

AGENDA ITEM # 2

STRATEGIC PRIORITY: Mobility Solutions, Infrastructure, and Sustainability

AGENDA DATE: October 25, 2017

COUNCIL DISTRICT(S): 3

DEPARTMENT: Aviation

CMO: Jody Puckett, 670-3390

MAPSCO: 63P Q

SUBJECT

Authorize a professional services contract with Garver, LLC to provide engineering design services for the Fuel Farm and Paving Project at Dallas Executive Airport - Not to exceed \$524,100 - Financing: Aviation Capital Construction Funds

BACKGROUND

On April 18, 2016, six firms were short-listed from the Request For Qualifications for professional services for the Dallas Airport System Fuel Farm Development Projects. The firms selected to receive a Request For Proposal were Design Consulting Group, Inc., Exp U.S. Services Inc., Freese and Nichols, Inc., Garver, LLC, Huitt-Zollars, Inc. and Jacobs Engineering Group, Inc. On May 3, 2016, proposals were received from three of the six firms. The firms selected to interview were Exp U.S. Services Inc., Huitt-Zollars, Inc. and Garver, LLC. On June 3, 2016, the selection committee determined the most qualified firm was Garver, LLC.

This action will authorize a professional services contract with Garver, LLC to provide engineering design services for the Fuel Farm and Paving Project at Dallas Executive Airport. The project includes the expansion of the current fuel farm and spill protection improvements, which will allow the Dallas Executive Airport to expand its fueling program. This project will also include design improvements to the existing taxiway and apron pavement system.

ESTIMATED SCHEDULE OF PROJECT

Begin Design	November 2017
Complete Design	March 2018
Begin Construction	June 2018
Complete Construction	February 2019

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Information about this item will be provided to the Mobility Solutions, Infrastructure & Sustainability Committee on October 23, 2017.

FISCAL INFORMATION

Aviation Capital Construction Funds - \$524,100

Design (this action)	\$ 524,100
Construction (estimate)	<u>\$ 5,000,000</u>

Total Contract Cost	\$ 5,524,100
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M/WBE INFORMATION

See attached.

OWNER

Garver, LLC

Daniel H. Williams, President
Brock E. Hoskins, Senior Vice President
Herbert J. Parker, Senior Vice President

MAP

Attached

BUSINESS INCLUSION AND DEVELOPMENT PLAN SUMMARY

PROJECT: Authorize a professional services contract with Garver, LLC to provide engineering design services for the Fuel Farm and Paving Project at Dallas Executive Airport - Not to exceed \$524,100 - Financing: Aviation Capital Construction Funds

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

PROJECT CATEGORY: Professional Services

LOCAL/NON-LOCAL CONTRACT SUMMARY

	<u>Amount</u>	<u>Percent</u>
Total local contracts	\$477,525.00	91.11%
Total non-local contracts	\$46,575.00	8.89%
TOTAL CONTRACT	\$524,100.00	100.00%

LOCAL/NON-LOCAL M/WBE PARTICIPATION

Local Contractors / Sub-Contractors

<u>Local</u>	<u>Certification</u>	<u>Amount</u>	<u>Percent</u>
EJES, Inc.	BMDB53984Y1017	\$76,355.88	15.99%
STL Engineers	HFDB34765Y0818	\$39,530.00	8.28%
Arredondo, Zepeda & Brunz, LLC	HMDB92987Y0618	\$46,450.00	9.73%
Total Minority - Local		\$162,335.88	34.00%

Non-Local Contractors / Sub-Contractors

None

TOTAL M/WBE CONTRACT PARTICIPATION

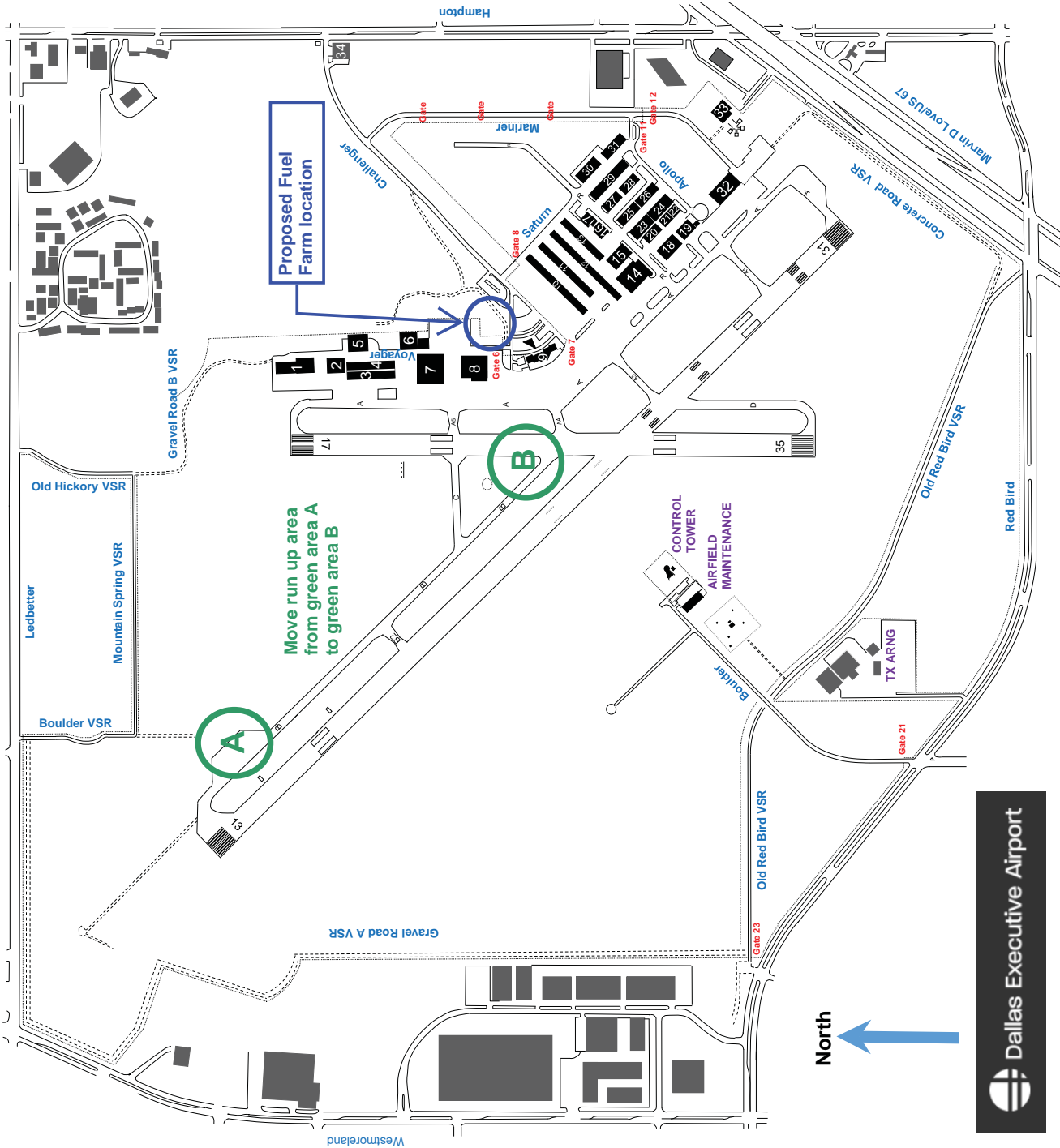
	<u>Local</u>	<u>Percent</u>	<u>Local & Non-Local</u>	<u>Percent</u>
African American	\$76,355.88	15.99%	\$76,355.88	14.57%
Hispanic American	\$85,980.00	18.01%	\$85,980.00	16.41%
Asian American	\$0.00	0.00%	\$0.00	0.00%
Native American	\$0.00	0.00%	\$0.00	0.00%
WBE	\$0.00	0.00%	\$0.00	0.00%
Total	\$162,335.88	34.00%	\$162,335.88	30.97%

AIRPORT BUILDING ADDRESS

- | Ref. | Address |
|------|--|
| 1. | 4985 VOYAGER |
| 2. | 4975 VOYAGER |
| 3. | 5025 VOYAGER |
| 1. | Hurn's Aircraft |
| 1. | 817-703-1393 |
| 2. | Dallas Executive Aircraft Services |
| 1. | 214-558-1238 |
| 4. | 5015 VOYAGER |
| 5. | 5010 VOYAGER |
| 1. | We Fly Ads |
| 1. | 888-933-5923 |
| 2. | H&W Products |
| 1. | 214-339-3030 |
| 6. | 5110 VOYAGER (HANGAR) / 6B 5120 VOYAGER (OFFICE) |
| 7. | 5125 VOYAGER |
| 1. | Jet Center Of Dallas FBO |
| 1. | 214-339-3992 |
| 2. | 131.40 |
| 8. | 5225 VOYAGER |
| 9. | 5303 CHALLENGER |
| 1. | Terminal |
| 2. | Delta Charlie's Restaurant |
| 1. | 214-623-9944 |
| 10. | 5419 SATURN |
| 1. | Aero Parts and Supply |
| 1. | 214-337-3328 |
| 2. | A&P Testing |
| 1. | 817-454-1673 |
| 11. | 5423 SATURN |
| 1. | Red Bird Electronics |
| 1. | 214-337-8958 |
| 12. | 5427 SATURN |
| 13. | 5431 SATURN |
| 1. | A Vessories |
| 1. | 214-467-9410 |
| 14. | 5435 SATURN |
| 1. | Ambassador Jet Center FBO |
| 1. | 214-623-8800 |
| 2. | 131.90 |
| 2. | Slipsteam Aviation |
| 1. | 817-658-5988 |
| 15. | 5433 SATURN |
| 16. | 5439 SATURN |
| 17. | 5443 SATURN |

AIRPORT BUILDING ADDRESS
CONTINUED

- | Ref. | Address |
|------|-------------------------|
| 18. | 5555 APOLLO |
| 19. | 5676 APOLLO |
| 1. | Avionics First |
| 1. | 214-337-7000 |
| 20. | 5673 APOLLO |
| 21. | 5675 APOLLO |
| 22. | 5677 APOLLO |
| 23. | 5681 APOLLO |
| 24. | 5683 APOLLO |
| 25. | 5689 APOLLO |
| 26. | 5691 APOLLO |
| 27. | 5693 APOLLO |
| 28. | 5695 APOLLO |
| 29. | 5697 APOLLO |
| 30. | 5699 APOLLO |
| 31. | 5701 APOLLO |
| 32. | 5661 MARINER |
| 1. | Commemorative Air Force |
| 1. | 214-330-1700 |
| 33. | 5775 CHUCK TAYLOR |
| 1. | DPD Helicopter Unit |
| 1. | 214-670-1944 |
| 2. | 214-670-1945 |
| 34. | 4901 S. HAMPTON |
| 1. | Fire Station 49 |
| 1. | 214-670-4749 |
| 2. | 214-670-1931 |
| 3. | 214-670-1935 |
| 35. | 5550 BOULDER DRIVE |
| 1. | Manager 214-330-2216 |
| 2. | Cab 214-330-2201 |
| 36. | 5907 BOULDER DRIVE |



October 25, 2017

WHEREAS, the Department of Aviation has a need for engineering design services for the Fuel Farm and Paving Project at Dallas Executive Airport; and

WHEREAS, the Department of Aviation needs to expand the current fuel farm and spill protection area to allow the Dallas Executive Airport to expand its fueling program and improve the existing taxiway and apron pavement system; and

WHEREAS, Garver, LLC was selected as the most qualified proposer of three as a result of a qualifications based selection process in accordance with City of Dallas procurement guidelines; and

WHEREAS, it is now desirable to authorize a professional services contract with Garver, LLC to provide engineering design services for the Fuel Farm and Paving Project at Dallas Executive Airport.

Now, Therefore,

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

SECTION 1. That the City Manager is hereby authorized to sign a professional services contract with Garver, LLC, approved as to form by the City Attorney, to provide engineering design services for the Fuel Farm and Paving Project at Dallas Executive Airport, in an amount not to exceed \$524,100.

SECTION 2. That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed \$524,100 to Garver, LLC in accordance with the terms and conditions of the contract from Aviation Capital Construction Fund, Fund 0131, Department AVI, Unit W158, Activity AAIP, Object 4111, Program AVW158, Commodity 92500, Encumbrance/Contract No. CX-AVI-2017-00003940, Vendor VS0000016343.

SECTION 3. That this contract is designated as Contract No. AVI-2017-00003940.

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

AGENDA ITEM # 8

STRATEGIC PRIORITY: Mobility Solutions, Infrastructure, and Sustainability

AGENDA DATE: October 25, 2017

COUNCIL DISTRICT(S): 3

DEPARTMENT: Department of Transportation

CMO: Majed Al-Ghafry, 670-3302

MAPSCO: 52W

SUBJECT

Authorize **(1)** the receipt and deposit of funds in an amount not to exceed \$23,204 from WWF Operating Company for certain material and labor costs associated with the construction of a new traffic signal at West Kiest Boulevard and South Ledbetter Drive; and **(2)** an increase in appropriations in an amount not to exceed \$23,204 in the Capital Projects Reimbursement Fund - Not to exceed \$23,204 - Financing: Capital Projects Reimbursement Funds

BACKGROUND

The intersection of West Kiest Boulevard and South Ledbetter Drive was studied by Kimley-Horn & Associates in May 2017 and was found to meet traffic volume criteria for warranting a new traffic signal with existing traffic volumes.

WWF Operating Company will be responsible for 100 percent of the design and construction costs for the traffic signal for this location. WWF Operating Company has agreed to reimburse the City of Dallas a sum of \$23,203.55 for certain traffic signal equipment and labor costs incurred by City staff.

WWF Operating Company understands that, upon City Council approval of the required funding, an amount not to exceed \$23,203.55 will be deposited with the City of Dallas before any City supplied materials can be provided.

It is understood that the final construction costs will be determined by the City upon completion of the project, and that WWF Operating Company will be refunded any unused funds.

ESTIMATED SCHEDULE OF PROJECT

Begin Construction	Early 2018
Complete Construction	Fall 2018

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Information about this item will be provided to the Mobility Solutions, Infrastructure and Sustainability Committee on October 23, 2017.

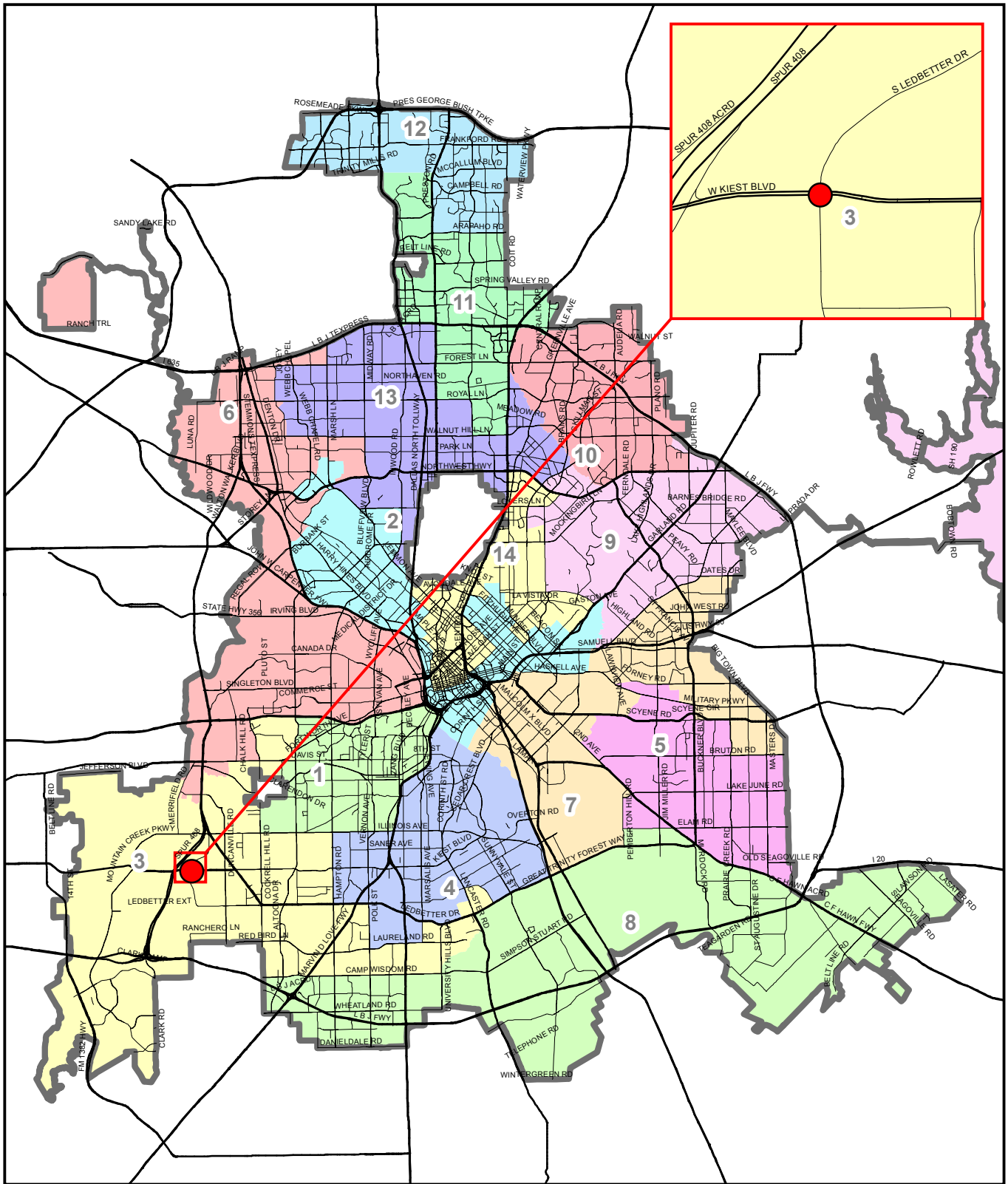
FISCAL INFORMATION

Capital Projects Reimbursement Funds - \$23,203.55

MAP

Attached

New Traffic Signal W Kiest Blvd and S Ledbetter Dr



**Council District 3
Mapsco Page 52W**

October 25, 2017

WHEREAS, WWF Operating Company is paying 100 percent of the design and construction costs for a new traffic signal at the intersection of West Kiest Boulevard and South Ledbetter Drive; and

WHEREAS, the intersection was studied by Kimley-Horn & Associates in May 2017 and was found to meet the traffic volume criteria for warranting a new traffic signal; and

WHEREAS, WWF Operating Company has agreed to reimburse the City of Dallas for material, equipment, and labor costs related to the construction of a new traffic signal being built at the intersection of West Kiest Boulevard and South Ledbetter Drive, in an amount not to exceed \$23,203.55.

Now, Therefore,

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

SECTION 1. That the Chief Financial Officer is hereby authorized to receive and deposit funds from WWF Operating Company, in an amount not to exceed \$23,203.55 in the Capital Projects Reimbursement Fund, Fund 0556, Department TRN, Unit W228, Revenue Code 8492.

SECTION 2. That the City Manager is hereby authorized to increase appropriations in an amount not to exceed \$23,203.55 in the Capital Projects Reimbursement Fund, Fund 0556, Department TRN, Unit W228, Object 4820, Activity THRG, Program TP17W228.

SECTION 3. That the Chief Financial Officer is hereby authorized to disburse funds received from WWF Operating Company, in an amount not to exceed \$23,203.55 from the Capital Projects Reimbursement Fund, Fund 0556, Department TRN, Unit W228, Object 4820, Activity THRG, Program TP17W228, for services related to the construction of the new traffic signal.

SECTION 4. That the Chief Financial Officer is hereby authorized to refund WWF Operating Company any unused funds.

SECTION 5. That this contract is designated as Contract No. TRN-2017-00003983.

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

STRATEGIC PRIORITY: Public Safety

AGENDA DATE: October 25, 2017

COUNCIL DISTRICT(S): All

DEPARTMENT: Office of Procurement Services
Aviation
Public Works Department

CMO: Elizabeth Reich, 670-7804
Jody Puckett, 670-3390
Majed Al-Ghafry, 670-3302

MAPSCO: N/A

SUBJECT

Authorize a three-year master agreement for salt and magnesium chloride de-icer for the Public Works and Aviation Departments - The Bargain Source in the amount of \$45,948 and Southwest Envirotx Partners, LLC in the amount of \$104,400, lowest responsible bidders of two - Total not to exceed \$150,348 - Financing: Current Funds (\$149,160) and Aviation Current Funds (\$1,188)

BACKGROUND

This action does not encumber funds; the purpose of a master agreement is to establish firm pricing for goods, for a specific term, which are ordered on an as needed basis.

This master agreement will provide for salt and magnesium chloride de-icer for the Public Works and Aviation Departments. The rock salt, ice-slicer, and magnesium chloride de-icer are used when inclement weather results in icy conditions. The salt and ice-slicer are mixed with sand and dispensed on City streets by spreader trucks to improve traction when icy weather conditions occur.

As part of the solicitation process and in an effort to increase competition, the Office of Procurement Services used its procurement system to send out 143 email bid notifications to vendors registered under respective commodities. To further increase competition, the Office of Procurement Services uses historical solicitation information, the internet, and vendor contact information obtained from user departments to contact additional vendors by phone. Additionally, in an effort to secure more bids, the Office of Business Diversity's ResourceLINK Team sent notifications to 25 chambers of commerce, the DFW Minority Business Council, and the Women's Business Council - Southwest, to ensure maximum vendor outreach.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On October 22, 2014, City Council authorized a three-year master agreement for salt and magnesium chloride de-icer for Street Services by Resolution No. 14-1784.

The Mobility Solutions, Infrastructure & Sustainability Committee will be briefed by memorandum regarding this matter on October 23, 2017.

FISCAL INFORMATION

Current Funds - \$149,160
Aviation Current Funds - \$1,188

M/WBE INFORMATION

20 - Vendors contacted
19 - No response
1 - Response (Bid)
0 - Response (No Bid)
1 - Successful

The awardees have fulfilled the good faith effort requirements set forth in the Business Inclusion and Development (BID) Plan adopted on October 22, 2008, by Resolution No. 08-2826, as amended.

BID INFORMATION

The Office of Procurement Services received the following bids from solicitation number BW1712. We opened them on September 1, 2017. We recommend the City Council award this master agreement to the lowest responsive and responsible bidders by group.

*Denotes successful bidders

<u>Bidders</u>	<u>Address</u>	<u>Amount</u>
*The Bargain Source	2516 Morningside Dr. Garland, TX 75041	Group 1 - \$ 1,695 Group 2 - \$ 44,253 Group 3 - \$111,000
*Southwest Envirotx Partners, LLC	10250 Grand Summit Blvd. Dripping Springs, TX 78620	Group 1 - No Bid Group 2 - \$ 47,358 Group 3 - \$104,400

OWNERS

The Bargain Source

Vandana Vivek Hiremath, President

Southwest Envirotx Partners, LLC

Clay Speer, President

Scott Speer, Vice President

Dan Dipprey, Vice President

BUSINESS INCLUSION AND DEVELOPMENT PLAN SUMMARY

PROJECT: Authorize a three-year master agreement for salt and magnesium chloride de-icer for the Public Works and Aviation Departments - The Bargain Source in the amount of \$45,948 and Southwest Envirotx Partners, LLC in the amount of \$104,400, lowest responsible bidders of two - Total not to exceed \$150,348 - Financing: Current Funds (\$149,160) and Aviation Current Funds (\$1,188)

The Bargain Source is a local, non-minority firm, has signed the "Business Inclusion & Development" documentation, and proposes to use their own workforce. Southwest Envirotx Partners, LLC is a non-local, non-minority firm, has signed the "Business Inclusion & Development" documentation, and proposes to use their own workforce.

PROJECT CATEGORY: Goods

LOCAL/NON-LOCAL CONTRACT SUMMARY

	<u>Amount</u>	<u>Percent</u>
Total local contracts	\$45,948.00	30.56%
Total non-local contracts	\$104,400.00	69.44%
TOTAL CONTRACT	\$150,348.00	100.00%

LOCAL/NON-LOCAL M/WBE PARTICIPATION

Local Contractors / Sub-Contractors

None

Non-Local Contractors / Sub-Contractors

None

TOTAL M/WBE CONTRACT PARTICIPATION

	<u>Local</u>	<u>Percent</u>	<u>Local & Non-Local</u>	<u>Percent</u>
African American	\$0.00	0.00%	\$0.00	0.00%
Hispanic American	\$0.00	0.00%	\$0.00	0.00%
Asian American	\$0.00	0.00%	\$0.00	0.00%
Native American	\$0.00	0.00%	\$0.00	0.00%
WBE	\$0.00	0.00%	\$0.00	0.00%
Total	\$0.00	0.00%	\$0.00	0.00%

October 25, 2017

WHEREAS, on October 22, 2014, City Council authorized a three-year master agreement for salt and magnesium chloride de-icer for Street Services by Resolution No. 14-1784.

