

KEY FOCUS AREA: Better Cultural, Arts and Recreational Amenities

AGENDA DATE: January 27, 2010

COUNCIL DISTRICT(S): All

DEPARTMENT: Trinity Watershed Management

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

MAPSCO: N/A

SUBJECT

Authorize **(1)** the acceptance of a grant from the Trinity Trust foundation for the design and construction of the Continental Avenue Pedestrian Bridge to be placed in the Continental Avenue Bridge Donation Fund in an amount not to exceed \$10,000,000; **(2)** the City Manager to execute a grant agreement with the Trinity Trust Foundation for reimbursement of costs associated with the design and construction of the Continental Avenue Pedestrian Bridge; **(3)** establishment of appropriations in the amount of \$10,000,000 in the Continental Avenue Bridge Donation Fund; and **(4)** Supplemental Agreement No. 4 in the amount of \$1,335,158 for additional design and project management services for design of the Continental Avenue Pedestrian Bridge to extend the Trinity lakes design for the Trinity River Corridor Project - Total not to exceed \$1,335,158 from \$20,110,860 to \$21,446,018 - Financing: Private Funds (\$1,127,000) and 1998 Bond Funds (\$208,158)

BACKGROUND

The City Council adopted the Balanced Vision Plan on December 8, 2003 and amended the plan on April 14, 2004. The Trinity Lakes Design contract was awarded to the CH2M Hill team by City Council on November 8, 2006. The original design contract included design guidelines, branding, preparation of the Dallas Floodway, and final design for river relocation from Sylvan Avenue to the DART Bridge. In addition, the original design contract included design work for lake amenities that will be located near downtown in the Dallas Floodway. Public access strategy for the lower half of the Dallas Floodway also included a 20% design for the Reunion Overlook Plaza over the Trinity Parkway and 100% design for the Fast Track overlook for the public to witness the transformation of the Dallas Floodway.

BACKGROUND (Continued)

Due in part to passage of the Water resources Development Act (WRDA) 2007 authorization for the Dallas Floodway, Supplemental Agreement No. 1 to the Trinity Lakes Design contract was approved by City Council on February 13, 2008. Supplemental Agreement No. 1 extended 100% design of the river alignment, bridge pier design, and utilities design from Sylvan to the Elm Fork / West Fork confluence, and also provided 20% design for this same portion of the Dallas Floodway for the West Dallas Lake, West Dallas playing fields, public access / circulation, softscape and play areas. In addition, Supplemental Agreement No. 1 provided 5% conceptual design for Continental Bridge public use as a pedestrian bridge.

Supplemental Agreement No. 2 to the Trinity Lakes Design contract was approved by City Council on June 25, 2008 to include geotechnical sampling, and surveying to support a Municipal Setting Designation (MSD) for the Dallas Floodway, utilities schematic design for lakes water delivery system, and additional transportation engineering support.

Supplemental Agreement No. 3 to the Trinity Lakes Design contract was approved by City Council on June 10, 2009 to include environmental and archaeological investigations for portions of the West Fork and Elm Fork of the Trinity River that are adjacent to the Dallas Floodway levees. Supplemental Agreement No. 3 also included permit preparation and environmental investigations, subsurface utility engineering, and survey of the existing river channel for the design of four (4) water main replacements. In addition, Supplemental Agreement No. 3 provided technical and review assistance to the U.S. Army Corps of Engineers for their ongoing effort on the Dallas Floodway feasibility study / Environmental Impact Statement. Lastly, Supplemental Agreement No. 3 removed unused special services peer review (\$167,895.19) that was originally made part of this design contract and unused survey work that is now unnecessary (\$79,104.81), while also transferring \$52,910.00 within the overall design contract from CH2M Hill to URS to serve structural analysis. The total fee amount increase for Supplemental Agreement No. 3 to the Trinity lakes Design contract was \$587,000.

Supplemental Agreement No. 4 will include design and engineering of the Continental Avenue Pedestrian Bridge. The funding from this supplement was provided through a grant from the Trinity Trust, not to exceed \$10,000,000 for design, engineering and construction. CH2MHill currently has designed this bridge to the 5% level and will complete plans and specifications and provide engineering support during construction for the project. The total design fee increase for the Continental Avenue Pedestrian Bridge is \$1,127,000, funds to be provided by a grant from the Trinity Trust for Supplement No. 4 to the Trinity Lakes Design contract.

BACKGROUND (Continued)

In addition, Supplemental Agreement No. 4 will include \$237,000 for design and modeling assistance to the U.S. Army Corps of Engineers for their upcoming plan formulation process that is part of their ongoing preparation of the Dallas Floodway Environmental Impact Statement (EIS). Additionally, the overall design contract with CH2M Hill has several small adjustments that result in an overall reduction of \$28,841. Thus, the net design contract increase for this Amendment #4 to serve the Continental Avenue Pedestrian Bridge and support analysis to the U.S. Army Corps of Engineers for their ongoing development of the Environmental Impact Statement for the Dallas Floodway Project is \$208,158.

ESTIMATED SCHEDULE OF PROJECTS

Begin Design (Modeling for Corps & Continental Bridge)	February 2010
Complete Design (Modeling for Corps)	August 2010
Begin Design (Continental Bridge)	March 2011
Begin Construction (Continental Ave Pedestrian Bridge)	July 2011
Complete Construction (Continental Ave Pedestrian Bridge)	November 2012

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Authorized an Interlocal Agreement with the U.S. Army Corps of Engineers for local participation and cost sharing with the Corps on January 10, 1990, by Resolution No. 90-0225.

Authorized Supplemental Agreement No. 1 with the NCTCOG for the Dallas Floodway and Elm Fork detailed study as part of the Upper Trinity River Feasibility Study on June 12, 1996, by Resolution No. 96-2007.

Authorized adoption of the Great Trinity Forest Master Implementation Plan on March 26, 1997, by Resolution No. 97-1066.

Authorized adoption of the Trinity River Corridor Master Implementation Plan on August 25, 1999, by Resolution No. 99-2623.

Authorized a professional services contract with Camp Dresser & McKee, Inc for lake water quality analysis and technical input towards the Balanced Vision Plan on November 13, 2002, by Resolution No. 02-3165.

Authorized adoption of the Balanced Vision Plan for the Dallas Floodway on December 8, 2003, by Resolution No. 03-3391.

Authorized adoption of refinements to the Balanced Vision Plan for the Dallas Floodway on April 14, 2004, by Resolution No. 04-1252.

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

Authorized adoption of the Trinity Parkway Alternative Alignment 3B on April 13, 2005, by Resolution No. 05-1210.

Authorized Trinity Lakes design contract on November 8, 2006, by Resolution No. 06-3121.

