

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: June 14, 2017

COUNCIL DISTRICT(S): 3

DEPARTMENT: Mobility and Street Services
Water Utilities

CMO: Majed Al-Ghafry, 670-3302

MAPSCO: 61 A-R X Y; 61 B-J N; 71 A-B

SUBJECT

Authorize Project Specific Agreements with Dallas County for Three Projects

- * Authorize a Project Specific Agreement with Dallas County for the design and construction of paving and drainage improvements on Merrifield Road from east of Mountain Creek Parkway to Grady Niblo Road - Financing: No cost consideration to the City
- * Authorize **(1)** rescinding Resolution No. 05-0130, previously approved by City Council on January 12, 2005, and release encumbered funds; **(2)** a Project Specific Agreement with Dallas County for the design and construction of paving and drainage improvements on Ledbetter Drive Extension/Grady Niblo Road from Merrifield Road to Mountain Creek Parkway; **(3)** the receipt and deposit of funds from Dallas County in an amount not to exceed \$700,000; and **(4)** an increase in appropriations in an amount not to exceed \$700,000 in the Capital Projects Reimbursement Fund - Not to exceed \$700,000 - Financing: Capital Projects Reimbursement Funds
- * Authorize **(1)** a Project Specific Agreement with Dallas County for the design and construction of paving and drainage improvements on Camp Wisdom Road from Carrier Parkway to Farm-to-Market (FM) 1382; **(2)** reprogramming of available funds from Merrifield Road from east of Mountain Creek Parkway to the Grady Niblo Road project (\$250,000) and the Ledbetter Drive Extension/Grady Niblo Road from Merrifield Road to Mountain Creek Parkway project (\$1,050,000) for Camp Wisdom Road from Carrier Parkway to FM 1382 project; and **(3)** payment to Dallas County for the City's share of design and construction costs - Not to exceed \$1,300,000 - Financing: 2006 Bond Funds (\$600,000) and Capital Projects Reimbursement Funds (\$700,000)

BACKGROUND

Merrifield Road from east of Mountain Creek Parkway to Ledbetter Drive Extension/Grady Niblo Road, Ledbetter Drive Extension/Grady Niblo Road from Merrifield Road to Mountain Creek Parkway, and Camp Wisdom Road from Carrier Parkway to Farm-to-Market 1382 (FM 1382) are three partnership projects between the City of Dallas and Dallas County that were selected by Dallas County's Major Capital Improvements Program (MCIP) Second and Fifth Call for Projects. This action will authorize a Project Specific Agreement with Dallas County for the Merrifield Road project, and the Camp Wisdom Road project as well as reprogram available funds to the Camp Wisdom Road project. This action will also authorize rescinding Resolution No. 05-0130, previously authorized by City Council on January 12, 2005, and release encumbered funds and to authorize a new project specific agreement with Dallas County for the Ledbetter Drive Extension/Grady Niblo Road from Merrifield Road to Mountain Creek Parkway project.

Dallas County was originally planned to be the lead agency administering the design and construction for the Merrifield Road and Ledbetter Drive Extension/Grady Niblo Road projects. However, due to uncertainty regarding future development and community opposition from the impacted property owners, project limits for both projects were modified during the preliminary design process. In order to expedite the projects in support of active private development, the City took over and administered the construction of both projects. The estimated project costs for the modified Merrifield Road project and the Ledbetter Drive Extension/Grady Niblo Road projects are \$500,000 and \$2,100,000, respectively. Project costs for these two projects are to be shared 50/50 between the City and Dallas County.

Camp Wisdom Road from Carrier Parkway to FM 1382 was submitted by the City of Grand Prairie and selected by Dallas County's MCIP Fifth Call for Projects. One third of the project limits is located within the city of Dallas. Dallas County is the lead agency for the Camp Wisdom Road Project, and as such, has requested the City participate in funding project costs within the city limits. The Camp Wisdom Road project begins from approximately 1,700 feet west of Carrier Parkway in the City of Grand Prairie to FM 1382 in Dallas. The improvements will include the reconstruction of the existing two-lane asphalt roadway to a four-lane reinforced concrete roadway with drainage improvements and a new bridge at Mountain Creek Parkway. The four-lane roadway will be divided within the city limits of Grand Prairie and undivided within the City limits of Dallas. On the north side of Camp Wisdom Road within the city of Dallas, there will be an 8-foot wide cycle track and a 5-foot wide sidewalk, which will provide an east-west pedestrian/bike/trail connector south of the I-20 corridor. The estimated project cost for the Camp Wisdom Road project is \$15.8 million of which \$7.2 million will be funded by Regional Toll Revenue (RTR), \$4.3 million by Dallas County, \$3.0 million by the City of Grand Prairie, and \$1.3 million by the City of Dallas. The City's share of funding for the Camp Wisdom Road project is coming from the reprogramming of the available Merrifield Road project (\$250,000) and the Ledbetter Drive Extension/Grady Niblo Road project (\$1,050,000), available because their projects scope were modified/reduced.

ESTIMATED SCHEDULE OF PROJECT

Merrifield Road from East of Mountain Creek Parkway to Ledbetter Drive Extension/Grady Niblo Road

Began Design	July 2015
Completed Design	February 2016
Began Construction	May 2017
Complete Construction	August 2018

Ledbetter Drive Extension/Grady Niblo Road from Merrifield Road to Mountain Creek Parkway

Began Design	December 2013
Completed Design	April 2014
Began Construction	September 2014
Completed Construction	May 2015

Camp Wisdom Road from Carrier Parkway to FM 1382

Began Preliminary Design	September 2012
Completed Preliminary Design	December 2014
Begin Final Design	July 2017
Complete Final Design	June 2018
Begin Utility Relocation	March 2018
Complete Utilities Relocation	September 2018
Begin Construction	January 2019
Complete Construction	July 2020

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On January 10, 2001, City Council authorized a Master Agreement with Dallas County governing future transportation major capital improvement projects between the City of Dallas and Dallas County by Resolution No. 01-0104.

On April 11, 2001, City Council authorized the submission of the list candidate projects to Dallas County in Dallas County's Major Capital Improvement Fund Thoroughfare Programs Call for Projects and acceptance and implementation of the projects selected by Resolution No. 01-1219.

On January 12, 2005, City Council authorized a Project Specific Agreement with Dallas County for participation in design, right-of-way acquisition, and construction of paving, drainage, and water main improvements on Ledbetter from Merrifield Road to Mountain Creek Parkway by Resolution 05-0130.

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

On April 13, 2011, City Council authorized a ten-year master agreement with Dallas County governing major transportation capital improvement projects by Resolution No. 11-0927.

On June 25, 2014, City Council authorized a contract with Tiseo Paving Company for the construction of street paving and storm drainage improvements for the Grady Niblo Road Extension by Resolution No. 14-1017.

On November 19, 2015, the City Plan Commission Transportation Committee approved staff recommendations for an amendment to the City of Dallas Thoroughfare Plan to change the dimensional classification of Camp Wisdom Road from Farm-to-Market (FM) 1382 to Grand Prairie City Limits from a standard six-lane divided roadway to a special four-lane undivided roadway with bicycle facilities within 100 feet of right-of-way.

On December 3, 2015, the City Plan Commission followed the City Plan Commission Transportation Committee approved an amendment to the City of Dallas Thoroughfare Plan amendment for Camp Wisdom Road from FM 1382 to Grand Prairie City Limits.

On January 27, 2016, Ordinance 30007, amended the City of Dallas Thoroughfare Plan to change the dimensional classification of Camp Wisdom Road within the City of Dallas as approved by the City Plan Commission Transportation Committee by Resolution No. 16-0208.

Information about this item was provided to the Transportation and Trinity River Project Committee on May 22, 2017.

FISCAL INFORMATION

Capital Projects Reimbursement Funds – \$700,000
2006 Bond Funds - \$600,000

Merrifield Road from east of Mountain Creek Parkway to Grady Niblo Road

Design (by Dallas County)	\$ 250,000
Construction (by City)	<u>\$ 250,000</u>
Total Estimated Project Cost	\$ 500,000

*City of Dallas' share \$250,000 and Dallas County's share \$250,000

Ledbetter Drive Extension/Grady Niblo Road from Merrifield Road to Mountain Creek Parkway

Design (by Dallas County)	\$ 350,000
Construction (by City)	<u>\$ 1,750,000</u>
Total Estimated Project Cost	\$ 2,100,000

FISCAL INFORMATION (continued)

*City of Dallas' share \$1,050,000 and Dallas County's share \$1,050,000

Camp Wisdom Road from Carrier Parkway to FM 1382

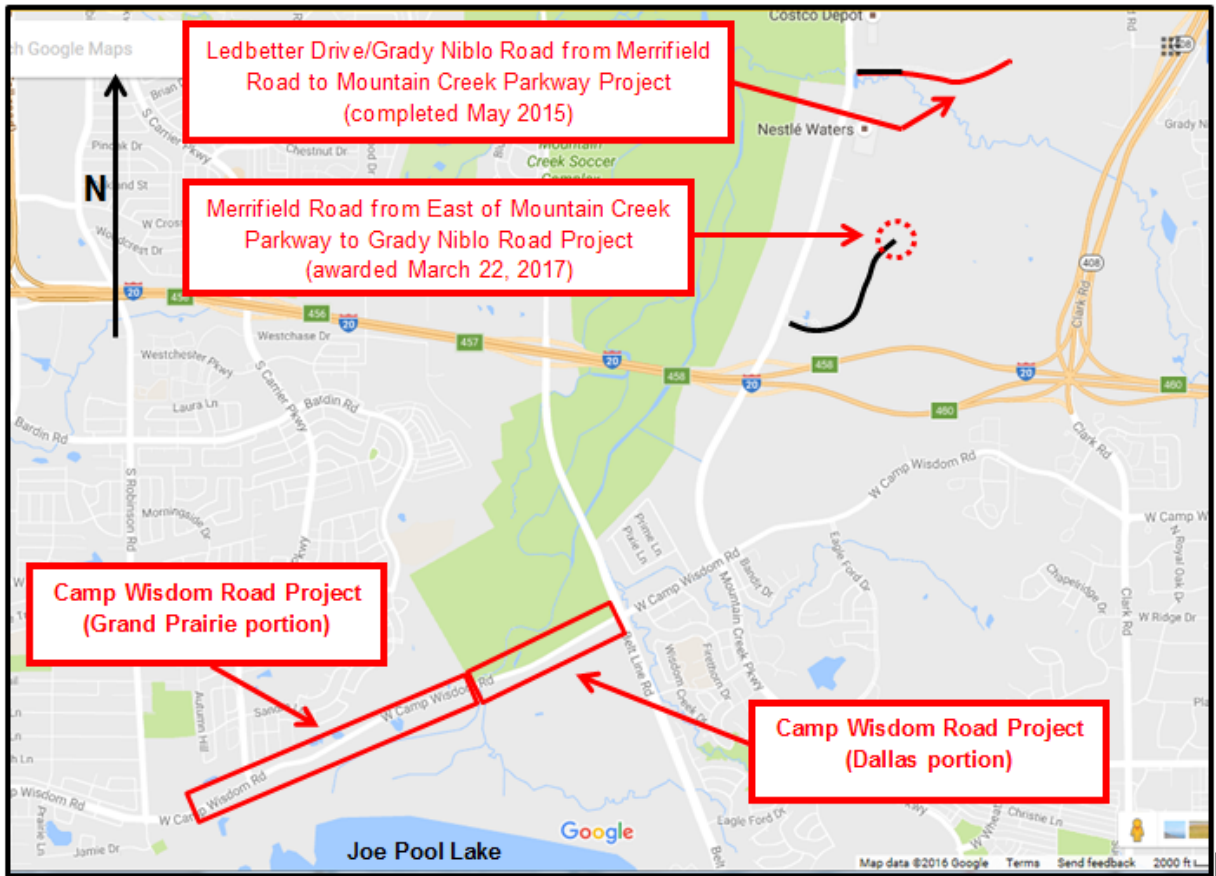
Design	\$ 2,100,000
Construction	\$ 13,200,000
Right-of-Way Acquisition	\$ 25,000
Material Testing	\$ 100,000
Contingency	<u>\$ 375,000</u>
Total Estimated Project Cost	\$ 15,800,000

TxDOT's (RTR) share	\$ 7,200,000
Dallas County's share	\$ 4,300,000
City of Grand Prairie's share	\$ 3,000,000
City of Dallas' share	<u>\$ 1,300,000</u>
Total Funding Source	\$ 15,800,000

MAP

Attached

Camp Wisdom Road from Carrier Parkway to Farm-to-Market 1382 Project
Ledbetter Drive/Grady Niblo Road from Merrifield Road to Mountain Creek Parkway Project
Merrifield Road from East of Mountain Creek Parkway to Grady Niblo Road Project
(Council District: 3)



MAPSCO: 61A-R; 61B-J,N
(Merrifield Extension & Grady Niblo Projects)

MAPSCO: 61A-X,Y; 71A-B
(Camp Wisdom Road Project)

June 14, 2017

WHEREAS, on January 10, 2001, City Council authorized a master agreement with Dallas County governing future transportation major capital improvements projects between the City of Dallas and Dallas County by Resolution No. 01-0104; and

WHEREAS, on April 11, 2001, City Council authorized the submission of the list candidate projects to Dallas County in Dallas County's Major Capital Improvement Fund Thoroughfare Programs Call for Projects by Resolution No. 01-1219; and

WHEREAS, Ledbetter Drive/Grady Niblo Road from Merrifield Road to Mountain Creek Parkway was submitted by the City of Dallas and selected by Dallas County's Major Capital Improvement Program (MCIP) Second Call for Projects in 2002; and

WHEREAS, on January 12, 2005, City Council authorized a Project Specific Agreement with Dallas County for design, right-of-way acquisition, and construction of paving, drainage, and water main improvements on Ledbetter Extension from Merrifield Road to Mountain Creek Parkway, in an amount not to exceed \$440,000.00, by Resolution No. 05-0130; and

WHEREAS, on April 13, 2011, City Council authorized a ten-year master agreement with Dallas County governing major transportation capital improvement projects by Resolution No. 11-0927; and

WHEREAS, Dallas County was originally planned to be the lead agency to administer the design and construction of the Ledbetter Drive Extension/Grady Niblo Road from Merrifield Road to Mountain Creek Parkway Project; and

WHEREAS, due to community opposition from local impacted property owners, the limits of the project were modified to Grady Niblo Road from Mountain Creek Parkway to approximately 3,000 feet east of Mountain Creek Parkway; and

WHEREAS, in order to expedite the project in support of active private development, the final design was privately administered and funded, and the City administered the construction of the Grady Niblo Road Project; and

WHEREAS, on June 25, 2014, City Council authorized a contract with Tiseo Paving Company for the construction of street paving and storm drainage improvements for the Grady Niblo Road Extension, in an amount not to exceed \$2,368,718.55, by Resolution No. 14-1017; and

WHEREAS, the estimated project cost, excluding Dallas Water Utilities improvements, for the Grady Niblo Project is \$2,100,000.00 which is to be funded 50/50 by the City of Dallas and Dallas County; and

June 14, 2017

WHEREAS, Dallas County previously expended \$300,000.00 on preliminary design which will be credited towards their share of construction costs; and

WHEREAS, it is now necessary to rescind Resolution No. 05-0130, previously approved by City Council on January 12, 2005, and release encumbered funds to Dallas County and to authorize a Project Specific Agreement with Dallas County for paving and drainage improvements on Ledbetter Drive Extension/Grady Niblo Road from Merrifield Road to Mountain Creek Parkway.

Now, Therefore,

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

SECTION 1. That the City Manager is hereby authorized to rescind Resolution No. 05-0130, previously approved by City Council on January 12, 2005, and release encumbered funds in an amount not to exceed \$440,000.00 for the Ledbetter Drive Extension/Grady Niblo Road from Merrifield Road to Mountain Creek Parkway Project as follows:

Street and Transportation Improvements Fund Fund 3R22, Department PBW, Unit R314 Activity PBW1, Object 4111, Program PB03R314 Encumbrance PD PBW03R314D1-01, Vendor 014003	(\$150,000.00)
Street and Transportation Improvements Fund Fund 4R22, Department PBW, Unit R314 Activity PBW1, Object 4111, Program PB03R314 Encumbrance PD PBW03R314D1-02, Vendor 014003	(\$150,000.00)
Water Capital Improvement Fund Fund 0115, Department DWU, Unit PW42 Activity 7CIP, Object 4111, Program 705035 Encumbrance PD PBW705035CP, Vendor 014003	<u>(\$140,000.00)</u>
Total amount not to exceed	(\$440,000.00)

SECTION 2. That the City Manager is hereby authorized to sign a Project Specific Agreement with Dallas County, approved as to form by the City Attorney, for paving and drainage improvements on Ledbetter Drive Extension/Grady Niblo Road from Merrifield Road to Mountain Creek Parkway.

June 14, 2017

SECTION 3. That the Chief Financial Officer is hereby authorized to receive and deposit funds from Dallas County, in an amount not to exceed \$700,000.00 in the Capital Projects Reimbursement Fund, Fund 0556, Department STS, Unit W147, Revenue Code 6511.

SECTION 4. That the City Manager is hereby authorized to increase appropriations in the Capital Projects Reimbursement Fund, Fund 0556, Department STS, Unit W147, Object 4510, in an amount not to exceed \$700,000.00.

SECTION 5. 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.

June 14, 2017

WHEREAS, on January 10, 2001, City Council authorized a master agreement with Dallas County governing future transportation major capital improvements projects between the City of Dallas and Dallas County by Resolution No. 01-0104; and

WHEREAS, Camp Wisdom Road from Carrier Parkway to Farm-to-Market 1382 (FM 1382) was submitted by the City of Grand Prairie and selected by Dallas County in the Dallas County's Major Capital Improvement Program (MCIP) Fifth Call for Projects in 2008; and

WHEREAS, on April 13, 2011, City Council authorized a ten-year master agreement with Dallas County governing major transportation capital improvement projects by Resolution No. 11-0927; and

WHEREAS, on January 27, 2016, City Council amended the City of Dallas Thoroughfare Plan to change the dimensional classification of Camp Wisdom Road within the city of Dallas from a standard six-lane divided roadway to a special four-lane undivided roadway with bicycle and pedestrian facilities by Resolution 16-0208; and

WHEREAS, Dallas County is the lead agency to administer the design and construction of the Camp Wisdom Road from Carrier Parkway to Farm-to-Market (FM) 1382 Project; and

WHEREAS, the section of Camp Wisdom Road from the Dallas city limits to FM 1382 is located in the city of Dallas; and

WHEREAS, Dallas County has requested the City participate in funding project costs located in the city of Dallas; and

WHEREAS, funding for the City's share of the Camp Wisdom Road Project costs will come from the available funds of the Merrifield Project (\$250,000) and Ledbetter Drive Extension/Grady Niblo Road Project (\$1,050,000); and

WHEREAS, it is now necessary to authorize **(1)** a Project Specific Agreement with Dallas County for the design and construction of paving and drainage improvements on Camp Wisdom Road from Carrier Parkway to Farm-to-Market 1382; **(2)** reprogramming of available funds from the Merrifield Road from east of Mountain Creek Parkway to Grady Niblo Road Project (\$250,000) and the Ledbetter Drive Extension/Grady Niblo Road from Merrifield Road to Mountain Creek Parkway Project (\$1,050,000) for the Camp Wisdom Road from Carrier Parkway to FM 1382 Project; and **(3)** payment to Dallas County for the City's share of design and construction costs.

June 14, 2017

Now, Therefore,

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

SECTION 1. That the City Manager is hereby authorized to reprogram available funds from the Merrifield Road from east of Mountain Creek Parkway to Grady Niblo Road Project (\$250,000) and the Ledbetter Drive Extension/Grady Niblo Road from Merrifield Road to Mountain Creek Parkway Project (\$1,050,000) for the Camp Wisdom Road from Carrier Parkway to FM 1382 Project.

SECTION 2. That the City Manager is hereby authorized to **(1)** sign a Project Specific Agreement with Dallas County, approved as to form by the City Attorney, for participation in the design and construction of paving and drainage improvements on Camp Wisdom Road from Carrier Parkway to FM 1382; and **(2)** make payment to Dallas County for the City’s share of design and construction costs, in an amount not to exceed \$1,300,000.

SECTION 3. That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed \$1,300,000 to Dallas County in accordance with the terms and conditions of the agreement as follows:

Capital Projects Reimbursement Fund Fund 0556, Department STS, Unit W147 Activity INGV, Object 4510, Program ST06W147 Encumbrance CT STS06W147A1, Vendor VS0000067010	\$ 700,000
Street and Transportation Improvements Fund Fund 2T22, Department STS, Unit W147 Activity INGV, Object 4510, Program ST06W147 Encumbrance CT STS06W147A1 Vendor VS0000067010	\$ 60,000
Street and Transportation Improvements Fund Fund 3T22, Department STS, Unit W147 Activity INGV, Object 4510, Program ST06W147 Encumbrance CT STS06W147A1, Vendor VS0000067010	<u>\$ 540,000</u>
Total amount not to exceed	\$ 1,300,000

SECTION 4. That the Chief Financial Officer is hereby authorized to deposit any unused bond funds reimbursed by Dallas County pertaining to this project in Fund 3T22, Department STS, Unit W147, Object 4510.

June 14, 2017

SECTION 5. 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.

June 14, 2017

WHEREAS, on January 10, 2001, City Council authorized a master agreement with Dallas County governing future transportation major capital improvements projects between the City of Dallas and Dallas County by Resolution No. 01-0104; and

WHEREAS, on April 11, 2001, City Council authorized the submission of the list of candidate projects to Dallas County in Dallas County's Major Capital Improvement Program Second (2001) Call for Projects by Resolution No. 01-1219; and

WHEREAS, the Merrifield Road from east of Mountain Creek Parkway to Grady Niblo Road Project was submitted by the City of Dallas and selected by the Dallas County's Major Capital Improvement Program (MCIP) Second Call for Projects in 2002; and

WHEREAS, on April 13, 2011, City Council authorized a ten-year master agreement with Dallas County governing major transportation capital improvement projects by Resolution No. 11-0927; and

WHEREAS, Dallas County was originally planned to be the lead agency to administer the design and construction of the Merrifield Road from east of Mountain Creek Parkway to the Grady Niblo Road Project; and

WHEREAS, due to community opposition from the local property owners impacted, the project limits were modified during the design; and

WHEREAS, the City of Dallas took over the project to construct only a section of roadway to support the current land development which includes a turnaround at the east end of Merrifield Road; and

WHEREAS, the estimated project cost for the Merrifield Road project is \$500,000 which is to be funded 50/50 by the City of Dallas and Dallas County; and

WHEREAS, it is now necessary to authorize a Project Specific Agreement with Dallas County for paving and drainage improvements for the Merrifield Road from east of Mountain Creek to the Grady Niblo Project.

Now, Therefore,

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

SECTION 1. That the City Manager is hereby authorized to sign a Project Specific Agreement with Dallas County, approved as to form by the City Attorney, for paving and drainage improvements for the Merrifield Road from East of Mountain Creek to the Grady Niblo Project.

June 14, 2017

SECTION 2. 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.

KEY FOCUS AREA: Economic Vibrancy
AGENDA DATE: June 14, 2017
COUNCIL DISTRICT(S): All
DEPARTMENT: Mobility and Street Services
CMO: Majed Al-Ghafry, 670-3302
MAPSCO: N/A

SUBJECT

Authorize a professional services contract with Kimley-Horn and Associates, Inc., most advantageous proposer of thirteen, to provide traffic signal design services for 75 traffic signals at various intersections and other related tasks - Not to exceed \$1,702,600 - Financing: 2006 Bond Funds (\$603,000) and Current Funds (\$1,099,600) (subject to annual appropriations)

BACKGROUND

This action will authorize a professional services contract with Kimley-Horn and Associates, Inc. (KHA) for the design of 75 new and upgraded traffic signals that include: 17 traffic signals funded through the Street Assessment Funds (\$403,600) for a U.S. Department of Transportation (USDOT) - Federal Highway Administration (FHA) 2016 Highway Safety Improvement Program (HSIP) grant identified as "Group A"; 30 traffic signals funded through Street Assessment Funds (\$696,000) for a USDOT - FHA 2017 HSIP grant identified as "Group B"; and 28 new warranted traffic signals funded through 2006 Bond Funds (\$603,000) identified as "Group C"; with a not to exceed fee of \$1,702,600.

The City of Dallas was awarded grant funding totaling \$8 million from the USDOT-FHA 2016 HSIP, administered by the Texas Department of Transportation (TxDOT), to reconstruct several signals at high accident intersections in the city of Dallas. Group A of this item provides for \$403,600 in design services as local matching funds to leverage the remaining federal and state funds for the construction of traffic signals and associated intersection improvements at the 17 2016 HSIP intersections. These locations will all be let for construction in 2019 and 2020.

The 17 2016 grant-funded signals are off-system. For off-system intersections, TxDOT will pay for a 90 percent match for Direct State Engineering and construction costs. The City will bear design costs, 10 percent construction costs and a portion of the required fees.

BACKGROUND (continued)

The design of the 30 traffic signals included in Group B are for the 2017 HSIP submittal. Staff currently is preparing a grant request for 30 traffic signals through the 2017 HSIP submittal. These intersections will need the right-of-way (ROW) surveys prior to award approval. The funding in this request will also include the ROW surveys conducted by KHA. These 30 2017 HSIP signals letting schedule is yet to be determined.

Of the remaining signals in this action, 28 are new traffic signals that will be identified for construction through warrant studies. Design of these signals will be funded utilizing 2006 Bond Funds for warranted signals and school flashers. This contract includes only the design portion of these warranted signal projects.

In June 2013, the City of Dallas released a Request for Qualifications (RFQ) for engineering services for traffic engineering and intelligent transportation systems (ITS) services.

A four member committee from the following departments reviewed and evaluated the proposals:

- Streets Services (2)
- Public Works Department (1)
- Dallas Police Department (1)

The successful proposer was selected by the committee on the basis of demonstrated competence and qualifications under the following criteria:

- Quality Assurance and Control 10%
- Business Inclusion and Development Plan 15%
- Experience and Capability 25%
- Responsiveness and Qualifications 50%

As part of the solicitation process and in an effort to increase competition, Business Development and Procurement Services (BDPS) used its procurement system to send out 739 email bid notifications to vendors registered under respective commodities. To further increase competition, BDPS used historical solicitation information, the internet, and vendor contact information obtained from user departments to contact additional vendors by phone. Additionally, in an effort to secure more bids, notifications were sent by the BDPS' ResourceLINK Team (RLT) to 25 chambers of commerce, the DFW Minority Business Council and the Women's Business Council - Southwest, to ensure maximum vendor outreach.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Information about this item will be provided to the Transportation and Trinity River Project Committee on June 12, 2017.

ESTIMATED SCHEDULE OF PROJECT

Begin Design	June 2017
Complete Design and Construction	June 2021

FISCAL INFORMATION

Current Funds - \$1,099,600 (subject to annual appropriations)
2006 Bond Funds - \$603,000

Group A: Highway Safety Improvement Program Intersections

17 intersections determined by the 2016 HSIP award.

Total	\$403,600
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Group B: Highway Safety Improvement Program Intersections

30 intersections are to be determined upon the 2017 HSIP award.

Total	\$696,000
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Group C: Warranted Signal Intersections

28 intersections are to be determined through warranted signal studies that are ongoing through a separate contract and vendor.

Total	<u>\$603,000</u>
Grand Total	\$1,702,600

M/WBE INFORMATION

See attached.

ETHNIC COMPOSITION

Kimley-Horn and Associates, Inc.

White Male	1,091	White Female	483
Black Male	21	Black Female	18
Hispanic Male	78	Hispanic Female	40
Other Male	91	Other Female	43

PROPOSAL INFORMATION

The following top three proposals were received from solicitation number BHZ1308 and opened on July 11, 2013. This contract is being awarded in its entirety to the most advantageous proposer.

*Denotes successful proposer

<u>Proposers</u>	<u>Address</u>	<u>Score</u>
*Kimley-Horn and Associates, Inc.	12750 Merit Drive, Suite 1000 Dallas, TX 75251	88.25%
Lee Engineering, LLC	3030 LBJ Freeway, Suite 1660 Dallas, TX 75234	86.75%
Savant Group, Inc.	1700 Pacific Avenue, Suite 1240 Dallas, TX 75201	75.00%

Statements of Qualifications were received from solicitation number BHZ1308 and opened on July 11, 2013 from the following 13 consultant teams: Civil Associates, Inc.; Teague Nall and Perkins, Inc.; Kimley-Horn and Associates, Inc.; Binkley and Barfield, Inc.; Lee Engineering, LLC.; Urban Engineers Group, Inc.; Neel-Schaffer, Inc.; Urban Engineers Group, Inc., DBA Urban Services, Inc.; Savant Group; Orthon; HDR, Inc.; AECOM; AZ and B Arrendo; and Zepeda and Brunz, LLC.

OWNER

Kimley-Horn and Associates, Inc.

John Atz, President
Aaron Nathan, Vice-President

June 14, 2017

WHEREAS, the City desires to enter into a professional services contract with Kimley-Horn and Associates, Inc., most advantageous proposer of 13, to provide traffic signal design services for 75 traffic signals at various intersections and other related tasks, in an amount not to exceed \$1,702,600.

Now, Therefore,

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

SECTION 1. That the City Manager is hereby authorized to sign a professional services contract with Kimley-Horn and Associates, Inc., approved as to form by the City Attorney, for traffic signal design services of 75 traffic signals at various intersections and other related tasks, in an amount not to exceed \$1,702,600.

SECTION 2. That the City Manager is hereby authorized to approve the design of 28 traffic signals utilizing 2006 Bond Funds.

SECTION 3. That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed \$1,702,600 to Kimley-Horn and Associates, Inc., as follows:

General Fund (subject to annual appropriations)	
Fund 0001, Department STS, Unit 3049, Object 4111	
Activity PB24, Program TP304917	
MASC STS STS17KHAG01	
Commodity 91842, Vendor 135447	\$ 403,600

General Fund (subject to annual appropriations)	
Fund 0001, Department STS, Unit 3049, Object 4111	
Activity PB24, Program TP304917	
MASC STS STS17KHAG01	
Commodity 91842, Vendor 135447	\$ 696,000

Street and Transportation Improvements Fund	
Fund 3T22, Department STS, Unit U811, Object 4111	
Activity PB24, Program TP304917	
MASC STS STS17KHAG01	
Commodity 91842, Vendor 135447	<u>\$ 603,000</u>

Total amount not to exceed	\$1,702,600
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SECTION 4. 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.

BUSINESS INCLUSION AND DEVELOPMENT PLAN SUMMARY

PROJECT: Authorize a professional services contract with Kimley-Horn and Associates, Inc., most advantageous proposer of thirteen, to provide traffic signal design services for 75 traffic signals at various intersections and other related tasks - Not to exceed \$1,702,600 - Financing: 2006 Bond Funds (\$603,000) and Current Funds (\$1,099,600) (subject to annual appropriations)

Kimley-Horn and Associates, Inc., is a local, non-minority firm, has signed the "Business Inclusion & Development" documentation, and proposes to use the following sub-contractors.

PROJECT CATEGORY: Architecture & Engineering

LOCAL/NON-LOCAL CONTRACT SUMMARY

	<u>Amount</u>	<u>Percent</u>
Total local contracts	\$1,702,600.00	100.00%
Total non-local contracts	\$0.00	0.00%
TOTAL CONTRACT	\$1,702,600.00	100.00%

LOCAL/NON-LOCAL M/WBE PARTICIPATION

Local Contractors / Sub-Contractors

<u>Local</u>	<u>Certification</u>	<u>Amount</u>	<u>Percent</u>
Gorronдона & Associates	HMMB86153Y0718	\$303,400.00	17.82%
Othon, Inc. Consulting Engineers	HMMB70845Y0918	\$144,000.00	8.46%
Total Minority - Local		\$447,400.00	26.28%

Non-Local Contractors / Sub-Contractors

None

TOTAL M/WBE CONTRACT PARTICIPATION

	<u>Local</u>	<u>Percent</u>	<u>Local & Non-Local</u>	<u>Percent</u>
African American	\$0.00	0.00%	\$0.00	0.00%
Hispanic American	\$447,400.00	26.28%	\$447,400.00	26.28%
Asian American	\$0.00	0.00%	\$0.00	0.00%
Native American	\$0.00	0.00%	\$0.00	0.00%
WBE	\$0.00	0.00%	\$0.00	0.00%
Total	\$447,400.00	26.28%	\$447,400.00	26.28%

KEY FOCUS AREA: Economic Vibrancy
AGENDA DATE: June 14, 2017
COUNCIL DISTRICT(S): 4
DEPARTMENT: Mobility and Street Services
CMO: Majed Al-Ghafry, 670-3302
MAPSCO: 66B

SUBJECT

Authorize **(1)** the rejection of all bids for the reconstruction of street paving, storm drainage, water and wastewater main improvements for Bismark Drive from East Ledbetter Drive to 51st Street and Haas Drive from 51st Street to Marjorie Avenue; and **(2)** the re-advertisement for new bids - Financing: No cost consideration to the City

BACKGROUND

On September 25, 2013, City Council authorized a professional services contract with Raymond L. Goodson, Jr., Inc. for the engineering design services for the reconstruction of Bismark Drive from East Ledbetter Drive to 51st Street and Haas Drive from 51st Street to Marjorie Avenue to include street paving, storm drainage, water and wastewater main improvements, in an amount not to exceed \$142,810, by Resolution No. 13-1731. Eight construction bids were received on March 24, 2017; however, the low bidder was approximately 57 percent higher than the allocated funds. This action will authorize the rejection of all bids received for the reconstruction of Bismark Drive from East Ledbetter Drive to 51st Street and Haas Drive from 51st Street to Marjorie Avenue and the re-advertisement for new bids.

To help bring the projects within budget, staff will evaluate feasible project scope modifications, as well as combining the projects with other construction projects planned for the area, thus providing potential improved pricing through the advantage of economy of scale.

ESTIMATED SCHEDULE OF PROJECT

Began Design	December 2013
Completed Design	March 2017
Begin Construction	October 2017
Complete Construction	March 2018

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On September 25, 2013, City Council authorized a professional services contract for engineering services by Resolution No. 13-1731.

Information about this item will be provided to the Transportation and Trinity River Project Committee on June 12, 2017.

FISCAL INFORMATION

No cost consideration to the City.

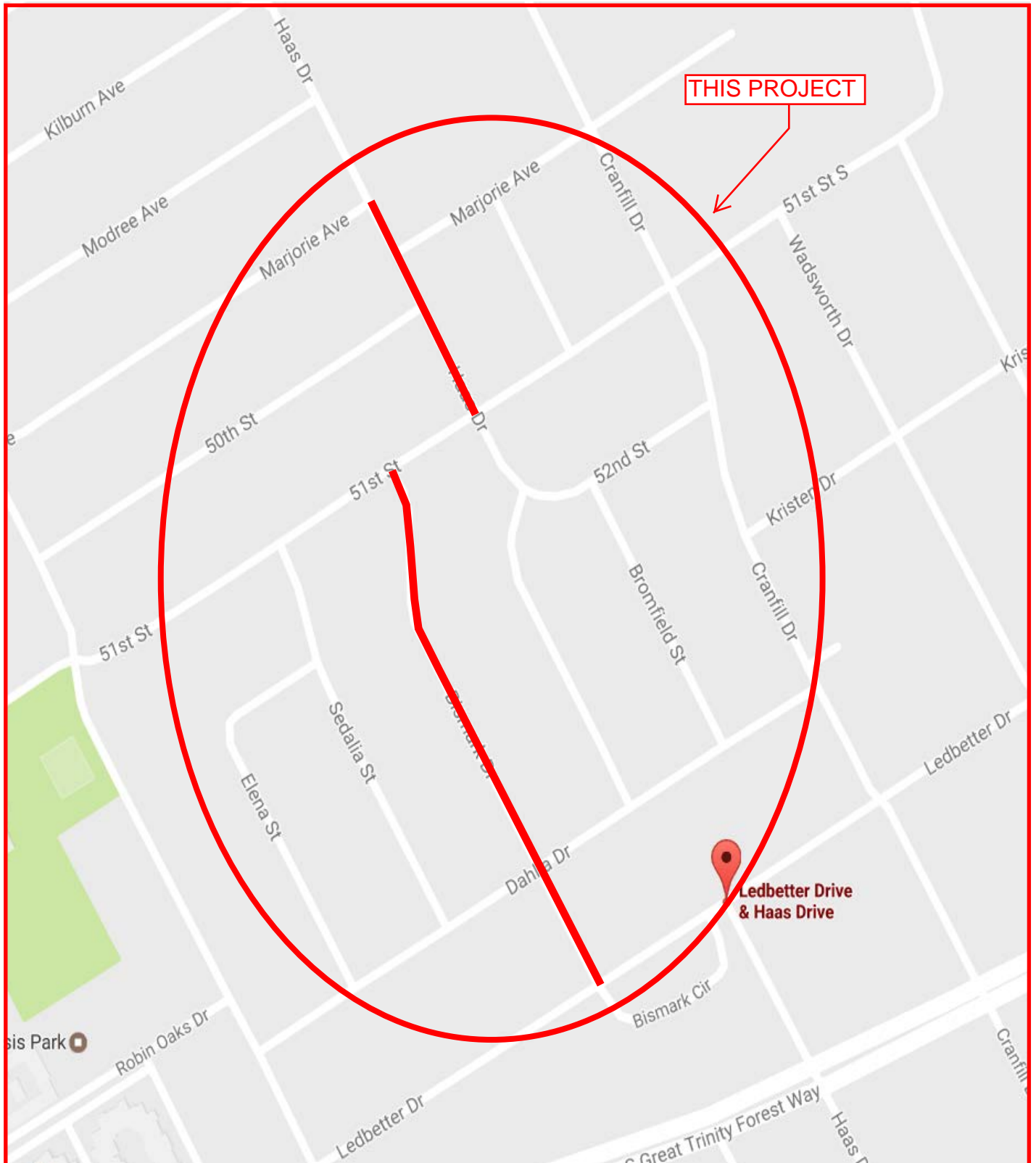
MAP

Attached

STREET RECONSTRUCTION

BISMARK DRIVE FROM E. LEDBETTER DRIVE TO 51ST STREET

HAAS DRIVE FROM 51ST STREET TO MARJORIE AVENUE



MAPSCO 66B

June 14, 2017

WHEREAS, on September 25, 2013, City Council authorized a professional services contract with Raymond L. Goodson, Jr., Inc. for the engineering services for Bismark Drive from East Ledbetter Drive to 51st Street and Haas Drive from 51st Street to Marjorie Avenue, in an amount not to exceed \$142,810.00, by Resolution No. 13-1731; and

WHEREAS, the construction bids received on March 24, 2017, for the reconstruction of Bismark Drive from East Ledbetter Drive to 51st Street and Haas Drive from 51st Street to Marjorie Avenue were significantly higher than the available funding; and

WHEREAS, it has been determined that it is in the best interest of the City of Dallas to reject all bids received and re-advertise for new bids.

