

KEY FOCUS AREA: Economic Vibrancy
AGENDA DATE: December 12, 2012
COUNCIL DISTRICT(S): 5
DEPARTMENT: Trinity Watershed Management
CMO: Jill A. Jordan, P.E., 670-5299
MAPSCO: 57U Y

SUBJECT

Authorize acquisition, including the exercise of the right of eminent domain if such becomes necessary, from Rhadames Solano of an improved tract of land containing approximately 23 acres located on Elam Road near its intersection with Pemberton Hill Road for the Trinity River Corridor Project - Not to exceed \$256,671 (\$252,671 plus closing costs and title expenses not to exceed \$4,000) – Financing: 1998 Bond Funds

BACKGROUND

This item authorizes the acquisition of an improved tract of land containing approximately 23 acres from Rhadames Solano. The property is located on Elam Road near its intersection with Pemberton Hill Road and is being acquired as part of the master plan for the Great Trinity Forest Park. The property is improved with fencing, soccer fields and various structures. Relocation assistance may be required at a future date. The consideration is based upon an independent appraisal.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

This item was deferred by Councilmember Hill on December 14, 2011.

FISCAL INFORMATION

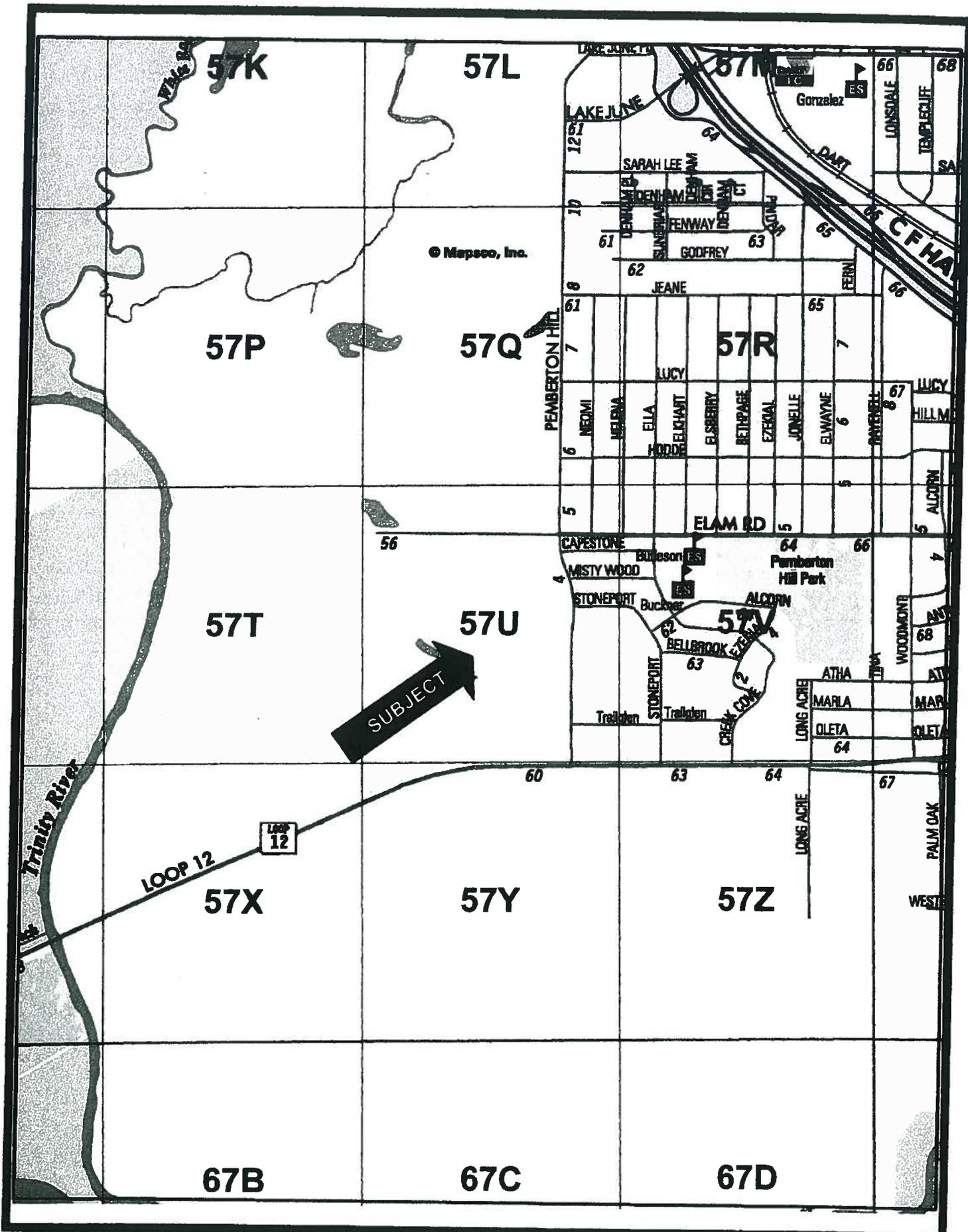
1998 Bond Funds - \$256,671 (\$252,671 plus closing costs and title expenses not to exceed \$4,000)

OWNER

Rhadames Solano

MAPS

Attached



© Mapscor, Inc.

SUBJECT



Elam Road



6257

Pemberton Hill Road

Great Trinity Forest Way



AREA TO BE ACQUIRED

December 12, 2012

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

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

"CITY": The City of Dallas.

"PROPERTY": Approximately 23 acres of property located in Dallas County, and being the same property more particularly described in "Exhibit A", attached hereto and made a part hereof for all purposes.

"PROJECT": Great Trinity Forest Park - Trinity River Corridor

"USE": Park

"PROPERTY INTEREST": Fee Simple

"OWNER": Rhadames Solano, 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": \$252,671.00

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

"AUTHORIZED AMOUNT": \$256,671.00

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

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

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

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 12, 2012

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 AND TITLE EXPENSES payable out of Trinity River Corridor Project Fund, Fund No. 6P14, Department PBW, Unit N966, Activity TRPP, Program No. PB98N966, Object 4210, Encumbrance No. CT-PBW98N966K7. The OFFER AMOUNT, CLOSING COSTS and TITLE EXPENSES together shall not exceed the AUTHORIZED AMOUNT.

SECTION 5. That the CITY is to have possession of the PROPERTY at closing; and the CITY will pay 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 to the extent the PROPERTY is being purchased wholly or partly with bond proceeds CITY has obtained an independent appraisal of the PROPERTY'S market value.

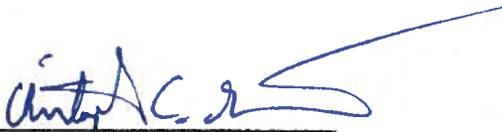
SECTION 9. That OWNER has been provided with a copy of the Landowner's Bill of Rights as required by Texas Property Code Section 21.0112.

SECTION 10. 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 12, 2012

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

**APPROVED AS TO FORM:
THOMAS P. PERKINS, JR., City Attorney**

BY 
Assistant City Attorney

**FIELD NOTES DESCRIBING A 1,015,956.08 SQUARE FOOT (23.32 ACRE)
FEE ACQUISITION IN CITY BLOCK 6257 FROM RHADAMES SOLANO**

BEING a 1,015,956.08 square foot (23.32 acre) tract of land out of the Cornelius Cox Survey, Abstract Number 284, Dallas County, Texas, and being a part of that tract of land conveyed to Rhadames Solano by Warranty Deed with Vendors Lien dated March 16, 1998 and recorded in Volume 98070, Page 02972 of the Deed Records of Dallas County, Texas (DRDCT) and being more particularly described as follows:

COMMENCING at a 5/8" iron rod with red plastic cap stamped "CITY OF DALLAS", hereinafter referred to as "with cap" set at the intersection of the west line of said Burrescia tract with the south line of Elam Rd. (60' wide) as recorded in Volume 2234, Page 336, DRDCT, said iron rod also being in the southerly east line of a tract of land conveyed to the City of Dallas by Special Warranty Deed dated July 30, 2008 and recorded in Instrument No. 20080250127, Official Public Records, Dallas County, Texas (OPRDCT);

THENCE North 89°06'46" East, along the south line of said Elam Rd., a distance of 859.07 feet (858.71' Deed), to a 5/8" iron rod with cap set at the northwest corner of the herein described tract and the northeast corner of a tract of land conveyed to Tony and Minta Burrescia, Trustees Burrescia Family Revocable Living Trust by Warranty Deed dated July 12, 2005 and recorded in Vol. 2005139, Page 00898, OPRDCT, from which a found ½" Iron Rod bears North 0°46'42" West, a distance of 19.76 feet, said set iron rod also being the **POINT OF BEGINNING**;

THENCE North 89°06'46" East, continuing along the south line of said Elam Rd. and the north line of the said Solano tract, a distance of 414.28 feet (412.50 Deed) to a 5/8" iron rod with cap set at the northeast corner of the herein described tract and the northwest corner of a tract of land conveyed to the City of Dallas by Special Warranty Deed dated September 26, 2007 and recorded in Instrument No. 20070350491, OPRDCT, from which a found ½" iron rod bears North 0°44'09" West, a distance of 5.05 feet;

