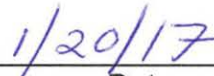


**JANUARY 25, 2017 CITY COUNCIL ADDENDUM  
CERTIFICATION**

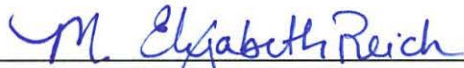
This certification is given pursuant to Chapter XI, Section 9 of the City Charter for the City Council Addendum dated January 25, 2017. We hereby certify, as to those contracts, agreements, or other obligations on this Agenda authorized by the City Council for which expenditures of money by the City 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



Date



Elizabeth Reich  
Chief Financial Officer



Date



RECEIVED

2017 JAN 20 PM 4: 21

CITY SECRETARY  
DALLAS, TEXAS

**ADDENDUM  
CITY COUNCIL MEETING  
WEDNESDAY, JANUARY 25, 2017  
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 - 42

**CONSENT ADDENDUM**

Item 1

**ITEMS FOR INDIVIDUAL CONSIDERATION**

No earlier  
than 9:15 a.m.

Items 43 - 45  
Addendum Items 2 - 4

**PUBLIC HEARINGS AND RELATED ACTIONS**

1:00 p.m.

Items 46 - 71

## Handgun Prohibition Notice for Meetings of Government Entities

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

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

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

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

**ADDENDUM  
CITY COUNCIL MEETING  
JANUARY 25, 2017  
CITY OF DALLAS  
1500 MARILLA  
COUNCIL CHAMBERS, CITY HALL  
DALLAS, TEXAS 75201  
9:00 A. M.**

ADDITIONS:

Closed Session

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

- Legal issues related to the Dallas Police & Fire Pension System.

CONSENT ADDENDUM

**Housing/Community Services**

1. Authorize an amendment to Resolution No. 16-1988, previously approved on December 14, 2016, for the amendment of the Loan Agreement between Carpenter's Point, L.P., a Texas limited partnership, and the City of Dallas to allow an increase for refinancing of the developer's first lien loan from \$3.3M to \$3.4M for the Carpenter's Point Senior Apartments project, located at 4645 Dolphin Road - Financing: No cost consideration to the City

ITEMS FOR INDIVIDUAL CONSIDERATION

**City Attorney's Office**

2. A resolution **(1)** encouraging councilmembers who serve as Dallas Police & Fire Pension System ("System") trustees to take all available actions to address the System's dire financial situation; **(2)** authorizing reimbursement of the councilmembers' costs arising from any such actions; **(3)** reaffirming the City's dedication to providing a secure retirement for its first responders and their families, while not jeopardizing the public treasury; and **(4)** reaffirming the City's dedication to seeking balanced and responsible legislation with the System for as long as those efforts appear to have a chance of success - Financing: This action has no cost consideration to the City

**ADDENDUM  
CITY COUNCIL MEETING  
JANUARY 25, 2017**

ADDITIONS: (Continued)

ITEMS FOR INDIVIDUAL CONSIDERATION (Continued)

**City Secretary's Office**

3. A resolution realigning the North Texas Education Finance Corporation (NFC) Board of Directors terms to begin October 1 of odd-numbered years and expire September 30 of odd-numbered years - Financing: No cost consideration to the City
4. A resolution designating an absence by Councilmember B. Adam McGough as being for "Official City Business" - Financing: No cost consideration to the City

