the details of the type of facility to be built or concerning the Department's offer or proposed purchase transaction. Also, please do not hesitate to contact Linda Lindsay at the telephone number provided above regarding any question you may have.

Finally, enclosed are copies of all appraisal reports relating to the Property being acquired, which were prepared in the ten (10) years preceding the date of this offer and produced or acquired by the Department, including the appraisal that determined this offer. These appraisals were prepared by a certified appraiser certified to practice as a certified general appraiser under Chapter 1103, Occupations Code.

Sincerely,

Linda Sindsay

Linda Lindsay, Senior Right of Way Agent AtkinsRéalis

Enclosures: Legal Description The State of Texas Landowner's Bill of Rights ("TLBOR") State Purchase of Right of Way Brochure Deed – Draft Possession and Use Agreement (PUAIC) - Draft Title Commitment Brokerage Agreement Acknowledgment and Request for Information form Acknowledgement of Receipt of Appraisal with self-addressed and stamped return envelope Appraisal Report(s)

cc: Cherree Cassidy, TxDOT Project Manager, Fort Worth District

February 10, 2023 Parcel 15 Parcel ID P00071147.001 Page 1 of 7

EXHIBIT "A"

County:JohnsonHighway:FM 3391Project Limits:From IH 35W to E of CR 602R.O.W. CSJ:3372-01-015Const. CSJ:3372-01-010Project No.:R00002292

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Property Description for Parcel 15 (P00071147.001)

BEING 0.0050 acres (218 square feet) of land situated in the David Anderson Survey, Abstract No. 4, in the City of Burleson, Johnson County, Texas, said 0.0050 acres (218 square feet) of land being a portion of Lot 2, Block 1 of Memorial Plaza, an addition to the City of Burleson, Johnson County, Texas as recorded in Volume 10, Page 532 of the Plat Records of Johnson County, Texas, and being a portion of a called 19.826 acre tract of land described in Special Warranty Deed to the City of Burleson, filed June 18, 1993 and recorded in Volume 1702, Page 754 of the Official Public Records of Johnson County, Texas, said 0.0050 acres (218 square feet) of land being more particularly described by metes and bounds as follows:

COMMENCING at a 1/2 inch iron rod found for the southeast corner of said Lot 3, Block 1 of said Memorial Plaza, said 1/2 inch iron rod being the northeast corner of Lot 1, Block 1 of Redman Industrial Addition, an addition to the City of Burleson, Johnson County, Texas as recorded in Volume 8, Page 300 of said Plat Records of Johnson County, Texas, said 1/2 inch iron rod being in the west line of Lot 8, Block A of Burleson I.S.D. South Hurst Road Addition, an addition to the City of Burleson, Johnson County, Texas as recorded in Volume 8, Page 902 of said Plat Records of Johnson County, Texas, said 1/2 inch iron rod also being in the west line of a called 100.007 acre tract of land described as Tract 1 in deed to Burleson Independent School District as recorded in Volume 2457, Page 102 of said Official Public Records of Johnson County, Texas;

February 3, 2023 Parcel 15 Parcel ID P00071147.001 Page 2 of 7

EXHIBIT "A"

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THENCE, North 00 degrees 31 minutes 12 seconds West, with the east line of said Lot 3, with the west line of said Lot 8, and with the west line of said called 100.007 acre tract of land, passing at a distance of 617.90 feet, a calculated point for the northeast corner of said Lot 3 and the southeast corner of said Lot 2, passing at a distance of 878.00 feet, a calculated point for the northwest corner of said Lot 8, from which a 1/2 inch iron rod found for reference bears South 85 degrees 30 minutes 08 seconds West, a distance of 1.34 feet, in all, a distance of 1,121.73 feet to a 5/8 inch iron rod with 1-3/4 inch pink plastic cap stamped "TXDOT SURVEY MARKER RIGHT OF WAY MONUMENT" set for the **POINT OF BEGINNING** and having surface coordinates of N=6,881,806.87 and E=2,336,727.45, said 5/8 inch iron rod with 1-3/4 inch pink plastic cap stamped "TXDOT SURVEY MARKER RIGHT OF WAY MONUMENT" being the intersection of the east line of said Lot 2 and the west line of said called 100.007 acre tract of land with the proposed southwesterly right-of-way line of FM 3391 (E. Renfro Street) (right-of-way width varies), said 5/8 inch iron rod with 1-3/4 inch pink plastic cap stamped "TXDOT SURVEY MARKER RIGHT OF WAY MONUMENT" also being 86.05 feet Right of and at right angles to centerline Station 46+11.17 of said FM 3391 (E. Renfro Street);

- (1)THENCE, North 54 degrees 56 minutes 12 seconds West, with the proposed southwesterly right-of-way line of said FM 3391 (E. Renfro Street), a distance of 34.57 feet to a 5/8 inch iron rod with 1-3/4 inch pink plastic cap stamped "TXDOT SURVEY MARKER RIGHT OF WAY MONUMENT" set for the intersection of the proposed southwesterly right-of-way line of said FM 3391 (E. Renfro Street) with the northeasterly line of said Lot 2 and the existing southwesterly right-of-way line of Memorial Plaza (right-of-way width varies) (no deed of record found), said 5/8 inch iron rod with 1-3/4 inch pink plastic cap stamped "TXDOT SURVEY MARKER RIGHT OF WAY MONUMENT" having surface coordinates of N=6,881,826.73 and E=2,336,699.15 and being 83.28 feet Right of and at right angles to centerline Station 45+76.71 of said FM 3391 (E. Renfro Street), said 5/8 inch iron rod with 1-3/4 inch pink plastic cap stamped "TXDOT SURVEY MARKER RIGHT OF WAY MONUMENT" also being the beginning of a non-tangent curve to the right having a radius of 2,420.49 feet, a central angle of 00 degrees 40 minutes 29 seconds, and whose chord bears South 81 degrees 03 minutes 09 seconds East, a distance of 28.50 feet; **
- (2) **THENCE**, with said non-tangent curve to the right, with the northeasterly line of said Lot 2, and the existing southwesterly right-of-way line of said Memorial Plaza, an arc length of 28.50 feet to a 1/2 inch iron rod found for the northeast corner of said Lot 2, said 1/2 inch iron rod being the northwest corner of said called 100.007 acre tract of land;