Authorized Trinity Lakes design contract amendment No. 1 on February 13, 2008, by Resolution No. 08-0455.

Authorized Trinity Lakes design contract amendment No. 2 on June 25, 2008, by Resolution No. 08-1902.

Authorized Trinity Lakes design contract amendment No. 3 on June 10, 2009, by Resolution No. 09-1499 on June 10, 2009.

Trinity River Corridor Project Committee was briefed for the Supplemental No. 4 to the Trinity Lakes design contract on November 3, 2009.

FISCAL INFORMATION

Private Funds - \$1,127,000
1998 Bond Funds \$208,158

ETHNIC COMPOSITION

CH2M Hill

Hispanic Female	43	Hispanic Male	81
African-American Female	71	African-American Male	72
Other Female	47	Other Male	70
White Female	447	White Male	948

M/WBE INFORMATION

See Attached

OWNER

CH2M Hill

Jim Parrish, P.E., Vice-President

MAP

Attached

BUSINESS INCLUSION AND DEVELOPMENT PLAN SUMMARY

PROJECT: Authorize (1) the acceptance of a grant from the Trinity Trust foundation for the design and construction of the Continental Avenue Pedestrian Bridge to be placed in the Continental Avenue Bridge Donation Fund in an amount not to exceed \$10,000,000; (2) the City Manager to execute a grant agreement with the Trinity Trust Foundation for reimbursement of costs associated with the design and construction of the Continental Avenue Pedestrian Bridge; (3) establishment of appropriations in the amount of \$10,000,000 in the Continental Avenue Bridge Donation Fund; and (4) Supplemental Agreement No. 4 in the amount of \$1,335,158 for additional design and project management services for design of the Continental Avenue Pedestrian Bridge to extend the Trinity lakes design for the Trinity River Corridor Project - Total not to exceed \$1,335,158 from \$20,110,860 to \$21,446,018 - Financing: Private Funds (\$1,127,000) and 1998 Bond Funds (\$208,158)

CH2M Hill 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	\$695,800.00	52.11%
Non-local contracts	\$639,358.16	47.89%
TOTAL THIS ACTION	\$1,335,158.16	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>
ARS Engineers, Inc.	IMDB40643Y0410	\$149,000.00	21.41%
Addula Consulting Engineers	IMDB41963Y0710	\$26,000.00	3.74%
CP&Y	PMMB42281Y0910	\$134,000.00	19.26%
Total Minority - Local		\$309,000.00	44.41%

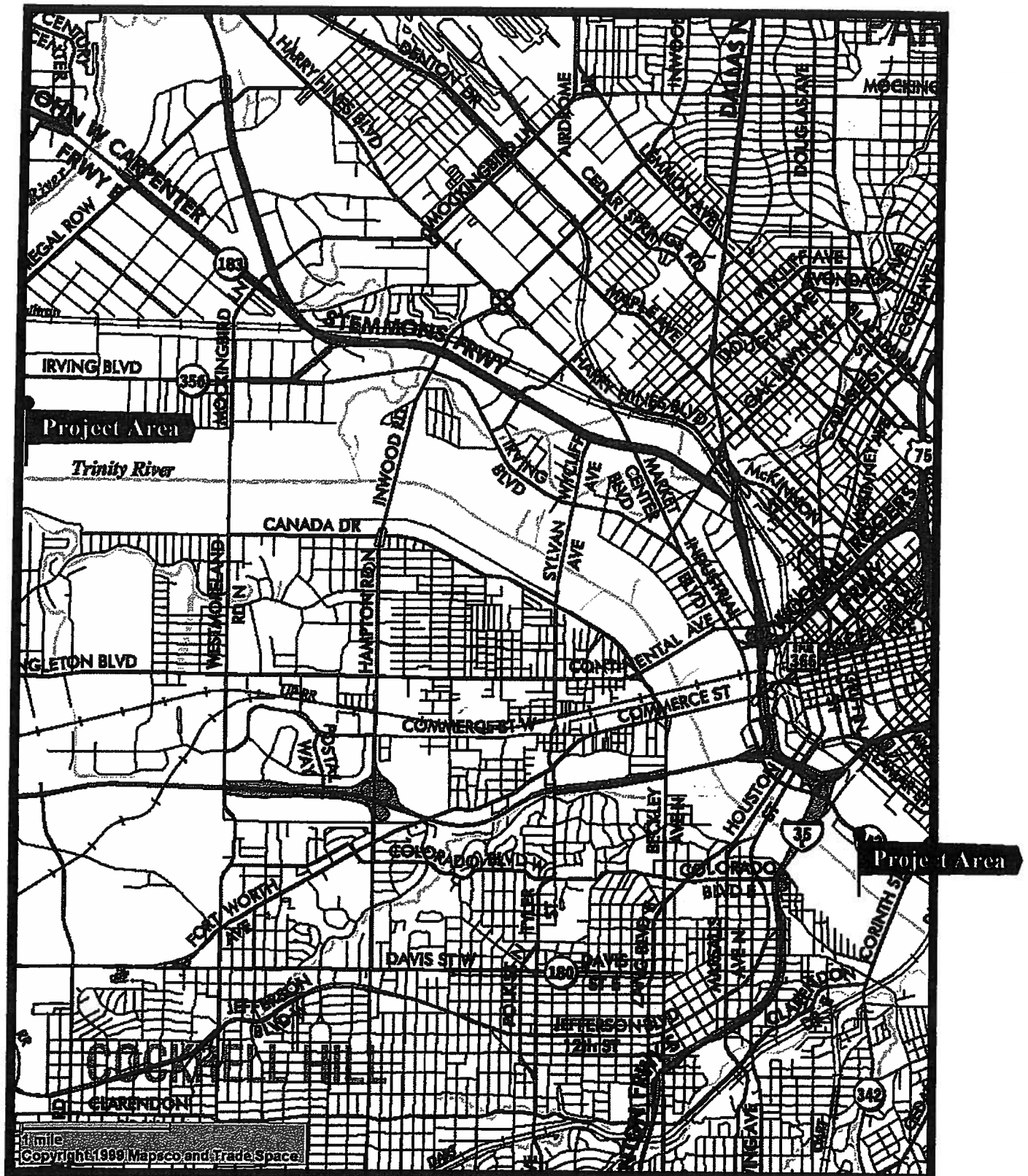
Non-Local Contractors / Sub-Contractors

<u>Non-local</u>	<u>Certification</u>	<u>Amount</u>	<u>Percent</u>
Foster CM Group	BMMB42780N1010	\$15,000.00	2.35%
Gorrondonna Associates	HMDB40421Y0310	\$23,000.00	3.60%
Geo-Marine, Inc.	HMMB40160Y0210	(\$4,670.84)	-0.73%
Xenco Laboratories	HMMB42100Y0810	(\$10,950.00)	-1.71%
Leni Schwendinger Light Projects LTD	WFWB2084N0810	\$53,000.00	8.29%
Total Minority - Non-local		\$75,379.16	11.79%

