

RECEIVED

ECONOMIC DEVELOPMENT COMMITTEE
DALLAS CITY COUNCIL COMMITTEE AGENDA

Revised

2015 SEP -3 PM 3: 11

CITY SECRETARY
DALLAS, TEXAS

TUESDAY, SEPTEMBER 8, 2015
CITY HALL
COUNCIL BRIEFING ROOM, 6ES
1500 MARILLA
DALLAS, TEXAS 75201
9:00 A.M. – 10:30 A.M.

Chair, Rickey D. Callahan
Vice-Chair, Councilmember Casey Thomas, II
Councilmember Lee M. Kleinman
Councilmember Carolyn King Arnold
Councilmember Adam Medrano
Councilmember B. Adam McGough

Call to Order

1. Approval of Minutes

BRIEFINGS

2. DCA 145-005 Application to Amend Cell Tower Regulations - Temporary Towers and Height Restrictions
David Cossum
Director, Sustainable Development & Construction
3. Proposed Amendments to Cell Tower Regulations - Notification Requirements and Form District Standards
David Cossum
Director, Sustainable Development & Construction

4. **UPCOMING AGENDA ITEMS**

September 9, 2015

- A. An ordinance abandoning a portion of a utility easement to Intercity Investments, Inc., the abutting owner, containing approximately 13,467 square feet of land, located near the intersection of Edgemere Road and Bandera Avenue - Revenue: \$5,400, plus the \$20 ordinance publication fee.
- B. Authorize partial release of deed restrictions on three tracts of land containing approximately 23 acres to be conveyed by the University of North Texas System to Dallas Area Rapid Transit, located near Camp Wisdom and Houston School Roads for construction and operation of a rail line - Financing: No cost consideration to the City.
- C. Authorize settlement in lieu of proceeding further with condemnation of a subsurface easement under approximately 4,944 square feet of land from 1507 Dragon Street DDD, LLC, located on Ross Avenue at its intersection with Hall Street for the Mill Creek/Peaks Branch/State Thomas Drainage Relief Tunnel Project – Not to exceed \$30,500 (\$28,000 plus closing costs and title expenses not to exceed \$2,500); an increase of \$6,118 from the amount Council originally authorized for this acquisition - Financing: General Obligation Commercial Paper Funds.

A quorum of the City Council may attend this Council Committee meeting

- D. Authorize an amendment to Resolution No. 15-0857, previously approved on May 13, 2015, to modify the elevations of the subsurface easement and to authorize acquisition, including the exercise of the right of eminent domain, if such becomes necessary, from M.I. Gaston Partners, Ltd. and MSC-I, Ltd., of a subsurface easement located under approximately 10,702 square feet of land, located on Gaston Avenue near its intersection with Peak Street for the Mill Creek/Peaks Branch/State Thomas Drainage Relief Tunnel Project - Financing: This action has no cost consideration to the City.
- E. Authorize acquisition, including the exercise of the right of eminent domain, if such becomes necessary, from PATRONMARCHE, LLC, of a subsurface easement under approximately 519 square feet of land located on Flora Street near its intersection with Interstate Highway 345 for the Mill Creek/Peaks Branch/State Thomas Drainage Relief Tunnel Project – Not to exceed \$3,517 (\$1,817 plus closing costs and title expenses not to exceed \$1,700) - Financing: General Obligation Commercial Paper Funds.
- F. Authorize acquisition, including the exercise of the right of eminent domain, if such becomes necessary, from Post Apartment Homes, L.P., of a subsurface easement under approximately 3,811 square feet of land located on Woodall Rodgers Freeway at its intersection with Maple-Routh Connection for the Mill Creek/Peaks Branch/State Thomas Drainage Relief Tunnel Project – Not to exceed \$72,598 (\$68,598 plus closing costs and title expenses not to exceed \$4,000) - Financing: 2006 Bond Funds.
- G. Authorize acquisition, including the exercise of the right of eminent domain, if such becomes necessary, from San Jacinto Urban Lofts, L.P., of three subsurface easements under a total of approximately 2,304 square feet of land located on San Jacinto Street near its intersection with Caddo Street for the Mill Creek/Peaks Branch/State Thomas Drainage Relief Tunnel Project - Not to exceed \$10,525 (\$8,525 plus closing costs and title expenses not to exceed \$2,000) - Financing: General Obligation Commercial Paper Funds.
- H. Authorize acquisition, including the exercise of the right of eminent domain, if such becomes necessary, from SHF | ICON, LLC, of a subsurface easement under approximately 62,688 square feet of land located on Hall Street at its intersection with Ross Avenue for the Mill Creek/Peaks Branch/State Thomas Drainage Relief Tunnel Project – Not to exceed \$257,752 (\$250,752 plus closing costs and title expenses not to exceed \$7,000) - Financing: 2006 Bond Funds.

September 22, 2015

- A. Authorize an amendment to the contract with the World Affairs Council of Dallas / Fort Worth for economic development and protocol services to: **(1)** extend the existing grant agreement from October 1, 2015 through December 31, 2015; and **(2)** increase funding by \$62,500 for the additional services for 3 months - Not to exceed \$62,500 - Financing: Public/Private Partnership Funds (subject to appropriations).
- B. Authorize Supplemental Agreement No.1 to the contract with Southern Dallas Development Corporation (SDDC) to extend the term of the fourth and final renewal option from October 1, 2015 to March 30, 2016 to continue administration and loan servicing of the Community Development Block Grant (CDBG) funded Business Revolving Loan Program - Financing: No cost consideration to the City.

- C. Authorize a first renewal option for eight Business Assistance Centers (BACs) for a twelve-month service contract, with one additional twelve-month renewal option, subject to funding availability with the eight Business Assistance Center (BAC) contractors to provide technical assistance, incubator space and other support services to low-to-moderate income persons owning or starting microenterprises listed herein for each contract as follows: **(1)** Greater Dallas Hispanic Chamber of Commerce located at 4622 Maple Avenue, Suite 207 (BAC#1) in an amount not to exceed \$80,000; **(2)** The Dallas Black Chamber of Commerce located at 2838 Martin Luther King Boulevard (BAC #2)), in an amount not to exceed \$80,000; **(3)** CEN-TEX Certified Development Corporation dba Business & Community Lenders (BCL) of Texas to be located at the J. Erik Jonsson Central Library at 1515 Young Street, Sammons Small Business Center (BAC, #3) in an amount not to exceed \$80,000; **(4)** CENT-TEX Certified Development Corporation doing business as Business & Community Lenders (BCL) of Texas located at 4907 Spring Avenue(BAC#4) in an amount not to exceed \$80,000; **(5)** Business Assistance Center, Inc. located at 1201 West Camp Wisdom Road, Suite 224 (BAC#5) in an amount not to exceed \$80,000; **(6)** Organization of Hispanic Contractors Association dba Regional Hispanic Contractors Association to be located at 3918 N Hampton Rd (BAC#6), in an amount not to exceed \$80,000; **(7)** Organization of Hispanic Contractors Association dba Regional Hispanic Contractors Association located at 2210 West Illinois Avenue(BAC#7) in an amount not to exceed \$80,000; **(8)** CENT-TEX Certified Development Corporation doing business as Business & Community Lenders (BCL) of Texas located at 1322 Record Crossing(BAC#8) in an amount not exceed \$80,000; Not to exceed \$640,000 - Financing: 2015-16 Community Development Block Grant Funds.
- D. Authorize a one-year service contract to a no-cost Federal income tax preparation program with a focus on Earned Income Tax Credit (EITC) filings and financial education for low to moderate income filers citywide – Foundation Communities, sole respondent – Not to exceed \$200,000 – Financing: Current Funds (subject to appropriations).
- E. Authorize **(1)** acceptance of the 2014 100 Resilient Cities Grant from the Rockefeller Foundation to provide funding for economic resilience and preparedness for the rapid growth of natural and man-made disasters and the employment of a Chief Resilience Officer for the period October 1, 2015 through September 30, 2017; and **(2)** execution of the grant agreement - Not to exceed \$464,000.00 - Financing: The Rockefeller Foundation.

Adjourn



Rickey D. Callahan, Chair
Economic Development Committee

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

1. Contemplated or pending litigation, or matters where legal advice is requested of the City Attorney. Section 551.071 of the Texas Open Meetings Act.
2. The purchase, exchange, lease or value of real property, if the deliberation in an open meeting would have a detrimental effect on the position of the City in negotiations with a third person. Section 551.072 of the Texas Open Meetings Act.
3. A contract for a prospective gift or donation to the City, if the deliberation in an open meeting would have a detrimental effect on the position of the City in negotiations with a third person. Section 551.073 of the Texas Open Meetings Act.
4. Personnel matters involving the appointment, employment, evaluation, reassignment, duties, discipline or dismissal of a public officer or employee or to hear a complaint against an officer or employee. Section 551.074 of the Texas Open Meetings Act.
5. The deployment, or specific occasions for implementation of security personnel or devices. Section 551.076 of the Texas Open Meetings Act.
6. Deliberations regarding economic development negotiations. Section 551.087 of the Texas Open Meetings Act.

Economic Development Committee **DRAFT**

Meeting Record August 17, 2015

The Economic Development Committee meetings are recorded. Agenda materials and audiotapes may be reviewed/copied by contacting the Office of Economic Development, Staff Coordinator at 214-670-1686.

Meeting Date: August 17, 2015

Meeting Start time: 9:02 AM

Committee Members Present:

Rickey D. Callahan
Casey Thomas, II
Lee M. Kleinman
Adam Medrano
B. Adam McGough
Carolyn King Arnold

Other Council Members Present:

Philip Kingston
Erik Wilson
Jennifer Gates

Staff Present:

Ryan Evans, First Assistant City Manager,
City Manager's Office
Karl Zavitkovsky, Director, Office of Economic
Development
Mark Duebner, Director, Aviation Department
Ron King, Executive Director, Kay Bailey
Hutchinson Convention Center Dallas

Other Presenters:

Phillip Jones, President & CEO Dallas
Convention and Visitors Bureau

1. Approval of August 3, 2015 Minutes of the Economic Development Committee

Presenter(s):

Action Taken/Committee Recommendation(s): Motion made to approve the minutes

Motion made by: Mr. Kleinman

Motion seconded by: Mr. McGough

Item passed unanimously: X

Item passed on a divided vote:

Item failed unanimously:

Item failed on a divided vote:

Follow-up (if necessary):

2. Dallas Public Improvement Districts (PIDs) Overview and Update

Presenter(s): Karl Zavitkovsky, Director, Office of Economic Development

Action Taken/Committee Recommendation(s): Motion made to recommend item to full council for approval

Motion made by: Mr. Kleinman

Motion seconded by: Mr. McGough

Item passed unanimously: X

Item passed on a divided vote:

Item failed unanimously:

Item failed on a divided vote:

Follow-up (if necessary):

3. Dalfort Area Development Update

Presenter(s): Mark Duebner, Director, Aviation

Action Taken/Committee Recommendation(s): Motion made to recommend item to full council for approval

Motion made by: Mr. Kleinman

Motion seconded by: Mr. Medrano

Item passed unanimously: X

Item passed on a divided vote: _____

Item failed unanimously: _____

Item failed on a divided vote: _____

Follow-up (if necessary):

4. Dallas Executive Airport Update

Presenter(s): Mark Duebner, Director, Aviation

Action Taken/Committee Recommendation(s): Motion made to recommend item to full council for approval

Motion made by: Mr. Kleinman

Motion seconded by: Mr. Thomas

Item passed unanimously: X

Item passed on a divided vote: _____

Item failed unanimously: _____

Item failed on a divided vote: _____

Follow-up (if necessary):

Action Taken/Committee Recommendation(s): Motion made to recommend this additional item to full council for approval

Motion made by: Mr. Kleinman

Motion seconded by: Mr. Thomas

Item passed unanimously: X

Item passed on a divided vote: _____

Item failed unanimously: _____

Item failed on a divided vote: _____

Follow-up (if necessary):

Also on the August 26th Council agenda is approval of the contract for Routine Airport Maintenance Program Bid for the concrete joint and crack seal for runway 17/35 and Terminal Ramp area for the next two years. MRK Industrial Flooring, Inc. This is funded with 50/50 grant reimbursement through TxDOT previously approved by Council (Res. No. 15-0834).

5. DCVB Update and Contract Renewal

Presenter(s): Phillip Jones, President & CEO, Dallas Convention and Visitors Bureau, Ron King, Executive Director, Kay Bailey Hutchison Convention Center Dallas

Action Taken/Committee Recommendation(s): Motion made to recommend item to full council for approval

Motion made by: Mr. Kleinman

Motion seconded by: Mr. Medrano

Item passed unanimously: X

Item passed on a divided vote: _____

Item failed unanimously: _____

Item failed on a divided vote: _____

Follow-up (if necessary):

Upcoming Agenda Items

August 26, 2015

- A. Upcoming Agenda Item: Authorize **(1)** the rescission of Resolution No. 12-2724, previously approved on November 14, 2012, which authorized an aviation lease and a commercial aviation lease with The Braniff Centre Limited Partnership (previously known as Reed Enterprises Investment Holdings, LP); **(2)** a thirty-nine-year lease agreement with three, ten-year renewal options with The Braniff Centre for approximately 752,913 square feet of land located at 7701 Lemmon Avenue for aviation use development with a capital commitment of \$17,000,000 to be expended within 36-months from the effective date of the lease with an additional \$4,000,000 to be expended within ten-years; and **(3)** a thirty-nine year lease agreement with three, ten-year renewal options with The Braniff Centre Limited Partnership at Dallas Love Field, for approximately 414,600 square feet of land for commercial development with a total capital commitment of \$20,000,000 to be expended within sixty-months from the effective date of the lease.
- B. Upcoming Agenda Item: Authorize **(1)** an amendment to the interlocal agreement with the Texas Department of Transportation and the City of Dallas as approved by Resolution No. 14-0285 and **(2)** to increase funds for additional construction service in phase two and additional design service for phase three work at Dallas Executive Airport in an amount - Not to exceed \$2,303,893, increasing City participation from 3,534,900 to \$5,838,793.
- C. Upcoming Agenda Item: Authorize a third amendment to the maintenance and support contract with Xerox Transportation Solutions, Inc., formally known as ASCOM Transportation Systems, Inc., for the Turnkey Parking Garage Revenue Control System at Dallas Love Field, and to extend the term of the contract from June 2, 2015 through June 1, 2016 - Not to exceed \$165,878.00, increasing the contract from \$1,738,504 to \$1,904,382.
- D. Upcoming Agenda Item: Authorize an amendment to the services contract with the law firm of Stutzman, Bromberg, Esserman & Plifka, a Professional Corporation approved by Administrative Action No. 13-6587, on October 21, 2013, for services relating to transfer of ownership of the North Parking Garage to the City to: **(1)** extend the term of the contract through December 31, 2015; and **(2)** increase contract amount by \$20,000 for additional services related to the operating and management agreement with Center Operating Company, the American Airlines Center operator, for a total contract amount not to exceed \$70,000, such additional funding to be advanced to the City by the North Parking Garage developer.
- E. Upcoming Agenda Item: Authorize moving expense and rental assistance payments for David Galaviz and Pauline Galaviz in the Cadillac Heights neighborhood as a result of an official written offer of just compensation to purchase real property at 2958 Gloyd Street for future City facilities
- F. Upcoming Agenda Item: Authorize the quitclaim of 143 properties acquired by the taxing authorities from the Tax Foreclosure Sheriff's Sale to the highest bidders and; authorize the execution of release of liens for any non-tax liens that may have been filed by the City and were included in the foreclosure judgment.
- G. Upcoming Agenda Item: An ordinance abandoning portions of thirteen fire lane easements, eight utility easements, and one water easement to Wal-Mart Real Estate Business Trust, the abutting owner, containing a total of approximately 320,183 square feet of land, located near the intersection of L.B.J. Freeway (I.H. No. 635) and Midway Street.

September 9, 2015

Authorize an amendment of the loan agreement with Bruton Apartments, Ltd. for the construction of residential/retail/commercial space at 9514 Bruton Road, Dallas, Texas 75217 to extend the completion date from January 31, 2016 to September 30, 2016 – Financing: No cost consideration

Action Taken/Committee Recommendation(s): Motion made to recommend item to full council for approval motion dies for the lack of a second

Motion made by: Mr. Thomas

Motion seconded by:

Item passed unanimously: _____

Item passed on a divided vote: _____

Item failed unanimously: _____

Item failed on a divided vote: _____

Follow-up (if necessary):

Meeting Adjourned: 11:01AM

Approved By: _____

Memorandum

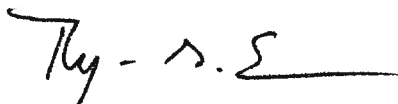


DATE September 4, 2015

TO Members of the Economic Development Committee:
Rickey D. Callahan (Chair), Casey Thomas, II (Vice Chair), Adam Medrano, Lee M. Kleinman,
Carolyn King Arnold, B. Adam McGough

SUBJECT **DCA Application to Amend Cell Tower Regulations – Temporary Towers and Height Restrictions**

On Tuesday, September 8, you will be briefed on proposed amendments to the Development Code regarding provisions for cell towers. The City Plan Commission recommended approval of the proposed amendments on May 21, 2015. A copy of the briefing is attached. Please contact David Cossum at 670-4127 should you have any questions or need additional information.



Ryan S. Evans
First Assistant City Manager

C: The Honorable Mayor and Members of the City Council
A.C. Gonzalez, City Manager
Warren M.S. Ernst, City Attorney
Craig D. Kinton, City Auditor
Rosa A. Rios, City Secretary
Daniel F. Solis, Administrative Judge
Eric D. Campbell, Assistant City Manager

Jill A. Jordan, P.E., Assistant City Manager
Mark McDaniel, Assistant City Manager
Joey Zapata, Assistant City Manager
Jeanne Chipperfield, Chief Financial Officer
Sana Syed, Public Information Officer
Elsa Cantu, Assistant to the City Manager – Mayor & Council

DCA 145-005

Application to Amend Cell Tower Regulations – Temporary Towers and Height Restrictions

Economic Development Committee

September 8, 2015



Background

- On February 6, 2015, an applicant submitted an application and fees to modify tower/antenna for cellular communication use regulations
 - Add temporary cellular units
 - Allow Council to waive residential proximity slope restrictions via SUP
 - Adopt language for modifications in order to comply with FCC
- Zoning Ordinance Committee (ZOC) discussed the item 3 times in March and April
- On April 16, 2015 ZOC recommended approval of the amendments
- On May 21, 2015 City Plan Commission (CPC) recommended approval

Current Regulations

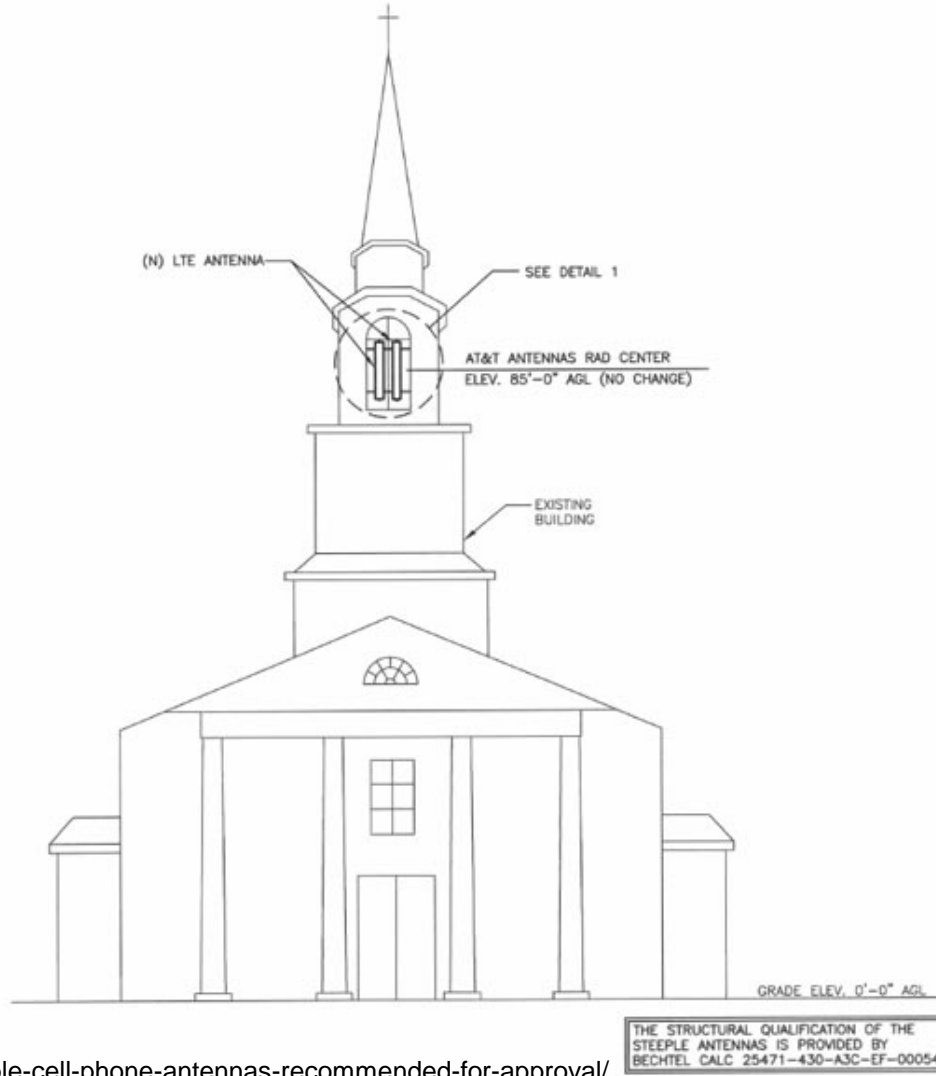
- 3 types of cellular communication technologies:
 1. **Mounted cellular antenna** means a cellular antenna that is attached to an existing structure
 2. **Monopole cellular tower** means a single pole structure that supports a platform and cellular antennas
 3. **Other cellular communication tower/antenna** means any cellular communication tower or antenna that is part of a cellular system authorized by the Federal Communications Commission, but that is not covered by the above definitions

Current Regulations

- All types of tower/antenna for cellular communication use are allowed in all districts by right or by SUP.
 - **Mounted** antennas are allowed by right
 - residential districts when on a nonresidential structure and in all nonresidential districts.
 - **Monopole** towers are allowed
 - by SUP in all residential districts and in NO(A) and NS(A)
 - in less intense nonresidential districts (i.e. LO(A), MO(A), GO(A), MU, MC, CR, and RR) monopoles are allowed
 - ✓ by right below specified heights, and
 - ✓ by SUP when they exceed specified heights.
 - by right in more intense nonresidential districts (i.e. commercial, industrial, and central area districts).
 - **“Other”** types are allowed
 - by right in more intense nonresidential (i.e. GO(A), CS, industrial, and central area) districts and
 - by SUP in residential districts and some less intense nonresidential (i.e. NO(A), LO(A), MO(A), retail, mixed use, and MC) districts.

Mounted Antennas

Current Regulations



<https://www.arlnow.com/2011/06/06/steeple-cell-phone-antennas-recommended-for-approval/>

Mounted Antennas

Current Regulations



Monopole Cellular Tower

Current Regulations



Monopole Cellular Tower

Current Regulations



Other Antennas and Monopole Cellular Tower

Current Regulations



Other Cellular Communication Tower/Antenna

Current Regulations



Residential Proximity Slope (RPS)

Current Regulations

- All types of tower/antenna for cellular communication use are a utility and are not restricted by zoning districts' maximum structure height
 - However, they must comply with residential proximity slope (RPS)
 - Council may waive the RPS if a specific use permit (SUP) is required.
- The board of adjustment (BDA) may grant a variance to height if it finds that the land has a restrictive size, shape, or slope that would prevent commensurate development.
 - This is often a difficult standard to prove for a monopole tower.

Residential Proximity Slope (RPS)

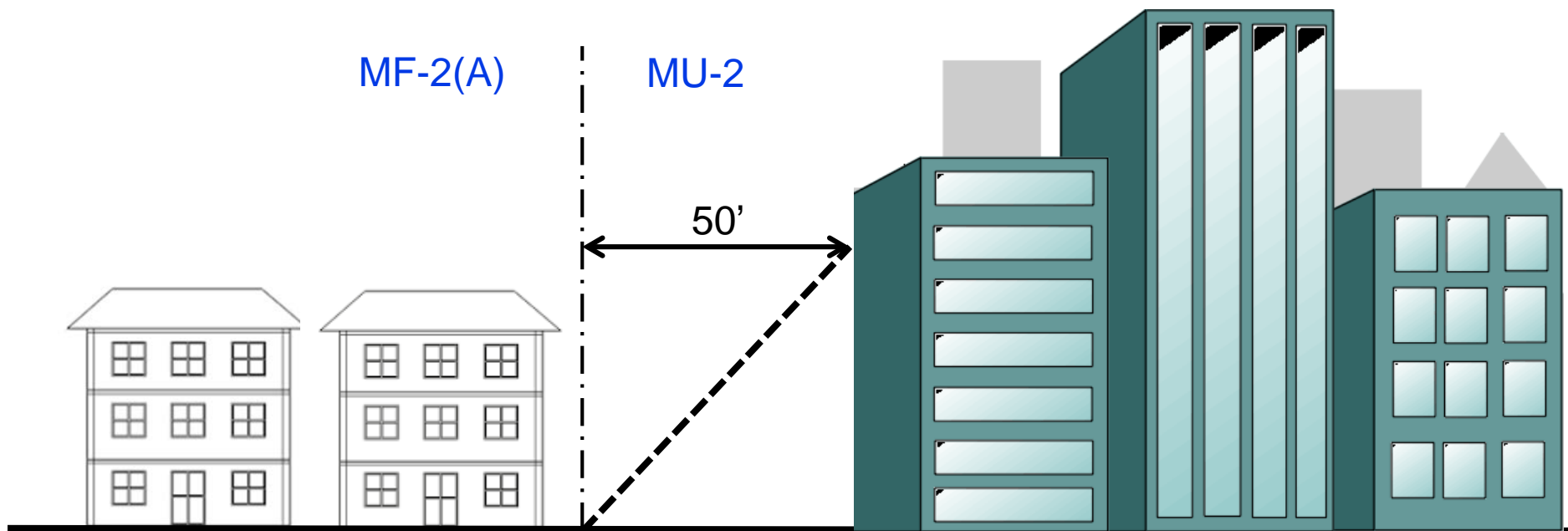
Current Regulations

- Residential Proximity Slope (RPS) is a plane projected upward and outward from every site of origination (e.g. R, D, TH Districts).
- Site of origination begins at the property lines of low density residentially zoned properties (e.g. R, D, TH Districts).
- If any portion of a structure is over 26 feet in height, that portion may not be located above a residential proximity slope

Current Regulations

Residential Proximity Slope (RPS)

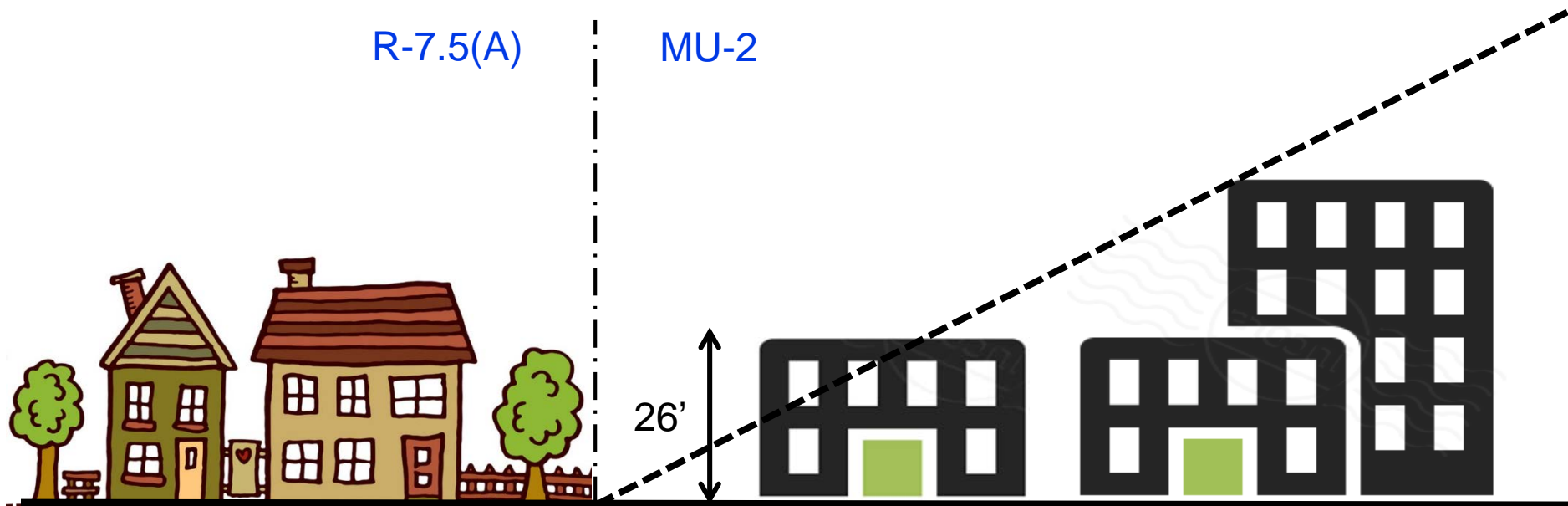
<u>Zoning Category</u>	<u>Angle of Projection</u>	<u>Extent</u>
CH, MF-1, MF-1(A), MF-2, and MF-2(A)	45° (1 to 1 slope)	Terminates at a horizontal distance of 50 feet from the site of origination.



Current Regulations

Residential Proximity Slope (RPS)

<u>Zoning Category</u>	<u>Angle of Projection</u>	<u>Extent</u>
R, R(A), D, D(A), TH, and TH(A)	18.4° (1 to 3 slope)	Infinite.



Applicant Requested Amendments

- 1. Create “Temporary Cellular Units”** – Add new type to tower/antenna technologies to allow interim cellular service when an existing tower/antenna is damaged or destroyed.
- 2. Waive Residential Proximity Slope (RPS) Restrictions** – Allow Council to waive residential proximity slope (RPS) height restrictions with a specific use permit (SUP) instead of granting a variance by the Board of Adjustment (BDA).
- 3. Tower/Antenna Modifications** – Adopt language to refer to FCC requirements to allow repairs, replacement, or extensions of existing tower/antennas.

Temporary Cellular Units

Applicant's Problem Statement

- If an existing tower/antenna is damaged or destroyed, the replacement must meet the zoning regulations for a permanent tower/antenna.
 - Tall structures in locations to support cellular technology may not be available for mounted cellular antennas.
 - Other antennas often require SUP (3-4 month process) and immediate cellular service is needed to serve the public.

Temporary Cellular Units

CPC Proposed Amendment

- Add new type of tower/antenna called a “temporary cellular unit”.
 - To allow temporary cellular service when an existing tower/antenna is damaged or destroyed.
 - By right in all residential and nonresidential districts.
 - Allowed for one year.
 - ❖ May be granted an additional two six month extensions, if an application for an SUP or a Planned Development District is filed.
 - Must obtain a certificate of occupancy (CO).
 - Must be removed:
 - ❖ upon the completion or expiration of a permit to construct a permanent tower/antenna or
 - ❖ expiration of the temporary cellular unit Certificate of Occupancy (CO).

