



Agenda Information Sheet

File #: 18-1054

Item #: 2.

STRATEGIC PRIORITY: Mobility Solutions, Infrastructure, and Sustainability

AGENDA DATE: November 28, 2018

COUNCIL DISTRICT(S): 2

DEPARTMENT: Building Services Department

EXECUTIVE: Joey Zapata

SUBJECT

Authorize a construction contract for structural repairs of the Dallas City Hall Parking Garage located at 1500 Marilla Street - Structural Technologies, LLC, the most advantageous proposer of seven - Not to exceed \$642,600.00 - Financing: Capital Construction Fund

BACKGROUND

This action will authorize a construction contract with Structural Technologies, LLC for structural repairs of the Dallas City Hall Parking Garage located at 1500 Marilla Street.

On January 9, 2017, staff observed that a section of a concrete panel in the overhead slab supporting the plaza had cracked and pieces of concrete had fallen to the floor of the Dallas City Hall Garage. Upon visual inspection of all the columns on the L1 Level of the garage, one additional panel was observed to have similar cracking and barricades were installed to restrict access to these areas of concern.

On January 20, 2017, Administrative Action No. 17-5635 authorized a professional services contract with JQ Infrastructure, LLC, a local structural engineering firm, to assess and recommend repairs. They performed a complete structural analysis of the garage. The analysis identified the need for repairs on the L1 Level of the garage to address the cracked, failed and delaminated concrete sections adjacent to column capitals referred to as drop panels. The analysis also identified the need to increase the structural capacity of 57 columns on the L1 Level supporting the City Hall Plaza above. The structural engineer also noted that the garage could remain in use before and during the construction phase to make the required repairs.

On November 8, 2017, City Council authorized Supplemental Agreement No. 1 to the contract with JQ Infrastructure, LLC to provide engineering design services to prepare construction documents for the repairs to the Dallas City Hall Parking Garage located at 1500 Marilla Street by Resolution No. 17

-1730. The completed construction documents were used to procure a construction contract to execute the structural repairs.

On July 18 and 25, 2018, the construction project was advertised as a Request for Competitive Sealed Proposals in accordance with the City of Dallas purchasing guidelines. On August 17, 2018, seven proposals were received by the Office of Procurement Services. The Proposal Evaluation Committee was comprised of staff from Building Services Department, Aviation, Public Works, the Office of Environmental Quality & Sustainability, and a representative from JQ Infrastructure, LLC. The Office of Business Diversity evaluated the proposals with respect to the Minority Women-Owned Business Enterprises (M/WBEs) criterion. The Proposal Evaluation Committee evaluated and ranked all proposals according to evaluation criteria published with the project specifications:

- 50% cost
- 20% related experience
- 5% schedule
- 5% project team
- 5% financial sufficiency
- 15% Business Inclusion and Development

Structural Technologies, LLC was chosen as the most advantageous proposer for this project and it is recommended that the City of Dallas enter into a contract with Structural Technologies, LLC for the scope of work detailed in the project manual and construction documents.

ESTIMATED SCHEDULE OF PROJECT

Begin Construction	January 2019
Complete Construction	June 2019

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On November 8, 2017, City Council authorized Supplemental Agreement No. 1 with JQ Infrastructure, LLC to provide engineering design services to prepare construction documents for repairs to the Dallas City Hall Parking Garage by Resolution No. 17-1730.

Information about this item will be presented to the Mobility Solutions, Infrastructure & Sustainability Committee on November 12, 2018.

FISCAL INFORMATION

Capital Construction Fund - \$642,600.00

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 \$
\$642,600.00	Construction	25.00%	41.93%	\$269,450.10
• This contract exceeds the M/WBE goal.				

PROCUREMENT INFORMATION

The request for proposals for repairs to the Dallas City Hall Parking Garage was advertised following City of Dallas purchasing guidelines. On August 17, 2018, the following proposals were received.

*Denotes successful proposer

Proposers**Proposal Amount**

*Structural Technologies, LLC 15600 Trinity Blvd, Ste. 118 Fort Worth, TX 76155	\$ 642,600.00
Restocon Corporation	\$1,605,570.00
Structural Concrete Systems, LLC	\$1,558,475.00
Mobile Enterprises, Inc.	\$ 924,570.00
Southwest Construction Services	\$ 986,500.00
Phoenix I Restoration and Construction, Ltd.	\$ 973,000.00
American Restoration, Inc.	\$1,367,165.00

OWNER**Structural Technologies, LLC**

Eric Sommer, Vice President of Operations

MAP

Attached



November 28, 2018

WHEREAS, on January 9, 2017, a section of a concrete column capital drop panel in the overhead slab supporting the plaza had cracked and delaminated, falling to the floor at the Dallas City Hall Parking Garage located at 1500 Marilla Street; and

WHEREAS, during the review of this situation, one other drop panel was observed to have similar cracking and barricades were installed to restrict access to these and similar areas of concern; and

WHEREAS, on January 20, 2017, Administrative Action No. 17-5635 authorized a professional services contract with JQ Infrastructure, LLC to assess and recommend repairs to damaged drop panels at the Dallas City Hall Parking Garage, in an amount not to exceed \$35,000.00; and

WHEREAS, the investigation identified the need for structural repairs to the cracked and delaminated concrete column capital drop panels and to increase the capacity of fifty-seven columns supporting the City Hall Plaza above the L1 Level of the Dallas City Hall Parking Garage; and

WHEREAS, a solicitation for construction services was developed and publicly advertised by the Department of Equipment and Building Services; and

WHEREAS, seven firms submitted proposals to provide construction services for the Dallas City Hall Parking Garage slab repairs; and

WHEREAS, Structural Technologies, LLC was selected as the most advantageous proposer of the seven firms that submitted competitive sealed proposals; and

WHEREAS, it is now desirable to authorize a construction contract with Structural Technologies, LLC, for the repairs to the Dallas City Hall Parking Garage located at 1500 Marilla Street, in an amount not to exceed \$642,600.00.

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 construction services contract with Structural Technologies, LLC, approved as to form by the City Attorney, to provide construction services for the repairs to the Dallas City Hall Parking Garage located at 1500 Marilla Street, in an amount not to exceed \$642,600.00.

November 28, 2018

SECTION 2. That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed \$642,600.00 to Structural Technologies, LLC, in accordance with the terms and conditions of the contract from Capital Construction Fund, Fund 0671, Department BSD, Unit W221, Object 3210, Program BS18159, Encumbrance/Contract No. BSD-2019-00008202, Vendor VS0000042148.

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 Information Sheet

File #: 18-1084

Item #: 5.

STRATEGIC PRIORITY: Mobility Solutions, Infrastructure, and Sustainability

AGENDA DATE: November 28, 2018

COUNCIL DISTRICT(S): 2

DEPARTMENT: Department of Aviation

EXECUTIVE: Kimberly Bizer Tolbert

SUBJECT

Authorize an amendment to Resolution No. 18-0734, previously approved on May 23, 2018, for the **(1)** acceptance of three grants from the U.S. Department of Transportation, Federal Aviation Administration (FAA) for the federal share of the eligible capital improvement projects for the Airport Improvement Program (AIP) at Dallas Love Field in a total amount not to exceed \$9,991,149.00 for three projects: Airfield Pavement Evaluation 2018 Project (Grant No. 3-48-0062-056-2018, CFDA No. 20.106) in the amount of \$1,000,000.00, Rehabilitation of Taxiway B Phase II (Runway 13L to Runway 18-36) Construction Project (Grant No. 3-48-0062-054-2018, CFDA No. 20.106) in the amount of \$5,025,000.00, and Reconstruction of Runway 13R to 31L Design Project (Grant No. 3-48-0062-055-2018, CFDA No. 20.106) in the amount of \$3,966,149.00; **(2)** establishment of appropriations in an amount not to exceed \$1,000,000.00 in the FAA AIP Grant-Airfield Pavement Evaluation 2018 Fund, \$5,025,000.00 in the FAA Grant-Taxiway B Rehab Phase II-Runway 13L to 18-36 Construction Fund, and \$3,966,149.00 in the FAA AIP Grant-Runway 13R-31L Reconstruction Design Fund; **(3)** receipt and deposit of grant funds for reimbursement of eligible costs of each project in an amount not to exceed \$1,000,000.00 in the FAA AIP Grant-Airfield Pavement Evaluation 2018 Fund, \$5,025,000.00 in the FAA Grant-Taxiway B Rehab Phase II-Runway 13L to 18-36 Construction Fund, and \$3,966,149.00 in the FAA AIP Grant-Runway 13R-31L Reconstruction Design Fund; and **(4)** execution of the grant agreements and all terms, conditions, and documents required by the grant agreements - Total not to exceed \$9,991,149.00 - Financing: Federal Aviation Administration Airport Improvement Program Grant Funds

BACKGROUND

On May 23, 2018, City Council authorized a resolution of authorization for the application for and acceptance of two grants from the U.S. Department of Transportation, Federal Aviation Administration (FAA) for the federal share of the eligible capital improvement projects for the Airport Improvement Program (AIP) at Dallas Love Field in a total amount not to exceed \$15,000,000.00 for three projects: Airfield Pavement Evaluation 2018 Project (Grant No. 3-48-0062-054-2018, CFDA No. 20.106) in the amount of \$1,000,000.00 and Rehabilitation of Taxiway B Phase II (Runway 13L to

Runway 18-36) Construction Project and Reconstruction of Runway 13R to 31L Design Project (Grant No. 3-48-0062-055-2018, CFDA No. 20.106) in an approximate amount of \$14,000,000.00.

Instead of two grant agreements as originally expected, the FAA issued separate grant agreements in the total amount not to exceed \$9,991,149.00 for each of the three projects to the Department of Aviation, Capital Development Division as follows:

- AIP Grant Number 3-48-0062-054-2018 - Rehabilitate Taxiway B - Phase II, in the amount of \$5,025,000.00
- AIP Grant Number 3-48-0062-055-2018 - Reconstruct Runway 13R/31L- Design, in the amount of \$3,966,149.00
- AIP Grant Number 3-48-0062-056-2018 - Airfield Pavement Evaluation Study, in the amount of \$1,000,000.00

As part of the FAA AIP, all large and medium hub airports (Dallas Love Field is considered a medium hub) are apportioned grants to airports annually based on annual passenger enplanements. These grant funds are referred to as Entitlement Grants. Dallas Love Field was allocated Entitlement Grant Funds for Federal Fiscal Year 2018 in the amount of \$2,646,149.00. FAA Entitlement Grant funds may pay for airfield, taxiway, runway improvement projects and other eligible projects included in the Dallas Love Field Master Plan. Dallas Love Field has consistently received FAA Entitlement Grants annually.

The FAA allocated additional FAA Discretionary Grant funds for the Federal Fiscal Year 2018 FAA disbursement for eligible projects at Dallas Love Field. Discretionary Grant Funds are issued by the FAA for specific projects as funds become available. FAA Entitlement Grants and Discretionary Grants were available in August 2018.

Approval of this action to accept the Federal Fiscal Year 2018 Entitlement and Discretionary Grants in advance enables the Department of Aviation to react quickly and take advantage of any FAA funding opportunities as they became available.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On March 26, 2014, City Council authorized a professional services contract with Kimley-Horn and Associates, Inc. to provide engineering services for the Runway, Taxiway and Apron Airfield Pavement Evaluation Project at Dallas Love Field by Resolution No. 14-0511.

On March 25, 2015, City Council authorized a professional services contract with Garver, LLC for engineering services for design and construction documents for the Pavement Rehabilitation and Reconstruction Project at Dallas Love Field by Resolution No. 15-0491.

On September 14, 2016, City Council authorized a construction contract with EAS Contracting, L.P to provide construction services for the Airfield Pavement Repairs Project at Dallas Love Field by Resolution No. 16-1511.

On September 14, 2016, City Council authorized Supplemental Agreement No. 2 to the professional services contract with Garver, LLC to provide full time on-site construction administration and management services for the Airfield Pavement Repairs Project at Dallas Love Field by Resolution No. 16-1512.

On March 22, 2017, City Council authorized Supplemental Agreement No. 4 to the professional services contract with Garver, LLC for design, planning, engineering and construction document services for the Love Field Pavement Rehabilitation and Reconstruction Project, Taxiway Bravo Phase II and Taxiway Mike Phase II at Dallas Love Field by Resolution No. 17-0475.

On April 25, 2018, City Council authorized a professional services contract with HNTB Corporation for design, planning, engineering and construction document services for the Runway 13R/31L Reconstruction Project at Dallas Love Field by Resolution No. 18-0598.

On May 23, 2018, City Council authorized the application for and acceptance of two grants from the U.S. Department of Transportation, Federal Aviation Administration (FAA) for the federal share of the eligible capital improvement projects for the Airport Improvement Program (AIP) at Dallas Love Field for three projects: Airfield Pavement Evaluation 2018 Project (Grant No. 3-48-0062-054-2018, CFDA No. 20.106) and Rehabilitation of Taxiway B Phase II (Runway 13L to Runway 18-36) Construction Project and Reconstruction of Runway 13R to 31L Design Project (Grant No. 3-48-0062-055-2018, CFDA No. 20.106) by Resolution No. 18-0734.

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

FISCAL INFORMATION

Federal Aviation Administration Airport Improvement Program Grant Funds - \$9,991,149.00

MAP

Attached



Reconstruct RWY 13R-31L (Design)
Rehab TWY B - Phase II (Construction)
Airfield Pavement Evaluation (All Runways and Taxiways)

November 28, 2018

WHEREAS, the Federal Aviation Administration (FAA) through the Airport Improvement Program (AIP) has indicated that the following Dallas Love Field Projects: Construction for Rehabilitation of Taxiway B - Phase II (Runway 13L to 18-36), Construction for Extension of Taxiway M from Runway 13L to Taxiway D, Design for Reconstruction of Runway 13R-31L and Professional Services for Airfield Pavement Evaluation are eligible for federal funding from the FAA; and

WHEREAS, on March 26, 2014, City Council authorized a professional services contract with Kimley-Horn and Associates, Inc. to provide engineering services for the Runway, Taxiway and Apron Airfield Pavement Evaluation Project at Dallas Love Field, in an amount not to exceed \$1,270,000.00, by Resolution No. 14-0511; and

WHEREAS, on March 25, 2015, City Council authorized a professional services contract with Garver, LLC for engineering services for design and construction documents for the Pavement Rehabilitation and Reconstruction Project at Dallas Love Field, in an amount not to exceed \$1,323,890.00, by Resolution No. 15-0491; and

WHEREAS, on April 20, 2015, Administrative Action No. 15-5908 authorized Supplemental Agreement No. 1 to the professional services contract with Kimley-Horn and Associates, Inc. to extend the contract terms for the Pavement Rehabilitation and Reconstruction Project at Dallas Love Field by nine months, from March 31, 2015 to December 31, 2015; and

WHEREAS, on October 23, 2015, Administrative Action No. 15-7086 authorized Supplemental Agreement No. 1 to the professional services contract with Garver, LLC to complete a field investigation and prepare construction documents for isolated full-depth concrete repairs on the airfield at Dallas Love Field, in an amount not to exceed \$48,840.00, from \$1,323,890.00 to \$1,372,730.00; and

WHEREAS, on September 14, 2016, City Council authorized a construction contract with EAS Contracting, L.P to provide construction services for the Airfield Pavement Repairs Project at Dallas Love Field, in an amount not to exceed \$934,572.69, by Resolution No. 16-1511; and

WHEREAS, on September 14, 2016, City Council authorized Supplemental Agreement No. 2 to the professional services contract with Garver, LLC to provide full time on-site construction administration and management services for the Airfield Pavement Repairs Project at Dallas Love Field, in an amount not to exceed \$314,464.00, from \$1,372,730.00 to \$1,687,194.00, by Resolution No. 16-1512; and

November 28, 2018

WHEREAS, on March 22, 2017, City Council authorized Supplemental Agreement No. 4 to the professional services contract with Garver, LLC for design, planning, engineering and construction document services for the Love Field Pavement Rehabilitation and Reconstruction Project, Taxiway Bravo Phase II and Taxiway Mike Phase II at Dallas Love Field, in an amount not to exceed \$1,737,770.00, from \$3,456,534.00 to \$5,194,304.00, by Resolution No. 17-0475; and

WHEREAS, on April 25, 2018, City Council authorized a professional services contract with HNTB Corporation for design, planning, engineering and construction document services for the Runway 13R/31L Reconstruction Project at Dallas Love Field, in an amount not to exceed \$5,096,677.00, by Resolution No. 18-0598; and

WHEREAS, on May 23, 2018, City Council authorized the application for and acceptance of two grants from the U.S. Department of Transportation, Federal Aviation Administration (FAA) for the federal share of the eligible capital improvement projects for the Airport Improvement Program (AIP) at Dallas Love Field in a total amount not to exceed \$15,000,000.00 for three projects: Airfield Pavement Evaluation 2018 Project (Grant No. 3-48-0062-054-2018, CFDA No. 20.106) in the amount of \$1,000,000.00 and Rehabilitation of Taxiway B Phase II (Runway 13L to Runway 18-36) Construction Project and Reconstruction of Runway 13R to 31L Design Project (Grant No. 3-48-0062-055-2018, CFDA No. 20.106) in an approximate amount of \$14,000,000.00 by Resolution No. 18-0734; and

WHEREAS, it is now desirable to authorize an amendment to Resolution No. 18-0734, previously approved on May 23, 2018, for the acceptance of three grants from the U.S. Department of Transportation, Federal Aviation Administration (FAA) for the federal share of the eligible capital improvement projects for the Airport Improvement Program (AIP) at Dallas Love Field in a total amount not to exceed \$9,991,149.00 for three projects: Airfield Pavement Evaluation 2018 Project (Grant No. 3-48-0062-056-2018, CFDA No. 20.106) in the amount of \$1,000,000.00, Rehabilitation of Taxiway B Phase II (Runway 13L to Runway 18-36) Construction Project (Grant No. 3-48-0062-054-2018, CDFA No. 20.106) in the amount of \$5,025,000.00, and Reconstruction of Runway 13R to 31L Design Project (Grant No. 3-48-0062-055-2018, CFDA No. 20.106) in the amount of \$3,966,149.00, and to accept reimbursement funds from the FAA for the eligible costs of each project.

Now, Therefore,

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

November 28, 2018

SECTION 1. That the City Manager is hereby authorized to amend Resolution No. 18-0734, previously approved on May 23, 2018, to accept three grants from the U.S. Department of Transportation, Federal Aviation Administration (FAA), for the federal share of the eligible capital improvement projects for the Airport Improvement Program (AIP) at Dallas Love Field in a total amount not to exceed \$9,991,149.00 for three projects: Airfield Pavement Evaluation 2018 Project (Grant No. 3-48-0062-056-2018, CFDA No. 20.106) in the amount of \$1,000,000.00, Rehabilitation of Taxiway B Phase II (Runway 13L to Runway 18-36) Construction Project (Grant No. 3-48-0062-054-2018, CDFA No. 20.106) in the amount of \$5,025,000.00, and Reconstruction of Runway 13R to 31L Design Project (Grant No. 3-48-0062-055-2018, CFDA No. 20.106) in the amount of \$3,966,149.00.00; and execute the three grant agreements and all terms, conditions, and documents required by the grant agreements, 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 \$1,000,000.00 in the FAA AIP Grant-Airfield Pavement Evaluation 2018 Fund, Fund F549, Department AVI, Unit W214, Object 4111.

SECTION 3. That the Chief Financial Officer is hereby authorized to receive and deposit grant funds for reimbursement in an amount not to exceed \$1,000,000.00 in the FAA AIP Grant-Airfield Pavement Evaluation 2018 Fund, Fund F549, Department AVI, Unit W214, Revenue Code 9907.

SECTION 4. That the Chief Financial Officer is hereby authorized to disburse grant funds in an amount not to exceed \$1,000,000.00 from the FAA AIP Grant-Airfield Pavement Evaluation 2018 Fund, Fund F549, Department AVI, Unit W214, Activity AAIP, Program AV PMT, Object 4111.

SECTION 5. That the City Manager is hereby authorized to establish appropriations in an amount not to exceed \$5,025,000.00 in the FAA Grant-Taxiway B Rehab Phase II-Runway 13L to 18-36 Construction Fund, Fund F550, Department AVI, Unit W121, Object 4599.

SECTION 6. That the Chief Financial Officer is hereby authorized to receive and deposit grant funds for reimbursement in an amount not to exceed \$5,025,000.00 in the FAA Grant-Taxiway B Rehab Phase II-Runway 13L to 18-36 Construction Fund, Fund F550, Department AVI, Unit W121, Revenue Code 9907.

SECTION 7. That the Chief Financial Officer is hereby authorized to disburse grant funds in an amount not to exceed \$5,025,000.00 from the FAA Grant-Taxiway B Rehab Phase II-Runway 13L to 18-36 Construction Fund, Fund F550, Department AVI, Unit W121, Activity AAIP, Program AVIW121, Object 4599.

November 28, 2018

SECTION 8. That the City Manager is hereby authorized to establish appropriations in an amount not to exceed \$3,966,149.00 in the FAA AIP Grant-Runway 13R-31L Reconstruction Design Fund, Fund F563, Department AVI, Unit D019, Object 4111.

SECTION 9. That the Chief Financial Officer is hereby authorized to receive and deposit grant funds for reimbursement in an amount not to exceed \$3,966,149.00 in the FAA AIP Grant-Runway 13R-31L Reconstruction Design Fund, Fund F563, Department AVI, Unit D019, Revenue Code 9907.

SECTION 10. That the Chief Financial Officer is hereby authorized to disburse grant funds in an amount not to exceed \$3,966,149.00 in the FAA AIP Grant-Runway 13R-31L Reconstruction Design Fund, Fund F563, Department AVI, Unit D019, Activity AAIP, Program AVID019, Object 4111.

SECTION 11. That the City Manager is hereby authorized to reimburse to the granting agency any expenditure identified as ineligible. The City Manager shall notify the appropriate City Council Committee of expenditures identified as ineligible not later than 30 days after the reimbursement.

SECTION 12. 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 13. That the contract for the FAA AIP Grant-Airfield Pavement Evaluation 2018 Project is designated as Contract No. AVI-2018-00006327.

SECTION 14. That the contract for the FAA Grant-Taxiway B Rehab Phase II-Runway 13L to 18-36 Construction Project is designated as Contract No. AVI-2018-00004771.

SECTION 15. That the contract for the FAA Grant-Runway 13R-31L Reconstruction Design Project is designated as Contract No. AVI-2018-00005887.

SECTION 16. 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 Information Sheet

File #: 18-1231

Item #: 7.

STRATEGIC PRIORITY: Mobility Solutions, Infrastructure, and Sustainability

AGENDA DATE: November 28, 2018

COUNCIL DISTRICT(S): 13

DEPARTMENT: Department of Public Works

EXECUTIVE: Majed Al-Ghafry

SUBJECT

Authorize a professional services contract with DSGN Associates, Inc. for architectural, engineering design, and construction administration services for the Vickery Meadow Community Court to be located at 6742 Greenville Avenue - Not to exceed \$131,266.00 - Financing: FY 2016-17 Community Development Block Grant Funds

BACKGROUND

This action will authorize a professional services contract with DSGN Associates, Inc. to provide architectural, engineering design, and construction administration services for renovation of the decommissioned former Fire Station 37 into a community services facility, including a Community Court for the City Attorney's Office. Scope of services under this contract will include schematic design, design development, construction documents, bid evaluation, and construction administration, along with development of specifications for furniture, furnishings and equipment. This facility will be designed to meet 2030 Challenge target level reductions in energy consumption from fossil-fuel based sources.

Funding for design and construction for re-purposing of this facility is to be provided through a Community Development Block Grant. The completed facility will house not-for-profit organizations providing social services to residents of the Vickery Meadow neighborhood as well as office and supporting space functions for Code Compliance, Community Prosecution and Community Court.

DSGN Associates, Inc. was selected following a qualifications-based selection process in accordance with the City of Dallas procurement guidelines.

ESTIMATED SCHEDULE OF PROJECT

Begin Design	December 2018
Complete Design	May 2019
Begin Construction	September 2019

Complete Construction July 2020

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On February 8, 2017, City Council held a public hearing to receive comments regarding an application for and an ordinance for a Planned Development District, No. 984, for MU-3 Mixed Use District uses and a utility or government installation other than listed limited to a courthouse and offices on property zoned an MU-3 Mixed Use District and Specific Use Permit No. 1507 for a radio, television or microwave tower on the southeast corner of Greenville Avenue and Blackwell Street by Resolution No. 17-0283.

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

FISCAL INFORMATION

FY 2016-17 Community Development Block Grant Funds - \$131,266.00

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 \$
\$131,266.00	Architecture & Engineering	25.66%	34.59%	\$45,410.00
• This contract exceeds the M/WBE goal.				

OWNER

DSGN Associates, Inc.

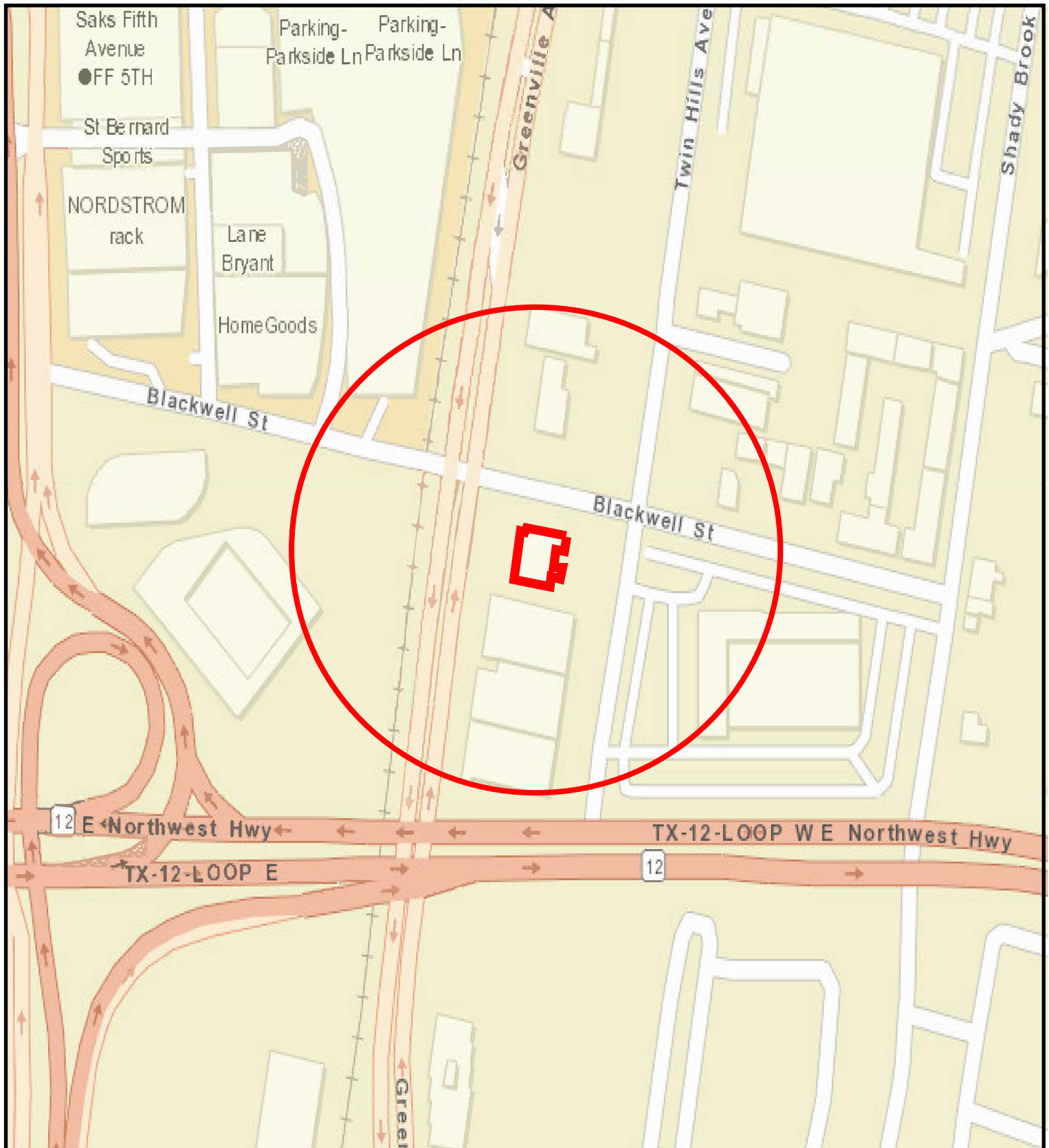
Robert Meckfessel, Principal

MAP

Attached

VICKERY MEADOW COMMUNITY COURT

6742 GREENVILLE AVENUE



COUNCIL DISTRICT 13

November 28, 2018

WHEREAS, in 1954, the City completed construction and began operation of a new fire station located at 6742 Greenville Avenue; and

WHEREAS, in the 2006 Bond Program, the citizens of Dallas approved funding for land acquisition, design and construction of a replacement facility for Fire Station 37 located at 6742 Greenville Avenue; and

WHEREAS, on February 8, 2017, Resolution No. 17-0283 authorized an ordinance granting Planned Development District 984 for city-owned property located at 6742 Greenville Avenue, for courthouse and office uses; and

WHEREAS, at the conclusion of a selection process conducted by City staff, DSGN Associates, Inc. was chosen as the most qualified firm to provide architectural services for adaptive re-use of this existing facility; and

WHEREAS, it is now desirable to authorize a professional services contract with DSGN Associates, Inc. for architectural and engineering design and construction administration services for the Vickery Meadow Community Court facility located at 6742 Greenville Avenue, in an amount not to exceed \$131,266.00.

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 DSGN Associates, Inc., approved as to form by the City Attorney, to provide architectural and engineering design and construction administration services for the Vickery Meadow Community Court facility located at 6742 Greenville Avenue, in an amount not to exceed \$131,266.00.

SECTION 2. That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed \$131,266.00 to DSGN Associates, Inc. in accordance with the terms and conditions of the contract from the FY 2016-17 Community Development Block Grant, Fund CD16, Department ATT, Unit 594A, Object 4112, Program PB06W141, Activity HO97, Encumbrance/Contract No. CX-PBW-2019-00008281, Vendor 335615.

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 Information Sheet

File #: 18-1052

Item #: 8.

STRATEGIC PRIORITY: Mobility Solutions, Infrastructure, and Sustainability

AGENDA DATE: November 28, 2018

COUNCIL DISTRICT(S): 12

DEPARTMENT: Department of Public Works

EXECUTIVE: Majed Al-Ghafry

SUBJECT

Authorize a professional services contract with Solaray Engineering, Inc. for the engineering design of Alley Reconstruction Group 17-1204 (list attached to the Agenda Information Sheet) - Not to exceed \$219,441.88 - Financing: Street and Transportation (A) Fund (2017 Bond Funds)

BACKGROUND

The Request for Qualifications (CIZ1721) was issued on May 31, 2018 for the 2017 Bond Projects. The consulting firm, Solaray Engineering, Inc., was selected following a qualifications-based selection process in accordance with the City of Dallas procurement guidelines.

This action will authorize a professional services contract with Solaray Engineering, Inc. for the engineering design of five alley reconstruction projects as Alley Reconstruction Group 17-1204. The alley reconstruction projects will include replacing the existing deteriorating concrete alleys with new reinforced concrete alley pavement, and storm drainage improvements.

Following are the locations and design costs for each project:

Alley Reconstruction Improvements

<u>Project</u>	<u>Council District</u>	<u>Amount</u>
7607-7777 La Sobrina Drive and 7624-7772 Querida Lane	12	\$62,734.94
7620-7768 La Manga Drive and 7625-7771 Querida Lane	12	\$51,756.24
7805-7871 La Verdura Drive		

and 7806-7846 El Pastel Drive	12	\$33,536.40
7805-7887 Querida Lane and 7808-7858 La Manga Drive	12	\$31,481.00
7806-7870 Querida Lane and 7807-7867 La Sobrina Drive	12	\$39,933.30

ESTIMATED SCHEDULE OF PROJECT

Begin Design	January 2019
Complete Design	December 2019
Begin Construction	April 2020
Complete Construction	December 2021

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

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

FISCAL INFORMATION

Street and Transportation (A) Fund (2017 Bond Funds) - \$219,441.88

Estimated Future Cost - Construction - \$1,503,977.20

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 \$
\$219,441.88	Architecture & Engineering	25.66%	100.00%	\$219,441.88
• This contract exceeds the M/WBE goal.				

OWNER

Solaray Engineering, Inc.

Javier Chavira, President

MAPS

Attached

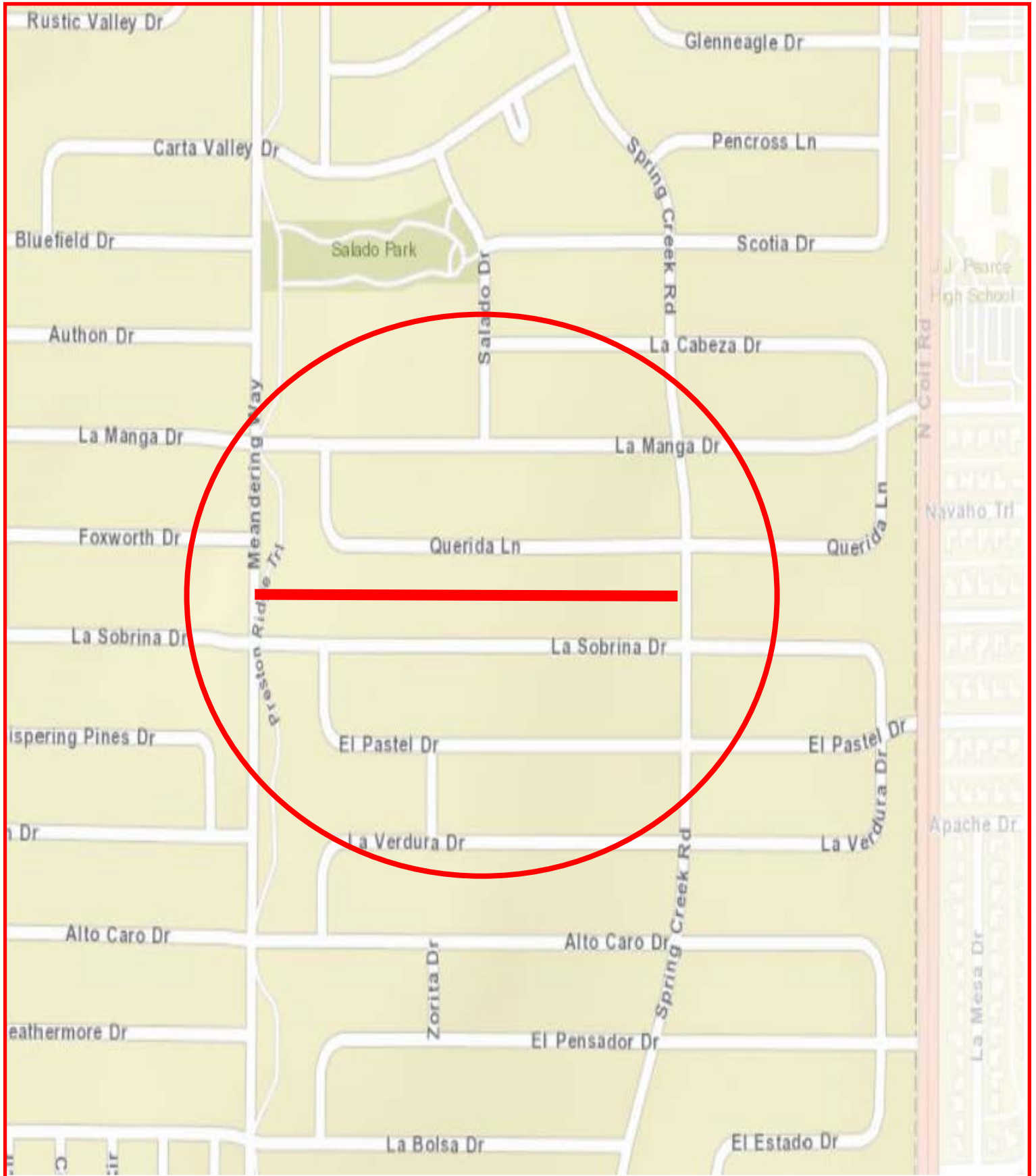
Alley Reconstruction Group 17-1204

Alley Reconstruction Improvements

<u>Project</u>	<u>Council District</u>
La Sobrina Drive (7607-7777) and Querida Lane (7624-7772)	12
La Manga Drive (7620-7768) and Querida Lane (7625-7771)	12
La Verdura Drive (7805-7871) and El Pastel Drive (7806-7846)	12
Querida Lane (7805-7887) and La Manga Drive (7808-7858)	12
Querida Lane (7806-7870) and La Sobrina Drive (7807-7867)	12

ALLEY RECONSTRUCTION

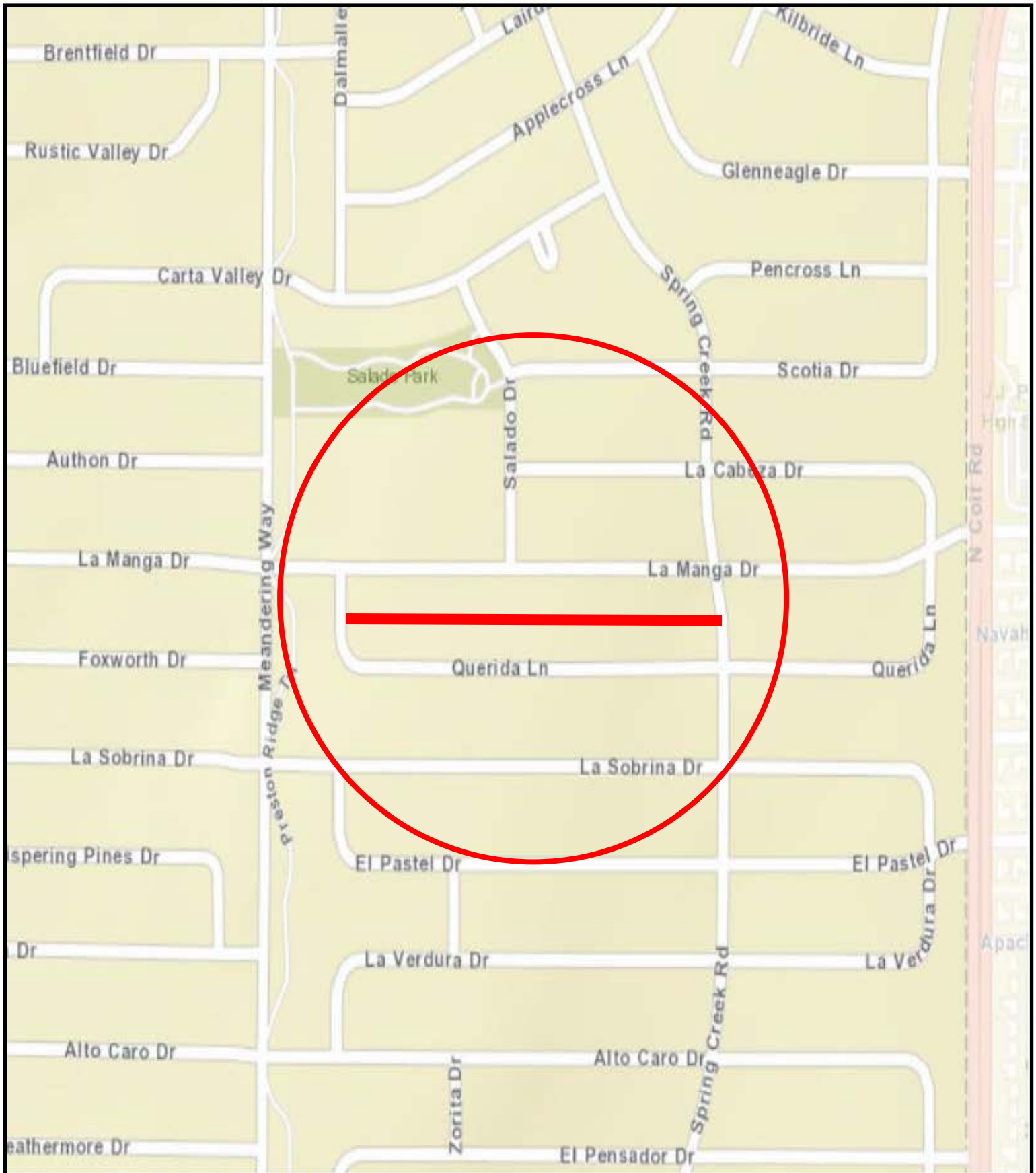
7607-7777 LA SOBRINA DRIVE & 7624-7772 QUERIDA LANE



COUNCIL DISTRICT 12

ALLEY RECONSTRUCTION

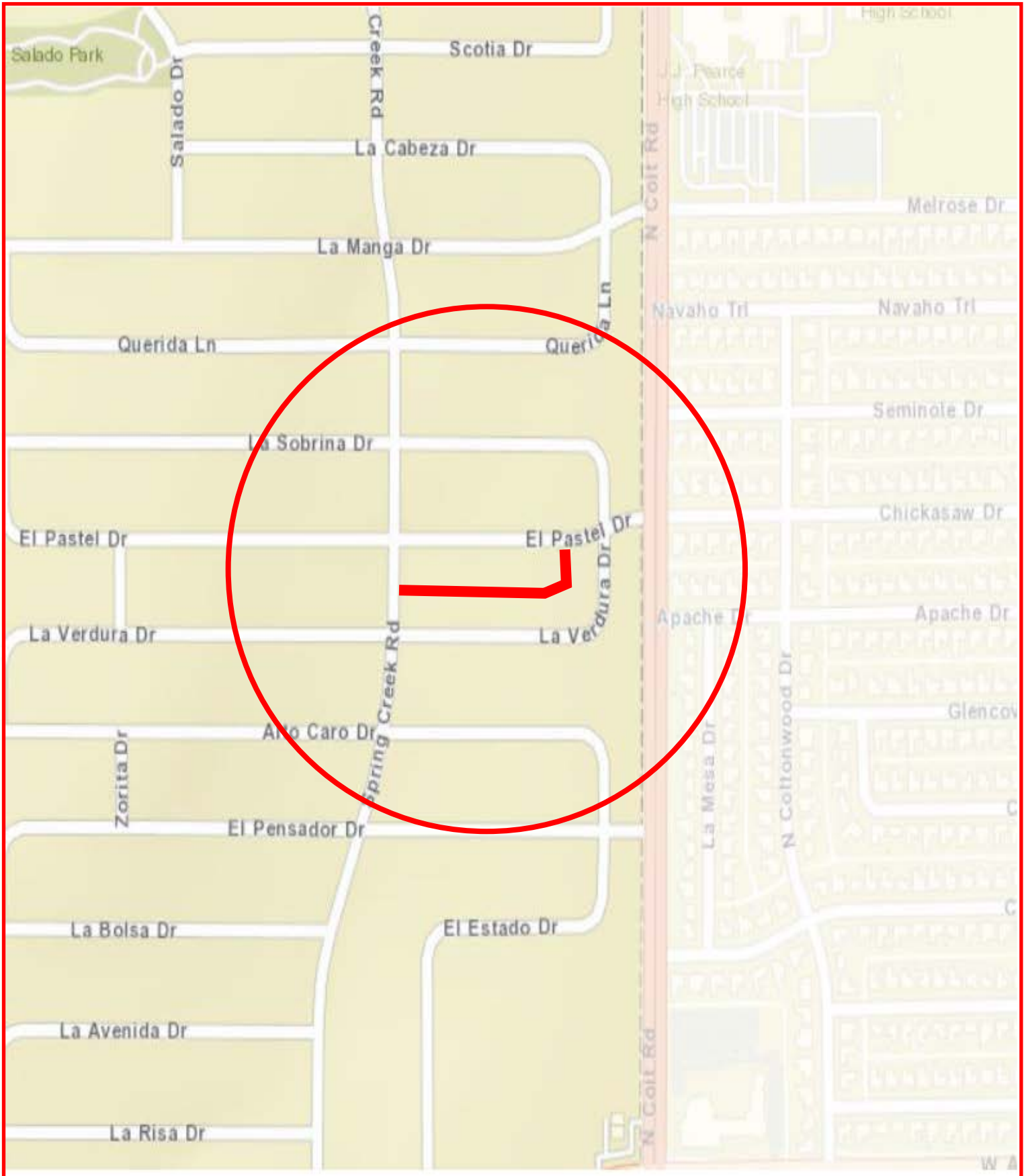
7620-7768 LA MANGA DRIVE & 7625-7771 QUERIDA LANE



COUNCIL DISTRICT 12

ALLEY RECONSTRUCTION

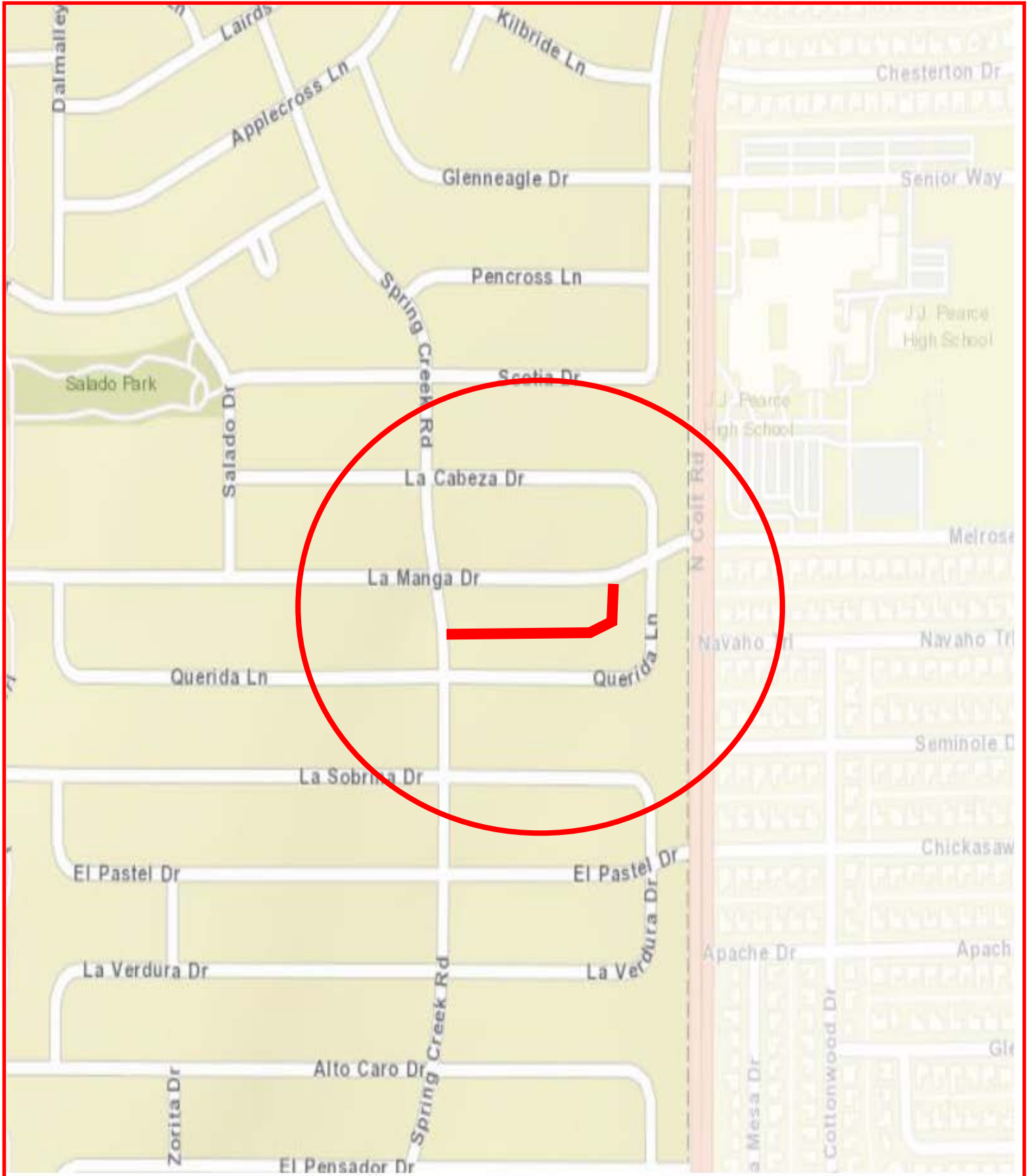
7805-7871 LA VERDURA DRIVE & 7806-7846 EL PASTEL DRIVE



COUNCIL DISTRICT 12

ALLEY RECONSTRUCTION

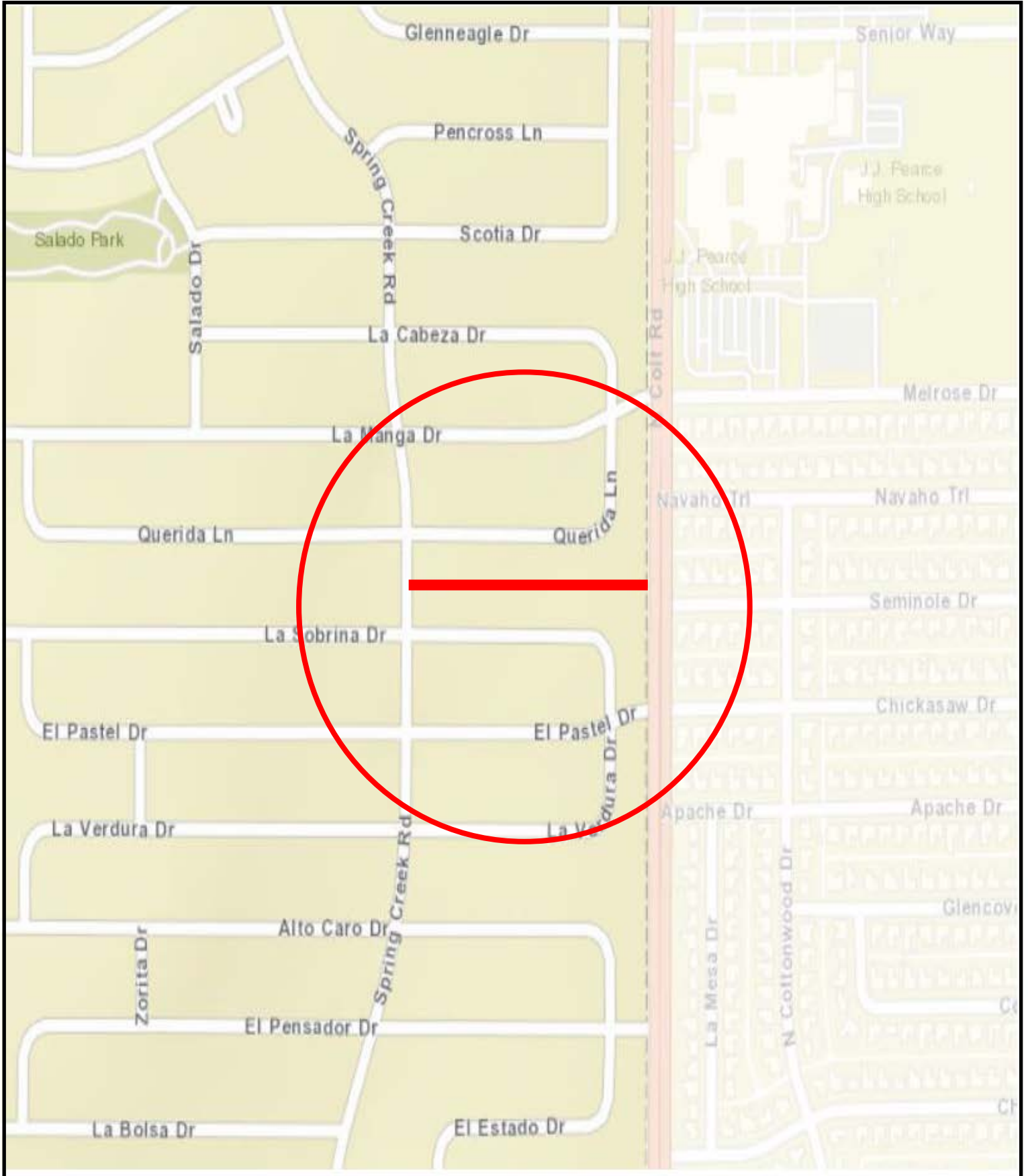
7805-7887 QUERIDA LANE & 7808-7858 LA MANGA DRIVE



COUNCIL DISTRICT 12

ALLEY RECONSTRUCTION

7806-7870 QUERIDA LANE & 7807-7867 LA SOBRINA DRIVE



COUNCIL DISTRICT 12

November 28, 2018

WHEREAS, Solaray Engineering, Inc. was selected to provide engineering design for Alley Reconstruction Group 17-1204.

