

Memorandum



CITY OF DALLAS

DATE May 3, 2019

TO Honorable Members of the Mobility Solutions, Infrastructure and Sustainability Committee

SUBJECT **May 8, 2019 Upcoming Agenda Items – Mobility Solutions, Infrastructure and Sustainability Committee**

There will not be a meeting of the Mobility Solutions, Infrastructure and Sustainability Committee (MSIS) before the following items are considered by City Council on May 8, 2019. Therefore, we are providing the attached Agenda Items under the MSIS Committee purview via memorandum for your review.

Please let me know if you need additional information.

A handwritten signature in blue ink, appearing to read 'M. Al-Ghafry'.

Majed A. Al-Ghafry, P.E.
Assistant City Manager

[Attachment]

c: T.C. Broadnax, City Manager
Chris Caso, City Attorney (Interim)
Mark Swann, City Auditor
Billerae Johnson, City Secretary
Preston Robinson, Administrative Judge
Kimberly Bizer Tolbert, Chief of Staff to the City Manager
Jon Fortune, Assistant City Manager

Joey Zapata, Assistant City Manager
Nadia Chandler Hardy, Assistant City Manager and Chief Resilience Officer
Michael Mendoza, Chief of Economic Development and Neighborhood Services
M. Elizabeth Reich, Chief Financial Officer
Laila Aleqresh, Chief Innovation Officer
Directors and Assistant Directors



Agenda Information Sheet

File #: 19-46

Item #: 2.

STRATEGIC PRIORITY: Mobility Solutions, Infrastructure, and Sustainability

AGENDA DATE: May 8, 2019

COUNCIL DISTRICT(S): 8

DEPARTMENT: Department of Public Works

EXECUTIVE: Majed Al-Ghafry

SUBJECT

Authorize a design-build services contract with Harrison, Walker & Harper, L.P. for the design and pre-construction services, an early construction package, and architectural and engineering services for the design and construction of the new Fire Station Number 59 to be located at 7097 South Jim Miller Road - Not to exceed \$658,932.00 - Financing: Public Safety (G) Fund (2017 Bond Funds)

BACKGROUND

Harrison, Walker & Harper, L.P. was selected following a qualifications-based selection process in accordance with the City of Dallas procurement guidelines.

This action will authorize design-build services fees in an amount not to exceed \$658,932.00 as follows: for design, in the amount of \$632,182.00 and pre-construction services fees, in the amount of \$26,750.00. The design will include architectural, and engineering design, including schematic design, design development, construction documents and construction administration for design services and bidding and early-start construction items for pre-construction services. These fees are based on a total guaranteed maximum price for the project of \$5,669,375.00.

ESTIMATED SCHEDULE OF PROJECT

Began Design	May 2019
Complete Design	October 2019
Begin Construction	January 2020
Complete Construction	March 2021

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

The Mobility Solutions, Infrastructure and Sustainability Committee will be briefed by memorandum regarding this item on May 3, 2019.

FISCAL INFORMATION

Public Safety (G) Fund (2017 Bond Funds) - \$658,932.00

M/WBE INFORMATION

In accordance with the City's Business Inclusion and Development Plan adopted on October 22, 2008, by Resolution No. 08-2826, as amended, the M/WBE participation on this contract is as follows:

Contract Amount	Category	M/WBE Goal	M/WBE %	M/WBE \$
\$658,932.00	Architectural & Engineering	25.66%	88.40%	\$582,525.00
• This contract exceeds the M/WBE goal.				

OWNER

Harrison, Walker & Harper, L.P.

Holland Harper, President
Jordon Harper, Chief Executive Officer

MAP

Attached

**FIRE STATION NO. 59
7097 SOUTH JIM MILLER ROAD**



COUNCIL DISTRICT 8

May 8, 2019

WHEREAS, in the 2017 Bond Program, the citizens of Dallas approved funding for design and construction of a new fire station facility to be located on a City owned site at South Jim Miller Road near Loop 12; and

WHEREAS, it was determined that the best procurement method to meet the schedule for the new designated Fire Station Number 59 would be the design-build process; and

WHEREAS, at the conclusion of a selection process conducted by City staff, Harrison, Walker & Harper, L.P. was chosen as the most qualified proposer of four to provide design-build services for this project; and

WHEREAS, it is now desirable to authorize a design-build services contract with Harrison, Walker & Harper, L.P. for design and pre-construction services, an early construction package, and architectural and engineering services for the design and construction of the new Fire Station Number 59 facility to be located at 7097 South Jim Miller Road, in an amount not to exceed \$658,932.00.

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 a design-build services contract with Harrison, Walker & Harper, L.P., approved as to form by the City Attorney, to provide design and pre-construction services, an early construction package, and architectural and engineering services for design and construction of the new Fire Station Number 59 facility to be located at 7097 South Jim Miller Road, in an amount not to exceed \$658,932.00.

SECTION 2. That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed \$658,932.00 to Harrison, Walker & Harper, L.P. in accordance with the terms and conditions of the contract from Public Safety (G) Fund, Fund 1V33, Department BSD, Unit VG31, Activity FIRF, Object 4310, Program EB17VG31, Encumbrance/Contract No. PBW-2019-00008741, Vendor 513339.

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.



Agenda Information Sheet

File #: 19-501

Item #: 4.

STRATEGIC PRIORITY: Mobility Solutions, Infrastructure, and Sustainability

AGENDA DATE: May 8, 2019

COUNCIL DISTRICT(S): 2

DEPARTMENT: Department of Public Works

EXECUTIVE: Majed Al-Ghafry

SUBJECT

Authorize Supplemental Agreement No. 5 to the professional services contract with Civil Associates, Inc. for additional engineering design of street lighting, plan revisions to incorporate recent adjacent private development, and necessary design modifications associated with the right-of-way acquisition needed for the Central Business District Fair Park Link from Hall Street to Interstate Highway 30 - Not to exceed \$251,110.00, from \$619,383.27 to \$870,493.27- Financing: Street and Transportation Improvements Fund (2006 Bond Funds) (\$239,770.00) and Water Utilities Capital Construction Funds (\$11,340.00)

BACKGROUND

On January 23, 2008, City Council authorized a professional services contract with Civil Associates, Inc. for the design of the Central Business District (CBD) Fair Park Link from Hall Street to Interstate Highway 30 (IH 30), by Resolution No. 08-0324.

On April 28, 2010, City Council authorized Supplemental Agreement No. 1 to the professional services contract with Civil Associates, Inc. for additional engineering and surveying services for the CBD Fair Park Link from Hall Street to IH 30, by Resolution No. 10-1065.

On November 9, 2016, City Council authorized Supplemental Agreement No. 4 to the professional services contract with Civil Associates, Inc. for additional engineering design of the crossing gate arms and flashers needed for the CBD Fair Park Link from Hall Street to IH 30, by Resolution No. 16-1804.

This action will authorize Supplemental Agreement No. 5 to the professional services contract with Civil Associates, Inc. for additional engineering services to design street lighting and modify the plans to incorporate recent adjacent improvements performed by Baylor Hospital. It will also modify the design as needed to ensure the proposed improvements are located within the parcels that were acquired for street right-of-way.

ESTIMATED SCHEDULE OF PROJECT

Began Design	March 2008
Complete Design	November 2019
Begin Construction	June 2020
Complete Construction	June 2022

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On January 23, 2008, City Council authorized a professional services contract with Civil Associates, Inc. for the design of the Central Business District (CBD) Fair Park Link from Hall Street to IH 30, by Resolution No. 08-0324.

On April 28, 2010, City Council authorized Supplemental Agreement No. 1 to the professional services contract with Civil Associates, Inc. for additional engineering and surveying services for the CBD Fair Park Link from Hall Street to IH 30, by Resolution No. 10-1065.

On November 9, 2016, City Council authorized Supplemental Agreement No. 4 to the professional services contract with Civil Associates, Inc. for additional engineering design of the crossing gate arms and flashers needed for the CBD Fair Park Link from Hall Street to IH 30, by Resolution No. 16-1804.

The Mobility Solutions, Infrastructure and Sustainability Committee will be briefed by memorandum regarding this matter on May 3, 2019.

FISCAL INFORMATION

Street and Transportation Improvements Fund (2006 Bond Funds) - \$239,770.00
Water Utilities Capital Construction Funds - \$11,340.00

Design Contract	
Design (PBW)	\$307,824.14
Design (DWU)	\$ 28,598.08
Supplemental Agreement No. 1	\$149,361.70
Supplemental Agreement No. 2	\$ 29,693.20
Supplemental Agreement No. 3	\$ 18,022.15
Supplemental Agreement No. 4	\$ 85,884.00
Supplemental Agreement No. 5 (this action)	
(PBW)	\$239,770.00
(DWU)	<u>\$ 11,340.00</u>
Total	\$870,493.27

Estimated Future Cost - Construction - \$5,000,000.00

M/WBE INFORMATION

In accordance with the City's Business Inclusion and Development Plan adopted on October 22, 2008, by Resolution No. 08-2826, as amended, the M/WBE participation on this contract is as follows:

Contract Amount	Category	M/WBE Goal	M/WBE %	M/WBE \$
\$251,110.00	Architectural & Engineering	25.66%	95.42%	\$239,610.00
• This contract exceeds the M/WBE goal.				
• Supplemental Agreement No. 5 - 84.74% Overall M/WBE participation				

OWNER

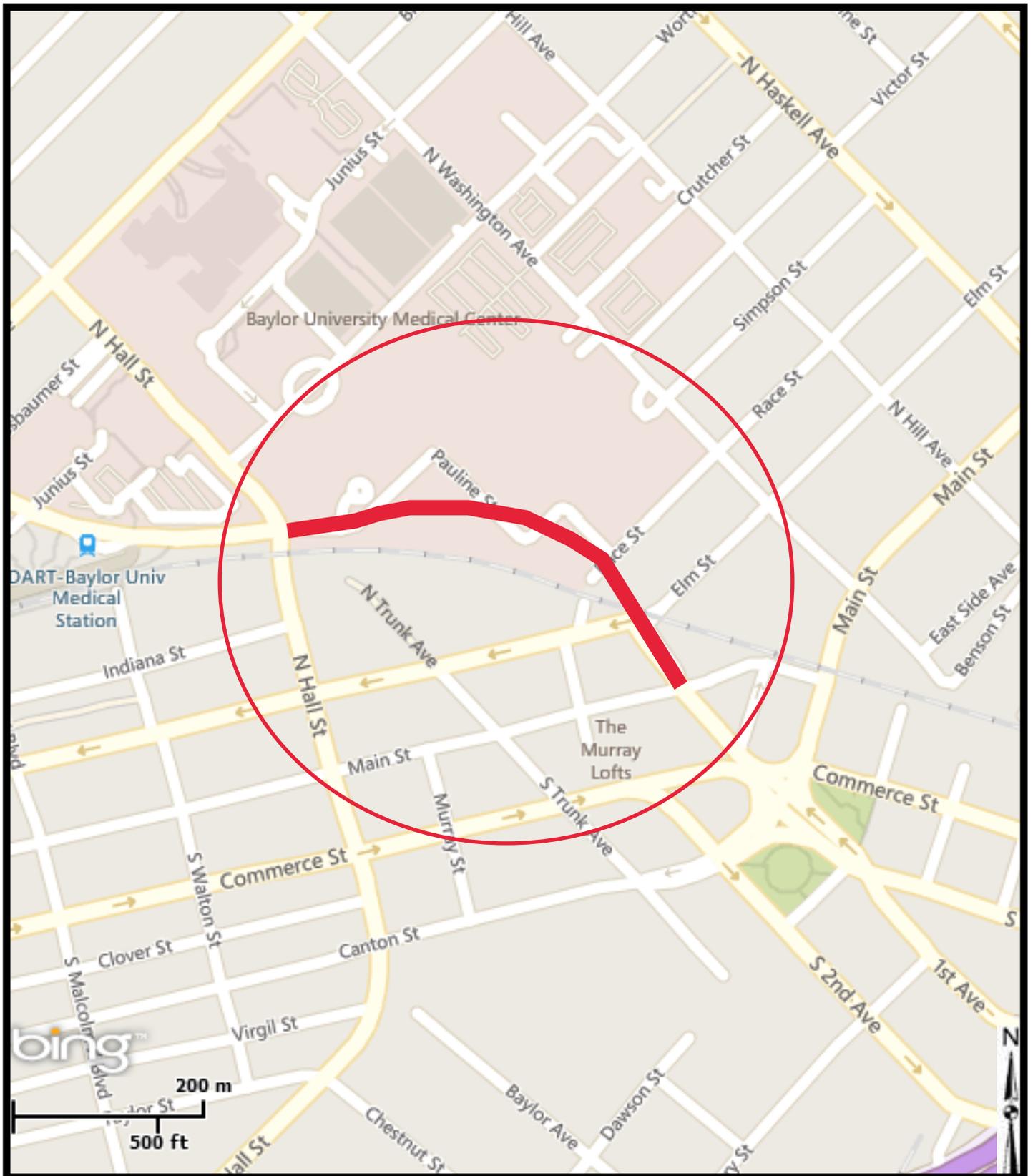
Civil Associates, Inc.

Naser Abusaad, P.E., American Institute of Certified Planners, Vice President

MAP

Attached

CENTRAL BUSINESS DISTRICT (CBD) FAIR PARK LINK FROM HALL STREET TO IH 30



COUNCIL DISTRICT 2

May 8, 2019

WHEREAS, on January 23, 2008, City Council authorized a professional services contract with Civil Associates, Inc. for the design of thoroughfare projects on Central Business District (CBD) Fair Park Link from Hall Street to Interstate Highway (IH) 30, in an amount not to exceed \$336,422.22, by Resolution No. 08-0324; and

WHEREAS, on April 28, 2010, City Council authorized Supplemental Agreement No. 1 to the professional services contract with Civil Associates, Inc. for additional engineering and surveying services for the CBD Fair Park Link from Hall Street to IH 30, in an amount not to exceed \$149,361.70, from \$336,422.22 to \$485,783.92, by Resolution No. 10-1065; and

WHEREAS, on October 2, 2012, Administrative Action No. 12-2595 authorized Supplemental Agreement No. 2 to the professional services contract with Civil Associates, Inc. for additional road-rail intersection design work and coordination with the City and Dallas Area Rapid Transit staff, in an amount not to exceed \$29,693.20, from \$485,783.92 to \$515,477.12; and

WHEREAS, on January 19, 2016, Administrative Action No. 16-5183 authorized Supplemental Agreement No. 3 to the contract with Civil Associates, Inc. to explore conceptual design alternatives to tie-in or terminate Exposition Avenue into Main Street for the future proposed Fair Park Link roadway project, in an amount not to exceed \$18,022.15, from \$515,477.12 to \$533,499.27; and

WHEREAS, on November 9, 2016, City Council authorized Supplemental Agreement No. 4, to the professional services contract with Civil Associates, Inc. for additional engineering design of the crossing gate arms and flashers needed for the CBD Fair Park Link from Hall Street to IH 30, in an amount not to exceed \$85,884.00, from \$533,499.27 to \$619,383.27, by Resolution No. 16-1804; and

WHEREAS, it is now necessary to authorize Supplemental Agreement No. 5, to the professional services contract with Civil Associates, Inc. for additional engineering design of street lighting, plan revisions to incorporate recent adjacent private development, and necessary design modifications associated with the right-of-way acquisition needed for the Central Business District Fair Park Link from Hall Street to IH 30, in an amount not to exceed \$251,110.00, from \$619,383.27 to \$870,493.27.

Now, Therefore,

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

May 8, 2019

SECTION 1. That the City Manager is hereby authorized to execute Supplemental Agreement No. 5 to the professional services contract with Civil Associates, Inc., approved as to form by the City Attorney, for additional engineering design of street lighting, plan revisions to incorporate recent adjacent private development, and necessary design modifications associated with the right-of-way acquisition needed for the Central Business District Fair Park Link from Hall Street to IH 30, in an amount not to exceed \$251,110.00, increasing the contract amount from \$619,383.27 to \$870,493.27.

SECTION 2. That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed \$251,110.00 in accordance with the terms and conditions of the contract to Civil Associates, Inc., as follows:

Street and Transportation Improvements Fund Fund 4T22, Department PBW, Unit V203, Activity INGV Object 4111, Program PB06U203 Encumbrance CT-PBW06U203D1 Vendor 512422	\$239,770.00
Water Construction Fund Fund 0102, Department DWU, Unit CW42 Object 4111, Program 708065 Encumbrance CT-PBW708065EA Vendor 512422	\$ 5,670.00
Wastewater Construction Fund Fund 0103, Department DWU, Unit CS42 Object 4111, Program 708066 Encumbrance CT-PBW708066EA Vendor 512422	<u>\$ 5,670.00</u>
Total amount not to exceed	\$251,110.00

SECTION 3. That this contract is designated as Contract No. PBW-2019-00000082.

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.



Agenda Information Sheet

File #: 19-490

Item #: 5.

STRATEGIC PRIORITY: Mobility Solutions, Infrastructure, and Sustainability
AGENDA DATE: May 8, 2019
COUNCIL DISTRICT(S): Outside City Limits
DEPARTMENT: Department of Sustainable Development and Construction
EXECUTIVE: Michael Mendoza

SUBJECT

Authorize acquisition from Aaron Glenn Parker, of approximately 26,770 square feet of land improved with a manufactured home located in Hunt County for the Lake Tawakoni 144-inch Transmission Pipeline Project - Not to exceed \$38,929.00 (\$35,929.00, plus closing costs and title expenses not to exceed \$3,000.00) - Financing: Water Construction Fund

BACKGROUND

This item authorizes the acquisition from Aaron Glenn Parker, of approximately 26,770 square feet of land improved with a manufactured home located in Hunt County. This property will be used for the construction of a 144-inch raw water transmission line for the Lake Tawakoni 144-inch Transmission Pipeline Project. The consideration is based on an independent appraisal. The relocation benefits are estimated to be \$40,000.00.

