

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 0.0066 ACRES OF LAND NEAR THE INTERSECTION OF E. RENFRO STREET AND CARDINAL RIDGE ROAD, FOR THE SALES PRICE OF \$24,893.00 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; 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 \$24,893 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.

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"

AtkinsRéalis

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 #: 21

Parcel ID: P00071153

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, Johnson County, Texas

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 along the SE corner of E Renfro St/Cardinal Ridge Road, Burleson, TX, 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 \$24,893.00 for the Property. This compensation does not include any value for damages to a remainder 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

Exhibit "A"

retain the improvement(s), if they wish to do so. The retention value(s) are estimated amounts the 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.

<u>Improvement Type</u>	<u>Type Construction</u>	<u>Amount to be Subtracted if Retained</u>
Columns	Brick	\$1.00
Landscaping Flower Box	Brick	\$1.00
Landscaping	Typical	\$1.00
Lightpole	Metal	\$1.00

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 to the Department. Additionally, please see the enclosed copy of the Texas Landowner Bill of Rights.

Exhibit "A"

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 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 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

EXHIBIT "A"

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

Property Description for Parcel 21 (P00071153.001)

BEING 0.0066 acres (287 square feet) of land situated in the David Anderson Survey, Abstract No. 4, in the City of Burleson, Johnson County, Texas, said 0.0066 acres (287 square feet) of land being a portion of Cardinal Ridge Road (right-of-way width varies) dedicated to the City of Burleson as shown on plat of Oak Valley Estates Phase IV, an addition to the City of Burleson, Johnson County, Texas as recorded in Volume 8, Page 423 of the Plat Records of Johnson County, Texas, said 0.0066 acres (287 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 southwest corner of Lot 5, Block 32 of said Oak Valley Estates Phase IV, said 1/2 inch iron rod being the southeast corner of Lot 4, Block 32 of said Oak Valley Estates Phase IV, said 1/2 inch iron rod being in the existing north right-of-way line of Blackbird Court (50' width right-of-way) as shown on plat of said Oak Valley Estates Phase IV;

THENCE, South 89 degrees 27 minutes 09 seconds West, with the south line of said Lot 4 and with the existing north right-of-way line of said Blackbird Court, passing at a distance of 70.00 feet, a calculated point for the southwest corner of said Lot 4 and the southeast corner of Lot 3, Block 32 of said Oak Valley Estates Phase IV, from which a 1/2 inch iron rod found for reference bears South 55 degrees 30 minutes 02 seconds East, a distance of 0.29 feet, passing at a distance of 140.00 feet, a 1/2 inch iron rod found for the southwest corner of said Lot 3 and the southeast corner of Lot 2, Block 32 of said Oak Valley Estates Phase IV, passing at a distance of 210.00 feet, a calculated point for the southwest corner of said Lot 2 and the southeast corner of Lot 1, Block 32 of said Oak Valley Estates Phase IV, from which a 1/2 inch iron rod found for reference bears South 22 degrees 50 minutes 12 seconds East, a distance of 0.30 feet, in all, a distance of 295.00 feet to a calculated point for the southwest corner of said Lot 1, said calculated point being the intersection of the existing north right-of-way line of said Blackbird Court with the existing east right-of-way line of said Cardinal Ridge Road, from which a 1/2 inch iron rod found for reference bears North 00 degrees 33 minutes 19 seconds East, a distance of 0.62 feet;

EXHIBIT "A"

