APRIL 11, 2018 CITY COUNCIL AGENDA
CERTIFICATION

This certification is given pursuant to Chapter XI, Section 9 of the City Charter for the City Council Agenda dated April 11, 2018. We hereby certify, as to those contracts, agreements, or other obligations on this Agenda authorized by the City Council for which expenditures of money by the City are required, that all of the money required for those contracts, agreements, and other obligations is in the City treasury to the credit of the fund or funds from which the money is to be drawn, as required and permitted by the City Charter, and that the money is not appropriated for any other purpose.

T.C. Broadnax
City Manager

3/30/18
Date

for Elizabeth Reich
Chief Financial Officer

3/30/18
Date

RECEIVED
2018 MAR 30 PM 3:38
CITY SECRETARY
DALLAS, TEXAS

COUNCIL AGENDA

April 11, 2018
Date

(For General Information and Rules of Courtesy, Please See Opposite Side.)
(La Información General Y Reglas De Cortesía Que Deben Observarse
Durante Las Asambleas Del Consejo Municipal Aparecen En El Lado Opuesto, Favor De Leerlas.)

General Information

The Dallas City Council regularly meets on Wednesdays beginning at 9:00 a.m. in the Council Chambers, 6th floor, City Hall, 1500 Marilla. Council agenda meetings are broadcast live on WRR-FM radio (101.1 FM) and on Time Warner City Cable Channel 16. Briefing meetings are held the first and third Wednesdays of each month. Council agenda (voting) meetings are held on the second and fourth Wednesdays. Anyone wishing to speak at a meeting should sign up with the City Secretary's Office by calling (214) 670-3738 by 5:00 p.m. of the last regular business day preceding the meeting. Citizens can find out the name of their representative and their voting district by calling the City Secretary's Office.

If you need interpretation in Spanish language, please contact the City Secretary's Office at 214-670-3738 with a 48 hour advance notice.

Sign interpreters are available upon request with a 48-hour advance notice by calling (214) 670-3738 V/TDD. The City of Dallas is committed to compliance with the Americans with Disabilities Act. ***The Council agenda is available in alternative formats upon request***.

If you have any questions about this agenda or comments or complaints about city services, call 311.

Rules of Courtesy

City Council meetings bring together citizens of many varied interests and ideas. To insure fairness and orderly meetings, the Council has adopted rules of courtesy which apply to all members of the Council, administrative staff, news media, citizens and visitors. These procedures provide:

- That no one shall delay or interrupt the proceedings, or refuse to obey the orders of the presiding officer.
- All persons should refrain from private conversation, eating, drinking and smoking while in the Council Chamber.
- Posters or placards must remain outside the Council Chamber.
- No cellular phones or audible beepers allowed in Council Chamber while City Council is in session.

"Citizens and other visitors attending City Council meetings shall observe the same rules of propriety, decorum and good conduct applicable to members of the City Council. Any person making personal, impertinent, profane or slanderous remarks or who becomes boisterous while addressing the City Council or while attending the City Council meeting shall be removed from the room if the sergeant-at-arms is so directed by the presiding officer, and the person shall be barred from further audience before the City Council during that session of the City Council. If the presiding officer fails to act, any member of the City Council may move to require enforcement of the rules, and the affirmative vote of a majority of the City Council shall require the presiding officer to act." Section 3.3(c) of the City Council Rules of Procedure.

Información General

El Ayuntamiento de la Ciudad de Dallas se reúne regularmente los miércoles en la Cámara del Ayuntamiento en el sexto piso de la Alcaldía, 1500 Marilla, a las 9 de la mañana. Las reuniones informativas se llevan a cabo el primer y tercer miércoles del mes. Estas audiencias se transmiten en vivo por la estación de radio WRR-FM 101.1 y por cablevisión en la estación *Time Warner City Cable* Canal 16. El Ayuntamiento Municipal se reúne el segundo y cuarto miércoles del mes para tratar asuntos presentados de manera oficial en la agenda para su aprobación. Toda persona que desee hablar durante la asamblea del Ayuntamiento, debe inscribirse llamando a la Secretaría Municipal al teléfono (214) 670-3738, antes de las 5:00 pm del último día hábil anterior a la reunión. Para enterarse del nombre de su representante en el Ayuntamiento Municipal y el distrito donde usted puede votar, favor de llamar a la Secretaría Municipal.

Si necesita interpretación en idioma español, por favor comuníquese con la oficina de la Secretaria del Ayuntamiento al 214-670-3738 con notificación de 48 horas antes.

Intérpretes para personas con impedimentos auditivos están disponibles si lo solicita con 48 horas de anticipación llamando al (214) 670-3738 (aparato auditivo V/TDD). La Ciudad de Dallas está comprometida a cumplir con el decreto que protege a las personas con impedimentos, *Americans with Disabilties Act*. ***La agenda del Ayuntamiento está disponible en formatos alternos si lo solicita***.

Si tiene preguntas sobre esta agenda, o si desea hacer comentarios o presentar quejas con respecto a servicios de la Ciudad, llame al 311.

Reglas de Cortesía

Las asambleas del Ayuntamiento Municipal reúnen a ciudadanos de diversos intereses e ideologías. Para asegurar la imparcialidad y el orden durante las asambleas, el Ayuntamiento ha adoptado ciertas reglas de cortesía que aplican a todos los miembros del Ayuntamiento, al personal administrativo, personal de los medios de comunicación, a los ciudadanos, y a visitantes. Estos reglamentos establecen lo siguiente:

- Ninguna persona retrasará o interrumpirá los procedimientos, o se negará a obedecer las órdenes del oficial que preside la asamblea.
- Todas las personas deben de abstenerse de entablar conversaciones, comer, beber y fumar dentro de la cámara del Ayuntamiento.
- Anuncios y pancartas deben permanecer fuera de la cámara del Ayuntamiento.
- No se permite usar teléfonos celulares o enlaces electrónicos (*pagers*) audibles en la cámara del Ayuntamiento durante audiencias del Ayuntamiento Municipal.

"Los ciudadanos y visitantes presentes durante las asambleas del Ayuntamiento Municipal deben de obedecer las mismas reglas de comportamiento, decoro y buena conducta que se aplican a los miembros del Ayuntamiento Municipal. Cualquier persona que haga comentarios impertinentes, utilice vocabulario obsceno o difamatorio, o que al dirigirse al Ayuntamiento lo haga en forma escandalosa, o si causa disturbio durante la asamblea del Ayuntamiento Municipal, será expulsada de la cámara si el oficial que esté presidiendo la asamblea así lo ordena. Además, se le prohibirá continuar participando en la audiencia ante el Ayuntamiento Municipal. Si el oficial que preside la asamblea no toma acción, cualquier otro miembro del Ayuntamiento Municipal puede tomar medidas para hacer cumplir las reglas establecidas, y el voto afirmativo de la mayoría del Ayuntamiento Municipal precisará al oficial que esté presidiendo la sesión a tomar acción." Según la sección 3.3(c) de las reglas de procedimientos del Ayuntamiento.

Handgun Prohibition Notice for Meetings of Governmental Entities

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

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

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

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

AGENDA
CITY COUNCIL MEETING
WEDNESDAY, APRIL 11, 2018
ORDER OF BUSINESS

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

9:00 a.m.	**INVOCATION AND PLEDGE OF ALLEGIANCE**	
	OPEN MICROPHONE	
	MINUTES	Item 1
	CONSENT AGENDA	Items 2 - 43
	ITEMS FOR INDIVIDUAL CONSIDERATION	
No earlier than 9:15 a.m.		Items 44 - 47
	PUBLIC HEARINGS AND RELATED ACTIONS	
1:00 p.m.		Items 48 - 59

NOTE: A revised order of business may be posted prior to the date of the council meeting if necessary.

AGENDA

CITY COUNCIL MEETING

APRIL 11, 2018

CITY OF DALLAS

1500 MARILLA STREET

COUNCIL CHAMBERS, CITY HALL

DALLAS, TEXAS 75201

9:00 A.M.

Invocation and Pledge of Allegiance (Council Chambers)

Agenda Item/Open Microphone Speakers

VOTING AGENDA

1. Approval of Minutes of the March 28, 2018 City Council Meeting

CONSENT AGENDA

City Attorney's Office

2. Authorize settlement of the lawsuit styled Yolanda Ingram v. Rene Martinez Anguiano and City of Dallas, Cause No. DC-17-07091 - Not to exceed $30,000 - Financing: Current Funds

Department of Aviation

3. Authorize a four-year lease agreement with Ambassador Jet Center, Ltd. for approximately 25,600 square feet of aviation related hangar space at Dallas Executive Airport - Estimated Revenue: $384,000 (over the term of the lease)

CONSENT AGENDA (continued)

Department of Aviation (continued)

4. Authorize **(1)** a thirty-nine year and eleven month lease agreement, with three ten-year renewal options for aviation hangar development at an estimated total cost of $15,931,859, with Burchfield & Partners, LLC for approximately 228,690 square feet (5.25 acres) of land at the Dallas Executive Airport - Estimated Revenue: $5,653,255 over the primary term of the lease (subject to rental escalations); **(2)** to reimburse Burchfield & Partners, LLC for the construction of a common-use aircraft ramp area, taxiway connectors, and infrastructure costs - Not to exceed an estimated amount of $4,164,186 - Financing: Aviation Capital Construction Funds (subject to appropriations); and **(3)** a development agreement with Burchfield & Partners, LLC for reimbursement of a portion of the cost associated with the construction of lease-hold improvements (a hangar with office space) - Not to exceed an estimated amount of $3,500,000 - Financing - Aviation Capital Construction Funds (subject to appropriations)

5. Authorize a professional services contract with Freese and Nichols, Inc. for design and engineering services for improvements to the Dallas Love Field Entry Road - Not to exceed $1,095,000 - Financing: Aviation Capital Construction Funds

Department of Equipment and Building Services

6. Authorize **(1)** a consultant contract for a fleet management efficiency study with Alvarez & Marsal Public Sector Services, LLC, through the U.S. Communities Government Purchasing Alliance cooperative agreement; and **(2)** an increase in appropriations in an amount not to exceed $475,209, from $52,652,059 to $53,127,268 in the Equipment Services Current Fund - Not to exceed $475,209 - Financing: Equipment Services Current Funds

7. Authorize a professional services contract with Perkins & Will, Inc. for architectural and engineering services for design, design development, construction documents, bidding and negotiation, and construction administration for the Ballroom A Ceiling, Lighting, and Sound Project at the Kay Bailey Hutchison Convention Center Dallas located at 650 South Griffin Street - Not to exceed $265,025 - Financing: Convention Center Capital Construction Funds (see Fiscal Information)

8. Authorize an increase to the construction services contract with Phoenix 1 Restoration and Construction, Ltd. for construction modifications and corrective actions for concealed conditions discovered during the demolition phase at the Dallas Museum of Art Sculpture Garden located at 1717 North Harwood Street - Not to exceed $119,214, from $1,290,000 to $1,409,214 - Financing: 2006 Bond Funds

9. Authorize Supplemental Agreement No. 1 to the professional services contract with T. Howard & Associates for architectural and engineering services for design, design development, construction documents, bidding and negotiation, and construction administration for the Pre-function and Exhibit Hall Restroom Upgrade Project at the Kay Bailey Hutchison Convention Center Dallas located at 650 South Griffin Street - Not to exceed $633,550, from $44,800 to $678,350 - Financing: Convention Center Capital Construction Funds

CONSENT AGENDA (continued)

Note: Agenda Item Nos. 10, 11 and 12 must be considered collectively.

Department of Public Works

10. Authorize **(1)** an Advance Funding Agreement with the Texas Department of Transportation (TxDOT) (Contract No. CSJ 0918-47-978) to accept funding from the State Highway (SH) 121 Subaccount in the amount of $1,790,690 for engineering costs for the intersection improvements on Valley View Lane/Walnut Street at South Greenville Avenue, Abrams Road, Richland College (Richland East Drive) and Audelia Road and a right turn lane on Northbound U.S. Highway 75 Frontage Road to Park Lane; **(2)** the receipt and deposit of Regional Toll Revenue (RTR) Funds from TxDOT in an amount not to exceed $1,790,690 in the TxDOT RTR SH 121-Park Lane and Walnut Street Off System Project Fund; and **(3)** the establishment of appropriations in an amount not to exceed $1,790,690 in the TxDOT RTR SH 121-Park Lane and Walnut Street Off System Project Fund - Not to exceed $1,790,690 - Financing: Regional Toll Revenue Funds

11. Authorize **(1)** Amendment No. 2 to the Interlocal Agreement with the Texas Department of Transportation (TxDOT) for the design and construction of the Valley View Lane/Walnut Street Project from Interstate Highway 635 service road to east of the city limits to terminate the agreement; **(2)** payment to TxDOT for their up-to-date engineering costs in an amount not to exceed $1,114,338 at the termination of the agreement; and **(3)** payment to TxDOT for their up-to-date engineering costs for the Park Lane Project from U.S. Highway 75 to Greenville Avenue in an amount not to exceed $676,352 - Total not to exceed $1,790,690 - Financing: Regional Toll Revenue Funds

12. Authorize **(1)** a Local Project Advance Funding Agreement with the Texas Department of Transportation (TxDOT) for the design and construction of the intersection improvements at Walnut Street and Greenville Avenue, Abrams Road, and Richland College (Richland East Drive) and Park Lane at U.S. Highway 75; and **(2)** payment to TxDOT for the City's share of design and construction-related engineering review costs - Not to exceed $26,560 - Financing: 2006 Bond Funds

13. Authorize **(1)** street paving, drainage, water and wastewater main improvements for Lonsdale Avenue from Sarah Lee Drive to Lake June Road; provide for partial payment of construction costs by assessment of abutting property owners; an estimate of the cost of the improvements to be prepared as required by law; and **(2)** a benefit assessment hearing to be held on May 9, 2018, to receive comments - Financing: No cost consideration to the City (see Fiscal Information for potential future costs)

14. Authorize a professional services contract with Halff Associates, Inc. to provide design services for the Collective Sustainable Development Infrastructure Project - Not to exceed $208,258 - Financing: Fort Worth Avenue TIF District Funds ($41,652) and Regional Toll Revenue Funds ($166,606)

CONSENT AGENDA (continued)

Department of Public Works (continued)

15. Authorize **(1)** a professional services contract with Halff Associates, Inc. to provide design services for the Rosemont Safe Routes to School Project under the Transportation Alternatives Program (TAP) in the amount of $86,957; **(2)** the acceptance of reimbursement funds from the Federal Highway Administration passed through the Texas Department of Transportation (TxDOT) (Contract No. CSJ 0918-47-138, CFDA No. 20.205) in the amount of $69,566 as the Federal share for engineering design authorized by the Local Project Advance Funding Agreement previously approved on August 10, 2016, by Resolution No. 16-1200; **(3)** a local match in the amount of $17,391; **(4)** the establishment of appropriations in an amount not to exceed $69,566 in the TxDOT TAP-Rosemont Safe Routes to School Pedestrian Improvement Project Fund; and **(5)** the receipt and deposit of funds in an amount not to exceed $69,566 in the TxDOT TAP-Rosemont Safe Routes to School Pedestrian Improvement Project Fund - Not to exceed $86,957 - Financing: Texas Department of Transportation Grant Funds ($69,566) and Davis Garden TIF District Funds ($17,391)

Department of Sustainable Development and Construction

16. Authorize the second step of acquisition of a wastewater easement from Fairhill School, for condemnation by eminent domain to acquire a tract of land containing approximately 6,399 square feet, located near the intersection of Preston and Davenport Roads for the McKamy and Osage Branch Wastewater Interceptor Project - Not to exceed $40,000 ($37,000, plus closing costs and title expenses not to exceed $3,000) - Financing: Water Utilities Capital Construction Funds

17. Authorize moving expense and replacement housing payments for Gary Lane as a result of an official written offer of just compensation to purchase real property at 10793 Riverview Drive for the Lake Tawakoni 144-inch Transmission Pipeline Project - Not to exceed $58,485 - Financing: Water Utilities Capital Improvement Funds

18. Authorize an amendment to an existing lease agreement with Dallas Brookhollow Place, LLC to extend the lease agreement for an additional five-years for approximately 4,162 square feet of office space located at 7610 North Stemmons Freeway, Suite 190 to be used as a Northwest Building Inspection District Office for the period June 1, 2018 through May 31, 2023 - Not to exceed $384,985 - Financing: Building Inspection Current Funds (subject to annual appropriations)

19. Authorize an amendment to an existing lease agreement with Pan Coastal Limited Partnership to extend the lease agreement for an additional five-years for approximately 33,967 square feet of office space located at 2121 Main Street to be used as Water Utilities Capital Improvement Division for the period April 24, 2018 through April 23, 2023 - Not to exceed $2,912,670 - Financing: Water Utilities Current Funds (subject to annual appropriations)

CONSENT AGENDA (continued)

Department of Sustainable Development and Construction (continued)

20. An ordinance granting a revocable license to Frankie's Downtown LLC for the use of approximately 405 square feet of land to occupy, maintain and utilize a sidewalk café and wooden planters on a portion of Main Street right-of-way, located near its intersection with Field Street - Revenue: $200 annually and $100 one-time fee, plus the $20 ordinance publication fee

21. An ordinance abandoning a portion of an alley to Travis Block Holding Company LLC, the abutting owner, containing approximately 2,325 square feet of land, located near the intersection of Knox and Travis Streets; and authorizing the quitclaim; and providing for the dedication of approximately 3,100 square feet of land needed for a wastewater easement - Revenue: $225,293, plus the $20 ordinance publication fee

22. An ordinance abandoning four wastewater easements to Crow-Billingsley Belt Line, LTD., Billingsley Yorkshire Partners, LTD., and GRBK Edgewood, LLC, the abutting owners, containing a total of approximately 105,521 square feet of land, located near the intersection of Belt Line and North Lake Roads - Revenue: $5,400, plus the $20 ordinance publication fee

23. An ordinance abandoning a portion of a utility, sanitary sewer, storm drain and natural gas easement to AN Luxury Imports, Ltd., the abutting owner, containing approximately 150 square feet of land, located near the intersection of Lemmon Avenue and Haggar Way - Revenue: $5,400, plus the $20 ordinance publication fee

24. An ordinance amending Ordinance No. 30406, previously approved on April 12, 2017, which abandoned a water easement and portions of a variable width floodway easement and a wastewater easement, located near the intersection of Treehouse Lane and Meadow Road to HT Midtown LP, to remove a one year deadline to replat; and provide dedication within 18 months of a needed floodway easement to the City - Revenue: $5,400, plus the $20 ordinance publication fee

Department of Transportation

25. Authorize **(1)** the receipt and deposit of funds in an amount not to exceed $20,703 from the University of Texas Southwestern Medical Center for certain material and labor costs associated with the upgrades of two traffic signals at Inwood Road and Forest Park Drive, and Inwood Road at Redfield Street; and **(2)** an increase in appropriations in an amount not to exceed $20,703 in the Capital Projects Reimbursement Fund - Not to exceed $20,703 - Financing: Capital Projects Reimbursement Funds

Office of Cultural Affairs

26. Authorize an Interlocal Agreement with the City of Irving to provide for radio station air time on WRR-FM for the Irving Arts Center for the period May 1, 2018 through April 30, 2019 - Revenue: $67,600

CONSENT AGENDA (continued)

Office of Cultural Affairs (continued)

27. Authorize a contract with Bernard Williams for the design, fabrication and installation of a site-specific artwork in the traffic triangle at the intersection of Pine Street and South Lamar Street - Not to exceed $63,000 - Financing: 2012 Bond Funds

Office of Procurement Services

28. Authorize **(1)** a three-year service contract for scoreboard parts, repairs, and replacement services - Texas Scoreboard Services, LLC in the amount of $49,725, only bidder; and **(2)** a three-year service contract for scoreboard parts, repairs, and replacement services with Daktronics, Inc. in the amount of $149,750 through the Texas Association of School Boards cooperative agreement - Total not to exceed $199,475 - Financing: General Funds (subject to annual appropriations)

29. Authorize a three-year acquisition contract for the purchase, maintenance, and support of a Forensics ScanStation for the Dallas Police Department with Geomatic Resources LLC through the Department of Information Resources cooperative agreement - Not to exceed $131,861 - Financing: U.S. Department of Homeland Security Grant Funds

30. Authorize the purchase of a mobile fire safety training trailer for the Fire-Rescue Department with Mobile Concepts by Scotty, Inc. through the General Services Administration cooperative agreement - Not to exceed $102,997 - Financing: General Funds ($7,247) and U.S. Department of Homeland Security Assistance to Firefighters Grant Funds ($95,750)

31. Authorize a three-year master agreement for general and sewer hoses, repair clamps, parts, and accessories - Powerseal Pipeline Products Corp. in the amount of $517,716, Ferguson Enterprises, Inc. in the amount of $505,444, and 4-Star Hose & Supply, Inc. in the amount of $403,505, lowest responsible bidders of six - Total not to exceed $1,426,665 - Financing: General Funds ($46,260), Convention and Event Services Current Funds ($408,672), Water Utilities Current Funds ($962,732), Aviation Current Funds ($6,955), and Stormwater Drainage Management Current Funds ($2,046)

32. Authorize **(1)** Supplemental Agreement No. 1 to exercise the first of two, three-year renewal options, for maintenance and support of an electronic document management system for the Department of Aviation in the amount of $30,427 with VP Imaging, Inc. dba DocuNav Solutions through the Texas Association of School Boards (BuyBoard) cooperative agreement; and **(2)** Supplemental Agreement No. 1 to exercise the first of two, three-year renewal options, for hosting services of an electronic document management system for the Department of Aviation in the amount of $232,200 with M&A Technology, Inc. through the Texas Association of School Boards (BuyBoard) cooperative agreement - Total not to exceed $262,627 - Financing: Aviation Current Funds (subject to annual appropriations)

CONSENT AGENDA (continued)

Office of Procurement Services (continued)

33. Authorize Supplemental Agreement No. 4 to exercise the first of two, two-year renewal options to the service contract with Paymetric, Inc. for credit card payment processing services for numerous departments, managed by the Water Utilities Department - Not to exceed $229,488, from $1,157,757 to $1,387,245 - Financing: Water Utilities Current Funds (subject to annual appropriations)

34. An ordinance amending Chapter 2, "Administration," and Chapter 15B, "Equal Employment Opportunity Contract Compliance," of the Dallas City Code by amending Sections 2-17.3, 2-27, 2-29, 2-30, 2-31, 2-32, 2-33, 15B-1, and 15B-3 to **(1)** clarify changes to the city's nondiscrimination provisions; **(2)** add and delete definitions; **(3)** update state law references; **(4)** clarify that the city manager may approve purchases made utilizing a cooperative purchase program if under a certain amount; **(5)** add alternative delivery method as another form of procurement; **(6)** change the amount from $1,000 to $3,000 for the requirement to obtain three price quotations for certain expenditures; **(7)** authorize the director to use a service order to approve payment for minor services under $3,000; **(8)** provide a decision making process for facility construction procured through an alternative delivery method; and **(9)** make other grammatical and structural changes - Financing: No cost consideration to the City

Office of Strategic Partnerships & Government Affairs

35. Authorize an agreement with the Dallas/Fort Worth International Airport and the Trinity River Authority regarding permanent and temporary easements onto Airport Property for the construction and maintenance of a second sewer pipeline - Financing: No cost consideration to the City

Park & Recreation Department

36. Authorize a ten-year agreement with Texas Trees Foundation for fundraising and other support activities related to the Dallas Independent School District and City of Dallas shared campus projects - Financing: No cost consideration to the City

37. Authorize a construction contract for the installation of park identification signs at 70 park sites, Phase IV (list attached), refurbishment of 30 existing park identification signs and replacement of 100 medallions - Artografx, Inc., only bidder - Not to exceed $637,970 - Financing: 2006 Bond Funds

38. Authorize a contract for the construction of the Flagpole Hill Playground Replacement Project at Flagpole Hill Park located at 8015 Doran Circle - Henneberger Construction, Inc., lowest responsible bidder of two - Not to exceed $406,709 - Financing: 2017 Bond Funds

CONSENT AGENDA (continued)

Park & Recreation Department (continued)

39. Authorize an increase in the construction services contract with The Fain Group, Inc. to add site furnishings at three regional family aquatic centers at Crawford Memorial Park located at 8700 Elam Road, Fretz Park located at 6994 Belt Line Road and Samuell Grand Park located at 6200 East Grand Avenue - Not to exceed $198,527, from $20,913,964 to $21,112,491 - Financing: Elgin B. Robertson Land Sale Funds

Police Department

40. Authorize **(1)** an application for and acceptance of the "Click It or Ticket" Mobilization Grant (Grant No. 2018-Dallas-CIOT-00001, CFDA No. 20.616) in the amount of $74,999 from the Texas Department of Transportation through a grant from the National Highway Traffic Safety Administration for a safety belt enforcement initiative for the period May 2, 2018 through June 10, 2018; **(2)** a City contribution of Federal Insurance Contributions Act costs in the amount of $1,088; **(3)** the establishment of appropriations in an amount not to exceed $74,999 in the “Click It or Ticket” FY18 Mobilization Grant Fund; **(4)** the receipt and deposit of grant funds in an amount not to exceed $74,999 in the “Click It or Ticket” FY18 Mobilization Grant Fund; and **(5)** execution of the sub-grant agreement - Total not to exceed $76,087 - Financing: Current Funds ($1,088) and Texas Department of Transportation Grant Funds ($74,999)

41. Authorize **(1)** an application for and acceptance of the National Incident-Based Reporting System Grant (Grant No. 3425501, State Award ID No. 2018-NB-ST-0024) in the amount of $28,228 for the Dallas Police Department from the Office of the Governor, Criminal Justice Division (CJD) for the purchase of technology upgrades to augment current reporting capabilities for the period February 1, 2018 through February 28, 2019; **(2)** the establishment of appropriations in an amount not to exceed $28,228 in the CJD-National Incident-Based Reporting System 18-19 Fund; **(3)** the receipt and deposit of grant funds in an amount not to exceed $28,228 in the CJD-National Incident-Based Reporting System 18-19 Fund; and **(4)** execution of the grant agreement - Not to exceed $28,228 - Financing: Office of the Governor, Criminal Justice Division State Grant Funds

Water Utilities Department

42. Authorize Supplemental Agreement No. 1 to the professional services contract with Nathan D. Maier Consulting Engineers, Inc. to provide additional engineering services associated with improvements to the Walnut Hill Pump Station facility - Not to exceed $356,750, from $1,544,241 to $1,900,991 - Financing: Water Utilities Capital Improvement Funds

43. Ordinances authorizing the issuance and sale of City of Dallas, Texas Waterworks and Sewer System Revenue Bonds, Series 2018A, in the amount of $22,000,000, and City of Dallas, Texas Waterworks and Sewer System Revenue Bonds, Series 2018B, in the amount of $44,000,000, to the Texas Water Development Board; approving the execution of the agreements in connection with the sale of the bonds; and all other matters related thereto - Not to exceed $213,320 - Financing: Water Utilities Current Funds

ITEMS FOR INDIVIDUAL CONSIDERATION

City Secretary's Office

44. Consideration of appointments to boards and commissions and the evaluation and duties of board and commission members (List of nominees is available in the City Secretary's Office)

ITEMS FOR FURTHER CONSIDERATION

Department of Sustainable Development and Construction

45. An ordinance abandoning a portion of an alley to Henderson Residential Lands (Dallas), LLC, the abutting owner, containing approximately 925 square feet of land, located near the intersection of McMillan and Henderson Avenues; authorizing the quitclaim; and providing for the dedication of approximately 4,059 square feet of land needed for street right-of-way - Revenue: $5,400, plus the $20 ordinance publication fee (This item was deferred on December 13, 2017 and March 28, 2018)

46. Authorize the second step of acquisition for condemnation by eminent domain to acquire a tract of vacant land containing approximately 7,085 square feet, located near the intersection of Yancy and Carbondale Streets for the Yancy Street Improvement Project, from Lorean D. Thomas and James W. Thomas - Not to exceed $4,000 ($2,500, plus closing costs and title expenses not to exceed $1,500) - Financing: 2012 Bond Funds (This item was deferred on January 10, 2018, February 14, 2018 and March 28, 2018)

Office of Community Care

47. Authorize Supplemental Agreement No. 1 to the service contract with Real Time Transportation Corporation to continue to provide transportation services to medical appointments within the city of Dallas for low-to-moderate income seniors for the period March 1, 2018 through September 30, 2018 - Not to exceed $242,592, from $190,000 to $432,592 - Financing: General Funds (This item was deferred on February 28, 2018 and March 28, 2018)

PUBLIC HEARINGS AND RELATED ACTIONS

Department of Sustainable Development and Construction

ZONING CASES - CONSENT

48. A public hearing to receive comments regarding an application for and an ordinance granting a Specific Use Permit for the sale of alcoholic beverages in conjunction with a general merchandise or food store 3,500 square feet or less on property zoned Subdistrict 5 within Planned Development District No. 533, the C.F. Hawn Special Purpose District No. 1 with a D-1 Liquor Control Overlay, on the northwest corner of C.F. Hawn Freeway and Great Trinity Forest Way
Recommendation of Staff and CPC: Approval for a two-year period with eligibility for automatic renewals for additional five-year periods, subject to a site plan and conditions
Z167-221(SM)

PUBLIC HEARINGS AND RELATED ACTIONS (continued)

Department of Sustainable Development and Construction (continued)

ZONING CASES - CONSENT (continued)

49. A public hearing to receive comments regarding an application for and an ordinance granting an expansion of Historic Overlay No. 46, the Knights of Pythias Building (2551 Elm Street), and amendments to the preservation criteria on property zoned Tract B within Planned Development District No. 269, the Deep Ellum/Near East Side District, on the northwest corner of Elm Street and North Good Latimer Expressway
Recommendation of Staff and CPC: Approval, subject to preservation criteria
Recommendation of the Landmark Commission: Approval, subject to preservation criteria
Z167-270(LC)

50. A public hearing to receive comments regarding an application for and an ordinance granting a Landmark Commission authorized hearing to consider an Historic Overlay for McCree Cemetery (9930, 9934 and 9938 Audelia Road) on property zoned an R-7.5(A) Single Family District, south of Estate Lane, between Audelia Road and Queenswood Lane
Recommendation of Staff and CPC: Approval, subject to preservation criteria
Recommendation of the Landmark Commission: Approval, subject to preservation criteria
Z167-309(LC)

51. A public hearing to receive comments regarding an application for and an ordinance granting a CR Community Retail District and a resolution accepting deed restrictions volunteered by the applicant on property zoned an R-7.5(A) Single Family District, on the south line of East Ledbetter Drive, east of South Lancaster Road
Recommendation of Staff and CPC: Approval, subject to the deed restrictions volunteered by the applicant
Z178-135(SM)

52. A public hearing to receive comments regarding an application for and an ordinance granting a Specific Use Permit for a pedestrian skybridge on property zoned Subdistrict 3B within Planned Development District No. 830, on alley right-of-way between West 9th Street and West 10th Street, east of North Madison Avenue
Recommendation of Staff and CPC: Approval for a 34-year period [September 12, 2052], subject to a site plan and conditions
Z178-149(SM)

53. A public hearing to receive comments regarding an application for and an ordinance granting the renewal of Specific Use Permit No. 2191 for the sale of alcoholic beverages in conjunction with a general merchandise or food store 3,500 square feet or less on property zoned an MU-1-D-1 Mixed Use District with a D-1 Liquor Control Overlay on the northeast corner of Lake June Road and Guard Drive
Recommendation of Staff and CPC: Approval for a two-year period, subject to a revised site plan and conditions
Z178-152(PD)

PUBLIC HEARINGS AND RELATED ACTIONS (continued)

Department of Sustainable Development and Construction (continued)

ZONING CASES - CONSENT (continued)

54. A public hearing to receive comments regarding an application for and an ordinance granting a Specific Use Permit for a radio, television, or microwave tower on property zoned an NS(A) Neighborhood Services District and an R-5(A) Single Family District with Specific Use Permit No. 2113 for a transit passenger station or transfer center use, on the southeast corner of East Kirnwood Drive and University Hills Boulevard
Recommendation of Staff and CPC: Approval for a permanent period, subject to a site plan and conditions
Z178-155(SM)

ZONING CASES - INDIVIDUAL

55. A public hearing to receive comments regarding an application for and an ordinance granting a Planned Development Subdistrict for LC Light Commercial Subdistrict, restaurant, and personal service uses on property zoned an LC Light Commercial Subdistrict within Planned Development District No. 193, the Oak Lawn Special Purpose District, on the east line of McKinney Avenue, north of Knox Street
Recommendation of Staff: Denial
Recommendation of CPC: Approval, subject to a revised development plan and conditions
Z167-336(PD)

56. A public hearing to receive comments regarding an application for and an ordinance granting a Specific Use Permit for a tattoo studio on property zoned Subdistrict 1A within Planned Development District No. 621, the Old Trinity and Design District Special Purpose District, on the southeast line of Parkhouse Street, west of North Riverfront Boulevard
Recommendation of Staff and CPC: Approval for a two-year period, subject to a site plan and conditions
Z178-105(SM)

57. A public hearing to receive comments regarding an application for and an ordinance granting a Planned Development Subdistrict for LC Light Commercial uses on property zoned an LC Light Commercial Subdistrict within Planned Development District No. 193, the Oak Lawn Special Purpose District, on the southeast corner of Travis Street and Knox Street
Recommendation of Staff and CPC: Approval, subject to a development plan, landscape plan, and conditions
Z178-145(JM)

PUBLIC HEARINGS AND RELATED ACTIONS (continued)

Department of Sustainable Development and Construction (continued)

ZONING CASES - UNDER ADVISEMENT- INDIVIDUAL

58. A public hearing to receive comments regarding an application for and an ordinance granting a new subdistrict on property zoned Subdistricts 4 and 5 within Planned Development District No. 462, and an MF-2(A) Multifamily District, on the northeast side of North Henderson Avenue, between McMillan Avenue and Glencoe Street, and the southwest side of North Henderson Avenue, east of Glencoe Street
Recommendation of Staff and CPC: Approval, subject to a development plan, landscape plan and conditions
Z145-300(SH)
Note: This item was considered by the City Council at public hearings on October 25, 2017, December 13, 2017 and March 28, 2018, and was held under advisement until April 11, 2018, with the public hearing open

MISCELLANEOUS HEARINGS - UNDER ADVISEMENT

Department of Sustainable Development and Construction

59. A public hearing on an application for and a resolution granting a variance to the alcohol spacing requirements from a public school, L.G. Pinkston High School as required by Section 6-4 of the Dallas City Code to allow a wine and beer retailer's off-premise permit (Chapter 26) for a general merchandise or food store with 10,000 square feet or more floor area [Fiesta Mart, LLC] on the north line of Singleton Boulevard and the west line of Hampton Road - AV178-001 - Financing: No cost consideration to the City
Note: This item was considered by the City Council at public hearings on January 10, 2018 and February 14, 2018, and was held under advisement until April 11, 2018 with the public hearing open

Proposed Park Signs
(Phase IV - Various Locations)
Agenda Item # 37

ID	NAME	ADDRESS	PARK TYPE	COUNCIL DISTRICT
1	Stemmons Plaza	1500 Jefferson Boulevard	Special	1
2	Stone	810 N. Edgefield Avenue	Mini	1
3	Gannon Park	304 N. Manus Drive	Linear	1
4	Buckner	4550 Worth Street	Neighborhood	2
5	Crockett	Carroll Avenue and Victor Street	Neighborhood	2
6	Garrett	1506 Garrett Avenue	Neighborhood	2
7	Martyrs	379 Commerce Street	Special	2
8	Monarch	1823 N. Fitzhugh Avenue at Monarch Street	Mini	2
9	Pike	2807 Harry Hines Boulevard	Community	2
10	Stemmons	1200 Oak Lawn Avenue	Community	2
11	Walford	1700 North Haskell Avenue	Mini	2
12	Weichsel	5700 Cedar Springs Road	Community	2
13	Beckley Heights	6700 Starkey Street	Neighborhood	3
14	Boulder	3200 Red Bird Lane	Metro	3
15	Briar Gate	3100 Westmoreland Road	Neighborhood	3
16	Forest Cliff	5100-5300 Blocks of Duncanville Road	Neighborhood	3
17	Sugarberry	7102 Sugarberry Road	Neighborhood	3
18	Eloise Lundy	1200 Sabine Street	Community	4
19	Moore	1900 East Eighth Street	Community	4
20	Sargent	2825 Sargent Road	Community	4
21	Seaton	3200 Seaton Drive	Neighborhood	4
22	West Trinity Heights	1900 Harlandale Avenue	Neighborhood	4
23	Wonderview	2704 Wonderview Way	Neighborhood	4
24	Bitter Creek	800 Bitter Creek Drive	Neighborhood	5
25	Holcomb	1044-1114 Holcomb Road	Neighborhood	5
26	Rain Forest	10600 Lake June Road	Mini	5
27	Roosevelt	2342 Moonlight Avenue	Community	5
28	Bishop Flores	2200 Talleyho Lane	Neighborhood	6
29	Frances Rizo	2300 Kenesaw Drive	Neighborhood	6
30	Helen C. Emory	2500 Obenchain Street at Bayonne Street	Mini	6
31	Hines	9700 Harry Hines Boulevard	Special	6
32	L.B. Houston Nature Area	California Crossing to Loop 12	Metro	6
33	Pointer	4100 Pointer Street	Neighborhood	6
34	Pueblo	3226 Bataan Street	Mini	6
35	Stafford	1103 Stafford Avenue	Mini	6
36	Cedar Run	4100 Prairie Creek Road	Neighborhood	7
37	Ferguson	1900 Gross Road	Neighborhood	7
38	Forest	2906 Parnell Street	Neighborhood	7
39	Kimble	2215 Warren Avenue	Neighborhood	7
40	Lawnview	5500 Scyene Road	Community	7
41	Lawrence Playlot	2400 Lawrence Street	Mini	7
42	Peary	2800 Peary Avenue	Neighborhood	7
43	Sand Springs	10243 Hillhouse Lane	Neighborhood	7
44	Wahoo	4600 Hatcher Street	Neighborhood	7
45	Wheatley	3700 Meyers Street	Mini	7
46	Willie Mae Butler	3700 Dixon Avenue	Community	7
47	Ricketts Branch Park	7300 Albert Williams Drive	Neighborhood	8
48	Teagarden Place	9300 Crimson Court	Neighborhood	8
49	Wheatland	700 Wheatland Road	Community	8
50	Willoughby	9000 Willoughby Boulevard	Neighborhood	8

Proposed Park Signs
(Phase IV - Various Locations)
Agenda Item # 37 (continued)

ID	NAME	ADDRESS	PARK TYPE	COUNCIL DISTRICT
51	Casa Linda	1500 San Saba Drive	Neighborhood	9
52	White Rock Hills	2229 Highland Road	Community	9
53	Flag Pole Hill	8015 Doran Circle	Metro	10
54	Hillcrest	13819 Hillcrest Road	Neighborhood	11
55	Rose Haggar	18100 Campbell Road	Neighborhood	12
56	Rosemeade	18740 Marsh Lane	Community	12
57	Netherland	5600 Dittmar Place	Neighborhood	13
58	Brownwood	3400 Walnut Hill Lane	Community	6, 13
59	Glendale	1515 E. Ledbetter Drive	Community	3, 4
60	Harry S. Moss	8000 Greenville Avenue	Metro	10, 13
61	Mccree East	11100 Mccree Road	Neighborhood	9, 10

*The remaining nine park sites have not been identified

EXECUTIVE SESSION NOTICE

A closed executive session may be held if the discussion of any of the above agenda items concerns one of the following:

1. seeking the advice of its attorney about pending or contemplated litigation, settlement offers, or any matter in which the duty of the attorney to the City Council under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with the Texas Open Meetings Act. [Tex. Govt. Code §551.071]
2. deliberating the purchase, exchange, lease, or value of real property if deliberation in an open meeting would have a detrimental effect on the position of the city in negotiations with a third person. [Tex. Govt. Code §551.072]
3. deliberating a negotiated contract for a prospective gift or donation to the city if deliberation in an open meeting would have a detrimental effect on the position of the city in negotiations with a third person. [Tex. Govt. Code §551.073]
4. deliberating the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee; or to hear a complaint or charge against an officer or employee unless the officer or employee who is the subject of the deliberation or hearing requests a public hearing. [Tex. Govt. Code §551.074]
5. deliberating the deployment, or specific occasions for implementation, of security personnel or devices. [Tex. Govt. Code §551.076]
6. discussing or deliberating commercial or financial information that the city has received from a business prospect that the city seeks to have locate, stay or expand in or near the city and with which the city is conducting economic development negotiations; or deliberating the offer of a financial or other incentive to a business prospect. [Tex Govt. Code §551.087]
7. deliberating security assessments or deployments relating to information resources technology, network security information, or the deployment or specific occasions for implementations of security personnel, critical infrastructure, or security devices. [Tex Govt. Code §551.089]

AGENDA DATE April 11, 2018

ITEM #	OK	IND DEF	DISTRICT	TYPE	DEPT.	DOLLARS	DESCRIPTION
1			All	V	NA	NA	Approval of Minutes of the March 28, 2018 City Council Meeting
2			N/A	C	ATT, WTR	$30,000.00	Authorize settlement of the lawsuit styled Yolanda Ingram v. Rene Martinez Anguiano and City of Dallas, Cause No. DC-17-07091 - Not to exceed $30,000 - Financing: Current Funds
3			3	C	AVI	REV $384,000	Authorize a four-year lease agreement with Ambassador Jet Center, Ltd. for approximately 25,600 square feet of aviation related hangar space at Dallas Executive Airport - Estimated Revenue: $384,000 (over the term of the lease)
4			3	C	AVI	$7,664,186.00	Authorize (1) a thirty-nine year and eleven month lease agreement, with three ten-year renewal options for aviation hangar development at an estimated total cost of $15,931,859, with Burchfield & Partners, LLC for approximately 228,690 square feet (5.25 acres) of land at the Dallas Executive Airport - Estimated Revenue: $5,653,255 over the primary term of the lease (subject to rental escalations); (2) to reimburse Burchfield & Partners, LLC for the construction of a common-use aircraft ramp area, taxiway connectors, and infrastructure costs - Not to exceed an estimated amount of $4,164,186 - Financing: Aviation Capital Construction Funds (subject to appropriations); and (3) a development agreement with Burchfield & Partners, LLC for reimbursement of a portion of the cost associated with the construction of lease-hold improvements (a hangar with office space) - Not to exceed an estimated amount of $3,500,000 - Financing - Aviation Capital Construction Funds (subject to appropriations)
5			2	C	AVI	$1,095,000.00	Authorize a professional services contract with Freese and Nichols, Inc. for design and engineering services for improvements to the Dallas Love Field Entry Road - Not to exceed $1,095,000 - Financing: Aviation Capital Construction Funds
6			N/A	C	EBS	$475,209.00	Authorize (1) a consultant contract for a fleet management efficiency study with Alvarez & Marsal Public Sector Services, LLC, through the U.S. Communities Government Purchasing Alliance cooperative agreement; and (2) an increase in appropriations in an amount not to exceed $475,209, from $52,652,059 to $53,127,268 in the Equipment Services Current Fund - Not to exceed $475,209 - Financing: Equipment Services Current Funds
7			2	C	EBS, CES	$265,025.00	Authorize a professional services contract with Perkins & Will, Inc. for architectural and engineering services for design, design development, construction documents, bidding and negotiation, and construction administration for the Ballroom A Ceiling, Lighting, and Sound Project at the Kay Bailey Hutchison Convention Center Dallas located at 650 South Griffin Street - Not to exceed $265,025 - Financing: Convention Center Capital Construction Funds (see Fiscal Information)
8			14	C	EBS, PBW, OCA	$119,213.63	Authorize an increase to the construction services contract with Phoenix 1 Restoration and Construction, Ltd. for construction modifications and corrective actions for concealed conditions discovered during the demolition phase at the Dallas Museum of Art Sculpture Garden located at 1717 North Harwood Street - Not to exceed $119,214, from $1,290,000 to $1,409,214 - Financing: 2006 Bond Funds
9			2	C	EBS, CES	$633,550.00	Authorize Supplemental Agreement No. 1 to the professional services contract with T. Howard & Associates for architectural and engineering services for design, design development, construction documents, bidding and negotiation, and construction administration for the Pre-function and Exhibit Hall Restroom Upgrade Project at the Kay Bailey Hutchison Convention Center Dallas located at 650 South Griffin Street - Not to exceed $633,550, from $44,800 to $678,350 - Financing: Convention Center Capital Construction Funds
10			10, 13	C	PBW	GT	Authorize (1) an Advance Funding Agreement with the Texas Department of Transportation (TxDOT) (Contract No. CSJ 0918-47-978) to accept funding from the State Highway (SH) 121 Subaccount in the amount of $1,790,690 for engineering costs for the intersection improvements on Valley View Lane/Walnut Street at South Greenville Avenue, Abrams Road, Richland College (Richland East Drive) and Audelia Road and a right turn lane on Northbound U.S. Highway 75 Frontage Road to Park Lane; (2) the receipt and deposit of Regional Toll Revenue (RTR) Funds from TxDOT in an amount not to exceed $1,790,690 in the TxDOT RTR SH 121-Park Lane and Walnut Street Off System Project Fund; and (3) the establishment of appropriations in an amount not to exceed $1,790,690 in the TxDOT RTR SH 121-Park Lane and Walnut Street Off System Project Fund - Not to exceed $1,790,690 - Financing: Regional Toll Revenue Funds

AGENDA DATE April 11, 2018

ITEM #	OK	IND DEF	DISTRICT	TYPE	DEPT.	DOLLARS	DESCRIPTION
11			10, 13	C	PBW	GT	Authorize (1) Amendment No. 2 to the Interlocal Agreement with the Texas Department of Transportation (TxDOT) for the design and construction of the Valley View Lane/Walnut Street Project from Interstate Highway 635 service road to east of the city limits to terminate the agreement; (2) payment to TxDOT for their up-to-date engineering costs in an amount not to exceed $1,114,338 at the termination of the agreement; and (3) payment to TxDOT for their up-to-date engineering costs for the Park Lane Project from U.S. Highway 75 to Greenville Avenue in an amount not to exceed $676,352 - Total not to exceed $1,790,690 - Financing: Regional Toll Revenue Funds
12			10, 13	C	PBW	$26,560.00	Authorize (1) a Local Project Advance Funding Agreement with the Texas Department of Transportation (TxDOT) for the design and construction of the intersection improvements at Walnut Street and Greenville Avenue, Abrams Road, and Richland College (Richland East Drive) and Park Lane at U.S. Highway 75; and (2) payment to TxDOT for the City's share of design and construction-related engineering review costs - Not to exceed $26,560 - Financing: 2006 Bond Funds
13			5	C	PBW, WTR	NC	Authorize (1) street paving, drainage, water and wastewater main improvements for Lonsdale Avenue from Sarah Lee Drive to Lake June Road; provide for partial payment of construction costs by assessment of abutting property owners; an estimate of the cost of the improvements to be prepared as required by law; and (2) a benefit assessment hearing to be held on May 9, 2018, to receive comments - Financing: No cost consideration to the City (see Fiscal Information for potential future costs)
14			1	C	PBW, ECO	$41,651.60	Authorize a professional services contract with Halff Associates, Inc. to provide design services for the Collective Sustainable Development Infrastructure Project - Not to exceed $208,258 - Financing: Fort Worth Avenue TIF District Funds ($41,652) and Regional Toll Revenue Funds ($166,606)
15			1	C	PBW, ECO	$17,391.40	Authorize (1) a professional services contract with Halff Associates, Inc. to provide design services for the Rosemont Safe Routes to School Project under the Transportation Alternatives Program (TAP) in the amount of $86,957; (2) the acceptance of reimbursement funds from the Federal Highway Administration passed through the Texas Department of Transportation (TxDOT) (Contract No. CSJ 0918-47-138, CFDA No. 20.205) in the amount of $69,566 as the Federal share for engineering design authorized by the Local Project Advance Funding Agreement previously approved on August 10, 2016, by Resolution No. 16-1200; (3) a local match in the amount of $17,391; (4) the establishment of appropriations in an amount not to exceed $69,566 in the TxDOT TAP-Rosemont Safe Routes to School Pedestrian Improvement Project Fund; and (5) the receipt and deposit of funds in an amount not to exceed $69,566 in the TxDOT TAP-Rosemont Safe Routes to School Pedestrian Improvement Project Fund - Not to exceed $86,957 - Financing: Texas Department of Transportation Grant Funds ($69,566) and Davis Garden TIF District Funds ($17,391)
16			12	C	DEV, ATT, WTR	$40,000.00	Authorize the second step of acquisition of a wastewater easement from Fairhill School, for condemnation by eminent domain to acquire a tract of land containing approximately 6,399 square feet, located near the intersection of Preston and Davenport Roads for the McKamy and Osage Branch Wastewater Interceptor Project - Not to exceed $40,000 ($37,000, plus closing costs and title expenses not to exceed $3,000) - Financing: Water Utilities Capital Construction Funds
17			Outside	C	DEV, WTR	$58,485.00	Authorize moving expense and replacement housing payments for Gary Lane as a result of an official written offer of just compensation to purchase real property at 10793 Riverview Drive for the Lake Tawakoni 144-inch Transmission Pipeline Project - Not to exceed $58,485 - Financing: Water Utilities Capital Improvement Funds
18			6	C	DEV	$384,985.00	Authorize an amendment to an existing lease agreement with Dallas Brookhollow Place, LLC to extend the lease agreement for an additional five-years for approximately 4,162 square feet of office space located at 7610 North Stemmons Freeway, Suite 190 to be used as a Northwest Building Inspection District Office for the period June 1, 2018 through May 31, 2023 - Not to exceed $384,985 - Financing: Building Inspection Current Funds (subject to annual appropriations)
19			14	C	DEV, WTR	$2,912,670.00	Authorize an amendment to an existing lease agreement with Pan Coastal Limited Partnership to extend the lease agreement for an additional five-years for approximately 33,967 square feet of office space located at 2121 Main Street to be used as Water Utilities Capital Improvement Division for the period April 24, 2018 through April 23, 2023 - Not to exceed $2,912,670 - Financing: Water Utilities Current Funds (subject to annual appropriations)

AGENDA DATE April 11, 2018

ITEM #	OK	IND DEF	DISTRICT	TYPE	DEPT.	DOLLARS	DESCRIPTION
20			14	C	DEV	REV $300	An ordinance granting a revocable license to Frankie's Downtown LLC for the use of approximately 405 square feet of land to occupy, maintain and utilize a sidewalk café and wooden planters on a portion of Main Street right-of-way, located near its intersection with Field Street - Revenue: $200 annually and $100 one-time fee, plus the $20 ordinance publication fee
21			14	C	DEV	REV $225,293	An ordinance abandoning a portion of an alley to Travis Block Holding Company LLC, the abutting owner, containing approximately 2,325 square feet of land, located near the intersection of Knox and Travis Streets; and authorizing the quitclaim; and providing for the dedication of approximately 3,100 square feet of land needed for a wastewater easement - Revenue: $225,293, plus the $20 ordinance publication fee
22			6	C	DEV	REV $5,400	An ordinance abandoning four wastewater easements to Crow-Billingsley Belt Line, LTD., Billingsley Yorkshire Partners, LTD., and GRBK Edgewood, LLC, the abutting owners, containing a total of approximately 105,521 square feet of land, located near the intersection of Belt Line and North Lake Roads - Revenue: $5,400, plus the $20 ordinance publication fee
23			2	C	DEV	REV $5,400	An ordinance abandoning a portion of a utility, sanitary sewer, storm drain and natural gas easement to AN Luxury Imports, Ltd., the abutting owner, containing approximately 150 square feet of land, located near the intersection of Lemmon Avenue and Haggar Way - Revenue: $5,400, plus the $20 ordinance publication fee
24			13	C	DEV	REV $5,400	An ordinance amending Ordinance No. 30406, previously approved on April 12, 2017, which abandoned a water easement and portions of a variable width floodway easement and a wastewater easement, located near the intersection of Treehouse Lane and Meadow Road to HT Midtown LP, to remove a one year deadline to replat; and provide dedication within 18 months of a needed floodway easement to the City - Revenue: $5,400, plus the $20 ordinance publication fee
25			2	C	TRN	GT	Authorize (1) the receipt and deposit of funds in an amount not to exceed $20,703 from the University of Texas Southwestern Medical Center for certain material and labor costs associated with the upgrades of two traffic signals at Inwood Road and Forest Park Drive, and Inwood Road at Redfield Street; and (2) an increase in appropriations in an amount not to exceed $20,703 in the Capital Projects Reimbursement Fund - Not to exceed $20,703 - Financing: Capital Projects Reimbursement Funds
26			N/A	C	OCA	REV $67,600	Authorize an Interlocal Agreement with the City of Irving to provide for radio station air time on WRR-FM for the Irving Arts Center for the period May 1, 2018 through April 30, 2019 - Revenue: $67,600
27			7	C	OCA, PBW	$63,000.00	Authorize a contract with Bernard Williams for the design, fabrication and installation of a site-specific artwork in the traffic triangle at the intersection of Pine Street and South Lamar Street - Not to exceed $63,000 - Financing: 2012 Bond Funds
28			All	C	PBD, PKR	$199,475.00	Authorize (1) a three-year service contract for scoreboard parts, repairs, and replacement services - Texas Scoreboard Services, LLC in the amount of $49,725, only bidder; and (2) a three-year service contract for scoreboard parts, repairs, and replacement services with Daktronics, Inc. in the amount of $149,750 through the Texas Association of School Boards cooperative agreement - Total not to exceed $199,475 - Financing: General Funds (subject to annual appropriations)
29			All	C	PBD, POL	GT	Authorize a three-year acquisition contract for the purchase, maintenance, and support of a Forensics ScanStation for the Dallas Police Department with Geomatic Resources LLC through the Department of Information Resources cooperative agreement - Not to exceed $131,861 - Financing: U.S. Department of Homeland Security Grant Funds
30			All	C	PBD, FIR	$7,246.23	Authorize the purchase of a mobile fire safety training trailer for the Fire-Rescue Department with Mobile Concepts by Scotty, Inc. through the General Services Administration cooperative agreement - Not to exceed $102,997 - Financing: General Funds ($7,247) and U.S. Department of Homeland Security Assistance to Firefighters Grant Funds ($95,750)
31			All	C	PBD, AVI, CES, TWM, WTR	$1,426,664.22	Authorize a three-year master agreement for general and sewer hoses, repair clamps, parts, and accessories - Powerseal Pipeline Products Corp. in the amount of $517,716, Ferguson Enterprises, Inc. in the amount of $505,444, and 4-Star Hose & Supply, Inc. in the amount of $403,505, lowest responsible bidders of six - Total not to exceed $1,426,665 - Financing: General Funds ($46,260), Convention and Event Services Current Funds ($408,672), Water Utilities Current Funds ($962,732), Aviation Current Funds ($6,955), and Stormwater Drainage Management Current Funds ($2,046)

AGENDA DATE April 11, 2018

ITEM #	OK	IND DEF	DISTRICT	TYPE	DEPT.	DOLLARS	DESCRIPTION
32			2, 3	C	PBD, AVI	$262,626.10	Authorize (1) Supplemental Agreement No. 1 to exercise the first of two, three-year renewal options, for maintenance and support of an electronic document management system for the Department of Aviation in the amount of $30,427 with VP Imaging, Inc. dba DocuNav Solutions through the Texas Association of School Boards (BuyBoard) cooperative agreement; and (2) Supplemental Agreement No. 1 to exercise the first of two, three-year renewal options, for hosting services of an electronic document management system for the Department of Aviation in the amount of $232,200 with M&A Technology, Inc. through the Texas Association of School Boards (BuyBoard) cooperative agreement - Total not to exceed $262,627 - Financing: Aviation Current Funds (subject to annual appropriations)
33			All	C	PBD, CIS, WTR, AVI, CCS, FIR	$229,488.00	Authorize Supplemental Agreement No. 4 to exercise the first of two, two-year renewal options to the service contract with Paymetric, Inc. for credit card payment processing services for numerous departments, managed by the Water Utilities Department - Not to exceed $229,488, from $1,157,757 to $1,387,245 - Financing: Water Utilities Current Funds (subject to annual appropriations)
34			N/A	C	PBD	NC	An ordinance amending Chapter 2, "Administration," and Chapter 15B, "Equal Employment Opportunity Contract Compliance," of the Dallas City Code by amending Sections 2-17.3, 2-27, 2-29, 2-30, 2-31, 2-32, 2-33, 15B-1, and 15B-3 to (1) clarify changes to the city's nondiscrimination provisions; (2) add and delete definitions; (3) update state law references; (4) clarify that the city manager may approve purchases made utilizing a cooperative purchase program if under a certain amount; (5) add alternative delivery method as another form of procurement; (6) change the amount from $1,000 to $3,000 for the requirement to obtain three price quotations for certain expenditures; (7) authorize the director to use a service order to approve payment for minor services under $3,000; (8) provide a decision making process for facility construction procured through an alternative delivery method; and (9) make other grammatical and structural changes - Financing: No cost consideration to the City
35			All	C	IGS	NC	Authorize an agreement with the Dallas/Fort Worth International Airport and the Trinity River Authority regarding permanent and temporary easements onto Airport Property for the construction and maintenance of a second sewer pipeline - Financing: No cost consideration to the City
36			All	C	PKR	NC	Authorize a ten-year agreement with Texas Trees Foundation for fundraising and other support activities related to the Dallas Independent School District and City of Dallas shared campus projects - Financing: No cost consideration to the City
37			All	C	PKR	$637,970.00	Authorize a construction contract for the installation of park identification signs at 70 park sites, Phase IV, refurbishment of 30 existing park identification signs and replacement of 100 medallions - Artografx, Inc., only bidder - Not to exceed $637,970 - Financing: 2006 Bond Funds
38			10	C	PKR	$406,708.93	Authorize a contract for the construction of the Flagpole Hill Playground Replacement Project at Flagpole Hill Park located at 8015 Doran Circle - Henneberger Construction, Inc., lowest responsible bidder of two - Not to exceed $406,709 - Financing: 2017 Bond Funds
39			2, 5, 11	C	PKR	$198,526.73	Authorize an increase in the construction services contract with The Fain Group, Inc. to add site furnishings at three regional family aquatic centers at Crawford Memorial Park located at 8700 Elam Road, Fretz Park located at 6994 Belt Line Road and Samuell Grand Park located at 6200 East Grand Avenue - Not to exceed $198,527, from $20,913,964 to $21,112,491 - Financing: Elgin B. Robertson Land Sale Funds
40			All	C	POL	$1,087.49	Authorize (1) an application for and acceptance of the "Click It or Ticket" Mobilization Grant (Grant No. 2018-Dallas-CIOT-00001, CFDA No. 20.616) in the amount of $74,999 from the Texas Department of Transportation through a grant from the National Highway Traffic Safety Administration for a safety belt enforcement initiative for the period May 2, 2018 through June 10, 2018; (2) a City contribution of Federal Insurance Contributions Act costs in the amount of $1,088; (3) the establishment of appropriations in an amount not to exceed $74,999 in the "Click It or Ticket" FY18 Mobilization Grant Fund; (4) the receipt and deposit of grant funds in an amount not to exceed $74,999 in the "Click It or Ticket" FY18 Mobilization Grant Fund; and (5) execution of the sub-grant agreement - Total not to exceed $76,087 - Financing: Current Funds ($1,088) and Texas Department of Transportation Grant Funds ($74,999)

AGENDA DATE April 11, 2018

ITEM #	OK	IND DEF	DISTRICT	TYPE	DEPT.	DOLLARS	DESCRIPTION
41			All	C	POL	GT	Authorize (1) an application for and acceptance of the National Incident-Based Reporting System Grant (Grant No. 3425501, State Award ID No. 2018-NB-ST-0024) in the amount of $28,228 for the Dallas Police Department from the Office of the Governor, Criminal Justice Division (CJD) for the purchase of technology upgrades to augment current reporting capabilities for the period February 1, 2018 through February 28, 2019; (2) the establishment of appropriations in an amount not to exceed $28,228 in the CJD-National Incident-Based Reporting System 18-19 Fund; (3) the receipt and deposit of grant funds in an amount not to exceed $28,228 in the CJD-National Incident-Based Reporting System 18-19 Fund; and (4) execution of the grant agreement - Not to exceed $28,228 - Financing: Office of the Governor, Criminal Justice Division State Grant Funds
42			6	C	WTR	$356,750.00	Authorize Supplemental Agreement No. 1 to the professional services contract with Nathan D. Maier Consulting Engineers, Inc. to provide additional engineering services associated with improvements to the Walnut Hill Pump Station facility - Not to exceed $356,750, from $1,544,241 to $1,900,991 - Financing: Water Utilities Capital Improvement Funds
43			All	C	WTR	$213,320.00	Ordinances authorizing the issuance and sale of City of Dallas, Texas Waterworks and Sewer System Revenue Bonds, Series 2018A, in the amount of $22,000,000, and City of Dallas, Texas Waterworks and Sewer System Revenue Bonds, Series 2018B, in the amount of $44,000,000, to the Texas Water Development Board; approving the execution of the agreements in connection with the sale of the bonds; and all other matters related thereto - Not to exceed $213,320 - Financing: Water Utilities Current Funds
44			N/A	I	SEC	NC	Consideration of appointments to boards and commissions and the evaluation and duties of board and commission members (List of nominees is available in the City Secretary's Office)
45			2	I	DEV	REV $5,400	An ordinance abandoning a portion of an alley to Henderson Residential Lands (Dallas), LLC, the abutting owner, containing approximately 925 square feet of land, located near the intersection of McMillan and Henderson Avenues; authorizing the quitclaim; and providing for the dedication of approximately 4,059 square feet of land needed for street right-of-way - Revenue: $5,400, plus the $20 ordinance publication fee (This item was deferred on December 13, 2017 and March 28, 2018)
46			7	I	DEV, ATT, PBW	$4,000.00	Authorize the second step of acquisition for condemnation by eminent domain to acquire a tract of vacant land containing approximately 7,085 square feet, located near the intersection of Yancy and Carbondale Streets for the Yancy Street Improvement Project, from Lorean D. Thomas and James W. Thomas - Not to exceed $4,000 ($2,500, plus closing costs and title expenses not to exceed $1,500) - Financing: 2012 Bond Funds (This item was deferred on January 10, 2018, February 14, 2018 and March 28, 2018)
47			All	I	OCC	$242,592.00	Authorize Supplemental Agreement No. 1 to the service contract with Real Time Transportation Corporation to continue to provide transportation services to medical appointments within the city of Dallas for low-to-moderate income seniors for the period March 1, 2018 through September 30, 2018 - Not to exceed $242,592, from $190,000 to $432,592 - Financing: General Funds (This item was deferred on February 28, 2018 and March 28, 2018)
48			8	PH	DEV	NC	A public hearing to receive comments regarding an application for and an ordinance granting a Specific Use Permit for the sale of alcoholic beverages in conjunction with a general merchandise or food store 3,500 square feet or less on property zoned Subdistrict 5 within Planned Development District No. 533, the C.F. Hawn Special Purpose District No. 1 with a D-1 Liquor Control Overlay, on the northwest corner of C.F. Hawn Freeway and Great Trinity Forest Way
49			2	PH	DEV	NC	A public hearing to receive comments regarding an application for and an ordinance granting an expansion of Historic Overlay No. 46, the Knights of Pythias Building (2551 Elm Street), and amendments to the preservation criteria on property zoned Tract B within Planned Development District No. 269, the Deep Ellum/Near East Side District, on the northwest corner of Elm Street and North Good Latimer Expressway
50			10	PH	DEV	NC	A public hearing to receive comments regarding an application for and an ordinance granting a Landmark Commission authorized hearing to consider an Historic Overlay for McCree Cemetery (9930, 9934 and 9938 Audelia Road) on property zoned an R-7.5(A) Single Family District, south of Estate Lane, between Audelia Road and Queenswood Lane
51			8	PH	DEV	NC	A public hearing to receive comments regarding an application for and an ordinance granting a CR Community Retail District and a resolution accepting deed restrictions volunteered by the applicant on property zoned an R-7.5(A) Single Family District, on the south line of East Ledbetter Drive, east of South Lancaster Road

AGENDA DATE April 11, 2018

ITEM #	OK	IND DEF	DISTRICT	TYPE	DEPT.	DOLLARS	DESCRIPTION
52			1	PH	DEV	NC	A public hearing to receive comments regarding an application for and an ordinance granting a Specific Use Permit for a pedestrian skybridge on property zoned Subdistrict 3B within Planned Development District No. 830, on alley right-of-way between West 9th Street and West 10th Street, east of North Madison Avenue
53			5	PH	DEV	NC	A public hearing to receive comments regarding an application for and an ordinance granting the renewal of Specific Use Permit No. 2191 for the sale of alcoholic beverages in conjunction with a general merchandise or food store 3,500 square feet or less on property zoned an MU-1-D-1 Mixed Use District with a D-1 Liquor Control Overlay on the northeast corner of Lake June Road and Guard Drive
54			8	PH	DEV	NC	A public hearing to receive comments regarding an application for and an ordinance granting a Specific Use Permit for a radio, television, or microwave tower on property zoned an NS(A) Neighborhood Services District and an R-5(A) Single Family District with Specific Use Permit No. 2113 for a transit passenger station or transfer center use, on the southeast corner of East Kirnwood Drive and University Hills Boulevard
55			14	PH	DEV	NC	A public hearing to receive comments regarding an application for and an ordinance granting a Planned Development Subdistrict for LC Light Commercial Subdistrict, restaurant, and personal service uses on property zoned an LC Light Commercial Subdistrict within Planned Development District No. 193, the Oak Lawn Special Purpose District, on the east line of McKinney Avenue, north of Knox Street
56			6	PH	DEV	NC	A public hearing to receive comments regarding an application for and an ordinance granting a Specific Use Permit for a tattoo studio on property zoned Subdistrict 1A within Planned Development District No. 621, the Old Trinity and Design District Special Purpose District, on the southeast line of Parkhouse Street, west of North Riverfront Boulevard
57			14	PH	DEV	NC	A public hearing to receive comments regarding an application for and an ordinance granting a Planned Development Subdistrict for LC Light Commercial uses on property zoned an LC Light Commercial Subdistrict within Planned Development District No. 193, the Oak Lawn Special Purpose District, on the southeast corner of Travis Street and Knox Street
58			2	PH	DEV	NC	A public hearing to receive comments regarding an application for and an ordinance granting a new subdistrict on property zoned Subdistricts 4 and 5 within Planned Development District No. 462, and an MF-2(A) Multifamily District, on the northeast side of North Henderson Avenue, between McMillan Avenue and Glencoe Street, and the southwest side of North Henderson Avenue, east of Glencoe Street
59			6	PH	DEV	NC	A public hearing on an application for and a resolution granting a variance to the alcohol spacing requirements from a public school, L.G. Pinkston High School as required by Section 6-4 of the Dallas City Code to allow a wine and beer retailer's off-premise permit (Chapter 26) for a general merchandise or food store with 10,000 square feet or more floor area [Fiesta Mart, LLC] on the north line of Singleton Boulevard and the west line of Hampton Road - AV178-001 - Financing: No cost consideration to the City

TOTAL $18,013,381.33

AGENDA ITEM # 2

STRATEGIC PRIORITY:	Government Performance and Financial Management
AGENDA DATE:	April 11, 2018
COUNCIL DISTRICT(S):	N/A
DEPARTMENT:	City Attorney's Office Water Utilities Department
CMO:	Larry Casto, 670-3491 Majed Al-Ghafry, 671-9465
MAPSCO:	N/A

SUBJECT

Authorize settlement of the lawsuit styled Yolanda Ingram v. Rene Martinez Anguiano and City of Dallas, Cause No. DC-17-07091 - Not to exceed $30,000 - Financing: Current Funds

BACKGROUND

Plaintiff Yolanda Ingram filed a lawsuit against the City of Dallas seeking compensation for bodily injuries and other damages sustained in an automobile collision on September 10, 2015, involving a Dallas Water Utilities vehicle. The City and Ms. Ingram have reached a proposed settlement subject to City Council approval. Plaintiff is represented by The Godsey Martin Law Firm.

FISCAL INFORMATION

Funding for this item is budgeted in the current fiscal year.

Current Funds - $30,000

April 11, 2018

WHEREAS, a lawsuit styled Yolanda Ingram v. Rene Martinez Anguiano and City of Dallas, Cause No. DC-17-07091, was filed by the plaintiff, Yolanda Ingram, seeking compensation from the City of Dallas for bodily injuries and other damages sustained in an automobile collision on September 10, 2015, involving a Dallas Water Utilities vehicle; and

WHEREAS, the plaintiff has agreed to a settlement of the case whereby the City will pay Yolanda Ingram, The Godsey Martin Law Firm, and all other persons having an interest in the settlement proceeds, the total amount of $30,000; and

WHEREAS, it is in the best interest of the City to settle this lawsuit.

Now, Therefore,

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

SECTION 1. That the proposed settlement of the lawsuit, styled Yolanda Ingram v. Rene Martinez Anguiano and City of Dallas, Cause No. DC-17-07091, in an amount not to exceed $30,000 is hereby approved.

SECTION 2. That the Chief Financial Officer is hereby authorized to pay Yolanda Ingram, The Godsey Martin Law Firm, and all other persons having an interest in the settlement proceeds, the amount of $30,000 from Fund 0192, Department ORM, Unit 3890, Object 3521, Vendor CTORM001.

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.

AGENDA ITEM # 3

STRATEGIC PRIORITY:	Economic and Neighborhood Vitality
AGENDA DATE:	April 11, 2018
COUNCIL DISTRICT(S):	3
DEPARTMENT:	Department of Aviation
CMO:	Jody Puckett, 670-3390
MAPSCO:	63L

SUBJECT

Authorize a four-year lease agreement with Ambassador Jet Center, Ltd. for approximately 25,600 square feet of aviation related hangar space at Dallas Executive Airport - Estimated Revenue: $384,000 (over the term of the lease)

BACKGROUND

The Department of Aviation (DOA) is committed to growing the corporate aviation business and attracting corporate aviation users to establish facilities, operations, and increase aviation-related services. DOA has long desired to see the expansion and further economic development of Dallas Executive Airport (DEA) and the surrounding area. In an effort to aid economic activity, DOA seeks to partner and lease hangar/office development space located at 5225 Voyager Drive at Dallas Executive Airport to Ambassador Jet Center, Ltd.

With this partnership, Ambassador Center, Ltd. will in return lease their existing hangar/office development space located at 5435 Saturn Drive to aviation operator, RBR Maintenance, Inc. (RBR), who currently resides at Dallas Love Field and seeks to relocate to DEA. This proposed partnership and lease agreement between DOA and Ambassador Jet Center, Ltd. will be a catalyst for new economic growth at DEA as RBR, seeking to relocate to DEA, will lease this aviation-related hangar space from Ambassador Jet Center, Ltd. while its new aviation-related hangar development is constructed/developed on the west side of DEA.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Information about this item will be provided to the Mobility Solutions, Infrastructure, and Sustainability Committee on March 26, 2018.

FISCAL INFORMATION

Estimated Revenue - $384,000 (over the term of the lease)

OWNER

Ambassador Jet Center, Ltd.

George Moussa, President

April 11, 2018

WHEREAS, the City of Dallas owns that certain airport in Dallas more commonly known as Dallas Executive Airport; and

WHEREAS, the City of Dallas is committed to growing the corporate aviation business and attracting corporate aviation users to establish facilities, operations, and aviation-related services at the airport; and

WHEREAS, the City of Dallas desires to lease approximately 25,600 square feet of aviation-related hangar space located at 5225 Voyager Drive at the airport to Ambassador Jet Center, Ltd.

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 lease agreement with Ambassador Jet Center, Ltd., approved as to form by the City Attorney, for approximately 25,600 square feet of aviation-related hangar space located at 5225 Voyager Drive at Dallas Executive Airport.

SECTION 2. That the key terms and conditions of the lease are:

(a) The lease shall be for a primary term of four years or forty-eight months.

(b) The lease rental rate shall commence at $96,000 annually or $8,000 monthly.

(c) The lease premises shall be “AS IS” and the City shall not incur any future repair cost during the term of the lease.

SECTION 3. That the Chief Financial Officer is hereby authorized to deposit all revenues received to Aviation Operating Fund, Fund 0130, Department AVI, Unit 7731, Revenue Code 7814.

SECTION 4. That this contract is designated as Contract No. AVI-2018-00005567.

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.

AGENDA ITEM # 4

STRATEGIC PRIORITY:	Economic and Neighborhood Vitality
AGENDA DATE:	April 11, 2018
COUNCIL DISTRICT(S):	3
DEPARTMENT:	Department of Aviation
CMO:	Jody Puckett, 670-3390
MAPSCO:	63L

SUBJECT

Authorize **(1)** a thirty-nine year and eleven month lease agreement, with three ten-year renewal options for aviation hangar development at an estimated total cost of $15,931,859, with Burchfield & Partners, LLC for approximately 228,690 square feet (5.25 acres) of land at the Dallas Executive Airport - Estimated Revenue: $5,653,255 over the primary term of the lease (subject to rental escalations); **(2)** to reimburse Burchfield & Partners, LLC for the construction of a common-use aircraft ramp area, taxiway connectors, and infrastructure costs - Not to exceed an estimated amount of $4,164,186 - Financing: Aviation Capital Construction Funds (subject to appropriations); and **(3)** a development agreement with Burchfield & Partners, LLC for reimbursement of a portion of the cost associated with the construction of lease-hold improvements (a hangar with office space) - Not to exceed an estimated amount of $3,500,000 - Financing - Aviation Capital Construction Funds (subject to appropriations)

BACKGROUND

The Department of Aviation staff has been working with Burchfield & Partners, LLC (B&P) on the development of a new Maintenance Repair Operations (MRO) and office facilities with west airfield access at Dallas Executive Airport (DEA). B&P will be the project developer and will provide the turnkey services essential to developing the growth opportunity for the Department of Aviation in its investment of DEA to become the premiere general aviation destination in the North Texas region.

BACKGROUND (continued)

On November 2, 2017, The Real Estate Council (TREC) Community Fund hosted its' first-ever TREC Shark Tank: GrowSouth event to highlight investment and economic development opportunities in Southern Dallas. Modeled after the hit television show, the TREC Shark Tank featured three teams presenting their projects to develop parcels located within the City of Dallas' GrowSouth footprint before a panel of real estate investors and a live audience. B&P received investment opportunities/commitments from all five panel Shark Tank investors for its proposal for the $15.93 million MRO facility proposed at DEA.

The TREC Shark Tank investor panel included Bill Cawley, Chief Executive Officer (CEO) of Cawley Partners; Michael Dardick, Founding Partner and CEO of Granite Properties, Inc.; Tillie Galan-Borchers, Director of Investments at Civitas Capital Group; Frank Mihalopoulos, Owner and President of Corinth Properties; and Craig Hall, Chairman and Founder of Hall Group.

The City of Dallas is committed to growing the corporate aviation business and attracting corporate aviation users to establish facilities, operations, and increase fuel services. B&P has executed a letter-of-intent with corporate tenants/user for the MRO facility, which will lead to the creation of 25-50+ full-time jobs within five years, with average annual salaries of $75,000 at DEA.

Project

The total project cost will be $15.93 million, and the total private investment will be $11.77 million to construct the 90,000 square feet (sq. ft.) built-to-suit MRO hangar and office facilities. The building components consist of 70,000 sq. ft. of hangar/maintenance space and 20,000 sq. ft. 2-story class-A office space. The project site plan consists of approximately 228,690 sq. ft. (5.25 acres) (see Exhibit I) located in the Site 1 or northwest area of DEA. The project assumes all required airport infrastructure for expanded taxiway/taxi-lane to be constructed along with the associated aircraft apron area totaling approximately 50,000 sq. ft. cost at $4,164,186 to be reimbursed by the Department of Aviation.

(1) Negotiate/secure a lease/development agreement with a primary term of thirty-nine years and eleven months, with three ten-year renewal options with the City of Dallas.

(2) Preliminary underwriting for the project, proposes that the Department of Aviation will reimburse B&P $4,164,186 upon substantial completion for off-site taxiway construction (expansion and connectors) and infrastructure cost to build utilities expansion to the sites property line (see Exhibit II).

BACKGROUND (continued)

(3) The Department of Aviation proposes to reimburse Burchfield & Partners, LLC up to 30 percent of the actual cost of the capital improvements, but not to exceed $ 3,500,000 upon the issuance of a certificate of occupancy by way of a development agreement.

(4) Eligible reimbursement costs include environmental, site preparation, hard costs, soft costs, infrastructure and utility improvements.

(5) Developer may also seek 380-grant agreement Public Private Partnership with the City of Dallas, Office of Economic Development for the capital improvements and to assist the tenant with business development relocation/expansion incentives.

Burchfield & Partners, LLC will oversee private construction management of the infrastructure project, will ensure the improvements will be constructed within the project development timeline, thus taking advantage of the current decrease in construction costs, while ensuring the project will be completed in a timely manner. Although the project will be privately bid using City procurement guidelines, it will comply with Business Inclusion and Development's goal of 25% M/WBE participation on the public improvements and 5% on the private improvements associated with the project.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Information about this item will be provided to the Economic Development & Housing Committee on April 2, 2018.

FISCAL INFORMATION

Estimated Revenue - $5,653,254.92 over the primary term of the lease (subject to rental escalations)
Aviation Capital Construction Funds - $7,664,186.00 (subject to appropriations)

Total Project Cost - Estimated $8,267,673.00 (private investment) & $7,664,186.00 (City contribution), for an estimated total project cost - $15,931,859.00

OWNER

Burchfield & Partners, LLC

Rodney Burchfield, Managing Principal

MAP

Attached

DALLAS EXECUTIVE AIRPORT
LEASE PREMISES & HANGAR DEVELOPMENT
MAPSCO 63L

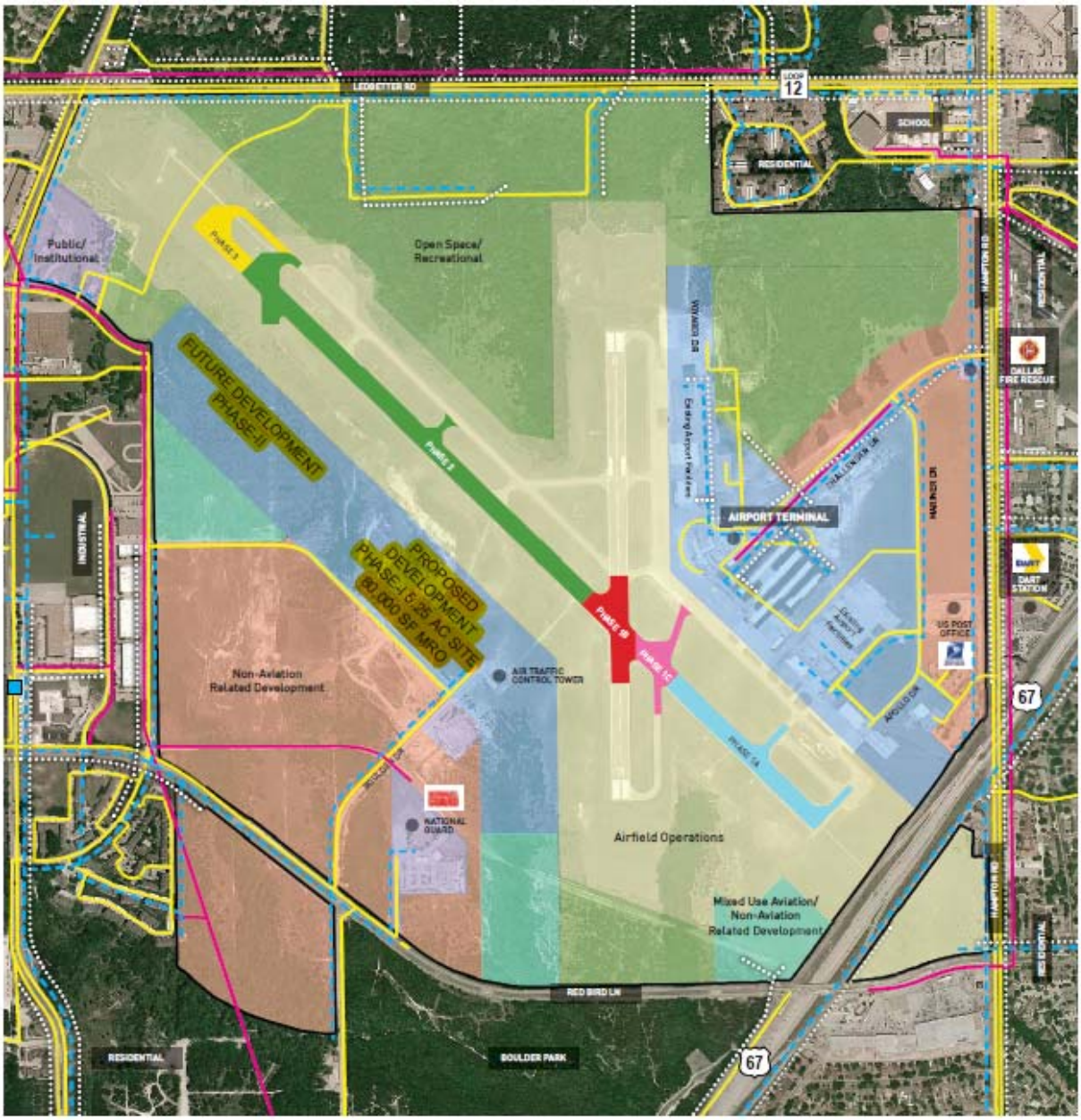
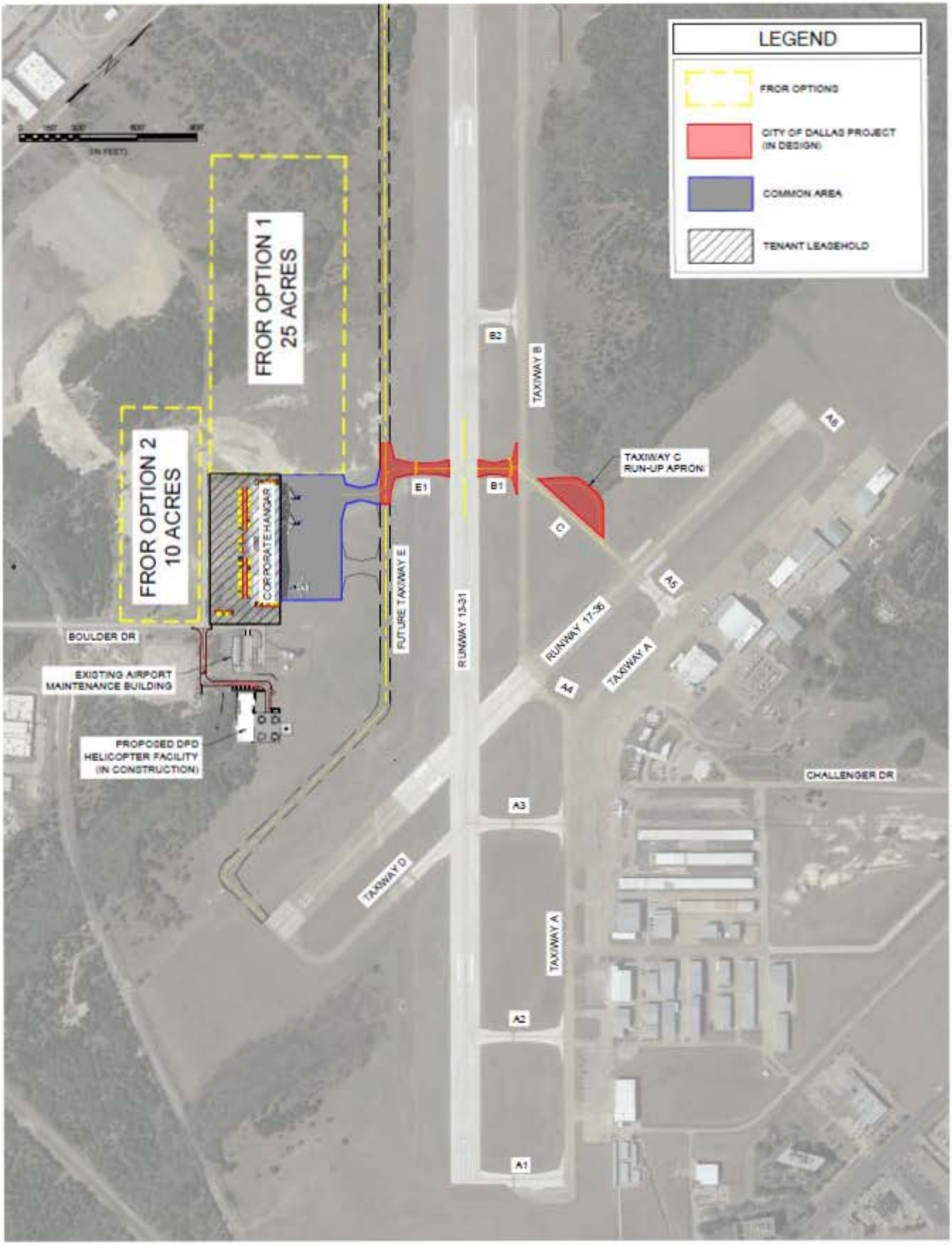


EXHIBIT I

This rendering is an artistic representation of the proposed building. Variations in scope of work, color, building materials, grading, etc.. may impact actual constructed appearance. Signage by owner.

This rendering is an artistic representation of the proposed building. Variations in scope of work, color, building materials, grading, etc.. may impact actual constructed appearance. Signage by owner.

EXHIBIT II


LEGEND
FROR OPTIONS
CITY OF DALLAS PROJECT (IN DESIGN)
COMMON AREA
TENANT LEASEHOLD
FROR OPTION 1
25 ACRES
FROR OPTION 2
10 ACRES
CORPORATE HANGAR
BOULDER DR
EXISTING AIRPORT MAINTENANCE BUILDING
PROPOSED DPD HELICOPTER FACILITY (IN CONSTRUCTION)
FUTURE TAXIWAY E
RUNWAY 13-31
RUNWAY 17-35
TAXIWAY B
TAXIWAY C
RUN-UP APRON
TAXIWAY A
TAXIWAY D
CHALLENGER DR
B2
B1
E1
A5
A4
A3
A2
A1

April 11, 2018

WHEREAS, the City of Dallas owns that certain airport in Dallas more commonly known as Dallas Executive Airport; and

WHEREAS, the City of Dallas is committed to growing the corporate aviation business and attracting corporate aviation users to establish facilities, operations, and increase fuel services at Dallas Executive Airport; and

WHEREAS, the City of Dallas desires to lease approximately 228,690 square feet (5.25 acres) of land at Dallas Executive Airport to Burchfield & Partners, LLC for development of a Maintenance Repair Operation (MRO) hangar; and

WHEREAS, in order to facilitate economic development in Dallas, the City agrees to enter into a development agreement with Burchfield & Partners, LLC for reimbursement of a portion of the cost associated with the construction of lease-hold improvements at the Airport in an amount not to exceed $3,500,000.00.

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 thirty-nine year and eleven month lease agreement, with three ten-year renewal options, with Burchfield & Partners, LLC, approved as to form by the City Attorney, for approximately 228,690 square feet (5.25 acres) of land at the Dallas Executive Airport.

SECTION 2. That the key terms and conditions of the lease are:

(a) The lease shall be for a primary term of thirty-nine years and eleven months, with three ten-year renewal options.

(b) The annual ground lease rental rate shall commence at the unimproved ground lease rate of $0.30 per square foot for the first ten years. The lease rate shall escalate to the improved ground lease rate of $0.45 per square foot for years eleven through forty and beginning on year forty-one and every three years thereafter, a ten-percentage increase and/or prevailing rate increase, whichever is greater.

(c) The ground lease rental rate shall be fully abated for the first ten years.

(d) The City of Dallas shall reimburse Burchfield & Partners, LLC $4,164,186.00 for the construction of a common-use aircraft ramp area, taxiway connectors, and infrastructure costs to build utilities expansion to the site’s property line.

SECTION 2. (continued)

(e) Burchfield & Partners, LLC shall have a right of first refusal for the future development of the property adjacent to the leased premises for a term of ten years after the execution of the lease agreement. Burchfield & Partners, LLC will pay the City of Dallas a $500 monthly ($6,000 annually) fee for the ten-year term period for the right of first refusal.

SECTION 3. That the development agreement evidences, among other things the following terms and conditions:

(a) Burchfield & Partners, LLC will invest an estimated amount of $15,931,859.00 to develop and construct the MRO no later than December 31, 2021.

(b) The City of Dallas will reimburse Burchfield & Partners, LLC for actual costs (up to 30 percent) associated with the construction its capital improvements at the Airport in an amount not to exceed $3,500,000 upon issuance of a certificate of occupancy for the hangar and office building.

SECTION 4. That the Chief Financial Officer is hereby authorized to receive and deposit all lease revenues received from Burchfield & Partners, LLC to Aviation Operating Fund, Fund 0130, Department AVI, Unit 7731, Revenue Code 7814.

SECTION 5. That the Chief Financial Officer is hereby authorized to draw warrants payable in an amount not to exceed $7,664,186.00 (subject to appropriations) to Burchfield & Partners, LLC and charge the same to Aviation Capital Construction Fund, Fund 0131, Unit 8703, Department AVI, Object 4420, Vendor VC18259, subject to appropriations.

SECTION 6. That this contract is designated as Contract No. AVI-2018-00005566.

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.

AGENDA ITEM # 5

STRATEGIC PRIORITY:	Mobility Solutions, Infrastructure, and Sustainability
AGENDA DATE:	April 11, 2018
COUNCIL DISTRICT(S):	2
DEPARTMENT:	Department of Aviation
CMO:	Jody Puckett, 670-3390
MAPSCO:	33D H; 34A E F J K

SUBJECT

Authorize a professional services contract with Freese and Nichols, Inc. for design and engineering services for improvements to the Dallas Love Field Entry Road - Not to exceed $1,095,000 – Financing: Aviation Capital Construction Funds

BACKGROUND

The Dallas Love Field Airport has become one of the busiest medium sized airports in the nation after repeal of the Wright Amendment. The airport has experienced significant growth in business and passenger traffic and the City has responded with major improvements under the Love Field Modernization Program that include completion of the new terminal and start of construction of the new parking garage. To continue support of Airport growth and modernization, it is desirable to develop and implement the recommendations included as part of the draft Master Plan condition assessment, completed in 2014 for Dallas Love Field.

The recommendations include improvements to landscape, lighting, and wayfinding along Herb Kelleher Way, the main entrance road to the Airport. Development of improvements will include pedestrian friendly walkways along Mockingbird Lane from Denton Drive to the Frontiers of Flight Museum, removal of the over-sized granite monolith at the Airport entrance, coordination of landscaping and lighting design with the relocated Spirit of Flight fountain, and coordination for placement and installation of public artwork. The proposed improvements will complement the Dallas Love Field Airport Good Neighbor Plan.

The City of Dallas Public Works Department issued a Request for Proposal for the Dallas Love Field Entry Road Enhancements Project to four firms selected from their existing Architectural/Engineering and Consulting Services Roster. All four firms returned proposals and were interviewed on June 8, 2016.

BACKGROUND (continued)

The Selection Committee ranked firms and identified Freese and Nichols, Inc. as the most advantageous proposer from the qualification based selection in accordance with established City of Dallas Procurement Guidelines.

Fee negotiations were initiated in August 2016, and Freese and Nichols, Inc. submitted a fee proposal on October 28, 2016. However, due to shifting fiscal priorities, Department of Aviation funding for contract was postponed until 2018.

Freese and Nichols, Inc. resubmitted their team's fee proposal on December 1, 2017. Design services included in the proposal are professional surveying, landscape architecture, geotechnical, structural, and engineering services. Streetscape focus will be landscape, lighting, fencing, and wayfinding improvements along Herb Kelleher Way; landscape, lighting, hardscape, and sidewalk improvements along Mockingbird Lane; removal of granite clad monument sign at intersection of Mockingbird Lane and Herb Kelleher Way intersection; and coordination with Office of Cultural Affairs for placement and installation of public art to celebrate entry to Dallas Love Field.

This action will authorize a professional services contract with Freese & Nichols, Inc. to provide design and engineering services for improvements to Herb Kelleher Way at the Dallas Love Field Airport.

ESTIMATED SCHEDULE OF PROJECT

Begin Design	May 2018
Complete Design	April 2019

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Information about this item will be provided to the Mobility Solutions, Infrastructure & Sustainability Committee on April 9, 2018.

FISCAL INFORMATION

Aviation Capital Construction Funds - $1,095,000.00

M/WBE INFORMATION

In accordance with the City's Business Inclusion and Development Plan adopted on October 22, 2008, by Resolution No. 08-2826, as amended, the M/WBE participation on this contract is as follows:

Contract Amount	Category	M/WBE Goal	M/WBE %	M/WBE $
$1,095,000.00	Architecture & Engineering	25.66%	35.41%	$387,706.00

- This contract exceeds the M/WBE goal of 25.66%

PROPOSAL INFORMATION

The following proposals were received from solicitation number BFZ1523. This service contract is being awarded in its entirety to the most advantageous proposer.

*Denotes successful proposer

Proposers	Address	Score
*Freese and Nichols, Inc.	2711 N Haskell Avenue, Suite, 3300 Dallas, Texas 75204	109
Jacobs Engineering Group, Inc.	6688 N Central Expressway, Suite 400 MB13 Dallas, Texas 75206	108
Huitt-Zollars, Inc.	1717 McKinney Avenue, Suite 1400 Dallas, Texas, 75202	102
EXP US Services, Inc.	12801 North Central Expressway, Suite 1170 Dallas, Texas, 75234	101

OWNER

Chris Bosco, P.E., Vice President

MAP

Attached

April 11, 2018

WHEREAS, Dallas Love Field offers many first-time visitors their first impression of City of Dallas; and

WHEREAS, existing streetscape along Herb Kelleher Way needs improvements to lighting and sidewalk; and

WHEREAS, the Departments of Public Works, Equipment and Building Services, and Aviation collaborated in a successful Request for Proposal process resulting in four respondents; and

WHEREAS, Department of Aviation interviewed, ranked, and determined Freese and Nichols, Inc. to be the most value proposer; and

WHEREAS, it is now desirable to authorize a professional services contract with Freese and Nichols, Inc. to provide design and engineering services for improvements to the Dallas Love Field Entry Road, in an amount not to exceed $1,095,000.

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 Freese and Nichols, Inc., approved as to form by the City Attorney, to provide design and engineering services for improvements to the Dallas Love Field Entry Road, in an amount not to exceed $1,095,000.

SECTION 2. That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed $1,095,000 to Freese and Nichols, Inc. from Aviation Capital Construction Fund, Fund 0131, Department AVI, Unit W167, Activity AAIP, Object 4599, Program AVIW167, Encumbrance/Contract No. CX-EBS-2017-00001667, Commodity 92500, Vendor 347200 in accordance with the terms and conditions of the professional services contract.

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.

AGENDA ITEM # 6

STRATEGIC PRIORITY:	Mobility Solutions, Infrastructure, and Sustainability
AGENDA DATE:	April 11, 2018
COUNCIL DISTRICT(S):	N/A
DEPARTMENT:	Department of Equipment and Building Services
CMO:	Jody Puckett, 670-3390
MAPSCO:	N/A

SUBJECT

Authorize **(1)** a consultant contract for a fleet management efficiency study with Alvarez & Marsal Public Sector Services, LLC, through the U.S. Communities Government Purchasing Alliance cooperative agreement; and **(2)** an increase in appropriations in an amount not to exceed $475,209, from $52,652,059 to $53,127,268 in the Equipment Services Current Fund - Not to exceed $475,209 - Financing: Equipment Services Current Funds

BACKGROUND

The City of Dallas (City) has approximately 6,654 fleet vehicle units, of which 82 percent are currently managed by the Department of Equipment and Building Services (EBS). The remaining units are managed by the Departments of Aviation, Sanitation Services, Sustainable Development and Construction, Transportation, Water Utilities Department and Fire-Rescue Department.

The City's fleet is aging, resulting in increased cost maintenance activities and funding for replacement vehicles has been inconsistent. Staff recognizes the role fleet management plays in service delivery to citizens, and recommends this study of fleet management operations. This study will assess fleet management in all seven departments who perform fleet asset management roles. The project is anticipated to be completed in approximately three to four months.

The objective of the study is to confirm and identify opportunities to enhance efficiency and effectiveness of fleet management throughout the City. The study will have five major components to include:

BACKGROUND (continued)

1. Utilization Study - A study on fleet utilization, including maintenance and managing surplus assets
2. Replacement criteria - Analysis and recommendations to the replacement criteria policy
3. Cost of service - Assessment of the rates charged internally, including benchmarking with other municipalities, review of large dollar amount contracts, and lease/buy analysis
4. Fleet right-sizing - Recommendation of fleet vehicle units based on the utilization study and replacement criteria
5. Organizational Structure and Performance

This action will authorize a consultant contract with Alvarez & Marsal Public Sector Services, LLC, through the U.S. Communities Government Purchasing Alliance's cooperative agreement. Their proposal includes a partnership with Paul Quinn College students and faculty.

The U.S. Communities Government Purchasing Alliance agreements are authorized by Chapter 791 of the Texas Government Code and Subchapter F, Chapter 271, Texas Local Government Code. Section 271.102 of the Texas Local Government Code authorizes a local government to participate in a Cooperative Purchasing Program with another local government or a local cooperative organization.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

The Government Performance & Financial Management Committee was briefed on this item on March 19, 2018.

City Council will be briefed by memorandum regarding this item on March 30, 2018.

FISCAL INFORMATION

Equipment Services Current Funds - $475,209.00

M/WBE INFORMATION

In accordance with the City's Business Inclusion and Development Plan adopted on October 22, 2008, by Resolution No. 08-2826, as amended, the M/WBE participation on this contract is as follows:

Contract Amount	Category	M/WBE Goal	M/WBE %	M/WBE $
$475,209.00	CO-OP	N/A	N/A	N/A

- The Business Inclusion and Development Plan does not apply to Cooperative Purchasing Agreements (CO-OPs)

OWNER

Alvarez & Marsal Public Sector Services, LLC

Antonio Alvarez, Owner
Bryan Marsal, Owner
Marsal Family 2006 Trust, Owner

April 11, 2018

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

SECTION 1. That the City Manager is hereby authorized to sign a consultant contract with Alvarez & Marsal Public Sector Services, LLC, through the U.S. Communities Government Purchasing Alliance cooperative agreement, approved as to form by the City Attorney, for a fleet management efficiency study, in an amount not to exceed $475,209.

SECTION 2. That the City Manager is hereby authorized to increase appropriations in an amount not to exceed to $475,209, from $52,652,059 to $53,127,268 in the Equipment Services Current Fund, Fund 0196, Department EBS, Unit 1750, Object 3099.

SECTION 3. That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed $475,209 to Alvarez & Marsal Public Sector Services, LLC from Equipment Services Current Fund, Fund 0196, Department EBS, Unit 1750, Object 3099, Vendor VC18445.

SECTION 4. That this contract is designated as Contract No. EBS-2018-00005876.

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.

AGENDA ITEM # 7

STRATEGIC PRIORITY:	Public Safety Economic and Neighborhood Vitality
AGENDA DATE:	April 11, 2018
COUNCIL DISTRICT(S):	2
DEPARTMENT:	Department of Equipment and Building Services Department of Convention and Event Services
CMO:	Jody Puckett, 670-3390 Joey Zapata, 670-3009
MAPSCO:	45 P

SUBJECT

Authorize a professional services contract with Perkins & Will, Inc. for architectural and engineering services for design, design development, construction documents, bidding and negotiation, and construction administration for the Ballroom A Ceiling, Lighting, and Sound Project at the Kay Bailey Hutchison Convention Center Dallas located at 650 South Griffin Street - Not to exceed $265,025 - Financing: Convention Center Capital Construction Funds (see Fiscal Information)

BACKGROUND

Ballroom A is the oldest ballroom in the Kay Bailey Hutchison Convention Center Dallas and is still actively used. The most recent renovation to this ballroom was over twenty years ago. The lighting and sound systems are outdated and often do not function. The purpose of this project is to provide updated and efficient lighting and sound systems, as well as repair and replace the ceiling and wall materials to increase the facilities' attraction for potential clients.

In July of 2017, the Department of Equipment and Building Services began the two-step process (Request for Qualifications/Request for Proposals) to procure architectural and engineering services for the design, design development, construction documents, bidding, and construction administration for the Ballroom A Ceiling, Lighting and Sound Project. On August 7, 2017, the Department of Equipment and Building Services notified the short-listed firms, which were selected based on evaluation of their qualifications during step one, and issued the Request for Proposals, step two in the procurement process.

BACKGROUND (continued)

This action will authorize a professional services contract with Perkins & Will, Inc. to provide architectural and engineering services for the design, design development, construction documents, bidding and negotiation, and construction administration for the necessary improvements and replacements.

ESTIMATED SCHEDULE OF PROJECT

Begin Design	April 2018
Complete Design	June 2018
Bidding and Construction Award	June 2018 - October 2018
Begin Construction	November 2018
Complete Construction	March 2019

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Information about this item will be provided to the Quality of Life, Arts & Culture Committee on April 9, 2018.

FISCAL INFORMATION

Convention Center Capital Construction Funds – $265,025.00

Anticipated construction costs:	$1,500,000.00
Total anticipated expenditure:	$1,765,025.00

M/WBE INFORMATION

In accordance with the City's Business Inclusion and Development (BID) Plan adopted on October 22, 2008, by Resolution No. 08-2826, as amended, the M/WBE participation on this contract is as follows:

Contract Amount	Category	M/WBE Goal	M/WBE %	M/WBE $
$265,025.00	Architectural & Engineering	25.66%	27.65%	$73,300.00

- This contract exceeds the M/WBE goal of 25.66%

PROPOSAL INFORMATION

In July of 2017, the Department of Equipment and Building Services issued a Request for Qualifications to procure architectural and engineering services for the design, design development, construction documents, bidding and negotiation, and construction administration for the Ballroom A Ceiling, Lighting and Sound Project at the Kay Bailey Hutchison Convention Center Dallas. From the pool of firms that submitted qualifications, the selected firms were evaluated and short-listed based on their architectural qualifications listed in their Statement of Qualifications.

On August 7, 2017, the Department of Equipment and Building Services issued the Request for Proposals for the Ballroom A Ceiling, Lighting, and Sound Project to the following firms: GSR Andrade Architects, Inc., Oglesby Greene, Inc., Perkins & Will, Inc., BRW Architects, Inc., Corgan, and T. Howard & Associates Architects, Inc.

On August 21, 2017, the Department of Equipment and Building Services received two proposals from the short-listed firms. Interviews were held in September of 2017. Based on the proposals and interviews the two firms were ranked as follows:

Proposer	Rank
Perkins & Will, Inc.	1
T. Howard & Associates Architects, Inc.	2

The proposals were evaluated according to the criteria published in the Request for Qualifications and the Request for Proposals. These criteria, with respective weights, were as follows:

Criteria 1 - Qualification & Experience	25 points
Criteria 2 - Key Personnel	20 points
Criteria 3 - Understanding and Approach	20 points
Criteria 4 - Schedules and Budgets	20 points
Criteria 5 - Past performance and history of complying with M/WBE goals	15 points

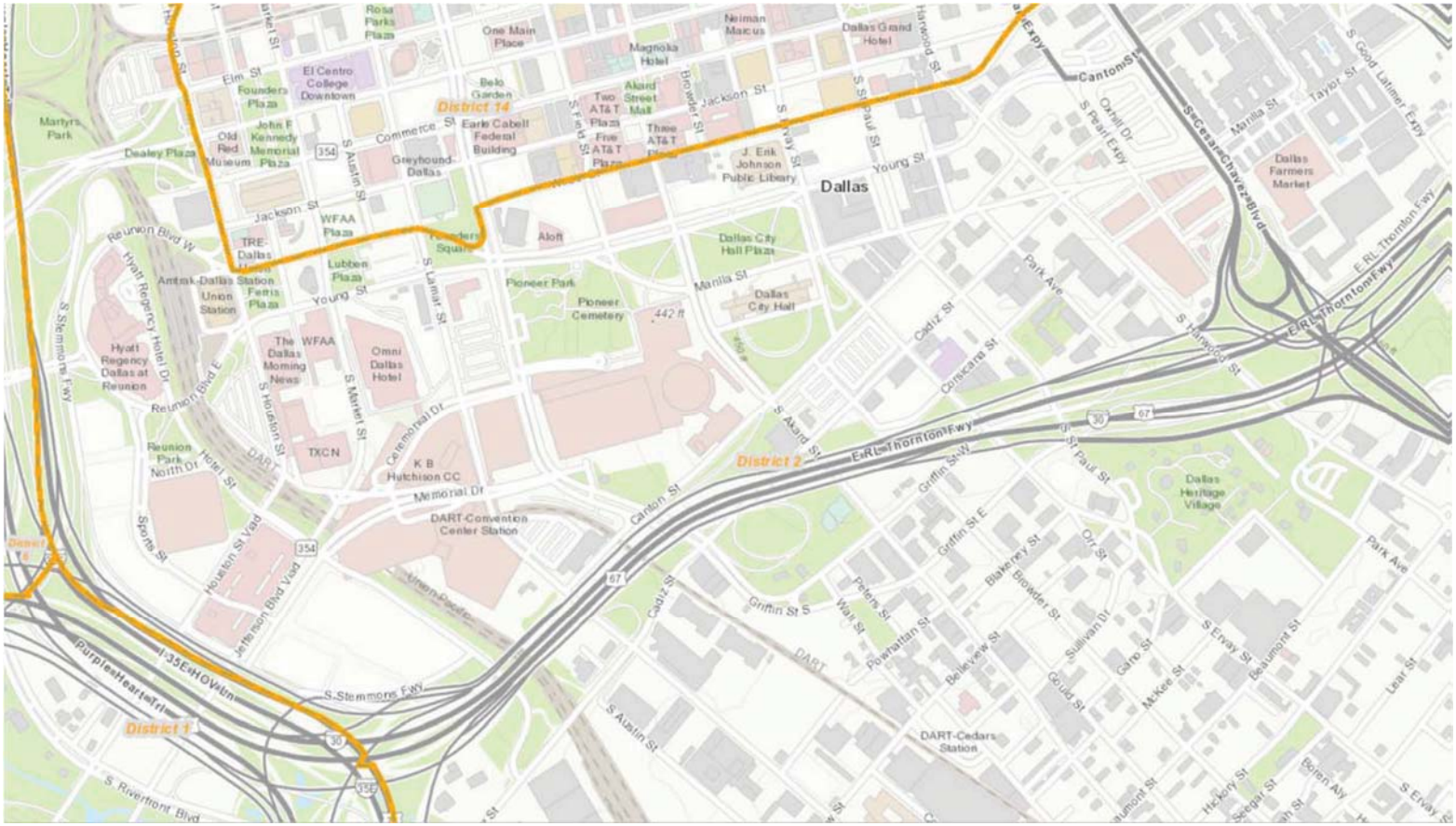
OWNER

Perkins & Will, Inc.

Courtney Johnston, ASID, Principal

MAP

Attached


Rosa Parks Plaza
One Main Place
Neiman Marcus
Dallas Grand Hotel
Magnolia Hotel
El Centro College Downtown
Founders Plaza
Belo Garden
Akard Street Mall
Two AT&T Plaza
Five AT&T Plaza
Three AT&T Plaza
District 14
Earle Cabell Federal Building
Commerce St
Jackson St
Martyrs Park
Old Red Museum
John F Kennedy Memorial Plaza
Dealey Plaza
Greyhound-Dallas
J. Erik Johnson Public Library
Dallas
Dallas Farmers Market
WFAA Plaza
Reunion Blvd W
TRE-Dallas Union Station
Amtrak-Dallas Union Station
Ferris Plaza
Lubben Plaza
Young St
Pioneers Square
Aloft
Dallas City Hall Plaza
Pioneer Park
Pioneer Cemetery
Dallas City Hall
Manila St
Hyatt Regency Dallas at Reunion
The Dallas Morning News
WFAA
Omni Dallas Hotel
Reunion Blvd E
S Houston St
S Market St
S Lamar St
S Stemmons Fwy
Cadiz St
Comercara St
Park Ave
S Harwood St
E R L Thornton Fwy
Ceremonial Dr
TXCN
K B Hutchison CC
Memorial Dr
Reunion Park North Dr
Hotel St
DART
Sports St
DART-Convention Center Station
District 2
Griffin St W
Griffin St E
Canton St
Dallas Heritage Village
Houston St Viad
Jefferson Blvd Viad
Union Pacific
Blakeney St
Browder St
Orr St
Peters St
Wall St
Powhattan St
Griffin St S
Sullivan Dr
Belleview St
Gould St
Gano St
McKee St
S Erway St
Beaumont St
Lear St
Purple Heart Trl
I-35E HOV Ln
District 1
S Riverfront Blvd
S Austin St
DART-Cedars Station
Hickory St
Boren Ave
Seeger St

April 11, 2018

WHEREAS, the Capital Improvement Program developed for the Kay Bailey Hutchison Convention Center Dallas in 2010 focused on upgrading the center to complement the new headquarters hotel; and

WHEREAS, Ballroom A is one of the original ballrooms and is heavily utilized by clients; and

WHEREAS, the lighting and sound systems within Ballroom A are outdated and in disrepair; and

WHEREAS, the ceiling treatment is integrated with the electrical, lighting, and sound systems and is also in disrepair; and

WHEREAS, a solicitation for Professional Architectural/Engineering and Consulting Services was developed and publicly advertised by the Department of Equipment and Building Services; and

WHEREAS, a Request for Proposals was issued to seven short-listed firms; and

WHEREAS, two firms submitted proposals to provide architectural and engineering services for the Kay Bailey Hutchison Convention Center Dallas Ballroom A Ceiling, Lighting and Sound Project; and

WHEREAS, Perkins & Will, Inc. was selected as the most qualified proposer of the two respondents as the result of a qualifications-based selection process in accordance with the City of Dallas procurement guidelines; and

WHEREAS, it is now desirable to authorize a professional services contract with Perkins & Will, Inc. for architectural and engineering services for design, design development, construction documents, bidding and negotiation, and construction administration for the Kay Bailey Hutchison Convention Center Dallas Ballroom A Ceiling, Lighting, and Sound Project, in an amount not to exceed $265,025.

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 Perkins & Will, Inc., approved as to form by the City Attorney, to provide architectural and engineering services for design, design development, construction documents, bidding and negotiation, and construction administration for the Kay Bailey Hutchison Convention Center Dallas Ballroom A Ceiling, Lighting, and Sound Project, in an amount not to exceed $265,025.

SECTION 2. That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed $265,025 to Perkins & Will, Inc. in accordance with the terms and conditions of the contract from Convention Center Capital Construction Fund, Fund 0082, Department CCT, Unit W103, Object 4112, Activity CCIM, Program CCTCW103, Encumbrance/Contract No. CX-EBS-2018-00005362, Vendor 503372.

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.

AGENDA ITEM # 8

STRATEGIC PRIORITY:	Quality of Life
AGENDA DATE:	April 11, 2018
COUNCIL DISTRICT(S):	14
DEPARTMENT:	Department of Equipment and Building Services Department of Public Works Office of Cultural Affairs
CMO:	Jody Puckett, 670-3390 Majed Al-Ghafry, 670-3302 Joey Zapata, 670-1204
MAPSCO:	45K

SUBJECT

Authorize an increase to the construction services contract with Phoenix 1 Restoration and Construction, Ltd. for construction modifications and corrective actions for concealed conditions discovered during the demolition phase at the Dallas Museum of Art Sculpture Garden located at 1717 North Harwood Street - Not to exceed $119,214, from $1,290,000 to $1,409,214 - Financing: 2006 Bond Funds

BACKGROUND

This action will authorize Change Order No. 1 to increase the scope and amount of the construction services contract with Phoenix 1 Restoration and Construction, Ltd. for construction modifications and corrective actions for concealed conditions discovered during the demolition phase at the Dallas Museum of Art Sculpture Garden located at 1717 North Harwood Street.

The Dallas Museum of Art Sculpture Garden was constructed in 1984. The underground plumbing and electrical systems serving the garden's water features have exceeded their expected life span and are failing due to the entanglement of Live Oak tree roots. Underground soil erosion has caused pavement to settle several inches, requiring doors from the museum to the garden to be locked due the trip hazard, and limits the use of the garden for exhibitions and events. The lack of stormwater drainage and deterioration of the basement waterproofing membrane due to damage by tree roots causes water infiltration into the basement during storm events. The scope of this project is to completely restore the Kelly Courtyard which will alleviate the issues with drainage, settlement and improve handicapped accessibility to the courtyard from the museum.

BACKGROUND (continued)

During the demolition phase of this project, the following concealed conditions were found:

- A 5-inch thick concrete slab was discovered under the existing limestone paving which must be removed to install the new concrete paving system.

- Beneath the 5-inch thick concrete slab mentioned above, pea gravel fill was found which varies in depth from 4 inches to 36 inches. Pea gravel is not appropriate fill material for use under a slab because it cannot be compacted properly to support the new concrete paving system. This pea gravel fill must be removed and new compactable fill installed, which will support the new concrete paving system.

- In the original design for this project, the retaining planter walls and the perimeter grade beam were to be demolished and replaced. During the negotiating phase prior to award of the construction contract, the plan was revised to reduce costs by leaving the existing retaining planter walls in place and tie the new paving into the existing perimeter grade beam. During the demolition phase, it was discovered that the existing retaining planter walls were constructed on top of a 5-inch thick concrete slab and inappropriate fill material on top of a perimeter grade beam. As a result of the concealed conditions, the retaining planter walls and fill material must be removed to allow the new concrete paving system to tie into the perimeter grade beam, and return the project to the original design.

Resolving these hidden conditions requires additional labor and materials in the amount of $93,826.35. This change order also includes additional labor and materials in the amount of $25,387.28 to PSA Constructors, Inc., a plumbing subcontractor.

The original contract awarded on November 8, 2017, by Resolution No. 17-1728 to Phoenix 1 Restoration and Construction, Ltd. included 27.67% Minority and Women-Owned Business Enterprises (M/WBE) participation. Due to the required additional scope having a higher impact on the non-minority owned businesses, Change Order No. 1 will reduce the M/WBE participation to 21.30%.

ESTIMATED SCHEDULE OF PROJECT

Began Design	June 2016
Completed Design	April 2017
Began Construction	November 2017
Complete Construction	May 2018

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On August 11, 2010, City Council authorized a professional services contract with Conley Group, Inc. engineering design of mechanical, electrical and drainage systems repairs and restoration at the Dallas Museum of Art Sculpture Garden water features and walkways to the Dallas Museum of Art located at 1717 North Harwood Street by Resolution No. 10-1948.

On June 22, 2016, City Council authorized Supplemental Agreement No. 2 to the professional services contract with Conley Group, Inc. for the Dallas Museum of Art Sculpture Garden Repairs by Resolution No. 16-1072.

On November 8, 2017, City Council authorized a construction contract with Phoenix 1 Restoration and Construction, Ltd. for the Dallas Museum of Art Sculpture Garden Renovation by Resolution No. 17-1728.

Information about this item will be provided to the Quality of Life, Arts, & Culture Committee on April 9, 2018.

FISCAL INFORMATION

2006 Bond Funds - $119,213.63

Construction	
Original Construction Contract	$1,290,000.00
Change Order No. 1 (this action)	$ 119,213.63
Total Project Construction Cost	$1,409,213.63

M/WBE INFORMATION

In accordance with the City's Business Inclusion and Development Plan adopted on October 22, 2008, by Resolution No. 08-2826, as amended, the M/WBE participation on this contract is as follows:

Contract Amount	Category	M/WBE Goal	M/WBE %	M/WBE $
$119,213.63	Construction	25.00%	21.30%	$25,387.28

- Change Order No. 1 - 21.30% M/WBE participation
- This contract does not meet the M/WBE goal of 25.00%, and has a 25.19% Overall M/WBE participation

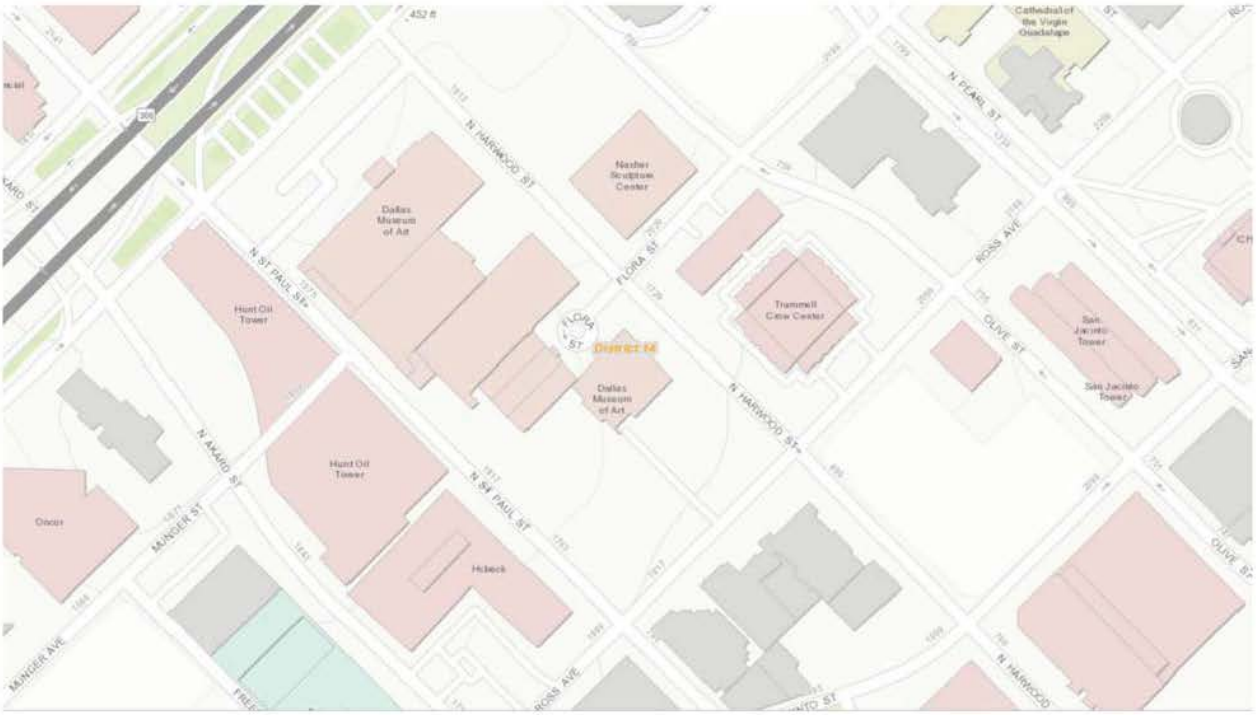
OWNER

Phoenix 1 Restoration and Construction, Ltd.

Dale Sellers, President

MAP

Attached


N HARWOOD ST
Nasher Sculpture Center
Dallas Museum of Art
FLORA ST
N ST PAUL ST
Hunt Oil Tower
Trammell Crow Center
ROSS AVE
N PEARL ST
Cathedral of the Virgin Guadalupe
OLIVE ST
San Jacinto Tower
DISTRICT M
N AKARD ST
MUNGER ST
Hunt Oil Tower
Onion
Hoblock
MUNGER AVE
ROSS AVE
N HARWOOD

WHEREAS, on August 11, 2010, City Council authorized a professional services contract with Conley Group, Inc. for engineering design of mechanical, electrical and drainage systems repairs and restoration at the Dallas Museum of Art Sculpture Garden water features and walkways to the Dallas Museum of Art located at 1717 North Harwood Street, in an amount not to exceed $219,628.00, by Resolution No. 10-1948; and

WHEREAS, on April 1, 2015, Administrative Action No. 15-0605 authorized Supplemental Agreement No. 1 to the professional services contract with Conley Group, Inc. to provide additional services to design the repairs to the four water features in the Dallas Museum of Art Sculpture Garden, in an amount not to exceed $7,200.00, from $219,628.00 to $226,828.00; and

WHEREAS, on June 22, 2016, City Council authorized Supplemental Agreement No. 2 to the professional services contract with Conley Group, Inc. for the Dallas Museum of Art Sculpture Garden Repairs, in an amount not to exceed $176,564.25, from $226,828.00 to $403,392.25, by Resolution No. 16-1072; and

WHEREAS, on September 26, 2017, Administrative Action No. 17-1023 authorized Supplemental Agreement No. 3 to the professional services contract with Conley Group, Inc. to provide additional electrical service to the planting areas and redesign the reflecting pool, in an amount not to exceed $16,070.00, from $403,392.25 to $419,462.25; and

WHEREAS, on November 8, 2017, City Council authorized a construction services contract with Phoenix 1 Restoration and Construction, Ltd. for the Dallas Museum of Art Sculpture Garden Renovation, in an amount not to exceed $1,290,000.00, by Resolution No. 17-1728; and

WHEREAS, on December 1, 2017, Administrative Action No. 17-1375 authorized Supplemental Agreement No. 4 to the professional services contract with Conley Group, Inc. to provide additional services to identify the cause of known leaks and to recommend repairs, in an amount not to exceed $5,200.00, from $419,462.25 to $424,662.25; and

WHEREAS, it is now necessary to authorize Change Order No. 1 to the construction services contract with Phoenix 1 Restoration and Construction, Ltd. for construction modifications and corrective actions for concealed conditions discovered during the demolition phase at the Dallas Museum of Art Sculpture Garden, in an amount not to exceed $119,213.63, increasing the contract amount from $1,290,000.00 to $1,409,213.63.

Now, Therefore,

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

SECTION 1. That an increase in the construction services contract with Phoenix 1 Restoration and Construction, Ltd. (Change Order No. 1) is authorized for construction modifications and corrective actions for concealed conditions discovered during the demolition phase at the Dallas Museum of Art Sculpture Garden located at 1717 North Harwood Street, in an amount not to exceed $119,213.63, increasing the contract amount from $1,290,000.00 to $1,409,213.63.

SECTION 2. That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed $119,213.63 to Phoenix 1 Restoration and Construction, Ltd. in accordance with the terms and conditions of the contract from the 2006 Bond Fund, Fund 4T49, Department PBW, Unit T703, Object 4310, Program 07DC082, Encumbrance/Contract No. CX-EBS-2017-00003649, Vendor VC0000003594.

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.

AGENDA ITEM # 9

STRATEGIC PRIORITY:	Economic and Neighborhood Vitality
AGENDA DATE:	April 11, 2018
COUNCIL DISTRICT(S):	2
DEPARTMENT:	Department of Equipment and Building Services Department of Convention and Event Services
CMO:	Jody Puckett, 670-3390 Joey Zapata, 670-3009
MAPSCO:	45 P

SUBJECT

Authorize Supplemental Agreement No. 1 to the professional services contract with T. Howard & Associates for architectural and engineering services for design, design development, construction documents, bidding and negotiation, and construction administration for the Pre-function and Exhibit Hall Restroom Upgrade Project at the Kay Bailey Hutchison Convention Center Dallas located at 650 South Griffin Street – Not to exceed $633,550, from $44,800 to $678,350 - Financing: Convention Center Capital Construction Funds

BACKGROUND

The Kay Bailey Hutchison Convention Center Dallas has 24 restrooms throughout the facility that have been updated at varying times since its initial construction in 1957. The current state of the restrooms varies widely, but overall the quality is inconsistent and they are in various states of repair. The City's intent is to provide modern, fully compliant facilities that will present well to visitors, maintain well with the high volume of traffic, and increase the facilities' attraction for potential clients.

BACKGROUND (continued)

On June 1, 2017, Administrative Action No. 17-6233 authorized a professional services contract with T. Howard & Associates to provide a pre-design and programming manual to assist the Kay Bailey Hutchison Convention Center Dallas with a comprehensive plan for a restroom upgrade for the 24 restrooms throughout the facility, in an amount not to exceed $44,800.00. The manual and phasing plan they produced identified areas where additional family restrooms could be created, which restrooms would initially be renovated, and provided a plan allowing for the Convention Center to remain operational throughout the project. The manual identified three levels of finish, dependent on the use and clientele for the different areas, such as ballroom clientele, the exhibit halls, high traffic, back of house, loading dock and heavy use. It also addressed finishes, materials, and fixtures ensuring consistent quality and appearance throughout the facility.

The pre-design manual and programming plans are complete and approved by the Convention Center. The Kay Bailey Hutchison Convention Center Dallas staff would like to begin the process of design for the addition of an as yet undetermined number of family restrooms, the re-model of the 24 restrooms throughout the facility, and any new additions.

This action will authorize Supplemental Agreement No.1 to the professional services contract with T. Howard & Associates to provide architectural and engineering services for the design, design development, construction documents, bidding and negotiation, and construction administration for the necessary improvements or replacements. A separate procurement is anticipated for construction in summer 2019 when the documents are finalized.

ESTIMATED SCHEDULE OF PROJECT

Begin Design	April 2018
Complete Design	June 2019
Begin Construction	November 2019
Complete Construction	TBD – phased to meet CES schedules

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Information about this item will be provided to the Quality of Life, Arts & Culture Committee on April 9, 2018.

FISCAL INFORMATION

Convention Center Capital Construction Funds - $633,550.00

Pre-design manual study (complete)	$ 44,800.00
Architectural/Engineering Design (this action)	$ 633,550.00
Construction (estimate)	$6,000,000.00
Total to complete	$6,678,350.00

M/WBE INFORMATION

In accordance with the City's Business Inclusion and Development Plan adopted on October 22, 2008, by Resolution No. 08-2826, as amended, the M/WBE participation on this contract is as follows:

Contract Amount	Category	M/WBE Goal	M/WBE %	M/WBE $
$633,550.00	Architectural & Engineering	25.66%	25.69%	$162,750.00

- Supplemental Agreement No. 1 - 25.69% M/WBE participation
- This contract exceeds the M/WBE goal of 25.66%, and has a 26.00% Overall M/WBE participation

OWNER

T. Howard & Associates

Todd C. Howard, President

MAP

Attached

District 1A
District 1
District 2
Dallas
Commerce St
Jackson St
Young St
Main St
Elm St
Akard St
Ervay St
Pearl Expy
Canton St
Griffin St
Cadiz St
Corsicana St
Park Ave
Pacific Ave
Live Oak St
Gano St
Beaumont St
Lear St
Griffin St E
Griffin St S
Blakeney St
Bowdoin St
Sullivan Dr
McKee St
Belleview St
Riverfront Blvd
S Stemmons Fwy
Purple Heart Trl
I-35E HOV Ln
E R L Thornton Fwy
Reunion Blvd W
Reunion Blvd E
Hotel St
Houston St Viad
Johnson Blvd Viad
Commerce St Viad
Akard St Viad
Ervay St Viad
Pearl St Viad
Griffin St Viad
Cadiz St Viad
Live Oak St Viad
Pacific Ave Viad
Martyrs Park
Dealey Plaza
Old Red Museum
John F Kennedy Memorial Plaza
El Centro College Downtown
Founders Plaza
Belo Garden
Earle Cabell Federal Building
Greyhound-Dallas
WFAA Plaza
TRE-Dallas
Amtrak-Dallas Union Station
Ferris Plaza
Lubbock Plaza
Founders Square
Aloft
Pioneer Park
Pioneer Cemetery
Dallas City Hall Plaza
Dallas City Hall
J. Erik Johnson Public Library
Two AT&T Plaza
Five AT&T Plaza
Three AT&T Plaza
Akard Street Mall
Magnolia Hotel
Neiman Marcus
Dallas Grand Hotel
One Main Place
Reata Parks Plaza
Dallas Farmers Market
Dallas Heritage Village
Hyatt Regency Dallas at Reunion
The WFAA Dallas Morning News
Omni Dallas Hotel
TXCN
K B Hutchison CC
Reunion Park North Dr
DART-Convention Center Station
DART-Cedars Station
DART
442 ft
354
30
67
352

WHEREAS, the Capital Improvement Program developed for the Kay Bailey Hutchison Convention Center Dallas in 2010 focused on upgrading the center to complement the new headquarters hotel; and

WHEREAS, there are over twenty-four restrooms that were built over a period of fifty years, each set representing a different era of code compliance and customer expectations, there is a wide variety in the levels of ADA and code compliance throughout the facility; and

WHEREAS, as a continuation of the effort to upgrade the center, a listing of projects to upgrade and repair the existing restrooms as well as potential locations for new restrooms was developed based on the state of repair and facility usage; and

WHEREAS, a solicitation for Professional Architectural/Engineering and Consulting Services was developed and publicly advertised by the Department of Equipment and Building Services; and

WHEREAS, a proposal request was issued to seven short listed firms; and

WHEREAS, two firms submitted proposals to provide architectural and engineering services for the Kay Bailey Hutchison Convention Center Dallas Pre-function and Exhibit Hall Restroom Upgrade Project; and

WHEREAS, T. Howard & Associates was selected as the most qualified proposer of the two respondents as the result of a qualifications based selection process in accordance with City of Dallas procurement guidelines; and

WHEREAS, on June 6, 2017, Administrative Action No. 17-6233 authorized a professional services contract with T. Howard & Associates to develop a pre-design and programming manual addressing all pre-function and exhibit hall restrooms; and

WHEREAS, it is now desirable to authorize Supplemental Agreement No. 1 to the professional services contract with T. Howard & Associates for architectural and engineering services for design, design development, construction documents, bidding and negotiation, and construction administration for the Kay Bailey Hutchison Convention Center Dallas Pre-function and Exhibit Hall Restroom Upgrade Project, in an amount not to exceed $633,550, increasing the contract amount from $44,800 to $678,350.

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 Supplemental Agreement No. 1 to the professional services contract with T. Howard & Associates, approved as to form by the City Attorney, to provide architectural and engineering services for design, design development, construction documents, bidding and negotiation, and construction administration for the 2017 Kay Bailey Hutchison Convention Center Dallas Pre-function and Exhibit Hall Restroom Upgrade Project, in an amount not to exceed $633,550, increasing the contract amount from $44,800 to $678,350.

SECTION 2. That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed $633,550 in accordance with the terms and conditions of the contract to T. Howard and Associates from Convention Center Capital Construction Fund, Fund 0082, Department CCT, Unit W111, Object 4112, Program CCTCW111, Activity CCIM, Encumbrance/Contract No. CX-EBS-2017-00001951, Vendor 339841.

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.

AGENDA ITEM # 10

STRATEGIC PRIORITY:	Mobility Solutions, Infrastructure, and Sustainability
AGENDA DATE:	April 11, 2018
COUNCIL DISTRICT(S):	10, 13
DEPARTMENT:	Department of Public Works
CMO:	Majed Al-Ghafry, 670-3302
MAPSCO:	17 P S U; 26 T

SUBJECT

Authorize **(1)** an Advance Funding Agreement with the Texas Department of Transportation (TxDOT) (Contract No. CSJ 0918-47-978) to accept funding from the State Highway (SH) 121 Subaccount in the amount of $1,790,690 for engineering costs for the intersection improvements on Valley View Lane/Walnut Street at South Greenville Avenue, Abrams Road, Richland College (Richland East Drive) and Audelia Road and a right turn lane on Northbound U.S. Highway 75 Frontage Road to Park Lane; **(2)** the receipt and deposit of Regional Toll Revenue (RTR) Funds from TxDOT in an amount not to exceed $1,790,690 in the TxDOT RTR SH 121-Park Lane and Walnut Street Off System Project Fund; and **(3)** the establishment of appropriations in an amount not to exceed $1,790,690 in the TxDOT RTR SH 121-Park Lane and Walnut Street Off System Project Fund - Not to exceed $1,790,690 - Financing: Regional Toll Revenue Funds

BACKGROUND

The Valley View Lane/Walnut Street Project from Interstate Highway 635 (IH-635) to east of the city limits and the Park Lane Project from U.S. Highway 75 to Greenville Avenue are two partnership projects with TxDOT that were selected by the Surface Transportation Program – Metropolitan Mobility (STP–MM) provided by the Intermodal Surface Transportation Efficiency Act (ISTEA) in 1991. TxDOT was the lead agency to administer the design and construction for both projects, but the projects have been progressing very slowly.

Both projects are now being rescoped and the City of Dallas will take over the responsibility of lead/implementing agency to administer the design and construction. The existing Valley View Lane/Walnut Street and Park Lane Projects are to be terminated and combined into one new intersection improvements project. The City desires to have more pedestrian-friendly elements throughout the city; therefore, the proposed new scope will include intersection improvements on Walnut Street at South Greenville Avenue, Abrams Road, Richland College (Richland East Drive) and Audelia Road and a right turn lane Northbound U.S. Highway 75 Frontage Road to Park Lane.

BACKGROUND (continued)

The improvements will install new traffic signals with radar detections, pedestrian push buttons, crosswalks, and ramps that comply with the American Disabilities Act.

The agreement with TxDOT for the Park Lane Project from U.S. Highway 75 to Greenville Avenue was terminated in 2006 and TxDOT recently requested the City to pay for their up-to-date engineering costs for the project.

The City is required to pay TxDOT for their up-to-date engineering expenditures at the termination of the existing agreements for the projects in the total amount of $1,790,689.72. The North Central Texas Council of Governments (NCTCOG) agreed to assist the City to pay for these engineering expenditures with RTR funds.

This action will authorize an Advance Funding Agreement with TxDOT to receive RTR funds from NCTCOG for engineering costs for the Valley View Lane/Walnut Street and Park Lane Projects. The RTR funds received will be used to pay for the termination costs (up-to-date engineering costs) of the Valley View Lane/Walnut Street from IH-635 to east of the city limits and Park Lane from U.S. Highway 75 to Greenville Avenue Projects.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On November 13, 1996, City Council authorized an Interlocal Agreement between the City of Dallas and the Texas Department of Transportation for design and construction of Valley View Lane/Walnut Street from IH-635 service road to the east city limits by Resolution No. 96-3671.

On January 8, 1997, City Council authorized an Interlocal Agreement between the City of Dallas and the Texas Department of Transportation for the design and construction of Park Lane from U.S. 75 (North Central Expressway) to Greenville Avenue by Resolution No. 97-0094.

On May 23, 2007, City Council authorized an additional payment to the Texas Department of Transportation for the City's share of design costs for paving and drainage improvements on Valley View Lane/Walnut Street from IH-635 service road to the eastern city limits at Las Brisas Drive by Resolution No. 07-1544.

On April 8, 2009, City Council authorized a Local Project Advanced Funding Agreement with the Texas Department of Transportation for the design, right-of-way acquisition, and construction of paving and drainage improvements on Valley View Lane/Walnut Street from IH-635 service road to the east city limits (Las Brisas) by Resolution No. 09-0968.

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

On May 27, 2015, City Council authorized an additional payment to the Texas Department of Transportation for the city's share of design costs for intersection improvements on Valley View Lane/Walnut Street from IH-635 to east of the city limits by Resolution No. 15-0963.

Information about this item will be provided to the Mobility Solutions, Infrastructure and Sustainable Committee on April 9, 2018.

FISCAL INFORMATION

Regional Toll Revenue Funds - $1,790,689.72

Council District	Amount
10	$1,114,337.91
13	$ 676,351.81
Total	$1,790,689.72

Valley View Lane/Walnut Street at South Greenville Avenue, Abrams Road, Richland College (Richland East Drive) and Audelia Road and a right turn lane on Northbound U.S. Highway 75 Frontage Road to Park Lane

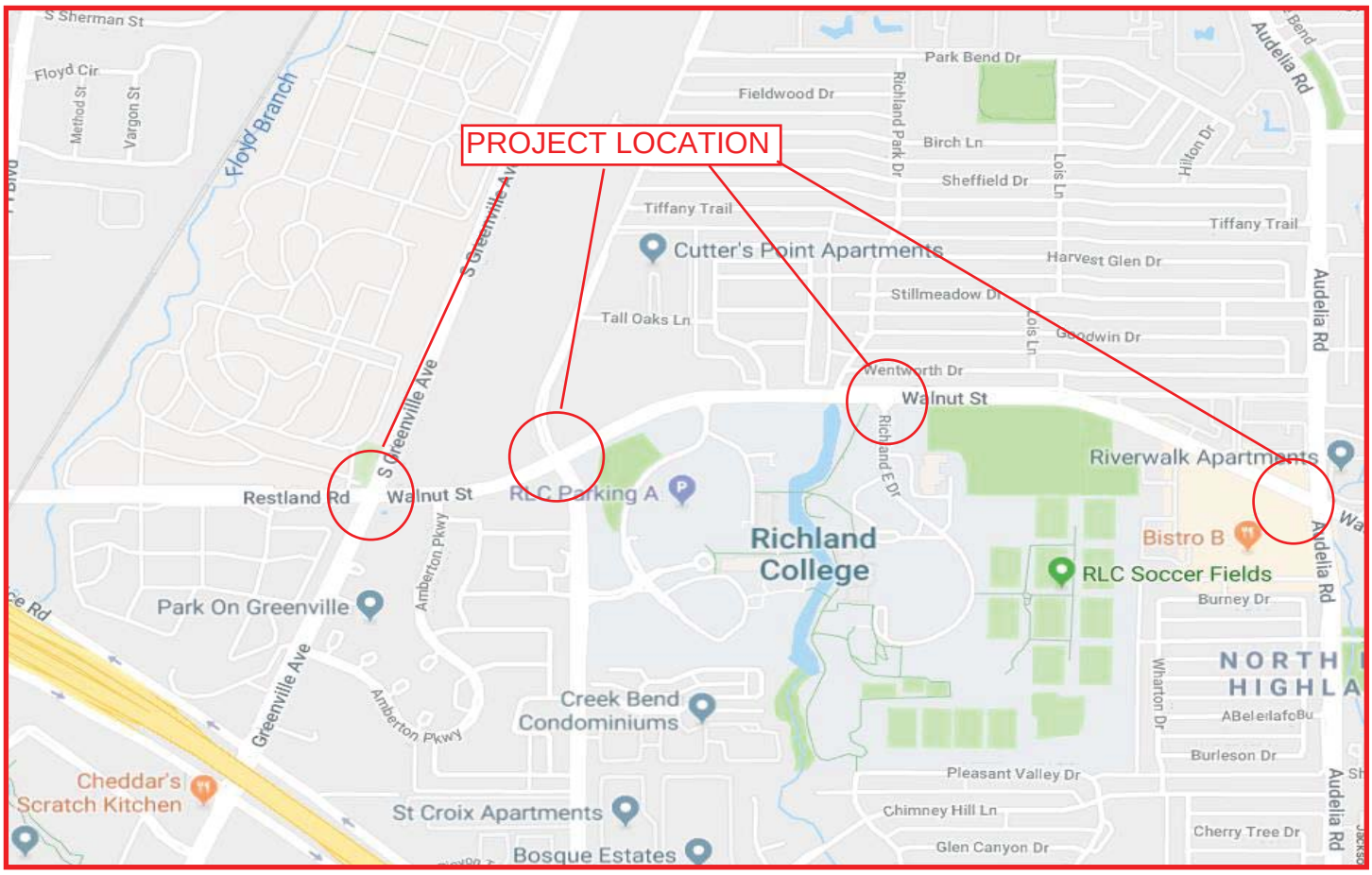
Up-to-date engineering costs:

Valley View/Walnut Street Project (RTR Fund)	$1,114,337.91
Park Lane Project (RTR Fund)	$ 676,351.81
Total	$1,790,689.72

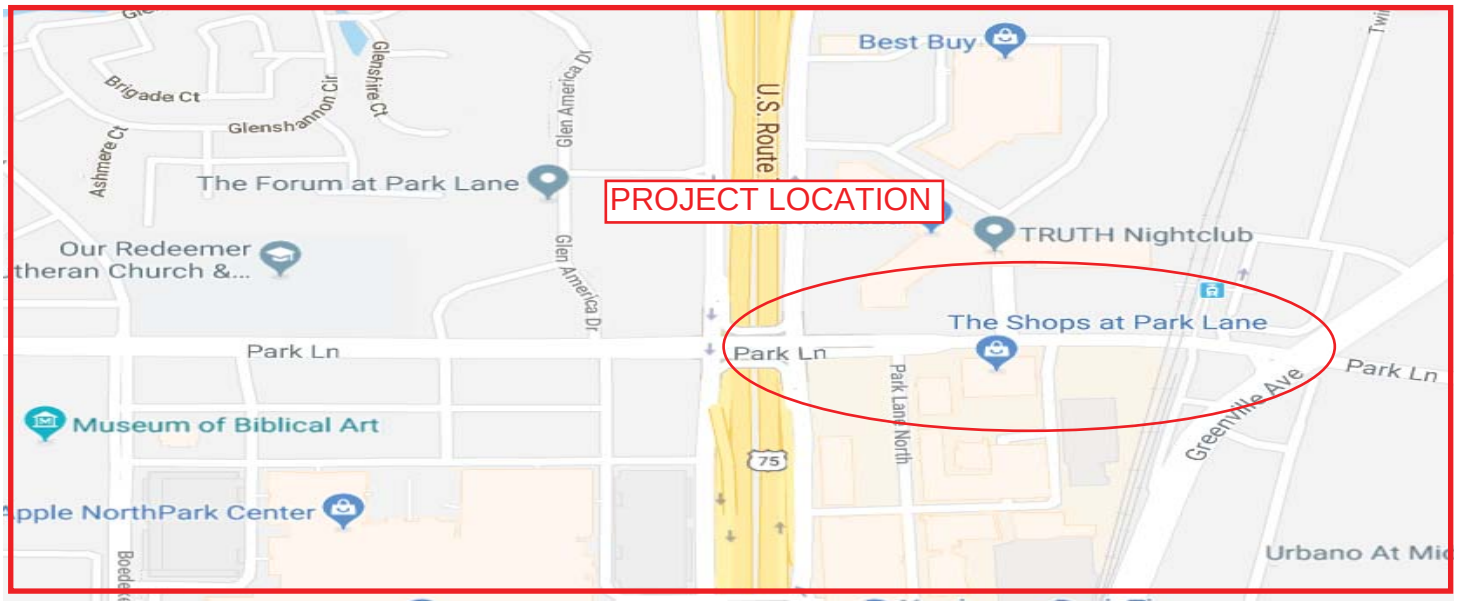
MAP

Attached

Existing Projects To Be Terminated:
Valley View/Walnut Street from IH 635 to the East of City Limits
MAPSCO 17P, S, U



Park Lane from US 75 to Greenville Ave.
MAPSCO 26T



WHEREAS, on November 13, 1996, City Council authorized an Interlocal Agreement between the City of Dallas and the Texas Department of Transportation (TxDOT) for design and construction of Valley View Lane/Walnut Street from Interstate Highway 635 (IH-635) service road to the east city limits and payment to TxDOT, in an amount not to exceed $78,666.00 for the City's share of design costs by Resolution No. 96-3671; and

WHEREAS, on January 8, 1997, City Council authorized an Interlocal Agreement between the City of Dallas and TxDOT for the design and construction of Park Lane from U.S. Highway 75 (North Central Expressway) to Greenville Avenue and payment of $17,472.00 for the City's estimated share of the engineering costs by Resolution No. 97-0094; and

WHEREAS, on October 2, 1998, Amendment No. 1 to the Interlocal Agreement with TxDOT for the improvements of Park Lane from U.S. Highway 75 (North Central Expressway) to Greenville Avenue was executed to add the indirect Cost Recovery Plan; and

WHEREAS, September 19, 2006, Amendment No. 2 to the Interlocal Agreement with TxDOT for the improvements of Park Lane from U.S. Highway 75 (North Central Expressway) to Greenville Avenue was executed on to terminate the agreement; and

WHEREAS, on May 23, 2007, City Council authorized an additional payment to TxDOT for the City's share of design costs for paving and drainage improvements on Valley View Lane/Walnut Street from IH-635 service road to the eastern city limits at Las Brisas Drive, in an amount not to exceed $45,000.00, by Resolution No. 07-1544; and

WHEREAS, on April 8, 2009, City Council authorized a new Local Project Advanced Funding Agreement with TxDOT for the design, right-of-way acquisition, and construction paving and drainage improvements on Valley View Lane/Walnut Street from IH-635 service road to the east city limits by Resolution No. 09-0968; and

WHEREAS, on May 27, 2015, City Council authorized an additional payment to TxDOT for the city's share of design costs for the Valley View Lane/Walnut Street from IH-635 service road to east of the city limits, in an amount not to exceed $166,146.76, by Resolution No. 15-0963; and

WHEREAS, TxDOT was the lead agency administering the design and construction of Valley View Lane/Walnut Street from IH-635 service road to east of the city limits and Park Lane from U.S. Highway 75 to Greenville Avenue; and

WHEREAS, the original project scopes are no longer valid and the City desires to terminate the existing agreements; and

WHEREAS, the City is required to pay TxDOT for their up-to-date engineering expenditures at the termination of the existing agreements in the total amount of $1,790,689.72; and

WHEREAS, the North Central Texas Council of Governments (NCTCOG) agreed to assist the City with these engineering expenditures with Regional Toll Revenue (RTR) funds from the North Texas Tollway Authority through the State Highway 121 Subaccount; and

WHEREAS, it is now necessary to authorize an Advance Funding Agreement with TxDOT for engineering costs for the intersection improvements at Valley View Lane/Walnut Street at South Greenville Avenue, Abrams Road, Richland College (Richland East Drive) and Audelia Road and a right turn lane on Northbound U.S. Highway 75 Frontage Road to Park Lane.

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 an Advance Funding Agreement with the Texas Department of Transportation (Contract No. CSJ 0918-47-978) to accept funding from the State Highway (SH) 121 Subaccount in the amount of $1,790,690, approved as to form by the City Attorney, for engineering costs for the intersection improvements at Valley View Lane/Walnut Street at South Greenville Avenue, Abrams Road, Richland College (Richland East Drive) and Audelia Road and a right turn lane on Northbound U.S. Highway 75 Frontage Road to Park Lane.

SECTION 2. That the Chief Financial Officer is hereby authorized to receive and deposit funds in an amount not to exceed $1,790,689.72 in the TxDOT RTR SH 121-Park Lane and Walnut Street Off System Project Fund, Fund S322, Department PBW, Units U234 ($1,114,337.91) and U227 ($676,351.81), Revenue Code 6516.

SECTION 3. That the City Manager is hereby authorized to establish appropriations in an amount not to exceed $1,790,689.72 in the TxDOT RTR SH 121-Park Lane and Walnut Street Off System Project Fund, Fund S322, Department PBW, Units U234 ($1,114,337.91) and U227 ($676,351.81), Object 4510.

SECTION 4. That the City Manager is hereby authorized to reimburse the State any expenditures identified as ineligible and notify the appropriate City Council Committee of expenditures identified as ineligible not later than 30 days after the reimbursement.

SECTION 5. That the City Manager shall keep the appropriate City Council Committee informed of all final granting agency monitoring reports not later than 30 days after the receipt of the report.

SECTION 6. That this contract is designated as Contract No. PBW-2018-00005602.

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.

AGENDA ITEM # 11

STRATEGIC PRIORITY: Mobility Solutions, Infrastructure, and Sustainability

AGENDA DATE: April 11, 2018

COUNCIL DISTRICT(S): 10, 13

DEPARTMENT: Department of Public Works

CMO: Majed Al-Ghafry, 670-3302

MAPSCO: 17 P S U; 26 T

SUBJECT

Authorize **(1)** Amendment No. 2 to the Interlocal Agreement with the Texas Department of Transportation (TxDOT) for the design and construction of the Valley View Lane/Walnut Street Project from Interstate Highway 635 service road to east of the city limits to terminate the agreement; **(2)** payment to TxDOT for their up-to-date engineering costs in an amount not to exceed $1,114,338 at the termination of the agreement; and **(3)** payment to TxDOT for their up-to-date engineering costs for the Park Lane Project from U.S. Highway 75 to Greenville Avenue in an amount not to exceed $676,352 - Total not to exceed $1,790,690 - Financing: Regional Toll Revenue Funds

BACKGROUND

The Valley View Lane/Walnut Street Project from Interstate Highway 635 (IH-635) to east of the city limits and the Park Lane Project from U.S. Highway 75 to Greenville Avenue are two partnership projects with TxDOT that were selected by the Surface Transportation Program – Metropolitan Mobility (STP–MM) provided by the Intermodal Surface Transportation Efficiency Act (ISTEA) in 1991. TxDOT was the lead agency to administer the design and construction for both projects, but the projects have been progressing very slowly.

Both projects are now being rescoped and the City of Dallas will take over the responsibility of lead/implementing agency to administer the design and construction. The existing Valley View Lane/Walnut Street and Park Lane Projects are to be terminated and combined into one new intersection improvements project. The City desires to have more pedestrian-friendly elements throughout the city; therefore, the proposed new scope will include intersection improvements on Walnut Street at South Greenville Avenue, Abrams Road, Richland College (Richland East Drive) and Northbound U.S. Highway 75 Frontage Road at Park Lane. The improvements will install new traffic signals with radar detections, pedestrian push buttons, crosswalks, and ramps that comply with the Americans with Disabilities Act.

BACKGROUND (continued)

The agreement with TxDOT for the Park Lane Project from U.S. Highway 75 to Greenville Avenue was terminated in 2006 and TxDOT recently requested the City to pay for their up-to-date engineering costs for the project.

The City is required to pay TxDOT for their up-to-date engineering expenditures at the termination of the existing agreements for the projects in the total amount of $1,790,689.72. The North Central Texas Council of Governments (NCTCOG) agreed to assist the City to pay for these engineering expenditures with Regional Toll Revenue (RTR) funds.

This action will authorize the termination of the existing agreement with TxDOT for the Valley View Lane/Walnut Street Project from IH-635 to east of the city limits.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On November 13, 1996, City Council authorized an Interlocal Agreement between the City of Dallas and the Texas Department of Transportation for design and construction of Valley View Lane/Walnut Street from IH-635 service road to the east city limits by Resolution No. 96-3671.

On January 8, 1997, City Council authorized an Interlocal Agreement between the City of Dallas and the Texas Department of Transportation for the design and construction of Park Lane from U.S. Highway 75 (North Central Expressway) to Greenville Avenue by Resolution No. 97-0094.

On May 23, 2007, City Council authorized an additional payment to the Texas Department of Transportation for the City's share of design costs for paving and drainage improvements on Valley View Lane/Walnut Street from IH-635 service road to the eastern city limits at Las Brisas Drive by Resolution No. 07-1544.

On April 8, 2009, City Council authorized a Local Project Advanced Funding Agreement with the Texas Department of Transportation for the design, right-of-way acquisition, and construction of paving and drainage improvements on Valley View Lane/Walnut Street from IH-635 service road to the east city limits (Las Brisas) by Resolution No. 09-0968.

On May 27, 2015, City Council authorized an additional payment to the Texas Department of Transportation for the city's share of design costs for intersection improvements on Valley View Lane/Walnut Street from IH-635 to east of the city limits by Resolution No. 15-0963.

Information about this item will be provided to the Mobility Solutions, Infrastructure and Sustainable Committee on April 9, 2018.

FISCAL INFORMATION

Regional Toll Revenue Funds - $1,790,689.72

Council District	Amount
10	$1,114,337.91
13	$ 676,351.81
Total	$1,790,689.72

Valley View Lane/Walnut Street from IH-635 service road to east of the city limits, and Park Lane from U.S. Highway 75 to Greenville Avenue Termination Costs

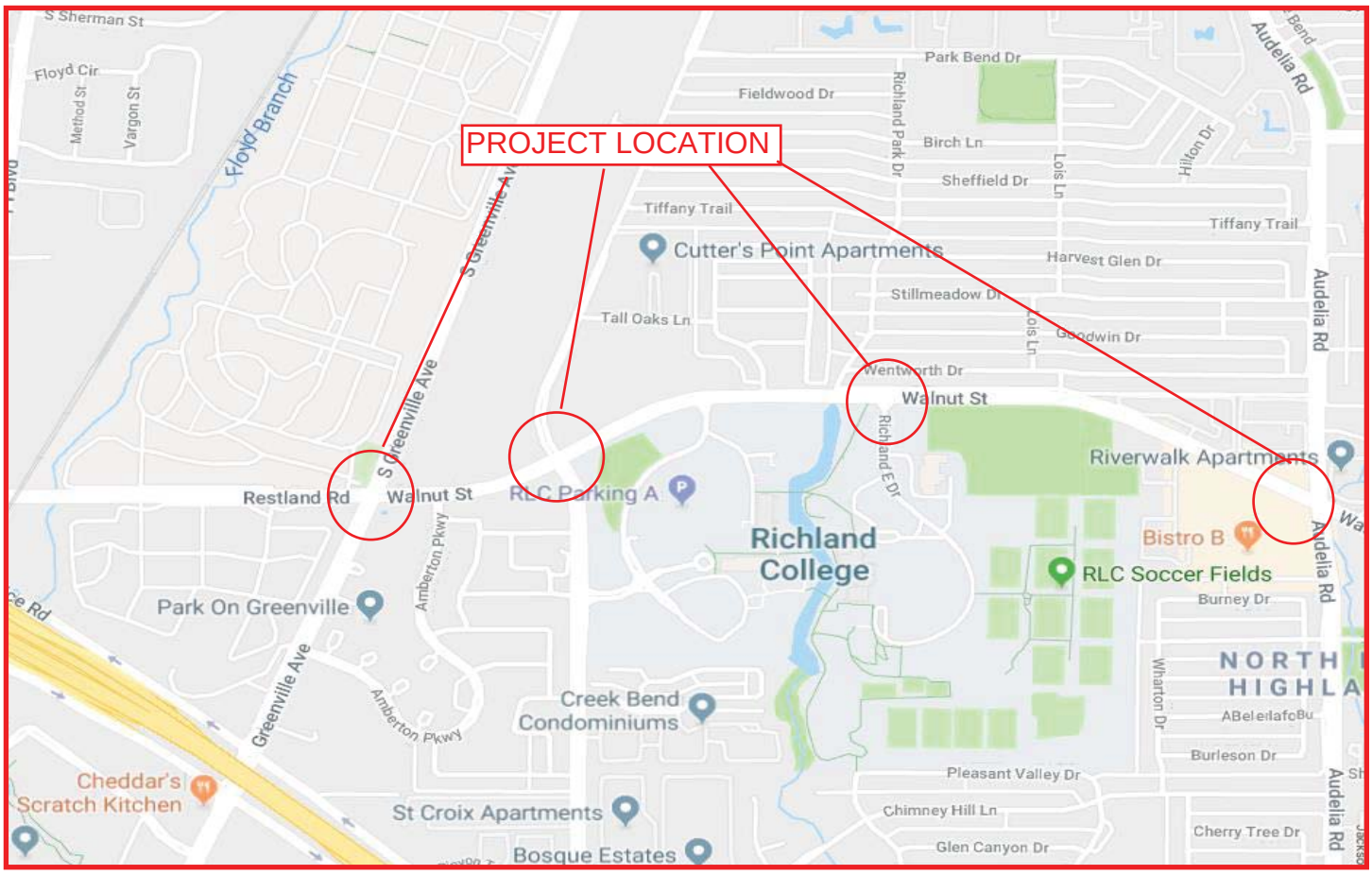
Up-to-date engineering costs:

Valley View/Walnut Street Project (RTR Fund)	$1,114,337.91
Park Lane Project (RTR Fund)	$ 676,351.81
Total	$1,790,689.72

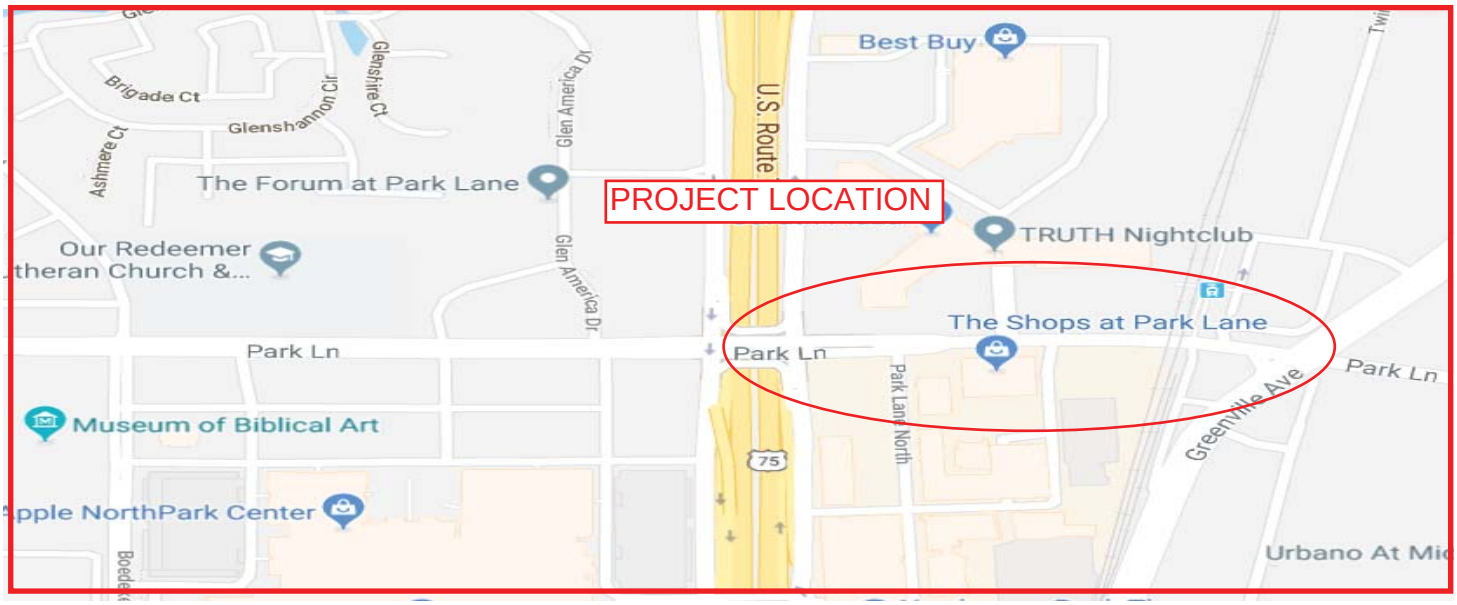
MAP

Attached

Existing Projects To Be Terminated:
Valley View/Walnut Street from IH 635 to the East of City Limits
MAPSCO 17P, S, U



Park Lane from US 75 to Greenville Ave.
MAPSCO 26T



April 11, 2018

WHEREAS, on November 13, 1996, City Council authorized an Interlocal Agreement between the City of Dallas and the Texas Department of Transportation (TxDOT) for design and construction of the Valley View Lane/Walnut Street Project from Interstate Highway 635 (IH-635) service road to the east city limits and payment to TxDOT, in an amount not to exceed $78,666.00 for the City's share of design costs by Resolution No. 96-3671; and

WHEREAS, on January 8, 1997, City Council authorized an Interlocal Agreement between the City of Dallas and TxDOT for the design and construction of Park Lane from U.S. Highway 75 (North Central Expressway) to Greenville Avenue and payment of $17,472.00 for the City's estimated share of the engineering costs by Resolution No. 97-0094; and

WHEREAS, on October 2, 1998, Amendment No. 1 to the Interlocal Agreement with TxDOT for the improvements of Park Lane from U.S. Highway 75 (North Central Expressway) to Greenville Avenue was executed to add the indirect Cost Recovery Plan; and

WHEREAS, on September 19, 2006, Amendment No. 2 to the Interlocal Agreement with TxDOT for the improvements of Park Lane from U.S. Highway 75 (North Central Expressway) to Greenville Avenue was executed to terminate the agreement; and

WHEREAS, on May 23, 2007, City Council authorized an additional payment to TxDOT for the City's share of design costs for paving and drainage improvements on Valley View Lane/Walnut Street from IH-635 service road to the eastern city limits at Las Brisas Drive, in an amount not to exceed $45,000.00, by Resolution No. 07-1544; and

WHEREAS, on April 8, 2009, City Council authorized a new Local Project Advanced Funding Agreement with TxDOT for the design, right-of-way acquisition, and construction paving and drainage improvements on Valley View Lane/Walnut Street from IH-635 service road to the east city limits by Resolution No. 09-0968; and

WHEREAS, on May 27, 2015, City Council authorized an additional payment to TxDOT for the city's share of design costs for the Valley View Lane/Walnut Street Project from IH-635 service road to east of the city limits, in an amount not to exceed $166,146.76, by Resolution No. 15-0963; and

WHEREAS, TxDOT was the lead agency administering the design and construction of Valley View Lane/Walnut Street from IH-635 service road to east of the city limits and Park Lane from U.S. Highway 75 to Greenville Avenue; and

WHEREAS, the original project scopes are no longer valid and the City desires to terminate the existing agreement; and

WHEREAS, the City is required to pay TxDOT for their up-to-date engineering expenditures at the termination of the existing agreement; and

WHEREAS, it is now necessary to authorize Amendment No. 2 to the Interlocal Agreement with TxDOT for design and construction of the Valley View Lane/Walnut Street Project from IH-635 service road to east of the city limits to terminate the agreement; and payment to TxDOT for their up-to-date engineering costs, in an amount not to exceed $1,114,337.91; and

WHEREAS, the agreement with TxDOT for the Park Lane Project from U.S. Highway 75 to Greenville Avenue was terminated in 2006 and TxDOT recently requested the City to pay for their up-to-date engineering costs; and

WHEREAS, it is now also necessary to authorize payment to TxDOT for their up-to-date engineering costs for the Park Lane Project from U.S. Highway 75 to Greenville Avenue, in an amount not exceed to $676,351.81.

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 Amendment No. 2 to the Interlocal Agreement with the Texas Department of Transportation, approved as to form by the City Attorney, for the design and construction of the Valley View Lane/Walnut Street Project from Interstate Highway 635 service road to east of the city limits to terminate the agreement.

SECTION 2. That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed $1,114,337.91 to TxDOT for the Valley View Lane/Walnut Street Project from IH-635 service road to east of the city limits in accordance with the terms and conditions of the agreement from the TxDOT RTR SH 121-Park Lane and Walnut Street Off System Project Fund, Fund S322, Department PBW, Unit U234, Activity INGV, Object 4111, Program PB06U234, Vendor 020318, Encumbrance/Contract No. CX-PBW-2018-00005605.

SECTION 3. That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed $676,351.81 to TxDOT for the Park Lane Project from U.S. Highway 75 to Greenville Avenue in accordance with the terms and conditions of the agreement from the TxDOT RTR SH 121-Park Lane and Walnut Street Off System Project Fund, Fund S322, Department PBW, Unit U227, Activity INGV, Object 4111, Program PB06U227, Vendor 020318, Encumbrance/Contract No. CX-PBW-2018-00005606.

SECTION 4. That the Chief Financial Officer is hereby authorized to deposit any unused regional toll revenue funds advanced to TxDOT pertaining to this project in the TxDOT RTR SH 121-Park Lane and Walnut Street Off System Project Fund, Fund S322, Department PBW, Units U227 and U234, Revenue Code 6516.

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.

AGENDA ITEM # 12

STRATEGIC PRIORITY: Mobility Solutions, Infrastructure, and Sustainability

AGENDA DATE: April 11, 2018

COUNCIL DISTRICT(S): 10, 13

DEPARTMENT: Department of Public Works

CMO: Majed Al-Ghafry, 670-3302

MAPSCO: 17 P S U; 26 T

SUBJECT

Authorize **(1)** a Local Project Advance Funding Agreement with the Texas Department of Transportation (TxDOT) for the design and construction of the intersection improvements at Walnut Street and Greenville Avenue, Abrams Road, and Richland College (Richland East Drive) and Park Lane at U.S. Highway 75; and **(2)** payment to TxDOT for the City's share of design and construction-related engineering review costs – Not to exceed $26,560 – Financing: 2006 Bond Funds

BACKGROUND

The Valley View Lane/Walnut Street Project from Interstate Highway 635 (IH-635) to east of the city limits and the Park Lane Project from U.S. Highway 75 to Greenville Avenue are two partnership projects with TxDOT that were selected by the Surface Transportation Program – Metropolitan Mobility (STP–MM) provided by the Intermodal Surface Transportation Efficiency Act (ISTEA) in 1991. TxDOT was the lead agency to administer the design and construction for both projects, but the projects have been progressing very slowly.

Both projects are now being rescoped and the City of Dallas will take over the responsibility of lead/implementing agency to administer the design and construction. The existing Valley View Lane/Walnut Street and Park Lane Projects are to be terminated and combined into one new intersection improvements project. The City desires to have more pedestrian-friendly elements throughout the City; therefore, the proposed new scope will include intersection improvements on Walnut Street at Greenville Avenue, Abrams Road, and Richland College (Richland East Drive) and on Park Lane at U.S. Highway 75. The improvements will install new traffic signals with radar detections, pedestrian push buttons, crosswalks, and ramps that comply with the Americans with Disabilities Act.

BACKGROUND (continued)

This action will authorize a Local Project Advance Funding Agreement with TxDOT for the design and construction of the new intersection improvements project on Walnut Street at Greenville Avenue, Abrams Road, and Richland College (Richland East Drive) and Park Lane at U.S. Highway 75.

The new intersection improvements project total costs are estimated at $1,424,968, of which $386,560 is to be funded by the City of Dallas, $960,000 is to be federally funded, and $78,408 is to be funded by TxDOT.

ESTIMATED SCHEDULE OF PROJECT

Begin Design	May 2018
Complete Design	September 2018
Begin Construction	January 2019
Complete Construction	July 2019

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On November 13, 1996, City Council authorized an Interlocal Agreement between the City of Dallas and the Texas Department of Transportation for the design and construction of paving improvements to Valley View Lane/Walnut Street from LBJ Service Road to the east city limits by Resolution No. 96–3671.

On January 8, 1997, City Council authorized an Interlocal Agreement between the City of Dallas and the Texas Department of Transportation for the design and construction paving improvements to Park Lane from US 75 (North Central Expressway) to Greenville Avenue by Resolution No. 97–0094.

On May 23, 2007, City Council authorized an additional payment to the Texas Department of Transportation for the City's share of design costs for paving and drainage improvements on Valley View Lane/Walnut Street from IH-635 service road to eastern city limits at Las Brisas Drive by Resolution No. 07–1544.

On April 8, 2009, City Council authorized a Local Project Advanced Funding Agreement with Texas Department of Transportation for paving and drainage improvements on Valley View Lane/Walnut Street from IH-635 service road to the east city limits (Las Brisas) by Resolution No. 09–0968.

On May 27, 2015, City Council authorized an additional payment to the Texas Department of Transportation for the city's share of design costs for intersection improvements on Valley View Lane/Walnut Street from IH-635 to east of the city limits by Resolution No. 15–0963.

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

Information about this item will be provided to the Mobility Solutions, Infrastructure and Sustainable Committee on April 9, 2018.

FISCAL INFORMATION

2006 Bond Funds – $26,560

Council District	Amount
10	$15,936.00
13	$10,624.00
Total	$26,560.00

Estimated Project Costs

Walnut Street and Park Lane Intersection Improvements Cost and Funding

Design (City 2006 Bond – 100%)	$ 120,000.00 (est.)
Construction (Federal – 80%)	$ 960,000.00 (est.)
Construction (City 2006 Bond – 20%)	$ 240,000.00 (est.)
TxDOT Engineering Review Cost (City 2006 Bond - 100%)	$ 26,560.00 (this action)
TxDOT Indirect State Cost (TxDOT - 100%)	$ 78,408.00 (est.)
Estimated Total Project Cost	$1,424,968.00

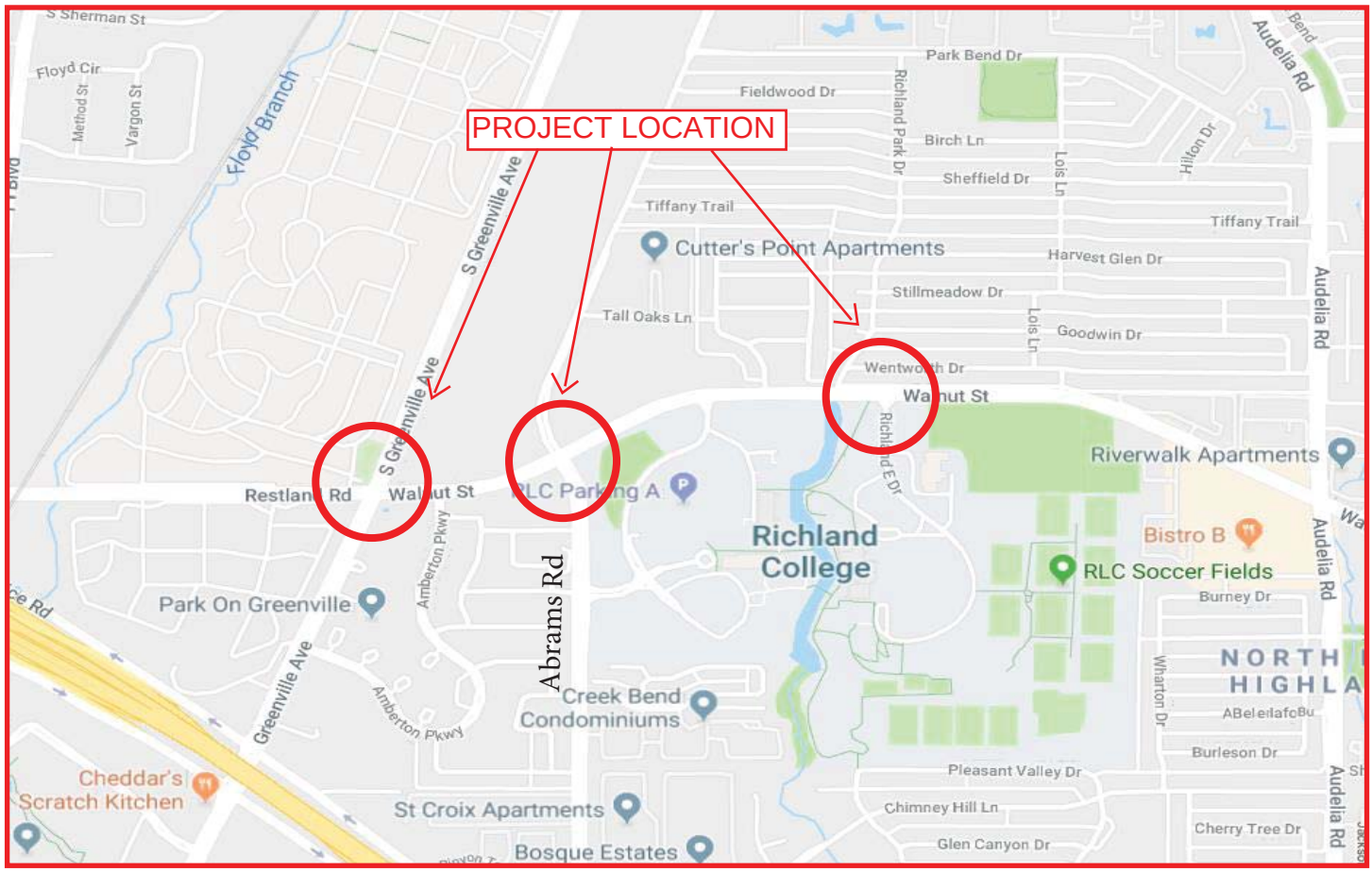
Funding Sources

TxDOT/Federal's Share	$ 960,000.00
TxDOT's share	$ 78,408.00
City's (PBW) share	$ 386,560.00
Total	$1,424,968.00

MAP

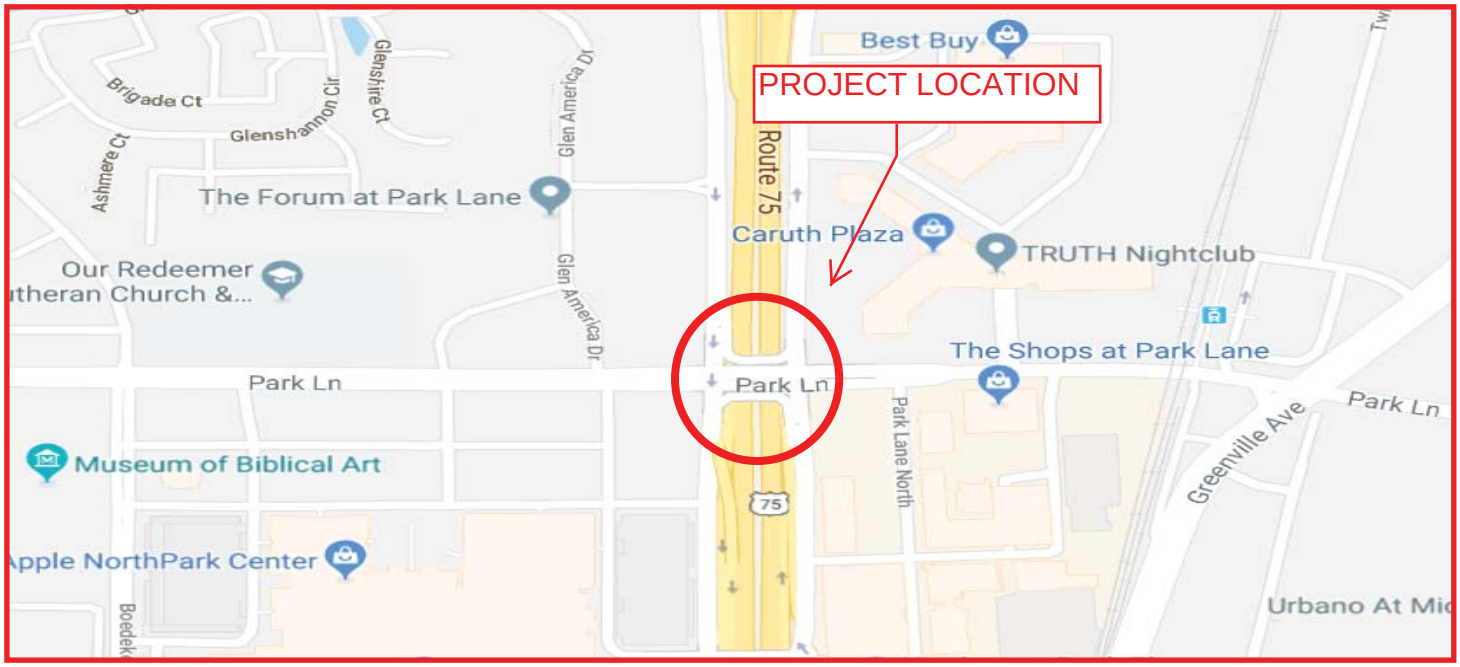
Attached

INTERSECTION IMPROVEMENTS - WALNUT STREET AT GREENVILLE AVENUE, ABRAMS ROAD AND RICHLAND COLLEGE



MAPSCO 17 P, S, U

INTERSECTION IMPROVEMENTS - PARK LANE AT U.S. 75



MAPSCO 26T

WHEREAS, on November 13, 1996, City Council authorized an Interlocal Agreement between the City of Dallas and the Texas Department of Transportation (TxDOT) for the design and construction of paving improvements to Valley View Lane/Walnut Street from LBJ Service Road to the east city limits and payment to TxDOT in the amount of $78,666.00 for the City's share of design costs by Resolution No. 96–3671; and

WHEREAS, on January 8, 1997, City Council authorized an Interlocal Agreement between the City of Dallas and TxDOT for the design and construction of paving improvements to Park Lane from U.S. Highway 75 (North Central Expressway) to Greenville Avenue and payment of $17,472.00 for the City's estimated share of the engineering costs by Resolution No. 97–0094; and

WHEREAS, Amendment No. 1 to the Interlocal Agreement with TxDOT for the improvements of Park Lane from U.S. Highway 75 (North Central Expressway) to Greenville Avenue was executed on October 2, 1998 to add the indirect Cost Recovery Plan; and

WHEREAS, Amendment No. 2 to the Interlocal Agreement with TxDOT for the improvements of Park Lane from U.S. Highway 75 (North Central Expressway) to Greenville Avenue was executed on September 19, 2006 to terminate the agreement; and

WHEREAS, on May 23, 2007, City Council authorized an additional payment to TxDOT for the City's share of design costs for paving and drainage improvements on Valley View Lane/Walnut Street from IH-635 service road to the eastern city limits at Las Brisas Drive, in an amount not to exceed $45,000.00, by Resolution No. 07-1544; and

WHEREAS, on April 8, 2009, City Council authorized a Local Project Advanced Funding Agreement with the Texas Department of Transportation for paving and drainage improvements on Valley View Lane/Walnut Street from the IH-635 service road to the east city limits by Resolution No. 09–0968; and

WHEREAS, on May 27, 2015, City Council authorized an additional payment to the Texas Department of Transportation for the city's share of additional design costs for Valley View Lane/Walnut Street from IH-635 service road to east of the city limits project, in an amount not to exceed $166,146.76 by Resolution No. 15-0963; and

WHEREAS, TxDOT was the lead agency administering the design and construction of Valley View Lane/Walnut Street from IH-635 service road to east of the city limits and Park Lane from U.S. Highway 75 to Greenville Avenue; and

WHEREAS, the original project scopes are no longer valid and the City desires to terminate the existing agreements; and

WHEREAS, both Valley View Lane/Walnut Street and Park Lane projects are being terminated and combined into one new intersection improvements project; and

WHEREAS, the proposed new project scope will now only include intersection improvements on Walnut Street at Greenville Avenue, Abrams Road, and Richland College (Richland East Drive) and Park Lane at U.S. Highway 75, which include new traffic signals with radar detections, pedestrian push buttons, crosswalks, and Americans with Disabilities Act ramps; and

WHEREAS, the City will take over the responsibility of lead/implementing agency to administer the design and construction of the new intersection improvements project; and

WHEREAS, it is now necessary to authorize a Local Project Advance Funding Agreement with the Texas Department of Transportation (TxDOT) for design and construction of the intersection improvements at Walnut Street and Greenville Avenue, Abrams Road, and Richland College (Richland East Drive) and on Park Lane at U.S. Highway 75 and payment to TxDOT for the City's share of engineering review costs, in an amount not to exceed $26,560.00.

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 Local Project Advance Funding Agreement with the Texas Department of Transportation, approved as to form by the City Attorney, for design and construction of the intersection improvements at Walnut Street and Greenville Avenue, Abrams Road, and Richland College (Richland East Drive) and on Park Lane at U.S. Highway 75, in an amount not to exceed $26,560.00.

SECTION 2. That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed $26,560.00 to TxDOT in accordance with the terms and conditions of the agreement, as follows:

Street and Transportation Improvements Fund	
Fund 2T22, Department PBW, Unit U227	
Activity INGV, Object 4111, Program PB06U227	
Contract/Encumbrance No. CX-PBW–2018–00005314	
Vendor 020318	$10,624.00

SECTION 2. (continued)

Street and Transportation Improvements Fund	
Fund 1T22, Department PBW, Unit U234	
Activity INGV, Object 4111, Program PB06U234	
Contract/Encumbrance No. CX-PBW–2018–00005314	
Vendor 020318	$15,936.00
Total amount not to exceed	$26,560.00

SECTION 3. That the Chief Financial Officer is hereby authorized to deposit any unused Street and Transportation Improvements Fund advanced to TxDOT pertaining to this project in Fund 1T22, 2T22, Department PBW, Unit U227, Unit U234, Revenue Code 8492.

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

AGENDA ITEM # 13

STRATEGIC PRIORITY:	Mobility Solutions, Infrastructure, and Sustainability
AGENDA DATE:	April 11, 2018
COUNCIL DISTRICT(S):	5
DEPARTMENT:	Department of Public Works Water Utilities Department
CMO:	Majed Al-Ghafry, 670-3302
MAPSCO:	58J

SUBJECT

Authorize **(1)** street paving, drainage, water and wastewater main improvements for Lonsdale Avenue from Sarah Lee Drive to Lake June Road; provide for partial payment of construction costs by assessment of abutting property owners; an estimate of the cost of the improvements to be prepared as required by law; and **(2)** a benefit assessment hearing to be held on May 9, 2018, to receive comments - Financing: No cost consideration to the City (see Fiscal Information for potential future costs)

BACKGROUND

Lonsdale Avenue from Sarah Lee Drive to Lake June Road was requested by property owner petition and accepted on March 26, 2015. On January 13, 2016, City Council authorized a professional services contract with TranSystems Corporation d/b/a TranSystems Corporation Consultants for the engineering design of a street petition project on Lonsdale Avenue from Sarah Lee Drive to Lake June Road by Resolution No. 16-0089. This action will authorize the project, partial payment of costs by assessment, and a benefit assessment hearing. The improvements will consist of a 33-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.

These actions are the first and second steps in the process.

ESTIMATED SCHEDULE OF PROJECT

Began Design	March 2016
Completed Design	December 2017
Begin Construction	July 2018
Complete Construction	May 2019

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On January 13, 2016, City Council authorized a professional services contract with TranSystems Corporation d/b/a TranSystems Corporation Consultants for the engineering design of a street petition project for Lonsdale Avenue from Sarah Lee Drive to Lake June Road by Resolution No. 16-0089.

Information about this item will be provided to the Mobility Solutions, Infrastructure and Sustainability Committee on April 9, 2018.

FISCAL INFORMATION

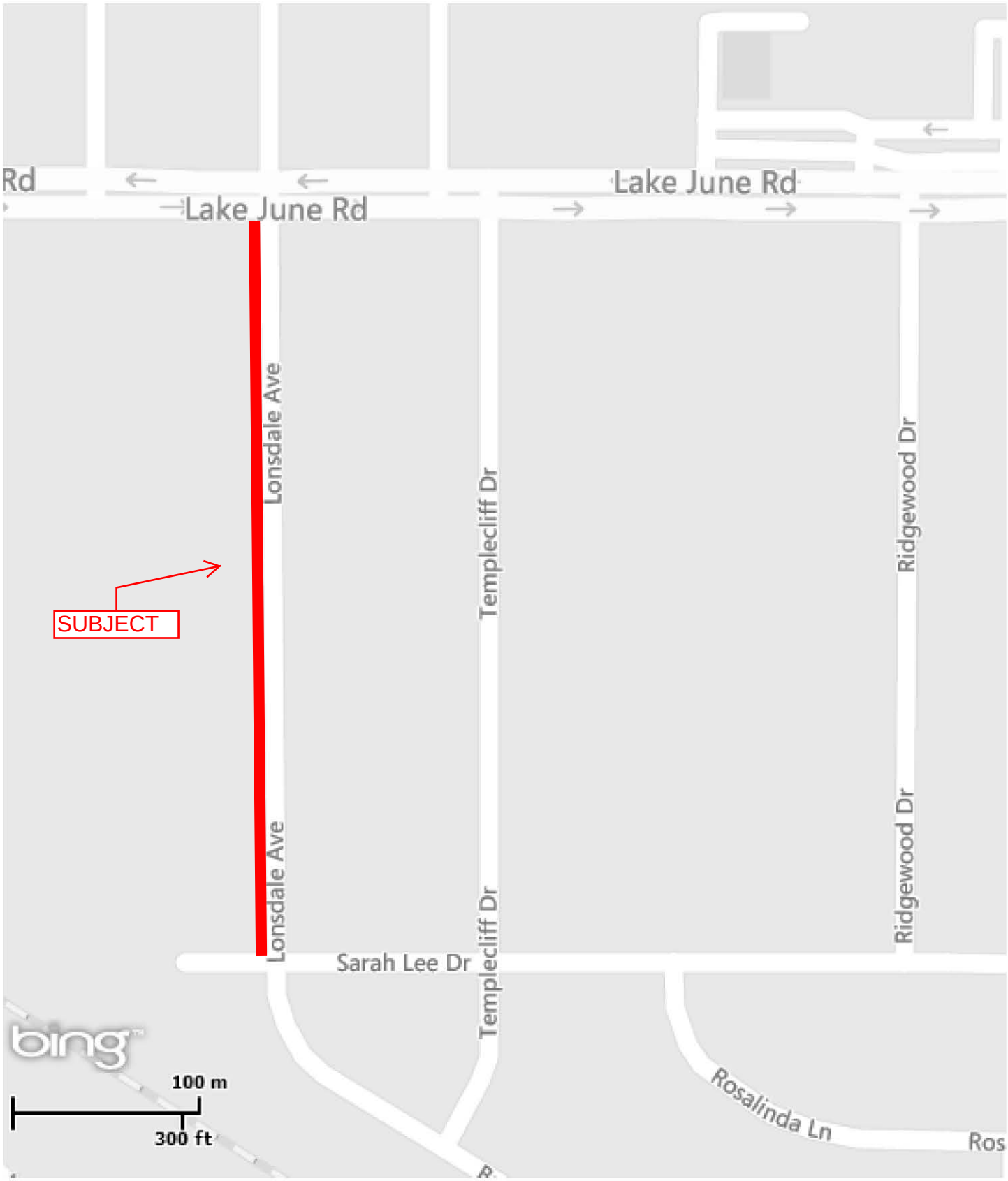
Design	$ 107,980
Construction	
Paving & Drainage (PBW)	$1,457,000 (est.)
Water & Wastewater (WTR)	$ 563,077 (est.)
Total Project Costs	$2,128,057 (est.)

This project does involve assessments.

MAP

Attached

LONSDALE AVE - SARAH LEE DR TO LAKE JUNE RD



MAPSCO 58J

April 11, 2018

WHEREAS, the City of Dallas deems it necessary to permanently improve the hereinafter named street within the City of Dallas.

Now, Therefore,

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

SECTION 1. That the following street

Lonsdale Avenue from Sarah Lee Drive to Lake June Road

shall be improved in the following manner, to wit:

(1) That said street shall be profiled so as to bring same to design grade.

(2) That said street shall be paved from curb to curb with 6-inch thick 4000-pounds per square inch reinforced concrete pavement; with 8-inch thick lime stabilization subgrade; with 6-inch high integral curbs; with 6-inch thick reinforced concrete drive approaches; with 4-inch thick reinforced concrete sidewalks 4-feet wide; so that the roadway shall be 33-feet in width; and

That any permanent improvements in place, meeting these specifications, or which can be utilized, shall be left in place, if any, and corresponding credits to the property owners shall be allowed on the assessments.

That bids shall be taken for the construction of the work for the type of construction enumerated above, and the work shall be done with the materials and according to plans and methods selected by the City Council after the bids are opened.

That the cost of said improvements shall be paid for as follows, to wit:

(a) That the City of Dallas shall pay only an amount equal to the cost of water main, and also all the cost of improving intersections of said street with other street, and partial adjusted frontages on side property, except so much thereof as shall be borne by streets.

(b) That after deducting the proportion of the cost provided for in said Subsection (a) above, the whole remaining cost, including the cost of concrete curbs or curbs and gutters, driveways, sidewalks shall be paid by the owners of property abutting on said street named to be paved, in the following manner, to wit:

SECTION 1. (continued)

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 an 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.

Provided that, if the application of the above-mentioned rule of apportionment between property owners would, in the opinion of the City Council, in particular cases be unjust or unequal, it shall be the duty of the said Council to assess and apportion said cost in such manner as it may deem just and equitable, having in view the special benefits in enhanced value to be received by each owner of such property, the equities of owners, and the adjustment of such apportionment, so as to produce a substantial equality of benefits received by and burdens imposed upon such owners.

That no such assessment shall be made against any owner of abutting property, if any, until after the notice and hearing provided by law, and no assessment shall be made against an owner of abutting property in excess of the benefits to such property in enhanced value thereof by means of such improvements.

That the contractor shall be paid for the work performed under the specifications, upon monthly estimates to be prepared by the Director of the Department of Public Works. That there shall be deducted as a retainage fee, five (5%) percent of such monthly estimates, to be held by the City of Dallas until the contract is performed and executed to the satisfaction of the Director of the Department of Public Works. The monthly estimates shall be paid on or before the 10th day of the next succeeding month for the work performed during the previous month.

SECTION 1. (continued)

For that part of the cost of the improvements that shall be determined to be levied against the owners of abutting property and their property shall be levied by assessment as herein provided, and said improvements may further be secured by Mechanic's Liens to be executed in favor of the City of Dallas, provided by law in accordance with the terms and provisions of this resolution. Paving certificates evidencing the assessment shall be issued in favor of the City of Dallas for the amount of the assessment, whether the property owners have executed Mechanic's Liens to secure the payment or not, and shall be payable for the use and benefit of the Revolving Fund established for the purpose of financing paving improvements.

That the Director of the Department of Public Works is hereby directed to prepare at once the specifications and an estimate of the cost of such improvements and file the same with the City Council for the hereinabove described pavement and improvements. That in the specifications prepared, provision shall be made to require all contractors to give such bonds as may be necessary or as required by law.

That such specifications shall require the bidder to make a bid upon the type of improvements above described, with such bonds as may be required.

That the specifications shall also state the amounts of the required bonds, as well as the method by which it is proposed to pay the cost of said improvements, said method being in accordance with this resolution.

SECTION 2. That the City Council, in initiating this proceeding, is acting under the terms and provisions of the Act passed at the First Called Session of the Fortieth Legislature of the State of Texas, and known as Chapter 106 of the Acts of said Session, together with any amendments thereto, now shown as Texas Transportation Code Annotated Sections 311 and 313 (Vernon’s 1996), which said law, as an alternative method for the construction of street improvements in the City of Dallas, Texas, has been adopted and made a part of the Charter of said City, being Chapter XX of said Charter.

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.

NOTICE OF ASSESSMENT PROCEEDINGS AND LIEN UPON ABUTTING PROPERTY

NOTICE is hereby given that the Governing Body of the City of Dallas, in the County of Dallas, in the State of Texas, by Resolution No._____ dated_____ has ordered and directed that the following street in said City be improved, to wit:

Lonsdale Avenue from Sarah Lee Drive to Lake June Road

West Side of Street

Subdivision	Block	Lot(s)
Home Gardens	D/6243	18
Home Gardens	D/6243	17
Home Gardens	D/6243	16
Home Gardens	D/6243	S 60 Ft Lt 15
Home Gardens	D/6243	14 & N 15' Lt 15
Home Gardens	D/6243	13
Home Gardens	D/6243	12
Home Gardens	D/6243	11
Home Gardens	D/6243	10
Home Gardens	D/6243	9
Home Gardens	D/6243	8
Home Gardens	D/6243	7
Home Gardens	D/6243	6
Home Gardens	D/6243	5
Home Gardens	D/6243	4
Home Gardens #2	D/6243	3
Home Gardens 2	D/6243	1A & 2A Acs. 0.317

East Side of Street

Subdivision	Block	Lot(s)
Home Gardens #2	C/6243	1A, Acs .158
Home Gardesn #2	C/6243	2A Acs .159
Home Gardens	C/6243	3
Home Gardens	C/6243	4
Home Gardens	C/6243	5
Home Gardens	C/6243	6
Home Gardens	C/6243	7
Home Gardens	C/6243	8
Home Gardens	C/6243	9
Home Gardens	C/6243	10
Home Gardens	C/6243	11
Home Gardens Unit #2	C/6243	12
Home Gardens	C/6243	13
Home Gardens	C/6243	14
Home Gardens	C/6243	15
Home Gardens	C/6243	16
Home Gardens	C/6243	17
Home Gardens	C/6243	18

In case of conflict between numbers and street names and limits, street names will govern. A portion of the cost of such improvements is to be specially assessed as a lien upon property abutting thereon.

City of Dallas, Texas

By _____
City Secretary

(File in Deed of Trust Records)

April 11, 2018

WHEREAS, the City Council of the City of Dallas is of the opinion that it is necessary to levy an assessment against the property and the owners thereof abutting upon the following:

Lonsdale Avenue from Sarah Lee Drive to Lake June Road

for a part of the cost of improving said street, fixing a time for the hearing of the owners of said property concerning the same, and directing the City to give notice of said hearing, as required by law; and

WHEREAS, the City Council has heretofore, by resolution, ordered the improvement of the street enumerated above, by paving said street from curb to curb with 6-inch thick 4000-pounds per square inch reinforced concrete pavement; with 8-inch thick lime stabilization subgrade; with 6-inch high integral curbs; with 6-inch thick reinforced concrete drive approaches; with 4-inch thick reinforced concrete sidewalks 4-feet wide; so that the roadway shall be 33-feet in width; and

Any existing permanent improvements in place, meeting these specifications, or which can be utilized, shall be left in place, if any, and corresponding credits to the property owners shall be allowed on the assessments; and

WHEREAS, the Director of the Department of Public Works of the City of Dallas has, in accordance with the law, filed his report with the City Council, and the property owners, in the cost thereof, together with the names of the owners and the description of said property, and the work to be done adjacent thereto, and the amounts proposed to be assessed against each lot or parcel and its owners and all other matters required by the applicable law.

Now, Therefore,

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

SECTION 1. That the report or statement filed by the Director of the Department of Public Works having been duly examined, is hereby approved.

SECTION 2. That it is hereby found and determined that the cost of improvements on the hereinafter described street, with the amount or amounts per front foot proposed to be assessed for such improvements against abutting property and the owners thereof, are as follows, to wit:

SECTION 2. (continued)

Lonsdale Avenue from Sarah Lee Drive to Lake June Road

shall be improved from curb to curb with 6-inch thick 4000-pounds per square inch reinforced concrete pavement; with 8-inch lime stabilization subgrade; with 6-inch high integral curbs; with 6-inch thick reinforced concrete drive approaches; with 4-inch thick reinforced concrete sidewalks 4-feet wide; so that the roadway shall be 33-feet in width; and

The estimated cost of the improvements is **$2,020,077.00 (est.)**

a. The estimated rate per square yard to be assessed against abutting property and the owners thereof for concrete drive approaches is **$66.37/S.Y.**

b. The estimated rate per front foot to be assessed against abutting property and the owners thereof for pavement improvements is as follows:

Where Property Classification is WSR-I (R-7.5(A))

The front rate for 6-inch thick reinforced concrete pavement 13.5-feet wide with curb: **$114.75/L.F.**
The side rate for 6-inch thick reinforced concrete pavement 2.5-feet wide with curb: **$23.89/L.F.**
The front rate for 4-inch thick reinforced concrete sidewalk is**: $11.90/L.F.**
The side rate for 4-inch reinforced concrete sidewalk is: **$5.95/L.F**.

All assessments, however, are to be made and levied by the City Council as it may deem just and equitable, having in view the special benefits in enhanced value to be received by such parcels of property and owners thereof, the equities of such owners, and the adjustment of the apportionment of the cost of improvements so as to produce a substantial equality of benefits received and burdens imposed.

