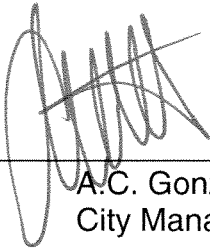


**FEBRUARY 26, 2014 CITY COUNCIL ADDENDUM
CERTIFICATION**

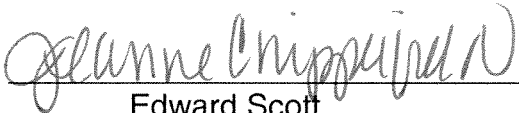
This certification is given pursuant to Chapter XI, Section 9 of the City Charter for the City Council Addendum dated February 26, 2014. We hereby certify, as to those contracts, agreements, or other obligations on this Agenda authorized by the City Council for which expenditures of money by the City are required, that all of the money required for those contracts, agreements, and other obligations is in the City treasury to the credit of the fund or funds from which the money is to be drawn, as required and permitted by the City Charter, and that the money is not appropriated for any other purpose.



A.C. Gonzalez
City Manager

2/21/14

Date



Edward Scott
City Controller

2/21/2014

Date

RECEIVED

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CITY OF DALLAS
DALLAS, TEXAS

**ADDENDUM
CITY COUNCIL MEETING
WEDNESDAY, FEBRUARY 26, 2014
CITY OF DALLAS
1500 MARILLA
COUNCIL CHAMBERS, CITY HALL
DALLAS, TX 75201
9:00 A.M.**

REVISED ORDER OF BUSINESS

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

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

OPEN MICROPHONE

CLOSED SESSION

MINUTES

Item 1

CONSENT AGENDA

Items 2 - 59

CONSENT ADDENDUM

Items 1 - 10

ITEMS FOR INDIVIDUAL CONSIDERATION

No earlier
than 9:15 a.m.

Items 60 - 69
Addendum Items 11 - 13

PUBLIC HEARINGS AND RELATED ACTIONS

1:00 p.m.

Items 70 - 84
Addendum Items 14 - 15

**ADDENDUM
CITY COUNCIL MEETING
FEBRUARY 26, 2014
CITY OF DALLAS
1500 MARILLA
COUNCIL CHAMBERS, CITY HALL
DALLAS, TEXAS 75201
9:00 A. M.**

ADDITIONS:

Closed Session

6ES

Attorney Briefings (Sec. 551.071 T.O.M.A.)

- Legal issues regarding the adoption of a resolution directing the City Manager to address disparate and unequal treatment of lesbian, gay, bisexual and transgender (LGBT) employees, residents, and their families.

Personnel (Sec. 551.074 T.O.M.A.)

- Discussion regarding evaluation of the performance of City Secretary Rosa Rios.
- Discussion regarding evaluation of the performance of City Auditor Craig Daniel Kinton.

CONSENT ADDENDUM

City Attorney's Office

1. Authorize settlement of the lawsuit styled H. Olivia Lord v. Dwayne A. Thompson, Civil Action No. 3:11-CV-3241-M - Not to exceed \$1,200,000 - Financing: Current Funds

Economic Development

2. A resolution authorizing approval of The City of Dallas Housing Finance Corporation (DHFC), as a conduit lender, to provide development funding in the form of a loan with funds provided by FSC Asset Administration, Inc., a sub-entity of First Southwest Company, to Wynnewood Seniors Housing II, L.P. and/or its successors and assigns, (a yet to be formed limited partnership) in an amount not to exceed \$1,750,000 in an attempt to be awarded up to fourteen (14) points under the Commitment of Development Funding from a Local Political Subdivision under Section 11.9 (d) (2) (B,C,D) of the Texas Department of Housing Community Affairs 2014 Qualified Allocation Plan, under specified terms and conditions and providing a firm commitment in this resolution for the Wynnewood Seniors, Phase II (aka High Point Seniors Phase II, which is Phase III of the Parks at Wynnewood Redevelopment) located at 1615 South Zang Boulevard, Dallas, Texas 75224 - Financing: No cost consideration to the City

**ADDENDUM
CITY COUNCIL MEETING
FEBRUARY 26, 2014**

ADDITIONS: (Continued)

CONSENT ADDENDUM (Continued)

Housing/Community Services

3. A resolution authorizing an amendment of the Deed Restrictions placed on 6 unimproved properties sold to City Wide Community Development Corporation (list attached) - Financing: No cost consideration to the City

Park & Recreation

4. Authorize **(1)** the acceptance of the United States Economic Development Administration Grant in the amount of \$1,200,000 from the United States Economic Development Administration (EDA) for infrastructure and improvements to compliment the Briscoe Carpenter Center Project, Fair Park located at 1419 South Washington Street subject to final approval and appropriations by the EDA; **(2)** matching funds in the amount of \$1,186,945; and **(3)** an agreement with the United States Economic Development Administration - Not to exceed \$2,386,945 - Financing: United States Economic Development Administration Grant Funds (\$1,200,000) and General Obligation Commercial Paper Funds (\$1,186,945)
5. Authorize an increase in the contract with J.C. Commercial, Inc. for additional work necessary to meet code requirements, replacement of existing plumbing fixtures, plaster repairs, and other repairs at Anita Martinez Recreation Center located at 3212 North Winnetka Avenue - Not to exceed \$106,164, from \$1,064,734 to \$1,170,898 - Financing: 2006 Bond Funds (\$91,959) and 2003 Bond Funds (\$14,205)

Sustainable Development and Construction

6. Authorize the **(1)** deposit of the amount awarded by the Special Commissioners in the condemnation proceeding styled City of Dallas v. Carolyn Parker Schum, et al., Cause No. CC-13-05442-D (\$16,757, which was \$2,957 more than what was previously authorized by Council), pending in Dallas County Court at Law No. 4, to acquire approximately 19,714 square feet of land located at 3500 Telephone Road, Dallas, Texas for the Southwest 120/96-inch Water Transmission Pipeline Project; and **(2)** settlement of the condemnation proceeding, and if objections are filed, the lawsuit that arises from the condemnation proceeding for an amount not to exceed the amount of the award - Not to exceed \$2,957, increased from \$16,000 (\$13,800, plus closing costs and title expenses not to exceed \$2,200) to \$18,957 (\$16,757, plus closing costs and title expenses not to exceed \$2,200) - Financing: Water Utilities Capital Improvement Funds

**ADDENDUM
CITY COUNCIL MEETING
FEBRUARY 26, 2014**

ADDITIONS: (Continued)

CONSENT ADDENDUM (Continued)

Sustainable Development and Construction (Continued)

7. Authorize the **(1)** deposit of the amount awarded by the Special Commissioners in the condemnation proceeding styled City of Dallas v. Terrell Country Club, et al., Cause No. 84264CC (\$74,000, which was \$3,589 more than what was previously authorized by Council), pending in Kaufman County Court at Law, to acquire approximately 278,813 square feet of land located at the north corner of CR-245 and Boathouse Drive, Kaufman County, Texas for the Lake Tawakoni 144-inch Raw Water Transmission Pipeline Project; and **(2)** settlement of the condemnation proceeding, and if objections are filed, the lawsuit that arises from the condemnation proceeding for an amount not to exceed the award - Not to exceed \$6,589, increased from \$70,411 to \$77,000 (which includes \$3,000 in closing costs and title expenses not included in the original offer) (\$74,000, plus closing costs and title expenses not to exceed \$3,000) - Financing: Water Utilities Capital Improvement Funds

8. Authorize the **(1)** deposit of the amount awarded by the Special Commissioners in the condemnation proceeding styled City of Dallas v. Main Capital Partners, L.P., et al., Cause No. CC-13-00525-A (\$30,000, which was \$21,800 more than what was previously authorized by Council), pending in Dallas County Court at Law No. 1, to acquire approximately 401,480 square feet of land located at the west side of Lawson Road, approximately 1,500 feet south of US-80, Sunnyvale, Dallas County, Texas for the Lake Tawakoni 144-inch Raw Water Transmission Pipeline Project; and **(2)** settlement of the condemnation proceeding, and if objections are filed, the lawsuit that arises from the condemnation proceeding for an amount not to exceed the award - Not to exceed \$21,800, increased from \$11,000 to \$32,800 (\$30,000, plus closing costs and title expenses not to exceed \$2,800) - Financing: Water Utilities Capital Improvement Funds

9. Authorize the **(1)** deposit of the amount awarded by the Special Commissioners in the condemnation proceeding styled City of Dallas v. John Derek Gibson, et al., Cause No. 84257CC (\$305,000, which was \$37,740 more than what was previously authorized by Council), pending in Kaufman County Court at Law, to acquire approximately 69,956 square feet of land located at the south corner of FM-740 and FM-460, Kaufman County, Texas for the Lake Tawakoni 144-inch Raw Water Transmission Pipeline Project; and **(2)** settlement of the condemnation proceeding, and if objections are filed, the lawsuit that arises from the condemnation proceeding for an amount not to exceed the amount of the award - Not to exceed \$41,240, increased from \$267,260 to \$308,500 (which includes \$3,500 in closing costs and title expenses not included in the original offer) (\$305,000, plus closing costs and title expenses not to exceed \$3,500) - Financing: Water Utilities Capital Improvement Funds

**ADDENDUM
CITY COUNCIL MEETING
FEBRUARY 26, 2014**

ADDITIONS: (Continued)

CONSENT ADDENDUM (Continued)

Trinity Watershed Management

10. A resolution authorizing the conveyance of an easement and right-of-way containing approximately 20,881 square feet of land to Oncor Electric Delivery Company, LLC for the construction, use and maintenance of electric facilities across City-owned land located on Pemberton Hill Road near its intersection with Jeane Street - Financing: No cost consideration to the City

ITEMS FOR INDIVIDUAL CONSIDERATION

Trinity Watershed Management

11. Authorize acquisition, including the exercise of the right of eminent domain, if such becomes necessary, from BNSF Railway Company, of a drainage easement containing approximately 3,000 square feet and a temporary working space easement containing approximately 61,812 square feet located near the intersection of Morrell Avenue and Sargent Road for the Trinity River Corridor Project - Upper Chain of Wetlands - Not to exceed \$5,445 (\$3,545 plus closing costs and title expenses not to exceed \$1,900) - Financing: 1998 Bond Funds

ITEMS FOR FURTHER CONSIDERATION

City Attorney's Office

12. Authorize the acceptance of a dedication from Prestonwood Golf Club, LLC, of a wastewater easement along White Rock Creek within Prestonwood Golf Club's The Creek Course in Dallas valued at \$772,000, based on an independent appraisal, in settlement of a disputed, unfiled claim for water usage - Not to exceed \$6,000 (closing costs and title expenses) - Financing: Water Utilities Capital Improvement Funds

Water Utilities

13. Authorize a five-year contract, with two five-year renewal options, with the Prestonwood Golf Club, LLC to provide untreated water for the Prestonwood Golf Club's The Hills Golf Course located in Plano, Texas, for the period February 12, 2014 through February 11, 2019 - Estimated Annual Revenue: \$46,013

**ADDENDUM
CITY COUNCIL MEETING
FEBRUARY 26, 2014**

ADDITIONS: (Continued)

PUBLIC HEARINGS AND RELATED ACTIONS

MISCELLANEOUS HEARINGS - DESIGNATED PUBLIC SUBSIDY MATTERS

Housing/Community Services

14. A public hearing to receive comments regarding an application to the Texas Department of Housing and Community Affairs (TDHCA) for 2014 9% Low Income Housing tax Credits for Serenity Place Apartments, a 45-unit multifamily project, located at 3124 South Denley Drive, in accordance with the requirements of Texas Government Code §2306.67071 and Texas Administrative Code §10.204(4); and at the close of the public hearing, authorize **(1)** a resolution in support of the Texas Department of Housing and Community Affairs (TDHCA) 9% low-income housing tax credit (LIHTC) application and allocation for Serenity Place Apartments located at 3124 South Denley Drive for the acquisition and new construction of the proposed 45-unit multifamily residential supportive housing development for low income families; **(2)** a loan in the amount of \$1,000,000 to City Wide Community Development Corporation (CWCDC), or the applicant for LIHTC (Applicant) for the construction of Serenity Place Apartments, conditioned upon 2014 9% LIHTC award; **(3)** a grant in the amount of \$959,913 to CWCDC, or Applicant for the construction of Serenity Place Apartments, conditioned upon 2014 9% LIHTC award; and **(4)** a predevelopment grant in the amount of \$38,000 to CWCDC for costs associated with the TDHCA 9% application not conditioned upon 2014 9% LIHTC award - Not to exceed \$1,997,913 - Financing: FY13-14 CDBG Program Income #1 (\$1,744,142); 2012-13 Community Development Block Grant Funds (\$215,771) and General Obligation Commercial Paper Funds (\$38,000)

15. A public hearing to receive comments regarding an application to the Texas Department of Housing and Community Affairs (TDHCA) for 2014 9% Low Income Housing Tax Credits for Wynnewood Senior Housing II, LP a 140-unit multifamily senior project, located at 1805 South Zang Boulevard, in accordance with the requirements of Texas Government Code §2306.67071 and Texas Administrative Code §10.204(4); and at the close of the public hearing, authorize **(1)** a resolution in support of the Texas Department of Housing and Community Affairs (TDHCA) 9% low-income housing tax credit (LIHTC) application and allocation for Wynnewood Senior Housing II, LP located at 1805 South Zang Boulevard for the construction of the proposed 140-unit multifamily residential development for low income seniors; and **(2)** an amendment to the terms of a housing redevelopment loan provided for The Parks at Wynnewood located at 1910 Argentia Drive to forgive \$425,000 of the current balance of the loan conditioned on the award of 2014 9% Low Income Housing Tax Credit - Financing: No cost consideration to the City

**ADDENDUM
CITY COUNCIL MEETING
FEBRUARY 26, 2014**

CORRECTION:

Sustainable Development and Construction

69. A resolution authorizing: **(1)** the execution and conveyance of bridge and drainage easements containing approximately 36,360 square feet of land to Valwood Improvement Authority and Dallas Area Rapid Transit for the construction, maintenance and use of the bridge and drainage improvements across City-owned land located in the City of Farmers Branch; and **(2)** the execution and delivery to Dallas Area Rapid Transit of documents evidencing ownership of the new bridge to be constructed on said land - Financing: No cost consideration to the City

**Lots Conveyed to
City Wide Community Development Corporation
Addendum Item # 3**

<u>Parcel No.</u>	<u>Address</u>	<u>DCAD Amount</u>
1	1310 E. Corning	\$24,000
2	3106 S. Denley	\$11,000
3	3110 S. Denley	\$26,490
4	3114 S. Denley	\$23,430
5	3118 S. Denley	\$26,700
6	3122 S. Denley	\$38,990

ADDENDUM DATE February 26, 2014

ITEM	IND	DEF	DISTRICT	TYPE	DEPT.	DOLLARS	LOCAL	MWBE	DESCRIPTION
1			N/A	C	ATT	\$1,200,000.00	NA	NA	Authorize settlement of the lawsuit styled H. Olivia Lord v. Dwayne A. Thompson, Civil Action No. 3:11-CV-3241-M
2			3	C	ECO	NC	NA	NA	A resolution authorizing approval of The City of Dallas Housing Finance Corporation (DHFC), as a conduit lender, to provide development funding in the form of a loan with funds provided by FSC Asset Administration, Inc., a sub-entity of First Southwest Company, to Wynnewood Seniors Housing II, L.P. and/or its successors and assigns, (a yet to be formed limited partnership) in an amount not to exceed \$1,750,000 in an attempt to be awarded up to fourteen (14) points under the Commitment of Development Funding from a Local Political Subdivision under Section 11.9 (d) (2) (B,C,D) of the Texas Department of Housing Community Affairs 2014 Qualified Allocation Plan, under specified terms and conditions and providing a firm commitment in this resolution for the Wynnewood Seniors, Phase II (aka High Point Seniors Phase II, which is Phase III of the Parks at Wynnewood Redevelopment) located at 1615 South Zang Boulevard, Dallas, Texas 75224
3			4	C	HOU	NC	NA	NA	A resolution authorizing an amendment of the Deed Restrictions placed on 6 unimproved properties sold to City Wide Community Development Corporation
4			7	C	PKR	\$1,186,944.40	NA	NA	Authorize the acceptance of the United States Economic Development Administration Grant in the amount of \$1,200,000 from the United States Economic Development Administration (EDA) for infrastructure and improvements to compliment the Briscoe Carpenter Center Project, Fair Park located at 1419 South Washington Street subject to final approval and appropriations by the EDA; matching funds in the amount of \$1,186,945; and an agreement with the United States Economic Development Administration
5			6	C	PKR	\$106,163.68	33.91%	33.86%	Authorize an increase in the contract with J.C. Commercial, Inc. for additional work necessary to meet code requirements, replacement of existing plumbing fixtures, plaster repairs, and other repairs at Anita Martinez Recreation Center located at 3212 North Winnetka Avenue
6			8	C	DEV, WTR, ATT	\$2,957.00	NA	NA	Authorize the deposit of the amount awarded by the Special Commissioners in the condemnation proceeding styled City of Dallas v. Carolyn Parker Schum, et al., Cause No. CC-13-05442-D (\$16,757, which was \$2,957 more than what was previously authorized by Council), pending in Dallas County Court at Law No. 4, to acquire approximately 19,714 square feet of land located at 3500 Telephone Road, Dallas, Texas for the Southwest 120/96-inch Water Transmission Pipeline Project; and settlement of the condemnation proceeding, and if objections are filed, the lawsuit that arises from the condemnation proceeding for an amount not to exceed the amount of the award
7			Outside	C	DEV, WTR, ATT	\$6,589.00	NA	NA	Authorize the deposit of the amount awarded by the Special Commissioners in the condemnation proceeding styled City of Dallas v. Terrell Country Club, et al., Cause No. 84264CC (\$74,000, which was \$3,589 more than what was previously authorized by Council), pending in Kaufman County Court at Law, to acquire approximately 278,813 square feet of land located at the north corner of CR-245 and Boathouse Drive, Kaufman County, Texas for the Lake Tawakoni 144-inch Raw Water Transmission Pipeline Project; and settlement of the condemnation proceeding, and if objections are filed, the lawsuit that arises from the condemnation proceeding for an amount not to exceed the award
8			Outside	C	DEV, WTR, ATT	\$21,800.00	NA	NA	Authorize the deposit of the amount awarded by the Special Commissioners in the condemnation proceeding styled City of Dallas v. Main Capital Partners, L.P., et al., Cause No. CC-13-00525-A (\$30,000, which was \$21,800 more than what was previously authorized by Council), pending in Dallas County Court at Law No. 1, to acquire approximately 401,480 square feet of land located at the west side of Lawson Road, approximately 1,500 feet south of US-80, Sunnyvale, Dallas County, Texas for the Lake Tawakoni 144-inch Raw Water Transmission Pipeline Project; and settlement of the condemnation proceeding, and if objections are filed, the lawsuit that arises from the condemnation proceeding for an amount not to exceed the award

ADDENDUM DATE February 26, 2014

ITEM		IND		DISTRICT	TYPE	DEPT.	DOLLARS	LOCAL	MWBE	DESCRIPTION
#	OK	DEF								
9			Outside	C	DEV, WTR, ATT	\$41,240.00	NA	NA	Authorize the deposit of the amount awarded by the Special Commissioners in the condemnation proceeding styled City of Dallas v. John Derek Gibson, et al., Cause No. 84257CC (\$305,000, which was \$37,740 more than what was previously authorized by Council), pending in Kaufman County Court at Law, to acquire approximately 69,956 square feet of land located at the south corner of FM-740 and FM-460, Kaufman County, Texas for the Lake Tawakoni 144-inch Raw Water Transmission Pipeline Project; and settlement of the condemnation proceeding, and if objections are filed, the lawsuit that arises from the condemnation proceeding for an amount not to exceed the amount of the award	
10			7	C	TWM	NC	NA	NA	A resolution authorizing the conveyance of an easement and right-of-way containing approximately 20,881 square feet of land to Oncor Electric Delivery Company, LLC for the construction, use and maintenance of electric facilities across City-owned land located on Pemberton Hill Road near its intersection with Jeane Street	
11			4	I	TWM, PBW	\$5,445.00	NA	NA	Authorize acquisition, including the exercise of the right of eminent domain, if such becomes necessary, from BNSF Railway Company, of a drainage easement containing approximately 3,000 square feet and a temporary working space easement containing approximately 61,812 square feet located near the intersection of Morrell Avenue and Sargent Road for the Trinity River Corridor Project - Upper Chain of Wetlands	
12			11	I	ATT, WTR, DEV	\$6,000.00	NA	NA	Authorize the acceptance of a dedication from Prestonwood Golf Club, LLC, of a wastewater easement along White Rock Creek within Prestonwood Golf Club's The Creek Course in Dallas valued at \$772,000, based on an independent appraisal, in settlement of a disputed, unfiled claim for water usage	
13			All	I	WTR	REV \$46,013	NA	NA	Authorize a five-year contract, with two five-year renewal options, with the Prestonwood Golf Club, LLC to provide untreated water for the Prestonwood Golf Club's The Hills Golf Course located in Plano, Texas, for the period February 12, 2014 through February 11, 2019	
14			4	PH	HOU	\$38,000.00	NA	NA	A public hearing to receive comments regarding an application to the Texas Department of Housing and Community Affairs (TDHCA) for 2014 9% Low Income Housing tax Credits for Serenity Place Apartments, a 45-unit multifamily project, located at 3124 South Denley Drive, in accordance with the requirements of Texas Government Code §2306.67071 and Texas Administrative Code §10.204(4); and at the close of the public hearing, authorize a resolution in support of the Texas Department of Housing and Community Affairs (TDHCA) 9% low-income housing tax credit (LIHTC) application and allocation for Serenity Place Apartments located at 3124 South Denley Drive for the acquisition and new construction of the proposed 45-unit multifamily residential supportive housing development for low income families; a loan in the amount of \$1,000,000 to City Wide Community Development Corporation (CWCDC), or the applicant for LIHTC (Applicant) for the construction of Serenity Place Apartments, conditioned upon 2014 9% LIHTC award; a grant in the amount of \$959,913 to CWCDC, or Applicant for the construction of Serenity Place Apartments, conditioned upon 2014 9% LIHTC award; and a predevelopment grant in the amount of \$38,000 to CWCDC for costs associated with the TDHCA 9% application not conditioned upon 2014 9% LIHTC award	

ADDENDUM DATE February 26, 2014

ITEM		IND								
#	OK	DEF	DISTRICT	TYPE	DEPT.	DOLLARS	LOCAL	MWBE	DESCRIPTION	
15			1	PH	HOU	NC	NA	NA	A public hearing to receive comments regarding an application to the Texas Department of Housing and Community Affairs (TDHCA) for 2014 9% Low Income Housing Tax Credits for Wynnewood Senior Housing II, LP a 140-unit multifamily senior project, located at 1805 South Zang Boulevard, in accordance with the requirements of Texas Government Code §2306.67071 and Texas Administrative Code §10.204(4); and at the close of the public hearing, authorize a resolution in support of the Texas Department of Housing and Community Affairs (TDHCA) 9% low-income housing tax credit (LIHTC) application and allocation for Wynnewood Senior Housing II, LP located at 1805 South Zang Boulevard for the construction of the proposed 140-unit multifamily residential development for low income seniors; and an amendment to the terms of a housing redevelopment loan provided for The Parks at Wynnewood located at 1910 Argentia Drive to forgive \$425,000 of the current balance of the loan conditioned on the award of 2014 9% Low Income Housing Tax Credit	

TOTAL \$2,615,139.08

ADDENDUM ITEM # 1

KEY FOCUS AREA: Efficient, Effective and Economical Government

AGENDA DATE: February 26, 2014

COUNCIL DISTRICT(S): N/A

DEPARTMENT: City Attorney's Office

CMO: Warren M.S. Ernst, 670-3491

MAPSCO: N/A

SUBJECT

Authorize settlement of the lawsuit styled H. Olivia Lord v. Dwayne A. Thompson, Civil Action No. 3:11-CV-3241-M - Not to exceed \$1,200,000 - Financing: Current Funds

BACKGROUND

H. Olivia Lord sued Dallas police officer Dwayne Thompson, alleging that he violated Lord's right to be free from arrest without probable cause and that he maliciously prosecuted her. After a trial in federal court, a jury found Thompson liable to Lord and awarded her \$798,701 in damages. Federal law entitles Lord to recover her reasonable and necessary attorney's fees and costs incurred in bringing her claims against Thompson. A settlement was reached that disposes of all of Lord's claims for damages, attorney's fees, and costs of suit. Lord is represented by Don A. Tittle of the Law Offices of Don Tittle.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Council was briefed in Closed Session on February 12, 2014.

FISCAL INFORMATION

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

\$1,200,000 - Current Funds

February 26, 2014

WHEREAS, plaintiff filed a lawsuit styled H. Olivia Lord v. Dwayne A. Thompson, Civil Action No. 3:11-CV-3241-M, alleging Dwayne Thompson violated Lord's right to be free from arrest without probable cause and that he maliciously prosecuted her; and,

WHEREAS, the City denies plaintiff's allegations; and,

WHEREAS, the parties have agreed to a proposed settlement of the case whereby the City will pay the plaintiff and her attorneys the amount of \$1,200,000.00; and,

WHEREAS, it is in the best interest of the City to settle this case; **Now, Therefore**,

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

Section 1. That settlement of the lawsuit styled H. Olivia Lord v. Dwayne A. Thompson, Civil Action No. 3:11-CV-3241-M, in an amount not to exceed \$1,200,000.00 is hereby approved.

Section 2. That the City Controller is authorized to pay to the Law Offices of Don Tittle, PLLC the amount of \$401,299.00 from Fund 0192, Department ORM, Unit 3890, Obj. 3521, Vendor CTATT001.

Section 3. That the City Controller is authorized to pay to H. Olivia Lord, and her attorney the Law Offices of Don Tittle, PLLC the amount of \$798,701.00 from Fund 0192, Department ORM, Unit 3890, Obj. 3521, Vendor CTATT001.

Section 4. That this resolution shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so resolved.