Now, Therefore,

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

SECTION 1. That the City Manager is hereby authorized to sign a master agreement with The Bargain Source (504430) in the amount of \$45,948 and Southwest Envirotx Partners, LLC (VS85852) in the amount of \$104,400, approved as to form by the City Attorney, for the purchase of salt and magnesium chloride de-icer for the Public Works and Aviation Departments for a term of three years in a total amount not to exceed \$150,348.

SECTION 2. That the Purchasing Agent is authorized, upon appropriate request and documented need by a user department, to issue a purchase order for salt and magnesium chloride de-icer for the Public Works and Aviation Departments. If a written contract is required or requested for any or all purchases of salt and magnesium chloride de-icer for the Public Works and Aviation Departments under the master agreement instead of individual purchase orders, the City Manager is hereby authorized to execute a contract, approved as to form by the City Attorney.

SECTION 3. That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed \$150,348 to The Bargain Source and Southwest Envirotx Partners, LLC from Master Agreement Contract No. POM-2017-00004090.

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

**STRATEGIC
PRIORITY:**

Mobility Solutions, Infrastructure, and Sustainability

AGENDA DATE:

October 25, 2017

COUNCIL DISTRICT(S):

4

DEPARTMENT:

Public Works Department
Water Utilities

CMO:

Majed Al-Ghafry, 670-3302

MAPSCO:

66B

SUBJECT

Authorize a contract for the reconstruction of street paving, storm drainage, water and wastewater main improvements for Bismark Drive from East Ledbetter Drive to 51st Street - MACVAL Associates, LLC, lowest responsible bidder of five - Not to exceed \$1,156,281 - Financing: 2012 Bond Funds (\$835,201), Water Utilities Capital Improvement Funds (\$292,680) and Water Utilities Capital Construction Funds (\$28,400)

BACKGROUND

On September 25, 2013, City Council authorized a professional services contract with R. L. Goodson, Jr., Inc. for engineering design services for the reconstruction of Bismark Drive from East Ledbetter Drive to 51st Street to include street paving, storm drainage, water and wastewater main improvements, in an amount not to exceed \$61,271.00, by Resolution No. 13-1731.

On June 14, 2017, City Council authorized the rejection of all bids received for the reconstruction of Bismark Drive from East Ledbetter Drive to 51st Street and the re-advertisement for new bids by Resolution No. 17-0932.

This action will authorize a contract with MACVAL Associates, LLC, for the reconstruction of Bismark Drive from East Ledbetter Drive to 51st Street to include street paving, storm drainage, water and wastewater main improvements, in an amount not to exceed \$1,156,281.00.

BACKGROUND (continued)

The scope of the project on Bismark Drive from East Ledbetter Drive to 51st Street entails street paving, storm drainage, sidewalks, driveway approaches, barrier-free ramps, and water and wastewater main improvements.

The following chart illustrates MACVAL Associates, LLC's contractual activities with the City of Dallas for the past three years.

	<u>PBW</u>	<u>DWU</u>	<u>PKR</u>	<u>TWM</u>
Projects Completed	0	0	2	1
Change Orders	0	0	0	0
Projects Requiring Liquidated Damages	0	0	0	0
Projects Completed by Bonding Company	0	0	0	0

ESTIMATED SCHEDULE OF PROJECT

Began Design	December 2013
Completed Design	March 2017
Begin Construction	January 2018
Complete Construction	June 2018

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On September 25, 2013, City Council authorized a professional services contract with R. L. Goodson, Jr., Inc. for engineering design services for the reconstruction of Bismark Drive from East Ledbetter Drive to 51st Street by Resolution No. 13-1731.

On June 14, 2017, City Council authorized the rejection of all bids for the reconstruction of street paving, storm drainage, water and wastewater main improvements for Bismark Drive from East Ledbetter Drive to 51st Street and Haas Drive from 51st Street to Marjorie Avenue; and the re-advertisement for new bids by Resolution No. 17-0932.

Information about this item will be provided to the Mobility Solutions, Infrastructure and Sustainability Committee on October 23, 2017.

FISCAL INFORMATION

2012 Bond Funds - \$835,201.00
Water Utilities Capital Improvement Funds - \$292,680.00
Water Utilities Capital Construction Funds - \$28,400.00

Design (Bismark Drive)	\$ 61,271.00
Construction (this action)	
Paving & Drainage - PBW	\$ 835,201.00
Water & Wastewater - DWU	<u>\$ 321,080.00</u>
Total	\$1,217,552.00

M/WBE INFORMATION

See attached.

BID INFORMATION

The following five bids with quotes were received and opened on August 11, 2017:

*Denotes successful bidder

<u>Bidders</u>	<u>Bid Amount</u>
*MACVAL Associates, LLC 8600 N. Stemmons Freeway, #5060 Dallas, Texas 75247	\$1,156,281.00
Texas Standard Construction, Ltd.	\$1,338,552.05
Camino Construction, LP	\$1,406,592.00
Jeske Construction Company	\$1,425,359.00
Tiseo Paving Company	\$1,568,660.00
Original estimate: PBW - \$1,088,755.00 WTR - <u>\$ 439,428.00</u>	
Total	\$1,528,183.00

OWNER

MACVAL Associates, LLC

Aloysius A. Attah, P.E., President

MAP

Attached

BUSINESS INCLUSION AND DEVELOPMENT PLAN SUMMARY

PROJECT: Authorize a contract for the reconstruction of street paving, storm drainage, water and wastewater main improvements for Bismark Drive from East Ledbetter Drive to 51st Street - MACVAL Associates, LLC, lowest responsible bidder of five - Not to exceed \$1,156,281 - Financing: 2012 Bond Funds (\$835,201), Water Utilities Capital Improvement Funds (\$292,680) and Water Utilities Capital Construction Funds (\$28,400)

MACVAL Associates, LLC is a local, non-minority firm, has signed the "Business Inclusion & Development" documentation, and proposes to use the following sub-contractor.

PROJECT CATEGORY: Construction

LOCAL/NON-LOCAL CONTRACT SUMMARY

	<u>Amount</u>	<u>Percent</u>
Total local contracts	\$1,156,281.00	100.00%
Total non-local contracts	\$0.00	0.00%
TOTAL CONTRACT	\$1,156,281.00	100.00%

LOCAL/NON-LOCAL M/WBE PARTICIPATION

Local Contractors / Sub-Contractors

<u>Local</u>	<u>Certification</u>	<u>Amount</u>	<u>Percent</u>
Flow Line Utilities, Inc.	HMMB31596N0419	\$382,740.00	33.10%
Total Minority - Local		\$382,740.00	33.10%

Non-Local Contractors / Sub-Contractors

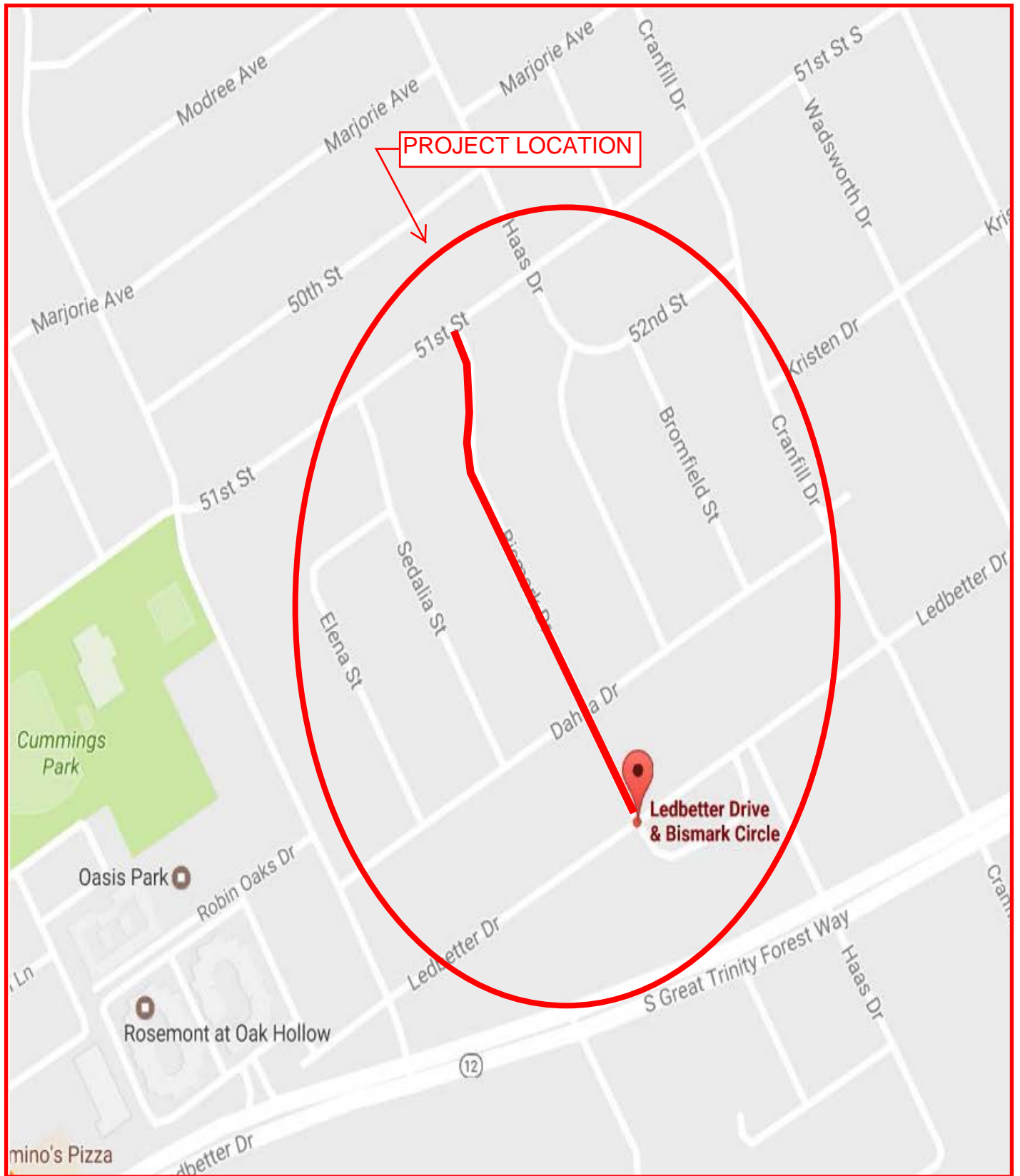
None

TOTAL M/WBE CONTRACT PARTICIPATION

	<u>Local</u>	<u>Percent</u>	<u>Local & Non-Local</u>	<u>Percent</u>
African American	\$0.00	0.00%	\$0.00	0.00%
Hispanic American	\$382,740.00	33.10%	\$382,740.00	33.10%
Asian American	\$0.00	0.00%	\$0.00	0.00%
Native American	\$0.00	0.00%	\$0.00	0.00%
WBE	\$0.00	0.00%	\$0.00	0.00%
Total	\$382,740.00	33.10%	\$382,740.00	33.10%

STREET RECONSTRUCTION

BISMARK DRIVE FROM E. LEDBETTER DRIVE TO 51ST STREET



MAPSCO 66B

October 25, 2017

WHEREAS, on September 25, 2013, City Council authorized a professional services contract with R. L. Goodson, Jr., Inc. for the engineering design services for Bismark Drive from East Ledbetter Drive to 51st Street, in an amount not to exceed \$61,271.00, by Resolution No. 13-1731; and

WHEREAS, the construction bids received on March 24, 2017, for the reconstruction of Bismark Drive from East Ledbetter Drive to 51st Street and Haas Drive from 51st Street to Marjorie Avenue were significantly higher than the available funding; and

WHEREAS, on June 14, 2017, City Council authorized the rejection of all bids received for the reconstruction of street paving, storm drainage, water and wastewater main improvements for Bismark Drive from East Ledbetter Drive to 51st Street and Haas Drive from 51st Street to Marjorie Avenue; and the re-advertisement for new bids by Resolution No. 17-0932; and

WHEREAS, on August 11, 2017, five bids were received for the reconstruction of street paving, storm drainage, water and wastewater main improvements for Bismark Drive from East Ledbetter Drive to 51st Street, as follows:

<u>Bidders</u>	<u>Bid Amount</u>
MACVAL Associates, LLC	\$1,156,281.00
Texas Standard Construction, Ltd.	\$1,338,552.05
Camino Construction, LP	\$1,406,592.00
Jeske Construction Company	\$1,425,359.00
Tiseo Paving Company	\$1,568,660.00

Now, Therefore,

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

SECTION 1. That the City Manager is hereby authorized to sign a contract with MACVAL Associates, LLC, approved as to form by the City Attorney, for the reconstruction of street paving, storm drainage, water and wastewater main improvements for Bismark Drive from East Ledbetter Drive to 51st Street, in an amount not to exceed \$1,156,281.00, this being the lowest responsive bid received as indicated by the tabulation of bids.

October 25, 2017

SECTION 2. That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed \$1,156,281.00 to MACVAL Associates, LLC, in accordance with the terms and conditions of the contract as follows:

Street and Transportation Improvements Fund Fund 2U22, Department PBW, Unit S448 Activity SREC, Object 4510, Program PB12S448 Encumbrance/Contract No. CX PBW-2017-00003209 Vendor VS0000025999	\$ 41,763.41
Street and Transportation Improvements Fund Fund 3U22, Department PBW, Unit S448 Activity SREC, Object 4510, Program PB12S448 Encumbrance/Contract No. CX PBW-2017-00003209 Vendor VS0000025999	\$ 793,437.59
Water Capital Improvement Fund Fund 2115, Department DWU, Unit PW42 Object 4550, Program 716001 Encumbrance/Contract No. CX PBW-2017-00003209 Vendor VS0000025999	\$ 164,120.00
Water Construction Fund Fund 0102, Department DWU, Unit CW42 Object 3221, Program 716001 Encumbrance/Contract No. CX PBW-2017-00003209 Vendor VS0000025999	\$ 18,450.00
Wastewater Capital Improvement Fund Fund 2116, Department DWU, Unit PS42 Object 4560, Program 716002 Encumbrance/Contract No. CX PBW-2017-00003209 Vendor VS0000025999	\$ 128,560.00
Wastewater Construction Fund Fund 0103, Department DWU, Unit CS42 Object 3222, Program 716002 Encumbrance/Contract No. CX PBW-2017-00003209 Vendor VS0000025999	<u>\$ 9,950.00</u>
Total amount not to exceed	\$1,156,281.00

October 25, 2017

SECTION 3. That this resolution shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so resolved.

AGENDA ITEM # 31

STRATEGIC PRIORITY: Mobility Solutions, Infrastructure, and Sustainability

AGENDA DATE: October 25, 2017

COUNCIL DISTRICT(S): Outside City Limits

DEPARTMENT: Sustainable Development and Construction
Water Utilities

CMO: Majed Al-Ghafry, 670-3302

MAPSCO: N/A

SUBJECT

Authorize acquisition from Glenn Ferguson and Jonette Ferguson, of approximately 28,539 square feet of land with a vacant single-family dwelling located in Hunt County for the Lake Tawakoni 144-inch Transmission Pipeline Project - Not to exceed \$47,000 (\$44,043, plus closing costs and title expenses not to exceed \$2,957) - Financing: Water Utilities Capital Improvement Funds

BACKGROUND

This item authorizes the acquisition from Glenn Ferguson and Jonette Ferguson, of approximately 28,539 square feet of land with a vacant single-family dwelling located in Hunt County. This property will be used for the construction of a 144-inch raw water transmission line for the Lake Tawakoni 144-inch Transmission Pipeline Project. The consideration is based on an independent appraisal. No relocation benefits are required.

This acquisition is part of the right-of-way required to construct approximately 32 miles of pipeline from Lake Tawakoni to the Interim Balancing Reservoir located in Terrell, Texas and then to the Eastside Water Treatment Plant located in Sunnyvale, Texas. The new raw water pipeline will augment the existing 72-inch and 84-inch pipelines. The construction of this pipeline will give Dallas Water Utilities the ability to utilize the full capacity of both the Lake Tawakoni and the Lake Fork raw water supply to meet the current City needs and future water demands.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Information about this item will be provided to the Mobility Solutions, Infrastructure & Sustainability Committee on October 23, 2017.

FISCAL INFORMATION

Water Utilities Capital Improvement Funds - \$47,000 (\$44,043, plus closing costs and title expenses not to exceed \$2,957)

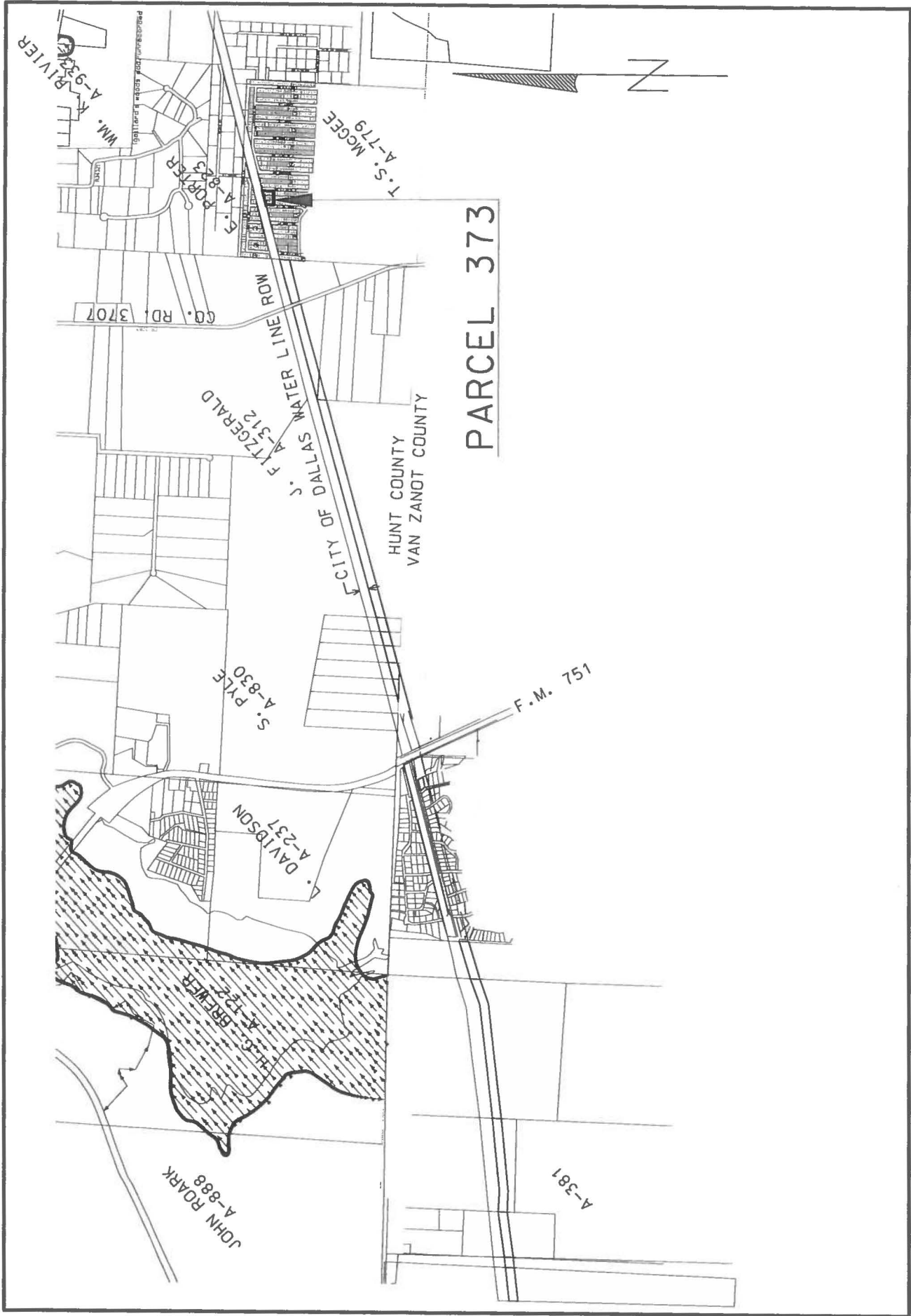
OWNERS

Glenn Ferguson

Jonette Ferguson

MAP

Attached



VICINITY MAP
APPROXIMATE SCALE 1" = 2000'

October 25, 2017

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

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

"CITY": The City of Dallas

"PROPERTY": Approximately 28,539 square feet of land located in Hunt County, Texas, and being the same property more particularly described in Exhibit "A", attached hereto and made a part hereof for all purposes, and any and all improvements, rights and appurtenances appertaining thereto.

"PROJECT": Lake Tawakoni 144-inch Transmission Pipeline

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

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

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

"PURCHASE AMOUNT": \$44,043

"CLOSING COSTS AND TITLE EXPENSES": Not to exceed \$2,957

"AUTHORIZED AMOUNT": Not to exceed \$47,000

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

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

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

October 25, 2017

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

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

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

SECTION 6. That in the event this acquisition closes, the Chief Financial Officer is hereby authorized and directed to draw a warrant in favor of the OWNER, or the then current owner of record, or the title company closing the transaction described herein in the PURCHASE AMOUNT and CLOSING COSTS AND TITLE EXPENSES payable out of Water Utilities Capital Improvement Funds, Fund 3115, Department DWU, Unit PW20, Activity RWPT, Program 704041, Object 4210, Encumbrance/Contract No. CX-DWU-2017-00003050. The PURCHASE AMOUNT, CLOSING COSTS and TITLE EXPENSES together shall not exceed the AUTHORIZED AMOUNT.

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

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

APPROVED AS TO FORM:
LARRY E. CASTO, City Attorney

BY: 
Assistant City Attorney

Exhibit A

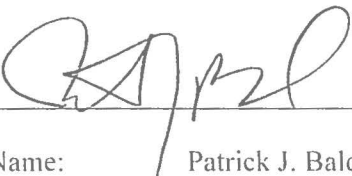
FIELD NOTES
DESCRIBING A TRACT OF LAND FOR FEE SIMPLE ACQUISITION
OF RIGHT-OF-WAY FOR THE LAKE TAWAKONI RAW WATER
TRANSMISSION MAIN
HUNT COUNTY, TEXAS
Parcel: 373

BEING a 28,539 square foot (0.6552 acre) tract of land in the T. McGee Survey, Abstract No. 779, being all of Lots 3-9, 37- 42, and 70-74, Block Y of the Waco Bay Estates Subdivision, Phase III as recorded in Volume 400, Page 631-633 of the Plat Records of Hunt County, Texas, said Lots 3-9, 37-42, and 70-74 being described in General Warranty Deed to Glenn Ferguson and Jonette Ferguson, husband and wife, dated October 16, 2009, as recorded in Document No. 2009-13921 of the Official Public Records of Hunt County, Texas.

All bearings for this tract refer to the NAD-83 Texas State Plane Coordinate System, North Central Zone 4202, according to measurements made at NGS continuously operating reference stations Collin CORS ARP, Dallas CORS ARP, Kaufman CORS ARP, Tyler CORS ARP, and Paris CORS ARP. The Kaufman County scale factor of 1.000114077 as published by the Texas Department of Transportation, Dallas District was used for this project.

A plat of even survey date herewith accompanies this legal description.

Company Name: DAL-TECH Engineering, Inc.
TBPLS Firm No. 10123500

By:  Date: 4.28.15

Surveyor's Name: Patrick J. Baldasaro
Registered Professional Land Surveyor
Texas No. 5504



FIELD NOTES APPROVED:

ABC 6/1/15



EXHIBIT B

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

WARRANTY DEED

THE STATE OF TEXAS §
 § KNOW ALL PERSONS BY THESE PRESENTS:
COUNTY OF HUNT §

That we Glenn Ferguson, and spouse, Jonette Ferguson (hereinafter called "Grantor" whether one or more natural persons or legal entities) of the County of Hunt, State of Texas, for and in consideration of the sum of FORTY FOUR THOUSAND FORTY THREE AND 00/100 DOLLARS (\$44,043.00) to the undersigned in hand paid by the **City of Dallas, 1500 Marilla Street, Dallas, Texas, 75201**, a Texas municipal corporation (hereinafter called "City"), the receipt of which is hereby acknowledged and confessed, has granted, sold and conveyed and does hereby grant, sell and convey unto City, its successors and assigns, all of the property described in Exhibit "A", attached hereto and made a part hereof by reference for all purposes.

SPECIAL PROVISIONS: NONE

TO HAVE AND TO HOLD the above described premises, together with all and singular the rights and appurtenances thereto in anywise belonging unto City, its successors and assigns forever, and Grantor binds Grantor and Grantor's heirs, executors, administrators or successors, to Warrant and Forever Defend all and singular the said premises unto City, its successors and assigns, against every person whomsoever lawfully claiming, or to claim the same or any part thereof.