This acquisition is part of the right-of-way required to construct approximately 32 miles of pipeline from Lake Tawakoni to the Interim Balancing Reservoir located in Terrell, Texas and then to the Eastside Water Treatment Plant located in Sunnyvale, Texas. The new raw water pipeline will augment the existing 72-inch and 84-inch pipelines. The construction of this pipeline will give Dallas Water Utilities the ability to utilize the full capacity of both the Lake Tawakoni and the Lake Fork raw water supply to meet the current city needs and future water demands.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

The Mobility Solutions, Infrastructure & Sustainability Committee will be briefed by memorandum regarding this matter on May 3, 2019.

FISCAL INFORMATION

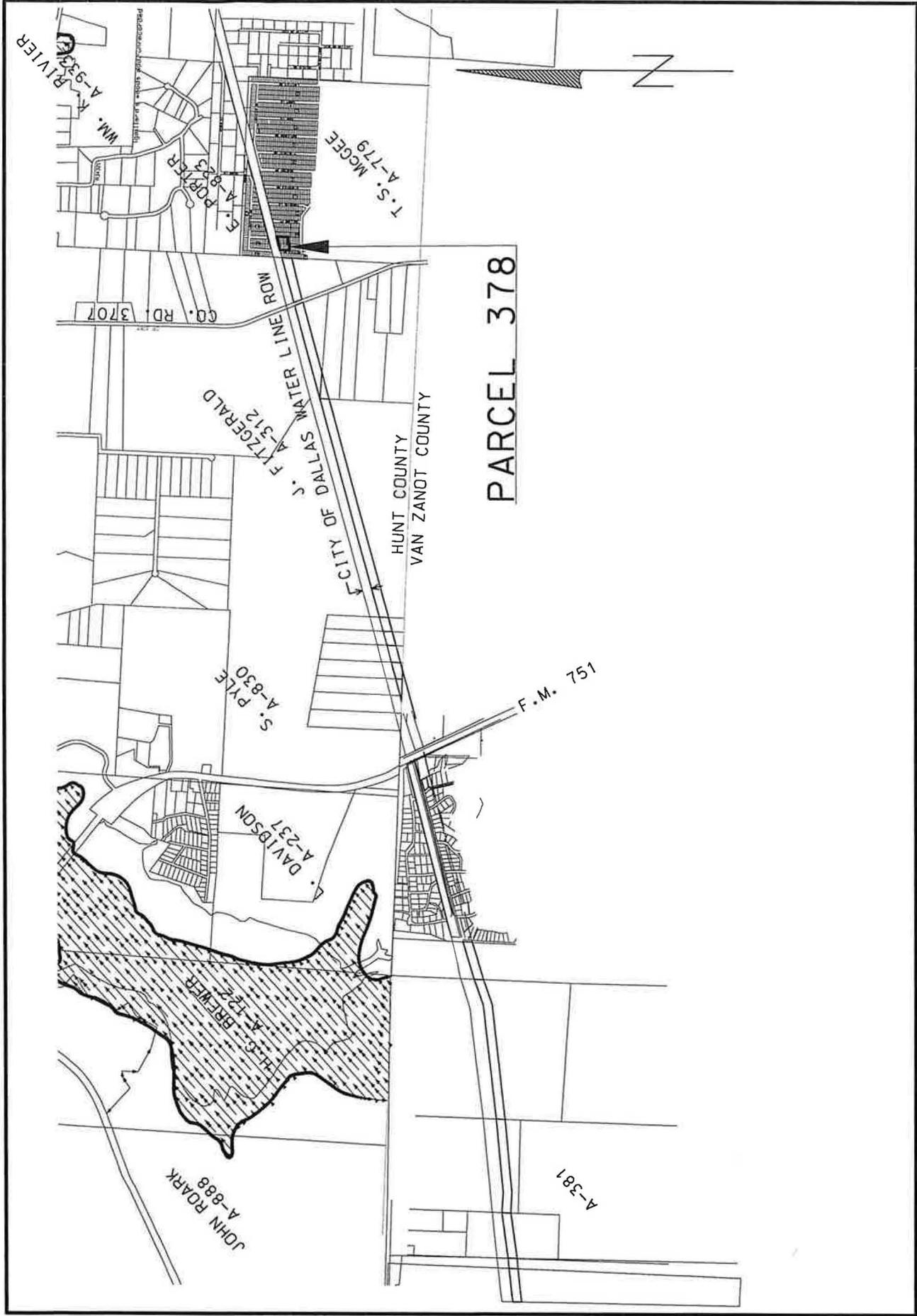
Water Construction Fund - \$38,929.00 (\$35,929.00, plus closing costs and title expenses not to exceed \$3,000.00)

OWNER

Aaron Glenn Parker

MAP

Attached



VICINITY MAP
APPROXIMATE SCALE 1" = 2000'

May 8, 2019

A RESOLUTION DETERMINING UPON THE NECESSITY OF ACQUIRING REAL PROPERTY AND AUTHORIZING ITS PURCHASE FOR PUBLIC USE.

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

"CITY": The City of Dallas

"PROPERTY": Approximately 26,770 square feet of land located in Hunt County, Texas, and being the same property more particularly described in Exhibit "A", attached hereto and made a part hereof for all purposes, and any and all improvements, rights and appurtenances appertaining thereto.

"PROJECT": Lake Tawakoni 144-inch Transmission Pipeline

"USE": The installation, use, and maintenance of a pipeline or lines for the transmission of treated water together with such appurtenant facilities as may be necessary, provided, however, to the extent fee title to the PROPERTY is acquired, such title and the PROPERTY shall not be limited to or otherwise deemed restricted to the USE here provided.

"PROPERTY INTEREST": Fee Simple, subject to the exceptions, reservations, covenants, conditions and/or interests, if any, provided in the form instrument more particularly described in Exhibit "B" attached hereto and made a part hereof for all purposes.

"OWNER": Aaron Glenn Parker, provided, however, that the term "OWNER" as used in this resolution means all persons having an ownership interest, regardless of whether those persons are actually named herein.

"PURCHASE AMOUNT": \$35,929.00

"CLOSING COSTS AND TITLE EXPENSES": Not to exceed \$3,000.00

"AUTHORIZED AMOUNT": Not to exceed \$38,929.00

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

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

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

May 8, 2019

SECTION 3. That the City Manager, and/or the City Manager's designees, is hereby authorized and directed to consummate and accept the purchase, grant, and conveyance to CITY of the PROPERTY INTEREST in and to the PROPERTY pursuant to the conveyancing instrument substantially in the form described in Exhibit "B", attached hereto and made a part hereof for all purposes, and approved as to form by the City Attorney and to execute, deliver and receive such other usual and customary documents necessary, appropriate and convenient to consummating this transaction.

SECTION 4. That to the extent the PROPERTY is being purchased wholly or partly with bond proceeds CITY has obtained an independent appraisal of the PROPERTY'S market value.

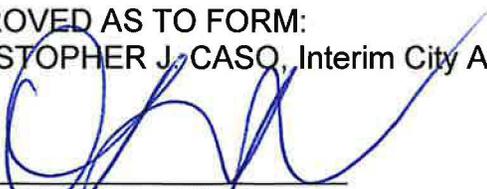
SECTION 5. That OWNER has been provided with a copy of the Landowner's Bill of Rights as contemplated by applicable state statute.

SECTION 6. That in the event this acquisition closes, the Chief Financial Officer is hereby authorized and directed to draw a warrant in favor of the OWNER, or the then current owner of record, or the title company closing the transaction described herein in the PURCHASE AMOUNT and CLOSING COSTS AND TITLE EXPENSES payable out of Water Construction Fund, Fund 0102, Department DWU, Unit CW20, Activity RWPT, Program 704041, Object 4210, Encumbrance/Contract No. CX-DWU-2019-00008633. The PURCHASE AMOUNT, CLOSING COSTS and TITLE EXPENSES together shall not exceed the AUTHORIZED AMOUNT.

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

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

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

BY: 
Assistant City Attorney

**FIELD NOTES
DESCRIBING A TRACT OF LAND FOR FEE SIMPLE ACQUISITION
OF RIGHT-OF-WAY FOR THE LAKE TAWAKONI RAW WATER
TRANSMISSION MAIN
HUNT COUNTY, TEXAS
Parcel: 378**

BEING a 26,770 square foot (0.6146 acre) tract of land in the T. McGee Survey, Abstract No. 779, being all of Lots 46-51 and Lots 59-64, Block 1D of the Waco Bay Estates Subdivision, as recorded in Volume 400, Page 631-633 of the Plat Records of Hunt County, Texas, said Lots 46-51 and Lots 59-64 being described in Special Warranty Deed with Vendor's Lien to Aaron Glenn Parker, dated June 4, 2014, as recorded in Document No. 2014-7214, of the Official Public Records of Hunt County, Texas.

All bearings for this tract refer to the NAD-83 Texas State Plane Coordinate System, North Central Zone 4202, according to measurements made at NGS continuously operating reference stations Collin CORS ARP, Dallas CORS ARP, Kaufman CORS ARP, Tyler CORS ARP, and Paris CORS ARP. The Kaufman County scale factor of 1.000114077 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.
TBPLS Firm No. 10123500

By:  Date: 4.28.15

Surveyor's Name: Patrick J. Baldasaro
Registered Professional Land Surveyor
Texas No. 5504



FIELD NOTES APPROVED:

5/1/15



EXHIBIT B

* * * * *

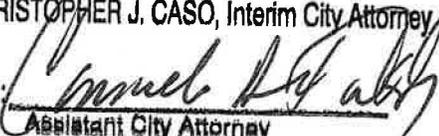
STATE OF TEXAS

COUNTY OF Hunt

This instrument was acknowledged before me on _____
By Aaron Glenn Parker.

Notary Public, State of TEXAS

* * * * *

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

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

Warranty Deed Log No. 44013

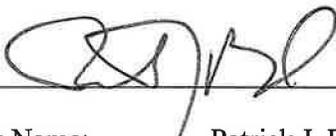
**FIELD NOTES
DESCRIBING A TRACT OF LAND FOR FEE SIMPLE ACQUISITION
OF RIGHT-OF-WAY FOR THE LAKE TAWAKONI RAW WATER
TRANSMISSION MAIN
HUNT COUNTY, TEXAS
Parcel: 378**

BEING a 26,770 square foot (0.6146 acre) tract of land in the T. McGee Survey, Abstract No. 779, being all of Lots 46-51 and Lots 59-64, Block 1D of the Waco Bay Estates Subdivision, as recorded in Volume 400, Page 631-633 of the Plat Records of Hunt County, Texas, said Lots 46-51 and Lots 59-64 being described in Special Warranty Deed with Vendor's Lien to Aaron Glenn Parker, dated June 4, 2014, as recorded in Document No. 2014-7214, of the Official Public Records of Hunt County, Texas.

All bearings for this tract refer to the NAD-83 Texas State Plane Coordinate System, North Central Zone 4202, according to measurements made at NGS continuously operating reference stations Collin CORS ARP, Dallas CORS ARP, Kaufman CORS ARP, Tyler CORS ARP, and Paris CORS ARP. The Kaufman County scale factor of 1.000114077 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.
TBPLS Firm No. 10123500

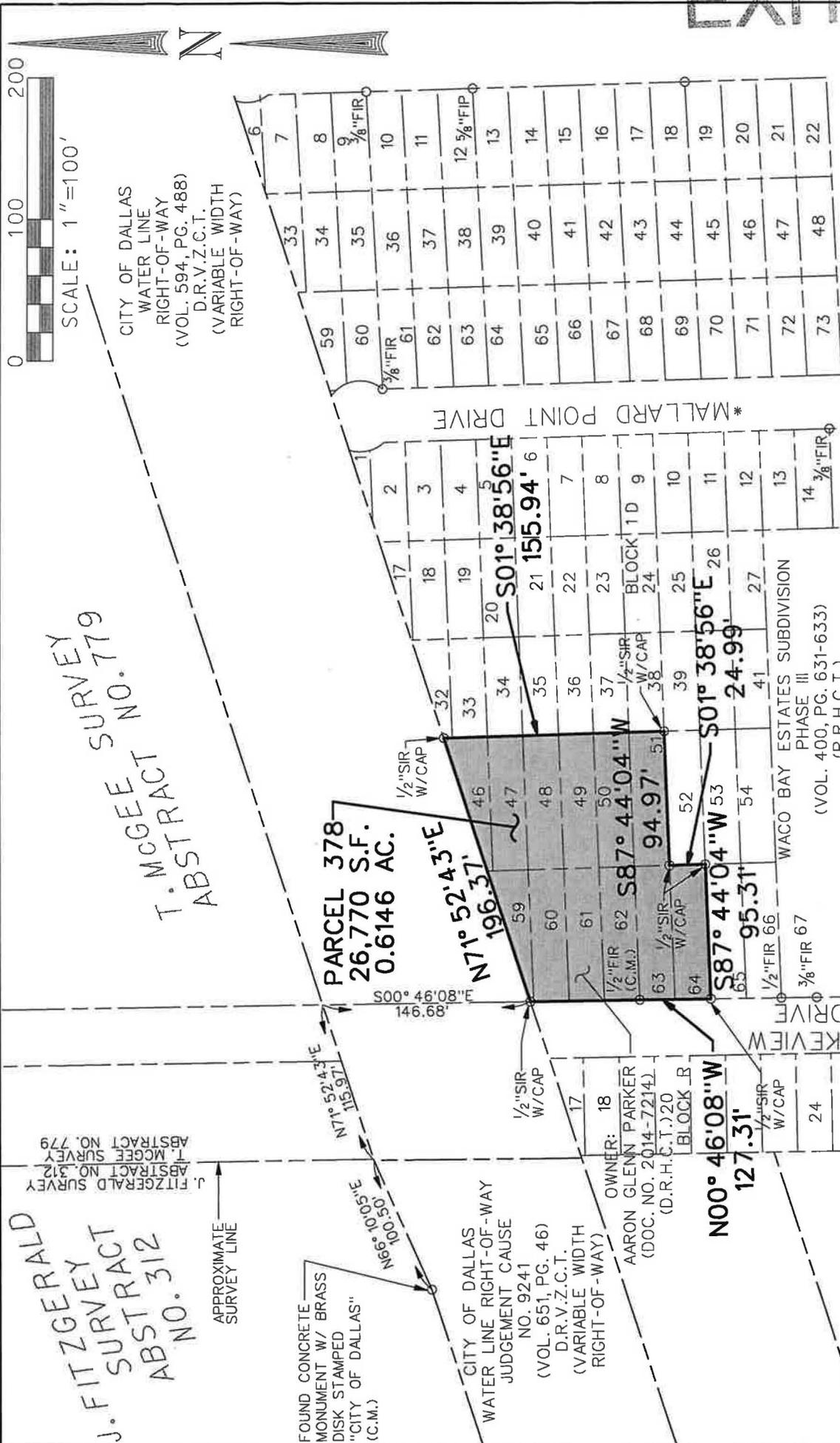
By:  Date: 4.28.15

Surveyor's Name: Patrick J. Baldasaro
Registered Professional Land Surveyor
Texas No. 5504



FIELD NOTES APPROVED:







Agenda Information Sheet

File #: 19-384

Item #: 6.

STRATEGIC PRIORITY: Mobility Solutions, Infrastructure, and Sustainability

AGENDA DATE: May 8, 2019

COUNCIL DISTRICT(S): Outside City Limits

DEPARTMENT: Department of Sustainable Development and Construction

EXECUTIVE: Michael Mendoza

SUBJECT

Authorize acquisition from Nueva Vida/New Life Assembly Inc., of approximately 27,669 square feet of land for a Temporary Working Space Easement located in Dallas County for the Southwest 120/96 -inch Water Transmission Pipeline Project - Not to exceed \$13,835.00 - Financing: Water Construction Fund

BACKGROUND

This item authorizes the acquisition from Nueva Vida/New Life Assembly Inc., of approximately 27,669 square feet of land for a Temporary Working Space Easement located in Dallas County for the Southwest 120/96-inch Water Transmission Pipeline Project. This property will be used for the construction of a 96-inch and 120-inch diameter treated water transmission line from the East Side Water Treatment Plant to Southwest Dallas. The consideration is based on an independent appraisal. No relocation costs are associated.

This acquisition is part of the Long Range Water Master Plan and the Water Distribution Master Plan. The water transmission main is required to facilitate conveyance of treated water to the South and Southwest portions of Dallas and its customer cities. Installation of approximately 32 miles of 96-inch and 120-inch water transmission pipeline is needed to meet near term critical demands associated with the population growth as determined through master planning efforts. The overall pipeline is sized to meet future water demands.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

The Mobility Solutions, Infrastructure & Sustainability Committee will be briefed by memorandum regarding this matter on May 3, 2019.

FISCAL INFORMATION

Water Construction Fund - 13,835.00

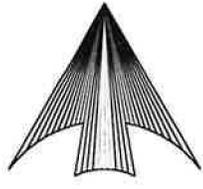
OWNER

Nueva Vida/New Life Assembly Inc.

Vicente Delgado, President

MAP

Attached



NORTH

NOT TO SCALE

DANIELDALE

WINSTON

MARANTHA

CEDAR RAPIDS

OLD HICKORY TRAIL

WESTMORELAND

**PARCEL W-123
TEMPORARY EASEMENT
27,669 SQ. FT.
(0.6352 ACRE)**

WOODLAND HILLS

HAMPTON

LOUIE

THORNTREE
IRON WOOD

MAI

WINTERGREEN

COUNTRY RDG

Tenmile

SHENANDOAH

MARLENE

SIERRA

MIRKES

MANTLEBROOK

CANYON

ADAM

BRADYBROOK

GILBERT

Creek

BRIGHT ANGEL

SHADYBROOK

WILLIAMS

MEADOWBROOK

HANNA

SHADOW WOOD
WHISPERING OAKS

CLIFTON

BRIDGEPORT

TEN MILE

BRISTOL

ANGIE

MARISA

CANYON RIDGE

SUMAC

FOREST GLEN

LAKEWOOD

MARBLE

THUNDERBROOK

SQUIREBROOK

WOODBROOK

FOREST BR
GREEN

BRIARBROOK

CHARLES

LONGMEADOW

NEWPORT

BAYBERRY

SAPLING WAY

WOODLAWN

VALLEY RIDGE

WOOD HAVEN

OAK TRI

PLEASANT RUN

DANNY

ANDRA

VINCE

REDBUD

HILLTOP

May 8, 2019

A RESOLUTION DETERMINING UPON THE NECESSITY OF ACQUIRING REAL PROPERTY AND AUTHORIZING ITS PURCHASE FOR PUBLIC USE.

