

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: October 26, 2016

COUNCIL DISTRICT(S): 6

DEPARTMENT: Mobility and Street Services
Water Utilities

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

MAPSCO: 22G

SUBJECT

Authorize **(1)** street paving, storm drainage, water and wastewater main improvements for Goodnight Lane from Joe Field Road to Royal Lane; 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; and **(2)** a benefit assessment hearing to be held on December 14, 2016, to receive comments - Financing: No cost consideration to the City

BACKGROUND

Goodnight Lane from Joe Field Road to Royal Lane was included in the 2006 Bond Program under the category of Thoroughfares. A professional services contract for the design of this project was authorized by City Council on June 10, 2009, by Resolution No. 09-1463, and this action will authorize the project, partial payment of cost by assessment, and a benefit assessment hearing. The improvements will consist of a 44-foot wide concrete pavement with curbs, sidewalk, bike trail, drive approaches, and installation of a storm drainage system and water and wastewater main improvements.

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	October 2009
Completed Design	January 2013
Begin Construction	March 2017
Complete Construction	March 2018

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Authorized a professional services contract for engineering services on June 10, 2009, by Resolution No. 09-1463.

Authorized Supplemental Agreement No. 1 to the professional services contract for engineering on January 27, 2010, by Resolution No. 10-0330.

Information about this item will be provided to the Transportation and Trinity River Project Committee on October 24, 2016.

FISCAL INFORMATION

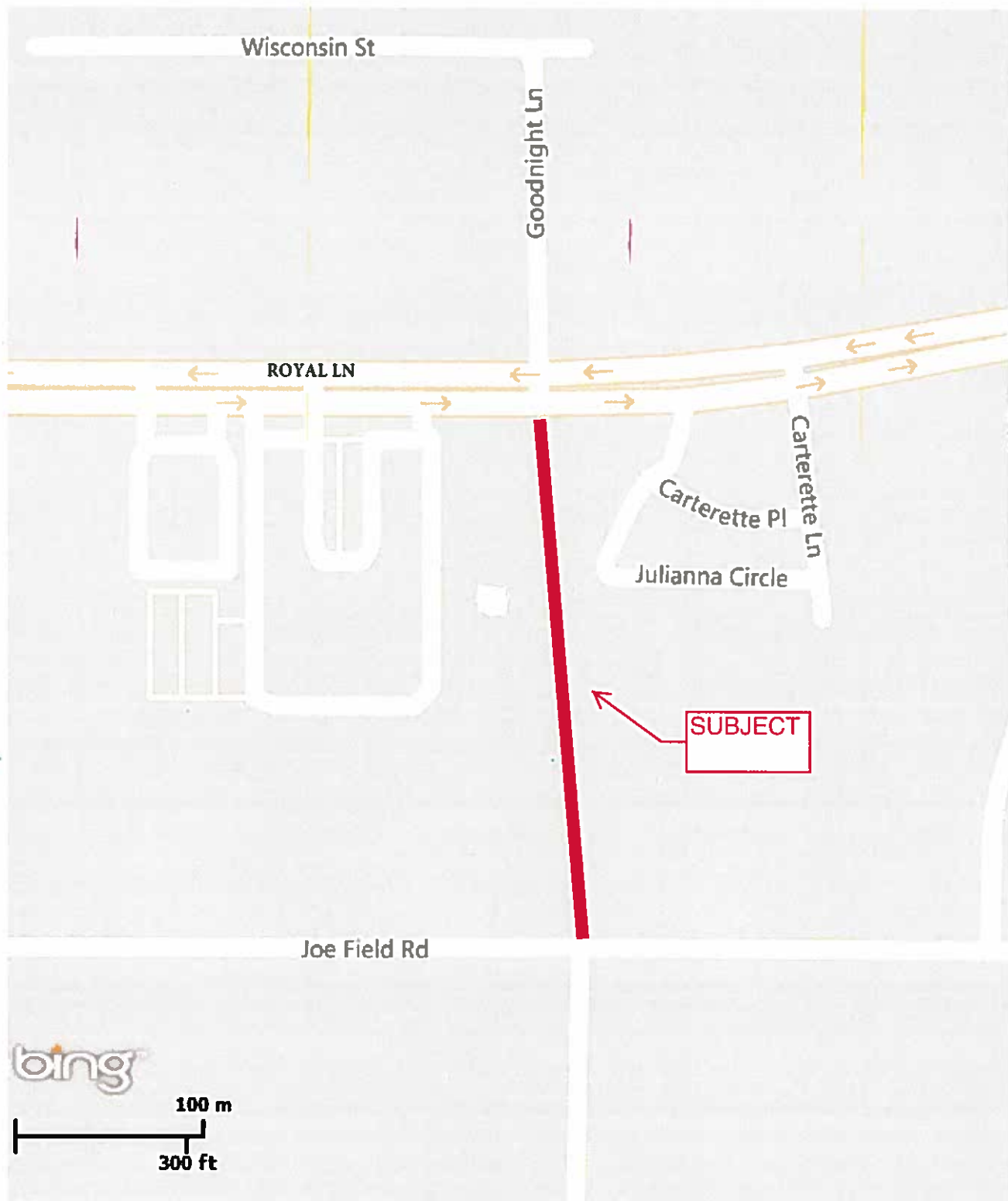
Design	\$ 216,075.00
Supplemental Agreement No. 1	\$ 53,730.00
Supplemental Agreement No. 2	\$ 21,516.00
Construction	
Paving & Drainage - PBW	\$3,266,257.00 (est.)
Water & Wastewater - WTR	\$ <u>385,262.74</u> (est.)
Total Project Cost	\$3,942,840.74 (est.)

This project does involve assessments.

MAP

Attached.

GOODNIGHT LANE FROM JOE FIELD ROAD TO ROYAL LANE PROJECT



MAPSCO 22G

October 26, 2016

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:

Goodnight Lane from Joe Field Road to Royal Lane

for a part of the cost of improving said street, 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 11-inch thick 4000-pounds per square inch reinforced concrete pavement; with 8-inch thick lime treated subgrade stabilization; with 6-inch high integral curbs; with 8-inch thick reinforced concrete drive approaches; with 4-inch thick reinforced concrete sidewalk 6 feet wide, with a 10-foot wide bike trail, so that the roadway shall be 44 feet in width; 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.

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, 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:

October 26, 2016**Goodnight Lane from Joe Field Road to Royal Lane**

shall be improved from curb to curb with 11-inch thick 4000-pounds per square inch reinforced concrete pavement; with 8-inch thick lime treated subgrade stabilization; with 6-inch high integral curbs; with 8-inch thick reinforced concrete drive approaches; with 4-inch thick reinforced concrete sidewalk 6 feet wide, with a 10-foot wide bike trail, so that the roadway shall be 44 feet in width; and

The estimated cost of the improvements is **\$3,651,519.74 (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 pavement improvements is as follows:

Where Property Classification is WSR-III (Commercial, Industrial)

The rate for 11-inch adjusted to 10-inch thick reinforced concrete pavement 22 feet wide with curb: **\$143.00/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 **14th** day of **December**, A.D. **2016**, 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

October 26, 2016

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.

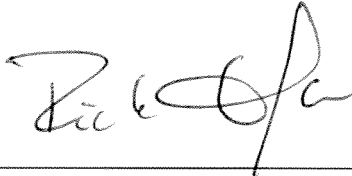
SECTION 4. That this resolution shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so resolved.

Goodnight Lane from Joe Field Road to Royal Lane

Total Property Owners' Cost - Assessments		\$74,901.69
Total Estimated City of Dallas' Cost - Paving	\$1,430,628.31	
Total Estimated City of Dallas' Cost - Drainage	\$1,760,727.00	
Total Estimated Water Utilities Department Cost Water and Wastewater Main Improvements	\$385,262.74	
Total Estimated City of Dallas' Cost		\$3,576,618.05
Total Estimated Cost of Improvements		\$3,651,519.74

The Director of Mobility and Street Services reports that Goodnight Lane from Joe Field Road to Royal Lane is being improved per the City of Dallas Thoroughfare Plan to provide access to the neighborhood and promote economic development. Taking this into consideration, plans and specifications have been prepared for these improvements. We believe that this paving will improve the properties abutting on said street, 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 & Street Services Department

KEY FOCUS AREA: Economic Vibrancy
AGENDA DATE: October 26, 2016
COUNCIL DISTRICT(S): 7
DEPARTMENT: Trinity Watershed Management
CMO: Mark McDaniel, 670-3256
MAPSCO: 47 X

SUBJECT

Authorize acquisition from David and Robert Podhrasky Investment Company, of two tracts of land containing a total of approximately 23 acres located on Barber Avenue near its intersection with Dixon Avenue for the Mill Creek/Peaks Branch/State-Thomas Drainage Relief Tunnel Project - Not to exceed \$201,933 (\$197,933 plus closing costs and title expenses not to exceed \$4,000) - Financing: 2006 Bond Funds

BACKGROUND

This item authorizes the acquisition of two tracts of land containing a total of approximately 23 acres improved with a single family residence and miscellaneous out-buildings, from David and Robert Podhrasky Investment Company. Future relocation assistance may be required. Both tracts of land are located on Barber Avenue near its intersection with Dixon Avenue and will be used for the Mill Creek/Peaks Branch/State-Thomas Drainage Relief Tunnel Project. The consideration is based upon an independent appraisal, reviewed and adjusted by staff.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Information about this item will be provided to the Transportation and Trinity River Project Committee on October 24, 2016.

