

**JUNE 15, 2016 CITY COUNCIL AGENDA
CERTIFICATION**

This certification is given pursuant to Chapter XI, Section 9 of the City Charter for the City Council Agenda dated June 15, 2016. We hereby certify, as to those contracts, agreements, or other obligations on this Agenda authorized by the City Council for which expenditures of money by the City are required, that all of the money required for those contracts, agreements, and other obligations is in the City treasury to the credit of the fund or funds from which the money is to be drawn, as required and permitted by the City Charter, and that the money is not appropriated for any other purpose.



A.C. Gonzalez
City Manager



Date



Jeanne Chipperfield
Chief Financial Officer

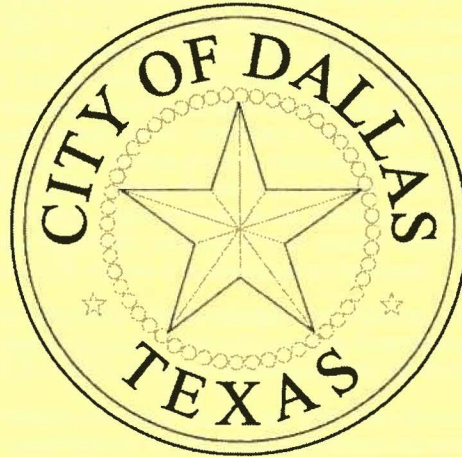


Date

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CITY SECRETARY
DALLAS, TEXAS



COUNCIL AGENDA

June 15, 2016

Date

(For General Information and Rules of Courtesy, Please See Opposite Side.)
(La Información General Y Reglas De Cortesía Que Deben Observarse
Durante Las Asambleas Del Consejo Municipal Aparecen En El Lado Opuesto, Favor De Leerlas.)

General Information

The Dallas City Council regularly meets on Wednesdays beginning at 9:00 a.m. in the Council Chambers, 6th floor, City Hall, 1500 Marilla. Council agenda meetings are broadcast live on WRR-FM radio (101.1 FM) and on Time Warner City Cable Channel 16. Briefing meetings are held the first and third Wednesdays of each month. Council agenda (voting) meetings are held on the second and fourth Wednesdays. Anyone wishing to speak at a meeting should sign up with the City Secretary's Office by calling (214) 670-3738 by 5:00 p.m. of the last regular business day preceding the meeting. Citizens can find out the name of their representative and their voting district by calling the City Secretary's Office.

If you need interpretation in Spanish language, please contact the City Secretary's Office at 214-670-3738 with a 48 hour advance notice.

Sign interpreters are available upon request with a 48-hour advance notice by calling (214) 670-3738 V/TDD. The City of Dallas is committed to compliance with the Americans with Disabilities Act. **The Council agenda is available in alternative formats upon request.**

If you have any questions about this agenda or comments or complaints about city services, call 311.

Rules of Courtesy

City Council meetings bring together citizens of many varied interests and ideas. To insure fairness and orderly meetings, the Council has adopted rules of courtesy which apply to all members of the Council, administrative staff, news media, citizens and visitors. These procedures provide:

- That no one shall delay or interrupt the proceedings, or refuse to obey the orders of the presiding officer.
- All persons should refrain from private conversation, eating, drinking and smoking while in the Council Chamber.
- Posters or placards must remain outside the Council Chamber.
- No cellular phones or audible beepers allowed in Council Chamber while City Council is in session.

"Citizens and other visitors attending City Council meetings shall observe the same rules of propriety, decorum and good conduct applicable to members of the City Council. Any person making personal, impertinent, profane or slanderous remarks or who becomes boisterous while addressing the City Council or while attending the City Council meeting shall be removed from the room if the sergeant-at-arms is so directed by the presiding officer, and the person shall be barred from further audience before the City Council during that session of the City Council. If the presiding officer fails to act, any member of the City Council may move to require enforcement of the rules, and the affirmative vote of a majority of the City Council shall require the presiding officer to act." Section 3.3(c) of the City Council Rules of Procedure.