Temporary Cellular Units

Proposed Amendment

o Height restrictions

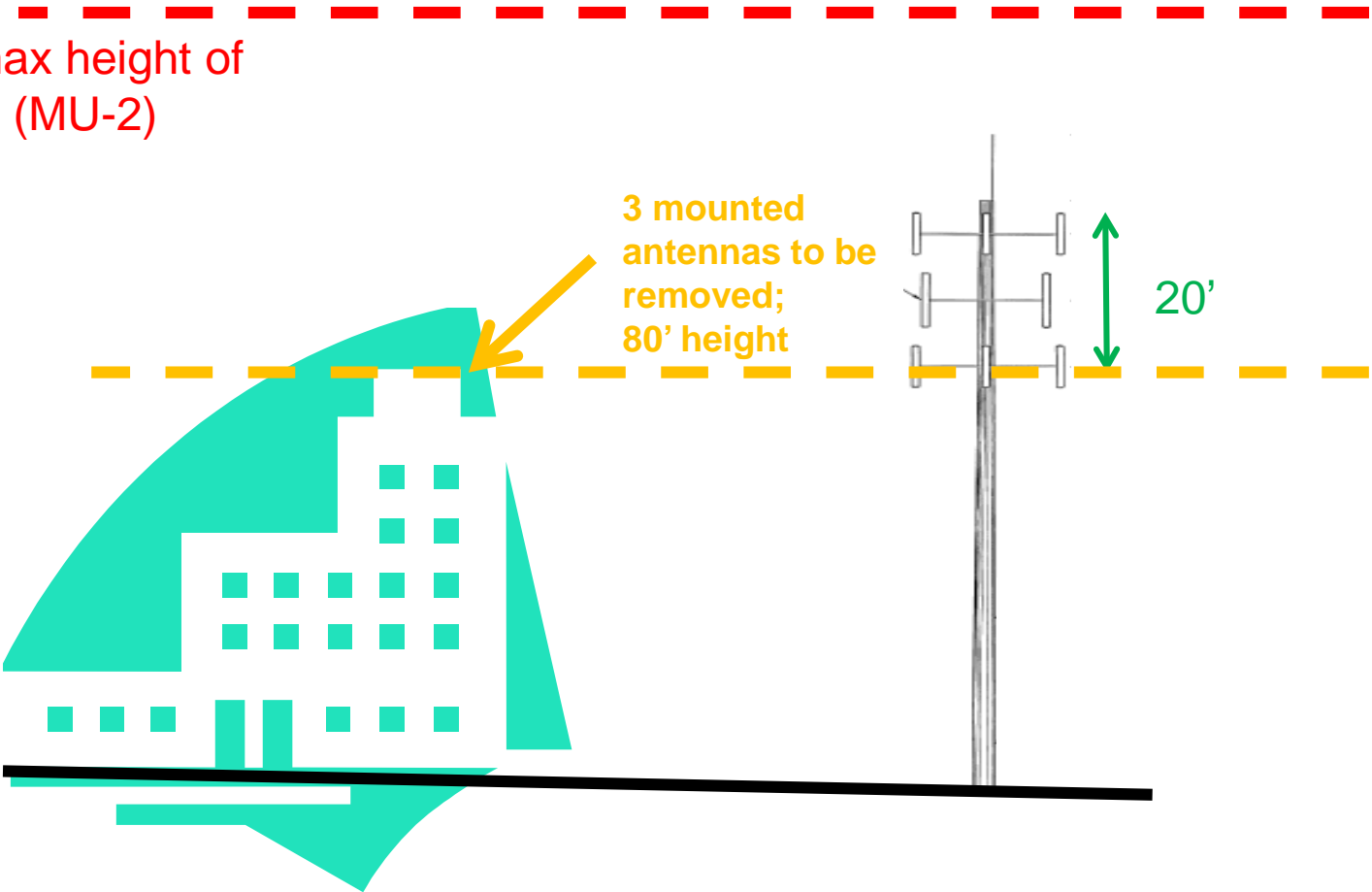
- Residential proximity slope does not apply
- Lightning rods are excluded in height calculations
- If multiple pole structures are erected, limited to the height of existing antennas
- Height restrictions for a single pole structure:
 - ❖ If the height of the existing tower/antenna to be removed is ***less than*** the maximum structure height of the district, the maximum structure height ***may extend*** an additional ten feet in height for each existing operator above one, ***not to exceed the maximum structure height of the district.***
 - ❖ If the height of the existing tower/antenna to be removed is ***equal to or exceeds*** the maximum structure height of the district, the maximum height of the temporary cellular unit ***may not exceed the height of the existing*** mounted cellular antennas to be removed.

Temporary Cellular Units

Proposed Amendment

Height restrictions for a single pole structure:

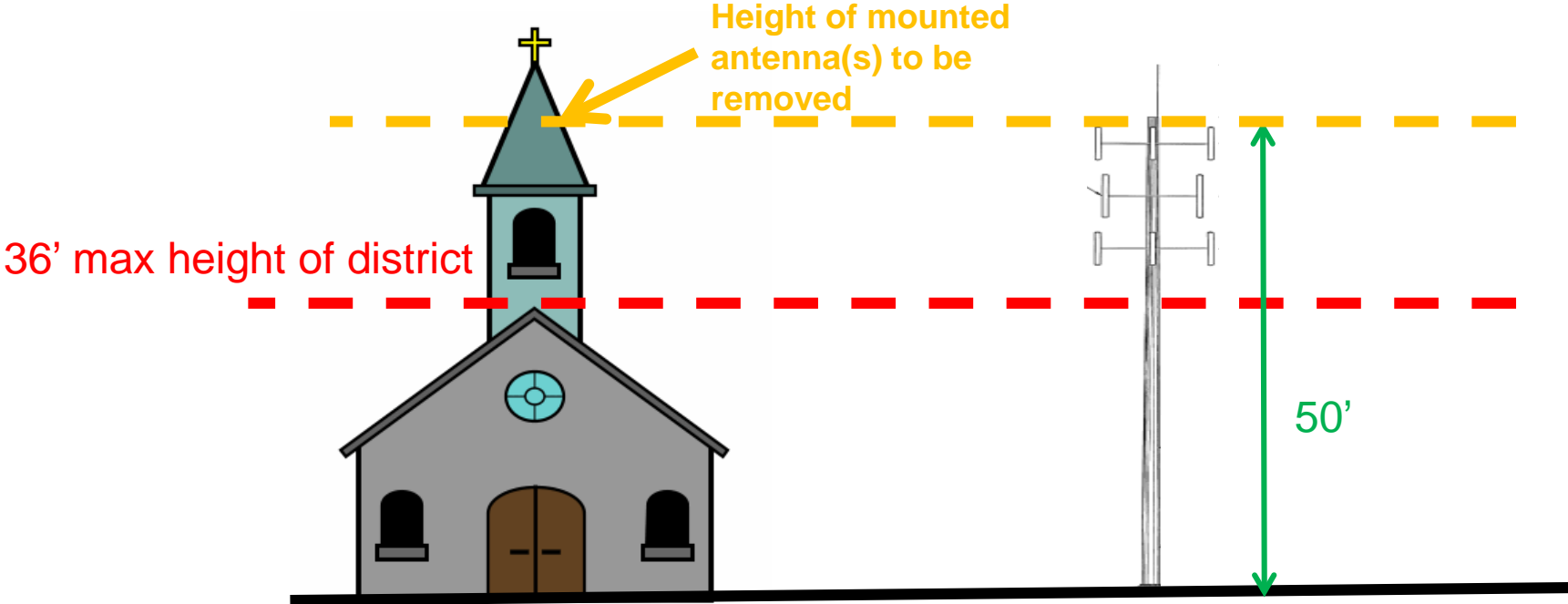
135' max height of district (MU-2)



Temporary Cellular Units

Proposed Amendment (continued)

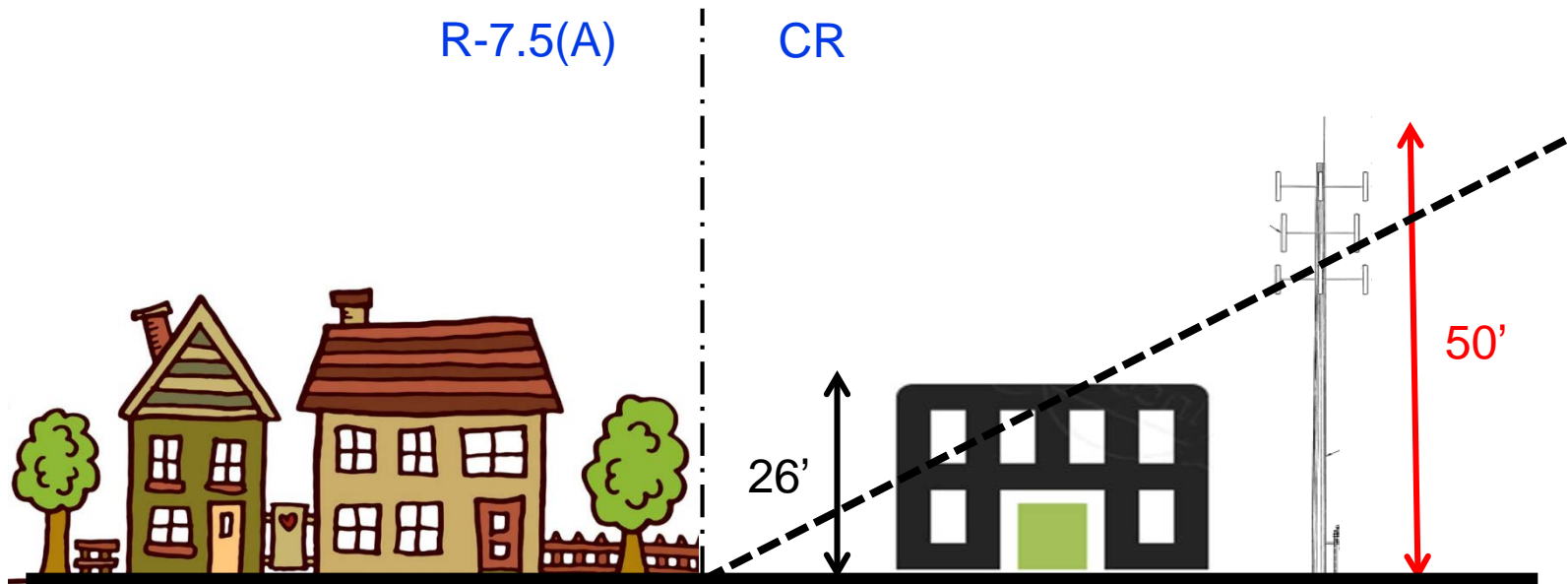
Height restrictions for a single pole structure:



RPS Restrictions

Applicant Problem Statement Example

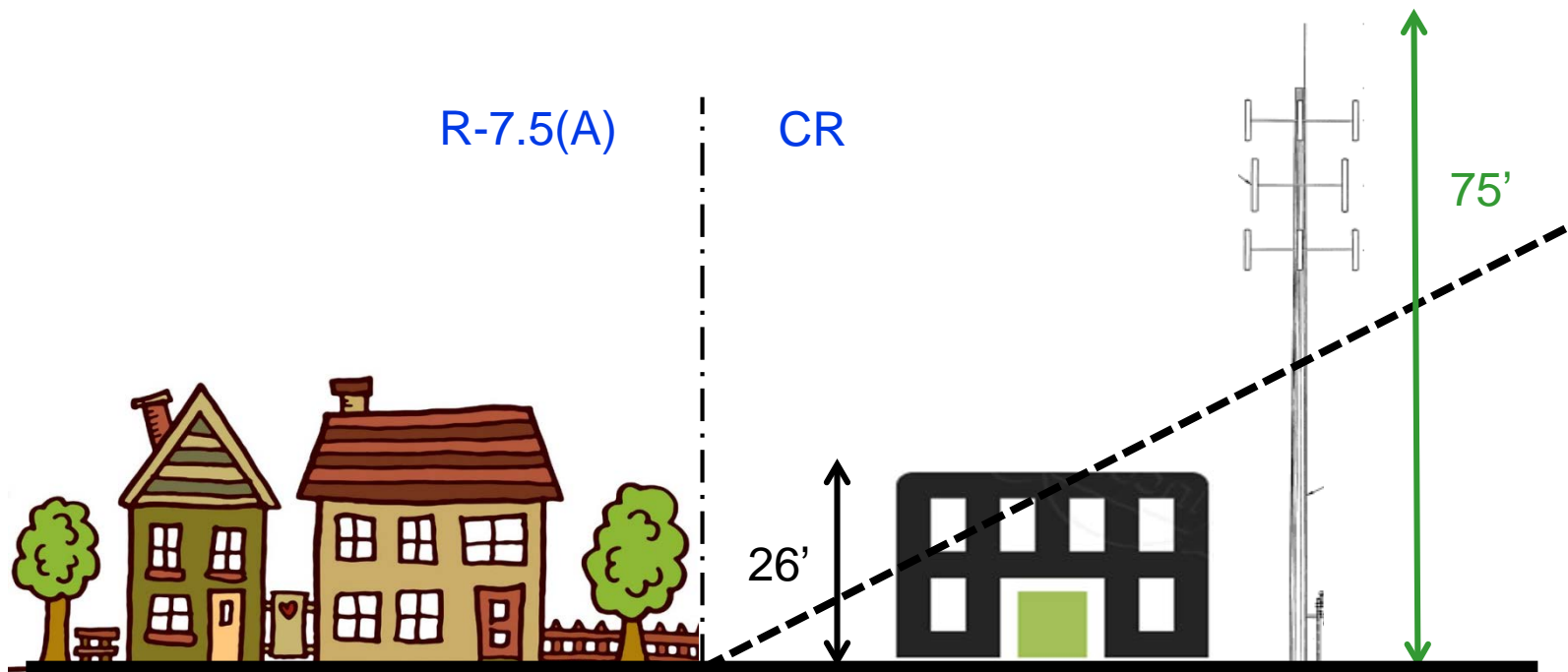
- Monopoles are allowed **by right** in CR when less than 65' tall.
 - RPS Remedy: Appeal to Board of Adjustments (BDA)
 - May be difficult to prove hardship of land to BDA (restrictive size, shape, or slope)



RPS Restrictions

Applicant Problem Statement Example

- Monopoles are allowed **by SUP** in CR when 65' tall or more.
 - RPS Remedy: Council may waive RPS with SUP
 - Less difficult standard to prove.
 - Can be approved through SUP process.



RPS Restrictions

CPC Proposed Amendment

- Allow Council to consider waiving the residential proximity slope (RPS) height restrictions through a specific use permit (SUP).

Tower/Antenna Modifications

Applicant's Problem Statement

- In October 2014, the Federal Communications Commission (FCC) issued the *Wireless Infrastructure Report and Order* which requires municipalities to adopt regulations that would allow for existing cellular systems to make modifications that did not “substantially modify” the “tower or base station”.

Tower/Antenna Modifications

CPC Proposed Amendment

- Adopt language to track FCC language to allow for modifications to existing towers/antennas in
 - use regulations,
 - maximum building height, and
 - nonconforming uses and structures

Next Steps

- Schedule for City Council Agenda

Appendix

- Proposed language to comply with FCC requirements:
 - “An application or amendment for an SUP or Planned Development District that would otherwise be required is not required for a modification to an existing towers/antennas or its base station unless the modification substantially changes the physical dimensions of the existing [type of tower/antenna for cellular communication technology] or its base station. A modification substantially changes the physical dimensions of an existing [type of tower/antenna for cellular communication technology] or its base station if it meets any of the criteria listed in 47 C.F.R. §1.40001(b)(7).”

Memorandum

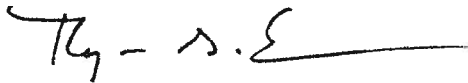


DATE September 4, 2015

TO Members of the Economic Development Committee:
Rickey D. Callahan (Chair), Casey Thomas, II (Vice Chair), Adam Medrano, Lee M. Kleinman,
Carolyn King Arnold, B. Adam McGough

SUBJECT **Proposed Amendments to Cell Tower Regulations – Notification Requirements and Form District Standards**

On Tuesday, September 8, you will be briefed on proposed amendments to the Development Code regarding provisions for cell towers in form districts (Article XIII) and notification area requirements for SUPs for cell towers. The City Plan Commission recommended approval of the proposed amendments on May 21, 2015. A copy of the briefing is attached. Please contact David Cossum at 670-4127 should you have any questions or need additional information.



Ryan S. Evans
First Assistant City Manager

C: The Honorable Mayor and Members of the City Council
A.C. Gonzalez, City Manager
Warren M.S. Ernst, City Attorney
Craig D. Kinton, City Auditor
Rosa A. Rios, City Secretary
Daniel F. Solis, Administrative Judge
Eric D. Campbell, Assistant City Manager

Jill A. Jordan, P.E., Assistant City Manager
Mark McDaniel, Assistant City Manager
Joey Zapata, Assistant City Manager
Jeanne Chipperfield, Chief Financial Officer
Sana Syed, Public Information Officer
Elsa Cantu, Assistant to the City Manager – Mayor & Council

Proposed Amendments to Cell Tower Regulations - Notification Requirements and Form District Standards

Economic Development Committee

September 8, 2015



Background

- During review of the application to modify the tower/antenna for cellular communication use regulations, staff and the Zoning Ordinance Committee (ZOC) identified two issues not included in the applicants' requests.
- Zoning Ordinance Committee (ZOC) discussed the item 3 times in March and April.
- On April 16, 2015 ZOC recommended approval of the amendments.
- On May 21, 2015 City Plan Commission (CPC) recommended approval.

Two Issues

1. **Specific Use Permit (SUP) Notification** – SUP notification areas for tower/antennas are often 200 feet from the area of request.
2. **Article XIII** – Monopole cellular towers do not comply with Form District Open Space development type configurations.

SUP Notification

Current Code

Application for original SUP [Section 51A-1.105(a)(4)]:

<i>0-1 acre</i>	<i>200 feet</i>
<i>over 1 acre to 5 acres</i>	<i>300 feet</i>
<i>over 5 acres to 25 acres</i>	<i>400 feet</i>
<i>over 25 acres</i>	<i>500 feet</i>

- The SUP area of request for a monopole cell tower is often limited to a small lease area (less than an acre) within a larger parcel.
- Often, this results in a small notification area where only a few land owners are notified of the SUP application.

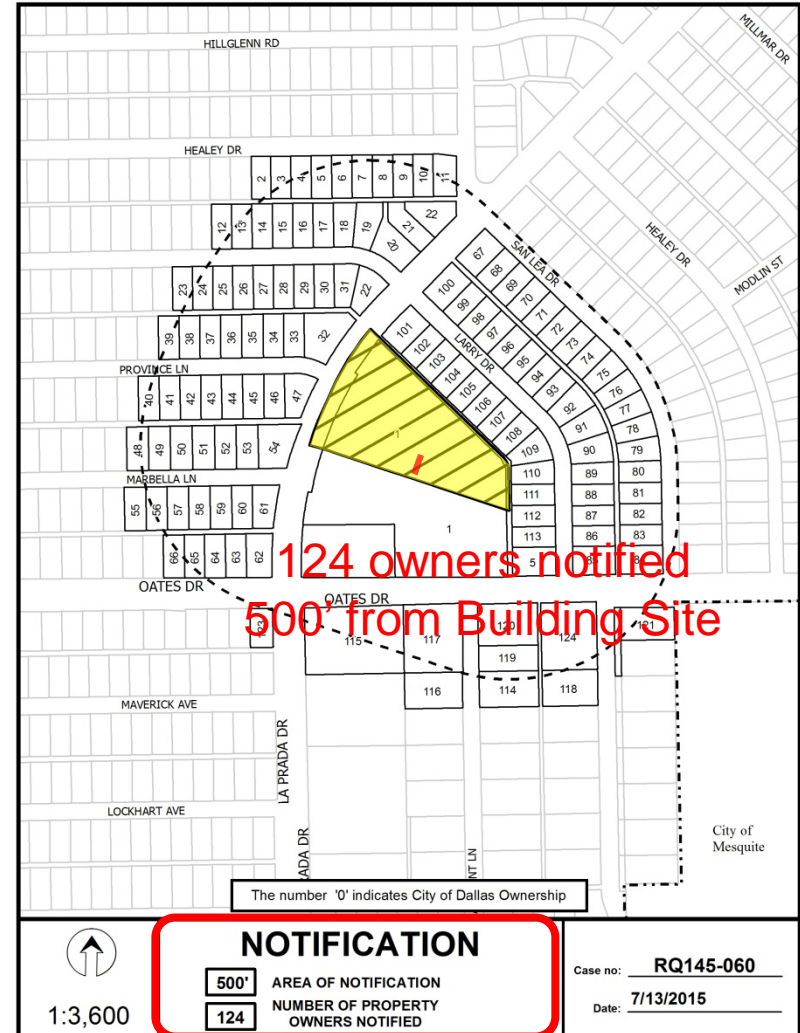
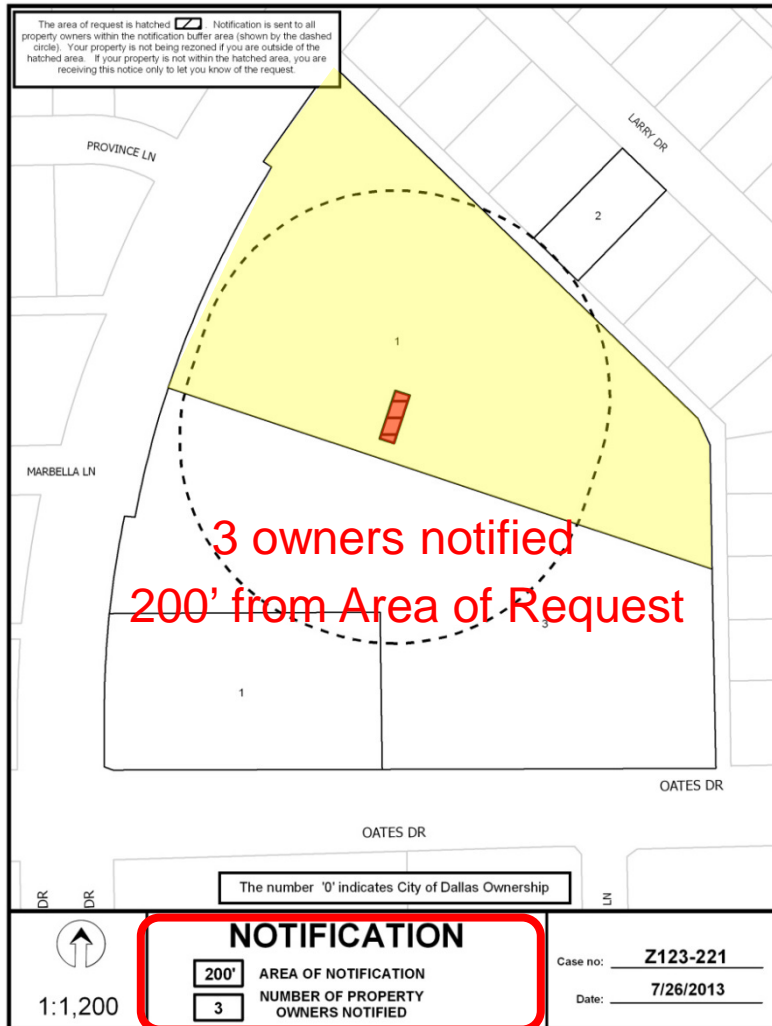
SUP Notification

CPC Proposed Amendment

- Send SUP notifications to property owners within 500 feet of the building site, or platted lot, instead of cellular lease area.

SUP Notification

Current Code vs. Proposed Amendment



Article XIII

Current Code

- Tower/antenna is listed as a “Utilities” use in Article XIII: Form Districts.
 - Monopole cellular towers are only allowed by SUP.
- Utilities are only allowed in an “Open Space” development type.
- Open Space development types are required to comply with certain configurations.

(i.e. Plaza or Esplanade, Square, Green, Neighborhood Park, Tot Lot, Community Garden, Landscaped Median, or Greenbelt)

Article XIII

Proposed Amendment

- Keep tower/antenna as a “Utilities” use.
- Add an alternative configuration type for utilities where other regulations (e.g. setbacks, landscaping, SUP conditions, etc.) will control.

Next Steps

- Schedule for City Council Agenda

Appendix

Form District Current Code:

- Tower/antennas for cellular communication are classified as a utility use in the Civic Use Category.

(H) Utilities.

(i) **Definition.** Public or private infrastructure serving a limited area with no on-site personnel (minor utility) or serving the general community with on-site personnel (major utility).

(ii) Examples of Permitted Uses.

Minor utilities, including on-site stormwater retention or detention facility, neighborhood-serving telephone exchange or switching center, gas or electric installation or transmission, water and wastewater pump station or lift station, gas gates, reservoir, control structure, drainage well, and water supply water well.

Major utilities, including aeration facility, electrical substation, electric or gas generation plant, filter bed, railroad right-of-way, transmission tower, waste treatment plant, water pumping facility, and water tower or tank.

Mounted cellular antennas or monopole cellular towers.

Reference Section 51A-13.306(d)(2)(H)

Appendix

Form District Current Code:

- Utilities are only permitted in an Open Space Development Type

Use Chart

PRINCIPAL USE	USE CATEGORY	Mixed Use Shopfront	Single-Story Shopfront	General Commercial	Apartment	Townhouse Stacked	Townhouse	Manor House	Single-family House	Civic Building	Open Space Lot	Additional Regulations
		Mu	Ss	Gc	Apt	Ts	Th	Mh	Sf	Civ	O	
		Ground Story Upper Stories	Ground Story	All Stories	All Stories	Ground Story Upper Stories	All Stories	All Stories	All Stories	All Stories	...	
Civic	Community service, except as listed below:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>				<input type="checkbox"/>		
	<i>Museum, library</i>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>				<input checked="" type="checkbox"/>		(c)(3)
	Day care	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>					<input checked="" type="checkbox"/>		(c)(3)
	Educational	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>					<input checked="" type="checkbox"/>		(c)(3)
	Government service, except as listed below:	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>					<input checked="" type="checkbox"/>		(c)(3)
	<i>Detention center, jail, or prison</i>				<input type="checkbox"/>					<input type="checkbox"/>		
	Park or Open space										<input checked="" type="checkbox"/>	
	Social service	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>							(c)(8)
	Transit station	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>					<input checked="" type="checkbox"/>		
Utilities										<input checked="" type="checkbox"/>	(c)(4)	

Key: ■ = Permitted □ = Specific Use Permit Blank Cell = Not Permitted

Reference Section 51A-13.306(b)

Appendix

Form District Current Code:

- Additional regulations limit monopole cellular towers by SUP in the WMU and WR districts.

(c) Additional Regulations.

(4) Tower/Antenna for Cellular Communication.

(A) In General. For tower/antenna for cellular communication uses, the provisions of Section 51A-4.212(10.1) apply, except as modified in Subparagraphs (B) and (C).

(B) Mounted Cellular Antennas.

(i) Permitted by right in the RTN district when attached to an existing structure that is currently occupied or was last occupied by a nonresidential use.

(ii) Permitted by right in a WMU or WR district when attached to any existing structure.

(C) Monopole and Other Cellular Towers.

(i) Not permitted in the RTN district.

(ii) Permitted by specific use permit in a WMU or WR district

Reference Section 51A-13.306(c)(4)

Appendix

Form District Current Code:

Division 51A-13.300. District Regulations.



open space lot

Sec. 51A-13.304. Development Types.

Sec. 51A-13.304. Development Types.

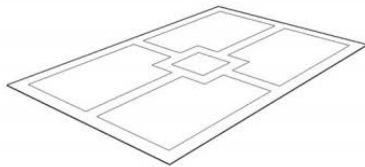


open space lot

Division 51A-13.300. District Regulations.

(k) Open Space Lot.

(1) Definition.

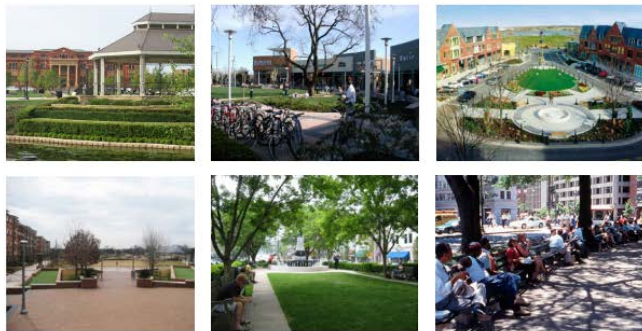


A development type located and designed to accommodate civic open space or natural area worthy of preservation.

An open space lot is intended primarily to provide for public or private open space. Open space lots can also be used to accommodate commercial surface parking lots, although commercial surface parking lots may not be used to satisfy open space requirements.

(2) Character Examples.

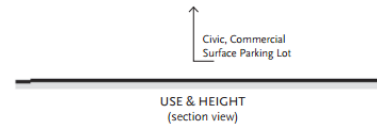
Character examples are provided below for illustrative purposes only and are intended to be character examples of the development type and not the streetscape.



(3) Districts Permitted.

LOW: WMU-3, WMU-5 WR-3, WR-5 RTN
 MEDIUM: WMU-8, WMU-12 WR-8, WR-12
 HIGH: WMU-20, WMU-40 WR-20, WR-40
 OVERLAY: -SH

(4) Use, Height, and Placement.



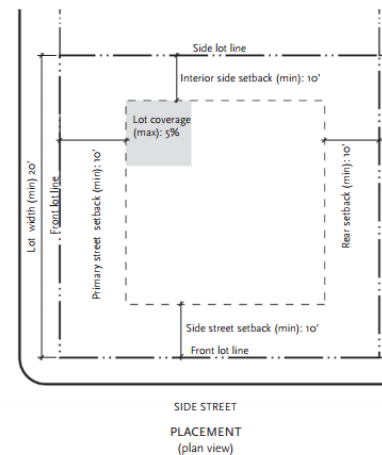
USE

A summary of permitted uses is shown on the left. For a complete list of permitted uses, see Section 51A-13.306, "Uses." Parking as an accessory use is not permitted on an open space lot.

HEIGHT

Building/Structure Height (max ft)

35



BUILDING/STRUCTURE PLACEMENT

No more than five percent of the total lot area may be occupied by buildings or structures.

LOT

Area (min sf)	2,000
Width (min ft)	20
Lot coverage (max)	5%

SETBACKS

Front (min ft)	10
Side street (min ft)	10
Interior side (min ft)	10
Rear (min ft)	10

Reference Section 51A-13.304(k)

Appendix

Form District Current Code:



BUILDING/STRUCTURE PLACEMENT

No more than five percent of the total lot area may be occupied by buildings or structures.

LOT

Area (min sf)	2,000
Width (min ft)	20
Lot coverage (max)	5%

SETBACKS

Front (min ft)	10
Side street (min ft)	10
Interior side (min ft)	10
Rear (min ft)	10

Reference Section 51A-13.304(k)(4)

Appendix

Form District Current Code:

Division 51A-13.300. District Regulations.



open space lot

(S) Configuration.

(A) In General.

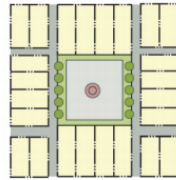
An open space lot must be configured as set forth in Subparagraphs (B) through (K).

(B) Plaza or Esplanade.

- (i) A plaza is a formal open space defined by building frontages and abutting streets. An esplanade is a linear, open area, abutting a river, large body of water, or street, where people may walk.
- (ii) A plaza or esplanade must be at least 2,000 square feet. A plaza may not exceed a maximum of one acre.
- (iii) An esplanade must have a minimum width of 40 feet.
- (iv) A plaza or esplanade must be bounded by a street on at least one side.
- (v) A plaza or esplanade is typically furnished with paths, benches, and open shelters.
- (vi) A plaza or esplanade may contain landscaping and paved surfaces. Pervious paving materials must make up a minimum of 70 percent of any paved surface. Trees and shrubs must be planted in formal patterns.
- (vii) For a plaza, perimeter street trees and sidewalks must be installed in accordance with the ST-1 streetscape standard. (See Division 51A-13.500, "Minor Streets and Streetscapes.")
- (viii) For an esplanade, street trees must be installed in accordance with the ST-1 streetscape standard. (See Division 51A-13.500, "Minor Streets and Streetscapes.")
- (ix) Site trees must be planted at the rate of one large canopy tree per 2,500 square feet of lot area. Each tree must have a caliper of at least two inches at the time of planting. Trees may be planted in planters or tree grates.
- (x) A plaza may be level, stepped, or gently sloping. An esplanade must be level.
- (xi) Lots that share a common lot line with a plaza or esplanade must configure development as though the plaza or esplanade were a primary street.

(C) Square.