**ADDENDUM DATE January 25, 2017**

ITEM		IND							DESCRIPTION
#	OK	DEF	DISTRICT	TYPE	DEPT.	DOLLARS	LOCAL	MWBE	
1			7	C	HOU	NC	NA	NA	Authorize an amendment to Resolution No. 16-1988, previously approved on December 14, 2016, for the amendment of the Loan Agreement between Carpenter's Point, L.P., a Texas limited partnership, and the City of Dallas to allow an increase for refinancing of the developer's first lien loan from \$3.3M to \$3.4M for the Carpenter's Point Senior Apartments project, located at 4645 Dolphin Road - Financing: No cost consideration to the City
2			N/A	I	ATT	NC	NA	NA	A resolution (1) encouraging councilmembers who serve as Dallas Police & Fire Pension System ("System") trustees to take all available actions to address the System's dire financial situation; (2) authorizing reimbursement of the councilmembers' costs arising from any such actions; (3) reaffirming the City's dedication to providing a secure retirement for its first responders and their families, while not jeopardizing the public treasury; and (4) reaffirming the City's dedication to seeking balanced and responsible legislation with the System for as long as those efforts appear to have a chance of success - Financing: This action has no cost consideration to the City
3			N/A	I	SEC	NC	NA	NA	A resolution realigning the North Texas Education Finance Corporation (NFC) Board of Directors terms to begin October 1 of odd-numbered years and expire September 30 of odd-numbered years - Financing: No cost consideration to the City
4			N/A	I	SEC	NC	NA	NA	A resolution designating an absence by Councilmember B. Adam McGough as being for "Official City Business" - Financing: No cost consideration to the City

**TOTAL                    \$0.00**





**KEY FOCUS AREA:** Economic Vibrancy  
**AGENDA DATE:** January 25, 2017  
**COUNCIL DISTRICT(S):** 7  
**DEPARTMENT:** Housing/Community Services  
**CMO:** Alan Sims, Chief of Neighborhood Plus, 670-1611  
**MAPSCO:** 47N

---

**SUBJECT**

Authorize an amendment to Resolution No. 16-1988, previously approved on December 14, 2016, for the amendment of the Loan Agreement between Carpenter’s Point, L.P., a Texas limited partnership, and the City of Dallas to allow an increase for refinancing of the developer’s first lien loan from \$3.3M to \$3.4M for the Carpenter’s Point Senior Apartments project, located at 4645 Dolphin Road - Financing: No cost consideration to the City

**BACKGROUND**

This item is being added to the addendum as the loan closing date is before the next available agenda.

In December 2016, the City approved a request from Carpenter’s Point, LP to refinance its first lien loan from \$2.1M to \$3.3M to allow for a lower interest rate from approximately 8% to 3%, and to subordinate the City’s existing lien to the refinanced loan. The City’s consideration for the refinance included the lower interest rate, a payment to the City in the amount of \$247,360.58, an annual accrued interest payment from available cash flow, and increased replacement reserves by \$110,000.00. Because of the delays in finalizing the subordination agreement with Fannie Mae, the lender has required the developer to escrow a restabilization reserve equal to six months of debt service. In order to cover this reserve, the lender is increasing loan proceeds for Carpenter’s Point from the originally proposed \$3.3 million to \$3.4 million.

City Council approval of this item will authorize the City Manager to modify the loan agreement amendment and the subordination agreement to reflect the higher refinance balance of \$3.4 million.

## **PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)**

On November 10, 2008, City Council approved a development loan in the amount of \$928,473 with a one percent (1%) interest rate with Carpenter's Point, LP, by Resolution No. 08-3056.

Information about this item was provided to the Housing Committee on December 5, 2016.

On December 14, 2016, City Council authorized an amendment to the Loan Agreement between Carpenter's Point, L.P., a Texas limited partnership, and the City of Dallas to: **(1)** allow for refinancing of the developer's first lien loan from \$2.1M to \$3.3M for the Carpenter's Point Senior Apartments project, located at 4645 Dolphin Road, and to maintain the City's subordinated position; **(2)** accept partial payment of \$247,361 in principle and interest toward the City's current loan balance of \$995,479 for the seven and a half year period that has lapsed; and **(3)** amend the terms of the loan to **(a)** a new loan balance of \$745,041; **(b)** include an annual accrued interest payment of \$7,450 paid from available cash flow, due each January 15<sup>th</sup>, beginning January 15, 2018 through the term of the loan, January 15, 2040; and **(c)** at the time of closing, increase the replacement reserves by \$110,000 from \$140,000 to \$250,000 to be maintained through the life of the loan, by Resolution No. 16-1988.

