

AGENDA ITEM # 65

KEY FOCUS AREA: Economic Vibrancy
AGENDA DATE: December 9, 2009
COUNCIL DISTRICT(S): 6
DEPARTMENT: Trinity Watershed Management
CMO: Jill A. Jordan, P.E., 670-5299
MAPSCO: 44F

SUBJECT

Authorize acquisition, including the exercise of the right of eminent domain, if such becomes necessary, from CMC Concrete Accessories, Inc. dba Shepler's, of a tract of land containing approximately 44,892 square feet located near the intersection of Irving Boulevard and Sylvan Avenue for the Baker Pump Station – Not to exceed \$193,403 (\$190,703, plus closing costs not to exceed \$2,700) – Financing: 2006 Bond Funds

BACKGROUND

This item authorizes the acquisition of a tract of land containing approximately 44,892 square feet located near the intersection of Irving Boulevard and Sylvan Avenue from the CMC Concrete Accessories, Inc. dba Shepler's. The property is improved with lighting, concrete paving and fencing. This property will be used for the expansion of the Baker Pump Station. The consideration is based upon an independent appraisal.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

This item has no prior action.

FISCAL INFORMATION

2006 Bond Funds - \$193,403 (\$190,703, plus closing costs not to exceed \$2,700)

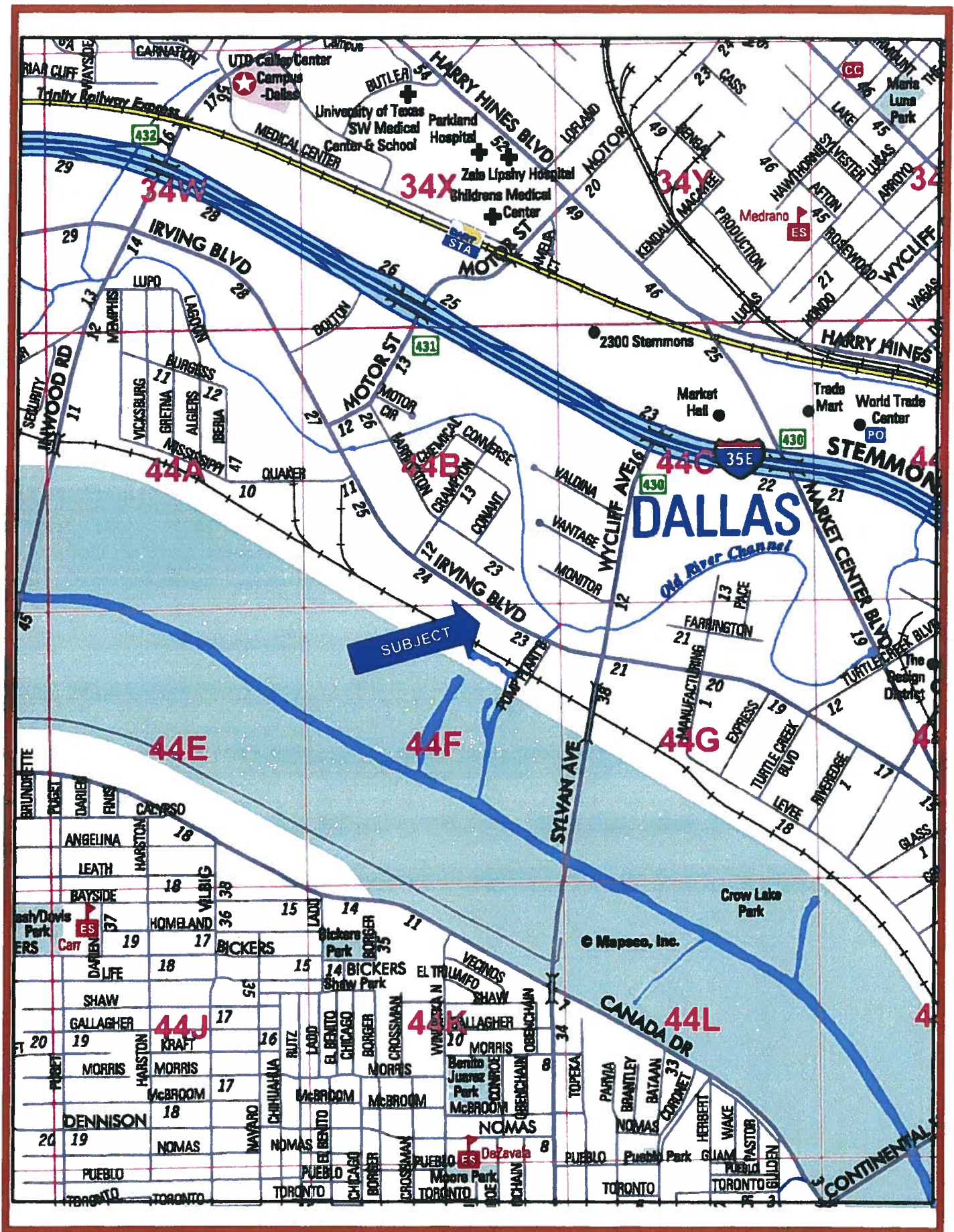
OWNER

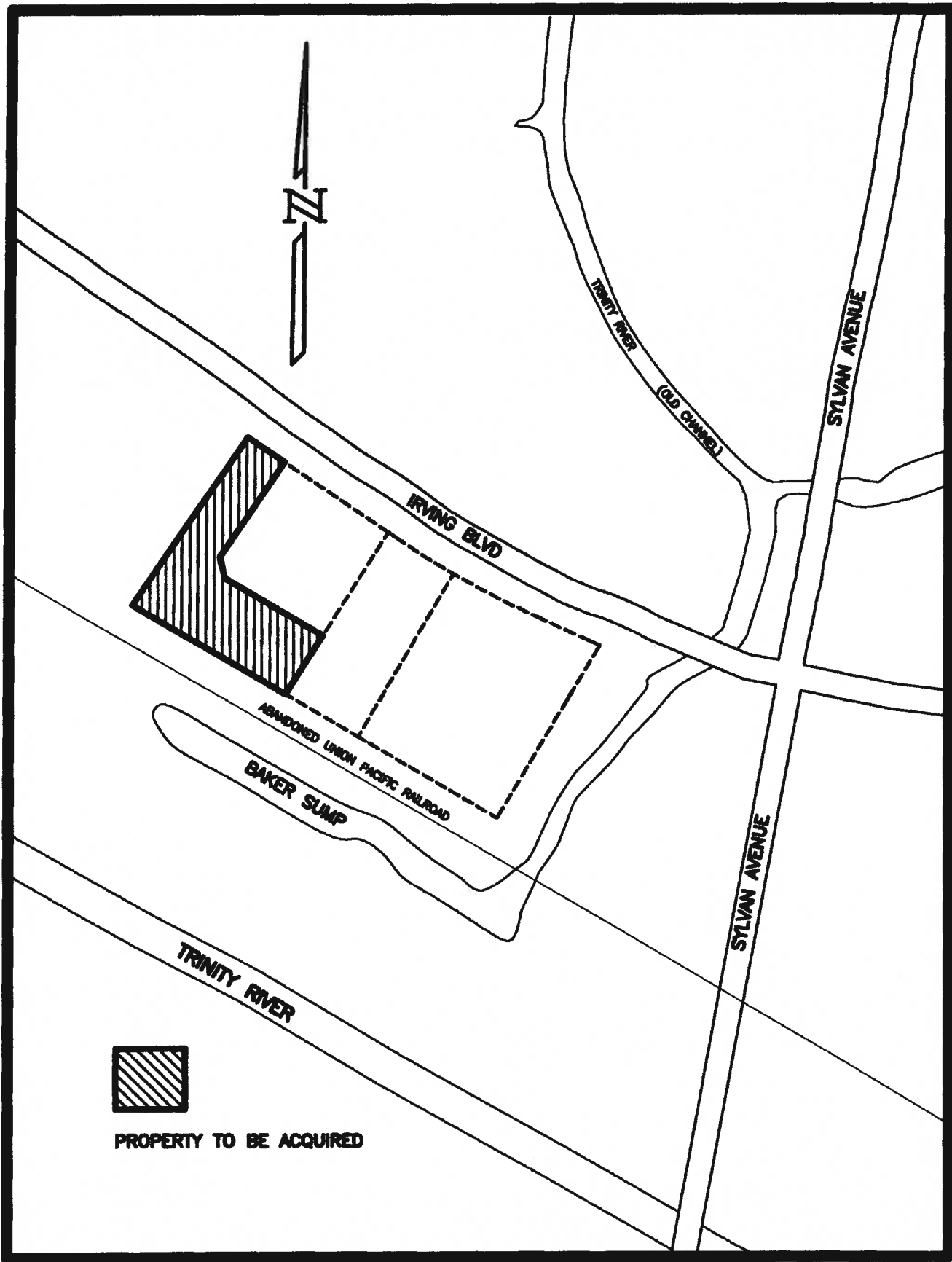
CMC Concrete Accessories, Inc. dba Shepler's

Russ Rinn, President

MAPS

Attached





TRINITY RIVER
(OLD CHANNEL)

SYLVAN AVENUE

IRVING BLVD

ABANDONED UNION PACIFIC RAILROAD

BAKER SUMP

TRINITY RIVER

SYLVAN AVENUE



PROPERTY TO BE ACQUIRED

December 9, 2009

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

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

"CITY": The City of Dallas.

"PROPERTY": The tracts or parcels of land described in "Exhibit A", attached hereto and made a part hereof for all purposes.

"PROJECT": Baker Pump Station

"PROPERTY INTEREST": Fee Simple

"OWNER": CMC Concrete Accessories, Inc., dba Shepler's, provided, however, that the term "OWNER" as used in this resolution means all persons having an ownership interest, regardless of whether those persons are actually named herein.

"OFFER AMOUNT": \$190,703.00

"CLOSING COSTS": Not to exceed \$ 2,700.00

"AUTHORIZED AMOUNT": \$ 193,403.00

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

SECTION 1. That the PROJECT is a municipal and public purpose and a public use.

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

SECTION 3. That for the purpose of acquiring the PROPERTY INTEREST in the PROPERTY, the Assistant Director of the 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.

December 9, 2009

SECTION 4. That in the event the OWNER accepts the OFFER AMOUNT, the City Controller 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 OFFER AMOUNT and CLOSING COSTS payable out of Flood Protection and Storm Drainage Facilities Fund No. 7T23, Department PBW, Unit T509, Activity FLDM, Program No. PB06T509, Object 4210, Encumbrance No. CT- PBW06T509B1. The OFFER AMOUNT and the CLOSING COSTS 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 any title expenses and closing costs. In the event of condemnation, the CITY will pay court costs as may be assessed by the Special Commissioners or the court. Further, that litigation 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 suit(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 suit(s).

SECTION 8. That in the event the Special Commissioners in Condemnation 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 settle the lawsuit for that amount and the City Controller is hereby authorized to issue a check drawn on the previously described funds in an amount not to exceed the Commissioners' award 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.

December 9, 2009

SECTION 9. 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, JR., City Attorney

BY 
Assistant City Attorney

EXHIBIT A

FIELD NOTES DESCRIBING A TRACT OF LAND TO BE ACQUIRED BY THE CITY OF DALLAS BAKER PUMP STATION IMPROVEMENTS CITY BLOCK 7902 Parcel: 1

BEING a 1.031 acre tract of land in the Amos Hodges Survey, Abstract No. 1652, and being located in City Block 7902, in the City of Dallas, Dallas County, Texas, and being part of a tract of land described as "Tract 2" in a Special Warranty Deed to CMC Concrete Accessories, Inc., a Texas Corporation, dba SCHEPLER'S, dated April 5, 2005, as recorded in Volume 2005071, Page 6150, from the Deed Records of Dallas County, Texas (D.R.D.C.T.), and being more particularly described as follows:

BEGINNING at a found 1/2-inch iron rod for the north corner of said "Tract 2," along the southwest right-of-way line of Irving Boulevard (variable width), said point being the east corner of a tract of land described in a Warranty Deed (Vendor's Lien Retained) to Wilemon Enterprises, LTD., dated July 28, 1995, as recorded in Volume 95147, Page 29, D.R.D.C.T., said point being South 55 degrees 57 minutes 43 seconds East, a distance of 592.37 feet from the north corner of said Wilemon Enterprises Tract;

THENCE South 55 degrees 57 minutes 43 seconds East, along the northeast line of said "Tract 2" and the southwest right-of-way line of said Irving Boulevard, a distance of 70.00 feet to a pk nail set for corner;

THENCE South 34 degrees 04 minutes 35 seconds West, departing the southwest right-of-way line of said Irving Boulevard, and crossing said "Tract 2", a distance of 179.60 feet to a "X" cut in concrete set for an angle point;

THENCE South 12 degrees 44 minutes 31 seconds East, continuing across said "Tract 2", a distance of 34.51 feet to a corner point (not set, inaccessible) for an angle point;

THENCE South 59 degrees 35 minutes 03 seconds East, continuing across said "Tract 2", a distance of 179.00 feet to a corner point (not set, inaccessible) on the common line between the southeast line of said "Tract 2", and the northwest line of a tract of land described as "Tract 3" in a Special Warranty Deed to CMC Concrete Accessories, Inc., a Texas Corporation, dba SCHEPLER'S, dated April 5, 2005, as recorded in Volume 2005071, Page 6150, D.R.D.C.T., said point being South 32 degrees 13 minutes 45 seconds West, a distance of 192.02 feet from a pk nail set for the east corner of said "Tract 2", and the north corner tract of said "Tract 3";

THENCE South 32 degrees 13 minutes 45 seconds West, along said common line, a distance of 109.00 feet to a found 1/2-inch iron rod for the south corner of said "Tract 2" and the west corner of said "Tract 3", said point also being on the northeast line of a tract of land described in a Deed to The Texas and Pacific Railway Company, a Corporation, and the Dallas Terminal Railway & Union Depot Company, a Corporation, dated May 9, 1956, as recorded in Volume 4517, Page 333, D.R.D.C.T.;

THENCE North 59 degrees 35 minutes 03 seconds West, along the common line between the southwest line of said "Tract 2" and the northeast line of said Texas and Pacific Railway tract, a distance of 277.88 feet to a 1/2-inch iron rod with a red plastic cap stamped "DAL-TECH" set for the west corner of said "Tract 2", and the south corner of said Wilemon Enterprises Tract;

REVIEWED BY *llc 7-22-08*

AR

**FIELD NOTES DESCRIBING A TRACT OF LAND TO BE
ACQUIRED BY THE CITY OF DALLAS
BAKER PUMP STATION IMPROVEMENTS
CITY BLOCK 7902
Parcel: 1**

THENCE North 34 degrees 04 minutes 35 seconds East, departing the northeast line of said Texas and Pacific Railway tract, and along the common line between the northwest line of said "Tract 2" and the southeast line of said Wilemon Enterprises tract, a distance of 318.43 feet to the POINT OF BEGINNING AND CONTAINING 44,892 square feet, or 1.031 acres of land, more or less.

All bearings for this tract refer to the NAD-83 Texas State Plane Coordinate System (2007 Adjustment) and the RTK Virtual Reference System. The Dallas County Scale Factor of 1.000136506 as published by the Texas Department of Transportation, Dallas District, was used for this project.

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

Company Name: DAL-TECH Engineering, Inc.

By: *Mark D. Yale* Date: 7-10-08

Surveyor's Name: Mark D. Yale
Registered Professional Land Surveyor
Texas No. 5975



REVIEWED BY *Mc* 7-22-08

AR

REVIEWED BY: *AK 7/20/08*

APPROXIMATE LOCATION
OF SURVEY LINE

CITY BLOCK 7902
CITY OF DALLAS
DALLAS COUNTY

OWNER:
THE TEXAS AND PACIFIC RAILWAY
COMPANY, A CORPORATION
AND THE DALLAS TERMINAL
RAILWAY & UNION DEPOSIT
COMPANY, A CORPORATION.
VOL. 4517, PG. 333
O.R.D.C.T.

G. W. DOOLEY SURVEY
NO. 390
ABSTRACT NO. 190

G. W. DOOLEY SURVEY
LINE
ABSTRACT NO. 190

OWNER:
WILMON ENTERPRISES, LTD.
VOL. 95147, PG. 29
O.R.D.C.T.

AMOS HODGES SURVEY
NO. 1652
ABSTRACT NO. 1652

POINT OF
BEGINNING

IRVING BOULEVARD
(VARIABLE WIDTH R.O.W.)

SCALE: 1"=100'
0 50 100

S 55°57'43"E
592.35'

1/2" IR
(C.M.)

SET
PK NAIL

S 55°57'43"E
197.67'

OWNER:
CMC CONCRETE
ACCESSORIES, INC.,
A TEXAS CORPORATION,
DBA SCHEPLER'S
"TRACT 2"
VOL. 2005071, PG. 6150
O.R.D.C.T.

SET
PK NAIL

S 55°57'43"E
22.69'

SET
PK NAIL

OWNER:
CMC CONCRETE ACCESSORIES, INC.,
A TEXAS CORPORATION,
DBA SCHEPLER'S
"TRACT 3"
VOL. 2005071, PG. 6150
O.R.D.C.T.

SET
PK NAIL

OWNER:
CMC CONCRETE ACCESSORIES, INC.,
A TEXAS CORPORATION,
DBA SCHEPLER'S
"TRACT 1"
VOL. 2005071, PG. 6150
O.R.D.C.T.

PARCEL 1
44,892 S.F.
1.031 AC.