- (i) A square is a formal open space defined by building frontages and abutting streets. A square must be at least 10,000 square feet in size, but may not exceed two acres.
- (ii) A square is bounded by streets on a minimum of three sides.
- (iii) A square is typically furnished with paths, benches, and open shelters.
- (iv) Landscaping must consist of lawn, trees, and shrubs planted in formal patterns.
- (v) A square must contain a minimum 30 percent turf, ground-cover, soil, or mulch. The balance of the area may be any paved surface. Pervious paving materials must make up a minimum of 70 percent of any paved surface.



Sec. 51A-13.304. Development Types.

Sec. 51A-13.304. Development Types.



open space lot

- (vi) Perimeter street trees and sidewalks must be installed in accordance with the ST-1 streetscape standard. (See Division 51A-13.500, "Minor Streets and Streetscapes.")
- (vii) Site trees must be planted at the rate of one large canopy tree per 2,500 square feet of lot area. Each tree must have a caliper of at least two inches at the time of planting.
- (viii) A square may be level, stepped, or gently sloping.
- (ix) Lots that share a common lot line with a square must configure development as though the square were a primary street.

(D) Green.

- (i) A green is an informal open space defined by abutting streets.
- (ii) A green must be at least 10,000 square feet in size, but may not exceed two acres.
- (iii) A green must be bound by streets on a minimum of two sides.
- (iv) A green is typically furnished with paths, benches, and open shelters.
- (v) Landscaping must consist of lawn and informally arranged trees and shrubs.
- (vi) A green must contain a minimum of 60 percent turf, ground-cover, soil, or mulch. The balance of the area may be any paved surface. Pervious paving materials must make up a minimum of 70 percent of any paved surface.
- (vii) Perimeter street trees and sidewalks must be installed in accordance with the ST-1 streetscape standard. (See Division 51A-13.500, "Minor Streets and Streetscapes.")
- (viii) Site trees must be planted at the rate of one large canopy tree per 2,500 square feet of lot area. Each tree must have a caliper of at least two inches at the time of planting. Site tree plantings may be informal.
- (ix) The topography may be irregular.
- (x) Lots that share a common lot line with a green must configure development as though the green were a primary street.



(E) Neighborhood Park.

- (i) A neighborhood park is a natural landscape consisting of open and wooded areas and may also include, but are not limited to, tennis courts, racquet ball courts, basketball courts, volley ball courts, ball fields, swings, slides, playgrounds, dog parks, benches, restrooms, picnic units, shelters, and walking paths.
- (ii) A neighborhood park must be at least 20,000 square feet in size.
- (iii) A neighborhood park is bounded by streets on a minimum of one side.
- (iv) Neighborhood parks are often irregularly shaped but may be linear in order to parallel creeks, canals, or other corridors.



Division 51A-13.300. District Regulations.

DCA 078-011 (Creation of Article XIII)

Article XIII. Form Districts | 3-47

Reference Section 51A-13.304(k)(5)

Division 51A-13.300. District Regulations.

Appendix

Form District Current Code:

Division 51A-13.300. District Regulations.



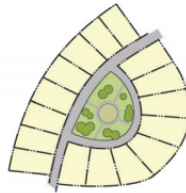
Sec. 51A-13.304. Development Types.

open space lot

- (v) Landscaping must consist of informally arranged trees and shrubs. The topography may be irregular.
- (vi) A neighborhood park may have a maximum of 15 percent impervious surface.
- (vii) Perimeter street trees and sidewalks must be installed in accordance with the ST-1 streetscape standard. (See Division 51A-13.500, "Minor Streets and Streetscapes.")
- (viii) Site trees must be planted at the rate of one large canopy tree per 2,500 square feet of lot area. Each tree must have a caliper of at least two inches at the time of planting.

(F) Tot Lot.

- (i) A tot lot provides play areas for children as well as open shelter and benches.
- (ii) A tot lot must be at least 2,000 square feet in size, but may not exceed one acre.
- (iii) Tot lots may be freestanding or located within squares, greens, or neighborhood parks.
- (iv) The impervious surface of a tot lot may not exceed 15 percent.
- (v) Perimeter street trees and sidewalks must be installed in accordance with the ST-1 streetscape standard. (See Division 51A-13.500, "Minor Streets and Streetscapes.")
- (vi) Site trees must be planted at the rate of one large canopy tree per 2,500 square feet of lot area. Each tree must have a caliper of at least two inches at the time of planting.



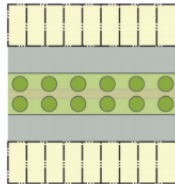
(G) Community Garden.

- (i) A community garden is a grouping of garden plots available to nearby residents for small-scale cultivation, including storage facilities for necessary equipment.
- (ii) A community garden must be at least 10,000 square feet in size, but may not exceed two acres.
- (iii) The impervious surface of a community garden may not exceed 15 percent.
- (iv) Perimeter street trees and sidewalks must be installed in accordance with the ST-1 streetscape standard. (See Division 51A-13.500, "Minor Streets and Streetscapes.")



(H) Landscaped Median.

- (i) A wide landscape median provides open space and green area embedded within the public realm of a minor street.
- (ii) A landscape median must be at least 20 feet in width and one block in the length, with a reduction of the width to eight feet at the location of turn lanes.
- (iii) Landscaping must consist of lawn and formally arranged trees.



DCA 078-011 (Creation of Article XIII)

Article XIII. Form Districts | 3-49

Sec. 51A-13.304. Development Types.



Division 51A-13.300. District Regulations.

open space lot

- (iv) A double row of street trees must be planted at the rate of one large canopy tree every 40 feet on center, on average. Each tree must have a caliper of at least three inches at the time of planting.
- (v) Trees must be planted no more than 10 feet nor less than six feet from the back of curb.
- (vi) Improvements may include paved walks, trails, benches, and trash receptacles.

(I) Greenbelt.

- (i) Greenbelts typically follow natural features such as streams or rivers. They are designed to incorporate natural settings such as creeks and significant stands of trees within neighborhoods, and are used for transportation, recreation, and environmental protection.
- (ii) Greenbelts differ from neighborhood parks, plazas, and squares in that their detailing is natural (i.e. informally planted), except along rights-of-way, and may contain irregular topography.
- (iii) Design of the greenbelt should incorporate conservation of existing mature tree canopy and landscape and protection of existing natural drainage-ways and creeks.
- (iv) Land within the 100-year floodplain may be used to accommodate a greenbelt.
- (v) The greenbelt must be accessible from adjacent development.
- (vi) Improvements may include paved walks, trails, benches, and trash receptacles.
- (vii) No rear-facing lots may abut a greenbelt.



(J) Private Open Space Under 2,000 SF.

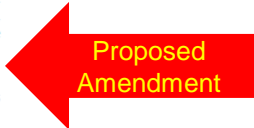
Private open space of less than 2,000 square feet must be designed to meet the standards for landscaping or private open space for the appropriate development type.

(K) Commercial Surface Parking Lot.

A commercial surface parking lot on an open space lot may be approved through the specific use permit process. The length of time the use may be operated must be set during approval of the specific use permit. The commercial surface parking lot must meet all standards for design and landscaping required in this article. No commercial surface parking lot may be used to satisfy public or private open space requirements.

(6) Certificate of Occupancy Required.

Except for a landscape median and greenbelt, a certificate of occupancy is required for all open space lots.



Reference Section 51A-13.304(k)(5)

AGENDA ITEM # 18

KEY FOCUS AREA: Economic Vibrancy
AGENDA DATE: September 9, 2015
COUNCIL DISTRICT(S): 13
DEPARTMENT: Sustainable Development and Construction
CMO: Ryan S. Evans, 671-9837
MAPSCO: 25U

SUBJECT

An ordinance abandoning a portion of a utility easement to Intercity Investments, Inc., the abutting owner, containing approximately 13,467 square feet of land, located near the intersection of Edgemere Road and Bandera Avenue - Revenue: \$5,400, plus the \$20 ordinance publication fee

BACKGROUND

This item authorizes the abandonment of a portion of a utility easement to Intercity Investments, Inc., the abutting owner. The area will be included with the property of the abutting owner for the expansion of the existing retirement facility and construction of underground parking. The cost for this abandonment is the minimum processing fee pursuant to the Dallas City Code, therefore, no appraisal is required.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Information about this item will be provided to the Economic Development Committee on September 8, 2015.

FISCAL INFORMATION

Revenue: \$5,400, plus the \$20 ordinance publication fee

OWNER

Intercity Investments, Inc.

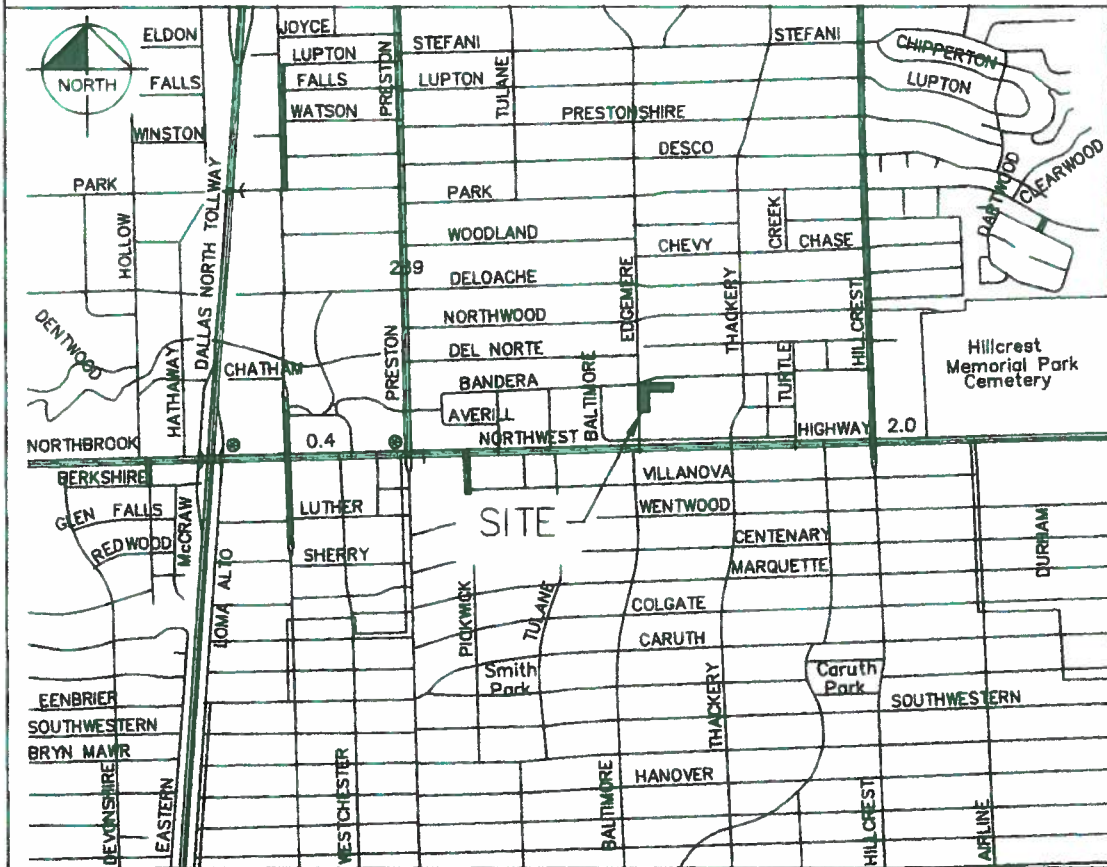
Christopher G. Jordan, President

MAP

Attached

VICINITY MAP

N.T.S.



KEY FOCUS AREA: Economic Vibrancy
AGENDA DATE: September 9, 2015
COUNCIL DISTRICT(S): 8
DEPARTMENT: Sustainable Development and Construction
CMO: Ryan S. Evans, 671-9837
MAPSCO: 65U Y

SUBJECT

Authorize partial release of deed restrictions on three tracts of land containing approximately 23 acres to be conveyed by the University of North Texas System to Dallas Area Rapid Transit, located near Wheatland Road and University Hills Boulevard for construction and operation of a rail line - Financing: No cost consideration to the City

BACKGROUND

This item is on the addendum because additional review time was required. This item authorizes the partial release of deed restrictions on three tracts of land containing a total of approximately 23 acres located near Wheatland Road and University Hills Boulevard. Deed restrictions were placed on the property by Special Warranty Deed by the City of Dallas when the City donated approximately 203 acres of public property to the University of North Texas System (UNT) for the development of a public, state-supported, institution of higher education. The deed restrictions restrict the donated property for seventy-five (75) years commencing on November 27, 2001, to ownership and use by UNT for construction and operation of a public, state-supported, institution of higher education.

Release of the deed restrictions on the 23 acre tracts will permit UNT to convey the land to DART unencumbered by the restrictions and allow DART to construct its rail line.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On May 12, 2010, Dallas City Council authorized Resolution No. 10-0354, conveying approximately 203 acres of property to UNT subject to certain covenants, conditions, restrictions and other provisions (collectively, the "Deed Restrictions").

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

Information about this item will be provided to the Economic Development Committee on September 8, 2015.

FISCAL INFORMATION

No cost consideration to the City.

OWNER

University of North Texas System

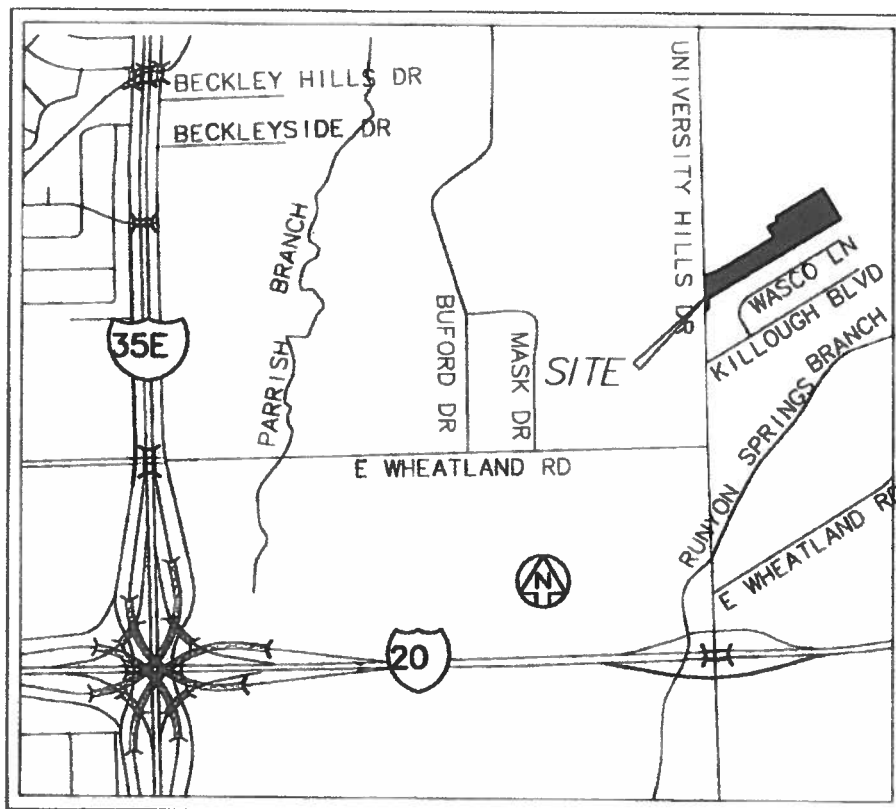
John Ellis Price, Vice Chancellor

MAP

Attached

EXHIBIT
UNT DALLAS STATION ADDITION
LOTS 1, 2, AND 3 BLOCK A/7604
DALLAS, TEXAS

VICINITY MAP
NOT TO SCALE



AGENDA ITEM # 19

KEY FOCUS AREA: Economic Vibrancy
AGENDA DATE: September 9, 2015
COUNCIL DISTRICT(S): 14
DEPARTMENT: Trinity Watershed Management
CMO: Mark McDaniel, 670-3256
MAPSCO: 45H

SUBJECT

Authorize settlement in lieu of proceeding further with condemnation of a subsurface easement under approximately 4,944 square feet of land from 1507 Dragon Street DDD, LLC, located on Ross Avenue at its intersection with Hall Street for the Mill Creek/Peaks Branch/State Thomas Drainage Relief Tunnel Project – Not to exceed \$30,500 (\$28,000 plus closing costs and title expenses not to exceed \$2,500); an increase of \$6,118 from the amount Council originally authorized for this acquisition - Financing: General Obligation Commercial Paper Funds

BACKGROUND

This item authorizes a settlement for the acquisition of a subsurface easement located under approximately 4,944 square feet of land from 1507 Dragon Street DDD, LLC, for the Mill Creek/Peaks Branch/State Thomas Drainage Relief Tunnel Project. This settlement will allow acquisition of the property without further condemnation proceedings.

The original authorizing resolution authorized an offer amount of \$21,882 plus closing costs and title expenses not to exceed \$2,500. That amount is being increased to \$28,000 plus closing costs and title expenses not to exceed \$2,500.

PRIOR ACTION / REVIEW (COUNCIL BOARDS, COMMISSIONS)

On May 13, 2015, City Council approved Resolution No. 15-0890.

Information about this item will be provided to the Economic Development Committee on September 8, 2015.

FISCAL INFORMATION

2006 Bond Program (General Obligation Commercial Paper Funds) - \$30,500 (\$28,000 plus closing costs and title expenses not to exceed \$2,500)

OWNER

1507 Dragon Street DDD, LLC

Desmond Donohoe, President

MAP

Attached

September 9, 2015

A RESOLUTION AUTHORIZING THE ACQUISITION OF REAL PROPERTY FOR AN AMOUNT HIGHER THAN THE FIRST RESOLUTION OFFER AMOUNT.

WHEREAS, the Dallas City Council by the FIRST RESOLUTION authorized acquisition, by purchase and/or eminent domain, of the PROPERTY INTEREST in the PROPERTY held by OWNER for the PROJECT (all said capitalized terms being defined below); and

WHEREAS, OWNER refused the FIRST RESOLUTION OFFER AMOUNT, but has agreed to the SETTLEMENT AMOUNT stated herein; and

WHEREAS, the City Council desires to authorize the City Manager to acquire the PROPERTY INTEREST in the PROPERTY for the SETTLEMENT AMOUNT stated herein; **Now, Therefore**,

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

SECTION 1. That the following definitions shall apply to this resolution:

“CITY”: The City of Dallas.

“CLOSING COSTS AND TITLE EXPENSES”: Not to exceed \$2,500.00.

“FIRST RESOLUTION”: Resolution No. 15-0890 approved by the Dallas City Council on May 13, 2015.

“FIRST RESOLUTION OFFER AMOUNT”: \$21,882.00.

“OWNER”: 1507 Dragon Street DDD, LLC, provided, however, that the term “OWNER” as used in this resolution means all persons having an ownership interest in the PROPERTY, regardless of whether those persons are actually named herein.

“PROJECT”: Mill Creek/Peaks Branch/State Thomas Drainage Relief Tunnel Project.

“PROPERTY”: Located under approximately 4,944 square feet in area, lying between the subsurface elevations of 237 feet and 412 feet (U.S. Survey Feet), inclusive, North American Vertical Datum of 1988, located in Dallas County, Texas, the boundary of which property being more particularly described in “Exhibit A”, attached hereto and made a part hereof for all purposes.

September 9, 2015

“PROPERTY INTEREST”: Flood Control Tunnel Easement.

“REVISED AUTHORIZED AMOUNT”: \$30,500.00.

“SETTLEMENT AMOUNT”: \$28,000.00.

“USE”: The below ground construction, installation, use and maintenance of a deep tunnel for the storage and transmission of stormwater drainage.

SECTION 2. That the City Manager, and/or the City Manager’s designees, is hereby authorized and directed to consummate and accept the purchase, grant, and conveyance to the CITY of the PROPERTY INTEREST in and to the PROPERTY pursuant to the conveyance instrument 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 the transaction.

SECTION 3. That the Chief Financial Officer is authorized to draw checks for the SETTLEMENT AMOUNT, payable out of 2006 Bond Funds: Fund No. 3T23, Dept. TWM, Unit T525, Activity SDRS, Object 4210, Program No. PB06T525 Encumbrance No. CT-PBW06T525G60, and CLOSING COSTS AND TITLE EXPENSES payable out of 2006 Bond Funds: Fund No. 3T23, Dept. TWM, Unit T525, Activity SDRS, Object 4230, Program No. PB06T525 Encumbrance No. CT-PBW06T525G61.

SECTION 4. That the payment referenced in Section 3 shall be delivered to a title insurance company after evidence of satisfactory title has been provided to and approved by the City Attorney.

SECTION 5. The SETTLEMENT AMOUNT - \$28,000.00 and the CLOSING COSTS AND TITLE EXPENSES - \$2,500.00 together shall not exceed the REVISED AUTHORIZED AMOUNT - \$30,500.00.

SECTION 6. That the CITY is to have possession and/or use, as applicable, of the PROPERTY at closing.

SECTION 7. That the 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.

COUNCIL CHAMBER

September 9, 2015

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

**APPROVED AS TO FORM:
WARREN M. S. ERNST, CITY ATTORNEY**

**BY: _____
Assistant City Attorney**

September 9, 2015

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

**APPROVED AS TO FORM:
WARREN M. S. ERNST, CITY ATTORNEY**

BY: 
Assistant City Attorney

FIELD NOTES DESCRIBING A 4,944 SQUARE FOOT (0.1135 ACRE)
SUB-SURFACE DRAINAGE TUNNEL EASEMENT
CITY OF DALLAS DRAWING NO. 423R-54 (PARCEL 518)
TO BE ACQUIRED IN CITY OF DALLAS BLOCK 596
JOHN GRIGSBY SURVEY, ABSTRACT NUMBER 495
CITY OF DALLAS, DALLAS COUNTY, TEXAS
FROM TOMAINO PROPERTIES, L.P.

EXHIBIT A

BEING a 4,944 square foot (0.1135 acre) tract of land (unplatted) situated in the John Grigsby Survey, Abstract No. 495, in Block 596 (Official City of Dallas Block number) of the City of Dallas, Dallas County, Texas, and being part of Burton's Addition, an addition to the City of Dallas according to the map thereof recorded in Volume 70, Page 260 of the Deed Records of Dallas County, Texas, and being parts of those tracts of land described as Tract 9A, Tract 13, Tract 28 and Tract 29 (all unplatted) in Special Warranty Deed to Tomaino Properties, L.P. recorded in Instrument Number 200600227192 of the Official Public Records of Dallas County, Texas, and being more particularly described as follows:

(Note: Subsurface easement corners are not monumented.)

BEGINNING at the east corner of said Tract 29 having coordinates of N=6976795.2627, E=2494328.9653 (not monumented) and south corner of that tract of land (unplatted) described in Executor's Special Warranty Deed to Charles Macon Warlick recorded in Instrument Number 20080150920 of said Official Public Records, from whence a PK nail found for the east corner of said Charles Macon Warlick tract and the south corner of Ross-McCoy Addition, an addition to the City of Dallas recorded in Instrument Number 201200060574 of the Official Public Records of Dallas County, Texas, bears North 44 degrees 12 minutes 50 seconds East, 51.51 feet (deed called 50.00 feet);

THENCE South 44 degrees 12 minutes 50 seconds West, with said northwest right-of-way line of Ross Avenue and the southeasterly line of said Tracts 29, 28, 13 and 9A, at 52.00 feet passing a 1/2 inch iron rod found for the south corner of Tract 29 and east corner of Tract 28 (controlling monument), and continuing with said northwest right-of-way line of Ross Avenue and said southeasterly line of said Tracts 29, 28, 13 and 9A, at a cumulative distance of 97.00 feet passing a 1 inch pipe found for the south corner of Tract 28 and north corner of Tract 13 (controlling monument), and continuing with said northwest right-of-way line of Ross Avenue and said southeasterly line of said Tracts 29, 28, 13 and 9A for a total of 218.80 feet to the south corner of said Tract 9A having coordinates of N=6976638.4615, E=2494176.4088 (not monumented), same being the intersection of said northwest right-of-way line of Ross Avenue with the northeast right-of-way line of Hall Street (a 40 foot wide right-of-way);

THENCE North 45 degrees 38 minutes 50 seconds West, departing said northwest right-of-way line of Ross Avenue with said northeast right-of-way line of Hall Street and southwest line of said Tract 9A, 42.78 feet to the point of curvature having coordinates of N=6976668.3666, E=2494145.8203 (not monumented) of a non-tangent circular curve to the left having a central angle of 09 degrees 22 minutes 05 seconds, a radius of 1,355.00 feet, a tangent of 111.02 feet and a chord which bears North 53 degrees 07 minutes 03 seconds East, 221.30 feet;



FIELD NOTES APPROVED:

FER 6/30/2

FIELD NOTES DESCRIBING A 4,944 SQUARE FOOT (0.1135 ACRE)
SUB-SURFACE DRAINAGE TUNNEL EASEMENT
CITY OF DALLAS DRAWING NO. 423R-54 (PARCEL 518)
TO BE ACQUIRED IN CITY OF DALLAS BLOCK 596
JOHN GRIGSBY SURVEY, ABSTRACT NUMBER 495
CITY OF DALLAS, DALLAS COUNTY, TEXAS
FROM TOMAINO PROPERTIES, L.P.

EXHIBIT A

THENCE Northeasterly, departing said northwest right-of-way line of Ross Avenue and said northeast right-of-way line of Hall Street, and across said Tracts 9A, 13, 28 and 29 with said curve to the left for an arc distance of 221.55 feet to the end of said curve having coordinates of N=6976801.1675, E=2494322.8073 (not monumented), said end of curve being on the northeast line of said Tract 29;

THENCE South 45 degrees 00 minutes 50 seconds East, with said northeasterly line of Tract 29, 8.53 feet to the POINT OF BEGINNING and containing 4,944 square feet (0.1135 acre) of land, more or less.

Basis of Bearing is the State Plane Coordinate System, Texas North Central Zone (4202), North American Datum of 1983. All coordinates are state plane on grid. All distances are surface distances. Surface Adjustment Scale Factor: 1.000136506

For Nathan D. Maier Consulting Engineers, Inc.



Gary W. Matthews
Registered Professional Land Surveyor
Texas No. 5534 9.12.2013



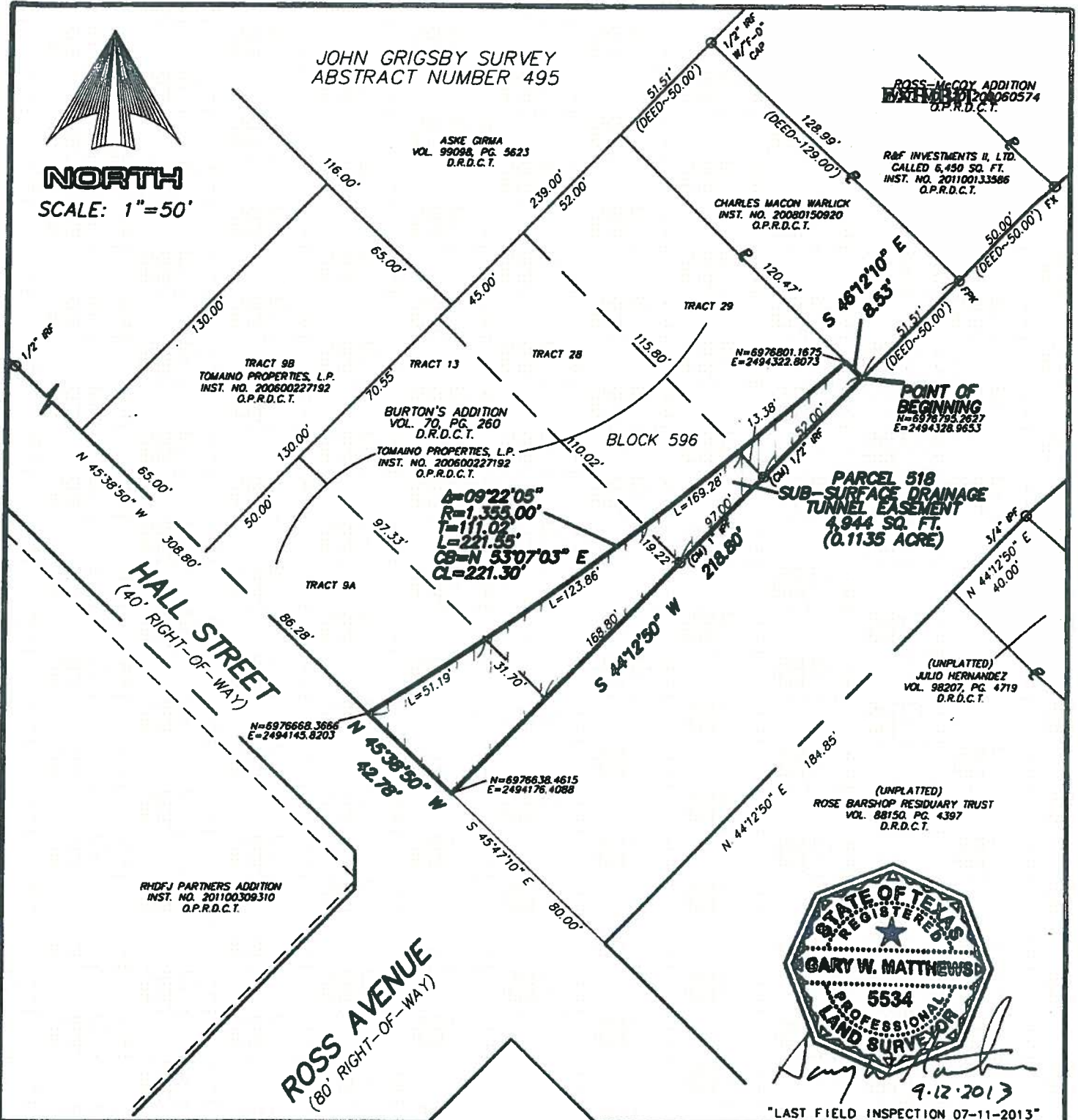
FIELD NOTES APPROVED:

JK 11/20/13



NORTH
SCALE: 1"=50'

JOHN GRIGSBY SURVEY
ABSTRACT NUMBER 495



RHDFJ PARTNERS ADDITION
INST. NO. 201100309310
O.P.R.D.C.T.

ROSS AVENUE
(80' RIGHT-OF-WAY)

HALL STREET
(40' RIGHT-OF-WAY)



9.12.2013
"LAST FIELD INSPECTION 07-11-2013"

NOTE: SUBSURFACE EASEMENT CORNERS ARE NOT MONUMENTED.

Basis of Bearing is the State Plane Coordinate System, Texas North Central Zone (4202), North American Datum of 1983. All coordinates are state plane on grid. All distances are surface distances. Surface Adjustment Scale Factor: 1.0001365060.