THENCE, North 00 degrees 16 minutes 28 seconds West, with the west line of said Lot 1 and with the existing east right-of-way line of said Cardinal Ridge Road, a distance of 100.00 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=6,881,203.49 and E=2,340,002.57, said 5/8 inch iron rod with 1-3/4 inch pink plastic cap stamped "TXDOT SURVEY MARKER RIGHT OF WAY MONUMENT" being the most westerly northwest corner of said Lot 1, said 5/8 inch iron rod with 1-3/4 inch pink plastic cap stamped "TXDOT SURVEY MARKER RIGHT OF WAY MONUMENT" being an angle point in the existing east right-of-way line of said Cardinal Ridge Road, said 5/8 inch iron rod with 1-3/4 inch pink plastic cap stamped "TXDOT SURVEY MARKER RIGHT OF WAY MONUMENT" also being 84.81 feet Right of and at right angles to centerline Station 79+83.33 of FM 3391 (E. Renfro Street) (right-of-way width varies), from which a 1/2 inch iron rod found for reference bears South 50 degrees 47 minutes 38 seconds East, a distance of 0.30 feet; **

- (1) **THENCE**, North 00 degrees 16 minutes 28 seconds West, a distance of 18.16 feet to a calculated point for corner;
- (2) **THENCE**, North 46 degrees 53 minutes 39 seconds East, a distance of 10.08 feet to a calculated point for corner in the south line of a called 1.023 acre tract of land described as Parcel 10 in deed to the State of Texas as recorded in Volume 1784, Page 558 of the Official Public Records of Johnson County, Texas, said calculated point being in the existing south right-of-way line of FM 3391 (E. Renfro Street) (120' width right-of-way);
- (3) **THENCE**, North 89 degrees 25 minutes 40 seconds East, with the south line of said called 1.023 acre tract of land and with the existing south right-of-way line of said FM 3391 (E. Renfro Street), a distance of 17.60 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 most northerly northwest corner of said Lot 1, 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 south line of said called 1.023 acre tract of land and the existing south right-of-way line of said FM 3391 (E. Renfro Street) with the existing southeasterly right-of-way line of said Cardinal Ridge Road, said 5/8 inch iron rod with 1-3/4 inch pink plastic cap stamped "TXDOT SURVEY MARKER RIGHT OF WAY MONUMENT" also having surface coordinates of N=6,881,228.72 and E=2,340,027.44 and being 59.84 feet Right of and at right angles to centerline Station 80+08.45 of said FM 3391 (E. Renfro Street), from which a 1/2 inch iron rod found for the northeast corner of said Lot 5 bears North 89 degrees 25 minutes 40 seconds East, a distance of 340.01 feet, said 1/2 inch iron rod being the northwest corner of Lot 6, Block 32 of said Oak Valley Estates Phase IV; **

EXHIBIT "A"

- (4) **THENCE**, South 44 degrees 35 minutes 21 seconds West, with the northwesterly line of said Lot 1 and with the existing southeasterly right-of-way line of said Cardinal Ridge Road, a distance of 35.43 feet to the **POINT OF BEGINNING** and containing 0.0066 acres (287 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-of-way 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.

 2/17/23

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



NOTES

1. 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.

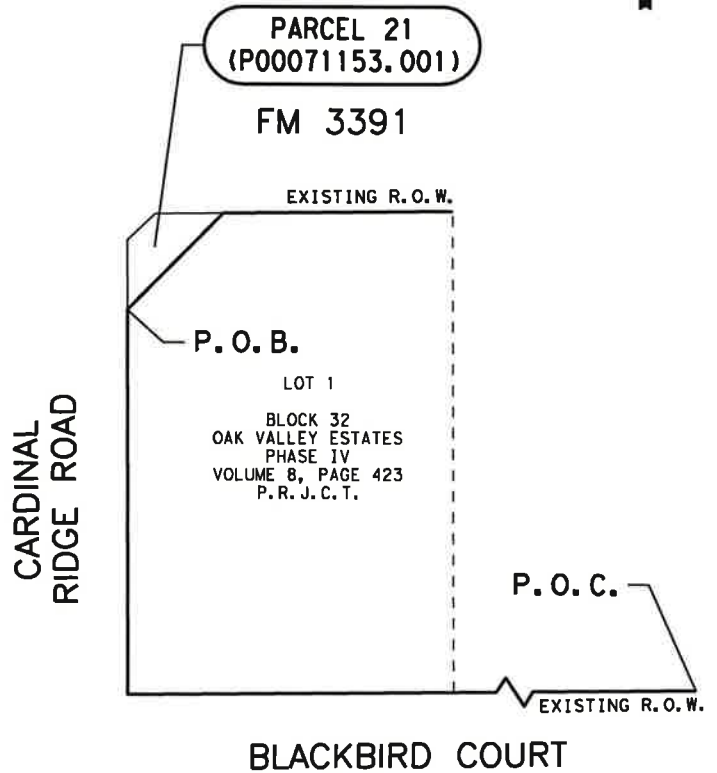
2. ** THE MONUMENT DESCRIBED AND SET IN THIS CALL MAY BE REPLACED WITH A TXDOT TYPE II RIGHT-OF-WAY MARKER UPON COMPLETION OF THE HIGHWAY CONSTRUCTION PROJECT UNDER THE SUPERVISION OF A REGISTERED PROFESSIONAL LAND SURVEYOR, EITHER EMPLOYED OR RETAINED BY TXDOT.