SECTION 3. That a hearing shall be given to said owners of abutting property, or their agents or attorneys and all persons interested in said matter, as to the amount to be assessed against each owner and his abutting property and railways and street railways and as to the benefits to said property by reason of said improvement, or any other matter of thing in connection therewith, which hearing shall be held in the Council Chamber of the City Hall of the City of Dallas, County of Dallas, on the **9th** day of **May,** A.D. **2018**, at **1:00** O'clock P.M., at which time all the said owners, their agents or attorneys or other interested persons are notified to appear and be heard, and at said hearing said owners and other persons may appear, by counsel or in person, and may offer evidence, and said hearing shall be adjourned from day to day until fully accomplished.

SECTION 3. (continued)

That the City shall give notice of the time and place of such hearing and of other matters and facts in accordance with the terms of provisions of the Act passed at the First called session of the Fortieth Legislature of the State of Texas, and known as:

Chapter 106 of the Acts of said session, together with any amendments thereto, now shown as Texas Transportation Code Annotated Section 311 and 313 (Vernon's 1996), which said law, as an alternative method for the construction of street improvements in the City of Dallas, Texas, has been adopted and made a part of the charter of said City, being Chapter XX of said Charter. Said notice shall be by advertisement inserted at least three times in a newspaper published in the City of Dallas, Texas, the first publication to be made at least twenty-one (21) days before the date of said hearing. Said notice shall comply with and be in accordance with the terms and provisions of said Act.

That the City shall give additional written notice of said hearing by mailing to said owners a copy of said notice deposited in the Post Office at Dallas, Texas, at least fourteen (14) days prior to the date of said hearing, provided however, that any failure of the property owners to receive said notice, shall not invalidate these proceedings.

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.

April 11, 2018

TO THE CITY COUNCIL OF THE CITY OF DALLAS, TEXAS

As requested by your Honorable Body, the undersigned has prepared plans and specifications for the improvements of **Lonsdale Avenue from Sarah Lee Drive to Lake June Road**. That said street shall be paved curb to curb with 6-inch thick 4000-pounds per square inch reinforced concrete pavement; with 8-inch thick lime stabilization subgrade; with 6-inch high integral curbs; with 6-inch thick reinforced concrete drive approaches; with 4-inch thick reinforced concrete sidewalks 4-feet wide; so that the roadway shall be 33-feet in width; and with estimates of the cost of improving the street as listed thereon, together with the proposed assessments, a part of the cost to be made against the abutting properties and the property owners, and part of the cost to be paid by the City. The report of these improvements is as follows:

Lonsdale Avenue from Sarah Lee Drive to Lake June Road

Total Property Owners' Cost – Assessments		$302,459.07
Total Estimated City of Dallas' Cost - Paving	$973,215.94	
Total Estimated City of Dallas' Cost - Drainage	$181,324.99	
Total Estimated Water Utilities Department Cost Water and Wastewater Main Improvements	$563,077.00	
Total Estimated City of Dallas' Cost		$1,717,617.93
Total Estimated Cost of Improvements		$2,020,077.00

Lonsdale Avenue from Sarah Lee Drive to Lake June Road

Total Property Owners' Cost – Assessments		$302,459.07
Total Estimated City of Dallas' Cost - Paving	$973,215.94	
Total Estimated City of Dallas' Cost - Drainage	$181,324.99	
Total Estimated Water Utilities Department Cost Water and Wastewater Main Improvements	$563,077.00	
Total Estimated City of Dallas' Cost		$1,717,617.93
Total Estimated Cost of Improvements		$2,020,077.00

The Director of the Department of Public Works reports that representatives of this Department have studied the actual existing conditions on this street, and found that the existing roadway have a narrow asphalt surface with shallow earth ditches; which have accessibility and drainage issues. Taking this into consideration, plans and specifications have been prepared for these improvements. We believe that this paving will improve the properties abutting on said street, and the proposed assessment is equitable for the enhancement value achieved on the abutting properties. Final determination of assessments will be made based on analysis of enhancement.

Respectfully submitted,

Director, Department of Public Works

LONSDALE AVENUE FROM SARAH LEE DRIVE TO LAKE JUNE ROAD SHALL BE PAVED FROM CURB TO CURB WITH 6-INCH THICKNESS 4000-POUNDS PER SQUARE INCH REINFORCED CONCRETE PAVEMENT; WITH 8- INCH LIME STABILIZATION SUBGRADE; WITH 6-INCH HEIGHT INTEGRAL CURBS; WITH 6-INCH THICKNESS REINFORCED CONCRETE DRIVE APPROACH; WITH 4-INCH THICKNESS REINFORCED CONCRETE SIDEWALKS 4 FEET WIDE; SO THAT THE ROADWAY SHALL BE 33 FEET IN WIDTH

OWNER	LOT(S)	BLOCK	FRONTAGE	RATE	AMOUNT	TOTAL ASSESSMENT
WEST SIDE OF STREET						
			HOME GARDENS			
NOE J VENCES &	18	D/6243	60 FT PVMT	$114.75	$6,885.00	
ELENA TINOCO			40 FT WALK	$11.90	$476.00	
1103 LONSDALE AVE			20 FT DRIVE	No Cost	$0.00	
DALLAS, TX 75217						**$7,361.00**
JOSE U CRUZ	17	D/6243	70 FT PVMT	$114.75	$8,032.50	
1111 LONSDALE AVE			52 FT WALK	$11.90	$618.80	
DALLAS, TX 75217			18 FT DRIVE	No Cost	$0.00	
						$8,651.30
JUAN COLUNGA	16	D/6243	70 FT PVMT	$114.75	$8,032.50	
1121 LONSDALE AVE	**1115**		60 FT WALK	$11.90	$714.00	
DALLAS, TX 75217	**Lonsdale Ave**		13.3 SY DR(10'Wide)	$66.37	$882.72	
						$9,629.22
JUAN C COLUNGA &	S 60 Ft	D/6243	60 FT PVMT	$114.75	$6,885.00	
MARIA Z NAVARRO	of Lt 15		50 FT WALK	$11.90	$595.00	
1121 LONSDALE AVE			10 FT DRIVE	No Cost	$0.00	
DALLAS, TX 75217						**$7,480.00**
FRANKLIN G WEEKS	Lt 14 &	D/6243	80 FT PVMT	$114.75	$9,180.00	
108 SUNBIRD LN	N 15' Lt 15		62 FT WALK	$11.90	$737.80	
SUNNYVALE, TX 75182	**1127**		18 FT DRIVE	No Cost	$0.00	
	Lonsdale Ave					**$9,917.80**
MARIO LOPEZ	13	D/6243	70 FT PVMT	$114.75	$8,032.50	
1131 LONSDALE AVE			51 FT WALK	$11.90	$606.90	
DALLAS, TX 75217			19.1 SY DR(19'Wide)	$66.37	$1,267.67	
						$9,907.07

LONSDALE AVENUE FROM SARAH LEE DRIVE TO LAKE JUNE ROAD SHALL BE PAVED FROM CURB TO CURB WITH 6-INCH THICKNESS 4000-POUNDS PER SQUARE INCH REINFORCED CONCRETE PAVEMENT; WITH 8- INCH LIME STABILIZATION SUBGRADE; WITH 6-INCH HEIGHT INTEGRAL CURBS; WITH 6-INCH THICKNESS REINFORCED CONCRETE DRIVE APPROACH; WITH 4-INCH THICKNESS REINFORCED CONCRETE SIDEWALKS 4 FEET WIDE; SO THAT THE ROADWAY SHALL BE 33 FEET IN WIDTH

OWNER	LOT(S)	BLOCK	FRONTAGE	RATE	AMOUNT	TOTAL ASSESSMENT
			HOME GARDENS			
MARTIN & AIDA MARTINEZ	12	D/6243	70 FT PVMT	$114.75	$8,032.50	
1139 LONSDALE AVE			52 FT WALK	$11.90	$618.80	
DALLAS, TX 75217			18 FT DRIVE	No Cost	$0.00	
						$8,651.30
JOSE CARLOS CORTES &	11	D/6243	70 FT PVMT	$114.75	$8,032.50	
MARIA EMILIA CORTES			58 FT WALK	$11.90	$690.20	
1143 LONSDALE AVE			13.3 SY DR(10'Wide)	$66.37	$882.72	
DALLAS, TX 75217						**$9,605.42**
EST OF EDNA WILLIAMS	10	D/6243	70 FT PVMT	$114.75	$8,032.50	
1149 LONSDALE AVE			50 FT WALK	$11.90	$595.00	
DALLAS, TX 75217			20 FT DRIVE	No Cost	$0.00	
						$8,627.50
JESSE & AIDA MORALES	9	D/6243	70 FT PVMT	$114.75	$8,032.50	
4728 ASHBROOK RD	**1203**		55 FT WALK	$11.90	$654.50	
DALLAS, TX 75227	**Lonsdale Ave**		15 FT DRIVE	No Cost	$0.00	
						$8,687.00
JOSE ESCOBEDO &	8	D/6243	70 FT PVMT	$114.75	$8,032.50	
MARGARITA ESCOBEDO			50 FT WALK	$11.90	$595.00	
1211 LONSDALE AVE			20 FT DRIVE	No Cost	$0.00	
DALLAS, TX 75217						**$8,627.50**
EST OF RICHARD M LOPEZ	7	D/6243	70 FT PVMT	$114.75	$8,032.50	
1215 LONSDALE AVE			50 FT WALK	$11.90	$595.00	
DALLAS, TX 75217			22.2 SY DR(20'Wide)	$66.37	$1,473.41	
						$10,100.91

LONSDALE AVENUE FROM SARAH LEE DRIVE TO LAKE JUNE ROAD SHALL BE PAVED FROM CURB TO CURB WITH 6-INCH THICKNESS 4000-POUNDS PER SQUARE INCH REINFORCED CONCRETE PAVEMENT; WITH 8- INCH LIME STABILIZATION SUBGRADE; WITH 6-INCH HEIGHT INTEGRAL CURBS; WITH 6-INCH THICKNESS REINFORCED CONCRETE DRIVE APPROACH; WITH 4-INCH THICKNESS REINFORCED CONCRETE SIDEWALKS 4 FEET WIDE; SO THAT THE ROADWAY SHALL BE 33 FEET IN WIDTH

OWNER	LOT(S)	BLOCK	FRONTAGE	RATE	AMOUNT	TOTAL ASSESSMENT
			HOME GARDENS			
RICARDO D SEGOVIA &	6	D/6243	70 FT PVMT	$114.75	$8,032.50	
ENRIQUETA C DE SEGOVIA			44 FT WALK	$11.90	$523.60	
1223 LONSDALE AVE			11 FT DRIVE	No Cost	$0.00	
DALLAS, TX 75217			15.5 SY DR(15'Wide)	$66.37	$1,028.74	
						$9,584.84
CARLOS SANTIAGO &	5	D/6243	70 FT PVMT	$114.75	$8,032.50	
TERESA VASQUEZ			60 FT WALK	$11.90	$714.00	
1227 LONSDALE AVE			10 FT DRIVE	No Cost	$0.00	
DALLAS, TX 75217						**$8,746.50**
			HOME GARDENS #2			
TERESA VASQUEZ &	4	D/6243	70 FT PVMT	$114.75	$8,032.50	
CARLOS SANTIAGO	**1233**		70 FT WALK	$11.90	$833.00	
1227 LONSDALE AVE	**Lonsdale Ave**					**$8,865.50**
DALLAS, TX 75217						
MICHAEL J HOLLOWAY	3	D/6243	70 FT PVMT	$114.75	$8,032.50	
DAWN B KEARNS ETAL	**1239**		45 FT WALK	$11.90	$535.50	
KIM M BAIN	**Lonsdale Ave**		12 FT DRIVE	No Cost	$0.00	
9624 HALLMARK AVE			13 FT DRIVE	No Cost	$0.00	
COTTAGE GROVE,						**$8,568.00**
MINNESOTA 55016						
JAMES R LACY JR	Lts 1A&2A	D/6243	120 FT PVMT	$114.75	$13,770.00	
1245 LONSDALE AVE	Acs. 0.317		99 FT WALK	$11.90	$1,178.10	
DALLAS, TX 75217			21 FT DRIVE	No Cost	$0.00	
						$14,948.10

LONSDALE AVENUE FROM SARAH LEE DRIVE TO LAKE JUNE ROAD SHALL BE PAVED FROM CURB TO CURB WITH 6-INCH THICKNESS 4000-POUNDS PER SQUARE INCH REINFORCED CONCRETE PAVEMENT; WITH 8- INCH LIME STABILIZATION SUBGRADE; WITH 6-INCH HEIGHT INTEGRAL CURBS; WITH 6-INCH THICKNESS REINFORCED CONCRETE DRIVE APPROACH; WITH 4-INCH THICKNESS REINFORCED CONCRETE SIDEWALKS 4 FEET WIDE; SO THAT THE ROADWAY SHALL BE 33 FEET IN WIDTH

OWNER	LOT(S)	BLOCK	FRONTAGE	RATE	AMOUNT	TOTAL ASSESSMENT
EAST SIDE OF THE STREET						
			HOME GARDENS #2			
CENTRO CRISTIANO	1A	C/6243	55 FT PVMT	$23.89	$1,313.95	
REDENCION	Acs .158		55 FT WALK	$5.95	$327.25	
7612 JACOBIE BLVD	**6702**					**$1,641.20**
DALLAS, TX 75217	**Lake June Rd**					
CENTRO CRISTIANO	2A	C/6243	65 FT PVMT	$23.89	$1,552.85	
REDENCION	Acs .159		65 FT WALK	$5.95	$386.75	
7612 JACOBIE BLVD	**6706**					**$1,939.60**
DALLAS, TX 75217	**Lake June Rd**					
			HOME GARDENS			
ENRIQUE RUIZ &	3	C/6243	70 FT PVMT	$114.75	$8,032.50	
MARIANA C SANTIAGO	**1238**		48 FT WALK	$11.90	$571.20	
9819 LANEYVALE AVE	**Lonsdale Ave**		12 FT DRIVE	No Cost	$0.00	
DALLAS, TX 75217			10 FT DRIVE	No Cost	$0.00	
						$8,603.70
RODOLFO S ALGARATE	4	C/6243	69 FT PVMT	$114.75	$7,917.75	
1232 LONSDALE AVE			60 FT WALK	$11.90	$714.00	
DALLAS, TX 75217			17 FT DRIVE	No Cost	$0.00	
						$8,631.75
ELADIO LOPEZ	5	C/6243	70 FT PVMT	$114.75	$8,032.50	
1226 LONSDALE AVE			60 FT WALK	$11.90	$714.00	
DALLAS, TX 75217			10 FT DRIVE	No Cost	$0.00	
						$8,746.50

LONSDALE AVENUE FROM SARAH LEE DRIVE TO LAKE JUNE ROAD SHALL BE PAVED FROM CURB TO CURB WITH 6-INCH THICKNESS 4000-POUNDS PER SQUARE INCH REINFORCED CONCRETE PAVEMENT; WITH 8- INCH LIME STABILIZATION SUBGRADE; WITH 6-INCH HEIGHT INTEGRAL CURBS; WITH 6-INCH THICKNESS REINFORCED CONCRETE DRIVE APPROACH; WITH 4-INCH THICKNESS REINFORCED CONCRETE SIDEWALKS 4 FEET WIDE; SO THAT THE ROADWAY SHALL BE 33 FEET IN WIDTH

OWNER	LOT(S)	BLOCK	FRONTAGE			RATE	AMOUNT	TOTAL ASSESSMENT
			HOME GARDENS					
DANIEL CRUZ &	6	C/6243	70	FT	PVMT	$114.75	$8,032.50	
ANA SEGOVIA	**1220**		55	FT	WALK	$11.90	$654.50	
1202 LONSDALE AVE	**Lonsdale Ave**		17.7	SY	DR(15'Wide)	$66.37	$1,174.75	
DALLAS, TX 75217								**$9,861.75**
JOSE S VALENTINO &	7	C/6243	70	FT	PVMT	$114.75	$8,032.50	
BELEN C PEREZ			54	FT	WALK	$11.90	$642.60	
1214 LONSDALE AVE			12	FT	DRIVE	No Cost	$0.00	
DALLAS, TX 75217								**$8,675.10**
MARTHA R HUERTA	8	C/6243	70	FT	PVMT	$114.75	$8,032.50	
203 N WOOD ST	**1210**		60	FT	WALK	$11.90	$714.00	
FERRIS, TX 75125	**Lonsdale Ave**		13.3	SY	DR(10'Wide)	$66.37	$882.72	
								$9,629.22
DANIEL CRUZ &	9	C/6243	70	FT	PVMT	$114.75	$8,032.50	
ANA SEGOVIA			52	FT	WALK	$11.90	$618.80	
1202 LONSDALE AVE			20.4	SY	DR(18'Wide)	$66.37	$1,353.95	
DALLAS, TX 75217								**$10,005.25**
RAFAEL G CARDOSO	10	C/6243	70	FT	PVMT	$114.75	$8,032.50	
4508 VIA DEL NORTE	**1148**		60	FT	WALK	$11.90	$714.00	
MESQUITE, TX 75150	**Lonsdale Ave**		13.3	SY	DR(10'Wide)	$66.37	$882.72	
								$9,629.22
ESTEBAN R CORTEZ &	11	C/6243	67	FT	PVMT	$114.75	$7,688.25	
JONELLA CORTEZ			49	FT	WALK	$11.90	$583.10	
1142 LONSDALE AVE			18	FT	DRIVE	No Cost	$0.00	
DALLAS, TX 75217								**$8,271.35**

LONSDALE AVENUE FROM SARAH LEE DRIVE TO LAKE JUNE ROAD SHALL BE PAVED FROM CURB TO CURB WITH 6-INCH THICKNESS 4000-POUNDS PER SQUARE INCH REINFORCED CONCRETE PAVEMENT; WITH 8- INCH LIME STABILIZATION SUBGRADE; WITH 6-INCH HEIGHT INTEGRAL CURBS; WITH 6-INCH THICKNESS REINFORCED CONCRETE DRIVE APPROACH; WITH 4-INCH THICKNESS REINFORCED CONCRETE SIDEWALKS 4 FEET WIDE; SO THAT THE ROADWAY SHALL BE 33 FEET IN WIDTH

OWNER	LOT(S)	BLOCK	FRONTAGE	RATE	AMOUNT	TOTAL ASSESSMENT
			HOME GARDENS UNIT NO 2			
JUAN LOPEZ	12	C/6243	50 FT PVMT	$114.75	$5,737.50	
1138 LONSDALE AVE			56 FT WALK	$11.90	$666.40	
DALLAS, TX 75217			10 FT DRIVE	No Cost	$0.00	
						$6,403.90
			HOME GARDENS			
MACEDONIO MARTINEZ	13	C/6243	70 FT PVMT	$114.75	$8,032.50	
1130 LONSDALE AVE			60 FT WALK	$11.90	$714.00	
DALLAS, TX 75217			10 FT DRIVE	No Cost	$0.00	
						$8,746.50
JOSE SALDANA	14	C/6243	70 FT PVMT	$114.75	$8,032.50	
1126 LONSDALE AVE			46 FT WALK	$11.90	$547.40	
DALLAS, TX 75217			24 FT DRIVE	No Cost	$0.00	
						$8,579.90
VINCENT CASTRO &	15	C/6243	69 FT PVMT	$114.75	$7,917.75	
FRANCES CASTRO			47 FT WALK	$11.90	$559.30	
1120 LONSDALE AVE			22 FT DRIVE	No Cost	$0.00	
DALLAS, TX 75217						**$8,477.05**
HUMBERTO J CIFUENTES	16	C/6243	70 FT PVMT	$114.75	$8,032.50	
ARSENIA R CIFUENTES			48 FT WALK	$11.90	$571.20	
1114 LONSDALE AVE			22 FT DRIVE	No Cost	$0.00	
DALLAS, TX 75217						**$8,603.70**
GALDINO NORIEGA	17	C/6243	70 FT PVMT	$114.75	$8,032.50	
974 WILLOW RIDGE CIR	**1110**		52 FT WALK	$11.90	$618.80	
ROCKWALL, TX 75032	**Lonsdale Ave**		18 FT DRIVE	No Cost	$0.00	
						$8,651.30

LONSDALE AVENUE FROM SARAH LEE DRIVE TO LAKE JUNE ROAD SHALL BE PAVED FROM CURB TO CURB WITH 6-INCH THICKNESS 4000-POUNDS PER SQUARE INCH REINFORCED CONCRETE PAVEMENT; WITH 8- INCH LIME STABILIZATION SUBGRADE; WITH 6-INCH HEIGHT INTEGRAL CURBS; WITH 6-INCH THICKNESS REINFORCED CONCRETE DRIVE APPROACH; WITH 4-INCH THICKNESS REINFORCED CONCRETE SIDEWALKS 4 FEET WIDE; SO THAT THE ROADWAY SHALL BE 33 FEET IN WIDTH

OWNER	LOT(S)	BLOCK	FRONTAGE	RATE	AMOUNT	TOTAL ASSESSMENT
			HOME GARDENS			
JUAN ARREDONDO	18	C/6243	70 FT PVMT	$114.75	$8,032.50	
1102 LONSDALE AVE			41 FT WALK	$11.90	$487.90	
DALLAS, TX 75217			13.3 SY DR(10'Wide)	$66.37	$882.72	
						$9,403.12

AGENDA ITEM # 14

STRATEGIC PRIORITY:	Mobility Solutions, Infrastructure, and Sustainability
AGENDA DATE:	April 11, 2018
COUNCIL DISTRICT(S):	1
DEPARTMENT:	Department of Public Works Office of Economic Development
CMO:	Majed Al-Ghafry, 670-3302 Raquel Favela, 670-3309
MAPSCO:	43 Y Z; 44 S W; 53 D

SUBJECT

Authorize a professional services contract with Halff Associates, Inc. to provide design services for the Collective Sustainable Development Infrastructure Project – Not to exceed $208,258 - Financing: Fort Worth Avenue TIF District Funds ($41,652) and Regional Toll Revenue Funds ($166,606)

BACKGROUND

The Request for Qualifications (BYZ1726) for professional engineering and consulting services for the Collective Sustainable Development Infrastructure Project was advertised on October 5, 2017. Statements of Qualifications were received on November 2, 2017, which allowed City staff to evaluate and short list the interested firms for this project. After evaluation of the interviews held on January 9, 2018 and the proposals received on January 2, 2018, Halff Associates, Inc. ranked the highest for this project.

This action will authorize a professional services contract with Halff Associates, Inc. for the design of Phase 2 of the Collective Sustainable Development Infrastructure Project.

The Collective Sustainable Development Infrastructure Project is a partnership project with the North Central Texas Council of Governments (NCTCOG) and the Texas Department of Transportation, which was selected by the NCTCOG's Sustainable Development Infrastructure Improvement Program. The Collective Sustainable Development Project is being implemented in two phases in order to accommodate planned mixed-use development in the area by the Lincoln Property Company.

BACKGROUND (continued)

Phase 1 entailed sidewalks and pedestrian lighting improvements along Fort Worth Avenue between Colorado Boulevard and Bahama Drive, which was completed in August 2017.

Phase 2 improvements include intersection improvements along Fort Worth Avenue between Hampton Road and Bahama Drive, dedicated bicycle lanes along Colorado Boulevard between Fort Worth Avenue to Hampton Road, and along Fort Worth Avenue between Bahama Drive and Interstate Highway 30, sidewalk improvements along Bahama Drive, and a trail extension along Plymouth Road for the Coombs Creek Trail from Hampton Road to Bahama Drive. The Collective Sustainable Development Infrastructure Project cost estimate is $2,482,813, which is to be funded 80% by the Regional Toll Revenue Fund $1,986,250 and 20% by the City of Dallas $496,563.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On April 13, 2009, the Transportation and Environment Committee was briefed on the Regional Transportation Council Sustainable Development Program Call for Projects for 2009-2010.

On September 15, 2009, the Transportation and Environment Committee was briefed on and endorsed the recommended project list.

On August 10, 2010, the Transportation and Environment Committee was briefed by memorandum regarding the resolution of support for the selected projects.

On August 25, 2010, City Council authorized support for projects selected within the City of Dallas for the Regional Transportation Council Sustainable Development Program and authorized the City Manager to negotiate agreements with the North Central Texas Council of Governments and private sector partners, where applicable by Resolution No. 10-2152.

On September 17, 2012, the Economic Development Committee was briefed by memorandum to consider agreements with the North Central Texas Council of Governments and the State of Texas for the Collective Sustainable Development Infrastructure Project.

On September 26, 2012, City Council authorized an agreement with North Central Texas Council of Governments and the State of Texas to obtain funding to reimburse a private developer, The Park at Kessler, LP for the costs of construction of the Collective Sustainable Development Infrastructure Project by Resolution No. 12-2360.

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

On December 12, 2016, the Fort Worth Avenue TIF Board of Directors approved District-wide TIF funding request of up to $496,562 as the required local matching funds for the Collective Sustainable Development Infrastructure Project in the Fort Worth Avenue TIF District in partnership with North Central Texas Council of Governments Regional Transportation Council (RTC) for its Sustainable Development (SD) Program.

On September 27, 2017, City Council amended Resolution Nos. 12-2360 and 12-2361 to delete reimbursements and rescind the execution of the development agreement with respect to The Park at Kessler, LP, as this developer is no longer associated with this project by Resolution Nos. 17-1546 and 17-1547.

On September 27, 2017, City Council amended Resolution No. 12-2360, previously approved on September 26, 2012, for the Collective Sustainable Development Infrastructure Project to delete the reimbursements to The Kessler, LP; correct the funding source to receive and deposit that authorized the Fort Worth Avenue Tax Increment Financing (TIF) Board of Directors to dedicate up to $496,563 in the Fort Worth Avenue TIF District Funds as the required local matching funds for the North Central Texas Council of Governments Sustainable Development Program for the Collective Sustainable Development Infrastructure Project, while increasing appropriations in an amount of $496,563 in the Fort Worth Avenue TIF District Fund by Resolution No. 17-1546 and authorized amended Resolution No. 12-2361, previously approved on September 26, 2012, to rescind the execution of the development agreement with The Park at Kessler, LP for the Collective Sustainable Development Infrastructure Project and associated reimbursement of project costs by Resolution No. 17-1547.

Information about this item will be provided to the Mobility Solutions, Infrastructure and Sustainability Committee on April 9, 2018.

ESTIMATED SCHEDULE OF PROJECT

Phase 1 of the Collective Sustainable Development Infrastructure Project (Completed)

Began Design	March 2017
Completed Design	May 2017
Began Construction	June 2017
Completed Construction	August 2017

Phase 2 of the Collective Sustainable Development Infrastructure Project

Begin Design	May 2018
Complete Design	November 2018
Begin Construction	March 2019
Complete Construction	September 2019

FISCAL INFORMATION

Collective Sustainable Development Infrastructure Project

Fort Worth Avenue TIF District Funds - $41,651.60
Regional Toll Revenue Funds - $166,606.40

Project Cost

Phase 1 of the Collective Sustainable Development Infrastructure Project (Completed)

Design (paid by private developer, not to be reimbursed)	$ 45,500.00
Construction (Fort Worth Avenue TIF Fund)	$ 56,592.62
Construction (RTR Fund)	$ 226,370.46
Subtotal for Phase 1	$ 328,463.08

Phase 2 of the Collective Sustainable Development Infrastructure Project

Design (Fort Worth Avenue TIF Fund)	$ 41,651.60 (this action)
Design (RTR Fund)	$ 166,606.40 (this action)
Design Subtotal	$ 208,258.00
Construction (Fort Worth Avenue TIF Fund)	$ 398,318.38 (est.)
Construction (RTR Fund)	$ 1,593,273.54 (est.)
Construction Subtotal	$ 1,991,591.92 (est.)
Subtotal for Phase 2	$ 2,199,849.92 (est.)
Estimated total project cost for Phase 1 and Phase 2	$ 2,528,313.00

Project Shared Cost

NCTCOG/TxDOT's (RTR Fund) share of cost	$ 1,986,250.00
City's share of Cost (Fort Worth Avenue TIF Fund)	$ 496,563.00
Private Fund (for Phase 1 design, not to be reimbursed)	$ 45,500.00
Estimated total project cost for Phase 1 and Phase 2	$ 2,528,313.00

M/WBE INFORMATION

In accordance with the City's Business Inclusion and Development Plan adopted on October 22, 2008, by Resolution No. 08-2826, as amended, the M/WBE participation on this contract is as follows:

Contract Amount	Category	M/WBE Goal	M/WBE %	M/WBE $
$208,258.00	Architecture & Engineering	25.66%	37.93%	$78,996.00

- This contract exceeds the M/WBE goal of 25.66%

OWNER

Halff Associates, Inc.

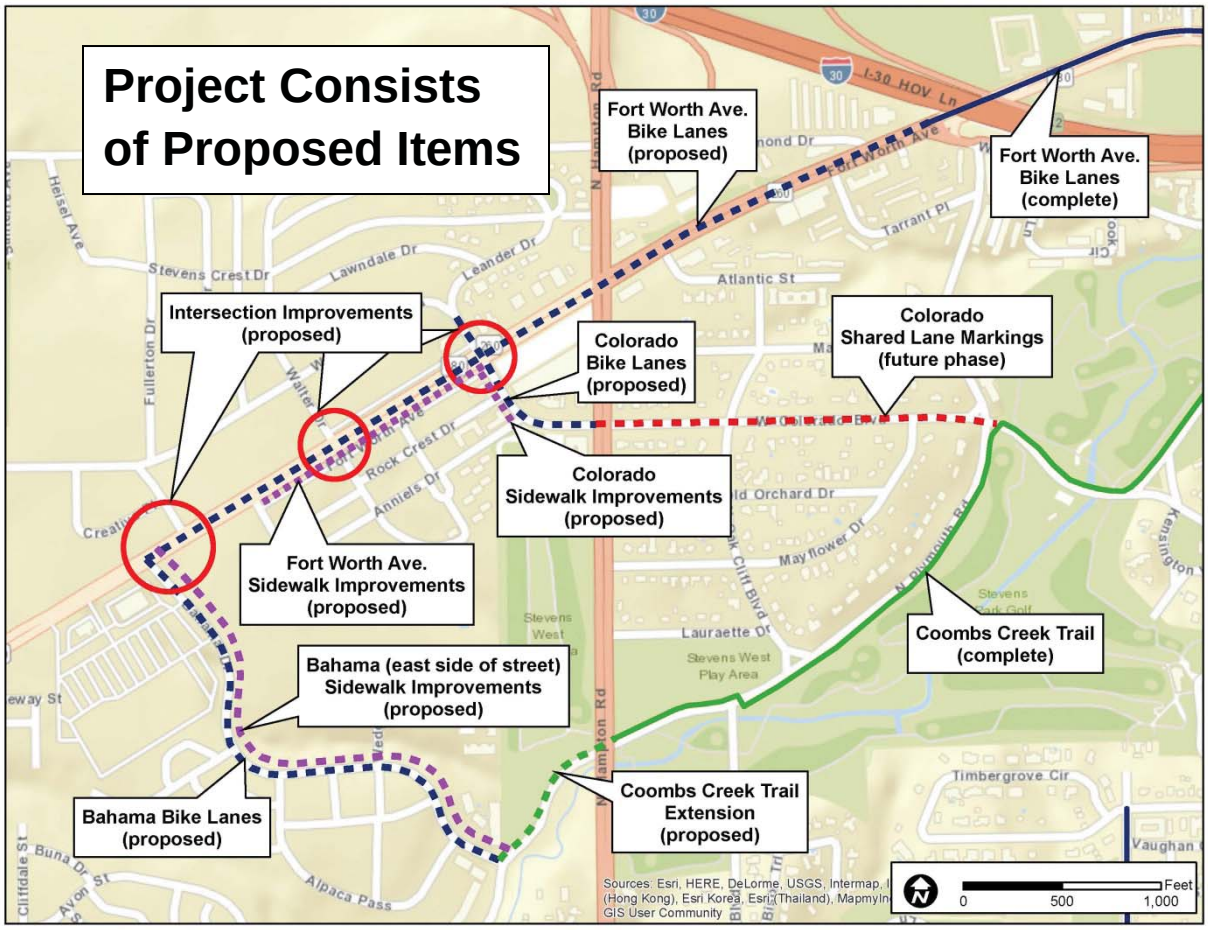
Patrick Kunz, P.E., President

MAP

Attached

The Collective Sustainable Development Infrastructure Project

(Council District: 1)



MAPSCO 43Y,Z; 44S,W; 53D

WHEREAS, on June 3, 2010, the Regional Transportation Council (RTC) approved $13,779,712 in Regional Toll Revenue (RTR) or local funds for nine infrastructure and three planning projects in the city of Dallas; and

WHEREAS, on August 25, 2010, City Council authorized support for projects selected within the city of Dallas for the Regional Transportation Council Sustainable Development Program and authorized the City Manager to negotiate agreements with the North Central Texas Council of Governments and private sector partners, where applicable by Resolution No. 10-2152; and

WHEREAS, on February 24, 2011, the Texas Transportation Commission concurred with RTC's selection of projects for the Collective Sustainable Development Infrastructure Project and its funding of $1,986,250; and

WHEREAS, the Sustainable Development Program requires a minimum local match of 20 percent of the total project cost of $2,482,813, or $496,563, which will be provided by the Fort Worth Avenue District Fund; and

WHEREAS, on September 26, 2012, City Council authorized an agreement with North Central Texas Council of Governments and the State of Texas to obtain funding to reimburse a private developer, The Park at Kessler, LP, for the costs of construction of the Collective Sustainable Development Infrastructure Project, in an amount not to exceed $1,986,250, by Resolution No. 12-2361; and

WHEREAS, on December 12, 2016, the Fort Worth Avenue TIF Board of Directors approved District-wide TIF funding request of up to $496,562 as the required local matching funds for the Collective Sustainable Development Infrastructure Project in the Fort Worth Avenue TIF District in partnership with North Central Texas Council of Governments Regional Transportation Council (RTC) for its Sustainable Development (SD) Program; and

WHEREAS, on September 27, 2017, City Council amended Resolution No. 12-2360, previously approved on September 26, 2012, for the Collective Sustainable Development Infrastructure Project to delete the reimbursements to The Park at Kessler, LP; correct the funding source to receive and deposit funds from the Texas Department of Transportation; authorized the Fort Worth Avenue Tax Increment Financing (TIF) District Board of Directors to dedicate up to $496,563 in the Fort Worth Avenue TIF District Funds as the required local matching funds for the North Central Texas Council of Government's Sustainable Development Program associated with the Collective Sustainable Development Infrastructure Project in the Fort Worth Avenue TIF District; and increase appropriations in an amount not to exceed $496,563 in the Fort Worth Avenue TIF District Fund by Resolution No. 17-1546; and

April 11, 2018

WHEREAS, on September 27, 2017, City Council amended Resolution No. 12-2361, previously approved on September 26, 2012, to rescind the execution of the development agreement with The Park at Kessler, LP for the Collective Sustainable Development Infrastructure Project and associated reimbursement of the project costs by Resolution No. 17-1547; and

WHEREAS, the Request for Qualifications for professional engineering and consulting services for the Collective Sustainable Development Infrastructure Project and the Rosemont Safe Routes to School Project (BYZ1726) was advertised on October 5, 2017; and

WHEREAS, the Request for Qualifications and Proposal for the professional engineering and consulting services (BYZ1726) resulted in the selection of Halff Associates, Inc. for the design services for the Collective Sustainable Development Infrastructure Project and the Rosemont Safe Routes to School Project; and

WHEREAS, it is now necessary to authorize a professional services contract with Halff Associates, Inc. to provide design services for the Collective Sustainable Development Infrastructure Project, in an amount not to exceed $208,258.00.

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 Halff Associates, Inc., approved as to form by the City Attorney, to provide design services for the Collective Sustainable Development Infrastructure Project, in an amount not to exceed $208,258.00.

SECTION 2. That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed $208,258.00 to Halff Associates, Inc., as follows:

Fort Worth Avenue TIF District Fund	
Fund 0058, Department ECO, Unit W180	
Activity FWTI, Object 4111, Program ECSD0004	
Contract/Encumbrance No. CX-PBW-2018-00005548	
Vendor 089861	$ 41,651.60

SECTION 2. (continued)

Collective Sustainable Development Infrastructure Project Fund	
Fund S251, Department ECO, Unit P738	
Activity ECSD, Object 4111, Program ECSD0004	
Contract/Encumbrance No. CX-PBW-2018-00005548	
Vendor 089861	$166,606.40
Total amount not to exceed	$208,258.00

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.

AGENDA ITEM # 15

STRATEGIC PRIORITY:	Mobility Solutions, Infrastructure, and Sustainability
AGENDA DATE:	April 11, 2018
COUNCIL DISTRICT(S):	1
DEPARTMENT:	Department of Public Works Office of Economic Development
CMO:	Majed Al-Ghafry, 670-3302 Raquel Favela, 670-3309
MAPSCO:	44 W X 54 A B C

SUBJECT

Authorize **(1)** a professional services contract with Halff Associates, Inc. to provide design services for the Rosemont Safe Routes to School Project under the Transportation Alternatives Program (TAP) in the amount of $86,957; **(2)** the acceptance of reimbursement funds from the Federal Highway Administration passed through the Texas Department of Transportation (TxDOT) (Contract No. CSJ 0918-47-138, CFDA No. 20.205) in the amount of $69,566 as the Federal share for engineering design authorized by the Local Project Advance Funding Agreement previously approved on August 10, 2016, by Resolution No. 16-1200; **(3)** a local match in the amount of $17,391; **(4)** the establishment of appropriations in an amount not to exceed $69,566 in the TxDOT TAP-Rosemont Safe Routes to School Pedestrian Improvement Project Fund; and **(5)** the receipt and deposit of funds in an amount not to exceed $69,566 in the TxDOT TAP-Rosemont Safe Routes to School Pedestrian Improvement Project Fund - Not to exceed $86,957 - Financing: Texas Department of Transportation Grant Funds ($69,566) and Davis Garden TIF District Funds ($17,391)

BACKGROUND

The Request for Qualifications (BYZ1726) for professional engineering and consulting services for the Rosemont Safe Routes to School Project was advertised on October 5, 2017. Statements of Qualifications were received on November 2, 2017, which allowed City staff to evaluate and short list the interested firms for this project. After review of the proposals received on January 2, 2018 and evaluation of the interviews held on January 9, 2018, Halff Associates, Inc. ranked the highest for this project.

This action will authorize a professional services contract with Halff Associates, Inc. for design services for the Rosemont Safe Routes to School Project.

BACKGROUND (continued)

The Rosemont Safe Routes to School Project hike and pedestrian improvements is a partnership with TxDOT, which was selected by TxDOT's TAP. It will provide approximately 3.5 miles of bicycle facilities and traffic-calming in the surrounding community along with an improved bicycle and pedestrian connection to Rosemont Elementary School.

Rosemont Primary School – Chris V. Semos Campus (pre-kindergarten through second grade) is directly adjacent to Rosemont Elementary and the International Language Preparatory Middle School (third through eight grades).

The purpose of the project is to support the neighborhood's desire for more of their children to bike and walk to school. The project's goals are to create a system of limited access safe streets across the neighborhood that connect to the two school campuses. This Safe Streets Plan is based on the model of neighborhood "greenway" systems throughout Portland and Seattle. This project was awarded by the TAP only for engineering design. The estimated engineering cost is $104,991.33 of which TxDOT's participation is $4,991.33, the Federal participation is $80,000.00 and the City will provide $20,000.00.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On May 27, 2014, the Transportation & Trinity River Corridor Project Committee was briefed on the Rosemont Safe Routes to School Project.

On May 28, 2014, City Council authorized the submission of two candidate projects to the North Central Texas Council of Governments for cost reimbursement for the proposed Transportation Alternatives Program 2014 for the proposed Trinity Skyline Trail Project and the Rosemont Safe Routes to School Project by Resolution No. 14-0830.

On August 8, 2016, the Transportation & Trinity River Project Committee was briefed on the Rosemont Safe Routes to School.

On August 10, 2016, City Council authorized a Local Transportation Project Advance Funding Agreement with the Texas Department of Transportation for the design review of the Rosemont Safe Routes to School Project by Resolution No. 16-1200.

Information about this item will be provided to the Mobility Solutions, Infrastructure and Sustainability Committee on April 9, 2018.

ESTIMATED SCHEDULE OF PROJECT

Begin Design	May 2018
Complete Design	December 2018

FISCAL INFORMATION

Davis Garden TIF District Funds - $17,391.40
Texas Department of Transportation Grant Funds - $69,565.60

Estimated Project Cost

Engineering Design (Federal)	$ 69,565.60 (this action)
Engineering Design (Davis Garden TIF)	$ 17,391.40 (this action)
TxDOT Direct Costs (Federal)	$ 10,434.40 (est.)
TxDOT Engineering Review (Davis Garden TIF)	$ 2,608.60 (Resolution No. 16-1200)
TxDOT Indirect Costs (TxDOT)	$ 4,991.33 (est.)
Total Project Costs	$104,991.33 (est.)
City's Share of Cost (Davis Garden TIF)	$ 20,000.00
Federal Share of Cost	$ 80,000.00
TxDOT Share of Cost	$ 4,991.33
	$104,991.33*

*This project was selected/funded by TAP for engineering design only.

M/WBE INFORMATION

In accordance with the City's Business Inclusion and Development Plan adopted on October 22, 2008, by Resolution No. 08-2826, as amended, the M/WBE participation on this contract is as follows:

Contract Amount	Category	DBE Goal	DBE %	DBE $
$86,957.00	Architecture & Engineering	0.00%	24.64%	$21,426.00

- This contract exceeds the DBE goal of 0.00%
- The City of Dallas has signed an Advance Funding Agreement with TxDOT allowing it to adopt our federally approved DBE program

OWNER

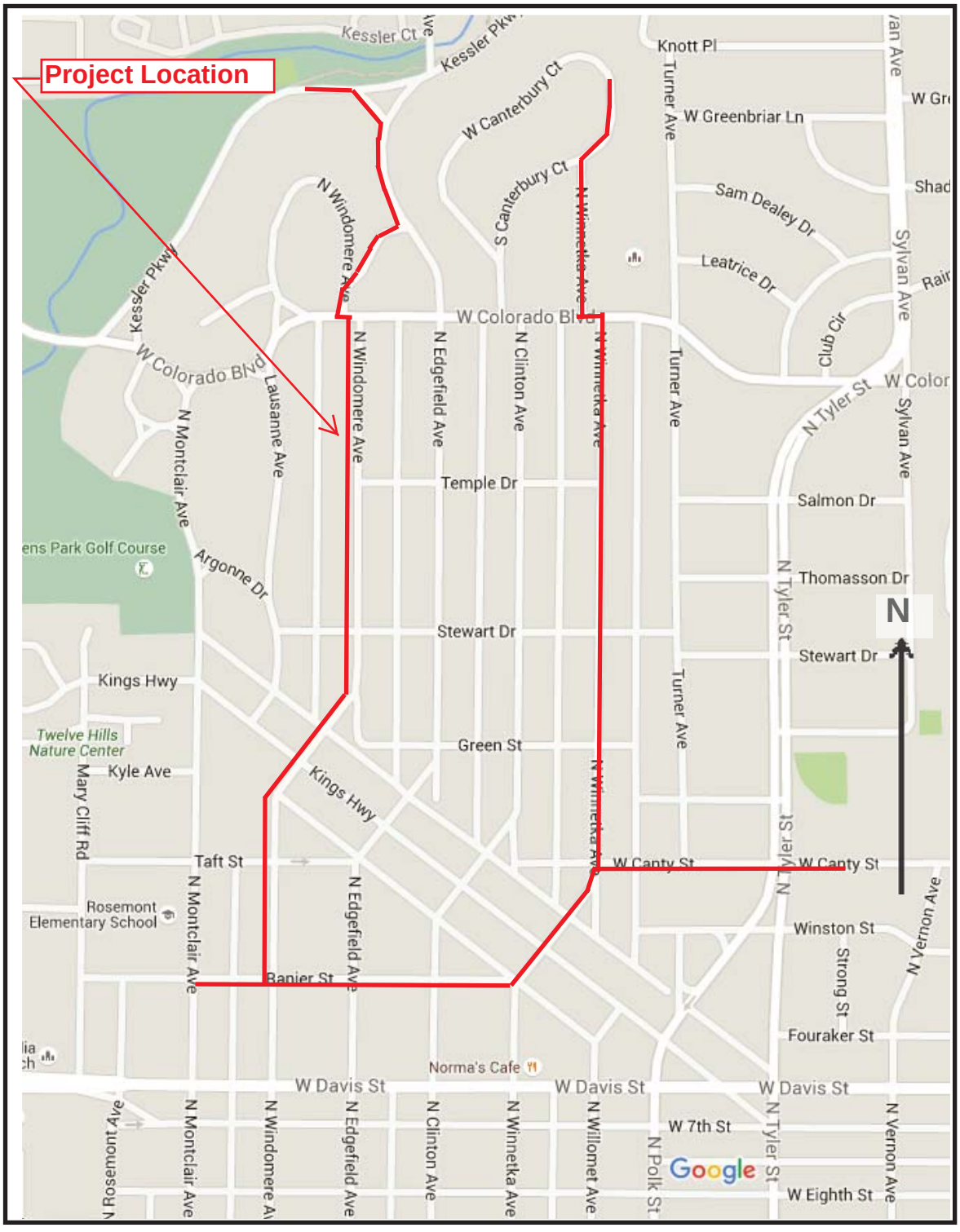
Halff Associates, Inc.

Patrick Kunz, P.E., President

MAP

Attached

Rosemont Safe Routes to School Project
Council District: 1



Mapsco 44 W, X; 54 A, B, C,

April 11, 2018

WHEREAS, the Regional Transportation Council (RTC), comprised primarily of local elected officials, is the regional transportation policy board associated with the North Central Texas Council of Governments (NCTCOG) and the regional forum for cooperative decisions on transportation; and

WHEREAS, on February 13, 2014, the RTC approved approximately $28 million for the 2014 Transportation Alternative Program (TAP) Call for Projects; and

WHEREAS, on May 28, 2014, City Council authorized the submission of two candidate projects to the NCTCOG for cost reimbursement for the proposed Transportation Alternative Program 2014 for the proposed Trinity Skyline Trail Project and the Rosemont Safe Routes to School Project, in an amount not to exceed $2,885,000.00, by Resolution No. 14-0830; and

WHEREAS, on October 9, 2014, the RTC approved the submitted projects for funding by the 2014 TAP Call for Projects for the North Central Texas region; and

WHEREAS, on August 27, 2015, the Texas Transportation Commission awarded funding for the projects in the 2014 TAP Call for Projects; and

WHEREAS, the City of Dallas supported the Rosemont Safe Routes to School Project as applied for in the 2014 TAP Program Call for Projects, and will serve as the public sponsor and lead project contact on the projects; and

WHEREAS, the City of Dallas committed to fund or pass through funds from other sources for a minimum local cash or in-kind match of 20 percent of the total project cost, and confirmed that the City of Dallas will be responsible for any cost overruns; and

WHEREAS, the City of Dallas understood and acknowledged that all awarded funding will be provided on a reimbursement basis; and

WHEREAS, on August 10, 2016, City Council authorized a Local Transportation Project Advance Funding Agreement with the Texas Department of Transportation for the design review of Rosemont Safe Routes to School Project, in an amount not to exceed $2,608.60, by Resolution No. 16-1200; and

WHEREAS, the Request for Qualifications for professional engineering and consulting services for the Collective Sustainable Development Infrastructure Project and the Rosemont Safe Routes to School Project (BYZ1726) was advertised on October 5, 2017; and

April 11, 2018

WHEREAS, the Request for Qualifications and Proposal for the professional engineering and consulting services (BYZ1726) resulted in the selection of Halff Associates, Inc. for the design services for the Collective Sustainable Development Infrastructure Project and the Rosemont Safe Routes to School Project; and

WHEREAS, it is now necessary to authorize a professional services contract with Halff Associates, Inc. for design services for the Rosemont Safe Routes to School Project, in an amount not to exceed $86,957.00.

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 Halff Associates, Inc., approved as to form by the City Attorney, for design services for the Rosemont Safe Routes to School, under the Transportation Alternatives Program (TAP) in an amount not to exceed $86,957.00; and accept reimbursement funds from the Federal Highway Administration passed through the Texas Department of Transportation (Contract No. CSJ 0918-47-138, CFDA No. 20.205) in the amount of $69,565.60 as the Federal share for engineering design authorized by the Local Project Advance Funding Agreement, previously approved on August 10, 2016, by Resolution No. 16-1200 that authorized disbursement of funds to the State for direct State costs.

SECTION 2. That the City Manager is hereby authorized to establish appropriations in an amount not to exceed $69,565.60 in the TxDOT TAP-Rosemont Safe Routes to School Pedestrian Improvement Project Fund, Fund F547, Department PBW, Unit 3588, Object 4111.

SECTION 3. That the Chief Financial Officer is hereby authorized to receive and deposit funds in an amount not to exceed $69,565.60 from TxDOT in the TxDOT TAP-Rosemont Safe Routes to School Pedestrian Improvement Project Fund, Fund F547, Department PBW, Unit 3588, Revenue Code 6506.

SECTION 4. That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed $86,957.00 to Halff Associates, Inc., as follows:

TxDOT TAP-Rosemont Safe Routes to School Pedestrian Improvement Project Fund	
Fund F547, Department PBW, Unit 3588	
Activity INGV, Object 4111, Program DGTIF0012	
Encumbrance/Contract No. CX-PBW-2018-00005613	
Vendor 089861	$69,565.60

SECTION 4. (continued)

Davis Garden TIF District Fund (as local match) Fund 0060, Department ECO, Unit P754 Activity DGTI, Object 4111, Program DGTIF0012 Encumbrance/Contract No. CX-PBW-2018-00005613 Vendor 089861	$17,391.40
Total amount not to exceed	$86,957.00

SECTION 5. That the City Manager is hereby authorized to reimburse the granting agency any expenditures identified as ineligible and notify the appropriate City Council Committee of expenditures identified as ineligible not later than 30 days after the reimbursement.

SECTION 6. That the City Manager shall keep the appropriate City Council Committee informed of all final granting agency monitoring reports not later than 30 days after the receipt of the report.

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.

AGENDA ITEM # 16

STRATEGIC PRIORITY:	Mobility Solutions, Infrastructure, and Sustainability
AGENDA DATE:	April 11, 2018
COUNCIL DISTRICT(S):	12
DEPARTMENT:	Department of Sustainable Development and Construction City Attorney's Office Water Utilities Department
CMO:	Majed Al-Ghafry, 670-3302 Larry Casto, 670-3491
MAPSCO:	5T

SUBJECT

Authorize the second step of acquisition of a wastewater easement from Fairhill School, for condemnation by eminent domain to acquire a tract of land containing approximately 6,399 square feet, located near the intersection of Preston and Davenport Roads for the McKamy and Osage Branch Wastewater Interceptor Project - Not to exceed $40,000 ($37,000, plus closing costs and title expenses not to exceed $3,000) - Financing: Water Utilities Capital Construction Funds

BACKGROUND

This item authorizes the second step of acquisition of a wastewater easement from Fairhill School, for condemnation by eminent domain to acquire a tract of land containing approximately 6,399 square feet, located near the intersection of Preston and Davenport Roads. An offer was presented to the property owner on May 16, 2017 reflecting the appraised value of $37,000 and the City's offer was declined. Negotiations between the City and the property owner have been ongoing and no amicable agreement has been reached.

The first resolution approved on June 28, 2017, by Resolution No. 17-1065, authorized the purchase in the amount of $37,000. This property will be used for the McKamy and Osage Branch Wastewater Interceptor Project. The consideration is based on an independent appraisal. There are no relocation costs associated.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On June 28, 2017, City Council authorized acquisition by Resolution No. 17-1065.

FISCAL INFORMATION

Water Utilities Capital Construction Funds - $40,000 ($37,000, plus closing costs and title expenses not to exceed $3,000)

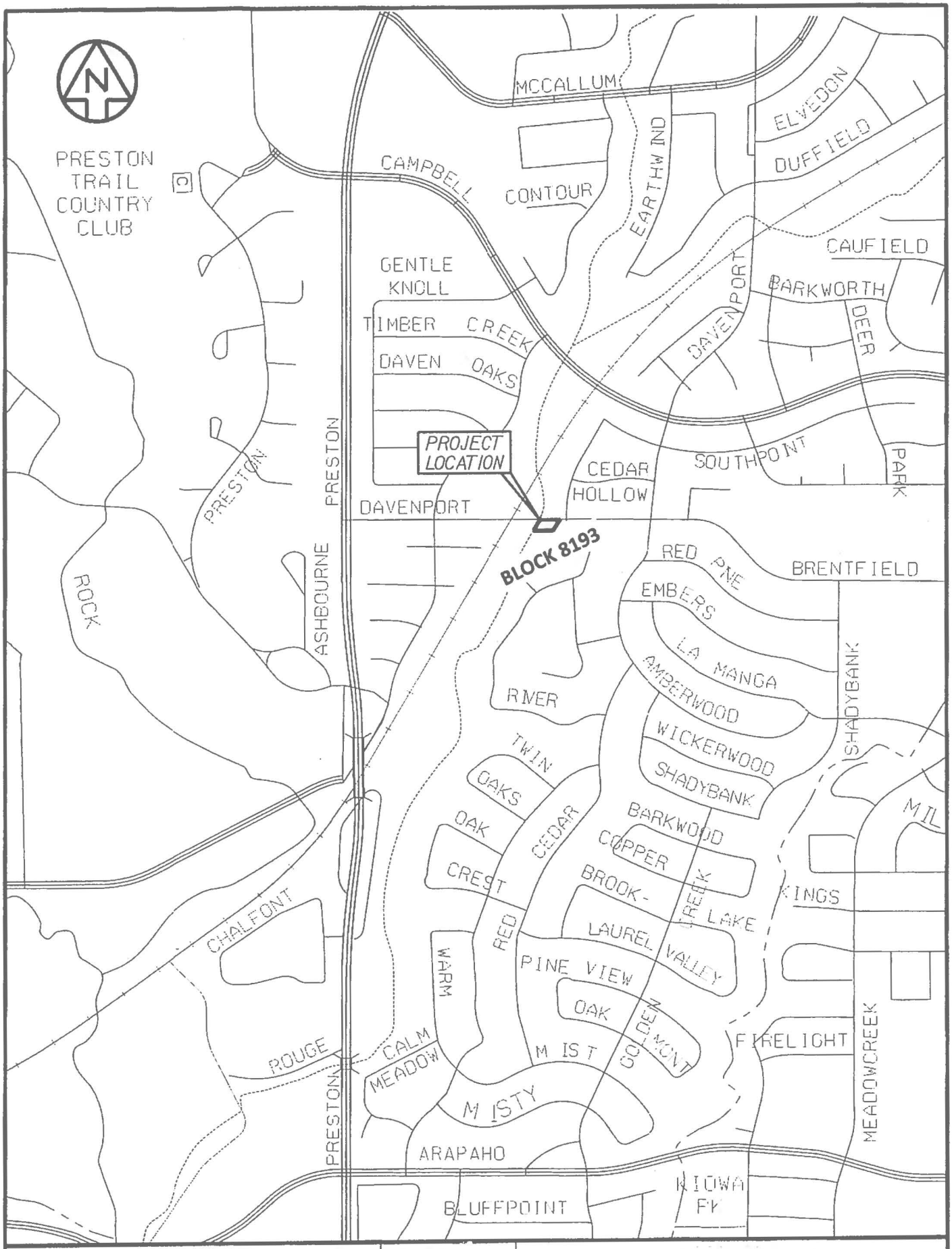
OWNER

Fairhill School

W.L. Pendergrass, Jr., Chairman

MAP

Attached



6,399 S.F. (0.147 ACRE) PARCEL
JOHN BECKNELL SURVEY ~ ABSTRACT NO. 53
DALLAS CITY BLOCK 11/8193

April 11, 2018

A RESOLUTION AUTHORIZING CONDEMNATION FOR THE ACQUISITION OF REAL PROPERTY.

All capitalized terms are defined in Section 1 below.

WHEREAS, the Dallas City Council by the FIRST RESOLUTION found that the USE of the PROPERTY INTEREST in and to the PROPERTY for the PROJECT is a public use; and

WHEREAS, the Dallas City Council by the FIRST RESOLUTION found that a public necessity requires that CITY acquire the PROPERTY INTEREST in and to the PROPERTY from OWNER for the PROJECT; and

WHEREAS, the Dallas City Council by the FIRST RESOLUTION authorized acquisition, by purchase, of the PROPERTY INTEREST in and to the PROPERTY held by OWNER for the PROJECT; and

WHEREAS, the OWNER refused to sell the PROPERTY INTEREST in and to the PROPERTY to CITY for the OFFICIAL OFFER AMOUNT contained in the FIRST RESOLUTION; and

WHEREAS, the Dallas City Council desires to authorize the City Attorney to acquire the PROPERTY INTEREST in and to the PROPERTY by condemnation for the OFFICIAL OFFER AMOUNT stated herein:

Now, Therefore,

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

SECTION 1. For the purposes of this resolution, the following definitions shall apply:

"CITY": The City of Dallas

"FIRST RESOLUTION": Resolution No. 17-1065 approved by the Dallas City Council on June 28, 2017, which is incorporated herein by reference.

"PROPERTY": Approximately 6,399 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.

"PROPERTY INTEREST": Easement

"PROJECT": McKamy and Osage Branch Wastewater Interceptor Project

SECTION 1. (continued)

"USE*":* The installation, use and maintenance of a pipeline or lines for the transmission of wastewater, together with such appurtenant facilities as may be necessary, however, to the extent fee title to the PROPERTY is acquired through instrument, such title in and to the PROPERTY shall not be limited to, or otherwise deemed restricted to, the USE herein provided.

"OWNER": Fairhill School, provided, however, that the term "OWNER" as used in this resolution means all persons or entities having an ownership interest, regardless of whether those persons or entities are actually named herein.

"OFFICIAL OFFER AMOUNT": $37,000

"CLOSING COSTS AND TITLE EXPENSES": Not to exceed $3,000

"AUTHORIZED AMOUNT": $40,000 (OFFICIAL OFFER AMOUNT plus CLOSING COSTS AND TITLE EXPENSES)

"DESIGNATED FUNDS": $40,000 from Wastewater Capital Construction Fund, Fund 0103, Department DWU, Unit CS40, Activity MPSA, Program 706028, Object 4250, Encumbrance/Contract No. CX-DEV-2017-00002105.

SECTION 2. That the CITY will pay court costs as may be assessed by the Special Commissioners' or the Court. Further, that litigation expenses determined by the City Attorney to be necessary are authorized for payment. All costs and expenses described in this section shall be paid out of and charged to the DESIGNATED FUNDS.

SECTION 3. That the City Attorney is authorized and requested to file the necessary proceeding and take the necessary action for the acquisition of the PROPERTY INTEREST in and to the PROPERTY by condemnation or in any manner provided by law.

SECTION 4. That in the event it is subsequently determined that additional persons or entities other than those named herein have an interest in the PROPERTY, the City Attorney is authorized and directed to join said parties as defendants in said condemnation proceeding and/or suit.

SECTION 5. That in the event the Special Commissioners' appointed by the Court return an award that is the same amount, or less, than the OFFICIAL OFFER AMOUNT, the City Attorney is hereby authorized to acquire the PROPERTY INTEREST in and to the PROPERTY by instrument, or judgment, for the Special Commissioners' Award Amount. If the PROPERTY INTEREST in and to the PROPERTY is being

SECTION 5. (continued)

acquired by instrument, the Chief Financial Officer is hereby authorized and directed to issue a check, paid out of and charged to the DESIGNATED FUNDS, in an amount not to exceed the Special Commissioners' Award Amount, made payable to OWNER, or the then current owner(s) of record, or to the title company insuring the transaction described herein. If the PROPERTY INTEREST in and to the PROPERTY is not being acquired through instrument, the Chief Financial Officer is hereby authorized and directed to issue a check, paid out of and charged to the DESIGNATED FUNDS, in an amount not to exceed the Special Commissioners' Award Amount, made payable to the County Clerk of Dallas County, Texas, to be deposited into the registry of the Court, to enable CITY to take possession of the PROPERTY INTEREST in and to the PROPERTY without further action of the Dallas City Council. The Chief Financial Officer is further authorized and directed to issue another check, to be paid out of and charged to the DESIGNATED FUNDS, in the amount of the CLOSING COSTS AND TITLE EXPENSES, made payable to the title company insuring the transaction described herein. The Special Commissioners Award Amount and the CLOSING COSTS AND TITLE EXPENSES together shall not exceed the AUTHORIZED AMOUNT.

SECTION 6. 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: Christopher C. Stuhr
Assistant City Attorney

EXHIBIT A

6,399 SQUARE FOOT (0.147 ACRE)
DALLAS CITY BLOCK 8193
WASTEWATER EASEMENT
FAIRHILL SCHOOL

BEING a 6,399 square foot (0.147 Acre) parcel of land situated in the JOHN BECKNELL SURVEY, ABSTRACT NO. 53 in Official City Block No. 8193, in the City of Dallas, Dallas County, Texas, said parcel being part of a called 11.889 acre tract of land described in a Special Warranty Deed to Fairhill School, recorded in Volume 90207, Page 0090 of the Deed Records of Dallas County, Texas (D.R.D.C.T.), and being more particularly described as follows:

COMMENCING at the northeast corner of Lot 22, Block 11/8193 of Prestonwood Creek, Section III, an addition to the City of Dallas, Dallas County, Texas according to the Plat thereof recorded in Volume 78199, Page 0642 of said Deed Records, and the south line of Davenport Road (60' R.O.W. at this point) from which a ½-inch steel rod (controlling monument) found bears North 89 degrees 32 minutes 24 seconds East a distance of 3.92 feet;

THENCE South 89 degrees 32 minutes 24 seconds West, along the north line of said Lot 22 and a City of Dallas Floodway Management Area, and the south line of Davenport Road, a distance of 347.82 feet to a ½-inch steel rod with cap marked "AZ&B" set at the northwest corner of said Floodway Management Area for the **POINT OF BEGINNING**;

THENCE South 36 degrees 04 minutes 14 seconds West, along the common line between said Fairhill School tract and said Floodway Management Area, a distance of 28.00 feet to a point for corner (unable to monument), from which a PK Nail set, bears South 36 degrees 04 minutes 14 seconds West, a distance of 11.61 feet;

THENCE South 89 degrees 32 minutes 24 seconds West, across said Fairhill School tract, a distance of 72.14 feet to a ½-inch steel rod with a cap marked "AZ&B" set for corner;

THENCE South 87 degrees 55 minutes 16 seconds West, continuing across said Fairhill School tract, a distance of 78.36 feet to a ½-inch steel rod with a cap marked "AZ&B" set in the southeast right-of-way line of the Dallas Area Rapid Transit (DART) right-of-way and the west line of said Fairhill School tract;

THENCE North 30 degrees 41 minutes 29 seconds East, along the common line between said DART right-of-way and said Fairhill School tract, a distance 52.25 feet to an "X" cut set in the south right-of-way of Davenport Road (40' right-of-way at this point) for the northwest corner of said Fairhill School tract;

FIELD NOTES APPROVED: 10/30/12

6,399 SQUARE FOOT (0.147 ACRE)
DALLAS CITY BLOCK 8193
WASTEWATER EASEMENT
FAIRHILL SCHOOL

EXHIBIT A

THENCE North 89 degrees 32 minutes 24 seconds East, along the south line of said Davenport Road and the north line of said Fairhill School tract, a distance of 140.12 feet to an "X" cut set for the most northerly northeast corner of said Fairhill School Tract;

THENCE South 00 degrees 27 minutes 36 seconds East, along the east boundary of said Fairhill School tract, a distance of 20.00 feet to the **POINT OF BEGINNING** and containing 6,399 square feet (0.147 acre) of land, more or less.

Basis of bearings is the Texas State Plane Coordinate System, North American Datum of 1983 (NAD83), North Central Zone No. 4202, as determined by GPS observations using the WDS-VRS network.

A survey plat of even date accompanies this property description.

I the undersigned, a Registered Professional Land Surveyor in the State of Texas, do hereby certify that this description and the accompanying survey plat were prepared from an actual survey made on the ground in the month of December, 2011.

9/24/2012

Jeffrey Sheppard
Registered Professional Land Surveyor No. 3696

EXHIBIT A

NOTES

A PROPERTY DESCRIPTION OF EVEN DATE ACCOMPANIES THIS PLAT.

BASIS OF BEARINGS IS THE TEXAS STATE PLANE COORDINATE SYSTEM NORTH AMERICAN DATUM 1983 (NAD83) NORTH CENTRAL ZONE, AS DETERMINED BY GPS OBSERVATIONS USING THE WD-VRS NETWORK.

LEGEND

X	"X" CUT IN CONCRETE
PK	PK NAIL SET
(CM)	CONTROLLING MONUMENT
O	STEEL REBAR FOUND (SIZE AS NOTED)
●	1/2" STEEL REBAR SET W/ AZB PLASTIC CAP (EXCEPT AS NOTED)
▭	LIMITS OF PROPERTY TO BE ACQUIRED

COMPUTED	PMC CAD JHS
DRAWN	PMC EKS JHS
SUPERVISOR	E.D. UTZMAN
DATE	12-14-11
SCALE	1"=100'

REVISION HISTORY

AZ&B
ARREDONDO, ZEPEDA & BRUNZ, INC
11355 McCREE ROAD
DALLAS, TX. 75238
PH. 214-341 9900
FAX 214-341-9925
email office@azb-engrs.com

6,399 SQUARE FOOT (0.147 ACRE) DALLAS CITY BLOCK 8193 WASTEWATER EASEMENT FAIRHILL SCHOOL

SHEET	DWG No.	REV
3 OF 3		

S:\DWU\207010.001-Halff-McKamy\Dgn\Easement\Fairhill School\ESMT-304\ESMT_304.dgn 9/24/2012 2:20:31 PM

AGENDA ITEM # 17

STRATEGIC PRIORITY:	Mobility Solutions, Infrastructure, and Sustainability
AGENDA DATE:	April 11, 2018
COUNCIL DISTRICT(S):	Outside City Limits
DEPARTMENT:	Department of Sustainable Development and Construction Water Utilities Department
CMO:	Majed Al-Ghafry, 670-3302
MAPSCO:	N/A

SUBJECT

Authorize moving expense and replacement housing payments for Gary Lane as a result of an official written offer of just compensation to purchase real property at 10793 Riverview Drive for the Lake Tawakoni 144-inch Transmission Pipeline Project - Not to exceed $58,485 - Financing: Water Utilities Capital Improvement 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 individuals displaced by the City of Dallas in conjunction with its real property acquisition activities.

On December 13, 2017, City Council authorized the acquisition of real property known as 10793 Riverview Drive for the Lake Tawakoni 144-inch Transmission Pipeline Project by Resolution No. 17-1844.

Gary Lane will be displaced as a direct result of this property acquisition. He qualifies for a moving expense payment of up to $2,350 and a last resort calculated replacement housing payment of up to $56,135 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 December 13, 2017, City Council authorized the acquisition by Resolution No. 17-1844.

Information about this item will be provided to the Mobility Solutions, Infrastructure & Sustainability Committee on April 9, 2018.

FISCAL INFORMATION

Water Utilities Capital Improvement Funds - $58,485

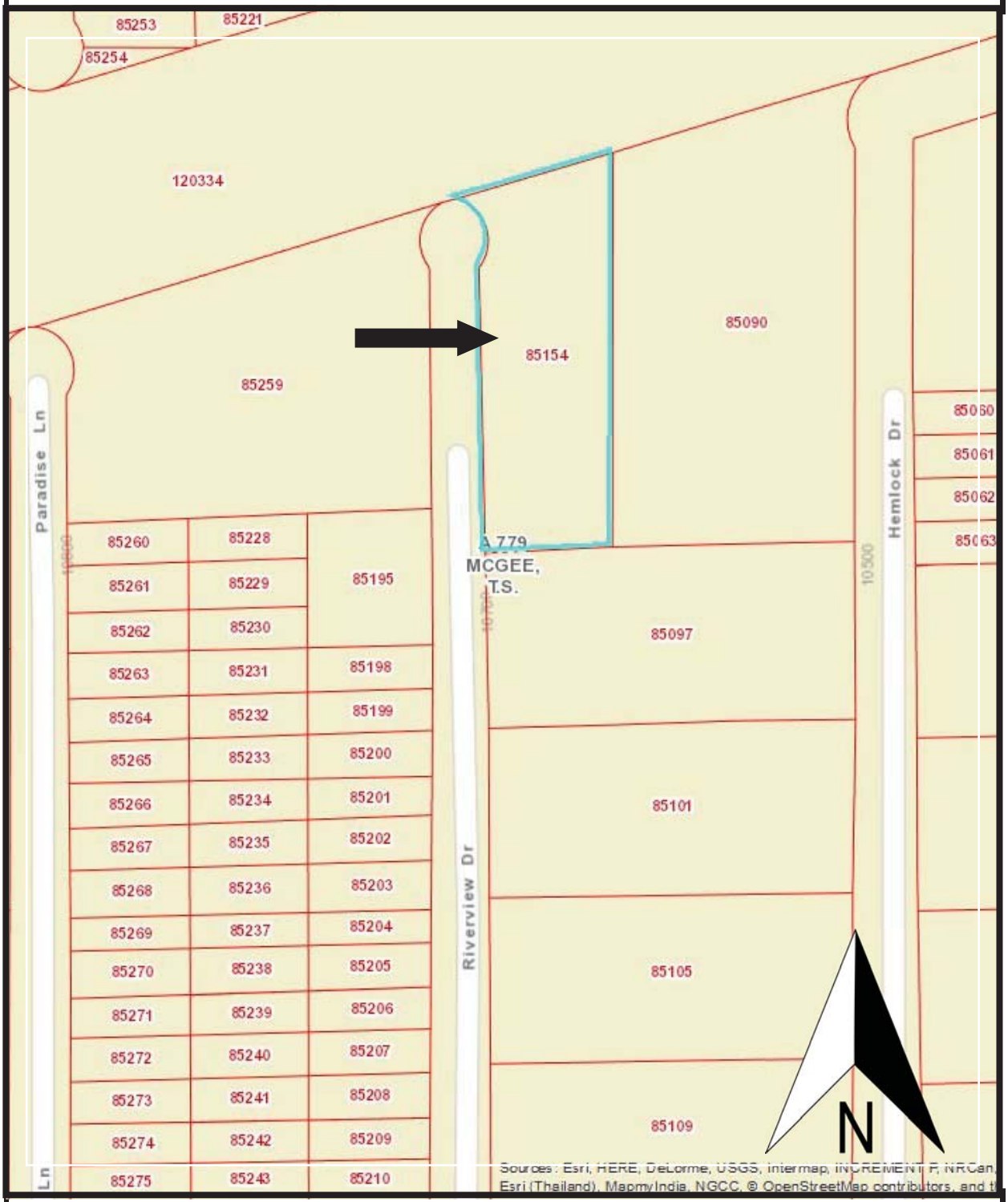
OWNER

Gary Lane

MAP

Attached

LAKE TAWAKONI PIPELINE PROJECT
RELOCATION ASSISTANCE



Lots 69-77, Block X – 10793 Riverview Drive

April 11, 2018

WHEREAS, on December 13, 2017, City Council authorized the acquisition of 10793 Riverview Drive to be used in conjunction with the Lake Tawakoni 144-inch Transmission Pipeline Project by Resolution No. 17-1844; and

WHEREAS, Gary Lane 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 individuals displaced by City of Dallas property acquisition activities.

Now, Therefore,

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

SECTION 1. That Gary Lane will be displaced in conjunction with the construction of the Lake Tawakoni 144-inch Transmission Pipeline Project and is 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 Gary Lane is eligible to receive a moving expense payment in an amount up to $2,350.00 and a replacement housing payment in an amount up to $56,135.

SECTION 3. That the Chief Financial Officer is hereby authorized to draw warrants in favor of Gary Lane, in an amount not to exceed $58,485 for moving expense and replacement housing payments.

These warrants are to be paid as follows:

Water Capital Improvement Fund Fund 3115, Department DWU, Unit PW20 Object 4230, Program 704041 Encumbrance/Contract No. CX-DWU-2017-00003048-1 Vendor VC18337	$56,135
Water Capital Improvement Fund Fund 0102, Department DWU, Unit CW20 Object 4230, Program 704041 Encumbrance/Contract No. CX-DWU-2017-00003048-2 Vendor VC18279	$ 2,350
Total amount not to exceed	$58,485

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.

AGENDA ITEM # 18

STRATEGIC PRIORITY:	Mobility Solutions, Infrastructure, and Sustainability
AGENDA DATE:	April 11, 2018
COUNCIL DISTRICT(S):	6
DEPARTMENT:	Department of Sustainable Development and Construction
CMO:	Majed Al-Ghafry, 670-3302
MAPSCO:	33U

SUBJECT

Authorize an amendment to an existing lease agreement with Dallas Brookhollow Place, LLC to extend the lease agreement for an additional five-years for approximately 4,162 square feet of office space located at 7610 North Stemmons Freeway, Suite 190 to be used as a Northwest Building Inspection District Office for the period June 1, 2018 through May 31, 2023 - Not to exceed $384,985 - Financing: Building Inspection Current Funds (subject to annual appropriations)

BACKGROUND

This item authorizes an amendment to an existing lease agreement with Dallas Brookhollow Place, LLC to extend the lease agreement for an additional five-years for approximately 4,162 square feet of office space located at 7610 North Stemmons Freeway, Suite 190. The five-year extension will provide for the continued use of a Northwest Building Inspection District Office, to provide services that include the intake of contractor's registration, review, and processing of permit applications and inspections by the City of Dallas.

The five-year extension will begin on June 1, 2018 through May 31, 2023.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On February 27, 2013, City Council authorized a five-year and three month Lease Agreement by Resolution No. 13-0419.

Information about this item will be provided to the Mobility Solutions, Infrastructure & Sustainability Committee on April 9, 2018.

FISCAL INFORMATION

Building Inspection Current Funds - $384,985 (subject to annual appropriations)

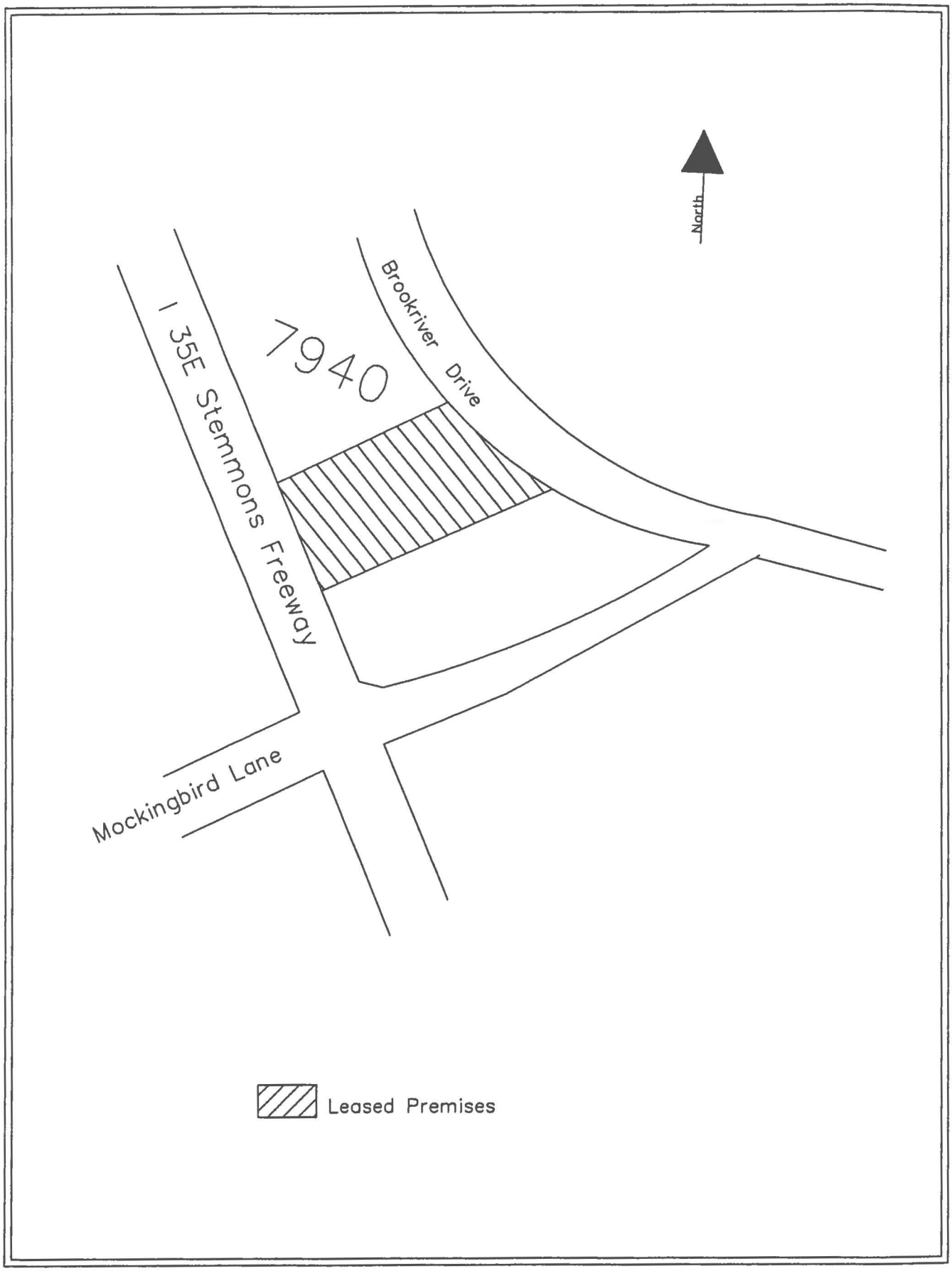
OWNER

Dallas Brookhollow Place, LLC

Kenneth M. Good Jr., Manager

MAP

Attached


North
Brookriver Drive
1940
I 35E Stemmons Freeway
Mockingbird Lane
Leased Premises

April 11, 2018

WHEREAS, on February 27, 2013, by Resolution No. 13-0419, the City Council of Dallas authorized a five-year lease agreement dated March 1, 2013, ("the Lease") with Texas Prince Properties, Inc., a Texas corporation, as landlord, ("Landlord") and City of Dallas ("City"), as tenant for approximately 4,162 square feet of office space, located at 7610 North Stemmons Freeway, Suite 190, Dallas, Dallas County, Texas ("the Premises") to be used by Building Inspection's Northwest District Office; and

WHEREAS, Dallas Brookhollow Place, LLC a Texas limited liability company has purchased the property including the Premises and succeeded to and assumed the Lease as landlord (hereinafter "Landlord"); and

WHEREAS, the Lease, expires by its own terms on May 31, 2018; and

WHEREAS, the parties desire to renew, extend, modify and/or amend the Lease term to provide for an additional five-year term ("Extension Term"); at an amended rental rate.

Now, Therefore,

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

SECTION 1. That the City Manager upon approval as to form by the City Attorney be and is hereby authorized to sign a First Amendment to the Lease Agreement between Dallas Brookhollow Place, LLC a Texas limited liability company and the City of Dallas.

SECTION 2. That the special terms and conditions of the First Amendment to the Lease Agreement are:

(a) The term of the Lease is hereby extended for an additional five (5) years, beginning June 1, 2018 and ending May 31, 2023, provided however, that City and Landlord retain the right to terminate the Lease as provided elsewhere therein.

(b) Monthly rental payments during the Extension Term shall be as follows:
(subject to annual appropriations)

June 1, 2018 – May 31, 2023	$6,416.42 per month

(c) The Landlord shall provide certain leasehold improvements to the Premises as specified in the First Amendment to the Lease Agreement.

(d) All other terms of the Lease, not expressly amended hereby shall remain in full force and effect.

SECTION 3. That the Chief Financial Officer be and is hereby authorized to draw warrants payable to Landlord, or its successors and assigns on the first day of each month in advance during the lease term beginning June 1, 2018 in the amount specified below:

June 1, 2018 – May 31, 2023	$6,416.42 per month (subject to annual appropriations)

SECTION 4. That the payments will be charged as follows:

June 1, 2018 – September 30, 2018: Fund 0150, Department DEV, Unit 3151, Object 3330, Encumbrance/Contract No. CX-DEV-2018-00005442, Commodity 97145, Vendor VC15303.

October 1, 2018 – May 31, 2023: Fund 0150, Department DEV, Unit 3151, Object 3330, Encumbrance/Contract No. CX-DEV-2018-00005442, Commodity 97145, Vendor VC15303.

SECTION 5. That the Chief Financial Officer is hereby authorized to draw warrants payable to the respective telephone and communications companies upon receipt of a bill for such services or other applicable charges throughout the lease term.

SECTION 6. 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: Consuelo A Tankersley
Assistant City Attorney

AGENDA ITEM # 19

STRATEGIC PRIORITY:	Mobility Solutions, Infrastructure, and Sustainability
AGENDA DATE:	April 11, 2018
COUNCIL DISTRICT(S):	14
DEPARTMENT:	Department of Sustainable Development and Construction Water Utilities Department
CMO:	Majed Al-Ghafry, 670-3302
MAPSCO:	45L

SUBJECT

Authorize an amendment to an existing lease agreement with Pan Coastal Limited Partnership to extend the lease agreement for an additional five-years for approximately 33,967 square feet of office space located at 2121 Main Street to be used as Water Utilities Capital Improvement Division for the period April 24, 2018 through April 23, 2023 – Not to exceed $2,912,670 - Financing: Water Utilities Current Funds (subject to annual appropriations)

BACKGROUND

This item authorizes an amendment to an existing lease agreement with Pan Coastal Limited Partnership to extend the lease agreement for an additional five-years for approximately 33,967 square feet of office space located at 2121 Main Street. The five-year extension will provide for the continued use of Water Utilities Capital Improvement Division.

The five-year extension will begin on April 24, 2018 through April 23, 2023.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On February 14, 1996, City Council authorized a five-year Lease Agreement by Resolution No. 96-0715.

On April 11, 2001, City Council authorized a five-year renewal to the Lease Agreement with Pan Coastal Limited Partnership from April 24, 2001 to April 23, 2006, by Resolution No. 01-1230.

On June 23, 2004, City Council authorized an amendment to the Lease Agreement with Pan Coastal Limited Partnership from April 23, 2006 to April 23, 2009, by Resolution No. 04-2068.

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

On January 28, 2009, City Council authorized a five-year Lease Agreement with Pan Coastal Limited Partnership for the period April 24, 2009 to April 23, 2014, by Resolution No. 09-0312.

On April 9, 2014, City Council authorized a four-year Lease extension with Pan Coastal Limited Partnership for the period April 24, 2014 to April 23, 2018, by Resolution No. 14-0602.

Information about this item will be provided to the Mobility Solutions, Infrastructure & Sustainability Committee on April 9, 2018.

FISCAL INFORMATION

Water Utilities Current Funds - $2,921,670 (subject to annual appropriations)

OWNER

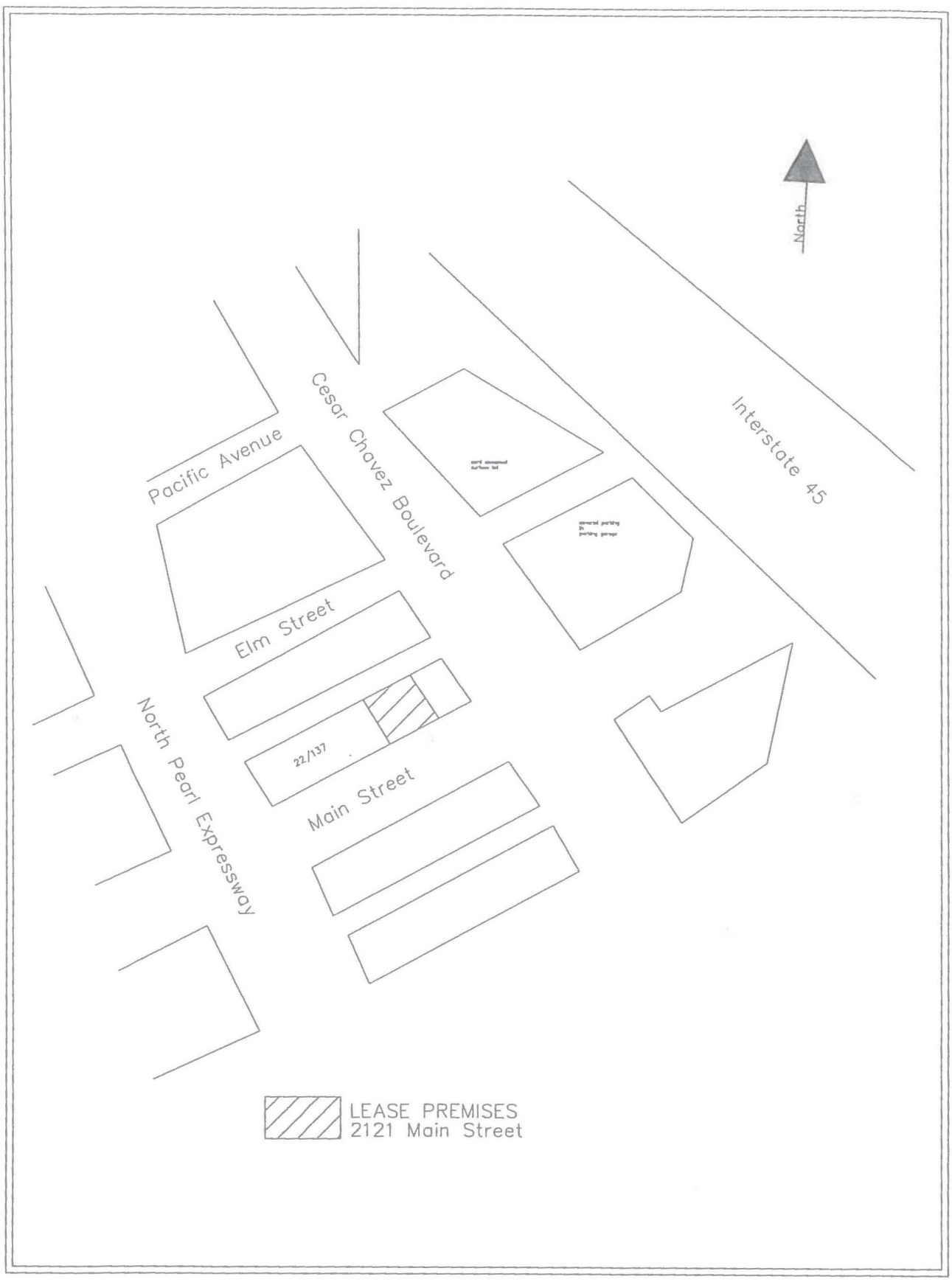
Pan Coastal Limited Partnership

Touricum Number Two Ltd.

Asad Rusho, Vice President

MAP

Attached


North
Interstate 45
Cesar Chavez Boulevard
Pacific Avenue
Elm Street
Main Street
North Pearl Expressway
22/137
LEASE PREMISES
2121 Main Street

April 11, 2018

WHEREAS, on February 14, 1996 by Resolution 96-0715, City Council authorized a five-year lease agreement dated February 17, 1996, ("the Lease") with Pan Coastal Limited Partnership, a Delaware limited partnership ("Landlord"), as landlord, and City of Dallas ("City"), as tenant for approximately 21,000 square feet of office space, located at 2121 Main Street and surface parking, located on Pacific Avenue, Main and Elm Streets ("surface lot") and covered parking in 100 North Central parking garage, City of Dallas, Dallas County, Texas ("Premises") to be used by Water Utilities Capital Improvement Division; and

WHEREAS, on April 11, 2001 by Resolution No. 01-1230, City Council authorized the First Amendment to the Lease Agreement dated April 30, 2001, to extend the lease term for an additional five-years; and

WHEREAS, on June 23, 2004 by Resolution No. 04-2068, City Council authorized the Second Amendment to the Lease Agreement dated June 25, 2004, to extend the lease term for an additional five-years and amending the Premises to include an additional area of approximately 12,967 square feet of office space for a total of approximately 33,967 square feet; and

WHEREAS, on January 28, 2009 by Resolution No. 09-0312, City Council authorized a New lease agreement and executed lease agreement dated February 17, 2009, to extend the lease term for an additional five-years; and

WHEREAS, on April 9, 2014 by Resolution No. 04-0602, City Council authorized the First Amendment to the Lease Agreement dated April 24, 2014, to extend the lease term for an additional four-years; and

WHEREAS, the Lease, as amended, expires by its own terms on April 23, 2018; and

WHEREAS, the parties desire to extend the lease term for an additional five-years ("Extension Term"); at an amended rental rate.

Now, Therefore,

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

SECTION 1. That the City Manager upon approval as to form by the City Attorney, be and is hereby authorized to execute a Second Amendment to the Lease Agreement between Pan Coastal Limited Partnership, a Delaware limited partnership, and the City of Dallas.

SECTION 2. That the special terms and conditions of the Second Amendment to Lease Agreement are:

(a) The term of the Lease is extended for an additional five (5) years, beginning April 24, 2018 and ending April 23, 2023, provided however, that City and Landlord retain the right to terminate the Lease as provided elsewhere therein.

(b) Monthly rental payments during the Extension Term shall be as follows: (subject to annual appropriations)

April 24, 2018 – April 23, 2023	$48,544.50 per month

(c) All other terms of the Lease, as amended, not expressly amended hereby shall remain and in full force and effect.

SECTION 3. That the Chief Financial Officer be and is hereby authorized to draw warrants payable to Pan Coastal Limited Partnership, or its successors and assigns on the first day of each month in advance during the lease term beginning April 24, 2018 in the amount specified below:

April 24, 2018 – April 23, 2023 $48,544.50 per month (subject to annual appropriations)

SECTION 4. That the payments will be charged as follows:

April 24, 2018 – April 23, 2019: Fund 0100, Department DWU, Unit 7120, Object 3330, Encumbrance/Contract No. CX-DWU-2018-00004515, Commodity 97145, Vendor 264518.

April 24, 2019 – April 23, 2020: Fund 0100, Department DWU, Unit 7120, Object 3330, Encumbrance/Contract No. CX-DWU-2018-00004515, Commodity 97145, Vendor 264518.

April 24, 2020 – April 23, 2021: Fund 0100, Department DWU, Unit 7120, Object 3330, Encumbrance/Contract No. CX-DWU-2018-00004515, Commodity 97145, Vendor 264518.

April 24, 2021 – April 23, 2022: Fund 0100, Department DWU, Unit 7120, Object 3330, Encumbrance/Contract No. CX-DWU-2018-00004515, Commodity 97145, Vendor 264518.

April 24, 2022 – April 23, 2023: Fund 0100, Department DWU, Unit 7120, Object 3330, Encumbrance/Contract No. CX-DWU-2018-00004515, Commodity 97145, Vendor 264518.

SECTION 5. That the Chief Financial Officer is hereby authorized to draw warrants payable to the respective telephone, communications, and security companies upon receipt of a bill for such services or other applicable charges throughout the lease term.

SECTION 6. 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

AGENDA ITEM # 20

STRATEGIC PRIORITY:	Mobility Solutions, Infrastructure, and Sustainability
AGENDA DATE:	April 11, 2018
COUNCIL DISTRICT(S):	14
DEPARTMENT:	Department of Sustainable Development and Construction
CMO:	Majed Al-Ghafry, 670-3302
MAPSCO:	45P

SUBJECT

An ordinance granting a revocable license to Frankie's Downtown LLC for the use of approximately 405 square feet of land to occupy, maintain and utilize a sidewalk café and wooden planters on a portion of Main Street right-of-way, located near its intersection with Field Street - Revenue: $200 annually and $100 one-time fee, plus the $20 ordinance publication fee

BACKGROUND

This item grants a revocable license to Frankie's Downtown LLC for the use of approximately 405 square feet of land to occupy, maintain and utilize a sidewalk café and wooden planters on a portion of Main Street right-of-way, located near its intersection with Field Street. 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 Mobility Solutions, Infrastructure & Sustainability Committee on April 9, 2018.

FISCAL INFORMATION

Revenue - $200 annually and $100 one-time fee, plus the $20 ordinance publication fee

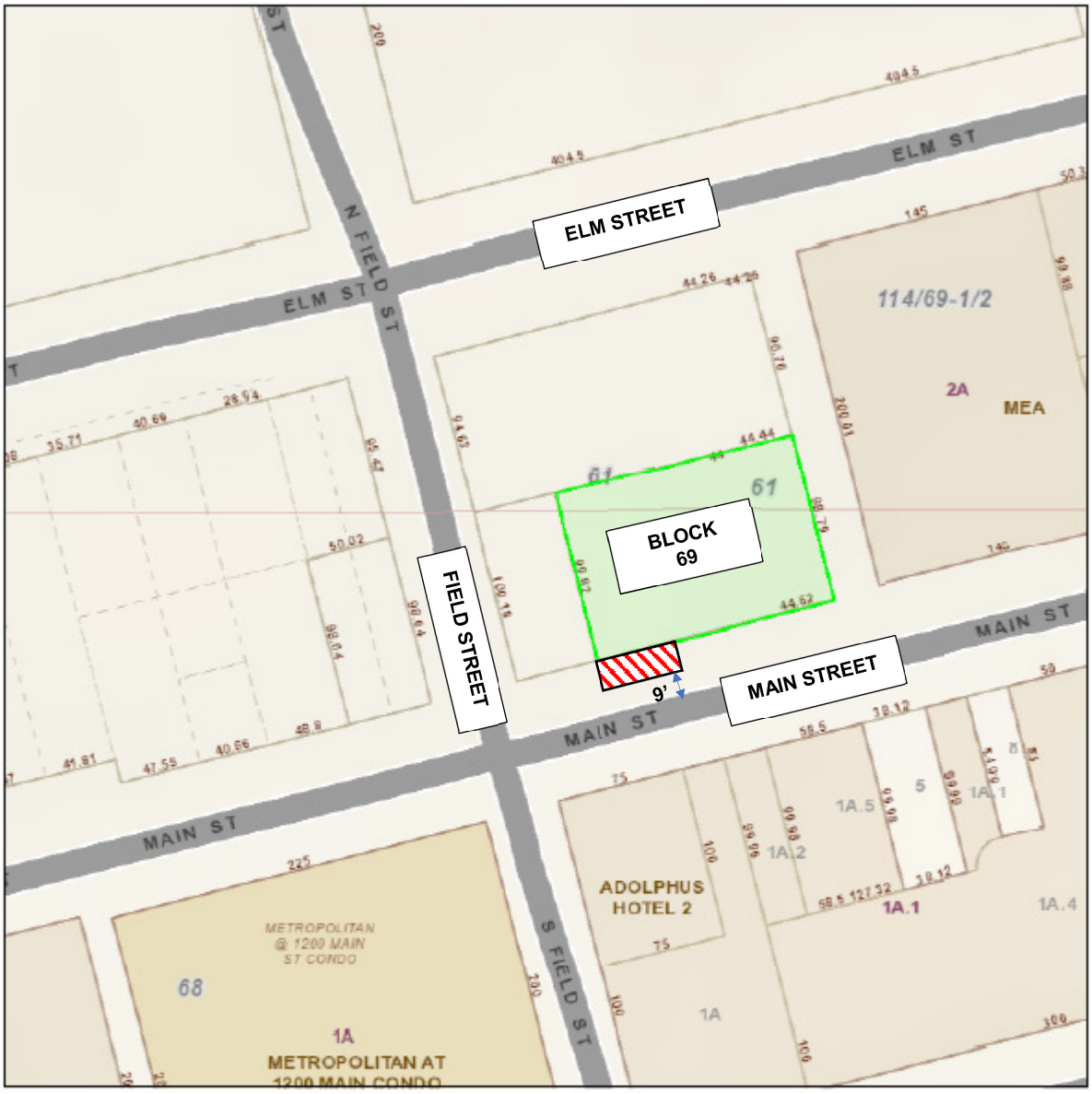
OWNER

Frankie's Downtown LLC

Johnnie Katz, Manager

MAP

Attached



This product is for informational purposes only and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

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LICENSE AREA

ORDINANCE NO. _____

An ordinance granting a revocable license to Frankie's Downtown LLC to occupy, maintain and utilize a portion of Main Street right-of-way located near its intersection with Field Street adjacent to City Block 69 within the limits hereinafter more fully described, for the purpose of occupying, maintaining and utilizing a sidewalk café and wooden planters; providing for the terms and conditions of this license; providing for the annual and 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 revocable license, hereinafter referred to as "license", subject to the restrictions and conditions of this ordinance, is hereby granted to Frankie's Downtown LLC, a Texas limited liability company, 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 seven (7) years, unless sooner terminated according to other terms and provisions herein contained.

SECTION 3. That **GRANTEE** shall pay to the City of Dallas the sum of **TWO HUNDRED AND NO/100 ($200.00) DOLLARS** annually for the license herein granted for the sidewalk café, said sum to become due and payable on the 2nd day of January each year, in advance, during the term hereof; provided, however, that the first payment due hereunder in the sum of **TWO HUNDRED AND NO/100 ($200.00) DOLLARS** shall be paid prior to the final passage of this ordinance and shall cover the consideration for 2018. In addition, in accordance with the special fees established by Section 43-115.1 of the Dallas City Code, **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 for wooden planters, said sum to be paid prior to the final passage of this ordinance and shall cover the total consideration for said purpose during the

SECTION 3. (continued)

license term. Such annual and one-time fee consideration, collectively, shall be in addition to and exclusive of any other taxes or special assessments required by law to be paid by **GRANTEE**. Should **GRANTEE** fail to pay the above stated annual fee within sixty (60) days of the due date, the Director of Department of Sustainable Development and Construction may terminate this license. 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 the General Fund, 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 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: For the purpose of occupying, maintaining and utilizing a sidewalk café and wooden planters.

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 to terminate and cancel this license, at will, by resolution passed by said Governing Body. 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

SECTION 6. (continued)

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 areas 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:

(a) **GRANTEE** shall provide a minimum of 6 feet of clear zone between the proposed area and the bus stop bench or benches per the requirements of the Complete Street Manual.

(b) **GRANTEE** shall maintain pottery away from installed bus stop benches to maintain a fifty inch (50") minimum Americans with Disabilities Act (ADA) clearance.

(c) **GRANTEE** shall comply with City of Dallas Sidewalk Café design standards.

(d) **GRANTEE** acknowledges there are utility pipes under the sidewalk; and **GRANTEE** agrees to remove all improvements at their own cost in a reasonable time frame if requested by City of Dallas. **GRANTEE** further agrees that in the event failure of utilities causes damage to pavement or improvements within the license area, the City of Dallas will not be held liable and **GRANTEE** will bear all responsibilities and liabilities, including but not limited for restoration of pavement or improvements.

(e) **GRANTEE** acknowledges Atmos has active facilities within the right-of-way of Main Street. If conflicts exist, **GRANTEE** shall be responsible for the cost to relocate those facilities.

SECTION 8. That upon the effectiveness of this ordinance, the Director of Department of Sustainable Development and Construction, or designee, is hereby authorized to

SECTION 8. (continued)

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 fees pursuant to 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 is also designated for City purposes as Contract No. DEV-2017-00003552.

SECTION 13. 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

BY: _____
Assistant City Attorney

DAVID COSSUM, Director
Department of Sustainable Development and Construction

BY: _____
Assistant Director

Passed _____.

EXHIBIT A

FRANKIE'S DOWNTOWN LLC

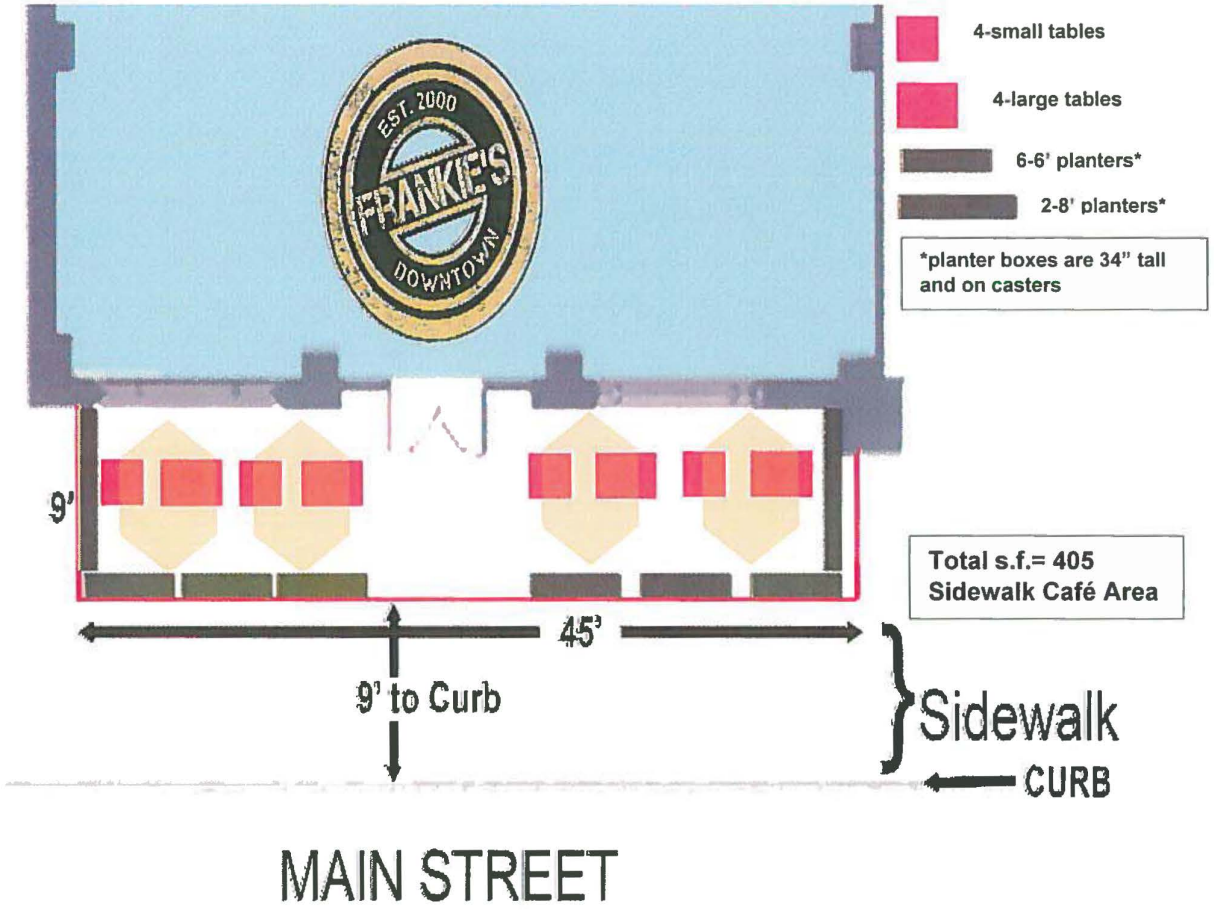


EXHIBIT B

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.

AGENDA ITEM # 21

STRATEGIC PRIORITY:	Mobility Solutions, Infrastructure, and Sustainability
AGENDA DATE:	April 11, 2018
COUNCIL DISTRICT(S):	14
DEPARTMENT:	Department of Sustainable Development and Construction
CMO:	Majed Al-Ghafry, 670-3302
MAPSCO:	35Q

SUBJECT

An ordinance abandoning a portion of an alley to Travis Block Holding Company LLC, the abutting owner, containing approximately 2,325 square feet of land, located near the intersection of Knox and Travis Streets; and authorizing the quitclaim; and providing for the dedication of approximately 3,100 square feet of land needed for a wastewater easement - Revenue: $225,293, plus the $20 ordinance publication fee

BACKGROUND

This item authorizes the abandonment of a portion of an alley to Travis Block Holding Company LLC, the abutting owner. The area will be included with the property of the abutting owner for a mixed-use development. The owner will dedicate approximately 3,100 square feet of land needed for a wastewater easement. The abandonment fee is based on an independent appraisal.

Notices were sent to 152 property owners located within 300 feet of the proposed abandonment area. There were no responses received in opposition to this request.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Information about this item will be provided to the Mobility Solutions, Infrastructure & Sustainability Committee on April 9, 2018.

FISCAL INFORMATION

Revenue - $225,293, plus the $20 ordinance publication fee

OWNER

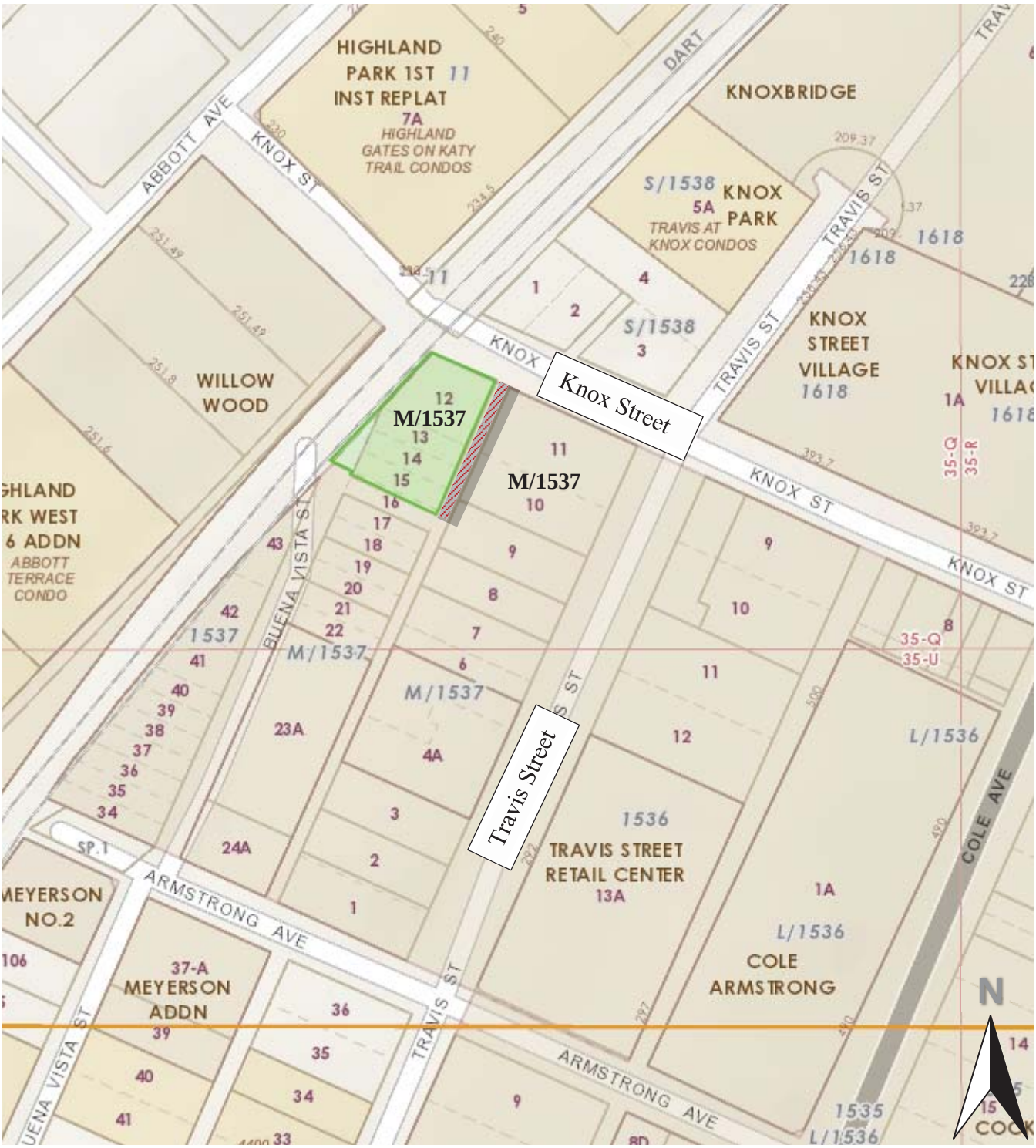
Travis Block Holding Company LLC

Sarofim Realty Advisors Co.

C. Al Galpern, President

MAP

Attached



Abandonment area =

Dedication area =
(over abandonment area)

ORDINANCE NO. _____

An ordinance providing for the abandonment of a portion of an alley located adjacent to City Block M/1537 in the City of Dallas and County of Dallas, Texas; subject to a reverter; providing for the quitclaim thereof to Travis Block Holding Company 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 Travis Block Holding Company LLC, a Delaware limited liability company, hereinafter referred to as **GRANTEE**, deems it advisable to abandon and quitclaim, subject to a reverter, the hereinafter described tract of land to **GRANTEE**, and is of the opinion that, subject to the term, conditions, and reverter, 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 term, conditions, and reverter, 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 reverter and the conditions and future effective date hereinafter more fully set out.

SECTION 2. That for and in monetary consideration of the sum of **TWO HUNDRED TWENTY-FIVE THOUSAND TWO HUNDRED NINETY-THREE AND NO/100 DOLLARS ($225,293.00)** paid by **GRANTEE**, and the further consideration described in Sections 8, 9, 10, 11 and 13, the City of Dallas does by these presents **QUITCLAIM** unto the said **GRANTEE**, subject to the conditions, reservations, future effective date, the reverter, 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. Provided however, that if **GRANTEE,** its successors and assigns, fails to file a final replat of the adjoining properties as required in Section 10 of this ordinance by the earlier of (i) the date applicable pursuant to the requirements of the Dallas Development Code Chapter 51A-8.403(a)(4)(D) which provides in pertinent part, as may be amended:

> "(D) Except as provided in this subparagraph, a preliminary plat approved by the commission expires five years after the commission action date approving the plat if no progress has been made toward completion of the project in accordance with Texas Local Government Code Section 245.005. An approved minor plat, amending plat (minor), or an administrative plat expires two years after the commission action date approving the plat or within two years after the date of the subdivision administrator's action letter approving the administrative plat if no progress has been made toward completion of the project in accordance with Texas Local Government Code Section 245.005";

or (ii) the date that is the sixth anniversary of the passage of this ordinance; **THEN** this ordinance and quitclaim shall be rendered null and void and the right, title and easement of the public shall absolutely revert without any necessity for suite or re-entry by the City; and no act or omission on the part of the City, its successors and assigns, shall be a waiver of the operation or enforcement of this ordinance. **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**.

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 the 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

SECTION 8. (continued)

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 made herein, **GRANTEE** acknowledges that, per the City of Dallas Thoroughfare Plan, Section 51A-9, Knox Street requires a minimum of 60 feet of right-of-way.

SECTION 10. 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

SECTION 10. (continued)

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 11. That as a condition of this abandonment and as a part of the consideration for the quitclaim made herein, **GRANTEE** shall convey to the City of Dallas a 20 foot wastewater easement for water purposes, within 90 days of the effective date of this ordinance, in, under, through, access and along certain properties located in City Block M/1537. Said property to be conveyed shall be acceptable to the Director of Sustainable Development and Construction of the City of Dallas and containing approximately 3,100 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 property 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 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, subject to a reverter interest, 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 is also designated for City purposes as Contract No. DEV-2017-00002284.

SECTION 16. 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

BY: _____
Assistant City Attorney

DAVID COSSUM, Director
Department of Sustainable Development and Construction

BY: _____
Assistant Director

Passed _____.

Exhibit A

ALLEY ABANDONMENT
COCKRELL'S FAIRLAND ADDITION
ADJACENT TO BLOCK M/1537
JOHN COLE SURVEY, ABSTRACT NO. 268
CITY OF DALLAS, DALLAS COUNTY, TEXAS

BEING A 2,325 SQUARE FOOT (0.0534 ACRE) TRACT OF LAND SITUATED IN THE JOHN COLE SURVEY, ABSTRACT NO. 268, CITY OF DALLAS, DALLAS COUNTY, TEXAS, AND BEING A PORTION OF THE 15 FOOT WIDE PUBLIC ALLEY ADJACENT TO LOTS 9, 10, 11, 12, 13, 14 AND 15 IN BLOCK M/1537 OF COCKRELL'S FAIRLAND ADDITION, AN ADDITION TO THE CITY OF DALLAS, DALLAS COUNTY, TEXAS ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 142, PAGE 382, DEED RECORDS DALLAS COUNTY TEXAS (D.R.D.C.T), SAID ALLEY BEING ADJACENT TO A PORTION OF THAT CALLED 1.239 ACRE TRACT OF LAND DESIGNATED AS TRACT 1 AND THAT CALLED 0.339 ACRE TRACT OF LAND DESIGNATED AS TRACT 2 IN THE SPECIAL WARRANTY DEED TO TRAVIS BLOCK HOLDING COMPANY, LLC RECORDED IN INSTRUMENT NUMBER 201600269091, OFFICIAL PUBLIC RECORDS DALLAS COUNTY, TEXAS (O.P.R.D.C.T.), ALSO BEING ADJACENT TO THAT THAT CALLED 0.4476 ACRE TRACT OF LAND DESCRIBED IN THE SPECIAL WARRANTY DEED TO KNOX TRAVIS HOLDING COMPANY LLC, RECORDED IN INSTRUMENT NUMBER 201600271585, O.P.R.D.C.T., SAID 2,325 SQUARE FOOT TRACT OF LAND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A CUT "X" IN CONCRETE FOUND FOR THE EAST CORNER OF SAID LOT 12, BLOCK M/1537, ALSO BEING THE EAST CORNER OF SAID 0.339 ACRE TRACT OF LAND, SAME BEING THE INTERSECTION OF THE NORTHWESTERLY LINE OF SAID ALLEY AND THE SOUTHWESTERLY RIGHT OF WAY LINE OF KNOX STREET (60 FOOT WIDE PUBLIC RIGHT-OF-WAY CREATED IN VOLUME 142, PAGE 382, D.R.D.C.T.);

THENCE SOUTH 66° 28' 11" EAST ALONG THE SOUTHWESTERLY RIGHT-OF-WAY LINE OF SAID KNOX STREET, A DISTANCE OF 15.00 FEET TO A 5/8-INCH IRON ROD FOUND FOR THE NORTH CORNER OF SAID LOT 11, BLOCK M/1537, ALSO BEING THE NORTH CORNER OF SAID 0.4476 ACRE TRACT OF LAND SAME BEING THE INTERSECTION OF THE SOUTHEASTERLY LINE OF SAID ALLEY AND THE SOUTHWESTERLY RIGHT-OF-WAY LINE OF SAID KNOX STREET FROM WHICH A CUT "X" IN CONCRETE FOUND BEARS NORTH 16° WEST, A DISTANCE OF 0.43 FEET;

THENCE SOUTH 23° 28' 00" WEST DEPARTING THE SOUTHWESTERLY RIGHT-OF-WAY LINE OF SAID KNOX STREET ALONG THE COMMON LINE OF SAID ALLEY AND SAID 0.4476 ACRE TRACT OF LAND PASSING AT A DISTANCE OF 130.00 FEET THE WEST CORNER OF SAID LOT 10, BLOCK M/1537 ALSO BEING A CORNER COMMON TO SAID 0.4476 ACRE TRACT OF LAND AND SAID 1.239 ACRE TRACT OF LAND FROM WHICH A CUT "X" IN CONCRETE FOUND BEARS SOUTH 47° WEST, A DISTANCE OF 0.45 FEET, CONTINUING ALONG THE COMMON LINE OF ALLEY AND SAID 1.239 ACRE TRACT OF LAND A TOTAL DISTANCE OF 155.02 FEET TO A CUT "X" IN CONCRETE SET FOR CORNER IN THE NORTHWESTERLY LINE OF SAID LOT 9, BLOCK M/1537;

(For SPRG use only)
Reviewed by: A. Rodriguez
Date: 1/3/17
SPRG NO: 3952

ALLEY ABANDONMENT
COCKRELL'S FAIRLAND ADDITION
ADJACENT TO BLOCK M/1537
JOHN COLE SURVEY, ABSTRACT NO. 268
CITY OF DALLAS, DALLAS COUNTY, TEXAS

THENCE NORTH 66° 28' 11" WEST DEPARTING THE COMMON LINE OF SAID ALLEY AND SAID 1.239 ACRE TRACT OF LAND, OVER AND ACROSS SAID ALLEY, A DISTANCE OF 15.00 FEET TO A CUT "X" IN CONCRETE FOUND FOR A CORNER COMMON TO SAID 0.339 ACRE TRACT OF LAND AND THE REMAINDER OF LOT 16, BLOCK M/1537 OF SAID COCKRELL'S FAIRLAND ADDITION DESCRIBED IN QUIT CLAIM DEED TO THE CITY OF DALLAS RECORDED IN VOLUME 2352, PAGE 592, D.R.D.C.T.;

THENCE NORTH 23° 28' 00" EAST ALONG THE COMMON LINE OF SAID 0.339 ACRE TRACT OF LAND AND SAID 15 FOOT ALLEY, A DISTANCE OF 155.02 FEET TO THE **POINT OF BEGINNING**;

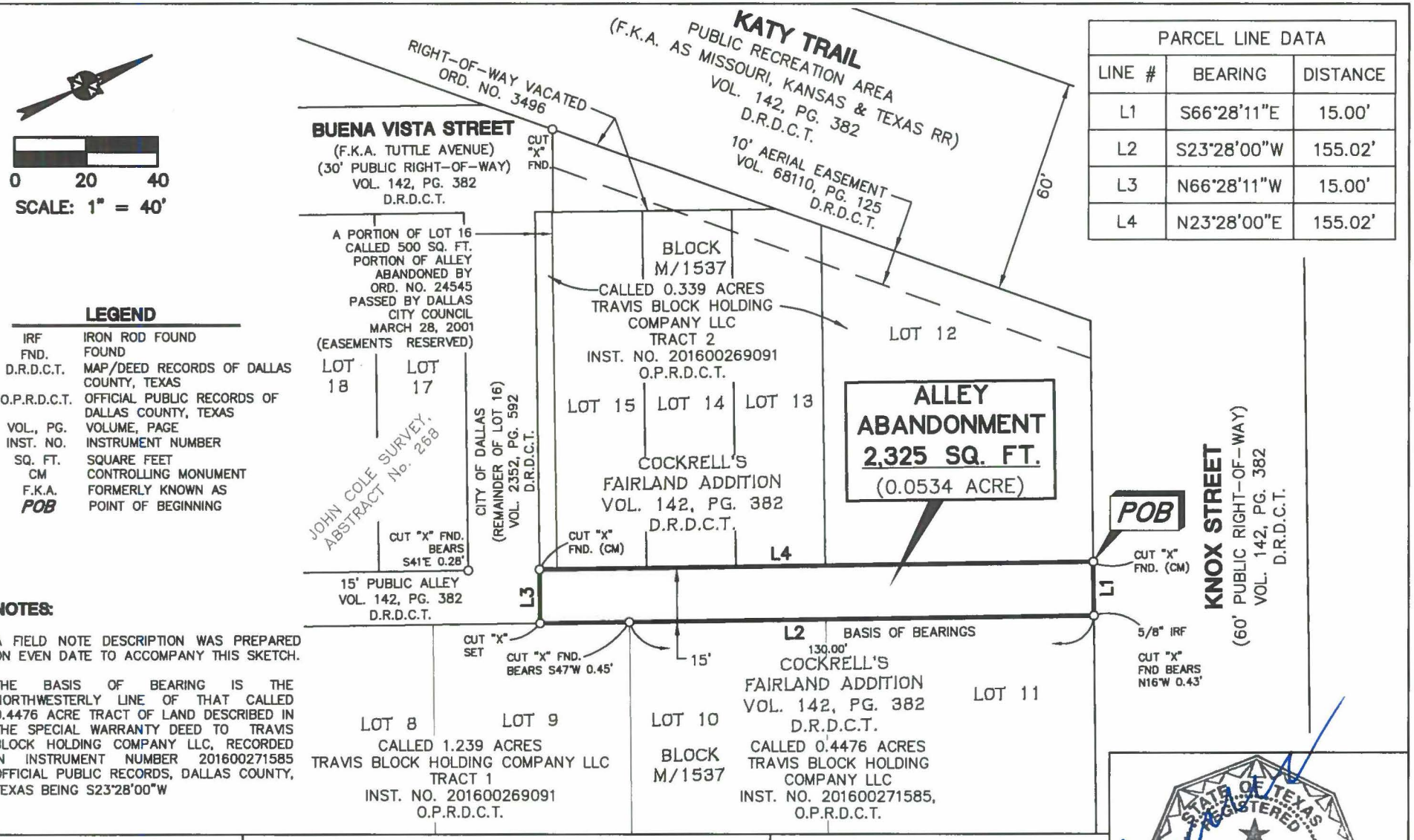
CONTAINING A COMPUTED AREA OF 2,325 SQUARE FEET OR 0.0534 ACRES OF LAND, MORE OR LESS.

NOTES:
THE BASIS OF BEARING IS THE NORTHWESTERLY LINE OF THAT CALLED 0.4476 ACRE TRACT OF LAND DESCRIBED IN THE SPECIAL WARRANTY DEED TO KNOX TRAVIS HOLDING COMPANY LLC, RECORDED IN INSTRUMENT NUMBER 201600271585 OFFICIAL PUBLIC RECORDS, DALLAS COUNTY, TEXAS BEING S23°28'00"W.

A SKETCH WAS PREPARED ON EVEN DATE TO ACCOMPANY THIS DESCRIPTION.

(For SPRG use only)
Reviewed by: A. Rodriguez
Date: 1/3/17
SPRG NO: 3952

01-02-17



0 20 40

SCALE: 1" = 40'

LEGEND

IRF	IRON ROD FOUND
FND.	FOUND
D.R.D.C.T.	MAP/DEED RECORDS OF DALLAS COUNTY, TEXAS
O.P.R.D.C.T.	OFFICIAL PUBLIC RECORDS OF DALLAS COUNTY, TEXAS
VOL., PG.	VOLUME, PAGE
INST. NO.	INSTRUMENT NUMBER
SQ. FT.	SQUARE FEET
CM	CONTROLLING MONUMENT
F.K.A.	FORMERLY KNOWN AS
POB	POINT OF BEGINNING

PARCEL LINE DATA		
LINE #	BEARING	DISTANCE
L1	S66°28'11"E	15.00'
L2	S23°28'00"W	155.02'
L3	N66°28'11"W	15.00'
L4	N23°28'00"E	155.02'

NOTES:

A FIELD NOTE DESCRIPTION WAS PREPARED ON EVEN DATE TO ACCOMPANY THIS SKETCH.

THE BASIS OF BEARING IS THE NORTHWESTERLY LINE OF THAT CALLED 0.4476 ACRE TRACT OF LAND DESCRIBED IN THE SPECIAL WARRANTY DEED TO TRAVIS BLOCK HOLDING COMPANY LLC, RECORDED IN INSTRUMENT NUMBER 201600271585 OFFICIAL PUBLIC RECORDS, DALLAS COUNTY, TEXAS BEING S23°28'00"W

Stantec
12222 Merit Drive, Suite 400
Dallas, Texas 75251
Tel. (972) 991-0011
TBPE # F-6324 TBPLS # 10194229
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January 2, 2017

ALLEY ABANDONMENT

COCKRELL'S FAIRLAND ADDITION
ADJACENT TO BLOCK M/1537
JOHN COLE SURVEY, ABSTRACT NO. 268
CITY OF DALLAS, DALLAS COUNTY, TEXAS

(FOR SPRG USE ONLY)
REVIEWED BY: A. Rodriguez
DATE: 1/3/17
SPRG NO. 3952

STATE OF TEXAS
REGISTERED
JAMES MARK WHITKANACK
6134
PROFESSIONAL
LAND SURVEYOR

JAMES M. WHITKANACK,
REGISTERED PROFESSIONAL
LAND SURVEYOR NO. 6134

01/02/17

V:\2222\active\222210561\Survey\Exhibits\alley_abandonment\10561-ALLEY ABAND.dwg at Jan 02, 2017 - 1:22pm

Exhibit A

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.

EXHIBIT C

20-FOOT WASTEWATER EASEMENT
COCKRELL'S FAIRLAND ADDITION
PART OF A 15' ALLEY AND PART OF LOTS 9, 10 & 11, BLOCK M/1537
JOHN COLE SURVEY, ABSTRACT NO. 268
CITY OF DALLAS, DALLAS COUNTY, TEXAS

BEING A 3,100 SQUARE FOOT (0.0712 ACRE) TRACT OF LAND SITUATED IN THE JOHN COLE SURVEY, ABSTRACT NO. 268, CITY OF DALLAS, DALLAS COUNTY, TEXAS, AND BEING A PORTION OF THE 15 FOOT WIDE PUBLIC ALLEY ADJACENT TO LOTS 9, 10, 11, 12, 13, 14 AND 15 AND BEING A PORTION OF LOTS 9, 10 AND 11 IN BLOCK M/1537 OF COCKRELL'S FAIRLAND ADDITION, AN ADDITION TO THE CITY OF DALLAS, DALLAS COUNTY, TEXAS ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 142, PAGE 382, DEED RECORDS DALLAS COUNTY TEXAS (D.R.D.C.T), SAID ALLEY BEING ADJACENT TO A PORTION OF THAT CALLED 1.239 ACRE TRACT OF LAND DESIGNATED AS TRACT 1 AND THAT CALLED 0.339 ACRE TRACT OF LAND DESIGNATED AS TRACT 2 IN THE SPECIAL WARRANTY DEED TO TRAVIS BLOCK HOLDING COMPANY, LLC RECORDED IN INSTRUMENT NUMBER 201600269091, OFFICIAL PUBLIC RECORDS DALLAS COUNTY, TEXAS (O.P.R.D.C.T.), ALSO BEING ADJACENT TO THAT THAT CALLED 0.4476 ACRE TRACT OF LAND DESCRIBED IN THE SPECIAL WARRANTY DEED TO TRAVIS BLOCK HOLDING COMPANY LLC, RECORDED IN INSTRUMENT NUMBER 201600271585, O.P.R.D.C.T., SAID PORTION OF LOTS 9, 10 AND 11 BEING A PORTION OF SAID CALLED 1.239 ACRE TRACT OF LAND AND SAID CALLED 0.4476 ACRE TRACT OF LAND, SAID 3,100 SQUARE FOOT TRACT OF LAND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A CUT "X" IN CONCRETE FOUND FOR THE EAST CORNER OF SAID LOT 12, BLOCK M/1537, ALSO BEING THE EAST CORNER OF SAID 0.339 ACRE TRACT OF LAND, SAME BEING THE INTERSECTION OF THE NORTHWESTERLY LINE OF SAID ALLEY AND THE SOUTHWESTERLY RIGHT OF WAY LINE OF KNOX STREET (60 FOOT WIDE PUBLIC RIGHT-OF-WAY CREATED IN VOLUME 142, PAGE 382, D.R.D.C.T.);

THENCE SOUTH 66° 28' 11" EAST ALONG THE SOUTHWESTERLY RIGHT-OF-WAY LINE OF SAID KNOX STREET, PASSING AT A DISTANCE OF 15.00 FEET A 5/8-INCH IRON ROD FOUND FOR THE NORTH CORNER OF SAID LOT 11, BLOCK M/1537, ALSO BEING THE NORTH CORNER OF SAID 0.4476 ACRE TRACT OF LAND SAME BEING THE INTERSECTION OF THE SOUTHEASTERLY LINE OF SAID ALLEY AND THE SOUTHWESTERLY RIGHT-OF-WAY LINE OF SAID KNOX STREET FROM WHICH A CUT "X" IN CONCRETE FOUND BEARS NORTH 16° WEST, A DISTANCE OF 0.43 FEET, CONTINUING A TOTAL DISTANCE OF 20.00 FEET TO A 5/8-INCH IRON ROD WITH BLUE PLASTIC CAP STAMPED "STANTEC EASEMENT" SET;

THENCE SOUTH 23° 28' 00" WEST DEPARTING THE SOUTHWESTERLY RIGHT-OF-WAY LINE OF SAID KNOX STREET OVER AND ACROSS SAID 0.4476 ACRE TRACT OF LAND, PASSING AT A DISTANCE OF 129.99 FEET THE COMMON LINE OF SAID 0.4476 ACRE TRACT OF LAND AND SAID 1.239 ACRE TRACT OF LAND, CONTINUING ACROSS SAID 1.239 ACRE TRACT OF LAND, A TOTAL DISTANCE OF 155.02 FEET TO A 5/8-INCH IRON ROD WITH BLUE PLASTIC CAP STAMPED "STANTEC EASEMENT" SET;

THENCE NORTH 66° 28' 11" WEST CONTINUING OVER AND ACROSS SAID 1.239 ACRE TRACT OF LAND, PASSING AT A DISTANCE OF 5.00 FEET A CUT "X" IN CONCRETE FOUND IN THE COMMON LINE OF AFOREMENTIONED ALLEY AND SAID 1.239 ACRE TRACT OF LAND, CONTINUING OVER AND ACROSS SAID ALLEY, A TOTAL DISTANCE OF 20.00 FEET TO A CUT "X" IN CONCRETE FOUND FOR A CORNER COMMON TO SAID 0.339 ACRE TRACT OF LAND AND THE REMAINDER OF LOT 16, BLOCK M/1537 OF SAID COCKRELL'S FAIRLAND ADDITION DESCRIBED IN QUIT CLAIM DEED TO THE CITY OF DALLAS RECORDED IN VOLUME 2352, PAGE 592, D.R.D.C.T.;

(For SPRG use only)
Reviewed by: A. Rodriguez
Date: 3/19/18
SPRG NO: 4020

EXHIBIT C

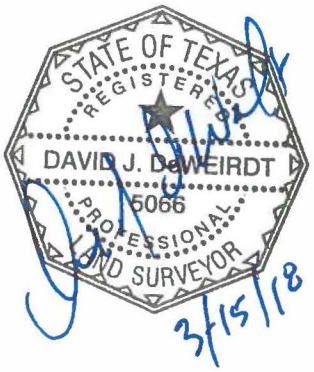
20-FOOT WASTEWATER EASEMENT
COCKRELL'S FAIRLAND ADDITION
PART OF A 15' ALLEY AND PART OF LOTS 9, 10 & 11, BLOCK M/1537
JOHN COLE SURVEY, ABSTRACT NO. 268
CITY OF DALLAS, DALLAS COUNTY, TEXAS

THENCE NORTH 23° 28' 00" EAST ALONG THE COMMON LINE OF SAID 0.339 ACRE TRACT OF LAND AND SAID 15 FOOT ALLEY, A DISTANCE OF 155.02 FEET TO THE **POINT OF BEGINNING**;

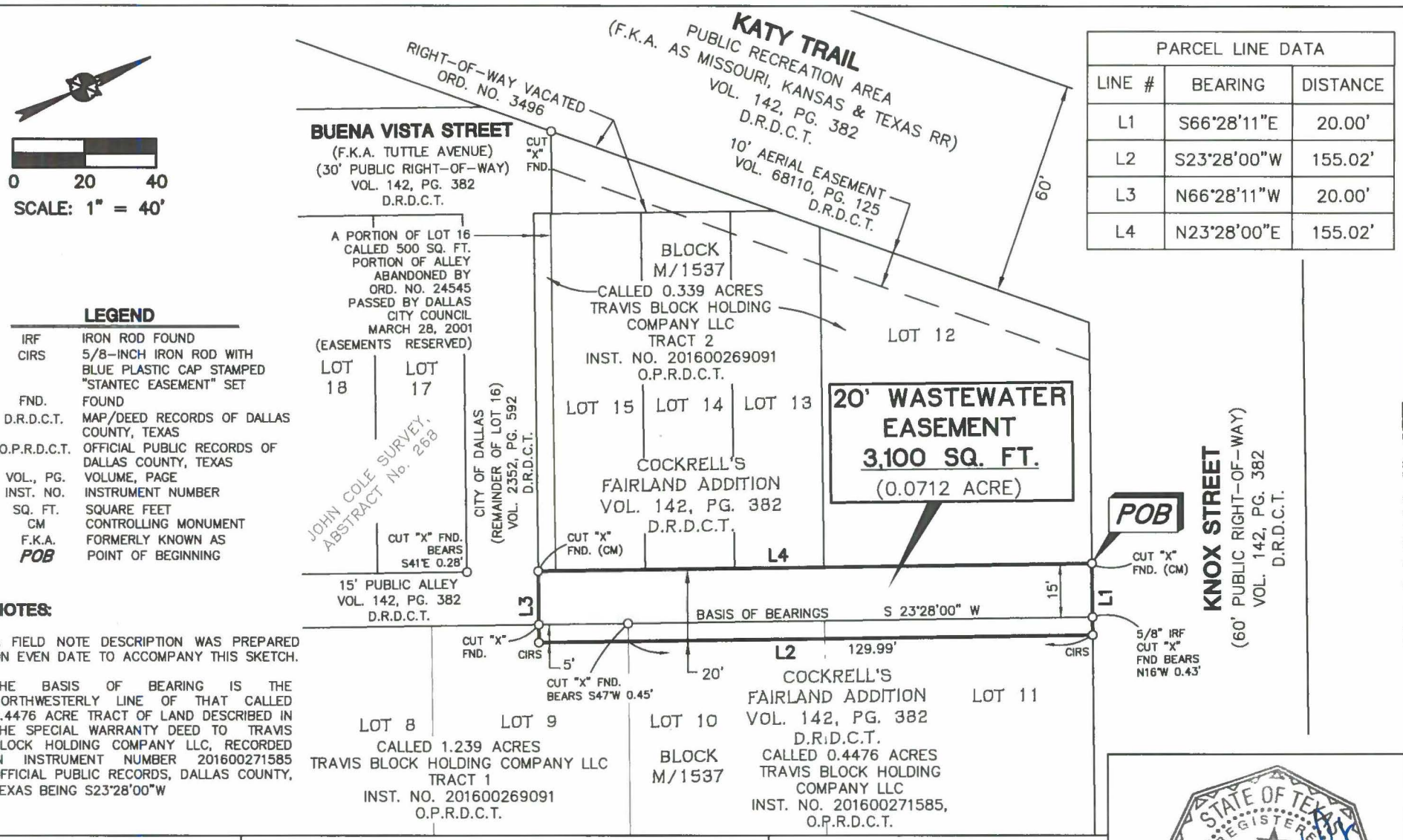
CONTAINING A COMPUTED AREA OF 3,100 SQUARE FEET OR 0.0712 ACRES OF LAND, MORE OR LESS.

NOTES:
THE BASIS OF BEARING IS THE NORTHWESTERLY LINE OF THAT CALLED 0.4476 ACRE TRACT OF LAND DESCRIBED IN THE SPECIAL WARRANTY DEED TO KNOX TRAVIS HOLDING COMPANY LLC, RECORDED IN INSTRUMENT NUMBER 201600271585 OFFICIAL PUBLIC RECORDS, DALLAS COUNTY, TEXAS BEING S23°28'00"W.

A SKETCH WAS PREPARED ON EVEN DATE TO ACCOMPANY THIS DESCRIPTION.



(For SPRG use only)
Reviewed by: A.Rodriguez
Date: 3/19/18
SPRG NO: 4020



0 20 40

SCALE: 1" = 40'

LEGEND

IRF	IRON ROD FOUND
CIRS	5/8-INCH IRON ROD WITH BLUE PLASTIC CAP STAMPED "STANTEC EASEMENT" SET
FND.	FOUND
D.R.D.C.T.	MAP/DEED RECORDS OF DALLAS COUNTY, TEXAS
O.P.R.D.C.T.	OFFICIAL PUBLIC RECORDS OF DALLAS COUNTY, TEXAS
VOL., PG.	VOLUME, PAGE
INST. NO.	INSTRUMENT NUMBER
SQ. FT.	SQUARE FEET
CM	CONTROLLING MONUMENT
F.K.A.	FORMERLY KNOWN AS
POB	POINT OF BEGINNING

PARCEL LINE DATA		
LINE #	BEARING	DISTANCE
L1	S66°28'11"E	20.00'
L2	S23°28'00"W	155.02'
L3	N66°28'11"W	20.00'
L4	N23°28'00"E	155.02'

NOTES:

A FIELD NOTE DESCRIPTION WAS PREPARED ON EVEN DATE TO ACCOMPANY THIS SKETCH.

THE BASIS OF BEARING IS THE NORTHWESTERLY LINE OF THAT CALLED 0.4476 ACRE TRACT OF LAND DESCRIBED IN THE SPECIAL WARRANTY DEED TO TRAVIS BLOCK HOLDING COMPANY LLC, RECORDED IN INSTRUMENT NUMBER 201600271585 OFFICIAL PUBLIC RECORDS, DALLAS COUNTY, TEXAS BEING S23°28'00"W

EXHIBIT C

Stantec
12222 Merit Drive, Suite 400
Dallas, Texas 75251
Tel. (972) 991-0011
TBPE # F-6324 TBPLS # 10194229
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MARCH 15, 2018

20-FOOT WASTEWATER EASEMENT

COCKRELL'S FAIRLAND ADDITION
PART OF A 15' ALLEY AND PART
OF LOTS 9, 10, & 11, BLOCK M/1537
JOHN COLE SURVEY, ABSTRACT NO. 268
CITY OF DALLAS, DALLAS COUNTY, TEXAS

(FOR SPRG USE ONLY)
REVIEWED BY: A. Rodriguez
DATE: 3/19/18
SPRG NO. 4020

STATE OF TEXAS
REGISTERED
DAVID J. DeWEIRDT
5066
PROFESSIONAL
LAND SURVEYOR

3/15/18

DAVID J. DE WEIRDT,
REGISTERED PROFESSIONAL
LAND SURVEYOR NO. 5066

V:\2222\active\222210561\survey\Exhibits\wastewater\10561v_ex_esmt_ww.dwg at Mar 15, 2018 - 2:14pm

AGENDA ITEM # 22

STRATEGIC PRIORITY:	Mobility Solutions, Infrastructure, and Sustainability
AGENDA DATE:	April 11, 2018
COUNCIL DISTRICT(S):	6
DEPARTMENT:	Department of Sustainable Development and Construction
CMO:	Majed Al-Ghafry, 670-3302
MAPSCO:	11A D

SUBJECT

An ordinance abandoning four wastewater easements to Crow-Billingsley Belt Line, LTD., Billingsley Yorkshire Partners, LTD., and GRBK Edgewood, LLC, the abutting owners, containing a total of approximately 105,521 square feet of land, located near the intersection of Belt Line and North Lake Roads - Revenue: $5,400, plus the $20 ordinance publication fee

BACKGROUND

This item authorizes the abandonment of four wastewater easements to Crow-Billingsley Belt Line, LTD., Billingsley Yorkshire Partners, LTD., and GRBK Edgewood, LLC, the abutting owners. The area will be included with the property of the abutting owners for a single family residential 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 Mobility Solutions, Infrastructure & Sustainability Committee on April 9, 2018.

FISCAL INFORMATION

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

OWNERS

Crow-Billingsley Belt Line, LTD.

Henry GP, L.L.C

Henry Billingsley, Manager

Billingsley Yorkshire Partners, LTD.

Billingsley 380 North GP, L.LC.

Lucy Billingsley, Manager

GRBK Edgewood, LLC

Jed Dolson, Manager

MAP

Attached

Abandonment areas =

ORDINANCE NO. _____

An ordinance providing for the abandonment and relinquishment of four wastewater easements, located in City Block 8461 in the City of Dallas and Irving and County of Dallas, Texas; providing for the quitclaim thereof to Crow-Billingsley Belt Line, LTD., Billingsley Yorkshire Partners, LTD., and GRBK Edgewood, LLC; providing for the terms and conditions of the abandonment, relinquishment and quitclaim made herein; 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 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 Crow-Billingsley Belt Line, LTD., a Texas limited partnership; Billingsley Yorkshire Partners, LTD., a Texas limited partnership; and GRBK Edgewood, LLC, a Texas limited liability company; hereinafter referred to collectively as **GRANTEE**, deems it advisable to abandon, relinquish and quitclaim the City of Dallas' right, title and interest in and to the hereinafter described tracts of land to **GRANTEE**, and is of the opinion that, subject to the terms and conditions herein provided, said easements are 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 tracts of land described in Exhibit A, attached hereto and made a part hereof; subject, however, to the conditions 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 Section 8, the City of Dallas does by these presents **FOREVER QUITCLAIM** unto the said **GRANTEE**, subject to the conditions, reservations, 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 tracts or parcels of land hereinabove described in Exhibit A as follows: unto Crow-Billingsley Belt Line, LTD. all of its right, title and interest in Tract 1 of Exhibit A; unto Billingsley Yorkshire Partners, LTD. all of its right, title and interest in Tract 2 of Exhibit A; and unto GRBK Edgewood, LLC, all of its right, title and interest in Tracts 3 and 4 of 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 the 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**, their 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**, their 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 areas described in Exhibit A by **GRANTEE**, their successors and assigns; (ii) the presence, generation, spillage, discharge, release, treatment or disposition of any Hazardous Substance on or affecting the areas set out in Exhibit A, (iii) all corrective actions concerning any discovered Hazardous Substances on or affecting the areas described in Exhibit A, which **GRANTEE**, their 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 areas set out in Exhibit A. **GRANTEE**, their 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 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 10. That this ordinance is also designated for City purposes as Contract No. DEV-2018-00005024.

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

BY: _____
Assistant City Attorney

DAVID COSSUM, Director
Department of Sustainable Development and Construction

BY: _____
Assistant Director

Passed _____.

EXHIBIT A-TRACT 1

WASTEWATER EASEMENT ABANDONMENT
BEING IN A 65.6944 ACRE TRACT SITUATED IN THE
JOHN C. COOK SURVEY, ABSTRACT NO. 315
CITY OF IRVING AND CITY OF DALLAS, DALLAS COUNTY, TEXAS

BEING a 37,117 square foot (0.8521 acre) tract of land situated on the John C. Cook Survey, Abstract No. 315, City of Dallas and City of Irving, Dallas County, Texas; and being part of a 65.6944 acre tract of land described in Correction Special Warranty Deed to Crow-Billingsley Beltline, LTD. recorded in Volume 86068, Page 5186, Deed Records of Dallas County, Texas and being all of a wastewater easement to the City of Dallas recorded in Instrument No. 201700111891, Official Public Records of Dallas County, Texas; and being more particularly described as follows:

COMMENCING at a 5/8" iron rod with plastic cap stamped "KHA" found at north corner of a right-of-way corner clip found at the intersection of the south right-of-way line of Beltline Road (a variable width right-of-way, described in Right-of-Way Deed to the County of Dallas, recorded in Volume 4601, Page 37 of the Deed Records of Dallas County, Texas) and the east right-of-way line of North Lake Road (an 80-foot wide right-of-way easement to the County of Dallas described in Volume 4669, Page 443 of said Deed Records) and being the northernmost northwest corner of a tract of land described in Special Warranty Deed to Billingsley Yorkshire Partners, LTD. recorded in Instrument No. 201500096360 of the Official Public Records of Dallas County, Texas;

THENCE with said south right-of-way line of Beltline Road, South 71°21'48" East, a distance of 432.40 feet a 1/2-inch iron rod found at the northeast corner of said Billingsley Yorkshire Partners, LTD. tract and the northwest corner of said 65.6944 acre tract;

THENCE departing said south right-of-way line and with the east line of said Billingsley Yorkshire Partners, LTD. tract and the west line of said 65.6944 acre tract, South 0°34'58" East, a distance of 514.45 feet to a 5/8" iron rod with plastic cap stamped "KHA" found for the **POINT OF BEGINNING**;

THENCE departing said east line and said west line, over and across said 65.6944 acre tract, the following courses and distances to wit:

South 81°01'11" East, a distance of 44.84 feet to a 5/8" iron rod with plastic cap stamped "KHA" found for corner;

North 88°46'24" East, a distance of 650.50 feet to a 5/8" iron rod with plastic cap stamped "KHA" found for corner;

North 58°18'13" East, a distance of 347.41 feet to a 5/8" iron rod with plastic cap stamped "KHA" found in said south right-of-way line of Beltline Road and in the north line of said 65.6944 acre tract, at the beginning of a non-tangent curve to the left having a central angle of 2°55'27", a radius of 3819.72 feet, a chord bearing and distance of South 77°00'44" East, 194.92 feet;

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Date: 12-18-17
SPRG NO: 4378

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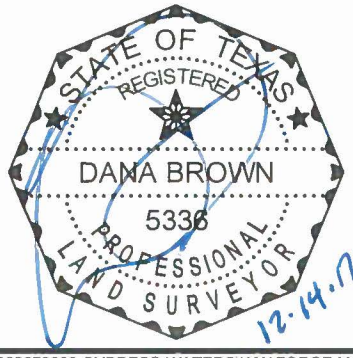

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Scale	Drawn by	Checked by	Date	Project No.	Sheet No.
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EXHIBIT A-TRACT 1

WASTEWATER EASEMENT ABANDONMENT
BEING IN A 65.6944 ACRE TRACT SITUATED IN THE JOHN C. COOK SURVEY, ABSTRACT NO. 315 CITY OF IRVING AND CITY OF DALLAS, DALLAS COUNTY, TEXAS

THENCE with said south right-of-way line and said north line of the 65.6944 acre tract, in a southeasterly direction, with said curve to the left, an arc distance of 194.94 feet to a 5/8" iron rod with plastic cap stamped "KHA" found at the northeast corner of said 65.6944 acre tract and the northwest corner of a 65.7731 acre tract of land described in Special Warranty Deed to Billingsley Cornell Capital, L.P., recorded in Volume 2005151, Page 12330, Official Public Records of Dallas County, Texas;

THENCE departing said south right-of-way line and with the east line of said 65.6944 acre tract and the west line of said 65.7731 acre tract, South 0°34'58" East, a distance of 30.68 feet to a 5/8" iron rod with plastic cap stamped "KHA" found at the beginning of a non-tangent curve to the right having a central angle of 2°49'46", a radius of 3849.72 feet, a chord bearing and distance of North 77°09'19" West, 190.09 feet;

THENCE departing said east and west lines, over and across said 65.6944 acre tract, the following courses and distances to wit:

In a northwesterly direction, with said curve to the right, an arc distance of 190.11 feet to a 5/8" iron rod with plastic cap stamped "KHA" found for corner;

South 58°18'13" West, a distance of 342.83 feet to a 5/8" iron rod with plastic cap stamped "KHA" found in the north line of a 9.34 acre tract of land described in deed to Dallas Power and Light Company, recorded in Volume 4594, Page 300, Deed Records of Dallas County, Texas;

THENCE with the north line of said 9.34 acre tract, South 88°46'24" West, a distance of 661.35 feet to a 5/8" iron rod with plastic cap stamped "KHA" found for corner;

THENCE departing said north line, North 81°01'11" West, a distance of 42.47 feet to a 5/8" iron rod with plastic cap stamped "KHA" found in the west line of said 65.6944 acre tract and the east line of said Billingsley Yorkshire Partners, Ltd. tract;

THENCE with said east and west lines, North 0°34'58" West, a distance of 30.42 feet to the **POINT OF BEGINNING** and containing 37,117 square feet or 0.8521 acres of land.

Bearing system based on the Texas Coordinate System of 1983, North Central Zone (4202), North American Datum of 1983. (2011)

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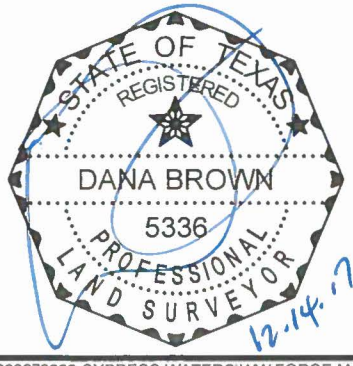

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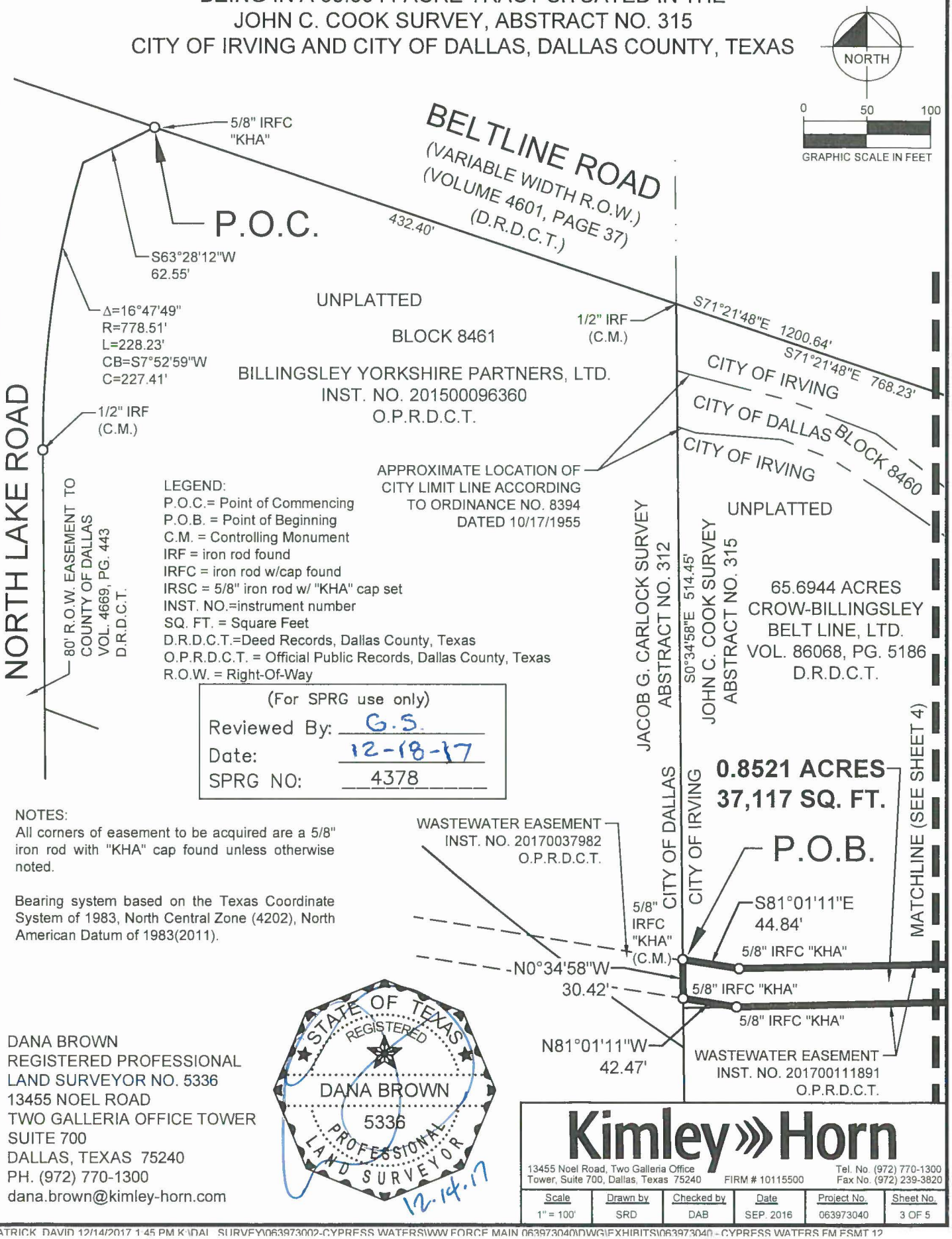
N/A	SRD	DAB	SEP. 2016	063973040	2 OF 5

EXHIBIT A-TRACT 1

WASTEWATER EASEMENT ABANDONMENT
BEING IN A 65.6944 ACRE TRACT SITUATED IN THE JOHN C. COOK SURVEY, ABSTRACT NO. 315 CITY OF IRVING AND CITY OF DALLAS, DALLAS COUNTY, TEXAS



LEGEND:
P.O.C.= Point of Commencing
P.O.B. = Point of Beginning
C.M. = Controlling Monument
IRF = iron rod found
IRFC = iron rod w/cap found
IRSC = 5/8" iron rod w/ "KHA" cap set
INST. NO.=instrument number
SQ. FT. = Square Feet
D.R.D.C.T.=Deed Records, Dallas County, Texas
O.P.R.D.C.T. = Official Public Records, Dallas County, Texas
R.O.W. = Right-Of-Way

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NOTES:
All corners of easement to be acquired are a 5/8" iron rod with "KHA" cap found unless otherwise noted.

Bearing system based on the Texas Coordinate System of 1983, North Central Zone (4202), North American Datum of 1983(2011).

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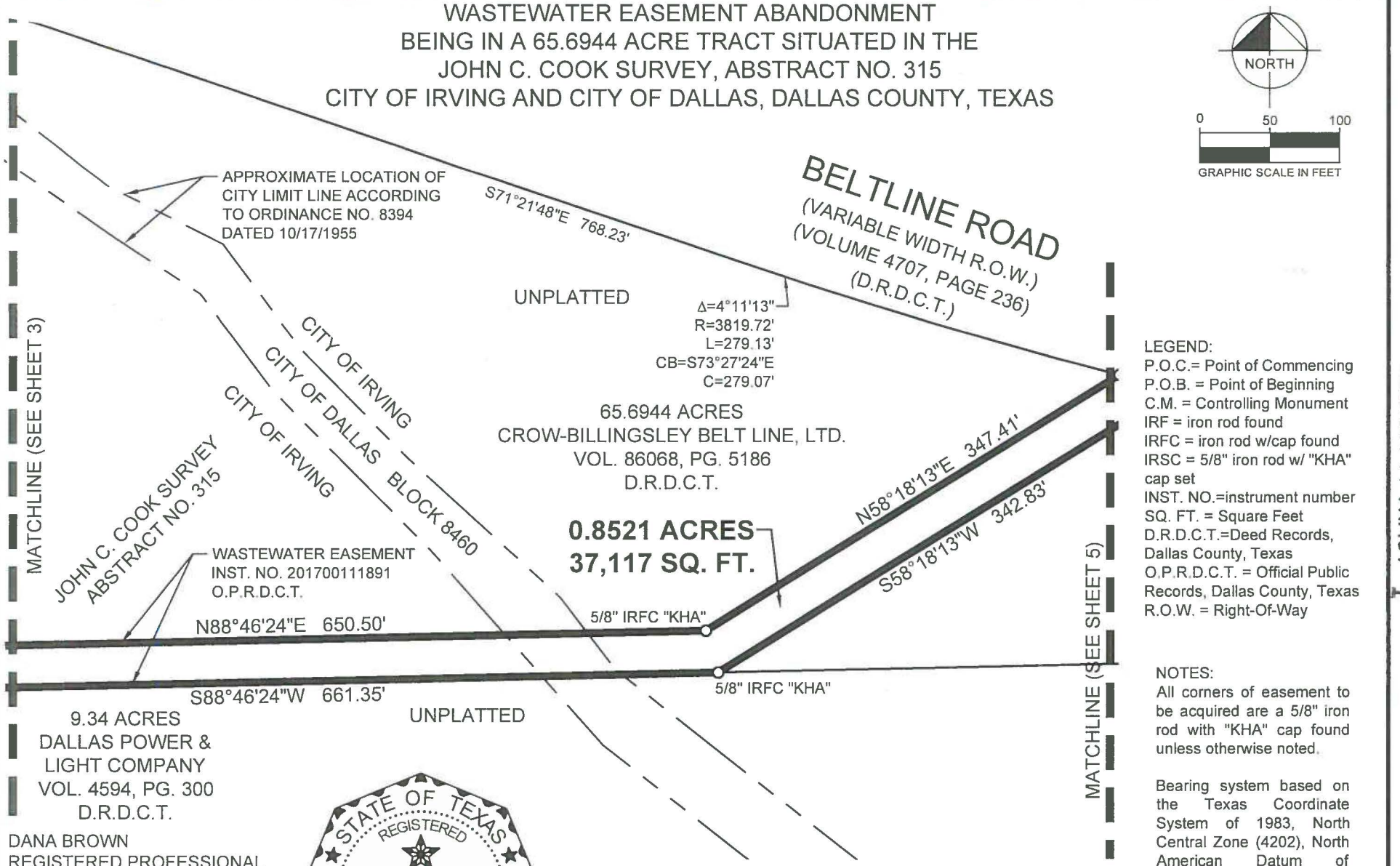
Scale	Drawn by	Checked by	Date	Project No.	Sheet No.
1" = 100'	SRD	DAB	SEP. 2016	063973040	3 OF 5

WASTEWATER EASEMENT ABANDONMENT
BEING IN A 65.6944 ACRE TRACT SITUATED IN THE JOHN C. COOK SURVEY, ABSTRACT NO. 315 CITY OF IRVING AND CITY OF DALLAS, DALLAS COUNTY, TEXAS



LEGEND:
P.O.C.= Point of Commencing
P.O.B. = Point of Beginning
C.M. = Controlling Monument
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IRFC = iron rod w/cap found
IRSC = 5/8" iron rod w/ "KHA" cap set
INST. NO.=instrument number
SQ. FT. = Square Feet
D.R.D.C.T.=Deed Records, Dallas County, Texas
O.P.R.D.C.T. = Official Public Records, Dallas County, Texas
R.O.W. = Right-Of-Way

NOTES:
All corners of easement to be acquired are a 5/8" iron rod with "KHA" cap found unless otherwise noted.

Bearing system based on the Texas Coordinate System of 1983, North Central Zone (4202), North American Datum of 1983(2011).

EXHIBIT A-TRACT 1

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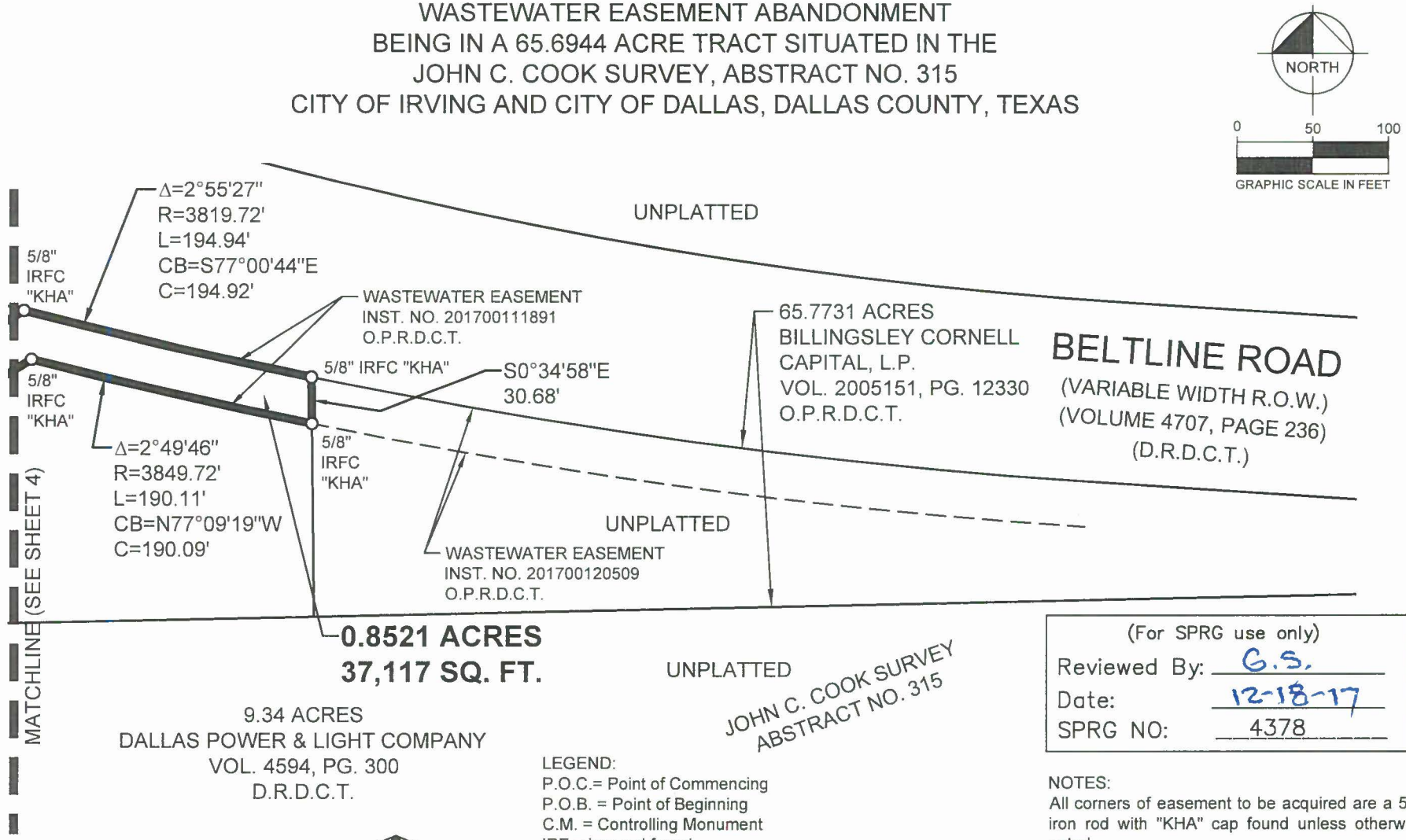
Scale	Drawn by	Checked by	Date	Project No.	Sheet No.
1" = 100'	SRD	DAB	SEP. 2016	063973040	4 OF 5

WASTEWATER EASEMENT ABANDONMENT
BEING IN A 65.6944 ACRE TRACT SITUATED IN THE JOHN C. COOK SURVEY, ABSTRACT NO. 315
CITY OF IRVING AND CITY OF DALLAS, DALLAS COUNTY, TEXAS



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Reviewed By: G.S.
Date: 12-18-17
SPRG NO: 4378

LEGEND:
P.O.C.= Point of Commencing
P.O.B. = Point of Beginning
C.M. = Controlling Monument
IRF = iron rod found
IRFC = iron rod w/cap found
IRSC = 5/8" iron rod w/ "KHA" cap set
INST. NO.=instrument number
SQ. FT. = Square Feet
D.R.D.C.T.=Deed Records, Dallas County, Texas
O.P.R.D.C.T. = Official Public Records, Dallas County, Texas
R.O.W. = Right-Of-Way

NOTES:
All corners of easement to be acquired are a 5/8" iron rod with "KHA" cap found unless otherwise noted.

Bearing system based on the Texas Coordinate System of 1983, North Central Zone (4202), North American Datum of 1983(2011).

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Scale	Drawn by	Checked by	Date	Project No.	Sheet No.
1" = 100'	SRD	DAB	SEP. 2016	063973040	5 OF 5

EXHIBIT A-TRACT 1

EXHIBIT A-TRACT 2

WASTEWATER EASEMENT ABANDONMENT
IN A 5.8430 ACRE TRACT SITUATED IN CITY OF DALLAS BLOCK 8461
JACOB G. CARLOCK SURVEY, ABSTRACT NO. 312
CITY OF DALLAS, DALLAS COUNTY, TEXAS

BEING a 3,149 square foot (0.072 acre) tract of land situated in the Jacob G. Carlock Survey, Abstract No. 312, City of Dallas, Dallas County, Texas, in City of Dallas Block 8461, and being part of a called 5.8430 acre tract of land described as "Tract C" in Special Warranty Deed to Billingsley Yorkshire Partners, Ltd., recorded in Instrument No. 201500096360, Official Public Records of Dallas County, Texas and being all of a wastewater easement to the City of Dallas recorded in Instrument No. 201700039982, Official Public Records of Dallas County, Texas and being more particularly described as follows:

COMMENCING at a 5/8" iron rod with plastic cap stamped "KHA" found at north corner of a right-of-way corner clip found at the intersection of the south right-of-way line of Beltline Road (a variable width right-of-way, described in Right-of-Way Deed to the County of Dallas, recorded in Volume 4601, Page 37 of the Deed Records of Dallas County, Texas) and the east right-of-way line of North Lake Road (an 80-foot wide right-of-way easement to the County of Dallas described in Volume 4669, Page 443 of said Deed Records) and being the northernmost northwest corner of a tract of land described in Special Warranty Deed to Billingsley Yorkshire Partners, LTD. recorded in Instrument No. 201500096360 of said Official Public Records;

THENCE with said right-of-way corner clip, South 63°28'12" West, a distance of 62.55 feet to the southernmost end of said right-of-way corner clip and the beginning of a non-tangent curve to the left having a central angle of 16°47'49", a radius of 778.51 feet, a chord bearing and distance of South 7°52'59" West, 227.41 feet;

THENCE with said east right-of-way line, the following courses and distances to wit:

In a southwesterly direction with said curve to the left, an arc distance of 228.23 feet to a 1/2" iron rod found for corner;

South 0°30'56" East, at a distance of 203.45 feet, a 3/8" iron rod found at the southwest corner of said Billingsley Yorkshire Partners, Ltd. tract, the northwest corner of a 5.491 acre tract of land described as "Tract 1" in Special Warranty Deed to GRBK Edgewood LLC, recorded in Instrument No. 201700189399, Official Public Records of Dallas County, Texas, and at the beginning of a non-tangent curve to the right having a central angle of 11°35'57", a radius of 2000.00 feet, a chord bearing and distance of South 64°23'00" East, 404.19 feet;

THENCE departing said east right-of-way line and with the south line of said Billingsley Yorkshire Partners, Ltd. tract and the north line of said GRBK Edgewood LLC tract, an arc distance of 404.88 feet to a 5/8" iron rod with plastic cap stamped "KHA" found for the **POINT OF BEGINNING**;

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Scale	Drawn by	Checked by	Date	Project No.	Sheet No.
N/A	SRD	DAB	Dec. 2017	063973040	1 OF 3

EXHIBIT A-TRACT 2

WASTEWATER EASEMENT ABANDONMENT
IN A 5.8430 ACRE TRACT SITUATED IN CITY OF DALLAS BLOCK 8461
JACOB G. CARLOCK SURVEY, ABSTRACT NO. 312
CITY OF DALLAS, DALLAS COUNTY, TEXAS

THENCE departing said south line and said north line, South 81°01'11" East, a distance of 137.51 feet to a 5/8" iron rod with plastic cap stamped "KHA" found in the west line of a tract of land described in Correction Special Warranty Deed to Crow-Billingsley Beltline, Ltd., recorded in Volume 86068, Page 5186, Deed Records of Dallas County, Texas, from which a 1/2-inch iron rod found for the northeast corner of said Billingsley Yorkshire tract bears North 0°34'58" West, a distance of 514.45 feet;

THENCE with said west line, South 0°34'58" East, a distance of 30.42 feet to a 5/8" iron rod with plastic cap stamped "KHA" found at the intersection of said west line and the north line of an easement and right-of-way to Oncor Electric Delivery Company LLC, recorded in Instrument No. 201600268321, Official Public Records of Dallas County, Texas;

THENCE departing said west line and with said north line, North 81°01'11" West, a distance of 73.61 feet to a 5/8" iron rod with plastic cap stamped "KHA" found at the intersection of said north line and said south line of the Crow-Billingsley Beltline, Ltd. tract and the said north line of the GRBK Edgewood LLC tract, and at the beginning of a non-tangent curve to the left having a central angle of 2°09'16", a radius of 2000.00 feet, a chord bearing and distance of North 57°30'24" West, 75.20 feet;

THENCE departing said north easement line and with said south line of the Crow-Billingsley Beltline, Ltd. tract and the said north line of the GRBK Edgewood LLC tract, in a northwesterly direction with said curve to the left, an arc distance of 75.20 feet to the **POINT OF BEGINNING** and containing 3,149 square feet or 0.072 acres of land.

Bearing system based on the Texas Coordinate System of 1983, North Central Zone (4202), North American Datum of 1983(2011).

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Reviewed By: G.S.
Date: 12-18-17
SPRG NO: 4377

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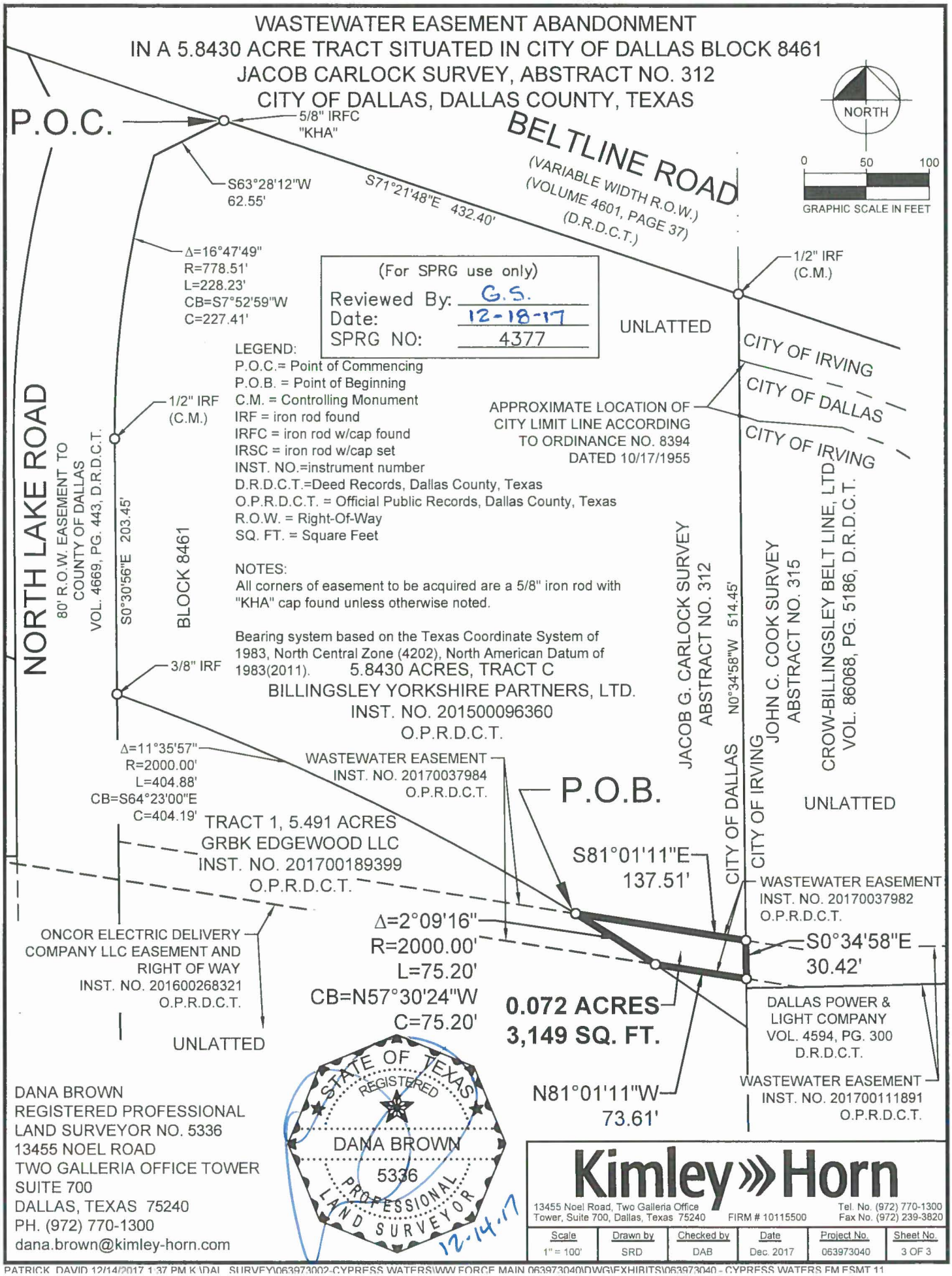
Scale	Drawn by	Checked by	Date	Project No.	Sheet No.
N/A	SRD	DAB	Dec. 2017	063973040	2 OF 3

EXHIBIT A-TRACT 2

WASTEWATER EASEMENT ABANDONMENT
IN A 5.8430 ACRE TRACT SITUATED IN CITY OF DALLAS BLOCK 8461
JACOB CARLOCK SURVEY, ABSTRACT NO. 312
CITY OF DALLAS, DALLAS COUNTY, TEXAS



(For SPRG use only)
Reviewed By: G.S.
Date: 12-18-17
SPRG NO: 4377

LEGEND:
P.O.C.= Point of Commencing
P.O.B. = Point of Beginning
C.M. = Controlling Monument
IRF = iron rod found
IRFC = iron rod w/cap found
IRSC = iron rod w/cap set
INST. NO.=instrument number
D.R.D.C.T.=Deed Records, Dallas County, Texas
O.P.R.D.C.T. = Official Public Records, Dallas County, Texas
R.O.W. = Right-Of-Way
SQ. FT. = Square Feet

NOTES:
All corners of easement to be acquired are a 5/8" iron rod with "KHA" cap found unless otherwise noted.

Bearing system based on the Texas Coordinate System of 1983, North Central Zone (4202), North American Datum of 1983(2011).

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STATE OF TEXAS
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12-14-17

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Scale	Drawn by	Checked by	Date	Project No.	Sheet No.
1" = 100'	SRD	DAB	Dec. 2017	063973040	3 OF 3

EXHIBIT A-TRACT 3

WASTEWATER EASEMENT ABANDONMENT
IN A 5.491 ACRE TRACT SITUATED IN CITY OF DALLAS BLOCK 8461
JACOB CARLOCK SURVEY, ABSTRACT NO. 312
CITY OF DALLAS, DALLAS COUNTY, TEXAS

BEING a 12,014 square foot (0.276 acre) tract of land situated in the Jacob G. Carlock Survey, Abstract No. 312, City of Dallas, Dallas County, Texas, in City of Dallas Block 8461, and being part of a 5.491 acre tract of land described as "Tract 1" in Special Warranty Deed to GRBK Edgewood LLC., recorded in Instrument No. 201700189399, Official Public Records of Dallas County, Texas and being all of a wastewater easement to the City of Dallas, recorded in Instrument No. 201700037984, Official Public Records of Dallas County, Texas and being more particularly described as follows:

COMMENCING at a 5/8" iron rod with plastic cap stamped "KHA" found at north corner of a right-of-way corner clip found at the intersection of the south right-of-way line of Beltline Road (a variable width right-of-way, described in Right-of-Way Deed to the County of Dallas, recorded in Volume 4601, Page 37 of the Deed Records of Dallas County, Texas) and the east right-of-way line of North Lake Road (an 80-foot wide right-of-way easement to the County of Dallas described in Volume 4669, Page 443 of said Deed Records) and being the northernmost northwest corner of a tract of land described in Special Warranty Deed to Billingsley Yorkshire Partners, LTD. recorded in Instrument No. 201500096360 of said Official Public Records;

THENCE with said right-of-way corner clip, South 63°28'12" West, a distance of 62.55 feet to the southernmost end of said right-of-way corner clip and the beginning of a non-tangent curve to the left having a central angle of 16°47'49", a radius of 778.51 feet, a chord bearing and distance of South 7°52'59" West, 227.41 feet;

THENCE with said east right-of-way line, the following courses and distances to wit:

In a southwesterly direction with said curve to the left, an arc distance of 228.23 feet to a 1/2" iron rod found for corner;

South 0°30'56" East, passing at a distance of 203.45 feet, a 3/8" iron rod found at the southwest corner of said Billingsley Yorkshire Partners, Ltd. tract and the northwest corner of said Tract 1, continuing with said east right-of-way line, in all a total distance of 320.52 feet to a 5/8" iron rod with plastic cap stamped "KHA" found for the **POINT OF BEGINNING**;

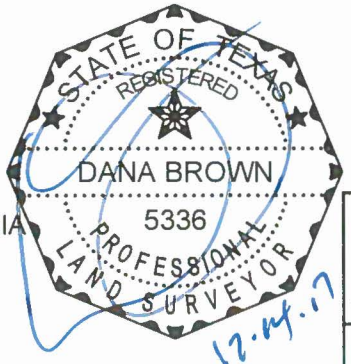
THENCE departing said east right-of-way line, South 81°01'11" East, a distance of 367.92 feet to a 5/8" iron rod with plastic cap stamped "KHA" found in the south line of said Billingsley Yorkshire Partners, Ltd., tract, the north line of said Tract 1 and at the beginning of a non-tangent curve to the right having a central angle of 2°09'16", a radius of 2000.00 feet, a chord bearing and distance of South 57°30'24" East, 75.20 feet;

THENCE with said south line and said north line, in a southeasterly direction, with said curve to the right, an arc distance of 75.20 feet to a 5/8" iron rod with plastic cap stamped "KHA" found at the intersection of said south line, said north line of an easement and right-of-way to Oncor Electric Delivery Company LLC, recorded in Instrument No. 201600268321, Official Public Records of Dallas County, Texas;

THENCE departing said south line said north line and with the north line of said easement, North 81°01'11" West, a distance of 431.85 feet to a 5/8" iron rod with plastic cap stamped "KHA" found at the intersection of said north easement line and said east right-of-way line of North Lake Road and the west line of said Tract 1;

THENCE departing said north easement line, with said east right-of-way line and said west line, North 0°30'56" West, a distance of 30.42 feet to the **POINT OF BEGINNING** and containing 12,014 square feet or 0.276 acres of land.

Bearing system based on the Texas Coordinate System of 1983, North Central Zone (4202), North American Datum of 1983(2011).



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Date: 12-18-17
SPRG NO: 4380

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dana.brown@kimley-horn.com

Kimley»Horn

13455 Noel Road, Two Galleria Office Tower, Suite 700, Dallas, Texas 75240 FIRM # 10115500
Tel. No. (972) 770-1300
Fax No. (972) 239-3820

Scale	Drawn by	Checked by	Date	Project No.	Sheet No.
N/A	SRD	DAB	Dec. 2017	063973040	1 OF 2

EXHIBIT A-TRACT 3

WASTEWATER EASEMENT ABANDONMENT
IN A 5.491 ACRE TRACT SITUATED IN CITY OF DALLAS BLOCK 8461
JACOB CARLOCK SURVEY, ABSTRACT NO. 312
CITY OF DALLAS, DALLAS COUNTY, TEXAS

(For SPRG use only)
Reviewed By: G.S.
Date: 12-18-17
SPRG NO: 4380

LEGEND:
P.O.C.= Point of Commencing
P.O.B. = Point of Beginning
C.M. = Controlling Monument
IRF = iron rod found
IRFC = iron rod w/cap found
IRSC = iron rod w/cap set
INST. NO.=instrument number
D.R.D.C.T.=Deed Records, Dallas County, Texas
O.P.R.D.C.T. = Official Public Records, Dallas County, Texas
R.O.W. = Right-Of-Way
SQ. FT. = Square Feet

NOTES:
All corners of easement to be acquired are a 5/8" iron rod with "KHA" cap found unless otherwise noted.

Bearing system based on the Texas Coordinate System of 1983, North Central Zone (4202), North American Datum of 1983(2011).

STATE OF TEXAS
REGISTERED
DANA BROWN
5336
PROFESSIONAL
LAND SURVEYOR
12.14.17

DANA BROWN
REGISTERED PROFESSIONAL
LAND SURVEYOR NO. 5336
13455 NOEL ROAD, TWO GALLERIA
OFFICE TOWER, SUITE 700
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Scale	Drawn by	Checked by	Date	Project No.	Sheet No.
1" = 100'	SRD	DAB	Dec. 2017	063973040	2 OF 2

EXHIBIT A-TRACT 4

WASTEWATER EASEMENT ABANDONMENT
PART OF A 41.184 ACRE TRACT IN THE CITY OF DALLAS BLOCK 8461
JACOB G. CARLOCK SURVEY, ABSTRACT NO. 312
CITY OF IRVING, DALLAS COUNTY, TEXAS

BEING a 1.222 acre (53,241 square foot) tract of land situated in the Jacob G. Carlock Survey, Abstract No. 312, City of Irving, Dallas County, Texas in City of Dallas Block 8461 and being part of a 41.184 acre tract of land described as "Tract 2" in Special Warranty Deed to GRBK Edgewood LLC, recorded in Instrument No. 201700189399, Official Public Records of Dallas County, Texas and being all of a wastewater easement to the City of Dallas, recorded in Instrument No. 201700037983, Official Public Records of Dallas County, Texas and being more particularly described as follows:

COMMENCING at a 5/8" iron rod with plastic cap stamped "KHA" found at north corner of a right-of-way corner clip found at the intersection of the south right-of-way line of Beltline Road (a 120-foot wide right-of-way, described in Right-of-Way Deed to the County of Dallas, recorded in Volume 4601, Page 37 of the Deed Records of Dallas County, Texas) and the east right-of-way line of North Lake Road (an 80-foot wide right-of-way easement to the County of Dallas described in Volume 4669, Page 443 of said Deed Records) and being the northernmost northwest corner of a tract of land described in Special Warranty Deed to Billingsley Yorkshire Partners, LTD. recorded in Instrument No. 201500096360 of said Official Public Records;

THENCE with said right-of-way corner clip, South 63°28'12" West, a distance of 62.55 feet to the southernmost end of said right-of-way corner clip and the beginning of a non-tangent curve to the left having a central angle of 16°47'49", a radius of 778.51 feet, a chord bearing and distance of South 7°52'59" West, 227.41 feet;

THENCE with said east right-of-way line, the following courses and distances to wit:

In a southwesterly direction with said curve to the left, an arc distance of 228.23 feet to a 1/2" iron rod found for corner;

South 0°30'56" East, passing at a distance of 203.45 feet, a 3/8" iron rod found at the southwest corner of said Billingsley Yorkshire Partners, Ltd. tract and the northwest corner of Tract 1 of said GRBK Edgewood LLC deed, continuing with said east right-of-way line, in all a total distance of 807.64 feet to a 5/8" iron rod with plastic cap stamped "KHA" found at the northernmost northwest corner of said Tract 2 for the **POINT OF BEGINNING**;

THENCE with the north line of said Tract 2, North 89°29'28" East, a distance of 31.78 feet to a 5/8" iron rod with plastic cap stamped "KHA" found for corner;

THENCE departing said north line, the following courses and distances to wit:

South 50°44'09" East, a distance of 215.80 feet to a 5/8" iron rod with plastic cap stamped "KHA" found for corner;

South 35°08'56" East, a distance of 10.37 feet to a 5/8" iron rod with plastic cap stamped "KHA" found for corner;

South 9°51'04" West, a distance of 414.77 feet to a 5/8" iron rod with plastic cap stamped "KHA" found at the beginning of a tangent curve to the left having a central angle of 10°24'49", a radius of 278.00 feet, a chord bearing and distance of South 4°38'39" West, 50.46 feet;

In a southwesterly direction, with said curve to the left, an arc distance of 50.53 feet to a 5/8" iron rod with plastic cap stamped "KHA" found for corner;

DANA BROWN
REGISTERED PROFESSIONAL
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12.14.17

(For SPRG use only)
Reviewed By: G.S.
Date: 12-18-17
SPRG NO: 4379

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Fax No. (972) 239-3820

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N/A	SRD	DAB	Dec. 2017	063973040	1 OF 4

EXHIBIT A-TRACT 4

WASTEWATER EASEMENT ABANDONMENT
PART OF A 41.184 ACRE TRACT IN THE CITY OF DALLAS BLOCK 8461
JACOB G. CARLOCK SURVEY, ABSTRACT NO. 312
CITY OF IRVING, DALLAS COUNTY, TEXAS

South 0°33'45" East, a distance of 105.10 feet to a 5/8" iron rod with plastic cap stamped "KHA" found at the beginning of a tangent curve to the left having a central angle of 29°56'17", a radius of 278.00 feet, a chord bearing and distance of South 15°31'54" East, 143.61 feet;

In a southeasterly direction, with said curve to the left, an arc distance of 145.26 feet to a 5/8" iron rod with plastic cap stamped "KHA" found for corner;

South 30°30'02" East, a distance of 558.48 feet to a 5/8" iron rod with plastic cap stamped "KHA" found for corner;

South 10°10'32" West, a distance of 14.56 feet to a 5/8" iron rod with plastic cap stamped "KHA" found for corner;

South 32°40'32" West, a distance of 167.95 feet to a 5/8" iron rod with plastic cap stamped "KHA" found for corner;

South 59°28'48" West, a distance of 59.31 feet to a 5/8" iron rod with plastic cap stamped "KHA" found for corner in the northeast line of a 39.638 acre tract of land described in Special Warranty Deed to the City of Coppell, recorded in Instrument No. 201300273238, Official Public Records of Dallas County, Texas;

THENCE with said northeast line, North 30°30'42" West, a distance of 50.00 feet to a 5/8" iron rod with plastic cap stamped "KHA" found for corner;

THENCE departing said northeast line, the following courses and distances to wit:

North 59°28'48" East, a distance of 91.74 feet to a 5/8" iron rod with plastic cap stamped "KHA" found for corner;

North 32°40'32" East, a distance of 108.64 feet to a 5/8" iron rod with plastic cap stamped "KHA" found for corner;

North 30°30'02" West, a distance of 546.28 feet to a 5/8" iron rod with plastic cap stamped "KHA" found at the beginning of a tangent curve to the right having a central angle of 29°56'17", a radius of 308.00 feet, a chord bearing and distance of North 15°31'54" West, 159.11 feet;

In a northwesterly direction, with said curve to the right, an arc distance of 160.94 feet to a 5/8" iron rod with plastic cap stamped "KHA" found for corner;

North 0°33'45" West, a distance of 105.10 feet to a 5/8" iron rod with plastic cap stamped "KHA" found at the beginning of a tangent curve to the right having a central angle of 10°24'49", a radius of 308.00 feet, a chord bearing and distance of North 4°38'39" East, 55.90 feet;

In a northeasterly direction, with said curve to the right, an arc distance of 55.98 feet to a 5/8" iron rod with plastic cap stamped "KHA" found for corner;

North 9°51'04" East, a distance of 400.45 feet to a 5/8" iron rod with plastic cap stamped "KHA" found for corner;

North 50°44'09" West, a distance of 223.82 feet to a 5/8" iron rod with plastic cap stamped "KHA" found for corner in the north line of said Tract 2;

THENCE with said north line, North 2°12'16" East, a distance of 12.11 feet to the **POINT OF BEGINNING** and containing 1.222 acres or 53,241 square feet of land.

Bearing system based on the Texas Coordinate System of 1983, North Central Zone (4202), North American Datum of 1983. (2011)

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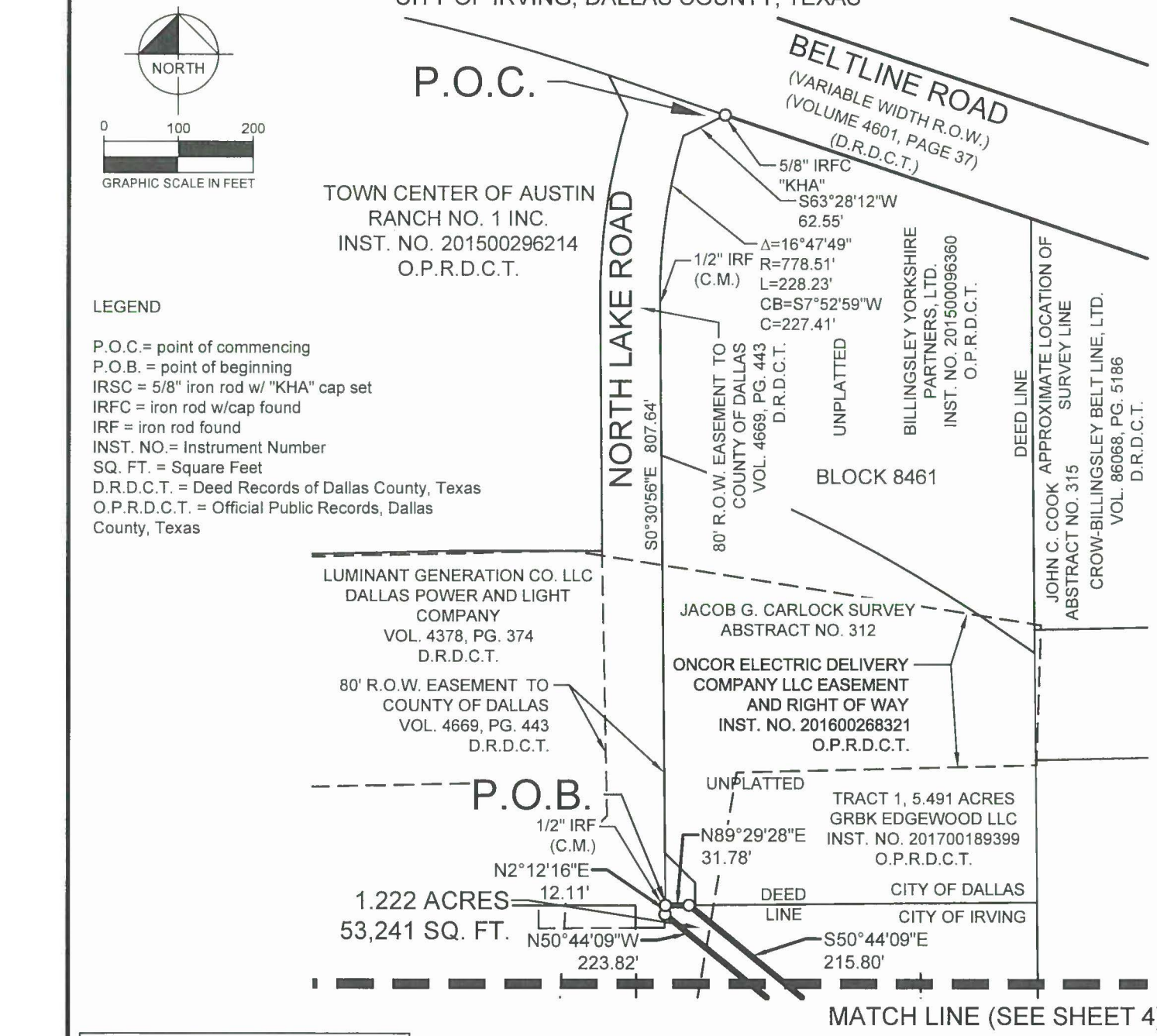
N/A	SRD	DAB	Dec. 2017	063973040	2 OF 4

EXHIBIT A-TRACT 4

WASTEWATER EASEMENT ABANDONMENT

PART OF A 41.184 ACRE TRACT IN THE CITY OF DALLAS BLOCK 8461
JACOB G. CARLOCK SURVEY, ABSTRACT NO. 312
CITY OF IRVING, DALLAS COUNTY, TEXAS



LEGEND

P.O.C.= point of commencing
P.O.B. = point of beginning
IRSC = 5/8" iron rod w/ "KHA" cap set
IRFC = iron rod w/cap found
IRF = iron rod found
INST. NO.= Instrument Number
SQ. FT. = Square Feet
D.R.D.C.T. = Deed Records of Dallas County, Texas
O.P.R.D.C.T. = Official Public Records, Dallas County, Texas

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NOTES

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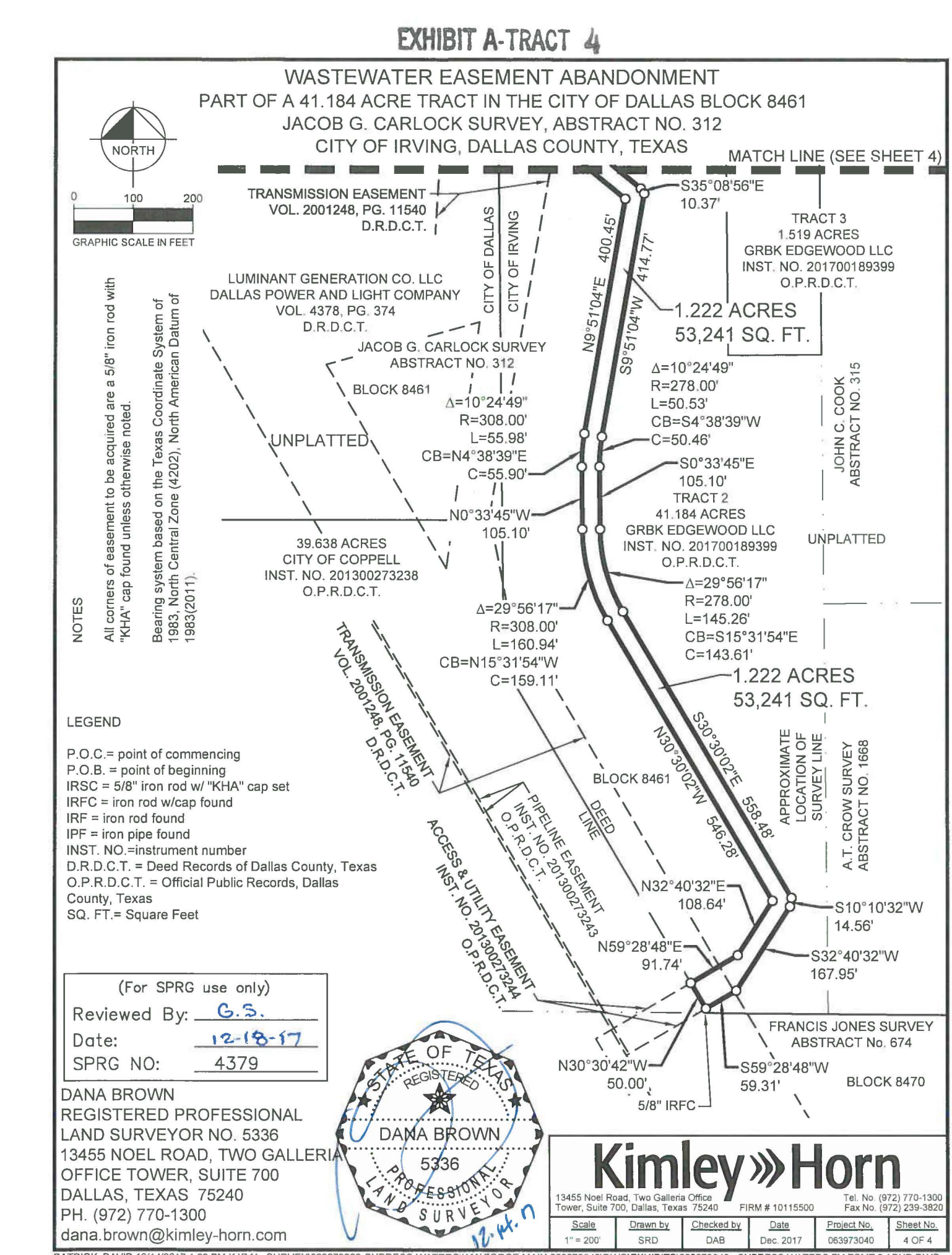
Scale	Drawn by	Checked by	Date	Project No.	Sheet No.
1" = 200'	SRD	DAB	Dec. 2017	063973040	3 OF 4

EXHIBIT A-TRACT 4

WASTEWATER EASEMENT ABANDONMENT
PART OF A 41.184 ACRE TRACT IN THE CITY OF DALLAS BLOCK 8461
JACOB G. CARLOCK SURVEY, ABSTRACT NO. 312
CITY OF IRVING, DALLAS COUNTY, TEXAS



NOTES

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LEGEND

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P.O.B. = point of beginning
IRSC = 5/8" iron rod w/ "KHA" cap set
IRFC = iron rod w/cap found
IRF = iron rod found
IPF = iron pipe found
INST. NO.=instrument number
D.R.D.C.T. = Deed Records of Dallas County, Texas
O.P.R.D.C.T. = Official Public Records, Dallas County, Texas
SQ. FT.= Square Feet

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Reviewed By: G.S.
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Scale	Drawn by	Checked by	Date	Project No.	Sheet No.
1" = 200'	SRD	DAB	Dec. 2017	063973040	4 OF 4

AGENDA ITEM # 23

STRATEGIC PRIORITY: Mobility Solutions, Infrastructure, and Sustainability

AGENDA DATE: April 11, 2018

COUNCIL DISTRICT(S): 2

DEPARTMENT: Department of Sustainable Development and Construction

CMO: Majed Al-Ghafry, 670-3302

MAPSCO: 34L

SUBJECT

An ordinance abandoning a portion of a utility, sanitary sewer, storm drain and natural gas easement to AN Luxury Imports, Ltd., the abutting owner, containing approximately 150 square feet of land, located near the intersection of Lemmon Avenue and Haggar Way - Revenue: $5,400, plus the $20 ordinance publication fee

BACKGROUND

This item authorizes the abandonment of a portion of a utility, sanitary sewer, storm drain and natural gas easement to AN Luxury Imports, Ltd., the abutting owner. The area will be included with the property of the abutting owner for the expansion of an existing auto dealership. 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 Mobility Solutions, Infrastructure & Sustainability Committee on April 9, 2018.