Información General

El Ayuntamiento de la Ciudad de Dallas se reúne regularmente los miércoles en la Cámara del Ayuntamiento en el sexto piso de la Alcaldía, 1500 Marilla, a las 9 de la mañana. Las reuniones informativas se llevan a cabo el primer y tercer miércoles del mes. Estas audiencias se transmiten en vivo por la estación de radio WRR-FM 101.1 y por cablevisión en la estación *Time Warner City Cable* Canal 16. El Ayuntamiento Municipal se reúne el segundo y cuarto miércoles del mes para tratar asuntos presentados de manera oficial en la agenda para su aprobación. Toda persona que desee hablar durante la asamblea del Ayuntamiento, debe inscribirse llamando a la Secretaría Municipal al teléfono (214) 670-3738, antes de las 5:00 pm del último día hábil anterior a la reunión. Para enterarse del nombre de su representante en el Ayuntamiento Municipal y el distrito donde usted puede votar, favor de llamar a la Secretaría Municipal.

Si necesita interpretación en idioma español, por favor comuníquese con la oficina de la Secretaría del Ayuntamiento al 214-670-3738 con notificación de 48 horas antes.

Intérpretes para personas con impedimentos auditivos están disponibles si lo solicita con 48 horas de anticipación llamando al (214) 670-3738 (aparato auditivo V/TDD). La Ciudad de Dallas está comprometida a cumplir con el decreto que protege a las personas con impedimentos, *Americans with Disabilities Act*. **La agenda del Ayuntamiento está disponible en formatos alternos si lo solicita.**

Si tiene preguntas sobre esta agenda, o si desea hacer comentarios o presentar quejas con respecto a servicios de la Ciudad, llame al 311.

Reglas de Cortesía

Las asambleas del Ayuntamiento Municipal reúnen a ciudadanos de diversos intereses e ideologías. Para asegurar la imparcialidad y el orden durante las asambleas, el Ayuntamiento ha adoptado ciertas reglas de cortesía que aplican a todos los miembros del Ayuntamiento, al personal administrativo, personal de los medios de comunicación, a los ciudadanos, y a visitantes. Estos reglamentos establecen lo siguiente:

- Ninguna persona retrasará o interrumpirá los procedimientos, o se negará a obedecer las órdenes del oficial que preside la asamblea.
- Todas las personas deben abstenerse de entablar conversaciones, comer, beber y fumar dentro de la cámara del Ayuntamiento.
- Anuncios y pancartas deben permanecer fuera de la cámara del Ayuntamiento.
- No se permite usar teléfonos celulares o enlaces electrónicos (*paggers*) audibles en la cámara del Ayuntamiento durante audiencias del Ayuntamiento Municipal.

"Los ciudadanos y visitantes presentes durante las asambleas del Ayuntamiento Municipal deben obedecer las mismas reglas de comportamiento, decoro y buena conducta que se aplican a los miembros del Ayuntamiento Municipal. Cualquier persona que haga comentarios impertinentes, utilice vocabulario obsceno o difamatorio, o que al dirigirse al Ayuntamiento lo haga en forma escandalosa, o si causa disturbio durante la asamblea del Ayuntamiento Municipal, será expulsada de la cámara si el oficial que esté presidiendo la asamblea así lo ordena. Además, se le prohibirá continuar participando en la audiencia ante el Ayuntamiento Municipal. Si el oficial que preside la asamblea no toma acción, cualquier otro miembro del Ayuntamiento Municipal puede tomar medidas para hacer cumplir las reglas establecidas, y el voto afirmativo de la mayoría del Ayuntamiento Municipal precisará al oficial que esté presidiendo la sesión a tomar acción." Según la sección 3.3(c) de las reglas de procedimientos del Ayuntamiento.