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 Solaray Engineering, Inc., approved as to form by the City Attorney, for engineering design services for the indicated projects, in an amount not to exceed \$219,441.88.

SECTION 2. That the Chief Financial Officer is hereby authorized to disburse funds in accordance with the terms and conditions of the contract:

Solaray Engineering, Inc. for the engineering design of alley reconstruction projects between: La Sobrina Drive (7607-7777) and Querida Lane (7624-7772); La Manga Drive (7620-7768) and Querida Lane (7625-7771); La Verdura Drive (7805-7871) and El Pastel Drive (7806-7846); Querida Lane (7805-7887) and La Manga Drive (7808-7858); and Querida Lane (7806-7870) and La Sobrina Drive (7807-7867):

Street and Transportation (A) Fund	
Fund 1V22, Department PBW, Unit V108, Activity AREC	
Object 4111, Program PB17V108	
Encumbrance/Contract No. CX-PBW-2019-00008238	
Vendor VS0000071399	\$ 62,734.94

Street and Transportation (A) Fund	
Fund 1V22, Department PBW, Unit V109, Activity AREC	
Object 4111, Program PB17V109	
Encumbrance/Contract No. CX-PBW-2019-00008238	
Vendor VS0000071399	\$ 51,756.24

Street and Transportation (A) Fund	
Fund 1V22, Department PBW, Unit V110, Activity AREC	
Object 4111, Program PB17V110	
Encumbrance/Contract No. CX-PBW-2019-00008238	
Vendor VS0000071399	\$ 33,536.40

Street and Transportation (A) Fund	
Fund 1V22, Department PBW, Unit V111, Activity AREC	
Object 4111, Program PB17V111	
Encumbrance/Contract No. CX-PBW-2019-00008238	
Vendor VS0000071399	\$ 31,481.00

November 28, 2018

SECTION 2. (continued)

Street and Transportation (A) Fund	
Fund 1V22, Department PBW, Unit V112, Activity AREC	
Object 4111, Program PB17V112	
Encumbrance/Contract No. CX-PBW-2019-00008238	
Vendor VS0000071399	<u>\$ 39,933.30</u>
Total amount not to exceed	\$219,441.88

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 Information Sheet

File #: 18-1145

Item #: 9.

STRATEGIC PRIORITY: Mobility Solutions, Infrastructure, and Sustainability

AGENDA DATE: November 28, 2018

COUNCIL DISTRICT(S): 7

DEPARTMENT: Department of Public Works

EXECUTIVE: Majed Al-Ghafry

SUBJECT

Authorize a professional services contract with Walter P. Moore & Associates, Inc. for the engineering design of Alley Reconstruction Group 17-7002 (list attached to the Agenda Information Sheet) - Not to exceed \$232,813.00 - Financing: Street and Transportation (A) Fund (2017 Bond Funds)

BACKGROUND

The Request for Qualifications (CIZ1721) was issued on May 31, 2018 for the 2017 Bond Projects. The consulting firm, Walter P. Moore & Associates, Inc., was selected following a qualifications-based selection process in accordance with the City of Dallas procurement guidelines.

This action will authorize a professional services contract with Walter P. Moore & Associates, Inc. for the engineering design of six alley reconstruction projects as Alley Reconstruction Group 17-7002. The alley reconstruction projects will include replacing the existing deteriorating concrete alleys with new reinforced concrete alley pavement and storm drainage improvements.

Following are the locations and design costs for each project:

Alley Reconstruction Improvements

<u>Project</u>	<u>Council District</u>	<u>Amount</u>
4804-4950 Ashbrook Road and 4803-4945 Chilton Drive	7	\$47,134.00
5005-5207 Banting Way and 5411-5445 Enderly Place	7	\$41,318.00
5107-5143 Breakwood Drive		

and 5116-5152 Colter Drive	7	\$20,094.00
5303-5347 Blaney Way and 5204-5240 Banting Way	7	\$38,387.00
5620-5832 Everglade Road and 5707-5861 Marview Lane	7	\$52,875.00
7027-7203 Hunnicut Road and 7012-7108 Belteau Lane	7	\$33,005.00

ESTIMATED SCHEDULE OF PROJECT

Begin Design	January 2019
Complete Design	January 2020
Begin Construction	March 2020
Complete Construction	March 2022

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

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

FISCAL INFORMATION

Street and Transportation (A) Fund (2017 Bond Funds) - \$232,813.00

Estimated Future Cost - Construction - \$1,558,210.50

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 \$
\$232,813.00	Architecture & Engineering	25.66%	37.24%	\$86,703.00
• This contract exceeds the M/WBE goal.				

OWNER

Walter P. Moore & Associates, Inc.

Ernest L. Fields, P.E., Managing Director/Principal
Jeffrey J. Frison, P.E., Principal

MAPS

Attached

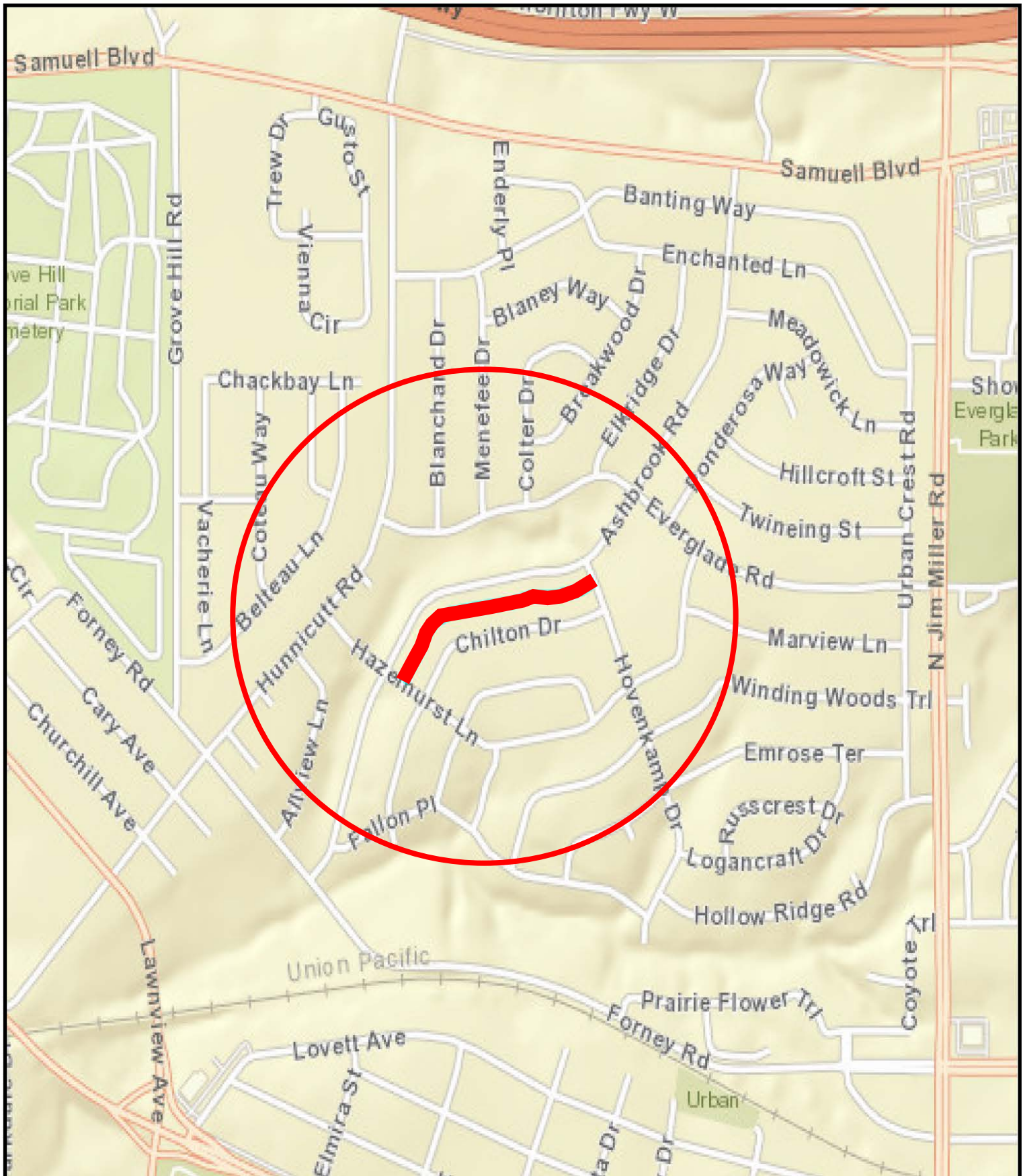
Alley Reconstruction Group 17-7002

Alley Reconstruction Improvements

<u>Project</u>	<u>Council District</u>
Ashbrook Road (4804-4950) and Chilton Drive (4803-4945)	7
Banting Way (5005-5207) and Enderly Place (5411-5445)	7
Breakwood Drive (5107-5143) and Colter Drive (5116-5152)	7
Blaney Way (5303-5347) and Banting Way (5204-5240)	7
Everglade Road (5620-5832) and Marview Lane (5707-5861)	7
Hunnicut Road (7027-7203) and Belteau Lane (7012-7108)	7

ALLEY RECONSTRUCTION

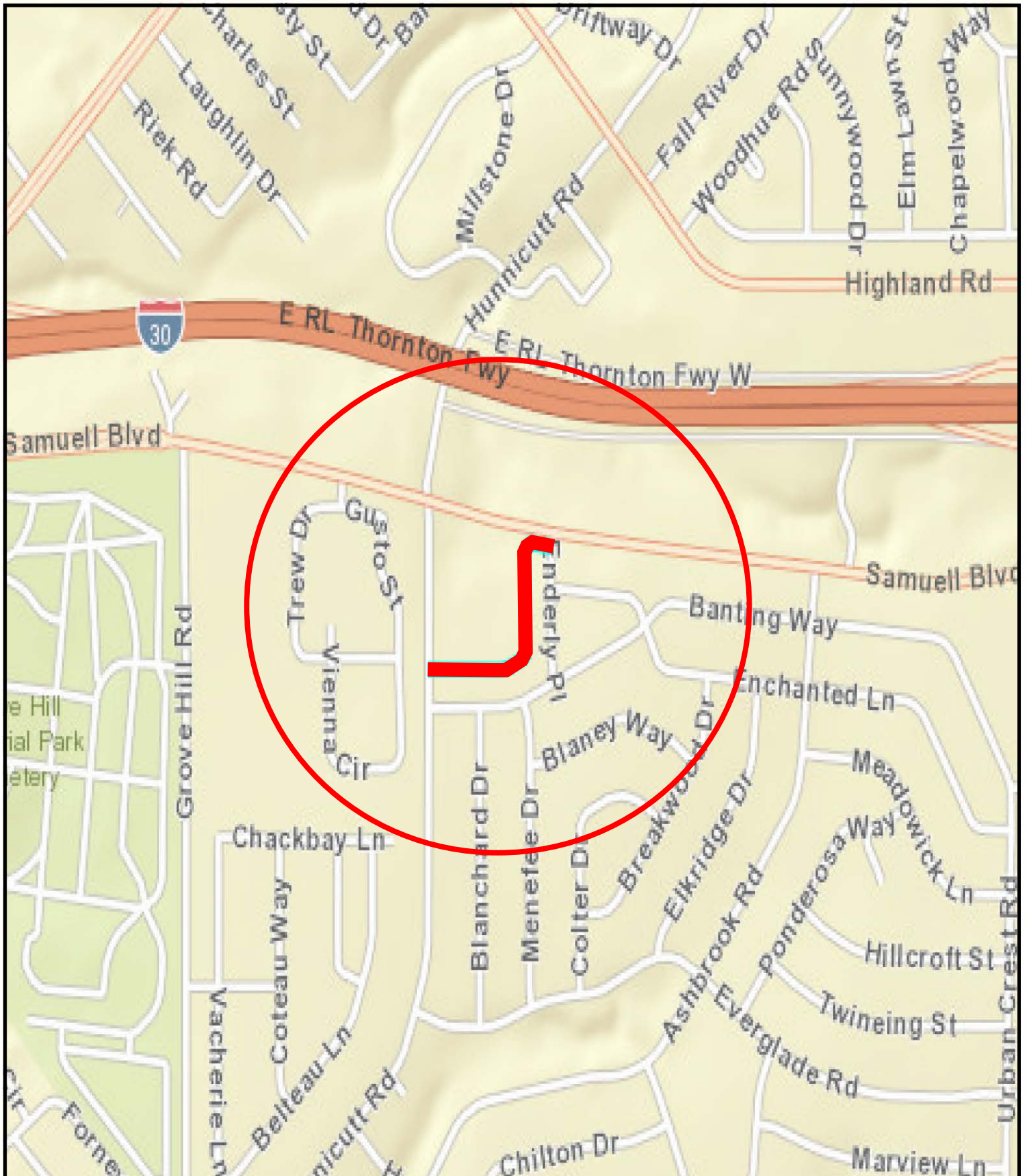
4804-4950 ASHBROOK ROAD & 4803-4945 CHILTON DRIVE



COUNCIL DISTRICT 7

ALLEY RECONSTRUCTION

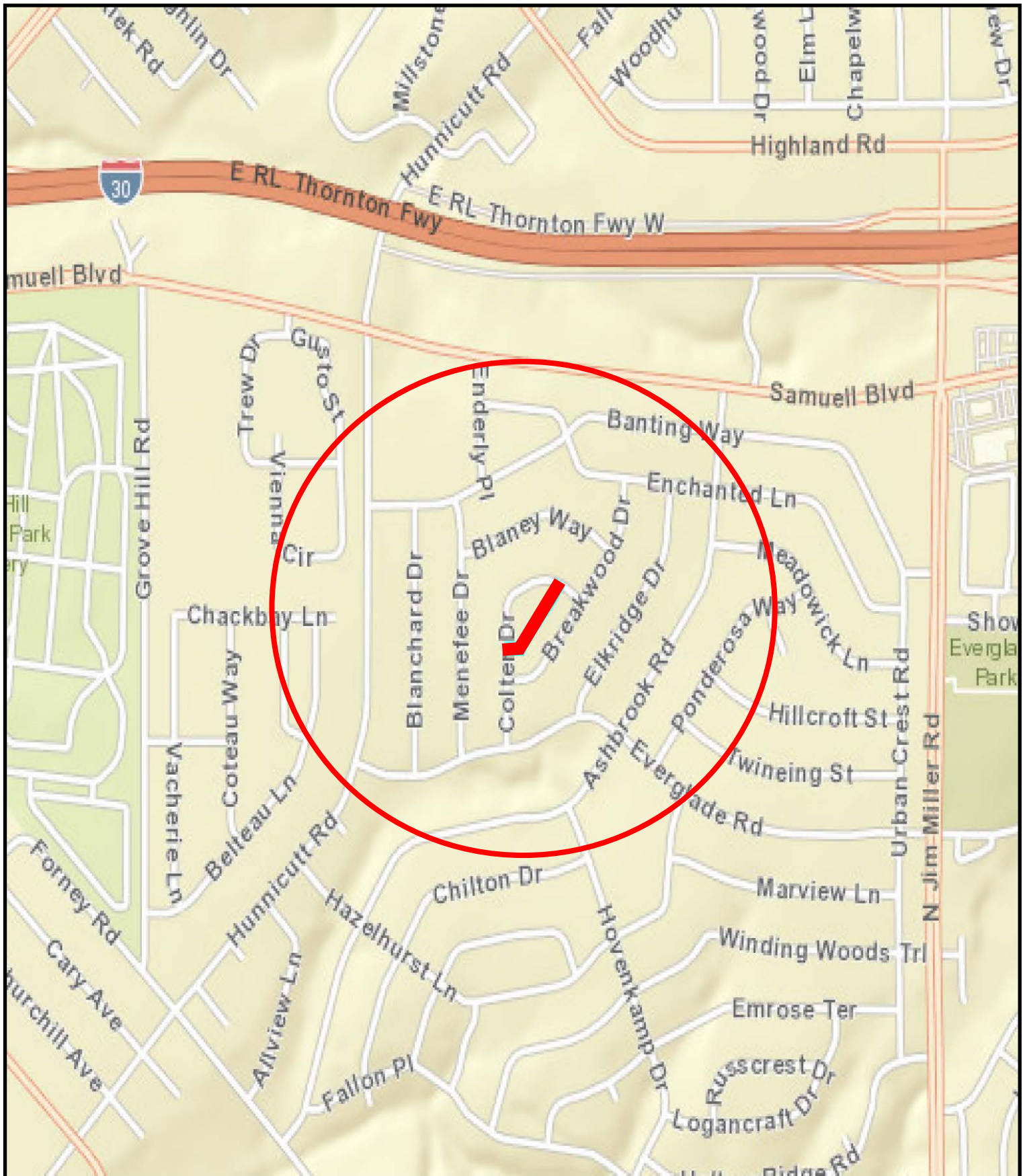
5005-5207 BANTING WAY & 5411-5445 ENDERLY PLACE



COUNCIL DISTRICT 7

ALLEY RECONSTRUCTION

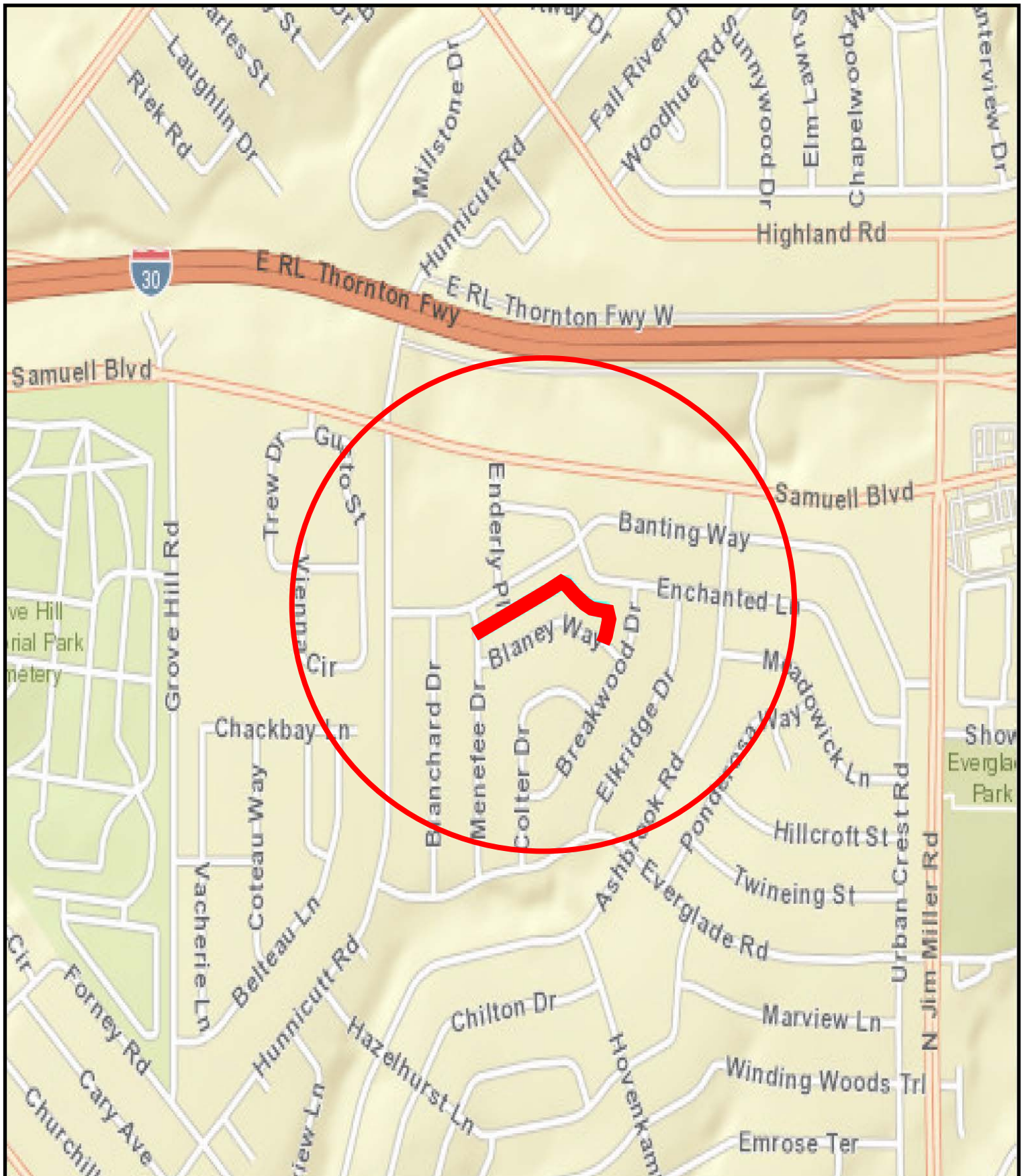
5107-5143 BREAKWOOD DRIVE & 5116-5152 COLTER DRIVE



COUNCIL DISTRICT 7

ALLEY RECONSTRUCTION

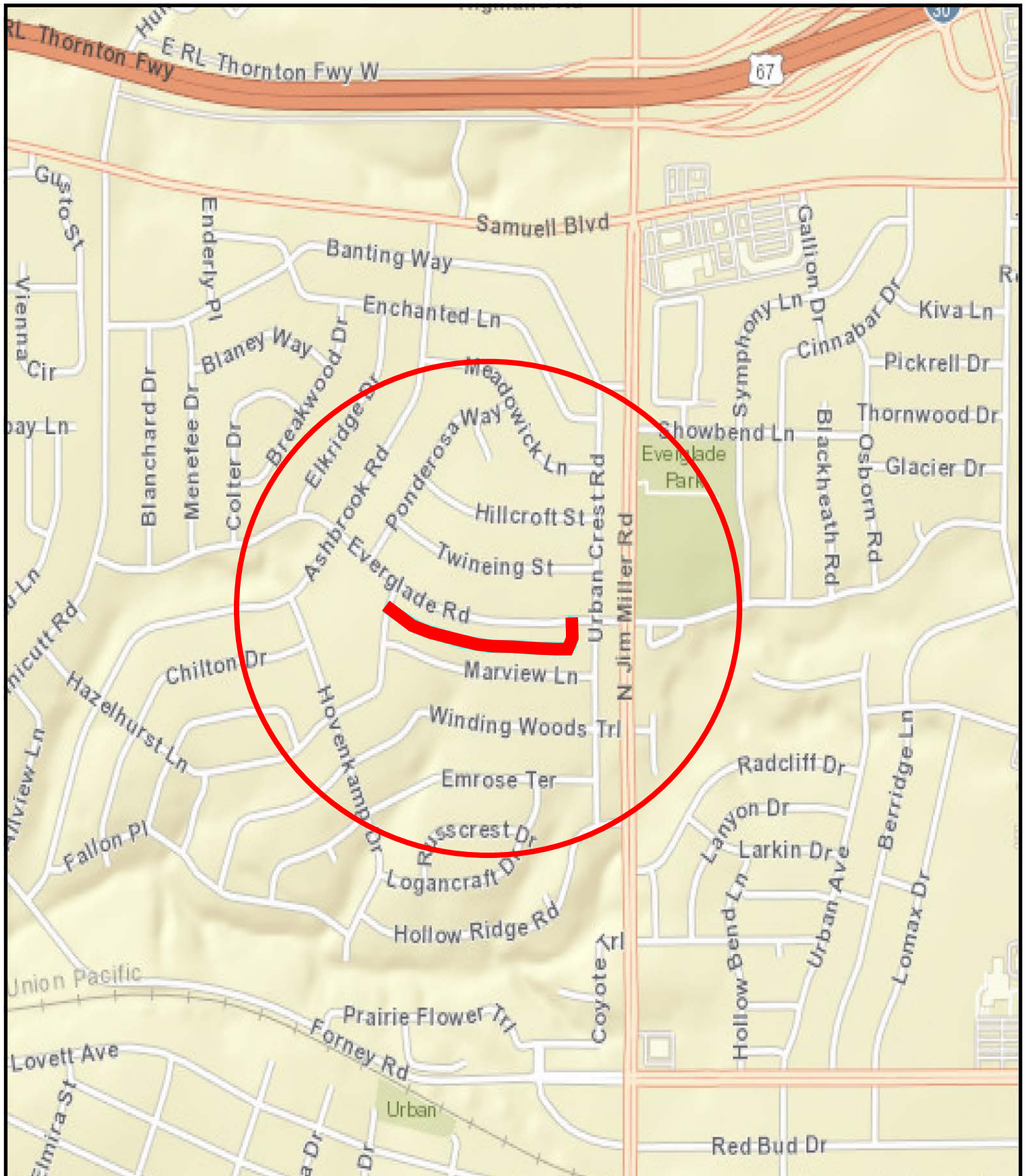
5303-5347 BLANEY WAY & 5204-5240 BANTING WAY



COUNCIL DISTRICT 7

ALLEY RECONSTRUCTION

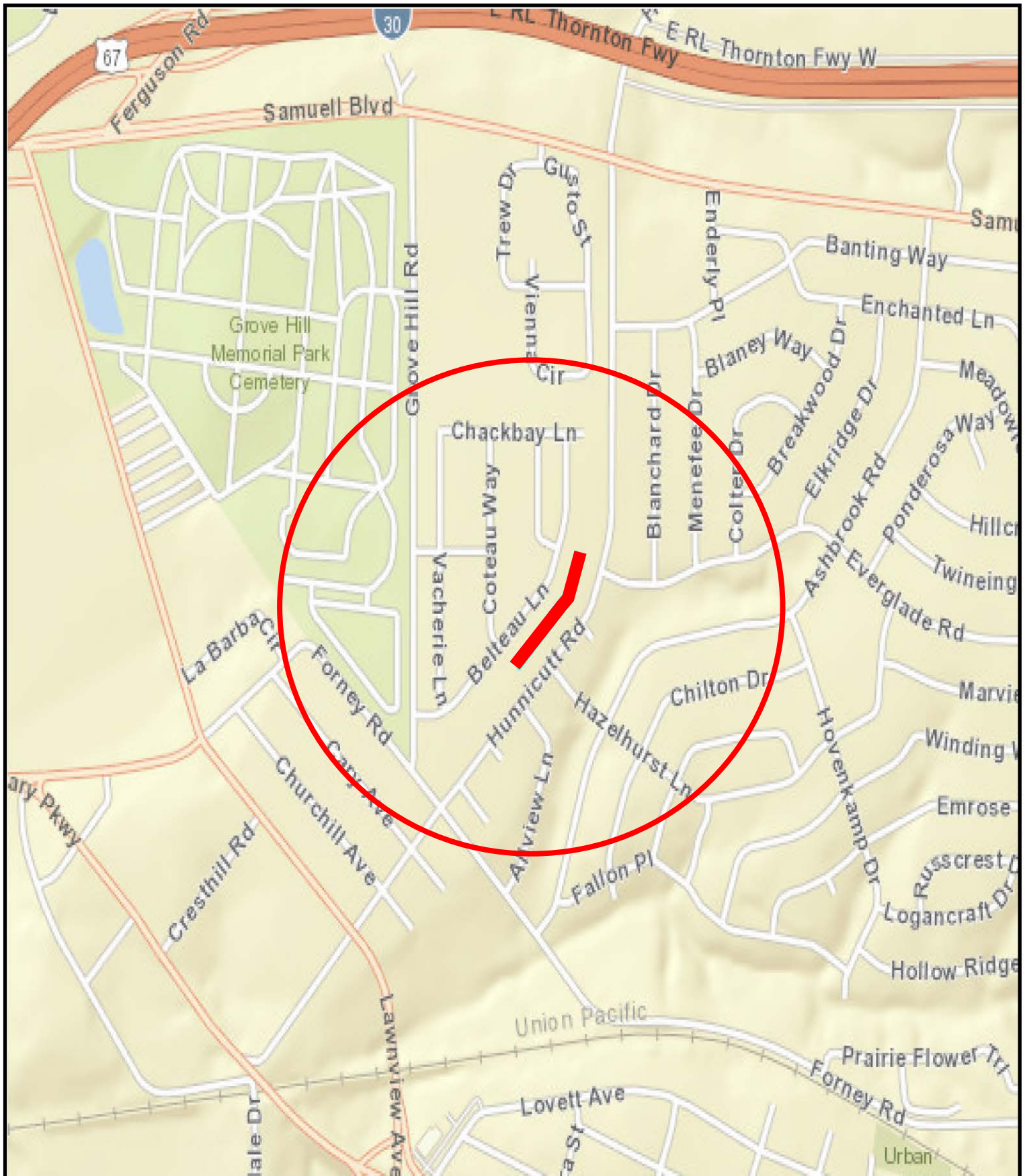
5620-5832 EVERGLADE ROAD & 5707-5861 MARVIEW LANE



COUNCIL DISTRICT 7

ALLEY RECONSTRUCTION

7027-7203 HUNNICUT ROAD & 7012-7108 BELTEAU LANE



COUNCIL DISTRICT 7

November 28, 2018

WHEREAS, Walter P. Moore & Associates, Inc. was selected to provide engineering design for Alley Reconstruction Group 17-7002.

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 Walter P. Moore & Associates, Inc., approved as to form by the City Attorney, for engineering design services for the indicated projects, in an amount not to exceed \$232,813.00.

SECTION 2. That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed \$232,813.00 in accordance with the terms and conditions of the contract:

Walter P. Moore & Associates, Inc. for the engineering design of alley reconstruction projects between: 4804-4950 Ashbrook Road and 4803-4945 Chilton Drive; 5005-5207 Banting Way and 5411-5445 Enderly Place; 5107-5143 Breakwood Drive and 5116-5152 Colter Drive; 5303-5347 Blaney Way and 5204-5240 Banting Way; 5620-5832 Everglade Road and 5707-5861 Marview Lane; and 7027-7203 Hunnicut Road and 7012-7108 Belteau Lane:

Street and Transportation (A) Fund	
Fund 1V22, Department PBW, Unit V049, Activity AREC	
Object 4111, Program PB17V049	
Encumbrance/Contract No. CX-PBW-2019-00008339	
Vendor 501930	\$ 47,134.00

Street and Transportation (A) Fund	
Fund 1V22, Department PBW, Unit V050, Activity AREC	
Object 4111, Program PB17V050	
Encumbrance/Contract No. CX-PBW-2019-00008339	
Vendor 501930	\$ 41,318.00

Street and Transportation (A) Fund	
Fund 1V22, Department PBW, Unit V051, Activity AREC	
Object 4111, Program PB17V051	
Encumbrance/Contract No. CX-PBW-2019-00008339	
Vendor 501930	\$ 20,094.00

November 28, 2018

SECTION 2. (continued)

Street and Transportation (A) Fund
Fund 1V22, Department PBW, Unit V052, Activity AREC
Object 4111, Program PB17V052
Encumbrance/Contract No. CX-PBW-2019-00008339
Vendor 501930 \$ 38,387.00

Street and Transportation (A) Fund
Fund 1V22, Department PBW, Unit V054, Activity AREC
Object 4111, Program PB17V054
Encumbrance/Contract No. CX-PBW-2019-00008339
Vendor 501930 \$ 52,875.00

Street and Transportation (A) Fund
Fund 1V22, Department PBW, Unit V058, Activity AREC
Object 4111, Program PB17V058
Encumbrance/Contract No. CX-PBW-2019-00008339
Vendor 501930 \$ 33,005.00

Total amount not to exceed \$232,813.00

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 Information Sheet

File #: 18-1119

Item #: 10.

STRATEGIC PRIORITY: Mobility Solutions, Infrastructure, and Sustainability

AGENDA DATE: November 28, 2018

COUNCIL DISTRICT(S): 6, 12

DEPARTMENT: Department of Public Works

EXECUTIVE: Majed Al-Ghafry

SUBJECT

Authorize a professional services contract with Urban Engineers Group, Inc. for the engineering design of Street Reconstruction Group 17-1207 (list attached to the Agenda Information Sheet) - Not to exceed \$320,949.50 - Financing: Street and Transportation (A) Fund (2017 Bond Funds) (\$273,949.50) and Water Utilities Capital Improvement Funds (\$47,000.00)

BACKGROUND

The Request for Qualifications (CIZ1721) was issued on May 31, 2018 for the 2017 Bond Projects. The consulting firm, Urban Engineers Group, Inc., was selected following a qualifications-based selection process in accordance with the City of Dallas procurement guidelines.

This action will authorize a professional services contract with Urban Engineers Group, Inc. for the engineering design of three street reconstruction of thoroughfare projects as Street Reconstruction Group 17-1207. The street reconstruction projects will include replacing the existing deteriorating concrete streets with reinforced concrete pavement, curb, gutter, sidewalk, driveway approaches, paving marking, possible replacement of the drainage system, water and wastewater improvements.

Following are the locations and design costs for each project:

Street Reconstruction - Thoroughfares - Improvements

<u>Project</u>	<u>Council District</u>	<u>Amount</u>
Frankford Road (Westbound Lane Only) from City Limit to Appleridge Drive	12	\$125,635.90
Canada Drive from Babcock Drive to Leesburg Street	6	\$124,783.74

Davenport Road from Winding Creek Road
to Creek Bend Road

12

\$70,529.86

ESTIMATED SCHEDULE OF PROJECT

Begin Design	January 2019
Complete Design	January 2020
Begin Construction	March 2020
Complete Construction	March 2021

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

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

FISCAL INFORMATION

Street and Transportation (A) Fund (2017 Bond Funds) - \$273,949.50
Water Utilities Capital Improvement Funds - \$47,000.00

Estimated Future Cost - Construction - \$2,955,805.94

<u>Council District</u>	<u>Amount</u>
6	\$124,783.74
12	<u>\$196,165.76</u>
Total	\$320,949.50

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 \$
\$320,949.50	Architecture & Engineering	25.66%	100.00%	\$320,949.50
• This contract exceeds the M/WBE goal.				

OWNER

Urban Engineers Group, Inc.

Fasial Syed, P.E., Principal-in-Charge

MAPS

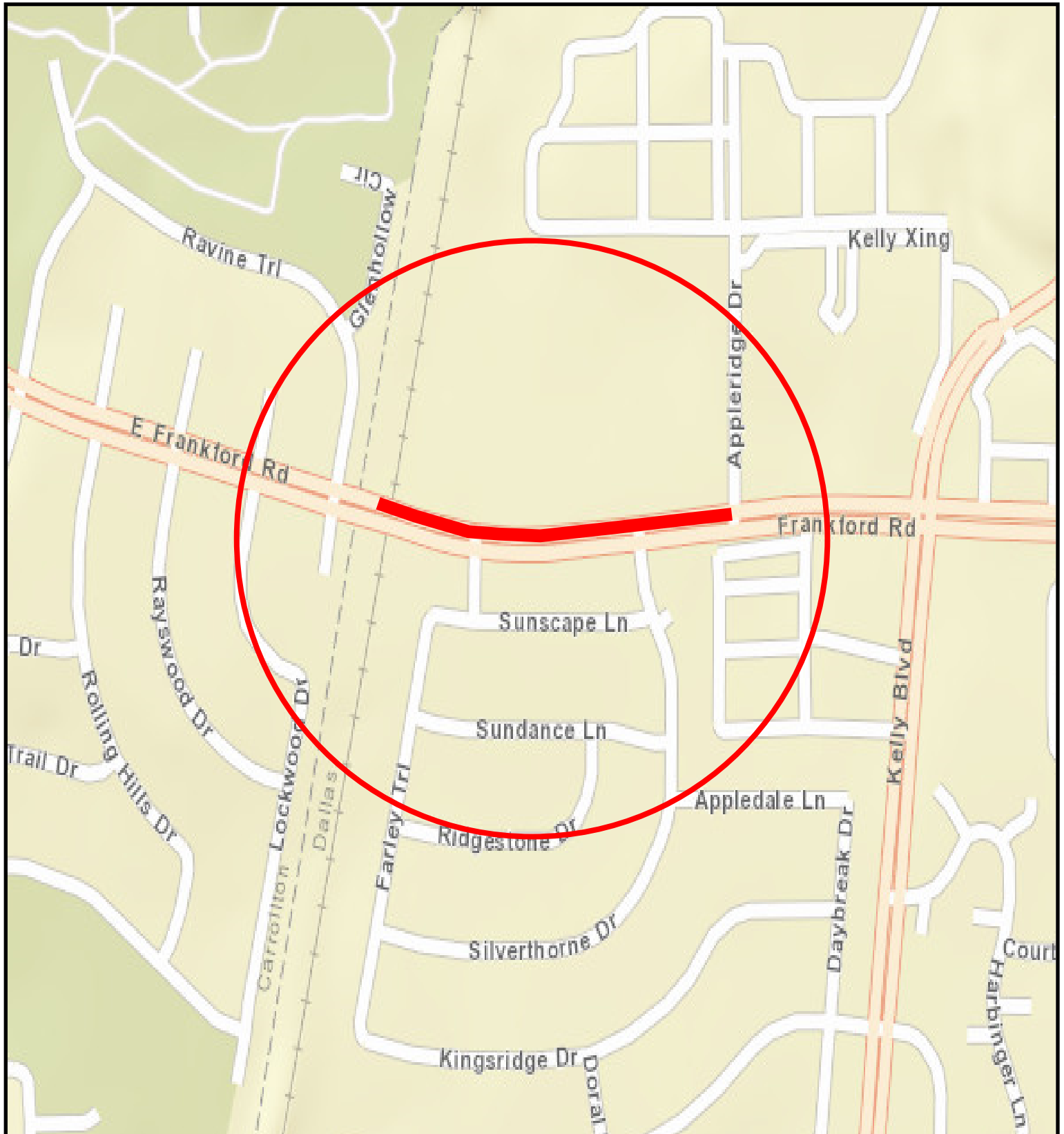
Attached

Street Reconstruction Group 17-1207

Street Reconstruction - Thoroughfares - Improvements

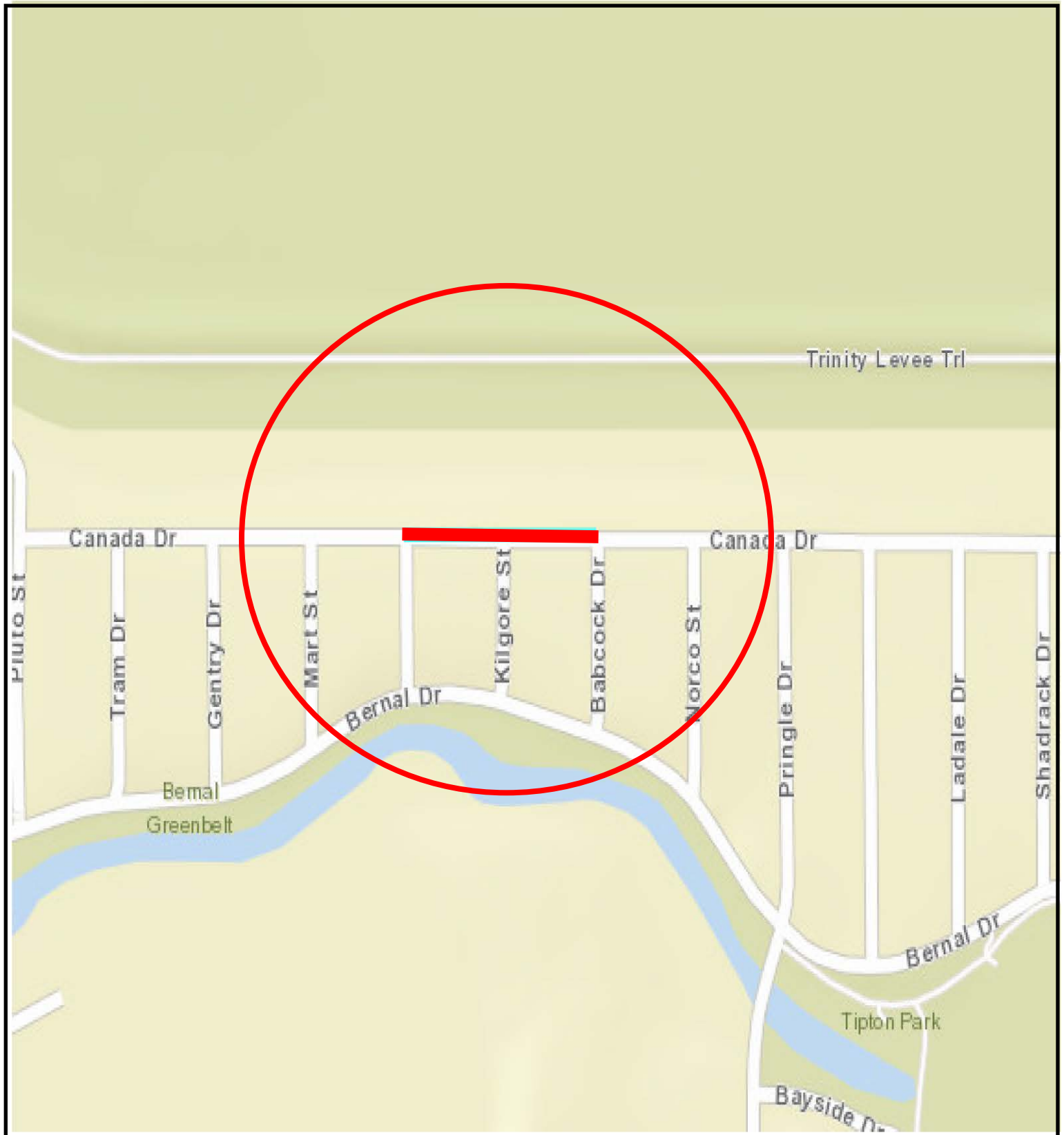
<u>Project</u>	<u>Council District</u>
Frankford Road (Westbound Lane Only) from City Limit to Appleridge Drive	12
Canada Drive from Babcock Drive to Leesburg Street	6
Davenport Road from Winding Creek Road to Creek Bend Road	12

**STREET RECONSTRUCTION
FRANKFORD ROAD (WESTBOUND LANE ONLY)
FROM CITY LIMIT TO APPLERIDGE DRIVE**



COUNCIL DISTRICT 12

**STREET RECONSTRUCTION
CANADA DRIVE FROM BABCOCK DRIVE TO LEESBURG STREET**



COUNCIL DISTRICT 6

The map displays a suburban neighborhood in Dallas, Texas. The primary focus is the intersection of Preston Rd (a major road running diagonally from the bottom left to the top right) and Davenport Rd (a vertical road running through the center). This intersection is highlighted with a red circle and a red vertical line. To the north of this intersection, Preston Rd continues past a Kohl's store and Frankford Park. To the south, it passes a large residential development. Davenport Rd runs north-south, with several smaller streets branching off. To the east of Davenport Rd, streets like Winding Creek Rd, Windrock Rd, and Sawmill Rd are visible. To the west, streets like Sunmeadow Dr and Baymar Ln are shown. The map also includes several parks: Frankford Park to the northeast, Rose Haggard Park to the west, and Old Renner Park to the east. The overall terrain is relatively flat with some green spaces and residential buildings scattered throughout.

COUNCIL DISTRICT 12

November 28, 2018

WHEREAS, Urban Engineers Group, Inc. was selected to provide engineering design for Street Reconstruction Group 17-1207.

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 Urban Engineers Group, Inc., approved as to form by the City Attorney, for engineering design services for the indicated projects, in an amount not to exceed \$320,949.50.

SECTION 2. That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed \$320,949.50 in accordance with the terms and conditions of the contract:

Urban Engineers Group, Inc. for the engineering design of street reconstruction of thoroughfare projects on: Frankford Road (Westbound Lane Only) from City Limit to Appleridge Drive; Canada Drive from Babcock Drive to Leesburg Street; and Davenport Road from Winding Creek Road to Creek Bend Road:

Street and Transportation (A) Fund	
Fund 1V22, Department PBW, Unit V295, Activity SREC	
Object 4111, Program PB17V295	
Encumbrance/Contract No. CX-PBW-2018-00008063	
Vendor 511462	\$108,315.90

Street and Transportation (A) Fund	
Fund 1V22, Department PBW, Unit V307 Activity SREC	
Object 4111, Program PB17V307	
Encumbrance/Contract No. CX-PBW-2018-00008063	
Vendor 511462	\$104,113.74

Street and Transportation (A) Fund	
Fund 1V22, Department PBW, Unit V312, Activity SREC	
Object 4111, Program PB17V312	
Encumbrance/Contract No. CX-PBW-2018-00008063	
Vendor 511462	\$ 61,519.86

Water Capital Improvement Fund	
Fund 3115, Department DWU, Unit PW42, Activity RELO	
Object 4111, Program 719051	
Encumbrance/Contract No. CX-PBW-2018-00008063	
Vendor 511462	\$ 31,333.00

November 28, 2018

SECTION 2. (continued)

Wastewater Capital Improvement Fund	
Fund 2116, Department DWU, Unit PS42, Activity RELO	
Object 4111, Program 719052	
Encumbrance/Contract No. CX-PBW-2018-00008063	
Vendor 511462	<u>\$ 15,667.00</u>
 Total amount not to exceed	 \$320,949.50

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 Information Sheet

File #: 18-1146

Item #: 11.

STRATEGIC PRIORITY: Mobility Solutions, Infrastructure, and Sustainability

AGENDA DATE: November 28, 2018

COUNCIL DISTRICT(S): 13

DEPARTMENT: Department of Public Works

EXECUTIVE: Majed Al-Ghafry

SUBJECT

Authorize a professional services contract with Dal-Tech Engineering, Inc. for the engineering design of Street Reconstruction Group 17-1305 (list attached to the Agenda Information Sheet) - Not to exceed \$248,311.26 - Financing: Street and Transportation (A) Fund (2017 Bond Funds) (\$223,023.26) and Water Capital Improvement Fund (\$25,288.00)

BACKGROUND

The Request for Qualifications (CIZ1721) was issued on May 31, 2018 for the 2017 Bond Projects. The consulting firm, Dal-Tech Engineering, Inc., was selected following a qualifications-based selection process in accordance with the City of Dallas procurement guidelines.

This action will authorize a professional services contract with Dal-Tech Engineering, Inc. for the engineering design of two street reconstruction projects of local streets as Street Reconstruction Group 17-1305. The street reconstruction projects will include replacing the existing deteriorating concrete streets with reinforced concrete pavement, curb, gutter, sidewalk, driveway approaches, paving marking, possible replacement of the drainage system, and water improvements.

Following are the locations and design costs for each project:

Street Reconstruction - Local Streets - Improvements

<u>Project</u>	<u>Council District</u>	<u>Amount</u>
Aberdeen Avenue from Edgemere Road to Thackery Street	13	\$ 79,233.03
Mimosa Lane from Edgemere Road to Hillcrest Road	13	\$169,078.23

ESTIMATED SCHEDULE OF PROJECT

Begin Design	January 2019
Complete Design	January 2020
Begin Construction	April 2020
Complete Construction	April 2021

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

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

FISCAL INFORMATION

Street and Transportation (A) Fund (2017 Bond Funds) - \$223,023.26
Water Capital Improvement Fund - \$25,288.00

Estimated Future Cost - Construction - \$2,338,426.20

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 \$
\$248,311.26	Architecture & Engineering	25.66%	100.00%	\$248,311.26
• This contract exceeds the M/WBE goal.				

OWNER

Dal-Tech Engineering, Inc.