EXECUTED this _____ day of _____, _____.

Glenn Ferguson

Jonette Ferguson

* * * * *

STATE OF TEXAS '
COUNTY OF HUNT '

This instrument was acknowledged before me on _____
by Glenn Ferguson.

Notary Public, State of TEXAS

* * * * *

STATE OF TEXAS '
COUNTY OF HUNT '

This instrument was acknowledged before me on _____
by Jonette Ferguson.

Notary Public, State of TEXAS

* * * * *

After recording return to:
City of Dallas
Department of Sustainable Development and Construction
Real Estate Division
320 East Jefferson Boulevard, Room 203
Dallas, Texas 75203
attn: Christian Roman

Warranty Deed Log No. 44019

Exhibit A

FIELD NOTES
DESCRIBING A TRACT OF LAND FOR FEE SIMPLE ACQUISITION
OF RIGHT-OF-WAY FOR THE LAKE TAWAKONI RAW WATER
TRANSMISSION MAIN
HUNT COUNTY, TEXAS
Parcel: 373

BEING a 28,539 square foot (0.6552 acre) tract of land in the T. McGee Survey, Abstract No. 779, being all of Lots 3-9, 37- 42, and 70-74, Block Y of the Waco Bay Estates Subdivision, Phase III as recorded in Volume 400, Page 631-633 of the Plat Records of Hunt County, Texas, said Lots 3-9, 37-42, and 70-74 being described in General Warranty Deed to Glenn Ferguson and Jonette Ferguson, husband and wife, dated October 16, 2009, as recorded in Document No. 2009-13921 of the Official Public Records of Hunt County, Texas.

All bearings for this tract refer to the NAD-83 Texas State Plane Coordinate System, North Central Zone 4202, according to measurements made at NGS continuously operating reference stations Collin CORS ARP, Dallas CORS ARP, Kaufman CORS ARP, Tyler CORS ARP, and Paris CORS ARP. The Kaufman County scale factor of 1.000114077 as published by the Texas Department of Transportation, Dallas District was used for this project.

A plat of even survey date herewith accompanies this legal description.

Company Name: DAL-TECH Engineering, Inc.
TBPLS Firm No. 10123500

By:  Date: 4.28.15

Surveyor's Name: Patrick J. Baldasaro
Registered Professional Land Surveyor
Texas No. 5504



FIELD NOTES APPROVED:
ABR 4/1/15

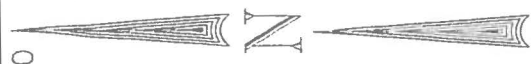
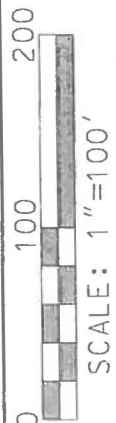
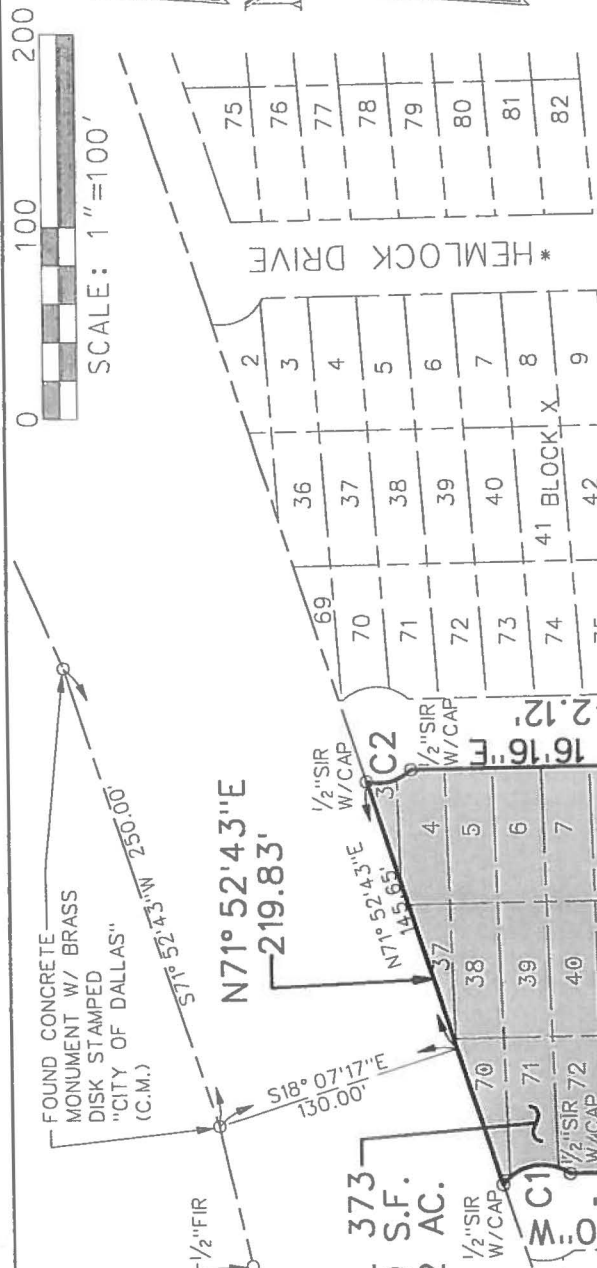


**T. MCGEE SURVEY
ABSTRACT NO. 779**

**PARCEL 373
28,539 S.F.
0.6552 AC.**

CITY OF DALLAS
WATER LINE
RIGHT-OF-WAY
(VOL. 594, PG. 488)
D.R.H.C.T.
(VARIABLE WIDTH
RIGHT-OF-WAY)

HUNT COUNTY



* MALLARD POINT DR.

* PARADISE DRIVE

* INTERVIEW DRIVE

* HEMLOCK DRIVE

WACO BAY ESTATES SUBDIVISION
PHASE III
(VOL. 400, PG. 631-633)
(P.R.H.C.T.)

OWNER:
GLENN FERGUSON AND
JONETTE FERGUSON,
HUSBAND AND WIFE
(DOC. NO. 2009-13921)
(O.P.R.H.C.T.)

C1	
DELTA	89° 07' 02" (LT)
RADIUS	25.00'
LENGTH	38.88'
TANGENT	24.62'
CHORD	35.08'
CH. BEARING	N09° 31' 18" W

S88° 12' 35" W
211.11'

C2	
DELTA	57° 19' 00" (LT)
RADIUS	25.00'
LENGTH	25.01'
TANGENT	13.66'
CHORD	23.98'
CH. BEARING	S15° 19' 58" E

- LEGEND:
- S.F. SQUARE FEET
 - C.M. CONTROL MONUMENT
 - FIR FOUND IRON ROD
 - FIP FOUND IRON PIPE
 - 1/2" SIR 1/2" SET IRON ROD WITH A RED PLASTIC CAP STAMPED "DAL-TECH" OR "DTE"
 - W/CAP W/CAP
 - SX SET "X" CUT IN CONCRETE
 - FPK FOUND PK. NAIL
 - SPK SET PK. NAIL

NOTE: THIS SURVEY WAS PERFORMED BASED UPON RECORD DATA PROVIDED UNDER TITLE RESOURCES GUARANTY COMPANY COMMITMENT G.F. NUMBER 1182864, WITH AN EFFECTIVE DATE OF JULY 29, 2013.

ALL BEARINGS FOR THIS TRACT REFER TO THE NAD-83 TEXAS STATE PLANE COORDINATE SYSTEM, NORTH CENTRAL ZONE 4202, ACCORDING TO MEASUREMENTS MADE AT NGS CONTINUOUSLY OPERATING REFERENCE STATIONS COLLIN COUNTY ARP, DALLAS COUNTY ARP, KAUFMAN COUNTY ARP, TYLER COUNTY ARP, AND PARIS COUNTY ARP. THE KAUFMAN COUNTY SCALE FACTOR OF 1.000114077 AS PUBLISHED BY THE TEXAS DEPARTMENT OF TRANSPORTATION, DALLAS DISTRICT WAS USED FOR THIS PROJECT.

* OWNED AND MAINTAINED BY
TEXAS RESORT PROPERTIES, INC.

EXHIBIT
OF A
RIGHT-OF-WAY ACQUISITION
SITUATED IN THE
HUNT COUNTY, TEXAS
FOR THE
CITY OF DALLAS

T. MCGEE SURVEY, ABSTRACT NO. 779

BY
DAL-TECH ENGINEERING, INC., 17-00 DALLAS PKWY, SUITE 110
DALLAS, TEXAS 75287, TEL. (972) 250-2727 FAX (972) 250-1771
TBP/LS FIRM NO. 10123500



AGENDA ITEM # 32

STRATEGIC PRIORITY: Mobility Solutions, Infrastructure, and Sustainability

AGENDA DATE: October 25, 2017

COUNCIL DISTRICT(S): Outside City Limits

DEPARTMENT: Sustainable Development and Construction
Water Utilities

CMO: Majed Al-Ghafry, 670-3302

MAPSCO: N/A

SUBJECT

Authorize acquisition from Johnny Mitchell, of approximately 17,464 square feet of land improved with a manufactured dwelling located in Van Zandt County for the Lake Tawakoni 144-inch Transmission Pipeline Project - Not to exceed \$30,500 (\$27,500, plus closing costs and title expenses not to exceed \$3,000) - Financing: Water Utilities Capital Improvement Funds

BACKGROUND

This item authorizes the acquisition from Johnny Mitchell, of approximately 17,464 square feet of land improved with a manufactured dwelling located in Van Zandt County. This property will be used for the construction of a 144-inch raw water transmission line for the Lake Tawakoni 144-inch Transmission Pipeline Project. The consideration is based on an independent appraisal. The relocation benefits are estimated to be \$8,400.

This acquisition is part of the right-of-way required to construct approximately 32 miles of pipeline from Lake Tawakoni to the Interim Balancing Reservoir located in Terrell, Texas and then to the Eastside Water Treatment Plant located in Sunnyvale, Texas. The new raw water pipeline will augment the existing 72-inch and 84-inch pipelines. The construction of this pipeline will give Dallas Water Utilities the ability to utilize the full capacity of both the Lake Tawakoni and the Lake Fork raw water supply to meet the current city needs and future water demands.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Information about this item will be provided to the Mobility Solutions, Infrastructure & Sustainability Committee on October 23, 2017.

FISCAL INFORMATION

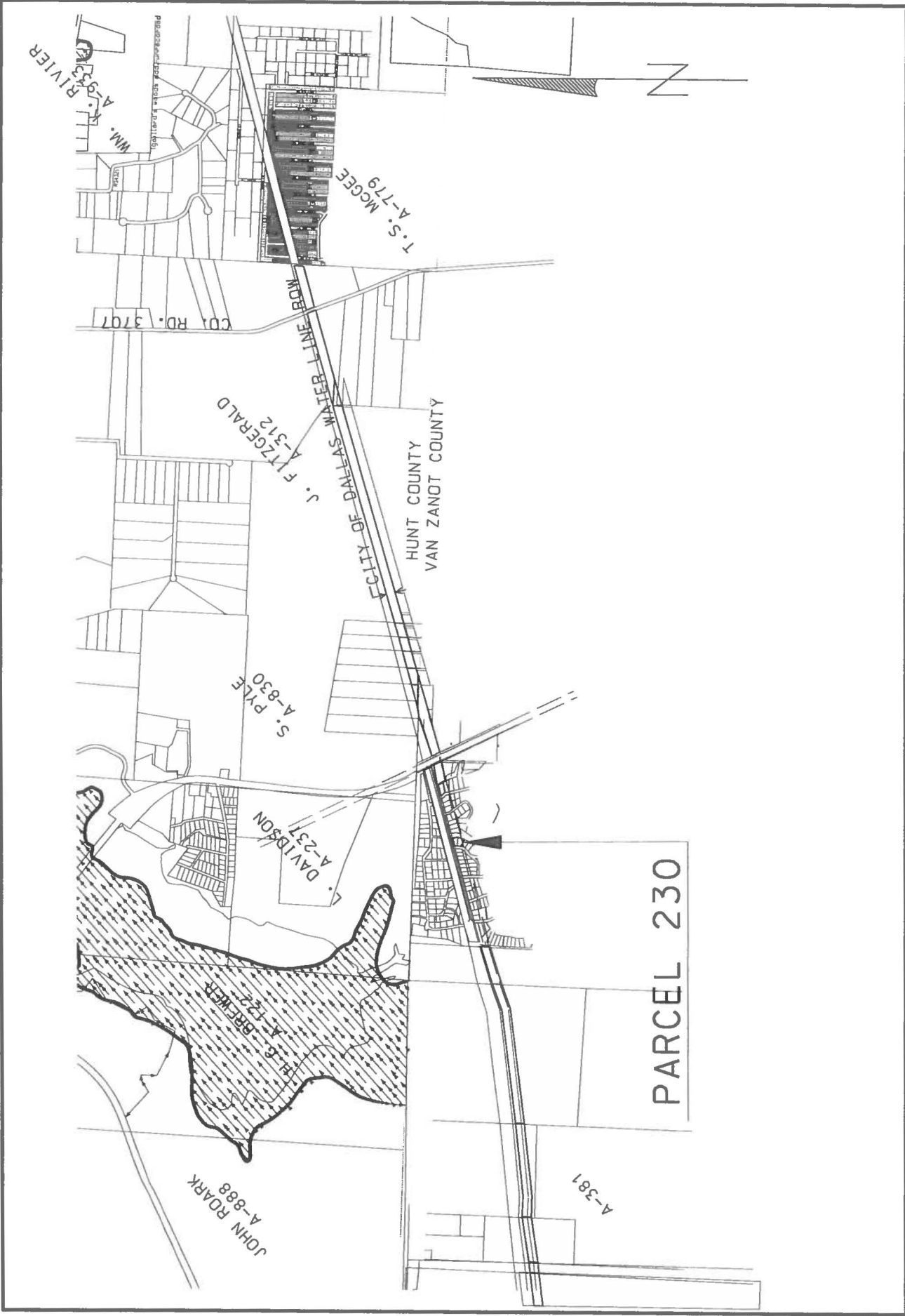
Water Utilities Capital Improvement Funds - \$30,500 (\$27,500, plus closing costs and title expenses not to exceed \$3,000)

OWNER

Johnny Mitchell

MAP

Attached



VICINITY MAP
APPROXIMATE SCALE 1" = 2000'

October 25, 2017

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

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

"CITY": The City of Dallas

"PROPERTY": Approximately 17,464 square feet of land located in Van Zandt County, Texas, and being the same property more particularly described in Exhibit "A", attached hereto and made a part hereof for all purposes, and any and all improvements, rights and appurtenances appertaining thereto.

"PROJECT": Lake Tawakoni 144-inch Transmission Pipeline

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

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

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

"PURCHASE AMOUNT": \$27,500

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

"AUTHORIZED AMOUNT": Not to exceed \$30,500

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

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

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

October 25, 2017

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

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

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

SECTION 6. That in the event this acquisition closes, the Chief Financial Officer is hereby authorized and directed to draw a warrant in favor of the OWNER, or the then current owner of record, or the title company closing the transaction described herein in the PURCHASE AMOUNT and CLOSING COSTS AND TITLE EXPENSES payable out of Water Utilities Capital Improvement Funds, Fund 3115, Department DWU, Unit PW20, Activity RWPT, Program 704041, Object 4210, Encumbrance/Contract No. CX-DWU-2017-00002881. The PURCHASE AMOUNT, CLOSING COSTS and TITLE EXPENSES together shall not exceed the AUTHORIZED AMOUNT.

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

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

APPROVED AS TO FORM:
LARRY E. CASTO, City Attorney

BY: 
Assistant City Attorney

FIELD NOTES
DESCRIBING A TRACT OF LAND FOR FEE SIMPLE ACQUISITION
OF RIGHT-OF-WAY FOR THE LAKE TAWAKONI RAW WATER
TRANSMISSION MAIN
VAN ZANDT COUNTY, TEXAS
Parcel: 230

BEING a 17,464 square foot (0.4009 acre) tract of land in the J. McCown Survey, Abstract No. 527, being all of Lots 195 and 196 of the Retirement Village Revision No. II, an Addition to Rolling Oaks Subdivision, as recorded in Slide 34-A of the Plat Records of Van Zandt County, Texas, said Lots 195 and 196 being described in Warranty Deed to Johnny Mitchell, as recorded in Volume 2059, Page 581, of the Official Public Records of Van Zandt County, Texas;

All bearings for this tract refer to the NAD-83 Texas State Plane Coordinate System, North Central Zone 4202, according to measurements made at NGS continuously operating reference stations Collin CORS ARP, Dallas CORS ARP, Kaufman CORS ARP, Tyler CORS ARP, and Paris CORS ARP. The Kaufman County scale factor of 1.000114077 as published by the Texas Department of Transportation, Dallas District was used for this project.

A plat of even survey date herewith accompanies this legal description.

Company Name: DAL-TECH Engineering, Inc.
TBPLS Firm No. 10123500

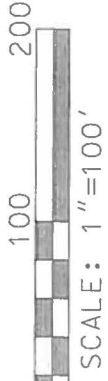
By:  Date: 4.20.15

Surveyor's Name: Patrick J. Baldasaro
Registered Professional Land Surveyor
Texas No. 5504

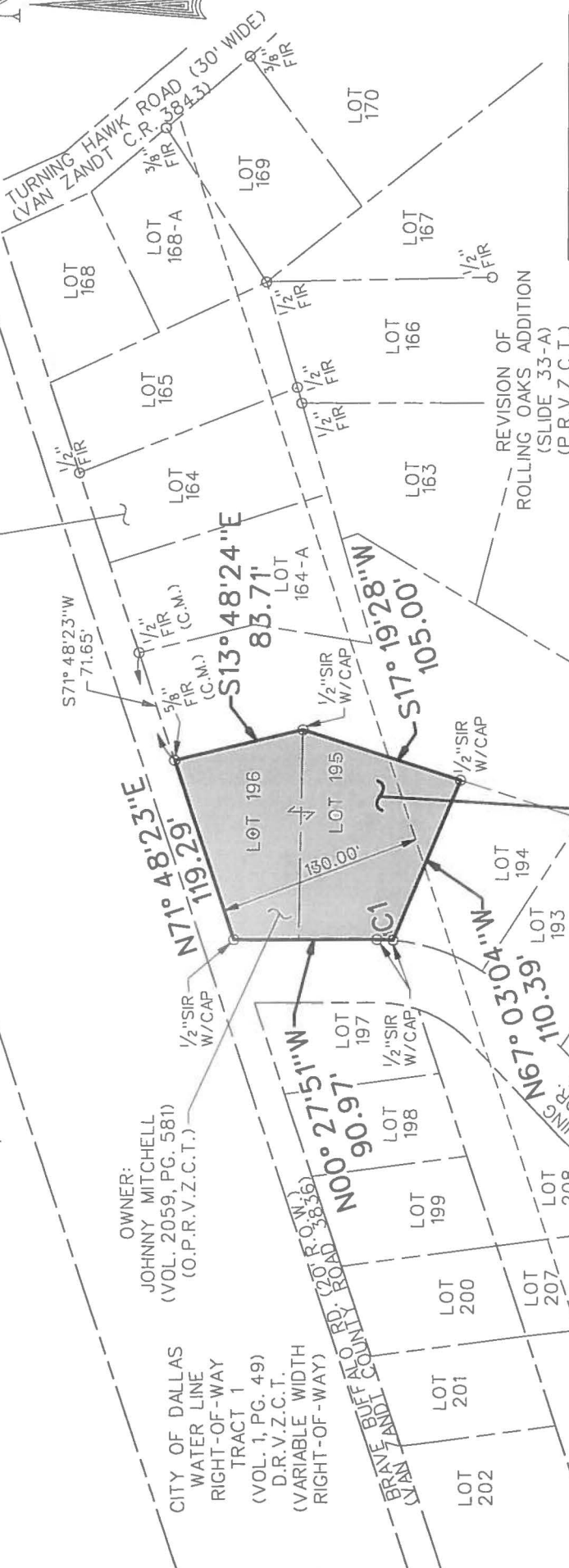


FIELD NOTES APPROVED:
Doc 5/4/15


J. MCCOWN SURVEY
ABSTRACT NO. 527



REVISION OF LOTS
164 AND 165
OF THE
ROLLING OAKS ADDITION
(SLIDE 53-A)
(P.R.V.Z.C.T.)



OWNER:
JOHNNY MITCHELL
(VOL. 2059 PG. 581)
(O.P.R.V.Z.C.T.)

CITY OF DALLAS
WATER LINE
RIGHT-OF-WAY
TRACT 1
(VOL. 1, PG. 49)
D.R.V.Z.C.T.
(VARIABLE WIDTH
RIGHT-OF-WAY)

RETIREMENT VILLAGE
REVISION NO. II
IN ADDITION TO
ROLLING OAKS SUBDIVISION
(SLIDE 34-A)
(P.R.V.Z.C.T.)

DELTA	04° 54' 25" (LT)
RADIUS	120.00'
LENGTH	10.28'
TANGENT	5.14'
CHORD	10.27'
CH. BEARING	N01° 59' 21" E

NOTE: THIS SURVEY WAS PERFORMED BASE UPON
RECORD DATA PROVIDED UNDER ALLIANT NATIONAL TITLE
INSURANCE COMPANY COMMITMENT G.F. NUMBER
30837-CB11, WITH AN EFFECTIVE DATE OF JULY 16, 2013

ALL BEARINGS FOR THIS TRACT REFER TO THE NAD=83
TEXAS STATE PLANE COORDINATE SYSTEM, NORTH CENTRAL
ZONE 4202, ACCORDING TO MEASUREMENTS MADE AT NGS
CONTINUOUSLY OPERATING REFERENCE STATIONS COLLIN
CORS ARP, DALLAS CORS ARP, KAUFMAN CORS ARP, TYLER
CORS ARP, AND PARIS CORS ARP. THE KAUFMAN COUNTY
SCALE FACTOR OF 1.000114077 AS PUBLISHED BY THE
TEXAS DEPARTMENT OF TRANSPORTATION, DALLAS
DISTRICT WAS USED FOR THIS PROJECT.

- LEGEND:
- S.F. SQUARE FEET
 - C.M. CONTROL MONUMENT
 - O FIR FOUND IRON ROD
 - O FIP FOUND IRON PIPE
 - O 1/2" SIR 1/2 SET IRON ROD WITH A RED PLASTIC CAP STAMPED "DAL-TECH" OR "DTE"
 - O SX SET "X" CUT IN CONCRETE
 - O FPK FOUND PK, NAIL
 - O SPK SET PK, NAIL



EXHIBIT
OF A
RIGHT-OF-WAY ACQUISITION
SITUATED IN THE
J. MCCOWN SURVEY ABSTRACT NO. 527
VAN ZANDT COUNTY, TEXAS
FOR THE
CITY OF DALLAS
BY
DAL-TECH ENGINEERING, INC., 17400 DALLAS PKWY., SUITE 110
DALLAS, TEXAS 75287, TEL. (972)250-2727, FAX (972)250-4774
TBP/LS. FIRM. NO. 10123500
SCALE: 1"=100'

EXHIBIT B

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

WARRANTY DEED

THE STATE OF TEXAS §
 § KNOW ALL PERSONS BY THESE PRESENTS:
COUNTY OF VAN ZANDT §

That Johnny Mitchell, a married person, not joined herein by spouse, as the property hereby conveyed constitutes no part of their business or residence homestead and is in his sole management and control (hereinafter called "Grantor" whether one or more natural persons or legal entities) of the County of Van Zandt, State of Texas, for and in consideration of the sum of TWENTY SEVEN THOUSAND FIVE HUNDRED AND 00/100 DOLLARS (\$27,500.00) to the undersigned in hand paid by the **City of Dallas, 1500 Marilla Street, Dallas, Texas, 75201**, a Texas municipal corporation (hereinafter called "City"), the receipt of which is hereby acknowledged and confessed, has granted, sold and conveyed and does hereby grant, sell and convey unto City, its successors and assigns, all of the property described in Exhibit "A", attached hereto and made a part hereof by reference for all purposes.

SPECIAL PROVISIONS: NONE

TO HAVE AND TO HOLD the above described premises, together with all and singular the rights and appurtenances thereto in anywise belonging unto City, its successors and assigns forever, and Grantor binds Grantor and Grantor's heirs, executors, administrators or successors, to Warrant and Forever Defend all and singular the said premises unto City, its successors and assigns, against every person whomsoever lawfully claiming, or to claim the same or any part thereof.

EXECUTED this _____ day of _____, _____.

Johnny Mitchell

* * * * *

STATE OF TEXAS '
COUNTY OF VAN ZANDT '

This instrument was acknowledged before me on _____
by Johnny Mitchell.