3. A PROPERTY DESCRIPTION OF EVEN DATE WAS PREPARED IN CONJUNCTION WITH THIS PARCEL PLAT.

4. ABSTRACTING WAS COMPLETED IN JUNE, 2022 THROUGH JANUARY, 2023.

5. ALL STATIONS AND OFFSETS SHOWN ARE CALCULATED RELATIVE TO THE PROJECT CENTERLINE (FM 3391 CENTERLINE).

WHOLE PROPERTY SKETCH
(NOT TO SCALE)



LEGEND:

APPROXIMATE SURVEY LINE	
APPROXIMATE CITY LIMIT LINE	
EXISTING R.O.W. LINE	
LOT LINE	
PROPERTY LINE	
PROPOSED CENTERLINE	
PROPOSED R.O.W. LINE	
EXISTING EASEMENT LINE	
BROKEN LINE	
LAND HOOK (SAME OWNER)	
TXDOT TYPE I CONCRETE MONUMENT FOUND	
TXDOT TYPE II CONCRETE MONUMENT WITH 4" BRASS DISK STAMPED "TEXAS DEPARTMENT OF TRANSPORTATION" FOUND	
MONUMENT FOUND (SIZE & TYPE NOTED)	
CALCULATED POINT	
5/8 INCH IRON ROD WITH A 1-3/4 INCH PINK PLASTIC CAP STAMPED "TXDOT SURVEY MARKER RIGHT OF WAY MONUMENT" SET (UNLESS OTHERWISE NOTED)	
ACRES	AC.
DEED RECORDS OF JOHNSON COUNTY, TEXAS	D. R. J. C. T.
FARM TO MARKET	FM
INTERSTATE HIGHWAY	IH
LEFT	LT.
OFFICIAL PUBLIC RECORDS OF JOHNSON COUNTY, TEXAS	O. P. R. J. C. T.
PLAT RECORDS OF JOHNSON COUNTY, TEXAS	P. R. J. C. T.
POINT OF BEGINNING	P. O. B.
POINT OF COMMENCING	P. O. C.
RIGHT	RT.
RIGHT-OF-WAY	R. O. W.
SQUARE FEET	SQ. FT.

PLANIMETRICS LEGEND

	ANTENNA
	DOWN GUY
	ELECTRIC JUNCTION BOX
	ELECTRIC METER
	ELECTRIC TRANSFORMER
	FENCE LINE
	FIRE HYDRANT
	LIGHT STANDARD
	MANHOLE (UTILITY)
	SANITARY SEWER MANHOLE
	SIGN
	UTILITY POLE
	WATER METER
	WATER VALVE

I, CHRIS T. ABBOTT, A REGISTERED PROFESSIONAL LAND SURVEYOR, DO HEREBY CERTIFY THAT THIS PLAT AND ACCOMPANYING DESCRIPTION OF EVEN DATE 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.

