

KEY FOCUS AREA: Economic Vibrancy
AGENDA DATE: January 11, 2017
COUNCIL DISTRICT(S): 5, 7
DEPARTMENT: Mobility and Street Services
CMO: Jill A. Jordan, P.E., 670-5299
MAPSCO: 48Y

SUBJECT

Authorize **(1)** an Interlocal Agreement with the Texas Department of Transportation through a grant from the U. S. Department of Transportation Federal Highway Administration to provide cost reimbursement for material and labor costs incurred by the City for traffic signal improvements at Loop 12 (Buckner Boulevard) and Scyene Road; **(2)** the receipt and deposit of funds from the Texas Department of Transportation in the amount of \$21,346; and **(3)** the establishment of appropriations in the amount of \$21,346 in the Texas Department of Transportation Grant Fund - Not to exceed \$21,346 - Financing: Texas Department of Transportation Grant Funds

BACKGROUND

The City of Dallas was awarded grant funding totaling \$6.17 million from the 2015 Highway Safety Improvement Program (HSIP) administered by the Texas Department of Transportation (TxDOT) to upgrade several high accident intersections in the City of Dallas. After further TxDOT review, TxDOT awarded the City an additional intersection (Loop 12 and Scyene Road) for safety improvements and traffic signal replacement.

TxDOT will advertise for construction in February 2017. Intersection improvements will include upgrades to pedestrian features, signage, pavement markings and reconstruction of traffic signals.

To remain consistent with other equipment in the city-wide system, the City of Dallas will provide labor and material for installation of traffic signal controllers, controller cabinets, traffic signs and other traffic control equipment for the project. TxDOT has agreed to reimburse the City for 100% of the above cost which includes labor and material.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

~~Information about this item will be provided to the Transportation and Trinity River Project Committee on January 9, 2017.~~

Information about this item will be provided to the Quality of Life and Environment Committee on January 9, 2017.

ESTIMATED SCHEDULE OF PROJECT

Begin Construction June 2017
Complete Construction February 2018

FISCAL INFORMATION

Texas Department of Transportation Grant Funds - \$21,345.28

<u>Council District</u>	<u>Amount</u>
5	\$ 16,008.96 (75% of the intersection)
7	<u>\$ 5,336.32</u> (25% of the intersection)
Total	\$ 21,345.28

MAP

Attached

January 11, 2017

WHEREAS, the Texas Department of Transportation (TxDOT) will provide reimbursement to the City of Dallas for material and labor costs incurred for traffic signal improvements at one on-system location at Loop 12 (Buckner Boulevard) and Scyene Road; and,

WHEREAS, TxDOT will reimburse 100% of labor and material costs in an amount not to exceed \$21,345.28; and,

WHEREAS, the City of Dallas desires to enter into an agreement with TxDOT to receive cost reimbursement for material and labor costs incurred for traffic signal improvements at Loop 12 (Buckner Boulevard) and Scyene Road, in the amount of \$21,345.28.

Now, Therefore,

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

Section 1. That the City Manager is hereby authorized to execute an Interlocal Agreement with the Texas Department of Transportation through a grant from the U. S. Department of Transportation Federal Highway Administration (Agreement number CSJ #0581-01-144/CFDA No. 20.205) for traffic signal improvements at Loop 12 (Buckner Boulevard) and Scyene Road, in the amount of \$21,345.28 after it has been approved as to form by the City Attorney. The agreement remains effective as long as the project is incomplete or unless otherwise terminated or modified.

Section 2. That the Chief Financial Officer is hereby authorized to receive and deposit all reimbursements from TxDOT pertaining to this project in an amount not to exceed \$21,345.28 in Fund F8FT, Dept. STS, Unit 88FT, Revenue Source 6506.

Section 3. That the City Manager is hereby authorized to establish appropriations in an amount not to exceed \$21,345.28 in Fund F8FT, Dept. STS, Unit 88FT, Act. THRG, Obj. 4820, Major Program STSMJR, Program TPF8FT16.

Section 4. That the Chief Financial Officer is hereby authorized to disburse funds from Fund F8FT, Dept. STS, Unit 88FT, Act. THRG, Obj. 4820, Major Program STSMJR, Program TPF8FT16, in an amount not to exceed \$21,345.28.

January 11, 2017

Section 5. That the City Manager is hereby authorized to reimburse the granting agency any expenditures identified as ineligible and notify the appropriate City Council Committee of expenditures identified as ineligible not later than 30 days after the reimbursement.

Section 6. That the City Manager shall keep the appropriate City Council Committee informed of all final granting agency monitoring reports not later than 30 days after the receipt of the report.

Section 7. That this resolution shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so resolved.

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: January 11, 2017

COUNCIL DISTRICT(S): 6

DEPARTMENT: Mobility and Street Services
Water Utilities

CMO: Jill A. Jordan, P.E., 670-5299
Ryan S. Evans, 671-9837

MAPSCO: 42 R V

SUBJECT

Authorize a Project Specific Agreement to the Master Agreement with Dallas County for participation in the design, right-of-way acquisition, and construction of paving and drainage improvements for Cockrell Hill Road from La Reunion Parkway to Singleton Boulevard - Not to exceed \$6,305,000 - Financing: General Obligation Commercial Paper Funds (\$3,090,498), 2006 Bond Funds (\$2,709,502) and Water Utilities Capital Construction Funds (\$505,000)

BACKGROUND

Cockrell Hill Road from La Reunion Parkway to Singleton Boulevard Project is a partnership project between the City of Dallas and Dallas County. This project was submitted and subsequently selected in Dallas County's Major Capital Improvement Program (MCIP) Third Call for Projects in 2004, and the cost of the project is to be split 50/50 between the City and Dallas County. This action will authorize a Project Specific Agreement with and payment to Dallas County for the City's share of design and construction costs associated with the project.

The project is defined as a new roadway extension of Cockrell Hill Road from La Reunion Parkway to Singleton Boulevard across the Union Pacific railroad tracks with a new bridge and widening 1500 linear feet of Vinson Road north of the bridge. The bridge section will be four lanes divided and the roadway section will consist of five lanes with a two way left turn lane. This project will also provide a new traffic signal at the intersection of Cockrell Hill Road/Weisenberger Drive and Singleton Boulevard, sidewalks, drainage improvements, and water and wastewater upgrades. Dallas County is the lead/implementing agency responsible for administering the design and construction. The design for this project is near completion and Dallas County is working on right-of-way acquisition and utility relocations. Construction is estimated to commence in Spring 2018. The current estimated project cost including design, right-of-way acquisition, and construction is \$12,105,000.

BACKGROUND (Continued)

The City of Dallas is responsible for \$6,305,000 of which \$505,000 is for Dallas Water Utilities' water and wastewater improvements. Dallas County is responsible for the remaining project costs of \$5,800,000.

ESTIMATED SCHEDULE OF PROJECT

Began Design	April 2010
Complete Design	January 2017
Complete Property Acquisition	March 2017
Complete Utility Relocation	December 2017
Begin Construction	March 2018
Complete Construction	April 2020

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Authorized a Master Agreement with Dallas County governing Major Capital Improvement Program on January 10, 2001, by Resolution No. 01-0104.

Authorized submission, acceptance, and implementation of the City of Dallas candidate projects for Dallas County's MCIP Third Call for Projects on August 27, 2003, by Resolution No. 03-2345.

Authorized a new Master Agreement with Dallas County governing Major Capital Improvement Program on April 13, 2011, by Resolution No. 11-0927.

~~Information about this item will be provided to the Transportation and Trinity River Project Committee on January 9, 2017.~~

Information about this item will be provided to the Quality of Life and Environment Committee on January 9, 2017.

FISCAL INFORMATION

General Obligation Commercial Paper Funds (2006 Bond Program) - \$3,090,498.25
2006 Bond Funds - \$2,709,501.75
Water Utilities Capital Construction Funds - \$505,000.00

FISCAL INFORMATION (Continued)

City's share

Engineering Design (this action)	\$ 762,500.00
Union Pacific Railroad Agreement (this action)	\$ 925,000.00
Right-of-way Acquisition (this action)	\$ 175,000.00
Utility Relocations (this action)	\$ 75,000.00
Construction (Water) - DWU (this action)	\$ 505,000.00
Construction (Paving & Drainage) - STS (this action)	<u>\$3,862,500.00</u>
Total	\$6,305,000.00

County's share

Engineering Design	\$ 762,500.00
Union Pacific Railroad Agreement	\$ 925,000.00
Right-of-way Acquisition	\$ 175,000.00
Utility Relocations	\$ 75,000.00
Construction (Paving & Drainage) - STS	<u>\$3,862,500.00</u>
Total	\$5,800,000.00

Total Estimated Project Costs \$12,105,000.00

Project Share Cost

City of Dallas (STS)	\$5,800,000.00
City of Dallas (DWU)	\$ 505,000.00
Dallas County	\$5,800,000.00

MAP

Attached.

January 11, 2017

WHEREAS, on January 10, 2001, Resolution No. 01-0104 authorized a Master Agreement with Dallas County governing Major Capital Improvement Program (MCIP) to be jointly funded and developed by Dallas County and the City of Dallas; and,

WHEREAS, on August 27, 2003, Resolution No. 03-2345 authorized submission, acceptance, and implementation of the City of Dallas candidate projects for the Dallas County's MCIP Third Call for Projects; and,

WHEREAS, Cockrell Hill Road from La Reunion Parkway to Singleton Boulevard was selected for participation and funding by the Dallas County's MCIP Third Call for Projects in 2004; and,

WHEREAS, on April 13, 2011, Resolution No. 11-0927 authorized a new Master Agreement with Dallas County governing MCIP with Dallas County; and,

WHEREAS, Dallas County is the lead agency for administering the design and construction of the Cockrell Hill Road from La Reunion Parkway to Singleton Boulevard project; and,

WHEREAS, it is now necessary to authorize the Project Specific Agreement with Dallas County for participation in the design, right-of-way acquisition, and construction of paving and drainage improvements for Cockrell Hill Road from La Reunion Parkway to Singleton Boulevard.

Now, Therefore,

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

Section 1. That the City Manager is hereby authorized to execute a Project Specific Agreement with Dallas County for participation in the design, right-of-way acquisition, and construction of paving and drainage improvements for Cockrell Hill Road from La Reunion Parkway to Singleton Boulevard, after it has been approved as to form by the City Attorney.

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

Street and Transportation Improvements Fund
Fund 2T22, Department STS, Unit U205, Act. INGV
Obj 4510, Program #PB06U205, CT STS06U205D1
Vendor #014003, in an amount not to exceed \$ 209,644.59

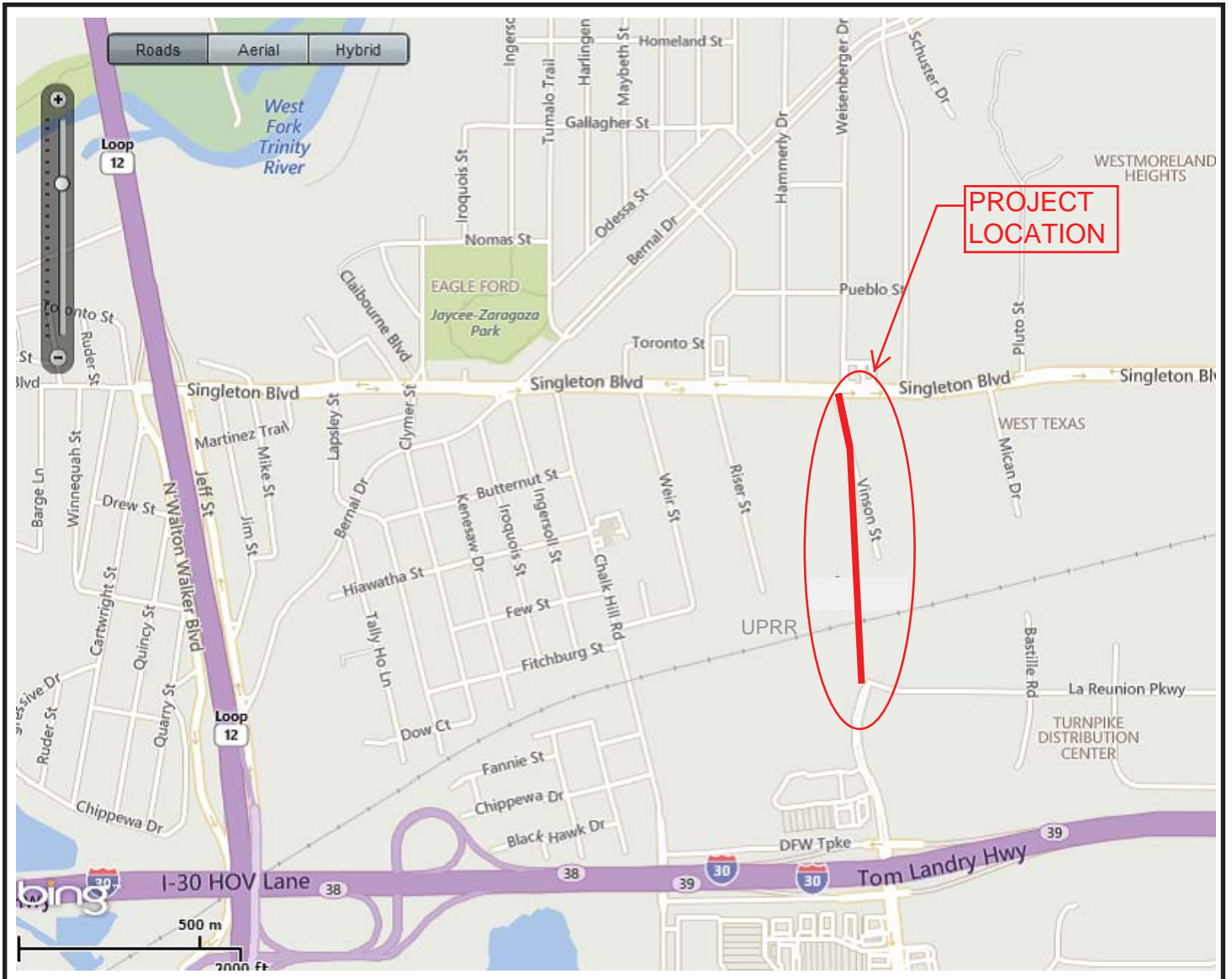
January 11, 2017

Street and Transportation Improvements Fund Fund 3T22, Department STS, Unit U205, Act. INGV Obj 4510, Program #PB06U205, CT STS06U205D1 Vendor #014003, in an amount not to exceed	\$2,499,857.16
Street and Transportation Improvements Fund Fund 4T22, Department STS, Unit U205, Act. INGV Obj 4510, Program #PB06U205, CT STS06U205D1 Vendor #014003, in an amount not to exceed	\$3,090,498.25
Wastewater Construction Fund Fund 0103, Department DWU, Unit CS42 Obj 3222, Program #714146X, CT DWU714146EN Vendor #014003, in an amount not to exceed	\$ 4,000.00
Water Construction Fund Fund 0102, Department DWU, Unit CW42 Obj 3221, Program #714145X, CT DWU714145EN Vendor #014003, in an amount not to exceed	\$ 20,000.00
Wastewater Construction Fund Fund 0103, Department DWU, Unit CS42 Obj 4560, Program #714146, CT DWU714146CP Vendor #014003, in an amount not to exceed	\$ 220,310.00
Water Construction Fund Fund 0102, Department DWU, Unit CW42 Obj 4550 Program #714145, CT DWU714145CP Vendor #014003, in an amount not to exceed	<u>\$ 260,690.00</u>
Total amount not to exceed	\$6,305,000.00

Section 3. That the Chief Financial Officer is hereby authorized to deposit any unused Bond Funds advanced to Dallas County pertaining to the project into Fund 4T22, Department STS, Unit U205, Object 4510.

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.

COCKRELL HILL ROAD PROJECT FROM LA REUNION PARKWAY TO SINGLETON BOULEVARD



KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: January 11, 2017

COUNCIL DISTRICT(S): 6, 13

DEPARTMENT: Mobility and Street Services
Water Utilities

CMO: Jill A. Jordan, P.E., 670-5299
Ryan S. Evans, 671-9837

MAPSCO: 23R 24N 34A 42G

SUBJECT

Authorize **(1)** street paving, storm drainage, water and wastewater main improvements, and alley paving for Project Group 12-3001; provide for partial payment of construction cost by assessment of abutting property owners; an estimate of the cost of the improvements to be prepared as required by law (list attached); and **(2)** a benefit assessment hearing to be held on February 22, 2017, to receive comments - Financing: No cost consideration to the City

BACKGROUND

Palacios Avenue from Ottawa Road to Canada Drive was requested by property owner petition and accepted on April 24, 2007. The alley between Capps Drive and Rexford Drive from Lemmon Avenue parallel to Glencrest Lane was requested by property owner petition and accepted on December 14, 2007. The alley between Hurley Way and Lenel Place from Williamsburg Road to "T" alley south of Walnut Hill Lane was requested by property owner petition and accepted on May 27, 2008. The alley between Manana Drive and Park Lane from Larga Drive to Marsh Lane was requested by property owner petition and accepted on November 17, 2010. All of these projects were subsequently funded in the 2012 Bond Program. A professional services contract for the design was authorized by City Council on January 22, 2014, by Resolution No. 14-0190. This action will authorize the project, partial payment of cost by assessment, and a benefit assessment hearing. The street improvement will consist of upgrading the existing unimproved two-lane asphalt street with 26-foot wide concrete pavement with curbs, sidewalks, drive approaches, installation of a storm drainage system and water and wastewater main improvements. The alley improvements will consist of upgrading the unimproved gravel and dirt alleys with 10-foot wide concrete pavement; drainage improvements and water main improvements.

BACKGROUND (Continued)

The paving assessment process requires the following three steps:

1. Authorize paving improvements
2. Authorize a benefit assessment hearing
3. Benefit assessment hearing, ordinance levying assessments and authorize contract for construction

These actions are the 1st and 2nd steps in the process.

ESTIMATED SCHEDULE OF PROJECT

Began Design	March 2014
Completed Design	October 2016
Begin Construction	May 2017
Complete Construction	May 2018

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Authorized a professional services contract for engineering services on January 22, 2014, by Resolution No.14-0190.

~~Information about this item will be provided to the Transportation and Trinity River Project Committee on January 9, 2017.~~

Information about this item will be provided to the Quality of Life and Environment Committee on January 9, 2017.

FISCAL INFORMATION

Design	\$ 109,355.50
Construction	
Paving&Drainage (MSS)	\$1,030,285.00 (est.)
Water & Wastewater (WTR)	<u>\$ 527,324.30 (est.)</u>
Total Project Cost	\$1,666,964.80 (est.)

<u>Council District</u>	<u>Amount</u>
6	\$1,432,744.30 (est.)
13	<u>\$ 124,865.00 (est.)</u>
Total	\$1,557,609.30 (est.)

This project does involve assessments.

MAPS

Attached.

January 11, 2017

WHEREAS, the City Council of the City of Dallas is of the opinion that it is necessary to levy an assessment against the property and the owners thereof abutting upon the following:

Project Group 12-3001

Street:

1. Palacios Avenue from Ottawa Road to Canada Drive

Alleys:

2. Alley between Capps Drive and Rexford Drive from Lemmon Avenue parallel to Glencrest Lane
3. Alley between Hurley Way and Lenel Place from Williamsburg Road to "T" alley south of Walnut Hill Lane
4. Alley between Manana Drive and Park Lane from Larga Drive to Marsh Lane

for a part of the cost of improving said street and alleys, fixing a time for the hearing of the owners of said property concerning the same, and directing the City to give notice of said hearing, as required by law; and,

WHEREAS, the City Council has heretofore, by resolution, ordered the improvement of the street enumerated above, by paving said street from curb to curb with 6-inch thick 4000-pounds per square inch reinforced concrete pavement; with 6-inch thick lime treated base; with 6-inch high integral curbs; with 6-inch thick reinforced concrete drive approaches; with 4-inch thick reinforced concrete sidewalks 4 or 5 feet wide where specified, so that the roadway shall be 26 feet in width; and

WHEREAS, the City Council has heretofore, by resolution, ordered the improvement of the alleys enumerated above, by paving said alleys with 6-inch thick, 4500-pounds per square inch reinforced concrete, 10 feet in width; with a 6-inch thick flex base subgrade; and

Any existing permanent improvements in place, meeting these specifications, or which can be utilized, shall be left in place, if any, and corresponding credits to the property owners shall be allowed on the assessments; and,

WHEREAS, the Director of Mobility and Street Services of the City of Dallas has, in accordance with the law, filed his report with the City Council, and the property owners, in the cost thereof, together with the names of the owners and the description of said property, and the work to be done adjacent thereto, and the amounts proposed to be assessed against each lot or parcel and its owners and all other matters required by the applicable law.

January 11, 2017

Now, Therefore,

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

SECTION 1. That the report or statement filed by the Director of Mobility and Street Services having been duly examined is hereby approved.