FISCAL INFORMATION

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

OWNER

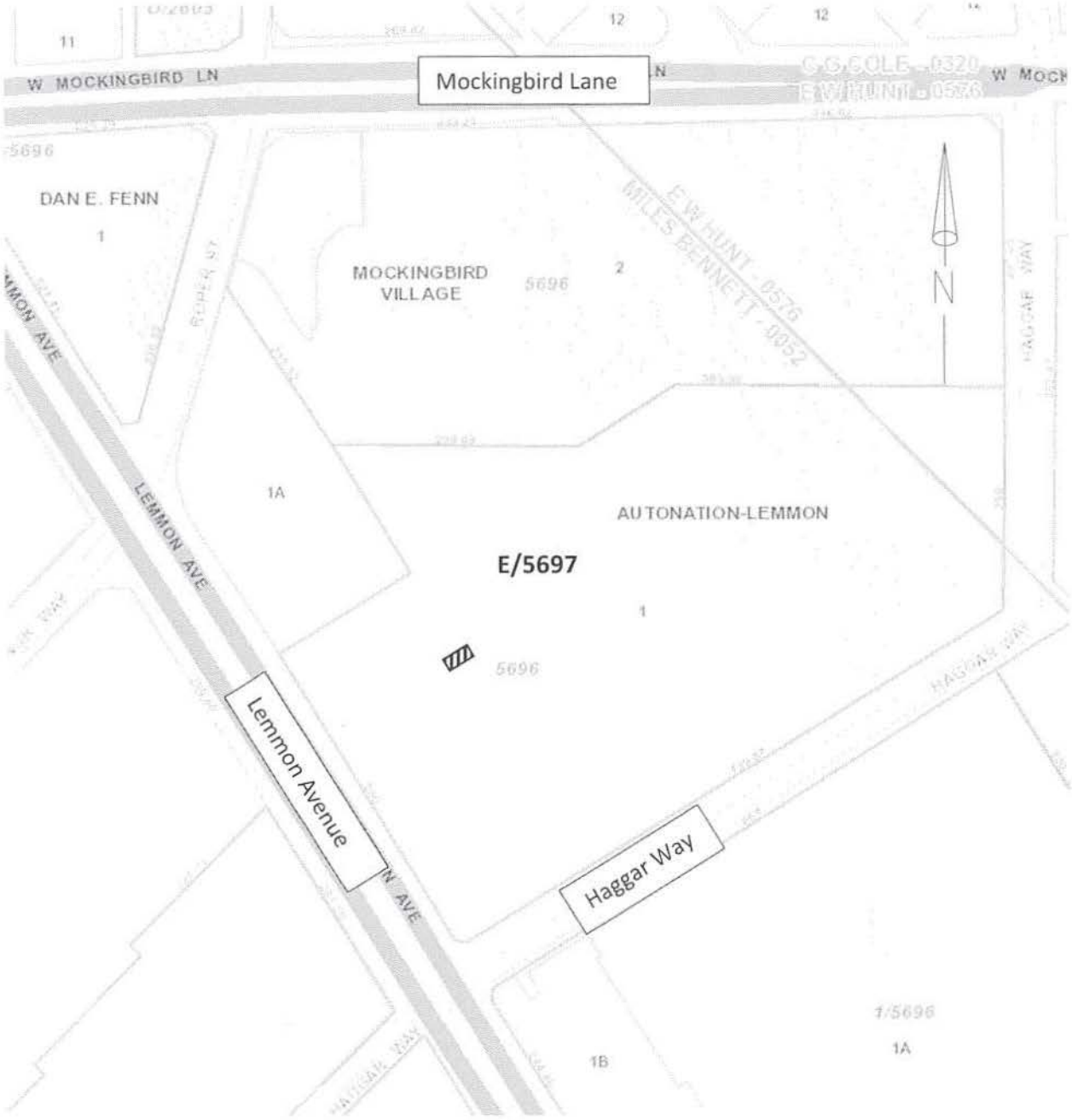
AN Luxury Imports, Ltd.

AN Luxury Imports GP, LLC

Ron Arcissone, President

MAP

Attached



Abandonment areas =

ORDINANCE NO. _____

An ordinance providing for the abandonment and relinquishment of a portion of a utility, sanitary sewer, storm drain and natural gas easement located in City Block E/5697 in the City of Dallas and County of Dallas, Texas; providing for the quitclaim thereof to AN Luxury Imports, Ltd.; providing for the terms and conditions of the abandonment, relinquishment and quitclaim made herein; 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 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 AN Luxury Imports, Ltd., a Texas limited partnership; 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 portion of 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 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 Section 8, the City of Dallas does by these presents **FOREVER QUITCLAIM** unto the said **GRANTEE**, subject to the conditions, reservations, 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 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 10. That this ordinance is also designated for City purposes as Contract No. DEV-2018-00004983.

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

BY: _____
Assistant City Attorney

DAVID COSSUM, Director
Department of Sustainable Development and Construction

BY: _____
Assistant Director

Passed _____.

Exhibit A

UTILITY, SANITARY SEWER, STORM DRAIN & NATURAL GAS EASEMENT ABANDONMENT
Located within
Lot 1, Block E/5697
Autonation-Lemmon Addition
Miles Bennett Survey, Abstract No. 52
City of Dallas, Dallas County, Texas

Coombs Land Surveying, Inc.
P. O. Box 11370 Fort Worth, Texas 76110
(817) 920-7600 (817) 920-7617 FAX
T.B.P.L.S. FIRM No. 10111800

CLS JOB No. 16-0128
GF No. NONE

* N O T E *
ALL SUBJECT PROPERTY BOUNDARY LINE BEARINGS AND DISTANCES ARE PLAT & ACTUAL UNLESS OTHERWISE NOTED HEREON.

BASIS OF BEARINGS: NORTHEAST RIGHT-OF-WAY LINE OF LEMMON AVENUE AS SHOWN ON PLAT RECORDED IN CLERKS' FILE No. 201000239750, O.P.R.D.C.T. BEARING IS DENOTED AS N 32° 57' 24" W

IRF	IRON ROD FOUND
IRS	IRON ROD SET w/ORANGE PLASTIC CAP STAMPED "R. W. COOMBS RPLS 5294"
C.M.	CONTROLLING MONUMENT
R.O.W.	RIGHT-OF-WAY
O.P.R.D.C.T.	OFFICIAL PUBLIC RECORDS DALLAS COUNTY, TEXAS
D.R.D.C.T.	DEED RECORDS, DALLAS COUNTY, TEXAS
INST. No.	INSTRUMENT NUMBER
S.F.	SQUARE FEET
ES'MT.	EASEMENT

REVIEWED BY: A. Rodriguez
DATE: 12/22/17
SPRG 4363

LEGAL DESCRIPTION

BEING a 150 square foot or 0.003 acre tract of land located in the Miles Bennett Survey, Abstract No. 52, Dallas County, Texas, being located within that certain tract of land described in deed to AN Luxury Imports, Ltd. recorded in Instrument No. 20070115181 of the Official Public Records of Dallas County, Texas, said tract also lying within Lot 1, Block E/5697, Autonation-Lemmon Addition to the City of Dallas, Dallas County, Texas according to the plat recorded in Instrument No. 201000239750 of the Official Public Records of Dallas County, Texas and being a portion of that certain 10-foot wide Utility Easement recorded in Volume 84221, Page 4732 of the Map Records of Dallas County, Texas and part of a 10-foot wide Sanitary Sewer, Storm Drain and Natural Gas Easement recorded in Volume 68121, Page 797 and Volume 68124, Page 296 of the Deed Records of Dallas County, Texas;

COMMENCING at a 5/8-inch iron rod found at the most Westerly corner of said Lot 1 lying in the Northeast right-of-way line of Lemmon Avenue, a 100-foot wide right-of-way created in Volume 2839, Page 50 of the Deed Records of Dallas County, Texas, and from which a 5/8-inch iron rod found with plastic cap stamped "WEBB" at an internal corner of said Lot 1 bears N 57° 01' 52" E, 180.34 feet;

Thence S 32° 57' 24" E, 155.00 feet along said right-of-way in to a point in the Southeast line of aforesaid Utility, Sanitary Sewer, Storm Drain and Natural Gas Easement;

Thence N 57° 02' 36" E, 154.89 feet along the Southeast line of said Easement to the PLACE OF BEGINNING of the tract herein described;

THENCE N 32° 51' 15" W, 5.97 feet departing said Easement line to a point;

THENCE N 57° 11' 25" E, 25.18 feet to a point in the Northeast line of said Easement;

THENCE S 32° 57' 24" E, 5.91 feet along the Northeast line of said Easement to a point at the most Easterly corner thereof;

THENCE S 57° 03' 05" W, 25.19 feet along the Southeast lie of said Easement to the PLACE OF BEGINNING, containing 150 square feet or 0.003 acre of land.

STATE OF TEXAS
REGISTERED
RONALD W. COOMBS
5294
PROFESSIONAL
LAND SURVEYOR

12/20/17

Exhibit A

UTILITY, SANITARY SEWER, STORM DRAIN & NATURAL GAS EASEMENT ABANDONMENT

Located within
Lot 1, Block E/5697
Autonation-Lemmon Addition
Miles Bennett Survey, Abstract No. 52
City of Dallas, Dallas County, Texas

Coombs Land Surveying, Inc.
P. O. Box 11370 Fort Worth, Texas 76110
(817) 920-7600 (817) 920-7617 FAX
T.B.P.L.S. FIRM No. 10111800

CLS JOB No. 16-0128
GF No. NONE

BASIS OF BEARINGS: NORTHEAST RIGHT-OF-WAY LINE OF LEMMON AVENUE AS SHOWN ON PLAT RECORDED IN CLERKS' FILE No. 201000239750, O.P.R.D.C.T. BEARING IS DENOTED AS N 32° 57' 24" W

* N O T E *
ALL SUBJECT PROPERTY BOUNDARY LINE BEARINGS AND DISTANCES ARE PLAT & ACTUAL UNLESS OTHERWISE NOTED HEREON.

IRF	IRON ROD FOUND
IRS	IRON ROD SET w/ORANGE PLASTIC CAP STAMPED "R. W. COOMBS RPLS 5294"
C.M.	CONTROLLING MONUMENT
R.O.W.	RIGHT-OF-WAY
O.P.R.D.C.T.	OFFICIAL PUBLIC RECORDS DALLAS COUNTY, TEXAS
D.R.D.C.T.	DEED RECORDS, DALLAS COUNTY, TEXAS
INST. No.	INSTRUMENT NUMBER
S.F.	SQUARE FEET
ES'MT.	EASEMENT

ONCOR ELECTRIC DELIVERY Co. ES'MT.
INST. No. 201000182455
O.P.R.D.C.T.

5/8"IRF"WEBB"

REMAINDER
LOT 1A, BLOCK 5696
LOVE FIELD NATIONAL BANK ADDITION
VOL. 84221, PG. 4732
D.R.D.C.T.
LOVE FIELD FINANCIAL CENTER, L.P.
VOL. 93023, PG. 3368
D.R.D.C.T.

N 57°01'52"E 180.34'
180.00' (plat)

10' UTILITY ES'MT.
INST. No. 201000239750
O.P.R.D.C.T.

15' POWER & TELEPHONE ES'MT.
VOL. 97048, PG. 14
M.R.D.C.T.

LOT 1, BLOCK E/5697
AUTONATION-LEMMON ADDITION
INST. No. 201000239750
O.P.R.D.C.T.
AN LUXURY IMPORTS, LTD.
INST. No. 20070115181
O.P.R.D.C.T.

5/8"IRF

20' DRAINAGE ES'MT.
INST. No. 200900242066
O.P.R.D.C.T.

UTILITY, SANITARY SEWER, STORM DRAIN & NATURAL GAS EASEMENT ABANDONMENT
(150 S.F. OR 0.003 Ac.)

S 32°57'24"E 5.91'

POINT OF COMMENCING

N 57°11'25"E 25.18'

N 32°51'15"W 5.97'

S 57°03'05"W 25.19'

MILES BENNETT SURVEY ~ ABSTRACT No. 52

PLACE OF BEGINNING

S 32°57'24"E 155.00'

N 57°02'36"E 154.89'

10' UTILITY ES'MT.
VOL. 84221, PG. 4732
D.R.D.C.T.
10' SAN.SEWER, STORM DRAIN & NATURAL GAS ES'MT.
VOL. 68121, PG. 797
VOL. 68124, PG. 296
D.R.D.C.T.

N 32°57'24"W 385.00' (plat) 385.16'

LEMMON AVENUE
VOL. 2839, PG. 50 D.R.D.C.T.
100' R.O.W.

20' UTILITY ES'MT.
INST. No. 201000239750
O.P.R.D.C.T.

STATE OF TEXAS
REGISTERED
RONALD W. COOMBS
5294
PROFESSIONAL
LAND SURVEYOR

12/20/17

REVIEWED BY: A. Rodriguez
DATE: 12/22/17
SPRG 4363

SCALE: 1" = 40'

SHEET 2 OF 2

AGENDA ITEM # 24

STRATEGIC PRIORITY:	Mobility Solutions, Infrastructure, and Sustainability
AGENDA DATE:	April 11, 2018
COUNCIL DISTRICT(S):	13
DEPARTMENT:	Department of Sustainable Development and Construction
CMO:	Majed Al-Ghafry, 670-3302
MAPSCO:	26K

SUBJECT

An ordinance amending Ordinance No. 30406, previously approved on April 12, 2017, which abandoned a water easement and portions of a variable width floodway easement and a wastewater easement, located near the intersection of Treehouse Lane and Meadow Road to HT Midtown LP, to remove a one year deadline to replat; and provide dedication within 18 months of a needed floodway easement to the City - Revenue: $5,400, plus the $20 ordinance publication fee

BACKGROUND

This item authorizes the amendment of Ordinance No. 30406, previously approved on April 12, 2017, which abandoned a water easement and portions of a variable width floodway easement and a wastewater easement to HT Midtown LP, the abutting owner, to remove a one year deadline to replat; and provide dedication within 18 months of a needed floodway easement to the City.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On April 12, 2017, City Council authorized the abandonment of a water easement and portions of a variable width floodway easement and wastewater easement by Ordinance No. 30406.

Information about this item will be provided to the Mobility Solutions, Infrastructure & Sustainability Committee on April 9, 2018.

FISCAL INFORMATION

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

OWNER

HT Midtown LP

Hines Midtown Associates Limited Partnership

Hines Midtown GP LLC

Hines Investment Management Holdings Limited Partnership

HIMH GP LLC

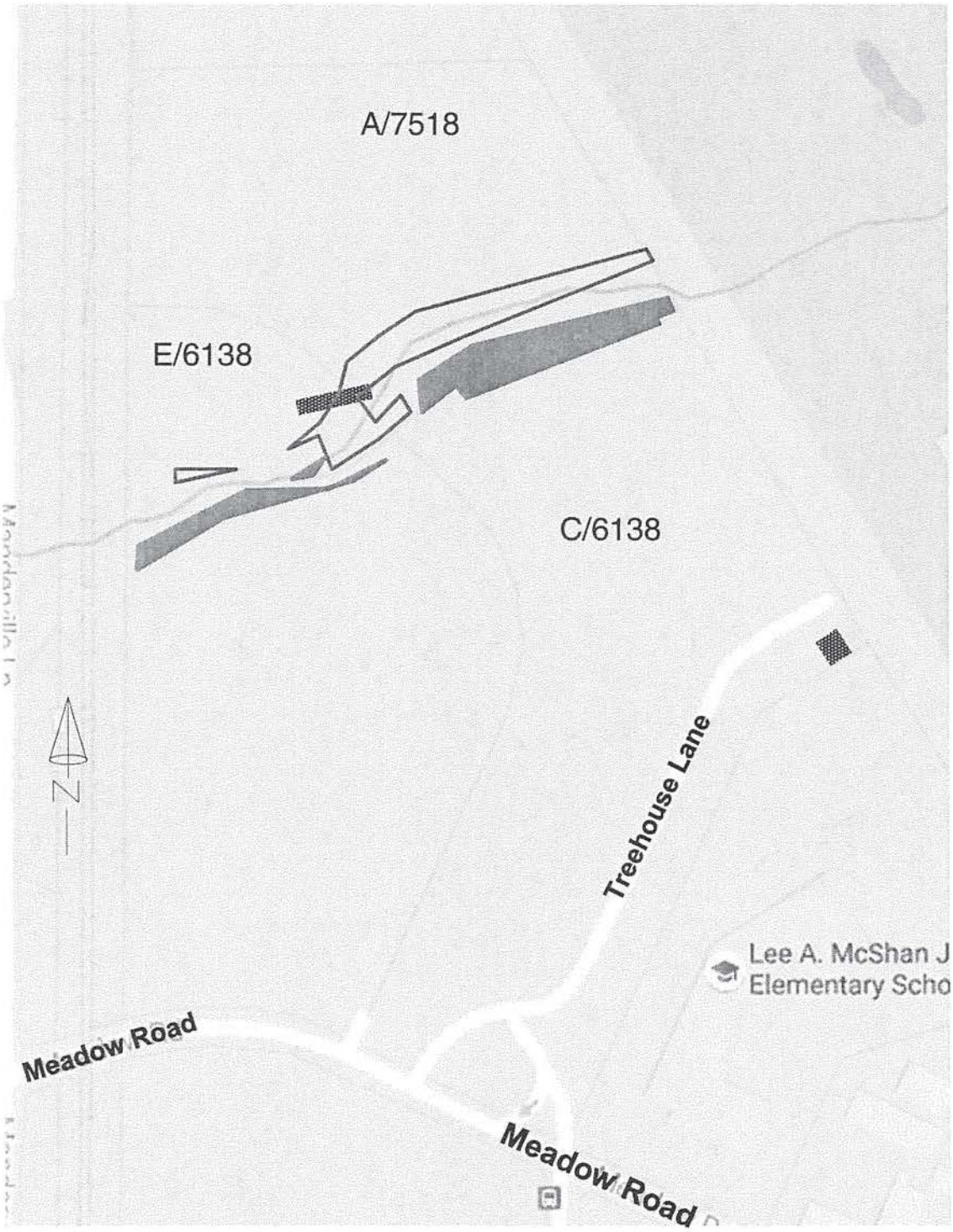
Hines Real Estate Holdings L.P.

JCH Investments, Inc.

Jeffrey C. Hines, President

MAP

Attached



Abandonment areas =

Dedication areas =

ORDINANCE NO. _____

An ordinance amending Ordinance No. 30406, to remove a one year deadline to replat a floodway easement; and provide dedication, within 18 months, a needed floodway easement to the City; replacing Section 10 thereof and adding a new Exhibit B thereto; adding a new Section 11; and altering and renumbering Sections 12 and 13; providing for consideration to be paid to the City of Dallas; providing for payment of the publication fee; providing a savings clause; and providing an effective date.

ooo0ooo

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

SECTION 1. That Ordinance No. 30406 adopted by City Council of the City of Dallas on April 12, 2017, be and the same is hereby amended by replacing Section 10 thereof and adding a new Exhibit B thereto; adding a new Section 11; and altering and renumbering Sections 12 and 13, to read as follows:

~~**SECTION 10.** That as a condition of this abandonment and relinquishment and as a part of the consideration for the quitclaim made herein, **GRANTEE** shall record a final replat of adjoining properties within one year after passage of this ordinance showing the dedication of not less than 23,235 square feet for a floodway easement in City Block C/6138 satisfactory to the Director of Department of Sustainable Development and Construction. This final replat shall be recorded by **GRANTEE** in the Deed Records of Dallas County, Texas after its approval by the City Plan Commission of the City of Dallas. Failure to record a final replat in accordance with the terms of this section shall render this ordinance null and void, and of no further effect. Further, the final replat shall be filed with the Department of Sustainable Development and Construction of the City of Dallas before a certified copy of this ordinance shall be delivered to **GRANTEE**.~~

SECTION 10. That as a condition of this abandonment and relinquishment and as part of the consideration for the quitclaim made herein, **GRANTEE** shall convey a floodway easement, within 18 months of the effective date of this

SECTION 1. (continued)

ordinance, in, under, through, across and along certain properties located in City Block C/6138. 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 24,805 square feet of land, a description is attached hereto and made a part hereof as Exhibit B. Failure to convey the above described easement as set forth shall render this ordinance null and void and of no further effect.

SECTION 11. That at such time as the instrument described in Section 10 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 Development and Construction is authorized and directed to record said instrument in the Deed Records of Dallas County, Texas; and the recorded instrument shall be forwarded to the City Secretary for permanent record.

SECTION ~~11~~ 12. 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, ~~and the recording of the final replat as set forth in Section 9,~~ plus the fee for the publishing of this ordinance, which **GRANTEE** shall likewise pay, and completion of the dedication set forth in Section 10, 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 ~~12~~ 13. 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.

SECTION 2. That, as consideration for amending Ordinance No. 30406, HT Midtown LP agrees to pay monetary consideration in the sum of **FIVE THOUSAND FOUR HUNDRED AND NO/100 ($5,400.00) DOLLARS** to the City of Dallas, and, by its tender thereof, accepts the terms and conditions of this ordinance.

SECTION 3. 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 4. That the terms and conditions of Ordinance No. 30406, shall remain in full force and effect except as amended hereby.

SECTION 5. 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 10, 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 (1) year after its passage.

SECTION 6. That this ordinance is also designated for City purposes as Contract No. DEV-2018-00005191.

SECTION 7. That this ordinance shall take effect immediately from and after its passage and publication in accordance with the provision of the Charter of the City of Dallas and it is accordingly so ordained.

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

BY: _____
Assistant City Attorney

DAVID COSSUM, Director
Department of Sustainable Development and Construction

BY: _____
Assistant Director

Passed _____.

GM/45573

FLOODWAY EASEMENT

EXHIBIT B

TRACT 1

MEADOW ROAD NO. 2 ADDITION
BEING PART OF BLOCK D/6138
MEADOW ROAD APARTMENTS NO. 3 ADDITION
PART OF BLOCK A/7518
DAVID BARROW SURVEY, ABSTRACT NO. 177
CITY OF DALLAS, DALLAS COUNTY, TEXAS

BEING A 19,524 SQUARE FEET OR 0.448 ACRE TRACT OF LAND SITUATED IN THE DAVID BARROW SURVEY, ABSTRACT NO. 177, IN THE CITY OF DALLAS, DALLAS COUNTY, TEXAS, AND BEING PART OF A TRACT OF LAND CONVEYED AS TRACT I, AND TRACT III TO HT-MIDTOWN, LP, BY SPECIAL WARRANTY DEED RECORDED IN COUNTY CLERK'S FILE NUMBER 201400298731, OFFICIAL PUBLIC RECORDS, DALLAS COUNTY, TEXAS, AND BEING PART OF BLOCKS A/7518, MEADOW ROAD APARTMENTS NO. 3 ADDITION, AN ADDITION TO THE CITY OF DALLAS, AS RECORDED IN VOLUME 77044, PAGE 671, DEED RECORDS, DALLAS COUNTY, TEXAS AND PART OF BLOCK D/6138 MEADOW ROAD NO. 2 ADDITION, AN ADDITION TO THE CITY OF DALLAS, AS RECORDED IN VOLUME 76021, PAGE 4, DEED RECORDS, DALLAS COUNTY, TEXAS. SAID 0.448 ACRE TRACT WITH BEARING BASIS BEING GRID NORTH, TEXAS STATE PLANE COORDINATES SYSTEM, NORTH CENTRAL ZONE 4202, NORTH AMERICAN DATUM (NAD 83 (2011) EPOCH 2010), DETERMINED BY GPS OBSERVATIONS, CALCULATED FROM DALLAS CORS ARP (PID-DF8984) AND ARLINGTON RRP2 CORS ARP (PID-DF5387), AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING AT A 5/8" IRON ROD WITH A 3" ALUMINUM MONUMENT STAMPED "MERION AT MIDTOWN PARK, PH.1-JACOBS" FOUND FOR NORTHEAST CORNER OF MERION AT MIDTOWN PARK, PHASE 1, AN ADDITION TO THE CITY OF DALLAS, AS RECORDED IN COUNTY CLERK'S FILE NO. 201600134925, OFFICIAL PUBLIC RECORDS, DALLAS COUNTY, TEXAS, SAID POINT BEING ON THE EAST LINE OF SAID TRACT III AND SAID BLOCK D/6138, AND THE COMMON WEST LINE OF A TRACT OF LAND CONVEYED TO DALLAS AREA RAPID TRANSIT, BY DEED RECORDED IN VOLUME 88083, PAGE 4905, DEED RECORDS, DALLAS COUNTY, TEXAS;

THENCE, ALONG THE NORTH LINE OF SAID MERION AT MIDTOWN PARK, PHASE 1, AND OVER AND ACROSS SAID TRACT III AND SAID BLOCK D/6138, THE FOLLOWING COURSES AND DISTANCES:

SOUTH 50 DEGREES 31 MINUTES 38 SECONDS WEST, A DISTANCE OF 7.14 FEET TO A 5/8"IRON ROD WITH A 3" ALUMINUM MONUMENT STAMPED "MERION AT MIDTOWN PARK, PH.1-PLASTIC CAP STAMPED "JACOBS" FOUND FOR CORNER;

SOUTH 68 DEGREES 47 MINUTES 49 SECONDS WEST, A DISTANCE OF 12.20 FEET TO A 5/8"IRON ROD WITH A 3" ALUMINUM MONUMENT STAMPED "MERION AT MIDTOWN PARK, PH.1-PLASTIC CAP STAMPED "JACOBS" FOUND FOR CORNER;

(for SPRG use only)	
Reviewed By:	G.S.
Date:	2-12-18
SPRG NO:	4406

FLOODWAY EASEMENT

EXHIBIT E
TRACT 1

MEADOW ROAD NO. 2 ADDITION
BEING PART OF BLOCK D/6138
MEADOW ROAD APARTMENTS NO. 3 ADDITION
PART OF BLOCK A/7518
DAVID BARROW SURVEY, ABSTRACT NO. 177
CITY OF DALLAS, DALLAS COUNTY, TEXAS

SOUTH 20 DEGREES 57 MINUTES 51 SECONDS EAST, A DISTANCE OF 6.69 FEET TO A 5/8"IRON ROD WITH A 3" ALUMINUM MONUMENT STAMPED "MERION AT MIDTOWN PARK, PH.1-PLASTIC CAP STAMPED "JACOBS" FOUND FOR CORNER;

SOUTH 69 DEGREES 02 MINUTES 09 SECONDS WEST, A DISTANCE OF 311.03 FEET TO A 5/8"IRON ROD WITH A 3" ALUMINUM MONUMENT STAMPED "MERION AT MIDTOWN PARK, PH.1-PLASTIC CAP STAMPED "JACOBS" FOUND FOR CORNER;

NORTH 28 DEGREES 23 MINUTES 50 SECONDS WEST, PASSING AT A DISTANCE OF 14.89 FEET THE NORTH LINE OF SAID BLOCK D/6138 AND SAID TRACT III, AND THE COMMON SOUTH LINE OF AFORESAID BLOCK A/7518 AND AFORESAID TRACT I, AND CONTINUING OVER AND ACROSS SAID BLOCK A/7518 AND SAID TRACT I, FOR A TOTAL DISTANCE OF 25.59 FEET TO A 5/8"IRON ROD WITH A 3" ALUMINUM MONUMENT STAMPED "MERION AT MIDTOWN PARK, PH.1-PLASTIC CAP STAMPED "JACOBS" FOUND FOR CORNER, AND THE BEGINNING OF A NON-TANGENT CURVE TO THE LEFT HAVING A CENTRAL ANGLE OF 11 DEGREES 23 MINUTES 39 SECONDS, A RADIUS OF 210.00 FEET, AND A LONG CHORD THAT BEARS SOUTH 63 DEGREES 04 MINUTES 42 SECONDS WEST A DISTANCE OF 41.69 FEET;

THENCE, CONTINUING OVER AND ACROSS SAID BLOCK A/7518 AND SAID TRACT I, THE FOLLOWING COURSES AND DISTANCES:

ALONG SAID NON-TANGENT CURVE TO THE LEFT, AN ARC DISTANCE OF 41.76 FEET TO A 5/8" IRON ROD SET IN CONCRETE WITH A 3 1/4" ALUMINUM MONUMENT STAMPED "FLOODWAY MARKER-JACOBS" SET FOR CORNER;

NORTH 03 DEGREES 40 MINUTES 07 SECONDS EAST, A DISTANCE OF 57.58 FEET TO A 5/8" IRON ROD SET IN CONCRETE WITH A 3 1/4" ALUMINUM MONUMENT STAMPED "FLOODWAY MARKER-JACOBS" SET FOR CORNER;

NORTH 72 DEGREES 14 MINUTES 12 SECONDS EAST, A DISTANCE OF 129.90 FEET TO A 5/8" IRON ROD SET IN CONCRETE WITH A 3 1/4" ALUMINUM MONUMENT STAMPED "FLOODWAY MARKER-JACOBS" SET FOR CORNER;

(for SPRG use only)	
Reviewed By:	G.S.
Date:	2-12-18
SPRG NO:	4406

EXHIBIT E
TRACT 1

FLOODWAY EASEMENT

MEADOW ROAD NO. 2 ADDITION
BEING PART OF BLOCK D/6138
MEADOW ROAD APARTMENTS NO. 3 ADDITION
PART OF BLOCK A/7518
DAVID BARROW SURVEY, ABSTRACT NO. 177
CITY OF DALLAS, DALLAS COUNTY, TEXAS

NORTH 78 DEGREES 28 MINUTES 39 SECONDS EAST, A DISTANCE OF 219.69 FEET TO A 5/8" IRON ROD SET IN CONCRETE WITH A 3 1/4" ALUMINUM MONUMENT STAMPED "FLOODWAY MARKER-JACOBS" SET FOR CORNER ON THE EAST LINE OF SAID BLOCK A/7518 AND SAID TRACT I, AND BEING ON THE COMMON WEST LINE OF AFORESAID DALLAS AREA RAPID TRANSIT TRACT, FROM WHICH A 5/8" IRON ROD FOUND FOR THE NORTHEAST CORNER OF SAID BLOCK A/7518 AND SAID TRACT III BEARS NORTH 32 DEGREES 43 MINUTES 11 SECONDS WEST, A DISTANCE OF 406.62;

THENCE, SOUTH 32 DEGREES 43 MINUTES 11 SECONDS EAST, ALONG SAID COMMON LINE, A DISTANCE OF 11.47 FEET TO A 1/2" IRON ROD FOUND FOR THE SOUTHEAST CORNER OF SAID BLOCK A/7518 AND SAID TRACT I, AND THE COMMON NORTHEAST CORNER OF AFORESAID BLOCK D/6138 AND AFORESAID TRACT III;

THENCE, SOUTH 32 DEGREES 37 MINUTES 33 SECONDS EAST, ALONG THE EAST LINE OF SAID BLOCK D/6138 AND SAID TRACT III, AND THE COMMON WEST LINE OF SAID DALLAS AREA RAPID TRANSIT TRACT, A DISTANCE OF 10.07 FEET TO THE **POINT OF BEGINNING** AND CONTAINING A CALCULATED AREA OF 19,524 SQUARE FEET, OR 0.448 ACRES OF LAND.

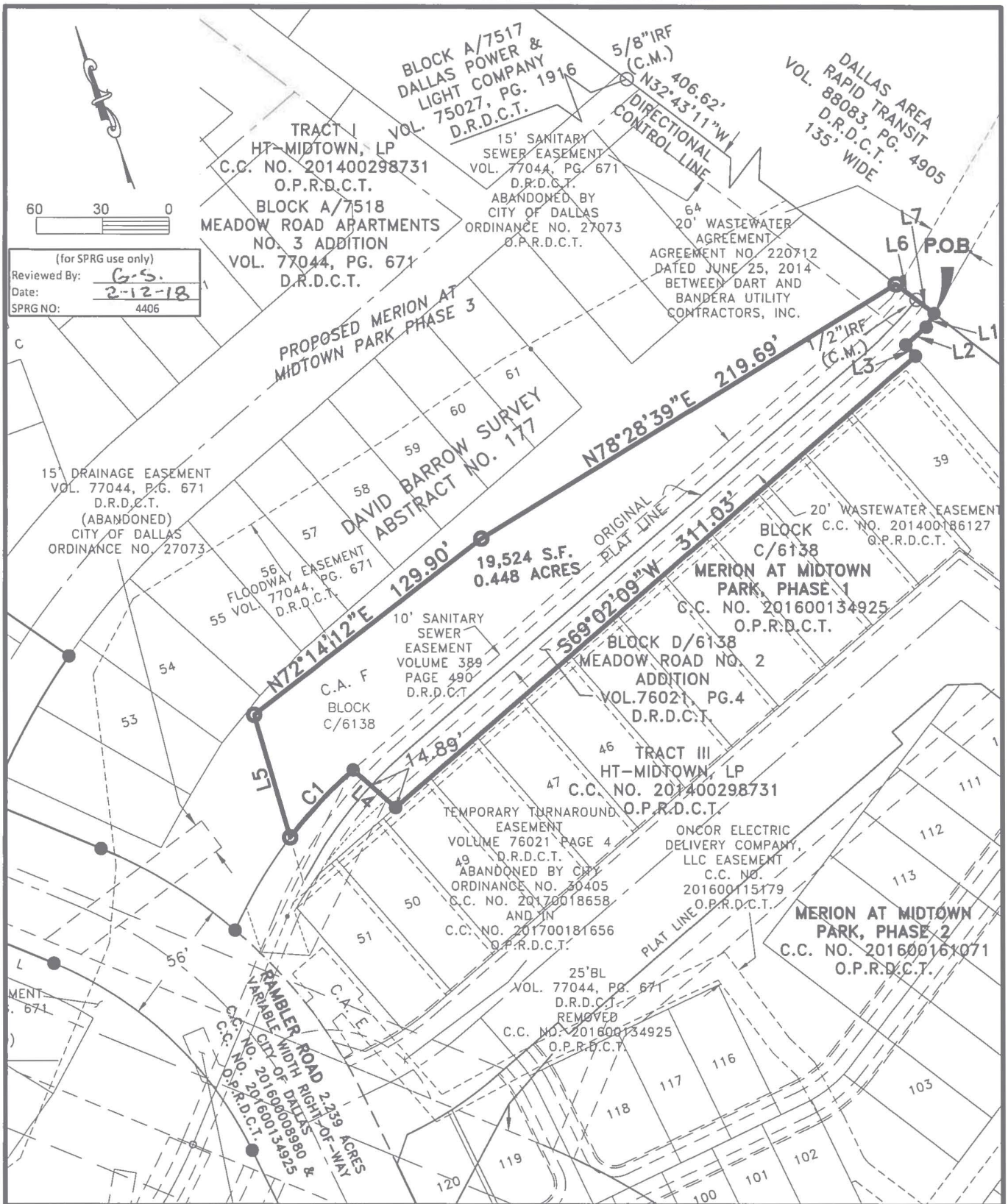
Elliott Pat Busby, R.P.L.S.
Registered Professional Land Surveyor
Texas Registration No. 5561
Jacobs Engineering Group, Inc.
1999 Bryan Street, Suite 1200
Dallas, Texas 75201-3136
Phone 214-638-0145 Fax 214-638-0447

January 15, 2018

STATE OF TEXAS
REGISTERED
ELLIOTT PAT BUSBY
5561
PROFESSIONAL
LAND SURVEYOR

(for SPRG use only)	
Reviewed By:	G.S.
Date:	2-12-18
SPRG NO:	4406

EXHIBIT B - TRACT 1



PAGE 4 OF 5	DATE: 01/15/18 SCALE: 1" = 60' DRAWN BY: B.M.Y. CHECKED BY: E.P.B.	**FLOODWAY EASEMENT** MEADOW ROAD NO. 2 ADDITION BEING PART OF BLOCK D/6138 MEADOW ROAD APARTMENTS NO. 3 ADDITION BEING PART OF BLOCK A/7518 DAVID BARROW SURVEY, ABSTRACT NO. 177 CITY OF DALLAS, DALLAS COUNTY, TEXAS

JACOBS®
1999 BRYAN STREET, SUITE 1200
DALLAS, TEXAS 75201-3136
PHONE 214-638-0145 FAX 214-638-0447
TBPLS FIRM# 10152300

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EXHIBIT B TRACT 1

CURVE	CENTRAL ANGLE	RADIUS	CHORD BEARING	CHORD LENGTH	ARC LENGTH
C1	11°23'39"	210.00'	S63°04'42"W	41.69'	41.76'

(for SPRG use only)
Reviewed By: G.S.
Date: 2-12-18
SPRG NO: 4406

LINE	BEARING	DISTANCE
L1	S50°31'38"W	7.14'
L2	S68°47'49"W	12.20'
L3	S20°57'51"E	6.69'
L4	N28°23'50"W	25.59'
L5	N03°40'07"E	57.58'
L6	S32°43'11"E	11.47'
L7	S32°37'33"E	10.07'
L8	S66°50'16"W	121.70'

LEGEND

D.R.D.C.T.	DEED RECORDS, DALLAS COUNTY, TEXAS
O.P.R.D.C.T.	OFFICIAL PUBLIC RECORDS, DALLAS COUNTY, TEXAS
IRF	IRON ROD FOUND
C.M.	CONTROLLING MONUMENT
P.O.B.	POINT OF BEGINNING
P.O.C.	POINT OF COMMENCING
C.C. NO.	COUNTY CLERK'S FILE NUMBER
●	5/8" IRON ROD WITH A 3" ALUMINUM MONUMENT STAMPED "MERION AT MIDTOWN PARK, PH.1–JACOBS" FOUND
O	5/8" IRON ROD SET IN CONCRETE WITH A 3 1/4" ALUMINUM MONUMENT STAMPED "FLOODWAY MARKER–JACOBS" SET
VOL.	VOLUME
PG.	PAGE
SQ. FT.	SQUARE FEET
C.C. NO.	COUNTY CLERK'S FILE NUMBER

THE ON THE GROUND BASIS OF BEARING IS THE NORTH LINE OF MEADOW ROAD APARTMENTS NO. 3 ADDITION, AN ADDITION TO THE CITY OF DALLAS AS RECORDED IN VOLUME 77044, PAGE 671, DEED RECORDS, DALLAS COUNTY, TEXAS, BEGINNING AT A 5/8" IRON ROD FOUND FOR THE NORTHEAST CORNER OF SAID MEADOW ROAD APARTMENTS NO. 3 ADDITION, AND PROCEEDING SOUTH 89 DEGREES 20 MINUTES 00 SECONDS WEST, A DISTANCE OF 628.23 FEET TO A 5/8" IRON ROD WITH PLASTIC CAP STAMPED "KHA" FOUND FOR THE NORTHWEST CORNER OF SAID MEADOW ROAD APARTMENTS NO. 3 ADDITION.

BEARING BASIS BEING GRID NORTH, TEXAS STATE PLANE COORDINATES, NORTH CENTRAL ZONE, NORTH AMERICAN DATUM83 (NAD83 (2011) EPOCH 2010), DETERMINED BY GPS OBSERVATIONS, CALCULATED FROM DALLAS CORS ARP (PID–DF8984) AND ARLINGTON RRP2 CORS ARP (PID–DF5387).

STATE OF TEXAS
REGISTERED
ELLIOTT PAT BUSBY
5561
PROFESSIONAL
LAND SURVEYOR

PAGE 5 OF 5

DATE: 01/15/18
DRAWN BY: B.M.Y.
CHECKED BY: E.P.B.

FLOODWAY EASEMENT

MEADOW ROAD NO. 2 ADDITION
BEING PART OF BLOCK D/6138
MEADOW ROAD APARTMENTS NO. 3 ADDITION
BEING PART OF BLOCK A/7518
DAVID BARROW SURVEY, ABSTRACT NO. 177
CITY OF DALLAS, DALLAS COUNTY, TEXAS

JACOBS®
1999 BRYAN STREET, SUITE 1200
DALLAS, TEXAS 75201–3136
PHONE 214–638–0145 FAX 214–638–0447
TBPLS FIRM# 10152300

I:\SLD\WFXM9700\700 CADD\713 SURVEY\713.5 EASEMENT\PHASE 3 EASEMENTS\WFXM9700EX57-1 FLOODWAY EASEMENT.DWG 1/17/2018 1:34 PM

EXHIBIT B -TRACT 2

FLOODWAY EASEMENT

MEADOW ROAD APARTMENTS NO. 3 ADDITION
PART OF BLOCK E/6138
DAVID BARROW SURVEY, ABSTRACT NO. 177
CITY OF DALLAS, DALLAS COUNTY, TEXAS

BEING A 5,193 SQUARE FEET OR 0.119 ACRE TRACT OF LAND SITUATED IN THE DAVID BARROW SURVEY, ABSTRACT NO. 177, IN THE CITY OF DALLAS, DALLAS COUNTY, TEXAS, AND BEING PART OF A TRACT OF LAND CONVEYED AS TRACT II, TO HT-MIDTOWN, LP, BY SPECIAL WARRANTY DEED RECORDED IN COUNTY CLERK'S FILE NUMBER 201400298731, OFFICIAL PUBLIC RECORDS, DALLAS COUNTY, TEXAS, AND BEING PART OF BLOCK E/6138 MEADOW ROAD APARTMENTS NO. 3 ADDITION, AN ADDITION TO THE CITY OF DALLAS, AS RECORDED IN VOLUME 77044, PAGE 671, DEED RECORDS, DALLAS COUNTY, TEXAS. SAID 0.119 ACRE TRACT WITH BEARING BASIS BEING GRID NORTH, TEXAS STATE PLANE COORDINATES SYSTEM, NORTH CENTRAL ZONE 4202, NORTH AMERICAN DATUM (NAD 83 (2011) EPOCH 2010), DETERMINED BY GPS OBSERVATIONS, CALCULATED FROM DALLAS CORS ARP (PID-DF8984) AND ARLINGTON RRP2 CORS ARP (PID-DF5387), AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING AT A 5/8" IRON ROD FOUND FOR THE SOUTHWEST CORNER OF SAID TRACT II AND SAID BLOCK E/6138, AND THE COMMON NORTHWEST CORNER OF A TRACT OF LAND CONVEYED AS TRACT 1, TO TKG VALENCIA-MIDTOWN, LLC., BY SPECIAL WARRANTY DEED RECORDED IN COUNTY CLERK'S FILE NO. 201100334216, OFFICIAL PUBLIC RECORDS, DALLAS COUNTY, TEXAS, SAME BEING THE NORTHWEST CORNER OF BLOCK C/6138 OF THE MEADOW ROAD APARTMENTS ADDITION, AN ADDITION TO THE CITY OF DALLAS, AS RECORDED IN VOLUME 74076, PAGE 2239, DEED RECORDS, DALLAS COUNTY, TEXAS, AND BEING ON THE EAST LINE OF A TRACT OF LAND CONVEYED TO DALLAS AREA RAPID TRANSIT, BY DEED RECORDED IN VOLUME 88083, PAGE 4905, DEED RECORDS, DALLAS COUNTY, TEXAS;

THENCE, NORTH 00 DEGREES 20 MINUTES 20 SECONDS WEST, ALONG THE WEST LINE OF SAID BLOCK E/6138 AND SAID TRACT II, AND THE COMMON EAST LINE OF SAID DALLAS AREA RAPID TRANSIT TRACT, A DISTANCE OF 22.35 FEET TO A 5/8" IRON ROD SET IN CONCRETE WITH A 3 1/4" ALUMINUM MONUMENT STAMPED "FLOODWAY MARKER-JACOBS" SET FOR CORNER, FROM WHICH A 5/8" IRON ROD WITH CAP STAMPED "KHA" FOUND FOR THE NORTHWEST CORNER OF BLOCK A/7518, MEADOW ROAD APARTMENTS NO. 3 ADDITION, AN ADDITION TO THE CITY OF DALLAS, AS RECORDED IN VOLUME 77044, PAGE 671, DEED RECORDS, DALLAS COUNTY, TEXAS AND THE NORTHWEST CORNER OF A TRACT OF LAND CONVEYED AS TRACT I TO HT-MIDTOWN, LP, BY DEED RECORDED IN COUNTY CLERK'S FILE NO. 201400298731, OFFICIAL PUBLIC RECORDS, DALLAS COUNTY, TEXAS BEARS NORTH 00 DEGREES 20 MINUTES 20 SECONDS WEST, A DISTANCE OF 800.78 FEET;

THENCE, OVER AND ACROSS SAID BLOCK E/6138 AND SAID TRACT II, THE FOLLOWING COURSES AND DISTANCES:

(for SPRG use only)	
Reviewed By:	G.S.
Date:	2-12-18
SPRG NO:	4407

EXHIBIT B-TRACT 2
FLOODWAY EASEMENT
MEADOW ROAD APARTMENTS NO. 3 ADDITION
PART OF BLOCK E/6138
DAVID BARROW SURVEY, ABSTRACT NO. 177
CITY OF DALLAS, DALLAS COUNTY, TEXAS

NORTH 56 DEGREES 41 MINUTES 56 SECONDS EAST, A DISTANCE OF 194.05 FEET TO A 5/8" IRON ROD SET IN CONCRETE WITH A 3 1/4" ALUMINUM MONUMENT STAMPED "FLOODWAY MARKER-JACOBS" SET FOR CORNER;

NORTH 86 DEGREES 16 MINUTES 45 SECONDS EAST, A DISTANCE OF 112.09 FEET TO A 5/8" IRON ROD SET IN CONCRETE WITH A 3 1/4" ALUMINUM MONUMENT STAMPED "FLOODWAY MARKER-JACOBS" SET FOR CORNER;

NORTH 74 DEGREES 15 MINUTES 16 SECONDS EAST, A DISTANCE OF 46.97 FEET TO A 5/8" IRON ROD SET IN CONCRETE WITH A 3 1/4" ALUMINUM MONUMENT STAMPED "FLOODWAY MARKER-JACOBS" SET FOR CORNER, AND THE BEGINNING OF A TANGENT CURVE TO THE LEFT HAVING A CENTRAL ANGLE OF 31 DEGREES 34 MINUTES 09 SECONDS, A RADIUS OF 200.00 FEET, AND A LONG CHORD THAT BEARS NORTH 58 DEGREES 28 MINUTES 17 SECONDS EAST A DISTANCE OF 108.81 FEET;

ALONG SAID TANGENT CURVE TO THE LEFT, AN ARC DISTANCE OF 110.20 FEET TO A 5/8" IRON ROD SET IN CONCRETE WITH A 3 1/4" ALUMINUM MONUMENT STAMPED "FLOODWAY MARKER-JACOBS" SET FOR CORNER ON THE SOUTH LINE OF SAID BLOCK E/6138 AND SAID TRACT II, AND THE COMMON NORTH LINE OF AFORESAID BLOCK C/6138 AND AFORESAID TRACT 1. SAID POINT BEING THE BEGINNING OF A NON-TANGENT CURVE TO THE RIGHT HAVING A CENTRAL ANGLE OF 31 DEGREES 47 MINUTES 58 SECONDS, A RADIUS OF 200.00 FEET, AND A LONG CHORD THAT BEARS SOUTH 58 DEGREES 13 MINUTES 10 SECONDS WEST A DISTANCE OF 109.58 FEET;

THENCE, ALONG SAID COMMON LINE, THE FOLLOWING COURSES AND DISTANCES:

ALONG SAID NON-TANGENT CURVE TO THE RIGHT, AN ARC DISTANCE OF 111.00 FEET TO A 5/8" IRON ROD SET IN CONCRETE WITH A 3 1/4" ALUMINUM MONUMENT STAMPED "FLOODWAY MARKER-JACOBS" SET FOR CORNER;

SOUTH 74 DEGREES 07 MINUTES 09 SECONDS WEST, A DISTANCE OF 141.60 FEET TO A 5/8" IRON ROD SET IN CONCRETE WITH A 3 1/4" ALUMINUM MONUMENT STAMPED "FLOODWAY MARKER-JACOBS" SET FOR CORNER, AND THE BEGINNING OF A TANGENT CURVE TO THE LEFT HAVING A CENTRAL ANGLE OF 17 DEGREES 33 MINUTES 20 SECONDS, A RADIUS OF 200.00 FEET, AND A LONG CHORD THAT BEARS SOUTH 65 DEGREES 20 MINUTES 29 SECONDS WEST A DISTANCE OF 61.04 FEET;

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Reviewed By:	G.S.
Date:	2-12-18
SPRG NO:	4407

EXHIBIT B TRACT 2

FLOODWAY EASEMENT

MEADOW ROAD APARTMENTS NO. 3 ADDITION
PART OF BLOCK E/6138
DAVID BARROW SURVEY, ABSTRACT NO. 177
CITY OF DALLAS, DALLAS COUNTY, TEXAS

ALONG SAID TANGENT CURVE TO THE LEFT, AN ARC DISTANCE OF 61.28 FEET TO A 5/8" IRON ROD SET IN CONCRETE WITH A 3 1/4" ALUMINUM MONUMENT STAMPED "FLOODWAY MARKER-JACOBS" SET FOR CORNER;

SOUTH 56 DEGREES 33 MINUTES 49 SECONDS WEST, A DISTANCE OF 152.23 FEET TO THE **POINT OF BEGINNING** AND CONTAINING A CALCULATED AREA OF 5,193 SQUARE FEET, OR 0.119 ACRES OF LAND.

Elliott Pat Busby, R.P.L.S.
Registered Professional Land Surveyor
Texas Registration No. 5561
Jacobs Engineering Group, Inc.
1999 Bryan Street, Suite 1200
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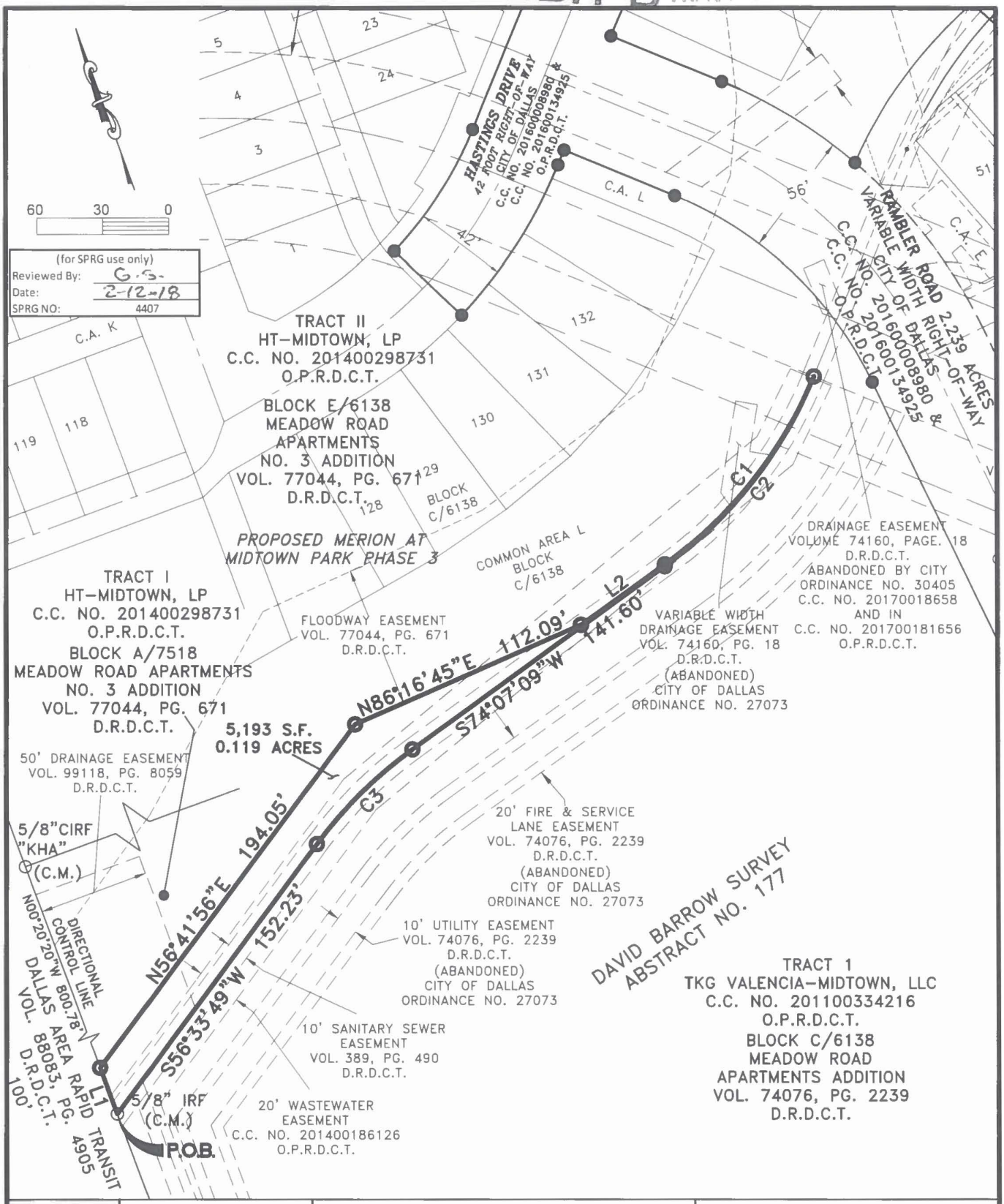
Phone 214-638-0145 Fax 214-638-0447

January 15, 2018

(for SPRG use only)	
Reviewed By:	G.S.
Date:	2-12-18
SPRG NO:	4407

EXHIBIT B TRACT



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PAGE 4 OF 5

DATE: 11/15/18
SCALE: 1" = 60'
DRAWN BY: B.M.Y.
CHECKED BY: E.P.B.

FLOODWAY EASEMENT

MEADOW ROAD APARTMENTS NO. 3 ADDITION
BEING PART OF BLOCK E/6138
DAVID BARROW SURVEY, ABSTRACT NO. 177
CITY OF DALLAS, DALLAS COUNTY, TEXAS

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EXHIBIT B TRACT 2

CURVE	CENTRAL ANGLE	RADIUS	CHORD BEARING	CHORD LENGTH	ARC LENGTH
C1	31°34'09"	200.00'	N58°28'17"E	108.81'	110.20'
C2	31°47'58"	200.00'	S58°13'10"W	109.58'	111.00'
C3	17°33'20"	200.00'	S65°20'29"W	61.04'	61.28'

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Reviewed By:	G.S.
Date:	2-12-18
SPRG NO:	4407

LINE	BEARING	DISTANCE
L1	N00°20'20"W	22.35'
L2	N74°15'16"E	46.97'

LEGEND

D.R.D.C.T.	DEED RECORDS, DALLAS COUNTY, TEXAS
O.P.R.D.C.T.	OFFICIAL PUBLIC RECORDS, DALLAS COUNTY, TEXAS
IRF	IRON ROD FOUND
C.M.	CONTROLLING MONUMENT
P.O.B.	POINT OF BEGINNING
P.O.C.	POINT OF COMMENCING
C.C. NO.	COUNTY CLERK'S FILE NUMBER
●	5/8" IRON ROD WITH A 3" ALUMINUM MONUMENT STAMPED "MERION AT MIDTOWN PARK, PH.1–JACOBS" FOUND
O	5/8" IRON ROD SET IN CONCRETE WITH A 3 1/4" ALUMINUM MONUMENT STAMPED "FLOODWAY MARKER–JACOBS" SET
VOL.	VOLUME
PG.	PAGE
SQ. FT.	SQUARE FEET
C.C. NO.	COUNTY CLERK'S FILE NUMBER

THE ON THE GROUND BASIS OF BEARING IS THE NORTH LINE OF MEADOW ROAD APARTMENTS NO. 3 ADDITION, AN ADDITION TO THE CITY OF DALLAS AS RECORDED IN VOLUME 77044, PAGE 671, DEED RECORDS, DALLAS COUNTY, TEXAS, BEGINNING AT A 5/8" IRON ROD FOUND FOR THE NORTHEAST CORNER OF SAID MEADOW ROAD APARTMENTS NO. 3 ADDITION, AND PROCEEDING SOUTH 89 DEGREES 20 MINUTES 00 SECONDS WEST, A DISTANCE OF 628.23 FEET TO A 5/8" IRON ROD WITH PLASTIC CAP STAMPED "KHA" FOUND FOR THE NORTHWEST CORNER OF SAID MEADOW ROAD APARTMENTS NO. 3 ADDITION.

BEARING BASIS BEING GRID NORTH, TEXAS STATE PLANE COORDINATES, NORTH CENTRAL ZONE, NORTH AMERICAN DATUM83 (NAD83 (2011) EPOCH 2010), DETERMINED BY GPS OBSERVATIONS, CALCULATED FROM DALLAS CORS ARP (PID–DF8984) AND ARLINGTON RRP2 CORS ARP (PID–DF5387).

STATE OF TEXAS
REGISTERED
ELLIOTT PAT BUSBY
5561
PROFESSIONAL
LAND SURVEYOR

PAGE 5 OF 5

DATE: 11/15/18

DRAWN BY: B.M.Y.

CHECKED BY: E.P.B.

FLOODWAY EASEMENT

MEADOW ROAD APARTMENTS NO. 3 ADDITION
BEING PART OF BLOCK E/6138
DAVID BARROW SURVEY, ABSTRACT NO. 177
CITY OF DALLAS, DALLAS COUNTY, TEXAS

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EXHIBIT B TRACT 3

FLOODWAY EASEMENT

MEADOW ROAD APARTMENTS NO. 3 ADDITION
PART OF BLOCK E/6138
DAVID BARROW SURVEY, ABSTRACT NO. 177
CITY OF DALLAS, DALLAS COUNTY, TEXAS

BEING AN 88 SQUARE FEET OR 0.002 ACRE TRACT OF LAND SITUATED IN THE DAVID BARROW SURVEY, ABSTRACT NO. 177, IN THE CITY OF DALLAS, DALLAS COUNTY, TEXAS, AND BEING PART OF A TRACT OF LAND CONVEYED AS TRACT II, TO HT-MIDTOWN, LP, BY SPECIAL WARRANTY DEED RECORDED IN COUNTY CLERK'S FILE NUMBER 201400298731, OFFICIAL PUBLIC RECORDS, DALLAS COUNTY, TEXAS, AND BEING PART OF BLOCK E/6138 MEADOW ROAD APARTMENTS NO. 3 ADDITION, AN ADDITION TO THE CITY OF DALLAS, AS RECORDED IN VOLUME 77044, PAGE 671, DEED RECORDS, DALLAS COUNTY, TEXAS. SAID 0.002 ACRE TRACT WITH BEARING BASIS BEING GRID NORTH, TEXAS STATE PLANE COORDINATES SYSTEM, NORTH CENTRAL ZONE 4202, NORTH AMERICAN DATUM (NAD 83 (2011) EPOCH 2010), DETERMINED BY GPS OBSERVATIONS, CALCULATED FROM DALLAS CORS ARP (PID-DF8984) AND ARLINGTON RRP2 CORS ARP (PID-DF5387), AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

COMMENCING AT A 5/8" IRON ROD WITH A 3" ALUMINUM MONUMENT STAMPED "MERION AT MIDTOWN, PH1-JACOBS" FOUND FOR THE NORTHWEST CORNER OF COMMON AREA E, BLOCK C/6138 OF MERION AT MIDTOWN, PHASE 1, AND BEING ON THE EAST RIGHT-OF-WAY LINE OF RAMBLER ROAD, A VARIABLE WIDTH RIGHT-OF-WAY TO THE CITY OF DALLAS, AS RECORDED IN COUNTY CLERK'S FILE NO. 201600008980 AND IN COUNTY CLERK'S FILE NO. 201600134925, OFFICIAL PUBLIC RECORDS, DALLAS COUNTY, TEXAS;

THENCE, SOUTH 66 DEGREES 50 MINUTES 16 SECONDS WEST, OVER AND ACROSS SAID RAMBLER ROAD, AND BLOCK A/7518 OF MEADOW ROAD APARTMENTS NO. 3 ADDITION, AN ADDITION TO THE CITY OF DALLAS, AS RECORDED IN VOLUME 77044, PAGE 671, SAME BEING A TRACT OF LAND CONVEYED AS TRACT I TO HT-MIDTOWN, LP, BY DEED RECORDED IN COUNTY CLERK'S FILE NO. 201400298731, OFFICIAL PUBLIC RECORDS, DALLAS COUNTY, TEXAS, SAID BLOCK E/6138 AND SAID TRACT II, A DISTANCE OF 121.70 FEET TO A 5/8" IRON ROD SET IN CONCRETE WITH A 3 1/4" ALUMINUM MONUMENT STAMPED "FLOODWAY MARKER-JACOBS" SET FOR THE **POINT OF BEGINNING**;

THENCE, CONTINUING OVER AND ACROSS SAID BLOCK E/6138 AND SAID TRACT II, THE FOLLOWING COURSES AND DISTANCES:

> SOUTH 42 DEGREES 33 MINUTES 46 SECONDS WEST, A DISTANCE OF 21.25 FEET TO A 5/8" IRON ROD SET IN CONCRETE WITH A 3 1/4" ALUMINUM MONUMENT STAMPED "FLOODWAY MARKER-JACOBS" SET FOR CORNER;

(for SPRG use only)	
Reviewed By:	G.S.
Date:	2-12-18
SPRG NO:	4408

EXHIBIT B - TRACT 3

FLOODWAY EASEMENT

MEADOW ROAD APARTMENTS NO. 3 ADDITION
PART OF BLOCK E/6138
DAVID BARROW SURVEY, ABSTRACT NO. 177
CITY OF DALLAS, DALLAS COUNTY, TEXAS

SOUTH 73 DEGREES 05 MINUTES 28 SECONDS WEST, A DISTANCE OF 20.57 FEET TO A 5/8" IRON ROD SET IN CONCRETE WITH A 3 1/4" ALUMINUM MONUMENT STAMPED "FLOODWAY MARKER-JACOBS" SET FOR CORNER;

NORTH 62 DEGREES 19 MINUTES 49 SECONDS EAST, A DISTANCE OF 14.01 FEET TO A 5/8" IRON ROD SET IN CONCRETE WITH A 3 1/4" ALUMINUM MONUMENT STAMPED "FLOODWAY MARKER-JACOBS" SET FOR CORNER FROM WHICH A 5/8" IRON ROD WITH A 3" ALUMINUM MONUMENT STAMPED "MERION AT MIDTOWN, PH1-JACOBS" FOUND AT THE INTERSECTION OF THE SOUTHWEST RIGHT-OF-WAY LINE OF AFORESAID RAMBLER ROAD AND THE SOUTHEAST RIGHT-OF-WAY LINE OF HASTINGS DRIVE, (A 42 FOOT RIGHT-OF-WAY) OF SAID MERION AT MIDTOWN PARK, PHASE 1, BEARS NORTH 05 DEGREES 51 MINUTES 23 SECONDS WEST, A DISTANCE OF 98.82 FEET;

NORTH 55 DEGREES 02 MINUTES 46 SECONDS EAST, A DISTANCE OF 26.41 FEET TO THE **POINT OF BEGINNING** AND CONTAINING A CALCULATED AREA OF 88 SQUARE FEET, OR 0.002 ACRES OF LAND.

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January 15, 2018

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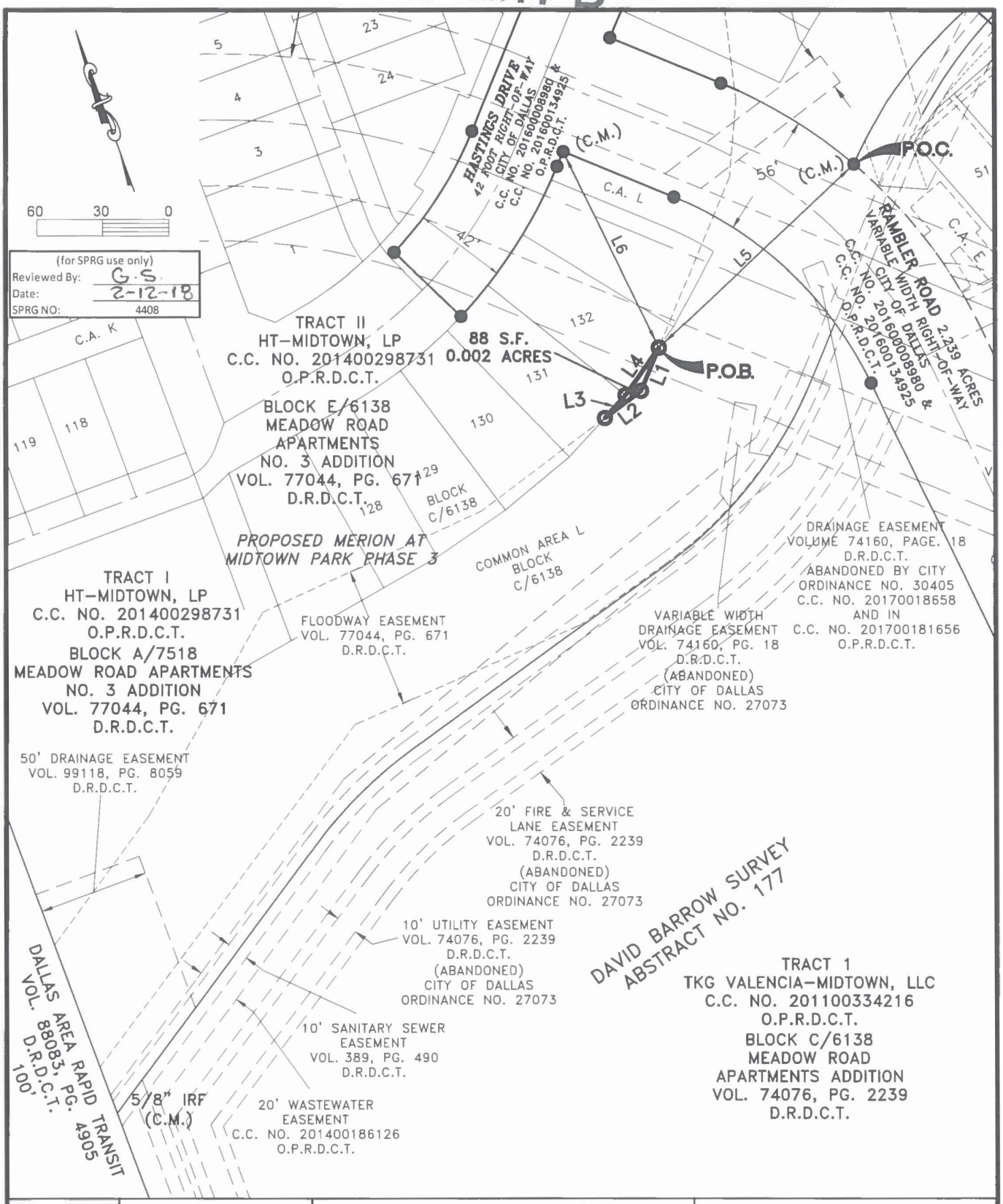
Reviewed By:	G.S.
Date:	2-12-18
SPRG NO:	4408

EXHIBIT B TRACT 3



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PAGE 3 OF 4	DATE: 01/15/2018 SCALE: 1" = 60' DRAWN BY: B.M.Y. CHECKED BY: E.P.B.	**FLOODWAY EASEMENT** MEADOW ROAD APARTMENTS NO. 3 ADDITION BEING PART OF BLOCK E/6138 DAVID BARROW SURVEY, ABSTRACT NO. 177 CITY OF DALLAS, DALLAS COUNTY, TEXAS	**JACOBS®** 1999 BRYAN STREET, SUITE 1200 DALLAS, TEXAS 75201-3136 PHONE 214-638-0145 FAX 214-638-0447 TBPLS FIRM# 10152300

EXHIBIT B TRACT 3

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Reviewed By:	G.S.
Date:	2-12-18
SPRG NO:	4408

LINE	BEARING	DISTANCE
L1	S42°33'46"W	21.25'
L2	S73°05'28"W	20.57'
L3	N62°19'49"E	14.01'
L4	N55°02'46"E	26.41'
L5	S66°50'16"W	121.70'
L6	N05°51'23"W	98.82'

LEGEND

D.R.D.C.T.	DEED RECORDS, DALLAS COUNTY, TEXAS
O.P.R.D.C.T.	OFFICIAL PUBLIC RECORDS, DALLAS COUNTY, TEXAS
IRF	IRON ROD FOUND
C.M.	CONTROLLING MONUMENT
P.O.B.	POINT OF BEGINNING
P.O.C.	POINT OF COMMENCING
C.C. NO.	COUNTY CLERK'S FILE NUMBER
●	5/8" IRON ROD WITH A 3" ALUMINUM MONUMENT STAMPED "MERION AT MIDTOWN PARK, PH.1–JACOBS" FOUND
O	5/8" IRON ROD SET IN CONCRETE WITH A 3 1/4" ALUMINUM MONUMENT STAMPED "FLOODWAY MARKER–JACOBS" SET
VOL.	VOLUME
PG.	PAGE
SQ. FT.	SQUARE FEET
C.C. NO.	COUNTY CLERK'S FILE NUMBER

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BEARING BASIS BEING GRID NORTH, TEXAS STATE PLANE COORDINATES, NORTH CENTRAL ZONE, NORTH AMERICAN DATUM83 (NAD83 (2011) EPOCH 2010), DETERMINED BY GPS OBSERVATIONS, CALCULATED FROM DALLAS CORS ARP (PID–DF8984) AND ARLINGTON RRP2 CORS ARP (PID–DF5387).

STATE OF TEXAS
REGISTERED
ELLIOTT PAT BUSBY
5561
PROFESSIONAL
LAND SURVEYOR

PAGE 4 OF 4

DATE: 01/15/2018

DRAWN BY: B.M.Y.

CHECKED BY: E.P.B.

FLOODWAY EASEMENT

MEADOW ROAD APARTMENTS NO. 3 ADDITION
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AGENDA ITEM # 25

STRATEGIC PRIORITY: Mobility Solutions, Infrastructure, and Sustainability

AGENDA DATE: April 11, 2018

COUNCIL DISTRICT(S): 2

DEPARTMENT: Department of Transportation

CMO: Majed Al-Ghafry, 670-3302

MAPSCO: 34T

SUBJECT

Authorize **(1)** the receipt and deposit of funds in an amount not to exceed $20,703 from the University of Texas Southwestern Medical Center for certain material and labor costs associated with the upgrades of two traffic signals at Inwood Road and Forest Park Drive, and Inwood Road at Redfield Street; and **(2)** an increase in appropriations in an amount not to exceed $20,703 in the Capital Projects Reimbursement Fund - Not to exceed $20,703 - Financing: Capital Projects Reimbursement Funds

BACKGROUND

The expansion of the University of Texas (UT) Southwestern Medical Center campus has increased traffic exiting onto Inwood Road at the intersections of Inwood Road at Forest Park Road and Inwood Road at Redfield Drive, which has increased congestion at these intersections. UT Southwestern has requested upgrades to these traffic signals, including adding left-turn arrows and repairing vehicle detection. These upgrades would be completed by City forces and an existing master agreement traffic signal contractor.

UT Southwestern Medical Center will be responsible for 100 percent of the cost of the traffic signal upgrades for these two locations. UT Southwestern Medical Center has agreed to reimburse the City of Dallas a sum of $20,702.88 for certain traffic signal construction materials and for labor costs incurred by the City.

UT Southwestern Medical Center understands that, upon City Council approval of the required funding, funds in an amount not to exceed $20,702.88 are to be deposited with the City of Dallas before any City supplied materials can be provided.

It is understood that the final construction costs will be determined by the City upon completion of the project, and that UT Southwestern Medical Center will be refunded any unused funds.

ESTIMATED SCHEDULE OF PROJECT

Begin Construction	April 2018
Complete Construction	May 2018

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Information about this item will be provided to the Mobility Solutions, Infrastructure and Sustainability Committee on April 9, 2018.

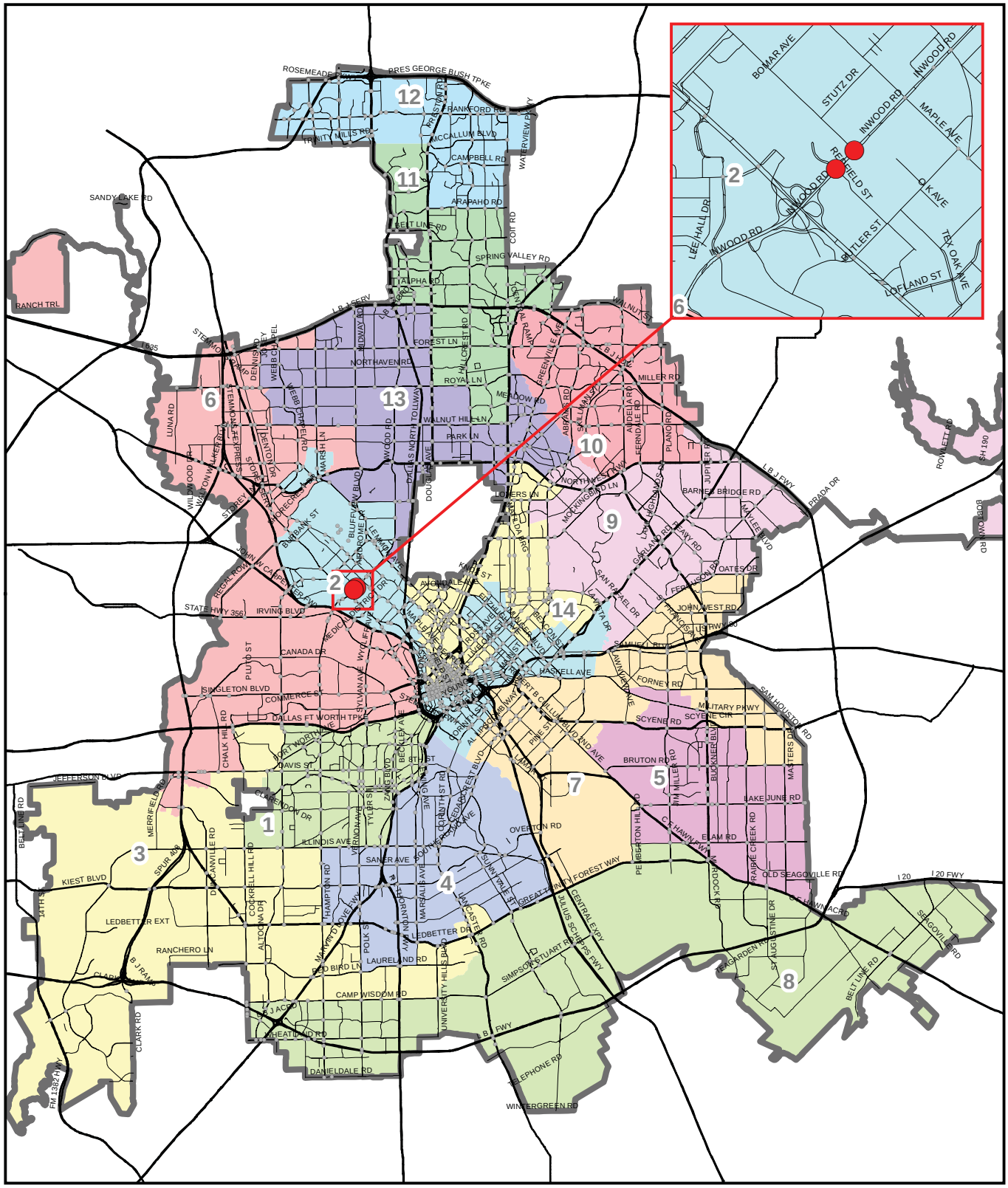
FISCAL INFORMATION

Capital Projects Reimbursement Funds - $20,702.88

MAP

Attached

Traffic Signal Upgrades
Inwood Road and Forest Park Road
Inwood Road and Redfield Street



Council District 2
Mapsco Page 34T

Map by Transportation GIS, February 2018

April 11, 2018

WHEREAS, University of Texas (UT) Southwestern Medical Center has requested upgrades to the traffic signals at the two intersections at Inwood Road and Forest Park Road, and Inwood Road and Redfield Street, including adding left-turn arrows and repairing vehicle detection; and

WHEREAS, UT Southwestern Medical Center is paying 100 percent of the material and labor construction costs for traffic signal modifications at the two intersections at Inwood Road and Forest Park Road; and Inwood Road and Redfield Street.

Now, Therefore,

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

SECTION 1. That the Chief Financial Officer is hereby authorized to receive and deposit funds from UT Southwestern Medical Center, in an amount not to exceed $20,702.88 in the Capital Projects Reimbursement Fund, Fund 0556, Department TRN, Unit W258, and Revenue Code 8492.

SECTION 2. That the City Manager is hereby authorized to increase appropriations in an amount not to exceed $20,702.88 in the Capital Projects Reimbursement Fund, Fund 0556, Department TRN, Unit W258, Object 4820, Activity THRG.

SECTION 3. That the Chief Financial Officer is hereby authorized to disburse funds received from UT Southwestern Medical Center, in an amount not to exceed $20,702.88 from Capital Projects Reimbursement Fund, Fund 0556, Department TRN, Unit W258, Object 4820, Activity THRG, for services related to the construction of the traffic signal upgrades.

SECTION 4. That the Chief Financial Officer is hereby authorized to refund UT Southwestern Medical Center any unused funds.

SECTION 5. That this contract is designated as Contract No. TRN-2018-00005840.

SECTION 6. 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.

AGENDA ITEM # 26

STRATEGIC PRIORITY: Government Performance and Financial Management

AGENDA DATE: April 11, 2018

COUNCIL DISTRICT(S): N/A

DEPARTMENT: Office of Cultural Affairs

CMO: Joey Zapata, 670-1204

MAPSCO: N/A

SUBJECT

Authorize an Interlocal Agreement with the City of Irving to provide for radio station air time on WRR-FM for the Irving Arts Center for the period May 1, 2018 through April 30, 2019 - Revenue: $67,600

BACKGROUND

WRR-FM, which is owned and operated by the City of Dallas through the Office of Cultural Affairs (OCA), is the only commercial radio station in Texas that plays classical music 24 hours a day, and is the oldest same-owner station in the United States. With a tower in Cedar Hill, the 100,000 watt station's listening area spans 100 miles in every direction. WRR does not operate at the expense to taxpayers, but as an enterprise fund, generating revenue through the sale of on-air advertising to cover its expenses. Revenue exceeding expenses has been invested in capital needs of the station, and a small portion has been transferred through the years to the OCA's Arts Endowment, to support small and mid-size arts organizations.

The Dallas City Code provides authorization for the station manager to sign contracts for air time by Section 2-79(a); however, Texas Government Code Section 791.011(d)(1) requires that interlocal agreements be authorized by the governing body of each party to the contract . The Irving Arts Center, which is owned and operated by the City of Irving, seeks to purchase commercial air time for the period May 1, 2018 through April 30, 2019. As this air time contract is between two governmental agencies, it is considered an interlocal agreement, thereby requiring approval of both agency's governmental bodies.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Information about this item will be provided to the Government Performance and Financial Management Committee on April 9, 2018.

FISCAL INFORMATION

Revenue - $67,600

April 11, 2018

WHEREAS, WRR-FM is owned and operated by the City of Dallas through the Office of Cultural Affairs; and

WHEREAS, WRR-FM operates as an enterprise fund of the City, generating revenue through the sale of on-air advertising to cover its expenses; and

WHEREAS, the City of Irving seeks to purchase air time on WRR-FM for the purpose of promoting the Irving Arts Center; and

WHEREAS, the Dallas City Code Section 2-79(a) authorizes the WRR Station Manager to sign contracts for air time sold by the radio station; and

WHEREAS, the Texas Government Code Section 791.011(d)(1) requires that interlocal agreements be authorized by the governing body of each party to the contract.

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 an Interlocal Agreement with the City of Irving, approved as to form by the City Attorney, to provide for radio air time on WRR-FM for the purpose of promoting the Irving Arts Center for the period May 1, 2018 through April 30, 2019.

SECTION 2. That the Chief Financial Officer is hereby authorized to receive and deposit funds in an amount not to exceed $67,600 in the Municipal Radio Fund, Fund 0140, Department OCA, Unit 1066, Revenue Code 7826.

SECTION 3. That this contract is designated as Contract No. OCA-2018-00005168.

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.

AGENDA ITEM # 27

STRATEGIC PRIORITY:	Quality of Life
AGENDA DATE:	April 11, 2018
COUNCIL DISTRICT(S):	7
DEPARTMENT:	Office of Cultural Affairs Department of Public Works
CMO:	Joey Zapata, 670-1204 Majed Al-Ghafry, 670-3302
MAPSCO:	56 B

SUBJECT

Authorize a contract with Bernard Williams for the design, fabrication and installation of a site-specific artwork in the traffic triangle at the intersection of Pine Street and South Lamar Street - Not to exceed $63,000 - Financing: 2012 Bond Funds

BACKGROUND

This action authorizes a contract for the design, fabrication and installation of a site-specific artwork in the traffic triangle at the intersection of Pine Street and South Lamar Street, as approved by the Public Art Committee of the Cultural Affairs Commission, and the full Cultural Affairs Commission.

The artist, Bernard Williams, was selected via competitive selection process as directed by the City of Dallas Cultural Policy, and was approved by the Public Art Committee on May 3, 2017 and by the Cultural Affairs Commission on May 18, 2017.

The City of Dallas Public Art Ordinance provides that all appropriations for City capital improvement projects shall include an amount equal to 1.5% (or .75%) of the total capital improvement project appropriation to be used for the design services of artists and for the creation of artworks for new City facilities (Dallas City Code Article X, SEC. 2-103(a).

ESTIMATED SCHEDULE OF PROJECT

Final Design for Fabrication	June 2018
Fabrication of artwork 50% complete	December 2018
Fabrication of artwork 100% complete	June 2019
Sculpture installed	August 2019

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On November 4, 2014, the Public Art Committee recommended the initiation of the South Lamar Streetscape Project planning.

On November 20, 2014, the Cultural Affairs Commission approved the initiation of South Lamar Street project planning.

August 10, 2015, the Public Art Committee recommended planning of the South Lamar Streetscape Project planning.

August 20, 2015, the Cultural Affairs Commission approved planning of the South Lamar Streetscape Project planning.

January 5, 2016, the Public Art Committee recommended approval of the South Lamar Streetscape Project.

January 21, 2016, the Cultural Affairs Commission approved the South Lamar Streetscape Public Art Project.

May 3, 2017, the Public Art Committee recommended approval of the design concept presented by Bernard Williams.

May 18, 2017, the Cultural Affairs Commission approved the design concept presented by Bernard Williams.

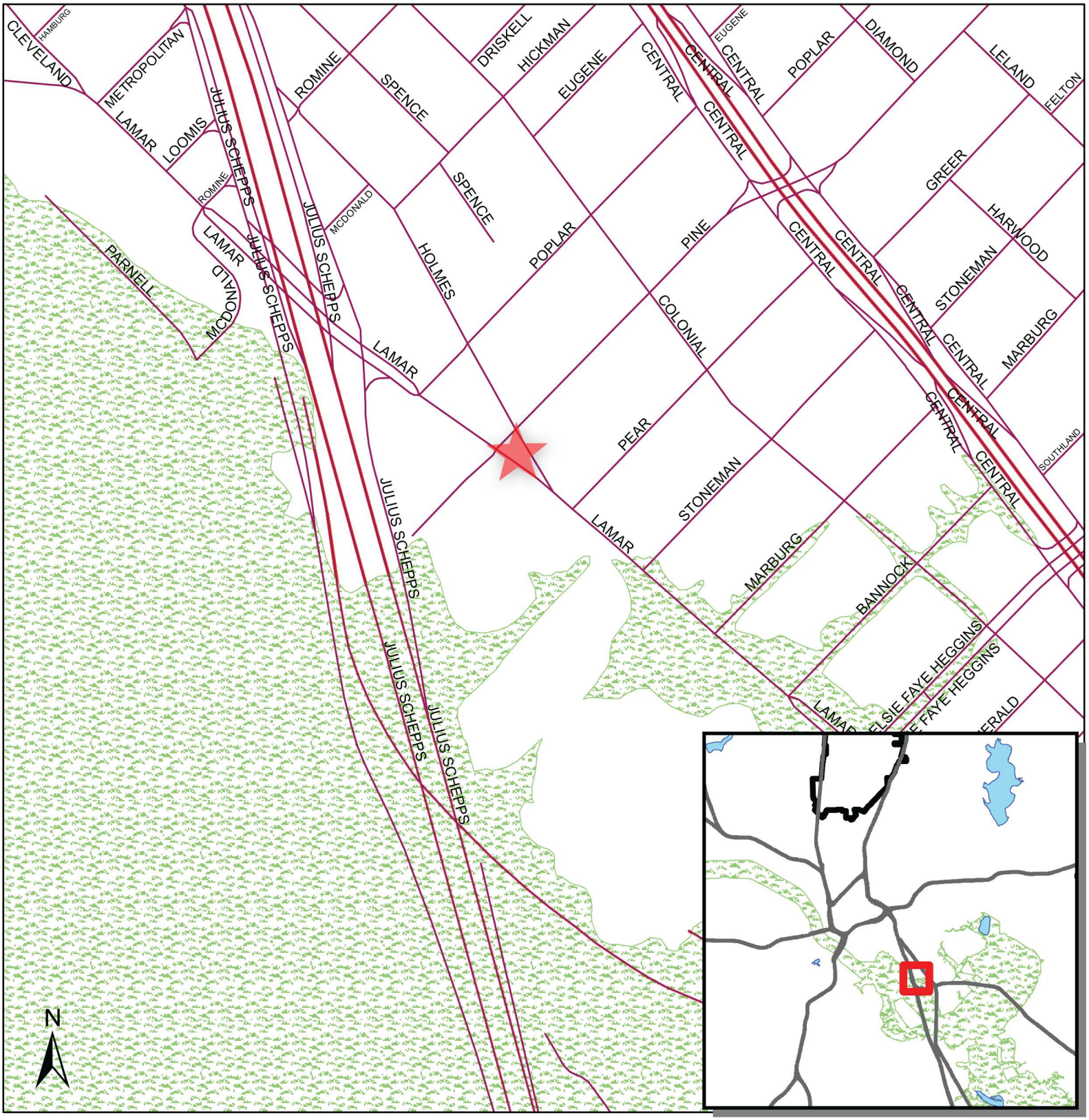
Information about this item will be provided to the Quality of Life, Arts and Culture Committee on April 9, 2018.

FISCAL INFORMATION

2012 Bond Funds - $63,000

MAP

Attached



0 0.0375 0.075 0.15 Miles

Public Art Project
Pine Street at South Lamar Street

City of Dallas

Prepared by
Office of Cultural Affairs

★ **Project Location**

Data Source
Population, Boundaries, Roads, Waterways, Lakes - City of Dallas Enterprise GIS

City of Dallas GIS Map Disclaimer
The accuracy of the data within this map is not to be taken/used as data produced by a Registered Professional Land Surveyor for the State of Texas. This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries. The City of Dallas makes no representation of any kind, including, but not limited to, warranties of merchantability or fitness for a particular purpose or use, nor are any such warranties to be implied with respect to the accuracy information/data presented on this map. Transfer, copies and/or use of information in this map without the presentation of this disclaimer is prohibited. City of Dallas GIS - State of Texas: H.B. 1147 (w. Smith) – 05/27/2011. Effective on 09/01/2011.

April 11, 2018

WHEREAS, Chapter 2, Article X of the Dallas City Code establishes a Public Art Program to include works of art and design services of artists for certain City capital improvement projects; and

WHEREAS, in carrying out the intent of the Public Art Program, the Office of Cultural Affairs, working with the Public Art Committee of the Cultural Affairs Commission, and the full Cultural Affairs Commission, has identified a public art project, to be located in the traffic triangle at the intersection of Pine Street and South Lamar Street; and

WHEREAS, Bernard Williams was selected for this project and was recommended by the Public Art Committee of the Cultural Affairs Commission and approved by the full Cultural Affairs Commission; and

WHEREAS, $63,000 is available from 2012 Bond Funds to support the design, fabrication and installation of a site-specific artwork.

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 contract with Bernard Williams, approved as to form by the City Attorney, to design, fabricate and install a site-specific artwork in the traffic triangle at the intersection of Pine Street and South Lamar Street, in an amount not to exceed $63,000.

SECTION 2. That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed $63,000 to Bernard Williams (Vendor VS94235) from Street and Transportation Improvement Fund, Fund 2U22, Department PBW, Unit PA13, Object 4425, Program PB12PA13, Encumbrance/Contract No. MASC-OCA-2018-00005702.

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.

AGENDA ITEM # 28

STRATEGIC PRIORITY:	Quality of Life
AGENDA DATE:	April 11, 2018
COUNCIL DISTRICT(S):	All
DEPARTMENT:	Office of Procurement Services Park & Recreation Department
CMO:	Elizabeth Reich, 670-7804 Willis Winters, 670-4071
MAPSCO:	N/A

SUBJECT

Authorize **(1)** a three-year service contract for scoreboard parts, repairs, and replacement services - Texas Scoreboard Services, LLC in the amount of $49,725, only bidder; and **(2)** a three-year service contract for scoreboard parts, repairs, and replacement services with Daktronics, Inc. in the amount of $149,750 through the Texas Association of School Boards cooperative agreement - Total not to exceed $199,475 – Financing: General Funds (subject to annual appropriations)

BACKGROUND

This action does not encumber funds; the purpose of a service contract is to establish firm pricing for services, for a specific term, which are ordered on an as needed basis.

This service contract will be used by the Park and Recreation Department (PKR) to service and repair all indoor and outdoor scoreboards located within the various PKR facilities including recreation centers, sports complexes, athletic fields, and the Cotton Bowl Stadium at Fair Park.

PKR currently has approximately 110 scoreboards in operation servicing numerous recreational sports events and programs throughout the year. These programs consist of several sports (basketball, baseball, soccer, tennis, etc.) that incorporate various youth clinics, camps, and leagues across the City. The Cotton Bowl Stadium at Fair Park is home to annual events such as the State Fair Classic and the Red River Showdown. In addition, the Cotton Bowl Stadium hosts several international sporting events annually.

BACKGROUND (continued)

Due to the heavy all-year round schedule of these programs and events, continued reliable operation of the scoreboards is essential to PKR and Recreation to provide leisure services to the competitive leagues of Dallas.

Services covered under this contract include, but are not limited to:

- Scoreboard equipment, installation, and related products
- Repair and maintenance of scoreboards

As part of the solicitation process and in an effort to increase competition, the Office of Procurement Services used its procurement system to send out 8,068 email bid notifications to vendors registered under respective commodities. To further increase competition, the Office of Procurement Services uses 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, the Office of Business Diversity sent notifications to 25 chambers of commerce and advocacy groups to ensure maximum vendor outreach.

The Texas Association of School Boards (BuyBoard), conforms to the requirements of Texas Statutes that are applicable for competitive bids and proposals, in accordance with the Interlocal Cooperation Act, Chapter 791, Texas Government Code. In addition, BuyBoard receives bids from manufacturers and dealers throughout the United States.

On November 10, 2015, City Council authorized the wage floor rate of $10.37, by Resolution No. 15-2141; the selected vendors meet this requirement.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On March 22, 2018, the Park and Recreation Board authorized a three-year service contract with Texas Scoreboard Services, LLC and Daktronics, Inc.

The Government Performance & Financial Management Committee will receive this item for consideration on April 2, 2018.

FISCAL INFORMATION

General Funds - $199,475.00 (subject to annual appropriations)

M/WBE INFORMATION

In accordance with the City's Business Inclusion and Development Plan adopted on October 22, 2008, by Resolution No. 08-2826, as amended, the M/WBE participation on this contract is as follows:

Contract Amount	Category	M/WBE Goal	M/WBE %	M/WBE $
$199,475.00	CO-OP	N/A	N/A	N/A

- The Business Inclusion and Development Plan does not apply to Cooperative Purchasing Agreements (CO-OPs)

BID INFORMATION

The Office of Procurement Services received the following bid from solicitation number BX1724. We opened it on November 10, 2017. We recommend the City Council award this service contract to the only bidder.

Bidders	Address	Amount
Texas Scoreboard Services, LLC	113921 Hwy. 105W Box #220 Conroe, TX 77304	$ 49,725.00

The below vendor is recommended for award through the Texas Association of School Boards (BuyBoard).

Daktronics, Inc.	201 Daktronics Dr. Bookings, SD 57006	$149,750.00

Note: A single bid review process has been conducted and no exceptions have been found.

OWNERS

Texas Scoreboard Services, LLC

Dion Burns, Chief Executive Officer

Daktronics, Inc.

Reece Kurtenbach, President
Brad Wiemann, Vice President

April 11, 2018

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 three-year service contract with Texas Scoreboard Services, LLC (VS96814) in the amount of $49,725 for scoreboard parts, repairs, and replacement services; and **(2)** a three-year service contract with Daktronics, Inc. (355899) in the amount of $149,750 through Texas Association of School Boards (BuyBoard) for scoreboard parts, repairs, and replacement services, approved as to form by the City Attorney, in a total amount not to exceed $199,475. If the service was bid or proposed on an as needed, unit price basis for performance of specified tasks, payment to Texas Scoreboard Services, LLC and Daktronics, Inc. shall be based only on the amount of the services directed to be performed by the City and properly performed by Texas Scoreboard Services, LLC and Daktronics, Inc. under the contract.

SECTION 2. That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed $199,475 (subject to annual appropriations) to Texas Scoreboard Services, LLC and Daktronics, Inc. from Service Contract No. PKR-2018-00005283.

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.

AGENDA ITEM # 29

STRATEGIC PRIORITY:	Public Safety
AGENDA DATE:	April 11, 2018
COUNCIL DISTRICT(S):	All
DEPARTMENT:	Office of Procurement Services Police Department
CMO:	Elizabeth Reich, 670-7804 Jon Fortune, 670-1204
MAPSCO:	N/A

SUBJECT

Authorize a three-year acquisition contract for the purchase, maintenance, and support of a Forensics ScanStation for the Dallas Police Department with Geomatic Resources LLC through the Department of Information Resources cooperative agreement - Not to exceed $131,861 - Financing: U.S. Department of Homeland Security Grant Funds

BACKGROUND

This contract provides for the purchase, maintenance, and support of a Forensics ScanStation for the Dallas Police Department (DPD). The Forensics ScanStation maps and digitally reconstructs crime scenes. The device is a three-dimensional (3D) crime scene scanning device that identifies, locates, and measures everything within its line of site, including physical evidence within a crime scene. The Forensics ScanStation can generate a “realistic” 3D panoramic image of the crime scene within minutes of completing the scan in the field. Additionally, the 3D panoramic digital image can be used to brief command staff and other relevant staff on the location of key pieces of physical evidence. The Crime Scene Response Section within DPD will use the information collected by the Forensics ScanStation to reconstruct the scene in an effort to identify what occurred and in what order it occurred. This information will assist DPD in developing countermeasures. 3D crime scene reconstruction is also an invaluable piece of evidence that is used in the prosecution of suspects.

The Department of Information Resources is authorized by Chapter 791 of the Texas Government Code and Subchapter F, Chapter 271, Texas Local Government Code. Section 271.102 of the Texas Local Government Code authorizes a local government to participate in a Cooperative Purchasing Program with another local government or a local cooperative organization.

BACKGROUND (continued)

On November 10, 2015, City Council authorized the wage floor rate of $10.94, by Resolution No. 15-2141; the selected vendor meets this requirement.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Information about this item will be provided to the Public Safety and Criminal Justice Committee on April 9, 2018.

FISCAL INFORMATION

U.S. Department of Homeland Security Grant Funds - $131,860.52

M/WBE INFORMATION

In accordance with the City's Business Inclusion and Development Plan adopted on October 22, 2008, by Resolution No. 08-2826, as amended, the M/WBE participation on this contract is as follows:

Contract Amount	Category	M/WBE Goal	M/WBE %	M/WBE $
$131,860.52	CO-OP	N/A	N/A	N/A

- The Business Inclusion and Development Plan does not apply to Cooperative Purchasing Agreements (CO-OPs)

OWNER

Geomatic Resources LLC

Rodney Walsh, President
Jamie Gillis, Vice President

April 11, 2018

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

SECTION 1. That the City Manager is hereby authorized to sign an acquisition contract with Geomatic Resources LLC (VC18312) through the Department of Information Resources cooperative agreement, approved as to form by the City Attorney, for the purchase, maintenance, and support of a Forensics ScanStation for the Dallas Police Department for a term of three years, in an amount not to exceed $131,860.52. If the service was bid or proposed on an as needed, unit price basis for performance of specified tasks, payment to Geomatic Resources LLC shall be based only on the amount of the services directed to be performed by the City and properly performed by Geomatic Resources LLC under the contract.

SECTION 2. That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed $131,860.52 to Geomatic Resources LLC from Service Contract No. DPD-2018-00005672 from the following appropriation:

Fund	Department	Unit	Object	Amount
F511	MGT	2757	4890	$131,860.52

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.

AGENDA ITEM # 30

STRATEGIC PRIORITY:	Public Safety
AGENDA DATE:	April 11, 2018
COUNCIL DISTRICT(S):	All
DEPARTMENT:	Office of Procurement Services Fire-Rescue Department
CMO:	Elizabeth Reich, 670-7804 Jon Fortune, 670-1204
MAPSCO:	N/A

SUBJECT

Authorize the purchase of a mobile fire safety training trailer for the Fire-Rescue Department with Mobile Concepts by Scotty, Inc. through the General Services Administration cooperative agreement - Not to exceed $102,997 - Financing: General Funds ($7,247) and U.S. Department of Homeland Security Assistance to Firefighters Grant Funds ($95,750)

BACKGROUND

This purchase will provide for a mobile fire safety training trailer for the Fire-Rescue Department. The mobile fire safety training trailer is taken to schools and events to engage families and children. In 2017, 513 programs with over 7,260 attendees were conducted.

The mobile fire safety training trailer is an interactive virtual educational environment that the education section of Fire Prevention uses to educate families about the importance of planning and practicing a home escape plan. Through use of multimedia and real environmental effects, both children and adults experience a variety of fire and injury prevention and disaster training incorporating severe weather scenarios in both a kitchen and bedroom stage.

The kitchen stage includes a realistic oven and range top fire that requires the user to quickly evaluate the situation and make a decision on how to act with feedback to reinforce the lesson. The bedroom stage includes a simulation of smoke, a heated door, and a fire alarm as well as a window with an escape ladder.

BACKGROUND (continued)

Training included in an educational session:

- Importance of not playing in the kitchen while someone is cooking
- How to treat burns from steam or hot water
- Importance of turning a pot handle inward to prevent burns
- How to stop a fire on the stove or in the microwave
- Demonstration of a flashing fire alarm for deaf and hard-of-hearing individuals
- Reminder to crawl under smoke in case of a fire
- Reminder to never open a hot door
- How to escape through a window onto a ladder

The mobile fire safety training trailer provides a way for Fire Prevention personnel to conduct outreach to residents in an efficient manner, providing hands-on demonstration of safety methods along with prevention literature to inform communities at risk. The existing mobile fire safety training trailer is over 20 years old and has reached the end of its useful life and the maintenance and repair is no longer cost effective.

The General Services Administration is authorized by Chapter 791 of the Texas Government Code and Subchapter F, Chapter 271, Texas Local Government Code. Section 271.102 of the Texas Local Government Code authorizes a local government to participate in a Cooperative Purchasing Program with another local government or a local cooperative organization.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Information about this item will be provided to the Public Safety and Criminal Justice Committee on April 9, 2018.

FISCAL INFORMATION

General Funds - $7,246.23
U.S. Department of Homeland Security Assistance to Firefighters Grant Funds - $95,750.00

M/WBE INFORMATION

In accordance with the City's Business Inclusion and Development Plan adopted on October 22, 2008, by Resolution No. 08-2826, as amended, the M/WBE participation on this contract is as follows:

Contract Amount	Category	M/WBE Goal	M/WBE %	M/WBE $
$102,996.23	CO-OP	N/A	N/A	N/A

- The Business Inclusion and Development Plan does not apply to Cooperative Purchasing Agreements (CO-OPs)

OWNER

Mobile Concepts by Scotty, Inc.

Henri Degre, President

April 11, 2018

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

SECTION 1. That the purchase of a mobile fire safety training trailer is authorized with Mobile Concepts by Scotty, Inc. (VS0000061996) through the General Services Administration cooperative agreement, in an amount not to exceed $102,996.23.

SECTION 2. That the Purchasing Agent is authorized, upon appropriate requisition, to issue a purchase order for a mobile fire safety training trailer. If a formal contract is required for this purchase instead of a purchase order, the City Manager is hereby authorized to execute the contract, approved as to form by the City Attorney.

SECTION 3. That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed $102,996.23 to Mobile Concepts by Scotty, Inc. from Contract No. DFD-2018-00005616 from the following appropriations:

Fund	Department	Unit	Object	Amount	Encumbrance
F537	DFD	3539	4750	$95,750.00	PODFD00000138581
0001	DFD	LS02	4750	$ 7,246.23	PODFD00000138581

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.

AGENDA ITEM # 31

STRATEGIC PRIORITY:	Government Performance and Financial Management
AGENDA DATE:	April 11, 2018
COUNCIL DISTRICT(S):	All
DEPARTMENT:	Office of Procurement Services Department of Aviation Department of Convention and Event Services Department of Trinity Watershed Management Water Utilities Department
CMO:	Elizabeth Reich, 670-7804 Jody Puckett, 670-3390 Joey Zapata, 670-3009 Majed Al-Ghafry, 670-3302
MAPSCO:	N/A

SUBJECT

Authorize a three-year master agreement for general and sewer hoses, repair clamps, parts, and accessories - Powerseal Pipeline Products Corp. in the amount of $517,716, Ferguson Enterprises, Inc. in the amount of $505,444, and 4-Star Hose & Supply, Inc. in the amount of $403,505, lowest responsible bidders of six - Total not to exceed $1,426,665 - Financing: General Funds ($46,260), Convention and Event Services Current Funds ($408,672), Water Utilities Current Funds ($962,732), Aviation Current Funds ($6,955), and Stormwater Drainage Management Current Funds ($2,046)

BACKGROUND

This action does not encumber funds; the purpose of a master agreement is to establish firm pricing for goods, for a specific term, which are ordered on an as needed basis.

This master agreement will provide for the purchase of general and sewer hoses, repair clamps, parts, and accessories. Hoses purchased under this master agreement are vital to several city services due to their operational functions. Hoses utilized by departments often require valves, fittings, and nozzles to be used in conjunction with the hoses to meet their operational needs. General hoses purchased under this master agreement will be for the cleaning of equipment/vehicles, distribution, and discharging of water and are used with power tools. Clamps will be used to seal pipes, connect hoses, mount, and tighten equipment.

BACKGROUND (continued)

Below are examples of the types of hoses, fittings, and clamps departments will be able to purchase using this master agreement:

- PVC pressure, suction, and discharge hose sizes ranging from 1" to 3"
- Sewer hose sizes ranging from 1/2" to 1"
- Air hose sizes ranging from 3/4" to 1"
- General purpose hose sizes ranging from 1/2" to 5/8"
- Various types of hose clamps and couplings ranging in size from 9/16" to 2 1/2"
- Stainless steel emergency pipe clamp sizes ranging from 1/2" to 3"
- Various types of stainless steel repair clamp sizes ranging from 1/2" to 36"

In this solicitation, the Office of Procurement Services required bidders to submit a response using unit pricing. This bid resulted in a 1.51 percent increase over comparable unit prices for the bid awarded in 2015.

As part of the solicitation process and in an effort to increase competition, the Office of Procurement Services used its procurement system to send out 240 email bid notifications to vendors registered under respective commodities. To further increase competition, the Office of Procurement Services uses 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, the Office of Business Diversity sent notifications to 25 chambers of commerce and advocacy groups to ensure maximum vendor outreach.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On August 12, 2015, City Council authorized a two-year master agreement for general and sewer hoses, repair clamps, parts and accessories with Mueller Company, LLC, Fortiline, Inc., 4-Star Hose & Supply, Inc., JGB Enterprises, Inc., Powerseal Pipeline Products Corp. and Stuart Hose & Pipe Co., Inc. by Resolution No. 15-1342.

The Government Performance & Financial Management Committee will receive this item for consideration on April 2, 2018.

FISCAL INFORMATION

General Funds - $46,259.67
Water Utilities Current Funds - $962,731.46
Convention and Event Services Current Funds - $408,671.80
Aviation Current Funds - $6,955.10
Stormwater Drainage Management Current Funds - $2,046.19

M/WBE INFORMATION

In accordance with the City's Business Inclusion and Development Plan adopted on October 22, 2008, by Resolution No. 08-2826, as amended, the M/WBE participation on this contract is as follows:

Contract Amount	Category	M/WBE Goal	M/WBE %	M/WBE $
$1,426,664.22	Goods	18.00%	0.00%	$0.00

- This contract does not meet the M/WBE goal of 18.00%, but complies with good faith efforts

BID INFORMATION

The Office of Procurement Services received the following bids from solicitation number BM1804. We opened them on January 5, 2018. We recommend the City Council award this master agreement to the lowest responsive and responsible bidders by line. Information related to this solicitation is available upon request.

*Denotes successful bidders

Bidders	Address	Amount
*Powerseal Pipeline Products Corp.	701 Pleasant View Dr. Wichita Falls, TX 76306	Multiple Lines
*Ferguson Enterprises, Inc.	7982 N. Highway 69 Tyler, TX 75706	Multiple Lines
*4-Star Hose & Supply, Inc.	10704 Composite Dr. Dallas, TX 75220	Multiple Lines
JGB Enterprises, Inc.	115 Metropolitan Dr. Liverpool, NY 13088	Multiple Lines
Texas Underground, Inc.	1617 Garden Rd. Pearland, TX 77581	Multiple Lines
CLS Sewer Equipment Co., Inc.	726 S. Sherman St. Richardson, TX 75081	Multiple Lines

OWNERS

Powerseal Pipeline Products Corp.

Patrick Powers, President
Steve Kilcrease, Vice President
Edson Luna, Secretary

Ferguson Enterprises, Inc.

Kevin Murphy, President
Bill Thees Jr., Vice President

4-Star Hose & Supply, Inc.

Keith Culhane, President
Brent Culhane, Vice President
Kelly Culhane, Secretary

April 11, 2018

WHEREAS, on August 12, 2015, City Council authorized a two-year master agreement for general and sewer hoses, repair clamps, parts and accessories with Mueller Company, LLC, Fortiline, Inc., 4-Star Hose & Supply, Inc., JGB Enterprises, Inc., Powerseal Pipeline Products Corp. and Stuart Hose & Pipe Co., Inc. by Resolution No. 15-1342.

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 master agreement with Powerseal Pipeline Products Corp. (075233) in the amount of $517,715.64, Ferguson Enterprises, Inc. (VS87161) in the amount of $505,443.45, and 4-Star Hose & Supply, Inc. (161103) in the amount of $403,505.13, approved as to form by the City Attorney, for the purchase of general and sewer hoses, repair clamps, parts, and accessories for a term of three-years, in a total amount not to exceed $1,426,664.22.

SECTION 2. That the Purchasing Agent is authorized, upon appropriate request and documented need by a user department, to issue a purchase order for general and sewer hoses, repair clamps, parts, and accessories. If a written contract is required or requested for any or all purchases of general and sewer hoses, repair clamps, parts, and accessories under the master agreement instead of individual purchase orders, the City Manager is authorized to execute the contract, approved as to form by the City Attorney.

SECTION 3. That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed $1,426,664.22 to Powerseal Pipeline Products Corp., Ferguson Enterprises, Inc., and 4-Star Hose & Supply, Inc. from Master Agreement Contract No. POM-2018-00005624.

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.

AGENDA ITEM # 32

STRATEGIC PRIORITY:	Government Performance and Financial Management
AGENDA DATE:	April 11, 2018
COUNCIL DISTRICT(S):	2, 3
DEPARTMENT:	Office of Procurement Services Department of Aviation
CMO:	Elizabeth Reich, 670-7804 Jody Puckett, 670-3390
MAPSCO:	34 E 63 L

SUBJECT

Authorize **(1)** Supplemental Agreement No. 1 to exercise the first of two, three-year renewal options, for maintenance and support of an electronic document management system for the Department of Aviation in the amount of $30,427 with VP Imaging, Inc. dba DocuNav Solutions through the Texas Association of School Boards (BuyBoard) cooperative agreement; and **(2)** Supplemental Agreement No. 1 to exercise the first of two, three-year renewal options, for hosting services of an electronic document management system for the Department of Aviation in the amount of $232,200 with M&A Technology, Inc. through the Texas Association of School Boards (BuyBoard) cooperative agreement - Total not to exceed $262,627 - Financing: Aviation Current Funds (subject to annual appropriations)

BACKGROUND

These Supplemental Agreements will exercise the renewal option for hosting services, maintenance, and support of an electronic document management system for the Department of Aviation.

This web-based system provides an effective method of importing hard copy document into electronic files from scanners and other digital formats while saving the files in a searchable database for easy access. Documents stored in this system include but are not limited to:

- Engineering and schematic drawings, specifications, and building plans
- Electronic submission of forms such as badge requests, access control, training and internal procurement requests, permits, and permit applications for vendors operating out of Love Field, such as taxi drivers

BACKGROUND (continued)

In addition, the Department of Aviation utilizes this system to comply with ISO9001 by enforcing internal work processes and correct forms, internal standard operating procedures, and to implement a secure means for delivering documents as required by the Federal Aviation Administration and Transportation Security Administration. The records management module supports record retention policies, as well as provides an efficient tool for responding to open records request.

The hosting services provide hardware, software maintenance, technical support, high-level secure storage, web hosting, and backup of all data associated with the electronic document management system. The service provides a 24-hour network operations center to respond to all City customer needs.

The Texas Association of School Boards (BuyBoard) conforms to the requirements of Texas Statutes that are applicable for competitive bids and proposals, in accordance with the Interlocal Cooperation Act, Chapter 791, Texas Government Code. In addition, the BuyBoard receive bids from manufacturers and dealers throughout the United States.

On November 10, 2015, City Council authorized the wage floor rate of $10.94, by Resolution No. 15-2141; the selected vendors meet this requirement.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On February 11, 2015, City Council authorized an acquisition contract for the purchase and implementation of an electronic document management system for the Aviation Department with V.P. Imaging, Inc. dba DocuNav Solutions; a three-year service contract, with two three-year renewal options, for maintenance and support of an electronic document management system with V.P. Imaging, Inc. dba DocuNav Solutions, through the Texas Association of School Boards (BuyBoard); and a three-year service contract, with two three-year renewal options, for hosting service of an electronic document management system for the Aviation Department with M&A Technology, Inc., through the Texas Association of School Boards (BuyBoard) by Resolution No. 15-0268.

The Government Performance & Financial Management Committee will receive this item for consideration on April 2, 2018.

FISCAL INFORMATION

Aviation Current Funds - $262,626.10 (subject to annual appropriations)

Council District	Amount
2	$231,110.97
3	$ 31,515.13
Total	$262,626.10

M/WBE INFORMATION

In accordance with the City's Business Inclusion and Development Plan adopted on October 22, 2008, by Resolution No. 08-2826, as amended, the M/WBE participation on this contract is as follows:

Contract Amount	Category	M/WBE Goal	M/WBE %	M/WBE $
$262,626.10	CO-OP	N/A	N/A	N/A

- The Business Inclusion and Development Plan does not apply to Cooperative Purchasing Agreements (CO-OPs), however, one of the prime contractors is a certified M/WBE

OWNERS

VP Imaging, Inc. dba DocuNav Solutions

Cody Bettis, President

M&A Technology, Inc.

Magdy Elwany, President
Donna Shepard, Vice President

WHEREAS, on February 11, 2015, City Council authorized an acquisition contract for the purchase and implementation of an electronic document management system for the Aviation Department with V.P. Imaging, Inc. dba DocuNav Solutions; a three-year service contract, with two three-year renewal options, for maintenance and support of an electronic document management system with V.P. Imaging, Inc. dba DocuNav Solutions, through the Texas Association of School Boards (BuyBoard); and a three-year service contract, with two three-year renewal options, for hosting service of an electronic document management system for the Aviation Department with M&A Technology, Inc., through the Texas Association of School Boards (BuyBoard) by Resolution No. 15-0268.

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)** Supplemental Agreement No. 1 to exercise the first of two, three-year renewal options, with VP Imaging, Inc. dba DocuNav Solutions (500098) through the Texas Association of School Boards (BuyBoard) cooperative agreement for maintenance and support of an electronic document management system for the Department of Aviation in the amount of $30,426.10; and **(2)** Supplemental Agreement No. 1 to exercise the first of two, three-year renewal options, with M&A Technology, Inc. through the Texas Association of School Boards (BuyBoard) cooperative agreement for hosting services of an electronic document management system for the Department of Aviation in the amount of $232,200.00, approved as to form by the City Attorney, in a total amount not to exceed $262,626.10. If the service was bid or proposed on an as needed, unit price basis for performance of specified tasks, payment to VP Imaging, Inc. dba DocuNav Solutions and M&A Technology, Inc. shall be based only on the amount of the services directed to be performed by the City and properly performed by VP Imaging, Inc. dba DocuNav Solutions and M&A Technology, Inc. under the contract.

SECTION 2. That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed $262,626.10 (subject to annual appropriations) to VP Imaging, Inc. dba DocuNav Solutions and M&A Technology, Inc. from Master Agreement Service Contract No. MASC AVI-2018-00005489

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.

AGENDA ITEM # 33

STRATEGIC PRIORITY:	Government Performance and Financial Management
AGENDA DATE:	April 11, 2018
COUNCIL DISTRICT(S):	All
DEPARTMENT:	Office of Procurement Services Department of Communication and Information Services Water Utilities Department Department of Aviation Department of Code Compliance Fire-Rescue Department
CMO:	Elizabeth Reich, 670-7804 Jody Puckett, 670-3390 Majed Al-Ghafry, 670-3302 Raquel Favela, 670-3309 Jon Fortune, 670-1204
MAPSCO:	N/A

SUBJECT

Authorize Supplemental Agreement No. 4 to exercise the first of two, two-year renewal options to the service contract with Paymetric, Inc. for credit card payment processing services for numerous departments, managed by the Water Utilities Department - Not to exceed $229,488, from $1,157,757 to $1,387,245 - Financing: Water Utilities Current Funds (subject to annual appropriations)

BACKGROUND

This Supplemental Agreement No. 4 will provide continuous credit card payment processing services for the Water Utilities Department (utility invoices, permits, and fees), Fire-Rescue Department (permits and alarms), Department of Aviation (rental fees and fuel), Department of Code Compliance (liens and permits), Air Quality (fees), and Vital Statistics (birth and death certificates). The contract also addresses anticipated changes in banking and credit card services in response to the evolution of technological and security requirements for which the City must comply. This service continues Payment Card Industry Data Security Standard (PCI-DSS-12) compliance and ensures continuous credit card services through face-to-face, Interactive Voice Response, and ePay channels for City customers.

BACKGROUND (continued)

The City invoices approximately 331,000 utility and non-utility accounts on a monthly basis. Approximately 30 percent of the overall payments were received through credit card payment transactions, totaling over 972,000 payments processed and $202 million in generated revenue in Fiscal Year 2016-17. Credit card payments are accepted from five credit card types: American Express, Visa, Mastercard, Diners Card and Discover.

These services also provide the City with a mechanism to monitor transaction totals and advance to the appropriate price tier level, to avoid per-transaction fees above the agreed level. This effort will allow the City to proactively manage the growth of credit card payment transactions.

On November 10, 2015, City Council authorized the wage floor rate of $10.94, by Resolution No. 15-2141; the selected vendor meets this requirement.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On February 25, 2009, City Council authorized the purchase and installation of payment card processing and tokenized encryption security; and a thirty-six-month service agreement for application hosting services, for securing all payment card authorization transactions by Resolution No. 09-0584.

On April 25, 2012, City Council authorized Supplemental Agreement No. 1 to extend the service agreement with Paymetric, Inc. for application hosting services, securing all payment credit card transactions for a nine-month term beginning June 1, 2012 through February 28, 2013, by Resolution No 12-1231.

On February 13, 2013, City Council authorized a five-year service contract, with two, two-year renewal options for credit card payment processing services for Water Utilities with Paymetric, Inc. by Resolution No. 13-0287.

The Government Performance & Financial Management Committee will receive this item for consideration on April 2, 2018.

FISCAL INFORMATION

Water Utilities Current Funds - $229,488.00 (subject to annual appropriations)

M/WBE INFORMATION

In accordance with the City's Business Inclusion and Development Plan adopted on October 22, 2008, by Resolution No. 08-2826, as amended, the M/WBE participation on this contract is as follows:

Contract Amount	Category	M/WBE Goal	M/WBE %	M/WBE $
$229,488.00	Other Services	23.80%	0.00%	$0.00

- This contract does not meet the M/WBE goal of 23.80%, but complies with good faith efforts.

OWNER

Paymetric, Inc.

Asif Ramji, General Manager

April 11, 2018

WHEREAS, on February 25, 2009, City Council authorized the purchase and installation of payment card processing and tokenized encryption security; and a thirty-six-month service agreement for application hosting services, for securing all payment card authorization transactions, in an amount not to exceed $364,268, by Resolution No. 09-0584; and

WHEREAS, on April 25, 2012, City Council authorized Supplemental Agreement No. 1 to extend the service agreement with Paymetric, Inc. for application hosting services, securing all payment credit card transactions for a nine-month term beginning June 1, 2012 through February 28, 2013, in an amount not to exceed $91,067, from $364,268 to $455,335, by Resolution No 12-1231; and

WHEREAS, on February 13, 2013, City Council authorized a five-year service contract, with two, two-year renewal options with Paymetric, Inc. for credit card payment processing services for Water Utilities, in an amount not to exceed $702,422, by Resolution No. 13-0287; and

WHEREAS, on October 3, 2013, Administrative Action No. 13-6809 authorized Supplemental Agreement No. 3 to provide continued consulting, development, integration, and testing support services, a zero dollar amount supplemental agreement.

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 Supplemental Agreement No. 4 to exercise the first of two, two-year renewal options to the service contract with Paymetric, Inc. (VS0000034947), approved as to form by the City Attorney, for credit card payment processing services for numerous departments, managed by the Water Utilities Department, in an amount not to exceed $229,488, increasing the service contract amount from $1,157,757 to $1,387,245.

SECTION 2. That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed $229,488 (subject to annual appropriations) to Paymetric, Inc. from Master Agreement Service Contract No. MASC DSV-2018-00005623.

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.

AGENDA ITEM # 34

STRATEGIC PRIORITY:	Government Performance and Financial Management
AGENDA DATE:	April 11, 2018
COUNCIL DISTRICT(S):	N/A
DEPARTMENT:	Office of Procurement Services
CMO:	Elizabeth Reich, 670-7804
MAPSCO:	N/A

SUBJECT

An ordinance amending Chapter 2, "Administration," and Chapter 15B, "Equal Employment Opportunity Contract Compliance," of the Dallas City Code by amending Sections 2-17.3, 2-27, 2-29, 2-30, 2-31, 2-32, 2-33, 15B-1, and 15B-3 to **(1)** clarify changes to the city's nondiscrimination provisions; **(2)** add and delete definitions; **(3)** update state law references; **(4)** clarify that the city manager may approve purchases made utilizing a cooperative purchase program if under a certain amount; **(5)** add alternative delivery method as another form of procurement; **(6)** change the amount from $1,000 to $3,000 for the requirement to obtain three price quotations for certain expenditures; **(7)** authorize the director to use a service order to approve payment for minor services under $3,000; **(8)** provide a decision making process for facility construction procured through an alternative delivery method; and **(9)** make other grammatical and structural changes – Financing: No cost consideration to the City

BACKGROUND

This ordinance is to authorize an amendment to Chapter 2 and 15B of the Dallas City Code to conform to State statutes and to provide procurement and contracting operational efficiencies. This amendment resulted from a comprehensive review of the Administrative Directive 4-5 by the Office of Procurement Services and the City Attorney's office. The objective of the review was to update, simplify, and add procurement and contracting operational efficiencies.

Chapter 2 was last amended by Ordinance No. 28705, passed on June 27, 2012. The recommended changes, within Chapter 2, incorporate changes to conform to State statutes associated with the three most recent legislative sessions (2013, 2015, and 2017).

Changes to the Dallas City Code are provided herein as an attachment.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

The Government Performance & Financial Management Committee received this item for consideration on March 19, 2018.

FISCAL INFORMATION

No cost consideration to the City.

3-16-18

ORDINANCE NO. _____

An ordinance amending Chapters 2, "Administration," 15B, "Equal Employment Opportunity Contract Compliance," of the Dallas City Code by amending Sections 2-17.3, 2-27, 2-29, 2-30, 2-31, 2-32, 2-33, 15B-1, and 15B-3; providing clarifying changes to the city's nondiscrimination provisions in Chapters 2 and 15B; adding and deleting definitions; updating state law references; clarifying that the city manager may approve purchases made utilizing a cooperative purchase program if under a certain amount; adding alternative delivery method as another form of procurement; changing the amount from $1,000 to $3,000 for the requirement to obtain three price quotations for certain expenditures; authorizing the director to use a service order to approve payment for minor services under $3,000; providing a decision making process for facility construction procured through an alternative delivery method; making other grammatical and structural changes; providing a penalty not to exceed $500; providing a saving clause; providing a severability clause; and providing an effective date.

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

SECTION 1. That Subsection (a) of Section 2-17.3, "Nondiscrimination in the Provision of City Services," of Article I, "In General," of Chapter 2, "Administration," of the Dallas City Code, as amended, is amended to read as follows:

"(a) The city of Dallas will not discriminate because of a person's race, color, age, religion, marital status, sexual orientation, gender identity and expression, genetic characteristics, national origin, disability, military or veteran status, sex, [~~marital status, sexual orientation, national origin, disability,~~] political opinions, or affiliations in the provision of services to the general public."

SECTION 2. That Section 2-27, "Definitions," of Division 1, "Purchasing and Contracting Generally" of Article IV, "Purchasing," of Chapter 2, "Administration," of the Dallas City Code, as amended, is amended to read as follows:

"**SEC. 2-27. DEFINITIONS.**

In this article:

(1) ALTERNATIVE DELIVERY METHOD means one of the methods authorized by Chapter 2269 of the Texas Government Code, as amended, for contracting for facility construction.

(2) CITY EXPENDITURE means the payment of money by the city directly to a vendor or contractor pursuant to a city-awarded contract in consideration of goods furnished to or services performed on behalf of the city, or in consideration of the accomplishment of some other lawful public or municipal purpose, regardless of the source or nature of the funds used by the city to make payment and regardless of the form of contract used.

(3[~~2~~]) COMMUNITY DEVELOPMENT ITEM means the purchase, by competitive sealed proposal as required in Section 252.021(d) of the Texas Local Government Code, as amended, of goods or services pursuant to a community development program established under Chapter 373 of the Texas Local Government Code, as amended, in which the source of the city expenditure for the purchase is derived exclusively from an appropriation, loan, or grant of funds from the federal or state government for community development purposes.

[~~(3) CONSTRUCTION SERVICES means the following activities, but does not include facility construction:~~

~~(A) the construction of capital improvements to city-owned real property or right-of- way, including but not limited to streets, traffic signals, signal systems or control devices, storm drainage facilities, sidewalks, alleys, water or wastewater mains or appurtenances, process plants, or other similar facilities;~~

~~(B) the renovation, modification, alteration, or repair of existing capital improvements upon or within city-owned real property or right-of- way; or~~

~~(C) other construction, renovation, alteration, modification, or repair activities that are treated or defined under state law as public works.~~]

(4) DIRECTOR means the director of the department designated by the city manager to administer this chapter [~~office of business development and procurement services,~~] or the director's authorized representatives.

(5) FACILITY has the meaning given that term in Chapter 2269 of the Texas [~~CONSTRUCTION means the construction, rehabilitation, alteration, or repair of a building or any portion of a building, the design and construction of which is governed by accepted building codes, but does not include construction that is specifically excluded from the definition of "facility" contained in Section 271.111, Texas Local~~] Government Code, as amended.

(6) GENERAL SERVICES means insurance (including insurance-related services such as claims adjustment and policy administration), technical services related to the purchase of a high technology item, or other types of manual, physical, or intellectual labor performed on behalf of the city and purchased for a lawful municipal purpose. The term does not

include personal services, professional services, planning services, or facility construction [~~, or construction services~~].

(7) GOODS means supplies, equipment, or other personal property, including but not limited to high technology items, purchased and used for a lawful municipal purpose.

(8) GOVERNMENTAL CONTRACT has the meaning given that term in Chapter 2252, Subchapter A, Texas Government Code, as amended.

(9) HIGH TECHNOLOGY ITEM means an item of equipment, goods, or services of a highly technical nature, including but not limited to:

(A) data processing equipment and software and firmware used in conjunction with data processing equipment;

(B) telecommunications equipment and radio and microwave systems;

(C) electronic distributed control systems, including building energy management systems; and

(D) technical services related to those items listed in Paragraphs (A) through (C) of this subsection.

(10) LOCAL BUSINESS means a business with a principal place of business within the city.

(11) NONRESIDENT BIDDER has the meaning given that term in Chapter 2252, Subchapter A, Texas Government Code, as amended.

(12) PERSONAL SERVICES means any service personally performed by the individual with whom the city has contracted.

(13) PLANNING SERVICES has the meaning given that term in Section 252.001, Texas Local Government Code, as amended.

(14) PRINCIPAL PLACE OF BUSINESS means:

(A) the headquarters of a business or the primary executive or administrative office of a business from which the operations and activities of the business are directed, controlled, and coordinated by its officers or owners; or

(B) an established office, plant, store, warehouse, or other facility where the majority of the business' operations and activities are conducted and located, except that a location solely used as a message center, post office box, mail drop, or similar service or activity that provides no substantial function to the business is not a principal place of business.

(15) PROFESSIONAL SERVICES means those services defined as professional services under state law applicable to municipal purchases or contracts, including but not limited to services provided by accountants, architects, artists, attorneys, auditors, court reporters, doctors, engineers, optometrists, real estate appraisers, land surveyors, scientists, and teachers.

(16) SERVICE ORDER means an authorization to make a payment under $3,000, without the requirement of a contract, and on a form approved by the city attorney."

SECTION 3. That Section 2-29, "Approval of Plans and Specifications," of Division 1, "Purchasing and Contracting Generally" of Article IV, "Purchasing," of Chapter 2, "Administration," of the Dallas City Code, as amended, is amended to read as follows:

"**SEC. 2-29. APPROVAL OF PLANS AND SPECIFICATIONS.**

If the director determines that preparation of plans and specifications is necessary and practical for the purchase of goods, general services, or facility construction [~~services~~], the director shall require the preparation of the plans and specifications in cooperation with the department concerned. The plans and specifications must be approved by both the director and the director of the department concerned. If the plans and specifications are approved, the director shall keep a copy of the plans and specifications on file in the director's office and make the copy available for public inspection for five years after the date of approval of the plans and specifications. Subject to state law requirements governing the retention and disposal of records, the director may dispose of any plans and specifications that have been on file in the director's office longer than five years after the date of their approval."

SECTION 4. That Subsection (d) of Section 2-30, "General Delegation of Contracting Authority," of Division 1, "Purchasing and Contracting Generally" of Article IV, "Purchasing," of Chapter 2, "Administration," of the Dallas City Code, as amended, is amended to read as follows:

"(d) The city manager is authorized to approve the following by administrative action, without further city council action:

(1) A contract for the purchase of goods, general services, [~~construction services,~~] or facility construction, or for any other lawful municipal purpose not specifically described in this subsection, that requires a city expenditure not exceeding $50,000.

(2) A contract requiring a city expenditure exceeding $50,000, but not exceeding $70,000, for:

(A) the purchase of goods[~~,~~] or general services[~~, or construction services~~] required to be procured through competitive bid or competitive sealed proposal in

accordance with Chapter 252, Texas Local Government Code, as amended, including purchases made utilizing a cooperative purchasing program; or

(B) facility construction required to be procured through competitive bid or competitive sealed proposal in accordance with Chapter 252, Texas Local Government Code, as amended, or through an alternative delivery method in accordance with Chapter 2269, Texas Government Code, as amended.

(3) A change order to a contract required by state law to be procured through [~~either~~] competitive bid, [~~or~~] competitive sealed proposal, or an alternative delivery method that increases or decreases the contract price by $50,000 or less, provided that the original contract price may never be increased by more than 25 percent. This paragraph does not delegate authority to the city manager to approve a change order amending a contract provision or a specification for the purpose of altering an existing payment schedule, payment method, time or date of payment, or interest rate on a payment, regardless of whether the payment obligation under the contract belongs to the contractor or the city and regardless of the amount of the increase or decrease in the contract price.

(4) A contract for personal, professional, or planning services requiring a city expenditure not exceeding $50,000, except that no formal administrative action is required to execute a contract for real estate appraisal services requiring a city expenditure not exceeding $50,000.

(5) An amendment to a contract not required by state law to be procured through competitive bid, [~~or~~] competitive sealed proposal, or an alternative delivery method, which amendment increases the contract price by $50,000 or less or causes any decrease in the contract price, except that approval of the city council is required on an amendment that increases the contract price by $50,000 or less if:

(A) the original contract price does not exceed $50,000 and the amendment increases the total contract price to an amount greater than $50,000; or

(B) the original contract price exceeds $50,000 and the amendment increases the original contract price by more than 25 percent.

(6) The exercise of a renewal option of a contract required by state law to be procured through [~~either~~] competitive bid, [~~or~~] competitive sealed proposal, or an alternative delivery method, if the city expenditure required during the renewal term does not exceed $70,000.

(7) The exercise of a renewal option of a contract not required by state law to be procured through competitive bid or competitive sealed proposal, if the city expenditure required during the renewal term does not exceed $50,000.

[~~(8) A contract for facility construction procured pursuant to Chapter 271, Subchapter H, Texas Local Government Code, as amended, that requires a city expenditure exceeding $50,000, but not exceeding $70,000.~~]"

SECTION 5. That Section 2-31, "Rules Regarding Expenditures Not Exceeding $50,000," of Division 1, "Purchasing and Contracting Generally" of Article IV, "Purchasing," of Chapter 2, "Administration," of the Dallas City Code, as amended, is amended to read as follows:

"**SEC. 2-31. RULES REGARDING EXPENDITURES NOT EXCEEDING $50,000.**

(a) Except as otherwise provided by this section, all purchases of goods, general services, or facility construction [~~, or construction services~~] under this section must be made by the director after giving reasonable opportunity for competition under procedures that are established by the director, with city manager approval, and that are consistent with the purpose of this section.

(b) If the city expenditure for the purchase of goods, general services, or facility construction[~~, or construction services~~] exceeds $3[~~1~~],000, price quotations from not less than three independent vendors or contractors, if available, must be secured. If three independent vendors or contractors are not available, the director shall secure such price quotations as will, in the director's judgment, ensure that the city is purchasing the property or contracting for the best quality at the lowest possible cost. If the city expenditure for the purchase of goods, general services, or facility construction[~~, or construction services~~] exceeds $3,000, the director shall follow the procedures for contacting disadvantaged businesses prescribed in Section 252.0215 of the Texas Local Government Code, as amended.

(c) The director may, with prior authorization by city council resolution, purchase goods, including high technology items, through a cooperative purchasing program established pursuant to Chapter 271, Subchapter D, F, or G, Texas Local Government Code, as amended, or through a cooperative purchasing program established by interlocal agreement pursuant to Chapter 791, Texas Government Code, as amended. Authorized participation in a cooperative purchasing program satisfies the requirements of this section.

(d) The city manager may establish procedures for purchasing goods, general services, or facility construction [~~services~~] under this section through electronic means, including but not limited to the Internet, to the extent the procedures do not conflict with state law, the city charter, or other provisions of this code.

(e) A contract for [~~construction services or~~] facility construction that requires a city expenditure not exceeding $50,000 must provide that, in lieu of requiring performance and payment bonds, no money will be paid to the contractor for any work under the contract until the final completion and acceptance of the work by the city.

(f) The director may use a service order for minor services under $3,000, including mail and delivery services, repair, restoration, and remediation services necessary for a timely and efficient response to equipment failure or facility damage."

SECTION 6. That Section 2-32, "Rules Regarding Expenditures Exceeding $50,000," of Division 1, "Purchasing and Contracting Generally" of Article IV, "Purchasing," of Chapter 2, "Administration," of the Dallas City Code, as amended, is amended to read as follows:

"**SEC. 2-32. RULES REGARDING EXPENDITURES EXCEEDING $50,000.**

(a) Advertisement. No city expenditure exceeding $50,000 may be made without advertising for competitive bids or competitive sealed proposals pursuant to Chapter 252, Texas Local Government Code, as amended, and this division, or without following the advertisement requirements in Chapter 2269, Texas Government Code, as amended, and this division, for alternative delivery methods, except in cases of [~~facility construction as provided in Section 2-33 of this division,~~] an immediate emergency, or where competitive bidding, [~~or~~] sealed proposal, or an alternative delivery method is not otherwise required by state law or the city charter.

(b) Emergency expenditures. In cases of immediate emergency, the director may make the necessary emergency expenditure, subject to the approval of the city manager or a designee. If an emergency expenditure is made, a written report setting out the emergency purchase, accompanied by a definite statement of the occasion and the reasons for the purchase, must be submitted by the director to the city manager for presentation to the city council for its approval prior to payment for the purchase.

(c[~~b~~]) Administratively authorized purchases. The following rules govern purchases authorized administratively as described in Section 2-30(d)(2) of this division:

(1) If the purchase is for goods, the director or the director's designee, or the city council if the purchase is being considered under Subsection (b)(6[~~5~~]), shall tabulate the bids or sealed proposals and shall select the vendor or contractor with the lowest responsible bid (or with the most advantageous proposal if the purchase is by competitive sealed proposal under Chapter 252, Texas Local Government Code, as amended), or the vendor or contractor who provides the best value if the bid specifications or requirements indicate contract selection on a best value basis.

(2) If the purchase is for general services, the director or the director's designee shall tabulate the bids or sealed proposals and present to the city manager a recommendation as to the lowest responsible bidder (or as to the most advantageous proposal if the purchase is allowed by competitive sealed proposal under Chapter 252, Texas Local Government Code, as amended), or present a recommendation as to who provides the best value if the bid specifications or requirements indicate contract selection on a best value basis. The city manager, or the city council if the contract is being considered under Subsection (b)(6[~~5~~]), shall select the contractor that provides the lowest responsible bid, the most advantageous proposal, or the best value, whichever applies.

(3) If the purchase is for facility construction [~~services~~], and an alternative delivery method is not being used, the director or the director's designee shall tabulate the bids or

sealed proposals and present to the city manager a recommendation as to the lowest responsible bidder or proposer. The city manager, or the city council, if the contract is being considered under Subsection (b)(6[~~5~~]), shall select the contractor with the lowest responsible bid or the most advantageous proposal.

(4) If the purchase is for facility construction, and an alternative delivery method is being used, the director or the director's designee shall present to the city manager a recommendation based on the applicable standard in Chapter 2269, Texas Government Code, as amended.

(5) If, in the opinion of the city manager[~~,~~] or the city council, if the purchase is being considered under Subsection (b)(6[~~5~~])[~~,~~] and no bid or sealed proposal is satisfactory or it is otherwise in the best interest of the city, the city manager or the city council may reject all bids or sealed proposals, and the director may readvertise for competitive bids or competitive sealed proposals.

(6[~~5~~]) A member of the city council may request that a purchase or contract be brought before the city council for consideration any time before 48 hours have elapsed after bid or proposal opening.

(c) Contracts requiring council approval. The following rules govern competitive bid or sealed proposal contracts requiring a city expenditure exceeding $70,000:

(1) The director or the director's designee shall tabulate the bids or sealed proposals.

(2) If the purchase is for goods or general services, the city manager shall recommend to the city council who, in the city manager's opinion, provides the lowest responsible bid; the most advantageous proposal if the purchase is by competitive sealed proposal under Chapter 252, Texas Local Government Code, as amended; or the best value to the city if the bid specifications or requirements indicate contract selection on a best value basis. The city council shall determine which bidder provides the lowest responsible bid, the most advantageous proposal, or the best value, whichever applies, and, if that bidder or proposer is acceptable, approve the contract. If, in the judgment of the city council, no bid or sealed proposal is satisfactory or it is in the best interest of the city, then the city council may reject all bids or sealed proposals.

(3) If the purchase is for facility construction [~~services~~], and an alternative delivery method is not being used, the city manager shall recommend who, in the city manager's opinion, is the lowest responsible bidder. The city council shall determine the lowest responsible bidder and, if that bidder is acceptable, approve the contract. If, in the judgment of the city council, no bid or sealed proposal is satisfactory or it is in the best interest of the city, then the city council may reject all bids.

(4) If the purchase is for facility construction, and an alternative delivery method is being used, the director shall present to the city manager a recommendation. The city manager shall then present a recommendation to the city council. If, in the judgment of the city

council, no bid, proposal, or other offer is satisfactory or it is in the best interest of the city, then the city council may reject all bids. All recommendations and determinations under this subsection must be made according to the criteria set out in Chapter 2269 of the Texas Government Code, as amended.

(5) If all bids or sealed proposals are rejected, the city council may authorize the director to readvertise or proceed otherwise, as may be determined at the discretion of the city council, in accordance with state law. The original specifications, as amended or changed, must be kept on file in the office of the director in accordance with Section 2-29 of this division.

(d) Additional rules for competitive bids. The following additional rules govern all purchases made by competitive bid, including purchases on a best value basis, in accordance with Subsections (b) and (c) of this section:

(1) If there is a single responsive bid, the director, the city manager, or the city council may consider the bid as the lowest responsible bid.

(2) A nonresponsive bid has the effect of being a no bid and may not be considered for any purpose.

(3) A bid that has been opened is not subject to amendment, alteration, or change for the purpose of correcting an error in the bid price. This restriction is not intended to alter, amend, or revoke the common law right of a bidder to withdraw a bid due to a material mistake in the bid.

(e) Competitive sealed proposals. For the purchase of goods and general services (including but not limited to community development items, high technology items, and insurance) requiring a city expenditure exceeding $50,000, the director may follow the competitive sealed proposal procedures authorized in this division and in Chapter 252, Texas Local Government Code, as amended. If the director chooses not to follow the competitive sealed proposal process, the purchase must be competitively bid as required by this division and by Chapter 252, Texas Local Government Code, as amended.

(f) Electronic procurement and reverse auctions. The city manager may establish procedures for purchasing goods, general services, or facility construction [~~services~~] under this section through electronic means, including but not limited to the Internet, to the extent the procedures do not conflict with state law, the city charter, or other provisions of this code. The city manager may also establish procedures for purchasing goods or general services pursuant to the reverse auction method defined in Section 2155.062(d), Texas Government Code, as amended, to the extent the procedures do not conflict with state law, the city charter, or other provisions of this code.

(h) Local preferences.

(1) Where a contract is required to be awarded to the lowest responsible bidder and a competitive bid is received from a nonresident bidder, the city may not award a governmental

contract to the nonresident bidder unless the nonresident's bid is lower than the lowest bid submitted by a responsible Texas resident bidder by the same amount that a Texas resident bidder would be required to underbid a nonresident bidder to obtain a comparable contract in the state in which the nonresident's principal place of business is located. This requirement does not apply to a contract involving federal funds.

(2) In a purchase for goods, general services, [~~construction services,~~] or facility construction through competitive bid, if one or more bids are received from a local business whose bid is within five percent of the lowest responsible bid received from a bidder who is not a local business, a contract for [~~construction services or~~] facility construction in an amount less than $100,000 or a contract for goods or general services in an amount less than $500,000 may be awarded to:

(A) the bidder with the lowest responsible bid; or

(B) the local business if the city council determines, in writing, that the bid submitted by the local business offers the city the best combination of contract price and additional economic development opportunities for the city created by the contract award, including employment of residents of the city and increased tax revenue to the city.

(3) In a purchase for goods through competitive bid, if one or more bids are received from a local business whose bid is within three percent of the lowest responsible bid received from a bidder who is not a local business, a contract in an amount of $500,000 or more may be awarded to:

(A) the bidder with the lowest responsible bid; or

(B) the local business if the city council determines, in writing, that the bid submitted by the local business offers the city the best combination of contract price and additional economic development opportunities for the city created by the contract award, including employment of residents of the city and increased tax revenue to the city.

(4) Subsection (h)(2) of this section does not apply to the purchase of telecommunication services or information services, as those terms are defined by 47 U.S.C. Section 153, as amended.

(5) Subsections (h)(2) and (h)(3) of this section do not prohibit the city from rejecting all bids."

SECTION 7. That Section 2-33, "Alternative Methods of Procurement For Facility Construction," of Division 1, "Purchasing and Contracting Generally" of Article IV, "Purchasing," of Chapter 2, "Administration," of the Dallas City Code is amended to read as follows:

"**SEC. 2-33. ALTERNATIVE METHODS OF PROCUREMENT FOR FACILITY CONSTRUCTION.**

(a) The city council finds that, in general, the methods of procuring a contractor to perform facility construction established in Chapter 2269 [~~271, Subchapter H~~], Texas [~~Local~~] Government Code, as amended, provide a better value for the city than the methods set forth in Chapter 252, Texas Local Government Code, as amended. The provisions of Chapter 2269 [~~271, Subchapter H~~], Texas [~~Local~~] Government Code, as amended, are therefore adopted for use in procuring a contract for facility construction, superseding any conflicting provisions in the city charter.

(b) The city manager is authorized, in accordance with Chapter 2269 [~~271, Subchapter H~~], Texas [~~Local~~] Government Code, as amended, to choose which method of contractor selection provides the best value for the city on each facility construction project, subject to the applicable provisions of Sections 2-30 through 2-32 of this division. The city manager may, by administrative directive, establish procedures for choosing the method of contractor selection and to conduct the selection process, to the extent the procedures do not conflict with state law or Sections 2-30 through 2-32 of this division.

(c) If, in the case of an individual facility construction project, the city manager finds that there is better value in following the methods of procurement authorized in Chapter 252, Texas Local Government Code, as amended, the city manager is authorized to secure a contractor in accordance with the rules of that state law. If the procedures of Chapter 252, Texas Local Government Code, as amended, are used to procure a facility construction contract, the award of the contract must be to the lowest responsible bidder or to a local business when allowed under Section 2-32(h) of this division. The rules of Section 2-32(b) and (c) of this division also apply to an award made under this subsection."

SECTION 8. That Section 15B-1, "Definitions," of Chapter 15B, "Equal Employment Opportunity Contract Compliance," of the Dallas City Code is amended to read as follows:

"SEC. 15B-1. DEFINITIONS.

In this chapter:

(1) AFFIRMATIVE ACTION means the positive steps taken to ensure compliance with the equal employment opportunity clause described in Section 15B-3 of this chapter.

(2) BIDDER means any person, partnership, corporation, association, or joint venture seeking to be awarded a contract.

(3) CITY MANAGER means the city manager of the city of Dallas or the city manager's designated representative.

(4) CONSTRUCTION CONTRACT means any public contract for the construction, rehabilitation, alteration, conversion, extension, or repair of city facilities.

(5) CONTRACTOR means any person, partnership, corporation, association, or joint venture that has been awarded a contract by the city.

(6) DISCRIMINATE, DISCRIMINATES, OR DISCRIMINATION means to distinguish, differentiate, separate, or segregate solely on the basis of race, color, age, religion, marital status, sexual orientation, gender identity and expression, genetic characteristics, national origin, disability, military or veteran status, sex, political opinions or affiliations [~~age, color, religion, sex, sexual orientation, or national origin~~].

(7) SEXUAL ORIENTATION has the meaning assigned to it in Chapter 34 of the Dallas City Code, as amended [~~means an individual's real or perceived orientation as heterosexual, homosexual, or bisexual or an individual's real or perceived gender identity~~]."

SECTION 9. That Paragraph (1) of Section 15B-3, "Equal Employment Opportunity Clause," of Chapter 15B, "Equal Employment Opportunity Contract Compliance," of the Dallas City Code is amended to read as follows:

"(1) The contractor shall not discriminate against any employee or applicant for employment because of race, color, age, religion, marital status, sexual orientation, gender identity and expression, genetic characteristics, national origin, disability, military or veteran status, sex, political opinions or affiliations [~~age, color, religion, sex, sexual orientation, or national origin~~]. The contractor shall take affirmative action to ensure that applicants are employed, and that employees are treated during employment, without regard to race, age, color, religion, sex, sexual orientation, or national origin. This action shall include, but not be limited to, the following:

(A) employment, upgrading, demotion, or transfer;

(B) recruitment or recruitment advertising;

(C) layoff or termination;

(D) rates of pay or other forms of compensation; and

(E) selection for training, including apprenticeship."

SECTION 10. That, unless specifically provided otherwise by this ordinance or by state law, a person violating a provision of this ordinance is, upon conviction, punishable by a fine not to exceed $500.

SECTION 11. That Chapters 2 and 15B of the Dallas City Code shall remain in full force and effect, save and except as amended by this ordinance.

SECTION 12. That any act done or right vested or accrued, or any proceeding, suit, or prosecution had or commenced in any action before the amendment or repeal of any ordinance, or part thereof, shall not be affected or impaired by amendment or repeal of any ordinance, or part thereof, and shall be treated as still remaining in full force and effect for all intents and purposes as if the amended or repealed ordinance, or part thereof, had remained in force.

SECTION 13. That the terms and provisions of this ordinance are severable and are governed by Section 1-4 of Chapter 1 of the Dallas City Code, as amended.

SECTION 14. 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

By_____
Assistant City Attorney

Passed_____

AGENDA ITEM # 35

STRATEGIC PRIORITY:	Mobility Solutions, Infrastructure, and Sustainability
AGENDA DATE:	April 11, 2018
COUNCIL DISTRICT(S):	All
DEPARTMENT:	Office of Strategic Partnerships & Government Affairs
CMO:	Kimberly Bizor Tolbert, 670-3302
MAPSCO:	N/A

SUBJECT

Authorize an agreement with the Dallas/Fort Worth International Airport and the Trinity River Authority regarding permanent and temporary easements onto Airport Property for the construction and maintenance of a second sewer pipeline - Financing: No cost consideration to the City

BACKGROUND

The Trinity River Authority (TRA) needs to expand its system by installing a permanent sanitary sewer across part of Dallas/Fort Worth International Airport (DFW Airport), adjacent to an existing sewer, and it needs both permanent easements and temporary construction easements. The acreage for the various temporary and permanent easements are as follows:

- Temporary Construction Easement - 30.067 acres
- Permanent Easement - 9.67 acres

The TRA and DFW Airport have agreed on appropriate compensation for the easements as well as compensation to the tenant of Bear Creek Golf Course for the cost of restoring the surface to its original condition and for loss of profits resulting from the temporary closure of part of the golf course during construction.

TRA will pay a total compensation of $1,877,682 for the easements and all elements of damage, allocable as follows:

- $1,074,297 will be paid to DFW Airport for the easements
- $783,400 will be paid to the Bear Creek Golf Course tenant for the cost of restoration of the golf course and for lost profits resulting from business interruption

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Information about this item was provided to the Mobility Solutions, Infrastructure and Sustainability Committee on March 26, 2018.

FISCAL INFORMATION

No cost consideration to the City.

April 11, 2018

WHEREAS, the Dallas/Fort Worth International Airport ("DFW Airport") serves the aviation needs of the owner cities of Dallas and Fort Worth; and

WHEREAS, the Dallas/Fort Worth International Airport Board ("the Board") presented the permanent easements to the City Council of the City of Dallas for its approval in accordance with the Contract and Agreement between the cities of Dallas and Fort Worth, dated April 15, 1968, as amended, which established the Board as the operating Board of Directors for DFW Airport.

Now, Therefore,

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

SECTION 1. That the City Council hereby grants the permanent and temporary easements to the Trinity River Authority at the Dallas/Fort Worth International Airport.

SECTION 2. That the approvals and authorization contained in this resolution are further conditioned upon similar approvals by the City Council of the City of Fort Worth.

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.

AGENDA ITEM # 36

STRATEGIC PRIORITY:	Quality of Life
AGENDA DATE:	April 11, 2018
COUNCIL DISTRICT(S):	All
DEPARTMENT:	Park & Recreation Department
CMO:	Willis Winters, 670-4071
MAPSCO:	Various

SUBJECT

Authorize a ten-year agreement with Texas Trees Foundation for fundraising and other support activities related to the Dallas Independent School District and City of Dallas shared campus projects - Financing: No cost consideration to the City

BACKGROUND

Approximately only half of Dallas residents live within a ten minute walk of a park. Throughout Dallas, there are areas that are highly deficient in open space. A strategy utilized nationally to increase resident access to park and open space is to partner with schools to make their campuses available for resident use after school hours and weekends. By partnering with the Texas Trees Foundation (TTF) to assist with fundraising and other associated efforts and the Dallas Independent School District (DISD), the City will be able to fill many gaps in service without the need to acquire new park land.

The TTF agrees to provide fundraising services and associated grant monitoring for the joint City and DISD projects. Additionally, TTF will assist with overall project implementation and landscape planning for the joint projects. The City agrees to provide any required documentation for fundraising or donor compliance and to implement the projects included in the DISD shared campus agreement subject to funding availability. Additionally, the City agrees to coordinate with TTF on design activities at the DISD project sites.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On March 22, 2018, the Park and Recreation Board authorized a ten-year agreement with Texas Trees Foundation for fundraising and other support activities related to the Dallas Independent School District and City of Dallas shared campus projects.

Information about this item will be provided to the Quality of Life, Arts and Culture Committee on April 9, 2018.

FISCAL INFORMATION

No cost consideration to the City.

April 11, 2018

WHEREAS, a national best practice is for park systems to partner with school districts to increase the availability of park land and open space to residents; and

WHEREAS, the City of Dallas has joined the Trust for Public Land's ten minute walk initiative to ensure as many residents as possible have access to a park or open space within a ten minute or 0.5 mile walk of their home; and

WHEREAS, on February 28, 2018, City Council authorized a ten-year Interlocal Agreement, with two five-year renewal options, with Dallas Independent School District for shared access of campus grounds after school hours and weekends and to partner on capital improvements subject to funding availability by Resolution No. 18-0377; and

WHEREAS, the City of Dallas and Texas Trees Foundation desire to partner on the joint DISD and City shared campus projects to assist with fundraising and other associated support activities for the benefit of the projects; and

WHEREAS, on March 22, 2018 the Park and Recreation Board voted unanimously for approval.

Now, Therefore,

BE IT RESOLVED BY THE PARK AND RECREATION BOARD AND THE CITY COUNCIL OF THE CITY OF DALLAS:

SECTION 1. That the City Manager is hereby authorized to sign a ten-year agreement with Texas Trees Foundation, approved as to form by the City Attorney, for fundraising and other support activities related to Dallas Independent School District and City of Dallas shared campus projects.

SECTION 2. That the President of the Park and Recreation Board and the City Manager are hereby authorized to execute a ten-year agreement with Texas Trees Foundation, approved as to form by the City Attorney.

SECTION 3. That this contract is designated as Contract No. PKR-2018-00005918.

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.

AGENDA ITEM # 37

STRATEGIC PRIORITY:	Quality of Life
AGENDA DATE:	April 11, 2018
COUNCIL DISTRICT(S):	All
DEPARTMENT:	Park & Recreation Department
CMO:	Willis Winters, 670-4071
MAPSCO:	Various

SUBJECT

Authorize a construction contract for the installation of park identification signs at 70 park sites, Phase IV (list attached), refurbishment of 30 existing park identification signs and replacement of 100 medallions - Artografx, Inc., only bidder - Not to exceed $637,970 - Financing: 2006 Bond Funds

BACKGROUND

A park signage program was started in 2001 to identify current parks' sign needs, and to replace old wooden park signs and create a sense of pride for the community. By 2010 there were 182 new standardized park signs installed.

Each new sign will be constructed of an aluminum frame and panel system spanning two steel posts cast in concrete and surrounded by a concrete mow-strip. Each panel will be finished with a high-performance coating.

This action will authorize a construction contract with Artografx, Inc. for installation of 70 new park identification signs, refurbishment of 30 existing signs, and replacement of 100 medallions on existing signs. Currently 61 sites have been designated to receive new park identification signs.

The Park and Recreation Department contacted four sign contractors during the solicitation process in addition to those reached through the two advertisements in the Dallas Morning News. As part of the solicitation process and in an effort to increase competition, the Office of Procurement Services used its procurement system to send out 11,312 notices. One vendor attended the pre-bid meeting on February 15, 2018. In the last week of bidding, there were seven companies, out of the eight companies holding the bid documents, that intended to submit a bid.

ESTIMATED SCHEDULE OF PROJECT

Begin Construction	May 2018
Complete Construction	May 2020

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On March 22, 2018, the Park and Recreation Board authorized a construction contract with Artografx, Inc.

Information about this item will be provided to the Quality of Life, Arts and Culture Committee on April 9, 2018.

FISCAL INFORMATION

2006 Bond Funds - $637,970.00

M/WBE INFORMATION

In accordance with the City's Business Inclusion and Development Plan adopted on October 22, 2008, by Resolution No. 08-2826, as amended, the M/WBE participation on this contract is as follows:

Contract Amount	Category	M/WBE Goal	M/WBE %	M/WBE $
$637,970.00	Construction	25.00%	100.00%	$637,970.00

- This contract exceeds the M/WBE goal of 25.00%

BID INFORMATION

The Office of Procurement Services received the following bid from solicitation number CIZ1703. We opened it on February 23, 2018. We recommend the City Council award this construction contract to the only bidder.

*Denotes the successful bidder

Bidder	Base Bid	**Alternate Nos. 2 and 3	Total
*Artografx, Inc. 2611 Andjon Drive Dallas, Texas 75220	$441,000.00	$196,970.00	$637,970.00

**Alternate No. 2 - provides for the refurbishment of 30 existing signs.
**Alternate No. 3 - provides for the replacement of 100 existing medallions.

BID INFORMATION (continued)

Note: A single bid review process has been conducted and no exceptions have been found.

OWNER

Artografx, Inc.

Rick Santoyo, President

Proposed Park Signs

(Phase IV - Various Locations)

ID	NAME	ADDRESS	PARK TYPE	CD
1	STEMMONS PLAZA	1500 Jefferson Boulevard	Special	1
2	STONE	810 N. Edgefield Avenue	Mini	1
3	GANNON PARK	304 N. Manus Drive	Linear	1
4	BUCKNER	4550 Worth Street	Neighborhood	2
5	CROCKETT	Carroll Avenue and Victor Street	Neighborhood	2
6	GARRETT	1506 Garrett Avenue	Neighborhood	2
7	MARTYRS	379 Commerce Street	Special	2
8	MONARCH	1823 N. Fitzhugh Avenue at Monarch Street	Mini	2
9	PIKE	2807 Harry Hines Boulevard	Community	2
10	STEMMONS	1200 Oak Lawn Avenue	Community	2
11	WALFORD	1700 North Haskell Avenue	Mini	2
12	WEICHSEL	5700 Cedar Springs Road	Community	2
13	BECKLEY HEIGHTS	6700 Starkey Street	Neighborhood	3
14	BOULDER	3200 Red Bird Lane	Metro	3
15	BRIAR GATE	3100 Westmoreland Road	Neighborhood	3
16	FOREST CLIFF	5100-5300 Blocks of Duncanville Road	Neighborhood	3
17	SUGARBERRY	7102 Sugarberry Road	Neighborhood	3
18	ELOISE LUNDY	1200 Sabine Street	Community	4
19	MOORE	1900 East Eighth Street	Community	4
20	SARGENT	2825 Sargent Road	Community	4
21	SEATON	3200 Seaton Drive	Neighborhood	4
22	WEST TRINITY HEIGHTS	1900 Harlandale Avenue	Neighborhood	4
23	WONDERVIEW	2704 Wonderview Way	Neighborhood	4
24	BITTER CREEK	800 Bitter Creek Drive	Neighborhood	5
25	HOLCOMB	1044-1114 Holcomb Road	Neighborhood	5
26	RAIN FOREST	10600 Lake June Road	Mini	5
27	ROOSEVELT	2342 Moonlight Avenue	Community	5
28	BISHOP FLORES	2200 Talleyho Lane	Neighborhood	6
29	FRANCES RIZO	2300 Kenesaw Drive	Neighborhood	6
30	HELEN C. EMORY	2500 Obenchain Street at Bayonne Street	Mini	6
31	HINES	9700 Harry Hines Boulevard	Special	6
32	L.B. HOUSTON NATURE AREA	California Crossing to Loop 12	Metro	6
33	POINTER	4100 Pointer Street	Neighborhood	6
34	PUEBLO	3226 Bataan Street	Mini	6
35	STAFFORD	1103 Stafford Avenue	Mini	6

ID	NAME	ADDRESS	PARK TYPE	CD
36	CEDAR RUN	4100 Prairie Creek Road	Neighborhood	7
37	FERGUSON	1900 Gross Road	Neighborhood	7
38	FOREST	2906 Parnell Street	Neighborhood	7
39	KIMBLE	2215 Warren Avenue	Neighborhood	7
40	LAWNVIEW	5500 Scyene Road	Community	7
41	LAWRENCE PLAYLOT	2400 Lawrence Street	Mini	7
42	PEARY	2800 Peary Avenue	Neighborhood	7
43	SAND SPRINGS	10243 Hillhouse Lane	Neighborhood	7
44	WAHOO	4600 Hatcher Street	Neighborhood	7
45	WHEATLEY	3700 Meyers Street	Mini	7
46	WILLIE MAE BUTLER	3700 Dixon Avenue	Community	7
47	RICKETTS BRANCH PARK	7300 Albert Williams Drive	Neighborhood	8
48	TEAGARDEN PLACE	9300 Crimson Court	Neighborhood	8
49	WHEATLAND	700 Wheatland Road	Community	8
50	WILLOUGHBY	9000 Willoughby Bouelvard	Neighborhood	8
51	CASA LINDA	1500 San Saba Drive	Neighborhood	9
52	WHITE ROCK HILLS	2229 Highland Road	Community	9
53	FLAG POLE HILL	8015 Doran Circle	Metro	10
54	HILLCREST	13819 Hillcrest Road	Neighborhood	11
55	ROSE HAGGAR	18100 Campbell Road	Neighborhood	12
56	ROSEMEADE	18740 Marsh Lane	Community	12
57	NETHERLAND	5600 Dittmar Place	Neighborhood	13
58	BROWNWOOD	3400 Walnut Hill Lane	Community	6, 13
59	GLENDALE	1515 E. Ledbetter Drive	Community	3, 4
60	HARRY S. MOSS	8000 Greenville Avenue	Metro	10, 13
61	MCCREE EAST	11100 McCree Road	Neighborhood	9, 10

*The remaining nine park sites have not been identified

April 11, 2018

WHEREAS, the Park and Recreation Department started a park signage program in 2001 to identify parks and replace old wooden park signs with more durable standardized signs; and

WHEREAS, by 2010 there were 182 new standardized park signs installed; and

WHEREAS, on February 8, 2018 and February 14, 2018, a solicitation was advertised to install the remaining park identification signs at eligible parks; and

WHEREAS, on February 23, 2018, one bid was received and opened for the installation of park identification signs at 70 park sites, refurbishment of 30 existing park identification signs and replacement of 100 medallions; and

Bidder	**Base Bid**	****Alternate Nos. 2 and 3**	**Total Bid**
Artografx, Inc.	$441,000.00	$196,970.00	$637,970.00

**Alternate No. 2 - provides for the refurbishment of 30 existing signs.
**Alternate No. 3 - provides for the replacement of 100 existing medallions.

WHEREAS, it has been determined that acceptance of the bid from Artografx, Inc., the only bidder, for the installation of park identification signs at 70 park sites, refurbishment of 30 existing park identification signs and replacement of 100 medallions, in an amount not to exceed $637,970.00 is the most advantageous for the City of Dallas.

Now, Therefore,

BE IT RESOLVED BY THE PARK AND RECREATION BOARD AND THE CITY COUNCIL OF THE CITY OF DALLAS:

SECTION 1. That the City Manager is hereby authorized to sign a construction contract with Artografx, Inc., approved as to form by the City Attorney, for the installation of park identification signs at 70 park sites, Phase IV (list attached), refurbishment of 30 existing park identification signs, and replacement of 100 medallions, in an amount not to exceed $637,970.00.

SECTION 2. That the President of the Park and Recreation Board and the City Manager are hereby authorized to execute a construction contract with Artografx, Inc., approved as to form by the City Attorney.

SECTION 3. That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed $637,970.00 to Artografx, Inc. in accordance with the terms and conditions of Contract No. PKR-2018-00005662, as follows:

Park and Recreation Facilities Fund Fund 2T00, Department PKR, Unit T249, Object 4599 Activity CWPK, Program PK06T249 Commodity 90640, Vendor 357173 Encumbrance CX-PKR-2018-00005662	$73,989.00
Park and Recreation Facilities Fund Fund 8T00, Department PKR, Unit T249, Object 4599 Activity CWPK, Program PK06T249 Commodity 90640, Vendor 357173 Encumbrance CX-PKR-2018-00005662	$11,968.23
Park and Recreation Facilities Fund Fund 4T00, Department PKR, Unit T249, Object 4599 Activity CWPK, Program PK06T249 Commodity 90640, Vendor 357173 Encumbrance CX-PKR-2018-00005662	$552,012.77
Total amount not to exceed	$637,970.00

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.

AGENDA ITEM # 38

STRATEGIC PRIORITY:	Quality of Life
AGENDA DATE:	April 11, 2018
COUNCIL DISTRICT(S):	10
DEPARTMENT:	Park & Recreation Department
CMO:	Willis Winters, 670-4071
MAPSCO:	27Y

SUBJECT

Authorize a contract for the construction of the Flagpole Hill Playground Replacement Project at Flagpole Hill Park located at 8015 Doran Circle - Henneberger Construction, Inc., lowest responsible bidder of two - Not to exceed $406,709 – Financing: 2017 Bond Funds

BACKGROUND

On February 23, 2018, two bids were received for the Flagpole Hill Playground Replacement Project. Henneberger Construction, Inc., was selected as the lowest responsible and responsive bidder. The scope of work for the Flagpole Hill Playground Replacement Project includes: complete removal of the existing playground; new walls, playground containment edge, plazas, seating; new stone seat walls; new wood deck with benches; new playground surfacing, install new inclusive-play equipment provided by private donors (Kompan equipment); and replace section of trail, sod, etc. disturbed by the construction work. This item authorizes the award of the construction services contract to Henneberger Construction, Inc. for a total bid amount of $406,708.93.

The following chart illustrates Henneberger Construction, Inc.'s contractual activities with the City of Dallas for the past three years.

	PBW	DWU	PKR	TWM
Projects Completed	0	0	2	0
Change Orders	0	0	3	0
Projects Requiring Liquidated Damages	0	0	0	0
Projects Completed by Bonding Company	0	0	0	0

ESTIMATED SCHEDULE OF PROJECT

Began Design	February 2017
Completed Design	February 2018
Begin Construction	June 2018
Complete Construction	September 2018

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On March 22, 2018, the Park and Recreation Board authorized a contract with Henneberger Construction Inc. for the construction of the Flagpole Hill Playground Replacement Project at Flagpole Hill Park.

Information about this item will be provided to the Quality of Life, Arts and Culture Committee on April 9, 2018.

FISCAL INFORMATION

2017 Bond Funds – $406,708.93

M/WBE INFORMATION

In accordance with the City's Business Inclusion and Development Plan adopted on October 22, 2008, by Resolution No. 08-2826, as amended, the M/WBE participation on this contract is as follows:

Contract Amount	Category	M/WBE Goal	M/WBE %	M/WBE $
$406,708.93	Construction	25.00%	100.00%	$406,708.93

- This contract exceeds the M/WBE goal of 25.00%

BID INFORMATION

The following two competitive bids were received and opened on February 23, 2018:

*Denotes the successful bidder

Bidder	Total Bid
*Henneberger Construction, Inc. 8928 Fairglen Drive Dallas, Texas 75231	$406,708.93
Wall Enterprises	$537,900.00

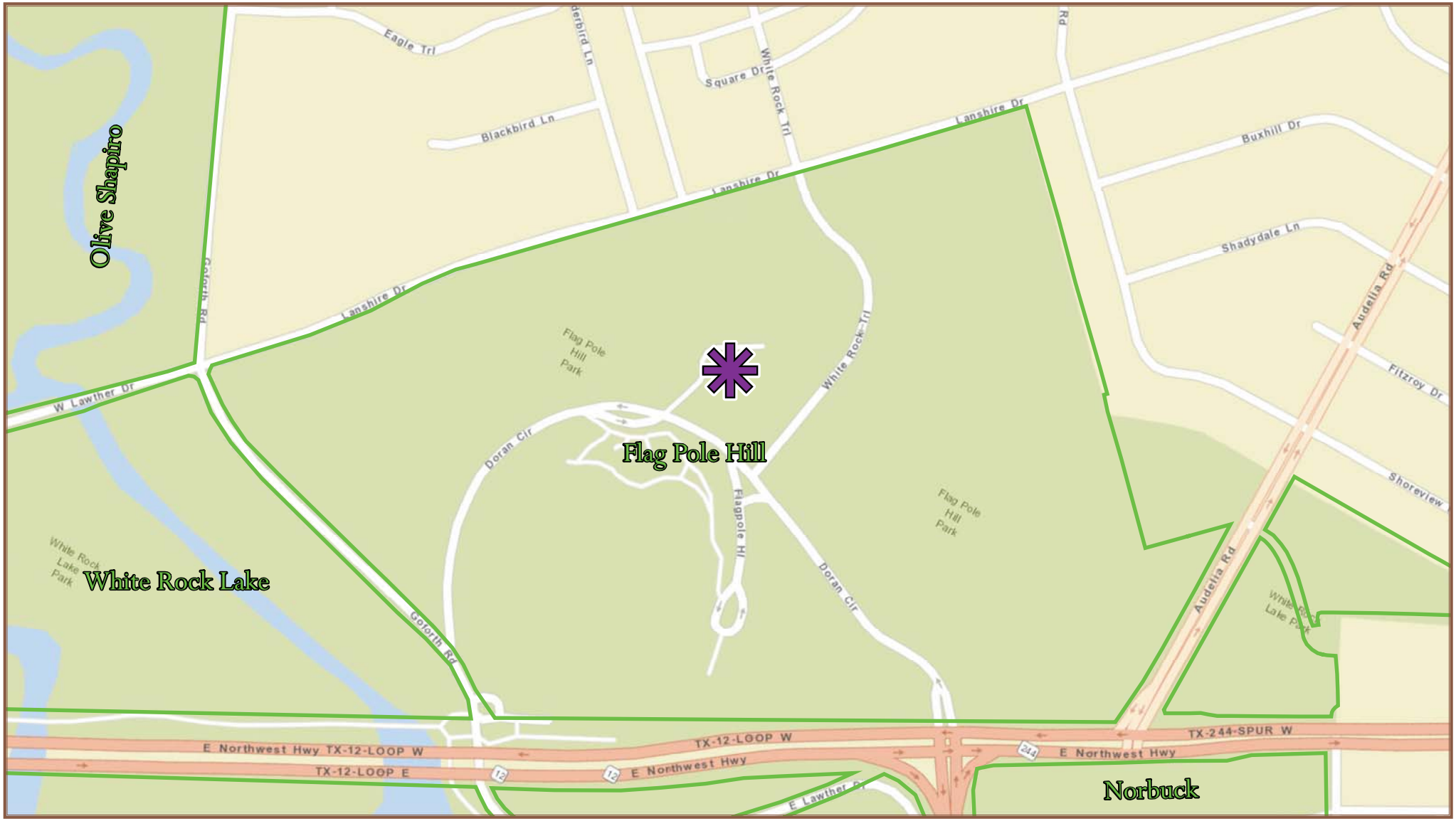
OWNER

Henneberger Construction, Inc.

Cynthia Henneberger, President

MAP

Attached



Flag Pole Hill Park
(8015 Doran Circle)

Mapsco
27 X,Y

District
10

April 11, 2018

WHEREAS, on February 23, 2018, two bids were received for the construction of the Flagpole Hill Playground Replacement Project at Flagpole Hill Park located at 8015 Doran Circle; and

Bidders	**Total Bid**
Henneberger Construction, Inc.	$406,708.93
Wall Enterprises	$537,900.00

WHEREAS, it has been determined that acceptance of the bid from Henneberger Construction, Inc. for the construction of a new playground at Flagpole Hill Park, in an amount not to exceed $406,708.93 is most advantageous for the City of Dallas.

Now, Therefore,

BE IT RESOLVED BY THE PARK AND RECREATION BOARD AND THE CITY COUNCIL OF THE CITY OF DALLAS:

SECTION 1. That the City Manager is hereby authorized to sign a contract with Henneberger Construction, Inc., approved as to form by the City Attorney, for the construction of the Flagpole Hill Playground Replacement Project at Flagpole Hill Park, in an amount not to exceed $406,708.93.

SECTION 2. That the President of the Park and Recreation Board and the City Manager are hereby authorized to execute a contract with Henneberger Construction, Inc., approved as to form by the City Attorney.

SECTION 3. That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed $406,708.93 to Henneberger Construction, Inc., in accordance with the terms and conditions of Contract No. PKR-2017-00003082, as follows:

Park and Recreation Facilities Fund (B) Fund 1V00, Department PKR, Unit VK36, Object 4599 Activity PLGI, Program PK17VK36, Commodity 91200 Encumbrance CX-PKR-2017-00003082, Vendor 331939	$274,028.18
Park and Recreation Facilities Fund (B) Fund 1V00, Department PKR, Unit VK37, Object 4599 Activity PLGI, Program PK17VK37, Commodity 91200 Encumbrance CX-PKR-2017-00003082, Vendor 331939	$132,680.75
Total amount not to exceed	$406,708.93

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.

AGENDA ITEM # 39

STRATEGIC PRIORITY:	Quality of Life
AGENDA DATE:	April 11, 2018
COUNCIL DISTRICT(S):	2, 5, 11
DEPARTMENT:	Park & Recreation Department
CMO:	Willis Winters, 670-4071
MAPSCO:	15H, 47E, 59W

SUBJECT

Authorize an increase in the construction services contract with The Fain Group, Inc. to add site furnishings at three regional family aquatic centers at Crawford Memorial Park located at 8700 Elam Road, Fretz Park located at 6994 Belt Line Road and Samuell Grand Park located at 6200 East Grand Avenue - Not to exceed $198,527, from $20,913,964 to $21,112,491 - Financing: Elgin B. Robertson Land Sale Funds

BACKGROUND

On June 28, 2017, City Council authorized a contract with The Fain Group, Inc. for construction of three regional family aquatic centers at Crawford Memorial Park located at 8700 Elam Road, Fretz Park located at 6994 Belt Line Road and Samuell Grand Park located at 6200 East Grand Avenue, in an amount not to exceed $20,562,297.00, by Resolution No. 17-1085.

On February 14, 2018, City Council authorized Change Order No. 1 to the construction services contract with The Fain Group, Inc. for an increase in the contract to modify the location of the filtration building to: accommodate a future right-of-way on Hillcrest Road at Fretz Park; re-route the existing water line which serves the recreation center and the aquatic center at Fretz Park; install a three-phase primary electrical power feed at Crawford Memorial Park; and add gates to the perimeter fence at Crawford Memorial Park and Samuell Grand Park aquatic centers, in an amount not to exceed $351,666.61, from $20,562,297.00 to $20,913,963.61, by Resolution No. 18-0291.

This action will authorize Change Order No. 2 to the construction services contract with The Fain Group, Inc., in an amount not to exceed $198,526.73, from $20,913,963.61 to $21,112,490.34, for an increase in the contract to furnish, assemble and install picnic tables, trash receptacles and umbrellas at Crawford Memorial Park, Fretz Park and Samuell Grand Park aquatic centers.

ESTIMATED SCHEDULE OF PROJECT

Began Construction	August/September 2017
Complete Construction	May 2018

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On December 9, 2015, City Council authorized the professional services contract for Phase 1 Implementation by Resolution No. 15-2271.

On December 1, 2016, the Park and Recreation Board authorized proceeding with advertisement for construction procurement.

On May 18, 2017, the Park and Recreation Board authorized a professional services contract for construction of three regional family aquatic centers at Crawford Memorial Park, Fretz Park and Samuell Grand Park for Package 1.

On June 28, 2017, City Council authorized a contract with The Fain Group, Inc. for construction of three regional family aquatic centers at Crawford Memorial Park, Fretz Park and Samuell Grand Park for Package 1, by Resolution No. 17-1085.

On January 25, 2018, the Park and Recreation Board authorized Change Order No. 1 to the construction services contract with The Fain Group, Inc.

On February 14, 2018, City Council authorized Change Order No. 1 to the construction services contract with The Fain Group, Inc. to add increased scope of work associated with three regional aquatic centers located at Crawford Memorial Park, Fretz Park and Samuell Grand Park by Resolution No. 18-0291.

On March 22, 2018, the Park and Recreation Board authorized Change Order No. 2 to the construction services contract with The Fain Group, Inc.

Information about this item will be provided to the Quality of Life, Arts and Culture Committee on April 9, 2018.

FISCAL INFORMATION

Elgin B. Robertson Land Sale Funds - $198,526.73

Construction Contract	$20,562,297.00
Change Order No. 1	$ 351,666.61
Change Order No. 2 (this action)	$ 198,526.73
Total not to exceed	$21,112,490.34

FISCAL INFORMATION (continued)

Council District	Amount
2	$ 73,236.53
5	$ 59,756.54
11	$ 65,533.66
Total	$198,526.73

M/WBE INFORMATION

In accordance with the City's Business Inclusion and Development Plan adopted on October 22, 2008, by Resolution No. 08-2826, as amended, the M/WBE participation on this contract is as follows:

Contract Amount	Category	M/WBE Goal	M/WBE %	M/WBE $
$198,526.73	Construction	25.00%	58.40%	$115,943.60

- Change Order No. 2 - 58.40% M/WBE participation
- This contract meets the M/WBE goal of 25.00%, and has a 43.08% Overall M/WBE participation

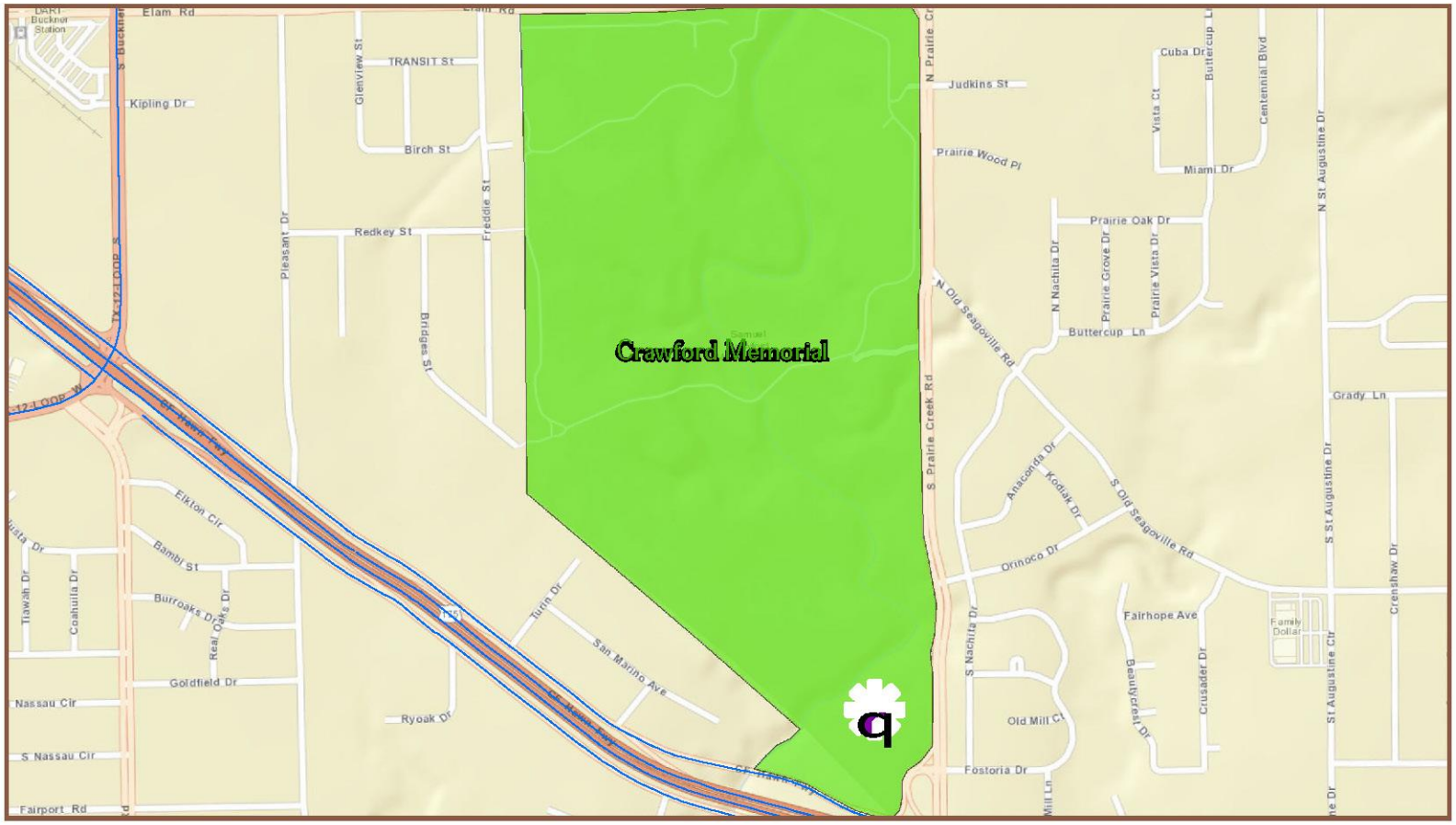
OWNER

The Fain Group, Inc.

Larry Frazier, President

MAPS

Attached



0 295 590 1,180 1,770 Feet

Aquatic Center: Crawford Memorial Park (8700 Elam Rd)

Mapsco 59W

District 5

0 65 130 260 390 Feet

Aquatic Center: Fretz Park
(6994 Belt Line Rd)

Mapsco
15 H

District
11

0 155 310 620 930 Feet

Aquatic Center: Samuell-Grand Park
(6200 E Grand Ave)

Mapsco
47 E

District
2

April 11, 2018

WHEREAS, on June 28, 2017, City Council authorized a contract with The Fain Group, Inc. for construction of three regional family aquatic centers at Crawford Memorial Park located at 8700 Elam Road, Fretz Park located at 6994 Belt Line Road, and Samuell Grand Park located at 6200 East Grand Avenue, in an amount not to exceed $20,562,297.00, by Resolution No. 17-1085; and

WHEREAS, on February 14, 2018, City Council authorized Change Order No. 1 to the construction services contract with The Fain Group, Inc. to add increased scope of work associated with three regional family aquatic centers at Crawford Memorial Park, Fretz Park and Samuell Grand Park, in an amount not to exceed $351,666.61, from $20,562,297.00 to $20,913,963.61, by Resolution No. 18-0291; and

WHEREAS, this action will authorize Change Order No. 2 to the construction services contract with The Fain Group, Inc. to furnish, assemble and install picnic tables, trash receptacles and umbrellas at Crawford Memorial Park, Fretz Park and Samuell Grand Park aquatic centers, in an amount not to exceed $198,526.73, increasing the contract amount from $20,913,963.61 to $21,112,490.34.

Now, Therefore,

BE IT RESOLVED BY THE PARK AND RECREATION BOARD AND THE CITY COUNCIL OF THE CITY OF DALLAS:

SECTION 1. That an increase in the construction services contract with The Fain Group, Inc. (Change Order No. 2) is authorized to add site furnishings at three regional family aquatic centers Crawford Memorial Park located at 8700 Elam Road, Fretz Park located at 6994 Belt Line Road, Samuell Grand Park located at 6200 East Grand Avenue, in an amount not to exceed $198,526.73, increasing the contract amount from $20,913,963.61 to $21,112,490.34.

SECTION 2. That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed $198,526.73 to The Fain Group, Inc. in accordance with the terms and conditions of the contract, as follows:

Crawford Memorial Park
Elgin B. Robertson Land Sale Fund
Fund 0467, Department PKR, Unit W109
Object 4599, Activity AQFC, Program PKP945.6
Encumbrance/Contract No. CX-PKR-2017-00001818
Commodity 91200, Vendor VS0000040276 $ 73,236.53

SECTION 2. (continued)

Fretz Park	
Elgin B. Robertson Land Sale Fund	
Fund 0467, Department PKR, Unit W109	
Object 4599, Activity AQFC, Program PKP945.1	
Encumbrance/Contract No. CX-PKR-2017-00001818	
Commodity 91200, Vendor VS0000040276	$ 59,756.54
Samuell Grand Park	
Elgin B. Robertson Land Sale Fund	
Fund 0467, Department PKR, Unit W109	
Object 4599, Activity AQFC, Program PKP945.2	
Encumbrance/Contract No. CX-PKR-2017-00001818	
Commodity 91200, Vendor VS0000040276	$ 65,533.66
Total amount not to exceed	$198,526.73

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.

AGENDA ITEM # 40

STRATEGIC PRIORITY:	Public Safety
AGENDA DATE:	April 11, 2018
COUNCIL DISTRICT(S):	All
DEPARTMENT:	Police Department
CMO:	Jon Fortune, 670-1204
MAPSCO:	N/A

SUBJECT

Authorize **(1)** an application for and acceptance of the "Click It or Ticket" Mobilization Grant (Grant No. 2018-Dallas-CIOT-00001, CFDA No. 20.616) in the amount of $74,999 from the Texas Department of Transportation through a grant from the National Highway Traffic Safety Administration for a safety belt enforcement initiative for the period May 2, 2018 through June 10, 2018; **(2)** a City contribution of Federal Insurance Contributions Act costs in the amount of $1,088; **(3)** the establishment of appropriations in an amount not to exceed $74,999 in the “Click It or Ticket” FY18 Mobilization Grant Fund; **(4)** the receipt and deposit of grant funds in an amount not to exceed $74,999 in the “Click It or Ticket” FY18 Mobilization Grant Fund; and **(5)** execution of the sub-grant agreement - Total not to exceed $76,087 - Financing: Current Funds ($1,088) and Texas Department of Transportation Grant Funds ($74,999)

BACKGROUND

The "Click It or Ticket" Mobilization Grant provides for the reimbursement of overtime salaries paid to officers enforcing seatbelt and child safety seat laws at locations throughout the city of Dallas.

This grant is one of the “wave” grants from the Texas Department of Transportation (TxDOT) that are part of the national traffic safety plan and are awarded to TxDOT grant recipients. The grant is for the increased enforcement of seatbelt and child safety seat laws during the national campaign of May 2, 2018 through June 10, 2018 (enforcement period).

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On May 22, 2013, City Council authorized an application for and acceptance of the "Click It or Ticket" Mobilization Grant from the Texas Department of Transportation for a safety belt enforcement initiative for the period May 1, 2013 through June 22, 2013; a City contribution of pension and Federal Insurance Contributions Act costs; and execution of the grant agreement by Resolution No. 13-0828.

On May 14, 2014, City Council authorized an application for and acceptance of the "Click It or Ticket" Mobilization Grant from the Texas Department of Transportation for a safety belt enforcement initiative for the period April 29, 2014 through June 7, 2014; a City contribution of pension and Federal Insurance Contributions Act costs; and execution of the grant agreement by Resolution No. 14-0756.

On May 13, 2015, City Council authorized an application for and acceptance of the "Click It or Ticket" Mobilization Grant from the Texas Department of Transportation for a safety belt enforcement initiative for the period April 28, 2015 through June 6, 2015; a City contribution of pension and Federal Insurance Contributions Act costs; and execution of the grant agreement by Resolution No. 15-0843.

On April 27, 2016, City Council authorized an application for and acceptance of the "Click It or Ticket" Mobilization Grant from the Texas Department of Transportation for a safety belt enforcement initiative for the period April 28, 2016 through June 6, 2016; a City contribution of pension and Federal Insurance Contributions Act costs; and execution of the grant agreement by Resolution No. 16-0688.

On April 26, 2017, City Council authorized an application for and acceptance of the "Click It or Ticket" Mobilization Grant from the Texas Department of Transportation for a safety belt enforcement initiative for the period May 2, 2017 through June 10, 2017; a City contribution of pension and Federal Insurance Contributions Act costs; and execution of the grant agreement by Resolution No. 17-0697.

Information about this item will be provided to the Public Safety and Criminal Justice Committee on April 9, 2018.

FISCAL INFORMATION

Current Funds - $1,087.49
Texas Department of Transportation Grant Funds - $74,999.00

April 11, 2018

WHEREAS, the Texas Department of Transportation has made the "Click It or Ticket" Mobilization Grant funds available for overtime salaries for a safety belt enforcement initiative for the period May 2, 2018 through June 10, 2018; and

WHEREAS, the "Click It or Ticket" Mobilization Grant will provide $74,999.00; and

WHEREAS, the City of Dallas contributes Federal Insurance Contributions Act costs related to the overtime in an amount not to exceed $1,087.49; and

WHEREAS, it is in the best interest of the City of Dallas to apply for and accept such funding.

Now, Therefore,

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

SECTION 1. That the City Manager is hereby authorized to apply for and accept the "Click It or Ticket" Mobilization Grant (Grant No. 2018-Dallas-CIOT-00001, CFDA No. 20.616), in the amount of $74,999.00 from the Texas Department of Transportation through a grant from the National Highway Traffic Safety Administration for the safety belt enforcement initiative for the period May 2, 2018 through June 10, 2018; provide a City's Federal Insurance Contributions Act costs in the amount of $1,087.49; and sign a sub-grant agreement with the Texas Department of Transportation, approved as to form by the City Attorney.

SECTION 2. That the City Manager is hereby authorized to establish appropriations in an amount not to exceed $74,999.00, in the "Click It or Ticket" Mobilization Grant Fund, Fund F548, Department DPD, Unit 3587, Object 3090.

SECTION 3. That the Chief Financial Officer is hereby authorized to receive and deposit grant funds in an amount not to exceed $74,999.00 into the "Click It or Ticket" FY18 Mobilization Grant Fund, Fund F548, Department DPD, Unit 3587, Revenue Code 6506.

SECTION 4. That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed $1,087.49 for City's Federal Insurance Contributions Act costs related to the overtime expenditure from Fund 0001, Department DPD, Unit 2127, Object Codes 1302 and 1306.

SECTION 5. That the Chief Financial Officer is hereby authorized to reimburse funds in an amount not to exceed $74,999.00 from the "Click It or Ticket" FY18 Mobilization Grant Fund, Fund F548, Department DPD, Unit 3587, Object 3090 to Fund 0001, Department DPD, Unit 2127, Object 5011 after the overtime expenditure is incurred.

SECTION 6. That the City Manager is hereby authorized to reimburse the granting agency any expenditures identified as ineligible and notify the appropriate City Council Committee of expenditures identified as ineligible not later than 30 days after the reimbursement.

SECTION 7. That the City Manager shall keep the appropriate City Council Committee informed of all final granting agency monitoring reports not later than 30 days after the receipt of the report.

SECTION 8. That this contract is designated as Contract No. DPD-2018-00005575.

SECTION 9. 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.

AGENDA ITEM # 41

STRATEGIC PRIORITY:	Public Safety
AGENDA DATE:	April 11, 2018
COUNCIL DISTRICT(S):	All
DEPARTMENT:	Police Department
CMO:	Jon Fortune, 670-1204
MAPSCO:	N/A

SUBJECT

Authorize **(1)** an application for and acceptance of the National Incident-Based Reporting System Grant (Grant No. 3425501, State Award ID No. 2018-NB-ST-0024) in the amount of $28,228 for the Dallas Police Department from the Office of the Governor, Criminal Justice Division (CJD) for the purchase of technology upgrades to augment current reporting capabilities for the period February 1, 2018 through February 28, 2019; **(2)** the establishment of appropriations in an amount not to exceed $28,228 in the CJD-National Incident-Based Reporting System 18-19 Fund; **(3)** the receipt and deposit of grant funds in an amount not to exceed $28,228 in the CJD-National Incident-Based Reporting System 18-19 Fund; and **(4)** execution of the grant agreement - Not to exceed $28,228 - Financing: Office of the Governor, Criminal Justice Division State Grant Funds

BACKGROUND

The Dallas Police Department (DPD) has historically reported crime statistics using the Uniformed Crime Report (UCR) system. Under the UCR system only the most serious crime within an incident is reported. The National Incident-Based Reporting System (NIBRS) provides a greater depth and detail of information on crimes statistics, for the Federal Government, State and City over the current UCR system. NIBRS will allow DPD to capture data on incident-related details such as the relationships between victims and offenders, the types and quantities of drugs involved, and the types of property damaged or stolen. The State of Texas, along with the Federal Government, has mandated NIBRS as the primary system to all municipalities by the year 2019.

On May 24, 2017, City Council authorized the acceptance of funding from the U.S. Bureau of Justice Statistics (BJS), provided through the Research Triangle Institute (RTI) International for the National Crime Statistics Exchange project (NCS-X) for the period May 24, 2017 through May 23, 2019 to facilitate DPD's participation in reporting their crime incident data to their state Uniformed Crime Report/NIBRS program to the Federal Bureau of Investigation, in an amount not to exceed $135,300.00, by Resolution No. 17-0831.

BACKGROUND (continued)

Under this project, RTI will provide technical assistance to modify and enhance the department's current record management system to capture and report NIBRS-compliant crime data. Funds provided by BJS will be used to acquire NIBRS software.

This grant will supplement the grant funding previously authorized by Council. The grant will provide funding to purchase technology upgrades (desktop computers, monitors, port switches, Adobe licenses, etc.) to augment reporting capabilities.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On May 24, 2017, City Council authorized the acceptance of funding from the U.S. Bureau of Justice Statistics, provided through the Research Triangle Institute International for the National Crime Statistics Exchange project for the period May 24, 2017 through May 23, 2019 to facilitate the Dallas Police Department's participation in reporting their crime incident data to their state Uniformed Crime Report/National Incident Based Reporting System program to the Federal Bureau of Investigation by Resolution No. 17-0831.

Information about this item will be provided to the Public Safety and Criminal Justice Committee on April 9, 2018.

FISCAL INFORMATION

Office of the Governor, Criminal Justice Division State Grant Funds - $28,227.79

WHEREAS, on May 24, 2017, City Council authorized the acceptance of funding from the U.S. Bureau of Justice Statistics (BJS), provided through the Research Triangle Institute (RTI) International for the National Crime Statistics Exchange project (NCS-X) for the period May 24, 2017 through May 23, 2019 to facilitate the Dallas Police Department's participation in reporting their crime incident data to their state Uniformed Crime Report/National Incident Based Reporting System (NIBRS) program to the Federal Bureau of Investigation, in an amount not to exceed $135,300, by Resolution No. 17-0831; and

WHEREAS, the City of Dallas was awarded the Criminal Justice Division (CJD)-National Incident-Based Reporting System 18-19 Fund; and

WHEREAS, the City of Dallas agrees that in the event of loss or misuse of the CJD funds, the City of Dallas assures that the funds identified as ineligible will be returned to the CJD; and

WHEREAS, the City of Dallas designates the City Manager or an Assistant City Manager as the grantees authorized official. The authorized official is given the power to apply for, accept, reject, alter or terminate the grant on behalf of the applicant agency; and

WHEREAS, it is in the best interest of the City of Dallas to accept such funding.

Now, Therefore,

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

SECTION 1. That the City Manager is hereby authorized to apply for and accept the National Incident-Based Reporting System Grant (Grant No. 3425501, State Award ID No. 2018-NB-ST-0024) in the amount of $28,227.79 for the Dallas Police Department from the Office of the Governor, Criminal Justice Division for the purchase of technology upgrades to augment current reporting capabilities for the period February 1, 2018 through February 28, 2019; and sign the grant agreement and other documents required by the grant, approved as to form by the City Attorney.

SECTION 2. That the City Manager is hereby authorized to establish appropriations in an amount not to exceed $28,227.79 in the CJD-National Incident-Based Reporting System 18-19 Fund, Fund S324, Department DPD, Unit 3623, Object Codes 2731 and 2735.

SECTION 3. That the Chief Financial Officer is hereby authorized to receive and deposit grant funds in an amount not to exceed $28,227.79 into the CJD-National Incident-Based Reporting System 18-19 Fund, Fund S324, Department DPD, Unit 3623, Revenue Code 6516.

SECTION 4. That the Chief Financial Officer is hereby authorized to disburse grant funds in an amount not to exceed $28,227.79 from the CJD-National Incident-Based Reporting System 18-19 Fund, Fund S324, Department DPD, Unit 3623, Object Codes 2731 and 2735.

SECTION 5. That the City Manager is hereby authorized to reimburse the granting agency any expenditures identified as ineligible and notify the appropriate City Council Committee of expenditures identified as ineligible not later than 30 days after the reimbursement.

SECTION 6. That the City Manager shall keep the appropriate City Council Committee informed of all final granting agency monitoring reports not later than 30 days after the receipt of the report.

SECTION 7. That this contract is designated as Contract No. DPD-2018-00005880.

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.