LEGEND

D.R.D.C.T.	DEED RECORDS OF DALLAS COUNTY, TEXAS	---	RIGHT-OF-WAY LINE
M.R.D.C.T.	MAP RECORDS OF DALLAS COUNTY, TEXAS	---	EASEMENT LINE
O.P.R.D.C.T.	OFFICIAL PUBLIC RECORDS OF DALLAS COUNTY, TEXAS	---	SUBDIVISION LINE
INST. NO.	INSTRUMENT NUMBER	---	PROPERTY LINE
VOL., PG.	VOLUME, PAGE	IRF	IRON ROD FOUND
ESMT.	EASEMENT	IPF	IRON PIPE FOUND
SQ. FT.	SQUARE FEET	CM	CONTROLLING MONUMENT
		FPK	FOUND P.K. NAIL
		FX	FOUND "X"

PAGE 3 OF 3

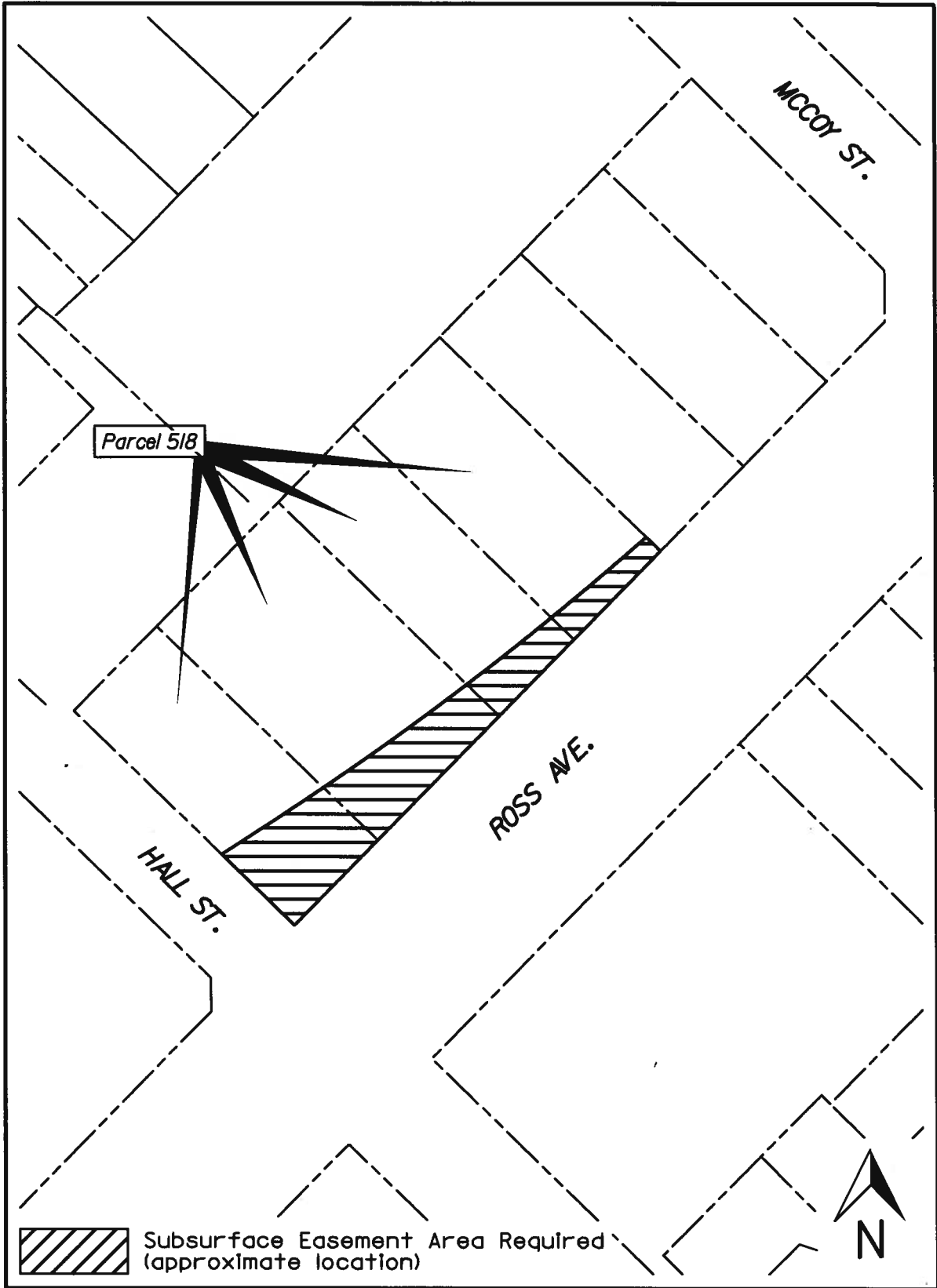
4,944 SQ. FT. (0.1135 ACRE) SUB-SURFACE DRAINAGE TUNNEL EASEMENT CITY OF DALLAS DRAWING NO. 423R-54 (PARCEL 518) TO BE ACQUIRED IN CITY OF DALLAS BLOCK 596, JOHN GRIGSBY SURVEY, ABSTRACT NUMBER 495 CITY OF DALLAS, DALLAS COUNTY, TEXAS. FROM TOMAINO PROPERTIES, L.P.



NATHAN D. MAIER
CONSULTING ENGINEERS, INC.
TBPE FIRM REG. NO. F-356
TBPLS FIRM REG. NO. 100189-00
Two Northpark / 8080 Park Lane / Suite 600
Dallas, Texas 75231 / (214) 788-4741

09/12/2013

PARCEL-518.DWG



AGENDA ITEM # 20

KEY FOCUS AREA: Economic Vibrancy
AGENDA DATE: September 9, 2015
COUNCIL DISTRICT(S): 2
DEPARTMENT: Trinity Watershed Management
CMO: Mark McDaniel, 670-3256
MAPSCO: 46E

SUBJECT

Authorize an amendment to Resolution No. 15-0857, previously approved on May 13, 2015, to modify the elevations of the subsurface easement and to authorize acquisition, including the exercise of the right of eminent domain, if such becomes necessary, from M.I. Gaston Partners, Ltd. and MSC-I, Ltd., of a subsurface easement located under approximately 10,702 square feet of land, located on Gaston Avenue near its intersection with Peak Street for the Mill Creek/Peaks Branch/State Thomas Drainage Relief Tunnel Project - Financing: This action has no cost consideration to the City

BACKGROUND

This item authorizes an amendment to Resolution No. 15-0857, previously approved on May 13, 2015, to modify the elevations of the subsurface easement located under approximately 10,702 square feet of land, from lying between the subsurface elevations of 214 feet and 391 feet to 214 feet and 389 feet (U.S. Survey Feet), inclusive, North American Vertical Datum of 1988 for the Mill Creek/Peaks Branch/ State Thomas Drainage Relief Tunnel Project.

All other provisions authorized by Resolution No. 15-0857 remain in full force and effect.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Authorized acquisition by appropriation and/or condemnation on May 13, 2015, by Resolution No. 15-0857.

Information about this item will be provided to the Economic Development Committee on September 8, 2015.

FISCAL INFORMATION

This action has no cost consideration to the City.

OWNER

M.I. Gaston Partners, Ltd.
MSC-I, Ltd.

MAPS

Attached

September 9, 2015

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

WHEREAS, on May 13, 2015, the Dallas City Council determined the necessity of acquiring a subsurface easement and authorized its appropriation and/or condemnation for public use by Resolution No. 15-0857; and

WHEREAS, on May 13, 2015, Resolution No. 15-0857 authorized acquisition of a subsurface easement of the PROPERTY located under approximately 10,702 square feet in area, lying between the subsurface elevations of 214 feet and 391 feet (U.S. Survey Feet), inclusive, North American Vertical Datum of 1988, located in Dallas County, Texas for the Mill Creek/Peaks Branch/State Thomas Drainage Relief Tunnel Project; and

WHEREAS, the City of Dallas desires to authorize the City Manager to modify the elevation reference for a subsurface easement from 214 feet and 391 feet to 214 feet and 389 feet (U.S. Survey Feet), inclusive, North American Vertical Datum of 1988;
NOW THEREFORE,

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

SECTION 1. That Resolution No. 15-0857, previously approved on May 13, 2015, is hereby amended by altering the definition of "PROPERTY", as follows:

"PROPERTY": Located under approximately 10,702 square feet in area, lying between the subsurface elevations of 214 feet and 389 feet (U.S. Survey Feet), inclusive, North American Vertical Datum of 1988, located in Dallas County, Texas, the boundary of which property being more particularly described in "Exhibit A", attached hereto and made a part hereof for all purposes.

SECTION 2. That the definitions, terms and conditions of Resolution No. 15-0857 shall remain in full force and effect except as amended hereby.

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

September 9, 2015

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

WHEREAS, on May 13, 2015, the Dallas City Council determined the necessity of acquiring a subsurface easement and authorized its appropriation and/or condemnation for public use by Resolution No. 15-0857; and

WHEREAS, on May 13, 2015, Resolution No. 15-0857 authorized acquisition of a subsurface easement of the PROPERTY located under approximately 10,702 square feet in area, lying between the subsurface elevations of 214 feet and 391 feet (U.S. Survey Feet), inclusive, North American Vertical Datum of 1988, located in Dallas County, Texas for the Mill Creek/Peaks Branch/State Thomas Drainage Relief Tunnel Project; and

WHEREAS, the City of Dallas desires to authorize the City Manager to modify the elevation reference for a subsurface easement from 214 feet and 391 feet to 214 feet and 389 feet (U.S. Survey Feet), inclusive, North American Vertical Datum of 1988;
NOW THEREFORE,

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

SECTION 1. That Resolution No. 15-0857, previously approved on May 13, 2015, is hereby amended by altering the definition of "PROPERTY", as follows:

"PROPERTY": Located under approximately 10,702 square feet in area, lying between the subsurface elevations of 214 feet and 389 feet (U.S. Survey Feet), inclusive, North American Vertical Datum of 1988, located in Dallas County, Texas, the boundary of which property being more particularly described in "Exhibit A", attached hereto and made a part hereof for all purposes.

SECTION 2. That the definitions, terms and conditions of Resolution No. 15-0857 shall remain in full force and effect except as amended hereby.

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

**FIELD NOTES DESCRIBING A 0.2457-ACRE (10,702-SQUARE-FOOT)
SUB-SURFACE DRAINAGE TUNNEL EASEMENT
CITY OF DALLAS DRAWING NO. 423R-54 (PARCEL 414)
PART OF CITY BLOCK 7/767, PEAK'S SUBURBAN ADDITION
JOHN GRIGSBY SURVEY, ABSTRACT NUMBER 495
CITY OF DALLAS, DALLAS COUNTY, TEXAS
FROM MSC-I, LTD.**

EXHIBIT A

BEING a 0.2457-acre (10,702-square-foot) tract of land situated in the City of Dallas and the John Grigsby Survey, Abstract Number 495, Dallas County, Texas, and being part of Block 7 (Official City of Dallas Block Number 7/767) of Peak's Suburban Addition, an addition to the City of Dallas recorded in Volume 45, Page 56 of the Deed Records of Dallas County, Texas, and being part of that certain tract of land conveyed to MSC-I, Ltd. as evidenced by Special Warranty Deed recorded in Volume 2001229, Page 3303 of the Deed Records of Dallas County, Texas, and being more particularly described as follows:

(NOTE: Subsurface easement corners are not monumented.)

BEGINNING in the northwest line of Gaston Avenue, a 70-foot right-of-way, and the southeast line of City Block 7/767 at the common east corner of said MSC-I tract and the south corner of that certain tract of land conveyed to North Peak Center, LLC as evidenced by Special Warranty Deed recorded in Instrument Number 200900037207 of the Official Public Records of Dallas County, Texas, having coordinates of N=6976551.0466, E=2498339.3488 (not monumented), from which an "X" cut in concrete found bears North 45 degrees 24 minutes 31 seconds West a distance of 0.63 feet;

THENCE South 44 degrees 24 minutes 29 seconds West along the common southeast line of said MSC-I tract, the northwest line of Gaston Avenue, and the southeast line of City Block 7/767 a distance of 83.47 feet, having coordinates of N=6976491.4229, E=2498280.9445 (not monumented);

THENCE North 75 degrees 10 minutes 00 seconds West departing the common southeast line of said MSC-I tract, the northwest line of Gaston Avenue, and the southeast line of City Block 7/767 over and across said MSC-I tract a distance of 18.27 feet to the southwest line of said MSC-I tract and the northeast line of that certain tract of land conveyed to East West Gaston Partners, LP as evidenced by Special Warranty Deed with Vendor's Lien recorded in Instrument Number 201200355919 of the Official Public Records of Dallas County, Texas, having coordinates of N=6976496.0987, E=2498263.2887 (not monumented), from which an "X" cut in concrete found bears South 45 degrees 30 minutes 20 seconds East a distance of 15.23 feet;

THENCE North 45 degrees 30 minutes 20 seconds West along the common southwest line of said MSC-I tract and northeast line of said East West Gaston Partners tract a distance of 181.87 feet, having coordinates N=6976623.5404, E=2498133.5785 (not monumented);

THENCE South 75 degrees 10 minutes 00 seconds East departing said common southwest line of said MSC-I tract and northeast line of said East West Gaston Partners tract, over and across, said MSC-I tract a distance of 186.94 feet to the common northeast line of said MSC-I tract and southwest line of said North Peak Center tract, having coordinates N=6976575.6883, E=2498314.2657 (not monumented);

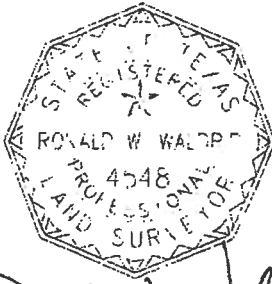
THENCE South 45 degrees 30 minutes 31 seconds East along the common northeast line of said MSC-I tract and southwest line of said North Peak Center tract a distance of 35.17 feet to the **POINT OF BEGINNING**;

**FIELD NOTES DESCRIBING A 0.2457-ACRE (10,702-SQUARE-FOOT)
SUB-SURFACE DRAINAGE TUNNEL EASEMENT
CITY OF DALLAS DRAWING NO. 423R-54 (PARCEL 414)
PART OF CITY BLOCK 7/767, PEAK'S SUBURBAN ADDITION
JOHN GRIGSBY SURVEY, ABSTRACT NUMBER 495
CITY OF DALLAS, DALLAS COUNTY, TEXAS
FROM MSC-I, LTD.**

EXHIBIT A

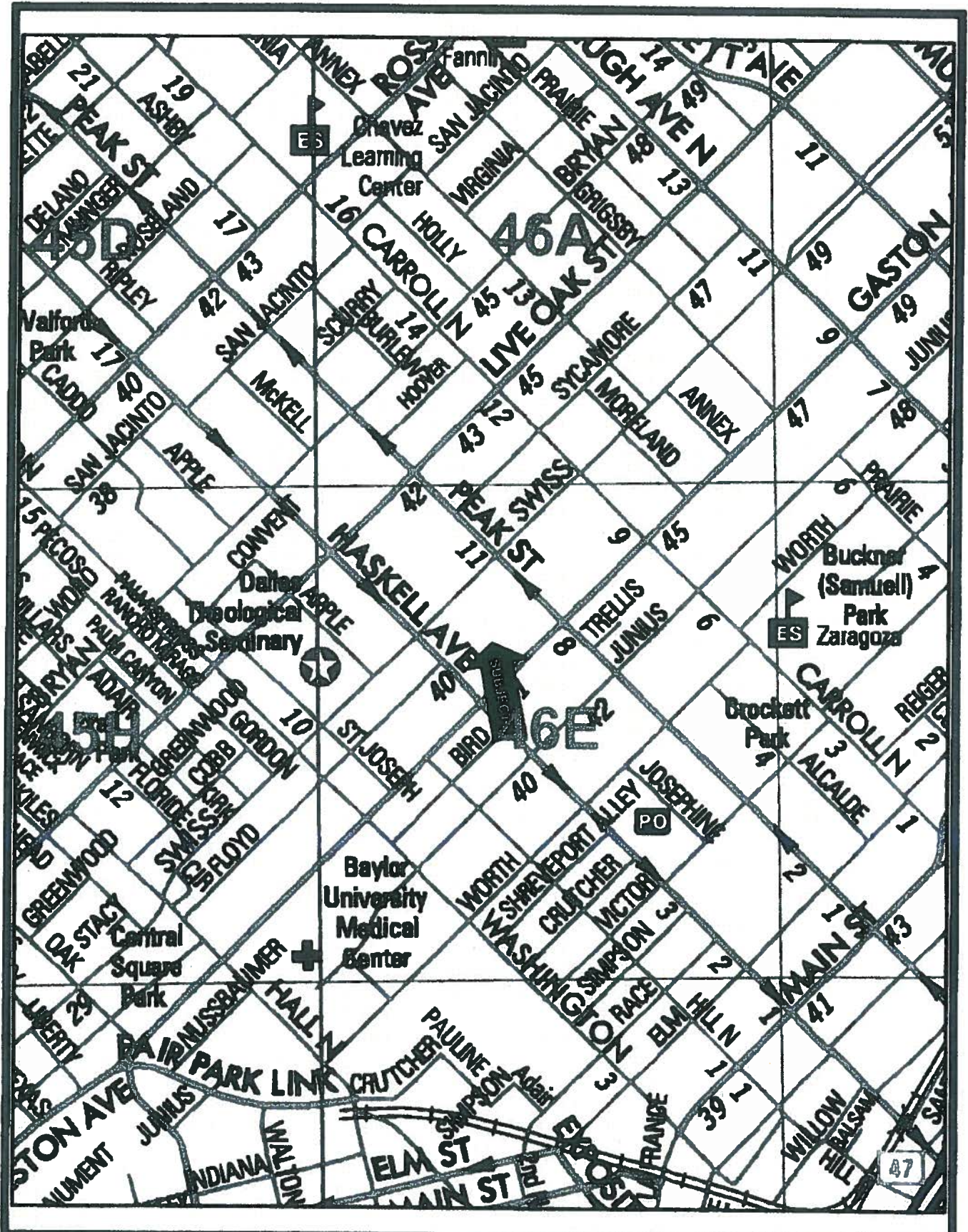
CONTAINING within the metes recited 0.2457 acre (10,702 square feet) of land, more or less.

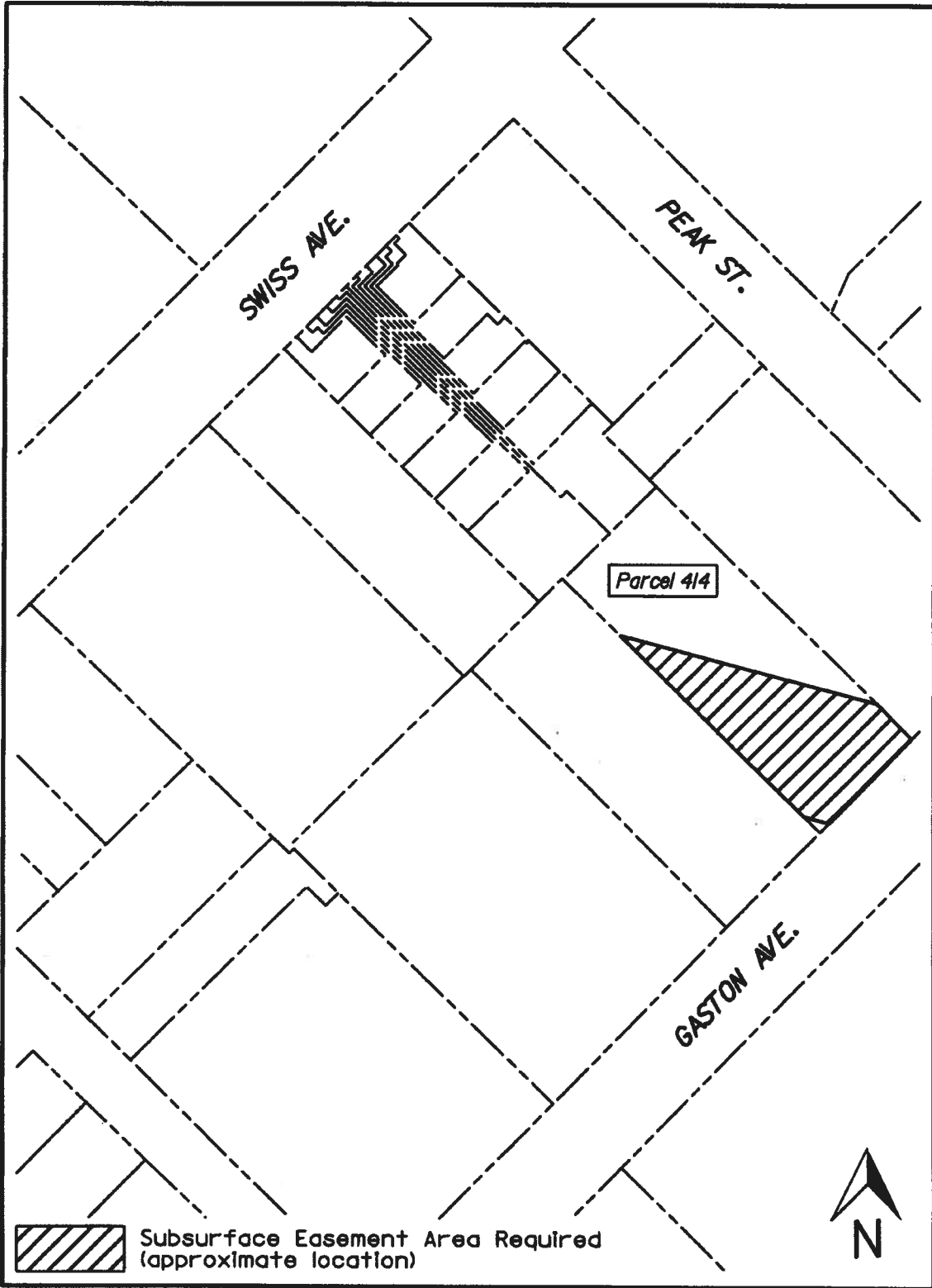
Basis of Bearing is the State Plane Coordinate System, Texas North Central Zone (4202), North American Datum of 1983. All coordinates are state plane on grid. All distances are surface distances. Surface Adjustment Scale Factor: 1.0001365060.



Ronald W. Waldrip 10/15/13

10/15/13





AGENDA ITEM # 25

KEY FOCUS AREA: Economic Vibrancy
AGENDA DATE: September 9, 2015
COUNCIL DISTRICT(S): 14
DEPARTMENT: Trinity Watershed Management
CMO: Mark McDaniel, 670-3256
MAPSCO: 45 G

SUBJECT

Authorize acquisition, including the exercise of the right of eminent domain, if such becomes necessary, from PATRONMARCHE, LLC, of a subsurface easement under approximately 519 square feet of land located on Flora Street near its intersection with Interstate Highway 345 for the Mill Creek/Peaks Branch/State Thomas Drainage Relief Tunnel Project – Not to exceed \$3,517 (\$1,817 plus closing costs and title expenses not to exceed \$1,700) - Financing: General Obligation Commercial Paper Funds

BACKGROUND

This item authorizes the acquisition of a subsurface easement located under approximately 519 square feet of land from PATRONMARCHE, LLC. This property is located on Flora Street near its intersection with Interstate Highway 345 and will be used for the Mill Creek/Peaks Branch/State Thomas Drainage Relief Tunnel Project. The consideration is based on an independent appraisal.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Information about this item will be provided to the Economic Development Committee on September 8, 2015.

FISCAL INFORMATION

2006 Bond Funds (General Obligation Commercial Paper Funds) - \$3,517 (\$1,817 plus closing costs and title expenses not to exceed \$1,700)

OWNER

PATRONMARCHE, LLC

Richard Andrew Ornsby, Manager

MAP

Attached

September 9, 2015

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": Located under approximately 519 square feet in area, lying between the subsurface elevations of 242 feet and 416 feet (U.S. Survey Feet), inclusive, North American Vertical Datum of 1988, located in Dallas County, Texas, the boundary of which property being more particularly described in "Exhibit A", attached hereto and made a part hereof for all purposes.

"PROJECT": Mill Creek/Peaks Branch/State Thomas Drainage Relief Tunnel Project

"USE": The below ground construction, installation, use, and maintenance of a deep tunnel for storage and transmission of storm drainage.

"PROPERTY INTEREST": Flood Control Tunnel Easement

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

"OFFER AMOUNT": \$1,817.00

"CLOSING COSTS AND TITLE EXPENSES": Not to exceed \$1,700.00

"AUTHORIZED AMOUNT": \$3,517.00

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.

September 9, 2015

SECTION 3. That for the purpose of acquiring the PROPERTY INTEREST in the PROPERTY, the Assistant Director of the Department of 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 Chief Financial Officer is authorized and directed to draw a warrant in favor of the OWNER, the then current owner of record, or the title company closing the transaction described herein in the OFFER AMOUNT payable out of 2006 Bond Funds: Fund No. 3T23, Department TWM, Unit T525, Activity SDRS, Program No. PB06T525, Object 4210, Encumbrance No. CT-PBW06T525H11, CLOSING COSTS AND TITLE EXPENSES payable out of 2006 Bond Funds (General Obligation Commercial Paper Funds): Fund No. 3T23, Department TWM, Unit T525, Activity SDRS, Program No. PB06T525, Object 4230, Encumbrance No. CT-PBW06T525H12. 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 the CLOSING COSTS AND TITLE EXPENSES. In the event of condemnation, the CITY will pay costs as may be assessed by the Special Commissioners or the court. Further, that 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 proceeding(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 proceedings or 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.

September 9, 2015

SECTION 10. That in the event the City Attorney files a condemnation proceeding because the OWNER refused to accept the OFFER AMOUNT; and in the event the special commissioners 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 deposit the award in the registry of the Court and to settle the condemnation proceeding, or if the condemnation proceeding becomes a lawsuit, the lawsuit, for an amount not to exceed the OFFER AMOUNT; and the Chief Financial Officer is hereby authorized to issue a check drawn on the previously described funds in an amount not to exceed the OFFER AMOUNT 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; and the Chief Financial Officer is hereby authorized to issue a check drawn on the previously described funds in an amount not to exceed \$1,700.00 for CLOSING COSTS AND TITLE EXPENSES in favor of the title company closing the transaction described herein. The Award, CLOSING COSTS AND TITLE EXPENSES together shall not exceed the AUTHORIZED AMOUNT.

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

September 9, 2015

SECTION 10. That in the event the City Attorney files a condemnation proceeding because the OWNER refused to accept the OFFER AMOUNT; and in the event the special commissioners 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 deposit the award in the registry of the Court and to settle the condemnation proceeding, or if the condemnation proceeding becomes a lawsuit, the lawsuit, for an amount not to exceed the OFFER AMOUNT; and the Chief Financial Officer is hereby authorized to issue a check drawn on the previously described funds in an amount not to exceed the OFFER AMOUNT 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; and the Chief Financial Officer is hereby authorized to issue a check drawn on the previously described funds in an amount not to exceed \$1,700.00 for CLOSING COSTS AND TITLE EXPENSES in favor of the title company closing the transaction described herein. The Award, CLOSING COSTS AND TITLE EXPENSES together shall not exceed the AUTHORIZED AMOUNT.

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

FIELD NOTES DESCRIBING A 519 SQUARE FOOT (0.0119 ACRE)
SUB-SURFACE DRAINAGE TUNNEL EASEMENT
CITY OF DALLAS DRAWING NO. 423R-54 (PARCEL 541)
TO BE ACQUIRED IN CITY OF DALLAS BLOCK 595
JOHN GRIGSBY SURVEY, ABSTRACT NUMBER 495
CITY OF DALLAS, DALLAS COUNTY, TEXAS
FROM PATRONMARCHE, L.L.C.

EXHIBIT A

BEING a 519 square foot (0.0119 acre) unplatted tract of land situated in the John Grigsby Survey, Abstract No. 495, in City Block 595 of the City of Dallas, Dallas County, Texas, and being part of that called 3,958 square foot tract of land described as Tract 3 in Special Warranty Deed (with Vendor's Lien) to Patronmarche, L.L.C. recorded in Instrument Number 200600195976 of the Official Public Records of Dallas County, Texas, and being more particularly described as follows:

(Note: Subsurface easement corners are not monumented.)

BEGINNING on the southeast right-of-way line of Flora Street (a variable width right-of-way, 46.3 feet wide at this point) at the north corner of said Tract 3 having coordinates of N=6976393.8745 E=2493384.7535 (not monumented) and west corner of that called 0.2544 acre unplatted tract of land described in General Warranty Deed to Stuart Crow recorded in Instrument Number 200600247127 of said Official Public Records;

THENCE South 45 degrees 28 minutes 07 seconds East, with the northeasterly line of said Tract 3 and the southwesterly line of said called 0.2544 acre tract, 34.00 feet to the point of curvature having coordinates of N=6976370.1019, E=2493408.4144 (not monumented) of a non-tangent circular curve to the right having a central angle of 01 degree 26 minutes 54 seconds, a radius of 1,445.00 feet, a tangent of 18.26 feet and a chord which bears North 88 degrees 39 minutes 42 seconds West 36.53 feet;

THENCE Westerly, departing said northeasterly line of said Tract 3 and said southwesterly line of said called 0.2544 acre tract and across said Tract 3 with said curve to the right, an arc distance of 36.53 feet to the end of said curve having coordinates of N=6976370.9549, E=2493371.9043 (not monumented), said end of curve being on the southwesterly line of said Tract 3 and northeasterly line of that called 3,960 square foot tract of land described as Tract 1 in said Special Warranty Deed (with Vendor's Lien) to Patronmarche, L.L.C. recorded in Instrument Number 200600195976 of said Official Public Records;

THENCE North 45 degrees 28 minutes 08 seconds West, with said southwesterly line of said Tract 3 and said northeasterly line of Tract 1, 7.29 feet to the west corner having coordinates of N=6976376.0651, E=2493366.7098 (not monumented) of said Tract 3 and north corner of said Tract 1, said corner being on said southeast right-of-way line of Flora Street;



FIELD NOTES DESCRIBING A 519 SQUARE FOOT (0.0119 ACRE)
SUB-SURFACE DRAINAGE TUNNEL EASEMENT
CITY OF DALLAS DRAWING NO. 423R-54 (PARCEL 541)
TO BE ACQUIRED IN CITY OF DALLAS BLOCK 595
JOHN GRIGSBY SURVEY, ABSTRACT NUMBER 495
CITY OF DALLAS, DALLAS COUNTY, TEXAS
FROM PATRONMARCHE, L.L.C.

EXHIBIT A

THENCE North 44 degrees 21 minutes 01 second East, departing said southwesterly line of said Tract 3 and said northeasterly line of Tract 1, and with said southeast right-of-way line of Flora Street and the northwesterly line of said Tract 3, 25.00 feet to the POINT OF BEGINNING and containing 519 square feet (0.0119 acre) of land, more or less.

Basis of Bearing is the State Plane Coordinate System, Texas North Central Zone (4202), North American Datum of 1983. All coordinates are state plane on grid. All distances are surface distances. Surface Adjustment Scale Factor: 1.000136506

For Nathan D. Maier Consulting Engineers, Inc.



Gary W. Matthews
Registered Professional Land Surveyor
Texas No. 5534 9-13-2013



Page 2 of 3



FIELD NOTES APPROVED:

DER 11/20/13

EXHIBIT A

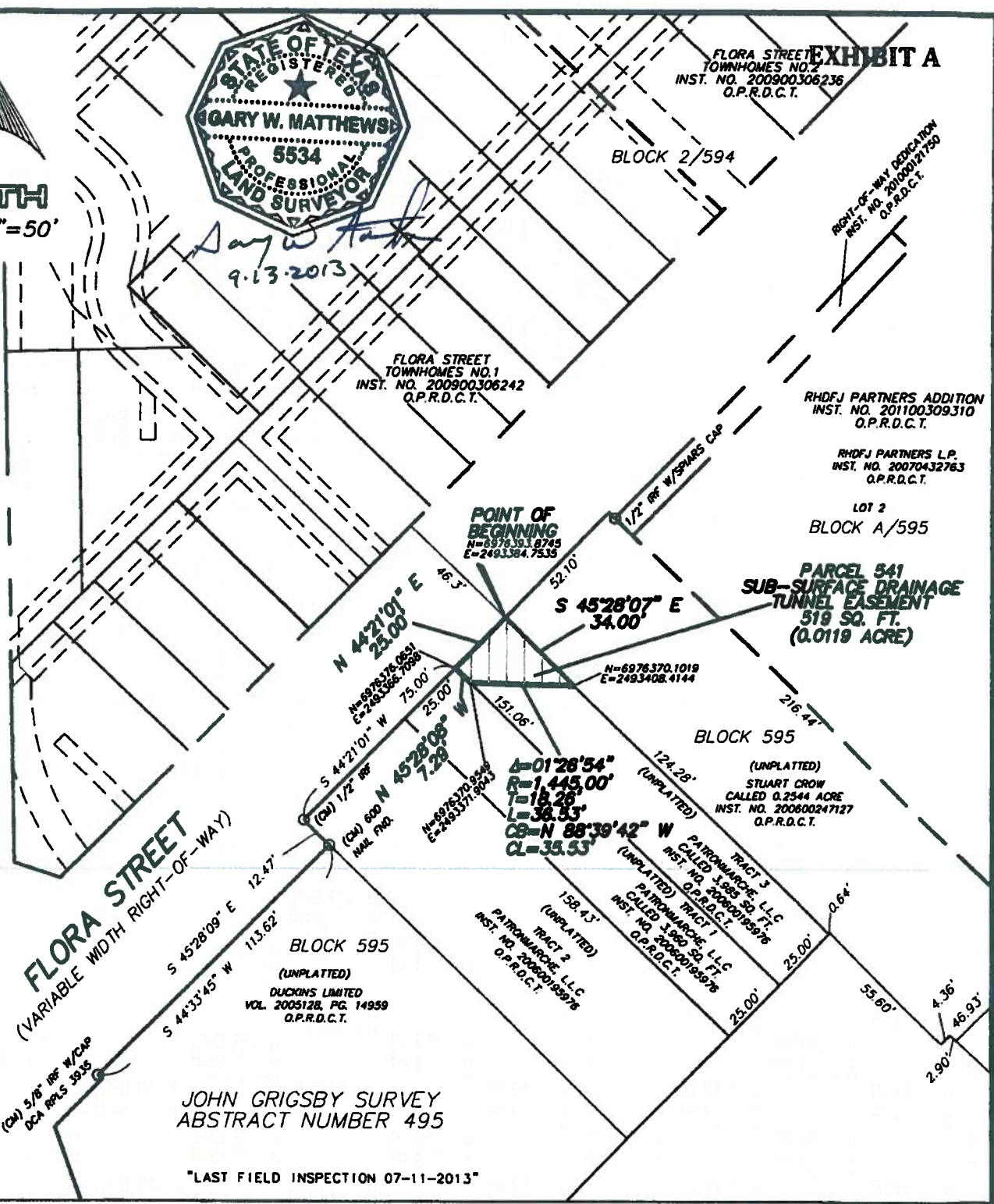


NORTH
SCALE: 1"=50'



9.13.2013

**I.H. SPUR 345
NORTH CENTRAL EXPRESSWAY
(U.S. HWY 75)**
(VARIABLE WIDTH RIGHT-OF-WAY)



FLORA STREET TOWNHOMES NO. 2
INST. NO. 200900306236
O.P.R.D.C.T.

