



Dallas Area Rapid Transit
P.O. Box 660163
Dallas, TX 75266-0163
214-749-3278

February 5, 2021

Mr. Mike Land
City Manager
City of Coppell
255 E. Parkway Blvd.
Coppell, Texas 75019

Ms. Traci Leach
Deputy City Manager
City of Coppell
255 Parkway Blvd.
Coppell, TX 75019

RE: City of Coppell Approval of DART's Resolution for a Public Mass Transit Easement (PMTE) for Silver Line Parcels CB1-020 and CB1-024 located in the City of Coppell

Dear Mr. Land and Ms. Leach:

On January 26, 2021, the Dallas Area Rapid Transit (DART) Board approved Resolution No. 210011 declaring a public necessity, establishing just compensation, and authorizing the acquisition of a Public Mass Transit Easement for the Silver Line Regional Rail Project through eminent domain proceedings, if necessary:

As noted in Section 1 for Parcel CB1-020 and Section 2 for Parcel CB1-024 of the DART Board Resolution, DART will not exercise its power of eminent domain for the acquisition of these parcels without the approval of the Coppell City Council.

The City of Coppell is hereby requested to grant DART the authority to acquire by eminent domain, if necessary, the above-referenced parcels which are required for this public project. To stay on construction schedule and not delay the Silver Line project, DART requests the approval of its Board Resolution be placed on the next available City Council agenda for consideration.

The following enclosures are provided to facilitate your review and approval of DART's request:

1. DART's Board Resolution No. 210011 with Legal Descriptions
2. Aerial Maps showing the Parcel location

DART appreciates the City's support to use eminent domain, if necessary, to acquire these properties.

Mr. Mike Land
Ms. Traci Leach
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Please confirm with Ora Pettiford of DART's Real Estate staff via email at opettiford@dart.org which agenda date DART's Board Resolution will be considered by the City Council. DART staff will be present and ready to answer any questions the Council Members may have.

If you have any questions, please feel free to contact me by email at dleininger@dart.org.

Sincerely,

/s/ David Leininger
Reviewed and approved, but not signed due to
COVID-19 Coronavirus Pandemic

David Leininger
Interim President & Chief Executive Officer

Enclosures

c: DART Board
Todd Plesko, DART, Interim Executive Vice President, Growth/Regional Development
Edie Diaz, DART, Vice President, Government Relations

RESOLUTION

of the

**DALLAS AREA RAPID TRANSIT BOARD**

(Executive Committee)

RESOLUTION

Declare Public Necessity, Establish Just Compensation, and Authorize the Acquisition of a Public Mass Transit Easement (PMTE) on Parcels CB1-020 and CB1-024 (Aerial Crossings) Located in the City of Coppell, Texas, for the Silver Line Regional Rail Project, and Authorize Eminent Domain Proceedings for All Parcels, if Necessary

WHEREAS, Dallas Area Rapid Transit (DART) was created to provide a regional public transportation system, and the acquisition of real property and the planning, design, engineering, and construction of improvements thereon are functions fundamental to the provision of a public transportation system; and

WHEREAS, the parcels described in Exhibits 1-2 are required for the construction of the Silver Line Regional Rail project; and

WHEREAS, after careful review of these parcels and the recommendation of the President/Executive Director, the Board desires to declare the acquisition of these parcels a public necessity, to approve the offer of just compensation for these parcels, and to authorize the President/Executive Director or his designee to proceed with the negotiation and purchase of these parcels by Public Mass Transit Easement (PMTE) , and if necessary, the acquisition of these parcels through eminent domain; and

WHEREAS, funding for these real estate acquisitions are within current Budget and FY 2021 Twenty-Year Financial Plan allocations.