AGENDA ITEM # 42

STRATEGIC PRIORITY:	Mobility Solutions, Infrastructure, and Sustainability
AGENDA DATE:	April 11, 2018
COUNCIL DISTRICT(S):	6
DEPARTMENT:	Water Utilities Department
CMO:	Majed Al-Ghafry, 670-3302
MAPSCO:	24 N

SUBJECT

Authorize Supplemental Agreement No. 1 to the professional services contract with Nathan D. Maier Consulting Engineers, Inc. to provide additional engineering services associated with improvements to the Walnut Hill Pump Station facility - Not to exceed $356,750, from $1,544,241 to $1,900,991 - Financing: Water Utilities Capital Improvement Funds

BACKGROUND

The Walnut Hill Pump Station facility is located at 3820 Walnut Hill Lane, just east of Marsh Lane. The facility, which boosts water pressures and flows to north Dallas, is comprised of two separate pump stations with a combined capacity of 50 million gallons per day. The original facility was constructed in 1949 with a temporary facility being constructed in 1999 to support additional water demands. The facility is a critical component of the distribution system because of its vital role of boosting pressures and increasing flow to the north Dallas service area. Both pump stations have exceeded their service life and were identified for improvements in the 2007 Water Capital Infrastructure Assessment Report.

On February 25, 2015, an engineering contract with Nathan D. Maier was authorized to provide engineering services associated with improvements to the Walnut Hill Pump Station facility. The engineering contract included an evaluation of replacement options, site development plans, and preparation of procurement documents for design-build project delivery. On November 8, 2017, a design-build contract with Eagle Contracting Limited Partnership was authorized for improvements to the Walnut Hill Pump Station.

BACKGROUND (continued)

This action will supplement Nathan D. Maier's existing contract to provide continuous engineering services support through completion of the new Walnut Hill Pump Station. Additional engineering services will include landscape design, public relations support, and construction phase services. This is the second of two planned awards for engineering services support essential for the replacement of Walnut Hill Pump Station.

ESTIMATED SCHEDULE OF PROJECT

Begin Engineering Services	May 2018
Complete Engineering Services	June 2020
Begin Construction	October 2018
Complete Construction	June 2020

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On February 25, 2015, City Council authorized an engineering contract with Nathan D. Maier Consulting Engineers, Inc. to provide engineering services associated with improvements to the Walnut Hill Pump Station facility by Resolution No. 15-0392.

Information about this item will be provided to the Mobility Solutions, Infrastructure and Sustainability Committee on April 9, 2018.

FISCAL INFORMATION

Water Utilities Capital Improvement Funds - $356,750.00

Design	$1,544,241.00
Supplemental Agreement No. 1 (this action)	$ 356,750.00
Total Project Cost	$1,900,991.00

M/WBE INFORMATION

In accordance with the City's Business Inclusion and Development Plan adopted on October 22, 2008, by Resolution No. 08-2826, as amended, the M/WBE participation on this contract is as follows:

Contract Amount	Category	M/WBE Goal	M/WBE	M/WBE $
$356,750.00	Architectural & Engineering	25.66%	91.59%	$326,750.00

- Supplemental Agreement No.1 - 91.59% M/WBE participation
- This contract exceeds the M/WBE goal of 25.66%, and has a 78.41% Overall MWBE participation

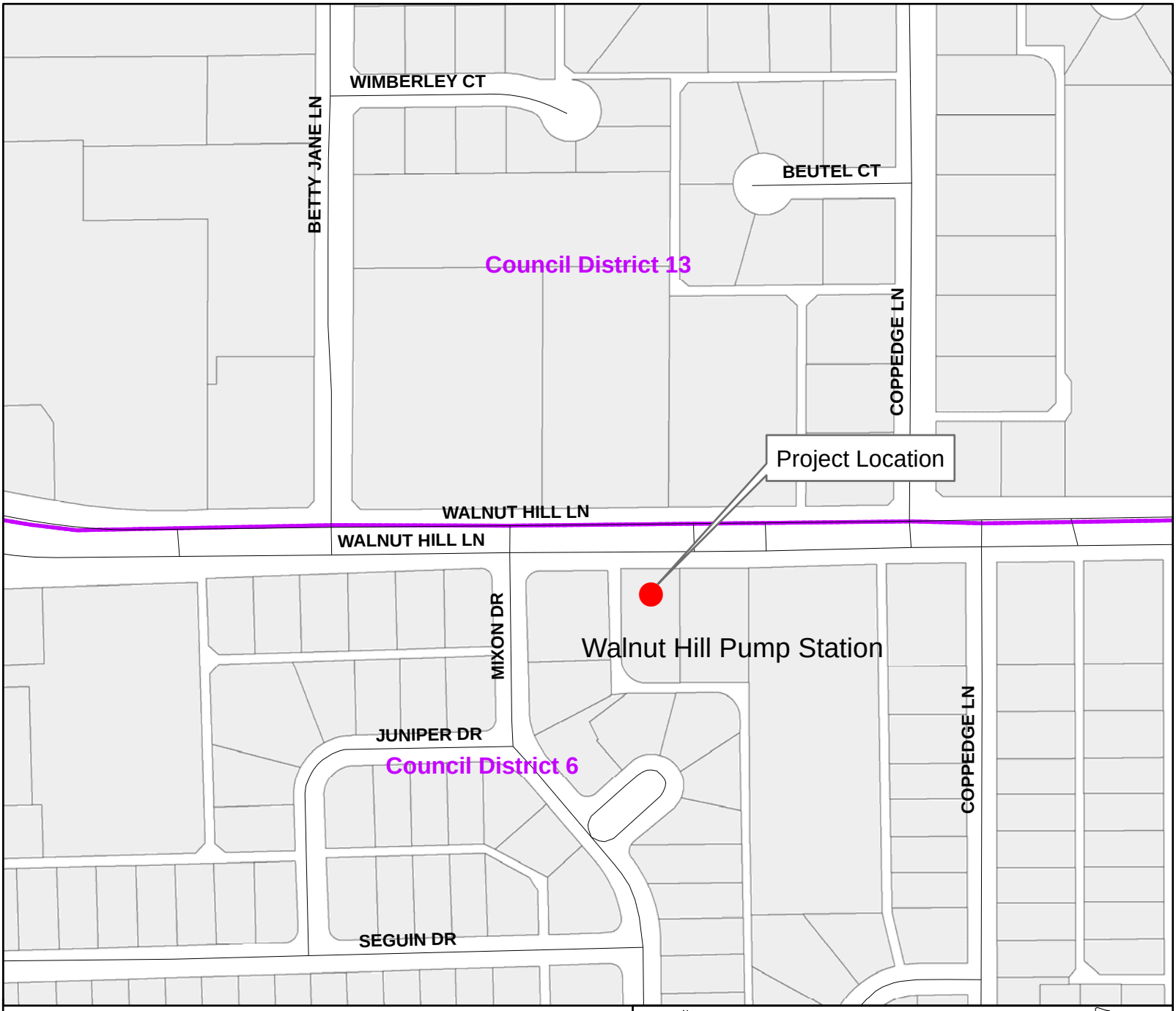
OWNER

Nathan D. Maier Consulting Engineers, Inc.

Jean Maier Dean, P.E, President and Chief Executive Officer

MAP

Attached



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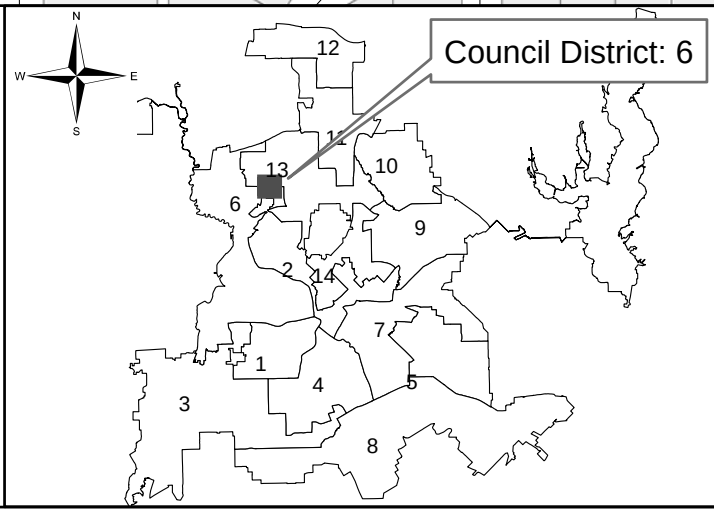

Dallas Water Utilities
Contract No. 15-003E, Supplemental Agreement No. 1
Walnut Hill Pump Station
Improvements Design Build

April 11, 2018

WHEREAS, on February 25, 2015, City Council authorized an engineering contract with Nathan D. Maier Consulting Engineers, Inc. to provide engineering services associated with improvements to the Walnut Hill Pump Station facility, in an amount not to exceed $1,544,241.00, by Resolution No. 15-0392; and

WHEREAS, the City of Dallas has identified a need to improve the Walnut Hill Pump Station, a key facility for boosting system pressures and flows, which has exceeded its service life; and

WHEREAS, additional services are required to provide engineering support through completion of the Walnut Hill Pump Station improvements; and

WHEREAS, Nathan D. Maier Consulting Engineers, Inc., 12377 Merit Drive, Suite 700, Dallas, Texas 75251, has submitted an acceptable proposal to provide these engineering services; and

WHEREAS, Dallas Water Utilities recommends that Contract No. 15-003E be increased by $356,750.00, from $1,544,241.00 to $1,900,991.00.

Now, Therefore,

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

SECTION 1. That the proposed Supplemental Agreement No. 1 to the professional services contract be accepted and that Contract No. 15-003E with Nathan D. Maier Consulting Engineers, Inc., be revised accordingly.

SECTION 2. That the City Manager is hereby authorized to sign Supplemental Agreement No. 1 to the professional services contract with Nathan D. Maier Consulting Engineers, Inc., approved as to form by the City Attorney, to provide additional engineering services associated with improvements to the Walnut Hill Pump Station facility, in an amount not to exceed $356,750.00, increasing the contract amount from $1,544,241.00 to $1,900,991.00.

SECTION 3. That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed $356,750.00 to Nathan D. Maier Consulting Engineers, Inc. from the Water Capital Improvement Fund, Fund 2115, Department DWU, Unit PW40, Object 4111, Program 715003, Vendor 192659.

SECTION 4. That this contract is designated as Contract No. DWU-2017-00003508.

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.

AGENDA ITEM # 43

STRATEGIC PRIORITY:	Mobility Solutions, Infrastructure, and Sustainability
AGENDA DATE:	April 11, 2018
COUNCIL DISTRICT(S):	All
DEPARTMENT:	Water Utilities Department
CMO:	Majed Al-Ghafry, 670-3302
MAPSCO:	All

SUBJECT

Ordinances authorizing the issuance and sale of City of Dallas, Texas Waterworks and Sewer System Revenue Bonds, Series 2018A, in the amount of $22,000,000, and City of Dallas, Texas Waterworks and Sewer System Revenue Bonds, Series 2018B, in the amount of $44,000,000, to the Texas Water Development Board; approving the execution of the agreements in connection with the sale of the bonds; and all other matters related thereto – Not to exceed $213,320 – Financing: Water Utilities Current Funds

BACKGROUND

On December 14, 2016, City Council authorized the City Manager and the Director of Dallas Water Utilities (DWU) to submit loan applications to the Texas Water Development Board (TWDB) for low-cost financial assistance to help facilitate DWU's annual small diameter water and wastewater main replacement programs. Financial assistance applications for the Clean Water State Revolving Fund (CWSRF) and the Drinking Water State Revolving Fund (DWSRF) were submitted by DWU in January 2017 and financial commitments were received from the TWDB on May 31, 2017.

In accordance with the financial assistance programs, DWU will issue $66 million dollars in bonds that will be purchased by the TWDB. Through the purchase of our bonds, the TWDB will in turn provide Dallas with interest rates 155 basis points below CWSRF and 125 basis points below DWSRF current market rates. This will result in an average annual debt service payment reduction of approximately $550,000 dollars when compared to a public offering.

This item represents the first year of a five-year funding commitment from the TWDB, totaling $330 million dollars. Subsequent items will be presented to Council for approval, annually over the next four years. Participation in these programs will benefit DWU and its customers by providing lower overall costs for financing its water and wastewater main replacement programs.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On December 14, 2016, City Council authorized a loan application to the Texas Water Development Board for low cost financial assistance through the Drinking Water State Revolving Fund to fund the engineering and construction of Dallas Water Utilities' water main replacement program for the next five years by Resolution No. 16-1942.

On December 14, 2016, City Council authorized a loan application to the Texas Water Development Board for low cost financial assistance through the Clean Water State Revolving Fund to fund the engineering and construction of Dallas Water Utilities' wastewater main replacement program for the next five years by Resolution No. 16-1943

This item will be briefed to the Government Performance and Financial Management Committee on April 2, 2018.

FISCAL INFORMATION

Water Utilities Current Funds - $213,320

M/WBE INFORMATION

See Attachment I and II for M/WBE participation.

Attachment I

Series 2018 A
Waterworks and Sewer System Revenue Bonds
$22,000,000

Estimate of Total Bond Issuance Costs and M/WBE Participation

Co-Bond Counsels		
McCall, Parkhurst & Horton LLP (Vendor #193173)	$33,600	35.59%
Escamilla & Poneck (Vendor #518903) *	$14,400	15.25%
Co-Financial Advisors		
Hilltop Securities (Vendor #VS52889)	$29,552	31.30%
Estrada Hinojosa (Vendor #259910) *	$16,368	17.34%
Out-of-Pocket Expenses		
Hilltop Securities (Vendor #VS52889)	$500	0.52%
Total Issuance Cost	$94,420	100.00%
Total M/WBE Participation as % of Total Issuance Costs	$30,768	32.59%

*M/WBE Vendor

Attachment II

Series 2018 B
Waterworks and Sewer System Revenue Bonds
$44,000,000

Estimate of Total Bond Issuance Costs and M/WBE Participation

Co-Bond Counsels		
McCall, Parkhurst & Horton LLP (Vendor #193173)	$40,200	33.81%
Escamilla & Poneck (Vendor #518903) *	$18,800	15.81%
Co-Financial Advisors		
Hilltop Securities (Vendor #VS52889)	$37,640	31.66%
Estrada Hinojosa (Vendor #259910) *	$21,760	18.30%
Out-of-Pocket Expenses		
Hilltop Securities (Vendor #VS52889)	$500	0.42%
Total Issuance Cost	$118,900	100%
Total M/WBE Participation as % of Total Issuance Costs	$40,560	34.11%

*M/WBE Vendor

ORDINANCE NO. _____

ORDINANCE AUTHORIZING THE ISSUANCE AND SALE OF CITY OF DALLAS, TEXAS WATERWORKS AND SEWER SYSTEM REVENUE BONDS, SERIES 2018A; AWARDING THE SALE OF THE BONDS; APPROVING THE EXECUTION OF AGREEMENTS IN CONNECTION WITH THE SALE OF THE BONDS; AND ALL OTHER MATTERS RELATED THERETO

THE STATE OF TEXAS :
COUNTIES OF DALLAS, DENTON, COLLIN, KAUFMAN AND ROCKWALL :
CITY OF DALLAS :

WHEREAS, the City of Dallas (the "City" or the "Issuer") has heretofore issued its City of Dallas, Texas Waterworks and Sewer System Revenue Refunding Bonds, Series 1981 (the "Series 1981 Bonds"); and

WHEREAS, defined terms used in this Ordinance shall have the meaning given said terms in Section 7 of this Ordinance, unless otherwise indicated herein; and

WHEREAS, in the ordinance authorizing the issuance of the Series 1981 Bonds (the "1981 Ordinance"), the City reserved the right to issue revenue bonds on a parity with the Series 1981 Bonds; and

WHEREAS, under authority of the right reserved in the 1981 Ordinance, the City issued and there currently remain outstanding revenue bonds from each series of bonds described in the definition of "Previously Issued Parity Bonds" set forth in Section 7 of this Ordinance; and

WHEREAS, in addition to the outstanding Previously Issued Parity Bonds, the City has authorized the issuance from time to time and at any one time outstanding of up to $600,000,000 of its Waterworks and Sewer System Commercial Paper Notes, Series D and Series E (the "Commercial Paper Notes"), for the purpose of improving and extending the System; and

WHEREAS, the City deems it appropriate to issue the hereinafter authorized bonds for the purpose of planning, acquisition, designing, and constructing extensions and improvements to the System; and

WHEREAS, the Texas Water Development Board has committed to purchase the bonds hereinafter authorized pursuant to Subchapter Q of Chapter 15, Texas Water Code; and

WHEREAS, the bonds hereinafter authorized are to be issued and delivered pursuant to the laws of the State of Texas, including Chapter 1502, Texas Government Code; and

WHEREAS, the bonds hereinafter authorized shall be on a parity with the outstanding Previously Issued Parity Bonds; and

WHEREAS, concurrently with the adoption of this Ordinance, the City Council adopted an ordinance authorizing the issuance of the obligations hereinafter defined as the "Concurrent Bonds"; and

WHEREAS, the City Council does hereby determine that it is necessary and desirable to adopt this Ordinance for the purposes hereinafter stated;

THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DALLAS, TEXAS;

Section 1. **BONDS AUTHORIZED**. That the City's bonds (the "Bonds") are hereby authorized to be issued in the aggregate principal amount of $22,000,000 for the purpose of planning, acquisition, designing, and constructing extensions and improvements to the System. The Bonds shall be designated as the **"City of Dallas, Texas Waterworks and Sewer System Revenue Bonds, Series 2018A"**. The Bonds are issued as "Additional Bonds" as such term is defined in the 1981 Ordinance, and shall be in all respects on a parity with the outstanding Previously Issued Parity Bonds.

Section 2. **DATES, DENOMINATIONS, NUMBER AND MATURITIES**. That the Bonds shall be dated April 1, 2018, shall be in the denomination of $5,000 or any integral multiple thereof (an "Authorized Denomination"), shall be numbered consecutively from R-1 upward, and shall mature on the maturity date, in each of the years and in the amounts as set forth in Schedule I to this Ordinance. The Texas Water Development Board ("TWDB") will purchase the Bonds in the manner described in Section 30 of this Ordinance.

Section 3. **REDEMPTION**. (a) That the City reserves the right to redeem the Bonds maturing on or after October 1, 2029, in whole or in part in principal amounts of $5,000 or any integral multiple thereof, in inverse chronological order, on October 1, 2028, or on any date thereafter, at the redemption price of par plus accrued interest to the date fixed for redemption. If less than all of the Bonds are to be redeemed by the City, the City shall determine the maturity or maturities and the amounts thereof to be redeemed (subject to the limitation expressed in the preceding sentence that the Bonds be redeemed in inverse chronological order), and shall direct the Paying Agent/Registrar to call by lot Bonds, or portions thereof, within such maturity or maturities and in such principal amounts, for redemption; provided, that during any period in which ownership of the Bonds is determined only by a book entry at a securities depository for the Bonds, if fewer than all of the Bonds of the same maturity and bearing the same interest rate are to be redeemed, the particular Bonds of such maturity and bearing such interest rate shall be selected in accordance with the arrangements between the City and the securities depository.

(b) The Bonds are not subject to mandatory sinking fund redemption prior to their scheduled maturities.

(c) At least thirty (30) days prior to the date any such Bonds are to be redeemed, (i) a written notice of redemption shall be given by the Paying Agent/Registrar to the registered owner of each Bond or a portion thereof being called for redemption by depositing such notice in the United States mail, first-class, postage prepaid, addressed to each such registered owner at the address thereof as shown on the Registration Books and (ii) a notice of such redemption shall be published one (1) time in a financial journal or publication of general circulation in the United

States of America or the State of Texas carrying as a regular feature notices of municipal bonds called for redemption; provided, however, that should the TWDB be the owner of 100% in aggregate principal amount of the Bonds then outstanding, notice of redemption shall not be required to be published in the manner described in (ii) above; and provided, further, that should the TWDB not be the owner of 100% in aggregate principal amount of the Bonds then outstanding, the publication of notice as described in (ii) above shall be the only notice actually required in connection with or as a prerequisite to the redemption of any Bond, and the failure to send, mail or receive such notice described in (i) above, or any defect therein or in the sending or mailing thereof, shall not affect the validity or effectiveness of the proceedings for the redemption of any Bond, and the publication of notice as described in (ii) above shall be the only notice actually required in connection with or as a prerequisite to the redemption of any Bonds. By the date fixed for any such redemption, due provision shall be made by the City with the Paying Agent/Registrar for the payment of the required redemption price for the Bonds or the portions thereof which are to be so redeemed, plus accrued interest thereon to the date fixed for redemption. If such notice of redemption is given, and if due provision for such payment is made, all as provided above, the Bonds, or the portions thereof which are to be so redeemed, thereby automatically shall be redeemed prior to their scheduled maturities, and shall not bear interest after the date fixed for their redemption, and shall not be regarded as being outstanding except for the right of the registered owner to receive the redemption price plus accrued interest to the date fixed for redemption from the Paying Agent/Registrar out of the funds provided for such payment. The Paying Agent/Registrar shall record in the Registration Books all such redemptions of principal of the Bonds or any portion thereof. If a portion of any Bond shall be redeemed, a substitute Bond or Bonds having the same maturity date, bearing or accruing interest at the same rate, in any Authorized Denomination, at the written request of the registered owner, and in an aggregate principal amount equal to the unredeemed portion thereof, will be issued to the registered owner upon the surrender thereof for cancellation, at the expense of the City, all as provided in this Ordinance. In addition, notice of such redemption shall be provided in the manner described in Section 5(h) hereof, but the failure to provide such notice as described in Section 5(h) hereof shall not affect the validity or effectiveness of the proceedings for the redemption of the Bonds.

Section 4. **INTEREST**. That interest on the Bonds shall be payable on October 1, 2018, and semiannually thereafter on April 1 and October 1 of each year, until maturity or redemption prior to maturity, to the registered owner of any such Bond as of the Record Date (as defined in the FORM OF BOND) next preceding such interest payment date, in the manner provided in the FORM OF BOND, at the rates per annum as set forth in Schedule I to this Ordinance. Interest on the Bonds shall accrue from the date of delivery of the Bonds, and shall be calculated on the basis of a 360-day year consisting of twelve 30-day months.

Section 5. **PAYING AGENT/REGISTRAR; BOOK-ENTRY ONLY SYSTEM**. (a) That the City shall keep or cause to be kept at the corporate trust office designated by U.S. Bank National Association, as its place of payment for the Bonds, or such other bank, trust company, financial institution, or other entity duly qualified and legally authorized to serve and perform duties of and services of paying agent and registrar, named in accordance with the provisions of (g) of this Section hereof (the "Paying Agent/Registrar"), books or records of the registration and transfer of the Bonds (the "Registration Books"), and the City hereby appoints the Paying Agent/Registrar as its registrar and transfer agent to keep the Registration Books and make such transfers and registrations under such reasonable regulations as the City and the Paying Agent/Registrar may prescribe; and the Paying Agent/Registrar shall make such transfers and

registrations as herein provided. The place of payment so designated by the Paying Agent/Registrar shall be referred to herein as the "Designated Trust Office" of the Paying Agent/Registrar. It shall be the duty of the Paying Agent/Registrar to obtain from the registered owner and record in the Registration Books the address of such registered owner of each Bond to which payments with respect to the Bonds shall be mailed, as herein provided. The Paying Agent/Registrar shall keep the Registration Books confidential and, unless otherwise required by law, shall not permit their inspection by any entity other than the City. Registration of each Bond may be transferred in the Registration Books only upon presentation and surrender of such Bond for transfer of registration and cancellation to the Paying Agent/Registrar at its Designated Trust Office during normal business hours, together with proper written instruments of assignment, in form and with guarantee of signatures satisfactory to the Paying Agent/Registrar, evidencing the assignment of the Bond, or any portion thereof in any Authorized Denomination, to the assignee or assignees thereof, and the right of such assignee or assignees to have the Bond or any such portion thereof registered in the name of such assignee or assignees. Upon the assignment and transfer of any Bond or any portion thereof, a new substitute bond or bonds shall be issued in exchange therefor in the manner herein provided. As of the date this Ordinance is approved by the City, the Designated Trust Office is the Dallas, Texas corporate trust office of U.S. Bank National Association.

(b) The entity in whose name any Bond shall be registered in the Registration Books at any time shall be treated as the absolute owner thereof for all purposes of this Ordinance, whether such Bond shall be overdue, and the City and the Paying Agent/Registrar shall not be affected by any notice to the contrary unless otherwise required by law; and payment of, or on account of, the principal of, premium, if any, and interest on any such Bond shall be made only to such registered owner. All such payments shall be valid and effectual to satisfy and discharge the liability upon such Bond to the extent of the sum or sums so paid.

(c) The City hereby further appoints the Paying Agent/Registrar to act as the paying agent for paying the principal of, premium, if any, and interest on the Bonds, and to act as its agent to exchange or replace Bonds, all as provided in this Ordinance. The Paying Agent/Registrar shall keep proper records of all payments made by the City and the Paying Agent/Registrar with respect to the Bonds, and of all exchanges of the Bonds, and all replacements of the Bonds, as provided in this Ordinance.

(d) Each Bond may be exchanged for fully registered bonds in the manner set forth herein. Each Bond issued and delivered pursuant to this Ordinance, to the extent of the unpaid or unredeemed principal amount thereof, may, upon surrender thereof at the Designated Trust Office of the Paying Agent/Registrar, together with a written request therefor duly executed by the registered owner or the assignee or assignees thereof, or its or their duly authorized attorneys or representatives, with guarantee of signatures satisfactory to the Paying Agent/Registrar, at the option of the registered owner or such assignee or assignees, as appropriate, be exchanged for fully registered bonds, without interest coupons, in the form prescribed in the FORM OF BOND, in an Authorized Denomination (subject to the requirement hereinafter stated that each substitute Bond shall have a single stated maturity date), as requested in writing by such registered owner or such assignee or assignees, in an aggregate principal amount equal to the unpaid or unredeemed principal amount of any Bond or Bonds so surrendered, and payable to the appropriate registered owner, assignee, or assignees, as the case may be. If a portion of any Bond shall be redeemed prior to its scheduled maturity as provided herein, at the request of the registered owner a substitute

Bond or Bonds having the same maturity date, bearing interest at the same rate, in an Authorized Denomination, and in an aggregate principal amount equal to the unredeemed portion thereof, will be issued to the registered owner upon surrender thereof for cancellation. If any Bond or portion thereof is assigned and transferred, each Bond issued in exchange therefor shall have the same principal maturity date and bear interest at the same rate as the Bond for which it is being exchanged. Each substitute Bond shall bear a letter and/or number to distinguish it from each other Bond. The Paying Agent/Registrar shall exchange or replace Bonds as provided herein, and each fully registered substitute Bond delivered in exchange for or replacement of any Bond or portion thereof as permitted or required by any provision of this Ordinance shall constitute one of the Bonds for all purposes of this Ordinance, and may again be exchanged or replaced. On each substitute Bond issued in exchange for or replacement of any Bond or Bonds issued under this Ordinance there shall be printed thereon a Paying Agent/Registrar's Authentication Certificate, in the form set forth in the FORM OF BOND (the "Authentication Certificate"). An authorized representative of the Paying Agent/Registrar shall, before the delivery of any such Bond, manually sign and date the Authentication Certificate, and no such Bond shall be deemed to be issued or outstanding unless the Authentication Certificate is so executed and dated. The Paying Agent/Registrar promptly shall cancel all Bonds surrendered for exchange or replacement. No additional ordinances, orders, or resolutions need be passed or adopted by the City Council or any other body or person so as to accomplish the foregoing exchange or replacement of any Bond or portion thereof, and the Paying Agent/Registrar shall provide for the printing, execution, and delivery of the substitute Bonds in the manner prescribed herein, pursuant to Chapter 1206, particularly Subchapter B thereof. The duty of such exchange or replacement of Bonds as described in the preceding sentence is hereby imposed upon the Paying Agent/Registrar, and upon the execution of the Authentication Certificate, the exchanged or replaced Bond shall be valid, incontestable, and enforceable in the same manner and with the same effect as the Bonds which originally were delivered pursuant to this Ordinance, approved by the Attorney General, and registered by the Comptroller of Public Accounts. Neither the City nor the Paying Agent/Registrar shall be required (1) to make any transfer or exchange during a period beginning at the opening of business fifteen (15) days before the day of the first mailing of a notice of redemption of Bonds and ending at the close of business on the day of such mailing, or (2) to transfer or exchange any Bond after it is selected for redemption, in whole or in part, when such redemption is scheduled to occur within thirty (30) calendar days; provided, however, that such limitation shall not be applicable to an exchange by the registered owner of the uncalled principal balance of a Bond.

(e) All Bonds issued in exchange or replacement of any other Bond or portion thereof, (i) shall be issued in fully registered form, without interest coupons, with the principal of and interest on the Bonds to be payable only to the registered owners thereof, (ii) may be redeemed prior to their scheduled maturities, (iii) may be transferred and assigned, (iv) may be exchanged for other Bonds, (v) shall have the characteristics, (vi) shall be signed and sealed, and (vii) the principal of and interest on the Bonds shall be payable, all as provided, and in the manner required or indicated, in the FORM OF BOND.

(f) The City shall pay all of the Paying Agent/Registrar's reasonable and customary fees and charges for making transfers, conversions and exchanges of the Bonds in accordance with an agreement between the City and the Paying Agent/Registrar, but the registered owner of any Bond requesting such transfer shall pay any taxes or other governmental charges required to be paid with respect thereto. In addition, the City hereby covenants with the registered owners of the Bonds that it will pay the reasonable standard or customary fees and charges of the Paying

Agent/Registrar for its services with respect to the payment of the principal of and interest on the Bonds, when due.

(g) The City covenants with the registered owners of the Bonds that at all times while the Bonds are outstanding the City will provide a competent and legally qualified bank, trust company, financial institution, or other entity duly qualified and legally authorized to serve as and perform the duties and services of Paying Agent/Registrar, to act as and perform the services of Paying Agent/Registrar for the Bonds under this Ordinance, and that the Paying Agent/Registrar will be one entity. The City reserves the right to, and may, at its option, change the Paying Agent/Registrar upon not less than sixty (60) days' written notice to the Paying Agent/Registrar. In the event that the entity at any time acting as Paying Agent/Registrar (or its successor by merger, acquisition, or other method) should resign or otherwise cease to act as such, the City covenants that promptly it will appoint a competent and legally qualified bank, trust company, financial institution, or other entity duly qualified and legally authorized to serve as and perform the services of Paying Agent/Registrar, which shall be a corporation organized and doing business under the laws of the United States of America or of any state, authorized under such laws to exercise trust powers, subject to supervision or examination by federal or state authority, and whose qualifications substantially are similar to the previous Paying Agent/Registrar, to act as Paying Agent/Registrar under this Ordinance. Upon any change in the Paying Agent/Registrar, the previous Paying Agent/Registrar promptly shall transfer and deliver the Registration Books (or a copy thereof), along with all other pertinent books and records relating to the Bonds, to the City and to the new Paying Agent/Registrar designated and appointed by the City. Upon any change in the Paying Agent/Registrar, the City promptly will cause a written notice thereof to be sent by the new Paying Agent/Registrar to each registered owner of the Bonds, by United States mail, first-class, postage prepaid, which notice also shall give the address of the new Paying Agent/Registrar. By accepting the position and performing as such, each Paying Agent/Registrar shall be deemed to have agreed to the provisions of this Ordinance, and a certified copy of this Ordinance shall be delivered to each Paying Agent/Registrar.

(h)(i) In addition to the manner of providing notice of redemption of Bonds as described in Section 3 hereof, the Paying Agent/Registrar shall give notice of redemption of Bonds by United States mail, first-class, postage prepaid, at least thirty (30) days prior to a redemption date to the MSRB. In addition, in the event of a redemption caused by an advance refunding of the Bonds, the Paying Agent/Registrar shall send a second notice of redemption to the persons specified in the immediately preceding sentence at least thirty (30) days but not more than ninety (90) days prior to the actual redemption date. Any notice sent to the MSRB shall be sent so that such notice is received at least two (2) days prior to the general mailing or publication date of such notice. The Paying Agent/Registrar shall also send a notice of redemption to the registered owner of any Bonds who has not sent the Bonds in for redemption sixty (60) days after the redemption date. The failure to send, mail or receive any such notice described in this clause (i), or any defect therein or in the sending or mailing thereof, shall not affect the validity or effectiveness of the proceedings for the redemption of any Bond.

(ii) Each redemption notice, whether required in the FORM OF BOND or otherwise by this Ordinance, shall contain a description of the Bonds to be redeemed including the complete name of the Bonds, the Series, the date of issue, the interest rate, the maturity date, the CUSIP number, the amounts called of each Bond, the publication and mailing date for the notice, the date

of redemption, the redemption price, the name of the Paying Agent/Registrar and the address at which the Bond may be redeemed including a contact person and telephone number.

(iii) All redemption payments made by the Paying Agent/Registrar to the registered owners of the Bonds shall include a CUSIP number relating to each amount paid to such registered owner.

(i) The Bonds initially shall be issued and delivered in such manner that no physical distribution of the Bonds will be made to the public, and DTC initially will act as depository for the Bonds. DTC has represented to the City that it is a limited purpose trust company incorporated under the laws of the State of New York, a member of the Federal Reserve System, a "clearing corporation" within the meaning of the New York Uniform Commercial Code, and a "clearing agency" registered under Section 17A of the Securities Exchange Act of 1934, as amended, and the City accepts, but in no way verifies, such representations. It is expected that upon the initial delivery of Bonds, DTC will hold the Bonds on behalf of the TWDB, and that the definitive Bonds held at DTC upon delivery of the Bonds to the TWDB shall be registered in the name of CEDE & CO., the nominee of DTC. So long as each Bond is registered in the name of CEDE & CO., the Paying Agent/Registrar shall treat and deal with DTC the same in all respects as if it were the actual and beneficial owner thereof. It is expected that DTC will maintain a book-entry system which will identify ownership of the Bonds in Authorized Denominations, with transfers of ownership being effected on the records of DTC and its participants pursuant to rules and regulations established by them, and that the Bonds initially deposited with DTC shall be immobilized and not be further exchanged for substitute Bonds except as hereinafter provided. The City is not responsible or liable for any functions of DTC, will not be responsible for paying any fees or charges with respect to the services of DTC, will not be responsible or liable for maintaining, supervising, or reviewing the records of DTC or its participants, or protecting any interests or rights of the beneficial owners of the Bonds. It shall be the duty of the DTC Participants (in the case of the Bonds, the TWDB) to make all arrangements with DTC to establish this book-entry system, the beneficial ownership of the Bonds, and the method of paying the fees and charges of DTC. The City does not represent, nor does it in any way covenant that the initial book-entry system established with DTC will be maintained in the future. Notwithstanding the initial establishment of the foregoing book-entry system with DTC, if for any reason any of the originally delivered Bonds is duly filed with the Paying Agent/Registrar with proper request for transfer and substitution, as provided for in this Ordinance, substitute Bonds will be duly delivered as provided in this Ordinance, and there will be no assurance or representation that any book-entry system will be maintained for the Bonds. The City heretofore has executed a "Blanket Letter of Representations" prepared by DTC in order to implement the book-entry system described above. The foregoing notwithstanding, for so long as TWDB is an owner of any outstanding Bonds, the City will not discontinue the DTC book-entry system without the consent of TWDB.

(j) The Paying Agent/Registrar shall complete the "Date of Delivery" on each installment of Bonds initially delivered to the TWDB, upon the satisfaction of the conditions described in Section 30 of this Ordinance.

Section 6. **FORM OF BONDS**. That the form of all Bonds, including the form of the Authentication Certificate, the form of Assignment, and the form of the Comptroller's Registration Certificate to accompany the Bonds on the initial delivery thereof, shall be, respectively,

substantially in the form set forth in Exhibit A to this Ordinance, with such appropriate variations, omissions, or insertions as are permitted or required by this Ordinance.

Section 7. **DEFINITIONS**. That, as used in this Ordinance, the following terms shall have the meanings set forth below, unless the text hereof specifically indicates otherwise:

The term "Additional Bonds" shall mean the additional parity revenue bonds which the City reserves the right to issue in the future, as provided in this Ordinance.

The term "Amortization Installment", with respect to any Term Bonds of any Previously Issued Parity Bonds, any of the Bonds designated in this Ordinance as Term Bonds, or any series of Additional Bonds, shall mean the amount of money which is required to be deposited into the Mandatory Redemption Account referred to in Section 10(b) hereof for retirement of such Term Bonds (whether at maturity or by mandatory redemption and including redemption premium, if any), provided that the total Amortization Installments for such Term Bonds shall be sufficient to provide for retirement of the aggregate principal amount of such Term Bonds.

The term "Application" shall mean the application for financial assistance filed by the City with TWDB to finance the Project.

The term "Authorized Denomination" shall have the same meaning as set forth in Section 2(a) hereof.

The terms "Bonds" and "Series 2018A Bonds" shall mean one or more, as the case may be, of the City of Dallas, Texas Waterworks and Sewer System Revenue Bonds, Series 2018A, authorized to be issued by this Ordinance.

The term "Business Day" shall mean a day other than a Saturday, Sunday, a legal holiday, or a day on which banking institutions are authorized by law or executive order to close in the City or the city where the Designated Trust Office of the Paying Agent/Registrar is located.

The term "Chapter 9" shall mean Chapter 9, Texas Business & Commerce Code, as amended.

The term "Chapter 1206" shall mean Chapter 1206, Texas Government Code, as amended.

The term "Chapter 1208" shall mean Chapter 1208, Texas Government Code, as amended.

The term "Chapter 2256" shall mean the Public Funds Investment Act, Chapter 2256, Texas Government Code, as amended.

The term "Chapter 2257" shall mean the Public Funds Collateral Act, Chapter 2257, Texas Government Code.

The terms "City" and "Issuer" shall mean the City of Dallas, Texas.

The term "Code" shall mean the Internal Revenue Code of 1986, as amended.

The term "Concurrent Bonds" shall mean the Series 2018B Bonds.

The term "DTC" shall mean The Depository Trust Company, New York, New York.

The term "DTC Participant" shall mean the securities brokers and dealers, banks, trust companies, clearing corporations and certain other organizations on whose behalf DTC was created to hold securities to facilitate the clearance and settlement of securities transactions among DTC Participants, and shall include, for so long as it is an owner of Bonds, the TWDB.

The term "Designated Trust Office" shall have the same meaning as set forth in Section 5(a) hereof.

The terms "Gross Revenues of the City's Combined Waterworks and Sewer System" and "Gross Revenues" shall mean all revenues, income, and receipts of every nature derived or received by the City from the operation and ownership of the System, including the interest income from the investment or deposit of money in any Fund created by this Ordinance, or maintained by the City in connection with the System.

The term "Interest and Sinking Fund" shall have the meaning as set forth in Section 10(a) hereof.

The term "MSRB" shall mean the Municipal Securities Rulemaking Board.

The terms "Net Revenues of the City's Combined Waterworks and Sewer System" and "Net Revenues" shall mean all Gross Revenues after deducting and paying the current expenses of operation and maintenance of the System, as required by Section 1502.056, Texas Government Code, including all salaries, labor, materials, interest, repairs, and extensions necessary to render efficient service; provided, however, that only such repairs and extensions, as in the judgment of the City Council, reasonably and fairly exercised by the adoption of the appropriate resolution, are necessary to keep the System in operation and render adequate service to the City and the inhabitants thereof, or such as might be necessary to meet some physical accident or condition which would otherwise impair the Previously Issued Parity Bonds, the Bonds or Additional Bonds, shall be deducted in determining "Net Revenues". Payments made by the City for water supply or treatment of sewage which constitute under the law an operation and maintenance expense shall be considered herein as expenses incurred in the operation and maintenance of the System. Depreciation and any payments to the City in lieu of ad valorem taxes and any other similar payments shall never be considered as an expense of operation and maintenance.

The term "1981 Ordinance" shall mean the ordinance authorizing the issuance of the Series 1981 Bonds.

The term "Paying Agent/Registrar" shall have the meaning as set forth in Section 5(a) hereof.

The term "Pledged Revenues" shall mean

(1) the Net Revenues, plus

(2) any additional revenues, income, receipts, or other resources, including, without limitation, any grants, donations, or income received or to be received from the United States Government, or any other public or private source, whether pursuant to an agreement or otherwise, which hereafter may be pledged to the payment of the Previously Issued Parity Bonds, Bonds and Additional Bonds.

The term "Previously Issued Parity Bonds" shall mean the Series 2008 Bonds, the Series 2009A Bonds, the Series 2009B Bonds, the Series 2009C Bonds, the Series 2010 Bonds, the Series 2011 Bonds, the Series 2012A Bonds, the Series 2012B Bonds, the Series 2013 Bonds, the Series 2015A Bonds, the Series 2015B Bonds, the Series 2016A Bonds, the Series 2016B Bonds, and the Series 2017 Bonds.

The term "Project" shall mean the costs of planning, acquisition, designing, and constructing extensions and improvements to the System to be funded with the proceeds of the Bonds, consistent with the terms and conditions set forth in the TWDB Resolution.

The term "Project Fund" shall have the meaning as set forth in Section 29 hereof.

The term "Registration Books" shall have the meaning as set forth in Section 5(a) hereof.

The term "Reserve Fund" shall have the meaning as set forth in Section 11 hereof.

The term "Revenue Fund" shall have the meaning as set forth in Section 9 hereof.

The term "Rule" shall mean SEC Rule 15c2-12, as amended from time to time.

The term "SEC" shall mean the United States Securities and Exchange Commission.

The term "Series 1981 Bonds" shall mean the City of Dallas, Texas Waterworks and Sewer System Revenue Refunding Bonds, Series 1981, dated April 1, 1981, and authorized by ordinance of the City passed April 1, 1981; the term "Series 2008 Bonds" shall mean the City of Dallas, Texas Waterworks and Sewer System Revenue Refunding Bonds, Series 2008, dated May 15, 2008, and authorized by ordinance of the City passed May 28, 2008; the term "Series 2009A Bonds" shall mean the City of Dallas, Texas Waterworks and Sewer System Revenue Bonds, Series 2009A, dated February 1, 2009, and authorized by ordinance of the City passed February 11, 2009; the term "Series 2009B Bonds" shall mean the City of Dallas, Texas Waterworks and Sewer System Revenue Bonds, Series 2009B, dated February 1, 2009, and authorized by ordinance of the City passed February 11, 2009; the term "Series 2009C Bonds" shall mean the City of Dallas, Texas Waterworks and Sewer System Revenue Bonds, Series 2009C, dated February 1, 2009, and authorized by ordinance of the City passed February 11, 2009; the term "Series 2010 Bonds" shall mean the City of Dallas, Texas Waterworks and Sewer System Revenue Refunding Bonds, Series 2010, dated June 15, 2010, and authorized by ordinance of the City passed June 9, 2010; the term "Series 2011 Bonds" shall mean the City of Dallas, Texas Waterworks and Sewer System Revenue Refunding Bonds, Series 2011, dated July 26, 2011, and authorized by ordinance of the City passed June 23, 2011; the term "Series 2012A Bonds" shall mean the City of Dallas, Texas Waterworks and Sewer System Revenue Refunding Bonds, Series 2012A, dated September 19, 2012, and authorized by ordinance of the City passed August 8, 2012; the term "Series 2012B Bonds" shall mean the City of Dallas, Texas Waterworks and Sewer System Revenue Refunding Bonds,

Taxable Series 2012B, dated September 19, 2012, and authorized by ordinance of the City passed August 8, 2012; the term "Series 2013 Bonds" shall mean the City of Dallas, Texas Waterworks and Sewer System Revenue Refunding Bonds, Series 2013, dated September 17, 2013, and authorized by ordinance of the City passed August 14, 2013; the term "Series 2015A Bonds" shall mean the City of Dallas, Texas Waterworks and Sewer System Revenue Refunding Bonds, Series 2015A, dated March 25, 2015, and authorized by ordinance of the City passed February 25, 2015; the term "Series 2015B Bonds" shall mean the City of Dallas, Texas Waterworks and Sewer System Revenue Refunding Bonds, Taxable Series 2015B, dated March 25, 2015, and authorized by ordinance of the City passed February 25, 2015; the term "Series 2016A Bonds" shall mean the City of Dallas, Texas Waterworks and Sewer System Revenue Refunding Bonds, Series 2016A, dated July 7, 2016, and authorized by ordinance of the City passed June 15, 2016; the term "Series 2016B Bonds" shall mean the City of Dallas, Texas Waterworks and Sewer System Revenue Refunding Bonds, Taxable Series 2016B, dated July 7, 2016, and authorized by ordinance of the City passed June 15, 2016; the term "Series 2017 Bonds" shall mean the City of Dallas, Texas Waterworks and Sewer System Revenue Refunding Bonds, Series 2017, dated August 17, 2017, and authorized by ordinance of the City passed June 14, 2017; and the term "Series 2018B Bonds" shall mean the City of Dallas, Texas Waterworks and Sewer System Revenue Bonds, Series 2018B, dated April 1, 2018, and authorized by ordinance of the City passed April 11, 2018.

The term "System" shall mean and include the City's combined existing waterworks and sewer system, together with all future extensions, improvements, enlargements, and additions thereto, and all replacements thereof; provided, however, that, notwithstanding the foregoing, and to the extent now or hereafter authorized or permitted by law, the term System shall not include any waterworks or sewer facilities which are declared not to be a part of the System and which are acquired or constructed by the City with the proceeds from the issuance of "Special Facilities Bonds", which are hereby defined as being special revenue obligations of the City which are not secured by or payable from the Pledged Revenues as defined herein, but which are secured by and payable solely from special contract revenues or payments received from any other legal entity in connection with such facilities; and such revenues or payments shall not be considered as or constitute Gross Revenues of the System, unless and to the extent otherwise provided in the ordinance or ordinances authorizing the issuance of such "Special Facilities Bonds".

The term "Term Bonds" shall mean those Bonds (if any) so designated pursuant to this Ordinance, and those Previously Issued Parity Bonds or Additional Bonds so designated in the ordinances authorizing such bonds, which shall be subject to retirement by operation of the Mandatory Redemption Account referred to in Section 10(b) hereof.

The term "TWDB" shall mean the Texas Water Development Board.

The term "TWDB Resolution" shall mean the Resolution 17-043, adopted by the TWDB on May 31, 2017.

The term "Year" shall mean the regular fiscal year used by the City in connection with the operation of the System, which may be any twelve consecutive months period established by the City.

Section 8. **PLEDGE**. (a) That the Previously Issued Parity Bonds, the Bonds and any Additional Bonds, and any interest payable thereon, are and shall be secured by and payable from an irrevocable first lien on and pledge of the Pledged Revenues; and the Pledged Revenues are

further pledged irrevocably to the establishment and maintenance of the Interest and Sinking Fund and the Reserve Fund as hereinafter provided. The Previously Issued Parity Bonds, the Bonds and any Additional Bonds are and will be secured by and payable only from the Pledged Revenues, and are not secured by or payable from a mortgage or deed of trust on any real, personal or mixed properties constituting the System.

(b) Chapter 1208 applies to the issuance of the Bonds and the pledge of the Pledged Revenues granted by the City under subsection (a) of this Section, and such pledge is therefore valid, effective, and perfected. If Texas law is amended at any time while the Bonds are outstanding and unpaid such that the pledge of the Pledged Revenues granted by the City is to be subject to the filing requirements of Chapter 9, then in order to preserve to the registered owners of the Bonds the perfection of the security interest in said pledge, the City agrees to take such measures as it determines are reasonable and necessary under Texas law to comply with the applicable provisions of Chapter 9 and enable a filing to perfect the security interest in said pledge to occur.

Section 9. **REVENUE FUND**. That there has been created and established on the books of the City, and accounted for separate and apart from all other funds of the City, a special fund entitled the "City of Dallas, Texas, Waterworks and Sewer System Revenue Fund" (the "Revenue Fund"). All Gross Revenues are and shall be credited to the Revenue Fund immediately upon receipt. All current expenses of operation and maintenance of the System are and shall be paid from such Gross Revenues as a first charge against same.

Section 10. **INTEREST AND SINKING FUND**. (a) That for the sole purpose of paying the principal of and interest on the Previously Issued Parity Bonds, the Bonds and any Additional Bonds, as the same come due, there has been created and established on the books of the City a separate fund entitled the "City of Dallas, Texas, Waterworks and Sewer System Revenue Bonds Interest and Sinking Fund" (the "Interest and Sinking Fund"). Monies in the Interest and Sinking Fund are and shall be maintained at an official depository bank of the City.

(b) That within the Interest and Sinking Fund there has been established the Mandatory Redemption Account, into which account shall be credited the Amortization Installments which shall be used for the payment of the principal of Term Bonds as the same shall come due, whether by maturity thereof or by redemption, through the operation of the Mandatory Redemption Account.

Section 11. **RESERVE FUND**. That there has been created and established on the books of the City a separate fund entitled the "City of Dallas, Texas, Waterworks and Sewer System Revenue Bonds Reserve Fund" (the "Reserve Fund"). Monies in the Reserve Fund shall be used solely for the purpose of retiring the last of any Previously Issued Parity Bonds, Bonds or Additional Bonds as they become due or paying principal of and interest on any Previously Issued Parity Bonds, Bonds or Additional Bonds when and to the extent the amounts in the Interest and Sinking Fund are insufficient for such purpose. Monies in the Reserve Fund shall be maintained at an official depository bank of the City.

Section 12. **DEPOSITS OF PLEDGED REVENUES; INVESTMENTS**. (a) That the Pledged Revenues shall be deposited in the Interest and Sinking Fund and the Reserve Fund

when and as required by ordinances authorizing Previously Issued Parity Bonds and by this Ordinance.

(b) That money in any Fund established by this Ordinance or by ordinances authorizing Previously Issued Parity Bonds may, at the option of the City, be invested in Authorized Investments; provided, however, that all such deposits and investments shall have a par value (or market value when less than par) exclusive of accrued interest at all times at least equal to the amount of money credited to such Funds, and shall be made in such manner that the money required to be expended from any Fund will be available at the proper time or times. Money in the Reserve Fund shall not be invested in securities maturing later than the final maturity of the Previously Issued Parity Bonds, the Bonds, and Additional Bonds. Such investments shall be valued in terms of current market value as of the last day of each Year, except that direct obligations of the United States (State and Local Government Series) in book-entry form shall be continuously valued at their par or face principal amount. Such investments shall be sold promptly when necessary to prevent any default in connection with the Previously Issued Parity Bonds, the Bonds or Additional Bonds. As used in this Section, the term "Authorized Investments" shall mean those investments in which the City is now or hereafter authorized by law, including, but not limited to, Chapter 2256, and consistent with the City's investment policy adopted and approved from time to time by the City Council pursuant to the provisions of Chapter 2256, to purchase, sell and invest its funds and funds under its control.

Section 13. **FUNDS SECURED**. That money in all Funds created by this Ordinance, to the extent not invested, shall be secured in the manner prescribed by law for securing funds of the City. All uninvested and unescrowed proceeds from the delivery of the Bonds shall be subject to the provisions of Chapter 2257. Proceeds of the Bonds shall be held at a designated state depository institution or other properly chartered and authorized institution in accordance with Chapter 2256 and Chapter 2257.

Section 14. **DEBT SERVICE REQUIREMENTS**. (a) That promptly after the delivery of the Bonds the City shall cause to be deposited to the credit of the Interest and Sinking Fund any accrued interest received from the sale and delivery of the Bonds, and any such deposit shall be used to pay part of the interest next coming due on the Bonds.

(b) That in addition to all amounts heretofore required to be transferred from the Pledged Revenues and deposited to the credit of the Interest and Sinking Fund by the ordinances authorizing the issuance of the Previously Issued Parity Bonds, the City shall transfer from the Pledged Revenues and deposit to the credit of the Interest and Sinking Fund the amounts, at the times, as follows:

(1) such amounts, deposited in approximately equal monthly installments on or before the 25th day of each month hereafter, commencing with the month during which the Bonds are delivered, or the month thereafter if delivery is made after the 25th day thereof, as will be sufficient, together with other amounts, if any, then on hand in the Interest and Sinking Fund and available for such purpose, to pay the interest scheduled to accrue and come due on the Bonds on the next succeeding interest payment date; and

(2) such amounts, deposited in approximately equal monthly installments on or before the 25th day of each month hereafter, commencing with the month during which

the Bonds are delivered, or the month thereafter if delivery is made after the 25th day thereof, as will be sufficient, together with other amounts, if any, then on hand in the Interest and Sinking Fund and available for such purpose, to pay the principal scheduled to mature and come due on the Bonds on the next succeeding principal payment date.

Section 15. **RESERVE REQUIREMENTS**. That the Reserve Fund shall be maintained in an amount equal to the average annual principal and interest requirements (including Amortization Installments) of the Previously Issued Parity Bonds, the Bonds and Additional Bonds (the "Required Amount"). When and so long as the money and investments in the Reserve Fund are not less than the Required Amount, no deposits need be made to the credit of the Reserve Fund. When and if the Reserve Fund contains less than the Required Amount due to the issuance of the Bonds or Additional Bonds, beginning on the 25th day of the month following the delivery of the Bonds or Additional Bonds to the purchasers thereof, and continuing for sixty (60) months, the City shall transfer from the Pledged Revenues and deposit to the credit of the Reserve Fund an amount equal to 1/60th of the difference determined as of such delivery date between the amount in the Reserve Fund and the Required Amount. When and if the Reserve Fund at any time contains less than the Required Amount due to any cause or condition other than the issuance of Additional Bonds, then, subject and subordinate to making the required deposits to the credit of the Interest and Sinking Fund, such deficiency shall be made up as soon as possible from the next available Pledged Revenues, or from any other sources available for such purpose. The City may, at its option, withdraw and use for any lawful purpose not inconsistent with the City's Charter, all surplus in the Reserve Fund over the Required Amount.

Section 16. **DEFICIENCIES; EXCESS PLEDGED REVENUES**. (a) That if on any occasion there shall not be sufficient Pledged Revenues to make the required deposits into the Interest and Sinking Fund and the Reserve Fund, then such deficiency shall be made up as soon as possible from the next available Pledged Revenues, or from any other sources available for such purpose.

(b) That, subject to making the required deposits to the credit of the Interest and Sinking Fund and the Reserve Fund when and as required by this Ordinance, or any ordinance authorizing the issuance of Previously Issued Parity Bonds or Additional Bonds, the excess Pledged Revenues may be used by the City for any lawful purpose not inconsistent with the City's Charter.

Section 17. **PAYMENT OF THE BONDS AND ADDITIONAL BONDS**. That on or before October 1, 2018, and semiannually on or before each April 1 and October 1 thereafter while any of the Previously Issued Parity Bonds, the Bonds or Additional Bonds are outstanding and unpaid, the City shall make available to the paying agents therefor (including the Paying Agent/Registrar), out of the Interest and Sinking Fund and the Reserve Fund (if necessary), money sufficient to pay such interest on and such principal of the Previously Issued Parity Bonds, the Bonds and Additional Bonds as shall become due on such dates, respectively, at maturity or by redemption prior to maturity. The aforesaid paying agents (including the Paying Agent/Registrar) shall destroy all paid Previously Issued Parity Bonds, Bonds and Additional Bonds, and furnish the City with an appropriate certificate of cancellation or destruction.

Section 18. **FINAL DEPOSITS; GOVERNMENTAL OBLIGATIONS**. (a) That any Previously Issued Parity Bond, Bond or Additional Bond shall be deemed to be paid, retired

and no longer outstanding within the meaning of this Ordinance when payment of the principal of, redemption premium, if any, on such bond, plus interest thereon to the due date thereof (whether such due date be by reason of maturity, upon redemption, or otherwise) either (i) shall have been made or caused to be made in accordance with the terms thereof (including the giving of any required notice of redemption), or (ii) shall have been provided for by irrevocably depositing with, or making available to, a paying agent (or escrow agent) therefor, in trust and irrevocably set aside exclusively for such payment, (1) money sufficient to make such payment or (2) Defeasance Securities, as hereinafter defined in this Section, certified by an independent public accounting firm of national reputation to mature as to principal and interest in such amounts and at such times as will insure the availability, without reinvestment, of sufficient money to make such payment, and all necessary and proper fees, compensation, and expenses of such paying agent pertaining to the bonds with respect to which such deposit is made shall have been paid or the payment thereof provided for to the satisfaction of such paying agent. At such time as a Previously Issued Parity Bond, Bond or Additional Bond shall be deemed to be paid hereunder, as aforesaid, it shall no longer be secured by or entitled to the benefit of this Ordinance or such other ordinance securing such bond or a lien on and pledge of the Pledged Revenues, and shall be entitled to payment solely from such money or Defeasance Securities.

(b) That any moneys so deposited with a paying agent may, at the direction of the City, also be invested in Defeasance Securities, maturing in the amounts and times as hereinbefore set forth, and all income from all Defeasance Securities in the hands of the paying agent pursuant to this Section which is not required for the payment of the Previously Issued Parity Bonds, Bonds and Additional Bonds, the redemption premium, if any, and interest thereon, with respect to which such money has been so deposited, shall be remitted to the City.

(c) That the City covenants that no deposit will be made or accepted under clause (a)(ii) of this Section and no use will be made of any such deposit which would cause the Previously Issued Parity Bonds, Bonds or any Additional Bonds to be treated as "arbitrage bonds" within the meaning of section 148 of the Code.

(d) That for the purpose of this Section, the term "Defeasance Securities" shall mean (i) direct obligations of the United States of America, including obligations the principal of and interest on which are unconditionally guaranteed by the United States of America, (ii) noncallable obligations of an agency or instrumentality of the United States of America, including obligations that are unconditionally guaranteed or insured by the agency or instrumentality and that, on the date the City adopts or approves proceedings authorizing the issuance of refunding bonds or, if such defeasance is not in connection with the issuance of refunding bonds, on the date the City provides for the funding of an escrow to effect the defeasance of the Bonds, are rated as to investment quality by a nationally-recognized investment rating firm not less than "AAA" or its equivalent, (iii) noncallable obligations of a state or an agency or a county, municipality, or other political subdivision of a state that have been refunded and that, on the date the City adopts or approves proceedings authorizing the issuance of refunding bonds or, if such defeasance is not in connection with the issuance of refunding bonds, on the date the Board provides for the funding of an escrow to effect the defeasance of the Bonds, are rated as to investment quality by a nationally-recognized investment rating firm not less than "AAA" or its equivalent, or (iv) any other then authorized securities or obligations that may be used to defease obligations such as the Bonds under the then applicable laws of the State of Texas.

(e) That notwithstanding any other provisions of this Ordinance, all money or Defeasance Securities set aside and held in trust pursuant to the provisions of this Section for the payment of Previously Issued Parity Bonds, Bonds and Additional Bonds, the redemption premium, if any, and interest thereon, shall be applied to and used for the payment of such Previously Issued Parity Bonds, Bonds and Additional Bonds, the redemption premium, if any, and interest thereon.

(f) That in accordance with the provisions of Section 1207.033, Texas Government Code, the City may call for redemption, at a date earlier than their scheduled maturities, those Bonds which have been defeased to their maturity date. Notwithstanding any other provision of this Ordinance to the contrary, it is hereby provided that any determination not to redeem Bonds defeased under the terms of this Ordinance that is made in conjunction with the payment arrangements specified in clauses (i) or (ii) of subsection (a) above shall not be irrevocable, provided that: (1) in the proceedings providing for such payment arrangements, the City expressly reserves the right to call Bonds so defeased for redemption; (2) the City gives notice of the reservation of that right to the owners of the Bonds so defeased immediately following the making of the payment arrangements; and (3) the City directs that notice of the reservation be included in any redemption notices that it authorizes.

Section 19. **ADDITIONAL BONDS**. (a) That the City shall have the right and power at any time and from time to time to authorize, issue and deliver additional parity revenue bonds (herein called "Additional Bonds") in one or more series or issues, in accordance with law, in any amounts, for purposes of extending, improving or repairing the System or for the purpose of refunding of any Previously Issued Parity Bonds, Bonds, Additional Bonds or other obligations of the City incurred in connection with the ownership or operation of the System. Such Additional Bonds, if and when authorized, issued and delivered in accordance with this Ordinance, shall be secured by and made payable equally and ratably on a parity with the Previously Issued Parity Bonds, the Bonds, and all other outstanding Additional Bonds, from an irrevocable first lien on and pledge of the Pledged Revenues.

(b) That the Interest and Sinking Fund and the Reserve Fund established by the 1981 Ordinance shall secure and be used to pay all Additional Bonds as well as the Previously Issued Parity Bonds and the Bonds. However, each ordinance under which Additional Bonds are issued shall provide and require that, in addition to the amounts required to be deposited to the credit of the Interest and Sinking Fund by the provisions of this Ordinance and the provisions of any other ordinance or ordinances authorizing Additional Bonds, the City shall deposit to the credit of the Interest and Sinking Fund at least such amounts as are required for the payment of all principal of and interest on said Additional Bonds then being issued, as the same come due; and that the aggregate amount to be accumulated and maintained in the Reserve Fund shall be increased (if and to the extent necessary) to an amount not less than the average annual principal and interest requirements (including Amortization Installments) of all Previously Issued Parity Bonds, Bonds and Additional Bonds which will be outstanding after the issuance and delivery of the then proposed Additional Bonds; and that the required additional amount shall be so accumulated by the deposit in the Reserve Fund of all or any part of said required additional amount in cash immediately after the delivery of the then proposed Additional Bonds, or, at the option of the City, by the deposit of said required additional amount (or any balance of said required additional amount not deposited in cash as permitted above) in monthly installments, made on or before the 25th day of each month following the delivery of the then proposed Additional Bonds, of not less than 1/60th of said

required additional amount (or 1/60th of the balance of said required additional amount not deposited in cash as permitted above).

(c) That all calculations of average annual principal and interest requirements (including Amortization Installments) made pursuant to this Section shall be made as of and from the date of the Additional Bonds then proposed to be issued.

(d) That the principal of all Additional Bonds must be scheduled to be paid or mature on April 1 or October 1 (or both) of the years in which such principal is scheduled to be paid or mature; and all interest thereon must be payable on April 1 and October 1.

Section 20. **FURTHER REQUIREMENTS FOR ADDITIONAL BONDS**. That Additional Bonds shall be issued only in accordance with this Ordinance, but notwithstanding any provisions of this Ordinance to the contrary, no installment, Series or issue of Additional Bonds shall be issued or delivered unless:

(a) The Mayor and the City Secretary of the City sign a written certificate to the effect that the City is not in default as to any covenant, condition or obligation in connection with all outstanding Previously Issued Parity Bonds, the Bonds and Additional Bonds, and the ordinances authorizing same, and that the Interest and Sinking Fund and the Reserve Fund each contains the amount then required to be therein.

(b) The Chief Financial Officer of the City signs a written certificate to the effect that, during either the next preceding Year, or any twelve consecutive calendar month period ending not more than ninety days prior to the date of the then proposed Additional Bonds, the Net Revenues were, in her or his opinion, at least equal to 1.25 times the average annual principal and interest requirements (computed on a fiscal year basis) including Amortization Installments, of all Previously Issued Parity Bonds, the Bonds and Additional Bonds to be outstanding after the issuance of the then proposed Additional Bonds.

Section 21. **GENERAL COVENANTS**. That the City further covenants and agrees that in accordance with and to the extent required or permitted by law:

(a) **Performance**. It will faithfully perform at all times any and all covenants, undertakings, stipulations, and provisions contained in this Ordinance, and each ordinance authorizing the issuance of Previously Issued Parity Bonds and Additional Bonds, and in each and every Previously Issued Parity Bond, Bond and Additional Bond; it will promptly pay or cause to be paid the principal of and interest on every Previously Issued Parity Bond, Bond and Additional Bond, on the dates and in the places and manner prescribed in such ordinances and Previously Issued Parity Bonds, Bonds or Additional Bonds; and it will, at the times and in the manner prescribed, deposit or cause to be deposited the amounts required to be deposited into the Interest and Sinking Fund and the Reserve Fund; and any holder of the Previously Issued Parity Bonds, Bonds or Additional Bonds may require the City, its officials and employees to carry out, respect or enforce the covenants and obligations of this Ordinance, or any ordinance authorizing the issuance of Additional Bonds, by all legal and equitable means, including specifically, but without limitation, the use and filing of mandamus proceedings, in any court of competent jurisdiction, against the City, its officials and employees.

(b) **City's Legal Authority**. It is a duly created and existing home rule city of the State of Texas, and is duly authorized under the laws of the State of Texas to create and issue the Bonds; that all action on its part for the creation and issuance of the Bonds has been duly and effectively taken; and that the Bonds in the hands of the holders and owners thereof are and will be valid and enforceable special obligations of the City in accordance with their terms.

(c) **Title**. It has or will obtain lawful title to the lands, buildings, structures and facilities constituting the System, that it warrants that it will defend the title to all the aforesaid lands, buildings, structures and facilities, and every part thereof, for the benefit of the holders and owners of the Previously Issued Parity Bonds, Bonds and Additional Bonds, against the claims and demands of all persons whomsoever, that it is lawfully qualified to pledge the Pledged Revenues to the payment of the Previously Issued Parity Bonds, Bonds and Additional Bonds in the manner prescribed herein, and has lawfully exercised such rights.

(d) **Liens**. It will from time to time and before the same become delinquent pay and discharge all taxes, assessments and governmental charges, if any, which shall be lawfully imposed upon it, or the System; it will pay all lawful claims for rents, royalties, labor, materials, and supplies which if unpaid might by law become a lien or charge thereon, the lien of which would be prior to or interfere with the liens hereof, so that the priority of the liens granted hereunder shall be fully preserved in the manner provided herein; and it will not create or suffer to be created any mechanic's, laborer's, materialman's or other lien or charge which might or could be prior to the liens hereof, or do or suffer any matter or thing whereby the liens hereof might or could be impaired; provided, however, that no such tax, assessment or charge, and that no such claims which might be used as the basis of a mechanic's, laborer's, materialman's or other lien or charge, shall be required to be paid so long as the validity of the same shall be contested in good faith by the City.

(e) **Operation of System; No Free Service**. It will, while the Previously Issued Parity Bonds, Bonds or any Additional Bonds are outstanding and unpaid, continuously and efficiently operate the System, and shall maintain the System in good condition, repair and working order, all at reasonable cost. No free service of the System shall be allowed, and should the City or any of its agencies or instrumentalities make use of the services and facilities of the System, payment of the reasonable value shall be made by the City out of funds from sources other than the revenues of the System, unless made from surplus or excess Pledged Revenues as permitted in Section 16(b) hereof.

(f) **Further Encumbrance**. It, while the Previously Issued Parity Bonds, Bonds or any Additional Bonds are outstanding and unpaid, will not additionally encumber the Pledged Revenues in any manner, except as permitted in this Ordinance in connection with Additional Bonds, unless said encumbrance is made junior and subordinate in all respects to the liens, pledges, covenants and agreements of this Ordinance; but the right of the City to issue revenue bonds payable from a subordinate lien on the Pledged Revenues is specifically recognized and retained.

(g) **Sale or Disposal of Property**. It, while the Previously Issued Parity Bonds, the Bonds or any Additional Bonds are outstanding and unpaid, will not sell, convey, mortgage, encumber, lease or in any manner transfer title to, or otherwise dispose of the System, or any significant or substantial part thereof; provided, however, that whenever the City deems it necessary to dispose of any property, machinery, fixtures or equipment, it may sell or otherwise

dispose of such property, machinery, fixtures or equipment when it has made arrangements to replace the same or provide substitutes therefor, unless it is determined that no such replacement or substitute is necessary. Proceeds from any sale hereunder not used to replace or provide for substitution of such property sold, shall be used for improvements to the System or to purchase or redeem Previously Issued Parity Bonds, Bonds and Additional Bonds.

(h) **Insurance**. (1) It shall cause to be insured such parts of the System as would usually be insured by corporations operating like properties, with a responsible insurance company or companies, against risks, accidents or casualties against which, and to the extent, insurance is usually carried by corporations operating like properties, including, to the extent reasonably obtainable, fire and extended coverage insurance, insurance against damage by floods, and use and occupancy insurance. Public liability and property damage insurance shall also be carried unless the City Attorney of the City gives a written opinion to the effect that the City is not liable for claims which would be protected by such insurance. At any time while any contractor engaged in construction work shall be fully responsible therefor, the City shall not be required to carry insurance on the work being constructed if the contractor is required to carry appropriate insurance. All such policies shall be open to the inspection of the bondholders and their representatives at all reasonable times. Upon the happening of any loss or damage covered by insurance from one or more of said causes, the City shall make due proof of loss and shall do all things necessary or desirable to cause the insuring companies to make payment in full directly to the City. The proceeds of insurance covering such property, together with any other funds necessary and available for such purpose, shall be used forthwith by the City for repairing the property damaged or replacing the property destroyed; provided, however, that if said insurance proceeds and other funds are insufficient for such purpose, then said insurance proceeds pertaining to the System shall be used promptly as follows:

(i) for the redemption prior to maturity of the Previously Issued Parity Bonds, the Bonds and Additional Bonds, ratably in the proportion that the outstanding principal of each series of Previously Issued Parity Bonds, Bonds or Additional Bonds bears to the total outstanding principal of all Previously Issued Parity Bonds, Bonds and Additional Bonds, provided that, if on any such occasion the principal of any such series is not subject to redemption, it shall not be regarded as outstanding in making the foregoing computation; or

(ii) if none of the outstanding Previously Issued Parity Bonds, Bonds or Additional Bonds is subject to redemption, then for the purchase on the open market and retirement of said Previously Issued Parity Bonds, Bonds and Additional Bonds in the same proportion as prescribed in the foregoing clause (i), to the extent practicable; provided, however, that the purchase price for any Previously Issued Parity Bond, Bond or Additional Bond shall not exceed the redemption price of such Previously Issued Parity Bond, Bond or Additional Bond on the first date upon which it becomes subject to redemption; or

(iii) to the extent that the foregoing clauses (i) and (ii) cannot be complied with at the time, the insurance proceeds, or the remainder thereof, shall be deposited in a special and separate trust fund, at an official depository of the City, to be designated the Insurance Account. The Insurance Account shall be held until such time as the foregoing clauses (i) and/or (ii) can be complied with, or until other funds become available which, together

with the Insurance Account, will be sufficient to make the repairs or replacements originally required, whichever of said events occurs first.

(2) The foregoing provisions of (1) above notwithstanding, the City shall have authority to enter into coinsurance or similar plans where risk of loss is shared in whole or in part by the City.

(3) The annual audit hereinafter required shall contain a section commenting on whether or not the City has complied with the requirements of this Section with respect to the maintenance of insurance, and listing all policies carried, and whether or not all insurance premiums upon the insurance policies to which reference is hereinbefore made have been paid.

(i) **Rate Covenant**. The City Council of the City will fix, establish, maintain and collect such rates, charges and fees for the use and availability of the System at all times as are necessary to produce Gross Revenues sufficient, (1) to pay all current operation and maintenance expenses of the System, (2) to produce Net Revenues for each Year at least equal to 1.25 times the principal and interest requirements (including Amortization Installments) of all then outstanding Previously Issued Parity Bonds, Bonds and Additional Bonds for the Year during which such requirements are scheduled to be the greatest, and (3) to pay all other obligations of the System.

(j) **Records**. It will keep proper books of record and account in which full, true and correct entries will be made of all dealings, activities and transactions relating to the System, the Pledged Revenues and the Funds created pursuant to this Ordinance, and all books, documents and vouchers relating thereto shall at all reasonable times be made available for inspection upon request of any bondholders.

(k) **Governmental Agencies**. The City will comply with all of the terms and conditions of any and all franchises, permits and authorizations applicable to or necessary with respect to the System, and which have been obtained from any governmental agency; and the City has or will obtain and keep in full force and effect all franchises, permits, authorization and other requirements applicable to or necessary with respect to the acquisition, construction, equipment, operation and maintenance of the System.

Section 22. **COMPLIANCE WITH THE TWDB'S RULES AND REGULATIONS**. That the provisions of this Section shall apply so long as the Bonds, or any of them, are owned by the TWDB.

(a) **Annual Audit Reporting**. For so long as the State of Texas owns any of the Bonds, the City shall mail a copy of the audit to the TWDB. In addition, monthly operating statements for the System shall be maintained by the City and made available, upon request, to the TWDB as long as the State owns any Bond, and the monthly operating statement shall be in such detail as requested by the Development Fund Manager of the TWDB, until the Development Fund Manager of the TWDB waives this requirement.

(b) **No Competition**. The City will not grant any franchise or permit for the acquisition, construction or operation of any competing facilities which might be used as a substitute for the System's facilities, and, to the extent that it legally may, the City will prohibit any such competing facilities.

(c) **Final Accounting**. The City shall render a final accounting to the TWDB in reference to the total cost incurred by the City for improvements and extensions to the System which were financed by the issuance of the Bonds, together with a copy of the complete set of "as built" plans of such improvements and extensions promptly upon completion.

(d) **Compliance with the Texas Water Development Board's Rules and Regulations**. The City shall comply with the rules and regulations of the TWDB relating to the loan funds evidenced by the Bonds and the Project for which the Bonds are issued, sold and delivered, and to maintain insurance on the System in such amount as may be required by TWDB.

(e) **Indemnification of the Texas Water Development Board**. The City shall, to the extent permitted by law, indemnify, hold harmless and protect the TWDB from any and all claims arising from the sampling, analysis, transport, storage, treatment, removal and off-site disposition of any contaminated sewage sludge, contaminated sediments and/or contaminated media that may be generated by the City, its contractors, consultants, agents, officials and employees as a result of activities relating to the Project financed with the proceeds of the Bonds.

(f) **Water Conservation Program**. The City will implement an approved water conservation program, in satisfaction of the requirements of Section 375.43 of Title 31 of the Texas Administrative Code.

(g) **Environmental Determinations**. The City agrees and covenants that it will comply with any special conditions of the environmental determination of the Executive Administrator in accordance with Title 31, Texas Administrative Code, Chapter 375, Subchapter E, as amended.

(h) **Prohibition on Use of Proceeds**. The City covenants and agrees that none of the proceeds of the Bonds will be expended on costs incurred or to be incurred relating to the sampling, testing, removing or disposing of potentially contaminated soils and/or media at the project site.

(i) **Conveyance of Obligations**. Prior to any action by the City to convey its obligations under the Bonds to another entity, if permitted by law, the conveyance and the assumption of such obligations must be approved by the Texas Water Development Board. The Issuer shall notify the Executive Administrator prior to taking any actions to alter its legal status in any manner, such a sale-transfer-merger with another retail public utility.

(j) **Davis-Bacon Act Compliance**. All laborers and mechanics employed by contractors and subcontractors for the Project who are paid from proceeds of the Bonds on deposit in the Construction Fund shall be paid wages at rates not less than those prevailing on projects of a similar character in the locality of the City in accordance with the federal Davis-Bacon Act and the U.S. Department of Labor’s implementing regulations pertaining thereto.

(k) **Federal Funding Accountability and Transparency Act**. The City shall provide the Texas Water Development Board with all information required by the Federal Funding Accountability and Transparency Act of 2006, Pub. L. 109-282.

(l) **DUNS Number and CAGE Code**. The City shall obtain a Data Information Numbering System (DUNS) Number and shall register with the System for Award Management

to obtain a Commercial and Government Entity (CAGE) Code, and maintain current registration at all times during which the Bonds are outstanding.

(m) **Timely Expenditures**. All proceeds of the Bonds will be timely and expeditiously used, as required by applicable federal statutes and U.S. Environmental Protection Agency regulations, and the City shall adhere to a project construction schedule acceptable to the Executive Administrator that facilitates timely use of funds and project completion.

(n) **Insurance**. Insurance coverage be obtained and maintained by the Issuer in an amount sufficient to protect the interest of the Texas Water Development Board in the Project.

(o) **Remedies**. The TWDB may exercise all remedies available to it in law or equity, and any provision of the Bonds or this Ordinance that restricts or limits the TWDB's full exercise of such remedies shall be of no force and effect.

(p) **Covenant Regarding Taxes and System Rates**. The City hereby agrees that, for so long as the Bonds are outstanding, to levy a tax and/or maintain and collect sufficient rates and charges to produce System revenues in an amount necessary to meet the debt service requirements of all outstanding obligations and to maintain the funds established and required by the Bonds.

(q) **American Iron and Steel Requirements**. The City will abide by all applicable construction contract requirements related to the use of iron and steel products in the United States, as required by the 2014 Federal Appropriations Act and related State Revolving Fund Policy Guidelines.

(r) **Notice of Defeasance.** For so long as the TWDB is an owner of any Bond, the City will provide to the Development Fund Manager of the TWDB written notice of any defeasance of Bonds at least sixty (60) days prior to the defeasance being effected by the City.

Section 23. **AMENDMENT OF ORDINANCE**. (a) That the holders of the Previously Issued Parity Bonds, Bonds and Additional Bonds aggregating in principal amount 51% of the aggregate principal amount of then outstanding Previously Issued Parity Bonds, Bonds and Additional Bonds shall have the right from time to time to approve any amendment to this Ordinance which may be deemed necessary or desirable by the City; provided, however, that without the consent of the holders of all of the Previously Issued Parity Bonds, Bonds and Additional Bonds at the time outstanding, nothing herein contained shall permit or be construed to permit the amendment of the terms and conditions in this Ordinance or in the Previously Issued Parity Bonds, Bonds or Additional Bonds so as to:

(1) Make any change in the maturity of the outstanding Previously Issued Parity Bonds, Bonds or Additional Bonds;

(2) Reduce the rate of interest borne by any of the outstanding Previously Issued Parity Bonds, Bonds or Additional Bonds;

(3) Reduce the amount of the principal payable on the outstanding Previously Issued Parity Bonds, Bonds or Additional Bonds;

(4) Modify the terms of payment of principal of or interest on the outstanding Previously Issued Parity Bonds, Bonds or Additional Bonds or impose any conditions with respect to such payment;

(5) Affect the rights of the holders of less than all of the Previously Issued Parity Bonds, Bonds and Additional Bonds then outstanding; or

(6) Change the minimum percentage of the principal amount of Previously Issued Parity Bonds, Bonds and Additional Bonds necessary for consent to such amendment.

(b) That if at any time the City shall desire to amend the Ordinance under this Section, the City shall cause notice of the proposed amendment to be published in a financial newspaper or journal published in The City of New York, New York, once during each calendar week for at least two successive calendar weeks. Such notice shall briefly set forth the nature of the proposed amendment and shall state that a copy thereof is on file at the principal office of the Paying Agent/Registrar for inspection by all holders of Previously Issued Parity Bonds, Bonds and Additional Bonds. Such publication is not required, however, if notice in writing is given to each holder of Previously Issued Parity Bonds, Bonds and Additional Bonds.

(c) That whenever at any time not less than thirty days, and within one year, from the date of the first publication of said notice or other service of written notice the City shall receive an instrument or instruments executed by the holders of at least 51% in aggregate principal amount of all Previously Issued Parity Bonds, Bonds and Additional Bonds then outstanding, which instrument or instruments shall refer to the proposed amendment described in said notice and which specifically consent to and approve such amendment in substantially the form of the copy thereof on file with the Paying Agent/Registrar, the City Council may pass the amendatory ordinance in substantially the same form.

(d) That upon the passage of any amendatory ordinance pursuant to the provisions of this Section, this Ordinance shall be deemed to be amended in accordance with such amendatory ordinance, and the respective rights, duties and obligations under this Ordinance of the City and all the holders of then outstanding Previously Issued Parity Bonds, Bonds and Additional Bonds shall thereafter be determined, exercised and enforced hereunder, subject in all respects to such amendments.

(e) That any consent given by the holder of a Previously Issued Parity Bond, Bond or Additional Bond pursuant to the provisions of this Section shall be irrevocable for a period of six (6) months from the date of the first publication of the notice or other service of written notice provided for in this Section, and shall be conclusive and binding upon all future holders of the same Previously Issued Parity Bond, Bond or Additional Bond during such period. Such consent may be revoked at any time after six (6) months from the date of the first publication of such notice or other service of written notice by the holder who gave such consent, or by a successor in title, by filing notice thereof with the paying agent/registrar therefor and the City, but such revocation shall not be effective if the holders, identified in accordance with subsection (f) of this Section, of 51% in aggregate principal amount of the then outstanding Previously Issued Parity Bonds, Bonds and Additional Bonds have, prior to the attempted revocation, consented to and approve the amendment.

(f) That for the purpose of this Section, the fact of the holding of Previously Issued Parity Bonds, Bonds, or Additional Bonds issued in registered form without coupons and the amounts and numbers of such Previously Issued Parity Bonds, Bonds or Additional Bonds and the date of their holding same shall be proved by the bond registration books of the paying agent/registrar therefor. For purposes of this Section, the holder of a Previously Issued Parity Bond, Bond or Additional Bond in such registered form shall be the owner thereof as shown on such registration books. The City may conclusively assume that such ownership continues until written notice to the contrary is served upon the City.

(g) The foregoing provisions of this Section notwithstanding, the City by action of the City Council may amend this Ordinance for any one or more of the following purposes:

(1) To add to the covenants and agreements of the City in this Ordinance contained, other covenants and agreements thereafter to be observed, grant additional rights or remedies to bondholders or to surrender, restrict or limit any right or power herein reserved to or conferred upon the City;

(2) To make such provisions for the purpose of curing any ambiguity, or curing, correcting or supplementing any defective provision contained in this Ordinance, or in regard to clarifying matters or questions arising under this Ordinance, including, without limitation, those matters described in Section 27(c)(v) hereof, (or those matters necessary to obtain the approving opinion of the Attorney General of Texas as required by law, as are necessary or desirable and not contrary to or inconsistent with this Ordinance and which shall not adversely affect the interests of the holders of the Previously Issued Parity Bonds, Bonds or Additional Bonds;

(3) To modify any of the provisions of this Ordinance in any other respect whatever, provided that (i) such modification shall be, and be expressed to be, effective only after all Previously Issued Parity Bonds outstanding at the date of the adoption of such modification shall cease to be outstanding, and (ii) such modification shall be specifically referred to in the text of all Additional Bonds issued after the date of the adoption of such modification.

Section 24. **DAMAGED, MUTILATED, LOST, STOLEN OR DESTROYED BONDS**. (a) That in the event any outstanding Bond is damaged, mutilated, lost, stolen, or destroyed, the Paying Agent/Registrar shall cause to be printed, executed, and delivered, a new Bond of the same principal amount, maturity, and interest rate, as the damaged, mutilated, lost, stolen, or destroyed Bond, in replacement for such Bond in the manner hereinafter provided.

(b) Application for replacement of damaged, mutilated, lost, stolen, or destroyed Bonds shall be made to the Paying Agent/Registrar. In every case of loss, theft, or destruction of a Bond, the applicant for a replacement bond shall furnish to the City and to the Paying Agent/Registrar such security or indemnity as may be required by them to save each of them harmless from any loss or damage with respect thereto. Also, in every case of loss, theft, or destruction of a Bond, the applicant shall furnish to the City and to the Paying Agent/Registrar evidence to their satisfaction of the loss, theft, or destruction of such Bond, as the case may be. In every case of

damage or mutilation of a Bond, the applicant shall surrender to the Paying Agent/Registrar for cancellation the Bond so damaged or mutilated.

(c) Notwithstanding the foregoing provisions of this Section, in the event any such Bond shall have matured, and no default has occurred which is then continuing in the payment of the principal of, redemption premium, if any, or interest on the Bond, the City may authorize the payment of the same (without surrender thereof except in the case of a damaged or mutilated Bond) instead of issuing a replacement Bond, provided security or indemnity is furnished as above provided in this Section.

(d) Prior to the issuance of any replacement bond, the Paying Agent/Registrar shall charge the owner of such Bond with all legal, printing, and other expenses in connection therewith. Every replacement bond issued pursuant to the provisions of this Section by virtue of the fact that any Bond is lost, stolen, or destroyed shall constitute a contractual obligation of the City whether or not the lost, stolen or destroyed Bond shall be found at any time, or be enforceable by anyone, and shall be entitled to all the benefits of this Ordinance equally and proportionately with any and all other Bonds duly issued under this Ordinance.

(e) In accordance with Chapter 1206, particularly Subchapter B thereof, this Section of this Ordinance shall constitute authority for the issuance of any such replacement bond without necessity of further action by the governing body of the City or any other body or person, and the duty of the replacement of such bonds is hereby authorized and imposed upon the Paying Agent/Registrar, and the Paying Agent/Registrar shall authenticate and deliver such bonds in the form and manner and with the effect, as provided in Section 5(d) of this Ordinance for Bonds issued in exchange for other Bonds.

Section 25. **TAX COVENANTS**. That the City covenants to refrain from any action which would adversely affect, or to take any action to assure, the treatment of the Bonds as obligations described in section 103 of the Code, the interest on which is not includable in the "gross income" of the holder for purposes of federal income taxation. In furtherance thereof, the Issuer covenants as follows:

(a) to take any action to assure that no more than 10 percent of the proceeds of the Bonds or the projects financed therewith (less amounts deposited to a reserve fund, if any) are used for any "private business use", as defined in section 141(b)(6) of the Code or, if more than 10 percent of the proceeds are so used, that amounts, whether or not received by the City, with respect to such private business use, do not, under the terms of this Ordinance or any underlying arrangement, directly or indirectly, secure or provide for the payment of more than 10 percent of the debt service on the Bonds, in contravention of section 141(b)(2) of the Code;

(b) to take any action to assure that in the event that the "private business use" described in subsection (a) hereof exceeds 5 percent of the proceeds of the Bonds or the projects financed therewith (less amounts deposited into a reserve fund, if any) then the amount in excess of 5 percent is used for a "private business use" which is "related" and not "disproportionate", within the meaning of section 141(b)(3) of the Code, to the governmental use;

(c) to take any action to assure that no amount which is greater than the lesser of $5,000,000, or 5 percent of the proceeds of the Bonds (less amounts deposited into a reserve fund, if any), is directly or indirectly used to finance loans to persons, other than state or local governmental units, in contravention of section 141(c) of the Code;

(d) to refrain from taking any action which would otherwise result in the Bonds being treated as "private activity bonds" within the meaning of section 141(a) of the Code;

(e) to refrain from taking any action that would result in the Bonds being "federally guaranteed" within the meaning of section 149(b) of the Code;

(f) to refrain from using any portion of the proceeds of the Bonds, directly or indirectly, to acquire or to replace funds which were used, directly or indirectly, to acquire investment property (as defined in section 148(b)(2) of the Code) which produces a materially higher yield over the term of the Bonds, other than investment property acquired with --

(1) proceeds of the Bonds invested for a reasonable temporary period, until such proceeds are needed for the purpose for which the Bonds are issued,

(2) amounts invested in a bona fide debt service fund, within the meaning of section 1.148-1(b) of the Treasury Regulations, and

(3) amounts deposited in any reasonably required reserve or replacement fund to the extent such amounts do not exceed 10 percent of the proceeds of the Bonds;

(g) to otherwise restrict the use of the proceeds of the Bonds or amounts treated as proceeds of the Bonds, as may be necessary, so that the Bonds do not otherwise contravene the requirements of section 148 of the Code (relating to arbitrage);

(h) to refrain from using the proceeds of the Bonds or the proceeds of any prior bonds to pay debt service on another issue more than ninety (90) days after the issuance of the Bonds in contravention of Section 149(d) of the Code (relating to advance refundings);

(i) to pay to the United States of America at least once during each five-year period (beginning on the date of delivery of the Bonds) an amount that is at least equal to 90 percent of the "excess earnings", within the meaning of section 148(f) of the Code, and to pay to the United States of America, not later than 60 days after the Bonds have been paid in full, 100 percent of the amount then required to be paid as a result of Excess Earnings under section 148(f) of the Code;

(j) to file or cause to be filed with the Secretary of the Treasury, not later than the 15th day of the second calendar month after the close of the calendar quarter in which the Bonds are issued, an information statement concerning the Bonds, all under and in accordance with section 149(e) of the Code and the applicable Treasury Regulations promulgated thereunder; and

(k) the City will not acquire any of the Texas Water Development Board's source series bonds in an amount related to the amount of Bonds acquired by the Texas Water Development Board.

The City understands that the term "proceeds" includes "disposition proceeds" as defined in the Treasury Regulations and, in the case of a refunding bond, transferred proceeds (if any) and proceeds of the refunded bonds expended prior to the date of the issuance of the Bonds. It is the understanding of the City that the covenants contained herein are intended to assure compliance with the Code and any regulations or rulings promulgated by the U.S. Department of the Treasury pursuant thereto. In the event that regulations or rulings are hereafter promulgated which modify or expand provisions of the Code, as applicable to the Bonds, the City will not be required to comply with any covenant contained herein to the extent that such failure to comply, in the opinion of nationally-recognized bond counsel, will not adversely affect the exemption from federal income taxation of interest on the Bonds under section 103 of the Code. In the event that regulations or rulings are hereafter promulgated which impose additional requirements which are applicable to the Bonds, the City agrees to comply with the additional requirements to the extent necessary, in the opinion of nationally-recognized bond counsel, to preserve the exemption from federal income taxation of interest on the Bonds under section 103 of the Code. In furtherance of the foregoing, the Mayor, the City Manager, the Chief Financial Officer of the City, and any Assistant City Manager may execute any certificates or other reports required by the Code and make such elections, on behalf of the City, which may be permitted by the Code as are consistent with the purpose for the issuance of the Bonds. In order to facilitate compliance with the above clause (i), a "Rebate Fund" is hereby established by the City for the sole benefit of the United States of America, and such Rebate Fund shall not be subject to the claim of any other person, including without limitation the registered owners of the Bonds. The Rebate Fund is established for the additional purpose of compliance with section 148 of the Code.

Section 26. **ADDITIONAL TAX COVENANTS.** (a) **Allocation of Bond Proceeds, and Limitation on, Expenditures for the Project.** That the City covenants to account for on its books and records the expenditure of proceeds from the sale of the Bonds and any investment earnings thereon to be used for the Project in accordance with the requirements of the Code. The City recognizes that in order for the proceeds to be considered used for the reimbursement of costs, the proceeds must be allocated to expenditures within eighteen (18) months of the later of the date that (a) the expenditure on a Project is made or (b) each such Project is completed; but in no event later than three years after the date on which the original expenditure is paid. The foregoing notwithstanding, the City recognizes that in order for proceeds to be expended under the Code, the sale proceeds or investment earnings must be expended no more than 60 days after the earlier of (a) the fifth anniversary of the date of delivery of the Bonds or (b) the date the Bonds are retired. The City agrees to obtain the advice of a nationally-recognized bond counsel if such expenditure fails to comply with the foregoing to assure that such expenditure will not adversely affect the tax-exempt status of the Bonds. For purposes of this Section, the City shall not be obligated to comply with this covenant if it obtains an opinion of a nationally-recognized bond counsel to the effect that such failure to comply will not adversely affect the excludability for federal income tax purposes from gross income of the interest.

(b) **Disposition of Bond Financed Property.** The City covenants that property financed with the proceeds of the Bonds, or the property constituting a Project, will not be sold or otherwise disposed in a transaction resulting in the receipt by the City of cash or other compensation, unless

the City obtains an opinion of nationally-recognized bond counsel substantially to the effect that such sale or other disposition will not adversely affect the tax-exempt status of the Bonds. For purposes of this Section, the portion of the property comprising personal property and disposed of in the ordinary course of business shall not be treated as a transaction resulting in the receipt of cash or other compensation. For purposes of this Section, the City shall not be obligated to comply with this covenant if it obtains an opinion of nationally-recognized bond counsel to the effect that such failure to comply will not adversely affect the excludability for federal income tax purposes from gross income of the interest, on the Bonds, if any.

Section 27. **CONTINUING DISCLOSURE UNDERTAKING**. (a) **Annual Reports.** (i) That the City shall provide annually to the MSRB, within six months after the end of each Year ending in or after 2018, financial information and operating data with respect to the City of the general type included in the final application submitted to the TWDB and to the MSRB with respect to the Previously Issued Parity Bonds. Any financial statements so to be provided shall be: (1) prepared in accordance with the accounting principles generally applicable to cities such as the City and as described in the notes to the financial statements filed with the TWDB as part of the Application, or such other accounting principles as the City may be required to employ from time to time pursuant to state law or regulation, and (2) audited, when and if available, and in any event, within twelve (12) months after the end of each Year ending in or after 2018. If audited financial statements are not available by the end of the twelve (12) month period, then the City shall provide notice that the audited financial statements are not available, shall provide unaudited financial information of the type described in the numbered tables referenced in Exhibit B hereto by the required time, and will provide audited financial statements for the applicable Year to the MSRB, when and if the audit report on such statements become available. Such information shall be transmitted electronically to the MSRB, in such format as prescribed by the MSRB.

(ii) If the Year is changed by the City, the City will notify the MSRB of such change (and of the date of the new Year end) prior to the next date by which the City otherwise would be required to provide financial information and operating data pursuant to this Section. The financial information and operating data to be provided pursuant to this Section may be set forth in full in one or more documents or may be included by specific reference to any document (including an official statement or other offering document, if it is available from the MSRB) that theretofore has been provided to the MSRB or filed with the SEC.

(b) **Disclosure Event Notices.** The City shall notify the MSRB in an electronic format as prescribed by the MSRB, in a timely manner (but not in excess of ten (10) Business Days after the occurrence of the event), of any of the following events with respect to the Bonds:

1. Principal and interest payment delinquencies;
2. Non-payment related defaults, if material;
3. Unscheduled draws on debt service reserves reflecting financial difficulties;
4. Unscheduled draws on credit enhancements reflecting financial difficulties;
5. Substitution of credit or liquidity providers, or their failure to perform;
6. Adverse tax opinions, the issuance by the Internal Revenue Service of proposed or final determinations of taxability, Notices of Proposed Issue (IRS Form 5701-TEB) or other material notices or determinations with

respect to the tax status of the Bonds, or other material events affecting the tax status of the Bonds;

7. Modifications to rights of holders of the Bonds, if material;
8. Bond calls, if material, and tender offers;
9. Defeasances;
10. Release, substitution, or sale of property securing repayment of the Bonds, if material;
11. Rating changes;
12. Bankruptcy, insolvency, receivership or similar event of the City;
13. The consummation of a merger, consolidation, or acquisition involving the City or the sale of all or substantially all of the assets of the City, other than in the ordinary course of business, the entry into a definitive agreement to undertake such an action or the termination of a definitive agreement relating to any such actions, other than pursuant to its terms, if material; and
14. Appointment of a successor Paying Agent/Registrar or change in the name of the Paying Agent/Registrar, if material.

As used in clause 12 above, the phrase "bankruptcy, insolvency, receivership or similar event" means the appointment of a receiver, fiscal agent or similar officer for the City in a proceeding under the U.S. Bankruptcy Code or in any other proceeding under state or federal law in which a court or governmental authority has assumed jurisdiction over substantially all of the assets of the City, or if jurisdiction has been assumed by leaving the City Council and official or officers of the City in possession but subject to the supervision and orders of a court or governmental authority, or the entry of an order confirming a plan of reorganization, arrangement or liquidation by a court or governmental authority having supervision or jurisdiction over substantially all of the assets or business of the City. The City shall notify the MSRB, in a timely manner, of any failure by the City to provide financial information or operating data in accordance with subsection (a) of this Section by the time required by such subsection.

(c) **Limitations, Disclaimers, and Amendments.** (i) The City shall be obligated to observe and perform the covenants specified in this Section for so long as, but only for so long as, the City remains an "obligated person" with respect to the Bonds within the meaning of the Rule, except that the City in any event will give notice of any deposit made in accordance with this Ordinance or applicable law that causes Bonds no longer to be outstanding.

(ii) The provisions of this Section are for the sole benefit of the holders and beneficial owners of the Bonds, and nothing in this Section, express or implied, shall give any benefit or any legal or equitable right, remedy, or claim hereunder to any other person. The City undertakes to provide only the financial information, operating data, financial statements, and notices which it has expressly agreed to provide pursuant to this Section and does not hereby undertake to provide any other information that may be relevant or material to a complete presentation of the City's financial results, condition, or prospects or hereby undertake to update any information provided in accordance with this Section or otherwise, except as expressly provided herein. The City does not make any representation or warranty concerning such information or its usefulness to a decision to invest in or sell Bonds at any future date.

(iii) UNDER NO CIRCUMSTANCES SHALL THE CITY BE LIABLE TO THE HOLDER OR BENEFICIAL OWNER OF ANY BOND OR ANY OTHER PERSON, IN

CONTRACT OR TORT, FOR DAMAGES RESULTING IN WHOLE OR IN PART FROM ANY BREACH BY THE CITY, WHETHER NEGLIGENT OR WITHOUT FAULT ON ITS PART, OF ANY COVENANT SPECIFIED IN THIS SECTION, BUT EVERY RIGHT AND REMEDY OF ANY SUCH PERSON, IN CONTRACT OR TORT, FOR OR ON ACCOUNT OF ANY SUCH BREACH SHALL BE LIMITED TO AN ACTION FOR MANDAMUS OR SPECIFIC PERFORMANCE.

(iv) No default by the City in observing or performing its obligations under this Section shall comprise a breach of or default under this Ordinance for purposes of any other provision of this Ordinance. Nothing in this Section is intended or shall act to disclaim, waive, or otherwise limit the duties of the City under federal and state securities laws.

(v) Should the Rule be amended to obligate the City to make filings with or provide notices to entities other than the MSRB, the City agrees to undertake such obligation in accordance with the Rule as amended.

(vi) The provisions of this Section may be amended by the City from time to time to adapt to changed circumstances that arise from a change in legal requirements, a change in law, or a change in the identity, nature, status, or type of operations of the City, but only if (1) the provisions of this Section, as so amended, would have permitted an underwriter to purchase or sell Bonds in the primary offering of the Bonds in compliance with the Rule, taking into account any amendments or interpretations of the Rule since such offering as well as such changed circumstances and (2) either (A) the holders of a majority in aggregate principal amount (or any greater amount required by any other provision of this Ordinance that authorizes such an amendment) of the outstanding Bonds consent to such amendment or (B) a person that is unaffiliated with the City (such as nationally recognized bond counsel) determines that such amendment will not materially impair the interest of the holders and beneficial owners of the Bonds. If the City so amends the provisions of this Section, it shall include with any amended financial information or operating data next provided in accordance with subsection (a) of this Section an explanation, in narrative form, of the reason for the amendment and of the impact of any change in the type of financial information or operating data so provided. The City may also amend or repeal the provisions of this continuing disclosure agreement if the SEC amends or repeals the applicable provision of the Rule or a court of final jurisdiction enters judgment that such provisions of the Rule are invalid, but only if and to the extent that the provisions of this sentence would not prevent an underwriter from lawfully purchasing or selling Bonds in the primary offering of the Bonds.

Section 28. **DEFAULT AND REMEDIES**. (a) **Events of Default**. That each of the following occurrences or events for the purpose of this Ordinance is hereby declared to be an Event of Default:

(i) the failure to make payment of the principal of or interest on any of the Bonds when the same becomes due and payable; or

(ii) default in the performance or observance of any other covenant, agreement or obligation of the City, the failure to perform which materially, adversely affects the rights of the registered owners of the Bonds, including, but not limited to, their prospect or ability

to be repaid in accordance with this Ordinance, and the continuation thereof for a period of sixty (60) days after notice of such default is given by any registered owner to the City.

(b) **Remedies for Default**.

(i) That upon the happening of any Event of Default, then and in every case, any registered owner or an authorized representative thereof, including, but not limited to, a trustee or trustees therefor, may proceed against the City, or any official, officer or employee of the City in their official capacity, for the purpose of protecting and enforcing the rights of the registered owners under this Ordinance, by mandamus or other suit, action or special proceeding in equity or at law, in any court of competent jurisdiction, for any relief permitted by law, including the specific performance of any covenant or agreement contained herein, or thereby to enjoin any act or thing that may be unlawful or in violation of any right of the registered owners hereunder or any combination of such remedies.

(ii) It is provided that all such proceedings shall be instituted and maintained for the equal benefit of all registered owners of Bonds then outstanding.

(c) **Remedies Not Exclusive**.

(i) That no remedy herein conferred or reserved is intended to be exclusive of any other available remedy or remedies, but each and every such remedy shall be cumulative and shall be in addition to every other remedy given hereunder or under the Bonds or now or hereafter existing at law or in equity; provided, however, that notwithstanding any other provision of this Ordinance, the right to accelerate the debt evidenced by the Bonds shall not be available as a remedy under this Ordinance.

(ii) The exercise of any remedy herein conferred or reserved shall not be deemed a waiver of any other available remedy.

(iii) By accepting the delivery of a Bond authorized under this Ordinance, such registered owner agrees that the certifications required to effectuate any covenants or representations contained in this Ordinance do not and shall never constitute or give rise to a personal or pecuniary liability or charge against the officers, employees or members of the City or the City Council.

(iv) None of the members of the City Council, nor any other official or officer, agent, or employee of the City, shall be charged personally by the registered owners with any liability, or be held personally liable to the registered owners under any term or provision of this Ordinance, or because of any Event of Default or alleged Event of Default under this Ordinance.

Section 29. **PROJECT FUND**. (a) That there is hereby created, established and maintained on the books of the City, a separate fund to be entitled the "City of Dallas, Texas Waterworks and Sewer System Series 2018A Revenue Bonds Project Fund" (hereinafter called the "Project Fund"). Monies in the Project Fund shall be maintained at an official depository bank of the City.

(b) Except as otherwise provided in Section 14(a) hereof, the proceeds of the Bonds shall be deposited into the Project Fund and used by the City for payment of the costs of the Project, and the payment of costs associated therewith, including any costs for engineering, financing, financial consultation, administrative, auditing and legal expenses.

(c) Any surplus proceeds, including the investment earnings derived from the investment of monies on deposit in the Project Fund, from the Bonds remaining on deposit in the Project Fund after completing the planning, acquisition, designing, and constructing extensions and improvements to the System and upon the completion of the final accounting as described in Section 22(c) hereof, shall be used to: (1) redeem, in inverse annual order of maturity, the Bonds owned by TWDB; (2) deposit into the Interest and Sinking Fund for the payment of interest or principal on the Bonds owned by TWDB; or (3) to the extent applicable and permitted by law, deposit to a reserve fund. The foregoing notwithstanding, it is further provided, however, that any interest earnings on monies on deposit in the Project Fund which are required to be rebated to the United States of America pursuant to Section 25 hereof in order to prevent the Bonds from being arbitrage bonds shall be transferred to the "Rebate Fund" hereinafter established and shall not be considered as interest earnings for purposes of this subsection.

(d) If required by TWDB as a condition to the purchase of the Bonds, the City Manager or the designee thereof may approve, execute and deliver an appropriate escrow agreement or establish an appropriate trust and agency fund on the books of the City. In either case, proceeds of the Bonds required to be deposited under an escrow agreement or into a trust and agency fund shall be disbursed in accordance with the TWDB Rules Relating to Financial Programs or as otherwise authorized and directed by TWDB.

Section 30. **SALE OF BONDS**. (a) **Sale to TWDB**. That the Bonds are hereby sold to TWDB for the price of par, less the origination fee calculated in the manner provided in the TWDB Resolution. The Bonds may be delivered to TWDB in accordance with the schedule set forth in Schedule I of this Ordinance, and paid for in whole, or in installments at such times as shall be approved by the City Manager, provided none of the Bonds shall be so delivered without the City's receiving full payment therefor. The Bonds submitted to the Office of the Attorney General for review shall be registered in the name of the Texas Water Development Board.

(b) **City Manager to Execute Documents**. The City hereby authorizes the City Manager to approve and execute such documents necessary to effect the delivery of the Bonds.

(c) **Date of Delivery of Bonds**. The Paying Agent/Registrar shall complete the "Date of Delivery" on each Bond delivered to TWDB as provided in Section 5(j) of this Ordinance, and interest on the Bonds so delivered shall commence from such date.

(d) **Sale of Bonds by TWDB**. It is the intent of the parties to the sale of the Bonds that if TWDB ever determines to sell all or a part of the Bonds, it shall notify the City at least sixty (60) days prior to the sale of the Bonds of the decision to so sell the Bonds.

Section 31. **APPROVAL AND REGISTRATION OF BONDS**. That the City Manager of the City is hereby authorized to have control of the Bonds and all necessary records and proceedings pertaining to the Bonds pending their delivery and their investigation, examination and approval by the Attorney General of the State of Texas, and their registration by

the Comptroller of Public Accounts of the State of Texas. Upon registration of the Bonds, the Comptroller of Public Accounts (or a deputy designated in writing to act therefor) shall manually sign the Comptroller's Registration Certificate set forth in the FORM OF BOND. The Bonds thus registered shall remain in the custody of the City Manager (or the designee thereof) until delivered to TWDB.

Section 32. **FURTHER PROCEDURES**. That the City Manager, the Chief Financial Officer of the City, any Assistant City Manager, and all other officers, employees, and agents of the City, and each of them, shall be and they are hereby expressly authorized, empowered, and directed from time to time and at any time to do and perform all such acts and things and to execute, acknowledge, and deliver in the name and under the corporate seal and on behalf of the City all such instruments, whether or not herein mentioned, as may be necessary or desirable in order to carry out the terms and provisions of this Ordinance, and the sale and delivery of the Bonds and fixing all details in connection therewith. The City Council hereby authorizes the payment of the fee of the Office of the Attorney General of the State of Texas for the examination of the proceedings relating to the issuance of the Bonds, in the amount determined in accordance with the provisions of Section 1202.004, Texas Government Code.

Section 33. **PREAMBLE**. That the preamble to this Ordinance is incorporated by reference and made a part hereof for all purposes.

Section 34. **RULES OF CONSTRUCTION**. That for all purposes of this Ordinance, unless the context requires otherwise, all references to designated Sections and other subdivisions are to the Sections and other subdivisions of this Ordinance. The words "herein", "hereof" and "hereunder" and other words of similar import refer to this Ordinance as a whole and not to any particular Section or other subdivision. Except where the context otherwise requires, terms defined in this Ordinance to impart the singular number shall be considered to include the plural number and vice versa. References to an officer or designated position (e.g., City Manager) include any person acting in the capacity of such officer or designated position, whether on an acting, interim or permanent basis. References to any constitutional, statutory or regulatory provision means such provision as it exists on the date this Ordinance is adopted by the City and any future amendments thereto or successor provisions thereof. Any reference to the payment of principal in this Ordinance shall be deemed to include the payment of Amortization Installments (if any). Any reference to "FORM OF BOND" shall refer to the form of the Bonds set forth in Exhibit A to this Ordinance. The calculation of average annual principal and interest requirements as may be required by this Ordinance shall be made at the beginning of each Year and shall be the sum of the annual principal and interest requirements due for the current and each subsequent Year in which the Previously Issued Parity Bonds, the Bonds and any Additional Bonds are outstanding divided by the number of such Years, or partial Years, if applicable. Surplus moneys in the Reserve Fund the source of which are proceeds of bonds may be used only to complete projects for which such bond proceeds were issued, for improvements to the System, or for other costs for which the City could issue bonds for the System. The terms "owner" and "holder" and "bondholder", as used in this Ordinance, shall mean the registered or beneficial owner of a Bond. For purposes of Section 18, the term "Previously Issued Parity Bonds" means the Series 2015A Bonds, the Series 2015B Bonds, the Series 2016A Bonds, the Series 2016B Bonds, and the Series 2017 Bonds. Should the issuance of the Concurrent Bonds not be approved by the City Council, references in this Ordinance to Concurrent Bonds and Series 2018B Bonds shall be of no force and effect.

Section 35. **IMMEDIATE EFFECT**. That this Ordinance shall be effective immediately from and after its passage in accordance with the provisions of Section 1201.028, Texas Government Code.

Section 36. **SEVERABILITY.** That if any provision of this Ordinance or the application thereof to any circumstance shall be held to be invalid, the remainder of this Ordinance and the application thereof to other circumstances shall nevertheless be valid, and this governing body hereby declares that this Ordinance would have been enacted without such invalid provision.

Section 37. **WRITTEN PROCEDURES FOR FEDERAL TAX LAW COMPLIANCE**. That unless superseded by another action of the City, to ensure compliance with the covenants contained herein regarding private business use, remedial actions, arbitrage and rebate, the written procedures adopted by the City in the ordinance authorizing the issuance of City of Dallas, Texas Waterworks and Sewer System Revenue Refunding Bonds, Series 2012A, adopted by the City Council on September 19, 2012, apply to the Bonds.

PASSED AND APPROVED the 11th day of April, 2018.

APPROVED AS TO FORM:
Larry Casto, City Attorney

_____

SCHEDULE I

The Bonds shall mature on _____ in each of the years, in the amounts, and bear interest at the interest rates per annum, as set forth in the following schedule:

YEARS	AMOUNTS ($)	INTEREST RATES (%)

Exhibit A

FORM OF BOND:

NO. R- $_____

UNITED STATES OF AMERICA
STATE OF TEXAS
COUNTIES OF DALLAS, DENTON, COLLIN, KAUFMAN AND ROCKWALL
CITY OF DALLAS, TEXAS
WATERWORKS AND SEWER SYSTEM
REVENUE BOND
SERIES 2018A

MATURITY DATE	INTEREST RATE	DATE OF DELIVERY	CUSIP

ON THE MATURITY DATE SPECIFIED ABOVE, THE CITY OF DALLAS, IN DALLAS, DENTON, COLLIN, KAUFMAN AND ROCKWALL COUNTIES, TEXAS (the "City"), hereby promises to pay to _____, or the registered assignee hereof (either being hereinafter called the "registered owner") the principal amount of

_____

and to pay interest thereon, from the original date of delivery of this Bond specified above, to the date of its scheduled maturity or the date of its redemption prior to scheduled maturity, at the rate of interest per annum specified above, with said interest being payable on October 1, 2018, and semiannually on each April 1 and October 1 thereafter, except that if the Paying Agent/Registrar's Authentication Certificate appearing on the face of this Bond is dated later than October 1, 2018, such interest is payable semiannually on each April 1 and October 1 following such date. Interest on this Bond shall be calculated on the basis of a 360-day year consisting of twelve 30-day months.

THE PRINCIPAL OF AND INTEREST ON this Bond are payable in lawful money of the United States of America, without exchange or collection charges. The principal of this Bond shall be paid to the registered owner hereof upon presentation and surrender of this Bond at maturity, or upon the date fixed for its redemption prior to maturity, at the designated corporate trust office in Dallas, Texas (the "Designated Trust Office"), of U.S. Bank National Association, which is the "Paying Agent/Registrar" for this Bond. The payment of interest on this Bond shall be made by the Paying Agent/Registrar to the registered owner hereof as shown by the "Registration Books" kept by the Paying Agent/Registrar at the close of business on the Record Date (hereinafter defined) by check drawn by the Paying Agent/Registrar on, and payable solely from, funds of the City required to be on deposit with the Paying Agent/Registrar for such purpose as hereinafter provided; and such check shall be sent by the Paying Agent/Registrar by United States mail, first-class, postage prepaid, on each such interest payment date, to the registered owner hereof at its address as it appears on the Registration Books kept by the Paying Agent/Registrar, as hereinafter described, or by such other method, acceptable to the Paying Agent/Registrar, requested by, and at the risk and expense of, the registered owner. The record date ("Record Date") for the interest payable on any interest payment date means the 15th day of the preceding month. In the event of a non-payment of interest on a scheduled payment date, and for 30 days

thereafter, a new record date for such interest payment (a "Special Record Date") will be established by the Paying Agent/Registrar, if and when funds for the payment of such interest have been received from the City. Notice of the Special Record Date and of the scheduled payment date of the past due interest (the "Special Payment Date", which shall be 15 days after the Special Record Date) shall be sent at least five business days prior to the Special Record Date by United States mail, first-class, postage prepaid, to the address of each registered owner of a Bond appearing on the books of the Paying Agent/Registrar at the close of business on the last business day next preceding the date of mailing of such notice. The foregoing notwithstanding, so long as the Texas Water Development Board is the owner of 100% in aggregate principal amount of the Bonds then outstanding, payment of principal and interest on the Bonds shall be made by wire transfer, at no expense to the Texas Water Development Board. The City covenants with the registered owner of this Bond that no later than each principal payment date and interest payment date for this Bond it will make available to the Paying Agent/Registrar the amounts required to provide for the payment, in immediately available funds, of all principal of and interest on the Bonds, when due, in the manner set forth in the ordinance authorizing the issuance of the bonds (the "Ordinance").

IF THE DATE for the payment of the principal of or interest on this Bond shall be a Saturday, Sunday, a legal holiday, or a day on which banking institutions are authorized by law or executive order to close in the city where the Designated Trust Office of the Paying Agent/Registrar is located, then the date for such payment shall be the next succeeding day which is not such a Saturday, Sunday, legal holiday, or day on which banking institutions are authorized to close; and payment on such date shall have the same force and effect as if made on the original date payment was due. Notwithstanding the foregoing, during any period in which ownership of the bonds of this Series is determined only by a book entry at a securities depository therefor, any payment to the securities depository, or its nominee or registered assigns, shall be made in accordance with existing arrangements between the City and the securities depository.

THIS BOND is one of a Series of bonds of like tenor and effect except as to denomination, number, maturity, interest rate and right of prior redemption, dated April 1, 2018, issued in the aggregate principal amount of $22,000,000 for the purpose of planning, acquisition, designing, and constructing extensions and improvements to the System (as defined in the Ordinance). All Bonds of this Series are issuable solely as fully registered bonds, without interest coupons, in the denomination of any integral multiple of $5,000 (an "Authorized Denomination").

THE BONDS of this Series scheduled to mature on and after October 1, 2029 may be redeemed prior to their scheduled maturities, in whole or in part, in inverse order of maturity, in principal amounts of $5,000 or any integral multiple thereof, at the option of the City, on October 1, 2028, or on any date thereafter, at the redemption price of par plus accrued interest to the date fixed for redemption. If less than all of the Bonds are to be redeemed by the City, the City shall determine the maturity or maturities and the principal amounts thereof to be redeemed and shall direct the Paying Agent/Registrar to call by lot Bonds, or portions thereof, within such maturity or maturities and in such principal amounts, for redemption; *provided*, that during any period in which ownership of the Bonds is determined only by a book entry at a securities depository for the Bonds, if fewer than all of the Bonds of the same maturity and bearing the same interest rate are to be redeemed, the particular Bonds of such maturity and bearing such interest rate shall be selected in accordance with the arrangements between the City and the securities depository.

AT LEAST 30 days prior to the date fixed for any such redemption, (i) a written notice of such redemption shall be given by the Paying Agent/Registrar to the registered owner of each Bond or a portion thereof being called for redemption by depositing such notice in the United States mail, first-class, postage prepaid, addressed to each such registered owner at his address shown on the Registration Books of the Paying Agent/Registrar and (ii) a notice of such redemption shall be published one (1) time in a financial journal or publication of general circulation in the United States of America or the State of Texas carrying as a regular feature notices of municipal bonds called for redemption; *provided, however*, that should the Texas Water Development Board be the owner of 100% in aggregate principal amount of the Bonds then outstanding, notice of redemption shall not be required to be published in the manner described in (ii) above; and *provided, further*, that should the Texas Water Development Board not be the owner of 100% in aggregate principal amount of the Bonds then outstanding, the publication of notice as described in (ii) above shall be the only notice actually required in connection with or as a prerequisite to the redemption of any Bond, and the failure to send, mail or receive such notice described in (i) above, or any defect therein or in the sending or mailing thereof, shall not affect the validity or effectiveness of the proceedings for the redemption of any Bond. By the date fixed for any such redemption due provision shall be made by the City with the Paying Agent/Registrar for the payment of the required redemption price for this Bond or the portion hereof which is to be so redeemed, plus accrued interest thereon to the date fixed for redemption. If such notice of redemption is given, and if due provision for such payment is made, all as provided above, this Bond, or the portion hereof which is to be so redeemed, thereby automatically shall be redeemed prior to its scheduled maturity, and shall not bear interest after the date fixed for its redemption, and shall not be regarded as being outstanding except for the right of the registered owner to receive the redemption price plus accrued interest to the date fixed for redemption from the Paying Agent/Registrar out of the funds provided for such payment. The Paying Agent/Registrar shall record in the Registration Books all such redemptions of principal of this Bond or any portion hereof. If a portion of this Bond shall be redeemed a substitute Bond or Bonds having the same maturity date, bearing interest at the same rate, in any Authorized Denomination, at the written request of the registered owner, and in aggregate principal amount equal to the unredeemed portion thereof, will be issued to the registered owner upon the surrender hereof for cancellation, at the expense of the City, all as provided in the Ordinance.

AS PROVIDED IN THE ORDINANCE, this Bond, or any unredeemed portion hereof, may, at the request of the registered owner or the assignee or assignees hereof, be assigned, transferred, and exchanged for a like aggregate principal amount of fully registered bonds, without interest coupons, payable to the appropriate registered owner, assignee, or assignees, as the case may be, having the same maturity date, and bearing interest at the same rate, in any Authorized Denomination as requested in writing by the appropriate registered owner, assignee, or assignees, as the case may be, upon surrender of this Bond to the Paying Agent/Registrar at its Designated Trust Office for cancellation, all in accordance with the form and procedures set forth in the Ordinance. Among other requirements for such assignment and transfer, this Bond must be presented and surrendered to the Paying Agent/Registrar, together with proper instruments of assignment, in form and with guarantee of signatures satisfactory to the Paying Agent/Registrar, evidencing assignment of this Bond or any portion or portions hereof in any Authorized Denomination to the assignee or assignees in whose name or names this Bond or any such portion or portions hereof is or are to be transferred and registered. The form of Assignment printed or endorsed on this Bond may be executed by the registered owner to evidence the assignment hereof, but such method is not exclusive, and other instruments of assignment satisfactory to the Paying Agent/Registrar may be used to evidence the assignment of this Bond or any portion or portions

hereof from time to time by the registered owner. The City shall pay the Paying Agent/Registrar's reasonable standard or customary fees and charges for transferring, converting and exchanging any Bond or portion thereof; provided, however, that any taxes or governmental charges required to be paid with respect thereto shall be paid by the one requesting such transfer, conversion and exchange. In any circumstance, neither the City nor the Paying Agent/Registrar shall be required (1) to make any transfer or exchange during a period beginning at the opening of business 15 days before the day of the first mailing of a notice of redemption of bonds and ending at the close of business on the day of such mailing, or (2) to transfer or exchange any Bonds so selected for redemption when such redemption is scheduled to occur within 30 calendar days; provided, however, such limitation shall not be applicable to an exchange by the registered owner of the uncalled principal balance of a Bond.

WHENEVER the beneficial ownership of this Bond is determined by a book entry at a securities depository for the Bonds, the foregoing requirements of holding, delivering or transferring this Bond shall be modified to require the appropriate person or entity to meet the requirements of the securities depository as to registering or transferring the book entry to produce the same effect.

IN THE EVENT any Paying Agent/Registrar for the Bonds is changed by the City, resigns, or otherwise ceases to act as such, the City has covenanted in the Ordinance that it promptly will appoint a competent and legally qualified substitute therefor, and promptly will cause written notice thereof to be mailed to the registered owners of the Bonds.

BY BECOMING the registered owner of this Bond, the registered owner thereby acknowledges all of the terms and provisions of the Ordinance, agrees to be bound by such terms and provisions, acknowledges that the Ordinance is duly recorded and available for inspection in the official minutes and records of the City, and agrees that the terms and provisions of this Bond and the Ordinance constitute a contract between each registered owner hereof and the City.

THE CITY has reserved the right, subject to the restrictions stated, and adopted by reference, in the Ordinance, to issue additional parity revenue bonds which also may be made payable from, and secured by a first lien on and pledge of, the "Pledged Revenues" (as defined in the Ordinance).

THE REGISTERED OWNER HEREOF is not entitled to demand payment of this obligation out of any money raised or to be raised by taxation, or from any source whatsoever other than the Pledged Revenues.

IT IS HEREBY certified and covenanted that this Bond has been duly and validly authorized, issued and delivered; that all acts, conditions and things required or proper to be performed, exist and be done precedent to or in the authorization, issuance and delivery of this Bond have been performed, existed and been done in accordance with law; that this Bond is a special obligation; and that the principal of and interest on this Bond together with outstanding parity revenue bonds are payable from, and secured by a first lien on and pledge of, the Pledged Revenues, which include the Net Revenues (as defined in the Ordinance) of the System.

IN TESTIMONY WHEREOF, the City Council has caused the seal of the City to be duly impressed or placed in facsimile hereon, and this Bond to be signed with the imprinted facsimile signature of the Mayor and countersigned by the facsimile signatures of the City Manager and the Interim City Secretary.

COUNTERSIGNED:

City Manager,
City of Dallas

Mayor, City of Dallas

Interim City Secretary,
City of Dallas

(SEAL)

FORM OF PAYING AGENT/REGISTRAR'S AUTHENTICATION CERTIFICATE

PAYING AGENT/REGISTRAR'S AUTHENTICATION CERTIFICATE

It is hereby certified that this Bond has been issued under the provisions of the proceedings adopted by the City as described in the text of this Bond; and that this Bond has been issued in exchange for or replacement of a Bond, Bonds, or a portion of a Bond or Bonds of an issue which originally was approved by the Attorney General of the State of Texas and registered by the Comptroller of Public Accounts of the State of Texas.

Dated_____ U.S. BANK NATIONAL ASSOCIATION,
Paying Agent/Registrar

By:_____
Authorized Representative

(FORM OF COMPTROLLER'S CERTIFICATE ATTACHED TO
THE BONDS UPON INITIAL DELIVERY THEREOF ONLY)

OFFICE OF COMPTROLLER :

REGISTER NO._____

STATE OF TEXAS :

I hereby certify that this Bond has been examined, certified as to validity, and approved by the Attorney General of the State of Texas, and that this Bond has been registered by the Comptroller of Public Accounts of the State of Texas.

Witness my signature and seal this

_____
Comptroller of Public Accounts of
the State of Texas

FORM OF ASSIGNMENT:

ASSIGNMENT

FOR VALUE RECEIVED, the undersigned hereby sells, assigns and transfers unto

_____

Please insert Social Security or Taxpayer Identification Number of Transferee

_____
/_____/

_____
(Please print or typewrite name and address, including zip code of Transferee)

_____

the within Bond and all rights thereunder, and hereby irrevocably constitutes and appoints _____ attorney to register the transfer of the within Bond on the books kept for registration thereof, with full power of substitution in the premises.

Dated:_____

Signature Guaranteed:

_____
NOTICE: Signatures must be guaranteed by an eligible guarantor institution participating in a Securities Transfer Association recognized signature guarantee program.

_____
NOTICE: The signature above must correspond with the name of the registered owner as it appears upon the front of this Bond in every particular, without alteration or enlargement or any change whatsoever.

THE STATE OF TEXAS :
COUNTIES OF DALLAS, DENTON, COLLIN, KAUFMAN AND ROCKWALL :
CITY OF DALLAS :

I, [_____], Interim City Secretary of the City of Dallas, Texas, do hereby certify that the above and foregoing is a true and correct copy of an excerpt from the minutes of the City Council of the City of Dallas, had in Regular Meeting on the 11th day of April, 2018, and an Ordinance authorizing the issuance and sale of City of Dallas, Texas Waterworks and Sewer System Revenue Bonds, Series 2018A, which Ordinance is duly of record in the minutes of said City Council; and that said meeting was open to the public, and public notice of the time, place and purpose of said meeting was given, all as required by Chapter 551, Texas Government Code, as amended.

WITNESS MY HAND and seal of the City of Dallas, Texas, this the 11th day of April, 2018.

_____
[_____], Interim City Secretary
City of Dallas, Texas

(SEAL)

ORDINANCE AUTHORIZING THE ISSUANCE AND SALE OF CITY OF DALLAS, TEXAS WATERWORKS AND SEWER SYSTEM REVENUE BONDS, SERIES 2018A; AWARDING THE SALE OF THE BONDS; APPROVING THE EXECUTION OF AGREEMENTS IN CONNECTION WITH THE SALE OF THE BONDS; AND ALL OTHER MATTERS RELATED THERETO

ADOPTED:
April 11, 2018

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Schedule I Terms of Bonds

Exhibit A Form of Bond

ORDINANCE NO. _____

ORDINANCE AUTHORIZING THE ISSUANCE AND SALE OF CITY OF DALLAS, TEXAS WATERWORKS AND SEWER SYSTEM REVENUE BONDS, SERIES 2018B; AWARDING THE SALE OF THE BONDS; APPROVING THE EXECUTION OF AGREEMENTS IN CONNECTION WITH THE SALE OF THE BONDS; AND ALL OTHER MATTERS RELATED THERETO

THE STATE OF TEXAS :
COUNTIES OF DALLAS, DENTON, COLLIN, KAUFMAN AND ROCKWALL :
CITY OF DALLAS :

WHEREAS, the City of Dallas (the "City" or the "Issuer") has heretofore issued its City of Dallas, Texas Waterworks and Sewer System Revenue Refunding Bonds, Series 1981 (the "Series 1981 Bonds"); and

WHEREAS, defined terms used in this Ordinance shall have the meaning given said terms in Section 7 of this Ordinance, unless otherwise indicated herein; and

WHEREAS, in the ordinance authorizing the issuance of the Series 1981 Bonds (the "1981 Ordinance"), the City reserved the right to issue revenue bonds on a parity with the Series 1981 Bonds; and

WHEREAS, under authority of the right reserved in the 1981 Ordinance, the City issued and there currently remain outstanding revenue bonds from each series of bonds described in the definition of "Previously Issued Parity Bonds" set forth in Section 7 of this Ordinance; and

WHEREAS, in addition to the outstanding Previously Issued Parity Bonds, the City has authorized the issuance from time to time and at any one time outstanding of up to $600,000,000 of its Waterworks and Sewer System Commercial Paper Notes, Series D and Series E (the "Commercial Paper Notes"), for the purpose of improving and extending the System; and

WHEREAS, the City deems it appropriate to issue the hereinafter authorized bonds for the purpose of planning, acquisition, designing, and constructing extensions and improvements to the System; and

WHEREAS, the Texas Water Development Board has committed to purchase the bonds hereinafter authorized pursuant to Subchapter Q of Chapter 15, Texas Water Code; and

WHEREAS, the bonds hereinafter authorized are to be issued and delivered pursuant to the laws of the State of Texas, including Chapter 1502, Texas Government Code; and

WHEREAS, the bonds hereinafter authorized shall be on a parity with the outstanding Previously Issued Parity Bonds; and

WHEREAS, concurrently with the adoption of this Ordinance, the City Council adopted an ordinance authorizing the issuance of the obligations hereinafter defined as the "Concurrent Bonds"; and

WHEREAS, the City Council does hereby determine that it is necessary and desirable to adopt this Ordinance for the purposes hereinafter stated;

THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DALLAS, TEXAS;

Section 1. **BONDS AUTHORIZED**. That the City's bonds (the "Bonds") are hereby authorized to be issued in the aggregate principal amount of $44,000,000 for the purpose of planning, acquisition, designing, and constructing extensions and improvements to the System. The Bonds shall be designated as the **"City of Dallas, Texas Waterworks and Sewer System Revenue Bonds, Series 2018B"**. The Bonds are issued as "Additional Bonds" as such term is defined in the 1981 Ordinance, and shall be in all respects on a parity with the outstanding Previously Issued Parity Bonds.

Section 2. **DATES, DENOMINATIONS, NUMBER AND MATURITIES**. That the Bonds shall be dated April 1, 2018, shall be in the denomination of $5,000 or any integral multiple thereof (an "Authorized Denomination"), shall be numbered consecutively from R-1 upward, and shall mature on the maturity date, in each of the years and in the amounts as set forth in Schedule I to this Ordinance. The Texas Water Development Board ("TWDB") will purchase the Bonds in the manner described in Section 30 of this Ordinance.

Section 3. **REDEMPTION**. (a) That the City reserves the right to redeem the Bonds maturing on or after October 1, 2029, in whole or in part in principal amounts of $5,000 or any integral multiple thereof, in inverse chronological order, on October 1, 2028, or on any date thereafter, at the redemption price of par plus accrued interest to the date fixed for redemption. If less than all of the Bonds are to be redeemed by the City, the City shall determine the maturity or maturities and the amounts thereof to be redeemed (subject to the limitation expressed in the preceding sentence that the Bonds be redeemed in inverse chronological order), and shall direct the Paying Agent/Registrar to call by lot Bonds, or portions thereof, within such maturity or maturities and in such principal amounts, for redemption; provided, that during any period in which ownership of the Bonds is determined only by a book entry at a securities depository for the Bonds, if fewer than all of the Bonds of the same maturity and bearing the same interest rate are to be redeemed, the particular Bonds of such maturity and bearing such interest rate shall be selected in accordance with the arrangements between the City and the securities depository.

(b) The Bonds are not subject to mandatory sinking fund redemption prior to their scheduled maturities.

(c) At least thirty (30) days prior to the date any such Bonds are to be redeemed, (i) a written notice of redemption shall be given by the Paying Agent/Registrar to the registered owner of each Bond or a portion thereof being called for redemption by depositing such notice in the United States mail, first-class, postage prepaid, addressed to each such registered owner at the address thereof as shown on the Registration Books and (ii) a notice of such redemption shall be published one (1) time in a financial journal or publication of general circulation in the United

States of America or the State of Texas carrying as a regular feature notices of municipal bonds called for redemption; provided, however, that should the TWDB be the owner of 100% in aggregate principal amount of the Bonds then outstanding, notice of redemption shall not be required to be published in the manner described in (ii) above; and provided, further, that should the TWDB not be the owner of 100% in aggregate principal amount of the Bonds then outstanding, the publication of notice as described in (ii) above shall be the only notice actually required in connection with or as a prerequisite to the redemption of any Bond, and the failure to send, mail or receive such notice described in (i) above, or any defect therein or in the sending or mailing thereof, shall not affect the validity or effectiveness of the proceedings for the redemption of any Bond, and the publication of notice as described in (ii) above shall be the only notice actually required in connection with or as a prerequisite to the redemption of any Bonds. By the date fixed for any such redemption, due provision shall be made by the City with the Paying Agent/Registrar for the payment of the required redemption price for the Bonds or the portions thereof which are to be so redeemed, plus accrued interest thereon to the date fixed for redemption. If such notice of redemption is given, and if due provision for such payment is made, all as provided above, the Bonds, or the portions thereof which are to be so redeemed, thereby automatically shall be redeemed prior to their scheduled maturities, and shall not bear interest after the date fixed for their redemption, and shall not be regarded as being outstanding except for the right of the registered owner to receive the redemption price plus accrued interest to the date fixed for redemption from the Paying Agent/Registrar out of the funds provided for such payment. The Paying Agent/Registrar shall record in the Registration Books all such redemptions of principal of the Bonds or any portion thereof. If a portion of any Bond shall be redeemed, a substitute Bond or Bonds having the same maturity date, bearing or accruing interest at the same rate, in any Authorized Denomination, at the written request of the registered owner, and in an aggregate principal amount equal to the unredeemed portion thereof, will be issued to the registered owner upon the surrender thereof for cancellation, at the expense of the City, all as provided in this Ordinance. In addition, notice of such redemption shall be provided in the manner described in Section 5(h) hereof, but the failure to provide such notice as described in Section 5(h) hereof shall not affect the validity or effectiveness of the proceedings for the redemption of the Bonds.

Section 4. **INTEREST**. That interest on the Bonds shall be payable on October 1, 2018, and semiannually thereafter on April 1 and October 1 of each year, until maturity or redemption prior to maturity, to the registered owner of any such Bond as of the Record Date (as defined in the FORM OF BOND) next preceding such interest payment date, in the manner provided in the FORM OF BOND, at the rates per annum as set forth in Schedule I to this Ordinance. Interest on the Bonds shall accrue from the date of delivery of the Bonds, and shall be calculated on the basis of a 360-day year consisting of twelve 30-day months.

Section 5. **PAYING AGENT/REGISTRAR; BOOK-ENTRY ONLY SYSTEM**. (a) That the City shall keep or cause to be kept at the corporate trust office designated by U.S. Bank National Association, as its place of payment for the Bonds, or such other bank, trust company, financial institution, or other entity duly qualified and legally authorized to serve and perform duties of and services of paying agent and registrar, named in accordance with the provisions of (g) of this Section hereof (the "Paying Agent/Registrar"), books or records of the registration and transfer of the Bonds (the "Registration Books"), and the City hereby appoints the Paying Agent/Registrar as its registrar and transfer agent to keep the Registration Books and make such transfers and registrations under such reasonable regulations as the City and the Paying Agent/Registrar may prescribe; and the Paying Agent/Registrar shall make such transfers and

registrations as herein provided. The place of payment so designated by the Paying Agent/Registrar shall be referred to herein as the "Designated Trust Office" of the Paying Agent/Registrar. It shall be the duty of the Paying Agent/Registrar to obtain from the registered owner and record in the Registration Books the address of such registered owner of each Bond to which payments with respect to the Bonds shall be mailed, as herein provided. The Paying Agent/Registrar shall keep the Registration Books confidential and, unless otherwise required by law, shall not permit their inspection by any entity other than the City. Registration of each Bond may be transferred in the Registration Books only upon presentation and surrender of such Bond for transfer of registration and cancellation to the Paying Agent/Registrar at its Designated Trust Office during normal business hours, together with proper written instruments of assignment, in form and with guarantee of signatures satisfactory to the Paying Agent/Registrar, evidencing the assignment of the Bond, or any portion thereof in any Authorized Denomination, to the assignee or assignees thereof, and the right of such assignee or assignees to have the Bond or any such portion thereof registered in the name of such assignee or assignees. Upon the assignment and transfer of any Bond or any portion thereof, a new substitute bond or bonds shall be issued in exchange therefor in the manner herein provided. As of the date this Ordinance is approved by the City, the Designated Trust Office is the Dallas, Texas corporate trust office of U.S. Bank National Association.

(b) The entity in whose name any Bond shall be registered in the Registration Books at any time shall be treated as the absolute owner thereof for all purposes of this Ordinance, whether such Bond shall be overdue, and the City and the Paying Agent/Registrar shall not be affected by any notice to the contrary unless otherwise required by law; and payment of, or on account of, the principal of, premium, if any, and interest on any such Bond shall be made only to such registered owner. All such payments shall be valid and effectual to satisfy and discharge the liability upon such Bond to the extent of the sum or sums so paid.

(c) The City hereby further appoints the Paying Agent/Registrar to act as the paying agent for paying the principal of, premium, if any, and interest on the Bonds, and to act as its agent to exchange or replace Bonds, all as provided in this Ordinance. The Paying Agent/Registrar shall keep proper records of all payments made by the City and the Paying Agent/Registrar with respect to the Bonds, and of all exchanges of the Bonds, and all replacements of the Bonds, as provided in this Ordinance.

(d) Each Bond may be exchanged for fully registered bonds in the manner set forth herein. Each Bond issued and delivered pursuant to this Ordinance, to the extent of the unpaid or unredeemed principal amount thereof, may, upon surrender thereof at the Designated Trust Office of the Paying Agent/Registrar, together with a written request therefor duly executed by the registered owner or the assignee or assignees thereof, or its or their duly authorized attorneys or representatives, with guarantee of signatures satisfactory to the Paying Agent/Registrar, at the option of the registered owner or such assignee or assignees, as appropriate, be exchanged for fully registered bonds, without interest coupons, in the form prescribed in the FORM OF BOND, in an Authorized Denomination (subject to the requirement hereinafter stated that each substitute Bond shall have a single stated maturity date), as requested in writing by such registered owner or such assignee or assignees, in an aggregate principal amount equal to the unpaid or unredeemed principal amount of any Bond or Bonds so surrendered, and payable to the appropriate registered owner, assignee, or assignees, as the case may be. If a portion of any Bond shall be redeemed prior to its scheduled maturity as provided herein, at the request of the registered owner a substitute

Bond or Bonds having the same maturity date, bearing interest at the same rate, in an Authorized Denomination, and in an aggregate principal amount equal to the unredeemed portion thereof, will be issued to the registered owner upon surrender thereof for cancellation. If any Bond or portion thereof is assigned and transferred, each Bond issued in exchange therefor shall have the same principal maturity date and bear interest at the same rate as the Bond for which it is being exchanged. Each substitute Bond shall bear a letter and/or number to distinguish it from each other Bond. The Paying Agent/Registrar shall exchange or replace Bonds as provided herein, and each fully registered substitute Bond delivered in exchange for or replacement of any Bond or portion thereof as permitted or required by any provision of this Ordinance shall constitute one of the Bonds for all purposes of this Ordinance, and may again be exchanged or replaced. On each substitute Bond issued in exchange for or replacement of any Bond or Bonds issued under this Ordinance there shall be printed thereon a Paying Agent/Registrar's Authentication Certificate, in the form set forth in the FORM OF BOND (the "Authentication Certificate"). An authorized representative of the Paying Agent/Registrar shall, before the delivery of any such Bond, manually sign and date the Authentication Certificate, and no such Bond shall be deemed to be issued or outstanding unless the Authentication Certificate is so executed and dated. The Paying Agent/Registrar promptly shall cancel all Bonds surrendered for exchange or replacement. No additional ordinances, orders, or resolutions need be passed or adopted by the City Council or any other body or person so as to accomplish the foregoing exchange or replacement of any Bond or portion thereof, and the Paying Agent/Registrar shall provide for the printing, execution, and delivery of the substitute Bonds in the manner prescribed herein, pursuant to Chapter 1206, particularly Subchapter B thereof. The duty of such exchange or replacement of Bonds as described in the preceding sentence is hereby imposed upon the Paying Agent/Registrar, and upon the execution of the Authentication Certificate, the exchanged or replaced Bond shall be valid, incontestable, and enforceable in the same manner and with the same effect as the Bonds which originally were delivered pursuant to this Ordinance, approved by the Attorney General, and registered by the Comptroller of Public Accounts. Neither the City nor the Paying Agent/Registrar shall be required (1) to make any transfer or exchange during a period beginning at the opening of business fifteen (15) days before the day of the first mailing of a notice of redemption of Bonds and ending at the close of business on the day of such mailing, or (2) to transfer or exchange any Bond after it is selected for redemption, in whole or in part, when such redemption is scheduled to occur within thirty (30) calendar days; provided, however, that such limitation shall not be applicable to an exchange by the registered owner of the uncalled principal balance of a Bond.

(e) All Bonds issued in exchange or replacement of any other Bond or portion thereof, (i) shall be issued in fully registered form, without interest coupons, with the principal of and interest on the Bonds to be payable only to the registered owners thereof, (ii) may be redeemed prior to their scheduled maturities, (iii) may be transferred and assigned, (iv) may be exchanged for other Bonds, (v) shall have the characteristics, (vi) shall be signed and sealed, and (vii) the principal of and interest on the Bonds shall be payable, all as provided, and in the manner required or indicated, in the FORM OF BOND.

(f) The City shall pay all of the Paying Agent/Registrar's reasonable and customary fees and charges for making transfers, conversions and exchanges of the Bonds in accordance with an agreement between the City and the Paying Agent/Registrar, but the registered owner of any Bond requesting such transfer shall pay any taxes or other governmental charges required to be paid with respect thereto. In addition, the City hereby covenants with the registered owners of the Bonds that it will pay the reasonable standard or customary fees and charges of the Paying

Agent/Registrar for its services with respect to the payment of the principal of and interest on the Bonds, when due.

(g) The City covenants with the registered owners of the Bonds that at all times while the Bonds are outstanding the City will provide a competent and legally qualified bank, trust company, financial institution, or other entity duly qualified and legally authorized to serve as and perform the duties and services of Paying Agent/Registrar, to act as and perform the services of Paying Agent/Registrar for the Bonds under this Ordinance, and that the Paying Agent/Registrar will be one entity. The City reserves the right to, and may, at its option, change the Paying Agent/Registrar upon not less than sixty (60) days' written notice to the Paying Agent/Registrar. In the event that the entity at any time acting as Paying Agent/Registrar (or its successor by merger, acquisition, or other method) should resign or otherwise cease to act as such, the City covenants that promptly it will appoint a competent and legally qualified bank, trust company, financial institution, or other entity duly qualified and legally authorized to serve as and perform the services of Paying Agent/Registrar, which shall be a corporation organized and doing business under the laws of the United States of America or of any state, authorized under such laws to exercise trust powers, subject to supervision or examination by federal or state authority, and whose qualifications substantially are similar to the previous Paying Agent/Registrar, to act as Paying Agent/Registrar under this Ordinance. Upon any change in the Paying Agent/Registrar, the previous Paying Agent/Registrar promptly shall transfer and deliver the Registration Books (or a copy thereof), along with all other pertinent books and records relating to the Bonds, to the City and to the new Paying Agent/Registrar designated and appointed by the City. Upon any change in the Paying Agent/Registrar, the City promptly will cause a written notice thereof to be sent by the new Paying Agent/Registrar to each registered owner of the Bonds, by United States mail, first-class, postage prepaid, which notice also shall give the address of the new Paying Agent/Registrar. By accepting the position and performing as such, each Paying Agent/Registrar shall be deemed to have agreed to the provisions of this Ordinance, and a certified copy of this Ordinance shall be delivered to each Paying Agent/Registrar.

(h)(i) In addition to the manner of providing notice of redemption of Bonds as described in Section 3 hereof, the Paying Agent/Registrar shall give notice of redemption of Bonds by United States mail, first-class, postage prepaid, at least thirty (30) days prior to a redemption date to the MSRB. In addition, in the event of a redemption caused by an advance refunding of the Bonds, the Paying Agent/Registrar shall send a second notice of redemption to the persons specified in the immediately preceding sentence at least thirty (30) days but not more than ninety (90) days prior to the actual redemption date. Any notice sent to the MSRB shall be sent so that such notice is received at least two (2) days prior to the general mailing or publication date of such notice. The Paying Agent/Registrar shall also send a notice of redemption to the registered owner of any Bonds who has not sent the Bonds in for redemption sixty (60) days after the redemption date. The failure to send, mail or receive any such notice described in this clause (i), or any defect therein or in the sending or mailing thereof, shall not affect the validity or effectiveness of the proceedings for the redemption of any Bond.

(ii) Each redemption notice, whether required in the FORM OF BOND or otherwise by this Ordinance, shall contain a description of the Bonds to be redeemed including the complete name of the Bonds, the Series, the date of issue, the interest rate, the maturity date, the CUSIP number, the amounts called of each Bond, the publication and mailing date for the notice, the date

of redemption, the redemption price, the name of the Paying Agent/Registrar and the address at which the Bond may be redeemed including a contact person and telephone number.

(iii) All redemption payments made by the Paying Agent/Registrar to the registered owners of the Bonds shall include a CUSIP number relating to each amount paid to such registered owner.

(i) The Bonds initially shall be issued and delivered in such manner that no physical distribution of the Bonds will be made to the public, and DTC initially will act as depository for the Bonds. DTC has represented to the City that it is a limited purpose trust company incorporated under the laws of the State of New York, a member of the Federal Reserve System, a "clearing corporation" within the meaning of the New York Uniform Commercial Code, and a "clearing agency" registered under Section 17A of the Securities Exchange Act of 1934, as amended, and the City accepts, but in no way verifies, such representations. It is expected that upon the initial delivery of Bonds, DTC will hold the Bonds on behalf of the TWDB, and that the definitive Bonds held at DTC upon delivery of the Bonds to the TWDB shall be registered in the name of CEDE & CO., the nominee of DTC. So long as each Bond is registered in the name of CEDE & CO., the Paying Agent/Registrar shall treat and deal with DTC the same in all respects as if it were the actual and beneficial owner thereof. It is expected that DTC will maintain a book-entry system which will identify ownership of the Bonds in Authorized Denominations, with transfers of ownership being effected on the records of DTC and its participants pursuant to rules and regulations established by them, and that the Bonds initially deposited with DTC shall be immobilized and not be further exchanged for substitute Bonds except as hereinafter provided. The City is not responsible or liable for any functions of DTC, will not be responsible for paying any fees or charges with respect to the services of DTC, will not be responsible or liable for maintaining, supervising, or reviewing the records of DTC or its participants, or protecting any interests or rights of the beneficial owners of the Bonds. It shall be the duty of the DTC Participants (in the case of the Bonds, the TWDB) to make all arrangements with DTC to establish this book-entry system, the beneficial ownership of the Bonds, and the method of paying the fees and charges of DTC. The City does not represent, nor does it in any way covenant that the initial book-entry system established with DTC will be maintained in the future. Notwithstanding the initial establishment of the foregoing book-entry system with DTC, if for any reason any of the originally delivered Bonds is duly filed with the Paying Agent/Registrar with proper request for transfer and substitution, as provided for in this Ordinance, substitute Bonds will be duly delivered as provided in this Ordinance, and there will be no assurance or representation that any book-entry system will be maintained for the Bonds. The City heretofore has executed a "Blanket Letter of Representations" prepared by DTC in order to implement the book-entry system described above. The foregoing notwithstanding, for so long as TWDB is an owner of any outstanding Bonds, the City will not discontinue the DTC book-entry system without the consent of TWDB.

(j) The Paying Agent/Registrar shall complete the "Date of Delivery" on each installment of Bonds initially delivered to the TWDB, upon the satisfaction of the conditions described in Section 30 of this Ordinance.

Section 6. **FORM OF BONDS**. That the form of all Bonds, including the form of the Authentication Certificate, the form of Assignment, and the form of the Comptroller's Registration Certificate to accompany the Bonds on the initial delivery thereof, shall be, respectively,

substantially in the form set forth in Exhibit A to this Ordinance, with such appropriate variations, omissions, or insertions as are permitted or required by this Ordinance.

Section 7. **DEFINITIONS**. That, as used in this Ordinance, the following terms shall have the meanings set forth below, unless the text hereof specifically indicates otherwise:

The term "Additional Bonds" shall mean the additional parity revenue bonds which the City reserves the right to issue in the future, as provided in this Ordinance.

The term "Amortization Installment", with respect to any Term Bonds of any Previously Issued Parity Bonds, any of the Bonds designated in this Ordinance as Term Bonds, or any series of Additional Bonds, shall mean the amount of money which is required to be deposited into the Mandatory Redemption Account referred to in Section 10(b) hereof for retirement of such Term Bonds (whether at maturity or by mandatory redemption and including redemption premium, if any), provided that the total Amortization Installments for such Term Bonds shall be sufficient to provide for retirement of the aggregate principal amount of such Term Bonds.

The term "Application" shall mean the application for financial assistance filed by the City with TWDB to finance the Project.

The term "Authorized Denomination" shall have the same meaning as set forth in Section 2(a) hereof.

The terms "Bonds" and "Series 2018B Bonds" shall mean one or more, as the case may be, of the City of Dallas, Texas Waterworks and Sewer System Revenue Bonds, Series 2018B, authorized to be issued by this Ordinance.

The term "Business Day" shall mean a day other than a Saturday, Sunday, a legal holiday, or a day on which banking institutions are authorized by law or executive order to close in the City or the city where the Designated Trust Office of the Paying Agent/Registrar is located.

The term "Chapter 9" shall mean Chapter 9, Texas Business & Commerce Code, as amended.

The term "Chapter 1206" shall mean Chapter 1206, Texas Government Code, as amended.

The term "Chapter 1208" shall mean Chapter 1208, Texas Government Code, as amended.

The term "Chapter 2256" shall mean the Public Funds Investment Act, Chapter 2256, Texas Government Code, as amended.

The term "Chapter 2257" shall mean the Public Funds Collateral Act, Chapter 2257, Texas Government Code.

The terms "City" and "Issuer" shall mean the City of Dallas, Texas.

The term "Code" shall mean the Internal Revenue Code of 1986, as amended.

The term "Concurrent Bonds" shall mean the Series 2018A Bonds.

The term "DTC" shall mean The Depository Trust Company, New York, New York.

The term "DTC Participant" shall mean the securities brokers and dealers, banks, trust companies, clearing corporations and certain other organizations on whose behalf DTC was created to hold securities to facilitate the clearance and settlement of securities transactions among DTC Participants, and shall include, for so long as it is an owner of Bonds, the TWDB.

The term "Designated Trust Office" shall have the same meaning as set forth in Section 5(a) hereof.

The terms "Gross Revenues of the City's Combined Waterworks and Sewer System" and "Gross Revenues" shall mean all revenues, income, and receipts of every nature derived or received by the City from the operation and ownership of the System, including the interest income from the investment or deposit of money in any Fund created by this Ordinance, or maintained by the City in connection with the System.

The term "Interest and Sinking Fund" shall have the meaning as set forth in Section 10(a) hereof.

The term "MSRB" shall mean the Municipal Securities Rulemaking Board.

The terms "Net Revenues of the City's Combined Waterworks and Sewer System" and "Net Revenues" shall mean all Gross Revenues after deducting and paying the current expenses of operation and maintenance of the System, as required by Section 1502.056, Texas Government Code, including all salaries, labor, materials, interest, repairs, and extensions necessary to render efficient service; provided, however, that only such repairs and extensions, as in the judgment of the City Council, reasonably and fairly exercised by the adoption of the appropriate resolution, are necessary to keep the System in operation and render adequate service to the City and the inhabitants thereof, or such as might be necessary to meet some physical accident or condition which would otherwise impair the Previously Issued Parity Bonds, the Bonds or Additional Bonds, shall be deducted in determining "Net Revenues". Payments made by the City for water supply or treatment of sewage which constitute under the law an operation and maintenance expense shall be considered herein as expenses incurred in the operation and maintenance of the System. Depreciation and any payments to the City in lieu of ad valorem taxes and any other similar payments shall never be considered as an expense of operation and maintenance.

The term "1981 Ordinance" shall mean the ordinance authorizing the issuance of the Series 1981 Bonds.

The term "Paying Agent/Registrar" shall have the meaning as set forth in Section 5(a) hereof.

The term "Pledged Revenues" shall mean

(1) the Net Revenues, plus

(2) any additional revenues, income, receipts, or other resources, including, without limitation, any grants, donations, or income received or to be received from the United States Government, or any other public or private source, whether pursuant to an agreement or otherwise, which hereafter may be pledged to the payment of the Previously Issued Parity Bonds, Bonds and Additional Bonds.

The term "Previously Issued Parity Bonds" shall mean the Series 2008 Bonds, the Series 2009A Bonds, the Series 2009B Bonds, the Series 2009C Bonds, the Series 2010 Bonds, the Series 2011 Bonds, the Series 2012A Bonds, the Series 2012B Bonds, the Series 2013 Bonds, the Series 2015A Bonds, the Series 2015B Bonds, the Series 2016A Bonds, the Series 2016B Bonds, and the Series 2017 Bonds.

The term "Project" shall mean the costs of planning, acquisition, designing, and constructing extensions and improvements to the System to be funded with the proceeds of the Bonds, consistent with the terms and conditions set forth in the TWDB Resolution.

The term "Project Fund" shall have the meaning as set forth in Section 29 hereof.

The term "Registration Books" shall have the meaning as set forth in Section 5(a) hereof.

The term "Reserve Fund" shall have the meaning as set forth in Section 11 hereof.

The term "Revenue Fund" shall have the meaning as set forth in Section 9 hereof.

The term "Rule" shall mean SEC Rule 15c2-12, as amended from time to time.

The term "SEC" shall mean the United States Securities and Exchange Commission.

The term "Series 1981 Bonds" shall mean the City of Dallas, Texas Waterworks and Sewer System Revenue Refunding Bonds, Series 1981, dated April 1, 1981, and authorized by ordinance of the City passed April 1, 1981; the term "Series 2008 Bonds" shall mean the City of Dallas, Texas Waterworks and Sewer System Revenue Refunding Bonds, Series 2008, dated May 15, 2008, and authorized by ordinance of the City passed May 28, 2008; the term "Series 2009A Bonds" shall mean the City of Dallas, Texas Waterworks and Sewer System Revenue Bonds, Series 2009A, dated February 1, 2009, and authorized by ordinance of the City passed February 11, 2009; the term "Series 2009B Bonds" shall mean the City of Dallas, Texas Waterworks and Sewer System Revenue Bonds, Series 2009B, dated February 1, 2009, and authorized by ordinance of the City passed February 11, 2009; the term "Series 2009C Bonds" shall mean the City of Dallas, Texas Waterworks and Sewer System Revenue Bonds, Series 2009C, dated February 1, 2009, and authorized by ordinance of the City passed February 11, 2009; the term "Series 2010 Bonds" shall mean the City of Dallas, Texas Waterworks and Sewer System Revenue Refunding Bonds, Series 2010, dated June 15, 2010, and authorized by ordinance of the City passed June 9, 2010; the term "Series 2011 Bonds" shall mean the City of Dallas, Texas Waterworks and Sewer System Revenue Refunding Bonds, Series 2011, dated July 26, 2011, and authorized by ordinance of the City passed June 23, 2011; the term "Series 2012A Bonds" shall mean the City of Dallas, Texas Waterworks and Sewer System Revenue Refunding Bonds, Series 2012A, dated September 19, 2012, and authorized by ordinance of the City passed August 8, 2012; the term "Series 2012B Bonds" shall mean the City of Dallas, Texas Waterworks and Sewer System Revenue Refunding Bonds,

Taxable Series 2012B, dated September 19, 2012, and authorized by ordinance of the City passed August 8, 2012; the term "Series 2013 Bonds" shall mean the City of Dallas, Texas Waterworks and Sewer System Revenue Refunding Bonds, Series 2013, dated September 17, 2013, and authorized by ordinance of the City passed August 14, 2013; the term "Series 2015A Bonds" shall mean the City of Dallas, Texas Waterworks and Sewer System Revenue Refunding Bonds, Series 2015A, dated March 25, 2015, and authorized by ordinance of the City passed February 25, 2015; the term "Series 2015B Bonds" shall mean the City of Dallas, Texas Waterworks and Sewer System Revenue Refunding Bonds, Taxable Series 2015B, dated March 25, 2015, and authorized by ordinance of the City passed February 25, 2015; the term "Series 2016A Bonds" shall mean the City of Dallas, Texas Waterworks and Sewer System Revenue Refunding Bonds, Series 2016A, dated July 7, 2016, and authorized by ordinance of the City passed June 15, 2016; the term "Series 2016B Bonds" shall mean the City of Dallas, Texas Waterworks and Sewer System Revenue Refunding Bonds, Taxable Series 2016B, dated July 7, 2016, and authorized by ordinance of the City passed June 15, 2016; the term "Series 2017 Bonds" shall mean the City of Dallas, Texas Waterworks and Sewer System Revenue Refunding Bonds, Series 2017, dated August 17, 2017, and authorized by ordinance of the City passed June 14, 2017; and the term "Series 2018A Bonds" shall mean the City of Dallas, Texas Waterworks and Sewer System Revenue Bonds, Series 2018A, dated April 1, 2018, and authorized by ordinance of the City passed April 11, 2018.

The term "System" shall mean and include the City's combined existing waterworks and sewer system, together with all future extensions, improvements, enlargements, and additions thereto, and all replacements thereof; provided, however, that, notwithstanding the foregoing, and to the extent now or hereafter authorized or permitted by law, the term System shall not include any waterworks or sewer facilities which are declared not to be a part of the System and which are acquired or constructed by the City with the proceeds from the issuance of "Special Facilities Bonds", which are hereby defined as being special revenue obligations of the City which are not secured by or payable from the Pledged Revenues as defined herein, but which are secured by and payable solely from special contract revenues or payments received from any other legal entity in connection with such facilities; and such revenues or payments shall not be considered as or constitute Gross Revenues of the System, unless and to the extent otherwise provided in the ordinance or ordinances authorizing the issuance of such "Special Facilities Bonds".

The term "Term Bonds" shall mean those Bonds (if any) so designated pursuant to this Ordinance, and those Previously Issued Parity Bonds or Additional Bonds so designated in the ordinances authorizing such bonds, which shall be subject to retirement by operation of the Mandatory Redemption Account referred to in Section 10(b) hereof.

The term "TWDB" shall mean the Texas Water Development Board.

The term "TWDB Resolution" shall mean the Resolution 17-044, adopted by the TWDB on May 31, 2017.

The term "Year" shall mean the regular fiscal year used by the City in connection with the operation of the System, which may be any twelve consecutive months period established by the City.

Section 8. **PLEDGE**. (a) That the Previously Issued Parity Bonds, the Bonds and any Additional Bonds, and any interest payable thereon, are and shall be secured by and payable from an irrevocable first lien on and pledge of the Pledged Revenues; and the Pledged Revenues are

further pledged irrevocably to the establishment and maintenance of the Interest and Sinking Fund and the Reserve Fund as hereinafter provided. The Previously Issued Parity Bonds, the Bonds and any Additional Bonds are and will be secured by and payable only from the Pledged Revenues, and are not secured by or payable from a mortgage or deed of trust on any real, personal or mixed properties constituting the System.

(b) Chapter 1208 applies to the issuance of the Bonds and the pledge of the Pledged Revenues granted by the City under subsection (a) of this Section, and such pledge is therefore valid, effective, and perfected. If Texas law is amended at any time while the Bonds are outstanding and unpaid such that the pledge of the Pledged Revenues granted by the City is to be subject to the filing requirements of Chapter 9, then in order to preserve to the registered owners of the Bonds the perfection of the security interest in said pledge, the City agrees to take such measures as it determines are reasonable and necessary under Texas law to comply with the applicable provisions of Chapter 9 and enable a filing to perfect the security interest in said pledge to occur.

Section 9. **REVENUE FUND**. That there has been created and established on the books of the City, and accounted for separate and apart from all other funds of the City, a special fund entitled the "City of Dallas, Texas, Waterworks and Sewer System Revenue Fund" (the "Revenue Fund"). All Gross Revenues are and shall be credited to the Revenue Fund immediately upon receipt. All current expenses of operation and maintenance of the System are and shall be paid from such Gross Revenues as a first charge against same.

Section 10. **INTEREST AND SINKING FUND**. (a) That for the sole purpose of paying the principal of and interest on the Previously Issued Parity Bonds, the Bonds and any Additional Bonds, as the same come due, there has been created and established on the books of the City a separate fund entitled the "City of Dallas, Texas, Waterworks and Sewer System Revenue Bonds Interest and Sinking Fund" (the "Interest and Sinking Fund"). Monies in the Interest and Sinking Fund are and shall be maintained at an official depository bank of the City.

(b) That within the Interest and Sinking Fund there has been established the Mandatory Redemption Account, into which account shall be credited the Amortization Installments which shall be used for the payment of the principal of Term Bonds as the same shall come due, whether by maturity thereof or by redemption, through the operation of the Mandatory Redemption Account.

Section 11. **RESERVE FUND**. That there has been created and established on the books of the City a separate fund entitled the "City of Dallas, Texas, Waterworks and Sewer System Revenue Bonds Reserve Fund" (the "Reserve Fund"). Monies in the Reserve Fund shall be used solely for the purpose of retiring the last of any Previously Issued Parity Bonds, Bonds or Additional Bonds as they become due or paying principal of and interest on any Previously Issued Parity Bonds, Bonds or Additional Bonds when and to the extent the amounts in the Interest and Sinking Fund are insufficient for such purpose. Monies in the Reserve Fund shall be maintained at an official depository bank of the City.

Section 12. **DEPOSITS OF PLEDGED REVENUES; INVESTMENTS**. (a) That the Pledged Revenues shall be deposited in the Interest and Sinking Fund and the Reserve Fund

when and as required by ordinances authorizing Previously Issued Parity Bonds and by this Ordinance.

(b) That money in any Fund established by this Ordinance or by ordinances authorizing Previously Issued Parity Bonds may, at the option of the City, be invested in Authorized Investments; provided, however, that all such deposits and investments shall have a par value (or market value when less than par) exclusive of accrued interest at all times at least equal to the amount of money credited to such Funds, and shall be made in such manner that the money required to be expended from any Fund will be available at the proper time or times. Money in the Reserve Fund shall not be invested in securities maturing later than the final maturity of the Previously Issued Parity Bonds, the Bonds, and Additional Bonds. Such investments shall be valued in terms of current market value as of the last day of each Year, except that direct obligations of the United States (State and Local Government Series) in book-entry form shall be continuously valued at their par or face principal amount. Such investments shall be sold promptly when necessary to prevent any default in connection with the Previously Issued Parity Bonds, the Bonds or Additional Bonds. As used in this Section, the term "Authorized Investments" shall mean those investments in which the City is now or hereafter authorized by law, including, but not limited to, Chapter 2256, and consistent with the City's investment policy adopted and approved from time to time by the City Council pursuant to the provisions of Chapter 2256, to purchase, sell and invest its funds and funds under its control.

Section 13. **FUNDS SECURED**. That money in all Funds created by this Ordinance, to the extent not invested, shall be secured in the manner prescribed by law for securing funds of the City. All uninvested and unescrowed proceeds from the delivery of the Bonds shall be subject to the provisions of Chapter 2257. Proceeds of the Bonds shall be held at a designated state depository institution or other properly chartered and authorized institution in accordance with Chapter 2256 and Chapter 2257.

Section 14. **DEBT SERVICE REQUIREMENTS**. (a) That promptly after the delivery of the Bonds the City shall cause to be deposited to the credit of the Interest and Sinking Fund any accrued interest received from the sale and delivery of the Bonds, and any such deposit shall be used to pay part of the interest next coming due on the Bonds.

(b) That in addition to all amounts heretofore required to be transferred from the Pledged Revenues and deposited to the credit of the Interest and Sinking Fund by the ordinances authorizing the issuance of the Previously Issued Parity Bonds, the City shall transfer from the Pledged Revenues and deposit to the credit of the Interest and Sinking Fund the amounts, at the times, as follows:

(1) such amounts, deposited in approximately equal monthly installments on or before the 25th day of each month hereafter, commencing with the month during which the Bonds are delivered, or the month thereafter if delivery is made after the 25th day thereof, as will be sufficient, together with other amounts, if any, then on hand in the Interest and Sinking Fund and available for such purpose, to pay the interest scheduled to accrue and come due on the Bonds on the next succeeding interest payment date; and

(2) such amounts, deposited in approximately equal monthly installments on or before the 25th day of each month hereafter, commencing with the month during which

the Bonds are delivered, or the month thereafter if delivery is made after the 25th day thereof, as will be sufficient, together with other amounts, if any, then on hand in the Interest and Sinking Fund and available for such purpose, to pay the principal scheduled to mature and come due on the Bonds on the next succeeding principal payment date.

Section 15. **RESERVE REQUIREMENTS**. That the Reserve Fund shall be maintained in an amount equal to the average annual principal and interest requirements (including Amortization Installments) of the Previously Issued Parity Bonds, the Bonds and Additional Bonds (the "Required Amount"). When and so long as the money and investments in the Reserve Fund are not less than the Required Amount, no deposits need be made to the credit of the Reserve Fund. When and if the Reserve Fund contains less than the Required Amount due to the issuance of the Bonds or Additional Bonds, beginning on the 25th day of the month following the delivery of the Bonds or Additional Bonds to the purchasers thereof, and continuing for sixty (60) months, the City shall transfer from the Pledged Revenues and deposit to the credit of the Reserve Fund an amount equal to 1/60th of the difference determined as of such delivery date between the amount in the Reserve Fund and the Required Amount. When and if the Reserve Fund at any time contains less than the Required Amount due to any cause or condition other than the issuance of Additional Bonds, then, subject and subordinate to making the required deposits to the credit of the Interest and Sinking Fund, such deficiency shall be made up as soon as possible from the next available Pledged Revenues, or from any other sources available for such purpose. The City may, at its option, withdraw and use for any lawful purpose not inconsistent with the City's Charter, all surplus in the Reserve Fund over the Required Amount.

Section 16. **DEFICIENCIES; EXCESS PLEDGED REVENUES**. (a) That if on any occasion there shall not be sufficient Pledged Revenues to make the required deposits into the Interest and Sinking Fund and the Reserve Fund, then such deficiency shall be made up as soon as possible from the next available Pledged Revenues, or from any other sources available for such purpose.

(b) That, subject to making the required deposits to the credit of the Interest and Sinking Fund and the Reserve Fund when and as required by this Ordinance, or any ordinance authorizing the issuance of Previously Issued Parity Bonds or Additional Bonds, the excess Pledged Revenues may be used by the City for any lawful purpose not inconsistent with the City's Charter.

Section 17. **PAYMENT OF THE BONDS AND ADDITIONAL BONDS**. That on or before October 1, 2018, and semiannually on or before each April 1 and October 1 thereafter while any of the Previously Issued Parity Bonds, the Bonds or Additional Bonds are outstanding and unpaid, the City shall make available to the paying agents therefor (including the Paying Agent/Registrar), out of the Interest and Sinking Fund and the Reserve Fund (if necessary), money sufficient to pay such interest on and such principal of the Previously Issued Parity Bonds, the Bonds and Additional Bonds as shall become due on such dates, respectively, at maturity or by redemption prior to maturity. The aforesaid paying agents (including the Paying Agent/Registrar) shall destroy all paid Previously Issued Parity Bonds, Bonds and Additional Bonds, and furnish the City with an appropriate certificate of cancellation or destruction.

Section 18. **FINAL DEPOSITS; GOVERNMENTAL OBLIGATIONS**. (a) That any Previously Issued Parity Bond, Bond or Additional Bond shall be deemed to be paid, retired

and no longer outstanding within the meaning of this Ordinance when payment of the principal of, redemption premium, if any, on such bond, plus interest thereon to the due date thereof (whether such due date be by reason of maturity, upon redemption, or otherwise) either (i) shall have been made or caused to be made in accordance with the terms thereof (including the giving of any required notice of redemption), or (ii) shall have been provided for by irrevocably depositing with, or making available to, a paying agent (or escrow agent) therefor, in trust and irrevocably set aside exclusively for such payment, (1) money sufficient to make such payment or (2) Defeasance Securities, as hereinafter defined in this Section, certified by an independent public accounting firm of national reputation to mature as to principal and interest in such amounts and at such times as will insure the availability, without reinvestment, of sufficient money to make such payment, and all necessary and proper fees, compensation, and expenses of such paying agent pertaining to the bonds with respect to which such deposit is made shall have been paid or the payment thereof provided for to the satisfaction of such paying agent. At such time as a Previously Issued Parity Bond, Bond or Additional Bond shall be deemed to be paid hereunder, as aforesaid, it shall no longer be secured by or entitled to the benefit of this Ordinance or such other ordinance securing such bond or a lien on and pledge of the Pledged Revenues, and shall be entitled to payment solely from such money or Defeasance Securities.

(b) That any moneys so deposited with a paying agent may, at the direction of the City, also be invested in Defeasance Securities, maturing in the amounts and times as hereinbefore set forth, and all income from all Defeasance Securities in the hands of the paying agent pursuant to this Section which is not required for the payment of the Previously Issued Parity Bonds, Bonds and Additional Bonds, the redemption premium, if any, and interest thereon, with respect to which such money has been so deposited, shall be remitted to the City.

(c) That the City covenants that no deposit will be made or accepted under clause (a)(ii) of this Section and no use will be made of any such deposit which would cause the Previously Issued Parity Bonds, Bonds or any Additional Bonds to be treated as "arbitrage bonds" within the meaning of section 148 of the Code.

(d) That for the purpose of this Section, the term "Defeasance Securities" shall mean (i) direct obligations of the United States of America, including obligations the principal of and interest on which are unconditionally guaranteed by the United States of America, (ii) noncallable obligations of an agency or instrumentality of the United States of America, including obligations that are unconditionally guaranteed or insured by the agency or instrumentality and that, on the date the City adopts or approves proceedings authorizing the issuance of refunding bonds or, if such defeasance is not in connection with the issuance of refunding bonds, on the date the City provides for the funding of an escrow to effect the defeasance of the Bonds, are rated as to investment quality by a nationally-recognized investment rating firm not less than "AAA" or its equivalent, (iii) noncallable obligations of a state or an agency or a county, municipality, or other political subdivision of a state that have been refunded and that, on the date the City adopts or approves proceedings authorizing the issuance of refunding bonds or, if such defeasance is not in connection with the issuance of refunding bonds, on the date the Board provides for the funding of an escrow to effect the defeasance of the Bonds, are rated as to investment quality by a nationally-recognized investment rating firm not less than "AAA" or its equivalent, or (iv) any other then authorized securities or obligations that may be used to defease obligations such as the Bonds under the then applicable laws of the State of Texas.

(e) That notwithstanding any other provisions of this Ordinance, all money or Defeasance Securities set aside and held in trust pursuant to the provisions of this Section for the payment of Previously Issued Parity Bonds, Bonds and Additional Bonds, the redemption premium, if any, and interest thereon, shall be applied to and used for the payment of such Previously Issued Parity Bonds, Bonds and Additional Bonds, the redemption premium, if any, and interest thereon.

(f) That in accordance with the provisions of Section 1207.033, Texas Government Code, the City may call for redemption, at a date earlier than their scheduled maturities, those Bonds which have been defeased to their maturity date. Notwithstanding any other provision of this Ordinance to the contrary, it is hereby provided that any determination not to redeem Bonds defeased under the terms of this Ordinance that is made in conjunction with the payment arrangements specified in clauses (i) or (ii) of subsection (a) above shall not be irrevocable, provided that: (1) in the proceedings providing for such payment arrangements, the City expressly reserves the right to call Bonds so defeased for redemption; (2) the City gives notice of the reservation of that right to the owners of the Bonds so defeased immediately following the making of the payment arrangements; and (3) the City directs that notice of the reservation be included in any redemption notices that it authorizes.

Section 19. **ADDITIONAL BONDS**. (a) That the City shall have the right and power at any time and from time to time to authorize, issue and deliver additional parity revenue bonds (herein called "Additional Bonds") in one or more series or issues, in accordance with law, in any amounts, for purposes of extending, improving or repairing the System or for the purpose of refunding of any Previously Issued Parity Bonds, Bonds, Additional Bonds or other obligations of the City incurred in connection with the ownership or operation of the System. Such Additional Bonds, if and when authorized, issued and delivered in accordance with this Ordinance, shall be secured by and made payable equally and ratably on a parity with the Previously Issued Parity Bonds, the Bonds, and all other outstanding Additional Bonds, from an irrevocable first lien on and pledge of the Pledged Revenues.

(b) That the Interest and Sinking Fund and the Reserve Fund established by the 1981 Ordinance shall secure and be used to pay all Additional Bonds as well as the Previously Issued Parity Bonds and the Bonds. However, each ordinance under which Additional Bonds are issued shall provide and require that, in addition to the amounts required to be deposited to the credit of the Interest and Sinking Fund by the provisions of this Ordinance and the provisions of any other ordinance or ordinances authorizing Additional Bonds, the City shall deposit to the credit of the Interest and Sinking Fund at least such amounts as are required for the payment of all principal of and interest on said Additional Bonds then being issued, as the same come due; and that the aggregate amount to be accumulated and maintained in the Reserve Fund shall be increased (if and to the extent necessary) to an amount not less than the average annual principal and interest requirements (including Amortization Installments) of all Previously Issued Parity Bonds, Bonds and Additional Bonds which will be outstanding after the issuance and delivery of the then proposed Additional Bonds; and that the required additional amount shall be so accumulated by the deposit in the Reserve Fund of all or any part of said required additional amount in cash immediately after the delivery of the then proposed Additional Bonds, or, at the option of the City, by the deposit of said required additional amount (or any balance of said required additional amount not deposited in cash as permitted above) in monthly installments, made on or before the 25th day of each month following the delivery of the then proposed Additional Bonds, of not less than 1/60th of said

required additional amount (or 1/60th of the balance of said required additional amount not deposited in cash as permitted above).

(c) That all calculations of average annual principal and interest requirements (including Amortization Installments) made pursuant to this Section shall be made as of and from the date of the Additional Bonds then proposed to be issued.

(d) That the principal of all Additional Bonds must be scheduled to be paid or mature on April 1 or October 1 (or both) of the years in which such principal is scheduled to be paid or mature; and all interest thereon must be payable on April 1 and October 1.

Section 20. **FURTHER REQUIREMENTS FOR ADDITIONAL BONDS**. That Additional Bonds shall be issued only in accordance with this Ordinance, but notwithstanding any provisions of this Ordinance to the contrary, no installment, Series or issue of Additional Bonds shall be issued or delivered unless:

(a) The Mayor and the City Secretary of the City sign a written certificate to the effect that the City is not in default as to any covenant, condition or obligation in connection with all outstanding Previously Issued Parity Bonds, the Bonds and Additional Bonds, and the ordinances authorizing same, and that the Interest and Sinking Fund and the Reserve Fund each contains the amount then required to be therein.

(b) The Chief Financial Officer of the City signs a written certificate to the effect that, during either the next preceding Year, or any twelve consecutive calendar month period ending not more than ninety days prior to the date of the then proposed Additional Bonds, the Net Revenues were, in her or his opinion, at least equal to 1.25 times the average annual principal and interest requirements (computed on a fiscal year basis) including Amortization Installments, of all Previously Issued Parity Bonds, the Bonds and Additional Bonds to be outstanding after the issuance of the then proposed Additional Bonds.

Section 21. **GENERAL COVENANTS**. That the City further covenants and agrees that in accordance with and to the extent required or permitted by law:

(a) **Performance**. It will faithfully perform at all times any and all covenants, undertakings, stipulations, and provisions contained in this Ordinance, and each ordinance authorizing the issuance of Previously Issued Parity Bonds and Additional Bonds, and in each and every Previously Issued Parity Bond, Bond and Additional Bond; it will promptly pay or cause to be paid the principal of and interest on every Previously Issued Parity Bond, Bond and Additional Bond, on the dates and in the places and manner prescribed in such ordinances and Previously Issued Parity Bonds, Bonds or Additional Bonds; and it will, at the times and in the manner prescribed, deposit or cause to be deposited the amounts required to be deposited into the Interest and Sinking Fund and the Reserve Fund; and any holder of the Previously Issued Parity Bonds, Bonds or Additional Bonds may require the City, its officials and employees to carry out, respect or enforce the covenants and obligations of this Ordinance, or any ordinance authorizing the issuance of Additional Bonds, by all legal and equitable means, including specifically, but without limitation, the use and filing of mandamus proceedings, in any court of competent jurisdiction, against the City, its officials and employees.

(b) **City's Legal Authority**. It is a duly created and existing home rule city of the State of Texas, and is duly authorized under the laws of the State of Texas to create and issue the Bonds; that all action on its part for the creation and issuance of the Bonds has been duly and effectively taken; and that the Bonds in the hands of the holders and owners thereof are and will be valid and enforceable special obligations of the City in accordance with their terms.

(c) **Title**. It has or will obtain lawful title to the lands, buildings, structures and facilities constituting the System, that it warrants that it will defend the title to all the aforesaid lands, buildings, structures and facilities, and every part thereof, for the benefit of the holders and owners of the Previously Issued Parity Bonds, Bonds and Additional Bonds, against the claims and demands of all persons whomsoever, that it is lawfully qualified to pledge the Pledged Revenues to the payment of the Previously Issued Parity Bonds, Bonds and Additional Bonds in the manner prescribed herein, and has lawfully exercised such rights.

(d) **Liens**. It will from time to time and before the same become delinquent pay and discharge all taxes, assessments and governmental charges, if any, which shall be lawfully imposed upon it, or the System; it will pay all lawful claims for rents, royalties, labor, materials, and supplies which if unpaid might by law become a lien or charge thereon, the lien of which would be prior to or interfere with the liens hereof, so that the priority of the liens granted hereunder shall be fully preserved in the manner provided herein; and it will not create or suffer to be created any mechanic's, laborer's, materialman's or other lien or charge which might or could be prior to the liens hereof, or do or suffer any matter or thing whereby the liens hereof might or could be impaired; provided, however, that no such tax, assessment or charge, and that no such claims which might be used as the basis of a mechanic's, laborer's, materialman's or other lien or charge, shall be required to be paid so long as the validity of the same shall be contested in good faith by the City.

(e) **Operation of System; No Free Service**. It will, while the Previously Issued Parity Bonds, Bonds or any Additional Bonds are outstanding and unpaid, continuously and efficiently operate the System, and shall maintain the System in good condition, repair and working order, all at reasonable cost. No free service of the System shall be allowed, and should the City or any of its agencies or instrumentalities make use of the services and facilities of the System, payment of the reasonable value shall be made by the City out of funds from sources other than the revenues of the System, unless made from surplus or excess Pledged Revenues as permitted in Section 16(b) hereof.

(f) **Further Encumbrance**. It, while the Previously Issued Parity Bonds, Bonds or any Additional Bonds are outstanding and unpaid, will not additionally encumber the Pledged Revenues in any manner, except as permitted in this Ordinance in connection with Additional Bonds, unless said encumbrance is made junior and subordinate in all respects to the liens, pledges, covenants and agreements of this Ordinance; but the right of the City to issue revenue bonds payable from a subordinate lien on the Pledged Revenues is specifically recognized and retained.

(g) **Sale or Disposal of Property**. It, while the Previously Issued Parity Bonds, the Bonds or any Additional Bonds are outstanding and unpaid, will not sell, convey, mortgage, encumber, lease or in any manner transfer title to, or otherwise dispose of the System, or any significant or substantial part thereof; provided, however, that whenever the City deems it necessary to dispose of any property, machinery, fixtures or equipment, it may sell or otherwise

dispose of such property, machinery, fixtures or equipment when it has made arrangements to replace the same or provide substitutes therefor, unless it is determined that no such replacement or substitute is necessary. Proceeds from any sale hereunder not used to replace or provide for substitution of such property sold, shall be used for improvements to the System or to purchase or redeem Previously Issued Parity Bonds, Bonds and Additional Bonds.

(h) **Insurance**. (1) It shall cause to be insured such parts of the System as would usually be insured by corporations operating like properties, with a responsible insurance company or companies, against risks, accidents or casualties against which, and to the extent, insurance is usually carried by corporations operating like properties, including, to the extent reasonably obtainable, fire and extended coverage insurance, insurance against damage by floods, and use and occupancy insurance. Public liability and property damage insurance shall also be carried unless the City Attorney of the City gives a written opinion to the effect that the City is not liable for claims which would be protected by such insurance. At any time while any contractor engaged in construction work shall be fully responsible therefor, the City shall not be required to carry insurance on the work being constructed if the contractor is required to carry appropriate insurance. All such policies shall be open to the inspection of the bondholders and their representatives at all reasonable times. Upon the happening of any loss or damage covered by insurance from one or more of said causes, the City shall make due proof of loss and shall do all things necessary or desirable to cause the insuring companies to make payment in full directly to the City. The proceeds of insurance covering such property, together with any other funds necessary and available for such purpose, shall be used forthwith by the City for repairing the property damaged or replacing the property destroyed; provided, however, that if said insurance proceeds and other funds are insufficient for such purpose, then said insurance proceeds pertaining to the System shall be used promptly as follows:

(i) for the redemption prior to maturity of the Previously Issued Parity Bonds, the Bonds and Additional Bonds, ratably in the proportion that the outstanding principal of each series of Previously Issued Parity Bonds, Bonds or Additional Bonds bears to the total outstanding principal of all Previously Issued Parity Bonds, Bonds and Additional Bonds, provided that, if on any such occasion the principal of any such series is not subject to redemption, it shall not be regarded as outstanding in making the foregoing computation; or

(ii) if none of the outstanding Previously Issued Parity Bonds, Bonds or Additional Bonds is subject to redemption, then for the purchase on the open market and retirement of said Previously Issued Parity Bonds, Bonds and Additional Bonds in the same proportion as prescribed in the foregoing clause (i), to the extent practicable; provided, however, that the purchase price for any Previously Issued Parity Bond, Bond or Additional Bond shall not exceed the redemption price of such Previously Issued Parity Bond, Bond or Additional Bond on the first date upon which it becomes subject to redemption; or

(iii) to the extent that the foregoing clauses (i) and (ii) cannot be complied with at the time, the insurance proceeds, or the remainder thereof, shall be deposited in a special and separate trust fund, at an official depository of the City, to be designated the Insurance Account. The Insurance Account shall be held until such time as the foregoing clauses (i) and/or (ii) can be complied with, or until other funds become available which, together

with the Insurance Account, will be sufficient to make the repairs or replacements originally required, whichever of said events occurs first.

(2) The foregoing provisions of (1) above notwithstanding, the City shall have authority to enter into coinsurance or similar plans where risk of loss is shared in whole or in part by the City.

(3) The annual audit hereinafter required shall contain a section commenting on whether or not the City has complied with the requirements of this Section with respect to the maintenance of insurance, and listing all policies carried, and whether or not all insurance premiums upon the insurance policies to which reference is hereinbefore made have been paid.

(i) **Rate Covenant**. The City Council of the City will fix, establish, maintain and collect such rates, charges and fees for the use and availability of the System at all times as are necessary to produce Gross Revenues sufficient, (1) to pay all current operation and maintenance expenses of the System, (2) to produce Net Revenues for each Year at least equal to 1.25 times the principal and interest requirements (including Amortization Installments) of all then outstanding Previously Issued Parity Bonds, Bonds and Additional Bonds for the Year during which such requirements are scheduled to be the greatest, and (3) to pay all other obligations of the System.

(j) **Records**. It will keep proper books of record and account in which full, true and correct entries will be made of all dealings, activities and transactions relating to the System, the Pledged Revenues and the Funds created pursuant to this Ordinance, and all books, documents and vouchers relating thereto shall at all reasonable times be made available for inspection upon request of any bondholders.

(k) **Governmental Agencies**. The City will comply with all of the terms and conditions of any and all franchises, permits and authorizations applicable to or necessary with respect to the System, and which have been obtained from any governmental agency; and the City has or will obtain and keep in full force and effect all franchises, permits, authorization and other requirements applicable to or necessary with respect to the acquisition, construction, equipment, operation and maintenance of the System.

Section 22. **COMPLIANCE WITH THE TWDB'S RULES AND REGULATIONS**. That the provisions of this Section shall apply so long as the Bonds, or any of them, are owned by the TWDB.

(a) **Annual Audit Reporting**. For so long as the State of Texas owns any of the Bonds, the City shall mail a copy of the audit to the TWDB. In addition, monthly operating statements for the System shall be maintained by the City and made available, upon request, to the TWDB as long as the State owns any Bond, and the monthly operating statement shall be in such detail as requested by the Development Fund Manager of the TWDB, until the Development Fund Manager of the TWDB waives this requirement.

(b) **No Competition**. The City will not grant any franchise or permit for the acquisition, construction or operation of any competing facilities which might be used as a substitute for the System's facilities, and, to the extent that it legally may, the City will prohibit any such competing facilities.

(c) **Final Accounting**. The City shall render a final accounting to the TWDB in reference to the total cost incurred by the City for improvements and extensions to the System which were financed by the issuance of the Bonds, together with a copy of the complete set of "as built" plans of such improvements and extensions promptly upon completion.

(d) **Compliance with the Texas Water Development Board's Rules and Regulations**. The City shall comply with the rules and regulations of the TWDB relating to the loan funds evidenced by the Bonds and the Project for which the Bonds are issued, sold and delivered, and to maintain insurance on the System in such amount as may be required by TWDB.

(e) **Indemnification of the Texas Water Development Board**. The City shall, to the extent permitted by law, indemnify, hold harmless and protect the TWDB from any and all claims arising from the sampling, analysis, transport, storage, treatment, removal and off-site disposition of any contaminated sewage sludge, contaminated sediments and/or contaminated media that may be generated by the City, its contractors, consultants, agents, officials and employees as a result of activities relating to the Project financed with the proceeds of the Bonds.

(f) **Water Conservation Program**. The City will implement an approved water conservation program, in satisfaction of the requirements of Section 375.43 of Title 31 of the Texas Administrative Code.

(g) **Environmental Determinations**. The City agrees and covenants that it will comply with any special conditions of the environmental determination of the Executive Administrator in accordance with Title 31, Texas Administrative Code, Chapter 375, Subchapter E, as amended.

(h) **Prohibition on Use of Proceeds**. The City covenants and agrees that none of the proceeds of the Bonds will be expended on costs incurred or to be incurred relating to the sampling, testing, removing or disposing of potentially contaminated soils and/or media at the project site.

(i) **Conveyance of Obligations**. Prior to any action by the City to convey its obligations under the Bonds to another entity, if permitted by law, the conveyance and the assumption of such obligations must be approved by the Texas Water Development Board. The Issuer shall notify the Executive Administrator prior to taking any actions to alter its legal status in any manner, such a sale-transfer-merger with another retail public utility.

(j) **Davis-Bacon Act Compliance**. All laborers and mechanics employed by contractors and subcontractors for the Project who are paid from proceeds of the Bonds on deposit in the Construction Fund shall be paid wages at rates not less than those prevailing on projects of a similar character in the locality of the City in accordance with the federal Davis-Bacon Act and the U.S. Department of Labor's implementing regulations pertaining thereto.

(k) **Federal Funding Accountability and Transparency Act**. The City shall provide the Texas Water Development Board with all information required by the Federal Funding Accountability and Transparency Act of 2006, Pub. L. 109-282.

(l) **DUNS Number and CAGE Code**. The City shall obtain a Data Information Numbering System (DUNS) Number and shall register with the System for Award Management

to obtain a Commercial and Government Entity (CAGE) Code, and maintain current registration at all times during which the Bonds are outstanding.

(m) **Timely Expenditures**. All proceeds of the Bonds will be timely and expeditiously used, as required by applicable federal statutes and U.S. Environmental Protection Agency regulations, and the City shall adhere to a project construction schedule acceptable to the Executive Administrator that facilitates timely use of funds and project completion.

(n) **Insurance**. Insurance coverage be obtained and maintained by the Issuer in an amount sufficient to protect the interest of the Texas Water Development Board in the Project.

(o) **Remedies**. The TWDB may exercise all remedies available to it in law or equity, and any provision of the Bonds or this Ordinance that restricts or limits the TWDB's full exercise of such remedies shall be of no force and effect.

(p) **Covenant Regarding Taxes and System Rates**. The City hereby agrees that, for so long as the Bonds are outstanding, to levy a tax and/or maintain and collect sufficient rates and charges to produce System revenues in an amount necessary to meet the debt service requirements of all outstanding obligations and to maintain the funds established and required by the Bonds.

(q) **American Iron and Steel Requirements**. The City will abide by all applicable construction contract requirements related to the use of iron and steel products in the United States, as required by the 2014 Federal Appropriations Act and related State Revolving Fund Policy Guidelines.

(r) **Notice of Defeasance.** For so long as the TWDB is an owner of any Bond, the City will provide to the Development Fund Manager of the TWDB written notice of any defeasance of Bonds at least sixty (60) days prior to the defeasance being effected by the City.

Section 23. **AMENDMENT OF ORDINANCE**. (a) That the holders of the Previously Issued Parity Bonds, Bonds and Additional Bonds aggregating in principal amount 51% of the aggregate principal amount of then outstanding Previously Issued Parity Bonds, Bonds and Additional Bonds shall have the right from time to time to approve any amendment to this Ordinance which may be deemed necessary or desirable by the City; provided, however, that without the consent of the holders of all of the Previously Issued Parity Bonds, Bonds and Additional Bonds at the time outstanding, nothing herein contained shall permit or be construed to permit the amendment of the terms and conditions in this Ordinance or in the Previously Issued Parity Bonds, Bonds or Additional Bonds so as to:

(1) Make any change in the maturity of the outstanding Previously Issued Parity Bonds, Bonds or Additional Bonds;

(2) Reduce the rate of interest borne by any of the outstanding Previously Issued Parity Bonds, Bonds or Additional Bonds;

(3) Reduce the amount of the principal payable on the outstanding Previously Issued Parity Bonds, Bonds or Additional Bonds;

(4) Modify the terms of payment of principal of or interest on the outstanding Previously Issued Parity Bonds, Bonds or Additional Bonds or impose any conditions with respect to such payment;

(5) Affect the rights of the holders of less than all of the Previously Issued Parity Bonds, Bonds and Additional Bonds then outstanding; or

(6) Change the minimum percentage of the principal amount of Previously Issued Parity Bonds, Bonds and Additional Bonds necessary for consent to such amendment.

(b) That if at any time the City shall desire to amend the Ordinance under this Section, the City shall cause notice of the proposed amendment to be published in a financial newspaper or journal published in The City of New York, New York, once during each calendar week for at least two successive calendar weeks. Such notice shall briefly set forth the nature of the proposed amendment and shall state that a copy thereof is on file at the principal office of the Paying Agent/Registrar for inspection by all holders of Previously Issued Parity Bonds, Bonds and Additional Bonds. Such publication is not required, however, if notice in writing is given to each holder of Previously Issued Parity Bonds, Bonds and Additional Bonds.

(c) That whenever at any time not less than thirty days, and within one year, from the date of the first publication of said notice or other service of written notice the City shall receive an instrument or instruments executed by the holders of at least 51% in aggregate principal amount of all Previously Issued Parity Bonds, Bonds and Additional Bonds then outstanding, which instrument or instruments shall refer to the proposed amendment described in said notice and which specifically consent to and approve such amendment in substantially the form of the copy thereof on file with the Paying Agent/Registrar, the City Council may pass the amendatory ordinance in substantially the same form.

(d) That upon the passage of any amendatory ordinance pursuant to the provisions of this Section, this Ordinance shall be deemed to be amended in accordance with such amendatory ordinance, and the respective rights, duties and obligations under this Ordinance of the City and all the holders of then outstanding Previously Issued Parity Bonds, Bonds and Additional Bonds shall thereafter be determined, exercised and enforced hereunder, subject in all respects to such amendments.

(e) That any consent given by the holder of a Previously Issued Parity Bond, Bond or Additional Bond pursuant to the provisions of this Section shall be irrevocable for a period of six (6) months from the date of the first publication of the notice or other service of written notice provided for in this Section, and shall be conclusive and binding upon all future holders of the same Previously Issued Parity Bond, Bond or Additional Bond during such period. Such consent may be revoked at any time after six (6) months from the date of the first publication of such notice or other service of written notice by the holder who gave such consent, or by a successor in title, by filing notice thereof with the paying agent/registrar therefor and the City, but such revocation shall not be effective if the holders, identified in accordance with subsection (f) of this Section, of 51% in aggregate principal amount of the then outstanding Previously Issued Parity Bonds, Bonds and Additional Bonds have, prior to the attempted revocation, consented to and approve the amendment.

(f) That for the purpose of this Section, the fact of the holding of Previously Issued Parity Bonds, Bonds, or Additional Bonds issued in registered form without coupons and the amounts and numbers of such Previously Issued Parity Bonds, Bonds or Additional Bonds and the date of their holding same shall be proved by the bond registration books of the paying agent/registrar therefor. For purposes of this Section, the holder of a Previously Issued Parity Bond, Bond or Additional Bond in such registered form shall be the owner thereof as shown on such registration books. The City may conclusively assume that such ownership continues until written notice to the contrary is served upon the City.

(g) The foregoing provisions of this Section notwithstanding, the City by action of the City Council may amend this Ordinance for any one or more of the following purposes:

(1) To add to the covenants and agreements of the City in this Ordinance contained, other covenants and agreements thereafter to be observed, grant additional rights or remedies to bondholders or to surrender, restrict or limit any right or power herein reserved to or conferred upon the City;

(2) To make such provisions for the purpose of curing any ambiguity, or curing, correcting or supplementing any defective provision contained in this Ordinance, or in regard to clarifying matters or questions arising under this Ordinance, including, without limitation, those matters described in Section 27(c)(v) hereof, (or those matters necessary to obtain the approving opinion of the Attorney General of Texas as required by law, as are necessary or desirable and not contrary to or inconsistent with this Ordinance and which shall not adversely affect the interests of the holders of the Previously Issued Parity Bonds, Bonds or Additional Bonds;

(3) To modify any of the provisions of this Ordinance in any other respect whatever, provided that (i) such modification shall be, and be expressed to be, effective only after all Previously Issued Parity Bonds outstanding at the date of the adoption of such modification shall cease to be outstanding, and (ii) such modification shall be specifically referred to in the text of all Additional Bonds issued after the date of the adoption of such modification.

Section 24. **DAMAGED, MUTILATED, LOST, STOLEN OR DESTROYED BONDS**. (a) That in the event any outstanding Bond is damaged, mutilated, lost, stolen, or destroyed, the Paying Agent/Registrar shall cause to be printed, executed, and delivered, a new Bond of the same principal amount, maturity, and interest rate, as the damaged, mutilated, lost, stolen, or destroyed Bond, in replacement for such Bond in the manner hereinafter provided.

(b) Application for replacement of damaged, mutilated, lost, stolen, or destroyed Bonds shall be made to the Paying Agent/Registrar. In every case of loss, theft, or destruction of a Bond, the applicant for a replacement bond shall furnish to the City and to the Paying Agent/Registrar such security or indemnity as may be required by them to save each of them harmless from any loss or damage with respect thereto. Also, in every case of loss, theft, or destruction of a Bond, the applicant shall furnish to the City and to the Paying Agent/Registrar evidence to their satisfaction of the loss, theft, or destruction of such Bond, as the case may be. In every case of

damage or mutilation of a Bond, the applicant shall surrender to the Paying Agent/Registrar for cancellation the Bond so damaged or mutilated.

(c) Notwithstanding the foregoing provisions of this Section, in the event any such Bond shall have matured, and no default has occurred which is then continuing in the payment of the principal of, redemption premium, if any, or interest on the Bond, the City may authorize the payment of the same (without surrender thereof except in the case of a damaged or mutilated Bond) instead of issuing a replacement Bond, provided security or indemnity is furnished as above provided in this Section.

(d) Prior to the issuance of any replacement bond, the Paying Agent/Registrar shall charge the owner of such Bond with all legal, printing, and other expenses in connection therewith. Every replacement bond issued pursuant to the provisions of this Section by virtue of the fact that any Bond is lost, stolen, or destroyed shall constitute a contractual obligation of the City whether or not the lost, stolen or destroyed Bond shall be found at any time, or be enforceable by anyone, and shall be entitled to all the benefits of this Ordinance equally and proportionately with any and all other Bonds duly issued under this Ordinance.

(e) In accordance with Chapter 1206, particularly Subchapter B thereof, this Section of this Ordinance shall constitute authority for the issuance of any such replacement bond without necessity of further action by the governing body of the City or any other body or person, and the duty of the replacement of such bonds is hereby authorized and imposed upon the Paying Agent/Registrar, and the Paying Agent/Registrar shall authenticate and deliver such bonds in the form and manner and with the effect, as provided in Section 5(d) of this Ordinance for Bonds issued in exchange for other Bonds.