Now, Therefore,

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

SECTION 1. That the City Manager is hereby authorized to reject all bids received for the reconstruction of street paving, storm drainage, water and wastewater main improvements for Bismark Drive from East Ledbetter Drive to 51st Street and Haas Drive from 51st Street to Marjorie Avenue, and to re-advertise for new bids.

SECTION 2. 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.

KEY FOCUS AREA: Economic Vibrancy
AGENDA DATE: June 14, 2017
COUNCIL DISTRICT(S): 4
DEPARTMENT: Sustainable Development and Construction
Equipment & Building Services
CMO: Majed Al-Ghafry, 670-3302
MAPSCO: 55H

SUBJECT

Authorize acquisition from Oneyda De La O, of approximately 5,720 square feet of land improved with an uninhabitable single family dwelling located near the intersection of McGowan and Childers Streets for the Cadillac Heights Phase II Project - Not to exceed \$12,200 (\$10,600, plus closing costs not to exceed \$1,600) - Financing: General Obligation Commercial Paper Funds

BACKGROUND

This item authorizes the acquisition of approximately 5,720 square feet of land improved with an un-inhabitable single family dwelling located near the intersection of McGowan and Childers Streets for the Cadillac Heights Phase II Project. This property will be used for future location of City service and maintenance facilities. The consideration is based on an independent appraisal. No relocation costs are associated.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Information about this item will be provided to the Transportation and Trinity River Project Committee on June 12, 2017.

FISCAL INFORMATION

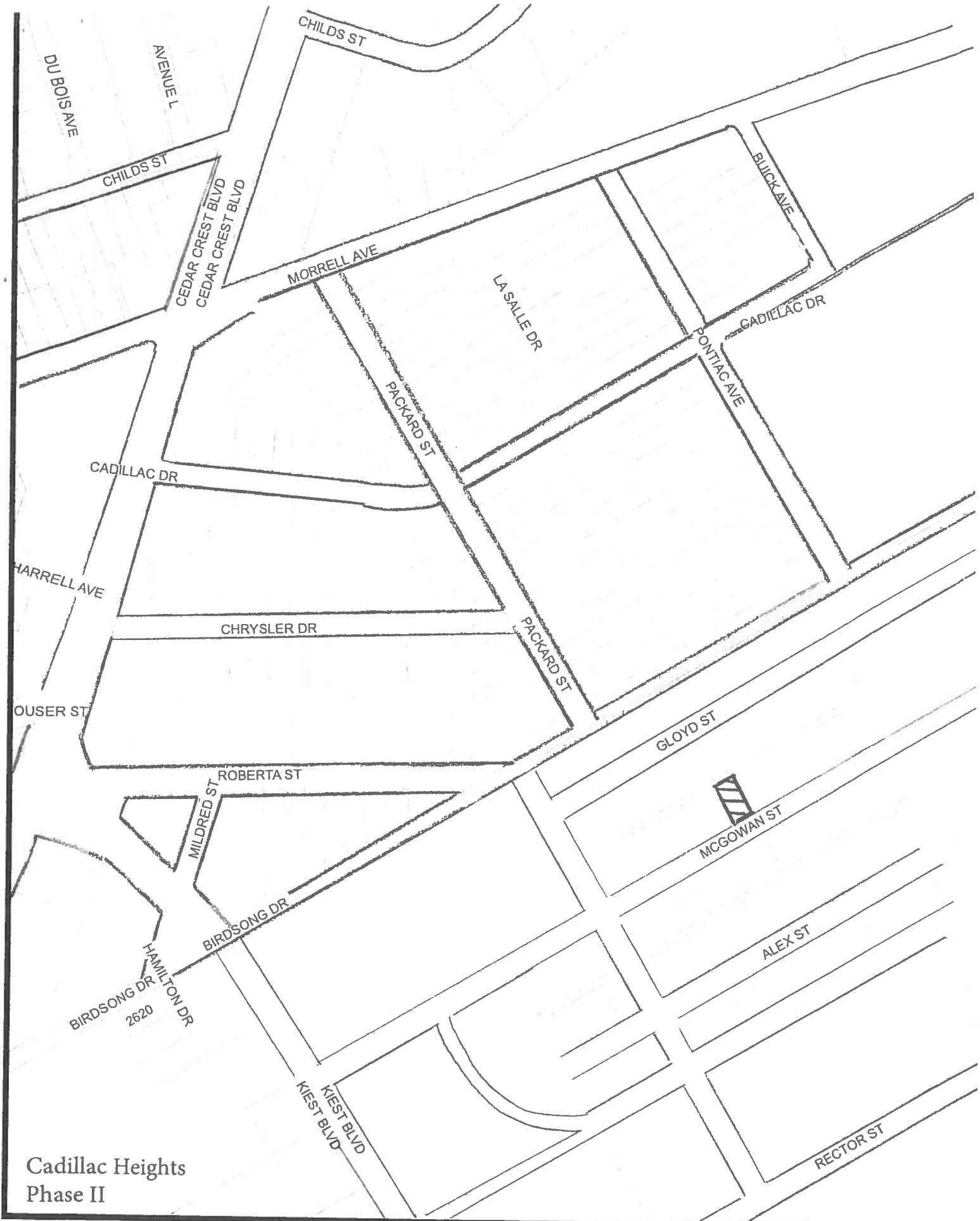
2006 Bond Program (General Obligation Commercial Paper Funds) - \$12,200 (\$10,600, plus closing costs not to exceed \$1,600)

OWNER

Oneyda De La O

MAP

Attached



Cadillac Heights
Phase II



Subject:



June 14, 2017

A RESOLUTION DETERMINING UPON THE NECESSITY OF ACQUIRING REAL PROPERTY AND AUTHORIZING ITS PURCHASE FOR PUBLIC USE.

DEFINITIONS: For the purposes of this resolution, the following definitions of terms shall apply:

"CITY": The City of Dallas

"PROPERTY": Approximately 5,720 square feet of land located in Dallas County, Texas, and being the same property more particularly described in Exhibit "A", attached hereto and made a part hereof for all purposes, and any and all improvements, rights and appurtenances appertaining thereto.

"PROJECT": Cadillac Heights Phase II

"USE": City service and maintenance facilities provided, however, to the extent fee title to the PROPERTY is acquired, such title and the PROPERTY shall not be limited to or otherwise deemed restricted to the USE here provided.

"PROPERTY INTEREST": Fee Simple subject to the exceptions, reservations, covenants, conditions and/or interests, if any, provided in the form instrument more particularly described in Exhibit "B" attached hereto and made a part hereof for all purposes.

"OWNER": Oneyda De La O, provided, however, that the term "OWNER" as used in this resolution means all persons having an ownership interest, regardless of whether those persons are actually named herein.

"PURCHASE AMOUNT": \$10,600

"CLOSING COSTS AND TITLE EXPENSES": Not to exceed \$1,600

"AUTHORIZED AMOUNT": Not to exceed \$12,200

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

SECTION 1. That the USE of the PROPERTY for the PROJECT is a public use.

SECTION 2. That public necessity requires that CITY acquire the PROPERTY INTEREST in the PROPERTY for the PROJECT.

June 14, 2017

SECTION 3. That the City Manager, and/or the City Manager's designees, is hereby authorized and directed to consummate and accept the purchase, grant, and conveyance to CITY of the PROPERTY INTEREST in and to the PROPERTY pursuant to the conveyancing instrument substantially in the form described in Exhibit "B", attached hereto and made a part hereof for all purposes, and approved as to form by the City Attorney and to execute, deliver and receive such other usual and customary documents necessary, appropriate and convenient to consummating this transaction.

SECTION 4. That to the extent the PROPERTY is being purchased wholly or partly with bond proceeds CITY has obtained an independent appraisal of the PROPERTY'S market value.

SECTION 5. That OWNER has been provided with a copy of the Landowner's Bill of Rights as contemplated by applicable state statute.

SECTION 6. That in the event this acquisition closes, the Chief Financial Officer is hereby authorized and directed to draw a warrant in favor of the OWNER, or the then current owner of record, or the title company closing the transaction described herein in the PURCHASE AMOUNT and CLOSING COSTS AND TITLE EXPENSES payable out of Land Acquisition in Cadillac Heights Fund, Fund 4T11, Department EBS , Unit T825, Activity LAAQ, Program PB06T825, Object 4210, Encumbrance SUSVLT82577. The PURCHASE AMOUNT, CLOSING COSTS and TITLE EXPENSES together shall not exceed the AUTHORIZED AMOUNT.

SECTION 7. That CITY is to have possession and/or use, as applicable, of the PROPERTY at closing; and CITY will pay any title expenses and closing costs. All costs and expenses described in this section shall be paid from the previously described funds.

SECTION 8. 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:
LARRY E. CASTO, City Attorney

BY: _____
Assistant City Attorney

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: June 14, 2017

COUNCIL DISTRICT(S): Outside City Limits

DEPARTMENT: Sustainable Development and Construction
Water Utilities

CMO: Majed Al-Ghafry, 670-3302

MAPSCO: 60A-P

SUBJECT

Authorize acquisition from Walter T. Hardi, of approximately 56,579 square feet of land located in Dallas County for the Southwest 120/96-inch Water Transmission Pipeline Project - Not to exceed \$140,001 (\$137,001, plus closing costs and title expenses not to exceed \$3,000) - Financing: Water Utilities Capital Construction Funds

BACKGROUND

This item authorizes the acquisition of approximately 56,579 square feet of land located in Dallas County for the Southwest 120/96-inch Water Transmission Pipeline Project. This property will be used for the construction of a 96-inch and 120-inch diameter treated water transmission line from the East Side Water Treatment Plant to Southwest Dallas. The consideration is based on an independent appraisal. No relocation costs are associated.

This acquisition is part of the Long Range Water Master Plan and the Water Distribution Master Plan. The water transmission main is required to facilitate conveyance of treated water to the South and Southwest portions of Dallas and its customer cities. Installation of approximately 32 miles of 96-inch and 120-inch water transmission pipeline is needed to meet near term critical demands associated with the population growth as determined through master planning efforts. The overall pipeline is sized to meet future water demands.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Information about this item will be provided to the Transportation and Trinity River Project Committee on June 12, 2017.

FISCAL INFORMATION

Water Utilities Capital Construction Funds - \$140,000.75 (\$137,000.75, plus closing costs and title expenses not to exceed \$3,000)

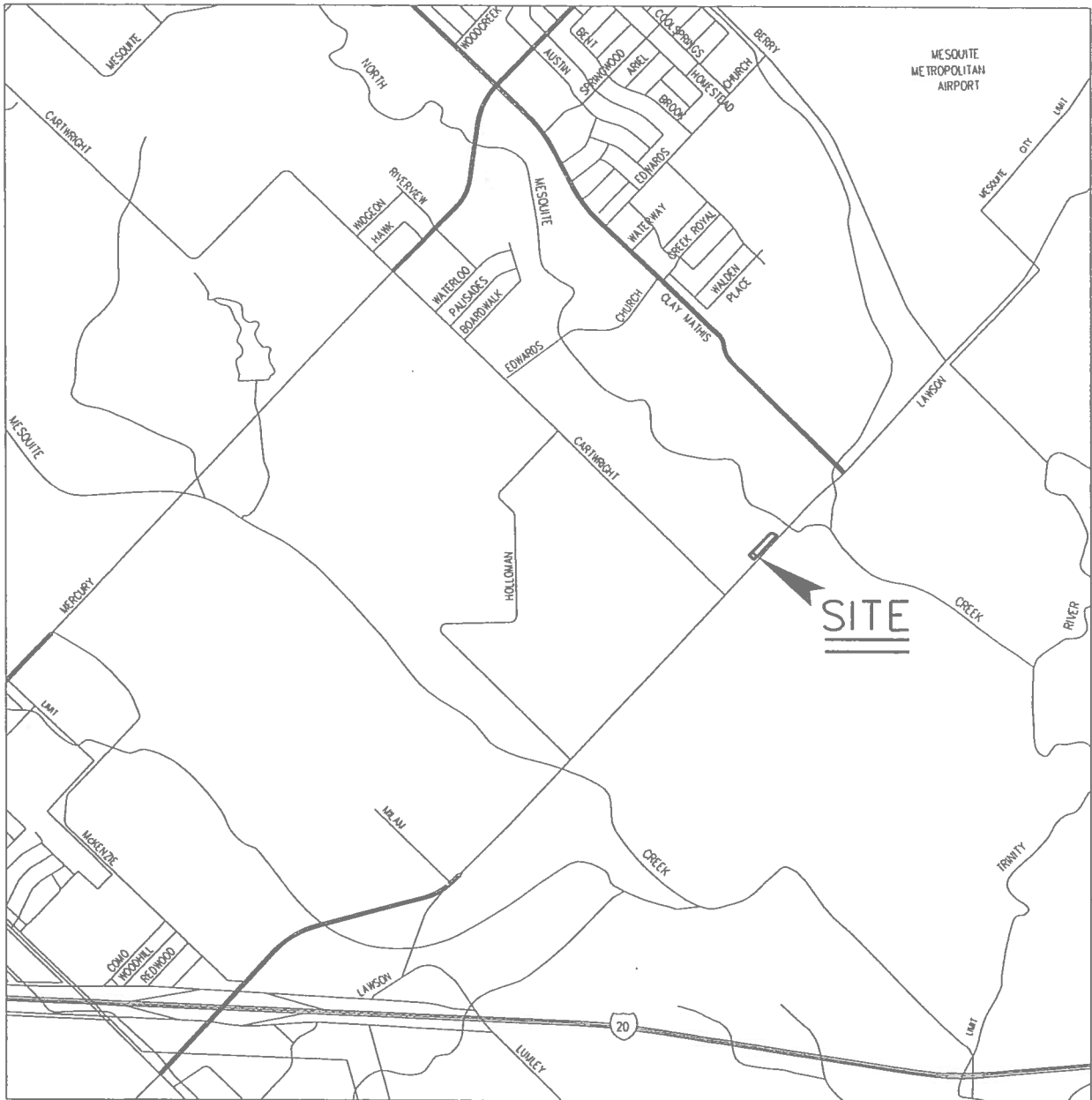
OWNER

Walter T. Hardi

MAP

Attached

PARCEL E-22
BEING A PORTION OF
IN THE JOHN P ANDERSON SURVEY, ABST. NO. 1
CITY OF MESQUITE, DALLAS COUNTY, TEXAS



June 14, 2017

A RESOLUTION DETERMINING UPON THE NECESSITY OF ACQUIRING REAL PROPERTY AND AUTHORIZING ITS PURCHASE FOR PUBLIC USE.

DEFINITIONS: For the purposes of this resolution, the following definitions of terms shall apply:

“CITY”: The City of Dallas

“PROPERTY”: Approximately 56,579 square feet of land located in Dallas County, Texas, and being the same property more particularly described in Exhibit "A", attached hereto and made a part hereof for all purposes, and any and all improvements, rights and appurtenances appertaining thereto.

“PROJECT”: Southwest 120/96-inch Water Transmission Pipeline Project

“USE” : The construction, installation, use, and maintenance of a pipeline or lines for the transmission of treated water together with such appurtenant facilities as may be necessary, provided, however, to the extent fee title to the PROPERTY is acquired, such title and the PROPERTY shall not be limited to or otherwise deemed restricted to the USE herein provided.

“PROPERTY INTEREST”: Fee Simple Title subject to the exceptions, reservations, covenants, conditions and/or interests, if any, provided in the instrument more particularly described in Exhibit “B” attached hereto and made a part hereof for all purposes.

“OWNER”: Walter T. Hardi, provided, however, that the term “OWNER” as used in this resolution means all persons having an ownership interest, regardless of whether those persons are actually named herein.

“PURCHASE AMOUNT”: \$137,000.75

“CLOSING COSTS AND TITLE EXPENSES”: Not to exceed \$3,000

“AUTHORIZED AMOUNT”: Not to exceed \$140,000.75

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

SECTION 1. That the USE of the PROPERTY for the PROJECT is a public use.

SECTION 2. That public necessity requires that CITY acquire the PROPERTY INTEREST in the PROPERTY for the PROJECT.

June 14, 2017

SECTION 3. That the City Manager, and/or the City Manager's designees, is hereby authorized and directed to consummate and accept the purchase, grant, and conveyance to CITY of the PROPERTY INTEREST in and to the PROPERTY pursuant to the conveyancing instrument substantially in the form described in Exhibit "B", attached hereto and made a part hereof for all purposes, and approved as to form by the City Attorney and to execute, deliver and receive such other usual and customary documents necessary, appropriate and convenient to consummating this transaction.

SECTION 4. That to the extent the PROPERTY is being purchased wholly or partly with bond proceeds CITY has obtained an independent appraisal of the PROPERTY'S market value.

SECTION 5. That OWNER has been provided with a copy of the Landowner's Bill of Rights as contemplated by applicable state statute.

SECTION 6. That in the event this acquisition closes, the Chief Financial Officer is hereby authorized and directed to draw a warrant in favor of the OWNER, or the then current owner of record, or the title company closing the transaction described herein in the PURCHASE AMOUNT and CLOSING COSTS AND TITLE EXPENSES payable out of Water Capital Construction Fund, Fund 0102, Department DWU, Unit CW40, Activity MPSA, Program 706623, Object 4210, Encumbrance CT-DWU706623ENAY. The PURCHASE AMOUNT, CLOSING COSTS and TITLE EXPENSES together shall not exceed the AUTHORIZED AMOUNT.

SECTION 7. That CITY is to have possession and/or use, as applicable, of the PROPERTY at closing; and CITY will pay any title expenses and closing costs. All costs and expenses described in this section shall be paid from the previously described funds.

SECTION 8. 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:
LARRY E. CASTO, City Attorney

BY: _____
Assistant City Attorney

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: June 14, 2017

COUNCIL DISTRICT(S): 4

DEPARTMENT: Sustainable Development and Construction
Equipment & Building Services

CMO: Majed Al-Ghafry, 670-3302

MAPSCO: 55H

SUBJECT

Authorize moving expense and replacement housing payments for Gerardo Rodriguez and Consuelo Rodriguez in the Cadillac Heights neighborhood as a result of an official written offer of just compensation to purchase real property at 2922 McGowan Street for City service and maintenance facilities - Not to exceed \$111,350 - Financing: General Obligation Commercial Paper Funds

BACKGROUND

Chapter 39A of the Revised Code of Civil and Criminal Ordinances of the City of Dallas provides moving expense and replacement housing payments for homeowners displaced by the City of Dallas in conjunction with its real property acquisition activities. On January 13, 2016, City Council authorized the acquisition of real property known as 2922 McGowan Street for City service and maintenance facilities by Resolution No. 16-0091. Gerardo Rodriguez and Consuelo Rodriguez will be displaced as a direct result of this property acquisition. They qualify for a moving expense payment of up to \$2,350 and a last resort calculated replacement housing payment of up to \$109,000 pursuant to the Dallas City Code and will use the replacement housing payment to acquire a replacement property.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On January 13, 2016, City Council authorized the acquisition by Resolution No. 16-0091.

Information about this item will be provided to the Transportation and Trinity River Project Committee on June 12, 2017.

FISCAL INFORMATION

2006 Bond Program (General Obligation Commercial Paper Funds) - \$111,350

OWNERS

Gerardo Rodriguez

Consuelo Rodriguez

MAP

Attached

CADILLAC HIEGHTS PHASE II PROJECT RELOCATION ASSISTANCE



LOT 55, BLOCK 6642—2922 McGowan Street

June 14, 2017

WHEREAS, on November 7, 2006, Dallas voters approved the use of General Obligation Bonds to acquire property for City service and maintenance facilities; and

WHEREAS, Gerardo Rodriguez and Consuelo Rodriguez will be displaced as a direct result of this property acquisition and will vacate the property; and

WHEREAS, Chapter 39A of the Revised Code of Civil and Criminal Ordinances of the City of Dallas provides moving expense and replacement housing payments for homeowners displaced by City of Dallas property acquisition activities; and

WHEREAS, on January 13, 2016, City Council authorized the acquisition of 2922 McGowan Street located in the Cadillac Heights neighborhood, to be used in conjunction with the construction of City service and maintenance facilities by Resolution No. 16-0091.

Now, Therefore,

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

SECTION 1. That Gerardo Rodriguez and Consuelo Rodriguez will be displaced in conjunction with the construction of City service and maintenance facilities and are entitled to moving expense and replacement housing payments pursuant to Chapter 39A of the Revised Code of Civil and Criminal Ordinances of the City of Dallas.

SECTION 2. That Gerardo Rodriguez and Consuelo Rodriguez are eligible to receive a moving expense payment in an amount up to \$2,350 and a replacement housing payment in an amount up to \$109,000.

SECTION 3. That the Chief Financial Officer is hereby authorized to draw warrants in favor of Gerardo Rodriguez and Consuelo Rodriguez, in an amount not to exceed \$111,350 for moving expense and replacement housing payments.

These warrants are to be paid as follows:

Land Acquisition in Cadillac Heights Fund	
Fund 4T11, Department EBS, Unit T825	
Object 4240, Activity LAAQ, Program PB06T825	
Encumbrance SUST825JF82, Vendor 342843	\$109,000

June 14, 2017

SECTION 3. (continued)

Land Acquisition in Cadillac Heights Fund Fund 4T11, Department EBS, Unit T825 Object 4240, Activity LAAQ, Program PB06T825 Encumbrance SUST825JF81, Vendor VC16800	<u>\$ 2,350</u>
Total amount not to exceed	\$111,350

SECTION 4. 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.

KEY FOCUS AREA: Economic Vibrancy
AGENDA DATE: June 14, 2017
COUNCIL DISTRICT(S): 4, 7
DEPARTMENT: Sustainable Development and Construction
CMO: Majed Al-Ghafry, 670-3302
MAPSCO: 46W X 55Z

SUBJECT

Authorize **(1)** the quitclaim of three properties acquired by the taxing authorities from the Tax Foreclosure Sheriff's Sale to the highest bidders; and **(2)** the execution of release of liens for any non-tax liens that may have been filed by the City and were included in the foreclosure judgment (list attached) - Revenue: \$22,526

BACKGROUND

This item authorizes the quitclaim of three properties that were foreclosed by the Sheriff's Department for unpaid taxes pursuant to judgments or seizure warrants from a District Court and the release of liens for any non-tax liens that may have been filed by the City and were included in the foreclosure judgment. These properties are being sold to the highest bidders and will return to the tax rolls upon conveyance.

Successful bidders are required to sign a certification stating that they are not purchasing these properties on behalf of the foreclosed owners and that they have no debts owed to the City, no pending code violations, and are not chronic code violators.

All properties were reviewed by the Housing Department for infill housing and were not desired for that program.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Information about this item will be provided to the Transportation and Trinity River Project Committee on June 12, 2017.

FISCAL INFORMATION

Revenue - \$22,526

OWNERS

Be Real Entertainment, Inc.

Clinton Garland, President

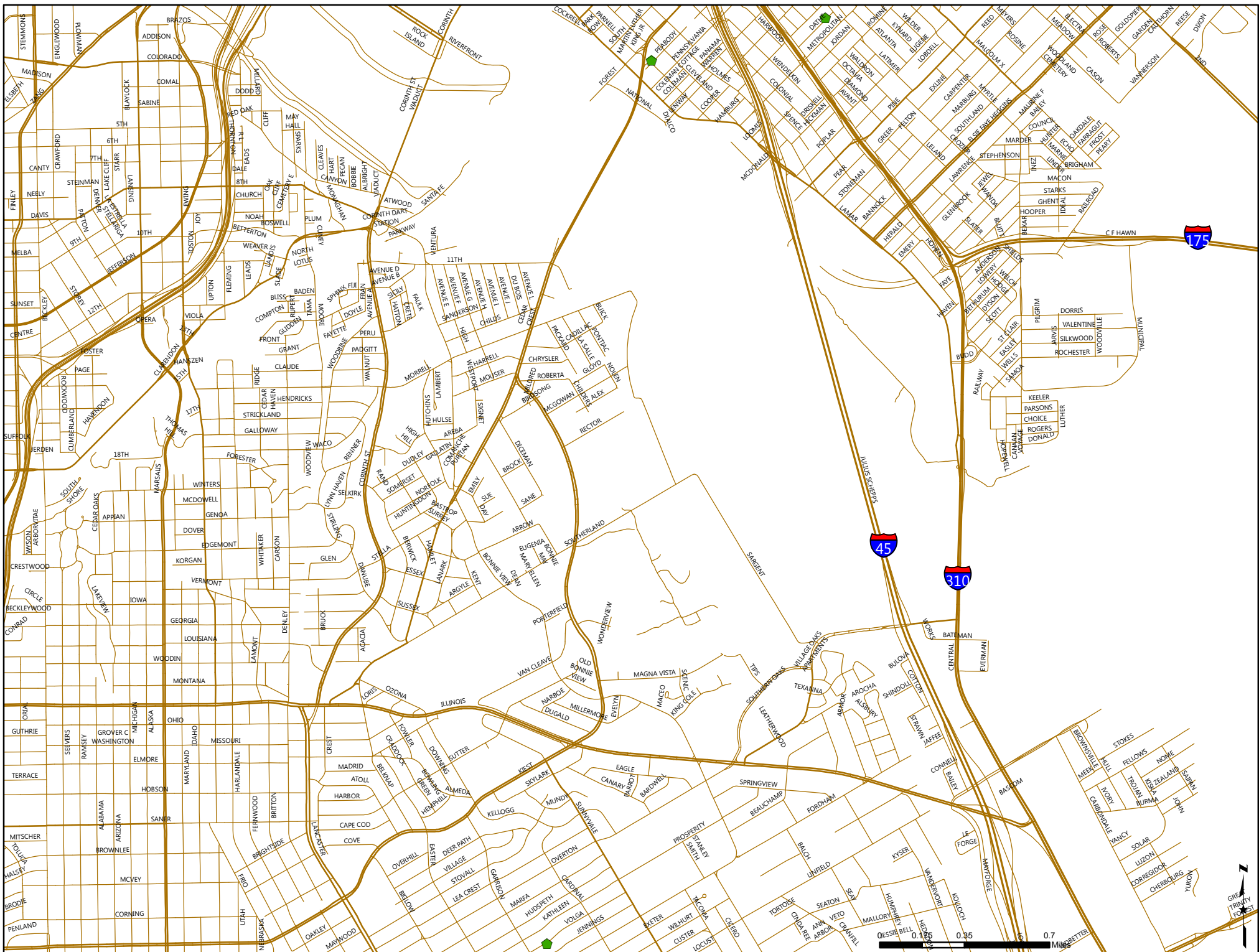
County Land and Water LLC

Wayne Prokay, Managing Member

Denekia Smith

MAP

Attached



June 14, 2017

WHEREAS, the City of Dallas (“City”), the State of Texas (“State”), the County of Dallas, (“County”), and/or Dallas Independent School District (“DISD”) acquired Sheriff Deeds to properties (“Properties”) at a sheriff tax sale (“the First Sale”) authorized by a Judicial Foreclosure (“Judgment”) in a District Court in Dallas County, Texas. The Sheriff's Deeds were recorded in the real property records of Dallas County, Texas as described on “Exhibit A,” attached herein and incorporated by reference; and

WHEREAS, pursuant to the Texas Attorney General Opinion No. JM-1232 and Section 34.05(a) of the Texas Property Tax Code, the City may re-sell the Properties (“the Second Sale”) subject to any right of redemption existing at the time of the Second Sale; and

WHEREAS, pursuant to the provisions of Chapter 34, Section 34.05 of the Texas Property Tax Code, a taxing entity is authorized to re-sell the Properties (“the Second Sale”); and

WHEREAS, by accepting its pro rata proceeds from the Second Sale, the State agrees to the transfer of Properties in which it has an interest; and

WHEREAS, the City Manager, acting on behalf of the County pursuant to a County Commissioner’s Court Order, and acting on behalf of DISD pursuant to a School Board Resolution have the authority to execute Quitclaim Deeds to the purchasers of Properties at the Second Sale, and transfer any rights, title, or interests acquired or held by each taxing entity that was a party to the Judgment at the First Sale; and

WHEREAS, the Properties were advertised in the Dallas Morning News on the dates indicated on Exhibit A; and

WHEREAS, the City Council has previously approved the re-sale of other Properties where funds were not received, nor disbursed prior to the April 1, 2001 Tax Collection Consolidation with Dallas County; and

WHEREAS, the distribution of the proceeds from the resale of the Properties will be in accordance with Chapter 34, Section 34.06 of the Texas Property Tax Code.

Now, Therefore,

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

SECTION 1. That upon receipt of the monetary consideration from the purchasers of the Properties listed on Exhibit A, and upon consent by the County and DISD, the City Manager upon approval as to form by the City Attorney and attested by the City Secretary, is hereby authorized to execute Quitclaim Deeds to the Properties, conveying to the purchasers the right, title, and interest acquired or held by each taxing

June 14, 2017

SECTION 1. (continued)

entity that was a party to the Judgment, subject to any right of redemption, post-Judgment taxes and post Judgment non-municipal liens, and in accordance with the written agreement of the terms, conditions, and release of the taxing entities.

SECTION 2. That the consideration received from the Second Sale shall be distributed pursuant to Chapter 34, Section 34.06 of the Texas Property Tax Code, and applied to the payment of the court costs, interest, and cost of sale and applied to the amount of delinquent taxes, penalties, and non-tax municipal liens as set forth in the Judgment and pursuant to the order of the court.

SECTION 3. That all purchasers shall be responsible for the pro rata portion of property taxes for the remaining part of the current calendar year that will be assessed from the date of closing of the Second Sale. Purchasers shall also be responsible for any post-Judgment taxes, penalties and interest, pursuant to the Texas Property Tax Code, and post-Judgment non-municipal liens. The Properties shall be replaced on the tax rolls as of the date of execution of Quitclaim Deeds.

SECTION 4. That to the extent authorized by law, any liens securing taxes referenced in Section 2 above are hereby released. That the City Manager is hereby authorized to execute a release(s) of lien, approved as to form by the City Attorney, for any non-tax municipal lien(s) which (i) are included in the Judgments issued in the foreclosure suits filed by the City on the lot(s) shown on Exhibit "A"; or (ii) arise or are filed of record post Judgment and prior to the Second Sale by the City on the lot(s) shown on Exhibit "A".

SECTION 5. That any and all proceeds from the Second Sale, including funds not received, nor disbursed prior to the April 1, 2001 Tax Collection Consolidation with Dallas County will be deposited to General Fund, Fund 0001, Department DEV, Balance Sheet Account 0519.

SECTION 6. That upon receipt of the consideration from the Second Sale, the Chief Financial Officer is hereby authorized to disburse the proceeds in accordance with Chapter 34, Section 34.06 of the Texas Property Tax Code. Calculations for disbursements shall be provided by the Director of Sustainable Development and Construction to the City of Dallas Land Based Receivables, the Dallas County District Clerk, and the Dallas County Tax Office from the account specified in Section 5, above.

SECTION 7. 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.

KEY FOCUS AREA: Economic Vibrancy
AGENDA DATE: June 14, 2017
COUNCIL DISTRICT(S): 14
DEPARTMENT: Sustainable Development and Construction
CMO: Majed Al-Ghafry, 670-3302
MAPSCO: 45K

SUBJECT

An ordinance granting a private license to LICGF Dallas Lofts, Inc. for the use of a total of approximately 103 square feet of aerial space to occupy, maintain, and utilize an awning without premise sign over a portion of Akard Street right-of way, near the intersection of Main and Akard Streets - Revenue: \$100 one-time fee, plus the \$20 ordinance publication fee

BACKGROUND

This item grants a private license to LICGF Dallas Lofts, Inc. for the use of a total of approximately 103 square feet of aerial space to occupy, maintain, and utilize an awning without premise sign over a portion of Akard Street right-of way, near the intersection of Main and Akard Streets. The use of this area will not impede pedestrian or vehicular traffic.

The licensee will indemnify the City and carry general liability insurance naming the City as an additional insured.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Information about this item will be provided to the Transportation and Trinity River Project Committee on June 12, 2017.

FISCAL INFORMATION

Revenue - \$100 one-time fee, plus the \$20 ordinance publication fee

OWNER

LICGF Dallas Lofts, Inc.

Heiner Franssen, President

MAP

Attached



 LICENSE AREA

ORDINANCE NO. _____

An ordinance granting a private license to LICGF Dallas Lofts, Inc. to occupy, maintain and utilize aerial space over a portion of Akard Street right-of-way located near the intersection of Main and Akard Streets adjacent to City Block 114/69 ½ within the limits hereinafter more fully described, for the purpose of maintaining and utilizing an awning without premise sign; providing for the terms and conditions of this license; providing for the one-time fee compensation to be paid to the City of Dallas; providing for payment of the publication fee; and providing an effective date of this license and ordinance.

ooo0ooo

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

SECTION 1. That a private license, hereinafter referred to as “license”, subject to the restrictions and conditions of this ordinance, is hereby granted to LICGF Dallas Lofts, Inc., a Delaware corporation its successors and assigns, hereinafter referred to as “**GRANTEE**”, to occupy, maintain and utilize for the purpose set out hereinbelow the tract of land described in Exhibit A, hereinafter referred to as “licensed area” which is attached hereto and made a part hereof.

SECTION 2. That this license is granted for a term of forty (40) years, unless sooner terminated according to other terms and provisions herein contained.

SECTION 3. That **GRANTEE** shall pay to the City of Dallas a one-time license fee in the sum of **ONE HUNDRED AND NO/100 (\$100.00) DOLLARS**, for the license herein granted, said sum to be paid prior to the final passage of this ordinance and shall cover the consideration for the license term, in accordance with the special fees established by Section 43-115.1 of the Dallas City Code. Such consideration shall be in addition to and exclusive of any other taxes or special assessments required by law to be paid by **GRANTEE**. All sums payable to the City of Dallas hereunder shall be paid to the Chief Financial Officer of the City of Dallas and deposited in Fund 0001, Department DEV, Unit 1181, Revenue Code 8200. In the event **GRANTEE’s** check for the license fee is dishonored, **GRANTEE** shall pay to the City a processing fee of \$25.00 for each dishonored check. Additionally, all monies owed to the City under this license shall be

SECTION 3. (continued)

subject to the assessment of interest at a rate of 10 percent a year from the day after any monies become due until it is paid in full, in accordance with Section 2-1.1 of the Dallas City Code.

SECTION 4. That the licensed area shall be used by **GRANTEE** for the following purpose under the direction of the Director of Department of Sustainable Development and Construction of the City of Dallas: occupy, maintain, and utilize an awning without premise sign.

SECTION 5. That this license is subject to the provisions set forth in Exhibit B, attached hereto and made a part hereof.

SECTION 6. That this license is nonexclusive and is made expressly subject and subordinate to the right of the City to use the licensed area for any public purpose. The Governing Body of the City of Dallas reserves the right by resolution duly passed by said Governing Body, to terminate and cancel this license upon giving **GRANTEE** sixty (60) days notice of its intent to cancel. Upon termination, all rights granted hereunder shall thereupon be considered fully terminated and cancelled and the City of Dallas shall not be held liable by reason thereof. Said resolution shall be final and shall not be subject to review by the Courts. **GRANTEE** shall have the right of cancellation upon giving the City of Dallas sixty (60) days written notice of its intention to cancel, and in either event upon the termination or cancellation by the City or **GRANTEE**, as the case may be, this license shall become null and void and **GRANTEE** or anyone claiming any rights under this instrument shall remove, to the extent required by the Director of Department of Sustainable Development and Construction, any improvements and encroachments from the licensed area at **GRANTEE's** expense. Failure to do so shall subject **GRANTEE** to the provisions contained in Exhibit B, Subsection (a). All work shall be done at the sole cost of **GRANTEE** and to the satisfaction of the Director of Department of Sustainable Development and Construction.

SECTION 7. That the license is subject to the following conditions, terms and reservations: **GRANTEE** shall ensure that Americans with Disability Act required clearances are maintained throughout the area.

SECTION 8. That upon the effectiveness of this ordinance, the Director of Department of Sustainable Development and Construction, or designee, is hereby authorized to execute a NOTICE OF LICENSE and to file same in the deed records of Dallas County, Texas. Additionally, the Director of Department of Sustainable Development and Construction, or designee, is hereby authorized to execute a cancellation of Notice of License upon termination by the City or **GRANTEE** and to file such cancellation of Notice of License in the deed records of Dallas County, Texas.

SECTION 9. That the terms and conditions contained in this ordinance shall be binding upon **GRANTEE**, its successors and assigns.