S 12°44'31"E
34.51'

S 59°35'03"E
179.00'

NOT SET
INACCESSIBLE

S 32°13'45"W
109.00'

S 32°13'45"W
109.00'

S 32°13'45"W
109.00'

S 32°13'45"W
109.00'

S 32°13'45"W
109.00'

S 32°13'45"W
109.00'

S 32°13'45"W
109.00'

S 32°13'45"W
109.00'

S 32°13'45"W
109.00'

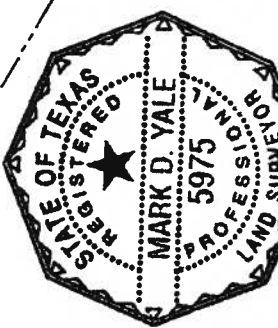
S 32°13'45"W
109.00'

S 32°13'45"W
109.00'

S 32°13'45"W
109.00'

S 32°13'45"W
109.00'

S 32°13'45"W
109.00'



7-10-08

Date:

Mark D. Yale, R.P.L.S. 5975

NOTE: THIS SURVEY WAS PERFORMED BASED UPON
RECORD DATA PROVIDED UNDER NORTH AMERICAN
TITLE INSURANCE COMPANY COMMITMENT G.F. NUMBER
14701-08-00019, WITH AN EFFECTIVE DATE OF
FEBRUARY 11, 2008

ALL BEARINGS FOR THIS TRACT REFER TO THE
NAD-83 TEXAS STATE PLANE COORDINATE SYSTEM
(2007 ADJUSTMENT) AND THE RTK VIRTUAL REFERENCE
SYSTEM, THE DALLAS COUNTY SCALE FACTOR OF
1.000136508 AS PUBLISHED BY THE TEXAS
DEPARTMENT OF TRANSPORTATION, DALLAS DISTRICT,
WAS USED FOR THIS PROJECT.

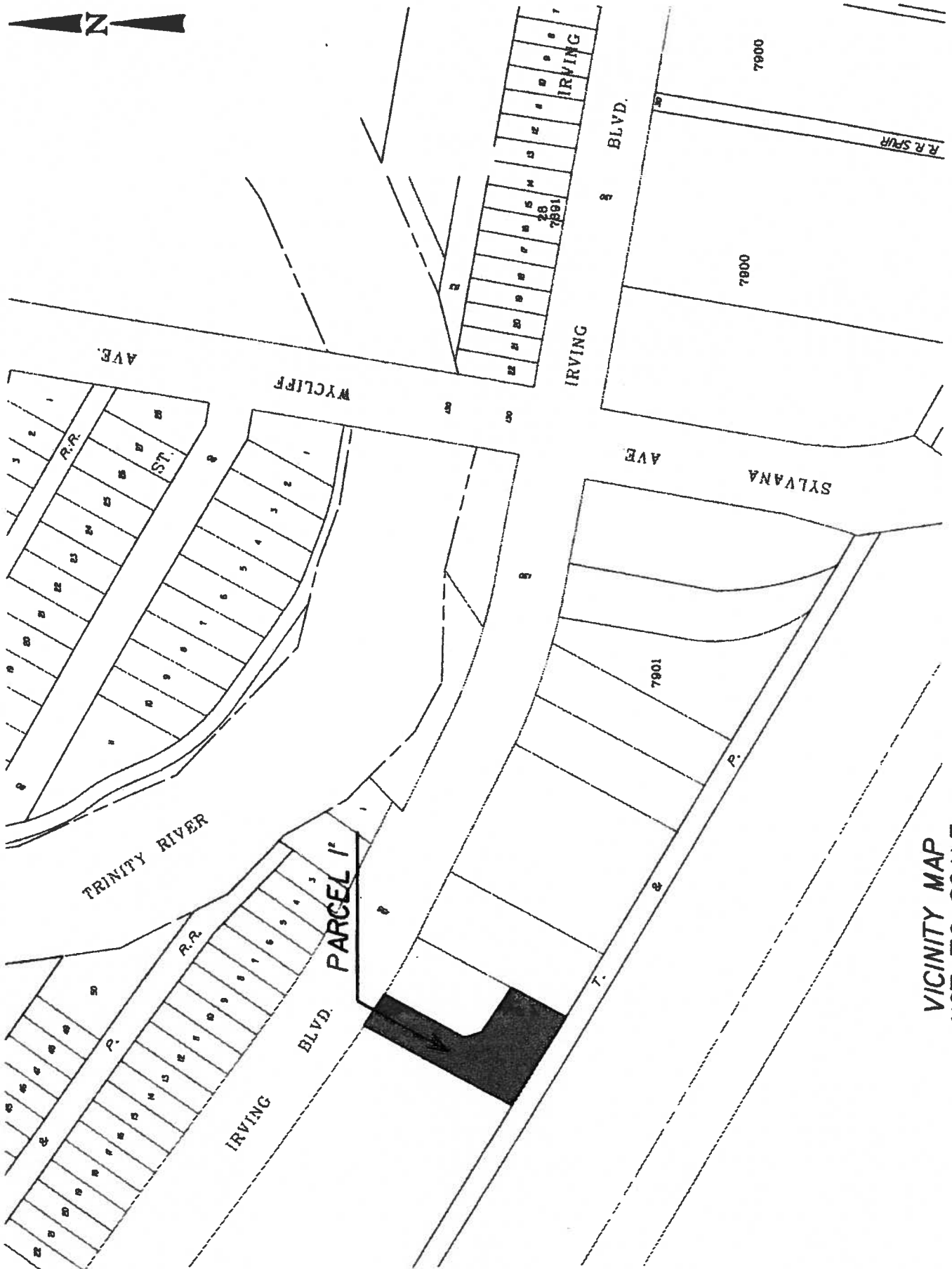
CURVE	DELTA	RADIUS	TANGENT	LENGTH	CHORD	BEARING	LONG	CHORD
C1	103°48'26"(L.T.)	1,497.69'	48.78'	99.52'	S 57°51'49"E		99.50'	

LEGEND:

- FIR - FOUND IRON ROD
- SIR - SET 1/2" IRON ROD W/YELLOW PLASTIC CAP
- STAMPED "DAL-TECH"
- FP - FOUND IRON PIPE
- (C.M.) - CONTROLLING MONUMENT
- SX - SET "X" CUT IN CONCRETE

EXHIBIT
OF A SURVEY OF
PARCEL 1
SITUATED IN THE AMOS HODGES SURVEY
ABSTRACT NO. 1652
DALLAS COUNTY, TEXAS, FOR
THE CITY OF DALLAS

PREPARED BY:
DAL-TECH ENGINEERING, INC., 17TH DALLAS PKWY., SUITE 300
DALLAS, TEXAS 75248, TEL (972) 250-2727, FAX (972) 250-4774
DATE: JULY '08 SCALE: 1" = 100' FILE: 0714 SHEET 3 OF 3



VICINITY MAP
NOT TO SCALE

AR

AGENDA ITEM # 66

KEY FOCUS AREA: Economic Vibrancy
AGENDA DATE: December 9, 2009
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 an unimproved tract of land containing approximately 7,000 square feet from Avan Easter, Sr. and Melba Easter Revocable Living Trust located near the intersection of Colonial Avenue and Starks Avenue for the Trinity Parkway - Not to exceed \$14,000 (\$12,000 plus closing costs not to exceed \$2,000) - Financing: 1998 Bond Funds

BACKGROUND

This item authorizes a settlement for the acquisition of approximately 7,000 square feet of unimproved land for the reconstruction of a direct connector route between US 175/SM Wright to I-45 to ultimately eliminate "dead-man's curve". 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 further with condemnation proceedings.

PRIOR ACTION / REVIEW (COUNCIL BOARDS, COMMISSIONS)

Authorized acquisition on September 23, 2009, by Resolution No. 09-2328.

FISCAL INFORMATION

1998 Bond Funds - \$14,000 (\$12,000 plus closing costs not to exceed \$2,000)

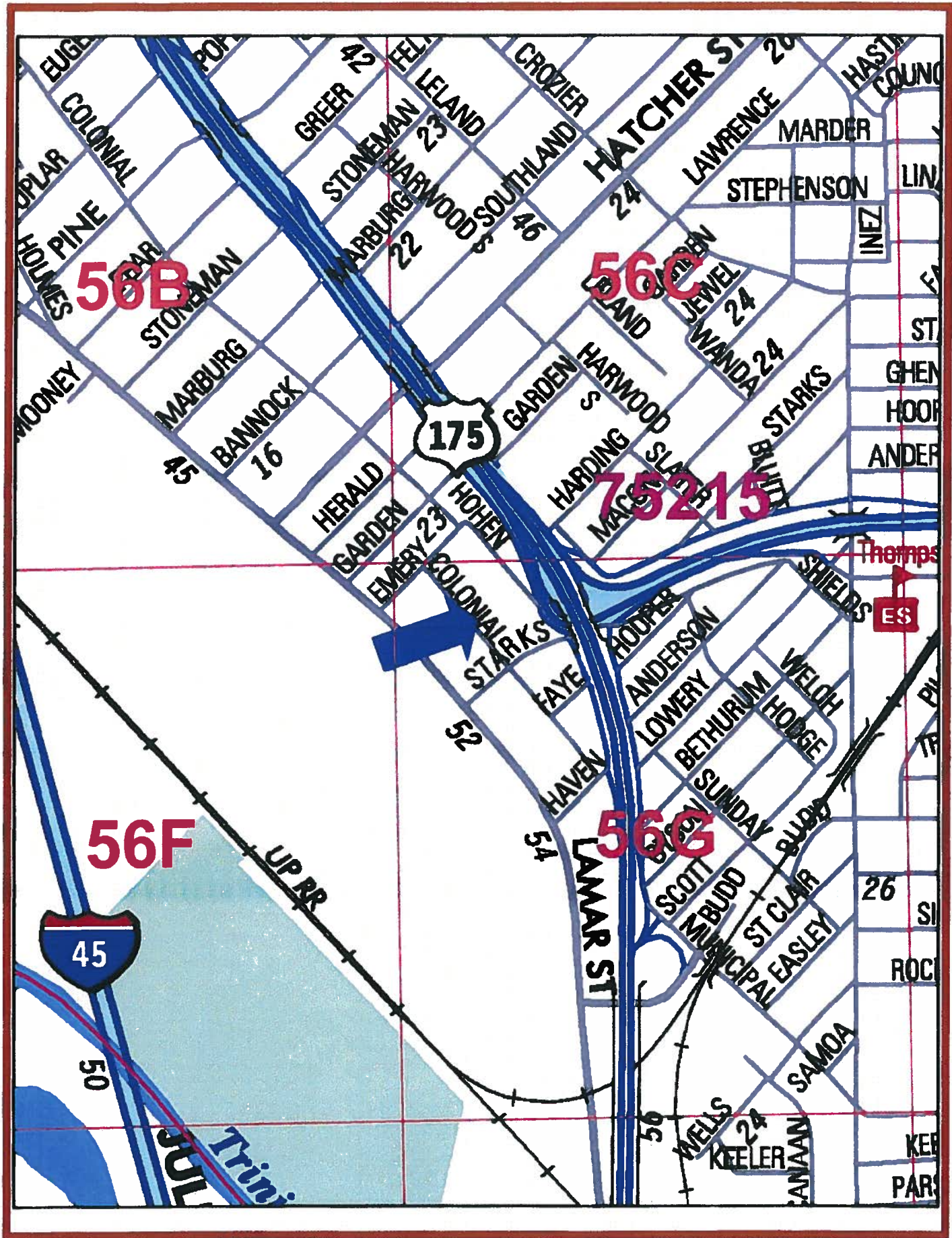
OWNERS

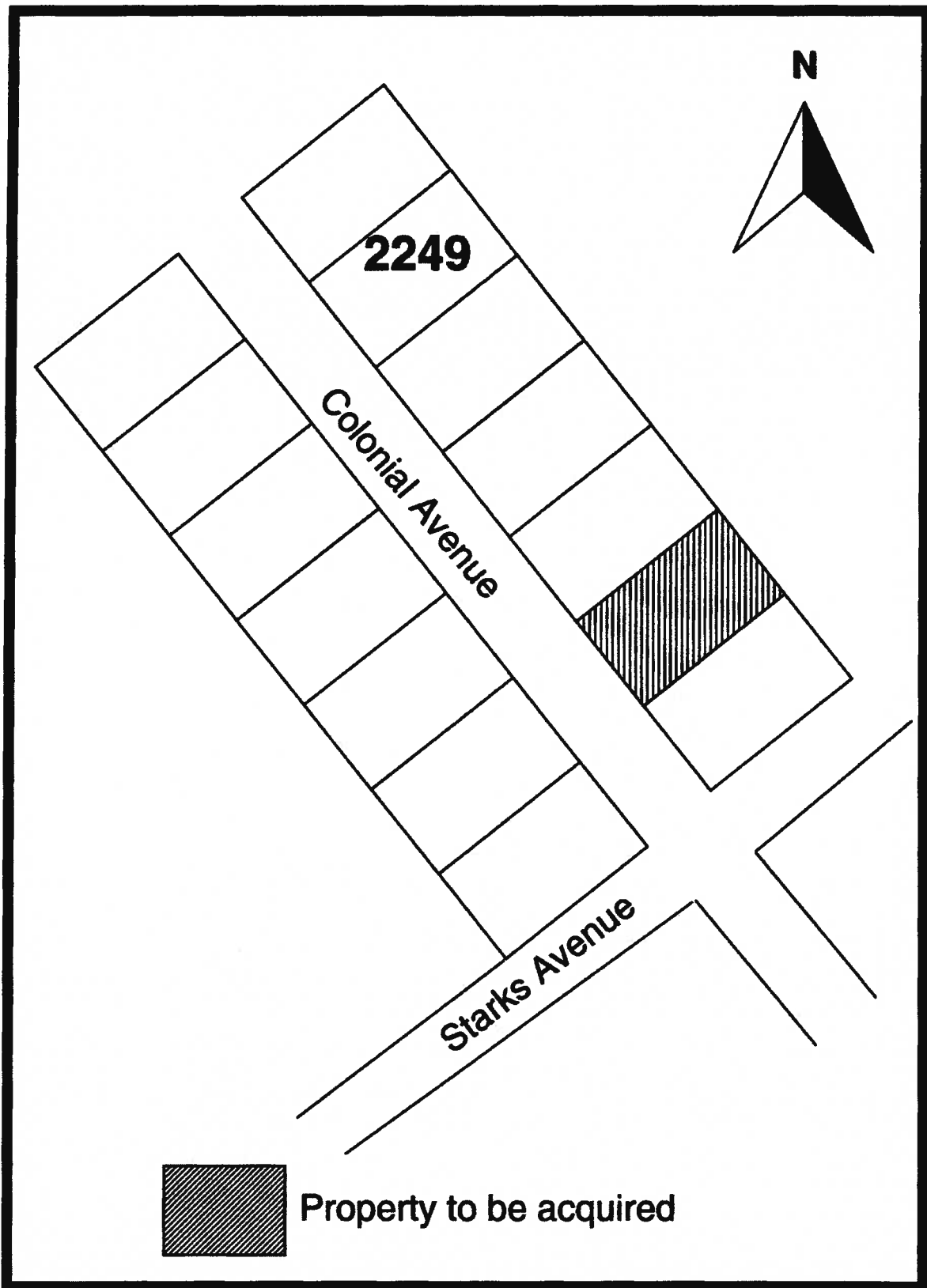
Avan Easter, Sr.

Melba Easter

MAPS

Attached





December 9, 2009

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. 09-2328 approved by the Dallas City Council on September 23, 2009

PROJECT: Trinity Parkway

OWNER: Avan Easter, Sr. and Melba Easter Revocable Living Trust

INTEREST: Fee Simple

PROPERTY: Approximately 7,000 square feet of unimproved land in City of Dallas Block No. 2249 Official City Numbers, and being the same property more specifically described as Tract No. 7 in the FIRST RESOLUTION.

SETTLEMENT AMOUNT: \$12,000

CLOSING COSTS: Not to exceed \$2,000

AUTHORIZED AMOUNT: \$14,000

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.

December 9, 2009

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-PBW98N965KO, 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

AGENDA ITEM # 67

KEY FOCUS AREA: Economic Vibrancy
AGENDA DATE: December 9, 2009
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 an unimproved tract of land containing approximately 7,000 square feet from Jerrod Bourquin located near the intersection of Colonial Avenue and Starks Avenue for the Trinity Parkway - Not to exceed \$14,000 (\$12,000 plus closing costs not to exceed \$2,000) - Financing: 1998 Bond Funds

BACKGROUND

This item authorizes a settlement for the acquisition of approximately 7,000 square feet of unimproved land for the reconstruction of a direct connector route between US 175/SM Wright to I-45 to ultimately eliminate "dead-man's curve". 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 further with condemnation proceedings.

PRIOR ACTION / REVIEW (COUNCIL BOARDS, COMMISSIONS)

Authorized acquisition on September 23, 2009, by Resolution No. 09-2328.

