

**MAY 11, 2016 CITY COUNCIL ADDENDUM  
CERTIFICATION**

This certification is given pursuant to Chapter XI, Section 9 of the City Charter for the City Council Addendum dated May 11, 2016. We hereby certify, as to those contracts, agreements, or other obligations on this Agenda authorized by the City Council for which expenditures of money by the City are required, that all of the money required for those contracts, agreements, and other obligations is in the City treasury to the credit of the fund or funds from which the money is to be drawn, as required and permitted by the City Charter, and that the money is not appropriated for any other purpose.

  
\_\_\_\_\_  
A.C. Gonzalez  
City Manager

5-6-16  
\_\_\_\_\_  
Date

  
\_\_\_\_\_  
Jeanne Chipperfield  
Chief Financial Officer

5/6/2016  
\_\_\_\_\_  
Date



RECEIVED

2016 MAY -6 PM 3: 53

CITY SECRETARY  
DALLAS, TEXAS

ADDENDUM  
CITY COUNCIL MEETING  
WEDNESDAY, MAY 11, 2016  
CITY OF DALLAS  
1500 MARILLA  
COUNCIL CHAMBERS, CITY HALL  
DALLAS, TX 75201  
9:00 A.M.

**REVISED ORDER OF BUSINESS**

Agenda items for which individuals have registered to speak will be considered no earlier than the time indicated below:

9:00 a.m.      **INVOCATION AND PLEDGE OF ALLEGIANCE**

**OPEN MICROPHONE**

**CLOSED SESSION**

**MINUTES**

Item 1

**CONSENT AGENDA**

Items 2 - 42

**CONSENT ADDENDUM**

Items 1 - 2

**ITEMS FOR INDIVIDUAL CONSIDERATION**

No earlier  
than 9:15 a.m.

Items 43 - 51

**PUBLIC HEARINGS AND RELATED ACTIONS**

1:00 p.m.

Items 52 - 60

# SUPPLEMENTAL NOTICE

"Pursuant to Section 30.06, Penal Code (trespass by license holder with a concealed handgun), a person licensed under Subchapter H, Chapter 411, Government Code (handgun licensing law), may not enter this property with a concealed handgun."

*"De acuerdo con la sección 30.06 del código penal (ingreso sin autorización de un titular de una licencia con una pistola oculta), una persona con licencia según el subcapítulo h, capítulo 411, código del gobierno (ley sobre licencias para portar pistolas), no puede ingresar a esta propiedad con una pistola oculta."*

"Pursuant to Section 30.07, Penal Code (trespass by license holder with an openly carried handgun), a person licensed under Subchapter H, Chapter 411, Government Code (handgun licensing law), may not enter this property with a handgun that is carried openly."

*"De acuerdo con la sección 30.07 del código penal (ingreso sin autorización de un titular de una licencia con una pistola a la vista), una persona con licencia según el subcapítulo h, capítulo 411, código del gobierno (ley sobre licencias para portar pistolas), no puede ingresar a esta propiedad con una pistola a la vista."*

**ADDENDUM  
CITY COUNCIL MEETING  
MAY 11, 2016  
CITY OF DALLAS  
1500 MARILLA  
COUNCIL CHAMBERS, CITY HALL  
DALLAS, TEXAS 75201  
9:00 A. M.**

ADDITIONS:

CONSENT ADDENDUM

**Office of Financial Services**

1. An ordinance denying rates as requested by Atmos Energy Corp. Mid-Tex Division, and authorizing increased rates to be charged by Atmos as negotiated pursuant to its January 15, 2016 Dallas Annual Rate Review filing - Financing: No cost consideration to the City

**Sustainable Development and Construction**

2. A resolution **(1)** authorizing a sale of surplus property by public auction without a minimum reserve amount; and **(2)** authorizing a Purchase and Sale Agreement to be prepared for the auctioned surplus property upon receiving the highest qualified bid sold absolute on approximately 73,311 square feet of unwanted and unneeded City-owned land improved with an industrial building located near the intersection of Westmoreland Road and Platinum Way - Estimated Revenue: \$833,950

CORRECTION:

**Sustainable Development and Construction**

34. A resolution **(1)** declaring two properties unwanted and unneeded and authorizing their sale by public auction (list attached); ~~and~~ **(2)** authorizing a Purchase and Sale Agreement to be prepared for each auctioned surplus property receiving the highest qualified bid that is sold absolute; and **(3)** waiving the minimum reserve amount - Estimated Revenue: \$310,370

**ADDENDUM  
CITY COUNCIL MEETING  
MAY 11, 2016**

DELETION:

**Code Compliance**

7. An ordinance amending Chapter 17 of the Dallas City Code **(1)** adopting new food establishment rules promulgated by the Texas Department of State Health Services; **(2)** providing additional requirements for certain equipment; **(3)** providing additional requirements for mobile food establishments; **(4)** providing additional requirements for variances for dog friendly patios; **(5)** providing certain Heimlich Maneuver poster display requirements; and **(6)** making conforming changes; and providing a penalty not to exceed \$2,000 - Financing: No cost consideration to the City

**ADDENDUM DATE May 11, 2016**

ITEM		IND							DESCRIPTION
#	OK	DEF	DISTRICT	TYPE	DEPT.	DOLLARS	LOCAL	MWBE	
1			N/A	C	OFS	NC	NA	NA	An ordinance denying rates as requested by Atmos Energy Corp. Mid-Tex Division, and authorizing increased rates to be charged by Atmos as negotiated pursuant to its January 15, 2016 Dallas Annual Rate Review filing - Financing: No cost consideration to the City
2			3	C	DEV	REV \$833,950	NA	NA	A resolution (1) authorizing a sale of surplus property by public auction without a minimum reserve amount; and (2) authorizing a Purchase and Sale Agreement to be prepared for the auctioned surplus property upon receiving the highest qualified bid sold absolute on approximately 73,311 square feet of unwanted and unneeded City-owned land improved with an industrial building located near the intersection of Westmoreland Road and Platinum Way - Estimated Revenue: \$833,950

**TOTAL**

**\$0.00**





**KEY FOCUS AREA:** E-Gov  
**AGENDA DATE:** May 11, 2016  
**COUNCIL DISTRICT(S):** N/A  
**DEPARTMENT:** Office of Financial Services  
**CMO:** Jeanne Chipperfield, 670-7804  
**MAPSCO:** N/A

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**SUBJECT**

An ordinance denying rates as requested by Atmos Energy Corp. Mid-Tex Division, and authorizing increased rates to be charged by Atmos as negotiated pursuant to its January 15, 2016 Dallas Annual Rate Review filing - Financing: No cost consideration to the City

**BACKGROUND**

This item was placed on the addendum and is moved forward by Council direction.

Atmos Energy Corp. Mid-Tex Division (Atmos) provides natural gas utility service in Dallas in accordance with City franchise Ordinance No. 27793 and Title 3, Subtitle A Texas Utilities Code, Gas Utility Regulatory Act (GURA). On June 22, 2011, the City of Dallas approved Atmos' tariff -Dallas Annual Rate Review (DARR), which provides a mechanism by which Atmos shall file for an annual review of its rates. On January 15, 2016, Atmos filed its rate increase request under the DARR tariff. In its filing, Atmos requested an increase in annual revenue of \$7.4 million from within the City of Dallas. Atmos requested that the new rates become effective June 1, 2016.

On January 13, 2016, the City retained Diversified Utility Consultants, Inc. (DUCI) to assist City staff in reviewing the DARR filing. DUCI has expertise in reviewing gas rate cases and has assisted the City in numerous matters concerning Atmos Energy. After reviewing the rate filing and supplemental information received from Atmos, DUCI determined that the requested rate increase was not justified.