Section 25. **TAX COVENANTS**. That the City covenants to refrain from any action which would adversely affect, or to take any action to assure, the treatment of the Bonds as obligations described in section 103 of the Code, the interest on which is not includable in the "gross income" of the holder for purposes of federal income taxation. In furtherance thereof, the Issuer covenants as follows:

(a) to take any action to assure that no more than 10 percent of the proceeds of the Bonds or the projects financed therewith (less amounts deposited to a reserve fund, if any) are used for any "private business use", as defined in section 141(b)(6) of the Code or, if more than 10 percent of the proceeds are so used, that amounts, whether or not received by the City, with respect to such private business use, do not, under the terms of this Ordinance or any underlying arrangement, directly or indirectly, secure or provide for the payment of more than 10 percent of the debt service on the Bonds, in contravention of section 141(b)(2) of the Code;

(b) to take any action to assure that in the event that the "private business use" described in subsection (a) hereof exceeds 5 percent of the proceeds of the Bonds or the projects financed therewith (less amounts deposited into a reserve fund, if any) then the amount in excess of 5 percent is used for a "private business use" which is "related" and not "disproportionate", within the meaning of section 141(b)(3) of the Code, to the governmental use;

(c) to take any action to assure that no amount which is greater than the lesser of $5,000,000, or 5 percent of the proceeds of the Bonds (less amounts deposited into a reserve fund, if any), is directly or indirectly used to finance loans to persons, other than state or local governmental units, in contravention of section 141(c) of the Code;

(d) to refrain from taking any action which would otherwise result in the Bonds being treated as "private activity bonds" within the meaning of section 141(a) of the Code;

(e) to refrain from taking any action that would result in the Bonds being "federally guaranteed" within the meaning of section 149(b) of the Code;

(f) to refrain from using any portion of the proceeds of the Bonds, directly or indirectly, to acquire or to replace funds which were used, directly or indirectly, to acquire investment property (as defined in section 148(b)(2) of the Code) which produces a materially higher yield over the term of the Bonds, other than investment property acquired with --

(1) proceeds of the Bonds invested for a reasonable temporary period, until such proceeds are needed for the purpose for which the Bonds are issued,

(2) amounts invested in a bona fide debt service fund, within the meaning of section 1.148-1(b) of the Treasury Regulations, and

(3) amounts deposited in any reasonably required reserve or replacement fund to the extent such amounts do not exceed 10 percent of the proceeds of the Bonds;

(g) to otherwise restrict the use of the proceeds of the Bonds or amounts treated as proceeds of the Bonds, as may be necessary, so that the Bonds do not otherwise contravene the requirements of section 148 of the Code (relating to arbitrage);

(h) to refrain from using the proceeds of the Bonds or the proceeds of any prior bonds to pay debt service on another issue more than ninety (90) days after the issuance of the Bonds in contravention of Section 149(d) of the Code (relating to advance refundings);

(i) to pay to the United States of America at least once during each five-year period (beginning on the date of delivery of the Bonds) an amount that is at least equal to 90 percent of the "excess earnings", within the meaning of section 148(f) of the Code, and to pay to the United States of America, not later than 60 days after the Bonds have been paid in full, 100 percent of the amount then required to be paid as a result of Excess Earnings under section 148(f) of the Code;

(j) to file or cause to be filed with the Secretary of the Treasury, not later than the 15th day of the second calendar month after the close of the calendar quarter in which the Bonds are issued, an information statement concerning the Bonds, all under and in accordance with section 149(e) of the Code and the applicable Treasury Regulations promulgated thereunder; and

(k) the City will not acquire any of the Texas Water Development Board's source series bonds in an amount related to the amount of Bonds acquired by the Texas Water Development Board.

The City understands that the term "proceeds" includes "disposition proceeds" as defined in the Treasury Regulations and, in the case of a refunding bond, transferred proceeds (if any) and proceeds of the refunded bonds expended prior to the date of the issuance of the Bonds. It is the understanding of the City that the covenants contained herein are intended to assure compliance with the Code and any regulations or rulings promulgated by the U.S. Department of the Treasury pursuant thereto. In the event that regulations or rulings are hereafter promulgated which modify or expand provisions of the Code, as applicable to the Bonds, the City will not be required to comply with any covenant contained herein to the extent that such failure to comply, in the opinion of nationally-recognized bond counsel, will not adversely affect the exemption from federal income taxation of interest on the Bonds under section 103 of the Code. In the event that regulations or rulings are hereafter promulgated which impose additional requirements which are applicable to the Bonds, the City agrees to comply with the additional requirements to the extent necessary, in the opinion of nationally-recognized bond counsel, to preserve the exemption from federal income taxation of interest on the Bonds under section 103 of the Code. In furtherance of the foregoing, the Mayor, the City Manager, the Chief Financial Officer of the City, and any Assistant City Manager may execute any certificates or other reports required by the Code and make such elections, on behalf of the City, which may be permitted by the Code as are consistent with the purpose for the issuance of the Bonds. In order to facilitate compliance with the above clause (i), a "Rebate Fund" is hereby established by the City for the sole benefit of the United States of America, and such Rebate Fund shall not be subject to the claim of any other person, including without limitation the registered owners of the Bonds. The Rebate Fund is established for the additional purpose of compliance with section 148 of the Code.

Section 26. **ADDITIONAL TAX COVENANTS.** (a) **Allocation of Bond Proceeds, and Limitation on, Expenditures for the Project.** That the City covenants to account for on its books and records the expenditure of proceeds from the sale of the Bonds and any investment earnings thereon to be used for the Project in accordance with the requirements of the Code. The City recognizes that in order for the proceeds to be considered used for the reimbursement of costs, the proceeds must be allocated to expenditures within eighteen (18) months of the later of the date that (a) the expenditure on a Project is made or (b) each such Project is completed; but in no event later than three years after the date on which the original expenditure is paid. The foregoing notwithstanding, the City recognizes that in order for proceeds to be expended under the Code, the sale proceeds or investment earnings must be expended no more than 60 days after the earlier of (a) the fifth anniversary of the date of delivery of the Bonds or (b) the date the Bonds are retired. The City agrees to obtain the advice of a nationally-recognized bond counsel if such expenditure fails to comply with the foregoing to assure that such expenditure will not adversely affect the tax-exempt status of the Bonds. For purposes of this Section, the City shall not be obligated to comply with this covenant if it obtains an opinion of a nationally-recognized bond counsel to the effect that such failure to comply will not adversely affect the excludability for federal income tax purposes from gross income of the interest.

(b) **Disposition of Bond Financed Property.** The City covenants that property financed with the proceeds of the Bonds, or the property constituting a Project, will not be sold or otherwise disposed in a transaction resulting in the receipt by the City of cash or other compensation, unless

the City obtains an opinion of nationally-recognized bond counsel substantially to the effect that such sale or other disposition will not adversely affect the tax-exempt status of the Bonds. For purposes of this Section, the portion of the property comprising personal property and disposed of in the ordinary course of business shall not be treated as a transaction resulting in the receipt of cash or other compensation. For purposes of this Section, the City shall not be obligated to comply with this covenant if it obtains an opinion of nationally-recognized bond counsel to the effect that such failure to comply will not adversely affect the excludability for federal income tax purposes from gross income of the interest, on the Bonds, if any.

Section 27. **CONTINUING DISCLOSURE UNDERTAKING**. (a) **Annual Reports.** (i) That the City shall provide annually to the MSRB, within six months after the end of each Year ending in or after 2018, financial information and operating data with respect to the City of the general type included in the final application submitted to the TWDB and to the MSRB with respect to the Previously Issued Parity Bonds. Any financial statements so to be provided shall be: (1) prepared in accordance with the accounting principles generally applicable to cities such as the City and as described in the notes to the financial statements filed with the TWDB as part of the Application, or such other accounting principles as the City may be required to employ from time to time pursuant to state law or regulation, and (2) audited, when and if available, and in any event, within twelve (12) months after the end of each Year ending in or after 2018. If audited financial statements are not available by the end of the twelve (12) month period, then the City shall provide notice that the audited financial statements are not available, shall provide unaudited financial information of the type described in the numbered tables referenced in Exhibit B hereto by the required time, and will provide audited financial statements for the applicable Year to the MSRB, when and if the audit report on such statements become available. Such information shall be transmitted electronically to the MSRB, in such format as prescribed by the MSRB.

(ii) If the Year is changed by the City, the City will notify the MSRB of such change (and of the date of the new Year end) prior to the next date by which the City otherwise would be required to provide financial information and operating data pursuant to this Section. The financial information and operating data to be provided pursuant to this Section may be set forth in full in one or more documents or may be included by specific reference to any document (including an official statement or other offering document, if it is available from the MSRB) that theretofore has been provided to the MSRB or filed with the SEC.

(b) **Disclosure Event Notices.** The City shall notify the MSRB in an electronic format as prescribed by the MSRB, in a timely manner (but not in excess of ten (10) Business Days after the occurrence of the event), of any of the following events with respect to the Bonds:

1. Principal and interest payment delinquencies;
2. Non-payment related defaults, if material;
3. Unscheduled draws on debt service reserves reflecting financial difficulties;
4. Unscheduled draws on credit enhancements reflecting financial difficulties;
5. Substitution of credit or liquidity providers, or their failure to perform;
6. Adverse tax opinions, the issuance by the Internal Revenue Service of proposed or final determinations of taxability, Notices of Proposed Issue (IRS Form 5701-TEB) or other material notices or determinations with

respect to the tax status of the Bonds, or other material events affecting the tax status of the Bonds;

7. Modifications to rights of holders of the Bonds, if material;
8. Bond calls, if material, and tender offers;
9. Defeasances;
10. Release, substitution, or sale of property securing repayment of the Bonds, if material;
11. Rating changes;
12. Bankruptcy, insolvency, receivership or similar event of the City;
13. The consummation of a merger, consolidation, or acquisition involving the City or the sale of all or substantially all of the assets of the City, other than in the ordinary course of business, the entry into a definitive agreement to undertake such an action or the termination of a definitive agreement relating to any such actions, other than pursuant to its terms, if material; and
14. Appointment of a successor Paying Agent/Registrar or change in the name of the Paying Agent/Registrar, if material.

As used in clause 12 above, the phrase "bankruptcy, insolvency, receivership or similar event" means the appointment of a receiver, fiscal agent or similar officer for the City in a proceeding under the U.S. Bankruptcy Code or in any other proceeding under state or federal law in which a court or governmental authority has assumed jurisdiction over substantially all of the assets of the City, or if jurisdiction has been assumed by leaving the City Council and official or officers of the City in possession but subject to the supervision and orders of a court or governmental authority, or the entry of an order confirming a plan of reorganization, arrangement or liquidation by a court or governmental authority having supervision or jurisdiction over substantially all of the assets or business of the City. The City shall notify the MSRB, in a timely manner, of any failure by the City to provide financial information or operating data in accordance with subsection (a) of this Section by the time required by such subsection.

(c) **Limitations, Disclaimers, and Amendments.** (i) The City shall be obligated to observe and perform the covenants specified in this Section for so long as, but only for so long as, the City remains an "obligated person" with respect to the Bonds within the meaning of the Rule, except that the City in any event will give notice of any deposit made in accordance with this Ordinance or applicable law that causes Bonds no longer to be outstanding.

(ii) The provisions of this Section are for the sole benefit of the holders and beneficial owners of the Bonds, and nothing in this Section, express or implied, shall give any benefit or any legal or equitable right, remedy, or claim hereunder to any other person. The City undertakes to provide only the financial information, operating data, financial statements, and notices which it has expressly agreed to provide pursuant to this Section and does not hereby undertake to provide any other information that may be relevant or material to a complete presentation of the City's financial results, condition, or prospects or hereby undertake to update any information provided in accordance with this Section or otherwise, except as expressly provided herein. The City does not make any representation or warranty concerning such information or its usefulness to a decision to invest in or sell Bonds at any future date.

(iii) UNDER NO CIRCUMSTANCES SHALL THE CITY BE LIABLE TO THE HOLDER OR BENEFICIAL OWNER OF ANY BOND OR ANY OTHER PERSON, IN

CONTRACT OR TORT, FOR DAMAGES RESULTING IN WHOLE OR IN PART FROM ANY BREACH BY THE CITY, WHETHER NEGLIGENT OR WITHOUT FAULT ON ITS PART, OF ANY COVENANT SPECIFIED IN THIS SECTION, BUT EVERY RIGHT AND REMEDY OF ANY SUCH PERSON, IN CONTRACT OR TORT, FOR OR ON ACCOUNT OF ANY SUCH BREACH SHALL BE LIMITED TO AN ACTION FOR MANDAMUS OR SPECIFIC PERFORMANCE.

(iv) No default by the City in observing or performing its obligations under this Section shall comprise a breach of or default under this Ordinance for purposes of any other provision of this Ordinance. Nothing in this Section is intended or shall act to disclaim, waive, or otherwise limit the duties of the City under federal and state securities laws.

(v) Should the Rule be amended to obligate the City to make filings with or provide notices to entities other than the MSRB, the City agrees to undertake such obligation in accordance with the Rule as amended.

(vi) The provisions of this Section may be amended by the City from time to time to adapt to changed circumstances that arise from a change in legal requirements, a change in law, or a change in the identity, nature, status, or type of operations of the City, but only if (1) the provisions of this Section, as so amended, would have permitted an underwriter to purchase or sell Bonds in the primary offering of the Bonds in compliance with the Rule, taking into account any amendments or interpretations of the Rule since such offering as well as such changed circumstances and (2) either (A) the holders of a majority in aggregate principal amount (or any greater amount required by any other provision of this Ordinance that authorizes such an amendment) of the outstanding Bonds consent to such amendment or (B) a person that is unaffiliated with the City (such as nationally recognized bond counsel) determines that such amendment will not materially impair the interest of the holders and beneficial owners of the Bonds. If the City so amends the provisions of this Section, it shall include with any amended financial information or operating data next provided in accordance with subsection (a) of this Section an explanation, in narrative form, of the reason for the amendment and of the impact of any change in the type of financial information or operating data so provided. The City may also amend or repeal the provisions of this continuing disclosure agreement if the SEC amends or repeals the applicable provision of the Rule or a court of final jurisdiction enters judgment that such provisions of the Rule are invalid, but only if and to the extent that the provisions of this sentence would not prevent an underwriter from lawfully purchasing or selling Bonds in the primary offering of the Bonds.

Section 28. **DEFAULT AND REMEDIES**. (a) **Events of Default**. That each of the following occurrences or events for the purpose of this Ordinance is hereby declared to be an Event of Default:

(i) the failure to make payment of the principal of or interest on any of the Bonds when the same becomes due and payable; or

(ii) default in the performance or observance of any other covenant, agreement or obligation of the City, the failure to perform which materially, adversely affects the rights of the registered owners of the Bonds, including, but not limited to, their prospect or ability

to be repaid in accordance with this Ordinance, and the continuation thereof for a period of sixty (60) days after notice of such default is given by any registered owner to the City.

(b) **Remedies for Default**.

(i) That upon the happening of any Event of Default, then and in every case, any registered owner or an authorized representative thereof, including, but not limited to, a trustee or trustees therefor, may proceed against the City, or any official, officer or employee of the City in their official capacity, for the purpose of protecting and enforcing the rights of the registered owners under this Ordinance, by mandamus or other suit, action or special proceeding in equity or at law, in any court of competent jurisdiction, for any relief permitted by law, including the specific performance of any covenant or agreement contained herein, or thereby to enjoin any act or thing that may be unlawful or in violation of any right of the registered owners hereunder or any combination of such remedies.

(ii) It is provided that all such proceedings shall be instituted and maintained for the equal benefit of all registered owners of Bonds then outstanding.

(c) **Remedies Not Exclusive**.

(i) That no remedy herein conferred or reserved is intended to be exclusive of any other available remedy or remedies, but each and every such remedy shall be cumulative and shall be in addition to every other remedy given hereunder or under the Bonds or now or hereafter existing at law or in equity; provided, however, that notwithstanding any other provision of this Ordinance, the right to accelerate the debt evidenced by the Bonds shall not be available as a remedy under this Ordinance.

(ii) The exercise of any remedy herein conferred or reserved shall not be deemed a waiver of any other available remedy.

(iii) By accepting the delivery of a Bond authorized under this Ordinance, such registered owner agrees that the certifications required to effectuate any covenants or representations contained in this Ordinance do not and shall never constitute or give rise to a personal or pecuniary liability or charge against the officers, employees or members of the City or the City Council.

(iv) None of the members of the City Council, nor any other official or officer, agent, or employee of the City, shall be charged personally by the registered owners with any liability, or be held personally liable to the registered owners under any term or provision of this Ordinance, or because of any Event of Default or alleged Event of Default under this Ordinance.

Section 29. **PROJECT FUND**. (a) That there is hereby created, established and maintained on the books of the City, a separate fund to be entitled the "City of Dallas, Texas Waterworks and Sewer System Series 2018B Revenue Bonds Project Fund" (hereinafter called the "Project Fund"). Monies in the Project Fund shall be maintained at an official depository bank of the City.

(b) Except as otherwise provided in Section 14(a) hereof, the proceeds of the Bonds shall be deposited into the Project Fund and used by the City for payment of the costs of the Project, and the payment of costs associated therewith, including any costs for engineering, financing, financial consultation, administrative, auditing and legal expenses.

(c) Any surplus proceeds, including the investment earnings derived from the investment of monies on deposit in the Project Fund, from the Bonds remaining on deposit in the Project Fund after completing the planning, acquisition, designing, and constructing extensions and improvements to the System and upon the completion of the final accounting as described in Section 22(c) hereof, shall be used to: (1) redeem, in inverse annual order of maturity, the Bonds owned by TWDB; (2) deposit into the Interest and Sinking Fund for the payment of interest or principal on the Bonds owned by TWDB; or (3) to the extent applicable and permitted by law, deposit to a reserve fund. The foregoing notwithstanding, it is further provided, however, that any interest earnings on monies on deposit in the Project Fund which are required to be rebated to the United States of America pursuant to Section 25 hereof in order to prevent the Bonds from being arbitrage bonds shall be transferred to the "Rebate Fund" hereinafter established and shall not be considered as interest earnings for purposes of this subsection.

(d) If required by TWDB as a condition to the purchase of the Bonds, the City Manager or the designee thereof may approve, execute and deliver an appropriate escrow agreement or establish an appropriate trust and agency fund on the books of the City. In either case, proceeds of the Bonds required to be deposited under an escrow agreement or into a trust and agency fund shall be disbursed in accordance with the TWDB Rules Relating to Financial Programs or as otherwise authorized and directed by TWDB.

Section 30. **SALE OF BONDS**. (a) **Sale to TWDB**. That the Bonds are hereby sold to TWDB for the price of par, less the origination fee calculated in the manner provided in the TWDB Resolution. The Bonds may be delivered to TWDB in accordance with the schedule set forth in Schedule I of this Ordinance, and paid for in whole, or in installments at such times as shall be approved by the City Manager, provided none of the Bonds shall be so delivered without the City's receiving full payment therefor. The Bonds submitted to the Office of the Attorney General for review shall be registered in the name of the Texas Water Development Board.

(b) **City Manager to Execute Documents**. The City hereby authorizes the City Manager to approve and execute such documents necessary to effect the delivery of the Bonds.

(c) **Date of Delivery of Bonds**. The Paying Agent/Registrar shall complete the "Date of Delivery" on each Bond delivered to TWDB as provided in Section 5(j) of this Ordinance, and interest on the Bonds so delivered shall commence from such date.

(d) **Sale of Bonds by TWDB**. It is the intent of the parties to the sale of the Bonds that if TWDB ever determines to sell all or a part of the Bonds, it shall notify the City at least sixty (60) days prior to the sale of the Bonds of the decision to so sell the Bonds.

Section 31. **APPROVAL AND REGISTRATION OF BONDS**. That the City Manager of the City is hereby authorized to have control of the Bonds and all necessary records and proceedings pertaining to the Bonds pending their delivery and their investigation, examination and approval by the Attorney General of the State of Texas, and their registration by

the Comptroller of Public Accounts of the State of Texas. Upon registration of the Bonds, the Comptroller of Public Accounts (or a deputy designated in writing to act therefor) shall manually sign the Comptroller's Registration Certificate set forth in the FORM OF BOND. The Bonds thus registered shall remain in the custody of the City Manager (or the designee thereof) until delivered to TWDB.

Section 32. **FURTHER PROCEDURES**. That the City Manager, the Chief Financial Officer of the City, any Assistant City Manager, and all other officers, employees, and agents of the City, and each of them, shall be and they are hereby expressly authorized, empowered, and directed from time to time and at any time to do and perform all such acts and things and to execute, acknowledge, and deliver in the name and under the corporate seal and on behalf of the City all such instruments, whether or not herein mentioned, as may be necessary or desirable in order to carry out the terms and provisions of this Ordinance, and the sale and delivery of the Bonds and fixing all details in connection therewith. The City Council hereby authorizes the payment of the fee of the Office of the Attorney General of the State of Texas for the examination of the proceedings relating to the issuance of the Bonds, in the amount determined in accordance with the provisions of Section 1202.004, Texas Government Code.

Section 33. **PREAMBLE**. That the preamble to this Ordinance is incorporated by reference and made a part hereof for all purposes.

Section 34. **RULES OF CONSTRUCTION**. That for all purposes of this Ordinance, unless the context requires otherwise, all references to designated Sections and other subdivisions are to the Sections and other subdivisions of this Ordinance. The words "herein", "hereof" and "hereunder" and other words of similar import refer to this Ordinance as a whole and not to any particular Section or other subdivision. Except where the context otherwise requires, terms defined in this Ordinance to impart the singular number shall be considered to include the plural number and vice versa. References to an officer or designated position (e.g., City Manager) include any person acting in the capacity of such officer or designated position, whether on an acting, interim or permanent basis. References to any constitutional, statutory or regulatory provision means such provision as it exists on the date this Ordinance is adopted by the City and any future amendments thereto or successor provisions thereof. Any reference to the payment of principal in this Ordinance shall be deemed to include the payment of Amortization Installments (if any). Any reference to "FORM OF BOND" shall refer to the form of the Bonds set forth in Exhibit A to this Ordinance. The calculation of average annual principal and interest requirements as may be required by this Ordinance shall be made at the beginning of each Year and shall be the sum of the annual principal and interest requirements due for the current and each subsequent Year in which the Previously Issued Parity Bonds, the Bonds and any Additional Bonds are outstanding divided by the number of such Years, or partial Years, if applicable. Surplus moneys in the Reserve Fund the source of which are proceeds of bonds may be used only to complete projects for which such bond proceeds were issued, for improvements to the System, or for other costs for which the City could issue bonds for the System. The terms "owner" and "holder" and "bondholder", as used in this Ordinance, shall mean the registered or beneficial owner of a Bond. For purposes of Section 18, the term "Previously Issued Parity Bonds" means the Series 2015A Bonds, the Series 2015B Bonds, the Series 2016A Bonds, the Series 2016B Bonds, and the Series 2017 Bonds. Should the issuance of the Concurrent Bonds not be approved by the City Council, references in this Ordinance to Concurrent Bonds and Series 2018A Bonds shall be of no force and effect.

Section 35. **IMMEDIATE EFFECT**. That this Ordinance shall be effective immediately from and after its passage in accordance with the provisions of Section 1201.028, Texas Government Code.

Section 36. **SEVERABILITY.** That if any provision of this Ordinance or the application thereof to any circumstance shall be held to be invalid, the remainder of this Ordinance and the application thereof to other circumstances shall nevertheless be valid, and this governing body hereby declares that this Ordinance would have been enacted without such invalid provision.

Section 37. **WRITTEN PROCEDURES FOR FEDERAL TAX LAW COMPLIANCE**. That unless superseded by another action of the City, to ensure compliance with the covenants contained herein regarding private business use, remedial actions, arbitrage and rebate, the written procedures adopted by the City in the ordinance authorizing the issuance of City of Dallas, Texas Waterworks and Sewer System Revenue Refunding Bonds, Series 2012A, adopted by the City Council on September 19, 2012, apply to the Bonds.

PASSED AND APPROVED the 11th day of April, 2018.

APPROVED AS TO FORM:
Larry Casto, City Attorney

_____

SCHEDULE I

The Bonds shall mature on _____ in each of the years, in the amounts, and bear interest at the interest rates per annum, as set forth in the following schedule:

YEARS	AMOUNTS ($)	INTEREST RATES (%)

Exhibit A

FORM OF BOND:

NO. R- $_____

UNITED STATES OF AMERICA
STATE OF TEXAS
COUNTIES OF DALLAS, DENTON, COLLIN, KAUFMAN AND ROCKWALL
CITY OF DALLAS, TEXAS
WATERWORKS AND SEWER SYSTEM
REVENUE BOND
SERIES 2018B

MATURITY DATE	INTEREST RATE	DATE OF DELIVERY	CUSIP

ON THE MATURITY DATE SPECIFIED ABOVE, THE CITY OF DALLAS, IN DALLAS, DENTON, COLLIN, KAUFMAN AND ROCKWALL COUNTIES, TEXAS (the "City"), hereby promises to pay to _____, or the registered assignee hereof (either being hereinafter called the "registered owner") the principal amount of

_____

and to pay interest thereon, from the original date of delivery of this Bond specified above, to the date of its scheduled maturity or the date of its redemption prior to scheduled maturity, at the rate of interest per annum specified above, with said interest being payable on October 1, 2018, and semiannually on each April 1 and October 1 thereafter, except that if the Paying Agent/Registrar's Authentication Certificate appearing on the face of this Bond is dated later than October 1, 2018, such interest is payable semiannually on each April 1 and October 1 following such date. Interest on this Bond shall be calculated on the basis of a 360-day year consisting of twelve 30-day months.

THE PRINCIPAL OF AND INTEREST ON this Bond are payable in lawful money of the United States of America, without exchange or collection charges. The principal of this Bond shall be paid to the registered owner hereof upon presentation and surrender of this Bond at maturity, or upon the date fixed for its redemption prior to maturity, at the designated corporate trust office in Dallas, Texas (the "Designated Trust Office"), of U.S. Bank National Association, which is the "Paying Agent/Registrar" for this Bond. The payment of interest on this Bond shall be made by the Paying Agent/Registrar to the registered owner hereof as shown by the "Registration Books" kept by the Paying Agent/Registrar at the close of business on the Record Date (hereinafter defined) by check drawn by the Paying Agent/Registrar on, and payable solely from, funds of the City required to be on deposit with the Paying Agent/Registrar for such purpose as hereinafter provided; and such check shall be sent by the Paying Agent/Registrar by United States mail, first-class, postage prepaid, on each such interest payment date, to the registered owner hereof at its address as it appears on the Registration Books kept by the Paying Agent/Registrar, as hereinafter described, or by such other method, acceptable to the Paying Agent/Registrar, requested by, and at the risk and expense of, the registered owner. The record date ("Record Date") for the interest payable on any interest payment date means the 15th day of the preceding month. In the event of a non-payment of interest on a scheduled payment date, and for 30 days

thereafter, a new record date for such interest payment (a "Special Record Date") will be established by the Paying Agent/Registrar, if and when funds for the payment of such interest have been received from the City. Notice of the Special Record Date and of the scheduled payment date of the past due interest (the "Special Payment Date", which shall be 15 days after the Special Record Date) shall be sent at least five business days prior to the Special Record Date by United States mail, first-class, postage prepaid, to the address of each registered owner of a Bond appearing on the books of the Paying Agent/Registrar at the close of business on the last business day next preceding the date of mailing of such notice. The foregoing notwithstanding, so long as the Texas Water Development Board is the owner of 100% in aggregate principal amount of the Bonds then outstanding, payment of principal and interest on the Bonds shall be made by wire transfer, at no expense to the Texas Water Development Board. The City covenants with the registered owner of this Bond that no later than each principal payment date and interest payment date for this Bond it will make available to the Paying Agent/Registrar the amounts required to provide for the payment, in immediately available funds, of all principal of and interest on the Bonds, when due, in the manner set forth in the ordinance authorizing the issuance of the bonds (the "Ordinance").

IF THE DATE for the payment of the principal of or interest on this Bond shall be a Saturday, Sunday, a legal holiday, or a day on which banking institutions are authorized by law or executive order to close in the city where the Designated Trust Office of the Paying Agent/Registrar is located, then the date for such payment shall be the next succeeding day which is not such a Saturday, Sunday, legal holiday, or day on which banking institutions are authorized to close; and payment on such date shall have the same force and effect as if made on the original date payment was due. Notwithstanding the foregoing, during any period in which ownership of the bonds of this Series is determined only by a book entry at a securities depository therefor, any payment to the securities depository, or its nominee or registered assigns, shall be made in accordance with existing arrangements between the City and the securities depository.

THIS BOND is one of a Series of bonds of like tenor and effect except as to denomination, number, maturity, interest rate and right of prior redemption, dated April 1, 2018, issued in the aggregate principal amount of $44,000,000 for the purpose of planning, acquisition, designing, and constructing extensions and improvements to the System (as defined in the Ordinance). All Bonds of this Series are issuable solely as fully registered bonds, without interest coupons, in the denomination of any integral multiple of $5,000 (an "Authorized Denomination").

THE BONDS of this Series scheduled to mature on and after October 1, 2029 may be redeemed prior to their scheduled maturities, in whole or in part, in inverse order of maturity, in principal amounts of $5,000 or any integral multiple thereof, at the option of the City, on October 1, 2028, or on any date thereafter, at the redemption price of par plus accrued interest to the date fixed for redemption. If less than all of the Bonds are to be redeemed by the City, the City shall determine the maturity or maturities and the principal amounts thereof to be redeemed and shall direct the Paying Agent/Registrar to call by lot Bonds, or portions thereof, within such maturity or maturities and in such principal amounts, for redemption; *provided*, that during any period in which ownership of the Bonds is determined only by a book entry at a securities depository for the Bonds, if fewer than all of the Bonds of the same maturity and bearing the same interest rate are to be redeemed, the particular Bonds of such maturity and bearing such interest rate shall be selected in accordance with the arrangements between the City and the securities depository.

AT LEAST 30 days prior to the date fixed for any such redemption, (i) a written notice of such redemption shall be given by the Paying Agent/Registrar to the registered owner of each Bond or a portion thereof being called for redemption by depositing such notice in the United States mail, first-class, postage prepaid, addressed to each such registered owner at his address shown on the Registration Books of the Paying Agent/Registrar and (ii) a notice of such redemption shall be published one (1) time in a financial journal or publication of general circulation in the United States of America or the State of Texas carrying as a regular feature notices of municipal bonds called for redemption; *provided*, *however*, that should the Texas Water Development Board be the owner of 100% in aggregate principal amount of the Bonds then outstanding, notice of redemption shall not be required to be published in the manner described in (ii) above; and *provided, further*, that should the Texas Water Development Board not be the owner of 100% in aggregate principal amount of the Bonds then outstanding, the publication of notice as described in (ii) above shall be the only notice actually required in connection with or as a prerequisite to the redemption of any Bond, and the failure to send, mail or receive such notice described in (i) above, or any defect therein or in the sending or mailing thereof, shall not affect the validity or effectiveness of the proceedings for the redemption of any Bond. By the date fixed for any such redemption due provision shall be made by the City with the Paying Agent/Registrar for the payment of the required redemption price for this Bond or the portion hereof which is to be so redeemed, plus accrued interest thereon to the date fixed for redemption. If such notice of redemption is given, and if due provision for such payment is made, all as provided above, this Bond, or the portion hereof which is to be so redeemed, thereby automatically shall be redeemed prior to its scheduled maturity, and shall not bear interest after the date fixed for its redemption, and shall not be regarded as being outstanding except for the right of the registered owner to receive the redemption price plus accrued interest to the date fixed for redemption from the Paying Agent/Registrar out of the funds provided for such payment. The Paying Agent/Registrar shall record in the Registration Books all such redemptions of principal of this Bond or any portion hereof. If a portion of this Bond shall be redeemed a substitute Bond or Bonds having the same maturity date, bearing interest at the same rate, in any Authorized Denomination, at the written request of the registered owner, and in aggregate principal amount equal to the unredeemed portion thereof, will be issued to the registered owner upon the surrender hereof for cancellation, at the expense of the City, all as provided in the Ordinance.

AS PROVIDED IN THE ORDINANCE, this Bond, or any unredeemed portion hereof, may, at the request of the registered owner or the assignee or assignees hereof, be assigned, transferred, and exchanged for a like aggregate principal amount of fully registered bonds, without interest coupons, payable to the appropriate registered owner, assignee, or assignees, as the case may be, having the same maturity date, and bearing interest at the same rate, in any Authorized Denomination as requested in writing by the appropriate registered owner, assignee, or assignees, as the case may be, upon surrender of this Bond to the Paying Agent/Registrar at its Designated Trust Office for cancellation, all in accordance with the form and procedures set forth in the Ordinance. Among other requirements for such assignment and transfer, this Bond must be presented and surrendered to the Paying Agent/Registrar, together with proper instruments of assignment, in form and with guarantee of signatures satisfactory to the Paying Agent/Registrar, evidencing assignment of this Bond or any portion or portions hereof in any Authorized Denomination to the assignee or assignees in whose name or names this Bond or any such portion or portions hereof is or are to be transferred and registered. The form of Assignment printed or endorsed on this Bond may be executed by the registered owner to evidence the assignment hereof, but such method is not exclusive, and other instruments of assignment satisfactory to the Paying Agent/Registrar may be used to evidence the assignment of this Bond or any portion or portions

hereof from time to time by the registered owner. The City shall pay the Paying Agent/Registrar's reasonable standard or customary fees and charges for transferring, converting and exchanging any Bond or portion thereof; provided, however, that any taxes or governmental charges required to be paid with respect thereto shall be paid by the one requesting such transfer, conversion and exchange. In any circumstance, neither the City nor the Paying Agent/Registrar shall be required (1) to make any transfer or exchange during a period beginning at the opening of business 15 days before the day of the first mailing of a notice of redemption of bonds and ending at the close of business on the day of such mailing, or (2) to transfer or exchange any Bonds so selected for redemption when such redemption is scheduled to occur within 30 calendar days; provided, however, such limitation shall not be applicable to an exchange by the registered owner of the uncalled principal balance of a Bond.

WHENEVER the beneficial ownership of this Bond is determined by a book entry at a securities depository for the Bonds, the foregoing requirements of holding, delivering or transferring this Bond shall be modified to require the appropriate person or entity to meet the requirements of the securities depository as to registering or transferring the book entry to produce the same effect.

IN THE EVENT any Paying Agent/Registrar for the Bonds is changed by the City, resigns, or otherwise ceases to act as such, the City has covenanted in the Ordinance that it promptly will appoint a competent and legally qualified substitute therefor, and promptly will cause written notice thereof to be mailed to the registered owners of the Bonds.

BY BECOMING the registered owner of this Bond, the registered owner thereby acknowledges all of the terms and provisions of the Ordinance, agrees to be bound by such terms and provisions, acknowledges that the Ordinance is duly recorded and available for inspection in the official minutes and records of the City, and agrees that the terms and provisions of this Bond and the Ordinance constitute a contract between each registered owner hereof and the City.

THE CITY has reserved the right, subject to the restrictions stated, and adopted by reference, in the Ordinance, to issue additional parity revenue bonds which also may be made payable from, and secured by a first lien on and pledge of, the "Pledged Revenues" (as defined in the Ordinance).

THE REGISTERED OWNER HEREOF is not entitled to demand payment of this obligation out of any money raised or to be raised by taxation, or from any source whatsoever other than the Pledged Revenues.

IT IS HEREBY certified and covenanted that this Bond has been duly and validly authorized, issued and delivered; that all acts, conditions and things required or proper to be performed, exist and be done precedent to or in the authorization, issuance and delivery of this Bond have been performed, existed and been done in accordance with law; that this Bond is a special obligation; and that the principal of and interest on this Bond together with outstanding parity revenue bonds are payable from, and secured by a first lien on and pledge of, the Pledged Revenues, which include the Net Revenues (as defined in the Ordinance) of the System.

IN TESTIMONY WHEREOF, the City Council has caused the seal of the City to be duly impressed or placed in facsimile hereon, and this Bond to be signed with the imprinted facsimile signature of the Mayor and countersigned by the facsimile signatures of the City Manager and the Interim City Secretary.

COUNTERSIGNED:

City Manager, City of Dallas	Mayor, City of Dallas

Interim City Secretary,
City of Dallas

(SEAL)

FORM OF PAYING AGENT/REGISTRAR'S AUTHENTICATION CERTIFICATE

PAYING AGENT/REGISTRAR'S AUTHENTICATION CERTIFICATE

It is hereby certified that this Bond has been issued under the provisions of the proceedings adopted by the City as described in the text of this Bond; and that this Bond has been issued in exchange for or replacement of a Bond, Bonds, or a portion of a Bond or Bonds of an issue which originally was approved by the Attorney General of the State of Texas and registered by the Comptroller of Public Accounts of the State of Texas.

Dated_____ U.S. BANK NATIONAL ASSOCIATION,
Paying Agent/Registrar

By:_____
Authorized Representative

(FORM OF COMPTROLLER'S CERTIFICATE ATTACHED TO
THE BONDS UPON INITIAL DELIVERY THEREOF ONLY)

OFFICE OF COMPTROLLER :

REGISTER NO._____

STATE OF TEXAS :

I hereby certify that this Bond has been examined, certified as to validity, and approved by the Attorney General of the State of Texas, and that this Bond has been registered by the Comptroller of Public Accounts of the State of Texas.

Witness my signature and seal this

_____
Comptroller of Public Accounts of
the State of Texas

FORM OF ASSIGNMENT:

ASSIGNMENT

FOR VALUE RECEIVED, the undersigned hereby sells, assigns and transfers unto

_____

Please insert Social Security or Taxpayer Identification Number of Transferee

_____
/_____/

_____
(Please print or typewrite name and address, including zip code of Transferee)

_____

the within Bond and all rights thereunder, and hereby irrevocably constitutes and appoints _____ attorney to register the transfer of the within Bond on the books kept for registration thereof, with full power of substitution in the premises.

Dated:_____

Signature Guaranteed:

_____

NOTICE: Signatures must be guaranteed by an eligible guarantor institution participating in a Securities Transfer Association recognized signature guarantee program.

_____

NOTICE: The signature above must correspond with the name of the registered owner as it appears upon the front of this Bond in every particular, without alteration or enlargement or any change whatsoever.

THE STATE OF TEXAS :
COUNTIES OF DALLAS, DENTON, COLLIN, KAUFMAN AND ROCKWALL :
CITY OF DALLAS :

I, [_____], Interim City Secretary of the City of Dallas, Texas, do hereby certify that the above and foregoing is a true and correct copy of an excerpt from the minutes of the City Council of the City of Dallas, had in Regular Meeting on the 11th day of April, 2018, and an Ordinance authorizing the issuance and sale of City of Dallas, Texas Waterworks and Sewer System Revenue Bonds, Series 2018B, which Ordinance is duly of record in the minutes of said City Council; and that said meeting was open to the public, and public notice of the time, place and purpose of said meeting was given, all as required by Chapter 551, Texas Government Code, as amended.

WITNESS MY HAND and seal of the City of Dallas, Texas, this the 11th day of April, 2018.

_____
[_____], Interim City Secretary
City of Dallas, Texas

(SEAL)

ORDINANCE AUTHORIZING THE ISSUANCE AND SALE OF CITY OF DALLAS, TEXAS WATERWORKS AND SEWER SYSTEM REVENUE BONDS, SERIES 2018B; AWARDING THE SALE OF THE BONDS; APPROVING THE EXECUTION OF AGREEMENTS IN CONNECTION WITH THE SALE OF THE BONDS; AND ALL OTHER MATTERS RELATED THERETO

ADOPTED:
April 11, 2018

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Schedule I Terms of Bonds

Exhibit A Form of Bond

DEPARTMENT: City Secretary's Office

AGENDA DATE: April 11, 2018

COUNCIL DISTRICT(S): N/A

SUBJECT

Consideration of appointments to boards and commissions and the evaluation and duties of board and commission members (List of nominees is available in the City Secretary's Office)

AGENDA ITEM # 45

STRATEGIC PRIORITY: Mobility Solutions, Infrastructure, and Sustainability

AGENDA DATE: April 11, 2018

COUNCIL DISTRICT(S): 2

DEPARTMENT: Department of Sustainable Development and Construction

CMO: Majed Al-Ghafry, 670-3302

MAPSCO: 36W

SUBJECT

An ordinance abandoning a portion of an alley to Henderson Residential Lands (Dallas), LLC, the abutting owner, containing approximately 925 square feet of land, located near the intersection of McMillan and Henderson Avenues; authorizing the quitclaim; and providing for the dedication of approximately 4,059 square feet of land needed for street right-of-way - Revenue: $5,400, plus the $20 ordinance publication fee (This item was deferred on December 13, 2017 and March 28, 2018)

BACKGROUND

This item authorizes the abandonment of a portion of an alley to Henderson Residential Lands (Dallas), LLC, the abutting owner. The area will be included with the property of the abutting owner for a retail and office development. The owner will dedicate approximately 4,059 square feet of land needed for street right-of-way. The cost for this abandonment is the minimum processing fee pursuant to the Dallas City Code.

Notices were sent to 35 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 was provided to the Mobility Solutions, Infrastructure & Sustainability Committee on December 11, 2017.

On December 13, 2017 and March 28, 2018, this item was deferred by Deputy Mayor Pro Tem Adam Medrano.

FISCAL INFORMATION

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

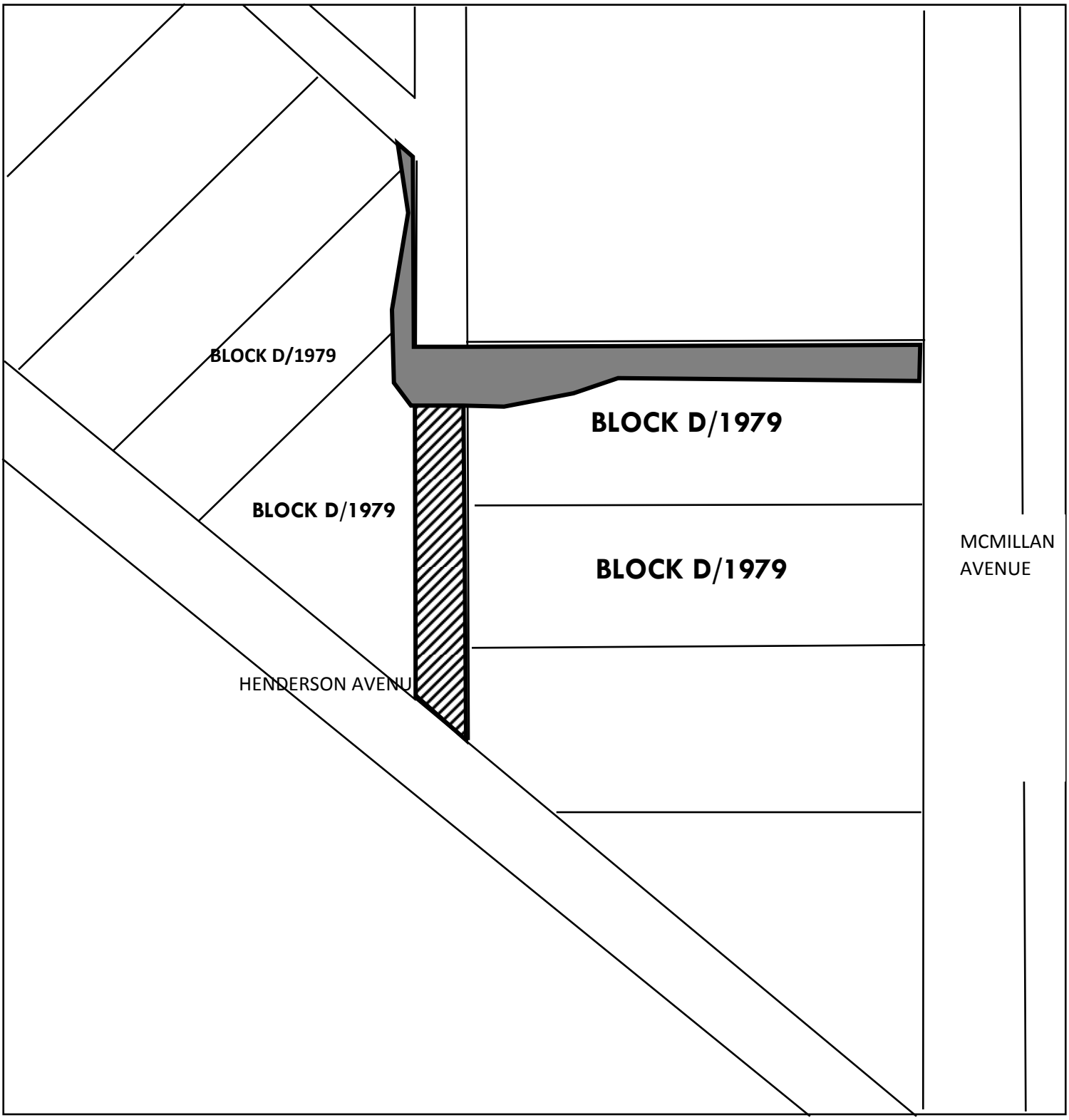
OWNER

Henderson Residential Lands (Dallas), LLC

David Thompson, Chief Financial Officer

MAP

Attached



ABANDONMENT AREA

DEDICATION AREA

ORDINANCE NO. _____

An ordinance providing for the abandonment of portion of an alley located adjacent to City Block D/1979 in the City of Dallas and County of Dallas, Texas; providing for the quitclaim thereof to Henderson Residential Lands (Dallas), 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.

ooo0ooo

WHEREAS, the City Council of the City of Dallas, acting pursuant to law and upon the request and petition of Henderson Residential Lands (Dallas), LLC, a Delaware 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 **FIVE THOUSAND FOUR HUNDRED AND NO/100 DOLLARS ($5,400.00)** paid by **GRANTEE**, and the further consideration described in Section 8, 9, 10, 11, 14 and 15 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 the 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

SECTION 7. (continued)

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, 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 be responsible for design and design and construct at **GRANTEE**'s sole cost and expense, the turn out alley within the dedication area described in Exhibit C attached hereto based on City's standards.

SECTION 11. That as a condition of this abandonment and as a part of the consideration for the quitclaim made herein, **GRANTEE** shall convey by General Warranty Deed to the City of Dallas, within 90 days of the effective date of this ordinance, good, indefeasible and marketable fee simple title, subject to only those title exceptions approved by the City Attorney, and insured by an owner's policy of title insurance approved as to form by the City Attorney, to certain properties located in City Block D/1979, containing a total of approximately 4,059 square feet of land, a description of which is attached hereto and made a part hereof as Exhibit C, Tracts 1 and 2. This abandonment shall not be effective unless and until this dedication is completed as herein provided and failure to convey the above described property 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 Development and Construction is authorized and directed to record said instrument in

SECTION 12. (continued)

the official real property records of the county in which the subject property is located.

SECTION 13. That this ordinance and properly executed General Warranty Deed, approved as to form by the City Attorney, be forwarded to a title insurance company for closing. Subsequent to closing, all instruments conveying real estate interests to the City of Dallas shall be recorded in the official real property records of the county in which the subject property is located and thereafter returned to the City Secretary for permanent record.

SECTION 14. That as a condition of this abandonment and as a part of the consideration for the quitclaim made herein, **GRANTEE** shall pay all closing costs and title expenses associated with the acquisition of the property described in Section 11 above.

SECTION 15. 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 16. 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 Sections 2 and 14, plus the fee for the publishing of this ordinance, which **GRANTEE** shall likewise pay, and completion of the dedication and conditions set forth in Section 10 and 11 respectively, the Director of Department of Sustainable Development and Construction, or designee: (i) shall deliver to **GRANTEE** a certified

SECTION 16. (continued)

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 17. That this contract is designated as Contract No. DEV-2016-00001226.

SECTION 18. 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

BY _____
Assistant City Attorney

DAVID COSSUM
Director of Department of Sustainable Development and Construction

BY _____
Assistant Director

Passed _____.

Exhibit A

ALLEY ABANDONMENT
SITUATED IN BLOCK D/1979, ROSS AVE ANNEX
JAMES M. PATTERSON SURVEY, ABSTRACT NO. 1121
CITY OF DALLAS DALLAS COUNTY, TEXAS

BEING a 925 square foot 0.021 acre tract of land situated in the James M. Patterson Survey, Abstract No. 1121, City of Dallas, Dallas County, Texas, in City of Dallas Block D/1979 and being part of an 11-foot alley across Block D/1979, created in said plat of Ross Ave Annex, an addition to the City of Dallas, Texas according to the plat thereof recorded in Volume 1, Page 310, Deed Records, Dallas County, Texas, and being adjacent to a tract of land described in General Warranty Deed to Henderson Residential Lands (Dallas), LLC recorded in Instrument No. 201700004804 & 201700004808 Official Public Records, Dallas County, Texas and being more particularly described as follows:

COMMENCING at the intersection of the northeast right-of-way line of Henderson Avenue, (a variable width right-of-way) created in said plat of Ross Ave Annex and with the west right-of-way line of McMillan Avenue, (a 60-foot right-of-way) created in said plat of Ross Ave Annex and being the south corner of Lot 36 of said Block D/1979, and being the south corner of an Easement for street purposes to the City of Dallas recorded in Volume 92085, Page 2882, Deed Records, Dallas County, Texas from which a 1/2-inch iron rod found for the southeast corner of Lot 38 of said Block D/1979, bears North 00°56'21" West, a distance of 167.77 feet;

THENCE with said northeast right-of-way line of Henderson Avenue and the southwest line of said Block D/1979, North 45°06'21" West, a distance of 215.28 feet, to an "X" cut in concrete set for the intersection of said northeast right-of-way line and the east line of an 11-foot wide alley created by plat of said Ross Ave Annex and being the **POINT OF BEGINNING**;

THENCE continuing with said northeast right-of-way line of Henderson Avenue and southwest line of Block D/1979, North 45°06'21" West, a distance of 15.79 feet to an "X" cut in concrete set at the intersection of said northeast right-of-way line with the west right-of-way line of said 11-foot wide alley, and being the southeast corner of Lot 35 of said Block D/1979 from which a 3/4-inch pipe found of the west corner of Lot 30 of said Block D/1979 bears North 45°06'21" West a distance of 364.43 feet;

THENCE departing said northeast right-of-way line and the southwest line of said Block D/1979 and with the west right-of-way line of said 11-foot alley and the east line of said Lot 35 of said Block D/1979, North 0°56'21" West, a distance of 79.77 feet to a 5/8-inch iron rod with plastic cap stamped "KHA" set at the beginning of a non-tangent curve to the left having a central angle of 23°17'16", a radius of 21.50 feet, a chord bearing and distance of South 79°17'43" East, 8.68 feet;

THENCE departing said west right-of-way line and the east line of Lot 35 of said Block D/1979, across said 11-foot wide alley, the following courses and distances to wit:

In a southeasterly direction, with said curve to the left, an arc distance of 8.74 feet to a 5/8-inch iron rod with plastic cap stamped "KHA" set;

North 89°03'39" East, a distance of 2.50 feet to a 5/8-inch iron rod with plastic cap stamped "KHA" set in the east right-of-way line of said 11-foot alley;

THENCE with said east right-of-way line of the 11-foot alley and the west lines of Lot 37, 38 and 39 of said Block D/1979, South 0°56'21" East, a distance of 89.35 feet to the **POINT OF BEGINNING** and containing 925 square feet or 0.021 acres of land.

Bearing system based on the Texas Coordinate System of 1983, North Central Zone (4202), North American Datum of 1983. (2011)

DANA BROWN
REGISTERED PROFESSIONAL
LAND SURVEYOR NO. 5336
13455 NOEL ROAD
TWO GALLERIA OFFICE TOWER
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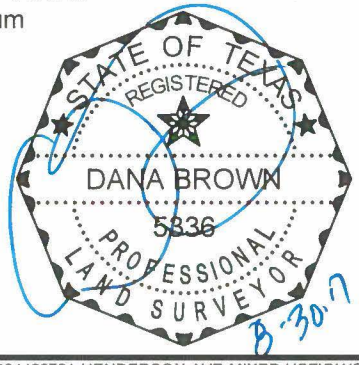
DALLAS, TEXAS 75240
PH. (972) 770-1300
dana.brown@kimley-horn.com



8-30-17

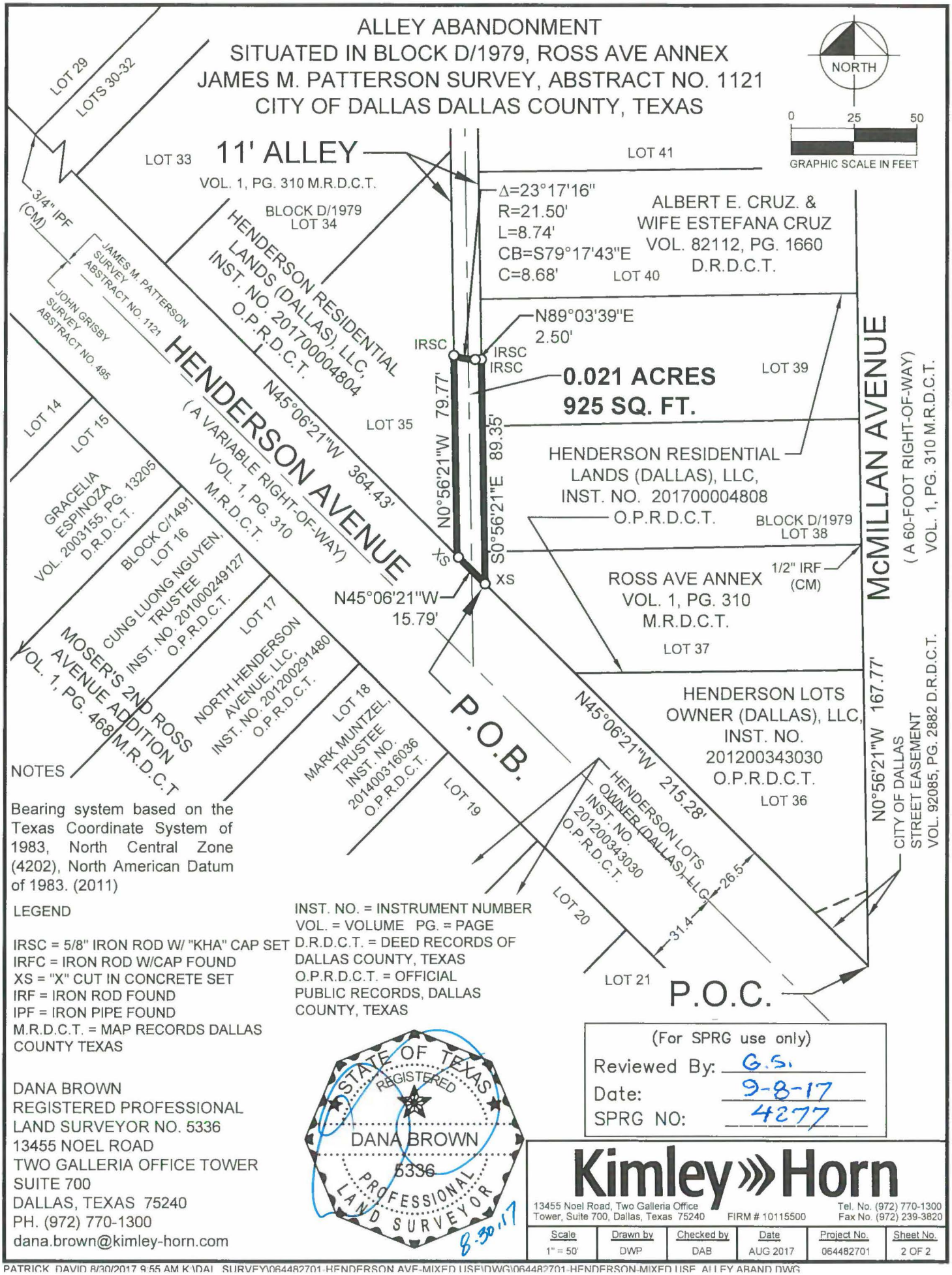
(For SPRG use only)
Reviewed By: G.S.
Date: 9-8-17
SPRG NO: 4277

Kimley»Horn
13455 Noel Road, Two Galleria Office Tower, Suite 700, Dallas, Texas 75240 FIRM # 10115500
Tel. No. (972) 770-1300
Fax No. (972) 239-3820

Scale	Drawn by	Checked by	Date	Project No.	Sheet No.
N/A	DWP	DAB	AUG 2017	064482701	1 OF 2

Exhibit A

ALLEY ABANDONMENT
SITUATED IN BLOCK D/1979, ROSS AVE ANNEX
JAMES M. PATTERSON SURVEY, ABSTRACT NO. 1121
CITY OF DALLAS DALLAS COUNTY, TEXAS



NOTES

Bearing system based on the Texas Coordinate System of 1983, North Central Zone (4202), North American Datum of 1983. (2011)

LEGEND

IRSC = 5/8" IRON ROD W/ "KHA" CAP SET
IRFC = IRON ROD W/CAP FOUND
XS = "X" CUT IN CONCRETE SET
IRF = IRON ROD FOUND
IPF = IRON PIPE FOUND
M.R.D.C.T. = MAP RECORDS DALLAS COUNTY TEXAS

INST. NO. = INSTRUMENT NUMBER
VOL. = VOLUME PG. = PAGE
D.R.D.C.T. = DEED RECORDS OF DALLAS COUNTY, TEXAS
O.P.R.D.C.T. = OFFICIAL PUBLIC RECORDS, DALLAS COUNTY, TEXAS

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STATE OF TEXAS
REGISTERED
DANA BROWN
5336
PROFESSIONAL
LAND SURVEYOR
8-30-17

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Scale	Drawn by	Checked by	Date	Project No.	Sheet No.
1" = 50'	DWP	DAB	AUG 2017	064482701	2 OF 2

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.

EXHIBIT C TRACT 1

RIGHT-OF-WAY DEDICATION
ROSS AVE ANNEX
LOTS 33-35, BLOCK D/1979
JAMES M. PATTERSON SURVEY, ABSTRACT NO. 1121
CITY OF DALLAS DALLAS COUNTY, TEXAS

BEING a 1,260 square foot 0.029 acres tract of land situated in the James M. Patterson Survey, Abstract No. 1121, City of Dallas, Dallas County, Texas, in City of Dallas Block D/1979 and being part of Lots 33-35, Block D/1979, Ross Ave. Annex, an addition to the City of Dallas, Texas according to the plat thereof recorded in Volume 1, Page 310, Map Records, Dallas County, Texas, and being part of the tracts of land described in General Warranty Deed to Henderson Residential Lands (Dallas), LLC recorded in Instrument Numbers 201200343034, 201700004804 & 201700004805, Official Public Records, Dallas County, Texas and being more particularly described as follows:

COMMENCING at the intersection of the northeast right-of-way line of Henderson Avenue (a variable width right-of-way) created in plat of said Ross Ave Annex and with the west line of an 11-foot alley created in plat of said Ross Ave Annex, from which a 3/4-inch iron pipe found at the west corner of Lot 30, Block D/1979, bears North 45°06'21" West, a distance of 364.43 feet;

THENCE departing said northwest right-of-way line of Henderson Avenue and with the east line of said Lot 35, Block D/1979, and west right-of-way line of said 11-foot alley, North 0°56'21" West, a distance of 79.77 feet to a 5/8-inch iron rod with plastic cap stamped "KHA" set for the **POINT OF BEGINNING**, and being the beginning of a non-tangent curve to the right having a central angle of 66°42'44", a radius of 21.50 feet, a chord bearing and distance of North 34°17'43" West, 23.64 feet;

THENCE departing said west right-of-way line of the 11-foot alley and east line of Lot 35, Block D/1979, over and across said Lots 33-35, Block D/1979, the following courses and distances to wit:

In a northwesterly direction, with said curve to the right, an arc distance of 25.03 feet to a 5/8-inch iron rod with plastic cap stamped "KHA" set;
North 0°56'21" West, a distance of 48.50 feet to a 5/8-inch iron rod with plastic cap stamped "KHA" set;
North 15°45'37" East, a distance of 31.32 feet to a 5/8-inch iron rod with plastic cap stamped "KHA" set;
North 0°56'21" West, a distance of 24.93 feet to a 5/8-inch iron rod with plastic cap stamped "KHA" set at the beginning of a tangent curve to the left having a central angle of 44°10'00", a radius of 40.00 feet, a chord bearing and distance of North 23°01'21" West, 30.08 feet;
In a northwesterly direction, with said curve to the left, an arc distance of 30.83 feet to a 5/8-inch iron rod with plastic cap stamped "KHA" set in the southwest right-of-way line of said 11-foot alley and being in the northeast line of said Lot 33, Block D/1979;

THENCE with said southwest right-of-way line of the 11-foot alley and northeast line of said Lot 33, Block D/1979, South 45°06'21" East, passing at a distance of 10.34 feet a 1/2-inch iron rod found at the east corner of said Lot 33, Block D/1979, continuing with the northeast line of said Lot 34, Block D/1979 in all a total distance of 21.97 feet to a 5/8-inch iron rod with plastic cap stamped "KHA" found for the west corner of said Lot 34, Block D/1979;

THENCE with said west right-of-way line of the 11-foot alley and east lines of said Lot 34 & 35, Block D/1979, South 0°56'21" East, a distance of 135.29 feet to the **POINT OF BEGINNING** and containing 1,260 square feet or 0.029 acres of land.

Bearing system based on the Texas Coordinate System of 1983, North Central Zone (4202), North American Datum of 1983. (2011)

DANA BROWN
REGISTERED PROFESSIONAL
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dana.brown@kimley-horn.com

(For SPRG use only)
Reviewed By: G.S.
Date: 9-8-17
SPRG NO: 4209

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13455 Noel Road, Two Galleria Office Tower, Suite 700, Dallas, Texas 75240 FIRM # 10115500
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Scale	Drawn by	Checked by	Date	Project No.	Sheet No.
N/A	DWP	DAB	AUG 2017	064482701	1 OF 3

EXHIBIT C TRACT 1

RIGHT-OF-WAY DEDICATION
ROSS AVE ANNEX
LOTS 33-35, BLOCK D/1979
JAMES M. PATTERSON SURVEY, ABSTRACT NO. 1121
CITY OF DALLAS DALLAS COUNTY, TEXAS

LEGEND
IRSC = 5/8" IRON ROD W/ "KHA" CAP SET
IRFC = IRON ROD W/CAP FOUND
XS = "X" CUT IN CONCRETE SET
IRF = IRON ROD FOUND
IPF = IRON PIPE FOUND
M.R.D.C.T. = MAP RECORDS DALLAS COUNTY TEXAS
INST. NO. = INSTRUMENT NUMBER
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O.P.R.D.C.T. = OFFICIAL PUBLIC RECORDS, DALLAS COUNTY, TEXAS
SQ. FT. = SQUARE FEET
C.M. = CONTROL MONUMENT

LOT 17
3/8" IRF
1/2" IRF (CM)
L4
LOT 42
5/8" IRFC "KHA" (CM)
C2
TRUMAN L. LOVELADY
VOL. 83154, PG. 2745
D.R.D.C.T.
L3
LOT 41
11' ALLEY
VOL. 1, PG. 310 M.R.D.C.T.
L2
L5
ALBERT E. CRUZ. & WIFE ESTEFANA CRUZ
VOL. 82112, PG. 1660
D.R.D.C.T.
LOT 40
L1
0.029 ACRES
1,260 SQ. FT.
C1
ROSS AVE ANNEX
VOL. 1, PG. 310
M.R.D.C.T.
LOT 39
P.O.B.
BLOCK D/1979
LOT 38
HENDERSON RESIDENTIAL LANDS (DALLAS), LLC, INST. NO. 201700004808 O.P.R.D.C.T.
LOT 37
NORTH
0 20 40
GRAPHIC SCALE IN FEET

LOT 29
LOTS 30-32
3/4" IPF
ROSS AVE ANNEX VOL. 1, PG. 310 M.R.D.C.T.
HENDERSON RESIDENTIAL LANDS (DALLAS), LLC, INST. NO. 20120034034 O.P.R.D.C.T.
LOT 33
BLOCK D/1979
LOT 34
HENDERSON RESIDENTIAL LANDS (DALLAS), LLC, INST. NO. 201700004805 O.P.R.D.C.T.
LOT 35
HENDERSON RESIDENTIAL LANDS (DALLAS), LLC, INST. NO. 201700004804 O.P.R.D.C.T.
26.5'
31.2'
57.7'
JAMES M. PATTERSON SURVEY ABSTRACT NO. 1121
JOHN GRISBY SURVEY ABSTRACT NO. 495
N45°06'21"W 364.43'
N0°56'21"W 79.77'
P.O.C.
HENDERSON AVENUE
(A VARIABLE RIGHT-OF-WAY)
VOL. 1, PG. 310
M.R.D.C.T.

NOTES

Bearing system based on the Texas Coordinate System of 1983, North Central Zone (4202), North American Datum of 1983. (2011)

NOTE:

ALL CORNERS 5/8" IRON ROD W/ "KHA" CAP SET UNLESS OTHERWISE NOTED

STATE OF TEXAS
REGISTERED
DANA BROWN
5336
PROFESSIONAL
LAND SURVEYOR
8.30.17

(For SPRG use only)
Reviewed By: G.S.
Date: 9-8-17
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Scale	Drawn by	Checked by	Date	Project No.	Sheet No.
1" = 40'	DWP	DAB	AUG 2017	064482701	2 OF 3

EXHIBIT C TRACT 1

RIGHT-OF-WAY DEDICATION
ROSS AVE ANNEX
LOTS 33-35, BLOCK D/1979
JAMES M. PATTERSON SURVEY, ABSTRACT NO. 1121
CITY OF DALLAS DALLAS COUNTY, TEXAS

LINE TABLE		
NO.	BEARING	LENGTH
L1	N00°56'21"W	48.50'
L2	N15°45'37"E	31.32'
L3	N00°56'21"W	24.93'
L4	S45°06'21"E	21.97'
L5	S00°56'21"E	135.29'

CURVE TABLE					
NO.	DELTA	RADIUS	LENGTH	CHORD BEARING	CHORD
C1	66°42'44"	21.50'	25.03'	N34°17'43"W	23.64'
C2	44°10'00"	40.00'	30.83'	N23°01'21"W	30.08'

STATE OF TEXAS
REGISTERED
DANA BROWN
5838
PROFESSIONAL
LAND SURVEYOR

8.30.17

(For SPRG use only)
Reviewed By: G.S.
Date: 9-8-17
SPRG NO: 4209

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Tel. No. (972) 770-1300
Fax No. (972) 239-3820

Scale	Drawn by	Checked by	Date	Project No.	Sheet No.
1" = ##	DWP	DAB	AUG. 2017	064482701	3 OF 3

EXHIBIT C TRACT 2

RIGHT-OF-WAY DEDICATION
ROSS AVE ANNEX
LOT 39, BLOCK D/1979
JAMES M. PATTERSON SURVEY, ABSTRACT NO. 1121
CITY OF DALLAS DALLAS COUNTY, TEXAS

BEING a 2,799 square foot 0.064 acres tract of land situated in the James M. Patterson Survey, Abstract No. 1121, City of Dallas, Dallas County, Texas, in City of Dallas Block D/1979 and being part of Lot 39, Block D/1979, Ross Ave. Annex, an addition to the City of Dallas, Texas according to the plat thereof recorded in Volume 1, Page 310, Map Records, Dallas County, Texas, and being part of the tract of land described in General Warranty Deed to Henderson Residential Lands (Dallas), LLC, recorded in Instrument Number 201700004808 Official Public Records, Dallas County, Texas and being more particularly described as follows:

BEGINNING at a 5/8-inch iron rod with plastic cap stamped "KHA" found in the west right-of-way line of McMillan Avenue (a 60-foot right-of-way) created in plat of said Ross Ave Annex and being the northeast corner of said Lot 39, Block D/1979;

THENCE with said west right-of-way line of McMillan Avenue and east line of said Lot 39, Block D/1979, South 0°56'21" East, a distance of 15.00 feet to a 5/8-inch iron rod with plastic cap stamped "KHA" set, from which a 1/2-inch iron rod found for the southeast corner of Lot 38, Block D/1979 bears South 0°56'21" East, a distance of 85.00 feet;

THENCE departing said west right-of-way line of McMillian Avenue, over and across said Lot 39, Block D/1979, the following courses and distances to wit:

South 89°03'39" West, a distance of 74.00 feet to a 5/8-inch iron rod with plastic cap stamped "KHA" set;
South 72°21'42" West, a distance of 31.32 feet to a 5/8-inch iron rod with plastic cap stamped "KHA" set;
South 89°03'39" West, a distance of 46.00 feet to a 5/8-inch iron rod with plastic cap stamped "KHA" set in the east right-of-way line of an 11-foot alley created in plat of said Ross Avenue Annex;

THENCE with said east right-of-way line of the 11-foot alley and the west line of said Lot 39, Block D/1979, North 0°56'21" West, a distance of 24.00 feet to a 5/8-inch iron rod with plastic cap stamped "KHA" set for the northwest corner of said Lot 39, Block D/1979;

THENCE departing said east right-of-way line of the 11-foot alley and with the north line of said Lot 39, Block D/1979, and south line of Lot 40, Block D/1979, North 89°03'39" East, a distance of 150.00 feet to the **POINT OF BEGINNING** and containing 2,799 square feet or 0.064 acres of land.

Bearing system based on the Texas Coordinate System of 1983, North Central Zone (4202), North American Datum of 1983. (2011)

DANA BROWN
REGISTERED PROFESSIONAL
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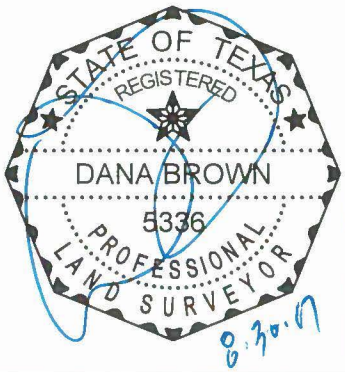

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Scale	Drawn by	Checked by	Date	Project No.	Sheet No.
N/A	DWP	DAB	AUG 2017	064482701	1 OF 2

EXHIBIT C TRACT 2

RIGHT-OF-WAY DEDICATION
ROSS AVE ANNEX
LOT 39, BLOCK D/1979
JAMES M. PATTERSON SURVEY, ABSTRACT NO. 1121
CITY OF DALLAS DALLAS COUNTY, TEXAS

LINE TABLE		
NO.	BEARING	LENGTH
L1	S00°56'21"E	15.00'
L2	S89°03'39"W	74.00'
L3	S72°21'42"W	31.32'
L4	S89°03'39"W	46.00'
L5	N00°56'21"W	24.00'
L6	N89°03'39"E	150.00'

(For SPRG use only)
Reviewed By: G.S.
Date: 9-8-17
SPRG NO: 4276

LOT 43
LOT 17
3/8" IRF
LOT 42
1/2" IRF (CM)
5/8" IRFC "KHA" (CM)
TRUMAN L. LOVELADY VOL. 83154, PG. 2745 D.R.D.C.T.
LOT 33
LOT 32
ROSS AVE ANNEX VOL. 1, PG. 310 M.R.D.C.T.
LOT 41
11' ALLEY
VOL. 1, PG. 310 M.R.D.C.T.
LOT 19
ALBERT E. CRUZ. & WIFE ESTEFANA CRUZ VOL. 82112, PG. 1660 D.R.D.C.T.
BLOCK D/1979
LOT 34
HENDERSON RESIDENTIAL LANDS (DALLAS), LLC, INST. NO. 201700004805 O.P.R.D.C.T.
LOT 40
0.064 ACRES
2,799 SQ. FT.
LOT 20
JAMES M. PATTERSON SURVEY ABSTRACT NO. 1121
JOHN GRISBY SURVEY ABSTRACT NO. 495
L6
L1
L5
L2
L3
L4
5/8" IRFC "KHA" (CM)
P.O.B.
LOT 21
LOT 39 BLOCK D/1979
85.00'
ROSS AVE ANNEX VOL. 1, PG. 310 M.R.D.C.T.
LOT 14
LOT 35
HENDERSON RESIDENTIAL LANDS (DALLAS), LLC, INST. NO. 201700004804 O.P.R.D.C.T.
HENDERSON RESIDENTIAL LANDS (DALLAS), LLC, INST. NO. 201700004808 O.P.R.D.C.T.
LOT 38
1/2" IRF (CM)
LOT 22
60'
30'
30'
ROSS AVE ANNEX VOL. 1, PG. 310 M.R.D.C.T.
LOT 37
LOT 15
BLOCK C/1491
LOT 16
LOT 17
HENDERSON AVENUE
(A VARIABLE RIGHT-OF-WAY)
VOL. 1, PG. 310 M.R.D.C.T.
LOT 23
HENDERSON LOTS OWNER (DALLAS), LLC, INST. NO. 201200343030 O.P.R.D.C.T.
26.5
31.4
LOT 36
LOT 24
S0°56'21"E 167.77'
McMILLAN AVENUE
(A 60-FOOT RIGHT-OF-WAY)
VOL. 1, PG. 310 M.R.D.C.T.
CITY OF DALLAS STREET EASEMENT VOL. 92085, PG. 2882 D.R.D.C.T.
NORTH
0 30 60
GRAPHIC SCALE IN FEET

NOTE:

ALL CORNERS 5/8" IRON ROD W/ "KHA" CAP SET UNLESS OTHERWISE NOTED

Bearing system based on the Texas Coordinate System of 1983, North Central Zone (4202), North American Datum of 1983. (2011)

LEGEND

IRSC = 5/8" IRON ROD W/ "KHA" CAP SET
IRFC = IRON ROD W/CAP FOUND
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O.P.R.D.C.T. = OFFICIAL PUBLIC RECORDS, DALLAS COUNTY, TEXAS
SQ. FT. = SQUARE FEET
C.M. = CONTROL MONUMENT

STATE OF TEXAS
REGISTERED
DANA BROWN
5336
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Fax No. (972) 239-3820

Scale	Drawn by	Checked by	Date	Project No.	Sheet No.
1" = 60'	DWP	DAB	AUG. 2017	064482701	2 OF 2

AGENDA ITEM # 46

STRATEGIC PRIORITY:	Mobility Solutions, Infrastructure, and Sustainability
AGENDA DATE:	April 11, 2018
COUNCIL DISTRICT(S):	7
DEPARTMENT:	Department of Sustainable Development and Construction City Attorney's Office Department of Public Works
CMO:	Majed Al-Ghafry, 670-3302 Larry Casto, 670-3491
MAPSCO:	56Z

SUBJECT

Authorize the second step of acquisition for condemnation by eminent domain to acquire a tract of vacant land containing approximately 7,085 square feet, located near the intersection of Yancy and Carbondale Streets for the Yancy Street Improvement Project, from Lorean D. Thomas and James W. Thomas - Not to exceed $4,000 ($2,500, plus closing costs and title expenses not to exceed $1,500) – Financing: 2012 Bond Funds (This item was deferred on January 10, 2018, February 14, 2018 and March 28, 2018)

BACKGROUND

This item authorizes the second step of acquisition for condemnation by eminent domain to acquire a tract of vacant land containing approximately 7,085 square feet, located near the intersection of Yancy and Carbondale Streets from Lorean D. Thomas and James W. Thomas, the property owners. An offer was presented to the property owners on January 4, 2017 reflecting the appraised value of $2,500 and the City's offer generated no response. No negotiations between the City and the property owners has developed due to the lack of ownership response or representation.

The first resolution approved on May 10, 2017, by Resolution No. 17-0753, authorized the purchase in the amount of $2,500. This property will be used for the planned Yancy Street Improvement Project.

No relocation benefits are associated with this acquisition. The consideration is based on an independent appraisal.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On May 10, 2017, City Council authorized the acquisition by Resolution No. 17-0753.

Information about this item was provided to the Mobility Solutions, Infrastructure & Sustainability Committee on January 8, 2018.

On January 10, 2018, February 14, 2018 and March 28, 2018, this item was deferred by Councilmember Kevin Felder.

FISCAL INFORMATION

2012 Bond Funds - $4,000 ($2,500, plus closing costs and title expenses not to exceed $1,500)

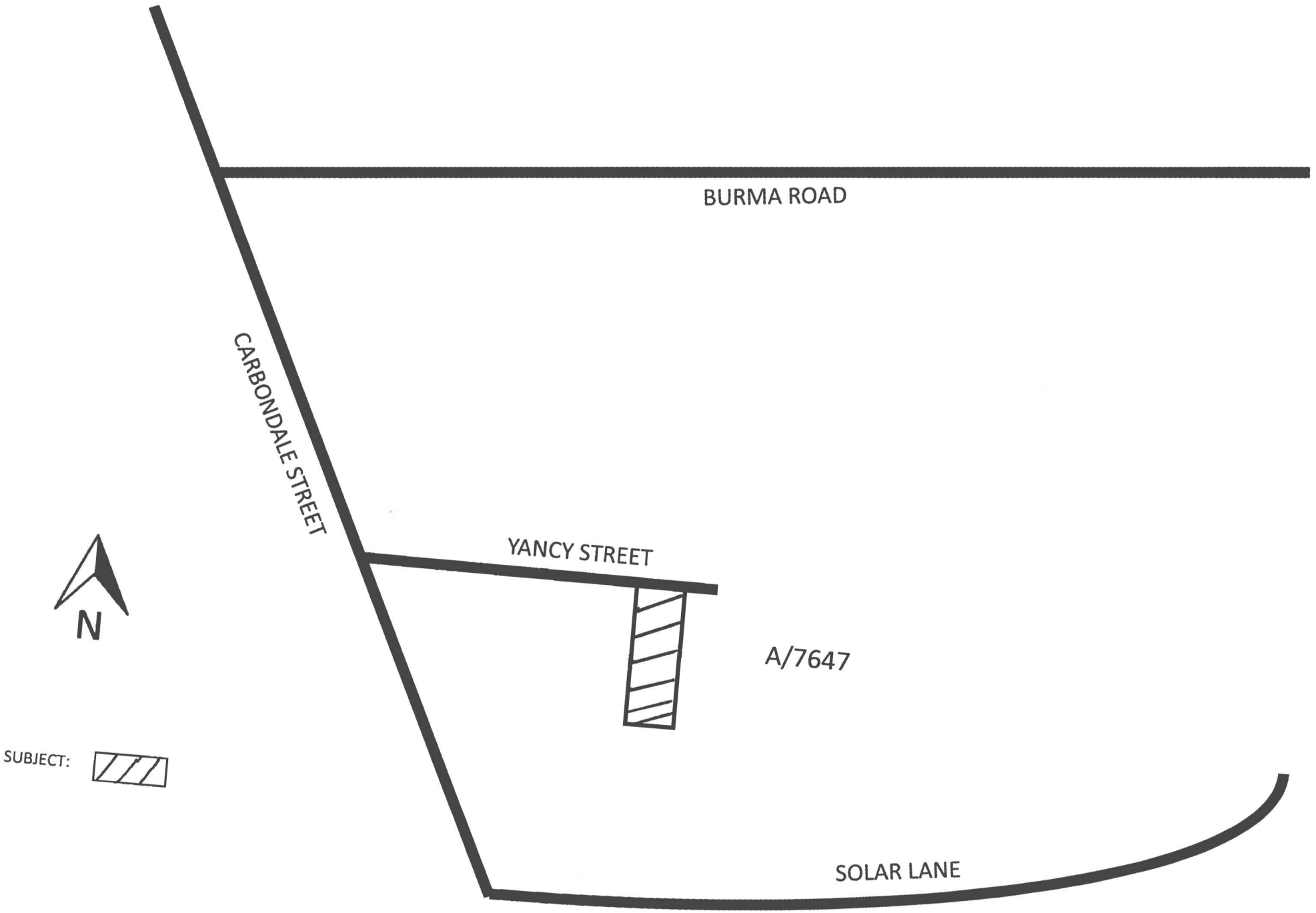
OWNERS

Lorean D. Thomas

James W. Thomas

MAP

Attached


BURMA ROAD
CARBONDALE STREET
YANCY STREET
A/7647
SOLAR LANE
N
SUBJECT:

April 11, 2018

A RESOLUTION AUTHORIZING CONDEMNATION FOR THE ACQUISITION OF REAL PROPERTY.

All capitalized terms are defined in Section 1 below.

WHEREAS, the Dallas City Council by the FIRST RESOLUTION found that the USE of the PROPERTY INTEREST in and to the PROPERTY for the PROJECT is a public use; and

WHEREAS, the Dallas City Council by the FIRST RESOLUTION found that a public necessity requires that CITY acquire the PROPERTY INTEREST in and to the PROPERTY from OWNER for the PROJECT; and

WHEREAS, the Dallas City Council by the FIRST RESOLUTION authorized acquisition, by purchase, of the PROPERTY INTEREST in and to the PROPERTY held by OWNER for the PROJECT; and

WHEREAS, the OWNER refused to sell the PROPERTY INTEREST in and to the PROPERTY to CITY for the OFFICIAL OFFER AMOUNT contained in the FIRST RESOLUTION; and

WHEREAS, the Dallas City Council desires to authorize the City Attorney to acquire the PROPERTY INTEREST in and to the PROPERTY by condemnation for the OFFICIAL OFFER AMOUNT stated herein.

Now, Therefore,

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

SECTION 1. For the purposes of this resolution, the following definitions shall apply:

"CITY": The City of Dallas

"FIRST RESOLUTION": Resolution No. 17-0753 approved by the Dallas City Council on May 10, 2017, which is incorporated herein by reference.

"PROPERTY": Approximately 7,085 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.

"PROPERTY INTEREST": Fee Simple

"PROJECT": Yancy Street Improvement Project

SECTION 1. (continued)

"USE*":* The construction, use, and maintenance of a two lane undivided road, increasing roadway capacity for future growth, provided, together with such appurtenant facilities as may be necessary, however, to the extent fee title to the PROPERTY is acquired through instrument, such title in and to the PROPERTY shall not be limited to, or otherwise deemed restricted to, the USE herein provided.

"OWNER": Lorean D. Thomas and James W. Thomas, provided, however, that the term "OWNER" as used in this resolution means all persons or entities having an ownership interest, regardless of whether those persons or entities are actually named herein.

"OFFICIAL OFFER AMOUNT": $2,500

"CLOSING COSTS AND TITLE EXPENSES": Not to exceed $1,500

"AUTHORIZED AMOUNT": $4,000 (OFFICIAL OFFER AMOUNT plus CLOSING COSTS AND TITLE EXPENSES)

"DESIGNATED FUNDS":

$4,000 from 2012 Bond Funds, Fund 3U22, Department PBW, Unit S610, Activity TGTN, Program PB12S610, Object 4210, Encumbrance/Contract No. CX-PBW-2018-00004747.

SECTION 2. That the CITY will pay court costs as may be assessed by the Special Commissioners' or the Court. Further, that litigation expenses determined by the City Attorney to be necessary are authorized for payment. All costs and expenses described in this section shall be paid out of and charged to the DESIGNATED FUNDS.

SECTION 3. That the City Attorney is authorized and requested to file the necessary proceeding and take the necessary action for the acquisition of the PROPERTY INTEREST in and to the PROPERTY by condemnation or in any manner provided by law.

SECTION 4. That in the event it is subsequently determined that additional persons or entities other than those named herein have an interest in the PROPERTY, the City Attorney is authorized and directed to join said parties as defendants in said condemnation proceeding and/or suit.

SECTION 5. That in the event the Special Commissioners' appointed by the Court return an award that is the same amount, or less, than the OFFICIAL OFFER AMOUNT, the City Attorney is hereby authorized to acquire the PROPERTY INTEREST

SECTION 5. (continued)

in and to the PROPERTY by instrument, or judgment, for the Special Commissioners' Award Amount. If the PROPERTY INTEREST in and to the PROPERTY is being acquired by instrument, the Chief Financial Officer is hereby authorized and directed to issue a check, paid out of and charged to the DESIGNATED FUNDS, in an amount not to exceed the Special Commissioners' Award Amount, made payable to OWNER, or the then current owner(s) of record, or to the title company insuring the transaction described herein. If the PROPERTY INTEREST in and to the PROPERTY is not being acquired through instrument, the Chief Financial Officer is hereby authorized and directed to issue a check, paid out of and charged to the DESIGNATED FUNDS, in an amount not to exceed the Special Commissioners' Award Amount, made payable to the County Clerk of Dallas County, Texas, to be deposited into the registry of the Court, to enable CITY to take possession of the PROPERTY INTEREST in and to the PROPERTY without further action of the Dallas City Council. The Chief Financial Officer is further authorized and directed to issue another check, to be paid out of and charged to the DESIGNATED FUNDS, in the amount of the CLOSING COSTS AND TITLE EXPENSES, made payable to the title company insuring the transaction described herein. The Special Commissioners' Award Amount and the CLOSING COSTS AND TITLE EXPENSES together shall not exceed the AUTHORIZED AMOUNT.

SECTION 6. 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

EXHIBIT A

FIELD NOTES DESCRIBING LAND TO BE ACQUIRED IN CITY BLOCK A/7647 FROM JAMES W. THOMAS

BEING situated in the L. Van Cleve Survey, Abstract No. 1503, Dallas County, Texas, and being all of Lot 11 in Block A/7647, of Central Avenue Addition. No. 2 Addition, an addition to the City of Dallas, according to the map of plat thereof, recorded in Volume 8, Page 183, Map Records Dallas County, Texas and being all of the property conveyed to James W. Thomas in a Quitclaim Deed dated February 21, 2003 and recorded in Volume 2003046, Page 128, Deed Records Dallas County, Texas, and containing approximately 7,085 square feet or 0.163 acres of land, based on the dimensions of the above referenced plat.

This description is approved as to form.

Scott Holt

Scott Holt, R.P.L.S.
Survey Program Manager

Date: 1/5/2016

AGENDA ITEM # 47

STRATEGIC PRIORITY:	Human and Social Needs
AGENDA DATE:	April 11, 2018
COUNCIL DISTRICT(S):	All
DEPARTMENT:	Office of Community Care
CMO:	Nadia Chandler Hardy, 670-1611
MAPSCO:	N/A

SUBJECT

Authorize Supplemental Agreement No. 1 to the service contract with Real Time Transportation Corporation to continue to provide transportation services to medical appointments within the city of Dallas for low-to-moderate income seniors for the period March 1, 2018 through September 30, 2018 - Not to exceed $242,592, from $190,000 to $432,592 - Financing: General Funds (This item was deferred on February 28, 2018 and March 28, 2018)

BACKGROUND

On November 24, 2016, a Request for Competitive Sealed Proposal was issued to solicit proposals for the Senior Medical Transportation Program (SMTP). On December 29, 2016, two proposals to implement the SMTP were received and on January 11, 2017, Real Time Transportation Corporation was selected as the successful proposer by the SMTP Selection Committee.

On March 6, 2017, a service agreement was executed with Real Time Transportation Corporation. The contract began on March 7, 2017 and terminates on February 28, 2018. The City may renew the contract for up to two consecutive one-year renewal terms.

The extension of the contract calls for Real Time Transportation Corporation to continue to provide transportation services for the SMTP. The City of Dallas SMTP provides transport services to and from scheduled medical appointments within the city limits for low-to-moderate income seniors aged 60 and above, who reside within the city of Dallas. All services are to be provided within the city of Dallas. Currently there are 2,071 seniors enrolled in the program.

BACKGROUND (continued)

Contract provisions include:

- Cost not to exceed $242,592
- 40 trips per day, 5 days a week, for 7 months (March 1, 2018 - September 30, 2018)
- Door to door service
- Vehicles to accommodate ambulatory and wheelchair clients
- Expanded hours of operation from 7:00 a.m. to 6:00 p.m.
- One caregiver can accompany client at no cost
- Dedicated dispatch by Real Time Transportation for SMTP clients
- The program will service city of Dallas residents and transport to medical facilities only

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSION)

On February 8, 2017, City Council authorized a one-year service contract, with two one-year renewal options, with Real Time Transport Corporation to provide transportation services to medical appointments within the City of Dallas for low-and moderate-income seniors by Resolution No. 17-0298.

On February 28, 2018, this item was deferred by Councilmember Sandy Greyson.

On March 28, 2018, this item was deferred by Councilmember Casey Thomas, II.

FISCAL INFORMATION

General Funds - $242,592

April 11, 2018

WHEREAS, on September 21, 2016, City Council authorized funds for the Senior Medical Transportation Program (SMTP) by Resolution No. 16-1526; and

WHEREAS, on November 24, 2016, a Request for Competitive Sealed Proposal was issued to solicit proposers for the SMTP; and

WHEREAS, on December 29, 2016, two proposals to implement the SMTP were received; and

WHEREAS, on January 11, 2017, Real Time Transportation Corporation was selected as the successful proposer by the SMTP Selection Committee; and

WHEREAS, on February 8, 2017, City Council authorized a one-year service contract, with two one-year renewal options, with Real Time Transportation Corporation to provide transport services to medical appointments within the city of Dallas for low-to-moderate income seniors by Resolution No. 17-0298.

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 Supplemental Agreement No. 1 to the service contract with Real Time Transportation Corporation, approved as to form by the City Attorney, to continue to provide transportation services to medical appointments within the city of Dallas for low-to-moderate income seniors for the period March 1, 2018 through September 30, 2018, in an amount not to exceed $242,592, from $190,000 to $432,592.

SECTION 2. That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed $242,592 to Real Time Transportation Corporation from General Fund, Fund 0001, Department MGT, Unit 4297, Object 3070, MASCTTRANS, Vendor VS93434.

SECTION 3. That this contract is designated as Contract No. MGT-2018-00005182.

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.

AGENDA ITEM # 48

Mobility Solutions, Infrastructure, and Sustainability

AGENDA DATE: April 11, 2018

COUNCIL DISTRICT(S): 8

DEPARTMENT: Department of Sustainable Development and Construction

CMO: Majed Al-Ghafry, 670-3302

MAPSCO: 58 U; Y

SUBJECT

A public hearing to receive comments regarding an application for and an ordinance granting a Specific Use Permit for the sale of alcoholic beverages in conjunction with a general merchandise or food store 3,500 square feet or less on property zoned Subdistrict 5 within Planned Development District No. 533, the C.F. Hawn Special Purpose District No. 1 with a D-1 Liquor Control Overlay, on the northwest corner of C.F. Hawn Freeway and Great Trinity Forest Way

Recommendation of Staff and CPC: Approval for a two-year period with eligibility for automatic renewals for additional five-year periods, subject to a site plan and conditions

Z167-221(SM)

HONORABLE MAYOR & CITY COUNCIL **WEDNESDAY, APRIL 11, 2018**

ACM: Majed Al-Ghafry

FILE NUMBER: Z167-221(SM) **DATE FILED:** February 22, 2017

LOCATION: Northwest corner of C.F. Hawn Freeway and Great Trinity Forest Way

COUNCIL DISTRICT: 8 **MAPSCO:** 58 U; Y

SIZE OF REQUEST: Approx. 0.71 acre **CENSUS TRACT:** 93.04

REPRESENTATIVE: Santos Martinez, Masterplan

APPLICANT/OWNER: DFW Distributor Petroleum, Inc.**,** Sami Ebrahim, President

REQUEST: An application for a Specific Use Permit for the sale of alcoholic beverages in conjunction with a general merchandise or food store 3,500 square feet or less on property zoned Subdistrict 5 within Planned Development District No. 533, the C.F. Hawn Special Purpose District No. 1 with a D-1 Liquor Control Overlay.

SUMMARY: The applicant proposes to continue to sell beer and wine for off-premise consumption in conjunction with the existing convenience store [Shell].

CPC RECOMMENDATION: **Approval** for a two-year period with eligibility for automatic renewals for additional five-year periods, subject to a site plan and conditions.

STAFF RECOMMENDATION: **Approval** for a two-year period with eligibility for automatic renewals for additional five-year periods, subject to a site plan and conditions.

BACKGROUND INFORMATION:

- The request site is developed with a 2,721-square foot general merchandise or food store (convenience store), a 1,774-square foot drive through restaurant, and motor vehicle fueling station.
- On December 14, 2011, Specific Use Permit No. 1926 was approved by City Council for a two-year period with eligibility for automatic renewal for additional five-year periods subject to a site plan and conditions.
- On November 14, 2012, the City Council approved a renewal for an amendment to Specific Use Permit No. 1926 for a two-year period with eligibility for automatic renewal for additional five-year periods subject to a site plan and conditions. The amendment included the addition of the drive-through restaurant and an approximately 877 square foot expansion of the convenience store. The applicant did not apply for an automatic renewal; therefore, the specific use permit expired on November 14, 2014.

Zoning History:

1. **Z156-309:** On January 25, 2017, the City Council approved Specific Use Permit No. 2228 for the sale of alcoholic beverages in conjunction with a general merchandise or food store greater than 3,500 square feet.

2. **Z134-159:** On April 23, 2014, the City Council renewed Specific Use Permit No. 1966 for the sale of alcoholic beverages in conjunction with a general merchandise or food store use 3,500 square feet or less.

Thoroughfares/Streets:

Thoroughfare/Street	Type	Existing ROW
CF Hawn Freeway	US Highway	Variable Width
Great Trinity Forest Way (Loop 12)	State Highway	Variable Width

Land Use:

	Zoning	Land Use
Site	PDD No. 533-D-1; SUP No. 1926	General merchandise store with fueling station and restaurant with drive-through
North	PDD No. 533-D-1	C.F. Hawn Freeway ROW
East	RR; SUP No. 1844; SUP No. 1858	C.F. Hawn Freeway ROW; Loop 12 ROW
South	RR	General merchandise or food stores w/fueling stations
West	PDD No. 533-D-1	Restaurant with drive-through; retail

STAFF ANALYSIS:

Comprehensive Plan:

The *forwardDallas! Comprehensive Plan* was adopted by the City Council in June 2006. The *forwardDallas! Comprehensive Plan* outlines several goals and policies which can serve as a framework for assisting in evaluating the applicant's request.

There are no goals or policies supporting or opposing the request.

Land Use Compatibility:

The request site is developed with a 2,721-square foot general merchandise or food store (convenience store), a 1,774-square foot drive through restaurant, and motor vehicle fueling station. The applicant proposes to continue to sell beer and wine for off-premise consumption in conjunction with the convenience store.

The request site is surrounded by C.F. Hawn Freeway ROW to the north; C.F. Hawn Freeway ROW and Loop 12 ROW to the east; general merchandise or food stores with motor vehicle fueling stations to the south; and a restaurant with drive through service and retail the west. The "D-1" Overlay District is a Liquor Control Overlay District which requires an individual to obtain a Specific Use Permit in order to sell or serve alcoholic beverages, or setups for alcoholic beverages, for consumption on or off the premises.

The general provisions for a Specific Use Permit in Section 51A-4.219 of the Dallas Development Code specifically state: (1) The SUP provides a means for developing certain uses in a manner in which the specific use will be consistent with the character of the neighborhood; (2) Each SUP application must be evaluated as to its probable effect on the adjacent property and the community welfare and may be approved or denied as the findings indicate appropriate; (3) The city council shall not grant an SUP for a use except upon a finding that the use will: (A) complement or be compatible with the surrounding uses and community facilities; (B) contribute to, enhance, or promote the welfare of the area of request and adjacent properties; (C) not be detrimental to the public health, safety, or general welfare; and (D) conform in all other respects to all applicable zoning regulations and standards. The regulations in this chapter have been established in accordance with a comprehensive plan for the purpose of promoting the health, safety, morals, and general welfare of the city.

The general merchandise use is also regulated by Chapter 12B of the Dallas City Code, Convenience Stores. This chapter applies to all convenience stores, which is defined as any business that is primarily engaged in the retail sale of convenience goods, or both

convenience goods and gasoline, and has less than 10,000 square feet of retail floor space; the term does not include any business that has no retail floor space accessible to the public. The purpose of Chapter 12B is to protect the health, safety, and welfare of the citizens of the city of Dallas by reducing the occurrence of crime, preventing the escalation of crime, and increasing the successful prosecution of crime that occurs in convenience stores in the city. This chapter establishes a registration program for convenience stores and provides requirements relating to:

- surveillance camera systems,
- video recording and storage systems,
- alarm systems,
- drop safes,
- security signs,
- height markers,
- store visibility,
- safety training programs, and
- trespass affidavits.

A separate certificate of registration to comply with Chapter 12B is required for each physically separate convenience store. A certificate of registration for a convenience store expires one year after the date of issuance and must be renewed annually.

In general, the applicant's request is consistent with the general provisions for a Specific Use Permit. Therefore, staff recommends approval for a two-year period with eligibility for automatic renewal for additional five-year periods.

Development Standards:

District	Setbacks		Density	Height	Lot Coverage	Special Standards	Primary Uses
	Front	Side/Rear					
PDD No. 533 - D-1 Subdistrict 5	15'	20' adjacent to residential OTHER: No Min.	0.75 FAR overall 0.5 office	54' 4 stories	60%	Proximity Slope Visual Intrusion	Retail & personal service, office

Traffic:

The Engineering Division of the Department of Sustainable Construction and Development has reviewed the requested amendment and determined that it will not significantly impact the surrounding roadway system.

Parking:

Pursuant to the Dallas Development Code, the off-street parking requirement for a general merchandise or food store use is one space per 200 square feet of floor area, the requirement for a restaurant with drive-through service is one space per 100 square feet of floor area. In addition, a motor vehicle fueling station requires two spaces.

Therefore, the proposed ±2,721-square foot convenience store; ±1,774-square foot restaurant with drive-through service and motor vehicle fueling station will require 33 spaces. As depicted on the site plan, 33 spaces are provided.

Landscaping:

Landscaping is required in accordance with Planned Development District No. 533. However, the site was previously approved with an alternative landscape plan. The previously approved landscape plan allowed the site to lack the following landscaping requirements:

- Parkway trees (between sidewalk and street) are required for all street frontages at 1:30 feet (minus driveways and visibility triangles),
- Screening of parking along CF Hawn Freeway both street frontages (3-foot tall shrub row or solid wall),
- Site trees at 1:4000 square feet, and
- Two design standards.

Since proposed specific use permit specifically relates to the sale of alcoholic beverages, modifications to landscaping requirements are not appropriate. Therefore, if Building Inspection determines the site to be deficient to landscaping requirements and not nonconforming, the applicant has three options to come into compliance: install landscaping that complies with PDD No. 533, appeal to the Board of Adjustments for a landscaping special exception, or make application for a new planned development subdistrict.

Prior CPC Action – February 15, 2018:

Motion: In considering an application for a Specific Use Permit for the sale of alcoholic beverages in conjunction with a general merchandise or food store 3,500 square feet or less on property zoned Subdistrict 5 within Planned Development District No. 533, the C.F. Hawn Special Purpose District No. 1 with a D-1 Liquor Control Overlay, on the northwest corner of C.F. Hawn Freeway and Great Trinity Forest Way, it was moved to **hold** this case under advisement until March 1, 2018.

Maker: Houston
Second: Mack
Result: Carried: 14 to 0

For: 14 - West, Rieves, Houston, Davis, Shidid, Carpenter, Mack, Jung, Housewright, Schultz, Peadon, Murphy, Ridley, Tarpley

Against: 0
Absent: 1 - Lavallaisaa
Vacancy: 0

Notices: Area: 200 Mailed: 11
Replies: For: 0 Against: 0

Speakers: For: Santos Martinez, 900 Jackson St., Dallas, TX, 75202
Against: None
Against: (Did not speak): Loyace Mae Medlock, 3333 Edgewood Dallas, TX, 75215
Mildred Wooldon, 1425 Cooper St., Dallas, TX, 75215
Margarett Ann Fairrow, 4645 Dolphin Rd., Dallas, TX, 75223
Earline Sadler, 1811 South Blvd., Dallas, TX, 75215
Lottie Clark, 1811 South Blvd., Dallas, TX, 75215
Jennie Gooden, 1811 South Blvd., Dallas, TX, 75215
Mary Hodges, 1811 South Blvd., Dallas, TX, 75215
Jackie Bradford, Address not given

Prior CPC Action – March 1, 2018:

Motion: It was moved to recommend **approval** of a Specific Use Permit for the sale of alcoholic beverages in conjunction with a general merchandise or food store 3,500 square feet or less for a two-year period with eligibility for automatic renewals for additional five-year periods, subject to a revised site plan (removal of landscape provisions) and revised conditions on property zoned Subdistrict 5 within Planned Development District No. 533, the C.F. Hawn Special Purpose District No. 1 with a D-1 Liquor Control Overlay, on the northwest corner of C.F. Hawn Freeway and Great Trinity Forest Way.

Maker: Houston
Second: Murphy
Result: Carried: 13 to 0

For: 13 - West, Rieves*, Houston, Davis, Shidid*, Carpenter, Mack, Jung, Housewright*, Peadon*, Murphy, Ridley, Tarpley

Against: 0
Absent: 1 - Schultz
Vacancy: 1 - District 8

*out of the room, shown voting in favor

Notices: Area: 200 Mailed: 11
Replies: For: 0 Against: 0

Speakers: For: Santos Martinez, 900 Jackson St., Dallas, TX, 75202
Against: None

Proposed SUP Conditions

1. USE: The only use authorized by this specific use permit is the sale of alcoholic beverages in conjunction with a general merchandise or food store 3,500 square feet or less.

2. SITE PLAN: Use and development of the Property must comply with the attached site plan.

3. TIME LIMIT: This specific use permit expires on (two years), but is eligible for automatic renewal for additional five-year periods pursuant to Section 51A-4.219 of Chapter 51A of the Dallas City Code, as amended. For automatic renewal to occur, the Property owner must file a complete application for automatic renewal with the director before the expiration of the current period. Failure to timely file a complete application will render this specific use permit ineligible for automatic renewal. (Note: The Code currently provides that applications for automatic renewal must be filed after the 180th but before the 120th day before the expiration of the current specific use permit period. The Property owner is responsible for checking the Code for possible revisions to this provision. The deadline for applications for automatic renewal is strictly enforced.)

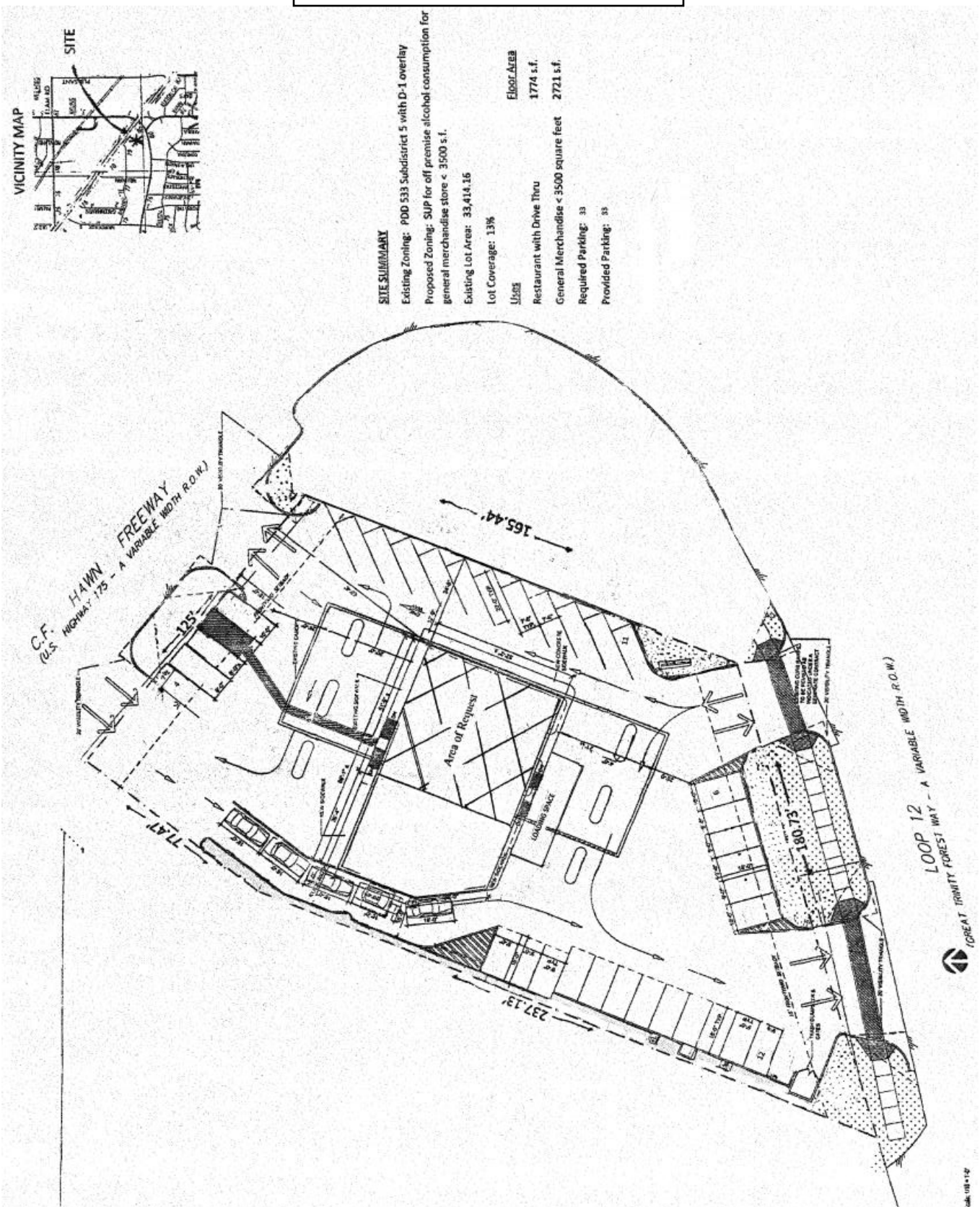
4. INGRESS/EGRESS: Ingress and egress must be provided in the locations shown on the attached site plan and must be marked with directional signage.

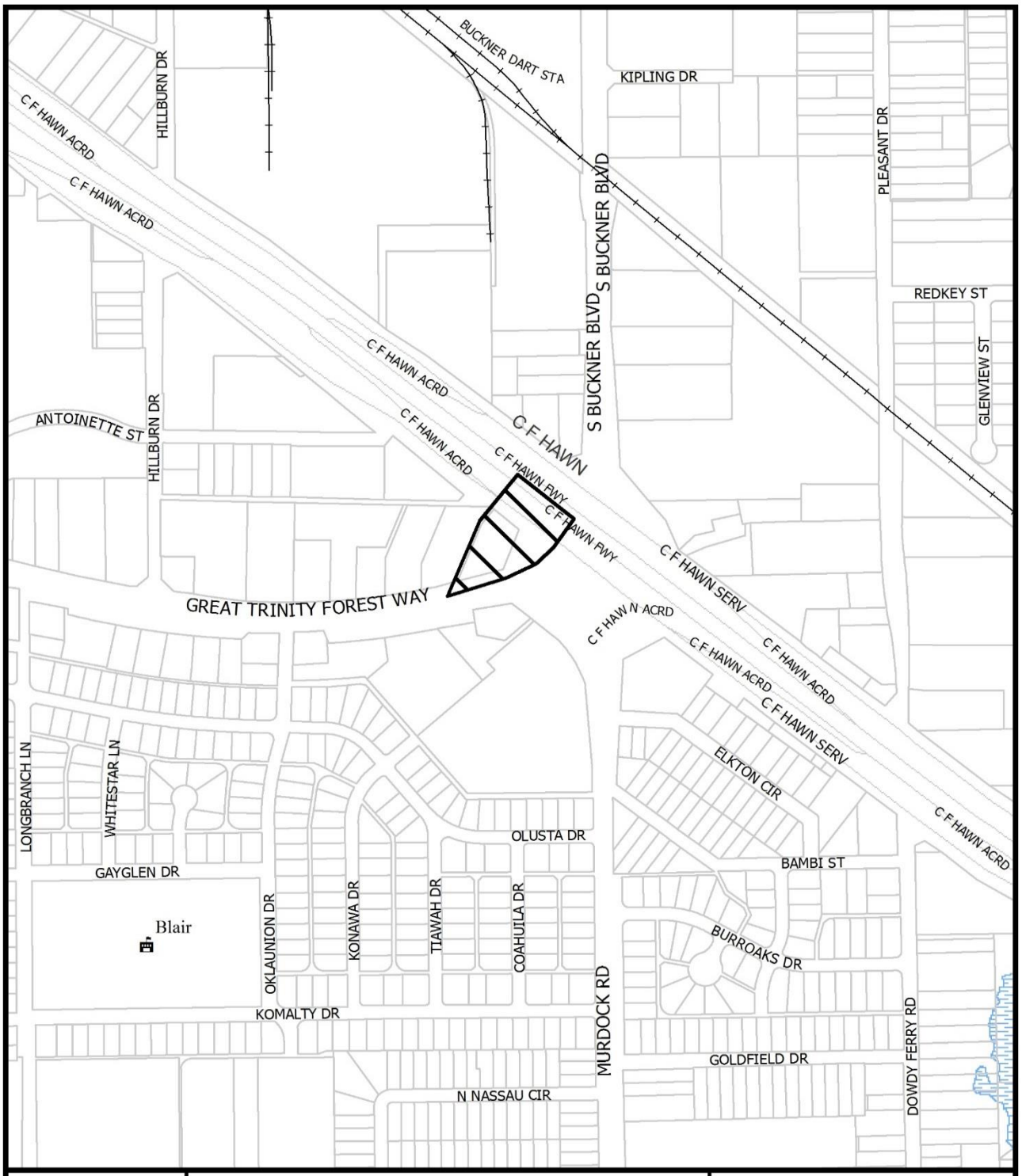
5. PARKING: Parking must be located as shown on the attached site plan.

6. MAINTENANCE: The Property must be properly maintained in a state of good repair and neat appearance.

7. GENERAL REQUIREMENTS: Use of the Property must comply with all federal and state laws and regulations, and with all ordinances, rules, and regulations of the City of Dallas.

Proposed Site Plan





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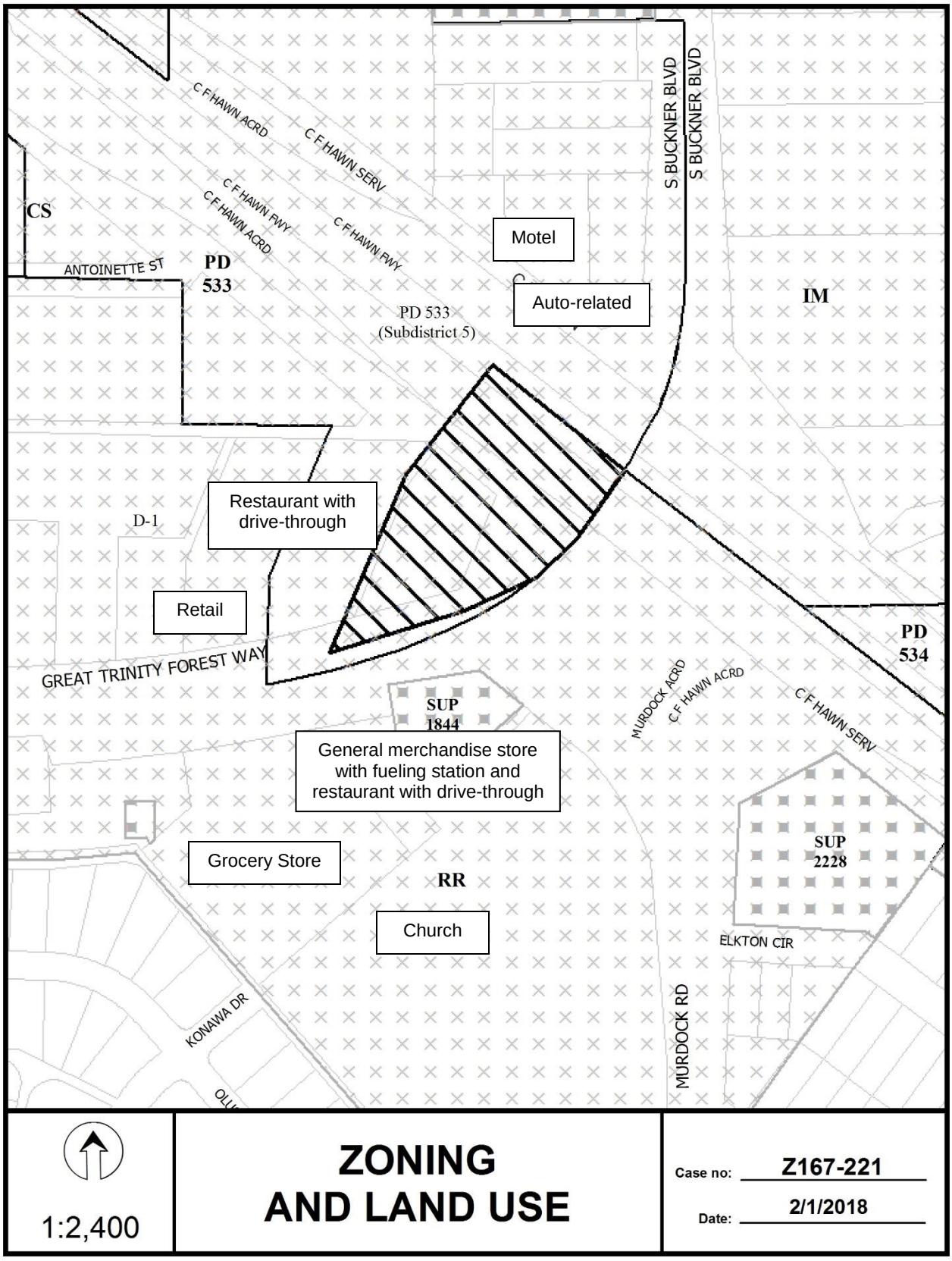
VICINITY MAP

Case no: Z167-221

Date: 2/1/2018


C F HAWN ACRD
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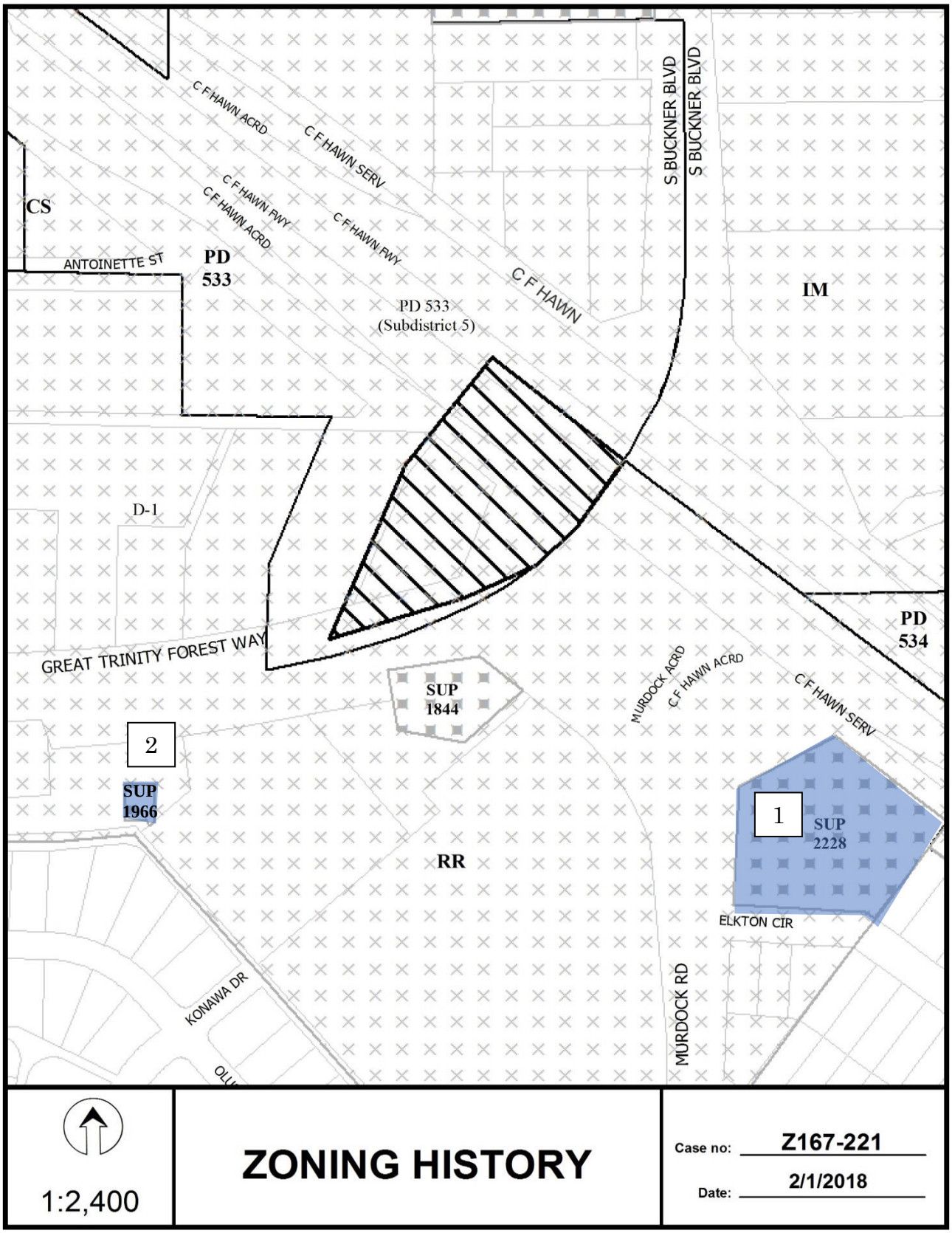
S BUCKNER BLVD
S BUCKNER BLVD
CS
ANTOINETTE ST
PD 533
PD 533
(Subdistrict 5)
Motel
Auto-related
IM
Restaurant with drive-through
D-1
Retail
GREAT TRINITY FOREST WAY
SUP 1844
General merchandise store with fueling station and restaurant with drive-through
Grocery Store
RR
Church
PD 534
MURDOCK ACRD
C F HAWN ACRD
C F HAWN SERV
SUP 2228
ELKTON CIR
MURDOCK RD
KONAWA DR
1:2,400
ZONING AND LAND USE
Case no: Z167-221
Date: 2/1/2018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ANTOINETTE ST
PD 533
C F HAWN
PD 533 (Subdistrict 5)
IM
D-1
GREAT TRINITY FOREST WAY
PD 534
SUP 1844
MURDOCK ACRD
C F HAWN ACRD
C F HAWN SERV
2
SUP 1966
1
SUP 2228
RR
ELKTON CIR
KONAWA DR
MURDOCK RD
1:2,400
ZONING HISTORY
Case no: Z167-221
Date: 2/1/2018

CPC Responses
C F HAWN SERV
C F HAWN ACRD
C F HAWN FWY
ANTOINETTE ST
BUCKNER BLVD
GREAT TRINITY FOREST WAY
MURDOCK ACRD
MURDOCK RD
ELKTON CIR
OLUSTA DR
KONAWA DR
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9
10
11
11 Property Owners Notified (11 parcels)
0 Replies in Favor (0 parcels)
0 Replies in Opposition (0 parcels)
200' Area of Notification
3/1/2018 Date 2/15/2018 Under Advisement
Z167-221
CPC
N
W
E
S
1:2,400

02/28/2018

Reply List of Property Owners

Z167-221

11 Property Owners Notified 0 Property Owners in Favor 0 Property Owners Opposed

Reply	*Label #*	*Address*		*Owner*
	1	8015	C F HAWN FWY	DFW DISTRIBUTOR PETROLEUM INC
	2	8055	GREAT TRINITY FOREST WAY	BENJAMIN FRANKLIN FEDERAL
	3	8098	GREAT TRINITY FOREST WAY	ENIGMA ENTERPRISES INC
	4	8020	C F HAWN FWY	STARDUST MOTELS INC
	5	8010	C F HAWN FWY	DAL TILE CORPORATION
	6	7932	GREAT TRINITY FOREST WAY	KIMODALE INC
	7	8000	GREAT TRINITY FOREST WAY	R & R SULEIMAN LLC
	8	121	MURDOCK RD	UNITED HOUSE OF PRAYER
	9	7900	GREAT TRINITY FOREST WAY	COLE FD PORTFOLIO IV LLC
	10	2950	ANTOINETTE ST	KELLER R JACK
	11	129	S BUCKNER BLVD	BWINGRAM INVESTMENTS LTD

AGENDA ITEM # 49

Mobility Solutions, Infrastructure, and Sustainability

AGENDA DATE: April 11, 2018

COUNCIL DISTRICT(S): 2

DEPARTMENT: Department of Sustainable Development and Construction

CMO: Majed Al-Ghafry, 670-3302

MAPSCO: 45 M

SUBJECT

A public hearing to receive comments regarding an application for and an ordinance granting an expansion of Historic Overlay No. 46, the Knights of Pythias Building (2551 Elm Street), and amendments to the preservation criteria on property zoned Tract B within Planned Development District No. 269, the Deep Ellum/Near East Side District, on the northwest corner of Elm Street and North Good Latimer Expressway
Recommendation of Staff and CPC: Approval, subject to preservation criteria
Recommendation of the Landmark Commission: Approval, subject to preservation criteria
Z167-270(LC)

HONORABLE MAYOR & CITY COUNCIL **WEDNESDAY, APRIL 11, 2018**

ACM: Majed Al-Ghafry

FILE NUMBER: Z167-270(LC) **DATE FILED:** May 17, 2017

LOCATION: Northwest corner of Elm Street and North Good Latimer Expressway

COUNCIL DISTRICT: 2 **MAPSCO:** 45 M

SIZE OF REQUEST: 0.96 acres **CENSUS TRACT:** 204.00

APPLICANT/OWNER:	Epic Dallas Hotel, LP
REPRESENTATIVE:	Tommy Mann & Laura Hoffmann, Winstead PC
REQUEST:	An application to expand Historic Overlay No. 46, the Knights of Pythias Building (2551 Elm Street), and amendments to the preservation criteria on property zoned Tract B within Planned Development District No. 269, the Deep Ellum/Near East Side District.
SUMMARY:	2551 Elm Street (Knights of Pythias Building) was designated a City of Dallas Landmark (Historic Overlay No. 46) in 1989. The property owner has requested to expand the overlay boundary and create new preservation criteria to support the redevelopment of this site into a hotel.
CPC RECOMMENDATION:	**Approval**, subject to preservation criteria.
LMC RECOMMENDATION:	**Approval**, subject to preservation criteria.
STAFF RECOMMENDATION:	**Approval**, subject to preservation criteria.

BACKGROUND INFORMATION:

- The Knights of Pythias building was constructed in 1915-1916. It was designed by William Sidney Pittman, the first African-American architect to practice in the City of Dallas. Pittman was also the son of civil rights leader, Booker T. Washington.

- The building was constructed as the state headquarters of the Black Knights of Pythias, and was a center for social services and activities for the organization. The Knights rented space to a variety of African-American businesses and professionals, including the state's first African-American dentist, Dr. Marcellus C. Cooper, and surgeon, Dr. Benjamin R. Bluitt.

- The property owner is currently restoring the historic Knights of Pythias building and redeveloping the site into a hotel. This redevelopment will include construction of a seven-story hotel addition.

- This project is a federal and state historic tax credit project and is under review with the Texas Historical Commission and National Park Service.

- After the zoning application was submitted on April 13, 2017, the Designation Committee of the Landmark Commission met two times with the applicant to work on the amendments to the historic overlay boundary and new preservation criteria.

- Initially the owner sought to amend the historic overlay boundary by reducing it so that it would not include the new hotel addition. However, the Designation Committee was not in support of reducing the boundary.

- On June 21, 2017, the Designation Committee approved the retention of the existing historic overlay boundary and the amended preservation criteria.

- After the June Designation Committee meeting, the property owner changed the request to expansion of the boundary so that the entire hotel addition would be included within the historic overlay boundary.

- The Landmark Commission approved the expanded historic overlay boundary and amended preservation criteria on January 8, 2018.

- A Certificate of Appropriateness application for alterations to the Knights of Pythias building and construction of additions will be reviewed by the Landmark Commission on March 5, 2018.

STAFF ANALYSIS:

Comprehensive Plan:

The historic overlay is consistent with the Urban Design, and Neighborhoods Elements of the Comprehensive Plan. Historic preservation has played a key role in defining Dallas' unique character. Preservation of open spaces that are historically and environmentally significant creates a direct, visual link to the past, contributing to a "sense of place."

URBAN DESIGN ELEMENT

GOAL 5.1 Promote a Sense of Place and Walkability

Policy 5.1.3 Encourage complementary building height, scale, design and character.

NEIGHBORHOODS ELEMENT

GOAL 7.2 Preservation of Historic and Cultural Assets

Policy 7.2.4 Protect historic and cultural assets.

OFFICERS AND DIRECTORS

Applicant: **EPIC DALLAS HOTEL, LP**

EPIC DALLAS HOTEL GP, INC.	**GENERAL PARTNER**
Joseph G. Beard	Director

4837-7138-4389v.1 59135-1

Z167-270

CPC ACTION:
(March 1, 2018)

Motion: It was moved to recommend approval of an expansion of Historic Overlay No. 46, the Knights of Pythias Building (2551 Elm Street), and amendments to the preservation criteria, subject to preservation criteria on property zoned Tract B within Planned Development District No. 269, the Deep Ellum/Near East Side District, on the northwest corner of Elm Street and North Good Latimer Expressway.

Maker: Rieves
Second: Housewright
Result: Carried: 13 to 0

For: 13 - West, Rieves, Houston, Davis, Shidid, Carpenter, Mack, Jung, Housewright, Peadon, Murphy, Ridley, Tarpley

Against: 0
Absent: 1 - Schultz
Vacancy: 1 - District 8

Notices: Area: 200 Mailed: 22
Replies: For: 12 Against: 0

Speakers: None

LANDMARK COMMISSION ACTION: (January 8, 2018)

This item appeared on the Commission's discussion agenda.
Motion: Approval, subject to preservation criteria.

Maker:	Flabiano
Second:	Montgomery
Results:	12/0

Ayes:	Amonett, Bumpas, Flabiano, De La Harpe, Hinojosa, McGill, Montgomery, Richter, Seale, *Sherman, Spellicy, Swann
Against:	None
Absent:	Payton, Williams, Allender
Vacancies:	3 and 14

2-2-18

ORDINANCE NO. _____

An ordinance expanding Historic Overlay District No. 46 (Knights of Pythias) by changing the zoning classification on the following property:

BEING a acre tract of land situated in the John Grisby Survey, Abstract No. 495, City of Dallas, Dallas County, Texas; and containing approximately 0.96 acres;

amending Ordinance No. 20492, passed by the Dallas City Council on October 23, 1989 by providing new preservation criteria for Historic Overlay District No. 46; providing a penalty not to exceed $2,000; providing a saving clause; providing a severability clause; and providing an effective date.

WHEREAS, the city plan commission and the city council, in accordance with the Charter of the City of Dallas, the state law, and the ordinances of the City of Dallas, have given the required notices and have held the required public hearings regarding this expansion and amendment to Historic Overlay District No. 46; and

WHEREAS, the city council finds that the Property is an area of historical, cultural, and architectural importance and significance to the citizens of the city; and

WHEREAS, the city council finds that it is in the public interest to amend Historic Overlay District No. 46 as specified herein; Now, Therefore,

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

SECTION 1. That the zoning classification is changed by expanding Historic Overlay District No. 46 to include the property described in Exhibit A ("the Property"), which is attached to and made a part of this ordinance.

SECTION 2. That the Exhibit A attached to Ordinance No. 20492, as amended, is replaced by Exhibit B attached to this ordinance.

SECTION 3. That the site plan included in Exhibit A attached to Ordinance No. 20492, as amended, is replaced by Exhibit C attached to this ordinance.

SECTION 4. That the expansion of this historic overlay district shall not affect the existing underlying zoning classification of the Property, which shall remain subject to the regulations of the underlying zoning district. If there is a conflict, the regulations in this ordinance control over the regulations of the underlying zoning district.

SECTION 5. That a person shall not alter the Property, or any portion of the exterior of a structure on the Property, or place, construct, maintain, expand, demolish, or remove any structure on the Property without first obtaining a certificate of appropriateness or certificate for demolition or removal in accordance with the Dallas Development Code, as amended, and this ordinance. All alterations to the Property must comply with the preservation criteria attached to and made a part of this ordinance as Exhibit B.

SECTION 6. That the building official shall not issue a building permit or a certificate of occupancy for a use on the Property until there has been full compliance with this ordinance, the Dallas Development Code, the construction codes, and all other ordinances, rules, and regulations of the City of Dallas.

SECTION 7. That a person who violates a provision of this ordinance, upon conviction, is punishable by a fine not to exceed $2,000. In addition to punishment by fine, the City may, in accordance with state law, provide civil penalties for a violation of this ordinance, and institute any appropriate action or proceedings to prevent, restrain, correct, or abate the unlawful erection,

construction, reconstruction, alteration, repair, conversion, maintenance, demolition, or removal of a building, structure, or land on the Property.

SECTION 8. That the zoning ordinances of the City of Dallas, as amended, shall remain in full force and effect, save and except as amended by this ordinance.

SECTION 9. That the terms and provisions of this ordinance are severable and are governed by Section 1-4 of Chapter 1 of the Dallas City Code, as amended.

SECTION 10. 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

By _____
Assistant City Attorney

Passed_____

GIS_Approved

EXHIBIT A
LEGAL DESCRIPTION

Expansion Area

BEING a 6,200 square foot or 0.14 acre tract of land situated in the John Grisby Survey, Abstract No. 495, City of Dallas, Dallas County, Texas; and being part of City of Dallas Block Nos. 280 & G3/280; and being part of Lot 11 shown on Goods Addition found unrecorded in Block Book 280 of the Murphy & Bolanz Block and Addition Book Records of Dallas County, Texas; and being part of a tract of land described in Special Warranty Deed to Epic Hotel Dallas, LP, recorded in Instrument No. 201700027379 of the Official Public Records of Dallas County, Texas and part of a tract of land described in Corrected Quitclaim Deed to Epic Hotel Dallas, LP, recorded in Instrument No. 201700321863 of the Official Public Records of Dallas County, Texas, and being more particularly described as follows:

COMMENCING at a 1/2" iron rod found at the east end of a right-of-way corner clip located at the intersection of the west right-of-way line of Good-Latimer Expressway (a variable width right-of-way) described in Volume 2523, Page 516 of the Deed Records of Dallas County, Texas, and the north right-of-way line of Elm Street (a 60-foot wide right-of-way) described in Ordinance Volume 1A, Page 133 of said Deed Records at the beginning of a curve to the left having a central angle of 23°46'46", a radius of 337.04 feet, a chord bearing and distance of North 32°57'40" West, 138.88 feet;

THENCE with said west right-of-way line, the following courses and distances:

In a northwesterly direction, with said curve to the right, an arc distance of 139.88 feet to a 1" iron pipe found;
North 44°51'03" West, a distance of 125.50 feet to the POINT OF BEGINNING;

THENCE departing said west right-of-way line of Good-Latimer Expressway, the following courses and distances:

South 59°24'25" West, a distance of 67.36 feet to a point for corner;
South 14°35'35" East, a distance of 42.00 feet to a point for corner;
North 45°01'48" West, a distance of 22.74 feet to a point for corner;
North 31°24'30" West, a distance of 108.25 feet to a point for corner;
North 75°24'25" East, a distance of 60.53 feet to a point for corner in said west right-of-way line of Good-Latimer Expressway;

THENCE with said west right-of-way line of Good-Latimer Expressway, the following courses and distances:

South 53°38'33" East, a distance of 59.34 feet to a 5/8" iron rod with plastic cap stamped "KHA" found for corner;

South 44°51'03" East, a distance of 19.18 feet to the POINT OF BEGINNING and containing 6,200 square feet or 0.14 acres of land.

Bearing system based on the State Plane Coordinate System of 1983, Texas North Central Zone (4202), North American Datum of 1983(2011).

GIS_Approved

OVERALL LEGAL DESCRIPTION

BEING a 41,708 square foot or 0.96 acre tract of land situated in the John Grisby Survey, Abstract No. 495, City of Dallas, Dallas County, Texas; and being part of City of Dallas Block No. G3/280; and being all of Lot 12 and part of Lot 13 shown on Goods Addition found unrecorded in Block Book 280 of the Murphy & Bolanz Block and Addition Book Records of Dallas County, Texas; and being part of a tract of land described in Special Warranty Deed to Epic Hotel Dallas, LP, recorded in Instrument No. 201700027379 of the Official Public Records of Dallas County, Texas and part of a tract of land described in Corrected Quitclaim Deed to Epic Hotel Dallas, LP, recorded in Instrument No. 201700321863 of the Official Public Records of Dallas County, Texas, and being more particularly described as follows:

BEGINNING at a 1/2" iron rod found at the east end of a right-of-way corner clip located at the intersection of the west right-of-way line of Good-Latimer Expressway (a variable width right-of-way) described in Volume 2523, Page 516 of the Deed Records of Dallas County, Texas, and the north right-of-way line of Elm Street (a 60-foot wide right-of-way) described in Ordinance Volume 1A, Page 133 of said Deed Records;

THENCE with said right-of-way corner clip, South 43°24'55" West, a distance of 69.50 feet to a "X" cut in concrete found for corner at the west end of said right-of-way corner clip;

THENCE with said north right-of-way line of Elm Street, South 75°24'25" West, a distance of 112.81 feet to the southwest corner of said Lot 12;

THENCE departing said north right-of-way line of Elm Street and with the west line of said Lot 12, North 14°35'35" West, a distance of 216.46 feet to a point for corner;

THENCE North 45°01'48" West, a distance of 22.74 feet to a point for corner;

THENCE North 31 °24'30" West, a distance of 108.25 feet to a point for corner;

THENCE North 75°24'25" East, a distance of 60.53 feet to a point for corner in the west right-of-way line of said Good-Latimer Expressway;

THENCE with said west right-of-way line of Good-Latimer Expressway, the following courses and distances:

South 53°38'33" East, a distance of 59.34 feet to a 5/8" iron rod with plastic cap stamped "KHA" found for corner;

South 44°51'03" East, a distance of 144.68 feet to a 1-inch iron pipe found at the beginning of a tangent curve to the right having a central angle of 23°46'46", a radius of 337.04 feet, a chord bearing and distance of South 32°57'40" East, 138.88 feet;

In a southeasterly direction, with said curve to the right, an arc distance of 139.88 feet to the POINT OF BEGINNING and containing 41,708 square feet or 0.96 acres of land.

Bearing system based on the State Plane Coordinate System of 1983, Texas North Central Zone (4202), North American Datum of 1983(2011).

EXHIBIT B
PRESERVATION CRITERIA
KNIGHTS OF PYTHIAS BUILDING
2551 ELM STREET

1. GENERAL

1.1 All demolition, maintenance, new construction, public works, renovations, repairs, and site work in this district must comply with these preservation criteria.

1.2 Any alterations to property within this district must comply with the regulations in Chapter 51A of the Dallas City Code, as amended. If there is a conflict, these preservation criteria control.

1.3 Certificate of appropriateness.

a. A person may not alter a site within this district, or alter, place, construct, maintain, or expand any structure on the site without first obtaining a certificate of appropriateness in accordance with Section 51A-4.501 of the Dallas Development Code, as amended, and these preservation criteria.

b. The certificate of appropriateness review procedure outlined in Section 51A-4.501 of the Dallas Development Code, as amended, applies to this district.

c. Any work done under a certificate of appropriateness must comply with any conditions imposed in the certificate of appropriateness.

d. After the work authorized by the certificate of appropriateness is commenced, the applicant must make continuous progress toward completion of the work, and the applicant shall not suspend or abandon the work for a period in excess of 180 days. The Director may, in writing, authorize a suspension of the work for a period greater than 180 days upon written request by the applicant showing circumstances beyond the control of the applicant.

1.4 A person may not demolish or remove any structure in this district without first obtaining a certificate for demolition or removal in accordance with Section 51A-4.501 of the Dallas Development Code, as amended.

1.5 Preservation and restoration materials and methods used must comply with the Secretary of the Interior's Standards for Rehabilitation and Preservation Briefs

published by the United States Department of the Interior, copies of which are available at the Dallas Public Library or on the National Park Service website.

1.6 No person shall allow a structure in this district to deteriorate through demolition by neglect. Demolition by neglect is neglect in the maintenance of a structure that results in deterioration of the structure and threatens preservation of the structure. All structures in this district must be preserved against deterioration and kept free from structural defects. See Section 51A-4.501 of the Dallas Development Code, as amended, for regulations concerning demolition by neglect.

1.7 Consult Article XI, "Development Incentives," of the Dallas Development Code, as amended, for tax incentives that may be available in this district.

1.8 The period of historic significance for this district is 1915-1916.

2. DEFINITIONS

2.1 Unless defined in this section, the definitions in Chapter 51A of the Dallas City Code, as amended, apply.

2.2 APPROPRIATE means typical of the historic architectural style, compatible with the character of this district, and consistent with these preservation criteria.

2.3 CERTIFICATE OF APPROPRIATENESS means a certificate required by Section 51A-4.501 of the Dallas Development Code, as amended, and these preservation criteria.

2.4 DIRECTOR means the Director of the Department of Sustainable Development and Construction or the Director's representative.

2.5 DISTRICT means Historic Overlay District No. 46, the Knights of Pythias Building Historic Overlay District. This district contains the property described in Exhibit A of this ordinance and as shown on Exhibit C.

2.6 FENCE means a structure or hedgerow that provides a physical barrier, including a fence gate.

2.7 MAIN BUILDING means the resource building, as shown on Exhibit C.

2.8 NO-BUILD ZONE means that part of this district in which no new construction may take place.

2.9 PROTECTED means an architectural or landscaping feature that must be retained and maintain its historic appearance, as near as practical, in all aspects.

2.10 REAL ESTATE SIGN means a sign that advertises the sale or lease of an interest in real property.

3. BUILDING SITE AND LANDSCAPING

3.1 No development on the site may adversely affect any historical or architectural feature of the main building.

3.2 New construction is prohibited in the no-build zone shown on Exhibit C, except as allowed in Section 3.3.

3.3 The following are permitted in the no-build area shown on Exhibit C: landscaping, fire pits, swimming pool, portable cabana changing room, deck areas, paving, seating, tables, fencing, retaining and screen walls, temporary tents, trellises, cable lights, light poles, utilities, and similar improvements.

3.4 Lighting and Landscaping

a. Exterior lighting and the placement and removal of trees or other landscaping may be reviewed and approved under the routine maintenance procedure in the Certificate of Appropriateness process prior to commencement of work; such site features must enhance the structure and surroundings without obscuring significant views of the main building.

b. Light poles located in the no-build area may not exceed 12 feet in height.

3.5 Fences.

a. Fencing may be constructed in the no-build zone to meet pool safety requirements.

b. Fences may not exceed eight feet in height and must be at least 30 percent transparent.

3.6 Public Improvements

a. All proposed public improvements of curbs, sidewalks, and associated right-of-way abutting the main building must be approved in the Certificate of Appropriateness process prior to commencement of work.

b. Public improvements may include, but are not limited to, the following: trees, landscaping, water features, benches, bike racks, bollards, sidewalks, and pedestrian furniture.

4. FACADES

4.1 Protected Facades

a. The south and east facades (elevations A & B as shown on Exhibit C) of the existing main building are the critical facades which are the most visually sensitive portions of the building, and are protected. These elevations must be preserved and protected by no-build areas as shown, to protect sightlines to the main building and preserve the significant elevations from additional construction.

b. The west and north facades (elevations C & D as shown on Exhibit C) are not protected, but all work on these facades is subject to the Certificate of Appropriateness process.

4.2 Renovation or reconstruction of protected elevations A & B, or portions of elevations C & D remaining unobscured by new construction, must employ brick that is similar to the existing in color, module size and texture, as much as practical. Any renovations or reconstructions of existing trim and detailing must employ materials (cast stone, concrete, etc.) similar in color, module size, and texture to the existing trim and detailing, as much as practical.

4.3 Alterations to retail storefronts are allowed, and may be reviewed and approved under the routine maintenance procedure in the Certificate of Appropriateness process prior to commencement of work.

4.4 Color

a. Any renovation or rehabilitation project should include investigation of removal of paint from original brick and cast stone surfaces to restore the building to its historic and original unpainted form. If brick and mortar joints have deteriorated to a point where they must be replaced and the original brick color cannot reasonably match the old color, the building may be painted to match the original brick color; repainting to match the original brick color must be reviewed and approved by the Landmark Commission through the Certificate of Appropriateness process.

b. All originally painted features, including windows, doors, frames, and trim, may be repainted the existing color under the routine maintenance

procedures. It is recommended that original paint colors be determined and used where practicable, following review and approval in the Certificate of Appropriateness process.

5. FENESTRATION AND OPENINGS

5.1 Any renovation or reconstruction of exposed elevations should restore all original window and door openings to their original configuration where possible. Such renovation should include removal of the one story addition on the southeast corner, restoration of original openings the addition covered, and construction of an appropriate entrance feature reflecting the original configuration.

5.2 The opaque elements in all altered, arched windows should be removed and replaced with clear glass.

5.3 New openings or alterations to existing openings will only be permitted on elevations B, C & D if they are a result of abutting new construction, including construction of patio or outdoor dining space, or in order to comply with health or safety code provisions.

5.4 Window sills on levels one and two on elevation C may be raised up to a maximum of 3 feet if such change is a result of new construction.

5.5 Except as provided in 5.4, if the elevator shaft on elevation C is removed, and if the elevation remains exposed, the original window configuration must be restored.

6. EMBELLISHMENTS AND DETAILING

6.1 All ornamental detailing enumerated below must remain intact. Any reconstruction, renovation, or replacement of these items must employ materials as identical in color, composition, size, and texture as practicable.

a. Cornices and mouldings

b. Architrave & frieze

c. Fraternal order name inscribed on south elevation.

7. ROOF

7.1 Except for mechanical equipment associated with a renovation of the existing building, and vertical additions as allowed in Section 8, the slope and configuration of the existing roof must be maintained.

7.2 Any mechanical equipment, including skylights, solar panels, and cell antennae equipment on the roof must be set back or screened with materials compatible with the main building so that they are not visible to a person standing at ground level on the opposite side of any adjacent right-of-way.

7.3 The existing parapet must be retained, or restored to its original profile, as much as practical.

7.4 Metal flashing, required for waterproofing, may be installed to cap parapet, but must follow the original parapet profile. The color of metal flashing must match the historic cast stone coping on the parapet.

8. NEW CONSTRUCTION AND ADDITIONS

8.1 Horizontal additions to the existing main building are limited to areas adjacent to elevations C & D.

8.2 Additions within the historic overlay to the existing main building on elevation D must be reviewed and approved for compatibility in the Certificate of Appropriateness process prior to issuance of a building permit, and must be in harmony with the basic configuration created by the façade rhythm of fenestrations on the existing building.

8.3 New construction physically attached to the area shown as elevation D may use masonry or a metal panel exterior wall system that is compatible with the existing building as a building material. Additions on elevation D are limited to one story.

8.4 An addition within the historic overlay on elevation C, as part of a larger addition outside of the historic overlay, may be constructed of glass material, masonry, or a metal panel exterior wall system that is compatible with the existing building, and must be reviewed and approved for compatibility through the Certificate of Appropriateness process. Any other new construction on the site outside of the historic overlay, including the construction connected to the addition on elevation C does not require a Certificate of Appropriateness.

8.5 Elevation C may be connected to an addition with a ground-floor lobby constructed primarily of glass material that is compatible with the existing building.

8.6 Any new construction on the site must be complimentary to the significant architectural features of the main building, including masonry and windows that complement the historic windows and cornice lines of the existing building.

8.7 Any new construction or vertical additions that are taller than the existing cornice must be set back at least one foot from the cornice line.

9. SIGNS

9.1 All new signs must be designed to be compatible with the architectural qualities of the original main building, and must be approved in the Certificate of Appropriateness process prior to issuance of a sign permit.

9.2 Alterations to retail storefront signage may be reviewed under the routine maintenance procedure in the Certificate of Appropriateness process prior to issuance of a sign permit.

9.3 All signs must comply with the provisions of the Dallas City Code, as amended.

9.4 Temporary political campaign signs and temporary real estate signs may be erected without a certificate of appropriateness.

10. DEVELOPMENT RIGHTS

10.1 The floor area equivalent to that limited on Lots 12-13 by the no-build zone and main building preservation criteria (approximately 381,000 square feet) will be transferred to the remainder of the site in order to allow for full development rights on the property.

11. ENFORCEMENT

11.1 A person who violates these preservation criteria is guilty of a separate offense for each day or portion of a day during which the violation is continued, from the first day the unlawful act was committed until either a certificate of appropriateness is obtained or the property is restored to the condition it was in immediately prior to the violation.

11.2 A person is criminally responsible for a violation of these preservation criteria if:

a. the person knowingly commits the violation or assists in the commission of the violation;

b. the person owns part or all of the property and knowingly allows the violation to exist;

c. the person is the agent of the property owner or is an individual employed by the agent or property owner; is in control of the property; knowingly

allows the violation to exist; and fails to provide the property owner's name, street address, and telephone number to code enforcement officials; or

d. the person is the agent of the property owner or is an individual employed by the agent or property owner, knowingly allows the violation to exist, and the citation relates to the construction or development of the property.

11.3 Any person who adversely affects or demolishes a structure in this district in violation of these preservation criteria is liable pursuant to Section 315.006 of the Texas Local Government Code for damages to restore or replicate, using as many of the original materials as possible, the structure to its appearance and setting prior to the violation. No certificates of appropriateness or building permits will be issued for construction on the site except to restore or replicate the structure. When these restrictions become applicable to a site, the Director shall cause to be filed a verified notice in the county deed records and these restrictions shall be binding on future owners of the property. These restrictions are in addition to any fines imposed.

11.4 Prosecution in municipal court for a violation of these preservation criteria does not prevent the use of other enforcement remedies or procedures provided by other city ordinances or state or federal laws applicable to the person charged with or the conduct involved in the offense.

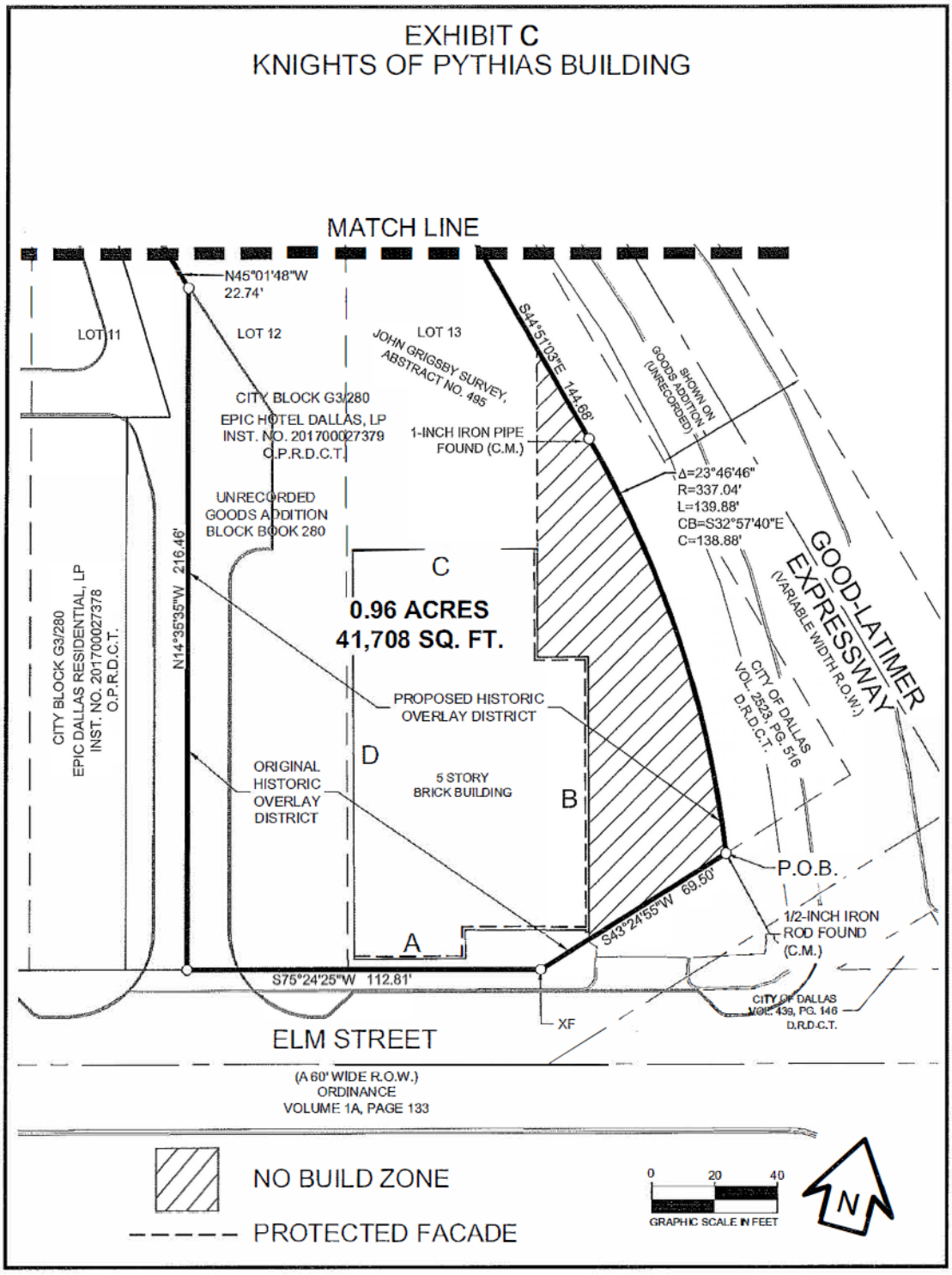


EXHIBIT C
KNIGHTS OF PYTHIAS BUILDING
MATCH LINE
N45°01'48"W
22.74'
LOT 11
LOT 12
LOT 13
JOHN GRIGSBY SURVEY,
ABSTRACT NO. 495
S44°51'03"E 144.68'
SHOWN ON
GOODS ADDITION
(UNRECORDED)
CITY BLOCK G3/280
EPIC HOTEL DALLAS, LP
INST. NO. 201700027379
O.P.R.D.C.T.
1-INCH IRON PIPE
FOUND (C.M.)
Δ=23°46'46"
R=337.04'
L=139.88'
CB=S32°57'40"E
C=138.88'
UNRECORDED
GOODS ADDITION
BLOCK BOOK 280
GOOD-LATIMER
EXPRESSWAY
(VARIABLE WIDTH R.O.W.)
CITY BLOCK G3/280
EPIC DALLAS RESIDENTIAL, LP
INST. NO. 201700027378
O.P.R.D.C.T.
N14°35'35"W 216.46'
C
0.96 ACRES
41,708 SQ. FT.
CITY OF DALLAS
VOL. 2523, PG. 516
D.R.D.C.T.
PROPOSED HISTORIC
OVERLAY DISTRICT
D
ORIGINAL
HISTORIC
OVERLAY
DISTRICT
5 STORY
BRICK BUILDING
B
P.O.B.
1/2-INCH IRON
ROD FOUND
(C.M.)
S43°24'55"W 69.50'
A
S75°24'25"W 112.81'
CITY OF DALLAS
VOL. 439, PG. 146
D.R.D.C.T.
XF
ELM STREET
(A 60' WIDE R.O.W.)
ORDINANCE
VOLUME 1A, PAGE 133
NO BUILD ZONE
PROTECTED FACADE
0
20
40
GRAPHIC SCALE IN FEET
N

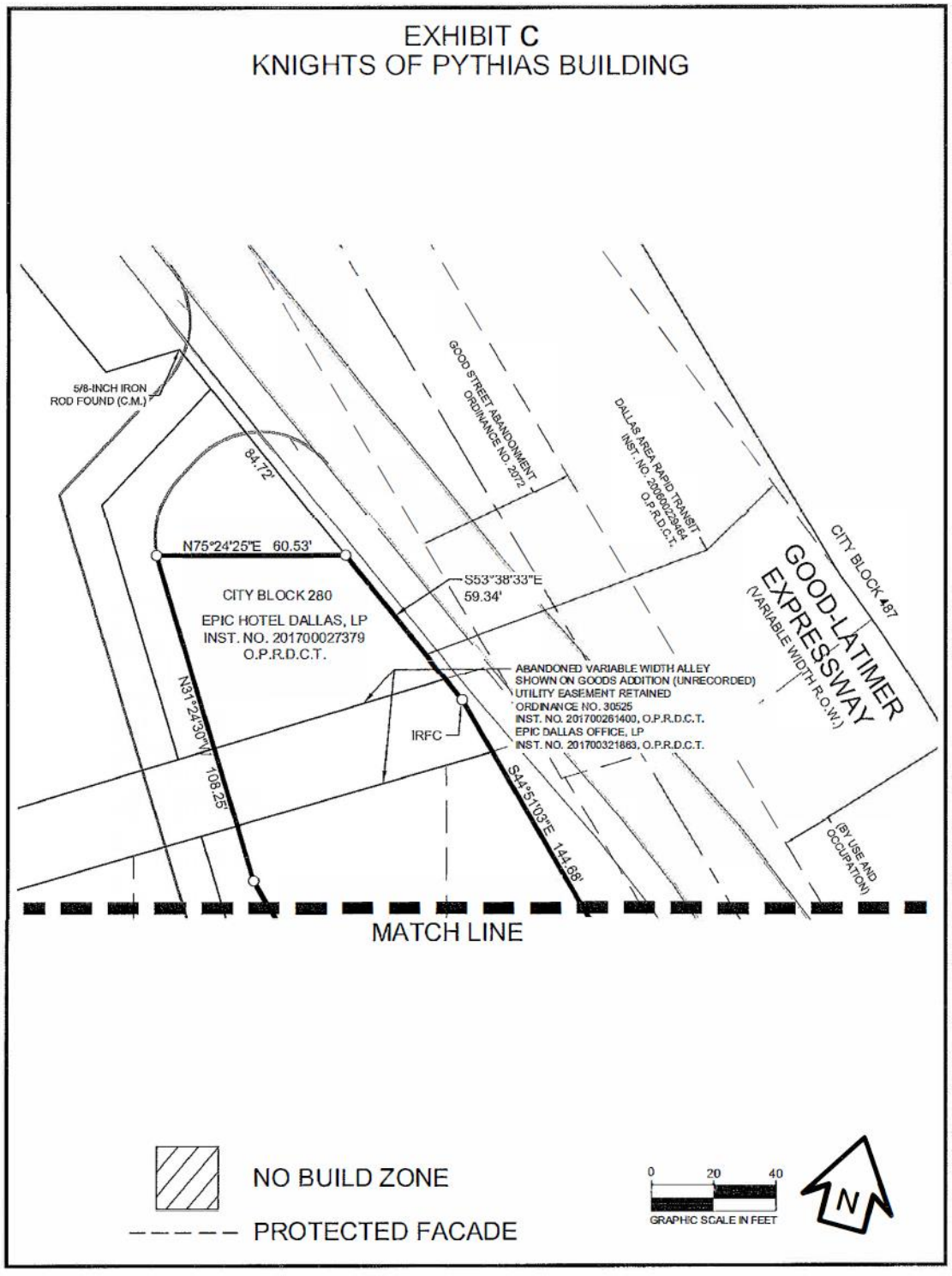
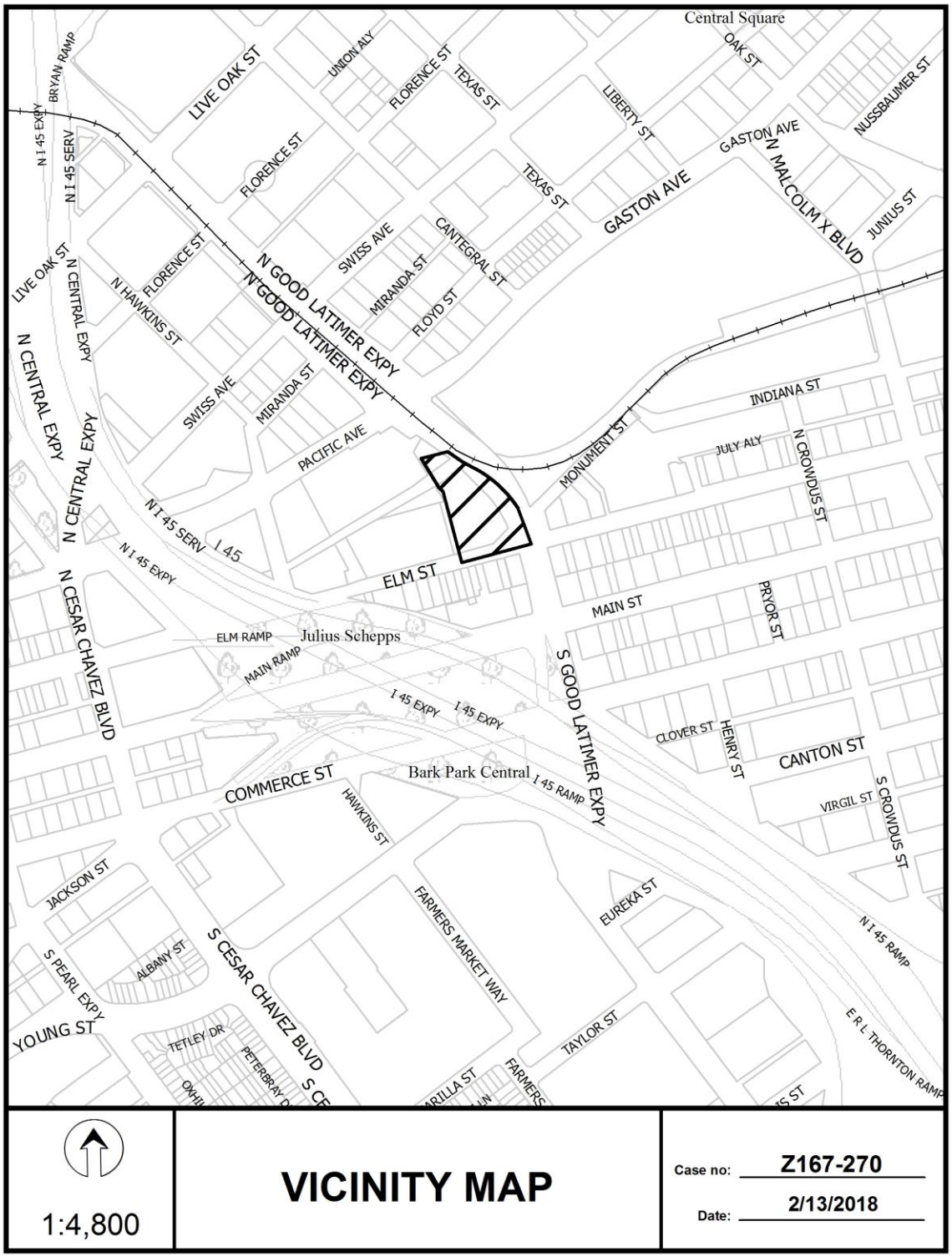


EXHIBIT C
KNIGHTS OF PYTHIAS BUILDING
5/8-INCH IRON ROD FOUND (C.M.)
84.72'
N75°24'25"E 60.53'
CITY BLOCK 280
EPIC HOTEL DALLAS, LP
INST. NO. 201700027379
O.P.R.D.C.T.
N31°24'30"W 108.25'
GOOD STREET ABANDONMENT ORDINANCE NO. 2072
DALLAS AREA RAPID TRANSIT INST. NO. 20060022984 O.P.R.D.C.T.
S53°38'33"E 59.34'
ABANDONED VARIABLE WIDTH ALLEY SHOWN ON GOODS ADDITION (UNRECORDED) UTILITY EASEMENT RETAINED ORDINANCE NO. 30525 INST. NO. 201700261400, O.P.R.D.C.T. EPIC DALLAS OFFICE, LP INST. NO. 201700321863, O.P.R.D.C.T.
IRFC
S44°51'03"E 144.68'
GOOD-LATIMER EXPRESSWAY (VARIABLE WIDTH R.O.W.)
CITY BLOCK 497
(BY USE AND OCCUPATION)
MATCH LINE
NO BUILD ZONE
PROTECTED FACADE
0 20 40
GRAPHIC SCALE IN FEET
N


Central Square
OAK ST
NUSSBAUMER ST
BRYAN RAMP
N I 45 EXPY
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LIVE OAK ST
UNION ALY
FLORENCE ST
TEXAS ST
LIBERTY ST
GASTON AVE
N MALCOLM X BLVD
JUNIUS ST
SWISS AVE
CANTEGRAL ST
MIRANDA ST
FLOYD ST
N GOOD LATIMER EXPY
N CENTRAL EXPY
N HAWKINS ST
PACIFIC AVE
INDIANA ST
MONUMENT ST
JULY ALY
N CROWDUS ST
N I 45 SERV I 45
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ELM ST
MAIN ST
PRYOR ST
ELM RAMP
Julius Schepps
MAIN RAMP
N CESAR CHAVEZ BLVD
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CLOVER ST
HENRY ST
CANTON ST
COMMERCE ST
Bark Park Central
I 45 RAMP
VIRGIL ST
S CROWDUS ST
HAWKINS ST
JACKSON ST
EUREKA ST
FARMERS MARKET WAY
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S PEARL EXPY
ALBANY ST
S CESAR CHAVEZ BLVD
YOUNG ST
TETLEY DR
TAYLOR ST
E R L THORNTON RAMP
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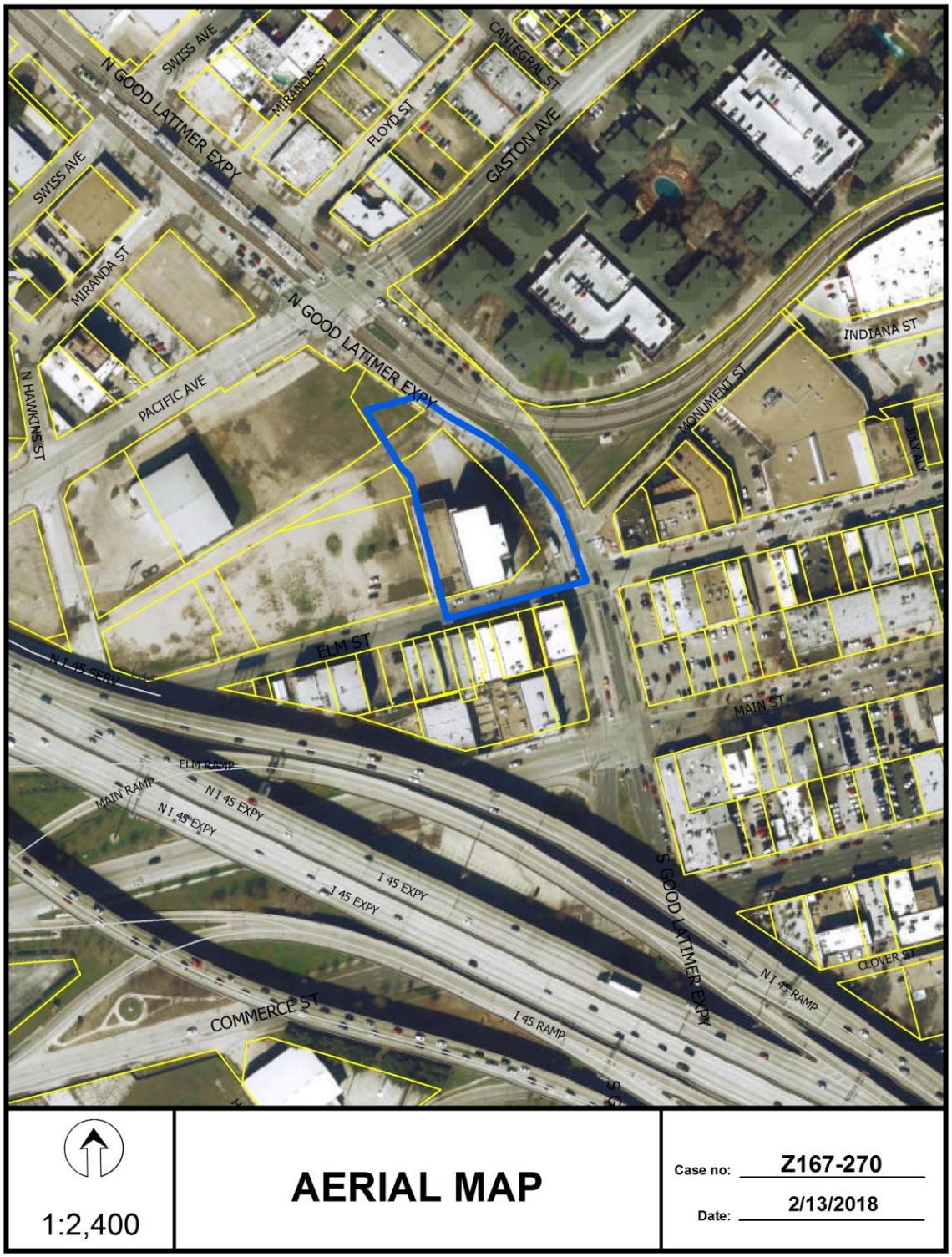
VICINITY MAP
Case no: Z167-270
Date: 2/13/2018



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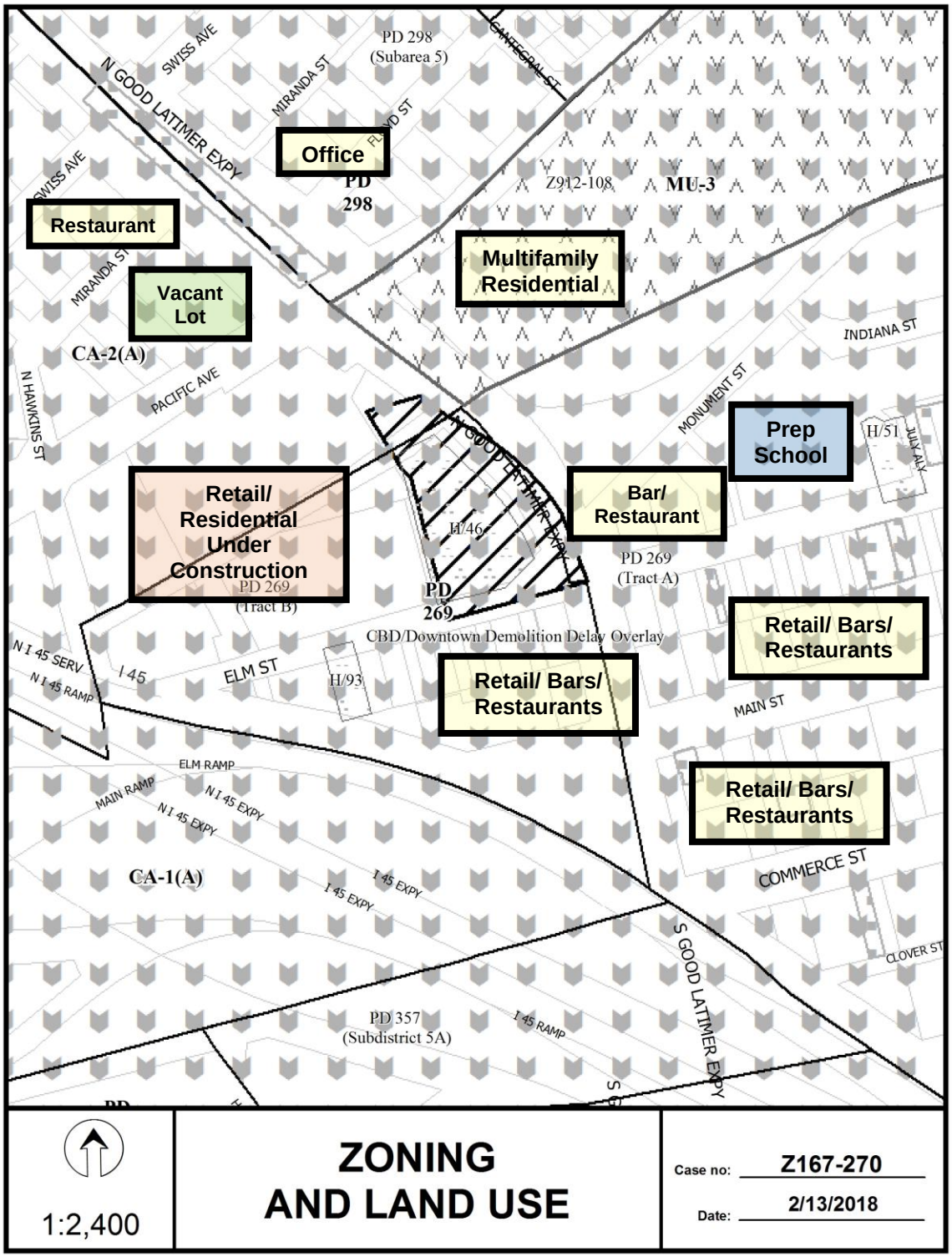
AERIAL MAP

Case no: Z167-270

Date: 2/13/2018


Office
Restaurant
Vacant Lot
Multifamily Residential
Prep School
Bar/ Restaurant
Retail/ Residential Under Construction
Retail/ Bars/ Restaurants
Retail/ Bars/ Restaurants
Retail/ Bars/ Restaurants
PD 298 (Subarea 5)
PD 298
Z912-108
MU-3
CA-2(A)
CA-1(A)
PD 269 (Tract B)
PD 269 (Tract A)
PD 269
CBD/Downtown Demolition Delay Overlay
PD 357 (Subdistrict 5A)
H/46
H/93
H/51
N GOOD LATIMER EXPY
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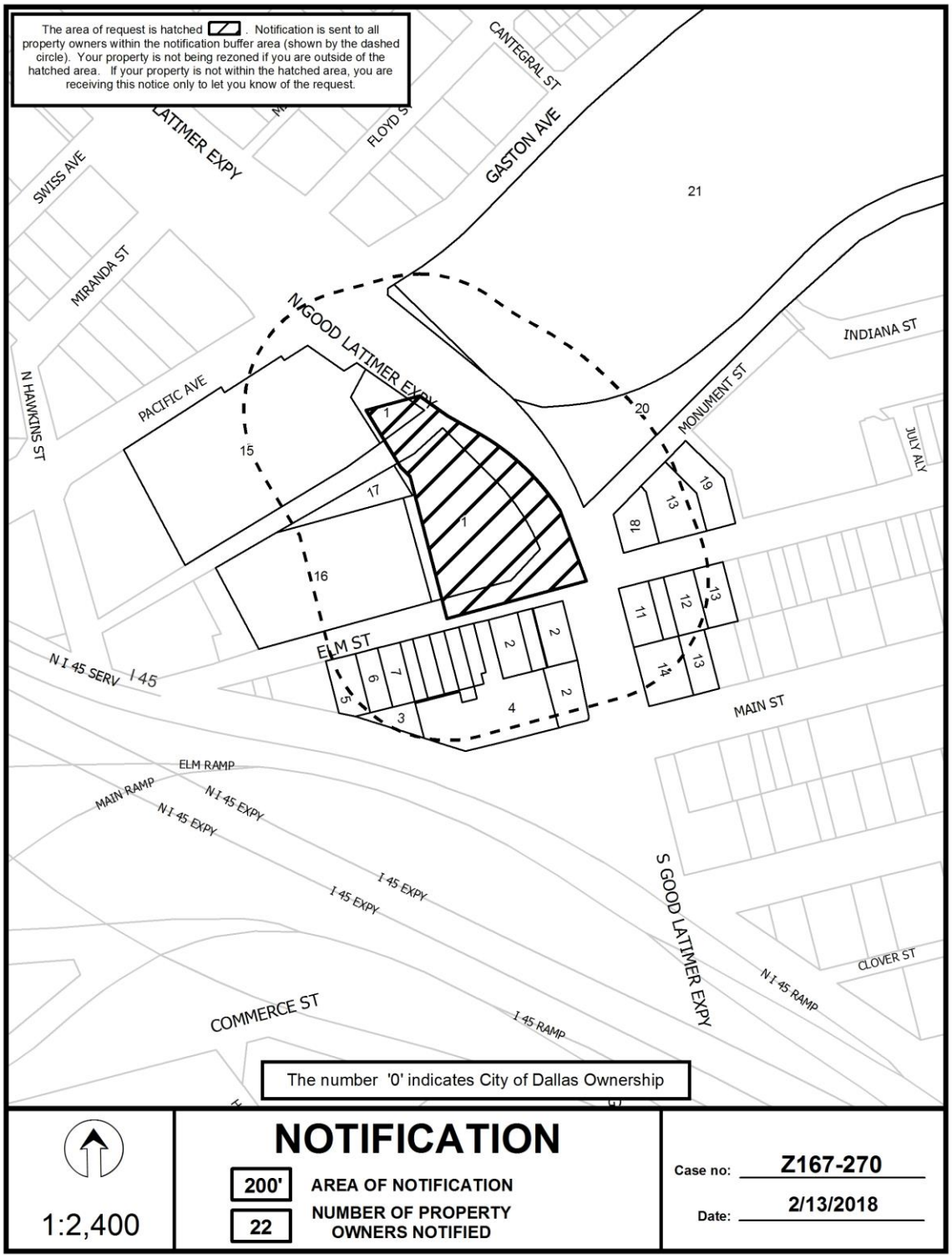
ZONING AND LAND USE
Case no: Z167-270
Date: 2/13/2018


The area of request is hatched. Notification is sent to all property owners within the notification buffer area (shown by the dashed circle). Your property is not being rezoned if you are outside of the hatched area. If your property is not within the hatched area, you are receiving this notice only to let you know of the request.
CANTEGRAL ST
GASTON AVE
LATIMER EXPY
SWISS AVE
FLOYD S
MIRANDA ST
N HAWKINS ST
PACIFIC AVE
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CLOVER ST
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COMMERCE ST
I 45 RAMP
The number '0' indicates City of Dallas Ownership
NOTIFICATION
200'
AREA OF NOTIFICATION
22
NUMBER OF PROPERTY OWNERS NOTIFIED
1:2,400
Case no: Z167-270
Date: 2/13/2018

02/13/2018

Notification List of Property Owners

Z167-270

22 Property Owners Notified

Label #	*Address*		*Owner*
1	2598	PACIFIC AVE	EPIC DALLAS HOTEL LP
2	2511	MAIN ST	ELM STREET LOFTS LTD
3	2429	MAIN ST	ELLER MEDIA COMPANY
4	2509	MAIN ST	WESTDALE MAIN LTD
5	2528	ELM ST	CITY HOTEL LTD
6	2532	ELM ST	CTC TEXAS ASSOCIATES LLC
7	2536	ELM ST	JEANETTE INV II LTD
8	2542	ELM ST	FRIEDMAN LAWRENCE J TR
9	2540	ELM ST	SCHWARTZ HYMIE TRUST
10	2544	ELM ST	BEVERLY ANN FONBERG TRUST
11	2604	ELM ST	SEJ ASSET MGMT & INVESTMENT CO
12	2610	ELM ST	WESTDALE PROPERTIES AMERICA I LTD
13	2614	ELM ST	42 DEEP ELLUM LP
14	2603	MAIN ST	PARKIN ART JOINT VENTURE
15	2524	PACIFIC AVE	EPIC DALLAS OFFICE LP
16	2551	ELM ST	EPIC DALLAS RESIDENTIAL LP
17	2511	ELM ST	EPIC DALLAS OFFICE LP
18	2605	ELM ST	WESTDALE PROPERTIES AMERICA I LTD
19	2615	ELM ST	WESTDALE PPTIES AMERICA I LTD
20	2600	MONUMENT ST	DALLAS AREA RAPID TRANSIT
21	2752	GASTON AVE	DEEP ELLUM MARQUIS LP
22	403	REUNION BLVD	DALLAS AREA RAPID TRANSIT

AGENDA ITEM # 50

Mobility Solutions, Infrastructure, and Sustainability

AGENDA DATE: April 11, 2018

COUNCIL DISTRICT(S): 10

DEPARTMENT: Department of Sustainable Development and Construction

CMO: Majed Al-Ghafry, 670-3302

MAPSCO: 27 L; Q

SUBJECT

A public hearing to receive comments regarding an application for and an ordinance granting a Landmark Commission authorized hearing to consider an Historic Overlay for McCree Cemetery (9930, 9934 and 9938 Audelia Road) on property zoned an R-7.5(A) Single Family District, south of Estate Lane, between Audelia Road and Queenswood Lane

Recommendation of Staff and CPC: Approval, subject to preservation criteria

Recommendation of the Landmark Commission: Approval, subject to preservation criteria

Z167-309(LC)

HONORABLE MAYOR & CITY COUNCIL **WEDNESDAY, APRIL 11, 2018**

ACM: Majed Al-Ghafry

FILE NUMBER: Z167-309(LC) **DATE FILED:** July 6, 2015

LOCATION: South of Estate Lane, between Audelia Road and Queenswood Lane

COUNCIL DISTRICT: 10 **MAPSCO:** 27 L; Q

SIZE OF REQUEST: 3.04 acres **CENSUS TRACT:** 130.09

APPLICANT/OWNER: Fanning Family & McCree Cemetery Association

REPRESENTATIVE: None

REQUEST: A Landmark Commission authorized hearing to consider an Historic Overlay for McCree Cemetery (9930, 9934 and 9938 Audelia Road) on property zoned an R-7.5(A) Single Family District.

SUMMARY: McCree Cemetery is comprised of 9934, 9938, and part of 9930 Audelia Road. The Landmark Commission initiated the historic designation of this cemetery as a City of Dallas Landmark at the request of Preservation Dallas, and with the support of the Fanning family estate, who owns the property. A City of Dallas Landmark property must meet 3 of 10 designation criteria. This property has been determined to meet 7.

CPC RECOMMENDATION: **Approval**, subject to preservation criteria.

LMC RECOMMENDATION: **Approval**, subject to preservation criteria.

STAFF RECOMMENDATION: **Approval**, subject to preservation criteria.

BACKGROUND INFORMATION:

- McCree Cemetery was officially deeded in 1866 and contains the graves of Peters Colonists, pioneer settlers, war veterans, freedmen from the surrounding hamlets of Audelia, Rodgers, and Egypt (a.k.a. Little Egypt), and members of the early area Methodist and Baptist churches.

- The original owners were E. H. McCree and Mahulda Bonner McCree, who had purchased several acres of land from the Hustead Survey. Mahulda granted 1 ½ acres to William McCullough and James E. Jackson in June 1866 for a public graveyard.

- In June 1896, J. E. Griffin sold one acre of land, adjacent to the cemetery on the east, to three African-American men (Jeff Hill, George John, and Monroe Parker) for the establishment of an African-American cemetery.

- The cemetery was used by decedents of the original settlers up until the 1980s. The last burial was from 1982. McCree Cemetery is no longer active or in use. Future burials are not allowed.

- A Texas State Historical Marker was installed at the cemetery in 1986.

- After the Landmark Commission authorized the public hearing on June 6, 2015, the Designation Committee of the Landmark Commission met two times to work on the landmark nomination form and preservation criteria.

- The Designation Committee approved the designation report, comprised of the landmark nomination form and preservation criteria, on March 15, 2017.

- The Landmark Commission approved the designation on June 5, 2017.

- There are no proposed changes to the cemetery, or its use, at this time.

STAFF ANALYSIS:

Comprehensive Plan:

The historic overlay is consistent with the Land Use Element of the Comprehensive Plan. Historic preservation has played a key role in defining Dallas' unique character. Preservation of open spaces that are historically and environmentally significant creates a direct, visual link to the past, contributing to a "sense of place."

LAND USE ELEMENT

GOAL 1.1 Align Land Use Strategies with Economic Development Priorities

Policy 1.1.5 Strengthen existing neighborhoods and promote neighborhoods' unique characteristics. Acknowledge the importance of neighborhoods to the city's long-term health and vitality.

GOAL 1.2 Promote Desired Development

Policy 1.2.2 Establish clear and objective standards for land use planning.

CPC ACTION:
(March 1, 2018)

Motion: It was moved to recommend **approval** of an Historic Overlay for McCree Cemetery (9930, 9934 and 9938 Audelia Road), subject to preservation criteria on property zoned an R-7.5(A) Single Family District, south of Estate Lane, between Audelia Road and Queenswood Lane.

Maker: Housewright
Second: Rieves
Result: Carried: 10 to 0

For: 10 - West, Rieves, Houston, Davis, Shidid, Carpenter, Mack, Housewright, Murphy, Tarpley

Against: 0
Absent: 1 - Schultz
Vacancy: 1 - District 8
Conflict: 3 - Jung, Peadon, Ridley

Notices: Area: 200 Mailed: 42
Replies: For: 3 Against: 0

Speakers: For: David Preziosi, 2922 Swiss Ave., Dallas, TX, 75204
Against: None

LANDMARK COMMISSION ACTION: (June 5, 2017)

This item appeared on the Commission's discussion agenda.
Motion: Approval, subject to preservation criteria.

Maker:	Tapscott
Second:	Montgomery
Results:	14/0

Ayes:	*Allender, Amonett, Birrer, Bumpas, *Childers, Jordan, McGill, Montgomery, Seale, *Sherman, Swann, Tapscott, Tate, Williams
Against:	None
Absent:	Bowers, Flabiano
Vacancies:	3, and 12

Dallas Landmark Commission
Landmark Nomination Form

1. Name

Historic: McCree Cemetery
and/or common:
Date: 1866

2. Location

Address: 9934, 9938, part of 9930 Audelia Road
Location/neighborhood: Lake Highlands
Block and lot: 8080 *land survey:* n/a
tract size: 2.625

3. Current Zoning

current zoning: residential

4. Classification

Category	*Ownership*	*Status*	*Present Use*	
____*district*	____*public*	__x__*occupied*	____*agricultural*	____*museum*
____*building(s)*	___x_*private*	____*unoccupied*	____*commercial*	____*park*
____*structure*	____*both*	____*work in progress*	____*educational*	____*residence*
__X__*site*	*Public*	*Accessibility*	____*entertainment*	____*religious*
____*object*	*Acquisition*	__x__*yes: restricted*	____*government*	____*scientific*
	____*in progress*	____*yes: unrestricted*	____*industrial*	____*transportation*
	____*being consider'd*	____*no*	____*military*	___x__*other, specify*
				__*Vacant*_____

5. Ownership

Current Owner: Fanning Family	and	McCree Cemetery Association
Contact: Ross Powell 214-762-8306		Robin Norcross 214-662-9133
Address: 9820 Church Drive, Dallas, TX 75238		10000 Linkwood Drive, Dallas, TX 75238

6. Form Preparation

Date: May 2, 2017
Name & Title: Michelle Wurtz Penton, PhD, RPA, Project Manager
Organization: Versar, Inc. *Contact:* 972-423-5480

7. Representation on Existing Surveys

Alexander Survey (citywide): local state national
National Register
H.P.L. Survey (CBD) A B C D Recorded TX Historic Ldmk
Oak Cliff TX Archaeological Ldmk
Victorian Survey
Dallas Historic Resources Survey, Phase ____ ___ high ___ medium ___ low

For Office Use Only
*Date Rec'd:*_____ *Survey Verified: Y N by:*_____ *Field Check by:*_____ *Petitions Needed: Y N*
Nomination: Archaeological Site Structure(s) Structure & Site District

8. Historic Ownership

Original owner: Mahulda Bonner McCree granted 1.5 acres to William McCullough and James E. Jackson (June 19, 1866); J. E. Griffin sold one acre of land adjacent to the east side of McCree Cemetery to Jeff Hill, George John, and Monroe Parker (June 25, 1896); B. J. Prigmore tract 5/8 acres (1896)

Significant later owner(s):

9. Construction Dates

Original: 1866

Alterations/additions: 1896 (establishment of adjacent African American portion)

10. Architect

Original construction: N/A

Alterations/additions: N/A

11. Site Features

The site is a cemetery with a segregated burial population; the African American cemetery to the east and the European American burials to the west.

12. Physical Description

Condition, check one:			*Check one:*
____ *excellent*	____ *deteriorated*	__X__ *unaltered*	__X__ *original site*
__x__ *good*	____ *ruins*	_____ *altered*	____ *Moved (date_____)*
____ *fair*	____ *unexposed*		

McCree Cemetery is located southeast of the intersection of Estate Lane and Audelia Road in Dallas, Texas. The cemetery is located at the intersection of the alleys for the homes along Estate Lane and Queenswood Lane. The current cemetery measures approximately 2.6 acres with a segregated burial population; the African American Cemetery to the east and the European American burials to the west (Figure 1). A modern fence delineates the two cemeteries with separate, gated access to the north. In 2015, Mr. James "Rusty" Brenner of Texas Cemetery Restorations conducted an inventory of the existing markers. One hundred fifty-eight (158) markers were recorded during the inventory, and locations were used to develop a site map of McCree Cemetery (Figure 2 and Appendix A).

Subdistrict A includes the 2.6 acres which consists of the African American Cemetery to the east and the European American cemetery to the west. Subdistrict B is the small strip of land located between Subdistrict A and the alley drive to the north (see Figure 1). Subdistrict A has a chain link fence around the perimeter.

The cemetery was officially deeded in 1866 and for nearly one hundred years, it served as a landmark within a sparsely settled, rural community populated by Peters colonists, pioneer settlers and freedmen from the surrounding hamlets of Audelia, Rodgers, and Egypt (also known as Little Egypt). Development in the last fifty years has encapsulated the once prairie cemetery on the hill. Immediately surrounding the cemetery is a mix of modern residential homes and commercial properties (an apartment complex and AT&T Building) with associated asphalt, cement and grassed areas bordering.

The cemetery occupies an upland location along an unnamed tributary of Jackson Branch, located approximately 0.2 miles (mi) southeast of the cemetery boundary. Historically, the cemetery was perched within a site typified by native prairie grasses with sparse trees. Today, two plant species broomsedge bluestem and sideoats grama grasses, native to the Blackland Prairie environment, remain. A number of

different tree and other plant species are found within the cemetery including the eastern red cedar and bois d'arc are more commonly found along riparian corridors in the Texan biotic province. Some of the trees are volunteers and are located intermittently within the field of grave markers and around the fence lines. The presence of ornamental species suggest a more 'managed' introduction of plant species including iris, glossy privet, crepe myrtle and moonglow juniper.

With the exception of the fencing, gravestones, also known as grave markers, headstones, and tombstones, are the only built site features within McCree Cemetery. The west side of the cemetery has a larger number of marked graves. As depicted in Figure 2, the markers extend from the north end to the south end of the fence with a greater concentration towards the center of this section of the cemetery. The east side of the cemetery has three to four sporadically defined rows. Both sides of the cemetery have a number of vacant sections where unmarked graves are likely present.

There are a variety of grave markers within McCree Cemetery. It was common practice to use sculptured designs or symbols on limestone, marble, and granite. Symbols typically denoted religious beliefs, fraternal organization association, and other aspects of the life of the deceased. Common sculpted reliefs include flowers, heaven's gates with a star, garden gates, Christian cross, lamb, grapevines, ivy, leaves, finger pointing upwards, clasped hands, dove, wreaths, open bibles, angels, ferns, decorative bands, columns, and draped fabric. Many of these symbols are found in the professionally made gravestones at McCree.

Figure 1. Location of McCree Cemetery with cemetery divisions.

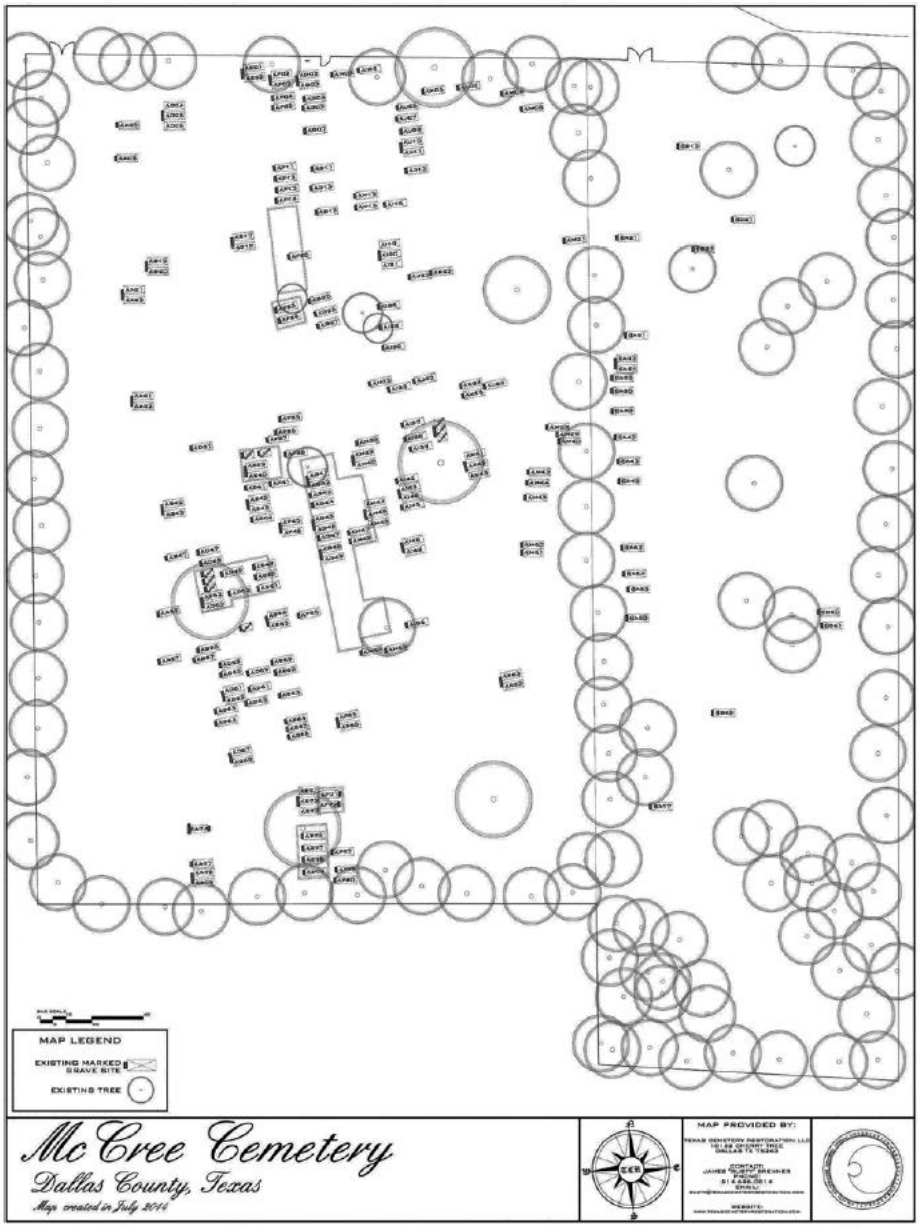

Figure 2. 2015 inventory of McCree Cemetery by James "Rusty" Brenner. Please see the report entitled *Cultural Resources Survey for the McCree Cemetery Restoration Project, Dallas County, Texas*, on file at the Dallas Public Library for a more detailed version of the figure.

13. Historical Significance

Early Settlers and the Establishment of McCree Cemetery

The colonization of North Central Texas began in earnest in the 1840s. European Americans, primarily from southern and eastern states found offers from land granting companies too tantalizing to ignore. One of the most prominent land agencies, the Peters Colony, promised family men six hundred forty acres and single men three hundred twenty acres. The families that settled here helped establish communities now gone (Audelia, Jackson, Breckenridge, and Rodgers) and those that remain, including Richardson and Garland. The first to arrive here in the 1840s and 1850s, found wide stretches of prairie with high grasses, buffalo, deer, creeks, numerous springs, and the rich, Blackland Prairie soil. As one pioneer noted, in reference to the North Central Texas landscape:

> You see, the whole of this fine prairie country was before us to select from, and we wanted to take a good look before finally making choice of a section of land. It all looked so rich and green and beautiful that it rather bewildered the heads of families to make a selection [B.J. Prigmore 1891].

That certain families made the White Rock Creek area in present-day northern Dallas their home, says much about its promise and beauty. In turn, these pioneering families worked hard to make a living off the land. They established farmsteads, prospered, and formed small communities to provide needed services. It appears that they relied on one another for social and economic needs. Families such as the Jacksons, Prigmores, McCulloughs, McCrees, Goforths, and many others shared similar pasts in coming from afar to seek opportunities and establish new lives. In a number of cases, children, grandchildren, and even descendants generations later remained in the area and contributed to the development of twentieth century towns, cities, businesses, and institutions. On the surface, one has to look hard to see the legacy that these pioneers left behind. Street names, McCree Cemetery, and the names of creeks seem to be all that is left, but without these families, Richardson and Garland might not have developed as they did, and Richland College exists in great part due to the Jackson family. Nearby African American families also built churches that remain to this day, serving the spiritual needs of their founders' descendants. Research into the archival records left behind, provides a glimpse into the backgrounds and immediate experience of the Anglo settlers who made this part of Texas their home in the mid nineteenth century.

The Jackson Family

John Jackson (son of a Revolutionary War veteran) and Eliza Brown Jackson left Missouri to arrive in Dallas County in 1845. As a Peters Colonist, he received a 640-acre certificate for land dated November 15, 1850. He died in 1875. The headright became known as the "Jackson home" where the large family often gathered.

A son of John and Eliza, Thomas J. Jackson was two years old when he arrived in Dallas County with his parents. Thomas J. went on to serve in the Civil War as a member of Captain W. W. Peak's Thirty-First Cavalry, Company A. He married Mollie Nash (sister of Judge Thomas F. Nash) and died in 1910 (The Dallas Morning News 1910-a, 1910-b; FJF-f). Other Jackson children included Jeff, Cape, Jimmie, and Ella (Richardson Echo 1933).

The Prigmore Family

In 1844, Benjamin J. Prigmore, age fourteen years, arrived in Dallas County with his father, Joseph Prigmore, his mother, Mahala Dixon, and his siblings. The Prigmores built a log cabin and went about planting wheat with only a yoke of oxen to plow the ground. They then built a worm fence, plowed up more land and sowed nearly 16 acres of corn. Joseph Prigmore established a corn mill and served on the first Dallas County Grand

Jury, but in 1849, he left for California. Upon his return in 1855, he sold his headright and gathered up his family, with the exception of Benjamin, to go back to California. He returned to Texas again in 1860 and died in 1862 (DPL-a).

While his family was in California, Benjamin Prigmore farmed until he joined the Army just prior to his seventeenth birthday and fought in the Mexican War. In 1853, he married Nancy J. Jackson, daughter of John and Eliza Jackson (Figure 3). Benjamin and Nancy Prigmore continued to work on the farm until 1862 when Benjamin enlisted in the Confederate Army. He returned home after the war, at which time he took up farming again on a land grant he received for his service in the war.

Tragedy struck the Prigmore family on May 26, 1867, when a tornado descended upon their farm, destroying several buildings and killing their oldest daughter, Eliza (buried in McCree Cemetery). As time went on, the Prigmores were able to re-establish their farm and re-build their home. Benjamin and Nancy Prigmore were successful enough to provide farms for their remaining children, who in the 1890s, all lived within the same general vicinity as their parents (Figures 3 and 4). A comment in a biographical sketch, published in 1892, attests not only to the personality of this early couple, but also hints at the importance of social relationships to the overall survival of the burgeoning community. In reference to B. J. and Nancy Prigmore, it was noted:

> At the home of this worthy couple, the stranger as well as the friend received a cordial welcome, and is entertained in true Southern style. Mrs. Prigmore is an adept in [sic] the culinary arts, and knows full well how to spread before her guests a tempting board and preside thereat in a most graceful manner [Lewis Publishing 1892].

Benjamin Prigmore died in 1901; Nancy Prigmore died in 1904 (DPL-a).

Figure 3. Nancy Lucinda Jackson Prigmore and Benjamin Prigmore, ca. 1870. Image courtesy of M'Layne Murphy.

Figure 4. Nancy Lucinda Jackson Prigmore, ca. 1855. Image courtesy of M'Layne Murphy.