THENCE South 0°44'09" East, departing said south line of Elam Rd. and with the common line of said Solano and City of Dallas tracts, a distance of 2438.30 feet (2439.98' – City of Dallas Deed, 2486.00' – Solano Deed), to a 1/2" iron rod found at the southeast corner of the herein described tract and being the beginning of a non-tangent curve to the left having a radius of 2985.00 feet and a long chord that bears South 82°23'33" West, a distance of 415.42 feet, said iron rod also being the southwest corner of the said City of Dallas tract and also being in the northwest line of Loop 12, from which a found 4" square concrete marker bears North 87°46'40" East, a distance of 145.13 feet;

THENCE southwesterly with the northwest line of said Loop 12 and along said curve to the left through a central angle of 7°58'49" and an arc length of 415.75 feet (423.00' Deed) to a 5/8" iron rod with cap set on said curve from which a found ½" iron rod bears North 0°46'42" West, a distance of 7.69 feet; a ½" iron rod bears South 17°34'40" West, a distance of 6.61 feet and a found 4" square concrete marker bears, South 74°28'30" West, a distance of 407.49 feet, said set iron rod being the southwest corner of the herein described tract and the southeast corner of said Burrescia tract;

**FIELD NOTES DESCRIBING A 1,015,956.08 SQUARE FOOT (23.32 ACRE)
FEE ACQUISITION IN CITY BLOCK 6257 FROM RHADAMES SOLANO**

THENCE North 0°46'42" West, with the common line of said Solano and Burescia tracts, a distance of 2486.91 feet (2458.05' – Burescia Deed, 2536.00' – Solano Deed), to the **POINT OF BEGINNING** and containing 1,015,956.08 square feet or 23.32 acres of land.

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

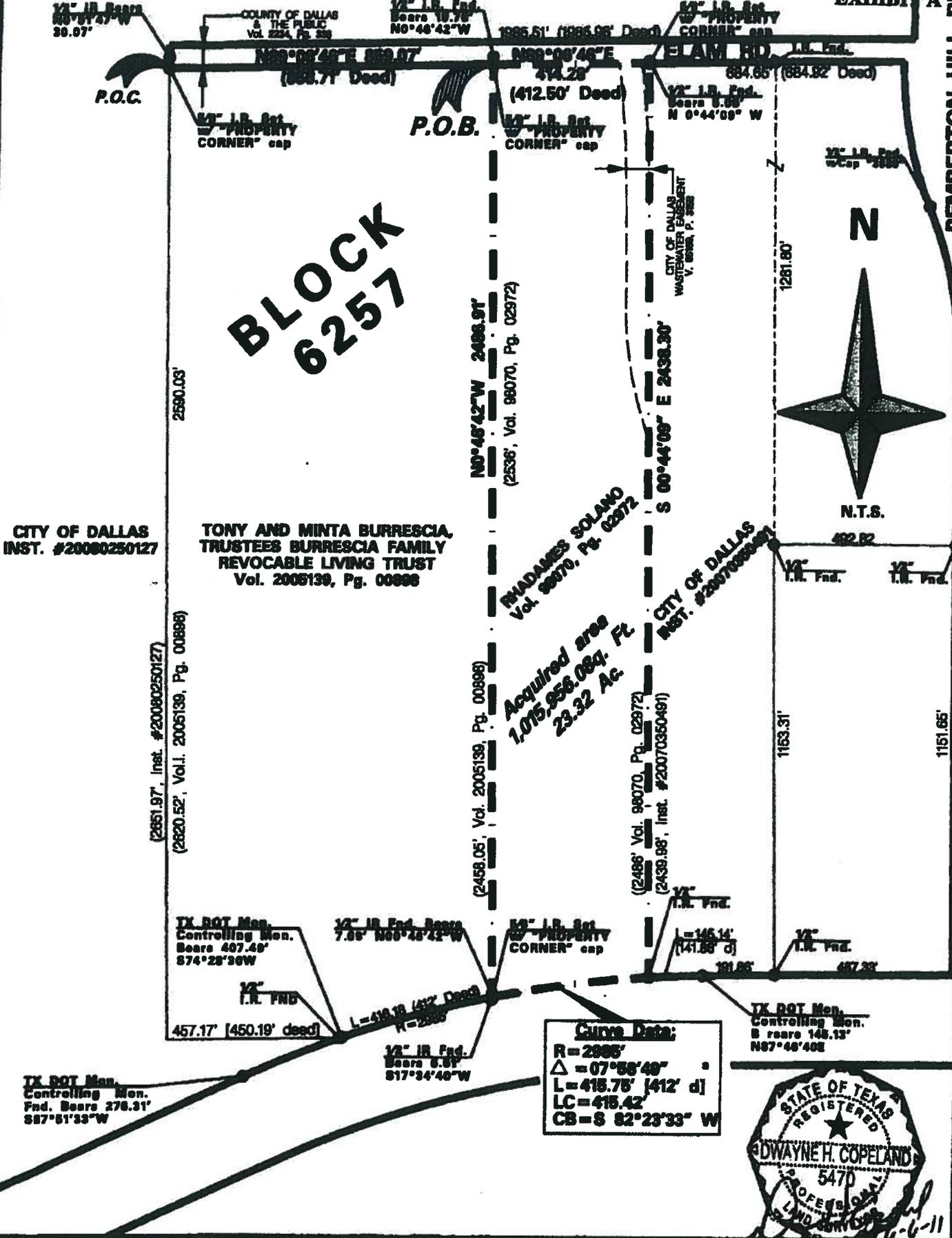


CORNELIUS COX SURVEY Abstract #284

EXHIBIT A

PEMBERTON HILL RD

BLOCK 6257



**CITY OF DALLAS
INST. #20080250127**

**TONY AND MINTA BURRESCIA,
TRUSTEES BURRESCIA FAMILY
REVOCABLE LIVING TRUST
Vol. 2005139, Pg. 00898**

**RHADAMES SOLANO
Vol. 98070, Pg. 02972**

**Acquired area
1,015,956.08sq. Ft.
23.32 Ac.**

**CITY OF DALLAS
INST. #20070350491**

Curve Data:
 R=2085'
 Δ=07°58'48"
 L=418.75' [412' d]
 LC=418.42'
 CB=S 82°23'33" W



**TX DOT Men.
Controlling Men.
Bears 407.48'
S74°28'36"W**

**1/2" I.R. Fnd. Bears
7.85' N89°42'42"W**

**1/2" I.R. Set
PROPERTY
CORNER cap**

1/2" I.R. Fnd.

**TX DOT Men.
Controlling Men.
B rear 148.13'
N87°48'40E**

**TX DOT Men.
Controlling Men.
Fnd. Bears 278.31'
S87°51'33"W**

**1/2" I.R. Fnd.
Bears 6.01'
S17°34'40"W**

**1/2" I.R. FND
457.17' [450.19' deed]**

**L=418.75 [412' deed]
R=2085**

**1/2" I.R. Fnd.
145.14'
[141.28' d]**

1/2" I.R. Fnd.

**(2851.97', Inst. #20080250127)
(2820.52', Vol. 2005139, Pg. 00898)**

(2458.05', Vol. 2005139, Pg. 00898)

**(2486' Vol. 98070, Pg. 02972)
(2439.98', Inst. #20070350491)**

1163.31'

1151.65'

1/2" I.R. Fnd.

1/2" I.R. Fnd.

**1/2" I.R. Fnd.
Bears 19.78'
N0°44'42"W**

**COUNTY OF DALLAS
& THE PUBLIC
Vol. 2204, Pg. 209**

**1/2" I.R. Fnd.
Bears 19.78'
N0°44'42"W**

1095.51' (1095.06' Deed)

**1/2" I.R. Set
PROPERTY
CORNER cap**

P.O.C.

P.O.B.

**N89°08'48"E 889.07'
(888.71' Deed)**

**N89°08'48"E
414.28'
(412.50' Deed)**

**FLAM RD I.R. Fnd.
884.85' (884.82' Deed)**

**1/2" I.R. Set
PROPERTY
CORNER cap**

**1/2" I.R. Set
PROPERTY
CORNER cap**

**1/2" I.R. Fnd.
Bears 8.89'
N 0°44'09" W**

**1/2" I.R. Fnd.
W Cap - 388'**

**CITY OF DALLAS
WASTEWATER TREATMENT
V. GUNDA, P. 388**

1281.80'

N.T.S.

492.82'

1/2" I.R. Fnd.

1/2" I.R. Fnd.