February 3, 2023 Parcel 15 Parcel ID P00071147.001 Page 3 of 7

EXHIBIT "A"

(3) **THENCE,** South 00 degrees 31 minutes 14 seconds East, with the east line of said Lot 2 and with the west line of said called 100.007 acre tract of land, a distance of 15.43 feet to the **POINT OF BEGINNING** and containing 0.0050 acres (218 square feet) of land.

NOTES:

The basis of bearing is the Texas State Plane Coordinate System of 1983 North Central Zone (4202), North American Datum (NAD83), 2011 adjustment, EPOCH 2010.00. All distances and coordinates shown are surface, unless otherwise noted, and may be converted to grid by dividing by the TXDOT combined scale factor of 1.00012. Unit of measurement is U.S. Survey Feet.

** The monument described and set in this call may be replaced with a TxDOT Type II right-ofway marker upon completion of the highway construction project under the supervision of a Registered Professional Land Surveyor, either employed or retained by TxDOT.

A parcel plat of even date was prepared in conjunction with this property description.

Abstracting was completed in June, 2022 through January, 2023.

All stations and offsets shown are calculated relative to the project centerline (FM 3391 centerline).

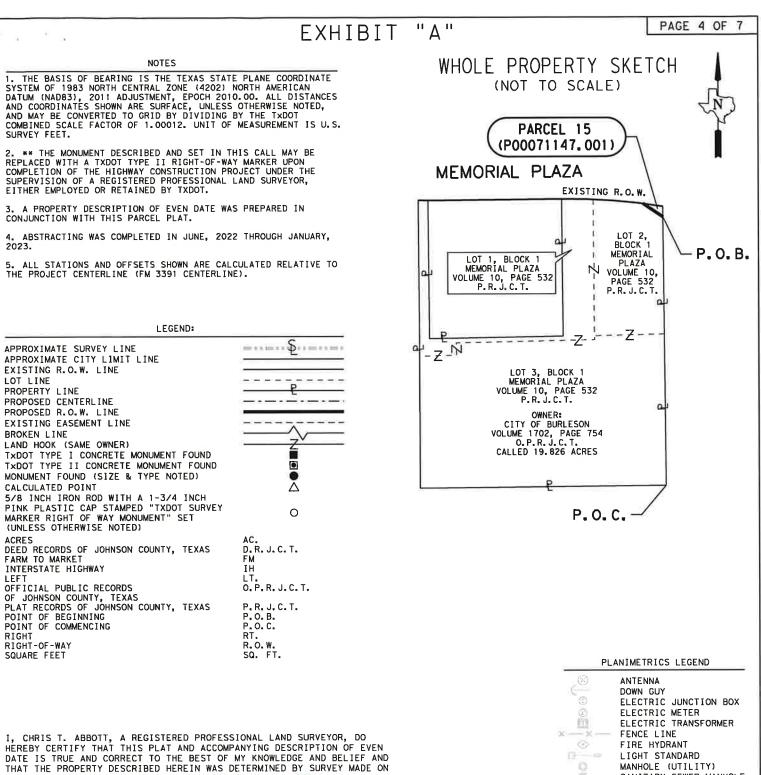
Access will be permitted to the remainder property abutting the highway facility.

I, Chris T. Abbott, a Registered Professional Land Surveyor, do hereby declare that this description and accompanying plat is true and correct to the best of my knowledge and belief and that the property described herein was determined by survey made on the ground under my direction and supervision.

72/10/23

Chris T. Abbott Registered Professional Land Surveyor No. 6407 Gorrondona & Associates, Inc. 2800 NE Loop 820, Suite 660 Fort Worth, Texas 76137 Office 817-496-1424 Fax 817-496-1768 Texas Firm No. 10106900





THE GROUND UNDER MY DIRECTION AND SUPERVISION.

CHRIS T. ABBOTT

REGISTERED PROFESSIONAL LAND SURVEYOR TEXAS NO. 6407 TEXAS NO. 6407 GORRONDONA & ASSOCIATES, INC. 2800 NE LOOP 820, SUITE 660 FORT WORTH, TEXAS 76137 PHONE: 817-496-1424 FAX: 817-496-1768 TEXAS FIRM NO. 10106900



WATER VALVE THE ACREAGE CALCULATED AND SHOWN HEREON IS CONVERTED FROM THE SQUARE FOOTAGE SHOWN HEREON, AND IS FOR INFORMATIONAL PURPOSES ONLY.

SIGN

UTILITY POLE

WATER METER

SANITARY SEWER MANHOLE

	*DENOTES	Α	CALCULATED	AREA	02/10/2023
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© 2023	F	PARCEL NUMBER				
				ACRES	SQUARE FEET	
Texas	FEDERAL AID PROJECT NO.	FM 3391	STATE DISTRICT NO.	ACQUISITION	0.0050	218
Department	N/A			PARENT AREA	19.826	*863,621
of Transportation	SCALE 1" = 50'	FILE R.O.WC.S.J NO. 337201015_P15_P00071147.001_PG04 3372-01-015		REMAINDER AREA	RT. *19.821	*863,403