## **FISCAL INFORMATION**

No cost consideration to the City

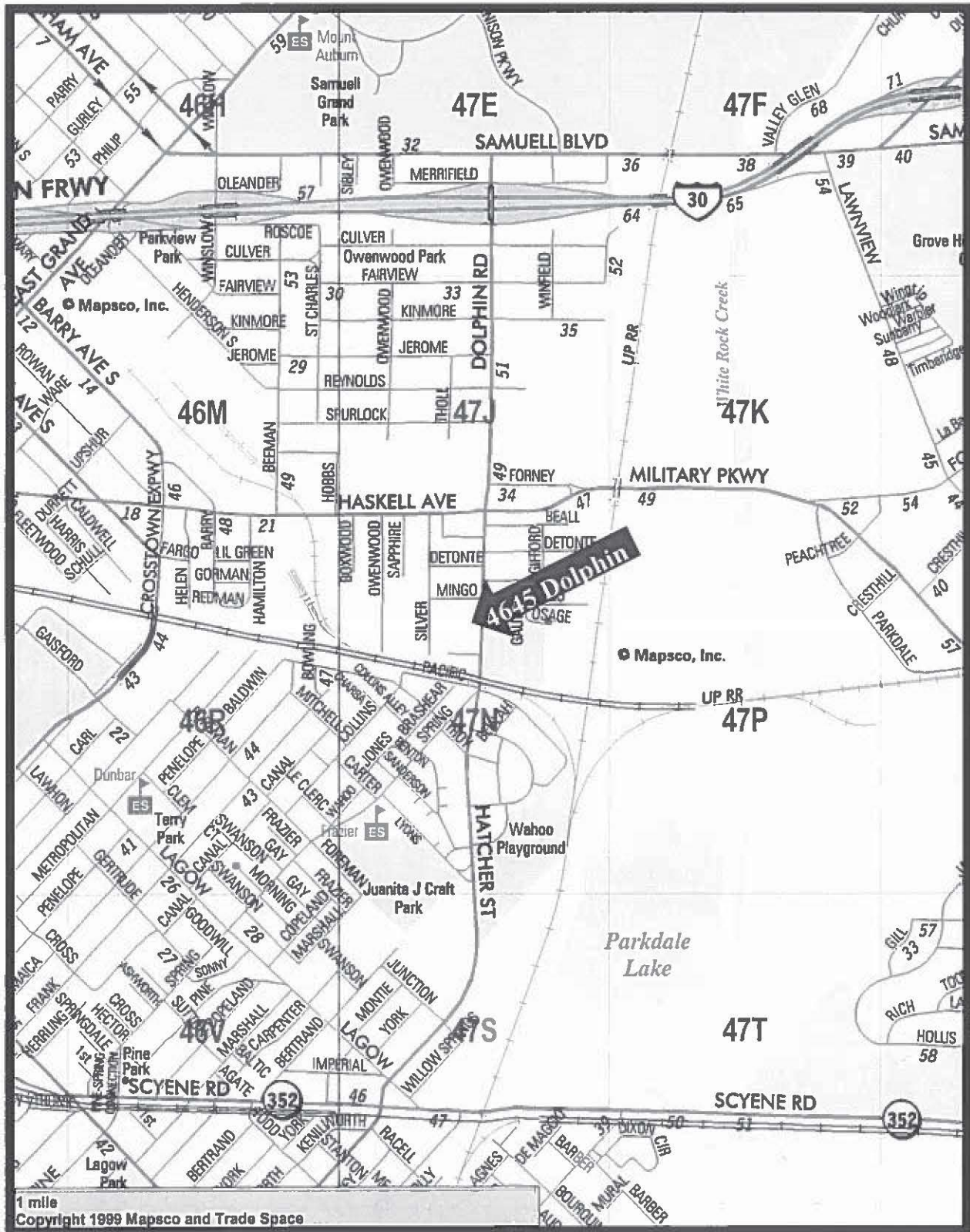
## **OWNER/DEVELOPER**

**Carpenter's Point, LP**

George King, Limited Partner

## **MAP**

Attached



**MAPSCO 47N**

January 25, 2017

**WHEREAS**, the City of Dallas seeks to preserve decent affordable housing and a suitable living environment; and

**WHEREAS**, on November 10, 2008, City Council approved a development loan in the amount of \$928,473 with a one percent (1%) interest rate with Carpenter's Point, LP, by Resolution No. 08-3056; and