TOTAL M/WBE PARTICIPATION

	This Action		Participation to Date	
	<u>Amount</u>	<u>Percent</u>	<u>Amount</u>	<u>Percent</u>
African American	\$15,000.00	1.12%	\$661,995.83	3.09%
Hispanic American	\$7,379.16	0.55%	\$6,712,993.74	31.30%
Asian American	\$309,000.00	23.14%	\$392,380.00	1.83%
Native American	\$0.00	0.00%	\$0.00	0.00%
WBE	\$53,000.00	3.97%	\$368,707.00	1.72%
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Total	\$384,379.16	28.79%	\$8,136,076.57	37.94%

Lakes Design Contract



Mapsco Various

January 27, 2010

WHEREAS, the 1998 Bond Program authorized funding to implement flood control, lake development, environmental, transportation, and recreation projects within the Dallas Floodway; and,

WHEREAS, City Council adopted the Balanced Vision Plan on December 8, 2003, by Resolution No. 03-3391, and further adopted refinements on April 14, 2004, by Resolution No. 04-1252; and,

WHEREAS, City Council authorized the Trinity Lakes design contract with CH2M Hill to initiate design for portions of the Balanced Vision Plan for the Dallas Floodway, Trinity River Corridor Project design guidelines, and Trinity Parkway design guidelines on November 8, 2006, by Resolution No. 06-3121; and,

WHEREAS, City Council approved the Trinity Lakes design contract with CH2M Hill to extend design for portions of the Balanced Vision Plan for the Dallas Floodway on February 13, 2008, by Resolution No. 08-0455; and,

WHEREAS, City Council approved the Trinity Lakes design contract with CH2M Hill to extend design for additional geotechnical sampling and surveying for the Dallas Floodway on June 25, 2008, by Resolution No. 08-1902; and,

WHEREAS, City Council approved the Trinity Lakes design contract with CH2M Hill to extend design for additional environmental and archaeological investigations, and assistance to the U.S. Army Corps of Engineers for their ongoing development of the Environmental Impact Statement on June 10, 2009, by Resolution No. 09-1499; and,

WHEREAS, it is now desirable to authorize Supplemental Agreement No. 4 to the contract with CH2M Hill for design services for the Continental Avenue Pedestrian Bridge and further contract with CH2M Hill for support analysis to the U.S. Army Corps of Engineers for their ongoing Environmental Impact Statement for the Dallas Floodway Project; and,

WHEREAS, the Supplemental Agreement No. 4 to the contract with CH2M Hill for the Continental Avenue Pedestrian Bridge (\$1,127,000), support analysis to the U.S. Army Corps of Engineers (\$237,000), and CH2M Hill contract adjustments (reduction of \$28,842) in the amount of \$1,335,158 that will increase the design contract from \$20,110,860 to \$21,446,018; and,

WHEREAS, it is now necessary to accept a grant from the Trinity Trust Foundation for the design and construction of the Continental Avenue Pedestrian Bridge to be placed in the Continental Avenue Pedestrian Bridge Donation fund not to exceed \$10,000,000, and,

January 27, 2010

WHEREAS, it is now necessary to authorize the City Manager or designee to execute a grant agreement with the Trinity Trust to serve design and construction for the Continental Avenue Pedestrian Bridge not to exceed \$10,000,000, and

WHEREAS, the U.S. Army Corps of Engineers will recognize portions of this contract with CH2M Hill as in-kind credit for 50% cost sharing of the Upper Trinity River Feasibility Study for the Dallas Floodway that may also reduce future City expenses towards the Corps' project design, or Corps' project construction; and,

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 contract with CH2M Hill for additional design services to extend the Trinity Lakes design for the Trinity River Corridor Project in an amount not to exceed \$1,335,158, from \$20,110,860 to \$21,446,018.

Section 2. That the City Manager or designee be is hereby authorized to execute this contract for Supplemental Agreement No. 4 with CH2M Hill and the grant agreement with the Trinity Trust after each contract has been approved as to form by the City Attorney.

Section 3. The City Controller is hereby authorized to disburse funds in accordance with the terms and conditions of the contract from:

Trinity River Corridor Project Fund	
Fund 6P14, Agency PBW, Unit N965, Act. TRPP	
Object 4111, Job #PB98N965, CT PBW98N963B3	
Vendor #505225, in an amount not to exceed	\$208,158

Continental Avenue Pedestrian Bridge Donation Fund	
Fund P274, Agency TWM, Unit 1086, Act. TRPP	
Object 4111, Job # PB101086, CT TWM101086D01	
Vendor #505225, total amount not to exceed	\$1,127,000

Section 4. That the City Controller is hereby authorized to receive and deposit funds from the Trinity Trust Foundation in an amount not to exceed \$10,000,000 in the Continental Avenue Pedestrian Bridge Donation Fund, Agency TWM, Fund P274, Unit 1086, Revenue Source 8411.

Section 5. That the City Manager be and is hereby authorized to establish appropriations in an amount not to exceed \$10,000,000 in the Continental Avenue Pedestrian Bridge Donation Fund, Agency TWM, Fund P274, Unit 1086, Object 4111.

January 27, 2010

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

Distribution: Trinity River Corridor Project, Natalie Wilson, City Hall, Room 6B/South
Trinity River Corridor Project, Rebecca Rasor, 6BS
City Attorney
Office of Financial Services

KEY FOCUS AREA: Economic Vibrancy
AGENDA DATE: January 27, 2010
COUNCIL DISTRICT(S): 7
DEPARTMENT: Trinity Watershed Management
CMO: Jill A. Jordan, P.E., 670-5299
MAPSCO: 56 G

SUBJECT

Authorize settlement in lieu of proceeding with condemnation of a tract of land containing approximately 18,449 square feet of improved land from Brian Famkar and Seyed Moosavi located at the intersection of Lamar Street and Starks Avenue for the Trinity Parkway - Not to exceed \$295,000 (\$290,000, plus closing costs not to exceed \$5,000) - Financing: 1998 Bond Funds

BACKGROUND

This item authorizes a settlement for the acquisition of approximately 18,449 square feet of land improved with a commercial building. This property is located at the intersection of Lamar Street and Starks Avenue and is necessary for the reconstruction of a direct connector route between US 175/SM Wright to I-45 to ultimately eliminate "dead-man's curve". Relocation assistance may be required at a future date. This connector is part of the Trinity Parkway, without it the downgrade of SM Wright cannot proceed. This settlement will allow acquisition of the property without proceeding with condemnation proceedings.