KEY FOCUS AREA: Economic Vibrancy
AGENDA DATE: February 26, 2014
COUNCIL DISTRICT(S): 3
DEPARTMENT: Office of Economic Development
CMO: Ryan S. Evans, 671-9837
MAPSCO: 45 W

SUBJECT

A resolution authorizing approval of The City of Dallas Housing Finance Corporation (DHFC), as a conduit lender, to provide development funding in the form of a loan with funds provided by FSC Asset Administration, Inc., a sub-entity of First Southwest Company, to Wynnewood Seniors Housing II, L.P. and/or its successors and assigns, (a yet to be formed limited partnership) in an amount not to exceed \$1,750,000 in an attempt to be awarded up to fourteen (14) points under the Commitment of Development Funding from a Local Political Subdivision under Section 11.9 (d) (2) (B,C,D) of the Texas Department of Housing Community Affairs 2014 Qualified Allocation Plan, under specified terms and conditions and providing a firm commitment in this resolution for the Wynnewood Seniors, Phase II (aka High Point Seniors Phase II, which is Phase III of the Parks at Wynnewood Redevelopment) located at 1615 South Zang Boulevard, Dallas, Texas 75224 - Financing: No cost consideration to the City

BACKGROUND

On February 4, 2014, Wynnewood Seniors Housing II, L.P. and Central Dallas Community Development Corporation (CDCDC), submitted a request to the DHFC for a loan in an amount not to exceed \$1.75 Million, with a term of fifteen (15) years with a thirty (30) year amortization at an interest rate not to exceed three (3%). This loan will be made pursuant to Commitment of Development Funding by Local Political Subdivision (LPS) (Sec.2306.6710(b)(1)(E) from a instrumentality of a city DHFC that has 100 percent of its governing board of the appointed by the elected officials of the city in which the Development Site is located. The DHFC fulfills this requirement. DHFC, the government instrumentality providing the development funding is not a Related Party to the Applicant.

BACKGROUND (Continued)

The Development funding will be provided in the form of a construction and/or permanent loan with an interest rate not higher than 3 percent per annual and with a term of a least 5 years, a grant, an in-kind contribution, a contribution which will support the Development, such as vouchers, or combination thereof. The Applicant must provide evidence in Application that an application or request for the development funds has been requested from the City and that information must be submitted in the form of an acknowledgement in the application.

The acknowledgement must also state that a final decision with regard to the awards of such funding is expected to occur no later than September 1, 2014. A firm commitment of funds is required by Commitment to TDHCA or points will be lost. While the specific source can change, the funding secured must have been eligible at the time the Application was submitted which will be on or before February 28, 2014. The Applicant could receive up to 14 points as a result of the development commitment loan it receives from the DHFC provided it meets all the requirements.

On February 6, 2014, the applicant submitted an application to the DHFC for consideration of the approval of \$1.75 Million, 15 year, 3% interest rate with a 30 year amortization as funding from a Local Political Subdivision to receive up to 14 points on their 9% tax credit application that was submitted to TDHCA on January 17, 2014.

The City of Dallas is not being asked to issue the \$1,750,000 debt, it is not City funding and it will not be a debt liability of the City, the County or the State of Texas. The City's name will not appear on the loan documents.

The Dallas Housing Finance Corporation (DHFC) met on February 14, 2014, and approved the loan in the amount of \$1.75 Million for the Wynnewood Senior Housing Phase II tax credit application.

PRIOR ACTION/REVIEW (COUNCIL, BOARD, COMMISSIONS)

On February 14, 2014, the City of Dallas Housing Finance Corporation approved the loan to the Wynnewood Seniors Housing II, L.P., in an amount not to exceed \$1.75 Million to be used for development costs and to qualify for up to 14 points for its 2014 TDHCA 9% tax credit application.

On February 18, 2014, the Housing Committee was sent a briefing memo on \$1.75 Million loan for the Wynnewood Senior Housing, Phase II, aka High Point Seniors Phase II and Parks at Wynnewood Redevelopment Plan, Phase III.

FISCAL INFORMATION

No cost consideration to the City

February 26, 2014

WHEREAS, on April 25, 1984, the City of Dallas (City) approved and authorized the creation of the Dallas Housing Finance Corporation (DHFC) as a Texas non-profit corporation, pursuant to the Texas Housing Finance Corporation Act, Chapter 394, Local Government Code, V.T.C.A., as amended (the Act), to act on behalf of the City in carrying out the public purpose of the Act; and

WHEREAS, the DHFC is authorized by the Act to issue its revenue bonds on behalf of the City for the purpose of providing funding for the housing development for persons of low and moderate income to be located in the City; and

WHEREAS, the DHFC on April 9, 2013, the DHFC approved a loan program to provide funding from Local Political Subdivision to 9% tax credit applicants needing additional funds and points to be competitive in the tax credit round that are granted support of their 9% tax credit application from the City of Dallas; and

WHEREAS, the Parks at Wynnewood Redevelopment Plan which began in 2010, has completed Phase I, 140 units for seniors and is under construction for Phase II, 160 units for families and the funding requested in this resolution is for the 9% tax credit application for Phase III, the Wynnewood Seniors, Phase II (aka High Point Seniors, Phase II); and

WHEREAS, on January 17, 2014, the Applicant sent its pre-application to the Texas Department of Housing and Community Affairs ("TDHC") for a 9% tax credit application to receive 6 points on its full application due on February 28, 2014 for the Wynnewood Seniors Phase II (aka High Point Seniors Phase II and Parks at Wynnewood Redevelopment Project Phase III, 140 new construction units for seniors); and

WHEREAS, on February 6, 2014, the Applicant, Wynnewood Seniors Housing II, L.P. and Central Dallas Community Development Corporation the "Applicant" submitted an application for a loan in the amount of \$1.75 Million, 15 year with 30 year amortization and at a rate not to exceed 3% interest, to receive up to 14 points on their 9% tax credit application under the AT RISK category; and

WHEREAS, on February 14, 2014, the Dallas Housing Finance Corporation (DHFC), approved the \$1.75 Million Local Political Subdivision loan and recommended the approval to the City Council to be applied to the Applicant's 9% tax credit application for the Wynnewood Senior Phase II's pre-application submitted to TDHCA on January 17, 2014 and application to be submitted on February 28, 2014, in accordance with the DHFC's Rules for Loans in Connection with Obtaining Tax Credits for Multi-family Residential Projects; and

February 26, 2014

WHEREAS, on February 18, 2014, the Housing Committee was sent a briefing memo on the project and voted to recommend that the City Council adopt a resolution approving the \$1.75 Million loan from the DHFC to the Wynnewood Seniors Housing II, L.P. and/or its successors and assigns for the Wynnewood Senior Phase II (aka High Point Seniors Phase II and the Parks at Wynnewood Redevelopment Project Phase III); and

WHEREAS, Wynnewood Seniors Housing II, L.P., the applicant, has advised that it intends to submit an application to the Texas Department of Housing and Community Affairs (TDHCA) for 2014 Competitive 9% Housing Tax Credits for Wynnewood Seniors Phase II (aka High Point Seniors Phase II and the Wynnewood Redevelopment Project Phase III) on or before February 28, 2014; and

WHEREAS, under the TDHCA Qualified Allocation Plan for 2014, specific conditions are needed in order for the applicant to receive up to 17 points for Local Government Support of the project from the Governing Body provided by a Resolution; and

WHEREAS, the owner of the project will: (1) expend a minimum of \$40,000 in social services annually (\$200 per unit per year), whichever is greater, 100% of which can be in the form of in-kind contributions, for and at no cost to the residents of the development, based on a survey of residents needs to include some or all of the following: tutoring and after-school programs; health screenings, family counseling/domestic crisis intervention, computer education, emergency assistance, vocational guidance, adult education programs (such as ESL, life skills, nutrition classes, etc.) and social services and recreational activities, to be implemented within three months of project completion and in-kind social services may count toward meeting 100% of the social service requirements No fees may be charged to the tenants for any of the services. Services must be provided on-site or transportation to off-site services must be provided. The provision of these services will be included in the Bond Regulatory Agreement; and

WHEREAS, the Wynnewood Seniors Phase III project, located at 1615 South Zang Boulevard, a proposed development of approximately 140 units for seniors with 100% of the units at 60% of the Area Wide Median Income, is being considered by the City Council on February 26, 2014, for the support of its tax credit application and its development to TDHCA for the maximum 14 points under Section 11.9 (d)(1) of the 2014 Qualified Allocation Plan and in accordance with Texas Government Code Section 2306.6710(b), stating that the City of Dallas supports the application; and

February 26, 2014

WHEREAS, the City of Dallas desires to consider the approval of the development of the Wynnewood Seniors, Phase II (aka High Point Seniors, Phase II), the development of 140 new construction units for seniors located at 1615 South Zang Blvd. Dallas, Texas and therefore authorizes the DHFC to make a loan in an amount not to exceed \$1.75 Million under Section 11.9 (d)(2) (B,C,D) Commitment of Development Funding by LPS contingent on the applicant receiving a tax credit allocation from TDHCA, that the City's approval of the 9% tax credit application under Section 11.9 (d) (1) Local Government Support to receive up to 17 points dated on today's date, with a request for the forgiveness of debt on the project in the amount of \$425,000, waiver for the One Mile Three year rule under Section 11.3 (c) of the 2014 QAP under 2306.6703(a)(3) Texas Government Code and under 2X per capita, if required, pursuant to 2306.6703(a)(4) Texas Government Code and 11.3(b) of the 2014 QAP.

NOW, THEREFORE,

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

Section 1. That the City Manager hereby authorizes the DHFC to loan \$1.75 Million to Wynnewood Seniors Housing II, L.P. and/or its successors and assigns for costs associated with the development of the Wynnewood Seniors Phase II, aka High Point Seniors, Phase II, located at 1615 South Zang, approximately 140 units (the "Project") in order to get up to 14 points for its 9% tax credit application under Commitment of Development Funding by Local Political Subdivision Section 11.9 (d) (2) (B,C,D) (Section 2306.6710(b)(1)(E)).

Section 2. That the DHFC's subsequent final approval of the loan will take place prior to September 1, 2014.

Section 3. That it is understood that Borrower intends to apply for a commitment of Tax Credits from the TDHCA pursuant to its 2014 Qualified Allocation Plan (the "QAP"). The City understands that this Loan allows Borrower to qualify for certain points under its Tax Credit application, and Borrower and City intend for this Loan to comply with the QAP.

Section 4. That the Loan will be evidenced by a Promissory Note (the "Note"), which will have a term of at least (5) five years, with a 30 year amortization period and shall bear interest at a rate not to exceed 3% per annum.

Section 5. That this Resolution constitutes the commitment of the City to authorize the DHFC to make a loan to the Borrower, as an instrumentality of the City that meets the requirements of 10 TAC Section 11.9(d)(2) (B,C,D) of the TDHCA Rules, on the terms and conditions described above (this "Loan Commitment").

February 26, 2014**Section 5.** (Continued)

This Loan Commitment is conditioned upon: (1) the DHFC's receipt and approval of loan documents in final form; (2) no material adverse change in Borrower or the Project or the circumstances surrounding Borrower's development of the Project that would, in the City's reasonable judgment, make the Loan unacceptable to the DHFC; (3) approval by the DHFC's legal counsel of the documents evidencing the Loan; (4) Borrower's receipt of a commitment of Tax Credits for the Project from the TDHCA; (5) availability to the DHFC's funding sources in an amount sufficient to fund the Loan at the time of closing; and (6) execution and delivery of an incentive agreement between the DHFC and the Borrower setting forth the criteria required for the Loan.

Section 6. That this Loan Commitment expires upon the Borrower's failure to satisfy any one of the numbered conditions described above. Neither the City, its governing body, DHFC or any employee or representative of the City makes any representation with respect to whether this Loan Commitment qualifies the Borrower for the award of certain points by the TDHCA in connection with an application for a commitment of Tax Credits under any requirement, rule, policy or guideline of the TDHCA, including but not limited to the QAP.

Section 7. That it is RESOLVED, that the City of Dallas, acting through its governing body, hereby confirms that it supports the proposed Wynnewood Seniors Phase II, (aka High Point Seniors Phase II) (Parks at Wynnewood Redevelopment Phase III), the new construction of approximately 140 new units for seniors located at 1615 S. Zang, Dallas, Texas pursuant to Section 11.9 (d) (1) Local Government Support to receive up to 17 points.

Section 8. That it is RESOLVED, that as provided for in Section 10 of the Texas Administrative Code Section 11.3(b), it is expressly acknowledged and confirmed that the City of Dallas could at any time have more than twice the state average of units per capita supported by Housing Tax Credits or Private Activity Bonds and therefore a waiver of this requirement is granted and the City of Dallas confirms that it has voted specifically to allow the new construction of this development and has authorized an allocation of Housing Tax Credits for the Development.

Section 9. That it is FURTHER RESOLVED that the project site could be subject to the greater than 20% HTC Units per Households in Census Tract Rule applicable to projects that are new construction contained in the 2014 Qualified Allocation Plan ("QAP"), therefore a waiver of this requirement is granted and the City of Dallas confirms that it has voted specifically to allow the new construction of this development and has authorized an allocation of Housing Tax Credits for the Development.

February 26, 2014

Section 10. That it is FURTHER RESOLVED that for and on behalf of the Governing Body, the Mayor or the City Manager, are hereby authorized, empowered and directed to certify these resolutions to the Texas Department of Housing and Community Affairs.

Section 11. That the recitals contained herein above are true and correct.

Section 12. That this resolution shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so resolved.

KEY FOCUS AREA: Economic Vibrancy
AGENDA DATE: February 26, 2014
COUNCIL DISTRICT(S): 4
DEPARTMENT: Housing/Community Services
CMO: Theresa O'Donnell, 671-9195
MAPSCO: 55X

SUBJECT

A resolution authorizing an amendment of the Deed Restrictions placed on 6 unimproved properties sold to City Wide Community Development Corporation (list attached) – Financing: No cost consideration to the City

BACKGROUND

The Serenity Place Apartments will be developed for families with children. City Wide Community Development Corporation (City Wide) has proposed 45 housing units with 40 two bedroom units and 5 three bedroom units. Each of the rental units will rent to families with children with incomes at or below 80% of Area Median Family Income.

The City acquired 6 unimproved properties for inclusion in the Serenity Place Apartments (Property) and subsequently conveyed the Property to City Wide pursuant to Council Resolution No. 13-1926 approved on November 12, 2013. City Wide subsequently conveyed the Property to City Wide Serenity Place Apartments, LP, a subsidiary of City Wide.

As a condition of sale of the Property to City Wide, the City encumbered the Property with deed restrictions requiring, among other things, that for 5 years the units be leased only to women with children whose total household income is at or below 80% of the area median income (Low Income Families). The City desires to amend the Deed Restrictions to (1) remove the definition of “Permanent Supportive Housing” and (2) to revise the definition of “Low Income Family” to include both men and women with children whose total household income is at or below 80% of the area median income.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On November 12, 2013, the City Council approved the conveyance of 6 lots to City Wide Community Development Corporation to construct a permanent supportive housing development by Resolution No. 13-1926.

FISCAL INFORMATION

No cost consideration to the City

OWNER

City Wide Serenity Place Apartments, LP

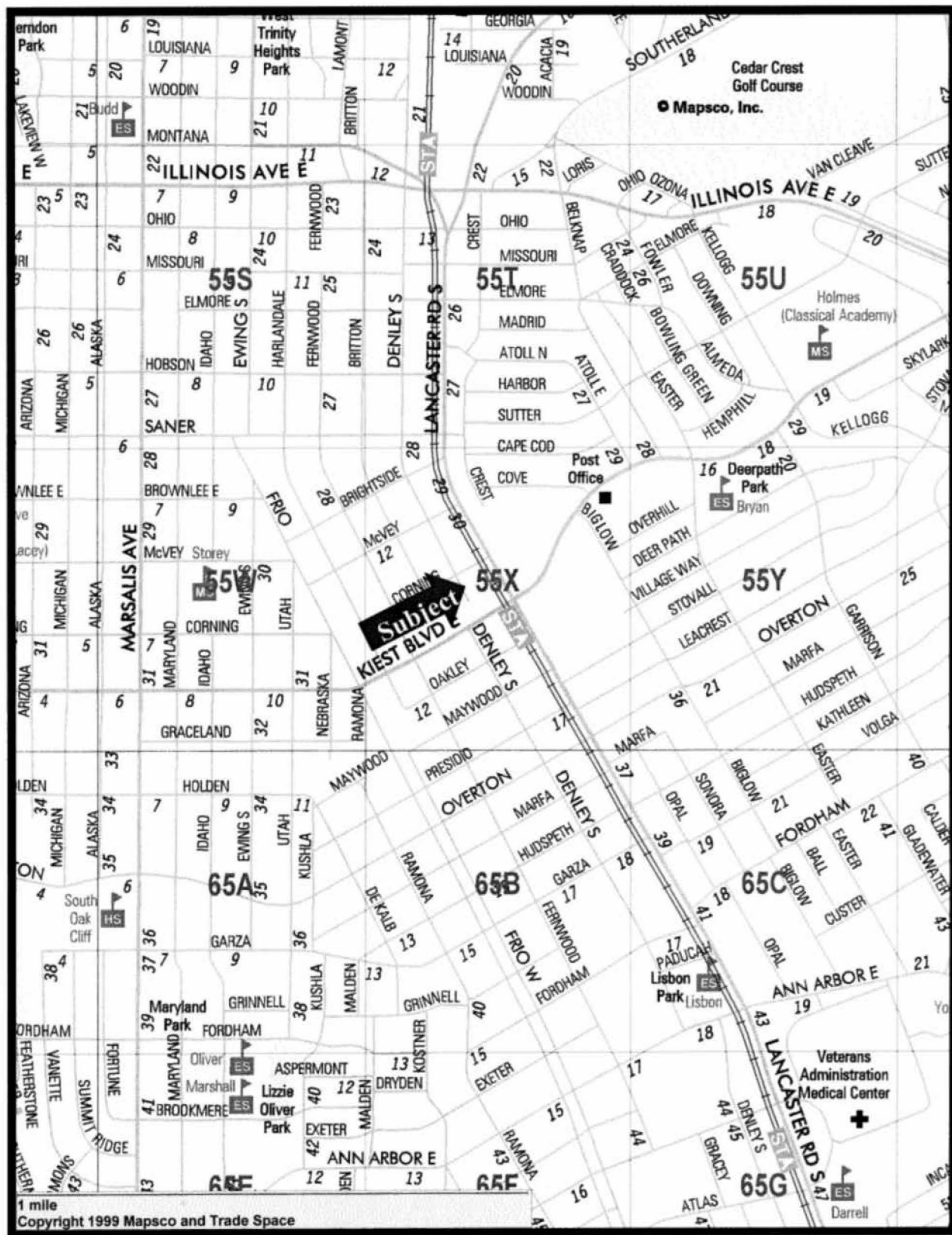
Sherman Roberts, General Partner

MAP

Attached

**Lots Conveyed to
City Wide Community Development Corporation**

<u>Parcel No.</u>	<u>Address</u>	<u>DCAD Amount</u>
1	1310 E. Corning	\$24,000
2	3106 S. Denley	\$11,000
3	3110 S. Denley	\$26,490
4	3114 S. Denley	\$23,430
5	3118 S. Denley	\$26,700
6	3122 S. Denley	\$38,990



MAPSCO 55X

February 26, 2014

WHEREAS, the City of Dallas acquired six tracts of land identified by legal description (“Property”) on Exhibit A, attached hereto and made a part hereof; and

WHEREAS, on November 12, 2013, the City Council approved the conveyance of 6 lots to City Wide Community Development Corporation (“City Wide”) to construct a permanent supportive housing development; and

WHEREAS, the Property was conveyed to City Wide, and subsequently reconveyed to City Wide Serenity Place Apartments, LP; and

WHEREAS, the Property is subject to Deed Restrictions required by the City in connection with its sale to City Wide; and

WHEREAS, the City Council desires to amend the Deed Restrictions to (1) remove the definition of “Permanent Supportive Housing” and (2) revise the definition of “Low Income Family” to include both men and women with children whose total household income is at or below 80% of the area median income; **NOW, THEREFORE**,

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

Section 1. That the Deed Restrictions placed on the Property identified on Exhibit A be amended to (1) remove the definition of “Permanent Supportive Housing” and (2) revise the definition of “Low Income Family” to include both men and women with children whose total household income is at or below 80% of the area median income.

Section 2. That the Amended Deed Restrictions will contain a requirement that the purchaser sign and record the amended deed restrictions.

Section 3. That the City Manager is hereby authorized to execute Amended Deed Restrictions, upon approval as to form by the City Attorney and attested by the City Secretary, subject to the requirements and restrictions listed in the aforesaid Sections 1 and 2.

Section 4. That the City Manager is authorized to execute an instrument, approved as to form by the City Attorney, releasing the City’s reverter rights and terminating the amended deed restrictions to the Property upon compliance with all terms and conditions of the amended deed restrictions.

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

KEY FOCUS AREA: Culture, Arts and Recreation
Economic Vibrancy

AGENDA DATE: February 26, 2014

COUNCIL DISTRICT(S): 7

DEPARTMENT: Park & Recreation

CMO: Willis Winters, 670-4071

MAPSCO: 46-K

SUBJECT

Authorize **(1)** the acceptance of the United States Economic Development Administration Grant in the amount of \$1,200,000 from the United States Economic Development Administration (EDA) for infrastructure and improvements to compliment the Briscoe Carpenter Center Project, Fair Park located at 1419 South Washington Street subject to final approval and appropriations by the EDA; **(2)** matching funds in the amount of \$1,186,945; and **(3)** an agreement with the United States Economic Development Administration - Not to exceed \$2,386,945 - Financing: United States Economic Development Administration Grant Funds (\$1,200,000) and General Obligation Commercial Paper Funds (\$1,186,945)

BACKGROUND

The proposed infrastructure improvement project includes permit fees, removal of 1,000 feet of old road, relocation of overhead electrical and underground utilities, and storm sewer, earthwork, asphalt paving, and curbs and gutters along the new alignment. In addition, new wrought iron fencing and a gate will be added, as well as, landscaping and irrigation along a portion of the 1400 block of Washington Street.

The infrastructure improvement project will compliment the Briscoe Carpenter Center (Livestock facility) Project and provide this area of Dallas with a significant boost in economic development, services and living-wage employment.

The total estimate for the infrastructure improvements is \$2,386,944.40, with \$1,200,000.00 being funded by the grant and \$1,186,944.40 by 2006 Bond Funds (General Obligation Commercial Paper Funds).

ESTIMATED SCHEDULE OF PROJECT

Begin Construction July 2014
Complete Construction September 2015

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

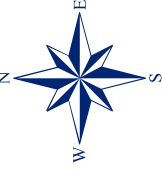
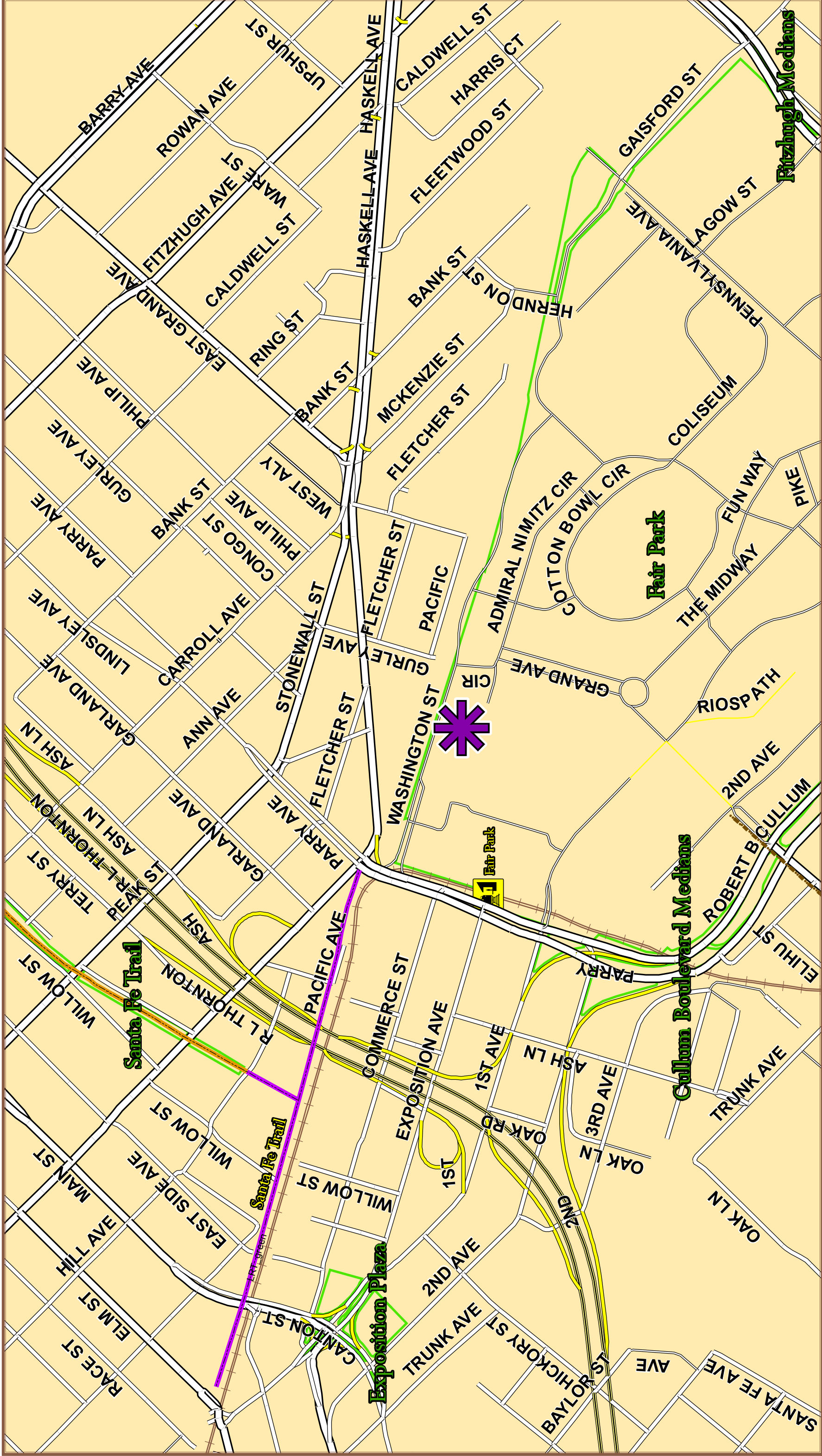
The Park and Recreation Board authorized the agreement on February 20, 2014.