Chris T. Abbott 2/17/25



CHRIS T. ABBOTT
REGISTERED PROFESSIONAL LAND SURVEYOR
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

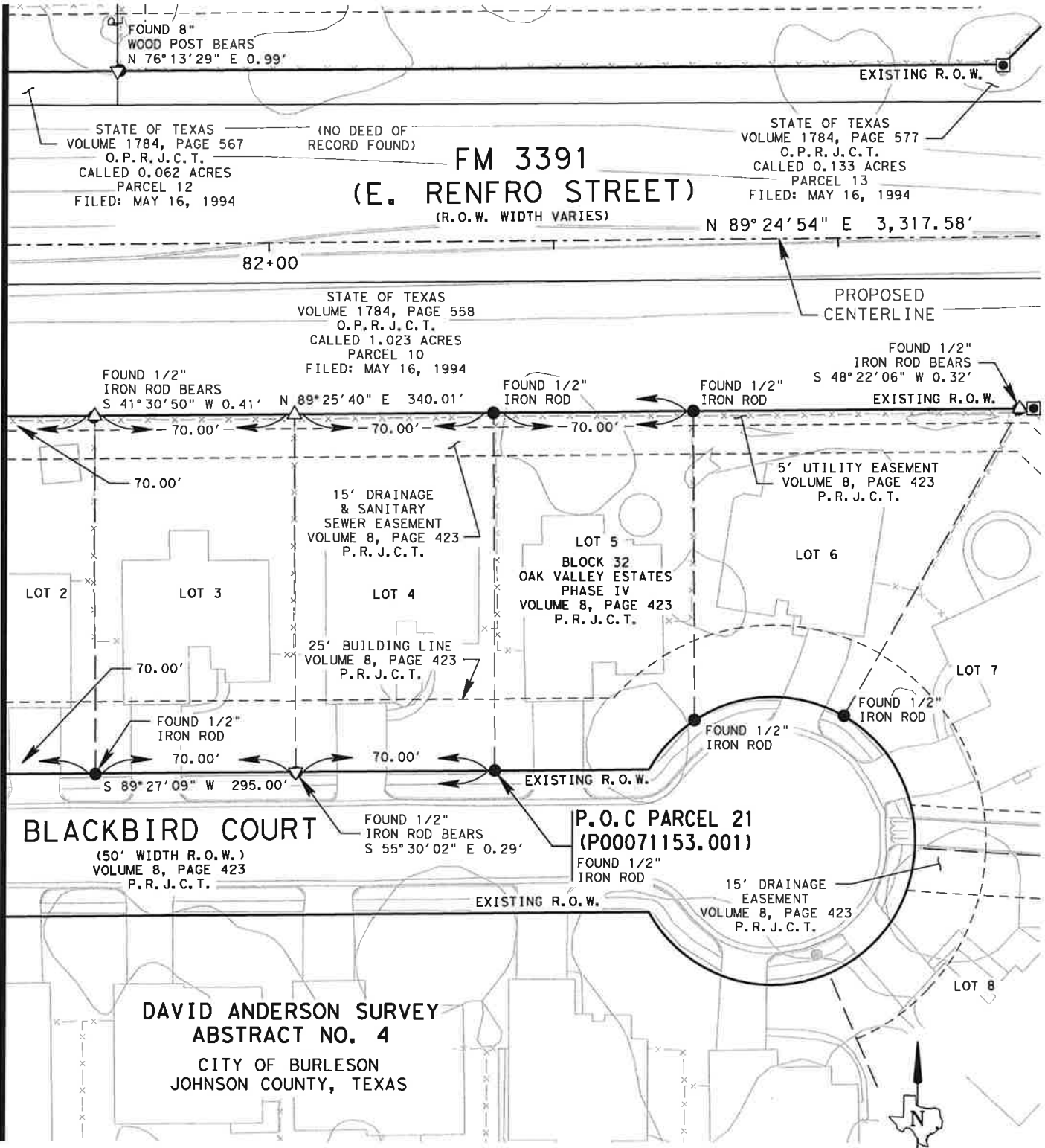
THE ACREAGE CALCULATED AND SHOWN HEREON IS CONVERTED FROM THE SQUARE FOOTAGE SHOWN HEREON, AND IS FOR INFORMATIONAL PURPOSES ONLY.