Notary Public, State of TEXAS

* * * * *

After recording return to:
City of Dallas
Department of Sustainable Development and Construction
Real Estate Division
320 East Jefferson Boulevard, Room 203
Dallas, Texas 75203
attn: Christian Roman

Warranty Deed Log No. 44280

**FIELD NOTES
DESCRIBING A TRACT OF LAND FOR FEE SIMPLE ACQUISITION
OF RIGHT-OF-WAY FOR THE LAKE TAWAKONI RAW WATER
TRANSMISSION MAIN
VAN ZANDT COUNTY, TEXAS
Parcel: 230**

BEING a 17,464 square foot (0.4009 acre) tract of land in the J. McCown Survey, Abstract No. 527, being all of Lots 195 and 196 of the Retirement Village Revision No. II, an Addition to Rolling Oaks Subdivision, as recorded in Slide 34-A of the Plat Records of Van Zandt County, Texas, said Lots 195 and 196 being described in Warranty Deed to Johnny Mitchell, as recorded in Volume 2059, Page 581, of the Official Public Records of Van Zandt County, Texas;

All bearings for this tract refer to the NAD-83 Texas State Plane Coordinate System, North Central Zone 4202, according to measurements made at NGS continuously operating reference stations Collin CORS ARP, Dallas CORS ARP, Kaufman CORS ARP, Tyler CORS ARP, and Paris CORS ARP. The Kaufman County scale factor of 1.000114077 as published by the Texas Department of Transportation, Dallas District was used for this project.

A plat of even survey date herewith accompanies this legal description.

Company Name: DAL-TECH Engineering, Inc.
TBPLS Firm No. 10123500

By:  Date: 4.20.15

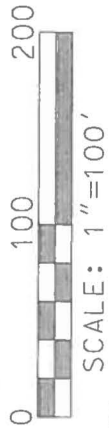
Surveyor's Name: Patrick J. Baldasaro
Registered Professional Land Surveyor
Texas No. 5504



FIELD NOTES APPROVED:
Pat 5/4/15



**J. MCCOWN SURVEY
ABSTRACT NO. 527**



REVISION OF LOTS
164 AND 165
OF THE
ROLLING OAKS ADDITION
(SLIDE 53-A)
(P.R.V.Z.C.T.)

TURNING HAWK ROAD (30' WIDE)
(VAN ZANDT C.R. 384.3)

OWNER:
JOHNNY MITCHELL
(VOL. 2059, PG. 581)
(O.P.R.V.Z.C.T.)

CITY OF DALLAS
WATER LINE
RIGHT-OF-WAY
TRACT 1
(VOL. 1, PG. 49)
D.R.V.Z.C.T.
(VARIABLE WIDTH
RIGHT-OF-WAY)

BRAVE BUFF COUNTY ROAD (20' R.O.W.)
(VAN ZANDT COUNTY ROAD 383.6)

RETIREMENT VILLAGE
REVISION NO. II
IN ADDITION TO
ROLLING OAKS SUBDIVISION
(SLIDE 34-A)
(P.R.V.Z.C.T.)

REVISION OF
ROLLING OAKS ADDITION
(SLIDE 33-A)
(P.R.V.Z.C.T.)

PARCEL 230
17,464 S.F.
0.4009 AC.

C1	DELTA	04° 54' 25" (LT)
	RADIUS	120.00'
	LENGTH	10.28'
	TANGENT	5.14'
	CHORD	10.27'
	CH. BEARING	IND ¹ 59° 21' E

NOTE: THIS SURVEY WAS PERFORMED BASE UPON
RECORD DATA PROVIDED UNDER ALLIANT NATIONAL TITLE
INSURANCE COMPANY COMMITMENT G.F. NUMBER
30837-CB11, WITH AN EFFECTIVE DATE OF JULY 16, 2013

- LEGEND:
- S.F. SQUARE FEET
 - C.M. CONTROL MONUMENT
 - FIR FOUND IRON ROD
 - FIP FOUND IRON PIPE
 - 1/2" SIR 1/2" SET IRON ROD WITH A RED PLASTIC CAP STAMPED "DAL-TECH" OR "DTE"
 - W/CAP SET "X" CUT IN CONCRETE FOUND, PK., NAIL
 - SX SET "X" CUT IN CONCRETE FOUND, PK., NAIL
 - FPK FOUND, PK., NAIL
 - SPK SET PK., NAIL



ALL BEARINGS FOR THIS TRACT REFER TO THE NAD-83 TEXAS STATE PLANE COORDINATE SYSTEM, NORTH CENTRAL ZONE 4202, ACCORDING TO MEASUREMENTS MADE AT NGS CONTIGUOUSLY OPERATING REFERENCE STATIONS COLLIN CORP ARP, DALLAS CORP ARP, KAUFMAN CORP ARP, TYLER CORP ARP, AND PARIS CORP ARP. THE KAUFMAN COUNTY SCALE FACTOR OF 1.000114077 AS PUBLISHED BY THE TEXAS DEPARTMENT OF TRANSPORTATION, DALLAS DISTRICT WAS USED FOR THIS PROJECT.

EXHIBIT
OF A
RIGHT-OF-WAY ACQUISITION
SITUATED IN THE
VAN ZANDT COUNTY, TEXAS
FOR THE
CITY OF DALLAS

J. MCCOWN SURVEY ABSTRACT NO. 527
BY
DAL-TECH ENGINEERING, INC., 17400 DALLAS PKWY., SUITE 110
DALLAS, TEXAS 75287, TEL (972)250-2727, FAX (972)250-4774
TEPLS, FIRM NO. 10123500
SCALE: 1" = 100'

STRATEGIC PRIORITY:

Mobility Solutions, Infrastructure, and Sustainability

AGENDA DATE:

October 25, 2017

COUNCIL DISTRICT(S):

Outside City Limits

DEPARTMENT:

Sustainable Development and Construction
Water Utilities

CMO:

Majed Al-Ghafry, 670-3302

MAPSCO:

741N, P

SUBJECT

A resolution authorizing the conveyance of a water easement containing approximately 3,922 square feet of land to the City of Forney for the construction, maintenance and use of water facilities across City-owned land located near the intersection of FM Highway 740 and FM Highway 460 - Financing: No cost consideration to the City

BACKGROUND

This item authorizes the conveyance of a water easement containing approximately 3,922 square feet of land to the City of Forney for the construction, maintenance and use of water facilities across City-owned land located near the intersection of FM Highway 740 and FM Highway 460. This property will be used for the Forney Reservoir Dam Site.

On March 7, 1963, an agreed Judgement was entered in the County Court of Kaufman County, Texas, in Cause No. 5872 in which the City of Dallas acquired certain lands for the purpose of constructing and maintaining the Forney Reservoir Dam Site and Appurtenances.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

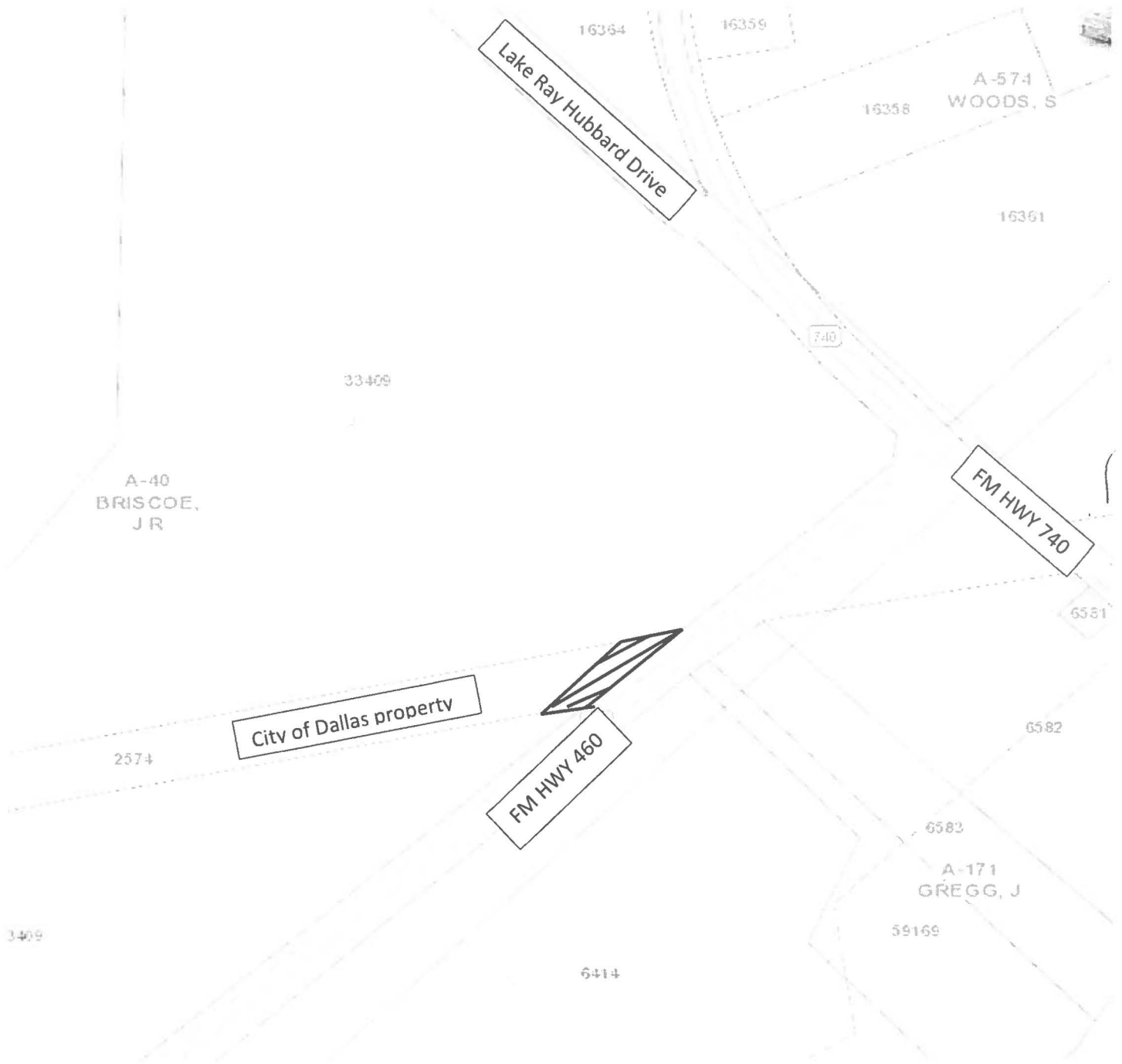
Information about this item will be provided to the Mobility Solutions, Infrastructure & Sustainability Committee on October 23, 2017.

FISCAL INFORMATION

No cost consideration to the City.

MAP

Attached



Water Easement for Forney Lake Water Supply Company

Approx. 3,922 SqFt Near the intersection of FM HWY 460 and FM HWY 740



October 25, 2017

WHEREAS, the City of Dallas owns a tract of land which is used for Forney Reservoir Dam Site; and

WHEREAS, the City of Forney has requested a water easement on said land for the construction, maintenance and use of drainage facilities containing approximately 3,922 square feet across City-owned land located near the intersection of FM Highway 460 and FM Highway 740, City of Forney, Kaufman County, Texas; and being more fully described in Exhibit "A" attached hereto and made a part of hereof for all purposes; and

WHEREAS, on October 22, 1962, City Council authorized an acquisition from William P. Clements, Jr., ET UX to construct and maintain the Forney Reservoir Dam Site and Appurtenances by Resolution No. 62-5242.

Now, Therefore,

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

SECTION 1. That upon receipt of **TEN DOLLARS AND NO/100 (\$10.00)** from the City of Forney, the City Manager or designee is hereby authorized to execute a Water Easement, to be attested by the City Secretary, approved as to form by the City Attorney.

SECTION 2. That the sale proceeds shall be deposited into the Water and Sewer Revenue Fund, Fund 0100, Department DWU, Unit 7005, Revenue Code 8428 and Department of Sustainable Development and Construction-Real Estate Division shall be reimbursed for the costs of obtaining legal description, appraisal and other administrative costs incurred. The reimbursement processed shall be deposited in the General Fund, Fund 0001, Department DEV, Unit 1183, Object 5011.

SECTION 3. That this contract is designated as Contract No. DEV-2017-00003808.

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

APPROVED AS TO FORM:
LARRY E. CASTO, City Attorney

BY: 
Assistant City Attorney

Field Notes Describing a 3,922 Square Foot (0.0900 Acre)
15' Water Pipeline Easement To Be Acquired In
J.R. Briscoe Survey, Abstract Number 40
Kaufman County, Texas
From City of Dallas, Texas

Being a 3,922 Square Foot (0.0900 Acre) tract of land out of the J.R. Briscoe Survey, Abstract Number 40, Kaufman County, Texas, and being part of Parcel No. 1 of Agreed Judgment, Cause No. 5872, City of Dallas vs. William P. Clements as recorded in Volume 10, Page 323, same being part of that called 19.50 acres of land per Certified Plat & Field Notes of Survey made by Forrest and Cotton, Inc. Consulting Engineers dated October 28, 1959 as recorded in Volume 454, Page 117 of the Deed Records of Kaufman County, Texas, and being further described as follows:

BEGINNING at a 5/8 inch steel rod set capped "Boundary Solutions" on the Northwest line of F.M. Highway No. 460 (90 foot right-of-way), and at the Northeast corner of said 19.50 acres, from which a City of Dallas concrete monument found at the Northwest corner of that called 1.89 acres of land per Certified Plat & Field Notes of Survey made by Forrest and Cotton, Inc. Consulting Engineers dated October 28, 1959 as recorded in Volume 443, Page 98 of the Deed Records of Kaufman County, Texas bears North 77 degrees 12 minutes 00 seconds East, 181.00 feet for witness, and from which a 1/2 inch steel rod found at cutback of right-of-way of said F.M. Highway No. 460 at the intersection with F.M. Highway No. 740 bears North 47 degrees 22 minutes 59 seconds East, 495.04 feet for witness;

THENCE South 47 degrees 22 minutes 59 seconds West, 261.45 feet along the Northwest line of said F.M. Highway No. 460 to a 5/8 inch steel rod set capped "Boundary Solutions" at the Southeast corner of said 19.50 acres;

THENCE South 77 degrees 12 minutes 00 seconds West, 30.17 feet along the South line of said 19.50 acres to a 5/8 inch steel rod set capped "Boundary Solutions" for corner;

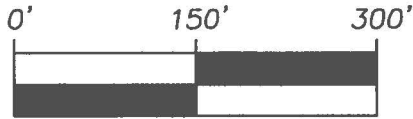
THENCE North 47 degrees 22 minutes 59 seconds East, 261.45 feet to a 5/8 inch steel rod set capped "Boundary Solutions" for corner on the North line of said 19.50 acres;

THENCE North 77 degrees 12 minutes 00 seconds East, 30.17 feet along the North line of said 19.50 acres to the POINT OF BEGINNING, containing 3,922 Square Feet, or 0.0900 acres of land.

BASIS OF BEARING: Bearings are based on North line of called 1.89 acres recorded in Volume 443, Page 98 of the Deed Records of Kaufman County, Texas.

FIELD NOTES APPROVED:
DWC 6/15/17





CALLLED 328.450 ACRES
 TRAVIS RANCH, LLC
 INSTRUMENT# 2008-00019838

AGREED JUDGMENT
 CAUSE NO. 5872
 CITY OF DALLAS vs.
 WILLIAM P. CLEMENTS
 PARCEL NO. 1
 VOL. 10, PG. 323

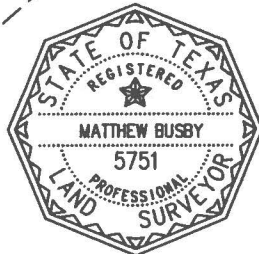
J.R. BRISCOE SURVEY, A-40

CALLLED 19.50 ACRES
 CERTIFIED PLAT & FIELD NOTES
 OF SURVEY MADE BY
 FORREST AND COTTON, INC.
 CONSULTING ENGINEERS
 DATED OCTOBER 28, 1959
 VOL. 454, PG. 117

POINT OF BEGINNING

3,922 Sq.Ft.
 To Be Aquired

INST#
 2008-00019838



Matthew Busby
 Matthew Busby
 R.P.L.S. No. 5751

**3,922 Square Foot (0.0900 Acre)
 15' Water Pipeline Easement
 To Be Aquired In
 J.R. Briscoe Survey, Abstract No. 40
 Kaufman County, Texas
 From City of Dallas, Texas**

● DENOTES 5/8" STEEL ROD SET CAPPED "BOUNDARY SOLUTIONS" UNLESS OTHERWISE NOTED.

▭ EASEMENT TO BE AQUIRED

BASIS OF BEARING: Bearings are based on North line of called 1.89 acres recorded in Volume 443, Page 98 of the Deed Records of Kaufman County, Texas.

Surveyor	File No.	Scale	Date
M. Busby		As Noted	5-2-2017
Drafter	Calculations	Folder	Page 2 of 2
M. Busby	M. Busby		

F.M. Highway No. 740
 R/W

CONC. MON. FOUND
 1/2" STEEL ROD FND.

F.M. Highway No. 460
 (90' Right-of-Way)
 STATE OF TEXAS, VOL. 405, PG. 466
 R/W

JUDGMENT
 CAUSE NO. 5795
 CALLED 1.89 ACRES
 CITY OF DALLAS
 VOL. 508, PG. 500

CALLLED 1.89 ACRES
 CERTIFIED PLAT & FIELD NOTES
 OF SURVEY MADE BY
 FORREST AND COTTON, INC.
 CONSULTING ENGINEERS
 DATED OCTOBER 28, 1959
 VOL. 443, PG. 98

CONC. MON. FOUND
 R/W

(Bearing Basis)
 N 77°12'00" E
 CITY OF DALLAS CONC. MON. FOUND

N 77°12'00" E 30.17'
 N 47°22'59" E 261.45'
 S 47°22'59" W 261.45'

S 77°12'00" W 30.17'

AGENDA ITEM # 34

STRATEGIC PRIORITY: Mobility Solutions, Infrastructure, and Sustainability

AGENDA DATE: October 25, 2017

COUNCIL DISTRICT(S): 2

DEPARTMENT: Sustainable Development and Construction

CMO: Majed Al-Ghafry, 670-3302

MAPSCO: 46C

SUBJECT

An ordinance abandoning an access easement to GCG-RICCA JV, LLC, the abutting owner, containing approximately 1,050 square feet of land located near the intersection of Henderson Avenue and Victor Street; and authorizing the quitclaim - Revenue: \$10,500, plus the \$20 ordinance publication fee

BACKGROUND

This item authorizes the abandonment of an access easement to GCG-RICCA JV, LLC, the abutting owner. The area will be included with the property of the abutting owner for the construction of a multi-family development. The cost for this abandonment is the minimum processing fee pursuant to the Dallas City Code, therefore, no appraisal is required.

Notices were sent to 31 property owners located within 300 feet of the proposed abandonment area. There were 4 responses received in opposition to this request.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Information about this item will be provided to the Mobility Solutions, Infrastructure & Sustainability Committee on October 23, 2017.

FISCAL INFORMATION

Revenue - \$10,500, plus the \$20 ordinance publication fee

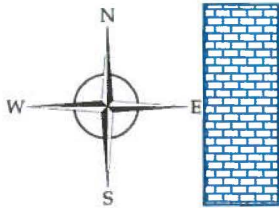
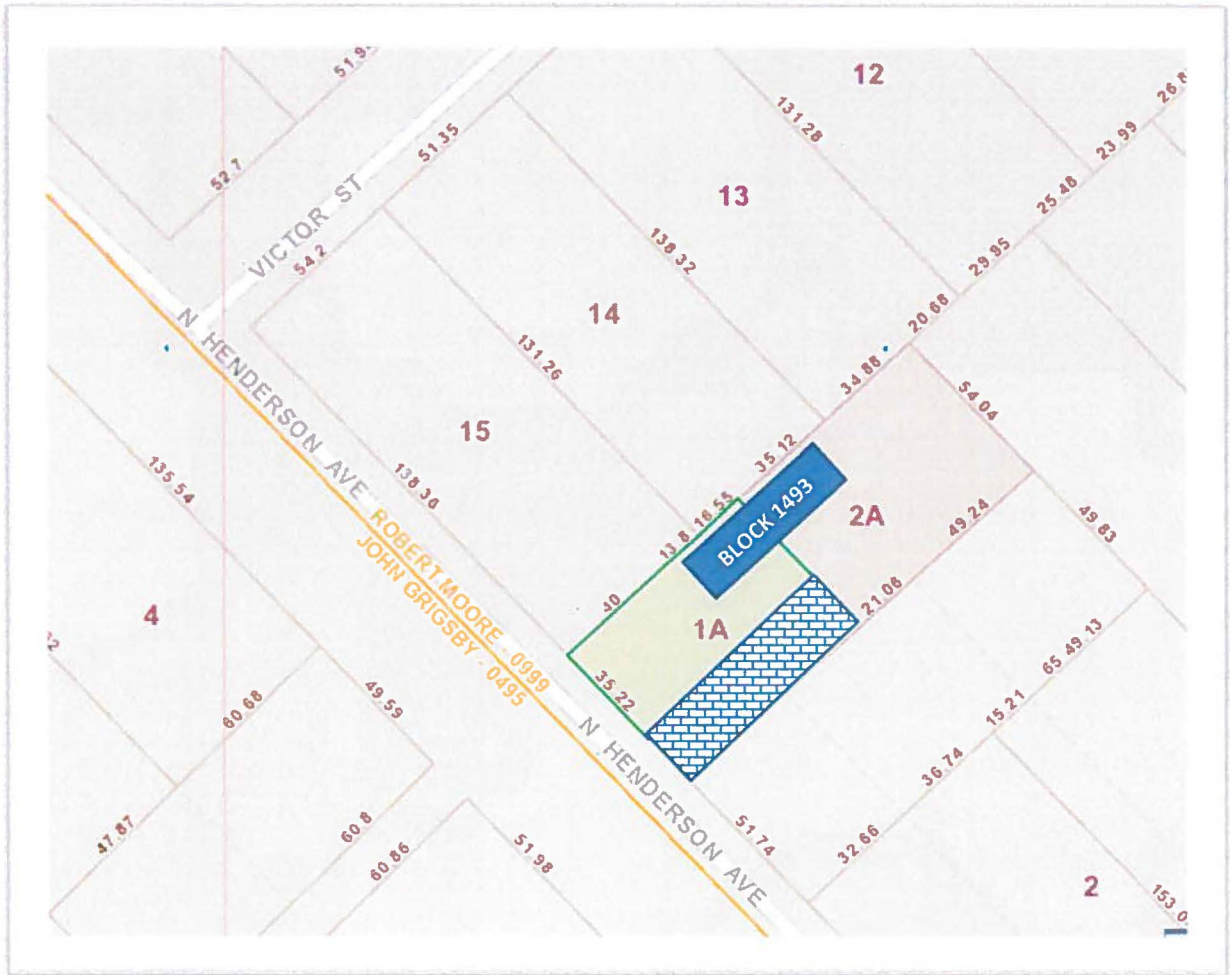
OWNER

GCG-RICCA JV, LLC

John Ricca, Manager

MAP

Attached



ABANDONMENT AREA
ACCESS EASEMENT
 Log #44912

ORDINANCE NO. _____

An ordinance providing for the abandonment of an access easement located in City Block 1493 in the City of Dallas and County of Dallas, Texas; providing for the quitclaim thereof to GCG-RICCA JV, LLC; providing for the terms and conditions of the abandonment and quitclaim made herein; providing for barricading; providing for the indemnification of the City of Dallas against damages arising out of the abandonment herein; providing for the consideration to be paid to the City of Dallas; providing for the payment of the publication fee; and providing an effective date for this ordinance.

ooo0ooo

WHEREAS, the City Council of the City of Dallas, acting pursuant to law and upon the request and petition of GCG-RICCA JV, LLC, a Texas limited liability company, hereinafter referred to as **GRANTEE**, deems it advisable to abandon and quitclaim the hereinafter described tract of land to **GRANTEE**, and is of the opinion that, subject to the terms and conditions herein provided, said access easement is not needed for public use, and same should be abandoned and quitclaimed to **GRANTEE**, as hereinafter stated; and

WHEREAS, the City Council of the City of Dallas is of the opinion that the best interest and welfare of the public will be served by abandoning and quitclaiming the same to **GRANTEE** for the consideration and subject to the terms and conditions hereinafter more fully set forth.

Now, Therefore,

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

SECTION 1. That the tract of land described in Exhibit A, which is attached hereto and made a part hereof for all purposes, be and the same is abandoned, vacated and closed insofar as the right, title and interest of the public are concerned; subject, however, to the conditions hereinafter more fully set out.