FISCAL INFORMATION

United States Economic Development Administration Grant Funds - \$1,200,000.00
2006 Bond Program (General Obligation Commercial Paper Funds) - \$1,186,944.40

MAP

Attached



Fair Park (1419 Washington Street)

Mapscio
46 K

District
7

February 20, 2014

February 26, 2014

WHEREAS, the City Charter of the City of Dallas authorizes the Park and Recreation Board to accept gifts and donations; and

WHEREAS, the City of Dallas applied for the FY 2014 Economic Assistance Program Grant from the United States Economic Development Administration (EDA) for a reimbursable grant; and

WHEREAS, the City would like to accept \$1,200,000 in funds from the United States Economic Development Administration; and

WHEREAS, this is a matching fund and the City's required match is in the amount not to exceed \$1,186,944.40; and

WHEREAS, the City desires to enter into an agreement with the United States Economic Development Administration.

Now, Therefore,

BE IT RESOLVED BY THE PARK AND RECREATION BOARD AND THE CITY COUNCIL OF THE CITY OF DALLAS:

SECTION 1. That the President of the Park and Recreation Board and the City Manager be authorized to accept a reimbursable grant from the United States Economic Development Administration subject to terms and conditions of the grant and subject to final approval and appropriations by the EDA.

SECTION 2. That the City Controller is hereby authorized to receive and deposit funds from the EDA in an amount not to exceed \$1,200,000 in Fund F423, Department PKR, Unit 1624, Revenue Source 6506.

SECTION 3. That the City Manager is hereby authorized to establish appropriations in an amount not to exceed \$1,200,000 in the United States Economic Development Administration Grant, Fund F423, Department PKR, Unit 1624, Object 4599.

SECTION 4. That the City Controller is hereby authorized to disburse the amount of \$1,200,000 for the grant from the United States Economic Development Administration Grant, Fund F423, Department PKR, Unit 1624, Object 4599.

SECTION 5. That the President of the Park and Recreation Board and the City Manager be authorized to enter into and execute an agreement with the United States Economic Development Administration, after approval as to form by the City Attorney's Office.

February 26, 2014

SECTION 6. That the City Manager is hereby authorized to decrease appropriations in an amount not to exceed \$3,488,042, in the Farmers Market Improvements Fund 1T40, Department PBW, Unit T820, Object 4599.

SECTION 7. That the City Manager is hereby authorized to increase appropriations in an amount not to exceed \$3,488,042, in the General Obligation Commercial Paper Fund 2T00, Department PKR, Unit T098, Object 4599 for the Briscoe Carpenter Center Project and provide for the City's match of \$1,186,944.40.

SECTION 8. That the City proposes to use the grant funds for infrastructure and improvements to compliment the Briscoe Carpenter Center Project at Fair Park.

SECTION 9. That this resolution shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so resolved.

KEY FOCUS AREA: Culture, Arts and Recreation
AGENDA DATE: February 26, 2014
COUNCIL DISTRICT(S): 6
DEPARTMENT: Park & Recreation
CMO: Willis Winters, 670-4071
MAPSCO: 44-K P

SUBJECT

Authorize an increase in the contract with J.C. Commercial, Inc. for additional work necessary to meet code requirements, replacement of existing plumbing fixtures, plaster repairs, and other repairs at Anita Martinez Recreation Center located at 3212 North Winnetka Avenue - Not to exceed \$106,164, from \$1,064,734 to \$1,170,898 - Financing: 2006 Bond Funds (\$91,959) and 2003 Bond Funds (\$14,205)

BACKGROUND

The original contract with J.C. Commercial, Inc. was awarded by Council on September 11, 2013, by Resolution No. 13-1567, for interior renovation (finish-out) and exterior waterproofing and facade improvements to the Anita Martinez Recreation Center, in an amount not to exceed \$1,064,734.00.

This action will authorize Change Order No. 1 to the contract in an amount not to exceed \$106,163.68, increasing the contract amount from \$1,064,734.00 to \$1,170,897.68 for additional work necessary to meet code requirements, replacement of existing plumbing fixtures, plaster repairs, and other repairs at Anita Martinez Recreation Center.

ESTIMATED SCHEDULE OF PROJECT

Began Construction November 2013
Complete Construction July 2014

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

The Park and Recreation Board authorized the advertisement for a Request for Competitive Sealed Proposals on March 7, 2013.

The Park and Recreation Board authorized award of the contract on August 15, 2013.

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

City Council authorized award of the contract on September 11, 2013, by Resolution No. 13-1567.

The Park and Recreation Board authorized Change Order No. 1 on February 20, 2014.

FISCAL INFORMATION

2006 Bond Funds - \$91,958.58

2003 Bond Funds - \$14,205.10

Construction Amount	\$1,064,734.00
Change Order No. 1 (this action)	<u>\$106,163.68</u>
Total amount not to exceed	\$1,170,897.68

M/WBE INFORMATION

See attached.

ETHNIC COMPOSITION

J.C. Commercial, Inc.

White Male	10	White Female	3
Black Male	0	Black Female	0
Hispanic Male	0	Hispanic Female	0
Other Male	0	Other Female	0

OWNER

J.C. Commercial, Inc.

Larry Wagnor, President/Treasurer
Michelle Wagnor, Vice President/Secretary

MAP

Attached

BUSINESS INCLUSION AND DEVELOPMENT PLAN SUMMARY

PROJECT: Authorize an increase in the contract with J.C. Commercial, Inc. for additional work necessary to meet code requirements, replacement of existing plumbing fixtures, plaster repairs, and other repairs at Anita Martinez Recreation Center located at 3212 North Winnetka Avenue - Not to exceed \$106,164, from \$1,064,734 to \$1,170,898 - Financing: 2006 Bond Funds (\$91,959) and 2003 Bond Funds (\$14,205)

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

PROJECT CATEGORY: Construction

LOCAL/NON-LOCAL CONTRACT SUMMARY - THIS ACTION ONLY

	<u>Amount</u>	<u>Percent</u>
Local contracts	\$36,005.00	33.91%
Non-local contracts	\$70,158.68	66.09%
TOTAL THIS ACTION	\$106,163.68	100.00%

LOCAL/NON-LOCAL M/WBE PARTICIPATION THIS ACTION

Local Contractors / Sub-Contractors

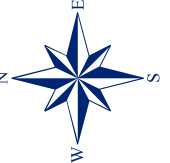
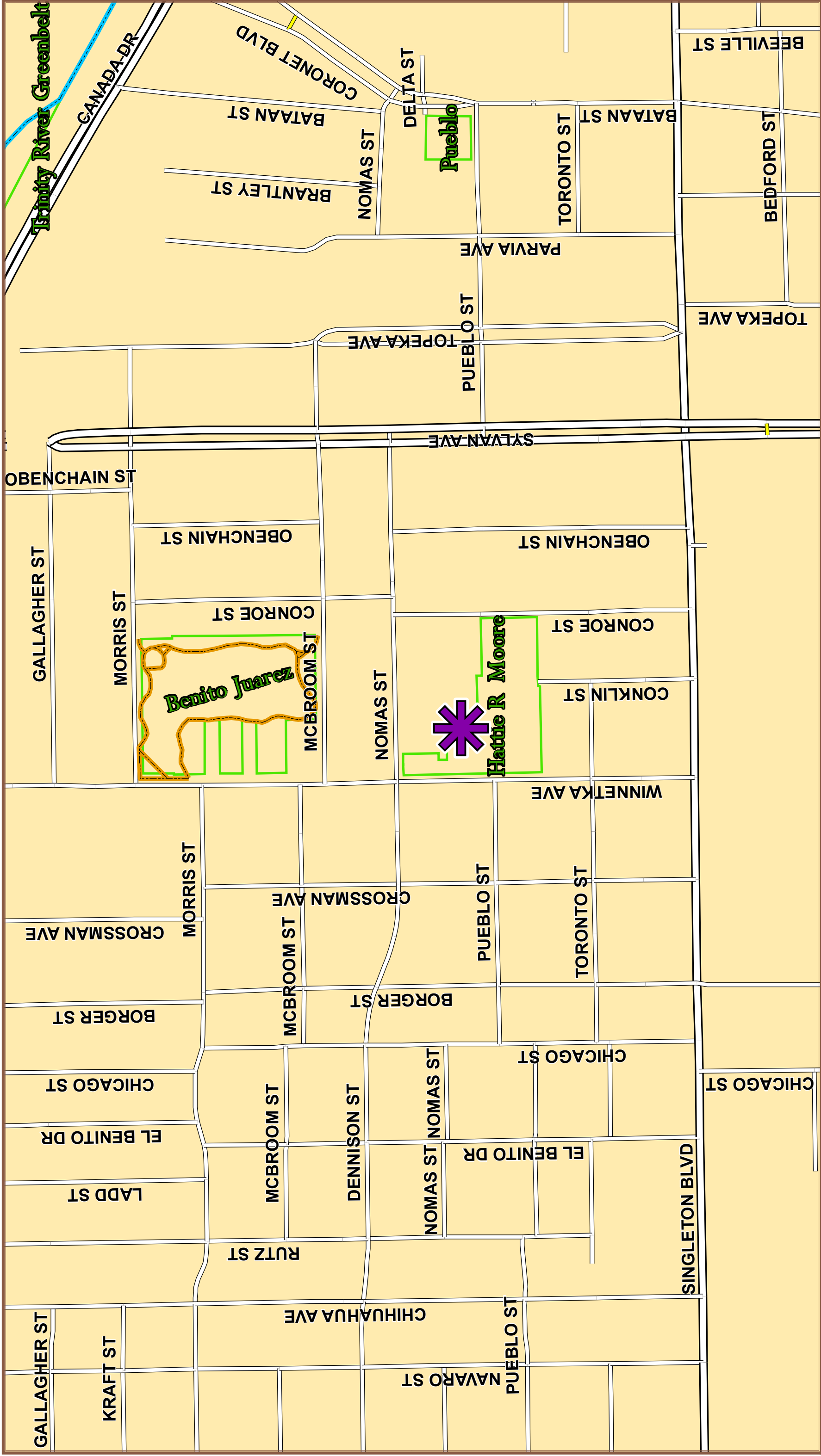
<u>Local</u>	<u>Certification</u>	<u>Amount</u>	<u>Percent</u>
JP Painting	HMDB56573Y0214	\$872.00	2.42%
ReCreation by bkm	WFWB2420560714	\$35,133.00	97.58%
Total Minority - Local		\$36,005.00	100.00%

Non-Local Contractors / Sub-Contractors

<u>Non-local</u>	<u>Certification</u>	<u>Amount</u>	<u>Percent</u>
Blue Star Electric	WFWB58565Y0814	\$21,587.31	30.77%
RMF Contractors	WFWB57641Y0614	\$11,057.00	15.76%
Total Minority - Non-local		\$32,644.31	46.53%

TOTAL M/WBE PARTICIPATION

	This Action		Participation to Date	
	<u>Amount</u>	<u>Percent</u>	<u>Amount</u>	<u>Percent</u>
African American	\$0.00	0.00%	\$0.00	0.00%
Hispanic American	\$872.00	0.82%	\$63,872.00	5.45%
Asian American	\$0.00	0.00%	\$0.00	0.00%
Native American	\$0.00	0.00%	\$0.00	0.00%
WBE	\$67,777.31	63.84%	\$332,588.31	28.40%
Total	\$68,649.31	64.66%	\$396,460.31	33.86%



*Anita Martinez Recreation Center
(3212 North Winnetka Avenue)*

February 20, 2014

MapSCO
44 K P

District
6

February 26, 2014

WHEREAS, on September 11, 2013, by Resolution No. 13-1567, J.C. Commercial, Inc. was awarded a contract for interior renovation (finish-out) and exterior waterproofing and facade improvements to the Anita Martinez Recreation Center located at 3212 North Winnetka Avenue, in an amount not to exceed \$1,064,734.00; and

WHEREAS, this action will authorize Change Order No. 1 to the contract for additional work necessary to meet code requirements, replacement of existing plumbing fixtures, plaster repairs, and other repairs at Anita Martinez Recreation Center, in an amount not to exceed \$106,163.68, increasing the contract amount from \$1,064,734.00 to \$1,170,897.68

Now, Therefore,

BE IT RESOLVED BY THE PARK AND RECREATION BOARD AND THE CITY COUNCIL OF THE CITY OF DALLAS:

SECTION 1. That the City Manager is hereby authorized to enter into Change Order No. 1 with J.C. Commercial, Inc. for additional work necessary to meet code requirements, replacement of existing plumbing fixtures, plaster repairs, and other repairs at Anita Martinez Recreation Center, in an amount not to exceed \$106,163.68, increasing the contract amount from \$1,064,734.00 to \$1,170,897.68.

SECTION 2. That the City Controller is hereby authorized to pay the amount of \$106,163.68 to J.C. Commercial, Inc., as follows:

(2006) Park and Recreation Facilities Improvement Fund Fund 1T00, Department PKR, Unit T002, Object 4310 Activity MMCF, Program PK06T001, CT-PKR13019397 Commodity 91200, Vendor VS0000012563	\$71,304.42
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(2006) Park and Recreation Facilities Improvement Fund Fund 7T00, Department PKR, Unit T046, Object 4310 Activity MMCF, Program PK06T046.8, CT-PKR13019397 Commodity 91200, Vendor VS0000012563	\$20,654.16
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(2003) Neighborhood Park and Recreation Facilities Fund Fund 3R05, Department PKR, Unit T046, Object 4310 Activity MMCF, Program PK06T046.8, CT-PKR13019397 Commodity 91200, Vendor VS0000012563	\$310.97
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(2003) Neighborhood Park and Recreation Facilities Fund Fund 4R05, Department PKR, Unit T046, Object 4310 Activity MMCF, Program PK06T046.8, CT-PKR13019397 Commodity 91200, Vendor VS0000012563	\$2,374.48
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February 26, 2014

SECTION 2. (Continued)

(2003) Neighborhood Park and Recreation Facilities Fund Fund 5R05, Department PKR, Unit T046, Object 4310 Activity MMCF, Program PK06T046.8, CT-PKR13019397 Commodity 91200, Vendor VS0000012563	<u>\$11,519.65</u>
Total amount not to exceed	\$106,163.68

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.

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: February 26, 2014

COUNCIL DISTRICT(S): 8

DEPARTMENT: Sustainable Development and Construction
Water Utilities
City Attorney's Office

CMO: Theresa O'Donnell, 671-9195
Forest E. Turner, 670-3390
Warren M.S. Ernst, 670-3491

MAPSCO: 76K

SUBJECT

Authorize the **(1)** deposit of the amount awarded by the Special Commissioners in the condemnation proceeding styled City of Dallas v. Carolyn Parker Schum, et al., Cause No. CC-13-05442-D (\$16,757, which was \$2,957 more than what was previously authorized by Council), pending in Dallas County Court at Law No. 4, to acquire approximately 19,714 square feet of land located at 3500 Telephone Road, Dallas, Texas for the Southwest 120/96-inch Water Transmission Pipeline Project; and **(2)** settlement of the condemnation proceeding, and if objections are filed, the lawsuit that arises from the condemnation proceeding for an amount not to exceed the amount of the award - Not to exceed \$2,957, increased from \$16,000 (\$13,800, plus closing costs and title expenses not to exceed \$2,200) to \$18,957 (\$16,757, plus closing costs and title expenses not to exceed \$2,200) - Financing: Water Utilities Capital Improvement Funds

BACKGROUND

This item authorizes deposit of the amount awarded by the Special Commissioners for the acquisition of approximately 19,714 square feet of land. A final offer of \$13,800 was made based on a written appraisal from an independent certified appraiser. The offer was not accepted by the owners and the City filed an eminent domain proceeding to acquire the land. The appraiser updated his report for the hearing and the fair market value as of the date of the hearing increased to \$16,757. After the hearing, the Special Commissioners awarded \$16,757.

The City has no control over the Special Commissioners appointed by the judge or any award that is subsequently rendered by the Special Commissioners. The City, in order to acquire possession of the property and proceed with its improvements, must deposit the amount awarded by the Special Commissioners in the registry of the Court.

PRIOR ACTION / REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On April 24, 2013, Dallas City Council approved Resolution No. 13-0725.

Council will be briefed by memorandum regarding this item.

FISCAL INFORMATION

Water Utilities Capital Improvement Funds - \$2,957

Resolution No. 13-0725	\$16,000
Additional Amount (this action)	<u>\$ 2,957</u>
Total Authorized Amount	\$18,957

OWNERS

Carolyn Parker Schum, Individually and as Trustee of the Schum Living Trust

Lee Cameron Adams

Allen Kent Adams

Robert Frank, Individually and as heir of Lucille Joy Frank, Trustee of the David A Frank Testamentary Trust

Jimmy Frank, Individually and as heir of Lucille Joy Frank, Trustee of the David A Frank Testamentary Trust

David Frank, Individually and as heir of Lucille Joy Frank, Trustee of the David A Frank Testamentary Trust

Susan Gayle Needham, Individually and as Trustee of the Katherine F. Gayle Living Trust

Any and All Unknown Heirs of Lucille Joy Frank

Any and All Unknown Heirs or Trustees of the David A. Frank Testamentary Trust

MAP

Attached

DALLAS
LANCASTER

342

CITY
CITY

LIMIT
LIMIT

TELEPHONE
ROAD

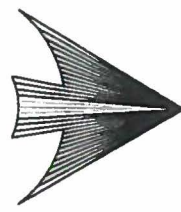
PARCEL W-105
RIGHT-OF-WAY ACQUISITION FOR WATER
19,714 SQ. FT. PARCEL

Cedar Valley
College

Newton

Ray Road

Creek



NORTH
NOT TO SCALE

February 26, 2014

A RESOLUTION AUTHORIZING THE DEPOSIT OF A SPECIAL COMMISSIONERS AWARD AND SETTLEMENT OF THE CONDEMNATION PROCEEDING AND IF OBJECTIONS ARE FILED THE LAWSUIT ARISING FROM THE CONDEMNATION PROCEEDING FOR THE AWARD.

IN THIS RESOLUTION THE FOLLOWING DEFINITIONS SHALL APPLY:

"CONDEMNATION PROCEEDING": Cause No. CC-13-05442-D, in County Court at Law No. 4, and styled City of Dallas v. Carolyn Parker Schum, et al., filed pursuant to City Council Resolution No. 13-0725.

"PROPERTY": Approximately 19,714 square feet of land located in Dallas County, as described in the Condemnation Suit.

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

"OFFICIAL OFFER": \$13,800

"AWARD": \$16,757

"CLOSING COSTS AND TITLE EXPENSES": Not to exceed: \$2,200

"AUTHORIZED AMOUNT": Not to exceed \$18,957

"DESIGNATED FUNDS": \$16,000 from Water Utilities Capital Improvement Funds, Fund No. 2115, Department DWU, Unit PW40, Activity MPSA, Program No. 706035, Object 4210, Encumbrance No. CT-DWU706035CPF and \$2,957 from Water Utilities Capital Improvement Funds, Fund No. 0115, Department DWU, Unit PW40, Activity MPSA, Program No. 706035, Object 4230, Encumbrance No. CT-DWU706035CPBC. The OFFER AMOUNT and the CLOSING COSTS AND TITLE EXPENSES together shall not exceed the AUTHORIZED AMOUNT.

WHEREAS, the OFFICIAL OFFER having been made and refused, the City Attorney filed the CONDEMNATION PROCEEDING for the acquisition of the PROPERTY for the PROJECT; and

WHEREAS, the Special Commissioners appointed by the Court in the CONDEMNATION PROCEEDING made an Award which the City Council wishes to deposit with the County Clerk of Dallas County, Texas, so that the City may take possession of the PROPERTY; and

February 26, 2014

WHEREAS, the City Council desires to authorize the City Attorney to settle the CONDEMNATION PROCEEDING and, if objections are filed, the lawsuit arising from the CONDEMNATION PROCEEDING for an amount not to exceed the AWARD; **Now, Therefore,**

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

SECTION 1. That the City Controller is hereby authorized and directed to issue a check, paid out of and charged to the DESIGNATED FUNDS, in the amount of the AWARD payable to the County Clerk of Dallas County, Texas, to be deposited by the City Attorney with the County Clerk and in the amount of the CLOSING COSTS and TITLE EXPENSES payable to the title company closing the transaction described herein. The AWARD, CLOSING COSTS and TITLE EXPENSES together shall not exceed the AUTHORIZED AMOUNT.

SECTION 2. That the City Attorney is authorized to settle the CONDEMNATION PROCEEDING, and if objections are filed, the lawsuit arising from the CONDEMNATION PROCEEDING, for an amount not to exceed the AWARD.

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.

APPROVED AS TO FORM
Warren M. S. Ernst
City Attorney

By: *Brendi M. Kunguin*
Assistant City Attorney

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: February 26, 2014

COUNCIL DISTRICT(S): Outside City Limits

DEPARTMENT: Sustainable Development and Construction
Water Utilities
City Attorney's Office

CMO: Theresa O'Donnell, 671-9195
Forest E. Turner, 670-3390
Warren M.S. Ernst, 670-3491

MAPSCO: N/A

SUBJECT

Authorize the **(1)** deposit of the amount awarded by the Special Commissioners in the condemnation proceeding styled City of Dallas v. Terrell Country Club, et al., Cause No. 84264CC (\$74,000, which was \$3,589 more than what was previously authorized by Council), pending in Kaufman County Court at Law, to acquire approximately 278,813 square feet of land located at the north corner of CR-245 and Boathouse Drive, Kaufman County, Texas for the Lake Tawakoni 144-inch Raw Water Transmission Pipeline Project; and **(2)** settlement of the condemnation proceeding, and if objections are filed, the lawsuit that arises from the condemnation proceeding for an amount not to exceed the award - Not to exceed \$6,589, increased from \$70,411 to \$77,000 (which includes \$3,000 in closing costs and title expenses not included in the original offer) (\$74,000, plus closing costs and title expenses not to exceed \$3,000) - Financing: Water Utilities Capital Improvement Funds

BACKGROUND

This item authorizes deposit of the amount awarded by the Special Commissioners for the acquisition of approximately 278,813 square feet of agricultural land. Prior to the hearing the City offered \$70,411 to the landowner based upon an appraisal dated March 2, 2007. The landowner refused to settle and the City hired a new appraiser in 2013 to proceed with the special commissioner's hearing. The City presented evidence at the hearing that \$22,614 is the fair market value based on testimony and a written appraisal from an independent certified appraiser. The landowner also presented evidence at the hearing that \$189,900 is the fair market value based on testimony and a written appraisal from an independent certified appraiser. The Special Commissioners awarded \$74,000.

BACKGROUND (Continued)

The City has no control over the Special Commissioners appointed by the judge or any award that is subsequently rendered by the Special Commissioners. The City, in order to acquire possession of the property and proceed with its improvements, must deposit the amount awarded by the Special Commissioners in the registry of the Court.

PRIOR ACTION / REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On September 24, 2008, Dallas City Council approved Resolution No. 08-2534.

Council will be briefed by memorandum regarding this item.

FISCAL INFORMATION

Water Utilities Capital Improvement Funds - \$6,589 (\$3,589, plus closing costs and title expenses not to exceed \$3,000)

Resolution No. 08-2534	\$70,411
Additional Amount (this action)	<u>\$ 6,589</u>
Total Authorized Amount	\$77,000

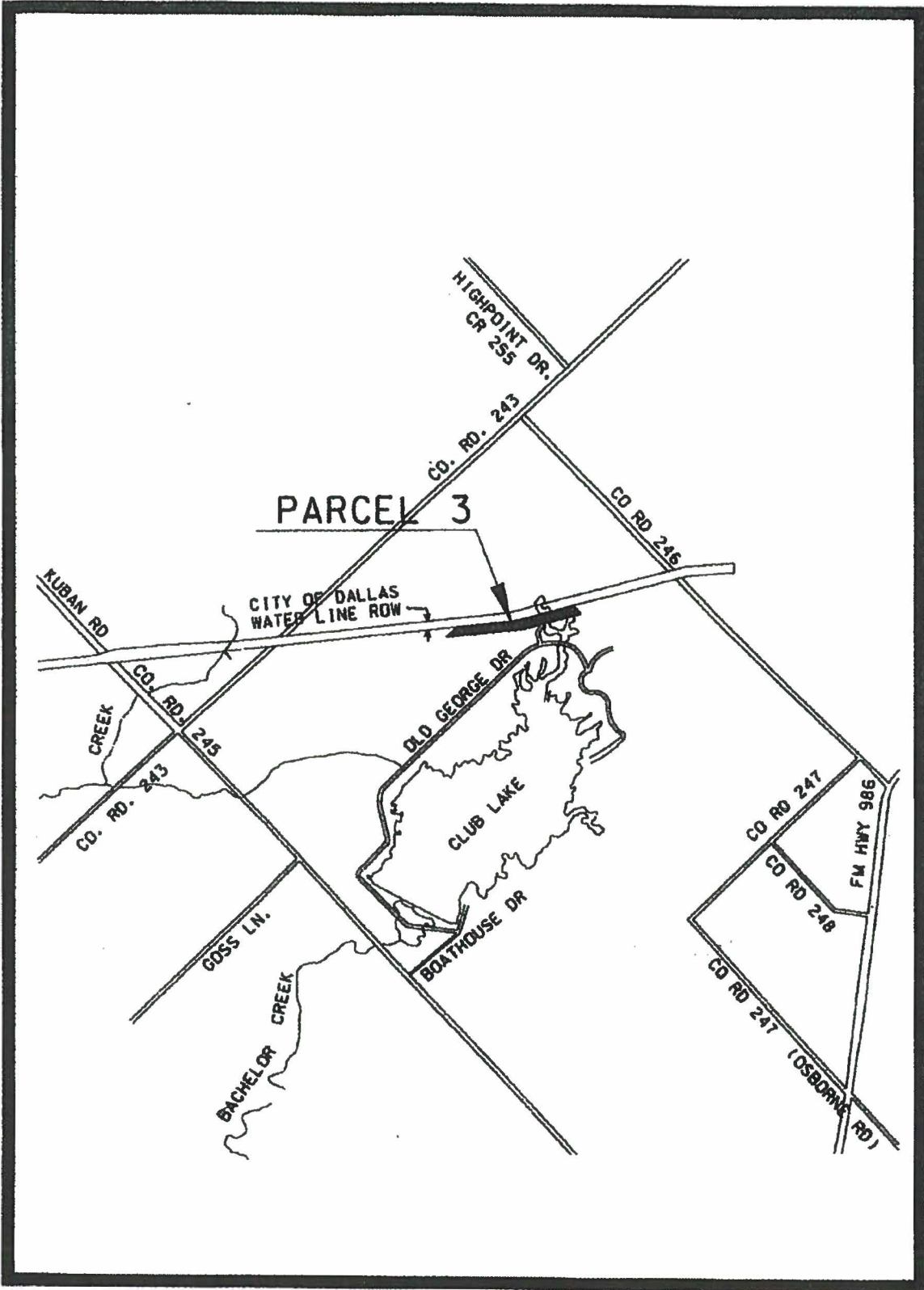
OWNER

Terrell Country Club

Charles Ferguson, President

MAP

Attached



February 26, 2014

A RESOLUTION AUTHORIZING THE DEPOSIT OF A SPECIAL COMMISSIONERS AWARD AND SETTLEMENT OF THE CONDEMNATION PROCEEDING AND IF OBJECTIONS ARE FILED THE LAWSUIT ARISING FROM THE CONDEMNATION PROCEEDING UP TO THE AWARD.