*DENOTES A CALCULATED AREA 02/17/2023

PARCEL PLAT SHOWING
PARCEL 21 (P00071153.001)

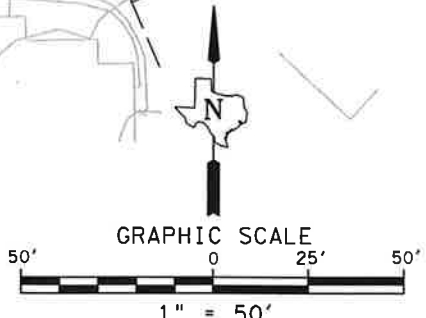
	FEDERAL AID PROJECT NO.		STATE DISTRICT NO.		PARCEL 21 (P00071153.001)	
	N/A		2		ACQUISITION	ACRES
	SCALE		FILE	R.O.W. - C.S. J NO.	PARENT AREA	SQUARE FEET
	1" = 50'		337201015_P21_P00071153.001_PG04	3372-01-015	JOHNSON	N/A

SEE PAGE 6 OF 6



DAVID ANDERSON SURVEY
 ABSTRACT NO. 4
 CITY OF BURLESON
 JOHNSON COUNTY, TEXAS

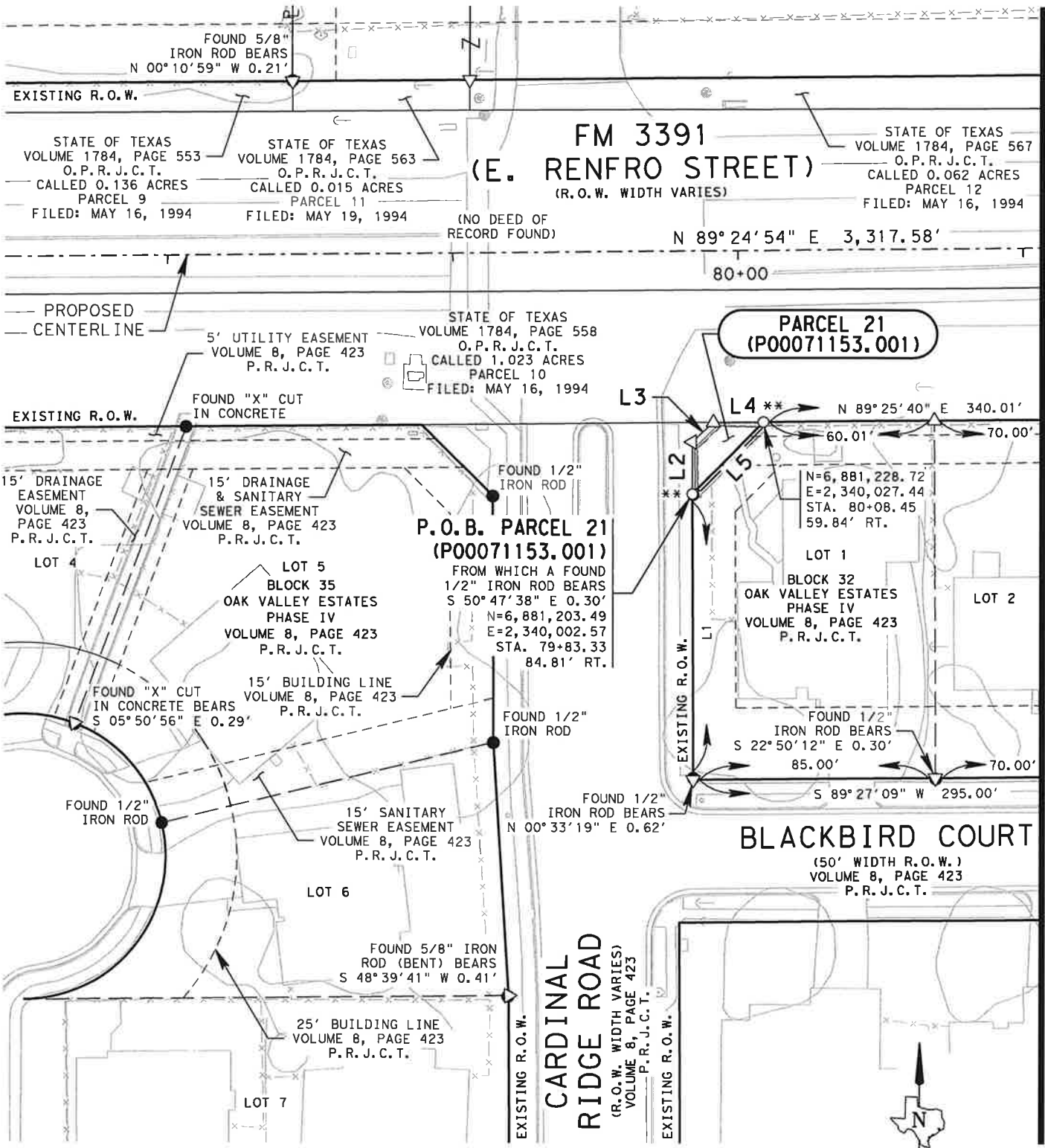
P.O.C PARCEL 21
 (P00071153.001)