**WHEREAS**, on December 14, 2016, City Council authorized an amendment to the Loan Agreement between Carpenter's Point, L.P., a Texas limited partnership, and the City of Dallas to: **(1)** allow for refinancing of the developer's first lien loan from \$2.1M to \$3.3M for the Carpenter's Point Senior Apartments project, located at 4645 Dolphin Road, and to maintain the City's subordinated position; **(2)** accept partial payment of \$247,361 in principle and interest toward the City's current loan balance of \$995,479 for the seven and a half year period that has lapsed; and **(3)** amend the terms of the loan to **(a)** a new loan balance of \$745,041; **(b)** include an annual accrued interest payment of \$7,450 paid from available cash flow, due each January 15<sup>th</sup>, beginning January 15, 2018 through the term of the loan, January 15, 2040; and **(c)** at the time of closing, increase the replacement reserves by \$110,000 from \$140,000 to \$250,000 to be maintained through the life of the loan, by Resolution No. 16-1988; and

**WHEREAS**, Carpenter's Point desires to continue its efforts to provide decent affordable housing to low income seniors; **NOW, THEREFORE,**

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

**Section 1.** That the City Manager, upon approval as to form by the City Attorney, is hereby authorized to amend the loan agreement amendment and subordination to allow for refinancing of the developer's first lien loan of \$3.4M for the Carpenter's Point Senior Apartments project, located at 4645 Dolphin Road.

**Section 2.** That this resolution does not constitute a binding agreement upon the City or subject the City to any liability or obligation with respect to the loans, until such time as the loan documents are duly approved by all parties and executed.

**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:** E-Gov  
**AGENDA DATE:** January 25, 2017  
**COUNCIL DISTRICT(S):** N/A  
**DEPARTMENT:** City Attorney's Office  
**CMO:** Larry Casto, 670-3491  
**MAPSCO:** N/A

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**SUBJECT**

A resolution **(1)** encouraging councilmembers who serve as Dallas Police & Fire Pension System (“System”) trustees to take all available actions to address the System’s dire financial situation; **(2)** authorizing reimbursement of the councilmembers’ costs arising from any such actions; **(3)** reaffirming the City’s dedication to providing a secure retirement for its first responders and their families, while not jeopardizing the public treasury; and **(4)** reaffirming the City’s dedication to seeking balanced and responsible legislation with the System for as long as those efforts appear to have a chance of success - Financing: This action has no cost consideration to the City

**BACKGROUND**

The System provides retirement, disability, and death benefits to sworn employees of the city’s police and fire departments. The System is governed by state law, Article 6243a-1 of the Texas Revised Civil Statutes (“Article 6243a-1”). The System’s board of trustees consists of twelve members, four of whom are councilmembers.

The city is currently exploring legislation to amend Article 6243a-1 because, among other reasons, its governance structure does not provide the state or the city with adequate control over the System and how the assets are administered. This has led to the current state of emergency, wherein the System may run out of money to pay benefits in as little as 10 years. The city is exploring every possible solution within its power to remedy this emergency.

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

City Council was briefed in closed session on September 21, 2016.

City Council was briefed in closed session on October 11, 2016.

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

City Council was briefed in closed session on November 9, 2016.

City Council was briefed in closed and open session on December 7, 2016.

City Council was briefed in closed session on January 4, 2017.

City Council was briefed in closed session on January 11, 2017.