IN THIS RESOLUTION THE FOLLOWING DEFINITIONS SHALL APPLY:

"CONDEMNATION PROCEEDING": Cause No. 84264CC, in Kaufman County Court at Law, and styled City of Dallas v. Terrell Country Club, et al., filed pursuant to City Council Resolution No. 08-2534.

"PROPERTY": Approximately 278,813 square feet of land located in Kaufman County, as described in the Condemnation Proceeding.

"PROJECT": Lake Tawakoni 144-inch Raw Water Transmission Pipeline Project

"OFFICIAL OFFER": \$70,411

"AWARD": \$74,000

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

"AUTHORIZED AMOUNT": Not to exceed: \$77,000

"DESIGNATED FUNDS": \$75,000 from Water Utilities Capital Construction Funds, Fund No. 0102, Department DWU, Unit CW20, Activity RWPT, Program No. 704041, Object 4210, Encumbrance No. CT-DWU704041BL and \$2,000 from Fund No. 0115, Department DWU, Unit PW20, Activity MPSA, Program No. 704041, Object 4210, Encumbrance No. CT-DWU704041GV.

The AWARD and the CLOSING COSTS AND TITLE EXPENSES together shall not exceed the AUTHORIZED AMOUNT.

WHEREAS, the OFFICIAL OFFER having been made and refused, the City Attorney filed the CONDEMNATION PROCEEDING for the acquisition of the PROPERTY for the PROJECT; and,

February 26, 2014

WHEREAS, the Special Commissioners appointed by the Court in the CONDEMNATION PROCEEDING made an Award which the City Council wishes to deposit with the County Clerk of Dallas County, Texas, so that the City may take possession of the PROPERTY; and,

WHEREAS, the City Council desires to authorize the City Attorney to settle the CONDEMNATION PROCEEDING and, if objections are filed, the lawsuit arising from the CONDEMNATION PROCEEDING for an amount not to exceed the AWARD; **Now, Therefore,**

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

SECTION 1. That the City Controller is hereby authorized and directed to issue a check, paid out of and charged to the DESIGNATED FUNDS, in the amount of the AWARD payable to the County Clerk of Dallas County, Texas, to be deposited by the City Attorney with the County Clerk and in the amount of the CLOSING COSTS and TITLE EXPENSES payable to the title company closing the transaction described herein. The AWARD, CLOSING COSTS and TITLE EXPENSES together shall not exceed the AUTHORIZED AMOUNT.

SECTION 2. That the City Attorney is authorized to settle the CONDEMNATION PROCEEDING, and if objections are filed, the lawsuit arising from the CONDEMNATION PROCEEDING, for an amount not to exceed the AWARD.

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.

APPROVED AS TO FORM

Warren M. S. Ernst
City Attorney

By: Brandi M. Youngkin
Assistant City Attorney

ADDENDUM ITEM # 8

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: February 26, 2014

COUNCIL DISTRICT(S): Outside City Limits

DEPARTMENT: Sustainable Development and Construction
Water Utilities
City Attorney's Office

CMO: Theresa O'Donnell, 671-9195
Forest E. Turner, 670-3390
Warren M.S. Ernst, 670-3491

MAPSCO: N/A

SUBJECT

Authorize the **(1)** deposit of the amount awarded by the Special Commissioners in the condemnation proceeding styled City of Dallas v. Main Capital Partners, L.P., et al., Cause No. CC-13-00525-A (\$30,000, which was \$21,800 more than what was previously authorized by Council), pending in Dallas County Court at Law No. 1, to acquire approximately 401,480 square feet of land located at the west side of Lawson Road, approximately 1,500 feet south of US-80, Sunnyvale, Dallas County, Texas for the Lake Tawakoni 144-inch Raw Water Transmission Pipeline Project; and **(2)** settlement of the condemnation proceeding, and if objections are filed, the lawsuit that arises from the condemnation proceeding for an amount not to exceed the award - Not to exceed \$21,800, increased from \$11,000 to \$32,800 (\$30,000, plus closing costs and title expenses not to exceed \$2,800) - Financing: Water Utilities Capital Improvement Funds

BACKGROUND

This item authorizes deposit of the amount awarded by the Special Commissioners for the acquisition of approximately 401,480 square feet of land. The City presented evidence at the hearing that \$29,495 is the fair market value based on a written appraisal from an independent certified appraiser. The Special Commissioners awarded \$30,000.

The City has no control over the Special Commissioners appointed by the judge or any award that is subsequently rendered by the Special Commissioners. The City, in order to acquire possession of the property and proceed with its improvements, must deposit the amount awarded by the Special Commissioners in the registry of the Court.

PRIOR ACTION / REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On August 26, 2009, Dallas City Council approved Resolution No. 09-2055.

On February 8, 2012, Dallas City Council approved Resolution No. 12-0480.

Council will be briefed by memorandum regarding this item.

FISCAL INFORMATION

Water Utilities Capital Improvement Funds - \$21,800

Resolution No. 09-2055	\$11,000
and No. 12-0480	
Additional Amount (this action)	<u>\$21,800</u>
Total Authorized Amount	<u>\$32,800</u>

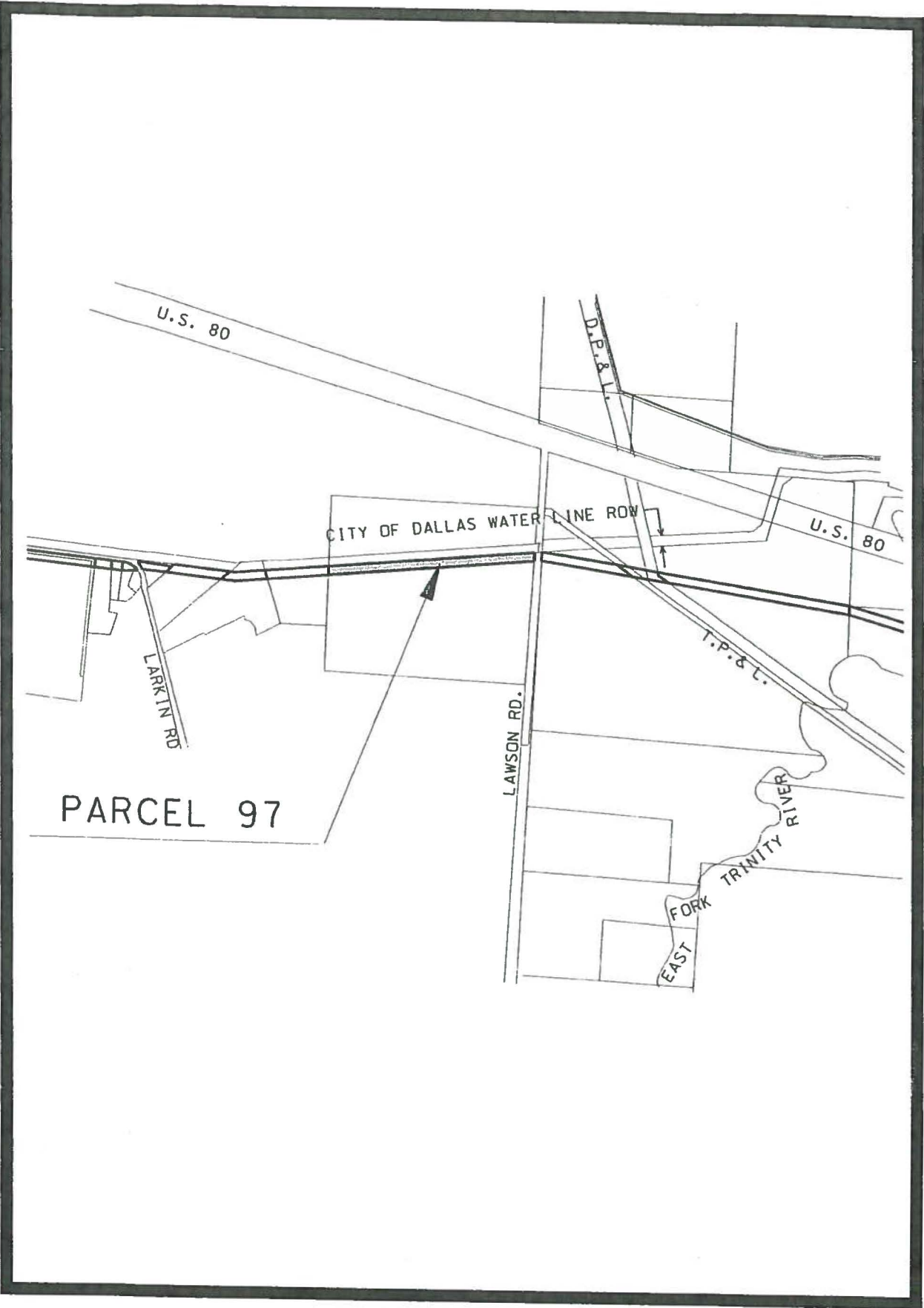
OWNER

Main Capital Partners, L.P.

Gary S. Spencer, President

MAP

Attached



February 26, 2014

A RESOLUTION AUTHORIZING THE DEPOSIT OF A SPECIAL COMMISSIONERS AWARD AND SETTLEMENT OF THE CONDEMNATION SUIT UP TO THE AWARD.

IN THIS RESOLUTION THE FOLLOWING DEFINITIONS SHALL APPLY:

"CONDEMNATION SUIT": Cause No. CC-13-00525-A, in Dallas County Court at Law No. 1, and styled City of Dallas v. Main Capital Partners, L.P., et al., filed pursuant to City Council Resolution No. 12-0480.

"PROPERTY": Approximately 401,480 square feet of land located in Dallas County, as described in the Condemnation Suit.

"PROJECT": Lake Tawakoni 144-inch Raw Water Transmission Pipeline Project

"OFFICIAL OFFER": \$29,495

"AWARD": \$30,000

"CLOSING COSTS AND TITLE EXPENSES": Not to exceed: \$2,800

"AUTHORIZED AMOUNT": Not to exceed \$32,800

"DESIGNATED FUNDS": \$11,000 from Water Utilities Capital Construction Funds, Fund No. 0102, Department DWU, Unit CW20, Activity RWPT, Program No. 704041, Object 4210, Encumbrance No. CT-DWU704041CR and \$21,800 from Fund No. 0115, Department DWU, Unit PW20, Activity MPESA, Program No. 704041, Object 4210, Encumbrance No. CT-DWU704041GU

The AWARD and the CLOSING COSTS AND TITLE EXPENSES together shall not exceed the AUTHORIZED AMOUNT.

WHEREAS, the OFFICIAL OFFER having been made and refused, the City Attorney filed the CONDEMNATION PROCEEDING for the acquisition of the PROPERTY for the PROJECT; and

WHEREAS, the Special Commissioners appointed by the Court in the CONDEMNATION PROCEEDING made an Award which the City Council wishes to deposit with the County Clerk of Dallas County, Texas, so that the City may take possession of the PROPERTY; and

February 26, 2014

WHEREAS, the City Council desires to authorize the City Attorney to settle the CONDEMNATION PROCEEDING and, if objections are filed, the lawsuit arising from the CONDEMNATION PROCEEDING for an amount not to exceed the AWARD; **Now, Therefore,**

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

SECTION 1. That the City Controller is hereby authorized and directed to issue a check, paid out of and charged to the DESIGNATED FUNDS, in the amount of the AWARD payable to the County Clerk of Dallas County, Texas, to be deposited by the City Attorney with the County Clerk and in the amount of the CLOSING COSTS and TITLE EXPENSES payable to the title company closing the transaction described herein. The AWARD, CLOSING COSTS and TITLE EXPENSES together shall not exceed the AUTHORIZED AMOUNT.

SECTION 2. That the City Attorney is authorized to settle the CONDEMNATION PROCEEDING, and if objections are filed, the lawsuit arising from the CONDEMNATION PROCEEDING, for an amount not to exceed the AWARD.

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.

APPROVED AS TO FORM

Warren M. S. Ernst
City Attorney

By: 
Assistant City Attorney

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: February 26, 2014

COUNCIL DISTRICT(S): Outside City Limits

DEPARTMENT: Sustainable Development and Construction
Water Utilities
City Attorney's Office

CMO: Theresa O'Donnell, 671-9195
Forest E. Turner, 670-3390
Warren M.S. Ernst, 670-3491

MAPSCO: N/A

SUBJECT

Authorize the **(1)** deposit of the amount awarded by the Special Commissioners in the condemnation proceeding styled City of Dallas v. John Derek Gibson, et al., Cause No. 84257CC (\$305,000, which was \$37,740 more than what was previously authorized by Council), pending in Kaufman County Court at Law, to acquire approximately 69,956 square feet of land located at the south corner of FM-740 and FM-460, Kaufman County, Texas for the Lake Tawakoni 144-inch Raw Water Transmission Pipeline Project; and **(2)** settlement of the condemnation proceeding, and if objections are filed, the lawsuit that arises from the condemnation proceeding for an amount not to exceed the amount of the award - Not to exceed \$41,240, increased from \$267,260 to \$308,500 (which includes \$3,500 in closing costs and title expenses not included in the original offer) (\$305,000, plus closing costs and title expenses not to exceed \$3,500) - Financing: Water Utilities Capital Improvement Funds

BACKGROUND

This item authorizes deposit of the amount awarded by the Special Commissioners for the acquisition of approximately 69,956 square feet of land, including a house. The City presented evidence at the hearing that \$190,000 is the fair market value based on a written appraisal from an independent certified appraiser. The Special Commissioners awarded \$305,000.

The City has no control over the Special Commissioners appointed by the judge or any award that is subsequently rendered by the Special Commissioners. The City, in order to acquire possession of the property and proceed with its improvements, must deposit the amount awarded by the Special Commissioners in the registry of the Court.

PRIOR ACTION / REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On August 13, 2008, Dallas City Council approved Resolution No. 08-2028.

Council is scheduled to be briefed in Closed Session on February 19, 2014.

FISCAL INFORMATION

Water Utilities Capital Improvement Funds - \$308,500

Resolution No. 08-2028	\$267,260
Additional Amount (this action)	<u>\$ 41,240</u>
Total Authorized Amount	\$308,500

OWNERS

John Derek Gibson, Individually, and as Independent Administrator of the Estate of John E. Gibson, deceased, Patricia Kay Gibson, and Sarita Kim Gibson French

MAP

Attached

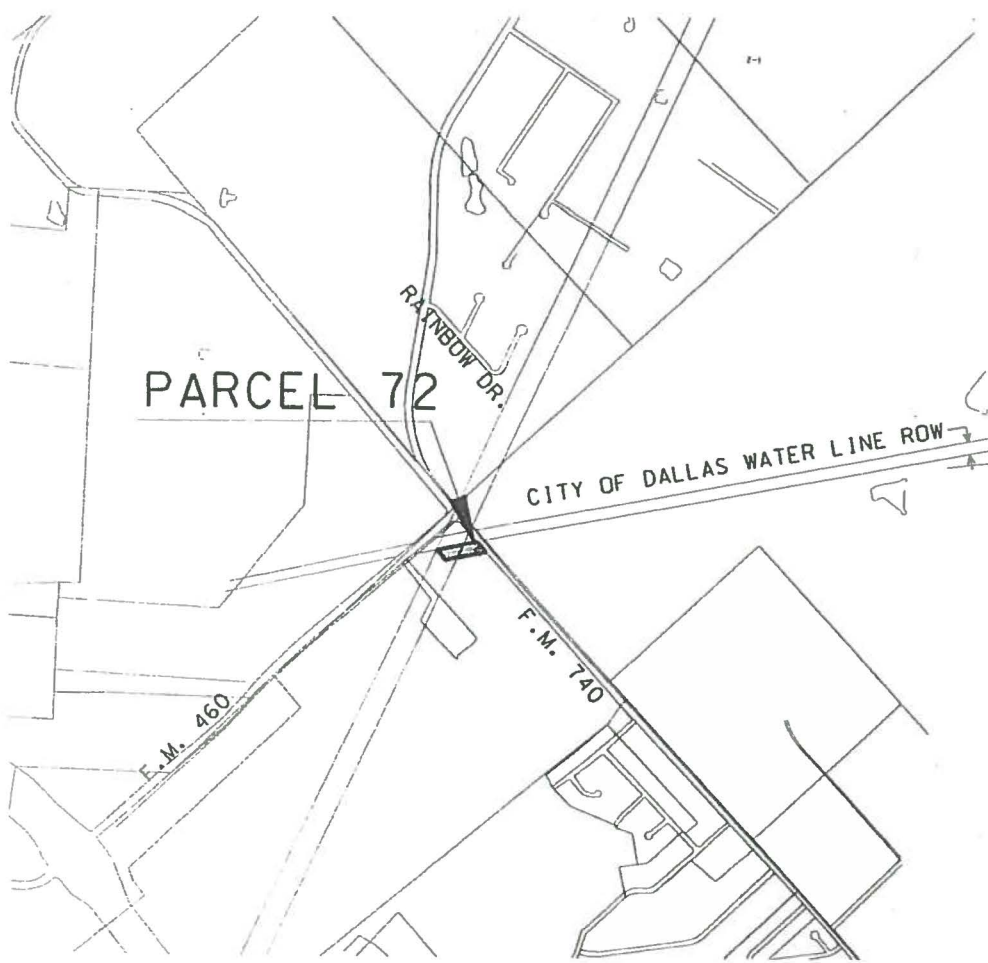
PARCEL 72

RAINBOW DR.

CITY OF DALLAS WATER LINE ROW

F.M. 460

F.M. 740



February 26, 2014

A RESOLUTION AUTHORIZING THE DEPOSIT OF A SPECIAL COMMISSIONERS AWARD AND SETTLEMENT OF THE CONDEMNATION PROCEEDING AND IF OBJECTIONS ARE FILED THE LAWSUIT ARISING FROM THE CONDEMNATION PROCEEDING UP TO THE AWARD.

IN THIS RESOLUTION THE FOLLOWING DEFINITIONS SHALL APPLY:

"CONDEMNATION PROCEEDING": Cause No. 84257CC, in Kaufman County Court at Law, and styled City of Dallas v. John Derek Gibson, et al., filed pursuant to City Council Resolution No. 08-2028.

"PROPERTY": Approximately 69,956 square feet of land located in Kaufman County, as described in the Condemnation Proceeding.

"PROJECT": Lake Tawakoni 144-inch Raw Water Transmission Pipeline Project

"OFFICIAL OFFER": \$190,000

"AWARD": \$305,000

"CLOSING COSTS AND TITLE EXPENSES": Not to exceed: \$3,500

"AUTHORIZED AMOUNT": Not to exceed: \$308,500

"DESIGNATED FUNDS": \$270,000 from Water Utilities Capital Construction Funds, Fund No. 0102, Department DWU, Unit CW20, Activity RWPT, Program No. 704041, Object 4210, Encumbrance No. CT-DWU704041BE and \$38,500 from Fund No. 0115, Department DWU, Unit PW20, Activity MPESA, Program No. 704041, Object 4210, Encumbrance No. CT-DWU704041GT.

The AWARD and the CLOSING COSTS AND TITLE EXPENSES together shall not exceed the AUTHORIZED AMOUNT.

WHEREAS, the OFFICIAL OFFER having been made and refused, the City Attorney filed the CONDEMNATION PROCEEDING for the acquisition of the PROPERTY for the PROJECT; and,

WHEREAS, the Special Commissioners appointed by the Court in the CONDEMNATION PROCEEDING made an Award which the City Council wishes to deposit with the County Clerk of Dallas County, Texas, so that the City may take possession of the PROPERTY; and,

February 26, 2014

WHEREAS, the City Council desires to authorize the City Attorney to settle the CONDEMNATION PROCEEDING and, if objections are filed, the lawsuit arising from the CONDEMNATION PROCEEDING for an amount not to exceed the AWARD; **Now, Therefore,**

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

SECTION 1. That the City Controller is hereby authorized and directed to issue a check, paid out of and charged to the DESIGNATED FUNDS, in the amount of the AWARD payable to the County Clerk of Dallas County, Texas, to be deposited by the City Attorney with the County Clerk and in the amount of the CLOSING COSTS and TITLE EXPENSES payable to the title company closing the transaction described herein. The AWARD, CLOSING COSTS and TITLE EXPENSES together shall not exceed the AUTHORIZED AMOUNT.

SECTION 2. That the City Attorney is authorized to settle the CONDEMNATION PROCEEDING, and if objections are filed, the lawsuit arising from the CONDEMNATION PROCEEDING, for an amount not to exceed the AWARD.

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.

APPROVED AS TO FORM

Warren M. S. Ernst
City Attorney

By: Bradi M. Youngkin
Assistant City Attorney

KEY FOCUS AREA: Economic Vibrancy
AGENDA DATE: February 26, 2014
COUNCIL DISTRICT(S): 7
DEPARTMENT: Trinity Watershed Management
CMO: Jill A. Jordan, P.E., 670-5299
MAPSCO: 57Q

SUBJECT

A resolution authorizing the conveyance of an easement and right-of-way containing approximately 20,881 square feet of land to Oncor Electric Delivery Company, LLC for the construction, use and maintenance of electric facilities across City-owned land located on Pemberton Hill Road near its intersection with Jeane Street – Financing: No cost consideration to the City

BACKGROUND

This item authorizes the conveyance of an easement and right-of-way to Oncor Electric Delivery Company, LLC, located on Pemberton Hill Road near its intersection with Jeane Street. This easement and right-of-way will allow for the construction, use and maintenance of power lines and electric facilities to service the Texas Horse Park.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

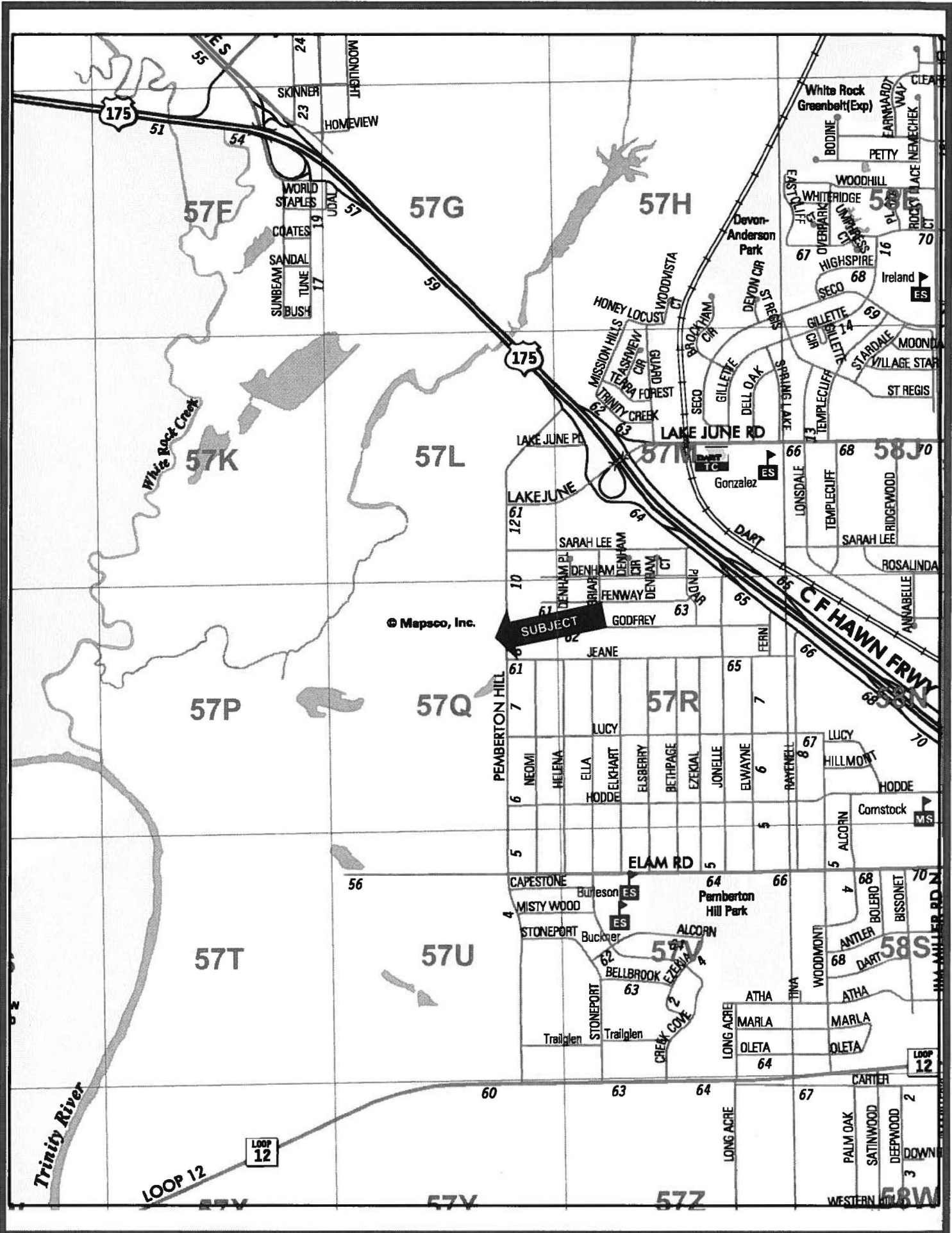
This item has no prior action.