FISCAL INFORMATION

2006 Bond Funds - \$201,933 (\$197,933 plus closing costs and title expenses not to exceed \$4,000)

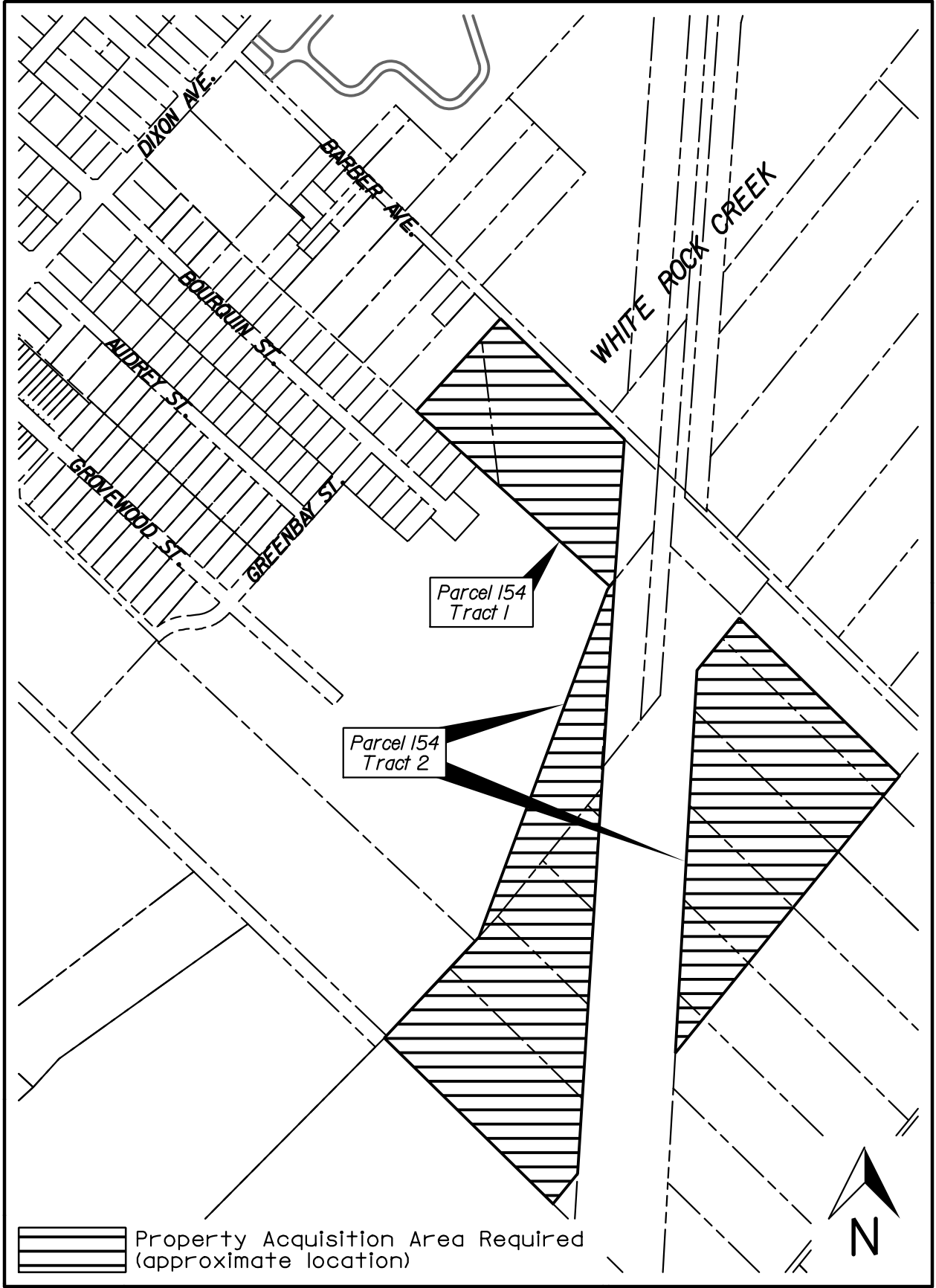
OWNER

David and Robert Podhrasky Investment Company

David Podhrasky, Partner
Robert Podhrasky, Partner

MAP

Attached



DIXON AVE.

BARBER AVE.

BOIEQUIN ST.

AUDEZ ST.

GREENWOOD ST.

GREENBAY ST.

WHITE ROCK CREEK

Parcel 154
Tract 1

Parcel 154
Tract 2

 Property Acquisition Area Required
(approximate location)



October 26, 2016

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

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

"USE": Utility relocation and land area to support tunnel construction and operation, 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": David and Robert Podhrasky Investment Company, a Texas general partnership, 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": \$197,933.00

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

"AUTHORIZED AMOUNT": Not to exceed \$201,933.00

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

October 26, 2016

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 payable out of Flood Protection & Storm Drainage Facilities Funds, Fund No. 3T23, Department TWM, Unit T525, Activity SDRS, Program No. PB06T525, Object 4210, Encumbrance No. TWM06T525H11, CLOSING COSTS AND TITLE EXPENSES payable out of Flood Protection & Storm Drainage Facilities Funds, Fund No. 3T23, Department TWM, Unit T525, Activity SDRS, Program No. PB06T525, Object 4230, Encumbrance No. TWM06T525H12. The PURCHASE AMOUNT, CLOSING COSTS and TITLE EXPENSES together shall not exceed the AUTHORIZED AMOUNT.

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

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

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

BY 
Assistant City Attorney

EXHIBIT A

TRACT I

City of Dallas Drawing No. 423R-54 (Parcel 154)
Description of a 4.8041 Acres (209,268 Sq. Ft.)

Tract to be Acquired

Part of Lot 10, Block 7/6122,
South Dallas Gardens Addition
City of Dallas Block 7/6122

Thomas Lagow Survey, Abstract No. 759

City of Dallas, Dallas County, Texas

From David & Robert Podhrasky Investment Company

Being situated in the Thomas Lagow Survey, Abstract Number 759, Dallas County Texas, and being part of Lot 10, Block 7 (Block 7/6122, Official City of Dallas Block Numbers) of the South Dallas Gardens addition, an addition to the City of Dallas dated June 14, 1913, and recorded in Volume 1, Page 448, of the Map Records of Dallas County, Texas, and being Part of the property conveyed to David and Robert Podhrasky Investment Company by Warranty Deed dated February 8, 2011, recorded in Instrument No. 201100045304 of the Official Deed Records of Dallas County, Texas and being more particularly described as follows:

NOTE: No corners have been monumented. All Coordinates are State Plane on Grid Values. All Distances are surface distances. Surface adjustment scale factor: 1.0001365060.

BEGINNING at a point, having coordinates of N= 6964870.0739, E= 2511776.1136, being the most westerly corner of said Lot 10, Block 7/6122, being the common south corner with Lot 11, of said Block 7/6122, being in the northeast line of Lot 16, Block B/7999 of the Sunny Acres Addition, an addition to the City of Dallas dated January 24, 1957, and recorded in Volume 32, Page 175, of the Map Records of Dallas County, Texas, and being the west corner of said Podhrasky tract;

THENCE North 42°22'50" East, departing said northeast line of said Sunny Acres Addition and along the common southeast line of Lot 11, and said Lot 10, Block 7/6122, a distance of 350.54 feet, to a point, having coordinates of N=6965128.9765 E=2512012.3630, being the common corner of said Lot 11, Block 7/6122 and said Lot 10, Block 7/6122, and being in the southwest right-of-way line of Barber Road (30' Right-of-way), dedicated by Volume 1, Page 448;

THENCE South 45°49'30" East, departing the said common corner and along the southwest right-of-way line of said Barber Street and along the northeast line of said Lot 10, Block 7/6122, a distance of 484.47 feet, to a point having coordinates of N= 6964791.4182, E= 2512359.7850, being in the northeast line of said Lot 10, Block 7/6122, being in the southwest line of said Barber Street, and being the northwest corner of a tract of land conveyed to Dallas Power and Light by Deed recorded by Volume 1671, Page 195 of the Deed Records of Dallas County, Texas;

THENCE South 04°00'14" West, departing the said southeast Right-of-way line of said Barber Street and departing the northeast line of said Lot 10, Block 7/6122, and over and across said Lot 10, Block 7/6122, and along the west line of said DP&L tract, a distance of 393.57 feet, to a point having coordinates of N= 6964398.8605, E= 2512332.3078, being in the southwest line of said Lot 10, Block 7/6122, being in the west line of said DP&L tract and being in the northeast line of Lot 9, of said Block 7/6122;

THENCE South 38°58'41" West, departing the west line of said DP&L tract and along the common northeast line of said Lot 9, Block 7/6122, and the southwest line of said Lot 10, Block 7/6122, a distance of 23.93 feet, to a point having coordinates of N= 6964380.2569,



FIELD NOTES APPROVED:

JGR 1-2-16

EXHIBIT A

City of Dallas Drawing No. 423R-54 (Parcel 154)

Description of a 4.8041 Acres (209,268 Sq. Ft.)