**FIELD NOTES DESCRIBING A 1,015,956.08 SQUARE FOOT (23.32 ACRE)
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THENCE North 89°06'46" East, along the south line of said Elam Rd., a distance of 859.07 feet (858.71' Deed), to a 5/8" iron rod with cap set at the northwest corner of the herein described tract and the northeast corner of a tract of land conveyed to Tony and Minta Burrescia, Trustees Burrescia Family Revocable Living Trust by Warranty Deed dated July 12, 2005 and recorded in Vol. 2005139, Page 00898, OPRDCT, from which a found 1/2" Iron Rod bears North 0°46'42" West, a distance of 19.76 feet, said set iron rod also being the **POINT OF BEGINNING**;

THENCE North 89°06'46" East, continuing along the south line of said Elam Rd. and the north line of the said Solano tract, a distance of 414.28 feet (412.50 Deed) to a 5/8" iron rod with cap set at the northeast corner of the herein described tract and the northwest corner of a tract of land conveyed to the City of Dallas by Special Warranty Deed dated September 26, 2007 and recorded in Instrument No. 20070350491, OPRDCT, from which a found 1/2" iron rod bears North 0°44'09" West, a distance of 5.05 feet;

THENCE South 0°44'09" East, departing said south line of Elam Rd. and with the common line of said Solano and City of Dallas tracts, a distance of 2438.30 feet (2439.98' – City of Dallas Deed, 2486.00' – Solano Deed), to a 1/2" iron rod found at the southeast corner of the herein described tract and being the beginning of a non-tangent curve to the left having a radius of 2985.00 feet and a long chord that bears South 82°23'33" West, a distance of 415.42 feet, said iron rod also being the southwest corner of the said City of Dallas tract and also being in the northwest line of Loop 12, from which a found 4" square concrete marker bears North 87°46'40" East, a distance of 145.13 feet;

THENCE southwesterly with the northwest line of said Loop 12 and along said curve to the left through a central angle of 7°58'49" and an arc length of 415.75 feet (423.00' Deed) to a 5/8" iron rod with cap set on said curve from which a found 1/2" iron rod bears North 0°46'42" West, a distance of 7.69 feet; a 1/2" iron rod bears South 17°34'40" West, a distance of 6.61 feet and a found 4" square concrete marker bears, South 74°28'30" West, a distance of 407.49 feet, said set iron rod being the southwest corner of the herein described tract and the southeast corner of said Burrescia tract;

**FIELD NOTES DESCRIBING A 1,015,956.08 SQUARE FOOT (23.32 ACRE)
FEE ACQUISITION IN CITY BLOCK 6257 FROM RHADAMES SOLANO**

THENCE North 0°46'42" West, with the common line of said Solano and Burrencia tracts, a distance of 2486.91 feet (2458.05' – Burrencia Deed, 2536.00' – Solano Deed), to the **POINT OF BEGINNING** and containing 1,015,956.08 square feet or 23.32 acres of land.

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



CORNELIUS COX SURVEY Abstract #284

EXHIBIT A

1/2" I.R. Bears
N89°51'47"W
30.07'

COUNTY OF DALLAS
& THE PUBLIC
Vol. 2234, Pg. 398

1/2" I.R. End.
Bears 18.78'
N0°46'42"W

1985.51' (1985.98' Deed)

5/8" I.R. Set
w/ "PROPERTY
CORNER" cap

P.O.C.

N89°08'46"E 859.07'
(858.71' Deed)

N89°08'46"E
414.28'
(412.50' Deed)

ELAM RD. I.R. End.
684.65' (684.92' Deed)

5/8" I.R. Set
w/ "PROPERTY
CORNER" cap

P.O.B.

5/8" I.R. Set
w/ "PROPERTY
CORNER" cap

1/2" I.R. End.
Bears 8.08'
N 0°44'09" W

1/2" I.R. End.
w/ Cap 3688

**BLOCK
6257**

CITY OF DALLAS
INST. #20080250127

TONY AND MINTA BURRESCIA,
TRUSTEES BURRESCIA FAMILY
REVOCABLE LIVING TRUST
Vol. 2005139, Pg. 00898

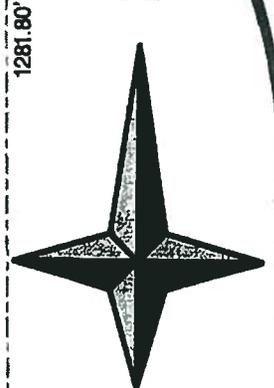
N0°46'42"W 2488.91'
(2536', Vol. 98070, Pg. 02972)

RHADANES SOLANO
Vol. 98070, Pg. 02972

Acquired area
1,015.956.08q. Ft.
23.32 Ac.

CITY OF DALLAS
INST. #20070350491

S 00°44'09" E 2438.30'



N.T.S.

492.82

1/2" I.R. Fnd.

1/2" I.R. Fnd.

(2651.97', Inst. #20080250127)

(2620.52', Vol. 1. 2005139, Pg. 00898)

(2458.05', Vol. 2005139, Pg. 00898)

(2486' Vol. 98070, Pg. 02972)

(2439.98', Inst. #20070350491)

TX DOT Mon.
Controlling Mon.
Bears 407.49'
S74°29'30"W

1/2" I.R. Fnd. Bears
7.89' N0°46'42"W

5/8" I.R. Set
w/ "PROPERTY
CORNER" cap

1/2" I.R. Fnd.

145.14'
[141.86' d]

1/2" I.R. Fnd.

1/2" I.R. FND

457.17' [450.19' deed]

L=416.18 (412' Deed)
H=2885

1/2" I.R. Fnd.
Bears 8.61'
S17°34'40"W

181.86'

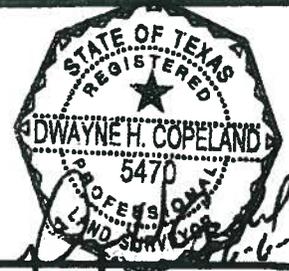
TX DOT Mon.
Controlling Mon.
B bears 145.13'
N87°48'40E

1153.31'

1151.65'

TX DOT Mon.
Controlling Mon.
Fnd. Bears 278.31'
S67°51'33"W

Curve Data:
R = 2985'
Δ = 07°58'49"
L = 415.75' [412' d]
LC = 416.42'
CB = S 82°23'33" W



KEY FOCUS AREA: Economic Vibrancy
AGENDA DATE: December 12, 2012
COUNCIL DISTRICT(S): 7
DEPARTMENT: Trinity Watershed Management
CMO: Jill A. Jordan, P.E., 670-5299
MAPSCO: 46 X

SUBJECT

Authorize moving expense and replacement housing payment for Mr. Detroit Michigan Packer as a result of an official written offer of just compensation to purchase real property at 5122 Colonial Avenue for the Trinity Parkway Project, to be used in conjunction with the Trinity Corridor Project – Not to exceed \$43,600 – Financing: 1998 Bond Funds

BACKGROUND

The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended (URA), provides moving expense and replacement housing payments for individuals displaced by the City of Dallas in conjunction with its real property acquisition activities. On September 23, 2009, the City Council approved Resolution No. 09-2328 which authorized the acquisition of real property known as 5122 Colonial Avenue for the Trinity River Corridor Project. Mr. Packer was displaced from his home as a direct result of this property acquisition. He has qualified for a replacement housing payment of up to \$43,600 pursuant to the URA and he will use the replacement housing assistance payment to obtain a replacement dwelling.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