FISCAL INFORMATION

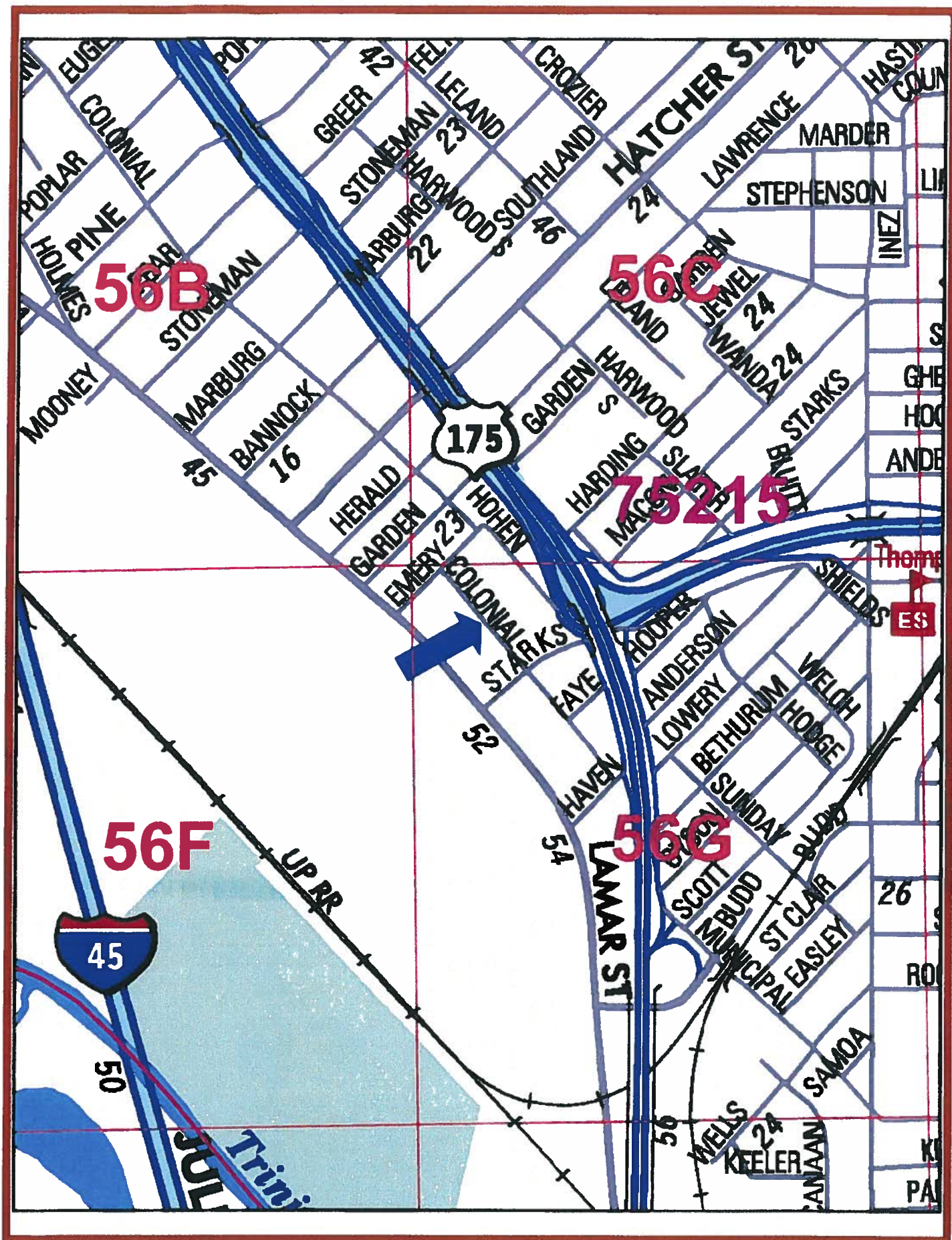
1998 Bond Funds - \$14,000 (\$12,000 plus closing costs not to exceed \$2,000)

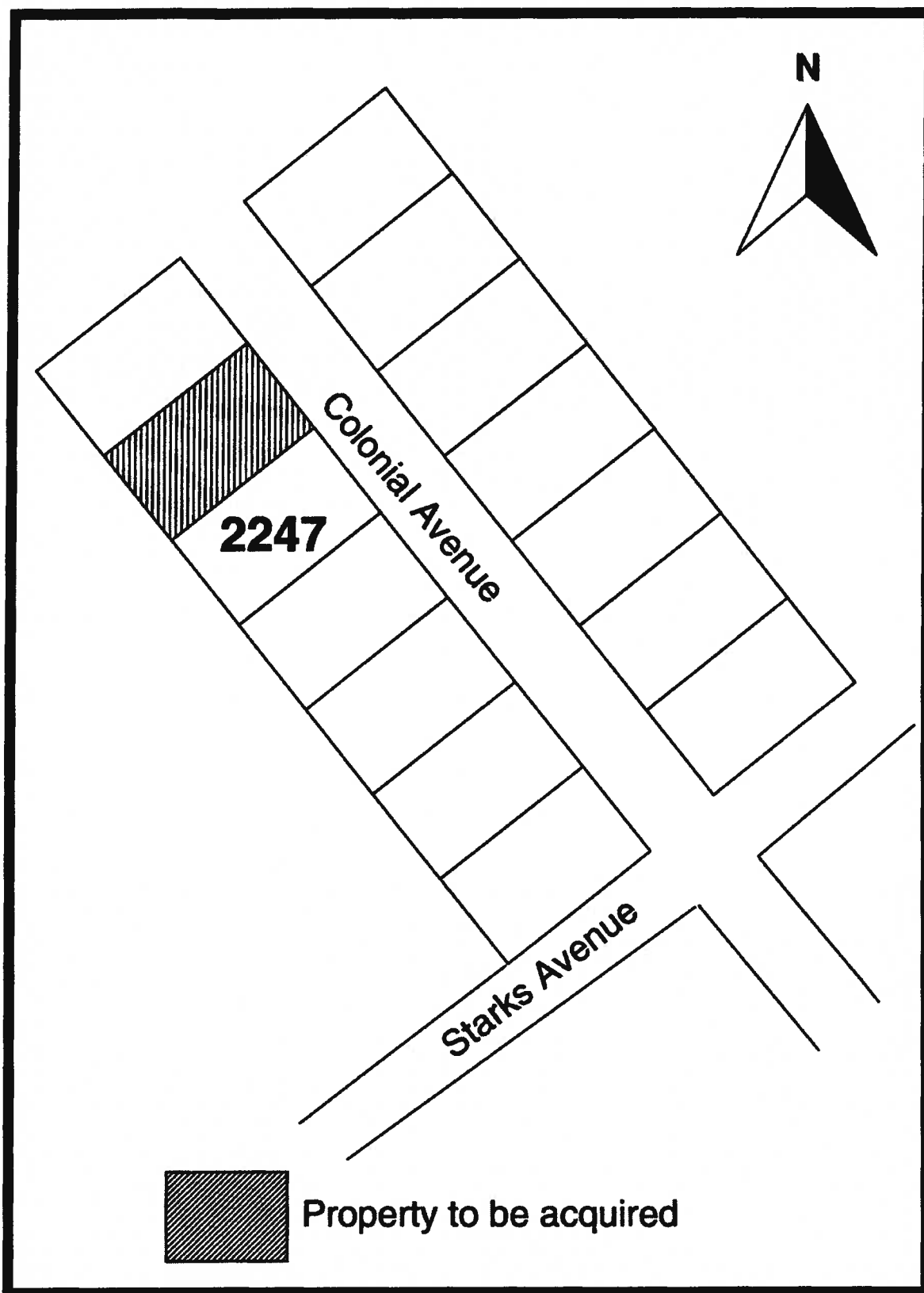
OWNER

Jerrod Bourquin

MAPS

Attached





December 9, 2009

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. 09-2328 approved by the Dallas City Council on September 23, 2009

PROJECT: Trinity Parkway

OWNER: Jerrod Bourquin

INTEREST: Fee Simple

PROPERTY: Approximately 7,000 square feet of unimproved land in City of Dallas Block No. 2247 Official City Numbers, and being the same property more specifically described as Tract No. 5 in the FIRST RESOLUTION.

SETTLEMENT AMOUNT: \$12,000

CLOSING COSTS: Not to exceed \$2,000

AUTHORIZED AMOUNT: \$14,000

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.

December 9, 2009

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-PBW98N965KF, 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

AGENDA ITEM # 68

KEY FOCUS AREA: Economic Vibrancy
AGENDA DATE: December 9, 2009
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 an unimproved tract of land containing approximately 7,000 square feet from the Salem Institutional Baptist Church located at the intersection of Colonial Avenue and Starks Avenue for the Trinity Parkway - Not to exceed \$14,000 (\$12,000 plus closing costs not to exceed \$2,000) - Financing: 1998 Bond Funds

BACKGROUND

This item authorizes a settlement for the acquisition of approximately 7,000 square feet of unimproved land for the reconstruction of a direct connector route between US 175/SM Wright to I-45 to ultimately eliminate "dead-man's curve". 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 further with condemnation proceedings.

PRIOR ACTION / REVIEW (COUNCIL BOARDS, COMMISSIONS)

Authorized acquisition on September 23, 2009, by Resolution No. 09-2328.

FISCAL INFORMATION

1998 Bond Funds - \$14,000 (\$12,000 plus closing costs not to exceed \$2,000)

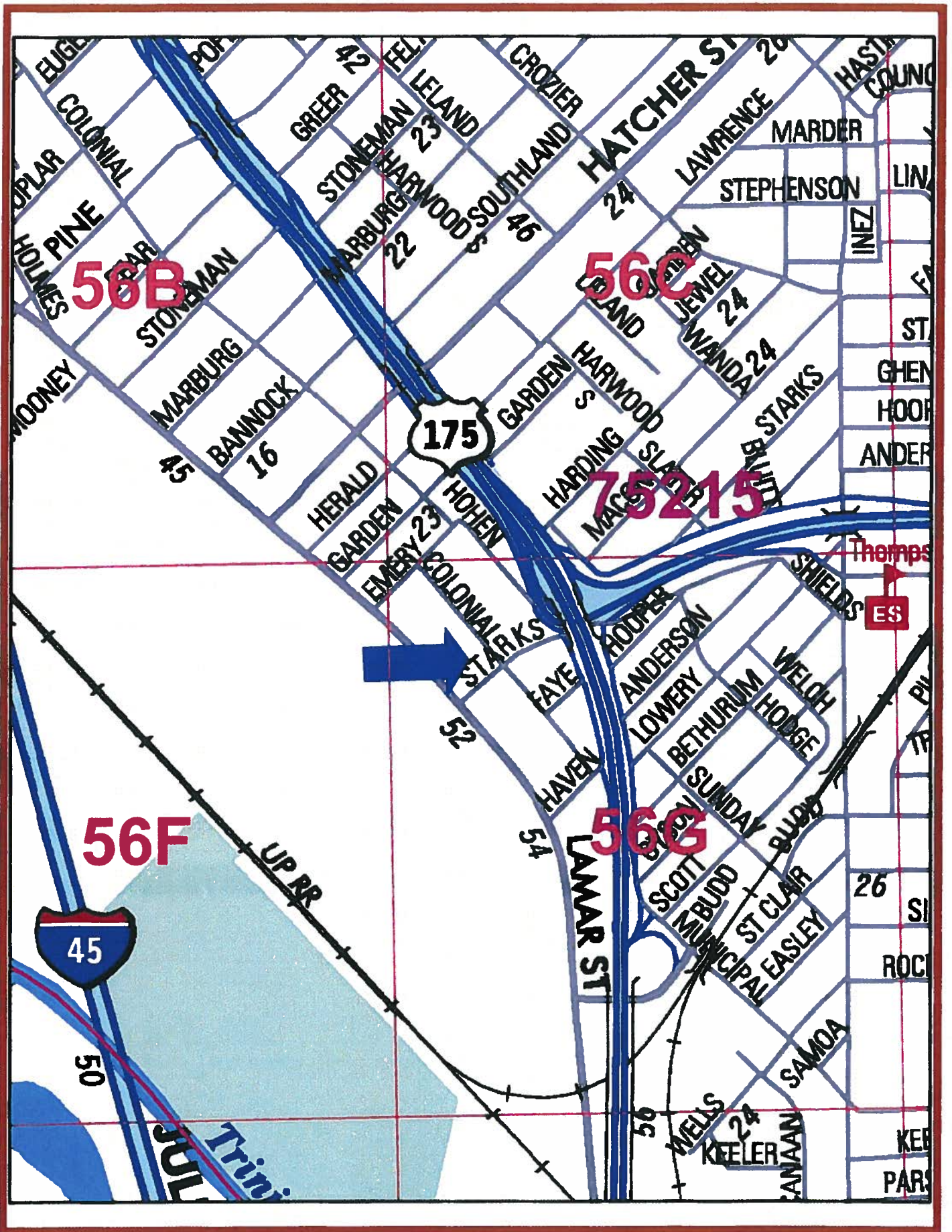
OWNER

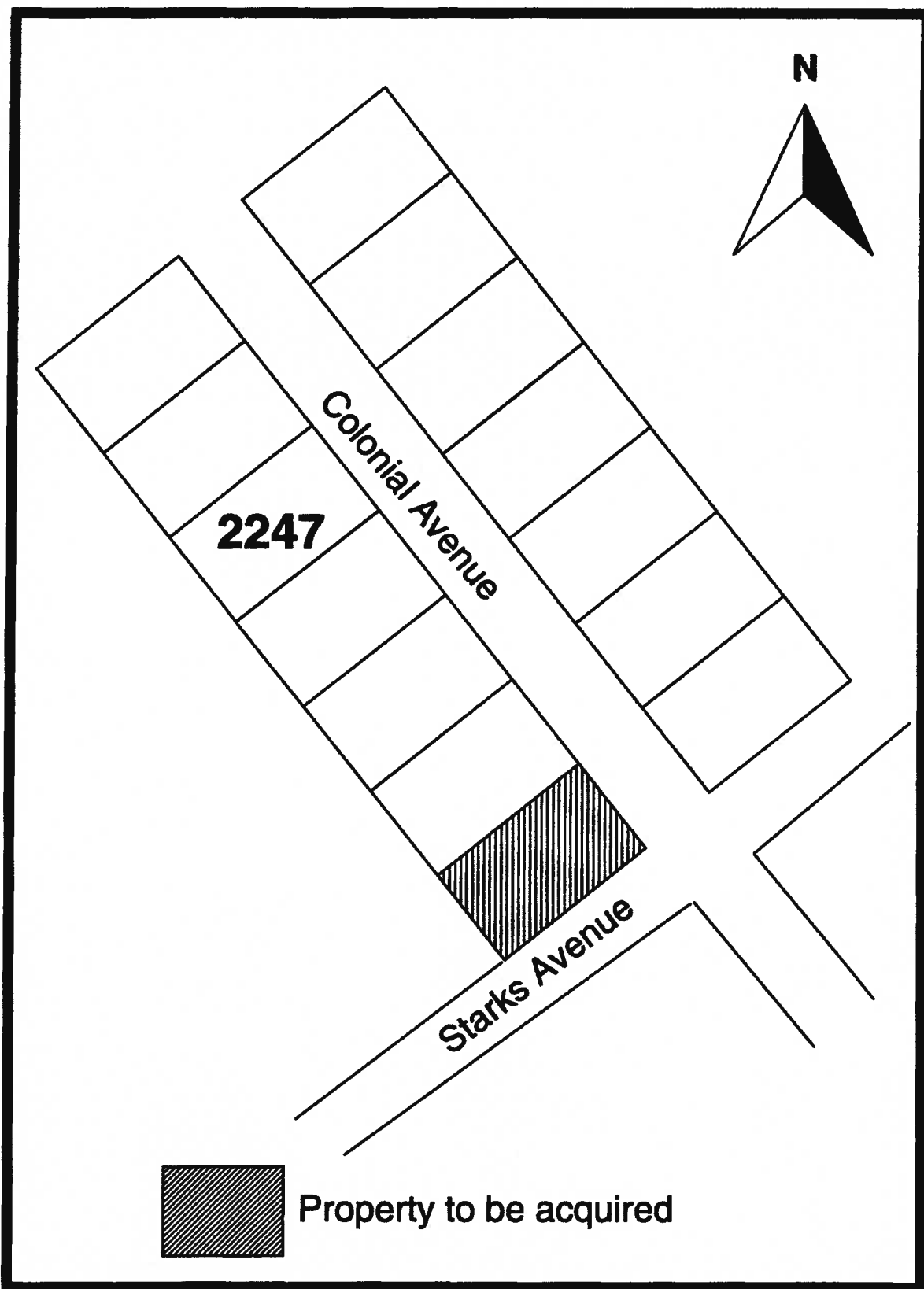
Salem Institutional Baptist Church

Lennis Levine, Director

MAPS

Attached





December 9, 2009

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. 09-2328 approved by the Dallas City Council on September 23, 2009

PROJECT: Trinity Parkway

OWNER: Salem Institutional Baptist Church

INTEREST: Fee Simple

PROPERTY: Approximately 7,000 square feet of unimproved land in City of Dallas Block No. 2247 Official City Numbers, and being the same property more specifically described as Tract No. 1 in the FIRST RESOLUTION.

SETTLEMENT AMOUNT: \$12,000

CLOSING COSTS: Not to exceed \$2,000

AUTHORIZED AMOUNT: \$14,000

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

December 9, 2009

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-PBW98N965KD, 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

KEY FOCUS AREA: Economic Vibrancy
AGENDA DATE: December 9, 2009
COUNCIL DISTRICT(S): 6
DEPARTMENT: Trinity Watershed Management
CMO: Jill A. Jordan, P.E., 670-5299
MAPSCO: 44 K L

SUBJECT

A resolution authorizing the sale of approximately 62,412 square feet of City-owned land located near the intersection of Sylvan Avenue and Morris Street to Oncor Electric Delivery Company – Estimated Revenue: \$600,000

BACKGROUND

This item will authorize the sale of approximately 62,412 square feet, of City-owned land located near the intersection of Sylvan Avenue and Morris Street to Oncor Electric Delivery Company, an entity with the power of eminent domain. The City may sell or exchange its property to a governmental entity that has the power of eminent domain without complying with the notice and bid requirements pursuant to Chapter 272 of the Local Government Code. This site will be used for a transition facility.