Tract to be Acquired

Part of Lot 10, Block 7/6122,

South Dallas Gardens Addition

City of Dallas Block 7/6122

Thomas Lagow Survey, Abstract No. 759

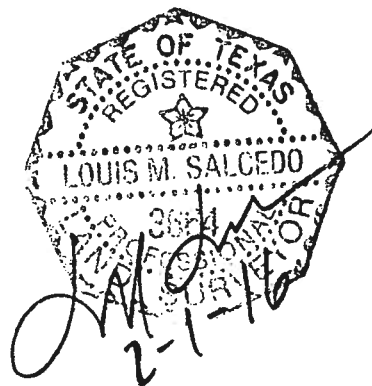
City of Dallas, Dallas County, Texas

From David & Robert Podhrasky Investment Company

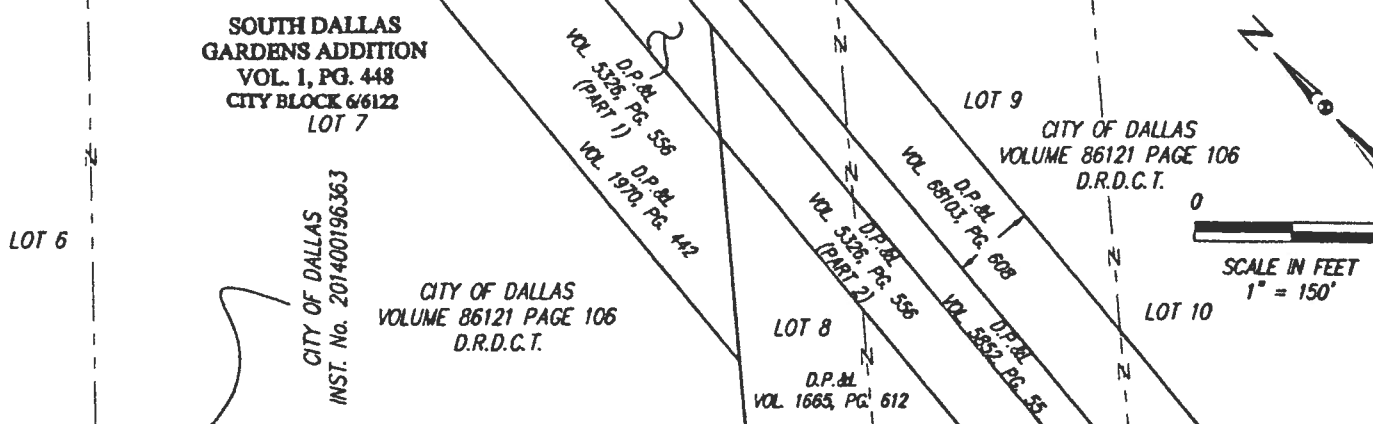
E= 2512317.2548, being the common south corner of said Lot 10, Block 7/6122, and the east corner of said Lot 9, Block 7/6122;

THENCE North 47°51'00" West, departing said common corner and along the southeast line of said Lot 10, Block 7/6122, and along the northeast line of said Sunny Acres Addition, a distance of 730.00 feet, to the POINT OF BEGINNING, and containing 209,268 square feet or 4.8041 acres of land, more or less.

BASIS OF BEARING: State Plane Coordinate System, Texas North Central Zone (4202), North American Datum of 1983. All Coordinates are State Plane on Grid Values. All Distances are surface distances. Surface adjustment scale factor: 1.0001365060.



FIELD NOTES APPROVED:
PER 1-2-16



SOUTH DALLAS GARDENS ADDITION
VOL. 1, PG. 448
CITY BLOCK 6/6122
LOT 7

CITY OF DALLAS
INST. No. 201400196363

CITY OF DALLAS
VOLUME 86121 PAGE 106
D.R.D.C.T.

D.P.&L
VOL. 1665, PG. 612

LOT 9

CITY OF DALLAS
VOLUME 86121 PAGE 106
D.R.D.C.T.

LOT 10

BARBER STREET (30' R.O.W.) 30' (VOL. 1, PG. 448)

LOT 11

CITY OF DALLAS
INST. No. 201400256747

N= 6965128.9765
E= 2512012.3630

484.47
S 45°49'30" E

N= 6964791.4182
E= 2512359.7850

D.P.&L
VOL. 5689, PG. 348
(PART ONE)

SOUTH DALLAS GARDENS ADDITION
VOL. 1, PG. 448

LOT 10
CITY BLOCK 7/6122

PARCEL 154
TRACT TO BE ACQUIRED
209,268 SQ.FT.
4.8041 ACRES

S 04°00'14" W
381.57' W

LOT 9
CITY BLOCK 7/6122

DAVID &
ROBERT PODHRASKY
INVESTMENT COMPANY
INST. No. 201100045304

THOMAS LAGOW SURVEY
ABSTRACT NUMBER 759

N= 6964398.8605
E= 2512337.3078

N= 6964870.0739
E= 2511776.1116
POINT OF BEGINNING

730.00' W
N 47°51'00" W

23.93'
S 38°58'41" W

N= 6964380.2569
E= 2512317.2548

CITY BLOCK 7/6122

SUBDIVISION S 47°51' E
44.86'

130.73' CITY BLOCK B/7999

LOT 28 LOT 29

LOT 15

LOT 16

LOT 17

LOT 18

LOT 19

LOT 20

LOT 21

SUNNY ACRES ADDITION
VOL. 32, PG. 175

CITY OF DALLAS
VOL. 80250, PG. 1626
VOL. 80250, PG. 1622
VOL. 80250, PG. 1584

CITY BLOCK 7999
(UNPLATTED)

GREENBAY (50' R.O.W.)

LINE TYPE LEGEND

- PROPERTY LINE
- PROPERTY ACQUISITION
- COMMON OWNER LOT LINE
- LOT LINE
- SUBDIVISION LINE

LEGEND

- CM CONTROLLING MONUMENT
- IRF ○ IRON ROD FOUND (SIZE AS NOTED)
- VOL. XX, PG. XX VOLUME XX, PAGE XX
- INTS. No. INSTRUMENT NUMBER
- FX ○ FOUND "X" CUT IN CONCRETE
- DAVID AND ROBERT PODHRASKY INVESTMENT COMPANY
INST. No. 201100045304

GENERAL NOTES

1. BASIS OF BEARING
STATE PLANE COORDINATE SYSTEM,
TEXAS NORTH CENTRAL ZONE (4202),
NORTH AMERICAN DATUM OF 1983. ALL
COORDINATES ARE STATE PLANE ON GRID
VALUES. ALL DISTANCES ARE SURFACE
DISTANCES. SURFACE ADJUSTMENT
SCALE FACTOR : 1.0001385060.



DATE OF LAST FIELD INSPECTION: 11-07-2013 Sheet 3 of 3

CITY OF DALLAS DRAWING NO. 423R-54 (Parcel 154)
209,268 Sq. Ft. or 4.8041 Acres
CITY OF DALLAS BLOCK 7/6122
PART OF LOT 10, BLOCK 7,
SOUTH DALLAS GARDENS ADDITION
Thomas Lagow Survey, Abstract No. 759
City of Dallas, Dallas County, Texas
From David & Robert Podhrasky Investment Company




Civil Engineers - Surveyors
TBPLS FIRM No. 10070800
TBPE FIRM No. 5482
PHONE: (214) 941-8610

Field Notes Describing A 780,029 Square Foot (17.907 Acre)
Tract of Land To Be Acquired in Block 7/6122
From the David and Robert Podhrasky Investment Company

Being situated in the Thomas Lagow Survey, Abstract No. 759, in the City of Dallas, Dallas County, Texas, and being all of Lots 1,2,3,4,5,6,7,8 and 9, Block 7 (Block 7/6122, Official City of Dallas Block Numbers) of the South Dallas Gardens Addition, an addition to the City of Dallas Recorded in Volume 1, Page 448 of the Map Records of Dallas County, Texas, **SAVE AND EXCEPT** that portion of said lots conveyed to Dimitrios N. Tsevoukas, et al and those portions conveyed to ONCOR Electric Delivery Company (successor in title to the Dallas Power and Light Company) by various deeds, as shown on the drawing attached hereto and made a part hereof, and being all of that property conveyed to The David and Robert Podhrasky Investment Company by deed dated January 1, 2011 and recorded in Instrument Number 201100045304 of the Official Public Records of Dallas County, Texas and containing approximately 780,029 Square Feet, or 17.907 Acres of land, according to the plat thereof.

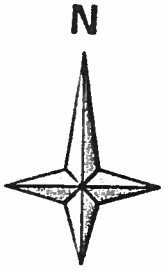
This description is approved as to form.