SECTION 2. That for and in monetary consideration of the sum of **TEN THOUSAND FIVE HUNDRED AND NO/100 DOLLARS (\$10,500.00)** paid by **GRANTEE**, and the further consideration described in Sections 8, 9, 10 and 11, the City of Dallas does by these presents **FOREVER QUITCLAIM** unto the said **GRANTEE**, subject to the conditions, reservations, and exceptions hereinafter made and with the restrictions and upon the covenants below stated, all of its right, title and interest in and to the certain tract of land hereinabove described in Exhibit A. **TO HAVE AND TO HOLD** all of such right, title and interest in and to the property and premises, subject aforesaid, together with all and singular the rights, privileges, hereditaments and appurtenances thereto in any manner belonging unto the said **GRANTEE** forever.

SECTION 3. That upon payment of the monetary consideration set forth in Section 2, **GRANTEE** accepts the terms, provisions, and conditions of this ordinance.

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

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

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

SECTION 7. That the abandonment and quitclaim provided for herein shall extend only to the public right, title, easement and interest, and shall be construed to extend only to

SECTION 7. (continued)

that interest the Governing Body of the City of Dallas may legally and lawfully abandon and vacate.

SECTION 8. That as a condition of this abandonment and as a part of the consideration for the quitclaim to **GRANTEE** herein, **GRANTEE**, its successors and assigns, agree to indemnify, defend, release and hold harmless the City of Dallas as to any and all claims for damages, fines, penalties, costs or expenses to persons or property that may arise out of, or be occasioned by or from: (i) the use and occupancy of the area described in Exhibit A by **GRANTEE**, its successors and assigns; (ii) the presence, generation, spillage, discharge, release, treatment or disposition of any Hazardous Substance on or affecting the area set out in Exhibit A; (iii) all corrective actions concerning any discovered Hazardous Substances on or affecting the area described in Exhibit A, which **GRANTEE**, its successors and assigns, agree to undertake and complete in accordance with applicable federal, state and local laws and regulations; and (iv) the abandonment, closing, vacation and quitclaim by the City of Dallas of the area set out in Exhibit A. **GRANTEE**, its successors and assigns, hereby agree to defend any and all suits, claims, or causes of action brought against the City of Dallas on account of same, and discharge any judgment or judgments that may be rendered against the City of Dallas in connection therewith. For purposes hereof, "Hazardous Substance" means the following: (a) any "hazardous substances" under the Comprehensive Environmental Response, Compensation, and Liability Act, 42 U.S.C. Section 9601 et seq., as amended; (b) any "hazardous substance" under the Texas Hazardous Substances Spill Prevention and Control Act, TEX. WATER CODE, Section 26.261 et seq., as amended; (c) petroleum or petroleum-based products (or any derivative or hazardous constituents thereof or additives thereto), including without limitation, fuel and lubricating oils; (d) any "hazardous chemicals" or "toxic chemicals" under the Occupational Safety and Health Act, 29 U.S.C. Section 651 et seq., as amended; (e) any "hazardous waste" under the Resource Conservation and Recovery Act, 42 U.S.C. Section 6901 et seq., as amended; and (f) any "chemical substance" under the Toxic Substance Control Act, 15 U.S.C. Section 2601 et seq., as amended.

SECTION 8. (continued)

References to particular acts or codifications in this definition include all past and future amendments thereto, as well as applicable rules and regulations as now or hereafter promulgated thereunder.

SECTION 9. That as a condition of this abandonment and as a part of the consideration for the quitclaim made herein, **GRANTEE** shall file a final replat of the adjoining properties prior to the issuance of any building permits affecting the tract of land abandoned and quitclaimed herein. This final replat shall be recorded by **GRANTEE** in the official real property records of the county in which the abandoned area is located after its approval by the City Plan Commission of the City of Dallas.

SECTION 10. That as a condition of this abandonment and as part of the consideration for the quitclaim made herein, **GRANTEE** shall contact the Texas Excavation Safety System (Texas811) to have facilities marked and located within affected easements before any excavations are started.

SECTION 11. That as a condition of this abandonment and as a part of the consideration for the quitclaim made herein, **GRANTEE** shall, immediately upon the passage of this ordinance, close, barricade and/or place signs in the area described in Exhibit A in accordance with detailed plans approved by the Director of Department of Sustainable Development and Construction. **GRANTEE's** responsibility for keeping the area described in Exhibit A closed, barricaded and/or the signs in place shall continue until the street improvements and intersection returns are removed by **GRANTEE**, its successors and assigns, to the satisfaction of the Director of Department of Sustainable Development and Construction.

SECTION 12. That the City Secretary is hereby authorized and directed to certify a copy of this ordinance for recordation in the official real property records of the county in which the abandonment area is located, which certified copy shall be delivered to the Director of Department of Sustainable Development and Construction, or designee. Upon receipt of the monetary consideration set forth in Section 2, plus the fee for the publishing of this ordinance, which **GRANTEE** shall likewise pay, the Director of Department of Sustainable Development and Construction, or designee: (i) shall deliver

SECTION 12. (continued)

to **GRANTEE** a certified copy of this ordinance, and (ii) is authorized to and shall prepare and deliver a **QUITCLAIM DEED** with regard to the area abandoned herein, to **GRANTEE** hereunder, same to be executed by the City Manager on behalf of the City of Dallas, attested by the City Secretary and approved as to form by the City Attorney. The Director of Department of Sustainable Development and Construction, or designee, shall be the sole source for receiving certified copies of this ordinance for one year after its passage.

SECTION 13. That this contract is designated as Contract No. DEV-2017-00002726.

SECTION 14. That this ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so ordained.

APPROVED AS TO FORM:
LARRY E. CASTO, City Attorney

DAVID COSSUM, Director
Department of Sustainable Development and
Construction

BY: 
Assistant City Attorney

BY: 
Assistant Director

Passed _____.

Exhibit A

**15' ACCESS EASEMENT ABANDONMENT
PART OF LOT 1A, BLOCK 1493
SWALWELL ADDITION
ROBERT MOORE SURVEY, ABSTRACT NO. 999
CITY OF DALLAS, DALLAS COUNTY, TEXAS**

BEING a 1,050 square feet or 0.024 acre tract of land situated in the Robert Moore Survey, Abstract No. 999 in the City of Dallas, Dallas County, Texas, being a part of Lot 1A, Block 1493 of Swalwell Addition, an addition to the City of Dallas, Dallas County, Texas according to the plat thereof recorded in Volume 2001137, Page 920, Deed Records, Dallas County, Texas and same being conveyed to GCG-Ricca JV, LLC by Warranty Deed with Vendor's Lien recorded in Instrument No. 201600189973, Official Public Records, Dallas County, Texas, and being more particularly described by metes and bounds as follows:

COMMENCING at a 5/8 inch iron rod found (Controlling Monument) at the westerly corner of said GCG-Ricca tract and being the southerly corner of Lot 15, Block B/1488, of Bethurum Addition, an addition to the City of Dallas, Dallas County, Texas according to the map thereof recorded in Volume 1, Page 129, Map Records, Dallas County, Texas said iron rod found lying on the northeasterly right-of-way line of Henderson Avenue (Variable width right-of-way) Volume 1, Page 524 and Volume 562, Page 69, Map Records, Dallas County, Texas;

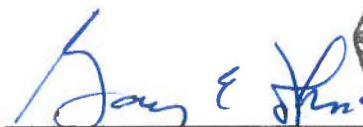
THENCE South 45 degrees 00 minutes 00 seconds East, along the northeasterly right-of-way line of said Henderson Avenue, a distance of 35.00 feet to the POINT OF BEGINNING and being the West corner of the herein described tract;

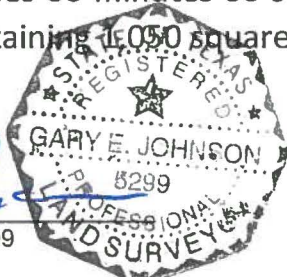
THENCE North 46 degrees 22 minutes 29 seconds East, departing said right-of-way, a distance of 70.00 feet to a point for the North corner of the herein described tract;

THENCE South 45 degrees 00 minutes 00 seconds East, departing a distance of 15.00 feet to a point for the East corner of the herein described tract;

THENCE South 46 degrees 22 minutes 29 seconds West, a distance of 70.00 feet to a point for the South corner of the herein described tract and lying on the northeasterly right-of-way line of said Henderson Avenue from which a 1/2 inch iron rod found (Controlling Monument) bears South 45 degrees 00 minutes 00 seconds East, a distance of 195.20';

THENCE North 45 degrees 00 minutes 00 seconds West, a distance of 15.00 feet to the POINT OF BEGINNING and containing 1,050 square feet or 0.024 of an acre of land.


Gary E. Johnson, R.P.L.S.# 5299



(For SPRG use only)	
Reviewed By:	<u>G.S.</u>
Date:	<u>8-25-17</u>
SPRG NO:	<u>4183</u>



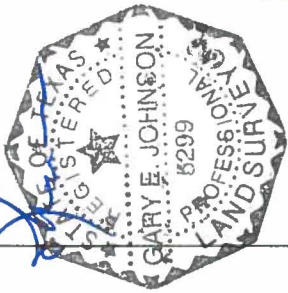
TEXAS HERITAGE SURVEYING, INC.
10610 Metric Drive, Suite 124, Dallas, TX 75243
Office 214-340-9700 Fax 214-340-9710
txheritage.com
Firm No. 10169300

Bearing are based upon the deed recorded in Instrument No. 201600189973, Official Public Records, Dallas County, Texas, Basis of bearings is the northeast line of Henderson Avenue, (N 45°00'00" W).

Job# 1302725-6
Date: 1/16/2017
Revised 8/22/2017
Drawn by: JWR
Page 1 of 3

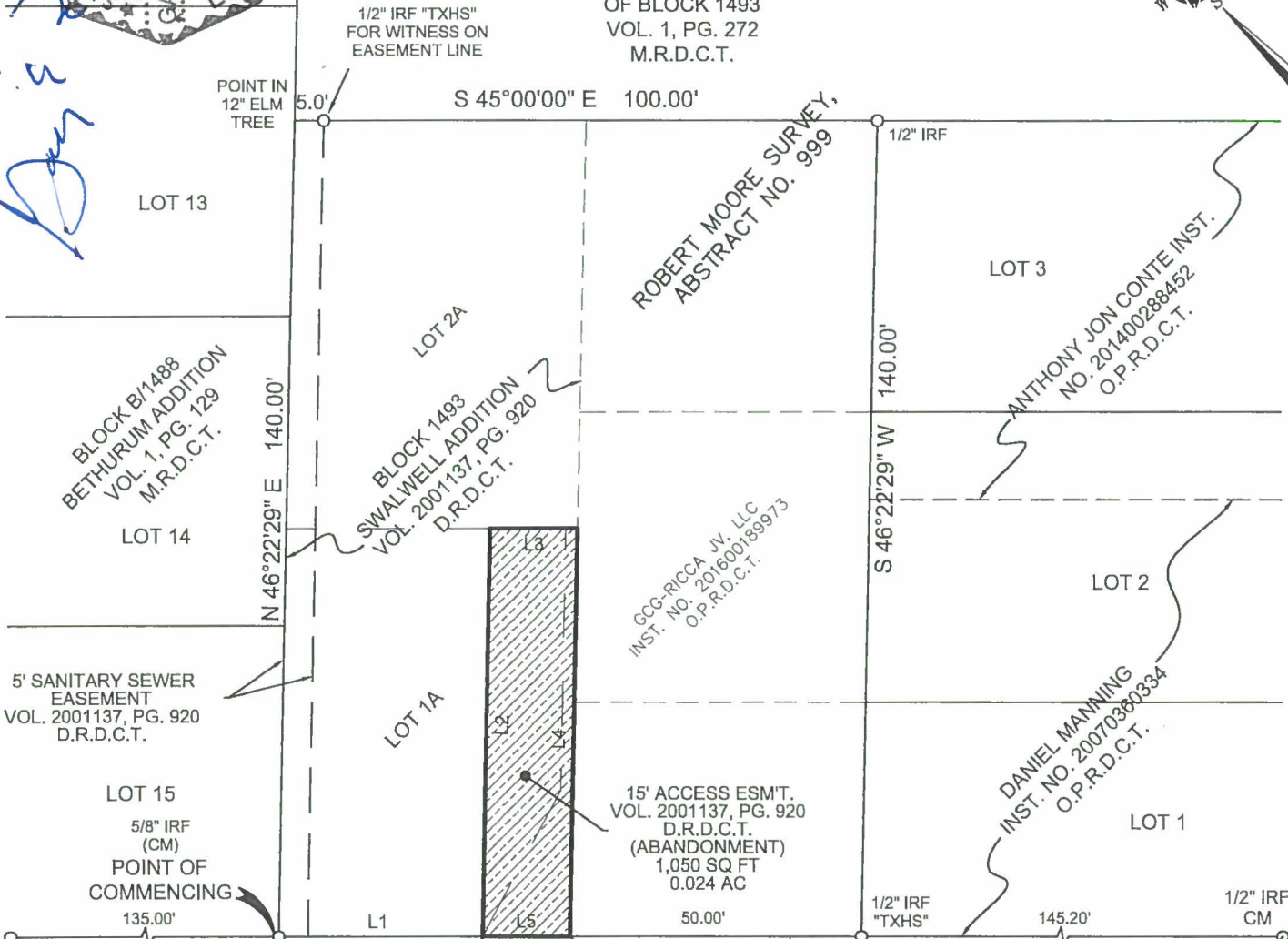
Exhibit A

15' ACCESS EASEMENT ABANDONMENT PART OF LOT 1A, BLOCK 1493 SWALWELL ADDITION ROBERT MOORE SURVEY, ABSTRACT NO. 999 CITY OF DALLAS, DALLAS COUNTY, TEXAS



SCALE 1"=30'

BLOCK 1493
APPEL & HARPER SUBDIVISION
OF BLOCK 1493
VOL. 1, PG. 272
M.R.D.C.T.



HENDERSON AVENUE
(VARIABLE WIDTH R.O.W.)

VOL. 1, PG. 524
M.R.D.C.T.
VOL. 562, PG. 69
M.R.D.C.T.

LEGEND:	
CM	CONTROLLING MONUMENT
IRF	IRON ROD FOUND
SQ.FT	SQUARE FEET
R.O.W.	RIGHT-OF-WAY
O.P.R.D.C.T	OFFICIAL PUBLIC RECORDS, DALLAS COUNTY, TEXAS
M.R.D.C.T.	MAP RECORDS, DALLAS COUNTY, TEXAS
D.R.D.C.T.	DEED RECORDS, DALLAS COUNTY, TEXAS
IRF "TXHS"	IRON ROD FOUND WITH YELLOW CAP STAMPED "TXHS"

(For SPRG use only)
Reviewed By: G.S.
Date: 8-25-17
SPRG NO: 4183



TEXAS HERITAGE SURVEYING, INC.
10610 Metric Drive, Suite 124, Dallas, TX 75243
Office 214-340-9700 Fax 214-340-9710
txheritage.com
Firm No. 10169300

Bearing are based upon the deed recorded in Instrument No. 201600189973, Official Public Records, Dallas County, Texas, Basis of bearings is the northeast line of Henderson Avenue, (N 45°00'00" W).

Job# 1302725-6
Date: 1/16/2017
Revised: 8/22/2017
Drawn by: JWR
Page 2 of 3
Scale: 1"=30'

Exhibit A

**15' ACCESS EASEMENT ABANDONMENT
PART OF LOT 1A, BLOCK 1493
SWALWELL ADDITION
ROBERT MOORE SURVEY, ABSTRACT NO. 999
CITY OF DALLAS, DALLAS COUNTY, TEXAS**

EASEMENT LINE TABLE

LINE #	LENGTH	DIRECTION
L1	35.00'	S45°00'00"E
L2	70.00'	N46°22'29"E
L3	15.00'	S45°00'00"E
L4	70.00'	S46°22'29"W
L5	15.00'	N45°00'00"W

(For SPRG use only)

Reviewed By: G.S.
Date: 8-25-17
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Job# 1302725-6
Date: 1/16/2017
Revised: 8/22/2017
Drawn by: JWR
Page 3 of 3

EXHIBIT B

ADDITIONAL ABANDONMENT PROVISIONS

That as a condition hereof, this abandonment is subject to any utilities or communication facilities, including without limitation water and wastewater lines, gas lines, and storm sewers, ("Facilities") presently located within the abandoned area described in Exhibit "A", owned and/or operated by the City of Dallas or any utility or communications company, public or private, ("Utility") and to the rights of any Utility for the use of the abandoned area for its Facilities. It is the intent of the foregoing to confirm and maintain and there is hereby reserved and excepted unto the City of Dallas, and not abandoned or conveyed hereunder, an easement (to which this abandonment is made expressly subject) over, upon, under, through, in, and across the abandoned area for each Utility for its respective Facilities located therein at the time of this abandonment, together with the right to make any subsequent alterations, additions, expansions, upgrades or modifications to such Facilities as may, from time to time be deemed necessary or convenient by the Utility owning and/or operating same. No buildings, structures (above or below ground) or trees shall be constructed or placed within the abandoned area without written consent of each affected Utility. Each Utility shall have the full right to remove and keep removed all or part of any buildings, fences, trees, or other improvements or growths which in any way may endanger or interfere with the construction, maintenance or efficiency of its respective Facilities lying within the abandoned area and shall at all times have the full right of ingress and egress to or from and upon the abandoned area for the purposes of reconstructing, removing, relocating, inspecting, patrolling, maintaining, expanding, upgrading, and/or adding to all or part of its Facilities without the necessity at any time of procuring the permission of anyone. The easement reserved hereunder and the conditions and restrictions to which this abandonment is subject shall remain for the benefit of the applicable Utility and/or operators of the Facilities until said Facilities are removed and relocated from the abandoned area. The relocation, removal or adjustment of any or all such Facilities, if made necessary by GRANTEE'S (whether one or more natural persons or legal entities) use of the abandonment area, shall be at the expense of GRANTEE herein, or GRANTEE'S successors and assigns. Should GRANTEE'S relocation or removal of the Facilities require the obtaining of new easements, the acquisition of same shall be at the expense of GRANTEE, GRANTEE'S successors and assigns. If any of the Facilities (or relocations thereof) are allowed to remain on any part of the abandoned area, the easements and buildings restrictions provided herein shall remain thereon. Upon removal or relocation of all of the Facilities, any easements reserved or created herein relating to such removed or relocated Facilities shall terminate, and any building restrictions herein created shall cease.

AGENDA ITEM # 35

STRATEGIC PRIORITY: Mobility Solutions, Infrastructure, and Sustainability

AGENDA DATE: October 25, 2017

COUNCIL DISTRICT(S): 13

DEPARTMENT: Sustainable Development and Construction

CMO: Majed Al-Ghafry, 670-3302

MAPSCO: 25Q

SUBJECT

An ordinance abandoning a utility easement to Stephen Todd Weissmueller and Julia M. Weissmueller, the abutting owners, containing approximately 1,875 square feet of land located near the intersection of Joyce Way and Edgemere Road - Revenue: \$5,400, plus the \$20 ordinance publication fee

BACKGROUND

This item authorizes the abandonment of a utility easement to Stephen Todd Weissmueller and Julia M. Weissmueller, the abutting owners. The area will be included with the property of the abutting owners for development of a single-family dwelling. The cost for this abandonment is the minimum processing fee pursuant to the Dallas City Code, therefore, no appraisal is required.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Information about this item will be provided to the Mobility Solutions, Infrastructure & Sustainability Committee on October 23, 2017.

FISCAL INFORMATION

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

OWNERS

Stephen Todd Weissmueller

Julia M. Weissmueller

MAP

Attached

ORDINANCE NO. _____

An ordinance providing for the abandonment and relinquishment of a utility easement, located in City Block 2/5478 in the City of Dallas and County of Dallas, Texas; providing for the quitclaim thereof to Stephen Todd Weissmueller and Julia M. Weissmueller; providing for the terms and conditions of the abandonment, relinquishment and quitclaim made herein; providing for the indemnification of the City of Dallas against damages arising out of the abandonment herein; providing for the consideration to be paid to the City of Dallas; providing for the payment of the publication fee; and providing an effective date for this ordinance.

ooo0ooo

WHEREAS, the City Council of the City of Dallas, acting pursuant to law and upon the request and petition of Stephen Todd Weissmueller and Julia M. Weissmueller, a married couple; hereinafter referred to collectively as **GRANTEE**, deems it advisable to abandon, relinquish and quitclaim the City of Dallas' right, title and interest in and to the hereinafter described tract of land to **GRANTEE**, and is of the opinion that, subject to the terms and conditions herein provided, said easement is no longer needed for municipal use, and same should be abandoned, relinquished and quitclaimed to **GRANTEE** as hereinafter provided, for the consideration hereinafter stated; and

WHEREAS, the City Council of the City of Dallas is of the opinion that the best interest and welfare of the City will be served by abandoning, relinquishing and quitclaiming the same to **GRANTEE** for the consideration and subject to the terms and conditions hereinafter more fully set forth.

Now, Therefore,

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

SECTION 1. That the City of Dallas hereby abandons and relinquishes all of its right, title and interest in and to the tract of land described in Exhibit A, attached hereto and made a part hereof; subject, however, to the conditions hereinafter more fully set out.

SECTION 2. That for and in monetary consideration of the sum of **FIVE THOUSAND FOUR HUNDRED AND NO/100 (\$5,400.00) DOLLARS** paid by **GRANTEE**, and the further consideration described in Section 8, the City of Dallas does by these presents **FOREVER QUITCLAIM** unto the said **GRANTEE**, subject to the conditions, reservations, and exceptions hereinafter made and with the restrictions and upon the covenants below stated, all its right, title and interest in and to the certain tract or parcel of land hereinabove described in Exhibit A. **TO HAVE AND TO HOLD** all of such right, title and interest in and to the property and premises, subject aforesaid, together with all and singular the rights, privileges, hereditaments and appurtenances thereto in any manner belonging unto the said **GRANTEE** forever.

SECTION 3. That upon payment of the monetary consideration set forth in Section 2, **GRANTEE** accepts the terms, provisions, and conditions of this ordinance.

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

SECTION 5. That the abandonment, relinquishment and quitclaim provided for herein are made subject to all present zoning and deed restrictions, if the latter exist, and are subject to all existing easement rights of others, if any, whether apparent or non-apparent, aerial, surface, underground or otherwise.

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

SECTION 7. That the abandonment, relinquishment and quitclaim provided for herein shall extend only to that interest the Governing Body of the City of Dallas may legally and lawfully abandon, relinquish and quitclaim.

SECTION 8. That as a condition of this abandonment and as a part of the consideration for the quitclaim to **GRANTEE** herein, **GRANTEE**, their heirs and assigns, agree to indemnify, defend, release and hold harmless the City of Dallas as to any and all claims for damages, fines, penalties, costs or expenses to persons or property that may arise out of, or be occasioned by or from: (i) the use and occupancy of the area described in Exhibit A by **GRANTEE**, their heirs and assigns; (ii) the presence, generation, spillage, discharge, release, treatment or disposition of any Hazardous Substance on or affecting the area set out in Exhibit A, (iii) all corrective actions concerning any discovered Hazardous Substances on or affecting the area described in Exhibit A, which **GRANTEE**, their heirs and assigns agree to undertake and complete in accordance with applicable federal, state and local laws and regulations; and (iv) the abandonment, closing, vacation and quitclaim by the City of Dallas of the area set out in Exhibit A. **GRANTEE**, their heirs and assigns hereby agree to defend any and all suits, claims, or causes of action brought against the City of Dallas on account of same, and discharge any judgment or judgments that may be rendered against the City of Dallas in connection therewith. For purposes hereof, "Hazardous Substance" means the following: (a) any "hazardous substances" under the Comprehensive Environmental Response, Compensation, and Liability Act, 42 U.S.C. Section 9601 et seq., as amended; (b) any "hazardous substance" under the Texas Hazardous Substances Spill Prevention and Control Act, TEX. WATER CODE, Section 26.261 et seq., as amended; (c) petroleum or petroleum-based products (or any derivative or hazardous constituents thereof or additives thereto), including without limitation, fuel and lubricating oils; (d) any "hazardous chemicals" or "toxic chemicals" under the Occupational Safety and Health Act, 29 U.S.C. Section 651 et seq., as amended; (e) any "hazardous waste" under the Resource Conservation and Recovery Act, 42 U.S.C. Section 6901 et seq., as amended; and (f) any "chemical substance" under the Toxic Substance Control Act, 15 U.S.C. Section 2601 et seq., as amended. References to particular acts or codifications in this definition include all past and future amendments thereto, as well as applicable rules and regulations as now or hereafter promulgated thereunder.