PRIOR ACTION / REVIEW (COUNCIL BOARDS, COMMISSIONS)

Authorized acquisition on September 23, 2009, by Resolution No. 09-2329.

FISCAL INFORMATION

1998 Bond Funds - \$295,000 (\$290,000, plus closing costs not to exceed \$5,000)

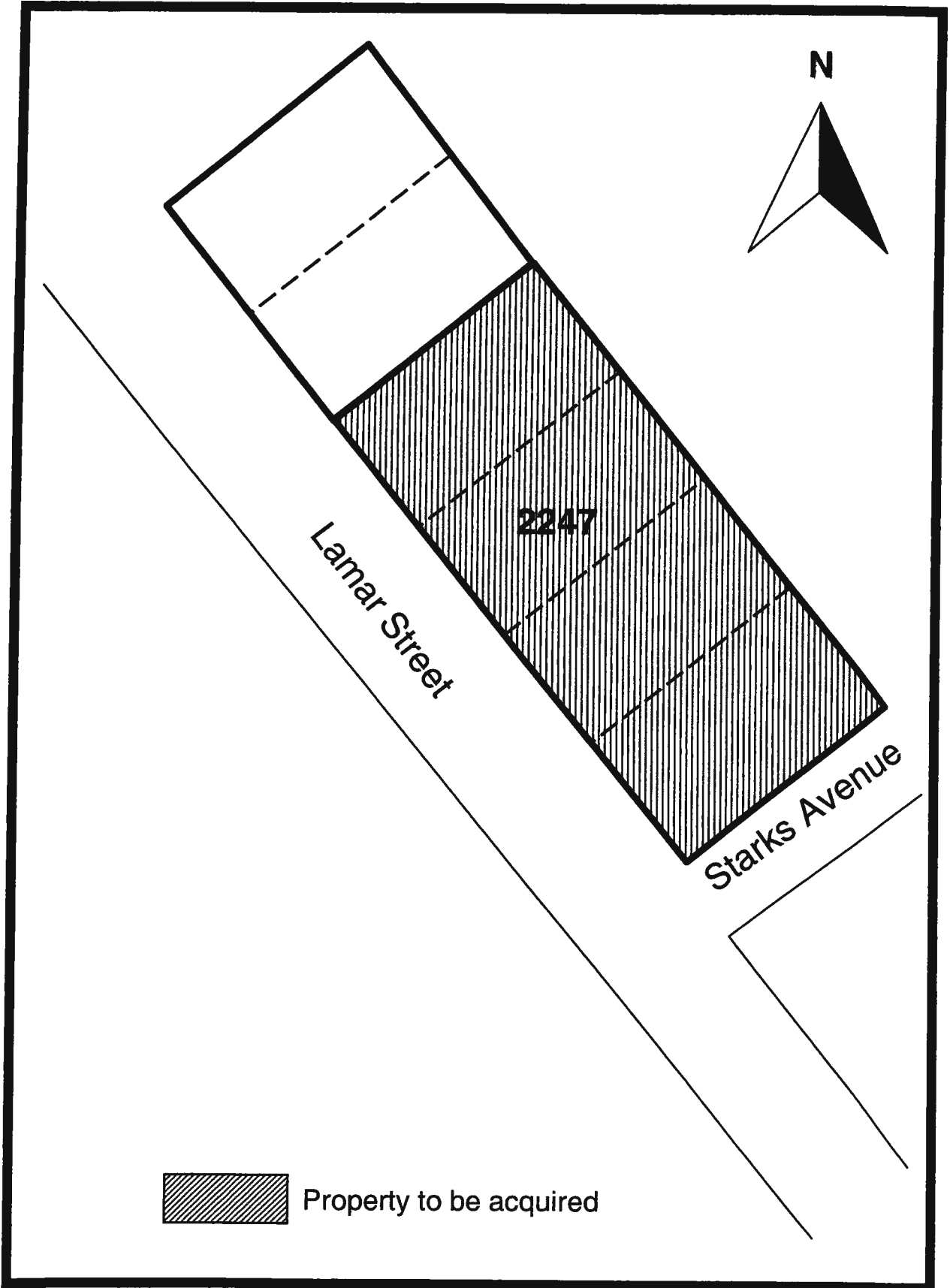
OWNERS

Brian Famkar

Seyed Moosavi

MAPS

Attached



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

WHEREAS, OWNER has refused the official offer as authorized by the FIRST RESOLUTION; and

WHEREAS, OWNER and the City of Dallas desire to settle in lieu of proceeding further with condemnation proceedings: Now, Therefore,

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

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

FIRST RESOLUTION: Resolution No. 09-2329 approved by the Dallas City Council on September 23, 2009

PROJECT: Trinity Parkway

OWNERS: Brian Famkar and Seyed Moosavi

INTEREST: Fee Simple

PROPERTY: Approximately 18,449 square feet of improved land in City of Dallas Block No. 2247 Official City Numbers, and being the same property more specifically described in the Exhibit A attached hereto and made a part hereof.

SETTLEMENT AMOUNT: \$290,000

CLOSING COSTS: \$5,000

AUTHORIZED AMOUNT: \$295,000

SECTION 2. That in lieu of proceeding further with condemnation proceedings, the City Manager is authorized to acquire the INTEREST in the PROPERTY from OWNER for the SETTLEMENT AMOUNT.

SECTION 3. That the City will have possession at closing and will pay all closing costs and title expenses.

January 27, 2010

SECTION 4. That the City Controller is authorized to draw a check payable to the OWNER or the Title Company closing the transaction described herein for the SETTLEMENT AMOUNT, payable out of Trinity River Corridor Project Fund 6P14, Dept. PBW, Unit N965, Activity TRPP, Object 4210, Program PB98N965, CT-PBW98N965KN, and said payment shall be delivered to a title insurance company after evidence of satisfactory title has been provided to and approved by the City Attorney. CLOSING COSTS and title expenses shall be paid from the previously described funds.

SECTION 5. That appropriate acquisition instruments, approved as to form by the City Attorney, be forwarded to a title insurance company for closing, and subsequent to closing, filed with the County Clerk and returned, along with the original Owner's Policy of Title Insurance, to the City Secretary for permanent record.