Scott Holt, RPLS
Survey Program Manager



Date:



10
David and Robert Podhrasky
Investment Company
Int. #201100045304

EXHIBIT A

South Dallas Gardens Addition
Volume 1, Page 448

TRACT II

BLOCK
66122

City of Dallas
V.86121, P.106

City of Dallas
V.80250, P.1584

BLOCK
7999

399,315 Sq. Ft.
(9.167 Ac.)
To Be Acquired

City of Dallas
V.74188, P.148

David and Robert Podhrasky
Investment Company
Int. #201100045304

BLOCK
76122

BLOCK
76122

David and Robert Podhrasky
Investment Company
Int. #201100045304

380,714 Sq. Ft.
(8.740 Ac.)
To Be Acquired

Dimitrios N. Tsevoukas, et al.
Vol. 77091, Pg. 2983

Rusom Tsegu
V.95242, P. 2928

Thomas Lagow Survey
Abstract No. 759

DP&L V. 1656, P. 369
DP&L V. 5483, P. 557
DP&L V. 77018, P. 1691

DP&L: V. 1671, P. 190

DP&L: V. 5259, P. 190

DP&L: V. 76204, P. 1283

DP&L V. 5851, P. 377

DP&L V. 5689, P. 348

DP&L: V. 5725, P. 543

City of Dallas
Vol. 2004218, Pg. 7978

Sheet 2 of 2

PROPERTY ACQUISITION			
MHE Creek / Peaks Branch Drainage Improvements			
Lower White Rock Creek			
DEPT. OF PUBLIC WORKS & TRANSPORTATION			
SURVEY DIVISION CITY OF DALLAS, TEXAS			
OPERNAME	DESIGN FILE NAME	SCALE	DATE
S. Holt	R:\DWG\DWG\HOLT\Draws & Record\Prop-4p	As Noted	2-29-16
PARTY CHIEF	CALCULATIONS	FOLDER	FILE NO.
S. Holt	S. Holt	Block 74122	041D-79

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

WARRANTY DEED

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

That David and Robert Podhrasky Investment Company, a Texas general partnership (hereinafter called "Grantor" whether one or more natural persons or legal entities) of the County of Dallas, State of Texas, for and in consideration of the sum of ONE HUNDRED NINETY-SEVEN THOUSAND NINE HUNDRED THIRTY-THREE AND 00/100 DOLLARS (\$197,933.00) to the undersigned in hand paid by the **City of Dallas, 1500 Marilla Street, Dallas, Texas, 75201**, a Texas municipal corporation (hereinafter called "City"), the receipt of which is hereby acknowledged and confessed, has granted, sold and conveyed and does hereby grant, sell and convey unto City, its successors and assigns, all of the property described in Exhibit "A", attached hereto and made a part hereof by reference for all purposes.

SPECIAL PROVISIONS: NONE.

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

EXECUTED this _____ day of _____, _____.

David and Robert Podhrasky Investment Company,
a Texas general partnership.

David Podhrasky, Partner

Robert Podhrasky, Partner

* * * * *

STATE OF TEXAS '
COUNTY OF DALLAS '

This instrument was acknowledged before me on _____ by David Podhrasky, partner, on behalf of David and Robert Podhrasky Investment Company, a Texas general partnership.

Notary Public, State of Texas

* * * * *

STATE OF TEXAS '
COUNTY OF DALLAS '

This instrument was acknowledged before me on _____ by Robert Podhrasky, partner, on behalf of David and Robert Podhrasky Investment Company, a Texas general partnership.

Notary Public, State of Texas

* * * * *

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

Warranty Deed Log No. MC154

KEY FOCUS AREA: Economic Vibrancy
AGENDA DATE: October 26, 2016
COUNCIL DISTRICT(S): All
DEPARTMENT: Trinity Watershed Management
CMO: Mark McDaniel, 670-3256
MAPSCO: N/A

SUBJECT

Authorize **(1)** acceptance of an annual grant from the Federal Emergency Management Agency (FEMA) for the Cooperating Technical Partners (CTP) program; **(2)** execution of a CTP Agreement with FEMA for FY 2016-17 to provide a 75% cost share for updating certain flood studies in the City of Dallas; **(3)** the receipt and deposit of funds in an amount not to exceed \$869,250 from FEMA; **(4)** establishment of appropriations in the amount of \$869,250 in the FEMA Cooperating Technical Partnership Fund; **(5)** a local cash match of \$289,750 for the FY 2016-17; and **(6)** Supplemental Agreement No. 2 to the contract with Halff Associates, Inc., in the amount of \$1,159,000, from \$1,792,667 to \$2,951,667, for updating certain flood studies in accordance with the CTP Agreement with FEMA for FY 2016-17 - Total not to exceed \$1,159,000 - Financing: Stormwater Drainage Management Capital Construction Funds (\$289,750) and FEMA Cooperating Technical Partnership Funds (\$869,250)

BACKGROUND

The Cooperating Technical Partners (CTP) program is FEMA's approach to creating partnerships between FEMA and participating National Flood Insurance Program (NFIP) communities to improve the flood hazard mapping program. In this program, FEMA provides a grant for 75% of the cost of the project while the participating city is responsible for the remaining 25%. In March 2010, the City of Dallas submitted an application for the CTP program, which included a five-year plan to update several outdated flood studies for multiple streams. The application was subsequently approved by FEMA. The original five-year plan was amended since the grant amount from FEMA each year was less than the amount necessary to perform all of the work within the initial five years.

On November 10, 2010, City Council approved year one (FY 2010-2011) which included three streams within the Joe's Creek watershed and eleven streams within the White Rock Creek watershed.

BACKGROUND (Continued)

On September 14, 2011, City Council approved Supplemental Agreement No. 1 for year two (FY 2011-2012) which included nine tributaries of White Rock Creek and Honey springs Branch.

On November 14, 2012, City Council approved Supplemental Agreement No. 2 for year three (FY 2012-2013) which included detailed studies of Ash Creek and South Fork of Ash Creek, Stream 5B1, 5B2, 5B3, 5B5, 5B6, 5B9 and Forney Branch.

On November 12, 2013, City Council approved Supplemental Agreement No. 3 for year four (FY 2013-2014) which included a connectivity model for White Rock Creek, Stream 4B5, and several tributaries of Five Mile Creek.

On November 12, 2014, City Council approved a new contract with Halff, based on selection in 2014, for year five (FY 2014-2015) which included Woody Branch and eight tributaries, Rickett's Branch and five tributaries, and Ledbetter Branch and one tributary.

On October 28, 2015, City Council approved Supplemental Agreement No. 1 for year six (FY 2015-2016) which included Five Mile Creek and several tributaries, Fish Creek and Cottonwood Creek (Mountain Creek Lake tributaries) and Delaware Creek (West Fork Trinity River tributary).

The FY 2016-17 plan includes Mountain Creek main stem and tributaries, and West Levee and East Levee Sumps. The total cost of this project is \$1,159,000, of which FEMA is reimbursing \$869,250 to the City through its grant program, and the City is ultimately responsible for \$289,750. The City is using Halff Associates, Inc., to perform the work. Halff Associates, Inc. was selected to perform the work for a three-year period, of which this is year three.

Participation in the CTP program allows Dallas to update its flood hazard mapping at substantial savings, since FEMA funds the larger share of the cost of the projects.

This action will authorize the execution of the CTP agreement with FEMA and authorize Supplemental Agreement No. 2 to the contract with Halff Associates, Inc., for updating the flood studies in accordance with the CTP agreement for FY 2016-17.

ESTIMATED SCHEDULE OF PROJECT

Begin Study	November 2016
Complete Study	September 2017

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Authorized CTP FY 2010-2011, receipt of grant funds, increase in appropriations, and a contract with Halff Associates, Inc., on November 10, 2010, by Resolution No. 10-2822.

Authorized CTP FY 2011-2012, receipt of grant funds, increase in appropriations, and authorized Supplemental Agreement No. 1 with Halff Associates, Inc., on September 14, 2011, by Resolution No. 11-2457.

Authorized CTP FY 2012-2013, receipt of grant funds, increase in appropriations, and authorized Supplemental Agreement No. 2 with Halff Associates, Inc., on November 14, 2012, by Resolution No. 12-2767.

Authorized CTP FY 2013-2014, receipt of grant funds, increase in appropriations, and authorized Supplemental Agreement No. 3 with Halff Associates, Inc., on November 12, 2013, by Resolution No. 13-1958.

Authorized CTP FY 2014-2015, receipt of grant funds, increase in appropriations, and authorized a contract with Halff Associates, Inc., on November 12, 2014, by Resolution No. 14-1934.

Authorized CTP FY 2015-2016, receipt of grant funds, increase in appropriations, and authorized a contract with Halff Associates, Inc., on October 28, 2015, by Resolution No. 15-1978.

Information about this item will be provided to the Transportation and Trinity River Project Committee on October 24, 2016.

FISCAL INFORMATION

Stormwater Drainage Management Capital Construction Funds - \$289,750
FEMA Cooperating Technical Partnership Funds - \$869,250

M/WBE INFORMATION

See attached.

ETHNIC COMPOSITION

Halff Associates, Inc.

Hispanic Female	24	Hispanic Male	85
Black Female	8	Black Male	14
Other Female	7	Other Male	15
White Female	105	White Male	332

OWNER

Half Associates, Inc.

Jessica Baker, P.E.,CFM, PMP, Vice President

BUSINESS INCLUSION AND DEVELOPMENT PLAN SUMMARY

PROJECT: Authorize **(1)** acceptance of an annual grant from the Federal Emergency Management Agency (FEMA) for the Cooperating Technical Partners (CTP) program; **(2)** execution of a CTP Agreement with FEMA for FY 2016-17 to provide a 75% cost share for updating certain flood studies in the City of Dallas; **(3)** the receipt and deposit of funds in an amount not to exceed \$869,250 from FEMA; **(4)** establishment of appropriations in the amount of \$869,250 in the FEMA Cooperating Technical Partnership Fund; **(5)** a local cash match of \$289,750 for the FY 2016-17; and **(6)** Supplemental Agreement No. 2 to the contract with Halff Associates, Inc., in the amount of \$1,159,000, from \$1,792,667 to \$2,951,667, for updating certain flood studies in accordance with the CTP Agreement with FEMA for FY 2016-17 - Total not to exceed \$1,159,000 - Financing: Stormwater Drainage Management Capital Construction Funds (\$289,750) and FEMA Cooperating Technical Partnership Funds (\$869,250)

Halff 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 - THIS ACTION ONLY

	<u>Amount</u>	<u>Percent</u>
Local contracts	\$1,159,000.00	100.00%
Non-local contracts	\$0.00	0.00%
TOTAL THIS ACTION	\$1,159,000.00	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>
Garcia Land Data, Inc.	HMMB64109N0217	\$307,800.00	26.56%
Total Minority - Local		\$307,800.00	26.56%

Non-Local Contractors / Sub-Contractors

None

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	\$307,800.00	26.56%	\$768,800.00	26.05%
Asian American	\$0.00	0.00%	\$0.00	0.00%
Native American	\$0.00	0.00%	\$0.00	0.00%
WBE	\$0.00	0.00%	\$0.00	0.00%
Total	<u>\$307,800.00</u>	<u>26.56%</u>	<u>\$768,800.00</u>	<u>26.05%</u>

October 26, 2016

WHEREAS, on August 10 2016, the Federal Emergency Management Agency (FEMA) approved Cooperating Technical Partners (CTP) program funding at \$869,250 (75%) for the City of Dallas for FY 2016-17; and

WHEREAS, the City of Dallas will be responsible for the remaining \$289,750 (25%) per the Federal Emergency Management Agency (FEMA) Cooperating Technical Partners (CTP) Agreement; and

WHEREAS, Halff Associates, Inc., developed the multi-year plan required for the CTP application and was selected to perform the work required by the FY 2016-17 plan.