BLOCK 2/594

RIGHT-OF-WAY DEDICATION
INST. NO. 20100021750
O.P.R.D.C.T.

FLORA STREET TOWNHOMES NO. 1
INST. NO. 200900306242
O.P.R.D.C.T.

RHDFJ PARTNERS ADDITION
INST. NO. 201100309310
O.P.R.D.C.T.

RHDFJ PARTNERS L.P.
INST. NO. 20070432763
O.P.R.D.C.T.

LOT 2
BLOCK A/595

**PARCEL 541
SUB-SURFACE DRAINAGE
TUNNEL EASEMENT
319 SQ. FT.
(0.0119 ACRE)**

POINT OF BEGINNING
N=6976393.8745
E=2493384.7535

1/2" IRF W/SPARS CAP

N 44°21'01" E
25.00'

S 45°28'07" E
34.00'

N=6976370.1019
E=2493408.4144

N=6976376.0851
E=2493386.7886

S 44°21'01" W 75.00'

N 45°28'08" W
7.28'

Δ=01°28'34"
R=1,445.00'
T=18.28'
L=38.53'
CB=N 88°39'42" W
CL=35.53'

BLOCK 595

(UNPLATTED)
STUART CROW
CALLED Q.2544 ACRE
INST. NO. 200600247127
O.P.R.D.C.T.

TRACT 3
CALLED 3,585 SQ. FT.
INST. NO. 200601059978
O.P.R.D.C.T.

TRACT 1
CALLED 3,580 SQ. FT.
INST. NO. 200601059978
O.P.R.D.C.T.

TRACT 2
CALLED 3,580 SQ. FT.
INST. NO. 200601059978
O.P.R.D.C.T.

FLORA STREET
(VARIABLE WIDTH RIGHT-OF-WAY)

BLOCK 595

(UNPLATTED)
DUCKINS LIMITED
VOL. 2005128, PG. 14959
O.P.R.D.C.T.

**JOHN GRIGSBY SURVEY
ABSTRACT NUMBER 495**

"LAST FIELD INSPECTION 07-11-2013"

NOTE: SUBSURFACE EASEMENT CORNERS ARE NOT MONUMENTED.

Basis of Bearing is the State Plane Coordinate System, Texas North Central Zone (4202), North American Datum of 1983. All coordinates are state plane on grid. All distances are surface distances. Surface Adjustment Scale Factor: 1.0001365060.

LEGEND	
D.R.D.C.T.	DEED RECORDS OF DALLAS COUNTY, TEXAS
M.R.D.C.T.	MAP RECORDS OF DALLAS COUNTY, TEXAS
O.P.R.D.C.T.	OFFICIAL PUBLIC RECORDS OF DALLAS COUNTY, TEXAS
INST. NO.	INSTRUMENT NUMBER
VOL., PG.	VOLUME, PAGE
ESMT.	EASEMENT
SQ. FT.	SQUARE FEET
---	RIGHT-OF-WAY LINE
- - - -	EASEMENT LINE
---	SUBDIVISION LINE
---	PROPERTY LINE
IRF	IRON ROD FOUND
IPF	IRON PIPE FOUND
CM	CONTROLLING MONUMENT
FPK	FOUND PK NAIL
FX	FOUND "X"

519 SQ. FT. (0.0119 ACRE) SUB-SURFACE DRAINAGE TUNNEL EASEMENT CITY OF DALLAS DRAWING NO. 423R-54 (PARCEL 541) TO BE ACQUIRED IN CITY OF DALLAS BLOCK 595, JOHN GRIGSBY SURVEY, ABSTRACT NUMBER 495 CITY OF DALLAS, DALLAS COUNTY, TEXAS. FROM PATRONMARCHE, L.L.C.

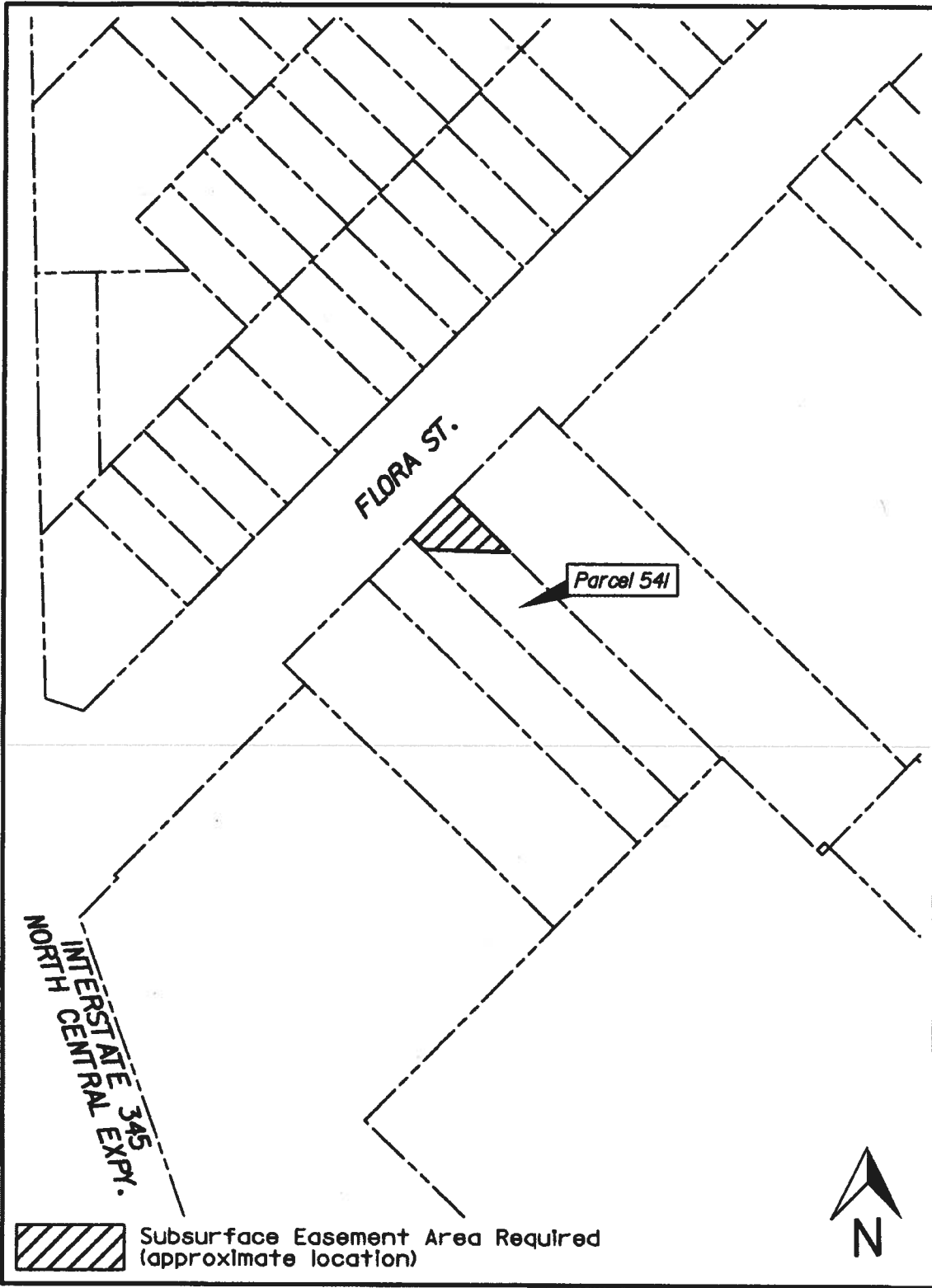


NATHAN D. MAIER
CONSULTING ENGINEERS, INC.
TBPE FIRM REG. NO. F-356
TBPLS FIRM REG. NO. 100189-00

Two Northpark / 8080 Park Lane / Suite 600
Dallas, Texas 75251 / (214) 799-4743

09/13/2013

PARCEL-541.DWG



Subsurface Easement Area Required (approximate location)



AGENDA ITEM # 26

KEY FOCUS AREA: Economic Vibrancy
AGENDA DATE: September 9, 2015
COUNCIL DISTRICT(S): 14
DEPARTMENT: Trinity Watershed Management
CMO: Mark McDaniel, 670-3256
MAPSCO: 45 G

SUBJECT

Authorize acquisition, including the exercise of the right of eminent domain, if such becomes necessary, from Post Apartment Homes, L.P., of a subsurface easement under approximately 3,811 square feet of land located on Woodall Rodgers Freeway at its intersection with Maple-Routh Connection for the Mill Creek/Peaks Branch/State Thomas Drainage Relief Tunnel Project – Not to exceed \$72,598 (\$68,598 plus closing costs and title expenses not to exceed \$4,000) - Financing: 2006 Bond Funds

BACKGROUND

This item authorizes the acquisition of a subsurface easement located under approximately 3,811 square feet of land from Post Apartment Homes, L.P. This property is located on Woodall Rodgers Freeway at its intersection with Maple-Routh Connection and will be used for the Mill Creek/Peaks Branch/State Thomas Drainage Relief Tunnel Project. The consideration is based on an independent appraisal.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Information about this item will be provided to the Economic Development Committee on September 8, 2015.

FISCAL INFORMATION

2006 Bond Funds - \$72,598 (\$68,598 plus closing costs and title expenses not to exceed \$4,000)

OWNER

Post Apartment Homes, L.P.

Post GP Holdings, Inc., Sole General Partner
David P. Stockert, President

MAP

Attached

September 9, 2015

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": Located under approximately 3,811 square feet in area, lying between the subsurface elevations of 252 feet and 426 feet (U.S. Survey Feet), inclusive, North American Vertical Datum of 1988, located in Dallas County, Texas, the boundary of which property being more particularly described in "Exhibit A", attached hereto and made a part hereof for all purposes.

"PROJECT": Mill Creek/Peaks Branch/State Thomas Drainage Relief Tunnel Project

"USE": The below ground construction, installation, use, and maintenance of a deep tunnel for storage and transmission of storm drainage.

"PROPERTY INTEREST": Flood Control Tunnel Easement

"OWNER": Post Apartment Homes, L.P., 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": \$68,598.00

"CLOSING COSTS AND TITLE EXPENSES": Not to exceed \$4,000.00

"AUTHORIZED AMOUNT": \$72,598.00

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.

September 9, 2015

SECTION 3. That for the purpose of acquiring the PROPERTY INTEREST in the PROPERTY, the Assistant Director of the Department of 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 Chief Financial Officer is authorized and directed to draw a warrant in favor of the OWNER, the then current owner of record, or the title company closing the transaction described herein in the OFFER AMOUNT payable out of 2006 Bond Funds: Fund No. 1T23, Department TWM, Unit T525, Activity SDRS, Program No. PB06T525, Object 4210, Encumbrance No. CT-PBW06T525G58, CLOSING COSTS AND TITLE EXPENSES payable out of 2006 Bond Funds: Fund No. 1T23, Department TWM, Unit T525, Activity SDRS, Program No. PB06T525, Object 4230, Encumbrance No. CT-PBW06T525G59. 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 the CLOSING COSTS AND TITLE EXPENSES. In the event of condemnation, the CITY will pay costs as may be assessed by the Special Commissioners or the court. Further, that 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 proceeding(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 proceedings or 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.

September 9, 2015

SECTION 10. That in the event the City Attorney files a condemnation proceeding because the OWNER refused to accept the OFFER AMOUNT; and in the event the special commissioners 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 deposit the award in the registry of the Court and to settle the condemnation proceeding, or if the condemnation proceeding becomes a lawsuit, the lawsuit, for an amount not to exceed the OFFER AMOUNT; and the Chief Financial Officer is hereby authorized to issue a check drawn on the previously described funds in an amount not to exceed the OFFER AMOUNT 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; and the Chief Financial Officer is hereby authorized to issue a check drawn on the previously described funds in an amount not to exceed \$4,000.00 for CLOSING COSTS AND TITLE EXPENSES in favor of the title company closing the transaction described herein. The Award, CLOSING COSTS AND TITLE EXPENSES together shall not exceed the AUTHORIZED AMOUNT.

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

September 9, 2015

SECTION 10. That in the event the City Attorney files a condemnation proceeding because the OWNER refused to accept the OFFER AMOUNT; and in the event the special commissioners 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 deposit the award in the registry of the Court and to settle the condemnation proceeding, or if the condemnation proceeding becomes a lawsuit, the lawsuit, for an amount not to exceed the OFFER AMOUNT; and the Chief Financial Officer is hereby authorized to issue a check drawn on the previously described funds in an amount not to exceed the OFFER AMOUNT 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; and the Chief Financial Officer is hereby authorized to issue a check drawn on the previously described funds in an amount not to exceed \$4,000.00 for CLOSING COSTS AND TITLE EXPENSES in favor of the title company closing the transaction described herein. The Award, CLOSING COSTS AND TITLE EXPENSES together shall not exceed the AUTHORIZED AMOUNT.

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

FIELD NOTES DESCRIBING A 3,811 SQUARE FOOT (0.0875 ACRE)
SUB-SURFACE DRAINAGE TUNNEL EASEMENT
CITY OF DALLAS DRAWING NO. 423R-54 (PARCEL 525)
TO BE ACQUIRED IN CITY OF DALLAS BLOCK G/558
PART OF LOT 1, UPTOWN VILLAGE
JOHN GRIGSBY SURVEY, ABSTRACT NUMBER 495
CITY OF DALLAS, DALLAS COUNTY, TEXAS
FROM POST APARTMENT HOMES, L.P.

EXHIBIT A

BEING a 3,811 square foot (0.0875 acre) tract of land situated in the John Grigsby Survey, Abstract No. 495, in City Block G/558 of the City of Dallas, Dallas County, Texas, and being part of that tract of land described as Tract 1 in Release of Lien to Post Apartment Homes, L.P. recorded in Instrument Number 200900131878 of the Official Public Records of Dallas County, Texas, and being part of Lot 1 of said Block G/558, Uptown Village, an addition to the City of Dallas recorded in Volume 93246, Page 5500 of the Deed Records of Dallas County, Texas, and being more particularly described as follows:

(Note: Subsurface easement corners are not monumented.)

BEGINNING at the most easterly corner of said Lot 1, Block G/558 having coordinates of N=6975856.7496, E=2491674.2075 (not monumented), same being the intersection of the northwesterly right-of-way line of State Highway Spur 366, Woodall Rodgers Freeway (a variable width right-of-way) with the northeasterly line of a 4.5 foot wide Drainage, Utility, Sidewalk and Street Easement as shown on the plat of said Uptown Village, same being the southwesterly line of a 45 foot wide right-of-way dedication for Columbus Street as shown on said plat of Uptown Village, together with an additional 4.5 foot wide Drainage, Utility, Sidewalk and Street Easement adjoining the northeasterly line of said 45 foot wide right-of-way dedication for a total effective width of 54.00 feet;

THENCE South 52 degrees 00 minutes 07 seconds West, departing said northeasterly line of said 4.5 foot wide Drainage, Utility, Sidewalk and Street Easement and said southwesterly line of said 45 foot wide right-of-way dedication and continuing with said southeasterly line of Lot 1, Block G/558 and said northwesterly right-of-way line of State Highway Spur 366, Woodall Rodgers Freeway, at a distance of 14.63 feet passing the intersection of the southwesterly line of said 4.5 foot wide Drainage, Utility, Sidewalk and Street Easement with said northwesterly right-of-way line of State Highway Spur 366, Woodall Rodgers Freeway, and continuing with said southeasterly line of Lot 1, Block G/558 and said northwesterly right-of-way line of State Highway Spur 366, Woodall Rodgers Freeway for a total of 180.44 feet to the most easterly corner of a dedication for street purposes by the plat of Chandler/Commodore, an addition to the City of Dallas recorded in Volume 85189, Page 5363 of the Deed Records of Dallas County, Texas, said easterly corner being the intersection of said northwesterly right-of-way line of State Highway Spur 366, Woodall Rodgers Freeway with the northerly right-of-way line of Maple-Routh Connection (a variable width right-of-way) having coordinates of N=6975745.6767, E=2491532.0309 (not monumented);

THENCE South 82 degrees 53 minutes 10 seconds West, departing said northwesterly right-of-way line of State Highway Spur 366, Woodall Rodgers Freeway and continuing with the southeasterly line of said Lot 1, Block G/558 and said northerly right-of-way line of Maple-Routh Connection, same being the northerly line of said dedication for street purposes, 8.44 feet to the point of curvature having coordinates of N=6975744.6317, E=2491523.6571 (not monumented) of a non-tangent circular curve to the left having a central angle of 03 degrees 06 minutes 20 seconds, a radius of 711.03 feet, a tangent of 19.27 feet and a chord which bears North 68 degrees 07 minutes 13 seconds West 38.53 feet;



FIELD NOTES APPROVED:

12/14/15

FIELD NOTES DESCRIBING A 3,811 SQUARE FOOT (0.0875 ACRE)
SUB-SURFACE DRAINAGE TUNNEL EASEMENT
CITY OF DALLAS DRAWING NO. 423R-54 (PARCEL 525)
TO BE ACQUIRED IN CITY OF DALLAS BLOCK G/558
PART OF LOT 1, UPTOWN VILLAGE
JOHN GRIGSBY SURVEY, ABSTRACT NUMBER 495
CITY OF DALLAS, DALLAS COUNTY, TEXAS
FROM POST APARTMENT HOMES, L.P.

EXHIBIT A

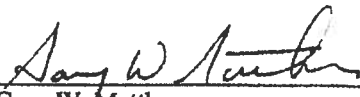
THENCE Northwesterly, departing said southeasterly line of Lot 1, Block G/558 and with the southwesterly line of Lot 1, Block G/558, said northerly right-of-way line of Maple-Routh Connection, said northerly line of said dedication for street purposes and said curve to the left for an arc distance of 38.54 feet to the end of said curve having coordinates of N=6975758.9897, E=2491487.9040 (not monumented), same being the beginning of a non-tangent circular curve to the left having a central angle of 08 degrees 11 minutes 46 seconds, a radius of 1,455.00 feet, a tangent of 104.24 feet and a chord which bears North 60 degrees 04 minutes 03 seconds East 207.96 feet;

THENCE Northeasterly, departing said southwesterly line of Lot 1, Block G/558, said northerly right-of-way line of Maple-Routh Connection and said northerly line of said dedication for street purposes and over and across said Lot 1, Block G/558 with said curve to the left, at an arc distance of 202.41 feet passing the southwesterly line of said 4.5 foot wide Drainage, Utility, Sidewalk and Street Easement and said effective southwesterly right-of-way line of Columbus Street, and continuing over and across said Lot 1, Block G/558 with said curve to the left for a total arc distance of 208.13 feet to the end of said curve having coordinates of N=6975862.7414, E=2491668.0964 (not monumented), said end of curve being on the northeasterly line of said 4.5 foot wide Drainage, Utility, Sidewalk and Street Easement and said southwesterly line of said 45 foot wide right-of-way dedication;

THENCE South 45 degrees 33 minutes 53 seconds East, with said northeasterly line of said Drainage, Utility, Sidewalk and Street Easement and said southwesterly line of said 45 foot wide right-of-way dedication, 8.56 feet to the POINT OF BEGINNING and containing 3,811 square feet (0.0875 acre) of land, more or less, of which 89 square feet is in a Drainage, Utility, Sidewalk and Street Easement, leaving a net area of 3,722 square feet (0.0854 acre), more or less.

Basis of Bearings is the State Plane Coordinate System, Texas North Central Zone (4202), North American Datum of 1983. All coordinates are state plane on grid. All distances are surface distances. Surface Adjustment Scale Factor: 1.000136506

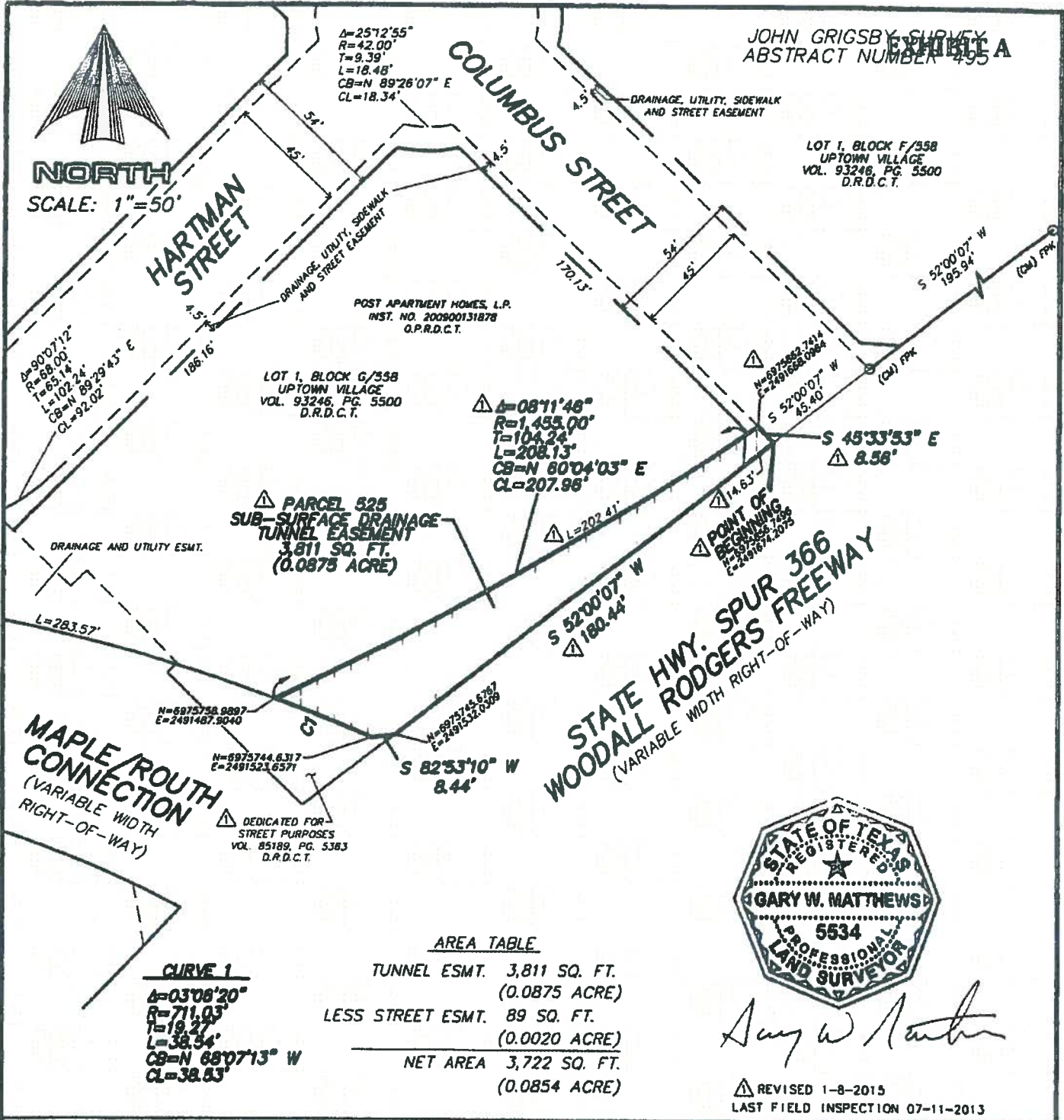
For Nathan D. Maier Consulting Engineers, Inc.


Gary W. Matthews
Registered Professional Land Surveyor
Texas No. 5534
1-8-2015



1 - Revised metes and bounds, coordinates and area 1-8-2015

JOHN GRIGSBY SURVEY
ABSTRACT NUMBER 495
EXHIBIT A



Gary W. Matthews

REVISSED 1-8-2015
LAST FIELD INSPECTION 07-11-2013

NOTE: SUBSURFACE EASEMENT CORNERS ARE NOT MONUMENTED.

Basis of Bearing is the State Plane Coordinate System, Texas North Central Zone (4202), North American Datum of 1983. All coordinates are state plane on grid. All distances are surface distances. Surface Adjustment Scale Factor: 1.0001365060.

LEGEND	
D.R.D.C.T.	DEED RECORDS OF DALLAS COUNTY, TEXAS
M.R.D.C.T.	MAP RECORDS OF DALLAS COUNTY, TEXAS
O.P.R.D.C.T.	OFFICIAL PUBLIC RECORDS OF DALLAS COUNTY, TEXAS
INST. NO.	INSTRUMENT NUMBER
VOL., PG.	VOLUME, PAGE
ESMT.	EASEMENT
SQ. FT.	SQUARE FEET
---	RIGHT-OF-WAY LINE
- - - -	EASEMENT LINE
---	SUBDIVISION LINE
—●—	PROPERTY LINE
IRF	IRON ROD FOUND
IPF	IRON PIPE FOUND
CM	CONTROLLING MONUMENT
FPK	FOUND P.K. MAIL
FX	FOUND "X"

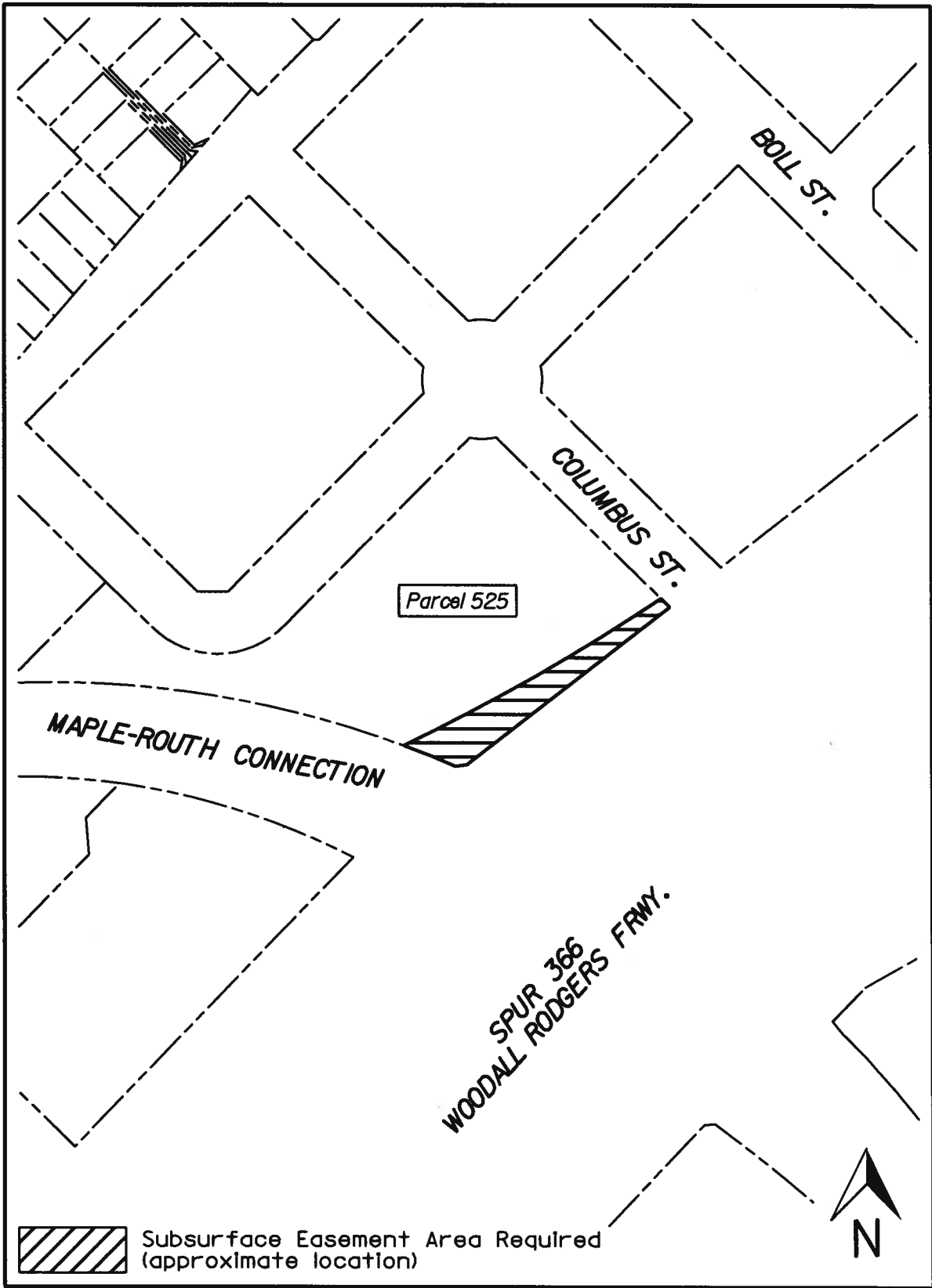
3,811 SQ. FT. (0.0875 ACRE) SUB-SURFACE DRAINAGE TUNNEL EASEMENT CITY OF DALLAS DRAWING NO. 423R-54 (PARCEL 525) TO BE ACQUIRED IN CITY OF DALLAS BLOCK G/558, PART OF LOT 1, UPTOWN VILLAGE, JOHN GRIGSBY SURVEY, ABSTRACT NUMBER 495 CITY OF DALLAS, DALLAS COUNTY, TEXAS FROM POST APARTMENT HOMES, L.P.

NDM NATHAN D. MAIER
CONSULTING ENGINEERS, INC.
TBE FIRM REG. NO. F-356
TBPLS FIRM REG. NO. 100189-00

Two Northpark / 8050 Park Lane / Suite 600
Dallas, Texas 75231 / (214) 739-4741

1/8/2015

PARCEL-525.DWG



Subsurface Easement Area Required
(approximate location)



AGENDA ITEM # 27

KEY FOCUS AREA: Economic Vibrancy
AGENDA DATE: September 9, 2015
COUNCIL DISTRICT(S): 14
DEPARTMENT: Trinity Watershed Management
CMO: Mark McDaniel, 670-3256
MAPSCO: 45D

SUBJECT

Authorize acquisition, including the exercise of the right of eminent domain, if such becomes necessary, from San Jacinto Urban Lofts, L.P., of three subsurface easements under a total of approximately 2,304 square feet of land located on San Jacinto Street near its intersection with Caddo Street for the Mill Creek/Peaks Branch/State Thomas Drainage Relief Tunnel Project - Not to exceed \$10,525 (\$8,525 plus closing costs and title expenses not to exceed \$2,000) - Financing: General Obligation Commercial Paper Funds

BACKGROUND

This item authorizes the acquisition of three subsurface easements located under a total of approximately 2,304 square feet of land from San Jacinto Urban Lofts, L.P. This property is located on San Jacinto Street near its intersection with Caddo Street and will be used for the Mill Creek/Peaks Branch/ State Thomas Drainage Relief Tunnel Project. The consideration is based on an independent appraisal.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Information about this item will be provided to the Economic Development Committee on September 8, 2015.