SECTION 2. That it is hereby found and determined that the cost of improvements on the hereinafter described street and alleys, with the amount or amounts per front foot proposed to be assessed for such improvements against abutting property and the owners thereof, are as follows, to wit:

Project Group 12-3001

Street:

1. Palacios Avenue from Ottawa Road to Canada Drive

Alleys:

2. Alley between Capps Drive and Rexford Drive from Lemmon Avenue parallel to Glencrest Lane
3. Alley between Hurley Way and Lenel Place from Williamsburg Road to "T" alley south of Walnut Hill Lane
4. Alley between Manana Drive and Park Lane from Larga Drive to Marsh Lane

shall be improved from curb to curb with 6-inch thick 4000-pounds per square inch reinforced concrete pavement; with 6-inch thick lime treated base; with 6-inch high integral curbs; with 6-inch thick reinforced concrete drive approaches; with 4-inch thick reinforced concrete sidewalks 4 or 5 feet wide where specified, so that the roadway shall be 26 feet in width; and

shall be paved with 6-inch thick, 4500-pounds per square inch reinforced concrete, 10 feet in width; with a 6-inch thick flex base subgrade; and

The estimated cost of the improvements is **\$1,557,609.30 (est.)**

- a. The estimated rate per square yard to be assessed against abutting property and the owners thereof for concrete drive approaches is **\$47.21/S. Y.**
- b. The estimated rate per front foot to be assessed against abutting property and the owners thereof for concrete alley is: **\$18.24/L. F.**
- c. The estimated rate per front foot to be assessed against abutting property and the owners thereof for pavement improvements is as follows:

January 11, 2017

Where Property Classification is WSR-I (R-5(A))

The front rate for 6-inch thick reinforced concrete pavement 13.5 feet wide with curb: **\$90.00/L. F.**

The front rate for 4-inch thick reinforced concrete sidewalk is: **\$9.43/L.F.**

All assessments, however, are to be made and levied by the City Council as it may deem just and equitable, having in view the special benefits in enhanced value to be received by such parcels of property and owners thereof, the equities of such owners, and the adjustment of the apportionment of the cost of improvements so as to produce a substantial equality of benefits received and burdens imposed.

SECTION 3. That a hearing shall be given to said owners of abutting property, or their agents or attorneys and all persons interested in said matter, as to the amount to be assessed against each owner and his abutting property and railways and street railways and as to the benefits to said property by reason of said improvement, or any other matter of thing in connection therewith, which hearing shall be held in the Council Chamber of the City Hall of the City of Dallas, County of Dallas, on the **22nd** day of **February**, A.D. **2017**, at **1:00** o'clock P.M., at which time all the said owners, their agents or attorneys or other interested persons are notified to appear and be heard, and at said hearing said owners and other persons may appear, by counsel or in person, and may offer evidence, and said hearing shall be adjourned from day to day until fully accomplished.

That the City shall give notice of the time and place of such hearing and of other matters and facts in accordance with the terms of provisions of the Act passed at the First called session of the Fortieth Legislature of the State of Texas, and known as Chapter 106 of the Acts of said session, together with any amendments thereto, now shown as Texas Transportation Code Annotated Section 311 and 313 (Vernon's 1996), which said law, as an alternative method for the construction of street improvements in the City of Dallas, Texas, has been adopted and made a part of the charter of said City, being Chapter XX of said Charter. Said notice shall be by advertisement inserted at least three times in a newspaper published in the City of Dallas, Texas, the first publication to be made at least twenty-one (21) days before the date of said hearing. Said notice shall comply with and be in accordance with the terms and provisions of said Act

That the City shall give additional written notice of said hearing by mailing to said owners a copy of said notice deposited in the Post Office at Dallas, Texas, at least fourteen (14) days prior to the date of said hearing, provided however, that any failure of the property owners to receive said notice, shall not invalidate these proceedings.

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.

January 11, 2017

WHEREAS, the City of Dallas deems it necessary to permanently improve the hereinafter named street and alleys within the City of Dallas.

Now, Therefore,

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

SECTION 1. That the following street and alleys

Project Group 12-3001

Street:

1. Palacios Avenue from Ottawa Road to Canada Drive

Alleys:

2. Alley between Capps Drive and Rexford Drive from Lemmon Avenue parallel to Glencrest Lane
3. Alley between Hurley Way and Lenel Place from Williamsburg Road to "T" alley south of Walnut Hill Lane
4. Alley between Manana Drive and Park Lane from Larga Drive to Marsh Lane

shall be improved in the following manner, to wit:

(1) That said street and alleys shall be profiled so as to bring same to design grade.

(2) That said street shall be paved from curb to curb with 6-inch thick 4000-pounds per square inch reinforced concrete pavement; with 6-inch thick lime treated base; with 6-inch high integral curbs; with 6-inch thick reinforced concrete drive approaches; with 4-inch thick reinforced concrete sidewalks 4 or 5 feet wide where specified, so that the roadway shall be 26 feet in width; and,

(3) That said alleys shall be paved with 6-inch thick, 4500-pounds per square inch reinforced concrete, 10 feet in width; with a 6-inch thick flex base subgrade; and,

That any permanent improvements in place, meeting these specifications, or which can be utilized, shall be left in place, if any, and corresponding credits to the property owners shall be allowed on the assessments.

That bids shall be taken for the construction of the work for the type of construction enumerated above, and the work shall be done with the materials and according to plans and methods selected by the City Council after the bids are opened.

January 11, 2017

That the cost of said improvements shall be paid for as follows, to wit:

(a) That the City of Dallas shall pay only an amount equal to the cost of storm sewers, and all the cost of improving intersections of said street and alleys with other street and alleys, and partial adjusted frontages on side property, except so much thereof as shall be borne by streets, railways, and steam railways, as provided in Subsection (a)

(b) That after deducting the proportion of the cost provided for in said Subsection (a) above, the whole remaining cost, including the cost of concrete curbs or curbs and gutters, driveways, sidewalks and alleys shall be paid by the owners of property abutting on said streets and alleys named to be paved, in the following manner, to wit:

That the cost shall be assessed against said owners and their property respectively, in accordance with what is known as the "Front-Foot Plan", in proportion as the frontage of the property of each owner is to the whole frontage improved and shall be payable in monthly installments not to exceed one hundred twenty (120) in number, the first of which shall be payable within thirty (30) days from the date of the completion of said improvements and their acceptance by the City of Dallas, and one installment each month thereafter until paid, together with interest thereon at the current rate established and adopted by the City Council applicable to Public Improvement Assessment Accounts being paid by installments and not to exceed the statutory rate, with the provision that any of said installments may be paid at any time before maturity by the payment of the principal and the accrued interest thereon. Any property owner against whom and whose property an assessment has been levied may pay the whole assessment chargeable to him without interest within thirty (30) days after the acceptance and completion of said improvements.

Provided that, if the application of the above-mentioned rule of apportionment between property owners would, in the opinion of the City Council, in particular cases be unjust or unequal, it shall be the duty of the said Council to assess and apportion said cost in such manner as it may deem just and equitable, having in view the special benefits in enhanced value to be received by each owner of such property, the equities of owners, and the adjustment of such apportionment, so as to produce a substantial equality of benefits received by and burdens imposed upon such owners.

That no such assessment shall be made against any owner of abutting property, if any, until after the notice and hearing provided by law, and no assessment shall be made against an owner of abutting property in excess of the benefits to such property in enhanced value thereof by means of such improvements.

January 11, 2017

That the contractor shall be paid for the work performed under the specifications, upon monthly estimates to be prepared by the Director of Mobility and Street Services. That there shall be deducted as a retainage fee, five (5%) percent of such monthly estimates, to be held by the City of Dallas until the contract is performed and executed to the satisfaction of the Director of Mobility and Street Services. The monthly estimates shall be paid on or before the 10th day of the next succeeding month for the work performed during the previous month.

For that part of the cost of the improvements that shall be determined to be levied against the owners of abutting property and their property shall be levied by assessment as herein provided, and said improvements may further be secured by Mechanic's Liens to be executed in favor of the City of Dallas, provided by law in accordance with the terms and provisions of this resolution. Paving certificates evidencing the assessment shall be issued in favor of the City of Dallas for the amount of the assessment, whether the property owners have executed Mechanic's Liens to secure the payment or not, and shall be payable for the use and benefit of the Revolving Fund established for the purpose of financing paving improvements.

That the Director of Mobility and Street Services is hereby directed to prepare at once the specifications and an estimate of the cost of such improvements and file the same with the City Council for the hereinabove described pavement and improvements. That in the specifications prepared, provision shall be made to require all contractors to give such bonds as may be necessary or as required by law.

That such specifications shall require the bidder to make a bid upon the type of improvements above described, with such bonds as may be required.

That the specifications shall also state the amounts of the required bonds, as well as the method by which it is proposed to pay the cost of said improvements, said method being in accordance with this resolution.

SECTION 2. That the City Council, in initiating this proceeding, is acting under the terms and provisions of the Act passed at the First Called Session of the Fortieth Legislature of the State of Texas, and known as Chapter 106 of the Acts of said Session, together with any amendments thereto, now shown as Texas Transportation Code Annotated Sections 311 and 313 (Vernon's 1996), which said law, as an alternative method for the construction of street and alley improvements in the City of Dallas, Texas, has been adopted and made a part of the Charter of said City, being Chapter XX of said Charter.

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.

Project Group 12-3001

Street:

1. Palacios Avenue from Ottawa Road to Canada Drive

Alleys:

2. Alley between Capps Drive and Rexford Drive from Lemmon Avenue parallel to Glencrest Lane
3. Alley between Hurley Way and Lenel Place from Williamsburg Road to "T" alley south of Walnut Hill Lane
4. Alley between Manana Drive and Park Lane from Larga Drive to Marsh Lane

Grand Total Property Owners' Cost - Assessments	\$196,077.38
Estimated Grand Total City of Dallas' Cost - Paving	\$737,757.62
Estimated Grand Total City of Dallas' Cost - Drainage	\$96,450.00
Estimated Grand Total Water Utilities Department Cost Water and Wastewater Main Improvements	\$527,324.30
Estimated Grand Total City of Dallas' Cost	\$1,361,531.92
Estimated Grand Total Cost of Improvements	\$1,557,609.30

The Director of Mobility and Street Services reports that representatives of this Department have studied the actual existing conditions on the ground on these particular streets and alleys, and find that the existing roadways have a narrow asphalt surface with shallow earth drainage ditches; and that there are poor conditions existing on these dirt and gravel alleys which have accessibility and drainage issues. Taking all of this and other factors into consideration; plans and specifications have been prepared for these improvements. We believe that this paving will improve the properties abutting on said streets and alleys, and the proposed assessment is equitable for the enhancement value achieved on the abutting properties. Final determination of assessments will be made based on analysis of enhancement.

Respectfully submitted,



Director, Mobility and Street Services Department

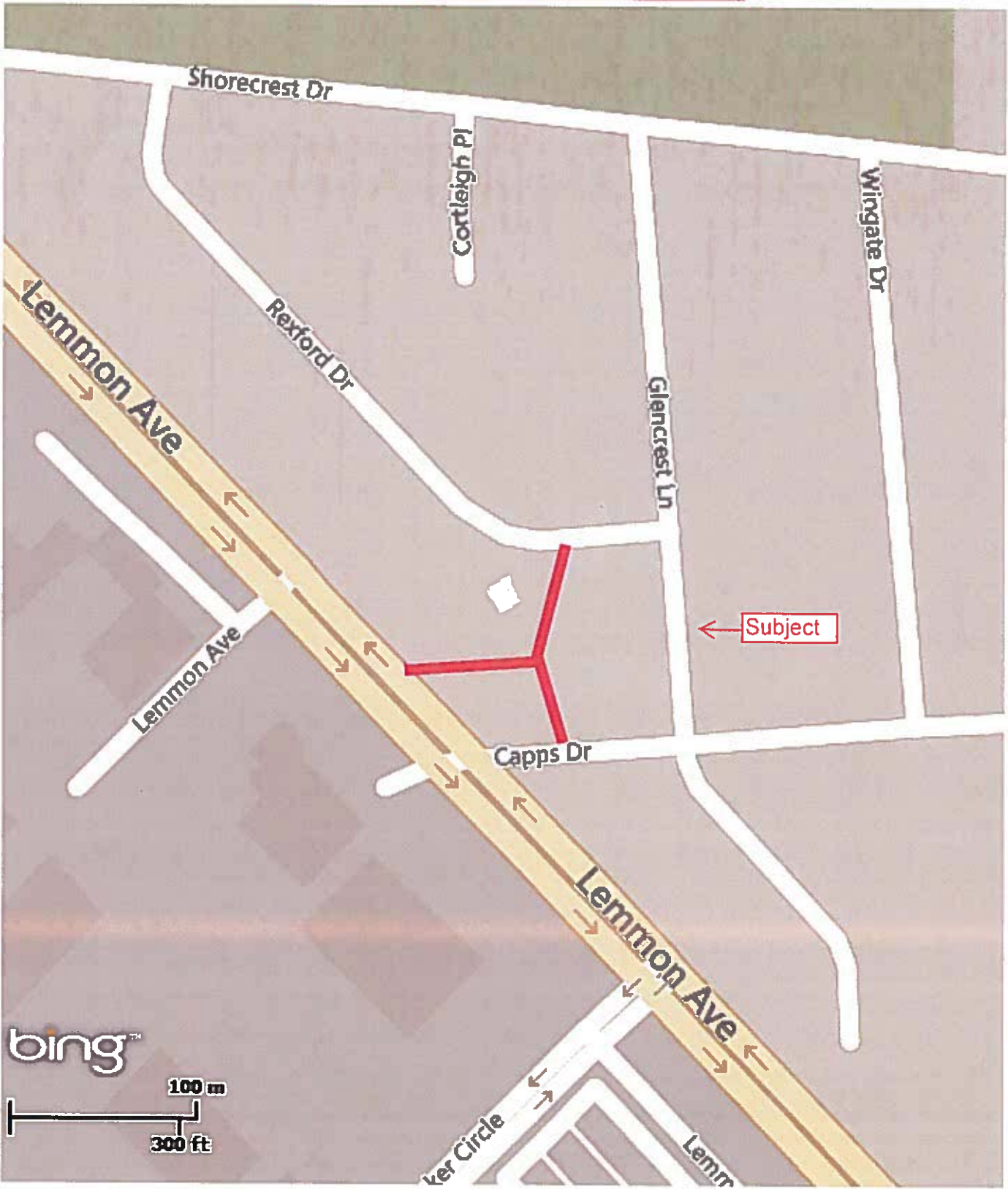
PROJECT GROUP 12-3001



MAPSCO 42G



PROJECT GROUP 12-3001



MAPSCO 34A



PROJECT GROUP 12-3001



Subject

Williamsburg Rd

bing™



MAPSCO 24N



PROJECT GROUP 12-3001



MAPSCO 23R



KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: January 11, 2017

COUNCIL DISTRICT(S): 9, 10

DEPARTMENT: Mobility and Street Services
Water Utilities

CMO: Jill A. Jordan, P.E., 670-5299
Ryan S. Evans, 671-9837

MAPSCO: 27T U 38L

SUBJECT

Authorize **(1)** street paving, storm drainage, water and wastewater main improvements, and alley paving for Project Group 12-3004; provide for partial payment of construction cost by assessment of abutting property owners; an estimate of the cost of the improvements to be prepared as required by law (list attached); and **(2)** a benefit assessment hearing to be held on February 22, 2017, to receive comments - Financing: No cost consideration to the City

BACKGROUND

Stevens Street from Cayuga Drive to Davilla Avenue and Davilla Avenue from Stevens Street to Drake Street was requested by property owner petition and accepted on August 9, 2010. The alley southwest and parallel to Shoreview Road from Forest Trail to Eagle Trail to Nimrod Trail was requested by property owner petition and accepted on January 22, 2009. These projects were subsequently funded in the 2012 Bond Program. A professional services contract for the design was authorized by City Council on January 22, 2014, by Resolution No. 14-0190. This action will authorize the project, partial payment of cost by assessment, and a benefit assessment hearing. The street improvements will consist of upgrading the existing unimproved two-lane asphalt street with 26-foot to 36-foot wide concrete pavement with curbs, sidewalks, drive approaches, installation of a storm drainage system and water and wastewater main improvements. The alley improvements will consist of upgrading the unimproved gravel and dirt alley with 10-foot wide concrete pavement and water main improvements.

BACKGROUND (Continued)

The paving assessment process requires the following three steps:

1. Authorize paving improvements
2. Authorize a benefit assessment hearing
3. Benefit assessment hearing, ordinance levying assessments and authorize contract for construction

These actions are the 1st and 2nd steps in the process.

ESTIMATED SCHEDULE OF PROJECT

Began Design	March 2014
Completed Design	October 2016
Begin Construction	May 2017
Complete Construction	May 2018

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Authorized a professional services contract for engineering services on January 22, 2014, by Resolution No.14-0190.

~~Information about this item will be provided to the Transportation and Trinity River Project Committee on January 9, 2017.~~

~~Information about this item will be provided to the Quality of Life and Environment Committee on January 9, 2017.~~

FISCAL INFORMATION

Design	\$ 61,069.75
Construction	
Paving&Drainage (MSS)	\$733,805.00 (est.)
Water & Wastewater (WTR)	<u>\$152,923.76 (est.)</u>
Total Project Cost	\$947,798.51 (est.)

<u>Council District</u>	<u>Amount</u>
9	\$664,746.74 (est.)
10	<u>\$221,982.02 (est.)</u>
Total	\$886,728.76 (est.)

This project does involve assessments.

MAPS

Attached.

January 11, 2017

WHEREAS, the City of Dallas deems it necessary to permanently improve the hereinafter named street and alley within the City of Dallas.

Now, Therefore,

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

SECTION 1. That the following street and alley

Project Group 12-3004

Street:

1. Stevens Street from Cayuga Drive to Davilla Avenue and Davilla Avenue from Stevens Street to Drake Street

Alley:

2. Alley southwest and parallel to Shoreview Road from Forest Trail to Eagle Trail to Nimrod Trail

shall be improved in the following manner, to wit:

- (1) That said street and alley shall be profiled so as to bring same to design grade.
- (2) That said street shall be paved from curb to curb with 6-inch thick 4000-pounds per square inch reinforced concrete pavement; with 6-inch thick lime treated base; with 6-inch high integral curbs; with 6-inch thick reinforced concrete drive approaches; with 4-inch thick reinforced concrete sidewalks 4 or 5 feet wide where specified, so that the roadway shall be 26 and 36 feet in width; and,
- (3) That said alley shall be paved with 6-inch thick, 4500-pounds per square inch reinforced concrete, 10 feet in width; with a 6-inch thick flex base subgrade; and,

That any permanent improvements in place, meeting these specifications, or which can be utilized, shall be left in place, if any, and corresponding credits to the property owners shall be allowed on the assessments.

That bids shall be taken for the construction of the work for the type of construction enumerated above, and the work shall be done with the materials and according to plans and methods selected by the City Council after the bids are opened.

January 11, 2017

That the cost of said improvements shall be paid for as follows, to wit:

(a) That the City of Dallas shall pay only an amount equal to the cost of storm sewers, and all the cost of improving intersections of said street and alley with other street and alleys, and partial adjusted frontages on side property, except so much thereof as shall be borne by streets, railways, and steam railways, as provided in Subsection (a)

(b) That after deducting the proportion of the cost provided for in said Subsection (a) above, the whole remaining cost, including the cost of concrete curbs or curbs and gutters, driveways, sidewalks and alleys shall be paid by the owners of property abutting on said streets and alleys named to be paved, in the following manner, to wit:

That the cost shall be assessed against said owners and their property respectively, in accordance with what is known as the "Front-Foot Plan", in proportion as the frontage of the property of each owner is to the whole frontage improved and shall be payable in monthly installments not to exceed one hundred twenty (120) in number, the first of which shall be payable within thirty (30) days from the date of the completion of said improvements and their acceptance by the City of Dallas, and one installment each month thereafter until paid, together with interest thereon at the current rate established and adopted by the City Council applicable to Public Improvement Assessment Accounts being paid by installments and not to exceed the statutory rate, with the provision that any of said installments may be paid at any time before maturity by the payment of the principal and the accrued interest thereon. Any property owner against whom and whose property an assessment has been levied may pay the whole assessment chargeable to him without interest within thirty (30) days after the acceptance and completion of said improvements.

Provided that, if the application of the above-mentioned rule of apportionment between property owners would, in the opinion of the City Council, in particular cases be unjust or unequal, it shall be the duty of the said Council to assess and apportion said cost in such manner as it may deem just and equitable, having in view the special benefits in enhanced value to be received by each owner of such property, the equities of owners, and the adjustment of such apportionment, so as to produce a substantial equality of benefits received by and burdens imposed upon such owners.

That no such assessment shall be made against any owner of abutting property, if any, until after the notice and hearing provided by law, and no assessment shall be made against an owner of abutting property in excess of the benefits to such property in enhanced value thereof by means of such improvements.

January 11, 2017

That the contractor shall be paid for the work performed under the specifications, upon monthly estimates to be prepared by the Director of Mobility and Street Services. That there shall be deducted as a retainage fee, five (5%) percent of such monthly estimates, to be held by the City of Dallas until the contract is performed and executed to the satisfaction of the Director of Mobility and Street Services. The monthly estimates shall be paid on or before the 10th day of the next succeeding month for the work performed during the previous month.

For that part of the cost of the improvements that shall be determined to be levied against the owners of abutting property and their property shall be levied by assessment as herein provided, and said improvements may further be secured by Mechanic's Liens to be executed in favor of the City of Dallas, provided by law in accordance with the terms and provisions of this resolution. Paving certificates evidencing the assessment shall be issued in favor of the City of Dallas for the amount of the assessment, whether the property owners have executed Mechanic's Liens to secure the payment or not, and shall be payable for the use and benefit of the Revolving Fund established for the purpose of financing paving improvements.

That the Director of Mobility and Street Services is hereby directed to prepare at once the specifications and an estimate of the cost of such improvements and file the same with the City Council for the hereinabove described pavement and improvements. That in the specifications prepared, provision shall be made to require all contractors to give such bonds as may be necessary or as required by law.