City staff, DUCI and outside legal counsel met with Atmos on numerous occasions, both in person and by conference call to negotiate a settlement of the pending rate request. As a result of the negotiations, Atmos has agreed to accept a reduction in the amount of the requested increase. These new rates will result in an annual increase in revenues to Atmos from within the City of Dallas and reimbursement of the City's expenses in reviewing the filing.

**BACKGROUND** (Continued)

The rates as negotiated, are fair and reasonable for the citizens of Dallas and equitable for Atmos.

**PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)**

On January 13, 2016, City Council authorized a consulting contract with Diversified Utility Consultants by Resolution No. 16-0085.

On May 4, 2016, this item was briefed to City Council.

**FISCAL INFORMATION**

No cost consideration to the City.

May 11, 2016

**Ordinance No.** \_\_\_\_\_

**WHEREAS**, Atmos Energy Corp., Mid-Tex Division (“Atmos”) provides natural gas utility service within the City of Dallas in accordance with Ordinance No. 27793; and

**WHEREAS**, on June 22, 2011, the City of Dallas adopted Ordinance #28281 which established the Dallas Annual Rate Review (DARR) Tariff; and

**WHEREAS**, Atmos filed for a \$7,417,758 annual increase applicable to Dallas customers on January 15, 2016 pursuant to terms of the Dallas Annual Rate Review (DARR) tariff; and

**WHEREAS**, Atmos and the City of Dallas have agreed to an annual rate increase of \$5,300,000 to customers within the City of Dallas to settle and resolve the 2016 DARR filing; and

**WHEREAS**, in the discussion of issues to arrive at the settlement, City Staff and Atmos representatives discussed issues regarding necessary revisions to the original request, treatment of accumulated deferred federal income tax, and allocation of corporate expenses (Shared Services Unit) to Mid-Tex Division. The City and Atmos ultimately agree that the issues related to those expenses are ultimately resolved as part of the agreed rates without a specific finding on any expense; and

**WHEREAS**, in the discussion of issues to arrive at the settlement, City Staff and Atmos representatives discussed issues pertaining to Atmos’ proposed use of prior year actual expense for the pension and medical benefits adjustment benchmark. The City and Atmos ultimately agree that the benchmark is appropriate and a copy of the schedule is attached hereto as Exhibit A; and

**WHEREAS**, Atmos and the City of Dallas have agreed that Atmos has fully recovered the Depreciation Regulatory Asset established pursuant to Ordinance No. 28984, and that the rate rider “SUR-Depreciation Regulatory Asset Surcharge”, having fulfilled its purpose is no longer necessary and should be repealed; and

**WHEREAS**, the tariffs attached to this Ordinance, including tariffs, R-Residential Sales, C-Commercial Sales, I-Industrial Sales and T-Transportation, and rate rider WNA-Weather Normalization Adjustment (Dallas) are determined to be fair and reasonable; Now, Therefore,

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DALLAS;**

**Section 1.** That the rate adjustments and tariffs presented in the “Dallas Annual Rate Review Filing Test Year Ended 9-30-15” filed by Atmos Energy Corp. on January 15, 2016, are unreasonable and are therefore denied in all respects.

**Section 2.** That the tariff rate rider SUR-Depreciation Regulatory Asset Surcharge established pursuant to Ordinance No. 28984 and reauthorized by Ordinance No. 29726 is hereby repealed.


**Section 3.** That the tariffs attached hereto as Exhibit B, including tariffs, R-Residential Sales, C-Commercial Sales, I-Industrial Sales and T-Transportation, and rate rider WNA-Weather Normalization Adjustment (Dallas) are hereby approved effective June 1, 2016.

**Section 4.** That the City's expenses in reviewing the DARR filing and negotiating the settlement are deemed reasonable and Atmos shall reimburse the City in full for the costs of City's consultants and outside legal counsel.

**Section 5.** That this ordinance shall take effect immediately from and after its passage in accordance with the provisions of the City Charter of the City of Dallas, and it is accordingly so ordained.

APPROVED AS TO FORM:

Christopher D. Bowers,  
Interim City Attorney

By   
Assistant City Attorney

**ATMOS ENERGY CORP., MID-TEX DIVISION  
PENSIONS AND RETIREE MEDICAL BENEFITS FOR CITY OF DALLAS APPROVAL  
TEST YEAR ENDING SEPTEMBER 30, 2015**

Line No.	Description (a)	Shared Services (b)		Mid-Tex Direct (c)		Mid-Tex Direct (e)		Adjustment Total (g)
		Pension Account Plan ("PAP")	Post-Retirement Medical Plan ("FAS 106")	Pension Account Plan ("PAP")	Post-Retirement Medical Plan ("FAS 106")	Supplemental Executive Benefit Plan ("SERP")	Post-Retirement Medical Plan ("FAS 106")	
1	Fiscal Year 2016 Towers Watson Report	\$ 5,247,522	\$ 2,979,251	\$ 7,840,683	\$ 4,466,430	\$ 150,433	\$ 4,466,430	
2	Allocation to Mid-Tex	36.28%	36.28%	71.75%	71.75%	100.00%	71.75%	
3	FY16 Towers Watson Benefit Costs Allocated to MTX (Ln 1 x Ln 2)	\$ 1,904,052	\$ 1,081,015	\$ 5,625,467	\$ 3,204,536	\$ 150,433	\$ 3,204,536	
4	O&M and Capital Allocation Factor	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	
5	FY16 Towers Watson Benefit Costs To Approve (Ln 3 x Ln 4)	\$ 1,904,052	\$ 1,081,015	\$ 5,625,467	\$ 3,204,536	\$ 150,433	\$ 3,204,536	\$ 11,965,503
6								
7								
8	<b>Summary of Costs to Approve:</b>							
9								
10	Total Pension Account Plan ("PAP")	\$ 1,904,052	\$ 1,081,015	\$ 5,625,467	\$ 3,204,536	\$ 150,433	\$ 3,204,536	\$ 7,529,519
11	Total Post-Retirement Medical Plan ("FAS 106")							4,285,551
12	Total Supplemental Executive Retirement Plan ("SERP")					\$ 150,433		150,433
13	Total (Ln 10 + Ln 11 + Ln 12)	\$ 1,904,052	\$ 1,081,015	\$ 5,625,467	\$ 3,204,536	\$ 150,433	\$ 3,204,536	\$ 11,965,503
14								
15								
16	O&M Expense Factor	96.74%	96.74%	38.57%	38.57%	21.00%	38.57%	
17								
18	Expense Portion (Ln 13 x Ln 16)	\$ 1,842,045	\$ 1,045,811	\$ 2,169,666	\$ 1,235,946	\$ 31,591	\$ 1,235,946	\$ 6,325,058
19								
20	Capital Factor	3.26%	3.26%	61.43%	61.43%	79.00%	61.43%	
21								
22	Capital Portion (Ln 13 x Ln 20)	\$ 62,007	\$ 35,204	\$ 3,455,801	\$ 1,968,590	\$ 118,842	\$ 1,968,590	\$ 5,640,445
23								
24	Total (Ln 18 + Ln 22)	\$ 1,904,052	\$ 1,081,015	\$ 5,625,467	\$ 3,204,536	\$ 150,433	\$ 3,204,536	\$ 11,965,503

**Exhibit B**

**MID-TEX DIVISION  
ATMOS ENERGY CORPORATION**

<b>RATE SCHEDULE:</b>	<b>R – RESIDENTIAL SALES</b>	
<b>APPLICABLE TO:</b>	<b>Customers within the City of Dallas</b>	
<b>EFFECTIVE DATE:</b>	<b>Bills Rendered on or after 06/01/2016</b>	<b>PAGE: 4</b>

**Application**

Applicable to Residential Customers for all natural gas provided at one Point of Delivery and measured through one meter.