SECTION 9. That the City Secretary is hereby authorized and directed to certify a copy of this ordinance for recordation in the Deed Records of Dallas County, Texas, which certified copy shall be delivered to the Director of Department of Sustainable Development and Construction, or designee. Upon receipt of the monetary consideration set forth in Section 2, plus the fee for the publishing of this ordinance, which **GRANTEE** shall likewise pay, the Director of Department of Sustainable Development and Construction, or designee shall deliver to **GRANTEE** a certified copy of this ordinance. The Director of Department of Sustainable Development and Construction, or designee, shall be the sole source for receiving certified copies of this ordinance for one year after its passage.

SECTION 10. That this contract is designated as Contract No. DEV-2016-00001335.

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

APPROVED AS TO FORM:
LARRY E. CASTO, City Attorney

BY: 
Assistant City Attorney

DAVID COSSUM, Director
Department of Sustainable Development and
Construction

BY: 
Assistant Director

Passed _____.

15' EASEMENT ABANDONMENT
WALNUT CREST ADDITION
PART OF LOT 1, BLOCK 2/5478,
F.P. SCRUGGS SURVEY, ABSTRACT NO. 1332
CITY OF DALLAS, DALLAS COUNTY, TEXAS

Exhibit A

Being an 1,875 square foot (0.043 acre) tract of land situated in the F.P. Scruggs Survey, Abstract No. 1332, and being a part of Lot 1, in Block 2/5478, of Walnut Crest Addition, an Addition to the City of Dallas, Dallas County, Texas, according to the map recorded in Volume 9, Page 263, Map Records, Dallas County, Texas, same being part of that tract of land conveyed to Stephen Todd Weissmueller and Julia M. Weissmueller, by Warranty Deed recorded in Instrument No. 201700108609, Official Public Records, Dallas County, Texas, and being a part of a 15 foot easement created by said Walnut Crest Addition, and abandonment of said 15 foot easement being more particularly described by metes and bounds as follows:

BEGINNING at a 1/2 inch iron rod found at the common Northwest corner of Lot 2, Block 2/5478 of said Addition, and the Northeast corner of said Lot 1, Block 2/5478, said point being on the South right-of-way line of Joyce Way (40 foot right-of-way) created by map recorded in Volume 9, Page 263, Map Records, Dallas County, Texas;

THENCE South 01 degrees 58 degrees 14 seconds East, along the West line of said Lot 2, Block 2/5478, a distance of 124.75 feet to a point for corner on the North line of a 7.5 foot alley easement, created by map recorded in Volume 9, Page 263, Map Records, Dallas County, Texas, from which a 1 inch iron pipe found for witness has a bearing and distance of South 88 degrees 58 minutes 16 seconds East, 0.45 feet;

THENCE leaving said West line of Lot 2, Block 2/5478 and traversing through said Lot 1, Block 2/5478 as follows:

South 87 degrees 52 minutes 42 seconds West, along the North line of said 7.5 foot alley easement, a distance of 15.00 feet to a point for corner;

North 01 degrees 58 minutes 14 seconds West, a distance of 125.31 feet to a point for corner on the aforementioned South right-of-way line of Joyce Way;

THENCE East, along said South right-of-way line of Joyce Way, a distance of 15.01 feet to the POINT OF BEGINNING and containing 1,875 square feet or 0.043 acres of land.

(For SPRG use only)

Reviewed By: A. Rodriguez

Date: 8/20/17

SPRG No.: 4240

GENERAL NOTES:

- 1) ASSUMED BEARING, (EAST), ARE BASED ON WALNUT CREST ADDITION, VOL. 9, PG. 263, M.R.D.C.T.



CBG Surveying, Inc.

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



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

SHEET 1 OF 2
JOB NO. 1623465-01
DRAWN BY: JA/MC
DATE: 08/22/17

**15' EASEMENT ABANDONMENT
WALNUT CREST ADDITION
PART OF LOT 1, BLOCK 2/5478,
F.P. SCRUGGS SURVEY, ABSTRACT NO. 1332
CITY OF DALLAS, DALLAS COUNTY, TEXAS**

Exhibit A

JOYCE WAY

40' R.O.W.
VOL. 9, PG. 263
(M.R.D.C.T.)

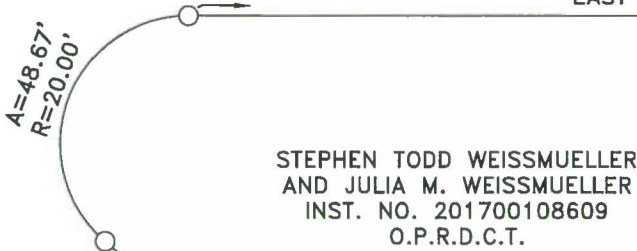
(ASSUMED BASIS OF BEARINGS)
EAST 142.91'

30' 15' 0 30' 60'



SCALE: 1" = 30'

F.P. SCRUGGS SURVEY,
ABSTRACT NO. 1332



STEPHEN TODD WEISSMUELLER
AND JULIA M. WEISSMUELLER
INST. NO. 201700108609
O.P.R.D.C.T.

**15' EASEMENT
ABANDONMENT
1,875 SQ.FT.
0.043 ACRE**

**EAST (PLAT: 300.18')
15.01'**

CM FOUND @
N.E. CORNER
OF LOT 4

**POINT OF
BEGINNING**



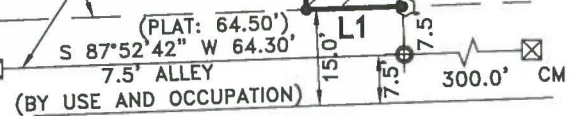
LOT 2

THOMAS WILSON AND SPOUSE,
ASHLEY HODGDON
INST. NO. 201100306999

15' ESMT.
VOL. 9, PG. 263
M.R.D.C.T.

7.5' ALLEY ESMT.
VOL. 9, PG. 263
M.R.D.C.T.

1" IPF FOR WITNESS
S 88°58'16" E 0.45'



(BY USE AND OCCUPATION)

Line Table		
Line #	Direction	Length
L1	S 87°52'42" W	15.00



EDGEMERE ROAD
N 49°25'21" W 105.30'
60' R.O.W.
VOL. 9, PG. 263
(M.R.D.C.T.)

BLOCK 2/5478
WALNUT CREST ADDITION
VOL. 9, PG. 263
M.R.D.C.T.

A=43.94'
R=410.00'
(PLAT: 43.00')

LEGEND:

- CM CONTROLLING MONUMENT
- 1/2" IRON ROD FOUND
- 1" IRON PIPE FOUND
- ⊙ MAG NAIL FOUND
- ⊙ POINT FOR CORNER
- ⊙ "X" CUT FOUND
- SQ.FT. SQUARE FEET
- R.O.W. RIGHT-OF-WAY
- VOL., PG. VOLUME, PAGE
- INST. NO. INSTRUMENT NUMBER
- M.R.D.C.T. MAP RECORDS, DALLAS COUNTY, TEXAS
- O.P.R.D.C.T. OFFICIAL PUBLIC RECORDS, DALLAS COUNTY, TEXAS

(For SPRG use only)
Reviewed By: A. Rodriguez
Date: 8/30/17
SPRG No.: 4240

KELBY HAGAR
INST. NO. 2011000351214
O.P.R.D.C.T.

GENERAL NOTES:

1) ASSUMED BEARING, (EAST), ARE BASED ON WALNUT CREST ADDITION, VOL. 9, PG. 263, M.R.D.C.T.

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



CBG Surveying, Inc.

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SHEET 2 OF 2
JOB NO. 1623465-01
DRAWN BY: JA/MC
DATE: 08/22/17

AGENDA ITEM # 36

STRATEGIC PRIORITY: Mobility Solutions, Infrastructure, and Sustainability

AGENDA DATE: October 25, 2017

COUNCIL DISTRICT(S): 13

DEPARTMENT: Sustainable Development and Construction

CMO: Majed Al-Ghafry, 670-3302

MAPSCO: 24Q

SUBJECT

An ordinance abandoning a portion of a floodway easement to R. Holt Lunsford and Kaye Dawn Lunsford, the abutting owners, containing approximately 8,878 square feet of land located near the intersection of Meadowood Road and Walnut Hill Lane - Revenue: \$5,400, plus the \$20 ordinance publication fee

BACKGROUND

This item authorizes the abandonment of a portion of a floodway easement to R. Holt Lunsford and Kaye Dawn Lunsford, the abutting owners. The area will be included with the property of the abutting owners to construct a residential swimming pool. The cost for this abandonment is the minimum processing fee pursuant to the Dallas City Code, therefore, no appraisal is required.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Information about this item will be provided to the Mobility Solutions, Infrastructure & Sustainability Committee on October 23, 2017.

FISCAL INFORMATION

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

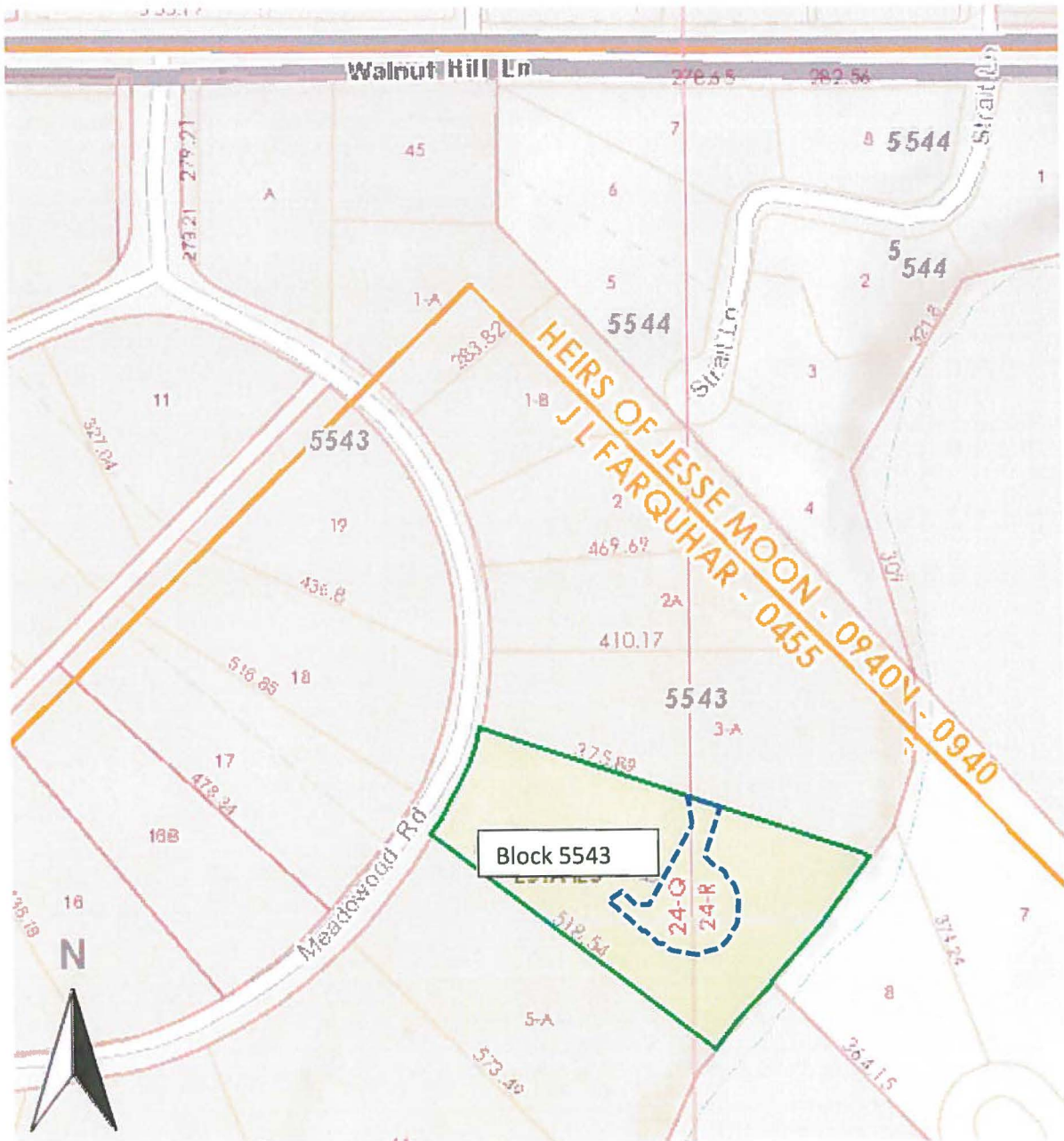
OWNERS


R. Holt Lunsford

Kaye Dawn Lunsford

MAP

Attached



Abandonment area: 

ORDINANCE NO. _____

An ordinance providing for the abandonment and relinquishment of a portion of a floodway easement, located in City Block 5543 in the City of Dallas and County of Dallas, Texas; providing for the quitclaim thereof to R. Holt Lunsford and Kaye Dawn Lunsford; providing for the terms and conditions of the abandonment, relinquishment and quitclaim made herein; providing for the indemnification of the City of Dallas against damages arising out of the abandonment herein; providing for the consideration to be paid to the City of Dallas; providing for the payment of the publication fee; and providing an effective date for this ordinance.

ooo0ooo

WHEREAS, the City Council of the City of Dallas, acting pursuant to law and upon the request and petition of R. Holt Lunsford, an individual and Kaye Dawn Lunsford, an individual; hereinafter referred to collectively as **GRANTEE**, deems it advisable to abandon, relinquish and quitclaim the City of Dallas' right, title and interest in and to the hereinafter described tract of land to **GRANTEE**, and is of the opinion that, subject to the terms and conditions herein provided, said easement is no longer needed for municipal use, and same should be abandoned, relinquished and quitclaimed to **GRANTEE** as hereinafter provided, for the consideration hereinafter stated; and

WHEREAS, the City Council of the City of Dallas is of the opinion that the best interest and welfare of the City will be served by abandoning, relinquishing and quitclaiming the same to **GRANTEE** for the consideration and subject to the terms and conditions hereinafter more fully set forth.

Now, Therefore,

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

SECTION 1. That the City of Dallas hereby abandons and relinquishes all of its right, title and interest in and to the tract of land described in Exhibit A, attached hereto and made a part hereof; subject, however, to the conditions hereinafter more fully set out.

SECTION 2. That for and in monetary consideration of the sum of **FIVE THOUSAND FOUR HUNDRED AND NO/100 (\$5,400.00) DOLLARS** paid by **GRANTEE**, and the further consideration described in Section 8, the City of Dallas does by these presents **FOREVER QUITCLAIM** unto the said **GRANTEE**, subject to the conditions, reservations, and exceptions hereinafter made and with the restrictions and upon the covenants below stated, all its right, title and interest in and to the certain tract or parcel of land hereinabove described in Exhibit A. **TO HAVE AND TO HOLD** all of such right, title and interest in and to the property and premises, subject aforesaid, together with all and singular the rights, privileges, hereditaments and appurtenances thereto in any manner belonging unto the said **GRANTEE** forever.

SECTION 3. That upon payment of the monetary consideration set forth in Section 2, **GRANTEE** accepts the terms, provisions, and conditions of this ordinance.

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

SECTION 5. That the abandonment, relinquishment and quitclaim provided for herein are made subject to all present zoning and deed restrictions, if the latter exist, and are subject to all existing easement rights of others, if any, whether apparent or non-apparent, aerial, surface, underground or otherwise.

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

SECTION 7. That the abandonment, relinquishment and quitclaim provided for herein shall extend only to that interest the Governing Body of the City of Dallas may legally and lawfully abandon, relinquish and quitclaim.

SECTION 8. That as a condition of this abandonment and as a part of the consideration for the quitclaim to **GRANTEE** herein, **GRANTEE**, their heirs and assigns, agree to indemnify, defend, release and hold harmless the City of Dallas as to any and all claims for damages, fines, penalties, costs or expenses to persons or property that may arise out of, or be occasioned by or from: (i) the use and occupancy of the area described in Exhibit A by **GRANTEE**, their heirs and assigns; (ii) the presence, generation, spillage, discharge, release, treatment or disposition of any Hazardous Substance on or affecting the area set out in Exhibit A, (iii) all corrective actions concerning any discovered Hazardous Substances on or affecting the area described in Exhibit A, which **GRANTEE**, their heirs and assigns agree to undertake and complete in accordance with applicable federal, state and local laws and regulations; and (iv) the abandonment, closing, vacation and quitclaim by the City of Dallas of the area set out in Exhibit A. **GRANTEE**, their heirs and assigns hereby agree to defend any and all suits, claims, or causes of action brought against the City of Dallas on account of same, and discharge any judgment or judgments that may be rendered against the City of Dallas in connection therewith. For purposes hereof, "Hazardous Substance" means the following: (a) any "hazardous substances" under the Comprehensive Environmental Response, Compensation, and Liability Act, 42 U.S.C. Section 9601 et seq., as amended; (b) any "hazardous substance" under the Texas Hazardous Substances Spill Prevention and Control Act, TEX. WATER CODE, Section 26.261 et seq., as amended; (c) petroleum or petroleum-based products (or any derivative or hazardous constituents thereof or additives thereto), including without limitation, fuel and lubricating oils; (d) any "hazardous chemicals" or "toxic chemicals" under the Occupational Safety and Health Act, 29 U.S.C. Section 651 et seq., as amended; (e) any "hazardous waste" under the Resource Conservation and Recovery Act, 42 U.S.C. Section 6901 et seq., as amended; and (f) any "chemical substance" under the Toxic Substance Control Act, 15 U.S.C. Section 2601 et seq., as amended. References to particular acts or codifications in this definition include all past and future amendments thereto, as well as applicable rules and regulations as now or hereafter promulgated thereunder.

SECTION 9. That the City Secretary is hereby authorized and directed to certify a copy of this ordinance for recordation in the Deed Records of Dallas County, Texas, which certified copy shall be delivered to the Director of Department of Sustainable Development and Construction, or designee. Upon receipt of the monetary consideration set forth in Section 2, plus the fee for the publishing of this ordinance, which **GRANTEE** shall likewise pay, the Director of Department of Sustainable Development and Construction, or designee shall deliver to **GRANTEE** a certified copy of this ordinance. The Director of Department of Sustainable Development and Construction, or designee, shall be the sole source for receiving certified copies of this ordinance for one year after its passage.

SECTION 10. That this ordinance is designated as Contract No. DEV-2017-00003818.

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

APPROVED AS TO FORM:
LARRY E. CASTO, City Attorney

BY: 
Assistant City Attorney

DAVID COSSUM, Director
Department of Sustainable Development and
Construction

BY: 
Assistant Director

Passed _____.

FLOODWAY EASEMENT ABANDONMENT

SHEET 1 OF 2

FINN ADDITION
LOT 4B, BLOCK 5543
A CORRECTION PLAT OF LOT 4A, BLOCK 5543
MEADOWOOD ESTATES, SECTION ONE
JAMES L. FARQUHAR SURVEY, ABSTRACT NO. 455
CITY OF DALLAS, DALLAS COUNTY, TEXAS

Exhibit A

Being a 8,878 square feet or a 0.204 acre floodway easement abandonment located in the JAMES L. FARQUHAR SURVEY, Abstract No. 455, City of Dallas, Dallas County, Texas, and being part of Finn Addition, Lot 4B, Block 5543, a Correction Plat of Lot 4A, Block 5543, MEADOWOOD ESTATES, SECTION ONE, an Addition to the City of Dallas, Dallas County, Texas, according to the plat thereof recorded in Volume 96028, Page 751, Deed Records, Dallas County, Texas, and being the same tract of land described in Warranty Deed with Vendor's Lien to R. Holt Lunsford and Kaye Dawn Lunsford, recorded in Instrument No. 201500108616, Official Public Records, Dallas County, Texas, and being more particularly described as follows:

Commencing at a 1/2" iron rod found in the Southeast line of Meadowood Drive, a 50' right-of-way, as shown on Meadowood Estates Section One, recorded in Volume 6, Page 445, Map Records, Dallas County, Texas, at the North corner of said Lot 4B, Block 5543, same being the Southwest corner of Lot 3A, Block 5543, of Meadowood Estates, Section One, an Addition to the City of Dallas Dallas County, Texas, according to the plat thereof recorded in Volume 87164, Page 1066, Deed Records, Dallas County, Texas;

Thence South 72°35'00" East, along the North line of said Lot 4B, a distance of 358.70' to a 3" aluminum disk found for corner at the PLACE OF BEGINNING of the tract of land described herein;

Thence South 72°35'00" East, continuing along said North line, a distance of 27.07' to a 1/2" iron rod with a yellow plastic cap stamped "RPLS 5310" set for corner, said point being North 72°35'00" West, a distance of 181.50' from a 3/8" iron rod found for reference;

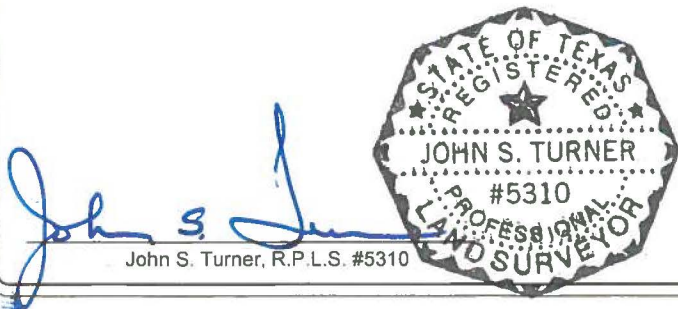
Thence passing through said Lot 4B, Block 5543, the following (15) fifteen courses and distances:

- 1) South 12°51'48" West, a distance of 55.36' to a 1/2" iron rod with a yellow plastic cap stamped "RPLS 5310" set for corner;
- 2) South 41°46'38" East, a distance of 20.53' to a 1/2" iron rod with a yellow plastic cap stamped "RPLS 5310" set for corner;
- 3) South 24°34'52" East, a distance of 26.33' to a 1/2" iron rod with a yellow plastic cap stamped "RPLS 5310" set for corner;
- 4) South 01°05'00" West, a distance of 16.36' to a 1/2" iron rod with a yellow plastic cap stamped "RPLS 5310" set for corner;
- 5) South 41°14'37" West, a distance of 28.71' to a 1/2" iron rod with a yellow plastic cap stamped "RPLS 5310" set for corner;
- 6) South 49°12'12" West, a distance of 32.09' to a 1/2" iron rod with a yellow plastic cap stamped "RPLS 5310" set for corner and being the beginning of a non-tangent curve to the right, having a delta angle of 23°48'01", a radius of 116.33', and a chord bearing and distance of North 81°13'16" West, 47.98';
- 7) Northwesterly, along said curve to the right, an arc distance of 48.32' to a 1/2" iron rod with a yellow plastic cap stamped "RPLS 5310" set for corner;
- 8) North 60°36'25" West, a distance of 32.22' to a 1/2" iron rod with a yellow plastic cap stamped "RPLS 5310" set for corner;
- 9) North 64°12'01" West, a distance of 24.60' to a 1/2" iron rod with a yellow plastic cap stamped "RPLS 5310" set for corner;
- 10) North 25°47'59" East, a distance of 6.38' to a 1/2" iron rod with a yellow plastic cap stamped "RPLS 5310" set for corner;
- 11) South 74°59'14" East, a distance of 22.13' to a 3" aluminum disk found for corner;
- 12) North 78°25'16" East, a distance of 17.22' to a 1/2" iron rod with a yellow plastic cap stamped "RPLS 5310" set for corner;
- 13) North 40°12'40" East, a distance of 25.03' to a 1/2" iron rod with a yellow plastic cap stamped "RPLS 5310" set for corner;
- 14) North 34°50'25" East, a distance of 75.32' to a 1/2" iron rod with a yellow plastic cap stamped "RPLS 5310" set for corner;
- 15) North 03°50'03" East, a distance of 42.09' to the PLACE OF BEGINNING and containing 8,878 square feet or 0.204 of an acre of land.

BASIS OF BEARINGS IS THE NORTH LINE OF
LOT 4B, BLOCK 5543, (S 72°35'00" E)
FROM PLAT, VOL. 96028, PG. 751,
D R D C T

(FOR SPRG USE ONLY)

REVIEWED BY: G.S.
DATE: 9-7-17
SPRG NO: 4252



John S. Turner, R.P.L.S. #5310



A&W SURVEYORS, INC.