NOW, THEREFORE, BE IT RESOLVED by the Dallas Area Rapid Transit (DART) Board of Directors that:

Section 1:


There is a public necessity for the acquisition of Parcel CB1-020 described in Exhibit 1. This property is necessary and proper for construction of the Silver Line Regional Rail Project and for any other use authorized by Chapter 452 of the Texas Transportation Code, and such use is hereby declared to be a public use for a public purpose. The amount to be paid represents just compensation for this parcel required for the Silver Line Regional Rail Project as determined by a Texas State Certified Appraiser and reviewed by a Texas State Certified Appraiser. In the event the property owner accepts the payment of just compensation, the President/Executive Director or his designee is hereby authorized to execute all necessary legal instruments and to pay necessary relocation expenses, title policy expenses, closing costs, and other such costs as may be required by law to close the purchase of the property. Should the property owner decline the payment of just compensation, then the President/Executive Director or his designee is hereby authorized and directed to negotiate the purchase of such parcel in accordance with DART's Real Estate Policy. If the President/Executive Director or his designee is unable to negotiate the purchase of this parcel for just compensation, the General Counsel is hereby authorized and directed to initiate and prosecute the completion of eminent domain proceedings for the acquisition of this parcel for the Silver Line Regional Rail Project. DART shall not exercise its power of eminent domain for the acquisition of the parcel described in Exhibit 1 without approval of such acquisition by the City Council of the City of Coppell for CB1-020. DART's exercise of the power of eminent domain in acquiring the herein described parcel will not unduly impair the then existing neighborhood character of property surrounding or adjacent to the property to be condemned, nor unduly interfere with interstate commerce, nor authorize DART to run its vehicles on railroad tracks which are used to transport property.

Section 2:


There is a public necessity for the acquisition of Parcel CB1-024 described in Exhibit 2. This property is necessary and proper for construction of the Silver Line Regional Rail Project and for any other use authorized by Chapter 452 of the Texas Transportation Code, and such use is hereby declared to be a public use for a public purpose. The amount to be paid represents just compensation for this parcel required for the Silver Line Regional Rail Project as determined by a Texas State Certified Appraiser and reviewed by a Texas State Certified Appraiser. In the event the property owner accepts the payment of just compensation, the President/Executive Director or his designee is hereby authorized to execute all necessary legal instruments and to pay necessary relocation expenses, title policy expenses, closing costs, and other such costs as may be required by law to close the purchase of the property. Should the property owner decline the payment of just compensation, then the President/Executive Director or his designee is hereby authorized and directed to negotiate the purchase of such parcel in accordance with DART's Real Estate Policy. If the President/Executive Director or his designee is unable to negotiate the purchase of this parcel for just compensation, the General Counsel is hereby authorized and directed to initiate and prosecute the completion of eminent domain proceedings for the acquisition of this parcel for the Silver Line Regional Rail Project. DART shall not exercise its power of eminent domain for the acquisition of the parcel described in Exhibit 2 without approval of such acquisition by the City Council of the City of Coppell for CB1-024. DART's exercise of the power of eminent domain in acquiring the herein described parcel will not unduly impair the then existing neighborhood character of property surrounding or adjacent to the property to be condemned, nor unduly interfere with interstate commerce, nor authorize DART to run its vehicles on railroad tracks which are used to transport property.

Declare Public Necessity, Establish Just Compensation, and Authorize the Acquisition of a Public Mass Transit Easement (PMTE) on Parcels CB1-020 and CB1-024 (Aerial Crossings) Located in the City of Coppell, Texas, for the Silver Line Regional Rail Project, and Authorize Eminent Domain Proceedings for All Parcels, if Necessary



Jonathan R. Kelly
Secretary


Paul N. Wageman
Chair

APPROVED AS TO FORM:


Gene Gamez
General Counsel

ATTEST


Gary C. Thomas
President/Executive Director

January 26, 2021
Date

BEING an 6,730 square feet or 0.1545 acre tract of land situated in the McKinney and Williams Survey, Abstract No. 1054, City of Coppell, Dallas County, Texas, said 6,730 square feet of land being a portion of **LOT 9C1, BLOCK A, COPPELL HEIGHTS ADDITION**, being an Addition to the said City and State, according to the plat thereof filed for record in Instrument Number (Ins. No.) 201600016362, Official Public Records, Dallas County, Texas (O.P.R.D.C.T.), said 6,730 square feet of land being a portion of a tract of land that Metrobank, N.A. conveyed to **S&P WORLDWIDE, LLC** by special warranty deed, as recorded in Instrument Number 201000329127, O.P.R.D.C.T., said 6,730 square feet of land being more particularly described by metes and bounds as follows:

BEGINNING at a 5/8 inch iron rod with a cap stamped "SPOONER 5922" set at the southwest lot corner of said Lot 9C1, same being the northwest lot corner of Lot 8, Coppell Heights Addition, being an Addition to the said City and State, according to the plat thereof filed for record in Volume 32, Page 229, Map Records, Dallas County, Texas, said beginning point also being on the east right-of-way line of South Belt Line Road (being a variable width public right-of-way):

THENCE North 00°35'23" West, along the west lot line of said Lot 9C1 and along the said east right-of-way line, 16.02 feet to a 5/8 inch iron rod with a cap stamped "SPOONER 5922" set from which a 5/8 inch iron rod with a cap stamped "PROBECK 5187" (controlling monument) found at the northwest lot corner of said Lot 9C1, bears North 00°35'23" West, 147.15 feet;

THENCE North 89°01'40" East, departing the said lot line, the said right-of-way line and over and across said Lot 9C1, 369.46 feet to a 5/8 inch iron rod with a cap stamped "SPOONER 5922" set on an east lot line of said Lot 9C1, same being a west lot line of Lot 9C2, of said Block A from which a 5/8 inch iron rod with a cap stamped "PROBECK 5187" (controlling monument) found at the northeast lot corner of said Lot 9C1, same being the most westerly southwest lot corner of said Lot 9C2, said capped iron rod found also being at the southeast lot corner of Lot 9B, Block A, Coppell Heights Addition, being an Addition to the said City and State, according to the plat thereof filed for record in Ins. No. 20070198380, O.P.R.D.C.T., bears North 28°53'44" West, 162.61 feet;

THENCE South 00°35'23" East, along the said east lot line of Lot 9C1 and along the said west lot line of Lot 9C2, 20.41 feet to a 5/8 inch iron rod with a cap stamped "SPOONER 5922" set at the most southerly southeast lot corner of said Lot 9C1, same being the most southerly southwest lot corner of said Lot 9C2, said iron rod set also being on the north lot line of Lot 10, Coppell Heights Addition (Volume 32, Page 229);

THENCE South 89°42'26" West, along the south lot line of said Lot 9C1 and along the said north lot line of Lot 10, at a distance of 129.59 feet passing the northwest lot corner of said Lot 10, same being the northeast lot corner of said Lot 8, and continuing along the said south lot line of Lot 9C1 and along the north lot line of said Lot 8, in all a total distance of 369.46 feet to the **POINT OF BEGINNING**, containing 6,730 square feet or 0.1545 acres of land.

NOTE: All bearings and coordinates as based on the Texas State Plane Coordinate System, NAD-83 (2011), North Central Zone (4202). The horizontal datum derived from the 2019 NAD-83 Published (CORS) Stations ZFW1 and TXCO. All distances shown are surface values and may be converted to grid by dividing by the conversion factor for Dallas County of 1.000136506.



4-30-20

Surveyors Name: Eric S. Spooner
Registered Professional Land Surveyor, Texas No. 5922
Spooners and Associates, Inc.
Texas Board of Professional Land Surveying No. 10054900



**Field Notes Describing a 2,325 Square Foot (0.0534 Acres)
Parcel CBI-024**

BEING an 2,325 square feet or 0.0534 acre tract of land situated in the McKinney and Williams Survey, Abstract No. 1054, City of Coppell, Dallas County, Texas, said 2,325 square feet of land being a portion of **LOT 9C2, BLOCK A, COPPELL HEIGHTS ADDITION**, being an Addition to the said City and State, according to the plat thereof filed for record in Instrument Number (Ins. No.) 201600016362, Official Public Records, Dallas County, Texas (O.P.R.D.C.T.), said 2,325 square feet of land being a portion of a tract of land that Metrobank, N.A. conveyed to **S&P WORLDWIDE, LLC** by special warranty deed, as recorded in Ins. No. 201000329127, O.P.R.D.C.T., said 2,325 square feet of land being more particularly described by metes and bounds as follows:

BEGINNING at a 5/8 inch iron rod with a cap stamped "SPOONER 5922" set at the southeast lot corner of said Lot 9C2, same being the northeast lot corner of Lot 10, Coppell Heights Addition, being an Addition to the said City and State, according to the plat thereof filed for record in Volume 32, Page 229, Map Records, Dallas County, Texas, said beginning point also being on the west right-of-way line of Sanders Loop (being a 60 feet wide public right-of-way at this point), said beginning point being North 00°39'10" West, 399.90 feet from a 5/8 inch iron rod with a cap stamped "JDJR" (controlling monument) found at the southeast lot corner of Lot 13, Coppell Heights Addition (Volume 32, Page 229), same being the northeast lot corner of Lot 14, Coppell Heights Addition (Volume 32, Page 229);

THENCE South 89°42'26" West, along the south lot line of said Lot 9C2 and along the north lot line of said Lot 10, 110.41 feet to a 5/8 inch iron rod with a cap stamped "SPOONER 5922" set at the most southerly southwest lot corner of said Lot 9C2, same being the most southerly southeast lot corner of Lot 9C1 of said Block A;

THENCE North 00°35'23" West, along the westerly lot line of said Lot 9C2 and along the easterly lot line of said Lot 9C1, 20.41 feet to a 5/8 inch iron rod with a cap stamped "SPOONER 5922" set from which a 5/8 inch iron rod with a cap stamped "PROBECK 5187" (controlling monument) found at the most westerly southwest lot corner of said Lot 9C2, same being the northeast lot corner of said Lot 9C1, said iron rod found also being at the southeast lot corner of Lot 9B, Block A, Coppell Heights Addition, being an Addition to the said City and State, according to the plat thereof filed for record in Ins. No. 20070198380, O.P.R.D.C.T., bears North 28°53'44" West, 162.61 feet;

THENCE North 89°01'40" East, departing the said lot lines and over and across said Lot 9C2, 110.41 feet to a 5/8 inch iron rod with a cap stamped "SPOONER 5922" set on the east lot line of said Lot 9C2, same being the said west right-of-way line of Sanders Loop;

THENCE South 00°35'23" East, along the said east lot line and along the said west right-of-way line, 21.71 feet to the **POINT OF BEGINNING**, containing 2,325 square feet or 0.0534 acres of land.

NOTE: All bearings and coordinates as based on the Texas State Plane Coordinate System, NAD-83 (2011), North Central Zone (4202). The horizontal datum derived from the 2019 NAD-83 Published (CORS) Stations ZFW1 and TXCO. All distances shown are surface values and may be converted to grid by dividing by the conversion factor for Dallas County of 1.000136506.