That such specifications shall require the bidder to make a bid upon the type of improvements above described, with such bonds as may be required.

That the specifications shall also state the amounts of the required bonds, as well as the method by which it is proposed to pay the cost of said improvements, said method being in accordance with this resolution.

SECTION 2. That the City Council, in initiating this proceeding, is acting under the terms and provisions of the Act passed at the First Called Session of the Fortieth Legislature of the State of Texas, and known as Chapter 106 of the Acts of said Session, together with any amendments thereto, now shown as Texas Transportation Code Annotated Sections 311 and 313 (Vernon's 1996), which said law, as an alternative method for the construction of street and alley improvements in the City of Dallas, Texas, has been adopted and made a part of the Charter of said City, being Chapter XX of said Charter.

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.

January 11, 2017

WHEREAS, the City Council of the City of Dallas is of the opinion that it is necessary to levy an assessment against the property and the owners thereof abutting upon the following:

Project Group 12-3004

Street:

1. Stevens Street from Cayuga Drive to Davilla Avenue and Davilla Avenue from Stevens Street to Drake Street

Alley:

2. Alley southwest and parallel to Shoreview Road from Forest Trail to Eagle Trail to Nimrod Trail

for a part of the cost of improving said street and alley, fixing a time for the hearing of the owners of said property concerning the same, and directing the City to give notice of said hearing, as required by law; and,

WHEREAS, the City Council has heretofore, by resolution, ordered the improvement of the street enumerated above, by paving said street from curb to curb with 6-inch thick 4000-pounds per square inch reinforced concrete pavement; with 6-inch thick lime treated base; with 6-inch high integral curbs; with 6-inch thick reinforced concrete drive approaches; with 4-inch thick reinforced concrete sidewalks 4 or 5 feet wide where specified, so that the roadway shall be 26 and 36 feet in width; and

WHEREAS, the City Council has heretofore, by resolution, ordered the improvement of the alley enumerated above, by paving said alleys with 6-inch thick, 4500-pounds per square inch reinforced concrete, 10 feet in width; with a 6-inch thick flex base subgrade; and

Any existing permanent improvements in place, meeting these specifications, or which can be utilized, shall be left in place, if any, and corresponding credits to the property owners shall be allowed on the assessments; and,

WHEREAS, the Director of Mobility and Street Services of the City of Dallas has, in accordance with the law, filed his report with the City Council, and the property owners, in the cost thereof, together with the names of the owners and the description of said property, and the work to be done adjacent thereto, and the amounts proposed to be assessed against each lot or parcel and its owners and all other matters required by the applicable law.

January 11, 2017

Now, Therefore,

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

SECTION 1. That the report or statement filed by the Director of Mobility and Street Services having been duly examined is hereby approved.

SECTION 2. That it is hereby found and determined that the cost of improvements on the hereinafter described street and alley, with the amount or amounts per front foot proposed to be assessed for such improvements against abutting property and the owners thereof, are as follows, to wit:

Project Group 12-3004

Street:

1. Stevens Street from Cayuga Drive to Davilla Avenue and Davilla Avenue from Stevens Street to Drake Street

Alley:

2. Alley southwest and parallel to Shoreview Road from Forest Trail to Eagle Trail to Nimrod Trail

shall be improved from curb to curb with 6-inch thick 4000-pounds per square inch reinforced concrete pavement; with 6-inch thick lime treated base; with 6-inch high integral curbs; with 6-inch thick reinforced concrete drive approaches; with 4-inch thick reinforced concrete sidewalks 4 or 5 feet wide where specified, so that the roadway shall be 26 and 36 feet in width; and

shall be paved with 6-inch thick, 4500-pounds per square inch reinforced concrete, 10 feet in width; with a 6-inch thick flex base subgrade; and

The estimated cost of the improvements is **\$886,728.76 (est.)**

- a. The estimated rate per square yard to be assessed against abutting property and the owners thereof for concrete drive approaches is **\$47.21/S. Y.**
- b. The estimated rate per front foot to be assessed against abutting property and the owners thereof for concrete alley is: **\$18.24/L. F.**
- c. The estimated rate per front foot to be assessed against abutting property and the owners thereof for pavement improvements is as follows:

January 11, 2017

Where Property Classification is WSR-I (Residential R-7.5(A))

The front rate for 6-inch thick reinforced concrete pavement 13.5 feet wide with curb: **\$90/L. F.**

The side frontage rate for 6-inch thick reinforced concrete pavement 2.5 feet wide with curb: **\$18.82/L.F.**

The rear rate for 6-inch thick reinforced concrete pavement 10 feet wide with curb: **\$18.24/L.F.**

The front rate for 4-inch thick reinforced concrete sidewalk is: **\$9.43/L.F.**

The side frontage rate for 4-inch thick reinforced concrete sidewalk is: **\$4.71/L.F.**

Where Property Classification is WSR-III (Commercial)

The rate for 6-inch thick reinforced concrete pavement 13.5 feet wide with curb: **\$90.00/L.F.**

The rate for 4-inch thick reinforced concrete sidewalk is: **\$9.43/L.F.**

All assessments, however, are to be made and levied by the City Council as it may deem just and equitable, having in view the special benefits in enhanced value to be received by such parcels of property and owners thereof, the equities of such owners, and the adjustment of the apportionment of the cost of improvements so as to produce a substantial equality of benefits received and burdens imposed.

SECTION 3. That a hearing shall be given to said owners of abutting property, or their agents or attorneys and all persons interested in said matter, as to the amount to be assessed against each owner and his abutting property and railways and street railways and as to the benefits to said property by reason of said improvement, or any other matter of thing in connection therewith, which hearing shall be held in the Council Chamber of the City Hall of the City of Dallas, County of Dallas, on the **22nd** day of **February**, A.D. **2017**, at **1:00** o'clock P.M., at which time all the said owners, their agents or attorneys or other interested persons are notified to appear and be heard, and at said hearing said owners and other persons may appear, by counsel or in person, and may offer evidence, and said hearing shall be adjourned from day to day until fully accomplished.

January 11, 2017

That the City shall give notice of the time and place of such hearing and of other matters and facts in accordance with the terms of provisions of the Act passed at the First called session of the Fortieth Legislature of the State of Texas, and known as Chapter 106 of the Acts of said session, together with any amendments thereto, now shown as Texas Transportation Code Annotated Section 311 and 313 (Vernon's 1996), which said law, as an alternative method for the construction of street improvements in the City of Dallas, Texas, has been adopted and made a part of the charter of said City, being Chapter XX of said Charter. Said notice shall be by advertisement inserted at least three times in a newspaper published in the City of Dallas, Texas, the first publication to be made at least twenty-one (21) days before the date of said hearing. Said notice shall comply with and be in accordance with the terms and provisions of said Act

That the City shall give additional written notice of said hearing by mailing to said owners a copy of said notice deposited in the Post Office at Dallas, Texas, at least fourteen (14) days prior to the date of said hearing, provided however, that any failure of the property owners to receive said notice, shall not invalidate these proceedings.

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.

Project Group 12-3004

Street:

- 1. Stevens Street from Cayuga Drive to Davilla Avenue and Davilla Avenue from Stevens Street to Drake Street**

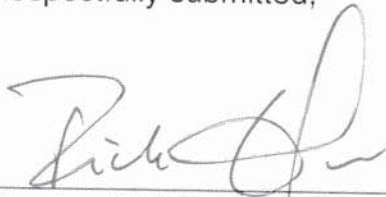
Alley:

- 2. Alley southwest and parallel to Shoreview Road from Forest Trail to Eagle Trail to Nimrod Trail**

Grand Total Property Owners' Cost - Assessments		\$80,055.67
Estimated Grand Total City of Dallas' Cost - Paving	\$618,361.33	
Estimated Grand Total City of Dallas' Cost - Drainage	\$35,388.00	
Estimated Grand Total Water Utilities Department Cost Water and Wastewater Main Improvements	\$152,923.76	
Estimated Grand Total City of Dallas' Cost		\$806,673.09
Estimated Grand Total Cost of Improvements		\$886,728.76

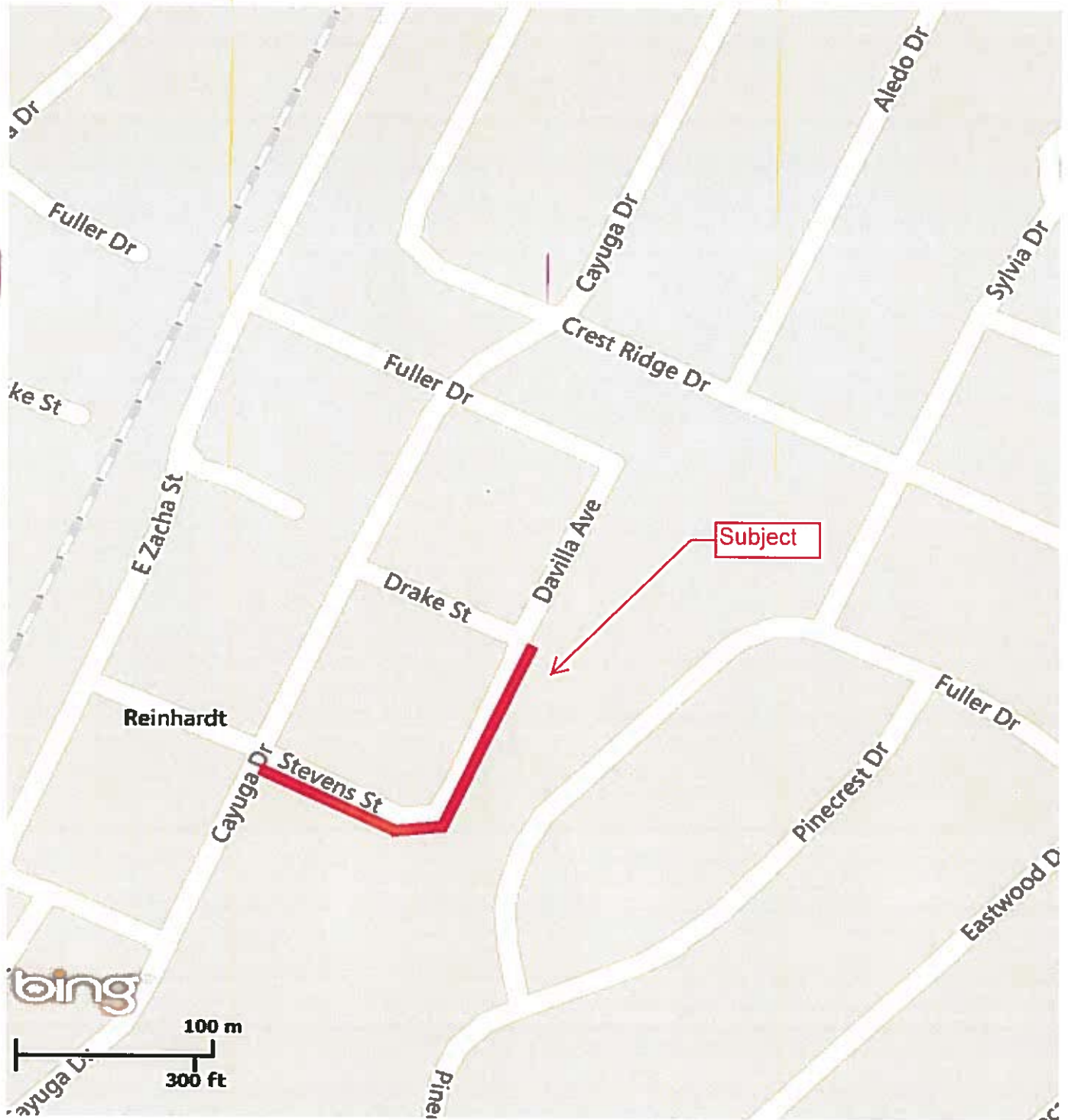
The Director of Mobility and Street Services reports that representatives of this Department have studied the actual existing conditions on the ground on these particular streets and alleys, and find that the existing roadways have a narrow asphalt surface with shallow earth drainage ditches; and that there are poor conditions existing on these dirt and gravel alleys which have accessibility and drainage issues. Taking all of this and other factors into consideration; plans and specifications have been prepared for these improvements. We believe that this paving will improve the properties abutting on said streets and alleys, and the proposed assessment is equitable for the enhancement value achieved on the abutting properties. Final determination of assessments will be made based on analysis of enhancement.

Respectfully submitted,



Director, Mobility and Street Services Department

PROJECT GROUP 12-3004



MAPSCO 38L



PROJECT GROUP 12-3004



MAPSCO 27T, U



KEY FOCUS AREA: Economic Vibrancy
AGENDA DATE: January 11, 2017
COUNCIL DISTRICT(S): 6
DEPARTMENT: Mobility and Street Services
CMO: Jill A. Jordan, P.E., 670-5299
MAPSCO: 42U Y 52C

SUBJECT

Authorize Supplemental Agreement No. 4 to the professional services contract with Parsons Brinckerhoff, Inc. for additional engineering design of the precast concrete panel retaining wall and the associated drainage design modification needed for Chalk Hill Road from Davis Street to 800 feet south of IH-30 - Not to exceed \$86,040, from \$1,344,610 to \$1,430,650 - Financing: 2006 Bond Funds

BACKGROUND

On January 23, 2008, Resolution No. 08-0324 authorized a professional services contract for two projects with Parsons Brinckerhoff, Inc. for the engineering design of street paving, storm drainage, railroad crossing, water and wastewater main improvements on Chalk Hill Road from Davis Street to 800 feet south of IH-30 eastbound frontage road and Chalk Hill Road from IH-30 westbound frontage road to Singleton Boulevard.

The Park and Recreation Department has requested widening the 5-foot sidewalk proposed for Chalk Hill Road to a 12-foot wide bicycle facility to connect the project's dedicated on-street bicycle lanes with the planned Dallas County Chalk Hill Trail project. This will require substantial cutting through the escarpment zone. In an effort to minimize impacts to the escarpment, it is necessary to provide precast concrete panel retaining walls to support the bicycle facility.

This action will authorize Supplemental Agreement No. 4 to the professional services contract with Parsons Brinckerhoff, Inc. for additional engineering design services needed to design the precast concrete panel retaining wall required to support the 12-foot wide bicycle trail, modify the drainage design as needed to accommodate the proposed widening, tree survey, wetlands investigation and the preparation of a Corps of Engineers Wetland Permit, if required.

ESTIMATED SCHEDULED OF PROJECTS

Began Design	February 2008
Complete Design	June 2017
Begin Construction	July 2017
Complete Construction	December 2017

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Authorized a professional services contract with Parsons Brinckerhoff, Inc. on January 23, 2008, by Resolution No. 08-0324.

Authorized approval of the proposed alignments for Chalk Hill Road between Davis Street and Singleton Boulevard on May 26, 2010, by Resolution No. 10-1330.

Authorized Supplemental Agreement No. 1 to the professional services contract with Parsons Brinckerhoff, Inc. on December 8, 2010, by Resolution No. 10-3076 and Resolution No. 10-3077.

Authorized paving improvements and a benefit assessment hearing for Chalk Hill Road from Davis Street to 800 feet south of IH-30 eastbound frontage road held on November 10, 2015 to receive comments on September 22, 2015, by Resolution No. 15-1772.

Authorized a construction contract with Pavecon Public Works, LP for Chalk Hill Road from Davis Street to 800 feet south of IH-30 eastbound frontage road on November 10, 2015, by Resolution No. 15-2130.

Authorized a benefit assessment hearing and ordinance levying assessment on November 10, 2015, by Resolution No. 15-2131.

Authorized a professional services contract with Alliance Geotechnical Group, Inc. for construction material testing services for Chalk Hill Road from Davis Street to 800 feet south of IH-30 eastbound frontage road on November 10, 2015, by Resolution No. 15-2131.

Authorized Supplemental Agreement No. 2 to the professional services contract with Parsons Brinckerhoff, Inc. on December 9, 2015, by Resolution No. 15-2221.

Authorized Change Order No. 1 to the construction contract with Pavecon Public Works, LP on September 14, 2016, by Resolution No. 16-1458.

~~Information about this item will be provided to the Transportation and Trinity River Project Committee on January 9, 2017.~~

Information about this item will be provided to the Quality of Life and Environment Committee on January 9, 2017.

FISCAL INFORMATION

2006 Bond Funds - \$86,039.14

Design	\$	971,714.50
Supplemental Agreement No. 1	\$	236,037.80
Supplemental Agreement No. 2	\$	94,000.70
Supplemental Agreement No. 3	\$	42,857.14
Supplemental Agreement No. 4 (this action)	\$	86,039.14

Construction (Chalk Hill Road from Davis Street to 800 feet south of IH-30)

Paving & Drainage - STS	\$	7,676,673.42
Water & Wastewater - DWU	\$	1,422,988.82
Construction Material Testing	\$	90,924.50
Change Order No. 1	\$	357,142.86

Construction (Chalk Hill Road from the IH-30 to Singleton Boulevard)

Paving & Drainage - STS	\$	6,400,000.00 (est.)
Water & Wastewater - DWU	\$	<u>1,200,000.00 (est.)</u>

Total Project Cost \$18,578,378.88 (est.)

M/WBE INFORMATION

See attached.

ETHNIC COMPOSITION

Parsons Brinckerhoff, Inc.

African American Female	1	African American Male	5
Hispanic Female	2	Hispanic Male	5
White Female	9	White Male	31
Other Female	4	Other Male	10

OWNER

Parsons Brinckerhoff, Inc.

Robert M. Brown, P.E., Vice President

MAP

Attached.

BUSINESS INCLUSION AND DEVELOPMENT PLAN SUMMARY

PROJECT: Authorize Supplemental Agreement No. 4 to the professional services contract with Parsons Brinckerhoff, Inc. for additional engineering design of the precast concrete panel retaining wall and the associated drainage design modification needed for Chalk Hill Road from Davis Street to 800 feet south of IH-30 - Not to exceed \$86,040, from \$1,344,610 to \$1,430,650 - Financing: 2006 Bond Funds

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

PROJECT CATEGORY: Architecture & Engineering

LOCAL/NON-LOCAL CONTRACT SUMMARY - THIS ACTION ONLY

	<u>Amount</u>	<u>Percent</u>
Local contracts	\$86,039.14	100.00%
Non-local contracts	\$0.00	0.00%
TOTAL THIS ACTION	\$86,039.14	100.00%

LOCAL/NON-LOCAL M/WBE PARTICIPATION THIS ACTION

Local Contractors / Sub-Contractors

<u>Local</u>	<u>Certification</u>	<u>Amount</u>	<u>Percent</u>
Caye Cook & Associates	WFWB56133Y0618	\$398.75	0.46%
Total Minority - Local		\$398.75	0.46%

Non-Local Contractors / Sub-Contractors

None

TOTAL M/WBE PARTICIPATION

	<u>This Action</u>		<u>Participation to Date</u>	
	<u>Amount</u>	<u>Percent</u>	<u>Amount</u>	<u>Percent</u>
African American	\$0.00	0.00%	\$20,325.00	2.74%
Hispanic American	\$0.00	0.00%	\$0.00	0.00%
Asian American	\$0.00	0.00%	\$129,460.00	17.46%
Native American	\$0.00	0.00%	\$0.00	0.00%
WBE	\$398.75	0.46%	\$56,421.25	7.61%
Total	\$398.75	0.46%	\$206,206.25	27.81%

January 11, 2017

WHEREAS, on January 23, 2008, Resolution No. 08-0324 authorized a professional services contract with PB Americas, Inc. dba Parson Brinckerhoff Americas, Inc. for the design of thoroughfares projects for: Chalk Hill Road from IH-30 frontage road to Singleton Boulevard and Chalk Hill Road from Davis Street to 800 feet south of IH-30 in the amount of \$971,714.50; and,

WHEREAS, on May 26, 2010, Resolution No. 10-1330 established and approved the alignment of Chalk Hill Road from Davis Street to 800 feet south of IH-30 eastbound frontage road and Chalk Hill Road from IH-30 westbound frontage road to Singleton Boulevard, from its current alignment to the proposed alignment; and,

WHEREAS, on December 8, 2010, Resolution No. 10-3076 authorized Supplemental Agreement No. 1 to the professional services contract with PB Americas, Inc. dba Parson Brinckerhoff Americas, Inc. for additional engineering and survey services for Chalk Hill Road from Davis Street to 800 feet south of IH-30 eastbound frontage road in the amount of \$54,551.50, from \$464,096.20 to \$518,647.70; and,

WHEREAS, on December 8, 2010, Resolution No. 10-3077 authorized Supplemental Agreement No. 1 to the professional services contract with PB Americas, Inc. dba Parson Brinckerhoff Americas, Inc. for additional engineering and survey services on Chalk Hill Road from IH-30 westbound frontage road to Singleton Boulevard in the amount of \$181,486.30, from \$507,618.30 to \$689,104.60; and,

WHEREAS, Resolution No. 10-3076 and Resolution No. 10-3077 should have been authorized as Supplemental Agreement No. 1 to the professional services contract with PB Americas, Inc. dba Parson Brinckerhoff Americas, Inc. for additional engineering and survey services under the same action in the amount of \$236,037.80, from \$971,714.50 to \$1,207,752.30; and,

WHEREAS, on September 4, 2015, bids were received for street paving, storm drainage, street lighting, landscaping, water and wastewater main improvements for Chalk Hill Road from Davis Street to 800 feet south of IH-30 eastbound frontage road; and,

WHEREAS, on September 22, 2015, Resolution No. 15-1772 authorized street paving improvements and a benefit assessment hearing for Chalk Hill Road from Davis Street to 800 feet south of IH-30 eastbound frontage road; and a construction contract with Pavecon Public Works, LP for the construction of street paving, storm drainage, street lighting, landscaping, water and wastewater main improvements for Chalk Hill Road from Davis Street to 800 feet south of IH-30 eastbound frontage road in the amount of \$9,099,662.24; and,

January 11, 2017

WHEREAS, on November 10, 2015, Resolution No. 15-2130 authorized a benefit assessment hearing; an ordinance levying assessment; and,

WHEREAS, on November 10, 2015, Resolution No. 15-2131 authorized a professional services contract with Alliance Geotechnical Group, Inc. to provide construction material testing services during the construction of Chalk Hill Road from Davis Street to 800 feet south of IH-30 eastbound frontage road in the amount of \$90,924.50; and,

WHEREAS, on December 9, 2015, Resolution No. 15-2221 authorized Supplemental Agreement No. 2 to the professional services contract with Parsons Brinckerhoff, Inc. for additional engineering services for Chalk Hill Road from Davis Street to 800 feet south of the IH-30 and Chalk Hill Road from IH-30 westbound frontage road to Singleton Boulevard in the amount of \$94,000.70, from \$518,647.70 to \$612,648.40; and,

WHEREAS, Resolution No. 15-2221 should have authorized Supplemental Agreement No. 2 to the professional services contract with Parsons Brinckerhoff, Inc. for additional engineering services for Chalk Hill Road from Davis Street to 800 feet south of IH-30 and Chalk Hill Road from IH-30 westbound frontage road to Singleton Boulevard in the amount of \$94,000.70, from \$1,207,752.30 to \$1,301,753.00; and,

WHEREAS, on September 13, 2016, Administrative Action No. 16-6617 authorized Supplemental Agreement No. 3 for additional engineering services and geotechnical investigation services for Chalk Hill Road from Davis Street to 800 feet South of IH-30 with Parsons Brinckerhoff in the amount of \$42,857.14, from \$1,301,753.00 to \$1,344,610.14; and,

WHEREAS, on September 14, 2016, Resolution No. 16-1458 authorized Change Order No. 1 to the construction contract for Chalk Hill Road from Davis Street to 800 feet South of IH-30 with Pavecon Public Works, LP for additional work associated with the construction of a 12-foot wide bicycle facility that will connect the Chalk Hill Road project's dedicated on-street bicycle lanes with the planned Chalk Hill Trail Project in the amount of \$357,142.86, from \$9,099,662.24 to \$9,456,805.10; and,

WHEREAS, it is now necessary to authorize Supplemental Agreement No. 4 to the professional services contract with Parsons Brinckerhoff, Inc. for additional engineering design of the precast concrete panel retaining wall and the associated drainage design modification needed for Chalk Hill Road from Davis Street to 800 feet south of IH-30 in the amount of \$86,039.14, from \$1,344,610.14 to \$1,430,649.28.