**Type of Service**

Where service of the type desired by Customer is not already available at the Point of Delivery, additional charges and special contract arrangements between Company and Customer may be required prior to service being furnished.

**Monthly Rate**

Customer's monthly bill will be calculated by adding the following Customer and Ccf charges to the amounts due under the riders listed below:

<b>Charge</b>	<b>Amount</b>
Customer Charge per Bill	\$20.00 per month
Commodity Charge – All Ccf	\$ 0.09774 per Ccf

Gas Cost Recovery: Plus an amount for gas costs and upstream transportation costs calculated in accordance with Part (a) and Part (b), respectively, of Rider GCR.

Weather Normalization Adjustment: Plus or Minus an amount for weather normalization calculated in accordance with Rider WNA.

Franchise Fee Adjustment: Plus an amount for franchise fees calculated in accordance with Rider FF. Franchise Fees are to be assessed solely to customers within municipal limits. This does not apply to Environs Customers.

Tax Adjustment: Plus an amount for tax calculated in accordance with Rider TAX.

Surcharges: Plus an amount for surcharges calculated in accordance with the applicable rider(s).

**Agreement**

An Agreement for Gas Service may be required.

**Notice**

Service hereunder and the rates for services provided are subject to the orders of regulatory bodies having jurisdiction and to the Company's Tariff for Gas Service.

**Exhibit B**

**MID-TEX DIVISION  
ATMOS ENERGY CORPORATION**

<b>RATE SCHEDULE:</b>	<b>C – COMMERCIAL SALES</b>	
<b>APPLICABLE TO:</b>	<b>Customers within the City of Dallas</b>	
<b>EFFECTIVE DATE:</b>	<b>Bills Rendered on or after 06/01/2016</b>	<b>PAGE: 48</b>

**Application**

Applicable to Commercial Customers for all natural gas provided at one Point of Delivery and measured through one meter and to Industrial Customers with an average annual usage of less than 30,000 Ccf.

**Type of Service**

Where service of the type desired by Customer is not already available at the Point of Delivery, additional charges and special contract arrangements between Company and Customer may be required prior to service being furnished.

**Monthly Rate**

Customer's monthly bill will be calculated by adding the following Customer and Ccf charges to the amounts due under the riders listed below:

<b>Charge</b>	<b>Amount</b>
Customer Charge per Bill	\$ 40.25 per month
Commodity Charge - All Ccf	\$ 0.07143 per Ccf

Gas Cost Recovery: Plus an amount for gas costs and upstream transportation costs calculated in accordance with Part (a) and Part (b), respectively, of Rider GCR.

Weather Normalization Adjustment: Plus or Minus an amount for weather normalization calculated in accordance with Rider WNA.

Franchise Fee Adjustment: Plus an amount for franchise fees calculated in accordance with Rider FF. Franchise Fees are to be assessed solely to customers within municipal limits. This does not apply to Environs Customers.

Tax Adjustment: Plus an amount for tax calculated in accordance with Rider TAX.

Surcharges: Plus an amount for surcharges calculated in accordance with the applicable rider(s).

**Agreement**

An Agreement for Gas Service may be required.

**Notice**

Service hereunder and the rates for services provided are subject to the orders of regulatory bodies having jurisdiction and to the Company's Tariff for Gas Service.

**Exhibit B**

**MID-TEX DIVISION  
ATMOS ENERGY CORPORATION**

<b>RATE SCHEDULE:</b>	<b>I – INDUSTRIAL SALES</b>	
<b>APPLICABLE TO:</b>	<b>Customers within the City of Dallas</b>	
<b>EFFECTIVE DATE:</b>	<b>Bills Rendered on or after 06/01/2016</b>	<b>PAGE: 49</b>

**Application**

Applicable to Industrial Customers with a maximum daily usage (MDU) of less than 3,500 MMBtu per day for all natural gas provided at one Point of Delivery and measured through one meter. Service for Industrial Customers with an MDU equal to or greater than 3,500 MMBtu per day will be provided at Company's sole option and will require special contract arrangements between Company and Customer.

**Type of Service**

Where service of the type desired by Customer is not already available at the Point of Delivery, additional charges and special contract arrangements between Company and Customer may be required prior to service being furnished.

**Monthly Rate**

Customer's monthly bill will be calculated by adding the following Customer and MMBtu charges to the amounts due under the riders listed below:

<b>Charge</b>	<b>Amount</b>
Customer Charge per Meter	\$ 735.00 per month
First 0 MMBtu to 1,500 MMBtu	\$ 0.1891 per MMBtu
Next 3,500 MMBtu	\$ 0.1375 per MMBtu
All MMBtu over 5,000 MMBtu	\$ 0.0218 per MMBtu

Gas Cost Recovery: Plus an amount for gas costs and upstream transportation costs calculated in accordance with Part (a) and Part (b), respectively, of Rider GCR.

Franchise Fee Adjustment: Plus an amount for franchise fees calculated in accordance with Rider FF. Franchise Fees are to be assessed solely to customers within municipal limits. This does not apply to Environs Customers.

Tax Adjustment: Plus an amount for tax calculated in accordance with Rider TAX.

Surcharges: Plus an amount for surcharges calculated in accordance with the applicable rider(s).

**Curtailement Overpull Fee**

Upon notification by Company of an event of curtailement or interruption of Customer's deliveries, Customer will, for each MMBtu delivered in excess of the stated level of curtailement or interruption, pay Company 200% of the midpoint price for the Katy point listed in *Platts Gas Daily* published for the applicable Gas Day in the table entitled "Daily Price Survey."



**Exhibit B**

**MID-TEX DIVISION  
ATMOS ENERGY CORPORATION**

<b>RATE SCHEDULE:</b>	<b>I – INDUSTRIAL SALES</b>	
<b>APPLICABLE TO:</b>	<b>Customers within the City of Dallas</b>	
<b>EFFECTIVE DATE:</b>	<b>Bills Rendered on or after 06/01/2016</b>	<b>PAGE: 50</b>

**Replacement Index**

In the event the “midpoint” or “common” price for the Katy point listed in *Platts Gas Daily* in the table entitled “Daily Price Survey” is no longer published, Company will calculate the applicable imbalance fees utilizing a daily price index recognized as authoritative by the natural gas industry and most closely approximating the applicable index.

**Agreement**

An Agreement for Gas Service may be required.

**Notice**

Service hereunder and the rates for services provided are subject to the orders of regulatory bodies having jurisdiction and to the Company’s Tariff for Gas Service.

**Special Conditions**

In order to receive service under Rate I, Customer must have the type of meter required by Company. Customer must pay Company all costs associated with the acquisition and installation of the meter.

**Exhibit B**

**MID-TEX DIVISION  
ATMOS ENERGY CORPORATION**

<b>RATE SCHEDULE:</b>	<b>T – TRANSPORTATION</b>	
<b>APPLICABLE TO:</b>	<b>Customers within the City of Dallas</b>	
<b>EFFECTIVE DATE:</b>	<b>Bills Rendered on or after 06/01/2016</b>	<b>PAGE: 51</b>

**Application**

Applicable, in the event that Company has entered into a Transportation Agreement, to a customer directly connected to the Atmos Energy Corp., Mid-Tex Division Distribution System (Customer) for the transportation of all natural gas supplied by Customer or Customer's agent at one Point of Delivery for use in Customer's facility.

**Type of Service**

Where service of the type desired by Customer is not already available at the Point of Delivery, additional charges and special contract arrangements between Company and Customer may be required prior to service being furnished.