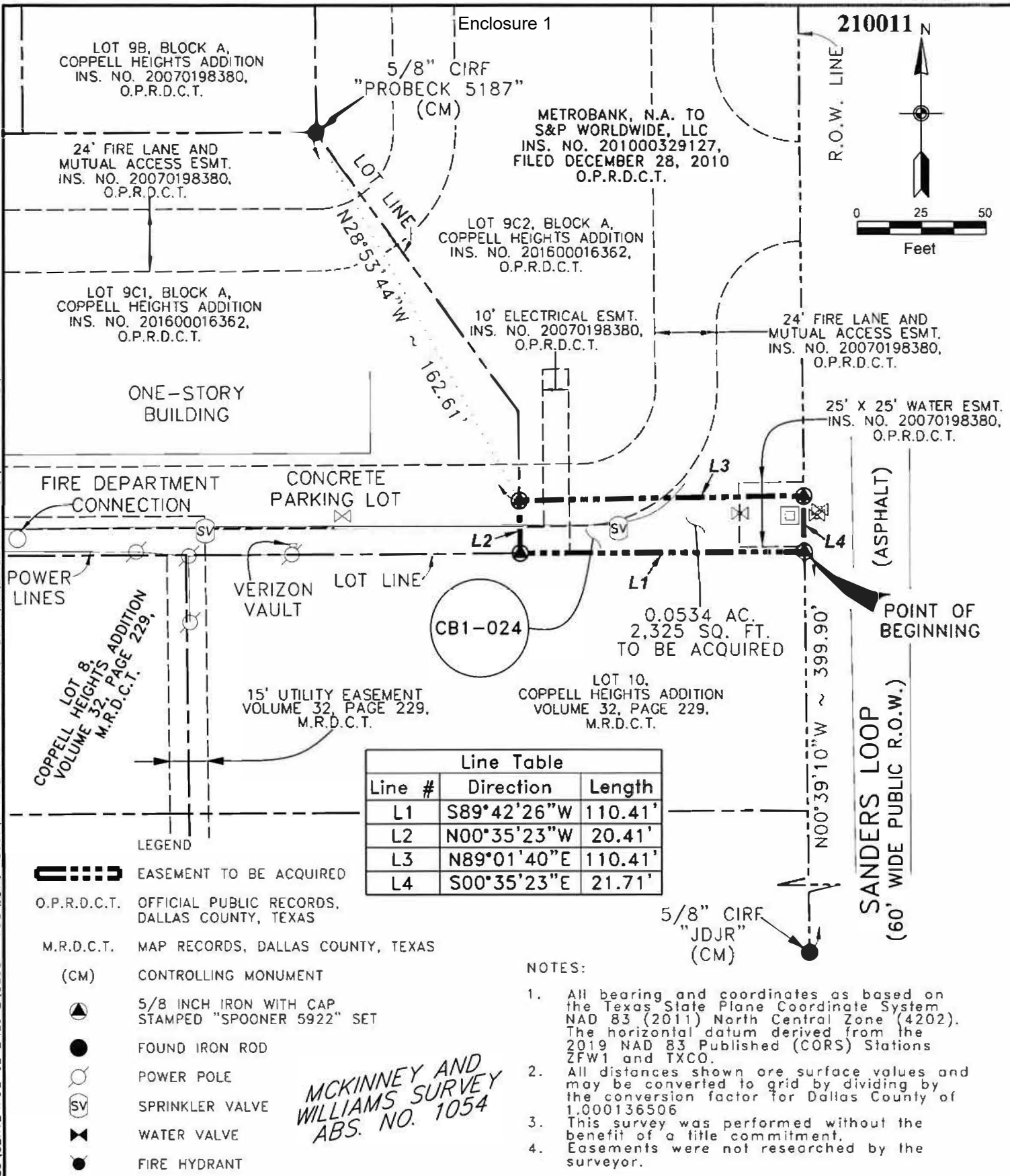


4-30-20

Surveyors Name: Eric S. Spooner
Registered Professional Land Surveyor, Texas No. 5922
Spooners and Associates, Inc.
Texas Board of Professional Land Surveying No. 10054900



G:\Shared drives\S&A TEAM DRIVE\19\19054 DART Cotton Belt Railway\19054 DART ROW JACOBS\EASEMENTS--ROW TAKES\CB1-024\19054-CB1-024.dgn 18-FFR-2020 13:58



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309 BYERS STREET, SUITE 100, EULESS, TEXAS 76039
(817) 685-6448 WWW.SPOONERSURVEYORS.COM
TBPLS FIRM NO. 10054900

DART PROJECT

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SCALE 1"=50'

DRAWN ROsmert

DESIGNED Jacobs

CHECKED ESpooner

IN CHARGE Jacobs

DATE 02-12-2020

CAES

COTTON BELT REGIONAL RAIL SYSTEM

PARCEL CB1-024

A 2,325 SQ. FOOT (0.0534 ACRES)