SECTION 10. That this license may not be assigned without prior written approval from the Director of Department of Sustainable Development and Construction, or designee. Such assignment shall recite that it is subject to the terms, restriction and conditions contained in this ordinance. The assignee shall deliver evidence of ownership of property abutting the licensed area, and a copy of the assignment, along with the assignee's written acceptance of the provisions of this ordinance, to the Director of Department of Sustainable Development and Construction within 10 days of such assignment; said assignment and written acceptance shall be forwarded to the City Secretary of the City of Dallas. Should **GRANTEE** fail to obtain prior written approval for assignment of this license or fail to provide the City of Dallas with the required written acceptance and a copy of the assignment, the Director of Department of Sustainable Development and Construction, or designee, may terminate this license.

SECTION 11. That the City Secretary is hereby authorized and directed to certify a copy of this ordinance for recordation in the Deed Records of Dallas County, Texas, which certified copy shall be delivered to the Director of Department of Sustainable Development and Construction, or designee. Upon receipt of the fee pursuant to

SECTION 11. (continued)

Section 3 of this ordinance, an acceptable certificate of insurance and the fee for publishing this ordinance which **GRANTEE** shall likewise pay, the Director of Department of Sustainable Development and Construction, or designee, shall deliver to **GRANTEE** the certified copy of this ordinance. The Director of Department of Sustainable Development and Construction, or designee, shall be the sole source for receiving certified copies of this ordinance for one year after its passage.

SECTION 12. That this ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so ordained.

APPROVED AS TO FORM:
LARRY E. CASTO, City Attorney

DAVID COSSUM, Director
Department of Sustainable Development and
Construction

BY: _____
Assistant City Attorney

BY: _____
Assistant Director

Passed _____.

KEY FOCUS AREA: Economic Vibrancy
AGENDA DATE: June 14, 2017
COUNCIL DISTRICT(S): 11
DEPARTMENT: Sustainable Development and Construction
CMO: Majed Al-Ghafry, 670-3302
MAPSCO: 15 Y L

SUBJECT

An ordinance abandoning a portion of a sanitary sewer easement to CADG Forrest Lane 6, LLC, the abutting owner, containing approximately 518 square feet of land, located near the intersection of Forest Lane and Robledo Drive - Revenue: \$5,400, plus the \$20 ordinance publication fee

BACKGROUND

This item authorizes the abandonment of a portion of a sanitary sewer easement to CADG Forrest Lane 6, LLC, the abutting owner. The area will be included with the property of the abutting owner for patio and landscaping improvements of an existing residential home. The cost for this abandonment is the minimum processing fee pursuant to the Dallas City Code, therefore, no appraisal is required.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Information about this item will be provided to the Transportation and Trinity River Project Committee on June 12, 2017.

FISCAL INFORMATION

Revenue - \$5,400, plus the \$20 ordinance publication fee

OWNER

CADG Forrest Lane 6, LLC

CADG Holdings, LLC

2M Holdings LP

2M Ventures, LLC

Mehrdad Moayedi, Manager

MAP

Attached



Log 44506

Abandonment area:



ORDINANCE NO. _____

An ordinance providing for the abandonment and relinquishment of portion of a sanitary sewer easement located in City Block 46/7460 in the City of Dallas and County of Dallas, Texas; providing for the quitclaim thereof to CADG Forrest Lane 6, LLC; providing for the terms and conditions of the abandonment, relinquishment and quitclaim made herein providing for conveyance of a new easement to the City of Dallas and the relocation of existing facilities; providing for the indemnification of the City of Dallas against damages arising out of the abandonment herein; providing for the consideration to be paid to the City of Dallas; providing a future effective date for the abandonment, relinquishment and quitclaim made herein; providing for the payment of the publication fee; and providing an effective date for this ordinance.

ooo0ooo

WHEREAS, the City Council of the City of Dallas, acting pursuant to law and upon the request and petition of CADG Forrest Lane 6, LLC, a Texas limited liability company; hereinafter referred to as **GRANTEE**, deems it advisable to abandon, relinquish and quitclaim the City of Dallas' right, title and interest in and to the hereinafter described tract of land to **GRANTEE**, and is of the opinion that, subject to the terms and conditions herein provided, said easement is no longer needed for municipal use, and same should be abandoned, relinquished and quitclaimed to **GRANTEE** as hereinafter provided, for the consideration hereinafter stated; and

WHEREAS, the City Council of the City of Dallas is of the opinion that the best interest and welfare of the City will be served by abandoning, relinquishing and quitclaiming the same to **GRANTEE** for the consideration and subject to the terms and conditions hereinafter more fully set forth.

Now, Therefore,

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

SECTION 1. That the City of Dallas hereby abandons and relinquishes all of its right, title and interest in and to the tract of land described in Exhibit A, attached hereto and made a part hereof; subject, however, to the conditions and future effective date hereinafter more fully set out.

SECTION 2. That for and in monetary consideration of the sum of **FIVE THOUSAND FOUR HUNDRED AND NO/100 (\$5,400.00) DOLLARS** paid by **GRANTEE**, and the further consideration described in Sections 8, 9 and 10, the City of Dallas does by these presents **FOREVER QUITCLAIM** unto the said **GRANTEE**, subject to the conditions, reservations, future effective and exceptions hereinafter made and with the restrictions and upon the covenants below stated, all its right, title and interest in and to the certain tract or parcel of land hereinabove described in Exhibit A. **TO HAVE AND TO HOLD** all of such right, title and interest in and to the property and premises, subject aforesaid, together with all and singular the rights, privileges, hereditaments and appurtenances thereto in any manner belonging unto the said **GRANTEE** forever.

SECTION 3. That upon payment of the monetary consideration set forth in Section 2, **GRANTEE** accepts the terms, provisions, and conditions of this ordinance.

SECTION 4. That the Chief Financial Officer is hereby authorized to deposit the sum paid by **GRANTEE** pursuant to Section 2 above in the General Fund, Fund 0001, Department DEV, Balance Sheet 0519 and Department of Sustainable Development and Construction-Real Estate Division shall be reimbursed for the cost of obtaining the legal description, appraisal and other administrative costs incurred. The reimbursement proceeds shall be deposited in General Fund, Fund 0001, Department DEV, Unit 1183, Object 5011 and any remaining proceeds shall be transferred to the General Capital Reserve Fund, Fund 0625, Department BMS, Unit 8888, Revenue Code 8416.

SECTION 5. That the abandonment, relinquishment and quitclaim provided for herein are made subject to all present zoning and deed restrictions, if the latter exist, and are subject to all existing easement rights of others, if any, whether apparent or non-apparent, aerial, surface, underground or otherwise.

SECTION 6. That the terms and conditions contained in this ordinance shall be binding upon **GRANTEE**, its successors and assigns.

SECTION 7. That the abandonment, relinquishment and quitclaim provided for herein shall extend only to that interest the Governing Body of the City of Dallas may legally and lawfully abandon, relinquish and quitclaim.

SECTION 8. That as a condition of this abandonment and as a part of the consideration for the quitclaim to **GRANTEE** herein, **GRANTEE**, its successors and assigns, agree to indemnify, defend, release and hold harmless the City of Dallas as to any and all claims for damages, fines, penalties, costs or expenses to persons or property that may arise out of, or be occasioned by or from: (i) the use and occupancy of the area described in Exhibit A by **GRANTEE**, its successors and assigns; (ii) the presence, generation, spillage, discharge, release, treatment or disposition of any Hazardous Substance on or affecting the area set out in Exhibit A; (iii) all corrective actions concerning any discovered Hazardous Substances on or affecting the area described in Exhibit A, which **GRANTEE**, its successors and assigns agree to undertake and complete in accordance with applicable federal, state and local laws and regulations; and (iv) the abandonment, closing, vacation and quitclaim by the City of Dallas of the area set out in Exhibit A. **GRANTEE**, its successors and assigns hereby agree to defend any and all suits, claims, or causes of action brought against the City of Dallas on account of same, and discharge any judgment or judgments that may be rendered against the City of Dallas in connection therewith. For purposes hereof, "Hazardous Substance" means the following: (a) any "hazardous substances" under the Comprehensive Environmental Response, Compensation, and Liability Act, 42 U.S.C. 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 lubricating oils; (d) any "hazardous chemicals" or "toxic chemicals" under the Occupational Safety and Health Act, 29 U.S.C. Section 651 et seq., as amended; (e) any "hazardous waste" under the Resource Conservation and Recovery Act, 42 U.S.C. Section 6901 et seq., as amended; and (f) any "chemical substance" under the Toxic Substance Control Act, 15 U.S.C. Section 2601 et seq., as amended. 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 thereunder.

SECTION 9. That as a condition of this abandonment and as a part of the consideration for the quitclaim to **GRANTEE** herein, **GRANTEE** shall:

- a) shall retain the existing sanitary easement until the main is abandoned.
- b) obtain a Private Development Contract (P-Contract) with the City of Dallas. Retain existing easements at project location until all mains are abandoned or relocated. Relocate all affected upstream wastewater mains so to maintain wastewater service to all upstream customers in City Block 7460. P-Contract should address the relocation of the upstream wastewater main.

SECTION 10. That this abandonment, relinquishment and quitclaim of the City's right, title and interest in and to said sanitary sewer easement shall not become effective until and unless: (i) the existing installations and facilities are relocated, at **GRANTEE's** expense, to the new easement to be provided by **GRANTEE** and acceptable to the Director of Department of Sustainable Development and Construction, as is hereinafter provided; and (ii) plans for the construction and relocation of installations within the new easement are approved by the Director of Department of Sustainable Development and Construction; and (iii) said construction and relocation of installations are completed, approved and accepted in writing by the Director of Department of Sustainable Development and Construction. **GRANTEE** will grant the new easement at no cost consideration to the City and all work shall be done at the sole cost of **GRANTEE** and to the satisfaction of the Director of Department of Sustainable Development and Construction.

SECTION 11. That the City Secretary is hereby authorized and directed to certify a copy of this ordinance for recordation in the Deed Records of Dallas County, Texas, which certified copy shall be delivered to the Director of Department of Sustainable Development and Construction, or designee. Upon receipt of the monetary consideration set forth in Section 2, plus the fee for the publishing of this ordinance, which **GRANTEE** shall likewise pay, the Director of Department of Sustainable Development and Construction, or designee shall deliver to **GRANTEE** a certified copy of this ordinance.

SECTION 11. (continued)

The Director of Department of Sustainable Development and Construction, or designee, shall be the sole source for receiving certified copies of this ordinance for one year after its passage.

SECTION 12. That this ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so ordained.

APPROVED AS TO FORM:
LARRY E. CASTO, City Attorney

DAVID COSSUM, Director
Department of Sustainable Development and
Construction

BY: _____
Assistant City Attorney

BY: _____
Assistant Director

Passed _____.

KEY FOCUS AREA: Economic Vibrancy
AGENDA DATE: June 14, 2017
COUNCIL DISTRICT(S): 1
DEPARTMENT: Sustainable Development and Construction
CMO: Majed Al-Ghafry, 670-3302
MAPSCO: 43Z

SUBJECT

An ordinance abandoning a water easement to Lincoln Colorado Place LLC, the abutting owner, containing approximately 11,246 square feet of land, located near the intersection of Fort Worth Avenue and Colorado Boulevard - Revenue: \$5,400, plus the \$20 ordinance publication fee

BACKGROUND

This item authorizes the abandonment of a water easement to Lincoln Colorado Place LLC, the abutting owner. The area will be included with the property of the abutting owner for the construction of a mixed-use development. The cost for this abandonment is the minimum processing fee pursuant to the Dallas City Code, therefore, no appraisal is required.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Information about this item will be provided to the Transportation and Trinity River Project Committee on June 12, 2017.

FISCAL INFORMATION

Revenue - \$5,400, plus the \$20 ordinance publication fee

OWNER

Lincoln Colorado Place LLC

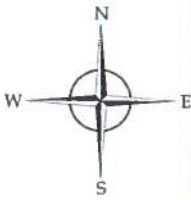
LPC MM Colorado Place LLC

LPC Manager, Inc.

John Timothy Byrne, President

MAP

Attached



ABANDONMENT AREA
WATER EASEMENT

ORDINANCE NO. _____

An ordinance providing for the abandonment and relinquishment of a water easement, located in City Block A/4689 in the City of Dallas and County of Dallas, Texas; providing for the quitclaim thereof to Lincoln Colorado Place LLC; providing for the terms and conditions of the abandonment, relinquishment and quitclaim made herein; providing for the conveyance of a new easement to the City of Dallas and relocation of existing facilities; providing for the indemnification of the City of Dallas against damages arising out of the abandonments herein; providing for the consideration to be paid to the City of Dallas; providing a future effective date for the abandonment relinquishment and quitclaim made herein; providing for the payment of the publication fee; and providing an effective date for this ordinance.

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WHEREAS, the City Council of the City of Dallas, acting pursuant to law and upon the request and petition of Lincoln Colorado Place LLC, a Delaware limited liability company; hereinafter referred to as **GRANTEE**, deems it advisable to abandon, relinquish and quitclaim the City of Dallas' right, title and interest in and to the hereinafter described tract of land to **GRANTEE**, and is of the opinion that, subject to the terms and conditions herein provided, said easement is no longer needed for municipal use, and same should be abandoned, relinquished and quitclaimed to **GRANTEE** as hereinafter provided, for the consideration hereinafter stated; and

WHEREAS, the City Council of the City of Dallas is of the opinion that the best interest and welfare of the City will be served by abandoning, relinquishing and quitclaiming the same to **GRANTEE** for the consideration and subject to the terms and conditions hereinafter more fully set forth.

Now, Therefore,

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

SECTION 1. That the City of Dallas hereby abandons and relinquishes all of its right, title and interest in and to the tract of land described in Exhibit A, attached hereto and made a part hereof; subject, however, to the conditions and future effective date hereinafter more fully set out.

SECTION 2. That for and in monetary consideration of the sum of **FIVE THOUSAND FOUR HUNDRED AND NO/100 (\$5,400.00) DOLLARS** paid by **GRANTEE**, and the further consideration described in Sections 8 and 9, the City of Dallas does by these presents **FOREVER QUITCLAIM** unto the said **GRANTEE**, subject to the conditions, reservations, future effective date and exceptions hereinafter made and with the restrictions and upon the covenants below stated, all its right, title and interest in and to the certain tract or parcel of land hereinabove described in Exhibit A. **TO HAVE AND TO HOLD** all of such right, title and interest in and to the property and premises, subject aforesaid, together with all and singular the rights, privileges, hereditaments and appurtenances thereto in any manner belonging unto the said **GRANTEE** forever.

SECTION 3. That upon payment of the monetary consideration set forth in Section 2, **GRANTEE** accepts the terms, provisions, and conditions of this ordinance.

SECTION 4. That the Chief Financial Officer is hereby authorized to deposit the sum paid by **GRANTEE** pursuant to Section 2 above in the General Fund, Fund 0001, Department DEV, Balance Sheet 0519 and Department of Sustainable Development and Construction-Real Estate Division shall be reimbursed for the cost of obtaining the legal description, appraisal and other administrative costs incurred. The reimbursement proceeds shall be deposited in General Fund, Fund 0001, Department DEV, Unit 1183, Object 5011 and any remaining proceeds shall be transferred to the General Capital Reserve Fund, Fund 0625, Department BMS, Unit 8888, Revenue Code 8416.

SECTION 5. That the abandonment, relinquishment and quitclaim provided for herein are made subject to all present zoning and deed restrictions, if the latter exist, and are subject to all existing easement rights of others, if any, whether apparent or non-apparent, aerial, surface, underground or otherwise.

SECTION 6. That the terms and conditions contained in this ordinance shall be binding upon **GRANTEE**, its successors and assigns.

SECTION 7. That the abandonment, relinquishment and quitclaim provided for herein shall extend only to that interest the Governing Body of the City of Dallas may legally and lawfully abandon, relinquish and quitclaim.

SECTION 8. That as a condition of this abandonment and as a part of the consideration for the quitclaim to **GRANTEE** herein, **GRANTEE**, its successors and assigns, agree to indemnify, defend, release and hold harmless the City of Dallas as to any and all claims for damages, fines, penalties, costs or expenses to persons or property that may arise out of, or be occasioned by or from: (i) the use and occupancy of the area described in Exhibit A by **GRANTEE**, its successors and assigns; (ii) the presence, generation, spillage, discharge, release, treatment or disposition of any Hazardous Substance on or affecting the area set out in Exhibit A; (iii) all corrective actions concerning any discovered Hazardous Substances on or affecting the area described in Exhibit A, which **GRANTEE**, its successors and assigns agree to undertake and complete in accordance with applicable federal, state and local laws and regulations; and (iv) the abandonment, closing, vacation and quitclaim by the City of Dallas of the area set out in Exhibit A. **GRANTEE**, its successors and assigns hereby agree to defend any and all suits, claims, or causes of action brought against the City of Dallas on account of same, and discharge any judgment or judgments that may be rendered against the City of Dallas in connection therewith. For purposes hereof, "Hazardous Substance" means the following: (a) any "hazardous substances" under the Comprehensive Environmental Response, Compensation, and Liability Act, 42 U.S.C. 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 lubricating oils; (d) any "hazardous chemicals" or "toxic chemicals" under the Occupational Safety and Health Act, 29 U.S.C. Section 651 et seq., as amended; (e) any "hazardous waste" under the Resource Conservation and Recovery Act, 42 U.S.C. Section 6901 et seq., as amended; and (f) any "chemical substance" under the Toxic Substance Control Act, 15 U.S.C. Section 2601 et seq., as amended. 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 thereunder.

SECTION 9. That this abandonment, relinquishment and quitclaim of the City's right, title and interest in and to said portion of water easement shall not become effective until and unless: (i) the existing installations and facilities are relocated, at **GRANTEE's** expense, to the new easement, to be provided by **GRANTEE** and acceptable to the Director of Department of Sustainable Development and Construction, as is hereinafter provided; and (ii) plans for the construction and relocation of installations within the new easement are approved by the Director of Department of Sustainable Development and Construction; and (iii) said construction and relocation of installations are completed, approved and accepted in writing by the Director of Department of Sustainable Development and Construction. **GRANTEE** will grant the new easement at no cost consideration to the City and all work shall be done at the sole cost of **GRANTEE** and to the satisfaction of the Director of Department of Sustainable Development and Construction.

SECTION 10. That the City Secretary is hereby authorized and directed to certify a copy of this ordinance for recordation in the Deed Records of Dallas County, Texas, which certified copy shall be delivered to the Director of Department of Sustainable Development and Construction, or designee. Upon receipt of the monetary consideration set forth in Section 2, plus the fee for the publishing of this ordinance, which **GRANTEE** shall likewise pay, the Director of Department of Sustainable Development and Construction, or designee shall deliver to **GRANTEE** a certified copy of this ordinance. The Director of Department of Sustainable Development and Construction, or designee, shall be the sole source for receiving certified copies of this ordinance for one year after its passage.

SECTION 11. That this ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so ordained.

APPROVED AS TO FORM:
LARRY E. CASTO, City Attorney

DAVID COSSUM, Director
Department of Sustainable Development and
Construction

BY: _____
Assistant City Attorney

BY: _____
Assistant Director

Passed _____

KEY FOCUS AREA: Economic Vibrancy
AGENDA DATE: June 14, 2017
COUNCIL DISTRICT(S): 1
DEPARTMENT: Sustainable Development and Construction
CMO: Majed Al-Ghafry, 670-3302
MAPSCO: 54C

SUBJECT

An ordinance abandoning a portion of an alley to Bishop Arts Village, LLC, the abutting owner, containing approximately 999 square feet of land located near the intersection of North Bishop Avenue and Melba Street, authorizing the quitclaim, and providing for the dedication of approximately 2,523 square feet of land needed for a variable width alley easement - Revenue: \$19,980, plus the \$20 ordinance publication fee

BACKGROUND

This item authorizes the abandonment of a portion of an alley to Bishop Arts Village LLC, the abutting owner. The area will be included with the property of the abutting owner to facilitate a mixed use multi-family and commercial development. The owner will dedicate approximately 2,527 square feet in a variable width alley easement for a turnaround on the alley. The abandonment fee is based on Dallas Central Appraisal District values.

Notices were sent to 39 property owners located within 300 feet of the proposed abandonment area. There was one response received in opposition to this request.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Information about this item will be provided to the Transportation and Trinity River Project Committee on June 12, 2017.

FISCAL INFORMATION

Revenue - \$19,980, plus the \$20 ordinance publication fee

OWNER

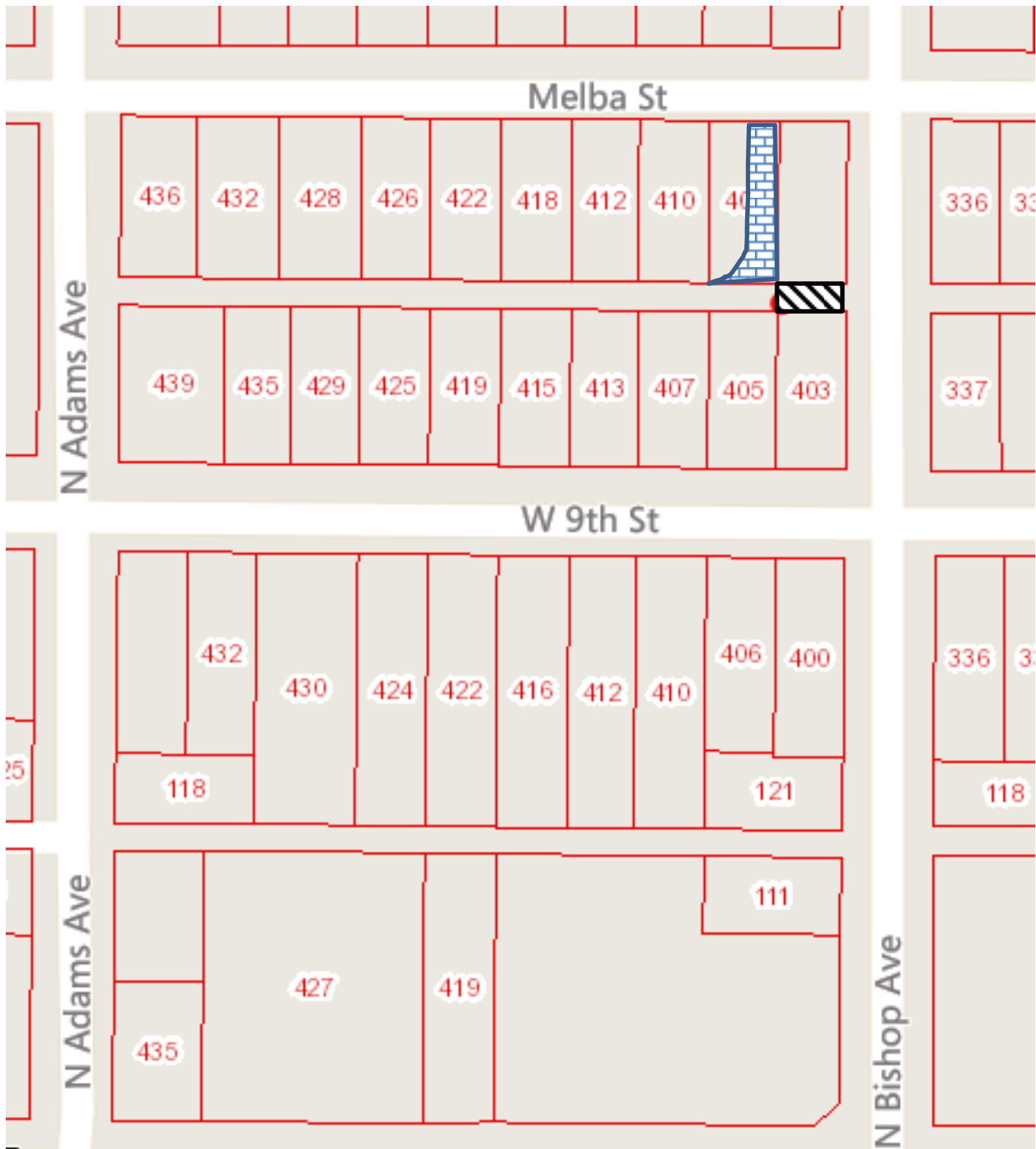
Bishop Arts Village, LLC

Exxir Capital, LLC

Farrokh Nazerian, Manager

MAP


Attached



Log: 42224

Abandonment: 

Mapsc0: 54C

Dedication: 

Applicant: Bishop Arts Village, LLC

ORDINANCE NO. _____

An ordinance providing for the abandonment of a portion of an alley located in City Block 33/3153 in the City of Dallas and County of Dallas, Texas; providing for the quitclaim thereof to Bishop Arts Village, LLC; providing for the terms and conditions of the abandonment and quitclaim made herein; providing for barricading; providing for the conveyance of needed land to the City of Dallas; providing for the indemnification of the City of Dallas against damages arising out of the abandonment herein; providing for the consideration to be paid to the City of Dallas; providing for the payment of the publication fee; providing a future effective date for this abandonment; and providing an effective date for this ordinance.

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WHEREAS, the City Council of the City of Dallas, acting pursuant to law and upon the request and petition of Bishop Arts Village, LLC, a Texas Limited Liability Company, hereinafter referred to as **GRANTEE**, deems it advisable to abandon and quitclaim the hereinafter described tract of land to **GRANTEE**, and is of the opinion that, subject to the terms and conditions herein provided, said portion of alley is not needed for public use, and same should be abandoned and quitclaimed to **GRANTEE**, as hereinafter stated; and

WHEREAS, the City Council of the City of Dallas is of the opinion that the best interest and welfare of the public will be served by abandoning and quitclaiming the same to **GRANTEE** for the consideration and subject to the terms and conditions hereinafter more fully set forth.

Now, Therefore,

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

SECTION 1. That the tract of land described in Exhibit A, which is attached hereto and made a part hereof for all purposes, be and the same is abandoned, vacated and closed insofar as the right, title and interest of the public are concerned; subject, however, to the conditions and future effective date hereinafter more fully set out.

SECTION 2. That for and in monetary consideration of the sum of **NINETEEN THOUSAND NINE HUNDRED EIGHTY AND NO/100 DOLLARS (\$19,980.00)** paid by **GRANTEE**, and the further consideration described in Sections 8, 9, 10, 11, and 13, the City of Dallas does by these presents **FOREVER QUITCLAIM** unto the said **GRANTEE**, subject to the conditions, reservations, future effective date, and exceptions hereinafter made and with the restrictions and upon the covenants below stated, all of its right, title and interest in and to the certain tract of land hereinabove described in Exhibit A. **TO HAVE AND TO HOLD** all of such right, title and interest in and to the property and premises, subject aforesaid, together with all and singular the rights, privileges, hereditaments and appurtenances thereto in any manner belonging unto the said **GRANTEE** forever.

SECTION 3. That upon payment of the monetary consideration set forth in Section 2, **GRANTEE** accepts the terms, provisions, future effective date and conditions of this ordinance.

SECTION 4. That the Chief Financial Officer is hereby authorized to deposit the sum paid by **GRANTEE** pursuant to Section 2 above in the General Fund, Fund 0001, Department DEV, Balance Sheet 0519 and Department of Sustainable Development and Construction- Real Estate Division shall be reimbursed for the cost of obtaining the legal description, appraisal and other administrative costs incurred. The reimbursement proceeds shall be deposited in General Fund, Fund 0001, Department DEV, Unit 1183, Object 5011 and any remaining proceeds shall be transferred to the General Capital Reserve Fund, Fund 0625, Department BMS, Unit 8888, Revenue Code 8416.

SECTION 5. That the abandonment and quitclaim provided for herein are made subject to all present zoning and deed restrictions, if the latter exist, and are subject to all existing easement rights of others, if any, whether apparent or non-apparent, aerial, surface, underground or otherwise, and are further subject to the conditions contained in Exhibit B, which is attached hereto and made a part hereof for all purposes.

SECTION 6. That the terms and conditions contained in this ordinance shall be binding upon **GRANTEE**, its successors and assigns.

SECTION 7. That the abandonment and quitclaim provided for herein shall extend only to the public right, title, easement and interest, and shall be construed to extend only to that interest the Governing Body of the City of Dallas may legally and lawfully abandon and vacate.

SECTION 8. That as a condition of this abandonment and as a part of the consideration for the quitclaim to **GRANTEE** herein, **GRANTEE**, its successors and assigns, agree to indemnify, defend, release and hold harmless the City of Dallas as to any and all claims for damages, fines, penalties, costs or expenses to persons or property that may arise out of, or be occasioned by or from: (i) the use and occupancy of the area described in Exhibit A by **GRANTEE**, its successors and assigns; (ii) the presence, generation, spillage, discharge, release, treatment or disposition of any Hazardous Substance on or affecting the area set out in Exhibit A; (iii) all corrective actions concerning any discovered Hazardous Substances on or affecting the area described in Exhibit A, which **GRANTEE**, its successors and assigns, agree to undertake and complete in accordance with applicable federal, state and local laws and regulations; and (iv) the abandonment, closing, vacation and quitclaim by the City of Dallas of the area set out in Exhibit A. **GRANTEE**, its successors and assigns, hereby agree to defend any and all suits, claims, or causes of action brought against the City of Dallas on account of same, and discharge any judgment or judgments that may be rendered against the City of Dallas in connection therewith. For purposes hereof, "Hazardous Substance" means the following: (a) any "hazardous substances" under the Comprehensive Environmental Response, Compensation, and Liability Act, 42 U.S.C. 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 lubricating oils; (d) any "hazardous chemicals" or "toxic chemicals" under the Occupational Safety and Health Act, 29 U.S.C. Section 651 et seq., as amended; (e) any "hazardous waste" under the Resource Conservation and Recovery Act, 42 U.S.C. Section 6901 et seq., as amended; and (f) any "chemical substance" under the Toxic Substance Control Act, 15 U.S.C. Section 2601 et seq., as amended.

SECTION 8. (continued)

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 thereunder.

SECTION 9. That as a condition of this abandonment and as a part of the consideration for the quitclaim made herein, **GRANTEE** shall file a final replat of the adjoining properties prior to the issuance of any building permits affecting the tract of land abandoned and quitclaimed herein. This final replat shall be recorded by **GRANTEE** in the official real property records of the county in which the abandoned area is located after its approval by the City Plan Commission of the City of Dallas.

SECTION 10. That as a condition of this abandonment and as a part of the consideration for the quitclaim made herein, **GRANTEE** shall:

- a) at no time during or after the project, cause any delay to emergency traffic or cause interruption to water supply in the area.
- b) contact Texas Excavation Safety System (Texas 811) to have facilities marked and located within the affected area before any excavations are started.

SECTION 11. That as a condition of this abandonment and as part of consideration for the quitclaim made herein **GRANTEE** shall convey by easement to the City of Dallas a variable width alley easement, within 90 days of the effective date of this ordinance, in, under, through, across and along certain properties located in City Block 33/3153. Said property to be conveyed shall be acceptable to the Director of Department of Sustainable Development and Construction of the City of Dallas and contain approximately 2,523 square feet of land, a description of which is attached hereto and made a part hereof as Exhibit C. This abandonment shall not be effective unless and until this dedication is completed as herein provided and failure to convey the above described easement as set forth shall render this ordinance null and void and of no further effect.

SECTION 12. That at such time as the instrument described in Section 11 above is executed and delivered to the City of Dallas and has been approved as to form by the City Attorney it be accepted, and thereafter, the Director of Department of Sustainable

SECTION 12. (continued)

Development and Construction is authorized and directed to record said instrument in the official real property records of the county in which the subject property is located; and the recorded instrument shall be forwarded to the City Secretary for permanent record.

SECTION 13. That as a condition of this abandonment and as a part of the consideration for the quitclaim made herein, **GRANTEE** shall, immediately upon the effectiveness of this abandonment, close, barricade and/or place signs in the area described in Exhibit A in accordance with detailed plans approved by the Director of Department of Sustainable Development and Construction. **GRANTEE's** responsibility for keeping the area described in Exhibit A closed, barricaded and/or the signs in place shall continue until the street improvements and intersection returns are removed by **GRANTEE**, its successors and assigns, to the satisfaction of the Director of Department of Sustainable Development and Construction.

SECTION 14. That the City Secretary is hereby authorized and directed to certify a copy of this ordinance for recordation in the official real property records of the county in which the abandonment area is located, which certified copy shall be delivered to the Director of Department of Sustainable Development and Construction, or designee. Upon receipt of the monetary consideration set forth in Section 2, plus the fee for the publishing of this ordinance, which **GRANTEE** shall likewise pay, and completion of the dedication set forth in Section 11, the Director of Department of Sustainable Development and Construction, or designee: (i) shall deliver to **GRANTEE** a certified copy of this ordinance, and (ii) is authorized to and shall prepare and deliver a **QUITCLAIM DEED** with regard to the area abandoned herein, to **GRANTEE** hereunder, same to be executed by the City Manager on behalf of the City of Dallas, attested by the City Secretary and approved as to form by the City Attorney. The Director of Department of Sustainable Development and Construction, or designee, shall be the sole source for receiving certified copies of this ordinance for one year after its passage.

SECTION 15. That this ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so ordained.

APPROVED AS TO FORM:
LARRY E. CASTO, City Attorney

DAVID COSSUM, Director
Department of Sustainable Development and
Construction

BY: _____
Assistant City Attorney

BY: _____
Assistant Director

Passed _____.

KEY FOCUS AREA: Economic Vibrancy
AGENDA DATE: June 14, 2017
COUNCIL DISTRICT(S): 1
DEPARTMENT: Trinity Watershed Management
CMO: Jody Puckett, 670-3390
MAPSCO: 45S

SUBJECT

An ordinance abandoning unimproved portions of Zangs Boulevard and South Riverfront Boulevard rights-of-way to the City of Dallas, the abutting owner, for the Able Pump Station Project containing a total of approximately 19,249 square feet of land, located at and near the intersection of Zangs Boulevard and South Riverfront Boulevard - Revenue: \$5,400, plus the \$20 ordinance publication fee

BACKGROUND

This item authorizes the abandonment of unimproved portions of Zangs Boulevard and South Riverfront Boulevard rights-of-way to the City of Dallas, the abutting owner. The abandonment area will be used to facilitate the expansion and construction of the Able Pump Station. The cost for this abandonment is the minimum processing fee pursuant to the Dallas City Code, therefore, no appraisal is required.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Information about this item will be provided to the Transportation and Trinity River Project Committee on June 12, 2017.

FISCAL INFORMATION

Revenue - \$5,400, plus the \$20 ordinance publication fee

MAP

Attached

Field Notes Describing
an 8,967 Square Foot (0.206 Acre)
Portion of Zangs Boulevard
To Be Abandoned

Being an 8,967 Square Foot (0.206 Acre) portion of Zangs Boulevard, an 80-foot wide street Right-of-Way conveyed to the City of Dallas by A.M. Cockrell by deed dated September 7, 1897, recorded in Volume 221, Page 25 of the Deed Records of Dallas County, Texas, said property lying in the John Neely Bryan Survey, Abstract Number 149, in the City and County of Dallas, Texas, between City Blocks 64/415 and 2/416 (Official City of Dallas Block Numbers), parallel with the Southwest Right-of-Way line of Riverfront Boulevard (a variable width, undedicated Right-of-Way at this location), and being more particularly described as follows:

BEGINNING at the most Northerly corner of the herein described tract of land (not monumented), *from which* a Mag Nail with washer marked "CITY OF DALLAS" set at the most Easterly corner of Lot 23 of Block 64/415 of the Industrial Improvement Project Unit 2 Addition, an addition to the City of Dallas recorded in Volume 5, Page 415 of the Map Records of Dallas County, Texas, and said corner lying at the intersection of the Southwest line of Riverfront Boulevard (a 130-foot wide Right-of-Way, as dedicated by the said Industrial Improvement Project Unit 2 Addition) with the Northwest Right-of-Way line of the above said Zangs Boulevard, bears North $37^{\circ}37'36''$ East a distance of 3.00 feet:

THENCE Southeasterly, departing the last said Northwest line of Zangs Boulevard and the Southeast line of said Lot 23 of Block 64/415, over and across Zangs Boulevard along a Curve to the Left having a Radius of 1,214.28 feet, a Central Angle of $3^{\circ}46'38''$, an Arc Length of 80.05 feet and a Chord which bears South $50^{\circ}37'34''$ East a distance of 80.04 feet to the intersection with the Southeast line of said Zangs Boulevard, *from which* a Mag Nail with washer marked "CITY OF DALLAS" set at the most Northerly corner of a tract of land conveyed to the City of Dallas by deed recorded in Instrument Number 201500137580 of the Official Public Records of Dallas County, Texas, bears North $37^{\circ}37'36''$ East a distance of 3.00 feet, and being also the most Easterly corner of the herein described tract of land:

THENCE South $37^{\circ}37'36''$ West with the common line between said City of Dallas tract and Zangs Boulevard a distance of 101.15 feet to a 5/8-inch diameter Iron Rod with cap marked "DALLAS" set at the Southeast corner of the herein described tract of land:

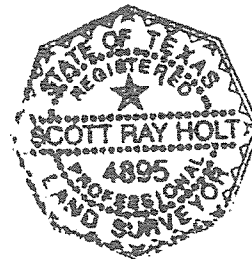
Field Notes Describing
an 8,967 Square Foot (0.206 Acre)
Portion of Zangs Boulevard
To Be Abandoned

THENCE North 66°37'34" West, departing the last said Southeast Right-of-Way line, over and across Zangs Boulevard a distance of 82.54 feet to a 5/8-inch diameter Iron Rod with cap marked "DALLAS" set at the intersection with the above said Northwest line of Zangs Boulevard, being also the most Southerly corner of the above said Lot 23 of Block 64/415 and the Southwest corner of the herein described tract of land:

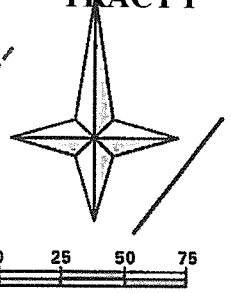
THENCE North 37°37'36" East, with the common line between Zangs Boulevard and said Lot 23 a distance of 123.91 feet to the **POINT OF BEGINNING**, containing 8,967 Square Feet, or 0.206 Acres of land.