Now, Therefore,

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

Section 1. That the City Manager is hereby authorized to **(1)** accept an annual grant from the Federal Emergency Management Agency (FEMA) (Grant No. EMT-2016-CA-00028-S01/CFDA No. 97.045) for the Cooperating Technical Partners (CTP) program in an amount not to exceed \$869,250 for 75% federal funds cost share with the City of Dallas for updating certain flood studies for FY 2016-17; **(2)** provide a local cash match in the amount of \$289,750; and **(3)** execute the CTP Agreement with FEMA after it has been approved as to form by the City Attorney.

Section 2. That the City Manager is hereby authorized to establish appropriations in Fund F508, Dept. TWM, Unit 2062, Object code 3070, in an amount not to exceed \$869,250.

Section 3. That the Chief Financial Officer is hereby authorized to deposit funds from FEMA in an amount not to exceed \$869,250 in Fund F508, Dept. TWM, Unit 2062, Revenue Source 6506.

Section 4. That the City Manager is hereby authorized to execute Supplemental Agreement No. 2 to the contract with Halff Associates, Inc., for updating certain flood studies in accordance with the CTP Agreement with FEMA for Fiscal Year 2016-17, after it has been approved as to form by the City Attorney.

Section 5. That the Chief Financial Officer is hereby authorized to disburse grant funds and local match funds in accordance with the terms and conditions of the contract from:

Stormwater Drainage Management Capital Construction Fund
Fund 0063 Dept. SDM, Unit W139, Act. SD01
Obj. 3070, Program No. PBSWM004, CT SDMW139VS11
Vendor No. 089861, in an amount not to exceed \$289,750

October 26, 2016

Section 5. (Continued)

FY 16 FEMA Region VI CTP Fund
Fund F508, Dept. TWM, Unit 2062, Act. PB40
Obj. 3070, Program No. PBSWM004, CT PBWSWM004A1
Vendor No. 089861, in an amount not to exceed \$869,250

Section 6. That the City Manager is hereby authorized to reimburse FEMA any expenditure identified as ineligible. The City Manager shall notify the appropriate City Council Committee of expenditures identified as ineligible not later than 30 days after the reimbursement.

Section 7. That the City Manager shall keep the appropriate City Council Committee informed of all final FEMA monitoring reports not later than 30 days after the receipt of the report.

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.

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: October 26, 2016

COUNCIL DISTRICT(S): 7

DEPARTMENT: Trinity Watershed Management
Water Utilities

CMO: Mark McDaniel, 670-3256

MAPSCO: 57 T U

SUBJECT

Authorize an increase in the contract with Rebcon, Inc. for additional work associated with the construction of paving, drainage, water and wastewater improvements for Elam Road and shared-use path west of Pemberton Hill Road - Not to exceed \$211,402, from \$2,870,718 to \$3,082,120 - Financing: Capital Construction Funds (\$206,576) and Water Utilities Capital Construction Funds (\$4,826)

BACKGROUND

On April 9, 2014, City Council authorized a professional services contract with Pacheco Koch Consulting Engineers, Inc. to provide engineering design for infrastructure improvements that include Elam Road paving and drainage, water and wastewater improvements, traffic improvements along Great Trinity Forest Boulevard, Audubon Center Irrigation System improvements, and vegetative support layer improvements for Elam and South Loop 12 Landfills.

Elam Road improvements call for the construction of approximately 2,000 feet of two 12-foot lanes west of Pemberton Hill Road and Elam Road intersection, 10-12 feet shared-use path, lighting, drainage upgrades and water and wastewater mains.

On March 23, 2016, City Council authorized a contract with Rebcon, Inc. for the construction of Elam Road and shared-use path west of Pemberton Hill Road. During construction, a conflict with an existing storm sewer pipe was encountered in the field. Change Order No. 1 will provide for the removal and replacement of an existing storm sewer pipe as well as the removal of silt build-up from an adjacent storm sewer pipe to help maintain drainage. In addition, this Change Order calls for modifying the proposed fence pipe from three feet to five feet, and increase the width of the proposed shared use path north of Elam Road from ten feet to twelve feet.

BACKGROUND (Continued)

This action will authorize Change Order No. 1 to the contract with Rebcon, Inc. for the aforementioned additional work associated with the construction of paving, drainage, water and wastewater improvements for Elam Road and shared-use path west of Pemberton Hill Road.

ESTIMATED SCHEDULE OF PROJECT

Began Design	April 2014
Completed Design	December 2015
Began Construction	April 2016
Complete Construction	December 2016

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Authorized acquisition of approximately 61 acres from Weir Bros, Partners, L.L.C. out of the above referenced 111 acres tract on April 28, 2004, by Resolution No. 04-1416.

Authorized acquisition of approximately 1,415 acres from Metropolitan Sand & Gravel Co., L.L.C. on February 13, 2008, by Resolution No. 08-0398.

Authorized settlement in lieu of proceeding further with condemnation for the acquisition of approximately 1,415 acres of land located near the intersection of Loop 12 and Pemberton Hill Road from Metropolitan Sand and Gravel Company, L.L.C. or its successor, and approximately 111 acres of land located near the intersection of Linfield Road and Hull Avenue from Weir Bros. Partners, L.L.C., for the Trinity River Corridor Project on May 28, 2008, by Resolution No. 08-1591.

Authorized a professional services contract with Terracon Consultants, Inc., on October 22, 2008, by Resolution No. 08-2874.

Authorized a lease agreement with the nonprofit corporation, Company of Trinity Forest Golfers, Inc. (CTFG) responsible for development, management and operation of a championship golf course on May 15, 2013, by Resolution No. 13-0776.

Authorized a professional services contract with Pacheco Koch Consulting Engineering, Inc. for engineering design services for improvements associated with Elam Road and Simpkins Remediation on April 9, 2014, by Resolution No. 14-0627.

Authorized construction contract with Rebcon, Inc. for the construction of paving, drainage, water and wastewater improvements for Elam Road and shared-use path west of Pemberton Hill Road, on March 23, 2016, by Resolution No. 16-0453.

Information about this item will be provided to the Transportation and Trinity River Project Committee on October 24, 2016.

FISCAL INFORMATION

Capital Construction Funds - \$206,575.46
Water Utilities Capital Construction Funds - \$4,826.00

Engineering Design	\$ 279,020.00
Construction	\$2,870,718.40
Change Order No. 1 (this action)	<u>\$ 211,401.46</u>
Total Project Cost	\$3,361,139.86

M/WBE INFORMATION

See attached.

ETHNIC COMPOSITION

Rebcon, Inc.

Hispanic Female	6	Hispanic Male	21
African-American Female	0	African-American Male	1
Other Female	2	Other Male	3
White Female	11	White Male	61