Sedi Toumani, President

MAPS

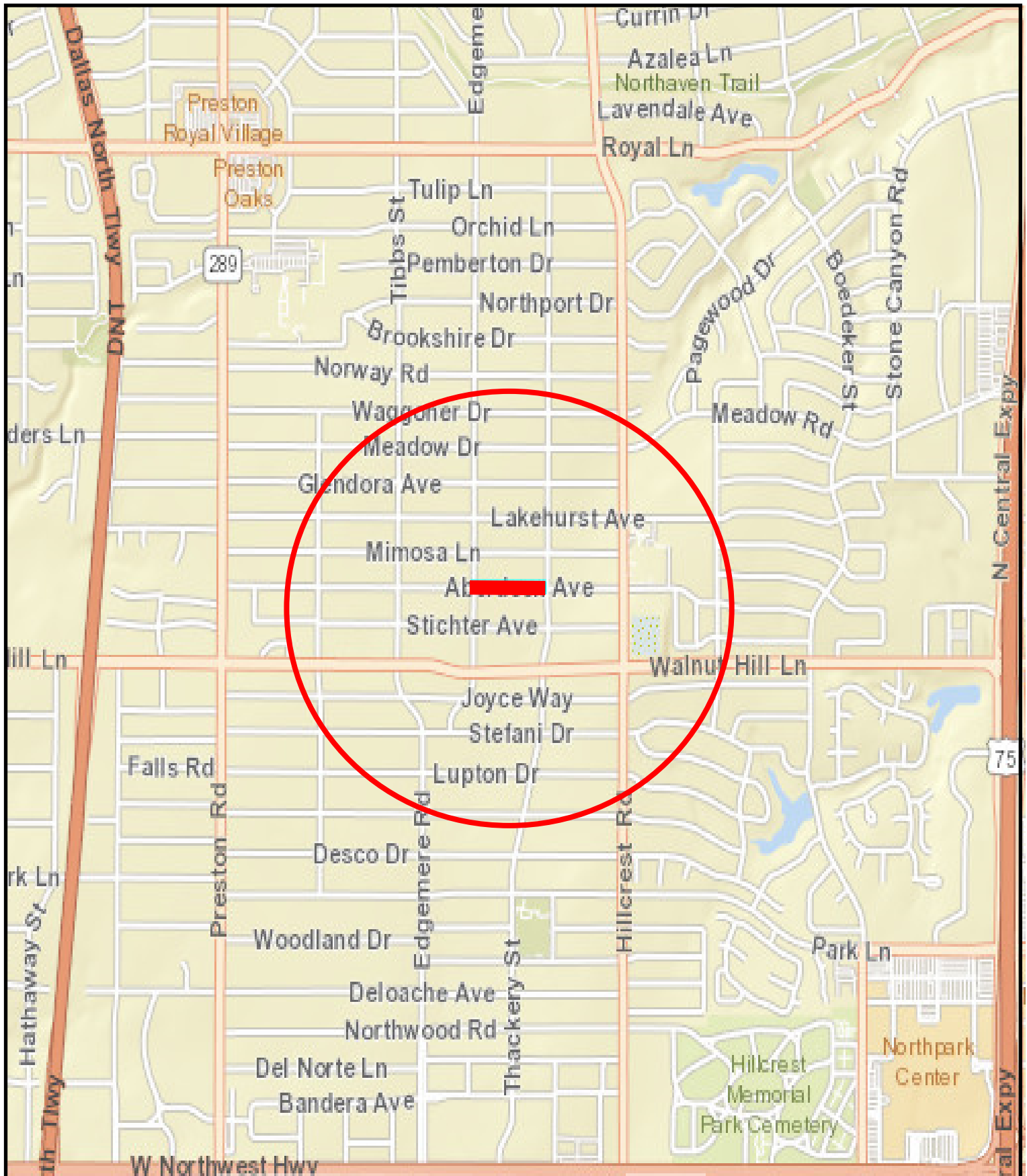
Attached

Street Reconstruction Group 17-1305

Street Reconstruction - Local Streets - Improvements

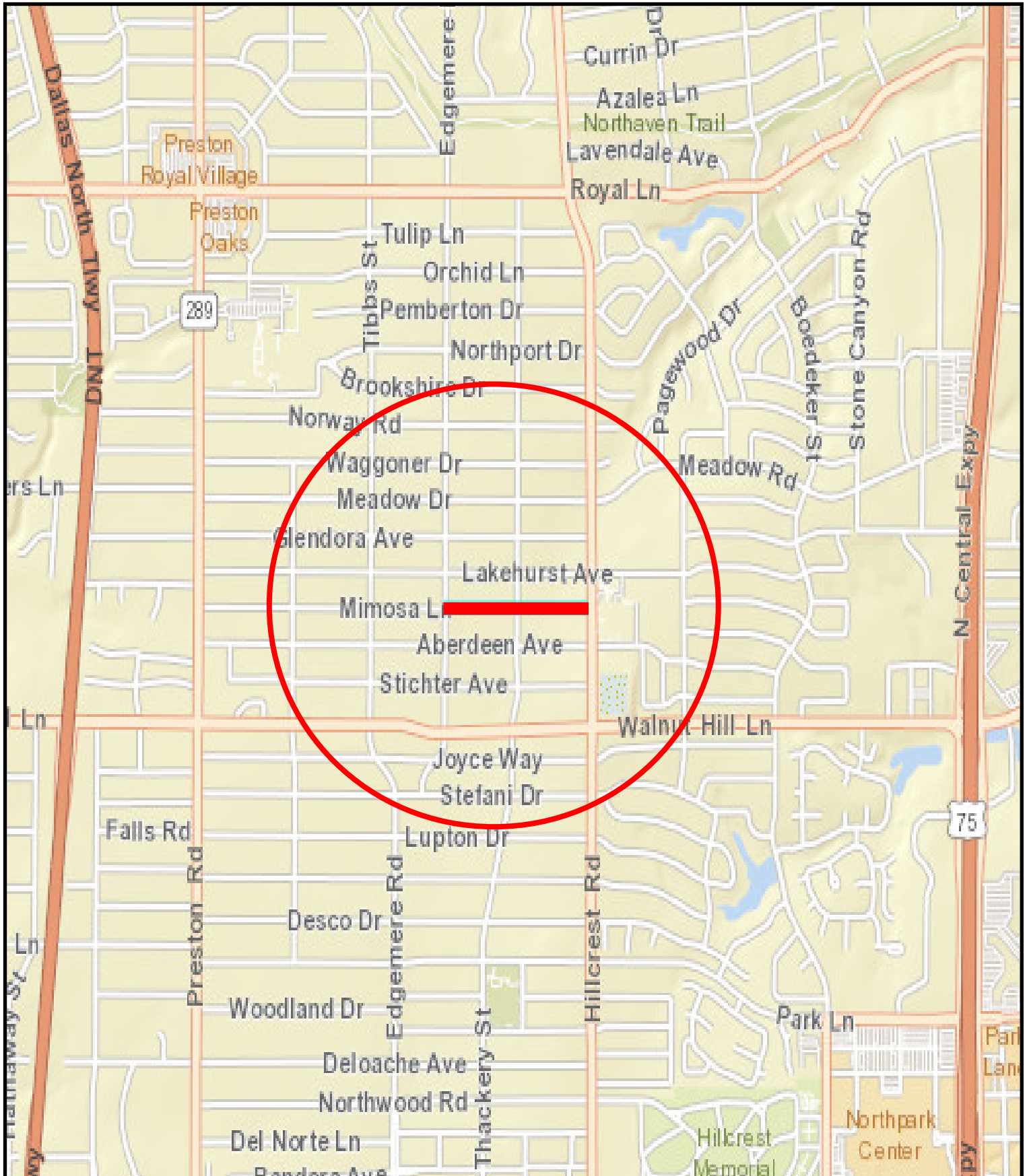
<u>Project</u>	<u>Council District</u>
Aberdeen Avenue from Edgemere Road to Thackery Street	13
Mimosa Lane from Edgemere Road to Hillcrest Road	13

**STREET RECONSTRUCTION
ABERDEEN AVENUE FROM EDMERE ROAD TO
THACKERY STREET**



COUNCIL DISTRICT 13

**STREET RECONSTRUCTION
MIMOSA LANE FROM EDGEMERE ROAD TO HILLCREST
ROAD**



COUNCIL DISTRICT 13

November 28, 2018

WHEREAS, Dal-Tech Engineering, Inc. was selected to provide engineering design for Street Reconstruction Group 17-1305.

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 Dal-Tech Engineering, Inc., approved as to form by the City Attorney, for engineering design services for the indicated projects, in an amount not to exceed \$248,311.26.

SECTION 2. That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed \$248,311.26 in accordance with the terms and conditions of the contract:

Dal-Tech Engineering, Inc. for the engineering design of street reconstruction projects on local streets on: Aberdeen Avenue from Edgemere Road to Thackery Street; and on Mimosa Lane from Edgemere Road to Hillcrest Road:

Street and Transportation (A) Fund	
Fund 1V22, Department PBW, Unit V231, Activity SREC	
Object 4111, Program PB17V231	
Encumbrance/Contract No. CX-PBW-2018-00008066	
Vendor 262063	\$143,790.23

Street and Transportation (A) Fund	
Fund 1V22, Department PBW, Unit V285, Activity SREC	
Object 4111, Program PB17V285	
Encumbrance/Contract No. CX-PBW-2018-00008066	
Vendor 262063	\$ 79,233.03

Water Capital Improvement Fund	
Fund 3115, Department DWU, Unit PW42, Activity RELO	
Object 4111, Program 719053	
Encumbrance/Contract No. CX-PBW-2018-00008066	
Vendor 262063	<u>\$ 25,288.00</u>

Total amount not to exceed	\$248,311.26
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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 Information Sheet

File #: 18-1158

Item #: 12.

STRATEGIC PRIORITY: Mobility Solutions, Infrastructure, and Sustainability

AGENDA DATE: November 28, 2018

COUNCIL DISTRICT(S): 4

DEPARTMENT: Department of Public Works

EXECUTIVE: Majed Al-Ghafry

SUBJECT

Authorize a professional services contract with Salcedo Group, Inc., for the engineering design of Street Reconstruction Group 17-4005 (list attached to the Agenda Information Sheet) - Not to exceed \$188,334.07 - Financing: Street and Transportation (A) Fund (2017 Bond Funds) (\$160,934.07) and Water Utilities Capital Improvement Funds (\$27,400.00)

BACKGROUND

The Request for Qualifications (CIZ1721) was issued on May 31, 2018 for the 2017 Bond Projects. The consulting firm, Salcedo Group, Inc., was selected following a qualifications-based selection process in accordance with the City of Dallas procurement guidelines.

This action will authorize a professional services contract with Salcedo Group, Inc. for the engineering design of three street reconstruction projects of local streets as Street Reconstruction Group 17-4005. The street reconstruction projects will include replacing the existing deteriorating concrete streets with reinforced concrete pavement, curb, gutter, sidewalk, driveway approaches, paving marking, drainage system, water and wastewater improvements.

Following are the locations and design costs for each project:

Street Reconstruction - Local Streets - Improvements

<u>Project</u>	<u>Council District</u>	<u>Amount</u>
Avenue H from East 11 th Street to Sanderson Avenue	4	\$82,624.42

Church Street from Interstate Highway 35E to Cliff Street to End	4	\$75,466.49
North Cliff Street from Hutchins Avenue to Reverend CBT Smith Street	4	\$30,243.16

ESTIMATED SCHEDULE OF PROJECT

Begin Design	January 2019
Complete Design	January 2020
Begin Construction	April 2020
Complete Construction	April 2021

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

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

FISCAL INFORMATION

Street and Transportation (A) Fund (2017 Bond Funds) - \$160,934.07
Water Utilities Capital Improvement Funds - \$27,400.00

Estimated Future Cost - Construction - \$2,088,687.30

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 \$
\$188,334.07	Architecture & Engineering	25.66%	100.00%	\$188,334.07
• This contract exceeds the M/WBE goal.				

OWNER

Salcedo Group, Inc.

Michael Salcedo, President

MAPS

Attached

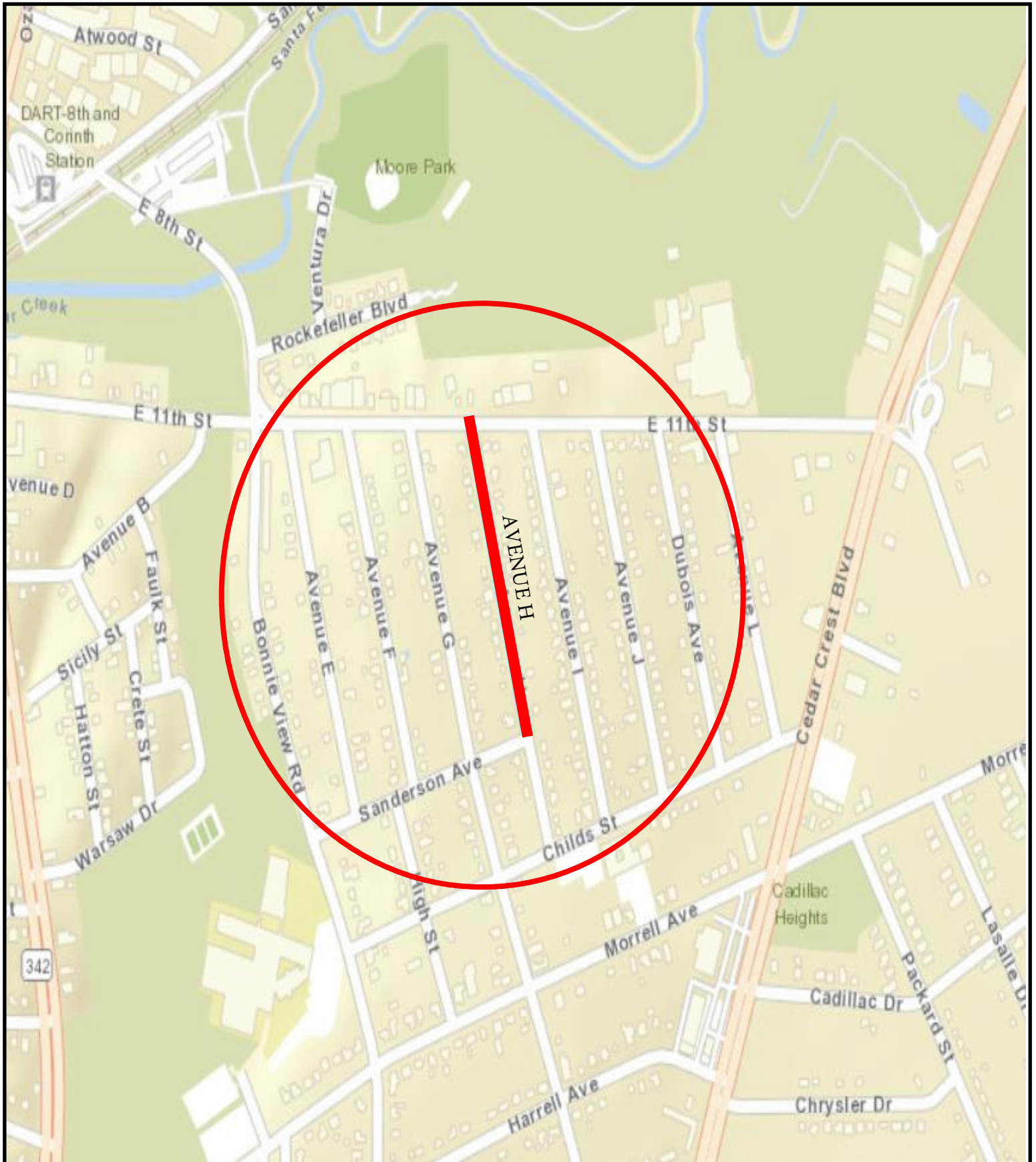
Street Reconstruction Group 17-4005

Street Reconstruction - Local Streets - Improvements

<u>Project</u>	<u>Council District</u>
Avenue H from East 11 th Street to Sanderson Avenue	4
Church Street from Interstate Highway 35E to Cliff Street to End	4
North Cliff Street from Hutchins Avenue to Reverend CBT Smith Street	4

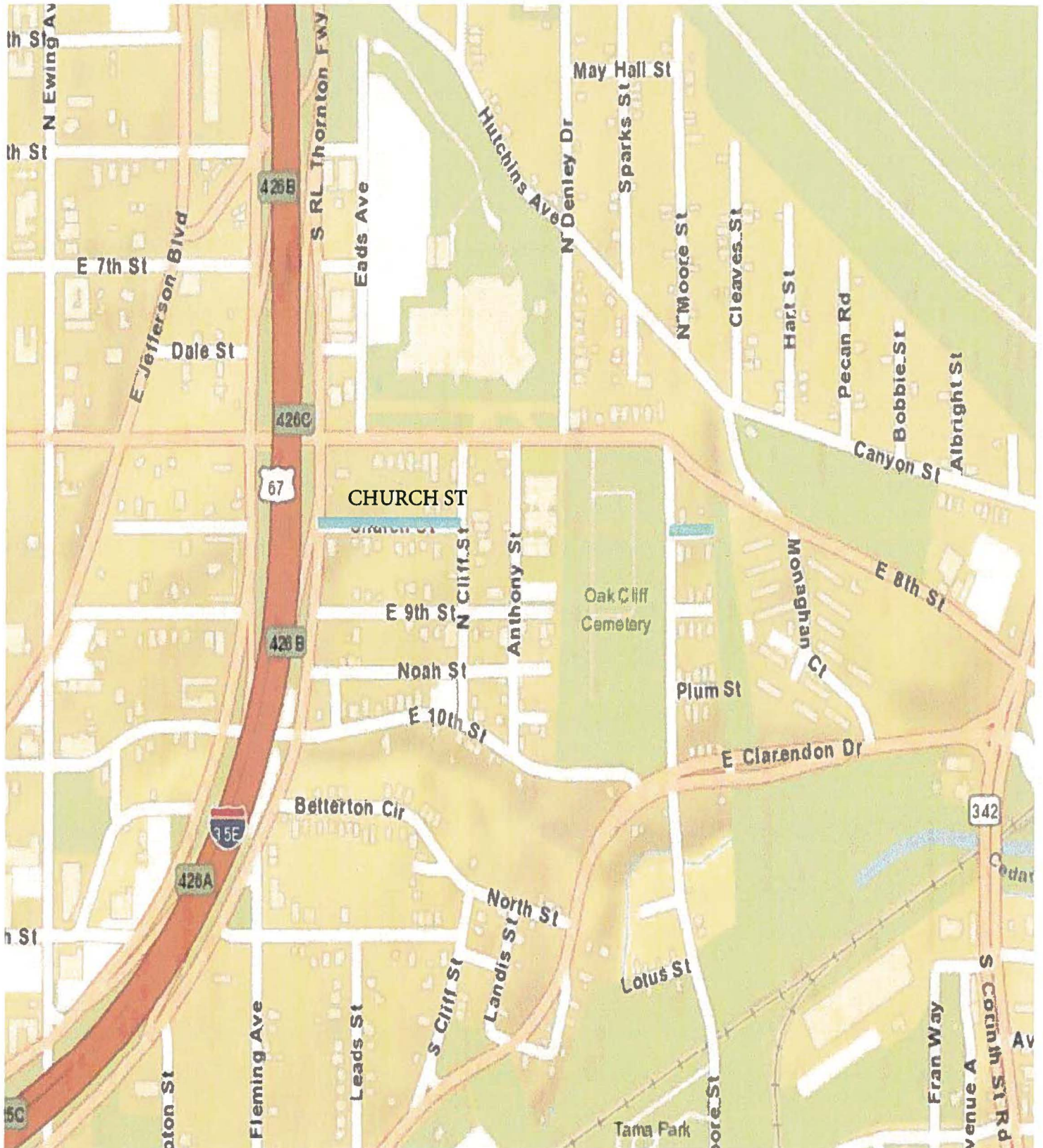
STREET RECONSTRUCTION

AVENUE H FROM EAST 11TH STREET TO SANDERSON AVENUE



COUNCIL DISTRICT 4

**STREET RECONSTRUCTION
CHURCH STREET FROM INTERSTATE HIGHWAY 35E
TO CLIFF STREET TO END**



COUNCIL DISTRICT 4

**STREET RECONSTRUCTION
NORTH CLIFF STREET FROM HUTCHINS AVENUE TO
REVEREND CBT SMITH STREET**



COUNCIL DISTRICT 4

November 28, 2018

WHEREAS, Salcedo Group, Inc. was selected to provide engineering design for Street Reconstruction Group 17-4005.

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 Salcedo Group, Inc., approved as to form by the City Attorney, for engineering design services for the indicated projects, in an amount not to exceed \$188,334.07.

SECTION 2. That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed \$188,334.07 in accordance with the terms and conditions of the contract:

Salcedo Group, Inc. for the engineering design of street reconstruction projects on local streets on: Avenue H from East 11th Street to Sanderson Avenue; Church Street from Interstate Highway 35E to Cliff Street to End; North Cliff Street from Hutchins Avenue to Reverend CBT Smith Street:

Street and Transportation (A) Fund	
Fund 1V22, Department PBW, Unit V247, Activity SREC	
Object 4111, Program PB17V247	
Encumbrance/Contract No. CX-PBW-2019-00008398	
Vendor 509399	\$67,104.42

Street and Transportation (A) Fund	
Fund 1V22, Department PBW, Unit V248, Activity SREC	
Object 4111, Program PB17V248	
Encumbrance/Contract No. CX-PBW-2019-00008398	
Vendor 509399	\$63,586.49

Street and Transportation (A) Fund	
Fund 1V22, Department PBW, Unit V252, Activity SREC	
Object 4111, Program PB17V252	
Encumbrance/Contract No. CX-PBW-2019-00008398	
Vendor 509399	\$30,243.16

Water Capital Improvement Fund	
Fund 3115, Department DWU, Unit PW42, Activity RELO	
Object 4111, Program 719103	
Encumbrance/Contract No. CX-PBW-2019-00008398	
Vendor 509399	\$15,618.00

November 28, 2018

SECTION 2. (continued)

Wastewater Capital Improvement Fund	
Fund 2116, Department DWU, Unit PS42, Activity RELO	
Object 4111, Program 719104	
Encumbrance/Contract No. CX-PBW-2019-00008398	
Vendor 509399	<u>\$ 11,782.00</u>
 Total amount not to exceed	 \$188,334.07

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 Information Sheet

File #: 18-1123

Item #: 13.

STRATEGIC PRIORITY: Mobility Solutions, Infrastructure, and Sustainability

AGENDA DATE: November 28, 2018

COUNCIL DISTRICT(S): 4

DEPARTMENT: Department of Public Works

EXECUTIVE: Majed Al-Ghafry

SUBJECT

Authorize a professional services contract with Huitt-Zollars, Inc. for the engineering design of Street Reconstruction Group 17-4007 (list attached to the Agenda Information Sheet) - Not to exceed \$217,109.02 - Financing: Street and Transportation (A) Fund (2017 Bond Funds) (\$200,169.02) and Water Utilities Capital Improvement Funds (\$16,940.00)

BACKGROUND

The Request for Qualifications (CIZ1721) was issued on May 31, 2018 for the 2017 Bond Projects. The consulting firm, Huitt-Zollars, Inc., was selected following a qualifications-based selection process in accordance with the City of Dallas procurement guidelines.

This action will authorize a professional services contract with Huitt-Zollars, Inc. for the engineering design of two street reconstruction projects of local streets as Street Reconstruction Group 17-4007. The street reconstruction projects will include replacing the existing deteriorating concrete streets with reinforced concrete pavement, curb, gutter, sidewalk, driveway approaches, paving marking, possible replacement of the drainage system, water and wastewater improvements.

Following are the locations and design costs for each project:

Street Reconstruction - Local Streets - Improvements

<u>Project</u>	<u>Council District</u>	<u>Amount</u>
Maywood Avenue from Frio Drive to South Denley Drive	4	\$121,767.63
Galloway Avenue from Fernwood Avenue to South Denley Drive	4	\$ 95,341.39

ESTIMATED SCHEDULE OF PROJECT

Begin Design	January 2019
Complete Design	January 2020
Begin Construction	April 2020
Complete Construction	April 2021

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

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

FISCAL INFORMATION

Street and Transportation (A) Fund (2017 Bond Funds) - \$200,169.02
Water Utilities Capital Improvement Funds - \$16,940.00

Estimated Future Cost - Construction - \$1,853,147.32

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 \$
\$217,109.02	Architecture & Engineering	25.66%	34.22%	\$74,294.00
• This contract exceeds the M/WBE goal.				

OWNER

Huitt-Zollars, Inc.

John Anthony Sosebee, P.E., Sr. Vice President

MAPS

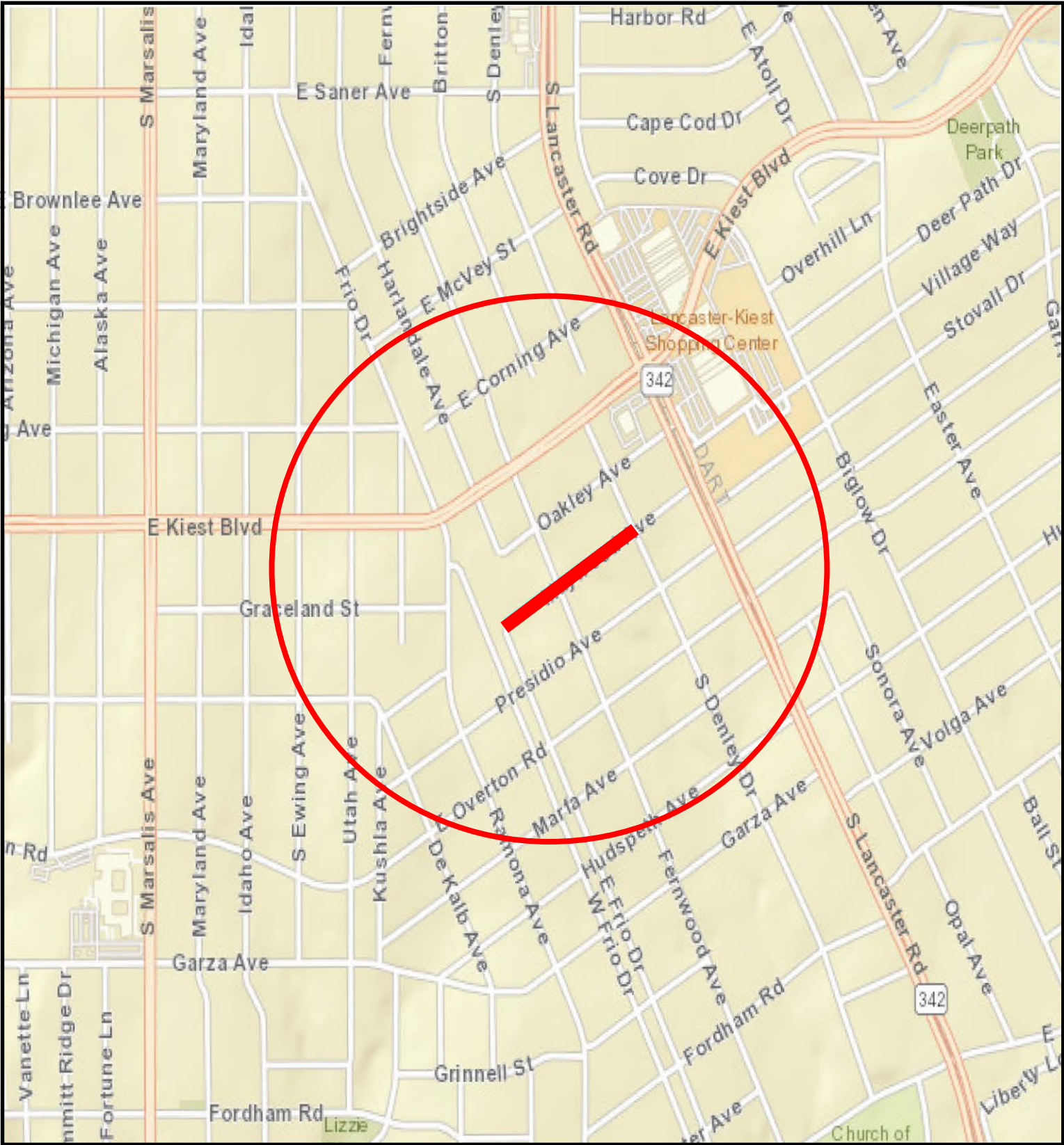
Attached

Street Reconstruction Group 17-4007

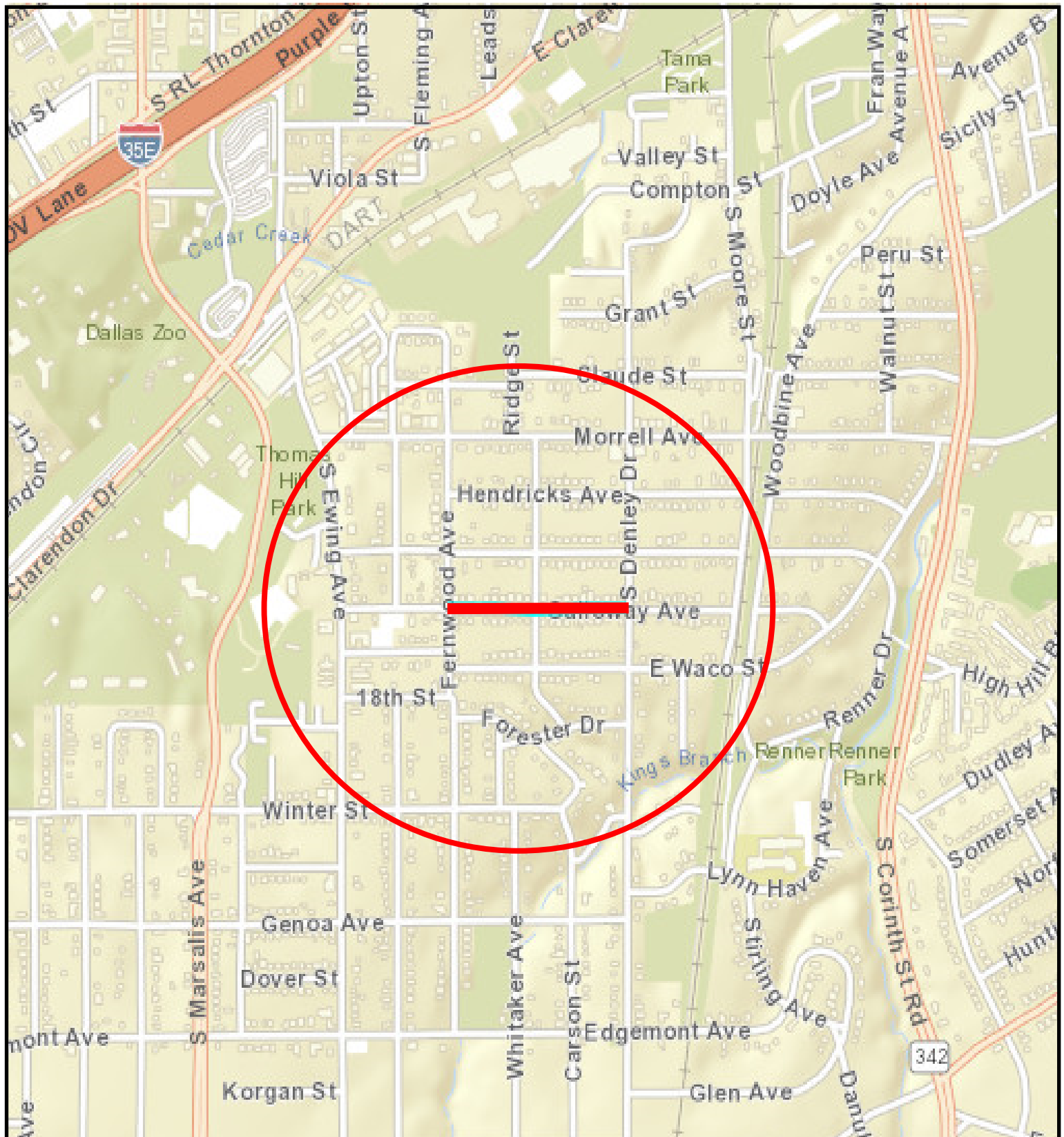
Street Reconstruction - Local Streets - Improvements

<u>Project</u>	<u>Council District</u>
Maywood Avenue from Frio Drive to South Denley Drive	4
Galloway Avenue from Fernwood Avenue to South Denley Drive	4

**STREET RECONSTRUCTION
MAYWOOD AVENUE FROM FRIO DRIVE TO SOUTH DENLEY DRIVE**



**STREET RECONSTRUCTION
GALLOWAY AVENUE FROM FERNWOOD
AVENUE TO SOUTH DENLEY DRIVE**



COUNCIL DISTRICT 4

November 28, 2018

WHEREAS, Huitt-Zollars, Inc. was selected to provide engineering design for Street Reconstruction Group 17-4007.

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 Huitt-Zollars, Inc., approved as to form by the City Attorney, for engineering design services for the indicated projects, in an amount not to exceed \$217,109.02.

SECTION 2. That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed \$217,109.02 in accordance with the terms and conditions of the contract:

Huitt-Zollars, Inc. for the engineering design of street reconstruction projects on local streets on: Maywood Avenue from Frio Drive to South Denley Drive, and Galloway Avenue from Fernwood Avenue to South Denley Drive:

Street and Transportation (A) Fund	
Fund 1V22, Department PBW, Unit V202, Activity SREC	
Object 4111, Program PB17V202	
Encumbrance/Contract No. CX-PBW-2019-00008298	
Vendor 090025	\$104,827.63

Street and Transportation (A) Fund	
Fund 1V22, Department PBW, Unit V250, Activity SREC	
Object 4111, Program PB17V250	
Encumbrance/Contract No. CX-PBW-2019-00008298	
Vendor 090025	\$ 95,341.39

Water Capital Improvement Fund	
Fund 3115, Department DWU, Unit PW42, Activity RELO	
Object 4111, Program 719049	
Encumbrance/Contract No. CX-PBW-2019-00008298	
Vendor 090025	\$ 9,200.00

Wastewater Capital Improvement Fund	
Fund 2116, Department DWU, Unit PS42, Activity RELO	
Object 4111, Program 719050	
Encumbrance/Contract No. CX-PBW-2019-00008298	
Vendor 090025	<u>\$ 7,740.00</u>

Total amount not to exceed	\$217,109.02
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November 28, 2018

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 Information Sheet

File #: 18-1113

Item #: 14.

STRATEGIC PRIORITY: Mobility Solutions, Infrastructure, and Sustainability

AGENDA DATE: November 28, 2018

COUNCIL DISTRICT(S): 6

DEPARTMENT: Department of Public Works

EXECUTIVE: Majed Al-Ghafry

SUBJECT

Authorize a professional services contract with Bridgefarmer & Associates, Inc. for the engineering design of Street Reconstruction Group 17-6007 (list attached to the Agenda Information Sheet) - Not to exceed \$167,953.20 - Financing: Street and Transportation (A) Fund (2017 Bond Funds) (\$134,137.20) and Water Utilities Capital Improvement Funds (\$33,816.00)

BACKGROUND

The Request for Qualifications (CIZ1721) was issued on May 31, 2018 for the 2017 Bond Projects. The consulting firm, Bridgefarmer & Associates, Inc., was selected following a qualifications-based selection process in accordance with the City of Dallas procurement guidelines.

This action will authorize a professional services contract with Bridgefarmer & Associates, Inc. for the engineering design of two street reconstruction projects of local streets as Street Reconstruction Group 17-6007. The street reconstruction projects will include replacing the existing deteriorating concrete streets with reinforced concrete pavement, curb, gutter, sidewalk, driveway approaches, paving marking, possible replacement of the drainage system, and water and wastewater improvements.

Following are the locations and design costs for each project:

Street Reconstruction - Local Streets - Improvements

<u>Project</u>	<u>Council District</u>	<u>Amount</u>
North Morocco Avenue from Goodman Street to North Justin Avenue	6	\$70,753.52
Shaw Street from Navaro Street to Harston Street	6	\$97,199.68

ESTIMATED SCHEDULE OF PROJECT

Begin Design	January 2019
Complete Design	January 2020
Begin Construction	April 2020
Complete Construction	April 2021

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

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

FISCAL INFORMATION

Street and Transportation (A) Fund (2017 Bond Funds) - \$134,137.20
Water Utilities Capital Improvement Funds - \$33,816.00

Estimated Future Cost - Construction - \$1,507,799.61

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 \$
\$167,953.20	Architecture & Engineering	25.66%	51.50%	\$86,501.00
• This contract exceeds the M/WBE goal.				

OWNER

Bridgefarmer & Associates, Inc.

Mansoor Ahsan, P.E., Chief Executive Officer

MAPS

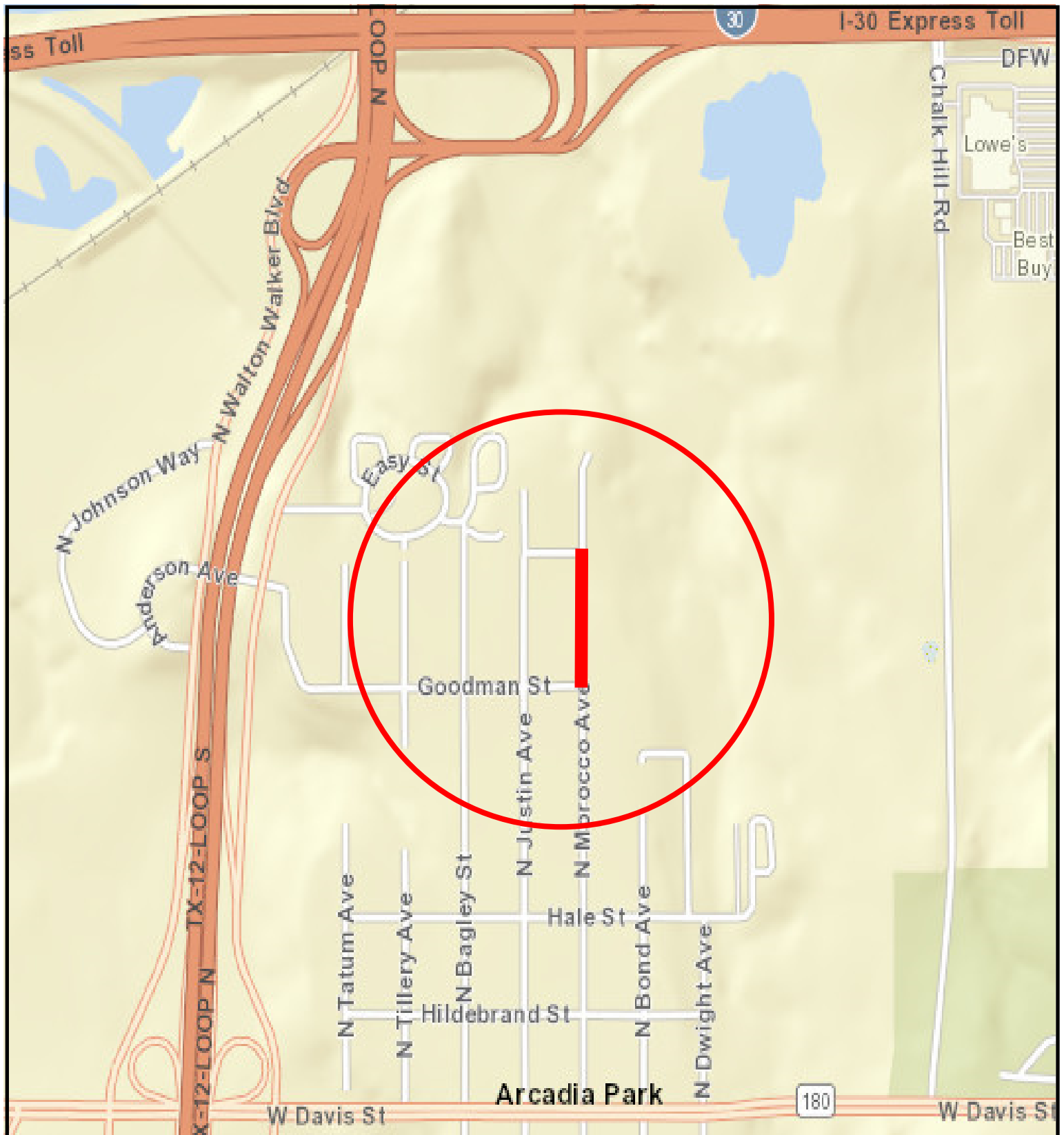
Attached

Street Reconstruction Group - 17-6007

Street Reconstruction - Local Streets - Improvements

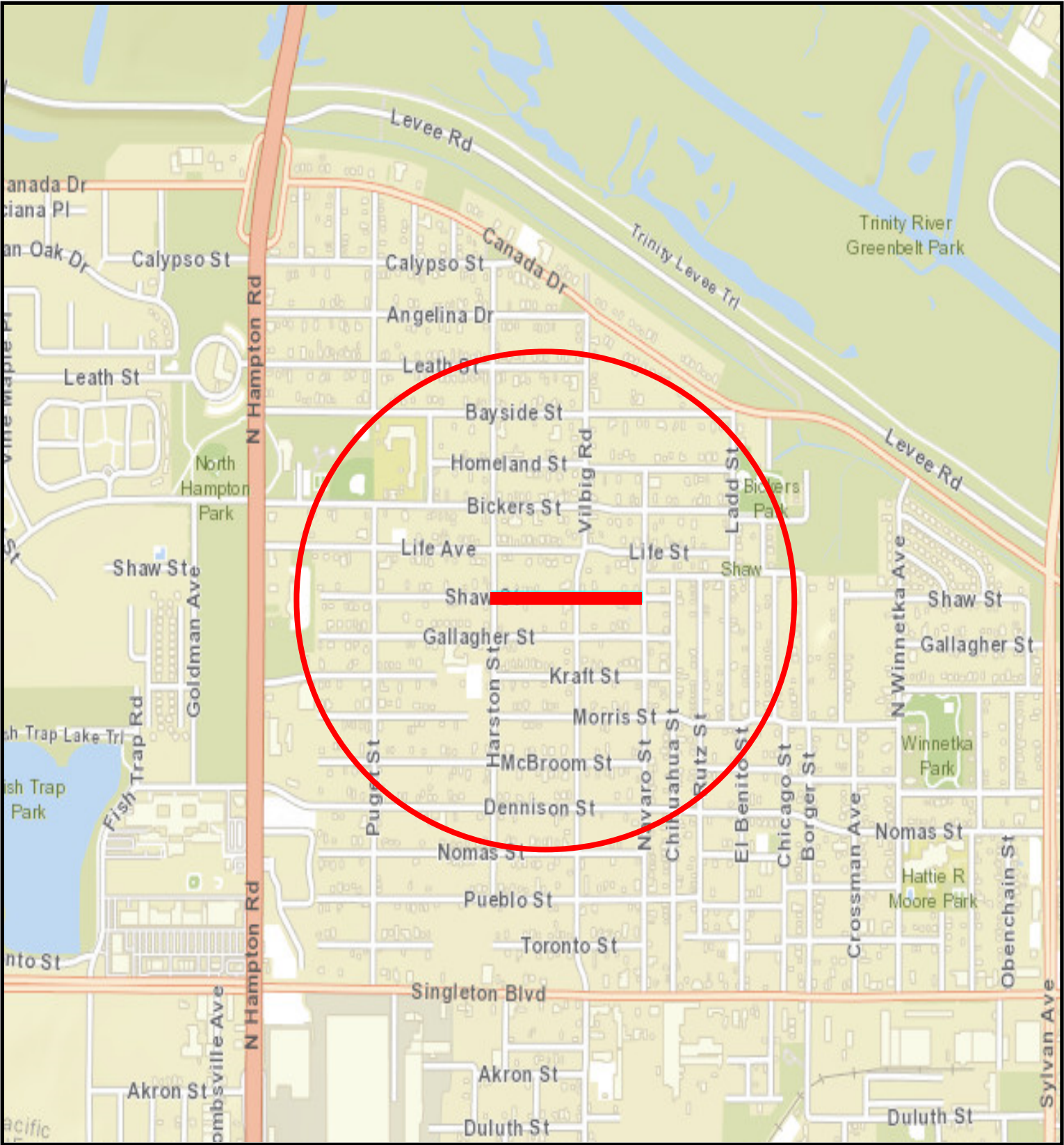
<u>Project</u>	<u>Council District</u>
North Morocco Avenue from Goodman Street to North Justin Avenue	6
Shaw Street from Navaro Street to Harston Street	6

STREET RECONSTRUCTION NORTH MOROCCO AVENUE FROM GOODMAN STREET TO NORTH JUSTIN AVENUE



COUNCIL DISTRICT 6

**STREET RECONSTRUCTION
SHAW STREET FROM NAVARO STREET TO HARSTON STREET**



COUNCIL DISTRICT 6

November 28, 2018

WHEREAS, Bridgefarmer & Associates, Inc. was selected to provide engineering design for Street Reconstruction Group 17-6007.

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 Bridgefarmer & Associates, Inc., approved as to form by the City Attorney, for engineering design services for the indicated projects, in an amount not to exceed \$167,953.20.

SECTION 2. That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed \$167,953.20 in accordance with the terms and conditions of the contract:

Bridgefarmer & Associates, Inc. for the engineering design of street reconstruction projects on local streets on: North Morocco Avenue from Goodman Street to North Justin Avenue and Shaw Street from Navaro Street to Harston Street:

Street and Transportation (A) Fund
Fund 1V22, Department PBW, Unit V210, Activity SREC
Object 4111, Program PB17V210
Encumbrance/Contract No. CX-PBW-2019-00008279
Vendor 148766 \$ 79,181.68

Street and Transportation (A) Fund
Fund 1V22, Department PBW, Unit V259 Activity SREC
Object 4111, Program PB17V259
Encumbrance/Contract No. CX-PBW-2019-00008279
Vendor 148766 \$ 54,955.52

Water Capital Improvement Fund
Fund 3115, Department DWU, Unit PW42, Activity RELO
Object 4111, Program 719045
Encumbrance/Contract No. CX-PBW-2019-00008279
Vendor 148766 \$ 9,436.68

Wastewater Capital Improvement Fund
Fund 2116, Department DWU, Unit PS42, Activity RELO
Object 4111, Program 719046
Encumbrance/Contract No. CX-PBW-2019-00008279
Vendor 148766 \$ 24,379.32

Total amount not to exceed \$167,953.20

November 28, 2018

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 Information Sheet

File #: 18-1114

Item #: 15.

STRATEGIC PRIORITY: Mobility Solutions, Infrastructure, and Sustainability

AGENDA DATE: November 28, 2018

COUNCIL DISTRICT(S): 8

DEPARTMENT: Department of Public Works

EXECUTIVE: Majed Al-Ghafry

SUBJECT

Authorize a professional services contract with Metropolitan Infrastructure, PLLC for the engineering design of Street Reconstruction Group 17-8002 (list attached to the Agenda Information Sheet) - Not to exceed \$216,564.50 - Financing: Street and Transportation (A) Fund (2017 Bond Funds) (\$167,839.50) and Water Utilities Capital Improvement Funds (\$48,725.00)

BACKGROUND

The Request for Qualifications (CIZ1721) was issued on May 31, 2018 for the 2017 Bond Projects. The consulting firm, Metropolitan Infrastructure, PLLC, was selected following a qualifications-based selection process in accordance with the City of Dallas procurement guidelines.

This action will authorize a professional services contract with Metropolitan Infrastructure, PLLC for the engineering design of three street reconstruction projects of local streets as Street Reconstruction Group 17-8002. The street reconstruction projects will include replacing the existing deteriorating concrete streets with reinforced concrete pavement, curb, gutter, sidewalk, driveway approaches, paving marking, possible replacement of the drainage system, water and wastewater improvements.

Following are the locations and design costs for each project:

Street Reconstruction - Local Streets - Improvements

<u>Project</u>	<u>Council District</u>	<u>Amount</u>
Myers Circle from Myers Circle to Elam Road	8	\$97,260.00
South Murdeaux Lane from Great Trinity Forest Way to Olusta Drive	8	\$64,156.50

Burroaks Circle from Burroaks Drive
to End of Pavement

8

\$55,148.00

ESTIMATED SCHEDULE OF PROJECT

Begin Design	January 2019
Complete Design	January 2020
Begin Construction	March 2020
Complete Construction	March 2021

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

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

FISCAL INFORMATION

Street and Transportation (A) Fund (2017 Bond Funds) - \$167,839.50
Water Utilities Capital Improvement Funds - \$48,725.00

Estimated Future Cost - Construction - \$1,955,161.88

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 \$
\$216,564.50	Architecture & Engineering	25.66%	100.00%	\$216,564.50
• This contract exceeds the M/WBE goal.				

OWNER

Metropolitan Infrastructure, PLLC

Louis Frisbie, P.E., President

MAPS

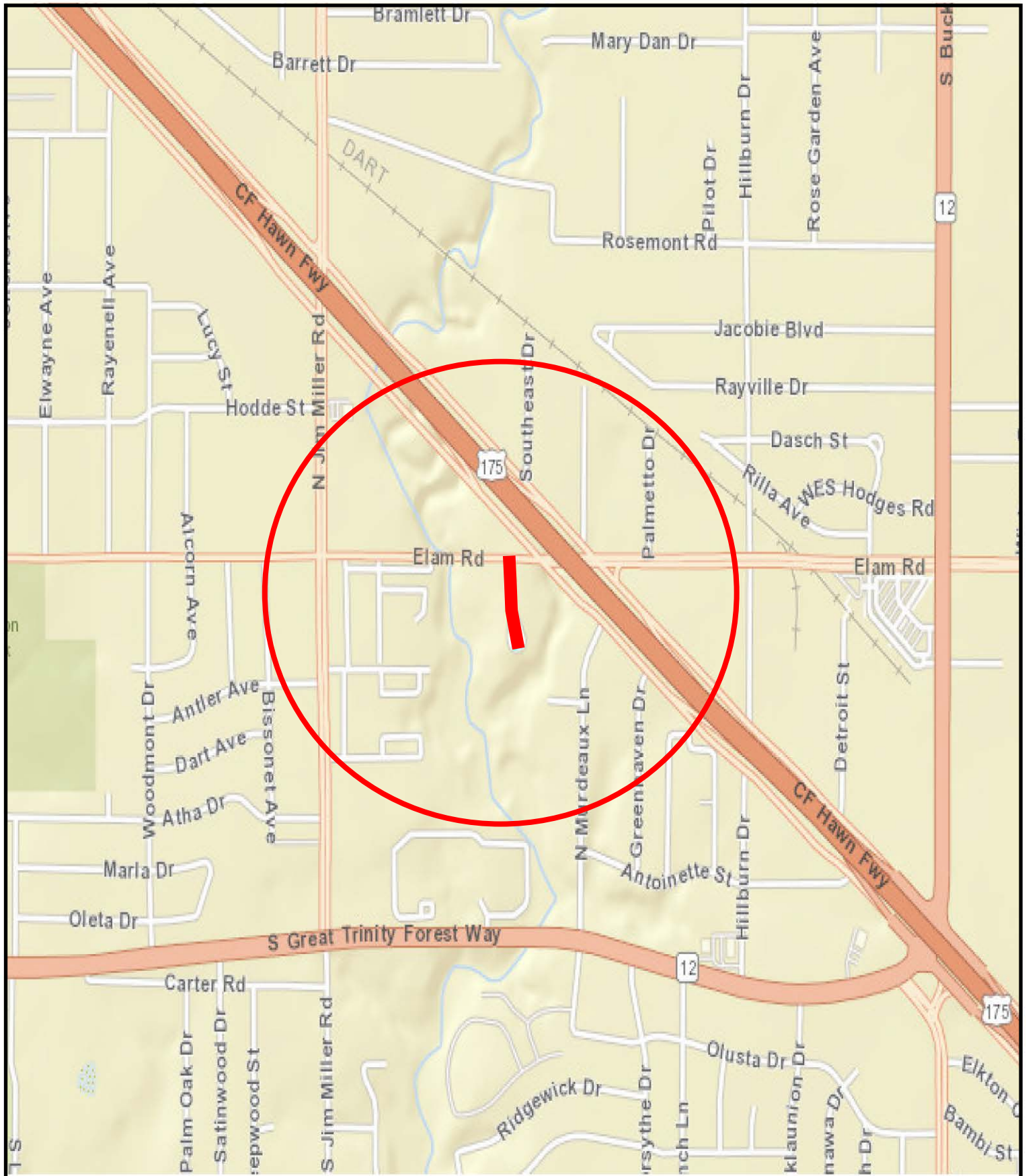
Attached

Street Reconstruction Group 17-8002

Streets Reconstruction - Local Streets - Improvements

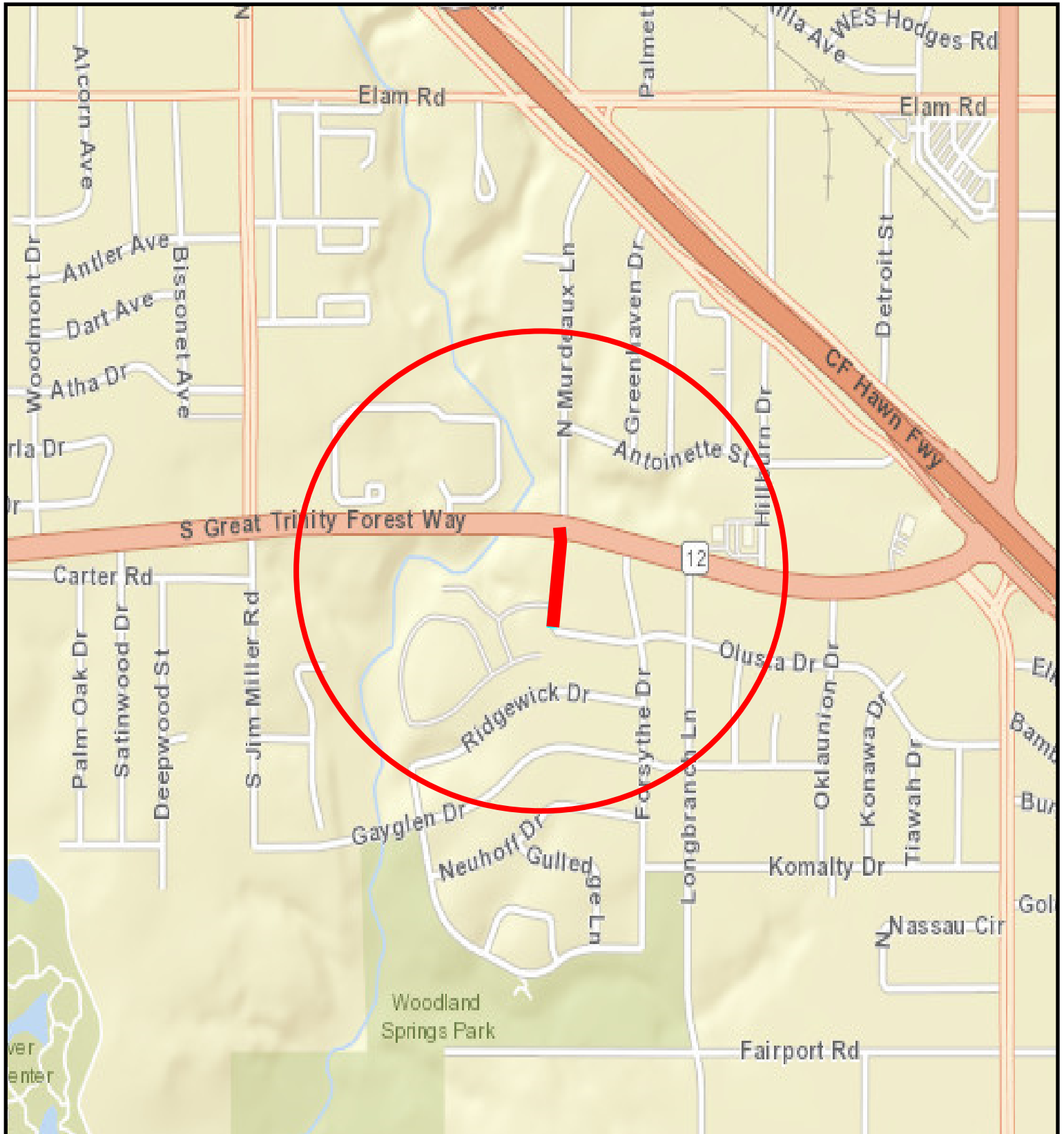
<u>Project</u>	<u>Council District</u>
Myers Circle from Myers Circle to Elam Road	8
South Murdeaux Lane from Great Trinity Forest Way to Olusta Drive	8
Burroaks Circle from Burroaks Drive to End of Pavement	8

STREET RECONSTRUCTION MYERS CIRCLE FROM MYERS CIRCLE TO ELAM ROAD



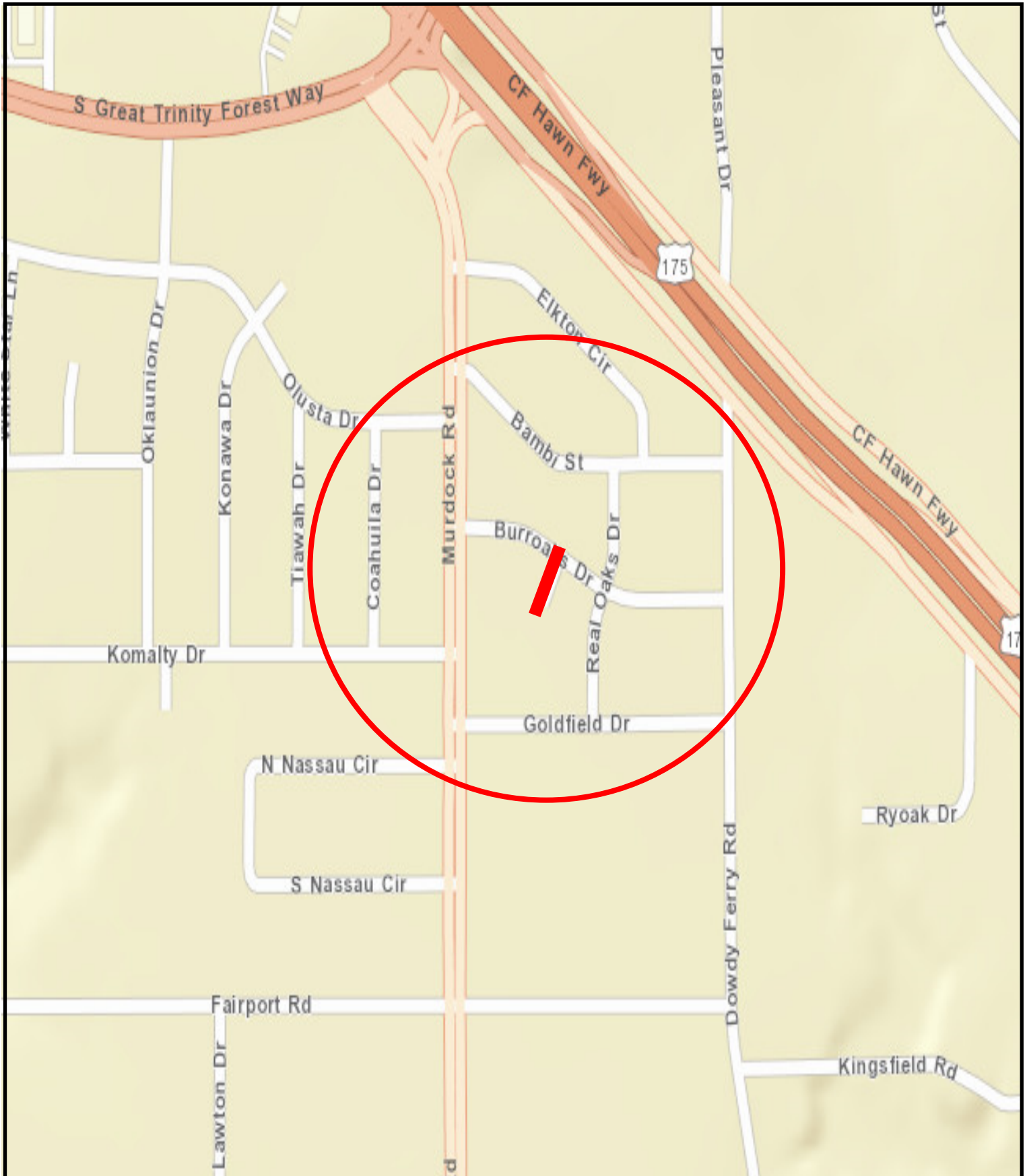
COUNCIL DISTRICT 8

**STREET RECONSTRUCTION
SOUTH MURDEAUX LANE FROM GREAT TRINITY FOREST WAY
TO OLUSTA DRIVE**



COUNCIL DISTRICT 8

**STREET RECONSTRUCTION
BURROAKS CIRCLE FROM BURROAKS DRIVE TO
END OF PAVEMENT**



COUNCIL DISTRICT 8

November 28, 2018

WHEREAS, Metropolitan Infrastructure, PLLC was selected to provide engineering design for Street Reconstruction Group 17-8002.