BASIS OF BEARINGS: Bearings are based on the State Plane Coordinate System, Texas North Central Zone 4202, North American Datum of 1983 (2011).

Scott Holt
4/25/2017



**EXHIBIT A
TRACT I**



POINT OF BEGINNING

Charter Com. Power Supply

RIVERFRONT BOULEVARD
(130' Right-of-Way)

BLOCK 64/415

19 Industrial Improvement Project Unit Number 2
Volume 5, Page 415

20

21

22

PNYX Limited Partnership

R = 1,214.28'
Δ = 3°46'38"
L = 80.05'
Ch Brs: 80.04'
S 50°37'34" E

Andres Cazares
Int. #201600198278

8,967 Sq. Ft. (0.206 Ac.)
Area to be Abandoned

North Bank: Old Trinity River Channel

John Neely Bryan Survey
Abstract No. 149

Old Channel of the Trinity River

City of Dallas
Vol. 3099, Pg. 64

23
123.91' N 37°37'36" E

3.00'

City of Dallas
Int. 201500137580

12" I.R. Found
Bears 1.85'
N 32°42'34" E

1" I.P. Found
Bears 1.56'
S 69°17'01" E

BLOCK 2/416
12" I.R. Found
CONTROLLING MONUMENT

BLOCK 2/416

UNPLATTED

UNPLATTED

ZANGS BOULEVARD
80' Right-of-Way
Vol. 221, Pg. 25

Abstract No. 149
Abstract No. 607
City of Dallas
Vol. 3099, Pg. 64

City of Dallas
Vol. 74029, Pg. 777

BLOCK 2/416

Peter Haught Survey
Abstract No. 607

HOUSTON STREET VIADUCT
Volume 495, Page 626

Northeast Corner of Pier Column
RECORD MONUMENT

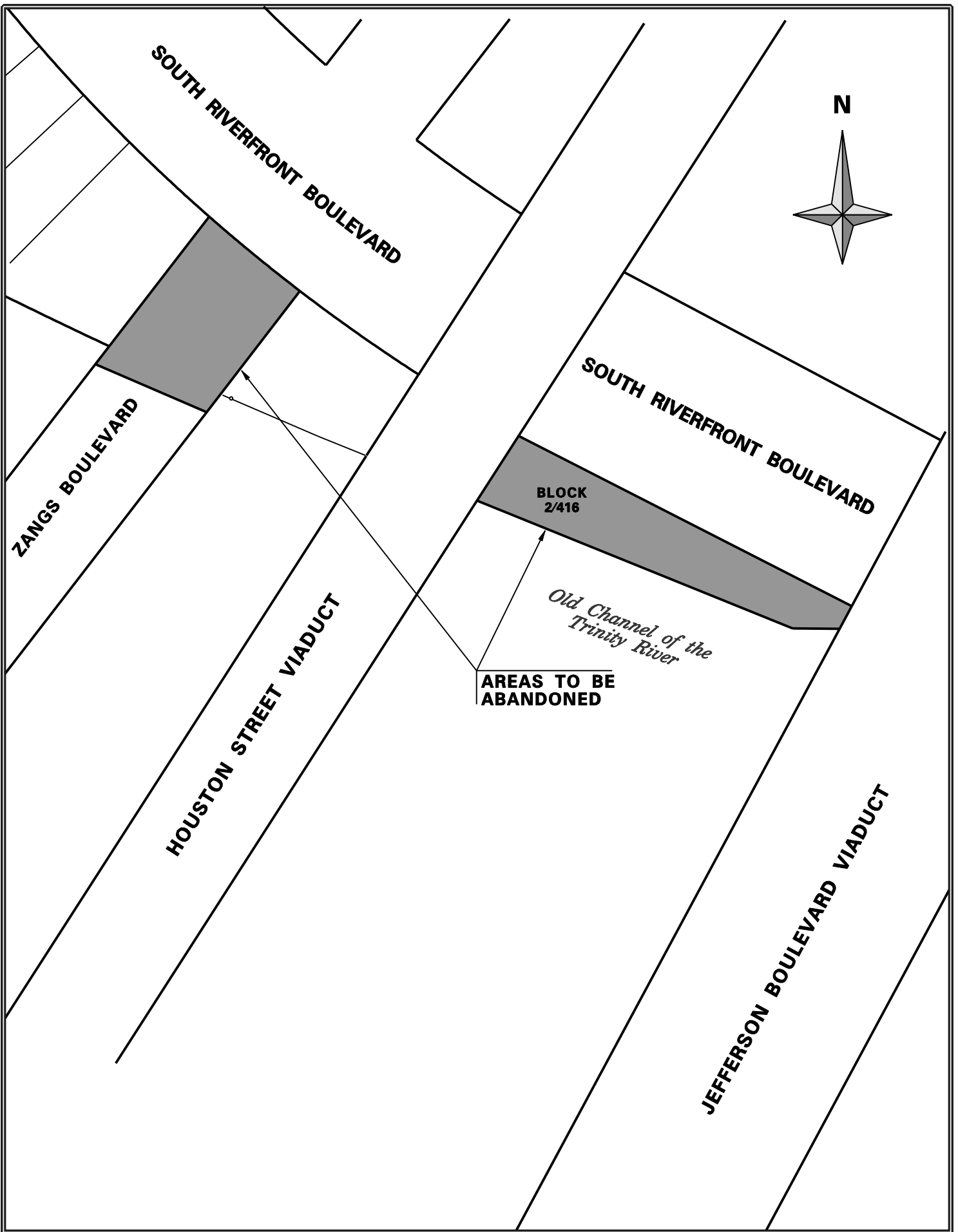
City of Dallas
Texas Senate Bill 44
March 30, 1925

Page 3 of 3

☐ Indicates a Mag Nail with Washer Marked "DALLAS" set in a hole drilled into concrete pavement.

Basis of Bearings: Bearings are based on the State Plane Coordinate System, Texas North Central Zone 4202, North American Datum of 1983 (2011).

ABLE PUMP STATION			
Trinity Watershed Management			
Zangs Boulevard Abandonment			
PUBLIC WORKS DEPARTMENT			
SURVEY DIVISION CITY OF DALLAS, TEXAS			
OPER. NAME	DESIGN FILE NAME	SCALE	DATE
Holt	N:\ENGR\SURVEY\HOLT\Trinity\Able Pump Station.dgn	As Noted	10-6-16
PARTY CHIEF	CALCULATIONS	FOLDER	FILE NO.
Peck	Holt	Block 2/416	333D-24



ORDINANCE NO. _____

An ordinance abandoning unimproved portions of Zangs Boulevard and South Riverfront Boulevard in City Block 2/416 and adjacent to City Block 64/415 in the City of Dallas and County of Dallas, Texas; providing for the quitclaim thereof to the City of Dallas (the "City"); providing for the terms and conditions of the abandonment and quitclaim made herein; providing for barricading; providing for the consideration to be paid to the City of Dallas; providing for the payment of the publication fee; and providing an effective date for this ordinance.

ooo0ooo

WHEREAS, the City Council of the City of Dallas, acting pursuant to law and upon City's own request and petition as the owner of the properties abutting and the underlying fee title to the hereinafter described tracts of land, deems it advisable to abandon and quitclaim the hereinafter described tracts of land to itself for a non right-of-way public project and use, and is of the opinion that, subject to the terms and conditions herein provided, said portions of Zangs and South Riverfront Boulevards are not needed for public use, and same should be abandoned and quitclaimed to City, as hereinafter stated; and

WHEREAS, the City Council of the City of Dallas is of the opinion that the best interest and welfare of the public will be served by abandoning and quitclaiming the same for the consideration and subject to the terms and conditions hereinafter more fully set forth; **Now, Therefore,**

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

SECTION 1. That the tracts of land described in Exhibit A, which is attached hereto and made a part hereof for all purposes, be and the same is abandoned, vacated and closed insofar as the right, title and interest of the public are concerned; subject, however, to the conditions hereinafter more fully set out.

SECTION 2. That for and in monetary consideration of the sum **FIVE THOUSAND FOUR HUNDRED AND NO/100 (\$5,400.00) DOLLARS**, paid by City and/or credited by the City of Dallas to the appropriate internal municipal accounts and the further consideration described in Sections 8, 9 and 10; the City of Dallas does by these presents forever Quitclaim unto City, subject to the conditions, reservations, and exceptions hereinafter made and with the restrictions and upon the covenants below stated, and does abandon, vacate and relinquish all public right, title and interest in and to the public right-of-way as to and encumbering those certain tracts of land herein above described in Exhibit A. **TO HAVE AND TO HOLD** all such right, title and interest in and to the property and premises, subject aforesaid, together with all and singular the right, privilege, hereditaments and appurtenances thereto in any manner belonging unto City forever.

SECTION 3. That upon payment and/or crediting of the monetary consideration set forth in Section 2, City accepts the terms, provisions, and conditions of this ordinance.

SECTION 4. That the Chief Financial Officer is authorized to transfer the monetary consideration set forth in Section 2 plus recording and publication fees in the amount of \$98.00 from the Flood Protection and Storm Drainage Facilities Fund 3U23, Department TWM, Unit S768, Activity SDRS to the General Fund 0001, Agency DEV, Balance Sheet 0519 and Department of Sustainable Development and Construction Real Estate Division shall be reimbursed for the cost of obtaining the legal description, appraisal and other administrative costs incurred. The reimbursement proceeds shall be deposited in General Fund 0001, Department DEV, Unit 1183, Object 5011 and any remaining proceeds shall be transferred to the General Capital Reserve Fund, Fund 0625, Department BMS, Unit 8888, Revenue Code 8416.

SECTION 5. That the abandonment and quitclaim provided for herein are made subject to all present zoning and deed restrictions, if the latter exist, and are subject to all existing easement rights of others, if any, whether apparent or non-apparent, aerial, surface, underground or otherwise and are further subject to the conditions contained in Exhibit B, which is attached hereto and made a part hereof for all purposes.

SECTION 6. That the terms and conditions contained in this ordinance shall be binding upon the City of Dallas, its successors and assigns.

SECTION 7. That the abandonment and quitclaim provided for herein shall extend only to the public right, title, easement and interest, and shall be construed to extend only to that interest the Governing Body of the City of Dallas may legally and lawfully abandon and vacate.

SECTION 8. That as a condition of this abandonment and as a part of the consideration for the quitclaim made herein, City shall maintain a right-of-way width for South Riverfront Boulevard per the Dallas Thoroughfare Plan, Section 51-9.100, Riverfront requires 130 feet of right-of-way, adjacent to the abandonment, closure and vacation areas.

SECTION 9. That as a condition of this abandonment and as a part of the consideration for the quitclaim to City made herein, City shall file a final replat of the adjoining properties prior to the issuance of any building permits affecting the tracts of land abandoned and quitclaimed herein. This final replat shall be recorded by City in the official real property records of the county in which the abandoned area is located after its approval by the City Plan Commission of the City of Dallas.

SECTION 10. That as a condition of this abandonment and as a part of the consideration for the quitclaim made herein, City shall, immediately upon the passage of this ordinance, close, barricade and/or place signs in the areas described in Exhibit A in accordance with detailed plans approved by the Director of Department of Sustainable Development and Construction. Responsibility for keeping the areas described in Exhibit A closed, barricaded and/or the signs in place shall continue until the street improvements and intersection returns are removed by City, its successors and assigns, to the satisfaction of the Director of Department of Sustainable Development and Construction.

SECTION 11. That the City Secretary is hereby authorized and directed to certify a copy of this ordinance for recordation in the official real property records of the county in which the abandonment area is located, which certified copy shall be delivered to the Director of Department of Sustainable Development and Construction, or designee. Upon receipt and/or crediting of the monetary consideration set forth in Section 2, plus the fee for the publishing of this ordinance, the Director of Department of Sustainable Development and Construction, or designee shall record same. The Director of Department of Sustainable Development and Construction, or designee, shall be the sole source for receiving certified copies of this ordinance for one year after its passage.

SECTION 12. That this ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so ordained.

APPROVED AS TO FORM:

LARRY E. CASTO, City Attorney

DAVID COSSUM

**Director of Department of Sustainable
Development and Construction**

BY _____
Assistant City Attorney

BY _____
Assistant Director

Passed _____.

Field Notes Describing a 10,282 Square Foot (0.236 Acre)
Tract of Land in City Block 2/416
To Be Abandoned

Being a 10,282 Square Foot (0.236 Acre) tract of unplatted land lying in the City of Dallas, Dallas County, Texas, being a part of Block 2/416 (Official City of Dallas Block Numbers), and a part of the John Neely Bryan Survey, Abstract No. 149, and being all of the property conveyed to the City of Dallas by Instruments 201400005984 and 201500248818 of the Official Public Records of Dallas County, Texas, lying between the Southeast Right-of-Way line of the Houston Street Viaduct (formerly the "Dallas-Oak Cliff Highway Viaduct"), the Northwest Right-of-Way line of the Jefferson Street Viaduct (formerly the "Northern Texas Traction Company Street Railway Viaduct"), North of the Northeasterly bank, of the old channel of the Trinity River, and South of the Right-of-Way of Riverfront Boulevard (formerly "Industrial Boulevard"), and being more particularly described as follows:

BEGINNING at a 5/8 inch diameter Iron Rod with cap marked "CITY OF DALLAS" (hereinafter referred to as "5/8" I.R. w/COD Cap") set at the most Westerly corner of the herein described tract of land, at the intersection of the above referenced Northeasterly bank of the old channel of the Trinity River (conveyed to the City of Dallas from the State of Texas by Senate Bill 44, dated March 30, 1925), and the Southeast Right-of-Way line of the Houston Street Viaduct (an 80-foot wide Right-of-Way) at 42.1 feet Northeasterly from the Northeasterly face of the first pier of said Viaduct Northeast of said old channel of the Trinity River" (Record Monument), from which a 1/2 inch diameter Iron Rod (Controlling Monument) found on the Northwest line of the said Houston Street Viaduct at the South corner of a tract of land conveyed to the City of Dallas by deed recorded in Instrument Number 201600319092 of the Official Public Records of Dallas County, Texas bears North 68°32'06" West, over and across said Houston Street Viaduct a distance of 81.57 feet:

THENCE North 32°42'26 East, departing the last said Northeasterly bank of the old channel of the Trinity River and with the said Southeast line of the Houston Street Viaduct a distance of 52.40 feet to a 5/8" I.R. w/COD Cap set at the intersection with the Southwest Right-of-Way line of Riverfront Boulevard (a Variable Width Right-of-Way), from which a 1/2-inch diameter found iron rod bears North 33°01'28" East a distance of 2.55 feet:

Field Notes Describing a 10,282 Square Foot (0.236 Acre)
Tract of Land in City Block 2/416
To Be Abandoned

THENCE South 62°56'34" East, departing the last said Southeast line of the Houston Street Viaduct and with the said Southwest line of Riverfront Boulevard a distance of 254.87 feet to a 5/8" I.R. w/COD Cap set at the intersection with the above said Northwest line of the Jefferson Street Viaduct (a 150-foot wide Right-of-Way):

THENCE South 28°15'00" West, departing the last said Southwest line of Riverfront Boulevard and with the said Northwest line of the Jefferson Street Viaduct a distance of 17.65 feet to a 5/8" I.R. w/COD Cap set at the intersection with the above referenced Northeasterly bank of the old channel of the Trinity River:

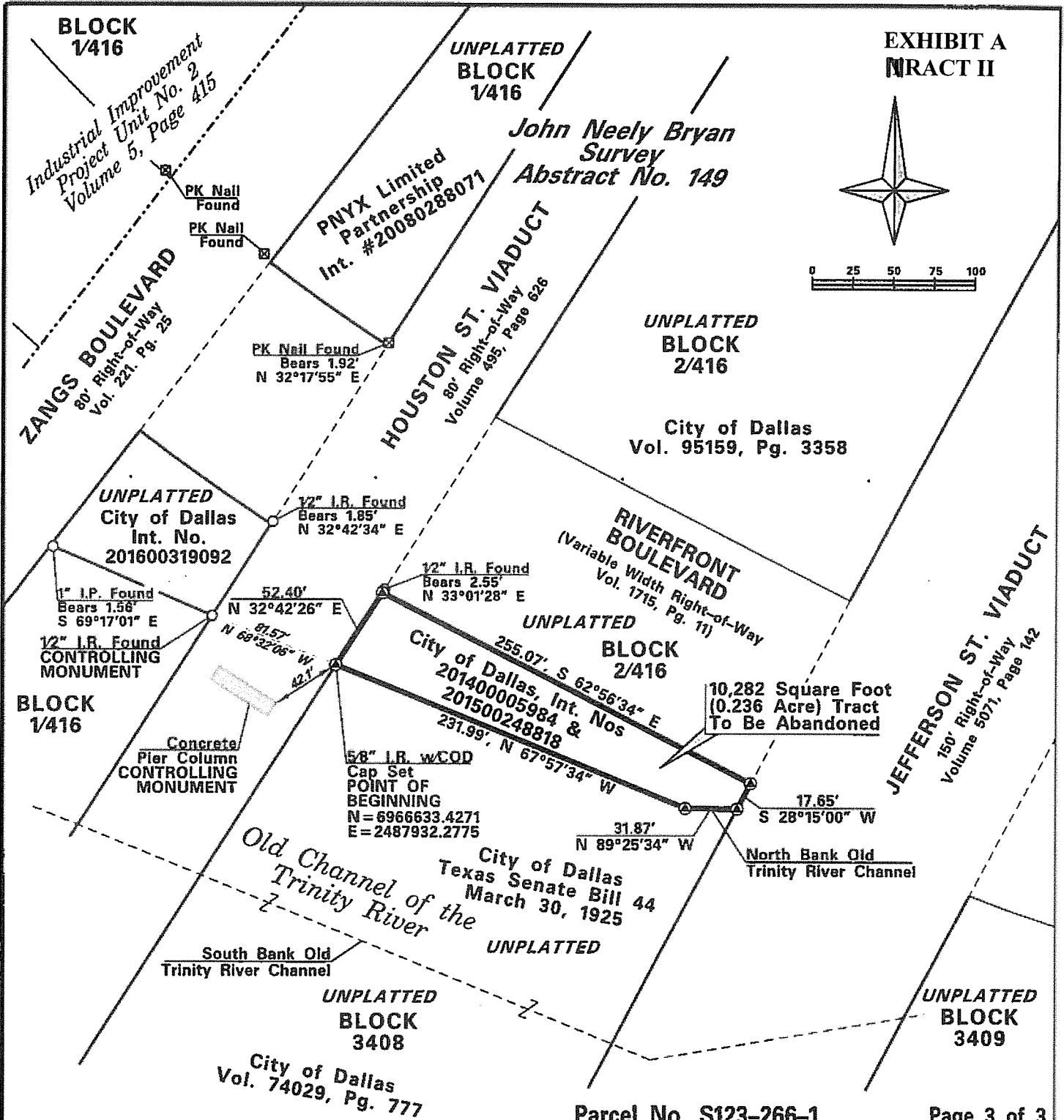
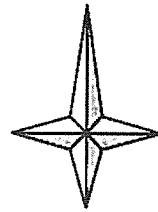
THENCE North 89°25'34" West, departing the last said Northwest line of the Jefferson Street Viaduct and with the Northeasterly bank of the old channel of the Trinity River a distance of 31.87 feet to a 5/8" I.R. w/COD Cap set at an outside corner of the herein described tract of land:

THENCE North 67°57'34" West, continuing with the said Northeasterly bank of the old channel of the Trinity River a distance of 231.99 feet to the **POINT OF BEGINNING**, containing 10,282 Square Feet, or 0.236 Acres of land.

BASIS OF BEARINGS: Bearings are based on the State Plane Coordinate System, Texas North Central Zone 4202, North American Datum of 1983 (2011).

Scott Holt
4/26/2017





LEGEND:

- Iron Pipe Found, Size As Noted
- Iron Rod Found, Size As Noted
- ⊙ 5/8" I.R. w/COD Cap Set
- ⊠ PK Nail Found

Basis of Bearings: Bearings are based on the State Plane Coordinate System, Texas North Central Zone 4202, North American Datum of 1983.
All Coordinates shown are State Plane values.

Parcel No. S123-266-1

Page 3 of 3

ABLE PUMP STATION			
Trinity Watershed Management			
Street Abandonment; Block 2/416			
PUBLIC WORKS DEPARTMENT			
SURVEY DIVISION CITY OF DALLAS, TEXAS			
OPERNAME	DESIGN FILE NAME	SCALE	DATE
Holt	H:\ENGR\SURVEY\HOLT\Trinity\Able Pump Station.dgn	As Noted	7-19-13
PARTY CHIEF	CALCULATIONS	FOLDER	FILE NO.
Peck	Holt	Block 2/416	041D-71

EXHIBIT B

ADDITIONAL ABANDONMENT PROVISIONS

That as a condition hereof, this abandonment is subject to any utilities or communication facilities, including without limitation water and wastewater lines, gas lines, and storm sewers, ("Facilities") presently located within the abandoned area described in Exhibit "A", owned and/or operated by the City of Dallas or any utility or communications company, public or private, ("Utility") and to the rights of any Utility for the use of the abandoned area for its Facilities. It is the intent of the foregoing to confirm and maintain and there is hereby reserved and excepted unto the City of Dallas, and not abandoned or conveyed hereunder, an easement (to which this abandonment is made expressly subject) over, upon, under, through, in, and across the abandoned area for each Utility for its respective Facilities located therein at the time of this abandonment, together with the right to make any subsequent alterations, additions, expansions, upgrades or modifications to such Facilities as may, from time to time be deemed necessary or convenient by the Utility owning and/or operating same. No buildings, structures (above or below ground) or trees shall be constructed or placed within the abandoned area without written consent of each affected Utility. Each Utility shall have the full right to remove and keep removed all or part of any buildings, fences, trees, or other improvements or growths which in any way may endanger or interfere with the construction, maintenance or efficiency of its respective Facilities lying within the abandoned area and shall at all times have the full right of ingress and egress to or from and upon the abandoned area for the purposes of reconstructing, removing, relocating, inspecting, patrolling, maintaining, expanding, upgrading, and/or adding to all or part of its Facilities without the necessity at any time of procuring the permission of anyone. The easement reserved hereunder and the conditions and restrictions to which this abandonment is subject shall remain for the benefit of the applicable Utility and/or operators of the Facilities until said Facilities are removed and relocated from the abandoned area. The relocation, removal or adjustment of any or all such Facilities, if made necessary by GRANTEE'S (whether one or more natural persons or legal entities) use of the abandonment area, shall be at the expense of GRANTEE herein, or GRANTEE'S successors and assigns. Should GRANTEE'S relocation or removal of the Facilities require the obtaining of new easements, the acquisition of same shall be at the expense of GRANTEE, GRANTEE'S successors and assigns. If any of the Facilities (or relocations thereof) are allowed to remain on any part of the abandoned area, the easements and buildings restrictions provided herein shall remain thereon. Upon removal or relocation of all of the Facilities, any easements reserved or created herein relating to such removed or relocated Facilities shall terminate, and any building restrictions herein created shall cease.

KEY FOCUS AREA: Economic Vibrancy
AGENDA DATE: June 14, 2017
COUNCIL DISTRICT(S): 6, 9, Outside City Limits
DEPARTMENT: Water Utilities
CMO: Majed Al-Ghafry, 670-3302
MAPSCO: Various

SUBJECT

Authorize an engineering services contract with Garver, LLC to perform an evaluation/study and preliminary design of major maintenance and rehabilitation improvements at Dallas Water Utilities’ raw water system facilities (list attached) - Not to exceed \$1,637,463 - Financing: Water Utilities Capital Improvement Funds

BACKGROUND

This action consists of providing engineering services for the evaluation/study and preliminary design of major maintenance and rehabilitation improvements associated with Dallas Water Utilities’ raw water system facilities. The improvements include condition assessments of intake structures, screening equipment, pump stations, and valves that are nearing the end of their service life. Also included are pump and piping modifications to improve system operations and reduce maintenance costs. The facilities are located at three Dallas Water Utilities plant sites: East Side, Bachman, and Elm Fork Water Treatment Plants, as well as Lake Fork, Lake Tawakoni, Lake Ray Hubbard and Tawakoni Balancing Reservoir.

This item is the first of two planned awards for engineering services to evaluate improvements. It includes the investigation, study, evaluation, and preparation of a preliminary design report outlining the evaluated alternatives and recommended improvements. The second phase of this project will provide the detailed design and construction administration services associated with this work, and will be awarded in a subsequent Council action after the full extent of the work is determined.

ESTIMATED SCHEDULE OF PROJECT

Begin Evaluation/Study July 2017
Complete Evaluation/Study April 2018

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Information about this item will be provided to the Transportation & Trinity River Project Committee on June 12, 2017.

FISCAL INFORMATION

Water Utilities Capital Improvement Funds - \$1,637,463

<u>Council District</u>	<u>Amount</u>
6	\$ 164,000
9	\$ 250,001
Outside City Limits	<u>\$1,223,462</u>
Total	\$1,637,463

M/WBE INFORMATION

See attached.

ETHNIC COMPOSITION

Garver, LLC

Hispanic Female	4	Hispanic Male	8
Black Female	3	Black Male	8
White Female	98	White Male	333
Other Female	7	Other Male	13

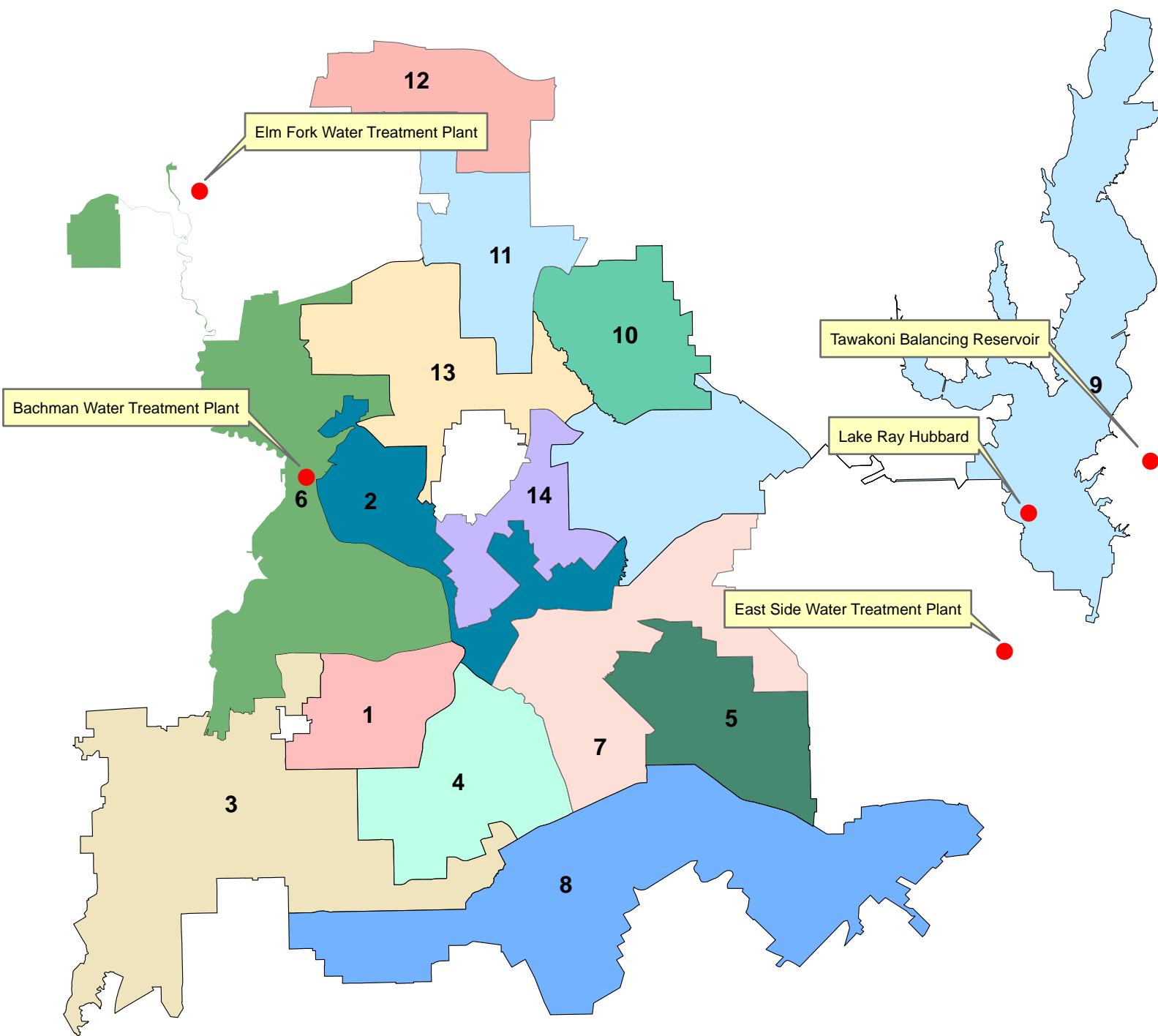
OWNER

Garver, LLC

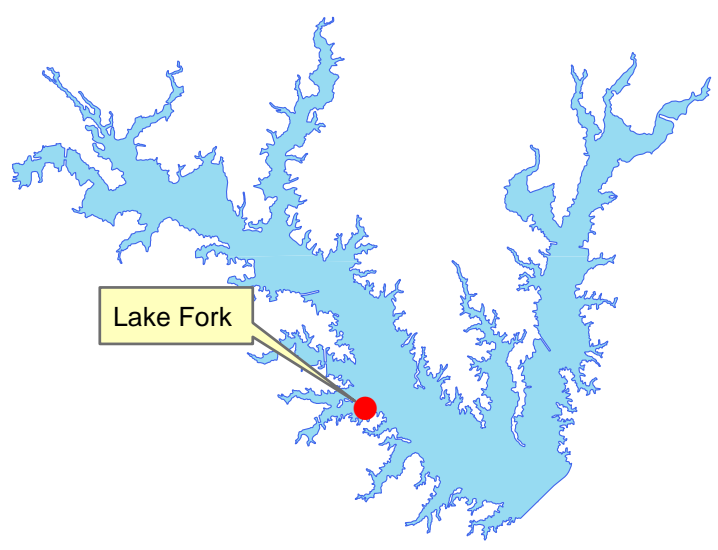
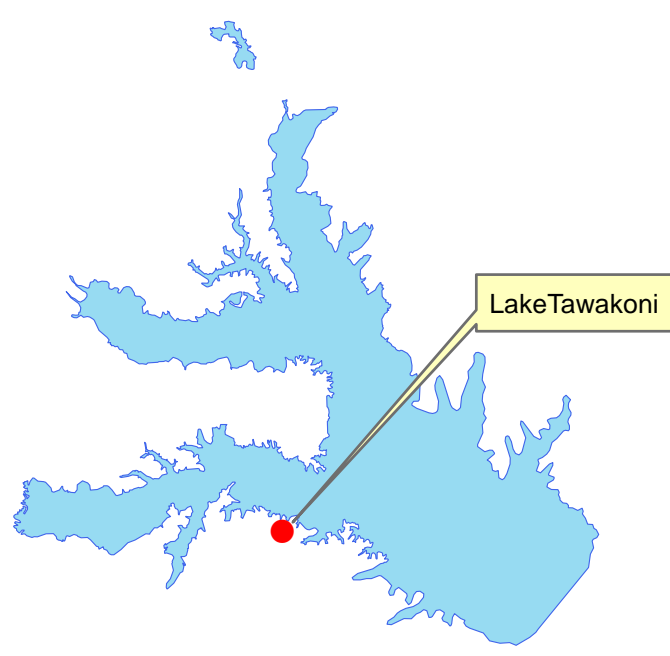
Herbert J. Parker, P.E., Senior Vice President and Chief Administrative Officer

MAPS

Attached



Dallas Water Utilities
Contract No. 17-023E
Raw Water System Facilities
Major Maintenance and Rehabilitation Improvements



**Dallas Water Utilities
Contract No. 17-023E
Raw Water System Facilities
Major Maintenance and Rehabilitation Improvements**

**DWU Raw Water System Facilities
Major Maintenance and Rehabilitation Improvements**

<u>Council District</u>	<u>Facility</u>
6	Bachman Water Treatment Plant
9	Lake Ray Hubbard
Outside City Limits	East Side Water Treatment Plant
Outside City Limits	Elm Fork Water Treatment Plant
Outside City Limits	Lake Fork
Outside City Limits	Lake Tawakoni
Outside City Limits	Tawakoni Balancing Reservoir

June 14, 2017

WHEREAS, Dallas Water Utilities (DWU) has identified the need for major maintenance and rehabilitation improvements in its raw water system facilities; and

WHEREAS, engineering services are required to perform an evaluation/study and preliminary design of these major maintenance and rehabilitation improvements at DWU's raw water system facilities; and

WHEREAS, Garver, LLC, 14160 North Dallas Parkway, Suite 850, Dallas, Texas 75240, has submitted an acceptable proposal to provide these engineering services.

Now, Therefore,

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

SECTION 1. That the proposal submitted by Garver, LLC, in the amount of \$1,637,463 be approved and the consultant be authorized to perform the required engineering services.

SECTION 2. That the City Manager is hereby authorized to sign an engineering services contract with Garver, LLC, approved as to form by the City Attorney, to perform an evaluation/study and preliminary design for major maintenance and rehabilitation improvements of DWU's raw water system facilities, in an amount not to exceed \$1,637,463.

SECTION 3. That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed \$1,637,463 to Garver, LLC (Contract No. 17-023E) from the Water Capital Improvement Fund, Fund 2115, Department DWU, Unit PW20, Object 4111, Program 717023, Encumbrance CT-DWU717023CP, Vendor VS0000016343.

SECTION 4. 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.

BUSINESS INCLUSION AND DEVELOPMENT PLAN SUMMARY

PROJECT: Authorize an engineering services contract with Garver, LLC to perform an evaluation/study and preliminary design of major maintenance and rehabilitation improvements at Dallas Water Utilities' raw water system facilities (list attached) - Not to exceed \$1,637,463 - Financing: Water Utilities Capital Improvement Funds

Garver, LLC is a local, non-minority firm, has signed the "Business Inclusion & Development" documentation, and proposes to use the following sub-consultants.

PROJECT CATEGORY: Architecture & Engineering

LOCAL/NON-LOCAL CONTRACT SUMMARY

	<u>Amount</u>	<u>Percent</u>
Total local contracts	\$1,637,436.00	100.00%
Total non-local contracts	\$0.00	0.00%
TOTAL CONTRACT	\$1,637,436.00	100.00%

LOCAL/NON-LOCAL M/WBE PARTICIPATION

Local Contractors / Sub-Contractors

<u>Local</u>	<u>Certification</u>	<u>Amount</u>	<u>Percent</u>
Mbroh Engineering, Inc.	BMDB12885Y0417	\$113,890.00	6.96%
JQ Infrastructure, LLC	IMDB36707Y0717	\$178,670.00	10.91%
KIT Professionals, Inc.	IMMB28423N1218	\$128,220.00	7.83%
Total Minority - Local		\$420,780.00	25.70%

Non-Local Contractors / Sub-Contractors

None

TOTAL M/WBE CONTRACT PARTICIPATION

	<u>Local</u>	<u>Percent</u>	<u>Local & Non-Local</u>	<u>Percent</u>
African American	\$113,890.00	6.96%	\$113,890.00	6.96%
Hispanic American	\$0.00	0.00%	\$0.00	0.00%
Asian American	\$306,890.00	18.74%	\$306,890.00	18.74%
Native American	\$0.00	0.00%	\$0.00	0.00%
WBE	\$0.00	0.00%	\$0.00	0.00%
Total	\$420,780.00	25.70%	\$420,780.00	25.70%

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: June 14, 2017

COUNCIL DISTRICT(S): 1, 2, 3, 4, 6, 7, 10, 12, 13, 14

DEPARTMENT: Water Utilities
Mobility and Street Services

CMO: Majed Al-Ghafry, 670-3302

MAPSCO: Various

SUBJECT

Authorize a construction contract for the installation of water and wastewater mains at 28 locations (list attached) - SYB Construction Co., Inc., lowest responsible bidder of four - Not to exceed \$12,693,833 - Financing: Current Funds (\$259,917) and Water Utilities Capital Improvement Funds (\$12,433,916)

BACKGROUND

This action consists of the replacement and rehabilitation of approximately 38,823 feet of water and wastewater mains. This includes the installation of approximately 100 feet of 4-inch, 600 feet of 6-inch, 18,465 feet of 8-inch, 775 feet of 12-inch, and 2,230 feet of 16-inch water mains, and the installation and rehabilitation of approximately 680 feet of 6-inch, 10,933 feet of 8-inch, 4,800 feet of 12-inch, and 240 feet of 18-inch wastewater mains.

The existing water and wastewater mains were built between 1912 and 1986. These mains are contributing to an increase in maintenance costs, as well as service interruptions. The installation of the proposed segments will improve the capacity of the water and wastewater systems and reduce maintenance costs.

Mobility and Street Services and Dallas Water Utilities have partnered together on this project to provide additional paving at several locations where street conditions warrant complete street replacement in lieu of paving replacement for just the water and wastewater improvements. This additional paving will provide a more suitable riding surface and better quality product at the completion of the project.

BACKGROUND (continued)

SYB Construction Co., Inc., completed contractual activities in the past three years:

	<u>MSS</u>	<u>DWU</u>	<u>PKR</u>
Projects Completed	3	3	0
Change Orders	8	0	0
Projects Requiring Liquidated Damages	0	0	0
Projects Completed by Bonding Company	0	0	0

ESTIMATED SCHEDULE OF PROJECT

Began Design	October 2013
Completed Design	January 2017
Begin Construction	July 2017
Complete Construction	November 2019

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On April 14, 2004, City Council authorized a professional services contract to provide engineering services for the design to replace water mains and rehabilitate wastewater mains in various locations by Resolution No. 04-1160.