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

APPROVED AS TO FORM:
THOMAS P. PERKINS, CITY ATTORNEY

BY: _____
Assistant City Attorney

Exhibit A

Field Notes Describing Land To Be Acquired in Block 2247 From Brian Famkar and Seyed Moosavi

Being 18,449 Square Feet (0.4235 Acres) of land situated in the John M. Crockett Survey, Abstract No. 353, Dallas County, Texas, and lying in Block 2247 (official City of Dallas Block Numbers), being the remainder of Lots 10, 11, 12 and 13 of the Ervay Place addition, an addition to the City of Dallas, recorded in Volume 1, Page 443 of the Map Records of Dallas County, and being all of the property conveyed to Brian Famkar and Seyed Moosavi by deed dated June 19, 2008 and recorded in Instrument 20080245151 of the Official Public Records of Dallas County, Texas and being more particularly described as follows:

BEGINNING at a 5/8" dia. Iron Rod with cap marked "CITY OF DALLAS" (hereinafter referred to as "5/8" I.R. w/COD cap") set at the most Easterly Corner of said Lot 13, at the intersection of the Northwest line of Stark Street (a 105-foot Right-of-Way) with the Southwest line of a 15-foot wide Alley:

THENCE South 50°35'02" West, departing the Southwest line of said alley, and with the said Northwest line of Stark Street a distance of 90.00 feet to a PK Nail set at the intersection with the Northeast line of a tract of land conveyed to the Texas Highway Department by deed March 13, 1940 and recorded in Volume 2207, Page 371 of the Deed Records of Dallas County, same being now the Northeast line of Lamar Street (a variable width Right-of-Way):

THENCE North 38°54'58" West, departing the last said Northwest line of Stark Street and with the said Northeast line of Lamar Street, a distance of 205.00 feet to a PK nail set at the most Westerly corner of said lot 10, being also a common Southwest corner with Lot 9:

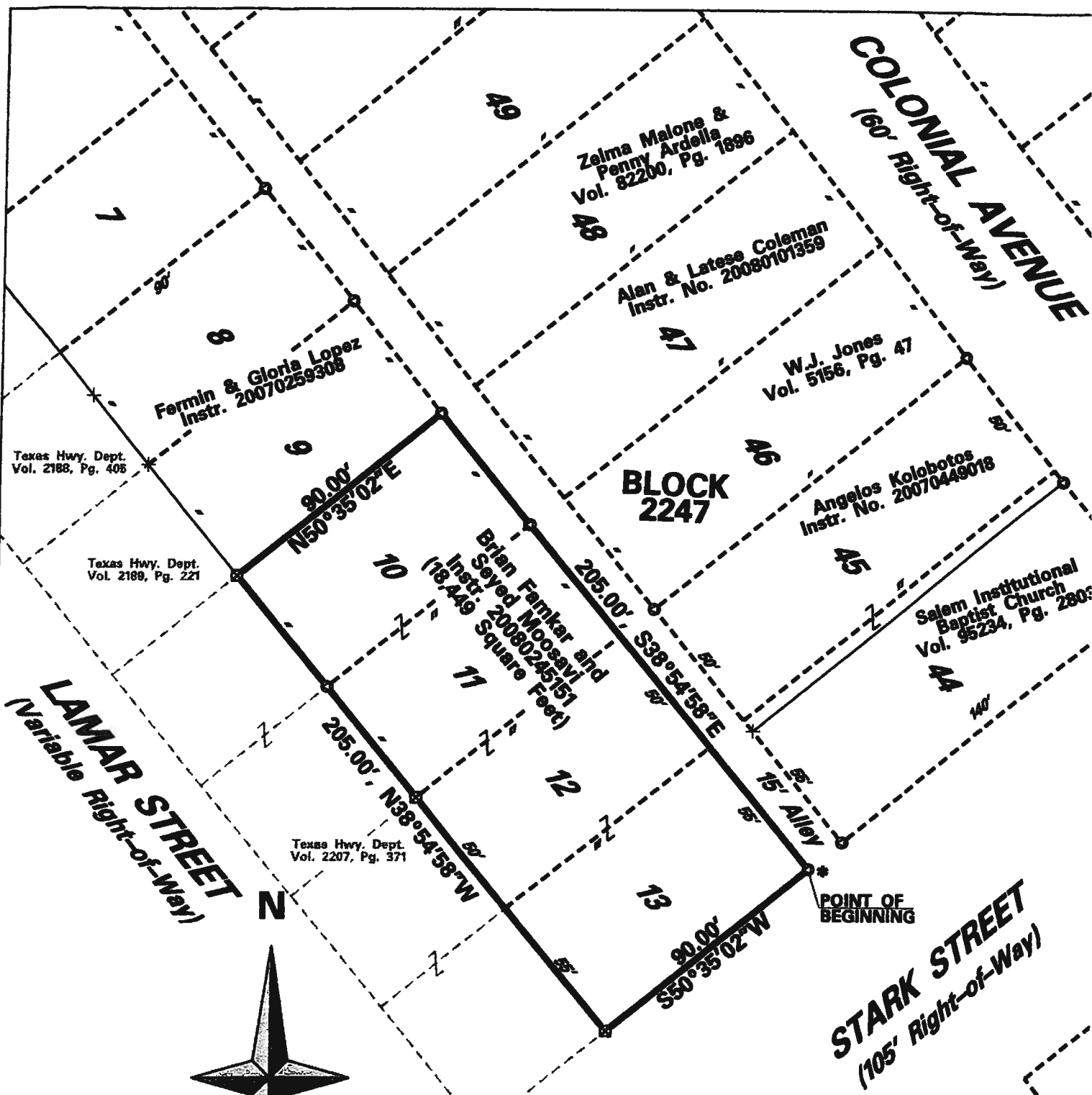
THENCE North 50°35'02" East along the common line of said Lots 9 and 10, a distance of 90.00 feet to a 5/8" I.R. w/COD cap set at the common Northeast corner of said Lots 9 and 10, in the Southwest line of said 15-foot wide Alley, and being also the most Northerly corner of the herein described tract of land:

THENCE South 38°54'58" East with the Southeast line of said Alley a distance of 205.00 feet to the **POINT OF BEGINNING**, containing 18,449 Square Feet, or 0.4235 Acres of land.