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 Metropolitan Infrastructure, PLLC, approved as to form by the City Attorney, for engineering design services for the indicated projects, in an amount not to exceed \$216,564.50.

SECTION 2. That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed \$216,564.50 in accordance with the terms and conditions of the contract:

Metropolitan Infrastructure, PLLC for the engineering design of street reconstruction projects on local streets on: Myers Circle from Myers Circle to Elam Road; South Murdeaux Lane from Great Trinity Forest Way to Olusta Drive; Burroaks Circle from Burroaks Drive to End of Pavement:

Street and Transportation (A) Fund
Fund 1V22, Department PBW, Unit V212, Activity SREC
Object 4111, Program PB17V212
Encumbrance/Contract No. CX-PBW-2019-00008297
Vendor 512079 \$ 74,535.00

Street and Transportation (A) Fund
Fund 1V22, Department PBW, Unit V214, Activity SREC
Object 4111, Program PB17V214
Encumbrance/Contract No. CX-PBW-2019-00008297
Vendor 512079 \$ 50,956.50

Street and Transportation (A) Fund
Fund 1V22, Department PBW, Unit V263, Activity SREC
Object 4111, Program PB17V263
Encumbrance/Contract No. CX-PBW-2019-00008297
Vendor 512079 \$ 42,348.00

Water Capital Improvement Fund
Fund 3115, Department DWU, Unit PW42, Activity RELO
Object 4111, Program 719037
Encumbrance/Contract No. CX-PBW-2019-00008297
Vendor 512079 \$ 22,421.26

November 28, 2018

SECTION 2. (continued)

Wastewater Capital Improvement Fund	
Fund 2116, Department DWU, Unit PS42, Activity RELO	
Object 4111, Program 719038	
Encumbrance/Contract No. CX-PBW-2019-00008297	
Vendor 512079	<u>\$ 26,303.74</u>
 Total amount not to exceed	 \$216,564.50

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 Information Sheet

File #: 18-1117

Item #: 16.

STRATEGIC PRIORITY: Mobility Solutions, Infrastructure, and Sustainability

AGENDA DATE: November 28, 2018

COUNCIL DISTRICT(S): 10

DEPARTMENT: Department of Public Works

EXECUTIVE: Majed Al-Ghafry

SUBJECT

Authorize a professional services contract with Henry Nguyen Consulting, LLC for the engineering design of Street Reconstruction Group 17-10003 (list attached to the Agenda Information Sheet) - Not to exceed \$131,092.43 - Financing: Street and Transportation (A) Fund (2017 Bond Funds) (\$113,022.43) and Water Utilities Capital Improvement Funds (\$18,070.00)

BACKGROUND

The Request for Qualifications (CIZ1721) was issued on May 31, 2018 for the 2017 Bond Projects. The consulting firm, Henry Nguyen Consulting, LLC, was selected following a qualifications-based selection process in accordance with the City of Dallas procurement guidelines.

This action will authorize a professional services contract with Henry Nguyen Consulting, LLC for the engineering design of two street reconstruction projects of local streets as Street Reconstruction Group 17-10003. The street reconstruction projects will include replacing the existing deteriorating concrete streets with reinforced concrete pavement, curb, gutter, sidewalk, driveway approaches, paving marking, possible replacement of the drainage system, water and wastewater improvements.

Following are the locations and design costs for each project:

Street Reconstruction - Local Streets - Improvements

<u>Project</u>	<u>Council District</u>	<u>Amount</u>
Broken Bow Road from 9635 Broken Bow Road to Fieldcrest Drive	10	\$64,995.48
Lanshire Drive from Chiswell Road to Audelia Road	10	\$66,096.95

ESTIMATED SCHEDULE OF PROJECT

Begin Design	January 2019
Complete Design	January 2020
Begin Construction	March 2020
Complete Construction	March 2021

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

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

FISCAL INFORMATION

Street and Transportation (A) Fund (2017 Bond Funds) - \$113,022.43
Water Utilities Capital Improvement Funds - \$18,070.00

Estimated Future Cost - Construction - \$921,836.75

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 \$
\$131,092.43	Architecture & Engineering	25.66%	91.91%	\$116,730.00
• This contract exceeds the M/WBE goal.				

OWNER

Henry Nguyen Consulting, LLC

Henry Nguyen, President

MAPS

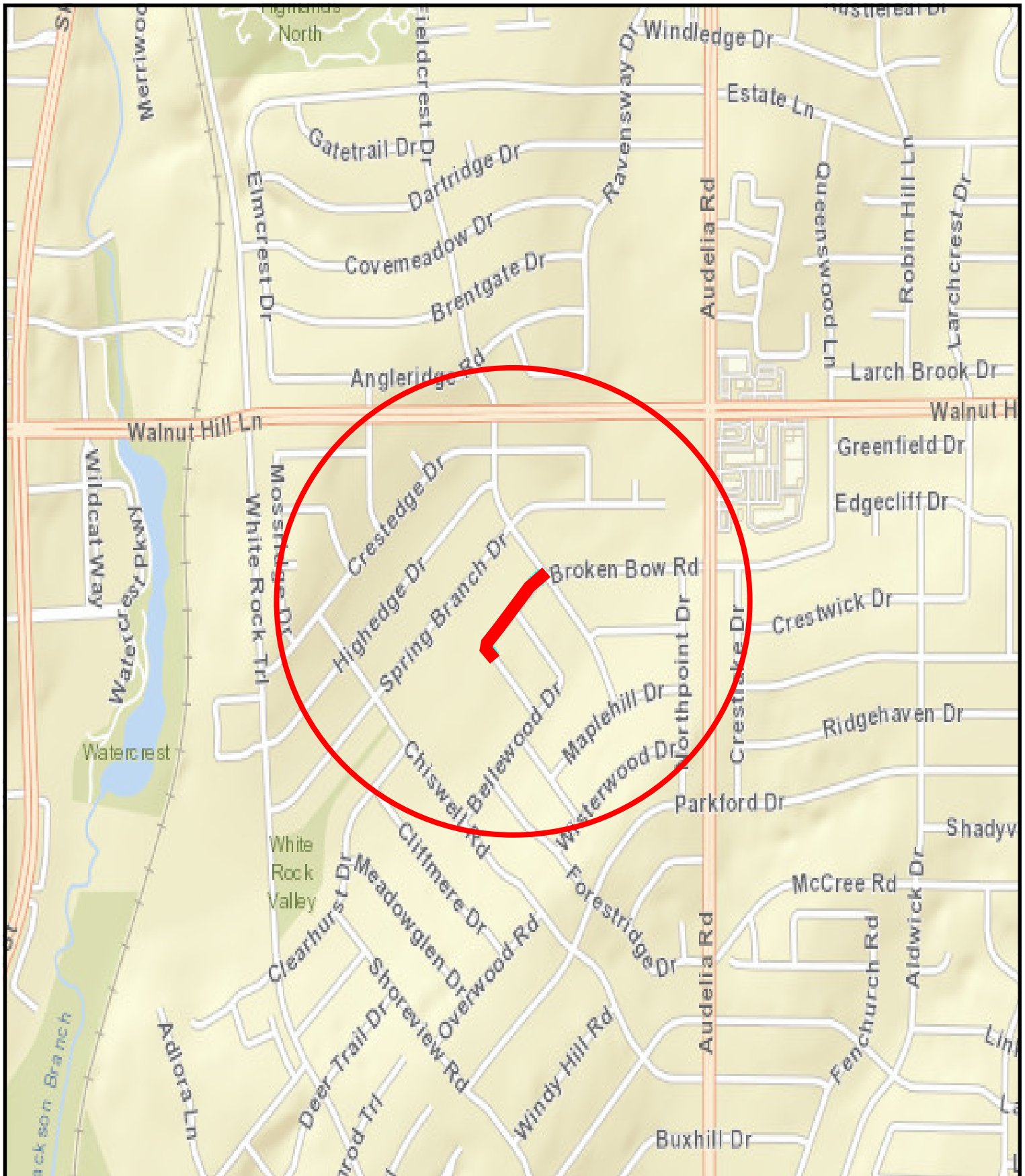
Attached

Street Reconstruction Group 17-10003

Street Reconstruction - Local Streets - Improvements

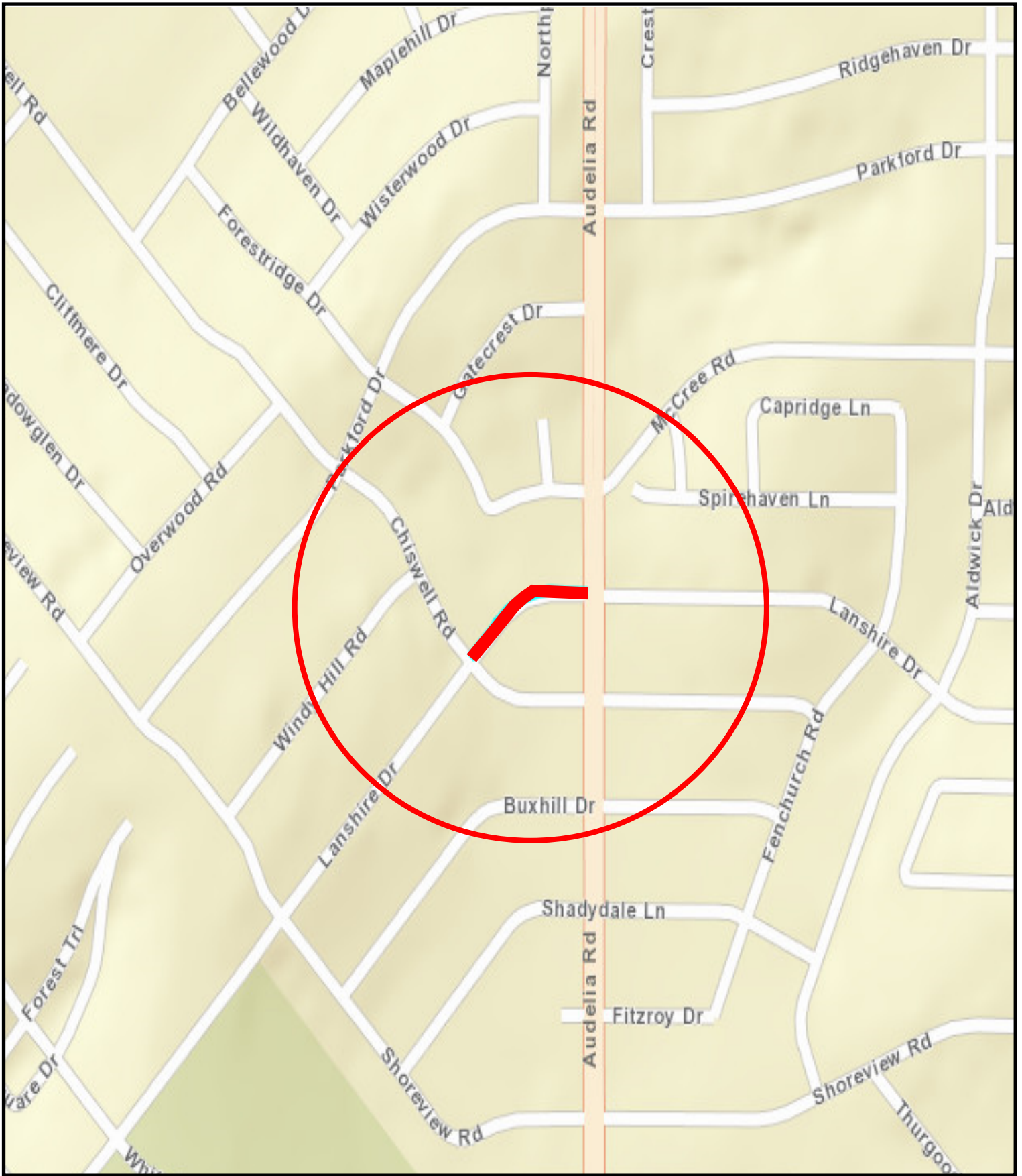
<u>Project</u>	<u>Council District</u>
Broken Bow Road from 9635 Broken Bow Road to Fieldcrest Drive	10
Lanshire Drive from Chiswell Road to Audelia Road	10

**STREET RECONSTRUCTION
BROKEN BOW ROAD FROM 9635 BROKEN BOW
ROAD TO FIELDCREST DRIVE**



COUNCIL DISTRICT 10

**STREET RECONSTRUCTION
LANSHIRE DRIVE FROM CHISWELL ROAD TO
AUDELIA ROAD**



COUNCIL DISTRICT 10

November 28, 2018

WHEREAS, Henry Nguyen Consulting, LLC was selected to provide engineering design for Street Reconstruction Group 17-10003.

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 Henry Nguyen Consulting, LLC, approved as to form by the City Attorney, for engineering design services for the indicated projects, in an amount not to exceed \$131,092.43

SECTION 2. That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed \$131,092.43 in accordance with the terms and conditions of the contract:

Henry Nguyen Consulting, LLC. for the engineering design of street reconstruction projects on local streets on: Broken Bow Road from 9635 Broken Bow Road to Fieldcrest Drive; Lanshire Drive from Chiswell Road to Audelia Road:

Street and Transportation (A) Fund	
Fund 1V22, Department PBW, Unit V216, Activity SREC	
Object 4111, Program PB17V216	
Encumbrance/Contract No. CX-PBW-2019-00008295	
Vendor 289307	\$58,405.48

Street and Transportation (A) Fund	
Fund 1V22, Department PBW, Unit V269, Activity SREC	
Object 4111, Program PB17V269	
Encumbrance/Contract No. CX-PBW-2019-00008295	
Vendor 289307	\$54,616.95

Water Capital Improvement Fund	
Fund 3115, Department DWU, Unit PW42, Activity RELO	
Object 4111, Program 719041	
Encumbrance/Contract No. CX-PBW-2019-00008295	
Vendor 289307	\$ 5,740.00

Wastewater Capital Improvement Fund	
Fund 2116, Department DWU, Unit PS42, Activity RELO	
Object 4111, Program 719042	
Encumbrance/Contract No. CX-PBW-2019-00008295	
Vendor 289307	<u>\$ 12,330.00</u>

Total amount not to exceed	\$131,092.43
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November 28, 2018

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 Information Sheet

File #: 18-1115

Item #: 17.

STRATEGIC PRIORITY: Mobility Solutions, Infrastructure, and Sustainability

AGENDA DATE: November 28, 2018

COUNCIL DISTRICT(S): 10

DEPARTMENT: Department of Public Works

EXECUTIVE: Majed Al-Ghafry

SUBJECT

Authorize a professional services contract with Arredondo, Zepeda and Brunz, LLC for the engineering design of Street Reconstruction Group 17-10004 (list attached to the Agenda Information Sheet) - Not to exceed \$289,646.69 - Financing: Street and Transportation (A) Fund (2017 Bond Funds) (\$255,146.69) and Water Utilities Capital Improvement Funds (\$34,500.00)

BACKGROUND

The Request for Qualifications (CIZ1721) was issued on May 31, 2018 for the 2017 Bond Projects. The consulting firm, Arredondo, Zepeda and Brunz, LLC, was selected following a qualifications-based selection process in accordance with the City of Dallas procurement guidelines.

This action will authorize a professional services contract with Arredondo, Zepeda and Brunz, LLC for the engineering design of five street reconstruction projects of local streets as Street Reconstruction Group 17-10004. The street reconstruction projects will include replacing the existing deteriorating concrete streets with reinforced concrete pavement, curb, gutter, sidewalk, driveway approaches, paving marking, possible replacement of the drainage system, water and wastewater improvements.

Following are the locations and design costs for each project:

Street Reconstruction - Local Streets - Improvements

<u>Project</u>	<u>Council District</u>	<u>Amount</u>
Lockhaven Drive from Lynford Drive to Lanshire Drive	10	\$33,564.47
Lynford Drive from Ferndale Road to Lockhaven Drive	10	\$60,959.02

Rolling Rock Lane from Hackney Lane to Fern Hollow Drive	10	\$92,430.00
Lockhaven Drive from Lockyer Drive to Lynford Drive	10	\$53,164.94
Lockhaven Drive from East Northwest Highway to Lockyer Drive	10	\$49,528.26

ESTIMATED SCHEDULE OF PROJECT

Begin Design	January 2019
Complete Design	January 2020
Begin Construction	March 2020
Complete Construction	March 2022

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

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

FISCAL INFORMATION

Street and Transportation (A) Fund (2017 Bond Funds) - \$255,146.69
Water Utilities Capital Improvement Funds - \$34,500.00

Estimated Future Cost - Construction - \$2,696,230.90

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 \$
\$289,646.69	Architecture & Engineering	25.66%	59.67%	\$172,833.24
• This contract exceeds the M/WBE goal.				

OWNER

Arredondo, Zepeda and Brunz, LLC

Alfonso P. Garza, P.E., President

MAPS

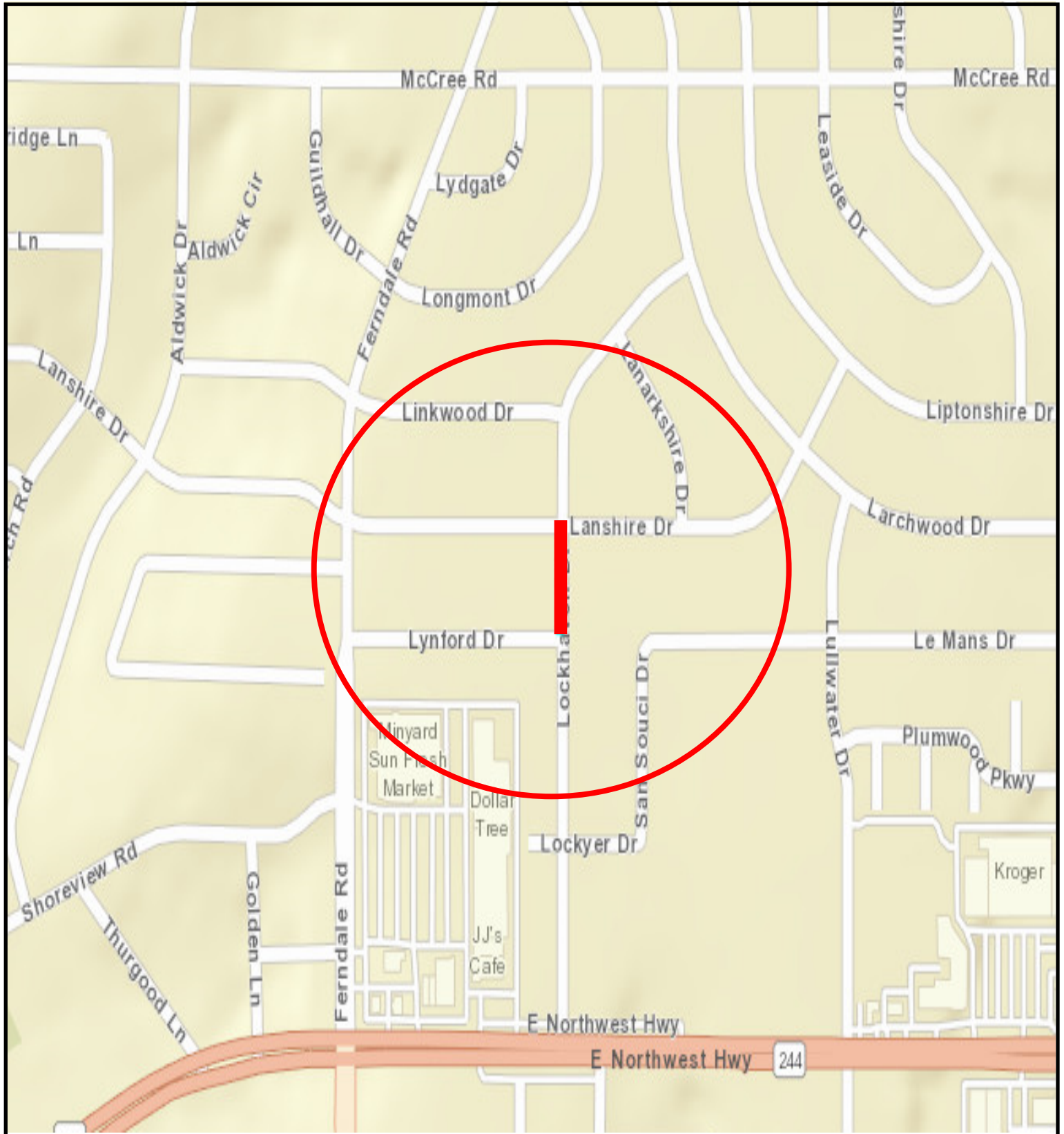
Attached

Street Reconstruction Group 17-10004

Street Reconstruction - Local Streets - Improvements

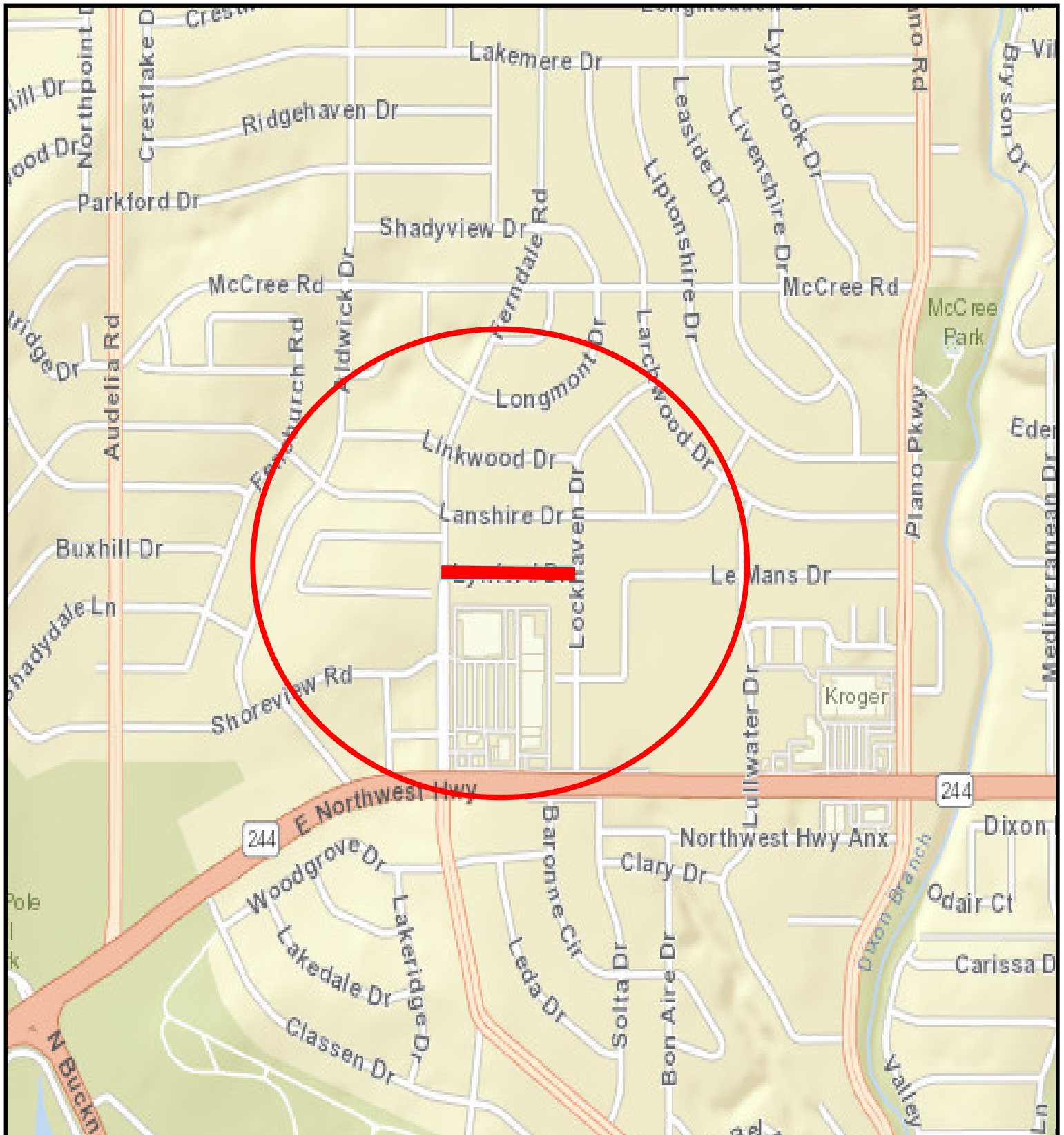
<u>Project</u>	<u>Council District</u>
Lockhaven Drive from Lynford Drive to Lanshire Drive	10
Lynford Drive from Ferndale Road to Lockhaven Drive	10
Rolling Rock Lane from Hackney Lane to Fern Hollow Drive	10
Lockhaven Drive from Lockyer Drive to Lynford Drive	10
Lockhaven Drive from East Northwest Highway to Lockyer Drive	10

**STREET RECONSTRUCTION
LOCKHAVEN DRIVE FROM LYNFORD DRIVE
TO LANSHIRE DRIVE**



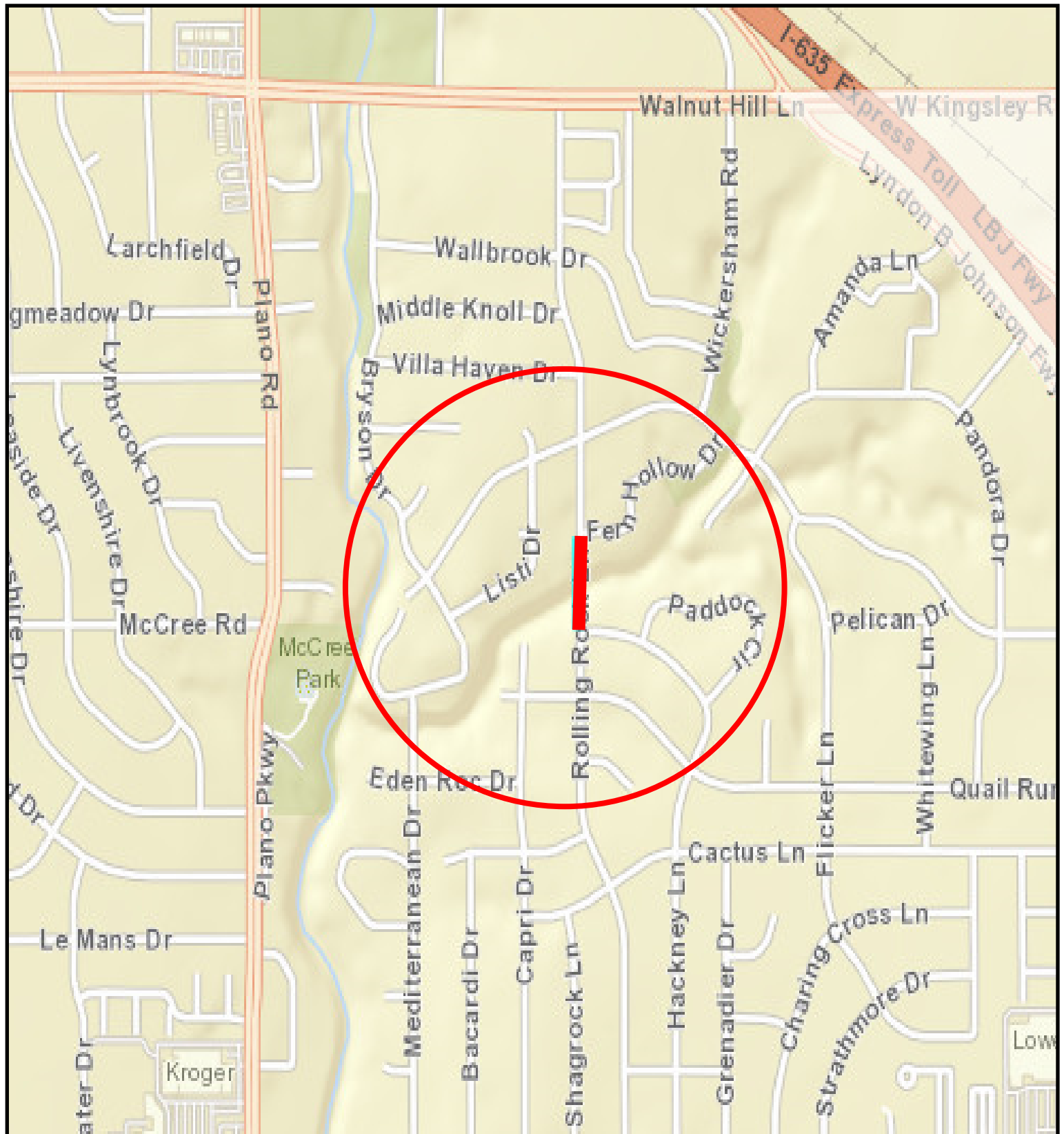
COUNCIL DISTRICT 10

**STREET RECONSTRUCTION
LYNFORD DRIVE FROM FERNDALE ROAD
TO LOCKHAVEN DRIVE**



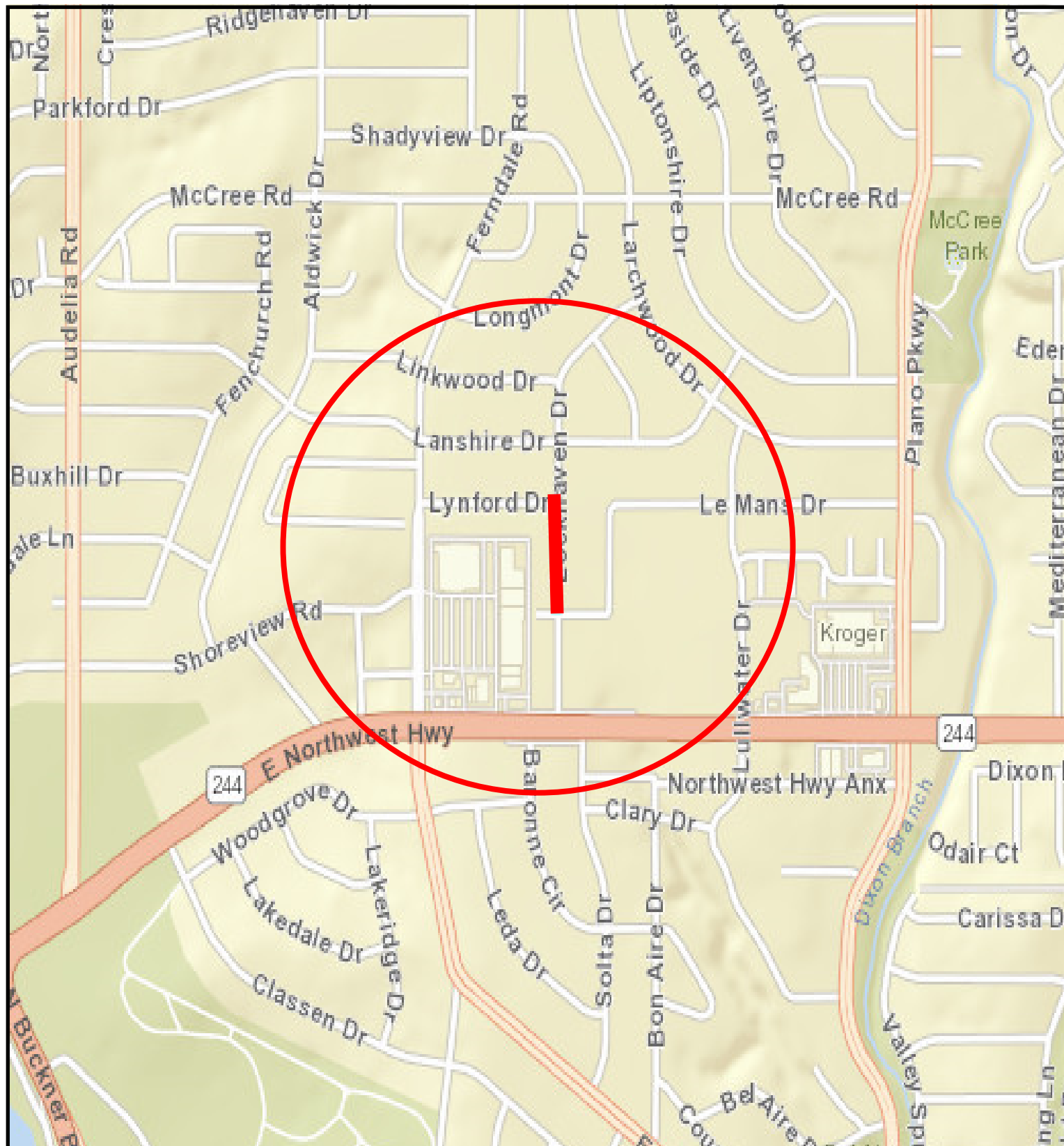
COUNCIL DISTRICT 10

**STREET RECONSTRUCTION
ROLLING ROCK LANE FROM HACKNEY LANE
TO FERN HOLLOW DRIVE**



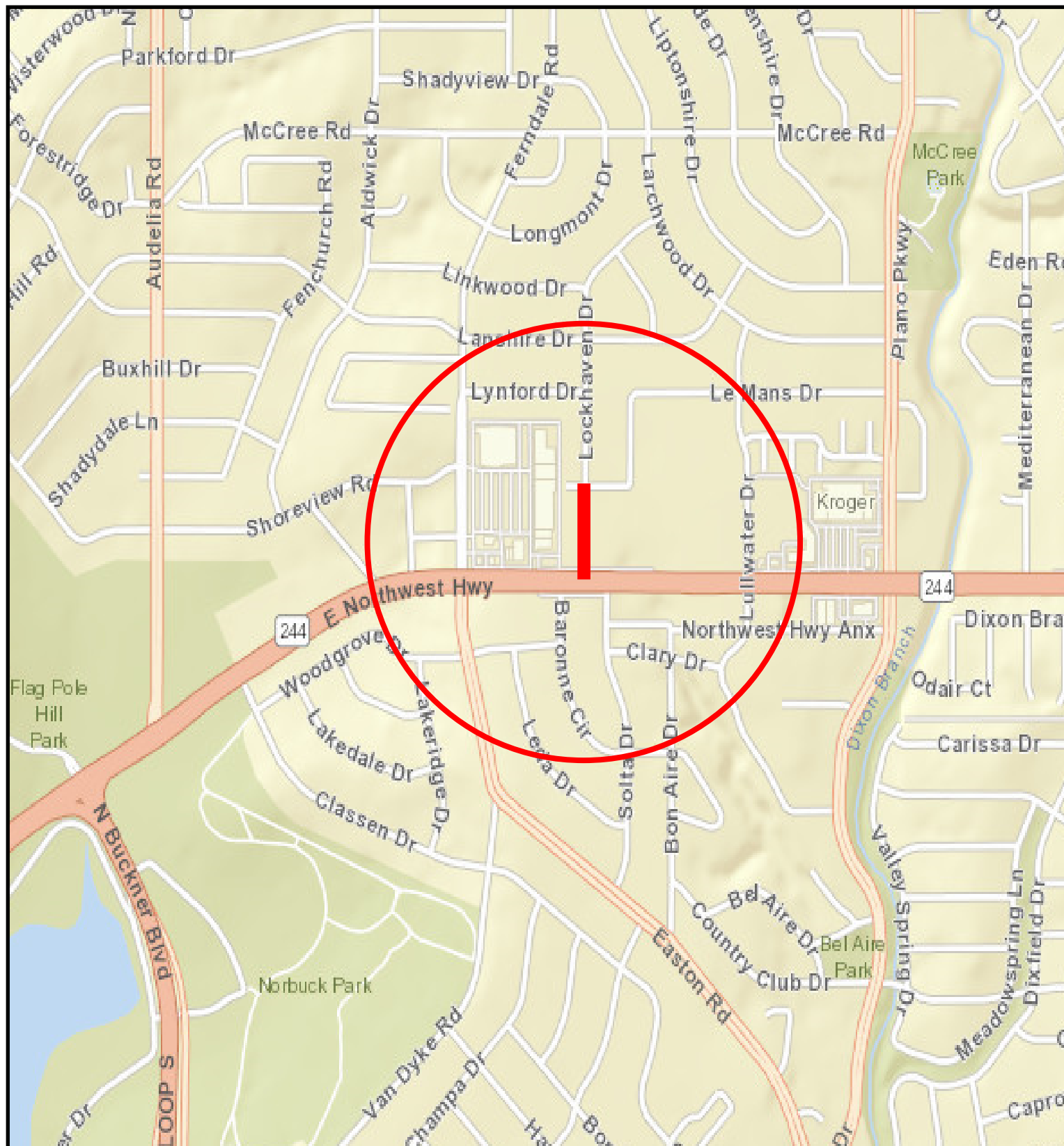
COUNCIL DISTRICT 10

TO LYNFORD DRIVE



COUNCIL DISTRICT 10

**STREET RECONSTRUCTION
LOCKHAVEN DRIVE FROM EAST NORTHWEST HIGHWAY
TO LOCKYER DRIVE**



COUNCIL DISTRICT 10

November 28, 2018

WHEREAS, Arredondo, Zepeda and Brunz, LLC was selected to provide engineering design for Street Reconstruction Group 17-10004.

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 Arredondo, Zepeda and Brunz, LLC, approved as to form by the City Attorney, for engineering design services for the indicated projects, in an amount not to exceed \$289,646.69.

SECTION 2. That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed \$289,646.69 in accordance with the terms and conditions of the contract:

Arredondo, Zepeda and Brunz, LLC for the engineering design of street reconstruction projects on local streets on: Lockhaven Drive from Lynford Drive to Lanshire Drive; Lynford Drive from Ferndale Road to Lockhaven Drive; Rolling Rock Lane from Hackney Lane to Fern Hollow Drive; Lockhaven Drive from Lockyer Drive to Lynford Drive; and Lockhaven Drive from East Northwest Highway to Lockyer Drive:

Street and Transportation (A) Fund
Fund 1V22, Department PBW, Unit V218, Activity SREC
Object 4111, Program PB17V218
Encumbrance/Contract No. CX-PBW-2018-00008150
Vendor 080851 \$ 29,599.70

Street and Transportation (A) Fund
Fund 1V22, Department PBW, Unit V219, Activity SREC
Object 4111, Program PB17V219
Encumbrance/Contract No. CX-PBW-2018-00008150
Vendor 080851 \$ 52,135.79

Street and Transportation (A) Fund
Fund 1V22, Department PBW, Unit V220, Activity SREC
Object 4111, Program PB17V220
Encumbrance/Contract No. CX-PBW-2018-00008150
Vendor 080851 \$ 82,097.80

November 28, 2018

SECTION 2. (continued)

Street and Transportation (A) Fund
Fund 1V22, Department PBW, Unit V270, Activity SREC
Object 4111, Program PB17V270
Encumbrance/Contract No. CX-PBW-2018-00008150
Vendor 080851 \$ 47,404.84

Street and Transportation (A) Fund
Fund 1V22, Department PBW, Unit V271, Activity SREC
Object 4111, Program PB17V271
Encumbrance/Contract No. CX-PBW-2018-00008150
Vendor 080851 \$ 43,908.56

Water Capital Improvement Fund
Fund 3115, Department DWU, Unit PW42, Activity RELO
Object 4111, Program 719047
Encumbrance/Contract No. CX-PBW-2018-00008150
Vendor 080851 \$ 29,500.00

Wastewater Capital Improvement Fund
Fund 2116, Department DWU, Unit PS42, Activity RELO
Object 4111, Program 719050
Encumbrance/Contract No. CX-PBW-2018-00008150
Vendor 080851 \$ 5,000.00

Total amount not to exceed \$289,646.69

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 Information Sheet

File #: 18-903

Item #: 18.

STRATEGIC PRIORITY: Mobility Solutions, Infrastructure, and Sustainability

AGENDA DATE: November 28, 2018

COUNCIL DISTRICT(S): 2, 14

DEPARTMENT: Department of Public Works

EXECUTIVE: Majed Al-Ghafry

SUBJECT

Authorize a construction contract for the construction of Henderson Avenue from U.S. Highway 75 to Ross Avenue - The Fain Group, Inc., lowest responsible bidder of four - Not to exceed \$2,251,681.00 - Financing: Street and Transportation Improvements Fund (2012 Bond Funds)

BACKGROUND

On May 11, 2016, City Council authorized a professional services contract with Huitt-Zollars, Inc. for the engineering design of complete street improvements for Henderson Avenue from U.S. Highway 75 to Ross Avenue by Resolution No. 16-0732.

This action will authorize a construction contract for the construction of complete street improvements for Henderson Avenue from U.S. Highway 75 to Ross Avenue which will include the addition of bump-outs on alternating sides of the street, a traffic signal at the Henderson Avenue/Willis Avenue intersection, pedestrian crosswalks, barrier-free ramps, pedestrian lights, trees, landscaping and the replacement of dilapidated storm drain inlets, curb and gutter, sidewalk and driveways.

The following chart illustrates The Fain Group, Inc.'s contractual activities with the City of Dallas for the past three years.

	<u>PBW</u>	<u>DWU</u>	<u>PKR</u>	<u>TWM</u>
Projects Completed	3	0	3	0
Change Orders	23	0	0	0
Projects Requiring Liquidated Damages	0	0	0	0
Projects Completed by Bonding Company	0	0	0	0

ESTIMATED SCHEDULE OF PROJECT

Began Design	June 2016
Completed Design	June 2018
Begin Construction	February 2019
Complete Construction	February 2020

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On May 11, 2016, City Council authorized a professional services contract with Huitt-Zollars, Inc. for engineering design services by Resolution No. 16-0732.

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

FISCAL INFORMATION

Street and Transportation Improvements Fund (2012 Bond Funds) - \$2,251,681.00

<u>Council District</u>	<u>Amount</u>
2	\$1,576,176.70
14	\$ 675,504.30
Total	\$2,251,681.00

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 \$
\$2,251,681.00	Construction	25.00%	25.02%	\$563,462.30
• This contract exceeds the M/WBE goal.				

PROCUREMENT INFORMATION

The following four bids with quotes were received and opened on July 20, 2018:

*Denotes successful bidder

<u>Bidders</u>	<u>Bid Amount</u>
* The Fain Group, Inc. 1616 North Sylvania	\$2,251,681.00

Fort Worth, TX 76111	
Gibson & Associates, Inc.	\$2,412,851.58
Joe Funk Construction, Inc.	\$2,466,765.85
Texas Standard Construction, LTD	\$2,681,959.90
Original estimate: PBW	\$2,188,813.38

OWNER**The Fain Group, Inc.**

Larry Frazier, President

MAP

Attached

HENDERSON AVENUE FROM U.S. HIGHWAY 75 TO ROSS



COUNCIL DISTRICTS 2, 14

November 28, 2018

WHEREAS, on May 11, 2016, City Council authorized a professional services contract with Huitt-Zollars, Inc. for the engineering design of complete street improvements for Henderson Avenue from U.S. Highway 75 to Ross Avenue, in an amount not to exceed \$251,851.00, by Resolution No. 16-0732; and

WHEREAS, on December 20, 2017, Administrative Action No. 18-5126 authorized Supplemental Agreement No. 1 to the professional services contract with Huitt-Zollars, Inc. to provide additional engineering design services for Henderson Avenue from U.S. Highway 75 to Ross Avenue, in an amount not to exceed \$14,800.00, increasing the contract amount from \$251,851.00 to \$266,651.00; and

WHEREAS, on July 20, 2018, bids were received for the construction of complete street improvements for Henderson Avenue from U.S. Highway 75 to Ross Avenue, as follows:

<u>Bidders</u>	<u>Bid Amount</u>
The Fain Group, Inc.	\$2,251,681.00
Gibson & Associates, Inc.	\$2,412,851.58
Joe Funk Construction, Inc.	\$2,466,765.85
Texas Standard Construction, LTD	\$2,681,959.90

Now, Therefore,

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

SECTION 1. That the City Manager is hereby authorized to sign a construction contract with The Fain Group, Inc., approved as to form by the City Attorney, for the complete street improvements for Henderson Avenue from U.S. Highway 75 to Ross Avenue, in an amount not to exceed \$2,251,681.00, this being the lowest responsive bid as indicated by the tabulation of bids.

SECTION 2. That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed \$2,251,681.00 to The Fain Group, Inc., in accordance with the terms and conditions of the contract as follows:

Street and Transportation Improvements Fund	
Fund 2U22, Department PBW, Unit S407, Activity THRF	
Object 4510, Program PB12S407	
Encumbrance/Contract No. CX-PBW-2018-00007334	
Vendor VS0000040276	\$ 990,700.83

November 28, 2018

SECTION 2. (continued)

Street and Transportation Improvements Fund
Fund 3U22, Department PBW, Unit S353, Activity SRSF
Object 4510, Program PB12S353
Encumbrance/Contract No. CX-PBW-2018-00007334
Vendor VS0000040276 \$ 740,200.00

Street and Transportation Improvements Fund
Fund 3U22, Department PBW, Unit S407, Activity THRF
Object 4510, Program PB12S407
Encumbrance/Contract No. CX-PBW-2018-00007334
Vendor VS0000040276 \$ 351,617.35

Street and Transportation Improvements Fund
Fund 4U22, Department PBW, Unit S407, Activity THRF
Object 4510, Program PB12S407
Encumbrance/Contract No. CX-PBW-2018-00007334
Vendor VS0000040276 \$ 169,162.82

Total amount not to exceed \$2,251,681.00

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 Information Sheet

File #: 18-1192

Item #: 20.

STRATEGIC PRIORITY: Mobility Solutions, Infrastructure, and Sustainability
AGENDA DATE: November 28, 2018
COUNCIL DISTRICT(S): 13
DEPARTMENT: Department of Sustainable Development and Construction
EXECUTIVE: Majed Al-Ghafry

SUBJECT

Authorize acquisition from Oncor Electric Delivery Company LLC, of approximately 30,000 square feet of land located between Strait Lane and Inwood Road for the Northaven Trail Phase 2A Project - Not to exceed \$50,000.00 (\$44,211.00, plus closing costs and title expenses not to exceed \$5,789.00) - Financing: Capital Gifts Donation & Development Fund

BACKGROUND

This item authorizes the acquisition from Oncor Electric Delivery Company LLC (Oncor), of approximately 30,000 square feet of land located between Strait Lane and Inwood Road for the Northaven Trail Phase 2A Project. This property will be used for the installation of a hike and bike bridge over Bachman Branch as part of the Northaven Trail. The consideration is based on an independent appraisal. The dedication of this property as official park land is not recommended to occur until such time it is developed for park purposes.