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

FISCAL INFORMATION

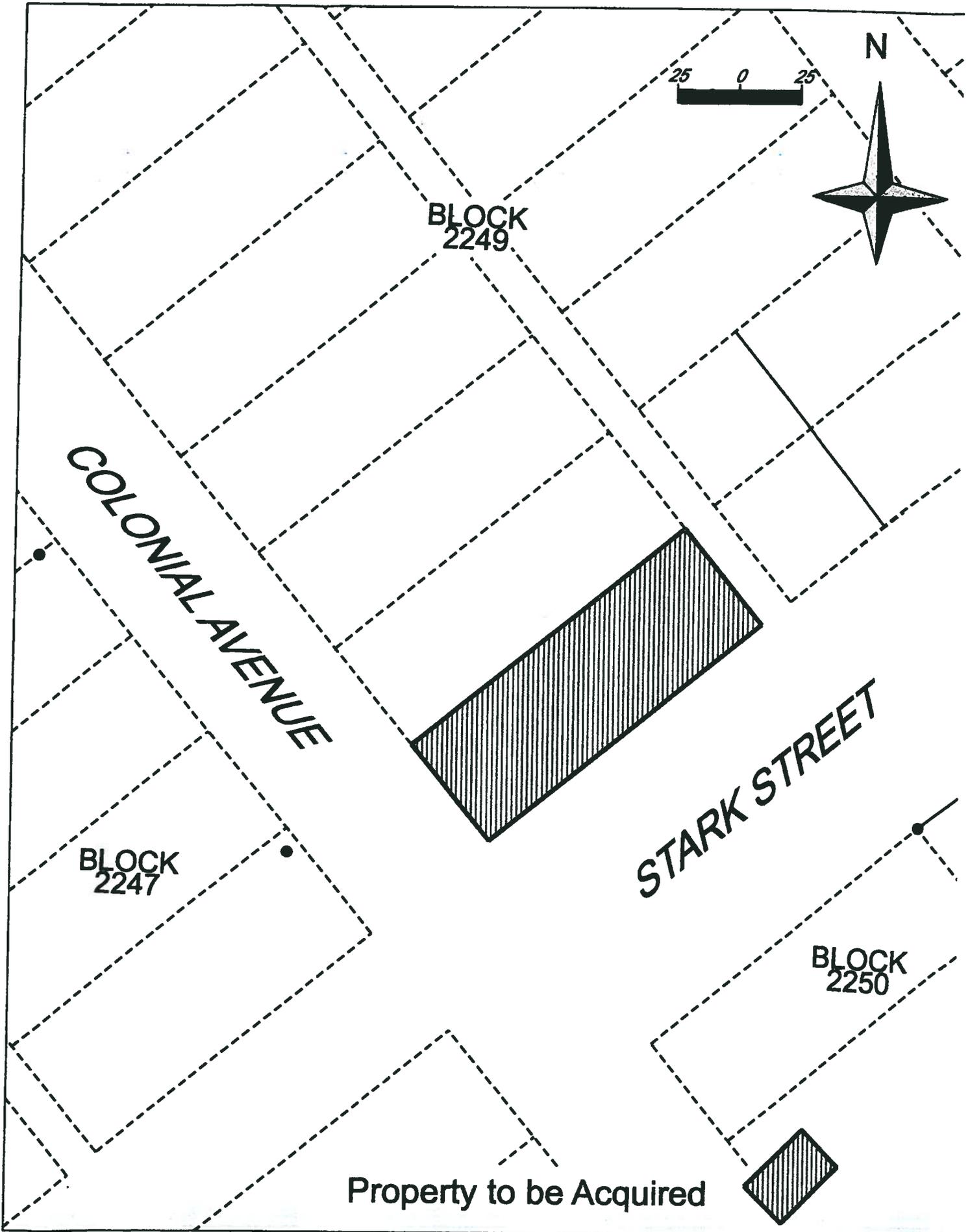
1998 Bond Funds - \$43,600

OWNER

Mr. Detroit Michigan Packer

MAP

Attached



Property to be Acquired

December 12, 2012

WHEREAS, on September 23, 2009, the City Council approved Resolution No. 09-2328 authorizing the acquisition of 5122 Colonial Avenue, to be used in conjunction with the Trinity Parkway Project; and

WHEREAS, Mr. Detroit Michigan Packer was displaced as a direct result of this property acquisition and will vacate the property; and

WHEREAS, the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended (URA), provides moving expense and replacement housing payments for individuals displaced by City of Dallas property acquisition activities; and

Now Therefore,

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

Section 1. That Mr. Detroit Michigan Packer was displaced in conjunction with the Trinity Parkway Project and is entitled to a replacement housing payment pursuant to the URA.

Section 2. That Mr. Detroit Michigan Packer is eligible to receive a replacement housing payment in an amount up to \$43,600.

Section 3. That the City Controller is authorized to draw a warrant in favor of Mr. Detroit Michigan Packer in an amount not to exceed \$43,600 for a replacement housing payment.

This warrant is to be paid as follows:

Trinity River Corridor Project Fund
Fund 4P14, Dept. PBW, Unit N965, Object 4210
Act. Code TRPP, Program No. PB98N965 CT PBW98N965B6
Vendor No. VC0000011405 in an amount not to exceed \$43,600

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

KEY FOCUS AREA: Better Cultural, Arts and Recreational Amenities

AGENDA DATE: December 12, 2012

COUNCIL DISTRICT(S): 5

DEPARTMENT: Trinity Watershed Management
Park & Recreation

CMO: Jill A. Jordan, P.E., 670-5299
Barbara Kindig, 670-4071

MAPSCO: 57 U

SUBJECT

Authorize Supplemental Agreement No. 11 to the professional services contract with Brown Reynolds Watford Architects, Inc. for architectural services to include schematic design through construction administration for an equestrian facility at Texas Horse Park located at 811 Pemberton Hill Road - Not to exceed \$747,673, from \$3,655,305 to \$4,402,978 - Financing: 2003 Bond Funds (\$120,175) and 2006 Bond Funds (\$627,498)

BACKGROUND

The original professional services contract with Brown Reynolds Watford Architects, Inc. was authorized by Council on August 14, 2002, by Resolution No. 02-2184 for a feasibility study and master plan for the Trinity Interpretive Center, Trinity Equestrian Center and other associated components at Texas Horse Park, in an amount not to exceed \$500,000.

Supplemental Agreements Nos. 1-3 added specialty consulting to the scope of work. Supplemental Agreement No. 4 added the design of the Audubon Center and Equestrian Center. Supplemental Agreement No. 5 added specialty consultants to the Audubon Center and modified the scope of the work for the Equestrian Center to a master plan for a multi-phase development.

Supplemental Agreement No. 6 was approved and rescinded by Park Board. Supplemental Agreements Nos. 7-10 were approved by Administrative Action and included items for the Audubon Center; investigation of archaeological resources on City property proposed for the Texas Horse Park; survey, flood plain monuments; archaeological curation and final report; and partial schematic design for the Texas Horse Park.

BACKGROUND (Continued)

This action will authorize Supplemental Agreement No. 11 to the professional services contract with Brown Reynolds Watford Architects, Inc. in an amount not to exceed \$747,673, from \$3,655,305 to \$4,402,978, for architectural services to include schematic design through construction administration for an equestrian facility at Texas Horse Park.

ESTIMATED SCHEDULE OF PROJECT

Began Design	June 2012
Complete Design	November 2012
Begin Construction	January 2013
Complete Construction	September 2013

PRIOR ACTION/REVIEW (Council, Boards, Commissions)

City Council authorized award of the professional services contract on August 14, 2002, by Resolution No. 02-2184.

The Park and Recreation Board authorized Supplemental Agreement No. 2 on November 3, 2003.

City Council authorized Supplemental Agreement No. 2 on December 8, 2003, by Resolution No. 03-3309.

The Park and Recreation Board authorized Supplemental Agreement No. 4 on June 17, 2004.

City Council authorized Supplemental Agreement No. 4 on June 23, 2004, by Resolution No. 04-2148.

The Park and Recreation Board authorized Supplemental Agreement No. 5 on June 7, 2007.

City Council authorized Supplemental Agreement No. 5 on June 27, 2007, by Resolution No. 07-2031.

The Park and Recreation Board authorized Supplemental Agreement No. 6 on November 15, 2007.

The Park and Recreation Board authorized the rescission of Supplemental Agreement No. 6 on February 19, 2009.

The Park and Recreation Board authorized Supplemental Agreement No. 11 on December 6, 2012.

FISCAL INFORMATION

2003 Bond Funds -\$120,175
2006 Bond Funds - \$627,498

Design Contract	\$ 500,000
Supplemental Agreement No. 1	\$ 15,000
Supplemental Agreement No. 2	\$ 148,250
Supplemental Agreement No. 3	\$ 13,000
Supplemental Agreement No. 4	\$2,812,000
Supplemental Agreement No. 5	\$ 130,055
Supplemental Agreement No. 6	\$ 0
Supplemental Agreement No. 7	\$ 14,000
Supplemental Agreement No. 8	\$ 23,000
Supplemental Agreement No. 9	\$ 0
Supplemental Agreement No. 10	\$ 0
Supplemental Agreement No. 11 (this action)	<u>\$ 747,673</u>
Total	\$4,402,978

M/WBE INFORMATION

Awaiting for architect to submit BID documents to BD&PS.

ETHNIC COMPOSITION

Brown Reynolds Watford Architects, Inc.

White Male	23	White Female	12
Hispanic Male	0	Hispanic Female	1
Black Male	0	Black Female	1
Other Male	3	Other Female	1

OWNERS

Brow, Reynolds Watford Architects, Inc.