FISCAL INFORMATION

No cost consideration to the City

MAPS

Attached



© Mapsco, Inc.

SUBJECT

57Q

0 Mi 0.29 Mi 0.57 Mi



Scale 1 : 18 390





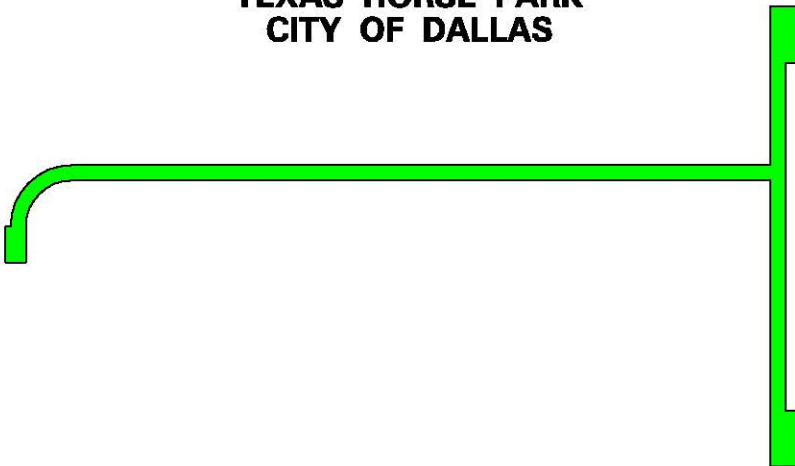
Block
A6239

CITY OF DALLAS

DP&L (ONCOR)

TEXAS HORSE PARK
CITY OF DALLAS

PEMBERTON HILL ROAD

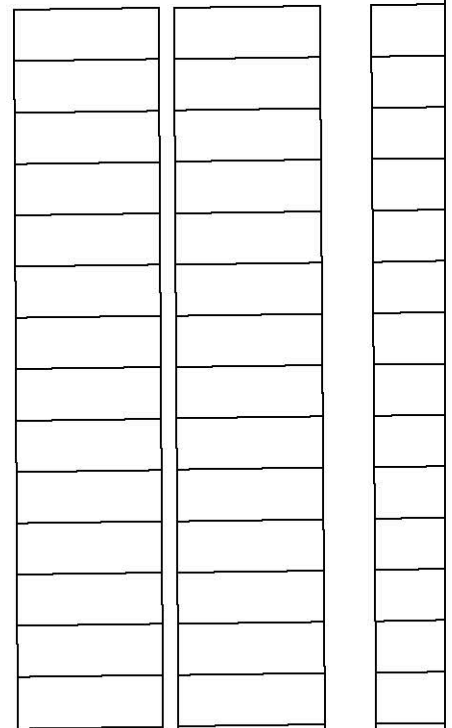


JEANE ST.

BLOCK
C6238



Easement to be Conveyed to the
ONCOR Electric Delivery Company
for Service to The Texas Horse Park



February 26, 2014

WHEREAS, the City of Dallas owns certain land being part of Block C/6238, Dallas, Dallas County, Texas, which is currently being developed for use as the Texas Horse Park, being the same land conveyed to the City of Dallas in two certain instruments recorded as Instruments Numbered 20080250125 and 20080250127, Official Real Property Records of Dallas County Texas; and

WHEREAS, Oncor Electric Delivery Company, LLC has requested an Easement and Right of Way containing approximately 20,881 square feet of land, being more fully described in Exhibit A, attached hereto and incorporated herein for all purposes (the Easement); for the construction, maintenance and use of electric facilities; and

WHEREAS, the City of Dallas needs and desires said utility service to the Texas Horse Park and will be benefitted by the granting of said Easement and Right of Way; **Now Therefore,**

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

SECTION 1. That the City Manager or his designee is authorized to execute and deliver to Oncor Electric Delivery Company, LLC, an Easement and Right of Way to be attested by the City Secretary upon approval as to form by the City Attorney, for the construction, maintenance and use of electric facilities to service the City's facilities, including the Texas Horse Park, as to approximately 20,881 square feet of land described in Exhibit A.

SECTION 2. That this resolution shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so resolved.

APPROVED AS TO FORM:
WARREN M. S. ERNST, City Attorney

BY: 
Assistant City Attorney

Exhibit A

**BOUNDARY DESCRIPTION FOR A
20,881 SQUARE FOOT (0.479 ACRE) EASEMENT
TO BE CONVEYED TO THE ONCOR ELECTRIC DELIVERY COMPANY
FOR THE TEXAS HORSE PARK**

BEING a 20,881 Square Foot, or 0.479 Acre tract of unplatted land situated in the City of Dallas, Dallas County, Texas, and lying in the John Beeman Survey, Abstract number 97, in City of Dallas Block C/6238 (official City of Dallas Block Numbers), and being a part of the property conveyed to the City of Dallas by deed recorded in Instruments Numbered 20080250125 and 20080250127 of the Official Public Records of Dallas County, Texas and being more particularly described as follows:

COMMENCING at a one-inch diameter Iron Pipe (Controlling Monument) found on the West Right-of-Way line of Pemberton Hill Road (a variable width Right-of-Way), and the intersection of the South line of a tract of land conveyed to the Dallas Power and Light Company (predecessor in title to the ONCOR Electric Delivery Company), as recorded in Volume 5212, Page 435 of the Deed Records of Dallas County, Texas, being also the Northeast corner of the above referenced City of Dallas property:

THENCE South 00°01'29" East with the said West line of Pemberton Hill Road and East line of said City of Dallas property a distance of 303.81 feet to a 5/8 inch diameter Iron Rod with cap marked "CITY OF DALLAS" (hereinafter referred to as a "5/8" I.R. w/COD Cap") set at the Northeast corner and **POINT OF BEGINNING** of the herein described tract of land:

THENCE South 00°01'29" East, continuing with the said common line between Pemberton Hill Road and City of Dallas property a distance of 54.95 feet to a 5/8" I.R. w/COD Cap set at an outside corner of the herein described tract of land:

THENCE South 89°58'31" West, departing the last said West line of Pemberton Hill Road, over and across a portion of said City of Dallas property a distance of 18.21 feet to a 5/8" I.R. w/COD Cap set at an inside corner of the herein described tract of land:

THENCE South 00°01'29" East, parallel to and at all times 3.21 feet measured perpendicularly to the said West line of Pemberton Hill Road, continuing over and across a portion of said City of Dallas property a distance of 338.63 feet to a 5/8" I.R. w/COD Cap set at an inside corner of the herein described tract of land:

THENCE North 89°58'31" East, continuing over and across a portion of said City of Dallas property a distance of 18.21 feet to a 5/8" I.R. w/COD Cap set at the intersection with the above said common line between Pemberton Hill Road and City of Dallas property:

Exhibit A

**BOUNDARY DESCRIPTION FOR A
20,881 SQUARE FOOT (0.479 ACRE) EASEMENT
TO BE CONVEYED TO THE ONCOR ELECTRIC DELIVERY COMPANY
FOR THE TEXAS HORSE PARK**

THENCE South 00°01'29" East with the said common line between Pemberton Hill Road and City of Dallas property a distance of 55.06 feet to a 5/8" I.R. w/COD Cap set at the Southeast corner of the herein described tract of land:

THENCE departing the last said West line of Pemberton Hill Road, over and across a portion of said City of Dallas property the following courses and distances (Note: all corners monumented with a 5/8" I.R. w/COD Cap unless otherwise noted):

South 89°58'31" West a distance of 33.21 feet to an outside corner of the herein described tract of land:

North 00°01'29" West a distance of 279.48 feet to an inside corner of the herein described tract of land:

South 89°58'31" West a distance of 680.68 feet to the Point of Curvature of a Curve to the Left:

Southwesterly along said Curve, having a Radius of 45.00 feet, an Arc Length of 70.69 feet, a Central Angle of 90° and a Chord which bears South 44°58'32" West a distance of 63.64 feet to the Point of Tangency:

South 00°01'29" East a distance of 35.00 feet to an outside corner of the herein described tract of land:

South 89°58'31" West a distance of 20.00 feet to the most Westerly Southwest corner of the herein described tract of land:

North 00°01'29" West a distance of 35.00 feet to the most Northerly Northwest corner of the herein described tract of land:

North 89°58'31" East a distance of 5.00 feet to the non-tangent beginning of a Curve to the Right:

Northeasterly along said Curve, having a Radius of 60.00 feet, an Arc Length of 94.25 feet, a Central Angle of 90° and a Chord which bears North 44°58'32" East a distance of 84.85 feet to the Point of Tangency:

North 89°58'31" East a distance of 680.68 feet to an inside corner of the herein described tract of land:

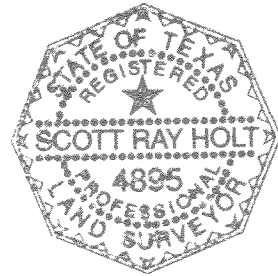
Exhibit A

**BOUNDARY DESCRIPTION FOR A
20,881 SQUARE FOOT (0.479 ACRE) EASEMENT
TO BE CONVEYED TO THE ONCOR ELECTRIC DELIVERY COMPANY
FOR THE TEXAS HORSE PARK**

North 00°01'29" West a distance of 154.16 feet to an outside corner of the herein described tract of land:

THENCE North 89°58'31" East a distance of 33.21 feet to the **POINT OF BEGINNING**, containing 20,881 Square Feet, or 0.479 Acres of land:

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

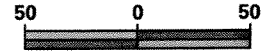
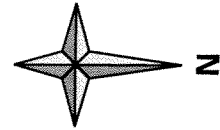


Scott Holt
2/12/2014

Unplatted
(Preliminary Plat S123-085
"Trinity Horse Park Addition")

Exhibit A

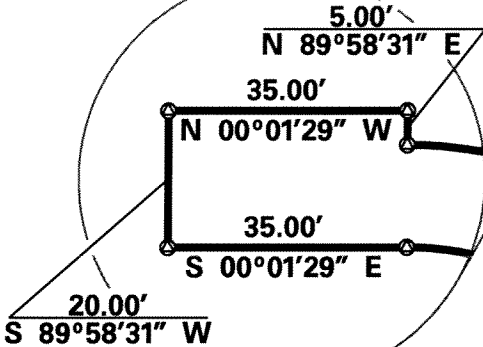
Rad. = 60'
 $\Delta = 90^\circ$
Arc = 94.25'
Ch. Brs. 84.85'
N 44°58'32" E



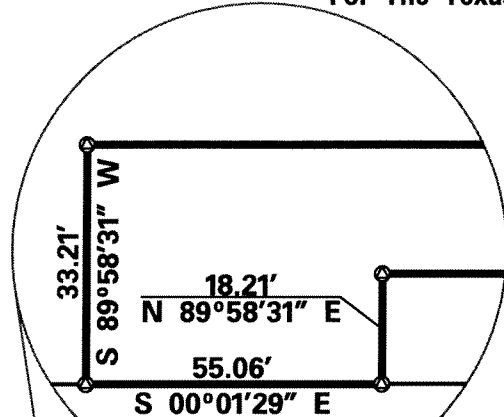
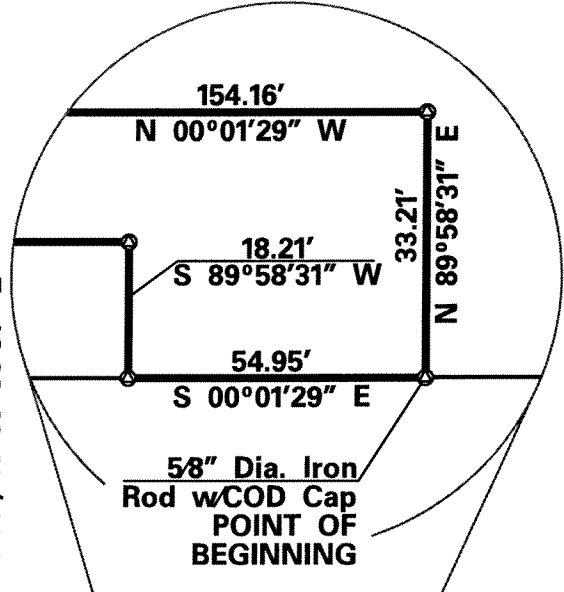
JOHN BEEMAN SURVEY
ABSTRACT NO. 97

City of Dallas
Int. No. 20080250125
& 20080250127

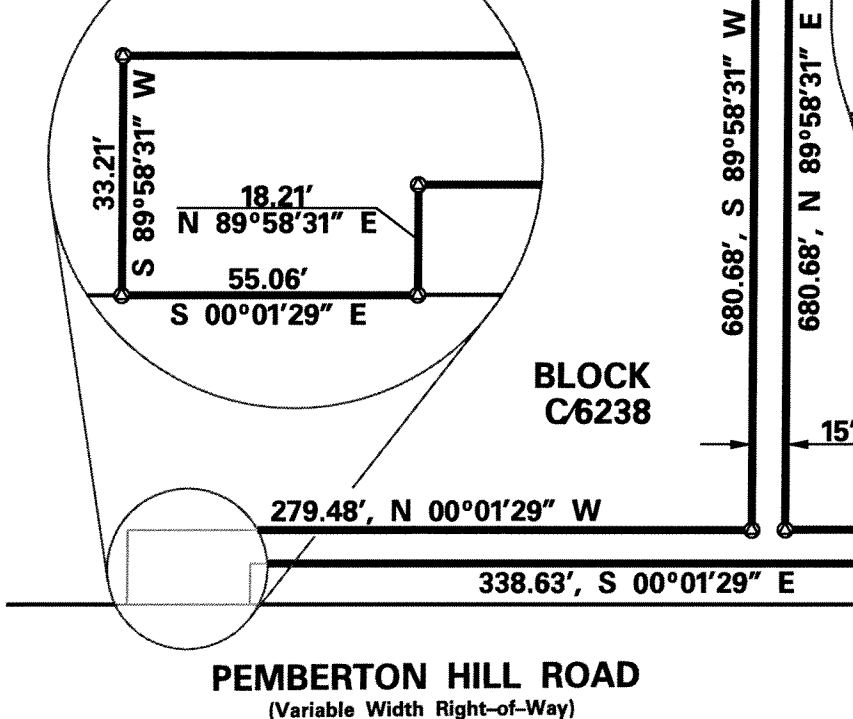
Rad. = 45'
 $\Delta = 90^\circ$
Arc = 70.69'
Ch. Brs. 63.64'
S 44°58'32" W



20,881 Sq. Ft. (0.479 Acre)
Easement To Be Conveyed
For The Texas Horse Park



BLOCK
C/6238



PEMBERTON HILL ROAD
(Variable Width Right-of-Way)

Dallas Power & Light Co. (ONCOR)
VOL. 5212, PG. 435

Sheet 4 of 4

JEANE ST.

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



ELECTRIC SERVICE EASEMENT

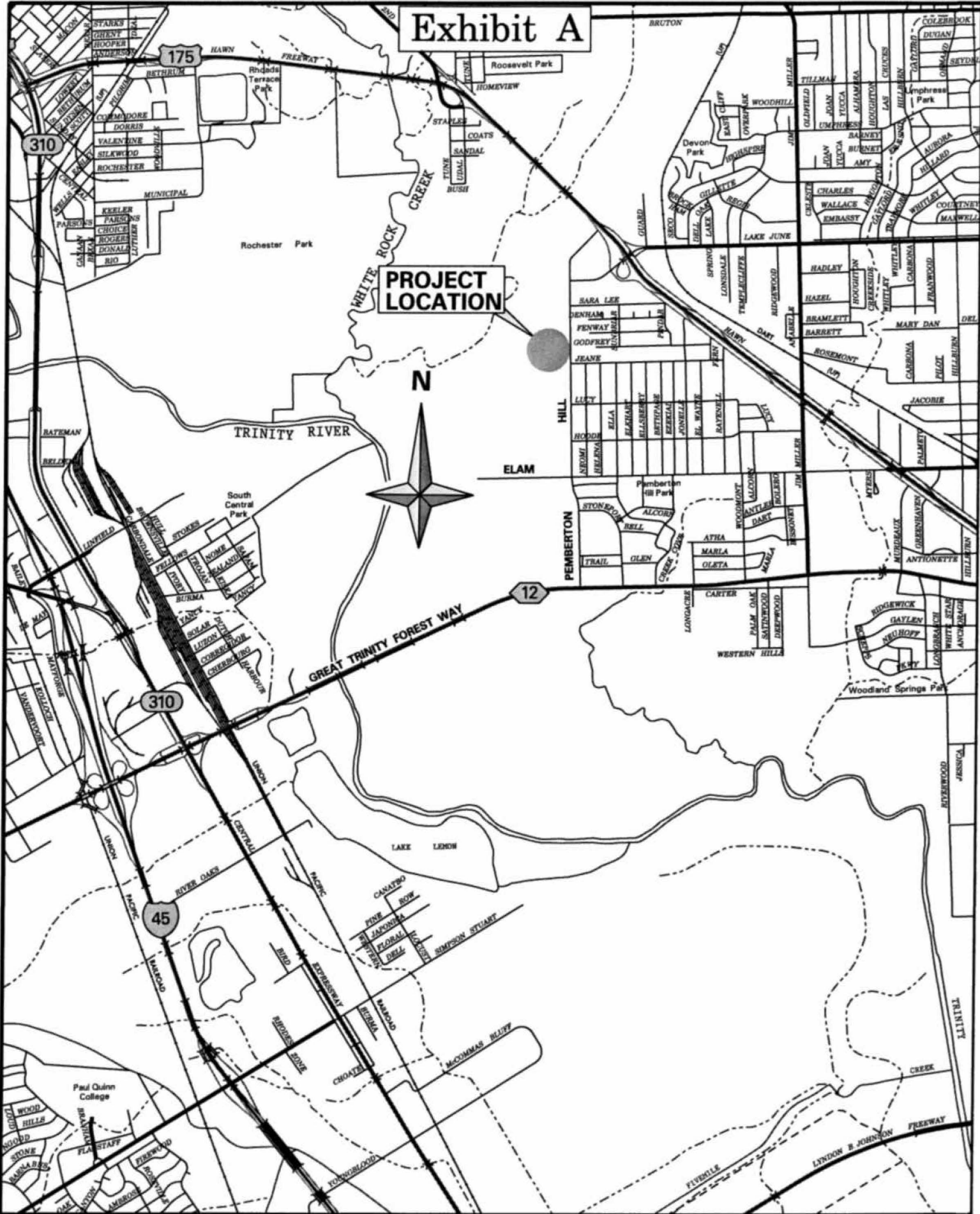
To Be Conveyed To The ONCOR Electric Delivery Company
for Service to The Texas Horse Park

PUBLIC WORKS DEPARTMENT

CITY OF DALLAS, TEXAS: SURVEY DIVISION

OPER.NAME	DESIGN FILE NAME	SCALE	DATE
S. Holt	N:\ENGR\SURVEY\HOLT\Dumpfire 2012 Projects\Trinity Horse Park.dgn	As Noted	12-23-2013
PARTY CHIEF	CALCULATIONS	FOLDER	FILE NO.
B. Peck	S. Holt	Dumpfire	

Exhibit A



**ELECTRIC SERVICE EASEMENT TO BE CONVEYED TO THE ONCOR ELECTRIC DELIVERY COMPANY
for Service to The TEXAS HORSE PARK**

KEY FOCUS AREA: Economic Vibrancy
AGENDA DATE: February 26, 2014
COUNCIL DISTRICT(S): 4
DEPARTMENT: Trinity Watershed Management
Public Works Department
CMO: Jill A. Jordan, P.E., 670-5299
MAPSCO: 56 E

SUBJECT

Authorize acquisition, including the exercise of the right of eminent domain, if such becomes necessary, from BNSF Railway Company, of a drainage easement containing approximately 3,000 square feet and a temporary working space easement containing approximately 61,812 square feet located near the intersection of Morrell Avenue and Sargent Road for the Trinity River Corridor Project – Upper Chain of Wetlands - Not to exceed \$5,445 (\$3,545 plus closing costs and title expenses not to exceed \$1,900) – Financing: 1998 Bond Funds

BACKGROUND

This item authorizes the acquisition of a drainage easement containing approximately 3,000 square feet and a temporary working space easement containing approximately 61,812 square feet from BNSF Railway Company. This property is located near the intersection of Morrell Avenue and Sargent Road and will be used for the Trinity River Corridor Project – Upper Chain of Wetlands. The consideration is based upon an independent appraisal.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

This item has no prior action.

FISCAL INFORMATION

1998 Bond Funds - \$5,445 (\$3,545 plus closing costs and title expenses not to exceed \$1,900)

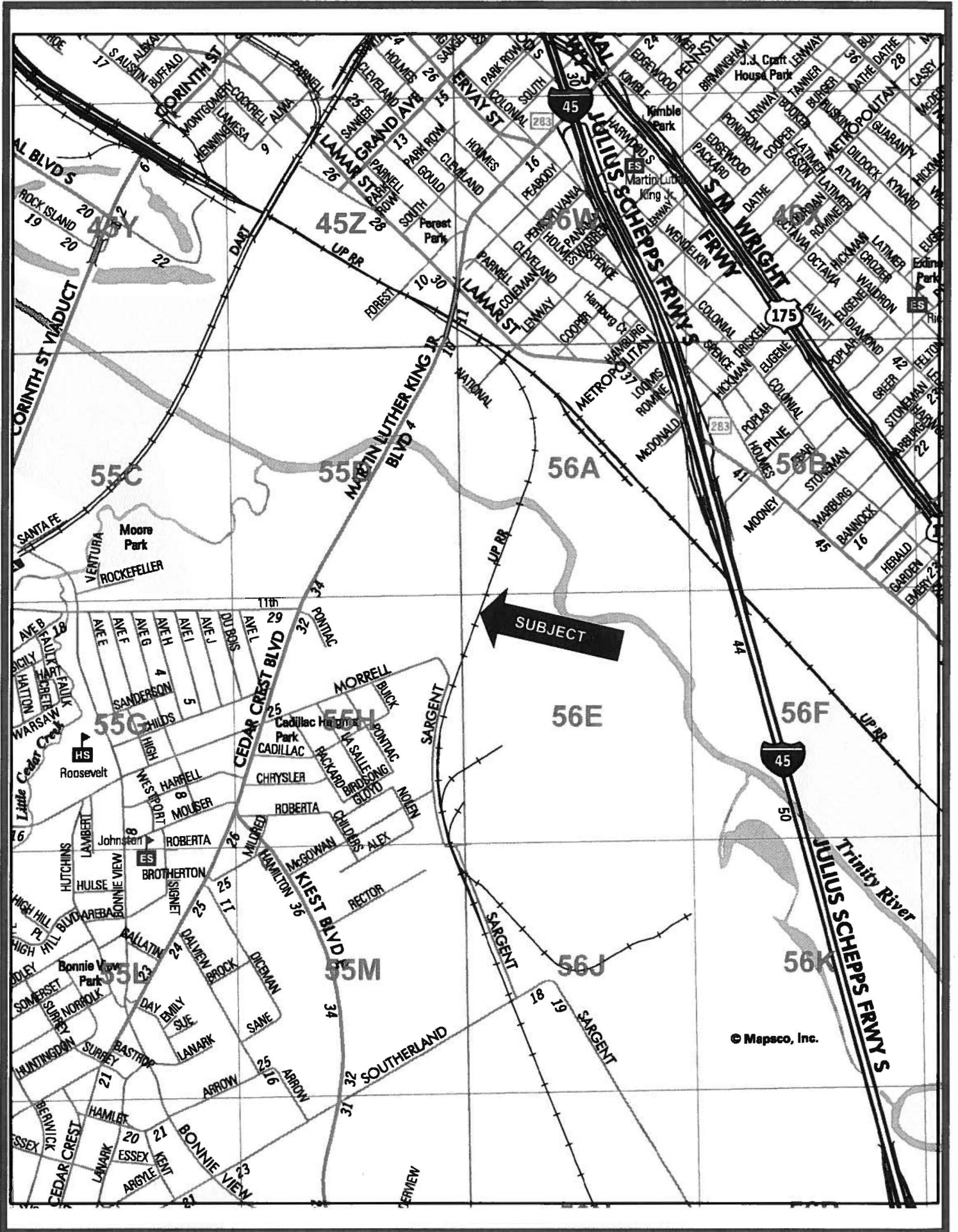
OWNER

BNSF Railway Company

Carl Rice, President

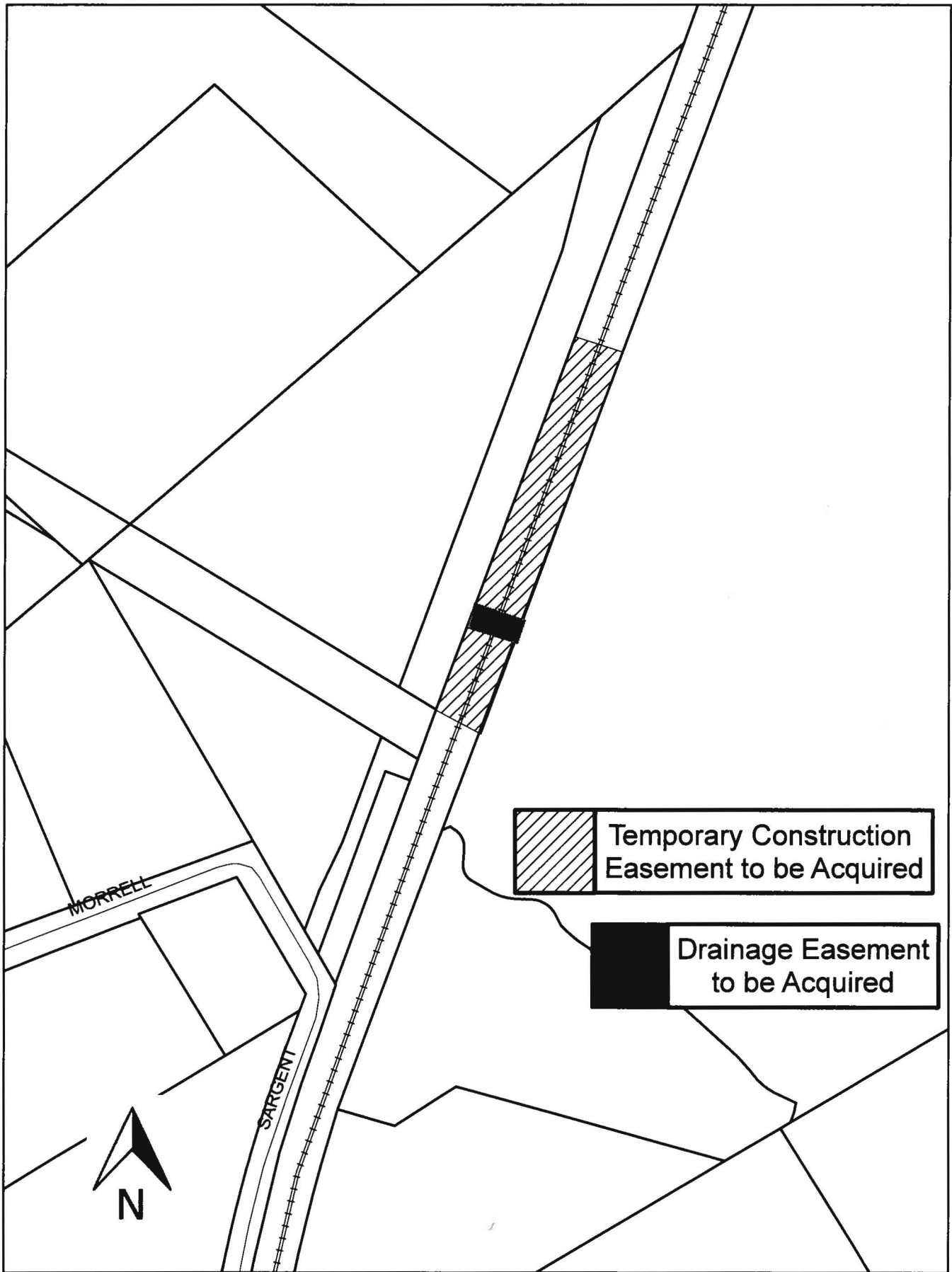
MAPS

Attached



© Mapsco, Inc.