The City of Dallas and Dallas County are partnering to develop two miles of the proposed Northaven Trail Phase 2A from Cinderella Lane to Preston Road. The trail alignment for this project uses Oncor property. Bachman Branch crosses Oncor's property between Strait Lane and Inwood Road. In order for the trail to cross the creek, the City must install a hike and bike bridge. Oncor requires the City to purchase the land necessary to install a hike and bike bridge. As condition of the sale, Oncor will retain a utility easement for its transmission tower, lines and service.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On November 15, 2018, the Park and Recreation Board authorized acquisition from Oncor Electric Delivery Company LLC, of approximately 30,000 square feet of land located between Strait Lane and Inwood Road for the Northaven Trail Phase 2A Project.

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

FISCAL INFORMATION

Capital Gifts Donation & Development Fund - \$50,000.00

OWNER

Oncor Electric Delivery Company LLC

Jill L. Alvarez, Attorney-in-fact

MAP

Attached

November 28, 2018

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

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

"CITY": The City of Dallas

"PROPERTY": Approximately 30,000 square feet of land located in Dallas County, Texas, and being the same property more particularly described in Exhibit "A", attached hereto and made a part hereof for all purposes, and any and all improvements, rights and appurtenances appertaining thereto.

"PROJECT": Northaven Trail Phase 2A Project

"USE": The construction and installation of a pedestrian bridge connecting a hike and bike trail as park property provided, however, to the extent fee title to the PROPERTY is acquired, such title and the PROPERTY shall not be limited to or otherwise deemed restricted to the USE herein provided.

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

"OWNER": Oncor Electric Delivery Company LLC, provided, however, that the term "OWNER" as used in this resolution means all persons having an ownership interest, regardless of whether those persons are actually named herein.

"PURCHASE AMOUNT": \$44,211.00

"CLOSING COSTS AND TITLE EXPENSES": Not to exceed \$5,789.00

"AUTHORIZED AMOUNT": Not to exceed \$50,000.00

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

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

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

November 28, 2018

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

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

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

SECTION 6. That in the event this acquisition closes, the Chief Financial Officer is hereby authorized and directed to draw a warrant in favor of the OWNER, or the then current owner of record, or the title company closing the transaction described herein in the PURCHASE AMOUNT and CLOSING COSTS AND TITLE EXPENSES: \$44,211.00 payable out of Capital Gifts Donation & Development Fund, Fund 0530, Department PKR, Unit 919A, Activity PKLA, Program PK06T241, Object 4210 and \$5,789.00 out of Capital Gifts Donation & Development Fund, Fund 0530 Department PKR, Unit 919A, Activity PKLA, Program PK06T241, Object 4230, Encumbrance/Contract No. CX-PKR-2019-00008411. The PURCHASE AMOUNT, CLOSING COSTS and TITLE EXPENSES together shall not exceed the AUTHORIZED AMOUNT.

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

SECTION 8. That this resolution shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so resolved.

APPROVED AS TO FORM:
CHRISTOPHER J. CASO, Interim City Attorney

BY: 
Assistant City Attorney

**FIELD NOTES DESCRIBING A 30,000 SQUARE FOOT (0.689 ACRE) TRACT
IN CITY BLOCK 6392 (UNPLATTED)**

**JOHN C. MCCOY SURVEY, ABSTRACT NUMBER 913
CITY OF DALLAS, DALLAS COUNTY, TEXAS
FROM DALLAS POWER & LIGHT COMPANY**

Exhibit A

BEING, a 30,000 square foot (0.689 acre) tract of land situated in the John C. McCoy Survey, Abstract No. 913, Dallas County, Texas; said tract being part of City Block 6392 (unplatted); said tract also being part of that certain tract of land described as "Part I" in Warranty Deed to Dallas Power & Light Company, filed July 19, 1950, recorded in Volume 3344, Page 503 of the Deed Records of Dallas County, Texas; said 30,000 square foot tract being more particularly described as follows:

COMMENCING, at a 5/8-inch iron rod with cap found in the north line of said Dallas Power & Light tract; said point also being the southeast corner of Lot 15, Block 10/6392 of Hockaday Square Addition No. 3, an addition to the City of Dallas recorded in Volume 39, Page 171 of the Map Records of Dallas County, Texas;

THENCE, South 89 degrees, 14 minutes, 30 seconds West, along the said north line of the Dallas Power & Light Company tract and the south line of said Lot 15, a distance of 27.38 feet to a 5/8-inch iron rod with "PACHECO KOCH" cap set for the **POINT OF BEGINNING**;

THENCE, South 00 degrees, 45 minutes, 30 seconds East, departing the said north line of the Dallas Power & Light Company tract and the said south line of Lot 15, through said Dallas Power & Light Company tract, a distance of 100.00 feet to a 5/8-inch iron rod with "PACHECO KOCH" cap set for corner in the south line of said Dallas Power & Light Company tract and the north line of Lot 4, Block 9/6392 of Hockaday Square Addition No. 5, an addition to the City of Dallas recorded in Volume 46, Page 141 of said Map Records; from which a 1/2-inch iron pipe found (controlling monument) bears North 89 degrees, 14 minutes, 30 seconds East, a distance of 518.68 feet;

THENCE, South 89 degrees, 14 minutes, 30 seconds West, along the said south line of the Dallas Power & Light Company tract, the said north line of Lot 4 and the north line of Lot 3, Block 9/6392 of Hockaday Square Addition No. 4, an addition to the City of Dallas recorded in Volume 39, Page 87 of said Map Records, at a distance of 170.99 feet passing the northwest corner of said Lot 4 and the northeast corner of said Lot 3, continuing in all, a total a distance of 300.00 feet to a 5/8-inch iron rod with "PACHECO KOCH" cap set for corner in the said south line of the Dallas Power & Light Company tract and the said north line of Lot 3; from which a 1/2-inch iron rod found (controlling monument), at the northwest corner of said Lot 3, bears South 89 degrees, 14 minutes, 30 seconds West, a distance of 111.13 feet;

THENCE, North 00 degrees, 45 minutes, 30 seconds West, departing the said south line of the Dallas Power & Light Company tract and the said north line of Lot 3, through said Dallas Power & Light Company tract, a distance of 100.00 feet to a 5/8-inch iron rod with "PACHECO KOCH" cap set for corner in the said north line of the Dallas Power & Light Company tract and the south line of Lot 9, Block 8/6392 of Hockaday Square, an addition to the City of Dallas recorded in Volume 31, Page 79 of said Map Records; from which a 1/2-inch iron pipe found at the northwest corner of said Lot 3 bears South 89 degrees, 14 minutes, 30 seconds West, a distance of 287.67 feet;



FIELD NOTES APPROVED:

PHC 7/5/18

FIELD NOTES DESCRIBING A 30,000 SQUARE FOOT (0.689 ACRE) TRACT
IN CITY BLOCK 6392 (UNPLATTED)
JOHN C. MCCOY SURVEY, ABSTRACT NUMBER 913
CITY OF DALLAS, DALLAS COUNTY, TEXAS
FROM DALLAS POWER & LIGHT COMPANY

Exhibit A

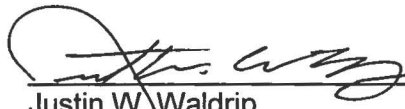
THENCE, North 89 degrees, 14 minutes, 30 seconds East along the said north line of the Dallas Power & Light Company tract and along the said south line of Lot 9 and the said south line of Lot 15, at a distance of 95.57 feet passing a 1/2-inch iron rod with cap found in the north line of said Dallas Power & Light Company tract and the said south line of Lot 9 and at a distance of 135.90 feet passing the southeast corner of said Lot 9 and the southwest corner of said Lot 15, continuing in all, a total distance of 300.00 feet to the **POINT OF BEGINNING**;

CONTAINING, 30,000 square feet or 0.689 acre of land, more or less.

Bearing system for this survey is based on the State Plane Coordinate System, North American Datum of 1983 (2011), Texas North Central Zone 4202. No projection, no scale.

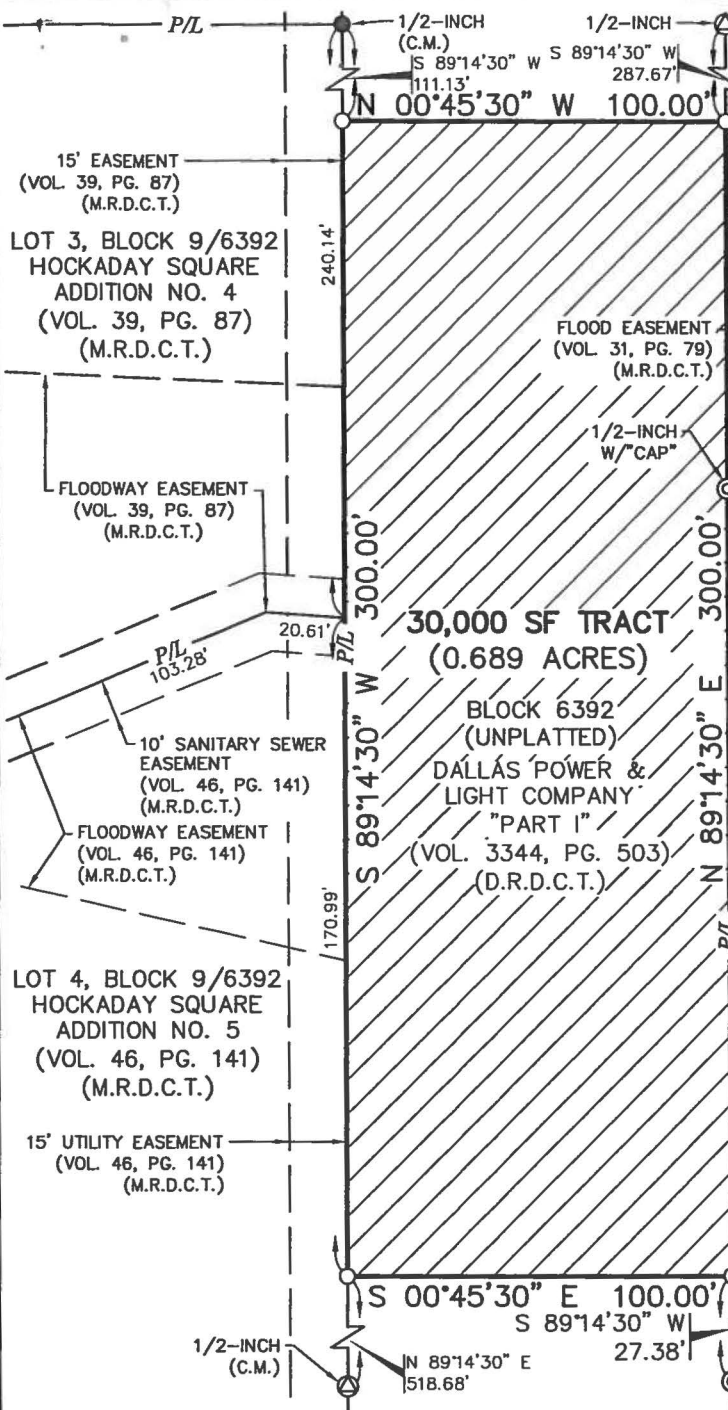
(A survey plat of even survey date herewith accompanies this description.)

The undersigned, Registered Professional Land Surveyor, hereby certifies that the foregoing description accurately sets out the metes and bounds of the tract described.

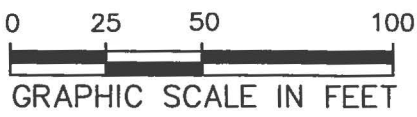
 6/14/18
Justin W. Waldrip Date
Registered Professional Land Surveyor No. 6179
Pacheco Koch Consulting Engineers, Inc.
7557 Rambler Road, #1400, Dallas TX 75231
(972) 235-3031
TX Reg. Surveying Firm LS-100080-00



3085-15.341EX1.doc
3085-15.341EX1.dwg CTP



LEGEND	
—	PROPERTY LINE
---	TRACT LINE
- - -	EXISTING EASEMENT LINE
R/W	RIGHT OF WAY LINE
P/L	PROPERTY LINE
D.R.D.C.T.	DEED RECORDS OF DALLAS COUNTY, TEXAS
M.R.D.C.T.	MAP RECORDS OF DALLAS COUNTY, TEXAS
P.O.C.	POINT OF COMMENCING
P.O.B.	POINT OF BEGINNING
(C.M.)	CONTROLLING MONUMENT
○	5/8-INCH IRON ROD W/ "PACHECO KOCH EASEMENT" CAP SET
●	IRON ROD FOUND
⊙	IRON PIPE FOUND
⊙	IRON ROD W/CAP FOUND
VOL.	VOLUME
PG.	PAGE
INST.	INSTRUMENT
NO.	NUMBER



LAMPLIGHTER LANE

P.O.B. (VOL. 39, PG. 171)(M.R.D.C.T.)

P.O.C. 5/8-INCH W/"CAP" 158.35' R/W

NOTES:

1. A metes and bounds description of even survey date herewith accompanies this plat of survey.
2. Bearing system for this survey is based on the State Plane Coordinate System, North American Datum of 1983 (2011), Texas North Central Zone 4202. No projection, no scale.

The undersigned, Registered Professional Land Surveyor, hereby certifies that this plat of survey accurately sets out the metes and bounds of the tract described.

Justin W. Waldrip 6/14/18
Justin W. Waldrip Date
Registered Professional
Land Surveyor No. 6179



7557 RAMBLER ROAD, SUITE 1400
DALLAS, TX 75231 972.235.3031
TX REG. ENGINEERING FIRM F-469
TX REG. SURVEYING FIRM LS-10008000

DRAWN BY	CHECKED BY	SCALE	DATE	JOB NUMBER
CTP	JWW	1"=50'	JUNE 2018	3085-15.341

30,000 SQUARE FOOT TRACT
PART OF CITY BLOCK 6932 (UNPLATTED)
JOHN C. MCCOY SURVEY, ABSTRACT NO. 913,
CITY OF DALLAS DALLAS COUNTY, TEXAS
FROM DALLAS POWER & LIGHT COMPANY
PAGE 3 OF 3

EXHIBIT B

SPECIAL WARRANTY DEED

THE STATE OF TEXAS §

KNOW ALL MEN BY THESE PRESENTS

COUNTY OF DALLAS §

NOTICE OF CONFIDENTIALITY RIGHTS: IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY OR ALL OF THE FOLLOWING INFORMATION FROM ANY INSTRUMENT THAT TRANSFERS AN INTEREST IN REAL PROPERTY BEFORE IT IS FILED FOR RECORD IN THE PUBLIC RECORDS: YOUR SOCIAL SECURITY NUMBER OR YOUR DRIVER'S LICENSE NUMBER.

That **ONCOR ELECTRIC DELIVERY COMPANY LLC.**, a Delaware limited liability company, formerly known as TXU Electric Delivery Company, a Texas corporation, ("Grantor"), for and in consideration of the sum of FORTY-FOUR THOUSAND TWO HUNDRED ELEVEN NO/100 DOLLARS (\$44,211.00), and other good and valuable consideration to Grantor in hand paid by the **CITY OF DALLAS**, a Texas Municipal Corporation, ("Grantee"), whose address is 1500 Marilla Street, Dallas, Texas 75202, the receipt and sufficiency of which is hereby acknowledged, has Granted, Sold and Conveyed, and by these presents does Grant, Sell and Convey unto said Grantee all that certain tract or parcel of land ("the "Property") situated in the John C. McCoy Survey, Abstract No. 913, City of Dallas, Dallas, County, Texas and being a portion of a called 7.76 acre tract of land described in the deeded recorded in Volume 3344, Page 503 of the Deed Records of Dallas County, Texas more particularly described in Exhibit "A" attached hereto and made a part hereof for all purposes. Grantor represents that it does not own oil, gas and other mineral in and under the Property, which are not included in this conveyance; provided, however, to the extent that grantor does own any interest in such oil, gas or other minerals, it waives all rights of ingress and egress to the surface of the Property for the purposes of exploring, developing, mining or drilling for same., and incorporated herein by reference for all purposes.

In addition to and in support of the Special Warranty Deed hereinabove provided, Grantor does hereby further grant and convey unto Grantee an Easement and Right-of-Way in and along the property described in Exhibit A, listed in **Exhibit "B"**, attached hereto and by reference made a part hereof.

THIS CONVEYANCE IS EXPRESSLY MADE SUBJECT TO THE FOLLOWING: Easements, rights-of-way, and prescriptive rights, whether of record or not; all presently recorded restrictions, reservations, covenants, conditions, mineral severances, and other instruments, other than liens and conveyances, that affect the Property; rights of adjoining owners in any walls and fences situated on a common boundary; and discrepancies, conflicts, or shortages in area or boundary lines; any encroachments or overlapping of improvements.

Grantor hereby expressly acknowledges and agrees that Grantee has thoroughly inspected and examined the Property to the extent deemed necessary by Grantee in order to enable Grantee is relying solely up the inspection, examination, and evaluation of the property by Grantee, and that Grantee is purchasing the property on an "AS IS and WITHOUT FAULTS" basis, without representations, warranties or covenants, express or implied, of any kind or nature.

Grantor, for the consideration and subject to the above stated exceptions and reservations from conveyance, grants, sells and conveys to Grantee the Property, together with all and singular the rights and appurtenances thereto in any wise belonging, to have and hold it to Grantee, Grantee's heirs, executors administrators, successors, and assigns against every person whomsoever lawfully claiming or to claim the same or any part thereof, except as to the above stated exceptions, when the claim is by, through, or under the Grantor but not otherwise.

EXECUTED this _____ day of _____, 2018 to be effective as of the _____ day of _____, A.D. 2018

Oncor Electric Delivery Company LLC, a Delaware
Limited liability company, formerly known as TXU
Electric Delivery Company, a Texas corporation

By: _____
Name: Jill L. Alvarez
Title: Attorney-in-Fact

ACKNOWLEDGMENT

THE STATE OF TEXAS §
COUNTY OF TARRANT §

KNOW ALL MEN BY THESE PRESENTS:

BEFORE ME, the undersigned authority, a Notary public in and for the State of Texas, on this day personally appeared Jill L. Alvarez, Attorney-in-Fact, known to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that she executed the same for the purpose and consideration therein expressed, in the capacity therein stated, and as the act and deed of said Oncor Electric Delivery Company

LLC, a Delaware limited liability company, formerly known as TXU Electric Delivery Company, a Texas corporation, on behalf of said company.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this ____ day of _____, A.D.
2018.

Notary Public in and for the State of Texas

Printed Name: _____

My Commission Expires: _____

AFTER RECORDING, RETURN TO:
City of Dallas, Department of Development Services
Real Estate Division
320 East Jefferson Boulevard, Room 203
Dallas, Texas 75203
Attn: Mark Proctor
Log No. 46545 / Block 6392

**FIELD NOTES DESCRIBING A 30,000 SQUARE FOOT (0.689 ACRE) TRACT
IN CITY BLOCK 6392 (UNPLATTED)**

**JOHN C. MCCOY SURVEY, ABSTRACT NUMBER 913
CITY OF DALLAS, DALLAS COUNTY, TEXAS
FROM DALLAS POWER & LIGHT COMPANY**

Exhibit A

BEING, a 30,000 square foot (0.689 acre) tract of land situated in the John C. McCoy Survey, Abstract No. 913, Dallas County, Texas; said tract being part of City Block 6392 (unplatted); said tract also being part of that certain tract of land described as "Part I" in Warranty Deed to Dallas Power & Light Company, filed July 19, 1950, recorded in Volume 3344, Page 503 of the Deed Records of Dallas County, Texas; said 30,000 square foot tract being more particularly described as follows:

COMMENCING, at a 5/8-inch iron rod with cap found in the north line of said Dallas Power & Light tract; said point also being the southeast corner of Lot 15, Block 10/6392 of Hockaday Square Addition No. 3, an addition to the City of Dallas recorded in Volume 39, Page 171 of the Map Records of Dallas County, Texas;

THENCE, South 89 degrees, 14 minutes, 30 seconds West, along the said north line of the Dallas Power & Light Company tract and the south line of said Lot 15, a distance of 27.38 feet to a 5/8-inch iron rod with "PACHECO KOCH" cap set for the **POINT OF BEGINNING**;

THENCE, South 00 degrees, 45 minutes, 30 seconds East, departing the said north line of the Dallas Power & Light Company tract and the said south line of Lot 15, through said Dallas Power & Light Company tract, a distance of 100.00 feet to a 5/8-inch iron rod with "PACHECO KOCH" cap set for corner in the south line of said Dallas Power & Light Company tract and the north line of Lot 4, Block 9/6392 of Hockaday Square Addition No. 5, an addition to the City of Dallas recorded in Volume 46, Page 141 of said Map Records; from which a 1/2-inch iron pipe found (controlling monument) bears North 89 degrees, 14 minutes, 30 seconds East, a distance of 518.68 feet;

THENCE, South 89 degrees, 14 minutes, 30 seconds West, along the said south line of the Dallas Power & Light Company tract, the said north line of Lot 4 and the north line of Lot 3, Block 9/6392 of Hockaday Square Addition No. 4, an addition to the City of Dallas recorded in Volume 39, Page 87 of said Map Records, at a distance of 170.99 feet passing the northwest corner of said Lot 4 and the northeast corner of said Lot 3, continuing in all, a total a distance of 300.00 feet to a 5/8-inch iron rod with "PACHECO KOCH" cap set for corner in the said south line of the Dallas Power & Light Company tract and the said north line of Lot 3; from which a 1/2-inch iron rod found (controlling monument), at the northwest corner of said Lot 3, bears South 89 degrees, 14 minutes, 30 seconds West, a distance of 111.13 feet;

THENCE, North 00 degrees, 45 minutes, 30 seconds West, departing the said south line of the Dallas Power & Light Company tract and the said north line of Lot 3, through said Dallas Power & Light Company tract, a distance of 100.00 feet to a 5/8-inch iron rod with "PACHECO KOCH" cap set for corner in the said north line of the Dallas Power & Light Company tract and the south line of Lot 9, Block 8/6392 of Hockaday Square, an addition to the City of Dallas recorded in Volume 31, Page 79 of said Map Records; from which a 1/2-inch iron pipe found at the northwest corner of said Lot 3 bears South 89 degrees, 14 minutes, 30 seconds West, a distance of 287.67 feet;



FIELD NOTES APPROVED:

Dfc 7/5/18

**FIELD NOTES DESCRIBING A 30,000 SQUARE FOOT (0.689 ACRE) TRACT
IN CITY BLOCK 6392 (UNPLATTED)
JOHN C. MCCOY SURVEY, ABSTRACT NUMBER 913
CITY OF DALLAS, DALLAS COUNTY, TEXAS
FROM DALLAS POWER & LIGHT COMPANY**

Exhibit A

THENCE, North 89 degrees, 14 minutes, 30 seconds East along the said north line of the Dallas Power & Light Company tract and along the said south line of Lot 9 and the said south line of Lot 15, at a distance of 95.57 feet passing a 1/2-inch iron rod with cap found in the north line of said Dallas Power & Light Company tract and the said south line of Lot 9 and at a distance of 135.90 feet passing the southeast corner of said Lot 9 and the southwest corner of said Lot 15, continuing in all, a total distance of 300.00 feet to the **POINT OF BEGINNING**;

CONTAINING, 30,000 square feet or 0.689 acre of land, more or less.

Bearing system for this survey is based on the State Plane Coordinate System, North American Datum of 1983 (2011), Texas North Central Zone 4202. No projection, no scale.

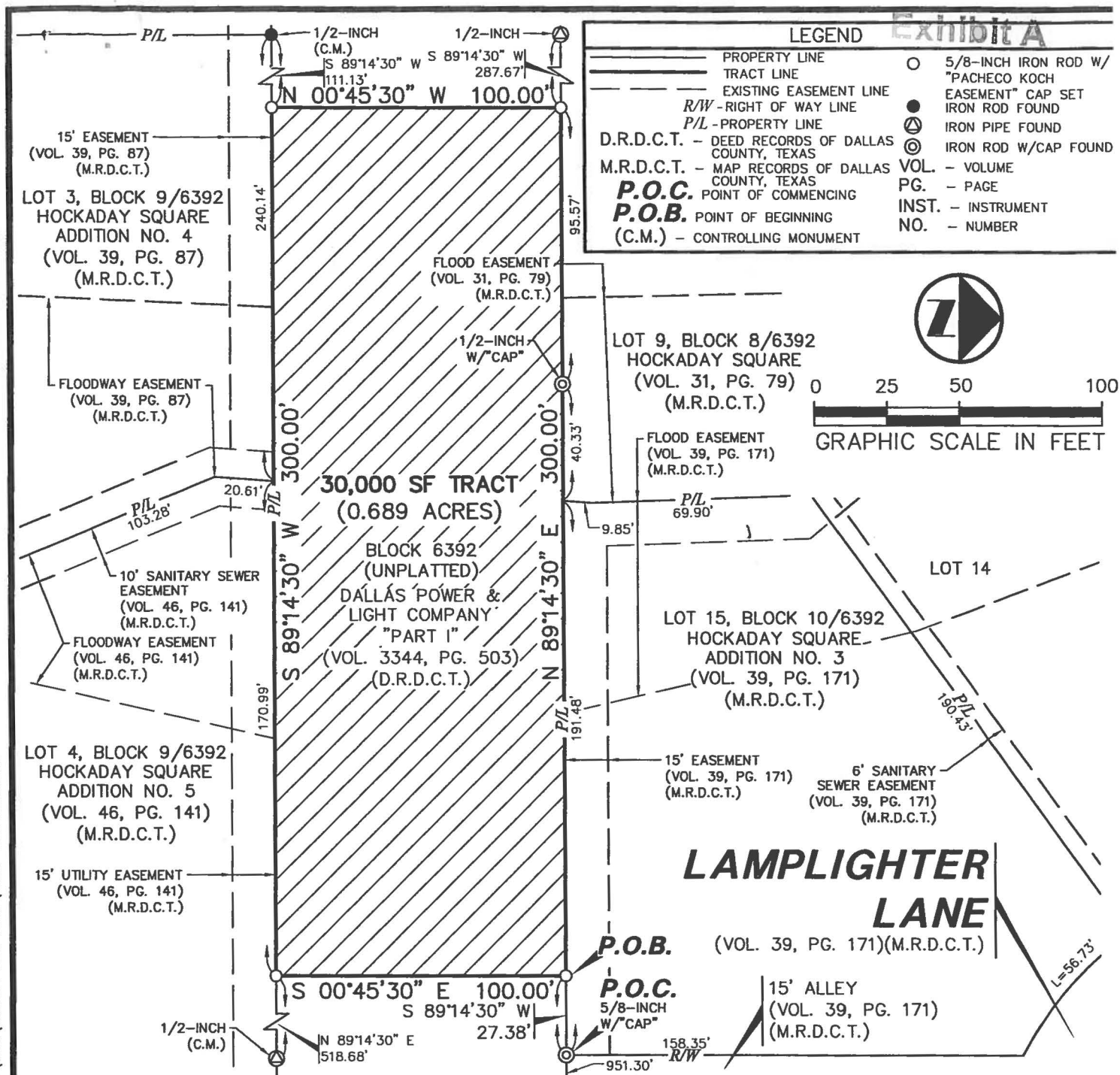
(A survey plat of even survey date herewith accompanies this description.)

The undersigned, Registered Professional Land Surveyor, hereby certifies that the foregoing description accurately sets out the metes and bounds of the tract described.

 6/14/18
Justin W. Waldrip Date
Registered Professional Land Surveyor No. 6179
Pacheco Koch Consulting Engineers, Inc.
7557 Rambler Road, #1400, Dallas TX 75231
(972) 235-3031
TX Reg. Surveying Firm LS-100080-00



3085-15.341EX1.doc
3085-15.341EX1.dwg CTP



The undersigned, Registered Professional Land Surveyor, hereby certifies that this plat of survey accurately sets out the metes and bounds of the tract described.

DRAWN BY	CHECKED BY	SCALE	DATE	JOB NUMBER
CTP	JWW	1"=50'	JUNE 2018	3085-15.341

EXHIBIT B

KNOW ALL MEN BY THESE PRESENTS:

Lying and situated in the City and County of Dallas, Texas, and being more particularly described on **Exhibit "A"** attached hereto and made a part hereof for all intent and purposes

2. Liability for Damages. Grantor shall not be liable to Grantee for any damage to said easement or Grantee's facilities or the contents thereof, except when caused by the willful misconduct of Grantor, its agents, servants or employees. Grantor and Grantee each agree that if any claim or liability shall arise from the joint or concurring negligence of both parties hereto, it shall be borne by them in proportion to their negligence. It is understood that it is not the intention of the parties hereto to create liability for the benefit of third

parties but that this agreement shall be solely for the benefit of the parties hereto.

3. Compliance with Laws. Grantee shall at its own cost and expense, comply with all applicable laws, rules, regulations, and orders issued by any governmental authority relating to Grantee's installation, operation and maintenance of Grantee's facilities, provided that Grantor shall not adopt any such law, rule or regulation that would repudiate Grantee's rights under this easement. Grantee agrees to be responsible for and indemnify and hold Grantor harmless from and against any and all claims, demands, penalties, fines, liabilities (including attorney's fees), incurred relating to any violation or alleged violation of such laws, rules, regulations or orders resulting from Grantee's acts or omissions, as well as for any and all damages or expenses incurred as a result of Grantee's installation, operation or maintenance of said facilities on Grantor's hereinabove described property.

4. Termination of Easement. This easement shall continue only so long as Grantee shall use this right of way for the purpose herein described and the same shall immediately lapse and terminate upon cessation of such use. Upon termination of this easement or right of way for any reason, Grantee shall restore the property hereinabove described to the same condition that such property was in at the beginning of the term of this agreement, ordinary wear and tear for the purpose herein authorized excepted.

5. Nonwaiver of Franchise. This easement is granted subject to the terms, conditions and provisions of Grantee's franchise with the City of Dallas. In no event, shall the terms, conditions and provisions herein contained alter, modify, amend or revoke any of the terms, conditions and provisions of the franchise.

6. Relocation of Facilities. Whenever by reason of Grantor's use of its hereinabove described property, for any purpose whatsoever, it shall be deemed necessary by Grantor to remove, alter, change, adapt, or conform the facilities of Grantee, such alteration or changes shall be made as soon as practicable by Grantee when ordered in writing by Grantor, without claim for reimbursement or material financial hardship upon Grantee, the Grantee shall have the right to present alternative proposals for Grantor's consideration. Grantor shall not require Grantee to remove its facilities entirely from the hereinabove described easement unless suitable alternatives are available for relocation at reasonable cost, but in any event Grantee shall be required to relocate such facilities within the hereinabove described easement so that such facilities do not impair the use of such property by Grantor in the operation of its business.

7. Location of Facilities. Grantee shall locate its facilities within the easement so as not to interfere with any of Grantor's facilities. Grantee shall reimburse Grantor for any and all cost and expenses incurred by Grantor for any relocation or alterations of its property or facilities located on or near the easement that Grantor in its reasonable discretion determines are subject to physical interference for Grantee's facilities or from the exercise by Grantee of any of its rights hereunder.

8. Use of Easement. Subject to Grantor's right to cause relocation of facilities under the circumstances set forth in paragraph 6 above, and unless such relocation is required pursuant thereto, Grantor shall not (without the prior written consent of Grantee) construct or place with the above described right of way any building, fence, tree, shrub, or any other structure, improvement or growth which may endanger or in any way interfere with the construction, efficiency or convenient operation and maintenance of said system or systems, and Grantee shall, at all times, after notice to, and in consultation with, Grantor (As may be reasonable under the circumstances) have their right to remove, and keep removed, all or parts of any building, fence, tree, shrub, or other structure, improvement or growth of any character which, in the judgment of Grantee, may endanger or in any way interfere with the construction, efficiency or convenient operation and maintenance of said system or systems.

9. Restrictions and Limitations. This conveyance is made subject and subordinate to all matters herein stated.

10. Headings. Headings used in this instrument are for the conveniences of the parties only and shall not be considered in construing any provisions hereof.

TO HAVE AND TO HOLD the above described easement and rights unto Oncor Electric Delivery Company LLC and its successors and assigns, for the purposes aforesaid and upon conditions herein stated, until all of the system or systems covered by this easement be abandoned for use by Oncor Electric Delivery Company LLC, for the purpose herein stated, then and there upon this conveyance shall be null and void and the use of said land and premises shall absolutely revert to Grantor herein, its successors and assigns, and no act or omission on the part of them shall be construed as a waiver of the enforcement of such condition.

AND it hereby binds itself, its successors, legal representatives and assigns, to WARRANT AND FOREVER DEFEND all and singular the above described easement and rights unto Oncor Electric Delivery Company LLC, its successors and assigns, against every person whomsoever lawfully claiming or to claim the same or any part thereof, by through or under it but not otherwise.

Executed this _____ day of _____, 2018.

City of Dallas,
T.C. BROADNAX, City Manager

By: _____
Assistant City Manager

ATTEST:

City Secretary

APPROVED AS TO FORM:
Christopher J. Caso, City Attorney

By: _____
Assistant City Attorney

Oncor Electric Delivery Company LLC,
a Delaware limited liability company

By: _____
Jill L. Alvarez
Attorney-in-Fact

STATE OF TEXAS §
 §
COUNTY OF DALLAS §

BEFORE ME, the undersigned authority, on this day personally appeared _____, Assistant City Manager of the **City of Dallas**, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he/she executed the same as the act and deed of the said City of Dallas, for the purposes and consideration therein expressed and in the capacity therein set forth.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this _____ day of _____, 2018.

Notary Public in and for the State of Texas

STATE OF TEXAS §
 §
COUNTY OF TARRANT §

BEFORE ME, the undersigned authority, on this day personally appeared **Jill L. Alvarez, Attorney in Fact for Oncor Electric Delivery Company LLC, a Delaware limited liability company**, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that she executed the same as the act and deed of the said Oncor Electric Delivery Company LLC, for the purposes and consideration therein expressed and in the capacity therein set forth.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this _____ day of _____, 2018.

Notary Public in and for the State of Texas



Agenda Information Sheet

File #: 18-1251

Item #: 21.

STRATEGIC PRIORITY: Mobility Solutions, Infrastructure, and Sustainability
AGENDA DATE: November 28, 2018
COUNCIL DISTRICT(S): 6, 7
DEPARTMENT: Department of Sustainable Development and Construction
EXECUTIVE: Majed Al-Ghafry

SUBJECT

A resolution **(1)** declaring two properties unwanted and unneeded and authorizing their sale by public auction (list attached to the Agenda Information Sheet); **(2)** authorizing a Purchase and Sale Agreement to be prepared for each auctioned surplus property receiving the highest qualified bid that is sold absolute; and **(3)** waving the minimum reserve amount - Estimated Revenue: \$13,560.00

BACKGROUND

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

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

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

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

These properties will return to the tax rolls upon conveyance.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

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

FISCAL INFORMATION

Estimated Revenue: \$13,560.00

MAP

Attached



November 28, 2018

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

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

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

WHEREAS, the minimum reserve amount provided for in Section 2-24.1(b) of the Dallas City Code is not required for the sale of the property by public auction to proceed pursuant to Section 253.008 and Section 272.001 of the Texas Local Government Code which instead provide that the City may sell its property by public auction where the highest bid received reflects the fair market value of the property; and

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

Now, Therefore,

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

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

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

November 28, 2018

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

- (a) that the sale shall be by Deed Without Warranty in a form approved by the City Attorney;
- (b) that the sale shall be subject to the terms, covenants, conditions, reservations, restrictions and exceptions of this authorizing resolution, including without limitation the following:
 - (i) a restriction prohibiting the placement of industrialized housing on the property;
 - (ii) reservation by the City of Dallas of all oil, gas and other minerals in and under the property with a waiver of surface access rights relating to said minerals;
 - (iii) any and all visible and apparent easements and encroachments, whether of record or not;
 - (iv) any and all covenants, conditions, reservations, restrictions, exceptions, easements, rights-of-way, mineral interests, mineral leases, or other instruments of record and applicable to the property or any part thereof; and
 - (v) standby fees, taxes and assessments, if any, by any taxing authority for the year of closing and subsequent years and assessments by any taxing authority for prior years due to changes in land usage or ownership, the payment of said standby fees, taxes, and assessments being assumed by **GRANTEE**.
- (c) that, to the maximum extent allowed by law, the sale shall be strictly on an "AS IS, WHERE IS, WITH ALL FAULTS" basis;
- (d) that as a material part of the consideration for the sale, the grantee and the City shall acknowledge and agree and provided in any relevant instrument that, to the maximum extent allowed by law, (a) **GRANTEE** is taking the property "AS IS, WHERE IS, WITH ALL FAULTS", (b) the City disclaims responsibility as to the accuracy or completeness of any information relating to the property, (c) **GRANTEE** assumes all responsibility to examine all applicable building codes and zoning ordinances to determine if the property can be used for the purposes desired and to check for outstanding or pending code enforcement actions including but not limited to repair or demolition orders, and (d) the City expressly disclaims and grantee expressly waives, any warranty or representation, express or implied, including without limitation any warranty of condition, habitability, merchantability or fitness for a particular purpose of the property. Without limiting

November 28, 2018

the foregoing, the City makes no representations of any nature regarding the property and specifically disclaims any warranty, guaranty or representation, oral or written, express or implied, past, present, or future, concerning: (i) the nature and condition of the property, including without limitation, the water, soil and geology, and the suitability thereof and the property for any and all activities and uses which grantee may elect to conduct thereon, and the existence of any environmental substances, hazards or conditions or presence of any endangered or protected species thereon or compliance with all applicable laws, rules or regulations; (ii) the nature and extent of any right-of-way, lease, possession, lien, encumbrance, license, reservation, condition or otherwise; (iii) the compliance of the property or its operation with any law, ordinance or regulation of any federal, state, or local governmental authority; and (iv) whether or not the property can be developed or utilized for any purpose. For purposes hereof, "environmental substances" means the following: (a) any "hazardous substance" under the Comprehensive Environmental Response, Compensation and Liability Act of 1980, 42 U.S.C.A. Section 9601 et. seq., as amended, (b) any "hazardous substance" under the Texas Hazardous Substances Spill Prevention and Control Act, Tex. Water Code, Section 26.261, et. seq., as amended, (c) petroleum or petroleum-based products (or any derivative or hazardous constituents thereof or additives thereto), including without limitation, fuel and lubrication oils, (d) any "hazardous chemicals" or "toxic chemicals" under the Occupational Safety and Health Act, 29 U.S.C.A. Section 651 et. seq., as amended, (e) any "hazardous waste" under the Resource Conservation and Recovery Act, 42 U.S.C.A. Section 6901 et. seq., as amended, (f) asbestos, (g) polychlorinated biphenyls, (h) underground storage tanks, whether empty, filled, or partially filled with any substance, (i) any substance, the presence of which is prohibited by federal, state or local laws and regulations, and (j) any other substance which by federal, state or local laws and regulations requires special handling or notification of governmental authorities in its collection, storage, treatment or disposal. References to particular acts or codifications in this definition include all past and future amendments thereto, as well as applicable rules and regulations as now or hereafter promulgated; and

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

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

SECTION 5. That the City Manager or designee is authorized to execute a Purchase and Sales Agreement, approved as to form by the City Attorney, to be entered into with

November 28, 2018

respect to each such surplus property between the City and the highest qualified bidder for such property at such advertised public auction.

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

SECTION 7. That the sale proceeds shall be deposited into the General Fund, 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 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 8118.

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

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

SECTION 10. That this resolution shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so resolved.

APPROVED AS TO FORM:
CHRISTOPHER J. CASO, Interim City Attorney

BY 
Assistant City Attorney

EXHIBIT A

<u>CITY-OWNED PROPERTY</u>		<u>MAPSCO</u>	<u>COUNCIL DISTRICT</u>	<u>SQ. FT OR ACREAGE</u>	<u>BLOCK</u>	<u>ZONING</u>	<u>DCAD ASSESSED VALUE</u>
UNIMPROVED LAND							
1	4007 PRINGLE DR	43E	6	0.114	7150	R-5(A)	\$12,000.00
2	2732 ROGERS ST	56M	7	0.102	7075	PD-595	\$1,560.00
							\$13,560.00



Agenda Information Sheet

File #: 18-771

Item #: 23.

STRATEGIC PRIORITY: Mobility Solutions, Infrastructure, and Sustainability
AGENDA DATE: November 28, 2018
COUNCIL DISTRICT(S): 13
DEPARTMENT: Department of Sustainable Development and Construction
EXECUTIVE: Majed Al-Ghafry

SUBJECT

An ordinance abandoning a portion of Midtown Boulevard and a sidewalk and utility easement to Legacy at Midtown Park, Inc., the abutting owner, containing a total of approximately 9,418 square feet of land, located near the intersection of Manderville Lane and Midtown Boulevard; and authorizing the quitclaim - Revenue: \$179,482.00, plus the \$20.00 ordinance publication fee

BACKGROUND

This item authorizes the abandonment of a portion of Midtown Boulevard and a sidewalk and utility easement to Legacy at Midtown Park, Inc., the abutting owner. The area will be included with the property of the abutting owner for the construction of a new senior living development. The abandonment fee is based on an independent appraisal.

Notices were sent to six 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 November 26, 2018.

FISCAL INFORMATION

Revenue: \$179,482.00, plus the \$20.00 ordinance publication fee

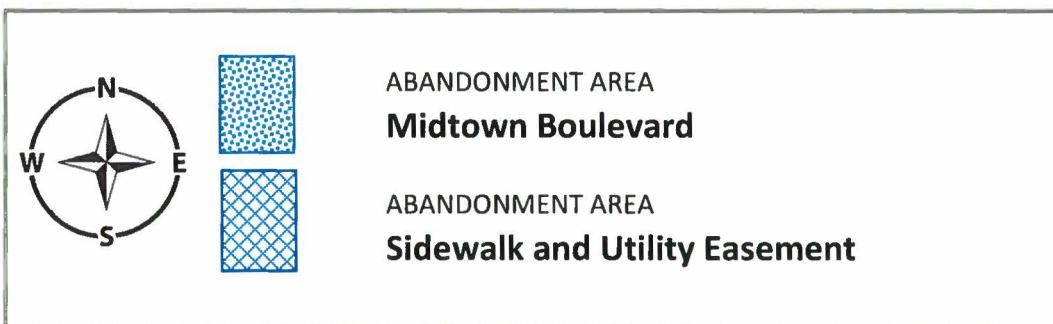
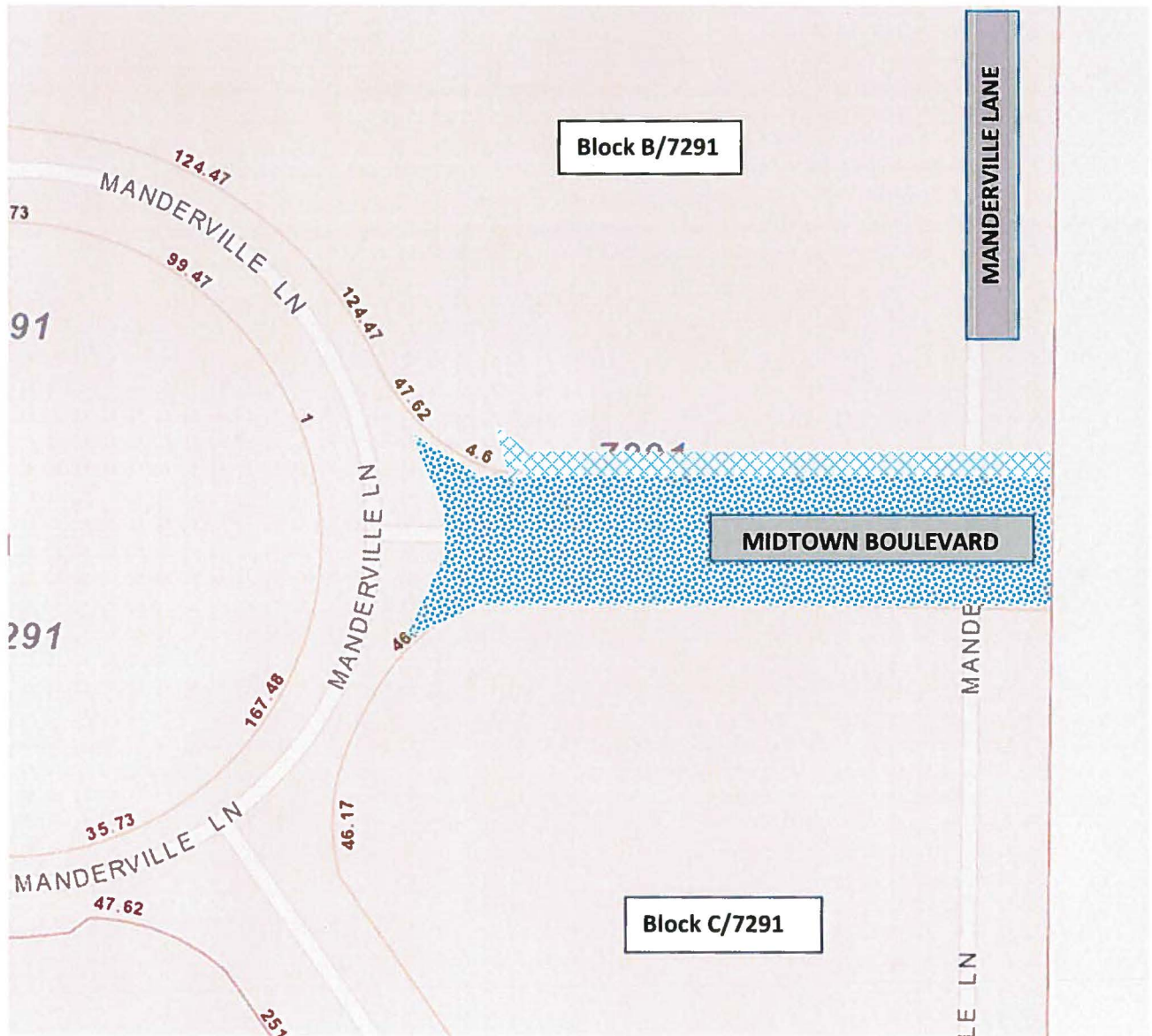
OWNER

Legacy at Midtown Park, Inc.

Marc Stanley, Director

MAP

Attached



ORDINANCE NO. _____

An ordinance providing for the abandonment of a portion of Midtown Boulevard and a sidewalk and utility easement located adjacent to City Blocks B/7291 and C/7291 in the City of Dallas and County of Dallas, Texas; subject to a reverter; providing for the quitclaim thereof to Legacy at Midtown Park, Inc.; providing for the terms and conditions of the abandonment and quitclaim made herein; providing for barricading; 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; 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 Legacy at Midtown Park, Inc., a Texas non-profit corporation, hereinafter referred to as **GRANTEE**, deems it advisable to abandon and quitclaim, subject to a reverter, the hereinafter described tracts of land to **GRANTEE**, and is of the opinion that, subject to the terms and conditions and reverter herein provided, said portion of Midtown Boulevard and a sidewalk and utility easement are 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, 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 tracts of land described in Exhibit A, which is attached hereto and made a part hereof for all purposes, be and the same is abandoned, vacated and closed insofar as the right, title and interest of the public are concerned; subject, however, to the reverter and the conditions hereinafter more fully set out.

SECTION 2. That for and in monetary consideration of the sum of **ONE HUNDRED SEVENTY-NINE THOUSAND FOUR HUNDRED EIGHTY-TWO AND NO/100 DOLLARS (\$179,482.00)** paid by **GRANTEE**, and the further consideration described in Sections 8, 9, 10 and 11, the City of Dallas does by these presents **QUITCLAIM** unto the said **GRANTEE**, subject to the conditions, reservations, 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 tracts 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 suit 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, and conditions of this ordinance.

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

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

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

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

SECTION 8. That as a condition of this abandonment and as a part of the consideration for the quitclaim to **GRANTEE** herein, **GRANTEE**, its successors and assigns, agree to indemnify, defend, release and hold harmless the City of Dallas as to any and all claims for damages, fines, penalties, costs or expenses to persons or property that may arise out of, or be occasioned by or from: (i) the use and occupancy of the areas 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 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**, 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 areas 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** shall ensure the sidewalks at all driveways intersecting with Manderville Lane or Midtown Boulevard must be constructed to be continuous, clear and level across the driveway and level with the existing sidewalk.

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 tracts 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 11. That as a condition of this abandonment and as a part of the consideration for the quitclaim made herein, **GRANTEE** shall, immediately upon the passage 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 12. 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, 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 13. That this ordinance is also designated for City purposes as Contract No. DEV-2017-00002466.

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:
CHRISTOPHER J. CASO,
Interim City Attorney

KRIS SWECKARD, Director
Department of Sustainable Development and
Construction

BY:  BY: 
Assistant City Attorney Assistant Director

Passed _____.

BEING a 7,280 square feet or 0.167 acre tract of land situated in the David Barrow Survey, Abstract No.177, City of Dallas, Dallas County, Texas; and being part of City of Dallas Block 7291, being a portion of Midtown Boulevard a 37-foot right-of-way as shown on the plat of Urban Village West, an addition to the City of Dallas, Texas; according to the plat thereof recorded in Instrument No. 200900202731, Official Public Records, Dallas County, Texas, and being adjacent to Official City of Dallas Blocks B/7291 and C/7291 and being more particularly described as follows:

BEGINNING at a 5/8-inch iron rod with red plastic cap stamped "KHA" found for the southeast corner of Lot 2, Block B/7291 of said Urban Village West addition and being in the west line of a 60-foot right-of-way to Dallas Power and Light as recorded in Volume 3188, Page 618, Deed Records Dallas County, Texas;

THENCE with the east terminus line of said Midtown Boulevard and the west line of said Dallas Power and Light right-of-way, South $0^{\circ}19'16''$ East, a distance of 37.00 feet to a 5/8-inch iron rod with red plastic cap stamped "KHA" found for the northeast corner of Lot 1, Block C/7291 of said Urban Village West addition;

THENCE departing said west right-of-way line, and with the south right-of-way line of said Midtown Boulevard and with the north line of said Lot 1, Block C/7291, the following courses and distances, to wit:

South $89^{\circ}59'51''$ West, a distance of 164.57 feet to an "X" cut in concrete found at the beginning of a non-tangent curve to the left having a central angle of $35^{\circ}55'26''$, a radius of 59.50 feet, a chord bearing and distance of South $51^{\circ}57'46''$ West, 36.70 feet;

In a southwesterly direction, with said curve to the left, an arc distance of 37.31 feet to a mag nail with washer stamped "RPLS 5336" "BLOCK B/7291" found at the beginning of a non-tangent curve to the left having a central angle of $46^{\circ}25'11''$, a radius of 114.50 feet, a chord bearing and distance of North $2^{\circ}10'03''$ West, 90.25 feet;

THENCE departing said south right-of-way line and said north line, over and across said City of Dallas Block 7291 in a northwesterly direction, with said curve to the left, an arc distance of 92.77 feet to an "X" cut in concrete found in the north right-of-way line of said Midtown Boulevard, and being in the south line of said Lot 2, Block B/7291 and being at the beginning of a reverse curve to the left having a central angle of $46^{\circ}38'39''$, a radius of 58.50 feet, a chord bearing and distance of South $48^{\circ}41'57''$ East, 46.32 feet;

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

In a southeasterly direction, with said curve to the left, an arc distance of 47.62 feet to an "X" cut in concrete found for corner;

North $89^{\circ}59'51''$ East, a distance of 161.88 feet to the **POINT OF BEGINNING** and containing 7,280 square feet or 0.167 acres of land.