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

“CITY”: The City of Dallas

“PROPERTY”: Approximately 27,669 square feet of land located in Dallas County, Texas, and being the same property more particularly described in Exhibit “A”, attached hereto and made a part hereof for all purposes and any and all improvements, rights and appurtenances appertaining thereto.

“PROJECT”: Southwest 120/96-inch Water Transmission Pipeline Project

“USE”: The construction, installation, use and maintenance of a pipeline or lines for the transmission of treated water together with such appurtenant facilities as may be necessary, provided, however, to the extent fee title to the PROPERTY is acquired, such title and the PROPERTY shall not be limited to or otherwise deemed restricted to the USE here provided.

“PROPERTY INTEREST”: Temporary Working Space Easement subject to the exceptions, reservations, covenants, conditions and/or interests, if any, provided in the instrument more particularly described in Exhibit “B”.

“OWNER”: Nueva Vida/New Life Assembly Inc., provided, however, that the term “OWNER” as used in the resolution means all persons having an ownership interest, regardless of whether those persons are actually named herein.

“PURCHASE AMOUNT”: \$13,835.00

“CLOSING COSTS AND TITLE EXPENSES”: \$0.00

“AUTHORIZED AMOUNT”: Not to exceed \$13,835.00

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

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

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

SECTION 3. That the City Manager, and/or the City Manager’s designees is hereby authorized and directed to consummate and accept the purchase, grant, and conveyance

May 8, 2019

to CITY of the PROPERTY INTEREST in the and to the PROPERTY pursuant to the conveyancing instrument substantially in the form described in Exhibit "B", attached hereto and made a part hereof all purposes, and approved as to form by the City Attorney and to execute, deliver and receive such other usual and customary documents necessary, appropriate and convenient to consummating this transaction.

SECTION 4. That to the extent the PROPERTY is being purchased wholly or partly with bond proceeds CITY has obtained an independent appraisal of the PROPERTY'S market value.

SECTION 5. That OWNER has been provided with a copy of the Landowner's Bill of Rights as contemplated by applicable state statute.

SECTION 6. That in the event this acquisition closes, the Chief Financial Officer is hereby authorized and directed to draw a warrant in favor of the OWNER, or the then current owner of record, or the title company closing the transaction described herein in the PURCHASE AMOUNT and CLOSING COSTS AND TITLE EXPENSES payable out of Water Construction Fund, Fund 0102, Department DWU, Unit CW40, Activity MPSA, Program 706035, Object 4250, Encumbrance/Contract No. CX-DWU-2019-00008455. The PURCHASE AMOUNT, CLOSING COSTS and TITLE EXPENSES together shall not exceed the AUTHORIZED AMOUNT.

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

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

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

BY:

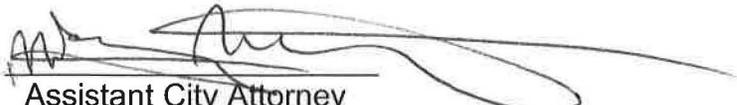

Assistant City Attorney

EXHIBIT "A"
PAGE 1 OF 3
PARCEL W-123
TEMPORARY EASEMENT
27,669 SQ. FT. (0.6352 ACRE) PARCEL
NUEVA VIDA/NEW LIFE ASSEMBLY TRACT
JONAS BUSKIRK SURVEY, ABSTRACT NO. 110
CITY OF DESOTO, DALLAS COUNTY, TEXAS

Exhibit A

DESCRIPTION

BEING a 27,669 square foot (0.6352 acre) tract of land situated in the Jonas Buskirk Survey, Abstract No. 110, in the City of Desoto, Dallas County, Texas and being a portion of a called 9.5194 acre tract of land (unplatted) described in the Warranty Deed to Nueva Vida/New Life Assembly as recorded in Instrument No. 200900002571 of the Official Public Records of Dallas County, Texas, and being more particularly described by metes and bounds as follows:

COMMENCING at a 1/2" iron rod (controlling monument) found for the southeast corner of the aforementioned called 9.5194 acre tract of land, said southeast corner being at the intersection of the northerly right-of-way line of Wintergreen Road (variable width right-of-way) and the westerly right-of-way line of Mantlebrook Drive (60' right-of-way), from whence a 1/2" iron rod (controlling monument) found for corner at the point of curvature of said westerly right-of-way line of Mantlebrook Drive and the easterly line of said called 9.5194 acre tract bears N 00°43'30" W, 136.95 feet (Deed ~ S 00°17'38" W, 136.75 feet);

THENCE S 89°15'24" W (Deed ~ N 89°42'22" W), with said northerly right-of-way line of Wintergreen Road and the south line of said called 9.5194 acre tract of land, 280.00 feet to a 1/2" iron rod with plastic cap stamped "TX REG NO 100189-00" set for corner at the POINT OF BEGINNING of the herein described tract;

THENCE S 89°15'24" W (Deed ~ N 89°42'22" W), continuing with said northerly right-of-way line of Wintergreen Road and the south line of said called 9.5194 acre tract of land, 261.01 feet to a 1/2" iron rod with plastic cap stamped "TX REG NO 100189-00" set for corner;

THENCE N 22°07'51" E, departing said northerly right-of-way line of Wintergreen Road and the south line of said called 9.5194 acre tract of land, 30.10 feet to a 1/2" iron rod with plastic cap stamped "TX REG NO 100189-00" set for corner;

THENCE N 07°17'06" E, 56.82 feet to a 1/2" iron rod with plastic cap stamped "TX REG NO 100189-00" set for corner;

THENCE N 33°40'58" E, 32.67 feet to a 1/2" iron rod with plastic cap stamped "TX REG NO 100189-00" set for corner at the beginning of a non-tangent curve to the right having a central angle of 50°38'01", a radius of 58.19 feet, a tangent length of 27.53 feet and a chord which bears N 54°07'52" E, 49.76 feet;

THENCE, with said non-tangent curve to the right, an arc distance of 51.42 feet to a 1/2" iron rod with plastic cap stamped "TX REG NO 100189-00" set for corner;

FIELD NOTES APPROVED:

5/10/18

Dallas Water Utilities
Southwest 120/96-inch Water
Transmission Pipeline Project

NDM NATHAN D. MAIER
CONSULTING ENGINEERS, INC.
TBPE FIRM REG. NO. F-356
TBPLS FIRM REG. NO. 100189-00

AECOM

AECOM TECHNICAL SERVICES INC.
13355 NOEL ROAD, SUITE 400
DALLAS, TEXAS 75240
WWW.AECOM.COM
TBPE REG. NO. F-3580

12377 Merit Drive, Suite 700
Dallas, Texas 75231 / (214) 789-4741

MARCH 6, 2018

7059-ES123-R.dwg

EXHIBIT "A"
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Exhibit A

THENCE S 70°35'05" E, 30.69 feet to a 1/2" iron rod with plastic cap stamped "TX REG NO 100189-00" set for corner;

THENCE S 63°47'18" E, 81.43 feet to a 1/2" iron rod with plastic cap stamped "TX REG NO 100189-00" set for corner at the beginning of a non-tangent curve to the left having a central angle of 74°24'12", a radius of 40.35 feet, a tangent length of 30.63 feet and a chord which bears N 88°48'45" E, 48.79 feet;

THENCE, with said non-tangent curve to the left, an arc distance of 52.39 feet to a 1/2" iron rod with plastic cap stamped "TX REG NO 100189-00" set for corner;

THENCE N 23°50'28" E, 33.35 feet to a 1/2" iron rod with plastic cap stamped "TX REG NO 100189-00" set for corner;

THENCE N 50°06'42" E, 23.40 feet to a 1/2" iron rod with plastic cap stamped "Tx REG NO 100189-00" set for corner;

THENCE S 00°44'36" E, 137.57 feet to the POINT OF BEGINNING and containing 0.6352 acre (27,669 square feet) of land, more or less.

BASIS OF BEARINGS ~ Bearings for this survey are referenced to the Texas State Plane Coordinate System (NAD83), North Central Zone 4202, as obtained with the Western Data Systems Texas Cooperative RTK Network. Stations DUNP_g1012 AND DSIA_g1012 were utilized as base stations during GPS data collection sessions and serve as controlling monument

FOR NATHAN D. MAIER CONSULTING ENGINEERS, INC.

Lonny Gillespie 3/8/18
 Lonny Gillespie, Texas R.P.L.S. No. 5261
 Registered Professional Land Surveyor
 Nathan D. Maier Consulting Engineers, Inc.
 12377 Merit Drive, Suite 700
 Dallas, Texas 75251
 214-739-4741
 TBPE Firm Registration No.: F-356
 TBPLS Firm Registration No.: 100189-00



Dallas Water Utilities
Southwest 120/96-inch Water
Transmission Pipeline Project

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CITY OF DESOTO, DALLAS COUNTY, TEXAS

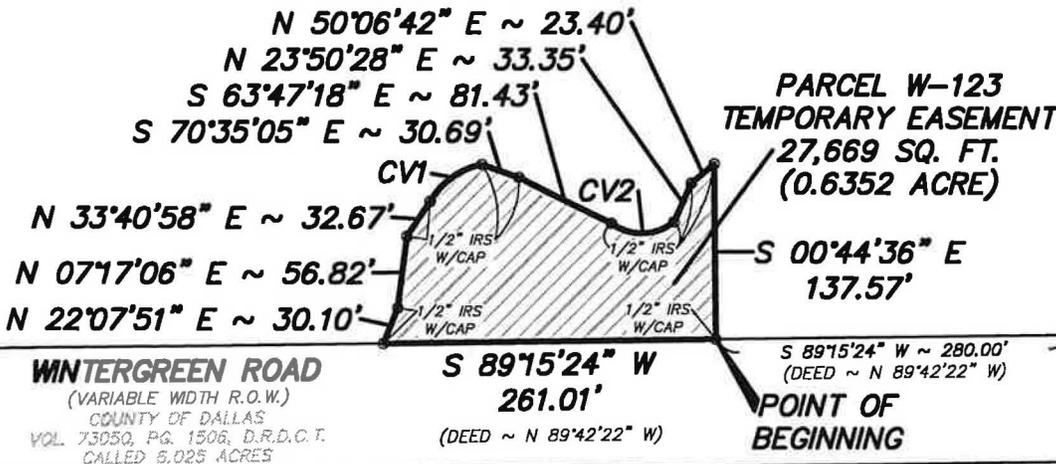
Exhibit A

CURVE TABLE			
NO.	DATA	NO.	DATA
CV1	$\Delta=50^{\circ}38'01''$ $R=58.19'$ $T=27.53'$ $L=51.42'$ $CB=N 54^{\circ}07'52'' E$ $CL=49.76'$	CV2	$\Delta=74^{\circ}24'12''$ $R=40.35'$ $T=30.63'$ $L=52.39'$ $CB=N 88^{\circ}48'45'' E$ $CL=48.79'$

NUEVA VIDA/NEW LIFE ASSEMBLY
 INST. NO. 200900002571
 O.P.R.D.C.T.
 CALLED 9.5194 ACRES

MANTLEBROOK DRIVE
 VOL. 88927, PG. 2006
 D.R.D.C.T.

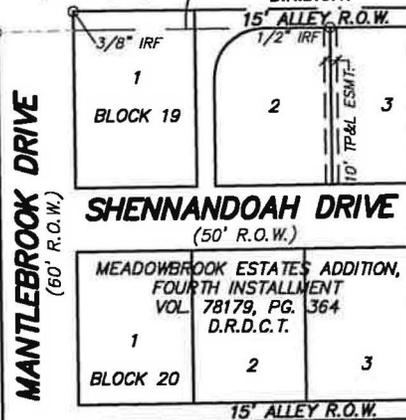
NUEVA VIDA/NEW LIFE ASSEMBLY
 INST. NO. 200900002585
 O.P.R.D.C.T.
 CALLED 17.2540 ACRES



WINTERGREEN ROAD
 (VARIABLE WIDTH R.O.W.)
 COUNTY OF DALLAS
 VOL. 73050, PG. 1506, D.R.D.C.T.
 CALLED 6.025 ACRES

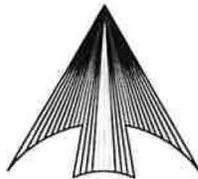
POINT OF COMMENCING
 1/2" IRF (C.M.)

SOUTH LINE OF R.O.W. DEDICATION
 VOL. 73050, PG. 1506
 D.R.D.C.T.



ABBREVIATION LEGEND

D.R.D.C.T.	DEED RECORDS OF DALLAS COUNTY, TEXAS
O.P.R.D.C.T.	OFFICIAL PUBLIC RECORDS OF DALLAS COUNTY, TEXAS
INST. NO.	INSTRUMENT NUMBER
VOL., PG.	VOLUME, PAGE
ESMT.	EASEMENT
R.O.W.	RIGHT-OF-WAY
SQ. FT.	SQUARE FEET
C.M.	CONTROLLING MONUMENT
IRF	IRON ROD FOUND
IPF	IRON PIPE FOUND
IRS W/CAP	IRON ROD SET WITH PLASTIC CAP STAMPED "TX REG NO 100189-00"



NORTH

SCALE: 1"=150'

BASIS OF BEARINGS ~ Bearings for this survey are referenced to the Texas State Plane Coordinate System (NAD83), North Central Zone 4202, as obtained with the Western Data Systems Texas Cooperative RTK Network. Stations DUNP_g1012 AND DSIA_g1012 were utilized as base stations during GPS data collection sessions and serve as controlling monument

Dallas Water Utilities
 Southwest 120/96-inch Water
 Transmission Pipeline Project

NDM NATHAN D. MAIER
 CONSULTING ENGINEERS, INC.
 TBPE FIRM REG. NO. F-356
 TBPLS FIRM REG. NO. 100189-00

AECOM

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12377 Merritt Drive, Suite 700
 Dallas, Texas 75231 / (214) 739-4741

MARCH 6, 2018

7059-ES123-R.dwg

TEMPORARY WORKING SPACE EASEMENT

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

That Nueva Vida / New Life Assembly Inc., a Texas corporation, acting by and through its duly authorized officer(s) (hereinafter called "Grantor" whether one or more natural persons or legal entities) of the County of Dallas, State of Texas, for and in consideration of the sum of THIRTEEN THOUSAND EIGHT HUNDRED THIRTY FIVE DOLLARS AND 00/100 DOLLARS (\$13,835.00) to the undersigned in hand paid by the City of Dallas, 1500 Marilla Street, Dallas, Texas, 75201, a Texas municipal corporation (hereinafter called "City"), the receipt of which is hereby acknowledged and confessed, and the further benefits to be derived by the remaining property as a result of projected public improvements, has granted, sold and conveyed and does hereby grant, sell and convey unto City, its successors and assigns, a right-of-way under, in and along the property described in "Exhibit A", attached hereto and made a part hereof by reference for all purposes, for the purpose of working space and storage of machinery; supplies, equipment and material in connection with the construction of a water pipeline.

Any and all trees which lie within this temporary working space may be trimmed of low limbs or removed by the City or its contractor without liability to Grantor if deemed essential to allow for the normal use or passage of construction equipment during the construction of said main or mains.

Upon completion of construction, all surplus excavation, debris, trash or litter resulting from said construction shall be cleaned up and hauled off the premises, and said property, including the fences disturbed, shall be restored as nearly as practicable to its original contour and condition.

It is understood and agreed by Grantor that the consideration herein represents full and adequate consideration for the right-of-way granted, together with any and all damages, costs and/or inconvenience that may be incident to the construction.

This grant shall be for a term of 912 days, beginning upon notice to proceed with construction from City addressed to the approved construction contractor and terminating upon completion of construction on Grantor's property or expiration of the time period, whichever occurs first, at which time all rights granted under this instrument shall terminate and cease and the described property shall be restored to it's former condition as nearly as possible.

SPECIAL PROVISIONS: "None".

TO HAVE AND TO HOLD the above described property unto the City of Dallas for the purposes hereinbefore provided, and said City or Dallas, its agents, servants and contractors shall have the right to go upon said property for the purpose of a working

EXHIBIT B

easement and as an easement for the storage of supplies, materials, machinery and equipment for the term herein provided.

EXECUTED this _____ day of _____, _____.

Nueva Vida/New Life Assembly, also known as Nueva Vida/New Life Assembly, Inc., a Texas non-profit corporation

By: _____

Name: Antonio Delgado

Title: Trustee

Nueva Vida/New Life Assembly, also known as Nueva Vida/New Life Assembly, Inc., a Texas non-profit corporation

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

By: _____

Name: Vicente Delgado

Title: President

By: _____
Assistant City Attorney *MH*

* * * * *

STATE OF TEXAS :
COUNTY OF DALLAS :

This instrument was acknowledged before me on _____
By Antonio Delgado, Trustee of Nueva Vida/New Life Assembly, Inc., a Texas non-profit corporation, on behalf of said non-profit corporation.

Notary Public, State of TEXAS

EXHIBIT B

* * * * *

STATE OF TEXAS
COUNTY OF DALLAS

This instrument was acknowledged before me on _____
by Vicente Delgado, President of Nueva Vida/New Life Assembly, Inc., a Texas non-
profit corporation, on behalf of said non-profit corporation.

Notary Public, State of TEXAS

* * * * *

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

Temporary Easement Log No. 44247

EXHIBIT "A"
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CITY OF DESOTO, DALLAS COUNTY, TEXAS

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FIELD NOTES APPROVED:

pkc 5/10/18



Dallas Water Utilities
Southwest 120/96-inch Water
Transmission Pipeline Project

NDM NATHAN D. MAIER
CONSULTING ENGINEERS, INC.
TBPE FIRM REG. NO. F-356
TBPLS FIRM REG. NO. 100189-00

AECOM

AECOM TECHNICAL SERVICES INC.
13355 NOEL ROAD, SUITE 400
DALLAS, TEXAS 75240
WWW.AECOM.COM
TBPE REG. NO. F-3580

12577 Merit Drive, Suite 700
Dallas, Texas 75231 / (214) 739-4741

MARCH 6, 2018

7059-ES123-R.dwg

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FOR NATHAN D. MAIER CONSULTING ENGINEERS, INC.