On September 11, 2013, City Council authorized a professional services contract to provide engineering services for the replacement and rehabilitation of water mains and wastewater mains at 31 locations by Resolution No. 13-1582.

On December 10, 2014, City Council authorized an engineering services contract to provide engineering design services for the replacement and rehabilitation of water and wastewater mains at 34 locations by Resolution No. 14-2127.

Information about this item will be provided to the Transportation & Trinity River Project Committee on June 12, 2017.

FISCAL INFORMATION

Current Funds - \$259,917.00

Water Utilities Capital Improvement Funds - \$12,433,915.50

Design	\$ 840,000.00
Construction (this action)	<u>\$12,693,832.50</u>
Total Project Cost	\$13,533,832.50

FISCAL INFORMATION (continued)

<u>Council District</u>	<u>Amount</u>
1	\$ 2,457,000.00
2	\$ 722,000.00
3	\$ 395,832.50
4	\$ 3,678,000.00
6	\$ 993,000.00
7	\$ 498,000.00
10	\$ 873,000.00
12	\$ 1,720,000.00
13	\$ 599,000.00
14	\$ 758,000.00
Total	\$12,693,832.50

M/WBE INFORMATION

See attached.

ETHNIC COMPOSITION

SYB Construction Co., Inc.

Hispanic Female	1	Hispanic Male	107
Black Female	0	Black Male	1
White Female	7	White Male	19
Other Female	0	Other Male	0

BID INFORMATION

The following four bids with quotes were opened on March 31, 2017:

*Denotes successful bidder

<u>Bidders</u>	<u>Bid Amount</u>
*SYB Construction Co., Inc. 421 Compton Avenue Irving, Texas 75061	\$12,693,832.50
Camino Construction, L.P.	\$12,714,685.00
John Burns Construction Company of Texas, Inc.	\$13,520,976.00
Ark Contracting Services, LLC	\$13,668,030.00

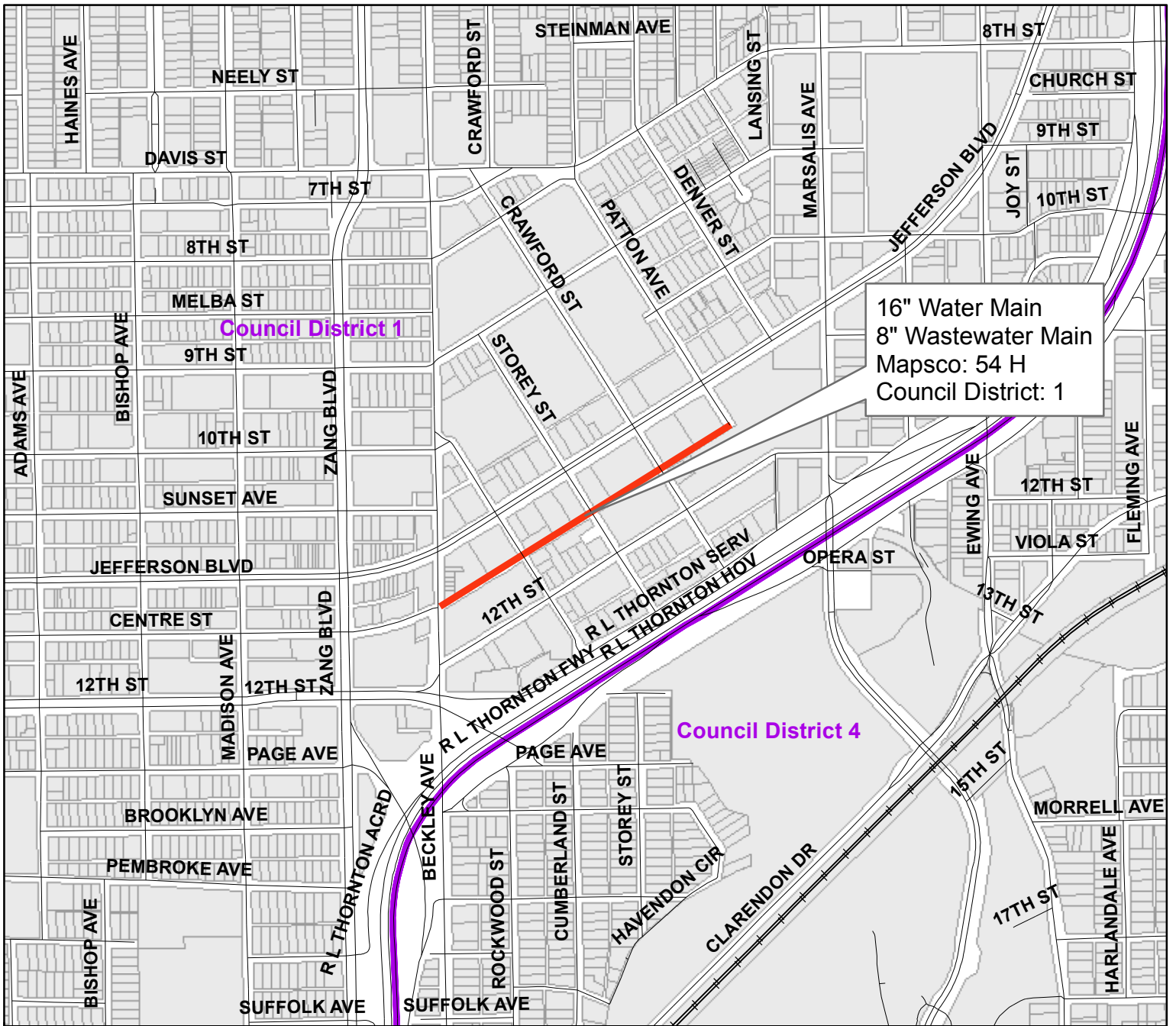
OWNER

SYB Construction Co., Inc.

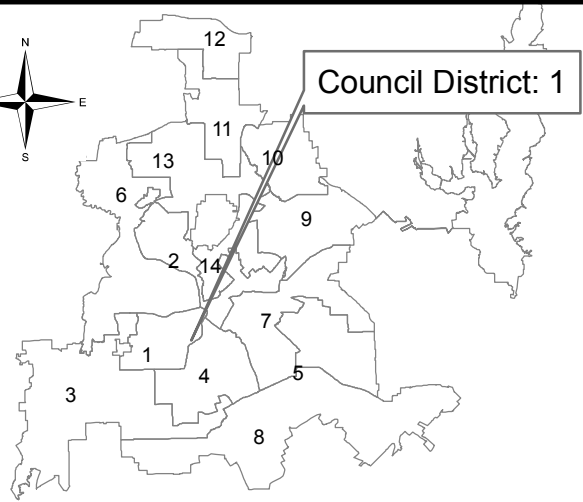
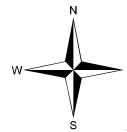
Shirley Y. Bennett, President

MAPS

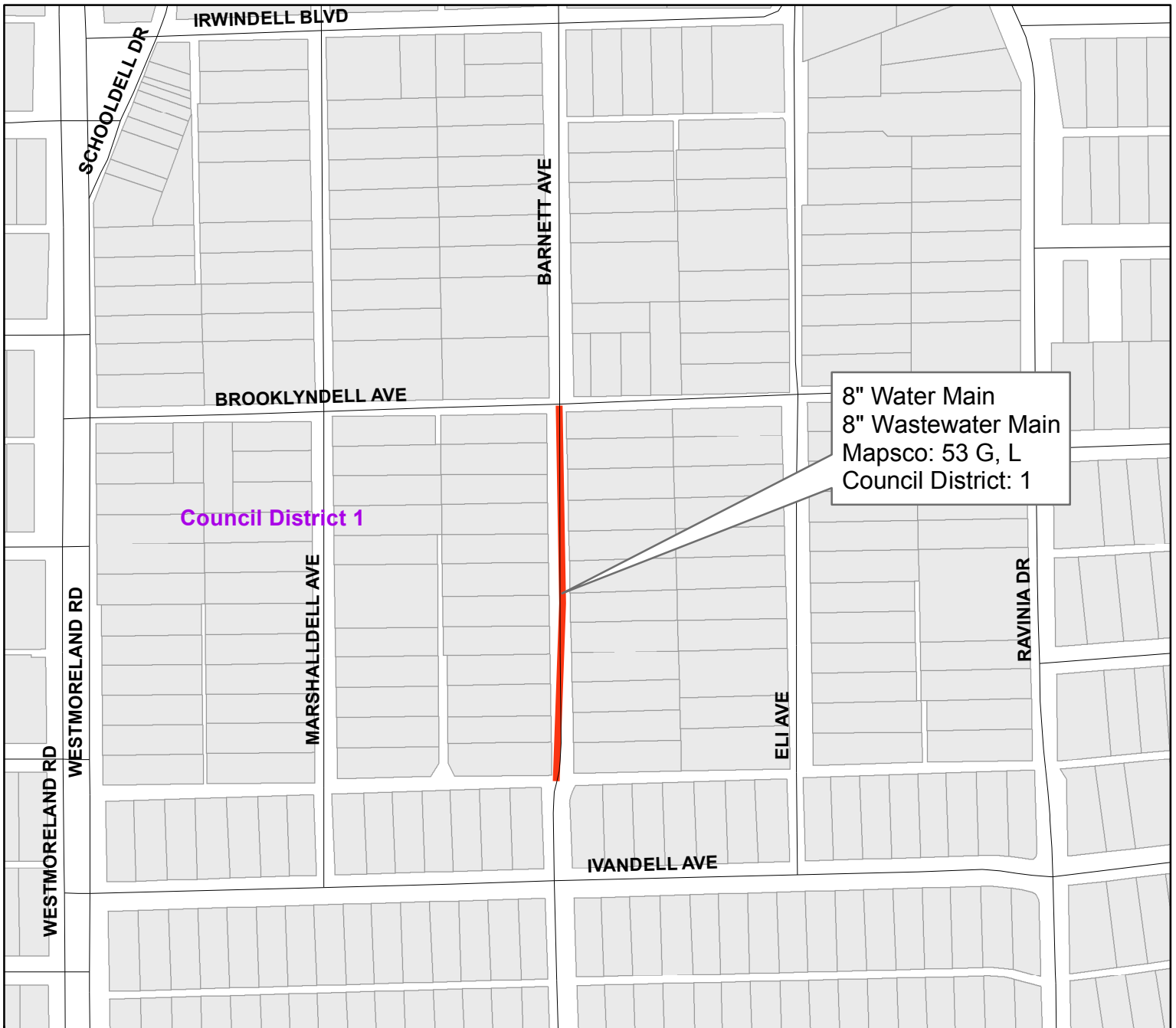
Attached



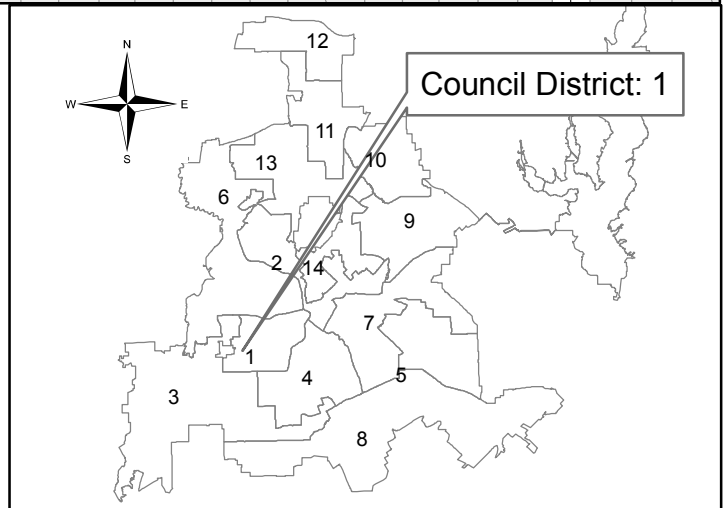
Alley between Jefferson Boulevard and 12th Street
from Beckley Avenue to Patton Avenue



Dallas Water Utilities
Contract No. 16-233/234
Water and Wastewater Main Installations
at 28 Locations



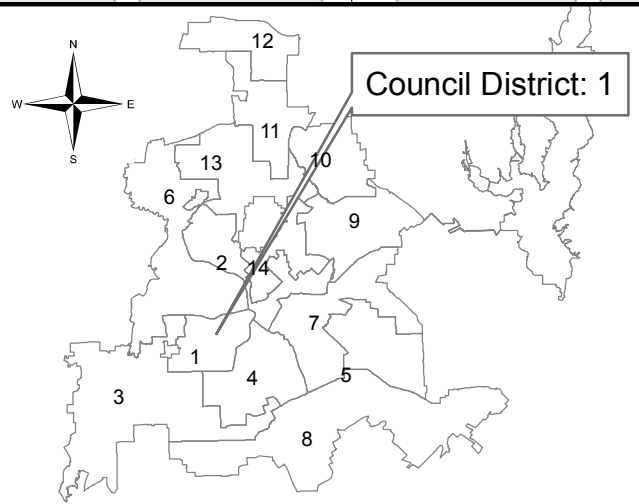
Barnett Avenue
from Brooklyndell Avenue south



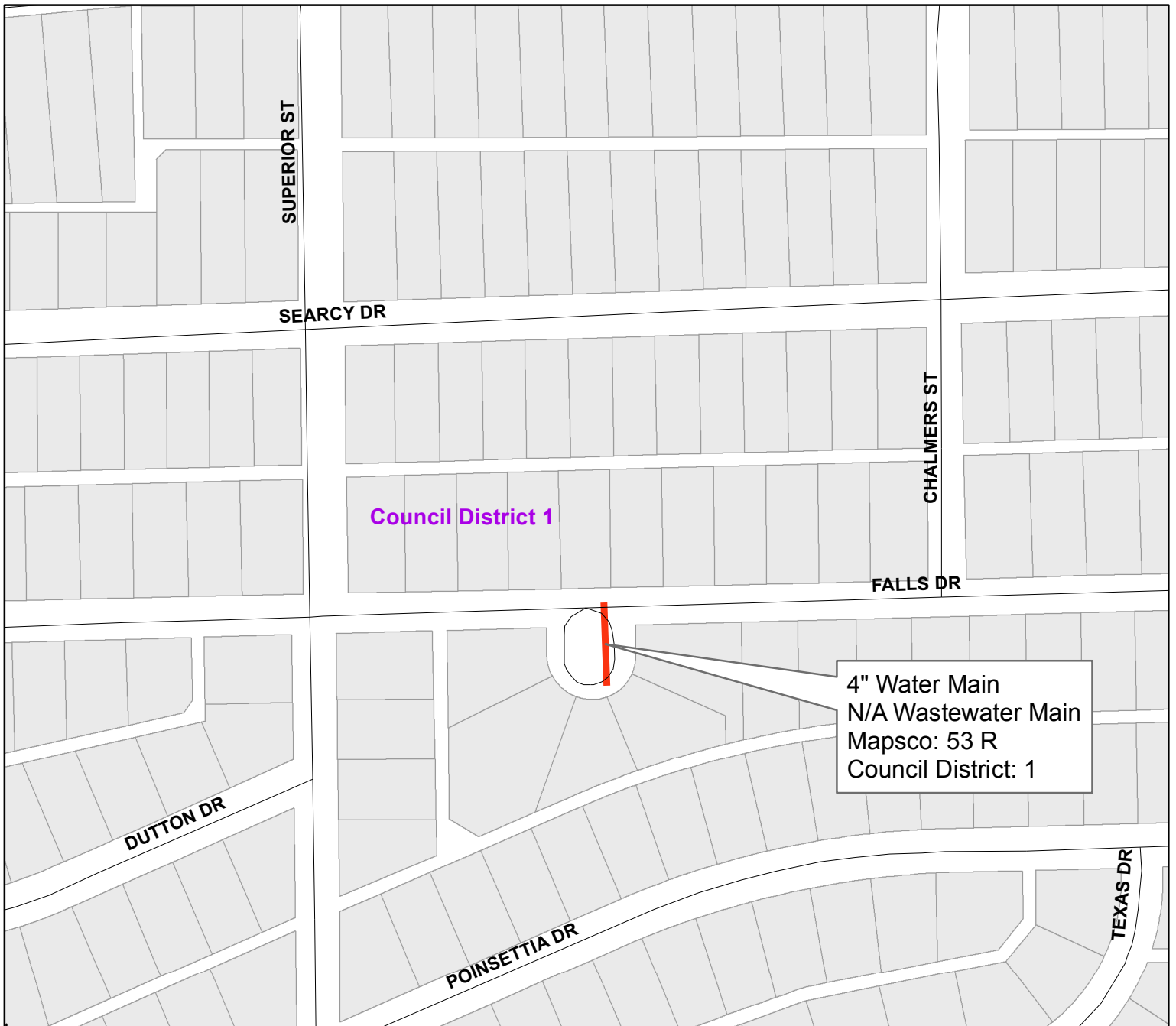
**Dallas Water Utilities
Contract No. 16-233/234
Water and Wastewater Main Installations
at 28 Locations**



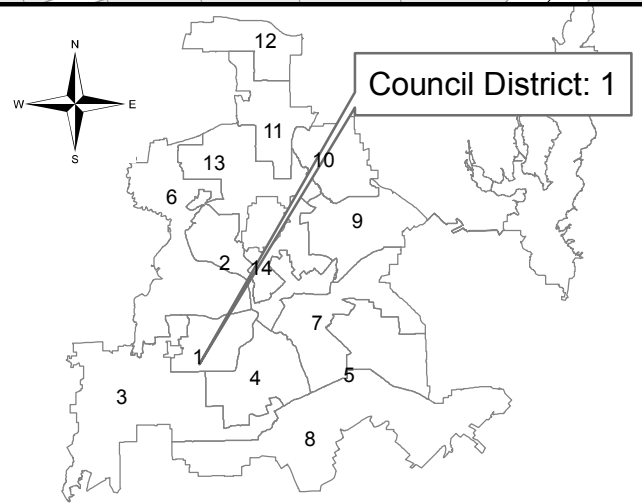
Clinton Avenue
from Ranier Street north



Dallas Water Utilities
Contract No. 16-233/234
Water and Wastewater Main Installations
at 28 Locations



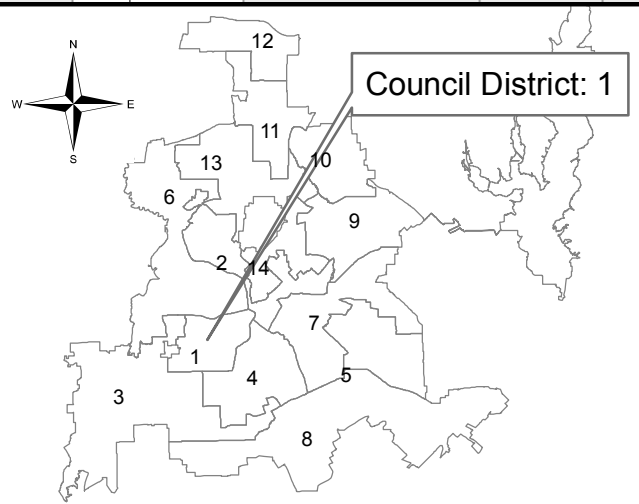
Falls Drive
at Falls cul-de-sac



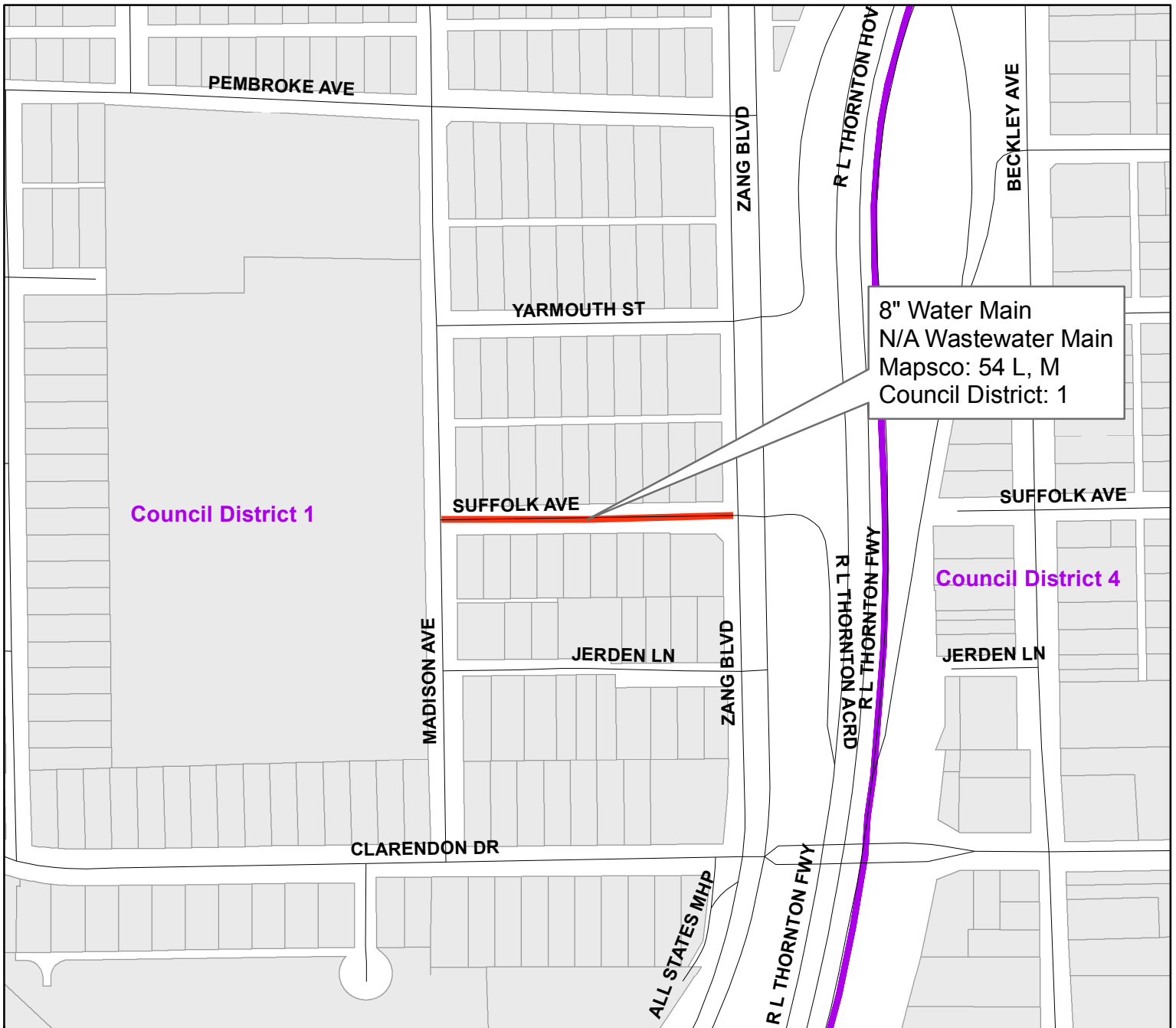
Dallas Water Utilities
Contract No. 16-233/234
Water and Wastewater Main Installations
at 28 Locations



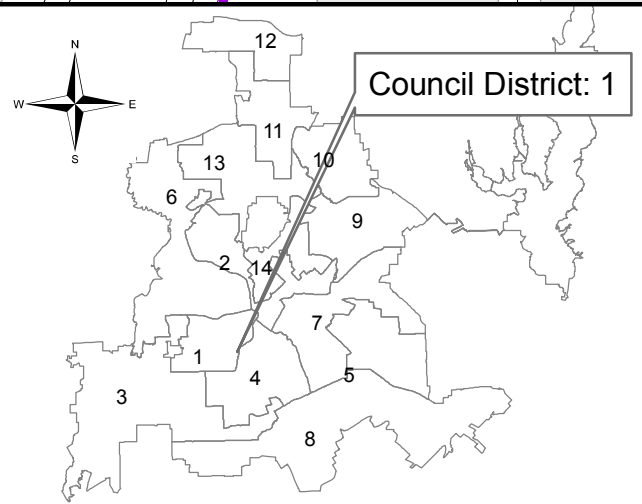
Jefferson Boulevard
from Marlborough Avenue west



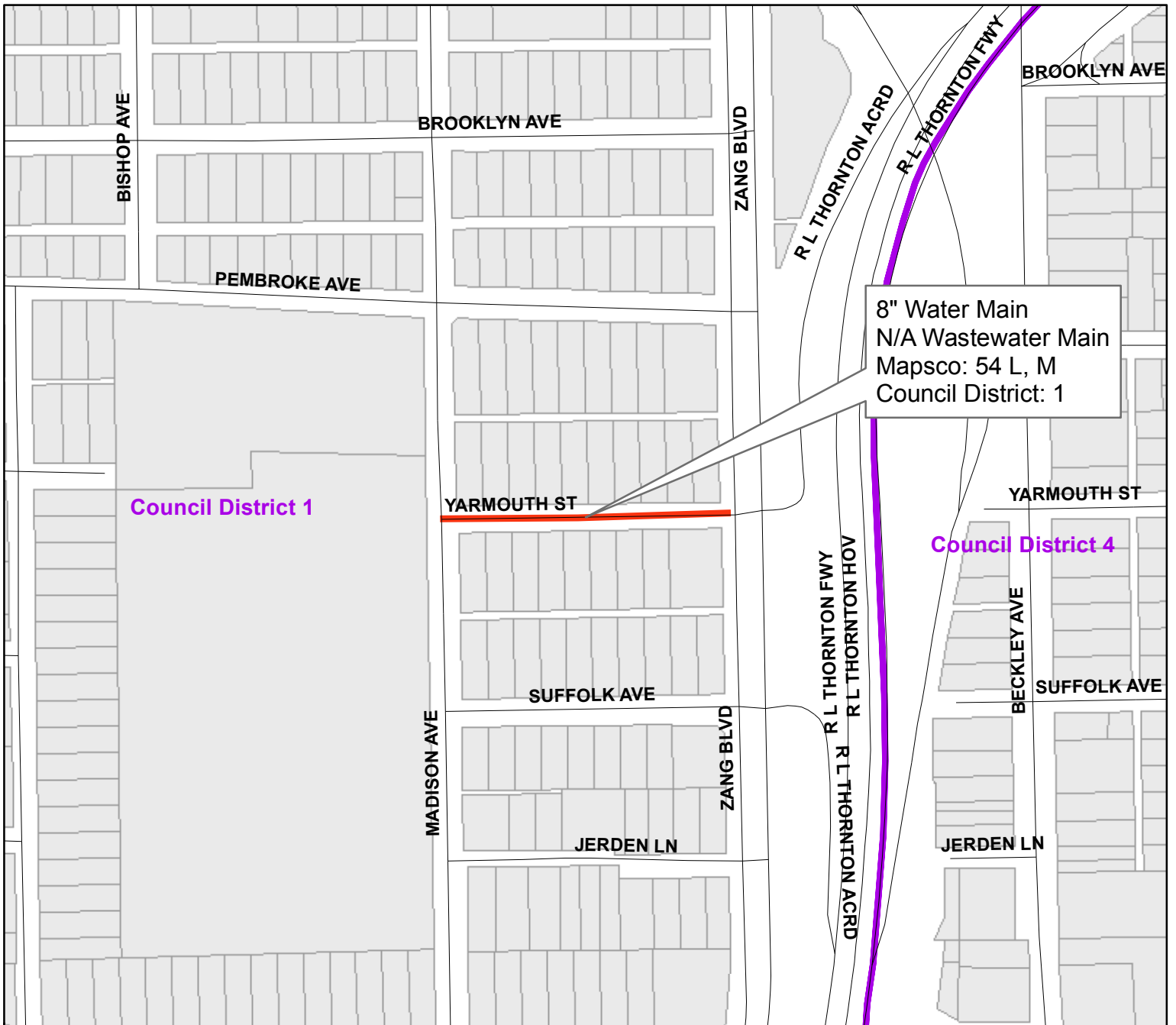
**Dallas Water Utilities
Contract No. 16-233/234
Water and Wastewater Main Installations
at 28 Locations**



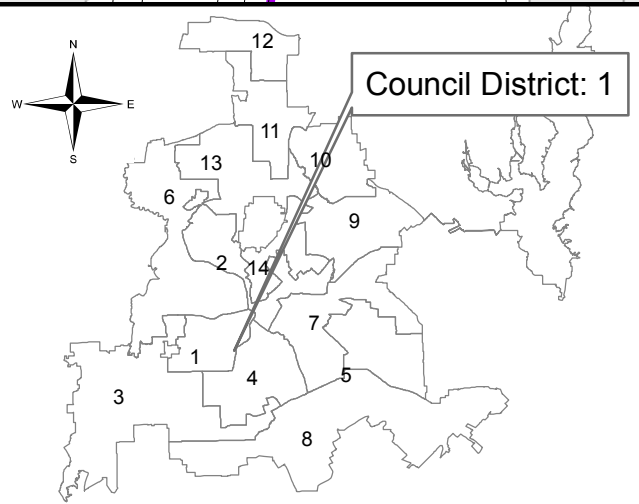
Suffolk Avenue
from Madison Avenue to Zang Boulevard



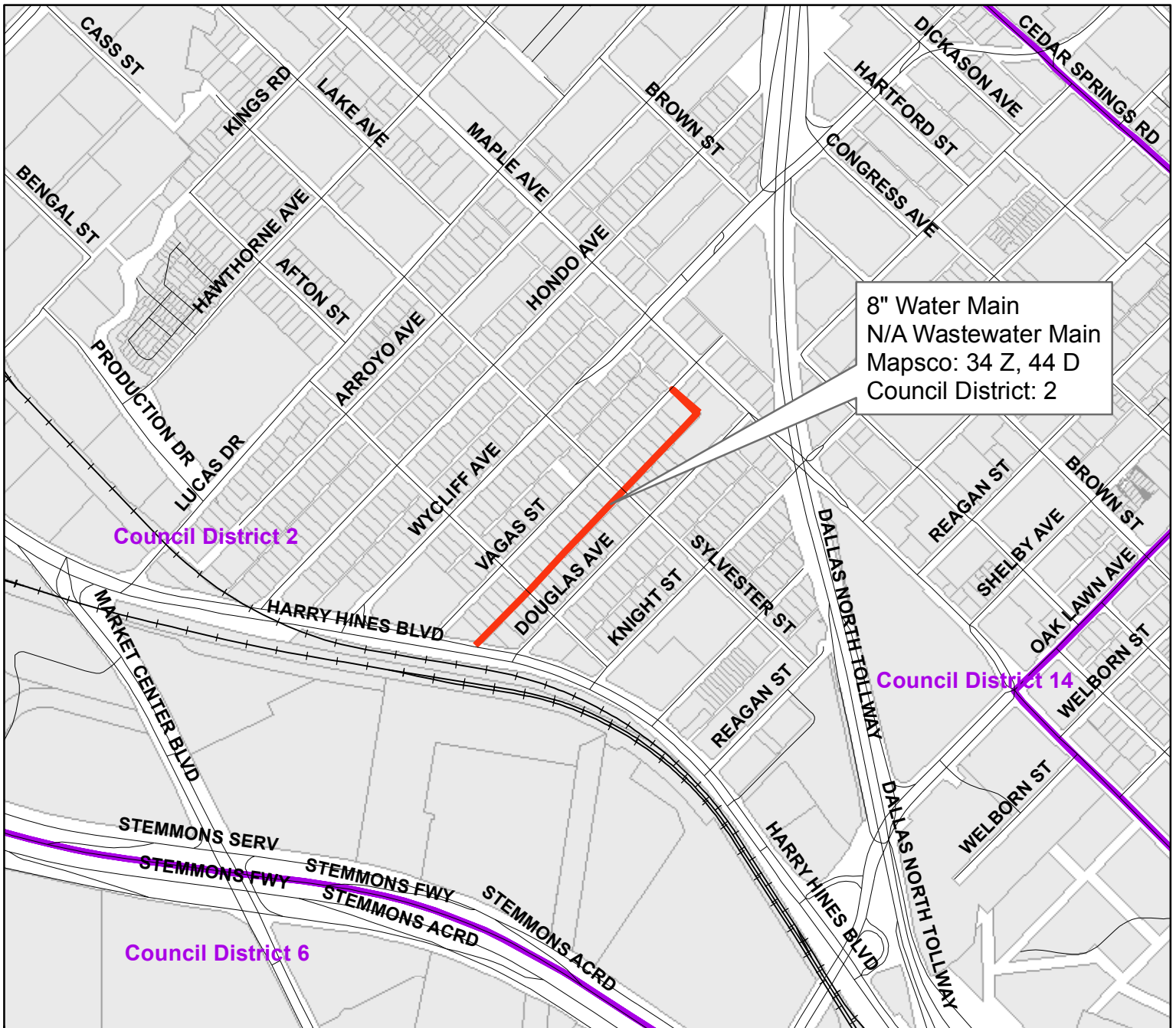
Dallas Water Utilities
Contract No. 16-233/234
Water and Wastewater Main Installations
at 28 Locations



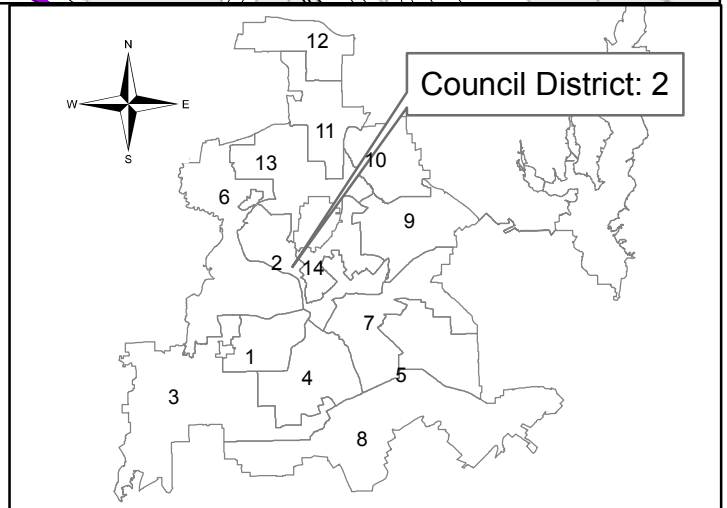
Yarmouth Street
from Madison Avenue to Zang Boulevard



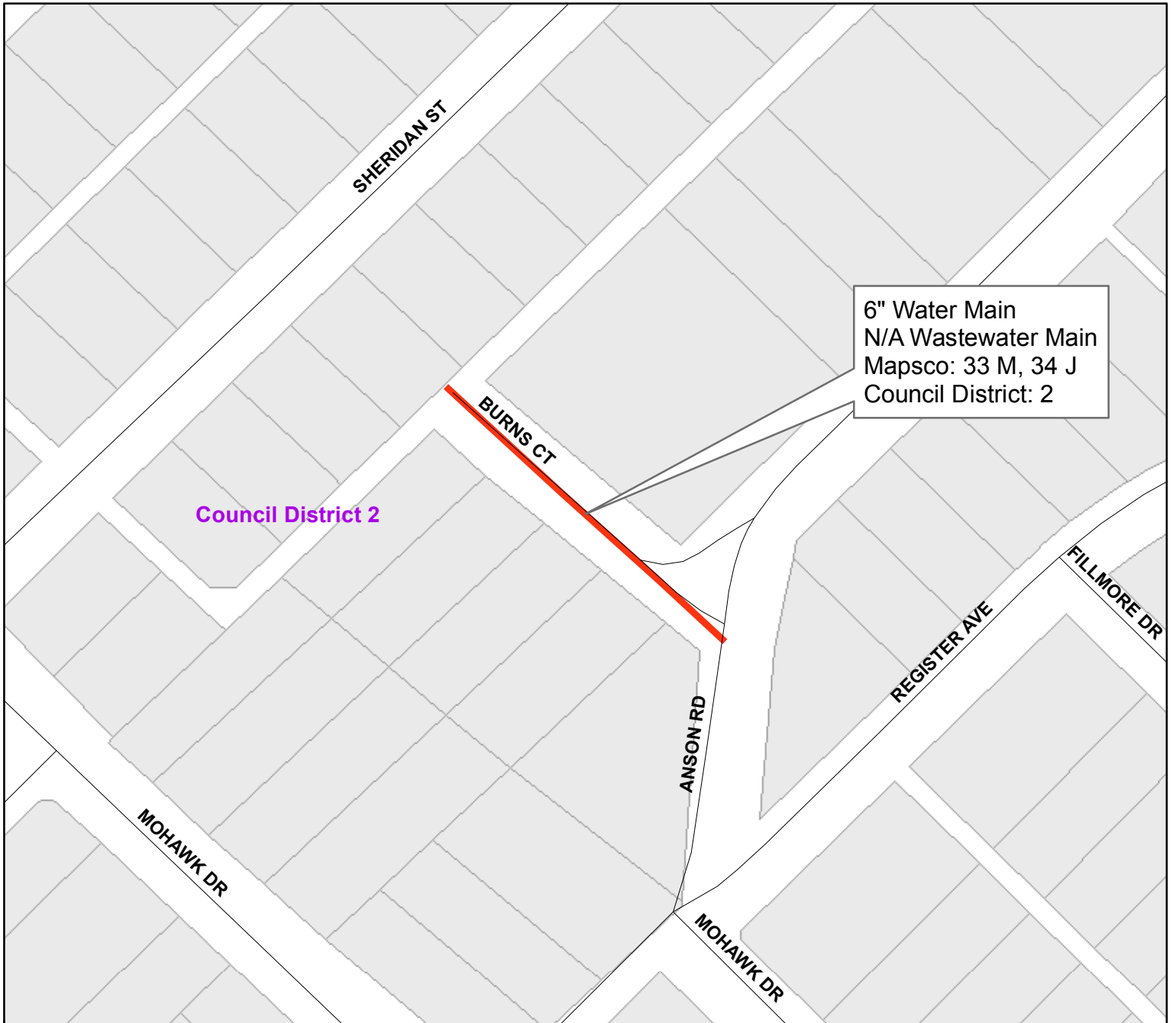
**Dallas Water Utilities
Contract No. 16-233/234
Water and Wastewater Main Installations
at 28 Locations**