January 11, 2017

Now, Therefore,

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

Section 1. That the City Manager is hereby authorized to execute Supplemental Agreement No. 4 to the professional services contract with Parsons Brinckerhoff, Inc. for additional engineering design of the precast concrete panel retaining wall and the associated drainage design modification needed for Chalk Hill Road from Davis Street to 800 feet south of IH-30 in the amount of \$86,039.14 from \$1,344,610.14 to \$1,430,649.28, after it has been approved as to form by the City Attorney.

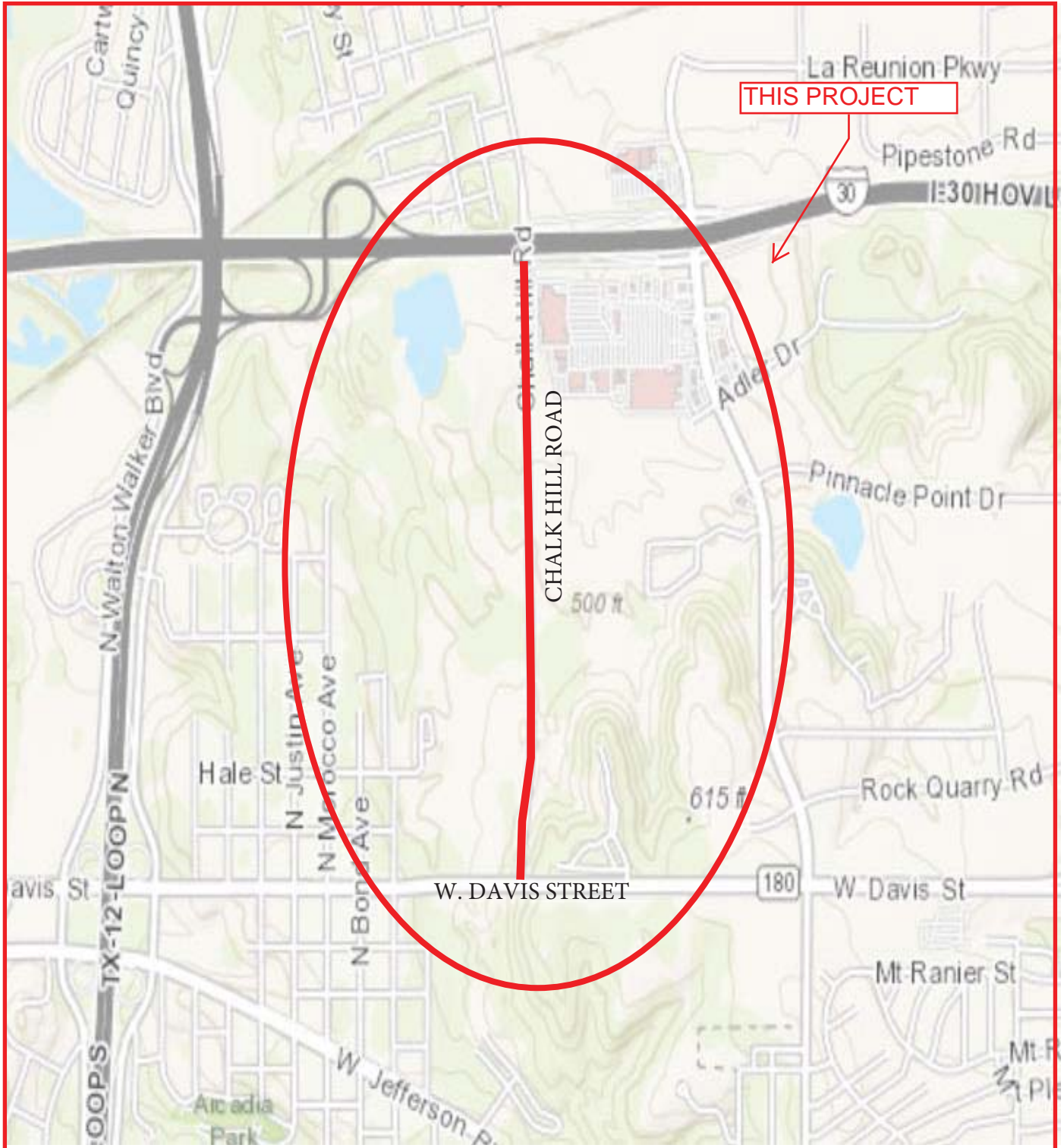
Section 2. That the Chief Financial Officer is hereby authorized to disburse funds in accordance with the terms and conditions of the contract from:

Street and Transportation Improvements Fund	
Fund 3T22, Department STS, Unit U781, Act. THRF	
Obj. 4111, Program #PB06U781, CT PBW06U780D1	
Vendor #134356, in an amount not to exceed	\$86,039.14

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.

CHALK HILL ROAD

FROM DAVIS STREET TO 800 FEET SOUTH OF IH-30



MAPSCO 42U, Y, 52C

AGENDA ITEM # 21

KEY FOCUS AREA: Culture, Arts and Recreation and Educational Enhancements

AGENDA DATE: January 11, 2017

COUNCIL DISTRICT(S): All

DEPARTMENT: Park & Recreation

CMO: Willis Winters, 670-4071

MAPSCO: N/A

SUBJECT

Authorize **(1)** entering into a Sub-Grant Memorandum of Understanding between the Dallas Parks Foundation (“DPF”) and the City of Dallas, through its Dallas Park and Recreation Department (“City”) to enable reimbursements from the DPF to the City for expenditures made by the City in an amount not to exceed \$44,705 for the purpose of implementing a community outreach outdoor program pursuant to a grant agreement between DPF and Texas Parks and Wildlife Department (“TPWD”) for the program period May 1, 2016 through November 1, 2017; **(2)** receipt and deposit of funds in an amount not to exceed \$44,705 from TPWD through DPF into the City's TPWD Outdoor Adventures at Dallas Grant Fund; **(3)** establishment of appropriations in the TPWD Outdoor Adventures at Dallas Grant Fund in the amount of \$44,705; and **(4)** disbursement of funds in an amount not to exceed \$44,705 from the TPWD Outdoor Adventures at Dallas Grant Fund - Not to exceed \$44,705 - Financing: Texas Parks and Wildlife Department Outdoor Adventures Grant Funds

BACKGROUND

The Texas Parks and Wildlife Department (TPWD) is offering a CO-OP grant to agencies for the purpose of providing outdoor education and programming to underserved populations. The Dallas Parks Foundation (DPF) has been awarded the CO-OP grant from TPWD. The City of Dallas, through its Park and Recreation Department (City) will implement a community outreach outdoor program pursuant to the grant agreement between the DPF and the TPWD. DPF will reimburse the City for expenditures in the amount of \$44,704.80 to implement the grant program. The City staff has identified the following programming categories: Archery, Jr. Angler, Camping, Geocaching, Mountain Biking and Nature Photography. The program will serve 50% low income, and 50% ethnic minority and physically/mentally challenged youth. 50% of the participants will be female. DPF will receive additional monies from TPWD in the amount of \$4,967.20 for the purpose of paying registration fees and lodging for City staff training and purchasing additional supplies and equipment on behalf of the City for the outreach program.

BACKGROUND (Continued)

The MOU will be subject to the following terms:

1. The grant performance period is from May 1, 2016 to November 1, 2017.
2. Authorize the Dallas Parks Foundation (DPF) to receive the grant from TPWD on behalf of the City and reimburse the City for approved expenses to implement the program.
3. Permit the City to accept reimbursement funds from DPF in an amount not to exceed \$44,704.80.
4. The City will provide staff and implement the community outreach outdoor program.
5. The City will be responsible for completing quarterly reports.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On October 20, 2016, the Park and Recreation Board authorized the Sub-Grant Memorandum of Understanding.

Information about this item will be provided to the Quality of Life & Environment Committee on January 9, 2017.

FISCAL INFORMATION

Texas Parks and Wildlife Department Outdoor Adventures Grant Funds - \$44,704.80

January 11, 2017

WHEREAS, the City Charter provides for the Park and Recreation Board to approve agreements or contracts within the department for the acceptance of grants as it shall deem proper; and

WHEREAS, the City of Dallas Park and Recreation Department (City) and the Dallas Parks Foundation (DPF), desire to enter into a Memorandum of Understanding (MOU) for the purpose of implementing a community outreach program pursuant to the terms of the MOU; and

WHEREAS, the City will purchase materials and supplies, and provide the in-kind staffing to support the program, target specific audiences to participate in the program, and receive reimbursement in an amount not to exceed \$44,704.80 from DPF pursuant to the terms of the MOU.

Now, Therefore,

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

SECTION 1. That the City Manager is hereby authorized to enter into a Memorandum of Understanding with the Dallas Parks Foundation for the acceptance of a grant from the Texas Parks and Wildlife Department through the Dallas Parks Foundation (Grant No. 52-000631) for the implementation of a community outreach outdoor program for the program period of May 1, 2016 through November 1, 2017 to enable reimbursements from the DPF to the City for expenditures made by the City in an amount not to exceed \$44,704.80.

SECTION 2. That the President of the Park and Recreation Board and the City Manager are hereby authorized to execute the MOU with DPF, after approval as to form by the City Attorney.

SECTION 3. That the program implementation will be performed by City staff.

SECTION 4. That the Chief Financial Officer is hereby authorized to receive and deposit funds in an amount not to exceed \$44,704.80 into the TPWD Outdoor Adventures at Dallas Grant Fund S309, Dept. PKR, Unit 1959, Revenue Code 6516.

SECTION 5. That the City Manager is hereby authorized to establish appropriations in the TPWD Outdoor Adventures at Dallas Grant Fund S309, Dept. PKR, Unit 1959, Object Codes 2261 and 3099 in an amount not to exceed \$44,704.80.

SECTION 6. That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed \$44,704.80 from the TPWD Outdoor Adventures at Dallas Grant Fund S309, Dept. PKR, Unit 1959, Object Codes 2261 and 3099.

January 11, 2017

SECTION 7. That this resolution shall take effect immediately from and after its passage in accordance with the provision of the Charter of the City of Dallas, and it is accordingly so resolved.

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: January 11, 2017

COUNCIL DISTRICT(S): 7

DEPARTMENT: Trinity Watershed Management
City Attorney's Office

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

MAPSCO: 47T

SUBJECT

Authorize the **(1)** deposit of the amount awarded by the Special Commissioners in the condemnation proceeding styled City of Dallas v. Mamie Lee McKnight, et al., Cause No. CC-16-03466-E, pending in Dallas County Court at Law No. 5, to acquire an improved tract of land containing approximately 8,545 square feet located on Barber Avenue at its intersection with Mural Lane for the Mill Creek/Peaks Branch/State-Thomas Drainage Relief Tunnel Project; and **(2)** settlement of the condemnation proceeding for an amount not to exceed the award - Not to exceed \$31,000 (\$28,000 plus closing costs and title expenses not to exceed \$3,000; an increase of \$2,102 from the amount Council originally authorized for this acquisition) - Financing: 2006 Bond Funds

BACKGROUND

On March 23, 2016, the City Council authorized the acquisition of this property, by Resolution No. 16-0465. The property owner was offered \$25,898, which was based on a written appraisal from an independent certified appraiser. The property owner did not accept the offer and the City filed an eminent domain proceeding to acquire the property. After a hearing before the Special Commissioners on November 17, 2016, the property owner was awarded \$28,000. This item authorizes deposit of the amount awarded by the Special Commissioners for the property, which is \$2,102 more than the City Council originally authorized for this acquisition, plus closing costs and title expenses not to exceed \$3,000.

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

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Authorized acquisition on March 23, 2016, by Resolution No. 16-0465.

Council will be briefed by memorandum on January 4, 2017.

~~Information about this item will be provided to the Transportation and Trinity River Project Committee on January 9, 2017.~~

Information about this item will be provided to the Quality of Life and Environment Committee on January 9, 2017.

FISCAL INFORMATION

2006 Bond Funds - \$31,000 (\$28,000 being the amount of the award, plus closing costs and title expenses not to exceed \$3,000; an increase of \$2,012 from the amount Council originally authorized for this acquisition)

OWNER

Mamie Lee McKnight

MAP

Attached

January 11, 2017

A RESOLUTION AUTHORIZING THE DEPOSIT OF A SPECIAL COMMISSIONERS AWARD AND SETTLEMENT OF THE CONDEMNATION PROCEEDING AND IF OBJECTIONS ARE FILED, SETTLEMENT OF THE CONDEMNATION LAWSUIT FOR AN AMOUNT NOT TO EXCEED THE AWARD.

IN THIS RESOLUTION THE FOLLOWING DEFINITIONS SHALL APPLY:

CONDEMNATION PROCEEDING: Cause No. CC-16-03466-E, in Dallas County Court at Law No. 5, and styled City of Dallas v. Mamie Lee McKnight, et al., filed pursuant to City Council Resolution No. 16-0465.

PROPERTY: Approximately 8,545 square feet of property located in Dallas County, as described in the CONDEMNATION PROCEEDING.

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

OFFICIAL OFFER: \$25,898.00

AWARD: \$28,000.00

CLOSING COSTS AND TITLE EXPENSES: Not to exceed \$3,000.00

AUTHORIZED AMOUNT: Not to exceed: \$31,000.00

DESIGNATED FUNDS: AWARD payable out of the 2006 Bond Funds, Fund No. 3T23, Department TWM, Unit T525, Activity SDRS, Program No. PB06T525, Object 4210, Encumbrance No. CT- TWM06T525H15, CLOSING COSTS AND TITLE EXPENSES payable out of the 2006 Bond Funds, Fund No. 3T23, Department TWM, Unit T525, Activity SDRS, Program No. PB06T525, Object 4230, Encumbrance No. CT- TWM06T525H16.

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

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

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

January 11, 2017

Now, Therefore,

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

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

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

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

APPROVED AS TO FORM
LARRY E. CASTO, City Attorney

By: _____
Assistant City Attorney

January 11, 2017

Now, Therefore,

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

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

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

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

APPROVED AS TO FORM
LARRY E. CASTO, City Attorney

By: 
Assistant City Attorney

STATE HIGHWAY 352
SCYENE RD.

DIXON AVE.

DIXON CIRCLE

BARBER AVE.

Parcel 143

MURAL LANE



Property Acquisition Area Required
(approximate location)



KEY FOCUS AREA: Economic Vibrancy
AGENDA DATE: January 11, 2017
COUNCIL DISTRICT(S): 6
DEPARTMENT: Trinity Watershed Management
Mobility and Street Services
CMO: Mark McDaniel, 670-3256
Jill A. Jordan, P.E., 670-5299
MAPSCO: 45N

SUBJECT

Authorize acquisition from the County of Dallas, of an improved tract of land containing approximately 2,092 square feet located on North Riverfront Boulevard at its intersection with Commerce Street for the Riverfront Boulevard from Cadiz Street to north of the Union Pacific Rail Road Project - Not to exceed \$48,072 (\$44,572, plus closing costs and title expenses not to exceed \$3,500) - Financing: 2006 Bond Funds

BACKGROUND

This item authorizes the acquisition of approximately 2,092 square feet of land improved with trees, grass and a sprinkler system, from the County of Dallas. This property is located on North Riverfront Boulevard at its intersection with Commerce Street and will be used for the Riverfront Boulevard from Cadiz Street to north of the Union Pacific Rail Road (UPRR) Project. The consideration is based upon an independent appraisal.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

~~Information about this item will be provided to the Transportation and Trinity River Project Committee on January 9, 2017.~~

Information about this item will be provided to the Quality of Life and Environment Committee on January 9, 2017.

FISCAL INFORMATION

2006 Bond Funds - \$48,072 (\$44,572, plus closing costs and title expenses not to exceed \$3,500)

OWNER

County of Dallas

MAP

Attached

January 11, 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 2,092 square feet of land located in Dallas County, Texas, and being the same property more particularly described in "Exhibit A", attached hereto and made a part hereof for all purposes, and any and all improvements, rights and appurtenances appertaining thereto.

"PROJECT": Riverfront Boulevard from Cadiz Street to north of the Union Pacific Rail Road Project

"USE": The construction, installation, use, and maintenance of a realigned section of roadway, 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 here 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": County of Dallas, 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": \$44,572.00

"CLOSING COSTS AND TITLE EXPENSES": Not to exceed \$3,500.00

"AUTHORIZED AMOUNT": Not to exceed \$48,072.00

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

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

January 11, 2017

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

SECTION 3. That the City Manager, and/or the City Manager's designees, is hereby authorized and directed to consummate and accept the 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 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 Street and Transportation Improvements Fund, Fund No 2T22, Department STS, Unit U215, Activity INGV, Program No. PB06U215, Object 4210, Encumbrance No. STS06U215L1. 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

January 11, 2017

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

SECTION 3. That the City Manager, and/or the City Manager's designees, is hereby authorized and directed to consummate and accept the 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.

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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

**BLOCK
6826**

**AREA TO BE
ACQUIRED**

NORTH RIVERFRONT BOULEVARD

N



**BLOCK
6825**

COMMERCE STREET

**BLOCK
3401**

**BLOCK
3400**

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.

SPECIAL WARRANTY DEED

THE STATE OF TEXAS §

KNOW ALL BY THESE PRESENTS:

COUNTY OF DALLAS §

That the **County of Dallas**, a political subdivision of the State of Texas, ("Grantor"), pursuant to a duly executed Commissioners Court Order No. 2017-_____ dated _____, 2017, for and in consideration of the sum of FORTY-FOUR THOUSAND FIVE HUNDRED SEVENTY-TWO AND NO/100 DOLLARS (\$44,572.00), has Granted, Sold and Conveyed, and by these presents does Grant, Sell and Convey, without warranty, express or implied, and subject to the terms, covenants, conditions, reservations, restrictions and exceptions hereinafter made unto the **City of Dallas**, a Texas municipal corporation, of 1500 Marilla Street, Dallas, Texas, 75201 ("Grantee"), all of the property as described in Exhibit A, which is attached hereto and made a part hereof ("Property").

Grantor reserves all of the oil, gas and sulphur in and under the land herein conveyed but waives all rights of ingress and egress to the surface thereof for the purpose of exploring, developing, mining or drilling for same; however, nothing in this reservation shall affect the title and rights of the Grantee to take and use all other minerals and materials thereon, therein and thereunder.

This conveyance is executed and delivered subject to all easements, reservations, conditions, covenants and restrictive covenants as the same appears of record in the Real Property Records of Dallas County, Texas, or apparent on the ground, and to all encroachments, zoning, regulations and ordinances of municipal and/or other governmental authorities, if any, which affect the property herein conveyed, to the extent they are valid and subsisting and are enforceable against a political subdivision of the State of Texas.