Lonny Gillespie 3/8/18
 Lonny Gillespie, Texas R.P.L.S. No. 5261
 Registered Professional Land Surveyor
 Nathan D. Maier Consulting Engineers, Inc.
 12377 Merit Drive, Suite 700
 Dallas, Texas 75251
 214-739-4741
 TBPE Firm Registration No.: F-356
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Dallas Water Utilities
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NUEVA VIDA/NEW LIFE ASSEMBLY
 INST. NO. 200900002571
 O.P.R.D.C.T.
 CALLED 9.5194 ACRES

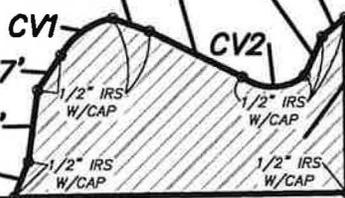
MANTLEBROOK DRIVE
 VOL. 88047, PG. 2009
 D.R.D.C.T.

NUEVA VIDA/NEW LIFE ASSEMBLY
 INST. NO. 200900002585
 O.P.R.D.C.T.
 CALLED 17.2540 ACRES

$N 50^{\circ}06'42'' E \sim 23.40'$
 $N 23^{\circ}50'28'' E \sim 33.35'$
 $S 63^{\circ}47'18'' E \sim 81.43'$
 $S 70^{\circ}35'05'' E \sim 30.69'$

PARCEL W-123
TEMPORARY EASEMENT
 27,669 SQ. FT.
 (0.6352 ACRE)

$N 33^{\circ}40'58'' E \sim 32.67'$
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 $N 22^{\circ}07'51'' E \sim 30.10'$



$S 00^{\circ}44'36'' E$
 137.57'

WINTERGREEN ROAD
 (VARIABLE WIDTH R.O.W.)
 COUNTY OF DALLAS
 VOL. 73050, PG. 1506, D.R.D.C.T.
 CALLED 6.025 ACRES

$S 89^{\circ}15'24'' W$
 261.01'
 (DEED $\sim N 89^{\circ}42'22'' W$)

$S 89^{\circ}15'24'' W \sim 280.00'$
 (DEED $\sim N 89^{\circ}42'22'' W$)

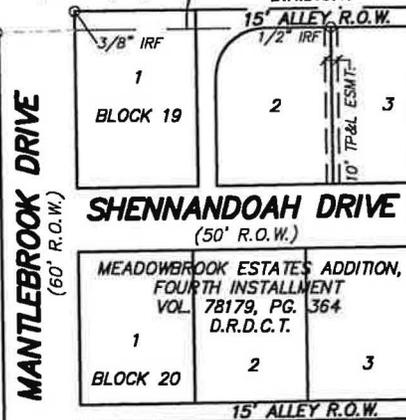
POINT OF BEGINNING

POINT OF COMMENCING
 1/2" IRF (C.M.)

SOUTH LINE OF
 R.O.W. DEDICATION
 VOL. 73050, PG. 1506
 D.R.D.C.T.

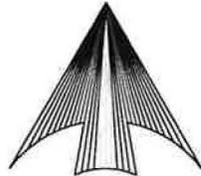
LOT 1, BLOCK A
 CALVARY BAPTIST CHURCH ADDITION
 VOL. 99116, PG. 78
 D.R.D.C.T.

LOT 1, BLOCK A,
 LOVING FELLOWSHIP BAPTIST CHURCH ADDITION
 INST. NO. 201100244792
 O.P.R.D.C.T.



ABBREVIATION LEGEND

- D.R.D.C.T. DEED RECORDS OF DALLAS COUNTY, TEXAS
- O.P.R.D.C.T. OFFICIAL PUBLIC RECORDS OF DALLAS COUNTY, TEXAS
- INST. NO. INSTRUMENT NUMBER
- VOL., PG. VOLUME, PAGE
- ESMT. EASEMENT
- R.O.W. RIGHT-OF-WAY
- SQ. FT. SQUARE FEET
- C.M. CONTROLLING MONUMENT
- IRF IRON ROD FOUND
- IPF IRON PIPE FOUND
- IRS W/CAP IRON ROD SET WITH PLASTIC CAP STAMPED "TX REG NO 100189-00"



NORTH
 SCALE: 1"=150'

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 Transmission Pipeline Project

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MARCH 6, 2018

7059-ES123-R.dwg



Agenda Information Sheet

File #: 19-427

Item #: 7.

STRATEGIC PRIORITY: Mobility Solutions, Infrastructure, and Sustainability
AGENDA DATE: May 8, 2019
COUNCIL DISTRICT(S): 4
DEPARTMENT: Department of Sustainable Development and Construction
EXECUTIVE: Michael Mendoza

SUBJECT

Authorize moving expense and replacement housing payments for Jorge Martinez and Lidia Silva Perez as a result of an official written offer of just compensation to purchase real property at 2919 Alex Street for the Cadillac Heights Phase II Project - Not to exceed \$71,050.00 - Financing: Land Acquisition in Cadillac Heights (2006 Bond Funds)

BACKGROUND

Chapter 39A of the Dallas City Code of the City of Dallas provides moving expense and replacement housing payments for individuals displaced by the City of Dallas in conjunction with its real property acquisition activities.

On January 23, 2019, City Council authorized the acquisition of real property known as 2919 Alex Street for the Cadillac Heights Phase II Project by Resolution No. 19-0174.

Jorge Martinez and Lidia Silva Perez will be displaced as a direct result of this property acquisition. They qualify for a moving expense payment of up to \$2,050.00 and a last resort calculated replacement housing payment of up to \$69,000.00 pursuant to the Dallas City Code and will use the replacement housing payment to acquire a replacement property.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On January 23, 2019, City Council authorized acquisition from Jorge Martinez and Lidia Silva Martinez of approximately 5,797 square feet of land improved with a single-family dwelling located near the intersection of Alex and Childers Street for the Cadillac Heights Phase II Project by Resolution No. 19-0174.

The Mobility Solutions, Infrastructure & Sustainability Committee will be briefed by memorandum regarding this matter on May 3, 2019.

FISCAL INFORMATION

Land Acquisition in Cadillac Heights (2006 Bond Funds) - \$71,050.00

OWNERS

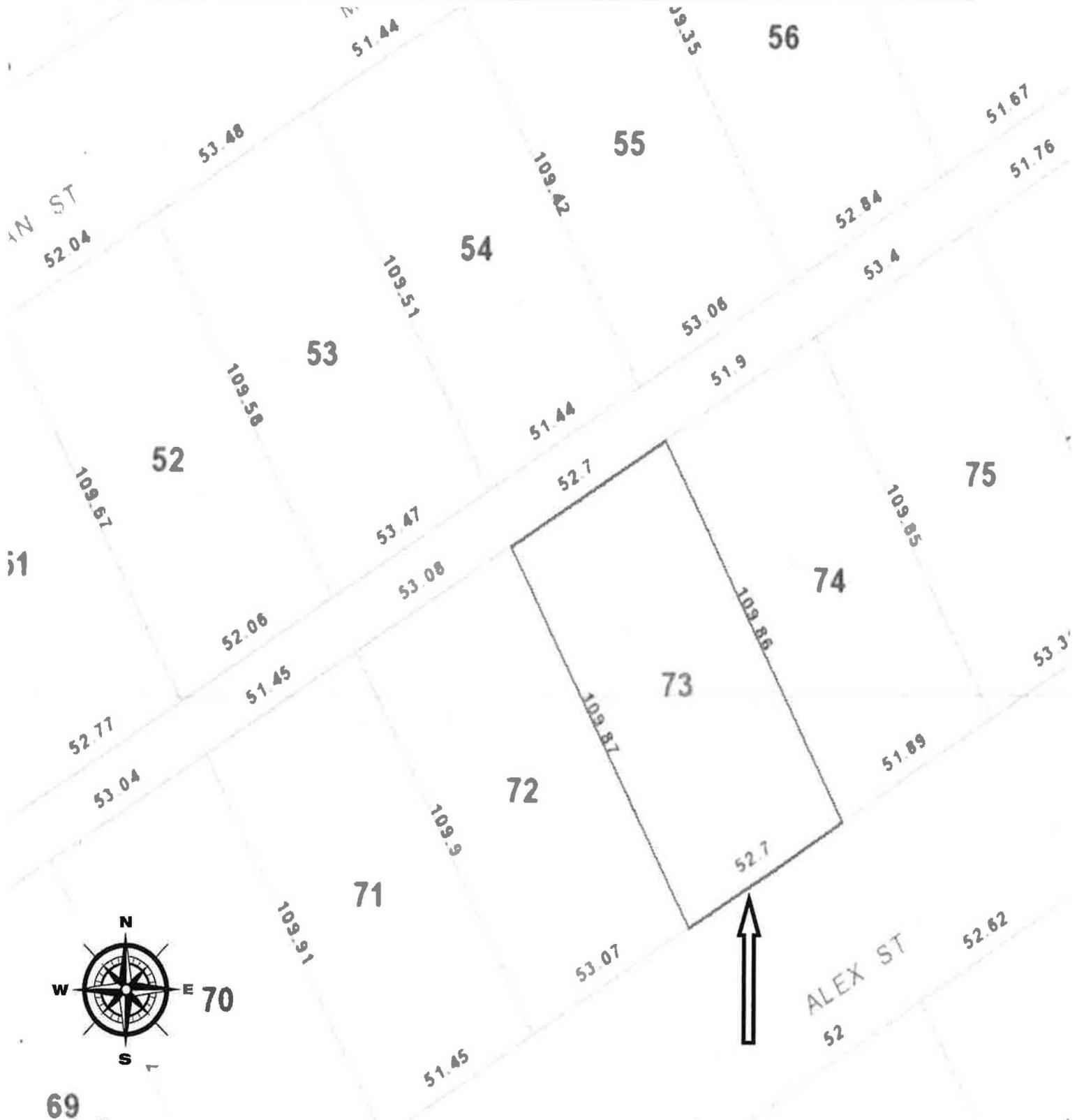
Jorge Martinez

Lidia Silva Perez

MAP

Attached

CADILLAC HEIGHTS PHASE II PROJECT RELOCATION ASSISTANCE



LOT 73, BLOCK 6642—2919 Alex Street

May 8, 2019

WHEREAS, on November 7, 2006, Dallas voters approved the use of General Obligation Bonds to acquire property for future City facilities; and

WHEREAS, Jorge Martinez and Lidia Silva Perez will be displaced as a direct result of this property acquisition and will vacate the property; and

WHEREAS, Chapter 39A of the Dallas City Code of the City of Dallas provides moving expense and replacement housing payments for individuals displaced by City of Dallas property acquisition activities; and

WHEREAS, on January 23, 2019, City Council authorized the acquisition of real property at 2919 Alex Street located in the Cadillac Heights neighborhood, to be used in conjunction with the construction of city service and maintenance facilities by Resolution No. 19-0174.

Now, Therefore,

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

SECTION 1. That Jorge Martinez and Lidia Silva Perez will be displaced in conjunction with the Cadillac Heights Phase II Project and are entitled to moving expense and replacement housing payments pursuant to Chapter 39A of the Dallas City Code of the City of Dallas.

SECTION 2. That Jorge Martinez and Lidia Silva Perez are eligible to receive a moving expense payment in an amount up to \$2,050.00 and a replacement housing payment in an amount up to \$69,000.00.

SECTION 3. That the Chief Financial Officer is hereby authorized to draw warrants in favor of Jorge Martinez and Lidia Silva Perez, in an amount not to exceed \$71,050.00 for moving expense and last resort calculated replacement housing payments.

These warrants are to be paid as follows:

Land Acquisition in Cadillac Heights	
Fund 4T11, Department EBS, Unit T825	
Object 4240, Program PB06T825	
Encumbrance/Contract No. CX-BSD-2018-00009152-1	
Vendor VC19883	\$ 69,000.00

May 8, 2019

SECTION 3. (continued)

Land Acquisition in Cadillac Heights Fund 4T11, Department EBS, Unit T825 Object 4240, Program PB06T825 Encumbrance/Contract No. CX-BSD-2018-00009152-1 Vendor VC19883	<u>\$ 2,050.00</u>
Total amount not to exceed	\$71,050.00

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.



Agenda Information Sheet

File #: 19-387

Item #: 9.

STRATEGIC PRIORITY: Mobility Solutions, Infrastructure, and Sustainability

AGENDA DATE: May 8, 2019

COUNCIL DISTRICT(S): 1, 6

DEPARTMENT: Department of Transportation

EXECUTIVE: Majed Al-Ghafry

SUBJECT

Authorize an amendment to the Municipal Maintenance Agreement with the Texas Department of Transportation for the installation and maintenance of painted artwork on the bridge columns for the Interstate Highway 30/Sylvan Avenue Bridge Painting Project - Financing: No cost consideration to the City

BACKGROUND

This action will authorize the City Manager to amend the Municipal Maintenance Agreement with the Texas Department of Transportation (TxDOT) for the installation and maintenance of painted artwork on the bridge columns for the Interstate Highway 30/Sylvan Avenue Bridge Painting Project. The agreement with TxDOT has no specified contract term.

In turn, the City will enter into a beautification agreement with the Fort Worth Avenue Development Group, who, in cooperation with several neighborhood groups, will be responsible for the installation and maintenance of painted artwork on the bridge columns for the Interstate Highway 30/Sylvan Avenue Bridge Painting Project.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

The Mobility Solutions, Infrastructure and Sustainability Committee will be briefed by memorandum regarding this matter on May 3, 2019.

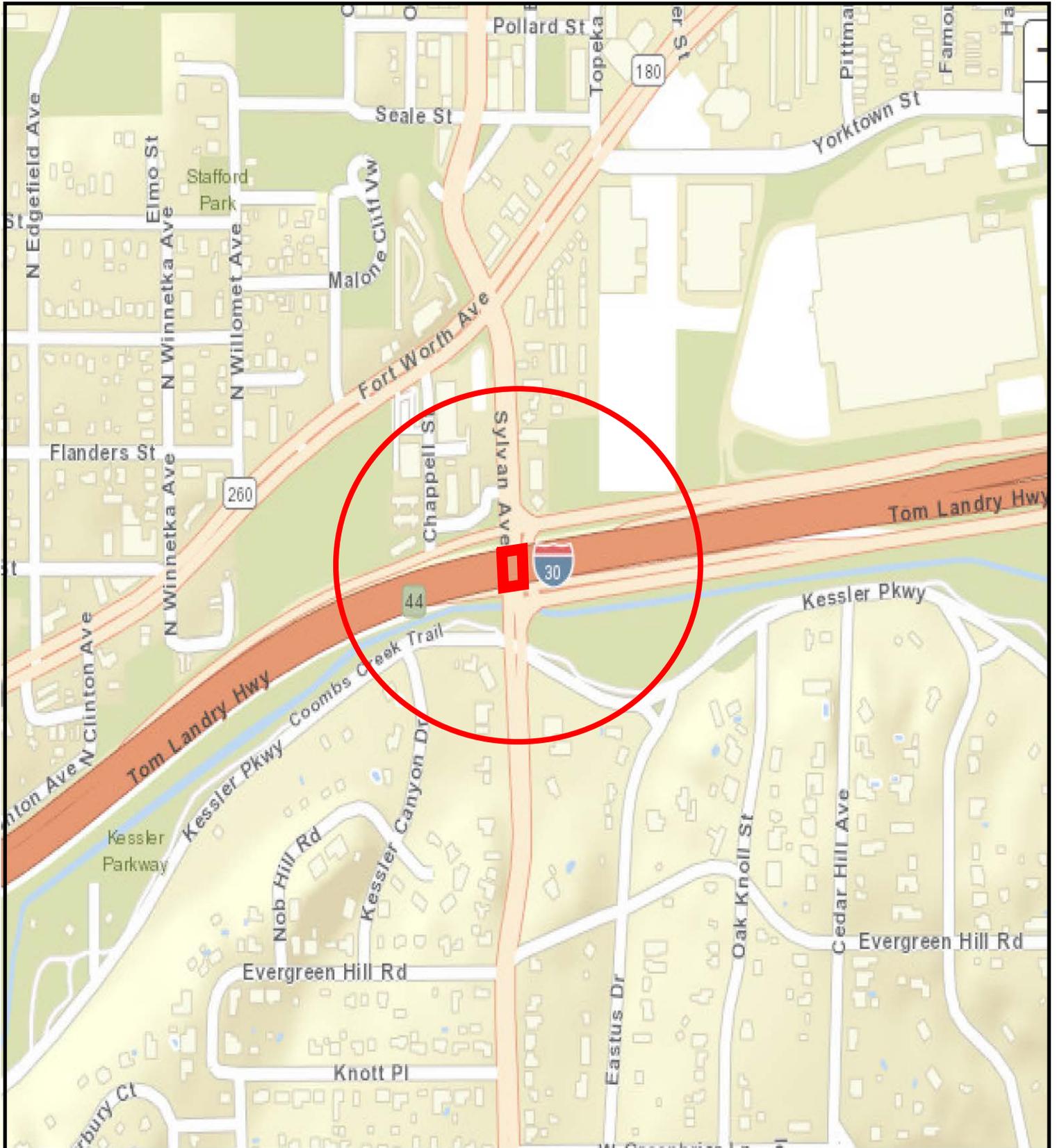
FISCAL INFORMATION

No cost consideration to the City.

MAP

Attached

INTERSTATE HIGHWAY 30/SYLVAN AVENUE BRIDGE PAINTING



COUNCIL DISTRICTS 1 & 6

May 8, 2019

WHEREAS, Chapter 311 of the Transportation Code gives the City exclusive dominion, control, and jurisdiction over and under the public streets within its corporate limits and authorizes the City to enter into agreements with the State to fix responsibilities for maintenance, control, supervision, and regulation of State highways within its corporate limits; and

WHEREAS, Section 221.002 of the Transportation Code authorizes the State, at its discretion, to enter into agreements with cities to fix responsibilities for maintenance, supervision, and regulation of state highways within those cities; and

WHEREAS, the Executive Director, acting for and in behalf of the Texas Transportation Commission, has made it known that the State will assist the City in the maintenance and operation of State highways, conditioned that the City will enter into agreements with the State for the purpose of determining responsibilities; and

WHEREAS, on December 13, 2006, City Council authorized a Municipal Maintenance Interlocal Agreement with the Texas Department of Transportation (TxDOT) to formally define duties of each agency related to all aspects of roadway maintenance on state highways within the city limits by Resolution No. 06-3471; and

WHEREAS, the City and TxDOT desire to allow a collection of neighborhood groups to install and maintain painted artwork on the bridge columns at Interstate Highway 30 and Sylvan Avenue; and

WHEREAS, concurrent with the execution of this Multiple Use Agreement, the City will execute a Beautification Agreement with the Fort Worth Avenue Development Group through a separate action; and

WHEREAS, it is now necessary to amend the Municipal Maintenance Agreement with the Texas Department of Transportation for the installation and maintenance of painted artwork on the bridge columns for the Interstate Highway 30/Sylvan Avenue Bridge Painting Project.