Alley between Douglas Avenue and Vagas Street
 from Harry Hines Boulevard northeast



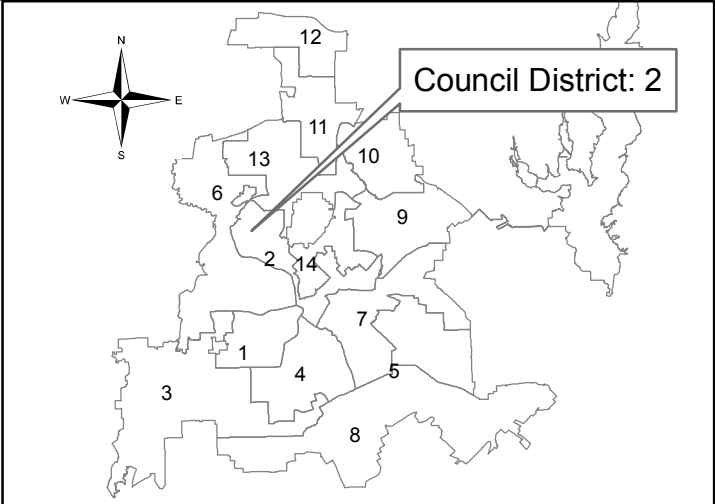
Dallas Water Utilities
Contract No. 16-233/234
Water and Wastewater Main Installations
at 28 Locations



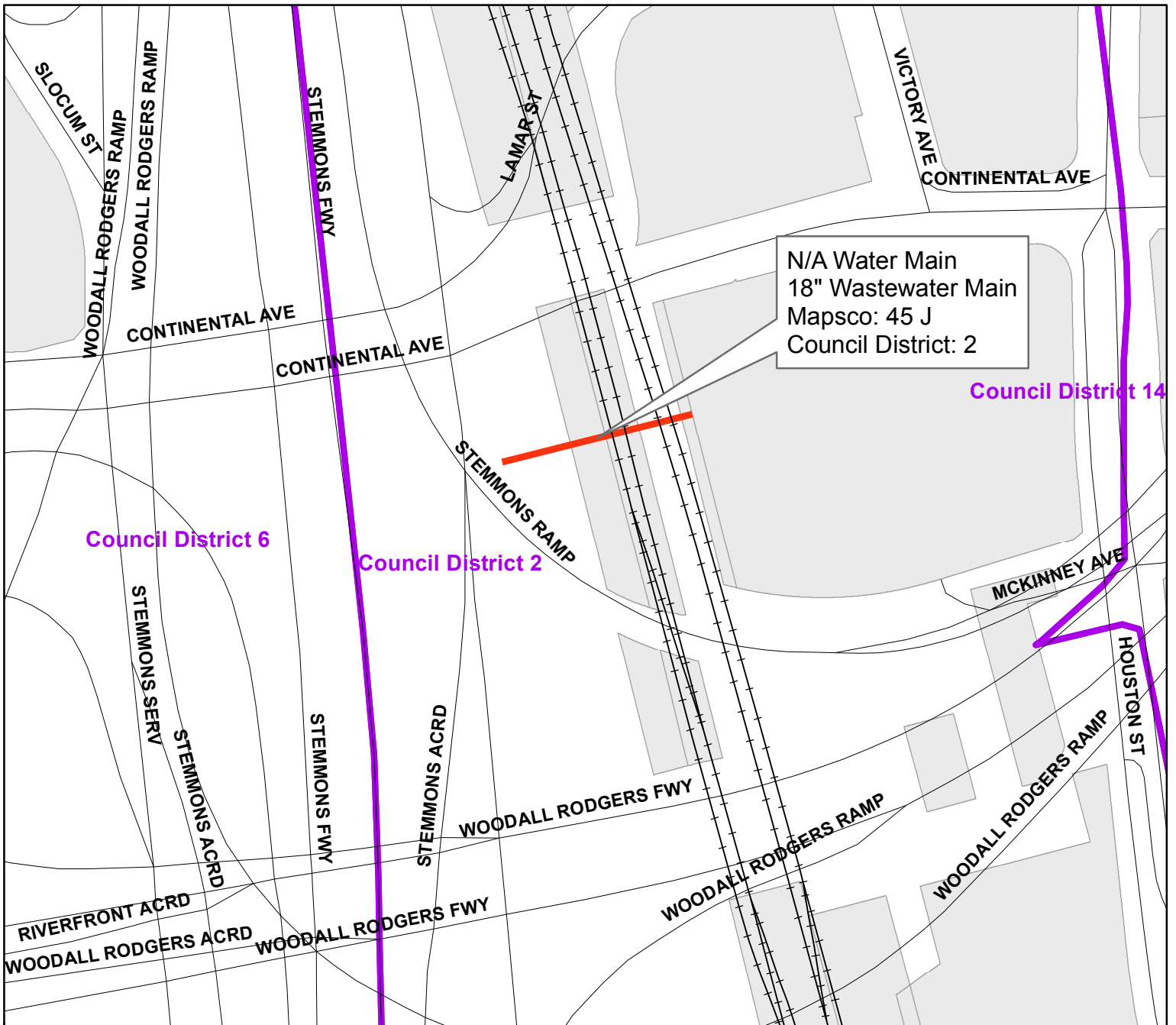
Council District 2

6" Water Main
 N/A Wastewater Main
 Mapsco: 33 M, 34 J
 Council District: 2

Burns Court
 from Anson Road northwest



**Dallas Water Utilities
 Contract No. 16-233/234
 Water and Wastewater Main Installations
 at 28 Locations**



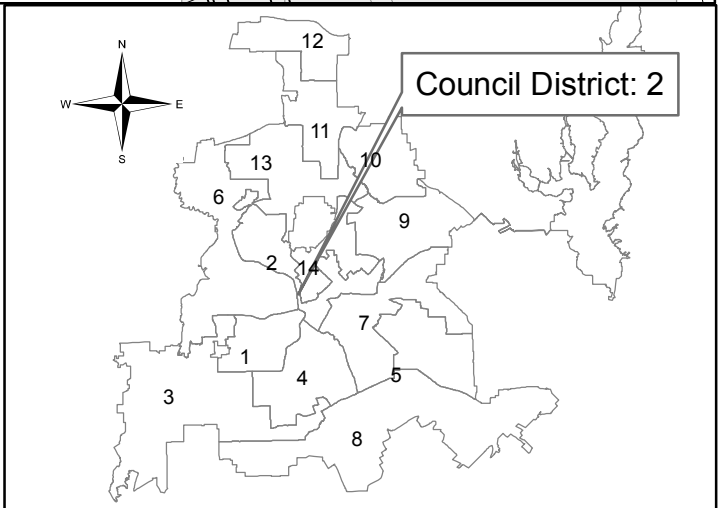
N/A Water Main
 18" Wastewater Main
 Mapsc0: 45 J
 Council District: 2

Council District 6

Council District 2

Council District 14

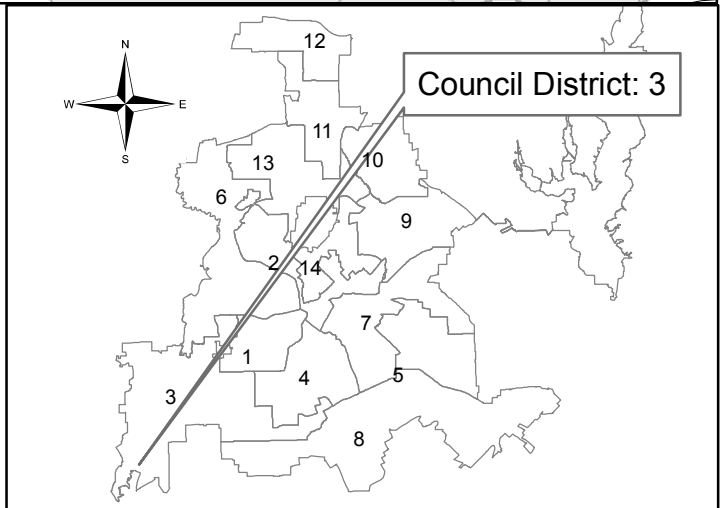
Easement north of Woodall Rodgers Freeway
 from Stemmons Access Road east



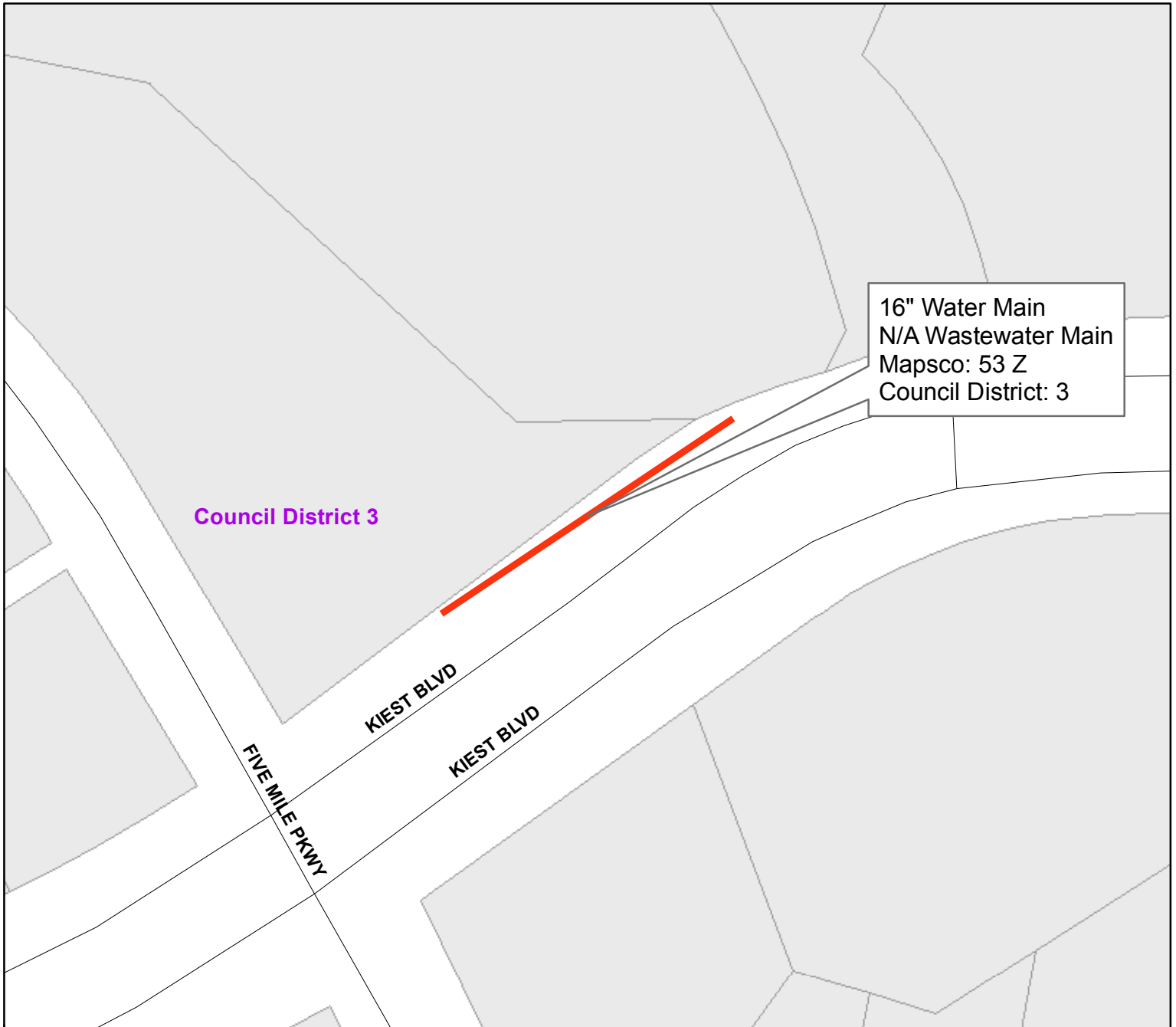
Dallas Water Utilities
Contract No. 16-233/234
Water and Wastewater Main Installations
at 28 Locations



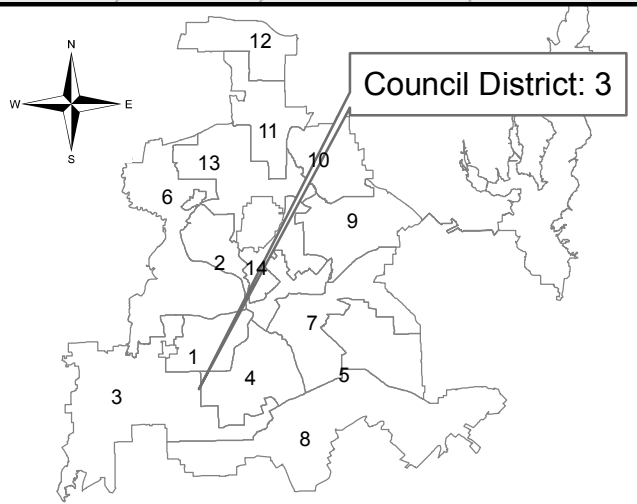
Eagle Ford Drive
from FM 1382 Highway east



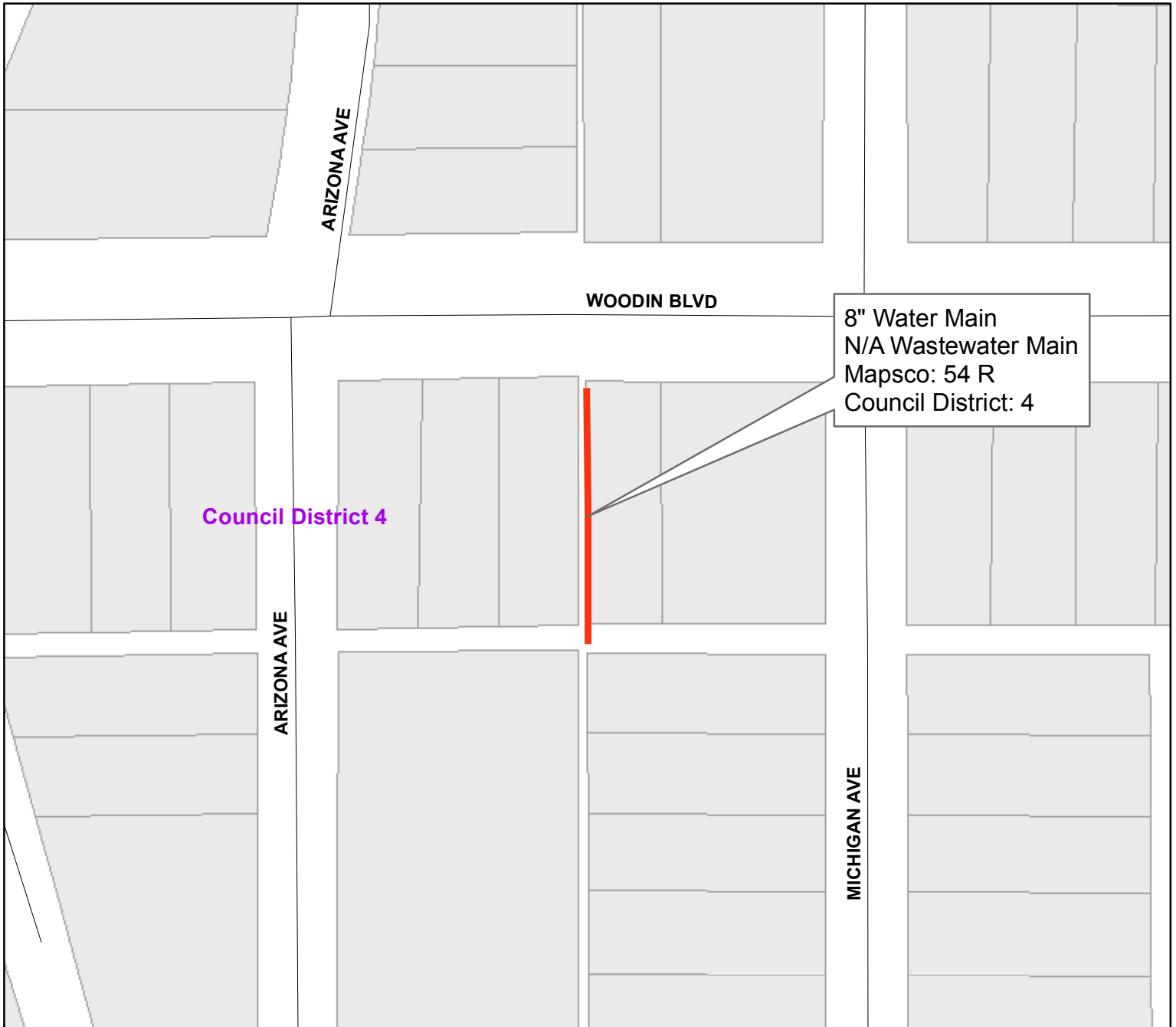
**Dallas Water Utilities
Contract No. 16-233/234
Water and Wastewater Main Installations
at 28 Locations**



Kiest Boulevard
 from northeast of Five Mile Parkway northeast



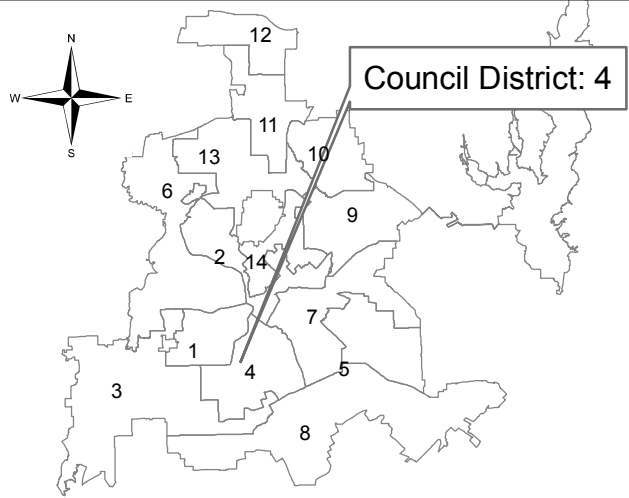
Dallas Water Utilities
Contract No. 16-233/234
Water and Wastewater Main Installations
at 28 Locations



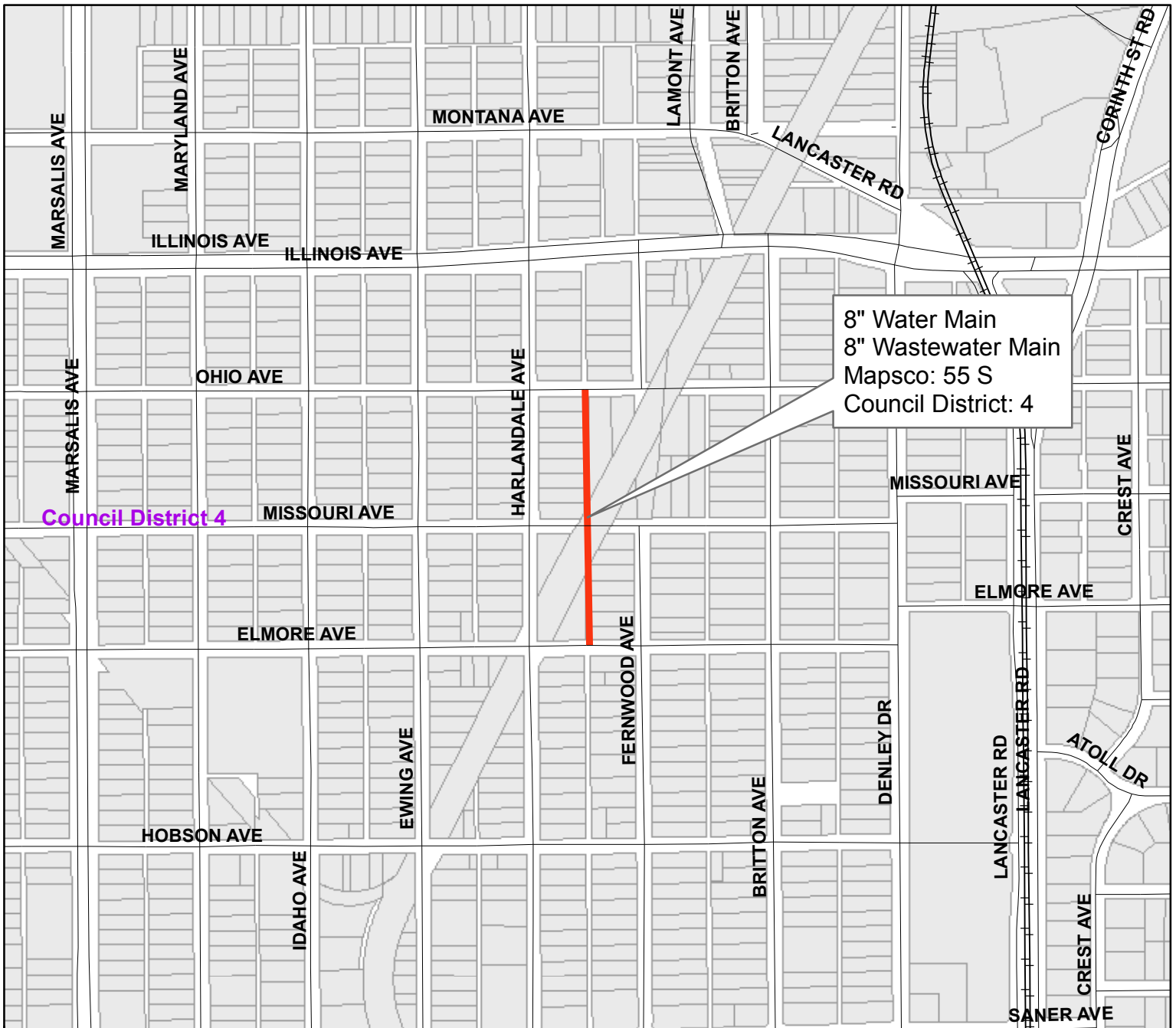
Council District 4

8" Water Main
 N/A Wastewater Main
 Mapsco: 54 R
 Council District: 4

Alley between Arizona Avenue and Michigan Avenue
 from Woodin Boulevard south



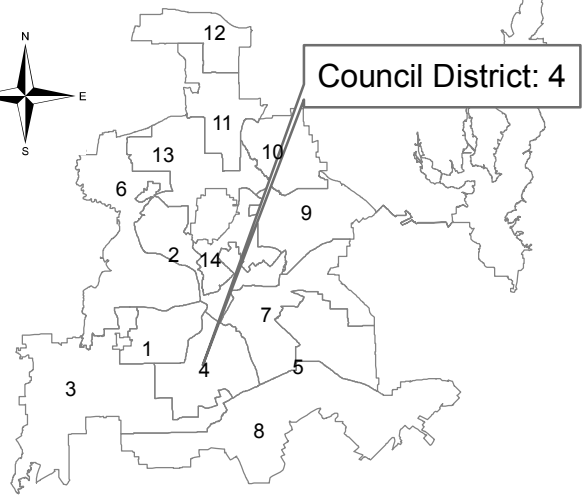
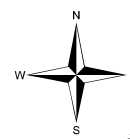
Dallas Water Utilities
Contract No. 16-233/234
Water and Wastewater Main Installations
at 28 Locations



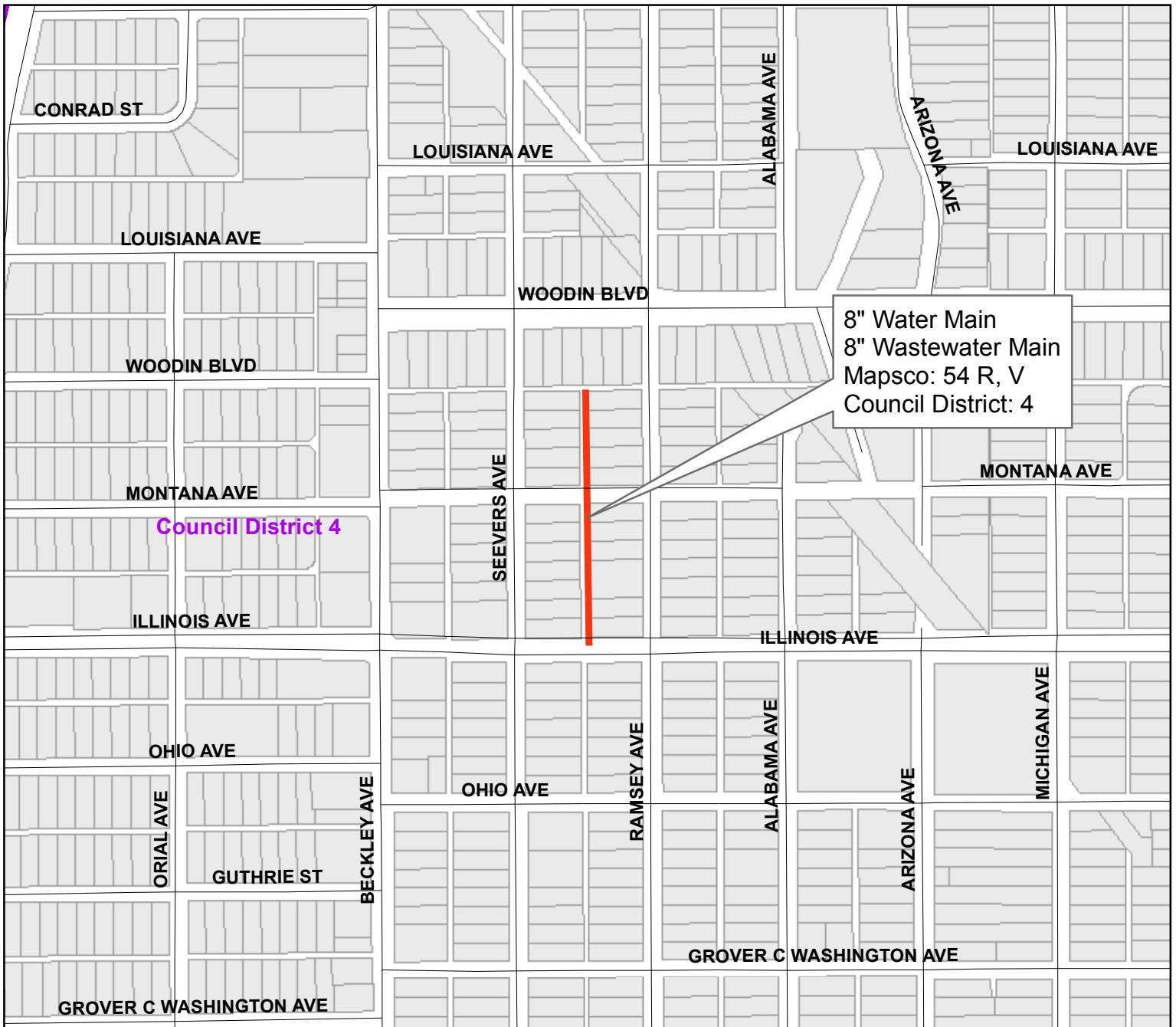
Council District 4

8" Water Main
 8" Wastewater Main
 Mapsc0: 55 S
 Council District: 4

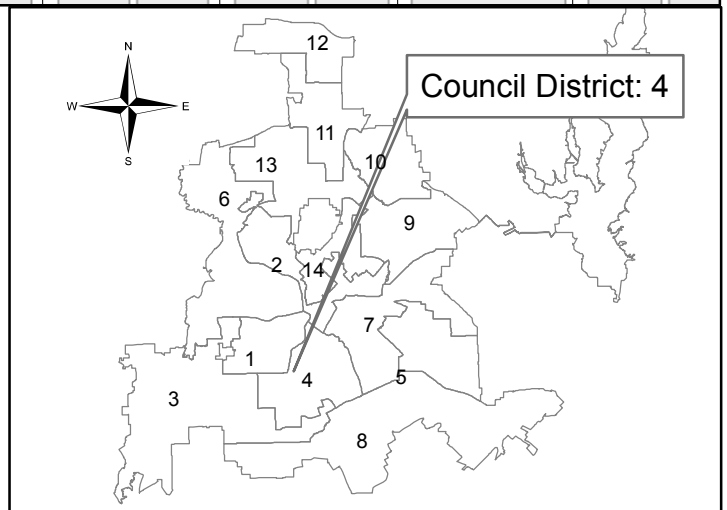
Alley between Fernwood Avenue and Harlandale Avenue
 from Ohio Avenue to Elmore Avenue



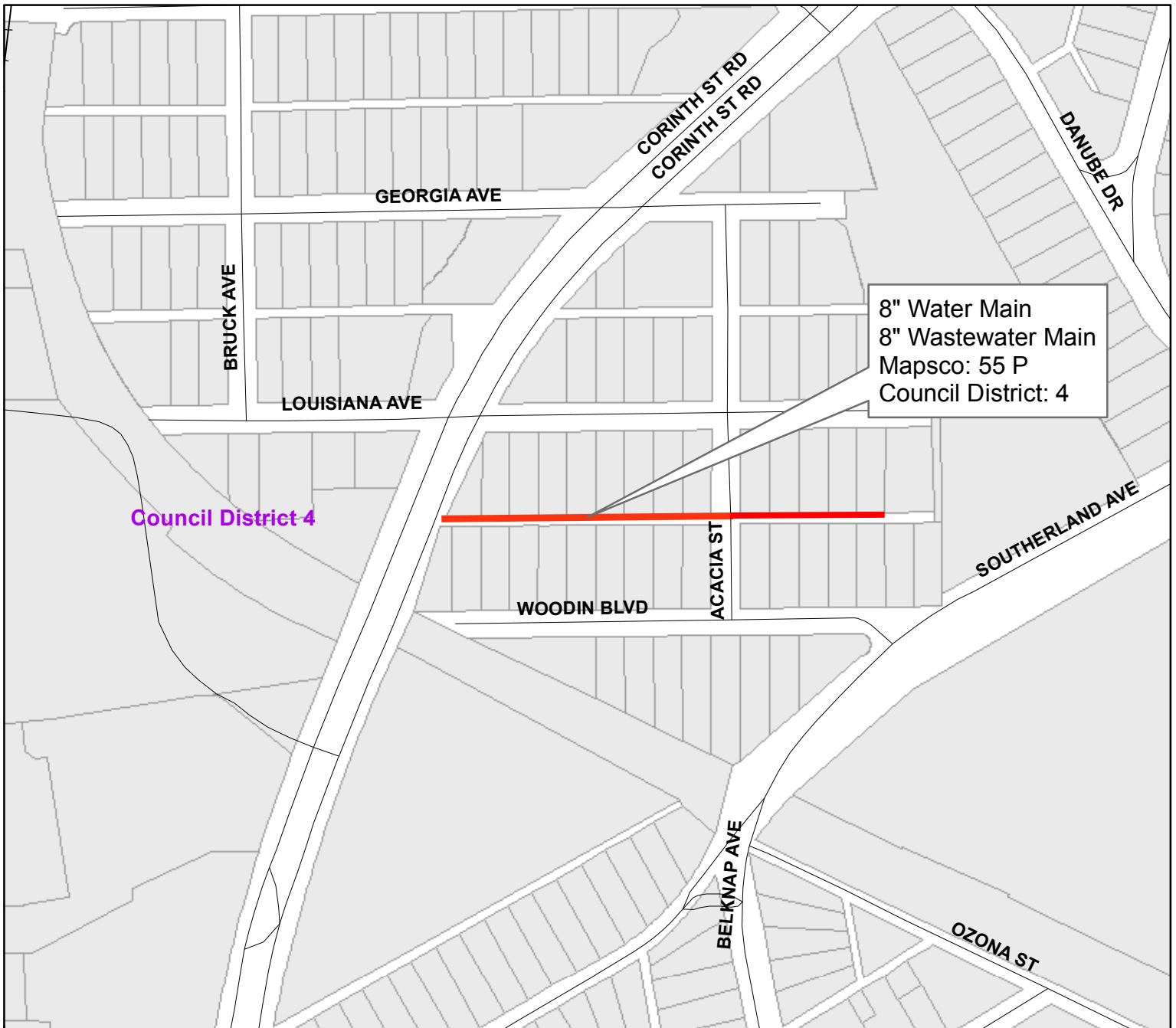
Dallas Water Utilities
Contract No. 16-233/234
Water and Wastewater Main Installations
at 28 Locations



Alley between Ramsey Avenue and Seevers Avenue
from Illinois Avenue north



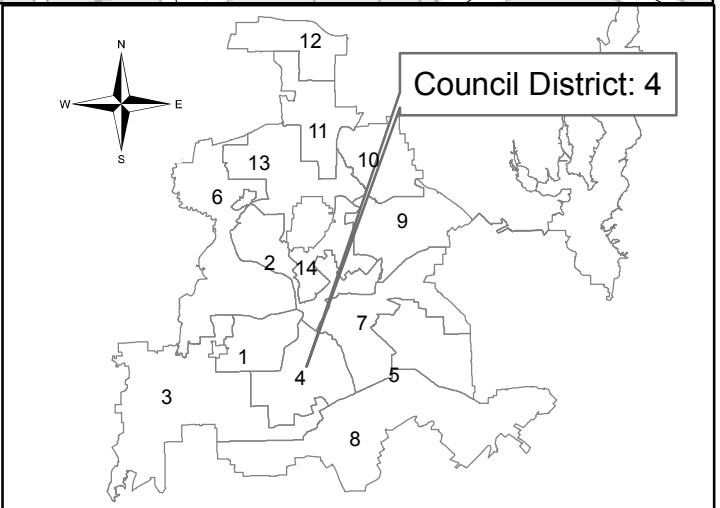
Dallas Water Utilities
Contract No. 16-233/234
Water and Wastewater Main Installations
at 28 Locations



Council District 4

8" Water Main
 8" Wastewater Main
 Mapsco: 55 P
 Council District: 4

Alley between Woodin Boulevard and Louisiana Avenue
 from Corinth Street Road east

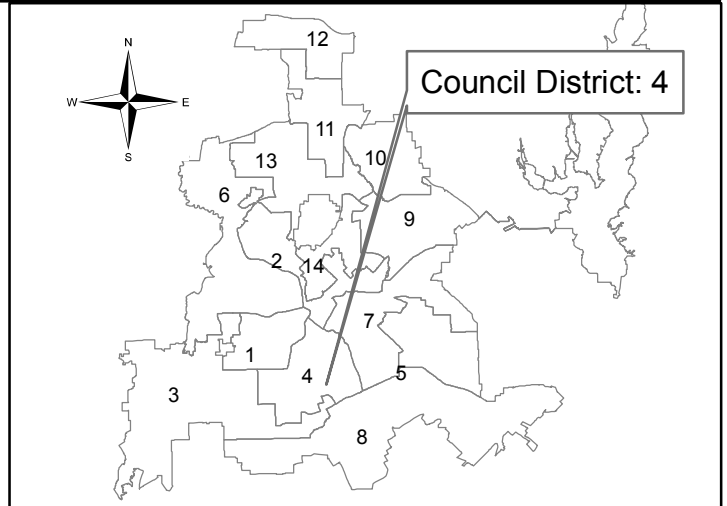


Council District: 4

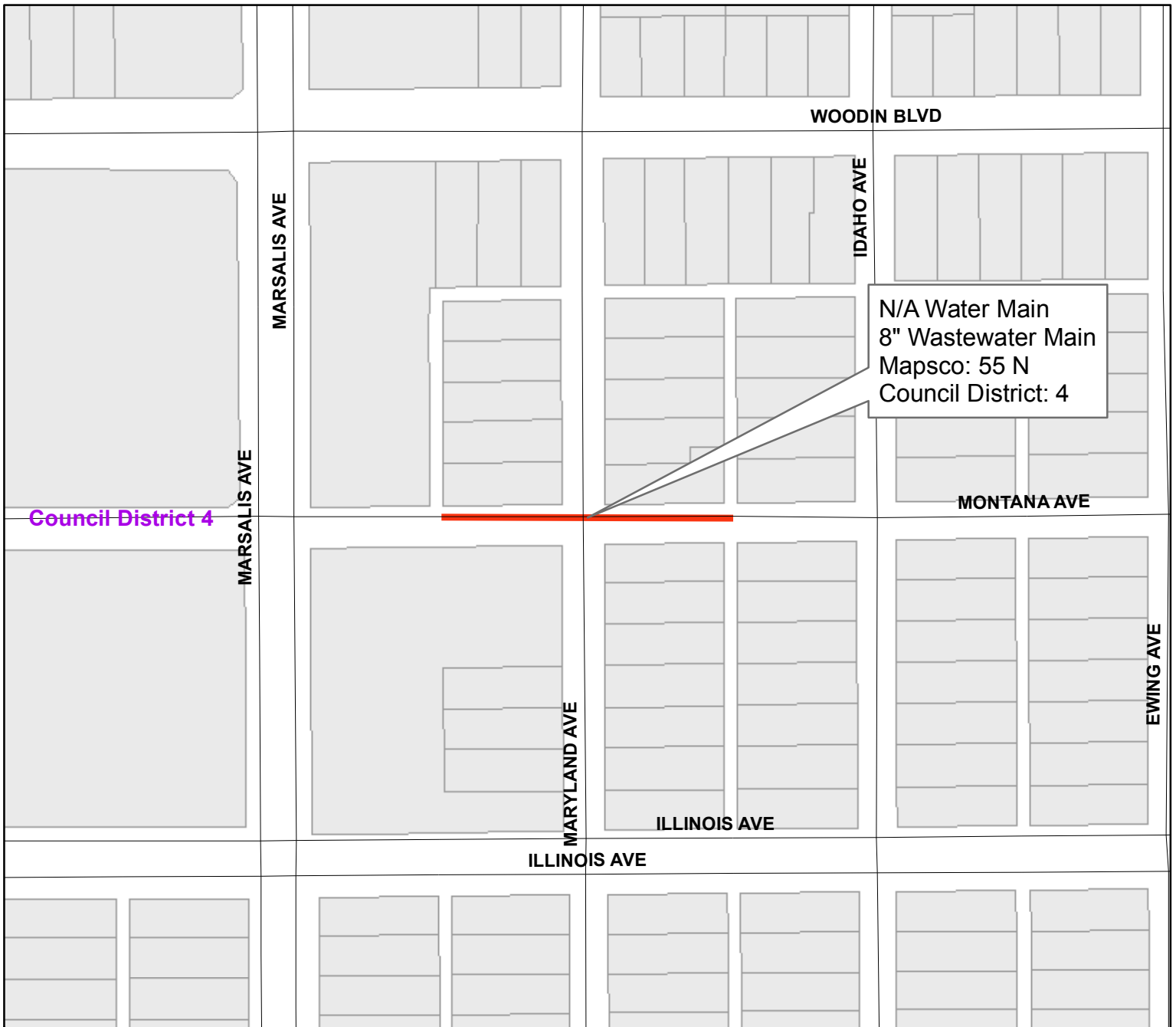
Dallas Water Utilities
Contract No. 16-233/234
Water and Wastewater Main Installations
at 28 Locations