**Monthly Rate**

Customer's bill will be calculated by adding the following Customer and MMBtu charges to the amounts and quantities due under the riders listed below:

<b>Charge</b>	<b>Amount</b>
Customer Charge per Meter	\$ 735.00 per month
First 0 MMBtu to 1,500 MMBtu	\$ 0.1891 per MMBtu
Next 3,500 MMBtu	\$ 0.1375 per MMBtu
All MMBtu over 5,000 MMBtu	\$ 0.0218 per MMBtu

Upstream Transportation Cost Recovery: Plus an amount for upstream transportation costs in accordance with Part (b) of Rider GCR.

Retention Adjustment: Plus a quantity of gas as calculated in accordance with Rider RA.

Franchise Fee Adjustment: Plus an amount for franchise fees calculated in accordance with Rider FF. Franchise Fees are to be assessed solely to customers within municipal limits. This does not apply to Environs Customers.

Tax Adjustment: Plus an amount for tax calculated in accordance with Rider TAX.

Surcharges: Plus an amount for surcharges calculated in accordance with the applicable rider(s).

**Imbalance Fees**

All fees charged to Customer under this Rate Schedule will be charged based on the quantities determined under the applicable Transportation Agreement and quantities will not be aggregated for any Customer with multiple Transportation Agreements for the purposes of such fees.

**Exhibit B**

**MID-TEX DIVISION  
ATMOS ENERGY CORPORATION**

<b>RATE SCHEDULE:</b>	<b>T – TRANSPORTATION</b>	
<b>APPLICABLE TO:</b>	<b>Customers within the City of Dallas</b>	
<b>EFFECTIVE DATE:</b>	<b>Bills Rendered on or after 06/01/2016</b>	<b>PAGE: 52</b>

**Monthly Imbalance Fees**

Customer shall pay Company the greater of (i) \$0.10 per MMBtu, or (ii) 150% of the difference per MMBtu between the highest and lowest “midpoint” price for the Katy point listed in *Platts Gas Daily* in the table entitled “Daily Price Survey” during such month, for the MMBtu of Customer’s monthly Cumulative Imbalance, as defined in the applicable Transportation Agreement, at the end of each month that exceeds 10% of Customer’s receipt quantities for the month.

**Curtailement Overpull Fee**

Upon notification by Company of an event of curtailment or interruption of Customer’s deliveries, Customer will, for each MMBtu delivered in excess of the stated level of curtailment or interruption, pay Company 200% of the midpoint price for the Katy point listed in *Platts Gas Daily* published for the applicable Gas Day in the table entitled “Daily Price Survey.”

**Replacement Index**

In the event the “midpoint” or “common” price for the Katy point listed in *Platts Gas Daily* in the table entitled “Daily Price Survey” is no longer published, Company will calculate the applicable imbalance fees utilizing a daily price index recognized as authoritative by the natural gas industry and most closely approximating the applicable index.

**Agreement**

A transportation agreement is required.

**Notice**

Service hereunder and the rates for services provided are subject to the orders of regulatory bodies having jurisdiction and to the Company’s Tariff for Gas Service.

**Special Conditions**

In order to receive service under Rate T, customer must have the type of meter required by Company. Customer must pay Company all costs associated with the acquisition and installation of the meter.

**Exhibit B**

**MID-TEX DIVISION  
ATMOS ENERGY CORPORATION**

<b>RIDER:</b>	<b>WNA – WEATHER NORMALIZATION ADJUSTMENT</b>	
<b>APPLICABLE TO:</b>	<b>Customers within the City of Dallas</b>	
<b>EFFECTIVE DATE:</b>	<b>06/01/2016</b>	<b>PAGE: 60</b>

Provisions for Adjustment

The base rate per Ccf (100 cubic feet) for gas service set forth in any Rate Schedules utilized by the cities of the Mid-Tex Division service area for determining normalized winter period revenues shall be adjusted by an amount hereinafter described, which amount is referred to as the "Weather Normalization Adjustment." The Weather Normalization Adjustment shall apply to all temperature sensitive residential and commercial bills based on meters read during the revenue months of November through April. The regional weather station is Dallas.

Computation of Weather Normalization Adjustment

The Weather Normalization Adjustment Factor shall be computed to the nearest one-hundredth cent per Ccf by the following formula:

$$WNAF_i = R_i \frac{(HSF_i \quad (NDD-ADD) \quad )}{(BL_i \quad + \quad (HSF_i \times ADD) \quad )}$$

Where

- $i$  = any particular Rate Schedule or billing classification within any such particular Rate Schedule that contains more than one billing classification
- $WNAF_i$  = Weather Normalization Adjustment Factor for the  $i^{th}$  rate schedule or classification expressed in cents per Ccf
- $R_i$  = base rate of temperature sensitive sales for the  $i^{th}$  schedule or classification utilized by the Commission in the Relevant Rate Order.
- $HSF_i$  = heat sensitive factor for the  $i^{th}$  schedule or classification divided by the average bill count in that class
- $NDD$  = billing cycle normal heating degree days
- $ADD$  = billing cycle actual heating degree days
- $Bl_i$  = base load sales for the  $i^{th}$  schedule or classification divided by the average bill count in that class

**Exhibit B**

**MID-TEX DIVISION  
ATMOS ENERGY CORPORATION**

<b>RIDER:</b>	<b>WNA – WEATHER NORMALIZATION ADJUSTMENT</b>	
<b>APPLICABLE TO:</b>	<b>Customers within the City of Dallas</b>	
<b>EFFECTIVE DATE:</b>	<b>06/01/2016</b>	<b>PAGE: 61</b>

The Weather Normalization Adjustment for the  $j^{\text{th}}$  customer in  $i^{\text{th}}$  rate schedule is computed as:

$$WNA_i = WNAF_i \times q_{ij}$$

Where  $q_{ij}$  is the relevant sales quantity for the  $j^{\text{th}}$  customer in  $i^{\text{th}}$  rate schedule.

Base Use/Heat Use Factors

Weather Station Ccf/HDD	<u>Residential</u>		<u>Commercial</u>	
	Base use Ccf	Heat use Ccf/HDD	Base use Ccf	Heat use
Dallas	15.33	.1924	221.05	.9145



**KEY FOCUS AREA:** Economic Vibrancy  
**AGENDA DATE:** May 11, 2016  
**COUNCIL DISTRICT(S):** 3  
**DEPARTMENT:** Sustainable Development and Construction  
**CMO:** Ryan S. Evans, 671-9837  
**MAPSCO:** 63J

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**SUBJECT**

A resolution **(1)** authorizing a sale of surplus property by public auction without a minimum reserve amount; and **(2)** authorizing a Purchase and Sale Agreement to be prepared for the auctioned surplus property upon receiving the highest qualified bid sold absolute on approximately 73,311 square feet of unwanted and unneeded City-owned land improved with an industrial building located near the intersection of Westmoreland Road and Platinum Way - Estimated Revenue: \$833,950

**BACKGROUND**

This item is on the addendum because additional review time was required.

On June 27, 2012, by Resolution No. 12-1648, the City Council declared approximately 73,311 square feet of land unwanted and unneeded near the intersection of Westmoreland Road and Platinum Way, and authorized its sale by public auction subject to a minimum reserve amount.

The property was auctioned by Hudson and Marshall on September 13, 2012, and the high bid received did not meet the City's minimum reserve amount. The high bid was rejected by the City Council on October 24, 2012, by Resolution No. 12-2693.

This item authorizes the property to be sold by public auction with no minimum reserve amount.