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

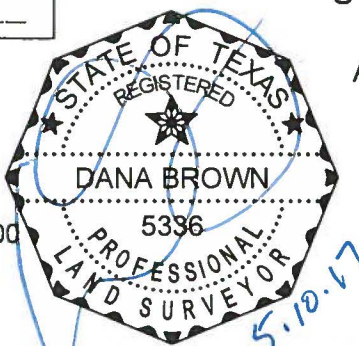
(For SPRG use only)

Reviewed By: G.S.

Date: 6-14-17

SPRG NO: 4001

DANA BROWN
REGISTERED PROFESSIONAL
LAND SURVEYOR NO. 5336
12750 MERIT DRIVE, SUITE 1000
DALLAS, TEXAS 75251
PH. 972-770-1300
dana.brown@kimley-horn.com



**STREET RIGHT OF WAY ABANDONMENT
MIDTOWN BOULEVARD
ADJACENT TO CITY BLOCK B/7291 & C/7291
DAVID BARROW SURVEY, ABSTRACT NO. 177
CITY OF DALLAS, DALLAS COUNTY, TEXAS**

Kimley»Horn

12750 Merit Drive, Suite 1000
Dallas, Texas 75251

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	JUNE 2016	06447800	1 OF 2

CURVE TABLE				
NO.	DELTA	RADIUS	LENGTH	CHORD BEARING
C1	35°55'26"	59.50'	37.31'	S51°57'46"W
C2	46°25'11"	114.50'	92.77'	N02°10'03"W
C3	46°38'39"	58.50'	47.62'	S48°41'57"E
				CHORD
				36.70'
				90.25'
				46.32'

DALLAS AREA RAPID TRANSIT (D.A.R.T.)
(100-FOOT WIDE RIGHT-OF-WAY)
VOLUME 88083, PAGE 4905 D.R.D.C.T

DALLAS POWER & LIGHT
COMPANY EASEMENT
(60-FOOT WIDE RIGHT-OF-WAY)
VOLUME 3188, PAGE 618 D.R.D.C.T

STREET RIGHT OF WAY ABANDONMENT
MIDTOWN BOULEVARD
ADJACENT TO CITY BLOCK B/7291 & C/7291
DAVID BARROW SURVEY, ABSTRACT NO. 177
CITY OF DALLAS, DALLAS COUNTY, TEXAS

Kimley»Horn

12750 Merit Drive, Suite 1000
Dallas, Texas 75251
Tel. No. (972) 770-1300
Fax No. (972) 238-3820

Scale 1" = 40'
Drawn by DWP
Checked by DAB
Date JUNE 2015
Project No. 05447800
Sheet No. 2 OF 2

(For SPRG use only)

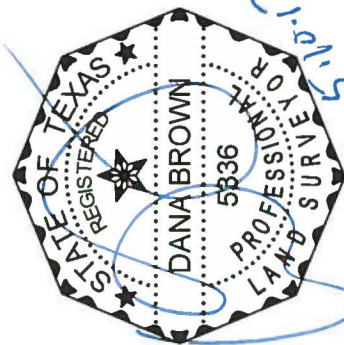
Reviewed By: G.S.

Date: 6-14-17

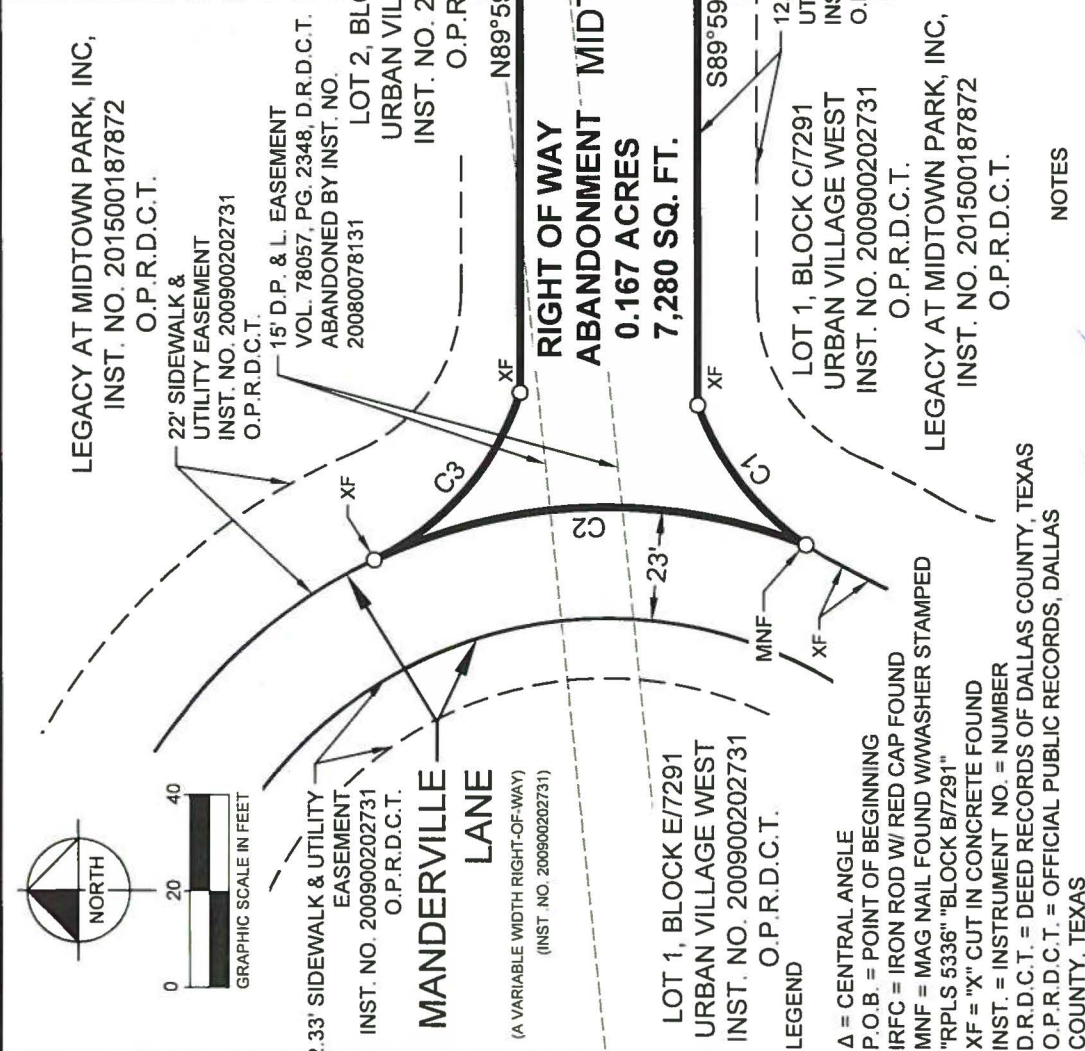
SPRG NO: 4001

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

NOTES



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BEING a 2,138 square foot or 0.049 acre tract of land situated in the David Barrow Survey, Abstract No. 177, City of Dallas, Dallas County, Texas; and being part of Lot 2, Block B/7291, of Urban Village West, an addition to the City of Dallas, Texas, according to the plat thereof recorded in Instrument No. 200900202731, Official Public Records, Dallas County, Texas, and being part of a tract of land described in Special Warranty Deed to Legacy At Midtown Park, Inc. recorded in Instrument No. 201500187872, Official Public Records, Dallas County, Texas; and being part of a sidewalk and utility easement, as shown on said Urban Village West plat, and being more particularly described as follows:

BEGINNING at a 5/8-inch iron rod with red plastic cap stamped "KHA" found in the north right-of-way line of Midtown Boulevard (a 37-foot right-of-way), and being the southeast corner of said Lot 2, Block B/7291 and being in the west line of a 60-foot right-of-way to Dallas Power and Light as recorded in Volume 3188, Page 618, Deed Records Dallas County, Texas, from which a 5/8-inch iron rod with plastic cap stamped "KHA" found for the northeast corner of Lot 1, Block C/7291 of said Urban West Village addition, bears South 00°19'16" East, a distance of 37.00 feet;

THENCE departing said west line of 60-foot right-of-way, and with said north right-of-way line of Midtown Boulevard and the south line of said Lot 2, Block B/7291, South 89°59'51" West, a distance of 161.88 feet to an "X" cut in concrete found;

THENCE departing said north right-of-way line of Midtown Boulevard, and south line of said Lot 2, Block B/7291, over and across said Lot 2, Block B/7291, North 19°29'35" West, a distance of 28.69 feet to a 5/8-inch iron rod with plastic cap stamped "KHA" set in the northeast line of said sidewalk and utility easement, and being the beginning of a tangent curve to the left having a central angle of 3°24'49", a radius of 136.50 feet, a chord bearing and distance of North 21°11'52" West, 8.13 feet;

THENCE with said northeast line of said sidewalk and utility easement, the following courses and distances, to wit:

In a northwesterly direction, with said curve to the left, an arc distance of 8.13 feet to a 5/8-inch iron rod with plastic cap stamped "KHA" set at the beginning of a non-tangent reverse curve to the left having a central angle of 67°05'52", a radius of 36.50 feet, a chord bearing and distance of South 56°27'12" East, 40.34 feet;

In a southeasterly direction, with said curve to the left, an arc distance of 42.74 feet to a 5/8-inch iron rod with plastic cap stamped "KHA" set;

North 89°59'51" East, a distance of 140.71 feet to a 5/8-inch iron rod with plastic cap stamped "KHA" set in said west line of a 60-foot right-of-way, and being in the east line of said Lot 2, Block B/7291;

THENCE with said west line of said 60-foot right-of-way and the east line of said Lot 2, Block B/7291, South 0°19'06" East, a distance of 12.33 feet to the **POINT OF BEGINNING** and containing 2,138 square feet or 0.049 acres of land.

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

(For SPRG use only)

Reviewed By: G.S.
Date: 6-15-17
SPRG NO: 4139

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SIDEWALK AND UTILITY
EASEMENT ABANDONMENT
LOT 2, BLOCK B/7291
URBAN VILLAGE WEST
DAVID BARROW SURVEY, ABSTRACT NO. 177
CITY OF DALLAS, DALLAS COUNTY, TEXAS

Kimley»Horn

12750 Merit Drive, Suite 1000 Dallas, Texas 75251 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	JAN 2017	064261015	1 OF 2

CURVE TABLE					
NO.	DELTA	RADIUS	LENGTH	CHORD BEARING	CHORD
C1	3°24'49"	136.50'	8.13'	N21°11'52"W	8.13'
C2	67°05'52"	36.50'	42.74'	S56°27'12"E	40.34'

DALLAS AREA RAPID TRANSIT (D.A.R.T.)
(100-FOOT WIDE RIGHT-OF-WAY)
VOLUME 88083, PAGE 4905 D.R.D.C.T

DALLAS POWER & LIGHT
COMPANY EASEMENT
(60-FOOT WIDE RIGHT-OF-WAY)
VOLUME 3188, PAGE 618 D.R.D.C.T

P.O.B.

(For SPRG use only)
Reviewed By: G.S.
Date: 6-14-17
SPRG NO: 4139

Kimley»Horn

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Project No. 064261015
Date JAN 2017
Checked by DWP
Scale 1" = 40'
Sheet No. 2 OF 2

**SIDEWALK AND UTILITY
EASEMENT ABANDONMENT**
0.049 ACRES
2,138 SQ. FT.

MIDTOWN BOULEVARD

LEGACY AT MIDTOWN PARK, INC.,
INST. NO. 201500187872
O.P.R.D.C.T.

LOT 2, BLOCK B/7291
URBAN VILLAGE WEST
INST. NO. 200900202731
O.P.R.D.C.T.

22' SIDEWALK &
UTILITY EASEMENT
INST. NO. 200900202731
O.P.R.D.C.T.

12.33' SIDEWALK
& UTILITY EASEMENT
INST. NO. 200900202731
O.P.R.D.C.T.

**MANDERVILLE
LANE**

(A VARIABLE WIDTH RIGHT-OF-WAY)
(INST. NO. 200900202731)
O.P.R.D.C.T.

LOT 1, BLOCK E/7291
URBAN VILLAGE WEST
INST. NO. 200900202731
O.P.R.D.C.T.

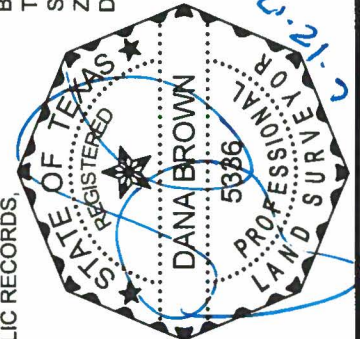
LEGEND

- Δ = CENTRAL ANGLE
- P.O.C. = POINT OF COMMENCING
- P.O.B. = POINT OF BEGINNING
- IRSC = 5/8" IRON ROD W/ RED "KHA" CAP SET
- IRFC = IRON ROD W/ RED CAP FOUND
- XF = "X" CUT IN CONCRETE FOUND
- INST. = INSTRUMENT NO. = NUMBER
- D.R.D.C.T. = DEED RECORDS OF DALLAS COUNTY, TEXAS
- O.P.R.D.C.T. = OFFICIAL PUBLIC RECORDS, DALLAS COUNTY, TEXAS
- CM = CONTROL MONUMENT

LEGACY AT MIDTOWN PARK, INC.,
INST. NO. 201500187872
O.P.R.D.C.T.

LOT 1, BLOCK C/7291
URBAN VILLAGE WEST
INST. NO. 200900202731
O.P.R.D.C.T.

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



**SIDEWALK AND UTILITY
EASEMENT ABANDONMENT**
LOT 2, BLOCK B/7291
URBAN VILLAGE WEST

DAVID BARROW SURVEY, ABSTRACT NO. 177
CITY OF DALLAS, DALLAS COUNTY, TEXAS

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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 Information Sheet

File #: 18-1038

Item #: 24.

STRATEGIC PRIORITY: Mobility Solutions, Infrastructure, and Sustainability
AGENDA DATE: November 28, 2018
COUNCIL DISTRICT(S): 2
DEPARTMENT: Department of Sustainable Development and Construction
EXECUTIVE: Majed Al-Ghafry

SUBJECT

An ordinance abandoning portions of an alley to Commerce-Canton Investors LLC, Westdale Futura Lofts, Ltd. and Westdale Properties America I, Ltd., the abutting owners, containing a total of approximately 4,744 square feet of land, located near the intersection of Murray and Commerce Streets; and authorizing the quitclaim; and providing for the dedication of approximately 1,629 square feet of land needed for a wastewater easement - Revenue: \$181,458.00, plus the \$20.00 ordinance publication fee

BACKGROUND

This item authorizes the abandonment of portions of an alley to Commerce-Canton Investors LLC, Westdale Futura Lofts, Ltd. and Westdale Properties America I, Ltd., the abutting owners. The area will be included with the property of the abutting owners to expand use of an existing warehouse. The owner will dedicate approximately 1,629 square feet of land needed for a wastewater easement. The abandonment fee is based on an independent appraisal.

Notices were sent to 17 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 November 26, 2018.

FISCAL INFORMATION

Revenue: \$181,458.00, plus the \$20.00 ordinance publication fee

OWNERS

Commerce-Canton Investors LLC

Richard Flaten, Jr., Managing Member

Westdale Futura Lofts, Ltd.

JGB Ventures I, Ltd., General Partner

JGB Holdings, Inc., General Partner

Joseph G. Beard, President

Westdale Properties America I, Ltd.

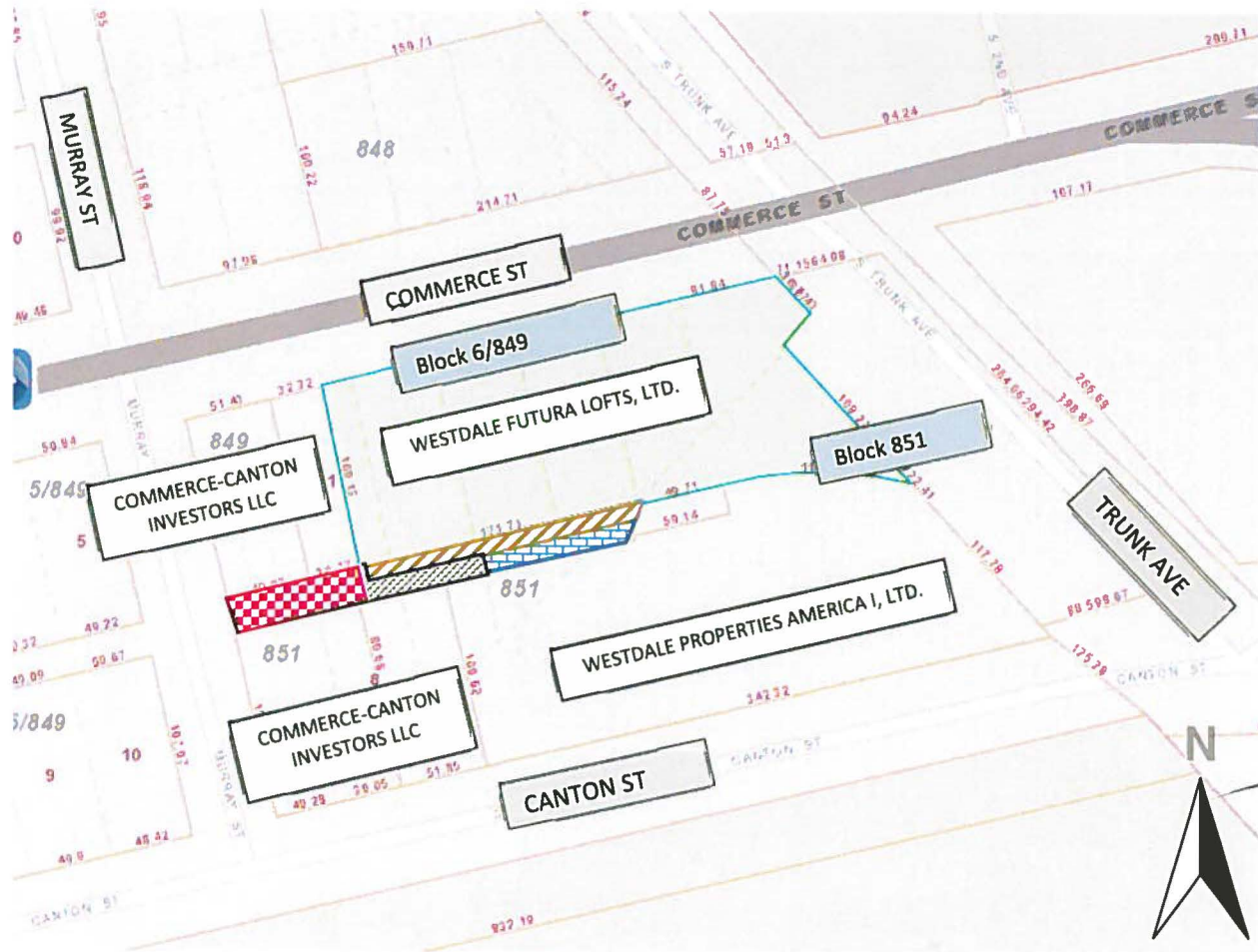
JGB Ventures I, Ltd., General Partner

JGB Holdings, Inc., General Partner

Joseph G. Beard, President

MAP

Attached



ABANDONMENT AREAS:

Commerce Canton Investors, LLC - **Tract I** -



Westdale Futura Lofts, Ltd. - **Tract II** -



Westdale Properties America I, Ltd. - **Tract III** -



WASTEWATER DEDICATION AREA:



ORDINANCE NO. _____

An ordinance providing for the abandonment of portions of an alley located adjacent to City Blocks 6/849 and 851 in the City of Dallas and County of Dallas, Texas; subject to a reverter; providing for the quitclaim thereof to Commerce-Canton Investors LLC, Westdale Futura Lofts, Ltd. and Westdale Properties America I, Ltd.; 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 Commerce-Canton Investors LLC, a Texas limited liability company, Westdale Futura Lofts, Ltd., a Texas limited partnership, and Westdale Properties America I, Ltd., a Texas limited partnership, hereinafter referred to collectively as **GRANTEE**, deems it advisable to abandon and quitclaim, subject to a reverter, the hereinafter described tracts of land to **GRANTEE**, and is of the opinion that, subject to the terms and conditions and reverter herein provided, said portions of alley are 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, 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 tracts of land described in Exhibit A, which is attached hereto and made a part hereof for all purposes, be and the same is abandoned, vacated and closed

insofar as the right, title and interest of the public are concerned; subject, however, to the 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 **ONE HUNDRED EIGHTY-ONE THOUSAND FOUR HUNDRED FIFTY-EIGHT AND NO/100 DOLLARS (\$181,458.00)** 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 tracts of land hereinabove described in Exhibit A as follows: unto Commerce-Canton Investors LLC, all of its right, title and interest in Tract I of Exhibit A; unto Westdale Futura Lofts, Ltd., all of its right, title and interest in Tract II of Exhibit A; and unto Westdale Properties America I, Ltd., all of its right, title and interest in Tract III of Exhibit A. Provided however, that if **GRANTEE**, their 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 suit 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 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**, their 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**, 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. 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:

- (a) acknowledge AT&T, Dallas Water Utilities and Public Works have facilities in the abandonment area and reserve rights described in Exhibit B.
- (b) retain a minimum 20' wastewater easement centered on the existing 8" wastewater main by separate instrument.

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 tracts 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 11. That as a condition of this abandonment and as a part of the consideration for the quitclaim made herein, **GRANTEE** shall convey a wastewater easement 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, to certain properties located in City Block 6/849, containing approximately 1,629 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 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 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 ordinance, 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**, their 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-2018-00006769 for Commerce-Canton Investors LLC, Contract No. DEV-2018-00006770 for Westdale Futura Lofts, Ltd. and Contract No. DEV-2018-00006771 for Westdale Properties America I, Ltd.

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:
CHRISTOPHER J. CASO,
Interim City Attorney

KRIS SWECKARD, Director
Department of Sustainable Development and
Construction

BY:  Assistant City Attorney *MA* BY:  Assistant Director *SOL*

Passed _____.

Exhibit A -- Tract I

BEING a 2,065 square feet (0.047 acre) tract of land situated in the John Grigsby Survey, Abstract No. 495, City of Dallas, Dallas County, Texas and being part of a 20-foot wide alley right-of-way adjacent to City of Dallas Block 6/849, and dedicated per plat of J. Bopp Sr Homestead Subdivision, an addition to the City of Dallas, Texas according to the plat thereof recorded in Volume 121, Page 161, Deed Records of Dallas County, Texas and being more particularly described as follows:

BEGINNING at a 1/2" iron rod found at the intersection of the northeast right-of-way line of Murray Street (a 50-foot wide right-of-way, formerly Gonzalez Street, Ganzer Street, Volume 121, Page 161, Deed Records of Dallas County, Texas) and the southeast right-of-way line of said alley and at the northwest corner of Lot 8, Block 6/849 and the northwest corner of a 8,247 square foot tract of land described in Special Warranty Deed to Commerce-Canton Investors LLC, recorded in Instrument No. 201400302330, Official Public Records of Dallas County, Texas;

THENCE with said northeast right-of-way line, North 14°43'07" West, a distance of 20.00 feet to a 5/8" iron rod with plastic cap stamped "KHA" set at the intersection of the northwest right-of-way line of said alley and said northeast right-of-way line of Murray Street and at the southwest corner of a 8,947 square foot tract land described in said Commerce-Canyon Investors LLC Special Warranty Deed and at the southwest corner of Lot 1 of said Block 6/849;

THENCE departing said northeast right-of-way line and with said northwest right-of-way line, the southeast line of Lot 1 and Lot 2, of said Block 6/849 and the southeast line of said 8,947 square foot tract, North 75°31'48" East, a distance of 81.50 feet to a 5/8" iron rod with plastic cap stamped "KHA" set at the southeast corner of said 8,947 square foot tract and at the southwest corner of a 32,717 square foot tract of land described as "Tract II" in Special Warranty Deed to Westdale Futura Lofts, Ltd., recorded in Instrument No. 201000194221, Official Public Records of Dallas County, Texas;

THENCE departing said northwest right-of-way and said southeast line of Lot 2, Block 6/849, over and across said alley, the following courses and distances to wit:

South 14°28'12" East, a distance of 10.00 feet to a 5/8" iron rod with plastic cap stamped "KHA" set for corner;
North 75°31'48" East, a distance of 43.59 feet to a 5/8" iron rod with plastic cap stamped "KHA" set for corner;
South 14°28'12" East, a distance of 10.00 feet to a 1/2" iron rod with plastic cap stamped "Hennessey" found in the southeast right-of-way line of said alley and in the northwest line of Lot 10, of said Block 6/849, at the northeast corner of a 5,512 square foot tract of land described in Special Warranty Deed to Commerce-Canton Investors, LLC, recorded in Instrument No. 201400302331, Official Public Records of Dallas County, Texas and at the northwest corner of a 0.807 acre tract of land described in Special Warranty Deed to Westdale Properties America I, Ltd., recorded in Volume 2000167, Page 2156, Deed Records of Dallas County, Texas;

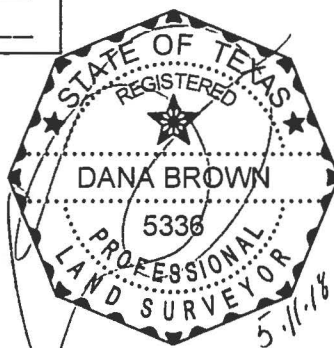
THENCE with said southeast right-of-way line and the northwest line of said Lot 10, Lot 9 and Lot 8, Block 6/849 and the northwest line of said 5,512 square foot tract and the northwest line of said 8,247 square foot tract, South 75°31'48" West, a distance of 125.01 feet to the **POINT OF BEGINNING** and containing 2,065 square feet or 0.047 acres of land.

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

(For SPRG use only)

Reviewed By: JD
Date: 7/11/2018
SPRG NO: 4557

DANA BROWN
REGISTERED PROFESSIONAL
LAND SURVEYOR NO. 5336
13455 NOEL ROAD
TWO GALLERIA OFFICE TOWER
SUITE 700
DALLAS, TEXAS 75240
PH. (972) 770-1300
dana.brown@kimley-horn.com



ALLEY RIGHT-OF-WAY
ABANDONMENT
ADJACENT TO CITY OF DALLAS BLOCK 6/849
JOHN GRIGSBY SURVEY, ABSTRACT NO. 495
CITY OF DALLAS
DALLAS COUNTY, TEXAS

Kimley»Horn

13455 Noel Road, Two Galleria Office
Tower, Suite 700, Dallas, Texas 75240

FIRM # 10115500

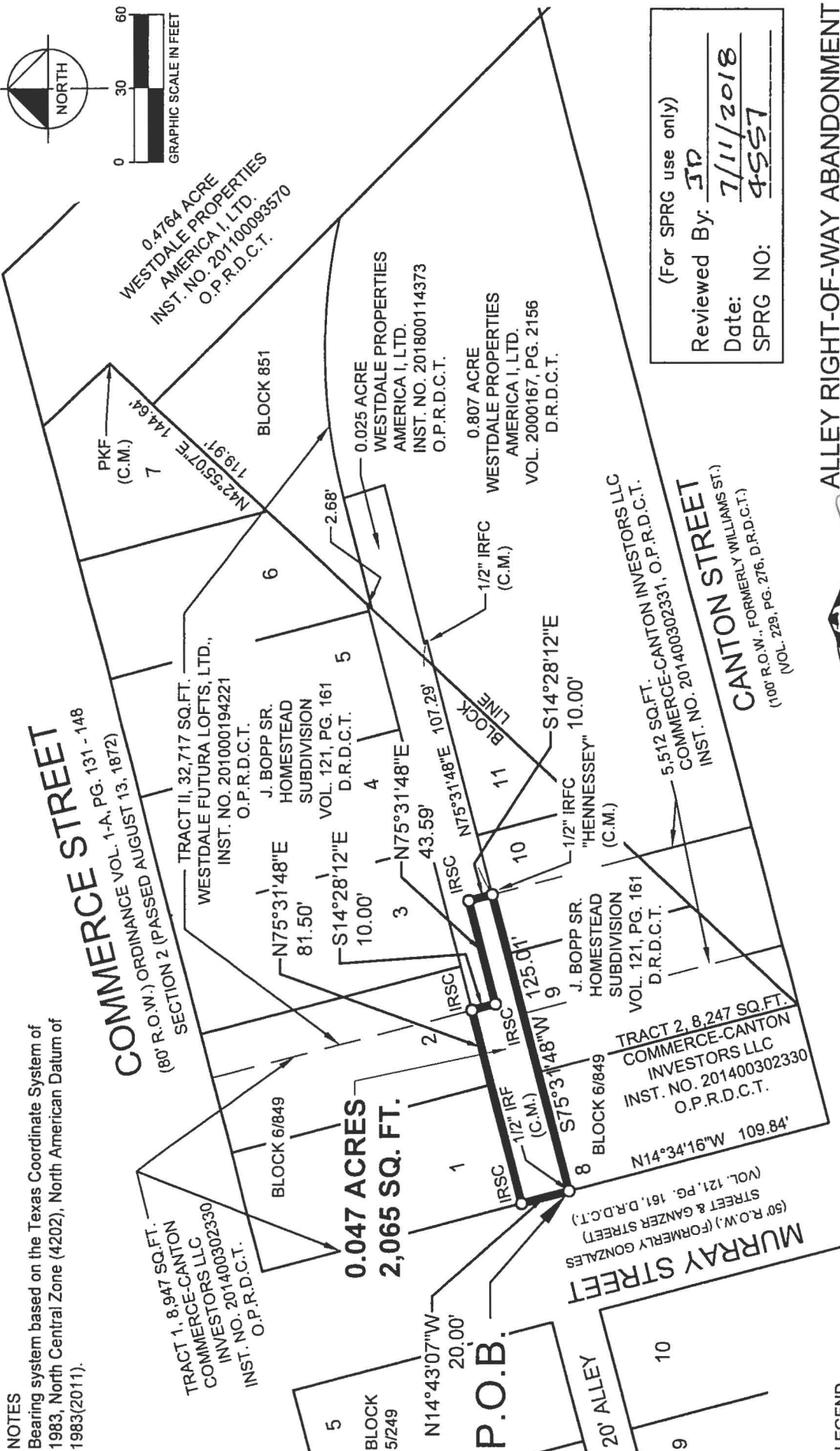
Tel. No. (972) 770-1300
Fax No. (972) 239-3820

Scale	Drawn by	Checked by	Date	Project No.	Sheet No.
N/A	SRD	DAB	MAY. 2018	064405804	1 OF 2

NOTES

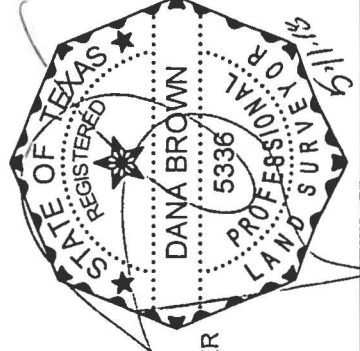
Bearing system based on the Texas Coordinate System of 1983, North Central Zone (4202), North American Datum of 1983(2011).

Exhibit A - Tract 1



(For SPRG use only)
Reviewed By: JD
Date: 7/11/2018
SPRG NO: 4557

ALLEY RIGHT-OF-WAY ABANDONMENT
ADJACENT TO CITY OF DALLAS BLOCK 6/849
JOHN GRIGSBY SURVEY, ABSTRACT NO. 495
CITY OF DALLAS
DALLAS COUNTY, TEXAS



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FIRM # 10115500
Tel. No. (972) 770-1300
Fax No. (972) 239-3820
Project No. 064405604
Date MAY. 2018
Checked by DAB
Drawn by SRD
Scale 1" = 60'
Sheet No. 2 OF 2

Exhibit A – Tract II

BEING a 1,636 square feet (0.038 acre) tract of land situated in the John Grigsby Survey, Abstract No. 495, City of Dallas, Dallas County, Texas and being part of a 20-foot wide alley right-of-way adjacent to City of Dallas Block 6/849 and Block 851, and dedicated per plat of J. Bopp Sr Homestead Subdivision, an addition to the City of Dallas, Texas according to the plat thereof recorded in Volume 121, Page 161, Deed Records of Dallas County, Texas and being more particularly described as follows:

COMMENCING at a 1/2" iron rod found at the intersection of the northeast right-of-way line of Murray Street (a 50-foot wide right-of-way, formerly Gonzalez Street, Ganzer Street, Volume 121, Page 161, Deed Records of Dallas County, Texas) and the southeast right-of-way line of said alley and at the northwest corner of Lot 8 of said Block 6/849 and the northwest corner of a 8,247 acre tract of land described in Special Warranty Deed to Commerce-Canton Investors LLC, recorded in Instrument No. 201400302330, Official Public Records of Dallas County, Texas;

THENCE departing said northeast right-of-way line of Murray Street, with the southeast right-of-way line and the northwest line of Lot 8, Lot 9, Lot 10 and Lot 11, Block 6/849, the northwest line of said 8,247 square foot tract and the northwest line of a 5,512 square foot tract of land described in Special Warranty Deed to Commerce-Canton Investors, LLC, recorded in Instrument No. 201400302331, Official Public Records of Dallas County, Texas, North 75°31'48" East, at a distance of 125.01 feet passing a 1/2" iron rod with plastic cap stamped "Hennessey" found in the northwest line of said Lot 10, Block 6/849 at the northeast corner of said 5,512 square foot tract and at the northwest corner of a 0.807 acre tract of land described in Special Warranty Deed to Westdale Properties America I, Ltd., recorded in Volume 2000167, Page 2156, Deed Records of Dallas County, Texas, continuing with the northwest line of said Lot 10 and Lot 11, Block 6/849 and the northwest line of said 0.807 acre tract, in all a total distance of 221.53 feet to a 5/8" iron rod with plastic cap stamped "KHA" set at the southernmost end of the easterly terminus of said alley right-of-way, at the easternmost corner of said Lot 11, Block 6/849 and at the southwest corner of a 0.025 acre tract of land described in Special Warranty Deed to Westdale Properties America I, Ltd., recorded in Instrument No. 201800114373, Official Public Records of Dallas County, Texas;

THENCE departing the north line of said 0.807 acre tract and with the easterly terminus of said alley right-of-way and the west line of said 0.025 acre tract, North 42°55'07" East, a distance of 18.55 feet to a 5/8" iron rod with plastic cap stamped "KHA" set for corner;

THENCE departing said easterly terminus and said west line of the 0.025 acre tract, over and across said alley right-of-way, the following courses and distances to wit:

South 75°31'48" West, a distance of 155.74 feet to a 5/8" iron rod with plastic cap stamped "KHA" set for corner;

(For SPRG use only)

Reviewed By: JD
Date: 7/11/2018
SPRG NO: 4558

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ALLEY RIGHT-OF-WAY
ABANDONMENT
ADJACENT TO CITY OF DALLAS BLOCK 6/849
AND BLOCK 851
JOHN GRIGSBY SURVEY, ABSTRACT NO. 495
CITY OF DALLAS
DALLAS COUNTY, TEXAS

Kimley»Horn

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FIRM # 10115500

Tel. No. (972) 770-1300
Fax No. (972) 239-3620

Scale	Drawn by	Checked by	Date	Project No.	Sheet No.
N/A	SRD	DAB	MAY 2018	064405804	1 OF 3

Exhibit A – Tract II

North 14°28'12" West, a distance of 10.00 feet to a 5/8" iron rod with plastic cap stamped "KHA" set for corner in the northwest line of said alley right-of-way and the southeast line of Lot 2 of said Block 6/849 at the southeast corner of a 8,947 square foot tract of land described in Special Warranty Deed to Commerce-Canton Investors, LLC, recorded in Instrument No. 201400302330, Official Public Records of Dallas County, Texas and the southwest corner of a 32,717 square foot tract of land described as "Tract II" in Special Warranty Deed to Westdale Futura Lofts, Ltd., recorded in Instrument No. 201000194221, Official Public Records of Dallas County, Texas;

THENCE with said northwest right-of-way line, the southeast line of Lot 2, Lot 3, Lot 4, Lot 5 and Lot 6, of said Block 6/849, and the southeast line of said 32.717 acre tract, North 75°31'48" East, a distance of 171.37 feet to a 5/8" iron rod with plastic cap stamped "KHA" set at the northernmost end of said easterly terminus, at a southerly corner of said Lot 6, Block 6/849 and at an interior corner of said 32,717 square foot tract;

THENCE departing said southeast line of Lot 6, Block 6/849, with said eastly terminus and said southeast line of the 32,717 square foot tract, South 42°55'07" West, at a distance of 2.68 feet, passing the northwest corner of said 0.025 acre tract, continuing with said easterly terminus and the west line of said 0.025 acre tract, in all a total distance of 18.55 feet to the **POINT OF BEGINNING** and containing 1,636 square feet or 0.038 acres of land.

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

(For SPRG use only)

Reviewed By: JD
Date: 7/11/2018
SPRG NO: 4558

ALLEY RIGHT-OF-WAY ABANDONMENT

ADJACENT TO CITY OF DALLAS BLOCK 6/849
AND BLOCK 851
JOHN GRIGSBY SURVEY, ABSTRACT NO. 495
CITY OF DALLAS
DALLAS COUNTY, TEXAS

DANA BROWN
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FIRM # 10115500

Tel. No. (972) 770-1300
Fax No. (972) 239-3820

Scale
N/A

Drawn by
SRD

Checked by
DAB

Date
MAY 2018

Project No.
064405604

Sheet No.
2 OF 3

NOTES

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

COMMERCE STREET

(80' R.O.W.) ORDINANCE VOL. 1-A, PG. 131 - 148
SECTION 2 (PASSED AUGUST 13, 1972)

TRACT 1, 8,947 SQ.FT.
COMMERCE-CANTON
INVESTORS LLC
INST. NO. 201400302330
O.P.R.D.C.T.

TRACT II, 32,717 SQ.FT.
WESTDALE FUTURA LOFTS, LTD.,
INST. NO. 201000194221
O.P.R.D.C.T.

J. BOPP SR.
HOMESTEAD SUBDIVISION
VOL. 121, PG. 161
M.R.D.C.T.

0.038 ACRES
1,636 SQ. FT.

P.O.C.

P.O.B.

MURRAY STREET
(50' R.O.W.) (FORMERLY GONZALES
STREET & GANZER STREET)
VOL. 121, PG. 148, M.R.D.C.T.)

TRACT 2, 8,247 SQ.FT.
COMMERCE-CANTON
INVESTORS LLC
INST. NO. 201400302330
O.P.R.D.C.T.

J. BOPP SR.
HOMESTEAD
SUBDIVISION
VOL. 121, PG. 161
M.R.D.C.T.

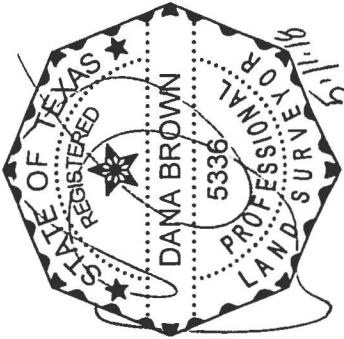
5,512 SQ.FT.
COMMERCE-CANTON INVESTORS LLC
INST. NO. 201400302331, O.P.R.D.C.T.

CANTON STREET
(100' R.O.W., FORMERLY WILLIAMS ST.)
VOL. 229, PG. 276, D.R.D.C.T.)

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
- PKF = PK NAIL FOUND
- M.R.D.C.T. = MAP RECORDS OF DALLAS COUNTY, TEXAS
- 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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FIRM # 10115500

Scale	Drawn by	Checked by	Date	Project No.	Sheet No.
1" = 60'	SRD	DAB	MAY, 2018	064405604	3 OF 3

(For SPRG use only)
Reviewed By: JD
Date: 7/11/2018
SPRG NO: 4558

ALLEY RIGHT-OF-WAY ABANDONMENT
ADJACENT TO CITY OF DALLAS BLOCK 6/849
AND BLOCK 851
JOHN GRIGSBY SURVEY, ABSTRACT NO. 495
CITY OF DALLAS
DALLAS COUNTY, TEXAS

Exhibit A Tract III

BEING a 1,043 square feet (0.024 acre) tract of land situated in the John Grigsby Survey, Abstract No. 495, City of Dallas, Dallas County, Texas and being part of a 20-foot wide alley right-of-way adjacent to City of Dallas Block 6/849 and Block 851, and dedicated per plat of J. Bopp Sr. Homestead Subdivision, an addition to the City of Dallas, Texas according to the plat thereof recorded in Volume 121, Page 161, Map Records of Dallas County, Texas and being more particularly described as follows:

COMMENCING at a 1/2" iron rod found at the intersection of the northeast right-of-way line of Murray Street (a 50-foot wide right-of-way, formerly Gonzalez Street, Ganzer Street, Volume 121, Page 161, Map Records of Dallas County, Texas) and the southeast right-of-way line of said alley and at the northwest corner of Lot 8 of said Block 6/849 and the northwest corner of a 8,247 square foot tract of land described in Special Warranty Deed to Commerce-Canton Investors LLC, recorded in Instrument No. 201400302330, Official Public Records of Dallas County, Texas;

THENCE departing said northeast right-of-way line of Murray Street, with the said southeast right-of-way line, the northwest line of Lot 8, Lot 9, and Lot 10, Block 6/849, the northwest line of said 8,247 square foot tract and the northwest line of a 5,512 square foot tract of land described in Special Warranty Deed to Commerce-Canton Investors, LLC, recorded in Instrument No. 201400302331, Official Public Records of Dallas County, Texas, North 75°31'48" East, at a distance of 125.01 feet to a 1/2" iron rod with plastic cap stamped "Hennessey" found in the northwest line of said Lot 10, Block 6/849 at the northeast corner of said 5,512 square foot tract and at the northwest corner of a 0.807 acre tract of land described in Special Warranty Deed to Westdale Properties America I, Ltd., recorded in Volume 2000167, Page 2156, Deed Records of Dallas County, Texas for the **POINT OF BEGINNING**;

THENCE departing said southeast right-of-way line over and across said alley right-of-way, the following courses and distances to wit:

North 14°28'12" West, a distance of 10.00 feet to a 5/8" iron rod with plastic cap stamped "KHA" set for corner;
North 75°31'48" East, a distance of 112.15 feet to a 5/8" iron rod with plastic cap stamped "KHA" set in the easterly terminus of said alley right-of-way and the west line of a 0.025 acre tract of land described in Special Warranty Deed to Westdale Properties America I, Ltd., recorded in Instrument No. 201800114373, Official Public Records of Dallas County, Texas;

THENCE with said easterly terminus and said west line of the 0.025 acre tract, South 42°55'07" West, a distance of 18.55 feet to a 5/8" iron rod with plastic cap stamped "KHA" set in the north line of said 0.807 acre tract, at the southernmost end of said easterly terminus and at the southwest corner of said 0.025 acre tract;

THENCE with said southeast right-of-way line, the northwest line of Lot 10 and Lot 11, Block 6/849 and the northwest line of said 0.807 acre tract, South 75°31'48" West, a distance of 96.52 feet to the **POINT OF BEGINNING** and containing 1,043 square feet 0.024 acres of land.

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

(For SPRG use only)

Reviewed By: JD
Date: 7/11/2018
SPRG NO: 4559

DANA BROWN
REGISTERED PROFESSIONAL
LAND SURVEYOR NO. 5336
13455 NOEL ROAD
TWO GALLERIA OFFICE TOWER
SUITE 700
DALLAS, TEXAS 75240
PH. (972) 770-1300
dana.brown@kimley-horn.com



ALLEY RIGHT-OF-WAY
ABANDONMENT
ADJACENT TO CITY OF DALLAS BLOCK 6/849
AND BLOCK 851
JOHN GRIGSBY SURVEY, ABSTRACT NO. 495
CITY OF DALLAS
DALLAS COUNTY, TEXAS

Kimley»Horn

13455 Noel Road, Two Galleria Office
Tower, Suite 700, Dallas, Texas 75240

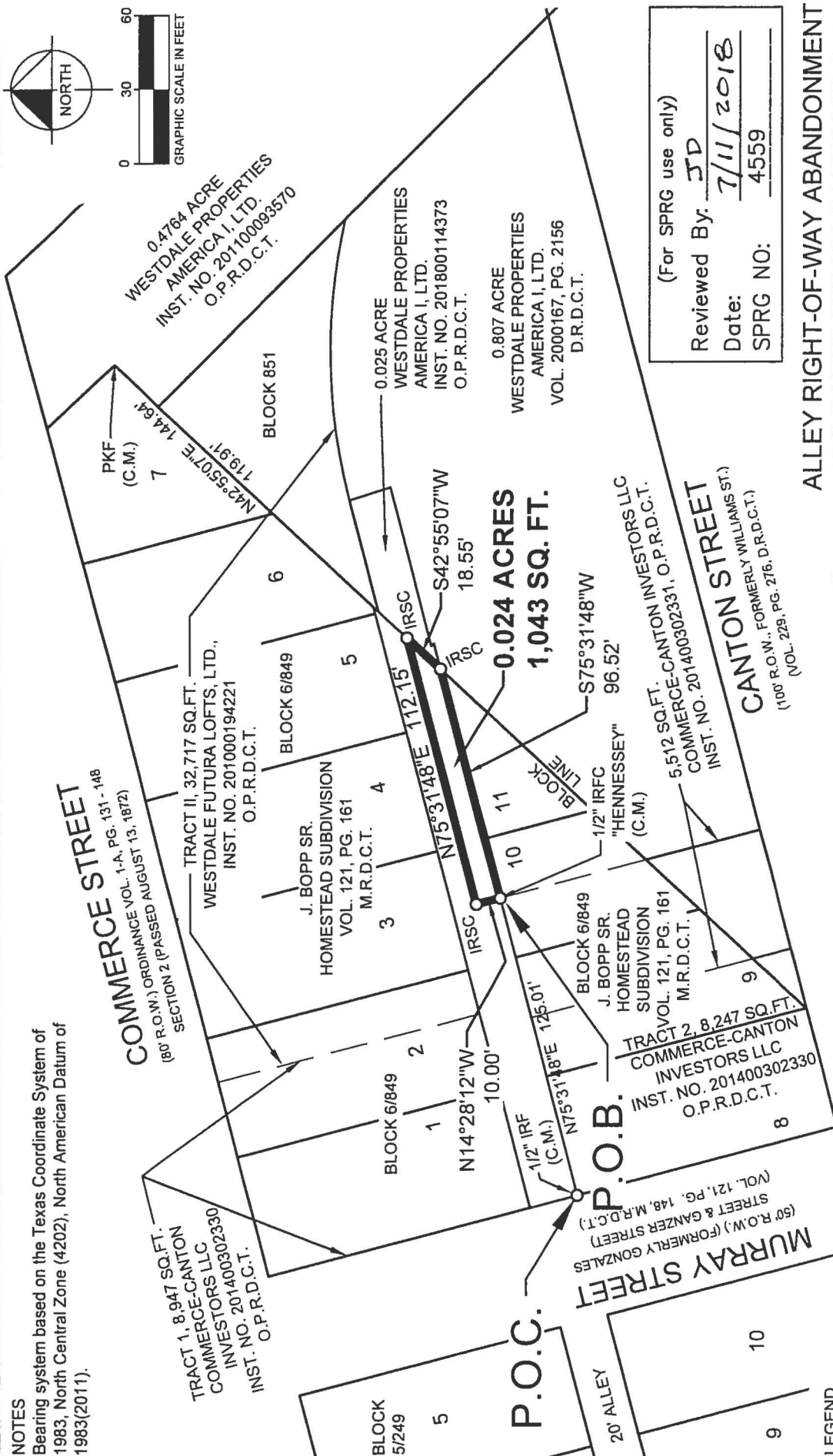
FIRM # 10115500

Tel. No. (972) 770-1300
Fax No. (972) 239-3820

Scale	Drawn by	Checked by	Date	Project No.	Sheet No.
N/A	SRD	DAB	MAY. 2018	064405604	1 OF 2

NOTES

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



(For SPRG use only)

Reviewed By: JD

Date: 7/11

SPRG NO: 4559

ALLEY RIGHT-OF-WAY ABANDONMENT
ADJACENT TO CITY OF DALLAS BLOCK 6/849

AND BLOCK 851

JOHN GRIGSBY SURVEY, ABSTRACT NO. 495

CITY OF DALLAS

DALLAS COUNTY, TEXAS

Kimley»»Horn
Tel. No. (972) 443-1100
Two Galleria Office
Two Galleria Road

13455 Noel Road, Two Galleria Office
Tower, Suite 700, Dallas, Texas 75240
FIRM # 10115500
Tel. No. (972) 770-1300
Fax No. (972) 239-3820

FIRM # 10115500

100

Project No. _____
Sheet No. _____

064405604 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.

BEING a 1,629 square feet (0.037 acre) tract of land situated in the John Grigsby Survey, Abstract No. 495, City of Dallas, Dallas County, Texas and being part of a 20-foot wide alley right-of-way adjacent to City of Dallas Block 6/849, and dedicated per plat of J. Bopp Sr Homestead Subdivision, an addition to the City of Dallas, Texas according to the plat thereof recorded in Volume 121, Page 161, Deed Records of Dallas County, Texas and being more particularly described as follows:

BEGINNING at a 1/2" iron rod found at the intersection of the northeast right-of-way line of Murray Street (a 50-foot wide right-of-way, formerly Gonzalez Street, Ganzer Street, Volume 121, Page 161, Deed Records of Dallas County, Texas) and the southeast right-of-way line of said alley and at the northwest corner of Lot 8, Block 6/849 and the northwest corner of a 8,247 square foot tract of land described in Special Warranty Deed to Commerce-Canton Investors LLC, recorded in Instrument No. 201400302330, Official Public Records of Dallas County, Texas;

THENCE with said northeast right-of-way line, North 14°43'07" West, a distance of 20.00 feet to a 5/8" iron rod with blue plastic cap stamped "EASEMENT KHA" set at the intersection of the northwest right-of-way line of said alley and said northeast right-of-way line of Murray Street and at the southwest corner of a 8,947 square foot tract land described in said Commerce-Canyon Investors LLC Special Warranty Deed and at the southwest corner of Lot 1 of said Block 6/849;

THENCE departing said northeast right-of-way line and with said northwest right-of-way line, the southeast line of Lot 1 and Lot 2, of said Block 6/849 and the southeast line of said 8,947 square foot tract, North 75°31'48" East, a distance of 81.50 feet to a 5/8" iron rod with blue plastic cap stamped "EASEMENT KHA" set at the southeast corner of said 8,947 square foot tract and at the southwest corner of a 32,717 square foot tract of land described as "Tract II" in Special Warranty Deed to Westdale Futura Lofts, Ltd., recorded in Instrument No. 201000194221, Official Public Records of Dallas County, Texas;

THENCE departing said northwest right-of-way and said southeast line of Lot 2, Block 6/849, over and across said alley, South 14°28'12" East, a distance of 20.00 feet to a 5/8" iron rod with blue plastic cap stamped "EASEMENT KHA" set for corner in the southeast right-of-way line of said alley and in the northwest line of Lot 9, of said Block 6/849, and in the northwest line of a 5,512 square foot tract of land described in Special Warranty Deed to Commerce-Canton Investors, LLC, recorded in Instrument No. 201400302331, Official Public Records of Dallas County, Texas, from which a 1/2" iron rod found bears North 75°31'48" East, a distance of 150.88 feet;

THENCE with said southeast right-of-way line and the northwest line of said Lot 9 and Lot 8, Block 6/849 and the northwest line of said 5,512 square foot tract and the northwest line of said 8,247 square foot tract, South 75°31'48" West, a distance of 81.42 feet to the **POINT OF BEGINNING** and containing 1,629 square feet or 0.037 acres of land.