The City of Dallas and Oncor Electric Delivery Company have worked closely over a period of several years to obtain approval of the locally preferred route for the new transmission line. In June 2007, the Public Utility Commission of Texas (PUC) approved the West Levee Norwood transmission line along the City's locally preferred route using:

- Aerial structures along the median of Irving Boulevard, from approximately Regal Row to Sylvan Avenue; and
- Aerial structures across the Trinity River east (downstream) of the Sylvan Bridge to near the West Levee and Canada Drive; and
- Underground along the West Levee of the Trinity River (below Canada Drive) from near the Sylvan Bridge to the West Levee Switching Station.

A transition facility at this location, near the intersection of Sylvan Avenue and Morris Street, is necessary to provide a transition from the underground segment to overhead segment of the transmission line. Upon conveyance, Oncor will reimburse the City for the actual expenses incurred related to the acquisition of this property.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Authorized route preference on March 3, 2004, Resolution No. 04-0855.

Authorized Memorandum of Understanding on April 14, 2004, Resolution No. 04-1251.

Authorized acquisition on August 27, 2008, by Resolution 08-2312.

Authorized acquisition on December 10, 2008, by Resolution 08-3439.

Authorized acquisition, sale on December 10, 2008, by Resolution 08-3440.

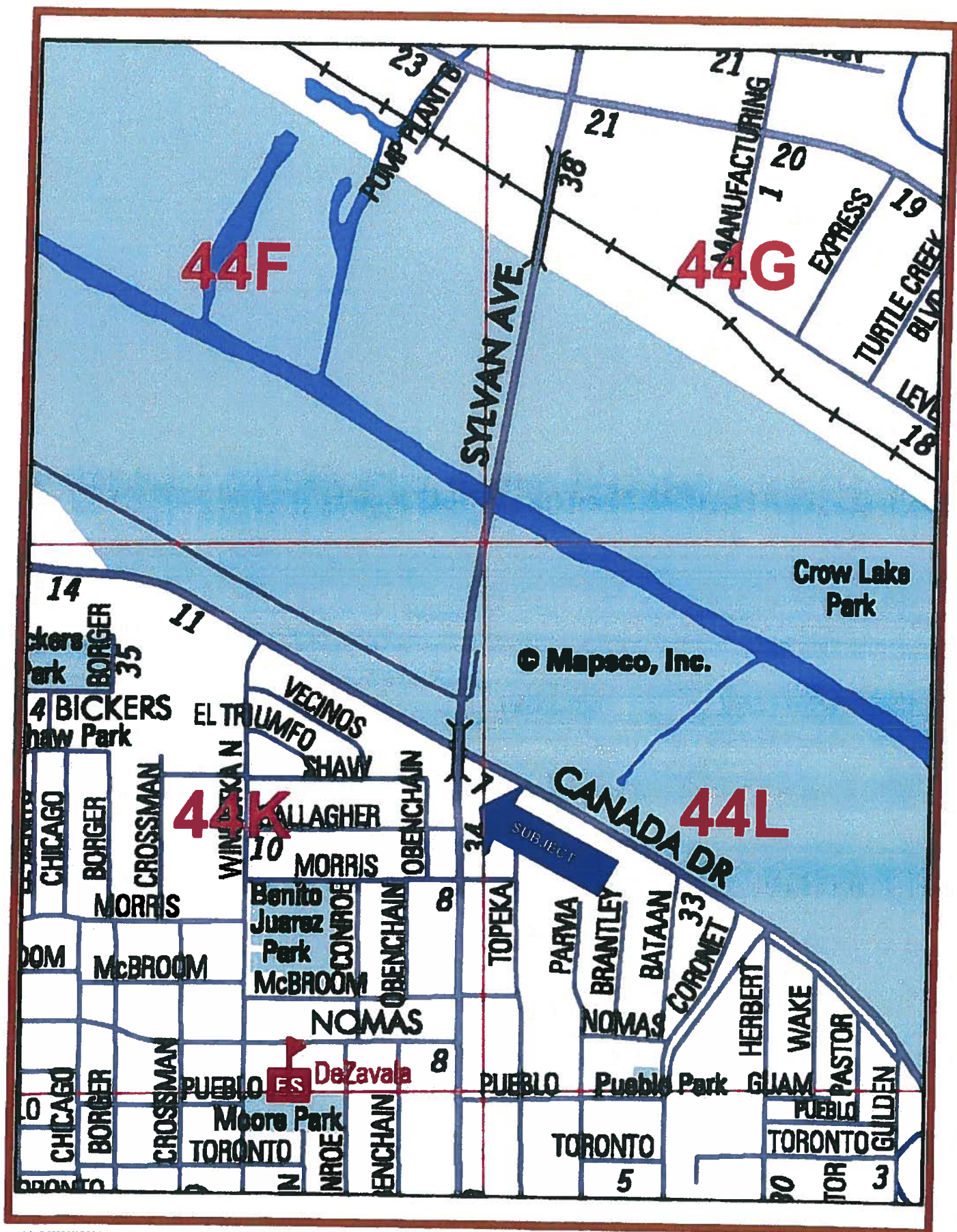
Authorized acquisition, sale on January 28, 2009, by Resolution 09-0311.

FISCAL INFORMATION

Estimated Revenue: \$600,000

MAPS

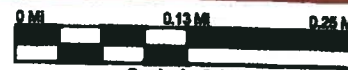
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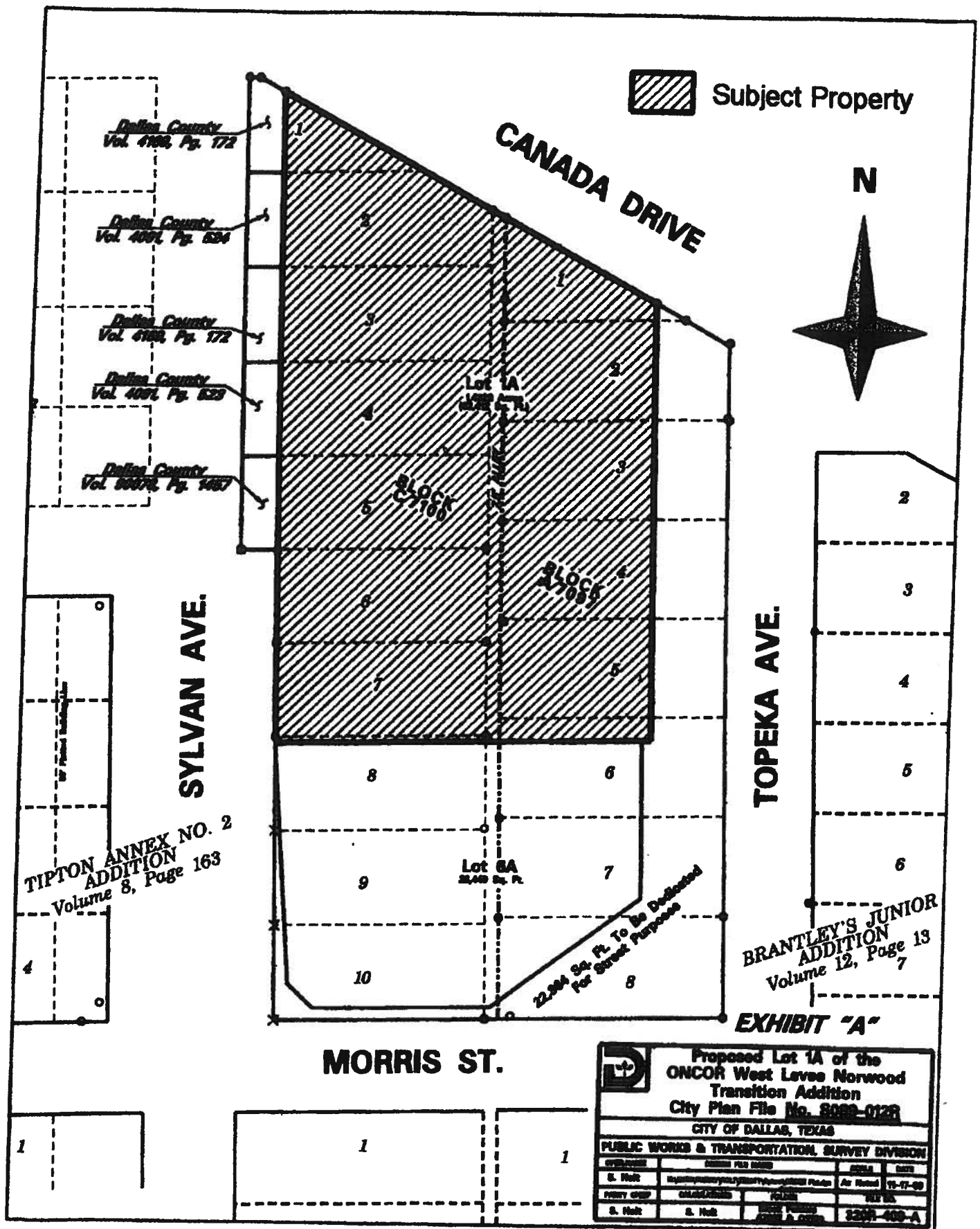


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December 9, 2009

WHEREAS, the City Council on March 3, 2004, approved Resolution No. 04-0855 expressing a route preference for a proposed 345 kV transmission line from Norwood Switching Station to West Levee Switching Station as follows: aerial structures along the median of Irving Boulevard, from approximately Regal Row to Sylvan; aerial structures across the Trinity River downstream of the Sylvan Bridge to the West Levee; and underground along Canada Drive, from near Sylvan Bridge to the West Levee Switching Station; and

WHEREAS, the City Council on April 14, 2004, approved Resolution No. 04-1251 authorizing a Memorandum of Understanding with Oncor which states that the City and Oncor anticipate and desire to continue to work towards mutually agreeable and beneficial solutions to address issues concerning power transmission lines in the Trinity River Corridor; and

WHEREAS, the Memorandum of Understanding with Oncor included a provision which states that if the Public Utility Commission of Texas (PUC) approves construction of the West Levee Norwood transmission line on the City's preferred route and the PUC approves the City's desire that a portion of such route be constructed underground, then the City of Dallas will cooperate with Oncor to address Oncor's need to acquire property for any necessary transmission stations, including but not limited to the transition station at Sylvan Avenue and Canada Drive; and

WHEREAS, the City and Oncor were parties to PUC Docket No. 32455, involving the application of Oncor for a Certificate of Convenience and Necessity for a proposed 345 kV electric transmission line from the West Levee switching station in Dallas to the Norwood switching station in Irving; and

WHEREAS, on May 23, 2007, the City Council authorized an agreement with Oncor permitting the escrow of \$4.5 million in City funds to pay for the City's 25 percent share of the incremental cost of placing the Canada Drive segment of transmissions lines underground; and

WHEREAS, on June 7, 2007, the PUC issued an order that required Oncor to install the West Levee Norwood transmission line along the locally preferred route and to place the Canada Drive segment underground and directed the City of Dallas to execute a contract with Oncor under which the City would pay for 25 percent of the incremental cost of placing the Canada Drive segment underground; and

WHEREAS, on June 7, 2007, the PUC also issued an order that the remaining \$13.5 million in incremental underground installation cost to be "uplifted" to the system-wide transmission rate; and

December 9, 2009

WHEREAS, on August 27, 2008, the City Council approved Resolution No. 08-2312 authorizing acquisition, including the exercise of the right of eminent domain, if such becomes necessary, of six properties located near the intersection of Sylvan Avenue and Morris Street for the Oncor Transition Facility associated with the West Levee Norwood 345 kV Transmission Line and the Sylvan Avenue Bridge Project; and

WHEREAS, on December 10, 2008, the City Council approved Resolution No. 08-3439 authorizing acquisition, including the exercise of the right of eminent domain, if such becomes necessary, of another six properties located near the intersection of Sylvan Avenue and Morris Street for the Oncor Transition Facility associated with the West Levee Norwood 345 kV Transmission Line and the Sylvan Avenue Bridge Project; and

WHEREAS, on December 10, 2008, the City Council approved Resolution No. 08-3440 authorizing acquisition, from Dallas County, including the exercise of the right of eminent domain, if such becomes necessary, and subsequent sale to Oncor Electric Delivery Company, of an unimproved tract of land containing approximately 16,040 square feet located near the intersection of Sylvan Avenue and Morris Street for the Oncor Transition Facility associated with the West Levee Norwood 345 kV Transmission Line and the Sylvan Avenue Bridge Project; and

WHEREAS, on January 28, 2009, the City Council approved Resolution No. 09-0311 authorizing acquisition, from Dallas County, including the exercise of the right of eminent domain, if such becomes necessary, and subsequent sale to Oncor Electric Delivery Company, of an unimproved tract of land containing approximately 9,507 square feet located near the intersection of Sylvan Avenue and Morris Street for the Oncor Transition Facility associated with the West Levee Norwood 345 kV Transmission Line and the Sylvan Avenue Bridge Project; and

WHEREAS, Oncor desires the City Council to authorize conveyance of certain portions of the property acquired by the City as required for the Oncor Transition Facility associated with the West Levee Norwood 345 kV Transmission Line to Oncor Electric Delivery. **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:

CITY: The City of Dallas.

PROJECT: Oncor Transition Facility/Sylvan Avenue Bridge Project

December 9, 2009

PROPERTY: The tracts or parcels of land depicted on Exhibit A, attached hereto and made apart hereof for all purposes and containing approximately 62,412 square feet of land. All of said PROPERTY being located in the City of Dallas, Dallas County, Texas.

ONCOR: Oncor Electric Delivery Company

SECTION 2. That the City Manager is authorized to convey the PROPERTY to ONCOR in furtherance of the PROJECT and for the consideration and subject to the terms and conditions herein provided.

SECTION 3. That CITY may sell or exchange its property to an entity that has the power of eminent domain, without complying with the notice and bidding requirements for the sale of public lands provided for in Chapter 272, Section 272.001 of the Texas Local Government Code and, certain provisions of Section 2-24 of the Dallas City Code do not apply to the sale of land by CITY to other governmental entities. Additionally, those provisions of Section 2-24 of the Dallas City Code that are waivable and applicable to this sale to ONCOR are hereby waived unless otherwise required by State Law.

SECTION 4. That upon receipt from ONCOR of an amount not less than \$600,000, and being the greater of CITY'S cost of acquiring the PROPERTY and the fair market value of same, the City Manager is authorized to execute a Deed Without Warranty to be attested by the City Secretary upon approval as to form by the City Attorney conveying to ONCOR the PROPERTY, and being a total of approximately 62,412 square feet of land, City of Dallas, Dallas County, Texas.

SECTION 5. That the Deed Without Warranty shall provide that the conveyance to ONCOR is subject to the following:

- (a) a restriction prohibiting the placement of industrialized housing on the property; and
- (b) reservation by the City of Dallas of all oil, gas and other minerals in and under the property with a waiver of surface access rights relating to said minerals; and
- (c) any visible and apparent easements and any encroachments whether of record or not; and
- (d) any and all covenants, conditions, reservations, restrictions, exceptions, easements, rights-of-way, mineral interests, mineral leases or other instruments of record and applicable to the property or any part thereof; and

December 9, 2009

- (e) to the maximum extent allowed by law, (i) GRANTEE is taking the Property "AS IS, WHERE IS, WITH ALL FAULTS"; (ii) GRANTOR disclaims responsibility as to the accuracy or completeness of any information relating to the Property; (iii) GRANTEE assumes all responsibility to examine all applicable building codes and zoning ordinances to determine if the Property can be used for the purposes desired and to check for outstanding or pending code enforcement actions including but not limited to repair or demolition orders; and (iv) GRANTOR expressly disclaims and GRANTEE expressly waives, any warranty or representation, express or implied, including without limitation any warranty of condition, habitability, merchantability or fitness for a particular purpose of the Property; and
- (f) GRANTOR makes no representations of any nature regarding the Property and specifically disclaims any warranty, guaranty or representation, oral or written, express or implied, past, present, or future, concerning: (i) the nature and condition of the Property, including without limitation, the water, soil and geology, and the suitability thereof and the Property for any and all activities and uses which GRANTEE may elect to conduct thereon, and the existence of any environmental substances, hazards or conditions or presence of any endangered or protected species thereon or compliance with all applicable laws, rules or regulations; (ii) the nature and extent of any right-of-way, lease, possession, lien, encumbrance, license, reservation, condition or otherwise; (iii) the compliance of the Property or its operation with any law, ordinance or regulation of any federal, state, or local governmental authority; and (iv) whether or not the Property can be developed or utilized for any purpose. For purposes hereof, "environmental substances" means the following: (a) any "hazardous substance" under the Comprehensive Environmental Response, Compensation and Liability Act of 1980, 42 U.S.C.A. Section 9601 et. seq., as amended, (b) any "hazardous substance" under the Texas Hazardous Substances Spill Prevention and Control Act, Tex. Water Code, Section 26.261, et. seq., as amended, (c) petroleum or petroleum-based products (or any derivative or hazardous constituents thereof or additives thereto), including without limitation, fuel and lubrication oils, (d) any "hazardous chemicals" or "toxic chemicals" under the Occupational Safety and Health Act, 29 U.S.C.A. Section 651 et. seq., as amended, (e) any "hazardous waste" under the Resource Conservation and Recovery Act, 42 U.S.C.A. Section 6901 et. seq., as amended, (f) asbestos, (g) polychlorinated biphenyls, (h) underground storage tanks, whether empty, filled, or partially filled with any substance, (i) any substance, the presence of which is prohibited by federal, state or local laws and regulations, and (j) any other substance

December 9, 2009

which by federal, state or local laws and regulations requires special handling or notification of governmental authorities in its collection, storage, treatment or disposal. References to particular acts or codifications in this definition include all past and future amendments thereto, as well as applicable rules and regulations as now or hereafter promulgated thereunder; and

- (g) such other terms and requirements of the sale and/or disclaimers as the City deems necessary, convenient or appropriate.