Texas Local Government Code Section 253.008 authorizes municipalities to sell real property owned by the municipality at an advertised public auction. Section 272.001 states fair market value may be determined by the highest bid price obtained by a municipality at an advertised auction.

The property will be advertised for sale by public auction with a reservation of all oil, gas and other minerals in and under the property and a restriction prohibiting the placement of industrialized housing.

**BACKGROUND** (Continued)

Upon receipt of the highest qualified bid sold absolute, a Purchase and Sale Agreement, approved as to form by the City Attorney, will be prepared for the highest bidder. Staff will ensure the highest bidder is qualified to bid and be awarded the property. The property will be sold by Deed without Warranty, approved as to form by the City Attorney.

The property will return to the tax rolls upon conveyance.

**PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)**

On June 27, 2012, City Council authorized declaring this property unwanted and unneeded and to sale by public auction by Resolution No. 12-1648.

On October 24, 2012, City Council authorized rejection of highest bid received by Resolution No. 12-2693.

Council will be briefed by memorandum regarding this item.

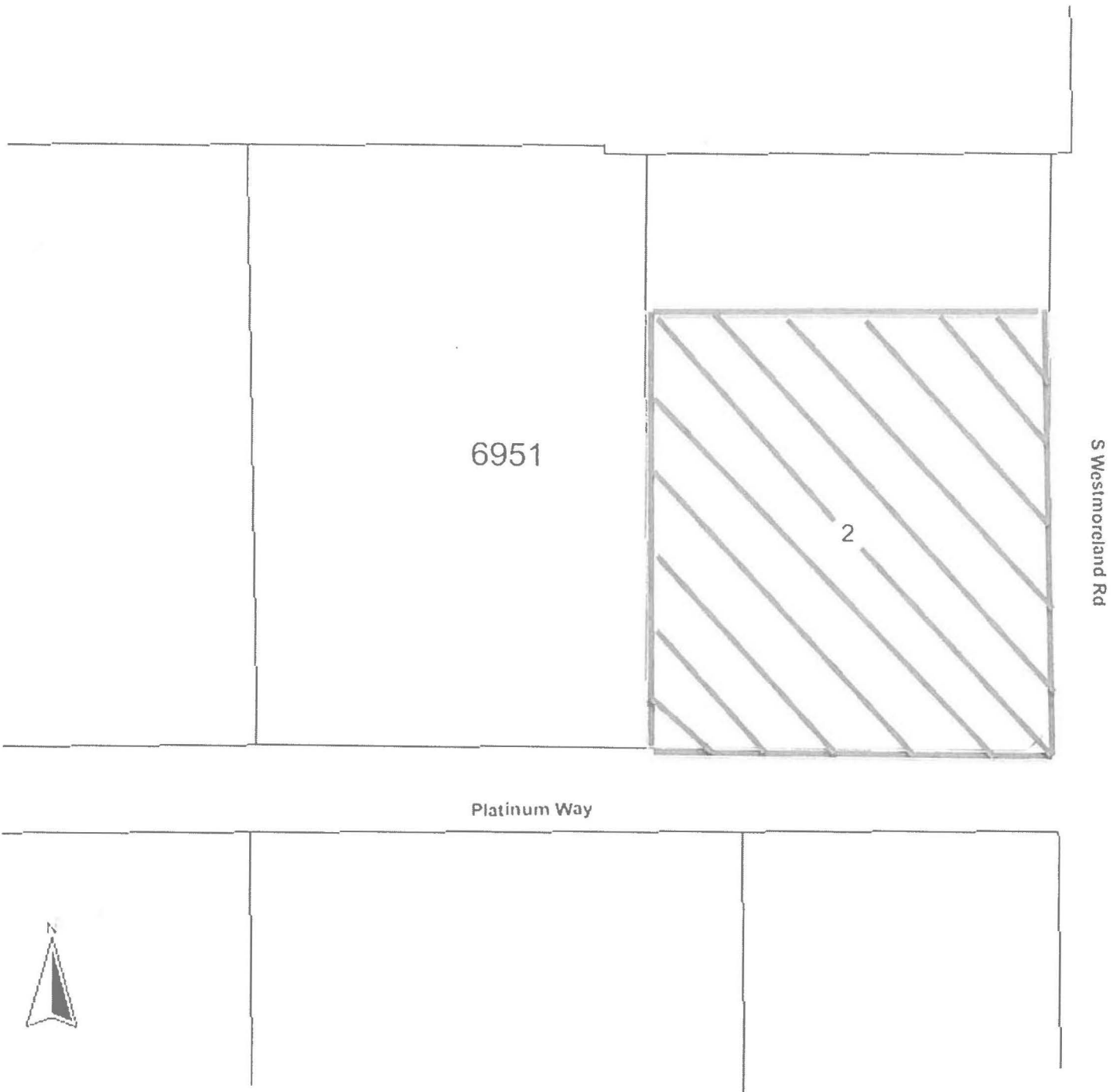
**FISCAL INFORMATION**

Estimated Revenue: \$833,950

**MAP**

Attached

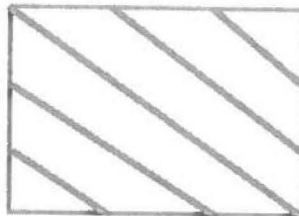




Log#: 43263

Mapsc0: 63J

Surplus Property: 5221 S Westmoreland Rd





May 11, 2016

**WHEREAS**, the City of Dallas (“City”) is the owner of a tract of land located in City of Dallas, Dallas County, Texas as described on Exhibit “A”, attached herein and incorporated by reference, and which tract of land was declared surplus and authorized for sale by public auction, by Resolution No. 12-1648 on June 27, 2012; and

**WHEREAS**, the property in accordance with the provisions of Section 2-24.1 of the Dallas City Code was to be sold by public auction subject to a minimum reserve amount; and

**WHEREAS**, the high bid was rejected by Resolution No. 12-2693 on October 24, 2012; and

**WHEREAS**, pursuant to Section 2-24.1(e) of the Dallas City Code, the procedures required by Section 2-24.1 of the Dallas City Code that are not required by state law, may be waived; and

**WHEREAS**, the minimum reserve amount provided for in Section 2-24.1(b) of the Dallas City Code is not required for the public auction sale of the property pursuant to state law, namely Sections 253.008 & 272.001 of the Texas Local Government Code which instead provide that the City may sell its property by public auction without a minimum reserve amount and where the highest bid received reflects the fair market value of the property; and

**WHEREAS**, pursuant to Section 2-24.1(e) of the Dallas City Code, in accordance with certain procedures, the City recommends the minimum reserve amount requirement of Section 2-24.1(b) of the Dallas City Code be waived and the public auction sale of said City property be authorized to proceed pursuant to Section 2-24.1 of the Dallas City Code, and Sections 253.008 & 272.001 of the Texas Local Government Code, without a minimum reserve and where the highest bid received reflects the fair market value of the property; and

**WHEREAS**, on June 22, 2011, City Council approved Resolution No. 11-1651 authorizing a three year contract with Hudson & Marshall, a Real Estate auction firm, this contract was amended by Administrative Action No. 15-7374 to extend an additional 18 months;

**Now, Therefore,**

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

May 11, 2016

**SECTION 1.** That the minimum reserve amount requirement of Section 2-24.1(b) of the Dallas City Code is hereby waived for the sale of the City-owned surplus property listed on Exhibit "A", attached herein and incorporated by reference, and the property is to be advertised for sale and sold by public auction pursuant to Section 2-24.1 of the Dallas City Code and Sections 253.008 & 272.001 of the Texas Local Government Code, without a minimum reserve and where the highest bid received reflects the fair market value of the property.