Additional Families

In addition to the Jacksons and Prigmores, a number of families settled in this area of White Rock Creek between the 1840s and 1870s. These families included the McCulloughs, Crosbys, Bechtols, Brites, Goforths, Dixons, Ethridges, McGaughys, Sloans, Griffins, and McCrees, to name a few. James Willeford Crosby and his wife, Mary Texana Hollingsworth, came to Texas in 1876 from Mississippi. They joined James' father who had arrived two years earlier. Their farm was located near Church Road where they raised seven children—Eva Greem, James Duke, Tildon Barnes, John Willeford, Vertie Vera, Ira Virgil, and Alvin Lionel (DPL-a).

The McCulloughs included four brothers and two sisters who traveled by wagon train from Kentucky, arriving in Texas in 1845. The siblings were: William (and his wife Eleanor Elizabeth and their children), Thomas, John, Daniel, Hannah (with husband James Newsome) and Fereby (with husband John Henry Jones and their children). Within a few years, most of the McCullough siblings, if not all, had established farms near one another in the McCree Cemetery area, near White Rock and Jackson Creeks (FJF-d, e). Daniel Bechtol and his first wife came to the area in 1874. His wife, Mahala Biser Bechtol, died that same year (Lewis Publishing 1892). Many families lost infants and children. One can assume they were often the result of illness, though the loss of Eliza Prigmore in the 1867 tornado and a hunting accident that caused the death of twelve-year-old Tommie Shepherd (also spelled Shepard) (Figure 5) in 1905 reminds us that children were also victim to tragic events (The Dallas Morning News 1905).

Figure 5. Shepherd family portrait, ca. 1903, with young Tommie in the back, two years before his death. Image courtesy of Lauren Madeley.

The Establishment of McCree Cemetery

The land on which McCree Cemetery is located is part of the Harrison Hustead Survey No. 587. Hustead, his wife Prudence Bartlett, and their children arrived in Texas to claim land as Peters Colonists. As a family man, Hustead was granted six hundred forty acres in 1850 (Connor 1959:291). The 1850 census lists him as a farmer living with his wife, Prudence, and their eight children ranging in age from sixteen to two. Hustead and his family did not stay in the area long, however. He died in 1852 in Lisbon (six and a half miles south of Dallas) (FJF-a, c).

E. H. McCree and Mahulda Bonner McCree acquired several acres from the Hustead Survey, including that portion that would become McCree Cemetery. Little is known of the McCree family. E. H. and Mahulda came from Tennessee and were married in Dallas County in 1859. McCree Cemetery was established June 19, 1866, when Mahulda Bonner McCree granted one and a half acres to William McCullough and James E. Jackson for a public graveyard. It is assumed that E. H. McCree was deceased by then as Mahulda Bonner was the only grantor to sign the deed. The lot was described in the deed as:

> ". . . on the waters of White Rock Creek and being out of the H. Houstead [sic] tract on which I am now living and meted and bounded as follows, to wit. Beginning at a stake on high prairie, Wm McCullough's East chimney . . . being the same land now used as a public graveyard" [Deed Records J:485].

That the area had already served as a place of interment was not unusual. During settlement periods throughout the nation, the necessity of performing a burial often occurred prior to any concerted effort to formally establish a cemetery. Several burials might occur before land was officially deeded for that purpose. The first burial associated with McCree Cemetery was that of John Henry Jones (brother-in-law of William McCullough), though the location of his burial plot is unknown. Jones, who had left to fight in the Civil War, returned home in 1862. Soon after, he succumbed to wounds received in the war. Two years later, Eleanor Elizabeth McCullough, born in 1815, was buried nearby. As is inferred in the deed (i.e., reference to McCullough's chimney as a point of reference, and the relationship between William McCullough as husband of Eleanor Elizabeth and brother-in-law to John Henry Jones), relatives of the deceased were making this area of Dallas County their permanent home and were intent on formally establishing a burial ground for loved ones (FJF-a, b).

It is through deed records that we also learn of a nearby settlement of African Americans--the community of Egypt also known as Little Egypt. On June 25, 1896, J. E. Griffin sold one acre of land adjacent to the east side of McCree Cemetery to three African American men--Jeff Hill, George John, and Monroe Parker for the sum of twenty-five dollars (Deed Records 204:649). The one-acre tract was designated for, ". . . grave yard purposes for the interment of the colored people of this community."

Less than a month after the Griffins conveyed land for an African American burial ground, they sold one and 5/8 acres to B. J. Prigmore for the sum of one dollar (Deed Records 247:444). The land was deeded for "a public burying ground, exclusively." Thus, just before the turn of the twentieth century, McCree Cemetery came to exist in size and boundary as we know it today.

The landscape of McCree Cemetery remains unchanged over the years. While the surrounding area has transformed from agricultural to residential. In a rare photograph from 1938 at the funeral of Arthur Reese Bryant the surrounding agricultural landscape is apparent (Figure 6). Mr. Bryant was killed in an automobile accident while driving a truck for the gas company.

Figure 6. Burial of Arthur Bryant at McCree Cemetery in October of 1938. His wife (Minnie Abney Bryant) and daughters (Joyce Pauline Bryant and Patsy Maxine Bryant) stand next to the grave with a view of the prairie leading to White Rock Lake behind them. This grave, and several from his family, are located in the southwest end of the cemetery.

Growth and Development of the Audelia Community

The area surrounding McCree Cemetery remained agricultural for the next one hundred years and the built environment that developed reflected the needs of a farming community that grew slowly, but steadily. Beginning with the early settlers and first-generation descendants, homes, roads, bridges, mills, stores, schools, post offices, and churches began to appear. Natural landmarks took on the family names of early settlers and defined the community. To the west lay Jackson Creek and to the east was Dixon Branch—both feeding into White Rock Creek. From the mid-1800s and well into the twentieth century, farms were established throughout the White Rock Creek area. Many, if not most, were established by the sons and daughters of the first settlers--their children intermarrying. Joseph E. Prigmore, son of Benjamin and Nancy Prigmore, was a successful farmer with land just west of McCree Cemetery. He married Margaret A. White in 1885 and they had two daughters, Maude Ella and Ollie (Figures 7 and 8). Joseph was active in local and county politics, and served as an elder in his Presbyterian church. He died in 1940, but was buried at Restland Cemetery (Richardson Echo 1926, 1940). Joseph's sister, Texanna Prigmore, married Sam Lane. They too remained in the area and raised their family (Figure 9). Sam's sister, Dora Lane, married Jeff Jackson and they built a house on Audelia Road. Sam's sister, Sophia also married a Jackson—John T (The Dallas Morning News 1916; Figure 10).

Farming was the occupation of choice for the original settlers and many first generation offspring. Nevertheless, both first and second generation descendants began to diversify and some played important roles in the development of nearby Richardson. Tom Jackson Sr., born in 1869, moved into real estate and established Tom Jackson and Sons Realtors. He was also director of the Citizens State Bank, charter member of the Richardson Rotary Club, member of the Dallas Real Estate Board, and finally, served as mayor of Richardson from 1937 to 1947. So beloved was he, that his obituary included this final tribute:

> The Echo editor as well as every man, woman and child in this community has lost a friend who was never too tired or too busy to stop and counsel with you and help solve your problems [Richardson Echo 1955].

Figure 7. Joseph and Margaret Prigmore with Ollie, 1895. Image courtesy of M'Layne Murphy.

Figure 8. Maude Ella and Ollie Prigmore, daughters of Joseph and Margaret, 1896. Image courtesy of M'Layne Murphy.

Figure 9. Texanna Prigmore Lane holding Anna Viola, Frank, Elsie May, John, and her husband, Sam Lane, 1895. Image courtesy of M'Layne Murphy.

Figure 10. Lane siblings, Sophia, Dora, Eva, and Sam, ca. 1890s. Image courtesy of M'Layne Murphy.

Audelia

The name "Ardelia" began to take hold as the name of the growing nineteenth century community lying near White Rock Creek. James E. and Diana Jackson had several children, one of them being Ardelia Ellen (Figure 11). Born in 1853, Ardelia married John Frederick West in 1877. John West and his father-in-law built a general store at the southeast corner of today's Forest Lane and Audelia Road and called it "Ardelia." In the back of the store was a post office run by a man named Sarver. The mail was brought in and placed on a wooden barrel. There was also a grist mill in the back of the store. Not far from the store, at what would be the northeast corner of Forest and Audelia today, Box Whitfield operated a gin. On the northwest corner, Benjamin Prigmore donated land for the Jackson School. Ardelia Jackson West, along with Sophia Jackson, Dora Jackson, Lena Hoskins, Flo Bank, Minnie Thorp, Sallie Harris, Ben Davis, and a man named Dunlap all taught at the school for fifty dollars a month. Trustees of the school were Will Sharp and Ardelia's brother, C. W. Jackson (The Dallas Morning News 1986).

Ardelia died in 1899 and her husband sold the store to George Mercer who owned a farm nearby. In 1904, the post office was discontinued and area residents began receiving mail via rural delivery. At some point, the name 'Ardelia' was corrupted to 'Audelia.' A 1924 postal delivery map shows the name Audelia and a 1933 obituary refers to the deceased as having been from the community of Audelia (The Dallas Morning News 1904; Richardson Echo 1933; Figure 12).

Figure 11. Ardelia Ellen Jackson West, ca. 1872. Image courtesy of M'Layne Murphy.

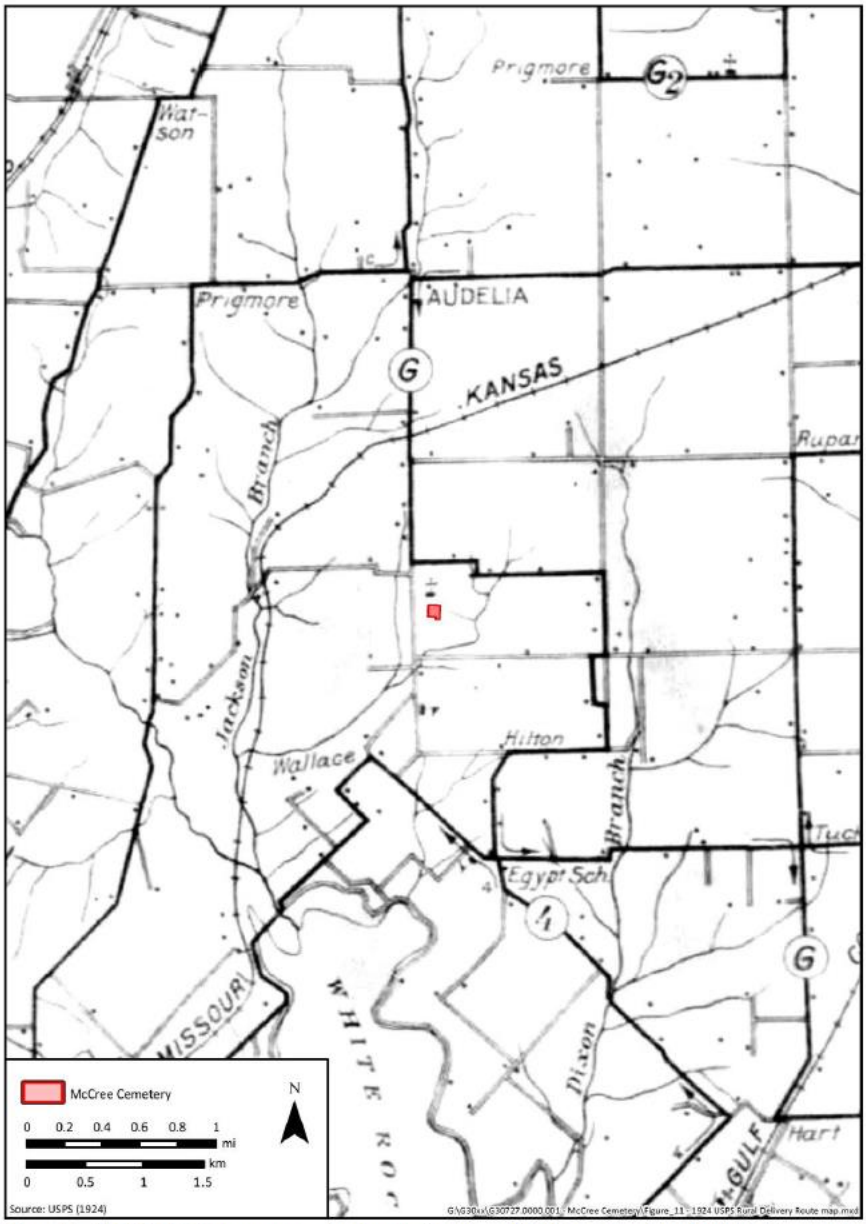

Figure 12. 1924 USPS delivery map, showing the location of McCree Cemetery, Audelia Community, and Egypt School.

The Jackson family also lent its name to a small community that existed just north of Audelia, closer to Richardson. Although the Jackson Community was well known, it does not appear to have gained the same prominence as did Audelia. The name does appear, however, in several obituaries which note the deceased was from 'the Jackson community' (Richardson Echo 1933, 1954).

The 1900 Sam Street's Map identifies the McCree Cemetery and houses belonging to or lived in by several pioneering families and their descendants (e.g., the Prigmores, Jacksons, Crosbys, Griffins, and Wallaces) (Figure 13). The map suggests a rather dense built environment with rectangles being the houses of owners and triangles representing rental properties. The dotted lines are wagon roads; the line with hashmarks is a railroad. Though it cannot be certain that the home of Dora Lane and Jeff Jackson on Audelia Road is typical of the others, a photograph prior to 1908 shows a stately two-story wooden home with a large wrap-around porch and chimney (Figure 14). A later photograph, based on the apparent age of Dora Lane and Jeff Jackson, shows the same house (Figure 15).

Although it is not clear when the Jackson School closed, a 1918 USACE map and 1918 USGS map show the Audelia School located within the same area (Figures 16 and 17). Thus, it is possible that the Jackson School was renamed. At least by 1890, however, there was need for another school. The Rodgers School building was established at present-day Audelia and Parkford on land donated by Campbell Goforth (FJF-h). In 1918, a new building was constructed to accommodate state laws (see Figures 16 and 17). The 1918 schoolhouse was described as a one-room, wooden building with windows on the sides. Children sat at desks designed for two students; the room was heated by a pot-bellied stove (DPL-a). The Rodgers School district became a part of the Richardson Independent School District (ISD) in 1929. The building remained in its location, however, until the 1950s. At that time, the school house was moved to Vickery, received new siding, and became the Vickery Masonic Lodge Hall (DPL-a).

Another addition to the Audelia built environment is referenced October 8, 1929, the date upon which C. W. Jackson, T. B. Crosby, and John Dixon paid two hundred fifty dollars to J. D. Robertson for a one and a half acre lease with a frame church building just north of the cemetery lot. By the terms of the lease, said lessees were to maintain the building and it was to be,

> . . . used as place of public worship, by any and all denominations that desire to use said [building], and for services conducted by ministers and others at the burial of the dead in said cemetery. . . Neighborhood meetings may also be held at said building [FJF-j].

It was also through this lease agreement that ingress and egress from Audelia Road to the church and cemetery were established. This, later came into play when Southwestern Bell Telephone wished to purchase the land for a parking lot.

Although open to all denominations, it is reported that the church first served, primarily, the Methodists, but on August 23, 1931, the Reverend Charlie Dorman and wife, Mr. J. Dabney and wife, Ms. Francis Dorman, Ms. W. E. Schmitt, and Ms. Gertrude Schmitt organized the Rodgers Baptist Church and used the frame building next to McCree Cemetery for services (FJF-a). Because of its proximity to McCree Cemetery, the name Rodgers (or Rogers) was sometimes applied to both the church and cemetery; thus causing confusion over the names of both the cemetery and the community of Audelia. Rodgers Baptist parishioners used the church until 1939 when they established a new building on Jupiter Road (FJF-a). The church remained in use, but it was heavily vandalized and intentionally burned in the mid-1940s.

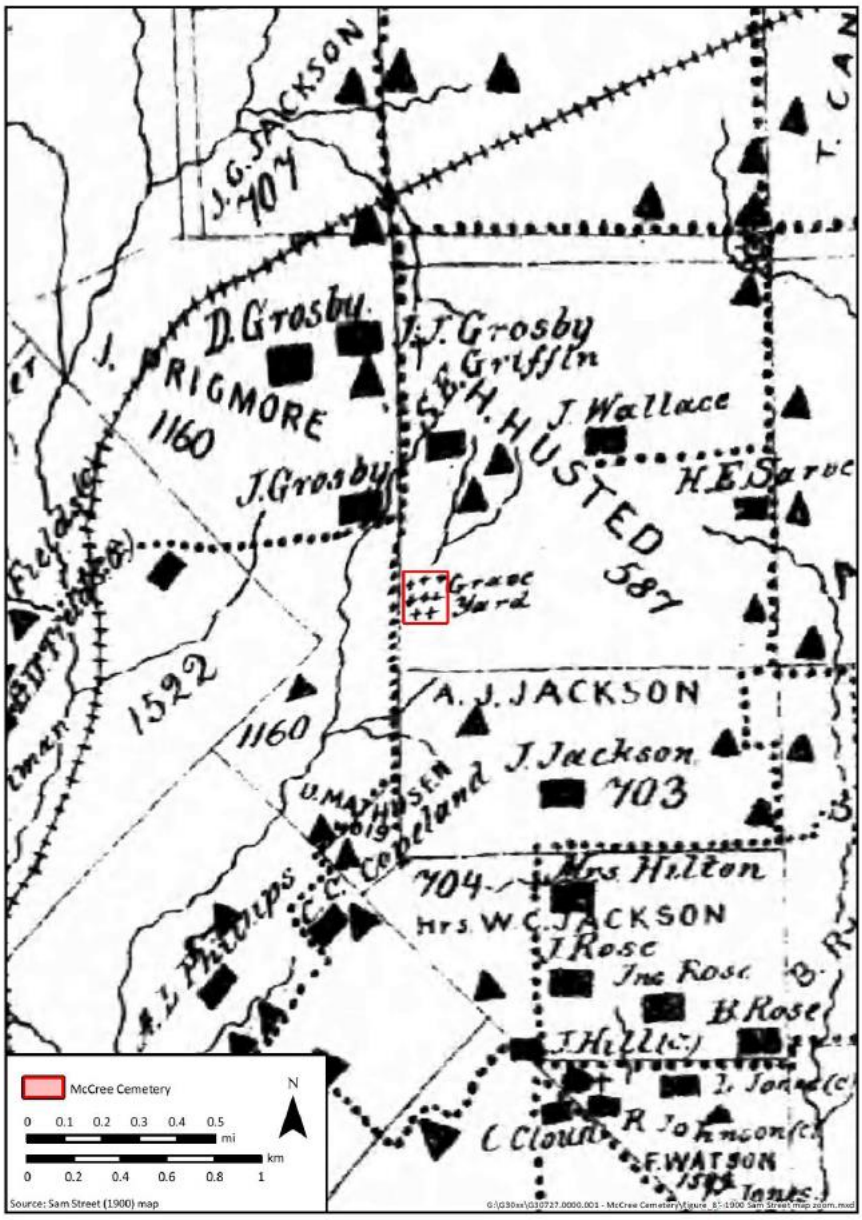

Figure 13. Location of McCree Cemetery on the 1900 Sam Street map.

Figure 14. Home of Dora Lane and Jeff Jackson on Audelia Road, ca. 1900. Image courtesy of M'Layne Murphy.

Figure 15. Dora Lane and Jeff Jackson sitting in front of their Audelia Road home. Image courtesy of M'Layne Murphy.

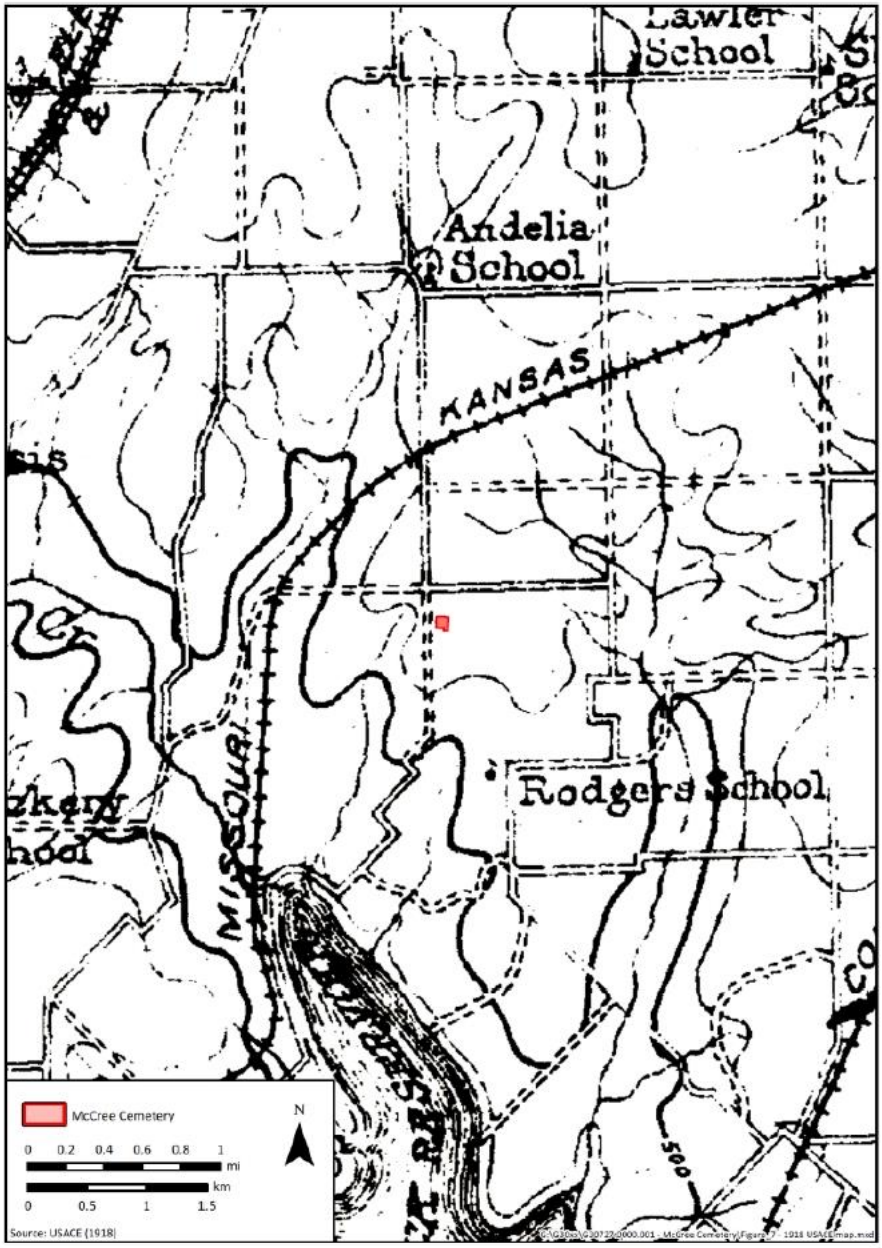

Figure 16. Location of McCree Cemetery on the 1918 USACE map.

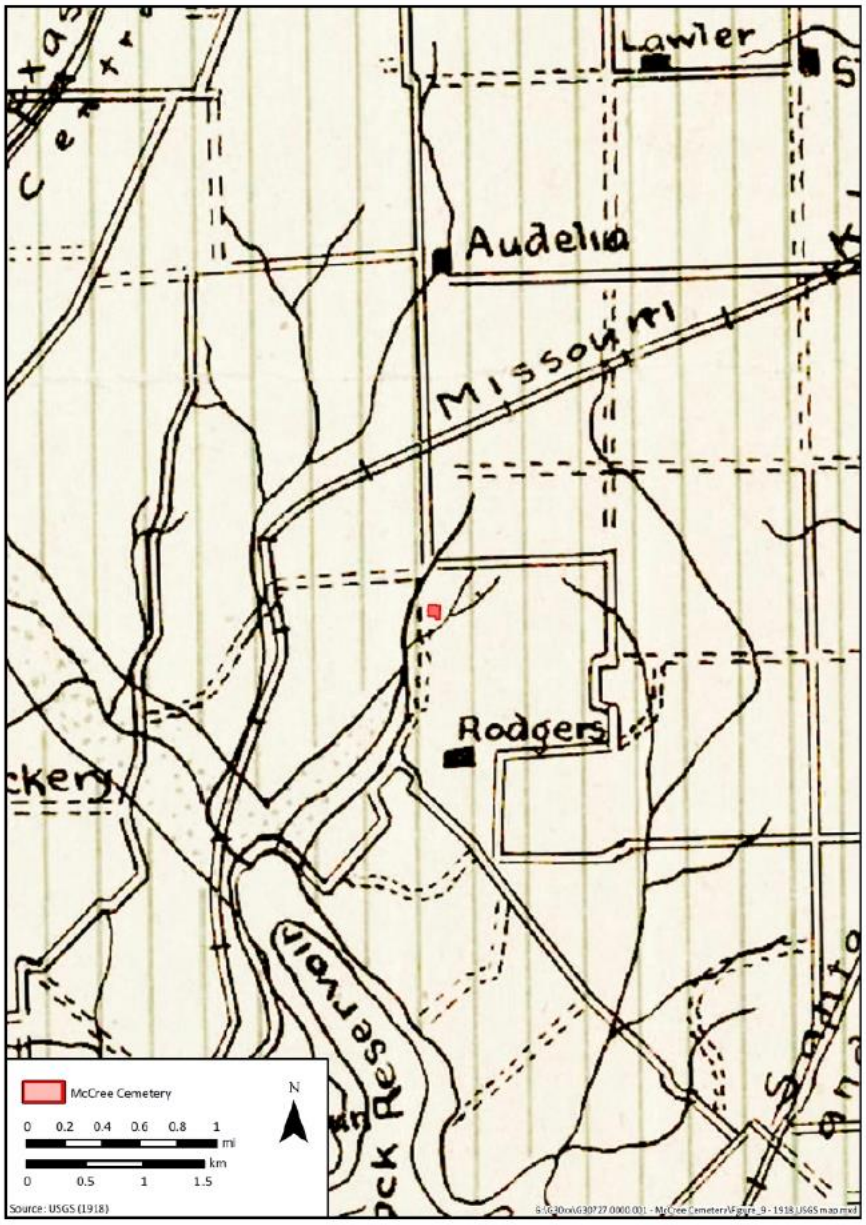

Figure 17. Location of McCree Cemetery on the 1918 USGS geological map.

The Works Progress Administration's guide and history to Dallas, noted the population of Audelia as being thirty-five and that it was "a tiny crossroads village with one store and one church" (Holmes and Saxon 1992:406). This would have been recorded in the mid- to late 1930s. The community was, of course, surrounded by farmsteads as is seen in a 1936 highway map that shows a typical rural built environment separated by wide open spaces (Figure 18).

The reminiscences of a Dallas city resident who visited his grandparents' farm in the 1930s paint a picture of farm life as it existed during this decade. Robert N. Jones, grandson of Jeff and Dora Jackson, often spent Sundays at their house (the same house shown in Figures 14 and 15). As a child, Jones played in the hayloft, climbed on farm machinery, chased chickens, and waded in the creek among other things. He also recalled visiting John Jackson's farm which stood on higher ground near today's Restland Cemetery and Richland College. There, the flying neon Pegasus atop the Magnolia building in downtown Dallas was visible (Jones 1983).

Jeff and Dora Jackson grew cotton as a money crop, but over the years had also sold oats, wheat, corn, and onions. It was said that Jeff Jackson had a way of knowing what crops would be profitable ahead of time. As was common among rural families, Jeff and Dora Jackson were fairly self-sufficient when it came to food. They had pecan trees; a vegetable garden for peas, green beans, and corn; dined on fresh farm eggs; and had a milk cow and fruit trees. They butchered their own hogs on the farm and made a "peppery country sausage" and smoked hams. Although Jeff Jackson's brother, John, had invested in a plow tractor, Jeff had laborers plow his fields with mules (Jeff Jackson was in his seventies at this time). Jones recalls his grandparents speaking of early trips into "Dallis" to go to the farmers market. They would hitch up a wagon and cross a wide, flat valley that would become White Rock Lake in 1911 (Jones 1983).

In February 1930, Dora Jackson threw a surprise sixty-eighth birthday party for her husband. The event was recorded in a Richardson newspaper, noting that the whole family attended, along with Mr. and Ms. Joe Prigmore, and a host of friends who stopped by to wish him well. For Jeff and Dora Jackson, the fruits of their labor came to an end in 1942 when their house burned to the ground. The elderly couple moved to Richardson where Jeff Jackson died in 1944. Dora Jackson died a few years later (Jones 1983; Richardson Echo 1930).

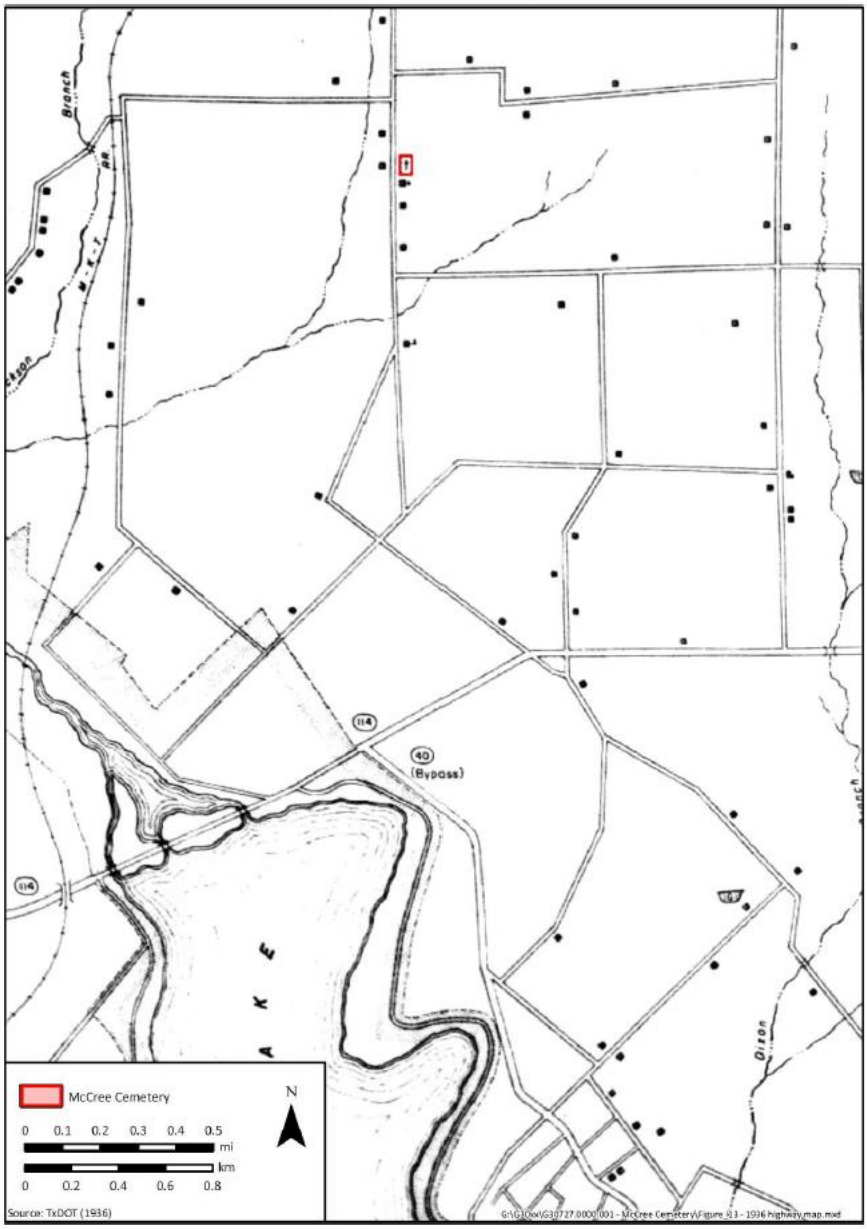

Figure 18. 1936 highway map of the Audelia area.

Growth and Development of the Egypt Community

While Anglo settlers were establishing farmsteads in the White Rock Creek area and forming the Audelia community, African Americans were also establishing a community just south of McCree Cemetery where Northwest Highway and Ferndale Road intersect today. After the Civil War, former slaves John (also known as Jeff) and Hanna Hill, and Ephriham and Amanda Floyd established a freedmantown on land that the Hill's former owner had granted to them. One of several freedmantowns established in Dallas County, this one was christened "Egypt--" a symbolic reference to their exit out of bondage. It is also commonly referred to as "Little Egypt," though former residents prefer the original name of Egypt (The Dallas Morning News 2002; DPL-b).

One of the earliest known organizations established in Egypt was the Egypt Chapel Baptist Church. Dr. A. R. Griggs, a prominent minister well known in the North Dallas freedman community near today's Central Expressway and Lemmon Avenue, organized the church on April 10, 1880. The church itself stood for over eighty years, and it was the only church in Egypt. Photos from 1961 show a one-story frame building three-bays wide with what looks to be two, two-over-two double-hung windows on each side of the double-wide wood doors. The front of the building has triple, parallel gables. The one side elevation that is visible in the photograph shows at least three windows. According to some former residents, the building was patched and repaired throughout the years; thus, it is unlikely that in 1961 the church looked as it did originally, but nevertheless, it provides a frame of reference for understanding what the community's single-most important building may have looked like. The building, on the north side of Northwest Highway, faced Ferndale. In addition to the church, there was a one-room school house with blackboards, homemade benches, and a coal stove. The school taught grades one through six (and at times up to the eighth grade). Not only did it serve the children of Egypt, but African American children from miles around attended. The last day of school was fondly remembered. Parents from the country would load up their wagons and bring lots of food to celebrate with speeches, programs, and games. The school was originally located on what would today be the southwest corner of Northwest Highway and Ferndale, but when Northwest Highway was constructed, cutting into the southern edge of Egypt, the school was moved to the north side next to the church. According to former residents, there was also a dance hall in Egypt. Jeff Hill owned a candy store and the area was surrounded by peach and plum orchards (Black Churches Network 2015; The Dallas Morning News 2002; DPL-b).

Life in Egypt was a struggle, but it was home and in the words of Jerry McCoy, former resident:

> "Life was hard there, but I'll tell you what, it was one of the blessed things that happened to me. It taught me how to be a man because we didn't have all the luxuries, but whatever we had, we appreciated. And whatever I get now, I still appreciate" [The Dallas Morning News 2002].

Jeff and Hanna Hill had a son, also named Jeff, born August 20, 1893. Upon reaching twenty-three years of age, he registered for the Army and served in World War I. His registration card lists him as a farm hand. He was of medium height, medium build, had blue eyes and black hair. It was also noted that at some point, his right arm had been broken and that it "causes trouble." Hill enlisted on July 16, 1918, and was discharged August 2, 1919, with the rank of private. Upon his death of stomach cancer on November 5, 1947, he had been holding odd jobs for a living. His wife, Lenora, applied for and was granted a military veterans headstone. Jeff Hill's headstone is one of the few that remain in the black portion of McCree Cemetery (Jeff Hill 2014).

Vandalism and the McCree Cemetery Association

McCree Cemetery was over fifty years old when a group of descendants formed the McCree Cemetery Association with the intent of preserving and maintaining the burial ground. J. E. Jackson, J. R. Dixon, T. B.

Crosby, R. E. Dixon, and A. S. Jackson officially formed the association through the Secretary of State on October 17, 1940. Under the terms of agreement, the corporation was formed to:

> . . . promote, maintain, manage, improve, operate and care for the McCree Cemetery, a public cemetery located on the H. Hustead Survey about two miles East of the town of Vickery in Dallas County, Texas, and for the purpose of conducting any one or more or all of the businesses of said cemetery, including the selling of lots therein for burial purposes.
>
> All owners of lots in said cemetery shall be members of this corporation and each owner of a lot or lots embraced in said cemetery shall be a share-holder in this corporation and shall be entitled to all the rights and privileges of a share-holder . . . [McCree Cemetery Association Charter 1940].

The association was chartered for a fifty-year existence and was to maintain five directors. The addresses of the five original directors, as noted in the charter, are of interest for the information they provide on the shifting settlement patterns of these Audelia descendants. Some retained rural addresses while others appear to have moved into more developed areas of Dallas. J. E. Jackson and R. E. Dixon both lived on Route 5 of Dallas, Texas. J. R. Dixon lived in Vickery, Texas (a community west of Audelia near present-day Greenville Avenue and Park Lane). A. S. Jackson's address was listed as 4909 Drexel Drive in Dallas. For some reason, the address of T. B. Crosby was not listed.

For at least the first several years, the McCree Cemetery Association sponsored "Decoration Day," encouraging descendants of those buried there to attend. A 1941 newspaper article announced that the Rev. E. B. Jackson of Prosper would be preaching at a morning service. "Everyone is invited to come and bring a basket lunch" (Richardson Echo 1941). In 1943, two meetings were held; one on November 6 "to discuss maintenance and preservation of the grounds and church." Another announcement appeared shortly later, for a December 4 meeting when directors for the following year were to be elected. It was further noted that, "This is the day to put out shrubbery, trees and other flowers in the cemetery, and we urge a full attendance" (Richardson Echo 1943a and 1943b). In 1945, a newspaper announcement noted that members of the cemetery association were holding memorial services at McCree "on Audelia Road, a mile north of White Rock Lake" (The Dallas Morning News 1945).

An association dedicated to the care of McCree Cemetery could not have come soon enough, though the organization's control over vandalism was almost non-existent--members seemed powerless to prevent it. Instead, they could only express dismay and concern, but they at least, let others know that there were people in Dallas who cared about the cemetery. For some reason, McCree Cemetery began to attract the attention of young people who liked to party, drink, and vandalize the tombstones and church. It may have simply been that the cemetery was close enough to Dallas, but still isolated. One of the earliest occurrences noted in a newspaper was dated April 28, 1940, when the interior of the church was desecrated and the cemetery was vandalized.

Men and women whose kin are buried in the old Rodgers Cemetery [i.e., McCree] on Audelia Road north of White Rock Lake decided to try to repair the old church near the graveyard at a meeting Saturday in the wrecked interior, despoiled by vandals within the last year. The eighty-nine boys and girls whose names were taken by a deputy sheriff one night last March when they were caught at the church and cemetery will first be called on to pay the cost of repairs [FJF-i].

The 1950s brought no relief. On October 30, 1950, it was announced that sheriff's deputies had tried to catch some McCree vandals after people living nearby complained of honking horns and loud voices. It was reported that nearly seventy percent of the tombstones had been knocked over and broken. An article the following day noted that young people threw parties there on Saturday nights, strewing broken beer bottles across the cemetery. The article also noted that five years prior to this, vandals had burned down the frame church and that two years ago, a group of young people congregating at the cemetery had been apprehended. By the early 1950s, the area surrounding McCree Cemetery was owned by J. N. Fannin who reported that the

cemetery was still in use and that McCree Cemetery family members were "pretty angry" with the vandals (The Dallas Morning News 1950-a and 1950-b).

The Demise of Audelia and Little Egypt

The vandalism that McCree Cemetery endured in the 1940s and 1950s was deplorable, but the 1960s ushered in changes that had enormous physical and social repercussions on this once-rural cemetery and the surrounding landscape. As the city of Dallas continued to spread northward, the farmland that once surrounded McCree Cemetery gave way to a fashionable, upper middle-class neighborhood, Lake Highlands. A January 1961 plat map shows a cement alley winding its way north and east of McCree Cemetery to provide access to rear-garage-entry homes on Estate and Queenswood lanes. The planned addition that was enclosing McCree Cemetery was called Lake North Estates No. 1. Houses quickly went up with the Lake Highlands neighborhood well established by the mid-1960s. By 1968, McCree Cemetery was completely surrounded with apartments to the south and a telephone office to the west. In 1977, the Southwestern Bell Telephone Company sought to purchase the entry way into McCree Cemetery from the City of Dallas for additional parking. The company was informed that the land was reserved for ingress and egress to the cemetery and the matter was dropped (Dallas City Archives).

Egypt was dealt a very swift blow, though perhaps one that was welcome, to some extent, by its residents. Even in the 1960s, the approximate thirty-five-acre community was still served by dirt roads. The houses were dilapidated and most were without electricity; none had running water, indoor plumbing, or gas. The death knell for this freedmantown began when one of the city's most prominent commercial real estate agencies, Majors and Majors, began eyeing the Northwest Highway/Ferndale intersection for a commercial venture, that they christened Northlake Shopping Center. The firm was already the leasing agent for thirteen large retail centers, including Wynnewood Village and Ferguson Village (The Dallas Morning News 1960). Like Northlake Shopping Center, these two centers remain even today.

On October 31, 1961, developers met at City Hall to seek rezoning (from residential to retail) of the approximate thirty-five-acre tract north of Northwest Highway between Ferndale and Easton. The acreage included Egypt and property owned by few other individuals. It was reported that a number of Egypt residents attended the meeting in support of the rezoning (The Dallas Morning News 1961). While it is almost certain that residents held mixed feelings about leaving a community that their ancestors had proudly established, the condition of the neighborhood and their individual homes made the developer's offer to buy up Egypt to be viewed as a step in the right direction. The patriarch of the community, eighty-nine-year-old William Hill, was instrumental in sealing the deal. At least one trustee of the Baptist church believed it was time to leave Egypt "before the entire area faced condemnation proceedings that residents could ill afford" (The Dallas Morning News 1962-a; 2002).

Households received a minimum of $6,500, enabling them to purchase a modest home with amenities elsewhere. One newspaper article noted that William Hill received $22,000 in cash, though it is difficult to discern if that was more than what most received or if it was an average amount. The developers also paid for the trucks to move the families. For the most part, Egypt residents desired to relocate as a group, though they did ultimately move to one of three areas—Oak Cliff, Garland, or Elm Thicket (an African American enclave near Love Field). The night before the move, Egypt residents gathered at their beloved Baptist Church to pray that there would be no rain on moving day, which would make the dirt roads impassable. On the morning of the move, thirty-seven trucks were lined up to assist two hundred families. Following those moving to Oak Cliff was Egypt Chapel Baptist Church, which relocated to Hutchins Road where it exists today. Within a few hours, Egypt was virtually a ghost town. There was no rain that day (Black Churches Network 2014; The Dallas Morning News 1962-a and 1962-b; 2002).

McCree Cemetery Today

With Audelia and Egypt gone, McCree Cemetery was virtually the only physical reminder that either community once existed (Figures 19 through 26). Yet, it lay hidden amongst the trappings of a mid-to late-twentieth century landscape. It was not forgotten, however—not by vandals, nor by descendants and others who cared about the final resting place of those before them. In the 1960s and 1970s, those who lived on Estate and Queenswood lanes, remember a cemetery in disarray with broken tombstones, beer bottles, and trash. The cemetery was still active, however, with burials occurring in both the white and black sections. Descendants, and others, could no longer tolerate the neglect that this cemetery had received for the past forty years. In 1985, Shirley Caldwell, Chairman of the Dallas County Historical Commission, received a letter from the Texas Historical Commission (THC) in reference to her application for a McCree Cemetery marker. Information collected by Mary Sutherland (niece of Ardelia Jackson West and member of the McCree Cemetery Association), Jimmie D. McSween (a McCullough-Jones descendant), Frances James (local historian and expert on Dallas County cemeteries), and most likely others, contributed to the information on the marker that graces the entrance to McCree Cemetery today. A program to dedicate the marker was held on April 6, 1986. Accepting the marker were Dr. Mable Maxey, a professor at Texas Women's University and descendant of William McCullough, and Everts Earl Jackson of Richardson, a descendant of James E. Jackson. Jackson and Dixon descendants--Shannon Cammuck, Jennifer Cammuck, Ginney Derryberrry, and Delisa Carney--had the honor of unveiling the marker. Glenda Cammuck provided a history of McCree Cemetery. Fittingly, Rev. Charles Thomas of Rodgers Baptist Church gave the invocation and dedication. The Lake Highlands Women's League and the Lake Highlands Republican Club sponsored a reception following the dedication (FJF-k).

The assimilation of McCree Cemetery descendants and Lake Highlands' organizations for the marker dedication demonstrates a connection between past and present that is still acknowledged today. Those whose ancestors once farmed the fields and those who represent the residential urban wave that followed recognize a shared sense of place that is symbolized by this small, prairie cemetery. Today, McCree Cemetery is owned by a private individual who maintains the cemetery, but has left the original landscape in place. Lake Highlands neighbors still keep an eye on it and Lake Highlands organizations and businesses are involved in its future. Preservation Dallas, with funds from the B. B. Owen Foundation, has undertaken efforts to secure city landmark status. Sadly, the havoc wreaked by vandals remains and can never be rectified, but knowing the cemetery's history and maintaining this small parcel of prairie land is a way of giving thanks to those before us. In the 1800s, Benjamin Prigmore explained that this small rise of land was chosen as a burial ground because it was the prettiest spot in the area. He was right then, and he is right now.

Figure 19. McCree Cemetery entrance to the European American portion in 2015.

Figure 20. Overview of McCree Cemetery, the European American portion in 2015.

Figure 21. McCree Cemetery, the European American burials in 2015.

Figure 22. McCree Cemetery, the European American burials in 2015.

Figure 23. McCree Cemetery, the European American portion in 2015. Photograph shows damage to headstones.

Figure 24. Overview of McCree Cemetery, the African American portion in 2015. Note: Photograph looking towards the treeline which lines the chain link fence that separates to two cemetery portions.

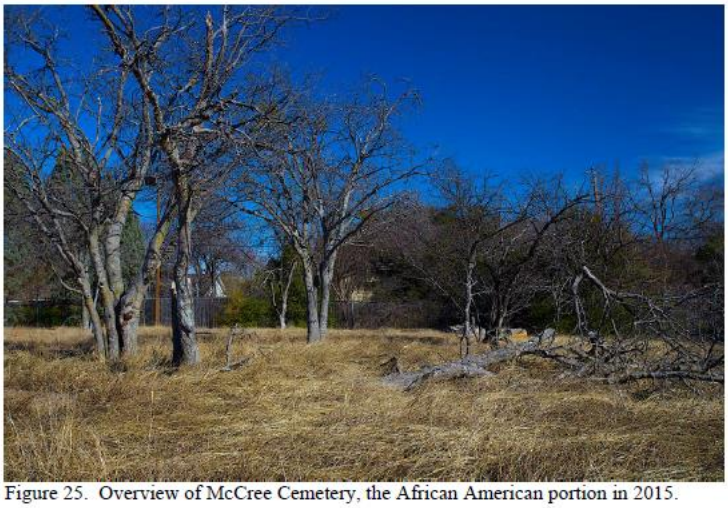

Figure 25. Overview of McCree Cemetery, the African American portion in 2015.

Figure 26. McCree Cemetery, the African American portion in 2015. Photograph shows damage to headstones.

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1910a "Thomas J. Jackson is Dead." March 4.

1910b "Died in Dallas Thursday." March 6.

1916 "Deaths in Dallas." March 16.

1945 "Cemetery Meeting." May 19.

1950a "Last 24 Hours in Dallas." October 30.
1950b "Increased Patrolling Slated for Vandal-Ravaged Cemetery." October 31.

1960 "Majors Specializes In Shopping Centers." January 17.

1961 "Little Egypt May Fade With Times." November 1.

1962a "200 Little Egypt Residents To Leave 'Bondage' Today." May 15.

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1986 "Ardelia, a name to remember." January 20.

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a. Vertical files, "Lake Highlands."

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Frances James Files [FJF]:

a. "McCree Cemetery" compiled by Mary Jackson Sutherland. n.d., 10-page typed narrative.

b. "McCree Cemetery" no author, but perhaps Frances James. n.d., 3-page typed narrative.

c. "Historic Cemeteries of Dallas" 1986, page 11 newspaper clipping; article by Shirley Caldwell.

d. "An Historical Marker for McCree Cemetery" speech written by Mabel E. Maxey (McCullough descendant), April 6, 1986.

e. "McCullough-Jones." Typed information by J.D. McSeen dated July 1984.

f. "Jackson Data." 2-page typed notes on Jackson family military service.

g. "McCree Cemetery." typed answers to questions from the Texas Historical Commission, dated April 25, 1985. Questions were in reference to text for application for historical marker.

h. Two-page handwritten notes with information on Ardelia Ellen Jackson, Jackson School, Church, Rogers School."

i. Newspaper clipping dated April 28, 1940.

j. Jackson, Crosby, Dixon Lease Agreement, October 8, 1929.

k. Letter from Mary Sutherland and copy of McCree Marker Dedication Program, 1985/1986.

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1891 "Benjamin J. Prigmore" copies from DallasPioneer.org. Original story published in Dallas Morning News June 7, 1891. Copy provided by M'Layne Murphy.

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1930 "Personals." February 28.

1933 "Pioneer Settler of This Section Passes." November 17.

1940 "Joe E. Prigmore Passes Away." February 16.

1941 "Decoration Day." May 16.

1943a "Cemetery Association." October 27.

1943b "Decoration Day." November 26.

1954 "Henson Jackson Passes On." April 16.

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15. Attachments	
District or Site Map	___*Additional descriptive material*
Site Plan	___*Footnotes*
___*Photos (historic & current)*	_X__*Other:* Appendix A

16. Designation Criteria

__X__ ***History, heritage and culture:*** *Represents the historical development, ethnic heritage or cultural characteristics of the city, state, or country.*

____ ***Historic event:*** *Location of or association with the site of a significant historic event.*

__X__ ***Significant persons:*** *Identification with a person or persons who significantly contributed to the culture and development of the city, state, or country.*

____ ***Architecture:*** *Embodiment of distinguishing characteristics of an architectural style, landscape design, method of construction, exceptional craftsmanship, architectural innovation, or contains details which represent folk or ethnic art.*

____ ***Architect or master builder:*** *Represents the work of an architect, designer or master builder whose individual work has influenced the development of the city, state or country.*

__X__ ***Historic context:*** *Relationship to other distinctive buildings, sites, or areas which are eligible for preservation based on historic, cultural, or architectural characteristics.*

__X__ ***Unique visual feature:*** *Unique location of singular physical characteristics representing an established and familiar visual feature of a neighborhood, community or the city that is a source of pride or cultural significance.*

__X__ ***Archeological:*** *Archeological or paleontological value in that it has produced or can be expected to produce data affecting theories of historic or prehistoric interest.*

__X__ ***National and state recognition:*** *Eligible of or designated as a National Historic Landmark, Recorded Texas Historic Landmark, State Archeological Landmark, American Civil Engineering Landmark, or eligible for inclusion in the National Register of Historic Places.*

__X__ ***Historic education:*** *Represents as era of architectural, social, or economic history that allows an understanding of how the place or area was used by past generations.*

Recommendation

The Designation Committee requests the Landmark Commission to deem this nominated landmark meritorious of designation as outlined in Chapter 51 and Chapter 51A, Dallas Development Code.

Further, the Designation Committee endorses the Preservation Criteria, policy recommendations and landmark boundary as presented by the Sustainable Development and Construction Department.

Date: March 15, 2017

Daron Tapscott - Chair
Designation Committee

Liz Casso
Historic Preservation Planner

APPENDIX A
2015 INVENTORY OF BURIALS AT MCCREE CEMETERY

McCree Cemetery database sorted by Surname

Sur Name	First Name	Middle Name	Birth Month	Birth Day	Birth Year	Death Month	Death Day	Death Year	Section	Row	Grave
ABNER	EMMA	J	0	0	1873	0	0	1960	A	F	65
ABNER	JAMES	D	0	0	1871	0	0	1942	A	F	66
BAKER	LORA		0	0	1867	0	0	1923	A	F	80
BAKER	S	L	3	14	1865	7	1	1934	A	F	77
BAKER	SCOTT	L	0	0	1864		0	1935	A	F	79
BECHTOL	DANIEL		1	12	1824	12	8	1905	A	K	42
BECHTOL	ELIZABETH		2	1	1831	5	25	1921	A	K	43
BECHTOL	MAHALA		12	16	1824	10	6	1876	A	K	41
BRITE	GEORGIE	B	0	0	1862	0	0	1920	A	C	5
BRITE	HILLIARD	C	0	0	1858	0	0	1930	A	C	4
BRITE	WILLIAM	REX	0	0	1889	0	0	1913	A	C	6
BROWN	SARAH		5	1	1846	1	5	1912	B	A	45
BROWNING	M	A	0	0	1824	7	24	1878	A	K	34
BRUCE	S	T	1	9	1872	2	20	1897	A	L	5
BRYANT	ARTHUR	R	6	14	1910	10	1	1938	A	A	74
BRYANT	FAMILY		0	0		0	0		A	A	74
BRYANT	JOHN		0	0	1874	0	0	1937	A	A	78
BRYANT	MOLLIE		0	0	1871	0	0	1936	A	A	79
BULLOCK	BETTIE	E		0	1852	0	0	1872	A	I	30
BULLOCK	JAMES	W	0	0	1877	0	0	1878	A	I	26
BULLOCK	L	W			1821	6	8	1870	A	I	28
CERTAIN	DELIA	F	0	0	1870	0	0		A	F	2
CERTAIN	J	M	0	0	1860	0	0	1924	A	F	3
CERTAIN	WARD	H	10	10	1901	11	20	1906	A	F	4
CHAMBERS	LULA	M	8	21	1886	4	12	1922	A	H	58
CHURCH	A	J	0	0	1868	0	0	1927	A	C	62
CHURCH	G	M	0	0	1894	0	0	1895	A	C	58
CHURCH	MARY	E	0	0	1872	0	0	1922	A	C	61

Sur Name	First Name	Middle Name	Birth Month	Birth Day	Birth Year	Death Month	Death Day	Death Year	Section	Row	Grave
CHURCH	T	A	0	0	1896	0	0	1912	A	C	59
CLOUD	B	F	5	27	1827	10	15	1889	A	F	45
CLOUD	COLUMBIA		6	3	1840	11	27	1878	A	F	46
CLOUD	NILA	LOUISE	1	28	1886	12	28	1888	A	F	41
COLLINS	ROBERT		6	1	1859	10	13	1913	B	A	38
COLWELL	MOLLIE		0	0	1852	0	0	1940	B	C	60
COX	EDWARD		10	24	1921	11	13	1921	A	A	8
CROSBY	ELIZA	CATHERINE	0	0	1880	0	0	1944	A	G	7
CROSBY	J	W	9	15	1853	5	28	1917	A	G	3
CROSBY	J	F	12	16	1880	12	4	1909	A	G	4
CROSBY	JIM		2	19	1902	6	28	1902	A	G	5
CROSBY	M	T	5	28	1853	6	27	1936	A	G	2
CROSBY	T	J	9	29	1846	8	22	1911	A	H	16
CROSBY	TILDON	BARNES	0	0	1876	0	0	1948	A	H	2
DAVIDSON	EARL	C	7	2	1898	5	20	1903	A	I	56
DAVIS	HENSON	COLE	5	21	1802	10	0	1877	A	I	44
DAVIS	SARAH		3	2	1801	6	4	1867	A	I	43
DE MOSS	FRANK	A	0	0	1890	0	0	1947	A	E	73
DE MOSS	MATTIE	BELL	0	0	1893	0	0	1938	A	E	72
DE MOSS	UNKNOWN		0	0	1917	0	0	1919	A	E	71
DIXON	FLORA	E	8	18	1867	3	11	1946	A	E	18
DIXON	JOHN	R	2	11	1868	1	1	1945	A	E	17
DIXON	MABLE		0	0	1902		0	1904	A	I	2
DOCKINS	HENRY	G	5	6	1888	9	5	1936	A	B	19
DOCKINS	MAGGIE	E	12	5	1892	6	26	1982	A	B	20
DOUGHERTY	ROBERT	H	8	16	1874	6	15	1894	A	F	35
DOUGHERTY	ROBT	H	0	0	1843	12	19	1873	A	F	37
DOUGHERTY	UNKNOWN		10	4	1867	10	12	1884	A	F	36
DRAKE	O	ROBERT	8	29	1905	12	11	1925	B	A	40
DRAKE	PETER		0	0	1862	0	0	1946	B	A	52

Sur Name	First Name	Middle Name	Birth Month	Birth Day	Birth Year	Death Month	Death Day	Death Year	Section	Row	Grave
ECHOLS	SARAH	ELIZABETH	3	17	1863	11	21	1914	A	J	11
ECHOLS	SELMA	B	9	8	1903	1	24	1915	A	J	13
ECHOLS	WILLIAM	MARRION	7	26	1861	7	10	1927	A	J	10
ETHRIDGE	ETHEL		0	0	1897	0	0	1902	A	E	50
ETHRIDGE	JAMES		0	0		0	0		A	C	49
ETHRIDGE	JENNIE		0	0	1887	0	0	1887	A	E	49
ETHRIDGE	LEE		0	0	1885	0	0	1896	A	E	51
ETHRIDGE	LILLY	F	6	5	1890	8	31	1905	A	D	63
ETHRIDGE	M	A	9	13	1856	1	9	1929	A	C	52
ETHRIDGE	STELLA		0	6	1905	4	10	1907	A	C	51
ETHRIDGE	SUSAN		12	9	1824	11	28	1906	A	D	49
ETHRIDGE	W	D	10	26	1861	6	1	1945	A	C	53
FLOYD	AMANDA		1	1	1846	8	4	1941	B	A	34
FLOYD	EPHRAM		0	0	1848	11	30	1920	B	A	33
FOSTER	CARDA		3	23	1873	2	24	1912	A	B	57
GALLAGHER	NANNIE	MALINDA	8	14	1875	2	17	1950	A	F	20
GAULT	CALLIE		11	4	1187	6	10	1914	A	E	59
GAULT	HUGH	C	3	6	1829	2	10	1889	A	E	54
GAULT	JOHN	CALVIN	11	2	1874	5	29	1928	A	E	60
GAULT	NANNIE	M	10	18	1858	3	25	1897	A	E	55
GAULT	VIOLA	C	6	24	1900	1	29	1937	A	E	63
GEREN	MARTHA	LEE	2	2	1926	12	19	1928	A	D	55
GIDDINGS	UNKNOWN		0	0		0	0		B	A	31
GOFORTH	CHURCH	S		0	1899	0	0	1935	A	B	47
GOFORTH	J	T	0	0		0	0		A	C	48
GOFORTH	MARVIN	LEE		0	1922	0	0	1923	A	C	47
GOSSELIN	ABNER	JOSEPH	2	28	1859	2	13	1875	A	M	50
GOSSELIN	UNKNOWN		3	0	1851	5	11	1879	A	M	51
GUTHRIE	INFANT		0	0		0	0		A	I	20
GUTHRIE	INFANT								A	I	21

Sur Name	First Name	Middle Name	Birth Month	Birth Day	Birth Year	Death Month	Death Day	Death Year	Section	Row	Grave
GUTHRIE	VIRGINNIA	I	3	18	1846	6	21	1883	A	I	19
HAWKINS	MARTHA	JANE	0	0	1834	7	22	1896	A	B	63
HAWKINS	w	w	4	0	1822	3	10	1894	A	B	64
HICKS	ELIZABETH	C	0	0	1869	0	0		A	A	21
HICKS	ROBERT	N	0	0	1862	0	0	1937	A	A	22
HILL	JEFF		8	20	1893	11	5	1947	B	A	36
HILL	JEFF		2	9	1839	3	18	1925	B	A	54
HOWARD	Wm	W	3	10	1808	2	8	1872	A	K	35
HUDGINS	LUCY	CALDONIA	8	22	1868	3	18	1901	A	J	6
HUNTER	BENJAMIN	J	0	0	1853	0	0	1916	A	F	26
HUNTER	LOUISA	j	0	0	1860		0	1899	A	F	25
JACKSON	A	S	8	1	1823	7	4	1897	A	G	49
JACKSON	A	C	11	30	1850	6	9	1865	A	H	46
JACKSON	BETTIE		9	5	1856	4	6	1914	A	E	40
JACKSON	DIANAH	J	2	14	1831	11	20	1908	A	H	44
JACKSON	ELIZA		7	26	1802	4	25	1871	A	G	46
JACKSON	ELIZABETH		11	11	1835	4	3	1921	A	G	48
JACKSON	INFANT		9	13	1888	10	11	1888	A	E	38
JACKSON	J	E	4	1	1826	12	16	1903	A	H	45
JACKSON	JACK		9	7	1897	5	28	1898	A	E	37
JACKSON	JACK		8	21	1854	2	17	1909	A	E	39
JACKSON	JOHN		4	17	1798	9	5	1875	A	G	45
JACKSON	JOHN	T	3	15	1857	5	29	1936	A	H	40
JACKSON	JOHNIE	TL	8	10	1879	3	6	1896	A	G	43
JACKSON	MARY	E	1	3	1848	2	14	1902	A	G	41
JACKSON	MARY	LOU	0	0	1860	0	0	1941	A	K	63
JACKSON	MATTIE	L	3	22	1878	7	16	1887	A	G	44
JACKSON	P	M	2	24	1885	11	15	1887	A	F	5
JACKSON	SOPHIA		4	22	1865	3	15	1916	A	H	39
JACKSON	THOMAS	J	9	18	1842	3	3	1910	A	G	42

Sur Name	First Name	Middle Name	Birth Month	Birth Day	Birth Year	Death Month	Death Day	Death Year	Section	Row	Grave
JACKSON	WILLIAM	T	0	0	1856	0	0	1938	A	K	62
JOHNSON	EASTER		3	6	1871	0	0	1909	B	A	35
JOPLIN	DORIS	INEZ	7	12	1933	8	30	1933	A	E	65
KYLE	HENRY		0	0		9	4	1861	A	F	38
LAIN	ANNIE		12	26	1866	7	1	1897	A	H	59
LAMAR	EARL	WESLEY	10	2	1913	7	8	1944	A	E	76
LAMAR	HELEN	RUTH	12	1	1912	7	11	1931	A	E	79
LAMAR	LEONA		11	2	1889	6	30	1938	A	E	77
LAMAR	WILLIAM	DOUGLAS	2	11	1909	7	26	1936	A	E	78
LANGSTON	MANLEY		10	6	1882	7	0	1926	A	E	64
LANGSTON	MARY	M	11	17	1852	5	28	1931	A	E	66
MARSHALL	ANNA	BELL	0	0		0	0		A	A	31
MARSHALL	JOHN	R	0	0		0	0		A	A	32
MARTIN	BABY		6	30	1041	6	30	1941	A	A	77
McCULLOGH	ALLY	E	5	26	1815	9	28		A	H	32
McCULLOUGH	DANIEL		0	0	1808	8	5	1875	A	M	44
McCULLOUGH	ELENOR	E	5	14	1838	3	25	1883	A	M	45
McCULLOUGH	JOHN		9	30	1805	3	22	1878	A	M	43
McGAUGHY	JASON		7	3	1875	7	4	1875	A	J	39
McGAUGHY	NELLEY		1	16	1873	1	17	1873	A	J	37
McGAUGHY	W	C	12	1	1879	5	18	1880	A	J	38
MILLER	CORA	A	7	22	1880	1	9	1904	A	D	52
MOORE	DONIE	NEE	12	19	1886	10	28	1906	A	G	16
MOORE	LUCY		9	17	1853	2	21	1912	A	G	13
MORRIS	ALVIN	H	7	11	1923	7	11	1923	A	E	41
MORRIS	ELIZABETH		0	0	1914	0	0	1943	A	E	44
MOUSER	W	P	8	0	1859	9	14	1882	A	I	16
MURPHREE	OLLIE		0	0	1877	0	0	1953	A	B	42
MURPHREE	TAYLOR	B	0	0	1866	0	0	1934	A	B	43
NEWTON	KENTUCKY	A	6	9	1844	11	12	1869	A	K	5

Sur Name	First Name	Middle Name	Birth Month	Birth Day	Birth Year	Death Month	Death Day	Death Year	Section	Row	Grave
PASS	CLARA	AGNESS	9	29	1880	3	20	1941	A	E	2
PASS	WILLIAM	BENJAMIN	12	12	1871	7	12	1944	A	E	1
PEOPLES	ALLEN		3	6	1872	7	18	1947	A	E	43
PEOPLES	ELIZABETH	BELLE	3	22	1881	10	20	1932	A	E	42
PERDUE	LANE		0	0	1869	0	0	1956	A	C	68
PERDUE	MARY	L	0	0	1876	0	0	1953	A	C	67
PRIGMORE	B	J	8	1	1830	10	3	1901	A	H	48
PRIGMORE	LUCY		9	12	1833	10	28	1904	A	H	47
RADER	H	W	1	23	1881	11	20	1909	A	M	6
RADER	MARY	J	11	3	1827	12	12	1902	A	G	47
RAINEY	ETTA		0	0		0	0		A	F	13
SHEPARD	TOMMIE		1	26	1892	1	14	1905	A	C	37
SIMPSON	HARRIET		5	13	1828	5	4	1888	A	G	25
STANDEFER	TRAVIS	W	9	29	1890	10	6	1915	A	A	57
THOMAS	BOB		0	0		0	0		A	F	12
THOMAS	DOHN		0	0		0	0		A	F	11
THOMAS	W	S	0	0		0	0		A	F	14
TOMAS	JAMES		5	29	1839	10	29	1872	A	J	33
UNKNOWN	SARAH		0	0		2	23	1872	A	L	34
UNKNOWN	UNKNOWN		0	0		0	0		A	A	5
UNKNOWN	UNKNOWN		0	0		0	0		A	A	52
UNKNOWN	UNKNOWN		0	0		0	0		A	B	56
UNKNOWN	UNKNOWN		0	0		0	0		A	C	50
UNKNOWN	UNKNOWN		0	0		0	0		A	D	59
UNKNOWN	UNKNOWN		0	0		0	0		A	D	61
UNKNOWN	UNKNOWN		0	0		0	0		A	F	55
UNKNOWN	UNKNOWN		0	0	1869	0	0	1946	A	F	71
UNKNOWN	UNKNOWN		0	0	1869		0	1938	A	F	72
UNKNOWN	UNKNOWN		0	0		1	24	1879	A	G	26
UNKNOWN	UNKNOWN		0	0		0	0		A	G	27

Sur Name	First Name	Middle Name	Birth Month	Birth Day	Birth Year	Death Month	Death Day	Death Year	Section	Row	Grave
UNKNOWN	UNKNOWN		0	0		0	0		A	H	15
UNKNOWN	UNKNOWN		0	0		0	0		A	H	38
UNKNOWN	UNKNOWN		0	0		0	0		A	I	33
UNKNOWN	UNKNOWN		0	0		0	0		A	I	42
UNKNOWN	UNKNOWN		0	0		0	0		A	I	45
UNKNOWN	UNKNOWN		0	0		0	0		A	J	7
UNKNOWN	UNKNOWN		0	0		0	0		A	J	9
UNKNOWN	UNKNOWN		0	0		0	0		A	J	23
UNKNOWN	UNKNOWN		0	0		0	0		A	K	23
UNKNOWN	UNKNOWN		4	4	1855	0	26	1867	A	M	8
UNKNOWN	UNKNOWN		0	0		0	0		A	M	21
UNKNOWN	UNKNOWN		0	0		0	0		B	A	21
UNKNOWN	UNKNOWN		0	0		0	0		B	A	43
UNKNOWN	UNKNOWN		0	0		0	0		B	A	55
UNKNOWN	UNKNOWN		0	0		0	0		B	A	58
UNKNOWN	UNKNOWN		0	0		0	0		B	A	77
UNKNOWN	UNKNOWN		0	0		0	0		B	B	13
UNKNOWN	UNKNOWN		0	0		0	0		B	B	23
UNKNOWN	UNKNOWN		0	0		0	0		B	B	68
UNKNOWN	UNKNOWN		0	0		0	0		B	C	21
UNKNOWN	UNKNOWN		0	0		0	0		B	C	61
WALTON	EDWIN	D	7	25	1815	12	10	1887	A	I	38
WALTON	ELVIRAH	R	11	3	1821	8	4	1901	A	I	39
WALTON	WILLIAM	R	7	14	1841	8	6	1871	A	I	37
WARFIELD	LEANNA		10	10	1874	1	1	1896	A	M	39
WARFIELD	NELLIE	C	3	14	1877	6	23	1877	A	M	38
WARFIELD	R		0	0		0	0		A	M	40
WEST	ELLEN	A	4	17	1853	2	24	1899	A	I	48
WEST	LUCY	N	12	13	1887	12	21	1887	A	I	49
WHITWORTH	UNKNOWN		0	0		0	0		A	G	11

2-15-18

ORDINANCE NO. _____

An ordinance changing the zoning classification on the following property:

BEING a lot, tract or parcel of land situated in the H. Hustead Survey, Abstract No. 587, being a part of City Block 8080, City of Dallas, Dallas County, Texas; and containing 3.04 acres;

by establishing Historic Overlay District No. _____ (McCree Cemetery); providing procedures, regulations, and preservation criteria for structures and property in the district; providing a penalty not to exceed $2,000; providing a saving clause; providing a severability clause; and providing an effective date.

WHEREAS, the city plan commission and the city council, in accordance with the Charter of the City of Dallas, the state law, and the ordinances of the City of Dallas, have given the required notices and have held the required public hearings regarding the rezoning of the Property described in this ordinance; and

WHEREAS, the city council finds that the Property is an area of historical, cultural, and architectural importance and significance to the citizens of the city; and

WHEREAS, the city council finds that it is in the public interest to establish this historic overlay district; Now, Therefore,

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

SECTION 1. That the zoning classification is changed by establishing Historic Overlay District No. _____ on the property described in Exhibit A ("the Property"), which is attached to and made a part of this ordinance.

SECTION 2. That the establishment of this historic overlay district shall not affect the existing underlying zoning classification of the Property, which shall remain subject to the regulations of the underlying zoning district. If there is a conflict, the regulations in this ordinance control over the regulations of the underlying zoning district.

SECTION 3. That a person shall not alter the Property, or any portion of the exterior of a structure on the Property, or place, construct, maintain, expand, demolish, or remove any structure on the Property without first obtaining a certificate of appropriateness or certificate for demolition or removal in accordance with the Dallas Development Code, as amended, and this ordinance. All alterations to the Property must comply with the preservation criteria attached to and made a part of this ordinance as Exhibit B.

SECTION 4. That the building official shall not issue a building permit or a certificate of occupancy for a use on the Property until there has been full compliance with this ordinance, the Dallas Development Code, the construction codes, and all other ordinances, rules, and regulations of the City of Dallas.

SECTION 5. That a person who violates a provision of this ordinance, upon conviction, is punishable by a fine not to exceed $2,000. In addition to punishment by fine, the City may, in accordance with state law, provide civil penalties for a violation of this ordinance, and institute any appropriate action or proceedings to prevent, restrain, correct, or abate the unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance, demolition, or removal of a building, structure, or land on the Property.

SECTION 6. That the zoning ordinances of the City of Dallas, as amended, shall remain in full force and effect, save and except as amended by this ordinance.

SECTION 7. That the terms and provisions of this ordinance are severable and are governed by Section 1-4 of Chapter 1 of the Dallas City Code, as amended.

SECTION 8. 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

By _____
Assistant City Attorney

Passed_____

GIS_Approved

EXHIBIT A
McCree Cemetery

Overall

Being a lot, tract or parcel of land situated in the H. Hustead Survey, Abstract No. 587, being a part of City Block 8080, City of Dallas, Dallas County, Texas, and same being a tract of land conveyed to B.J. Prigmore (Known as McCree Cemetery) by deed recorded in Volume 247, Page 444, Deed Records, Dallas County, Texas, and same being a tract of land conveyed to Jeff Hill, George John and Monroe Park (known as McCree Cemetery) by deed recorded in Volume 204, Page 649, Deed Records, Dallas County, Texas, and being a portion of a tract of land conveyed to Priscilla Robertson Fanning and Husband, Jack N. Fanning, Hazel Robertson Silvus and Husband, Walter Silvus, Jessie H. Robertson Connolly and Husband, A.C. Connolly, Thelma Robertson Silberberger and Husband, Lloyd Silberberger, Cliffton Robertson, Bessie Robertson, Widow, Doris Jane Robertson Pickett and Husband, Edward Pickett by deed recorded in Volume 67164, Page 1814, Deed Records, Dallas County, Texas and being more particularly described by metes and bounds as follows:

BEGINNING at a 1/2 inch iron rod set with yellow plastic cap stamped "CBG Surveying" for corner along the South right of way line of a 25 foot alley dedicated by Lake North Estates, First Installment, an addition to the City of Dallas, according to the Plat recorded in Volume 44, Page 161, Plat Records, Dallas County, Texas, and along the West right of way line of a 25 foot alley dedicated by said Lake North Estates, First Installment;

THENCE South 02 degrees 58 minutes 38 seconds West along the West line of said 25 foot alley, a distance of 396.67 feet to a 1/2 inch iron rod found for corner, and said corner being along the Southern most North line of Lot 4, Block A/8081 of Revised Audelia Heights Apartment Addition, an addition to the City of Dallas, Dallas County, Texas, according to the Plat thereof recorded in Volume 93160, Page 3928, Plat Records, Dallas County, Texas;

THENCE North 84 degrees 37 minutes 55 seconds West along the Southern most North line of said Revised Audelia Heights Apartment Addition, a distance of 114.58 feet to a point for corner;

THENCE North 02 degrees 59 minutes 55 seconds East, a distance of 62.85 feet to a point for corner, and said corner being an ell corner;

THENCE North 86 degrees 35 minutes 55 seconds West, a distance of 217.51 feet to a point for corner, and said corner being an ell corner, and said corner also being the most Westerly East line of said Revised Audelia Heights Apartment Addition;

THENCE North 02 degrees 18 minutes 15 seconds East along the most Westerly East line of said Revised Audelia Heights Apartment Addition, and passing a point for corner at a distance of 129.93 feet the most Northern Northeast of said Revised Audelia Heights Apartment Addition,

for which a Brass Monument stamped "SWB TEL. CO." found, bears South 63 degrees 28 minutes 05 seconds East, 1.36 feet, and continuing a total distance of 396.89 feet to a point for corner, and said corner being the Northeast corner of said Priscilla Robertson Fanning and Husband, Jack N. Fanning, Hazel Robertson Silvus and Husband, Walter Silvus, Jessie H. Robertson Connolly and Husband, A.C. Connolly, Thelma Robertson Silberberger and Husband, Lloyd Silberberger, Cliffton Robertson, Bessie Robertson, Widow, Doris Jane Robertson Pickett and Husband, Edward Pickett tract, and said corner being the South right of way line of a 16 foot alley dedicated by said Lake North Estates, First Installment;

THENCE South 86 degrees 34 minutes 49 seconds East along the South right of way line of said 16 foot alley, a distance of 180.95 feet to a point for corner;

THENCE South 60 degrees 00 minutes 49 seconds East continuing along the Southwest right of way line of said 16 foot alley, a distance of 55.90 feet to a point for corner;

THENCE South 03 degrees 25 minutes 11 seconds West along the West right of way line of said alley, a distance of 41.87 feet to a point for corner;

THENCE South 86 degrees 36 minutes 14 seconds East along the North line of said Jeff Hill, George John and Monroe Park (known as McCree Cemetery), a distance of 106.20 feet to the

POINT OF BEGINNING and containing 192,350 square feet or 3.04 acres of land.

Subdistrict A

Being a lot, tract or parcel of land situated in the H. Hustead Survey, Abstract No. 587, being a part of City Block 8080, City of Dallas, Dallas County, Texas, and same being a tract of land conveyed to B.J. Prigmore (Known as McCree Cemetery) by deed recorded in Volume 247, Page 444, Deed Records, Dallas County, Texas, and same being a tract of land conveyed to Jeff Hill, George John and Monroe Park (known as McCree Cemetery) by deed recorded in Volume 204, Page 649, Deed Records, Dallas County, Texas and being more particularly described by metes and bounds as follows:

BEGINNING at a 1/2 inch iron rod set with yellow plastic cap stamped "CBG Surveying" for corner along the South right of way line of a 25 foot alley dedicated by Lake North Estates, First Installment, an addition to the City of Dallas, according to the Plat recorded in Volume 44, Page 161, Plat Records, Dallas County, Texas, and along the West right of way line of a 25 foot alley dedicated by said Lake North Estates, First Installment;

THENCE South 02 degrees 58 minutes 38 seconds West along the West line of said 25 foot alley, a distance of 396.67 feet to a 1/2 inch iron rod found for corner, and said corner being along the Southern most North line of Lot 4, Block A/8081 of Revised Audelia Heights Apartment Addition, an addition to the City of Dallas, Dallas County, Texas, according to the Plat thereof recorded in Volume 93160, Page 3928, Plat Records, Dallas County, Texas;

THENCE North 84 degrees 37 minutes 55 seconds West along the Southern most North line of said Revised Audelia Heights Apartment Addition, a distance of 114.58 feet to a point for corner;

THENCE North 02 degrees 59 minutes 55 seconds East, a distance of 62.85 feet to a point for corner, and said corner being an ell corner;

THENCE North 86 degrees 35 minutes 55 seconds West, a distance of 217.51 feet to a point for corner, and said corner being an ell corner, and said corner also being the most Westerly East line of said Revised Audelia Heights Apartment Addition;

THENCE North 02 degrees 18 minutes 15 seconds East along the most Westerly East line of said Revised Audelia Heights Apartment Addition, and passing a point for corner at a distance of 129.93 feet the most Northern Northeast corner of said Revised Audelia Heights Apartment Addition, for which a Brass Monument stamped "SWB TEL. CO." found, bears South 63 degrees 28 minutes 05 seconds East, 1.36 feet, and continuing a total distance of 329.91 feet to a 1/2 inch iron rod set with yellow plastic cap stamped "CBG Surveying" for corner, and said corner being the Northeast corner of a tract of land conveyed to Southwestern Bell Telephone Company by deed recorded in Volume 4479, page 535, Deed Records, Dallas County, Texas, and said corner being along the South line of a tract of land conveyed Priscilla Robertson Fanning and Husband, Jack N. Fanning, Hazel Robertson Silvus and Husband, Walter Silvus, Jessie H. Robertson Connolly and Husband, A.C. Connolly, Thelma Robertson Silberberger and Husband, Lloyd Silberberger, Cliffton Robertson, Bessie Robertson, Widow, Doris Jane Robertson Pickett and Husband, Edward Pickett by deed recorded in Volume 67164, Page 1814, Deed Records, Dallas County, Texas;

THENCE South 86 degrees 36 minutes 14 seconds East along the South line of said Priscilla Robertson Fanning tract, a distance of 335.85 feet to the POINT OF BEGINNING and containing 117,563 square feet or 2.70 Acres of land.

Subdistrict B

Being a lot, tract or parcel of land situated in the H. Hustead Survey, Abstract No. 587, being a part of City Block 8080, City of Dallas, Dallas County, Texas, and being a portion of a tract of land conveyed to Priscilla Robertson Fanning and Husband, Jack N. Fanning, Hazel Robertson Silvus and Husband, Walter Silvus, Jessie H. Robertson Connolly and Husband, A.C. Connolly, Thelma Robertson Silberberger and Husband, Lloyd Silberberger, Cliffton Robertson, Bessie Robertson, Widow, Doris Jane Robertson Pickett and Husband, Edward Pickett by deed recorded in Volume 67164, Page 1814, Deed Records, Dallas County, Texas and being more particularly described by metes and bounds as follows:

COMMENCING at a 1/2 inch iron rod set with yellow plastic cap stamped "CBG Surveying" for corner along the South right of way line of a 25 foot alley dedicated by Lake North Estates, First Installment, an addition to the City of Dallas, according to the Plat recorded in Volume 44, Page 161, Plat Records, Dallas County, Texas, and along the West right of way line of a 25 foot alley dedicated by said Lake North Estates, First Installment;

THENCE North 86 degrees 36 minutes 14 seconds West along the North line of a tract of land conveyed to Jeff Hill, George John and Monroe Park (known as McCree Cemetery) by deed recorded in Volume 204, Page 649, Deed Records, Dallas County, Texas, a distance of 106.20 feet to the POINT OF BEGINNING;

THENCE North 86 degrees 36 minutes 14 seconds West along the North line of said McCree Cemetery tract, a distance of 229.65 feet to a point for corner;

THENCE North 02 degrees 18 minutes 15 seconds East, a distance of 66.98 feet to a point for corner, said corner being along the South right of way line of a 16 foot alley;

THENCE South 86 degrees 34 minutes 49 seconds East along the South right of way line of said 16 foot alley, a distance of 180.95 feet to a point for corner;

THENCE South 60 degrees 00 minutes 49 seconds East continuing along the Southwest right of way line of said 16 foot alley, a distance of 55.90 feet to a point for corner;

THENCE South 03 degrees 25 minutes 11 seconds West along the West right of way line of said alley, a distance of 41.87 feet to the POINT OF BEGINNING and containing 14,787 square feet or 0.34 acres of land.

EXHIBIT B
PRESERVATION CRITERIA
McCree Cemetery
9934, 9938 and part of 9930 Audelia Road

1. GENERAL.

1.1 All demolition, maintenance, new construction, public works, renovations, repairs, and site work in this district must comply with these preservation criteria.

1.2 Any alterations to property within this district must comply with the regulations in Chapter 51A of the Dallas City Code, as amended. If there is a conflict, these preservation criteria control.

1.3 Certificate of appropriateness.

a. A person may not alter a site within this district, or alter, place, construct, maintain, or expand any structure on the site without first obtaining a certificate of appropriateness in accordance with Section 51A-4.501 of the Dallas Development Code, as amended, and these preservation criteria.

b. The certificate of appropriateness review procedure outlined in Section 51A-4.501 of the Dallas Development Code, as amended, applies to this district.

c. Any work done under a certificate of appropriateness must comply with any conditions imposed in the certificate of appropriateness.

d. After the work authorized by the certificate of appropriateness is commenced, the applicant must make continuous progress toward completion of the work, and the applicant shall not suspend or abandon the work for a period in excess of 180 days. The Director may, in writing, authorize a suspension of the work for a period greater than 180 days upon written request by the applicant showing circumstances beyond the control of the applicant.

1.4 A person may not demolish or remove any structure in this district without first obtaining a certificate for demolition or removal in accordance with Section 51A-4.501 of the Dallas Development Code, as amended.

1.5 Preservation and restoration materials and methods used must comply with the Secretary of the Interior's Standards for Rehabilitation and Preservation Briefs published by the United States Department of the Interior, copies of which are available at the Dallas Public Library or on the National Park Service website.

1.6 No person shall allow a structure in this district to deteriorate through demolition by neglect. Demolition by neglect is neglect in the maintenance of a structure that results in deterioration of the structure and threatens preservation of the structure. All structures in this district must be preserved against deterioration and kept free from structural defects. See Section 51A-4.501 of the Dallas Development Code, as amended, for regulations concerning demolition by neglect.

1.7 The period of historic significance for this district is the period from 1866 to 1982.

2. DEFINITIONS.

2.1 Unless defined in this section, the definitions in Chapter 51A of the Dallas City Code, as amended, apply.

2.2 APPROPRIATE means typical of the historic architectural style, compatible with the character of this district, and consistent with these preservation criteria.

2.3 CERTIFICATE OF APPROPRIATENESS means a certificate required by Section 51A-4.501 of the Dallas Development Code, as amended, and these preservation criteria.

2.4 DIRECTOR means the Director of the Department of Sustainable Development and Construction or the Director's representative.

2.5 DISTRICT means Historic Overlay District No. _____, the McCree Cemetery Historic Overlay District. This district contains the property described in Section 1 of this ordinance and as shown on Exhibit B.

2.6 ERECT means to attach, build, draw, fasten, fix, hang, maintain, paint, place, suspend, or otherwise construct.

2.7 FENCE means a structure or hedgerow that provides a physical barrier, including a fence gate.

2.8 GRADE means the existing ground surface elevation.

2.9 GRAVE means the space of ground used or intended to be used for the permanent interment of human remains.

2.10 GRAVE MARKER means a permanent marker that identifies the locations of one or more graves. Grave markers may be stone or metal and typically are inscribed with the name and dates of birth and death. Grave markers can be located at the head or foot of a single grave, or located to mark a collection of graves (family gravesites).

2.11 MEMORIAL MONUMENT means a commemorative marker, pylon, or sculpture that memorializes a person, place, or historic event.

2.12 PROTECTED means an architectural or landscaping feature that must be retained and maintain its historic appearance, as near as practical, in all aspects.

2.13 REINTERMENT means the reburial of human remains.

2.14 REMAINS means the body, or parts of the body, of a deceased person.

2.15 SUBDISTRICTS A AND B means the portions of the Property described in Exhibit C.

3. SITE AND LANDSCAPING.

3.1 Subdistricts A and B are protected.

3.2 Activities that require the disturbance of more than six inches (depth) of surface soil in the district require a certificate of appropriateness in advance of the activities. Archeological studies should be considered as part of the certificate of appropriateness to prevent the inadvertent disturbance of unmarked graves.

3.3 New sidewalks, walkways, paths, and steps must be constructed of pavers, brick, broom finished concrete, or other appropriate material. Artificial grass, artificially-colored concrete, asphalt, exposed aggregate, and outdoor carpet are not permitted. Crushed gravel, stone, or stone ships may be used at new or replacement sidewalks and paths only when used within a concrete containment or edge band on all sides.

3.4 Driveways and parking areas must be constructed with an appropriate material. Crushed gravel and decomposed granite are permitted only when used within a concrete containment or edge band on all sides. Concrete, asphalt, artificially colored concrete, pavers, exposed aggregate, artificial grass, and outdoor carpet are not permitted. Driveways and parking areas are not allowed in Subdistrict A.

3.5 Other than sidewalks, walkways, paths, and steps, no structures, driveways, parking areas, service areas, or other hard paving areas are allowed in Subdistricts A and B.

3.6 No path or walkway may be extended over a grave.

3.7 Outdoor lighting must be appropriate. Light poles may not exceed 16 feet in height.

3.8 Except for reinterments, the grade of any area in Subdistricts A and B should not be changed. After a reinterment is completed, the grade of that area must be restored.

3.9 Landscaping.

a. Landscaping must be appropriate, enhance the district and surroundings, and may not obscure significant views of protected memorial monuments and fences.

b. A routine certificate of appropriateness is required to remove any trees or shrubs, or to install any landscaping material. Dead trees must be cut as low to the ground as possible. The tree stump and roots should not be removed from the ground.

c. No new or replacement shrubs or trees may be planted on a grave.

d. No new destructive or invasive ground cover, such as Boston Ivy or Asian Jasmine, may be planted on or allowed to extend over a grave.

3.10 Fencing.

a. Perimeter fencing of the Property is allowed. Fences must be appropriately located for a cemetery setting, 70 percent open, and may not exceed six feet in height. Decorative metal is preferred.

b. Replacement fences at individual gravesites or at a collection of graves (family gravesites) may be allowed only if evidence exists that there was a fence at the location, and adequate documentation exists that may be used as a guide for reconstruction. Replacement fences must match the material, design, style, and height of the original fence as near as possible.

4. GRAVE MARKERS AND MEMORIAL MONUMENTS

4.1 Existing grave markers and memorial monuments are protected in Subdistrict A.

4.2 It is recommended that existing, or relocated, grave markers and memorial monuments be preserved and restored and that damaged grave markers and memorial monuments be repaired.

4.3 The identification of unidentified graves is encouraged. Following research to determine the deceased or other pertinent information, marking of unidentified graves is encouraged.

4.4 It is encouraged that grave markers that are no longer in place, missing, or irreplaceably damaged be replaced with grave markers that are similar in design,

material, color, and size to the original grave markers at that location. Granite grave markers are not permitted.

4.5 If the design of the original grave marker is not known, new flat grave markers may be used, similar to the veteran replacement grave markers already installed.

4.6 Texas Historical Commission grave markers may be placed at graves.

4.7 New replacement family grave markers may be used.

4.8 No new vertical memorial monuments may be erected in Subdistrict A, but new historic markers that provide details of the history of McCree Cemetery or the individuals buried there are permitted in Subdistrict B.

5. BURIALS AND REINTERMENTS.

5.1 In the event that human remains, or artifacts suggestive of the presence of a grave, are encountered during any activity, the site of the discovery must be secured, the city historic preservation staff must be notified, and all ground-disturbing activities in the immediate area must cease. A certificate of appropriateness to restore the site or relocate the grave must be obtained before any activities can resume.

5.2 Any future relocation of marked or unmarked graves must be conducted according to the Texas Historical Commission guidelines for preserving historic cemeteries, coordinated with the state archeologist, and if required, done pursuant to a Texas Antiquities Permit.

5.3 Reinterment within the district is allowed in Subdistrict A. Locations of proposed reinterments must be reviewed through the certificate of appropriateness process.

6. PROTECTED ELEMENTS.

6.1 The following elements are considered important features and are protected.

a. Grave markers.

b. Memorial monuments.

c. Historic gravesite fences.

d. Historic gravesite curbing.

e. Fieldstone or vernacular grave markers.

7. CONSERVATION, REPAIR, AND MAINTENANCE OF EXISTING GRAVE MARKERS AND MEMORIAL MONUMENTS.

7.1 It is encouraged that existing grave markers and memorial monuments be cleaned on a regular basis, but not more than once every 18 months.

7.2 Routine cleaning of grave markers and memorial monuments that are in good condition must be done by washing with water, then softly brushing with mild detergent, then thoroughly rinsing with water.

7.3 Grave markers that have a friable or surgery surface; a grainy surface that readily falls away; or other indications that the stone is delicate, brittle, or otherwise vulnerable should not be cleaned.

7.4 Removal of lichen and algae from grave markers or memorial monuments that are in good condition must be done by thoroughly soaking the stone with water and then using a wood scraper to gently remove the biological growth. It may be necessary to repeat this process several times to fully remove lichen or algae.

7.5 If a grave marker falls or is otherwise damaged, a temporary grave marker must be installed at the grave marker location before the damaged grave marker is removed for repair.

7.6 Grave markers that have broken into two or more pieces must be repaired using standards accepted by the Association for Grave Stone Studies (278 Main Street, Suite 207, Greenfield, MA 01301, ph. 413-772-0836 or http://www.gravestonestudies.org) or in "A Graveyard Preservation Primer" by Lynette Stranstad.

7.7 Fallen or broken grave markers may not be repaired by embedding them (typically face up) in concrete or using metal splints because both methods are detrimental to the integrity of the stone.

7.8 Lawnmowers without bumpers and weed whackers with metal wire may not be used directly around grave markers and memorial monuments as these cause irreversible damage to the stone when they strike or touch the stone. Lawnmower bumpers, fabricated from rubber tires or inner tubes, may be attached to lawnmowers to provide a buffer between the machine and the grave markers and memorial monuments. Weed whackers with soft nylon whips may be used around grave markers and memorial monuments.

8. NEW CONSTRUCTION.

8.1 New construction is prohibited in Subdistrict A.

8.2 New construction in Subdistrict B is limited to 200 square feet.

9. SIGNS.

9.1 Only premise signs, park signs, cemetery identification signs, street signs, interpretive signs, movement control signs, and historic markers may be erected, and only if the sign is sensitive and compatible with the district.

9.2 All signs must comply with the provisions of the Dallas City Code, as amended.

10. ARCHEOLOGICAL STUDIES.

10.1 Any archeological studies must have a certificate of appropriateness prior to any ground-disturbing activities. A registered professional archeologist or a physical anthropologist must conduct any archeological studies in accordance with the Texas Historical Commission guidelines for preserving historic cemeteries.

10.2 An archeological study is required before any alterations may be made in Subdistrict B.

11. ENFORCEMENT.

11.1 A person who violates these preservation criteria is guilty of a separate offense for each day or portion of a day during which the violation is continued, from the first day the unlawful act was committed until either a certificate of appropriateness is obtained or the property is restored to the condition it was in immediately prior to the violation.

11.2 A person is criminally responsible for a violation of these preservation criteria if:

a. the person knowingly commits the violation or assists in the commission of the violation;

b. the person owns part or all of the property and knowingly allows the violation to exist;

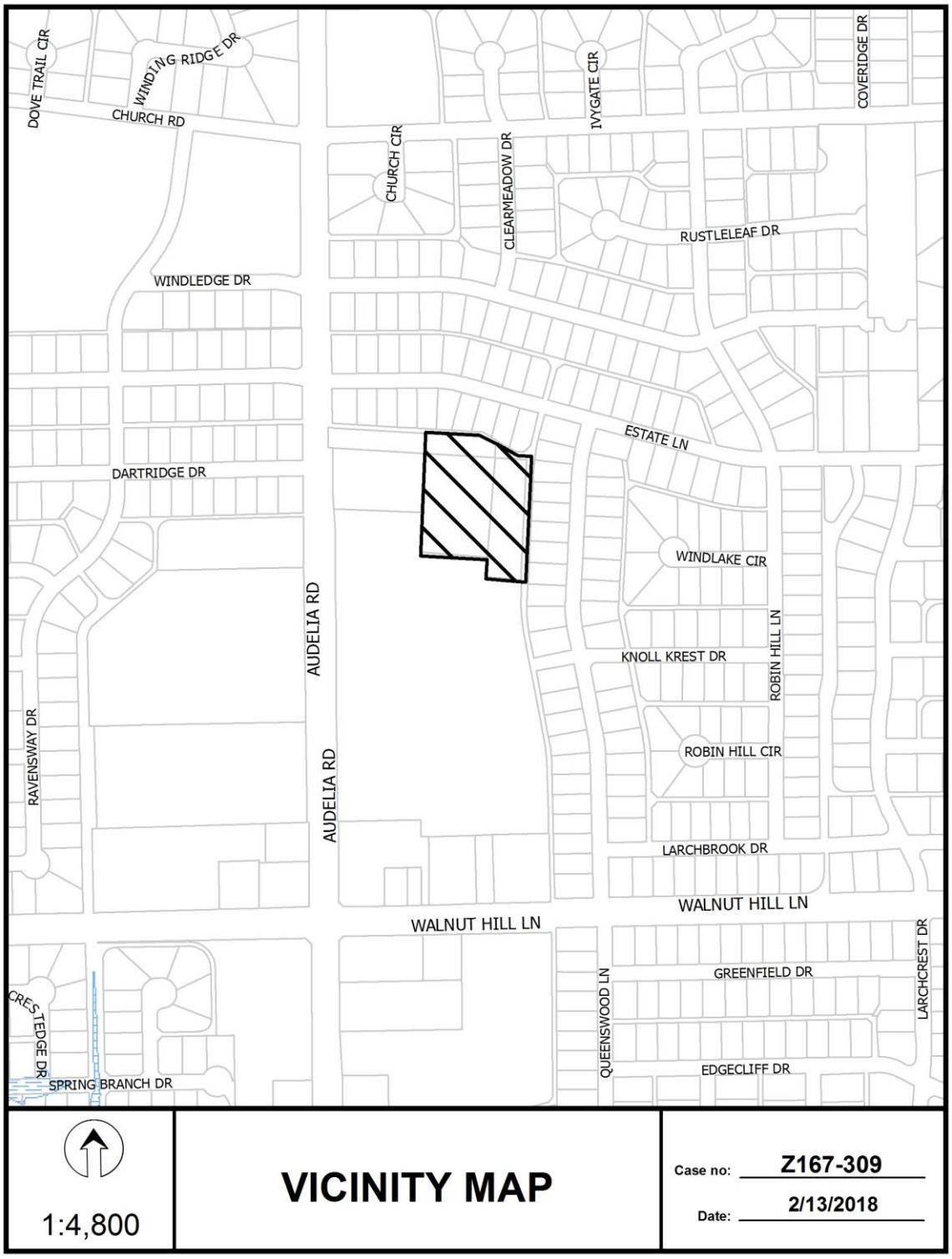
c. the person is the agent of the property owner or is an individual employed by the agent or property owner; is in control of the property; knowingly allows the violation to exist; and fails to provide the property owner's name, street address, and telephone number to code enforcement officials; or

d. the person is the agent of the property owner or is an individual employed by the agent or property owner, knowingly allows the violation to exist, and the citation relates to the construction or development of the property.

11.3 Any person who adversely affects or demolishes a structure in this district in violation of these preservation criteria is liable pursuant to Section 315.006 of the Texas Local Government Code for damages to restore or replicate, using as many of the original materials as possible, the structure to its appearance and setting prior to the violation. No certificates of appropriateness or building permits will be issued for construction on the site except to restore or replicate the structure. When these restrictions become applicable to a site, the Director shall cause to be filed a verified notice in the county deed records and these restrictions shall be binding on future owners of the property. These restrictions are in addition to any fines imposed.

11.4 Prosecution in municipal court for a violation of these preservation criteria does not prevent the use of other enforcement remedies or procedures provided by other city ordinances or state or federal laws applicable to the person charged with or the conduct involved in the offense.

Exhibit C
McCree Cemetery
9934, 9938, and part of 9930 Audelia Road, Dallas, Texas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WINDING RIDGE DR
CHURCH RD
CHURCH CIR
CLEARMEADOW DR
IVYGATE CIR
COVERIDGE DR
RUSTLELEAF DR
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ESTATE LN
DARTRIDGE DR
WINDLAKE CIR
AUDELIA RD
KNOLL KREST DR
ROBIN HILL LN
RAVENSWAY DR
ROBIN HILL CIR
LARCHBROOK DR
WALNUT HILL LN
WALNUT HILL LN
GREENFIELD DR
LARCHCREST DR
QUEENSWOOD LN
EDGECLIFF DR
SPRING BRANCH DR
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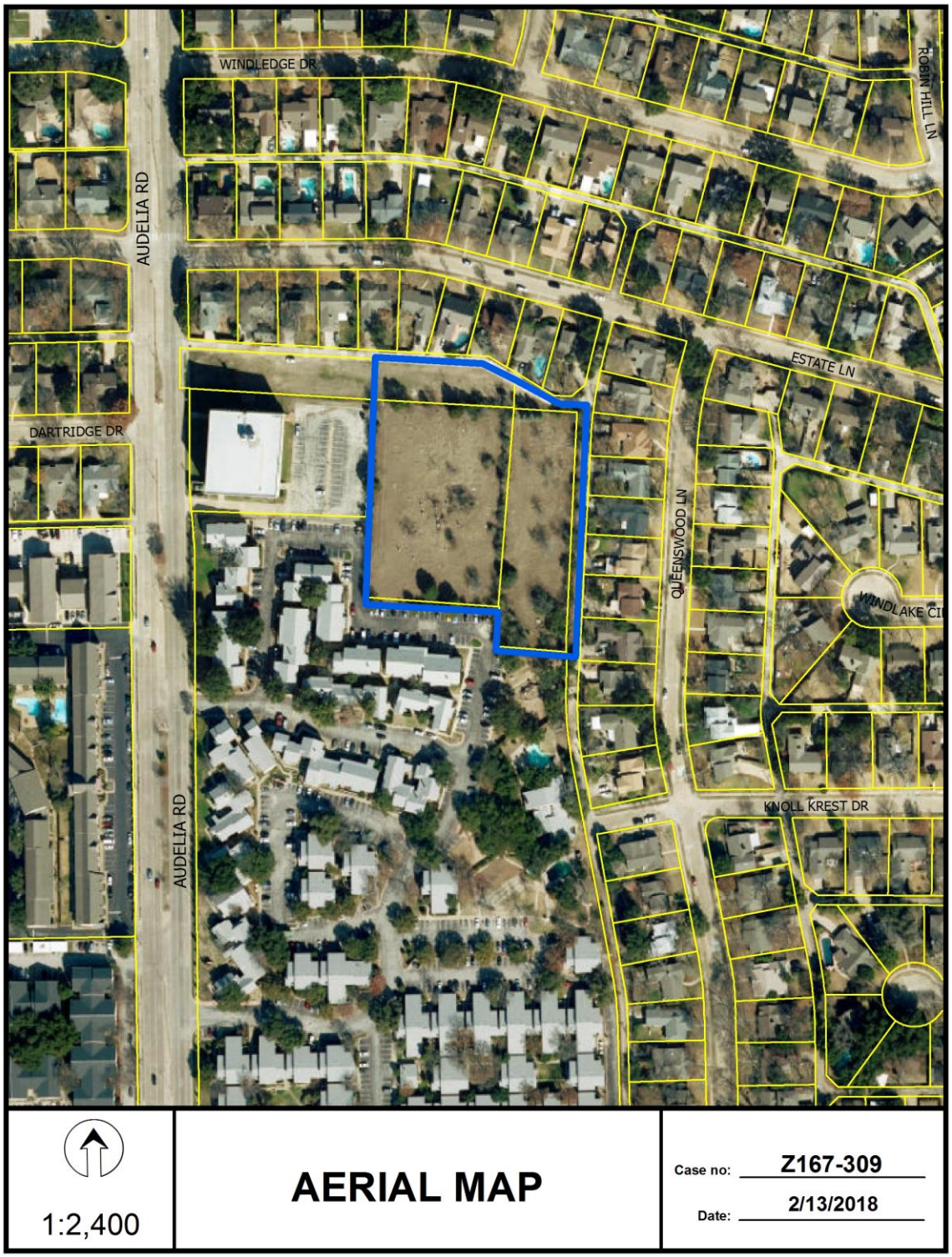
Case no: Z167-309
Date: 2/13/2018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ROBIN HILL LN
AUDELIA RD
ESTATE LN
DARTRIDGE DR
QUEENSWOOD LN
WINDLAKE CI
KNOLL KREST DR
AUDELIA RD
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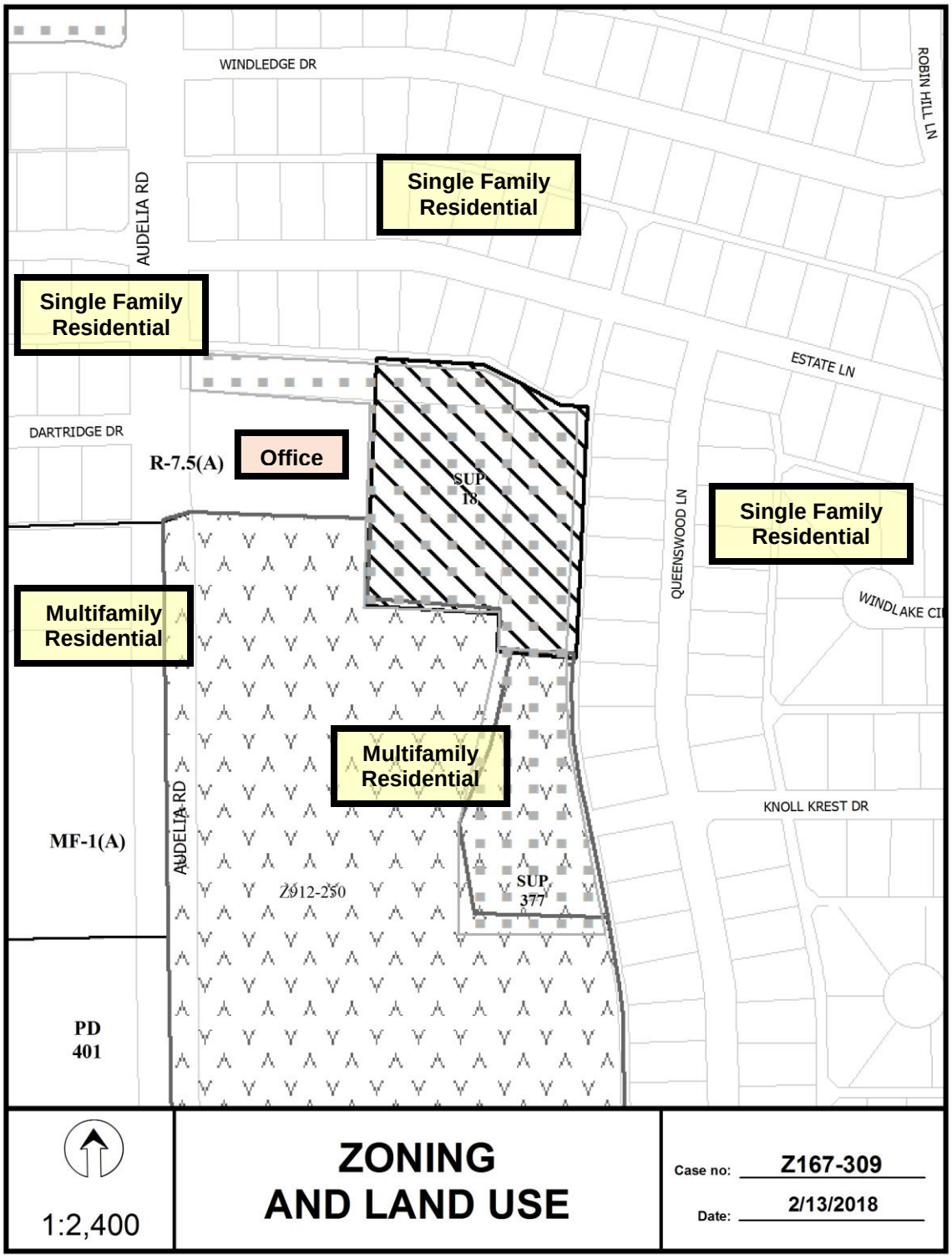
AERIAL MAP
Case no: Z167-309
Date: 2/13/2018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ROBIN HILL LN
AUDELIA RD
Single Family Residential
Single Family Residential
ESTATE LN
DARTRIDGE DR
R-7.5(A)
Office
SUP 18
QUEENSWOOD LN
Single Family Residential
Multifamily Residential
WINDLAKE CI
Multifamily Residential
KNOLL KREST DR
MF-1(A)
AUDELIA RD
Z912-250
SUP 377
PD 401
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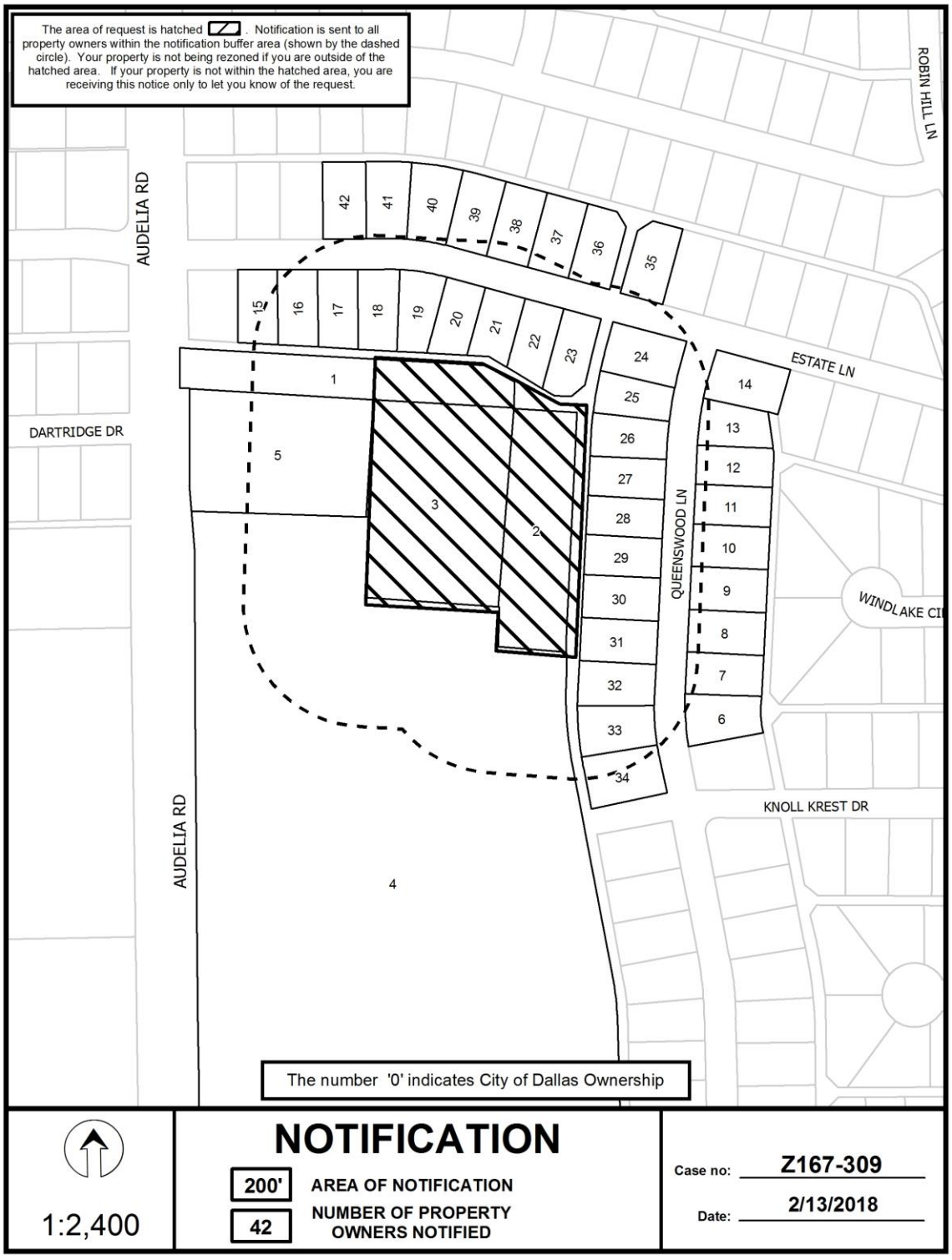
ZONING AND LAND USE
Case no: Z167-309
Date: 2/13/2018


The area of request is hatched . Notification is sent to all property owners within the notification buffer area (shown by the dashed circle). Your property is not being rezoned if you are outside of the hatched area. If your property is not within the hatched area, you are receiving this notice only to let you know of the request.
ROBIN HILL LN
AUDELIA RD
DARTRIDGE DR
ESTATE LN
QUEENSWOOD LN
WINDLAKE CI
KNOLL KREST DR
AUDELIA RD
The number '0' indicates City of Dallas Ownership
NOTIFICATION
200'
AREA OF NOTIFICATION
42
NUMBER OF PROPERTY OWNERS NOTIFIED
1:2,400
Case no: Z167-309
Date: 2/13/2018

02/13/2018

Notification List of Property Owners

Z167-309

42 Property Owners Notified

Label #	*Address*		*Owner*
1	9930	AUDELIA RD	MCREE CEMETERY
2	9938	AUDELIA RD	CEMETERY
3	9934	AUDELIA RD	MCCREE CEMETERY
4	9842	AUDELIA RD	LAKE HIGHLANDS AUDELIA
5	9920	AUDELIA RD	SOUTHWESTERN BELL
6	9814	QUEENSWOOD LN	HAWKINS JAMES E &
7	9820	QUEENSWOOD LN	JOINER ALLEN PAUL &
8	9826	QUEENSWOOD LN	SENDERLING ADAM
9	9832	QUEENSWOOD LN	SCHUMANN STEPHANIE
10	9838	QUEENSWOOD LN	BOSSART PHILIP
11	9844	QUEENSWOOD LN	MCEVOY WILLIAM F
12	9850	QUEENSWOOD LN	STANDARD DAVID A
13	9856	QUEENSWOOD LN	FARIS KAREN M & SCOTT A
14	9862	QUEENSWOOD LN	HATCH JOHN D & MARY C
15	9812	ESTATE LN	PENN RICHARD & ALEXIS
16	9818	ESTATE LN	MAOKOSY DAVID
17	9824	ESTATE LN	POLDRUGACH FRED & LINDA
18	9830	ESTATE LN	OWENS PAM S
19	9836	ESTATE LN	EVERT RONALD JOHN
20	9842	ESTATE LN	LINDLEY RICHARD B
21	9848	ESTATE LN	NELSON KORTNEY & JAMES
22	9854	ESTATE LN	WALKER MEGAN &
23	9860	ESTATE LN	PORST JAMES R
24	9863	QUEENSWOOD LN	PHILLIPS JASON E
25	9859	QUEENSWOOD LN	BRIDGES THOMAS COLBY &
26	9855	QUEENSWOOD LN	GOSS STEPHEN D & ALICIA

02/13/2018

Label #	*Address*		*Owner*
27	9851	QUEENSWOOD LN	WATSON KARA PLATT & JOHN T
28	9843	QUEENSWOOD LN	PURCELL WILLIAM KYLE & ANNE MARIE
29	9837	QUEENSWOOD LN	EDERER MICHELLE &
30	9831	QUEENSWOOD LN	INTERIAL MARINA ISABEL
31	9825	QUEENSWOOD LN	VESTER KAREN E
32	9821	QUEENSWOOD LN	WETZELTARAN LINDSAY
33	9815	QUEENSWOOD LN	AUSTIN MICHAEL E &
34	9805	QUEENSWOOD LN	BOWDRY WILLIAM P
35	9867	ESTATE LN	REED MEREDITH L &
36	9859	ESTATE LN	WEAVER WAYNE & ELISABETH
37	9853	ESTATE LN	PARRIS CHERRIE ANN
38	9847	ESTATE LN	NUR MAHJABIN A
39	9841	ESTATE LN	LOPEZ ALYSSA ROSA & ERIC ANTHONY
40	9835	ESTATE LN	HUNT CHARLES K & ANNE S
41	9829	ESTATE LN	READING MARGAURITE S ESTATE OF
42	9823	ESTATE LN	ELAM LEWIS E JR

AGENDA ITEM # 51

Mobility Solutions, Infrastructure, and Sustainability

AGENDA DATE: April 11, 2018

COUNCIL DISTRICT(S): 8

DEPARTMENT: Department of Sustainable Development and Construction

CMO: Majed Al-Ghafry, 670-3302

MAPSCO: 65 M

SUBJECT

A public hearing to receive comments regarding an application for and an ordinance granting a CR Community Retail District and a resolution accepting deed restrictions volunteered by the applicant on property zoned an R-7.5(A) Single Family District, on the south line of East Ledbetter Drive, east of South Lancaster Road

Recommendation of Staff and CPC: Approval, subject to the deed restrictions volunteered by the applicant

Z178-135(SM)

HONORABLE MAYOR & CITY COUNCIL **WEDNESDAY, APRIL 11, 2018**

ACM: Majed Al-Ghafry

FILE NUMBER:	Z178-135(SM)	**DATE FILED:**	November 17, 2017
LOCATION:	South line of East Ledbetter Drive, east of South Lancaster Road		
COUNCIL DISTRICT:	8	**MAPSCO:**	65 M
SIZE OF REQUEST:	Approx. 0.81 acre	**CENSUS TRACT:**	87.05

OWNER/APPLICANT: Rusty Kasmiersky, Prestige Texas Properties, LLC

REPRESENTATIVE: Santos Martinez, Masterplan

REQUEST: An application for a CR Community Retail District with deed restrictions volunteered by the applicant on property zoned an R-7.5(A) Single Family District.

SUMMARY: The applicant specifically requests to utilize the property as a tunnel car wash use. The applicant also proposes to prohibit certain additional uses and limit hours of operation.

CPC RECOMMENDATION: **Approval**, subject to the deed restrictions volunteered by the applicant.

STAFF RECOMMENDATION: **Approval**, subject to the deed restrictions volunteered by the applicant.

BACKGROUND INFORMATION:

- The area of request is currently undeveloped.
- A single family structure was demolished on the site in the Spring of 2014, according to permit records.

Zoning History: There have been no zoning changes in the vicinity in the past five years.

Thoroughfares/Streets:

Thoroughfare/Street	Function	Proposed Dimension	ROW
East Ledbetter Drive	Principal Arterial	Minimum-6 lanes-divided	100 feet

Traffic:

The Engineering Division of the Sustainable Development and Construction Department has reviewed the request and determined that the proposed development will not have a negative impact on the surrounding street system.

COMPREHENSIVE PLAN:

The *fowardDallas! Comprehensive Plan* was adopted by the City Council in June 2006. The *fowardDallas! Comprehensive Plan* outlines several goals and policies which can serve as a framework for assisting in evaluating the applicant's request. The request does not support or obstruct the Plan's goals or policies.

Economic Element

GOAL 2.1 PROMOTE BALANCED GROWTH

Policy 2.1.1 Ensure that zoning is flexible enough to respond to changing economic conditions.

GOAL 2.4 CREATE AND MAINTAIN AN ENVIRONMENT FRIENDLY TO BUSINESSES AND ENTREPRENEURS

Policy 2.4.2 Restore Dallas as the premier city for conducting business within the region.

STAFF ANALYSIS:

Land Use Compatibility:

The site is relatively flat and contains a grassy area that is physically connected to a retail structure and surface parking lot to the west. Additional retail uses are located on the north line of East Ledbetter Drive. A child-care facility is located to the east and single family uses abut the property to the south. The site is located on a lot that is 90 feet wide and approximately 396 feet deep, similar in size and shape to the adjacent single-family zoned lots. The applicant requests a CR Community Retail District in lieu of a NS Neighborhood Services District because the NS District prohibits a car wash use.

Staff supports the request because the applicant has volunteered deed restrictions to 1) prohibit certain CR district uses and 2) limit the hours that the car wash may be open to the public from 8:00 a.m. to 8:00 p.m. daily. The list of prohibited uses is as follows:

- Hotel or motel.
- Lodging or boarding house.
- Overnight general purpose shelter.
- Alternative financial establishment.
- Alcoholic beverage establishment.
- Liquor store.
- Pawn shop.
- Swap or buy shop.

The following uses are prohibited in the existing zoning district [R-7.5(A) Single Family District] and are allowed with an SUP in the proposed zoning district [CR Community Retail District]. These uses would require consideration by the City Plan Commission and City Council before they are allowed; therefore, staff supports the applicant's request to not restrict these uses.

- Medical or scientific laboratory.
- Hospital.
- Attached non-premise sign.
- Commercial amusement (outside).
- Convenience store with drive-through.
- General merchandise or food store 100,000 square feet or more.
- Paraphernalia shop.
- Mini-warehouse.
- Recycling buy-back center.
- Recycling collection center.

Because the site abuts a CR District and an established child-care facility on all but one side and because any development on the site will require landscape buffering and screening elements where adjacent to residential properties, staff supports the following two sections of the request. However, staff has also encouraged the applicant to extend the hours of operation to other permitted retail and personal service uses, but the applicant has declined to volunteer these restrictions at this time.

The following uses require an SUP in the existing zoning district [R-7.5(A) Single Family District] and are allowed without an SUP or an RAR[1] in the request.

- Adult day care facility.
- Child-care facility.
- College, university, or seminary.
- Convent or monastery.
- Country club with private membership.
- Private recreation center, club, or area.
- Electrical substation.
- Police or fire station.
- Post office.
- Monopole cellular towers when 65 feet or less tall

The applicant has not volunteered deed restrictions to prohibit the following uses that are prohibited in the existing R-7.5(A) Single Family District. The following uses noted require an RAR or a DIR[2] in the CR District.

- Building repair and maintenance shop. *[RAR]*
- Catering service.
- Custom business services.
- Electronics service center.
- Tool or equipment rental.
- Library, art gallery, or museum.
- Public school other than an open-enrollment charter school. *[RAR required in CR; SUP required in R-5(A)]*
- Financial institution without drive-in window.
- Financial institution with drive-in window. *[DIR]*
- Medical clinic or ambulatory surgical center.
- Office.
- Ambulance service. *[RAR]*
- Animal shelter or clinic without outside runs. *[RAR]*
- Auto service center. *[RAR]*
- Business school.
- Car wash. *[DIR]*
- Commercial amusement (inside). *[SUP required for dance halls in CR, other types by right]*
- Commercial parking lot or garage. *[RAR]*
- Dry cleaning or laundry store.
- Furniture store.
- General merchandise or food store 3,500 square feet or less.
- General merchandise or food store greater than 3,500 square feet.
- Home improvement center, lumber, brick or building materials sales yard. *[DIR]*
- Household equipment and appliance repair.
- Mortuary, funeral home, or commercial wedding chapel.
- Motor vehicle fueling station.
- Nursery, garden shop, or plant sales.
- Personal service uses.
- Restaurant with drive-in or drive-through service. *[DIR]*
- Restaurant without drive-in or drive-through service. *[RAR]*
- Temporary retail use.
- Theater.
- Commercial radio and television transmitting station.
- Tower/antenna for cellular communication. *[RAR required for monopole towers when 65 feet or less tall]*

[1] An RAR is an administrative review that could recommend approval with limited conditions with the intention to lessen negative impacts on nearby residential property.
[2] A DIR is a development impact review. This review is an administrative review that evaluates if the traffic patterns of the proposed development would adversely impact the surrounding roadways.

Surrounding Land Uses:

	Zoning	Land Use
Site	R-7.5(A)	Undeveloped
North	CR	Retail
East	R-7.5(A), SUP No. 663	Child-Care Facility
South	R-7.5(A)	Single Family
West	CR	Retail

Development Standards:

DISTRICT	SETBACKS		Density	Height	Lot Coverage	Special Standards	PRIMARY Uses
	Front	Side/Rear					
R-7.5(A) Single Family-Existing	25'	Res: 5' Other: 20'	1 Dwelling Unit/ 7,500 sq. ft.	30'	Res: 45% Other: 25%		Single family
CR Community retail - Proposed	15'	20' adjacent to residential OTHER: No Min.	0.75 FAR overall 0.5 office	54' 4 stories	60%	Proximity Slope Visual Intrusion	Retail & personal service, office

Landscaping:

Landscaping, when triggered, will be in accordance with Article X, as amended.

Prior CPC Action – March 1, 2018:

Motion: It was moved to recommend **approval** of a CR Community Retail District with deed restrictions volunteered by the applicant, subject to deed restrictions volunteered by the applicant on property zoned an R-7.5(A) Single Family District on the south line of East Ledbetter Drive, east of South Lancaster Road.

Maker: Rieves
Second: Housewright
Result: Carried: 13 to 0

For: 13 - West, Rieves, Houston, Davis, Shidid, Carpenter, Mack, Jung, Housewright, Peadon, Murphy, Ridley, Tarpley

Against: 0
Absent: 1 - Schultz
Vacancy: 1 - District 8

Notices: Area: 200 Mailed: 13
Replies: For: 1 Against: 0

Speakers: None

CPC Recommended Volunteered Deed Restrictions

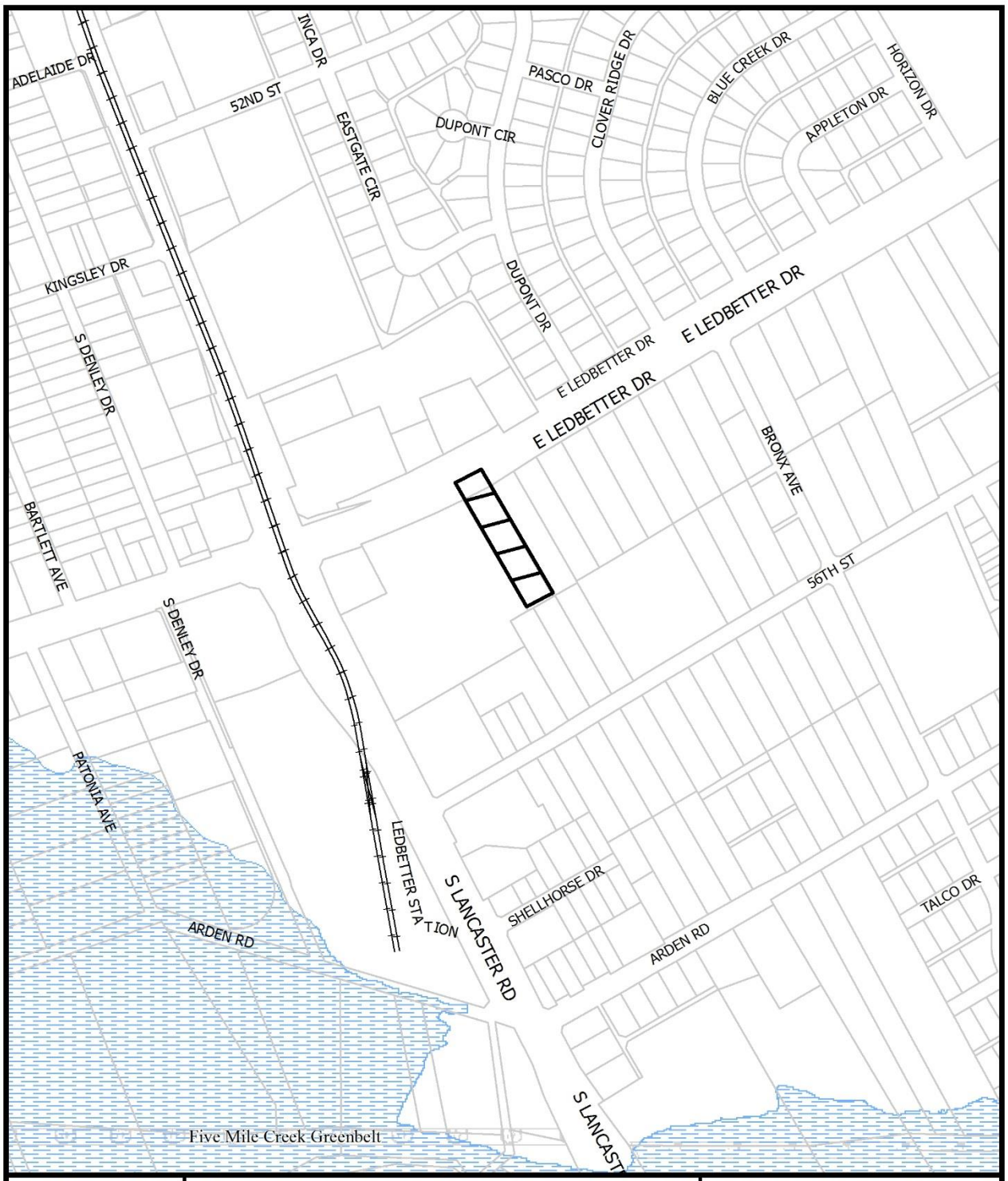
II.

The Owner does hereby impress all of the Property with the following deed restrictions ("restrictions"), to wit:

(1) The following uses are prohibited on the Property:

-- Hotel or motel.
-- Lodging or boarding house.
-- Overnight general purpose shelter.
-- Alternative financial establishment.
-- Alcoholic beverage establishment.
-- Liquor store.
-- Pawn shop.
-- Swap or buy shop.

(2) A car wash may only be open to the public between 8:00 a.m. and 8:00 p.m., Monday through Sunday.



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VICINITY MAP

Case no: Z178-135

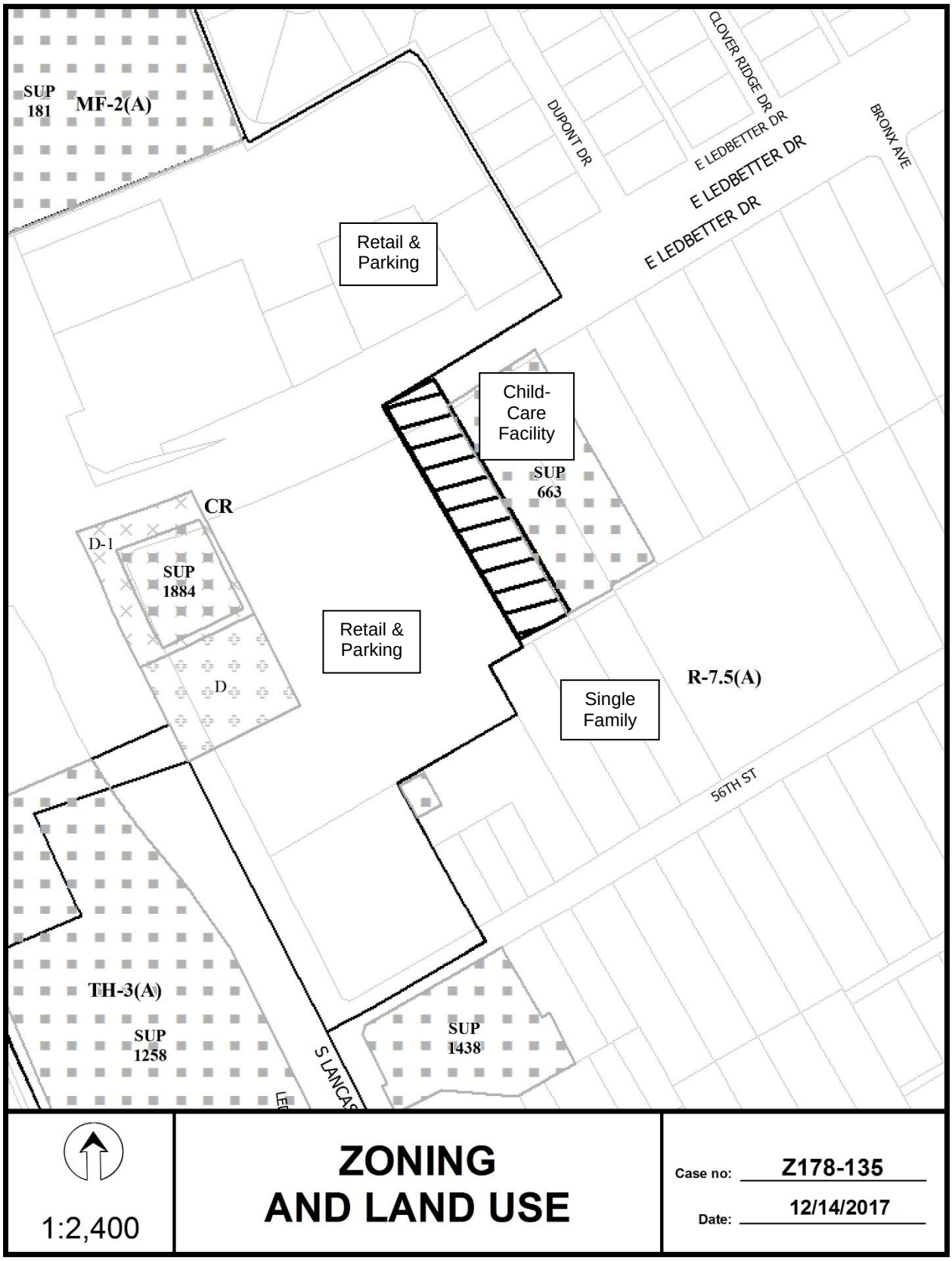
Date: 12/14/2017

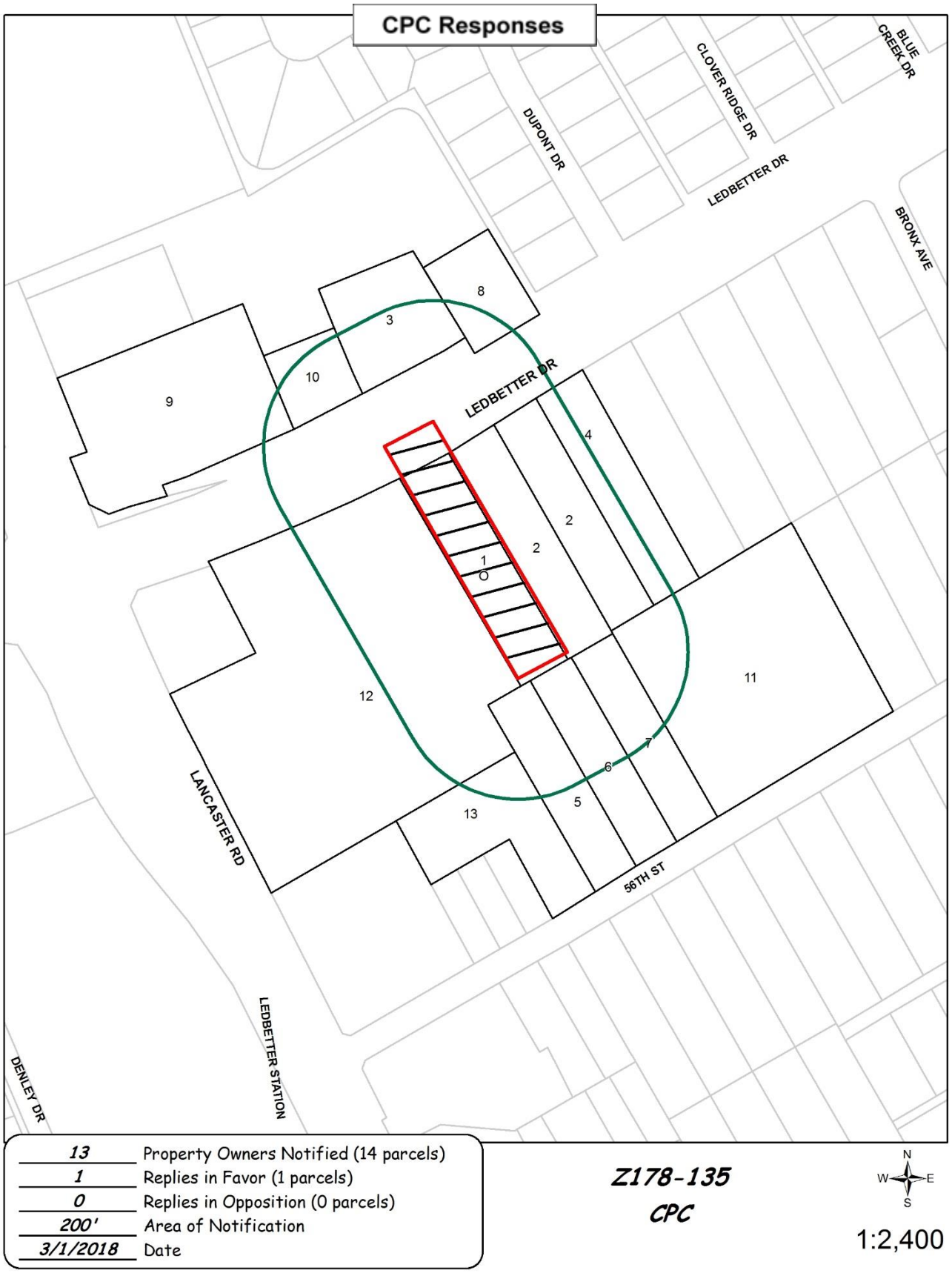
1:2,400

AERIAL MAP

Case no: Z178-135

Date: 12/14/2017


SUP 181
MF-2(A)
DUPONT DR
CLOVER RIDGE DR
E LEDBETTER DR
E LEDBETTER DR
E LEDBETTER DR
BRONX AVE
Retail & Parking
Child-Care Facility
SUP 663
CR
D-1
SUP 1884
D
Retail & Parking
R-7.5(A)
Single Family
56TH ST
TH-3(A)
SUP 1258
SUP 1438
S LANCAS
1:2,400
ZONING AND LAND USE
Case no: Z178-135
Date: 12/14/2017


CPC Responses
BLUE CREEK DR
CLOVER RIDGE DR
DUPONT DR
LEDBETTER DR
BRONX AVE
LEDBETTER DR
LANCASTER RD
56TH ST
LEDBETTER STATION
DENLEY DR
1
2
2
3
4
5
6
7
8
9
10
11
12
13
13 Property Owners Notified (14 parcels)
1 Replies in Favor (1 parcels)
0 Replies in Opposition (0 parcels)
200' Area of Notification
3/1/2018 Date
Z178-135
CPC
N
W
E
S
1:2,400

02/28/2018

Reply List of Property Owners

Z178-135

13 Property Owners Notified ***1 Property Owners in Favor*** ***0 Property Owners Opposed***

Reply	*Label #*	*Address*		*Owner*
O	1	2148	E LEDBETTER DR	PRESTIGE TEXAS PPTIES LLC
	2	2200	E LEDBETTER DR	SHAHN PLACE INC
	3	2201	E LEDBETTER DR	FIREBRAND PROPERTIES LP
	4	2206	E LEDBETTER DR	NORMAN WILLIAM & RITA
	5	2139	56TH	SNEED GAIL ANN &
	6	2149	56TH	SNEED GAY &
	7	2155	56TH	DANIELS GERTRUDE
	8	2207	E LEDBETTER DR	CENTURY LEDBETTER LLC
	9	5050	S LANCASTER RD	AIN2013 TX DALLAS LLC
	10	2131	E LEDBETTER DR	UPCS DEVELOPMENT LLC
	11	2217	56TH ST	UNION HOPE INSTITUTIONAL
	12	2130	E LEDBETTER DR	MYDAL LLC
	13	2137	56TH ST	METROPOLITAN AME CHURCH

AGENDA ITEM # 52

Mobility Solutions, Infrastructure, and Sustainability

AGENDA DATE: April 11, 2018

COUNCIL DISTRICT(S): 1

DEPARTMENT: Department of Sustainable Development and Construction

CMO: Majed Al-Ghafry, 670-3302

MAPSCO: 54 G

SUBJECT

A public hearing to receive comments regarding an application for and an ordinance granting a Specific Use Permit for a pedestrian skybridge on property zoned Subdistrict 3B within Planned Development District No. 830, on alley right-of-way between West 9th Street and West 10th Street, east of North Madison Avenue

Recommendation of Staff and CPC: Approval for a 34-year period [September 12, 2052], subject to a site plan and conditions

Z178-149(SM)

HONORABLE MAYOR & CITY COUNCIL **WEDNESDAY, APRIL 11, 2018**

ACM: Majed Al-Ghafry

FILE NUMBER: Z178-149(SM) **DATE FILED:** December 12, 2017

LOCATION: Alley right-of-way between West 9th Street and West 10th Street, east of North Madison Avenue

COUNCIL DISTRICT: 1 **MAPSCO:** 54 G

SIZE OF REQUEST: Approx. 240 square feet **CENSUS TRACT:** 47.00

OWNER/APPLICANT: UG Melba, LLC

REPRESENTATIVE: Rob Baldwin

REQUEST: An application for a Specific Use Permit for a pedestrian skybridge on property zoned Subdistrict 3B within Planned Development District No. 830.

SUMMARY: The applicant proposes to replace the existing one-story pedestrian skybridge with a new two-story pedestrian skybridge. The pedestrian skybridge is proposed to connect a remodeled mixed use building on West 9th Street and a redeveloped structure for a multifamily use on West 10th Street. The properties connected by the proposed pedestrian skybridge are owned by the applicant.

CPC RECOMMENDATION: **Approval** for a 34-year period [September 12, 2052], subject to a site plan and conditions.

STAFF RECOMMENDATION: **Approval** for a 34-year period [September 12, 2052], subject to a site plan and conditions.

BACKGROUND INFORMATION:

- The structure that will support the proposed pedestrian skybridge to the south was constructed in 1953, according to Dallas Central Appraisal District records.

- The structure that will support the proposed pedestrian skybridge to the north was constructed in 1966, according to Dallas Central Appraisal District records.

- On September 12, 2012, the City Council granted the renewal of a private license to Homeward Bound, Inc. to the use of approximately 200 square feet of land to maintain and use the existing overhead corridor in an alley right-of-way for a 40-year period.

Zoning History: There have been two recent zoning cases requested in the area in the past five years.

1. **Z167-340**: On October 25, 2017, the City Council approved the renewal of Specific Use Permit No. 1789 for a medical clinic limited to a dental office

2. **Z156-250**: On June 6, 2016, the City Council approved the creation of Subdistrict 3B within Planned Development District No. 830 and the removal of a D Liquor Control Overlay on a portion on property zoned Subdistrict 3 within Planned Development District No. 830.

Thoroughfare/Street	Designation; Existing & Proposed ROW
Alley ROW	Local; 20’ ROW

Traffic: The Engineering Division of the Sustainable Development and Construction Department has reviewed the request and determined that the proposed development will not have a negative impact on the surrounding street system.

Comprehensive Plan:

The *forwardDallas! Comprehensive Plan* was adopted by the City Council in June 2006. The *forwardDallas! Comprehensive Plan* outlines several goals and policies which can serve as a framework for assisting in evaluating the applicant’s request.

There are no goals or policies supporting or opposing the request.

STAFF ANALYSIS:

Land Use Compatibility:

The pedestrian skybridge is proposed to connect a remodeled mixed use building on West 9th Street to the north and a redeveloped structure for a multifamily use on West 10th Street to the south. Beyond the applicant's immediate development, undeveloped property is located to the north, a data center with surface parking is located to the northeast, offices are located to the southeast and south, a library is located to the southwest, and a vacant office and surface parking lot is located to the west.

The pedestrian skybridge is proposed to span the 20-foot wide alley and cover approximately 12 feet in width in the same location as the existing pedestrian skybridge. It is also proposed to be two levels and connect the third and fourth floors of the redeveloped structure to the south to the remodeled structure to the north, whereas the existing pedestrian skybridge is one level and connects the second floors of the existing structures. The proposed pedestrian skybridge will also have a floor-to-ceiling height of nine feet on each level and the exterior will be enclosed, air conditioned, and have a minimum of 70 percent glass transparency. The proposed pedestrian skybridge will have a clearance from the alley surface of at least 18 feet, as noted on the attached site plan.

In granting an SUP for a pedestrian skybridge, consideration of the following is noted, "…promote the health, safety, and general welfare of persons and property within the city by providing for the structural integrity of pedestrian skybridges over public right-of–ways; preventing visual obstruction of public right-of-ways and urban landscapes; facilitating the flow of traffic; encouraging use public skybridges by pedestrians through well designed additions to the existing pedestrian system; minimizing the negative impact of pedestrian skybridges on adjoining properties, communication and utility company facilities, and public street lighting an safety facilities; and, establishing standards for construction and maintenance of pedestrian skybridges."

The general provisions for a Specific Use Permit in Section 51A-4.219 of the Dallas Development Code specifically state: (1) The SUP provides a means for developing certain uses in a manner in which the specific use will be consistent with the character of the neighborhood; (2) Each SUP application must be evaluated as to its probable effect on the adjacent property and the community welfare and may be approved or denied as the findings indicate appropriate; (3) The city council shall not grant an SUP

for a use except upon a finding that the use will: (A) complement or be compatible with the surrounding uses and community facilities; (B) contribute to, enhance, or promote the welfare of the area of request and adjacent properties; (C) not be detrimental to the public health, safety, or general welfare; and (D) conform in all other respects to all applicable zoning regulations and standards. The regulations in this chapter have been established in accordance with a comprehensive plan for the purpose of promoting the health, safety, morals, and general welfare of the city.

It is anticipated that this additional infrastructure will facilitate a safe and efficient means of allowing pedestrians to traverse among the various structures situated in the vicinity.

As a result of this analysis, staff supports the request subject to the attached site plan and conditions.

Private License:

In order to cross a public right-of-way with the proposed skybridge, the applicant is required to submit to the City of Dallas Real Estate Division of the Sustainable Development and Construction Department for an assignment of the previously granted license (approved September 12, 2012, for a 40-year period) to the new owners. Since the private license is set to expire on September 12, 2052, staff recommends the time period of the specific use permit, if granted, expires concurrently.

Mandatory and Recommended Standards:

The Dallas Development Code mandates that pedestrian skybridges are constructed and maintained in accordance with the following 19 items:

1. Pedestrian skybridges must be properly maintained at all times. If a pedestrian skybridge connects two buildings which are separately owned, an operating agreement assigning maintenance and liability responsibilities is required.

2. No more than one pedestrian skybridge may be located within any block or 700 feet of frontage, whichever is less.

3. Pedestrian sky-bridges must have clearance above the public right-of-way of at least 18 feet above grade.

4. If the pedestrian skybridge has a length of less than 150 feet, the interior passageway must be no less than 10 feet and no greater than 20 feet in width. If the pedestrian skybridge has a length equal to or greater than 150 feet, the

interior passageway must be no less than 12 feet and no greater than 20 feet in width.

5. The interior height of the passageway must be at least 7 1/2 feet. The interior height at the spring line of vaulted ceilings must be at least 7 1/2 feet.

6. Supports must not be located within the public right-of-way.

7. A sign must be posted within the adjoining structures indicating whether the skybridge is open to the public, the location of the pedestrian skybridge, and where the pedestrian skybridge leads.

8. Pedestrian sky-bridges must meet state and federal standards for accessibility to and usability by individuals with disabilities.

9. Pedestrian sky-bridges connected to structures with air conditioning must be enclosed and air conditioned.

10. Any change in slope of the pedestrian skybridge greater than one percent must be over private property or concealed within the pedestrian skybridge.

11. Pedestrian sky-bridges must not diverge from a perpendicular angle to the right-of-way by more than 30 degrees.

12. At least 70 percent of the side walls must be open, or glass or transparent material with a light transmission of not less than 36 percent and a luminous reflectance of not more than 6 percent. "Light transmission" means the ratio of the amount of total light to pass through the material to the amount of total light falling on the material and any glazing. "Luminous reflectance" means the ratio of the amount of total light that is reflected outward by a material to the amount of total light falling on the material.

13. Minimum artificial lighting of 15 foot candles must be provided. Lighting must not produce glare of an intensity that creates a nuisance for motor vehicles or pedestrians.

14. No exterior signs, other than government signs, may be applied to or suspended from any pedestrian skybridge.

15. Pedestrian sky-bridges must not be located within 300 feet of an historic overlay district.

16. Pedestrian sky-bridges must be designed to prevent people from jumping or throwing objects from the pedestrian skybridge.

17. Structural materials must be durable and easily maintained. Construction must comply with the City of Dallas Building and Fire Codes.

18. Pedestrian sky-bridges must not interfere with or impair use of the right-of-way by existing or proposed communication and utility facilities.

19. The applicant must post bond for the estimated cost to the city to remove the pedestrian skybridge if it becomes a public nuisance.

The Dallas Development Code recommends that pedestrian skybridges are constructed and maintained in accordance with the following six items:

1. Pedestrian skybridges must be properly maintained at all times. If a pedestrian skybridge connects two buildings which are separately owned, an operating agreement assigning maintenance and liability responsibilities is required.

2. No more than one pedestrian skybridge may be located within any block or 700 feet of frontage, whichever is less.

3. Pedestrian sky-bridges must have clearance above the public right-of-way of at least 18 feet above grade.

4. If the pedestrian skybridge has a length of less than 150 feet, the interior passageway must be no less than 10 feet and no greater than 20 feet in width. If the pedestrian skybridge has a length equal to or greater than 150 feet, the interior passageway must be no less than 12 feet and no greater than 20 feet in width.

5. Primary lighting sources should be recessed and indirect. Accent lighting is encouraged. Natural lighting should be used in addition to artificial lighting.

6. The pedestrian skybridge should be designed so as to coordinate with the adjoining structures to the extent possible. Where coordination is not possible, the pedestrian skybridge should be of a neutral color, such as brown or grey.

Notification:

The Dallas Development Code requires that the director send written notice of a public hearing on an application for an SUP for a pedestrian skybridge to all owners of real property lying within 750 feet of the properties on which the skybridge will be located.

Prior CPC Action – March 1, 2018:

Motion: It was moved to recommend **approval** for a Specific Use Permit for a pedestrian skybridge for a 34-year period [September 12, 2052], subject to a site plan and conditions on property zoned Subdistrict 3B within Planned Development District No. 830, on public right-of-way operating as an alley, between West 9th Street and West 10th Street.

Maker: West
Second: Davis
Result: Carried: 10 to 0

For: 10 - West, Rieves, Houston, Davis, Shidid, Carpenter, Mack, Housewright, Murphy, Tarpley

Against: 0
Absent: 1 - Schultz
Vacancy: 1 - District 8
Conflict: 3 - Jung, Peadon, Ridley

Notices: Area: 750 Mailed: 143
Replies: For: 2 Against: 0

Speakers: For: Rob Baldwin, 3904 Elm St., Dallas, TX, 75226
Against: None

List of Officers

UG Melba LLC

Matt Shafiezadeh, managing member
Rick Atwood, managing member
Jein Gadson, member
Pouya Feizpour, managing member
Gahl Shalev, managing member
Ivan Curtovic, member

CPC RECOMMENDED CONDITIONS FOR SPECIFIC USE PERMIT FOR A PEDESTRIAN SKYBRIDGE

1. USE: The only use authorized by this specific use permit is a pedestrian skybridge.

2. SITE PLAN: Use and development of the Property must comply with the attached site plan.

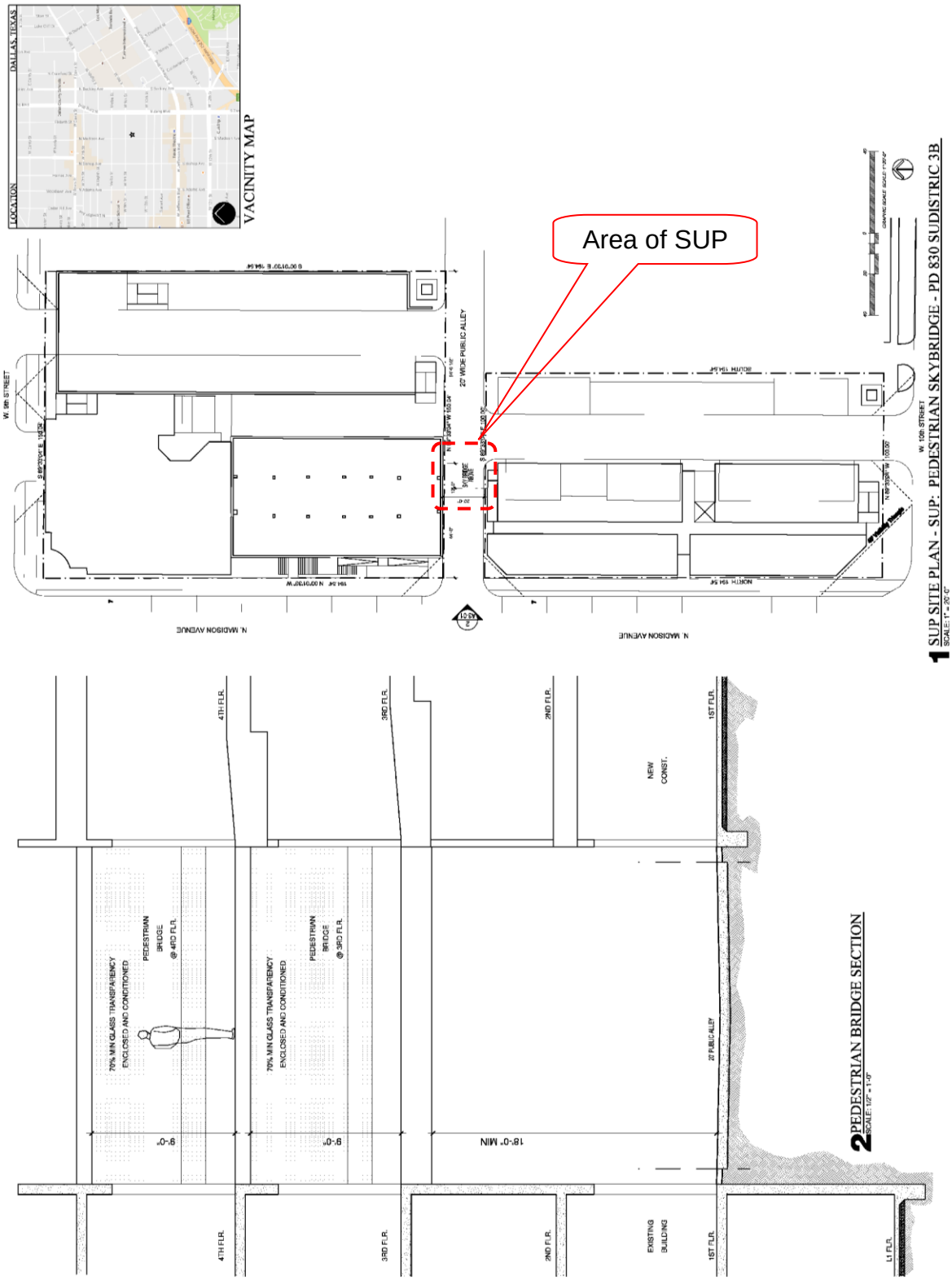
3. TIME LIMIT: This specific use permit expires on September 12, 2052.

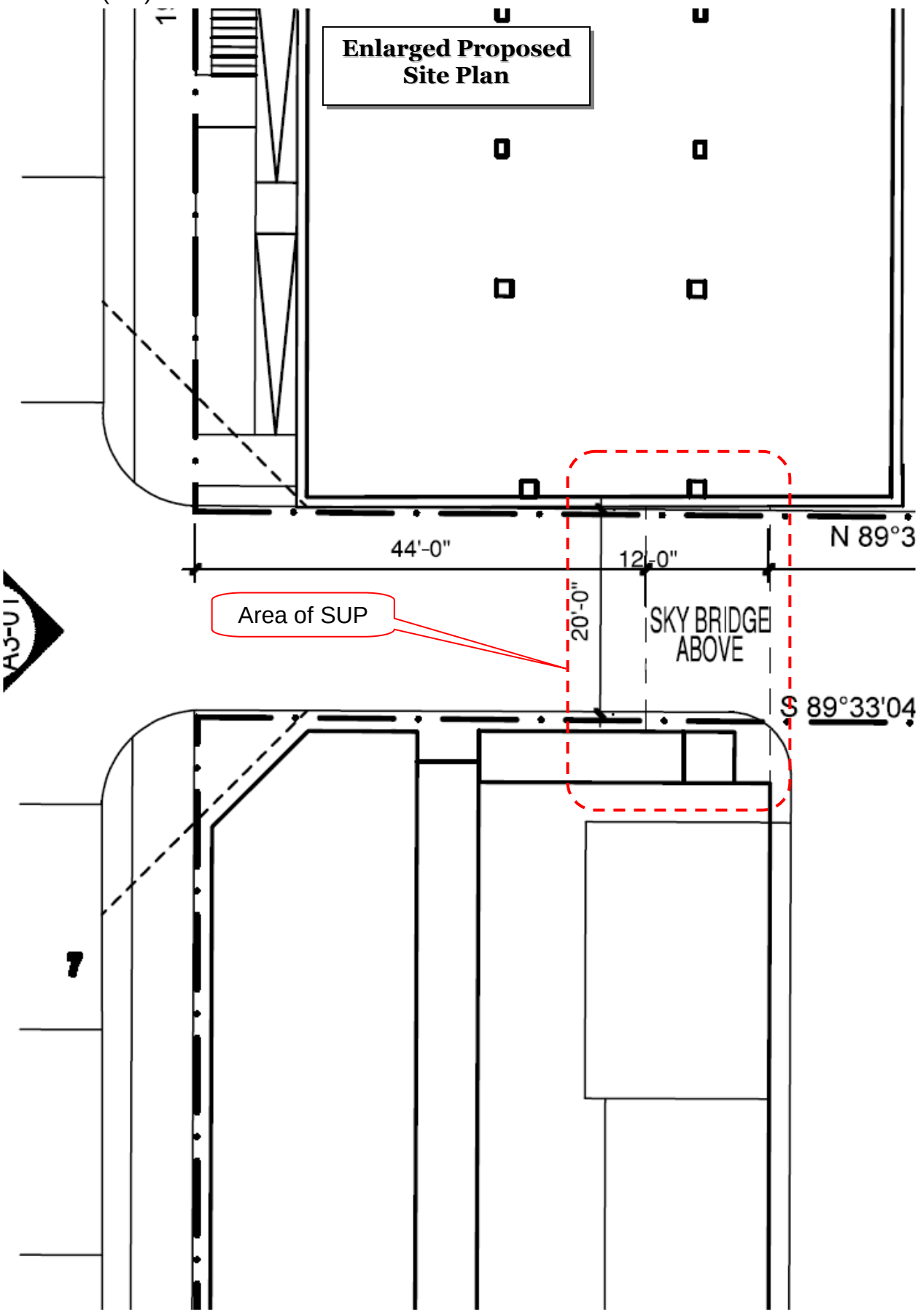
4. COMPLIANCE: The pedestrian skybridge must comply with Dallas Development Code Section 51 A-4.2 1 7(b) (12), “Pedestrian Skybridges,” as amended.

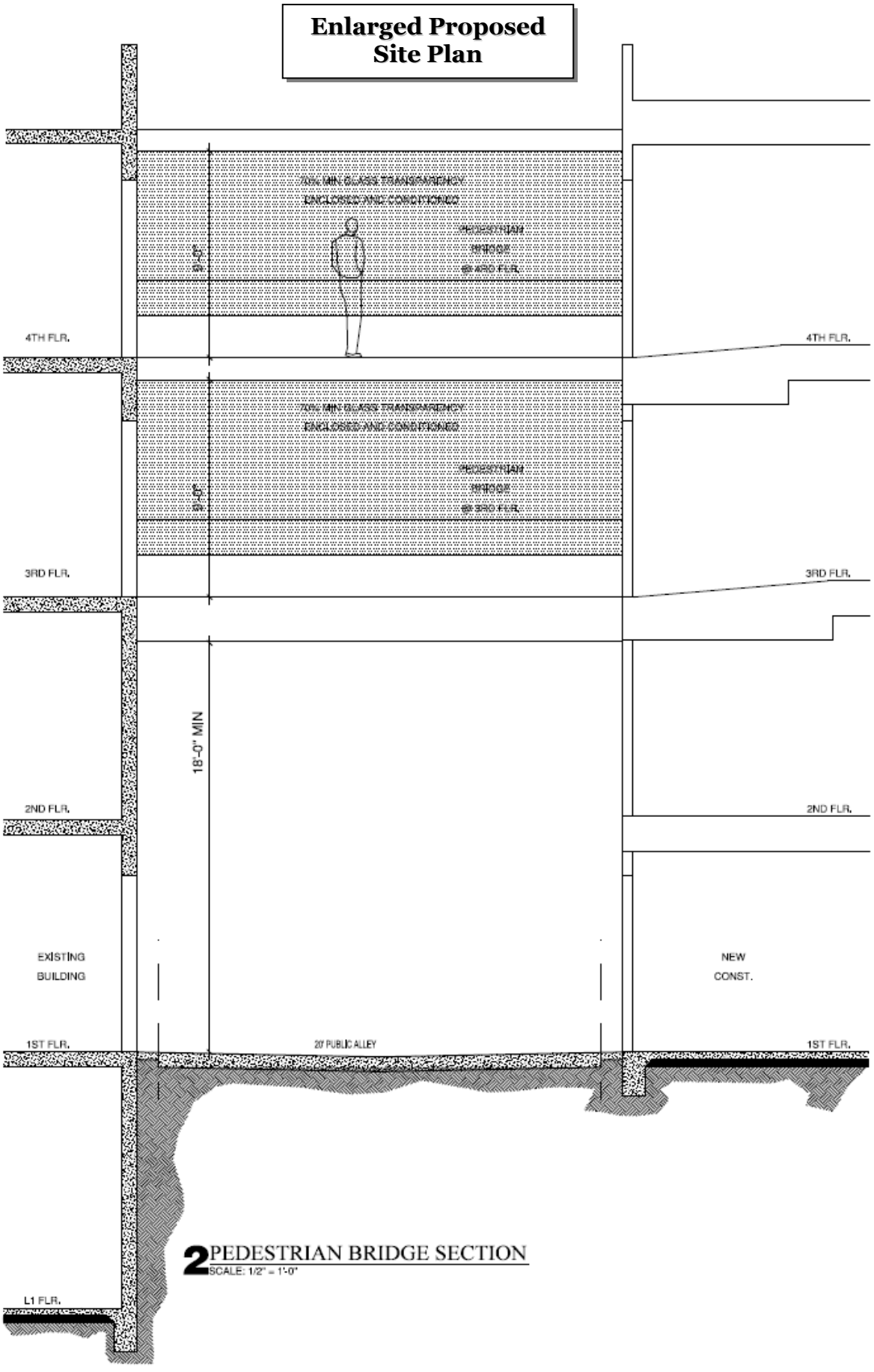
5. MAINTENANCE: The Property must be properly maintained in a state of good repair and neat appearance.

6. GENERAL REQUIREMENTS: Use of the Property must comply with all federal and state laws and regulations and with all ordinances, rules, and regulations of the City of Dallas.

Proposed Site Plan




Enlarged Proposed Site Plan
44'-0"
12'-0"
20'-0"
N 89°3
Area of SUP
SKY BRIDGE ABOVE
S 89°33'04


Enlarged Proposed
Site Plan
4TH FLR.
3RD FLR.
2ND FLR.
1ST FLR.
L1 FLR.
18'-0" MIN
EXISTING
BUILDING
NEW
CONST.
20' PUBLIC ALLEY
2 PEDESTRIAN BRIDGE SECTION
SCALE: 1/2" = 1'-0"

CEDAR HILL AVE
W NEELY ST
WOODLAWN AVE
HAINES AVE
N BISHOP AVE
W NEELY ST
ELSBETH AVE
FINLEY CT
N ZANG BLVD
W NEELY ST
E NEELY ST
N PATTON AVE
W DAVIS ST
E DAVIS ST
W 7TH ST
E 7TH ST
N CRAWFORD ST
E 8TH ST
W 8TH ST
Adamson
E 9TH ST
N LLEWELLYN AVE
Reagan
N ADAMS AVE
N BISHOP AVE
N MADISON AVE
MELBA ST
N ZANG BLVD
N BECKLEY AVE
W 9TH ST
N STOREY ST
S STOREY ST
E 10TH ST
W 10TH ST
E JEFFERSON BLVD
SUNSET AVE
S ZANG BLVD
S BECKLEY AVE
CUMBERLAND ST
W JEFFERSON BLVD
W JEFFERSON BLVD
CENTRE ST
E 12TH ST
S LLEWELLYN AVE
W 12TH ST
W 12TH ST
S MADISON AVE
S R L THORNTON SERV
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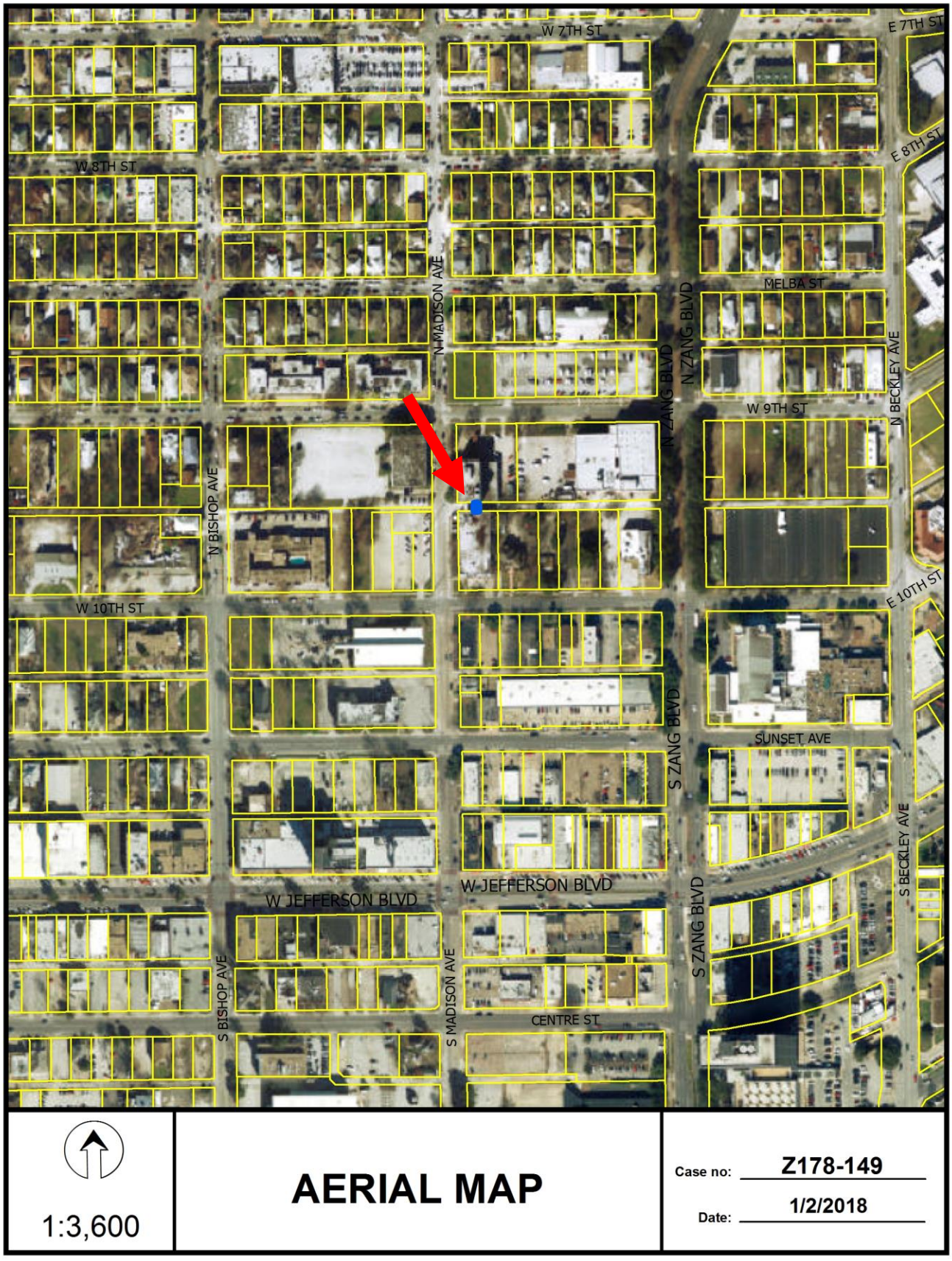
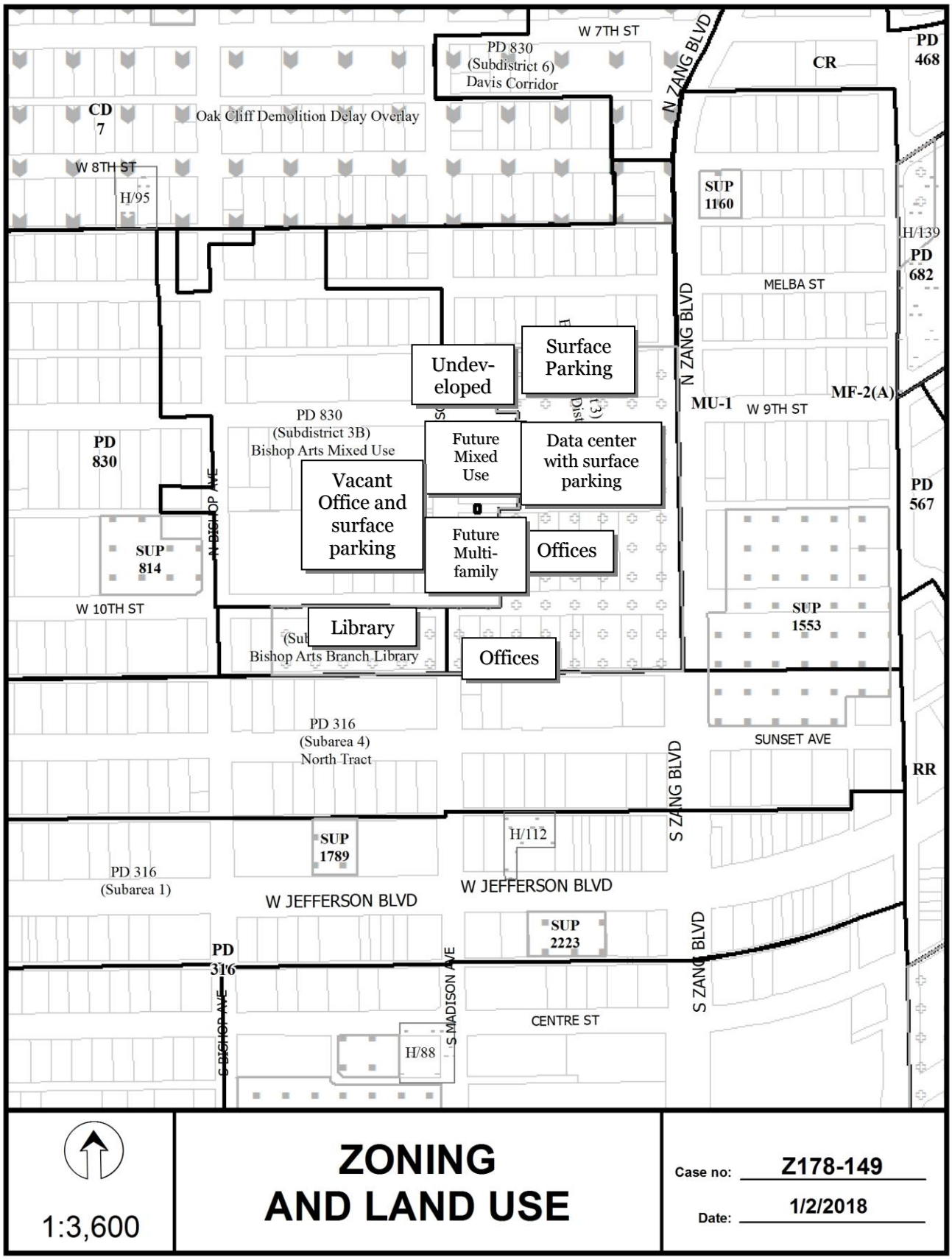
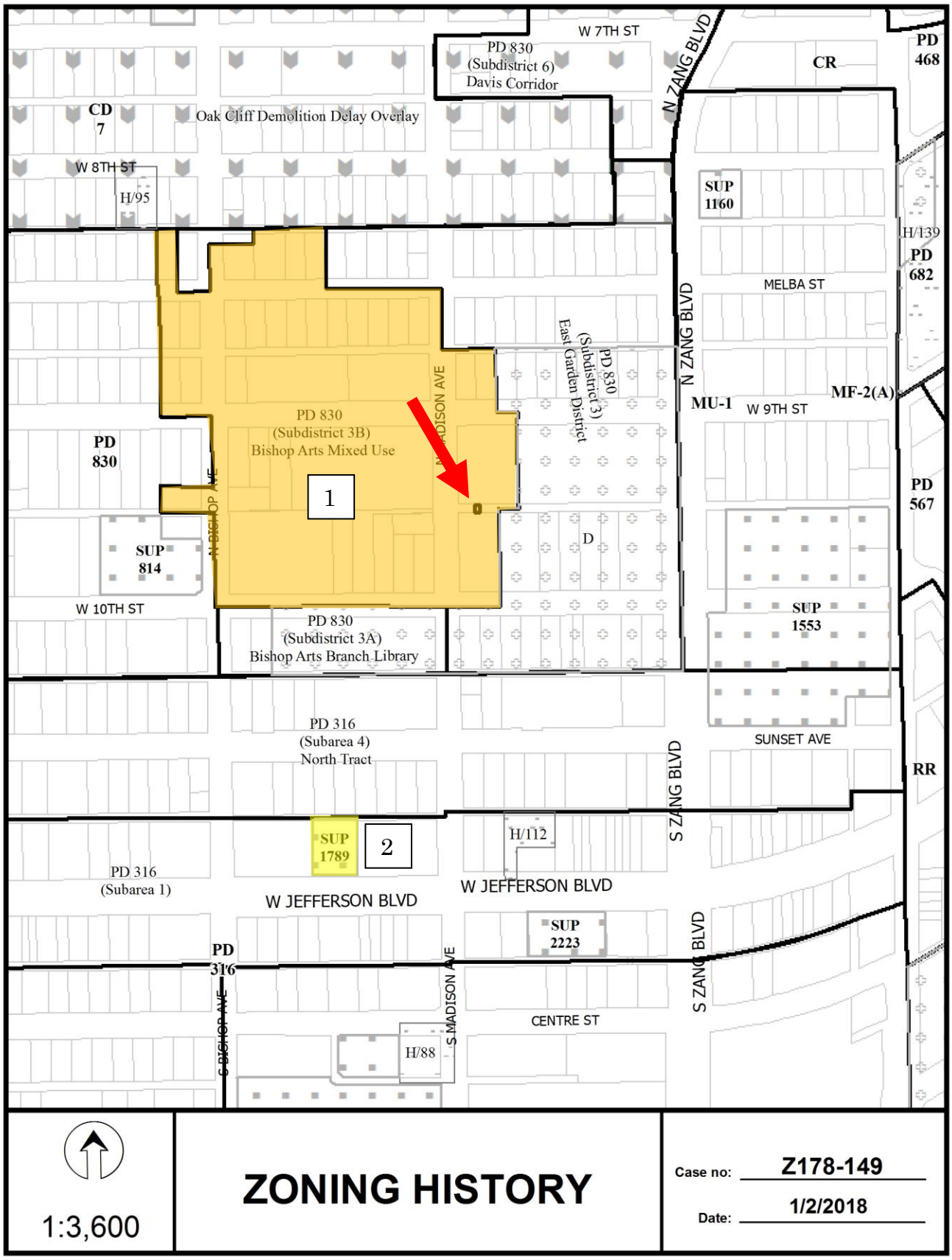
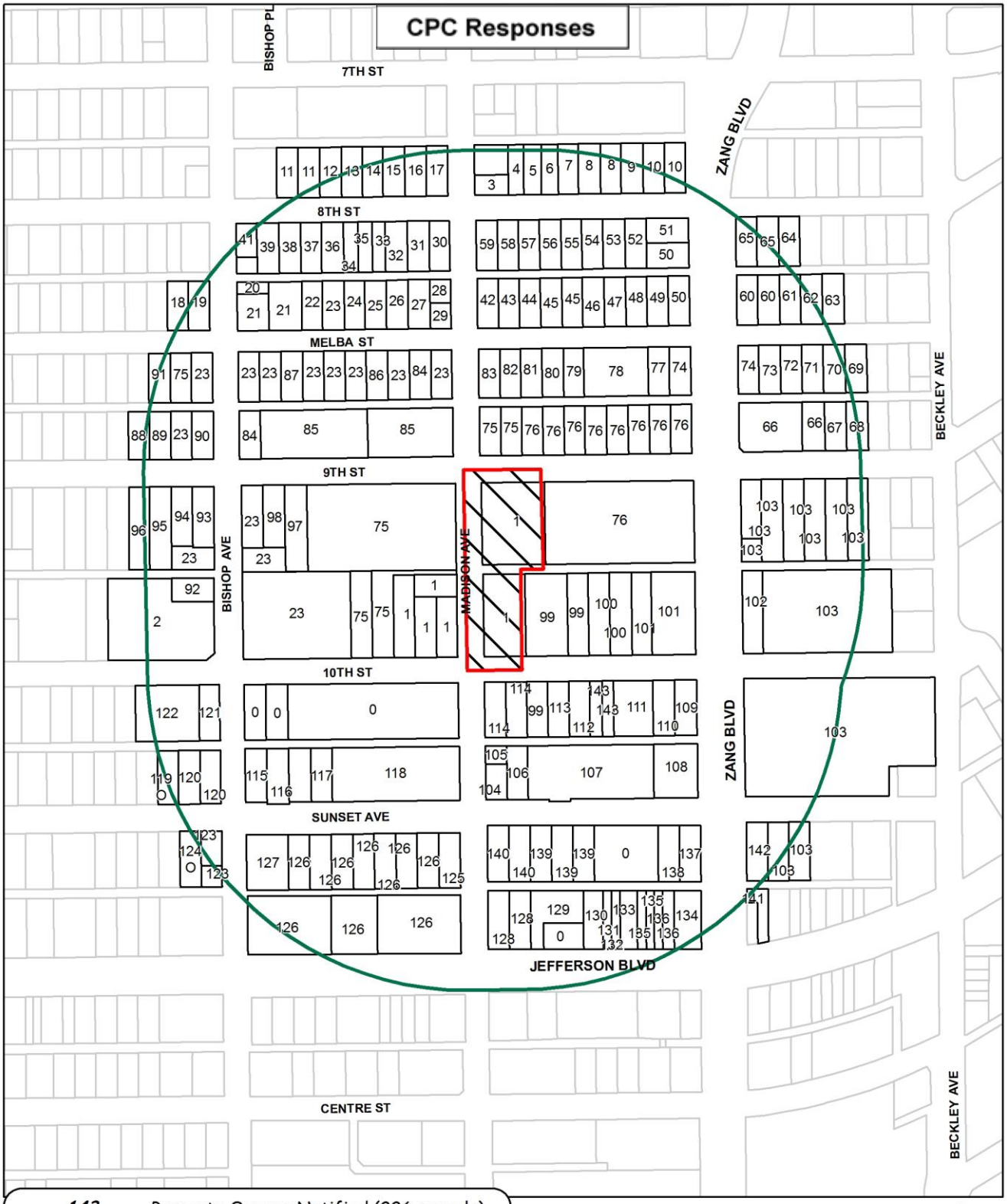
S R L THORNTON FWY
S R L THORNTON HOV
S R L THORNTON SERV
W PAGE AVE
W PAGE AVE
E PAGE AVE
BISHOP AVE
W BROOKLYN AVE
E BROOKLYN AVE
1:6,000
VICINITY MAP
Case no: Z178-149
Date: 1/2/2018


W 7TH ST
E 7TH ST
W 8TH ST
E 8TH ST
N MADISON AVE
MELBA ST
N ZANG BLVD
N BECKLEY AVE
W 9TH ST
N BISHOP AVE
W 10TH ST
E 10TH ST
SUNSET AVE
S ZANG BLVD
S BECKLEY AVE
W JEFFERSON BLVD
W JEFFERSON BLVD
S BISHOP AVE
S MADISON AVE
CENTRE ST
1:3,600
AERIAL MAP
Case no: Z178-149
Date: 1/2/2018


W 7TH ST
PD 830
(Subdistrict 6)
Davis Corridor
N ZANG BLVD
CR
PD
468
CD
7
Oak Cliff Demolition Delay Overlay
W 8TH ST
H/95
SUP
1160
H/139
PD
682
MELBA ST
N ZANG BLVD
Undev-
eloped
Surface
Parking
MU-1
W 9TH ST
MF-2(A)
PD 830
(Subdistrict 3B)
Bishop Arts Mixed Use
Future
Mixed
Use
Data center
with surface
parking
PD
830
Vacant
Office and
surface
parking
N BISHOP AVE
Future
Multi-
family
Offices
PD
567
SUP
814
W 10TH ST
Library
Bishop Arts Branch Library
Offices
SUP
1553
PD 316
(Subarea 4)
North Tract
SUNSET AVE
RR
S ZANG BLVD
SUP
1789
H/112
PD 316
(Subarea 1)
W JEFFERSON BLVD
W JEFFERSON BLVD
SUP
2223
PD
316
S MADISON AVE
S ZANG BLVD
CENTRE ST
S BISHOP AVE
H/88
1:3,600
ZONING
AND LAND USE
Case no: Z178-149
Date: 1/2/2018


W 7TH ST
PD 830
(Subdistrict 6)
Davis Corridor
N ZANG BLVD
CR
PD
468
CD
7
Oak Cliff Demolition Delay Overlay
W 8TH ST
H/95
SUP
1160
H/139
PD
682
MELBA ST
PD 830
(Subdistrict 3)
East Garden District
N ZANG BLVD
MU-1
W 9TH ST
MF-2(A)
PD 830
(Subdistrict 3B)
Bishop Arts Mixed Use
1
N MADISON AVE
N BISHOP AVE
PD
830
SUP
814
D
PD
567
W 10TH ST
PD 830
(Subdistrict 3A)
Bishop Arts Branch Library
SUP
1553
PD 316
(Subarea 4)
North Tract
SUNSET AVE
RR
S ZANG BLVD
SUP
1789
2
H/112
PD 316
(Subarea 1)
W JEFFERSON BLVD
W JEFFERSON BLVD
SUP
2223
PD
316
S MADISON AVE
S BISHOP AVE
CENTRE ST
H/88
S ZANG BLVD
1:3,600
ZONING HISTORY
Case no: Z178-149
Date: 1/2/2018



143	Property Owners Notified (226 parcels)
2	Replies in Favor (2 parcels)
0	Replies in Opposition (0 parcels)
750'	Area of Notification
3/1/2018	Date

Z178-149
CPC

N
W E
S

1:3,600

02/28/2018

Reply List of Property Owners

Z178-149

143 Property Owners Notified ***2 Property Owners in Favor*** ***0 Property Owners Opposed***

Reply	*Label #*	*Address*		*Owner*
	1	311	W 10TH ST	KENSINGTON RIVERFALL LLC
	2	407	W 10TH ST	CHILD CARE GROUP THE
	3	239	W 8TH ST	SALVAGGIO CHARLES F
	4	235	W 8TH ST	DIPPREY GARY EUGENE &
	5	233	W 8TH ST	216 W 7TH LLC
	6	231	W 8TH ST	MUSICK RONALD
	7	223	W 8TH ST	SALINAS ELIDA
	8	217	W 8TH ST	ANGEL 1111 LLC
	9	213	W 8TH ST	7TH MADISON LLC
	10	209	W 8TH ST	216 W 7TH LLC
	11	329	W 8TH ST	BISHOP STREET PARTNERS JV
	12	323	W 8TH ST	SALAZAR MANUAL & MARIA
	13	317	W 8TH ST	VILLALOBOS CELESTINO A &
	14	315	W 8TH ST	SANCHEZ MARTIN &
	15	309	W 8TH ST	ALVAREZ GERARDO
	16	305	W 8TH ST	OAK CLIFF LEASING LLC
	17	301	W 8TH ST	SQUARE PEG PROPERTIES LLC
	18	405	MELBA ST	MLA RLB LP
	19	403	MELBA ST	BISHOP & MELBA LLC
	20	308	N BISHOP AVE	BISHOP ARTS LLC
	21	337	MELBA ST	BISHOP ARTS PHASE 1A LLC
	22	325	MELBA ST	BISHOP ARTS LLC
	23	321	MELBA ST	BISHOP ARTS VILLAGE LLC
	24	317	MELBA ST	UG MELBA LLC
	25	313	MELBA ST	UG MELBA LLC
	26	309	MELBA ST	UG MELBA LLC

02/28/2018

Reply	*Label #*	*Address*		*Owner*
	27	305	MELBA ST	UG MELBA LLC
	28	307	N MADISON AVE	ESMIRNA TEMPLO
	29	301	MELBA ST	POPKEN TRACY M
	30	300	W 8TH ST	TEMPLO ESMIMA
	31	306	W 8TH ST	CDP & LRP 306 LLC
	32	310	W 8TH ST	GONZALES EFRAIN JR
	33	312	W 8TH ST	GOOD SPACE X LLC
	34	318	W 8TH ST	SANDOVAL ANTONIO
	35	314	W 8TH ST	LOS DETECTIVES SALVAJES INC
	36	320	W 8TH ST	RODRIGUEZ JORGE POSADAS &
	37	324	W 8TH ST	BMR JOHNSON INVESTMENTS L
	38	328	W 8TH ST	SANCHEZ & SANCHEZ LLC
	39	332	W 8TH ST	DUARTE JESUS JR &
	40	314	N BISHOP AVE	GOOD SPACE X LLC
	41	336	W 8TH ST	WISTERIA HILLS LLC
	42	237	MELBA ST	FLORES DAVID & ROSA
	43	235	MELBA ST	VARGAS ANTELMA &
	44	231	MELBA ST	MANDUJANO J PABLO &
	45	225	MELBA ST	PROSUM VENTURES INC
	46	217	MELBA ST	SALAS FRANCISCO & TERESA
	47	213	MELBA ST	ERIVES PATRICIA
	48	211	MELBA ST	DEHOYOS DORA
	49	205	MELBA ST	CHAVARRIA MACARIO PAIZ
	50	201	MELBA ST	BARREIRO CRISEIDA M &
	51	321	N ZANG BLVD	228 POOL LLC
	52	212	W 8TH ST	TROLLEY STOP PROPERTIES LLC
	53	216	W 8TH ST	MOJICA NICASIO
	54	220	W 8TH ST	GUZMAN FRANCISCO
	55	224	W 8TH ST	SANCHEZ & SANCHEZ LLC
	56	228	W 8TH ST	MONCADA ROSA MARIA &
	57	232	W 8TH ST	VASQUEZ AURELIANO &

Reply	*Label #*	*Address*		*Owner*
	58	234	W 8TH ST	COOK LARRY JACK
	59	240	W 8TH ST	BKN REALTY LLC
	60	135	MELBA ST	BEISER NED E
	61	127	MELBA ST	ORTIZ MANUEL &
	62	123	MELBA ST	ACEVEDO FELIPE &
	63	117	MELBA ST	SOTO CARMEN
	64	126	W 8TH ST	GIRLS INCORPORATED OF METROPOLITAN DALLAS
	65	130	W 8TH ST	GIRLS INC OF METROPOLITAN
	66	121	W 9TH ST	NINTH STREET LTD
	67	119	W 9TH ST	DELIRA JOSE R
	68	115	W 9TH ST	ADAME FELIPE &
	69	114	MELBA ST	QUINONEZ MORENA C
	70	118	MELBA ST	VILLARREAL MARIA
	71	122	MELBA ST	GARCIA RAFAEL M & JUANA
	72	126	MELBA ST	MACIAS VERONICA SALINAS
	73	130	MELBA ST	SALINAS VICENTE &
	74	134	MELBA ST	EIGHTH ZANG LTD
	75	239	W 9TH ST	BISHOP ARTS VILLAGE LLC
	76	231	W 9TH ST	SOUTHWESTERN BELL
	77	206	MELBA ST	YAWTSAR LLC
	78	212	MELBA ST	DRENNAN MARGIE L
	79	222	MELBA ST	ESQUIVEL JULIO C &
	80	226	MELBA ST	CEJA OCTAVIANO C &
	81	230	MELBA ST	CALDERON ANTONIA GAYTAN
	82	234	MELBA ST	GONZALEZ MOISES &
	83	236	MELBA ST	CRUZ ERWIN
	84	337	W 9TH ST	BISHOP ARTS VILLAGE LLC
	85	321	W 9TH ST	MAN PARTNERS II LLC
	86	312	MELBA ST	BISHOP ARTS VILLAGE LLC
	87	328	MELBA ST	BISHOP ART VILLAGE LLC
	88	413	W 9TH ST	MUSICANT AARON &

02/28/2018

Reply	*Label #*	*Address*		*Owner*
	89	407	W 9TH ST	AVILA LORENZO H
	90	403	W 9TH ST	BISHOP ARTS LLC
	91	410	MELBA ST	410 MELBA LLC
	92	111	N BISHOP AVE	JOSEPH GEORGE KROSAMMA
	93	400	W 9TH ST	MOJICA IGNACIO T & MARTHA
	94	406	W 9TH ST	ORTIZ ELSIE
	95	410	W 9TH ST	HERNANDEZ ERNESTO DANIEL &
	96	412	W 9TH ST	HERNANDEZ ERNEST D
	97	330	W 9TH ST	BISHOP ARTS HOLDINGS LLC
	98	334	W 9TH ST	BISHOP ARTS HOLDINGS LLC
	99	227	W 10TH ST	CMWOC PROPERTIES I LLC
	100	219	W 10TH ST	JIVE INVESTMENTS LLC
	101	209	W 10TH ST	EXC VENTURES LLC
	102	135	W 10TH ST	FIRST NORTH TEXAS
	103	109	W 10TH ST	CLIFF TEMPLE BAPTIST
	104	237	SUNSET AVE	DERASAUGH MARGARET &
	105	112	S MADISON AVE	SALA JASON BRANDON
	106	233	SUNSET AVE	DERASAUGH MARGARET SUE
	107	219	SUNSET AVE	BABAJOON3M PROPERTIES LLC
	108	205	SUNSET AVE	PUERTO SERGIO
	109	202	W 10TH ST	DUTTON ALLAN M D
	110	206	W 10TH ST	MERCADO FRANCISCA M
	111	210	W 10TH ST	FIVE NINE SEVEN LP
	112	220	W 10TH ST	PERALTA CHIROPRACTIC INC
	113	224	W 10TH ST	CMWOC PROPERTIES II LLC
	114	232	W 10TH ST	PEREZ ARMINDA
	115	110	S BISHOP AVE	CAMPOS JUAN MANUAL &
	116	333	SUNSET AVE	SANTOS GERONIMO
	117	325	SUNSET AVE	SUNSET I PPTIES LLC
	118	315	SUNSET AVE	SUNSET I PPTIES LLC
O	119	409	SUNSET AVE	DONNA SAVARIEGO HOMES INC

02/28/2018

Reply	*Label #*	*Address*		*Owner*
	120	405	SUNSET AVE	JDAL PROPERTIES INC
	121	400	W 10TH ST	DEVERS GARY
	122	408	W 10TH ST	JOSEPH GEORGE K & ROSAMMA
	123	211	S BISHOP AVE	HUERTA SARA R
O	124	404	SUNSET AVE	SALANA PROPERTIES LTD
	125	201	S MADISON AVE	EFFECTIVE TIME MGMT INC
	126	304	SUNSET AVE	JEFFERSON MONUMENT LLC
	127	334	SUNSET AVE	TEMPLO MONTE CALVARIO
	128	239	W JEFFERSON BLVD	BALLAS VICTOR
	129	231	W JEFFERSON BLVD	OAK CLIFF FOUNDATION
	130	221	W JEFFERSON BLVD	FTL ASSOCIATES LTD
	131	219	W JEFFERSON BLVD	GUAQUETA DAVID
	132	217	W JEFFERSON BLVD	MACSWINEY IRIS
	133	215	W JEFFERSON BLVD	OROZCO MAYRA
	134	201	W JEFFERSON BLVD	MSC I LTD
	135	211	W JEFFERSON BLVD	JUNG HYUN JIN
	136	207	W JEFFERSON BLVD	BIXEL DAVID W &
	137	200	SUNSET AVE	NGUYEN TRI THI
	138	206	SUNSET AVE	RIVCO ENTERPRISE LLC
	139	220	SUNSET AVE	DIXON LIVING TRUST
	140	232	SUNSET AVE	TYLER ARTS DISTRICT INV LLC
	141	133	W JEFFERSON BLVD	MEYER ABE PARTNERSHIP
	142	200	S ZANG BLVD	POLACK WILLIAM C
	143	218	W 10TH ST	DDB PROPERTIES LLC

AGENDA ITEM # 53

Mobility Solutions, Infrastructure, and Sustainability

AGENDA DATE: April 11, 2018

COUNCIL DISTRICT(S): 5

DEPARTMENT: Department of Sustainable Development and Construction

CMO: Majed Al-Ghafry, 670-3302

MAPSCO: 57 M

SUBJECT

A public hearing to receive comments regarding an application for and an ordinance granting the renewal of Specific Use Permit No. 2191 for the sale of alcoholic beverages in conjunction with a general merchandise or food store 3,500 square feet or less on property zoned an MU-1-D-1 Mixed Use District with a D-1 Liquor Control Overlay on the northeast corner of Lake June Road and Guard Drive

Recommendation of Staff and CPC: Approval for a two-year period, subject to a revised site plan and conditions

Z178-152(PD)

HONORABLE MAYOR & CITY COUNCIL **WEDNESDAY, APRIL 11, 2018**

ACM: Majed Al-Ghafry

FILE NUMBER: Z178-152(PD) **DATE FILED:** December 13, 2017

LOCATION: Northeast corner of Lake June Road and Guard Drive

COUNCIL DISTRICT: 5 **MAPSCO:** 57 M

SIZE OF REQUEST: Approx. 3.7 acres **CENSUS TRACT:** 115.00

REPRESENTATIVE: Roger Albright

APPLICANT/OWNER: 6343 Lake June, LLC

REQUEST: An application for the renewal of Specific Use Permit No. 2191 for the sale of alcoholic beverages in conjunction with a general merchandise or food store 3,500 square feet or less on property zoned an MU-1-D-1 Mixed Use District with a D-1 Liquor Control Overlay.

SUMMARY: The applicant proposes to continue the sale of alcoholic beverages for off-premise consumption in conjunction with the existing convenience store. [Kwik Mart #5].

CPC RECOMMENDATION: **Approval** for a two-year period, subject to a revised site plan and conditions.

STAFF RECOMMENDATION: **Approval** for a two-year period, subject to a revised site plan and conditions.

BACKGROUND INFORMATION

- At the time of this report, pending revisions for the site plan was unavailable. Staff recommends the case be held under advisement to March 1st to ensure compliance with the off-street parking, loading and screening requirements.

- On December 10, 2008, the City Council approved the application. 42 property owners were notified; 2 property owners were in favor (one was the area of request's property owner) and three property owners were opposed.

- On July 30, 2008, an application was submitted for an MU-1 Mixed Use District with deed restrictions and a D-1 Liquor Control Overlay on property zoned an LI Light Industrial District with a D-1 Liquor Control Overlay (Z078-272).

- On April 27, 2016, the City Council approved Specific Use Permit No. 2191 for a two- year period.

- A Certificate of Occupancy for a Kwik Mart was submitted on September 1, 2017, and is pending.

- The approximately 9,240-square-foot structure will house a 3,500-square-foot suite for the general merchandise or food store 3,500 square or less use requesting renewal of SUP No. 2191.

Zoning History: There have been two recent zoning cases in the area in the past five years.

1. **Z156-163** On April 27, 2016, the City Council approved SUP No 2190 for a mini-warehouse and SUP No. 2191 for the sale of alcoholic beverages in conjunction with a general merchandise or food store 3,500 square feet or less on property zoned MU-1 Mixed Use District located on the north side of Lake June Road and Guard Drive.

2. **Z145-322** On January 13, 2016, the City Council approved an application for a Specific Use Permit for a utility or government installation other than listed on property zoned an LI Light Industrial District located on the east line of Guard Drive, north of Lake June Road.

Thoroughfares/Streets:

Thoroughfare/Street	Type	ROW
Lake June Road	Principal Arterial	Minimum-6 lanes-Divided; 100' ROW
Guard Drive	Minor Arterial	60 ft.

Traffic: The Engineering Division of the Sustainable Development and Construction Department has reviewed the request and determined that the request will not have a detrimental impact on the surrounding street system.

Land Use:

	Zoning	Land Use
Site	MU-1-D-1	Undeveloped
North	LI	Future park maintenance facility
East	R-7.5(A)	Single Family
West	R7.5(A)-D-1	Single Family
South	PD 533 (Subdistrict 2)	Auto repair use

Comprehensive Plan:

The *forwardDallas! Comprehensive Plan* was adopted by the City Council in June 2006. The *forwardDallas! Comprehensive Plan* outlines several goals and policies which can serve as a framework for assisting in evaluating the applicant's request.

The request is consistent with the following goals and policies of the Comprehensive Plan.

ECONOMIC ELEMENT

GOAL 2.4 CREATE AND MAINTAIN AN ENVIRONMENT FRIENDLY TO BUSINESSES AND ENTREPRENEURS

Policy 2.4.2 Restore Dallas as the premier city for conducting business within the region.

URBAN DESIGN ELEMENT

GOAL 5.3 ESTABLISHING WALK-TO CONVENIENCE

Policy 5.3.1. Encourage a balance of land uses within walking distance of each other.

STAFF ANALYSIS:

Land Use Compatibility:

The approximately 9,240-square-foot structure is currently under construction and will be comprised of multiple suites. One suite will be occupied with the 3,500-square-foot general merchandise or food store (convenience store). The applicant proposes the

continued sale of alcoholic beverages for off-premise consumption in conjunction with the proposed convenience store.

The request site is surrounded by a park that will also house a future park maintenance facility to the north, auto repair uses to the south, and single family uses to the east and west (immediately west of the site is a DART light railway).

The "D-1" Overlay District is a Liquor Control Overlay District which requires an individual to obtain a Specific Use Permit to sell or serve alcoholic beverages, or setups for alcoholic beverages, for consumption on or off the premises.