Professional Land Surveyors

TEXAS REGISTRATION NO. 100174-00

P.O. BOX 870029, MESQUITE, TX. 75187

PHONE: (972) 681-4975 FAX: (972) 681-4954

WWW.AWSURVEY.COM

Job Number: 17-1603

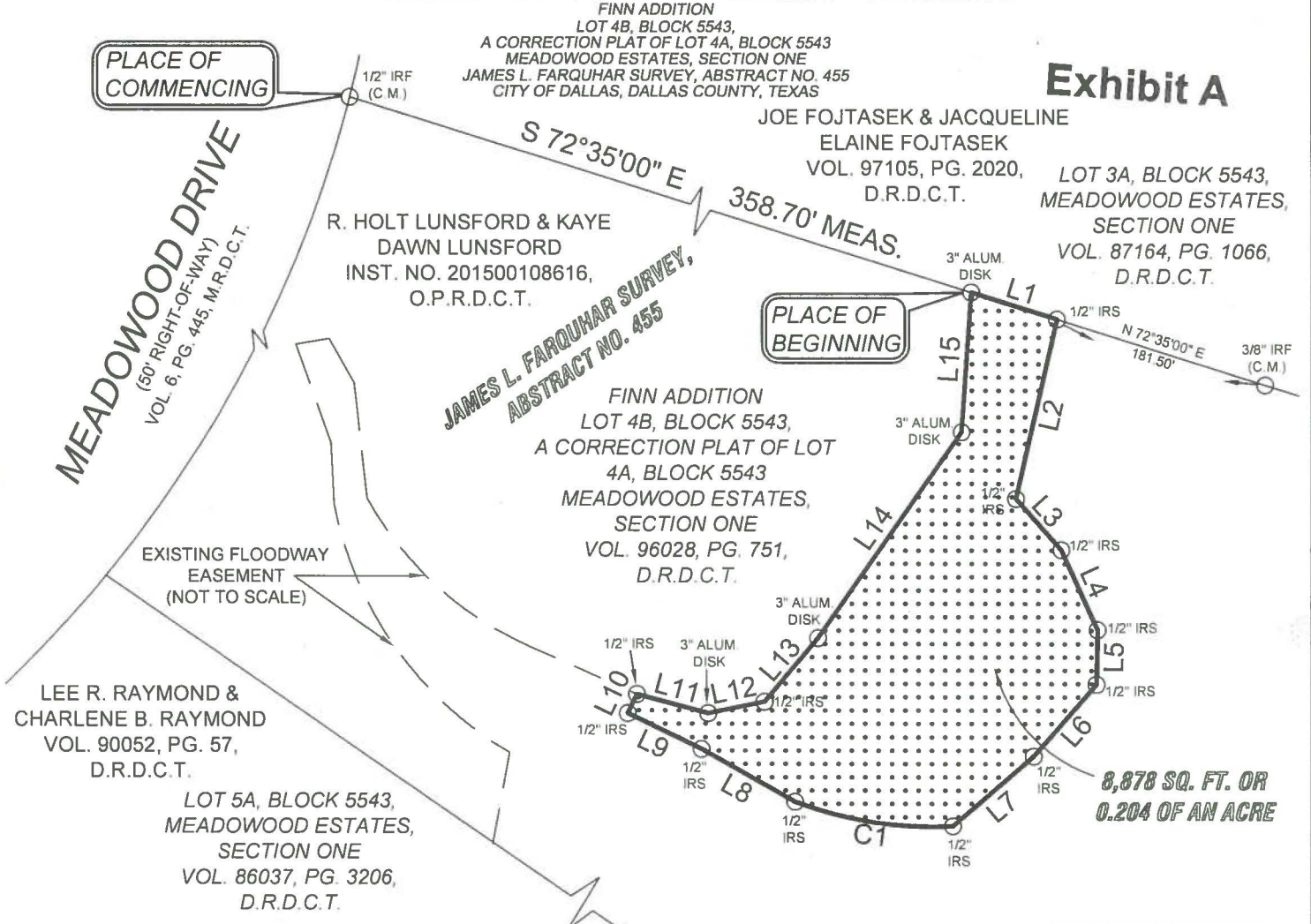
Date: 08-03-2017

Drafter: 517

"A professional company operating in your best interest"

FLOODWAY EASEMENT ABANDONMENT

Exhibit A



FINN ADDITION
 LOT 4B, BLOCK 5543,
 A CORRECTION PLAT OF LOT 4A, BLOCK 5543
 MEADOWOOD ESTATES, SECTION ONE
 JAMES L. FARQUHAR SURVEY, ABSTRACT NO. 455
 CITY OF DALLAS, DALLAS COUNTY, TEXAS

JOE FOJTASEK & JACQUELINE
 ELAINE FOJTASEK
 VOL. 97105, PG. 2020,
 D.R.D.C.T.

LOT 3A, BLOCK 5543,
 MEADOWOOD ESTATES,
 SECTION ONE
 VOL. 87164, PG. 1066,
 D.R.D.C.T.

R. HOLT LUNSFORD & KAYE
 DAWN LUNSFORD
 INST. NO. 201500108616,
 O.P.R.D.C.T.

JAMES L. FARQUHAR SURVEY,
 ABSTRACT NO. 455

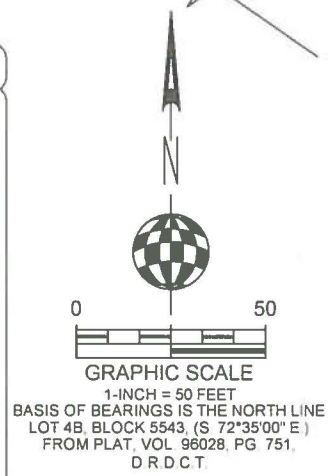
FINN ADDITION
 LOT 4B, BLOCK 5543,
 A CORRECTION PLAT OF LOT
 4A, BLOCK 5543
 MEADOWOOD ESTATES,
 SECTION ONE
 VOL. 96028, PG. 751,
 D.R.D.C.T.

LEE R. RAYMOND &
 CHARLENE B. RAYMOND
 VOL. 90052, PG. 57,
 D.R.D.C.T.

LOT 5A, BLOCK 5543,
 MEADOWOOD ESTATES,
 SECTION ONE
 VOL. 86037, PG. 3206,
 D.R.D.C.T.

8,878 SQ. FT. OR
 0.204 OF AN ACRE

LEGEND	
C.M.	CONTROLLING MONUMENT
VOL.	VOLUME
PG.	PAGE
D.R.D.C.T.	DEED RECORDS, DALLAS COUNTY, TEXAS
M.R.D.C.T.	MAP RECORDS, DALLAS COUNTY, TEXAS
O.P.R.D.C.T.	OFFICIAL PUBLIC RECORDS, DALLAS COUNTY, TEXAS
INST. NO.	INSTRUMENT NUMBER
IRF	IRON ROD FOUND
IRS	IRON ROD SET
ALUM.	ALUMINUM



LINE TABLE		
LINE	LENGTH	BEARING
L1	27.07'	S72°35'00"E
L2	55.36'	S12°51'48"W
L3	20.53'	S41°46'38"E
L4	26.33'	S24°34'52"E
L5	16.36'	S01°05'00"W
L6	28.71'	S41°14'37"W
L7	32.09'	S49°12'12"W
L8	32.22'	N60°36'25"W
L9	24.60'	N64°12'01"W
L10	6.38'	N25°47'59"E
L11	22.13'	S74°59'14"E
L12	17.22'	N78°25'16"E
L13	25.03'	N40°12'40"E
L14	75.32'	N34°50'25"E
L15	42.09'	N03°50'03"E

(FOR SPRG USE ONLY)

REVIEWED BY: G.S.

DATE: 9-7-17

SPRG NO: 4252

LEE ROY MITCHELL &
 TANDY MITCHELL
 VOL. 94043, PG. 982,
 D.R.D.C.T.
 LOT 9, BLOCK 5543,
 SUNNYBROOK
 ESTATES
 VOL. 7, PG. 235,
 D.R.D.C.T.

CURVE TABLE				
CURVE	DELTA	RADIUS	LENGTH	CH. BEAR
C1	23°48'01"	116.33'	48.32'	N81°13'16"W

John S. Turner, R.P.L.S. #5310

A&W SURVEYORS, INC.
 Professional Land Surveyors
 TEXAS REGISTRATION NO. 100174-00
 P.O. BOX 870029, MESQUITE, TX. 75187
 PHONE: (972) 681-4975 FAX: (972) 681-4954
 WWW.AWSURVEY.COM

Job Number: 17-1603 Date: 08-03-2017 Drafter: 517
 "A professional company operating in your best interest"

AGENDA ITEM # 37

STRATEGIC PRIORITY: Mobility Solutions, Infrastructure, and Sustainability

AGENDA DATE: October 25, 2017

COUNCIL DISTRICT(S): 13

DEPARTMENT: Sustainable Development and Construction

CMO: Majed Al-Ghafry, 670-3302

MAPSCO: 26Z

SUBJECT

An ordinance abandoning a floodway easement and a floodway maintenance access easement to FWLB SKILLMAN, LP, the abutting owner, containing a total of approximately 51,408 square feet of land located near the intersection of Skillman and Larmanda Streets - Revenue: \$5,400, plus the \$20 ordinance publication fee

BACKGROUND

This item authorizes the abandonment of a floodway easement and a floodway maintenance access easement to FWLB SKILLMAN, LP, the abutting owner. The area will be included with the property of the abutting owner for the construction of a car wash. The cost for these abandonments is the minimum processing fee pursuant to the Dallas City Code, therefore, no appraisal is required.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Information about this item will be provided to the Mobility Solutions, Infrastructure & Sustainability Committee on October 23, 2017.

FISCAL INFORMATION

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

OWNER

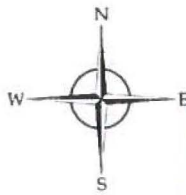
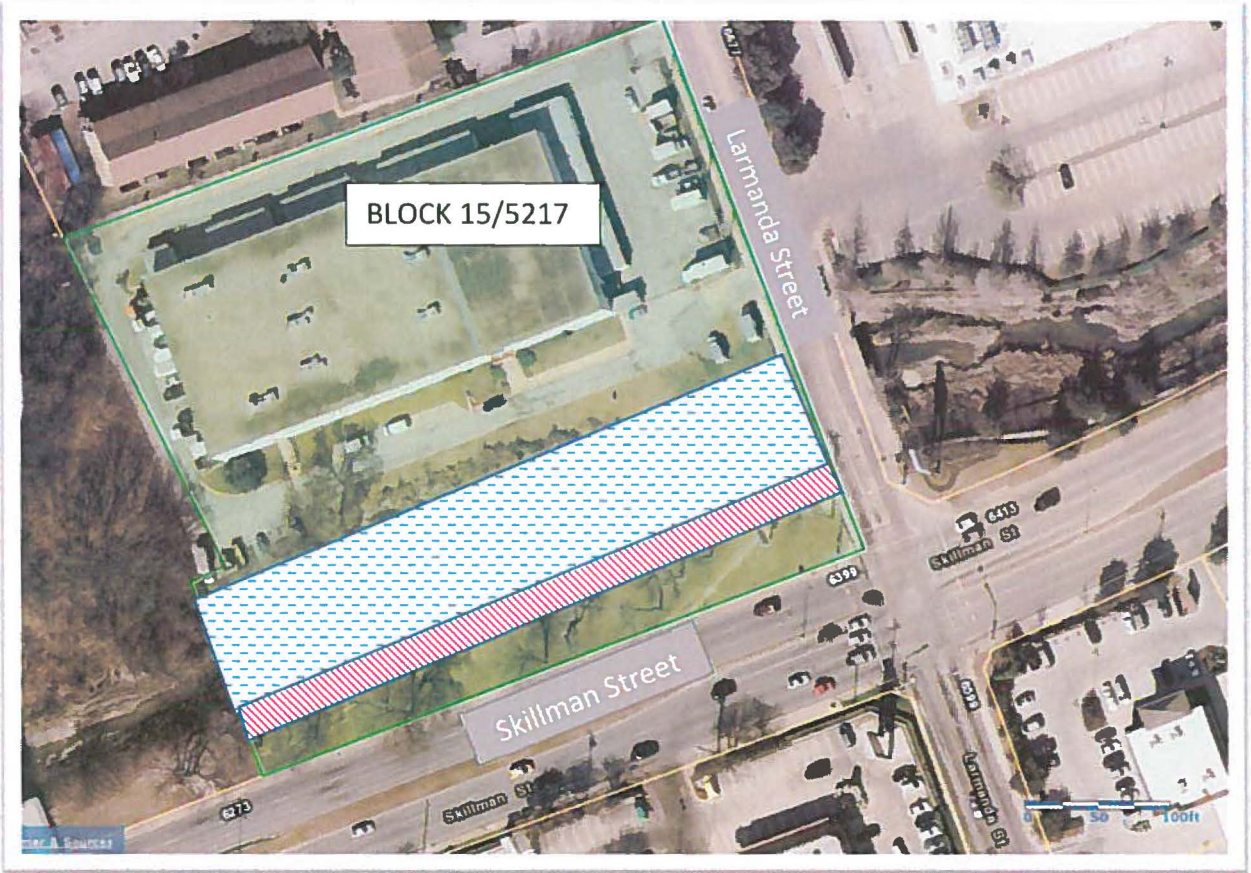
FWLB SKILLMAN, LP

FWLB, LLC

Frank Nuchereno, Manager

MAP

Attached



FLOODWAY EASEMENT ABANDONMENT AREA

FLOODWAY MAINTENANCE ACCESS EASEMENT ABANDONMENT AREA

ORDINANCE NO. _____

An ordinance providing for the abandonment and relinquishment of a floodway easement and a floodway maintenance access easement, located in City Block 15/5217 in the City of Dallas and County of Dallas, Texas; providing for the quitclaim thereof to FWLB SKILLMAN, LP; providing for the terms and conditions of the abandonment, relinquishment and quitclaim made herein; providing for the conveyance of a new easement to the City of Dallas and relocation of existing facilities; providing for the indemnification of the City of Dallas against damages arising out of the abandonments herein; providing for the consideration to be paid to the City of Dallas; providing a future effective date for the abandonment, relinquishment and quitclaim made herein; providing for the payment of the publication fee; and providing an effective date for this ordinance.

ooo0ooo

WHEREAS, the City Council of the City of Dallas, acting pursuant to law and upon the request and petition of FWLB SKILLMAN, LP, a Texas limited partnership; hereinafter referred to as **GRANTEE**, deems it advisable to abandon, relinquish and quitclaim the City of Dallas' right, title and interest in and to the hereinafter described tract of land to **GRANTEE**, and is of the opinion that, subject to the terms and conditions herein provided, said easement is no longer needed for municipal use, and same should be abandoned, relinquished and quitclaimed to **GRANTEE** as hereinafter provided, for the consideration hereinafter stated; and

WHEREAS, the City Council of the City of Dallas is of the opinion that the best interest and welfare of the City will be served by abandoning, relinquishing and quitclaiming the same to **GRANTEE** for the consideration and subject to the terms and conditions hereinafter more fully set forth.

Now, Therefore,

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

SECTION 1. That the City of Dallas hereby abandons and relinquishes all of its right, title and interest in and to the tract of land described in Exhibit A, attached hereto and made a part hereof; subject, however, to the conditions and future effective date hereinafter more fully set out.

SECTION 2. That for and in monetary consideration of the sum of **FIVE THOUSAND FOUR HUNDRED AND NO/100 (\$5,400.00) DOLLARS** paid by **GRANTEE**, and the further consideration described in Sections 8, and 9 the City of Dallas does by these presents **FOREVER QUITCLAIM** unto the said **GRANTEE**, subject to the conditions, reservations, future effective date and exceptions hereinafter made and with the restrictions and upon the covenants below stated, all its right, title and interest in and to the certain tracts or parcels of land hereinabove described in Exhibit A. **TO HAVE AND TO HOLD** all of such right, title and interest in and to the property and premises, subject aforesaid, together with all and singular the rights, privileges, hereditaments and appurtenances thereto in any manner belonging unto the said **GRANTEE** forever.

SECTION 3. That upon payment of the monetary consideration set forth in Section 2, **GRANTEE** accepts the terms, provisions, and conditions of this ordinance.

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

SECTION 5. That the abandonment, relinquishment and quitclaim provided for herein are made subject to all present zoning and deed restrictions, if the latter exist, and are subject to all existing easement rights of others, if any, whether apparent or non-apparent, aerial, surface, underground or otherwise.

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

SECTION 7. That the abandonment, relinquishment and quitclaim provided for herein shall extend only to that interest the Governing Body of the City of Dallas may legally and lawfully abandon, relinquish and quitclaim.

SECTION 8. That as a condition of this abandonment and as a part of the consideration for the quitclaim to **GRANTEE** herein, **GRANTEE**, its successors and assigns, agree to indemnify, defend, release and hold harmless the City of Dallas as to any and all claims for damages, fines, penalties, costs or expenses to persons or property that may arise out of, or be occasioned by or from: (i) the use and occupancy of the areas described in Exhibit A by **GRANTEE**, its successors and assigns; (ii) the presence, generation, spillage, discharge, release, treatment or disposition of any Hazardous Substance on or affecting the areas set out in Exhibit A; (iii) all corrective actions concerning any discovered Hazardous Substances on or affecting the areas described in Exhibit A, which **GRANTEE**, its successors and assigns agree to undertake and complete in accordance with applicable federal, state and local laws and regulations; and (iv) the abandonment, closing, vacation and quitclaim by the City of Dallas of the areas set out in Exhibit A. **GRANTEE**, its successors and assigns hereby agree to defend any and all suits, claims, or causes of action brought against the City of Dallas on account of same, and discharge any judgment or judgments that may be rendered against the City of Dallas in connection therewith. For purposes hereof, "Hazardous Substance" means the following: (a) any "hazardous substances" under the Comprehensive Environmental Response, Compensation, and Liability Act, 42 U.S.C. Section 9601 et seq., as amended; (b) any "hazardous substance" under the Texas Hazardous Substances Spill Prevention and Control Act, TEX. WATER CODE, Section 26.261 et seq., as amended; (c) petroleum or petroleum-based products (or any derivative or hazardous constituents thereof or additives thereto), including without limitation, fuel and lubricating oils; (d) any "hazardous chemicals" or "toxic chemicals" under the Occupational Safety and Health Act, 29 U.S.C. Section 651 et seq., as amended; (e) any "hazardous waste" under the Resource Conservation and Recovery Act, 42 U.S.C. Section 6901 et seq., as amended; and (f) any "chemical substance"

SECTION 8. (continued)

under the Toxic Substance Control Act, 15 U.S.C. Section 2601 et seq., as amended. References to particular acts or codifications in this definition include all past and future amendments thereto, as well as applicable rules and regulations as now or hereafter promulgated thereunder.

SECTION 9. That as a condition of this abandonment and as part of the consideration for the quitclaim to **GRANTEE** herein, **GRANTEE** shall obtain approval of fill permit from City of Dallas Trinity Watershed Management (TWM) and approval of engineering plans from City Engineering.

SECTION 10. That this abandonment, relinquishment and quitclaim of the City's right, title and interest in and to said portions of a floodway easement and a floodway maintenance access easement shall not become effective until and unless: (i) the existing installations and facilities are relocated, at **GRANTEE's** expense, to the new easement, to be provided by **GRANTEE** and acceptable to the Director of Department of Sustainable Development and Construction, as is hereinafter provided; and (ii) plans for the construction and relocation of installations within the new easement are approved by the Director of Department of Sustainable Development and Construction; and (iii) said construction and relocation of installations are completed, approved and accepted in writing by the Director of Department of Sustainable Development and Construction. **GRANTEE** will grant the new easement at no cost consideration to the City and all work shall be done at the sole cost of **GRANTEE** and to the satisfaction of the Director of Department of Sustainable Development and Construction. Failure to relocate to the new easement in accordance with the terms of the section shall render this ordinance null and void and of no further effect.

SECTION 11. That the City Secretary is hereby authorized and directed to certify a copy of this ordinance for recordation in the Deed Records of Dallas County, Texas, which certified copy shall be delivered to the Director of Department of Sustainable Development and Construction, or designee. Upon receipt of the monetary consideration set forth in Section 2, plus the fee for the publishing of this ordinance,

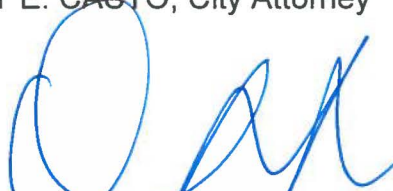
SECTION 11. (continued)

which **GRANTEE** shall likewise pay, the Director of Department of Sustainable Development and Construction, or designee shall deliver to **GRANTEE** a certified copy of this ordinance. The Director of Department of Sustainable Development and Construction, or designee, shall be the sole source for receiving certified copies of this ordinance for one year after its passage.

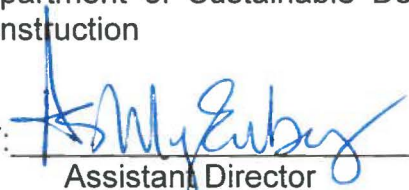
SECTION 12. That this contract is designated as Contract No. DEV-2017-00002297.

SECTION 13. That this ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so ordained.

APPROVED AS TO FORM:
LARRY E. CASTO, City Attorney

BY: 
Assistant City Attorney

DAVID COSSUM, Director
Department of Sustainable Development and
Construction

BY: 
Assistant Director

Passed _____.

FLOODWAY EASEMENT
ABANDONMENT
LOT 1A, BLOCK 15/5217
RE-SUBDIVISION OF R.L. GUYER SUBDIVISION
IN THE
W.P. WYCHE SURVEY, ABSTRACT NUMBER 1522
CITY OF DALLAS,
DALLAS COUNTY, TEXAS

BEING a 1.026 (44,705 square feet) acre tract of land situated in the W. P. Wyche Survey, Abstract Number 1522, Dallas County, Texas, and being part of Lot 1A, Block 15/5217 of Re-Subdivision of R.L. Guyer Subdivision, Lots 1-9, City Block 15/5217, same being owned by FWLB Skillman, L.P. per that Special Warranty Deed recorded in Volume 2002244, Page 8216 of the Deed Records of Dallas County, Texas (D.R.D.C.T.), and being all of that 100-foot wide "Floodway Easement" per said plat of Lot 1A, Block 15/5217, and being more particularly described by metes and bounds as follows:

COMMENCING at a 5/8-inch iron rod found for the northeast corner of said Lot 1A, Block 15/5217, same being the southeast corner of that tract of land described in deed to Trail Meadows Partners I, L.P., as recorded in Instrument Number 200503640786 of the Official Public Records of Dallas County, Texas (O.P.R.D.C.T.), said iron rod being on the westerly right-of-way line of Larmanda Street (a called 60-foot wide public right-of-way through use, no deed of record found);

THENCE South 20 degrees 51 minutes 06 seconds East, along the common east line of said Lot 1A and said westerly line of Larmanda Street, a distance of 230.13 feet to a point (not monumented) for the POINT OF BEGINNING of the herein described tract;


THENCE South 20 degrees 51 minutes 06 seconds East, continuing along said common line, a distance of 100.18 feet to a point (not monumented) for corner;

THENCE South 65 degrees 41 minutes 16 seconds West, departing said common line and over and across said Lot 1A along the southerly line of said Floodway Easement, a distance of 446.91 to a point (not monumented) for corner on the common westerly line of said Lot 1A and the easterly line of the DART right-of-way (a variable width right-of-way, no deed of record found);

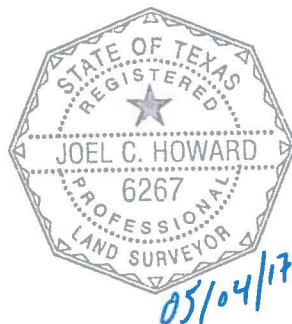
THENCE North 21 degrees 01 minute 06 seconds West, along said common line, a distance of 100.17 feet to a point (not monumented) for corner;

THENCE North 65 degrees 41 minutes 16 seconds East, departing said common line and over and across said Lot 1A along the northerly line of said Floodway Easement, a distance of 447.20 feet to the POINT OF BEGINNING and CONTAINING 44,705 square feet or 1.026 acres of land, more or less.

The Basis of Bearings is the Texas Coordinate System of 1983, North Central Zone (4202).