**SECTION 2.** That the Director of Sustainable Development and Construction is authorized to advertise the property listed on Exhibit "A" for sale by public auction and upon conclusion of the advertising period conduct the public auction as authorized herein.

**SECTION 3.** That the advertisement of the properties shall state:

- a) that the sale shall be by Deed Without Warranty in a form approved by the City Attorney;
- b) that the sale shall be subject to the terms, covenants, conditions, reservations, restrictions and exceptions of this authorizing resolution, including without limitation the following:
  - i) a restriction prohibiting the placement of industrialized housing on the property;
  - ii) reservation by the City of Dallas of all oil, gas and other minerals in and under the property with a waiver of surface access rights relating to said minerals;
  - iii) any and all visible and apparent easements and encroachments, whether of record or not;
  - iv) any and all covenants, conditions, reservations, restrictions, exceptions, easements, rights-of-way, mineral interests, mineral leases, or other instruments of record and applicable to the property or any part thereof; and
  - v) standby fees, taxes and assessments, if any, by any taxing authority for the year of closing and subsequent years and assessments by any taxing authority for prior years due to changes in land usage or ownership, the payment of said standby fees, taxes, and assessments being assumed by **GRANTEE**.

May 11, 2016

- c) that, to the maximum extent allowed by law, the sale shall be strictly on an “AS IS, WHERE IS, WITH ALL FAULTS” basis;
- d) that as a material part of the consideration for the sale, the grantee and the City shall acknowledge and agree and provided in any relevant instrument that, to the maximum extent allowed by law, (a) **GRANTEE** is taking the property “AS IS, WHERE IS, WITH ALL FAULTS”, (b) the City disclaims responsibility as to the accuracy or completeness of any information relating to the property, (c) grantee assumes all responsibility to examine all applicable building codes and zoning ordinances to determine if the property can be used for the purposes desired and to check for outstanding or pending code enforcement actions including but not limited to repair or demolition orders, and (d) the City expressly disclaims and grantee expressly waives, any warranty or representation, express or implied, including without limitation any warranty of condition, habitability, merchantability or fitness for a particular purpose of the property. Without limiting the foregoing, the City makes no representations of any nature regarding the property and specifically disclaims any warranty, guaranty or representation, oral or written, express or implied, past, present, or future, concerning: (i) the nature and condition of the property, including without limitation, the water, soil and geology, and the suitability thereof and the property for any and all activities and uses which grantee may elect to conduct thereon, and the existence of any environmental substances, hazards or conditions or presence of any endangered or protected species thereon or compliance with all applicable laws, rules or regulations; (ii) the nature and extent of any right-of-way, lease, possession, lien, encumbrance, license, reservation, condition or otherwise; (iii) the compliance of the property or its operation with any law, ordinance or regulation of any federal, state, or local governmental authority; and (iv) whether or not the property can be developed or utilized for any purpose. For purposes hereof, “environmental substances” means the following: (a) any “hazardous substance” under the Comprehensive Environmental Response, Compensation and Liability Act of 1980, 42 U.S.C.A. Section 9601 et. seq., as amended, (b) any “hazardous substance” under the Texas Hazardous Substances Spill Prevention and Control Act, Tex. Water Code, Section 26.261, et. seq., as amended, (c) petroleum or petroleum-based products (or any derivative or hazardous constituents thereof or additives thereto), including without limitation, fuel and lubrication oils, (d) any “hazardous chemicals” or “toxic chemicals” under the Occupational Safety and Health Act, 29 U.S.C.A. Section 651 et. seq., as amended, (e) any “hazardous waste” under the Resource Conservation and Recovery Act, 42 U.S.C.A. Section 6901 et. seq., as amended, (f) asbestos,

May 11, 2016

(g) polychlorinated biphenyls, (h) underground storage tanks, whether empty, filled, or partially filled with any substance, (i) any substance, the presence of which is prohibited by federal, state or local laws and regulations, and (j) any other substance which by federal, state or local laws and regulations requires special handling or notification of governmental authorities in its collection, storage, treatment or disposal. References to particular acts or codifications in this definition include all past and future amendments thereto, as well as applicable rules and regulations as now or hereafter promulgated;

- e) such other terms and requirements of the sale and/or disclaimers as the City deems necessary, convenient or appropriate.

**SECTION 4.** That, upon the conclusion of the public auction that has been advertised and conducted pursuant to Section 2-24.1 and state law, as applicable, the highest qualified bid received at such auction for a surplus property shall be deemed the sales price and shall be conclusive of the fair market value of such property and shall be accepted by the City.

**SECTION 5.** That the City Manager or designee is authorized to execute a Purchase and Sales Agreement, approved as to form by the City Attorney, to be entered into with respect to each such surplus property between the City and the highest qualified bidder for such property at such advertised public auction.

**SECTION 6.** That, upon receipt of the consideration from the highest bidder, the City Manager or designee is authorized to execute a Deed Without Warranty to be attested by the City Secretary, and other miscellaneous closing documents upon approval as to from by the City Attorney.

**SECTION 7.** That the sale proceeds shall be deposited into the General Fund 0001, Dept DEV, Bal Sheet 0519 and Department of Sustainable Development and Construction, Real Estate Division shall be reimbursed for the cost of obtaining legal description, appraisal and other administrative costs incurred. The reimbursement proceeds shall be deposited in General Fund 0001, Dept. DEV, Unit 1183, Object 5011. Remaining proceeds for property located at 5221 S. Westmoreland shall be transferred to the Fund No. 0150, Dept. DEV, Unit 3141, Revenue Source 8416.

**SECTION 8.** That if a title policy is desired by **GRANTEE**, same shall be at the expense of the **GRANTEE**

May 11, 2016

**SECTION 9.** That the sale shall be subject to standby fees, taxes and assessments, if any by any taxing authority for the year of the closing and subsequent years and assessments by any taxing authority for prior years due to changes in land usage or ownership, the payment of said standby fees, taxes and assessments being assumed by **GRANTEE**.

**SECTION 10.** 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 D. BOWERS  
Interim City Attorney**

BY

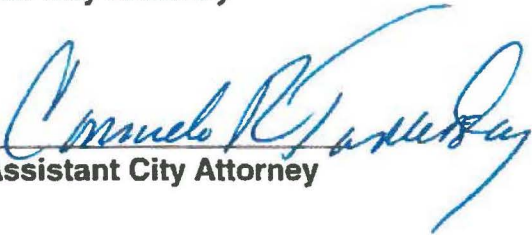
  
**Assistant City Attorney**

Exhibit A

<u>CITY-OWNED PROPERTY</u>							<u>DCAD</u>
		<u>MAPSCO</u>	<u>COUNCIL</u>	<u>SQ. FT. OR ACREAGE</u>	<u>ZONING</u>	<u>ASSESSED</u>	
			<u>DISTRICT</u>			<u>VALUE</u>	
<b>IMPROVED PROPERTIES (INCLUDES STRUCTURE)</b>							
1	5221 S. Westmoreland Rd (building shell, deed restricted) Block 4/6951, Lot 2 Dallas, Dallas County, TX	63J	3	1.6829	IR	\$833,950.00	
						\$833,950.00	



**KEY FOCUS AREA:** Economic Vibrancy  
**AGENDA DATE:** May 11, 2016  
**COUNCIL DISTRICT(S):** 1, 8  
**DEPARTMENT:** Sustainable Development and Construction  
**CMO:** Ryan S. Evans, 671-9837  
**MAPSCO:** 54B 66Q

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**SUBJECT**

A resolution **(1)** declaring two properties unwanted and unneeded and authorizing their sale by public auction (list attached); ~~and~~ **(2)** authorizing a Purchase and Sale Agreement to be prepared for each auctioned surplus property receiving the highest qualified bid that is sold absolute; and **(3)** waiving the minimum reserve amount - Estimated Revenue: \$310,370

**BACKGROUND**

This item declares two properties unwanted and unneeded and authorizing their advertisement for sale by public auction. These properties have been routed to City departments and outside agencies to determine whether any had a need for the properties.

