

**MEMORANDUM OF UNDERSTANDING
BETWEEN THE CITY OF DALLAS AND THE REGIONAL TRANSPORTATION COUNCIL
CONCERNING THE SOUTHERN GATEWAY PUBLIC GREEN/DECK**

This Memorandum of Understanding (MOU) is made and entered into by and between the Regional Transportation Council (hereinafter referred to as "RTC"), and the City of Dallas (hereinafter referred to as "CITY"). The purpose of this MOU is to establish a temporary mechanism for the CITY's local match commitment of approximately \$7.1M for the Southern Gateway Public Green/Deck.

WHEREAS, the RTC created a funding partnership with the Texas Department of Transportation (TxDOT) to implement congestion relief projects in the Dallas-Fort Worth region. As part of this effort, on March 10, 2016, the RTC approved \$656 million towards the construction of the Southern Gateway Project (SGP); and,

WHEREAS, the RTC programmed up to \$40 million, which is included in the \$656 million, towards the Southern Gateway Public Green/Deck (Public Green/Deck) with the CITY contributing a 20% local match; and,

WHEREAS, TxDOT explored multiple locations for the Public Green/Deck and the Dallas City Council by resolution endorsed Marsalis Avenue to Ewing Avenue as the preferred location; and,

WHEREAS, the CITY must enter into a Local Project Advance Funding Agreement (LPAFA) with TxDOT for the Public Green/Deck project (all foundations plus half of the deck lid) to commit to a local match of approximately \$7.1 million; and,

WHEREAS, on May 22, 2017, the Dallas Transportation and Trinity River Project Committee supported using RTC transportation development credits (TDCs) allocated to the CITY as the local match for the Public Green/Deck; and,

WHEREAS, on June 8, 2017, the RTC approved the use of TDCs allocated to the CITY on a temporary basis to match the project until such time as the match is secured through the CITY's bond program or other sources; and,

WHEREAS, it is necessary for the CITY and the RTC to outline the terms and conditions associated with the temporary allocation of TDCs to the Public Green/Deck Project; and,

NOW, THEREFORE, for and in consideration of the mutual covenants and conditions contained herein, the parties agree as follows:

1. The Regional Transportation Council, as authorized on June 8, 2017, approves the use of Transportation Development Credits (TDCs) allocated to the CITY on a temporary basis sufficient to cover the local match commitment for the Public Green/Deck.
2. The CITY commits to recommending the Public Green/Deck as part of the upcoming Dallas Bond Program, subject to approval by the CITY's City Council and vote of the citizens, in an amount sufficient to cover the local match requirement.

3. The CITY commits to continue seeking other sources of funds for the local match for the Public Green/Deck, including private funds and/or other funds available to the CITY.
4. If the Dallas Bond Program fails and the CITY is unable to raise other sources of funds for the local match, the RTC and CITY will work to develop a mutually agreeable funding solution to backfill the local commitment for the Public Green/Deck.

Executed, as of this ____ day of June, 2017 by the Regional Transportation Corporation, through its authorized representative, and, by the City of Dallas, as approved by Council Resolution No. _____ authorized by its City Council on June 28, 2017.

THE CITY OF DALLAS
T. C. Broadnax, City Manager

By: 
Assistant City Manager



**REGIONAL TRANSPORTATION
COUNCIL**


Michael Morris, P.E.
Director of Transportation

APPROVAL AS TO FORM:
Larry E. Casto, City Attorney

By: 
Robert L. Sims

WHEREAS, the City seeks to become a more livable city that can continue to promote a healthy population and a robust economy; and

WHEREAS, the City recognizes that streets play a vital part in achieving this goal; and

WHEREAS, on January 27, 2016, City Council adopted the Complete Streets Design Manual by Resolution No. 16-0173; and

WHEREAS, the Regional Transportation Council (RTC) included the Southern Gateway Project in the region's Metropolitan Transportation Plan, called the Mobility 2040 Plan, and has consistently identified the Southern Gateway Project as the highest-priority project in the eastern side of the Dallas-Fort Worth region; and

WHEREAS, on March 10, 2016, the RTC approved a \$656 million package of state and regional funding to construct the Southern Gateway Project; and

WHEREAS, the Southern Gateway Project runs through and provides access to vital parts of the southern Dallas community and offers an opportunity to include design elements that improve mobility and safety, enhance quality of life for the surrounding community, and encourages economic development; and

WHEREAS, the Southern Gateway Public Green has been identified in the CityMAP document as a transformational economic catalyst for Southern Dallas, and furthermore, identified the area between Ewing Avenue and Marsalis Avenue as the optimal location; and

WHEREAS, on June 22, 2016, City Council authorized a resolution endorsing a preferred location for a deck in the Southern Gateway Project corridor and a commitment to explore funding options for the construction of the Southern Gateway Public Green by Resolution No. 16-1128; and

WHEREAS, TxDOT conditionally awarded the Southern Gateway Project to Pegasus Link Constructors on April 27, 2017; and

WHEREAS, on June 8, 2017, the RTC approved the Transportation Development Credits (TDCs) to cover the City's local match; and

WHEREAS, it is now necessary to authorize a Local Project Advanced Funding Agreement with TxDOT for the construction of the City's local enhancement of the Southern Gateway Public Green over Interstate Highway (IH) 35E; authorize an Operation and Maintenance Agreement with TxDOT; enter into an Airspace Lease Agreement with TxDOT; and enter into a Memorandum of Understanding with the RTC.

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 (1) a Local Project Advance Funding Agreement with the Texas Department of Transportation (TxDOT) for the design-build of the Southern Gateway Public Green deck structure for Phase 1 and foundations for both Phase 1 and Phase 2; (2) an Operation and Maintenance Agreement with TxDOT for Southern Gateway Public Green; (3) an Airspace Lease Agreement with TxDOT for the use of the surface area and airspace over IH 35E corridor from Marsalis Avenue to Ewing Avenue for the Southern Gateway Public Green; and (4) a Memorandum of Understanding with the RTC regarding the use of TDCs to cover the local match commitment for the Southern Gateway Public Green, all documents, approved as to form by the City Attorney.

SECTION 2. That these contracts are designated as Contract No. STS-2017-00002050.

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.