City Council was briefed in closed and open session on January 18, 2017.

**FISCAL INFORMATION**

This action has no cost consideration to the City.

**KEY FOCUS AREA:** E-Gov  
**AGENDA DATE:** January 25, 2017  
**COUNCIL DISTRICT(S):** N/A  
**DEPARTMENT:** City Secretary  
**CMO:** Rosa A. Rios, 670-3738  
**MAPSCO:** N/A

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**SUBJECT**

A resolution realigning the North Texas Education Finance Corporation (NFC) Board of Directors terms to begin October 1 of odd-numbered years and expire September 30 of odd-numbered years - Financing: No cost consideration to the City

**BACKGROUND**

This item is on the addendum to allow city staff sufficient time to research and compile information.

The Dallas City Council, under the authority granted by Texas Education Code Sections 53.35(b) and 53A.35(b), (the Act), authorized the creation of a non-profit corporation on February 22, 2012, to act on its behalf in financing and refinancing, under the Act, education facilities, housing facilities and facilities incidental, subordinate or related thereto, including acquiring land, all for the purpose of aiding public schools and private schools under the Act.

The City Manager nominates individuals, with formal approval by the full City Council. Currently board members terms expire February 22 on even numbered years. This resolution harmonizes the board with the terms of most other City of Dallas boards and commissions. Newly appointed members will serve 2-year terms to begin October 1 of odd-numbered years and expire September 30 of odd-numbered years. Existing members are not affected by this change.

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

This item has no prior action.

**FISCAL INFORMATION**

No cost consideration to the City.

January 25, 2017

**WHEREAS**, on February 22, 2012, pursuant to the authority granted by Sections 53.35(b) and 53A.35(b), Texas Education Code, as amended (collectively referred to herein as the "Act"), the Dallas city council authorized the creation of a non-profit corporation (the "Corporation") to act on its behalf in financing and refinancing, under the Act, education facilities, housing facilities and facilities incidental, subordinate or related thereto, including acquiring land, all for the purpose of aiding public schools and private schools under the Act; and

**WHEREAS**, 11 members are nominated by the City Manager and appointed by the City Council to serve on the North Texas Education Finance Corporation (NFC) Board of Directors; and

**WHEREAS**, all NFC Board of Directors terms expire February 22 on even numbered years according to Resolution No. 12-0575, passed by the City Council on February 22, 2012; and

**WHEREAS**, to harmonize NFC Board of Directors terms to the standard terms as for most other boards and commissions, their terms should be realigned to begin October 1 and end September 30 of odd numbered years;

**Now, Therefore,**

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

**SECTION 1.** That all NFC Board of Directors terms shall begin October 1 of odd-numbered years and expire September 30 of odd-numbered years.

**SECTION 2.** That the city council may, by resolution, remove any NFC Board of Directors appointed by this resolution, at any time, with or without cause. That such NFC Directors may be removed only upon the affirmative vote of nine City Council members and through the adoption of another resolution.

**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:** E-Gov  
**AGENDA DATE:** January 25, 2017  
**COUNCIL DISTRICT(S):** N/A  
**DEPARTMENT:** City Secretary  
**CMO:** Rosa A. Rios, 670-3738  
**MAPSCO:** N/A

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**SUBJECT**

A resolution designating an absence by Councilmember B. Adam McGough as being for "Official City Business" - Financing: No cost consideration to the City

**BACKGROUND**

This item is on the addendum to allow council members additional time to request approval of their outstanding absences (if applicable) as "Official City Business."

Chapter III, Section 4(e) of the Dallas City Charter provides in part, "If any city council member, including the mayor, misses more than 10 percent of the total number of regular meetings held by the city council during any compensation year, then the city council member's compensation...for that year will be reduced proportionately by the percentage of meetings missed.... Meetings missed by a city council member while he or she is on the official business of the city council and at the direction of the city council will not be counted towards the percentage of missed meetings for which compensation reduction is required... but will be counted as though the member had attended the meetings that are missed while so engaged in city business."