The general provisions for a Specific Use Permit in Section 51A-4.219 of the Dallas Development Code specifically state: (1) The SUP provides a means for developing certain uses in a manner in which the specific use will be consistent with the character of the neighborhood; (2) Each SUP application must be evaluated as to its probable effect on the adjacent property and the community welfare and may be approved or denied as the findings indicate appropriate; (3) The city council shall not grant an SUP for a use except upon a finding that the use will: (A) complement or be compatible with the surrounding uses and community facilities; (B) contribute to, enhance, or promote the welfare of the area of request and adjacent properties; (C) not be detrimental to the public health, safety, or general welfare; and (D) conform in all other respects to all applicable zoning regulations and standards. The regulations in this chapter have been established in accordance with a comprehensive plan for the purpose of promoting the health, safety, morals, and general welfare of the city.

The general merchandise use is also regulated by Chapter 12B of the Dallas City Code, Convenience Stores. This chapter applies to all convenience stores, which is defined as any business that is primarily engaged in the retail sale of convenience goods, or both convenience goods and gasoline, and has less than 10,000 square feet of retail floor space; the term does not include any business that has no retail floor space accessible to the public. The purpose of Chapter 12B is to protect the health, safety, and welfare of the citizens of the city of Dallas by reducing the occurrence of crime, preventing the escalation of crime, and increasing the successful prosecution of crime that occurs in convenience stores in the city. This chapter establishes a registration program for convenience stores and provides requirements relating to:

- surveillance camera systems,
- video recording and storage systems,
- alarm systems,
- drop safes,
- security signs,
- height markers,
- store visibility,
- safety training programs, and
- trespass affidavits.

A separate certificate of registration to comply with Chapter 12B is required for each physically separate convenience store. A certificate of registration for a convenience store expires one year after the date of issuance and must be renewed annually.

The applicant's request is consistent with the intent of the Dallas Development Code, therefore staff recommends approval.

Parking:
Pursuant to the Dallas Development Code, off-street parking and loading must be provided in accordance with Division 51A-4.200 for the specific off-street parking and loading requirements for each use. Parking will be provided as shown in the revised site plan. The off-street parking requirements for a general merchandise or food store 3,500 square foot or less is one space for each 200 square feet of floor area. The building's floor area totals approximately 9,240 square feet, but only one suite is included in the SUP request. The suite that is requesting this specific use permit to sell alcohol for off-premise consumption will not exceed 3,500 square feet.

Landscaping:

Landscaping must be provided in accordance with Article X, as amended.

LIST OF OFFICERS

6343 Lake June, LLC

Noorallah Jooma, Manager

CPC ACTION:
March 1, 2018

Motion: It was moved to recommend **approval** of the renewal of Specific Use Permit No. 2191 for the sale of alcoholic beverages in conjunction with a general merchandise or food store 3,500 square feet or less for a two-year period, subject to a revised site plan and revised conditions on property zoned an MU-1-D-1 Mixed Use District with a D-1 Liquor Control Overlay on the northeast corner of Lake June Road and Guard Drive.

Maker: Shidid
Second: Murphy
Result: Carried: 13 to 0

For: 13 - West, Rieves, Houston, Davis, Shidid, Carpenter, Mack, Jung, Housewright, Peadon, Murphy, Ridley, Tarpley

Against: 0
Absent: 1 - Schultz
Vacancy: 1 - District 8

Notices: Area: 300 Mailed: 51
Replies: For: 1 Against: 7

Speakers: For: Craig Sheils, 1701 N. Collins St., Richardson, TX, 75080
Against: Maria Hernandez, 1410 Ashview Cir., Dallas, TX, 75217

CPC RECOMMENDED CONDITIONS

1. USE: The only use authorized by this specific use permit is the sale of alcoholic beverages in conjunction with a general merchandise or food store greater than 3,500 square feet.

2. SITE PLAN: Use and development of the Property must comply with the attached site plan.

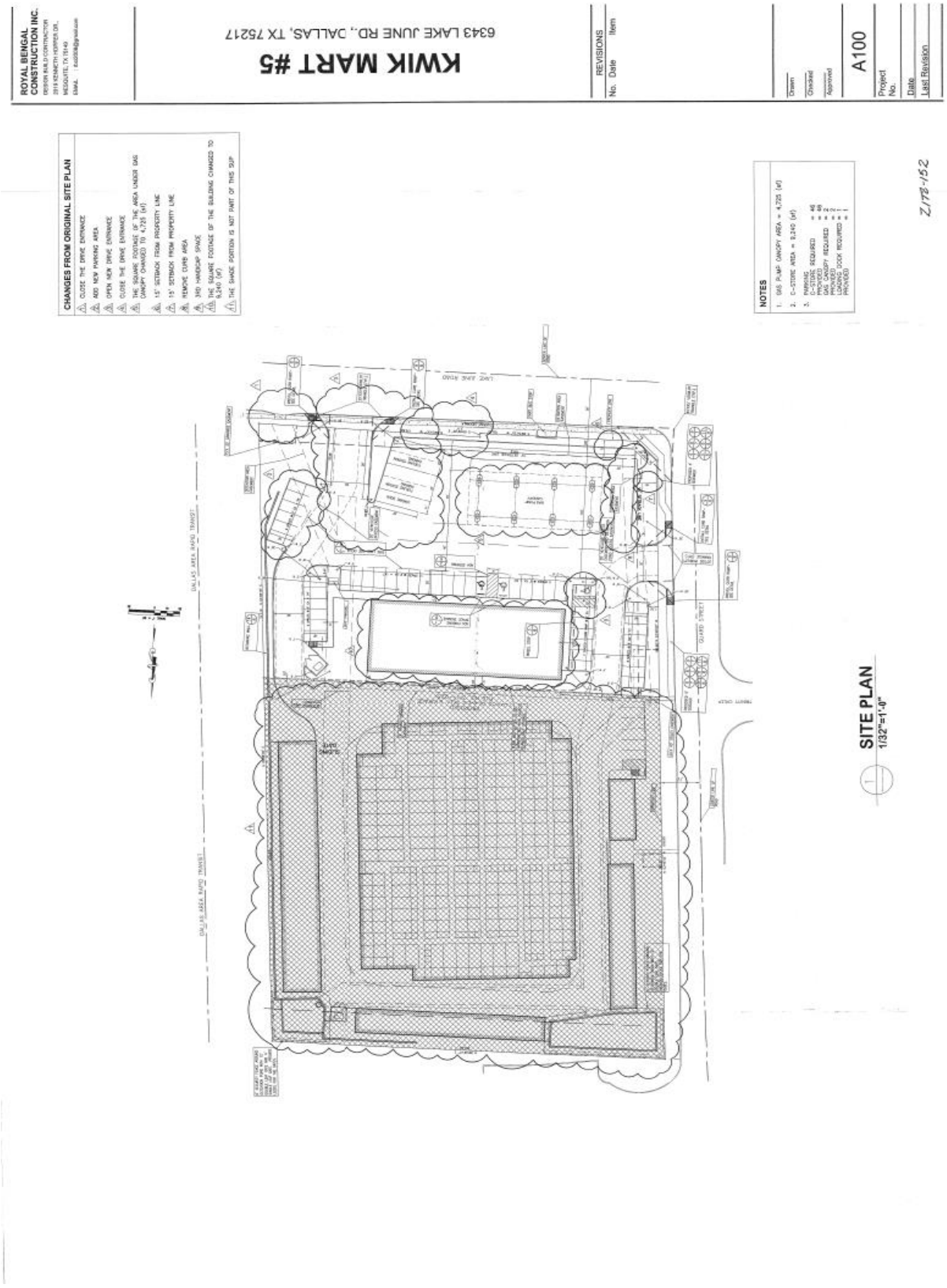
3. TIME LIMIT: This specific use permit expires (two-years), [~~April 27, 2018~~] from the passage of the Ordinance.

4. FLOOR AREA: The maximum floor area is 9,240 square feet.

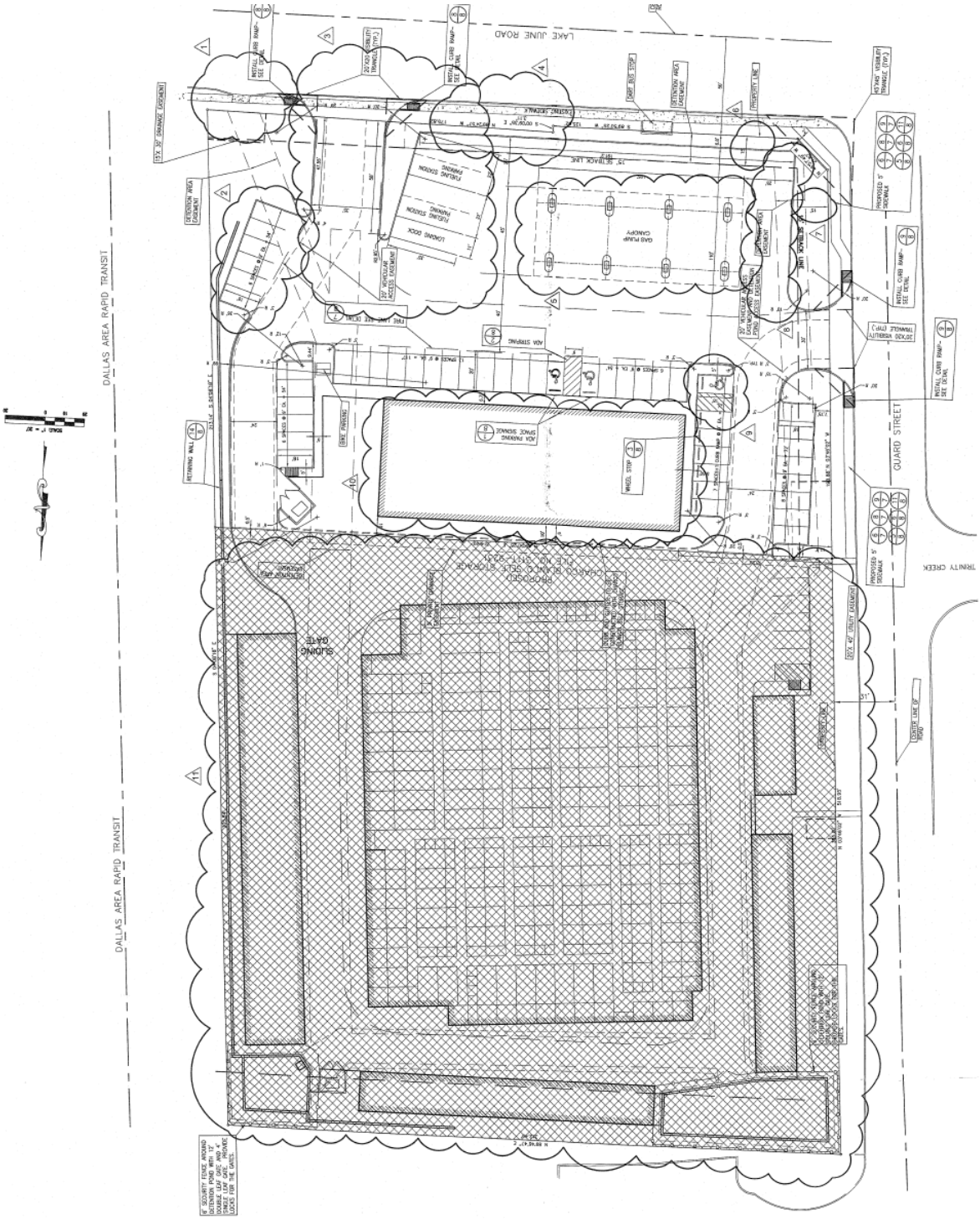
5. MAINTENANCE: The Property must be properly maintained in a state of good repair and neat appearance.

6. GENERAL REQUIREMENTS: Use of the Property must comply with all federal and state laws and regulations, and with all ordinances, rules, and regulations of the City of Dallas.

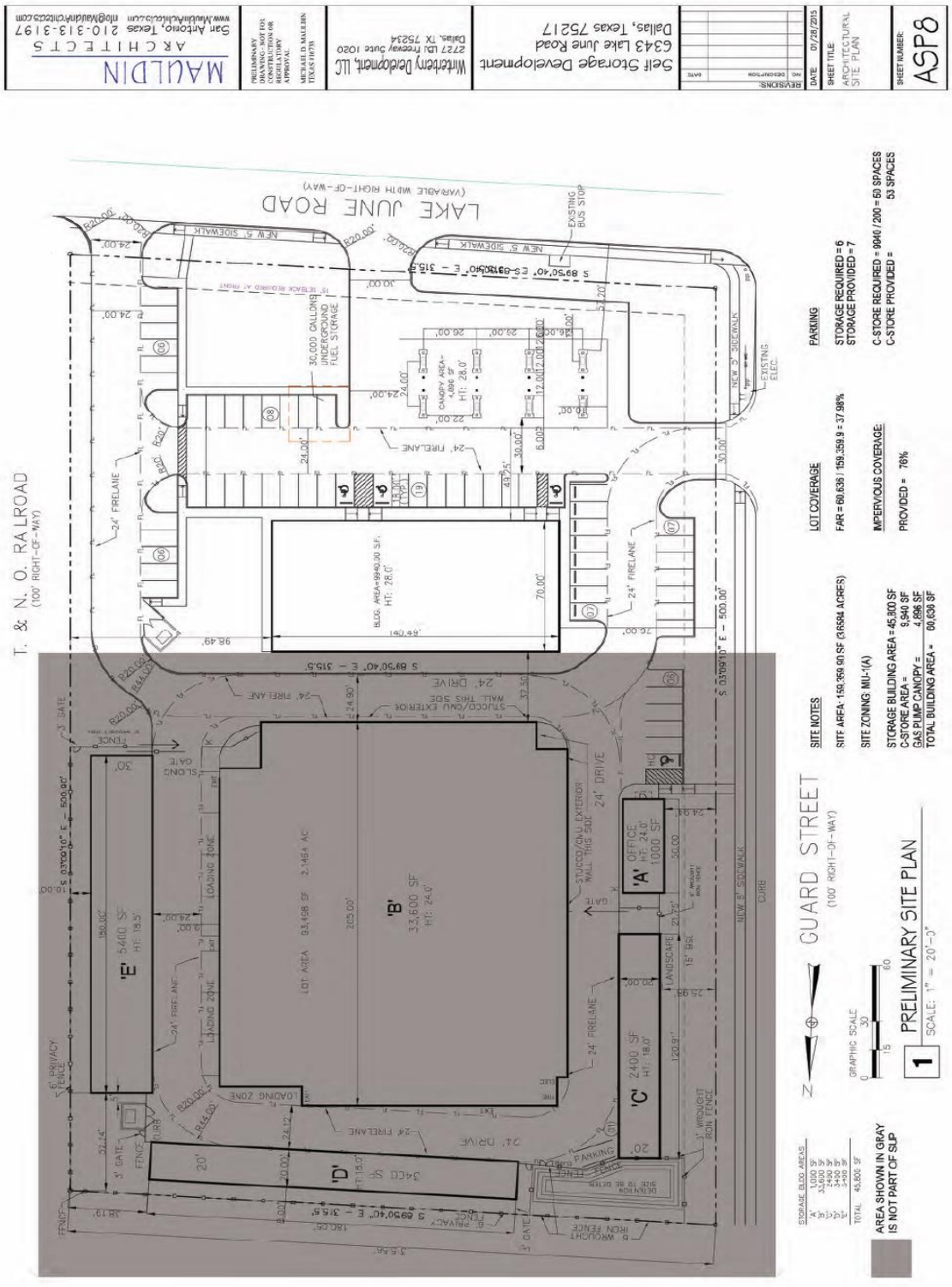
PROPOSED REVISED SITE PLAN

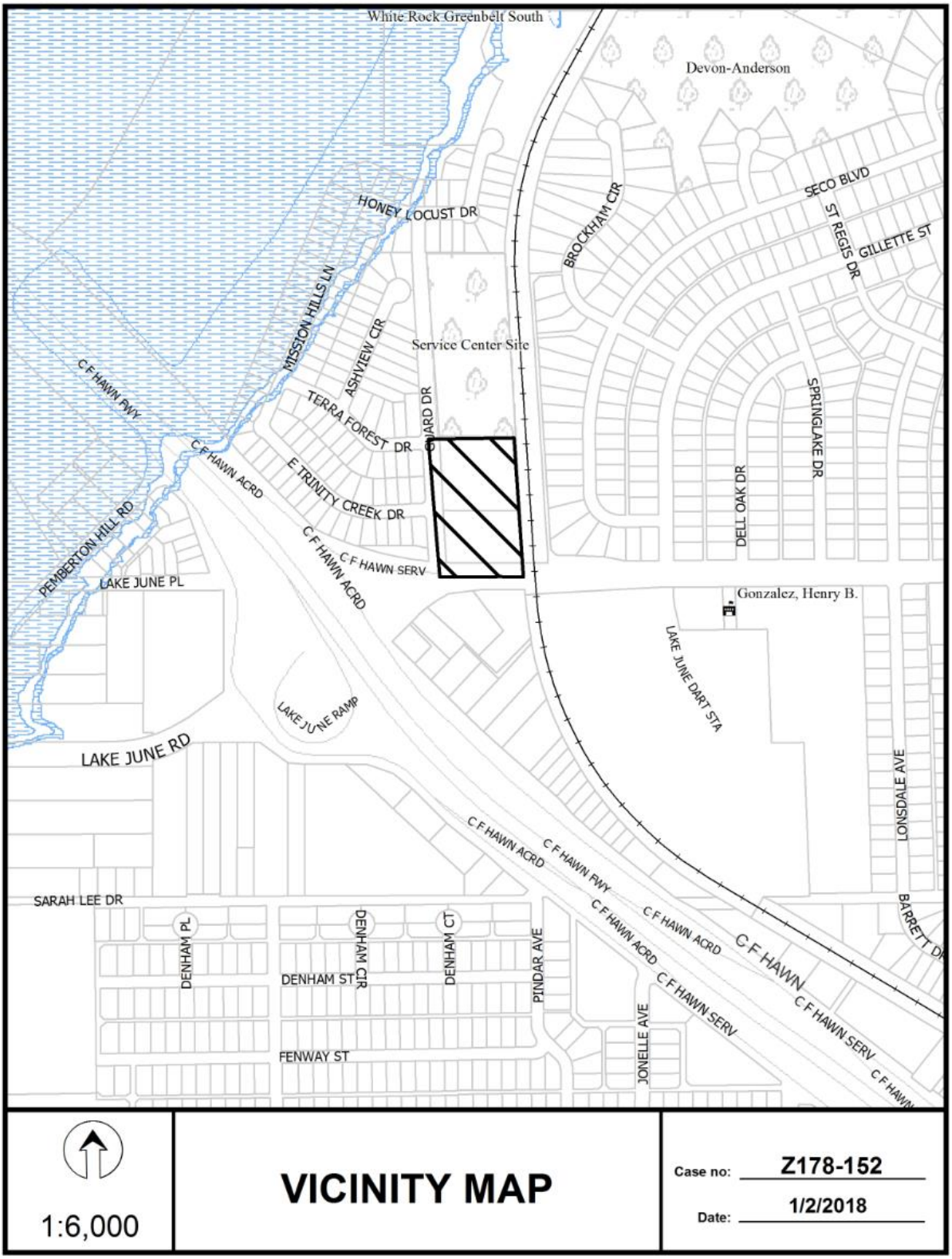


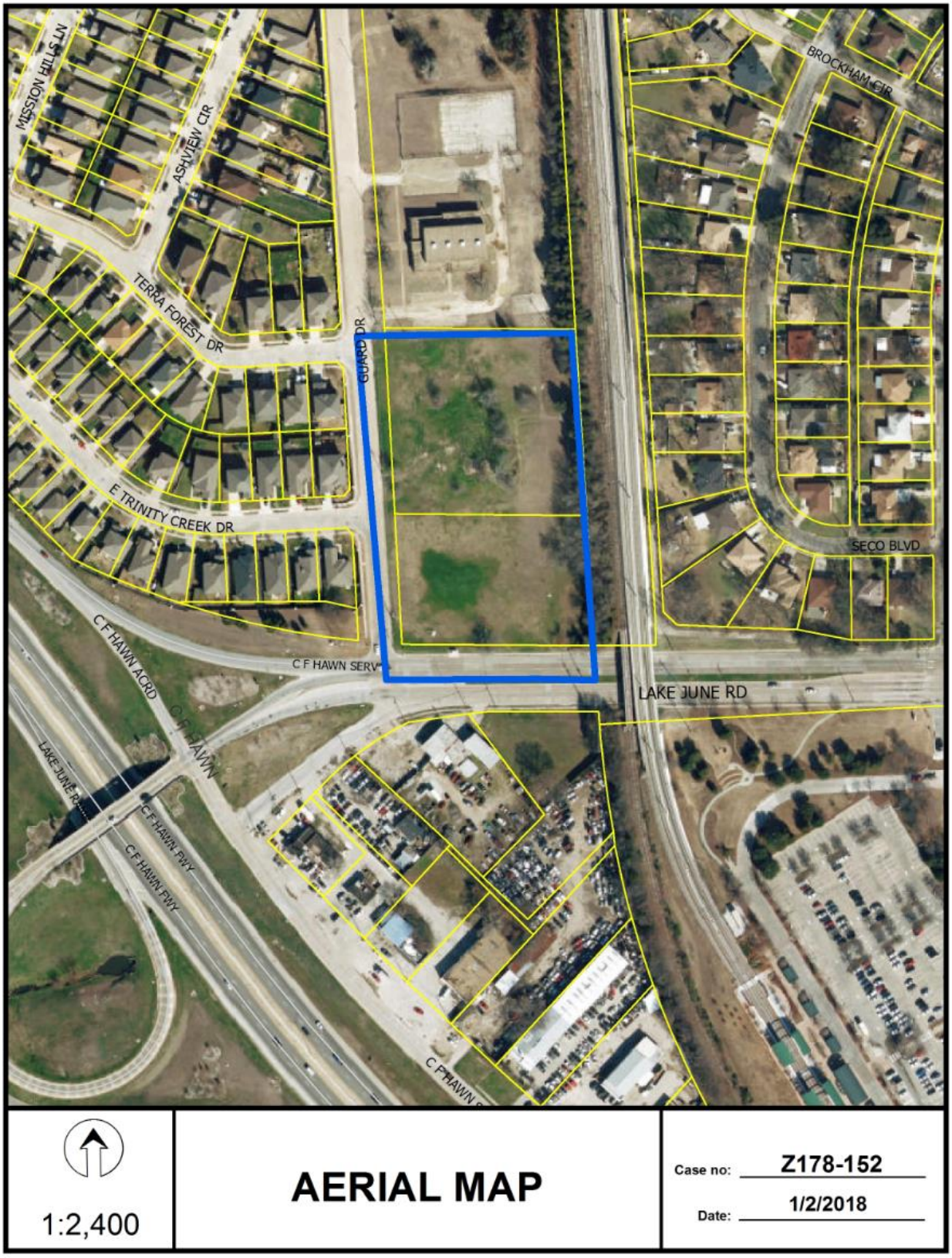
ENLARGED PROPOSED REVISED SITE PLAN



EXISTING SITE PLAN




White Rock Greenbelt South
Devon-Anderson
HONEY LOCUST DR
BROCKHAM CIR
SECO BLVD
ST REGIS DR
GILLETTE ST
MISSION HILLS LN
ASHVIEW CIR
Service Center Site
C F HAWN FWY
TERRA FOREST DR
GUARD DR
SPRINGLAKE DR
DELL OAK DR
C F HAWN ACRD
E TRINITY CREEK DR
PEMBERTON HILL RD
C F HAWN SERV
LAKE JUNE PL
Gonzalez, Henry B.
LAKE JUNE DART STA
LAKE JUNE RAMP
LAKE JUNE RD
LONSDALE AVE
C F HAWN FWY
SARAH LEE DR
DENHAM PL
DENHAM CIR
DENHAM CT
PINDAR AVE
C F HAWN
DENHAM ST
C F HAWN SERV
JONELLE AVE
FENWAY ST
1:6,000
VICINITY MAP
Case no: Z178-152
Date: 1/2/2018

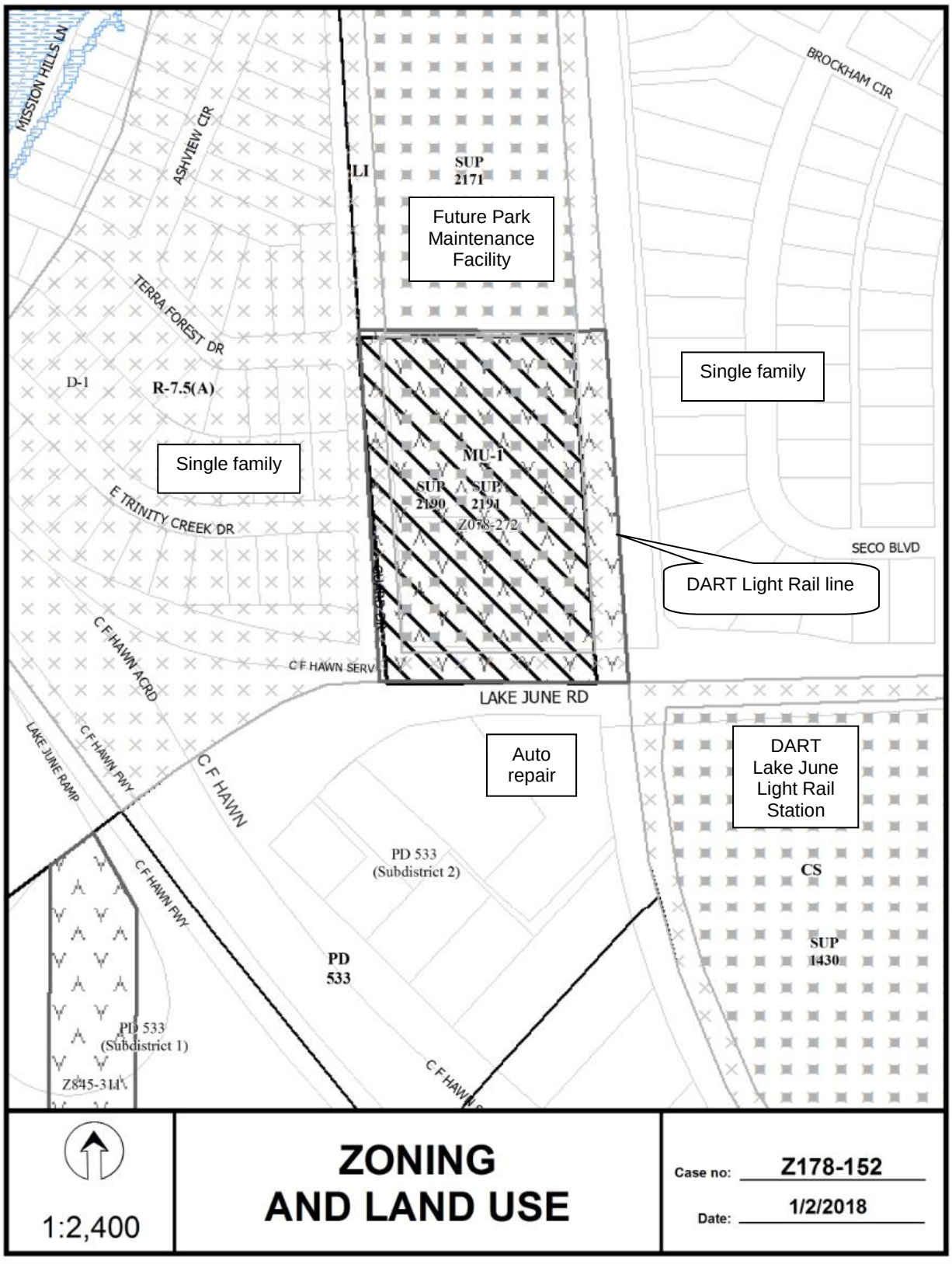


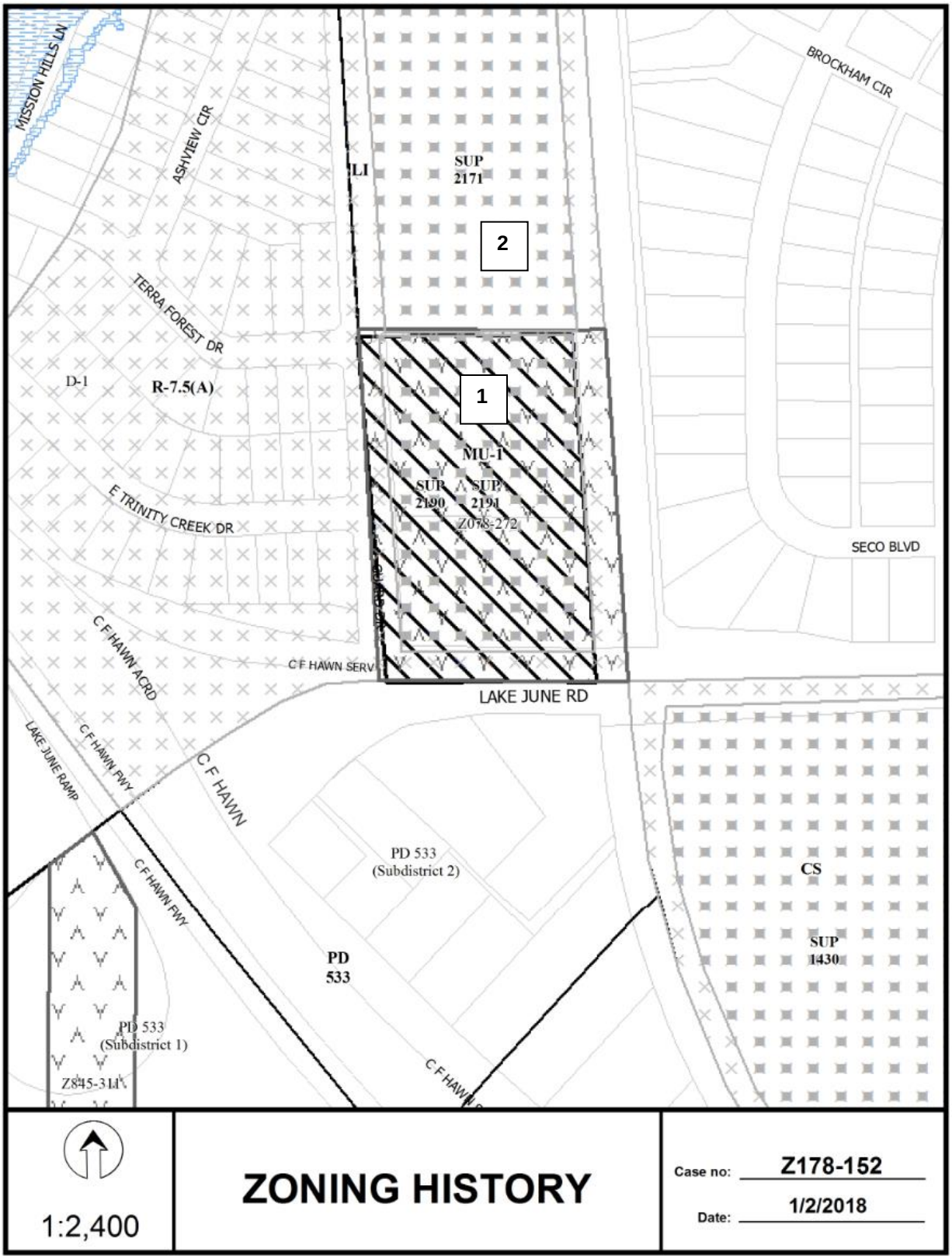
1:2,400

AERIAL MAP

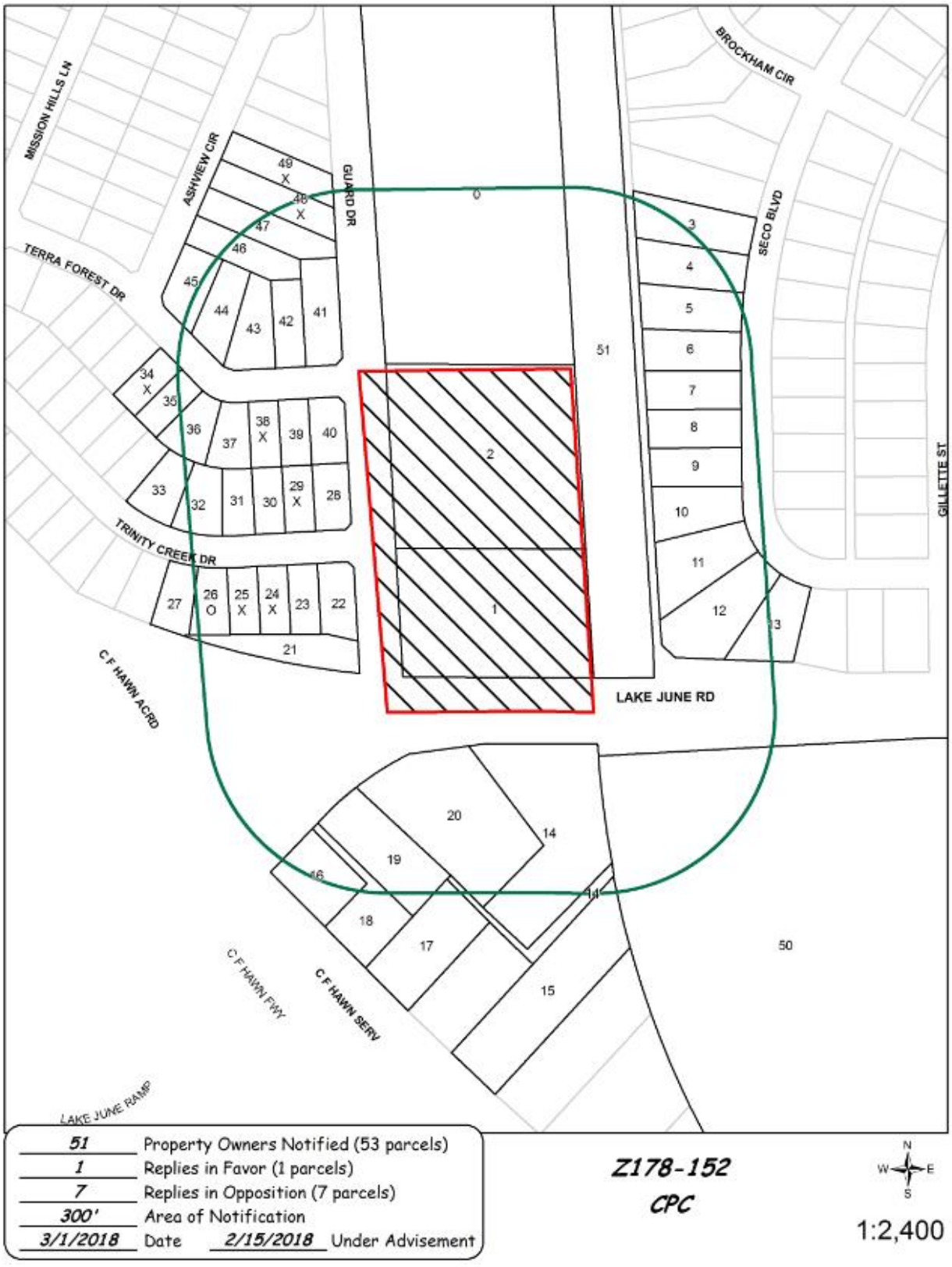
Case no: Z178-152

Date: 1/2/2018


MISSION HILLS LN
ASHVIEW CIR
BROCKHAM CIR
LI
SUP 2171
Future Park Maintenance Facility
TERRA FOREST DR
D-1
R-7.5(A)
Single family
Single family
MU-1
SUP 2190
SUP 2191
Z078-272
E TRINITY CREEK DR
SECO BLVD
DART Light Rail line
C F HAWN ACRD
C F HAWN SERV
LAKE JUNE RD
LAKE JUNE RAMP
C F HAWN FWY
C F HAWN
Auto repair
DART Lake June Light Rail Station
PD 533 (Subdistrict 2)
CS
SUP 1430
PD 533
PD 533 (Subdistrict 1)
Z845-314
1:2,400
ZONING AND LAND USE
Case no: Z178-152
Date: 1/2/2018


MISSION HILLS LN
ASHVIEW CIR
BROCKHAM CIR
LI
SUP 2171
2
TERRA FOREST DR
D-1
R-7.5(A)
1
MU-1
SUP 2190
SUP 2191
Z078-272
E TRINITY CREEK DR
SECO BLVD
C F HAWN ACRD
C F HAWN SERV
LAKE JUNE RD
LAKE JUNE RAMP
C F HAWN FWY
C F HAWN
PD 533 (Subdistrict 2)
CS
SUP 1430
PD 533
PD 533 (Subdistrict 1)
Z845-314
C F HAWN FWY
1:2,400
ZONING HISTORY
Case no: Z178-152
Date: 1/2/2018

CPC RESPONSES



51	Property Owners Notified (53 parcels)
1	Replies in Favor (1 parcels)
7	Replies in Opposition (7 parcels)
300'	Area of Notification
3/1/2018	Date 2/15/2018 Under Advisement

Z178-152
CPC

N
W E
S

1:2,400

02/28/2018

Reply List of Property Owners

Z178-152

51 Property Owners Notified ***1 Property Owners in Favor*** ***7 Property Owners Opposed***

Reply	*Label #*	*Address*		*Owner*
	1	6343	LAKE JUNE RD	6343 LAKE JUNE LLC
	2	6343	LAKE JUNE RD	786 CHARCO BLANCO LLC
	3	6469	SECO BLVD	VILLEGAS MARIA
	4	6465	SECO BLVD	RODRIGUEZ CRESCENCIO
	5	6459	SECO BLVD	PATTERSON CAROLYN J
	6	6453	SECO BLVD	WARREN MARY R
	7	6449	SECO BLVD	BOCANEGRA ROSENDO ALMANZA & OLGA EQUIA
	8	6443	SECO BLVD	BUTLER ANNETTA AVERY
	9	6439	SECO BLVD	YATES ANITA
	10	6435	SECO BLVD	GONZALEZ VINCENTE &
	11	6429	SECO BLVD	PRICE CAMERON & KRISTEN J
	12	6425	SECO BLVD	BROGDON WALLACE E
	13	6419	SECO BLVD	VEGA ROGELIO L
	14	6312	LAKE JUNE RD	REYES GERARDO
	15	6406	C F HAWN FWY	HENDERSON BILLY J
	16	6310	C F HAWN FWY	BROWN RICHARD
	17	6334	C F HAWN FWY	BROWN RICHARD E
	18	6326	C F HAWN FWY	BROWN RICHARD E
	19	6326	LAKE JUNE RD	MELENDEZ SONIA E
	20	6320	LAKE JUNE RD	REBOLLOSO RODOLFO
	21	6010	C F HAWN FWY	WHITEROCK HOLDING LTD
	22	6266	TRINITY CREEK DR	RESIDENTIAL RESERVICES LLC
	23	6262	TRINITY CREEK DR	HOLLAND KELVIN
X	24	6258	TRINITY CREEK DR	GUTIERREZ RODRIGO S &
X	25	6254	TRINITY CREEK DR	MARTINEZ VALENTIN
O	26	6250	TRINITY CREEK DR	IVY GERALD & LUELLA

02/28/2018

Reply	*Label #*	*Address*		*Owner*
	27	6246	TRINITY CREEK DR	GONZALEZ IVAN & ROSEMARY
	28	6255	TRINITY CREEK DR	GUADALUPE JOSE &
X	29	6251	TRINITY CREEK DR	ROBINSON KEN
	30	6247	TRINITY CREEK DR	GUTIERREZ RODRIGO & MARIA A
	31	6243	TRINITY CREEK DR	ADAMS GODFREY A
	32	6239	TRINITY CREEK DR	MOLINA ARMANDO &
	33	6235	TRINITY CREEK DR	MOIBI MOJISOLA O
X	34	6222	TERRA FOREST DR	RUNNELS GLENN
	35	6226	TERRA FOREST DR	HOUGH AVA GWENETTE
	36	6230	TERRA FOREST DR	WOODS KENETRA & KERRY
	37	6234	TERRA FOREST DR	MYERS LETRECIA
X	38	6238	TERRA FOREST DR	ESCOBAR EDWIN
	39	6242	TERRA FOREST DR	PERETTE ERICK G & FABIOLA
	40	6246	TERRA FOREST DR	ZUNIGA BONIFACIO &
	41	6241	TERRA FOREST DR	IBARRA JOSE G &
	42	6237	TERRA FOREST DR	RETIREMENT HOLDINGS LP
	43	6233	TERRA FOREST DR	SAUCEDO URBANO &
	44	6229	TERRA FOREST DR	CANELO SERAFIN & M CONSUELO
	45	6225	TERRA FOREST DR	RODRIGUEZ IGNACIO & CONSUELO
	46	1406	ASHVIEW CIR	HERNANDEZ FELIX J
	47	1410	ASHVIEW CIR	HERNANDEZ MARIA A
X	48	1414	ASHVIEW CIR	PRECIADO CARLOS &
X	49	1418	ASHVIEW CIR	HERNANDEZ TERESA
	50	6414	LAKE JUNE RD	DALLAS AREA RAPID TRANSIT
	51	401	S BUCKNER BLVD	DART

AGENDA ITEM # 54

Mobility Solutions, Infrastructure, and Sustainability

AGENDA DATE: April 11, 2018

COUNCIL DISTRICT(S): 8

DEPARTMENT: Department of Sustainable Development and Construction

CMO: Majed Al-Ghafry, 670-3302

MAPSCO: 65 X; 75 B

SUBJECT

A public hearing to receive comments regarding an application for and an ordinance granting a Specific Use Permit for a radio, television, or microwave tower on property zoned an NS(A) Neighborhood Services District and an R-5(A) Single Family District with Specific Use Permit No. 2113 for a transit passenger station or transfer center use, on the southeast corner of East Kirnwood Drive and University Hills Boulevard
Recommendation of Staff and CPC: Approval for a permanent period, subject to a site plan and conditions
Z178-155(SM)

HONORABLE MAYOR & CITY COUNCIL **WEDNESDAY, APRIL 11, 2018**

ACM: Majed Al-Ghafry

FILE NUMBER: Z178-155(SM) **DATE FILED:** December 18, 2017

LOCATION: Southeast corner of East Kirnwood Drive and University Hills Boulevard

COUNCIL DISTRICT: 8 **MAPSCO:** 65 X; 75 B

SIZE OF REQUEST: Approx. 15.54 acres **CENSUS TRACT:** 113.00

APPLICANT: Cleo Grounds, Dallas Area Rapid Transit

OWNER: Dallas Area Rapid Transit

REPRESENTATIVE: Stuart Johnson

REQUEST: An application for a Specific Use Permit for a radio, television, or microwave tower on property zoned an NS(A) Neighborhood Services District and an R-5(A) Single Family District with Specific Use Permit No. 2113 for a transit passenger station or transfer center use.

SUMMARY: The applicant [DART] proposes to construct a private radio tower with an approximate overall height of 200 feet upon the existing DART UNT Dallas Station. The area for the tower is on the north line of the existing light rail line and approximately 195 feet west of the nearest platform.

CPC RECOMMENDATION: **Approval** for a permanent period, subject to a site plan and conditions.

STAFF RECOMMENDATION: **Approval** for a permanent period, subject to a site plan and conditions.

BACKGROUND INFORMATION:

- On October 22, 2014, the City Council approved Specific Use Permit No. 2113 for a transit passenger station or transfer center use [DART UNT Dallas Station] for a permanent time period.

- On October 24, 2016, the DART UNT Dallas Station opened to the public.

Zoning History: There have been no recent zoning changes requested in the area in the last five years.

Thoroughfares/Streets:

Thoroughfare/Street	Type	Thoroughfare Dimension	Thoroughfare ROW
University Hills Blvd	Minor Arterial	Standard-6 lanes-divided	107 feet
East Kirnwood Drive	Residential Collector	Standard-2 lanes-undivided	57 feet

Traffic:

The Engineering Division of the Sustainable Development and Construction Department has reviewed the request and determined that it will not impact the surrounding street system for the proposed development.

STAFF ANALYSIS:

Comprehensive Plan:

The *forwardDallas! Comprehensive Plan* was adopted by the City Council in June 2006. The *forwardDallas! Comprehensive Plan* outlines several goals and policies which can serve as a framework for assisting in evaluating the applicant's request.

There are no goals or policies supporting or opposing the request.

Surrounding Land Uses:

Location	Zoning	Land Use
Site	NS(A), R-5(A)	Transit Passenger Station
North	R-7.5(A), R-5(A)	Local Utilities, Undeveloped
East	R-5(A)	Undeveloped
South	R-7.5(A)	Undeveloped, Private Stables
West	R-7.5(A)	Undeveloped

Land Use Compatibility:

The request site is developed with recently opened UNT Dallas Station, which is the southernmost Blue Line, light rail station in the current DART light rail system. The applicant proposes to construct a private radio tower to facilitate communication for DART. The proposed 180-foot tall radio tower will be topped with a 19-foot lightning rod for safety purposes.

While the immediate area to the south and southeast is a mixture of undeveloped property and private stables, Dallas Water Utilities' Southcliff Pump Station and the University of North Texas at Dallas campus wrap the north/northeast portion of the site.

The Dallas Development Code allows structures for utility and public service uses to be erected to any height consistent with the Federal Aviation Administration air space limitations, residential proximity slope height restrictions, and the building code[1]. Additionally, the proposed tower is located within the R-5(A) Single Family District, which specifies the maximum structure height is 30 feet, and does not limit structures in that district to a residential proximity slope[2]. Therefore, structures in the R-5(A) Single Family District for utility and public service uses are only restricted to the height regulations of the Federal Aviation Administration air space limitations and the building code.

However, a one-to-three slope, similar to RPS, can be utilized as a tool to consider height compatibility with surrounding uses and structures. For the proposed 200-foot tall tower to comply with a spacing of one foot in height for every three feet in distance, a minimum spacing of 600 feet is needed. The nearest property line of an existing residential use is estimated approximately 1,000 feet from the location of the proposed tower. Alternately, the nearest residential structure is separated by approximately 1,200 feet.

The general provisions for a Specific Use Permit in Section 51A-4.219 of the Dallas Development Code specifically state: (1) The SUP provides a means for developing certain uses in a manner in which the specific use will be consistent with the character of the neighborhood; (2) Each SUP application must be evaluated as to its probable effect on the adjacent property and the community welfare and may be approved or denied as the findings indicate appropriate; (3) The city council shall not grant an SUP for a use except upon a finding that the use will: (A) complement or be compatible with the surrounding uses and community facilities; (B) contribute to, enhance, or promote the welfare of the area of request and adjacent properties; (C) not be detrimental to the

[1] Reference Section 51A-4.408(a)(1) of the Dallas Development Code.
[2] Reference Section 51A-4.4112(g)(4)(E) of the Dallas Development Code.

public health, safety, or general welfare; and (D) conform in all other respects to all applicable zoning regulations and standards. The regulations in this chapter have been established in accordance with a comprehensive plan for the purpose of promoting the health, safety, morals, and general welfare of the city.

Staff supports the request because the proposed private radio tower is located beyond the spacing distance that a comparable residential proximity slope would project from the nearest residential use and the private radio tower would facilitate communication needs for DART to create a safer experience for transit users.

Parking:

The Dallas Development Code requires two parking spaces for a radio, television, or microwave tower use; 475 spaces are provided on the site.

Prior CPC Action – March 1, 2018:

Motion: It was moved to recommend **approval** for a Specific Use Permit for a radio, television, or microwave tower for a permanent period, subject to a site plan and conditions on property zoned an NS(A) Neighborhood Service District and an R-5(A) Single Family District with Specific Use Permit No. 2113 for a transit passenger station or transfer center use, on the southeast corner of East Kirnwood Drive and University Hills Boulevard.

Maker: Rieves
Second: Housewright
Result: Carried: 13 to 0

For: 13 - West, Rieves, Houston, Davis, Shidid, Carpenter, Mack, Jung, Housewright, Peadon, Murphy, Ridley, Tarpley
Against: 0
Absent: 1 - Schultz
Vacancy: 1 - District 8

Notices: Area: 400 Mailed: 33
Replies: For: 0 Against: 0

Speakers: For: None
For (Did not speak): Cleo Ground, 1401 Pacific Ave., Dallas, TX, 75226
Stuart Johnson, 1401 Pacific Ave., Dallas, TX, 75226
Dennis Story, P.O. Box 660163, Dallas, TX, 75266
Against: None

List of Officers

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

November 27, 2017

The DART Board Members are:

Addison, Highland Park, Richardson, & University Park
Gary Slagel

Carrollton & Irving
Tim Hayden

Farmers Branch & Plano
Faye Moses Wilkins

Garland
Jonathan R. Kelly - Assistant Secretary

Garland, Rowlett & Glenn Heights
Mark C. Enoch

Irving
Rick Stopfer

Plano
Paul N. Wageman - Vice Chair

Dallas & Cockrell Hill
Catherine S. Cuellar

Dallas
Sue S. Bauman – Chair
Ray Jackson
Patrick J. Kennedy
Jon-Bertrell Killen
Michele Wong Krause – Secretary
Amanda Moreno
Dominique P. Torres

CPC Recommended SUP Conditions

1. USE: The only use authorized by this specific use permit is a radio, television, or microwave tower.

2. SITE PLAN: Use and development of the Property must comply with the attached site plan.

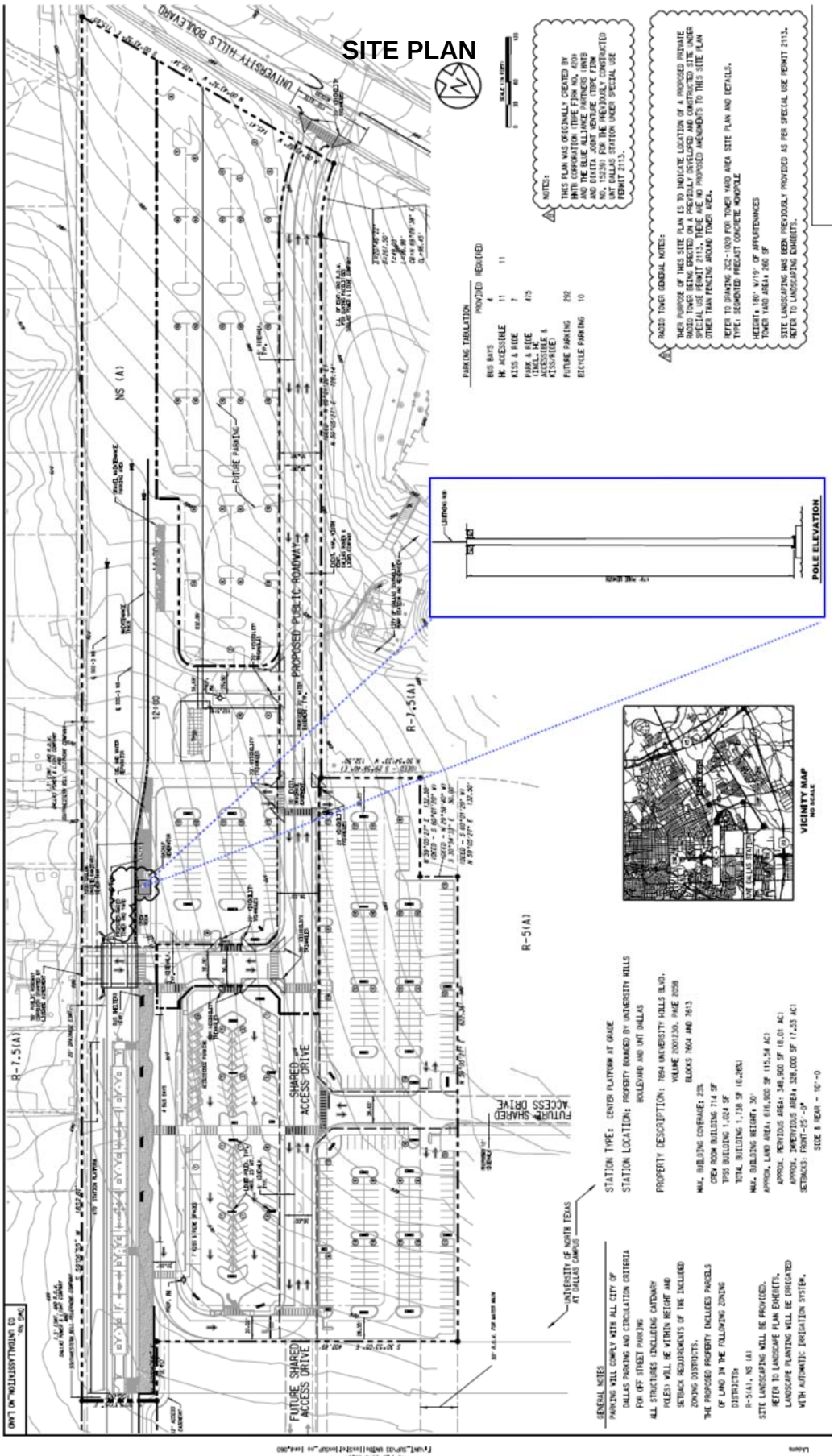
3. TIME LIMIT: This specific use permit has no expiration date.

4. HEIGHT: Maximum height for the radio, television, or microwave tower is 200 feet.

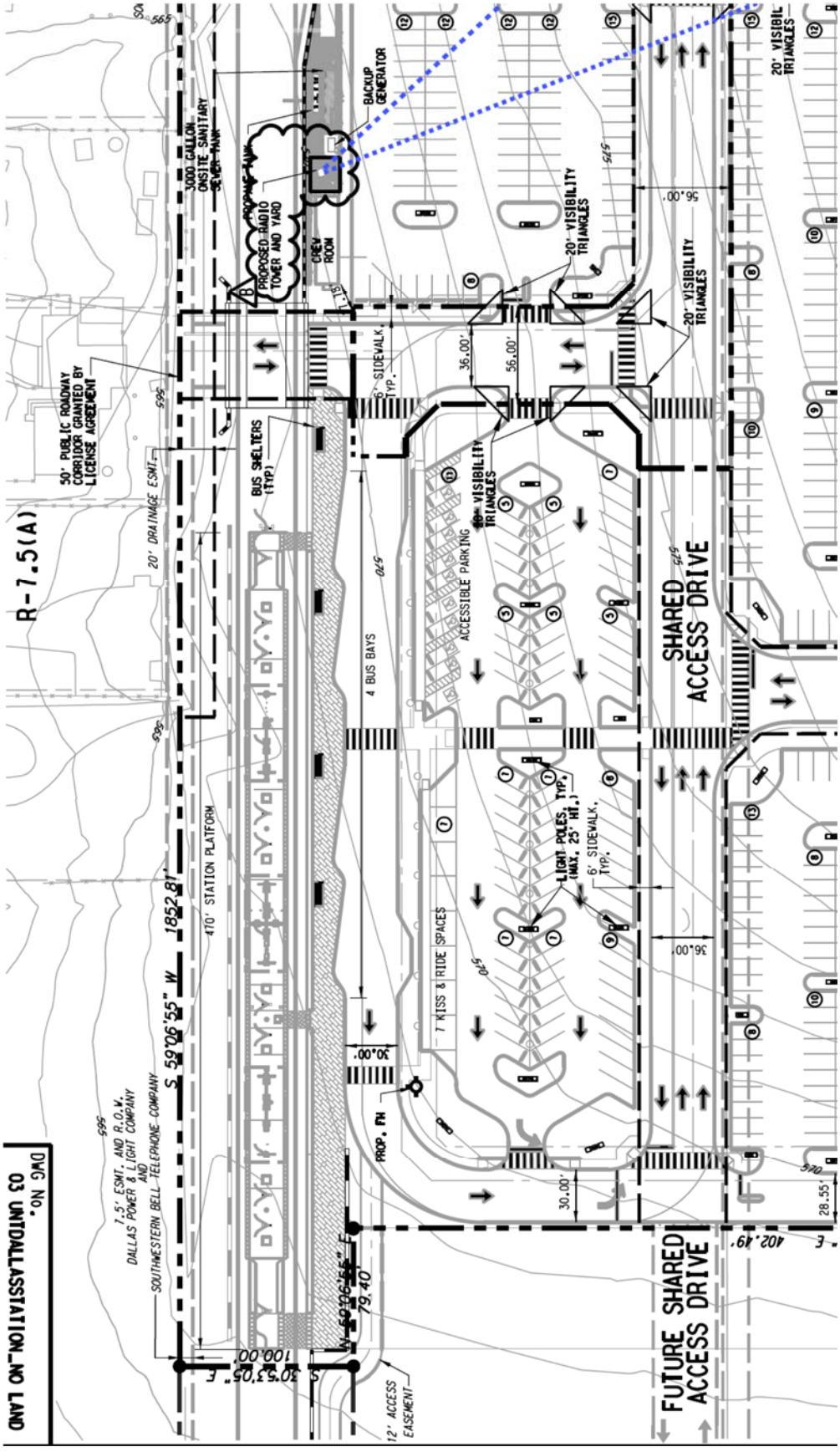
5. ILLUMINATION: The radio, television, or microwave tower may not be illuminated, except as required by the Federal Aviation Administration.

6. MAINTENANCE: The Property must be properly maintained in a state of good repair and neat appearance.

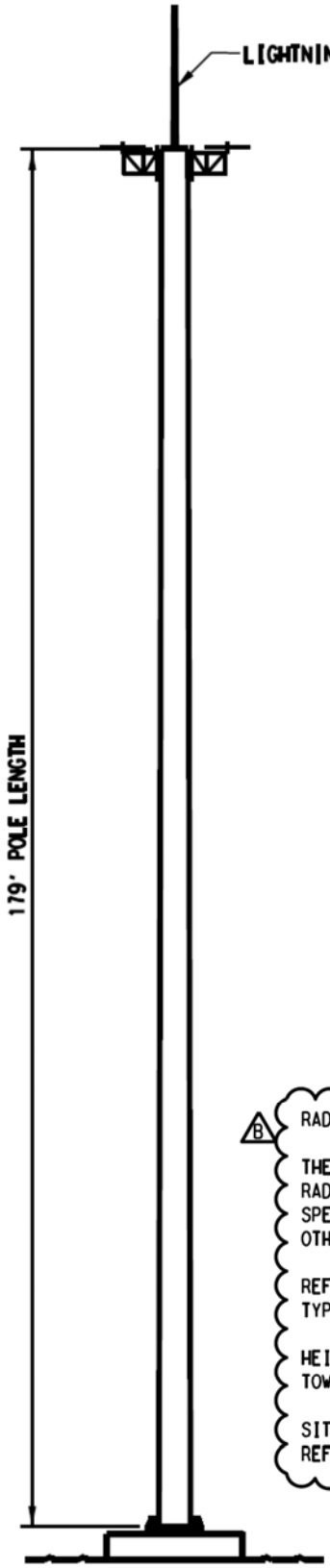
7. GENERAL REQUIREMENTS: Use of the Property must comply with all federal and state laws and regulations, and with all ordinances, rules, and regulations of the City of Dallas.


SITE PLAN
UNIVERSITY HILLS BOULEVARD
PROPOSED PUBLIC ROADWAY
FUTURE SHARED ACCESS DRIVE
SHARED ACCESS DRIVE
FUTURE SHARED ACCESS DRIVE
UNIVERSITY OF NORTH TEXAS AT DALLAS CAMPUS
R-7.5(A)
R-5(A)
NS (A)
PARKING TABULATION
BUS BAYS 4
HC ACCESSIBLE 11 11
KISS & RIDE 7
PARK & RIDE (INCL. HC ACCESSIBLE & KISS&RIDE) 475
FUTURE PARKING 292
BICYCLE PARKING 10
NOTES:
THIS PLAN WAS ORIGINALLY CREATED BY HNTB CORPORATION (THE FINAL AS-BUILT) AND THE BLUE ALLIANCE PARTNERS (HNTB AND DIKITA JOINT VENTURE TEPE FIRM NO. 15239) FOR THE PREVIOUSLY CONSTRUCTED UNT DALLAS STATION UNDER SPECIAL USE PERMIT 2115.
RADIO TOWER GENERAL NOTES:
THE PURPOSE OF THIS SITE PLAN IS TO INDICATE LOCATION OF A PROPOSED PRIVATE RADIO TOWER BEING ERECTED ON A PREVIOUSLY DEVELOPED AND CONSTRUCTED SITE UNDER SPECIAL USE PERMIT 2115. THERE ARE NO PROPOSED AMENDMENTS TO THIS SITE PLAN OTHER THAN FENCING AROUND TOWER AREA.
REFER TO DRAWING ZC2-1000 FOR TOWER YARD AREA SITE PLAN AND DETAILS.
TYPE: SEGMENTED PRECAST CONCRETE MONOPOLE
HEIGHT: 180' W/19' OF APPURTENANCES
TOWER YARD AREA: 760 SF
SITE LANDSCAPING HAS BEEN PREVIOUSLY PROVIDED AS PER SPECIAL USE PERMIT 2115.
REFER TO LANDSCAPING EXHIBITS.
POLE ELEVATION
VICINITY MAP
NO SCALE
GENERAL NOTES
PARKING WILL COMPLY WITH ALL CITY OF DALLAS PARKING AND CIRCULATION CRITERIA FOR OFF STREET PARKING
ALL STRUCTURES INCLUDING GATEWAY PYLONS WILL BE WITHIN HEIGHT AND SETBACK REQUIREMENTS OF THE INCLUDED ZONING DISTRICTS.
THE PROPOSED PROPERTY INCLUDES PARCELS OF LAND IN THE FOLLOWING ZONING DISTRICTS:
R-5(A), NS (A)
SITE LANDSCAPING WILL BE PROVIDED. REFER TO LANDSCAPE PLAN EXHIBITS. LANDSCAPE PLANTING WILL BE IRRIGATED WITH AUTOMATIC IRRIGATION SYSTEM.
STATION TYPE: CENTER PLATFORM AT GRADE
STATION LOCATION: PROPERTY BOUNDED BY UNIVERSITY HILLS BOULEVARD AND UNT DALLAS
PROPERTY DESCRIPTION: 7894 UNIVERSITY HILLS BLVD. VOLUME 2000230, PAGE 2058 BLOCKS 7604 AND 7613
MAX. BUILDING COVERAGE: 25%
CREW ROOM BUILDING 714 SF
TPSS BUILDING 1,024 SF
TOTAL BUILDING 1,738 SF (0.26%)
MAX. BUILDING HEIGHT: 30'
APPROX. LAND AREA: 676,800 SF (15.54 AC)
APPROX. PERVIOUS AREA: 348,900 SF (8.01 AC)
APPROX. IMPERVIOUS AREA: 328,000 SF (7.53 AC)
SETBACKS: FRONT-25'-0"
SIDE & REAR - 10'-0

ENLARGED SITE PLAN



ENLARGED POLE ELEVATION DETAIL ON SITE PLAN



B

RADIO TOWER GENERAL NOTES:

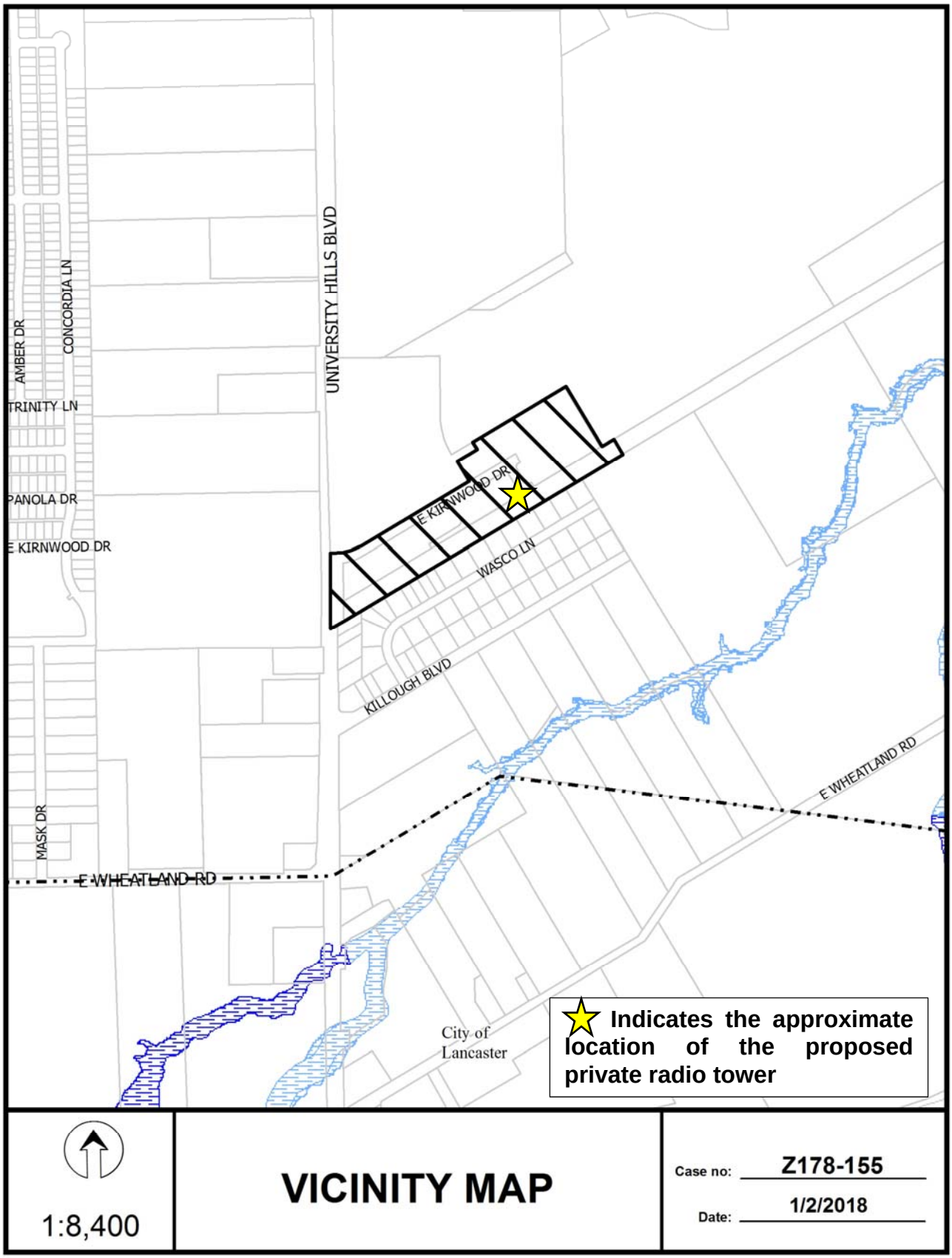
THER PURPOSE OF THIS SITE PLAN IS TO INDICATE LOCATION OF A PROPOSED PRIVATE RADIO TOWER BEING ERECTED ON A PREVIOULY DEVELOPED AND CONSTRUCTED SITE UNDER SPECIAL USE PERMIT 2113. THERE ARE NO PROPOSED AMENDMENTS TO THIS SITE PLAN OTHER THAN FENCING AROUND TOWER AREA.

REFER TO DRAWING ZC2-1020 FOR TOWER YARD AREA SITE PLAN AND DETAILS.
TYPE: SEGMENTED PRECAST CONCRETE MONOPOLE

HEIGHT: 180' W/19' OF APPURTENANCES
TOWER YARD AREA: 260 SF

SITE LANDSCAPING HAS BEEN PREVIOUSLY PROVIDED AS PER SPECIAL USE PERMIT 2113. REFER TO LANDSCAPING EXHIBITS.

POLE ELEVATION

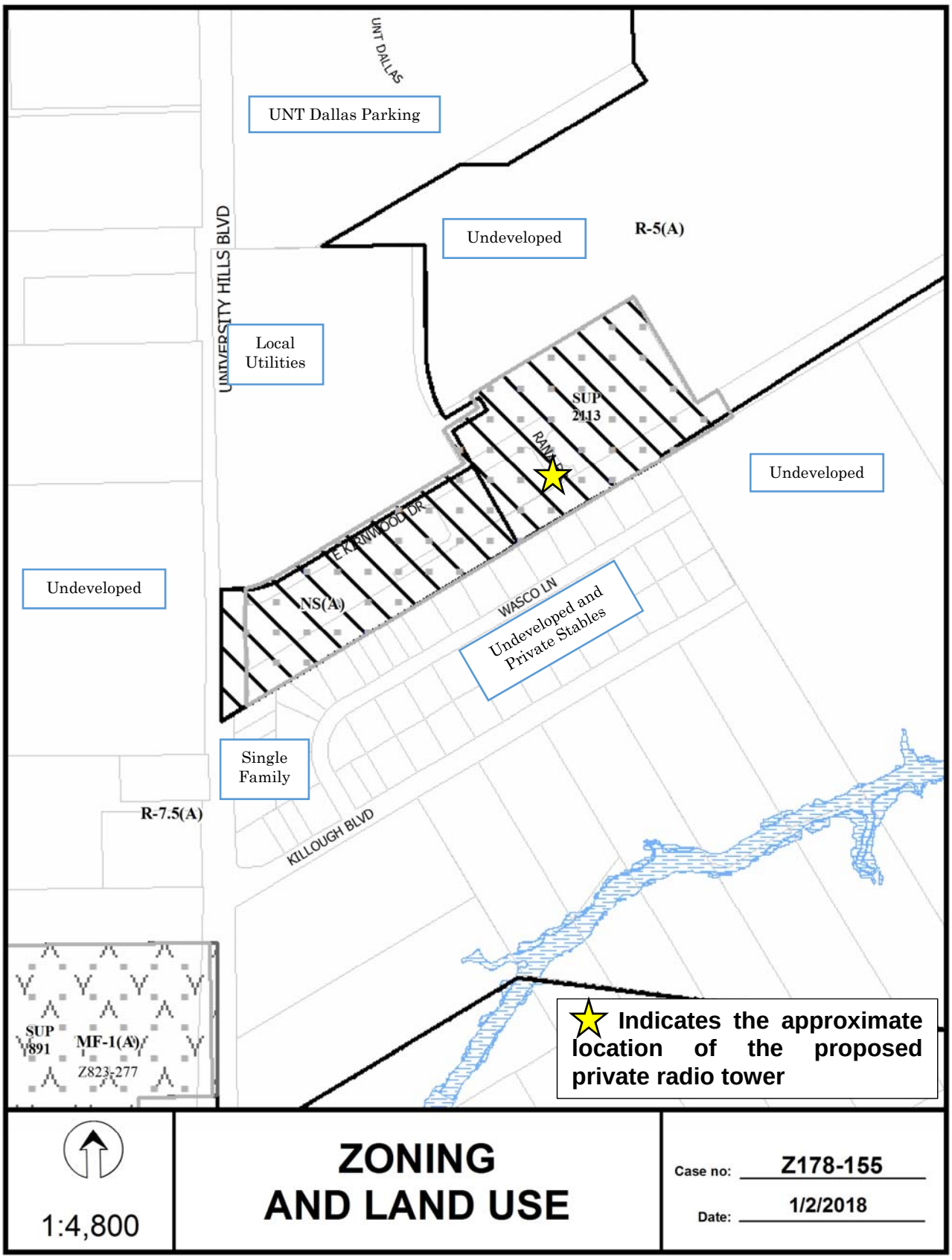

AMBER DR
CONCORDIA LN
TRINITY LN
PANOLA DR
E KIRNWOOD DR
UNIVERSITY HILLS BLVD
E KIRNWOOD DR
WASCO LN
KILLOUGH BLVD
E WHEATLAND RD
MASK DR
E WHEATLAND RD
City of Lancaster
Indicates the approximate location of the proposed private radio tower
1:8,400
VICINITY MAP
Case no: Z178-155
Date: 1/2/2018

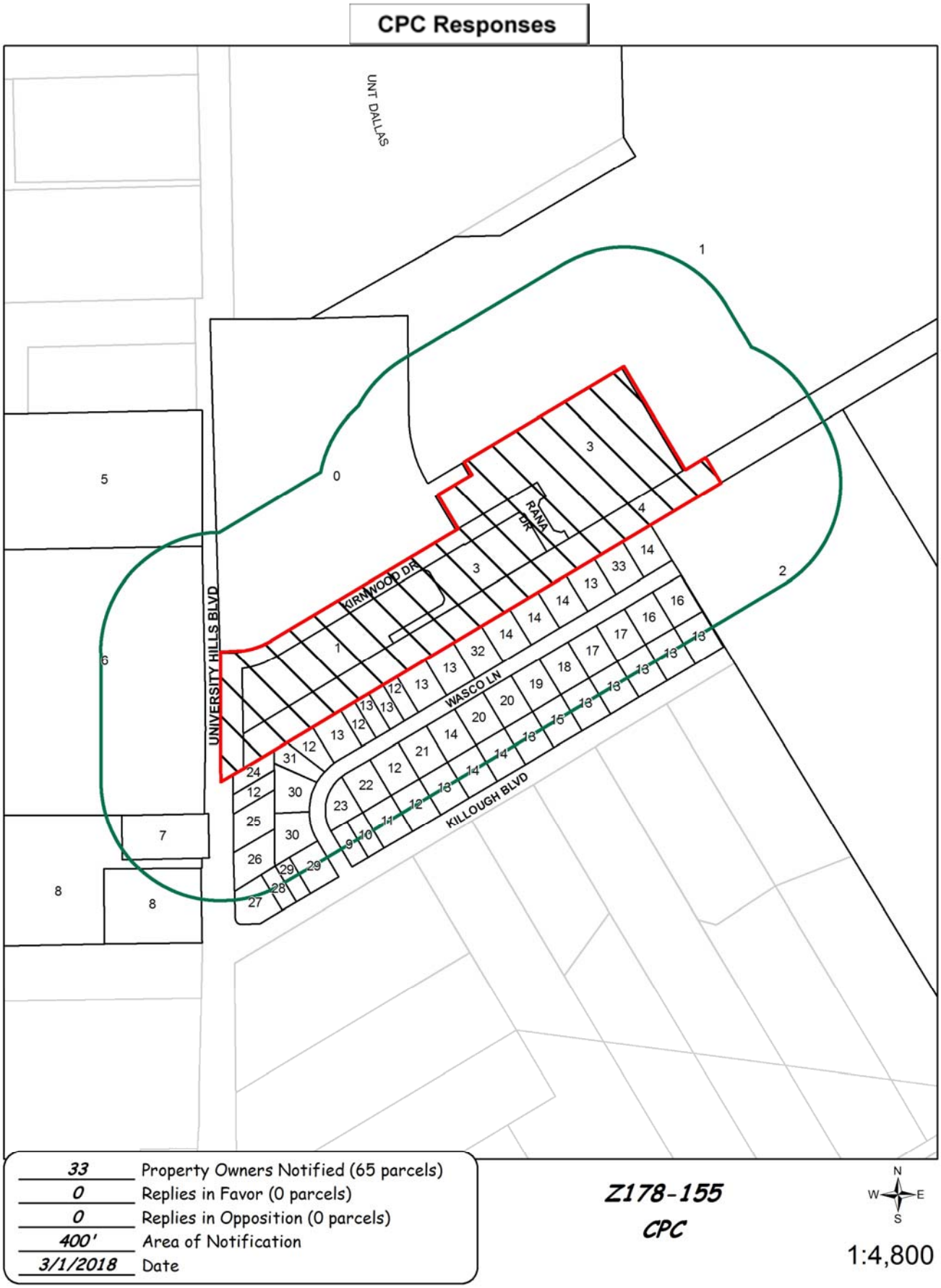
1:4,800

AERIAL MAP

Case no: Z178-155

Date: 1/2/2018


UNT DALLAS
UNT Dallas Parking
UNIVERSITY HILLS BLVD
Undeveloped
R-5(A)
Local Utilities
SUP 2113
RAINEY
E KIRNWOOD DR
Undeveloped
Undeveloped
NS(A)
WASCO LN
Undeveloped and Private Stables
Single Family
R-7.5(A)
KILLOUGH BLVD
SUP 891
MF-1(A)
Z823-277
Indicates the approximate location of the proposed private radio tower
1:4,800
ZONING AND LAND USE
Case no: Z178-155
Date: 1/2/2018


CPC Responses
UNT DALLAS
UNIVERSITY HILLS BLVD
KIRNWOOD DR
RANA DR
WASCO LN
KILLOUGH BLVD
33 Property Owners Notified (65 parcels)
0 Replies in Favor (0 parcels)
0 Replies in Opposition (0 parcels)
400' Area of Notification
3/1/2018 Date
Z178-155
CPC
N
W
E
S
1:4,800

02/28/2018

Reply List of Property Owners

Z178-155

33 Property Owners Notified ***0 Property Owners in Favor*** ***0 Property Owners Opposed***

Reply	*Label #*	*Address*		*Owner*
	1	7894	UNIVERSITY HILLS BLVD	TEXAS STATE OF
	2	1801	E WHEATLAND RD	RKCJ LLC
	3	1400	E KIRNWOOD DR	DALLAS AREA RAPID TRANSIT
	4	403	REUNION BLVD	DALLAS AREA RAPID TRANSIT
	5	7711	UNIVERSITY HILLS BLVD	SMITH ALVIN
	6	7811	UNIVERSITY HILLS BLVD	BAYCO PROPERTIES LTD
	7	8023	UNIVERSITY HILLS BLVD	HARRIS JACQUELLINE A ETAL
	8	8011	UNIVERSITY HILLS BLVD	SNEED REBECCA P
	9	1305	KILLOUGH BLVD	HORSELY IVAN C &
	10	1	KILLOUGH BLVD	JONES CARL WAYNE
	11	1319	KILLOUGH BLVD	ELMORE RUTH EVELYN ETAL
	12	1329	KILLOUGH BLVD	DART
	13	1339	KILLOUGH BLVD	DART
	14	1407	KILLOUGH BLVD	BARBER GREGORY S
	15	1437	KILLOUGH BLVD	HAIRSTON JAMES L
	16	1536	WASCO LN	JACKSON LEON
	17	1516	WASCO LN	BARBER OPHERS
	18	1438	WASCO LN	CURRY VIOLA B
	19	1428	WASCO LN	SMITH CEDERICK
	20	1418	WASCO LN	TEXAS TEAMSTERS
	21	1356	WASCO LN	BARBER GERALD & OLIVIA
	22	1336	WASCO LN	PATRICK OLIVER & CARLA
	23	1322	WASCO LN	HORSLEY IVAN C
	24	8010	UNIVERSITY HILLS BLVD	FRIAS ROLANDO & MARIA
	25	8020	UNIVERSITY HILLS BLVD	MENDEZ CARMEN
	26	8030	UNIVERSITY HILLS BLVD	WILSON SUSAN Y

02/28/2018

Reply	*Label #*	*Address*		*Owner*
	27	1211	KILLOUGH BLVD	REYES GENEVIEVE G
	28	1217	KILLOUGH BLVD	ANIMA JESUS J &
	29	1231	KILLOUGH BLVD	R K C J LLC
	30	1315	WASCO LN	YOUNG JOHN W &
	31	1327	WASCO LN	BROWN JOHN F
	32	1417	WASCO LN	SILVA MARISELA
	33	1525	WASCO LN	CARSON FLETA

AGENDA ITEM # 55

Mobility Solutions, Infrastructure, and Sustainability

AGENDA DATE: April 11, 2018

COUNCIL DISTRICT(S): 14

DEPARTMENT: Department of Sustainable Development and Construction

CMO: Majed Al-Ghafry, 670-3302

MAPSCO: 35 R

SUBJECT

A public hearing to receive comments regarding an application for and an ordinance granting a Planned Development Subdistrict for LC Light Commercial Subdistrict, restaurant, and personal service uses on property zoned an LC Light Commercial Subdistrict within Planned Development District No. 193, the Oak Lawn Special Purpose District, on the east line of McKinney Avenue, north of Knox Street
Recommendation of Staff: Denial
Recommendation of CPC: Approval, subject to a revised development plan and conditions
Z167-336(PD)

HONORABLE MAYOR & CITY COUNCIL **WEDNESDAY, APRIL 11, 2018**

ACM: Majed Al-Ghafry

FILE NUMBER: Z167-336(PD) **DATE FILED:** June 26, 2017

LOCATION: East line of McKinney Avenue, north of Knox Street

COUNCIL DISTRICT: 14 **MAPSCO:** 35 R

SIZE OF REQUEST: ±13,300 square feet **CENSUS TRACT:** 7.02

APPLICANT/OWNER: Weitzman Management Corp

REPRESENTATIVE: Jack Fiedler, MasterPlan Consultants

REQUEST: An application for a Planned Development Subdistrict for LC Light Commercial Subdistrict, restaurant, and personal service uses on property zoned an LC Light Commercial Subdistrict within Planned Development District No. 193, the Oak Lawn Special Purpose District.

SUMMARY: The purpose of the request is to reduce the parking requirements for a restaurant without drive-in or drive-through service [La Duni].

CPC RECOMMENDATION: **Approval**, subject to a revised development plan and conditions

STAFF RECOMMENDATION: **Denial**

BACKGROUND INFORMATION:

- On February 8, 1985, Planned Development District No. 193 was approved by the City Council. According to Dallas Central Appraisal District, the subject site was developed with a retail use at the time of adoption of the Ordinance.

- The PDD is now comprised of approximately 2,593 acres, and provides standards to promote and protect the health, safety, welfare, convenience, and enjoyment of the public, and in part, to achieve the following objectives outlined in the Oak Lawn Area Plan.

- The 13,300-square-foot site is developed with a 5,160-square foot structure housing a restaurant, personal service, and vacant use.

- In 1963, the 5,160-square-foot structure was constructed providing 13 off-street parking spaces.

- On December 5, 2000, a Certificate of Occupancy was issued, remiss of the total square footage and number of required off-street parking spaces.

- During review of the proposed request, the Building Inspection Division has not been able to determine whether delta credits were ever established at this site. ,.

- PDD No. 193 requires a parking ratio of 1:100 for a restaurant without drive-in use, and 1:220 for a personal service use. The 3,993-square-foot restaurant [La Duni] requires 40 off-street parking spaces, the 1,396-square personal service use [Uptown Cleaner], combined with the vacant tenant space, requires 6 off-street parking spaces, for a total parking requirement of 46 off-street spaces. Currently the site provides 13 off-street parking spaces.

- La Duni has since constructed an 888-square-foot addition without permits, requiring 9 additional off-street parking spaces, bringing the total number of required parking spaces to 55.

Zoning History: There have not been any zoning cases in the surrounding area within the last five years.

Thoroughfares/Streets:

Thoroughfares/Street	Type	Existing ROW
McKinney Avenue	Minor Arterial	60 ft.
Knox Street	Collector	60 ft.

Traffic:

The Engineering Division of the Sustainable Development and Construction Department has reviewed the request and determined that the proposed development will not have a negative impact on the surrounding street system.

Land Use:

	Zoning within PDD No. 193	Land Use
Site	LC	Restaurant, Personal Service & Vacant
West	LC	Retail, Surface Parking Lot
North	PDS 71	Mixed Use Development, Multifamily, Personal Service & Underground parking garage
East	PDS 27	Private Recreation Center, Club or Area
South	LC	Surface Parking & Retail

STAFF ANALYSIS:

Comprehensive Plan:

The *forwardDallas! Comprehensive Plan* was adopted by the City Council in June 2006. The *forwardDallas! Comprehensive Plan* outlines several goals and policies which can serve as a framework for assisting in evaluating the applicant's request.

The Comprehensive Plan does not make a specific land use recommendation related to the request.

LAND USE ELEMENT

GOAL 1.2 PROMOTE DESIRED DEVELOPMENT

Policy 1.2. Review and improve regulatory strategies and tools to achieve the Vision.

Implementation Measure 1.2.3.3 Revise off-street parking standards to reflect actual market demand. Promote targeted development by appropriately reducing parking requirements through the use of innovative parking management tools in designated areas.

Area Plans:

The Oak Lawn Special Purpose District and the Oak Lawn Plan include the following objectives:

(1) To achieve buildings more urban in form.

(2) To promote and protect an attractive street level pedestrian environment with continuous street frontage activities in retail areas.

(3) To encourage the placement of off-street parking underground or within buildings similar in appearance to non-parking buildings.

(4) To promote development appropriate to the character of nearby neighborhood uses by imposing standards sensitive to scale and adjacency issues.

(5) To use existing zoned development densities as a base from which to plan, while providing bonuses to encourage residential development in commercial areas.

(6) To discourage variances or zoning changes which would erode the quantity or quality of single-family neighborhoods, or would fail to adhere to the standards for multiple-family neighborhoods and commercial areas.

(7) To promote landscape/streetscape quality and appearance.

The applicant's request for a new PDS does not meet the above listed objectives as the development is existing and the applicant only seeks to reduce the parking ratio for the site.

Land Use Compatibility:

Surrounding uses include a mixed-use development consisting of multifamily, personal service and an underground parking garage to the north, a private recreation center, club or area to the east, surface parking and retail uses to the south and west.

The applicant is proposing to reduce the parking ratio from 1:100 to 1:185 for a bar and restaurant use and from 1:220 to 1:465 for a personal service use. With this reduction, the existing 3,705-square-foot restaurant use (exclusive of the 288-square-foot storage area) would require 20 off-street parking spaces, and the 1,396-square-foot personal service use would require 3 off-street parking spaces for a total of 23 off-street parking

spaces. The six bicycle parking spaces that the applicant is proposing allows a reduction of one required parking space. Hence, the total number of parking spaces would be 22, as depicted on the proposed development plan.

Although the site was already deficient by 42 required off-street parking spaces, additions totaling 888 square feet were constructed without permits, requiring the site to provide 9 additional off-street spaces. Consequently, the site would require 55 off-street parking spaces, while only 13 exist.

The proposed request will also allow reconfiguration of the parking lot to provide 22 of the required 55 off-street parking spaces. The request also seeks to prohibit parking requirements for the 288-square-foot storage that was constructed without permits. Lastly, the applicant is requesting to allow parking spaces located on an alley to be included in the calculation of off-street parking requirements, while the ordinance prohibits such use.

In an effort to justify a reduction in parking, a parking demand analysis was provided. The analysis observed parking demands during peak hours for both on-site and off-site accommodations. During peak hours, the findings specified that "as many as half of the site's patrons were observed parking off-site due at or near full occupancy of the on-site parking lot for an estimated peak parking demand of approximately 26 vehicles."

The parking demand analysis, which fails to justify such a reduction in the off-street parking requirement, concludes by stating that, "to compensate for the lack of parking spaces on site, patrons and employees utilize public, on-street parking spaces as well as private retail parking on adjacent and nearby properties." Staff from our Engineering Division also observed that patrons park across the street and proceed to walk directly across McKinney Avenue, where there is no pedestrian cross walk available.

In summary, while the existing parking supply does not suffice to meet the parking demand, there are other parking facilities on adjacent properties. However, staff cannot assume that these spaces are available for restaurant patrons or allow the adjacent sites to provide required off-street parking for the request site unless a formal parking agreement is filed. Staff has requested that a parking agreement be executed but was informed that the adjacent uses will not provide such an agreement. Furthermore, while it is assumed that the adjacent property to the west, Crate & Barrel, has an excess of parking which can be provided, there has been speculation that this tenant may discontinue operation at this site. As such, staff cannot determine whether a use which requires a greater parking demand will later occupy the structure and utilize all of the off-street parking spaces.

Finally, should the Commission vote to approve the request, the applicant will be required to revise the conditions, development plan, and parking analysis to allow accuracy and consistency of the total square footage of the structure, the proposed parking ratio, and the maximum floor area of the restaurant use.

Landscaping:
Landscaping must be provided in accordance with Part I of PDD No. 193, the Oak Lawn Special Purpose District.

Parking:
Parking for the existing development will be based on the requirements of the new Planned Development Subdistrict, which stipulates a ratio of 1:185 for restaurant uses and 1:465 for personal service uses.

LIST OF OFFICERS

Herbert Weitzman – Executive Chairman

Marshall Mills – President

Weldon Simons – Chief Executive Officer

Russell King – Chief Information Officer

Margo Evans – Property Controller

Carla Sebro – Corporation Controller

David Palmer – Executive Vice President

Greg Cochin – Senior Vice President

James Greenfield – Senior Vice President

Katherine Ratliff - Officer

CPC ACTION:
March 1, 2018

Motion: It was moved to recommend **approval** of a Planned Development Subdistrict for LC Light Commercial Subdistrict, restaurant and personal service uses, subject to a revised development plan and revised conditions (as briefed) on property zoned an LC Light Commercial Subdistrict within Planned Development District No. 193, the Oak Lawn Special Purpose District, on the east line of McKinney Avenue, north of Knox Street.

Maker: Ridley
Second: Murphy
Result: Carried: 7 to 4

For: 7 - West, Rieves, Housewright, Peadon, Murphy, Ridley, Tarpley

Against: 4 - Houston, Shidid, Carpenter, Jung
Absent: 3 - Davis, Mack, Schultz
Vacancy: 1 - District 8

Notices: Area: 500 Mailed: 36
Replies: For: 0 Against: 3

Speakers: For: Dallas Cothrum, 900 Jackson St., Dallas, TX, 75202
Against: None

CPC RECOMMENDED CONDITIONS

SEC. S-XXX.101. LEGISLATIVE HISTORY.

PD Subdistrict XXX was established by Ordinance No._____, passed by the Dallas City Council on_____. (Ord.)

SEC. S-XXX.102. PROPERTY LOCATION AND SIZE.

PD Subdistrict XXX is established on property generally located on the east side of McKinney Avenue, north of its intersection with Knox Street. The size of PD Subdistrict 121 is approximately 0.305 acre. (Ord.)

SEC. S-XXX.103. DEFINITIONS AND INTERPRETATIONS.

(a) Unless otherwise stated, the definitions and interpretations in Chapter 51 and Part I of this article apply to this division. If there is a conflict, this division controls. If there is a conflict between Chapter 51 and Part I of this article, Part I of this article controls.

(b) In this division, SUBDISTRICT means a subdistrict of PD 193.

(c) Unless otherwise stated, all references to articles, divisions, or sections in this division are to articles, divisions, or sections in Chapter 51.

(d) This subdistrict is considered to be a nonresidential zoning district.

SEC. S-XXX.104. EXHIBIT.

The following exhibit is incorporated into this division: Exhibit S-XXXA: development plan.

SEC. S-XXX.105. DEVELOPMENT PLAN.

Development and use of the Property must comply with the development plan (Exhibit S-XXXA). If there is a conflict between the text of this division and the development plan, the text of this division controls.

SEC. S-XXX.106. MAIN USES PERMITTED.

(a) Except as provided in this section, the only main uses permitted in this subdistrict are those main uses permitted in the LC Light Commercial Subdistrict, subject to the same conditions applicable in the LC Light Commercial Subdistrict, as set out in Part I of this article. For example, a use permitted in the LC Light Commercial Subdistrict only by specific use permit (SUP) is permitted in this subdistrict only by SUP; a use subject to development impact review (DIR) in the LC Light Commercial Subdistrict is subject to DIR in this subdistrict; etc.

SEC. S-XXX.107. ACCESSORY USES.

As a general rule, an accessory use is permitted in any subdistrict in which the main use is permitted. Some specific accessory uses, however, due to their unique nature, are subject to additional regulations in Section 51P-193.108. For more information regarding accessory uses, consult Section 51P-193.108.

SEC. S-XXX.108. YARD, LOT, AND SPACE REGULATIONS.

(Note: The yard, lot, and space regulations in this section must be read together with the yard, lot, and space regulations in Part I of this article. If there is a conflict between this section and Part I of this article, this section controls.)

(b) Except as provided in this section, the yard, lot, and space regulations for the LC Light Commercial Subdistrict apply.

(c) For a restaurant use, the maximum floor area is 3,200 square feet.

SEC. S-XXX.109. OFF-STREET PARKING AND LOADING.

(a) Except as provided in this section, consult Part I of this article for the specific off-street parking and loading requirements for each use.

(b) For a personal service use, one space per 279 square feet of floor area is required. For a restaurant use, one space per 156 square feet of floor area is required. A covered patio is not counted in restaurant square footage.

(c) The parking reduction for bicycle specified in Section 51A-4.314, apply to this Subdistrict.

(d) Spaces that use the alley for maneuvering shall be counted toward the off-street parking total under this PDS.

SEC. S-XXX.110. ENVIRONMENTAL PERFORMANCE

STANDARDS. See Article VI.

SEC. S-XXX.111. LANDSCAPING.

(d) Landscaping and screening must be provided in accordance with Part I of this article.

(e) Plant materials must be maintained in a healthy, growing condition.

SEC. S-XXX.112. SIGNS.

Signs must comply with the provisions for business zoning districts in Article VII.

SEC. S-XXX.113. ADDITIONAL PROVISIONS.

(f) The Property must be properly maintained in a state of good repair and neat appearance.

(g) Development and use of the Property must comply with all federal and state laws and regulations, and with all ordinances, rules, and regulations of the city.

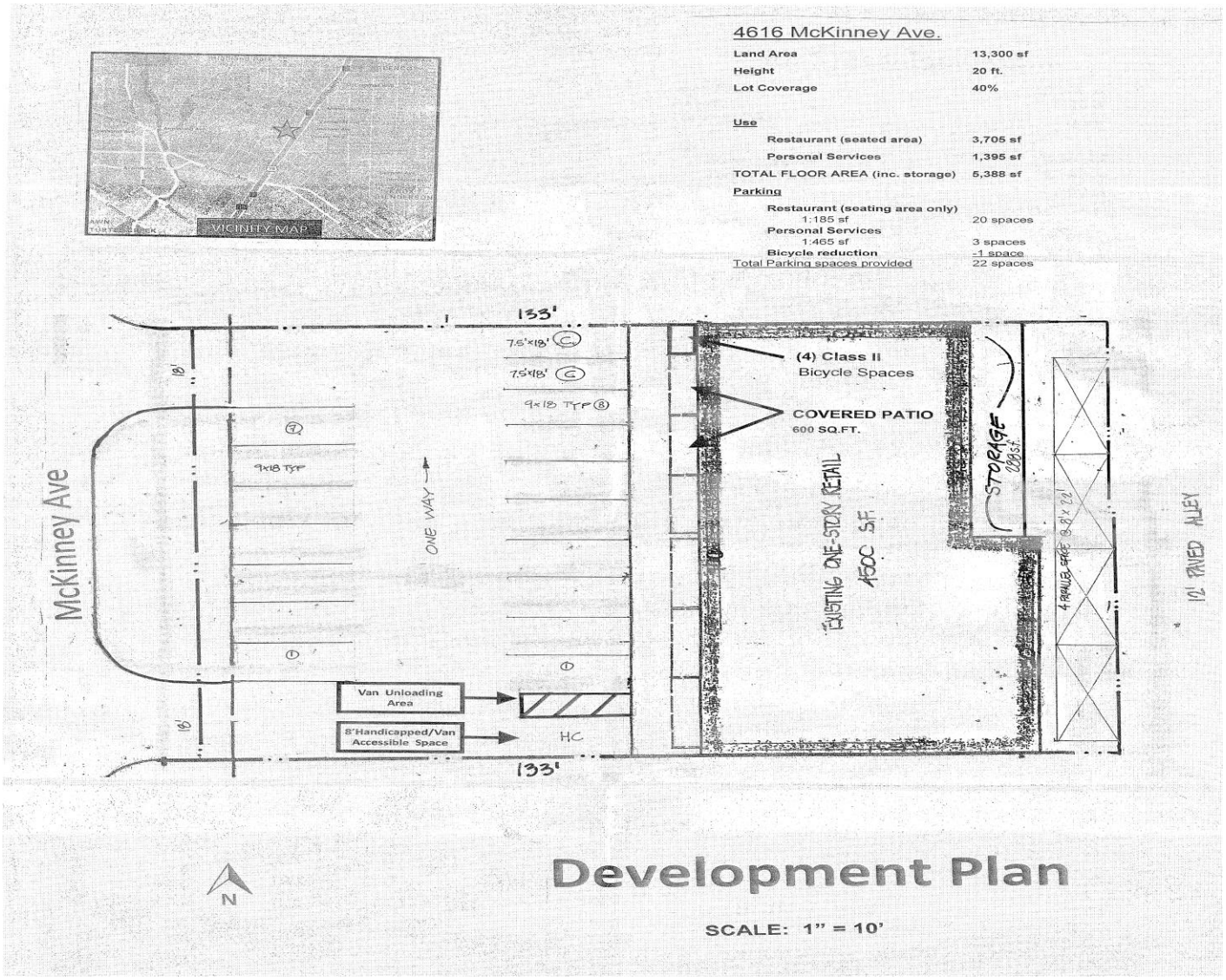
(h) Development and use of the Property must comply with Part I of this article.

SEC. S-XXX.114. COMPLIANCE WITH CONDITIONS.

(i) All paved areas, permanent drives, streets, and drainage structures, if any, must be constructed in accordance with standard city specifications, and completed to the satisfaction of the city.

(j) The building official shall not issue a building permit to authorize work, or a certificate of occupancy to authorize the operation of a use, in this subdistrict until there has been full compliance with this division, the Dallas Development Code, the construction codes, and all other ordinances, rules, and regulations of the city.

PROPOSED DEVELOPMENT PLAN



PARKING DEMAND ANALYSIS

October 11, 2017
PK# 3156-17.348

PARKING DEMAND ANALYSIS

Project:
McKinney-Knox Shopping Center
In Dallas, Texas

Prepared for:
City of Dallas

On behalf of:
McKinney-Knox Joint Venture

Prepared by:

Steve E. Stoner

Steve E. Stoner, P.E., PTOE

Pacheco Koch

7557 Rambler Road, Suite 1400
Dallas, Texas 75231-2388
(972) 235-3031 www.pkce.com
TX. REG: ENGINEERING FIRM F-14439
TX. REG. SURVEYING FIRM LS-10193805-00

October 11, 2017

Pacheco Koch

PARKING DEMAND ANALYSIS
McKinney-Knox Shopping Center
Dallas, Texas

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Purpose *1*
Project Description *1*

PARKING CODE REVIEW 2

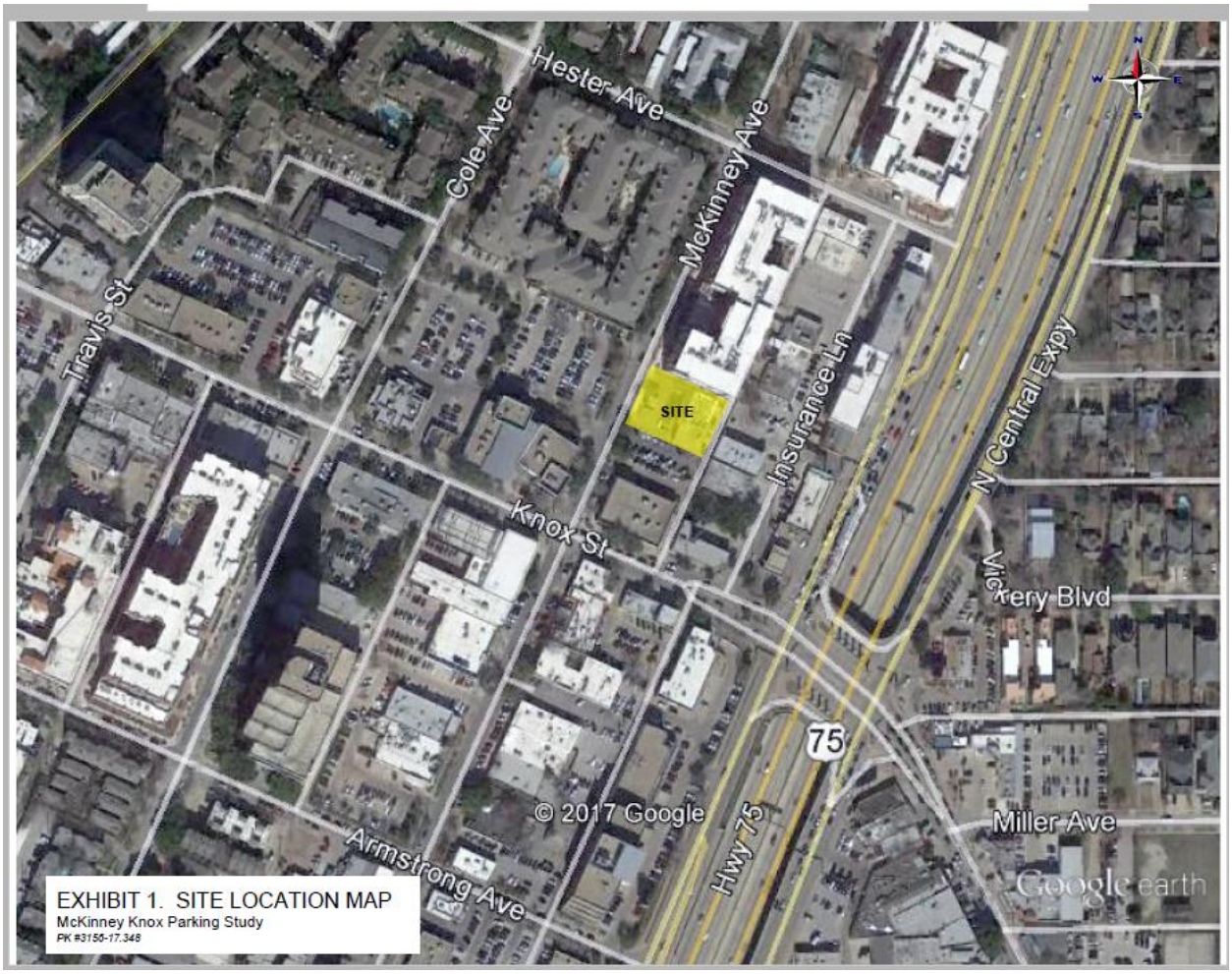
PARKING DEMAND ANALYSIS 3
Approach *3*
Observed Parking Demand *3*

SUMMARY OF FINDINGS 4

APPENDIX: ON-SITE PARKING ACCUMULATION DATA

LIST OF EXHIBITS:
Exhibit 1. Site Location Map
Exhibit 2. On-Site Parking Utilization Graph

LIST OF TABLES:
Table 1. Development Program Summary
Table 2. Base Code Parking Requirement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Cole Ave
McKinney Ave
Travis St
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Insurance Ln
N Central Expy
Knox St
Victory Blvd
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© 2017 Google
Hwy 75
Miller Ave
Armstrong Ave
Google earth
EXHIBIT 1. SITE LOCATION MAP
McKinney Knox Parking Study
PK #3156-17.348

Pacheco Koch

INTRODUCTION

The services of **Pacheco Koch** (PK) were retained by **McKinney-Knox Joint Venture** to conduct a Parking Demand Analysis (PDA) for *McKinney-Knox Shopping Center* (the "Project") located at 4616-4620 McKinney Avenue in Dallas, Texas. A site location map (**Exhibit 1**) and an existing site plan provided by Weitzman (**Exhibit 2**) are provided at the end of this report.

McKinney-Knox Joint Venture is seeking to establish a new PD Subdistrict to facilitate code compliance of the Project. Submittal of a PDA, prepared by a skilled professional is one of the requirements of City's process. This PDA was prepared in accordance with industry and local standards by registered professional engineers employed by Pacheco Koch. Pacheco Koch is a licensed engineering firm based in Dallas, Texas, that provides professional services in traffic engineering, transportation planning, parking analysis, and related fields.

Purpose

A PDA is an investigation of actual and/or published parking demand characteristics for a specific site with specific land use(s). The analysis is designed to take into consideration any site-specific factors that may affect parking demand. Therefore, the results presented in this analysis may not apply to other examples of the same land use.

The purpose of this PDA is to document the current parking conditions that occur on site. Findings of this study will be considered to assist in the proposed zoning change request for the property.

Project Description

The approximately 5,400-square foot commercial building was constructed in the mid-1980's and consists of one restaurant use and one-two retail/personal service tenants. A summary of the current tenants and occupancies is provided in **Table 1**.

Table 1. Development Program Summary

USE	AMOUNT/USE*
Uptown Cleaners (4616 McKinney Ave.) *Hours of Operation: M-F – 7:00 AM-7:00 PM; Sat. – 8:00 AM-5:00 PM*	596 SF/Personal Service
Vacant** (4618 McKinney Ave.) *Hours of Operation: TBD*	800 SF/Personal Service
La Duni Latin Café (4620 McKinney Ave.) *Hours of Operation: M-Th – 7:00 AM-8:30 PM; Fri – 7:00 AM-9:30 PM; Sat. – 9:00 AM-9:30 PM; Sun. – 9:00 AM-8:30 PM*	3,705 SF/Restaurant – (not including 288 SF of Storage)

** Information provided by Client.*

*** Prospective Tenant: Session Dry Bar Salon; prior use: nail salon.*

NOTE: The development program provided above is based upon the most current and complete information available at the time of this study publication.

The property provides 13 vehicular parking spaces and no bicycle parking spaces.

PARKING CODE REVIEW

The study site is part of the Oak Lawn Special Purpose District and is currently zoned PD 193 (LC). Parking requirements for specific land uses and authorized reductions are outlined in Section 107 of the PD. A summary of the resulting net parking requirement is summarized in **Table 2**.

Table 2. Base Code Parking Requirement (Vehicular)

LAND USE	EXISTING CONDITIONS	
	Amount and Ratio	*Spaces Required*
Personal Service Uses, inc.: 'Laundry cleaning pickup and receiving station', 'Barber and beauty shop', and similar 51P-193.107(j)(5,12)	1,396 SF @ 1 per 220 SF	6.3
Bar and Restaurant Uses, inc.: 'Bar, lounge, or tavern', 'Restaurant w/o drive-in or drive-through service' 51P-193.107(i)(1,4)	3,993 SF @ 1 per 100 SF	40.0
SUBTOTAL PARKING SPACES REQUIRED	--	46
TOTAL PARKING SPACES PROVIDED	--	22*
CODE SURPLUS/(DEFICIT)	--	(24)

**Requires restriping (striping plan prepared by others).*

Pacheco Koch

PARKING DEMAND ANALYSIS

Submittal of a Parking Demand Analysis is required as part of the review process for the establishing a new PD Subdistrict. The Staff review of the analysis are provided to the City Council for consideration.

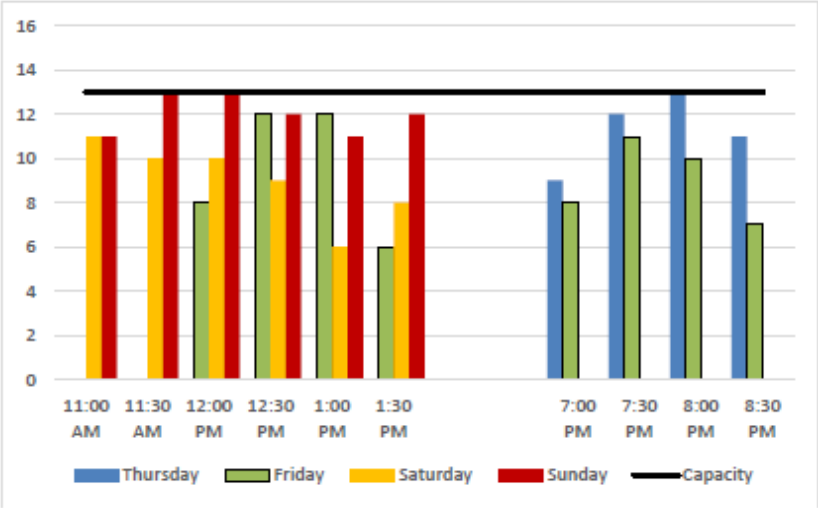
Approach

To validate the parking demand for the subject site, actual parking demand data and observations were collected on site between Thursday, September 7, and Sunday, September 10, 2017.

Observed Parking Demand

Actual, observed parking utilization counts are considered to be the best representation of site-specific parking demand characteristics. Factors affecting parking demand such as travel mode, tenant occupancy, etc. can be accounted for in this approach. A summary of the on-site parking utilization data are summarized graphically in **Exhibit 2**.

Exhibit 2. On-Site Parking Utilization Graph: 4616-4620 McKinney Avenue
(Data Collected September 7-10, 2017)



In addition to the parking demand occurring on site, the parking demand accommodated off site was also observed. Patrons were observed parking in public, on-street spaces and in private, retail parking lots adjacent to and near the subject site. At peak parking demand periods, which generally coincide with weekday lunch and dinner periods and weekend brunch restaurant, as many as half of the site's patrons were observed parking off-site due at or near full occupancy of the on-site parking lot for an estimated peak parking demand of approximately 26 vehicles during the brunch period on Sunday.

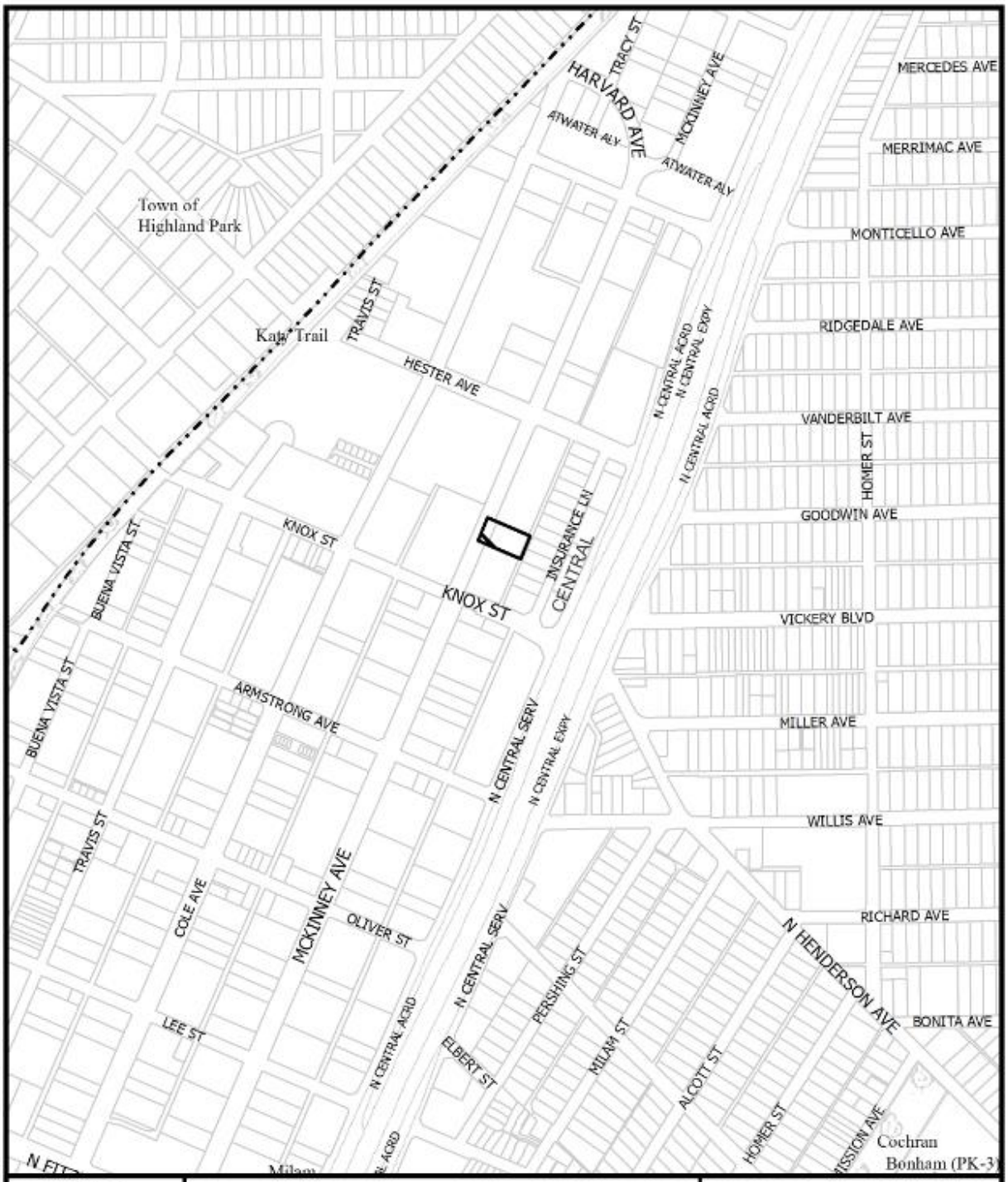
An estimated 3-5 additional vehicles may be added to the total parking demand once the currently-vacant lease space is occupied.

SUMMARY OF FINDINGS

The subject site is a neighborhood retail building containing one restaurant and one-to-two personal service use tenants. The code parking requirement for the property in accordance with existing zoning is 46 parking spaces; however, the site provides only 13 parking spaces – a condition that has existed since the building was originally constructed in the mid 1980's. According to the Owner, the existing parking area can be reconfigured to accommodate 22 parking spaces. To compensate for the lack of parking spaces on site, patrons and employees utilize public, on-street parking spaces as well as private retail parking on adjacent and nearby properties.

A proposed PD Subdistrict zoning classification is being proposed to amend the current PD conditions and legitimize the existing parking conditions that occur on site.

END OF MEMO


Town of
Highland Park
Katy Trail
TRAVIS ST
HESTER AVE
HARVARD AVE
TRACY ST
MCKINNEY AVE
ATWATER ALY
ATWATER ALY
MERCEDES AVE
MERRIMAC AVE
MONTICELLO AVE
RIDGEDALE AVE
VANDERBILT AVE
HOMER ST
GOODWIN AVE
VICKERY BLVD
MILLER AVE
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Bonham (PK-3)
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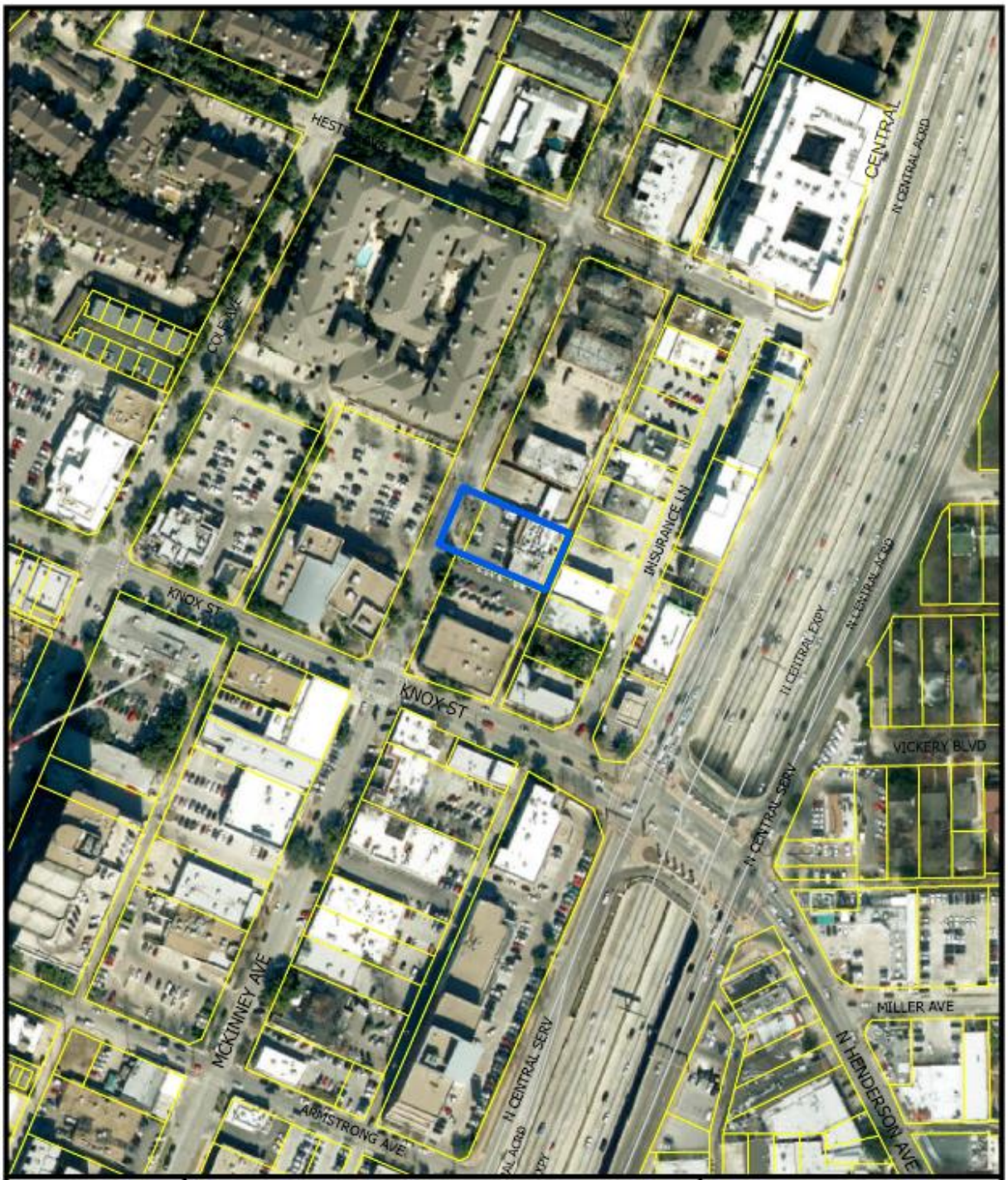
VICINITY MAP
Case no: Z167-336
Date: 2/14/2018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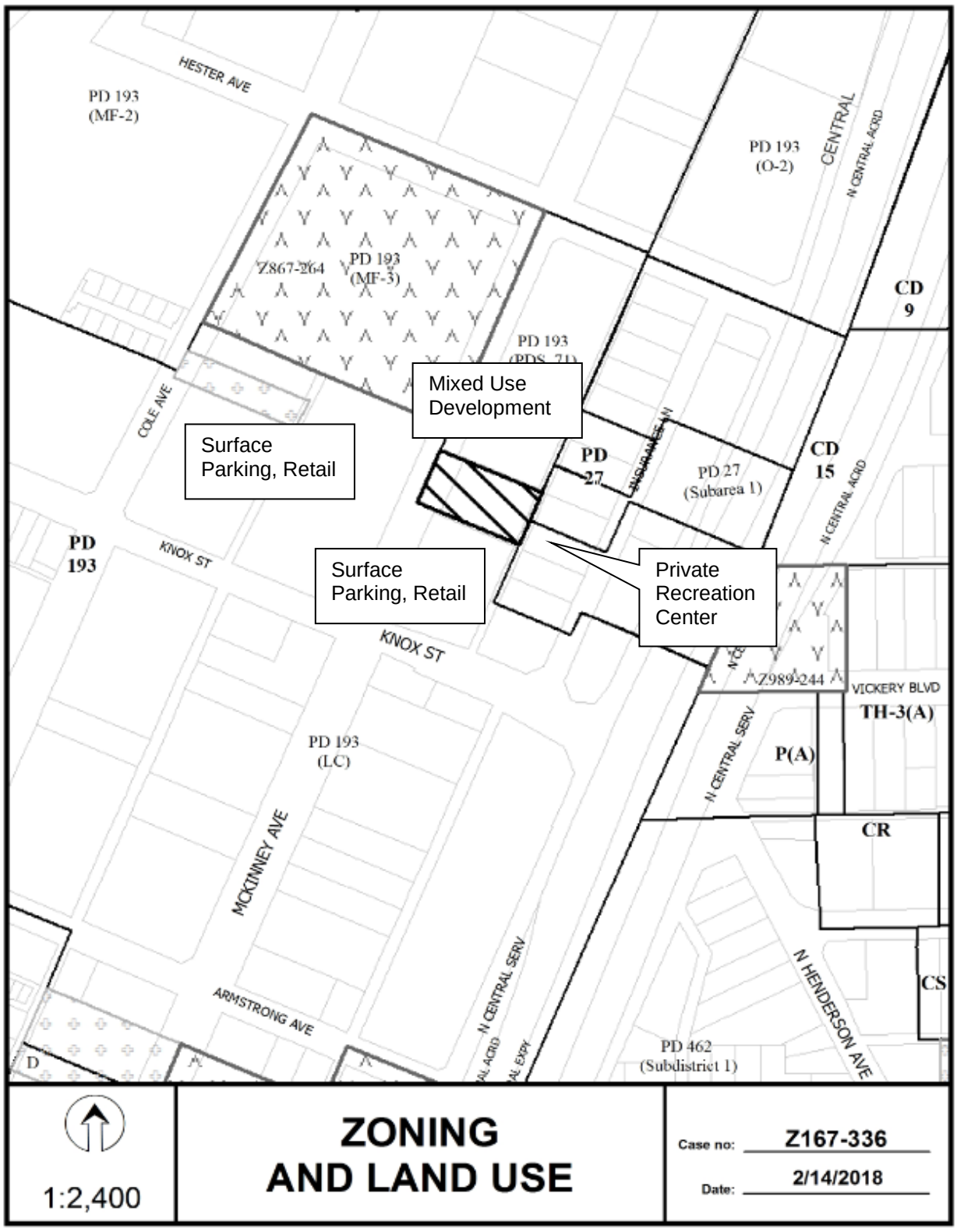
AERIAL MAP
Case no: Z167-336
Date: 2/14/2018


HESTER AVE
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PD 193
(O-2)
CENTRAL
N CENTRAL ACRD
CD
9
PD 193
(PDS 71)
Mixed Use
Development
COLE AVE
Surface
Parking, Retail
PD
27
PD 27
(Subarea 1)
CD
15
PD
193
KNOX ST
Surface
Parking, Retail
Private
Recreation
Center
KNOX ST
Z989-244
VICKERY BLVD
TH-3(A)
PD 193
(LC)
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P(A)
MCKINNEY AVE
CR
ARMSTRONG AVE
N CENTRAL SERV
N HENDERSON AVE
CS
PD 462
(Subdistrict 1)
D
1:2,400
ZONING
AND LAND USE
Case no: Z167-336
Date: 2/14/2018

CPC RESPONSES

02/28/2018

Reply List of Property Owners

Z167-336

36 Property Owners Notified ***0 Property Owners in Favor*** ***3 Property Owners Opposed***

Reply	*Label #*	*Address*		*Owner*
	1	4616	MCKINNEY AVE	MCKINNEY KNOX JOINT
	2	3015	KNOX ST	NABHOLTZ KMCK PARTNERS LP
	3	3025	KNOX ST	NABHOLTZ KMCK PARTNERS LP
X	4	4525	MCKINNEY AVE	GILLILAND PPTIES III LTD
X	5	4531	MCKINNEY AVE	GILLILAND PPTIES II LTD
	6	3107	KNOX ST	TABESH FAMILY TRUST
	7	3113	KNOX ST	TABESH FAMILY TRUST THE
	8	4600	MCKINNEY AVE	KNOX STREET VILLAGE
	9	4655	INSURANCE LN	4655 INSURANCE LANE LLC
	10	4649	INSURANCE LN	ROBERT E LUNA FAMILY
	11	4647	INSURANCE LN	4645 NORTH CENTRAL LLC
	12	4639	INSURANCE LN	SUMMERS STEPHEN J ET AL
	13	4633	INSURANCE LN	BEAIRD DAN INC
	14	4631	INSURANCE LN	BEAIRD DAN L
	15	4625	INSURANCE LN	MIHALOPOULOS FRANK
	16	4619	INSURANCE LN	4619 ARMSTRONG LLC
	17	4617	INSURANCE LN	TRIANGLE CHAPTER AMORC
	18	4611	INSURANCE LN	TRIANGLE LODGE AMORC
	19	4617	N CENTRAL EXPY	730 WEST SPRING VALLEY
X	20	4627	N CENTRAL EXPY	KNOX CENTRAL CORP
	21	4655	N CENTRAL EXPY	ZANDER JAMES P
	22	3001	KNOX ST	KNOX PARK VILLAGE DALLAS LLC
	23	3101	KNOX ST	GILLILAND PROPERTIES LTD
	24	3230	KNOX ST	KNOX STREET VILLAGE I INC
	25	4647	COLE AVE	CIM/4649 COLE AVENUE LP
	26	4625	COLE AVE	MODY PRASHANT

02/28/2018

Reply	*Label #*	*Address*		*Owner*
	27	4625	COLE AVE	BLOOM KARYN
	28	4625	COLE AVE	4625 COLE TOWNHOMES OWNER
	29	4650	COLE AVE	MIRAMAR KNOX LP
	30	3104	KNOX ST	KNOX STREET VILLAGE INC
	31	4646	MCKINNEY AVE	TC KNOX HEIGHTS LP
	32	3010	KNOX ST	VALLEY OAK KNOX LLC
	33	4611	N CENTRAL EXPY	ORR VENTURE LTD
	34	3030	HESTER AVE	BELL FUND V KNOX HENDERSON LLC
	35	4701	MCKINNEY AVE	4701 MCKINNEY AVE LLC
	36	4708	MCKINNEY AVE	4704 MCKINNEY LLC

AGENDA ITEM # 56

Mobility Solutions, Infrastructure, and Sustainability

AGENDA DATE: April 11, 2018

COUNCIL DISTRICT(S): 6

DEPARTMENT: Department of Sustainable Development and Construction

CMO: Majed Al-Ghafry, 670-3302

MAPSCO: 44 M

SUBJECT

A public hearing to receive comments regarding an application for and an ordinance granting a Specific Use Permit for a tattoo studio on property zoned Subdistrict 1A within Planned Development District No. 621, the Old Trinity and Design District Special Purpose District, on the southeast line of Parkhouse Street, west of North Riverfront Boulevard

Recommendation of Staff and CPC: Approval for a two-year period, subject to a site plan and conditions

Z178-105(SM)

HONORABLE MAYOR & CITY COUNCIL **WEDNESDAY, APRIL 11, 2018**

ACM: Majed Al-Ghafry

FILE NUMBER: Z178-105(SM) **DATE FILED:** October 9, 2017

LOCATION: Southeast line of Parkhouse Street, west of North Riverfront Boulevard

COUNCIL DISTRICT: 6 **MAPSCO:** 44 M

SIZE OF REQUEST: Approx. 3,450 sq. ft. **CENSUS TRACT:** 100.00

APPLICANT: Jason Call, Pristine Ink, LLC

OWNER: Jane Halebian, Halebian Investments, Ltd.

REPRESENTATIVE: Elsie Thurman, Land Use Planning & Zoning Services

REQUEST: An application for a Specific Use Permit for a tattoo studio on property zoned Subdistrict 1A within Planned Development District No. 621, the Old Trinity and Design District Special Purpose District.

SUMMARY: The applicant requests to operate a tattoo studio [Pristine Ink] within the existing building.

CPC RECOMMENDATION: **Approval** for a two-year period, subject to a site plan and conditions.

STAFF RECOMMENDATION: **Approval** for a two-year period, subject to a site plan and conditions.

BACKGROUND INFORMATION:

- The site contains a 3,450-square-foot suite that was constructed in 1954, according to Dallas Central Appraisal District records. The suite is proposed to contain a 2,493-square-foot art studio in the front and a 957-square-foot tattoo studio in the rear.

- Subdistrict 1A within Planned Development District No. 621 requires a specific use permit to operate a tattoo studio.

Zoning History: There have been no recent zoning changes requested in the area within the last five years.

Thoroughfare/Street	Type	ROW
Parkhouse Street	Local	80 ft.
Continental Avenue	Local	100 ft.

Traffic:

The Engineering Division of the Sustainable Development and Construction Department has reviewed the request and determined that the proposed development will not have a negative impact on the surrounding street system.

COMPREHENSIVE PLAN:

The *fowardDallas! Comprehensive Plan* was adopted by the City Council in June 2006. The *fowardDallas! Comprehensive Plan* outlines several goals and policies which can serve as a framework for assisting in evaluating the applicant's request. The request does not support or obstruct the Plan's goals or policies.

Economic Element

GOAL 2.1 PROMOTE BALANCED GROWTH

Policy 2.1.1 Ensure that zoning is flexible enough to respond to changing economic conditions.

GOAL 2.4 CREATE AND MAINTAIN AN ENVIRONMENT FRIENDLY TO BUSINESSES AND ENTREPRENEURS

Policy 2.4.2 Restore Dallas as the premier city for conducting business within the region.

Land Use Plan: The Comprehensive Plan was also amended by the *Trinity River Corridor Comprehensive Land Use Plan* in 2005. The request area is located within the Trinity River Corridor. "The Trinity River Corridor is a unified collection of diverse neighborhoods and business centers at the heart of a unified and thriving Dallas, connected by a ribbon of blue water and green spaces that is the Trinity River". A future land use plan for the corridor region provides preferred redevelopment scenarios. The site is located in a Residential Riverside land use module within the Downtown-Lakes District (p. 45).

STAFF ANALYSIS:

Surrounding Land Uses:

	Zoning	Land Use
Site	PDD No. 621, Subdistrict 1A	Vacant office/showroom/warehouse
Northeast	PDD No. 621, Subdistrict 1A	Vacant office/showroom/warehouse
Southeast	PDD No. 774	Ronald Kirk Pedestrian Bridge
Southwest	PDD No. 621, Subdistrict 1A	Vacant office/showroom/warehouse
Northwest	PDD No. 621, Subdistrict 1A	Local Utilities

Land Use Compatibility: Surrounding land uses to the northeast, southwest, and northwest are primarily commercial/industrial in nature. The area of request is near the terminus of Parkhouse Street and the closest properties to the northeast and southwest are vacant commercial buildings, with a local utilities use located to the northwest. As one progresses further east on Parkhouse Street, the mix of uses becomes more diverse, with a variety of retail, personal service, and residential uses before reaching the intersection of North Riverfront Boulevard. The Ronald Kirk Pedestrian Bridge, formerly Continental Avenue, abuts the site to the southeast.

PDD No. 621 was adopted by the City Council on August 28, 2002. The PDD states that development in this subdistrict should:

> Encourage residential, retail, office, and lodging uses in compatible combinations within walking distance of DART light-rail stations; conserve energy; provide for efficient traffic circulation; conserve land; minimize vehicular travel; encourage both day-time and night-time activity; encourage use of mass transit; increase pedestrian activity; and encourage bicycle usage.

As the area further northeast has shifted into mixed use, as allowed by the PD, new uses have entered the region, including retail and personal service uses. The proposed tattoo studio, in conjunction with an art studio, supports that mix by providing a new retail and personal service use that can help to develop the character of the neighborhood.

PDD No. 621 specifically defines a tattoo studio as an establishment in which tattooing is performed. Further, the PDD defines tattooing as, the practice of producing an indelible mark or figure on the human body by scarring or inserting a pigment under the skin using needles, scalpels, or other related equipment. Since the use *tattoo studio* is separately defined in the PDD, it can have special provisions, such as a requirement to obtain a specific use permit, apart from the typical land use that includes these activities, *personal service uses*, which is allowed by right at this location. Subdistrict 1A requires a specific use permit to operate a tattoo studio.

The general provisions for a Specific Use Permit in Section 51A-4.219 of the Dallas Development Code specifically state: (1) The SUP provides a means for developing certain uses in a manner in which the specific use will be consistent with the character of the neighborhood; (2) Each SUP application must be evaluated as to its probable effect on the adjacent property and the community welfare and may be approved or denied as the findings indicate appropriate; (3) The city council shall not grant an SUP for a use except upon a finding that the use will: (A) complement or be compatible with the surrounding uses and community facilities; (B) contribute to, enhance, or promote the welfare of the area of request and adjacent properties; (C) not be detrimental to the public health, safety, or general welfare; and (D) conform in all other respects to all applicable zoning regulations and standards. The regulations in this chapter have been established in accordance with a comprehensive plan for the purpose of promoting the health, safety, morals, and general welfare of the city.

Staff supports the request for a two-year period because the request is not foreseen to be detrimental to surrounding properties and a two-year period would require it to be re-evaluated in a short period of time.

Parking: PDD No. 621 requires one parking space for every 275 square feet of floor area of a tattoo studio and one space for every 600 square feet of an art gallery. The applicant proposes to have 957 square feet of a tattoo studio and 2,493 square feet of an art gallery. Therefore, PDD No. 621 would require seven parking spaces. The applicant will satisfy the parking requirements by providing five on-street parking spaces and one handicapped space within the interior of the property. The last required parking space will be provided either by the filing of a parking agreement, obtaining a special exception by the Board of Adjustment, or paying cash in lieu as prescribed by PDD No. 621[1] prior to the issuance to a certificate of occupancy.

[1] Reference Section 51P-621.110(b)(5) of the Dallas Development Code.

Prior CPC Action – March 1, 2018:

Motion: It was moved to recommend **approval** of a Specific Use Permit for a tattoo studio for a two-year period, subject to a site plan and conditions on property zoned Subdistrict 1A within Planned Development District No. 621, the Old Trinity and Design District Special Purpose District, on the southeast line of Parkhouse Street, west of North Riverfront Boulevard.

Maker: Carpenter
Second: Rieves
Result: Carried: 12 to 1

For: 12 - West, Rieves, Houston, Davis, Shidid, Carpenter, Mack, Jung, Housewright, Peadon, Murphy, Tarpley

Against: 1 - Ridley
Absent: 1 - Schultz
Vacancy: 1 - District 8

Notices: Area: 200 Mailed: 8
Replies: For: 1 Against: 5

Speakers: For: Jason Call, 4508 Wembley Ct., McKinney, TX, 75070
Elsie Thurman, 946 Biscayne Blvd., Dallas, TX, 75218
Jimmy Peddy, 4121 Candlenut Ln., Dallas, TX, 75244
Alex Rosado, 4125 Cascade Sky Dr., Arlington, TX, 76005
Michael Tartaro, 2701 Rothland Ln., Plano, TX, 75023
Darren Yarborough, 208 Cornell Dr., Forney, TX, 75126
Braden Wayne, 181 Sommit Ave., Dallas, TX, 75206
Ty Hamilton, 9803 Larkspur Ln., Oklahoma City, OK, 73159
Jared Lyons, 2307 Highlands Creek Rd., Carrollton, TX, 75007
Deidre Spears, 2121 L. Don Dodson Dr., Bedford, TX, 76021
Susan Roberts-Cooper, 801 Core St., Dallas, TX, 75207
For (Did not speak): Katie Call, 4508 Wembley Ct., McKinney, TX, 75070
Diana Dearden, 1201 Roadronner Dr., Little Elm, TX, 75068
Secily Hall, 1322 Easton Rd., Dallas, TX, 75218
Mark Hall, 1322 Easton Rd., Dallas, TX, 75218
Grant Pryor, 2525 Turtle Creek Blvd., Dallas, TX, 75219
Joel Tannebaum, 5600 W. Lovers Ln., Dallas, TX, 75209
Wendy Copeland, 1411 Brandon Ct., Allen, TX, 75013
Against: James Appleton, 4332 Laren Ln., Dallas, TX, 75244
Mary Appleton, 118-140 Parkhouse St., Dallas, TX, 75207
Regina Tomellen, 137/147 Parkhouse St., Dallas, TX, 75207
Bob Darrouzet, 5445 Caruth Haven, Dallas, TX, 75225
Alan Galichia, 147 Parkhouse St., Dallas, TX, 75207
Shelley Stevens, 171 Parkhouse St., Dallas, TX, 75207

CPC RECOMMENDED SUP CONDITIONS

1. USE: The only use authorized by this specific use permit is a tattoo studio.

2. SITE PLAN: Use and development of the Property must comply with the attached site plan.

3. TIME LIMIT: This specific use permit expires on two years from the passage of this ordinance.

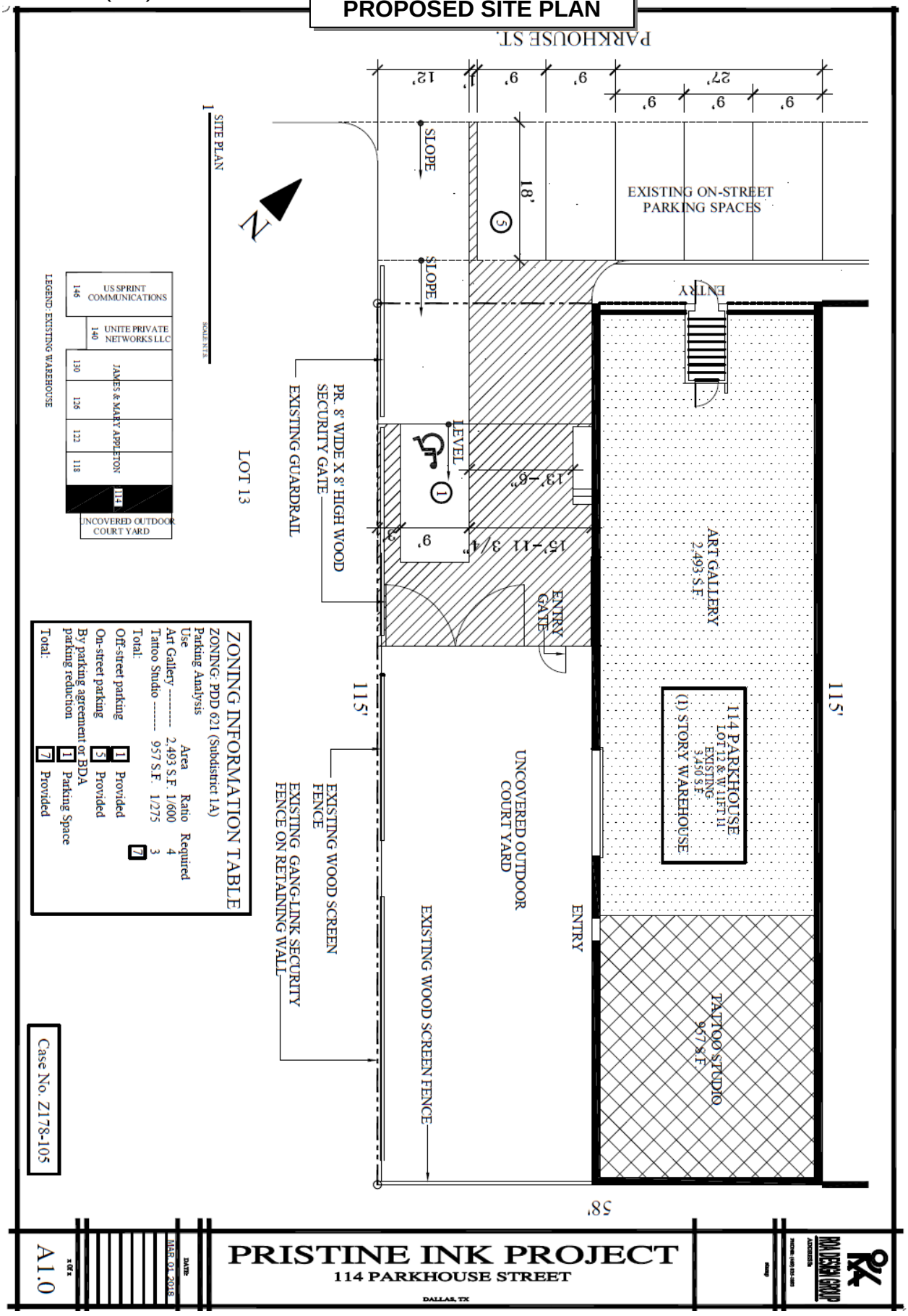
4. FLOOR AREA: The maximum floor area for a tattoo studio is 957 square feet.

5. HOURS OF OPERATION: The tattoo studio may only operate between 11:00 a.m. and 10:00 p.m., Monday through Sunday.

6. MAINTENANCE: The Property must be properly maintained in a state of good repair and neat appearance.

7. GENERAL REQUIREMENTS: Use of the Property must comply with all federal and state laws and regulations, and with all ordinances, rules, and regulations of the City of Dallas.

PROPOSED SITE PLAN



ZONING INFORMATION TABLE

ZONING: PDD 621 (Subdistrict 1A)

Parking Analysis Use	Area	Ratio	Required
Art Gallery -------	2,493 S.F.	1/600	4
Tattoo Studio ------	957 S.F.	1/275	3
Total:			7

Off-street parking	1	Provided
On-street parking	5	Provided
By parking agreement or BDA		
parking reduction	1	Parking Space
Total:	7	Provided

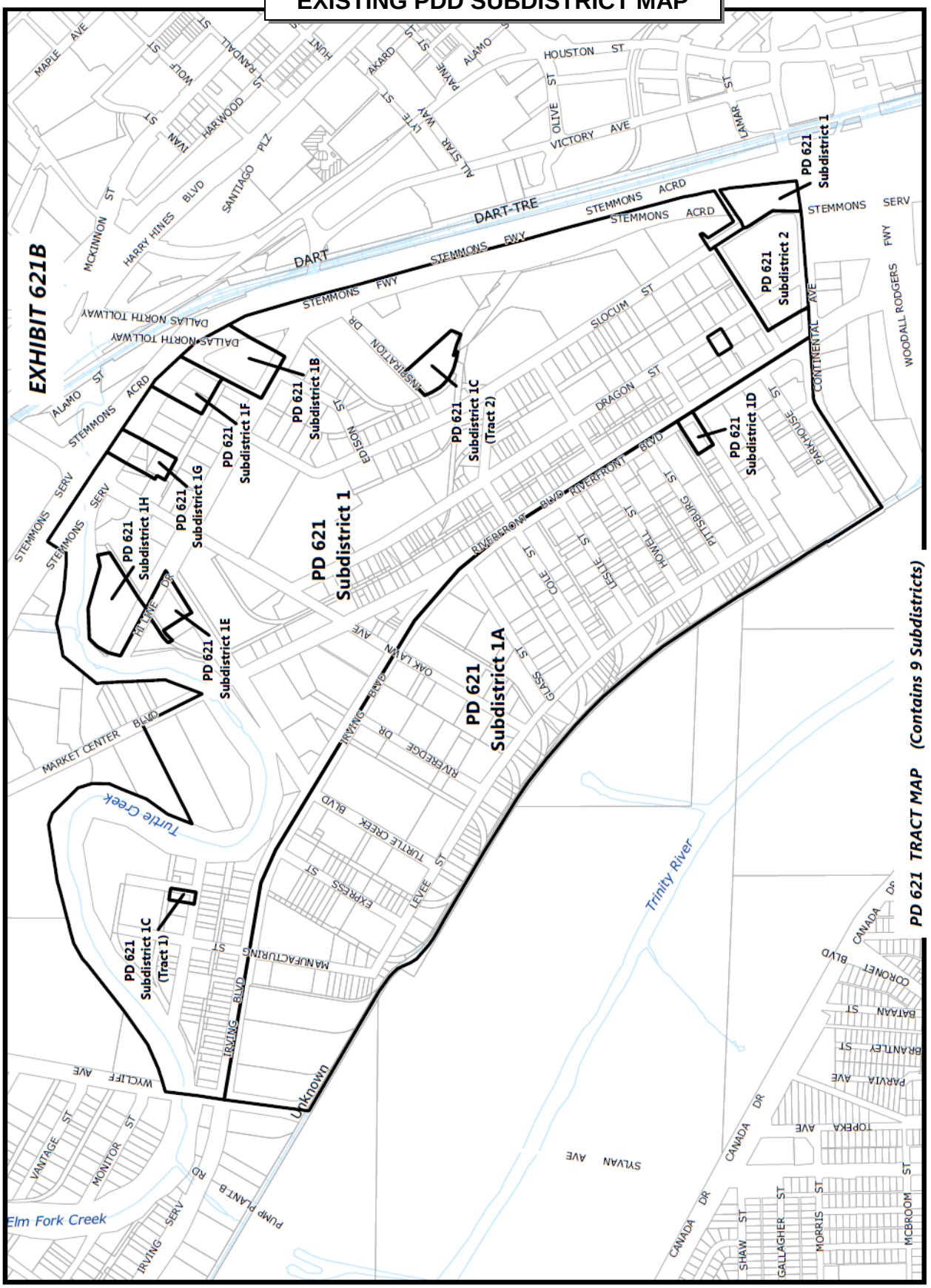
Case No. Z178-105

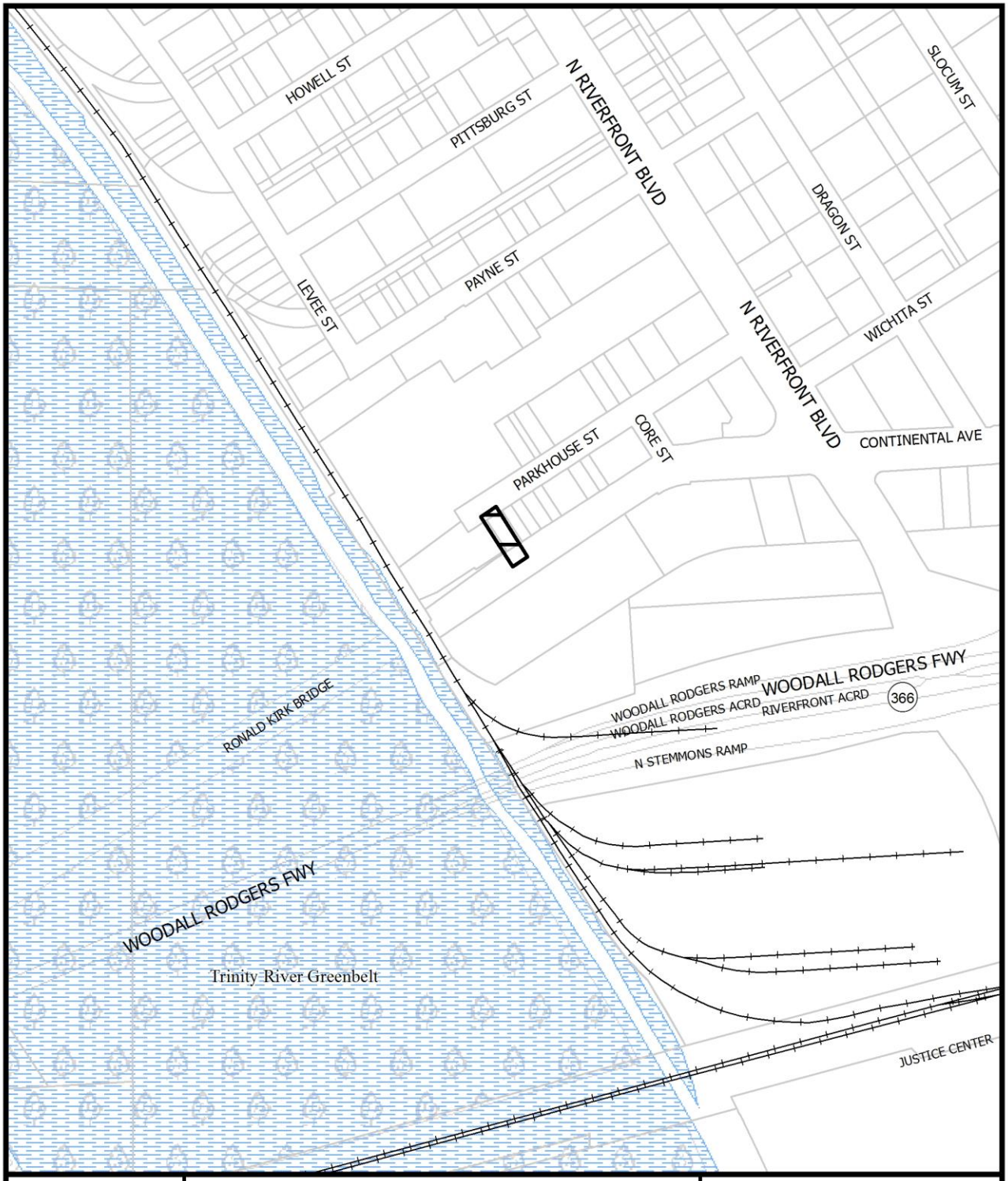
PRISTINE INK PROJECT
114 PARKHOUSE STREET
DALLAS, TX

DATE: MAR. 01, 2018

A1.0

EXISTING PDD SUBDISTRICT MAP



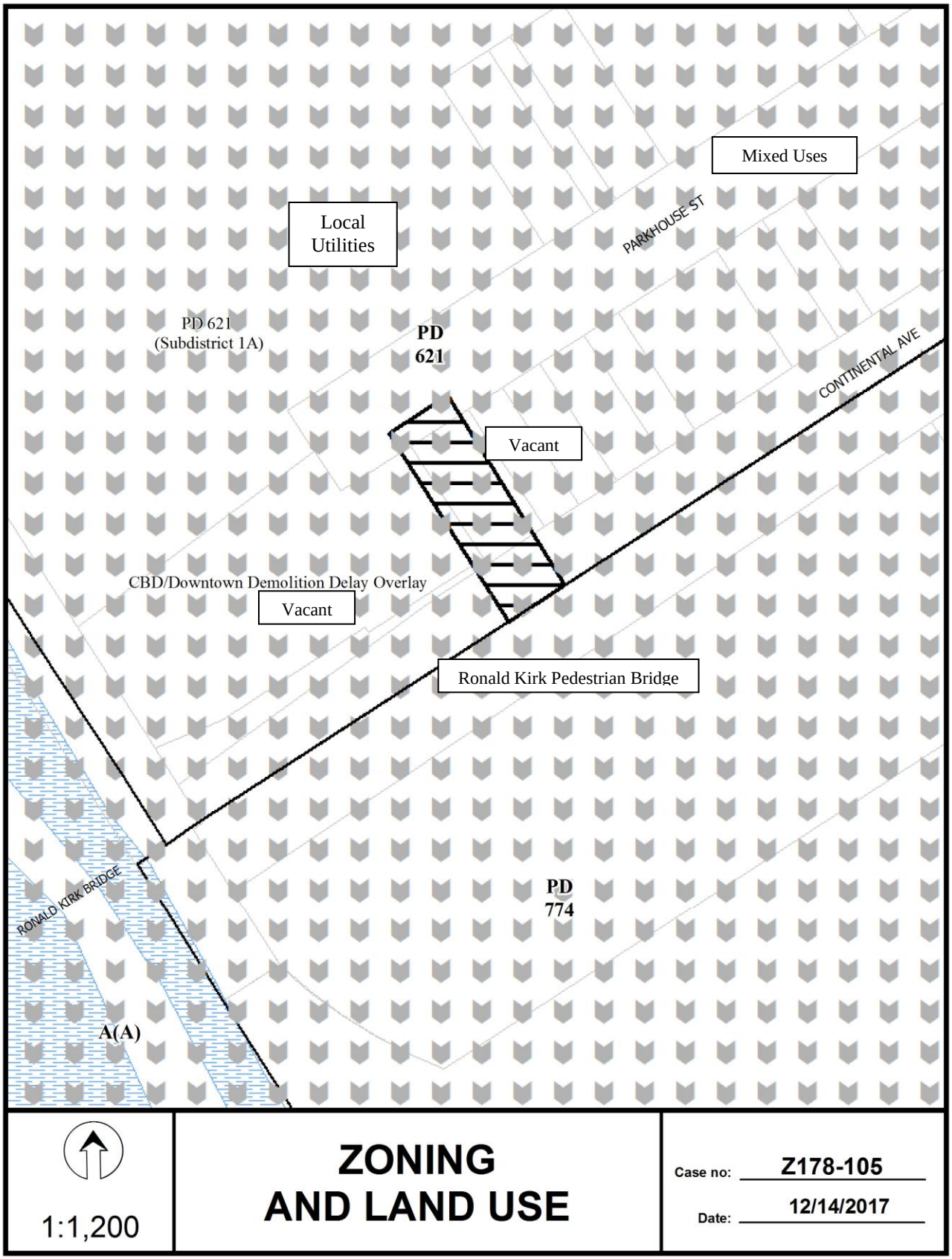

HOWELL ST
PITTSBURG ST
N RIVERFRONT BLVD
SLOCUM ST
DRAGON ST
PAYNE ST
LEVEE ST
WICHITA ST
N RIVERFRONT BLVD
CONTINENTAL AVE
PARKHOUSE ST
CORE ST
WOODALL RODGERS RAMP
WOODALL RODGERS ACRD
WOODALL RODGERS FWY
RIVERFRONT ACRD
366
N STEMMONS RAMP
RONALD KIRK BRIDGE
WOODALL RODGERS FWY
Trinity River Greenbelt
JUSTICE CENTER
1:4,800
VICINITY MAP
Case no: Z178-105
Date: 12/14/2017

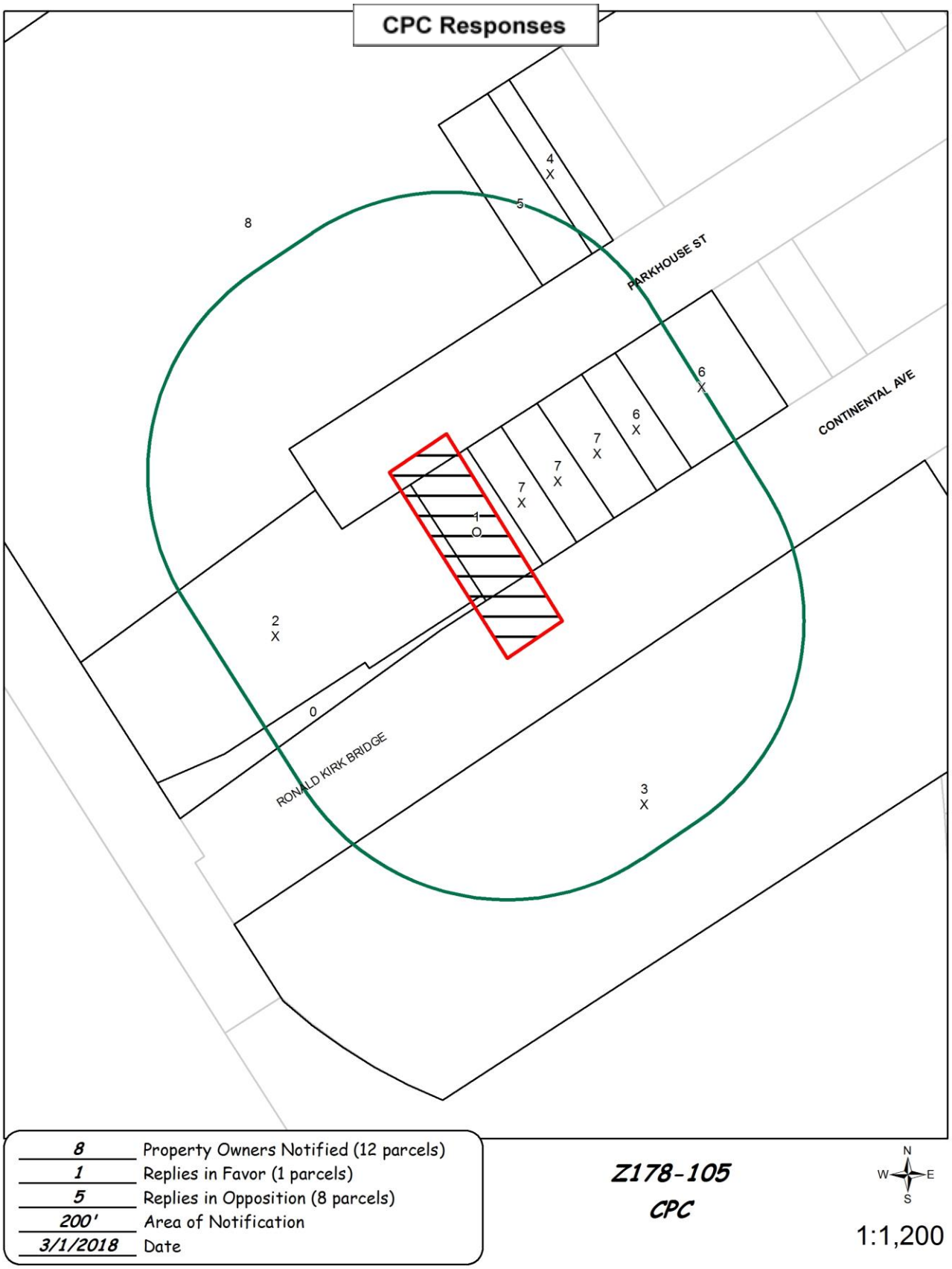
1:1,200

AERIAL MAP

Case no: Z178-105

Date: 12/14/2017


Mixed Uses
Local Utilities
PARKHOUSE ST
PD 621 (Subdistrict 1A)
PD 621
CONTINENTAL AVE
Vacant
CBD/Downtown Demolition Delay Overlay
Vacant
Ronald Kirk Pedestrian Bridge
RONALD KIRK BRIDGE
PD 774
A(A)
1:1,200
ZONING AND LAND USE
Case no: Z178-105
Date: 12/14/2017


CPC Responses
PARKHOUSE ST
CONTINENTAL AVE
RONALD KIRK BRIDGE
8
4
X
5
6
X
7
X
7
X
6
X
1
O
2
X
0
3
X
8 Property Owners Notified (12 parcels)
1 Replies in Favor (1 parcels)
5 Replies in Opposition (8 parcels)
200' Area of Notification
3/1/2018 Date
Z178-105
CPC
N
W
E
S
1:1,200

02/28/2018

Reply List of Property Owners

Z178-105

8 Property Owners Notified ***1 Property Owner in Favor*** ***5 Property Owners Opposed***

Reply	*Label #*	*Address*		*Owner*
O	1	114	PARKHOUSE ST	HALEBIAN INVESTMENTS LLC
X	2	100	PARKHOUSE ST	ROBBIE DRIVE LTD
X	3	110	CONTINENTAL AVE	505 RIVERFRONT LTD
X	4	137	PARKHOUSE ST	GALICHIA ALAN & GINA
	5	135	PARKHOUSE ST	SEELCCO STREET PARTNERS LTD
X	6	140	PARKHOUSE ST	APPLETON MARY W
X	7	126	PARKHOUSE ST	APPLETON JAMES K & MARY W
	8	919	N RIVERFRONT BLVD	TEXAS UTILITIES ELEC CO

AGENDA ITEM # 57

Mobility Solutions, Infrastructure, and Sustainability

AGENDA DATE: April 11, 2018

COUNCIL DISTRICT(S): 14

DEPARTMENT: Department of Sustainable Development and Construction

CMO: Majed Al-Ghafry, 670-3302

MAPSCO: 35 Q; U

SUBJECT

A public hearing to receive comments regarding an application for and an ordinance granting a Planned Development Subdistrict for LC Light Commercial uses on property zoned an LC Light Commercial Subdistrict within Planned Development District No. 193, the Oak Lawn Special Purpose District, on the southeast corner of Travis Street and Knox Street

Recommendation of Staff and CPC: Approval, subject to a development plan, landscape plan, and conditions

Z178-145(JM)

HONORABLE MAYOR & CITY COUNCIL **WEDNESDAY, APRIL 11, 2018**

ACM: Majed Al-Ghafry

FILE NUMBER: Z178-145(JM) **DATE FILED:** December 6, 2017

LOCATION: Southeast corner of Travis Street and Knox Street

COUNCIL DISTRICT: 14 **MAPSCO:** 35 Q; U

SIZE OF REQUEST: ±1.2 acres **CENSUS TRACT:** 7.02

APPLICANT/OWNER: Weir's Plaza Partnership, LLC/ Weir Family Investments

REPRESENTATIVE: William S. Dahlstrom, Jackson Walker LLP

REQUEST: An application for a Planned Development Subdistrict for LC Light Commercial uses on property zoned an LC Light Commercial Subdistrict within Planned Development District No. 193, the Oak Lawn Special Purpose District.

SUMMARY: The applicant is proposing to redevelop a portion of the site to construct parking below grade and a 12-story mixed-use commercial and office structure.

STAFF RECOMMENDATION: **Approval**, subject to a development plan, landscape plan, and conditions.

CPC RECOMMENDATION: **Approval**, subject to a development plan, landscape plan, and conditions.

BACKGROUND INFORMATION:

- On February 8, 1985, Planned Development District No. 193, the Oak Lawn Special Purpose District, was approved by the City Council. The PD is comprised of approximately 2,593 acres, and provides standards to promote and protect the health, safety, welfare, convenience, and enjoyment of the public, and in part, to achieve the objectives outlined in the PD.
- The applicant is proposing to redevelop a portion of the site to construct a 12-story mixed-use commercial and office structure with parking below grade. The proposed PDS deviates from the existing PD 193 LC Subdistrict standards in the following manners:
  - By allowing encroachments into the required front yard for raised planters, benches, bicycle racks, and an existing clock.
  - An increase in FAR from 4.0 to 5.5. For an office use, restaurant and bar use, or a furniture store use, the area of patios and building terraces, either uncovered or periodically covered by retractable shade features, are not included in the floor area calculation.
  - By removing the front yard setback requirement along Travis Street in the area occupied by the existing building at the corner of Knox Street and Travis Street as identified on the development plan (Highland Park Soda Fountain façade).
  - By modifying the sign provisions to allow projecting signs as detailed in the proposed conditions.
  - By modifying the parking provisions to require parking underground, allow shared parking throughout the subdistrict, and to allow off-street loading maneuverability to occur in the abutting alley to the north.
  - By requiring an additional setback after reaching a height of 48 feet.
  - Adding architectural design standards to control façade elements, building articulation, and transparency.
  - Requiring landscape planters for second and third floor terraces.

Zoning History: There has been one zoning case in the area in the past five years.

1. **Z145-323:** On November 10, 2015, the City Council approved SUP No. 2163 for a Class A Dance hall on property zoned an LC Light Commercial Subdistrict within Planned Development District No. 193, the Oak Lawn Special Purpose District located on the northwest line of Travis Street, south of Knox Street.

Thoroughfares/Streets:

Thoroughfare/Street	Type	Existing ROW	Proposed ROW
Travis Street	Community Collector	80 feet	80 feet
Knox Street	Community Collector	60 feet	60 feet

Traffic:

The Engineering Division of the Sustainable Development and Construction Department has reviewed the request and determined that the proposed development will not have a negative impact on the surrounding street system.

Surrounding Land Uses:

	Zoning	Land Use
Site	LC Light Commercial Subdistrict, PD No. 193	Furniture Store and Restaurant
North	LC Light Commercial Subdistrict, PD No. 193	Retail, Restaurant, and Multifamily
East	LC Light Commercial Subdistrict, PD No. 193	Retail, Restaurant, and Multifamily
South	PD No. 196	Retail, Restaurant, Health Studio, and Office
West	LC Light Commercial Subdistrict, PD No. 193	Retail, Dance Hall, and Surface Parking

STAFF ANALYSIS:

Comprehensive Plan:

The comprehensive plan does not make a specific land use recommendation related to the request, however the *forwardDallas! Vision Illustration*, adopted June 2006, is comprised of a series of Building Blocks that depicts general land use patterns.

The applicant's request generally complies with the following goals and policies of the Comprehensive Plan.

LAND USE

GOAL 1.1 ALIGN LAND USE STRATEGIES WITH ECONOMIC DEVELOPMENT PRIORITIES

Policy 1.1.5 Strengthen existing neighborhoods and promote neighborhoods' unique characteristics. Acknowledge the importance of neighborhoods to the city's long-term health and vitality.

GOAL 1.2 PROMOTE DESIRED DEVELOPMENT

Policy 1.2.1 Use Vision Building Blocks as a general guide for desired development patterns.

URBAN DESIGN

GOAL 5.1 PROMOTE A SENSE OF PLACE, SAFETY AND WALKABILITY

Policy 5.1.1 Promote pedestrian-friendly streetscapes.

Implementation Measure 5.1.1.3 Apply urban design tools in pedestrian or transit oriented districts when approving zoning cases and when developing Area Plans.

Policy 5.1.3 Encourage complementary building height, scale, design and character.

Designing pedestrian-friendly streetscapes with pedestrian-oriented amenities and enhancements encourages people to walk. The proposed development offers a variety of street furniture, pedestrian scale signage, and a lively street-level atmosphere. Benches, bike racks, and trash receptacles are also planned within the pedestrian realm. New development should be appropriate to the context of its location in density, intensity and size, particularly when adjacent to existing residential areas, historic or conservation districts.

The proposed development maintains the uses currently allowed in the LC District, while adding more neighborhood serving mixed-use floor area.

Area Plans:
The Oak Lawn Special Purpose District and the Oak Lawn Plan include the following objectives:

(1) To achieve buildings more urban in form.

(2) To promote and protect an attractive street level pedestrian environment with continuous street frontage activities in retail areas.

(3) To encourage the placement of off-street parking underground or within buildings similar in appearance to non-parking buildings.

(4) To promote development appropriate to the character of nearby neighborhood uses by imposing standards sensitive to scale and adjacency issues.

(5) To use existing zoned development densities as a base from which to plan, while providing bonuses to encourage residential development in commercial areas.

(6) To discourage variances or zoning changes which would erode the quantity or quality of single-family neighborhoods, or would fail to adhere to the standards for multiple-family neighborhoods and commercial areas.

(7) To promote landscape/streetscape quality and appearance.

The applicant's request for a PDS meets objectives 1, 2, 3, 4, 6 and 7. The remaining objective 5 is not applicable since there are no proposed residential units within the proposed development; however, an increase in floor area ratio FAR is sought. The proposed development is being constructed largely within the existing development rights and standards for the LC Subdistrict which is the base zoning. Residential uses are not being proposed within this development and as a result, objective 5 is not applicable. The proposed changes to the existing PDS should encourage a more walkable, pedestrian environment.

Land Use Compatibility:

Surrounding uses include retail, restaurant, and multifamily to the north and east; retail, restaurant, health studio, and office to the south; and retail, a dance hall (SUP No. 2163), and surface parking to the west.

The applicant is proposing to redevelop a portion of a parcel containing 1.2 acres of developed area. The existing structures house a furniture store (Weir's) and a restaurant (Highland Park Soda Fountain). The proposed project would raze the existing Weir's building to construct a 12-story mixed-use commercial and office structure with parking below grade. The Highland Park Soda Fountain building was constructed in 1910. While the proposed PDS language does not preserve the structure, the PDS is controlled by the development plan, which identifies that the façade of the structure will remain.

The proposed PDS deviates from the existing PD 193 LC Subdistrict standards in the following manners:

- By allowing encroachments into the required front yard for raised planters, benches, bicycle racks, and an existing clock.

Many of the items allowed to encroach into the required front yard help to activate the streetscape and provide for an enhanced pedestrian experience. The existing clock

relocated from the southeast corner of the property, adjacent to the alleyway, will perpetuate the character of the area. The existing Highland Park Soda Fountain building was erected in 1910. The clock is planned to be moved along the frontage of the remaining structure. This enlivens the overall experience when visiting the area.

- By removing the front yard setback requirement along Travis Street in the area occupied by the existing building at the corner of Knox Street and Travis Street as identified on the development plan (Highland Park Soda Fountain building).

This request serves to make the existing structure compliant with code.

- An increase in FAR from 4.0 to 5.5. For an office use, restaurant and bar use, or a furniture store use, the area of patios and building terraces, either uncovered or periodically covered by retractable shade features, are not included in the floor area calculation.

The proposed development includes 297,000 square feet of mixed use floor area. The lot contains approximately 54,000 square feet of total area. The existing FAR of 4.0 would allow approximately 216,000 square feet of floor area. The proposed FAR of 5.5 allows an increase in floor area of 81,000 square feet. The structure will have a maximum height of 215 feet, well within the allowable height for the LC District (maximum 240 feet). The 77 percent lot coverage meets the maximum of 80 percent. The additional floor area will provide for features such as balconies for the offices, patios at the ground level, and more retail and office space to serve the surrounding neighborhood.

A provision excluding patios and building terraces, either uncovered or periodically covered, from the floor area ratio, specifically for an office use, would allow the developer to provide an architecturally interesting design while not impacting the overall demands of the development. If these areas are accessible by people already present for a different use (to work in an office), then there are no additional cars travelling or parking at the site.

- By modifying the sign provisions to allow projecting signs as detailed in the proposed conditions.

According to existing sign regulations the proposed structure would be allowed one projecting sign, no matter the size of the building.

The proposed modification includes two attached double-sided projecting signs with a sign face on each side not exceeding 38 square feet in effective area located above the first level at a height not greater than 48 feet above grade, and not closer than 50 feet apart. These two signs are only allowed for a furniture store use occupying more than 25,000 square feet of floor area.

Eight attached double-sided projecting signs with a sign face on each side not exceeding six square feet in effective area, and not closer than 10 feet apart, are permitted. This provision allows the signs to create a unique look for the subdistrict, while ensuring that visual clutter does not abound. The number of signs is limited to the number of potential ground-floor tenants. The spacing requirement will prevent a visually overwhelming experience. Up to three additional projecting signs may identify

elevator, parking or similar locations, without a limit in word height. Projecting signs must provide a clearance of at least ten feet above grade. A license is required for a projecting sign to extend over public right of way.

- By modifying the parking provisions to require parking underground, allow shared parking throughout the subdistrict, and to allow off-street loading maneuverability to occur in the abutting alley to the north.

The surrounding area is highly developed with limited parking. The proposed underground parking would be allowed to satisfy the required parking for any use within the subject site. This alleviates issues with shared parking agreements when there are multiple lots and property owners sharing parking. Additionally, all parking is required to be provided underground, thus accentuating the streetscape by keeping active uses throughout all street-fronts.

The Engineering Division has reviewed the request to allow maneuverability in the right-of-way for the loading beside the alley abutting the property to the north and has stated that the request will not cause a traffic safety issue.

- Additional setback required after reaching a height of 48 feet. The setback applicable to the portion of a building exceeding 48 feet shall be a minimum of 30 feet from the lot line shared in common with private property, and 25 feet from a lot line shared with a public right of way. For an office use, restaurant and bar use, or a furniture store use, patios and building terraces, either uncovered or periodically covered by retractable shade features, are exempt from the additional setback requirement.

The additional setback was added considering the existing character and scale of development in the area. While the surrounding properties are largely zoned an LC Light Commercial Subdistrict with a maximum height of 240 feet and no additional setback unless adjacent or perpendicular to residential uses, the existing commercial developments are mostly one-to-two stories in height. This provision will alleviate the possible canyon effect that could occur as the area redevelops and makes the utilization of the allowable height less imposing upon the existing structures.

- Clearer provisions on the floor area of patios and building terraces, either uncovered or periodically covered by retractable shade features, for office, restaurant and bar use, or a furniture store uses, and when parking will occur.

Typically, uncovered patios are not parked or counted in the overall floor area ratio. Patios which are covered with a structure are usually parked and count in the overall floor area ratio. Outside display areas are typically parked and count in the overall floor area ratio. The proposal includes exempting these items from the overall floor area ratio, but parking the uses at new ratios. More information on this is provided in the parking section of this report.

- Architectural design standards have been added to control façade elements, building articulation, and transparency.

The role of the first floor of the building is to define public space, city identity, create interesting pedestrian spaces, articulate entrances, and assist in the creation of an

attractive and animated public realm providing a safe, interesting, and comfortable pedestrian experience. These standards have been added to ensure the character of the proposed structure.

- Second and third floor terraces, either uncovered or periodically covered by retractable shade features, must provide landscape planters with a planting area equal to at least five percent of the terrace area.

This provision will ensure that dynamic landscaping proposed on terraces and balconies will be included in the overall site design and maintenance. Adding landscaping to the upper stories which are set back and may contain terraces helps to soften the effect of the building while adding vital green space.

Development Standards:

District	Setbacks		FAR	Height	Lot Coverage	Primary Uses
	Front	Side/Rear				
Existing: LC Subdistrict	10’	5’—duplex 10’—multifamily 0’ all others 10’—duplex 10’ to 25’—multifamily 0’ all others	4.0	240’	80%	Moderate density residential and limited office/retail/personal service.
Proposed: PDS for LC uses	10’ Encroachments permitted No front yard setback along southeast corner of Travis Street and Knox Street.	5’—duplex 10’—multifamily 0’ all others 10’—duplex 10’ to 25’—multifamily 0’ all others	5.5	240’	80%	Moderate density residential and limited office/retail/personal service.

Parking:

Parking for the development will be largely based on the requirements of PD No. 193, the Oak Lawn Special Purpose District. Provisions of the proposed PDS which modify the standard parking include:

1. *For a patio or terrace section of a restaurant and bar use, 80 percent of the seating area periodically covered with a retractable shade feature shall be treated as floor area for the purpose of calculating required off street parking.* This constitutes a 20 percent reduction since any patio area with a shade feature would typically require parking to the standard for the use.

2. *In addition, if the outdoor seating area of an uncovered patio or terrace associated with a restaurant or bar use exceeds the interior floor area for that use, 80 percent of such outdoor seating area shall be treated as floor area for the calculation of off street parking.* This is an increase in required parking since uncovered patios are not required to be parked for this use, regardless of the size.

3. *For a furniture store use, a second floor terrace not exceeding 1,200 square feet used for the display and sale of patio furniture shall be considered part of the furniture store main use and shall be treated as floor area for the calculation of off-street parking requirements.* This provides no net change since an outside display area for this use would require parking whether or not it is covered.

Landscaping:

The new development on the property will require landscaping per the proposed landscape plan. The proposed landscape plan provides a reduction in the overall landscape site area required in Section 51P-193.126.(h)(1) where in GR and LC subdistricts, at least 10 percent of a lot, including at least 60 percent of the required front yard, must be designated by the property owner as landscape site area. The lot contains 54,000 square feet of site area and, according to the landscape plan provided, offers 3,047 square feet of landscape site area of which 740 square feet are in a front yard. This is not in compliance with the 10 percent of the lot (5,400 square feet) with 60 percent in the front yard (3,240 square feet). The City Arborist has reviewed the proposed landscape plan and found it acceptable.

List of Officers

OFFICERS AND DIRECTORS

APPLICANT:

Partners:

Tyler Morris

James Mason

Justin Schoelkopf

Robert Clark

Ryan Swell

Will Hardy

OWNER:

General Partner:

Patsy S. Moore

Z178-145

CPC Action
March 1, 2018

Motion: It was moved to recommend **approval** of a Planned Development Subdistrict for LC Light Commercial uses, subject to a development plan, landscape plan and revised conditions (as briefed) on property zoned an LC Light Commercial Subdistrict within Planned Development District No. 193, the Oak Lawn Special Purpose District, at the southeast corner of Travis Street and Knox Street.

Maker: Ridley
Second: Murphy
Result: Carried: 13 to 0

For: 13 - West, Rieves, Houston, Davis, Shidid, Carpenter, Mack, Jung, Housewright, Peadon, Murphy, Ridley, Tarpley

Against: 0
Absent: 1 - Schultz
Vacancy: 1 - District 8

Notices: Area: 500 Mailed: 240
Replies: For: 29 Against: 0

Speakers: For: William Dahlstrom, 2323 Ross Ave., Dallas, TX, 75201
Elei Asphar, 4649 Cole Ave., Dallas, TX, 75205
Mark Goode, 13455 Noel Rd., Dallas, TX, 75240
Against: Nick Hannon, 4301 Westside Dr., Dallas, TX, 75209
Neutral: Carol Guiel, 3171 Armstrong Ave., Dallas, TX, 75205
Staff: David Nevarez, Senior Engineer, Sustainable Development and Construction

CPC Approved PDS Conditions

Division S-___. PD Subdistrict ___.

SEC. S-___.101. LEGISLATIVE HISTORY.

PD Subdistrict ___ was established by Ordinance No. _____, passed by the Dallas City Council on _____.

SEC. S-___.102. PROPERTY LOCATION AND SIZE.

PD Subdistrict ___ is established on property located south of Knox Street, east of Travis Street. The size of PD Subdistrict 1.239 is acres.

SEC. S-___.103. DEFINITIONS AND INTERPRETATIONS.

(a) Unless otherwise stated, the definitions and interpretations in Chapter 51 and Part I of this article apply to this division. If there is a conflict, this division controls. If there is a conflict between Chapter 51 and Part I of this article, Part I of this article controls.

(b) In this division:

(1) PROJECTING SIGN means an attached sign oriented perpendicular to a building face.

(2) SUBDISTRICT means a subdistrict of PD 193.

(c) Unless otherwise stated, all references to articles, divisions, or sections in this division are to articles, divisions, or sections in Chapter 51.

(d) This subdistrict is considered to be a nonresidential zoning district.

SEC. S-___.104. EXHIBITS.

The following exhibits are incorporated into this division:

(1) Exhibit S-___A: development plan.

(2) Exhibit S-___B: landscape plan.

(3) Exhibit S:___C: existing detached clock graphic.

SEC. S-___.105. DEVELOPMENT PLAN.

Development and use of the Property must comply with the development plan (Exhibit S-___A). If there is a conflict between the text of this division and the development plan, text of this division controls.

SEC. S-___.106. MAIN USES PERMITTED.

Except as provided in this section, the only main uses permitted in this subdistrict are those main uses permitted in the LC Light Commercial Subdistrict, subject to the same conditions applicable in the LC Light Commercial Subdistrict, as set out in Part I of this article. For example, a use permitted in the LC Light Commercial Subdistrict only by specific use permit (SUP) is permitted in this subdistrict only by SUP; a use subject to development impact review (DIR) in the LC Subdistrict is subject to DIR in this subdistrict; etc.

SEC. S-___.107. ACCESSORY USES.

As a general rule, an accessory use is permitted in any subdistrict in which the main use is permitted. Some specific accessory uses, however, due to their unique nature, are subject to additional regulations in Section 51P-193.108. For more information regarding accessory uses, consult Section 51P-193.108.

SEC. S-___.108. YARD, LOT, AND SPACE REGULATIONS.

(Note: The yard, lot, and space regulations in this section must be read together with the yard, lot, and space regulations in Part I of this article. If there is a conflict between this section and Part I of this article, this section controls.)

(a) Except as provided in this section, the yard, lot, and space regulations for the LC Light Commercial Subdistrict apply.

(b) If a building is erected or altered to exceed 48 feet in height, an additional setback shall be provided for the portion of the building exceeding 48 feet in height. The setback applicable to the portion of a building exceeding 48 feet shall be a minimum of 30 feet from the lot line shared in common with private property, and 25 feet from a lot line shared with a public right of way. For an office use, restaurant and bar use, or a furniture store use, patios and building terraces, either uncovered or periodically covered by retractable shade features, are exempt from the additional setback requirement.

(c) Fixed raised planters, benches, and seat walls are permitted within the front yard setback as identified on the development plan.

(d) Awnings and canopies may extend beyond the building outlines shown on the development plan up to ten feet into a required front, side, or rear yard.

(e) No front yard setback is required along Travis Street in the area occupied by the existing building at the corner of Knox Street and Travis Street as identified on the development plan.

(f) The existing detached clock may be relocated and is permitted within the front yard along Travis Street.

(g) Attached signs permitted under Section S____.110 may extend into the front yard setback.

(h) Retaining walls, steps, ramps, handrails, and safety railings not exceeding four feet in height, bicycle racks, patio furniture, utility equipment, landscape planters, tree planters, sculptures and other decorative landscape features are permitted in the required front, side or rear yard.

(i) Maximum floor area ratio is 5.5:1. For an office use, restaurant and bar use, or a furniture store use, the area of patios and building terraces, either uncovered or periodically covered by retractable shade features, are not included in the floor area calculation.

SEC. S-___.109. OFF-STREET PARKING AND LOADING.

Consult Part I of this article for the specific off-street parking and loading requirements for each use.

(a) All required off-street parking spaces must be located underground.

(b) Off-street parking spaces located in this subdistrict may not be used to satisfy the required off-street parking requirements for any use not located in this subdistrict.

(c) Off-street loading spaces within this subdistrict may be shared by uses located anywhere within the subdistrict.

(d) Off-street loading spaces and trash removal access may be provided at grade, and may be entered with a back-in maneuver from the abutting alley.

(e) For restaurant and bar use patio or terrace 80 percent of the seating area periodically covered with a retractable shade feature is considered floor area for the purpose of calculating required off-street parking. In addition, if the outdoor seating area of an uncovered patio or terrace associated with a restaurant or bar use exceeds the interior floor area for that use, 80 percent of the outdoor seating area is considered floor area for the purposes of calculating required off-street parking.

(f) For a furniture store use, a second floor terrace not exceeding 1,200 square feet used for the display and sale of patio furniture is considered floor area for purposes of calculating required off-street parking.

SEC. S-___.110. SIGNS.

(a) Except as provided in this section, signs must comply with the provisions for business zoning districts in accordance with Article VII.

(b) Eight attached double-sided projecting signs with a sign face on each side not exceeding six square feet in effective area are permitted not closer than 10 feet apart. Up to three additional projecting signs may identify elevator, parking or similar locations, without a limit in word height. Projecting signs must provide a clearance of at least ten feet above grade. A license is required for a projecting sign to extend over public right of way.

(c) Two attached double-sided projecting signs with a sign face on each side not exceeding 38 square feet of effective area, are permitted on the façade of a furniture store use occupying more than 25,000 square feet of floor area. Such signs must be installed above the first floor level at a height not greater than 48 feet, and not closer than 50 feet apart. No more than two such signs are permitted in this subdistrict.

(d) The existing detached clock shown on the existing detached clock graphic (Exhibit S:__C) is not a sign.

SEC. S-____.112. ARCHITECTURAL DESIGN STANDARDS.

(a) Facades.

(1) Other than the facades of the existing Highland Park Soda Fountain building at the corner of Knox Street and Travis Street as identified on the development plan, street-facing facades exceeding 30 feet in length must have a minimum of two of the following elements. Street facing facades exceeding 100 feet in length must have four of the following elements:

(A) Change in plane, such as an offset, reveal, recess, or projection. Changes in plane must have a width of no less than 24 inches and depth of at least eight inches and may include columns, planters, arches and niches.

(B) Architectural details such as raised bands and cornices.

(C) Architecturally prominent public entrance.

(D) Awnings.

(E) Change in color.

(F) Change in material.

(G) Change in texture.

(2) The street level of the primary facade of nonresidential uses or mixed use projects with nonresidential uses on the street level must have a minimum transparency of 60 percent for the first 15 feet above grade. The existing facade

walls of the Highland Park Soda Fountain identified on the development plan, and the façade walls behind the parking garage entrance and exit driveways shall not be included in the calculation of transparency required by this paragraph.

SEC. S-_____.112. LANDSCAPING.

(a) Landscaping must be provided as shown on the landscape plan (Exhibit S-_____B).

(b) Second and third floor terraces, either uncovered or periodically covered by retractable shade features must provide landscape planters with a planting area equal to at least five percent terrace area.

(b) Plant materials must be maintained in a healthy, growing condition.

SEC. S-___.113. ADDITIONAL PROVISIONS.

(a) Maintenance. The Property must be properly maintained in a state of good repair and neat appearance.

(b) Compliance. Development and use of the Property must comply with all federal and state laws and regulations, and with all ordinances, rules, and regulations of the city.

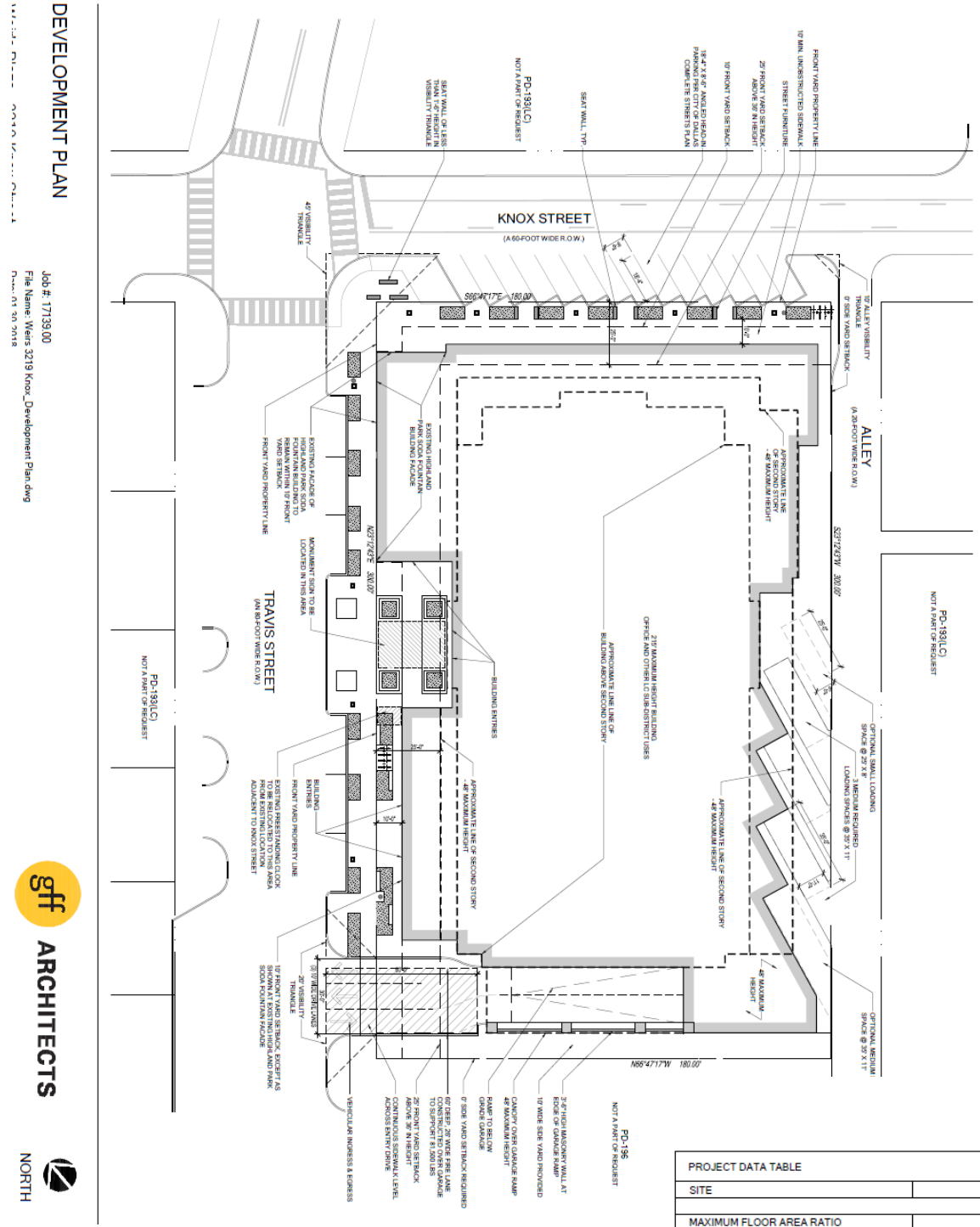
SEC. S-___.114. COMPLIANCE WITH CONDITIONS.

(a) All paved areas, permanent drives, streets, and drainage structures, if any, must be constructed in accordance with standard city specifications, and completed to the satisfaction of the city.

(b) The building official shall not issue a building permit to authorize work, or a certificate of occupancy to authorize the operation of a use, in this subdistrict until there has been full compliance with this division, the Dallas Development Code, the construction codes, and all other ordinances, rules, and regulations of the city.