Now, Therefore,

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

SECTION 1. That the City Manager is hereby authorized to amend the Municipal Maintenance Agreement with the Texas Department of Transportation, approved as to form by the City Attorney, for the installation and maintenance of painted artwork on the bridge columns for the Interstate Highway 30/Sylvan Avenue Bridge Painting Project.

May 8, 2019

SECTION 2. That this contract is designated as Contract No. PBW-2019-00009662.

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.



Agenda Information Sheet

File #: 19-394

Item #: 10.

STRATEGIC PRIORITY: Mobility Solutions, Infrastructure, and Sustainability

AGENDA DATE: May 8, 2019

COUNCIL DISTRICT(S): 1, 6

DEPARTMENT: Department of Transportation

EXECUTIVE: Majed Al-Ghafry

SUBJECT

Authorize a Beautification Agreement with the Fort Worth Avenue Development Group for the installation and maintenance of painted artwork on the bridge columns for the Interstate Highway 30/Sylvan Avenue Bridge Painting Project - Financing: No cost consideration to the City (see Fiscal Information)

BACKGROUND

This action will authorize the City Manager to execute a Beautification Agreement with the Fort Worth Avenue Development Group on behalf of a group of community organizations for the installation and maintenance of painted artwork on the bridge columns for the Interstate Highway 30/Sylvan Avenue Bridge Painting Project.

A group of community organizations is seeking a local artist or group of artists residing in Dallas County to propose a public art piece that depicts District 1 (Oak Cliff) and District 6 (West Dallas). The proposed art would be reviewed and approved by a 12-person community committee, and the project is being privately funded by community organizations.

The Fort Worth Avenue Development Group will also maintain the painted surfaces to ensure they are graffiti-free and continue to provide the welcoming appearance the community seeks to present to pedestrians and drivers that utilize the underpass.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

The Mobility Solutions, Infrastructure and Sustainability Committee will be briefed by memorandum regarding this matter on May 3, 2019.

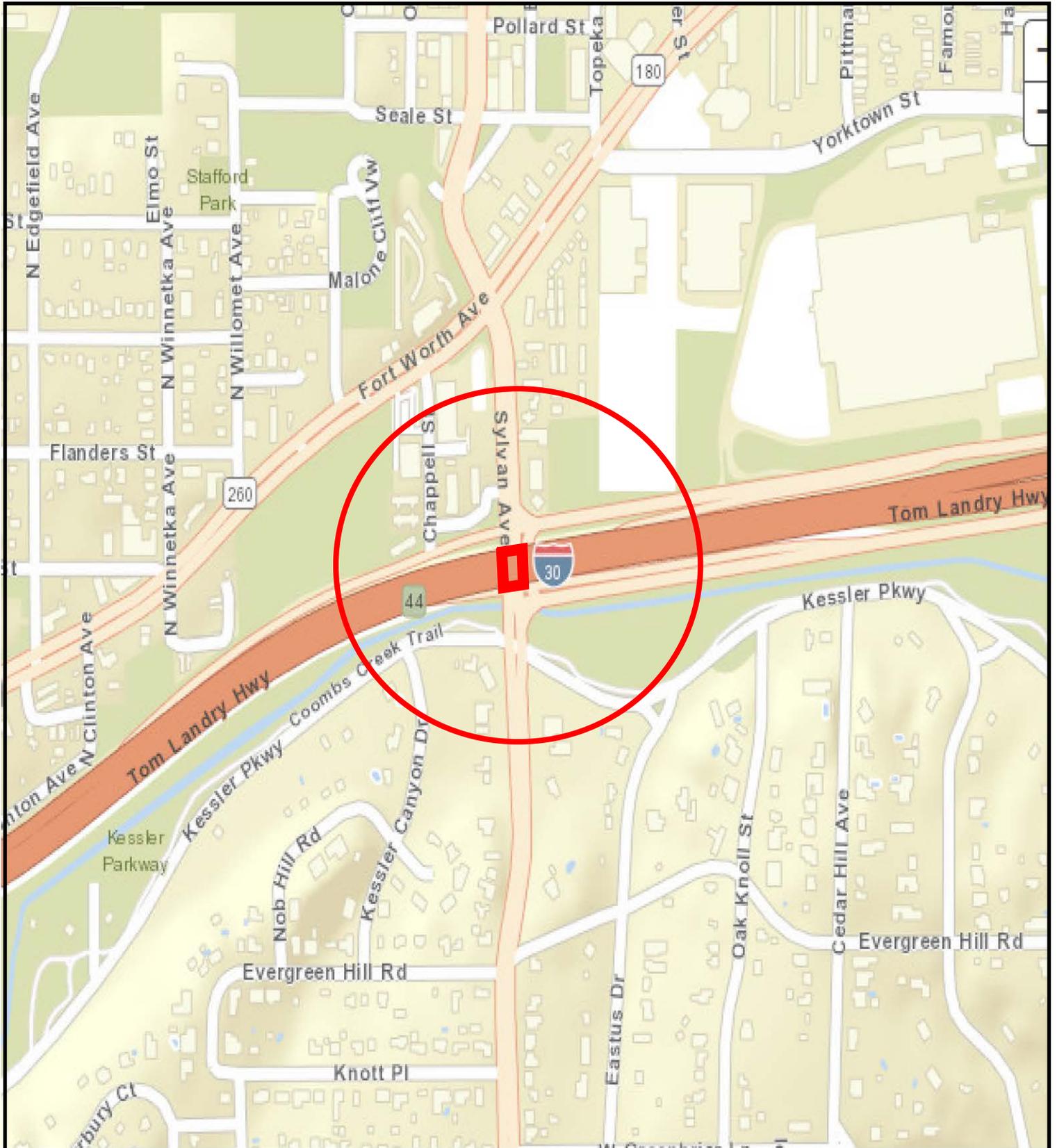
FISCAL INFORMATION

No cost consideration to the City. Fort Worth Avenue Development Group will fund the project in an estimated amount of \$12,000.00 and will fund future maintenance costs as needed.

MAP

Attached

INTERSTATE HIGHWAY 30/SYLVAN AVENUE BRIDGE PAINTING



COUNCIL DISTRICTS 1, 6

May 8, 2019

WHEREAS, the City of Dallas and the Fort Worth Avenue Development Group, on behalf of a group of community organizations, desire to enter into a Beautification Agreement for the installation and maintenance of painted artwork on the bridge columns at Interstate Highway 30 and Sylvan Avenue. The artwork will be designed by local artists to depict Council Districts 1 and 6; and

WHEREAS, concurrent with the execution of this Beautification Agreement, the City will execute a Multiple Use Agreement with the Texas Department of Transportation through a separate action; and

WHEREAS, it is now necessary to authorize a Beautification Agreement with the Fort Worth Avenue Development Group for the installation and maintenance of painted artwork on the bridge columns for the Interstate Highway 30/Sylvan Avenue Bridge Painting Project.

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 a Beautification Agreement with the Fort Worth Avenue Development Group, approved as to form by the City Attorney, for the installation and maintenance of painted artwork on the bridge columns for the Interstate Highway 30/Sylvan Avenue Bridge Painting Project.

SECTION 2. That this contract is designated as Contract No. TRN-2019-00009568.

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.



Agenda Information Sheet

File #: 19-545

Item #: 16.

STRATEGIC PRIORITY: Mobility Solutions, Infrastructure, and Sustainability

AGENDA DATE: May 8, 2019

COUNCIL DISTRICT(S): 6

DEPARTMENT: Water Utilities Department

EXECUTIVE: Majed Al-Ghafry

SUBJECT

Authorize acquisition from 505 Riverfront, Ltd., of a subsurface Fiber Optic Communication easement under approximately 1,482 square feet of land located on South Riverfront Boulevard at its intersection with Woodall Rogers Freeway for the Able Pump Station Project - Not to exceed \$19,908.00 (\$16,908.00, plus closing costs and title expenses not to exceed \$3,000.00) - Financing: Flood Protection and Storm Drainage Facilities Fund (2012 Bond Funds)

BACKGROUND

This item authorizes the acquisition of a subsurface Fiber Optic Communication easement under approximately 1,482 square feet of land from 505 Riverfront, Ltd. This property is located on South Riverfront Boulevard at its intersection with Woodall Rogers Freeway and will be used for the Able Pump Station Project. The consideration is based on an independent appraisal.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

The Mobility Solutions, Infrastructure, and Sustainability Committee will be briefed by memorandum regarding this matter on May 3, 2019.

FISCAL INFORMATION

Flood Protection and Storm Drainage Facilities Fund (2012 Bond Funds) - \$19,908.00 (\$16,908.00, plus closing costs and title expenses not to exceed \$3,000.00)

OWNER

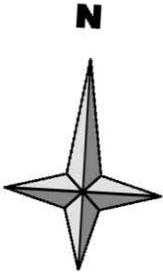
505 Riverfront, Ltd.

GEMCO Riverfront LLC, General Partner

Margaret Woodward Molleston, President

MAP

Attached



CONTINENTAL AVENUE

N. RIVERFRONT BOULEVARD

**BLOCK
6828**

EAST LEVEE

**SUBSURFACE
EASEMENT**

WOODALL RODGERS FREEWAY

TRINITY RIVER

UNION PACIFIC RAILROAD

May 8, 2019

A RESOLUTION DETERMINING UPON THE NECESSITY OF ACQUIRING REAL PROPERTY AND AUTHORIZING ITS PURCHASE FOR PUBLIC USE.

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

"CITY": The City of Dallas

"PROPERTY": Approximately 1,482 square feet in area lying between the subsurface elevations of 380 feet and 400 feet (U.S. Survey Feet) National Geodetic Vertical Datum 1929, the boundary of which property being the same and more particularly described in "Exhibit A", located in Dallas County, Texas, attached hereto and made a part hereof for all purposes, and any and all improvements, rights and appurtenances appertaining thereto.

"PROJECT": Able Pump Station

"USE": The installation, use, and maintenance of a Fiber Optic Communication line or lines for the transmission of data together with such appurtenant facilities as may be necessary.

"PROPERTY INTEREST": Fiber Optic Communication Easement subject to the exceptions, reservations, covenants, conditions and/or interests, if any, provided in the form instrument more particularly described in Exhibit "B" attached hereto and made a part hereof for all purposes.

"OWNER": 505 Riverfront, Ltd., provided, however, that the term "OWNER" as used in this resolution means all persons having an ownership interest, regardless of whether those persons are actually named herein.

"PURCHASE AMOUNT": \$16,908.00

"CLOSING COSTS AND TITLE EXPENSES": Not to exceed \$3,000.00

"AUTHORIZED AMOUNT": Not to exceed \$19,908.00

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

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

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

May 8, 2019

SECTION 3. That the City Manager, and/or the City Manager's designees, is hereby authorized and directed to consummate and accept the purchase, grant, and conveyance to CITY of the PROPERTY INTEREST in and to the PROPERTY pursuant to the conveyancing instrument substantially in the form described in Exhibit "B", attached hereto and made a part hereof for all purposes, and approved as to form by the City Attorney and to execute, deliver and receive such other usual and customary documents necessary, appropriate and convenient to consummating this transaction.

SECTION 4. That to the extent the PROPERTY is being purchased wholly or partly with bond proceeds CITY has obtained an independent appraisal of the PROPERTY'S market value.

SECTION 5. That OWNER has been provided with a copy of the Landowner's Bill of Rights as contemplated by applicable state statute.

SECTION 6. That in the event this acquisition closes, the Chief Financial Officer is hereby authorized and directed to draw a warrant in favor of the OWNER, or the then current owner of record, or the title company closing the transaction described herein in the PURCHASE AMOUNT and CLOSING COSTS AND TITLE EXPENSES payable out of Flood Protection and Storm Drainage Facilities Fund, Fund 3U23, Department TWM, Unit S768, Activity SDRS, Program TW17S768, Object 4210, Encumbrance/Contract No. DWU-2019-0000-8670. The PURCHASE AMOUNT, CLOSING COSTS and TITLE EXPENSES together shall not exceed the AUTHORIZED AMOUNT.

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

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

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

BY:


Assistant City Attorney

**FIELD NOTES DESCRIBING A 1,482 SQUARE FOOT (0.034 ACRE)
FIBER OPTIC COMMUNICATIONS EASEMENT
IN BLOCK 6828 TO BE ACQUIRED BY THE CITY OF DALLAS**

Being a 1,482 Square Foot (0.034 Acre) tract of unplatted land in the City of Dallas, being situated in the John Beeman Survey, Abstract Number 209, Dallas County, Texas and being in Block 6828, Official City of Dallas Block Numbers, and being a portion of the land conveyed to 505 Riverfront, Ltd. by Special Warranty Deed recorded in Instrument Number 201300072041 of the Official Public Records of Dallas County, Texas, and being more particularly described as follows:

BEGINNING at a 5/8-inch diameter iron rod with cap marked "CITY OF DALLAS" (hereinafter referred to as "5/8" I.R. w/COD Cap") set on the Southeast line of an unplatted tract of land in block 8654 conveyed to the City of Dallas by deed recorded in Instrument Number 200900184476 of the Official Public Records of Dallas County, Texas, *from which* a 1/2-inch diameter iron rod found at the Most Easterly corner of said City of Dallas property bears North 57°52'29" East a distance of 31.98 feet and said Point of Beginning being also the most Northerly corner of the herein described tract of land;

THENCE South 31°14'16" East, departing the common line between said City of Dallas and 505 Riverfront, Ltd. properties, over and across a portion of said 505 Riverfront, Ltd. property a distance of 277.69 feet to an angle point (not monumented);

THENCE South 32°08'09" East, continuing over and across said 505 Riverfront, Ltd. property a distance of 19.22 feet to a 5/8" I.R. w/COD Cap set at the intersection with the North line of Singleton Boulevard, a variable width Right-of-Way as conveyed to the State of Texas by deed recorded in Instrument Number 201100078623 of the Official Public Records of Dallas County, Texas:

THENCE South 71°24'26" West, with the said North line of Singleton Boulevard a distance of 5.14 feet to a 5/8" I.R. w/COD Cap set at the most Southerly corner of the herein described tract of land:

THENCE North 32°08'09" West, continuing over and across a portion of said 505 Riverfront, Ltd. property a distance of 18.06 feet to an angle point (not monumented);

THENCE North 31°14'16" West, continuing over and across said 505 Riverfront, Ltd. property a distance of 277.65 feet to a 5/8" I.R. w/COD Cap set at the intersection with the Southeast line of the said City of Dallas property:

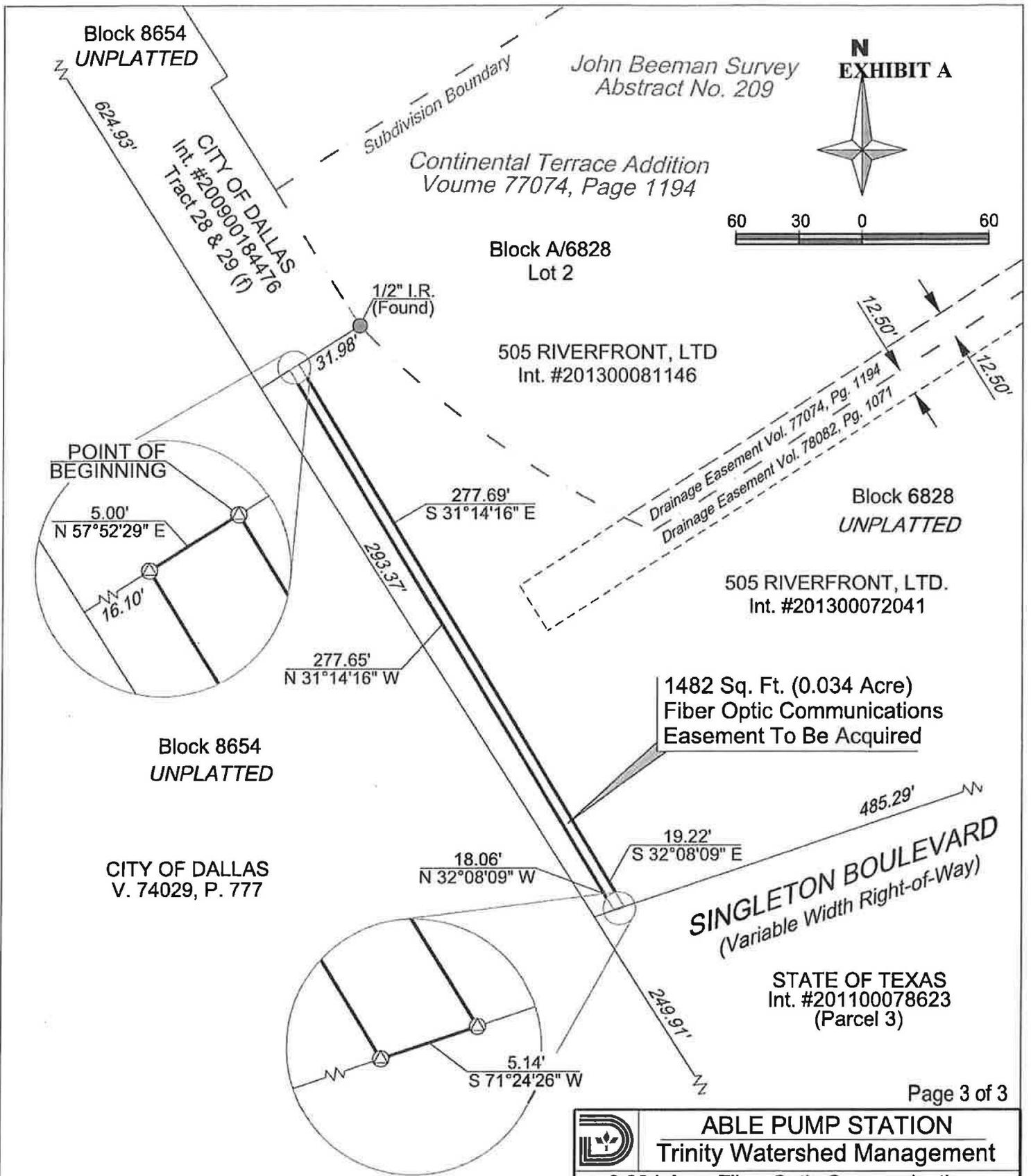
**FIELD NOTES DESCRIBING A 1,482 SQUARE FOOT (0.034 ACRE)
FIBER OPTIC COMMUNICATIONS EASEMENT
IN BLOCK 6828 TO BE ACQUIRED BY THE CITY OF DALLAS**

THENCE North 57°52'29" East, with the said common line between said City of Dallas and 505 Riverfront, Ltd. properties a distance of 5.00 feet to the **POINT OF BEGINNING**, containing 1482 Square Feet, or 0.034 Acres of land.