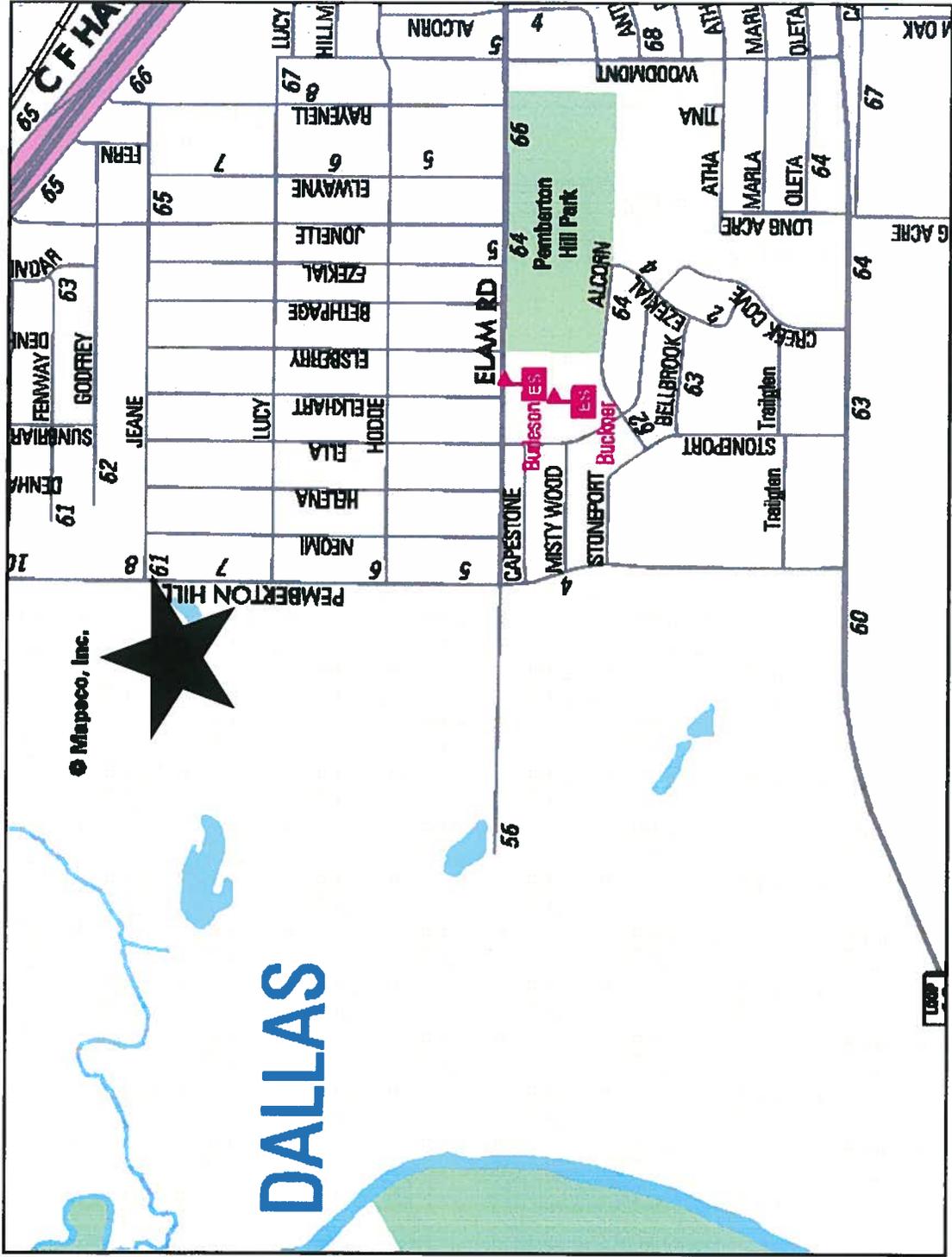
Jeffrey J. Brown, Partner
Craig S. Reynolds, Partner
Mark E. Watford, Partner

MAP

Attached

Texas Horse Park

Council District 5



Mapsc0 # 57-U

December 12, 2012

WHEREAS, on August 14, 2002, by Resolution No. 02-2184, Brown Reynolds Watford Architects, Inc. was awarded a contract for a feasibility study and master plan for the Trinity Interpretive Center, Trinity Equestrian Center and other associated components at Texas Horse Park located at 811 Pemberton Hill Road, in an amount not to exceed \$500,000; and

WHEREAS, on February 24, 2003, Administrative Action No. 03-0577 authorized award of Supplemental Agreement No. 1 to the professional services contract to add Texas Audubon to the consultant team for their participation to enhance the site selection process and operation focus of the Trinity Interpretive Center, in an amount not to exceed \$15,000, making a revised contract amount of \$515,000; and

WHEREAS, on December 8, 2003, Resolution No. 03-3309, authorized award of Supplemental Agreement No. 2 to the professional services contract to add Rocky Mountain Institute, a nationally known sustainable design LEED certified consulting firm to the team and completion of the business plan for both the Trinity Interpretive Center and Trinity Equestrian Center facilities, in an amount not to exceed \$148,250, increasing the contract amount from \$515,000 to \$663,250; and

WHEREAS, on April 2, 2004, Administrative Action No. 04-1112 authorized award of Supplemental Agreement No. 3 to the professional services contract to include additional Trinity Equestrian Center economic models as requested by City Council, in an amount not to exceed \$13,000, increasing the contract amount from \$663,250 to \$676,250; and

WHEREAS, on June 23, 2004, Resolution No. 04-2148, authorized award of Supplemental Agreement No. 4 to the professional services contract for schematic design through construction administration services for both the Trinity Interpretive Center, Equestrian Center and Trails, in an amount not to exceed \$2,812,000, increasing the contract amount from \$676,250 to \$3,488,250; and

WHEREAS, on June 27, 2007, Resolution No. 07-2031, authorized award of Supplemental Agreement No. 5 to the professional services contract for a production of a video and audio components for the orientation and exhibit areas of the Trinity River Audubon Center; and modification of the original scope of work for basic services and special services for a master plan for a multi-phase development to the Trinity River Equestrian Center (now Texas Horse Park), in an amount not to exceed \$130,055, increasing the contract amount from \$3,488,250 to \$3,618,305; and

December 12, 2012

WHEREAS, on November 15, 2007, the Park and Recreation Board authorized award of Supplemental Agreement No. 6 to the professional services contract for the design, bidding, and construction administration services for the Texas Horse Park, in an amount not to exceed \$2,673,000; on February 19, 2009, the Park and Recreation Board rescinded the award; contract amount remains unchanged at \$3,618,305; and

WHEREAS, on March 13, 2009, Administrative Action No. 09-0743 authorized award of Supplemental Agreement No. 7 to the professional services contract for re-design of the Trinity River Audubon Center entry road off South Loop 12 to incorporate the recently purchased land to the west, in an amount not to exceed \$14,000, increasing the contract amount from \$3,618,305 to \$3,632,305; and

WHEREAS, on July 16, 2009, Administrative Action No. 09-1779 authorized award of Supplemental Agreement No. 8 to the professional services contract for design through construction administration for Loop 12 deceleration lane and Great Hall deck American with Disability Act ramp, in an amount not to exceed \$23,000, increasing the contract amount from \$3,632,305 to \$3,655,305; and

WHEREAS, on September 10, 2012, Administrative Action No. 12-2316 authorized award of Supplemental Agreement No. 9 to the professional services contract to include a reduction in the scope in Supplemental Agreement No. 4 of additional services and adds the investigation of 811 Pemberton Hill Road and Texas Horse Park site for evaluation of archaeological and historical significant resources; contract amount remains unchanged at \$3,655,305; and

WHEREAS, on November 19, 2012, Administrative Action No. 12-2864, authorized award of Supplemental Agreement No. 10, for a reduction in the scope of the current contract and additions to include completion of a boundary survey of the Texas Horse Park site; floodplain monuments; completion of the archaeological curation and final report; and 38% schematic design phase for the Texas Horse Park, in an amount not to exceed \$0; contract amount remains unchanged at \$3,655,305; and

WHEREAS, this action will authorize Supplemental Agreement No. 11 to the professional services contract with Brown Reynolds Watford Architects, Inc. in an amount not to exceed \$747,673, increasing the contract amount from \$3,655,305 to \$4,402,978, for architectural services to include schematic design through construction administration for an equestrian facility at Texas Horse Park.

December 12, 2012**Now, Therefore,****BE IT RESOLVED BY THE PARK AND RECREATION BOARD AND THE CITY COUNCIL OF THE CITY OF DALLAS:**

SECTION 1. That the City Manager is hereby authorized to enter into Supplemental Agreement No. 11 to the professional services contract with Brown Reynolds Watford Architects, Inc. for architectural services to include schematic design through construction administration for an equestrian facility at Texas Horse Park, in an amount not to exceed \$747,673, increasing the contract amount from \$3,655,305 to \$4,402,978.

SECTION 2. That the President of the Park and Recreation Board and City Manager are hereby authorized to execute a contract with Brown Reynolds Watford Architects, Inc., after approval as to form by the City Attorney's Office.

SECTION 3. That the City Controller is hereby authorized to pay the amount of \$747,673 to Brown Reynolds Watford Architects, Inc., as follows:

(2003) Neighborhood Park and Recreation Facilities Fund Fund 3R05, Department PKR, Unit T291, Object 4112 Activity TRPP, Program PK06T291, CT-PKR1319355 Commodity 92500, Vendor 205173	\$1,587.89
(2003) Neighborhood Park and Recreation Facilities Fund Fund 4R05, Department PKR, Unit T291, Object 4112 Activity TRPP, Program PK06T291, CT-PKR1319355 Commodity 92500, Vendor 205173	\$1,516.02
(2003) Neighborhood Park and Recreation Facilities Fund Fund 5R05, Department PKR, Unit T291, Object 4112 Activity TRPP, Program PK06T291, CT-PKR1319355 Commodity 92500, Vendor 205173	\$4,079.81
(2003) Neighborhood Park and Recreation Facilities Fund Fund 6R05, Department PKR, Unit T291, Object 4112 Activity TRPP, Program PK06T291, CT-PKR1319355 Commodity 92500, Vendor 205173	\$112,991.60
(2006) Park and Recreation Facilities Improvement Fund Fund 7T00, Department PKR, Unit T291, Object 4112 Activity TRPP, Program PK06T291, CT-PKR1319355 Commodity 92500, Vendor 205173	\$222,419.25

December 12, 2012

SECTION 3. (Continued)

(2006) Park and Recreation Facilities Improvement Fund
Fund 8T00, Department PKR, Unit T291, Object 4112
Activity TRPP, Program PK06T291, CT-PKR1319355
Commodity 92500, Vendor 205173 \$317,638.33

(2006) Park and Recreation Facilities Improvement Fund
Fund 9T00, Department PKR, Unit T291, Object 4112
Activity TRPP, Program PK06T291, CT-PKR1319355
Commodity 92500, Vendor 205173 \$87,440.10

Total amount not to exceed \$747,673.00

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.