BASIS OF BEARINGS: Bearings are based on the Northwest line of Stark Street, at South 50°35'02" West, 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
7-7-2009





*NOTE: All Corner Monuments are Set as Per Legend Symbol. Page 2 of 2
LOCATOR MAP, Parcels 540 & 546

TRINITY RIVER CORRIDOR			
Tollway Project			
Brian Framkar & Seyed Moosavi, 5110 & 5114 S. Lamar St.			
DEPT. OF PUBLIC WORKS & TRANSPORTATION			
SURVEY DIVISION CITY OF DALLAS, TEXAS			
OPERNAME	DESIGN FILE NAME	SCALE	DATE
S. Holt	H:\BIDDING\SURVEY\HOLT\Tollway\Locals\Locals Field Notes.dgn	As Noted	7-1-08
PARTY CHIEF	CALCULATIONS	FOLDER	FILE NO.
J. Scantlen	S. Holt	Block 2247	320R-408-D

- LEGEND:**
- ⊙ 58" I.R. wCOD Cap Set
 - ⊠ P.K. Nail Set
 - × "X" Cut in Concrete
 - Property to be Acquired

KEY FOCUS AREA: Economic Vibrancy
AGENDA DATE: January 27, 2010
COUNCIL DISTRICT(S): 7
DEPARTMENT: Trinity Watershed Management
CMO: Jill A. Jordan, P.E., 670-5299
MAPSCO: 56 F

SUBJECT

Authorize settlement in lieu of proceeding with condemnation in the lawsuit styled, City of Dallas v. Okon Family Partnership, et al, Cause No. cc-08-04118-c pending in the County Court at Law No. 3 for the acquisition of two tracts of land containing a total of approximately 14.5 acres from the Okon Family Partnership located near the intersection of I.H. 45 and Lamar Street for the Dallas Floodway Extension portion of the Trinity River Corridor Project – Not to exceed \$63,000 (\$60,000, plus closing costs not to exceed \$3,000) - Financing: U. S. Army Corps of Engineers Project Cooperation Funds

BACKGROUND

This item authorizes a settlement for the acquisition of approximately 14.5 acres of land located near the intersection I.H. 45 and Lamar Street. As part of the settlement the owner will retain an easement for the operation and maintenance of an existing billboard. This property will be used for the Dallas Floodway Extension. This settlement will allow acquisition of the property without further condemnation proceedings.

PRIOR ACTION / REVIEW (COUNCIL BOARDS, COMMISSIONS)

Authorized acquisition on February 8, 2006, by Resolution No. 06-0523.

FISCAL INFORMATION

U.S. Army Corps of Engineers Project Cooperation Funds - \$63,000 (\$60,000, plus closing costs not to exceed \$3,000)

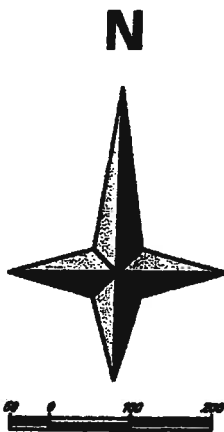
OWNER

Okon Family Partnership

Matthew J. Gold, Managing Partner

MAPS

Attached



**BLOCK
5832**

**Gradient Boundary
of the Trinity River**

TRINITY RIVER

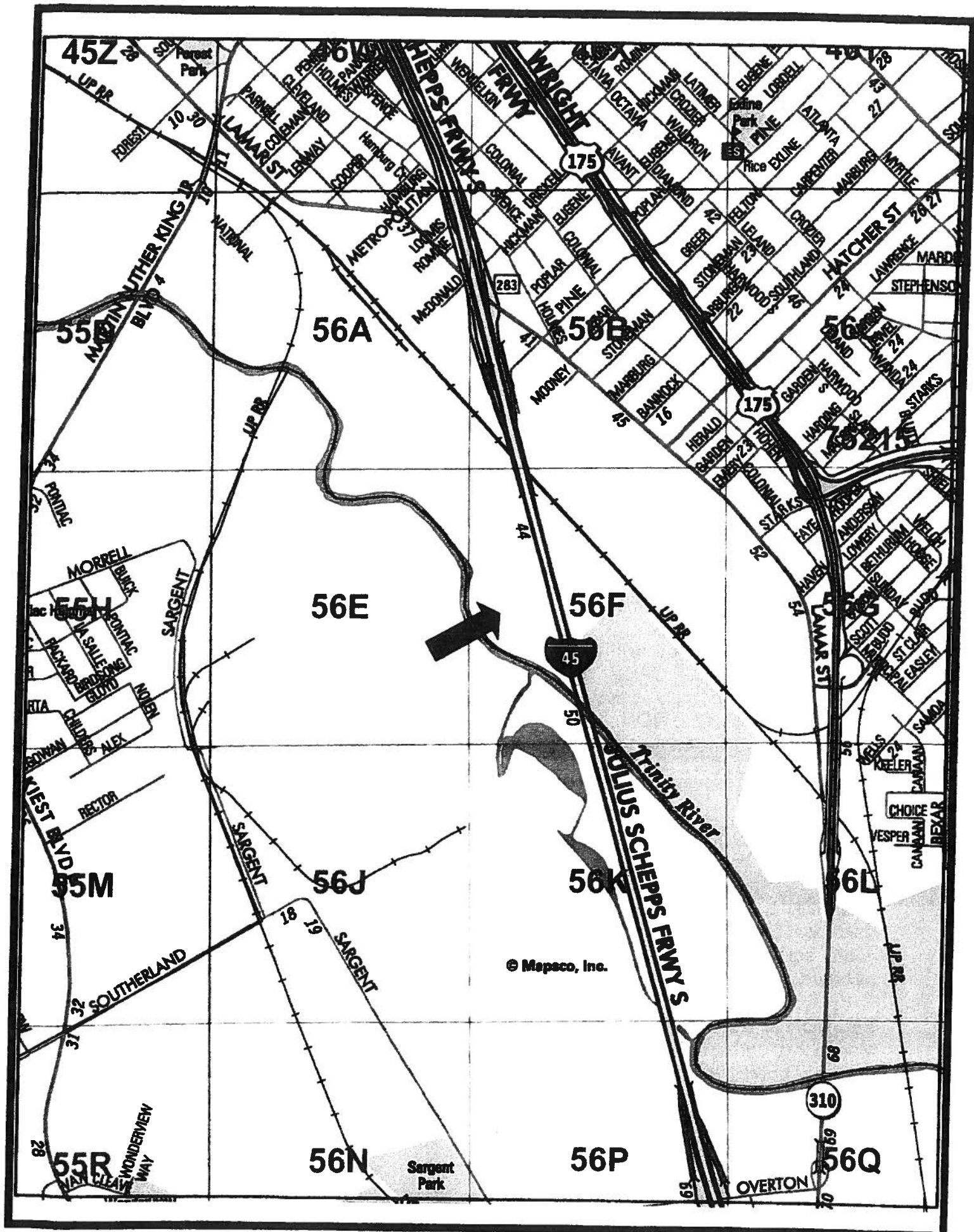
Interstate Highway 45

Union Pacific Railroad (C.R.I. & G. RR)

**BLOCK
5832**



Property to be Acquired



January 27, 2010

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

WHEREAS, OWNER has refused the official offer as authorized by the FIRST RESOLUTION; and

WHEREAS, OWNER and the City of Dallas desire to settle in lieu of proceeding further with condemnation proceedings: Now, Therefore,

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

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

FIRST RESOLUTION: Resolution No. 06-0523 approved by the Dallas City Council on February 8, 2006

PROJECT: Dallas Floodway Extension

OWNER: Okon Family Partnership

INTEREST: Fee Simple

PROPERTY: Approximately 14.5 acres of land in City of Dallas Block Nos. 1684 & 5832 Official City Numbers, and being the same property more specifically described as Exhibit A (Tracts 3 and 3A) in the FIRST RESOLUTION.