OWNER

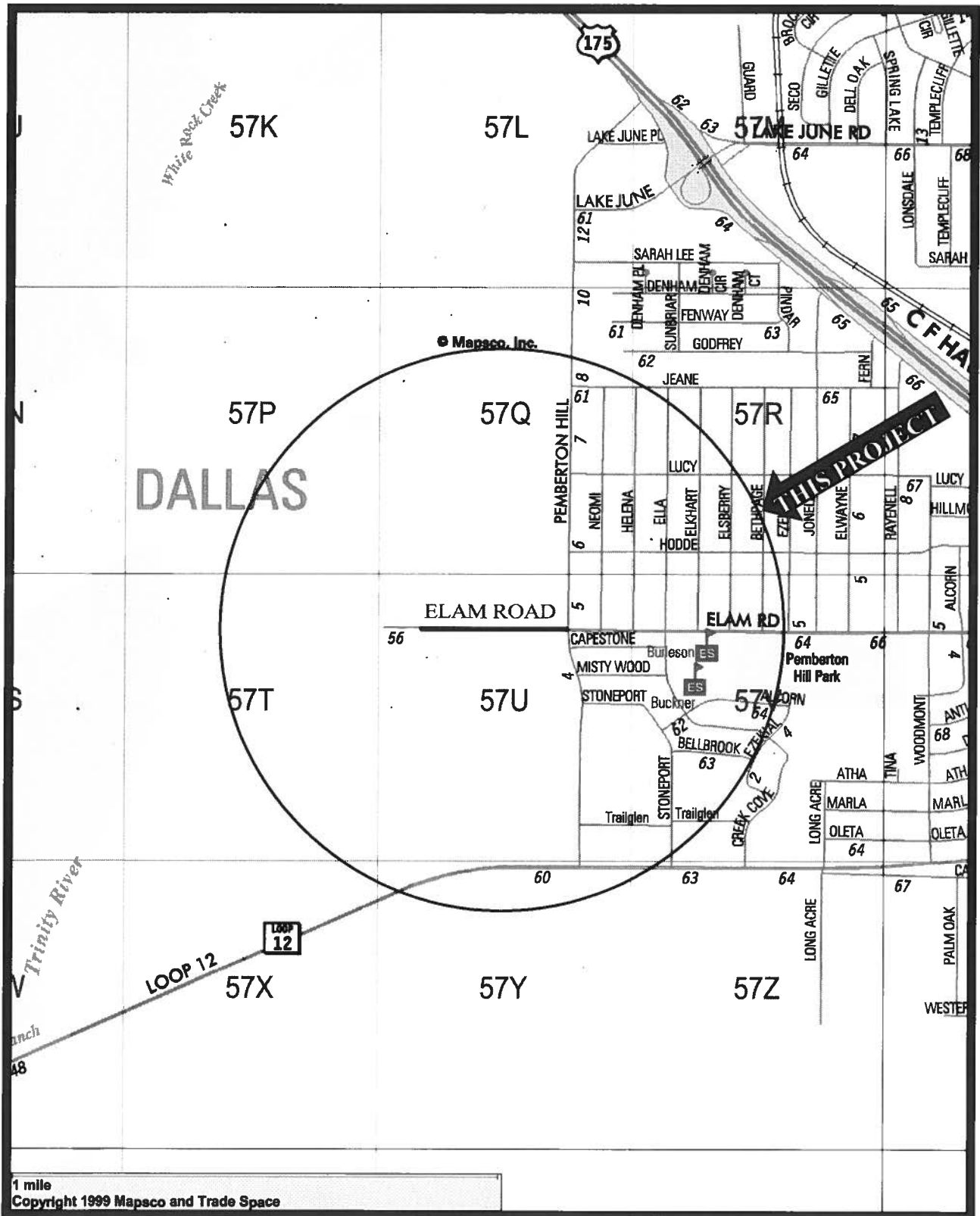
Rebcon, Inc.

Danny Krieg, Vice President

MAP

Attached

ELAM ROAD



MAPSCO 57-U & 57-T

BUSINESS INCLUSION AND DEVELOPMENT PLAN SUMMARY

PROJECT: Authorize an increase in the contract with Rebcon, Inc. for additional work associated with the construction of paving, drainage, water and wastewater improvements for Elam Road and shared-use path west of Pemberton Hill Road - Not to exceed \$211,402, from \$2,870,718 to \$3,082,120 - Financing: Capital Construction Funds (\$206,576) and Water Utilities Capital Construction Funds (\$4,826)

Rebcon, Inc. 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	\$189,706.46	89.74%
Non-local contracts	\$21,695.00	10.26%
TOTAL THIS ACTION	\$211,401.46	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>
T & R Excavation	HMDB23857Y1216	\$5,374.70	2.83%
Total Minority - Local		\$5,374.70	2.83%

Non-Local Contractors / Sub-Contractors

<u>Non-local</u>	<u>Certification</u>	<u>Amount</u>	<u>Percent</u>
Latham Fence	BMDFW125350917	\$21,695.00	100.00%
Total Minority - Non-local		\$21,695.00	100.00%

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	\$21,695.00	10.26%	\$0.00	0.00%
Hispanic American	\$5,374.70	2.54%	\$419,223.00	14.60%
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%	\$79,682.25	2.78%
Total	\$27,069.70	12.80%	\$498,905.25	17.38%

October 26, 2016

WHEREAS, on May 28, 2008, Resolution No. 08-1591 authorized settlement in lieu of proceeding further with condemnation for the acquisition of approximately 1,415 acres of land located near the intersection of Loop 12 and Pemberton Hill Road from Metropolitan Sand and Gravel Company, L.L.C. or its successor, and approximately 111 acres of land located near the intersection of Linfield Road and Hull Avenue from Weir Bros. Partners, L.L.C., for the Trinity River Corridor Project; and,

WHEREAS, on May 28, 2008, Resolution No. 08-1591 authorized the City Attorney to assume, on behalf of the City, the responsibility for the costs to remediate environmental conditions on the Metropolitan Tract and the Linfield Tract known by the City as of the date the settlement closed, and to waive any right to contribution for those costs from Metropolitan Sand and Gravel Co., L.L.C. and Weir Brothers Partners, L.L.C., including their officers, successors, and assigns; and,

WHEREAS, Terracon Consultants Inc., conducted a Phase I Environmental Site Assessment on August 24, 2005. In addition, Terracon also prepared a Limited Solid Waste Evaluation Report on October 12, 2005, a Limited Site Investigation on January 8, 2008, and a Methane and Landfill Cap Evaluation and Proposed Response Actions on January 30, 2008. Based on the preliminary investigation and findings, Terracon Consultants, Inc. recommended further detailed investigation and assessment, before remedial designs were prepared; and,

WHEREAS, on October 22, 2008, Resolution No. 08-2874 authorized a professional services contract with Terracon Consultants Inc., for detailed environmental investigation, assessment, remedial designs, and coordination with TCEQ, in an amount not to exceed \$814,464.00, and,

WHEREAS, on May 15, 2013, Resolution No. 13-0776 authorized a lease agreement with the nonprofit corporation, Company of Trinity Forest Golfers, Inc. (CTFG) for development, management and operation of a championship golf course; and

WHEREAS, on April 9, 2014, Resolution No. 14-0627 authorized a contract with Pacheco Koch Consulting Engineering, Inc. for the engineering design of improvements associated with Elam Road and Simpkins Remediation in an amount not to exceed \$842,290.00; and,

WHEREAS, on March 23, 2016, Resolution No. 16-0453 authorized a construction contract with Rebcon, Inc. for the construction of paving, drainage, water and wastewater improvements for Elam Road and shared-use path west of Pemberton Hill Road; and,

October 26, 2016

WHEREAS, on May 25, 2016, Administrative Action No. 16-6371 authorized Supplemental Agreement No. 2 to the professional services contract with Pacheco Koch Consulting Engineers, Inc. to provide additional engineering design services for improvements associated with the Elam Road and Simpkins Remediation in an amount not to exceed \$24,000.00, from \$1,131,190.00 to \$1,155,190.00; and

WHEREAS, it is now necessary to authorize Change Order No. 1 to the construction contract with Rebcon, Inc. for additional work associated with the construction of paving, drainage, water and wastewater improvements for Elam Road and shared-use path west of Pemberton Hill Road in the amount of \$211,401.46, increasing the contract from \$2,870,718.40 to \$3,082,119.86.

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. 1 to the construction contract with Rebcon, Inc. for additional work associated with the construction of paving, drainage, water and wastewater improvements for Elam Road and shared-use path west of Pemberton Hill Road in the amount of \$211,401.46, increasing the contract from \$2,870,718.40 to \$3,082,119.86.

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

Capital Construction Fund Fund 0671, Department BMS, Unit P837 Obj. 4599, Program # PBSWM007, CT ECO151E272 Vendor #243551, in an amount not to exceed	\$206,575.46
Water Construction Fund Fund 0102, Department DWU, Unit CW42 Obj. 4550, Program #716039, CT PBW716039CP Vendor #243551, in an amount not to exceed	<u>\$ 4,826.00</u>
Total amount not to exceed	\$211,401.46

October 26, 2016

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

KEY FOCUS AREA: Economic Vibrancy
AGENDA DATE: November 9, 2016
COUNCIL DISTRICT(S): 2
DEPARTMENT: Mobility and Street Services
CMO: Jill A. Jordan, P.E., 670-5299
MAPSCO: 46J

SUBJECT

Authorize Supplemental Agreement No. 4 to the professional services contract with Civil Associates, Inc. for additional engineering design of the crossing gate arms and flashers needed for the Central Business District Fair Park Link from Hall Street to IH 30 - Not to exceed \$85,884, from \$533,499 to \$619,383 - Financing: 2006 Bond Funds

BACKGROUND

On January 23, 2008, Resolution No. 08-0324 authorized a professional services contract with Civil Associates, Inc. for the design of the Central Business District (CBD) Fair Park Link from Hall Street to IH 30. On April 28, 2010, Resolution Number 10-1065 authorized Supplemental Agreement No. 1 to the professional services contract with Civil Associates, Inc. for additional engineering and surveying services for the CBD Fair Park Link from Hall Street to IH-30. This action will authorize Supplemental Agreement No. 4 to the professional services contract with Civil Associates, Inc. for additional engineering services to design a new crossing gate arm and flasher and modify the two existing crossing gate arms and flashers currently located at the railroad crossing at the Elm Street/Exposition Avenue intersection.

Three crossing gate arms and flashers are needed at the Elm Street/Exposition Avenue intersection to safely accommodate the CBD Fair Park Link.

ESTIMATED SCHEDULE OF PROJECT

Began Design	March 2008
Complete Design	February 2017
Begin Construction	May 2017
Complete Construction	November 2018

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

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

Authorized Supplemental Agreement No. 1 to the professional services contract with Civil Associates, Inc. on April 28, 2010, by Resolution No. 10-1065.

Information about this item was provided to the Transportation and Trinity River Project Committee on October 24, 2016.