FISCAL INFORMATION

2006 Bond Program (General Obligation Commercial Paper Funds) - \$10,525 (\$8,525 plus closing costs and title expenses not to exceed \$2,000)

OWNER

San Jacinto Urban Lofts, L.P.

MAP

Attached

September 9, 2015

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": Parcel 500a - Located under approximately 577 square feet in area, lying between the subsurface elevations of 229 feet and 402 feet (U.S. Survey Feet), inclusive, North American Vertical Datum of 1988, located in Dallas County, Texas, the boundary of which property being more particularly described in "Exhibit A", attached hereto and made a part hereof for all purposes.

Parcel 500b - Located under two tracts containing a total of approximately 1,481 square feet in area, lying between the subsurface elevations of 229 feet and 404 feet (U.S. Survey Feet), inclusive, North American Vertical Datum of 1988, located in Dallas County, Texas, the boundary of which property being more particularly described in "Exhibit A", attached hereto and made a part hereof for all purposes.

Parcel 500c - Located under approximately 246 square feet in area, lying between the subsurface elevations of 230 feet and 403 feet (U.S. Survey Feet), inclusive, North American Vertical Datum of 1988, located in Dallas County, Texas, the boundary of which property being more particularly described in "Exhibit A", attached hereto and made a part hereof for all purposes.

"PROJECT": Mill Creek/Peaks Branch/State Thomas Drainage Relief Tunnel Project

"USE": The below ground construction, installation, use, and maintenance of a deep tunnel for storage and transmission of storm drainage.

"PROPERTY INTEREST": Flood Control Tunnel Easement

"OWNER": San Jacinto Urban Lofts, L.P., 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.

September 9, 2015

"OFFER AMOUNT": \$8,525.00

"CLOSING COSTS AND TITLE EXPENSES": Not to exceed \$2,000.00

"AUTHORIZED AMOUNT": \$10,525.00

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.

SECTION 3. That for the purpose of acquiring the PROPERTY INTEREST in the PROPERTY, the Assistant Director of the Department of 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 Chief Financial Officer is authorized and directed to draw a warrant in favor of the OWNER, the then current owner of record, or the title company closing the transaction described herein in the OFFER AMOUNT payable out of 2006 Bond Funds: Fund No. 3T23, Department TWM, Unit T525, Activity SDRS, Program No. PB06T525, Object 4210, Encumbrance No. CT-PBW06T525H15, CLOSING COSTS AND TITLE EXPENSES payable out of 2006 Bond Funds: Fund No. 3T23, Department TWM, Unit T525, Activity SDRS, Program No. PB06T525, Object 4230, Encumbrance No. CT-PBW06T52H16. 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 the CLOSING COSTS AND TITLE EXPENSES. In the event of condemnation, the CITY will pay costs as may be assessed by the Special Commissioners or the court. Further, that 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 proceeding(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.

September 9, 2015

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 proceedings or 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.

SECTION 10. That in the event the City Attorney files a condemnation proceeding because the OWNER refused to accept the OFFER AMOUNT; and in the event the special commissioners 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 deposit the award in the registry of the Court and to settle the condemnation proceeding, or if the condemnation proceeding becomes a lawsuit, the lawsuit, for an amount not to exceed the OFFER AMOUNT; and the Chief Financial Officer is hereby authorized to issue a check drawn on the previously described funds in an amount not to exceed the OFFER AMOUNT 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; and the Chief Financial Officer is hereby authorized to issue a check drawn on the previously described funds in an amount not to exceed \$2,000.00 for CLOSING COSTS AND TITLE EXPENSES in favor of the title company closing the transaction described herein. The Award, CLOSING COSTS AND TITLE EXPENSES together shall not exceed the AUTHORIZED AMOUNT.

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

September 9, 2015

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 proceedings or 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.

SECTION 10. That in the event the City Attorney files a condemnation proceeding because the OWNER refused to accept the OFFER AMOUNT; and in the event the special commissioners 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 deposit the award in the registry of the Court and to settle the condemnation proceeding, or if the condemnation proceeding becomes a lawsuit, the lawsuit, for an amount not to exceed the OFFER AMOUNT; and the Chief Financial Officer is hereby authorized to issue a check drawn on the previously described funds in an amount not to exceed the OFFER AMOUNT 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; and the Chief Financial Officer is hereby authorized to issue a check drawn on the previously described funds in an amount not to exceed \$2,000.00 for CLOSING COSTS AND TITLE EXPENSES in favor of the title company closing the transaction described herein. The Award, CLOSING COSTS AND TITLE EXPENSES together shall not exceed the AUTHORIZED AMOUNT.

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 Christopher C. Ernst
Assistant City Attorney

**FIELD NOTES DESCRIBING A 0.0132-ACRE (577-SQUARE-FOOT)
SUB-SURFACE DRAINAGE TUNNEL EASEMENT
CITY OF DALLAS DRAWING NO. 423R-54 (PARCEL 500a)
PART OF THE COMMON AREA, CITY BLOCK 2/642 OF SAN JACINTO LOFTS II ADDITION
JOHN GRIGSBY SURVEY, ABSTRACT NUMBER 495
CITY OF DALLAS, DALLAS COUNTY, TEXAS
FROM SAN JACINTO URBAN LOFTS, L.P.**

BEING a 0.0132-acre (577-square-foot) tract of land situated in the City of Dallas and the John Grigsby Survey, Abstract Number 495, Dallas County, Texas, and being part of the Common Area (Official City of Dallas Block Number 2/642) of the San Jacinto Lofts II Addition, an addition to the City of Dallas recorded in Instrument 200600353458 of the Official Public Records of Dallas County, Texas and being part of that certain tract of land conveyed to San Jacinto Urban Lofts, L.P. as evidenced by General Warranty Deed with Vendor's Lien recorded in Instrument Number 200600118439 of the Official Public Records of Dallas County, Texas, and being more particularly described as follows:

(NOTE: Subsurface easement corners are not monumented.)

BEGINNING at an "X" cut in concrete (controlling monument) found at the intersection of the northeast line of Caddo Street, a 50-foot right-of-way, and the northwest line of San Jacinto Street, a variable width right-of-way, for the south corner of said Common Area of the San Jacinto Lofts II Addition having coordinates of N=6977654.9144, E=2495703.2947;

THENCE North 45 degrees 53 minutes 12 seconds West along the common northeast line of Caddo Street, southwest line of City Block 2/642 and southwest line of said Common Area a distance of 15.00 feet to a 1/2-inch iron rod found (controlling monument) for the west corner of said Common Area and the south corner of Lot 19A, City Block 2/642 of the San Jacinto Lofts II Addition, having coordinates of N=6977665.3542, E=2495692.5267;

THENCE North 44 degrees 04 minutes 37 seconds East departing the common northeast line of Caddo Street and southwest line of City Block 2/642 along the common southeast line of Lot 19A, northwest line of said Common Area, over and across City Block 2/642 a distance of 30.32 feet to the beginning of a non-tangent curve to the right, having coordinates of N=6977687.1315, E=2495713.6134 (not monumented);

THENCE departing the common southeast line of Lot 19A and northwest line of said Common Area, over and across said Common Area, along said curve to the right having a central angle of 00 degrees 52 minutes 30 seconds, a radius of 1445.00 feet, an arc length of 22.07 feet, and a chord bearing North 86 degrees 54 minutes 10 seconds East a distance of 22.07 feet to the northwest line of San Jacinto Street, the southeast line of said Common Area, and the southeast line of City Block 2/642, having coordinates of N=6977688.3236, E=2495735.6443;

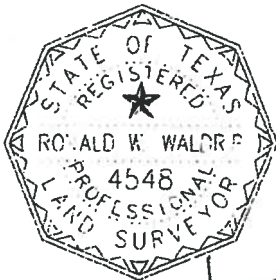
THENCE South 44 degrees 04 minutes 37 seconds West along the common northwest line of San Jacinto Street, southeast line of said Common Area, and southeast line of City Block 2/642 a distance of 46.51 feet to the **POINT OF BEGINNING**;



FIELD NOTES DESCRIBING A 0.0132-ACRE (577-SQUARE-FOOT)
SUB-SURFACE DRAINAGE TUNNEL EASEMENT
CITY OF DALLAS DRAWING NO. 423R-54 (PARCEL 500a)
PART OF THE COMMON AREA, CITY BLOCK 2/642 OF SAN JACINTO LOFTS II ADDITION
JOHN GRIGSBY SURVEY, ABSTRACT NUMBER 495
CITY OF DALLAS, DALLAS COUNTY, TEXAS
FROM SAN JACINTO URBAN LOFTS, L.P.

CONTAINING within the metes recited 0.0132 acre (577 square feet) of land, more or less.

Basis of Bearing is the State Plane Coordinate System, Texas North Central Zone (4202), North American Datum of 1983. All coordinates are state plane on grid. All distances are surface distances. Surface Adjustment Scale Factor: 1.0001365060.

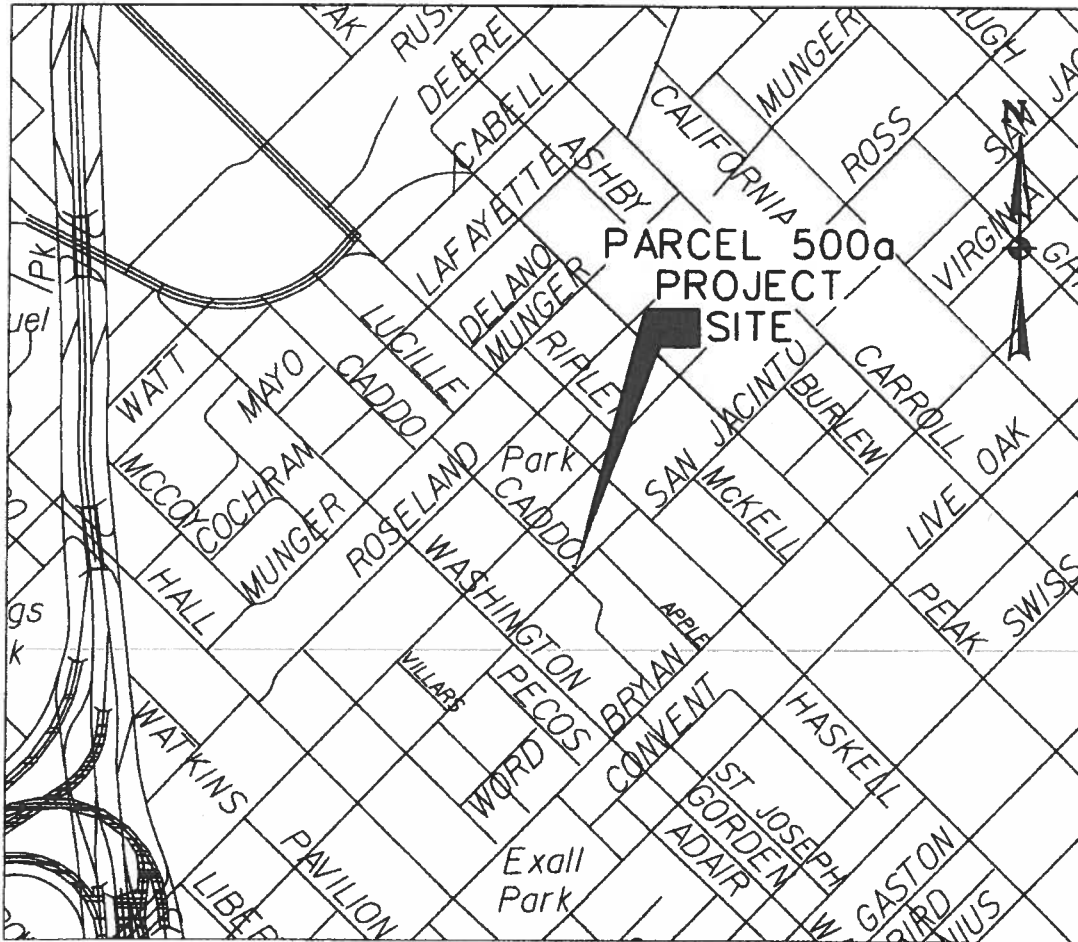


Ronald W. Waldorf 10/15/13



SUB-SURFACE DRAINAGE TUNNEL EASEMENT
CITY OF DALLAS DRAWING NO. 423R-54 (PARCEL 500a)
PART OF THE COMMON AREA, CITY BLOCK 2/642
OF SAN JACINTO LOFTS II ADDITION
JOHN GRIGSBY SURVEY, ABSTRACT NUMBER 495
CITY OF DALLAS, DALLAS COUNTY, TEXAS

MAPSCO NO. 45-D



LOCATION MAP

NOT TO SCALE

FIELD NOTES DESCRIBING A
SUB-SURFACE DRAINAGE TUNNEL EASEMENT
CITY OF DALLAS DRAWING NO. 423R-54 (PARCEL 500b – TRACTS 1 AND 2)
TRACT 1: BEING 546 SQ. FT. (0.0125 ACRE)
TRACT 2: BEING 935 SQ. FT. (0.0215 ACRE)
TO BE ACQUIRED IN CITY OF DALLAS BLOCK 641, PARTS OF A 5' SHARED ACCESS
AND COMMON AREA, SAN JACINTO LOFTS
JOHN GRIGSBY SURVEY, ABSTRACT NUMBER 495
CITY OF DALLAS, DALLAS COUNTY, TEXAS
FROM SAN JACINTO URBAN LOFTS, L.P.

TRACT 1:

BEING a 546 square foot (0.0125 acre) tract of land situated in the John Grigsby Survey, Abstract No. 495, in City Block 641 of the City of Dallas, Dallas County, Texas, and being part of that tract of land described in General Warranty Deed (with Vendor's Lien) to San Jacinto Urban Lofts, L.P. recorded in Instrument No. 200600007144 of the Official Public Records of Dallas County, Texas, and being part of a 5' Shared Access and Common Area of San Jacinto Lofts, an addition to the City of Dallas according to the map of said San Jacinto Lofts addition recorded in Instrument No. 200600246516 of the Official Public Records of Dallas County, Texas, and being more particularly described as follows:

(Note: Subsurface easement corners not monumented are so noted hereon.)

COMMENCING at a PK nail (controlling monument) found on the northwesterly line of a 15' Shared Access Area according to said map of said San Jacinto Lofts addition for the south corner of Lot 36 and the east corner of Lot 23 of said San Jacinto Lofts addition;

THENCE North 44 degrees 06 minutes 00 seconds East, with the southeasterly line of said Lot 36 and the northwesterly line of said 15' Shared Access Area, 56.40 feet to the east corner of said Lot 36;

THENCE North 45 degrees 54 minutes 00 seconds West, departing said southeasterly line of Lot 36 and said northwesterly line of said 15' Shared Access Area and with the southwesterly line of a 5' Shared Access and Common Area, 11.86 feet to the POINT OF BEGINNING having coordinates of N=6977584.1540, E=2495596.7674 (not monumented);

THENCE North 45 degrees 54 minutes 00 seconds West, continuing with said southwesterly line of said 5' Shared Access and Common Area, 110.97 feet to the point of curvature having coordinates of N=6977661.3723, E=2495517.0844 (not monumented) of a non-tangent circular curve to the right having a central angle of 00 degrees 14 minutes 31 seconds, a radius of 1,445.00 feet, a tangent of 3.05 feet and a chord which bears North 78 degrees 43 minutes 11 seconds East, 6.10 feet;

THENCE Easterly, departing said southwesterly line of said 5' Shared Access and Common Area, and over said 5' Shared Access and Common Area with said curve to the right, an arc distance of 6.10 feet to the end of said curve having coordinates of N=6977662.5658, E=2495523.0679 (not monumented), said end of curve being on the northeasterly line of said 5' Shared Access and Common Area, same being the northeasterly line of said San Jacinto Lofts addition, and southwesterly line of Lot 21 of Knox Addition according to the Map of Knox Addition to the City of Dallas, Texas recorded in Volume 277, Page 361 of the Map Records of Dallas County, Texas;



**FIELD NOTES DESCRIBING A
SUB-SURFACE DRAINAGE TUNNEL EASEMENT
CITY OF DALLAS DRAWING NO. 423R-54 (PARCEL 500b – TRACTS 1 AND 2)
TRACT 1: BEING 546 SQ. FT. (0.0125 ACRE)
TRACT 2: BEING 935 SQ. FT. (0.0215 ACRE)
TO BE ACQUIRED IN CITY OF DALLAS BLOCK 641, PARTS OF A 5' SHARED ACCESS
AND COMMON AREA, SAN JACINTO LOFTS
JOHN GRIGSBY SURVEY, ABSTRACT NUMBER 495
CITY OF DALLAS, DALLAS COUNTY, TEXAS
FROM SAN JACINTO URBAN LOFTS, L.P.**

THENCE South 45 degrees 47 minutes 10 seconds East, with said northeasterly line of said 5' Shared Access and Common Area and northeasterly line of said San Jacinto Lofts addition, and said southwesterly line of said Lot 21, 111.16 feet to the point of curvature having coordinates of N=6977585.0577, E=2495602.7326 (not monumented) of a non-tangent circular curve to the left having a central angle of 00 degrees 15 minutes 19 seconds, a radius of 1,355.00 feet, a tangent of 3.02 feet and a chord which bears South 81 degrees 23 minutes 06 seconds West, 6.03 feet;

THENCE Westerly, departing said northeasterly line of said 5' Shared Access and Common Area and said San Jacinto Lofts addition and said southwesterly line of Lot 21, and over said 5' Shared Access and Common Area with said curve to the left, an arc distance of 6.03 feet to the POINT OF BEGINNING and containing 546 square feet (0.0125 acre) of land, more or less.

TRACT 2:

BEING a 935 square foot (0.0215 acre) tract of land situated in the John Grigsby Survey, Abstract No. 495, in City Block 641 of the City of Dallas, Dallas County, Texas, and being part of that tract of land described in General Warranty Deed (with Vendor's Lien) to San Jacinto Urban Lofts, L.P. recorded in Instrument No. 200600007144 of the Official Public Records of Dallas County, Texas, and being part of that tract of land described in General Warranty Deed (with Vendor's Lien) to San Jacinto Urban Lofts, L.P. recorded in Instrument No. 200600007151 of the Official Public Records of Dallas County, Texas, and being part of a 5' Shared Access and Common Area of San Jacinto Lofts, an addition to the City of Dallas according to the map of said San Jacinto Lofts addition recorded in Instrument No. 200600246516 of the Official Public Records of Dallas County, Texas, and being more particularly described as follows:

(Note: Subsurface easement corners not monumented are so noted hereon.)

BEGINNING at a PK nail having coordinates of N=6977632.8203, E=2495465.5141 (controlling monument) found on the southeasterly line of a 5' Shared Access and Common Area according to said map of said San Jacinto Lofts addition for the west corner of Lot 30 and the north corner of Lot 29 of said San Jacinto Lofts addition;

THENCE South 44 degrees 06 minutes 00 seconds West, with the southeasterly line of said 5' Shared Access and Common Area, 123.75 feet to the west corner of Lot 16 of said San Jacinto Lofts addition having coordinates of N=6977543.9644, E=2495379.4067 (not monumented);



FIELD NOTES DESCRIBING A
SUB-SURFACE DRAINAGE TUNNEL EASEMENT
CITY OF DALLAS DRAWING NO. 423R-54 (PARCEL 500b – TRACTS 1 AND 2)
TRACT 1: BEING 546 SQ. FT. (0.0125 ACRE)
TRACT 2: BEING 935 SQ. FT. (0.0215 ACRE)
TO BE ACQUIRED IN CITY OF DALLAS BLOCK 641, PARTS OF A 5' SHARED ACCESS
AND COMMON AREA, SAN JACINTO LOFTS
JOHN GRIGSBY SURVEY, ABSTRACT NUMBER 495
CITY OF DALLAS, DALLAS COUNTY, TEXAS
FROM SAN JACINTO URBAN LOFTS, L.P.

THENCE South 45 degrees 54 minutes 00 seconds East, departing said southeasterly line of said 5' Shared Access and Common Area and with a northeasterly line of said 5' Shared Access and Common Area, 12.80 feet to the point of curvature having coordinates of N=6977535.0601, E=2495388.5951 (not monumented) of a non-tangent circular curve to the left having a central angle of 00 degrees 14 minutes 15 seconds, a radius of 1,355.00 feet, a tangent of 2.81 feet and a chord which bears South 72 degrees 05 minutes 03 seconds West, 5.61 feet;

THENCE Westerly, departing said northeasterly line of said 5' Shared Access and Common Area and over said 5' Shared Access and Common Area with said curve to the left, an arc distance of 5.61 feet to the end of said curve having coordinates of N=6977533.3333, E=2495383.2539 (not monumented), said end of curve being on the southwesterly line of said San Jacinto Lofts addition and northeasterly line of Washington Street Townhomes Addition, an addition to the City of Dallas according to the map thereof recorded in Volume 2001153, Page 44 of the Deed Records of Dallas County, Texas;

THENCE North 45 degrees 47 minutes 10 seconds West, with said southwesterly line of San Jacinto Lofts addition and said northeasterly line of Washington Street Townhomes Addition, 15.97 feet to the west corner of said San Jacinto Lofts addition and north corner of said Washington Street Townhomes Addition having coordinates of N=6977544.4685, E=2495371.8088 (not monumented), from whence a 3/8 inch iron rod found bears South 38 degrees 35 minutes 17 seconds East, 0.94 feet, said corner being on the southeasterly line of that tract of land described in General Warranty Deed to Gordon W. Elden recorded in Volume 2003241, Page 10584 of the Official Public Records of Dallas County, Texas;

THENCE North 44 degrees 12 minutes 50 seconds East, departing said southwesterly line of San Jacinto Lofts addition and said northeasterly line of Washington Street Townhomes Addition and with the northwesterly line of said San Jacinto Lofts addition and said southeasterly line of said Elden tract, at a distance of 54.11 feet passing the east corner of said Elden tract and south corner of that part of the Estate of George U. Tan described as 3820 Ross Ave., Dallas, Texas 75204 in Cause No. 01-3905 recorded in Volume 526, Page 585 of the Probate Records of Dallas County, Texas, and departing said southeasterly line of said Elden tract and continuing with said northwesterly line of San Jacinto Lofts addition and the southeasterly line of said Estate of George U. Tan tract, at a cumulative distance of 115.86 feet passing the east corner of said Estate of George U. Tan tract and south corner of that tract of land described as 3826 Ross Ave., Dallas, Texas in Special Warranty Deed to Sarkis J. Kechejian Trust recorded in Instrument Number 200900005925 of the Official Public Records of Dallas County, Texas, and departing said southeasterly line of said Estate of George U. Tan tract and continuing with said northwesterly line of San Jacinto Lofts addition and the southeasterly line of said Sarkis J. Kechejian Trust tract for a total distance of 151.06 feet to the point of curvature having coordinates of N=6977652.7267, E=2495477.1364 (not monumented) of a non-tangent circular curve to the right having a central angle of 00 degrees 24 minutes 00 seconds, a radius of 1,445.00 feet, a tangent of 5.05 feet and a chord which bears North 77 degrees 10 minutes 41 seconds East, 10.09 feet ;



FIELD NOTES DESCRIBING A
SUB-SURFACE DRAINAGE TUNNEL EASEMENT
CITY OF DALLAS DRAWING NO. 423R-54 (PARCEL 500b – TRACTS 1 AND 2)
TRACT 1: BEING 546 SQ. FT. (0.0125 ACRE)
TRACT 2: BEING 935 SQ. FT. (0.0215 ACRE)
TO BE ACQUIRED IN CITY OF DALLAS BLOCK 641, PARTS OF A 5' SHARED ACCESS
AND COMMON AREA, SAN JACINTO LOFTS
JOHN GRIGSBY SURVEY, ABSTRACT NUMBER 495
CITY OF DALLAS, DALLAS COUNTY, TEXAS
FROM SAN JACINTO URBAN LOFTS, L.P.

THENCE Easterly, departing said northwesterly line of San Jacinto Lofts addition and the southeasterly line of said Sarkis J. Kechejian Trust tract and over said 5' Shared Access and Common Area with said curve to the right, an arc distance of 10.09 feet to the end of said curve having coordinates of N=6977654.9659, E=2495486.9747 (not monumented), said end of curve being on a southeasterly line of said 5' Shared Access and Common Area;

THENCE South 44 degrees 06 minutes 00 seconds West, with said southeasterly line of said 5' Shared Access and Common Area, 30.84 feet to the POINT OF BEGINNING and containing 935 square feet (0.0215 acre) of land, more or less.

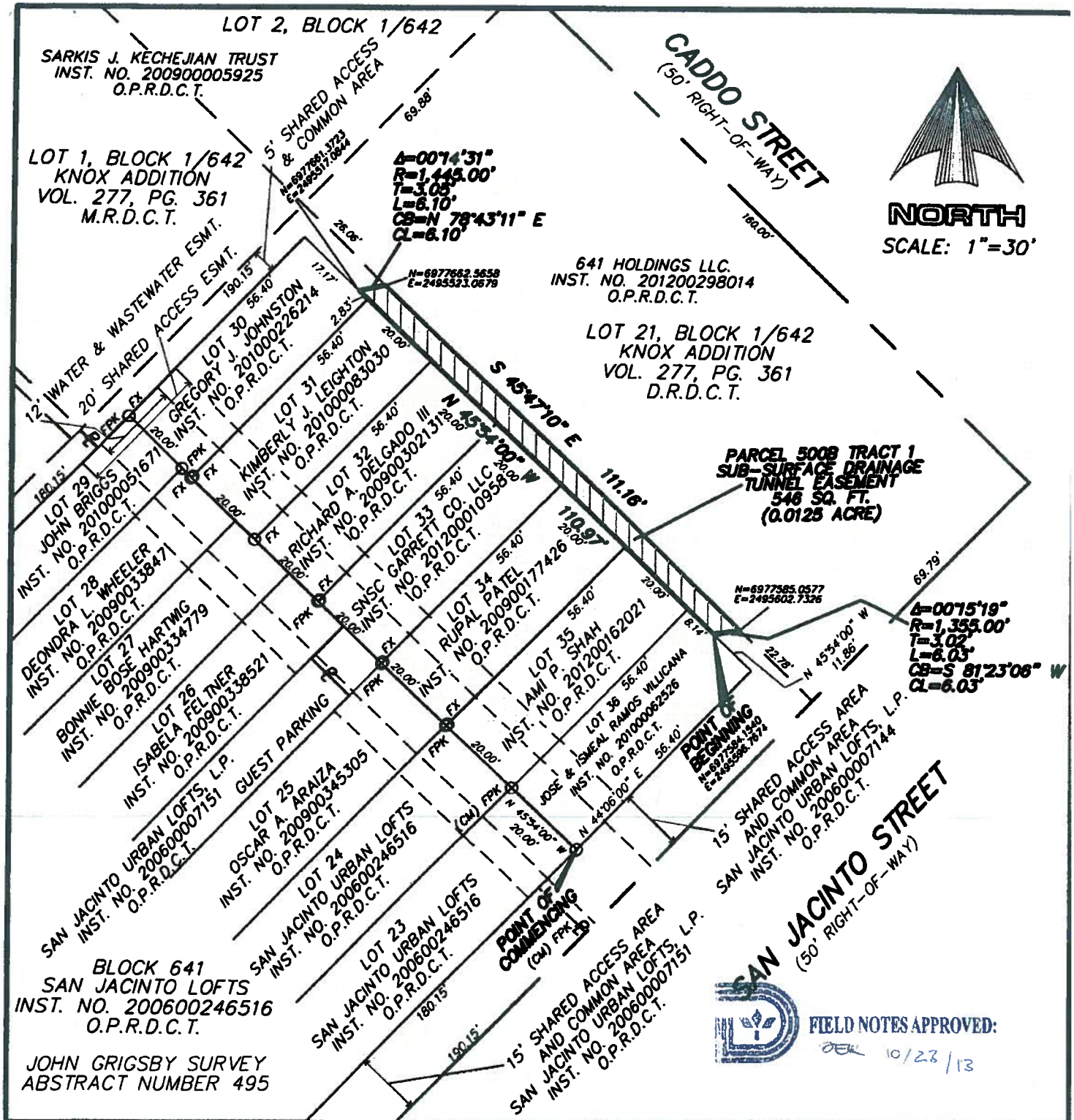
Basis of Bearing is the State Plane Coordinate System, Texas North Central Zone (4202), North American Datum of 1983. All coordinates are state plane on grid. All distances are surface distances. Surface Adjustment Scale Factor: 1.000136506

For Nathan D. Maier Consulting Engineers, Inc.



Gary W. Matthews
Registered Professional Land Surveyor
Texas No. 5534 9-13-2013





NOTE: SUBSURFACE EASEMENT CORNERS ARE NOT MONUMENTED.

Basis of Bearing is the State Plane Coordinate System, Texas North Central Zone (4202), North American Datum of 1983. All coordinates are state plane on grid. All distances are surface distances. Surface Adjustment Scale Factor: 1.0001365060.