*DENOTES A CALCULATED AREA 02/17/2023



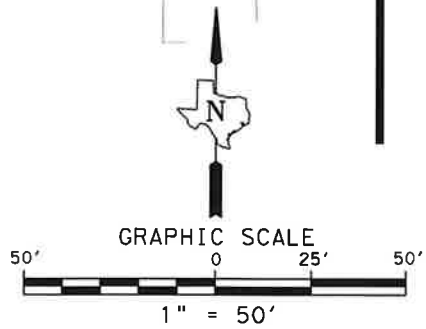
PARCEL PLAT SHOWING PARCEL 21 (P00071153.001)				PARCEL NUMBER	PARCEL 21 (P00071153.001)	
FEDERAL AID PROJECT NO. N/A	FM 3391		STATE DISTRICT NO. 2	ACQUISITION	0.0066	287
SCALE 1" = 50'	FILE 337201015_P21_P00071153.001_PG05	R.O.W.-C.S.J NO. 3372-01-015	COUNTY JOHNSON	PARENT AREA	N/A	N/A
				REMAINDER AREA	N/A	N/A
					ACRES	SQUARE FEET



SEE PAGE 5 OF 6

LINE TABLE		
LINE	BEARING	DISTANCE
L1	N 00°16'28" W	100.00'
L2	N 00°16'28" W	18.16'
L3	N 46°53'39" E	10.08'
L4	N 89°25'40" E	17.60'
L5	S 44°35'21" W	35.43'

DAVID ANDERSON SURVEY
 ABSTRACT NO. 4
 CITY OF BURLESON
 JOHNSON COUNTY, TEXAS



*DENOTES A CALCULATED AREA 02/17/2023



PARCEL PLAT SHOWING PARCEL 21 (P00071153.001)			PARCEL NUMBER	PARCEL 21 (P00071153.001)	
FEDERAL AID PROJECT NO. N/A	FM 3391		ACQUISITION	0.0066	287
SCALE 1" = 50'	FILE 337201015_P21_P00071153.001_P006	R.O.W.-C.S.J NO. 3372-01-015	PARENT AREA	N/A	N/A
	STATE DISTRICT NO. 2	COUNTY JOHNSON	REMAINDER AREA	N/A	N/A