SECTION 6. That prior to conveyance to ONCOR of this PROPERTY, CITY may replat the PROPERTY, along with other tracts or parcels of land owned by it, establishing such revised lot and block property descriptions, easements, rights-of-way and restrictions as CITY deems appropriate, with due consultation with ONCOR.

SECTION 7. That the City Controller is hereby authorized to receive and deposit the purchase price of the PROPERTY into the Street and Thoroughfare Improvements Fund 7T22, Department PBW, Unit U230, Object 4210.

SECTION 8. That if a title policy is desired by ONCOR, same shall be at the expense of said ONCOR.

SECTION 9. That the sale shall be subject to standby fees, taxes and assessments, if any, by any taxing authority for the year of closing and subsequent years and assessments by any taxing authority for prior years due to changes in land usage or ownership, the payment of said standby fees, taxes and assessments being assumed by grantee.

SECTION 10. 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, JR., City Attorney

BY


Assistant City Attorney

Exhibit A



Area of Proposed Lot 1A

N



CANADA DRIVE

SYLVAN AVE.

TOPEKA AVE.

MORRIS ST.

Dallas County
Vol. 4188, Pg. 172

Dallas County
Vol. 4081, Pg. 524

Dallas County
Vol. 4188, Pg. 172

Dallas County
Vol. 4081, Pg. 524

Dallas County
Vol. 30078, Pg. 187

TIPTON ANNEX NO. 2
ADDITION
Volume 8, Page 163

Lot 1A
12.88 A.C.

350
708

350
708

Lot 8A
22.88 A.C.

22.88 A.C. To Be Dedicated
For Street Purposes

BRANTLEY'S JUNIOR
ADDITION
Volume 12, Page 13

Proposed Lot 1A of the ONCOR West Levee Norwood Transition Addition City Plan File No. 8088-0123 CITY OF DALLAS, TEXAS			
PUBLIC WORKS & TRANSPORTATION, SURVEY DIVISION			
DATE	PROJECT FILE NO.	DATE	DATE
S. Hall	8088-0123	AS BUILT	7-17-83
REVIEW	DATE	DATE	DATE
S. Hall	8-1-83	8-1-83	8-1-83
320R-408-A			

KEY FOCUS AREA: Economic Vibrancy
AGENDA DATE: December 9, 2009
COUNCIL DISTRICT(S): All
DEPARTMENT: Trinity Watershed Management
Public Works & Transportation
CMO: Jill A. Jordan, P.E., 670-5299
MAPSCO: N/A

SUBJECT

Authorize Supplemental Agreement No. 3 to the professional services contract with HNTB Corporation for program management of major flood management and storm drainage projects authorized for the Dallas Floodway Project in the Water Resources Development Act of 2007 (list attached) - Not to exceed \$4,020,900, from \$33,951,810 to \$37,972,710 - Financing: 2006 Bond Funds

BACKGROUND

On June 13, 2007, Council authorized a professional services contract with HNTB Corporation for program management of major flood management and storm drainage projects included in the 2006 Bond Program. HNTB is responsible for all phases of work including scheduling, budgets, permitting, design, construction, plan review, inspection oversight, and coordination of Mill Creek Phase 1, Middle Peaks Branch Phases I and II, and Levee Drainage Systems - Hampton/Oak Lawn Sump (Baker Pump Station) and Pavaho Sump (Pavaho Pump Station).

This action will add program management services to the following projects: combined Mill Creek/Middle Peaks Branch, Storm Drainage Relief Systems through Phase II; Levee Drainage System - Sump A (Able Pump Station); and 35% design in support of Water Resources Development Act 2007 projects including Trinity-Portland, Charlie and Hampton Pump Stations, rehabilitation of Old Hampton and Delta Pump Stations, and Nobles Branch Sluice Structure Improvements.

Supplemental Agreement No. 1 provided for additional review, analysis and design to assist the City of Dallas with responses to the December 2007 Periodic Inspection report by the United States Army Corps of Engineers (USACE) for the Dallas Floodway including the Central Wastewater Treatment Plant and Rochester Park levees, increasing the contract by \$24,990, from \$8,423,300 to \$8,448,290.

BACKGROUND (Continued)

Supplemental Agreement No. 2 provided for a detailed analysis of the Dallas Floodway, Central Wastewater Treatment Plant, and Rochester Park levee systems, to include soil borings, analysis, hydraulic modeling, engineering design, preparation of a levee remediation plan, policy integration, coordination with partner agencies, and FEMA accreditation, as necessary, increasing the contract with HNTB by \$25,503,520, from \$8,448,290 to \$33,951,810.

Funding for the program management services related to the 35% design of Water Resources Development Act 2007 projects is supported by reallocation of funds approved for construction of Levee Drainage System Eagle Ford Sump and Levee Drainage System Trinity Portland sump. These projects were reprogrammed by Council on November 20, 2008, by Resolution No. 08-3133, to fund work required by the Water Resources Development Act (WRDA) of 2007.

ESTIMATED SCHEDULE OF PROJECT

Began Design	June 2009
Complete Design	March 2012

PRIOR ACTION / REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Briefed the Trinity River Committee on Flood Management and Storm Drainage Full-Service Project delivery on May 21, 2007.

Briefed City Council on combined solution for Mill Creek Peaks Branch Storm Drainage Relief System through Phase II on August 6, 2008.

Authorized a professional services contract on June 13, 2007, by Resolution No. 07-1833.

Briefed the City Council on Periodic Inspection Report on April 1, 2009.

Authorized Supplemental Agreement No. 1, on May 12, 2009, by Administrative Action No. 09-1265.

Briefed the City Council on Periodic Inspection Report 9 Update on June 3, 2009.

Authorized Supplemental Agreement No. 2, on June 10, 2009, by Resolution No. 09-1498.

Scheduled to brief the Trinity River Corridor Project Committee on December 8, 2009.

FISCAL INFORMATION

2006 Bond Funds - \$4,020,900

Design	\$ 8,423,300
Construction	
Paving & Drainage (PBW)	
Supplemental Agreement No. 1	\$ 24,990
Supplemental Agreement No. 2	\$25,503,520
Supplemental Agreement No. 3 (this action)	<u>\$ 4,020,900</u>
Total Project Cost	\$37,972,710

M/WBE INFORMATION

See attached.

ETHNIC COMPOSITION

HNTB Corporation

Hispanic Female	2	Hispanic Male	6
African-American Female	5	African-American Male	5
Other Female	6	Other Male	9
White Female	37	White Male	72

OWNER

HNTB Corporation

Jerry D. Holder, Jr., P.E., Vice President

MAP

Attached.

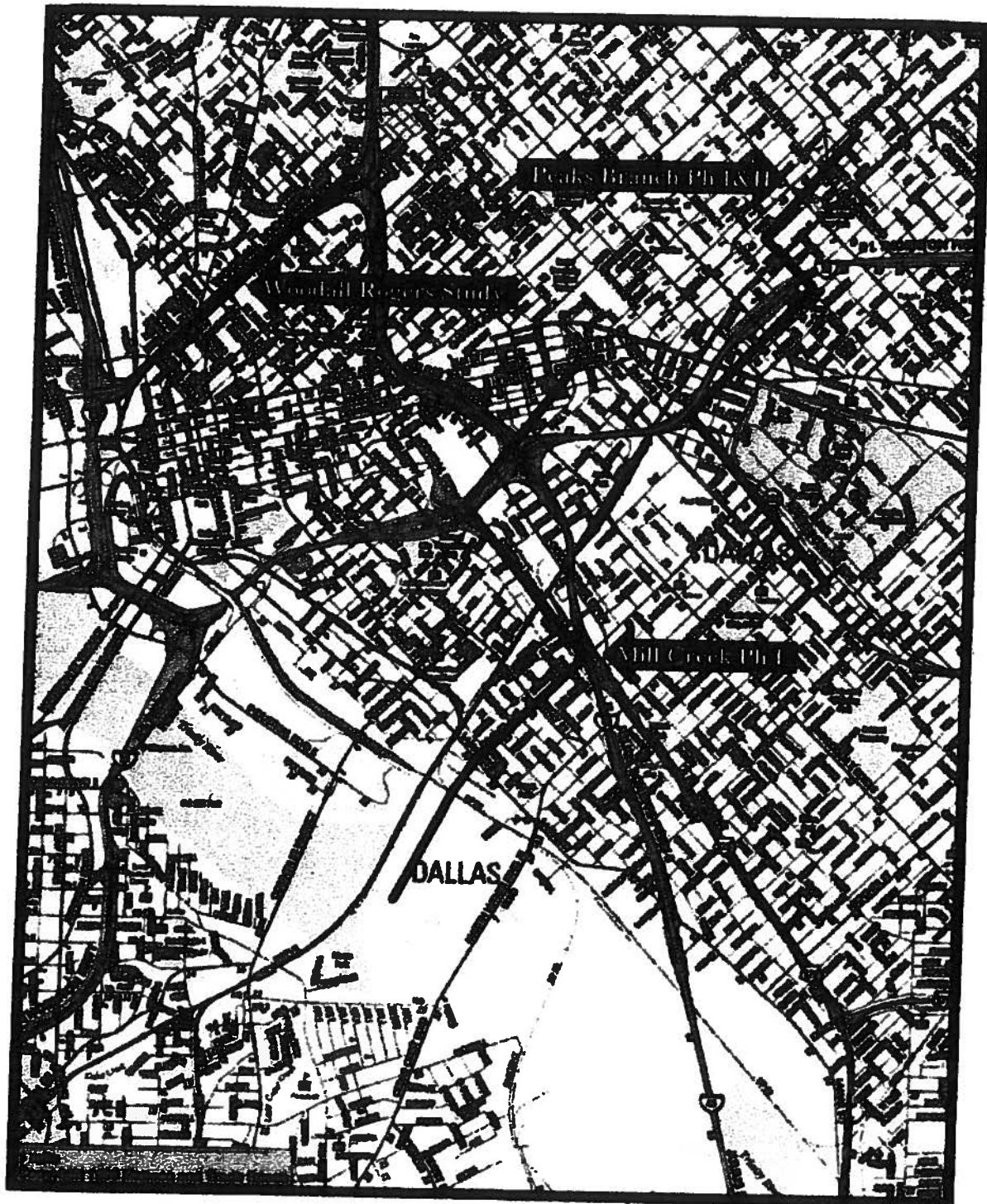
Projects to be added to the current HNTB Program Management Contract:

- **Hydraulic evaluation, design to 100% and bid phase services for Sump A Improvements and Pump Station Able.**
- **Hydraulic evaluation and 35% level design for the Trinity-Portland, Charlie and Hampton Pump Stations.**
- **35% level design for the Rehabilitation of two existing Hampton Pumping Stations and the Delta Pump Stations.**
- **35% level design for the Nobles Branch Sump improvements.**