Section 4.11(b) of the City Council Rules of Procedure provides that an absence by a council member for (1) attending a meeting or conference of a professional organization of or association of municipalities or municipal officers, (2) testifying at a legislative hearing at the request of the mayor, the city council, the chair of the council's legislative affairs committee or the city manager, or (3) attending a meeting of a board, commission, or committee to which the council member has been appointed by the mayor or the city council, will automatically be deemed to be for "official city business at the direction of the city council" and will not be counted against a city council member for purposes of determining the council member's annual compensation.

**BACKGROUND** (Continued)

Section 4.11(c) of the City Council Rules of Procedure provides that, in addition to those absences automatically considered to be on "official city business at the direction of the city council" under Section 4.11(b) above, the city council may by resolution designate whenever a council member's absence is for official city business and not counted as a missed meeting for purposes of determining the council member's annual compensation under Chapter III, Section 4 of the Dallas City Charter.

The proposed resolution authorizes and directs the city secretary to amend the minutes of city council meetings, without further city council action or approval, to reflect when the absences by designated council members have been deemed by the city council to be for "official city business."

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

This item has no prior action.

**FISCAL INFORMATION**

No cost consideration to the City.

January 25, 2017

**WHEREAS**, Chapter III, Section 4(e) of the Dallas City Charter provides in part, "If any city council member, including the mayor, misses more than 10 percent of the total number of regular meetings held by the city council during any compensation year, then the city council member's compensation... for that year will be reduced proportionately by the percentage of meetings missed.... Meetings missed by a city council member while he or she is on the official business of the city council and at the direction of the city council will not be counted towards the percentage of missed meetings for which compensation reduction is required... but will be counted as though the member had attended the meetings that are missed while so engaged in city business"; and

**WHEREAS**, Section 4.11(b) of the City Council Rules of Procedure provides that an absence by a council member for (1) attending a meeting or conference of a professional organization or association of municipalities or municipal officers, (2) testifying at a legislative hearing at the request of the mayor, the city council, the chair of the council's legislative affairs committee or the city manager, or (3) attending a meeting of a board, commission, or committee to which the council member has been appointed by the mayor or the city council, will automatically be deemed to be for "official city business at the direction of the city council" and will not be counted against a city council member for purposes of determining the council member's annual compensation; and

**WHEREAS**, Section 4.11(c) of the City Council Rules of Procedure provides that, in addition to those absences automatically considered to be on "official city business at the direction of the city council" under Section 4.11(b) referenced above, the city council may by resolution designate whenever a council member's absence is for official city business and not counted as a missed meeting for purposes of determining the council member's annual compensation under Chapter III, Section 4 of the Dallas City Charter; and

**WHEREAS**, Councilmember B. Adam McGough participated in event(s) and/or meeting(s), as described in **Exhibit A** attached, which required him to miss all or part of one or more city council meeting(s) or committee meeting(s) on the date(s) noted;

**Now, Therefore,**

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

January 25, 2017

**SECTION 1.** That, in accordance with Chapter III, Section 4(e) of the Dallas City Charter and Section 4.11(c) of the City Council Rules of Procedure, the event(s) and/or meeting(s) described in **Exhibit A**, attached, are hereby deemed to be for "official city business," and any absences from city council meeting(s) and/or city council committee meeting(s), on the date(s) noted in **Exhibit A**, by Councilmember B. Adam McGough because of his participation in any event(s) and/or meeting(s) will not be counted against him in determining his annual compensation under Chapter III, Section 4 of the Dallas City Charter.

**SECTION 2.** That, in accordance with Section 4.11(a) of the City Council Rules of Procedure, the City Secretary shall maintain a record of the absence on official city business so that such absence(s) will not count against Councilmember B. Adam McGough in determining his annual compensation under Chapter III, Section 4 of the Dallas City Charter.