February 26, 2014

A RESOLUTION DETERMINING UPON THE NECESSITY OF ACQUIRING REAL PROPERTY AND AUTHORIZING ITS APPROPRIATION AND/OR CONDEMNATION FOR PUBLIC USE.

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

"CITY": The City of Dallas.

"PROPERTY": Two tracts containing a total of approximately 64,812 square feet of property located in Dallas County, and being the same property more particularly described in "Exhibit A", attached hereto and made a part hereof for all purposes.

"PROJECT": Trinity River Corridor Project – Upper Chain of Wetlands.

"USE": Tract I - The installation, use and maintenance of a pipeline for the transmission of surface water, together with such appurtenant facilities as may be necessary. Tract II – Adequate working space to provide for the construction of the project, together with such appurtenant facilities as may be necessary.

"PROPERTY INTEREST": Tract I: Drainage Easement, Tract II: Temporary Working Space Easement

"OWNER": BNSF Railway Company, 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.

"OFFER AMOUNT": \$3,545.00

"CLOSING COSTS AND TITLE EXPENSES ": Not to exceed \$1,900.00

"AUTHORIZED AMOUNT": \$5,445.00

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 the CITY acquire the PROPERTY INTEREST in the PROPERTY for the PROJECT.

February 26, 2014

SECTION 3. That for the purpose of acquiring the PROPERTY INTEREST in the PROPERTY, the Assistant Director of the Sustainable Development and Construction Department, Real Estate Division, or such person as she may designate, is hereby authorized and directed to offer the OFFER AMOUNT as payment for the PROPERTY INTEREST in the PROPERTY.

SECTION 4. That in the event the OWNER accepts the OFFER AMOUNT, the City Controller is 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 OFFER AMOUNT and CLOSING COSTS AND TITLE EXPENSES payable out of Trinity River Corridor Project Fund, Fund No. 9P14, Department PBW, Unit N962, Activity TRPP, Program No. PB98N962, Object 4250, Encumbrance No. CT-PBW98N962E1. The OFFER AMOUNT, CLOSING COSTS and TITLE EXPENSES together shall not exceed the AUTHORIZED AMOUNT.

SECTION 5. That the CITY is to have possession of the PROPERTY at closing; and the CITY will pay any title expenses and closing costs. In the event of condemnation, the CITY will pay court costs as may be assessed by the Special Commissioners or the court. Further, that litigation expenses determined by the City Attorney to be necessary are authorized for payment. All costs and expenses described in this section shall be paid from the previously described funds.

SECTION 6. That if the OWNER refuses to accept the OFFER AMOUNT, the CITY will appropriate the PROPERTY INTEREST in the PROPERTY for the PROJECT under the laws of eminent domain and the provisions of the Charter of the City of Dallas. In such case, the City Attorney is authorized and requested to file the necessary suit(s) and take the necessary action for the prompt acquisition of the PROPERTY INTEREST in the PROPERTY by condemnation or in any manner provided by law.

SECTION 7. That in the event it is subsequently determined that additional persons other than those named herein have an interest in the PROPERTY, the City Attorney is authorized and directed to join said parties as defendants in said condemnation suit(s).

SECTION 8. 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 9. That OWNER has been provided with a copy of the Landowner's Bill of Rights as required by Texas Property Code Section 21.0112.

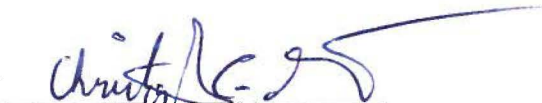
February 26, 2014

SECTION 10. That in the event the Special Commissioners in Condemnation appointed by the Court return an award that is the same amount or less than the OFFER AMOUNT, the City Attorney is hereby authorized to settle the lawsuit for that amount and the City Controller is hereby authorized to issue a check drawn on the previously described funds in an amount not to exceed the Commissioners' award made payable to the County Clerk of Dallas County, to be deposited into the registry of the Court, to enable the CITY to take possession of the PROPERTY without further action of the Dallas City Council.

SECTION 11. 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:
WARREN M. S. ERNST, CITY ATTORNEY**

BY



Assistant City Attorney

Exhibit A

**BOUNDARY DESCRIPTION
OF A 3,000 SQUARE FOOT (0.069 ACRE)
DRAINAGE EASEMENT
TO BE ACQUIRED FROM THE
BURLINGTON NORTHERN / SANTA FE RAILROAD COMPANY**

BEING a 3,000 Square Foot, or 0.069 Acre tract of unplatted land situated in the City of Dallas, Dallas County, Texas, and lying in the William J. Elliott Survey, Abstract Number 448, between City of Dallas Blocks 7718 and 7719, and being a part of the property conveyed to the M.K. & T Railway Company (predecessor in title to the Burlington Northern / Santa Fe (B.N.S.F.) Railroad Company) by deed dated November 18, 1891 and recorded in Volume 156, Page 153 of the Deed Records of Dallas County, Texas and being more particularly described as follows:

COMMENCING at a 5/8 inch diameter iron rod found at the Southeast corner of a tract of land conveyed to the City of Dallas by deed recorded in Instrument Number 201000031431 of the Official Public Records of Dallas County, Texas, being also the Southwest corner of a parcel of land conveyed to the City of Dallas by deed recorded in Volume 88197, Page 2250 Tract No. 1) of the Deed Records of Dallas County, Texas, and also lying on the Northeast Right-of-Way line of Sargent Road (a 50-foot wide Right-of-Way):

THENCE South 30°11'38" East with the common line between the said City of Dallas tract and Sargent Road a distance of 117.14 feet to the intersection with the Northwest line of the above reference B.N.S.F. Railroad (not monumented):

THENCE North 20°07'05" East, departing the last said Northeast line of Sargent Road and with the said Northwest line of the B.N.S.F. Railroad, being also the Southeast line of said City of Dallas tract, pass at 556.30 feet the Northeast corner of a tract of land conveyed to the Dallas Power and Light Company (predecessor in title to the ONCOR Electric Delivery Company), being also the Southeast corner of a parcel of land conveyed to the City of Dallas by deed recorded in Volume 88197, Page 2250 (Tract No. 2) of the Deed Records of Dallas County, Texas, and continuing for a total distance of 732.46 feet to the Southwest corner and **POINT OF BEGINNING** of the herein described tract of land (Note: due to inundation by the waters of the Trinity River, none of the corners of this easement could be monumented):

THENCE North 20°07'05" East, continuing with the said common property line a distance of 30.00 feet to the Northwest corner of the herein described tract of land:

Exhibit A

**BOUNDARY DESCRIPTION
OF A 3,000 SQUARE FOOT (0.069 ACRE)
DRAINAGE EASEMENT
TO BE ACQUIRED FROM THE
BURLINGTON NORTHERN / SANTA FE RAILROAD COMPANY**

THENCE South 69°52'55" East, departing the said common property line, over and across said B.N.S.F. Railroad property a distance of 100.00 feet to the intersection with the Southeast line of said B.N.S.F. Railroad property, being also the Northwest property line of a tract of land conveyed to the City of Dallas, as recorded in Instrument Number 201200073935 of the Official Public Records of Dallas County, Texas, and being also the Northeast corner of the herein described tract of land:

THENCE South 20°07'05" West with the common line between said B.N.S.F. Railroad and City of Dallas properties a distance of 30.00 feet to the Southeast corner of the herein described tract of land:

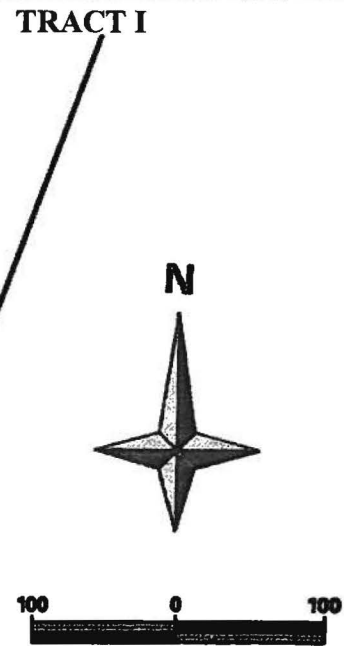
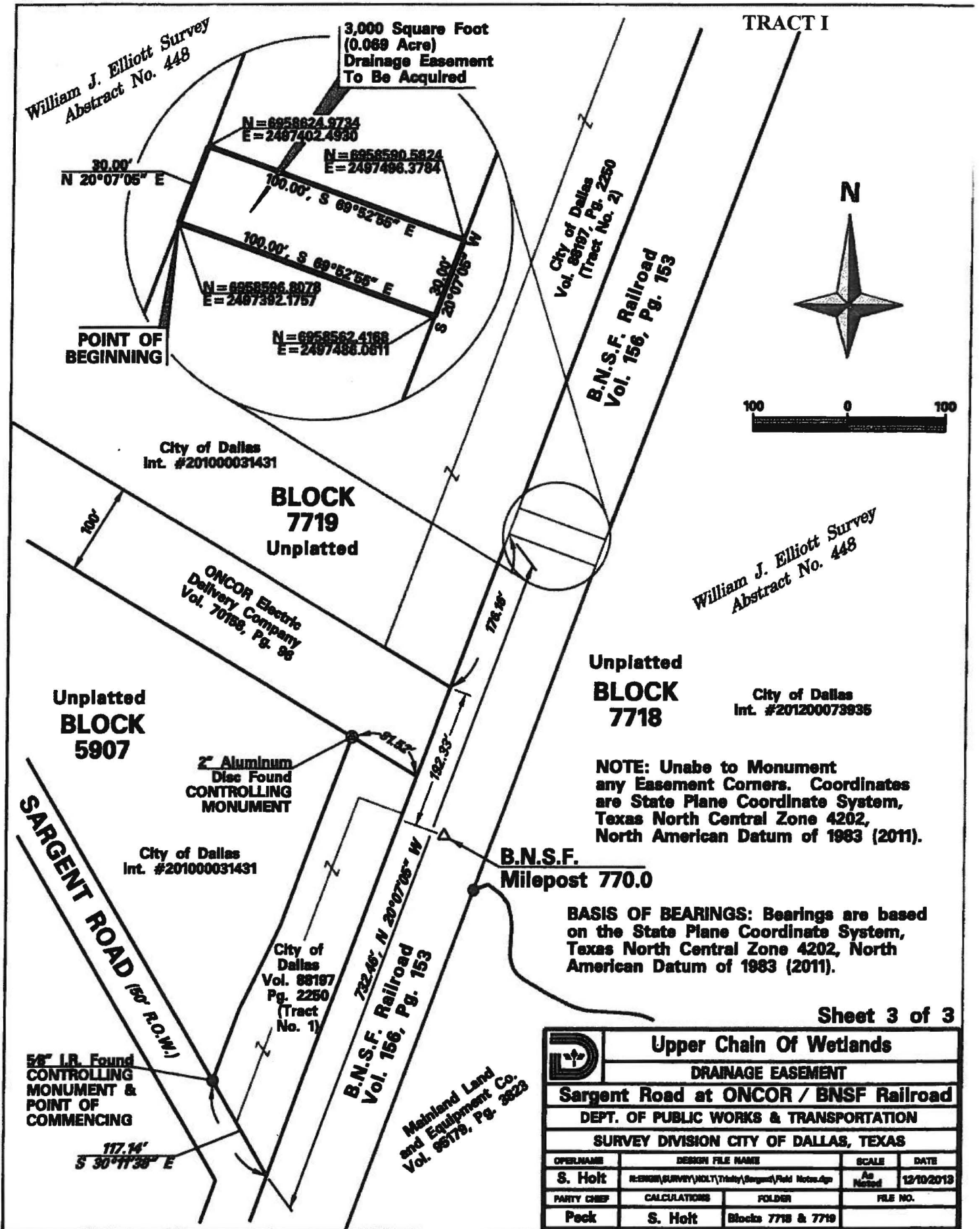
THENCE North 69°52'55" West, departing the said common property line, over and across said B.N.S.F. Railroad property a distance of 100.00 feet to the **POINT OF BEGINNING**, containing 3,000 Square Feet, or 0.069 Acres of land.

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

Scott Holt

12/17/2013





NOTE: Unable to Monument any Easement Corners. Coordinates are State Plane Coordinate System, Texas North Central Zone 4202, North American Datum of 1983 (2011).

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

Sheet 3 of 3

Upper Chain Of Wetlands			
DRAINAGE EASEMENT			
Sargent Road at ONCOR / BNSF Railroad			
DEPT. OF PUBLIC WORKS & TRANSPORTATION			
SURVEY DIVISION CITY OF DALLAS, TEXAS			
OPERNAME	DESIGN FILE NAME	SCALE	DATE
S. Holt	R:\ENGINE\SURVEY\HOLT\7719\7719\Sargent\Field Notes.dgn	As Noted	12/10/2013
PARTY CHIEF	CALCULATIONS	FOLDER	FILE NO.
Peck	S. Holt	Blocks 7718 & 7719	

Exhibit A

**BOUNDARY DESCRIPTION
OF A 61,812 SQUARE FOOT (1.419 ACRE)
TEMPORARY WORKING SPACE EASEMENT
TO BE ACQUIRED FROM THE
BURLINGTON NORTHERN / SANTA FE RAILROAD COMPANY**

BEING a 61,812 Square Foot, or 1.419 Acre tract of unplatted land situated in the City of Dallas, Dallas County, Texas, and lying in the William J. Elliott Survey, Abstract Number 448, between City of Dallas Blocks 7718 and 7719, and being a part of the property conveyed to the M.K. & T Railway Company (predecessor in title to the Burlington Northern / Santa Fe (B.N.S.F.) Railroad Company) by deed dated November 18, 1891 and recorded in Volume 156, Page 153 of the Deed Records of Dallas County, Texas and being more particularly described as follows:

COMMENCING at a 5/8 inch diameter iron rod found at the Southeast corner of a tract of land conveyed to the City of Dallas by deed recorded in Instrument Number 201000031431 of the Official Public Records of Dallas County, Texas, being also the Southwest corner of a parcel of land conveyed to the City of Dallas by deed recorded in Volume 88197, Page 2250 (Tract No. 1) of the Deed Records of Dallas County, Texas, and also lying on the Northeast Right-of-Way line of Sargent Road (a 50-foot wide Right-of-Way):

THENCE South 30°11'38" East with the common line between the said City of Dallas tract and Sargent Road a distance of 117.14 feet to the intersection with the Northwest line of the above reference B.N.S.F. Railroad (not monumented):

THENCE North 20°07'05" East, departing the last said Northeast line of Sargent Road and with the said Northwest line of the B.N.S.F. Railroad, being also the Southeast line of said City of Dallas tract, a distance of 556.30 feet to the Northeast corner of a tract of land conveyed to the Dallas Power and Light Company (predecessor in title to the ONCOR Electric Delivery Company), being also the Southeast corner of a parcel of land conveyed to the City of Dallas by deed recorded in Volume 88197, Page 2250 (Tract No. 2) of the Deed Records of Dallas County, Texas, and the Southwest corner and **POINT OF BEGINNING** of the herein described tract of land (Note: due to inundation by the waters of the Trinity River, none of the corners of this easement could be monumented):

THENCE North 20°07'05" East, continuing with the common line between said City of Dallas property and the B.N.S.F. Railroad a distance of 608.27 feet to the Northwest corner of the herein described tract of land:

Exhibit A

**BOUNDARY DESCRIPTION
OF A 61,812 SQUARE FOOT (1.419 ACRE)
TEMPORARY WORKING SPACE EASEMENT
TO BE ACQUIRED FROM THE
BURLINGTON NORTHERN / SANTA FE RAILROAD COMPANY**

THENCE South 69°52'55" East, departing the said common line, over and across said B.N.S.F. Railroad property a distance of 100.00 feet to the intersection with the Southeast line of said B.N.S.F. Railroad property, being also the Northwest line of a tract of land conveyed to the City of Dallas by deed recorded in instrument Number 201200073935 of the Official Public Records of Dallas County, Texas, at the Northeast corner of the herein described tract of land:

THENCE South 20°07'05" West with the common line between said B.N.S.F. Railroad and City of Dallas property a distance of 627.97 feet to the Southeast corner of the herein described tract of land:

THENCE North 58°44'23" West, departing the said common property line, over and across said B.N.S.F. Railroad property a distance of 101.92 feet to the **POINT OF BEGINNING**, containing 61,812 Square Feet, or 1.419 Acres of land.

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

Scott Holt
2/6/2014

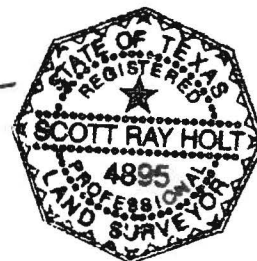
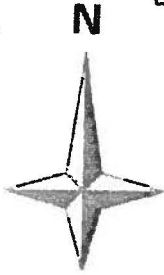


Exhibit A

William J. Elliott Survey
Abstract No. 448



NOTE: Unable to Monument any Easement Corners. Coordinates are State Plane Coordinate System, Texas North Central Zone 4202, North American Datum of 1983 (2011).

Unplatted
BLOCK 7719

Unplatted

BLOCK 7718

Unplatted
BLOCK 5907

61,812 Square Foot
(1.419 Acre) Temporary Working Space Easement To Be Acquired

City of Dallas
Int. #201200073935

City of Dallas
Int. #201000031431

B.N.S.F. Milepost 770.0

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

Sheet 3 of 3

ONCOR Electric Delivery Company
Vol. 70070, Pg. 483

Z Aluminum Disc Found
CONTROLLING MONUMENT

N = 6958431.4166
E = 2497331.5918

N = 6958378.5344
E = 2497418.7035

City of Dallas
Vol. 88197
Pg. 2250
(Tract No. 1)

B.N.S.F. Railroad
Vol. 156, Pg. 153

Mainland Land and Equipment Co.
Vol. 9579, Pg. 3823

58" I.R. Found
CONTROLLING MONUMENT &
POINT OF COMMENCING

117.14'
S 30°11'38" E

Upper Chain Of Wetlands			
TEMPORARY WORKING SPACE EASEMENT			
Sargent Road at ONCOR / BNSF Railroad			
DEPT. OF PUBLIC WORKS & TRANSPORTATION			
SURVEY DIVISION CITY OF DALLAS, TEXAS			
OPERNAME	DESIGN FILE NAME	SCALE	DATE
S. Holt	N:\ENGR\SURVEY\HOLT\Trinity\Sargent\field Notes.dgn	As Noted	12/10/2013
PARTY CHIEF	CALCULATIONS	FOLDER	FILE NO.
Peck	S. Holt	Blocks 7718 & 7719	

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: February 26, 2014

COUNCIL DISTRICT(S): 11

DEPARTMENT: City Attorney's Office
Water Utilities
Sustainable Development and Construction

CMO: Warren M.S. Ernst, 670-3491
Forest E. Turner, 670-3390
Theresa O'Donnell, 671-9195

MAPSCO: 5 X

SUBJECT

Authorize the acceptance of a dedication from Prestonwood Golf Club, LLC, of a wastewater easement along White Rock Creek within Prestonwood Golf Club's The Creek Course in Dallas valued at \$772,000, based on an independent appraisal, in settlement of a disputed, unfiled claim for water usage - Not to exceed \$6,000 (closing costs and title expenses) - Financing: Water Utilities Capital Improvement Funds

BACKGROUND

The McKamy and Osage Wastewater Interceptor Relocation Project ("Project") involves acquisition of permanent wastewater easements in several locations within Prestonwood Country Club's The Creek Course in Dallas for the construction and subsequent maintenance of proposed wastewater interceptor and mains. The Project also generally relocates much of the interceptor alignment into accessible City right-of-way and easements, improving maintenance access.

This item authorizes acceptance of the dedication of approximately 3.142 acres of land for a wastewater easement from Prestonwood Golf Club, LLC, which will encumber the Dallas location of the Prestonwood Golf Club. The City needs the easement for the Project and Prestonwood offered to dedicate the easement in settlement of a disputed, unfiled claim for outstanding, unpaid charges incurred at the Prestonwood Golf Club's The Hills Golf Course, located in Plano, Texas. The value of the land to be dedicated is approximately \$772,000, based on an independent appraisal, which is roughly equivalent to the value of the disputed claim for unpaid water usage.

A five-year contract with two five-year renewal options with Prestonwood Golf Club, LLC to provide untreated water, with an initial term of February 12, 2014 through February 11, 2019 is also on the February 12, 2014 agenda for Council consideration.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Council will be briefed in Executive Session regarding this item.

This item was deferred at the request of Councilmember Griggs on February 12, 2014.

FISCAL INFORMATION

Water Utilities Capital Improvement Funds - \$6,000 (closing costs and title expenses)

OWNER

Prestonwood Golf Club, LLC

Memorandum

RECEIVED

2014 FEB 20 PM 1:01

CITY SECRETARY
DALLAS, TEXAS



DATE February 19, 2014

TO A.C. Gonzalez
City Manager

SUBJECT **Councilmember Lee M. Kleinman -Request to add these items Prestonwood Golf Club, LLC to Agenda Addendum for February 26th** *LM/SF*

~~On February 12, 2014 I deferred items #12 and #31 from the Agenda.~~ The undersigned respectfully request this item to be placed on the February 26, 2014 Addendum to the Agenda.

Item #12 -Authorize the acceptance of a dedication from Prestonwood Golf Club, LLC, of a wastewater easement along White Rock Creek within Prestonwood Golf Club's The Creek Course in Dallas valued at \$772,000, based on an independent appraisal, in settlement of a disputed, unfiled claim for water usage - Not to exceed \$6,000 (closing costs and title expenses) - Financing: Water Utilities Capital Improvement Funds

Item #31 - Authorize a five-year contract, with two five-year renewal options, with the Prestonwood Golf Club, LLC to provide untreated water for the Prestonwood Golf Club's The Hills Golf Course located in Plano, Texas, for the period February 12, 2014 through February 11, 2019 – Estimated Annual Revenue: \$46,013

Rick Callahan
Councilmember- District 5

Tennell Atkins

Tennell Atkins
Mayor Pro Tem Atkins-District 8

Jerry R. Allen

Jerry R. Allen
Councilmember- District 10

Lee M. Kleinman

Lee M. Kleinman
Councilmember – District 11

Sheffie Kadane

Sheffie Kadane
Councilmember- District 9

Vonciel Jones Hill

Vonciel Jones Hill
Councilmember- District 3

CC: The Honorable Mayor and Members of the City Council
Rosa Rios – City Secretary

February 26, 2014

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

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

"CITY": The City of Dallas

"PROPERTY": Approximately 3.142 acres 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": The McKamy and Osage Wastewater Interceptor Relocation Project involves acquisition of permanent wastewater easements in several locations within the Prestonwood Country Club property for the construction and subsequent maintenance of proposed wastewater interceptor and mains. The project also generally relocates much of the interceptor alignment into accessible City right-of-way and easements, improving maintenance access.

"USE": An easement for the purpose of laying, constructing, maintaining, repairing and replacing a City wastewater main or mains and appurtenances and such additional main or mains and appurtenances as are needed in the future.

"PROPERTY INTEREST": Wastewater easement, subject to the exceptions, reservations, covenants, conditions and/or interests, if any, provided in the instrument more particularly described in Exhibit "B"

"OWNER": PRESTONWOOD GOLF CLUB, INC., 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.

"CONSIDERATION": Settlement value of unfiled claim for unpaid water usage, which is roughly equivalent to the PROPERTY's appraised value of \$772,000.

"CLOSING COSTS AND TITLE EXPENSES": Not to exceed \$6,000.00.

February 26, 2014

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.