As a material part of the consideration for this deed, GRANTOR and GRANTEE agree that, to the maximum extent allowed by law, (a) GRANTEE is taking the Property "AS IS, WHERE IS, WITH ALL FAULTS", (b) GRANTOR disclaims responsibility as to the accuracy or completeness of any information relating to the Property, (c) GRANTEE assumes all responsibility to examine all applicable building codes and zoning ordinances to determine if the Property can be used for the purposes desired and to check for outstanding or pending code enforcement actions including but not limited to repair or demolition orders, and (d) GRANTOR expressly disclaims and GRANTEE expressly waives, any warranty or representation, express or implied, including without limitation any warranty of condition, habitability, merchantability or fitness for a particular purpose of the Property. Without limiting the foregoing, GRANTOR makes no representations of any nature regarding the Property and specifically disclaims any warranty, guaranty or representation, oral or written, express or implied, past, present, or future, concerning: (i) the nature and condition of the Property, including without limitation, the water, soil and geology, and the suitability thereof and the Property for any and all activities and uses which GRANTEE may elect to conduct thereon, and the existence of any environmental

EXHIBIT B

substances, hazards or conditions or presence of any endangered or protected species thereon or compliance with all applicable laws, rules or regulations; (ii) the nature and extent of any right-of-way, lease, possession, lien, encumbrance, license, reservation, condition or otherwise; (iii) the compliance of the Property or its operation with any law, ordinance or regulation of any federal, state, or local governmental authority; and (iv) whether or not the Property can be developed or utilized for any purpose. For purposes hereof, "environmental substances" means the following: (a) any "hazardous substance" under the Comprehensive Environmental Response, Compensation and Liability Act of 1980, 42 U.S.C.A. Section 9601 et.seq., as amended, (b) any "hazardous substance" under the Texas Hazardous Substances Spill Prevention and Control Act, Tex. Water Code, Section 26.261, et. seq., as amended, (c) petroleum or petroleum-based products (or any derivative or hazardous constituents thereof or additives thereto), including without limitation, fuel and lubrication oils, (d) any "hazardous chemicals" or "toxic chemicals" under the Occupational Safety and Health Act, 29 U.S.C.A. Section 651 et. seq., as amended, (e) any "hazardous waste" under the Resource Conservation and Recovery Act, 42 U.S.C.A. Section 6901 et. seq., as amended, (f) asbestos, (g) polychlorinated biphenyls, (h) underground storage tanks, whether empty, filled, or partially filled with any substance, (i) any substance, the presence of which is prohibited by federal, state or local laws and regulations, and (j) any other substance which by federal, state or local laws and regulations requires special handling or notification of governmental authorities in its collection, storage, treatment or disposal. References to particular acts or codifications in this definition include all past and future amendments thereto, as well as applicable rules and regulations as now or hereafter promulgated thereunder.

TO HAVE AND TO HOLD the premises herein described and conveyed, together with all and singular the rights, appurtenances and hereditaments thereto in anywise belonging unto the said Grantee, its successors and assigns, forever; and Grantor hereby binds Grantor and Grantor's heirs, executors, administrators, successors and assigns to Warrant and Forever Defend all and singular the rights and title to said premises unto the Grantee, its successors and assigns, against every person whosoever lawfully claiming or to claim the same or any part thereof, by through, or under Grantor; but not otherwise.

(signature page follows)

EXECUTED this _____ day of _____, 2017.

*Approved as to Form:

SUSAN HAWK
DALLAS COUNTY DISTRICT ATTORNEY

COUNTY OF DALLAS, TEXAS

By: _____
Sherri L. Turner
Assistant District Attorney

By: _____
Clay Lewis Jenkins
Dallas County Judge

*By law, the District Attorney's Office may only advise or approve contracts or legal documents on behalf of its clients. It may not advise or approve a contract or legal document on behalf of other parties. Our review of this document was conducted solely from the legal perspective of our client. Our approval of this document was offered solely for the benefit of our client. Other parties should not rely on this approval, and should seek review and approval by their own respective attorney(s).

ACKNOWLEDGMENT

THE STATE OF TEXAS §

COUNTY OF DALLAS §

This instrument was acknowledged before me on the _____ day of _____, 2017, by Clay Lewis Jenkins, County Judge for the County of Dallas, Texas, on behalf of the County of Dallas, Texas, a political subdivision of the State of Texas.

Notary Public, State of Texas
My Commission Expires _____

GRANTORS ADDRESS: RETURN ORIGINAL TO GRANTOR:

County of Dallas
411 Elm Street, 3rd Floor
Dallas, Texas 75202
Attn: Assistant Director
Public Works Property Division

**Parcel 4 – Riverfront Boulevard
Field Notes Describing a 2,092 Square Foot (0.0480 Acre)
Right of Way to be Acquired In Block 6826
From “DALLAS COUNTY, TEXAS”**

EXHIBIT A

BEING a 2,092 square foot (0.0480 acre) of land situated in the John Beeman Survey, Abstract No. 209, in the City of Dallas, Dallas County, Texas, (Official City of Dallas Block No. 6826) and being part of Tract B, a called 225,699 square foot tract of land conveyed to “Dallas County, Texas” by Warranty Deed recorded in Volume 78085, Page 0313 of the Deed Records of Dallas County, Texas (D.R.D.C.T.), and being further described as part of Lot 1 in Block 6826 of the “Dallas County Criminal Courts Facility”, an addition to the City of Dallas, Texas as recorded in Volume 89122, Page 0663 (D.R.D.C.T.), and being more particularly described by metes and bounds as follows:

COMMENCING at a 5/8” capped iron rod (controlling monument) found at the most southerly corner of said Lot 1, Block 6826, same being the most southerly corner of a called 10.160 acre tract of land conveyed to Dallas County, Texas by deed recorded in Volume, 78085, Page 3585 (D.R.D.C.T.), and located in the existing northerly right of way line of Commerce Street (a variable width R.O.W.);

THENCE North 75°09’08” East, along the common southerly line of said Lot 1, Block 6826 and the existing northerly right of way line of said Commerce Street, passing the most southerly southeast corner of said Dallas County 10.160 acre tract and the most southerly corner of said Tract B at a distance of 517.31 feet, and continuing for a total distance of 796.34 feet to a set 5/8” iron rod with cap marked “LTRA” (hereafter referred to as set 5/8” iron rod) at the **POINT OF BEGINNING**;

THENCE North 00°19’43” West, departing the common southerly line of said Lot 1, Block 6826, same being the southerly line of said Tract B, and the existing northerly right of way line of said Commerce Street, over and across said Lot 1 in Block 6826, being 8.0 feet perpendicularly distant westerly from and parallel with the existing west line of Riverfront Boulevard (130.00 foot R.O.W.), a distance of 262.52 feet to an “X” Cut set in concrete;

THENCE North 89°40’17” East, continuing over and across said Lot 1 in Block 6826, a distance of 8.00 feet to an “X” Cut set in the common easterly line of said Lot 1, Block 6826, same being the easterly line of said Tract B, and located in the existing westerly right of way line of Riverfront Boulevard (130.00 foot R.O.W.);

THENCE South 00°19’43” East, along the last stated common line, a distance of 260.45 feet to the common existing southeast corner of said Lot 1, the existing southeast corner of said Tract B, the northeast corner of a called 2,695 sq. ft. right of way dedication as conveyed in said Dallas County Criminal Courts Facility Addition, and located in the existing northerly right of way line of said Commerce Street, from which point an “X” Cut found (controlling monument) bears North 71°44’45” East, a distance of 0.27 feet;



**Parcel 4 – Riverfront Boulevard
Field Notes Describing a 2,092 Square Foot (0.0480 Acre)
Right of Way to be Acquired In Block 6826
From “DALLAS COUNTY, TEXAS”**

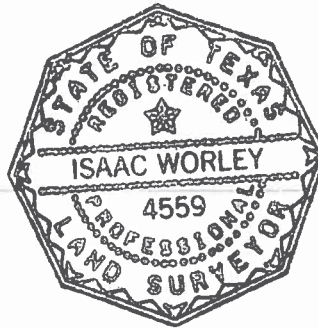
EXHIBIT A

THENCE South 75°09'08" West, departing the common easterly line of said Lot 1, Block 6826 and the existing westerly right of way line of said Riverfront Boulevard, and along the common existing southerly line of said Lot 1, the existing southerly line of said Tract B, the northerly line of said 2,695 sq. ft. right of way dedication, and the existing northerly right of way line of said Commerce Street, a distance of 8.26 feet to the **POINT OF BEGINNING** and containing approximately 2,092 square feet or 0.0480 acre of land more or less.

BASIS OF BEARING: State Plane Coordinate System, Texas, North Central Zone 4202, North American Datum of 1983.

A Survey Plat of even date accompanies this property description.

I, Isaac Worley, a Registered Professional Land Surveyor in the State of Texas, do hereby certify that the land description and plat represent an actual survey made on the ground under my supervision.



Isaac Worley *8/20/2015*

Isaac Worley, R.P.L.S. Date
Texas Registration No. 4559

Lina T. Ramey & Associates, Inc.
3320 Belt Line Road
Farmers Branch, Texas 75234
Ph. 214-979-1144
TBPLS FIRM NO. 10140700



N

JOHN BEEMAN SURVEY
ABSTRACT NO. 209

EXHIBIT A



Dallas County, Texas
225,699 Sq. Ft., Tract B
Vol. 78085, Pg. 0313
D.R.D.C.T.

Dallas County Criminal Courts Facility
Vol. 89122, Pg. 0663
D.R.D.C.T

LOT 1
CITY BLOCK 6826

Dallas County, Texas
10.160 Ac.
Vol. 78085, Pg. 3585
D.R.D.C.T.

8.00'
N89°40'17"E
EXISTING RIGHT OF WAY LINE

AREA TO BE ACQUIRED
2,092 SQ. FT.
0.0480 Acres

N00°19'43"W 262.52'
S00°19'43"E 260.45'

RIVERFRONT BOULEVARD
(130' Right-of-Way)
Vol. 5, Pg. 5
D.R.D.C.T.

NEW RIGHT OF WAY LINE

POINT OF BEGINNING

FND. "X" CUT
CONTROLLING MONUMENT
BEARS N71°44'45"E
0.27'

8.26'
S75°09'08"W

EXISTING RIGHT OF WAY LINE

ROW DEDICATION
2,695 SQ. FT.
VOL. 89122, PG. 0663
D.R.D.C.T.

517.31'

N75°09'08"E

796.34'

FND. "X" CUT

POINT OF COMMENCING
FND. 5/8" IR WCAP
CONTROLLING MONUMENT

COMMERCE STREET
(Variable width Right-of-Way)
Vol. 5, Pg. 5
D.R.D.C.T.

- Set 5/8" I.R. with "LTRA" Cap (Unless Otherwise Noted)
- ⊙ Set Magnetic Nail
- ⊙ Found Monument (As Noted)
- ⊗ Set "X" Cut

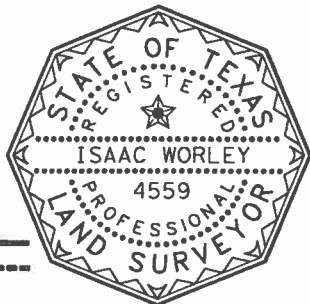
□ Right of Way To Be Acquired

Z Common Ownership

- M.R.D.C.T. = Map Records Dallas County Texas
- D.R.D.C.T. = Deed Records Dallas County Texas
- O.P.R.D.C.T. = Official Public Records Dallas County Texas
- INST. NO. = Instrument Number

ADDITION LINE = - - - - -
R.O.W. LINE = - - - - -

BASIS OF BEARING: Bearings are based upon State Plane Coordinate System, Texas, North Central Zone 4202, North American Datum 1983 (NAD83).



Isaac Worley 8/20/2015
ISAAC WORLEY, R.P.L.S. NO. 4559 DATE

Sheet 3 of 3

LTRA		LINA T. RAMEY & ASSOCIATES, INC. 3320 Belt Line Road Farmers Branch, Texas 75234 - 214-979-1144 FIRM REGISTRATION NO. F-782 TBPLS REGISTRATION NO. 10140700	
DEPT. OF PUBLIC WORKS & TRANSPORTATION			
Parcel 4 - Block 6826			
RIVERFRONT BOULEVARD			
OWNER: Dallas County, Texas			
OPER.NAME	DESIGN FILE NAME	SCALE	DATE
B. Herrera	RiverfrontParcel4.dgn	1" = 50'	8-20-2015
PARTY CHIEF	CALCULATIONS	FOLDER	FILE NO.
R. Holley	I. Worley		

KEY FOCUS AREA: Economic Vibrancy
AGENDA DATE: January 11, 2017
COUNCIL DISTRICT(S): 4
DEPARTMENT: Trinity Watershed Management
CMO: Mark McDaniel, 670-3256
MAPSCO: 55D 56A

SUBJECT

Authorize Supplemental Agreement No. 2 to the professional services contract with Modern Geosciences, LLC for additional environmental services and assistance with the Upper Chain of Wetlands project - Not to exceed \$32,150, from \$122,950 to \$155,100 - Financing: 1998 Bond Funds

BACKGROUND

The Upper Chain of Wetlands (UCOW) Cells A, B, and C are being constructed by the U. S. Army Corps of Engineers (USACE) on a site located within the Dallas Floodway Extension on the west side of the Trinity River between the Cedar Crest Boulevard Bridge and the Central Wastewater Treatment Plant. Previous subsurface investigations revealed elevated soil concentrations of lead above the regulatory limits set by the state regulatory agency, Texas Commission on Environmental Quality (TCEQ).

The City of Dallas is required to remediate the lead contaminated soil prior to the start of the USACE's UCOW construction project. This contract with Modern Geosciences, LLC will assist with the remediation design, prepare the required soil treatability study, and finalize the Soil Management Plan for the UCOW as required by TCEQ. Additional subsurface investigation is needed during construction to verify soil acceptance at all three designated landfills and complete the project.

This action will include technical support and further investigation of 45 soil borings necessary to aid in soil characterization and reuse decisions. This work will determine if further stabilization is required or if soil can be disposed of as non-hazardous waste.

ESTIMATED SCHEDULE OF PROJECT

Began Design	August 2013
Complete Design	January 2017

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Authorized a professional services contract with Modern Geosciences, LLC on August 14, 2013, by Resolution No. 13-1383.

Authorized Supplemental Agreement No. 1 to the professional services contract with Modern Geosciences, LLC, on March 26, 2014, by Resolution No. 14-0562.

~~Information about this item will be provided to the Transportation and Trinity River Project Committee on January 9, 2017.~~

Information about this item will be provided to the Quality of Life and Environment Committee on January 9, 2017.

FISCAL INFORMATION

1998 Bond Funds - \$32,150.00

Professional Services Contract	\$ 73,950.00
Supplemental Agreement No. 1	\$ 49,000.00
Supplemental Agreement No. 2 (this action)	<u>\$ 32,150.00</u>
Total	\$155,100.00

M/WBE INFORMATION

See attached.

ETHNIC COMPOSITION

Modern Geosciences, LLC

Hispanic Female	0	Hispanic Male	0
African-American Female	0	African-American Male	0
Other Female	1	Other Male	0
White Female	4	White Male	7

OWNER

Modern Geosciences, LLC

Kenneth Tramm, Principal

MAP

Attached

BUSINESS INCLUSION AND DEVELOPMENT PLAN SUMMARY

PROJECT: Authorize Supplemental Agreement No. 2 to the professional services contract with Modern Geosciences, LLC for additional environmental services and assistance with the Upper Chain of Wetlands project - Not to exceed \$32,150, from \$122,950 to \$155,100 - Financing: 1998 Bond Funds

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

PROJECT CATEGORY: Professional Services

LOCAL/NON-LOCAL CONTRACT SUMMARY - THIS ACTION ONLY

	<u>Amount</u>	<u>Percent</u>
Local contracts	\$0.00	0.00%
Non-local contracts	\$32,150.00	100.00%
TOTAL THIS ACTION	\$32,150.00	100.00%

LOCAL/NON-LOCAL M/WBE PARTICIPATION THIS ACTION

Local Contractors / Sub-Contractors

None

Non-Local Contractors / Sub-Contractors

<u>Non-local</u>	<u>Certification</u>	<u>Amount</u>	<u>Percent</u>
Sunbelt Industrial Services	WFWB64135Y0217	\$5,750.00	17.88%
Total Minority - Non-local		\$5,750.00	17.88%

TOTAL M/WBE PARTICIPATION

	<u>This Action</u>		<u>Participation to Date</u>	
	<u>Amount</u>	<u>Percent</u>	<u>Amount</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	\$5,750.00	17.88%	\$14,000.00	9.02%
Total	\$5,750.00	17.88%	\$14,000.00	9.02%

January 11, 2017

WHEREAS, on August 14, 2013, Resolution No. 13-1383 authorized a professional services contract with Modern Geosciences, LLC, for the preparation of the soil remediation and municipal setting designation for the Upper Chain of Wetlands Project, in an amount not to exceed \$73,950; and,

WHEREAS, on March 26, 2014, Resolution No. 14-0562 authorized Supplemental Agreement No. 1 to the professional services contract with Modern Geosciences, LLC for additional environmental services and assistance with the Upper Chain of Wetlands project in an amount not to exceed \$49,000, increasing the contract from \$73,950 to \$122,950; and,

WHEREAS, it is now necessary to authorize Supplemental Agreement No. 2 to the professional services contract with Modern Geosciences, LLC for additional environmental services and assistance with the Upper Chain of Wetlands project in an amount not to exceed \$32,150, increasing the contract from \$122,950 to \$155,100.

Now, Therefore,

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

Section 1. That the City Manager is hereby authorized to execute Supplemental Agreement No. 2 to the professional services contract with Modern Geosciences, LLC for additional environmental services and assistance with the Upper Chain of Wetlands project in an amount not to exceed \$32,150, increasing the contract from \$122,950 to \$155,100, after it has been approved as to form by the City Attorney.

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

1998 Bond Fund
Fund 5P14, Dept. TWM, Unit N962, Act. TRPP
Obj. 4113, Program PB98N962, CT PBW98N962L4
Vendor # VS0000063453, in an amount not to exceed \$32,150

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.

UCOW REMEDIATION



MAPSCO 55D, 56A

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: January 11, 2017

COUNCIL DISTRICT(S): 8

DEPARTMENT: Trinity Watershed Management
City Attorney's Office
Mobility and Street Services

CMO: Mark McDaniel, 670-3256
Larry Casto, 670-3491
Jill A. Jordan, P.E., 670-5299

MAPSCO: 75D

SUBJECT

Authorize acquisition, including the exercise of the right of eminent domain, if such becomes necessary, from Veterans Land Board of the State of Texas and King E. Rhodes, of an unimproved tract of land containing approximately 65,699 square feet, three slope easements containing a total of approximately 35,859 square feet, and two drainage easements containing a total of approximately 3,693 square feet, located on East Wheatland Road near its intersection with Lancaster Road for the Wheatland Road Improvement Project - Not to exceed \$92,176 (\$88,176 plus closing costs and title expenses not to exceed \$4,000) - Financing: General Obligation Commercial Paper Funds

BACKGROUND

This item authorizes the acquisition of an unimproved tract of land containing approximately 65,699 square feet, three slope easements containing a total of approximately 35,859 square feet, and two drainage easements containing a total of approximately 3,693 square feet, from Veterans Land Board of the State of Texas and King E. Rhodes. This property is located on East Wheatland Road near its intersection with Lancaster Road and will be used for the Wheatland Road Improvement Project. The consideration is based upon an independent appraisal, reviewed and adjusted by staff.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Authorized acquisition on December 14, 2016, by Resolution No. 16-1941.

~~Information about this item will be provided to the Transportation and Trinity River Project Committee on January 9, 2017.~~

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

Information about this item will be provided to the Quality of Life and Environment Committee on January 9, 2017.

FISCAL INFORMATION

2006 Bond Funds (General Obligation Commercial Paper Funds) - \$92,176 (\$88,176 plus closing costs and title expenses not to exceed \$4,000)

OWNERS

Veterans Land Board of the State of Texas

Matthew Elledge, Executive Secretary

King E. Rhodes

MAP

Attached

January 11, 2017

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

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

"CITY": The City of Dallas.

"PROPERTY": Six tracts containing a total of approximately 105,251 square feet of property located in Dallas County, and being the same property more particularly described in "Exhibit A", attached hereto and made a part hereof for all purposes.

"PROJECT": Wheatland Road Improvement Project

"USE": The construction, installation, use, and maintenance of a new section of roadway, together with such appurtenant facilities as may be necessary.

"PROPERTY INTEREST": Parcel No. 3 - Fee Simple, Parcel Nos. 3A, 3B & 3C - Slope Easement, and Parcel Nos. 3-ia & 3-ib - Drainage Easement

"OWNER": Veterans Land Board of the State of Texas and King E. Rhodes, provided, however, that the term "OWNER" as used in this resolution means all persons having an ownership interest, regardless of whether those persons are actually named herein.

"OFFER AMOUNT": \$88,176.00

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

"AUTHORIZED AMOUNT": \$92,176.00

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

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

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

January 11, 2017

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

SECTION 4. That in the event the OWNER accepts the OFFER AMOUNT, the Chief Financial Officer is authorized and directed to draw a warrant in favor of the OWNER, the then current owner of record, or the title company closing the transaction described herein in the OFFER AMOUNT payable out of 2006 Bond Funds: Fund No. 4T22, Department STS, Unit U803, Activity THRF, Program No. PB06U803, Object 4210, Encumbrance No. CT-ST06U803A3, CLOSING COSTS AND TITLE EXPENSES payable out of 2006 Bond Funds: Fund No. 4T22, Department STS, Unit U803, Activity THRF, Program No. PB06U803, Object 4230, Encumbrance No. CT-ST06U803A4. The OFFER AMOUNT, CLOSING COSTS and TITLE EXPENSES together shall not exceed the AUTHORIZED AMOUNT.