Texas Local Government Code Section 253.008 authorizes municipalities to sell real property owned by the municipality at an advertised public auction. Section 272.001 states fair market value may be determined by the highest bid price obtained by a municipality at an advertised auction.

All properties will be advertised for sale by public auction with a reservation of all oil, gas and other minerals in and under the property and a restriction prohibiting the placement of industrialized housing.

Upon receipt of the highest qualified bid sold absolute, a Purchase and Sale Agreement, approved as to form by the City Attorney, will be prepared for the highest bidder. Staff will ensure the highest bidders are qualified to bid and be awarded the properties. All properties will be sold by Deed without Warranty, approved as to form by the City Attorney.

These properties will return to the tax rolls upon conveyance.

**PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)**

Information about this item will be provided to the Economic Development Committee on May 2, 2016.

**FISCAL INFORMATION**

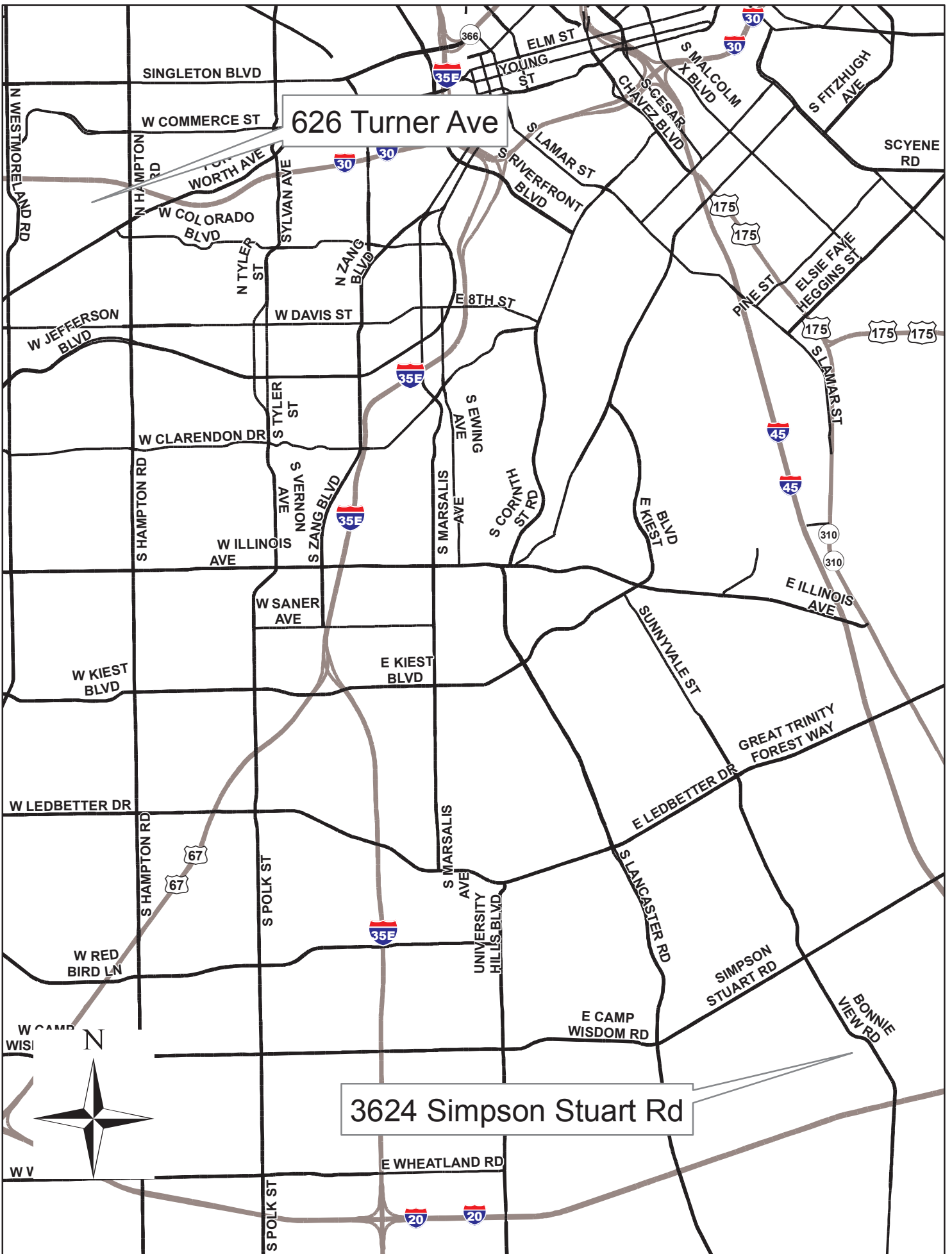
Estimated Revenue: \$310,370

**MAP**

Attached

**Property List**

<b>CITY-OWNED PROPERTY</b>						
	<u>MAPSCO</u>	<u>COUNCIL DISTRICT</u>	<u>SQ. FT. OR ACREAGE</u>	<u>ZONING</u>	<u>DCAD ASSESSED VALUE</u>	
<b>IMPROVED PROPERTIES (INCLUDES STRUCTURE)</b>						
1	3624 Simpson Stuart Road (old Highland Hills Library) Block A/6870 Lot 3 Dallas, Dallas County, TX	66Q	8	0.76	MF-2(A)	\$281,450.00
<b>UNIMPROVED LAND</b>						
2	626 Turner Ave between N Polk St and Turner Ave	54B	1	0.11	CD-1	\$28,920.00
						\$310,370.00



626 Turner Ave

3624 Simpson Stuart Rd

May 11, 2016

**WHEREAS**, the City of Dallas (“City”) is the owner of two (2) tracts of land located in City of Dallas, Dallas County, Texas as described on Exhibit “A”, attached herein and incorporated by reference, and which are no longer needed for municipal use; and

**WHEREAS**, said City properties are currently developable and may be disposed of by public auction in accordance with the provisions of Section 2-24.1 of the Dallas City Code, which requires a minimum reserve amount be established, and Sections 253.008 and 272.001 of the Texas Local Government Code, as amended; and

**WHEREAS**, pursuant to Section 2-24.1(e) of the Dallas City Code, the procedures required by Section 2-24.1 of the Dallas City Code that are not required by state law may be waived; and

**WHEREAS**, the minimum reserve amount provided for in Section 2-24.1(b) of the Dallas City Code is not required for a public auction sale of the properties pursuant to state law, namely Sections 253.008 & 272.001 of the Texas Local Government Code which instead provide that the City may sell its property by public auction without a minimum reserve amount and where the highest bid received reflects the fair market value of the property; and

**WHEREAS**, pursuant to Section 2-24.1(e) of the Dallas City Code, in accordance with certain procedures, the City recommends the minimum reserve amount requirement of Section 2-24.1(b) of the Dallas City Code be waived and the sale of said City properties be authorized to proceed by public auction pursuant to Section 2-24.1 of the Dallas City Code and Sections 253.008 & 272.001 of the Texas Local Government Code, without a minimum reserve and where the highest bid received reflects the fair market value of the property; and

**WHEREAS**, on June 22, 2011, City Council approved Resolution No. 11-1651 authorizing a three year contract with Hudson & Marshall, a Real Estate auction firm, this contract was amended by Administrative Action No. 15-7374 to extend an additional 18 months; **Now, Therefore,**

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

**SECTION 1.** That the City-owned properties listed on Exhibit “A”, attached herein and incorporated by reference, are declared unwanted and unneeded by the City Council; that the minimum reserve amount requirement of Section 2-24.1(b) of the Dallas City Code is hereby waived for the sale of these properties; and the properties are to be advertised for sale and sold by public auction pursuant to Section 2-24.1 of the Dallas City Code and Sections 253.008 & Section 272.001 of the Texas Local Government Code, without a minimum reserve and where the highest bid received reflects the fair market value of the property.