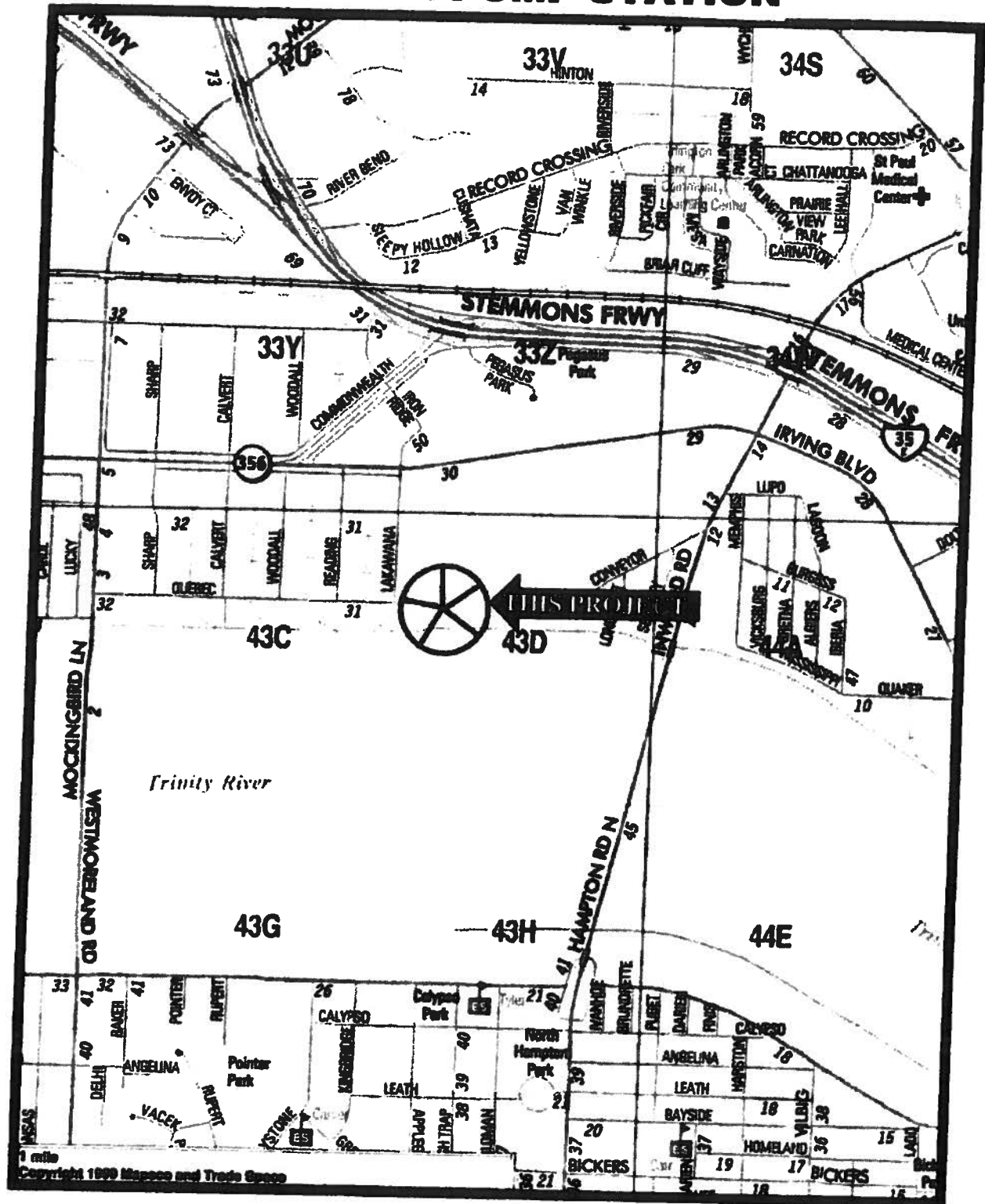
Major Flood Projects



Major Storm Projects

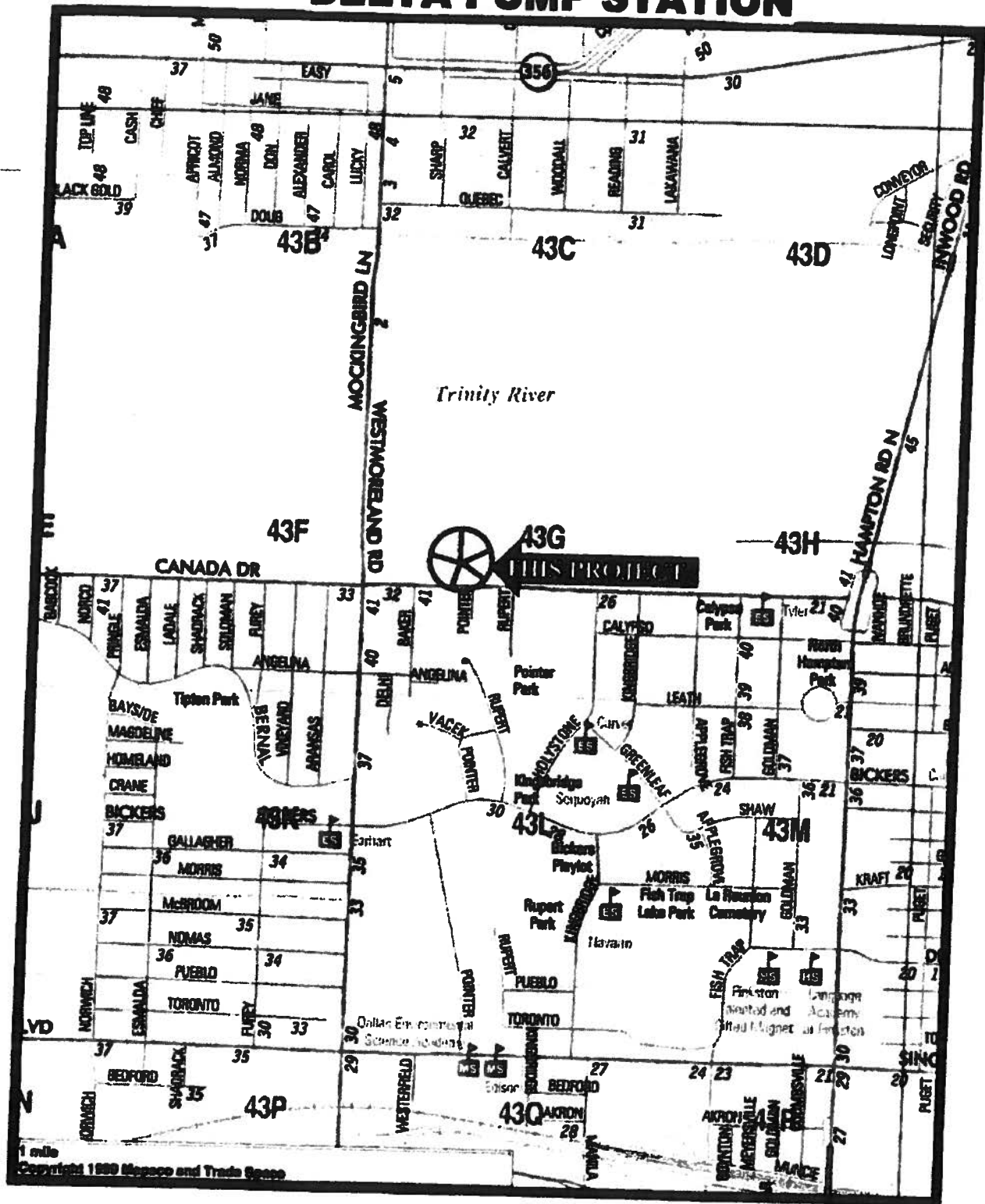


HAMPTON PUMP STATION



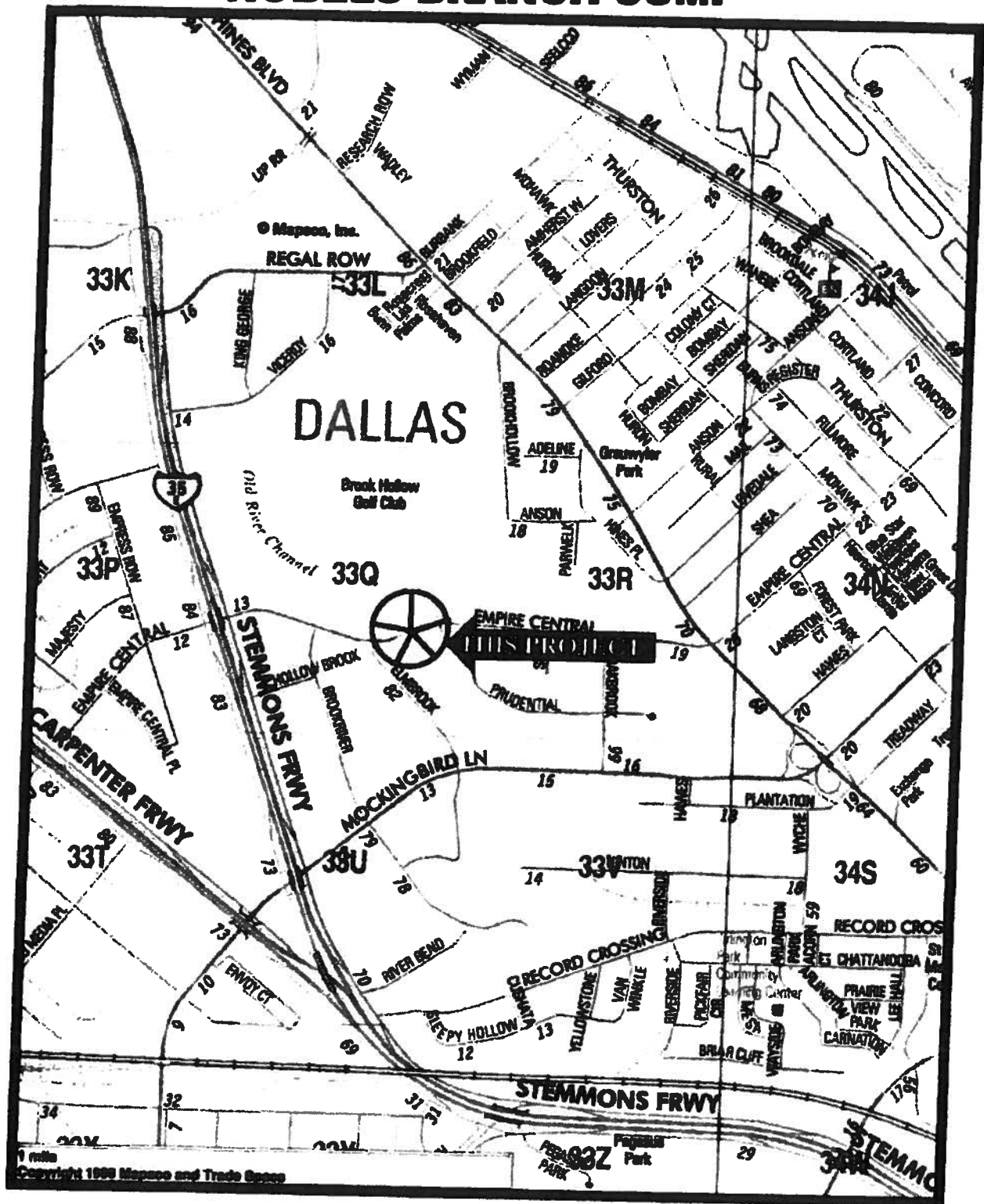
MAPSCO 43C & 43D

DELTA PUMP STATION

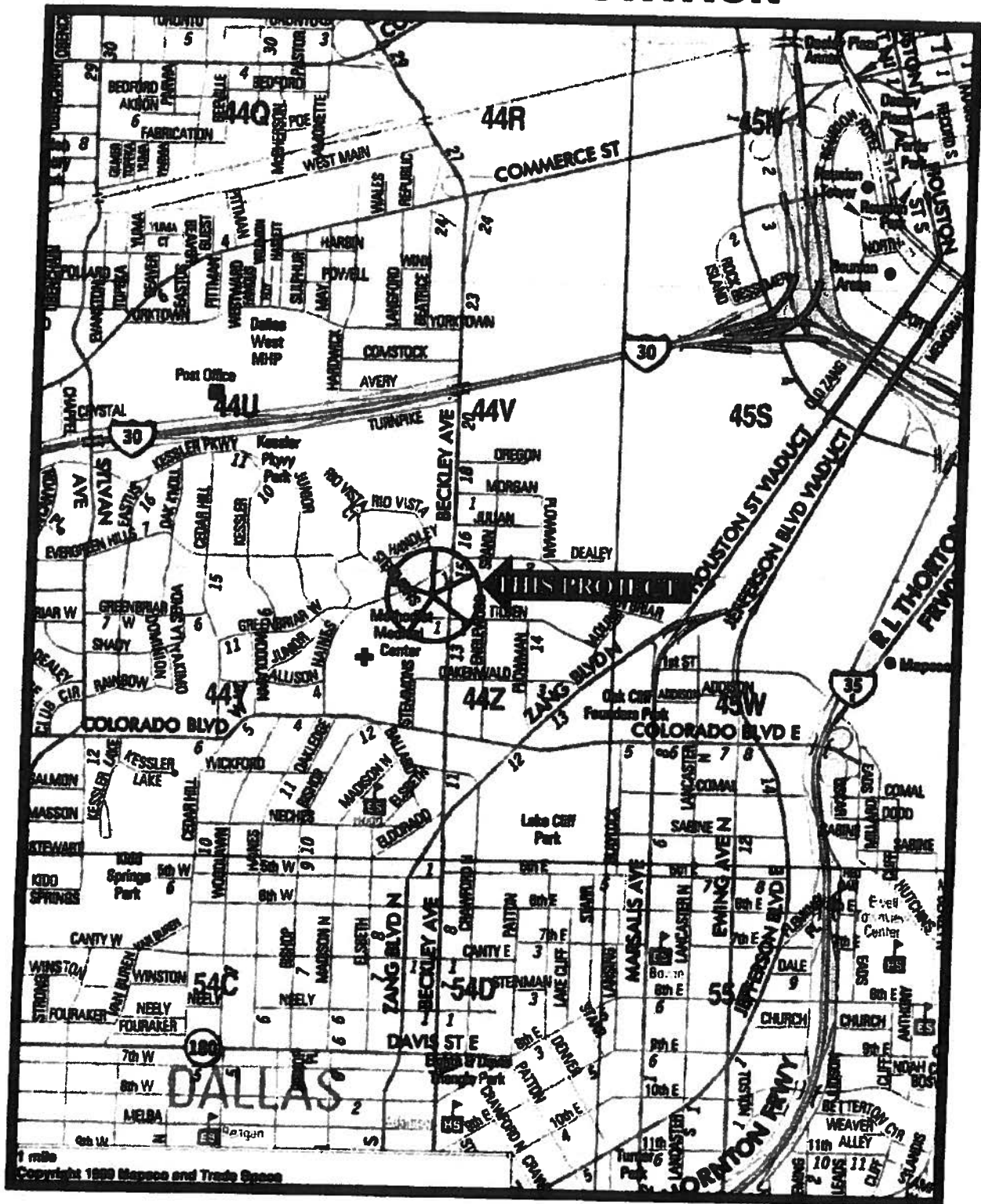


MAPSCO 43C & 43D

NOBELS BRANCH SUMP

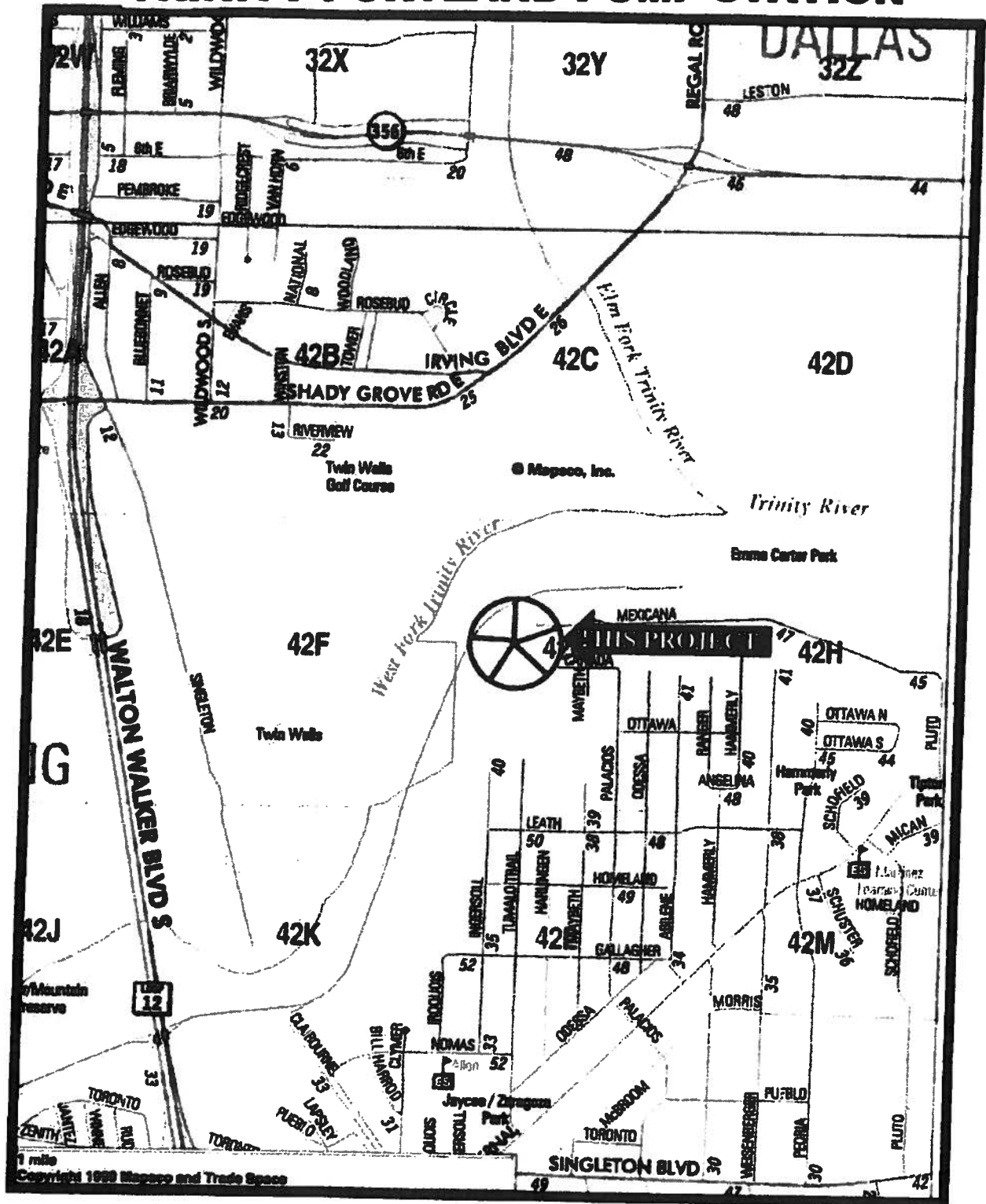


CHARLIE PUMP STATION



MAPSCO 44Z

TRINITY-PORTLAND PUMP STATION



MAPSCO 42G

BUSINESS INCLUSION AND DEVELOPMENT PLAN SUMMARY

PROJECT: Authorize Supplemental Agreement No. 3 to the professional services contract with HNTB Corporation for program management of major flood management and storm drainage projects authorized for the Dallas Floodway Project in the Water Resources Development Act of 2007 (list attached) - Not to exceed \$4,020,900, from \$33,951,810 to \$37,972,710 - Financing: 2006 Bond Funds

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

PROJECT CATEGORY: Professional Services

LOCAL/NON-LOCAL CONTRACT SUMMARY - THIS ACTION ONLY

	<u>Amount</u>	<u>Percent</u>
Local contracts	\$4,020,900.00	100.00%
Non-local contracts	\$0.00	0.00%
TOTAL THIS ACTION	\$4,020,900.00	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>
Mas-Tek Engineering & Associates	BFDB39981Y0210	\$770,000.00	19.15%
Pacheco Koch Consulting Eng.	HMDB38793Y0909	\$150,000.00	3.73%
Jaster-Quintanilla Dallas, LLP	HMMB3988N0110	\$100,000.00	2.49%
Trevino Engineering	HMDB3903Y1009	\$15,000.00	0.37%
Gupta & Associates	PMMB37551Y0509	\$50,000.00	1.24%
Total Minority - Local		\$1,085,000.00	26.98%

Non-Local Contractors / Sub-Contractors

None

TOTAL M/WBE PARTICIPATION

	<u>This Action</u>		<u>Participation to Date</u>	
	<u>Amount</u>	<u>Percent</u>	<u>Amount</u>	<u>Percent</u>
African American	\$770,000.00	19.15%	\$1,822,000.00	45.31%
Hispanic American	\$265,000.00	6.59%	\$1,050,000.00	26.11%
Asian American	\$50,000.00	1.24%	\$0.00	0.00%
Native American	\$0.00	0.00%	\$200,000.00	4.97%
WBE	\$0.00	0.00%	\$330,000.00	8.21%
Total	\$1,085,000.00	26.98%	\$3,402,000.00	84.61%

December 9, 2009

WHEREAS, on June 13, 2007, Resolution No. 07-1833 authorized a professional services contract for program management of major flood management and storm drainage projects; and,

WHEREAS, on May 12, 2009, Administrative Action No. 09-1265, authorized Supplemental Agreement No. 1 to the contract with HNTB for the program management of major flood management and storm drainage projects included in the 2006 Bond Program, for engineering review, analysis, and design related to specific levee deficiencies, in the amount of \$24,990, increasing the contract from \$8,423,300 to \$8,448,290; and,

WHEREAS, on June 10, 2009, Resolution No. 09-1498 authorized Supplemental Agreement No. 2 to the professional services contract with HNTB Corporation for additional engineering services to provide analysis, modeling, planning and design for the Dallas Floodway System Study in the amount of \$25,503,520, increasing the contract from \$8,448,290 to \$33,951,810; and reprogramming of 2006 Bond Funds in the amount of \$25,503,520 from the Levee Drainage System - Sump A to the Dallas Floodway System Study; and,

WHEREAS, on November 10, 2008, Resolution No. 08-3133, authorized funding allocated for Levee Drainage System Eagle Ford Sump and Levee Drainage System Trinity Portland sump are reprogrammed to fund the work required by the Water Resources Development Act (WRDA) 2007; and,

WHEREAS, it is now necessary to authorize Supplemental Agreement No. 3 to the professional services contract with HNTB Corporation for program management of major flood management and storm drainage projects adding program management services to the following projects: combined Mill Creek/Middle Peaks Branch, Storm Drainage Relief Systems through Phase II; Levee Drainage System - Sump A (Able Pump Station); and 35% design in support of Water Resources Development Act 2007 projects including Trinity-Portland, Charlie and Hampton Pump Stations, rehabilitation of Old Hampton and Delta Pump Stations, and Nobles Branch Sluice Structure Improvements in the amount of \$4,020,900, increasing the contract from \$33,951,810 to \$37,972,710.

December 9, 2009

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. 3 to the professional services contract with HNTB Corporation for program management of major flood management and storm drainage projects adding program management services to the following projects: combined Mill Creek/Middle Peaks Branch, Storm Drainage Relief Systems through Phase II; Levee Drainage System - Sump A (Able Pump Station); and 35% design in support of Water Resources Development Act 2007 projects including Trinity-Portand, Charlie and Hampton Pump Stations, rehabilitation of Old Hampton and Delta Pump Stations, and Nobles Branch Sluice Structure Improvements in the amount of \$4,020,900, increasing the contract from \$33,951,810 to \$37,972,710, after it has been approved as to form by the City Attorney.