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

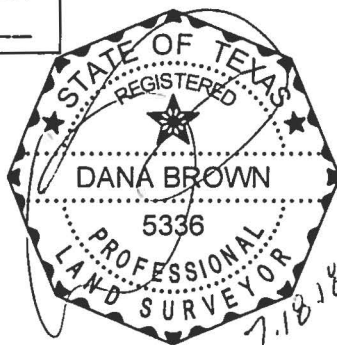
(For SPRG use only)

Reviewed By: JD

Date: 8/1/2018

SPRG NO: 4600

DANA BROWN
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WASTEWATER EASEMENT
ADJACENT TO CITY OF DALLAS BLOCK 6/849
JOHN GRIGSBY SURVEY, ABSTRACT NO. 495
CITY OF DALLAS
DALLAS COUNTY, TEXAS

Kimley»Horn

13455 Noel Road, Two Galleria Office
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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	JULY 2018	064405604	1 OF 2

NOTES

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

Exhibit C

COMMERCE STREET
(80' R.O.W.) ORDINANCE VOL. 1-A, PG. 131 - 148
SECTION 2 (PASSED AUGUST 13, 1872)

TRACT 1, 8.947 SQ.FT.
COMMERCE-CANTON
INVESTORS LLC
INST. NO. 201400302330
O.P.R.D.C.T.

TRACT II, 32,717 SQ.FT.
WESTDALE FUTURA LOFTS, LTD.,
INST. NO. 201000194221
O.P.R.D.C.T.

BLOCK 6/849

J. BOPP SR.
HOMESTEAD
SUBDIVISION
VOL. 121, PG. 161
D.R.D.C.T.

0.037 ACRES
1,629 SQ. FT.

1/2" IRFC (C.M.)

1/2" IRFC (C.M.)

1/2" IRFC (C.M.)

1/2" IRFC (C.M.)

1/2" IRFC (C.M.)

1/2" IRFC (C.M.)

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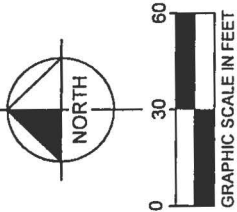
1/2" IRFC (C.M.)

1/2" IRFC (C.M.)

1/2" IRFC (C.M.)

1/2" IRFC (C.M.)

1/2" IRFC (C.M.)



0.4764 ACRE
WESTDALE PROPERTIES
AMERICA I, LTD.
INST. NO. 201000983570
O.P.R.D.C.T.

BLOCK 851

0.025 ACRE
WESTDALE PROPERTIES
AMERICA I, LTD.
INST. NO. 201800114373
O.P.R.D.C.T.

0.807 ACRE
WESTDALE PROPERTIES
AMERICA I, LTD.
VOL. 2000167, PG. 2156
D.R.D.C.T.

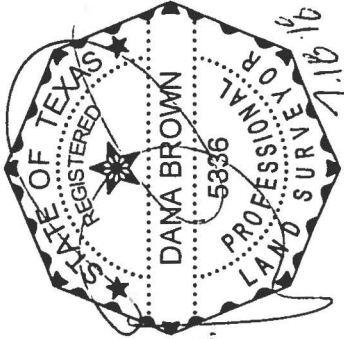
JOHN GRIGSBY SURVEY
ABSTRACT NO. 495

TRACT 2, 8,247 SQ.FT.
COMMERCE-CANTON
INVESTORS LLC
INST. NO. 201400302331, O.P.R.D.C.T.

CANTON STREET
(100' R.O.W., FORMERLY WILLIAMS ST.)
(VOL. 229, PG. 276, D.R.D.C.T.)

(For SPRG use only)
Reviewed By: JD
Date: 8/1/2018
SPRG NO: 4600

WASTEWATER EASEMENT
ADJACENT TO CITY OF DALLAS BLOCK 6/849
JOHN GRIGSBY SURVEY, ABSTRACT NO. 495
CITY OF DALLAS
DALLAS COUNTY, TEXAS



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Scale	Drawn by	Checked by	Date	Project No.	Sheet No.
1" = 60'	SRD	DAB	JULY 2018	064405604	2 OF 2

LEGEND

P.O.C. = POINT OF COMMENCING
P.O.B. = POINT OF BEGINNING
C.M. = CONTROLLING MONUMENT
IRSC = 5/8" IRON ROD W/ BLUE
"EASEMENT KHA" CAP SET
IRFC = IRON ROD W/CAP FOUND
PKF = PK NAIL FOUND
M.R.D.C.T. = MAP RECORDS OF DALLAS
COUNTY, TEXAS
D.R.D.C.T. = DEED RECORDS OF DALLAS
COUNTY, TEXAS
O.P.R.D.C.T. = OFFICIAL PUBLIC
RECORDS, DALLAS COUNTY, TEXAS



Agenda Information Sheet

File #: 18-664

Item #: 25.

STRATEGIC PRIORITY: Mobility Solutions, Infrastructure, and Sustainability
AGENDA DATE: November 28, 2018
COUNCIL DISTRICT(S): 14
DEPARTMENT: Department of Sustainable Development and Construction
EXECUTIVE: Majed Al-Ghafry

SUBJECT

An ordinance abandoning a portion of an alley (also known as Howland Street) to OR Asset Holdings, L.P., the abutting owner, containing approximately 3,588 square feet of land, located near the intersection of Howland and Routh Streets; and authorizing the quitclaim; and providing for the dedication of approximately 3,651 square feet of land needed for a wastewater easement - Revenue: \$640,458.00, plus the \$20.00 ordinance publication fee

BACKGROUND

This item authorizes the abandonment of a portion of an alley (also known as Howland Street) to OR Asset Holdings, L.P., the abutting owner. The area will be included with the property of the abutting owner for the construction of a mixed-use development. The owner will dedicate approximately 3,651 square feet of land needed for a wastewater easement. The abandonment fee is based on an independent appraisal.

Notices were sent to 28 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 November 26, 2018.

FISCAL INFORMATION

Revenue: \$640,458.00, plus the \$20.00 ordinance publication fee

OWNER

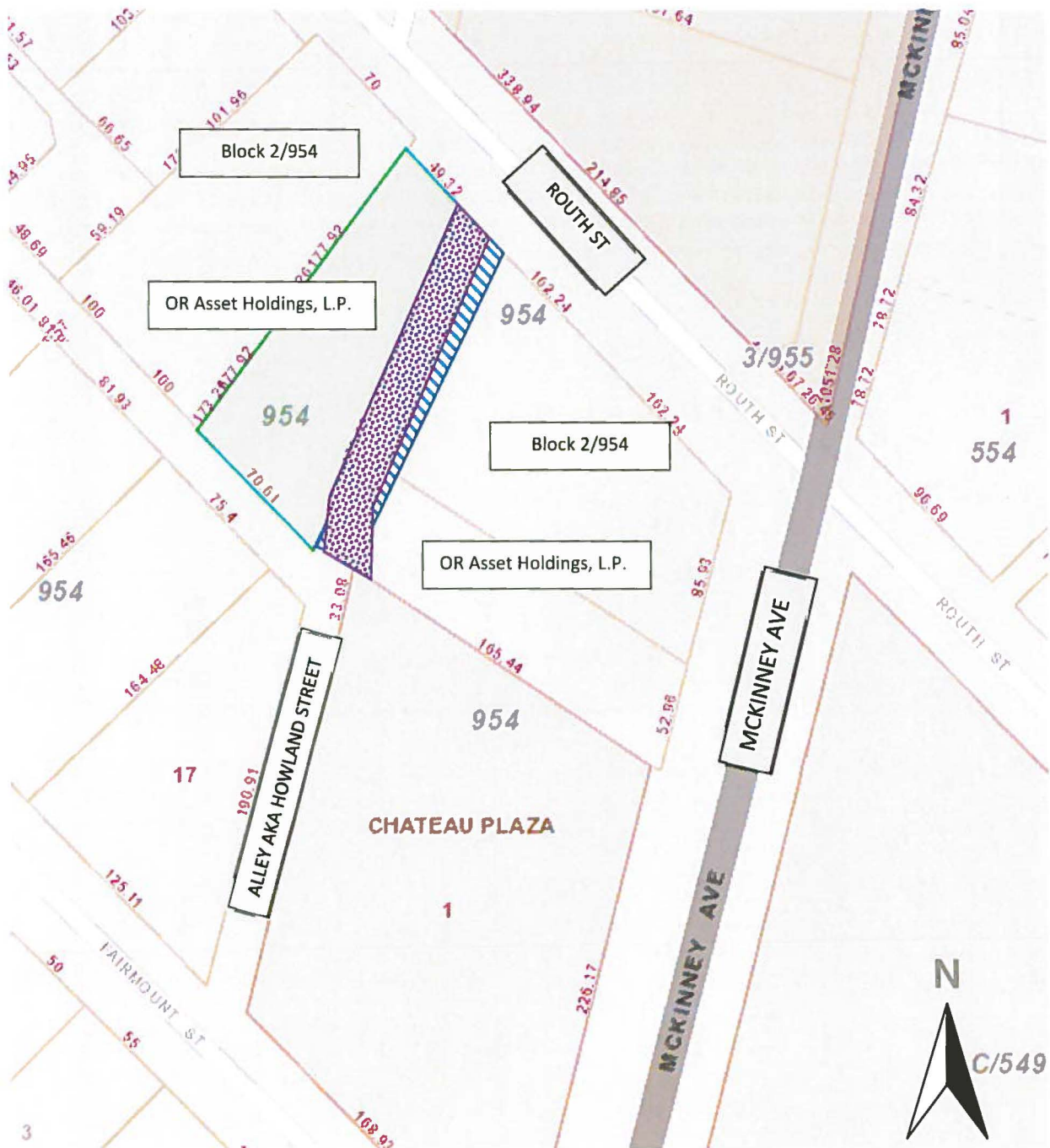
OR Asset Holdings, L.P.

OR Asset Holdings Management, LLC, General Partner

Oscar Renda, Manager

MAP

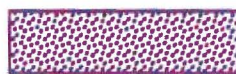
Attached



ABANDONMENT AREA:



DEDICATION AREA:



ORDINANCE NO. _____

An ordinance providing for the abandonment of a portion of an alley (also known as Howland Street) located adjacent to City Block 2/954 in the City of Dallas and County of Dallas, Texas; subject to a reverter; providing for the quitclaim thereof to OR Asset Holdings, L.P; 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 OR Asset Holdings, L.P., a Texas limited partnership, 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 terms and conditions and reverter herein provided, said portion of an alley also referred publicly as Howland Street 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, 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 **SIX HUNDRED FORTY THOUSAND FOUR HUNDRED FIFTY-EIGHT AND NO/100 DOLLARS (\$640,458.00)** 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 suit 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 General Fund, Fund 0001, Department DEV, Unit 1183, Object 5011 and any remaining proceeds shall be transferred to the General Capital Reserve Fund, Fund 0625, Department BMS, Unit 8888, Revenue Code 8416.

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

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

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

SECTION 8. That as a condition of this abandonment and as a part of the consideration for the quitclaim to **GRANTEE** herein, **GRANTEE**, its successors and assigns, agree to indemnify, defend, release and hold harmless the City of Dallas as to any and all claims for damages, fines, penalties, costs or expenses to persons or property that may arise out of, or be occasioned by or from: (i) the use and occupancy of the area described in Exhibit A by **GRANTEE**, its successors and assigns; (ii) the presence, generation, spillage, discharge, release, treatment or disposition of any Hazardous Substance on or affecting the area set out in Exhibit A; (iii) all corrective actions concerning any discovered Hazardous Substances on or affecting the area described in Exhibit A, which **GRANTEE**,

its successors and assigns, agree to undertake and complete in accordance with applicable federal, state and local laws and regulations; and (iv) the abandonment, closing, vacation and quitclaim by the City of Dallas of the area set out in Exhibit A. **GRANTEE**, its successors and assigns, hereby agree to defend any and all suits, claims, or causes of action brought against the City of Dallas on account of same, and discharge any judgment or judgments that may be rendered against the City of Dallas in connection therewith. For purposes hereof, "Hazardous Substance" means the following: (a) any "hazardous substances" under the Comprehensive Environmental Response, Compensation, and Liability Act, 42 U.S.C. Section 9601 et seq., as amended; (b) any "hazardous substance" under the Texas Hazardous Substances Spill Prevention and Control Act, TEX. WATER CODE, Section 26.261 et seq., as amended; (c) petroleum or petroleum-based products (or any derivative or hazardous constituents thereof or additives thereto), including without limitation, fuel and lubricating oils; (d) any "hazardous chemicals" or "toxic chemicals" under the Occupational Safety and Health Act, 29 U.S.C. Section 651 et seq., as amended; (e) any "hazardous waste" under the Resource Conservation and Recovery Act, 42 U.S.C. Section 6901 et seq., as amended; and (f) any "chemical substance" under the Toxic Substance Control Act, 15 U.S.C. Section 2601 et seq., as amended. 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 located before a certified copy of this ordinance shall be delivered to **GRANTEE**.

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 convey a wastewater easement to the City of Dallas, within 90 days of the effective date of this ordinance, in, under, through, across and along certain properties located in City Block 2/954 containing approximately

3,651 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 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 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 12. 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 ordinance, 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 13. 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: (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 14. That this ordinance is also designated for City purposes as Contract No. DEV-2018-00005620.

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

APPROVED AS TO FORM:
CHRISTOPHER J. CASO,
Interim City Attorney

KRIS SWECKARD, Director
Department of Sustainable Development and
Construction

BY:


Assistant City Attorney

BY:


Assistant Director

Passed _____.

**ALLEY RIGHT-OF-WAY ABANDONMENT
MAHONS SUBDIVISION OF HOMESTEAD
ADJACENT TO BLOCK 2/954
JOHN GRIGSBY SURVEY, ABSTRACT NO. 495
CITY OF DALLAS, DALLAS COUNTY, TEXAS**

Exhibit A

Being a 3,588 square foot (0.082 acre) tract of land situated in the John Grigsby Survey, Abstract No. 495, adjacent to City of Dallas Block 2/954, Dallas County, Texas, and being a part of an unnamed public right-of-way (called 40 foot right-of-way), created by Mahons Subdivision of Homestead, an Addition to the City of Dallas, Dallas County, Texas, according to the map recorded in Volume 90, Page 610, Deed Records, Dallas County, Texas, adjacent to a tract of land conveyed to OR Asset Holdings, LP, a Texas limited partnership, described as Tract 1 and Tract 2, by Special Warranty Deed recorded in Instrument No. 201000127406, Official Public Records, Dallas County, Texas, said 3,600 square foot tract being also part of a 20 foot alley called out in Deed from S.A. Mahon to J.G. Davis, filed December 22, 1894, recorded in Volume 192, Page 262, Deed Records, Dallas County, Texas, and in Deed from S.A. Mahon to W.S. Shaw, filed April 9, 1892, recorded in Volume 153, Page 556, Deed Records, Dallas County, Texas, and being more particularly described by metes and bounds as follows:

COMMENCING at an "X" found at the common North corner of Lot 1, Block 2/954 of Chateau Plaza Addition, an Addition to the City of Dallas, Dallas County, Texas, according to the map recorded in Volume 85012, Page 3579, Deed Records, Dallas County, Texas and the Southwest corner of said OR Asset Holdings Tract 1, said point being on the East right-of-way line of said alley;

THENCE North 12 degrees 13 minutes 51 seconds East, along the West line of said OR Asset Holdings Tract 1, a distance of 0.52 feet to a point for corner and the POINT OF BEGINNING;

THENCE North 62 degrees 54 minutes 31 seconds West, leaving said West line of OR Asset Holdings Tract 1 and traversing through said alley, a distance of 24.06 feet to a point for corner on the East line of a tract of land conveyed to said OR Asset Holdings, LP, described as Tract 2, from which a 1/2 inch iron rod found at the Southeast corner of said OR Asset Holdings Tract 2, for witness having a bearing and distance of South 26 degrees 58 minutes 41 seconds West, 0.50 feet;

THENCE North 26 degrees 58 minutes 41 seconds East, along the East line of said OR Asset Holdings, Tract 2, a distance of 182.87 feet to a 1/2 inch iron rod with a yellow cap stamped "CBG Surveying, Inc." set at the Northeast corner of said OR Asset Holdings, Tract 2, said point being on the Southwest right-of-way line of Routh Street (50 foot right-of-way), created by said Mahons Subdivision of Homestead (southerly 25 feet);

THENCE South 36 degrees 13 minutes 22 seconds East, leaving said corner and traversing through said alley, a distance of 22.41 feet to a 1/2 inch iron rod with a yellow cap stamped "CBG Surveying, Inc." set at the North corner of aforementioned OR Asset Holdings, Tract 1;

THENCE traversing along the West line of said OR Asset Holdings, Tract 1 as follows:

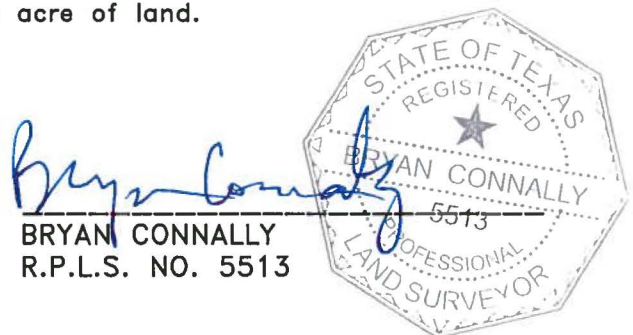
South 26 degrees 58 minutes 41 seconds West, a distance of 157.39 feet to a 1/2 inch iron rod with a yellow cap stamped "CBG Surveying, Inc." set for corner;

South 12 degrees 13 minutes 51 seconds West, a distance of 15.95 feet to the POINT OF BEGINNING and containing 3,588 square feet or 0.082 of an acre of land.

(For SPRG use only)

Reviewed By: JD
Date: 10/11/2018
SPRG No.: 4426

GENERAL NOTES:
BEARINGS ARE BASED ON TEXAS STATE PLANE COORDINATE
SYSTEM, NORTH CENTRAL ZONE, NAD83 (2011).



BRYAN CONNALLY
R.P.L.S. NO. 5513



CBG Surveying, Inc.

PLANNING SURVEYING
12025 Shiloh Road • Suite 230 Dallas, Texas 75228
P 214.349.9485 F 214.349.2216
Firm No. 10168800
www.cbginctx.com

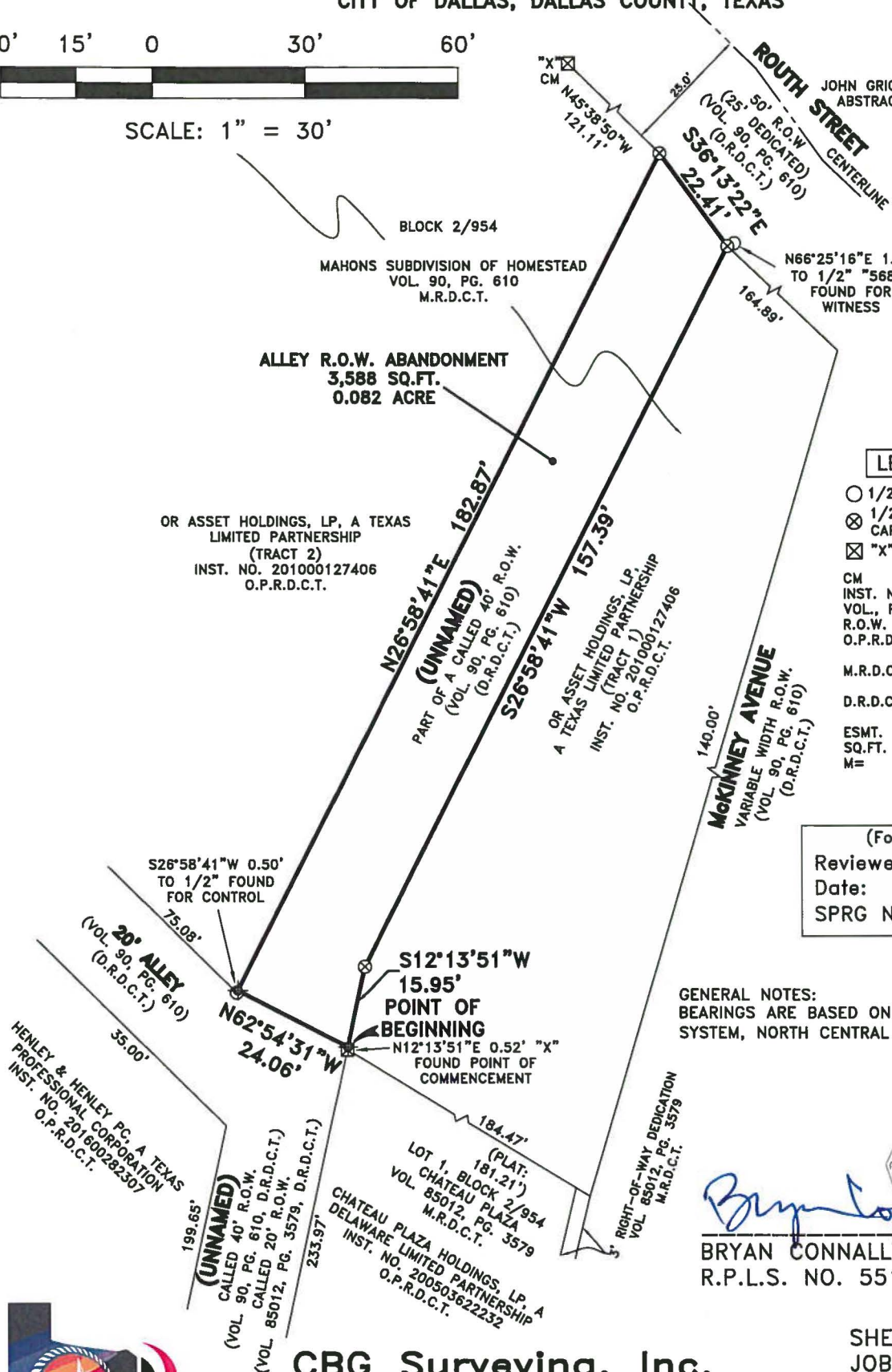
SHEET 1 OF 2
JOB NO. 1726059-1
DRAWN BY: MC
DATE: 12/27/17
REV: 08/27/18

ALLEY RIGHT-OF-WAY ABANDONMENT
MAHONS SUBDIVISION OF HOMESTEAD
ADJACENT TO BLOCK 2/954
JOHN GRIGSBY SURVEY, ABSTRACT NO. 495
CITY OF DALLAS, DALLAS COUNTY, TEXAS

Exhibit A



SCALE: 1" = 30'



LEGEND

- 1/2" IRON ROD FOUND
- ⊗ 1/2" IRON ROD YELLOW
- ⊗ CAP "CBG SURVEYING, INC."
- ⊗ "X" CUT FOUND
- CM CONTROL MONUMENT
- INST. NO. INSTRUMENT NUMBER
- VOL., PG. VOLUME, PAGE
- R.O.W. RIGHT-OF-WAY
- O.P.R.D.C.T. OFFICIAL PUBLIC RECORDS, DALLAS COUNTY, TEXAS
- M.R.D.C.T. MAP RECORDS, DALLAS COUNTY, TEXAS
- D.R.D.C.T. DEED RECORDS, DALLAS COUNTY, TEXAS
- ESMT. EASEMENT
- SQ.FT. SQUARE FEET
- M= MEASURED

(For SPRG use only)

Reviewed By: JP
 Date: 10/11/2018
 SPRG No.: 4426

GENERAL NOTES:
 BEARINGS ARE BASED ON TEXAS STATE PLANE COORDINATE SYSTEM, NORTH CENTRAL ZONE, NAD83 (2011).



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SHEET 2 OF 2
 JOB NO. 1726059-1
 DRAWN BY: MC
 SCALE: 1"=30'
 DATE: 12/27/17
 REV: 08/27/18



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.

**WASTEWATER EASEMENT
MAHONS SUBDIVISION OF HOMESTEAD
ADJACENT TO AND A PART OF BLOCK 2/954
JOHN GRIGSBY SURVEY, ABSTRACT NO. 495
CITY OF DALLAS, DALLAS COUNTY, TEXAS**

Being a 3,651 square foot (0.0838 acre) tract of land situated in the John Grigsby Survey, Abstract No. 495, City of Dallas Block 2/954, Dallas County, Texas, and being a part of an unnamed public right-of-way (called 40 foot right-of-way), created by Mahons Subdivision of Homestead, an Addition to the City of Dallas, Dallas County, Texas, according to the map recorded in Volume 90, Page 610, Deed Records, Dallas County, Texas, being a part of a tract of land conveyed to OR Asset Holdings, LP, a Texas limited partnership, described as Tract 1 and Tract 2, by Special Warranty Deed recorded in Instrument No. 201000127406, Official Public Records, Dallas County, Texas, said 3,651 square foot tract also being a part of a 20 foot alley as called out in Deed from S.A. Mahon to J.G. Davis, filed December 22, 1894, recorded in Volume 192, Page 262, Deed Records, Dallas County, Texas, and in Deed from S.A. Mahon to W.S. Shaw, filed April 9, 1892, recorded in Volume 153, Page 556, Deed Records, Dallas County, Texas, and being more particularly described by metes and bounds as follows:

BEGINNING at an "X" found at the common North corner of Lot 1, Block 2/954 of Chateau Plaza Addition, an Addition to the City of Dallas, Dallas County, Texas, according to the map recorded in Volume 85012, Page 3579, Deed Records, Dallas County, Texas and the Southwest corner of said OR Asset Holdings Tract 1, said point being on the East right-of-way line of said alley;

THENCE North 12 degrees 13 minutes 51 seconds East, along the West line of said OR Asset Holdings Tract 1, a distance of 0.52 feet to an "X" set for corner;

THENCE leaving said West line of OR Asset Holdings Tract 1 and traversing through said alley as follows:

North 62 degrees 54 minutes 31 seconds West, a distance of 18.37 feet to an "X" set for corner;

North 12 degrees 33 minutes 09 seconds East, passing at a distance of 22.84 feet, the East line of said tract of land conveyed to said OR Asset Holdings, LP, described as Tract 2, and traversing through said Tract 2 a total distance of 33.30 feet to a mag nail set for corner;

THENCE North 25 degrees 08 minutes 33 seconds East, continuing to traverse through said OR Asset Holdings, Tract 2, a distance of 153.06 feet to an "X" set for corner on the Southwest right-of-way line of Routh Street (50 foot right-of-way), created by said Mahons Subdivision of Homestead (southerly 25 feet), from which an x-cut found for witness, bears North 45 degrees 38 minutes 50 seconds West, a distance of 113.25 feet;

THENCE South 45 degrees 38 minutes 50 seconds East, along said Southwest right-of-way line of Routh Street, a distance of 7.87 feet to an "X" set at the East corner of said OR Asset Holdings, Tract 2;

THENCE leaving said corner and traversing through said alley as follows:

South 36 degrees 13 minutes 22 seconds East, a distance of 14.32 feet to an "X" set for corner;

South 25 degrees 08 minutes 33 seconds West, a distance of 141.40 feet to a mag nail set for corner;

South 12 degrees 33 minutes 09 seconds West, passing at a distance of 10.78 feet, the West line of aforementioned OR Asset Holdings, Tract 1, and traversing through said Tract 1 a total distance of 36.97 feet to a "Y" set for corner on the North line of aforementioned Lot 1, Block 2/954;

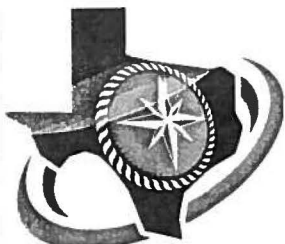
THENCE North 58 degrees 50 minutes 38 seconds West, along the North line of said Lot 1, Block 2/954, a distance of 2.34 feet to the POINT OF BEGINNING and containing 3,651 square feet or 0.0838 of an acre of land.

(For SPRG use only)

Reviewed By: A. Rodriguez
Date: 10/10/18
SPRG No.: 4640

GENERAL NOTES:
BEARINGS ARE BASED ON TEXAS STATE PLANE COORDINATE
SYSTEM, NORTH CENTRAL ZONE 4202, NAD83 (2011).


 BRYAN CONNALLY
 R.P.L.S. NO. 5513



CBG Surveying, Inc.

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 Firm No. 10168800
 www.cbgincotx.com

SHEET 1 OF 2
 JOB NO. 1726059-2
 DRAWN BY: MC
 DATE: 10/02/18

WASTEWATER EASEMENT MAHONS SUBDIVISION OF HOMESTEAD ADJACENT TO AND A PART OF BLOCK 2/954 JOHN GRIGSBY SURVEY, ABSTRACT NO. 495 CITY OF DALLAS, DALLAS COUNTY, TEXAS



SCALE: 1" = 30'

JOHN GRIGSBY SURVEY,
ABSTRACT NO. 495



WASTEWATER ESMT.
3,651 SQ.FT.
0.0838 ACRE

OR ASSET HOLDINGS, LP, A TEXAS
LIMITED PARTNERSHIP
(TRACT 2)
INST. NO. 201000127406
O.P.R.D.C.T.

Line Table		
Line #	Direction	Length
L1	N12°13'51"E	0.52'
L2	N62°54'31"W	18.37'
L3	N12°33'09"E	33.30'
L4	S45°38'50"E	7.87'
L5	S36°13'22"E	14.32'
L6	N58°50'38"W	2.34'
L7	S36°13'22"E	8.08'

LEGEND

- 1/2" IRON ROD FOUND
- ⊗ 1/2" IRON ROD YELLOW
CAP "CBG SURVEYING, INC." SET
- ⊠ "X" CUT FOUND/SET
- ⊕ MAG NAIL SET
- ⊡ "Y" CUT SET
- CM CONTROL MONUMENT
- INST. NO. INSTRUMENT NUMBER
- VOL., PG. VOLUME, PAGE
- R.O.W. RIGHT-OF-WAY
- O.P.R.D.C.T. OFFICIAL PUBLIC RECORDS,
DALLAS COUNTY, TEXAS
- M.R.D.C.T. MAP RECORDS,
DALLAS COUNTY, TEXAS
- D.R.D.C.T. DEED RECORDS,
DALLAS COUNTY, TEXAS
- ESMT. EASEMENT
- SQ.FT. SQUARE FEET
- M= MEASURED

(For SPRG use only)

Reviewed By: A. Rodriguez
Date: 10/10/18
SPRG No.: 4640

GENERAL NOTES:
BEARINGS ARE BASED ON TEXAS STATE PLANE COORDINATE
SYSTEM, NORTH CENTRAL ZONE 4202, NAD83 (2011).

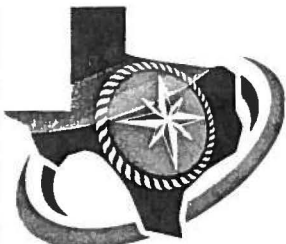


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SHEET 2 OF 2
JOB NO. 1726059-2
DRAWN BY: MC
SCALE: 1"=30'
DATE: 10/02/18





Agenda Information Sheet

File #: 18-936

Item #: 26.

STRATEGIC PRIORITY: Mobility Solutions, Infrastructure, and Sustainability
AGENDA DATE: November 28, 2018
COUNCIL DISTRICT(S): 2
DEPARTMENT: Department of Sustainable Development and Construction
EXECUTIVE: Majed Al-Ghafry

SUBJECT

An ordinance abandoning portions of water and wastewater easements to Henderson Residential Lands (Dallas), LLC, the abutting owner, containing a total of approximately 1,498 square feet of land, located near the intersection of Henderson Avenue and Fuqua Street - Revenue: \$22,253.00, plus the \$20.00 ordinance publication fee

BACKGROUND

This item authorizes the abandonment of portions of water and wastewater easements to Henderson Residential Lands (Dallas), LLC the abutting owner. The area will be included with the property of the abutting owner for the construction of a mixed-use development. The abandonment fee is based on Dallas Central Appraisal District values.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

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

FISCAL INFORMATION

Revenue: \$22,253.00 plus the \$20.00 ordinance publication fee

OWNER

Henderson Residential Lands (Dallas), LLC

David Thompson, Manager

MAP

Attached

Water and Wastewater Abandonment areas:

ORDINANCE NO. _____

An ordinance providing for the abandonment and relinquishment of portions of water and wastewater easements, located in 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, relinquishment and quitclaim made herein; providing for a new easement to the City of Dallas and the relocation of existing facilities; providing for the indemnification of the City of Dallas against damages arising out of the abandonments herein; providing for the consideration to be paid to the City of Dallas; providing a future effective date for the abandonment, relinquishment and quitclaim made herein; providing for the payment of the publication fee; and providing an effective date for this ordinance.

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, 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 and future effective date hereinafter more fully set out.

SECTION 2. That for and in monetary consideration of the sum of **TWENTY-TWO THOUSAND TWO HUNDRED FIFTY-THREE AND NO/100 DOLLARS (\$22,253.00)** 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, future effective date and exceptions hereinafter made and with the restrictions and upon the covenants below stated, all its right, title and interest in and to the certain tracts or parcels 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 areas 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 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**, 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 areas set out in Exhibit A. **GRANTEE**, its successors and assigns hereby agree to defend any and all suits, claims, or causes of action brought against the City of Dallas on account of same, and discharge any judgment or judgments that may be rendered against the City of Dallas in connection therewith. For purposes hereof, "Hazardous Substance" means the following: (a) any "hazardous substances" under the Comprehensive Environmental Response, Compensation, and Liability Act, 42 U.S.C. Section 9601 et seq., as amended; (b) any "hazardous substance" under the Texas Hazardous Substances Spill Prevention and Control Act, TEX. WATER CODE, Section 26.261 et seq., as amended; (c) petroleum or petroleum-based products (or any derivative or hazardous constituents thereof or additives thereto), including without limitation, fuel and lubricating oils; (d) any "hazardous chemicals" or "toxic chemicals" under the Occupational Safety and Health Act, 29 U.S.C. Section 651 et seq., as amended; (e) any "hazardous waste" under the Resource Conservation and Recovery Act, 42 U.S.C. Section 6901 et seq., as amended; and (f) any "chemical substance" under the Toxic Substance Control Act, 15 U.S.C. Section 2601 et seq., as amended. References to particular acts or codifications in this definition include all past and future amendments thereto, as well as applicable rules and regulations as now or hereafter promulgated thereunder.

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

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

SECTION 11. That this ordinance is also designated for City purposes as Contract No. DEV-2018-00007366.

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

APPROVED AS TO FORM:
CHRISTOPHER J. CASO,
Interim City Attorney

KRIS SWECKARD, Director
Department of Sustainable Development and
Construction

BY: _____

Assistant City Attorney

BY: _____

Assistant Director

Passed _____.

WATER AND WASTEWATER EASEMENT ABANDONMENT
PART OF LOT 30,
SITUATED IN BLOCK D/1979, ROSS AVENUE ANNEX
JAMES M. PATTERSON SURVEY, ABSTRACT NO. 1121
CITY OF DALLAS, DALLAS COUNTY, TEXAS

BEING a 749 square foot (0.0172 acre) tract of land situated in the James M. Patterson Survey, Abstract No. 1121, situated in City of Dallas Block D/1979, City of Dallas, Dallas County, Texas and being all of a 5-foot water and wastewater easement to The City of Dallas, recorded in Volume 90071, Page 2425, Deed Records Dallas County, Texas, and being part of a tract of land described as Tract 3 in General Warranty Deed to Henderson Residential Lands (Dallas), LLC, recorded in Instrument Number 201200343034, Official Public Records, Dallas County, Texas, and being part of Lot 30, Block D/1979 of Ross Avenue 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 more particularly described as follows:

COMMENCING at a 1/2-inch iron rod with yellow plastic cap stamped "SHIELDS & LEE" found at the intersection of the northeast right-of-way line of Henderson Avenue (a variable width right-of-way - recorded in Volume 1, Page 310, Map Records, Dallas County, Texas) with the east right-of-way line of Glencoe Street (a 60-foot right-of-way - recorded in Volume 1, Page 310, Map Records, Dallas County, Texas) and being the northwest corner of said Block D/1979;

THENCE with said northeast right-of-way line of Henderson Avenue and southwest line of Lots 19 through 30, Block D/1979 of said Ross Avenue Annex addition, South 45°06'21" East, a distance of 548.10 feet to a 5/8-inch iron rod with red plastic cap stamped "KHA" set for the west corner of said 5-foot water and wastewater easement and being the **POINT OF BEGINNING**;

THENCE departing said northeast right-of-way line of Henderson Avenue and with the northwest line of said 5-foot water and wastewater easement, over and across said Lot 30, Block D/1979, North 44°23'52" East, a distance of 149.85 feet to a 5/8-inch iron rod with red plastic cap stamped "KHA" set for the north corner of said 5-foot water and wastewater easement and being in the southwest right-of-way line of an 11-foot alley created by said Ross Avenue Annex addition;

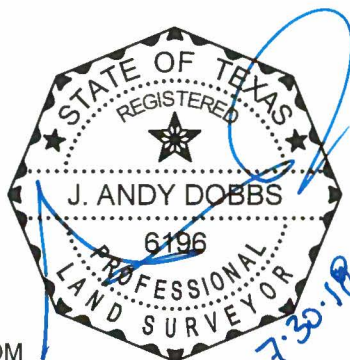
THENCE with said southwest right-of-way line of the 11-foot alley, and northeast line of said Lot 30, Block D/1979, South 45°06'21" East, a distance of 5.00 feet a 1/2-inch iron rod found for the common corner of said Lot 30, Block D/1979 and Lot 31, Block D/1979, of said Ross Avenue Annex addition;

THENCE departing said southwest right-of-way line of the 11-foot alley and with the southeast line of said Lot 30, Block D/1979 and northwest line of said Lot 31, Block D/1979, South 44°23'52" West, a distance of 149.85 feet to a 5/8-inch iron rod with red plastic cap stamped "KHA" set in the northeast right-of-way line of said Henderson Avenue for the south corner of said Lot 30, Block D/1979 and being the west corner of said Lot 31, Block D/1979;

THENCE with said northeast right-of-way line of Henderson Avenue and the southwest line of said Lot 30, Block D/1979, North 45°06'21" West, a distance of 5.00 feet to the **POINT OF BEGINNING** and containing 749 square feet or 0.0172 acres of land.

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

J. ANDY DOBBS
 REGISTERED PROFESSIONAL
 LAND SURVEYOR NO. 6196
 13455 NOEL ROAD
 TWO GALLERIA OFFICE TOWER,
 SUITE 700
 DALLAS, TEXAS 75240
 PH. (972) 770-1300
 ANDY.DOBBS@KIMLEY-HORN.COM



(For SPRG use only)

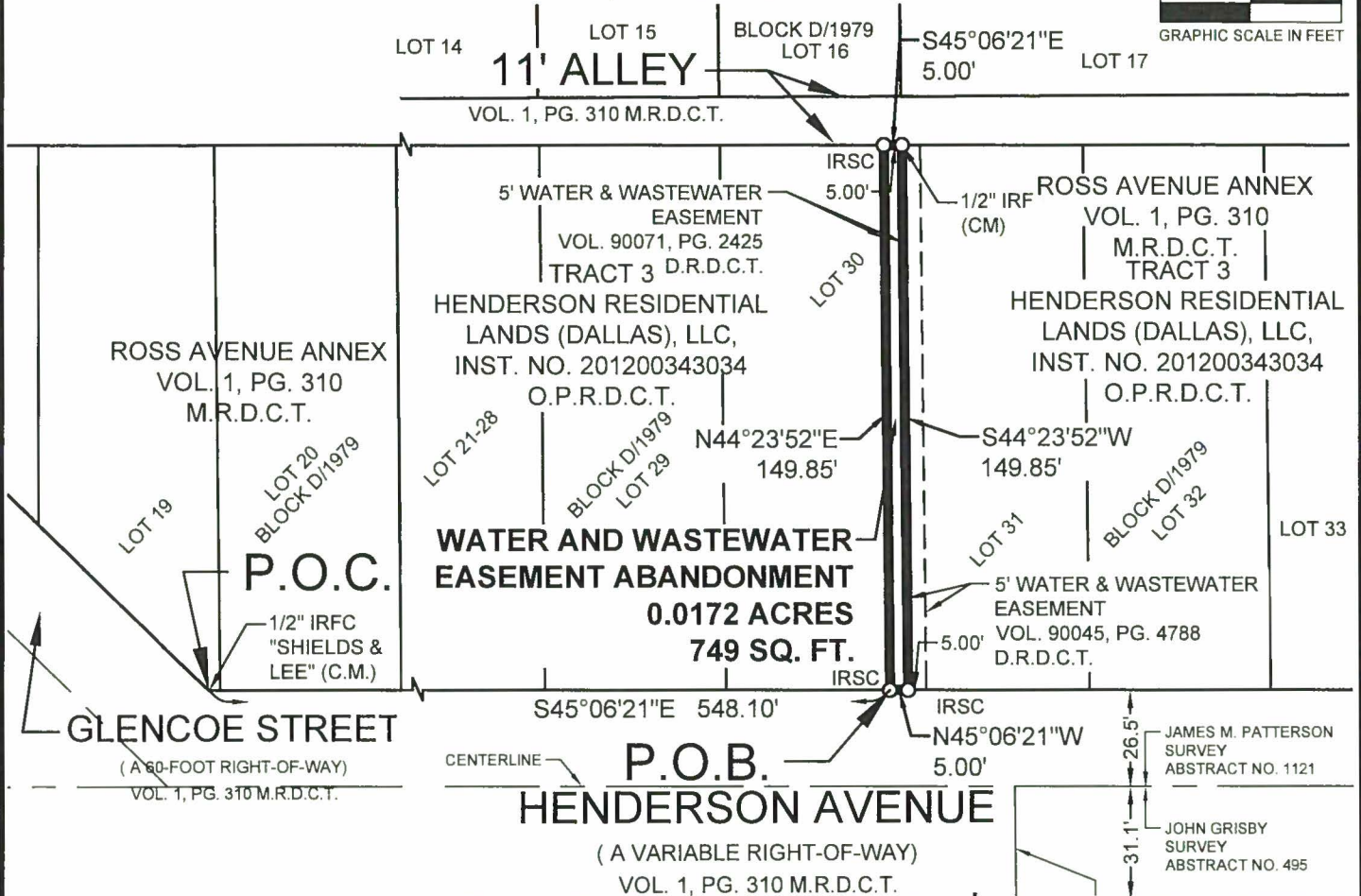
Reviewed By: JD
 Date: 8/1/2018
 SPRG NO: 4598

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	JAD	JULY 2018	064482701	1 OF 2

WATER AND WASTEWATER EASEMENT ABANDONMENT
PART OF LOT 30,
SITUATED IN BLOCK D/1979, ROSS AVENUE ANNEX
JAMES M. PATTERSON SURVEY, ABSTRACT NO. 1121
CITY OF DALLAS, DALLAS COUNTY, TEXAS



NOTES

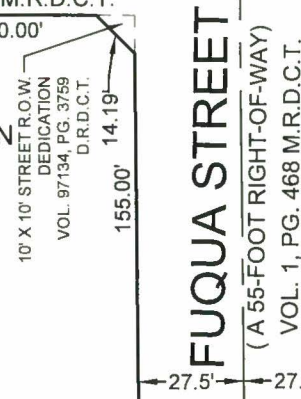
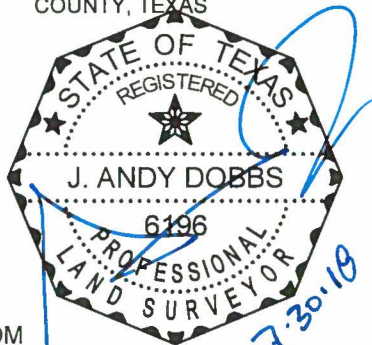
Bearing system based on the Texas Coordinate System of 1983, North Central Zone (4202), North American Datum of 1983. (2011)

LEGEND

P.O.C. = POINT OF COMMENCING
P.O.B. = POINT OF BEGINNING
IRSC = 5/8" IRON ROD W/
RED "KHA" CAP SET
IRF = IRON ROD FOUND
INST. NO. = INSTRUMENT NUMBER
C.M. = CONTROL MONUMENT
R.O.W. = RIGHT-OF-WAY

VOL. = VOLUME PG. = PAGE
M.R.D.C.T. = MAP RECORDS OF DALLAS COUNTY, TEXAS
D.R.D.C.T. = DEED RECORDS OF DALLAS COUNTY, TEXAS
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Reviewed By: JP
Date: 8/1/2018
SPRG NO: 4598

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Scale	Drawn by	Checked by	Date	Project No.	Sheet No.
1" = 50'	DWP	JAD	JULY 2018	064482701	2 OF 2

WATER AND WASTEWATER EASEMENT ABANDONMENT
PART OF LOT 31,
SITUATED IN BLOCK D/1979, ROSS AVENUE ANNEX
JAMES M. PATTERSON SURVEY, ABSTRACT NO. 1121
CITY OF DALLAS, DALLAS COUNTY, TEXAS

LEGAL DESCRIPTION

BEING a 749 square foot (0.0172 acre) tract of land situated in the James M. Patterson Survey, Abstract No.1121, situated in City of Dallas Block D/1979, City of Dallas, Dallas County, Texas and being all of a 5-foot water and waste water easement created by water and waste Water Easement to The City of Dallas, recorded in Volume 90045, Page 4788, Deed Records Dallas County, Texas, and being part of a tract of land described as Tract 3 in General Warranty Deed to Henderson Residential Lands (Dallas), LLC, recorded in Instrument Number 201200343034, Official Public Records, Dallas County, Texas, and being part of Lot 31, Block D/1979 of Ross Avenue 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 more particularly described as follows:

COMMENCING at a 1/2-inch iron rod with yellow plastic cap stamped "SHIELDS & LEE" found at the intersection of the northeast right-of-way line of Henderson Avenue (a variable width right-of-way - recorded in Volume 1, Page 310, Map Records, Dallas County, Texas) with the east right-of-way line of Glencoe Street (a 60-foot right-of-way - recorded in Volume 1, Page 310, Map Records, Dallas County, Texas) and being the northwest corner of said Block D/1979;

THENCE with said northeast right-of-way line of Henderson Avenue, and southwest line of Lots 19 through 30, Block D/1979 of said plat of Ross Avenue Annex addition, South 45°06'21" East, a distance of 553.10 feet to a 5/8-inch iron rod with red plastic cap stamped "KHA" set for the **POINT OF BEGINNING** and being the west corner of said Lot 31, Block D/1979 and south corner of Lot 30, Block D/1979 of said Ross Avenue Annex addition;

THENCE departing said northeast right-of-way line of Henderson Avenue and with the northwest line of said Lot 31, Block D/1979 and southeast line of said Lot 30, Block D/1979, North 44°23'52" East, a distance of 149.85 feet to a 1/2-inch iron rod found in the southwest right-of-way line of an 11-foot Alley created by said plat of Ross Avenue Annex addition and being the common north and east corner of said Lots 31 and 30, Block D/1979;

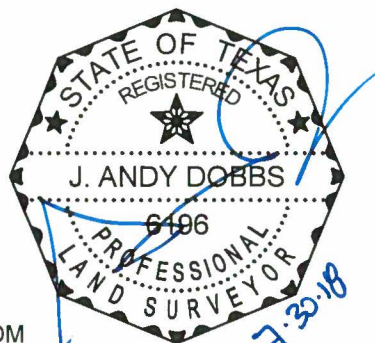
THENCE with said southwest right-of-way line of the 11-foot alley and northeast line of said Lot 31, Block D/1979, South 45°06'21" East, a distance of 5.00 feet to a 5/8-inch iron rod with red plastic cap stamped "KHA" set for the east corner of said 5-foot water and wastewater easement;

THENCE departing said southwest right-of-way line of the 11-foot alley and with the southeast line of said 5-foot water and wastewater easement, over and across said Lot 31, Block D/1979, South 44°23'52" West, a distance of 149.85 feet to a 5/8-inch iron rod with red plastic cap stamped "KHA" set in the northeast right-of-way line of said Henderson Avenue and being the south corner of said 5-foot water and wastewater easement;

THENCE with said northeast right-of-way line of Henderson Avenue and with the southwest line of said Lot 31, Block D/1979, North 45°06'21" West, a distance of 5.00 feet to the **POINT OF BEGINNING** and containing 749 square feet or 0.0172 acres of land.

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Reviewed By: JD
 Date: 8/1/2018
 SPRG NO: 4599

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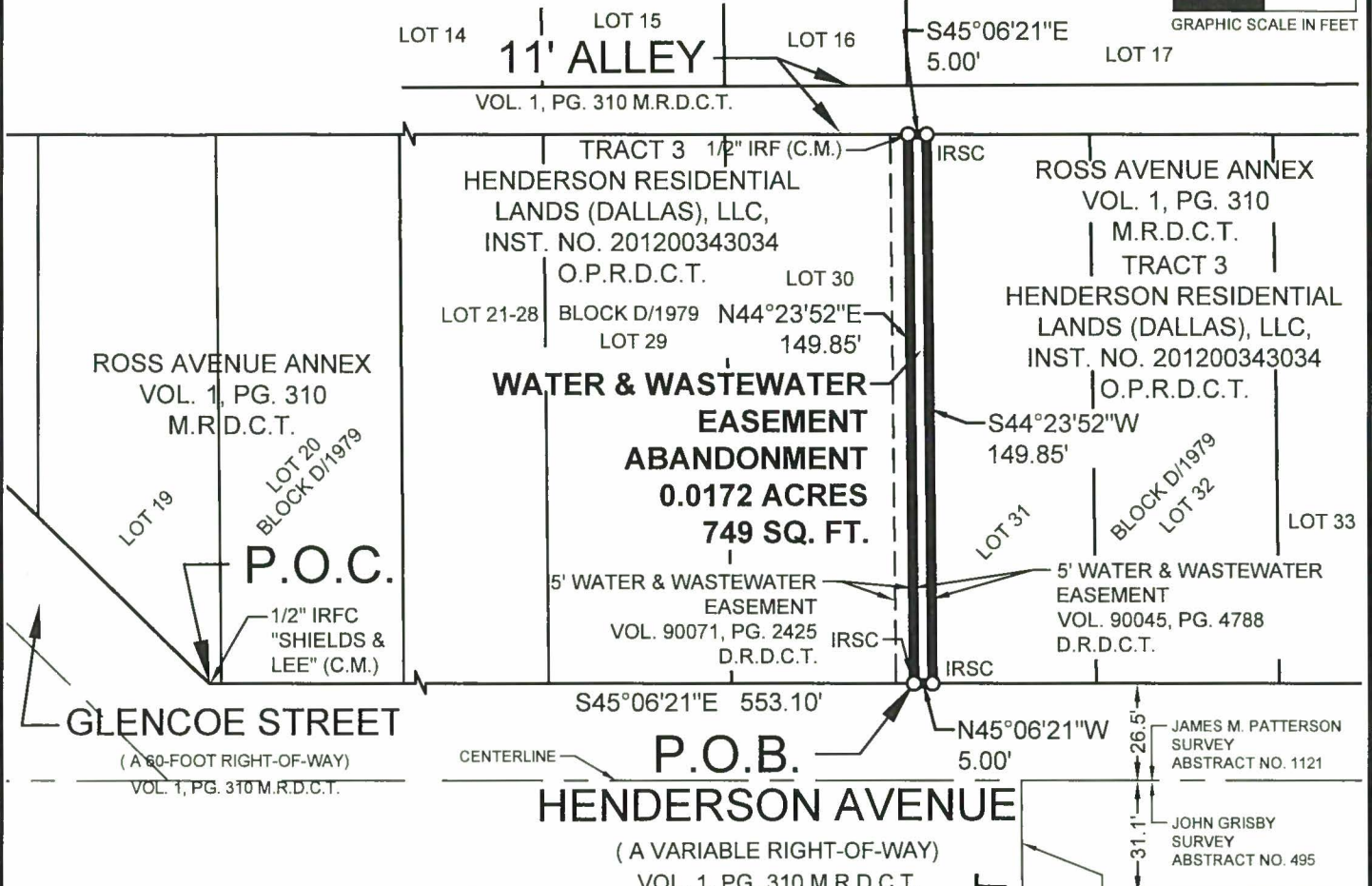
13455 Noel Road, Two Galleria Office
 Tower, Suite 700, Dallas, Texas 75240

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	JAD	JULY 2018	064482701	1 OF 2

WATER AND WASTEWATER EASEMENT ABANDONMENT PART OF LOT 31, SITUATED IN BLOCK D/1979, ROSS AVENUE 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)

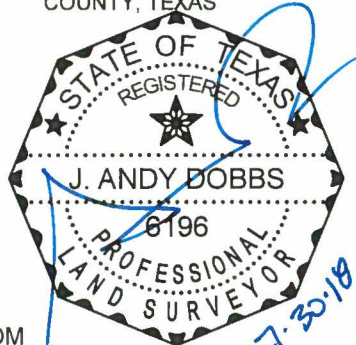
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R.O.W. = RIGHT-OF-WAY

TAQUERIA LUPITA
RESTAURANT SUBDIVISION
VOL. 97134, PG. 3759
D.R.D.C.T.