BASIS OF BEARINGS: Bearings are based on the State Plane Coordinate System, Texas North Central Zone 4202, North American Datum of 1983 (2011). All distances are surface values, using a scale factor of 1.000136506.

Scott Holt
3/15/2019





⊗ Indicates a 5/8" I.R. w/C.O.D. Cap
BASIS OF BEARINGS: Bearings are based on the State Plane Coordinate System, Texas North Central Zone 4202, North American Datum of 1983.

 ABLE PUMP STATION Trinity Watershed Management			
0.034 Acre Fiber Optic Communications Easement To Be Acquired			
DEPARTMENT OF PUBLIC WORKS			
SURVEY DIVISION CITY OF DALLAS, TEXAS			
OPER. NAME	DESIGN FILE NAME	SCALE	DATE
Holt	N:\ENGR\SURVEY\Brandon\TRINITY\measurements all final drawing.dgn	As Noted	5-30-18
PARTY CHIEF	CALCULATIONS	FOLDER	FILE NO.
Peck	Holt	Block 6828	041D-71

FIBER OPTIC COMMUNICATION EASEMENT

THE STATE OF TEXAS

§

KNOW ALL PERSONS BY THESE PRESENTS:

COUNTY OF DALLAS

§

§

That 505 Riverfront Ltd., a Texas limited partnership (hereinafter called "Grantor" whether one or more natural persons or legal entities), of the County of Montgomery, State of Texas, for and in consideration of the sum of SIXTEEN THOUSAND NINE HUNDRED EIGHT AND NO/100 (\$16,908.00) DOLLARS and other good and valuable consideration, to the undersigned in hand paid by the City of Dallas, 1500 Marilla Street, Dallas, Texas, 75201, a Texas municipal corporation (hereinafter called "Grantee"), the receipt of which is hereby acknowledged and confessed, has granted, sold and conveyed and does hereby grant, sell and convey unto Grantee, its successors and assigns an exclusive, irrevocable, and perpetual subsurface fiber optic communication easement as to the area lying between the elevations of 380 feet and 400 feet (U.S. Survey Feet) National Geodetic Vertical Datum 1929, located under the surface of and through the lot, tract, or parcel of land described in Exhibit "A" (Easement Area), attached hereto and incorporated herein for all purposes. This conveyance is subject to all matters of record affecting the Easement Area.

The Easement Area is hereby dedicated as a fiber optic communication easement for the perpetual use and benefit of the Grantee, provided, however, that nothing herein shall be construed as a dedication of such easement to the public for any purpose other than as expressly set forth herein. Except as otherwise provided herein, Grantee shall have the right to remove or keep removed all or all parts of buildings, fences, trees, shrubs, or other improvement or growth in the Easement Area which in any way may endanger or interfere with the efficient construction, maintenance, or use of its respective system or facilities on this easement.

Grantee shall at all times have the right of ingress and egress to and from and upon the Easement Area from other Grantee-controlled properties and easements and not from the surface of the Property. This access is only for the purpose of installing, constructing, operating, maintaining, replacing, upgrading, adding to or removing all or part of its respective system or facilities without the necessity at any time of procuring the permission of anyone. Grantee shall as reasonable under the circumstances provide advance notice to Grantor provided however Grantee's failure to provide such notice shall not in any case be deemed a default or cause an early termination of the Easement hereunder.

Should one or more of the Grantors herein be natural persons and not joined by their respective spouse, it is conclusively presumed that the land herein conveyed is not the residence or business homestead of such Grantor(s). Should one or more of the Grantors herein be a legal entity other than a natural person, it is conclusively presumed that the person signing on behalf of such party has been duly and legally authorized to so sign and there shall be no necessity for a seal or attestation.

Nothing in this easement shall be construed as a waiver by City of any connection charge or other charge or charges imposed by ordinance or Charter of the City of Dallas.

This conveyance and the warranty of title herein provided is subject to: (1) all easements, rights-of-way and prescriptive rights, whether of record or not, pertaining to any portion of the property; (2) all presently recorded and valid oil, gas and/or other mineral exceptions, rights of development or leases, royalty reservations and/or other instruments constituting oil, gas or other mineral interest severances of any kind; (3) all presently recorded restrictive covenants, terms, conditions, contracts, provisions, zoning ordinances and other items, but only to the extent that same are still effective; and (4) all presently recorded instruments (other than encumbrances and conveyances by, through or under Grantor) that affect the property;

SPECIAL PROVISIONS:

Upon completion of construction or any work Grantee undertakes in the Easement area, all surplus excavation, debris, trash or litter resulting from construction or other work shall be cleaned up and hauled off the premises, and the property including any fences disturbed, shall be restored to its original contour and condition.

As a material part of the consideration for the easement, Grantor and Grantee agree that Grantee is taking the interests in the property "AS IS" with any and all latent and patent defects and that there is no warranty by Grantor that the property has a particular financial value or is fit for a particular purpose. Grantee acknowledges and stipulates that Grantee is not relying on any representation, statement, or other assertion with respect to the property but is relying on Grantee's examination of the property. Grantee takes the property with the express understanding and stipulation that there are no express or implied warranties except for the limited warranty of title set forth in this easement instrument.

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

SIGNATURES APPEAR ON THE FOLLOWING PAGE

EXECUTED this _____ day of _____, 20__.

505 RIVERFRONT LTD.,
a Texas limited partnership

By: GEMCO Riverfront LLC,
a Texas limited liability company,
its general partner

By: _____
Margaret Woodward Molleston, President

* * * * *

THE STATE OF TEXAS §
 §
COUNTY OF MONTGOMERY §

This instrument was acknowledged before me on _____, 2018, by
Margaret Woodward Molleston, President of GEMCO Riverfront, LLC, a Texas limited liability company,
as general partner of 505 Riverfront Ltd., a Texas limited partnership, on behalf of said limited liability
company and limited partnership.

Notary Public, State of Texas

* * * * *

AFTER RECORDING, RETURN TO:
City of Dallas
Dallas Water Utilities
Real Estate Division
1500 Marilla Street, 6B South
Dallas, Texas 75201
Attn: Todd Wright
Log No. TWM 625



Agenda Information Sheet

File #: 19-546

Item #: 17.

STRATEGIC PRIORITY: Mobility Solutions, Infrastructure, and Sustainability

AGENDA DATE: May 8, 2019

COUNCIL DISTRICT(S): 6

DEPARTMENT: Water Utilities Department

EXECUTIVE: Majed Al-Ghafry

SUBJECT

Authorize acquisition from 505 Riverfront, Ltd., of a Fiber Optic Communication easement containing two surface tracts totaling approximately 342 square feet of land and a subsurface tract under approximately 2,816 square feet of land located on South Riverfront Boulevard at its intersection with Woodall Rogers Freeway for the Able Pump Station Project - Not to exceed \$53,667.00 (\$50,667.00, plus closing costs and title expenses not to exceed \$3,000.00) - Financing: Flood Protection and Storm Drainage Facilities Fund (2012 Bond Funds)

BACKGROUND

This item authorizes the acquisition of two surface easements totaling approximately 342 square feet of land and a subsurface easement under approximately 2,816 square feet of land from 505 Riverfront, Ltd. This property is located on South Riverfront Boulevard at its intersection with Woodall Rogers Freeway and will be used for the Able Pump Station Project. The consideration is based on an independent appraisal.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

The Mobility Solutions, Infrastructure, and Sustainability Committee will be briefed by memorandum regarding this item on May 3, 2019.

FISCAL INFORMATION

Flood Protection and Storm Drainage Facilities Fund (2012 Bond Funds) - \$53,667.00 (\$50,667.00, plus closing costs and title expenses not to exceed \$3,000.00)

OWNER

505 Riverfront, Ltd.

GEMCO Riverfront LLC, General Partner

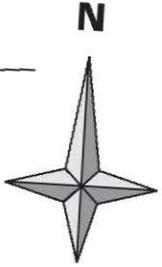
Margaret Woodward Molleston, President

MAP

Attached

CONTINENTAL AVENUE

N. RIVERFRONT BOULEVARD



WOODALL RODGERS FREEWAY

SURFACE EASEMENT

SUBSURFACE EASEMENT

BLOCK 6828

EAST LEVEE

SURFACE EASEMENT

TRINITY RIVER

UNION PACIFIC RAILROAD

May 8, 2019

A RESOLUTION DETERMINING UPON THE NECESSITY OF ACQUIRING REAL PROPERTY AND AUTHORIZING ITS PURCHASE FOR PUBLIC USE.

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

"CITY": The City of Dallas

"PROPERTY": Approximately 342 square feet of land being the same property more particularly described in "Exhibit A, Tract I and Tract II"; and approximately 2,816 square feet in area lying between the subsurface elevations of 380 feet and 400 feet (U.S. Survey Feet) National Geodetic Vertical Datum 1929, the boundary of which property being the same and more particularly described in "Exhibit A, Tract III", located in Dallas County, Texas, attached hereto and made a part hereof for all purposes, and any and all improvements, rights and appurtenances appertaining thereto.

"PROJECT": Able Pump Station

"USE": The installation, use, and maintenance of a Fiber Optic Communication line or lines for the transmission of data together with such appurtenant facilities as may be necessary provided, however, to the extent fee title to the PROPERTY is acquired, such title and the PROPERTY shall not be limited to or otherwise deemed restricted to the USE herein provided.

"PROPERTY INTEREST": Fiber Optic Communication Easement subject to the exceptions, reservations, covenants, conditions and/or interests, if any, provided in the form instrument more particularly described in Exhibit "B" attached hereto and made a part hereof for all purposes.

"OWNER": 505 Riverfront, Ltd., provided, however, that the term "OWNER" as used in this resolution means all persons having an ownership interest, regardless of whether those persons are actually named herein.

"PURCHASE AMOUNT": \$50,667.00

"CLOSING COSTS AND TITLE EXPENSES": Not to exceed \$3,000.00

"AUTHORIZED AMOUNT": Not to exceed \$53,667.00

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.

May 8, 2019

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

SECTION 3. That the City Manager, and/or the City Manager's designees, is hereby authorized and directed to consummate and accept the purchase, grant, and conveyance to CITY of the PROPERTY INTEREST in and to the PROPERTY pursuant to the conveyancing instrument substantially in the form described in Exhibit "B", attached hereto and made a part hereof for all purposes, and approved as to form by the City Attorney and to execute, deliver and receive such other usual and customary documents necessary, appropriate and convenient to consummating this transaction.

SECTION 4. That to the extent the PROPERTY is being purchased wholly or partly with bond proceeds CITY has obtained an independent appraisal of the PROPERTY'S market value.

SECTION 5. That OWNER has been provided with a copy of the Landowner's Bill of Rights as contemplated by applicable state statute.

SECTION 6. That in the event this acquisition closes, the Chief Financial Officer is hereby authorized and directed to draw a warrant in favor of the OWNER, or the then current owner of record, or the title company closing the transaction described herein in the PURCHASE AMOUNT and CLOSING COSTS AND TITLE EXPENSES payable out of Flood Protection and Storm Drainage Facilities Fund, Fund 3U23, Department TWM, Unit S768, Activity SDRS, Program TW17S768, Object 4210, Encumbrance/Contract No. DWU-2019-0000-8669. The PURCHASE AMOUNT, CLOSING COSTS and TITLE EXPENSES together shall not exceed the AUTHORIZED AMOUNT.

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

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

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

BY


Assistant City Attorney

**FIELD NOTES DESCRIBING A 221 SQUARE FOOT (0.005 ACRE)
FIBER OPTIC COMMUNICATIONS EASEMENT
IN BLOCK 6828 TO BE ACQUIRED BY THE CITY OF DALLAS**

Being a 221 Square Foot (0.005 Acre) tract of unplatted land in the City of Dallas, being situated in the John Beeman Survey, Abstract Number 209, Dallas County, Texas and being in Block 6828, Official City of Dallas Block Numbers, and being a portion of the land conveyed to 505 Riverfront, Ltd. by Special Warranty Deed recorded in Instrument Number 201200355763 of the Official Public Records of Dallas County, Texas, and being more particularly described as follows:

COMMENCING at an Iron Axle found at the most Southerly corner of said 505 Riverfront Ltd. property, on the Northwest line of the Union Pacific Railroad Company Right-of-Way (successor in title to the Texas & Pacific Railroad Company), as recorded in Volume S, Page 412 of the Deed Records of Dallas County, Texas, being also the Southeast corner of a tract of land conveyed to the City of Dallas by deed recorded in Volume 74029, Page 777 of the Deed Records of Dallas County, Texas, and the Non-Tangent beginning of a Curve to the Left;

THENCE Northwesterly, with the common line between said City of Dallas and 505 Riverfront, Ltd. properties and along said Curve to the left, having a Radius of 5,819.60 feet, a Central Angle of $2^{\circ}17'53''$, an Arc Length of 233.41 feet and a Chord which bears North $29^{\circ}46'53''$ West a distance of 233.40 feet to a Non-Tangent beginning of a Curve to the Right (not monumented);

THENCE Northwesterly, with the common line between said City of Dallas and 505 Riverfront, Ltd. properties and along said Curve to the right, having a Radius of 726.75 feet, a Central Angle of $15^{\circ}58'47''$, an Arc Length of 202.69 feet and a Chord which bears North $40^{\circ}32'02''$ West a distance of 202.03 feet to the PT (not monumented);

THENCE North $32^{\circ}32'40''$ West, with the common line between said City of Dallas and 505 Riverfront, Ltd. properties a distance of 438.27 feet to the northwest property corner of said 505 Riverfront tract also being the southwest corner of a tract of land conveyed to the State of Texas as recorded in Instrument Number 201100078623 of the Official Public Records of Dallas County, Texas;

THENCE North $66^{\circ}56'02''$ East, departing the said common line between the City of Dallas and 505 Riverfront, Ltd. properties and with the common line between said State of Texas and 505 Riverfront, Ltd. properties a distance of 5.46 feet to a 5/8-inch diameter iron rod with cap marked "CITY OF DALLAS" (hereinafter referred to as "5/8" I.R. w/COD Cap") set at the most westerly corner of the herein described tract and also the **POINT OF BEGINNING**;

**FIELD NOTES DESCRIBING A 221 SQUARE FOOT (0.005 ACRE)
FIBER OPTIC COMMUNICATIONS EASEMENT
IN BLOCK 6828 TO BE ACQUIRED BY THE CITY OF DALLAS**

THENCE North 66°56'02" East, continuing with the common line between said State of Texas and 505 Riverfront, Ltd. properties a distance of 10.13 feet to a 5/8" I.R. w/COD Cap set at the most northerly corner of the herein described tract of land;

THENCE South 32°25'51" East, departing the said common line between the State of Texas and 505 Riverfront, Ltd. properties, over and across said 505 Riverfront, Ltd. property a distance of 21.21 feet to a 5/8" I.R. w/COD Cap set at the most easterly corner of the herein described tract of land;

THENCE South 57°14'12" West, continuing over and across said 505 Riverfront, Ltd. property a distance of 10.00 feet to a 5/8" I.R. w/COD Cap set at the most southerly corner of the herein described tract of land;

THENCE North 32°24'38" West, continuing over and across said 505 Riverfront, Ltd. property a distance of 22.92 feet to the **POINT OF BEGINNING**, containing 221 Square Feet, or 0.005 Acres of land.

BASIS OF BEARINGS: Bearings are based on the State Plane Coordinate System, Texas North Central Zone 4202, North American Datum of 1983 (2011). All distances are surface values, using a scale factor of 1.000136506.

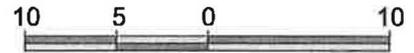
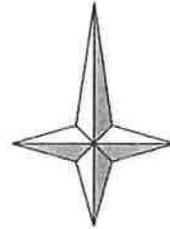
Scott Holt
3/15/2019



STATE OF TEXAS
INT 201100078623

SINGLETON BOULEVARD
(Variable Width Right-of-Way)

N EXHIBIT A
TRACT I



POINT OF BEGINNING



John Beeman Survey
Abstract No. 209

Block 6828
UNPLATTED

CITY OF DALLAS
V. 74029, P. 777

Block 8654
UNPLATTED

R= 726.75'
Δ= 15°58'47"
L= 202.69'
Ch.= 202.03'
N 40°32'02" W

505 RIVERFRONT, LTD
Int. #201200355763 (Tract 1)

R= 5,819.60'
Δ= 2°17'53"
L= 233.41'
Ch.= 233.40'
N 29°46'53" W

Iron Axle (Found)
Record Monument
& POINT OF
COMMENCING

UNION PACIFIC RAILROAD CO.
(Successor in Title to the
Texas & Pacific Railroad Co.)
Volume S, Page 412

RIVERFRONT BOULEVARD
(Variable Width Right-of-Way)

⊙ Indicates a 5/8" I.R. w/C.O.D. Cap

BASIS OF BEARINGS: Bearings are based on the State Plane Coordinate System, Texas North Central Zone 4202, North American Datum of 1983.