**SECTION 3.** That the City Secretary is authorized and directed to amend the minutes of each city council meeting held on the date(s) specified in Exhibit A, if applicable, to reflect that the absences by Councilmember B. Adam McGough as described in Exhibit A, were for "official city business," and no further city council action or approval of those minutes is required.

**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.

EXHIBIT A  
 CITY COUNCIL MEMBER(S)  
 REQUEST ABSENCE AS OFFICIAL CITY BUSINESS

COUNCILMEMBER	DATE	MEETING(S) MISSED	PURPOSE/LOCATION	ABSENCE TYPE
B. Adam McGough	1/9/2017	Public Safety Committee	Worked on other city business; city staff conference call	Absent more than 50%



**KEY FOCUS AREA:** Economic Vibrancy

**AGENDA DATE:** January 25, 2017

**COUNCIL DISTRICT(S):** 8

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

**CMO:** Mark McDaniel, 670-3256  
Larry Casto, 670-3491

**MAPSCO:** 69AD

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**SUBJECT**

Authorize the **(1)** deposit of the amount awarded by the Special Commissioners in the condemnation proceedings styled City of Dallas v. Linda Sue Reid, et al., Cause No. CC-16-03154-C, pending in Dallas County Court at Law No. 2, to acquire approximately 59,276 square feet of land located near the intersection of Seagoville Road and Interstate Highway 20 for the Southwest 120/96-inch Water Transmission Pipeline Project; and **(2)** settlement of the condemnation proceeding for an amount not to exceed the award - Not to exceed \$220,634 (\$216,145 being the amount of the award, plus closing costs and title expenses not to exceed \$4,489); an increase of \$8,679 from the amount Council originally authorized for this acquisition - Financing: Water Utilities Capital Construction Funds

**BACKGROUND**

On April 22, 2015, City Council authorized the acquisition of this property by Resolution No. 15-0763. The property owner was offered \$207,466 which was based on a written appraisal from an independent certified appraiser. The property owner did not accept the offer and the City filed an eminent domain proceeding to acquire the property. After a hearing on October 13, 2016, the Special Commissioners awarded the property owner \$216,145.

This item authorizes deposit of the amount awarded by the Special Commissioners for the property, which is \$8,679 more than the City Council originally authorized for this acquisition.

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)**

Authorized acquisition on April 22, 2015, by Resolution No. 15-0763.

Information about this item will be provided to the Economic Development Committee on January 17, 2017.

**FISCAL INFORMATION**

Water Utilities Capital Construction Funds - \$220,634 (\$216,145, plus closing costs and title expenses not to exceed \$4,489)