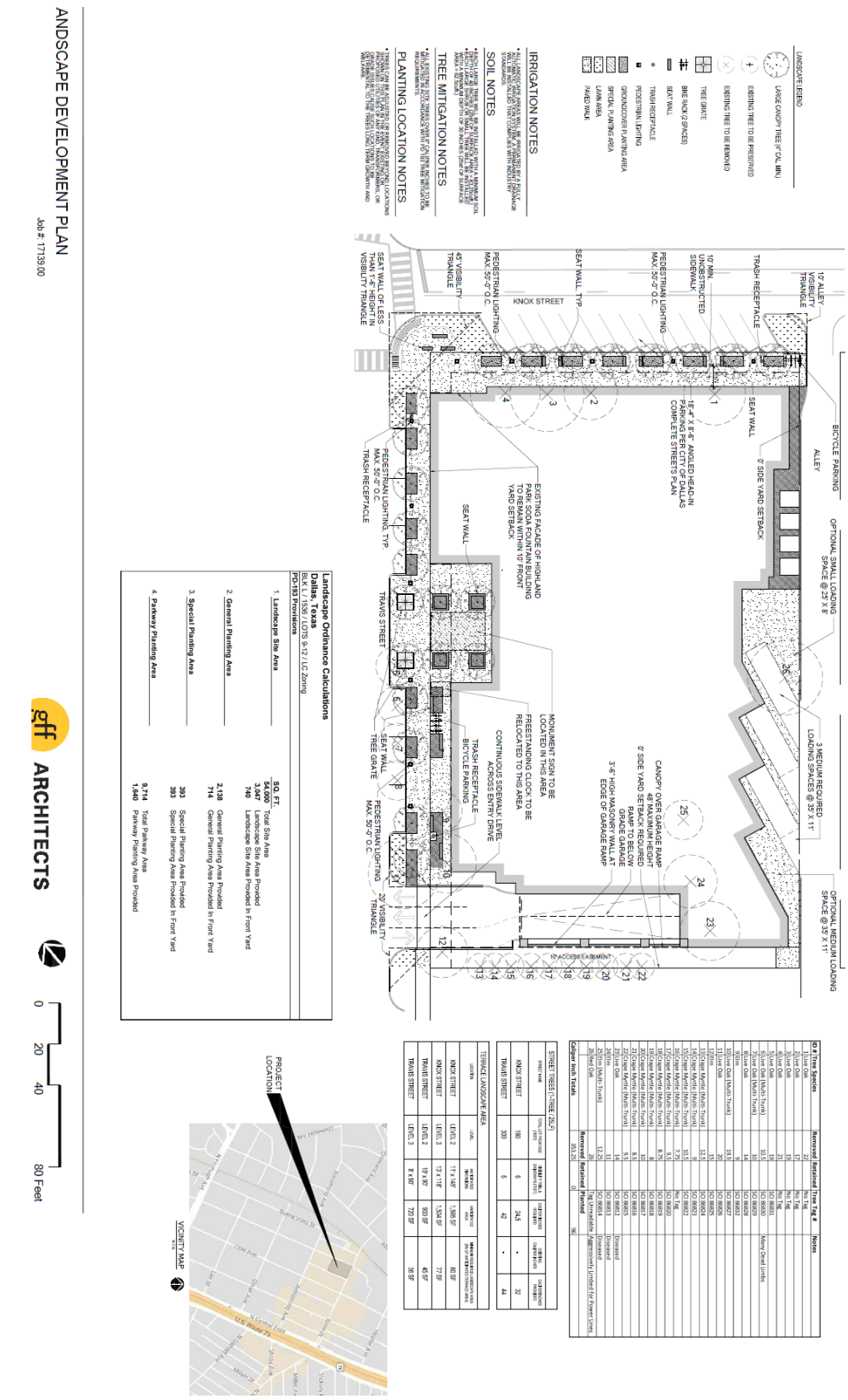
Exhibit S:___C: Existing Detached Clock

Proposed Development Plan



PROJECT DATA TABLE	
SITE	54,000 SF, 1.240 AC
MAXIMUM FLOOR AREA RATIO	5.5 TO 1
MAXIMUM BUILDING AREA	297,000 SF
LOT COVERAGE	77%
MAXIMUM STRUCTURE HEIGHT	215'
MINIMUM PRIVATE OPEN SPACE	750 SF
PARKING & LOADING:	PARKING & LOADING PROVIDED TO COMPLY WITH REQUIREMENTS OF PD-193 AND PD SUBDISTRICT

Proposed Landscape Plan



ID #	Tree Species	Removed / Retained / Tree Trst #	Notes
1	Live Oak	No Trst	
2	Live Oak	No Trst	
3	Live Oak	No Trst	
4	Live Oak	No Trst	
5	Live Oak	SQ 89831	
6	Live Oak (Multi-Trunk)	SQ 89830	Many Dead Limbs
7	Live Oak (Multi-Trunk)	SQ 89829	
8	Live Oak	SQ 89828	
9	Live Oak	SQ 89827	
10	Live Oak (Multi-Trunk)	SQ 89826	
11	Live Oak	SQ 89825	
12	Elm	SQ 89824	
13	Crape Myrtle (Multi-Trunk)	SQ 89823	
14	Crape Myrtle (Multi-Trunk)	SQ 89822	
15	Crape Myrtle (Multi-Trunk)	SQ 89821	
16	Crape Myrtle (Multi-Trunk)	SQ 89820	
17	Crape Myrtle (Multi-Trunk)	SQ 89819	
18	Crape Myrtle (Multi-Trunk)	SQ 89818	
19	Crape Myrtle (Multi-Trunk)	SQ 89817	
20	Crape Myrtle (Multi-Trunk)	SQ 89816	
21	Crape Myrtle (Multi-Trunk)	SQ 89815	
22	Crape Myrtle (Multi-Trunk)	SQ 89814	Diseased
23	Elm	SQ 89813	Diseased
24	Elm	SQ 89812	Diseased
25	Elm (Multi-Trunk)	SQ 89814	Diseased
26	Red Oak	SQ 89811	Adjacent to Underground Power Lines

Caliper Inch Totals	Removed	Retained	Planted
	0	393.25	96

STREET TREES (>THREE .25-3")					
STREET NAME	TOTAL LENGTH (FEET)	TREES REQUIRED (1 PER 30 FEET)	TREES PROVIDED	OPEN SPACE PROVIDED (SQ FT)	LANDSCAPE PROVIDED (SQ FT)
KNOX STREET	190	6	6	243	32
TRAVIS STREET	330	6	42	-	44

TERRACE LANDSCAPE AREA				
LOCATION	LEVEL	MINIMUM WIDTH	MINIMUM AREA	MINIMUM PERCENTAGE OF LANDSCAPING REQUIRED TO BE IRRIGATED
KNOX STREET	LEVEL 2	11' x 145'	1,595 SF	80 SF
TRAVIS STREET	LEVEL 3	13' x 118'	1,534 SF	77 SF
TRAVIS STREET	LEVEL 2	19' x 90'	893 SF	45 SF
TRAVIS STREET	LEVEL 3	8' x 90'	720 SF	36 SF

Landscape Ordinance Calculations
Dallas, Texas
BLK 1 / 1536 / LOTS 6-12 / LC Zoning
PD 193 Provisions

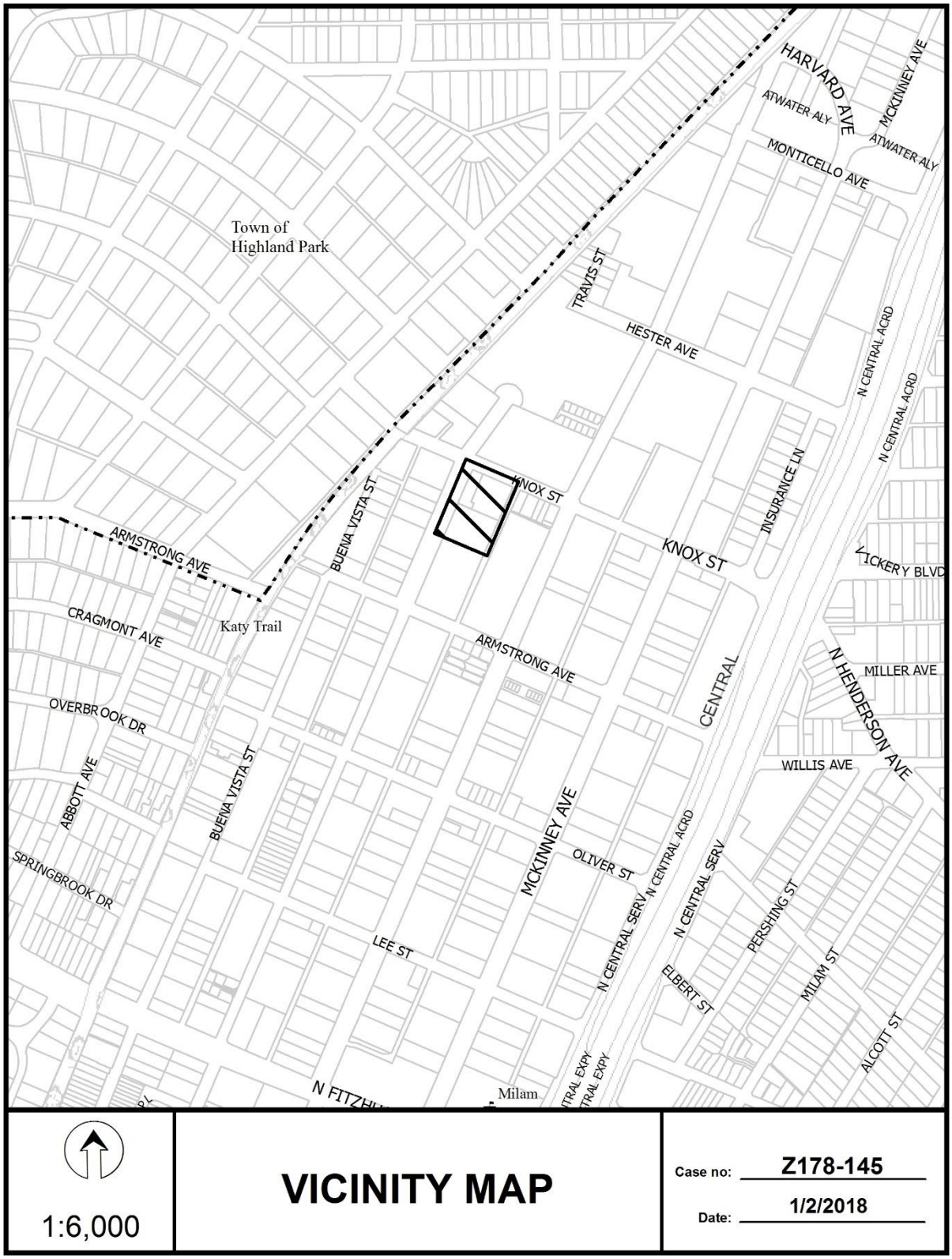
		SQ. FT.
1.	**Landscape Site Area**	**54,000** Total Site Area
		3,047 Landscape Site Area Provided
		740 Landscape Site Area Provided in Front Yard
2.	**General Planting Area**	
		2,138 General Planting Area Provided
		714 General Planting Area Provided in Front Yard
3.	**Special Planting Area**	
		393 Special Planting Area Provided
		393 Special Planting Area Provided in Front Yard
4.	**Parkway Planting Area**	
		9,714 Total Parkway Area
		1,640 Parkway Planting Area Provided

ANDSCAPE DEVELOPMENT PLAN

Job #: 1713900

gff ARCHITECTS

0 20 40 80 Feet


HARVARD AVE
MCKINNEY AVE
ATWATER ALY
ATWATER ALY
MONTICELLO AVE
Town of
Highland Park
TRAVIS ST
HESTER AVE
N CENTRAL ACRD
N CENTRAL ACRD
KNOX ST
INSURANCE LN
BUENA VISTA ST
ARMSTRONG AVE
KNOX ST
VICKERY BLVD
CRAGMONT AVE
Katy Trail
ARMSTRONG AVE
CENTRAL
N HENDERSON AVE
MILLER AVE
OVERBROOK DR
WILLIS AVE
ABBOTT AVE
BUENA VISTA ST
MCKINNEY AVE
OLIVER ST
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PERSHING ST
SPRINGBROOK DR
LEE ST
ELBERT ST
MILAM ST
ALCOTT ST
N FITZHU
Milam
TRAL EXPY
TRAL EXPY
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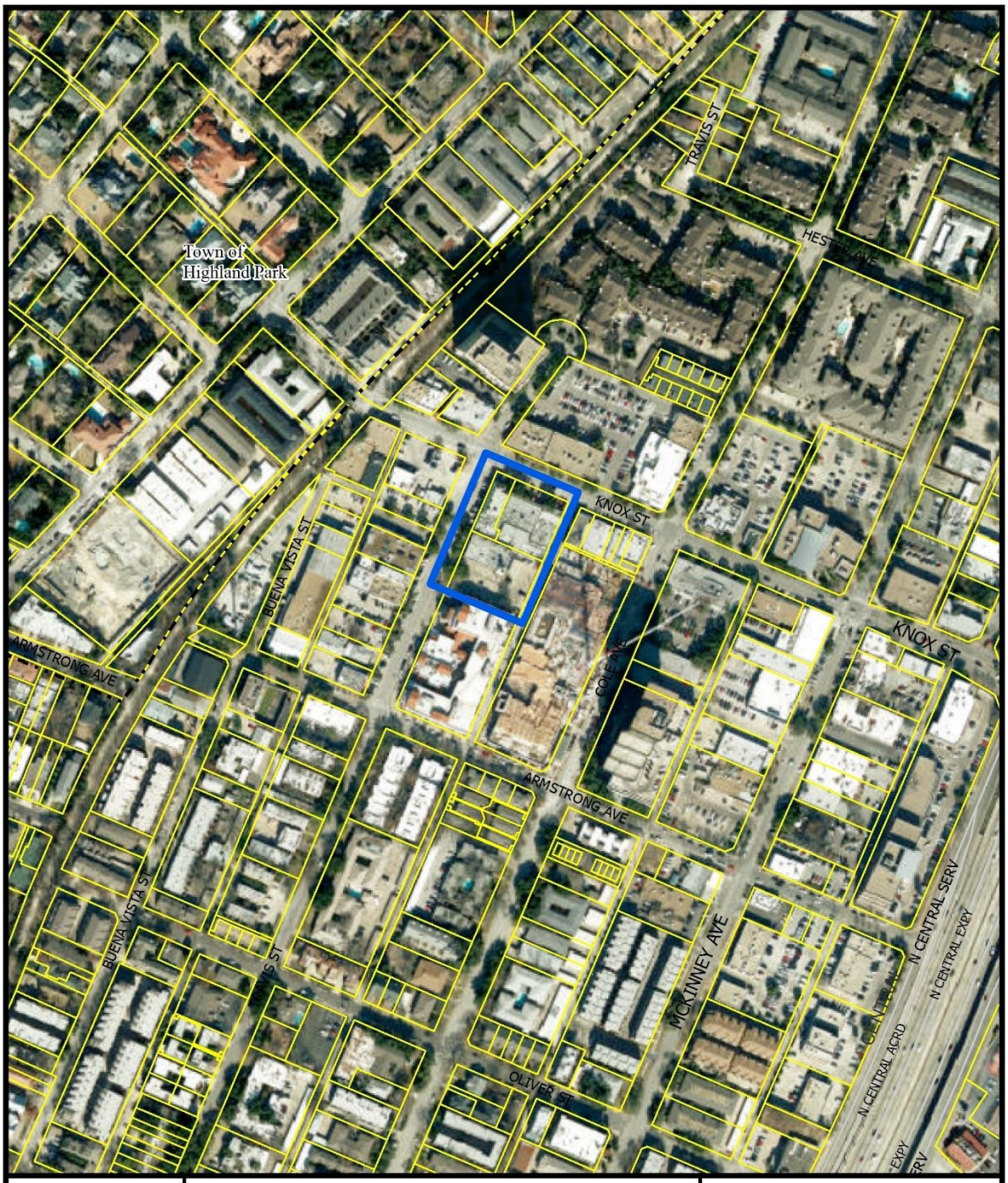
VICINITY MAP
Case no: Z178-145
Date: 1/2/2018


Town of Highland Park
TRAVIS ST
HESTER AVE
KNOX ST
BUENA VISTA ST
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COLE AVE
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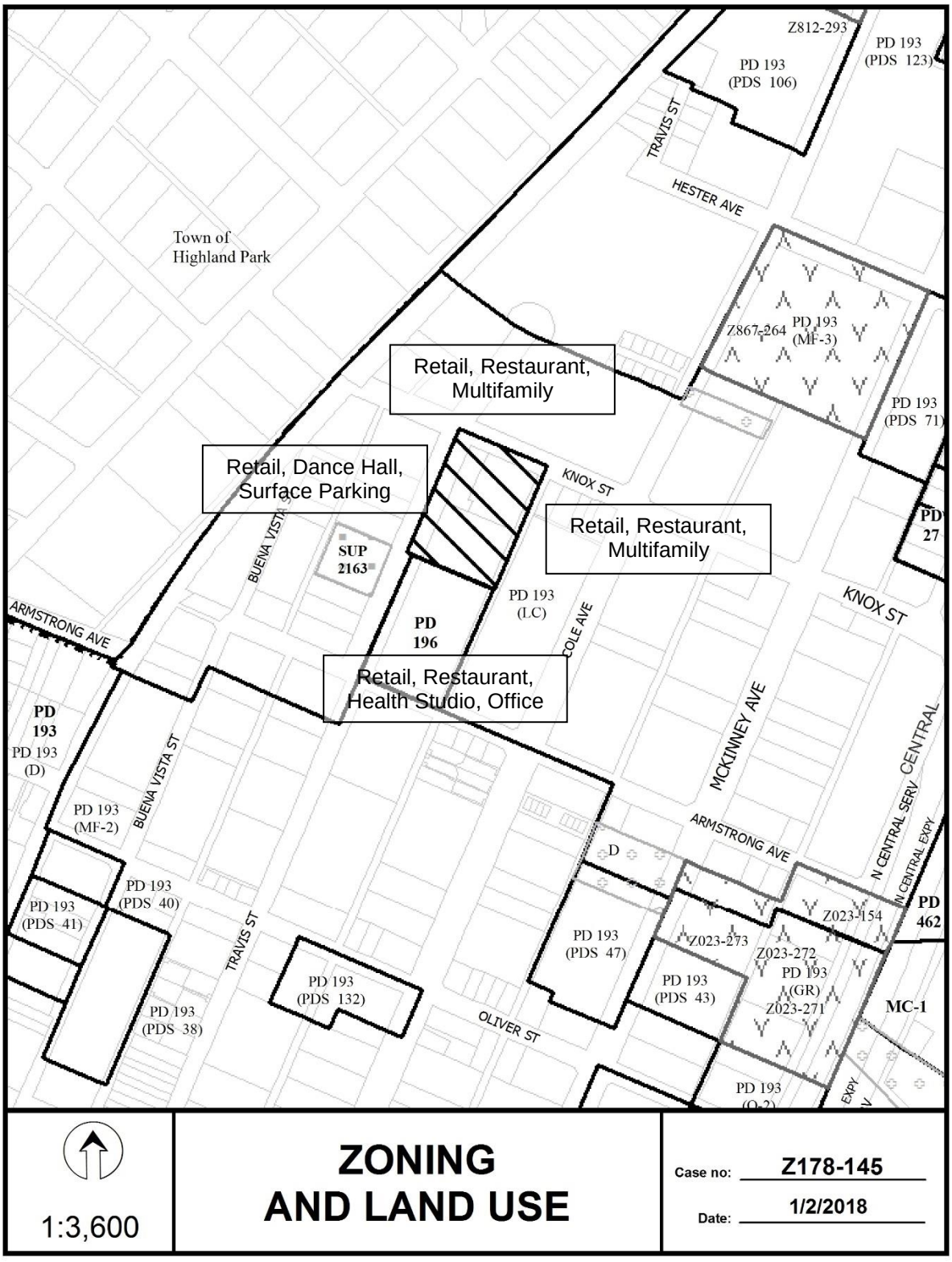
AERIAL MAP
Case no: Z178-145
Date: 1/2/2018


Z812-293
PD 193 (PDS 123)
PD 193 (PDS 106)
TRAVIS ST
HESTER AVE
Town of Highland Park
Z867-264
PD 193 (MF-3)
Retail, Restaurant, Multifamily
PD 193 (PDS 71)
Retail, Dance Hall, Surface Parking
KNOX ST
BUENA VISTA
SUP 2163
Retail, Restaurant, Multifamily
PD 27
PD 193 (LC)
COLE AVE
KNOX ST
ARMSTRONG AVE
PD 196
Retail, Restaurant, Health Studio, Office
PD 193
PD 193 (D)
BUENA VISTA ST
MCKINNEY AVE
N CENTRAL SERV
N CENTRAL EXPY
CENTRAL
PD 193 (MF-2)
ARMSTRONG AVE
D
PD 193 (PDS 40)
PD 193 (PDS 41)
Z023-154
PD 462
PD 193 (PDS 47)
Z023-273
Z023-272
PD 193 (GR)
Z023-271
PD 193 (PDS 43)
MC-1
TRAVIS ST
PD 193 (PDS 132)
PD 193 (PDS 38)
OLIVER ST
PD 193 (O-2)
EXPY
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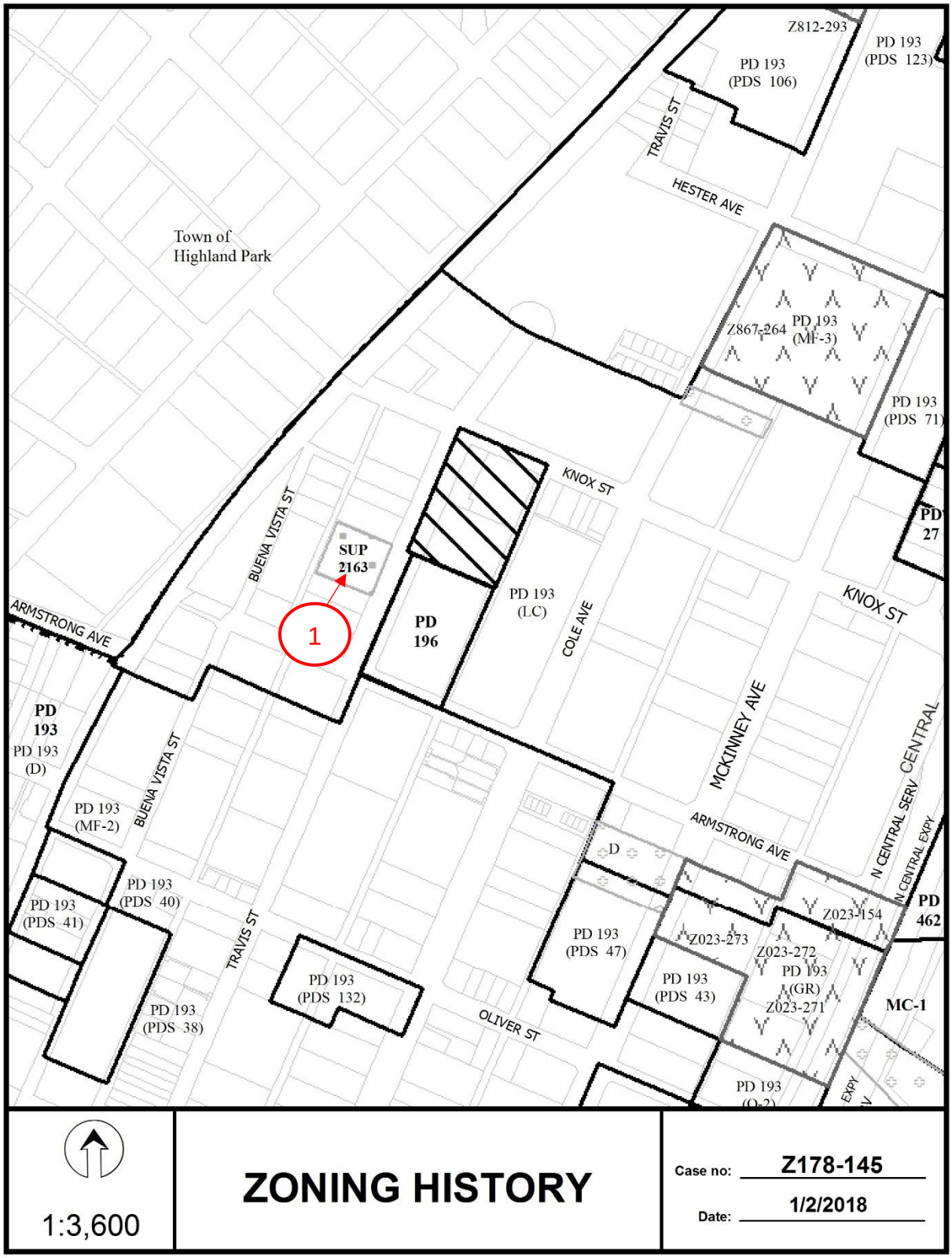
ZONING AND LAND USE
Case no: Z178-145
Date: 1/2/2018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PD 193
(PDS 123)
PD 193
(PDS 106)
TRAVIS ST
HESTER AVE
Town of
Highland Park
Z867-264
PD 193
(MF-3)
PD 193
(PDS 71)
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BUENA VISTA ST
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PD 193
(LC)
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(D)
BUENA VISTA ST
MCKINNEY AVE
CENTRAL
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N CENTRAL EXPY
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(MF-2)
ARMSTRONG AVE
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(PDS 40)
PD 193
(PDS 41)
TRAVIS ST
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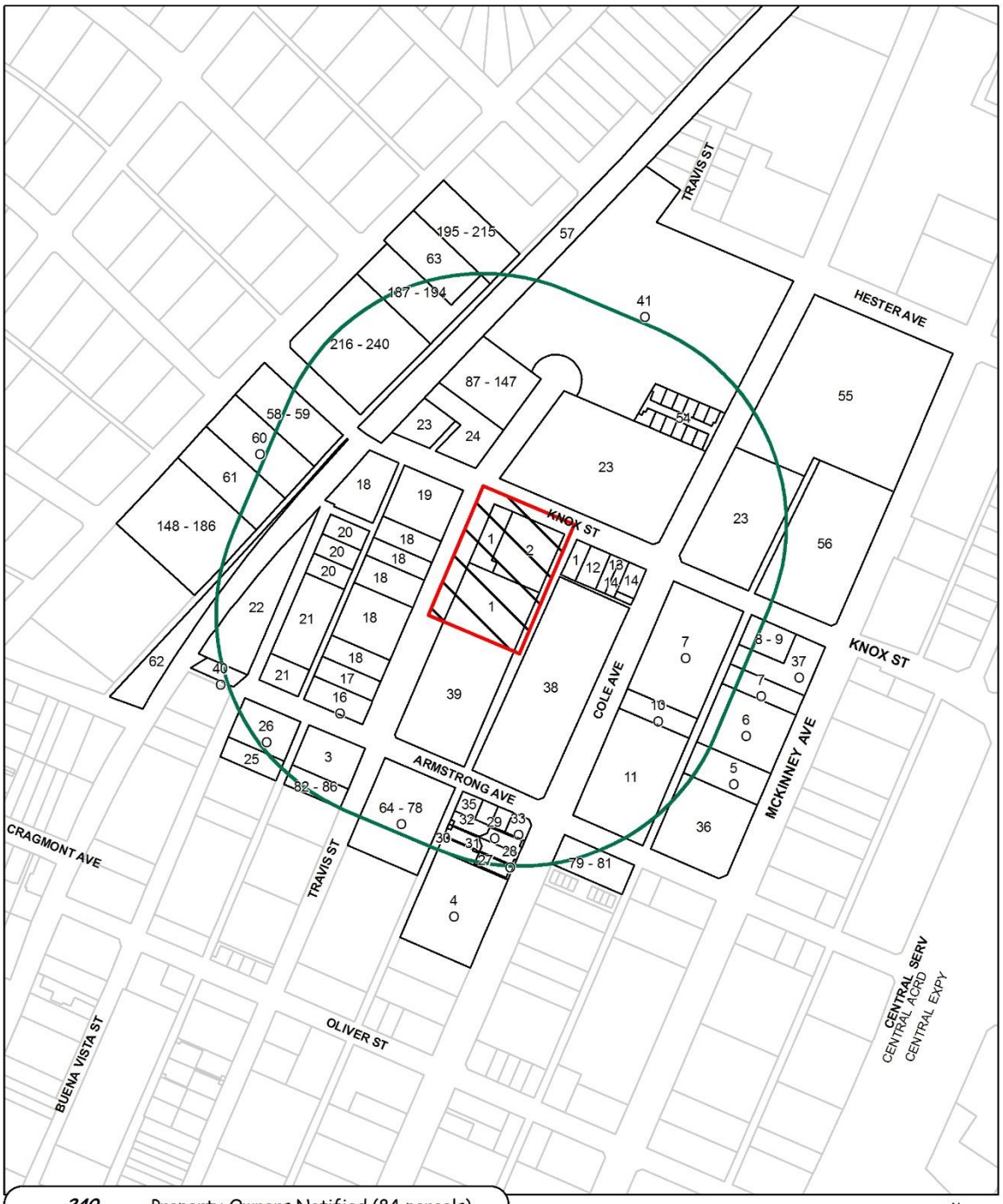
(PDS 47)
Z023-154
PD
462
Z023-273
Z023-272
PD 193
(GR)
Z023-271
PD 193
(PDS 43)
MC-1
PD 193
(PDS 132)
OLIVER ST
PD 193
(PDS 38)
PD 193
(O-2)
EXPY
1:3,600
ZONING HISTORY
Case no: Z178-145
Date: 1/2/2018

CPC RESPONSES



240	Property Owners Notified (84 parcels)
29	Replies in Favor (16 parcels)
0	Replies in Opposition (0 parcels)
500'	Area of Notification
3/1/2018	Date 2/15/2018 Under Advisement

Z178-145
CPC

N
W E
S

1:3,600

02/28/2018

Reply List of Property Owners

Z178-145

240 Property Owners Notified ***29 Property Owners in Favor*** ***0 Property Owners Opposed***

Reply	*Label #*	*Address*		*Owner*
	1	3213	KNOX ST	WEIR J RAY TRUST &
	2	3219	KNOX ST	WEIR J RAY TRUST
	3	4441	TRAVIS ST	KNOX STREET VILLAGE INC
O	5	4519	MCKINNEY AVE	GILLILAND PROPERTIES II LTD
O	6	4525	MCKINNEY AVE	GILLILAND PPTIES III LTD
O	7	4531	MCKINNEY AVE	GILLILAND PPTIES II LTD
	8	3107	KNOX ST	TABESH FAMILY TRUST
	9	3113	KNOX ST	TABESH FAMILY TRUST THE
O	10	4524	COLE AVE	GILLILAND PPTIES II LTD
	11	4514	COLE AVE	EOSII AT HIGHLAND PARK PLACE LLC
	12	3209	KNOX ST	WEIR DAN R
	13	3207	KNOX ST	3207 KNOX STREET JV
	14	3205	KNOX ST	KNOX COLE HOLDING CO LLC
	15	4537	COLE AVE	KNOX COLE HOLDING LLC
	17	4507	TRAVIS ST	TRAVIS BLOCK HOLDING COMPANY LLC
	18	4511	TRAVIS ST	TRAVIS BLOCK HOLDING CO LLC
	19	3311	KNOX ST	TRAVIS BLOCK HOLDING COMPANY LLC
	20	4530	BUENA VISTA ST	WEIR DANIEL R
	21	4510	BUENA VISTA ST	WEIR DAN R
	22	3410	ARMSTRONG AVE	TEXAS UTILITIES ELEC CO
	23	3310	KNOX ST	KNOX STREET VILLAGE I INC
	24	3300	KNOX ST	KEATING CLONARD HOLDINGS LLC
	25	4436	BUENA VISTA ST	MEYERSON MORTON H
	27	4431	COLE AVE	LINDSTROM SOREN
	30	4429	COLE AVE	ST EDOUARDO LLC
	31	4433	COLE AVE	SCHEBLE KRISTEN M

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Reply	*Label #*	*Address*		*Owner*
	32	4439	COLE AVE	RESTREPO WILLIAM JR &
	34	3175	ARMSTRONG AVE	NATVICK STEVEN J
	35	3183	ARMSTRONG AVE	TIMON NEREO
	36	4511	MCKINNEY AVE	MAJAHUAL LP
O	37	3101	KNOX ST	GILLILAND PROPERTIES LTD
	38	4525	COLE AVE	COLE ARMSTRONG HOLDING COMPANY LLC
	39	4514	TRAVIS ST	INTERCITY INVESTMENT
	42	4625	COLE AVE	MODY PRASHANT
	43	4625	COLE AVE	LINSCOTT WHITNEY K
	44	4625	COLE AVE	BLOOM KARYN
	45	4625	COLE AVE	HARRAMAN BRAD
	46	4625	COLE AVE	CURETON NICHOLAS & LAUREN
	47	4625	COLE AVE	ODUM SHARON
	48	4625	COLE AVE	MADDEN KRISTI P
	49	4625	COLE AVE	MARSH VALERIE FAYE & HAIDEN TURNER
	50	4625	COLE AVE	BAUER SIBYLLE
	51	4625	COLE AVE	WYLIE ALLISON
	52	4625	COLE AVE	DIENEMANN MEEAE ANNIE
	53	4625	COLE AVE	NAGAI MAZAKO
	54	4625	COLE AVE	4625 COLE TOWNHOMES OWNER
	55	4650	COLE AVE	MIRAMAR KNOX LP
	56	3104	KNOX ST	KNOX STREET VILLAGE INC
	57	401	S BUCKNER BLVD	DART
	58	4522	ABBOTT AVE	PORTH DONALD RICHARD &
	59	4522	ABBOTT AVE	PORTH DONALD RICHARD
	61	4512	ABBOTT AVE	ANDREWS PARK HAVEN APTS
	62	3300	ARMSTRONG AVE	SNOOTS WYNNE M &
	63	4700	ABBOTT AVE	JACOBS APARTMENTS LLC
O	64	4432	TRAVIS ST	VAN DE VYVER PAUL LUC
O	65	4434	TRAVIS ST	MCMAHON NENA L
O	66	4436	TRAVIS ST	THOMAS MICHAEL E

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Reply	*Label #*	*Address*		*Owner*
O	67	4438	TRAVIS ST	MCCARTHY JOSIE ROBERTS TR
O	68	4440	TRAVIS ST	BLOOM MARY W
O	69	3221	ARMSTRONG AVE	JORANA ENTERPRISES LLC
O	70	3219	ARMSTRONG AVE	HARDING WILLIAM E JR
O	71	3217	ARMSTRONG AVE	MALCOLMSON KEN & STACEY P
O	72	3215	ARMSTRONG AVE	GERBER ROBERT
O	73	3211	ARMSTRONG AVE	OLESEN JESPER & BONNIE
O	74	3209	ARMSTRONG AVE	FITZGERALD CHARLES &
O	75	3207	ARMSTRONG AVE	CASSEDY TIMOTHY & HANNAH FORMAN
O	77	3203	ARMSTRONG AVE	GORHAM ANDREW THOMPSON
O	78	3201	ARMSTRONG AVE	WILSON COLLIN J
	79	3131	ARMSTRONG AVE	IPENEMA INVESTMENTS LTD
	80	3131	ARMSTRONG AVE	IPENEMA INVESTMENTS LTD
	82	4439	TRAVIS ST	MOORE BRADY S
	83	4439	TRAVIS ST	WINFREY SIOBHAN
	84	4439	TRAVIS ST	SMART PHILIP W &
	85	4439	TRAVIS ST	SLOMOWITZ ALLISON
	86	4439	TRAVIS ST	SHEETS NANCY HATHORN
	87	4611	TRAVIS ST	WARREN ANN MARIE
	88	4611	TRAVIS ST	HAMMOND HARLEY S & KIMBERLY D
	89	4611	TRAVIS ST	HARRIS SANDS WILLIAM
	90	4611	TRAVIS ST	RICHARDSON MICHAEL D &
	91	4611	TRAVIS ST	KUTNER MICHAEL B
	92	4611	TRAVIS ST	MEYER CHRISTIAN LOGAN
	93	4611	TRAVIS ST	OLIVER JAMES L
	94	4611	TRAVIS ST	FARMAR MICHAEL & JILL
	95	4611	TRAVIS ST	SMITH KAREN
	96	4611	TRAVIS ST	WILSON DAVID L & REBECCA S
	97	4611	TRAVIS ST	ANGEL BRENT &
	98	4611	TRAVIS ST	SHABABI ALI & ROSHANAK
	99	4611	TRAVIS ST	HORTON VINCENT L & JEANETTE M

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Reply	*Label #*	*Address*		*Owner*
	100	4611	TRAVIS ST	BRAUN DONALD L & DEBORAH A
	101	4611	TRAVIS ST	RALSTON BRIAN
	102	4611	TRAVIS ST	BRAUN DONALD L & DEBORAH A
	103	4611	TRAVIS ST	CAILLIER HANNAH E
	104	4611	TRAVIS ST	KWEIK NORA C
	105	4611	TRAVIS ST	ALHAZIM DINA
	106	4611	TRAVIS ST	OGLESBY TIM
	107	4611	TRAVIS ST	YIN RAY CHENGCHI &
	108	4611	TRAVIS ST	HAMMOOR KELSEY LEIGH
	109	4611	TRAVIS ST	GLDA INC
	110	4611	TRAVIS ST	SAUS PROPERTIES LLC
	111	4611	TRAVIS ST	LILLY NICHOLAS S &
	112	4611	TRAVIS ST	POLGREEN THOMAS LEE
	113	4611	TRAVIS ST	BERGMAN LINDSEY MCKAY
	114	4611	TRAVIS ST	SERIES 12 OF SAUS
	115	4611	TRAVIS ST	ROBERTS RANDELL C & NEYSA J
	116	4611	TRAVIS ST	MOONEY DIANE C &
	117	4611	TRAVIS ST	NISSANOV GIL-AD &
	118	4611	TRAVIS ST	STONE KENNETH DAVID &
	119	4611	TRAVIS ST	GREGORY ANGELA
	120	4611	TRAVIS ST	TOUCHY JAMES QUENTON & JENNIFER MARIE RUFF
	121	4611	TRAVIS ST	BROWN SHANNON &
	122	4611	TRAVIS ST	SMITH WILLIAM L
	123	4611	TRAVIS ST	GARTON VANESSA
	124	4611	TRAVIS ST	ASQUINI MICHAEL A
	125	4611	TRAVIS ST	FULLERTON CLIFFORD T & ELIZABETH B
	126	4611	TRAVIS ST	YOUNG EUGENE & FAYE
	127	4611	TRAVIS ST	10R MVS INVESTORS LLC
	128	4611	TRAVIS ST	HAYDEN LANE & MARY JEAN
	129	4611	TRAVIS ST	ROSS WORTH W
	130	4611	TRAVIS ST	MEDIEVAL TIMES USA INC

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Reply	*Label #*	*Address*		*Owner*
	131	4611	TRAVIS ST	WHELAN PALMINA MARIA &
	132	4611	TRAVIS ST	HERPICH MATTHEW CHARLES &
	133	4611	TRAVIS ST	SERIES 11 OF SAUS
	134	4611	TRAVIS ST	LATIMER CHRISTIE
	135	4611	TRAVIS ST	SCHMELTEKOPF JAMES &
	136	4611	TRAVIS ST	SNODGRASS LAURA VIRGINIA
	138	4611	TRAVIS ST	COUCH CONNIE L
	139	4611	TRAVIS ST	PREWITT MARYANN E
	140	4611	TRAVIS ST	JONES AMANDA
	141	4611	TRAVIS ST	YOMA LLC
	142	4611	TRAVIS ST	ROGERS RYAN RUSSELL &
	143	4611	TRAVIS ST	RODRIGUEZ EDUARDO
	144	4611	TRAVIS ST	DEULOFEUT RICHARD A & ZARIFE
	145	4611	TRAVIS ST	SEAL LARRY ELIOT TRUST
	146	4611	TRAVIS ST	SEAY STEPHEN M FOUNDATION
	147	4611	TRAVIS ST	GLASGOW ROBERT & LOIS
	148	4508	ABBOTT AVE	MAHMALKIS REAL ESTATE & INVESTMENTS LLC
	149	4508	ABBOTT AVE	ZOLTAR PROPERTY GROUP LLC
	150	4508	ABBOTT AVE	MAHMALKIS REAL ESTATE & INV LLC
	151	4508	ABBOTT AVE	CRAMER ROBERT W
	152	4508	ABBOTT AVE	BENTLEY FAMILY REV LIV TR
	153	4508	ABBOTT AVE	REES MARY LANETTE
	154	4508	ABBOTT AVE	DENNIS FAMILY TRUST
	155	4508	ABBOTT AVE	BENTLEY FAM REV LIV TR
	156	4508	ABBOTT AVE	BENTLEY FAM REV LIV TRUST
	157	4508	ABBOTT AVE	ROBERTSON PAT A
	158	4508	ABBOTT AVE	MAHMALKIS REAL ESTATE & INV LLC
	159	4508	ABBOTT AVE	BERKENKOTTER STEPHEN
	160	4508	ABBOTT AVE	RAMACHANDRAN SENTHILVEL &
	161	4508	ABBOTT AVE	CATES MARK L
	162	4508	ABBOTT AVE	CALDWELL GENEVIEVE ANN

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Reply	*Label #*	*Address*		*Owner*
	163	4508	ABBOTT AVE	DUGAN ROBIN M
	164	4508	ABBOTT AVE	HOWE ELLEN C
	165	4508	ABBOTT AVE	STEWART DEBORAH L
	166	4508	ABBOTT AVE	MASON EDGAR A
	167	4508	ABBOTT AVE	SARAKATSANNIS WILLIAM C
	168	4508	ABBOTT AVE	TOLIKA REAL ESTATE LLC
	169	4510	ABBOTT AVE	MORONEY MICHAEL WILHOIT
	170	4510	ABBOTT AVE	SHREVEPORT GROUP LLC THE
	171	4510	ABBOTT AVE	MAHMALKIS REAL ESTATE & INVESTMENT LLC
	172	4510	ABBOTT AVE	GOOD GREGORY &
	174	4510	ABBOTT AVE	SNYDER MARC
	175	4510	ABBOTT AVE	GORDILLO DIEGO M
	176	4510	ABBOTT AVE	MASON EDGAR A &
	177	4510	ABBOTT AVE	PASTOR ALBERTO &
	178	4510	ABBOTT AVE	WICKLUND KAARI MOLSEN
	179	4510	ABBOTT AVE	4510 ABBOTT AVE LLC
	180	4510	ABBOTT AVE	MADISON AVE LLC
	181	4510	ABBOTT AVE	ABBOTT PROPERTIES LTD
	182	4510	ABBOTT AVE	BROUSSARD LISA H
	183	4510	ABBOTT AVE	FISHMAN KIMBERLY R &
	184	4510	ABBOTT AVE	BROWN ROS H & SUSAN S
	185	4510	ABBOTT AVE	ROBERTSON PEGGY E
	186	4510	ABBOTT AVE	LEWIS DEBORAH BATE
	187	4614	ABBOTT AVE	4614 ABBOTT LLC
	188	4616	ABBOTT AVE	SHEPHERD PHILLIP
	189	4618	ABBOTT AVE	HOCHBERG CLAUDIA MERLE TR
	190	4612	ABBOTT AVE	OLDHAM BRADLEY D &
	191	4622	ABBOTT AVE	WILLIS WILLIAM P
	192	4624	ABBOTT AVE	BEIS MELANIE K
	193	4626	ABBOTT AVE	GIBBONS MOLLY JANE
	194	4620	ABBOTT AVE	PIKE WILLIAM R

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Reply	*Label #*	*Address*		*Owner*
	195	4704	ABBOTT AVE	ZELLMER ROSEMARY R
	196	4704	ABBOTT AVE	AVERETT DEANA BERNDT
	197	4704	ABBOTT AVE	BLACK NANCY
	198	4704	ABBOTT AVE	PLOOF SCOTT A
	199	4704	ABBOTT AVE	KAP TRUST THE
	200	4704	ABBOTT AVE	BLACK WARREN M JR
	201	4704	ABBOTT AVE	BLACK LESLIE SUZANNE
	202	4704	ABBOTT AVE	KELIHER LESTER J N & MARGARET S C
	203	4704	ABBOTT AVE	GUARDIAN ASSOCIATES LLC
	204	4704	ABBOTT AVE	MERTZ JOHN & KAHTY REVOCABLE TRUST
	205	4704	ABBOTT AVE	BENAC WILLIAM P SR
	206	4704	ABBOTT AVE	MAGIC ABBOTT LLC
	207	4704	ABBOTT AVE	ZOLTAR PROPERTY GROUP LLC
	208	4704	ABBOTT AVE	SHEDLOSKY MICHAEL F &
	209	4704	ABBOTT AVE	MABEN CAROLYN ELAINE
	210	4704	ABBOTT AVE	SPITZER IRYNA A
	211	4704	ABBOTT AVE	SHAW PATRICK
	212	4704	ABBOTT AVE	BRIGHT BENJAMIN W &
	213	4704	ABBOTT AVE	MADISON AVENUE LLC
	214	4704	ABBOTT AVE	SHEDLOSKY MICHAEL F & LIZABETTE D R
	215	4704	ABBOTT AVE	GONZALES KRISTINA
	216	4608	ABBOTT AVE	STREBEL DOUGLAS W
	217	4608	ABBOTT AVE	SBLC MASTER FAMILY LTD PS
	218	4608	ABBOTT AVE	FISHER JAMES M II
	219	4608	ABBOTT AVE	SCHROEPFER GERARD F & MARY
	220	4608	ABBOTT AVE	HAGER KRISTIN LYNN
	221	4608	ABBOTT AVE	DALEHITE JESSE J III
	222	4608	ABBOTT AVE	AVREA DARREN &
	223	4608	ABBOTT AVE	GORMAN SHARON R
	224	4608	ABBOTT AVE	ELLERT SALLY ANN
	225	4608	ABBOTT AVE	TERRY JEFFREY &

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Reply	*Label #*	*Address*		*Owner*
	226	4608	ABBOTT AVE	WILLIAMS TARA D
	227	4608	ABBOTT AVE	YAMAZAKI SHIN & NOBUKO
	228	4608	ABBOTT AVE	VICKERS FRED CHARLES JR &
	229	4608	ABBOTT AVE	MOORE DOUG & ELLEN
	230	4608	ABBOTT AVE	CLINE MITCHELL R & MARGARET A
	231	4608	ABBOTT AVE	MARCHANT DOUGLAS
	232	4608	ABBOTT AVE	KAESKE MICHAEL L JR
	233	4608	ABBOTT AVE	FESTERVAN JULIE S
	234	4608	ABBOTT AVE	PEDIGO K LAWSON
	235	4608	ABBOTT AVE	CERESINO JESSICA LAUREN IRREVOCABLE TRUST
	236	4608	ABBOTT AVE	MONSALVE MIGUEL A
	237	4608	ABBOTT AVE	CARTER COLIN MARK
	238	4608	ABBOTT AVE	CASTELLI KIM
	239	4608	ABBOTT AVE	LBKGST PROPERTIES LLC
	240	4608	ABBOTT AVE	CARTER COLIN M
	A1	4611	TRAVIS ST	WOLF BRUCE D & CYNTHIA KAY
O	A2	3321	ARMSTRONG AVE	MEYERSON MORTON
O	A3	4441	BUENA VISTA ST	4441 BV LTD
O	A4	4647	COLE AVE	CIM/4649 COLE AVENUE LP
	A5	3131	ARMSTRONG AVE	IPENEMA INVESTMENTS LTD
	A6	3131	ARMSTRONG AVE	IPENEMA INVESTMENTS LTD
	A7	3131	ARMSTRONG AVE	INVESTMENTS IPENEMA LTD
O	A8	4501	TRAVIS ST	CAFE MADRID REAL ESTATE HOLDINGS INC
O	A9	4437	COLE AVE	POTTER JEFFERY T &
O	A10	3205	ARMSTRONG AVE	WAGLEY JAMES ROBERT &
O	A11	4435	COLE AVE	GILLS JOHN C & BARBARA A
O	A12	3171	ARMSTRONG AVE	SMITHGUIEL REVOCABLE LIVING TR
	A13	4510	ABBOTT AVE	IPENEMA INVESTMENTS LTF
O	A14	4423	COLE AVE	BERRYSET II UPTOWN
O	A15	4514	ABBOTT AVE	LUCY I LLC

AGENDA ITEM # 58

Mobility Solutions, Infrastructure, and Sustainability

AGENDA DATE: April 11, 2018

COUNCIL DISTRICT(S): 2

DEPARTMENT: Department of Sustainable Development and Construction

CMO: Majed Al-Ghafry, 670-3302

MAPSCO: 36 W

SUBJECT

A public hearing to receive comments regarding an application for and an ordinance granting a new subdistrict on property zoned Subdistricts 4 and 5 within Planned Development District No. 462, and an MF-2(A) Multifamily District, on the northeast side of North Henderson Avenue, between McMillan Avenue and Glencoe Street, and the southwest side of North Henderson Avenue, east of Glencoe Street

Recommendation of Staff and CPC: Approval, subject to a development plan, landscape plan and conditions

Z145-300(SH)

Note: This item was considered by the City Council at public hearings on October 25, 2017, December 13, 2017 and March 28, 2018, and was held under advisement until April 11, 2018, with the public hearing open

HONORABLE MAYOR & CITY COUNCIL **WEDNESDAY, APRIL 11, 2018**

ACM: Majed Al-Ghafry

FILE NUMBER: Z145-300(SH) **DATE FILED:** July 15, 2015

LOCATION: Northeast side of North Henderson Avenue, between McMillan Avenue and Glencoe Street, and the southwest side of North Henderson Avenue, east of Glencoe Street

COUNCIL DISTRICT: 2 **MAPSCO:** 36 W

SIZE OF REQUEST: Approx. 5.75 acres **CENSUS TRACT:** 0010.02

OWNER/APPLICANT: See attached list

REPRESENTATIVE: Tommy Mann & Laura Hoffman, Winstead PC

REQUEST: An application for a new subdistrict on property zoned Subdistricts 4 and 5 within Planned Development District No. 462, and an MF-2(A) Multifamily District.

SUMMARY: The applicant proposes to develop the site with retail, office, and restaurant uses. The conditions propose to limit the overall square footage for restaurant uses to 12,000 square feet and a minimum of 50 percent food sales will be required in order for a use to be deemed a restaurant. The development will be served by an underground parking structure with limited access to North Henderson Avenue.

CPC RECOMMENDATION: **Approval**, subject to a development plan, landscape plan and conditions.

STAFF RECOMMENDATION: **Approval**, subject to a development plan, landscape plan and conditions.

BACKGROUND INFORMATION:

- The subject site is comprised of approximately 5.75 acres of undeveloped land and is currently zoned Subdistricts 4 and 5 within Planned Development District No. 462, with a small portion zoned an MF-2(A) Multifamily District.

- On December 11, 1996, the City Council established Planned Development District No. 462. It is currently divided into six districts and extends along both sides of North Henderson Avenue between Central Expressway and Ross. PDD No. 462 possesses approximately 41 acres and allows for a wide variety of land uses.

- The applicant proposes to create a new subdistrict and develop the subject site with retail, office, and restaurant uses. The conditions propose to limit the overall square footage for restaurant uses to 12,000 square feet and a minimum of 50 percent food sales will be required in order for a use to be deemed a restaurant. The development will be served by an underground parking structure with limited access to North Henderson Avenue.

- The surrounding properties are primarily retail and restaurant uses along North Henderson Avenue with residential uses along Madera Street to the northeast and Moser Street to the southwest.

- The zoning request is accompanied by a development plan, landscape plan, and PDD conditions. The applicant has also provided an alternate development plan and landscape plan to address staff's concerns with parking along North Henderson Avenue.

- On January 5; February 16; April 6; and May 4, 2017, the City Plan Commission held this case under advisement to allow additional time for the applicant to collaborate with neighborhood stakeholders and further analyze the details of the case. A neighborhood meeting was held on March 20, 2017. The applicant has subsequently submitted revised PD conditions, Development Plan, and Landscape Plan that seek to address some of the concerns that were raised at this meeting.

Zoning History: There have been four zoning cases in the area over the past five years.

1. **Z101-321** On January 25, 2012, the City Council approved a Planned Development District for Multifamily District uses for 316 dwelling units on the southeast side of Capitol Avenue between Garrett Avenue and Bennett Avenue.

2. **Z123-365** On June 11, 2014, the City Council approved a Planned Development District for MF-2(A) Multifamily District uses for 305 units on property zoned an MF-2(A) Multifamily District on the southeast line of Fuqua Street, southwest line of Moser Avenue, northwest line of Monarch Street and northeast line of North Garrett Avenue.

3. **Z145-238** On November 10, 2015, City Council approved an MF-2(A) Multifamily District and a Planned Development District for multifamily residential uses on property generally bounded by North Fitzhugh Avenue, Chambers Street, North Garrett Avenue, Moser Avenue and Monarch Street.

4. **Z156-202** On August 24, 2016, City Council approved a Planned Development District for MF-2(A) Multifamily District Uses on the northwest line of Capitol Avenue, southwest of North Henderson Avenue.

Thoroughfares/Streets:

Thoroughfare/Street	Type	Existing ROW
N. Henderson Avenue	Local	60 ft.
Glencoe Street	Local	55 ft.
Fuqua Street	Local	55 ft.
McMillan Avenue	Minor Arterial	60 ft.

Traffic: According to the Traffic Impact Analysis (TIA) that was submitted with the application, the proposed development is expected to generate approximately 6,651 daily one-way trips, which is 457 more trips than what a fully developed site based on existing zoning would generate. In order to improve access throughout the study area, the following roadway improvements were recommended (see attached TIA exhibit for drive locations):

General

1. North Henderson Avenue will be improved to provide for a Two-Way Left Turn Lane (TWLTL) starting from just west of Glencoe Street and ending at McMillan Avenue. The TWLTL will provide for easier access to the driveways in and out of the site, while minimizing delays resulting from drivers turning left from North Henderson Avenue. By contrasting the pavement color of the TWLTL and decreasing the width of the eastbound and westbound travel lanes, the resulting three lane configuration will encourage slower driving.

Drive A and North Henderson Avenue

2. Although the available storage for this turn lane is minimal due to proximity of Glencoe Street, the 95th percentile queue is very minimal (1-2 cars).
3. Provide for a one-lane exiting approach (shared left/right lane).

Drive B and North Henderson Avenue

4. No intersection improvements are recommended at this driveway.
5. Drive will operate as inbound only.

Drive C and North Henderson Avenue

6. No Intersections improvements are recommended at this driveway.
7. Drive will operate as outbound only. Provide for a one-lane exiting approach (shared left/right lane).

Drive D and North Henderson Avenue

8. Provide for a two-lane exit consisting of a right-turn only lane and a shared through/left turn lane.

Drive E and North Henderson Avenue

9. Provide for a one-lane exiting approach (shared left/right lane)

Capitol Avenue and North Henderson Avenue

10. Re-stripe northbound Capitol Avenue to include a left-turn storage bay.

The applicant's proposed development plan and corresponding landscape plan demonstrates compliance with these proposed recommendations.

Surrounding Land Uses:

	Zoning	Land Use
Site	PDD No. 462 (Subdistricts 4 and 5) & MF-2(A)	Undeveloped
Northeast	R-7.5(A)	Residential
South	PDD No. 462 (Subdistrict 4 and 5)	Retail and Restaurant
Southwest	MF-2(A)	Residential
Northwest	PDD No. 462 (Subdistricts 3 and 3A)	Retail and Restaurant

COMPREHENSIVE PLAN: The *forwardDallas! Comprehensive Plan* was adopted by the City Council in June 2006. The *forwardDallas! Comprehensive Plan* outlines several goals and policies which can serve as a framework for assisting in evaluating the applicant's request.

LAND USE ELEMENT

GOAL 1.2 PROMOTE DESIRED DEVELOPMENT

Policy 1.1.5 Use Vision Building Blocks as a general guide for desired development patterns.

ECONOMIC ELEMENT

GOAL 2.4 CREATE AND MAINTAIN AN ENVIRONMENT FRIENDLY TO BUSINESSES AND ENTREPRENEURS

Policy 2.4.2 Restore Dallas as the premier city for conducting business within the region.

URBAN DESIGN

GOAL 5.1 PROMOTE A SENSE OF PLACE, SAFETY AND WALKABILITY

Policy 5.1.1 Promote pedestrian-friendly streetscapes.

GOAL 5.3 ESTABLISHING WALK-TO CONVENIENCE

Policy 5.3.1 Encourage a balance of land uses within walking distance of each other.

The Comprehensive Plan classifies the area as an Urban Neighborhood Building Block. These neighborhoods will have concentrations of shops and offices along key corridors or at key intersections, providing important services and job opportunities within walking distance of residences. Urban Neighborhood streets should be designed to be very pedestrian friendly, providing excellent connectivity to shopping and other community services. Emphasis should be placed on slowing traffic through use of on-street parking and other similar traffic calming measures.

The proposed mixed-use development meets the intent of the Urban Neighborhood Building Block by providing additional retail and restaurant opportunities within close proximity to established residential areas. In addition, the alternate development plan with the proposed parallel parking will serve as a desired traffic calming measure that can slow traffic along North Henderson Avenue.

Planned Development District No. 462

Planned Development District No. 462, when established, was designated as an area of historical, cultural, and architectural importance and significance, with the following objectives:

(1) Accommodate the existing mix of uses in the area.

The proposed development provides for an array of land uses that are compatible with the surrounding area and will provide the residents in the adjacent communities with additional shopping and dining prospects within a walkable distance. Office uses are also proposed which will provide necessary services and employment opportunities.

(2) Protect the internal and adjacent stable residential neighborhoods.

In an attempt to minimize any adverse impact to the adjacent residential homes along Madera Street, the applicant is proposing an underground

parking structure; a masonry screening wall and landscaping along the north property line; an increased setback from the residential uses; and, maximum height restrictions and specific building orientations to avoid the new development from directly imposing upon the adjacent residential structures.

(3) Preserve and enhance the architectural and cultural significance of the area.

All new construction will be subject to urban design guidelines, which provides specific standards for exterior building materials and colors, façade openings, exterior lighting, pedestrian amenities, and design options.

(4) Strengthen neighborhood identity.

The PDD conditions propose to limit the square footage of individual retail stores as a way to encourage development of boutique-like, unique, community-serving retail stores, which has become a distinguishable characteristic of the North Henderson Avenue corridor in recent development.

(5) Create a more desirable pedestrian environment.

A minimum 10-foot wide sidewalk zone will be provided along the North Henderson Avenue frontage. As depicted on the landscape plan, community open space areas, urban gardens, and pedestrian amenities, including benches, trash cans, and bicycle parking spaces will be incorporated into the development.

STAFF ANALYSIS:

Land Use Compatibility:

The 5.75-acre site is located along the northeast side of North Henderson Avenue, between McMillan Avenue and Glencoe Street, and the southwest side of North Henderson Avenue, east of Glencoe Street and is currently undeveloped. The adjacent properties along the North Henderson Avenue corridor are primarily developed with retail and restaurant uses, with residential uses extending further north and south of the site, along Madera Street and Moser Street, respectively.

The applicant proposes to create a new subdistrict within PDD No. 462 to accommodate a mixed-use development consisting of a variety of retail, office, and restaurant uses with a combined maximum floor area of 190,000 square feet. The development will be divided into two separate tracts, with the 3.553-acre Tract I being located on the northwest side of North Henderson Avenue. It will include a total building area of 170,000 square feet which will be comprised of a maximum of 12,000 square feet of restaurant use, 70,000 square feet of retail and 100,000 square feet of office. Tract II, which consists of 0.775 acres of land, will be located on the southeast side of North Henderson Avenue and will provide for 20,000 square feet of retail and office/showroom uses.

In addition to the referenced mix of uses, the applicant is also proposing commercial greenhouses that will be used for crop production. These commercial greenhouses will be located on rooftops within both tracts in the specific locations shown on the development plan.

The PDD conditions propose to prohibit specific personal service uses within the new subdistrict including massage establishments, tattoo studios, and body piercing studios. In addition, the square footage for all restaurant uses combined will be limited to a maximum of 12,000 square feet and no restaurant may be located in the building adjacent to McMillan Avenue as depicted on the development plan.

The applicant is further restricting restaurant use by requiring that it derive 50 percent or more of its gross revenue on a quarterly basis from the sale or service of food. Since the applicant cannot regulate the quantity of alcohol sales within the development, staff is supportive of the method that the applicant is proposing to try to ensure that the restaurant uses function as intended. Lastly, the square footage allotted to individual retail stores will be restricted to encourage the development of more boutique-like establishments.

In order to promote a more walkable, pedestrian-friendly development, a sidewalk will be provided along North Henderson Avenue with a minimum width of 10 feet, and a minimum eight-foot unobstructed tree planting zone between the back of curb and the sidewalk. The North Henderson Avenue frontage will be enhanced with required pedestrian amenities as outlined in the proposed PDD conditions.

Development Standards:

DISTRICT	SETBACKS		Density	Height	Lot Coverage	Max FAR	PRIMARY Uses
	Front	Side/Rear					
Existing MF-2(A)	15’	15’	Min 1,000 sq. ft. 800 sq ft – E 1,000 sq. ft – 1 BR 1,200 sq ft – 2 BR +150 sq ft each add BR	36’	60%	None	Multifamily, duplex, single family
Existing PDD 462 (Sub 4)	15’	0’/0’	30 dua	36’	45%	None	Mixed Uses
Existing PDD 462 (Sub 5)	Min 15’/ Max 30’	0’/0’	30 dua	54’	60%	0.75:1	Mixed Uses
Applicant Request PDD 462 (Sub 5A) Tract I	10’*	40’/40’	170,000 sq. ft. max floor area	48’	55%	1.10:1	Mixed Uses
Applicant Request PDD 462 (Sub 5A) Tract II	10’*	24’/85’	20,000 sq. ft. max floor area	36’	55%	3.5:1	Mixed Uses

**Along N. Henderson Ave, 75 percent of any front building façade must meet max of 30 feet*

Height and Setback:

In Tract I of the mixed-use development, the applicant is requesting a maximum building height of 48 feet, with a minimum setback of 40 feet along the northern portion of the site that is adjacent to residentially-zoned properties. An existing 11-foot alley will provide additional separation and serve as a further buffer between the proposed development and the residential lots.

Tract II will be subject to a maximum building height of 36 feet. The property will be buffered from adjacent uses by a minimum rear yard setback of 85 feet and a minimum side yard setback of 24 feet. Staff believes that the proposed width of the setbacks, combined with the limitations on maximum building height are sufficient measures to ensure that the proposed development does not infringe significantly upon the adjacent land uses.

Landscaping and Screening:

Landscaping for the mixed-use development will be provided as shown on the proposed landscape plan. Street trees will be planted within an eight-foot tree planting zone between the back of curb and the sidewalk at a ratio of one tree per every 30 linear feet of street frontage. The landscape plan depicts designated community open space areas as well as private and public urban gardens within the boundary of the development. In an effort to provide adequate privacy and safety to the adjacent residential properties, the applicant is proposing to install an eight-foot solid screening wall along the full length of the northern property line of Tract I and along the side yard and rear yard property lines of Tract II. Staff is recommending that the required screening be constructed of brick, stone, or concrete masonry material.

Parking:

The PDD conditions stipulate that off-street parking located in Subdistrict 5A may not be used to satisfy the required off-street parking of any alcoholic beverage establishment, except for remote parking agreements in existence on or prior to the date of the most recent remote parking agreement. Staff is working with the applicant to research and finalize this date. Lastly, with respect to parking, the PDD conditions originally proposed to limit the number of tandem parking spaces within the parking garage to no more than 50 percent of the required off-street parking spaces. In response to the concern that this amount was excessive, the applicant is now proposing to limit the maximum number of tandem parking to 150 spaces.

Staff supports the proposed mixed-use development since it will be consistent with the objectives of PDD No. 462 and will provide opportunities for new and unique retail and restaurant uses that currently do not exist in the area and will enhance the overall North Henderson Avenue corridor.

Prior CPC Action – June 8, 2017:

Motion I: It was moved to recommend **denial without prejudice** of a new subdistrict on property zoned Subdistricts 4 and 5 within Planned Development District No. 462, and an MF-2(A) Multifamily District, on the northeast side of North Henderson Avenue, between McMillan Avenue and Glencoe Street, and the southwest side of North Henderson Avenue, east of Glencoe Street.

Maker: Rieves
Second: Jung
Result: Failed: 4 to 8

For: 4 - Rieves, Davis, Jung, Ridley

Against: 8 - Anglin, Houston, Shidid, Haney, Housewright, Peadon, Murphy, Tarpley
Absent: 3 - Anantasomboon, Mack, Schultz
Vacancy: 0

Motion II: It was moved to recommend **approval** of a new subdistrict, subject to an applicant's development plan, applicant's landscape plan, and staff's recommended conditions on property zoned Subdistricts 4 and 5 within Planned Development District No. 462, and an MF-2(A) Multifamily District, on the northeast side of North Henderson Avenue, between McMillan Avenue and Glencoe Street, and the southwest side of North Henderson Avenue, east of Glencoe Street.

Maker: Housewright
Second: Anglin
Result: Carried: 8 to 4

For: 8 - Anglin, Houston, Shidid, Haney, Housewright, Peadon, Murphy, Tarpley

Against: 4 - Rieves, Davis, Jung, Ridley
Absent: 3 - Anantasomboon, Mack, Schultz
Vacancy: 0

Amending Motion I: It was moved to **approve** an amendment to the motion to allow center left-turn lane and not allow on-street parallel parking.

Maker: Anglin
Second: Ridley
Result: Carried: 9 to 3

For: 9 - Anglin, Houston, Shidid, Haney, Jung, Peadon, Murphy, Ridley, Tarpley
Against: 3 - Rieves, Davis, Housewright
Absent: 3 - Anantasomboon, Mack, Schultz
Vacancy: 0

Amending Motion II: It was moved to **approve** an amendment to the motion to restrict all office parking spaces for public use from 7:00 p.m. to 6:00 a.m.

Maker: Rieves
Second: Davis
Result: Failed: 3 to 9

For: 3 - Rieves, Haney, Jung

Against: 9 - Anglin, Houston, Davis, Shidid, Housewright, Peadon, Murphy, Ridley, Tarpley
Absent: 3 - Anantasomboon, Mack, Schultz
Vacancy: 0

Notices: Area: 500 Mailed: 214
Replies: For: 96 Against: 22

Speakers: For: Mark Masinter, 5410 Surrey Cir., Dallas, TX, 75209
Daniel Hernandez, 1929 McMillan Ave., Dallas, TX, 75206
Phillip Long, 1811 Euclid Ave., Dallas, TX, 75206
George Goodenow, 2002 Moser Ave., Dallas, TX, 75206
Robert Hunt, 5811 Gaston Ave., Dallas, TX, 75214
Dennis Craig, 5200 Capitol Ave., Dallas, TX, 75206
Ian Blair, 1830 Moser Ave., Dallas, TX, 75206
Lee Small, 2737 N. Fitzhugh Ave., Dallas, TX, 75204
Tommy Mann, Address not given
Mr. Good, Address not given
Evan Beattie, 2808 Fairmont St., Dallas, TX, 75243
For (Did not speak): Marla Brandt, 5331 Tremont St., Dallas, TX, 75214
Stephen Merkle, 2817 Amherst Ave., Dallas, TX, 75225
Randal Baker, 2305 Cedar Springs Rd., Dallas, TX, 75201
Against: Fonya Mondell, 1918 Moser Ave., Dallas, TX, 75206
Rick Bentley, 5551 Vickery Blvd., Dallas, TX, 75206
Bruce Richardson, 5607 Richmond Ave., Dallas, TX, 75206
Against (Did not speak): Judith Tichansky, 1912 Moser Ave., Dallas, TX, 75206
Staff: Lloyd Denman, Assistant Director, Engineering, City of Dallas

Prior CPC Action – May 4, 2017:

Motion: In consider an application for a new subdistrict on property zoned Subdistricts 4 and 5 within Planned Development District No. 462, and an MF-2(A) Multifamily District, on the northeast side of North Henderson Avenue, between McMillan Avenue and Glencoe Street, and the southwest side of North Henderson Avenue, east of Glencoe Street, it was move to **hold** this case under advisement until June 8, 2017.

Maker: Rieves
Second: Murphy
Result: Carried: 14 to 0

For: 14 - Anglin, Rieves, Houston*, Davis, Shidid, Anantasomboon, Haney, Mack, Jung*, Schultz, Peadon, Murphy, Ridley, Tarpley

Against: 0
Absent: 1 - Housewright
Vacancy: 0

*out of the room, shown voting in favor

Notices: Area: 500 Mailed: 214
Replies: For: 99 Against: 19

Speakers: None

Prior CPC Action – April 6, 2017:

Motion: In consider an application for a new subdistrict on property zoned Subdistricts 4 and 5 within Planned Development District No. 462, and an MF-2(A) Multifamily District, on the northeast side of North Henderson Avenue, between McMillan Avenue and Glencoe Street, and the southwest side of North Henderson Avenue, east of Glencoe Street, it was move to **hold** this case under advisement until May 4, 2017.

Maker: Rieves
Second: Housewright
Result: Carried: 15 to 0

For: 15 - Anglin, Rieves, Houston*, Davis, Shidid, Anantasomboon, Haney, Mack, Jung, Housewright, Schultz, Peadon, Murphy, Ridley, Tarpley

Against: 0
Absent: 0
Vacancy: 0

*out of the room, shown voting in favor

Notices: Area: 500 Mailed: 214
Replies: For: 99 Against: 19

Speakers: None

Prior CPC Action – February 16, 2017:

Motion: In consider an application for a new subdistrict on property zoned Subdistricts 4 and 5 within Planned Development District No. 462, and an MF-2(A) Multifamily District, on the northeast side of North Henderson Avenue, between McMillan Avenue and Glencoe Street, and the southwest side of North Henderson Avenue, east of Glencoe Street, it was move to **hold** this case under advisement until April 6, 2017.

Maker: Rieves
Second: Ridley
Result: Carried: 12 to 0

For: 12 - Anglin, Rieves, Houston, Davis, Shidid*, Haney, Mack, Jung, Housewright*, Peadon, Murphy, Ridley

Against: 0
Absent: 3 - Anantasomboon, Schultz, Tarpley
Vacancy: 0

*out of the room, shown voting in favor

Notices: Area: 500 Mailed: 214
Replies: For: 96 Against: 22

Speakers: None

Prior CPC Action – January 5, 2017:

Motion: In consider an application for a new subdistrict on property zoned Subdistricts 4 and 5 within Planned Development District No. 462, and an MF-2(A) Multifamily District, on the northeast side of North Henderson Avenue, between McMillan Avenue and Glencoe Street, and the southwest side of North Henderson Avenue, east of Glencoe Street, it was move to **hold** this case under advisement until February 16, 2017.

Maker: Rieves
Second: Houston
Result: Carried: 13 to 0

For: 13 - Anglin, Rieves, Houston, Davis, Shidid, Anantasomboon, Haney, Jung, Schultz, Peadon, Murphy, Ridley, Tarpley

Against: 0
Absent: 1 - Housewright
Vacancy: 1 - District 7

Notices: Area: 500 Mailed: 214
Replies: For: 98 Against: 20

Speakers: For: Mark L. Masinter, 5410 Surrey Cir., Dallas, TX, 75209
Evan Beattie, 2808 Fairmount St., Dallas, TX, 75201
Spencer Bryson, 2025 Glencoe St., Dallas, TX, 75206
Crystal Nolan, 1833 McMillian Ave., Dallas, TX, 75206
Tommy Mann, 2728 N. Harwood St., Dallas, TX, 75201
Brooks Anderson, 5624 Goodwin Ave., Dallas, TX, 75206
For (Did not speak): Daniel Hernandez, 5321 Belmont Ave., Dallas, TX, 75206
Debora Gonzales, 5308 & 5310 Belmont Ave., Dallas, TX, 75206
Brian Payne, 1929 McMillan Ave., Dallas, TX, 75206
Ian Blair, 1830 Moser Ave., Dallas, TX, 75206
Tommy Dealano, 5237 Vickery Blvd., Dallas, TX, 75206
Neal Zurbriggen, 1833 McMillan Ave., Dallas, TX, 75206
Against: Bruce Richardson, 5607 Richmond Ave., Dallas, TX, 75206
Robert Irvin, 5234 Goodwin Ave., Dallas, TX, 75206
Richard Bentley, 5551 Vickery Blvd., Dallas, TX, 75206
Susana Infante, 2023 Cullen Dr., Dallas, TX, 75206
David McCullough, 1914 Moser Ave., Dallas, TX, 75206
Against (Did not speak): Fonya Mondell, 1918 Moser Ave., Dallas, TX, 75206
Staff: Hamid Fard, Traffic Engineering Division

Officers and Directors

Owner: **HENDERSON LOTS OWNER (DALLAS), LLC**

David Thompson Chief Financial Officer

HENDERSON MAIN (DALLAS), LLC

David Thompson Chief Financial Officer

HENDERSON RESIDENTIAL LANDS (DALLAS), LLC

David Thompson Chief Financial Officer

HENDERSON RETAIL LANDS (DALLAS), LLC

David Thompson Chief Financial Officer

CPC RECOMMENDED CONDITIONS

ARTICLE 462.

PD 462.

SEC. 51P-462.101. LEGISLATIVE HISTORY.

PD 462 was established by Ordinance No. 22969, passed by the Dallas City Council on December 11, 1996. Ordinance No. 22969 amended Ordinance No. 19455, Chapter 51A of the Dallas City Code, as amended. Subsequently, Ordinance No. 22969 was amended by Ordinance No. 23010, passed by the Dallas City Council on January 22, 1997, and Ordinance No. 23976, passed by the Dallas City Council on August 11, 1999. (Ord. Nos. 19455; 22969; 23010; 23976; 25423)

SEC. 51P-462.102. PROPERTY LOCATION AND SIZE.

PD 462 is established on property generally located along both sides of Henderson Avenue between Central Expressway and Ross Avenue. The size of PD 462 is approximately 41.84 acres. (Ord. Nos. 22969; 23010; 25423)

SEC. 51P-462.103. PURPOSE.

This article provides standards specifically tailored to meet the needs of the Henderson Avenue Area, between North Central Expressway and Ross Avenue, which is hereby designated as an area of historical, cultural, and architectural importance and significance to the citizens of the City of Dallas. The general objectives of these standards are to promote and protect the health, safety, welfare, convenience, and enjoyment of the public, and, in part, to achieve the following:

(1) Accommodate the existing mix of uses in the area.

(2) Protect the internal and adjacent stable residential neighborhoods.

(3) Preserve and enhance the architectural and cultural significance of the area.

(4) Strengthen neighborhood identity.

(5) Create a more desirable pedestrian environment. (Ord. Nos. 22969; 25423)

SEC. 51P-462.104. DEFINITIONS AND INTERPRETATIONS.

(a) Unless otherwise stated, the definitions and interpretations contained in Chapter 51A apply to this article.

(b) Unless the context clearly indicates otherwise, in this article:

(0.1) BLADE SIGN means a sign projecting perpendicular from the building façade or corner of the building.

(0.2) BODY PIERCING STUDIO means a facility in which a perforation is created in an individual's body, other than in an individual's earlobe, to insert jewelry or another decoration.

(0.3) COFFEE-ROASTING SHOP means a retail use that (i) prepares coffee beans for use by roasting them; (ii) sells coffee and coffee-based beverages for consumption on or off the premises; and (iii) in which limited food service may be accessory to the sale of these beverages. Coffee roasters, rotary cylinders, and similar specialty equipment may be used for the roasting and preparation of coffee-beans.

(1) FACING A STREET means parallel to or within 45 degrees of being parallel (excluding ornamental features) to a street, and marking the extent of a front yard.

(2) FLUORESCENT COLOR means any color defined by the Munsell Book of Color as having a minimum value of eight and a minimum chroma of ten.

(3) MAJOR MODIFICATION means modifications to an original building within an one-year period where the value of the modifications as stated on applications for building permits exceeds 50 percent of the building's assessed value as determined by the Dallas Central Appraisal District.

(3.1) MASSAGE ESTABLISHMENT means a massage establishment as defined by Section 25A-1 of Chapter 25A of the Dallas City Code, as amended.

(4) NEW CONSTRUCTION means construction of a structure that is not an original building.

(5) OPENING means a door, window, passageway, or any other feature through which light or solid objects may pass.

(6) ORIGINAL BUILDING means a building constructed on or before the date of passage of Ordinance No. 22969.

(7) RETAIL USE means any use listed in Section 51P 462.108(a)(8) of this article.

(8) TATTOO STUDIO means an establishment or facility in which the practice of producing an indelible mark or figure on the human body by scarring or inserting a pigment under the skin using needles, scalpels, or other related equipment is performed.

(9) TANDEM PARKING SPACE means a parking space that is only accessed by passing through another parking space.

(10) UNDER AWNING SIGN means a sign plate with tenant letters and graphics limited to eight square feet attached (i) from a canopy or awning above with rigid support, or (ii) perpendicular from the vertical face of a building.

(11) VISIBLE REFLECTANCE means the percentage of available light energy reflected away from the exterior surface of the glass. (The higher the percentage, the more visible light reflected and the more mirror-like the surface will appear.)

(c) Unless otherwise stated, all code references are to Chapter 51A.

(d) Except as otherwise provided for Subdistrict 5A, the provisions of Section 51A-4.702, "Planned Development (PD) District Regulations," relating to site plans, conceptual plans, and development plans do not apply to this district.

(e) The following rules apply in interpreting the use regulations in this article.

(1) The absence of a symbol appearing after a listed use means that the use is permitted by right.

(2) The symbol *[SUP]* appearing after a listed use means that the use is permitted by specific use permit only.

(3) The symbol *[DIR]* appearing after a listed use means that a site plan must be submitted and approved in accordance with the requirements of Section 51A-4.803. ("DIR" means "development impact review." For more information regarding development impact review generally, see Division 51A-4.800.)

(4) The symbol *[RAR]* appearing after a listed use means that, if the use has a residential adjacency as defined in Section 51A-4.803, a site plan must be submitted and approved in accordance with the requirements of that section. ("RAR" means "residential adjacency review." For more information regarding residential adjacency review generally, see Division 51A-4.800.)

(f) Unless the context clearly indicates otherwise, this district is considered to be a residential district for purposes of interpreting Chapter 51A. (Ord. Nos. 22969; 25423; 26352)

SEC. 51P-462.104.1. EXHIBITS.

The following exhibits are incorporated into this article:

(1) Exhibit 462A: Tract map.

(2) Exhibit 462B: Approved list of plant materials.

(3) Exhibit 462C: Subdistrict 5A development plan.

(4) Exhibit 462D: Subdistrict 5A landscape plan.

SEC. 51P-462.105. ZONING CLASSIFICATION CHANGE.

Chapter 51A is amended by changing the zoning classification from an MF-2(A) Multifamily District, a CR Community Retail District, a CR-D Community Retail-Dry District, an NO(A) Neighborhood Office District, and an MU-1 Mixed Use District to Planned Development District No. 462 and Planned Development District No. 462-Dry (the Henderson Avenue Special Purpose District) on the property described in Ordinance No. 22969, as amended by Ordinance No. 23010. (Ord. Nos. 22969; 23010; 25423)

SEC. 51P-462.106. CREATION OF SUBDISTRICTS.

(a) A map, Exhibit 462A, shows the boundaries of the district and the seven subdistricts. Property descriptions of the subdistricts are provided as Exhibit A of Ordinance No. 22969, as amended. In the event of a conflict between Exhibit A of Ordinance No. 22969 and Exhibit 462A, Exhibit A of Ordinance No. 22969 controls.

(b) The subdistricts are hereby established for purposes of this article. Use regulations and development standards for each subdistrict are set out below. (Ord. Nos. 22969; 23010; 25423; 25441; 26352; 26723)

SEC. 51P-462.107. DEVELOPMENT PLAN.

(a) In general. Except as provided in this section, no development plan is required, and the provisions of Section 51A-4.702 regarding submission of or amendments to a development plan, site analysis plan, conceptual plan, development schedule, and landscape plan do not apply. (Ord. Nos. 22969; 25423)

(b) Subdistrict 5A. Development and use of the Property must comply with the Subdistrict 5A development plan (Exhibit 486C). If there is a conflict between this article and the development plan, the text of this article controls.

SEC. 51P-462.108. SUBDISTRICTS 1, 3, 3A, AND 5.

(a) Main uses permitted in Subdistricts 1, 3, and 5.

(1) Commercial and business service uses.

-- Catering service.
-- Custom business services.
-- Electronics service center.
-- Medical or scientific laboratory.

(2) Institutional and community service uses.

-- Adult day care facility. *[SUP]*
-- Child-care facility. *[SUP]*
-- Church.
-- College, university, or seminary.
-- Community service center. *[SUP]*
-- Hospital. *[SUP]*
-- Library, art gallery, or museum.
-- Public or private school.

(3) Lodging uses.

-- Hotel or motel. *[SUP]*
-- Lodging or boarding house. *[SUP]*

(4) Miscellaneous uses.

-- Carnival or circus (temporary). *[By special authorization of the building official.]*
-- Temporary construction or sales office.

(5) Office uses.

-- Financial institution without drive-in window.
-- Financial institution with drive-in window. *[SUP]*
-- Medical clinic or ambulatory surgical center.
-- Office.

(6) Recreation uses.

-- Private recreation center, club, or area.
-- Public park, playground, or golf course.

(7) Residential uses.

-- Duplex.
-- Handicapped group dwelling unit. *[SUP required if spacing component of Section 51A-4.209(3.1) is not met.]*
-- Multifamily.
-- Single family.

(8) Retail and personal service uses.

-- Ambulance service.
-- Animal shelter or clinic without outside run.
-- Auto service center.
-- Bar, lounge, or tavern.
-- Business school.
-- Car wash. *[SUP]*
-- Commercial amusement (inside).
-- Commercial amusement (outside). *[SUP]*
-- Commercial parking lot or garage. *[RAR]*
-- Dry cleaning or laundry store.
-- Furniture store.
-- General merchandise or food store 3,500 square feet or less.
-- General merchandise or food store greater than 3,500 square feet.
-- Household equipment and appliance repair.
-- Liquor store.
-- Mortuary, funeral home, or commercial wedding chapel.
-- Motor vehicle fueling station.
-- Nursery, garden shop, or plant sales.
-- Personal service uses.
-- Restaurant without drive-in or drive-through service.
-- Temporary retail use.
-- Theater.

(9) Transportation uses.

-- Transit passenger shelter.
-- Transit passenger station or transfer center.

(10) Utility and public service uses.

-- Electrical substation.
-- Local utilities.
-- Police or fire station.
-- Post office.
-- Radio, television, or microwave tower. *[SUP]*
-- Tower/antenna for cellular communication.
-- Utility or government installation other than listed.

(11) Wholesale, distribution, and storage uses.

-- Recycling drop-off container.
-- Recycling drop-off for special occasion collection.

(b) Main uses permitted in Subdistrict 3A.

(1) Commercial and business service uses.

-- Catering service.
-- Custom business services.
-- Electronics service center.

(2) Institutional and community service uses.

-- Adult day care facility. *[SUP]*
-- Child-care facility. *[SUP]*
-- Library, art gallery, or museum.

(3) Miscellaneous uses.

-- Temporary construction or sales office.

(4) Office uses.

-- Financial institution without drive-in window.
-- Financial institution with drive-in window. *[SUP]*
-- Medical clinic or ambulatory surgical center.
-- Office.

(5) Residential uses.

-- Handicapped group dwelling unit. *[SUP required if spacing component of Section 51A-4.209(3.1) is not met.]*
-- Multifamily.

(6) Retail and personal service uses.

-- Animal shelter or clinic without outside run.
-- Commercial parking lot or garage. *[RAR]*
-- Dry cleaning or laundry store.
-- Furniture store.
-- General merchandise or food store 3,500 square feet or less.
-- General merchandise or food store greater than 3,500 square feet.
-- Household equipment and appliance repair.
-- Nursery, garden shop, or plant sales.

-- Personal service uses. *[Barber/beauty shop and nail salon allowed by right. Massage establishments, tattoo studios, and body piercing studios prohibited. Massage establishments, tattoo studios, and body piercing studios must be treated as a separate main use and cannot be an accessory use. SUP required for all other personal service uses.]*
-- Restaurant without drive-in or drive-through service.
-- Temporary retail use.

(7) Transportation uses.

-- Transit passenger shelter.

(8) Utility and public service uses.

-- Local utilities.

(c) Accessory uses.

(1) As a general rule, an accessory use is permitted in any district in which the main use is permitted. Some specific types of accessory uses, however, due to their unique nature, are subject to additional regulations contained in Section 51A-4.217. For more information regarding accessory uses, consult Section 51A-4.217.

(2) The following accessory uses are not permitted in Subdistricts 1, 3, 3A, and 5:

-- Accessory helistop.
-- Accessory medical/infectious waste incinerator.
-- Accessory outside display of merchandise.
-- Accessory outside sales.
-- Accessory pathological waste incinerator.
-- Private stable.

(d) Yard, lot, and space regulations. Except as provided in the urban design guidelines, the following yard, lot, and space regulations apply to all properties within Subdistricts 1, 3, 3A, and 5. (Note: The yard, lot, and space regulations in this subsection must be read together with the yard, lot, and space regulations contained in Division 51-4.400. In the event of a conflict between this subsection and Division 51-4.400, this subsection controls.)

(1) Front yard. Minimum front yard is 15 feet. Maximum front yard is 30 feet.

(2) Side and rear yard. No minimum side or rear yard.

(3) Density. Maximum dwelling unit density is 30 dwelling units per acre.

(4) Floor area. Maximum floor area ratio is .75:1.

(5) Height. Maximum structure height is 54 feet.

(6) Lot coverage. Maximum lot coverage is 60 percent.

(7) Lot size. No minimum lot size.

(8) Stories. Maximum number of stories is four.

(e) Off-street parking and loading. Consult the use regulations contained in Division 51A-4.200 for the specific off-street parking/loading requirements for each use.

(f) Environmental performance standards. See Article VI.

(g) Landscaping.

(1) All landscaping must be provided in accordance with Article X of the Dallas Development Code, as amended.

(2) Plant material must be maintained in a healthy, growing condition.

(h) Street trees.

(1) Except in Subdistrict 1, a tree must be planted within the right-of-way at a density of one tree for each 30 linear feet of frontage, exclusive of driveways.

(2) It is the responsibility of the property owner to apply for and obtain a parkway landscape permit before locating the trees in the parkway. An application for a parkway landscape permit, if required, must be made to the director of public works and transportation before an application for a building permit is made for work on the lot. The application must be in writing on a form approved by that director and accompanied by plans or drawings showing the area of the parkway affected and the planting proposed.

(3) Upon receipt of the application and any required fees, the director of public works and transportation shall circulate it to all affected city departments and utilities for review and comment. If, after receiving comments from affected city departments and utilities, that director determines that the planting proposed will not be inconsistent with or unreasonably impair the public use of the right-of-way, the director shall issue a parkway landscape permit to the property owner; otherwise he shall deny the permit.

(4) A property owner is not required to comply with the street tree planting requirement of this subsection if compliance is made impossible due to the denial of a parkway landscape permit by the director of public works and transportation.

(5) A parkway landscape permit issued by the director of public works and transportation is subject to immediate revocation upon written notice if at any time the director determines that the use of the parkway authorized by the permit is inconsistent with or unreasonably impairs the public use of the right-of-way. The property owner is not required to comply with any parkway landscaping requirements of this section if compliance is made impossible due to that director's revocation of the parkway landscape permit.

(6) The issuance of a parkway landscape permit under this subsection does not excuse the property owner, his agents, or employees from liability in the installation or maintenance of trees in the public right-of-way.

(i) Signs. Signs must comply with the provisions for business zoning districts contained in Article VII.

(j) Urban design guidelines for new construction or major modifications. Plans for new construction or a major modification of a structure must incorporate the following mandatory requirements and at least one-half of the following design options.

(1) Crime Prevention Through Environmental Design. Principles of Crime Prevention Through Environmental Design (CPTED) must be integrated to the maximum extent possible for all construction requiring a building permit. A copy of the CPTED manual may be obtained in the Department of Development Services, or contact the Building Official Plans Examiner for information on CPTED review standards. The Building Official, or his designee, will review for compliance.

(2) Fluorescent colors. Fluorescent colors are prohibited on the exterior of any structure in Subdistricts 1, 3, 3A, and 5.

(3) Use of metals on facades. Facades incorporating corrugated and extruded metals are prohibited if the area covered by these materials totals more than 50 percent of the total façade area.

(4) Façade openings. The percentage of a front façade containing openings must be between 10 and 90 percent. For purposes of this paragraph, "front façade" means any façade facing a street.

(5) Reflective glass. The maximum permitted visible reflectance of glass used as an exterior building material varies depending on where the glass is used on the building. The visible reflectance of glass used on the exterior of the first two stories of a building may not exceed 15 percent. The visible reflectance of exterior glass used above the first two stories of the building may not exceed 27 percent.

(6) Façade materials. Excluding openings, all building facades must be constructed of stone, brick, glass block, tile, cast metal, concrete, stucco, materials giving the appearance of concrete or stucco, or cast stone. Any façade visible from the street utilizing concrete, stucco, or materials giving the appearance of concrete or stucco as a primary façade material must incorporate accent materials such as stone, brick, glass block, tile, or cast metal on a minimum of 10 percent of that façade area, excluding windows and doors.

(7) Lighting. Exterior lighting must be oriented onto the property they light and directed away from adjacent properties.

(8) Design options. A minimum of one-half of the following requirements must be met:

(A) Retail uses. Allocate a minimum of one-half of the ground floor area to retail uses.

(B) Awning or arcade. Provide an awning or arcade which covers a minimum of one-half of the façade facing a street. To qualify, the arcade or awning must have a minimum depth of three and one-half feet.

(C) Public art. Allocate a minimum of one and one-half percent of the value of the improvements stated in the building permit application to public art. Public art must be visible from the street at all times.

(D) Seasonal color. Provide a landscape area for seasonal color which is the size of a minimum of one-half of a square foot multiplied by the number of feet of frontage the property has. The plants in the landscape area must be changed at least twice a year with the appropriate seasonal colors indicated in Exhibit 462B. This area must contain the appropriate seasonal landscaping at all times except when the landscaping is being changed at the beginning of a new season.

(E) Water features. Allocate five percent of the value of the improvements stated in the building permit application to a water feature, such as a fountain, pool, mechanical water jet, or similar water device. The water feature must be visible from a public right-of-way.

(F) Flags and banners. Allocate 10 percent of the building façade area to an equivalent area of either flags or banners. To qualify, the flags or banners may not fall within the definition of "sign" contained in Article VII of the Dallas Development Code, as amended.

(G) Ground floor light fixtures. Provide decorative light fixtures that frame a ground floor entry or create a repeating motif along the facade of the ground floor.

(H) Pedestrian seating. Provide pedestrian seating in an area which covers one-half of the width of the building.

(I) Paving materials. Cover 50 percent of the outdoor walkway area accessible to the public with decorative pavement. For purposes of this subparagraph, decorative pavement means pavers of colored concrete, brick, or stone.

(J) Open space. Allocate 100 square feet of the required front yard to open space. For purposes of this subparagraph, open space means a space containing no structures or pavement at or above grade. Open space must contain, at a minimum, grass or other natural vegetation.

(k) Urban design guidelines for all other exterior structure modifications. All exterior structure modifications, of whatever kind, must comply with the following regulations.

(1) Crime Prevention Through Environmental Design. Principles of Crime Prevention Through Environmental Design (CPTED) must be integrated to the maximum extent

possible for all construction requiring a building permit. A copy of the CPTED manual may be obtained in the Department of Development Services, or contact the Building Official Plans Examiner for information on CPTED review standards.

(2) Fluorescent colors. Fluorescent colors are prohibited on the exterior of any structure in Subdistricts 1, 3, 3A, and 5.

(3) Use of metals on facades. Facades incorporating corrugated and extruded metals are prohibited if the area covered by these materials totals more than 50 percent of the total façade area.

(4) Façade openings. The percentage of a front façade containing openings must be between 10 and 90 percent. For purposes of this paragraph, "front facade" means any façade facing a street.

(5) Reflective glass. The maximum permitted visible reflectance of glass used as an exterior building material varies depending on where the glass is used on the building. The visible reflectance of glass used on the exterior of the first two stories of a building may not exceed 15 percent. The visible reflectance of exterior glass used above the first two stories of the building may not exceed 27 percent.

(6) Façade materials. Excluding openings, all building facades must be constructed of stone, brick, glass block, tile, cast metal, concrete, stucco, materials giving the appearance of concrete or stucco, or cast stone. Any façade visible from the street utilizing concrete, stucco, or materials giving the appearance of concrete or stucco as a primary façade material must incorporate accent materials such as stone, brick, glass block, tile, or cast metal on a minimum of 10 percent of that façade area, excluding windows and doors.

(7) Lighting. Exterior lighting must be oriented onto the property they light and directed away from adjacent properties.

(l) Commercial alley access. Commercial alley access is prohibited in Subdistrict 3A. (Ord. Nos. 22969; 23976; 25423; 26340; 26352)

SEC. 51P-462.109. SUBDISTRICTS 2 AND 4.

(a) Main uses permitted.

(1) Institutional and community service uses.

-- Adult day care facility. *[SUP]*
-- Child care facility. *[SUP]*
-- Church.
-- Public or private school.

(2) Residential uses.

-- Duplex.

-- Handicapped group dwelling unit. *[SUP required if spacing component of Section 51A-4.209(3.1) is not met.]*
-- Multifamily.
-- Single family.

(3) Transportation uses.

-- Transit passenger shelter.

(b) Accessory uses.

(1) As a general rule, an accessory use is permitted in any district in which the main use is permitted. Some specific types of accessory uses, however, due to their unique nature, are subject to additional regulations contained in Section 51A-4.217. For more information regarding accessory uses, consult Section 51A-4.217.

(2) The following accessory uses are not permitted in Subdistricts 2 and 4:

-- Accessory helistop.
-- Accessory medical/infectious waste incinerator.
-- Accessory outside display of merchandise.
-- Accessory outside sales.
-- Accessory pathological waste incinerator.
-- Private stable.

(c) Yard, lot, and space regulations. Except as provided in the urban design guidelines, the following yard, lot, and space regulations apply to all properties within Subdistricts 2 and 4. (Note: The yard, lot, and space regulations in this subsection must be read together with the yard, lot, and space regulations contained in Division 51-4.400. In the event of a conflict between this subsection and Division 51-4.400, this subsection controls.)

(1) Front yard. Minimum front yard is 15 feet.

(2) Side and rear yard. No minimum side or rear yard.

(3) Density. Maximum dwelling unit density is 30 dwelling units per acre.

(4) Floor area. No maximum floor area ratio.

(5) Height. Maximum structure height is 36 feet.

(6) Lot coverage. Maximum lot coverage is 45 percent.

(7) Lot size. No minimum lot size.

(8) Stories. No maximum number of stories.

(d) Off-street parking and loading. Consult the use regulations contained in Division 51A-4.200 for the specific off-street parking/loading requirements for each use.

(e) Environmental performance standards. See Article VI.

(f) Landscaping.

(1) Except as provided in Subsection (f)(2) below, all landscaping must be provided in accordance with Article X of the Dallas Development Code, as amended.

(2) A minimum of three three-inch caliper trees, two of which must be located in the required front yard, must be planted on the lot containing a new single family use.

(3) Plant material must be maintained in a healthy, growing condition.

(g) Signs. Signs must comply with the provisions for non-business zoning districts contained in Article VII.

(h) Urban design guidelines. All new construction and exterior structure modifications must comply with the following design guidelines.

(1) Crime Prevention Through Environmental Design. Principles of Crime Prevention Through Environmental Design (CPTED) must be integrated to the maximum extent possible for all construction requiring a building permit. A copy of the CPTED manual may be obtained in the Department of Development Services, or contact the Building Official Plans Examiner for information on CPTED review standards. The Building Official, or his designee, will review for compliance.

(2) Fluorescent colors. Fluorescent colors are prohibited on the exterior of any structure in Subdistricts 2 and 4.

(3) Façade materials. Facades incorporating corrugated and extruded metals are prohibited if the area covered by these materials totals more than 50 percent of the total façade area. (Ord. Nos. 22969; 25423)

SEC. 51P-462.109.1. SUBDISTRICT 5A

(a) Creation of tracts. Subdistrict 5A is divided into two tracts: Tract I and Tract II as shown on the Subdistrict 5A development plan.

(b) Main uses permitted. The following uses are the only main uses permitted:

(1) Agricultural uses.

-- Crop production.

(2) Commercial and business service uses.

-- Catering service.
-- Custom business services.
-- Electronics service center.

(3) Industrial uses.

None permitted

(4) Institutional and community service uses.

-- Adult day care facility. *[SUP]*
-- Child-care facility. *[SUP]*
-- Library, art gallery, or museum.

(5) Lodging uses.

None permitted.

(6) Miscellaneous uses.

-- Temporary construction or sales office.

(7) Office uses.

-- Financial institution without drive-in window.
-- Medical clinic or ambulatory surgical center.
-- Office.

(8) Recreation uses.

None permitted.

(9) Residential uses.

None permitted.

(10) Retail and personal service uses.

-- Animal shelter or clinic without outside run.
-- Coffee-roasting shop
-- Commercial parking lot or garage. *[RAR]*
-- Dry cleaning or laundry store.
-- Furniture store.
-- General merchandise or food store 3,500 square feet or less.
-- General merchandise or food store greater than 3,500 square feet.
-- Household equipment and appliance repair.
-- Nursery, garden shop, or plant sales.
-- Personal service uses. *[Barber/beauty shop, nail salon, shoe repair, tailor, instructional arts studio, photography studio, laundry or cleaning pick up and receiving station, handcrafted artwork studio, safe deposit boxes, travel bureau, and custom painting or duplicating shop allowed by right. Massage establishments, tattoo studios, and body piercing studios prohibited. Massage establishments, tattoo*

studios, and body piercing studios cannot be an accessory use. SUP required for all other personal service uses.]

-- Restaurant without drive-in or drive-through service *[minimum 50% food sales per SEC. 51P-462.110(l)(2); total maximum of 12,000 square feet for all restaurant uses combined].*

-- Temporary retail use.

-- Theater *[SUP]*

(11) Transportation uses.

-- Transit passenger shelter.

(12) Utility and public service uses.

-- Local utilities.

(c) Accessory uses.

(1) As a general rule, an accessory use is permitted in any district in which the main use is permitted. Some specific accessory uses, however, due to their unique nature, are subject to additional regulations in Section 51A-4.217. For more information regarding accessory uses, consult Section 51A-4.217.

(2) The following accessory uses are not permitted:

-- Accessory helistop.

-- Accessory medical/infectious waste incinerator.

-- Accessory outside display of merchandise.

-- Accessory outside sales.

-- Accessory pathological waste incinerator.

-- Private stable.

(e) Yard, Lot and Space Regulations. (Note: The yard, lot, and space regulations in this subsection must be read together with the yard, lot, and space regulations contained in Division 51A-4.400. If there is a conflict between this subsection and Division 51A-4.400, this subsection controls.)

(1) In general. Except as provided in the urban design guidelines, the yard, lot, and space regulations in this paragraph apply to all properties within Subdistrict 5A.

(2) Front yard.

(A) Minimum front yard is 10 feet.

(B) Along Henderson Avenue, 75 percent of any front building façade must meet a maximum front yard of 30 feet.

(C) Underground parking structures may extend to the property line.

(D) The following may project to the property line: awnings and canopies (minimum 12 foot clearance above sidewalk), retaining walls, stoops, and stairs.

(E) In Tract II, buildings may encroach into the front yard in those areas shown on the Subdistrict 5Adevelopment plan.

(3) Side yard.

(A) Tract I. Minimum side yard is the greater of 40 feet or as shown on the development plan. Underground parking structures may extend to the property line.

(B) Tract II. Minimum side yard is 24 feet.

(4) Rear yard.

(A) Tract I. Minimum rear yard is 40 feet.

(B) Tract II. Minimum rear yard is 85 feet.

(5) Floor area.

(A) Maximum ground level floor area for any use is 14,000 square feet. Contiguous retail uses with separate certificates of occupancy are considered separate uses.

(B) Tract I: Maximum total floor area is 170,000 square feet. Maximum floor area for retail, personal service, and restaurant uses is 82,000 square feet subject to the following additional restrictions:

(i) Except as otherwise provided in this subparagraph, no retail or personal service use may be greater than 11,000 square feet.

(ii) Two retail and personal service uses may be greater than 11,000 square feet subject to the following:

(aa) One retail and personal service use between 11,000 and 21,000 square feet is permitted.

(bb) One retail and personal service use between 11,000 and 15,000 square feet is permitted.

(C) Tract II: Maximum total floor area is 20,000 square feet.

(6) Height. Maximum structure heights are as indicated on the development plan.

(A) Only the following projections above the maximum structure height are allowed:

(i) Parapet walls: up to one foot above the maximum

structure height.

(ii) Mechanical equipment, surrounding screening walls, and elevator overruns: a maximum of 10 feet above the maximum structure height only if placed a minimum of 20 feet from the building perimeter as designated on the development plan.

(7) Lot coverage. Maximum lot coverage is 55 percent. Aboveground parking structures are included in lot coverage calculations; surface parking lots, and underground parking structures are not.

(8) Minimum lot size. No minimum lot size.

(9) Stories. Except as further restricted on the Subdistrict 5A development plan, maximum number of stories above grade is three.

(f) Off-street parking and loading.

(1) Consult the use regulations in Division 51A-4.200 for the specific off-street parking and loading requirements for each use.

(2) Off-street parking located in Subdistrict 5A may not be used to satisfy the required off-street parking of any use, except for remote parking agreements in existence on or prior to [date of most recent remote parking agreement], as may be amended in the future. The maximum number of off-street parking spaces that may be provided pursuant to remote parking agreements is 42 spaces.

(3) Valet service may only park vehicles in a below grade parking structure.

(4) Subarea 5A is considered one lot for purposes of off-street parking.

(5) The maximum number of parking spaces located in a below grade parking structure is 755, with a maximum of 150 tandem parking spaces. For tandem parking spaces, an attendant must be provided to park vehicles during business hours of the main uses.

(6) Required off-street parking for a coffee roasting shop is one space per 200 square feet of floor area.

(g) Environmental performance standards. See Article VI.

(h) Landscaping.

(1) In general. Except as provided in this subsection, landscaping must be provided as shown on the Subdistrict 5A landscape plan (Exhibit 462D).

(2) Minor deviations. At time of building permit, the building official may approve minor deviations in the location of trees and other plantings due to conflicts with utilities, driveways, or other infrastructure.

(3) Street trees. A tree must be planted within the right-of-way at a density of one tree for each 30 linear feet of frontage, exclusive of driveways and required visibility triangles.

(i) Signs.

(1) In general. Except as provided in this subsection, signs must comply with the provisions for business zoning districts in Article VII

(2) Attached signs.

(A) On the primary façade, the combined effective area of all attached signs may not exceed 25 percent of the total area of the primary façade. On each secondary façade, the combined effective area of all attached signs may not exceed 15 percent of the total area of that secondary façade.

(B) Blade signs may project no more than 48 inches from the surface of a structure. The lowest part of a blade sign must be located at least eight feet above grade.

(C) Under awning signs are permitted for each ground-level premise or each individual non-residential occupancy. The maximum effective area for an under awning sign is eight square feet. The lowest part of an under awning sign must be located at least eight feet above grade.

(D) The combined effective area of all signs attached to any window or any glass door may not exceed 10 percent of the area of that window or glass door.

(3) Detached signs.

(A) One monument sign may be located at the driveway entrance in the location shown on the Subdistrict 5A development plan. The monument sign may be a multi-tenant sign. The highest part of the monument sign may not exceed 10 feet in height. The maximum effective area of the monument sign is 150 square feet. The monument sign must be set back at least 10 feet in a front yard and at least five feet in a side yard.

(B) One monument sign may be located at the intersection of Henderson Avenue and Glencoe Street and one monument sign may be located at the intersection of Henderson Avenue and McMillan Avenue in the locations shown on the Subdistrict 5A development plan. These monument signs may be multi-tenant signs. The highest part of these monument signs may not exceed four feet in height. The maximum effective area for these monument signs if 32 square feet. These monument signs must be setback at least 10 feet from the street.

(4) Additional Provisions.

(A) Rooftop signs are prohibited.

(B) Illumination of signs is only permitted on a building façade facing Henderson Avenue.

(j) Urban design guidelines for new construction or major modifications.

(1) Plans for new construction or a major modification of a structure must incorporate the following mandatory requirements:

(A) Crime Prevention Through Environmental Design. Principles of Crime Prevention Through Environmental Design (CPTED) must be integrated to the maximum extent possible for all construction requiring a building permit. A copy of the CPTED manual may be obtained in the Department of Sustainable Development and Construction, or contact the building official plans examiner for information on CPTED review standards. The Building Official, or his designee, will review for compliance.

(B) Fluorescent colors. Fluorescent colors are prohibited on the exterior of any structure.

(C) Use of metals on facades. Facades incorporating corrugated and extruded metals are prohibited if the area covered by these materials totals more than 50 percent of the total façade area.

(D) Façade openings. The percentage of a front façade containing openings must be between 10 and 90 percent. For purposes of this paragraph, "front façade" means any façade facing a street.

(E) Reflective glass. The maximum permitted visible reflectance of glass used as an exterior building material varies depending on where the glass is used on the building. The visible reflectance of glass used on the exterior of the first story of a building may not exceed 15 percent. The visible reflectance of exterior glass used above the first story of the building may not exceed 25 percent.

(F) Façade materials. Excluding openings, all building facades must be constructed of stone, brick, glass block, tile, cast metal, concrete, stucco, materials giving the appearance of concrete, or cast stone and for buildings less than 5,000 square feet in floor area, cementitious siding may also be used as a primary façade material. Any façade visible from the street utilizing concrete, stucco, or materials giving the appearance of concrete as a primary façade material must incorporate accent materials such as stone, brick, glass block, tile, or cast metal on a minimum of 10 percent of that façade area, excluding windows and doors. EIFS and other simulated stucco products are prohibited.

(G) Lighting. Exterior lighting must be oriented onto the property it lights and directed away from adjacent properties. Light standards, excluding wall packs on structures, may be a maximum of 16 feet in height to the top of the fixture.

(H) Pedestrian amenities. The following pedestrian amenities must be provided along the Henderson Avenue frontage:

(i) a minimum of 10 and a maximum of 21 benches;

(ii) a minimum of eight and a maximum of 10 trash cans; and

(iii) a minimum of 16 bicycle parking spaces within 75 feet of the Henderson Avenue frontage.

(2) Design options. A minimum of five of the following requirements must be met:

(A) Retail uses. Allocate a minimum of one-half of the ground floor area to retail uses.

(B) Awning or arcade. Provide an awning or arcade which covers a minimum of one-half of the façade facing a street. To qualify, the arcade or awning must have a minimum depth of three and one-half feet.

(C) Public art.

(i) Provide public art that is visible from public right-of-way. Examples of public art include art that is incorporated into the sidewalk or building façade, or freestanding art.

(ii) The public art must be located in exterior open space that contains a minimum of 500 square feet of land area and contains a minimum of two of the following:

(aa) benches, seat walls, or seating areas;

(bb) trash receptacles;

(cc) drinking fountains;

(dd) shade structures, understory shade trees, or awnings.

(iii) The public art may be located in the same exterior open space as a water feature allowed by this section.

(D) Seasonal color. Provide a landscape area for seasonal color which is the size of a minimum of one-half of a square foot multiplied by the number of feet of frontage the property has. The plants in the landscape area must be changed at least twice a year with the appropriate seasonal colors indicated in Exhibit 462B. This area must contain the appropriate seasonal landscaping at all times except when the landscaping is being changed at the beginning of a new season

(E) Water features.

(i) Provide a water feature, such as a fountain, pool, mechanical water jet, or similar water device. The water feature must be visible from a public right-of-way.

(ii) The water feature must be located in exterior open space that contains at least 500 square feet of land area and contains a minimum of two of the following:

(aa) benches, seat walls, or seating areas;

(bb) trash receptacles;

(cc) drinking fountains;

(dd) shade structures, understory shade trees, or awnings.

(iii) The water feature may be located in the same exterior open space as public art required by this section.

(F) Flags and banners. Allocate 10 percent of the building façade area to an equivalent area of either flags or banners. To qualify, the flags or banners may not fall within the definition of "sign" contained in Article VII.

(G) Ground floor light fixtures. Provide decorative light fixtures that frame a ground floor entry or create a repeating motif along the facade of the ground floor.

(H) Pedestrian seating.

(i) Provide pedestrian seating in an area which covers one-half of the width of the building.

(ii) The pedestrian seating area may be contained in the same exterior open space as public art or a water feature required by this section.

(I) Paving materials. Cover 50 percent of the outdoor walkway area accessible to the public with decorative pavement. For purposes of this subparagraph, decorative pavement means pavers of colored concrete, brick, or stone.

(J) Open space. Allocate a minimum of 5,000 square feet of the required front yard on Glencoe and 2,000 square feet of the required front yard on McMillan to open space. For purposes of this subparagraph, open space means a space containing no enclosed structures at or above grade. Open space must contain, at a minimum, grass or other natural vegetation and a minimum of two of the following:

(i) benches, seat walls, or seating areas;

(ii) trash receptacles;

(iii) drinking fountains;

(iv) shade structures, understory shade trees, or awnings.

(k) Additional Provisions.

(1) Rooftop use.

(A) Commercial greenhouses used for crop production may be located on a rooftop in the locations shown on the development plan.

(B) Restaurant uses may not locate dining areas on a rooftop. For all other uses, outdoor gathering areas must be screened so as not to be visible from grade of an abutting property located in an R, R(A), D, D(A), TH, or TH(A) zoning district.

(2) Restaurant use.

(A) Outdoor dining is prohibited after midnight.

(B) No restaurant may be located in the building adjacent to McMillan Avenue as indicated on the Subdistrict 5A development plan.

(C) A restaurant must derive 50 percent or more of its gross revenue on a quarterly (three-month) basis from the sale or service of food.

(i) The person owning or operating the use shall, upon request, supply the building official with any records needed to document the percentage of gross revenue for the previous 12 month period derived from the sale or service of food.

(3) No balconies or outdoor seating areas may face an abutting residential district.

(4) After 6:00pm, a minimum of one peace officer or security personnel must be provided on the Property to monitor activity of the retail parking area.

(5) Use of outdoor speakers or other outdoor amplified sound equipment is prohibited.

SEC. 51P-462.110. MAINTENANCE OF THE PROPERTY.

The Property must be maintained in a state of good repair and neat appearance. (Ord. Nos. 22969; 25423)

SEC. 51P-462.111. COMPLIANCE WITH ALL OTHER LAWS.

Development and use of the Property must comply with all federal and state laws and regulations, and with all ordinances, rules, and regulations of the city. (Ord. Nos. 22969; 25423)

SEC. 51P-462.112. CONSTRUCTION STANDARDS.

All paved areas, permanent drives, streets, and drainage structures, if any, must be constructed in accordance with standard city specifications, and completed to the satisfaction of the director of public works and transportation. (Ord. Nos. 22969; 25423; 26102)

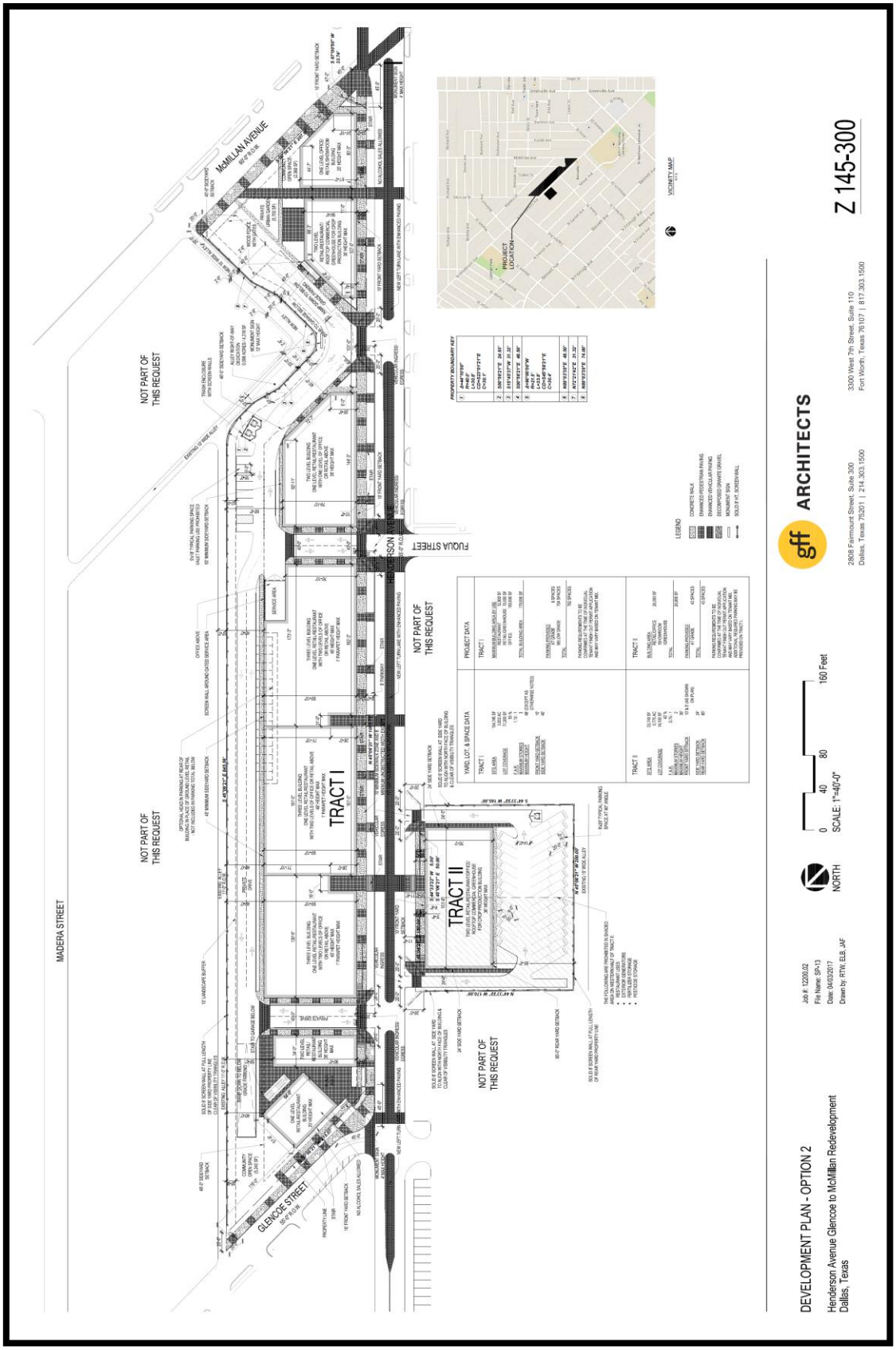
SEC. 51P-462.113. COMPLIANCE REQUIRED.

The building official shall not issue a building permit or a certificate of occupancy for a use ion this PD until there has been full compliance with this article, the Dallas Development Code, the construction codes, and all of other ordinances, rules, and regulations of the city. (Ord. Nos. 22969; 25423; 26102)

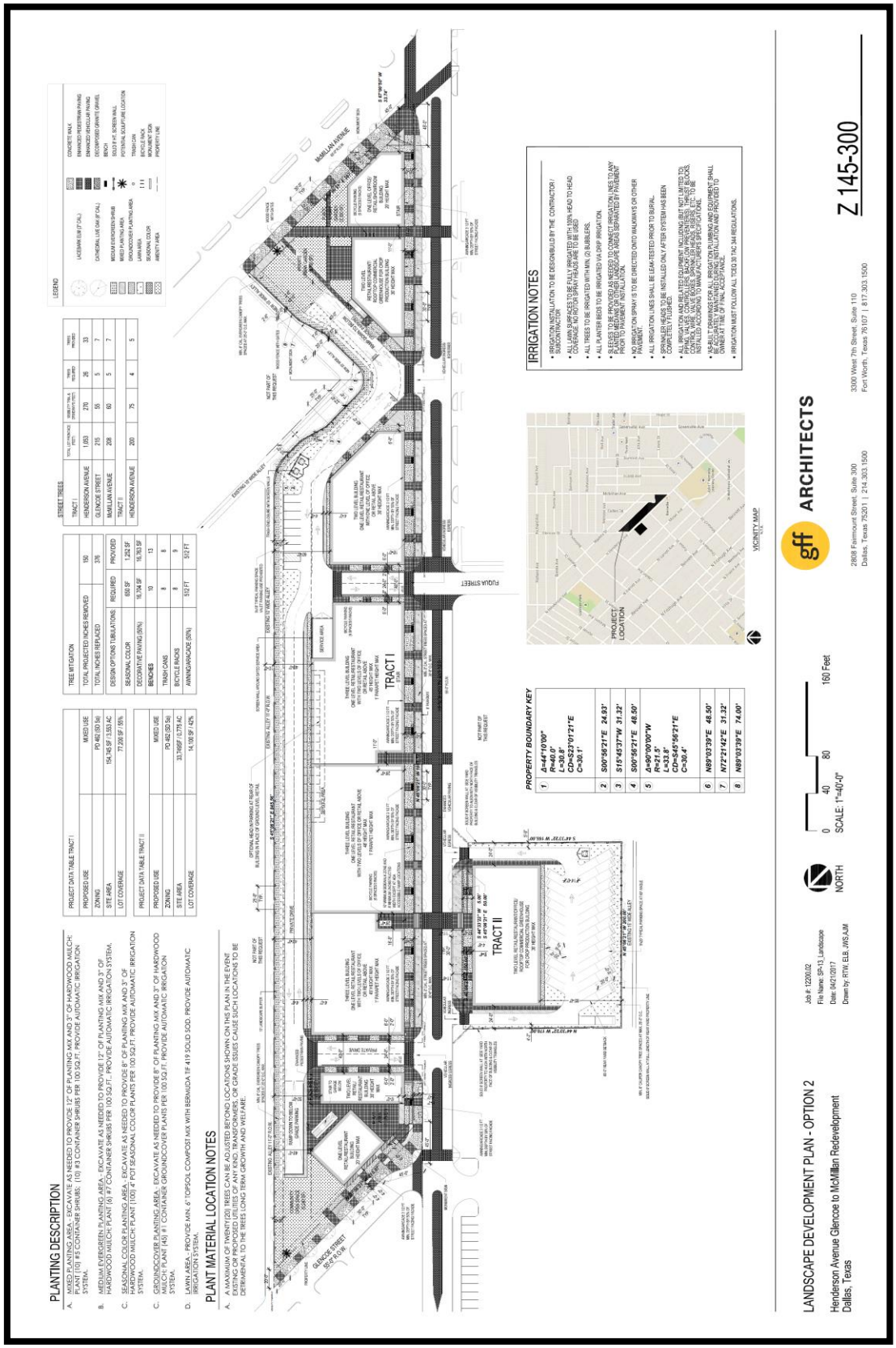
[~~**SEC. 51P-462.114. ZONING MAP.**~~

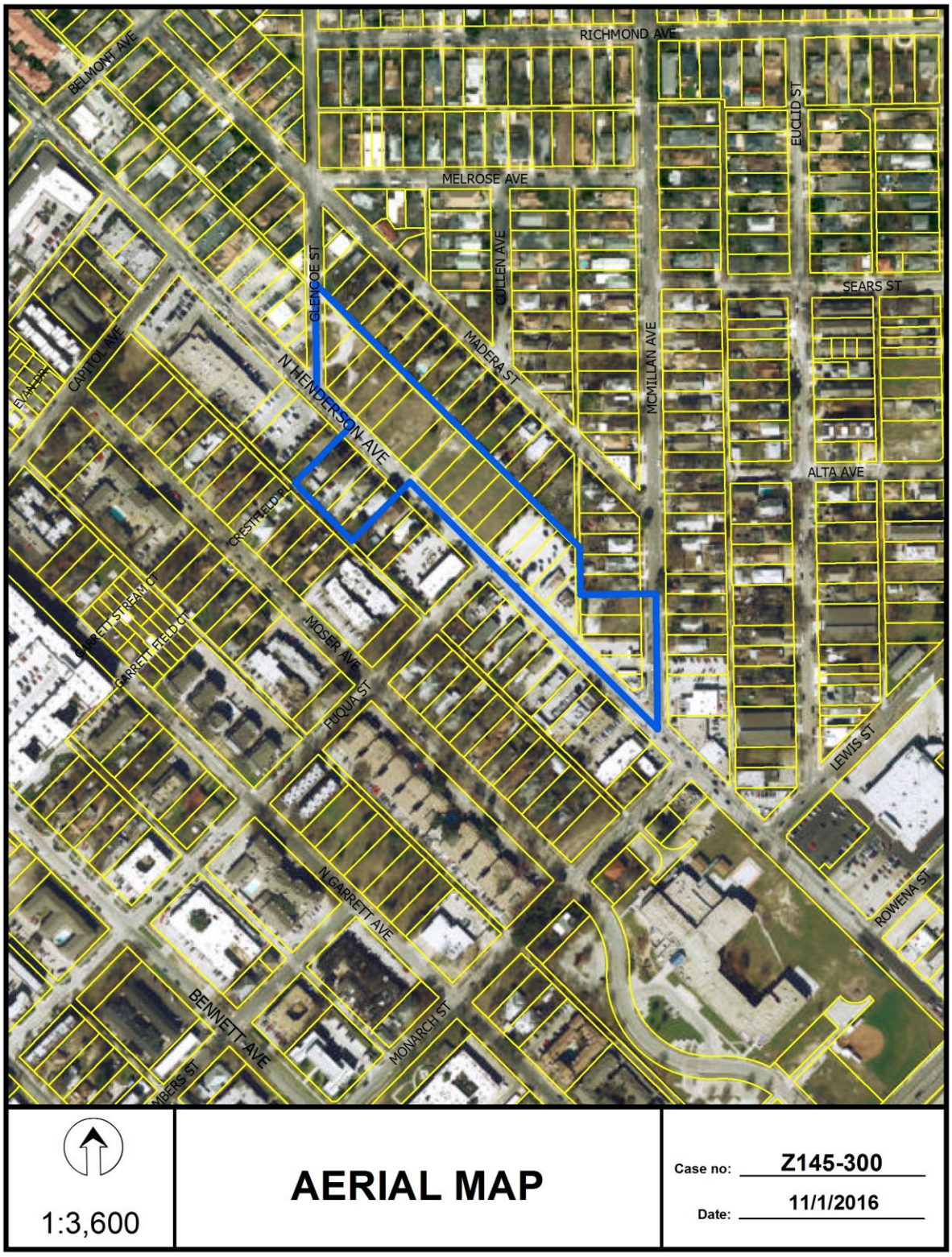
~~PD 462 is located on Zoning Map Nos. H-7, H-8, I-7, and I-8.~~] (Ord. Nos. 22969; 25423

PROPOSED DEVELOPMENT PLAN



PROPOSED LANDSCAPE PLAN

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SEARS ST
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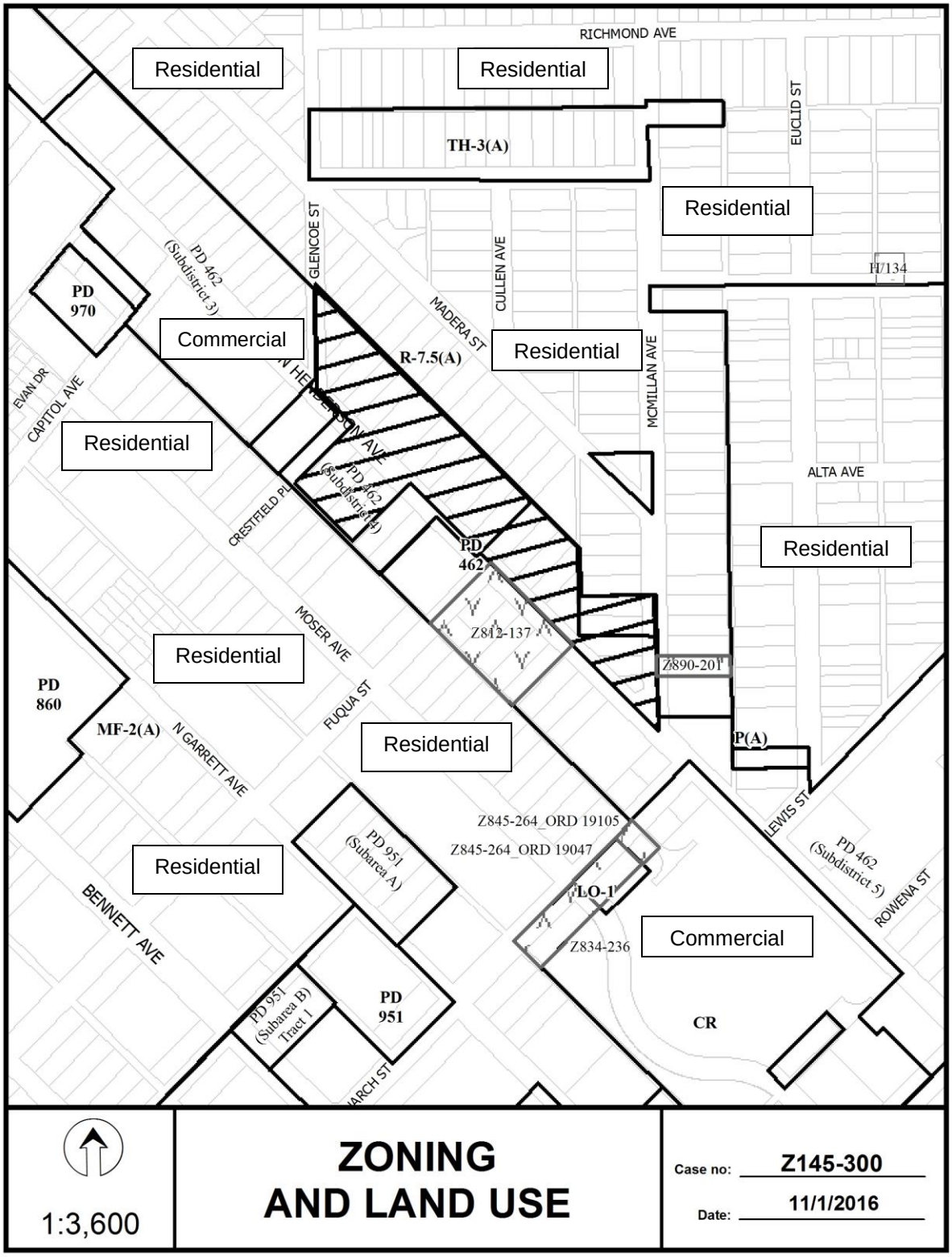
CAPITOL AVE
EVANDER
N HENDERSON AVE
ALTA AVE
CRESTFIELD
GARRETT STREAM CT
GARRETT FIELD CT
MOSER AVE
EUQUA ST
LEWIS ST
ROWENA ST
N GARRETT AVE
BENNETT AVE
MONARCH ST
MBERS ST
1:3,600
AERIAL MAP
Case no: Z145-300
Date: 11/1/2016


RICHMOND AVE
Residential
Residential
TH-3(A)
EUCLID ST
Residential
GLENCOE ST
CULLEN AVE
H/134
PD 462 (Subdistrict 3)
PD 970
Commercial
MADERA ST
R-7.5(A)
Residential
MCMILLAN AVE
EVAN DR
CAPITOL AVE
Residential
ALTA AVE
PD 462 (Subdistrict 4)
CRESTFIELD PL
PD 462
Residential
Z812-137
MOSER AVE
Z890-201
Residential
PD 860
MF-2(A)
N GARRETT AVE
FUQUA ST
Residential
P(A)
LEWIS ST
Z845-264_ORD 19105
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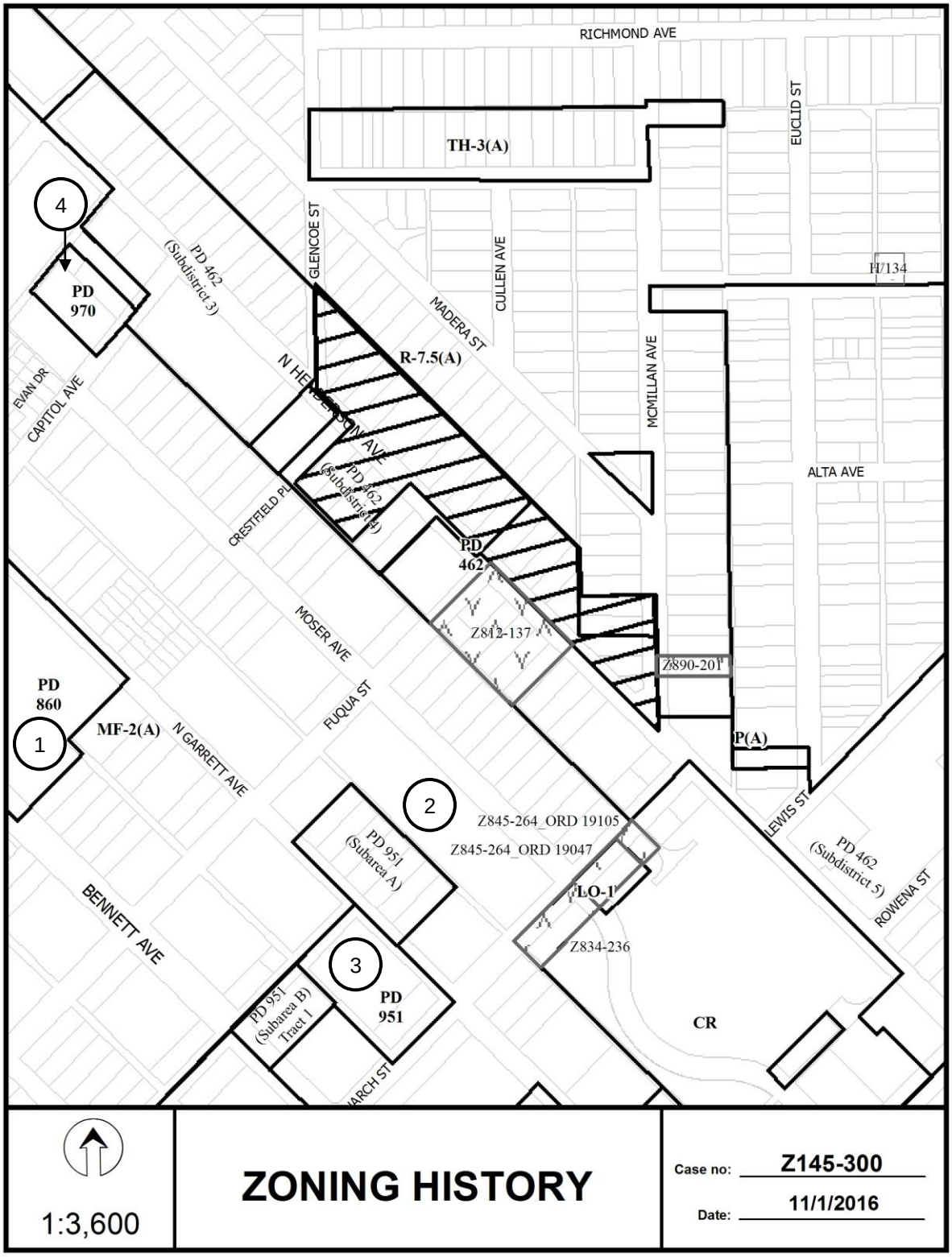
PD 951 (Subarea A)
Residential
PD 462 (Subdistrict 5)
ROWENA ST
LO-1
Z834-236
Commercial
BENNETT AVE
PD 951 (Subarea B) Tract 1
PD 951
CR
1:3,600
ZONING
AND LAND USE
Case no: Z145-300
Date: 11/1/2016


RICHMOND AVE
TH-3(A)
EUCLID ST
4
PD 970
PD 462 (Subdistrict 3)
GLENCOE ST
CULLEN AVE
MADERA ST
H/134
MCMILLAN AVE
R-7.5(A)
EVAN DR
CAPITOL AVE
N HENDERSON AVE
PD 462 (Subdistrict 4)
ALTA AVE
CRESTFIELD PL
PD 462
Z812-137
Z890-201
MOSER AVE
PD 860
1
MF-2(A)
N GARRETT AVE
FUQUA ST
P(A)
2
Z845-264_ORD 19105
Z845-264_ORD 19047
LEWIS ST
PD 462 (Subdistrict 5)
PD 951 (Subarea A)
LO-1
ROWENA ST
BENNETT AVE
Z834-236
3
PD 951
PD 951 (Subarea B) Tract 1
CR
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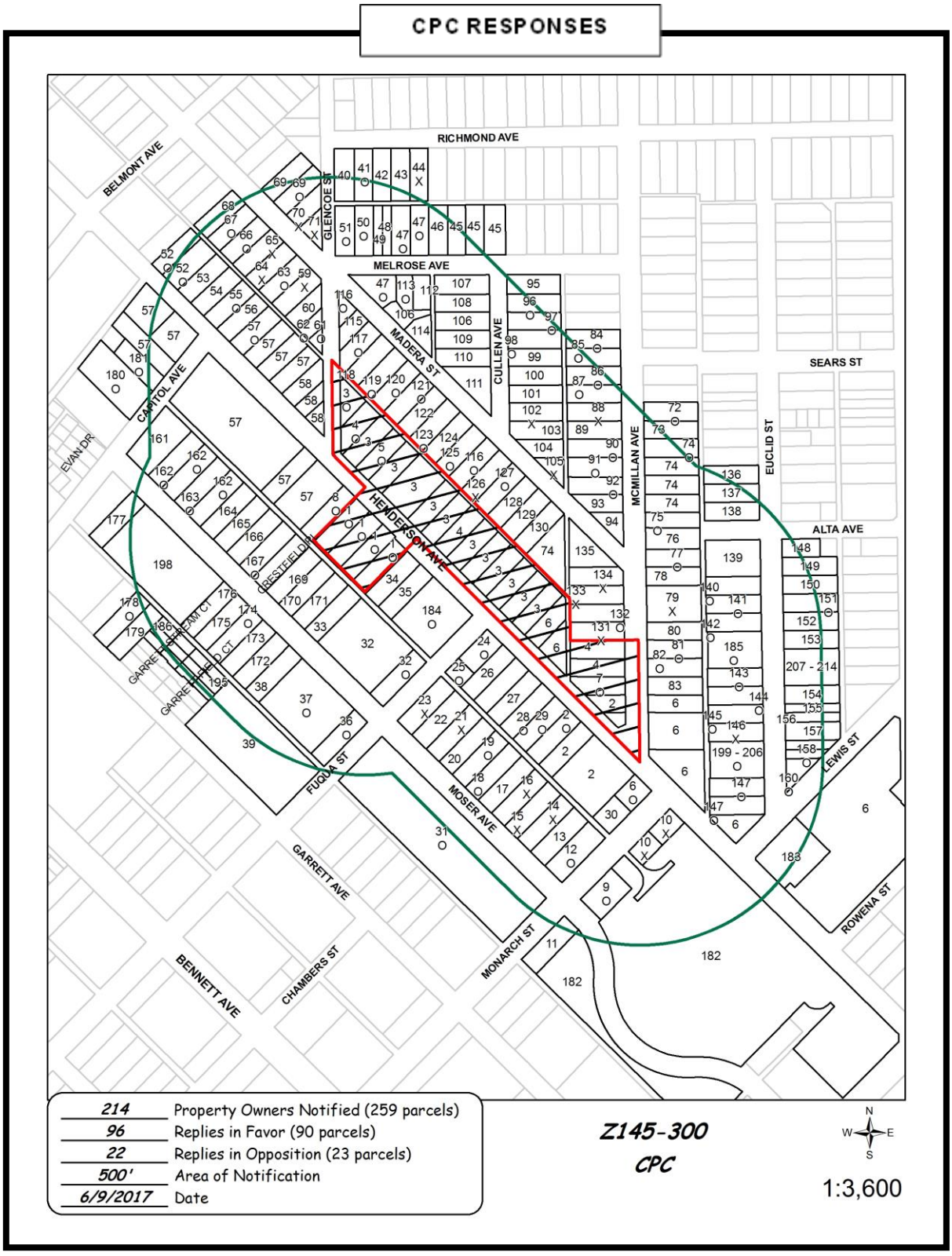
ZONING HISTORY
Case no: Z145-300
Date: 11/1/2016


CPC RESPONSES
RICHMOND AVE
BELMONT AVE
GLENCOE ST
MELROSE AVE
MADERA ST
CULLEN AVE
SEARS ST
CAPITOL AVE
EVAN DR
MCMILLAN AVE
EUCLID ST
ALTA AVE
HENDERSON AVE
CRESTFIELD
GARRETT TERRACE CT
GARRETT TERRACE DR
FUQUA ST
MOSER AVE
LEWIS ST
GARRETT AVE
ROWENA ST
BENNETT AVE
CHAMBERS ST
MONARCH ST
214 Property Owners Notified (259 parcels)
96 Replies in Favor (90 parcels)
22 Replies in Opposition (23 parcels)
500' Area of Notification
6/9/2017 Date
Z145-300
CPC
N
W
E
S
1:3,600

06/08/2017

Reply List of Property Owners

Z145-300

214 Property Owners Notified ***96 Property Owners in Favor*** ***22 Property Owners Opposed***

Reply	*Label #*	*Address*		*Owner*
	2	1921	N HENDERSON AVE	HENDERSON LOTS OWNER DALLAS LLC
	3	2218	N HENDERSON AVE	HENDERSON RESIDENTIAL LANDS DALLAS LLC
	4	2114	N HENDERSON AVE	HENDERSON RESIDENTIAL LANDS
	6	1900	N HENDERSON AVE	HENDERSON MAIN DALLAS LLC
X	10	1839	N HENDERSON AVE	CANELAKES LOUIS
	11	1833	MOSER AVE	BURNS ROBERT W
	13	1906	MOSER AVE	STELLMACHER RICHARD &
X	14	1912	MOSER AVE	TICHANSKY MICHAEL S &
X	16	1918	MOSER AVE	MONDELL FONYA NAOMI
	17	1922	MOSER AVE	MONDELL CYNTHIA & ALLEN
	20	2008	MOSER AVE	DALLAS SUNDOWN PROPERTY
X	21	2014	MOSER AVE	CUELLAR- VALDEZ ROSANN
	22	2018	MOSER AVE	FAIFAR RIBEIRO PATRICIA X
	26	2019	N HENDERSON AVE	PEDRO PROPERTIES LLC
	27	2011	N HENDERSON AVE	NGUYEN CUNG LUONG 2010 TRUST
	30	5217	MONARCH ST	MUELLER MARK C
	32	2110	MOSER AVE	MPC MOSER II LLC
	33	2122	MOSER AVE	GARCIA JOSE
	34	2117	N HENDERSON AVE	SMITH ISABELLE M
	35	2115	N HENDERSON AVE	AVILA PASTORA MARIA
	38	2123	MOSER AVE	DALLAS SUNDOWN PPTY INVESTMENTS LLC
	39	2116	N GARRETT AVE	MONTANA & CHANCE 21152116 GARRETT LP
	40	5402	RICHMOND AVE	MCCRUMMEN JENNIFER &
O	41	5406	RICHMOND AVE	CARSON CHRIS A
	42	5410	RICHMOND AVE	GARRETT BRECK &
	43	5414	RICHMOND AVE	QUAIL ASSETS LP

06/08/2017

Reply	*Label #*	*Address*		*Owner*
X	44	5418	RICHMOND AVE	WIGGINS ANNA FRANCES
	45	5435	MELROSE AVE	ESTRELLO MARIA
	46	5423	MELROSE AVE	MAJORS JOHN A IV
	48	5411	MELROSE AVE	WINDLER MONTE & PATRICIA ANNE
	49	5409	MELROSE AVE	SHABAN ALI HUSSAIN
	53	2406	N HENDERSON AVE	COHEN CLARA JO
	54	2400	N HENDERSON AVE	MOORE MARGARITA O
O	55	2336	N HENDERSON AVE	CANDLER RUSSELL E JR
	56	2332	N HENDERSON AVE	BUSTAMANTE VINCENT & ANGELES
	57	2324	N HENDERSON AVE	HENDERSON SHOPS DALLAS LLC
	58	2310	N HENDERSON AVE	SPANISH BUSINESS SERVICES
	60	2031	GLENCOE ST	NEW DIRECTION IRA INC
	68	2407	MADERA ST	RUBIO SCOTT H
	69	2402	MADERA ST	HEPWORTH WESLEY W
	73	1922	MCMILLAN AVE	WRIGHT DAVID ASHLEY
	74	1912	MCMILLAN AVE	MATA RENE RAMOS
O	75	1902	MCMILLAN AVE	JDAL PROPERTIES INC
	76	1848	MCMILLAN AVE	GOOD EARTH FUNDING INC
	78	1840	MCMILLAN AVE	HERNANDEZ PAULINA
X	79	1836	MCMILLAN AVE	ADAMS VALERIE DAWN
	80	1828	MCMILLAN AVE	MATA HILARIO O & VIVIANA
	83	1816	MCMILLAN AVE	CISNEROS JUAN J &
O	86	2007	MCMILLAN AVE	NIETO PORFIRIO ORTEGA &
	89	1919	MCMILLAN AVE	LONGORIA MARY ELLEN
	93	1907	MCMILLAN AVE	SPRINGER MAJENICA
	94	1901	MCMILLAN AVE	BARBER PAULA L
	95	2034	CULLEN AVE	PATOLIA FAMILY REVOCABLE
O	98	2020	CULLEN AVE	KORPONAI SANDOR G
	99	2018	CULLEN AVE	INFANTE GUMERCIDA &
	100	2014	CULLEN AVE	BARRAZA GLORIA P
	101	2010	CULLEN AVE	REYES JUAN G ETAL

06/08/2017

Reply	*Label #*	*Address*		*Owner*
X	102	2006	CULLEN AVE	MARTINEZ JOSE L JR &
	103	2002	CULLEN AVE	HEPWORTH WESLEY W &
	104	2110	MADERA ST	GUANAJUATO PEDRO &
	106	2232	MADERA ST	CULLEN EDWARD V
	107	2035	CULLEN AVE	SKAGGS KENNETH LEE &
	108	2031	CULLEN AVE	CRUZ SAUL & GABRIELA
	109	2023	CULLEN AVE	LOPEZ LAZARO S &
	110	2019	CULLEN AVE	SANDOVAL JOSE
	111	2015	CULLEN AVE	HURLEY SOFIA &
	112	5418	MELROSE AVE	GASCA GILBERT JR &
	114	2228	MADERA ST	GAYTAN GUADALOPE
	115	2237	MADERA ST	WILLIAMS HERBERT S III
	118	2231	MADERA ST	ANTILLON MANUEL
	122	2215	MADERA ST	MCCOLLEY JEFFREY W &
	124	2207	MADERA ST	SHIELDS WILLIAM O
O	127	2115	MADERA ST	TAMEZ LORENA FIERRO
	128	2111	MADERA ST	SEGURA LUIS A & IRMA V MARTINEZ &
	129	2107	MADERA ST	WORLDALLAS PPTIES INC
	130	2103	MADERA ST	BAUGH HARBOR SERIES H LLC
X	131	1829	MCMILLAN AVE	CRUZ ESTEFANA B
	135	2003	MADERA ST	SHAMPAIN RICHARD H
	136	1911	EUCLID AVE	ALANIZ MARIE
	137	1905	EUCLID AVE	RANKIN BENJAMIN L &
	138	1903	EUCLID AVE	LEWELLON LABELLE &
	139	1855	EUCLID AVE	CROFT CARL E & LARA C
O	143	1829	EUCLID AVE	DALLAS SUNDOWN PPTY INV LLC
X	146	1819	EUCLID AVE	SINGER SUSAN E
O	147	1805	EUCLID AVE	1834 N HENDERSON LLC
	148	1856	EUCLID AVE	SMITH MARK
	149	1854	EUCLID AVE	ZAHRA EDWARD H JR
	150	1848	EUCLID AVE	HOWARD CHRISTOPHER

06/08/2017

Reply	*Label #*	*Address*		*Owner*
	152	1842	EUCLID AVE	MATA RENE R
	153	1836	EUCLID AVE	BAILEY DAVID D
	154	1824	EUCLID AVE	EUCLID ELEMENTS LLC
	155	1822	EUCLID AVE	THOMAS JAMES
	156	1820	EUCLID AVE	RANA HUMAIR
	157	1816	EUCLID AVE	ENRIQUEZ ARMANDO &
O	158	1812	EUCLID AVE	NELSON NATHAN &
	159	1814	EUCLID AVE	BROWN CASSANDRA S
	161	2322	MOSER AVE	NGUYEN NHON
	164	2302	MOSER AVE	CRAVER SADIE B ESTATE OF
	165	2226	MOSER AVE	MONETA DAREN
	166	2222	MOSER AVE	PEREZ SALVADOR &
	168	2214	MOSER AVE	COG DALLAS HOMES LLC
	169	2208	MOSER AVE	FOUR MAD OX LLC
	170	2206	MOSER AVE	CHEFCHIS AMELIA
	171	2202	MOSER AVE	NEGRETE BLANCA G
	172	2203	MOSER AVE	DALLAS SUNDOWN PPTY INVESTMENTS LLC
	173	2207	MOSER AVE	NILASENA NANCY
	175	2215	MOSER AVE	KHAN IRFAN A &
	176	2217	MOSER AVE	KHAN IRFAN A & SABOOHI I
	177	2317	MOSER AVE	BAILEY DAVID D & IDA J
	179	2226	N GARRETT AVE	MARTINEZ JOSEPHINE LIFE ESTATE
	182	1802	MOSER AVE	Dallas ISD
	183	1800	N HENDERSON AVE	HENDERSON RETAIL LANDS
O	185	1839	EUCLID ST	SUBDIVISION REALTY 2 LLC
	186	5185	GARRETT STREAM CT	LIU PATRICK
	187	5169	GARRETT STREAM CT	TILLETT BRADLEY & JAYNE
X	188	5153	GARRETT STREAM CT	VICTOROV VICTOR
	189	5186	GARRETT STREAM CT	NOWACKI SARAH A &
	190	5170	GARRETT STREAM CT	SINGAPURA KARTIK &
	191	5154	GARRETT STREAM CT	PATEL AKSHAR C

06/08/2017

Reply	*Label #*	*Address*		*Owner*
O	192	5171	GARRETT FIELD CT	GRUBER BRIAN &
	193	5155	GARRETT FIELD CT	ALLISON GEORGE THOMAS IV &
	194	5139	GARRETT FIELD CT	NOORANI IMRAN & SHEZILA ALI
	195	5188	GARRETT FIELD CT	ADAMANY MARISSA L
	196	5172	GARRETT FIELD CT	DEYOUNG WILLIAM A IV &
	197	5156	GARRETT FIELD CT	CARTER DEBRA
	198	2315	MOSER AVE	JOSSELSON BARRY H &
O	201	1811	EUCLID AVE	KIDD KYLE &
O	202	1811	EUCLID AVE	BOYER ERIC
O	203	1811	EUCLID AVE	KNIGGE ANEMONE E
O	204	1811	EUCLID AVE	STRONG BRENT M
O	205	1811	EUCLID AVE	SINHA RAVI R
O	206	1811	EUCLID AVE	MESSER AMY
	207	1828	EUCLID AVE	LUCERO MILES
	208	1828	EUCLID AVE	TRANG QUYNHCHI NGOC
	209	1828	EUCLID AVE	JOHNSON CHARLES BRENT &
	210	1828	EUCLID AVE	SLECHTEN SARA M
	211	1828	EUCLID AVE	LESHER BRIDGET MARY
	212	1828	EUCLID AVE	SHORES SUSAN V & STEVEN LEE
	213	1828	EUCLID AVE	CLARK GREGORY PHILLIP
	214	1828	EUCLID AVE	WILLIAMS ARON THOMAS
O	A1	1811	EUCLID AVE	MATHEW TIM G
O	A2	1830	MOSER AVE	BLAIR IAN
O	A3	2217	MADERA ST	ZYLKA JOE &
O	A4	2123	MADERA ST	HOLMES JOHN B
O	A5	2239	MADERA ST	HOLMES JOHN B
O	A6	2100	MOSER AVE	MPC MOSER II LLC
O	A7	2103	MOSER AVE	MPC MOSER I LLC
O	A8	2107	MOSER AVE	MPC MOSER I LLC
O	A9	5419	MELROSE AVE	HUNT ROBERT V
O	A10	5403	MELROSE AVE	RVH REAL ESTATE

06/08/2017

Reply	*Label #*	*Address*		*Owner*
O	A11	2235	MADERA ST	RVH REAL ESTATE OPPORTUNITY FUND LLC
O	A12	5415	MELROSE AVE	HUNT ROBERT V
O	A13	2121	N HENDERSON AVE	HENDERSON RETAIL LANDS DALLAS LLC
O	A14	2008	GLENCOE ST	HENDERSON RESIDENTIAL LANDS DALLAS LLC
O	A15	2222	N HENDERSON AVE	HENDERSON RESIDENTIAL LANDS
O	A16	2212	N HENDERSON AVE	HENDERSON RESIDENTIAL LANDS
O	A17	1925	N HENDERSON AVE	HENDERSON LOTS OWNER DALLAS LLC
O	A18	2023	N HENDERSON AVE	PEDRO PPTIES LLC
O	A19	5216	FUQUA ST	PEDRO PROPERTIES LLC
O	A20	2326	N HENDERSON AVE	HENDERSON SHOPS DALLAS LLC
O	A21	1815	MCMILLAN AVE	HENDERSON RESIDENTIAL LANDS
O	A22	2201	N HENDERSON AVE	HENDERSON RETAIL LANDS DALLAS LLC
O	A23	2205	N HENDERSON AVE	HENDERSON RETAIL LANDS DALLAS LLC
O	A24	2213	N HENDERSON AVE	HENDERSON TRIPOLI INV PPTY LLC
O	A25	1901	N HENDERSON AVE	HENDERSON MAIN DALLAS LLC
O	A26	2211	MOSER AVE	2211 MOSER AVE LLC
O	A27	2304	N GARRETT AVE	2304 GARRETT AVE LLC
O	A28	2003	N HENDERSON AVE	MUNTZEL MARK SR LIVING TRUST
O	A29	2007	N HENDERSON AVE	NORTH HENDERSON AVENUE LLC
O	A30	5209	CAPITOL AVE	LARKSPUR CAPITOL AVENUE LP
O	A31	2015	MCMILLAN AVE	1700 TREEHOUSE LLC
O	A32	1911	MCMILLAN AVE	WALLER HALLIE
O	A33	2414	N HENDERSON AVE	NHA HOLDINGS LLC
O	A34	1926	MCMILLAN AVE	SMITH MARY E P
O	A35	5414	MELROSE AVE	CLARK EDWARD L JR
O	A36	1841	EUCLID ST	CARRILLO BENITA P
X	A37	2310	MADERA ST	CEJA JOSE NAVA & MAIJA S
O	A38	2221	MADERA ST	DAVIS RICHARD & CHERYL
O	A39	1827	EUCLID AVE	LARA RAMONA RAMIREZ

06/08/2017

Reply	*Label #*	*Address*		*Owner*
O	A40	1821	EUCLID ST	GARCIA JESUS &
O	A41	2227	MADERA ST	GRIFFIN MATTHEW KEITH
O	A42	2319	MADERA ST	GONZALEZ OLGA
O	A43	2030	CULLEN AVE	GONZALEZ JESUS E
O	A44	2026	CULLEN AVE	GONZALEZ JESUS ESTRELLO
	A45	1840	EUCLID AVE	MATA RENE R
O	A46	1909	MCMILLAN AVE	MATA RENE R
O	A47	1918	MCMILLAN AVE	MATA RENE RAMOS
O	A48	1811	EUCLID AVE	JACKSON KATIE L
O	A49	2107	N HENDERSON AVE	2107 N HENDERSON AVENUE LLC
O	A50	5410	MELROSE AVE	HUNT ROBERT V
O	A51	2314	MADERA ST	HEPWORTH WESLEY W
O	A52	2403	MADERA ST	MEYER MARK D
O	A53	1844	MCMILLAN AVE	CHUC MARY JANE &
O	A54	5219	CAPITOL AVE	LARKSPUR CAP AVE II LLC
X	A55	2303	MADERA ST	LEIGH GRANT W & KRISTI D
X	A56	1914	MOSER AVE	MCCULLOUGH DAVID W &
X	A57	2315	MADERA ST	KUBIN JOHN W
X	A58	2119	MADERA ST	KUBIN JOHN
X	A59	2311	MADERA ST	KUBIN MARY FRANCES
X	A60	1925	MCMILLAN AVE	GUTIERREZ SYLVIA ANN &
X	A61	1841	MCMILLAN AVE	LEYVA JOSE
X	A62	1837	MCMILLAN AVE	ZAVALA MARY
X	A63	2104	MADERA ST	MEDRANO RANDY I
X	A64	2304	MADERA ST	NAVA HECTOR & CLAUDIA MARIA GUERRERO
X	A65	2022	MOSER AVE	ESCARCEGA CARLOS
O	A66	2209	N HENDERSON AVE	HENDERSON RETAIL LANDS DALLAS LLC
O	A67	1833	MCMILLAN AVE	NOLAN CRYSTAL
O	A68	2314	MOSER AVE	MOSER HOMES LLC
O	A69	2318	MOSER AVE	MOSER HOMES LLC
O	A70	1808	EUCLID AVE	SMITH O DARWIN &
O	A71	1902	MOSER AVE	BOSWELL BRADLY

06/08/2017

Reply	*Label #*	*Address*		*Owner*
O	A72	2002	MOSER AVE	GOODENOW GEORGE
O	A73	2006	MOSER AVE	SUBDIVISIONS REALTY 7 LLC
O	A74	2410	N HENDERSON AVE	NHA HOLDINGS LLC
O	A75	2021	GLENCOE ST	SMITH SKYE
O	A76	2025	GLENCOE ST	BRYSON SPENCER A &
O	A77	2307	MADERA ST	DIMENSION D+B LLC
O	A78	1824	MCMILLAN AVE	TABOR MICHELLE CAROLINE
O	A79	1820	MCMILLAN AVE	BROADHURST ZACHARY C
O	A80	2011	MCMILLAN AVE	LEYVA SAMUEL
O	A81	1929	MCMILLAN AVE	PAYNE WILLIAM BRIAN
O	A82	1915	MCMILLAN AVE	MENDEL MARK A
O	A83	2201	MADERA ST	HERNANDEZ MARTIN &
O	A84	1844	EUCLID ST	ROYAL SUPREME LLC
O	A85	2310	MOSER AVE	MOSER TOWNHOMES LLC
O	A86	2218	MOSER AVE	DIMENSION D B LLC
O	A87	2306	MOSER AVE	MOSER HOMES LLC
O	A88	1925	MOSER AVE	LH MOSER LLC
O	A89	5407	MELROSE AVE	PIECE JORDAN DEVELOPMENT LLC
O	A90	1849	EUCLID AVE	PIERCE JORDAN DEVELOPMENT LLC
O	A91	1845	EUCLID AVE	CAPITAL PARTNERS LLC
O	A92	2211	MADERA ST	BARNETT SAMUEL L & RAMONA S

AGENDA ITEM # 59

STRATEGIC PRIORITY:	Mobility Solutions, Infrastructure, and Sustainability
AGENDA DATE:	April 11, 2018
COUNCIL DISTRICT(S):	6
DEPARTMENT:	Department of Sustainable Development and Construction
CMO:	Majed Al-Ghafry, 670-3302
MAPSCO:	43 R

SUBJECT

A public hearing on an application for and a resolution granting a variance to the alcohol spacing requirements from a public school, L.G. Pinkston High School as required by Section 6-4 of the Dallas City Code to allow a wine and beer retailer's off-premise permit (Chapter 26) for a general merchandise or food store with 10,000 square feet or more floor area [Fiesta Mart, LLC] on the north line of Singleton Boulevard and the west line of Hampton Road - AV178-001 - Financing: No cost consideration to the City
Note: This item was considered by the City Council at public hearings on January 10, 2018 and February 14, 2018, and was held under advisement until April 11, 2018 with the public hearing open

BACKGROUND

Section 6-4 of Chapter 6, "Alcoholic Beverages," of the Dallas City Code allows Council to grant a variance from the usual spacing required between an alcohol business and a protected use. The usual spacing requirement is 300 feet in a direct line from the property line of the public Duncanville Independent School District school to the property line of the place of business.

The standard for approval of the variance is that:

A. the application is for one of the following permits pursuant to the following chapters of the Texas Alcoholic Beverage Code:

(i) a brewer's permit, Chapter 12;
(ii) a distiller's and rectifier's permit, Chapter 14;
(iii) a winery permit, Chapter 16;
(iv) a wine and beer retailer's permit, Chapter 25;
(v) a wine and beer retailer's off-premise permit, Chapter 26;
(vi) a mixed beverage permit with a food and beverage certificate, Chapter 28; or
(vii) a manufacturer's license, Chapter 62.

BACKGROUND (continued)

B. the application is for one of the following land uses:

   (i) general merchandise or food store use with 10,000 square feet or more of floor area;
   (ii) restaurant without drive-in or drive-through service with a food and beverage certificate pursuant to the Texas Alcoholic Beverage Code;
   (iii) alcoholic beverage establishment limited to a microbrewery, microdistillery, or winery; or
   (iv) alcoholic beverage manufacturing.

C. alcoholic beverages will not be sold by drive-in or drive-through service; and

D. enforcement of the spacing requirements in this particular instance:

   (i) is not in the best interest of the public;
   (ii) constitutes waste or inefficient use of land or other resources;
   (iii) creates an undue hardship on an applicant for an alcohol permit;
   (iv) does not serve its intended purpose;
   (v) is effective or necessary; or
   (vi) for any other reason that the City Council, after consideration of the health, safety, and welfare of the public and the equities of the situation, determines is in the best interest of the community.

An application for a waiver of the spacing requirements was submitted on November 16, 2017, by Fiesta Mart, LLC. L.G. Pinkston High School, located to the north of the request site, creates the need for the variance.

On January 22, 2014, City Council authorized a variance from the alcohol spacing requirements prescribed by Subsection 6-4(a) for a Minyards Food Store in the same location. This request is necessary because the previous authorization cannot be transferred to another alcohol permit holder.

The request site contains approximately 12.6 acres of land with multiple structures. The largest structure is a multi-tenant shopping center with approximately 116,000 square feet of floor area. The applicant proposes to sell alcohol for off-premise consumption at the existing grocery store located on the eastern side of the largest multi-tenant shopping center structure. The grocery store portion of the building is approximately 36,652 square feet in floor area.

While the required spacing from a school is measured property line to property line, the walking distance from the entrance of the public school to the entrance of the grocery store is approximately 1,755 feet, or between a quarter and a third of one mile. Additionally, the site is located at the intersection of two major thoroughfares (Hampton Road and Singleton Boulevard).

BACKGROUND (continued)

Due to the location on two major thoroughfares and the physical separation of the existing structures, staff can support this request.

This item requires two seconds to pass.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On November 9, 2009, City Council approved an ordinance amending Section 6-4 of Chapter 6 of the Dallas City Code establishing authority and procedures for City Council to grant an application for a variance to the spacing requirements for an alcohol business from a public or private school pursuant to Texas Alcoholic Beverage Code Section 109.33(e).
add space.

On October 26, 2011, September 26, 2012, and January 22, 2014, the City Council further amended Section 6-4 of Chapter 6.

On January 10, 2018, this item was deferred by Councilmember Philip T. Kingston.

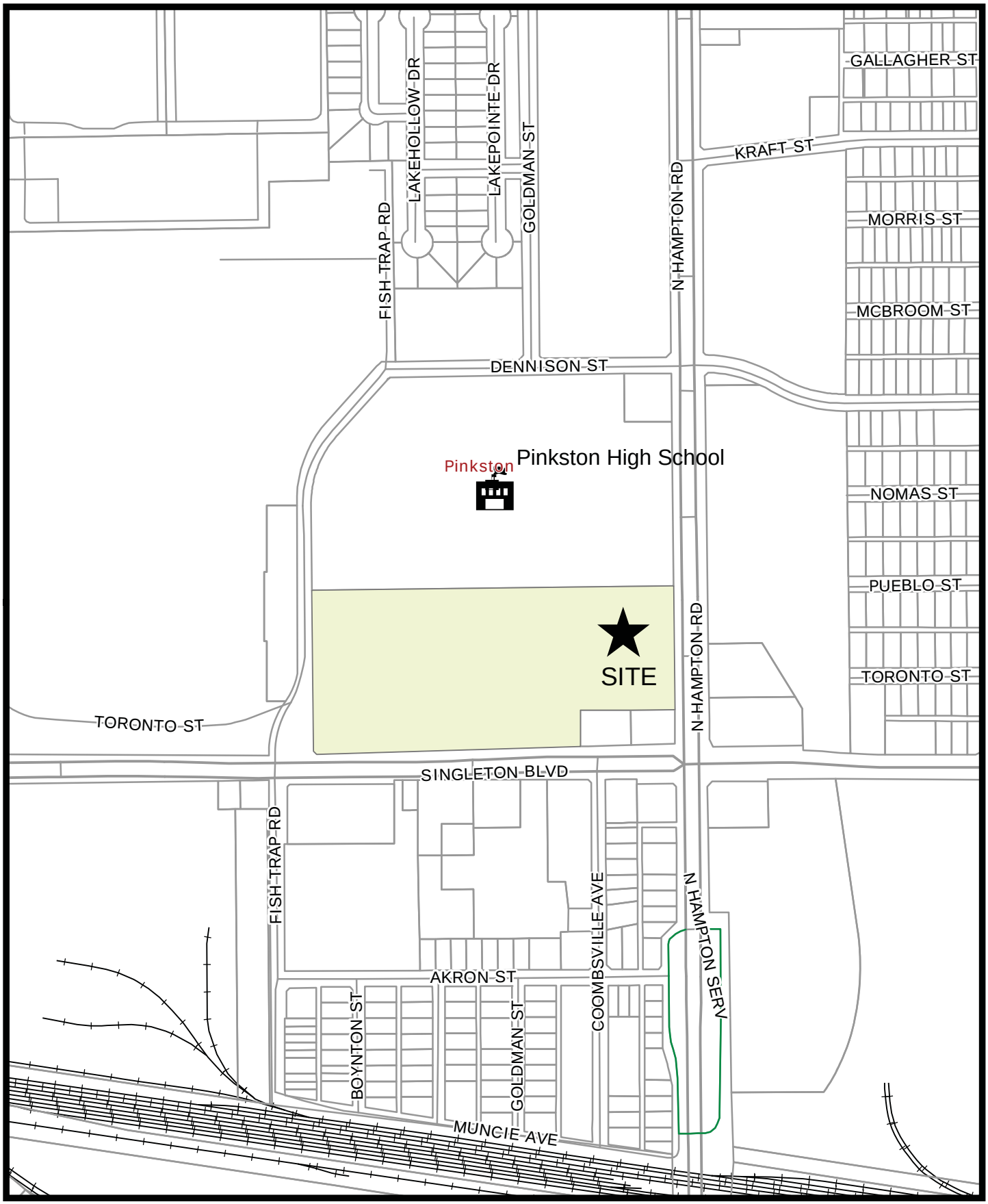
On February 14, 2018, this item was held under advisement by Councilmember Omar Narvaez.

FISCAL INFORMATION

No cost consideration to the City.

MAP

Attached



AV178-001

1:5,000

★ Approximate location of business requesting alcohol variance

Land use requiring spacing from business requesting alcohol sales: school

CITY OF DALLAS

APPLICATION FOR A VARIANCE FROM THE MINIMUM DISTANCE REGULATIONS RELATED TO THE SALE OF ALCOHOLIC BEVERAGES

Chapter 6—Alcoholic Beverages, City of Dallas Code of Ordinances

Applicant: Fiesta Mart, L.L.C.
(Must match the business name on TABC application)

Contact person, title: Santos T. Martinez (Masterplan)
(Land owner, business owner, representative)

Contact person's phone: 214-761-9197

Contact person's address: 900 Jackson, Suite 640 Dallas, TX 75202

Property owner's name: Lakewest Revitalization Foundation, Inc.

Address of request site: 2223 Singleton Blvd

Protected use's address: 2200 Dennison Street

Type of protected use:
- o Church
- ☒ Public school / open-enrollment charter school
- o Private school
- o Public hospital
- o Daycare/child-care facility

Type of business seeking to sell alcohol:
- o Alcoholic beverage manufacturing
- ☒ General merchandise or food store with 10,000 square feet or more floor area
- o Microbrewery, microdistillery, or winery
- o Restaurant without drive-in or drive-through service

Type of TABC permit(s) to be sought:
- o Brewer's permit, "B" / Manufacturer's license, "BA"
- o Distiller's and rectifier's permit, "D"
- o Food and beverage certificate, "FB"
- o Mixed beverage permit,"MB"
- ☒ Wine and beer retailer's off-premise permit, "BQ"
- o Wine and beer retailer's permit, "BG"
- o Winery, "G"

The nonrefundable variance application fee is $1,200.00 and the sign fee, which is between $10 and $50 depending on street frontages. A statement explaining how the request meets the standard below is required as part of this application. The burden of proving that the request meets the standard is solely the responsibility of the applicant. Additional evidence supporting the request may be submitted along with this application.

> Enforcement of the spacing requirements in this particular instance (1) is not in the best interest of the public; (2) constitutes waste or inefficient use of land or other resources; (3) creates an undue hardship on an applicant for an alcohol permit; (4) does not serve its intended purpose; is not effective or necessary; or (5) for any other reason that the city council, after consideration of the health, safety, and welfare of the public and the equities of the situation, determines is in the best interest of the community.

REQUIRED ATTACHMENTS:
- o Statement of request
- o List of officers for alcohol business and property owner
- o Sealed alcohol survey showing 300 foot radius and door to door measurements (*protected use must be indicated on this survey*)

AUTHORIZATION BY PROPERTY OWNER(S)

I, Timothy J. Lott, the owner of the property to be considered, hereby authorize the above business and representative to file this application for a variance from the requirements of Chapter 6, Section 6-4 of the City of Dallas Code of Ordinances.

Timothy J. Lott
Owner's Printed Name

Owner's Signature

APPLICANT ACKNOWLEDGEMENT AND AFFIDAVIT

I have read, examined, and completed this application; and know the information provided to be true and correct. I hereby apply for a variance from the distance requirements in Chapter 6, Section 6-4 of the City of Dallas Code of Ordinances. I understand that this application, including all submitted documentation, are public information and can be made available through an Open Records Request per the Texas Public Information Act (Texas Government Code, Chapter 552).

Siddharth S. Keswani
Applicant's Printed Name

Applicant Signature

Sworn to and subscribed before me by on this day 20 of October in the year 2017, to certify which witness my hand and seal of office.

CELINA GOMEZ
Notary Public, State of Texas
Comm. Expires 03-19-2019
Notary ID 130159567

Celina Gomez
Celina Gomez
Notary Public in and for the State of Texas

Date received: 11-16-17 Receipt No.: Case number: AV178-001

PLANNER: AM CC DISTRICT 6

AV application 3-25-14

AV178-001

Masterplan
Land Use Consultants

October 30, 2017

Mr. David Cossum
Director
Department of Sustainable Development and Construction
City of Dallas
1500 Marilla, Room 5DS
Dallas, Texas 75201

RE: Variance for general merchandise store greater than 10,000 square feet selling beer and wine for off-premise consumption located at 2223 Singleton.

Dear Mr. Cossum:

Fiesta Mart LLC has taken over the operations for a grocery store at the address listed above. The property was granted a previous variance to the spacing requirements that allowed Minyard Food Stores to sell beer and wine for off premise consumption when it operated at this same location.

The property is zoned for Community Retail uses and is located at the intersection of two major thoroughfares. The property is over 13 acres and has been developed with over 100,000 square feet of retail, restaurant, and other commercial uses. In seeking this variance, it should be noted that Fiesta Mart is the largest full service grocery store (36,680 square feet) located between the Trinity River, Walton Walker Boulevard, and Interstate 30. According to current records from the Census Bureau, there are over 24,000 residents that live in this area. The protected use sits on a 16 acre lot that includes a football practice field, track, and baseball fields. The protected use and the shopping center share a common property line. Even though the property lines abut one another, the actual school building sits farther to the north of the shopping center. The distance between the front door of the protective use and the grocery store is over 1700 feet. This creates an undue hardship on the applicant's ability to provide services for area residents as they are allowed to at their other locations.

Fiesta Mart LLC needs to transfer the license information to reflect their ownership of the space. The property owner has agreed to allow Fiesta Mart LLC to seek this variance.

We have included a TABC field survey and a list of officers for the property owner and the applicant.

Please feel free to contact our offices if you need any additional information regarding this application.

Santos T. Martinez
Authorized representative for
Fiest Mart LLC

List of Officers
Fiesta Mart LLC

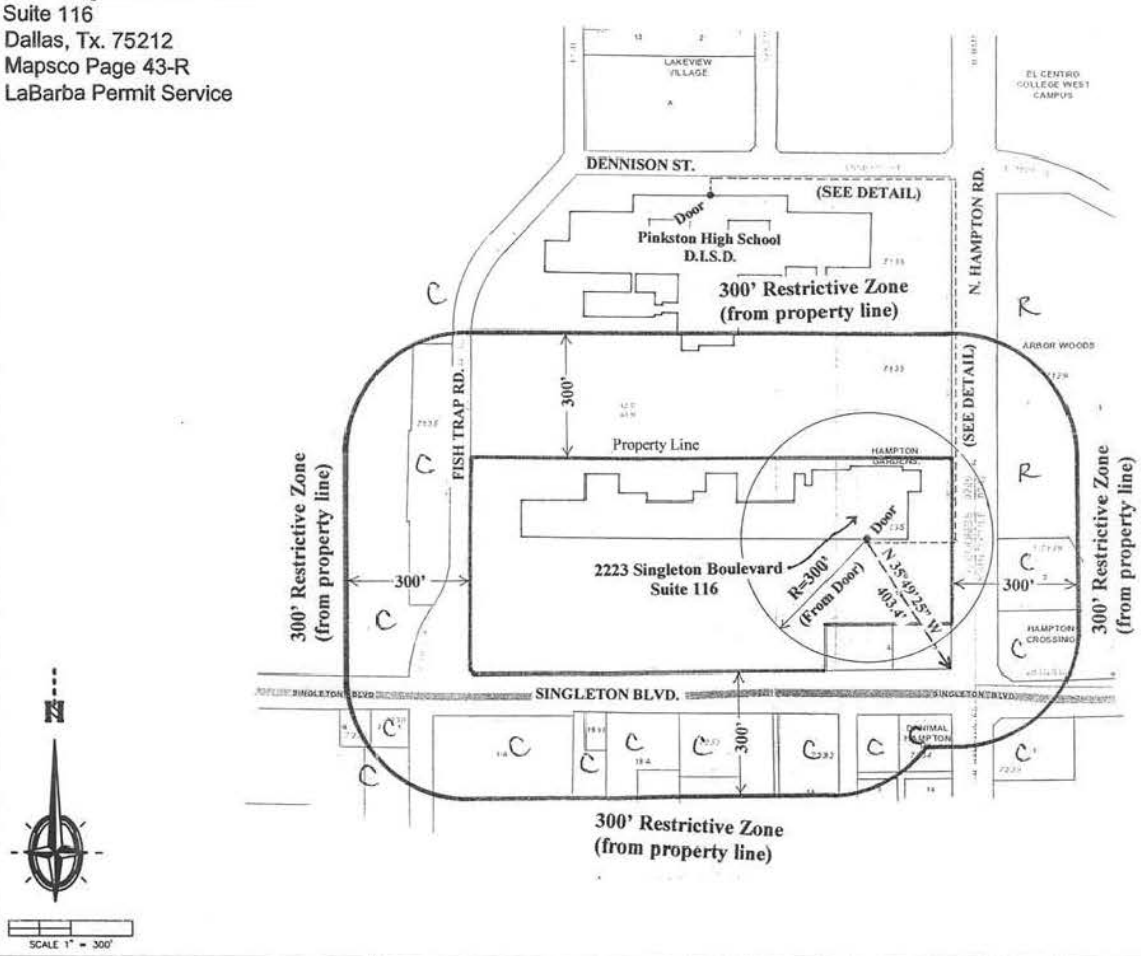
Siddharth S. Keswani	President
Wayne Peterson	CFO
David de Kanter	Secretary
Stacy Walker	Treasurer

Lakewest Revitalization Foundation,Inc.
List of Officers

Troy Broussard	President
Arrvel Wilson	Vice President
Timothy Lott	Secretary/Treasurer

FIESTA MART #214
2223 Singleton Boulevard
Suite 116
Dallas, Tx. 75212
Mapsco Page 43-R
LaBarba Permit Service

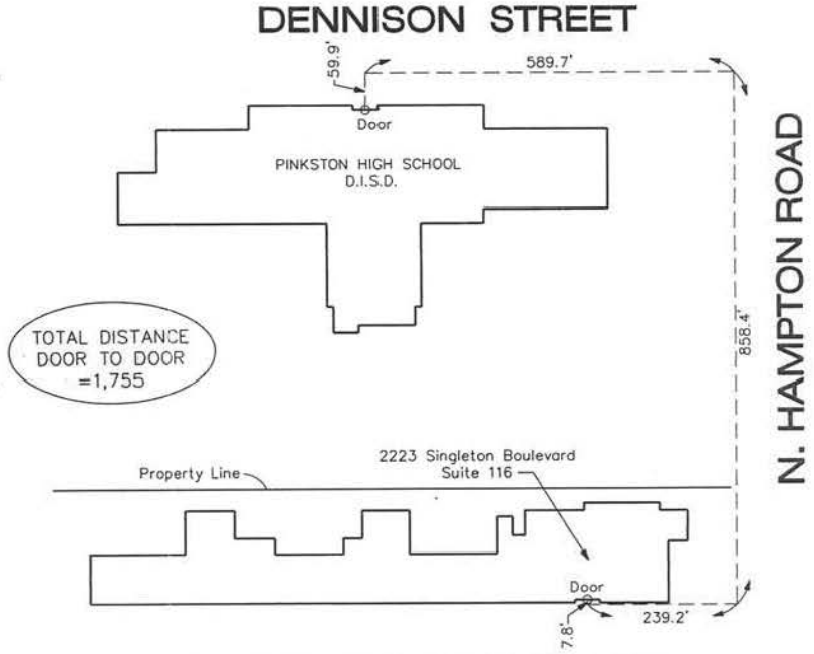
ALCOHOL MEASUREMENT PLAT



SCALE 1" = 300'

DETAIL

Scale: 1"=200'



I have conducted (or caused to be conducted) a physical inspection of the area and a diligent search of public records to determine if the place of business is located near any protected uses. This survey map shows that the place of business where alcoholic beverages will be sold does not meet the location requirements in Dallas City Code 6-4.

The FIESTA MART #214, located at 2223 Singleton Boulevard, Suite 116, in the City of Dallas, is within 300 feet of a church, public or private school, day care center, child care facility or a public hospital as defined in Dallas City Code Section 6-4.

Date 11/14/2017

Job 17-612

This survey was performed for an alcohol-measurement certification. All improvements may not been shown as existed at the time of survey. Research of protected properties included a search of appraisal district records, parole evidence of the owner/manager and a physical inspection on the ground.

STATE OF TEXAS REGISTERED BEN D. RYCHLIK #1630 PROFESSIONAL LAND SURVEYOR

Registered Professional Land Surveyor 1630

SURVEYING ASSOCIATES
1018 S. Beckley, Dallas, Tx. 75203
Phone: (214) 948-3324
Fax: (214) 946-7540
FIRM Registration / License No. 10040200

April 11, 2018

WHEREAS, Section 6-4(g) of the Dallas City Code authorizes City Council to grant variances from the alcohol spacing requirements prescribed by Section 6-4(a) of the Dallas City Code; and

WHEREAS, Fiesta Mart, LLC has submitted an application for a wine and beer retailer's off-premise permit pursuant to Chapter 26 of the Texas Alcoholic Beverage Code for a general merchandise or food store with 10,000 square feet or more floor area, and is requesting a variance to the alcohol spacing requirements for a property on the north line of Singleton Boulevard and the west line of Hampton Road, south of L.G. Pinkston High School, a public school; and

WHEREAS, City Council, after consideration of the health, safety, and welfare of the public and the equities of the situation, finds that enforcement of the alcohol spacing requirements in this particular instance:

(1) is not in the best interest of the public;

(2) constitutes waste or inefficient use of land or other resources;

(3) creates an undue hardship on an applicant for an alcohol permit;

(4) does not serve its intended purpose; and

(5) is not effective or necessary; and

WHEREAS, City Council desires to grant the alcohol spacing variance.

Now, Therefore,

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

SECTION 1. That the variance to the alcohol spacing requirements for Fiesta Mart, LLC, for property on the north line of Singleton Boulevard and the west line of Hampton Road, south of L.G. Pinkston High School, a public school, is granted, subject to the following conditions:

(1) This alcohol spacing variance is valid only for a wine and beer retailer's off-premise permit pursuant to Chapter 26 of the Texas Alcoholic Beverage Code.

(2) This alcohol spacing variance is valid only for a general merchandise or food store with 10,000 square feet or more floor area in the location shown on the attached location map.

SECTION 1. (continued)

(3) Alcoholic beverages may not be sold by drive-in or drive-through service.

(4) This alcohol spacing variance is valid for subsequent renewals of the alcohol permit.

(5) This alcohol spacing variance may not be transferred to another location or to another alcohol permit holder.

SECTION 2. That this resolution shall take effect immediately from and after its passage in accordance with 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

APRIL 11, 2018 CITY COUNCIL ADDENDUM
CERTIFICATION

This certification is given pursuant to Chapter XI, Section 9 of the City Charter for the City Council Addendum dated April 11, 2018. We hereby certify, as to those contracts, agreements, or other obligations on this Agenda authorized by the City Council for which expenditures of money by the City are required, that all of the money required for those contracts, agreements, and other obligations is in the City treasury to the credit of the fund or funds from which the money is to be drawn, as required and permitted by the City Charter, and that the money is not appropriated for any other purpose.

T.C. Broadnax
City Manager

04/06/18
Date

M. Elizabeth Reich

Elizabeth Reich
Chief Financial Officer

04/06/18
Date

RECEIVED
2018 APR -6 PM 6:44
CITY SECRETARY
DALLAS, TEXAS

ADDENDUM
CITY COUNCIL MEETING
WEDNESDAY, APRIL 11, 2018
CITY OF DALLAS
1500 MARILLA STREET
COUNCIL CHAMBERS, CITY HALL
DALLAS, TX 75201
9:00 A.M.

REVISED ORDER OF BUSINESS

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

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

OPEN MICROPHONE

CLOSED SESSION

MINUTES Item 1

CONSENT AGENDA Items 2 - 43

ITEMS FOR INDIVIDUAL CONSIDERATION

No earlier than 9:15 a.m. Items 44 - 47
Addendum Items 1 - 2

PUBLIC HEARINGS AND RELATED ACTIONS

1:00 p.m. Items 48 - 59

Handgun Prohibition Notice for Meetings of Governmental Entities

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

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

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

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

ADDENDUM
CITY COUNCIL MEETING
APRIL 11, 2018
CITY OF DALLAS
1500 MARILLA STREET
COUNCIL CHAMBERS, CITY HALL
DALLAS, TEXAS 75201
9:00 A.M.

ADDITIONS:

ITEMS FOR INDIVIDUAL CONSIDERATION

Department of Human Resources

1. Authorize the appointment of Bilierae Johnson as the City Secretary for the City of Dallas for a two-year term, beginning April 11, 2018; at an annual base salary to be determined by the Dallas City Council - Financing: General Funds

Department of Transportation

2. An ordinance repealing Section 28-41.1, “Restrictions on the Use of Motor Assisted Scooters, Pocket Bikes, and Minimotorbikes,” of Chapter 28, “Motor Vehicles and Traffic,” of the Dallas City Code - Financing: No cost consideration to the City

ADDENDUM DATE April 11, 2018

ITEM #	OK	IND DEF	DISTRICT	TYPE	DEPT.	DOLLARS	DESCRIPTION
1			N/A	I	HRD	TBD	Authorize the appointment of Bilierae Johnson as the City Secretary for the City of Dallas for a two-year term, beginning April 11, 2018; at an annual base salary to be determined by the Dallas City Council - Financing: General Funds
2			All	I	TRN	NC	An ordinance repealing Section 28-41.1, "Restrictions on the Use of Motor Assisted Scooters, Pocket Bikes, and Minimotorbikes," of Chapter 28, "Motor Vehicles and Traffic," of the Dallas City Code - Financing: No cost consideration to the City

TOTAL $0.00

ADDENDUM ITEM # 1

STRATEGIC PRIORITY: Government Performance and Financial Management

AGENDA DATE: April 11, 2018

COUNCIL DISTRICT(S): N/A

DEPARTMENT: Department of Human Resources

CMO: T.C. Broadnax, 670-3297

MAPSCO: N/A

SUBJECT

Authorize the appointment of Bilierae Johnson as the City Secretary for the City of Dallas for a two-year term, beginning April 11, 2018; at an annual base salary to be determined by the Dallas City Council - Financing: General Funds

BACKGROUND

On August 18, 2017, the position of City Secretary became vacant.

On August 23, 2017, a resolution was authorized to provide for the appointment of Bilierae Johnson as the acting City Secretary to serve in that capacity pending the selection and appointment of a City Secretary on a permanent basis.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On August 23, 2017, City Council authorized a resolution providing for the appointment of Bilierae Johnson as the acting City Secretary pending the selection and appointment of a City Secretary on a permanent basis by Resolution No. 17-1365.

FISCAL INFORMATION

General Funds - To be determined by City Council

April 11, 2018

WHEREAS, on August 18, 2017, the position of City Secretary became vacant; and

WHEREAS, on August 23, 2017, Bilierae Johnson was appointed acting City Secretary for the City of Dallas; and

WHEREAS, the City Council wishes to appoint Bilierae Johnson as City Secretary for the City of Dallas for a two-year term beginning on April 11, 2018.

Now, Therefore,

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

SECTION 1. That Bilierae Johnson is hereby appointed City Secretary for the City of Dallas for a two-year term beginning on April 11, 2018 and shall be paid an annual base salary at the rate of $_____ per year.

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.

REVISED AGENDA ITEM # 20

STRATEGIC PRIORITY: Mobility Solutions, Infrastructure, and Sustainability

AGENDA DATE: April 11, 2018

COUNCIL DISTRICT(S): 14

DEPARTMENT: Department of Sustainable Development and Construction

CMO: Majed Al-Ghafry, 670-3302

MAPSCO: 45P

SUBJECT

An ordinance granting a revocable license to Frankie's Downtown LLC for the use of approximately 405 square feet of land to occupy, maintain and utilize a sidewalk café and wooden planters on a portion of Main Street right-of-way, located near its intersection with Field Street - Revenue: $200 annually and $100 one-time fee, plus the $20 ordinance publication fee

BACKGROUND

This item grants a revocable license to Frankie's Downtown LLC for the use of approximately 405 square feet of land to occupy, maintain and utilize a sidewalk café and wooden planters on a portion of Main Street right-of-way, located near its intersection with Field Street. 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 Mobility Solutions, Infrastructure & Sustainability Committee on April 9, 2018.

FISCAL INFORMATION

Revenue - $200 annually and $100 one-time fee, plus the $20 ordinance publication fee

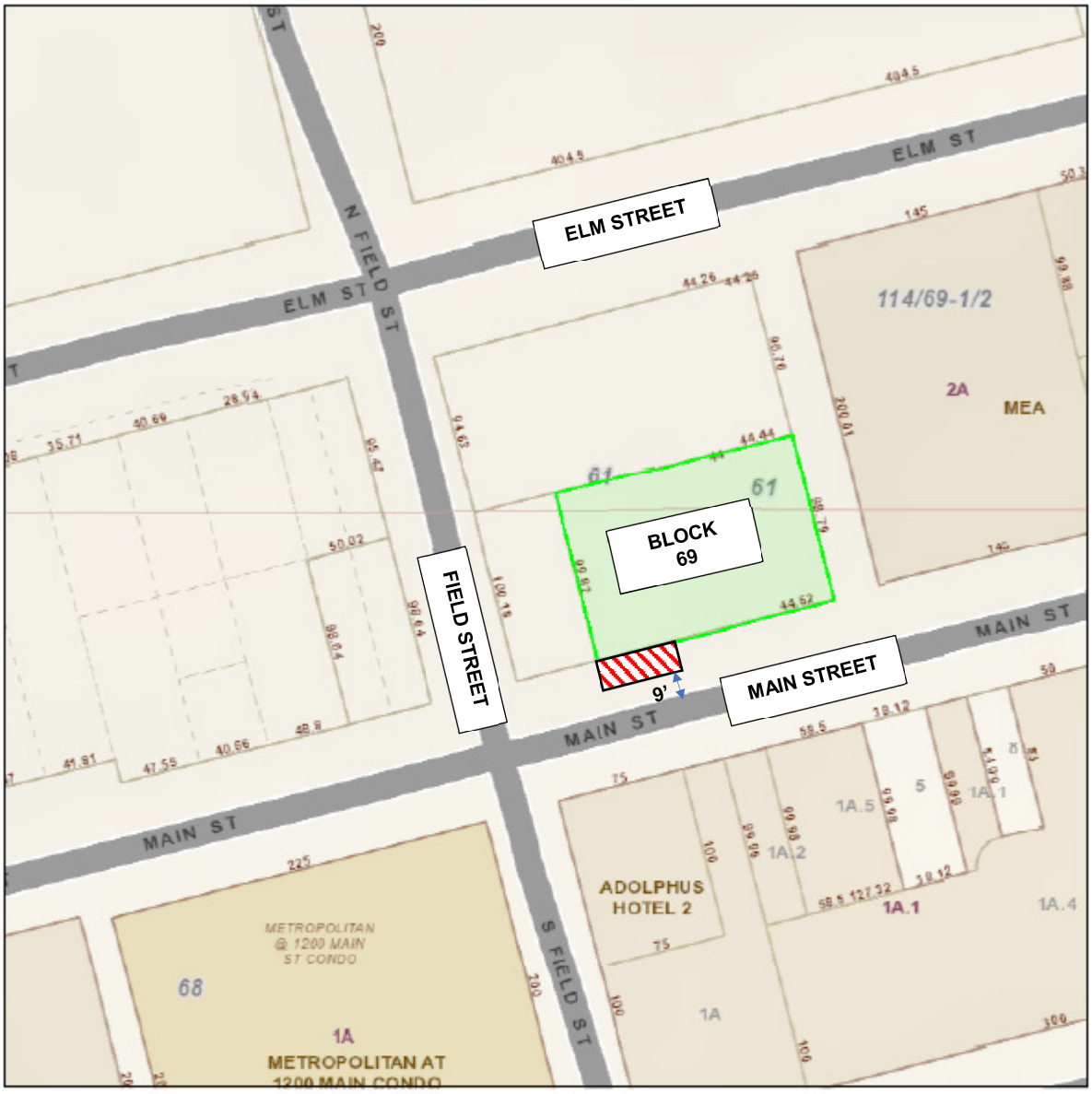
OWNER

Frankie's Downtown LLC

Johnnie Katz, Manager

MAP

Attached



This product is for informational purposes only and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

N
W E
S

LICENSE AREA

ORDINANCE NO. _____

An ordinance granting a revocable license to Frankie's Downtown LLC to occupy, maintain and utilize a portion of Main Street right-of-way located near its intersection with Field Street adjacent to City Block 69 within the limits hereinafter more fully described, for the purpose of occupying, maintaining and utilizing a sidewalk café and wooden planters; providing for the terms and conditions of this license; providing for the annual and 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 revocable license, hereinafter referred to as "license", subject to the restrictions and conditions of this ordinance, is hereby granted to Frankie's Downtown LLC, a Texas limited liability company, 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 seven (7) years, unless sooner terminated according to other terms and provisions herein contained.

SECTION 3. That **GRANTEE** shall pay to the City of Dallas the sum of **TWO HUNDRED AND NO/100 ($200.00) DOLLARS** annually for the license herein granted for the sidewalk café, said sum to become due and payable on the 2nd day of January each year, in advance, during the term hereof; provided, however, that the first payment due hereunder in the sum of **TWO HUNDRED AND NO/100 ($200.00) DOLLARS** shall be paid prior to the final passage of this ordinance and shall cover the consideration for 2018. In addition, in accordance with the special fees established by Section 43-115.1 of the Dallas City Code, **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 for wooden planters, said sum to be paid prior to the final passage of this ordinance and shall cover the total consideration for said purpose during the

SECTION 3. (continued)

license term. Such annual and one-time fee consideration, collectively, shall be in addition to and exclusive of any other taxes or special assessments required by law to be paid by **GRANTEE**. Should **GRANTEE** fail to pay the above stated annual fee within sixty (60) days of the due date, the Director of Department of Sustainable Development and Construction may terminate this license. 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 the General Fund, 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 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: For the purpose of occupying, maintaining and utilizing a sidewalk café and wooden planters.

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 to terminate and cancel this license, at will, by resolution passed by said Governing Body. 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

SECTION 6. (continued)

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 areas 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:

(a) **GRANTEE** shall provide a minimum of 6 feet of clear zone between the proposed area and the bus stop bench or benches per the requirements of the Complete Street Manual.

(b) **GRANTEE** shall maintain pottery away from installed bus stop benches to maintain a fifty inch (50") minimum Americans with Disabilities Act (ADA) clearance.

(c) **GRANTEE** shall comply with City of Dallas Sidewalk Café design standards.

(d) **GRANTEE** acknowledges there are utility pipes under the sidewalk; and **GRANTEE** agrees to remove all improvements at their own cost in a reasonable time frame if requested by City of Dallas. **GRANTEE** further agrees that in the event failure of utilities causes damage to pavement or improvements within the license area, the City of Dallas will not be held liable and **GRANTEE** will bear all responsibilities and liabilities, including but not limited for restoration of pavement or improvements.

(e) **GRANTEE** acknowledges Atmos has active facilities within the right-of-way of Main Street. If conflicts exist, **GRANTEE** shall be responsible for the cost to relocate those facilities.

SECTION 8. That upon the effectiveness of this ordinance, the Director of Department of Sustainable Development and Construction, or designee, is hereby authorized to

SECTION 8. (continued)

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 fees pursuant to 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 is also designated for City purposes as Contract No. DEV-2017-00003552.

SECTION 13. 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

BY: _____
Assistant City Attorney

DAVID COSSUM, Director
Department of Sustainable Development and Construction

BY: _____
Assistant Director

Passed _____.

EXHIBIT A

FRANKIE'S DOWNTOWN LLC

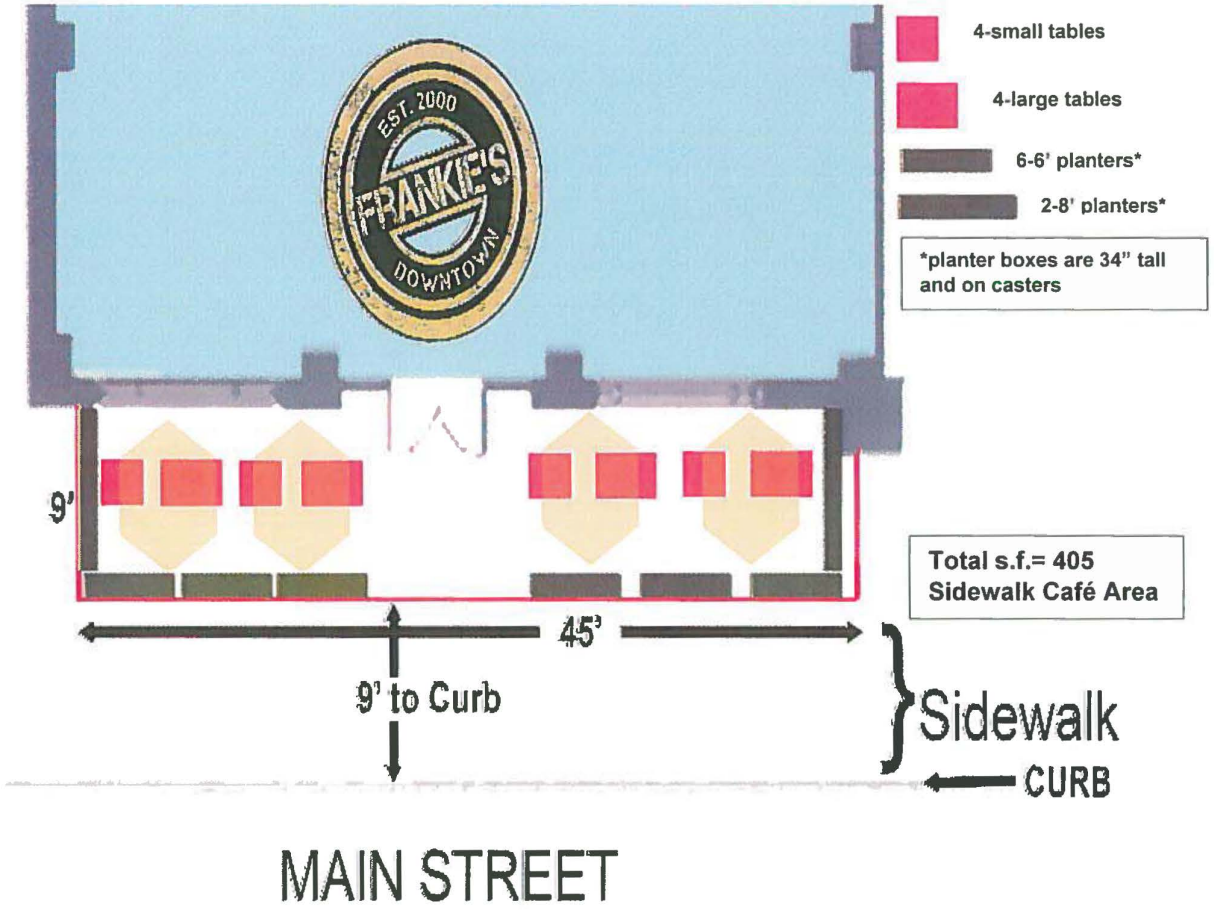


EXHIBIT B
COMMERCIAL ENTITY
ADDITIONAL LICENSE PROVISIONS

That this license is granted subject to the following additional conditions, terms and reservations:

(a) That at such time as this license is terminated or canceled for any reason whatsoever, **GRANTEE**, upon orders issued by the City acting through the Director of Sustainable Development and Construction, or designee, shall remove all installations, improvements and appurtenances owned by it situated in, under or attached to the licensed area, and shall restore the premises to its former condition in accordance with the requirements of the Director of Sustainable Development and Construction at the sole cost of **GRANTEE**. In the event, upon termination of this license, **GRANTEE** shall fail to remove its installations, improvements and appurtenances and to restore the licensed area in compliance with orders issued by City, or such work is not done to the satisfaction of the Director of Sustainable Development and Construction, then in either event the City shall have the right to do all work necessary to restore said area to its former condition or cause such work to be done, and to assess the cost of all such work against **GRANTEE**; in neither event shall the City of Dallas be liable to **GRANTEE** on account thereof.

(b) It is further understood that if and when the City of Dallas, in the exercise of its discretion, shall determine that the grade of any street, sidewalk or parkway should be modified or changed, or that any other work should be done in connection with any public improvement which will affect the licensed area, and/or any of **GRANTEE's** installations and improvements thereon, any modifications or changes to **GRANTEE's** facilities in the licensed area or in construction or reconstruction of any public improvement attributable to **GRANTEE's** use of the licensed area and/or its installations and improvements thereon, shall be made at the sole expense of **GRANTEE** and to the satisfaction of the Director of Sustainable Development and Construction.

(c) At such time as this license is granted, it is agreed, and a condition hereof, that **GRANTEE** shall procure and keep in full force and effect **Commercial General Liability Insurance** coverage issued by an insurance company authorized and approved by the State of Texas, acceptable to the City of Dallas and issued in the standard form approved by the Texas Department of Insurance. The insured provisions of this policy must name the City of Dallas as an additional insured protecting the City of Dallas against any and all claims for damages to persons or property as a result of or arising out of the use, operation and maintenance by **GRANTEE** of the licensed area and **GRANTEE's** installations, improvements, landscaping and equipment in connection therewith and located therein. The Commercial General Liability coverage must include, but not limited to, Premises/Operations, Independent Contractors and Contractual Liability with minimum combined bodily injury (including death) and property damage limits of not less than $500,000 per occurrence and $500,000 annual aggregate. This insurance shall also include coverage for underground, explosion and collapse hazards (i.e. not excluded). If this insurance is written on a claims-made form, coverage shall be continuous (by renewal or extended reporting period) for not less than

twelve (12) months following termination of this license and removal of the installations, improvements and appurtenances and restoration of the licensed area pursuant to paragraph (a) above. Coverage, including any renewals, shall contain the same retroactive date as the original policy applicable to this license. The City of Dallas reserves the right to review the insurance requirements set forth herein during the effective term of the license and to adjust insurance coverages and their limits when deemed necessary and prudent by the City of Dallas' Risk Management based upon changes in statutory law, court decisions, or the claims history of the industry as well as the City of Dallas.

1. **GRANTEE** agrees that with respect to the above required insurance, all insurance contracts and certificates of insurance will contain and state, in writing, that coverage shall not be canceled, nonrenewed or materially changed except after thirty (30) days written notice by certified mail to Department of Sustainable Development and Construction.
2. **GRANTEE** shall carry said insurance at its expense and shall furnish the City of Dallas proof of such insurance. In the event said insurance should terminate during the licensing term hereof, or **GRANTEE** fails to furnish proof of insurance coverage in accordance with the specifications as required by this section, the Director of Sustainable Development and Construction, or designee, may terminate the license granted herein.

(d) **GRANTEE** is prohibited from using the licensed area in any manner which violates Federal, State or local laws, regulations, rules and orders, regardless of when they become or became effective, including without limitation, those related to health, safety, noise, environmental protection, waste disposal and water and air quality, and shall provide satisfactory evidence of compliance upon the request of the City of Dallas. Should any discharge, leakage, spillage, emission or pollution of any type occur upon or from the licensed area due to **GRANTEE's** use and occupancy thereof, **GRANTEE**, at its expense, shall be obligated to clean up the licensed area to the satisfaction of the City of Dallas and any governmental body having jurisdiction thereover. The City of Dallas may, at its option, clean the licensed area. If the City of Dallas elects to do so, **GRANTEE** shall promptly pay to the City of Dallas the reasonable cost of such cleanup upon receipt of bills therefore. **GRANTEE** agrees that the indemnity provisions contained in paragraph (g) herein shall be fully applicable to the requirements of this paragraph, in event of **GRANTEE's** breach of this paragraph, or as a result of any such discharge, leakage, spillage, emission or pollution arising out of the **GRANTEE's** use of the licensed area.

(e) This license is subject to all State laws, the provisions of the Charter of the City of Dallas as it now exists, or may hereafter be adopted or amended, and the ordinances of the City of Dallas now in effect or those which may hereafter be passed or adopted. The City of Dallas shall have the right to increase or decrease the compensation to be charged for the use contemplated by this grant in

accordance with the provisions of the Dallas City Code as it now exists, or as may hereafter be adopted or amended.

(f) The Governing Body of the City of Dallas reserves the right, at any time without notice, to terminate and cancel this license, by resolution, upon a finding by the Governing Body that this license is inconsistent with the public use of the property or whenever the purpose or use of the license is likely to become a nuisance and all rights granted hereunder shall thereupon be considered fully terminated and canceled and the City of Dallas shall not be held liable by reason thereof. The decision of the Governing Body of the City in this matter shall be final and binding upon all parties insofar as the City's determination as to whether the **GRANTEE's** use of this license constitutes a nuisance or is inconsistent with the public use of the property.

(g) As a condition hereof, **GRANTEE** agrees and is bound to defend, indemnify and hold the City of Dallas, its officers, agents and employees, harmless against any and all claims, lawsuits, judgments, costs and expenses for bodily injury (including death), property damage or other harm for which recovery of damages is sought, suffered by any person or persons, that may arise out of or be occasioned by the use, occupancy and maintenance of the licensed area or **GRANTEE's** installations and improvements within the licensed area, from any act or omission of any representative, agent, customer and/or employee of **GRANTEE**, or by **GRANTEE's** breach of any of the terms or provisions of this license, or by any negligent or strictly liable act or omission of **GRANTEE**, its officers, agents, employees or contractors in the use, occupancy and maintenance of **GRANTEE's** installations and improvements within the licensed area; except that the indemnity provided for in this paragraph shall not apply to any liability resulting from the sole negligence or fault of the City of Dallas, its officers, agents, employees or separate contractors, and in the event of joint and concurring negligence or fault of both the **GRANTEE** and the City of Dallas, responsibility and liability, if any, shall be apportioned comparatively in accordance with the laws of the State of Texas, without, however, waiving any governmental immunity available to the City of Dallas under Texas law and without waiving any defenses of the parties under Texas law. This obligation to indemnify and defend shall also include any claim for damage that any utility or communication company, whether publicly or privately owned, may sustain or receive by reason of **GRANTEE's** use of the licensed area or **GRANTEE's** improvements and equipment located thereon. In addition to the foregoing, **GRANTEE** covenants and agrees never to make a claim of any kind or character whatsoever against the City of Dallas for damage of any kind that it may suffer by reason of the installation, construction, reconstruction, operation or maintenance of any public improvement, utility or communication facility on the licensed area, whether presently in place or which may in the future be constructed or installed, including but not limited to, any water or wastewater mains or storm sewer facilities, regardless of whether such damage is due to

flooding, infiltration, backflow or seepage caused from the failure of any installation, natural causes, City's negligence, or from any other cause whatsoever.

(h) This license is subject to any existing utilities or communication facilities, including drainage, presently located within the licensed area, owned and/or operated by the City of Dallas or any utility or communications company, public or private, and to any vested rights presently owned by an utility or communications company, public or private, for the use of the licensed area for facilities presently located within the boundaries of said licensed area. It is the intent of the foregoing that this permission herein is made expressly subject to the utilization of the licensed area for communication and utility purposes, both public and private, including drainage, over, under, through, across and along the licensed area. No buildings shall be constructed or placed upon, over or across the licensed area in such a manner as to interfere with the operation of any utilities and communication facilities. All and any communication company and utility, both public and private, shall have the right to remove and keep removed all or parts of any buildings which may in any way endanger or interfere with the construction, maintenance or efficiency of its respective systems within the licensed area. All communication companies and utilities, both public and private, shall have the full right to remove and keep removed all parts of any buildings, fences, trees, or other improvements or growths which in any way may endanger or interfere with the construction, maintenance and efficiency of its respective system and shall at all times have the full right of ingress and egress to or from and upon the licensed area for the purpose of constructing, relocating, inspecting, patrolling, maintaining and adding to or removing all or part of its respective systems without the necessity at any time of procuring the permission of anyone.