LEGEND	
D.R.D.C.T.	DEED RECORDS OF DALLAS COUNTY, TEXAS
M.R.D.C.T.	MAP RECORDS OF DALLAS COUNTY, TEXAS
O.P.R.D.C.T.	OFFICIAL PUBLIC RECORDS OF DALLAS COUNTY, TEXAS
INST. NO.	INSTRUMENT NUMBER
VOL., PG.	VOLUME, PAGE
ESMT.	EASEMENT
SQ. FT.	SQUARE FEET
---	RIGHT-OF-WAY LINE
---	EASEMENT LINE
---	SUBDIVISION LINE
---	PROPERTY LINE
IRF	IRON ROD FOUND
IPF	IRON PIPE FOUND
CM	CONTROLLING MONUMENT
CPK	FOUND CPK NAIL
FX	FOUND "X"

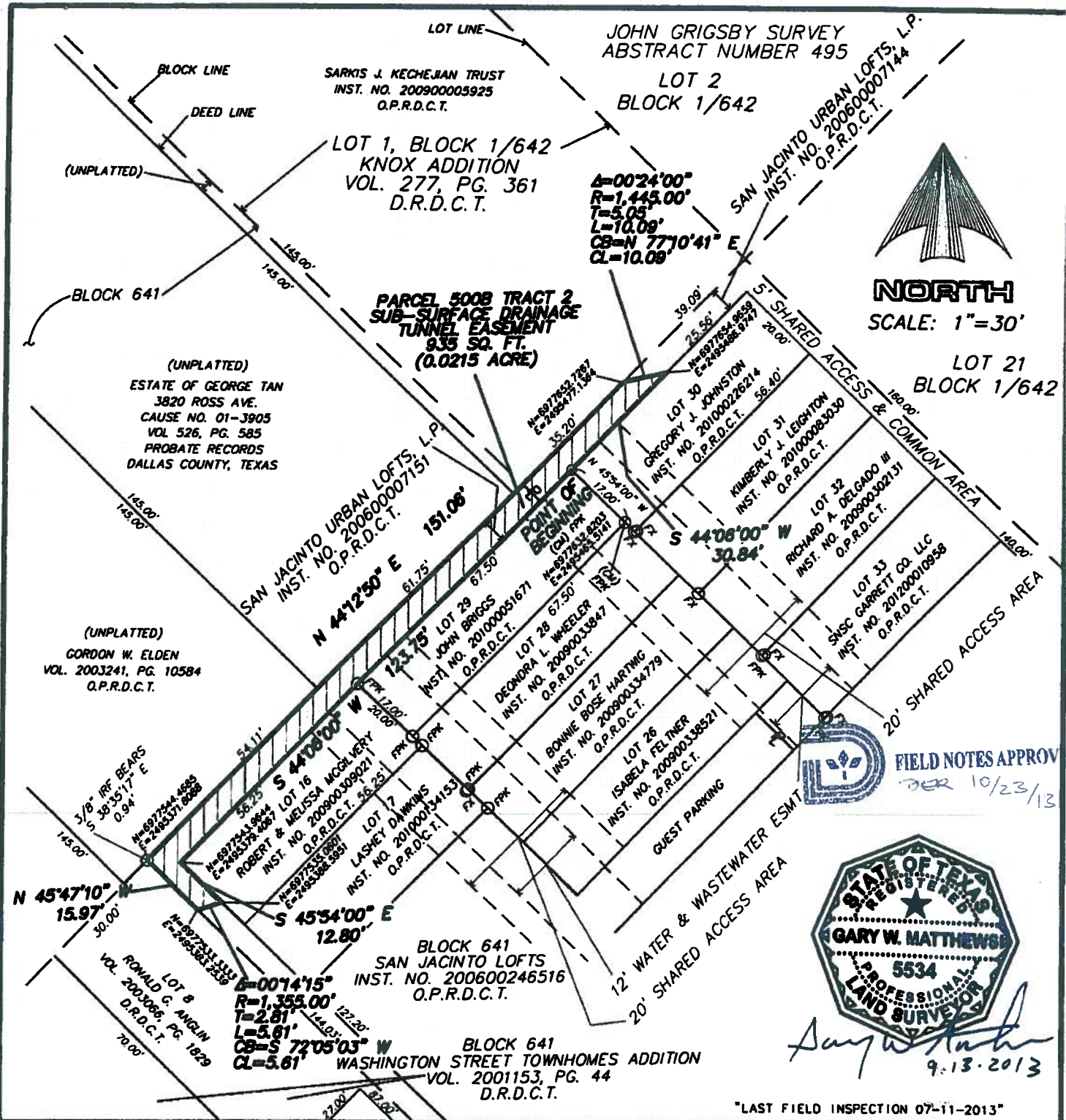
PAGE 5 OF 6

SUB-SURFACE DRAINAGE TUNNEL EASEMENT
 CITY OF DALLAS DRAWING NO. 423R-54
 (PARCEL 500B-TRACTS 1 AND 2)
 TRACT 1: BEING 546 SQ. FT. (0.0125 ACRE)
 TRACT 2: BEING 935 SQ. FT. (0.0215 ACRE)
 TO BE ACQUIRED IN CITY OF DALLAS BLOCK 641, PARTS OF A 5' SHARED ACCESS AND COMMON AREA, SAN JACINTO LOFTS, JOHN GRIGSBY SURVEY, ABSTRACT NUMBER 495, CITY OF DALLAS, DALLAS COUNTY, TEXAS, FROM SAN JACINTO URBAN LOFTS, L.P.

NDM NATHAN D. MAIER
 CONSULTING ENGINEERS, INC.
 TBPE FIRM REG. NO. F-356
 TBPLS FIRM REG. NO. 100189-00
 Two Northpark / 8000 Park Lane / Suite 600
 Dallas, Texas 75231 / (214) 799-4743

09/13/2013 PARCEL-500B.DWG

FIELD NOTES APPROVED:
 DEL 10/23/13



NOTE: SUBSURFACE EASEMENT CORNERS ARE NOT MONUMENTED.

Basis of Bearing is the State Plane Coordinate System, Texas North Central Zone (4202), North American Datum of 1983. All coordinates are state plane on grid. All distances are surface distances. Surface Adjustment Scale Factor: 1.0001365060.

LEGEND

D.R.D.C.T.	DEED RECORDS OF DALLAS COUNTY, TEXAS	---	RIGHT-OF-WAY LINE
M.R.D.C.T.	MAP RECORDS OF DALLAS COUNTY, TEXAS	- - - -	EASEMENT LINE
O.P.R.D.C.T.	OFFICIAL PUBLIC RECORDS OF DALLAS COUNTY, TEXAS	---	SUBDIVISION LINE
INST. NO.	INSTRUMENT NUMBER	---	PROPERTY LINE
VOL. PG.	VOLUME, PAGE	IRF	IRON ROD FOUND
ESMT.	EASEMENT	IPF	IRON PIPE FOUND
SQ. FT.	SQUARE FEET	CM	CONTROLLING MONUMENT
		FPK	FOUND PK NAIL
		FX	FOUND "X"

SUB-SURFACE DRAINAGE TUNNEL EASEMENT
CITY OF DALLAS DRAWING NO. 423R-54
(PARCEL 500B-TRACTS 1 AND 2)
TRACT 1: BEING 546 SQ. FT. (0.0125 ACRE)
TRACT 2: BEING 935 SQ. FT. (0.0215 ACRE)
TO BE ACQUIRED IN CITY OF DALLAS BLOCK 641, PARTS OF A 5' SHARED ACCESS AND COMMON AREA, SAN JACINTO LOFTS, JOHN GRIGSBY SURVEY, ABSTRACT NUMBER 495, CITY OF DALLAS, DALLAS COUNTY, TEXAS, FROM SAN JACINTO URBAN LOFTS, L.P.



NATHAN D. MAIER
CONSULTING ENGINEERS, INC.
TBPE FIRM REG. NO. F-356
TBPLS FIRM REG. NO. 100189-00
Two Northpark / 8080 Park Lane / Suite 600
Dallas, Texas 75231 / (214) 739-4741

FIELD NOTES DESCRIBING A 246 SQUARE FOOT (0.0056 ACRE)
 SUB-SURFACE DRAINAGE TUNNEL EASEMENT
 CITY OF DALLAS DRAWING NO. 423R-54 (PARCEL 500c)
 TO BE ACQUIRED IN CITY OF DALLAS BLOCK 641,
 PART OF GUEST PARKING, SAN JACINTO LOFTS
 JOHN GRIGSBY SURVEY, ABSTRACT NUMBER 495
 CITY OF DALLAS, DALLAS COUNTY, TEXAS
 FROM SAN JACINTO URBAN LOFTS, L.P.

BEING a 246 square foot (0.0056 acre) tract of land situated in the John Grigsby Survey, Abstract No. 495, in City Block 641 of the City of Dallas, Dallas County, Texas, and being part of Guest Parking of San Jacinto Lofts, an addition to the City of Dallas according to the map of said San Jacinto Lofts addition recorded in Instrument No. 200600246516 of the Official Public Records of Dallas County, Texas, and being part of that tract of land described in General Warranty Deed (with Vendor's Lien) to San Jacinto Urban Lofts, L.P. recorded in Instrument No. 200600007144 of the Official Public Records of Dallas County, Texas, and being part of that called 18,640 gross square foot tract of land described in General Warranty Deed (with Vendor's Lien) to San Jacinto Urban Lofts, L.P. recorded in Instrument No. 200600007151 of the Official Public Records of Dallas County, Texas, and being more particularly described as follows:

(Note: Subsurface easement corners not monumented are so noted hereon.)

BEGINNING at a PK nail (controlling monument) having coordinates of N=6977577.1549, E=2495522.9564 found for the east corner of said Guest Parking, and south corner of Lot 33, west corner of Lot 34 and north corner of Lot 25 of said San Jacinto Lofts addition, from whence an X cut found bears North 49 degrees 45 minutes 21 seconds East, 0.70 feet;

THENCE South 44 degrees 06 minutes 00 seconds West, with the southeasterly line of said Guest Parking and the northwesterly line of said Lot 25, at a distance of 8.30 feet passing the southwest line of said tract described in Instrument No. 200600007151 and northeast line of said called 18,640 gross square foot tract, and continuing with said southeasterly line of said Guest Parking and said northwesterly line of Lot 25 for a total of 11.34 feet to the point of curvature having coordinates of N=6977569.0117, E=2495515.0651 (not monumented) of a non-tangent circular curve to the left having a central angle of 00 degrees 55 minutes 38 seconds, a radius of 1,355.00 feet, a tangent of 10.96 feet and a chord which bears South 77 degrees 16 minutes 46 seconds West, 21.93 feet;

THENCE Westerly, departing said southeasterly line of Guest Parking and said northwesterly line of Lot 25, and over said Guest Parking with said curve to the left, an arc distance of 21.93 feet to the end of said curve having coordinates of N=6977564.1840, E=2495493.6789 (not monumented), said end of curve being on the northwesterly line of said Guest Parking and southeasterly line of Lot 26 of said San Jacinto Lofts addition;

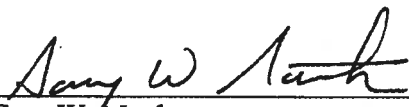
FIELD NOTES DESCRIBING A 246 SQUARE FOOT (0.0056 ACRE)
SUB-SURFACE DRAINAGE TUNNEL EASEMENT
CITY OF DALLAS DRAWING NO. 423R-54 (PARCEL 500c)
TO BE ACQUIRED IN CITY OF DALLAS BLOCK 641,
PART OF GUEST PARKING, SAN JACINTO LOFTS
JOHN GRIGSBY SURVEY, ABSTRACT NUMBER 495
CITY OF DALLAS, DALLAS COUNTY, TEXAS
FROM SAN JACINTO URBAN LOFTS, L.P.

THENCE North 44 degrees 06 minutes 00 seconds East, with said northwesterly line of Guest Parking and said southeasterly line of Lot 26, at a distance of 21.42 feet passing said southwest line of said tract described in Instrument No. 200600007151 and said northeast line of said called 18,640 gross square foot tract, and continuing with said northwesterly line of Guest Parking and said southeasterly line of Lot 26 for a total of 29.69 feet to the north corner of said Guest Parking having coordinates of N=6977585.5047, E=2495514.3400 (not monumented), said north corner being on the southwesterly line of said Lot 33, from whence a PK nail (controlling monument) found for the west corner of said Lot 33 and south corner of Lot 32 bears North 45 degrees 54 minutes 00 seconds West, 8.00 feet;

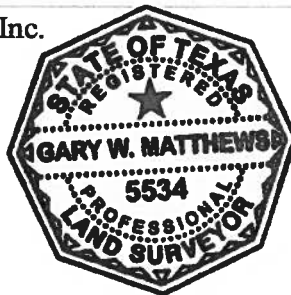
THENCE South 45 degrees 54 minutes 00 seconds East, departing said northwesterly line of Guest Parking and said southeasterly line of Lot 26 and with the northeasterly line of said Guest Parking and southwesterly line of said Lot 33, 12.00 feet to the POINT OF BEGINNING and containing 246 square feet (0.0056 acre) of land, more or less.

Basis of Bearing is the State Plane Coordinate System, Texas North Central Zone (4202), North American Datum of 1983. All coordinates are state plane on grid. All distances are surface distances. Surface Adjustment Scale Factor: 1.000136506

For Nathan D. Maier Consulting Engineers, Inc.



Gary W. Matthews
Registered Professional Land Surveyor
Texas No. 5534 9.13.2013



JOHN GRIGSBY SURVEY
ABSTRACT NUMBER 495



ROSS AVENUE
(80' RIGHT-OF-WAY)

CADDO STREET
(50' RIGHT-OF-WAY)

SAN JACINTO LOFTS II ADDITION
INST. NO. 20090053438
O.P.R.D.C.T.

LOT 1 SARKIS J. KECHEJIAN TRUST
INST. NO. 20090005925
O.P.R.D.C.T.

LOT 2 SARKIS J. KECHEJIAN TRUST
INST. NO. 20090005925
O.P.R.D.C.T.

BLOCK 1/642 KNOX ADDITION
VOL. 277, PG. 361
D.R.D.C.T.

BLOCK 1/642 KNOX ADDITION
VOL. 277, PG. 361
D.R.D.C.T.

BLOCK 641
(UNPLATTED)
ESTATE OF GEORGE TAN
3820 ROSS AVE.
CAUSE NO. 01-3905
VOL. 526, PG. 585
PROBATE RECORDS
DALLAS COUNTY, TEXAS

LOT 21, BLOCK 1/642
KNOX ADDITION
VOL. 277, PG. 361
D.R.D.C.T.

641 HOLDINGS LLC
INST. NO. 201200298014
O.P.R.D.C.T.

BLOCK 641
(UNPLATTED)
GORDON W. ELDEN
VOL. 2003241, PG. 10584
O.P.R.D.C.T.

TRIBECA WAY
20' SHARED ACCESS AREA

SOHO LANE
20' SHARED ACCESS AREA

*SEE DETAIL ON
PAGE 4 OF 4*

LOT 7
ROLAND PERDUE JR.
VOL. 2005181, PG. 10044
O.P.R.D.C.T.

LOT 8
ERIC & LISA SPOFFORD
VOL. 20040807934
O.P.R.D.C.T.

LOT 9
SAN JACINTO URBAN LOFTS I, L.P.
INST. NO. 20050007871
O.P.R.D.C.T.

LOT 10
SAN JACINTO URBAN LOFTS I, L.P.
INST. NO. 20050007871
O.P.R.D.C.T.

LOT 11
SAN JACINTO URBAN LOFTS I, L.P.
INST. NO. 20050007871
O.P.R.D.C.T.

LOT 12
SAN JACINTO URBAN LOFTS I, L.P.
INST. NO. 20050007871
O.P.R.D.C.T.

LOT 13
SAN JACINTO URBAN LOFTS I, L.P.
INST. NO. 20050007871
O.P.R.D.C.T.

LOT 14
SAN JACINTO URBAN LOFTS I, L.P.
INST. NO. 20050007871
O.P.R.D.C.T.

LOT 15
SAN JACINTO URBAN LOFTS I, L.P.
INST. NO. 20050007871
O.P.R.D.C.T.

SAN JACINTO STREET
(50' RIGHT-OF-WAY)

FIELD NOTES
JER 10/20/13

Basis of Bearing is the State Plane Coordinate System, Texas North Central Zone (4202), North American Datum of 1983. All coordinates are state plane on grid. All distances are surface distances. Surface Adjustment Scale Factor: 1.0001365060.

LEGEND	
D.R.D.C.T.	DEED RECORDS OF DALLAS COUNTY, TEXAS
M.R.D.C.T.	MAP RECORDS OF DALLAS COUNTY, TEXAS
O.P.R.D.C.T.	OFFICIAL PUBLIC RECORDS OF DALLAS COUNTY, TEXAS
INST. NO.	INSTRUMENT NUMBER
VOL., PG.	VOLUME, PAGE
ESMT.	EASEMENT
SQ. FT.	SQUARE FEET
---	RIGHT-OF-WAY LINE
- - - -	EASEMENT LINE
---	SUBDIVISION LINE
---	PROPERTY LINE
IRF	IRON ROD FOUND
IPF	IRON PIPE FOUND
CM	CONTROLLING MONUMENT
FPK	FOUND PK NAIL
FX	FOUND "X"

PAGE 3 OF 4

246 SQ. FT. (0.0056 ACRE) SUB-SURFACE DRAINAGE TUNNEL EASEMENT CITY OF DALLAS DRAWING NO. 423R-54 (PARCEL 500C) TO BE ACQUIRED IN CITY OF DALLAS BLOCK 641, PART OF GUEST PARKING, SAN JACINTO LOFTS, JOHN GRIGSBY SURVEY, ABSTRACT NUMBER 495, CITY OF DALLAS, DALLAS COUNTY, TEXAS FROM SAN JACINTO URBAN LOFTS, L.P.

NDM
NATHAN D. MAIER
CONSULTING ENGINEERS, INC.
TBPE FIRM REG. NO. F-356
TBPLS FIRM REG. NO. 100189-00

Two Northpark / 9080 Park Lane / Suite 600
Dallas, Texas 75231 / (214) 739-4741

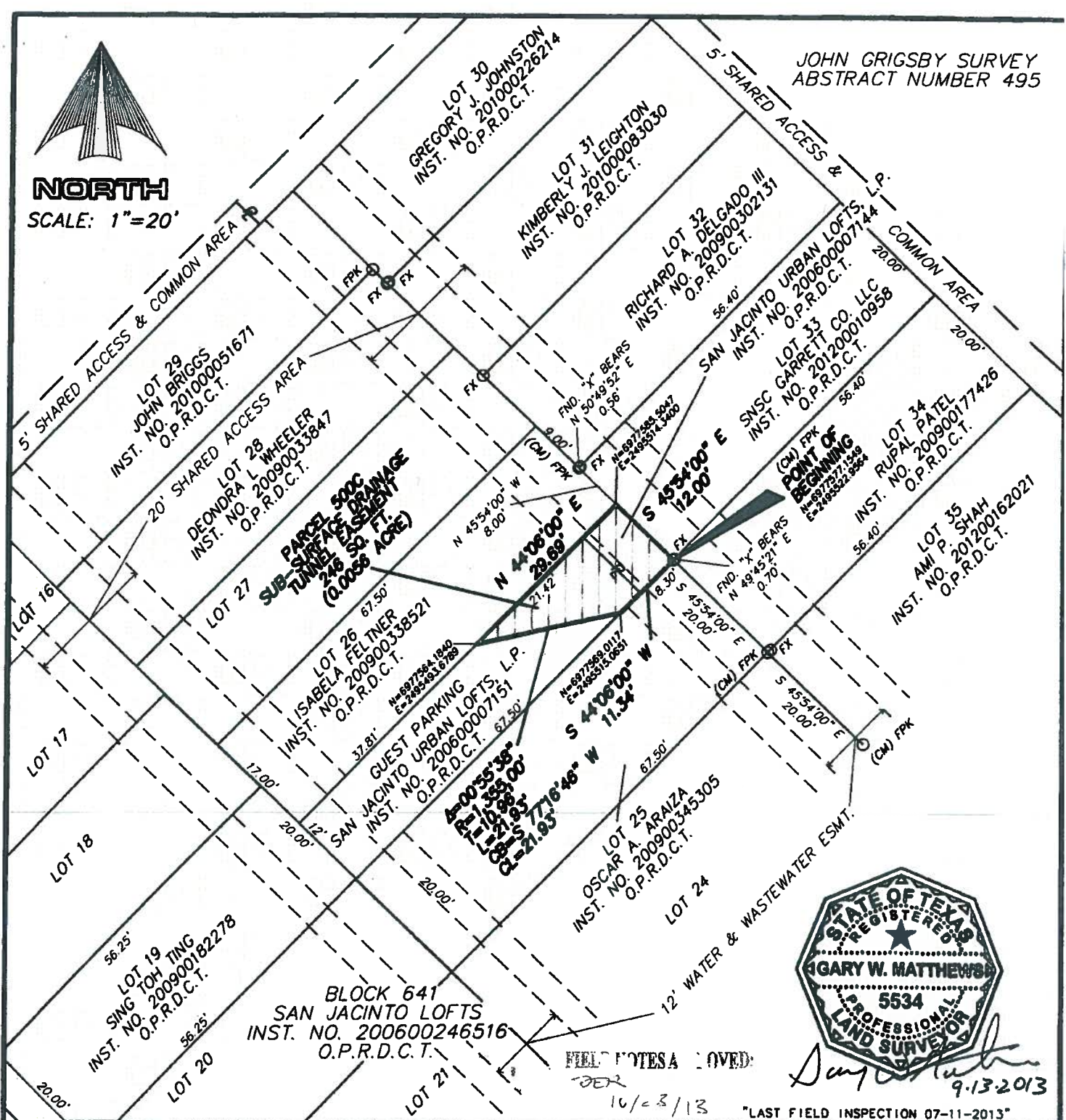
09/13/2013

PARCEL-500C.DWG



NORTH

SCALE: 1"=20'



Gary W. Matthews
9.13.2013

FIELD NOTES PROVIDED:
10/23/13

"LAST FIELD INSPECTION 07-11-2013"

Basis of Bearing is the State Plane Coordinate System, Texas North Central Zone (4202), North American Datum of 1983. All coordinates are state plane on grid. All distances are surface distances. Surface Adjustment Scale Factor: 1.0001365060.

246 SQ. FT. (0.0056 ACRE) SUB-SURFACE DRAINAGE TUNNEL EASEMENT CITY OF DALLAS DRAWING NO. 423R-54 (PARCEL 500C) TO BE ACQUIRED IN CITY OF DALLAS BLOCK 641, PART OF GUEST PARKING, SAN JACINTO LOFTS, JOHN GRIGSBY SURVEY, ABSTRACT NUMBER 495, CITY OF DALLAS, DALLAS COUNTY, TEXAS FROM SAN JACINTO URBAN LOFTS, L.P.

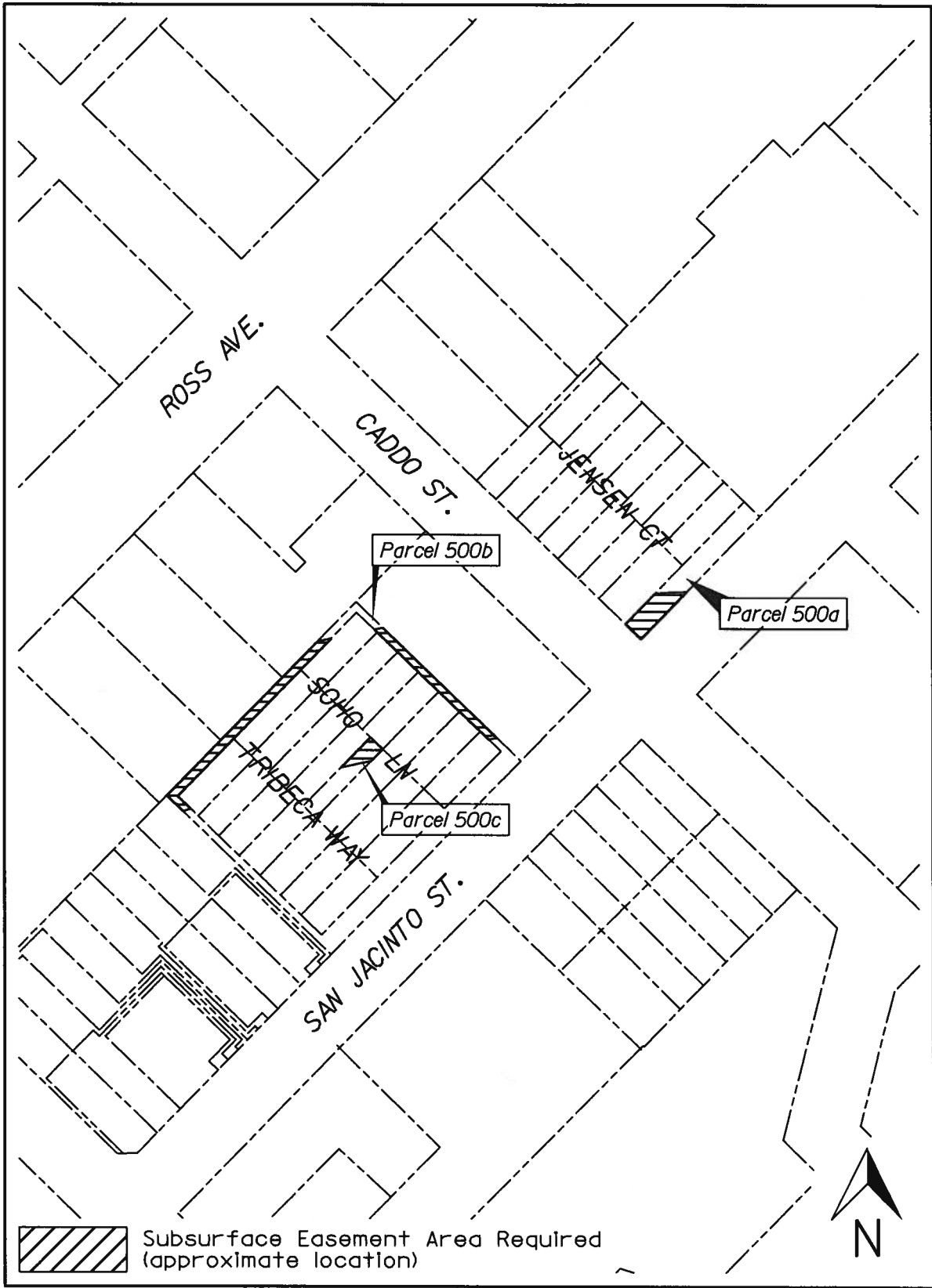


NATHAN D. MAIER
CONSULTING ENGINEERS, INC.
TBPE FIRM REG. NO. F-356
TBPLS FIRM REG. NO. 100189-00

Two Northpark / 8080 Park Lane / Suite 600
Dallas, Texas 75231 / (214) 789-4741

LEGEND

D.R.D.C.T.	DEED RECORDS OF DALLAS COUNTY, TEXAS	-----	RIGHT-OF-WAY LINE
M.R.D.C.T.	MAP RECORDS OF DALLAS COUNTY, TEXAS	-----	EASEMENT LINE
O.P.R.D.C.T.	OFFICIAL PUBLIC RECORDS OF DALLAS COUNTY, TEXAS	-----	SUBDIVISION LINE
INST. NO.	INSTRUMENT NUMBER	-----	PROPERTY LINE
VOL., PG.	VOLUME, PAGE	-----	IRON ROD FOUND
ESMT.	EASEMENT	-----	IRON PIPE FOUND
SQ. FT.	SQUARE FEET	-----	CONTROLLING MONUMENT
		IRF	FOUND PK NAIL
		IPF	FOUND "X"
		CM	
		FPK	
		FX	



AGENDA ITEM # 28

KEY FOCUS AREA: Economic Vibrancy
AGENDA DATE: September 9, 2015
COUNCIL DISTRICT(S): 14
DEPARTMENT: Trinity Watershed Management
CMO: Mark McDaniel, 670-3256
MAPSCO: 45G

SUBJECT

Authorize acquisition, including the exercise of the right of eminent domain, if such becomes necessary, from SHF I ICON, LLC, of a subsurface easement under approximately 62,688 square feet of land located on Hall Street at its intersection with Ross Avenue for the Mill Creek/Peaks Branch/State Thomas Drainage Relief Tunnel Project – Not to exceed \$257,752 (\$250,752 plus closing costs and title expenses not to exceed \$7,000) - Financing: 2006 Bond Funds

BACKGROUND

This item authorizes the acquisition of a subsurface easement located under approximately 62,688 square feet of land from SHF I ICON, LLC. This property is located on Hall Street at its intersection with Ross Avenue and will be used for the Mill Creek/Peaks Branch/State Thomas Drainage Relief Tunnel Project. The consideration is based on an independent appraisal.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Information about this item will be provided to the Economic Development Committee on September 8, 2015.

FISCAL INFORMATION

2006 Bond Funds - \$257,752 (\$250,752 plus closing costs and title expenses not to exceed \$7,000)

OWNER

SHF I ICON, LLC

MAPS

Attached

September 9, 2015

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": Located under approximately 62,688 square feet in area, lying between the subsurface elevations of 238 feet and 416 feet (U.S. Survey Feet), inclusive, North American Vertical Datum of 1988, located in Dallas County, Texas, the boundary of which property being more particularly described in "Exhibit A", attached hereto and made a part hereof for all purposes.

"PROJECT": Mill Creek/Peaks Branch/State Thomas Drainage Relief Tunnel Project

"USE": The below ground construction, installation, use, and maintenance of a deep tunnel for storage and transmission of storm drainage.

"PROPERTY INTEREST": Flood Control Tunnel Easement

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

"OFFER AMOUNT": \$250,752.00

"CLOSING COSTS AND TITLE EXPENSES": Not to exceed \$7,000.00

"AUTHORIZED AMOUNT": \$257,752.00

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.

September 9, 2015

SECTION 3. That for the purpose of acquiring the PROPERTY INTEREST in the PROPERTY, the Assistant Director of the Department of 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 Chief Financial Officer is authorized and directed to draw a warrant in favor of the OWNER, the then current owner of record, or the title company closing the transaction described herein in the OFFER AMOUNT payable out of 2006 Bond Funds: Fund No. 1T23, Department TWM, Unit T525, Activity SDRS, Program No. PB06T525, Object 4210, Encumbrance No. CT-PBW06T525G46, CLOSING COSTS AND TITLE EXPENSES payable out of 2006 Bond Funds: Fund No. 1T23, Department TWM, Unit T525, Activity SDRS, Program No. PB06T525, Object 4230, Encumbrance No. CT-PBW06T525G47. 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 the CLOSING COSTS AND TITLE EXPENSES. In the event of condemnation, the CITY will pay costs as may be assessed by the Special Commissioners or the court. Further, that 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 proceeding(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 proceedings or 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.

September 9, 2015

SECTION 10. That in the event the City Attorney files a condemnation proceeding because the OWNER refused to accept the OFFER AMOUNT; and in the event the special commissioners 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 deposit the award in the registry of the Court and to settle the condemnation proceeding, or if the condemnation proceeding becomes a lawsuit, the lawsuit, for an amount not to exceed the OFFER AMOUNT; and the Chief Financial Officer is hereby authorized to issue a check drawn on the previously described funds in an amount not to exceed the OFFER AMOUNT 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; and the Chief Financial Officer is hereby authorized to issue a check drawn on the previously described funds in an amount not to exceed \$7,000.00 for CLOSING COSTS AND TITLE EXPENSES in favor of the title company closing the transaction described herein. The Award, CLOSING COSTS AND TITLE EXPENSES together shall not exceed the AUTHORIZED AMOUNT.

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

September 9, 2015

SECTION 10. That in the event the City Attorney files a condemnation proceeding because the OWNER refused to accept the OFFER AMOUNT; and in the event the special commissioners 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 deposit the award in the registry of the Court and to settle the condemnation proceeding, or if the condemnation proceeding becomes a lawsuit, the lawsuit, for an amount not to exceed the OFFER AMOUNT; and the Chief Financial Officer is hereby authorized to issue a check drawn on the previously described funds in an amount not to exceed the OFFER AMOUNT 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; and the Chief Financial Officer is hereby authorized to issue a check drawn on the previously described funds in an amount not to exceed \$7,000.00 for CLOSING COSTS AND TITLE EXPENSES in favor of the title company closing the transaction described herein. The Award, CLOSING COSTS AND TITLE EXPENSES together shall not exceed the AUTHORIZED AMOUNT.

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

FIELD NOTES DESCRIBING A 1.439 ACRE (62,688 SQUARE FOOT)
SUB-SURFACE DRAINAGE TUNNEL EASEMENT
CITY OF DALLAS DRAWING NO. 423R-54 (PARCEL 519)
TO BE ACQUIRED IN CITY OF DALLAS BLOCK A/595,
PART OF LOT 2, RHDFJ PARTNERS ADDITION
JOHN GRIGSBY SURVEY, ABSTRACT NUMBER 495
CITY OF DALLAS, DALLAS COUNTY, TEXAS
FROM RHDFJ PARTNERS L.P.

Exhibit A

BEING a 1.439 acre (62,688 square foot) tract of land situated in the John Grigsby Survey, Abstract No. 495, in City Block A/595 of the City of Dallas, Dallas County, Texas, and being part of that called 0.3815 acre tract of land described in Special Warranty Deed With Vendor's Lien to RHDFJ Partners L.P. recorded in Instrument Number 20070432759 of the Official Public Records of Dallas County, Texas, and being part of that called 3.6067 acre tract of land described in Special Warranty Deed With Vendor's Lien to RHDFJ Partners L.P. recorded in Instrument Number 20070349385 of said Official Public Records, and being part of that called 0.6382 acre tract of land described in Special Warranty Deed With Vendor's Lien to RHDFJ Partners L.P. recorded in Instrument Number 20070432763 of said Official Public Records, and being part of Lot 2, RHDFJ Partners Addition, and addition to the City of Dallas recorded in Instrument Number 201100309310 of said Official Public Records, and being more particularly described as follows:

(Note: Subsurface easement corners are not monumented.)