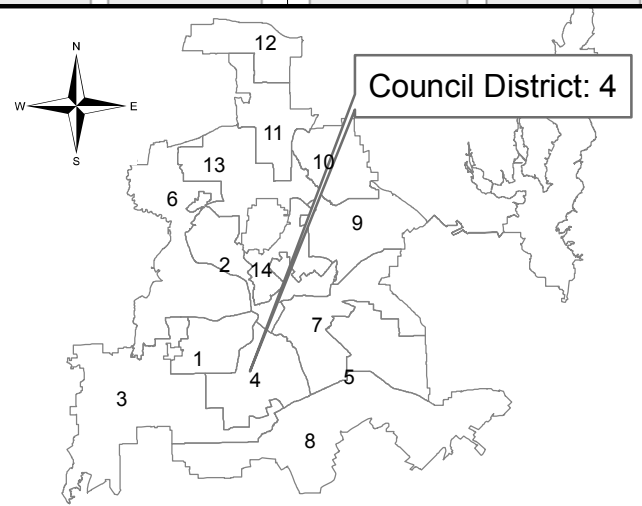
Hudspeth Avenue
from Easter Avenue to Cardinal Drive



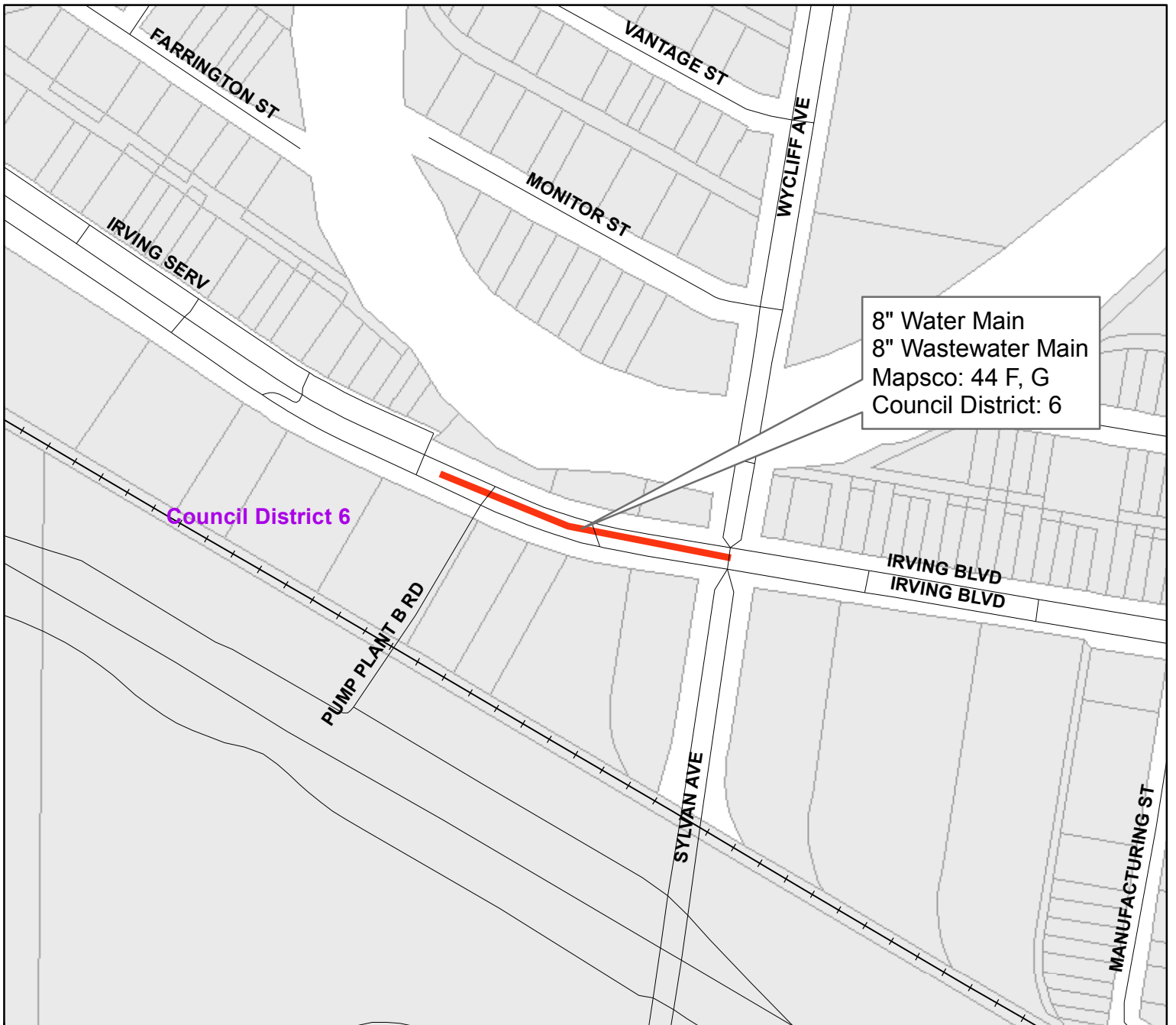
Dallas Water Utilities
Contract No. 16-233/234
Water and Wastewater Main Installations
at 28 Locations



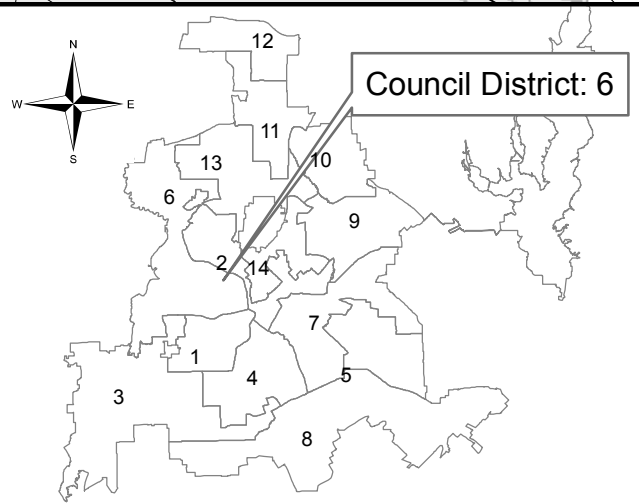
Montana Avenue
from east of Marsalis Avenue east



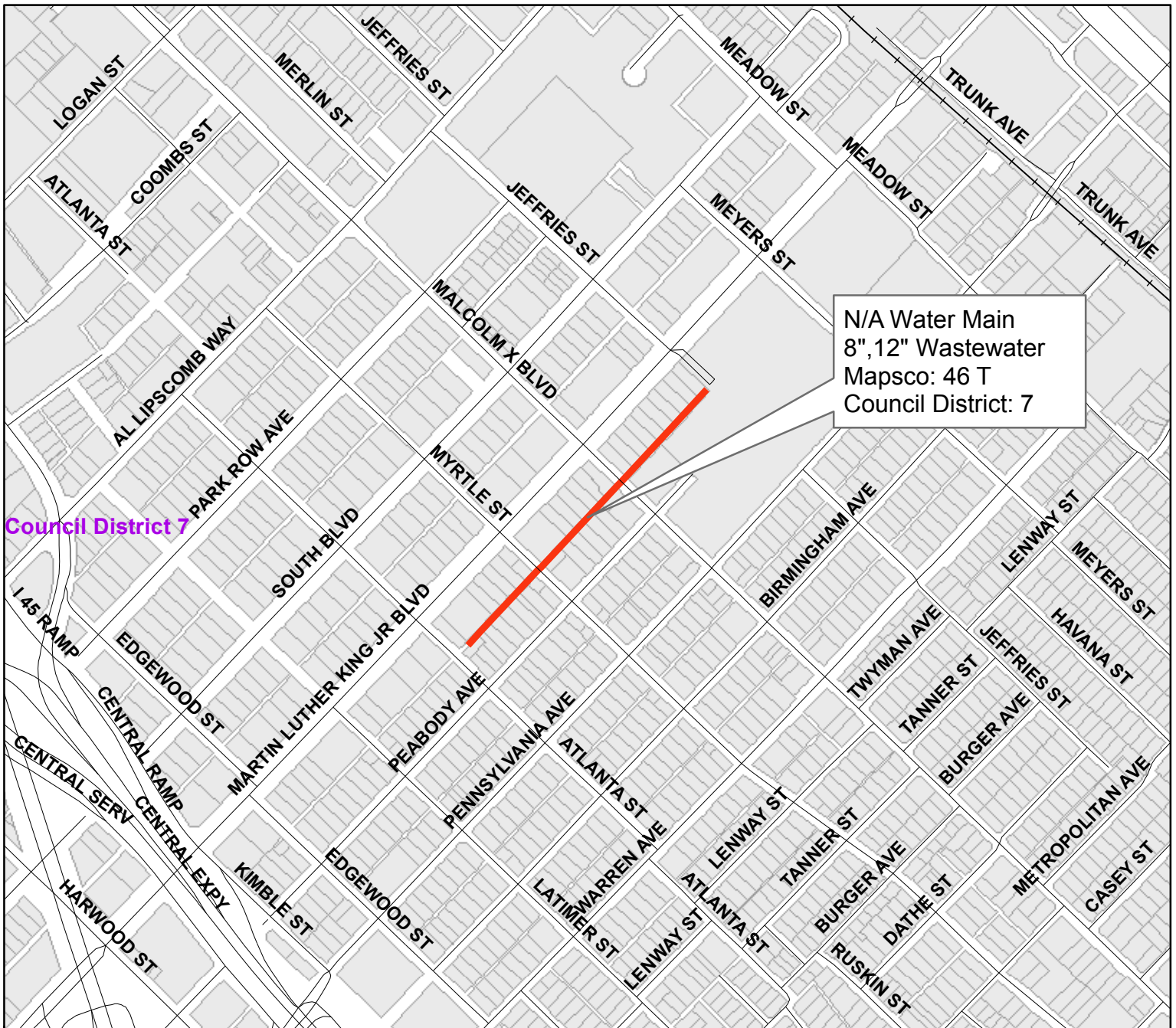
Dallas Water Utilities
Contract No. 16-233/234
Water and Wastewater Main Installations
at 28 Locations



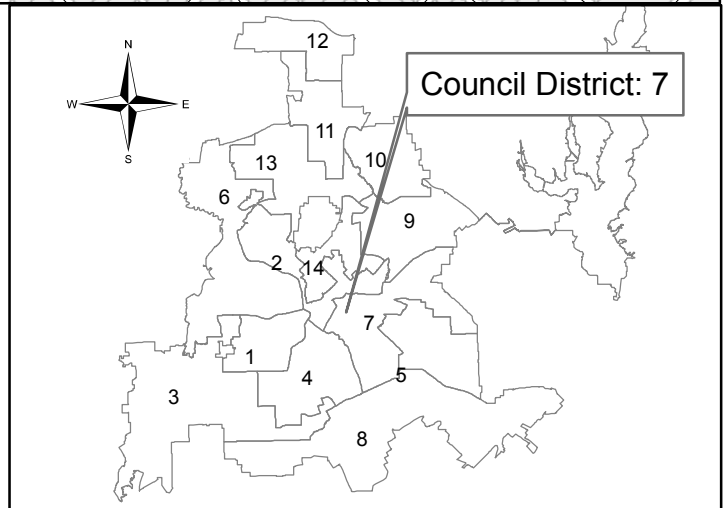
Irving Boulevard
from Sylvan Avenue west



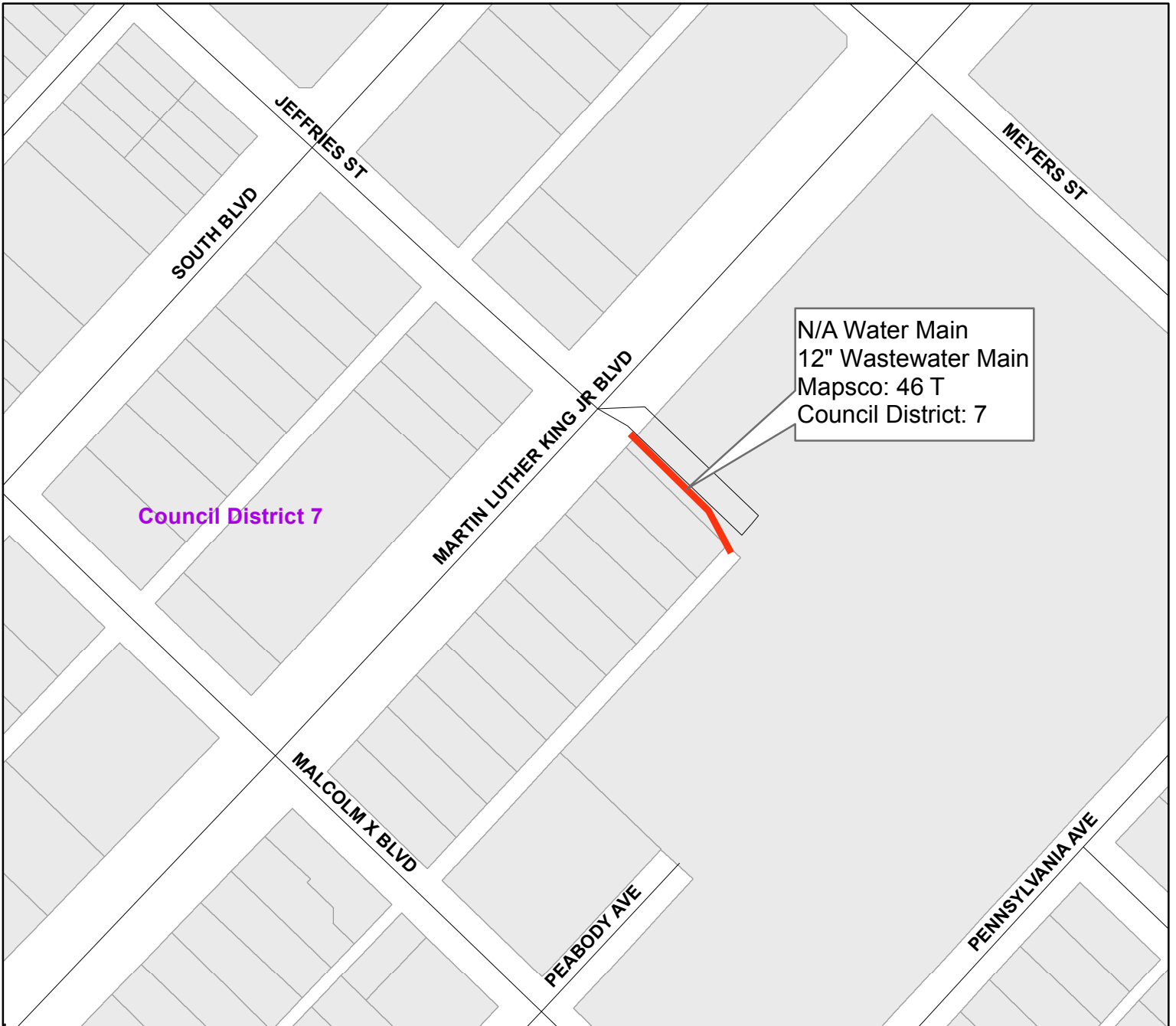
Dallas Water Utilities
Contract No. 16-233/234
Water and Wastewater Main Installations
at 28 Locations



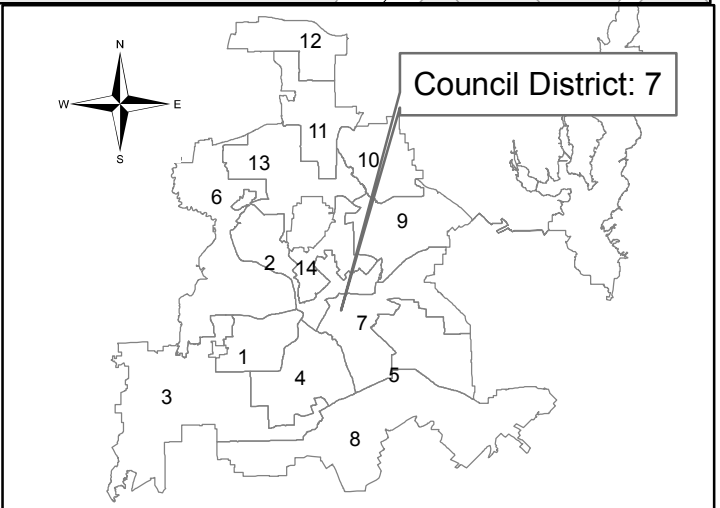
Alley between Martin Luther King Jr. Boulevard and Peabody Avenue from Atlanta Street to Jeffries Street



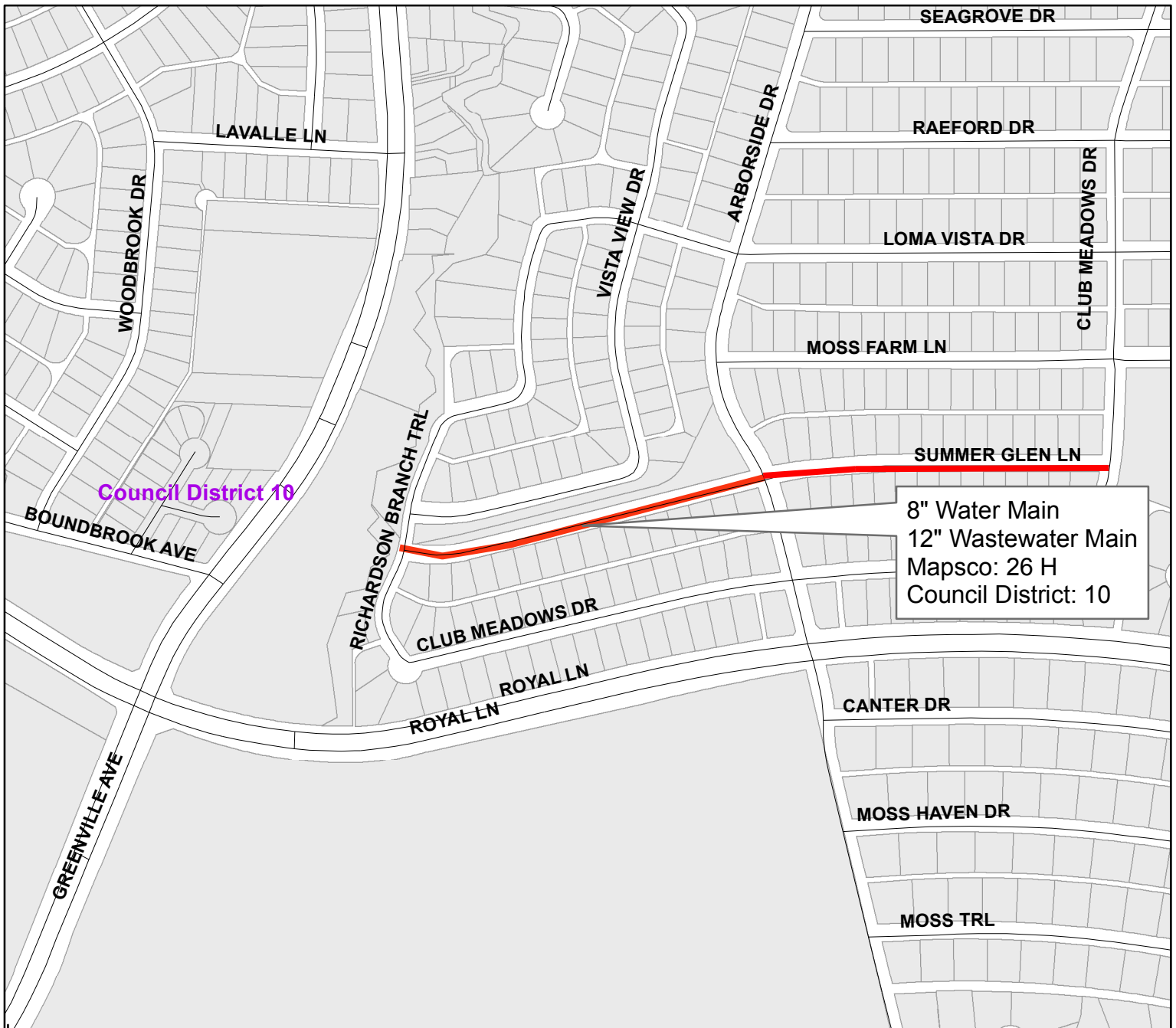
**Dallas Water Utilities
 Contract No. 16-233/234
 Water and Wastewater Main Installations
 at 28 Locations**



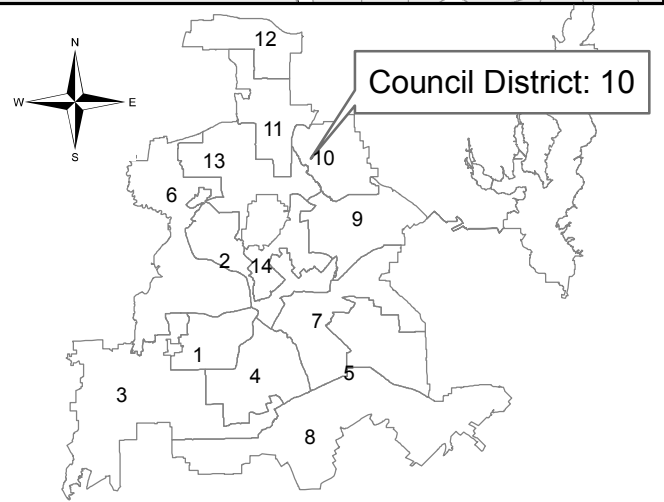
Easement between Meyers Street and Malcolm X Boulevard
 from Martin Luther King Jr. Boulevard southeast



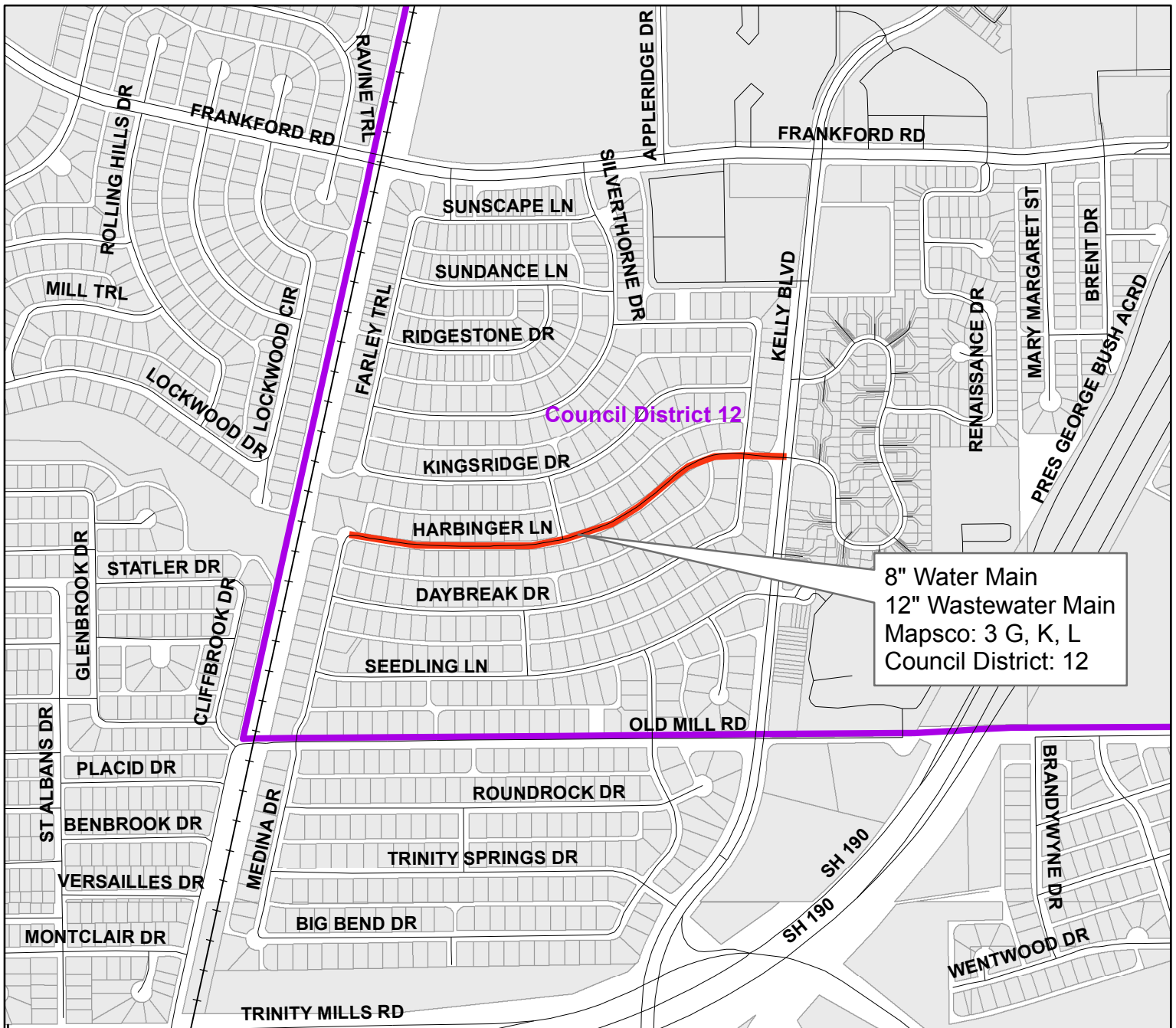
Dallas Water Utilities
Contract No. 16-233/234
Water and Wastewater Main Installations
at 28 Locations



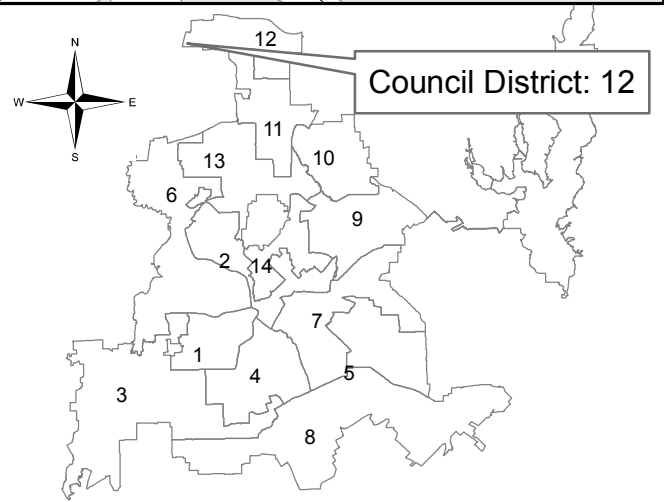
Summer Glen Lane
 from Club Meadows Drive to Richardson Branch Trail



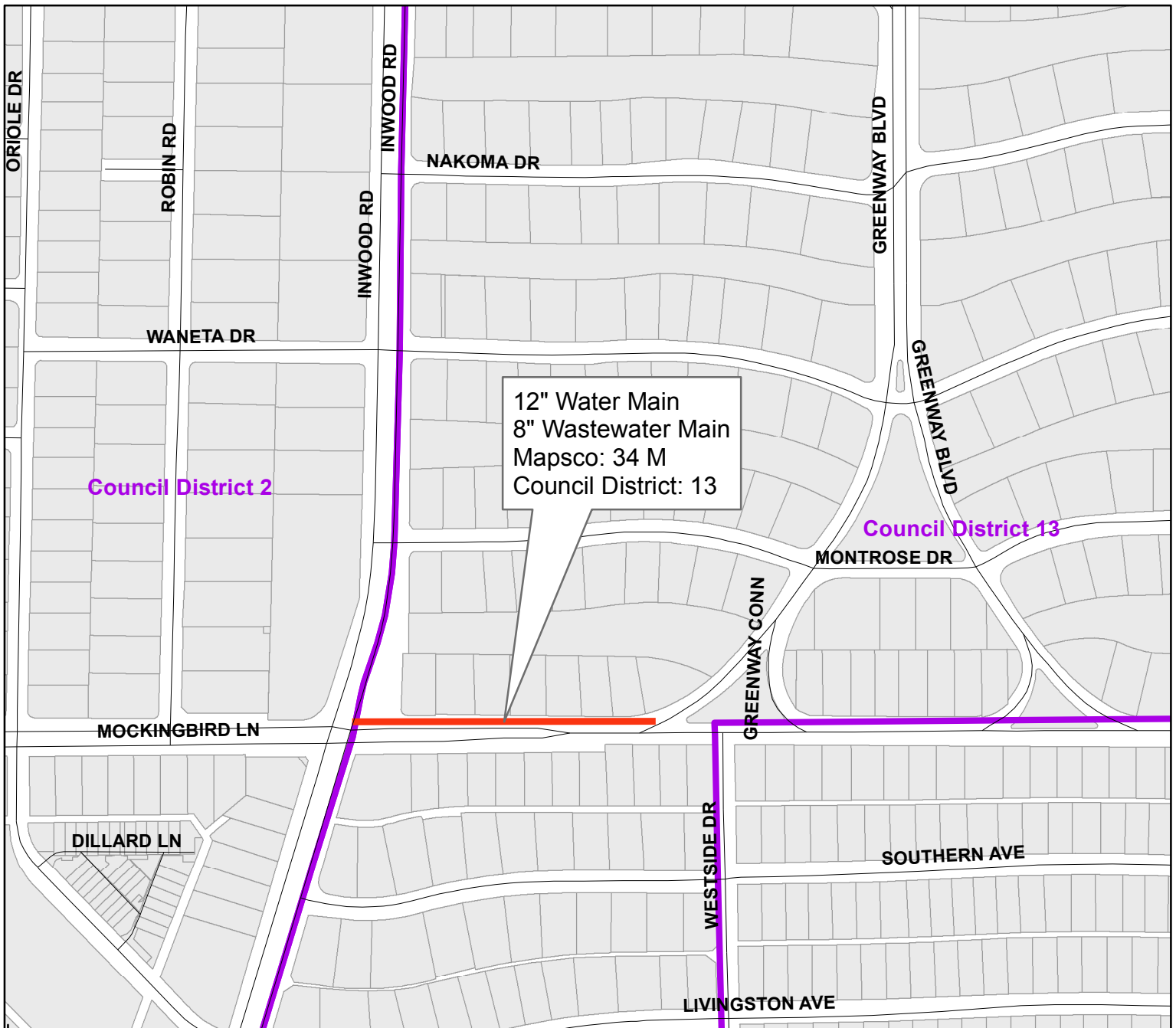
Dallas Water Utilities
Contract No. 16-233/234
Water and Wastewater Main Installations
at 28 Locations



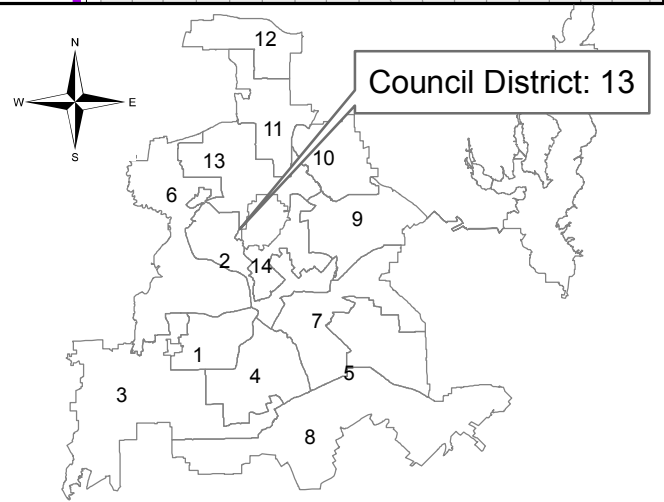
Harbinger Lane
 from Medina Drive to Kelly Boulevard



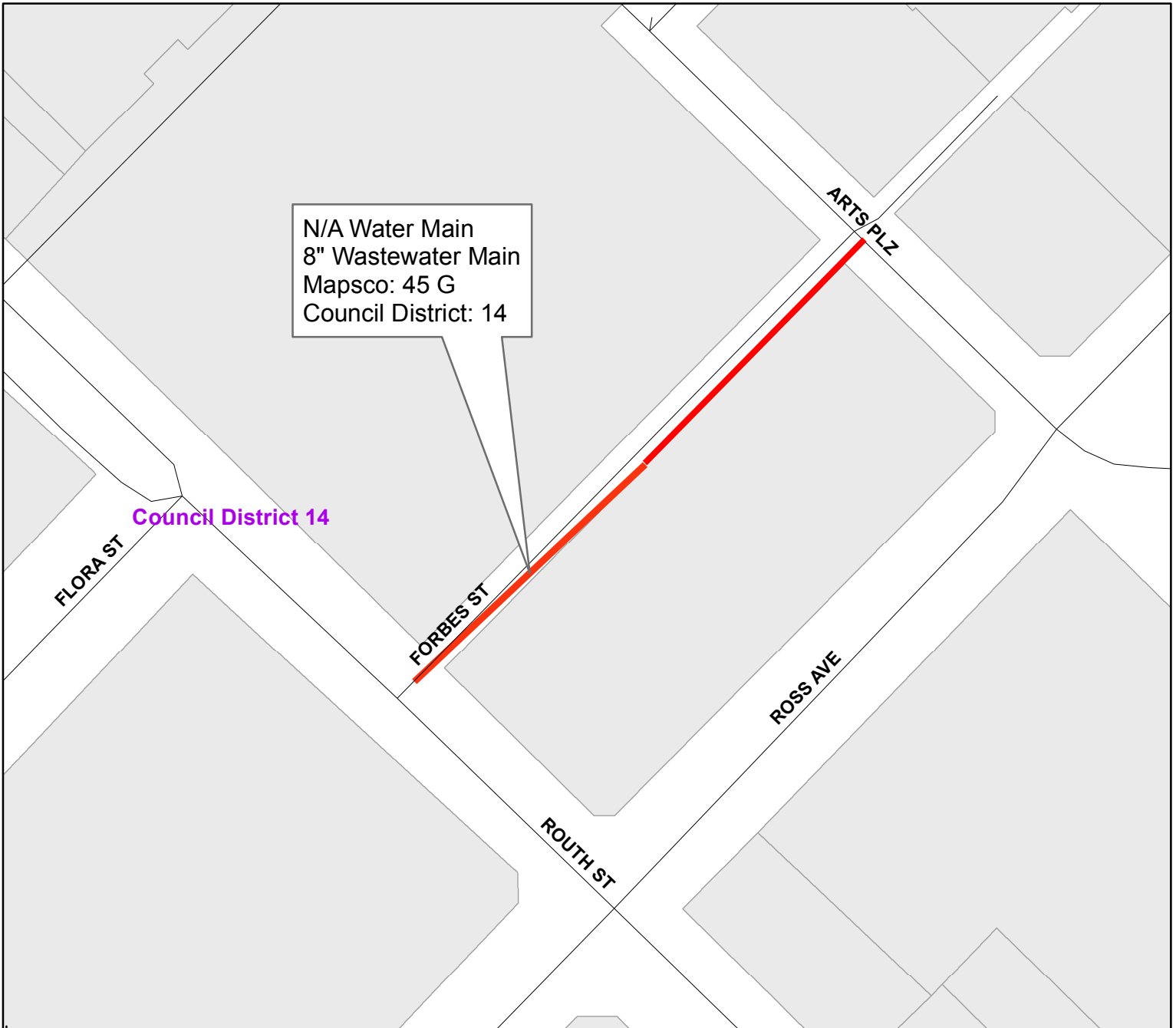
Dallas Water Utilities
Contract No. 16-233/234
Water and Wastewater Main Installations
at 28 Locations



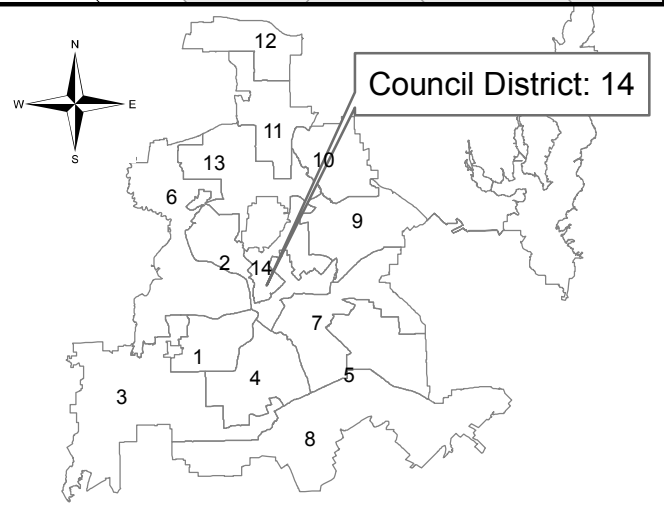
Mockingbird Lane
 from Inwood Road to Greenway Boulevard



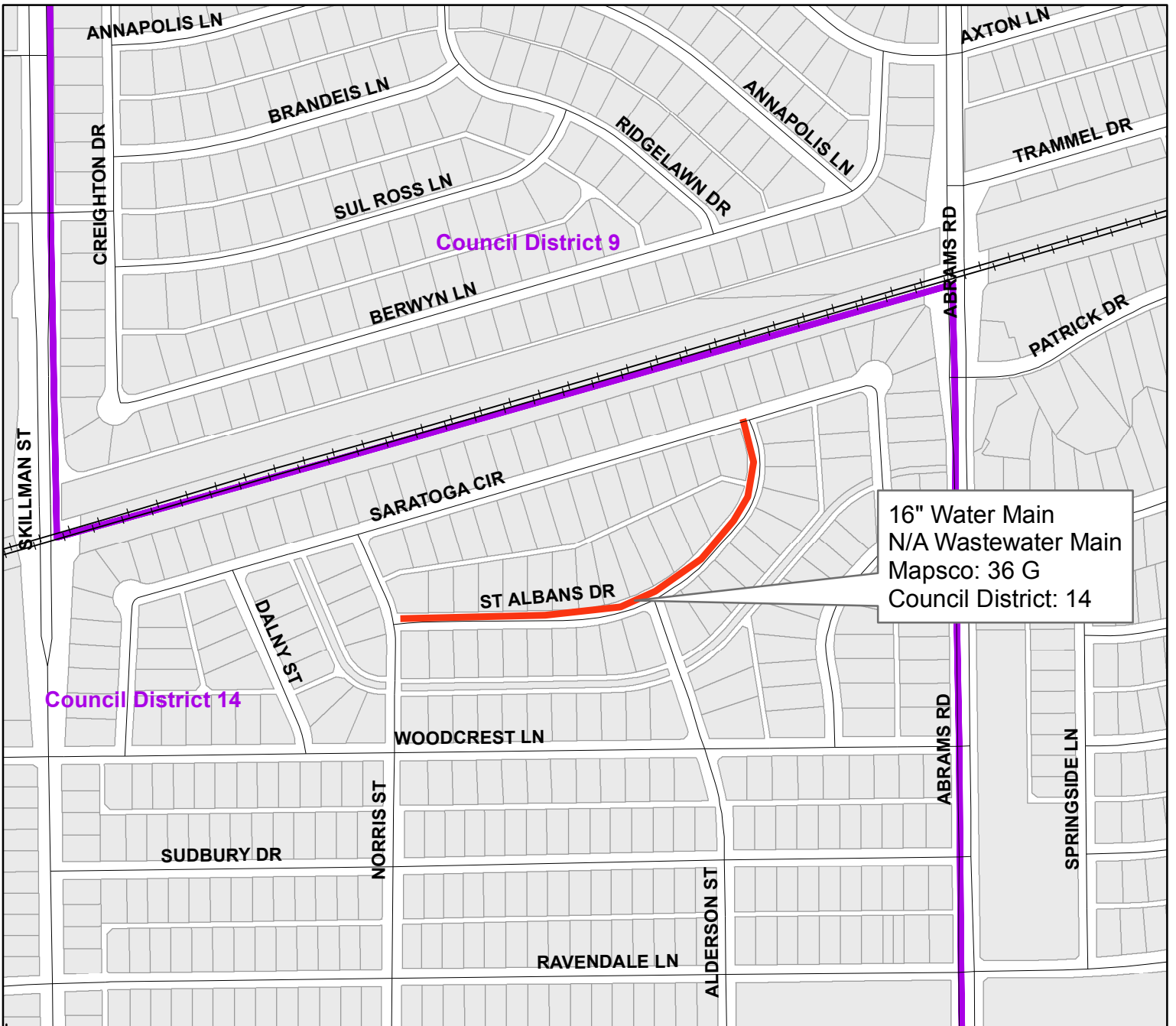
Dallas Water Utilities
Contract No. 16-233/234
Water and Wastewater Main Installations
at 28 Locations



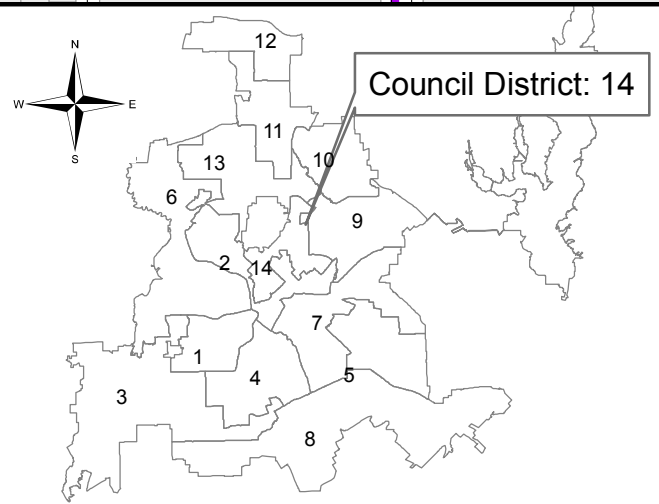
Forbes Street
from Routh Street to Arts Plaza



Dallas Water Utilities
Contract No. 16-233/234
Water and Wastewater Main Installations
at 28 Locations



St. Albans Drive
from Norris Street to Saratoga Circle



Dallas Water Utilities
Contract No. 16-233/234
Water and Wastewater Main Installations
at 28 Locations

BUSINESS INCLUSION AND DEVELOPMENT PLAN SUMMARY

PROJECT: Authorize a construction contract for the installation of water and wastewater mains at 28 locations (list attached) - SYB Construction Co., Inc., lowest responsible bidder of four - Not to exceed \$12,693,833 - Financing: Current Funds (\$259,917) and Water Utilities Capital Improvement Funds (\$12,433,916)

SYB Construction Co., Inc. is a local, minority firm, has signed the "Business Inclusion & Development" documentation, and proposes to use the following sub-contractors.