May 11, 2016

**SECTION 2.** That the Director of Sustainable Development and Construction is authorized to advertise the properties listed on Exhibit "A" for sale by public auction and upon conclusion of the advertising period conduct the public auction as authorized herein.

**SECTION 3.** That the advertisement of the properties shall state:

- a) that the sale shall be by Deed Without Warranty in a form approved by the City Attorney;
- b) that the sale shall be subject to the terms, covenants, conditions, reservations, restrictions and exceptions of this authorizing resolution, including without limitation the following:
  - i) a restriction prohibiting the placement of industrialized housing on the property;
  - ii) reservation by the City of Dallas of all oil, gas and other minerals in and under the property with a waiver of surface access rights relating to said minerals;
  - iii) any and all visible and apparent easements and encroachments, whether of record or not;
  - iv) any and all covenants, conditions, reservations, restrictions, exceptions, easements, rights-of-way, mineral interests, mineral leases, or other instruments of record and applicable to the property or any part thereof; and
  - v) standby fees, taxes and assessments, if any, by any taxing authority for the year of closing and subsequent years and assessments by any taxing authority for prior years due to changes in land usage or ownership, the payment of said standby fees, taxes, and assessments being assumed by **GRANTEE**.
- c) that, to the maximum extent allowed by law, the sale shall be strictly on an "AS IS, WHERE IS, WITH ALL FAULTS" basis;

May 11, 2016

- d) that as a material part of the consideration for the sale, the grantee and the City shall acknowledge and agree and provided in any relevant instrument that, to the maximum extent allowed by law, (a) **GRANTEE** is taking the property "AS IS, WHERE IS, WITH ALL FAULTS", (b) the City disclaims responsibility as to the accuracy or completeness of any information relating to the property, (c) grantee assumes all responsibility to examine all applicable building codes and zoning ordinances to determine if the property can be used for the purposes desired and to check for outstanding or pending code enforcement actions including but not limited to repair or demolition orders, and (d) the City expressly disclaims and grantee expressly waives, any warranty or representation, express or implied, including without limitation any warranty of condition, habitability, merchantability or fitness for a particular purpose of the property. Without limiting the foregoing, the City makes no representations of any nature regarding the property and specifically disclaims any warranty, guaranty or representation, oral or written, express or implied, past, present, or future, concerning: (i) the nature and condition of the property, including without limitation, the water, soil and geology, and the suitability thereof and the property for any and all activities and uses which grantee may elect to conduct thereon, and the existence of any environmental substances, hazards or conditions or presence of any endangered or protected species thereon or compliance with all applicable laws, rules or regulations; (ii) the nature and extent of any right-of-way, lease, possession, lien, encumbrance, license, reservation, condition or otherwise; (iii) the compliance of the property or its operation with any law, ordinance or regulation of any federal, state, or local governmental authority; and (iv) whether or not the property can be developed or utilized for any purpose. For purposes hereof, "environmental substances" means the following: (a) any "hazardous substance" under the Comprehensive Environmental Response, Compensation and Liability Act of 1980, 42 U.S.C.A. Section 9601 et. seq., as amended, (b) any "hazardous substance" under the Texas Hazardous Substances Spill Prevention and Control Act, Tex. Water Code, Section 26.261, et. seq., as amended, (c) petroleum or petroleum-based products (or any derivative or hazardous constituents thereof or additives thereto), including without limitation, fuel and lubrication oils, (d) any "hazardous chemicals" or "toxic chemicals" under the Occupational Safety and Health Act, 29 U.S.C.A. Section 651 et. seq., as amended, (e) any "hazardous waste" under the Resource Conservation and Recovery Act, 42 U.S.C.A. Section 6901 et. seq., as amended, (f) asbestos, (g) polychlorinated biphenyls, (h) underground storage tanks, whether empty, filled, or partially filled with any substance, (i) any substance, the presence of which is prohibited by federal, state or local laws and regulations, and

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- (j) any other substance which by federal, state or local laws and regulations requires special handling or notification of governmental authorities in its collection, storage, treatment or disposal. References to particular acts or codifications in this definition include all past and future amendments thereto, as well as applicable rules and regulations as now or hereafter promulgated.
- e) such other terms and requirements of the sale and/or disclaimers as the City deems necessary, convenient or appropriate.

**SECTION 4.** That, upon the conclusion of the public auction that has been advertised and conducted pursuant to Section 2-24.1 and state law, as applicable, the highest qualified bid received at such auction for each listed surplus property shall be deemed the sales price and shall be conclusive of the fair market value of such property and shall be accepted by the City.

**SECTION 5.** That the City Manager or designee is authorized to execute a Purchase and Sales Agreement, approved as to form by the City Attorney, to be entered into with respect to each such surplus property between the City and the highest qualified bidder for such property at such advertised public auction.

**SECTION 6.** That, upon receipt of the consideration from the highest bidder, the City Manager or designee is authorized to execute a Deed Without Warranty to be attested by the City Secretary, and other miscellaneous closing documents upon approval as to form by the City Attorney.

**SECTION 7.** That the sale proceeds shall be deposited into the General fund 001, Dept DEV, Bal Sheet 0519, and Department of Sustainable Development and Construction, Real Estate Division shall be reimbursed for the cost of obtaining legal description, appraisal, and other administrative costs incurred. The reimbursement proceeds shall be deposited in General Fund 001, Dept DEV, Unit 1183 Object 5011. Remaining proceeds for 3624 Simpson Stuart Road and 626 Turner Ave shall be transferred to the General Capital Reserve Fund 0625, Dept BMS, Unit 8888, Revenue Source 8118.

**SECTION 8.** That if a title policy is desired by **GRANTEE**, same shall be at the expense of the **GRANTEE**.

**SECTION 9.** That the sale shall be subject to standby fees, taxes and assessments, if any by any taxing authority for the year of the closing and subsequent years and assessments by any taxing authority for prior years due to changes in land usage or ownership, the payment of said standby fees, taxes and assessments being assumed by **GRANTEE**.

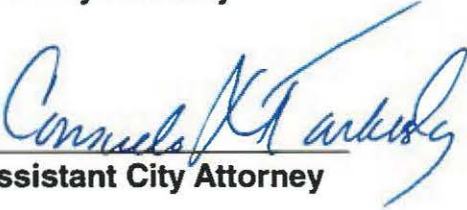


May 11, 2016

**SECTION 10.** 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 D. BOWERS  
Interim City Attorney**

BY

  
Assistant City Attorney

**Exhibit A**

<b>CITY-OWNED PROPERTY</b>						
	<b>MAPSCO</b>	<b>COUNCIL DISTRICT</b>	<b>SQ. FT. OR ACREAGE</b>	<b>ZONING</b>	<b>DCAD ASSESSED VALUE</b>	
<b>IMPROVED PROPERTIES (INCLUDES STRUCTURE)</b>						
1	3624 Simpson Stuart Road (old Highland Hills Library) Block A/6870 Lot 3 Dallas, Dallas County, TX	66Q	8	0.76	MF-2(A)	\$281,450.00
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2	626 Turner Ave between N Polk St and Turner Ave	54B	1	0.11	CD-1	\$28,920.00
						\$310,370.00