KEY FOCUS AREA: Better Cultural, Arts and Recreational Amenities

AGENDA DATE: December 12, 2012

COUNCIL DISTRICT(S): 5

DEPARTMENT: Trinity Watershed Management

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

MAPSCO: 57 Q

SUBJECT

Authorize (1) Termination of the Development and Operating Agreement with Texas Horse Park, Inc, previously approved by Resolution Number 06-2448; and (2) a twenty-year Development and Operating Agreement, with two five-year renewal options, with Texas Horse Park Foundation – Financing: No cost consideration to the City

BACKGROUND

This action would terminate the 2006 development and operating agreement with Texas Horse Park, Inc. and authorize a new agreement with Texas Horse Park Foundation, a non-profit corporation. The Texas Horse Park has long been part of the Dallas Trinity River Project's vision. The Texas Horse Park Foundation's mission is to support the operation, maintenance and development of a Texas Horse Park by assisting in raising funds. Texas Horse Park Foundation has raised restricted funds for capital improvements as well as operating funds should the non-profit operators require assistance in the first years of operation. The restricted funds shall be provided to the City of Dallas for capital improvements at the Texas Horse Park prior to the City's initiating bids/proposals for construction procurement. Texas Horse Park Foundation will make available the remaining balance of the funds, already raised, for a period of up to five years to assist with potential shortfall in the operating costs of the Texas Horse Park. All funds remaining at the end of the five-year period can be used for capital improvements at Texas Horse Park.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On, September 13, 2006, Resolution No. 06-2448, authorized a twenty-year development and operating agreement, with two five-year renewal options between the City of Dallas and Texas Horse Park, Inc. for the Texas Horse Park (formerly known as the Trinity River Equestrian Center) located at Elam Road at Pemberton Hill.

On November 7, 2012, City Council was briefed on the Texas Horse Park.

FISCAL INFORMATION

No cost consideration to the city

OWNER

Texas Horse Park Foundation

John Bankston, Chairman
Ben Casey, Secretary
Steve Barnett, Treasurer

MAP

Attached

Texas Horse Park

Council District 5



Mapco # 57-Q

December 12, 2012

WHEREAS, City is presently undertaking the Trinity River Corridor Project, that will provide economic development opportunities along the Trinity River Corridor and the Great Trinity Forest located in Dallas County, Texas, and a component of the Trinity River Corridor Project is the development of an equestrian center, (the “ Texas Horse Park”); and

WHEREAS, \$12 million for the development of the Horse Park was approved in the 2006 Bond election; and

WHEREAS, the Texas Horse Park Foundation’s mission is to support the operation, maintenance and development of Texas Horse Park;

Now Therefore,

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

Section 1. That the Development and Operating Agreement between the City of Dallas and Texas Horse Park, Inc. approved on September 13, 2006, by Resolution No. 06-2448, be terminated.

Section 2. That a twenty-year Development and Operating Agreement, with two five-year renewal options, with the Texas Horse Park Foundation, be approved.

Section 3. That the renewal options are subject to City’s approval and consent.

Section 4. That the City Manager is authorized to execute the agreement subject to the terms and conditions of the agreement, after approval as to form by the City Attorney’s Office.

Section 5. That this resolution shall take effect immediately from and after its passage in accordance with provisions of the Charter of the City of Dallas, and it is accordingly so resolved.

KEY FOCUS AREA: Better Cultural, Arts and Recreational Amenities

AGENDA DATE: December 12, 2012

COUNCIL DISTRICT(S): 5

DEPARTMENT: Trinity Watershed Management

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

MAPSCO: 57 Q

SUBJECT

Authorize a five-year development and operations agreement, with five five-year renewal options, with Equest, for the Texas Horse Park – Financing: No Cost Consideration

BACKGROUND

This action would approve the development and operations agreement with Equest, a non-profit corporation, where the City will be constructing a facility at the Texas Horse Park and Equest will operate a therapeutic riding program as more fully described in the agreement between the City of Dallas and Equest. The Texas Horse Park has long been part of the Dallas' Trinity River Project vision. On November 7, 2012, the Council was briefed on the use of \$12M in the 2006 Bond Program for design and construction of the Texas Horse Park. Equest operates in Wylie, Texas, providing therapeutic riding for children and adults with physical, cognitive, emotional and learning disabilities. To operate at the Horse Park, Equest has agreed to the following terms:

A five-year agreement with five 5-year renewal options with mutual consent subject to City approval.

Equest is responsible for all operating and maintenance costs, including major maintenance and utilities, associated with the facilities and portion of the site that they utilize.

A minimum of 75% of Equest's patrons at the Texas Horse Park location shall be residents of the city of Dallas.

Equest will endeavor to host the Special Olympics and other similar events at the Texas Horse Park site, including charity fund-raising events.

BACKGROUND (Continued)

City reserves right to reserve the event portion (including ancillary components, such as restrooms, visitor center, etc.) of the facility at no charge up to six dates per year, if not previously reserved, on mutually agreed upon terms and conditions.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On November 7, 2012, City Council was briefed on the Horse Park and Equest Educational Charities.

FISCAL INFORMATION

No Cost Consideration to the City

OWNER

Patrick J. Bricker, Chief Executive Officer

2012 Equest Board of Directors Executive Committee:

Bridget Black, Chairman

Melissa Cooksey, Chairman-Elect

Margaret Wolf, Secretary

Scott Sullivan, Treasurer

Beth Staples, Chairman-Emeritus

Martin Rose

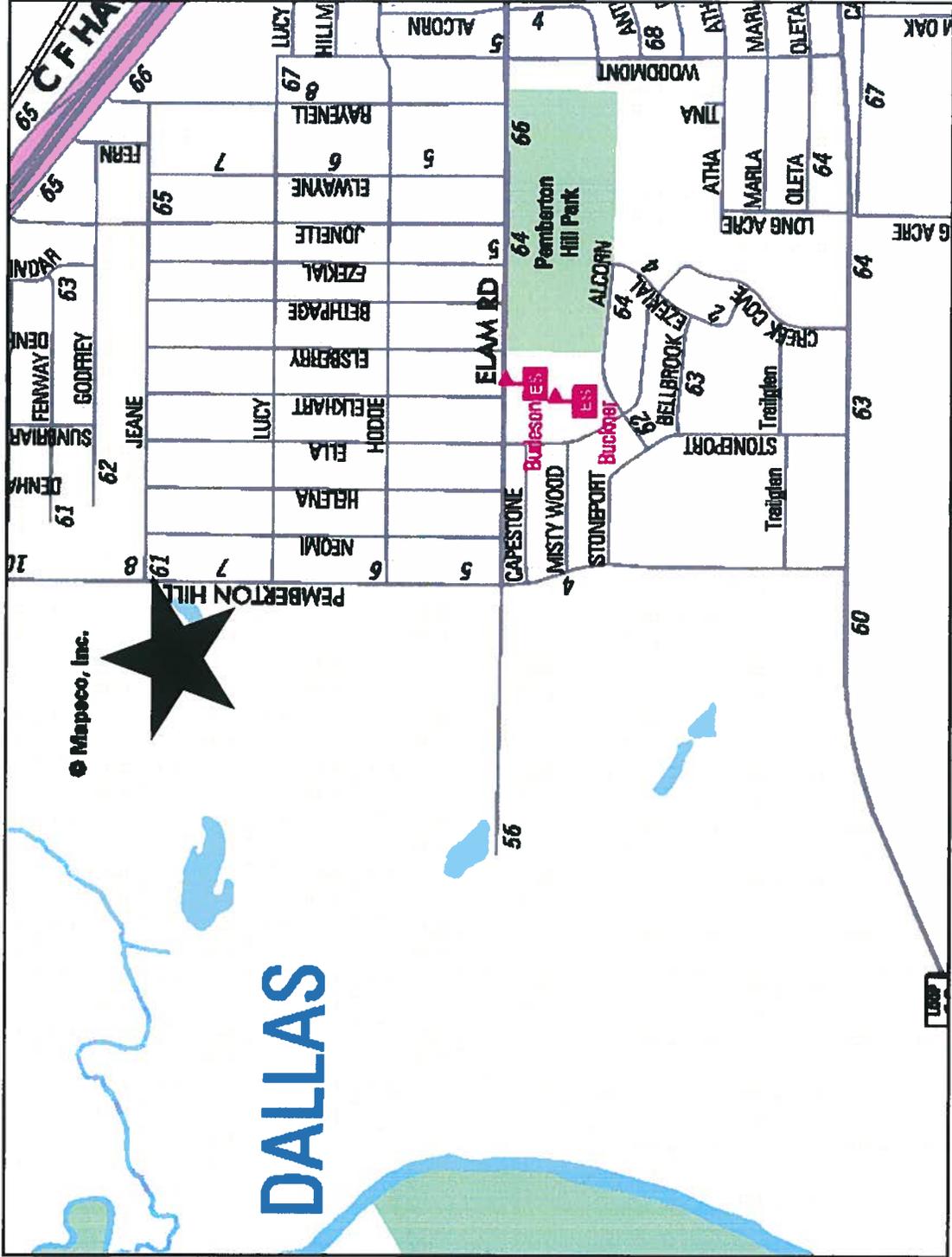
Susan Schwartz

MAP

Attached

Texas Horse Park

Council District 5



Mapsc0 # 57-Q

December 12, 2012

WHEREAS, the City is presently undertaking the Trinity River Corridor Project that will provide economic development opportunities along the Trinity River Corridor and the Great Trinity Forest located in Dallas County, Texas, and a component of the Trinity River Corridor Project is the development of an equestrian center, (the “ Texas Horse Park”); and