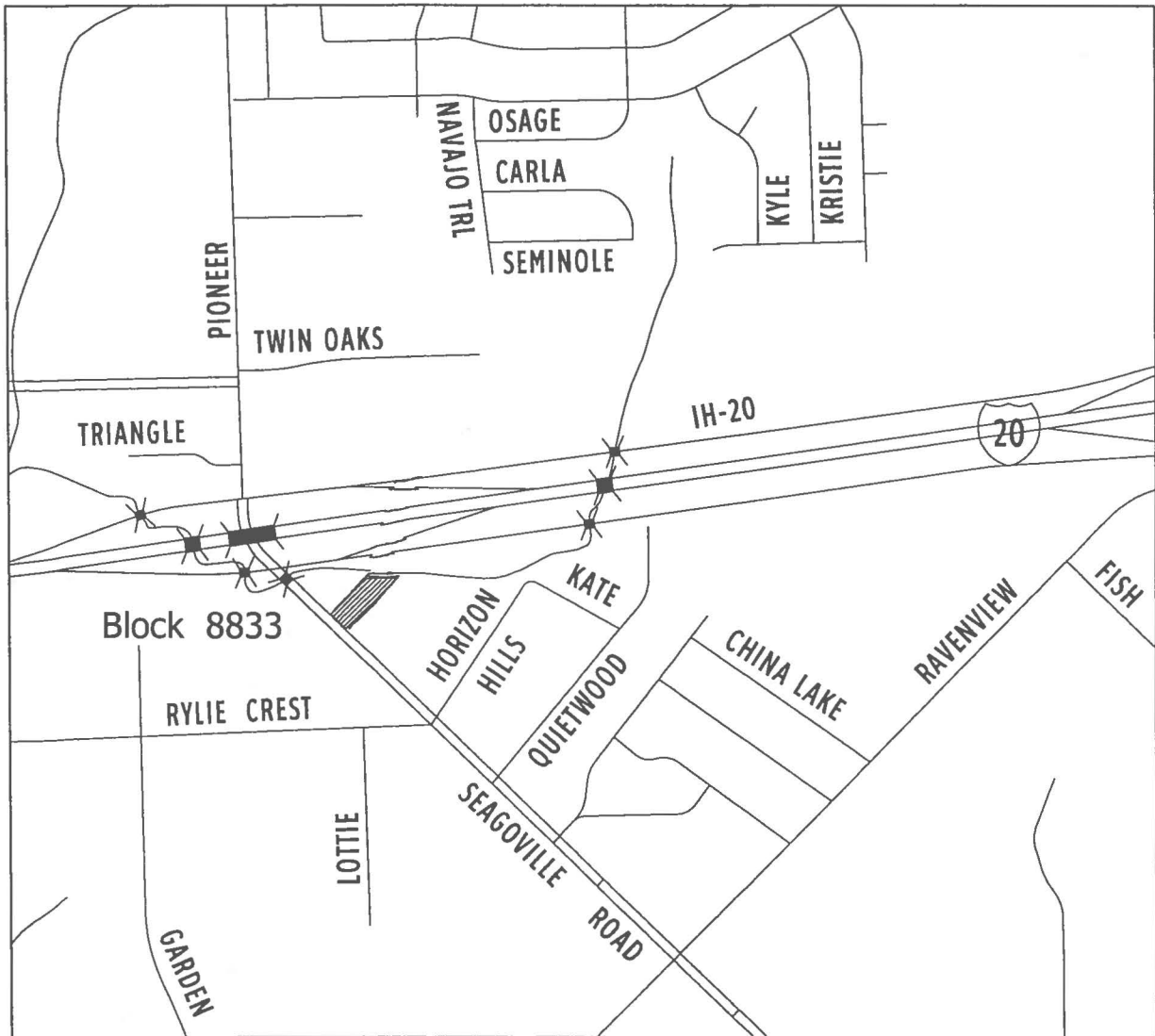
**OWNER**

Linda Sue Reid

**MAP**

Attached





SUBJECT:





January 25, 2017

**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-16-03154-C, in Dallas County Court at Law No. 2, and styled City of Dallas v. Linda Sue Reid, et al., filed pursuant to City Council Resolution No. 15-0763.

"PROPERTY": Approximately 59,276 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": \$207,466

"AWARD": \$216,145

"CLOSING COSTS AND TITLE EXPENSES": Not to exceed: \$4,489

"AUTHORIZED AMOUNT": Not to exceed: \$220,634

"DESIGNATED FUNDS":

\$211,955 from Water Utilities Capital Construction Funds, Fund No. 0102, Department DWU, Unit CW40, Activity MPSA, Program No. 706623, Object 4210, Encumbrance No. CT-DWU706623CPDS

\$8,679 from Water Utilities Capital Construction Funds, Fund No. 0102, Department DWU, Unit CW40, Activity MPSA, Program No. 706623, Object 4210, Encumbrance No. CT-DWU706623CPDS

**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,

January 25, 2017

**WHEREAS**, the owner of the PROPERTY objected to the AWARD, which converted the CONDEMNATION PROCEEDING into a lawsuit; 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 Chief Financial Officer 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 District Clerk of ~~Kaufman~~ Dallas County, Texas, to be deposited by the City Attorney with the 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:**  
**LARRY E. CASTO**  
City Attorney

BY

  
Assistant City Attorney