SETTLEMENT AMOUNT: \$ 60,000.00

CLOSING COSTS: \$ 3,000.00

AUTHORIZED AMOUNT: \$63,000.00

SECTION 2. The Owner is conveying the PROPERTY subject to the reservation of an easement over, on and across a portion of the land conveyed, containing approximately 8,420 square feet, for operation, maintenance, repair and removal of an existing billboard.

SECTION 3. That in lieu of proceeding further with condemnation proceedings, the City Manager is authorized to acquire the INTEREST in the PROPERTY from OWNER for the SETTLEMENT AMOUNT.

January 27, 2010

SECTION 4. That the City will have possession at closing and will pay all closing costs and title expenses.

SECTION 5. That the City Controller is authorized to draw a check payable to the OWNER or the Title Company closing the transaction described herein for the SETTLEMENT AMOUNT, payable out of U. S. Army Corps of Engineers Project Cooperation Funds, Fund TP14, Dept. PBW, Unit N962, Activity TRPP, Object 4210, Program No. PB98N962, PD DEVN962LJ84, and said payment shall be delivered to a title insurance company after evidence of satisfactory title has been provided to and approved by the City Attorney. CLOSING COSTS and title expenses shall be paid from the previously described funds.

SECTION 6. That appropriate acquisition instruments, approved as to form by the City Attorney, be forwarded to a title insurance company for closing, and subsequent to closing, filed with the County Clerk and returned, along with the original Owner's Policy of Title Insurance, to the City Secretary for permanent record.

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

APPROVED AS TO FORM:

THOMAS P. PERKINS, CITY ATTORNEY

BY: _____
Assistant City Attorney

KEY FOCUS AREA: Economic Vibrancy
AGENDA DATE: January 27, 2010
COUNCIL DISTRICT(S): 7
DEPARTMENT: Trinity Watershed Management
CMO: Jill A. Jordan, P.E., 670-5299
MAPSCO: 56 B

SUBJECT

Authorize settlement in lieu of proceeding with condemnation of an unimproved tract of land containing approximately 18,729 square feet from Shelly R. Borin and Linda K. Feldman, located near the intersection of Lamar Street and I.H. 45 for the Dallas Floodway Extension portion of the Trinity River Corridor Project - Not to exceed \$12,300 (\$10,500, plus closing costs not to exceed \$1,800) – Financing: U.S. Army Corps of Engineers Project Cooperation Funds

BACKGROUND

This item authorizes a settlement for the acquisition of an unimproved tract of land containing approximately 18,729 square feet, located near the intersection of Lamar Street and I.H. 45. This property will be used for the Dallas Floodway Extension. This settlement will allow acquisition of the property without proceeding with condemnation proceedings.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Authorized acquisition on October 14, 2009, by Resolution No. 09-2539.

FISCAL INFORMATION

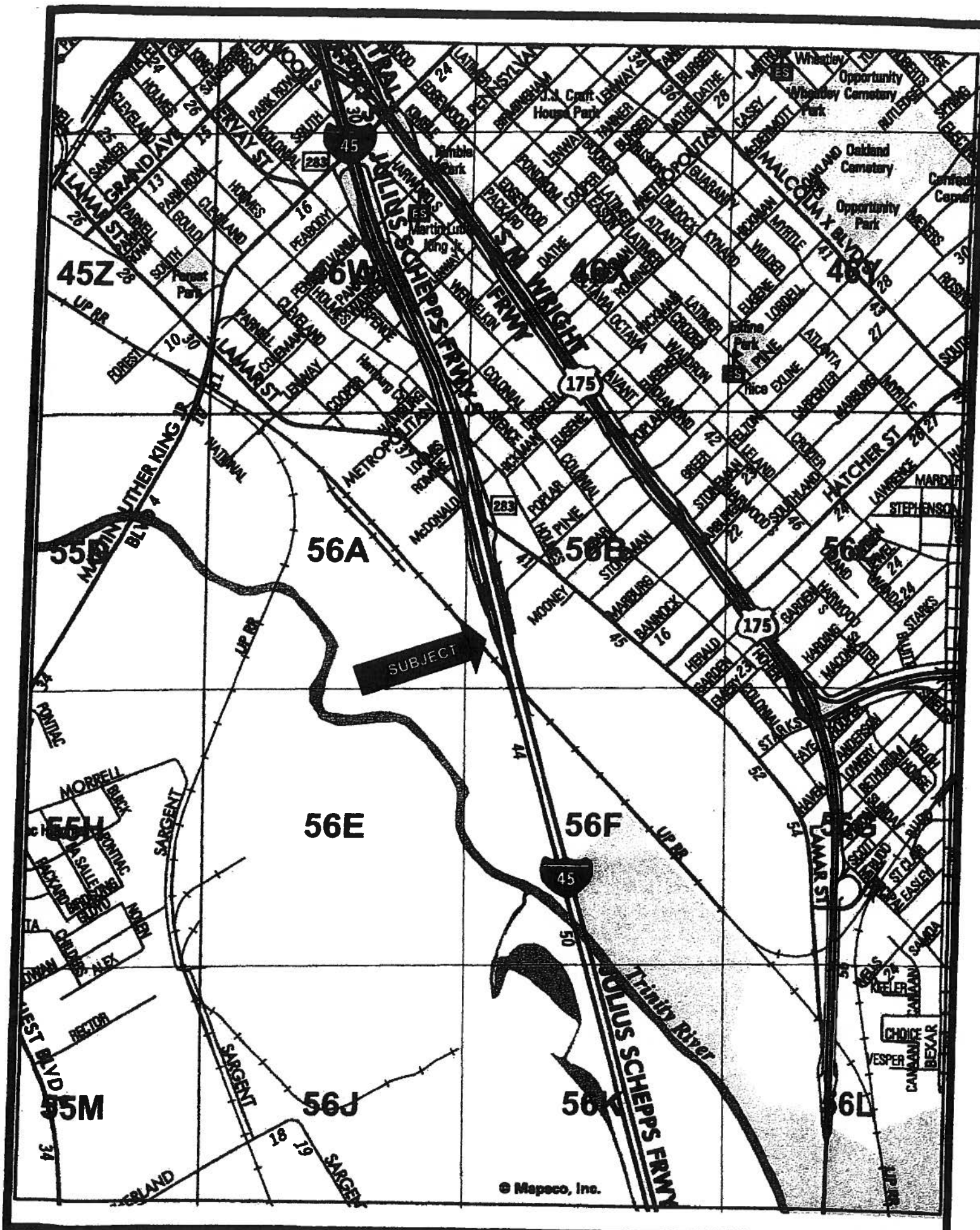
U.S. Army Corps of Engineers Project Cooperation Funds - \$12,300.00 (\$10,500, plus closing costs not to exceed \$1,800)