BEGINNING at the south corner of a 10 foot by 10 foot right-of-way dedication by the plat of said Lot 2, Block A/595, RHDFJ Partners Addition having coordinates of N=6976602.5035, E=2494141.5897 at the intersection of the southwest right-of-way line of Hall Street (a 40 foot wide right-of-way) with the northwest right-of-way line of Ross Avenue (an 80 foot wide right-of-way), same being the southeasterly line of said Lot 2, Block A/595, RHDFJ Partners Addition;

THENCE South 44 degrees 13 minutes 05 seconds West, with said northwest right-of-way line of Ross Avenue and southeasterly line of said Lot 2, Block A/595, RHDFJ Partners Addition, 119.87 feet to the point of curvature having coordinates of N=6976516.6021, E=2494058.0016 (not monumented) of a non-tangent circular curve to the right having a central angle of 23 degrees 44 minutes 27 seconds, a radius of 1,445.00 feet, a tangent of 303.73 feet and a chord which bears South 75 degrees 50 minutes 16 seconds West 594.47 feet, from whence an X cut found (controlling monument) for the most southerly corner of said Lot 2, Block A/595, RHDFJ Partners Addition bears South 44 degrees 13 minutes 05 seconds West 447.26 feet;

THENCE Southwesterly, departing said northwest right-of-way line of Ross Avenue and said southeasterly line of said Lot 2, Block A/595, RHDFJ Partners Addition and across said called 3.6067 acre tract, said called 0.6382 acre tract and said Lot 2, Block A/595, RHDFJ Partners Addition with said curve to the right for an arc distance of 598.74 feet to the end of said curve having coordinates of N=6976371.1745, E=2493481.6791 (not monumented), said end of curve being on the southwesterly line of said Lot 2, Block A/595, RHDFJ Partners Addition and northeasterly line of that called 0.2544 acre tract of land described in General Warranty Deed to Stuart Crow recorded in Instrument Number 200600247127 of said Official Public Records;



FIELD NOTES DESCRIBING A 1.439 ACRE (62,688 SQUARE FOOT)
SUB-SURFACE DRAINAGE TUNNEL EASEMENT
CITY OF DALLAS DRAWING NO. 423R-54 (PARCEL 519)
TO BE ACQUIRED IN CITY OF DALLAS BLOCK A/595,
PART OF LOT 2, RHDFJ PARTNERS ADDITION
JOHN GRIGSBY SURVEY, ABSTRACT NUMBER 495
CITY OF DALLAS, DALLAS COUNTY, TEXAS
FROM RHDFJ PARTNERS L.P.

Exhibit A

THENCE North 45 degrees 30 minutes 06 seconds West, with said southwesterly line of said Lot 2, Block A/595, RHDFJ Partners Addition and said northeasterly line of said called 0.2544 acre tract, 73.92 feet to the most westerly corner of said Lot 2, Block A/595, RHDFJ Partners Addition having coordinates of N=6976424.4201, E=2493427.4010 (not monumented), same being the south corner of that tract of land described as Street Right-of-Way Dedication in Correction Warranty Deed recorded in Instrument Number 201000121750 of said Official Public Records;

THENCE North 43 degrees 43 minutes 16 seconds East, departing said southwesterly line of said Lot 2, Block A/595, RHDFJ Partners Addition and said northeasterly line of said called 0.2544 acre tract and with the southeasterly line of said Street Right-of-Way Dedication and the northwesterly line of said Lot 2, Block A/595, RHDFJ Partners Addition, 52.11 feet to the point of curvature having coordinates of N=6976460.6292, E=2493464.9740 (not monumented) of a non-tangent circular curve to the left having a central angle of 04 degrees 59 minutes 55 seconds, a radius of 1,355.00 feet, a tangent of 59.14 feet and a chord which bears North 85 degrees 45 minutes 49 seconds East 118.18 feet;

THENCE Easterly, departing said southeasterly line of said Street Right-of-Way Dedication and said northwesterly line of Lot 2, Block A/595, RHDFJ Partners Addition and across said called 0.6382 acre tract and said Lot 2, Block A/595, RHDFJ Partners Addition with said curve to the left for an arc distance of 118.21 feet to the end of said curve having coordinates of N=6976469.3581, E=2493582.8113 (not monumented), said end of curve being on an interior line of said Lot 2, Block A/595, RHDFJ Partners Addition, same being the southwesterly line of Lot 1, Block A/595, Flora Addition No. II, an addition to the City of Dallas recorded in Instrument Number 200600275713 of said Official Public Records, from whence a 5/8 inch iron rod found (controlling monument) bears North 46 degrees 04 minutes 23 seconds West 88.24 feet;

THENCE South 46 degrees 04 minutes 23 seconds East, with said interior line of Lot 2, Block A/595, RHDFJ Partners Addition and said southwesterly line of Lot 1, Block A/595, Flora Addition No. II, 10.56 feet to an ell corner having coordinates of N=6976461.9894, E=2493590.3200 (not monumented) in said interior line of Lot 2, Block A/595, RHDFJ Partners Addition and the westerly line of the aforementioned called 3.6067 acre tract, same being the south corner of said Lot 1, Block A/595, Flora Addition No. II;

FIELD NOTES DESCRIBING A 1.439 ACRE (62,688 SQUARE FOOT) **Exhibit A**
SUB-SURFACE DRAINAGE TUNNEL EASEMENT
CITY OF DALLAS DRAWING NO. 423R-54 (PARCEL 519)
TO BE ACQUIRED IN CITY OF DALLAS BLOCK A/595,
PART OF LOT 2, RHDFJ PARTNERS ADDITION
JOHN GRIGSBY SURVEY, ABSTRACT NUMBER 495
CITY OF DALLAS, DALLAS COUNTY, TEXAS
FROM RHDFJ PARTNERS L.P.

THENCE North 44 degrees 18 minutes 50 seconds East, departing said southwesterly line of Lot 1, Block A/595, Flora Addition No. II and with the southeasterly line of said Lot 1, Block A/595, Flora Addition No. II and continuing with said interior line of said Lot 2, Block A/595, RHDFJ Partners Addition, 13.16 feet to the point of curvature having coordinates of N=6976471.4483, E=2493599.6065 (not monumented) of a non-tangent circular curve to the left having a central angle of 22 degrees 59 minutes 54 seconds, a radius of 1,355.00 feet, a tangent of 275.66 feet and a chord which bears North 71 degrees 02 minutes 57 seconds East 540.25 feet;


THENCE Northeasterly, departing said southeasterly line of said Lot 1, Block A/595, Flora Addition No. II and said interior line of said Lot 2, Block A/595, RHDFJ Partners Addition and across said called 3.6067 acre tract, the aforementioned called 0.3815 acre tract and said Lot 2, Block A/595, RHDFJ Partners Addition with said curve to the left for an arc distance of 543.89 feet to the end of said curve having coordinates of N=6976646.8734, E=2494110.5038 (not monumented), said end of curve being on the northeasterly line of said Lot 2, Block A/595, RHDFJ Partners Addition and southwest right-of-way line of the aforementioned Hall Street;

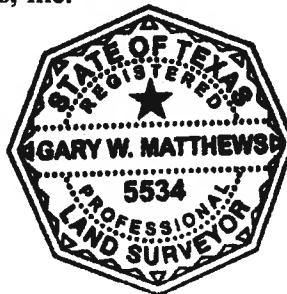
THENCE South 45 degrees 39 minutes 03 seconds East, with said northeasterly line of Lot 2, Block A/595, RHDFJ Partners Addition and said southwest right-of-way line of Hall Street, 43.23 feet to the north corner having coordinates of N=6976616.6587, E=2494141.4128 of the aforementioned 10 foot by 10 foot right-of-way dedication by the plat of said Lot 2, Block A/595, RHDFJ Partners Addition at the intersection of the southwest right-of-way line of said Hall Street with the northwest right-of-way line of said Ross Avenue;

THENCE South 00 degrees 42 minutes 59 seconds East, departing said northeasterly line of said Lot 2, Block A/595, RHDFJ Partners Addition and with the west line of said 10 foot by 10 foot right-of-way dedication and the most easterly line of said Block A/595, 14.16 feet to the POINT OF BEGINNING and containing 1.439 acres (62.688 square feet) of land, more or less.

Basis of Bearing is the State Plane Coordinate System, Texas North Central Zone (4202), North American Datum of 1983. All coordinates are state plane on grid. All distances are surface distances. Surface Adjustment Scale Factor: 1.000136506

For Nathan D. Maier Consulting Engineers, Inc.



Gary W. Matthews
Registered Professional Land Surveyor
Texas No. 5534 9.12.2013



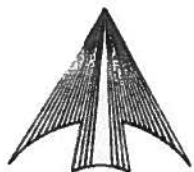
Page 3 of 4



FIELD NOTES APPROVED:

 11/20/13

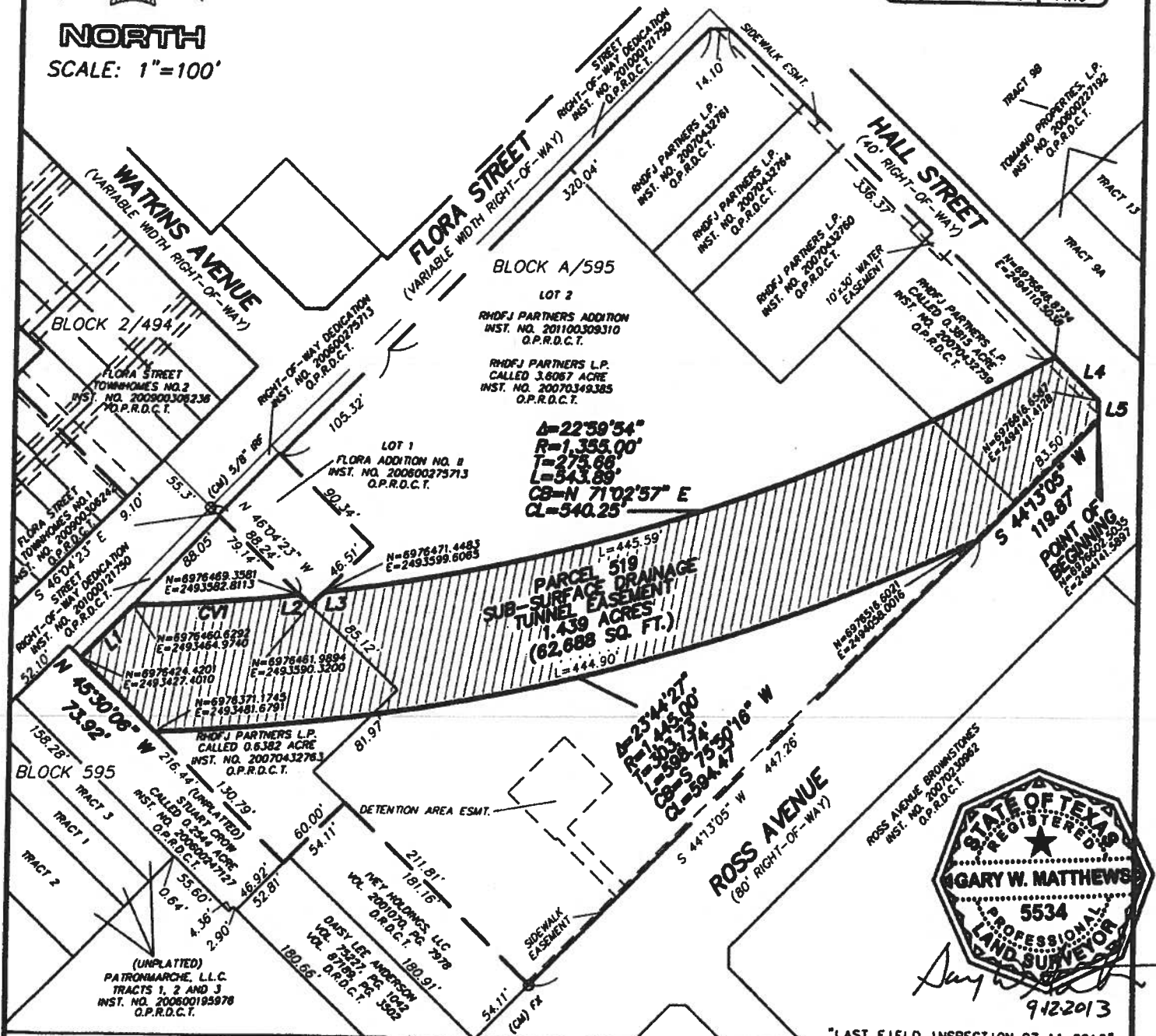
JOHN GRIGSBY SURVEY
ABSTRACT NUMBER 495



NORTH
SCALE: 1"=100'

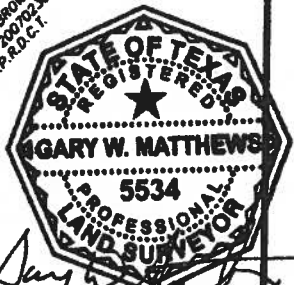
EASEMENT CURVE TABLE	
CVI	$\Delta=04^{\circ}39'55"$ $R=1,355.00'$ $T=59.14'$ $L=118.21'$ $CB=N 85^{\circ}45'49" E$ $CL=118.18'$

EASEMENT CURVE TABLE		
NO.	BEARING	DISTANCE
L1	N 43°43'16" E	52.11'
L2	S 46°04'23" E	10.56'
L3	N 44°18'50" E	13.16'
L4	S 45°39'03" E	43.23'
L5	S 00°42'59" E	14.16'



$\Delta=22^{\circ}38'54"$
 $R=1,355.00'$
 $T=275.66'$
 $L=543.89'$
 $CB=N 71^{\circ}02'57" E$
 $CL=540.25'$

PARCEL 519
SUB-SURFACE DRAINAGE
TUNNEL EASEMENT
(1.439 ACRES
(62,688 SQ. FT.))



Gary W. Matthews
9122013

"LAST FIELD INSPECTION 07-11-2013"

NOTE: SUBSURFACE EASEMENT CORNERS ARE NOT MONUMENTED.

Basis of Bearing is the State Plane Coordinate System, Texas North Central Zone (4202), North American Datum of 1983. All coordinates are state plane on grid. All distances are surface distances. Surface Adjustment Scale Factor: 1.0001363060.

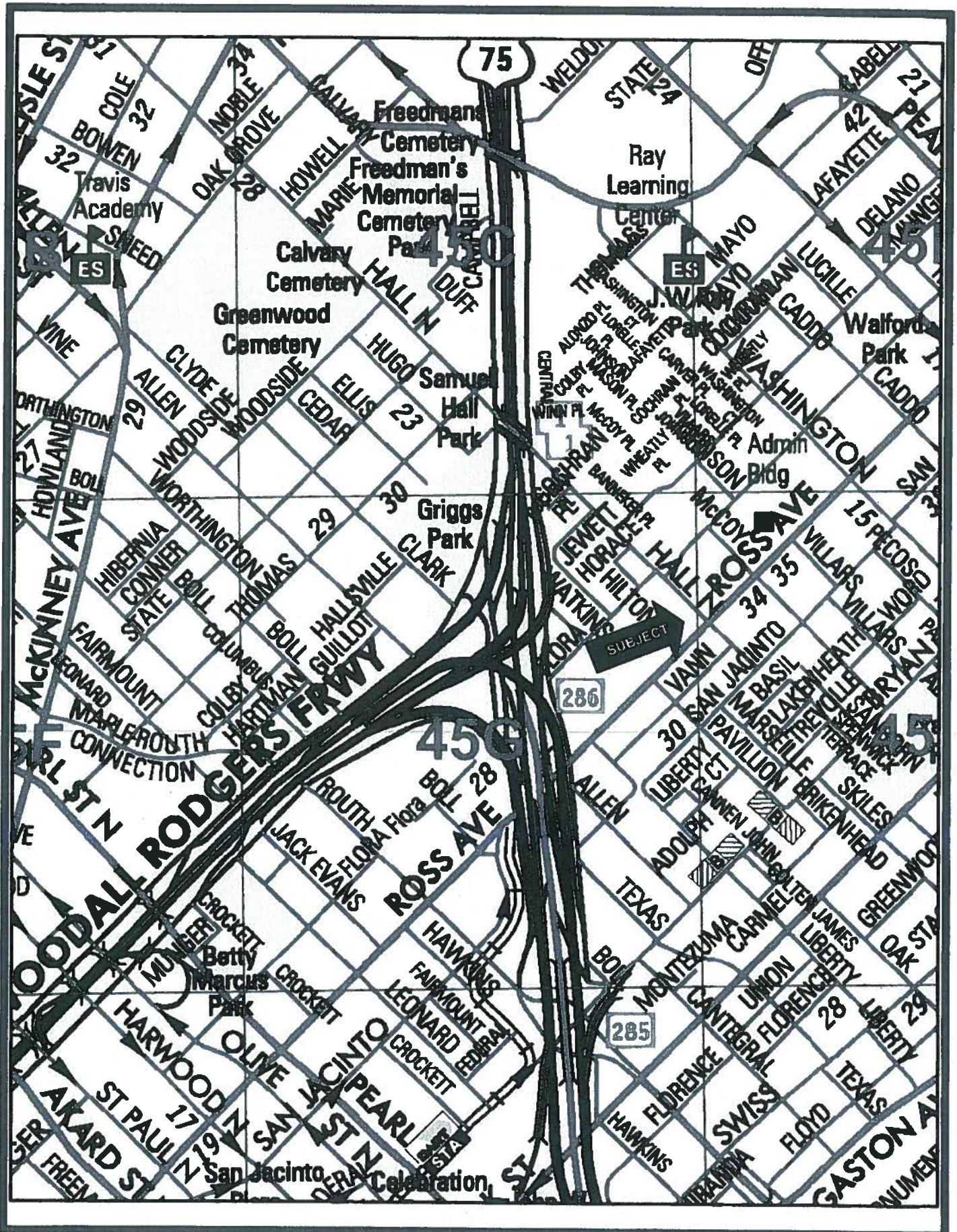
LEGEND			
D.R.D.C.T.	DEED RECORDS OF DALLAS COUNTY, TEXAS	---	RIGHT-OF-WAY LINE
M.R.D.C.T.	MAP RECORDS OF DALLAS COUNTY, TEXAS	---	EASEMENT LINE
O.P.R.D.C.T.	OFFICIAL PUBLIC RECORDS OF DALLAS COUNTY, TEXAS	---	SUBDIVISION LINE
INST. NO.	INSTRUMENT NUMBER	---	PROPERTY LINE
VOL., PG.	VOLUME, PAGE	---	IRON ROD FOUND
ESMT.	EASEMENT	---	IRON PIPE FOUND
SQ. FT.	SQUARE FEET	---	CONTROLLING MONUMENT
		---	FOUND PK NAIL
		---	FOUND "X"

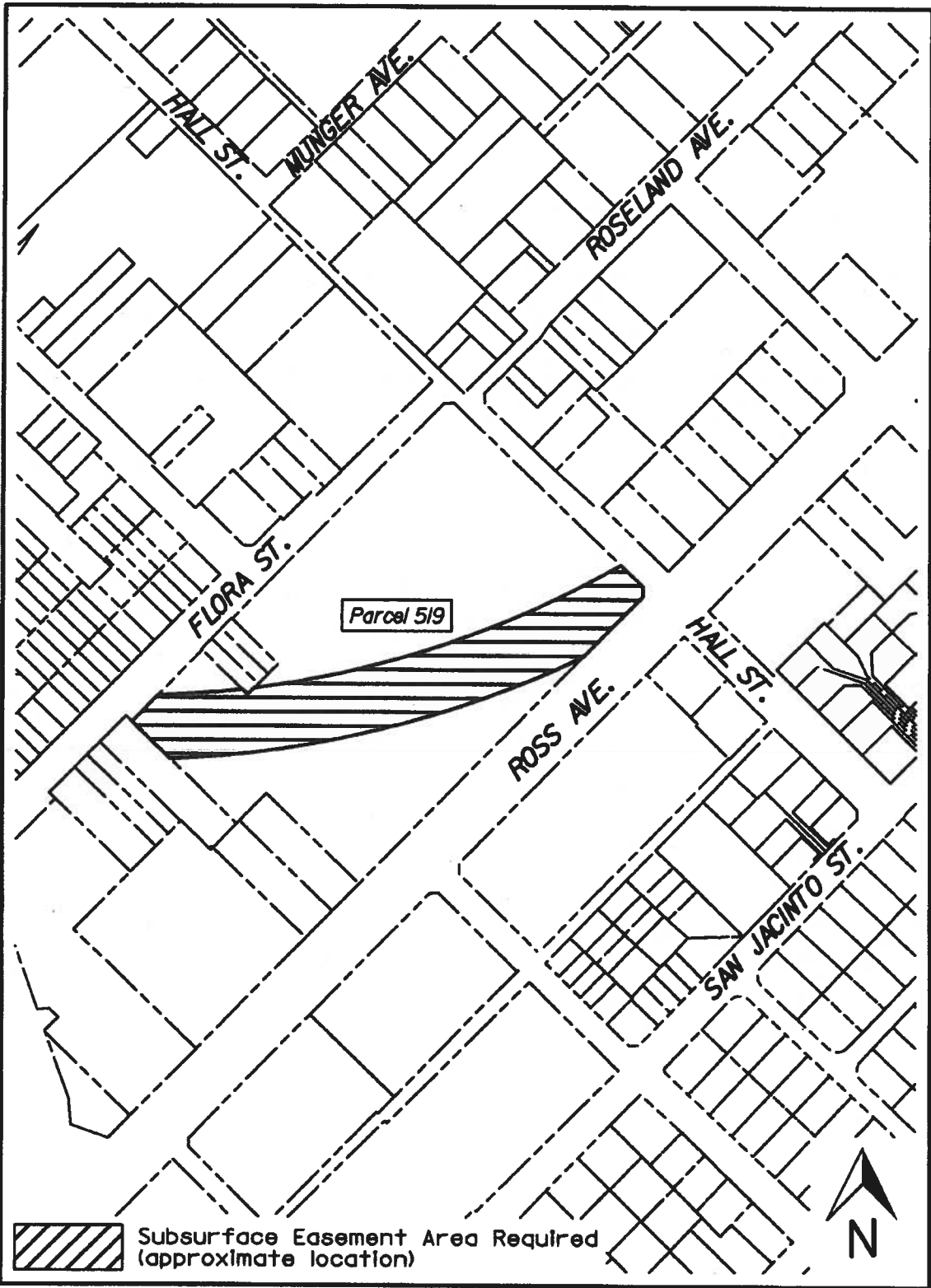
PAGE 4 OF 4

1.439 ACRES (62,688 SQ. FT) SUB-SURFACE DRAINAGE TUNNEL EASEMENT CITY OF DALLAS DRAWING NO. 423R-54 (PARCEL 519) TO BE ACQUIRED IN CITY OF DALLAS BLOCK A/595, PART OF LOT 2, RHDFJ PARTNERS ADDITION, JOHN GRIGSBY SURVEY, ABSTRACT NUMBER 495 CITY OF DALLAS, DALLAS COUNTY, TEXAS FROM RHDFJ PARTNERS L.P.

NDM NATHAN D. MAIER
CONSULTING ENGINEERS, INC.
TBPE FIRM REG. NO. F-356
TBPLS FIRM REG. NO. 100189-00
Two Northpark / 8080 Park Lane / Suite 600
Dallas, Texas 75231 / (214) 759-4741

09/12/2013 PARCEL-519.DWG





Memorandum



DATE September 4, 2015

TO Members of the Economic Development Committee:
Rickey D. Callahan (Chair), Casey Thomas, II (Vice Chair), Adam Medrano, Lee M. Kleinman,
Carolyn King Arnold, B. Adam McGough

SUBJECT **Upcoming Agenda Item on the September 22, 2015 Council Agenda – Authorize an Amendment to the contract with the World Affairs Council of Dallas/Fort Worth for Economic Development and Protocol Services.**

This item authorizes an amendment to the contract with the World Affairs Council of Dallas / Fort Worth for Economic Development and Protocol Services to: **(1)** extend the existing grant agreement from October 1, 2015 through December 31, 2015; and **(2)** increase funding by \$62,500 for the additional services for 3 months - Not to exceed \$62,500 - Financing: Public/Private Partnership Funds (subject to appropriations).

Please let me know if you have any questions.

Ryan S. Evans
First Assistant City Manager

C: The Honorable Mayor and Members of the City Council
A.C. Gonzalez, City Manager
Warren M.S. Ernst, City Attorney
Craig D. Kinton, City Auditor
Rosa A. Rios, City Secretary
Daniel F. Solis, Administrative Judge
Eric D. Campbell, Assistant City Manager

Jill A. Jordan, P.E., Assistant City Manager
Mark McDaniel, Assistant City Manager
Joey Zapata, Assistant City Manager
Jeanne Chipperfield, Chief Financial Officer
Sana Syed, Public Information Officer
Elsa Cantu, Assistant to the City Manager – Mayor & Council

Memorandum



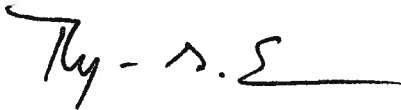
DATE September 4, 2015

TO Members of the Economic Development Committee:
Rickey D. Callahan (Chair), Casey Thomas, II (Vice Chair), Adam Medrano, Lee M. Kleinman,
Carolyn King Arnold, B. Adam McGough

SUBJECT **Upcoming Agenda Item on the September 22, 2015 Council Agenda – Authorize Supplemental Agreement No.1 to the contract with Southern Dallas Development Corporation (SDDC)**

This item authorizes a Supplemental Agreement No.1 to the contract with Southern Dallas Development Corporation (SDDC) to extend the term of the fourth and final renewal option from October 1, 2015 to March 30, 2016 to continue administration and loan servicing of the Community Development Block Grant (CDBG) funded Business Revolving Loan Program - Financing: No cost consideration to the City.

Please let me know if you have any questions.



Ryan S. Evans
First Assistant City Manager

C: The Honorable Mayor and Members of the City Council
A.C. Gonzalez, City Manager
Warren M.S. Ernst, City Attorney
Craig D. Kinton, City Auditor
Rosa A. Rios, City Secretary
Daniel F. Solis, Administrative Judge
Eric D. Campbell, Assistant City Manager

Jill A. Jordan, P.E., Assistant City Manager
Mark McDaniel, Assistant City Manager
Joey Zapata, Assistant City Manager
Jeanne Chipperfield, Chief Financial Officer
Sana Syed, Public Information Officer
Elsa Cantu, Assistant to the City Manager – Mayor & Council

Memorandum



DATE September 4, 2015

TO Members of the Economic Development Committee:
Rickey D. Callahan (Chair), Casey Thomas, II (Vice Chair), Adam Medrano, Lee M. Kleinman,
Carolyn King Arnold, B. Adam McGough

SUBJECT **Upcoming Agenda Item on the September 22, 2015 Council Agenda – Business Assistance Center (BAC) Contract Renewal**

This item authorizes a first renewal option for eight Business Assistance Centers (BACs) for a twelve-month service contract, with one additional twelve-month renewal option, subject to funding availability with the eight Business Assistance Center (BAC) contractors to provide technical assistance, incubator space and other support services to low-to-moderate income persons owning or starting microenterprises listed herein for each contract as follows: **(1)** Greater Dallas Hispanic Chamber of Commerce located at 4622 Maple Avenue, Suite 207 (BAC#1) in an amount not to exceed \$80,000; **(2)** The Dallas Black Chamber of Commerce located at 2838 Martin Luther King Boulevard (BAC #2)), in an amount not to exceed \$80,000; **(3)** CEN-TEX Certified Development Corporation dba Business & Community Lenders (BCL) of Texas to be located at the J. Erik Jonsson Central Library at 1515 Young Street, Sammons Small Business Center (BAC, #3) in an amount not to exceed \$80,000; **(4)** CENT-TEX Certified Development Corporation doing business as Business & Community Lenders (BCL) of Texas located at 4907 Spring Avenue(BAC#4) in an amount not to exceed \$80,000; **(5)** Business Assistance Center, Inc. located at 1201 West Camp Wisdom Road, Suite 224 (BAC#5) in an amount not to exceed \$80,000; **(6)** Organization of Hispanic Contractors Association dba Regional Hispanic Contractors Association to be located at 3918 N Hampton Rd (BAC#6), in an amount not to exceed \$80,000; **(7)** Organization of Hispanic Contractors Association dba Regional Hispanic Contractors Association located at 2210 West Illinois Avenue(BAC#7) in an amount not to exceed \$80,000; **(8)** CENT-TEX Certified Development Corporation doing business as Business & Community Lenders (BCL) of Texas located at 1322 Record Crossing(BAC#8) in an amount not exceed \$80,000; Not to exceed \$640,000 - Financing: 2015-16 Community Development Block Grant Funds.

Please let me know if you have any questions.

Ryan S. Evans
First Assistant City Manager

C: The Honorable Mayor and Members of the City Council
A.C. Gonzalez, City Manager
Warren M.S. Ernst, City Attorney
Craig D. Kinton, City Auditor
Rosa A. Rios, City Secretary
Daniel F. Solis, Administrative Judge
Eric D. Campbell, Assistant City Manager

Jill A. Jordan, P.E., Assistant City Manager
Mark McDaniel, Assistant City Manager
Joey Zapata, Assistant City Manager
Jeanne Chipperfield, Chief Financial Officer
Sana Syed, Public Information Officer
Elsa Cantu, Assistant to the City Manager – Mayor & Council

Memorandum



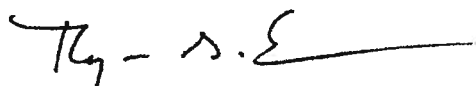
DATE September 4, 2015

TO Members of the Economic Development Committee:
Rickey D. Callahan (Chair), Casey Thomas, II (Vice Chair), Adam Medrano, Lee M. Kleinman,
Carolyn King Arnold, B. Adam McGough

SUBJECT **Upcoming Agenda Item on the September 9, 2015 Council Agenda – Authorize a one year service contract to a no-cost Federal income tax preparation program with focus on Earned Income Tax Credit (EITC)**

This item authorizes a one-year service contract to a no-cost Federal income tax preparation program with a focus on Earned Income Tax Credit (EITC) filings and financial education for low to moderate income filers citywide – Foundation Communities, sole respondent – Not to exceed \$200,000 – Financing: Current Funds (subject to appropriations).

Please let me know if you have any questions.



Ryan S. Evans
First Assistant City Manager

C: The Honorable Mayor and Members of the City Council
A.C. Gonzalez, City Manager
Warren M.S. Ernst, City Attorney
Craig D. Kinton, City Auditor
Rosa A. Rios, City Secretary
Daniel F. Solis, Administrative Judge
Eric D. Campbell, Assistant City Manager

Jill A. Jordan, P.E., Assistant City Manager
Mark McDaniel, Assistant City Manager
Joey Zapata, Assistant City Manager
Jeanne Chipperfield, Chief Financial Officer
Sana Syed, Public Information Officer
Elsa Cantu, Assistant to the City Manager – Mayor & Council

Memorandum



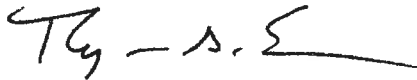
DATE September 4, 2015

TO Members of the Economic Development Committee:
Rickey D. Callahan (Chair), Casey Thomas, II (Vice Chair), Adam Medrano, Lee M. Kleinman,
Carolyn King Arnold, B. Adam McGough

SUBJECT **Upcoming Agenda Item on the September 22, 2015 Council Agenda – 100 Resilient Cities – Grant Agreement**

This item authorizes the acceptance and the execution of the 2014 100 Resilient Cities Grant from the Rockefeller Foundation to provide funding for economic resilience and preparedness for the rapid growth of natural and man-made disasters. This will fund the employment of a Chief Resilience Officer for the period October 1, 2015 – September 30, 2017.

Please let me know if you have any questions.



Ryan S. Evans
First Assistant City Manager

C: The Honorable Mayor and Members of the City Council
A.C. Gonzalez, City Manager
Warren M.S. Ernst, City Attorney
Craig D. Kinton, City Auditor
Rosa A. Rios, City Secretary
Daniel F. Solis, Administrative Judge
Eric D. Campbell, Assistant City Manager

Jill A. Jordan, P.E., Assistant City Manager
Mark McDaniel, Assistant City Manager
Joey Zapata, Assistant City Manager
Jeanne Chipperfield, Chief Financial Officer
Sana Syed, Public Information Officer
Elsa Cantu, Assistant to the City Manager – Mayor & Council