				ABLE PUMP STATION Trinity Watershed Management			
				0.005 Acre Easement To Be Acquired DEPARTMENT OF PUBLIC WORKS SURVEY DIVISION CITY OF DALLAS, TEXAS			
OPER. NAME	DESIGN FILE NAME		SCALE	DATE			
Holt	N:\ENGR\SURVEY\Bramden\TRINITY\Easements\all final drawing.dgn		As Noted	05-30-18			
PARTY CHIEF	CALCULATIONS	FOLDER	FILE NO.				
Peck	Holt	Block 6828	041D-71				

**FIELD NOTES DESCRIBING A 121 SQUARE FOOT (0.003 ACRE)
FIBER OPTIC COMMUNICATIONS EASEMENT
IN BLOCK 6828 TO BE ACQUIRED BY THE CITY OF DALLAS**

Being a 121 Square Foot (0.003 Acre) tract of unplatted land in the City of Dallas, being situated in the John Beeman Survey, Abstract Number 209, Dallas County, Texas and being in Block 6828, Official City of Dallas Block Numbers, and being a portion of the land conveyed to 505 Riverfront, Ltd. By Special Warranty Deed recorded in Instrument Number 201200355763 of the Official Public Records of Dallas County, Texas, and being more particularly described as follows:

BEGINNING at an Iron Axle found at the most Southerly corner of said 505 Riverfront Ltd. property, on the Northwest line of the Union Pacific Railroad Company Right-of-Way (successor in title to the Texas & Pacific Railroad Company), as recorded in Volume S, Page 412 of the Deed Records of Dallas County, Texas, being also the Southeast corner of a tract of land conveyed to the City of Dallas by deed recorded in Volume 74029, Page 777 of the Deed Records of Dallas County, Texas, and the Non-Tangent beginning of a Curve to the Left;

THENCE Northwesterly, with the common line between said City of Dallas and 505 Riverfront, Ltd. properties and along said Curve, having a Radius of 5,819.60 feet, a Central Angle of $0^{\circ}29'48''$, an Arc Length of 50.45 feet and a Chord which bears North $28^{\circ}52'51''$ West a distance of 50.45 feet to a 5/8-inch diameter iron rod with cap marked "CITY OF DALLAS" (hereinafter referred to as "5/8" I.R. w/COD Cap") set at the most westerly corner of the herein described tract of land;

THENCE North $64^{\circ}10'23''$ East, departing the said common line between the City of Dallas and 505 Riverfront, Ltd. properties, over and across said 505 Riverfront Ltd. property a distance of 3.79 feet to a 5/8" I.R. w/COD Cap set at the most northerly corner of the herein described tract of land;

THENCE South $25^{\circ}49'37''$ East, continuing over and across said 505 Riverfront, Ltd. property a distance of 50.59 feet to a 5/8" I.R. w/COD Cap set at the intersection with the above said Northwest line of the Union Pacific Railroad Company Right-of-Way:

**FIELD NOTES DESCRIBING A 121 SQUARE FOOT (0.003 ACRE)
FIBER OPTIC COMMUNICATIONS EASEMENT
IN BLOCK 6828 TO BE ACQUIRED BY THE CITY OF DALLAS**

THENCE South 75°04'33" West, with the said Northwest line of the Union Pacific Railroad Company a distance of 1.12 feet to the **POINT OF BEGINNING**, containing 121 Square Feet, or 0.003 Acres of land.

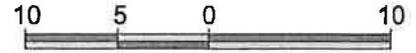
BASIS OF BEARINGS: Bearings are based on State Plane Coordinate System, Texas North Central Zone 4202, North American Datum of 1983 (2011). All distances are surface values, using a scale factor of 1.000136506.

Scott Holt
3/15/2019



**EXHIBIT A
TRACT II**

N



**Block 6828
UNPLATTED**

**Block 8654
UNPLATTED**

**505 RIVERFRONT, LTD
Int. #201200355763 (Tract 1)**

R= 5,819.60'
Δ= 0°29'48"
L= 50.45'
Ch.= 50.45'
N 28°52'51" W

**121 Sq. Ft. (0.003 Ac.)
Easement To Be Acquired**

**Iron Axle (Found)
Record Monument
& POINT OF
BEGINNING**

50.59' S 25°49'37" E

1.12'
S 75°04'33" W

**RIVERFRONT BOULEVARD
(Variable Width Right-of-Way)**

229.43'

1,102.33'

**CITY OF DALLAS
V. 74029, P. 777**

**UNION PACIFIC RAILROAD CO.
(Successor in Title to the
Texas & Pacific Railroad Co.)
Volume S, Page 412**

⊙ Indicates a 5/8" I.R. w/C.O.D. Cap

BASIS OF BEARINGS: Bearings are based on the State Plane Coordinate System, Texas North Central Zone 4202, North American Datum of 1983.

				ABLE PUMP STATION	
				Trinity Watershed Management	
0.003 Acre Easement To Be Acquired					
DEPARTMENT OF PUBLIC WORKS					
SURVEY DIVISION CITY OF DALLAS, TEXAS					
OPER. NAME	DESIGN FILE NAME	SCALE	DATE		
Holt	N:\ENGR\SURVEY\Brennan\TRINITY\assessments all final drawing dgn	As Noted	05-30-18		
PARTY CHIEF	CALCULATIONS	FOLDER	FILE NO.		
Peck	Holt	Block 6828	041D-71		

**FIELD NOTES DESCRIBING A 2,816 SQUARE FOOT (0.065 ACRE)
FIBER OPTIC COMMUNICATIONS EASEMENT
IN BLOCK 6828 TO BE ACQUIRED BY THE CITY OF DALLAS**

Being a 2,816 Square Foot (0.065 Acre) tract of unplatted land in the City of Dallas, being situated in the John Beeman Survey, Abstract Number 209, Dallas County, Texas and being in Block 6828, Official City of Dallas Block Numbers, and being a portion of the land conveyed to 505 Riverfront, Ltd. by Special Warranty Deed recorded in Instrument Number 201300072041 of the Official Public Records of Dallas County, Texas, and being more particularly described as follows:

COMMENCING at an Iron Axle found at the most Southerly corner of said 505 Riverfront Ltd. property, on the Northwest line of the Union Pacific Railroad Company Right-of-Way (successor in title to the Texas & Pacific Railroad Company), as recorded in Volume S, Page 412 of the Deed Records of Dallas County, Texas, being also the Southeast corner of a tract of land conveyed to the City of Dallas by deed recorded in Volume 74029, Page 777 of the Deed Records of Dallas County, Texas, and the Non-Tangent beginning of a Curve to the Left;

THENCE Northwesterly, with the common line between said City of Dallas and 505 Riverfront, Ltd. properties and along said Curve, having a Radius of 5,819.60 feet, a Central Angle of $2^{\circ}17'53''$, an Arc Length of 233.41 feet and a Chord which bears North $29^{\circ}46'53''$ West a distance of 233.40 feet to a Non-Tangent beginning of a Curve to the Right (not monumented);

THENCE Northwesterly, with the common line between said City of Dallas and 505 Riverfront, Ltd. properties and along said Curve, having a Radius of 726.75 feet, a Central Angle of $3^{\circ}11'35''$, an Arc Length of 40.50 feet and a Chord which bears North $46^{\circ}55'38''$ West a distance of 40.49 feet to a $5/8''$ I.R. w/COD Cap set at the Tangent beginning of a curve to the right also being the **POINT OF BEGINNING**;

THENCE Northwesterly, with the common line between said City of Dallas and 505 Riverfront, Ltd. properties and along said Curve, having a Radius of 726.75 feet, a Central Angle of $2^{\circ}01'05''$, an Arc Length of 25.60 feet and a Chord which bears North $44^{\circ}19'19''$ West a distance of 25.60 feet to a $5/8''$ I.R. w/COD Cap set at the PT;

THENCE North $33^{\circ}03'23''$ West, departing the said common line between the City of Dallas and 505 Riverfront, Ltd. properties, over and across said 505 Riverfront Ltd. property a distance of 550.28' feet to a $5/8''$ I.R. w/COD Cap set at the most westerly corner of the herein described tract of land:

**FIELD NOTES DESCRIBING A 2,816 SQUARE FOOT (0.065 ACRE)
FIBER OPTIC COMMUNICATIONS EASEMENT
IN BLOCK 6828 TO BE ACQUIRED BY THE CITY OF DALLAS**

THENCE North 57°14'12" East, continuing over and across said 505 Riverfront, Ltd. property a distance of 5.00 feet to a 5/8" I.R. w/COD Cap set at the most northerly corner of the herein described tract of land;

THENCE South 33°03'23" East, continuing over and across said 505 Riverfront, Ltd. property a distance of 575.35 feet to the **POINT OF BEGINNING**, containing 2,816 Square Feet, or 0.065 Acres of land.

BASIS OF BEARINGS: Bearings are based on State Plane Coordinate System, Texas North Central Zone 4202, North American Datum of 1983 (2011). All distances are surface values, using a scale factor of 1.000136506.

Scott Holt
3/15/2019



STATE OF TEXAS
INT 201100078623

SINGLETON BOULEVARD
(Variable Width Right-of-Way)

839.81'

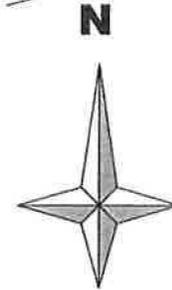
EXHIBIT A
TRACT III

John Beeman Survey
Abstract No. 209

Storm Sewer Easement
(Centerline Description)
Volume 1729, Page 189

Block 6828
UNPLATTED

505 RIVERFRONT, LTD
Int. #201200355763 (Tract 1)



100 50 0 100

POINT OF
BEGINNING

2,816 Sq. Ft. (0.065 Ac.)
Fiber Optic Communications
Easement To Be Acquired

Block 8654
UNPLATTED

R= 726.75'
Δ= 2°01'05"
L= 25.60'
Ch.= 25.60'
N 44°19'19" W

R= 726.75'
Δ= 3°11'35"
L= 40.50'
Ch.= 40.49'
N 46°55'38" W

Iron Axle (Found)
Record Monument
& POINT OF
COMMENCING

R= 5,819.60'
Δ= 2°17'53"
L= 233.41'
Ch.= 233.40'
N 29°46'53" W

CITY OF DALLAS
V. 74029, P. 777

UNION PACIFIC RAILROAD CO.
(Successor in Title to the
Texas & Pacific Railroad Co.)
Volume S, Page 412

RIVERFRONT BOULEVARD
(Variable Width Right-of-Way)
229.43'

1103.45'

Page 3 of 3

⊙ Indicates a 5/8" I.R. w/C.O.D. Cap

BASIS OF BEARINGS: Bearings are based on the
State Plane Coordinate System, Texas North Central
Zone 4202, North American Datum of 1983.

ABLE PUMP STATION Trinity Watershed Management			
0.065 Acre Fiber Optic Communications Easement To Be Acquired			
DEPARTMENT OF PUBLIC WORKS			
SURVEY DIVISION CITY OF DALLAS, TEXAS			
OPER. NAME	DESIGN FILE NAME	SCALE	DATE
Holt	N:\ENGR\SURVEY\Blandon\TRINITY\ablesmsm1a.cad.dwg	As Noted	05-30-18
PARTY CHIEF	CALCULATIONS	FOLDER	FILE NO.
Peck	Holt	Block 6828	041D-71

FIBER OPTIC COMMUNICATION EASEMENT

THE STATE OF TEXAS

§

KNOW ALL PERSONS BY THESE PRESENTS:

§

COUNTY OF DALLAS

§

That 505 Riverfront Ltd., a Texas limited partnership (hereinafter called "Grantor" whether one or more natural persons or legal entities), of the County of Montgomery, State of Texas, for and in consideration of the sum of FIFTY THOUSAND, SIX HUNDRED, SIXTY-SEVEN AND NO/100 (\$50,667.00) DOLLARS and other good and valuable consideration, to the undersigned in hand paid by the City of Dallas, 1500 Marilla Street, Dallas, Texas, 75201, a Texas municipal corporation (hereinafter called "Grantee"), the receipt of which is hereby acknowledged and confessed, has granted, sold and conveyed and does hereby grant, sell and convey unto Grantee, its successors and assigns: (i) an exclusive easement for the installation, construction, operation, maintenance, replacement, repair, upgrade, adding to and removal of one or more fiber optic communication lines and related facilities in, under, over, through, across and along all that certain lot, tract or parcel of land described in Exhibit "A", attached hereto and made a part hereof for all purposes and (ii) an exclusive, irrevocable, and perpetual subsurface fiber optic communication easement as to the area lying between the elevations of 380 feet and 400 feet (U.S. Survey Feet) National Geodetic Vertical Datum 1929, located under the surface of and through the lot, tract, or parcel of land described in Exhibit "B", attached hereto and incorporated herein for all purposes. The area covered by the easements described in items (i) and (ii) above is collectively referred to as the "Easement Area". This conveyance is subject to all matters of record affecting the Easement Area.

The Easement Area is hereby dedicated as a fiber optic communication easement for the perpetual use and benefit of the Grantee, provided, however, that nothing herein shall be construed as a dedication of such easement to the public for any purpose other than as expressly set forth herein. Except as otherwise provided herein, Grantee shall have the right to remove or keep removed all or all parts of buildings, fences, trees, shrubs, or other improvement or growth in the Easement Area which in any way may endanger or interfere with the efficient construction, maintenance, or use of its respective system or facilities on this easement.

Grantee shall at all times have the right of ingress and egress to and from and upon the Easement Area as depicted in Exhibit "A" only, areas described in Exhibit "B" shall be accessed via areas described in Exhibit "A" only for the purpose of installing, constructing, operating, maintaining, replacing, upgrading, adding to or removing all or part of its respective system or facilities without the necessity at any time of procuring the permission of anyone. Grantee shall as reasonable under the circumstances provide advance notice to Grantor provided however Grantee's failure to provide such notice shall not in any case be deemed a default or cause an early termination of the Easement hereunder.

Should one or more of the Grantors herein be natural persons and not joined by their respective spouse, it is conclusively presumed that the land herein conveyed is not the residence or business homestead of such Grantor(s). Should one or more of the Grantors herein be a legal entity other than a natural person, it is conclusively presumed that the person signing on behalf of such party has been duly and legally authorized to so sign and there shall be no necessity for a seal or attestation.

Nothing in this easement shall be construed as a waiver by City of any connection charge or other charge or charges imposed by ordinance or Charter of the City of Dallas.

This conveyance and the warranty of title herein provided is subject to: (1) all easements, rights-of-way and prescriptive rights, whether of record or not, pertaining to any portion of the property; (2) all presently recorded and valid oil, gas and/or other mineral exceptions, rights of development or leases, royalty reservations and/or other instruments constituting oil, gas or other mineral interest severances of any kind; (3) all presently recorded restrictive covenants, terms, conditions, contracts, provisions, zoning ordinances and other items, but only to the extent that same are still effective; and (4) all presently recorded instruments (other than encumbrances and conveyances by, through or under Grantor) that affect the property;

SPECIAL PROVISIONS:

Upon completion of construction or any work Grantee undertakes in the Easement area, all surplus excavation, debris, trash or litter resulting from construction or other work shall be cleaned up and hauled off the premises, and the property including any fences disturbed, shall be restored to its original contour and condition.

As a material part of the consideration for the easement, Grantor and Grantee agree that Grantee is taking the interests in the property "AS IS" with any and all latent and patent defects and that there is no warranty by Grantor that the property has a particular financial value or is fit for a particular purpose. Grantee acknowledges and stipulates that Grantee is not relying on any representation, statement, or other assertion with respect to the property but is relying on Grantee's examination of the property. Grantee takes the property with the express understanding and stipulation that there are no express or implied warranties except for the limited warranty of title set forth in this easement instrument.

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

SIGNATURES APPEAR ON THE FOLLOWING PAGE

EXECUTED this _____ day of _____, 20____.

505 RIVERFRONT LTD.,
a Texas limited partnership

By: GEMCO Riverfront LLC,
a Texas limited liability company,
its general partner

By: _____
Margaret Woodward Molleston, President

* * * * *

THE STATE OF TEXAS §
 §
COUNTY OF MONTGOMERY §

This instrument was acknowledged before me on _____, 2018, by
Margaret Woodward Molleston, President of GEMCO Riverfront, LLC, a Texas limited liability company,
as general partner of 505 Riverfront Ltd., a Texas limited partnership, on behalf of said limited liability
company and limited partnership.

Notary Public, State of Texas

* * * * *

AFTER RECORDING, RETURN TO:
City of Dallas
Dallas Water Utilities
Real Estate Division
1500 Marilla Street, 6B South
Dallas, Texas 75201
Attn: Todd Wright
Log No. TWM 611



Agenda Information Sheet

File #: 19-379

Item #: 19.

STRATEGIC PRIORITY: Mobility Solutions, Infrastructure, and Sustainability

AGENDA DATE: May 8, 2019

COUNCIL DISTRICT(S): 6, 13

DEPARTMENT: Water Utilities Department

EXECUTIVE: Majed Al-Ghafry

SUBJECT

Authorize a professional services contract with HDR Engineering, Inc. for the engineering design of Storm Drainage Contract No. 1 for the Pensive Drive Channel and Walnut Hill Lane Storm Drainage System - Not to exceed \$1,066,050.69 - Financing: Storm Drainage Management Capital Construction Fund

BACKGROUND

This action will authorize a professional services contract with HDR Engineering, Inc. for the engineering design of flood protection and storm drainage relief for the Pensive Drive Channel and Walnut Hill Lane Storm Drainage System. The City of Dallas has determined that drainage improvements are necessary to provide adequate capacity for the conveyance of storm water flows and to address localized flooding during storm events. The project will provide flood relief for 12 homes that are prone to flooding in the Pensive Drive neighborhood.

The Pensive Drive neighborhood is drained by an existing concrete channel which then flows into an existing 10-foot diameter elliptical pipe (horseshoe shape) in Walnut Hill Lane that was installed in 1960. This project will assess the structural condition of the existing storm drainage system and determine what additional capacity is required to convey storm water for flood relief. Upon completion of these assessments, improvements will be recommended and designed. Recommended improvements may include but are not limited to storm drainage system repairs, storm drainage system replacements, channel modifications, upstream diversions, and additional infrastructure. The proposed improvements will be designed to avoid negative hydraulic impacts downstream and may require floodplain mitigation at the outfall channel.