Joel C. Howard
Texas RPLS No. 6267



Reviewed By: A. Rodriguez
Date: 6/14/17
SPRG No.: 4149

NOTES:

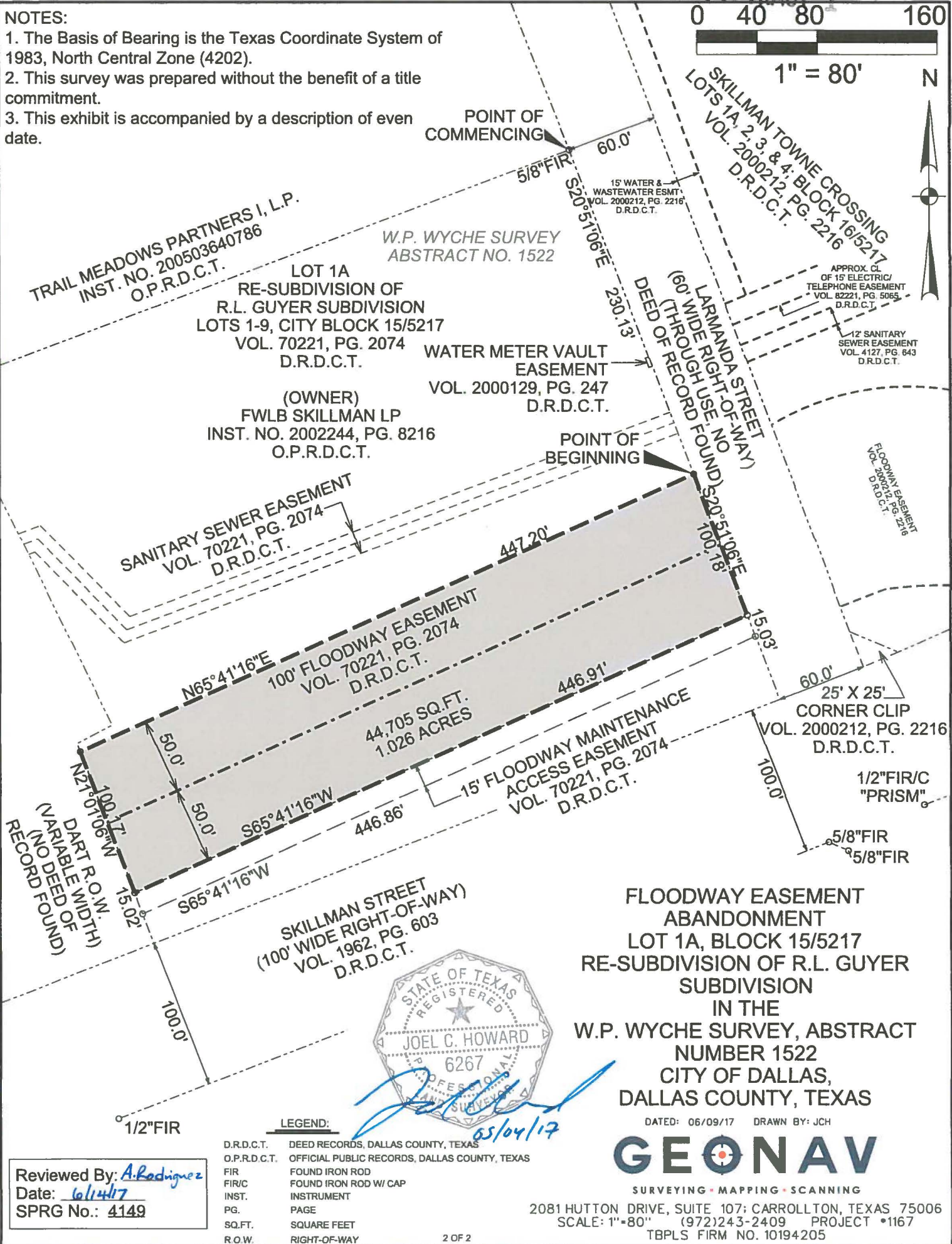
1. The Basis of Bearing is the Texas Coordinate System of 1983, North Central Zone (4202).
2. This survey was prepared without the benefit of a title commitment.
3. This exhibit is accompanied by a description of even date.

0 40 80 160



1" = 80'

N



TRAIL MEADOWS PARTNERS I, L.P.
INST. NO. 200503640786
O.P.R.D.C.T.

LOT 1A
RE-SUBDIVISION OF
R.L. GUYER SUBDIVISION
LOTS 1-9, CITY BLOCK 15/5217
VOL. 70221, PG. 2074
D.R.D.C.T.

(OWNER)
FWLB SKILLMAN LP
INST. NO. 2002244, PG. 8216
O.P.R.D.C.T.

W.P. WYCHE SURVEY
ABSTRACT NO. 1522

WATER METER VAULT
EASEMENT
VOL. 2000129, PG. 247
D.R.D.C.T.

SKILLMAN TOWNE CROSSING
LOTS 1A, 2, 3, & 4; BLOCK 16/5217
VOL. 2000212, PG. 2216
D.R.D.C.T.

APPROX. C.
OF 15' ELECTRIC/
TELEPHONE EASEMENT
VOL. 82221, PG. 5065
D.R.D.C.T.

12' SANITARY
SEWER EASEMENT
VOL. 4127, PG. 643
D.R.D.C.T.

SANITARY SEWER EASEMENT
VOL. 70221, PG. 2074
D.R.D.C.T.

100' FLOODWAY EASEMENT
VOL. 70221, PG. 2074
D.R.D.C.T.

15' FLOODWAY MAINTENANCE
ACCESS EASEMENT
VOL. 70221, PG. 2074
D.R.D.C.T.

25' X 25'
CORNER CLIP
VOL. 2000212, PG. 2216
D.R.D.C.T.

1/2" FIR/C
"PRISM"

5/8" FIR
5/8" FIR

SKILLMAN STREET
(100' WIDE RIGHT-OF-WAY)
VOL. 1962, PG. 603
D.R.D.C.T.

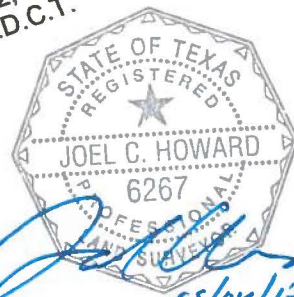
FLOODWAY EASEMENT
ABANDONMENT
LOT 1A, BLOCK 15/5217
RE-SUBDIVISION OF R.L. GUYER
SUBDIVISION
IN THE
W.P. WYCHE SURVEY, ABSTRACT
NUMBER 1522
CITY OF DALLAS,
DALLAS COUNTY, TEXAS

DATED: 06/09/17 DRAWN BY: JCH

GEONAV

SURVEYING • MAPPING • SCANNING

2081 HUTTON DRIVE, SUITE 107; CARROLLTON, TEXAS 75006
SCALE: 1"=80" (972)243-2409 PROJECT •1167
TBPLS FIRM NO. 10194205



05/04/17

LEGEND:

D.R.D.C.T.	DEED RECORDS, DALLAS COUNTY, TEXAS
O.P.R.D.C.T.	OFFICIAL PUBLIC RECORDS, DALLAS COUNTY, TEXAS
FIR	FOUND IRON ROD
FIR/C	FOUND IRON ROD W/ CAP
INST.	INSTRUMENT
PG.	PAGE
SQ.FT.	SQUARE FEET
R.O.W.	RIGHT-OF-WAY

Reviewed By: A. Rodriguez
Date: 6/14/17
SPRG No.: 4149

FLOODWAY MAINTENANCE ACCESS
EASEMENT ABANDONMENT
LOT 1A, BLOCK 15/5217
RE-SUBDIVISION OF R.L. GUYER SUBDIVISION
IN THE
W.P. WYCHE SURVEY, ABSTRACT NUMBER 1522
CITY OF DALLAS,
DALLAS COUNTY, TEXAS

EXHIBIT A-TRACT 2

BEING a 0.1539 (6,703 square feet) acre tract of land situated in the W. P. Wyche Survey, Abstract Number 1522, Dallas County, Texas, and being part of Lot 1A, Block 15/5217 of Re-Subdivision of R.L. Guyer Subdivision, Lots 1-9, City Block 15/5217, same being owned by FWLB Skillman, L.P. per that Special Warranty Deed recorded in Volume 2002244, Page 8216 of the Deed Records of Dallas County, Texas (D.R.D.C.T.), and being all of that 15-foot wide "Floodway Maintenance Access Easement" per said plat of Lot 1A, Block 15/5217, and being more particularly described by metes and bounds as follows:

COMMENCING at a 5/8-inch iron rod found for the northeast corner of said Lot 1A, Block 15/5217, same being the southeast corner of that tract of land described in deed to Trail Meadows Partners I, L.P., as recorded in Instrument Number 200503640786 of the Official Public Records of Dallas County, Texas (O.P.R.D.C.T.), said iron rod being on the westerly right-of-way line of Larmanda Street (a called 60-foot wide public right-of-way through use, no deed of record found);

THENCE South 20 degrees 51 minutes 06 seconds East, along the common east line of said Lot 1A and said westerly line of Larmanda Street, a distance of 330.31 feet to a point (not monumented) for the POINT OF BEGINNING of the herein described tract;

THENCE South 20 degrees 51 minutes 06 seconds East, continuing along said common line, a distance of 15.03 feet to a point (not monumented) for corner;

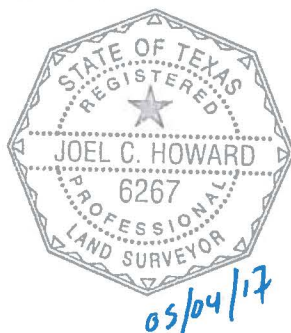
THENCE South 65 degrees 41 minutes 16 seconds West, departing said common line and over and across said Lot 1A along the southerly line of said Floodway Maintenance Access Easement, a distance of 446.86 to a point (not monumented) for corner on the common westerly line of said Lot 1A and the easterly line of the DART right-of-way (a variable width right-of way, no deed of record found);

THENCE North 21 degrees 01 minute 06 seconds West, along said common line, a distance of 15.02 feet to a point (not monumented) for corner;

THENCE North 65 degrees 41 minutes 16 seconds East, departing said common line and over and across said Lot 1A along the northerly line of said Floodway Maintenance Access Easement, a distance of 446.91 feet to the POINT OF BEGINNING and CONTAINING 6,703 square feet or 0.1539 acres of land, more or less.

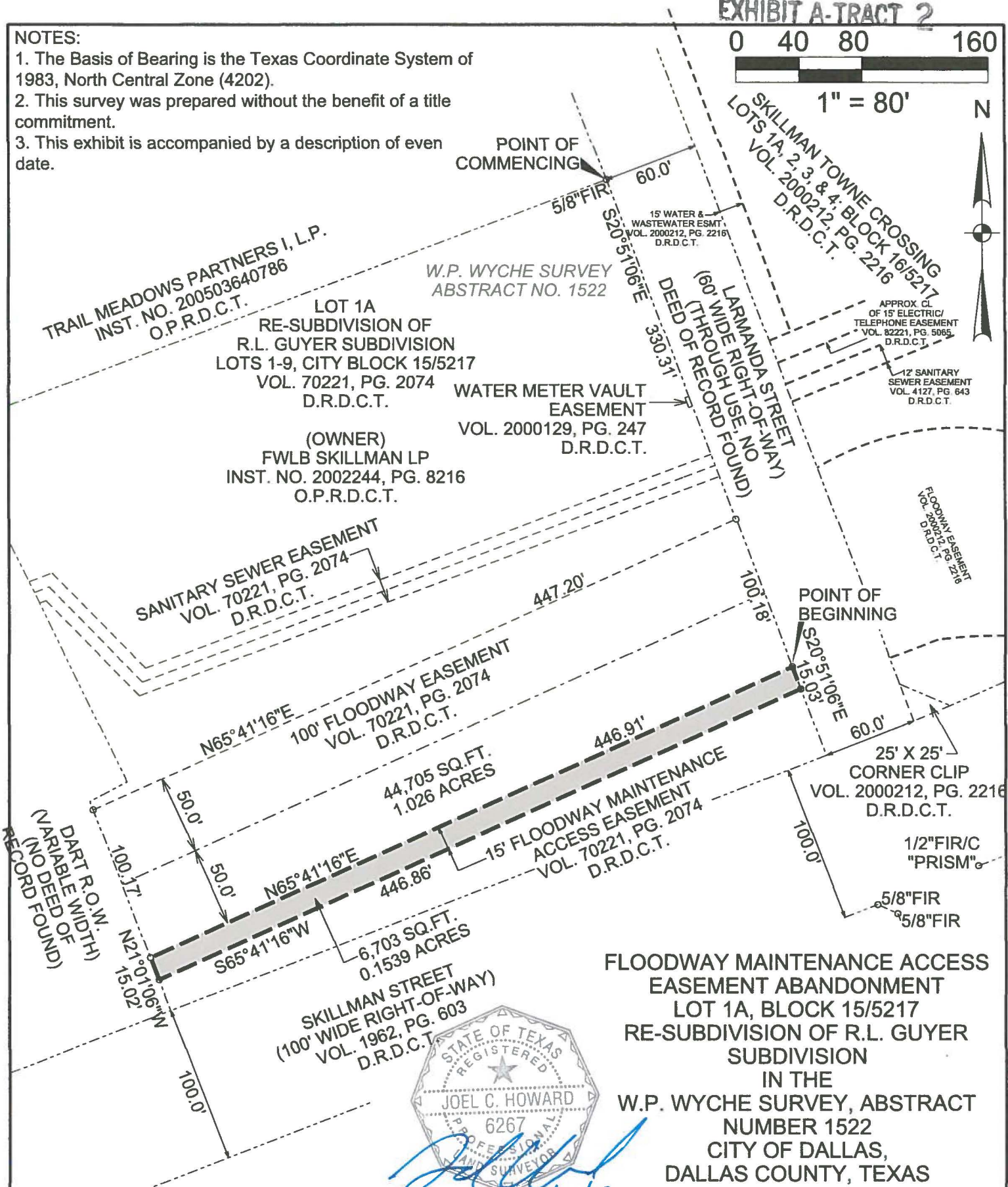
The Basis of Bearings is the Texas Coordinate System of 1983, North Central Zone (4202).


Joel C. Howard
Texas RPLS No. 6267

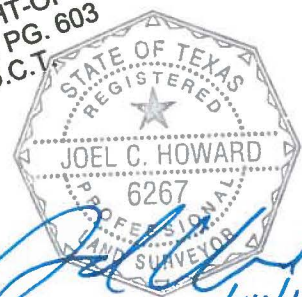


Reviewed By: <u>A. Rodriguez</u>
Date: <u>6/14/17</u>
SPRG No.: 4150

- NOTES:
1. The Basis of Bearing is the Texas Coordinate System of 1983, North Central Zone (4202).
 2. This survey was prepared without the benefit of a title commitment.
 3. This exhibit is accompanied by a description of even date.



FLOODWAY MAINTENANCE ACCESS EASEMENT ABANDONMENT
 LOT 1A, BLOCK 15/5217
 RE-SUBDIVISION OF R.L. GUYER SUBDIVISION
 IN THE
 W.P. WYCHE SURVEY, ABSTRACT NUMBER 1522
 CITY OF DALLAS, DALLAS COUNTY, TEXAS



LEGEND:

D.R.D.C.T.	DEED RECORDS, DALLAS COUNTY, TEXAS
O.P.R.D.C.T.	OFFICIAL PUBLIC RECORDS, DALLAS COUNTY, TEXAS
FIR	FOUND IRON ROD
FIR/C	FOUND IRON ROD W/ CAP
INST.	INSTRUMENT
PG.	PAGE
SQ.FT.	SQUARE FEET
R.O.W.	RIGHT-OF-WAY

Reviewed By: A. Rodriguez
 Date: 6/14/17
 SPRG No.: 4150

DATED: 06/09/17 DRAWN BY: JCH

GEONAV

SURVEYING • MAPPING • SCANNING

2081 HUTTON DRIVE, SUITE 107; CARROLLTON, TEXAS 75006
 SCALE: 1"=80" (972)243-2409 PROJECT •1167
 TBPLS FIRM NO. 10194205

STRATEGIC PRIORITY: Mobility Solutions, Infrastructure, and Sustainability

AGENDA DATE: October 25, 2017

COUNCIL DISTRICT(S): All

DEPARTMENT: Water Utilities

CMO: Majed Al-Ghafry, 670-3302

MAPSCO: All

SUBJECT

Authorize a Joint Funding Agreement with the United States Geological Survey to continue the operation of stream flow and water quality gauging stations in the Trinity River basin, a pharmaceutical and personal care products water quality study, and a zebra mussel sampling study and reservoir water quality study on each of the reservoirs in Dallas’ water supply system from November 1, 2017 through September 30, 2018 – Not to exceed \$779,600 - Financing: Water Utilities Current Funds (subject to annual appropriations)

BACKGROUND

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

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

This agreement also includes the continuation of a pharmaceutical and personal care products water quality study on the Trinity River, as well as a zebra mussel sampling study and reservoir water quality study on Dallas’ water supply reservoirs.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Information about this item will be provided to the Mobility Solutions, Infrastructure & Sustainability Project Committee on October 23, 2017.

FISCAL INFORMATION

Water Utilities Current Funds - \$779,600 (subject to annual appropriations)

October 25, 2017

WHEREAS, the United States Geological Survey (USGS) has submitted a Joint Funding Agreement to continue the program from November 1, 2017 through September 30, 2018, with the City of Dallas' share of the cost at \$779,600. The total program cost of \$916,005 is to be shared between the USGS, City of Dallas, City of Fort Worth, Dallas County Park Cities Municipal Utility District, Upper Trinity Regional Water District and the Trinity River Authority; and

WHEREAS, a Joint Funding Agreement is the most cost-effective method for the City of Dallas to obtain the required data.

Now, Therefore,

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

SECTION 1. That the City Manager is hereby authorized to sign a Joint Funding Agreement with the United States Geological Survey, approved as to form by the City Attorney, for the operation of stream flow and water quality gauging stations in the Trinity River basin, a pharmaceutical and personal care products water quality study, and a zebra mussel sampling study and reservoir water quality study on each of the reservoirs in Dallas' water supply system.

SECTION 2. That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed \$779,600 to the United States Geological Survey from the Water Utilities Current Fund, Fund 0100, Department DWU, Unit 7030, Object 3070, Encumbrance/Contract No. CX DWU-2017-00003912, Vendor 157940.

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.

**STRATEGIC
PRIORITY:**

Mobility Solutions, Infrastructure, and Sustainability

AGENDA DATE:

October 25, 2017

COUNCIL DISTRICT(S):

6, Outside City Limits

DEPARTMENT:

Water Utilities

CMO:

Majed Al-Ghafry, 670-3302

MAPSCO:

1B S 11A N

SUBJECT

Authorize a thirty-year Wholesale Treated Water Contract with the City of Coppell to continue providing water services from November 18, 2017 through November 17, 2047 - Estimated Annual Revenue: \$3,920,411

BACKGROUND

This action is for authorization to enter into a new Wholesale Treated Water Contract with the City of Coppell, Texas. Coppell is currently receiving City of Dallas water services under an existing Wholesale Treated Water Contract that will expire on November 18, 2017.

The City of Coppell is located within Dallas Water Utilities' service area and desires to continue to purchase water services from the City of Dallas under the terms of a standard Wholesale Treated Water Contract.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On November 18, 1987, City Council authorized a Wholesale Treated Water Contract with the City of Coppell to purchase wholesale water service from the City of Dallas for the period November 18, 1987 through November 17, 2017, by Resolution No. 87-3715.

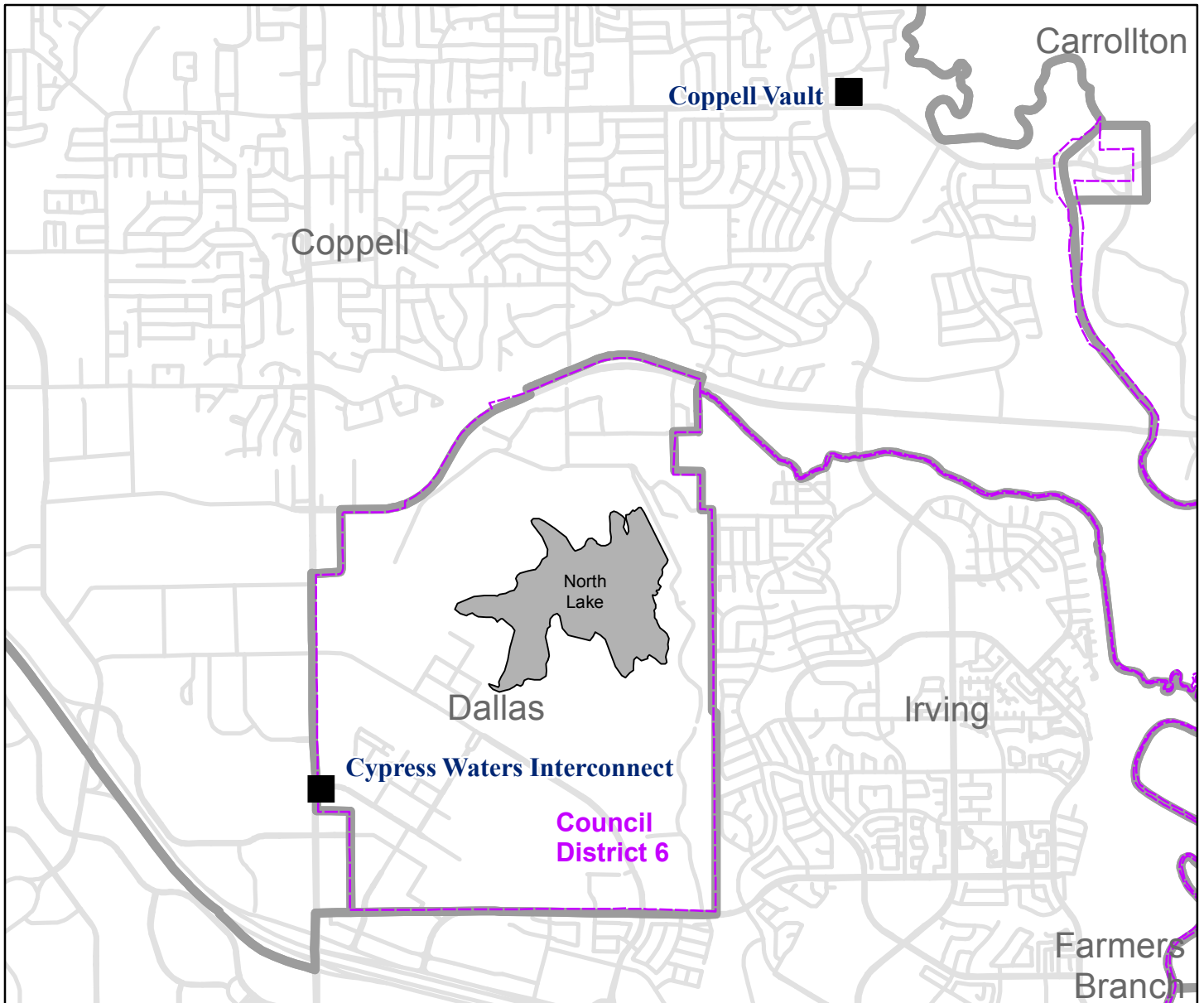
Information about this item will be provided to the Mobility Solutions, Infrastructure, and Sustainability Committee on October 23, 2017.

FISCAL INFORMATION

Estimated Annual Revenue: \$3,920,411 (at current wholesale water rate)

MAP

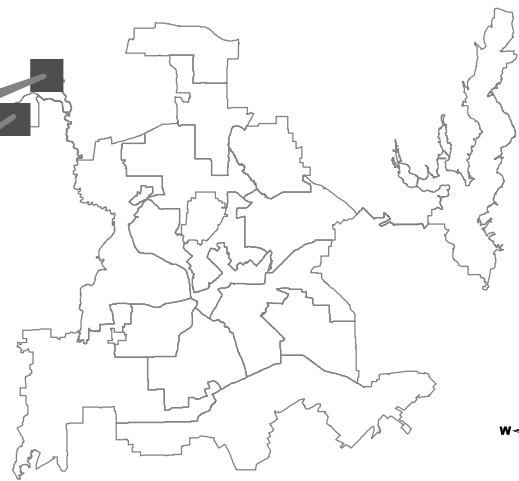
Attached



Mapsco: 11A N, 1B S

Council District: Outside City Limit

Council District 6



**Dallas Water Utilities
City of Coppell Wholesale Treated Water Contract**

October 25, 2017

WHEREAS, on November 18, 1987, City Council authorized a Wholesale Treated Water Contract with the City of Coppell to purchase wholesale water services from the City of Dallas for the period November 18, 1987 through November 17, 2017, by Resolution No. 87-3715; and

WHEREAS, the current Wholesale Treated Water Contract will expire on November 18, 2017; and

WHEREAS, the City of Dallas and the City of Coppell desire to enter into a new Wholesale Treated Water Contract; and

WHEREAS, the term of the new thirty-year Wholesale Treated Water Contract will be November 18, 2017 through November 17, 2047; and

WHEREAS, authorization of the new contract would be in the best interest of the City of Dallas, as well as the City of Coppell.

Now, Therefore,

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

SECTION 1. That the City Manager is hereby authorized to sign a Wholesale Treated Water Contract with the City of Coppell, approved as to form by the City Attorney, to continue providing water services, from November 18, 2017 through November 17, 2047, with an estimated annual revenue amount of \$3,920,411.

SECTION 2. That the Chief Financial Officer is hereby authorized to receive and deposit all receipts for service from the City of Coppell to the Water Utilities Current Fund in Fund 0100, Department DWU, Unit 7005, Revenue Code 7836.

SECTION 3. That this contract is designated as Contract No. DWU-2017-00004111.

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