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

Flood Protection and Storm Drainage Facilities Fund
Fund 6T23, Department PBW, Unit T509, Act. FLDM
Obj. 4111, Program #PB06T509, CT PBW06T509I1-01
Vendor #352433, in an amount not to exceed \$1,420,185

Flood Protection and Storm Drainage Facilities Fund
Fund 7T23, Department PBW, Unit T509, Act. FLDM
Obj. 4111, Program #PB06T509, CT PBW06T509I1-02
Vendor #352433, in an amount not to exceed \$ 590,265

Flood Protection and Storm Drainage Facilities Fund
Fund 6T23, Department PBW, Unit T510, Act. FLDM
Obj. 4111, Program #PB06T510, CT PBW06T509I1-02
Vendor #352433, in an amount not to exceed \$2,010,450

Total amount not to exceed \$4,020,900

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.

Distribution: Trinity Watershed Management, Natalie Wilson, 6BS
Public Works and Transportation, Tami Wilson, OCMC, Room 101
Public Works and Transportation, Modesta Pena, OCMC, Room 307
City Controller's office, Sherrian Parham, 4 BN
City Attorney

KEY FOCUS AREA: Economic Vibrancy
AGENDA DATE: December 9, 2009
COUNCIL DISTRICT(S): 6
DEPARTMENT: Trinity Watershed Management
CMO: Jill A. Jordan, P.E., 670-5299
MAPSCO: 44M 44R

SUBJECT

Authorize (1) Supplemental Agreement No. 1 to the contract with Santiago Calatrava SA to provide engineering and design services for the Margaret Hunt Hill Signature Bridge across the Trinity River in an amount not to exceed \$456,795, from \$5,837,000 to \$6,293,795; and (2) an increase in appropriations in the amount of \$456,795 in the Trinity River Corridor Project Fund - Not to exceed \$456,795 - Financing: 1998 Bond Funds

BACKGROUND

The Margaret Hunt Hill (formerly referred to as the Woodall Rodgers) Signature Bridge across the Trinity River project was a component of the 1998 Bond Program approved by voters in May 1998. The City Council approved a professional services contract with Santiago Calatrava SA to provide engineering services for the design of the signature bridge in an amount not to exceed \$5,837,000 on January 16, 2002. The contract included construction administration through the construction period which, at that time, was expected to be completed in 2007.

The 1998 Bond Program included \$28 million as the City's contribution toward the Woodall Rodgers Extension project. To-date, the City has expended a total of \$6 million for our share of TxDOT's right-of-way acquisition and utility relocation expenses associated with the project, plus an additional \$22 million approved by City Council on December 14, 2005. In addition to the 1998 Bond Funds transferred to TxDOT for the City's share of the construction cost of the bridge, on February 22, 2006, the City Council approved the transfer of \$6,000,000 in private funding to TxDOT in order to facilitate TxDOT's contract to begin construction of the Margaret Hunt Hill Bridge portion of the Woodall Rodgers Extension project.

BACKGROUND (continued)

The Margaret Hunt Hill Signature Bridge project is a public/private partnership, constructed and managed by the Texas Department of Transportation (TxDOT). TxDOT awarded the construction contract for the Margaret Hunt Hill Bridge (Phase 1) in October 2006, in the amount of \$69,674,804.

The design team, consisting of Santiago Calatrava SA as the prime contractor, and local subcontractors Chiang, Patel, Yerby, Inc. (CP&Y) and Huitt-Zollars, Inc. (H-Z), is incurring additional costs related to construction administration services beyond the time frame originally expected for construction of the bridge, currently scheduled for March 2011. The cost estimate for additional construction administrative services required through the current construction schedule is \$405,000. Additionally, the design team was responsible for a value engineering assessment to reduce construction costs of the bridge that required additional wind tunnel analyses, resulting in additional costs of \$101,867. Savings identified in the existing contract in the amount of \$50,072 partially offset the additional costs, resulting in a net cost for Supplemental Agreement No. 1 of \$456,795.

This action would authorize Supplemental Agreement No. 1 to the contract with Santiago Calatrava SA for additional engineering and design services of the Margaret Hunt Hill (formerly referred to as the Woodall Rodgers) Signature Bridge across the Trinity River in an amount not to exceed \$456,795, increasing the contract from \$5,837,000 to a total amount not to exceed \$6,293,795. Additionally, this action would authorize an increase in appropriations in an amount not to exceed \$456,795 in the Trinity River Corridor Project Fund.

ESTIMATED SCHEDULE OF PROJECT

Began Construction	June 2007 (bridge construction, levee to levee)
Complete Construction	March 2011 (bridge construction, levee to levee)

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Authorized a Major Transportation Investment Study on September 10, 1997, by Resolution No. 97-2918.

Authorized an Interlocal Agreement with TxDOT on June 23, 1999 for the extension of Woodall Rodgers (Spur 366) Freeway from Industrial Boulevard across the Trinity River to the intersection of Singleton Boulevard and Beckley Avenue by Resolution No. 99-2037.

Authorized the concept of signature bridges and design enhancements over the Trinity River as opposed to standard Texas Department of Transportation bridges on June 23, 1999, by Resolution No. 99-2138.

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

Authorized a professional services contract with Santiago Calatrava for the design of the Woodall Rodgers Signature Bridge across the Trinity River on January 16, 2002, by Resolution No. 02-0167.

Authorized an Interlocal Agreement with the Texas Department of Transportation for right-of-way acquisition and utility relocation on the Woodall Rodgers Extension (Spur 366) from IH 35E across the Trinity River to the intersection of Beckley Avenue and Singleton Boulevard on March 24, 2004, by Resolution No. 04-0975.

Authorized an additional payment to the Texas Department of Transportation for right-of-way acquisition and utility relocation on the Woodall Rodgers Extension (Spur 366) from IH 35E across the Trinity River to the intersection of Beckley Avenue and Singleton Boulevard on August 24, 2005, by Resolution No. 05-2429.

Authorized an Interlocal Agreement with the Texas Department of Transportation for local project funding and maintenance of the Margaret Hunt Hill Bridge (formerly referred to as the Woodall Rodgers Signature Bridge) on October 26, 2005, by Resolution No. 05-3076.

Authorized a contract for channel relocation, drainage swale, bank restoration and stabilization improvements on November 9, 2005, by Resolution No. 05-3299.

Authorized a Memorandum of Agreement with the North Central Texas Council of Governments for the Woodall Rodgers Extension (Spur 366) on December 14, 2005, by Resolution No. 05-3492.

Authorized additional payment to the Texas Department of Transportation for the City's share of the cost for construction of the Margaret Hunt Hill Bridge; and receipt and deposit of funds from Hunt Petroleum Corporation on February 22, 2006, by Resolution No. 06-0616.

FISCAL INFORMATION

1998 Bond Funds - \$456,795

MWBE INFORMATION

See attached.

ETHNIC COMPOSITION

Santiago Calatrava SA

Hispanic Female	2	Hispanic Male	4
African-American Female	0	African-American Male	0
Other Female	1	Other Male	5
White Female	13	White Male	54

OWNER(S)

Santiago Calatrava SA

Santiago Calatrava, President

MAP

Attached.

BUSINESS INCLUSION AND DEVELOPMENT PLAN SUMMARY

PROJECT: Authorize (1) Supplemental Agreement No. 1 to the contract with Santiago Calatrava SA to provide engineering and design services of the Margaret Hunt Hill (formerly referred to as the Woodall Rodgers) Signature Bridge across the Trinity River in an amount not to exceed \$456,795, increasing the contract from \$5,837,000 to a total amount not to exceed \$6,293,795, and (2) an increase in appropriations in the Trinity River Corridor Project Fund in the amount of \$456,795 – Financing: 1998 Bond Funds

Santiago Calatrava SA is a non-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	\$311,795.00	68.26%
Non-local contracts	\$145,000.00	31.74%
TOTAL THIS ACTION	\$456,795.00	100.00%

LOCAL/NON-LOCAL M/WBE PARTICIPATION THIS ACTION

Local Contractors / Sub-Contractors

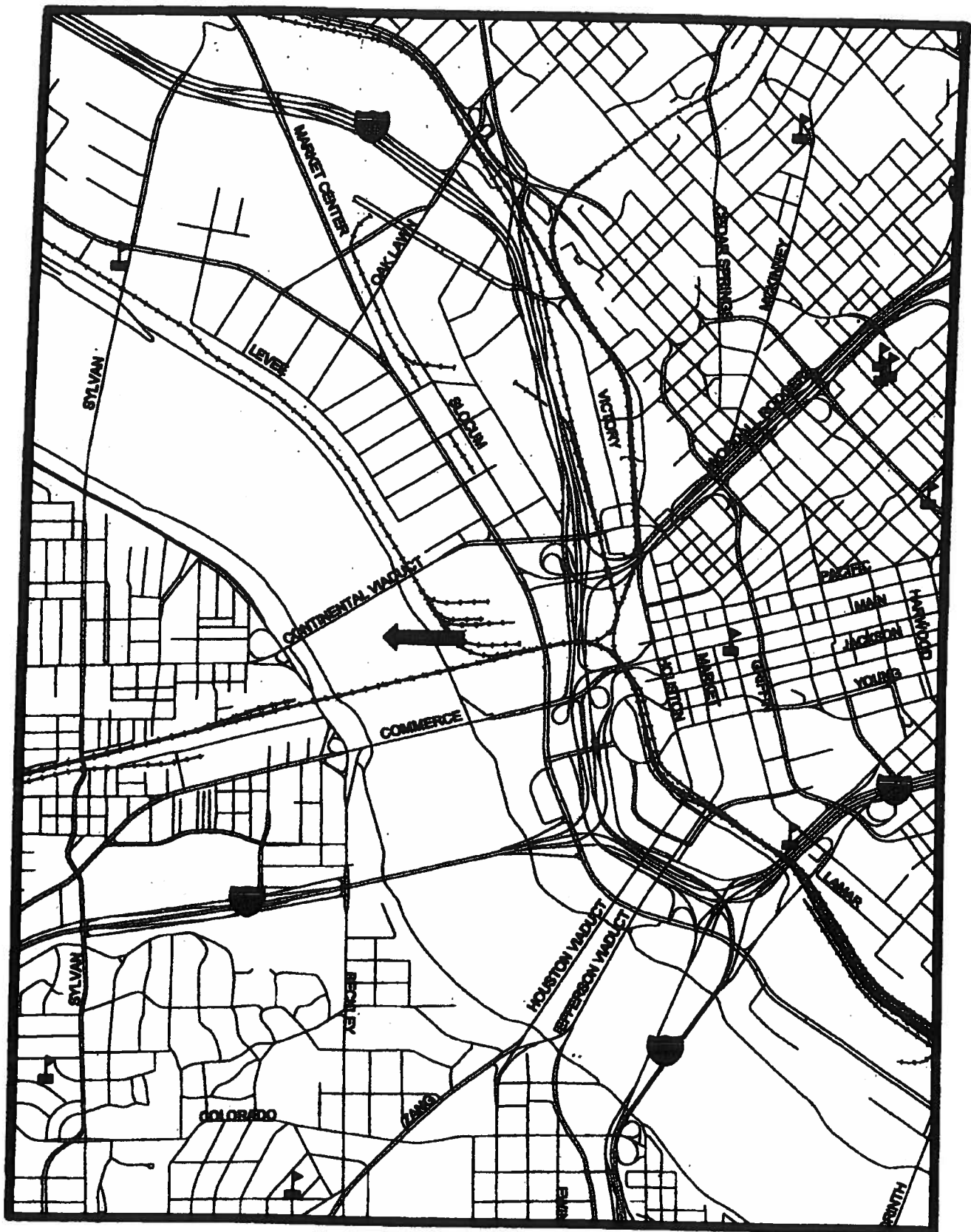
<u>Local</u>	<u>Certification</u>	<u>Amount</u>	<u>Percent</u>
CP & Y	PMMB42281Y0910	\$60,000.00	19.24%
Total Minority - Local		\$60,000.00	19.24%

Non-Local Contractors / Sub-Contractors

None

TOTAL M/WBE PARTICIPATION

	<u>This Action</u>		<u>Participation to Date</u>	
	<u>Amount</u>	<u>Percent</u>	<u>Amount</u>	<u>Percent</u>
African American	\$0.00	0.00%	\$465,364.00	7.39%
Hispanic American	\$0.00	0.00%	\$0.00	0.00%
Asian American	\$60,000.00	13.13%	\$1,035,000.00	16.44%
Native American	\$0.00	0.00%	\$0.00	0.00%
WBE	\$0.00	0.00%	\$7,564.00	0.12%
Total	\$60,000.00	13.13%	\$1,507,928.00	23.96%



Mapsc 44 M & R

December 9, 2009

WHEREAS, on September 10, 1997, Resolution No. 97-2918 authorized a Major Transportation Investment Study; and,

WHEREAS, on June 23, 1999, Resolution No. 99-2037 authorized the City of Dallas to enter into an Interlocal Agreement with the Texas Department of Transportation (TxDOT) for the extension of Woodall Rodgers (Spur 366) Freeway from Industrial Boulevard across the Trinity River to the intersection of Singleton Boulevard and Beckley Avenue; and,

WHEREAS, on June 23, 1999, Resolution No. 99-2138 supported the concept of one or more signature bridges and design enhancements for all new and replacement bridges across the Trinity River; and,

WHEREAS, on January 16, 2002, Resolution No. 02-0167 authorized a professional services contract with Santiago Calatrava for the design of the Woodall Rodgers Signature Bridge across the Trinity River; and,

WHEREAS, on March 24, 2004, Resolution No. 04-0975 authorized an Interlocal Agreement with TxDOT for right-of-way acquisition and utility relocation on the Woodall Rodgers Extension (Spur 366) from IH 35E across the Trinity River to the intersection of Beckley Avenue and Singleton Boulevard; and,

WHEREAS, on August 24, 2005, Resolution No. 05-2429 authorized an additional payment to TxDOT for right-of-way acquisition and utility relocation on the Woodall Rodgers Extension (Spur 366) from IH 35E across the Trinity River to the intersection of Beckley Avenue and Singleton Boulevard; and,

WHEREAS, on October 26, 2005, Resolution No. 05-3076 authorized an Interlocal Agreement with TxDOT for local project funding and maintenance of the Margaret Hunt Hill Bridge (formerly referred to as the Woodall Rodgers Signature Bridge); and,

WHEREAS, on November 9, 2005, Resolution No. 05-3299 authorized a contract for channel relocation, drainage swale, bank restoration and stabilization improvements to the East Levee in order to accommodate construction of the Margaret Hunt Hill Bridge at the Woodall Rodgers Extension; and,

WHEREAS, on December 14, 2005, Resolution No. 05-3492 authorized a Memorandum of Agreement with the North Central Texas Council of Governments (NCTCOG) for the Woodall Rodgers Extension (Spur 366), whereby NCTCOG agreed to provide TxDOT \$25 million in federal funds in exchange for the City's \$22 million in local funds; and,

December 9, 2009

WHEREAS, on February 22, 2006, Resolution No. 06-0616 authorized additional payment to TxDOT for the City's share of the cost for construction of the Margaret Hunt Hill (formerly referred to as the Woodall Rodgers) Signature Bridge; and receipt and deposit of funds from Hunt Petroleum Corporation; and,

WHEREAS, TxDOT is responsible for construction of the Woodall Rodgers Extension (Spur 366), project; and,

WHEREAS, TxDOT awarded the construction contract for the Margaret Hunt Hill Bridge (Phase 1 component of the Woodall Rodgers Extension project) in October 2006; and,

WHEREAS, construction administration services beyond the time frame originally expected for construction of the bridge and additional wind tunnel analyses have resulted in additional costs for engineering and design services related to the Margaret Hunt Hill Signature Bridge; and,

WHEREAS, it is now necessary to authorize Supplemental Agreement No. 1 to the contract with Santiago Calatrava SA to provide engineering and design services for the Margaret Hunt Hill Signature Bridge across the Trinity River in an amount not to exceed \$456,795, from \$5,837,000 to \$6,293,795.

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 Supplement Agreement No. 1 to the professional services contract with Santiago Calatrava SA to provide engineering and design services for design of the Margaret Hunt Hill Signature Bridge across the Trinity River in an amount not to exceed \$456,795, after it has been approved as to form by the City Attorney.

Section 2. That the City Manager is hereby authorized to increase appropriations in an amount not to exceed \$456,795 in the Trinity River Corridor Project Fund 4P14, Dept. PBW, Unit N973, Object 4111.

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

Trinity River Corridor Project Fund
Fund 4P14, Dept. PBW, Unit N973, Activity TRPP
Obj. 4111, Program # PB98N973, CT PBW98N969B1
Vendor #504072, in an amount not to exceed \$456,795

December 9, 2009

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.

Distribution: Trinity Watershed Management, Natalie Wilson, 6BS
 City Attorney
 Office of Financial Services

KEY FOCUS AREA: Better Cultural, Arts and Recreational Amenities
AGENDA DATE: December 9, 2009
COUNCIL DISTRICT(S): 6
DEPARTMENT: Trinity Watershed Management
CMO: Jill A. Jordan, P.E., 670-5299
MAPSCO: 44M 44R

SUBJECT

Authorize (1) a disbursement to Texas Department of Transportation, in accordance with the Local Project Advance Funding Agreement, for costs related to construction of the Margaret Hunt Hill Bridge for additional work including revisions to the bridge lighting and storm drainage system and minor channel modifications in the amount of \$249,169; and (2) an increase in appropriations in the amount of \$249,169 in the Trinity River Corridor Project Fund - Not to exceed \$249,169 - Financing: 1998 Bond Funds

BACKGROUND

The Woodall Rodgers Extension (Spur 366) project is a public/private partnership, constructed and managed by the Texas Department of Transportation (TxDOT). This project is being constructed in two phases, with separate construction contracts for each phase. Phase 1 of the project includes construction of the Margaret Hunt Hill Bridge from levee to levee over the Trinity River, and is under contract with Williams Brothers Construction Co, Inc. Phase 2 of the project involves construction of the approaches to and from the Margaret Hunt Hill Bridge, and is under contract with J.D. Abrams, LP.