The services provided for this project include project management, topographic and boundary surveys, subsurface utility exploration, geotechnical investigations, permitting assistance, structural analysis, development of conceptual and preliminary construction plans, and development of final construction plans and special specifications.

The consulting firm was selected following a qualifications-based selection process in accordance with the City of Dallas Administrative Directive 4-5 procurement guidelines.

ESTIMATED SCHEDULE OF PROJECT

Begin Design	June 2019
Complete Design	June 2020
Begin Construction	December 2020
Complete Construction	June 2022

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

The Mobility Solutions, Infrastructure, and Sustainability Committee will be briefed by memorandum regarding this matter on May 3, 2019.

FISCAL INFORMATION

Storm Drainage Management Capital Construction Fund - \$1,066,050.69

Estimated Future Cost - Construction - \$9,575,172.80

<u>Council District</u>	<u>Amount</u>
6	\$ 533,025.34
13	\$ 533,025.35
Total	\$1,066,050.69

M/WBE INFORMATION

In accordance with the City’s Business Inclusion and Development Plan adopted on October 22, 2008, by Resolution No. 08-2826, as amended, the M/WBE participation on this contract is as follows:

Contract Amount	Category	M/WBE Goal	M/WBE %	M/WBE \$
\$1,066,050.69	Architectural & Engineering	25.66%	27.19%	\$289,879.50
• This contract exceeds the M/WBE goal.				

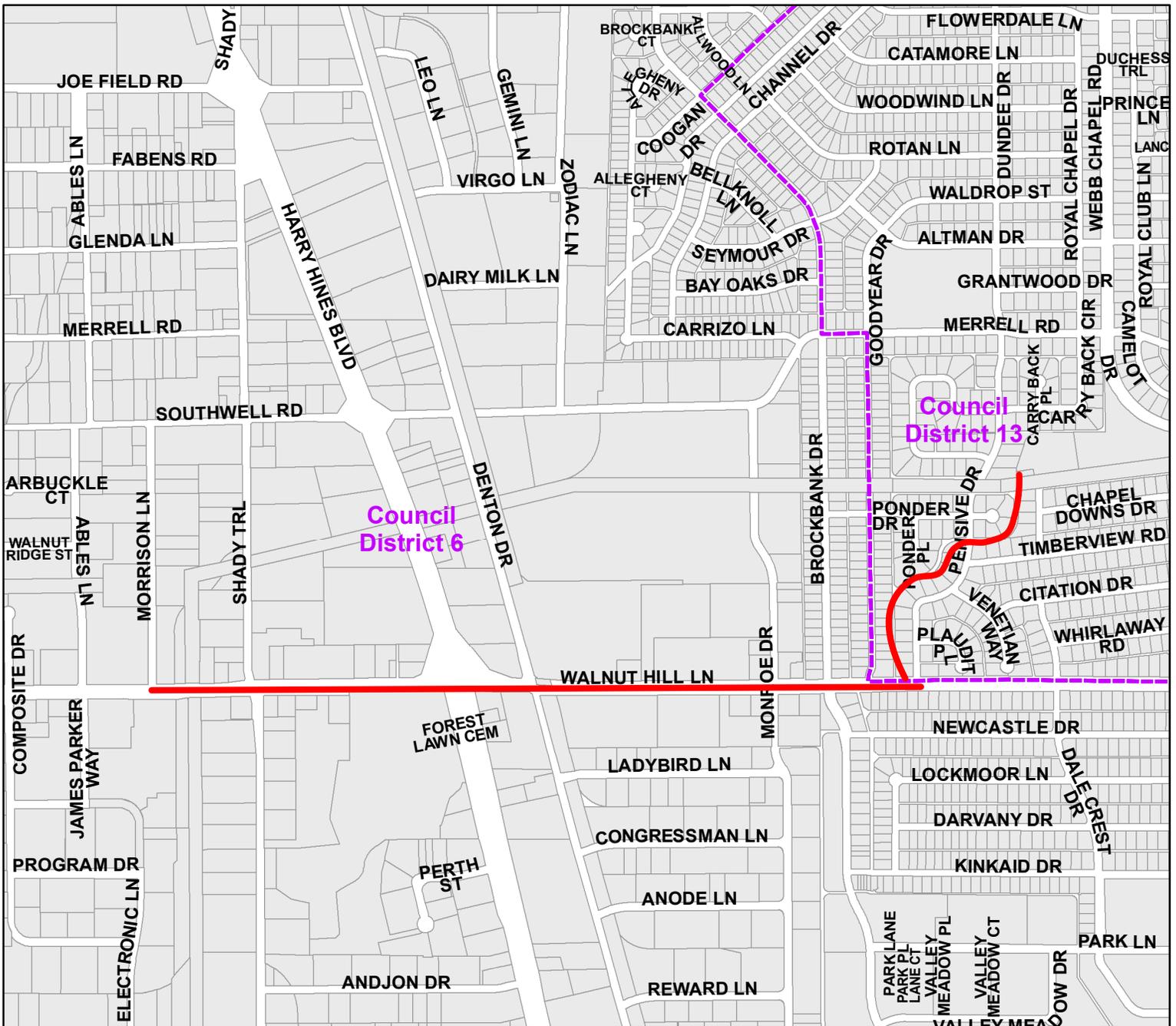
OWNER

HDR Engineering, Inc.

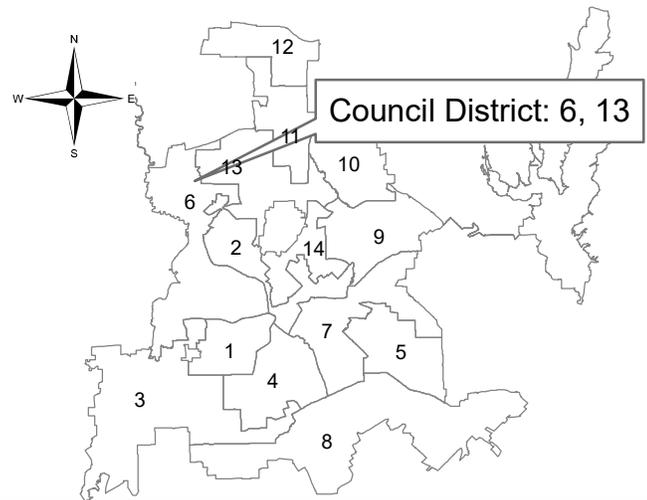
Eric Keen, Chief Executive Officer

MAP

Attached



Pensive Drive Channel and Walnut Hill Storm Drainage System



Dallas Water Utilities
Contract No. 19-075E
Storm Drainage Contract No. 1
Stormwater Project Management

May 8, 2019

WHEREAS, the City of Dallas has identified a need to address flood protection and storm drain relief for the Pensive Drive Channel and Walnut Hill Lane Storm Drainage System; and

WHEREAS, engineering services are required to evaluate, design, and construct storm drainage infrastructure improvements to provide relief for homes that are prone to flooding in the area; and

WHEREAS, engineering services will include preliminary investigation, surveying, geotechnical investigation, preliminary design, and development of construction plans and specifications; and

WHEREAS, HDR Engineering, Inc., 17111 Preston Road, Suite 300, Dallas, Texas, 75248, has submitted an acceptable proposal to provide these engineering services.

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 a professional services contract with HDR Engineering, Inc., approved as to form by the City Attorney, for the engineering design of Storm Drainage Contract No. 1 for the Pensive Drive Channel and Walnut Hill Lane Storm Drainage System, in an amount not to exceed \$1,066,050.69.

SECTION 2. That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed \$1,066,050.69 to HDR Engineering, Inc. from Storm Drainage Management Capital Construction Fund, Fund 0063, Department DWU, Unit W212, Activity SD01, Object 4111, Program TW17W212, Encumbrance/Contract No. CX-DWU-2019-00009207, Vendor 181219.

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.



Agenda Information Sheet

File #: 18-1133

Item #: 20.

STRATEGIC PRIORITY: Mobility Solutions, Infrastructure, and Sustainability

AGENDA DATE: May 8, 2019

COUNCIL DISTRICT(S): 4, 6, 7, 8, 9, 10, Outside City Limits

DEPARTMENT: Water Utilities Department

EXECUTIVE: Majed Al-Ghafry

SUBJECT

Authorize Supplemental Agreement No. 1 to the professional services contract with Halff Associates, Inc. to provide additional engineering and construction administration services associated with heating, ventilation, and air conditioning system improvements and building envelope renovations at various Dallas Water Utilities owned facilities - Not to exceed \$139,871.85, from \$2,653,128.64 to \$2,793,000.49 - Financing: Water Utilities Capital Improvement Funds

BACKGROUND

Roofs and heating, ventilation and air conditioning (HVAC) systems at Dallas Water Utilities (DWU) facilities are generally exposed to aggressive and corrosive environment due to the chemicals used and gas byproducts associated with the water and wastewater treatment processes. With this exposure, materials break down at a higher rate when compared to typical office building facilities. In 2012 and 2013, a condition assessment was performed on all of the roof and HVAC systems at DWU facilities. This included 232 building facilities, 449 roof sections and 2,605 HVAC units. The comprehensive assessment provided a prioritized list of needs that are being addressed under this contract.

On March 26, 2014, City Council authorized a professional services contract with Halff Associates, Inc. to provide design services for Priority II roof replacements, Priority I and II HVAC replacements and facility renovations at various DWU buildings. This included replacement of 69 roof sections, replacement or repair of 414 HVAC components and building envelope renovations. On October 11, 2016 and September 26, 2018, two construction contracts were awarded associated with these improvements.

This item will authorize additional engineering and construction administration services required to update design plans to meet newly adopted energy codes and address unforeseen field conditions at various locations. Approval of this item will allow DWU to continue its maintenance program for roof and HVAC systems that protects the various types of production equipment and process controls. Protection of this equipment ensures the continued reliable water and wastewater services that DWU provides to approximately 2.3 million customers in Dallas and its surrounding cities.

ESTIMATED SCHEDULE OF PROJECT

Began Design	October 2017
Completed Design	April 2018
Began Construction	October 2018
Complete Construction	July 2020

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On March 26, 2014, City Council authorized a professional services contract with Halff Associates, Inc. to provide (1) architectural and engineering services for the design of roof and HVAC systems; and (2) a space utilization study for the Trinity Watershed Management Department by Resolution No. 14-0523.

On October 11, 2016, City Council authorized a construction contract for building renovations, roof replacements and miscellaneous improvements at six Dallas Water Utilities facilities by Resolution No. 16-1681.

On September 26, 2018, City Council authorized a construction contract for roof and heating, ventilation, and air conditioning replacements at Dallas Water Utilities owned facilities by Resolution No. 18-1405.

The Mobility Solutions, Infrastructure, and Sustainability Committee will be briefed by memorandum regarding this item on May 3, 2019.

FISCAL INFORMATION

Water Utilities Capital Improvement Funds - \$139,871.85

Design	\$2,653,128.64
Supplemental Agreement No. 1 (this action)	<u>\$ 139,871.85</u>
Total Project Cost	\$2,793,000.49

<u>Council District</u>	<u>Amount</u>
4	\$ 39,471.85
6	\$ 4,000.00
7	\$ 5,000.00
8	\$ 44,000.00
9	\$ 6,000.00
10	\$ 15,400.00
Outside City Limits	<u>\$ 26,000.00</u>
Total	\$139,871.85

M/WBE INFORMATION

In accordance with the City's Business Inclusion and Development Plan adopted on October 22, 2008, by Resolution No. 08-2826, as amended, the M/WBE participation on this contract is as follows:

Contract Amount	Category	M/WBE Goal	M/WBE %	M/WBE \$
\$139,871.85	Architectural & Engineering	25.66%	7.15%	\$10,000.00
• This contract does not meet the M/WBE goal, but complies with good faith efforts.				
• Supplemental Agreement No. 1 - 25.47% Overall M/WBE participation				

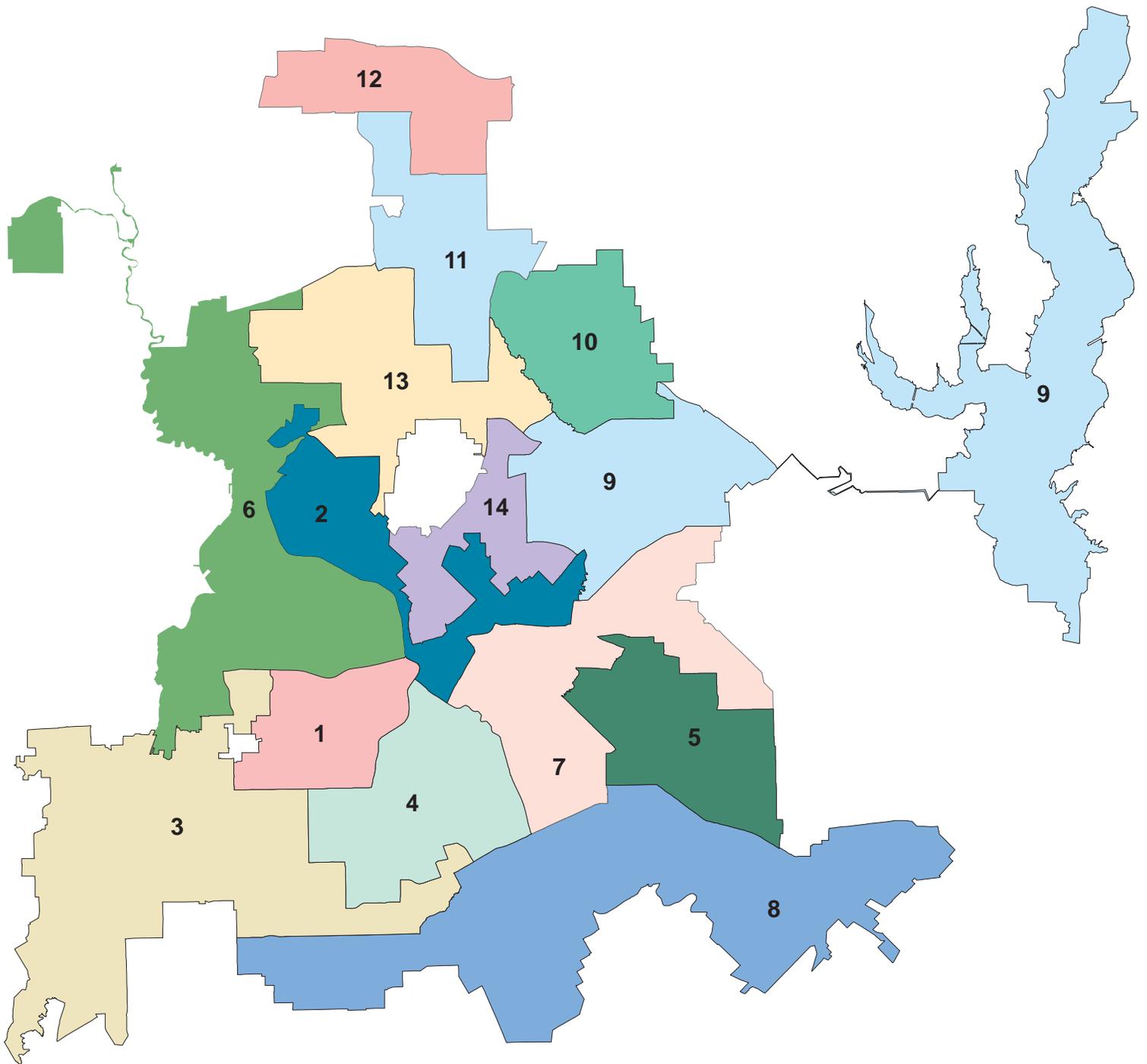
OWNER

Half Associates, Inc.

Patrick Kunz, P.E., President

MAP

Attached



**Dallas Water Utilities
Contract No. 14-001/002E, Supplemental Agreement No. 1
Roof and HVAC Systems Design**

May 8, 2019

WHEREAS, on March 26, 2014, City Council authorized a professional services contract with Halff Associates, Inc. to provide (1) architectural and engineering services for the design of roof and heating, ventilation and air conditioning (HVAC) systems; and (2) a space utilization study for the Trinity Watershed Management Department by Resolution No. 14-0523; and

WHEREAS, on October 11, 2016, City Council authorized a construction contract for building renovations, roof replacements and miscellaneous improvements at six Dallas Water Utilities facilities by Resolution No. 16-1681; and

WHEREAS, on September 26, 2018, City Council authorized a construction contract for roof and HVAC replacements at Dallas Water Utilities owned facilities by Resolution No. 18-1405; and

WHEREAS, additional design and construction administration services for HVAC improvements and building envelope renovations at various Dallas Water Utilities owned facilities is needed; and

WHEREAS, Halff Associates, Inc., 1201 North Bowser Road, Richardson, Texas 75081, has submitted an acceptable proposal for this additional work; and

WHEREAS, Dallas Water Utilities recommends that Contract No. 14-001/002E be increased by \$139,871.85, from \$2,653,128.64 to \$2,793,000.49.

Now, Therefore,

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

SECTION 1. That the proposed Supplemental Agreement No. 1 to the professional services contract be accepted and that Contract No. 14-001/002E with Halff Associates, Inc., be revised accordingly.

SECTION 2. That the City Manager is hereby authorized to execute Supplemental Agreement No. 1 to the professional services contract with Halff Associates, Inc., approved as to form by the City Attorney, to provide additional engineering and construction administration services associated with heating, ventilation, and air conditioning system improvements and building envelope renovations at various Dallas Water Utilities owned facilities, in an amount not to exceed \$139,871.85, increasing the contract amount from \$2,653,128.64 to \$2,793,000.49.

SECTION 3. That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed \$139,871.85 to Halff Associates, Inc., as follows:

May 8, 2019

SECTION 3. (continued)

Water Capital Improvement Fund Fund 3115, Department DWU, Unit PW42 Object 4111, Program 714001, Vendor 089861 Encumbrance CT-DWU714001CP	\$ 46,000.00
Wastewater Capital Improvement Fund Fund 2116, Department DWU, Unit PS42 Object 4111, Program 714002, Vendor 089861 Encumbrance CT-DWU714002CP	<u>\$ 93,871.85</u>
Total amount not to exceed	\$139,871.85

SECTION 4. That this contract is designated as Contract No. DWU-2017-00003278.

SECTION 5. 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.