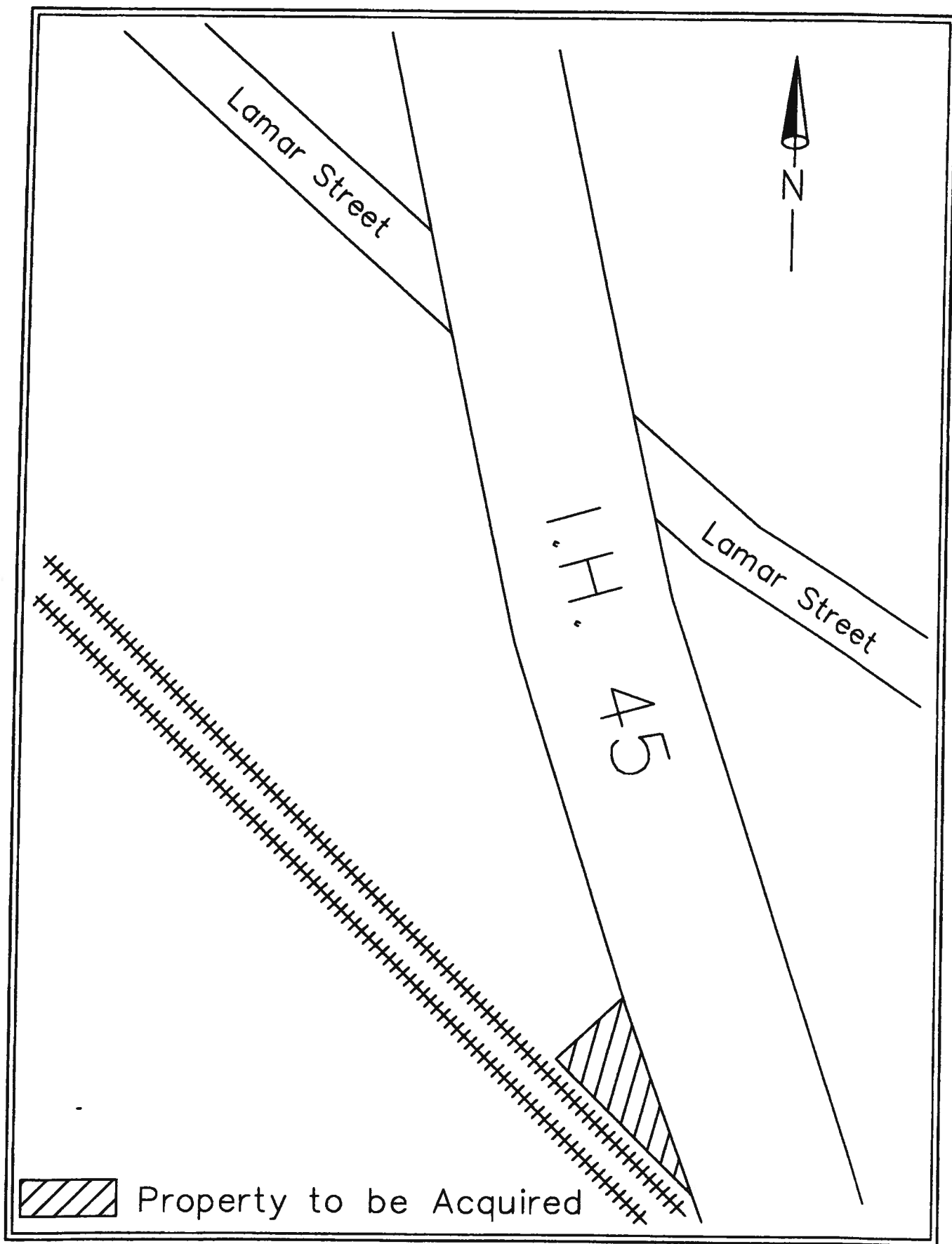
OWNERS

Shelly R. Borin
Linda K. Garonzik

MAPS

Attached





January 27, 2010

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

WHEREAS, OWNER has refused the official offer as authorized by the FIRST RESOLUTION; and

WHEREAS, OWNER and the City of Dallas desire to settle in lieu of proceeding further with condemnation proceedings: Now, Therefore,

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

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

FIRST RESOLUTION: Resolution No. 09-2539 approved by the Dallas City Council on October 14, 2009

PROJECT: Trinity River Corridor Project – Dallas Floodway Extension

OWNER: Shelly R. Borin and Linda K. Garonzik

INTEREST: Fee Simple

PROPERTY: Approximately 18,729 square feet of unimproved land in City of Dallas Block No. 1683 Official City Numbers, and being the same property more specifically described as Exhibit A in the FIRST RESOLUTION.

SETTLEMENT AMOUNT: \$10,500.00

CLOSING COSTS: \$1,800.00

AUTHORIZED AMOUNT: \$12,300.00

SECTION 2. That in lieu of proceeding further with condemnation proceedings, the City Manager is authorized to acquire the INTEREST in the PROPERTY from OWNER for the SETTLEMENT AMOUNT.

SECTION 3. That the City will have possession at closing and will pay all closing costs and title expenses.

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SECTION 4. That the City Controller is authorized to draw a check payable to the OWNER or the Title Company closing the transaction described herein for the SETTLEMENT AMOUNT, payable out of the U.S. Army Corps of Engineers Project Cooperation Funds, Fund No. TP14, Dept. PBW, Unit N962, Activity TRPP, Object 4210, Program No. PB98N962, CT-PBW98N962L3, and said payment shall be delivered to a title insurance company after evidence of satisfactory title has been provided to and approved by the City Attorney. CLOSING COSTS and title expenses shall be paid from the previously described funds.

SECTION 5. That appropriate acquisition instruments, approved as to form by the City Attorney, be forwarded to a title insurance company for closing, and subsequent to closing, filed with the County Clerk and returned, along with the original Owner's Policy of Title Insurance, to the City Secretary for permanent record.

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

APPROVED AS TO FORM:
THOMAS P. PERKINS, CITY ATTORNEY

BY: _____
Assistant City Attorney