SECTION 3. That the City Manager, and/or the City Manager's designees, is hereby authorized and directed to consummate and accept the CONSIDERATION, dedication, 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 in the event this acquisition closes, the City Controller is 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 CLOSING COSTS AND TITLE EXPENSES payable out of Wastewater Capital Improvement Fund, Fund 0116, Department DWU, Unit PS40, Activity MPSA, Program No. 709272, Object 4230, Encumbrance No. CTDWU709272CPA.

SECTION 5. 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 6. That this resolution shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so resolved.

APPROVED AS TO FORM:
WARREN M. S. ERNST, City Attorney

BY 
Assistant City Attorney

KEY FOCUS AREA: Economic Vibrancy
AGENDA DATE: February 26, 2014
COUNCIL DISTRICT(S): All
DEPARTMENT: Water Utilities
CMO: Forest E. Turner, 670-3390
MAPSCO: Outside City Limits

SUBJECT

Authorize a five-year contract, with two five-year renewal options, with the Prestonwood Golf Club, LLC to provide untreated water for the Prestonwood Golf Club's The Hills Golf Course located in Plano, Texas, for the period February 12, 2014 through February 11, 2019 – Estimated Annual Revenue: \$46,013

BACKGROUND

This item is for authorization to enter into a new untreated water contract with Prestonwood Golf Club, LLC to serve the Plano location.

Prestonwood Golf Club, LLC requests the purchase of a maximum of 96,351,795 gallons of untreated water annually from Dallas from a diversion point located on Indian Creek, tributary to the Elm Fork Trinity River, for recreational purposes and for irrigation at Prestonwood Golf Club, LLC's The Hills Golf Course located in Plano, Texas.

The City of Dallas has water rights in the Elm Fork of the Trinity River for multiple purposes including rights for recreational and agricultural (irrigation) use. The untreated water diverted by the Prestonwood Golf Club, LLC shall be considered diverted from the Elm Fork Trinity River at Prestonwood Golf Club, LLC's diversion point.

This water will be billed at the ordinance rate for regular untreated water service in accordance with Chapter 49. The sale of untreated water to the Prestonwood Golf Club, LLC is subject to and limited by available system supply.

PRIOR ACTION/REVIEW (Council, Boards, Commissions)

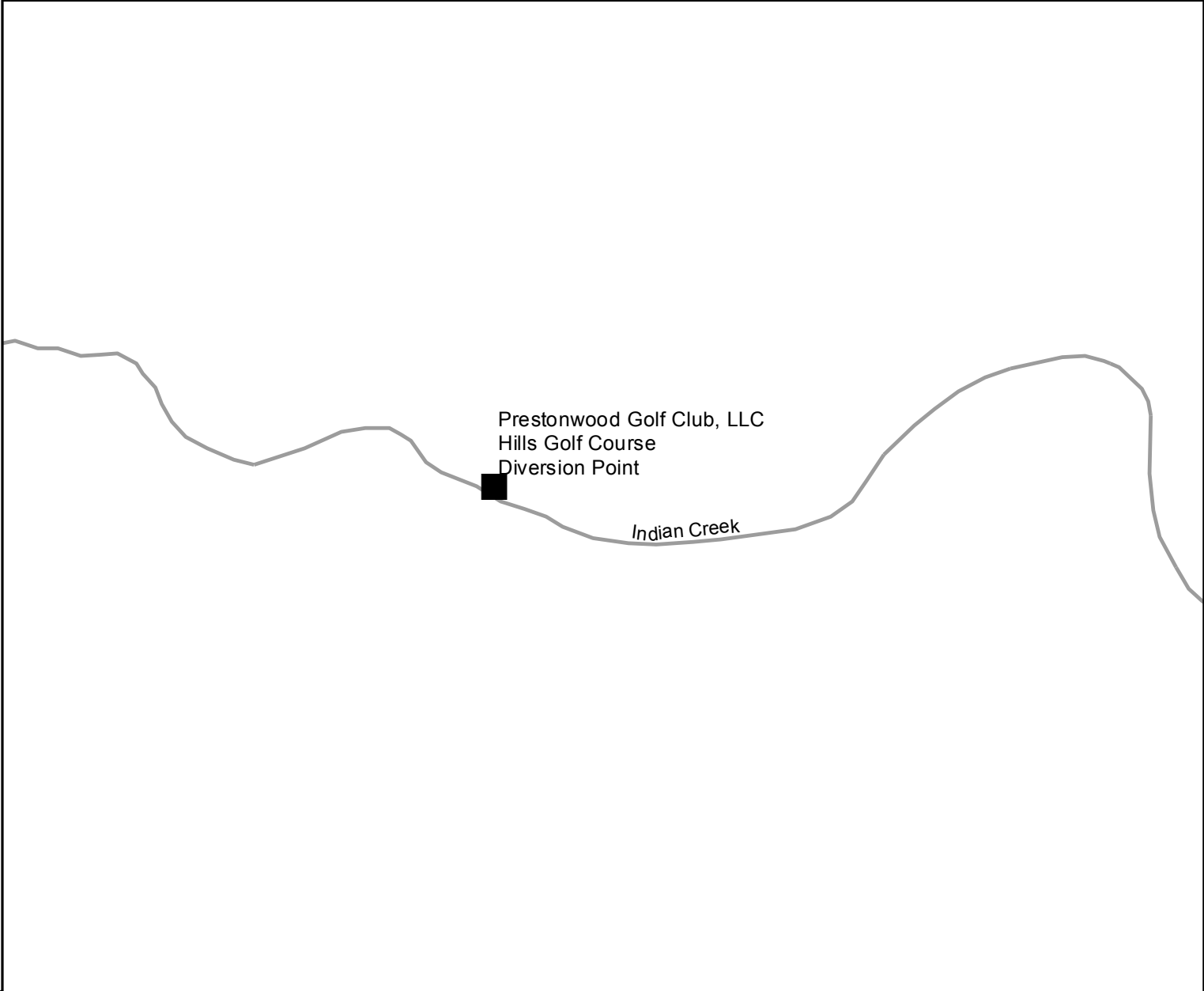
This item was deferred at the request of Councilmember Griggs on February 12, 2014.

FISCAL INFORMATION

Estimated Annual Revenue: \$46,013 (at current untreated water rate)

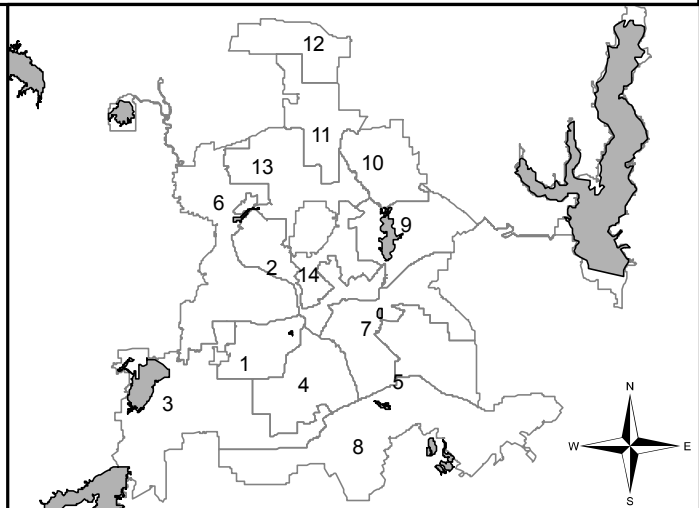
MAP

Attached



Diversion of Water From Indian Creek
Tributary of Elm Fork Trinity River
Location: Prestonwood Country Club - Hills Golf Course
6600 Columbine Way
Plano, TX

Department: DWU



Untreated Water Contract with Prestonwood Golf Club, LLC

Memorandum

RECEIVED

2014 FEB 20 PM 1:01

CITY SECRETARY
DALLAS, TEXAS



DATE February 19, 2014

TO A.C. Gonzalez
City Manager

SUBJECT **Councilmember Lee M. Kleinman -Request to add these items Prestonwood Golf Club, LLC to Agenda Addendum for February 26th** *LM/SF*

~~On February 12, 2014 I deferred items #12 and #31 from the Agenda.~~ The undersigned respectfully request this item to be placed on the February 26, 2014 Addendum to the Agenda.

Item #12 -Authorize the acceptance of a dedication from Prestonwood Golf Club, LLC, of a wastewater easement along White Rock Creek within Prestonwood Golf Club's The Creek Course in Dallas valued at \$772,000, based on an independent appraisal, in settlement of a disputed, unfiled claim for water usage - Not to exceed \$6,000 (closing costs and title expenses) - Financing: Water Utilities Capital Improvement Funds

Item #31 - Authorize a five-year contract, with two five-year renewal options, with the Prestonwood Golf Club, LLC to provide untreated water for the Prestonwood Golf Club's The Hills Golf Course located in Plano, Texas, for the period February 12, 2014 through February 11, 2019 – Estimated Annual Revenue: \$46,013

Rick Callahan
Councilmember- District 5

Tennell Atkins

Tennell Atkins
Mayor Pro Tem Atkins-District 8

Jerry R. Allen

Jerry R. Allen
Councilmember- District 10

Lee M. Kleinman

Lee M. Kleinman
Councilmember – District 11

Sheffie Kadane

Sheffie Kadane
Councilmember- District 9

Vonciel Jones Hill

Vonciel Jones Hill
Councilmember- District 3

CC: The Honorable Mayor and Members of the City Council
Rosa Rios – City Secretary

February 26, 2014

WHEREAS, the City of Dallas owns water rights in the Elm Fork Trinity River including recreational and agricultural (irrigation) water rights; and,

WHEREAS, Prestonwood Golf Club, LLC requests to purchase untreated water from the City of Dallas for recreation and irrigation purposes for use at its The Hills Golf Course; and,

WHEREAS, Dallas and Prestonwood Golf Club, LLC desire to enter into a new Untreated Water Contract; and,

WHEREAS, the initial term of the new 5-year Untreated Water Contract which has two, five-year renewal options will be February 12, 2014 through February 11, 2019; and,

WHEREAS, approval of the new contract would be in the best interest of the City of Dallas as well as the Prestonwood Golf Club, LLC; **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 an Untreated Water Contract with Prestonwood Golf Club, LLC to purchase untreated water from the City of Dallas for the initial term of February 12, 2014 through February 11, 2019 in the estimated annual amount of \$46,013 after approval of the contract documents by the City Attorney.

SECTION 2. That the City Controller is hereby authorized and directed to deposit receipts for services provided under this contract to the Water Utilities Current Fund as follows:

<u>FUND</u>	<u>DEPT</u>	<u>UNIT</u>	<u>FUNC</u>	<u>REVENUE SOURCE CODE</u>
0100	DWU	7005	7REV	7847

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.

KEY FOCUS AREA: Economic Vibrancy
AGENDA DATE: February 26, 2014
COUNCIL DISTRICT(S): 4
DEPARTMENT: Housing/Community Services
CMO: Theresa O'Donnell, 671-9195
MAPSCO: 55X

SUBJECT

A public hearing to receive comments regarding an application to the Texas Department of Housing and Community Affairs (TDHCA) for 2014 9% Low Income Housing tax Credits for Serenity Place Apartments, a 45-unit multifamily project, located at 3124 South Denley Drive, in accordance with the requirements of Texas Government Code §2306.67071 and Texas Administrative Code §10.204(4); and at the close of the public hearing, authorize **(1)** a resolution in support of the Texas Department of Housing and Community Affairs (TDHCA) 9% low-income housing tax credit (LIHTC) application and allocation for Serenity Place Apartments located at 3124 South Denley Drive for the acquisition and new construction of the proposed 45-unit multifamily residential supportive housing development for low income families; **(2)** a loan in the amount of \$1,000,000 to City Wide Community Development Corporation (CWCDC), or the applicant for LIHTC (Applicant) for the construction of Serenity Place Apartments, conditioned upon 2014 9% LIHTC award; **(3)** a grant in the amount of \$959,913 to CWCDC, or Applicant for the construction of Serenity Place Apartments, conditioned upon 2014 9% LIHTC award; and **(4)** a predevelopment grant in the amount of \$38,000 to CWCDC for costs associated with the TDHCA 9% application not conditioned upon 2014 9% LIHTC award - Not to exceed \$1,997,913 - Financing: FY13-14 CDBG Program Income #1 (\$1,744,142); 2012-13 Community Development Block Grant Funds (\$215,771) and General Obligation Commercial Paper Funds (\$38,000)

BACKGROUND

On January 17, 2014, Sherman Roberts, President & CEO of City Wide Community Development Corporation, submitted an application to the City of Dallas on behalf of City Wide Serenity Place Apartments, L.P. (the "Applicant"), for support of their application to TDHCA for the 2014 Low Income Housing Tax Credit Program. The project includes 45 multifamily units for permanent supportive housing, consisting of 40 two-bedroom units and 5 three-bedroom units.

BACKGROUND (continued)

The Applicant has proposed renting 9 units or 20% of the units to tenants with household incomes capped at 30% or below the area median family income (AMFI) with rents affordable to tenants whose household incomes are 30% or below the AMFI, 19 units or 42% of the units to tenants with household incomes capped at 50% or below the area median family income (AMFI) with rents affordable to tenants whose household incomes are 50% or below the AMFI, and 17 units or 38% of the units to tenants with household incomes capped at 60% or below the area median family income (AMFI) with rents affordable to tenants whose household incomes are 60% or below the AMFI.

As a new requirement for applicants applying for Housing Tax Credits after September 1, 2013, the Governing Body must adhere to the new notification and hearing requirements of the Texas Government Code §2306.67071 and Texas Administrative Code §10.204(4). More specifically, those notices are as follows: notice has been provided to the Governing Body in accordance with Texas Government Code, §2306.67071 (a); the Governing Body has had sufficient opportunity to obtain a response from the Applicant regarding any questions or concerns about the proposed Development; the Governing Body has held a hearing at which public comment may be made on the proposed Development in accordance with Texas Government Code, §2306.67071(b); and after due consideration of the information provided by the Applicant and public comment, the Governing Body does not object to the proposed Application.

As a requirement for City of Dallas' funding and endorsement of low income housing tax credit projects, the Applicant(s) are required to conduct a survey of the needs of the tenants as each lease is signed and will provide some or all of the following social services at no cost to the tenants, such as: after-school and summer break care for children, health screenings; counseling/domestic crisis intervention; emergency assistance, computer education, adult education programs (such as: ESL, life skills and nutrition classes, etc.); and social and recreational activities. This requirement only applies if the Applicant(s) is utilizing City funding in the financing of the low income housing tax credit project.

This project is not located within one mile of another LIHTC multifamily project that serves the same type of household as the proposed Development. The project is not located in a census tract that has more than 20 percent housing tax credit units per total households as established by the 5-year American Community Survey.

This project is included in the City of Dallas Community Revitalization Plan for Lancaster Corridor/Cigarette Hill adopted by the City Council on December 12, 2012. The State will award additional points to a particular application under §11.9(d)(7)(A)(ii)(III) of the 2014 Housing Tax Credit Qualified Allocation Plan if a city explicitly identifies the project as contributing most significantly to the concerted revitalization efforts of the city.

BACKGROUND (continued)

The City may only identify one single project for these additional points during each Application Round. The Applicant has requested City Council identification of this project as noted above.

The Applicant has submitted a request for gap funding of \$1,997,913 from the City of Dallas for the development of the Serenity Place Apartments at 3124 South Denley Drive. A \$1,000,000 loan would be used for construction of the Serenity Place Apartments and subordinated to the project's lenders with an interest rate up to 1% with a 35 year term, interest repayment only out of available project cash flow. A \$959,913 grant would be provided for the construction of the Serenity Apartments and forgiven upon certificate of occupancy. Both loans would be conditioned on an award of 2014 9% tax credits. A \$38,000 grant would be provided for predevelopment costs associated with the TDHCA application but not conditioned on a tax credit award.

PRIOR ACTION/REVIEW (Council, Boards, Commissions)

On February 10, 2010, the City Council approved a modification to the policy for the acceptance of applications seeking City of Dallas support for low income housing tax credit financing, when the State of Texas does not require direct City of Dallas approval by Resolution No.10-0498.

On February 3, 2014, the Housing Committee was briefed on the Low Income Housing Tax Credit Program.

On February 18, 2014, the Serenity Place Apartments' Low Income Housing Tax Credit multifamily project was briefed to the Housing Committee.

FISCAL INFORMATION

FY13-14 CDBG Program Income #1	\$1,744,142
2012-13 Community Development Block Grant Funds	\$ 215,771
2012 Bond Program (General Obligation Commercial Paper Funds)	\$ 38,000

OWNER(S)

City Wide Serenity Place Apartments, L.P.

City Wide Community Development Corp.
Sherman Roberts, President & CEO

CWCDC Serenity GP, Inc., GP

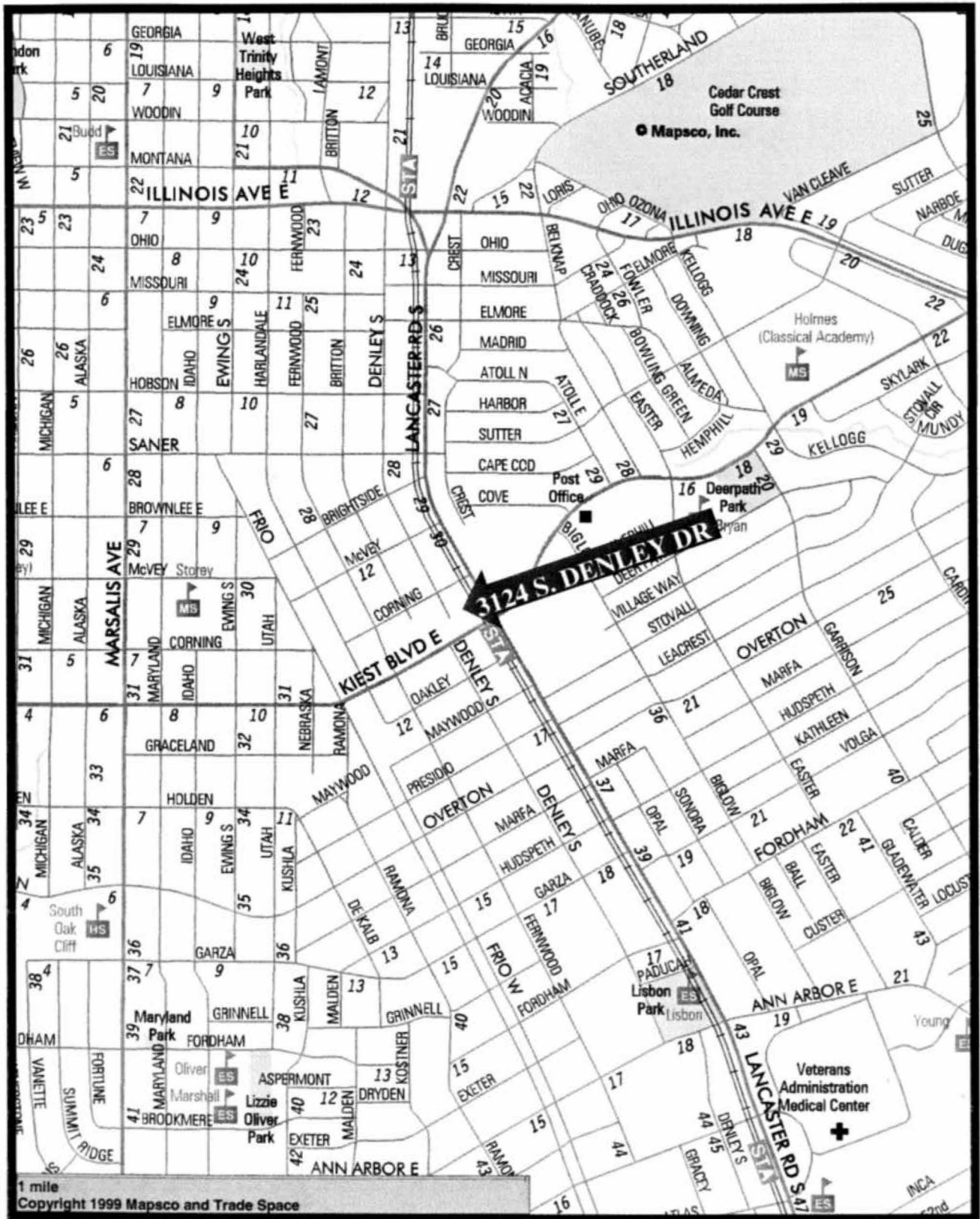
DEVELOPER

Carleton Residential Properties
Printice L. Gary

Carleton Construction, Ltd.
Neal Hildebrandt, President

MAP

Attached



MAPSCO 55X

February 26, 2014

WHEREAS, Sherman Roberts, President & CEO, of City Wide Community Development Corporation, on behalf of City Wide Serenity Place Apartments, L.P. (“the Applicant”), has proposed a development for affordable rental housing at 3124 South Denley named Serenity Place Apartments in the City of Dallas and has advised that it intends to submit an application to the Texas Department of Housing & Community Affairs (TDHCA) for 2014 9% Housing Tax Credits for Serenity Place Apartments; and

WHEREAS, on February 3, 2014 and February 18, 2014, the Serenity Place Apartments’ Housing Tax Credit multifamily project was briefed to the Housing Committee; and

WHEREAS, pursuant to §11.9(d)(7) Community Revitalization Plan, the Lancaster Corridor/Cigarette Hill Community Revitalization Plan (CRP) was adopted by the City Council on December 12, 2012 with a total budget or projected economic value of \$6,000,000 or greater and Serenity Place Apartments is located within this CRP area; and

WHEREAS, the Housing Tax Credit multifamily project to be located at 3124 South Denley Drive is selected as contributing most significantly to the concerted revitalization efforts of the city, pursuant to §11.9(d)(7)(A)(ii)(III) of the 2014 Housing Tax Credit Qualified Allocation Plan; and

WHEREAS, the Applicant has submitted a request for gap funding of \$1,997,913 from the City of Dallas which has been reviewed; and

WHEREAS, as a condition for being considered for the award of the 9% tax credit, the Applicant has proposed renting 9 units or 20% of the units to tenants with household incomes capped at 30% or below the area median family income (AMFI) with rents affordable to tenants whose household incomes are 30% or below the AMFI; 19 units or 42% of the units to tenants with household incomes capped at 50% or below the area median family income (AMFI) with rents affordable to tenants whose household incomes are 50% or below the AMFI; and 17 units or 38% of the units to tenants with household incomes capped at 60% or below the area median family income (AMFI) with rents affordable to tenants whose household incomes are 60% or below the AMFI; and

WHEREAS, as with the City of Dallas’ funding and endorsement of the TDHCA 2014 9% low income housing tax credit (LIHTC) application for City Wide Serenity Place Apartments, L.P., the owner of the project will provide social services with the project approved by the Housing/Community Services Department, if the Project Owner is utilizing City funding in the financing of the low income housing tax credit project; and

February 26, 2014

WHEREAS, the City of Dallas desires to provide approval of the TDHCA 2014 9% LIHTC application for the Serenity Place Apartments' project located at 3124 South Denley Drive; **NOW, THEREFORE**,

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

SECTION 1. That the City of Dallas hereby **(1)** supports the Texas Department of Housing & Community Affairs (TDHCA) 9% low-income housing tax credit (LIHTC) application and allocation for Serenity Place Apartments located at 3124 South Denley Drive for the construction of the 45-unit multifamily residential supportive housing; and **(2)** subject to the terms hereof, grants a firm commitment and authorizes a loan in the amount of \$1,000,000 to City Wide Community Development Corporation (CWCDC), or the applicant for LIHTC (Applicant) for the construction of Serenity Place Apartments, conditioned upon 2014 9% LIHTC award; **(3)** authorizes a grant in the amount of \$959,913 to CWCDC, or Applicant for the construction of Serenity Place Apartments conditioned upon 2014 9% LIHTC award, and **(4)** authorizes a predevelopment grant in the amount of \$38,000 to CWCDC for costs associated with the TDHCA 9% application, not conditioned upon 2014 9% LIHTC award.

SECTION 2. That in accordance with the requirements of Texas Government Code §2306.67071 and Texas Administrative Code §10.204(4), it is hereby found that:

1. Notice has been provided to the Governing Body in accordance with Texas Government Code, §2306.67071 (a); and
2. The Governing Body has had sufficient opportunity to obtain a response from the Applicant regarding any questions or concerns about the proposed Development; and
3. The Governing Body has held a hearing at which public comment may be made on the proposed Development in accordance with Texas Government Code, §2306.67071(b); and
4. After due consideration of the information provided by the Applicant and public comment, the Governing Body supports the proposed Application.

SECTION 3. That the City of Dallas, acting through its governing body, hereby confirms that it supports the proposed Serenity Place Apartments project construction and allocation of 2014 9% Housing Tax Credits for the Development located at 3124 South Denley Drive.

SECTION 4. That this formal action has been taken to put on record the opinion expressed by the City of Dallas on February 26, 2014, and that for and on behalf of the Governing Body, A.C. Gonzalez, City Manager, or his designee, is hereby authorized, empowered, and directed to certify this resolution to the Texas Department of Housing and Community Affairs.

February 26, 2014

SECTION 5. That as provided for in 10 TAC §11.3(c), it is hereby acknowledged that the Serenity Place Apartments will not be located one linear mile or less from a Development that serves the same type of household as the proposed Development and has received an allocation of Housing Tax Credits for New Construction since January 2, 2011; however, if data changes or if another Development that serves the same type of household is approved for Housing Tax Credits, the City of Dallas continues to support and specifically allows the Serenity Place Apartments to receive an allocation of Housing Tax Credit.

SECTION 6. That as provided for in 10 TAC §11.3(b), it is hereby acknowledged that the City of Dallas is not a municipality that has more than twice the state average of units per capita supported by LIHTC; however, if data changes occur, the City of Dallas would continue to support the Serenity Place Apartments.

SECTION 7. That as provided for in TAC §11.3(d) and §11.4(c)(1), it is hereby acknowledged that the proposed Serenity Place Apartments will not be located in a census tract that has more than 20% Housing Tax Credit Units per total household in the census tract; however, if data changes occur, the City of Dallas would continue to support the Serenity Place Apartments.