PROJECT CATEGORY: Construction

LOCAL/NON-LOCAL CONTRACT SUMMARY

	<u>Amount</u>	<u>Percent</u>
Total local contracts	\$11,340,467.50	89.34%
Total non-local contracts	\$1,353,365.00	10.66%
TOTAL CONTRACT	\$12,693,832.50	100.00%

LOCAL/NON-LOCAL M/WBE PARTICIPATION

Local Contractors / Sub-Contractors

<u>Local</u>	<u>Certification</u>	<u>Amount</u>	<u>Percent</u>
Partnering for Success, Inc.	HFMB42467Y0618	\$5,000.00	0.04%
North Texas Trucking, Inc.	HMDB94180Y1117	\$35,000.00	0.31%
SYB Construction Co., Inc.	WFDB45282Y0517	\$11,278,467.50	99.45%
American Striping Co.	WFDB57733Y0517	\$12,000.00	0.11%
Magnum Manhole & Underground, Co.	WFDB06880Y0617	\$10,000.00	0.09%
Total Minority - Local		\$11,340,467.50	100.00%

Non-Local Contractors / Sub-Contractors

<u>Non-local</u>	<u>Certification</u>	<u>Amount</u>	<u>Percent</u>
Ricochet Fuel Distributors, Inc.	WFWB69066Y0219	\$50,000.00	3.69%
Miller Surveying, Inc.	WFWB64425N0317	\$40,000.00	2.96%
Buyers Barricades, Inc.	WFDB52135Y0617	\$15,000.00	1.11%
Total Minority - Non-local		\$105,000.00	7.76%

BUSINESS INCLUSION AND DEVELOPMENT PLAN SUMMARY
Page 2

TOTAL M/WBE CONTRACT PARTICIPATION

	<u>Local</u>	<u>Percent</u>	<u>Local & Non-Local</u>	<u>Percent</u>
African American	\$0.00	0.00%	\$0.00	0.00%
Hispanic American	\$40,000.00	0.35%	\$40,000.00	0.32%
Asian American	\$0.00	0.00%	\$0.00	0.00%
Native American	\$0.00	0.00%	\$0.00	0.00%
WBE	\$11,300,467.50	99.65%	\$11,405,467.50	89.85%
Total	\$11,340,467.50	100.00%	\$11,445,467.50	90.17%

Water and Wastewater Main Installations

District 1

Alley between Jefferson Boulevard and 12th Street from Beckley Avenue to Patton Avenue
Barnett Avenue from Brooklyndell Avenue south
Clinton Avenue from Ranier Street north
Falls Drive at Falls cul-de-sac
Jefferson Boulevard from Marlborough Avenue west
Suffolk Avenue from Madison Avenue to Zang Boulevard
Yarmouth Street from Madison Avenue to Zang Boulevard

District 2

Alley between Douglas Avenue and Vagas Street from Harry Hines Boulevard northeast
Burns Court from Anson Road northwest
Easement north of Woodall Rodgers Freeway from Stemmons Access Road east

District 3

Eagle Ford Drive from FM 1382 Highway east
Kiest Boulevard from northeast of Five Mile Parkway northeast

District 4

Alley between Arizona Avenue and Michigan Avenue from Woodin Boulevard south
Alley between Fernwood Avenue and Harlandale Avenue from Ohio Avenue to Elmore Avenue
Alley between Ramsey Avenue and Seevers Avenue from Illinois Avenue north
Alley between Woodin Boulevard and Louisiana Avenue from Corinth Street Road east
Hudspeth Avenue from Easter Avenue to Cardinal Drive
Montana Avenue from east of Marsalis Avenue east

District 6

Fort Worth Avenue from Edgefield Avenue east
Irving Boulevard from Sylvan Avenue west

Water and Wastewater Main Installations
Page 2

District 7

Alley between Martin Luther King Jr. Boulevard and Peabody Avenue from
Atlanta Street to Jeffries Street

Alley between Pennsylvania Avenue and Birmingham Avenue from Edgewood Street
northeast

Easement between Meyers Street and Malcolm X Boulevard from Martin Luther King Jr.
Boulevard southeast

District 10

Summer Glen Lane from Club Meadows Drive to Richardson Branch Trail

District 12

Harbinger Lane from Medina Drive to Kelly Boulevard

District 13

Mockingbird Lane from Inwood Road to Greenway Boulevard

District 14

Forbes Street from Routh Street to Arts Plaza
St. Albans Drive from Norris Street to Saratoga Circle

June 14, 2017

WHEREAS, on March 31, 2017, four bids were received for the installation of water and wastewater mains at 28 locations, Contract No. 16-233/234, listed as follows:

<u>BIDDERS</u>	<u>BID AMOUNT</u>
SYB Construction Co., Inc.	\$12,693,832.50
Camino Construction, L.P.	\$12,714,685.00
John Burns Construction Company of Texas, Inc.	\$13,520,976.00
Ark Contracting Services, LLC	\$13,668,030.00

WHEREAS, the bid submitted by SYB Construction Co., Inc., 421 Compton Avenue, Irving, Texas 75061, in the amount of \$12,693,832.50, is the lowest and best of all bids received.

Now, Therefore,

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

SECTION 1. That the bid submitted by SYB Construction Co., Inc., in the amount of \$12,693,832.50, for doing the work covered by the plans, specifications, and contract documents, Contract No. 16-233/234, be accepted.

SECTION 2. That the City Manager is hereby authorized to sign a construction contract with SYB Construction Co., Inc., approved as to form by the City Attorney, for the installation of water and wastewater mains at 28 locations.

SECTION 3. That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed \$12,693,832.50 to SYB Construction Co., Inc. as follows:

Contract No. 16-233
 Water Capital Improvement Fund
 Fund 3115, Department DWU, Unit PW40, Object 4550
 Program 716233, Encumbrance CT-DWU716233CP
 Commodity 91200, Vendor 507202 \$ 9,260,457.38

Contract No. 16-234
 Wastewater Capital Improvement Fund
 Fund 3116, Department DWU, Unit PS40, Object 4560
 Program 716234, Encumbrance CT-DWU716234CP
 Commodity 91200, Vendor 507202 \$ 3,173,458.12

June 14, 2017

SECTION 3. (continued)

General Fund	
Fund 0001, Department STS, Unit 3432, Object 3072	
Encumbrance CT-STSCU343211	
Vendor 507202	<u>\$ 259,917.00</u>
Total amount not to exceed	\$12,693,832.50

SECTION 4. 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.

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: June 14, 2017

COUNCIL DISTRICT(S): 4

DEPARTMENT: Mobility and Street Services
Water Utilities

CMO: Majed Al-Ghafry, 670-3302

MAPSCO: 55J

SUBJECT

A benefit assessment hearing to receive comments on street paving, drainage, water and wastewater main improvements for South Ewing Avenue from Genoa Avenue to Galloway Avenue; and at the close of the hearing, authorize an ordinance levying benefit assessments, and a construction contract with Jeske Construction Company, lowest responsible bidder of eight - Not to exceed \$2,082,956 - Financing: General Obligation Commercial Paper Funds (\$1,615,151), Water Utilities Capital Construction Funds (\$362,325), and Water Utilities Capital Improvement Funds (\$105,480)

BACKGROUND

South Ewing Avenue from Genoa Avenue to McDowell Street to Winters Street to 18th Street to Waco Avenue to Galloway Avenue was included in the 2012 Bond Program as a Thoroughfare Project. On September 25, 2013, City Council authorized a professional services contract for the design of this project by Resolution No. 13-1731. This action will allow the public hearing to be held and will authorize the levying of assessments and contract for construction. The improvements will consist of a 36-foot wide concrete pavement with curbs, sidewalks, drive approaches, drainage, and water and wastewater main improvements.

The paving assessment process requires the following three steps:

1. Authorize paving improvements.
2. Authorize a benefit assessment hearing.
3. Benefit assessment hearing, ordinance levying assessments and authorize contract for construction.

This is the third and final step in the process.

BACKGROUND (continued)

The following chart illustrates Jeske Construction Company's contractual activities with the City of Dallas for the past three years:

	<u>MSS</u>	<u>DWU</u>	<u>PKR</u>
Projects Completed	1	0	0
Change Orders	0	0	0
Projects Requiring Liquidated Damages	0	0	0
Projects Completed by Bonding Company	0	0	0

ESTIMATED SCHEDULE OF PROJECT

Began Design	December 2013
Completed Design	March 2017
Begin Construction	September 2017
Complete Construction	December 2018

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On September 25, 2013, City Council authorized a professional services contract for engineering services by Resolution No. 13-1731.

On May 10, 2017, City Council authorized street paving, drainage, water and wastewater main improvements and a benefit assessment hearing by Resolution No. 17-0748.

Information about this item will be provided to the Transportation and Trinity River Project Committee on June 12, 2017.

FISCAL INFORMATION

2006 Bond Program (General Obligation Commercial Paper Funds) - \$216,315.83
2012 Bond Program (General Obligation Commercial Paper Funds) - \$1,398,835.17
Water Utilities Capital Construction Funds - \$362,325.00
Water Utilities Capital Improvement Funds - \$105,480.00

Design	\$ 170,732
Construction (this action)	
Paving & Drainage - MSS	\$1,615,151
Water & Wastewater - WTR	<u>\$ 467,805</u>
Total Project Cost	\$2,253,688

M/WBE INFORMATION

See attached.

ETHNIC COMPOSITION

Jeske Construction Company

Hispanic Female	0	Hispanic Male	20
African-American Female	0	African-American Male	4
Other Female	0	Other Male	0
White Female	1	White Male	5

BID INFORMATION

The following eight bids with quotes were received and opened on April 3, 2017.

*Denotes successful bidder

<u>Bidders</u>	<u>Bid Amount</u>
*Jeske Construction Company 2546 Merrell Road, Suite 106 Dallas, TX 75229	\$2,082,956.00
Ed Bell	\$2,549,810.70
MACVAL Associates, LLC	\$2,593,993.00
Vescorp Construction, LLC	\$2,641,246.47
Tiseo Paving Co.	\$2,851,892.75
Camino Construction, LP	\$3,044,590.00
Texas Standard Construction	\$3,050,202.64
Rebcon, Inc.	\$3,265,707.40
Original estimate: MSS	\$ 986,850
WTR	\$ 707,466
Total Project	\$1,694,316

OWNER

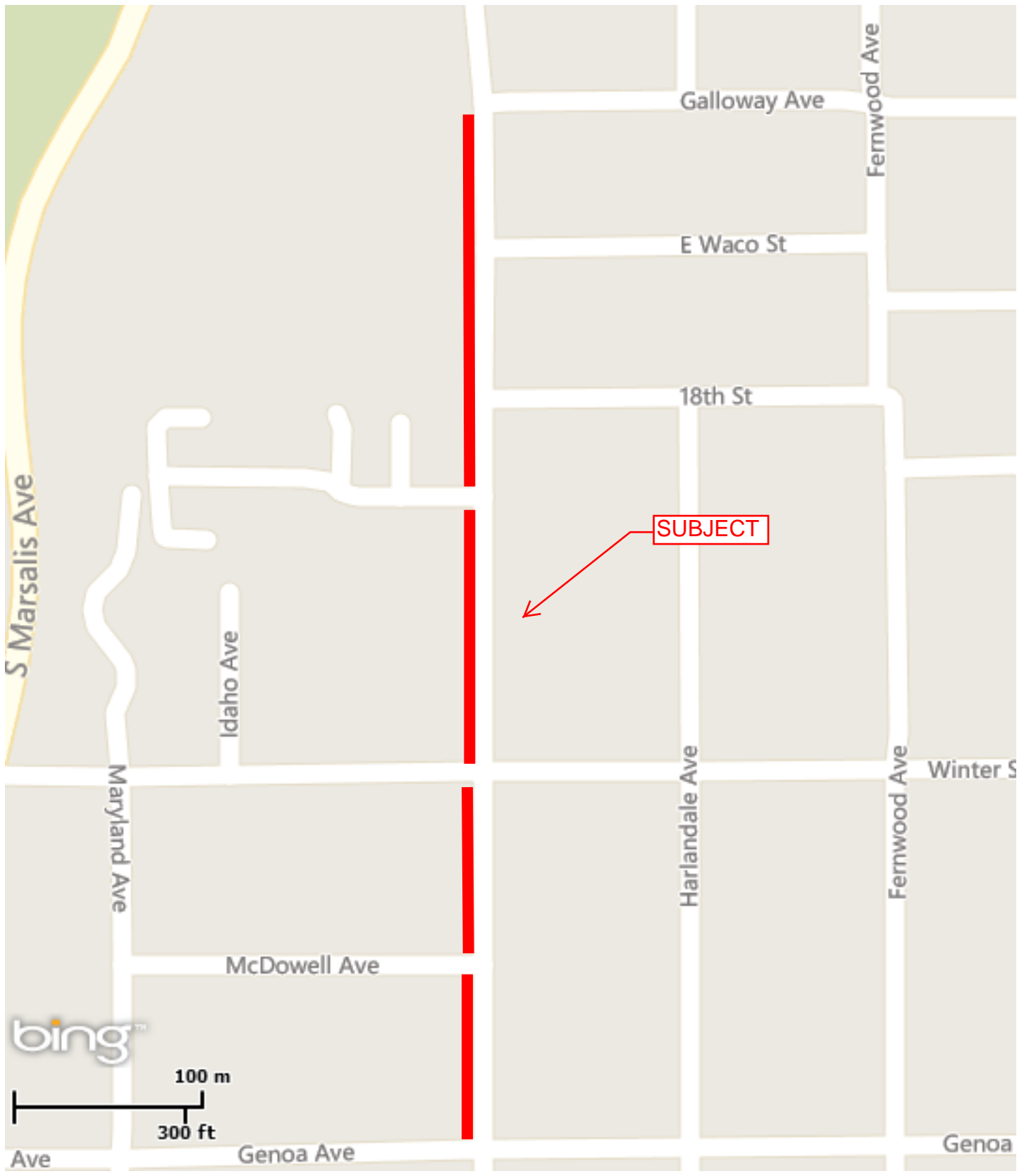
Jeske Construction Company

Steve Jeske, President

MAP

Attached

SOUTH EWING AVENUE - GENOA AVENUE TO GALLOWAY AVENUE



MAPSCO 55J



BUSINESS INCLUSION AND DEVELOPMENT PLAN SUMMARY

PROJECT: A benefit assessment hearing to receive comments on street paving, drainage, water and wastewater main improvements for South Ewing Avenue from Genoa Avenue to Galloway Avenue; and at the close of the hearing, authorize an ordinance levying benefit assessments, and a construction contract with Jeske Construction Company, lowest responsible bidder of eight - Not to exceed \$2,082,956 - Financing: General Obligation Commercial Paper Funds (\$1,615,151), Water Utilities Capital Construction Funds (\$362,325), and Water Utilities Capital Improvement Funds (\$105,480)

Jeske Construction Company, is a local, non-minority firm, has signed the "Business Inclusion & Development" documentation, and proposes to use the following sub-contractors.

PROJECT CATEGORY: Construction

LOCAL/NON-LOCAL CONTRACT SUMMARY

	<u>Amount</u>	<u>Percent</u>
Total local contracts	\$2,077,456.00	99.74%
Total non-local contracts	\$5,500.00	0.26%
TOTAL CONTRACT	\$2,082,956.00	100.00%

LOCAL/NON-LOCAL M/WBE PARTICIPATION

Local Contractors / Sub-Contractors

<u>Local</u>	<u>Certification</u>	<u>Amount</u>	<u>Percent</u>
Logan Trucking	BMMB13960N0119	\$50,000.00	2.41%
Flow Line Utilities	HMMB31596N0419	\$468,330.00	22.54%
WOE Construction	WFWD51223N0518	\$5,500.00	0.26%
Total Minority - Local		\$523,830.00	25.21%

Non-Local Contractors / Sub-Contractors

<u>Non-local</u>	<u>Certification</u>	<u>Amount</u>	<u>Percent</u>
Buyers Barricades	WFDB52135Y0617	\$5,500.00	100.00%
Total Minority - Non-local		\$5,500.00	100.00%

TOTAL M/WBE CONTRACT PARTICIPATION

	<u>Local</u>	<u>Percent</u>	<u>Local & Non-Local</u>	<u>Percent</u>
African American	\$50,000.00	2.41%	\$50,000.00	2.40%
Hispanic American	\$468,330.00	22.54%	\$468,330.00	22.48%
Asian American	\$0.00	0.00%	\$0.00	0.00%
Native American	\$0.00	0.00%	\$0.00	0.00%
WBE	\$5,500.00	0.26%	\$11,000.00	0.53%
Total	<u>\$523,830.00</u>	<u>25.21%</u>	<u>\$529,330.00</u>	<u>25.41%</u>

June 14, 2017

WHEREAS, on May 10, 2017, City Council authorized street paving, drainage, water and wastewater main improvements and the public hearing by Resolution No. 17-0748; and

WHEREAS, on April 3, 2017 eight bids were received for street paving, drainage, water and wastewater main improvements for South Ewing Avenue from Genoa Avenue to McDowell Street to Winters Street to 18th Street to Waco Avenue to Galloway Avenue:

<u>Bidders</u>	<u>Bid Amount</u>
Jeske Construction Company	\$2,082,956.00
Ed Bell	\$2,549,810.70
MACVAL Associates, LLC	\$2,593,993.00
Vescorp Construction, LLC	\$2,641,246.47
Tiseo Paving Co.	\$2,851,892.75
Camino Construction, LP	\$3,044,590.00
Texas Standard Construction	\$3,050,202.64
Rebcon, Inc.	\$3,265,707.40

Now, Therefore,

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

SECTION 1. That the City Manager is hereby authorized to sign a construction contract with Jeske Construction Company, approved as to form by the City Attorney, for the construction of street paving, drainage, water and wastewater main improvements, for South Ewing Avenue from Genoa Avenue to McDowell Street to Winters Street to 18th Street to Waco Avenue to Galloway Avenue, in an amount not to exceed \$2,082,956.00, this being the lowest responsive bid received as indicated by the tabulation of bids.

SECTION 2. That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed \$2,082,956.00 to Jeske Construction Company in accordance with the terms and conditions of the contract as follows:

Street and Transportation Improvements Fund Fund 4U22, Department STS, Unit S311, Activity SREC Object 4510, Program PB12S311 Encumbrance CT STS12S311I1, Vendor 083791	\$1,398,835.17
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Street and Transportation Improvements Fund Fund 4T22, Department STS, Unit S311, Activity SREC Object 4510, Program PB12S311 Encumbrance CT STS12S311I1, Vendor 083791	\$ 216,315.83
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June 14, 2017**SECTION 2.** (continued)

Water Construction Fund Fund 0102, Department DWU, Unit CW42, Object 4550 Program 717011, Encumbrance CT DWU717011CP Vendor 083791	\$ 328,875.00
Water Construction Fund Fund 0102, Department DWU, Unit CW42, Object 3221 Program 717011X, Encumbrance CT DWU717011EN Vendor 083791	\$ 20,650.00
Wastewater Construction Fund Fund 0103, Department DWU, Unit CS42, Object 3222 Program 717012X, Encumbrance CT DWU717012EN Vendor 083791	\$ 12,800.00
Wastewater Capital Improvement Fund Fund 3116, Department DWU, Unit PS42, Object 4560 Program 717012, Encumbrance CT DWU717012CP Vendor 083791	<u>\$ 105,480.00</u>
Total amount not to exceed	\$2,082,956.00

SECTION 3. That this resolution shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so resolved.

ORDINANCE NO. _____

AN ORDINANCE LEVYING ASSESSMENTS AGAINST VARIOUS PERSONS AND THEIR PROPERTY FOR THE PAYMENT OF A PART OF THE COST OF IMPROVING AND PAVING PORTIONS OF THE FOLLOWING STREET IN THE CITY OF DALLAS, TEXAS, TO WIT:

South Ewing Avenue from Genoa Avenue to McDowell Street to Winters Street to 18th Street to Waco Avenue to Galloway Avenue

PROVIDING FOR THE TIME WHEN SUCH ASSESSMENTS BECOME DUE AND PAYABLE, THE RATE OF INTEREST, AND FIXING A CHARGE AND LIEN AGAINST SAID PROPERTY AND MAKING SAID CHARGE A PERSONAL LIABILITY OF THE PROPERTY OWNERS OWNING PROPERTY ABUTTING ON SAID STREET, AND PROVIDING FOR THE COLLECTION THEREOF; AND DECLARING AN EMERGENCY.

WHEREAS, heretofore a resolution was duly adopted by the City Council ordering the improvements of

South Ewing Avenue from Genoa Avenue to McDowell Street to Winters Street to 18th Street to Waco Avenue to Galloway Avenue

by filling, raising, grading, and paving same; and

WHEREAS, pursuant to said resolution, specifications and an estimate of the cost of such improvements were prepared for said work by the Director of Mobility and Street Services (City Engineer), filed with said Council, examined, approved, and adopted by it, all as required by applicable law; and

WHEREAS, in compliance with the law the City Engineer prepared his statements or lists showing the names of property owners upon said street the description of their property, the total cost of the said improvements, the cost there of per front foot and cost to each property owner, said statements possessing all the other requisites required by law; and

WHEREAS, thereafter the said statements were filed with the City Council and by them examined and approved and a resolution was passed by said Council determining the necessity of making an assessment for part of the cost of said pavement against property owners and their property, and fixing a time and providing for a hearing to such property owners, all in accordance with the terms of applicable law, at which hearing to such property owners were to be heard as to the benefits of the said improvements to their property, as to any error or invalidity in said proceedings, or to any matter or thing connected with the said improvements; and

WHEREAS, the said resolution in connection with the improvement of said street was duly adopted in compliance with the law on the 10th day of May, 2017; and

WHEREAS, in accordance with the terms of the law, the City of Dallas gave notice to the property owners on said street of said hearing, by publishing a copy of said notice in the Dallas Morning News, a daily paper of general circulation in the City of Dallas, for three successive days prior to the days set for the hearing, to wit, the 14th day of June, 2017; and the City also gave notice of said hearing by mailing letters containing the same to said property owners at least fourteen (14) days before the said hearing; provided, however, that any failure of the property owners to receive said notices shall not invalidate these proceedings; and

WHEREAS, said hearing was held at the time and place mentioned in the said resolution and notice, to wit, on the 14th day of June, 2017 at 1:00 O'clock P.M. at the Council Chamber in the City Hall of the City of Dallas, Texas, which hearing was then closed; and

WHEREAS, at said hearing, all desiring to contest the said assessments, correct the same, or in any manner be heard concerning the benefits thereof, or in any related matter, were heard, and errors and all matters of error or mistake or inequalities or other matters requiring rectification which were called to the attention of the Council were rectified and corrected.

Now, Therefore,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DALLAS, TEXAS:

SECTION 1. That the action of the City Council closing the hearing and overruling the protests at the public hearing on the 14th day of June, 2017, in these proceedings is hereby ratified and confirmed by this ordinance. That the City Council, from the evidence, finds that the assessments herein levied should be made and levied against the respective parcels of property abutting upon the street herein below mentioned and against the owners thereof; that such assessments and charges are right and proper, and are substantially in proportion to the benefits to the respective parcels of property by means of the improvement in the unit or district for which such assessments are levied, and establish substantial justice, equality, and uniformity between the respective owners of the respective properties between all parties concerned, considering the benefits received and burdens imposed. The Council further finds that in each case the abutting property assessed is specially benefited in enhanced value to the said properties by means of the said improvements in the unit or district upon which the particular property abuts, and for which assessment is levied and charge made, in a sum in excess of the said assessment and charge made against the same by this ordinance. The Council further finds that the apportionment of the cost of the improvements is in accordance with the law in force in this City and that the proceedings of the City heretofore had with reference to said improvements are in all respects valid and regular.

SECTION 2. That there shall be and is hereby levied and assessed against the parcels of property hereinbelow mentioned, and against the real and true owners thereof (whether such owners be correctly named herein or not), the sums of money below mentioned and itemized shown opposite the description of the respective parcels of property, and the several amounts assessed against the same and the owners thereof, as far as such owners are known, being as follows:

South Ewing Avenue from Genoa Avenue to McDowell Street to Winters Street to 18th Street to Waco Avenue to Galloway Avenue

Total Property Owners' Cost - Assessments	\$193,994.23	
Adjustments Per Enhancement Evaluation	\$125,577.54	
Total Net Due by Owners		\$68,416.69
Total City of Dallas' Cost - Paving	\$1,444,156.31	
Total City of Dallas' Cost - Drainage	\$102,578.00	
Total Water Utilities Department Cost Water and Wastewater Main Improvements	\$467,805.00	
Total City of Dallas' Cost		\$2,014,539.31
Total Cost of Improvements		\$2,082,956.00

SECTION 3. That where more than one person, firm or corporation owns an interest in any property above described, each said person, firm or corporation shall be personally liable for its, his or her pro rata of the total assessment against such property in proportion as its, his or her respective interest bears to the total ownership of such property, and its, his or her respective interest in such property may be released from the assessment lien upon payment of such proportionate sum.

SECTION 4. That the several sums above mentioned and assessed against the said parcels of property and the owners thereof, and interest thereon at the rate of eight per centum (8.00%) per annum, together with reasonable attorney's fees and costs of collection, if incurred, are hereby declared to be and are made a lien upon the respective parcels of property against which the same are assessed, and a personal liability and charge against the real and true owners of such property, whether such owners be named herein or not, and the said liens shall be and constitute the first enforceable lien and claim against the property on which such assessments are levied, and shall be a first paramount lien thereon, superior to all other liens and claims except State, County, School District and City ad valorem taxes.

That the cost shall be assessed against said owners and their property respectively, in accordance with what is known as the "Front-Foot Plan", in proportion as the frontage of the property of each owner is to the whole frontage improved and shall be payable in monthly installments not to exceed one hundred twenty (120) in number, the first of which shall be payable within thirty (30) days from the date of the completion of said improvements and their acceptance by the City of Dallas, and one installment each month thereafter until paid, together with interest thereon at the current rate established and adopted by the City Council applicable to Public Improvement Assessment Accounts being paid by installments and not to exceed the statutory rate, with the provision that any of said installments may be paid at any time before maturity by the payment of the principal and the accrued interest thereon. Any property owner against whom and whose property assessment has been levied may pay the whole assessment chargeable to him without interest within thirty (30) days after the acceptance and completion of said improvements.

SECTION 5. That if default be made in the payment of any of the said sums hereby assessed against said property owners and their property, collection thereof shall be enforced either by suit in any court having jurisdiction or by lien foreclosure.

SECTION 6. That for the purpose of evidencing the several sums payable by said property owners and the time and terms of payment, and to aid in the enforcement thereof, assignable certificates may be issued by the City of Dallas upon the completion and acceptance of the said work of improvement, which shall be executed by the Mayor, signing the same or by his facsimile signature impressed thereon, attested by the City Secretary, under the impress of the corporate seal, and shall be payable to the City of Dallas, or its assigns, which certificate shall declare the said amounts and the time and terms of payment thereof, and the said rate of interest payable thereof, and shall contain the name of the owner and the description of his property by Lot or Block

SECTION 6. (Continued)

Number of front feet thereof, or such description as may otherwise identify the same by reference to any other fact, and if said property shall be owned by an estate, then the description thereof as so owned shall be sufficient.

And that the said certificates shall further provide that if default shall be made in the payment of any installment of principal or interest thereon, when due then at the option of the said City of Dallas being the owner and holder thereof, the whole of the said assessment shall at once become due and payable and shall be collectible with reasonable attorney's fees and costs if incurred.

And that the said certificates shall further set forth and evidence the said personal liability of the owner and the lien upon his premises and shall provide that if default shall be made in the payment thereof, the same may be enforced as above provided.

And the said certificates shall further recite that the proceedings with reference to making said improvements have been regularly in compliance with the terms of the applicable law, and that all prerequisites to the fixing of the lien and claims of personal liability evidenced by such certificates have been performed, which recitals shall be prima facie evidence of the facts so recited and no further proof thereof shall be required.

That the said certificates shall also provide that the amounts payable thereunder shall be paid to the City Controller of the City of Dallas, who shall credit said payments upon the said certificates, and shall immediately deposit the amounts so collected with the City Treasurer of the City of Dallas, to be kept and held by him in a special fund, which is hereby designated as Capital Assessments Fund and which payments shall be by the Treasurer paid to the said City of Dallas or other holder of the said certificates, on presentation thereof to him, duly credited by the City Controller the said credit by said City Controller being the Treasurer's Warranty for making such payment and the said City of Dallas or other holder of said certificate, shall receipt in writing to said Treasurer when paid in full, together with all costs of collection.

And that the said certificates shall further provide that the City of Dallas shall exercise all legal power, when requested so to do by the holder of said certificate, to aid in the collection thereof; but the City of Dallas shall in nowise be liable to the holder of said certificates in any manner for payment of the amount evidenced by the said certificates or for any costs or expense in the premises, or for any failure of the said City Council or any of its officers in connection therewith.

Full power to make and levy reassessments, and to correct mistakes, errors, invalidates or irregularities, either in the assessments or in the certificates issued in evidence thereof, is in accordance with the law in force in this City, vested in the City.

SECTION 7. That all assessments levied are a personal liability and charged against the real and true owners of the premises described, notwithstanding such owners may not be named, or may be incorrectly named.

SECTION 8. That the assessments herein levied are made and levied under and by virtue of the terms, powers and provisions of an Act passed at the First Called Session of the Fortieth Legislature of the State of Texas, known as Chapter 106 of the Acts of said Session, with amendments thereto, now shown as Texas Transportation Code Annotated Section 311 and 313 (Vernon's 1996), which said law has been adopted as an alternative method for the construction of street improvements in the City of Dallas, Texas, by Chapter XX of the Charter of the City of Dallas.

SECTION 9. That the assessments so levied are for the improvements in the particular unit or district upon which the property described abuts, and the assessments for the improvements in one unit or district are in nowise related to or connected with the improvements in any other unit or district, and in making assessments and in holding said hearing, the amounts assessed for improvements in one unit or district have been in nowise affected by any fact in anywise connected with the improvements or the assessments therefore in any other unit or district.

SECTION 10. That the City Manager, or his designee, is hereby authorized to execute releases of any paving assessment liens herein levied and assessed against the parcels of property and owners thereof, if same are fully paid, such releases to be approved as to form by the City Attorney and attested by the City Secretary.

SECTION 11. That this Ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly ordained.

APPROVED AS TO FORM:
LARRY E. CASTO, City Attorney

BY _____
Assistant City Attorney

Prepared by _____
Project Coordinator

Approved by _____
Director, Mobility and Street Services Department

KEY FOCUS AREA: Economic Vibrancy
AGENDA DATE: June 14, 2017
COUNCIL DISTRICT(S): 8
DEPARTMENT: Mobility and Street Services
CMO: Majed Al-Ghafry, 670-3302
MAPSCO: 70N P

SUBJECT

A public hearing to receive comments to amend the City of Dallas Thoroughfare Plan to delete Garden Grove Drive from Woody Road to Stark Road; and at the close of the hearing, authorize an ordinance implementing the change - Financing: No cost consideration to the City

BACKGROUND

Pape-Dawson Engineers, Inc. and Shady Oaks Estates have applied to amend the City of Dallas Thoroughfare Plan. They are developing property located at Woody Road and CF Hawn Freeway (US Highway 175). The developer is requesting an amendment to delete Garden Grove Drive from Woody Road to Stark Road from the Thoroughfare Plan. This roadway does not currently exist and the City does not own the right-of-way required to build the road.

The residential development will consist of 431 single-family homes on approximately 114 acres in southeast Dallas. The primary access will be accommodated along Woody Road, Stark Road, and CF Hawn Freeway. The City of Dallas does not own the right-of-way to construct Garden Grove Drive from Woody Road to Stark Road, and construction of this roadway would impact existing homes.

Staff recommends approval to the City of Dallas Thoroughfare Plan to delete Garden Grove Drive from Woody Road to Stark Road.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On May 4, 2017, the City Plan Commission Thoroughfare Committee acted on this item and followed staff recommendation of approval.

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

On May 18, 2017, the City Plan Commission acted on this item and followed staff recommendation of approval.

Information about this item will be provided to the Transportation and Trinity River Project Committee on June 12, 2017.

FISCAL INFORMATION

No cost consideration to the City.

MAP

Attached

Garden Grove Drive

Woody Road and Stark Road

Council District: 8
MAPSCO: 70N, P



Thoroughfare Plan Amendment Map