FISCAL INFORMATION

2006 Bond Funds - \$85,884.00

Design - PBW	\$ 336,422.22
Supplemental Agreement No. 1	\$ 149,361.70
Supplemental Agreement No. 2	\$ 29,693.20
Supplemental Agreement No. 3	\$ 18,022.15
Supplemental Agreement No. 4 (this action)	\$ 85,884.00
Construction	
Paving & Drainage (STS)	\$3,523,364.15 (est.)
Water & Wastewater (DWU)	\$ 383,268.00 (est.)
Right-of-Way Acquisition	<u>\$2,000,000.00 (est.)</u>
Total	\$6,526,015.42 (est.)

M/WBE INFORMATION

See attached.

ETHNIC COMPOSITION

Civil Associates, Inc.

African American Female	0	African American Male	0
Hispanic Female	1	Hispanic Male	2
White Female	1	White Male	10
Other Female	2	Other Male	6

OWNER

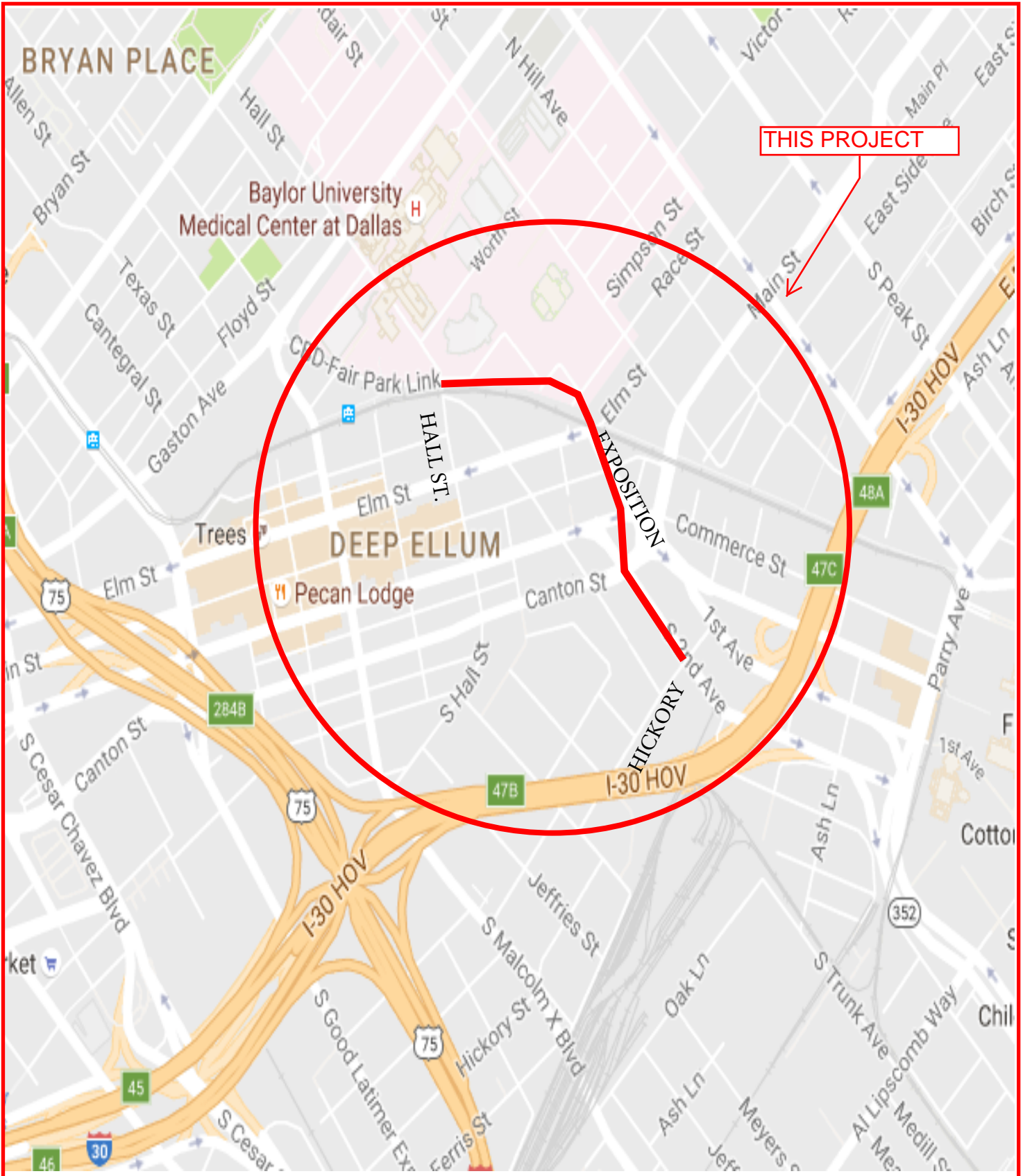
Civil Associates, Inc.

Chi Dao, P.E., President, Chief Executive Officer

MAP

Attached.

CBD FAIR PARK LINK FROM HALL STREET TO IH 30



BUSINESS INCLUSION AND DEVELOPMENT PLAN SUMMARY

PROJECT: Authorize Supplemental Agreement No. 4 to the professional services contract with Civil Associates, Inc. for additional engineering design of the crossing gate arms and flashers needed for the Central Business District Fair Park Link from Hall Street to IH 30 - Not to exceed \$85,884, from \$533,499 to \$619,383 - Financing: 2006 Bond Funds

Civil Associates, Inc. is a local, minority firm, has signed the "Business Inclusion & Development" documentation, and proposes to use their own workforce.

PROJECT CATEGORY: Professional Services

LOCAL/NON-LOCAL CONTRACT SUMMARY - THIS ACTION ONLY

	<u>Amount</u>	<u>Percent</u>
Local contracts	\$85,884.00	100.00%
Non-local contracts	\$0.00	0.00%
TOTAL THIS ACTION	\$85,884.00	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>
Civil Associates, Inc.	PMDB59946Y0717	\$7,036.00	8.19%
Total Minority - Local		\$7,036.00	8.19%

Non-Local Contractors / Sub-Contractors

None

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%	\$85,493.50	13.80%
Asian American	\$7,036.00	8.19%	\$412,542.07	66.61%
Native American	\$0.00	0.00%	\$0.00	0.00%
WBE	\$0.00	0.00%	\$0.00	0.00%
Total	<u>\$7,036.00</u>	<u>8.19%</u>	<u>\$498,035.57</u>	<u>80.41%</u>

November 9, 2016

WHEREAS, on January 23, 2008, Resolution No. 08-0324 authorized a professional services contract with Civil Associates, Inc. for the design of the Central Business District (CBD) Fair Park Link from Hall Street to IH 30 in the amount of \$336,422.22; and,

WHEREAS, on April 28, 2010, Resolution No.10-1065 authorized Supplemental Agreement No. 1 to the professional services contract with Civil Associates, Inc. for additional engineering and surveying services for the CBD Fair Park Link from Hall Street to IH 30 in the amount of \$149,361.70, from \$336,422.22 to \$485,783.92; and,

WHEREAS, on October 2, 2012, Administrative Action No. 12-2595 authorized Supplemental Agreement No. 2 to the professional services contract with Civil Associates, Inc. for additional road-rail intersection design work and coordination with DART in the amount of \$29,693.20, from \$485,783.92 to \$515,477.12; and,

WHEREAS, on January 19, 2016, Administrative Action No. 16-5183 authorized Supplemental Agreement No. 3 to the contract with Civil Associates, Inc. for the conceptual design alternatives to tie-in or terminate Exposition Avenue into Main Street for the future proposed Fair Park Link roadway project in the amount of \$18,022.15, from \$515,477.12 to \$533,499.27; and,

WHEREAS, it is now necessary to authorize Supplemental Agreement No. 4 to the professional services contract with Civil Associates, Inc. for additional engineering design of the crossing gate arms and flashers needed for the CBD Fair Park Link from Hall Street to IH 30 in the amount of \$85,884.00, from \$533,499.27 to \$619,383.27.

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 Civil Associates, Inc. for additional engineering design of crossing gate arms and flashers needed for the CBD Fair Park Link from Hall Street to IH 30 in the amount of \$85,884.00, from \$533,499.27 to \$619,383.27.

November 9, 2016

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

Street and Transportation Improvements Fund	
Fund 2T22, Department STS, Unit U203, Act. INGV	
Obj. 4111, Program # PB06U203, CT PBW06U203D1	
Vendor # 512422, in an amount not to exceed	\$85,884.00

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

KEY FOCUS AREA: Economic Vibrancy
AGENDA DATE: November 9, 2016
COUNCIL DISTRICT(S): 8
DEPARTMENT: Trinity Watershed Management
CMO: Mark McDaniel, 670-3256
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, a drainage easement containing approximately 3,693 square feet and a slope easement containing approximately 35,859 square feet located on E. 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, a drainage easement containing approximately 3,693 square feet and a slope easement containing approximately 35,859 square feet from Veterans Land Board of the State of Texas and King E. Rhodes. This property is located on E. 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)

Information about this item will be provided to the Transportation and Trinity River Project Committee on October 24, 2016.

FISCAL INFORMATION

2012 Bond Funds (General Obligation Commercial Paper Funds) - \$92,176 (\$88,176 plus closing costs and title expenses not to exceed \$4,000)

OWNERS

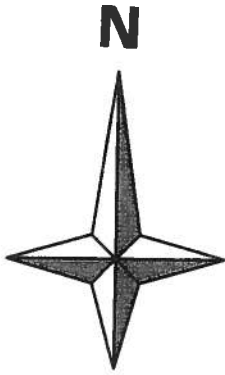
Veterans Land Board of the State of Texas

Matthew Elledge, Executive Secretary

King E. Rhodes

MAP

Attached



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



November 9, 2016

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:

"AUTHORIZED AMOUNT": \$92,176.00

"CITY": The City of Dallas.