On October 26, 2005, the City Council approved an Interlocal Agreement with TxDOT (Local Project Advance Funding Agreement) for local project funding and maintenance of the Woodall Rodgers Extension (Spur 366) project for Phases 1 and 2. As part of this agreement, the City is responsible for construction costs over TxDOT's available funds for the Phase 1 component (Margaret Hunt Hill Bridge from levee to levee) of the Woodall Rodgers Extension project. TxDOT is responsible for construction costs over available funds for the Phase 2 component.

The 1998 Bond Program included \$28 million as the City's contribution toward the Woodall Rodgers Extension project. To date, the City has expended a total of \$28 million, of which \$6 million was for our share of TxDOT's right-of-way acquisition and utility relocation expenses associated with the project, plus an additional \$22 million approved by City Council on December 14, 2005 for the City's contribution towards construction of the Margaret Hunt Hill Bridge.

BACKGROUND (Continued)

In addition to the 1998 Bond Funds transferred to TxDOT for the City's share of the construction cost of the bridge, on February 22, 2006 the City Council approved the transfer of \$6,000,000 in private funding to TxDOT in order to facilitate TxDOT's contract to begin construction of the Margaret Hunt Hill Bridge portion of the Woodall Rodgers Extension project.

TxDOT awarded the construction contract for the Margaret Hunt Hill Bridge (Phase 1) in October 2006, in the amount of \$69,674,804. TxDOT has accepted eleven change orders associated with construction of the bridge, primarily due to revised illumination details for the bridge lighting, minor channel modifications near the temporary shoring towers, additional quantity of drill shafts, and elimination/revisions to the storm drain system for the cable-stayed main span. Three of the eleven change orders are no cost, two of the eleven change orders represent cost reductions, and six represent cost increases. The net cost increase for all eleven change orders is \$249,169, which will result in TxDOT's revised construction contract amount of \$69,923,973.

This action would authorize an additional payment to the Texas Department of Transportation, in accordance with an Interlocal Agreement with TxDOT for local project funding and maintenance of the Margaret Hunt Hill Bridge, for the City's share of the cost for construction change orders in an amount not to exceed \$249,169. Additionally, this action would authorize an increase in appropriations in an amount not to exceed \$249,169 in the Trinity River Corridor Project Fund.

ESTIMATED SCHEDULE OF PROJECT

Began Construction	June 2007
Complete Construction	May 2011

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Authorized a Major Transportation Investment Study on September 10, 1997, by Resolution No. 97-2918.

Authorized an Interlocal Agreement with TxDOT on June 23, 1999 for the extension of Woodall Rodgers (Spur 366) Freeway from Industrial Boulevard across the Trinity River to the intersection of Singleton Boulevard and Beckley Avenue by Resolution No. 99-2037.

Authorized the concept of signature bridges and design enhancements over the Trinity River as opposed to standard Texas Department of Transportation bridges on June 23, 1999, by Resolution No. 99-2138.

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

Authorized a professional services contract with Santiago Calatrava for the design of the Woodall Rodgers Signature Bridge across the Trinity River on January 16, 2002, by Resolution No. 02-0167.

Authorized an Interlocal Agreement with the Texas Department of Transportation for right-of-way acquisition and utility relocation on the Woodall Rodgers Extension (Spur 366) from IH 35E across the Trinity River to the intersection of Beckley Avenue and Singleton Boulevard on March 24, 2004, by Resolution No. 04-0975.

Authorized an additional payment to the Texas Department of Transportation for right-of-way acquisition and utility relocation on the Woodall Rodgers Extension (Spur 366) from IH 35E across the Trinity River to the intersection of Beckley Avenue and Singleton Boulevard on August 24, 2005, by Resolution No. 05-2429.

Authorized an Interlocal Agreement with the Texas Department of Transportation for local project funding and maintenance of the Margaret Hunt Hill Bridge (formerly referred to as the Woodall Rodgers Signature Bridge) on October 26, 2005, by Resolution No. 05-3076.

Authorized a contract for channel relocation, drainage swale, bank restoration and stabilization improvements on November 9, 2005, by Resolution No. 05-3299.

Authorized a Memorandum of Agreement with the North Central Texas Council of Governments for the Woodall Rodgers Extension (Spur 366) on December 14, 2005, by Resolution No. 05-3492.

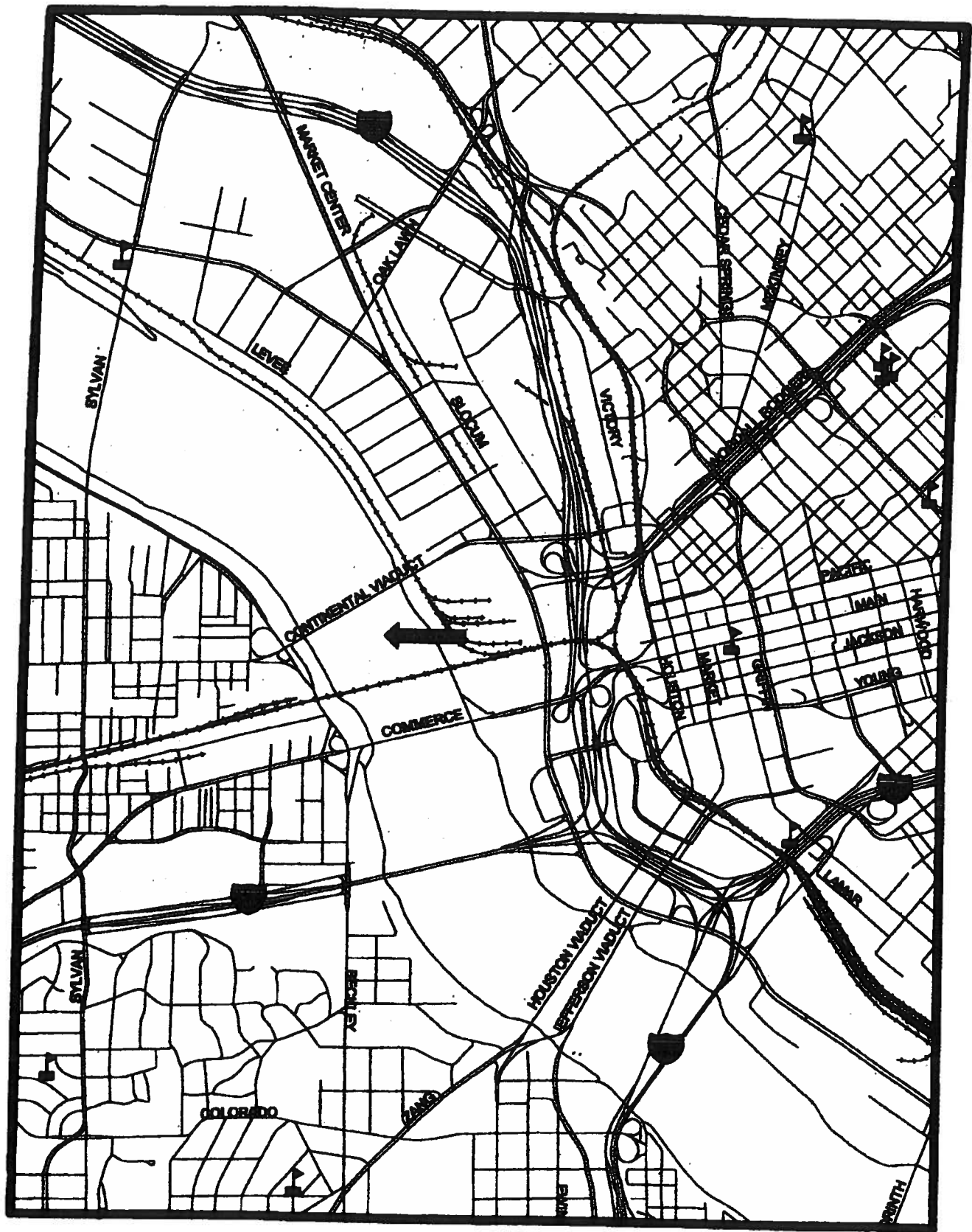
Authorized additional payment to the Texas Department of Transportation for the City's share of the cost for construction of the Margaret Hunt Hill Bridge; and receipt and deposit of funds from Hunt Petroleum Corporation on February 22, 2006, by Resolution No. 06-0616.

FISCAL INFORMATION

1998 Bond Funds - \$249,169

MAP

Attached.



Mapsco 44 M & R

December 9, 2009

WHEREAS, on September 10, 1997, Resolution No. 97-2918 authorized a Major Transportation Investment Study; and,

WHEREAS, on June 23, 1999, Resolution No. 99-2037 authorized the City of Dallas to enter into an Interlocal Agreement with the Texas Department of Transportation (TxDOT) for the extension of Woodall Rodgers (Spur 366) Freeway from Industrial Boulevard across the Trinity River to the intersection of Singleton Boulevard and Beckley Avenue; and,

WHEREAS, on June 23, 1999, Resolution No. 99-2138 supported the concept of one or more signature bridges and design enhancements for all new and replacement bridges across the Trinity River; and,

WHEREAS, on January 16, 2002, Resolution No. 02-0167 authorized a professional services contract with Santiago Calatrava for the design of the Woodall Rodgers Signature Bridge across the Trinity River; and,

WHEREAS, on March 24, 2004, Resolution No. 04-0975 authorized an Interlocal Agreement with TxDOT for right-of-way acquisition and utility relocation on the Woodall Rodgers Extension (Spur 366) from IH 35E across the Trinity River to the intersection of Beckley Avenue and Singleton Boulevard; and,

WHEREAS, on August 24, 2005, Resolution No. 05-2429 authorized an additional payment to TxDOT for right-of-way acquisition and utility relocation on the Woodall Rodgers Extension (Spur 366) from IH 35E across the Trinity River to the intersection of Beckley Avenue and Singleton Boulevard; and,

WHEREAS, on October 26, 2005, Resolution No. 05-3076 authorized an Interlocal Agreement with TxDOT (Local Project Advance Funding Agreement) for local project funding and maintenance of the Margaret Hunt Hill Bridge (formerly referred to as the Woodall Rodgers Signature Bridge); and,

WHEREAS, on November 9, 2005, Resolution No. 05-3299 authorized a contract for channel relocation, drainage swale, bank restoration and stabilization improvements to the East Levee in order to accommodate construction of the Margaret Hunt Hill Bridge at the Woodall Rodgers Extension; and,

WHEREAS, on December 14, 2005, Resolution No. 05-3492 authorized a Memorandum of Agreement with the North Central Texas Council of Governments (NCTCOG) for the Woodall Rodgers Extension (Spur 366), whereby NCTCOG agreed to provide TxDOT \$25 million in federal funds in exchange for the City's \$22 million in local funds; and,

December 9, 2009

WHEREAS, on February 22, 2006, Resolution No. 06-0616 authorized an additional payment to TxDOT for the City's share of the cost for construction of the Margaret Hunt Hill Bridge; and receipt and deposit of funds from Hunt Petroleum Corporation; and,

WHEREAS, TxDOT is responsible for construction of the Woodall Rodgers Extension (Spur 366), project; and,

WHEREAS, TxDOT awarded the construction contract for the Margaret Hunt Hill Bridge (Phase 1 component of the Woodall Rodgers Extension project) in October 2006; and,

WHEREAS, TxDOT has accepted eleven change orders associated with construction of the Margaret Hunt Hill Bridge; and

WHEREAS, in accordance with the Interlocal Agreement with TxDOT (Local Project Advance Funding Agreement) for local project funding and maintenance of the Woodall Rodgers Extension (Spur 366) project, the City is responsible for construction costs over TxDOT's available funds for the Phase 1 component (Margaret Hunt Hill Bridge from levee to levee) of the Woodall Rodgers Extension project; and,

WHEREAS, it is now necessary to authorize a disbursement to the Texas Department of Transportation for the Change Order Nos. 1-11 associated with the construction of the Phase 1 component (Margaret Hunt Hill Bridge from levee to levee) of the Woodall Rodgers Extension project related to additional work including revisions to the bridge lighting and storm drainage system and minor channel modifications in the amount of \$249,169.

Now, Therefore,

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

Section 1. That the City Controller is hereby authorized to disburse funds to the Texas Department of Transportation for the Change Order Nos. 1-11 for additional costs associated with the construction of the Phase 1 component (Margaret Hunt Hill Bridge from levee to levee) of the Woodall Rodgers Extension project in accordance with the terms and conditions of the Local Project Advance Funding Agreement in the amount of \$249,169.

Section 2. That the City Manager is hereby authorized to increase appropriations in an amount not to exceed \$249,169 in the Trinity River Corridor Project Fund 4P14, Dept. PBW, Unit N973, Obj. 4599.

December 9, 2009

Section 3. That the City Controller is hereby authorized to disburse funds to the Texas Department of Transportation in accordance with the terms and conditions of the Local Project Advance Funding Agreement:

Trinity River Corridor Project Fund
Fund 4P14, Dept. PBW, Unit N973, Activity TRPP
Object 4599, Program # PB98N973, CT PBW98N973C2
Vendor #239588, in an amount not to exceed \$249,169

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.

Distribution: Trinity River Corridor Project, Natalie Wilson, 6BS
City Attorney
Office of Financial Services

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: December 9, 2009

COUNCIL DISTRICT(S): 1, 3

DEPARTMENT: Sustainable Development and Construction

CMO: A. C. Gonzalez, 671-8925

MAPSCO: 44 U V Y Z; 45 S W; 54 C D H; 55 A E

SUBJECT

A public hearing to receive comments regarding an ordinance amending the comprehensive plan of the City of Dallas to incorporate the Oak Cliff Gateway Land Use Opportunity Plan in the Trinity River Corridor Comprehensive Plan and a resolution amending the Trinity River Corridor Comprehensive Land Use Plan to incorporate the Oak Cliff Gateway Land Use Opportunity Plan and Urban Design Framework Plan for the area generally bounded by Interstate 30 to the north, the east levee of the Trinity River to the northeast, Interstate 35 to the east and south, and properties along Zang Boulevard and Beckley Avenue to the west, including properties near the southwest corner of Beckley Avenue and Colorado Boulevard and properties near the southwest corner of the Beckley Avenue and Interstate 30 - Financing: No cost consideration to the City

BACKGROUND

As part of the implementation process for the Trinity River Corridor Comprehensive Land Use Plan, the City Plan Commission created an ad hoc committee to work with the community to develop zoning recommendations. Study and analysis of the zoning within the Oak Cliff Gateway Study Area began in 2007. During that process, community input indicated that the existing land use plan, adopted in 2005, did not reflect the current vision of the community. On May 27, 2009, City Council authorized amendments to the adopted plan, and defined the boundaries of the planning study.

The City Plan Commission's Trinity River Corridor Ad Hoc Committee and Urban Design Advisory Committee hosted a series of public meetings regarding the proposed plan amendments in January and February of 2009, and then again in July 2009. Input from the series of meetings reflected a strong desire in the community for a pedestrian-friendly mixed use development in the area, while maintaining the unique character of the north Oak Cliff area. The proposed plan consists of a Land Use Opportunity Plan, which defines future land use designations for the area, and an Urban Design Framework Plan which indicate important corridors through the area and pedestrian portals into the Trinity River Park.

PRIOR ACTION / REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On September 23, October 1, October 15, and October 30, 2008, the City Plan Commission's Trinity River Corridor Ad Hoc Committee and the Urban Design Advisory Committee hosted community meetings to discuss proposed zoning changes in the Oak Cliff Gateway.

On November 18, 2008, the City Plan Commission's Trinity River Corridor Ad Hoc Committee and the Urban Design Advisory Committee were briefed on the input from the zoning meetings and the process to amend the land use plan.

On January 13 and February 3, 2009, the City Plan Commission's Trinity River Corridor Ad Hoc Committee and the Urban Design Advisory Committee hosted community meetings to discuss amendments to the Trinity River Corridor Comprehensive Land Use Plan relating to the Oak Cliff Gateway Land Use Opportunity Plan.

On February 24 and March 10, 2009, the City Plan Commission's Trinity River Corridor Ad Hoc Committee and the Urban Design Advisory Committee were briefed on recommended plan amendments.

On April 6, 2009, the Landmark Commission was briefed on the Oak Cliff Gateway plan amendment process and its relationship to the Lake Cliff Historic District and Betterton House Historic District.

On April 21, 2009, the Trinity River Corridor Project Committee recommended placing the hearing authorization on the May 27, 2009, Council agenda including all of the areas requested by the stakeholders in the planning process.

On May, 27, 2009, the City Council authorized amendments to the Oak Cliff Gateway Land Use Plan by Resolution No. 09-1364.

On July 7 and July 28, 2009, the City Plan Commission's Trinity River Corridor Ad Hoc Committee and the Urban Design Advisory Committee hosted community meetings to discuss amendments to the Trinity River Corridor Comprehensive Land Use Plan relating to the Oak Cliff Gateway Land Use Opportunity Plan.

On August 20 and September 24, 2009, the City Plan Commission's Trinity River Corridor Ad Hoc Committee and the Urban Design Advisory Committee were briefed on recommended plan amendments.

On September 24, 2009, the City Plan Commission's Trinity River Corridor Ad Hoc Committee recommended approval of the Plan amendments.

On November 2, 2009, the Landmark Commission was briefed on the proposed Plan amendments.

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

On October 22 and November 5, 2009, the City Plan Commission held public hearings on the proposed plan amendments.

On November 5, 2009, the City Plan Commission recommended approval of a revised plan.

FISCAL INFORMATION

No cost consideration to the City.

MAP

Attached.