

Memorandum



CITY OF DALLAS

DATE December 7, 2018

TO Honorable Mayor and Members of the City Council

SUBJECT **Agenda Item 66**

On December 12, 2018 the Dallas City Council will consider Agenda Item 66, which is a resolution authorizing the approval of the Verizon Place as an Authorized Public Facility Improvement Corporation Project at Dallas/Fort Worth International Airport (DFW Airport). After the agenda was posted, it was necessary to make changes to the resolution. The updated resolution is attached for your review.

D/FW Airport staff will present the item in closed session during the Mobility Solutions, Infrastructure and Sustainability Committee on Monday, December 10. Councilmember Kleinman will offer the substitute motion on Wednesday, December 12.

Please let me know if you have any questions or require additional information.

A handwritten signature in blue ink, appearing to read 'Kimberly Bizer Tolbert', written over a printed name.

Kimberly Bizer Tolbert
Chief of Staff, City Manger

cc: T.C. Broadnax, City Manager
Chris Caso, City Attorney (I)
Carol A. Smith, City Auditor (I)
Biliera Johnson, City Secretary
Preston Robinson, Administrative Judge
Majed A. Al-Ghafry, Assistant City Manager

Jon Fortune, Assistant City Manager
Joey Zapata, Assistant City Manager
Nadia Chandler Hardy, Assistant City Manager and Chief Resilience Officer
M. Elizabeth Reich, Chief Financial Officer
Directors and Assistant Directors

CITY OF DALLAS RESOLUTION NO. _____

CITY OF FORT WORTH RESOLUTION NO. _____

RESOLUTION MAKING CERTAIN FINDINGS OF CERTAIN DALLAS/FORT WORTH INTERNATIONAL AIRPORT FACILITIES AS "APPROVED AIRPORT PROJECTS" AND RELATED MATTERS

WHEREAS, with the approval of the Cities of Dallas and Fort Worth, Texas (the "Cities"), the Dallas-Fort Worth International Airport Public Facility Improvement Corporation (the "Corporation") was duly incorporated and is a validly existing Texas non-profit airport facility financing corporation pursuant to Chapter 22, Texas Transportation Code, as amended (the "Act");

WHEREAS the Cities are the joint owners of the real property and improvements known as the Dallas-Fort Worth International Airport (the "Airport")

WHEREAS the Corporation's Articles of Incorporation, in Article IV(e), provide that the Corporation shall have and may exercise all of the powers granted to non-profit corporations by the Texas Non-Profit Corporation Act, Article 1396-1.01 *et seq.*, Vernon's Texas Civil Statutes, as amended, and by all other laws applicable to non-profit corporations (the "Non-Profit Act")

WHEREAS the Corporation proposes to assume a lease currently known as "Airport Board Agreement No. 25452" ("the Lease") as the lessee.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DALLAS THAT:

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FORT WORTH THAT:

Section 1. The Cities hereby approve the assumption of the Lease by the Corporation for all purposes currently set forth in the Lease and determines that this assumption is consistent with and in furtherance of the purposes of the Corporation as defined under Article IV(e) of the Corporation's Articles of Incorporation.

Section 2. In the event the Corporation wishes to use the land and facilities under the Lease for a use not listed under, or currently prohibited by the Lease, the Corporation is required to seek additional approval by each of the Cities in accordance with Article IV of the Corporation's Articles of Incorporation.

Section 3. The Cities have been provided a copy of the actions taken by the Corporation, the PFIC and the Airport with respect to the Lease, and the Cities hereby approve of such actions.

Section 4. This Resolution, when duly passed by both Cities, shall be in full force and effect.

PASSED BY THE FORT WORTH CITY COUNCIL THIS _____ DAY OF _____, 2018.

David Cooke
City Manager
City of Fort Worth, Texas

APPROVED AS TO FORM AND LEGALITY:

Sarah J. Fullenwider
City Attorney
City of Fort Worth, Texas

THE STATE OF TEXAS §
COUNTY OF TARRANT §
CITY OF FORT WORTH §

I, Mary J. Kayser, City Secretary of the City of Fort Worth, Texas, do hereby certify:

1. That the above and foregoing is a true and correct copy of an Ordinance, duly presented and passed by the City Council of the City of Fort Worth, Texas, at a regular meeting held on _____, 2018, as same appears of record in the Office of the City Secretary.

2. That said meeting was open to the public, and public notice of the time, place and purpose of said meeting was given, all as required by Chapter 551, Texas Government Code, as amended.

WITNESS MY HAND and the Official Seal of the City of Fort Worth, Texas, this __ day of _____, 2018.

City Secretary,
City of Fort Worth, Texas

(SEAL)

APPROVED AND ADOPTED BY THE DALLAS CITY COUNCIL THIS _____, 2018.

CITY OF DALLAS:
T.C BROADNAX,
City Manager

APPROVED AS TO FORM:
CHRISTOPHER J. CASO
Interim City Attorney

By: _____
City Manager

By: _____
Assistant City Attorney

THE STATE OF TEXAS §
COUNTY OF DALLAS §
CITY OF DALLAS §

I, Bilierae Johnson, City Secretary of the City of Dallas, Texas, do hereby certify:

1. That the above and foregoing is a true and correct copy of an excerpt from the minutes of the City Council of the City of Dallas, had in regular meeting, _____, 2018, confirming the passage of resolution making findings of certain DFW Airport facilities to be "Public Facilities" is duly of record in the minutes of said City Council.

2. That said meeting was open to the public, and public notice of the time, place and purpose of said meeting was given, all as required by Chapter 551, Texas Government Code, as amended.

WITNESS MY HAND and seal of the City of Dallas, Texas, this ____ day of _____, 2018.

City Secretary,
City of Dallas, Texas

(SEAL)