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

"OFFER AMOUNT": \$88,176.00

"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.

"PROJECT": Wheatland Road Improvement Project

"PROPERTY": Three 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.

"PROPERTY INTEREST": Tract I: Fee Simple, Tract II: Drainage Easement, Tract III: Slope Easement.

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

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.

November 9, 2016

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 2012 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 2012 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.

November 9, 2016

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:

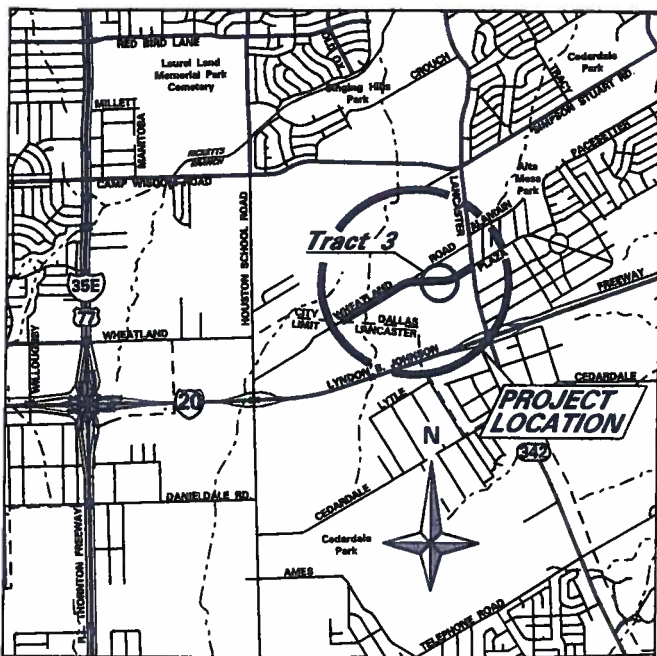
THENCE South $90^{\circ}00'00''$ West a distance of 215.16 feet to a 5/8" I.R. w/COD cap set at the Southwest corner of the herein described tract of land, on the above referenced common line between the Rhodes and Crescent Real Estate tracts:

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
7/6/2016





LOCATOR MAP

NOT TO SCALE

12" 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

12" 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\HOLT\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

**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
10/31/2014



**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" East, 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
10/31/2014



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.

EXHIBIT A
LANCASTER TRACT II

Sun NLF
Limited Partnership
Vol. 95125
Pg. 768

BLOCK
7616

R.R. Spike
Found

12" I.R.
Found

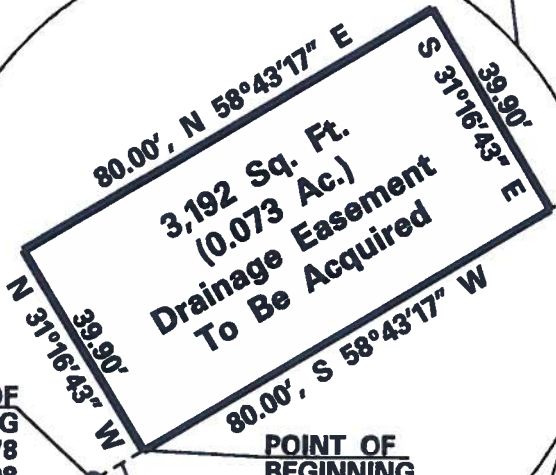
PK Nail
Found

Yvonne Simmons
Vol. 2005151, Pg. 3183

25.63'
N 25°35'43" E

38.89'
S 62°59'43" E

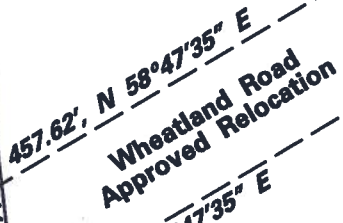
POINT OF
COMMENCING
N = 6924732.78
E = 2496441.98



Drainage
Easement 3-ib

BLOCK
7609
Unplatted

King E.
Rhodes
Vol. 2002187
Pg. 125



BLOCK
7616
Unplatted

3/8" I.R.
Found

3/8" I.R.
Found

3/8" I.R.
Found

ROBERT SIMONTON
SURVEY
Abstract #1277

BLOCK
7609
Unplatted

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

King E.
Rhodes
Vol. 2002187
Pg. 125



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



Drainage
Easement 3-ia

POINT OF
BEGINNING

POINT OF
COMMENCING
N = 6924664.41
E = 2496483.52

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

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	H:\ENGR\SURVEY\HOLT\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

**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 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 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 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 545.76 feet, a Central Angle of 27°55'21", an Arc Length of 221.62 feet and a Chord which bears South 80°39'09" West a distance of 219.43 feet to the Point of Tangency (not monumented):

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

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

**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 the Point of Tangency (not monumented)

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
8/12/14

**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 88°33'03" 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 127.99 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:

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).

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).

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

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 47.67 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
e/12/14*

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

ROBERT SIMONTON SURVEY
Abstract #1277

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

Point No.	Coordinates
1	N = 6924636.8496 E = 2495823.6732
2	N = 6924556.8496 E = 2495884.1505
3	N = 6924755.7459 E = 2496633.8698
4	N = 6924842.5753 E = 2496622.7159

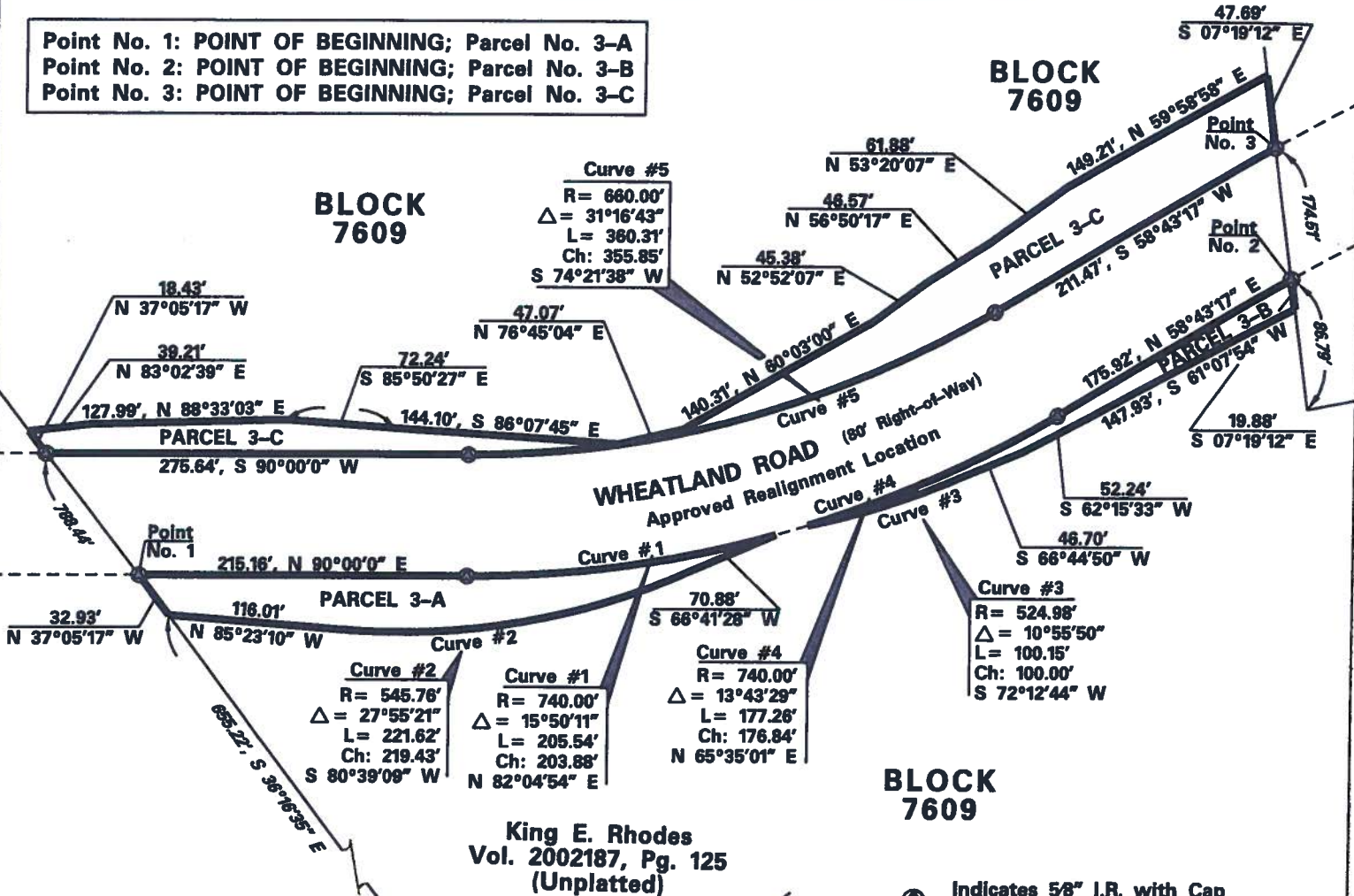
EXHIBIT A
TRACT III

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)

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

1/2" I.R. Found
CONTROLLING
MONUMENT

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

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	M:\ENCL\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