VOL. = VOLUME PG. = PAGE
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Scale	Drawn by	Checked by	Date	Project No.	Sheet No.
1" = 50'	DWP	JAD	MAY 2018	064482701	2 OF 2



Agenda Information Sheet

File #: 18-1191

Item #: 63.

STRATEGIC PRIORITY: Mobility Solutions, Infrastructure, and Sustainability

AGENDA DATE: November 28, 2018

COUNCIL DISTRICT(S): All

DEPARTMENT: Water Utilities Department

EXECUTIVE: Majed Al-Ghafry

SUBJECT

Authorize a Joint Funding Agreement with the United States Geological Survey to continue the operation of stream flow and water quality gauging stations in the Trinity River basin, a zebra mussel sampling study, a Mountain Creek Water Quality special study, and reservoir water quality study on each of the reservoirs in Dallas' water supply system from November 1, 2018 through September 30, 2019 - Not to exceed \$889,523.00 - Financing: Water Utilities Fund

BACKGROUND

The United States Geological Survey (USGS) provides basic water quality and flow monitoring data collection services throughout the United States. It is recognized as an unbiased agency whose data is unquestionably accepted by state and federal regulatory agencies.

The current cost-sharing agreement with the USGS includes monitoring water quality in the Trinity River. The City of Fort Worth, Trinity River Authority, Dallas County Park Cities Municipal Utility District, and Upper Trinity Regional Water District are also cost sharing partners in this agreement. This agreement also includes the operation and maintenance of stream flow stations. The stream flow data is used in operating Lake Grapevine, Lake Ray Hubbard, Lake Lewisville and Ray Roberts Lake. Dallas also participates in the collection of water quality monitoring at several stream flow and lake stations.

This agreement also includes a zebra mussel sampling study and reservoir water quality study on Dallas' water supply reservoirs, as well as, a special study to determine water quality of Mountain Creek Lake focusing on trace elements and nutrients.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Information about this item will be provided to the Mobility Solutions, Infrastructure & Sustainability on November 26, 2018.

FISCAL INFORMATION

\$889,523.00 - Water Utilities Fund

November 28, 2018

WHEREAS, the City of Dallas has participated with the United States Geological Survey (USGS) in gauging flows relating to the City's water supply reservoirs, collection of water quality and the flow data in the Trinity River, and a zebra mussel sampling study, a Mountain Creek Water Quality special study; and reservoir water quality study in Dallas' water supply reservoirs; and

WHEREAS, the USGS, has submitted a Joint Funding Agreement to continue the program for the period November 1, 2018 through September 30, 2019, with the City of Dallas' share of the cost at \$889,523.00. The total program cost of \$1,040,928.00 is to be shared between the USGS, City of Dallas, City of Fort Worth, Dallas County Park Cities Municipal Utility District, and the Trinity River Authority; and

WHEREAS, a joint funding agreement is the most cost-effective method for the City of Dallas to obtain the required data.

Now, Therefore,

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

SECTION 1. That the City Manager is hereby authorized to enter into a Joint Funding Agreement with the United States Geological Survey, approved to form by the City Attorney, for operation of stream flow and water quality gauging stations in the Trinity River basin, a zebra mussel sampling study, a Mountain Creek Water Quality special study, and reservoir water quality study on each of the reservoirs in Dallas' water supply system.

SECTION 2. That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed \$889,523.00 to United States Geological Survey (Vendor 157940) from the Water Utilities Fund, Fund 0100, Department DWU, Unit 7030, Object 3070, Encumbrance/Contract No. DWU-2019-00008291.

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 Information Sheet

File #: 18-1259

Item #: 65.

STRATEGIC PRIORITY: Government Performance and Financial Management

AGENDA DATE: November 28, 2018

COUNCIL DISTRICT(S): N/A

DEPARTMENT: City Secretary's Office

EXECUTIVE: Bilierae Johnson

SUBJECT

Consideration of appointment to the Dallas Area Rapid Transit Board of Directors for Positions 03 (completion of unexpired term) (Closed Session, if necessary, Personnel, Sec. 551.074, T. O. M. A.) (Name of nominee in the City Secretary's Office) - Financing: No cost consideration to the City

BACKGROUND

The Dallas Area Rapid Transit (DART) board was structured by the Texas Legislature in 1993. Membership is allocated among member cities according to population, with recalculations after every U.S. census. Members of the DART board serve staggered terms of two years with 8 of the positions' terms beginning July 1 of odd-numbered years and 7 positions' terms beginning July 1 of even numbered years. The enabling legislation provides that a member city may not rule by order or ordinance limit the number of terms a member may serve.

On August 23, 2011, the DART Board approved a reallocation of the Board based on the 2010 U.S. Census data. As a result, the City of Dallas lost one direct appointment to the Board previously shared with the cities of Cockrell Hill, Glenn Heights and Plano. The City of Dallas is now entitled to 7 full members and 1 shared member with the City of Cockrell Hill. This now provides the terms of 6 members to expire in even-numbered years and 2 to expire on odd-numbered years.

This action provides for an individual to be appointed to Position 03 for the unexpired 2017-2019 term to begin November 28, 2018 and end June 30, 2019. This individual will be the "shared" member and represent the transportation disadvantaged (defined as "elderly, persons with disabilities, and low-income individuals").

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On November 26, 2018, the Mobility Solutions, Infrastructure and Sustainability Committee interviewed nominees and selected one nominee as its recommendation to the City Council for appointment.

FISCAL INFORMATION

No cost consideration to the City.

November 28, 2018

WHEREAS, the City Council, as of the 2011 reallocation, is responsible for appointing 7 full members and 1 shared member with the City of Cockrell Hill, to the Dallas Area Rapid Transit (DART) Board of Directors; and

WHEREAS, the members of the DART Board of Directors serve staggered two-year terms, commencing July 1, pursuant to Section 452.578 of the Texas Transportation Code; and

WHEREAS, a vacancy was created for Position 03 with the new appointment term to become effective as soon as a successor is duly appointed, with the term to expire June 30, 2019;

Now, Therefore,

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

SECTION 1. That the following individual is hereby appointed to the DART Board to fill an unexpired term with service to begin November 28, 2018 and expire June 30, 2019, and assigned to Position 03:

POSITION 03	
-------------	--

SECTION 2. That, the City of Dallas, principal municipality, designates _____ to represent the transportation disadvantaged and as the shared member with the City of Cockrell Hill.

SECTION 3. That the City Council may, by resolution, remove any DART Board of Directors appointed by this resolution at any time, with or without cause. That such DART Board of Directors may be removed only upon an affirmative vote of nine city council members and through adoption of another resolution.

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 Information Sheet

File #: 18-1278

Item #: 66.

STRATEGIC PRIORITY: Mobility Solutions, Infrastructure, and Sustainability
AGENDA DATE: November 28, 2018
COUNCIL DISTRICT(S): 7
DEPARTMENT: Department of Sustainable Development and Construction
EXECUTIVE: Majed Al-Ghafry

SUBJECT

Authorize acceptance of a zoning application on property with delinquent taxes located at 4350 Metropolitan Avenue - Financing: No cost consideration to the City

BACKGROUND

Section 51A-1.104.1 of the Development Code states "...when submitting an application, the applicant must submit proof, such as a tax certificate, that property taxes and any city fees, fines, or penalties are not delinquent on the subject property. Unless such proof is submitted, the application will be considered incomplete and returned to the applicant." The code allows a waiver of this requirement by two-thirds vote of the City Council. The waiver may be made if 1) it "will facilitate urban redevelopment, historic conservation, or an important planning objective;" 2) "a pending sale of the property is contingent on the zoning application, and the applicant can supply evidence, such as a contract of sale, that the taxes and any city fees, fines, or penalties will be paid at closing;" or 3) "the applicant can demonstrate financial hardship that makes payment of taxes impossible, and approval of a waiver will improve the applicant's ability to pay the taxes and any city fees, fines, or penalties."

The applicant, Jawad Dashti, sole member of the prospective buyer, Too Dash Properties, LLC, and representing the owner, Roland Moats, has requested a waiver of the requirement that taxes be paid prior to the acceptance of an application for a zoning case on property located at 4350 Metropolitan Avenue. The applicant indicates that he proposes to purchase this property if the zoning application is approved. The applicant expects to submit an application to change the zoning on the property from an R-5(A) Single Family Subdistrict to an NC Neighborhood Commercial Subdistrict within Planned Development District No. 595, the South Dallas/Fair Park Special Purpose District, to allow commercial uses.

The applicant indicates that the reason for the waiver is that the "deferral will facilitate a pending sale of the property." The purchase of the property would occur if the zoning request was approved and taxes and any city fees, fines, or penalties due on the property would be paid at the time of the closing. A copy of the contract of sale was included with the application.

As of the date of the application, a total of \$6,537.73 in taxes and penalties were owed on the property dating back to 2013. However, since there is still an outstanding balance on the account, the total amount due increased to \$6,583.71 on October 1, 2018. According to the tax statement, the taxes and penalties owed include: \$648.28 (taxes) + \$650.86 (penalties) for 2013; \$799.86 + \$687.90 for 2014; \$799.54 + \$572.47 for 2015; \$792.95 + \$453.58 for 2016; and \$792.93 + \$339.36 for 2017. In addition to the taxes owed, \$2,603.69 is also owed to the City due to 10 mowing liens on the property.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

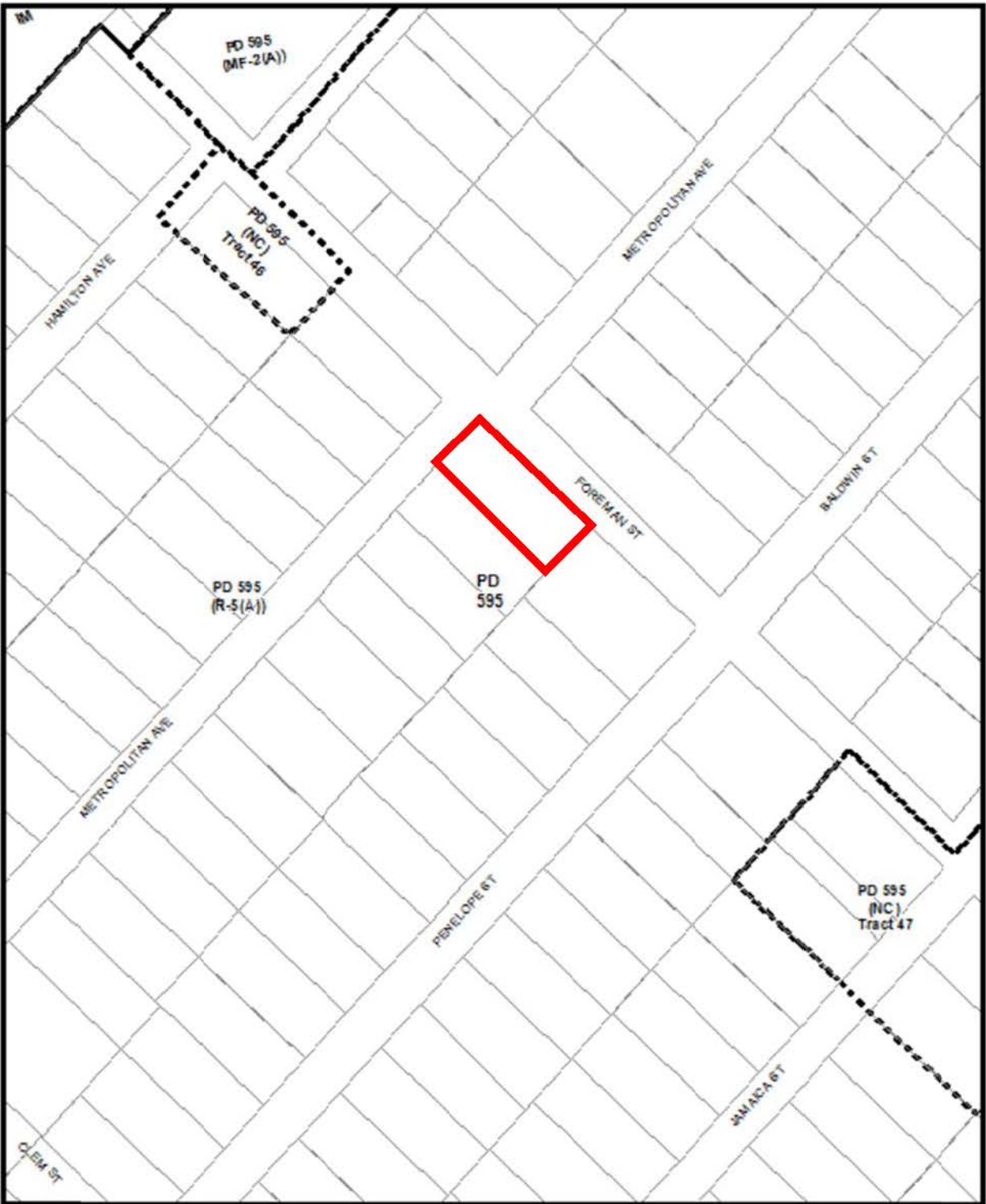
Information about this item will be provided to the Mobility Solutions, Infrastructure & Sustainability Committee on November 26, 2018.

FISCAL INFORMATION

No cost consideration to the City.

MAP

Attached.



4350 Metropolitan Avenue
Tax Deferral Waiver Request



CITY OF DALLAS

**TAX DEFERRAL
APPLICATION**DEPARTMENT OF
PLANNING & DEVELOPMENT
City Hall Room 5B-North
Dallas, Texas 75201
(214) 670-4209

FILE NO: - / - PLANNER: CC DATE:

Applicants MUST fill out Sections 1 and 2 COMPLETELY
SECTION 3 to be completed by STAFF ONLY**SECTION 1: APPLICANT/OWNER INFORMATION**

Please Print

PLANNED DEVELOPMENT DISTRICT: ☐ NEW
☐ AMENDMENT ☒ GENERAL ZONING CHANGE
 SPECIFIC USE PERMIT: ☐ NEW ☐ REMOVAL OF DEED RESTRICTION
☐ AMENDMENT ☐ DEED RESTRICTION AMENDMENT
☐ RENEWAL ☐ CITY PLAN COMMISSION AUTHORIZED HEARING

Applicant: Jawad Dashti Telephone: (469) 970-9470
 Address: PO Box 530286 City/State/Zip: Grand Prairie TX 75053

APPLICANT'S STATUS: (Check One) OWNER ☐ TENANT ☐ PROSPECTIVE BUYER ☒
Property Owner must sign the application or submit a notarized letter of authorization.

Representative: Jawad Dashti Telephone: (469) 970-9470
 Address: PO Box 530286 Grand Prairie City/State/Zip: Grand Prairie TX 75053
 Owner: Roal Moats TX 75053 Telephone: (972) 464-8762
 Address: 4409 Humphrey City/State/Zip: Dallas, TX

OWNERSHIP (Check One) INDIVIDUAL ☒ TRUST ☐ PARTNERSHIP ☐ CORPORATION ☐
If ownership is a trust, partnership, or corporation, name the partners or principals and their addresses and positions on a separate attachment

[Signature]
 Signature of Applicant

[Signature]
 Signature of Owner

SECTION 2: TAX DEFFERRAL REQUEST INFORMATION

SITE LOCATION: Corner of metropolitan Ave. and foreman st.
 SITE STREET ADDRESS: 4350 metropolitan Ave. CROSS STREET: foreman st
Dallas TX 75210
 LOT NO(S): 6 BLOCK NO: 1849/1 SIZE OF REQUEST: 0.1565 Acres EXISTING ZONING: R-5A

REASON FOR REQUEST

- ☐ DEFERRAL WILL FACILITATE URBAN REDEVELOPMENT, HISTORIC CONSERVATION, OR AN IMPORTANT PLANNING OBJECTIVE.
☒ DEFERRAL WILL FACILITATE A PENDING SALE OF THE PROPERTY.
☐ DEFERRAL IS NEEDED DUE TO FINANCIAL HARDSHIP

ADDITIONAL INFORMATION:

CITY TAX ID NO: 0000018045700000 CITY TAXES/FINES OWED? YES ☒ NO ☐ If Yes, what is amount?
\$ 9,187.40
 CENSUS TRACT: 0027.01 COUNCIL DISTRICT: 7 MAPSCO (Page/Cell): 46B ZONING MAP NO: J-8

SECTION 3: STAFF CHECKLIST

- | | | |
|----------------------------------------------------------|---------------------------------------------------------|------------------------------------------------------------------|
| <input checked="" type="checkbox"/> ZONING MAPS | <input checked="" type="checkbox"/> INDEX LOG BOOK | <input checked="" type="checkbox"/> PROPERTY TAXES OWED Tax Stmt |
| <input checked="" type="checkbox"/> TAX PLATS | <input checked="" type="checkbox"/> CORRECT LOT & BLOCK | <input checked="" type="checkbox"/> FINES OWED Lien Stmt |
| <input checked="" type="checkbox"/> SURVEY (if needed) | <input checked="" type="checkbox"/> \$200 FILING FEE | <input type="checkbox"/> CITY FEES OWED |
| <input checked="" type="checkbox"/> TAX WAIVER STATEMENT | <input checked="" type="checkbox"/> PROPER SIGNATURES | <input type="checkbox"/> PENALTIES OWED |
| <input checked="" type="checkbox"/> CONTRACT OF SALE | <u>Deed & Authorization Ltr.</u> | |

ACCEPTED BY: [Signature] DATE ACCEPTED: 8/23/18 DATE WITHDRAWN: _____

November 28, 2018

WHEREAS, Dallas Development Code Section 51A-1.104.1 prohibits the processing of a zoning application for properties with delinquent taxes or other city fees, fines, or penalties; and

WHEREAS, an applicant for rezoning must submit proof, such as a tax certificate, that property taxes and any city fees, fines, or penalties are not delinquent on the subject property; and

WHEREAS, a waiver of the requirement may be granted by a two-thirds vote of the City Council if: (1) a waiver will facilitate urban redevelopment, historic conservation, or an important planning objective; (2) a pending sale of the property is contingent on the application, and the applicant can supply evidence, such as a contract of sale, that the taxes and any city fees, fines, or penalties will be paid at closing; or (3) the applicant can demonstrate financial hardship that makes payment of taxes impossible, and approval of a waiver will improve the applicant's ability to pay the taxes and any city fees, fines, or penalties; and

WHEREAS, application has been made for a waiver for the property located at 4350 Metropolitan Avenue; and

WHEREAS, the applicant, Jawad Dashti, sole member of the prospective buyer, Too Dash Properties, LLC, has indicated that a pending sale of the property is contingent on the zoning change application and that taxes and any city fees, fines, or penalties would be paid upon closing.

Now, Therefore,

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

SECTION 1. That, as the City Council finds that a waiver will facilitate a pending sale of the property, the requirement that delinquent taxes and any city fees, fines, or penalties on property located at 4350 Metropolitan Avenue be paid prior to processing the zoning application is hereby waived and the zoning application shall be allowed to be processed.

SECTION 2. That this resolution in no way relieves any party liable for payment of these taxes, fees, fines, or penalties from the obligation to pay.

SECTION 3. That the waiver granted by this resolution is not a consideration of the merits of the zoning application, and does not imply that the application will be approved or disapproved when considered on its merits.

November 28, 2018

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.

APPROVED AS TO FORM:

CHRISTOPHER J. CASO, Interim City Attorney

By: _____
Assistant City Attorney

Passed _____

HONORABLE MAYOR AND CITY COUNCIL WEDNESDAY, NOVEMBER 28, 2018

ACM: Majed Al-Ghafry

FILE NUMBER: Z178-224(CT) **DATE FILED:** March 29, 2018

LOCATION: Northwest corner of Bruton Road and North Prairie Creek Road

COUNCIL DISTRICT: 5 **MAPSCO:** 11 L

SIZE OF REQUEST: Approx. 0.31 acre **CENSUS TRACT:** 90.00

APPLICANT/OWNER: Amer & Milad Investment, Inc

REPRESENTATIVE: Business Zoom

REQUEST: An application for the renewal of Specific Use Permit No. 2059 for the sale of alcoholic beverages in conjunction with a general merchandise or food store 3,500 square feet or less on property zoned a CR-D-1 Community Retail District with a D-1 Liquor Control Overlay.

SUMMARY: The purpose of this request is to allow for the continuation of the sale of alcohol for off-premise consumption in conjunction with a general merchandise or food store (Bruton Store Inc).

CPC RECOMMENDATION: **Approval** for a five-year period with eligibility for automatic renewals for additional five-year periods, subject to conditions.

STAFF RECOMMENDATION: **Approval** for a five-year period with eligibility for automatic renewals for additional five-year periods, subject to conditions.

BACKGROUND INFORMATION:

- The 0.31-acre site is developed with a one-story, 2,097-square-foot general merchandise or food store (Bruton Store Inc).
- The general merchandise use is permitted by right. The sale of alcoholic beverages requires a Specific Use Permit in the D-1 Liquor Control Overlay.
- In January 22, 2014, City Council approved a zoning request for a Specific Use Permit No. 2059 to sell alcohol for off premise consumption. This Specific Use Permit was permitted for a two-year time period and was subsequently renewed for two-years period in April 13, 2016.
- On December 17, 2017, the site failed the annual inspection necessary for compliance with Chapter 12B of the Dallas City Code, Convenience Stores. As such, staff requested that the case be held under advisement to allow time for the applicant to coordinate with the Dallas Police Department and bring the site into compliance. The inspection was subsequently passed on September 10, 2018.

Zoning History:

There have not been any zoning requests in the area within the last five years.

Thoroughfares/Streets:

Thoroughfare/Street	Type	Existing ROW	Proposed ROW
Bruton Road	Principal Arterial	100 ft.	100 ft.
North Prairie Creek Road	Principal Arterial	100 ft.	100 ft.

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.

Land Use:

	Zoning	Land Use
Site	CR w/D-1 Overlay, SUP No. 2059	General merchandise with fueling station
North	CR w/D-1 Overlay	General merchandise
South	CR w/D-1 Overlay	General merchandise with fueling station, vehicle related uses, and various retail uses
East	CR w/D-1 Overlay	General merchandise
West	CR w/D-1 Overlay	Vacant retail/general merchandise store

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 Compatibility:

The approximately 0.31-acre site is zoned a CR Community Retail District with a D-1 Liquor Control Overlay and is currently developed with a general merchandise or food store 3,500 square feet or less and a motor vehicle fueling station. In January 2014, City Council approved a zoning request to amend the D overlay to D-1 Overlay and granted a Specific Use Permit No. 2059 to sell alcohol for off premise consumption. This Specific Use Permit was permitted for a two-year time period and was subsequently renewed by City Council in April 2016 for a two-year period.

The surrounding land uses consist of a general merchandise store to the north, general merchandise uses to the south and east, and a vacant retail/general merchandise store to the west of the site.

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 has been issued on September 10, 2018 for a period of one year.

Landscaping:

In general, landscaping of any development will be in accordance with Article X, as amended.

Parking:

The Dallas Development Code requires off-street parking to be provided for a general merchandise or food store use at one space for each 200 square feet of floor area and two spaces for a motor vehicle fueling station. The development requires 11 spaces with 14 being provided per the attached site plan.

Dallas Police Department:

A copy of a police report of the offenses since the last SUP renewal is provided below.

Z178-224(CT)

INCIDENTS:

Date1	Time1	UCR_Off	UCR_OffDes	Address	ZipCode	Premise	Division	MO					
2/16/2018	21:10	ASSAULT	ASSAULT	9199 BRUTON RD	75227	Outdoor A	SOUTHEA	SUSP STRUCK COMP ON HER MOUTH WITH A CLOSED FIST.					
7/8/2017	21:45	ROBBERY	ROBBERY	9199 BRUTON RD	75227	Parking Lc	SOUTHEA	SUSP/S POINTED A LONG SILVER REVOLVER					
3/17/2017	16:30	UUMV	AUTO THEFT	9199 BRUTON RD	75227	Parking Lc	SOUTHEA	UNK SUSP TOOK COMP'S VEHICLE WITHOUT CONSENT					

CALLS:

Master_In	Response_Dat	Response	Watch	MDivision	MSect	MBeat	Problem	Priority_D	Location_	Address	Apar	City	State	Postal
18-152976	8/22/2018	10:40	2	Southeast	320	325	6X - Major	2 - Urgent	EXXON | (	9199 Bruton Rd		Dallas	TX	75217
18-134067	7/24/2018	15:23	2	Southeast	320	325	20 - Robbe	2 - Urgent	EXXON | (	9199 Bruton Rd		Dallas	TX	75217
18-039832	3/6/2018	14:18	2	Southeast	320	325	21B - Busi	2 - Urgent	EXXON | (	9199 Bruton Rd		Dallas	TX	75217
18-039832	3/6/2018	14:18	2	Southeast	320	325	21B - Busi	2 - Urgent	EXXON | (	9199 Bruton Rd		Dallas	TX	75217
18-028840	2/16/2018	21:19	3	Southeast	320	325	6X - Major	2 - Urgent	EXXON | (	9199 BRUTON R		Dallas	TX	75217

<p>LIST OF OFFICERS Bruton Store, Inc</p>

List of Officers:

Bruton Store, Inc.

Issa Hussam Kamel- President/Secretary
Saleh Issam Behjat- V. President/Treasurer

List of Officers:

Amer & Milad investment, Inc.

Mehdi Rezaeizadeh- President/Secretary
Shurat Lapitov- President/Secretary

CPC ACTION:
October 4, 2018

Motion: It was moved to recommend **approval** of the renewal of Specific Use Permit No. 2059 for the sale of alcoholic beverages in conjunction with a general merchandise or food store 3,500 square feet or less for a five-year period with eligibility for automatic renewals for additional five-year periods, subject to the existing site plan and conditions on property zoned a CR-D-1 Community Retail District, with a D-1 Liquor Control Overlay, on the northwest corner of Bruton Road and North Prairie Creek Road.

Maker: Shidid
Second: Murphy
Result: Carried: 13 to 0

For: 13 - West, Rieves, Davis, Shidid, Carpenter, Lewis,
Jung, Housewright, Schultz, Peadon, Murphy,
Ridley, Tarpley

Against: 0
Absent: 0
Vacancy: 2 - District 3, District 7

Notices: Area: 200 Mailed: 15
Replies: For: 0 Against: 0

Speakers: For: None
For (Did not speak): Malik Parvez, 1901 Central Dr., Bedford, TX, 76021
Against: None

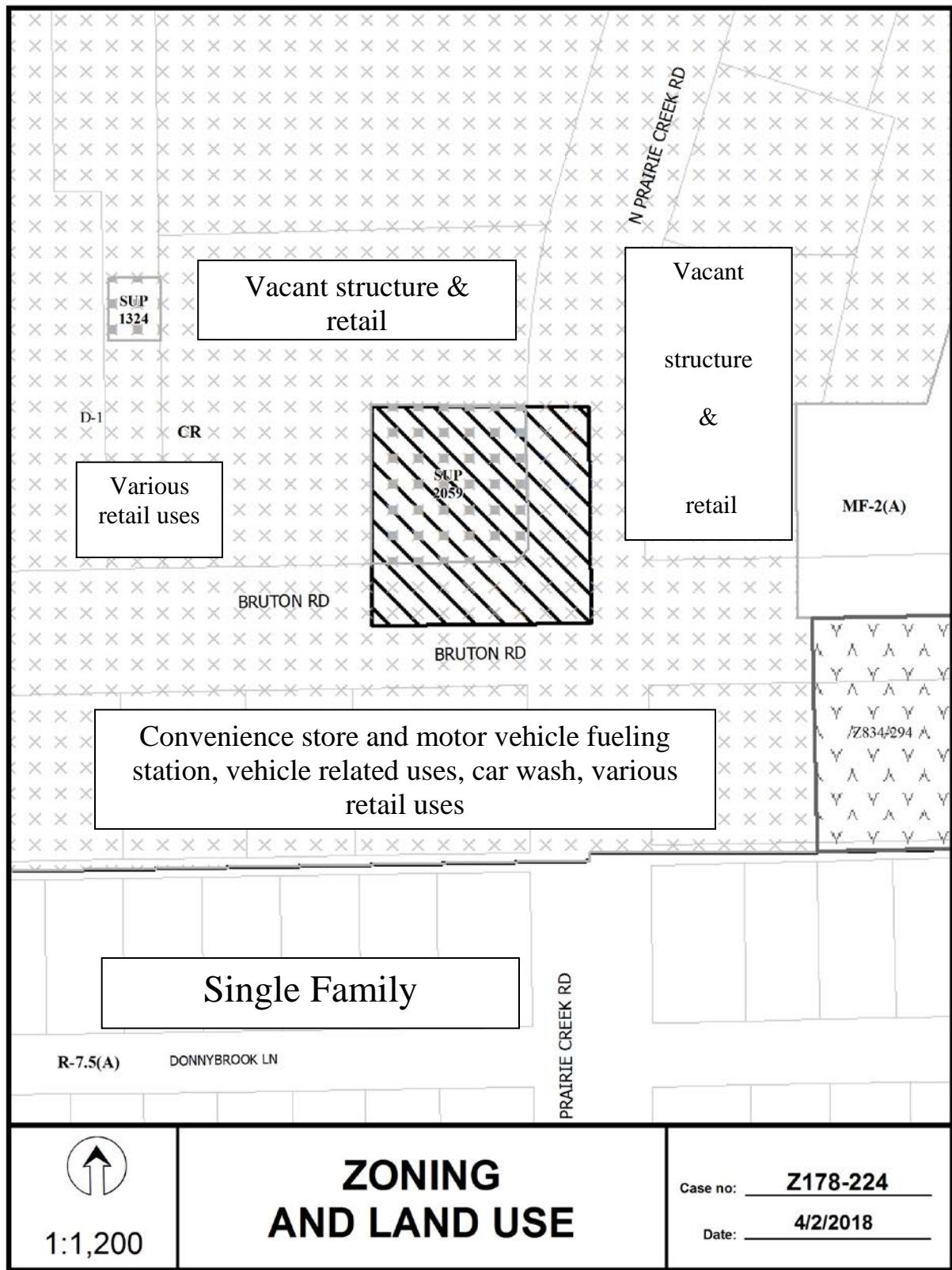
CPC RECOMMENDED SUP CONDITIONS
SUP No. 2059

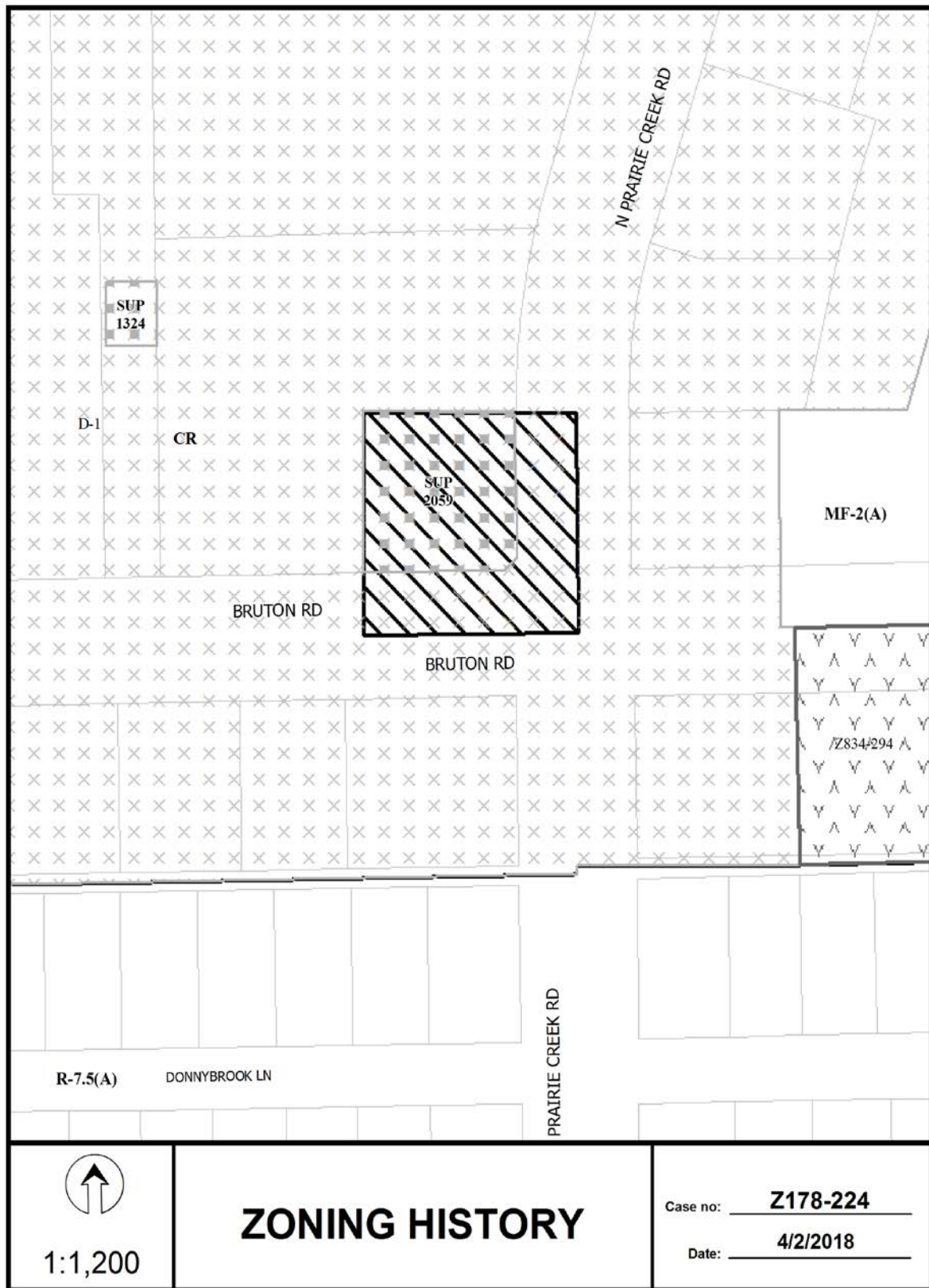
1. USE: The only use authorized by this specific use permit is the sale of alcoholic beverages in conjunction with a general merchandise or food store 3,500 square feet or less.
2. SITE PLAN: Use and development of the Property must comply with the attached site plan.
3. TIME LIMIT: This specific use permit expires on ~~April 13, 2018~~ (five-year period from the passage of this ordinance) 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. MAINTENANCE: The Property must be properly maintained in a state of good repair and neat appearance.
5. 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.











CPC Responses



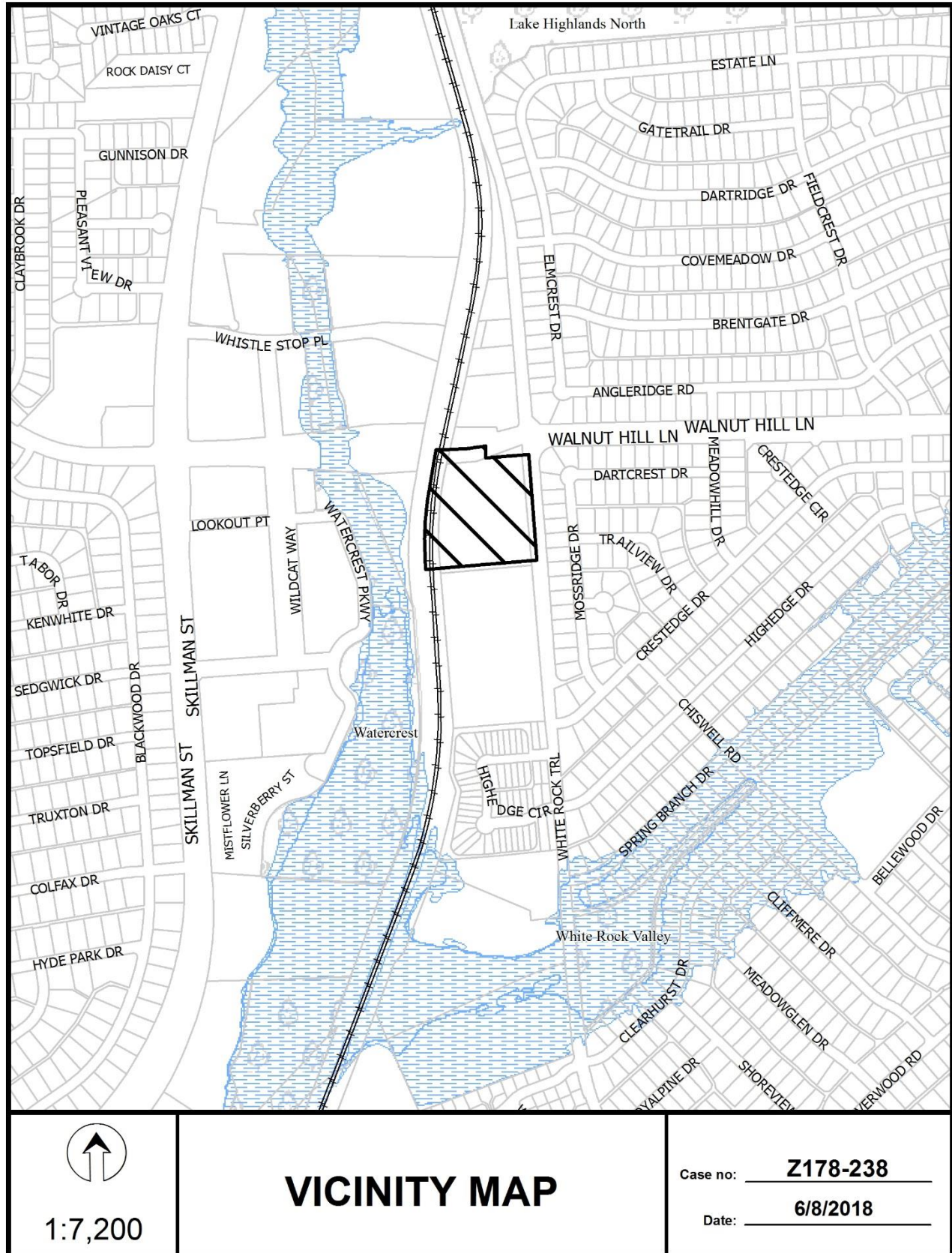
09/05/2018

Reply List of Property Owners

Z178-224

15 Property Owners Notified 0 Property Owners in Favor 0 Property Owners Opposed

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	9199	BRUTON RD	BRUTON STORE INC
2	9009	BRUTON RD	PRAIRIE 2233 INVESTMENT LLC
3	9179	BRUTON RD	BRUTON ENTERPRISES LLC
4	9203	BRUTON RD	BRUTON STORE INC
5	9215	BRUTON RD	VOLUNTEERS OF AMERICA
6	2112	N PRAIRIE CREEK RD	HERNANDEZ GUSTAVO A
7	2122	N PRAIRIE CREEK RD	HENDERSON SHERANDA
8	2150	N PRAIRIE CREEK RD	BDWS PRAIRIE INVESTMENTS LLC
9	9116	BRUTON RD	VIRANI MANSOOR M
10	9180	BRUTON RD	MONA & NADA CORPORATION
11	9190	BRUTON RD	MONA AND NADA CORPORATION
12	9157	DONNYBROOK LN	ASTON CUSTOM HMES CORP
13	9151	DONNYBROOK LN	PORCAYO JUAN & PORCAYO LEOPOLDA
14	9206	BRUTON RD	KZK BUSINESS ENTERPRISE INC
15	9222	BRUTON RD	DELMAR PARTNERS LP







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 Cafe Oraman

(Must match the business name on TABC application)

Contact person, title Stephen Schwartz

(Land owner/business owner, representative)

Contact person's phone 214-5919-0011Contact person's address 8750 N. Central Expy #1740
Dallas, TX 75231Property owner's name Jefferson Bishop Partners, LLCAddress of request site 334 W. Jefferson Blvd Dallas, TXProtected use's address 315 W. 12th St. Dallas, TX

75208

Type of protected use:

- ☐ Church
- ☒ Public school / open-enrollment charter school
- ☐ Private school
- ☐ Public hospital
- ☐ Daycare/child-care facility

Type of business seeking to sell alcohol:

- ☐ Alcoholic beverage manufacturing
- ☐ General merchandise or food store with 10,000 square feet or more floor area
- ☐ Microbrewery, microdistillery, or winery
- ☒ Restaurant without drive-in or drive-through service

Type of TABC permit(s) to be sought:

- ☐ Brewer's permit, "B" / Manufacturer's license, "BA"
- ☐ Distiller's and rectifier's permit, "D"
- ☒ Food and beverage certificate, "FB"
- ☒ Mixed beverage permit, "MB"
- ☐ Wine and beer retailer's off-premise permit, "BQ"
- ☐ Wine and beer retailer's permit, "BG"
- ☐ 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:

- ☒ Statement of request
- ☒ Sealed alcohol survey showing 300 foot radius and door to door measurements (*protected use must be indicated on this survey*)
- ☒ List of officers for alcohol business and property owner

AUTHORIZATION BY PROPERTY OWNER(S)

I, Jefferson Bishop Partners, LLC, 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.

Stephen Schwartz President
Owner's Printed Name

[Signature]
Owner's Signature

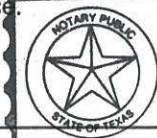
APPLICANT ACKNOWLEDGEMENT AND AFFIDAVIT

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).

MANUEL GARCIA
Applicant's Printed Name

[Signature]
Applicant Signature

Sworn to and subscribed before me by on this day 12th of September in the year 2018, to certify which witness my hand and seal of office.



ABBEY M BAXTER
Notary ID # 130723886
My Commission Expires
June 30, 2020

Notary Public in and for the State of Texas

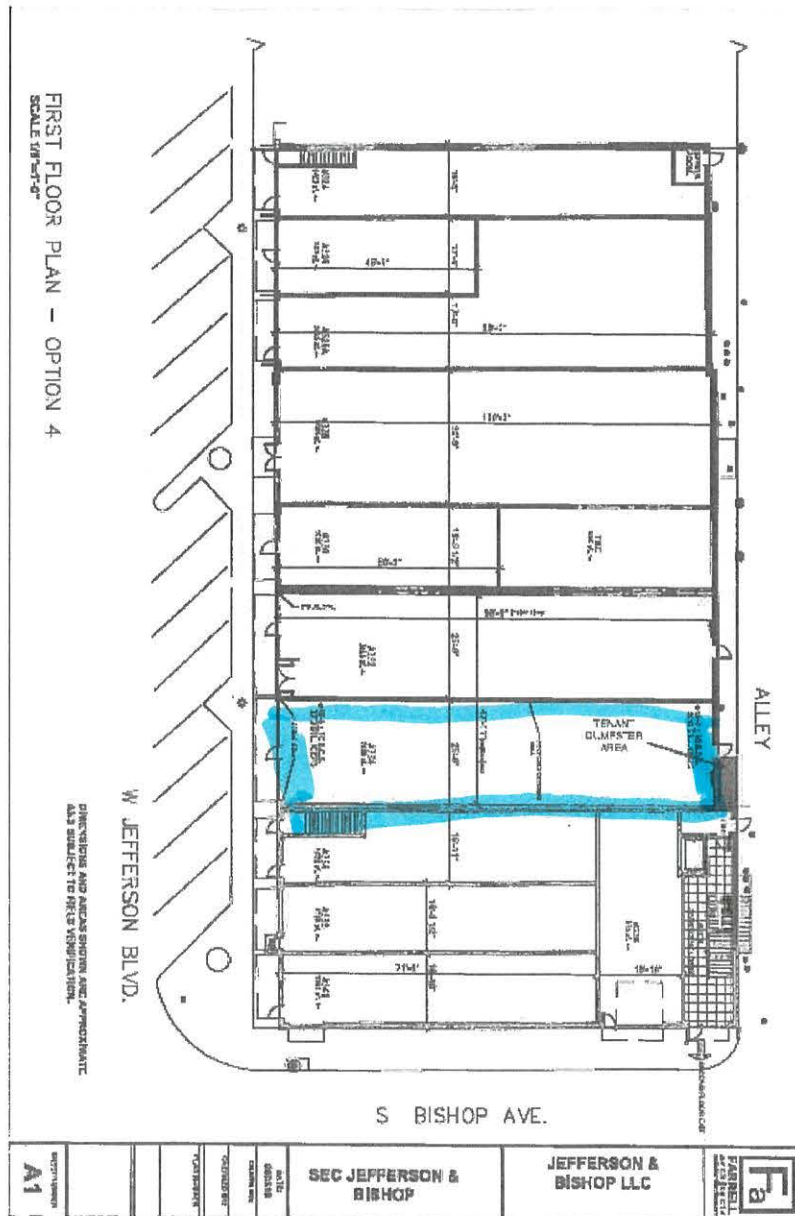
Date received:

Receipt No.:

Case number: AV189-001

10/9/18 SRM

EXHIBIT "A-1"
SITE PLAN



This site plan is presented solely for the purpose of identifying the approximate location and size of the buildings presently contemplated by the owner. Building sizes, site dimensions, access and parking areas, existing tenant locations and identities are subject to change at the owner's discretion, except as otherwise expressly restricted herein.

Mr. Kris Sweckard
Department of Sustainable Development and Construction
City of Dallas
1500 Marilla, Room 5DS
Dallas, Texas 75201

RE: Variance for restaurant without drive-in or drive-through service to sell alcoholic beverages for on-premise consumption at 334 W. Jefferson Blvd.

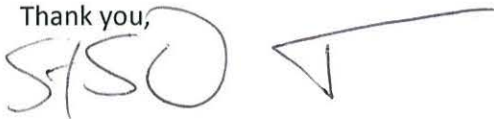
Dear Mr. Sweckard:

Café Chaman seeks to operate at the address listed above. They seek a certificate of occupancy as a restaurant without drive thru service.

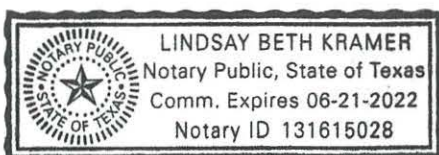
This location is located within three hundred feet of Dallas Can Academy to the south. However, that portion of the property within the three hundred foot radius is their parking lot. The proposed restaurant will maintain its entrance facing Jefferson Boulevard. It is over 1,000 feet from door to door between the protective use and this proposed restaurant. To prohibit this establishment from serving alcoholic beverages due to its proximity to a protective use parking lot is not in the best interest of the public. The commercial corridor along Jefferson is a vibrant mix of restaurant, retail, and personal service uses. A variance to the spacing requirement for this use at this location does not create an adverse effect on the surrounding community. A restaurant use must still comply with TABC requirements for training and serving of alcohol among its staff. An undue hardship is placed onto this location that the restaurants on the north side of Jefferson Boulevard in this block. It is the only restaurant that would be limited from alcohol sales because it is on the south side of Jefferson Boulevard.

We have included a TABC field survey, list of officers, and application for this variance request. Please feel free to contact our offices if you need any additional information regarding this application.

Thank you,



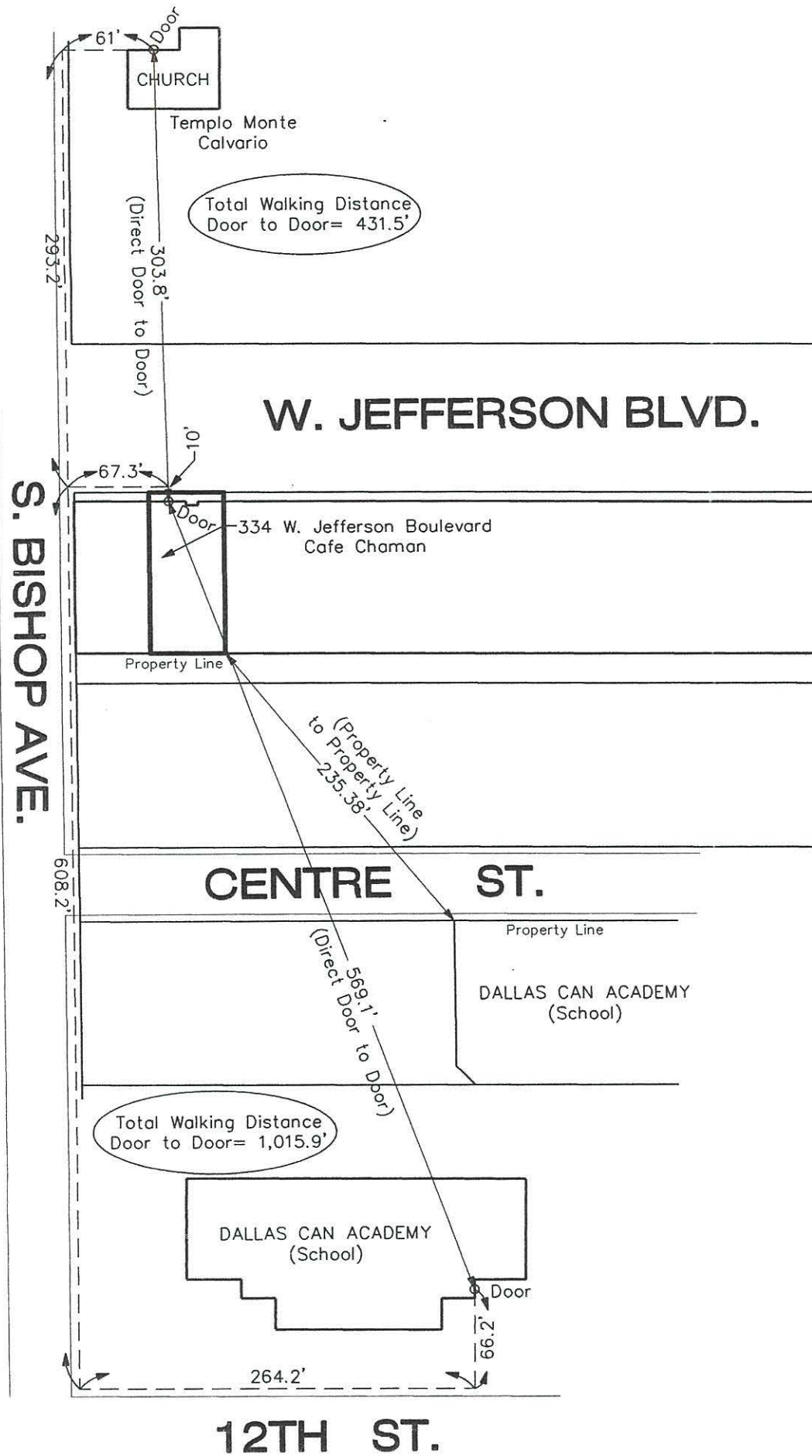
Steve Schwartz



Lindsay Kramer
10.9.2018

ALCOHOL MEASUREMENT PLAT

CAFE CHAMAN
334 W. Jefferson Boulevard
Dallas, Tx. 75208
Mapsco Page 54-G
Gideon Interests Inc.



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 Cafe Chaman, located at 334 W. Jefferson Boulevard, 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.

R = Residential
C = Commercial
V = Vacant

Date 10/4/2018
Job 18-538

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.



Ben D. Rychlik
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