WHEREAS, \$12 million for the development of the Horse Park was approved in the 2006 Bond election; and

WHEREAS, Equest is a Texas non-profit corporation organized and existing under Texas law for the purpose of empowering, enriching, and educating children and adults with physical, cognitive, emotional, and learning disabilities, primarily through equine-assisted therapy; and

WHEREAS, the City will be designing and constructing the Texas Horse Park and the parties desire for Equest to provide therapeutic and other enrichment, educational equine-related services for the citizens of Dallas, particularly children and veterans with physical, cognitive and emotional learning disabilities; and

WHEREAS, Equest will operate its program at its own cost and maintain and manage a portion of the Texas Horse Park as discussed in the Agreement;

Now Therefore,

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

Section 1. That a five-year development and operations agreement, with five five-year renewal options, with Equest, for the Texas Horse Park, be approved.

Section 2. That the renewal options are subject to City’s approval and consent.

Section 3. That the City Manager be authorized to execute the development and operation agreement subject to the terms and conditions, after approval as to form by the City Attorney’s Office.

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

DRAFT

KEY FOCUS AREA: Better Cultural, Arts and Recreational Amenities

AGENDA DATE: December 12, 2012

COUNCIL DISTRICT(S): 5

DEPARTMENT: Trinity Watershed Management

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

MAPSCO: 57 Q

SUBJECT

Authorize a twenty-year development and operations agreement, with two five-year renewal options, with River Ranch Educational Charities, for the Texas Horse Park – Financing: No Cost Consideration

BACKGROUND

This action would approve the development and operations agreement with River Ranch Educational Charities (River Ranch), a non-profit corporation, where the City will construct a facility at the Texas Horse Park and River Ranch will operate horse riding programs, activities and events as described more fully in the agreement between the City and River Ranch Educational Charities. The Texas Horse Park has long been part of the Dallas' Trinity River Project vision. On November 7, 2012, the Council was briefed on the use of \$12M in the 2006 Bond Program for design and construction of the Texas Horse Park. River Ranch operates in McKinney, Texas, providing trail riding, camps and other nature oriented activities to special needs and underprivileged children. River Ranch funds the charitable operation by holding for-profit activities and events. To operate at the Texas Horse Park, River Ranch has agreed to the following terms:

A 20-year agreement with two 5-year renewal options with mutual consent subject to City approval.

River Ranch is responsible for all operating and maintenance costs, including utility costs, major maintenance and major equipment and systems associated with the facilities and portion of the site that they utilize and any facilities shared by other non-profit organizations on the site.

River Ranch will construct and maintain horse trails throughout the Great Trinity Forest.

BACKGROUND (Continued)

River Ranch may grow crops for on site use subject to annual approval by TWM Director.

River Ranch will provide the following services to the City:

- Programs for Dallas citizens, particularly children with special needs and underprivileged children and seniors

- 25% of all summer camp participants shall be City of Dallas residents meeting low income requirements

- 10% of Riding Lessons and Trail Rides throughout the year, made available by scholarship.

- Coordinate volunteers for trail clean-up in exchange for trail or pony ride through Volunteer Dallas!

River Ranch will provide free events to the community on the third Thursday of each month including:

- Birthday Parties (up to patio capacities with prior registration)

- Free Trail Rides (up to a set amount with prior registration)

- Free Pony rides and petting zoo on a first come/first serve basis

- Trail rides

River Ranch will provide the following activities:

- Summer camps

- Events, such as children's birthday parties with pony rides, corporate parties, and convention friendly activities

- Horse riding lessons

- Special events

Any net revenues from the activities of River Ranch shall go back into programs for underprivileged Dallas residents, maintenance of the Texas Horse Park, or into capital improvements of the Texas Horse Park site.

Director reserves right to reserve the event portion (including ancillary components, such as rest rooms, visitor center, etc.) of the facility at no charge up to six dates per year, if not previously reserved, on mutually agreed upon terms and conditions.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On November 7, 2012, City Council was briefed on the Horse Park and River Ranch Educational Charities.

FISCAL INFORMATION

No Cost Consideration to the City.

OWNER

Harris W. Kirk, Jr., President
Vanessa R. Fry, Vice President
Tessa L. Stinson, Secretary/Treasurer

MAP

Attached

December 12, 2012

WHEREAS, the City is presently undertaking the Trinity River Corridor Project that will provide economic development opportunities along the Trinity River Corridor and the Great Trinity Forest located in Dallas County, Texas, and a component of the Trinity River Corridor Project is the development of an equestrian center, (the " Texas Horse Park"); and

WHEREAS, \$12 million for the development of the Horse Park was approved in the 2006 Bond election; and

WHEREAS, River Ranch Educational Charities is a Texas non-profit corporation organized and existing under Texas law for the purpose of healing and uplifting the community, underprivileged kids, special needs children and senior citizen through horses, animals, nature and ranch experiences; and

WHEREAS, the City will be designing and constructing the Texas Horse Park and the parties desire for River Ranch Educational Charities to provide trail rides, camps, and additional events and activities to tourists, the community and to special needs and underserved children and seniors; and

WHEREAS, River Ranch Educational Charities will operate its program at its own cost and maintain and manage a portion of the Texas Horse Park as discussed in the Agreement;

Now Therefore,

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

Section 1. That a twenty-year development and operations agreement, with two five-year renewal options, with River Ranch Educational Charities, for the Texas Horse Park, be approved.

Section 2. That the renewal options are subject to City's approval and consent.

Section 3. That the City Manager be authorized to execute the development and operation agreement subject to the terms and conditions, after approval as to form by the City Attorney's Office.

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

DRAFT

KEY FOCUS AREA: Better Cultural, Arts and Recreational Amenities

AGENDA DATE: December 12, 2012

COUNCIL DISTRICT(S): 5

DEPARTMENT: Trinity Watershed Management

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

MAPSCO: 57 Q

SUBJECT

Authorize approval of a Letter of Intent to advance the Trinity Forest Golf Course – Financing: This action has No Cost Consideration

BACKGROUND

The City's Grow South initiative focuses on economic development within South Dallas, including increasing visibility and critical mass through various development initiatives. Providing professional sport venues can assist with urban redevelopment and provide economic growth in terms of job creation and income generation.

The Trinity Forest Golf Course is proposed as a world class championship golf course and training facility located off Great Trinity Forest Way, adjacent to the Trinity Audubon Center and Texas Horse Park. The proposed course would include: 18 hole championship golf course, 9 hole short course, teaching facility and practice facility. The course would be directed by a not for profit board comprised of, at a minimum, AT&T, PGA Tour, SMU, The First Tee and a City of Dallas representative appointed by the Mayor.

In order to advance the planning initiatives for the Trinity Forest Golf Course, this action would approve the Letter of Intent and allows staff to complete negotiations.

Deal points for the not for profit which will require additional negotiations are:

- Lease approximately 400 acres from City for 40 years, beginning with a base lease of \$1,000 and increasing to \$10,000 per year upon opening of the course
- Raise a minimum of \$20 million for the first phase and any additional cost overruns as a result of construction
- Develop, operate, and perform minor and major maintenance of the Trinity Forest Golf Course
- Secure the relocation of the Byron Nelson to Dallas
- Secure adoption of the golf complex by SMU
- Establish The First Tee youth golf program

Provide for and insure not less than 25% of annual rounds of golf will be available to charitable tournaments and events, education and youth programming, and/or coordinated public play

Deal points for the City which will require additional negotiations are:

Contribute up to \$12 million to be used for the costs related to the preliminary site work (rough grading), surveying, platting, landfill remediation, wetland and floodplain mitigation, and other roadway and intersection improvements

Provide assistance with obtaining local, state and federal permits associated with the site improvements

The proposed scheduling goals include the not for profit completing funding raising, Council approval of an agreement and completing construction in Spring 2013. Under these goals, the course could be open in late 2016.

On December 3, 2012, the Economic Development Committee was briefed on the proposed Trinity Forest Golf Course. On December 5, 2012, the City Council was briefed on the Trinity Forest Golf Course. Upon completion of the negotiations, the City Council would vote on the lease.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On December 3, 2012, the Economic Development Committee was briefed on the proposed Trinity Forest Golf Course.