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

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

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

SECTION 8. That to the extent the PROPERTY is being purchased wholly or partly with bond proceeds CITY has obtained an independent appraisal of the PROPERTY'S market value.

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

January 11, 2017

SECTION 10. That in the event the City Attorney files a condemnation proceeding because the OWNER refused to accept the OFFER AMOUNT; and in the event the special commissioners appointed by the Court return an award that is the same amount or less than the OFFER AMOUNT, the City Attorney is hereby authorized to deposit the award in the registry of the Court and to settle the condemnation proceeding, or if the condemnation proceeding becomes a lawsuit, the lawsuit, for an amount not to exceed the OFFER AMOUNT; and the Chief Financial Officer is hereby authorized to issue a check drawn on the previously described funds in an amount not to exceed the OFFER AMOUNT made payable to the County Clerk of Dallas County, to be deposited into the registry of the Court, to enable the CITY to take possession of the PROPERTY without further action of the Dallas City Council; and the Chief Financial Officer is hereby authorized to issue a check drawn on the previously described funds in an amount not to exceed \$4,000.00 for CLOSING COSTS AND TITLE EXPENSES in favor of the title company closing the transaction described herein. The Award, CLOSING COSTS AND TITLE EXPENSES together shall not exceed the AUTHORIZED AMOUNT.

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

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

BY _____
Assistant City Attorney

Field Notes Describing Slope Easements
To Be Acquired in Block 7609
From King E. Rhodes

PARCEL 3-A:

Being a 10,619 Square Foot (0.244 Acre) tract of land situated in the Robert Simonton Survey, Abstract No. 1277, in the City of Dallas, Dallas County, Texas, lying in Block 7609 (official City of Dallas Block Numbers), and being a portion of the 22.0197 acre tract of land conveyed to King E. Rhodes by Contract of Sale and Purchase, recorded in Volume 2002187, Page 125 of the Deed Records of Dallas County, Texas and being more particularly described as follows:

BEGINNING at a 5/8 inch diameter Iron Rod with cap marked "CITY OF DALLAS" (hereinafter referred to as "5/8" I.R. w/COD cap") set at the intersection of the South line of the approved realignment location of Wheatland Road (an 80-foot Right-of-Way per approved Council Alignment) with the Southwest boundary line of said King E. Rhodes tract, being also the Northeast line of a tract of land conveyed to Crescent Real Estate by Deed recorded in Volume 97092, Page 2778 of the Deed Records of Dallas County, Texas, from which a 1/2 inch diameter Iron Rod found at the common Southeast corner of said Crescent Real Estate and King E. Rhodes properties bears South 36°16'35" East a distance of 655.22 feet:

THENCE North 90°00'00" East with the said approved South line of Wheatland Road, departing the common line between said King E. Rhodes and Crescent Real Estate properties, over and across a portion of said King E. Rhodes property a distance of 215.16 feet to a 5/8" I.R. w/COD cap set at the Point of Curvature of a Curve to the Left:

THENCE Northeasterly, continuing with the said approved South line of Wheatland Road and along said Curve to the Left, having a Radius of 740 feet, a Central Angle of 15°50'11", an Arc Length of 205.54 feet and a Chord which bears North 82°04'54" East a distance of 203.88 feet to the most Easterly corner of the herein described tract of land (not monumented):

Thence South 66°41'28" West, departing the said approved South line of Wheatland Road, continuing over and across a portion of said King E. Rhodes property a distance of 70.88 feet to the Point of Curvature of a Curve to the Right (not monumented):

THENCE Southwesterly, continuing over and across a portion of said King E. Rhodes property and along said Curve to the Right, having a Radius of 454.76 feet, a Central Angle of 27°55'21", an Arc Length of 221.62 feet and a Chord

Field Notes Describing Slope Easements
To Be Acquired in Block 7609
From King E. Rhodes

which bears South 80°39'09" West a distance of 219.43 feet to the Point of Tangency (not monumented):

THENCE North 85°23'10" West, continuing over and across a portion of said King E. Rhodes property a distance of 116.01 feet to the intersection with the above said common line with the Crescent Real Estate property, being also the Southwest corner of the herein described tract of land (not monumented):

THENCE North 37°05'17" West with the common line between said Crescent Real Estate and King E. Rhodes properties a distance of 32.93 feet to the **POINT OF BEGINNING**, containing 10,619 Square Feet, or 0.244 Acres of land.

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

Scott Holt
12/28/2016



Field Notes Describing Slope Easements
To Be Acquired in Block 7609
From King E. Rhodes

PARCEL 3-B:

Being a 3,558 Square Foot (0.081 Acre) tract of land situated in the Robert Simonton Survey, Abstract No. 1277, in the City of Dallas, Dallas County, Texas, lying in Block 7609 (official City of Dallas Block Numbers), and being a portion of the 22.0197 acre tract of land conveyed to King E. Rhodes by Contract of Sale and Purchase, recorded in Volume 2002187, Page 125 of the Deed Records of Dallas County, Texas and being more particularly described as follows:

BEGINNING at a 5/8" I.R. w/COD cap set at the intersection of the South line of the approved realignment location of Wheatland Road (an 80-foot Right-of-Way per approved Council Alignment) with the Northeast boundary line of said King E. Rhodes tract, being also the Southwest line of a tract of land conveyed to Sun NLF Limited Partnership by Deed recorded in Volume 95125, Page 768 of the Deed Records of Dallas County, Texas, from which the Southwest corner of said Sun NLF Limited Partnership tract bears South 07°19'12" East a distance of 86.79 feet:

THENCE South 07°19'12" East, departing the last said approved South line of Wheatland Road and with the common line between said King E. Rhodes and Sun NLF Limited Partnership properties a distance of 19.88 feet to the Southeast corner of the herein described tract of land (not monumented):

THENCE South 61°07'54" West, departing the common line between said King E. Rhodes and Sun NLF Limited Partnership properties, over and across a portion of said King E. Rhodes property a distance of 147.93 feet to an outside corner of the herein described tract of land (not monumented):

THENCE South 62°15'33" West, continuing over and across a portion of said King E. Rhodes property a distance of 52.24 feet to an outside corner of the herein described tract of land (not monumented):

THENCE South 66°44'50" West, continuing over and across a portion of said King E. Rhodes property a distance of 46.70 feet to the Point of Curvature of a Curve to the Right (not monumented):

Field Notes Describing Slope Easements
To Be Acquired in Block 7609
From King E. Rhodes

THENCE Southwesterly, continuing over and across a portion of said King E. Rhodes property and along said Curve to the Right, having a Radius of 524.98 feet, a Central Angle of 10°55'50", an Arc Length of 100.15 feet and a Chord which bears South 72°12'44" West a distance of 100.00 feet to the intersection with the said approved South line of Wheatland Road, being also the most Westerly corner of the herein described tract of land (not monumented):

THENCE Northeasterly, continuing over and across a portion of said King E. Rhodes property and with the approved South line of Wheatland Road, along a curve to the Left having a Radius of 740.00 feet, a Central Angle of 13°43'29", an Arc Length of 177.26 feet and a Chord which bears North 65°35'01" East a distance of 176.84 feet to a 5/8" I.R. w/COD cap set at the Point of Tangency:

THENCE North 58°43'17" East, continuing with the said approved South line of Wheatland Road, over and across a portion of said King E. Rhodes property a distance of 175.92 feet to the **POINT OF BEGINNING**, containing 3,558 Square Feet, or 0.081 Acres of land.

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

Scott Holt
12/20/2016



Field Notes Describing Slope Easements
To Be Acquired in Block 7609
From King E. Rhodes

PARCEL 3-C:

Being a 21,682 Square Foot (0.498 Acre) tract of land situated in the Robert Simonton Survey, Abstract No. 1277, in the City of Dallas, Dallas County, Texas, lying in Block 7609 (official City of Dallas Block Numbers), and being a portion of the 22.0197 acre tract of land conveyed to King E. Rhodes by Contract of Sale and Purchase, recorded in Volume 2002187, Page 125 of the Deed Records of Dallas County, Texas and being more particularly described as follows:

BEGINNING at a 5/8" I.R. w/COD cap set at the intersection of the North line of the approved realignment location of Wheatland Road (an 80-foot Right-of-Way per approved Council Alignment) with the Northeast boundary line of said King E. Rhodes tract, being also the Southwest line of a tract of land conveyed to Sun NLF Limited Partnership by Deed recorded in Volume 95125, Page 768 of the Deed Records of Dallas County, Texas, from which the Southwest corner of said Sun NLF Limited Partnership tract bears South 07°19'12" East a distance of 174.51 feet:

THENCE South 58°43'17" West, over and across a portion of said King E. Rhodes property and with the said approved North line of Wheatland Road a distance of 211.47 feet to a 5/8" I.R. w/COD Cap set at the Point of Curvature of a Curve to the Right:

THENCE Southwesterly, continuing with the said approved North line of Wheatland Road, over and across a portion of said King E. Rhodes property and along said Curve to the Right, having a Radius of 660.00 feet, an Central Angle of 31°16'43", an Arc Length of 360.31 feet and a Chord which bears South 74°21'38" West a distance of 355.85 feet to a 5/8" I.R. w/COD Cap set at the Point of Tangency:

THENCE South 90°00'00" West, continuing with the said approved North line of Wheatland Road, over and across a portion of said King E. Rhodes property a distance of 275.64 feet to a 5/8" I.R. w/COD Cap set at the intersection with the Southwest boundary line of said King E. Rhodes tract, being also the Northeast line of a tract of land conveyed to Crescent Real Estate by Deed recorded in Volume 97092, Page 2778 of the Deed Records of Dallas County, Texas, from which a ½ inch diameter Iron Rod found at the common Southeast corner of said Crescent Real Estate and King E. Rhodes properties bears South 36°16'35" East a distance of 788.44 feet:

Field Notes Describing Slope Easements
To Be Acquired in Block 7609
From King E. Rhodes

THENCE North 37°05'17" West, departing the said approved North line of Wheatland Road and with the common line between said Crescent Real Estate and King E. Rhodes properties a distance of 18.43 feet to the Northwest corner of the herein described tract of land (Not monumented):

THENCE North 83°02'39" East, departing the common line with said Crescent Real Estate property, over and across a portion of said King E. Rhodes property a distance of 39.21 feet to an outside corner of the herein described tract of land (not monumented):

THENCE Easterly and Northeasterly, continuing over and across a portion of said King E. Rhodes property the following courses and distances:

North 88°33'03" East, a distance of 127.99 feet to an outside corner of the herein described tract of land (not monumented):

South 85°50'27" East a distance of 72.24 feet to an inside corner of the herein described tract of land (not monumented).

South 86°07'45" East a distance of 144.10 feet to an inside corner of the herein described tract of land (not monumented).

North 76°45'04" East a distance of 47.07 feet to an inside corner of the herein described tract of land (not monumented).

North 60°03'00" East a distance of 140.31 feet to an inside corner of the herein described tract of land (not monumented).

North 52°52'07" East a distance of 45.38 feet to an outside corner of the herein described tract of land (not monumented).

North 56°50'17" East a distance of 46.57 feet to an inside corner of the herein described tract of land (not monumented).

North 53°20'07" East a distance of 61.88 feet to an outside corner of the herein described tract of land (not monumented).

Field Notes Describing Slope Easements
To Be Acquired in Block 7609
From King E. Rhodes

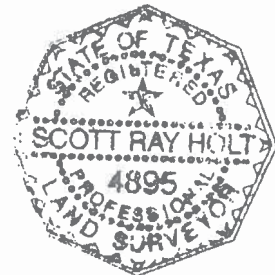
North 59°58'58" East a distance of 149.21 feet to the intersection with the above referenced common line with the Sun NLF Limited Partnership tract, being also the Northeast corner of the herein described tract of land (not monumented).

THENCE South 07°19'12" East with the said common line between the King E. Rhodes and Sun NLF Limited Partnership properties a distance of 47.69 feet to the **POINT OF BEGINNING**, containing 21,682 Square Feet, or 0.498 Acres of Land.

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

Scott Holt

12/28/2016



WHEATLAND ROAD
(50' Right-of-Way.)

**ROBERT SIMONTON
SURVEY**
Abstract #1277

King E. Rhodes
Vol. 2002187, Pg. 125
(Unplatted)

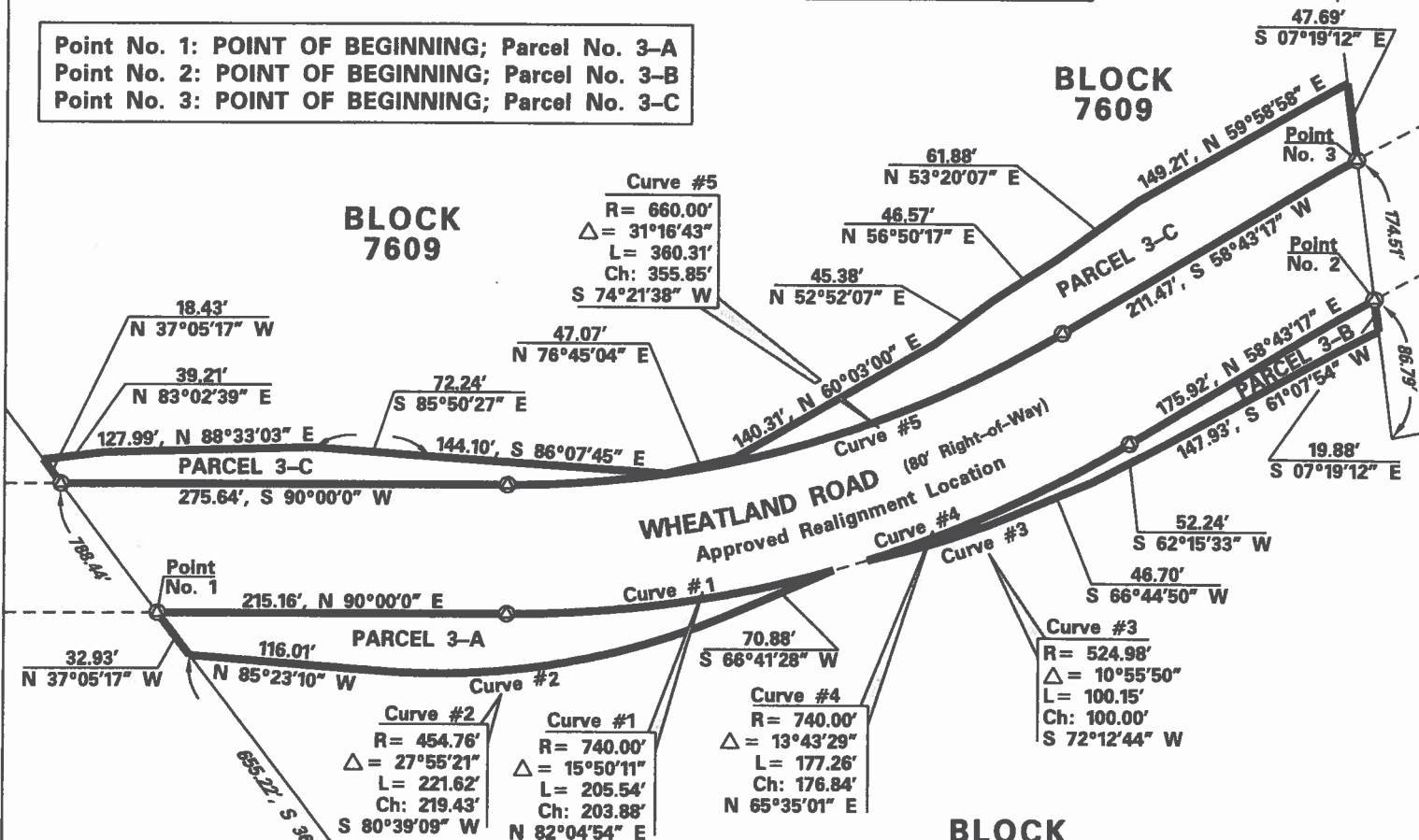
Point No.	Coordinates
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2	N = 6924556.8496 E = 2495884.1505
3	N = 6924755.7459 E = 2496633.8698
4	N = 6924842.5753 E = 2496622.7159

Sun NLF Limited Partnership
Vol. 95125, Pg. 768
(Unplatted)



PARCEL 3-A - 10,619 Sq. Ft. (0.244 Ac.)
PARCEL 3-B - 3,558 Sq. Ft. (0.081 Ac.)
PARCEL 3-C - 21,682 Sq. Ft. (0.498 Ac.)

Point No. 1: POINT OF BEGINNING; Parcel No. 3-A
Point No. 2: POINT OF BEGINNING; Parcel No. 3-B
Point No. 3: POINT OF BEGINNING; Parcel No. 3-C



King E. Rhodes
Vol. 2002187, Pg. 125
(Unplatted)

BLOCK 7609

⊙ Indicates 58" I.R. with Cap Marked "CITY OF DALLAS"

Crescent Real Estate
Vol. 97092, Pg. 2778
(Unplatted)

12" I.R. Found
CONTROLLING
MONUMENT

Parcels 3-A, 3-B & 3-C Sheet 8 of 8

Wheatland Road			
From Lancaster City Limits to Lancaster Road			
DEPT. OF PUBLIC WORKS & TRANSPORTATION			
SURVEY DIVISION CITY OF DALLAS, TEXAS			
OPER. NAME	DESIGN FILE NAME	SCALE	DATE
S. Holt	N:\ENR\B\SURVEY\HOLT\Wheatland\Wheatland Field Notes.dgn	As Noted	7-29-14
PARTY CHIEF	CALCULATIONS	FOLDER	FILE NO.
J. Chambers	S. Holt	Block 7605	311D-4147-9

**Field Notes Describing a 501 Square Foot (0.012 Acre)
Drainage Easement To Be Acquired in Block 7609
From King E. Rhodes**

PARCEL 3-ia:

Being a 501 Square Foot (0.012 Acre) tract of unplatted land situated in the Robert Simonton Survey, Abstract No. 1277, in the City of Dallas, Dallas County, Texas, lying in Block 7609 (official City of Dallas Block Numbers), and being a portion of the 22.0197 acre tract of land conveyed to King E. Rhodes by Contract of Sale and Purchase, recorded in Volume 2002187, Page 125 of the Deed Records of Dallas County, Texas and being more particularly described as follows:

COMMENCING at a 5/8 inch diameter Iron Rod with cap marked "CITY OF DALLAS" set at the Point of Tangency of a Curve on the Southeast Right-of-Way line of the approved relocation alignment of Wheatland Road (a planned 80-foot wide Right-of-Way):

THENCE North 58°43'17" East with the said approved Southeast line of Wheatland Road, over and across a portion of said King E. Rhodes property a distance of 36.72 feet to the most Southerly corner and **POINT OF BEGINNING** of the herein described tract of land (not monumented):

THENCE North 58°43'17" East, continuing with the said approved Southeast line of Wheatland Road, over and across a portion of said King E. Rhodes property a distance of 25.17 feet to the most Northerly corner of the herein described tract of land (not monumented):

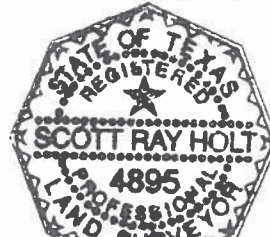
Thence South 30°44'14" East, departing the said approved Southeast line of Wheatland Road, continuing over and across a portion of said King E. Rhodes property a distance of 20.04 feet to the most Easterly corner of the herein described tract of land (not monumented):

THENCE South 59°15'46" West, continuing over and across a portion of said King E. Rhodes property a distance of 25.17 feet to the most Southerly corner of the herein described tract of land (not monumented):

THENCE North 30°44'14" West, continuing over and across a portion of said King E. Rhodes property a distance of 19.80 feet to the **POINT OF BEGINNING**, containing 501 Square Feet, or 0.012 Acres of land.

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

Scott Holt
12/28/2016



**Field Notes Describing a 3,192 Square Foot (0.073 Acre)
Drainage Easement To Be Acquired in Block 7609
From King E. Rhodes**

PARCEL 3-ib:

Being a 3,192 Square Foot (0.073 Acre) tract of unplatted land situated in the Robert Simonton Survey, Abstract No. 1277, in the City of Dallas, Dallas County, Texas, lying in Block 7609 (official City of Dallas Block Numbers), and being a portion of the 22.0197 acre tract of land conveyed to King E. Rhodes by Contract of Sale and Purchase, recorded in Volume 2002187, Page 125 of the Deed Records of Dallas County, Texas and being more particularly described as follows:

COMMENCING at a 5/8 inch diameter Iron Rod with cap marked "CITY OF DALLAS" set at the Point of Tangency of a Curve on the Northwest Right-of-Way line of the approved relocation alignment of Wheatland Road (a planned 80-foot wide Right-of-Way):

THENCE North 58°43'17" East with the said approved Northwest line of Wheatland Road, over and across a portion of said King E. Rhodes property a distance of 9.74 feet to the most Southerly corner and **POINT OF BEGINNING**, of the herein described tract of land (not monumented):

THENCE North 31°16'43" West, departing the last said approved Northwest line of Wheatland Road and continuing over and across a portion of said King E. Rhodes property a distance of 39.90 feet to the most Westerly corner of the herein described tract of land (not monumented):

THENCE North 58°43'17" East, continuing over and across a portion of said King E. Rhodes property a distance of 80.00 feet to the most Northerly corner of the herein described tract of land (not monumented):

THENCE South 31°16'43" East, continuing over and across apportion of said King E. Rhodes property a distance of 39.90 feet to the intersection with the above said approved Northwest line of Wheatland Road, being also the most Easterly corner of the herein described tract of land (not monumented):

THENCE South 58°43'17" West, with the said approved Northwest line of Wheatland Road and continuing over and across a portion of said King E. Rhodes property a distance of 80.00 feet to the **POINT OF BEGINNING**, containing 3,192 Square Feet, or 0.073 Acres of land.