SECTION 8. That the Housing Tax Credit multifamily project to be located at 3124 South Denley Drive is explicitly identified as contributing most significantly to the concerted revitalization efforts of the City of Dallas, pursuant to 11.9 (d)(7) (A) and §11.9(d)(7)(A)(ii) (I) and (III) of the 2014 Housing Tax Credit Qualified Allocation Plan.

SECTION 9. That the City Manager or his designee, upon approval as to form by the City Attorney, is hereby authorized to execute a loan in the amount of \$1,000,000 to City Wide Community Development Corporation (CWCDC), or Applicant for the development at 3124 South Denley Drive with the following terms:

- a. CWCDC, or its wholly owned subsidiary, must be awarded 2014 9% tax credits
- b. CWCDC must adhere to all applicable CDBG Program requirements.
- c. CWCDC must execute a note, deed of trust, and deed restriction for a 35-year affordability period.
- d. The outstanding principal balance of the City's \$1,000,000 loan shall bear an interest rate of 1% with interest only annual payment from available cash flow over a period of 35 years.
- e. The loan may be subordinated to lenders.

February 26, 2014

SECTION 10. That the City Manager or his designee, upon approval as to form by the City Attorney, is hereby authorized to execute a grant in the amount of \$959,913 to City Wide Community Development Corporation (CWCDC), or Applicant, to mitigate basis and tax issues only related to the development at 3124 South Denley Drive. The following terms apply:

- a. CWCDC, or its wholly owned subsidiary, must be awarded 2014 9% tax credits
- b. CWCDC must adhere to all applicable CDBG Program requirements.
- c. CWCDC must complete construction and receive a certificate of occupancy.
- d. CWCDC must execute a note, deed of trust, and deed restriction for performance only.
- e. The loan may be subordinated to construction and permanent lenders.

SECTION 11. That the City Manager or his designee, upon approval as to form by the City Attorney, is hereby authorized to execute a predevelopment grant in the amount of \$38,000 to City Wide Community Development Corporation (CWCDC), or Applicant, for costs associated with the TDHCA 9% application, not conditioned upon 2014 9% LIHTC award.

SECTION 12. That the City Manager, upon approval as to form by the City Attorney, is authorized to execute a subordination or lien to a lender who is providing construction financing on the property.

SECTION 13. That the City of Dallas' funding and endorsement of the TDHCA LIHTC application for the project, Serenity Place Apartments, will be contingent on the following, if the owner is utilizing City funding in financing of the low income housing tax credit project: (1) the Project Owner expending a minimum of \$40,000 (a minimum of \$40,000 or \$200 per unit per year, whichever is greater) for social services for, and at no cost, to the residents of the development, based on a survey of resident's needs, to be implemented within three months of project completion; (2) inclusion of this requirement in the City's Deed Restrictions containing the social services requirement (up to 50% of the social service requirement can be fulfilled with in kind social services provided the Housing/Community Services Department gives prior approval of the social service plan).

SECTION 14. That prior to receiving a conditional City of Dallas building permit required by TDHCA prior to closing on the tax credits, the Project Developer will consult with the City of Dallas Sustainable Development and Construction Department with regard to security related design standards.

February 26, 2014

SECTION 15. That the City of Dallas' funding and endorsement for this project will be contingent on the Project Owner paying to the City an annual monitoring review fee in the amount of \$500, beginning on the anniversary of the closing on the 9% tax credits and ending at the end of the tax credit compliance.

SECTION 16. That the City Controller be authorized to disburse funds in accordance with this resolution as follows:

City Wide Community Development Corporation Vendor # VS0000026872

<u>Fund</u>	<u>Dept</u>	<u>Unit</u>	<u>Object Code</u>	<u>Encumbrance</u>	<u>Amount</u>
13R1	HOU	307F	3015	HOU307FE088	\$1,000,000
13R1	HOU	307F	3016	HOU307FE088	\$ 744,142
CD12	HOU	866E	3016	HOU307FE088	\$ 215,771
2U53	HOU	S803	3016	HOU307FE088	\$ 38,000

SECTION 17. That the City Controller is hereby authorized to record notes receivable in balance sheet account (033F) and an allowance for uncollectible debt in (022D) in fund 13R1 for the amount of the loan.

SECTION 18. That this resolution shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so resolved.

KEY FOCUS AREA: Economic Vibrancy
AGENDA DATE: February 26, 2014
COUNCIL DISTRICT(S): 1
DEPARTMENT: Housing/Community Services
CMO: Theresa O'Donnell, 671-9195
MAPSCO: 54Q

SUBJECT

A public hearing to receive comments regarding an application to the Texas Department of Housing and Community Affairs (TDHCA) for 2014 9% Low Income Housing Tax Credits for Wynnewood Senior Housing II, LP a 140-unit multifamily senior project, located at 1805 South Zang Boulevard, in accordance with the requirements of Texas Government Code §2306.67071 and Texas Administrative Code §10.204(4); and at the close of the public hearing, authorize **(1)** a resolution in support of the Texas Department of Housing and Community Affairs (TDHCA) 9% low-income housing tax credit (LIHTC) application and allocation for Wynnewood Senior Housing II, LP located at 1805 South Zang Boulevard for the construction of the proposed 140-unit multifamily residential development for low income seniors; and **(2)** an amendment to the terms of a housing redevelopment loan provided for The Parks at Wynnewood located at 1910 Argentia Drive to forgive \$425,000 of the current balance of the loan conditioned on the award of 2014 9% Low Income Housing Tax Credit - Financing: No cost consideration to the City

BACKGROUND

On January 17, 2014, John Greenan, Executive Director of Central Dallas Community Development Corporation, submitted an application to the City of Dallas on behalf of Wynnewood Senior Housing II, LP ("Applicant"), for support of their application to TDHCA for the 2014 Low Income Housing Tax Credit Program. The project includes 140 multifamily units for seniors, 98 one-bedroom and 42 two-bedroom units (with 1 unit for property management). This would be the 3rd Phase of redevelopment with Phase I complete and Phase II to begin construction in summer 2014.

BACKGROUND (Continued)

The Applicant has committed to renting 28 units or 20% of the units to tenants with household incomes capped at 30% or below the area median family income (AMFI) with rents affordable to tenants whose household incomes are 30% or below the AMFI, 56 units or 40% of the units to tenants with household incomes capped at 50% or below the area median family income (AMFI) with rents affordable to tenants whose household incomes are 50% or below the AMFI, 55 units or 39% of the units to tenants with household incomes capped at 60% or below the area median family income (AMFI) with rents affordable to tenants whose household incomes are 60% or below the AMFI, and 1 unit or 1% of the units as a Market Rate Unit.

As a new requirement for applicants applying for Housing Tax Credits after September 1, 2013, the Governing Body must adhere to the new notification and hearing requirements of the Texas Government Code §2306.67071 and Texas Administrative Code §10.204(4). More specifically, those notices are as follows: notice has been provided to the Governing Body in accordance with Texas Government Code, §2306.67071 (a); the Governing Body has had sufficient opportunity to obtain a response from the Applicant regarding any questions or concerns about the proposed Development; the Governing Body has held a hearing at which public comment may be made on the proposed Development in accordance with Texas Government Code, §2306.67071(b); and after due consideration of the information provided by the Applicant and public comment, the Governing Body does not object to the proposed Application.

As a requirement for City of Dallas' funding and endorsement of low income housing tax credit projects, the Applicant(s) are required to conduct a survey of the needs of the tenants as each lease is signed and will provide some or all of the following social services at no cost to the tenants, such as: health screenings; counseling/domestic crisis intervention; emergency assistance, computer education, adult education programs (such as: ESL, life skills and nutrition classes, etc.); and social and recreational activities. This requirement only applies if the Applicant(s) is utilizing City funding in the financing of the low income housing tax credit project.

This project is located within one mile of another LIHTC multifamily project that serves the same type of household as the proposed development and will require the approval of the City Council for that exception. This project is also to be located in a census tract that has more than 20 percent housing tax credit units per total households as established by the 5-year American Community Survey and will require the approval of the City Council for that exception.

The applicant has submitted a request for \$425,000 debt forgiveness of a current City of Dallas loan that will flow to the new partnership leaving a zero balance. The applicant has also requested \$1,750,000 loan from the Dallas Housing Finance Corporation (DHFC) which will be considered as a separate action item.

PRIOR ACTION/REVIEW (Council, Boards, Commissions)

On February 10, 2010, the City Council approved a modification to the policy for the acceptance of applications seeking City of Dallas support for low income housing tax credit financing, when the State of Texas does not require direct City of Dallas approval by Resolution No. 10-0498.

On February 3, 2014, the Housing Committee of the City Council was briefed on the Low Income Housing Tax Credit Program.

On February 18, 2014, the Wynnewood Senior Housing II Low Income Housing Tax Credit multifamily senior project was briefed to the Housing Committee.

FISCAL INFORMATION

No cost consideration to the City

OWNER(S)

Wynnewood Senior Housing II, LP

Central Dallas CDC, General Partner
John Greenan, Executive Director

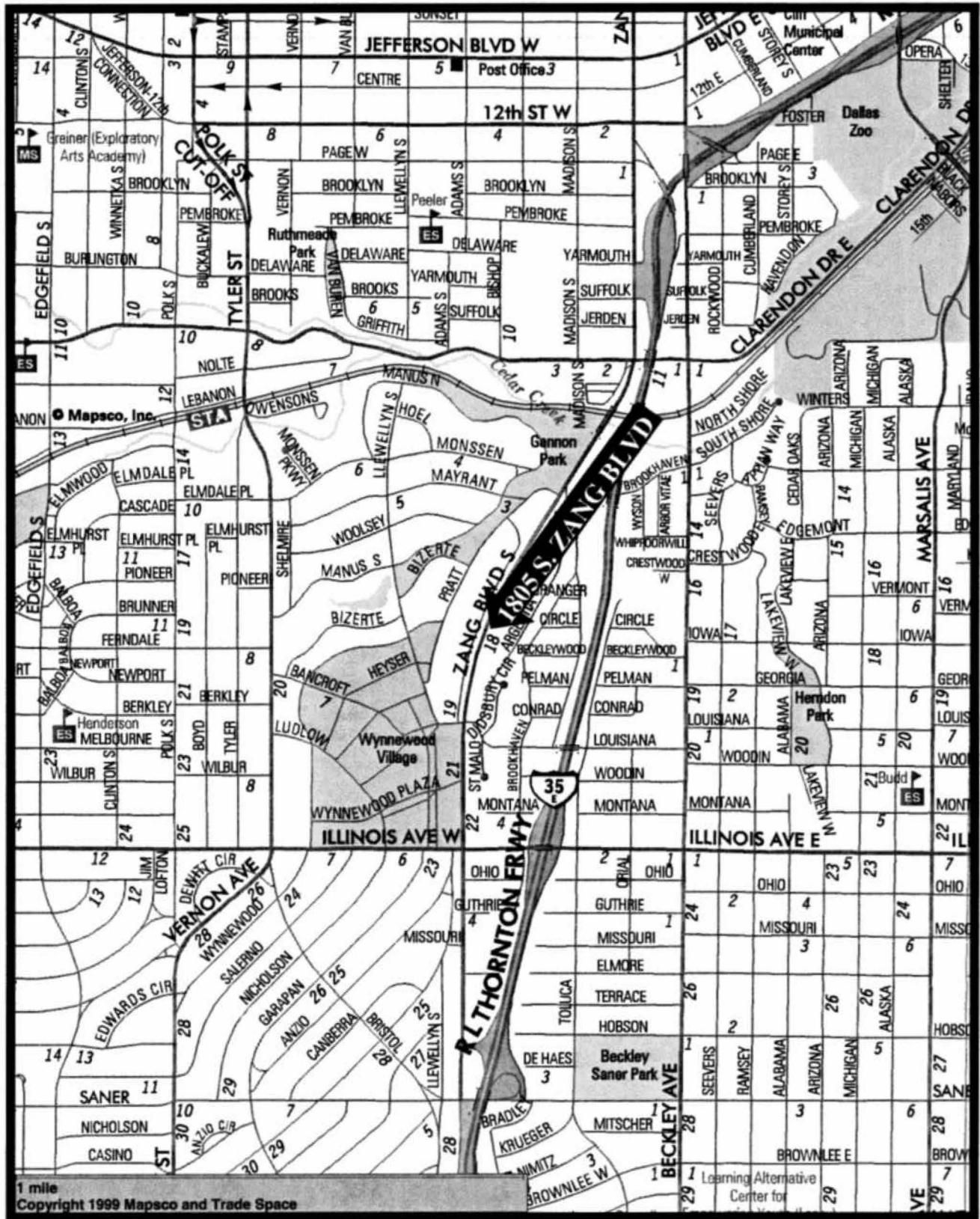
Bank of America CDC, Limited Partner
Brian L. Roop

DEVELOPER

Bank of America CDC
Brian L. Roop

MAP

Attached



MAPSCO 54Q

February 26, 2014

WHEREAS, John Greenan, Executive Director of Central Dallas Community Development Corporation, has proposed a development for affordable rental housing at 1805 South Zang Boulevard named Wynnewood Senior Housing II in the city of Dallas and has advised that it intends to submit an application to the Texas Department of Housing & Community Affairs (TDHCA) for 2014 9% Housing Tax Credits for Wynnewood Senior Housing II; and

WHEREAS, the Applicant has requested a waiver of the one mile, three year rule for the Wynnewood Senior Housing II project; and

WHEREAS, the Applicant has requested a waiver of the limitations on developments in certain census tracts' rule for the Wynnewood Senior Housing II project, which is located in a census tract that has more than 20 percent housing tax credit units per total households as established by the 5-year American Community Survey; and

WHEREAS, on February 3, 2014 and February 18, 2014, the Wynnewood Senior Housing II Tax Credit multifamily project was briefed to the Housing Committee; and

WHEREAS, the applicant has submitted a request for \$425,000 debt forgiveness of a current City of Dallas loan that will flow to the new partnership, which has been reviewed; and

WHEREAS, as a condition for being considered for the award of the 9% tax credit, the Applicant has committed to renting 28 units or 20% of the units to tenants with household incomes capped at 30% or below the area median family income (AMFI) with rents affordable to tenants whose household incomes are 30% or below the AMFI, 56 units or 40% of the units to tenants with household incomes capped at 50% or below the area median family income (AMFI) with rents affordable to tenants whose household incomes are 50% or below the AMFI, 55 units or 39% of the units to tenants with household incomes capped at 60% or below the area median family income (AMFI) with rents affordable to tenants whose household incomes are 60% or below the AMFI, and 1 unit or 1% of the units as a Market Rate Unit; and

WHEREAS, as with the City of Dallas' funding and endorsement of the TDHCA 2014 9% LIHTC application for Wynnewood Senior Housing II, LP, the owner of the project will provide social services with the project approved by the Housing/Community Services Department, if the Project Owner is utilizing City funding in the financing of the low income housing tax credit project; and

WHEREAS, the City of Dallas desires to provide approval of the TDHCA 2014 9% LIHTC application for the Wynnewood Senior Housing II project located at 1805 South Zang Boulevard; **NOW, THEREFORE**,

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

February 26, 2014

SECTION 1. That the City of Dallas hereby 1) supports the Texas Department of Housing and Community Affairs (TDHCA) 9% low-income housing tax credit (LIHTC) application and allocation for Wynnewood Senior Housing II located at 1805 South Zang Boulevard for the construction of the proposed 140-unit multifamily residential development for low income seniors; and (2) authorizes an amendment to the terms of a housing redevelopment loan provided for The Parks at Wynnewood located at 1910 Argentia Drive to forgive \$425,000 of the current balance of the loan conditioned on the award of 2014 9% Low Income Housing Tax Credit

SECTION 2. That in accordance with the requirements of Texas Government Code §2306.67071 and Texas Administrative Code §10.204(4), it is hereby found that:

1. Notice has been provided to the Governing Body in accordance with Texas Government Code, §2306.67071 (a); and
2. The Governing Body has had sufficient opportunity to obtain a response from the Applicant regarding any questions or concerns about the proposed Development; and
3. The Governing Body has held a hearing at which public comment may be made on the proposed Development in accordance with Texas Government Code, §2306.67071(b); and
4. After due consideration of the information provided by the Applicant and public comment, the Governing Body supports the proposed Application.

SECTION 3. That the City of Dallas, acting through its governing body, hereby confirms that it supports the proposed Wynnewood Senior Housing II project construction and allocation of 2014 9% Housing Tax Credits for the Development located at 1805 South Zang Boulevard.

SECTION 4. That this formal action has been taken to put on record the opinion expressed by the City of Dallas on February 26, 2014, and that for and on behalf of the Governing Body, A.C. Gonzalez, City Manager, or his designee, is hereby authorized, empowered, and directed to certify this resolution to the Texas Department of Housing and Community Affairs.

SECTION 5. That as provided for in 10 TAC §11.3(c) it is hereby acknowledged that the proposed New construction is located one linear mile or less from a Development that serves the same type of household as the proposed Development and has received an allocation of Housing Tax Credits for New Construction since January 2, 2011.

SECTION 6. That as provided for in 10 TAC §11.3(d) and §11.4(c)(1), it is hereby acknowledged that the proposed New Construction is located in a census tract that has more than 20% Housing Tax Credit Units per total household in the census tract.

February 26, 2014

SECTION 7. That the City Manager, upon approval as to form by the City Attorney, is hereby authorized to amend the terms of a 1993 housing redevelopment loan provided for the Parks at Wynnewood located at 1910 Argentia Drive, contingent upon the award of 2014 9% Low Income Housing Tax Credits, to: 1) forgive \$425,000 of the Current balance of the loan and 2) the liability for the \$425,000 will be assumed by the Wynnewood Senior Housing II, LP and WHC Limited Partnership will be released from liability on the \$425,000.

SECTION 8. That the City of Dallas' funding and endorsement of the TDHCA LIHTC application for the project, Wynnewood Senior Housing II, will be contingent on the following, if the owner is utilizing City funding in financing of the low income housing tax credit project: (1) the Project Owner expending a minimum of \$40,000 (a minimum of \$40,000 or \$200 per unit per year, whichever is greater) for social services for, and at no cost, to the residents of the development, based on a survey of resident's needs, to be implemented within three months of project completion; (2) inclusion of this requirement in the City's Deed Restrictions containing the social services requirement (up to 50% of the social service requirement can be fulfilled with in kind social services provided the Housing/Community Services Department gives prior approval of the social service plan).

SECTION 9. That prior to receiving a conditional City of Dallas building permit required by TDHCA prior to closing on the tax credits, the Project Developer will consult with the City of Dallas Sustainable Development and Construction Department with regard to security related design standards.

SECTION 10. That the City of Dallas' funding and endorsement for this project will be contingent on the Project Owner paying to the City an annual monitoring review fee in the amount of \$500, beginning on the anniversary of the closing on the 9% tax credits and ending at the end of the tax credit compliance period, for the cost of monitoring compliance with the social service requirement, if the Project Owner is utilizing City funding in the financing of the low income housing tax credit project.

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

KEY FOCUS AREA: Economic Vibrancy
AGENDA DATE: February 26, 2014
COUNCIL DISTRICT(S): Outside City Limits
DEPARTMENT: Sustainable Development and Construction
CMO: Theresa O'Donnell, 671-9195
MAPSCO: 12Y

SUBJECT

A resolution authorizing: **(1)** the execution and conveyance of bridge and drainage easements containing approximately 36,360 square feet of land to Valwood Improvement Authority and Dallas Area Rapid Transit for the construction, maintenance and use of the bridge and drainage improvements across City-owned land located in the City of Farmers Branch; and **(2)** the execution and delivery to Dallas Area Rapid Transit of documents evidencing ownership of the new bridge to be constructed on said land - Financing: No cost consideration to the City

BACKGROUND

The City of Dallas owns land along a railroad corridor otherwise known as the "Madill Corridor". Valwood Improvement Authority is a flood control district established under state law that has a need to re-construct the drainage near a railroad bridge over Farmers Branch Creek on City land in the Madill Corridor. DART, which owns trackage rights in the Madill Corridor wants to replace the existing railroad bridge over the creek with a new bridge.

This item authorizes the execution and conveyance of bridge and drainage easements across City-owned land to Valwood Improvement Authority and Dallas Area Rapid Transit for the construction, maintenance and use of the bridge and drainage improvements for the Farmers Branch Creek. The operation, construction, repair and full maintenance of these facilities shall be at no cost to the City of Dallas. This item also authorizes the execution and delivery of documents to Dallas Are Rapid Transit evidencing its ownership of the new bridge once completed, subject to Dallas Area Rapid Transit's continued ownership of trackage rights in the Madill Corridor.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

This item was deferred on January 22, 2014 at the request of Council Majority.

FISCAL INFORMATION

No cost consideration to the City.

OWNER GRANTEES

Valwood Improvement Authority

Pat Canuteson, Executive Director

Dallas Area Rapid Transit

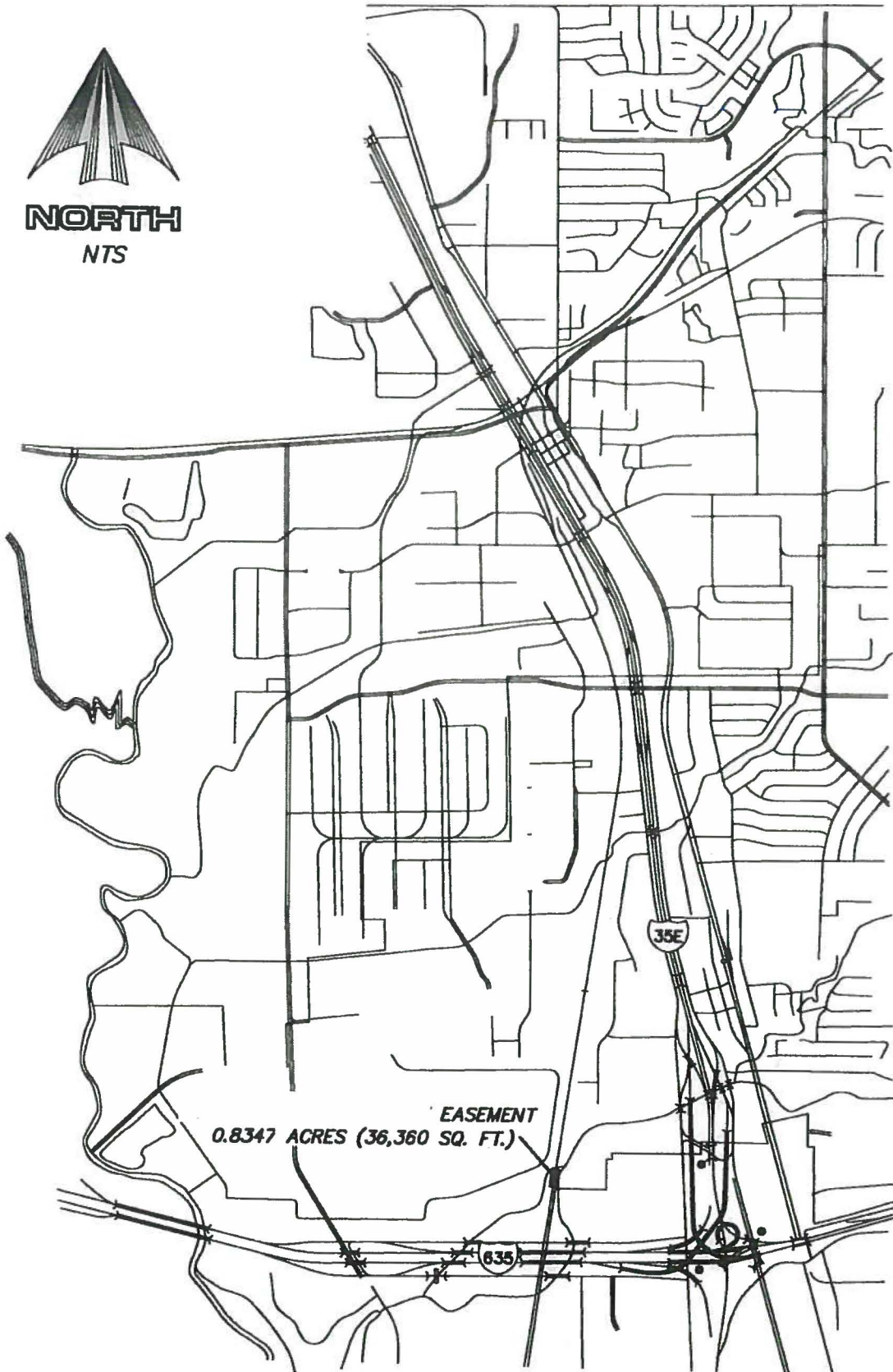
Gary Thomas, President/Executive Officer

MAP

Attached



NORTH
NTS



February 26, 2014

WHEREAS, the City of Dallas ("City") is the owner of a tract of land acquired for a future water transmission pipeline and also known as the "Madill Corridor"; and

WHEREAS, Dallas Area Rapid Transit ("DART") has rail improvements and trackage rights over the property for transportation purposes; and

WHEREAS, Valwood Improvement Authority controls and manages the flood control drainage in and around the property; and

WHEREAS, new bridge and additional drainage improvements are needed for the property; and

WHEREAS, once the new bridge is completed by Valwood, ownership of the bridge will be transferred to DART, subject to DART's continued possession of trackage rights in the Madill Corridor; and

WHEREAS, Valwood Improvement Authority and DART have requested bridge and drainage easements on said property for the construction, maintenance and use of the bridge and drainage improvements, and DART has requested documents of the City evidencing ownership of the new bridge; Now, Therefore,

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

SECTION 1. That the City Manager is authorized to execute: (1) bridge and drainage easements to be attested by the City Secretary, upon approval as to form by the City Attorney, for approximately 36,360 square feet of land, located in Abstract No.'s 926 and 1577, Dallas County, Texas, to Valwood Improvement Authority and Dallas Area Rapid Transit, collectively as Grantee; and (2) documents evidencing ownership of the new bridge to Dallas Area Rapid Transit; subject to DART's continued possession of trackage rights in the Madill Corridor.

SECTION 2. That this resolution shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so resolved.

APPROVED AS TO FORM:
Warren M. S. Ernst
CITY ATTORNEY

By: _____



Assistant City Attorney