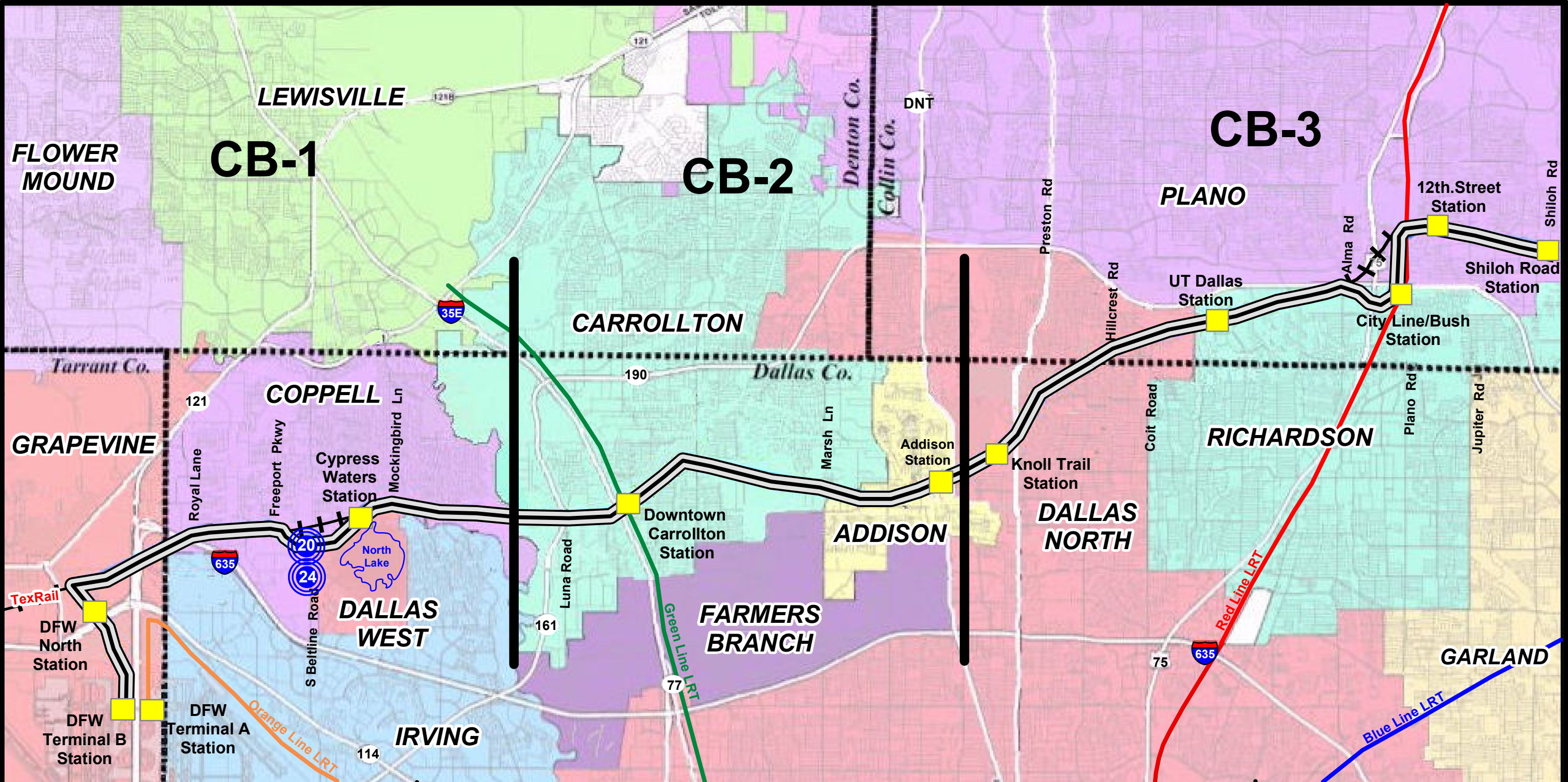
PARCEL TO BE ACQUIRED FROM

S&P WORLDWIDE, LLC

CONTRACT C-2033270-01

DWG No. 19054-CB1-024.dgn

1/26/2021 8:45:08 AM



Legend

- Silver Line Corridor
- Parcel Locations
- Station Locations

DALLAS AREA RAPID TRANSIT

Declare Public Necessity, Establish Just Compensation, and Authorize the Acquisition of Parcel CB1-020 and CB1-024 located in the City of Coppell, Texas, for the Silver Line Regional Rail Project and Authorize Eminent Domain Proceedings for All Parcels, if Necessary.

Southwestern Blvd.






S. Beltline Rd.

Sanders Loop

CB1-020

CB1-024

Legend

-  Silver Line Corridor Limits
-  Property Boundaries
-  Whole Property Boundary Lines
-  Parcel CB1-020 (aerial crossing)
-  Parcel CB1-024 (aerial crossing)

DALLAS AREA RAPID TRANSIT

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640 320 0 640 Miles