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

Scott Holt
12/28/2014



Please Note: Unable to show Controlling Monumentation on this Drawing.
 For Information Concerning Controlling Monuments, Please See Drawing
 311D-4147, on File in the City of Dallas Survey Records Vault.

WHEATLAND RD.

LANCASTER ROAD

PLAZA BLVD.

Sun NLF
 Limited Partnership
 Vol. 95125
 Pg. 768

BLOCK
 7616

R.R. Spike
 Found

12" I.R.
 Found

PK Nail
 Found

Yvonne Simmons
 Vol. 2005151, Pg. 3183

25.63'
 N 25°35'43" E

POINT OF
 COMMENCING
 N=6924732.78
 E=2496441.98



POINT OF
 BEGINNING

9.74'
 N 58°43'17" E

BLOCK
 7609
 Unplatted

Drainage
 Easement 3-ib

King E.
 Rhodes
 Vol. 2002187
 Pg. 125

457.62', N 58°47'35" E
 Wheatland Road
 Approved Relocation

BLOCK
 7616
 Unplatted

38.89'
 S 62°59'43" E

430.57', N 58°47'35" E

38" I.R.
 Found

38" I.R.
 Found

Approved Realignment
 Location Wheatland Road
 Planned 80-Foot Right-of-
 -Way Width.

N



King E.
 Rhodes
 Vol. 2002187
 Pg. 125



⊙ Indicates 5/8" I.R. with Cap
 Marked "CITY OF DALLAS"

501 Sq. Ft. (0.012 Ac.)
 Drainage Easement
 To Be Acquired

POINT OF
 BEGINNING

36.72'
 N 58°43'17" E



POINT OF
 COMMENCING
 N=6924664.41
 E=2496483.52

Drainage
 Easement 3-ia

Parcel 3-ia, 3-ib Sheet 3 of 3

Wheatland Road			
From Lancaster City Limits to Lancaster Road			
DEPT. OF PUBLIC WORKS & TRANSPORTATION			
SURVEY DIVISION CITY OF DALLAS, TEXAS			
OPER. NAME	DESIGN FILE NAME	SCALE	DATE
S. Holt	N:\ENGR\SURVEY\WOL\Wheatland\Wheatland Field Notes.dgn	As Noted	10-30-14
PARTY CHIEF	CALCULATIONS	FOLDER	FILE NO.
J. Chambers	S. Holt	Block 7609	311D-4147-12

January 11, 2017

SECTION 10. That in the event the City Attorney files a condemnation proceeding because the OWNER refused to accept the OFFER AMOUNT; and in the event the special commissioners appointed by the Court return an award that is the same amount or less than the OFFER AMOUNT, the City Attorney is hereby authorized to deposit the award in the registry of the Court and to settle the condemnation proceeding, or if the condemnation proceeding becomes a lawsuit, the lawsuit, for an amount not to exceed the OFFER AMOUNT; and the Chief Financial Officer is hereby authorized to issue a check drawn on the previously described funds in an amount not to exceed the OFFER AMOUNT made payable to the County Clerk of Dallas County, to be deposited into the registry of the Court, to enable the CITY to take possession of the PROPERTY without further action of the Dallas City Council; and the Chief Financial Officer is hereby authorized to issue a check drawn on the previously described funds in an amount not to exceed \$4,000.00 for CLOSING COSTS AND TITLE EXPENSES in favor of the title company closing the transaction described herein. The Award, CLOSING COSTS AND TITLE EXPENSES together shall not exceed the AUTHORIZED AMOUNT.

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

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

BY 
Assistant City Attorney

**Field Notes Describing a 65,699 Square Foot Tract of Land
To Be Acquired in Block 7609
From King E. Rhodes**

Being a 65,699 Square Foot (1.5082 Acre) tract of land situated in the Robert Simonton Survey, Abstract No. 1277, in the City of Dallas, Dallas County, Texas, lying in Block 7609 (official City of Dallas Block Numbers), and being a portion of the 22.0197 acre tract of land conveyed to King E. Rhodes by Contract of Sale and Purchase, recorded in Volume 2002187, Page 125 of the Deed Records of Dallas County, Texas and being more particularly described as follows:

COMMENCING at the most Westerly corner of said 22.0197 Acre tract, lying on the Southeast Right-of-Way line of Wheatland Road (a 50' Right-of-Way) and being also the most Northerly corner of a tract of land conveyed to Crescent Real Estate Equities Limited Partnership by deed recorded in Volume 97092, Page 2778 of the Deed Records of Dallas County, Texas, from which a ½ inch dia. Iron Rod found bears North 33°44'10" West a distance of 1.24 feet:

THENCE South 37°05'20" East, departing the last said Southeast Right-of-Way line of Wheatland road and with the common line between said Rhodes and Crescent Real Estate tracts, a distance of 394.78 feet to a 5/8 in dia. Iron Rod with cap marked "DALLAS" (hereinafter referred to as "5/8" I.R. w/COD cap") set at the Northwest corner and **POINT OF BEGINNING** of the herein described tract of land:

THENCE North 90°00'00" East, departing the last said common line between said Rhodes and Crescent Real Estate tracts, a distance of 275.64 feet to a 5/8" I.R. w/COD cap set at the Point of Curvature of a Curve to the Left:

THENCE Northeasterly along said Curve, having a Radius of 660.00 feet, a Central Angle of 31°16'43", an Arc Length of 360.31 feet and a Chord which bears North 74°21'38" East a distance of 355.85 to a 5/8" I.R. w/COD cap set at the Point of Tangency:

THENCE North 58°43'17" East a distance of 211.47 feet to a 5/8" I.R. w/COD cap set at the Northeast corner of the herein described tract of land, on the common line with a tract of land conveyed to the Sun NLF Ltd. Partnership by deed recorded in Volume 95125, Page 768 of the Deed Records of Dallas County, Texas:

THENCE South 7°19'12" East with the common line between said Rhodes and Sun NLF Ltd. tracts a distance of 87.54 feet to a 5/8" I.R. w/COD cap set at the Southeast corner of the herein described tract of land:

THENCE South 58°43'17" West, departing the last said common line between the Rhodes and Sun NLF Ltd. tracts, a distance of 175.92 feet to a 5/8" I.R. w/COD cap set at the Point of Curvature of a Curve to the Right:

**Field Notes Describing a 65,699 Square Foot Tract of Land
To Be Acquired in Block 7609
From King E. Rhodes**

THENCE Southwesterly along said Curve, having a Radius of 740.00 feet, a Central Angle of $31^{\circ}16'43''$, an Arc Length of 403.98 feet and a Chord which bears South $74^{\circ}21'38''$ West a distance of 398.98 feet to a $5/8''$ I.R. w/COD cap set at the Point of Tangency:

THENCE South $90^{\circ}00'00''$ West a distance of 215.16 feet to a $5/8''$ I.R. w/COD cap set at the Southwest corner of the herein described tract of land, on the above referenced common line between the Rhodes and Crescent Real Estate tracts:

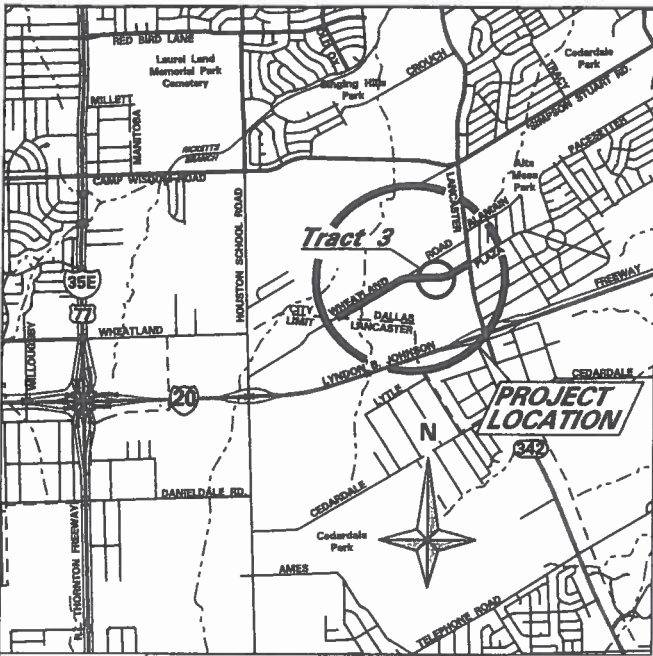
THENCE North $37^{\circ}05'17''$ West along the common line between said Rhodes and Crescent Real Estate tracts a distance of 100.29 feet to the **POINT OF BEGINNING**, containing 65,699 Square Feet, or 1.5082 Acres of land.

BASIS OF BEARINGS: Bearings are based on the common line between the King E. Rhodes and Crescent Real Estate Equities Limited Partnership tracts, at South $37^{\circ}05'17''$ East, monumented as noted and derived from Global Positioning System observations using the North Texas Cooperative Real Time Kinematic Survey, Virtual Reference Station System, North American Datum of 1983.

Scott Holt

1/6/2016





LOCATOR MAP

NOT TO SCALE

1/2" I.R. Fnd.; Bears 1.24'
N33°44'20"W. POINT OF COMMENCING

King E. Rhodes
Vol. 2002187, Pg. 0125

65,699 Square Foot
(1.5082 Acre) Tract
To Be Acquired

Rad. = 660.00'
Δ = 31°16'43"
Length = 360.31'
Chord Brs: 355.85'
N74°21'38"E

Rad. = 740.00'
Δ = 31°16'43"
Length = 403.98'
Chord Brs: 398.98'
S74°21'38"W

ROBERT SIMONTON
SURVEY
Abstract #1277

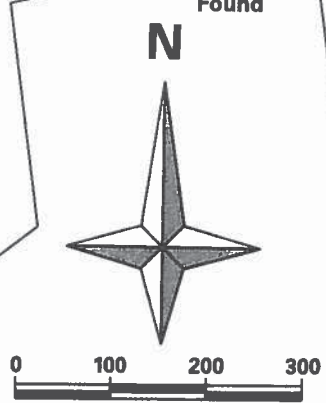
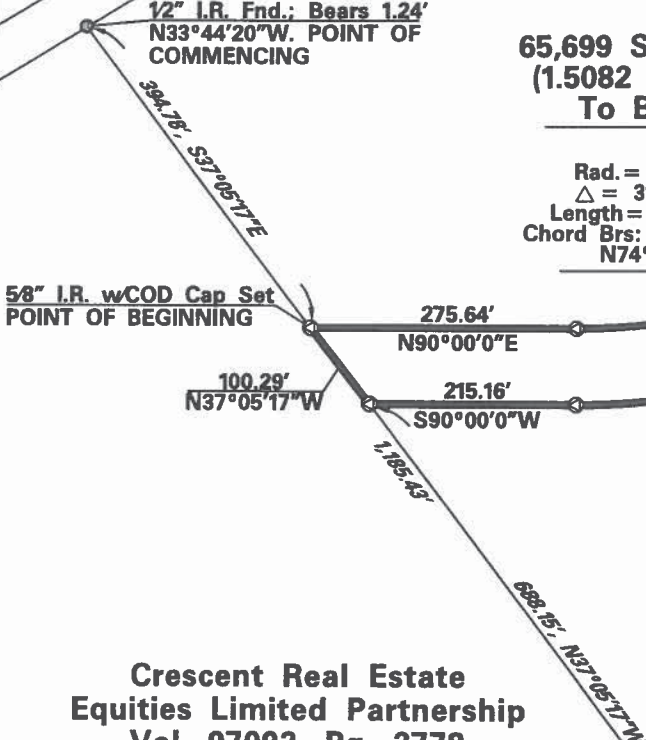
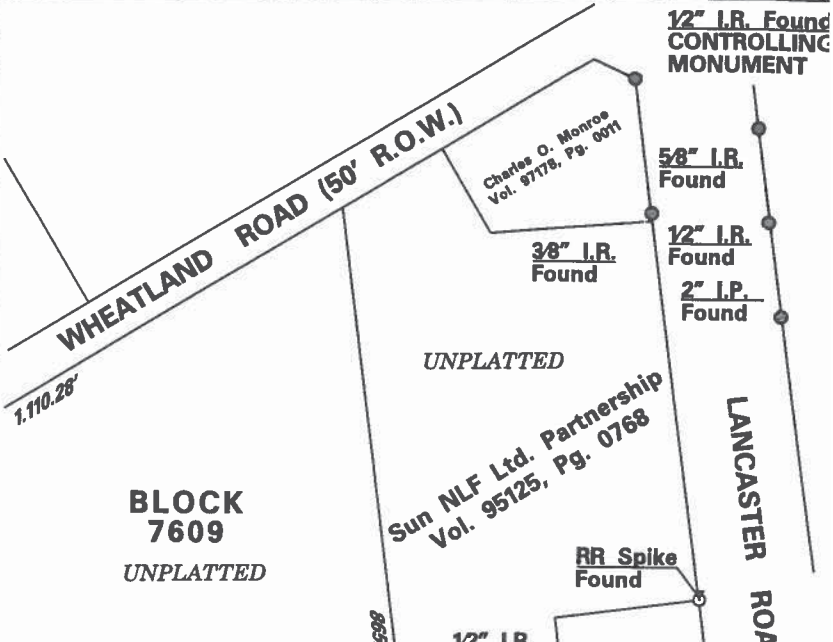
Crescent Real Estate
Equities Limited Partnership
Vol. 97092, Pg. 2778

BLOCK
7609
UNPLATTED

1/2" I.R. Found
CONTROLLING
MONUMENT

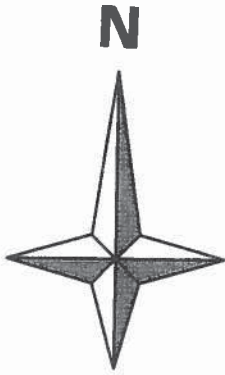
⊙ 58" I.R. wCOD Cap Set

□ Property to be Acquired



Sheet 3 of 3
LOCATOR MAP: Parcel No. 3

Wheatland Road			
From Lancaster City Limits to Lancaster Road			
DEPT. OF PUBLIC WORKS & TRANSPORTATION			
SURVEY DIVISION CITY OF DALLAS, TEXAS			
OPER. NAME	DESIGN FILE NAME	SCALE	DATE
S. Holt	N:\ENGR\SURVEY\MOLT\Wheatland\Wheatland Field Notes.dgn	As Noted	5-27-10
PARTY CHIEF	CALCULATIONS	FOLDER	FILE NO.
J. Chambers	S. Holt	Block 7605	311D-4147-12



E. WHEATLAND ROAD

LANCASTER ROAD

*Slope
Easement*

*Drainage
Easement*

*Right-of-Way
Acquisition*

*Drainage
Easement*

*Slope
Easement*

*Slope
Easement*

Right-of-Way to be Acquired



Slope Easements to be Acquired



Drainage Easements to be Acquired



KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: January 11, 2017

COUNCIL DISTRICT(S): 1, 2, 7, 11, 14

DEPARTMENT: Mobility and Street Services

CMO: Jill A. Jordan, P.E., 670-5299

MAPSCO: 15P, Q, R 36K, P, T, X 44Y, Z 45Q, T, U, V, Z 46S, W

SUBJECT

Authorize a professional services contract with Kimley-Horn and Associates, Inc. for the engineering design services of on-street bicycle facilities at various locations (list attached) - Not to exceed \$171,000 - Financing: Current Funds

BACKGROUND

This item is moved forward on the addendum at the request of Council and was expedited to avoid further delays with implementation of the 2011 Dallas Bike Plan.

With the adoption of the 2011 Dallas Bike Plan, the City of Dallas committed to implementing an interconnected, dedicated on-street bicycle transportation network. To facilitate implementation of this plan, it became necessary to solicit qualified firms for the engineering design of on-street bicycle facilities. The consulting firm, Kimley-Horn and Associates, Inc. was selected following a qualifications-based selection process in accordance with the City of Dallas procurement guidelines. Kimley-Horn and Associates, Inc. will provide design and engineering consulting services for on-street bicycle facilities.

ESTIMATED SCHEDULE OF PROJECT

Begin Design	February 2017
Complete Design	October 2017

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Information about this item will be provided to the Quality of Life and Environment Committee on January 9, 2017.

FISCAL INFORMATION

Current Funds - \$171,000

<u>Council District</u>	<u>Amount</u>
1	\$ 22,700
2	\$ 92,100
7	\$ 9,300
11	\$ 19,700
14	<u>\$ 27,200</u>
Total	\$171,000

MWBE/INFORMATION

See attached.

ETHNIC COMPOSITION

Kimley-Horn and Associates, Inc.

African-American Male	43	African-American Female	32
Hispanic Male	132	Hispanic Female	82
Other Male	134	Other Female	97
White Male	1,550	White Female	753

OWNER

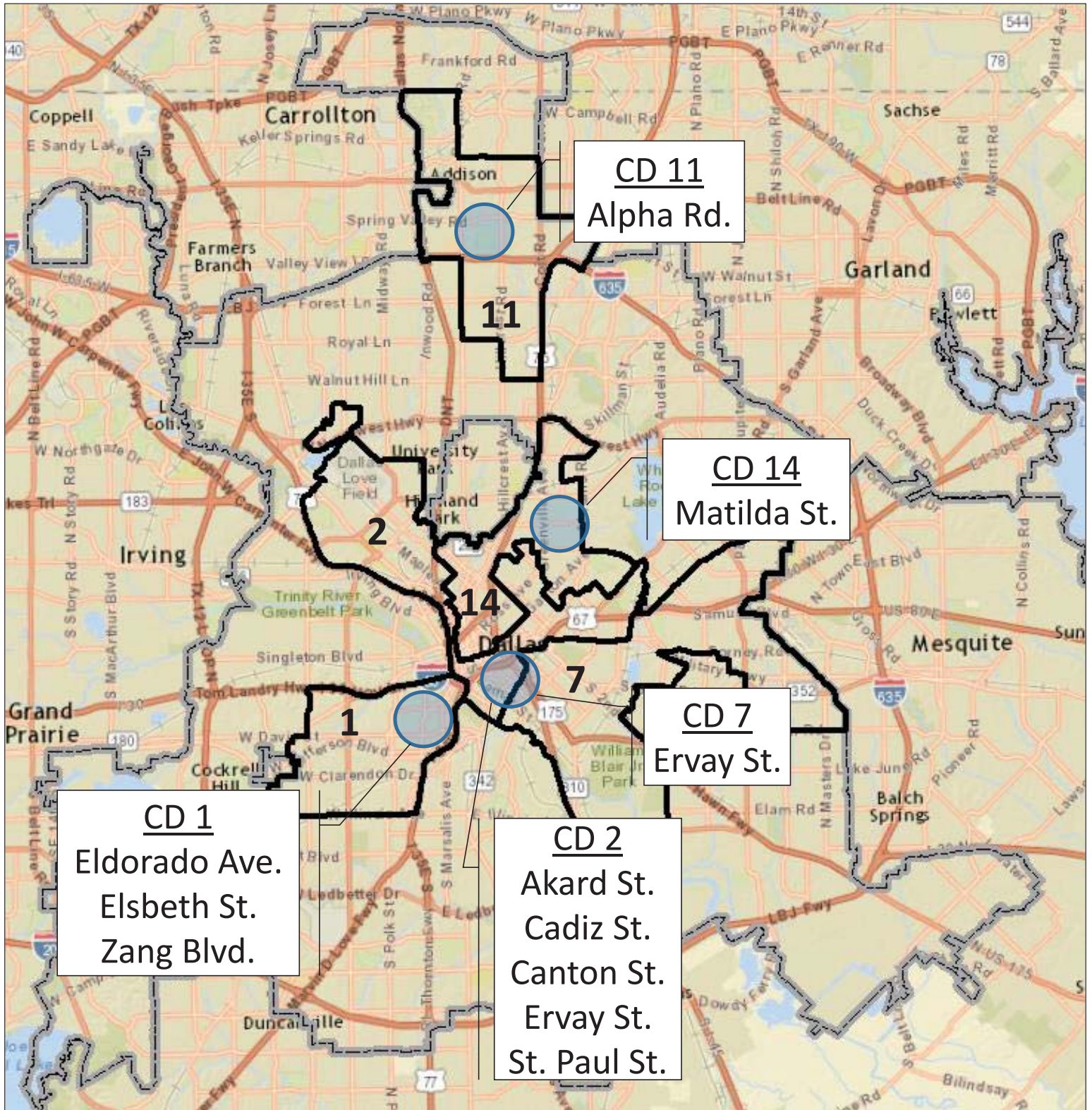
Kimley-Horn and Associates, Inc.

John Atz, P.E., President, Chief Executive Officer

MAP

Attached.