On December 5, 2012, the City Council was briefed on the proposed Trinity Forest Golf Course.

FISCAL INFORMATION

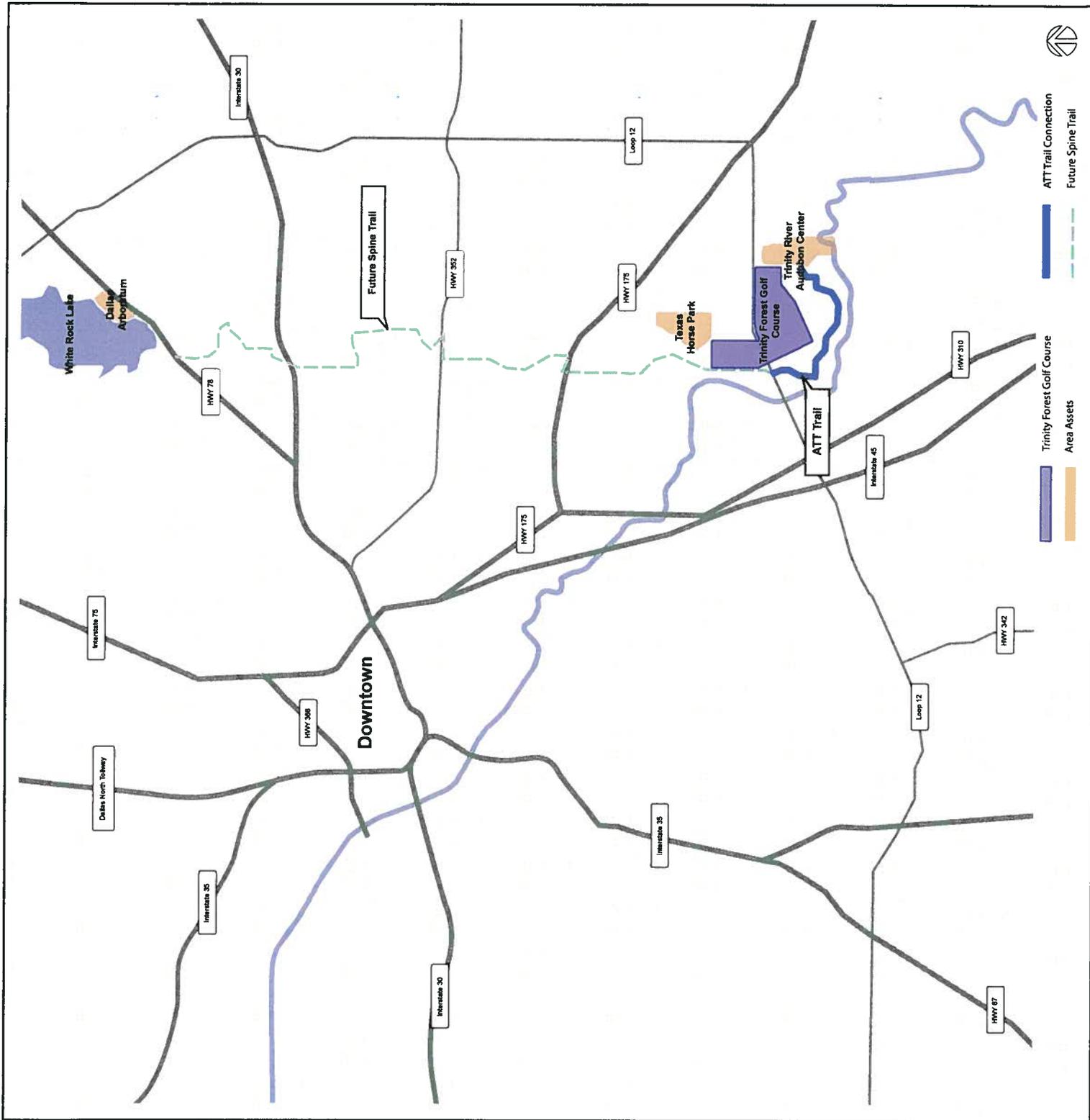
No Cost Consideration to the City

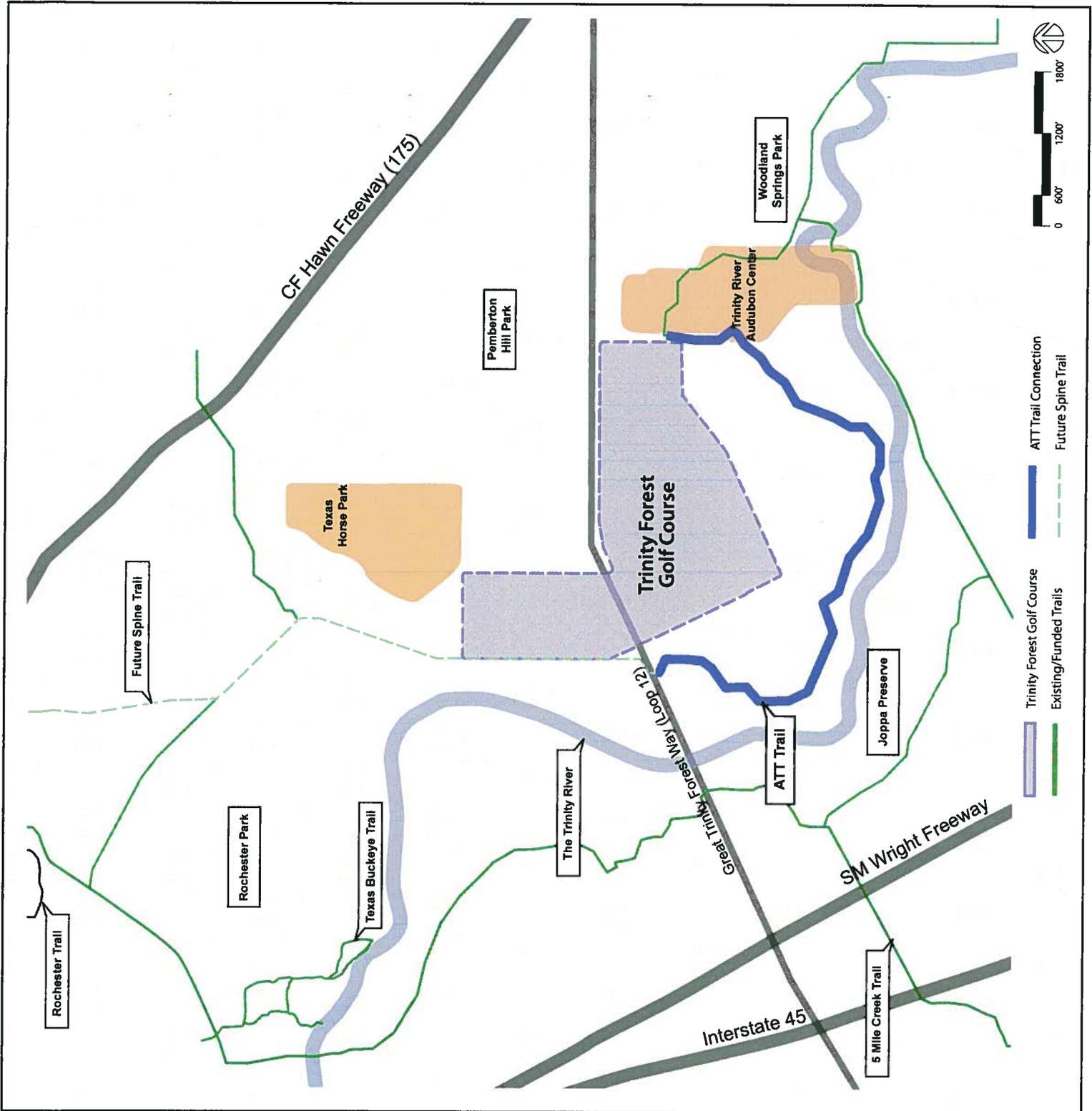
OWNER

AT&T
SMU
PGA
The First Tee

MAP

Attached





December 12, 2012

WHEREAS, the City is presently undertaking various projects to implement Grow South; and

WHEREAS, Grow South strives to rebrand Southern Dallas, debunk myths and focus investments; and

WHEREAS, providing professional sport venues can assist with urban redevelopment and provide economic growth in terms of job creation and income generation; and

WHEREAS, the proposed Trinity Forest Golf Course can serve as a catalyst for Southern Dallas and addressed various initiatives in Grow South; and

WHEREAS, it is necessary to further negotiations and refine the proposal for the Trinity Forest Golf Course; and

WHEREAS, it is the goal for the not for profit to complete fundraising in an amount not less than \$20 million and complete negotiations with the City by Spring 2013 such that construction can begin and the Trinity Forest Golf Course can open in late 2016; and

Now Therefore,

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

Section 1. That a Letter of Intent to advance the Trinity Forest Golf Course be approved and complete negotiations.

Section 2. That the City Manager be authorized to execute the Letter of Intent, subject to the terms and conditions, after approval as to form by the City Attorney's Office.

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