On-Street Bicycle Facility Design Contract Initial Project Locations



MAPSCO: 15P,Q,R 36K,P,T,X 44Y,Z
45Q,T,U,V,Z 46S,W

January 11, 2017

WHEREAS, Kimley-Horn and Associates, Inc. was selected to provide the engineering design services for the on-street bicycle facilities; and,

WHEREAS, with the adoption of the 2011 Dallas Bike Plan, the City of Dallas committed to implementing an interconnected, dedicated on-street bicycle transportation network at various locations.

Now, Therefore,

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

Section 1. That the City Manager is hereby authorized to execute a professional services contract with Kimley-Horn and Associates, Inc. for the engineering design services of on-street bicycle facilities at various locations, in an amount not to exceed \$171,000.

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

Current Funds	
Fund 0001, Department STS, Unit 1579, Act. HIBT	
Object 4111, Program #STCUR001, CT STSCUR001D1	
Vendor #135447, in an amount not to exceed	\$171,000

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.

BUSINESS INCLUSION AND DEVELOPMENT PLAN SUMMARY

PROJECT: Authorize a professional services contract with Kimley-Horn and Associates, Inc. for the engineering design services of on-street bicycle facilities at various locations (list attached) - Not to exceed \$171,000 - Financing: Current Funds

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

PROJECT CATEGORY: Architecture & Engineering

LOCAL/NON-LOCAL CONTRACT SUMMARY

	<u>Amount</u>	<u>Percent</u>
Total local contracts	\$171,000.00	100.00%
Total non-local contracts	\$0.00	0.00%
TOTAL CONTRACT	\$171,000.00	100.00%

LOCAL/NON-LOCAL M/WBE PARTICIPATION

Local Contractors / Sub-Contractors

None

Non-Local Contractors / Sub-Contractors

<u>Non-local</u>	<u>Certification</u>	<u>Amount</u>	<u>Percent</u>
Toole Design Group	WFDB61012N0917	\$78,000.00	0.00%
Total Minority - Non-local		\$78,000.00	0.00%

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%	\$78,000.00	45.61%
Total	\$0.00	0.00%	\$78,000.00	45.61%

On-Street Bicycle Facilities

<u>Council District</u>	<u>Location</u>	<u>Amount</u>
2	Akard Street	\$ 24,000
11	Alpha Road	\$ 19,000
2	Cadiz Street	\$ 15,500
2	Canton Street	\$ 15,500
14	Matilda Street	\$ 26,500
1	Eldorado Avenue	\$ 8,000
1	Elsbeth Street	\$ 6,500
2, 7	Ervay Street	\$ 29,500
2	St. Paul Street	\$ 15,500
1	Zang Boulevard	\$ 7,500
All	Project Mgmt/Admin.	<u>\$ 3,500</u>
	Total	\$171,000

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: January 11, 2017

COUNCIL DISTRICT(S): 2, 14

DEPARTMENT: Mobility and Street Services
Water Utilities

CMO: Jill A. Jordan, P.E., 670-5299
Ryan S. Evans, 671-9837

MAPSCO: 45L

SUBJECT

Authorize an increase to the contract with Tiseo Paving Company for additional and deductive work associated with installing the proposed 30-inch water main, modification to the traffic signal poles and other associated construction items needed to complete the Cesar Chavez Boulevard / Pearl Expressway project - Not to exceed \$19,079, from \$15,572,876 to \$15,591,955 - Financing: 2012 Bond Funds (-\$235,075), General Obligation Commercial Paper Funds (\$168,380), 2006 Bond Funds (-\$528,226), and Water Utilities Capital Construction Funds (\$614,000)

BACKGROUND

This item is submitted as an addendum item in order to avoid further construction delays on the Cesar Chavez Boulevard roadway construction project.

On September 28, 2011, Resolution No. 11-2548 authorized a construction contract with Tiseo Paving Company for street paving, storm drainage, streetscape, landscape, traffic signal, water and wastewater improvements on Cesar Chavez Boulevard and Pearl Expressway. This action will authorize a change order to the contract with Tiseo Paving Company for additional construction work needed to complete the project and construction cost increases due to delays resulting from unforeseen site conditions.

The change order items include (1) tunneling the proposed 30-inch water main across Elm Street, Main Street, Commerce Street and Pacific Avenue to clear existing conflicting utilities; (2) cost increases to some construction items resulting from delays experienced due to unforeseen site conditions such as large deposits of debris, a buried fuel tank which had to be removed and abandoned basement structures discovered during construction; (3) required modification to the traffic signal poles and electrical components; and (4) other associated construction items needed.

BACKGROUND (Continued)

This action will authorize deleting the existing pay items for Pearl Expressway between Live Oak Street and Pacific Avenue from this contract to pay for some additional construction items needed for this change order. Other existing pay items are being increased or reduced as needed to facilitate the completion of the project. The street improvements on Pearl Expressway between Live Oak Street and Pacific Avenue that are being deleted from this contract in order to create the needed capacity in the contract are planned to be constructed later as part of a separate contract. Construction along this section of Pearl Expressway was already on hold as the roadway is being redesigned to accommodate planned improvements to John W. Carpenter Park. The proposed redesign of Pearl Expressway will reduce the street cross-section from the originally planned six-lane divided roadway to a four-lane divided roadway. The proposed redesign will serve to slow vehicular traffic and create a more pedestrian friendly roadway conducive to the urban park environment envisioned for the future improved John W. Carpenter Park. Construction on Pearl Expressway is estimated to recommence mid 2017 and be complete an estimated six months later.

The breakdown for the amounts being reduced, increased, or deleted are as follows: (1) the paving, drainage, signal, landscaping and basement debris removal on Cesar Chavez Boulevard is being increased (\$168,379.55); (2) the water main work on Cesar Chavez Boulevard and on Pearl Expressway is being increased (\$614,000.00); (3) the paving, drainage, removal, signal, and landscaping on Pearl Expressway is being decreased (-\$492,408.00); (4) sidewalk quantities for work adjacent to Klyde Warren Park that was previously change ordered are being reduced (-\$235,074.71); (5) items of work on Taylor Street adjacent to Farmers Market that was previously change ordered are being reduced (-\$35,818.51).

ESTIMATED SCHEDULE OF PROJECT

Began Design	December 2007
Completed Design	June 2011
Began Construction	March 2012
Complete Construction	August 2017

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Authorized a professional services contract for engineering services for Cesar Chavez (formerly Central Street) on December 12, 2007, by Resolution No. 07-3794.

Authorized a professional services contract for engineering services for Pearl Expressway on April 23, 2008, by Resolution No. 08-1278.

Authorized approval of the recommended plan for the proposed alignment of Cesar Chavez (formerly Central Street) on April 22, 2009, by Resolution No. 09-1082.

Authorized a Development and Reimbursement Agreement with the Museum of Nature and Science on September 8, 2010, by Resolution No. 10-2321.

Authorized a construction contract with Tiseo Paving Company on September 28, 2011, by Resolution No. 11-2548.

Authorized Change Order No. 1 to the construction contract with Tiseo Paving Company on September 12, 2012, by Resolution No. 12-2309.

Authorized Change Order No. 3 to the construction contract with Tiseo Paving Company on March 26, 2014, by Resolution No. 14-0559.

Authorized Change Order No. 4 to the construction contract with Tiseo Paving Company on March 26, 2014, by Resolution No. 14-0560.

Authorized Change Order No. 7 to the construction contract with Tiseo Paving Company on April 22, 2015, by Resolution No. 15-0757.

Authorized Change Order No. 8 to the construction contract with Tiseo Paving Company on December 9, 2015, by Resolution No. 15-2274.

Information about this item will be provided to the Quality of Life and Environment Committee on January 9, 2017.

FISCAL INFORMATION

2006 Bond Program (General Obligation Commercial Paper Funds) - \$168,379.55

2006 Bond Funds - (\$528,226.51)

2012 Bond Funds - (\$235,074.70)

Water Utilities Capital Construction Funds - \$614,000.00

FISCAL INFORMATION (Continued)

Design	
Cesar Chavez and Pearl	\$ 1,732,954.22
Museum of Nature and Science Streetscape Improvements	\$ 148,500.00
Construction	
Paving & Drainage - STS	\$ 9,460,374.37
Water & Wastewater - DWU	\$ 3,013,544.94
Change Order No. 1	\$ 870,854.75
Change Order No. 2	\$ 49,500.00
Change Order No. 3	\$ 582,303.00
Change Order No. 4	\$ 776,713.30
Change Order No. 5	\$ 41,285.00
Change Order No. 6	\$ 0.00
Change Order No. 7	\$ 488,095.06
Change Order No. 8	\$ 290,205.57
Change Order No. 9 (this action)	<u>\$ 19,078.34</u>
Total Project Cost	\$17,473,408.55

Council District

Amount

2	\$ 9,539.17
14	<u>\$ 9,539.17</u>
Total	\$19,078.34

M/WBE INFORMATION

See attached.

ETHNIC COMPOSITION

Tiseo Paving Company

Hispanic Female	1	Hispanic Male	82
African-American Female	0	African-American Male	2
Other Female	0	Other Male	0
White Female	2	White Male	25

OWNER

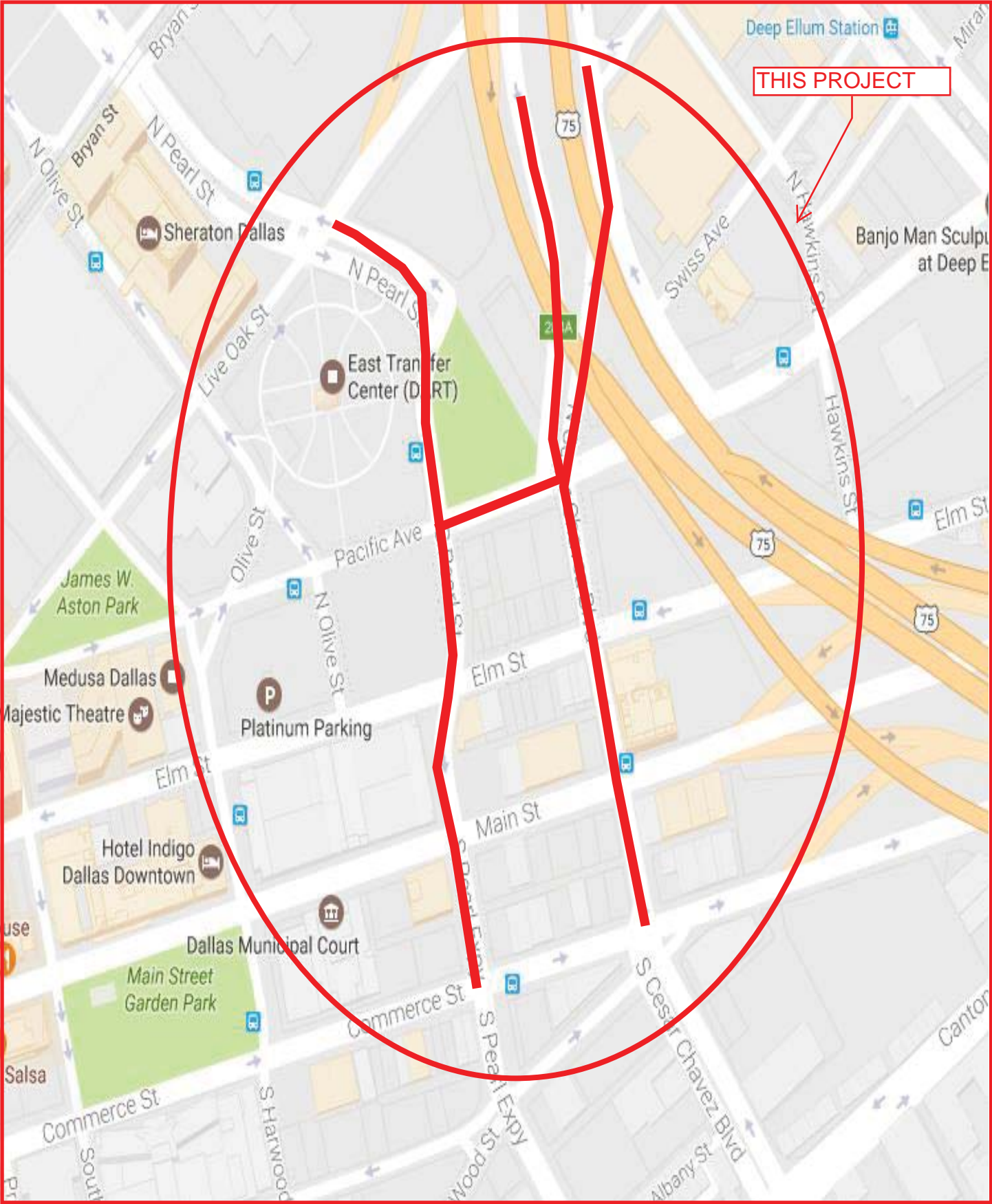
Tiseo Paving Company

Arthur Tiseo, President

MAP

Attached.

CESAR CHAVEZ BOULEVARD AND PEARL EXPRESSWAY FROM COMMERCE STREET TO PACIFIC AVENUE



BUSINESS INCLUSION AND DEVELOPMENT PLAN SUMMARY

PROJECT: Authorize an increase to the contract with Tiseo Paving Company for additional and deductive work associated with installing the proposed 30-inch water main, modification to the traffic signal poles and other associated construction items needed to complete the Cesar Chavez Boulevard / Pearl Expressway project - Not to exceed \$19,079, from \$15,572,876 to \$15,591,955 - Financing: 2012 Bond Funds (-\$235,075), General Obligation Commercial Paper Funds (\$168,380), 2006 Bond Funds (-\$528,226), and Water Utilities Capital Construction Funds (\$614,000)

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

PROJECT CATEGORY: Construction

LOCAL/NON-LOCAL CONTRACT SUMMARY - THIS ACTION ONLY

	<u>Amount</u>	<u>Percent</u>
Local contracts	\$371,807.06	1,948.84%
Non-local contracts	(\$352,728.72)	(1,848.84%)
TOTAL THIS ACTION	\$19,078.34	100.00%

LOCAL/NON-LOCAL M/WBE PARTICIPATION THIS ACTION

Local Contractors / Sub-Contractors

<u>Local</u>	<u>Certification</u>	<u>Amount</u>	<u>Percent</u>
WOE Construction	WFWB22300N0517	(\$134,235.00)	(36.10%)
Total Minority - Local		(\$134,235.00)	(36.10%)

Non-Local Contractors / Sub-Contractors

<u>Non-local</u>	<u>Certification</u>	<u>Amount</u>	<u>Percent</u>
Brock Environmental	WFWB96114Y1118	(\$5,582.00)	1.58%
Axis Contracting Inc.	WFDB96976Y0717	(\$212,419.72)	60.22%
Total Minority - Non-local		(\$218,001.72)	61.80%

TOTAL M/WBE PARTICIPATION

	This Action		Participation to Date	
	<u>Amount</u>	<u>Percent</u>	<u>Amount</u>	<u>Percent</u>
African American	\$0.00	0.00%	\$0.00	0.00%
Hispanic American	\$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	(\$352,236.72)	(1,846.27 %)	\$4,477,296.66	28.72%
Total	(\$352,236.72)	(1,846.27 %)	\$4,477,296.66	28.72%

January 11, 2017

WHEREAS, on December 12, 2007, Resolution No. 07-3794 authorized a professional services contract with Jacobs Engineering Group, Inc. for the design of Cesar Chavez Boulevard (formerly Central Expressway) from Commerce Street to Live Oak Street; and,

WHEREAS, on April 23, 2008, Resolution No. 08-1278 authorized a professional services contract with EJES, Inc. for the design of Pearl Expressway from Commerce Street to Live Oak Street; and,

WHEREAS, on April 22, 2009, Resolution No. 09-1082 authorized approval of the recommended plan for the proposed alignment of Cesar Chavez Boulevard (formerly Central Expressway) from Commerce Street to Live Oak Street from its current alignment to the proposed alignment; and,

WHEREAS, on September 8, 2010, Resolution No. 10-2321 authorized a Development and Reimbursement Agreement with the Museum of Nature and Science, an independent, 501(c)(3) non-profit foundation for the design and construction of streetscape improvements in the City's right-of-way along Field Street and the Woodall Rodgers Expressway access road, and reimbursement of engineering and design fees to the Museum of Nature and Science; and,

WHEREAS, on September 28, 2011, Resolution No. 11-2548 authorized a construction contract with Tiseo Paving Company for the construction of street paving, storm drainage, streetscape, traffic signal upgrades, water and wastewater main improvements for Cesar Chavez Boulevard (Central Expressway) from Commerce Street to Live Oak Street and Pearl Expressway from Commerce Street to Live Oak Street in the amount of \$12,473,919.31; and,

WHEREAS, on September 12, 2012, Resolution No. 12-2309 authorized Change Order No. 1 to the construction contract with Tiseo Paving Company for additional streetscape improvements on Broom Street from North Field Street to Laws Street for the Museum of Nature and Science in the amount of \$870,854.75, from \$12,473,919.31 to \$13,344,774.06; and,

WHEREAS, on October 10, 2013, Administrative Change Order No. 13-2198 authorized Change Order No. 2 to the construction contract with Tiseo Paving Company for additional streetscape improvements on Woodall Rodgers Freeway service road from North Harwood Street to Olive Street in the amount of \$49,500.00, from \$13,344,774.06 to \$13,394,274.06; and,

January 11, 2017

WHEREAS, on March 26, 2014, Resolution No. 14-0559 authorized Change Order No. 3 to the construction contract with Tiseo Paving Company for additional sidewalk improvements on Woodall Rodgers Freeway service road at Pearl Expressway, and the installation of new communication cables and traffic signal upgrades at Pearl Expressway and Cesar Chavez Boulevard in the amount of \$582,303.00, from \$13,394,274.06 to \$13,976,577.06; and,

WHEREAS, on March 26, 2014, Resolution No. 14-0560 authorized Change Order No. 4 to the construction contract with Tiseo Paving Company for additional street improvements on Taylor Street from Cesar Chavez Boulevard to Pearl Expressway at Farmers Market in the amount of \$776,713.30, from \$13,976,577.06 to \$14,753,290.36; and,

WHEREAS, on October 20, 2014, Administrative Change Order No. 14-1739 authorized Change Order No. 5 to the construction contract with Tiseo Paving Company to build and remove a temporary loading dock on Taylor Street from Cesar Chavez Boulevard to Pearl Expressway at Farmers Market in the amount of \$41,285.00, from \$14,753,290.36 to \$14,794,575.36; and,

WHEREAS, on January 29, 2015, Administrative Change Order No. 15-0221 authorized Change Order No. 6 to the construction contract with Tiseo Paving Company to reduce and add pay items for work on Taylor Street from Cesar Chavez Boulevard to Pearl Expressway at Farmers Market in the amount of \$0.00, and the contract amount will not increase; and,

WHEREAS, on April 22, 2015, Resolution No. 15-0757 authorized Change Order No. 7 to the construction contract with Tiseo Paving Company to construct a 24-inch water main along Pacific Avenue from Pearl Expressway to Cesar Chavez Boulevard in the amount of \$488,095.06, from \$14,794,575.36 to \$15,282,670.42; and,

WHEREAS, on December 9, 2015, Resolution No. 15-2274 authorized Change Order No. 8 to the construction contract with Tiseo Paving Company for additional and deductive work associated with the excavation of trash and debris in abandoned basement structures discovered during construction along Cesar Chavez Boulevard between Commerce Street and Pacific Avenue and replacement with select fill material suitable for a roadway base in the amount of \$290,205.57, from \$15,282,670.42 to \$15,572,875.99.

January 11, 2017

WHEREAS, it is now necessary to authorize Change Order No. 9 to the construction contract with Tiseo Paving Company for additional and deductive work associated with installing the proposed 30-inch water main, modification to the traffic signal poles and other associated construction items needed to complete the Cesar Chavez Boulevard / Pearl Expressway project in the amount of \$19,078.34, from \$15,572,875.99 to \$15,591,954.33.

Now, Therefore,

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

Section 1. That the City Manager is hereby authorized to execute Change Order No. 9 to the construction contract with Tiseo Paving Company for additional and deductive work associated with installing the proposed 30-inch water main, modification to the traffic signal poles and other associated construction items needed to complete the Cesar Chavez Boulevard/Pearl Expressway project in the amount of \$19,078.34, from \$15,572,875.99 to \$15,591,954.33, after it has been approved as to form by the City Attorney.

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

Street and Transportation Improvements Fund Fund 4T22, Department STS, Unit U779, Act. THRF Obj. 4510, Program #PB06U779, CT PBW06U779L1 Vendor #011466, in an amount not to exceed	\$168,379.55
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Farmers Market Fund Fund 7T40, Department PBW, Unit T820, Act. FMIM Obj. 4510, Program #PB06T820, CT PBW06U779L1 Vendor #011466, in an amount not to exceed	(\$35,818.51)
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Street and Transportation Improvements Fund Fund 8T22, Department PBW, Unit U798, Act. THRF Obj. 4510, Program #PB06U798, CT PBW06U779L1 Vendor #011466, in an amount not to exceed	(\$492,408.00)
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Street and Transportation Improvements Fund Fund 2U22, Department PBW, Unit S414, Act. SIDI Obj. 4530, Program #PB12S414, CT PBW06U779L1 Vendor #011466, in an amount not to exceed	(\$235,074.70)
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January 11, 2017

Water Construction Fund	
Fund 0102, Department DWU, Unit CW42	
Obj. 4550, Program #710047, CT DWU710047CP	
Vendor #011466, in an amount not to exceed	<u>\$614,000.00</u>
Total in an amount not to exceed	\$ 19,078.34

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.