SUPPLEMENTAL NOTICE

"Pursuant to Section 30.06, Penal Code (trespass by license holder with a concealed handgun), a person licensed under Subchapter H, Chapter 411, Government Code (handgun licensing law), may not enter this property with a concealed handgun."

"De acuerdo con la sección 30.06 del código penal (ingreso sin autorización de un titular de una licencia con una pistola oculta), una persona con licencia según el subcapítulo h, capítulo 411, código del gobierno (ley sobre licencias para portar pistolas), no puede ingresar a esta propiedad con una pistola oculta."

"Pursuant to Section 30.07, Penal Code (trespass by license holder with an openly carried handgun), a person licensed under Subchapter H, Chapter 411, Government Code (handgun licensing law), may not enter this property with a handgun that is carried openly."

"De acuerdo con la sección 30.07 del código penal (ingreso sin autorización de un titular de una licencia con una pistola a la vista), una persona con licencia según el subcapítulo h, capítulo 411, código del gobierno (ley sobre licencias para portar pistolas), no puede ingresar a esta propiedad con una pistola a la vista."

**AGENDA
CITY COUNCIL MEETING
WEDNESDAY, JUNE 15, 2016
ORDER OF BUSINESS**

Agenda items for which individuals have registered to speak will be considered no earlier than the time indicated below:

9:00 a.m. **INVOCATION AND PLEDGE OF ALLEGIANCE**

OPEN MICROPHONE

MINUTES

Item 1

CONSENT AGENDA

Items 2 - 41

ITEMS FOR INDIVIDUAL CONSIDERATION

No earlier
than 9:15 a.m.

Items 42 - 50

PUBLIC HEARINGS AND RELATED ACTIONS

1:00 p.m.

Items 51 - 60

NOTE: A revised order of business may be posted prior to the date of the council meeting if necessary.

AGENDA
CITY COUNCIL MEETING
JUNE 15, 2016
CITY OF DALLAS
1500 MARILLA
COUNCIL CHAMBERS, CITY HALL
DALLAS, TEXAS 75201
9:00 A. M.

Invocation and Pledge of Allegiance (Council Chambers)

Agenda Item/Open Microphone Speakers

VOTING AGENDA

1. Approval of Minutes of the May 25, 2016 City Council Meeting

CONSENT AGENDA

Aviation

2. Authorize the ninth amendment to the Headquarters Lease with Southwest Airlines Co. for ground rights at Dallas Love Field for the construction of a pedestrian sky bridge consisting of 4,646 square feet and connecting the headquarters building with another property owned by Southwest Airlines Co. across Denton Drive, a portion of the Sky Bridge will be on property leased by Southwest Airlines Co. from Aviation - Financing: No cost consideration to the City

Business Development & Procurement Services

3. Authorize a service contract to upgrade the electronic video scoreboard at the Cotton Bowl - Daktronic, Inc., through the Texas Association of School Boards (Buyboard) - Not to exceed \$83,000 - Financing: Fair Park Maintenance Funds

CONSENT AGENDA (Continued)**Business Development & Procurement Services (Continued)**

4. Authorize a one-year service contract for janitorial services at the Office of Cultural Affairs facilities - TIBH Industries, Inc. - Not to exceed \$890,544 - Financing: Current Funds (\$883,496) and Municipal Radio Current Funds (\$7,048) (subject to annual appropriations)
5. Authorize a three-year service contract to provide storage, hauling and disposal of excavated material - Green Planet, Inc., most advantageous proposer of five - Not to exceed \$667,200 - Financing: Water Utilities Current Funds (subject to annual appropriations)
6. Authorize a three-year service contract for repair and overhaul services for pumps - Evans Enterprises, Inc. in the amount of \$2,140,835, Allen's Electric Motor Service, Inc. in the amount of \$1,483,840 and Anytime Pump Service Company dba CIE in the amount of \$586,225, lowest responsible bidders of four - Total not to exceed \$4,210,900 - Financing: Current Funds (\$161,070), Water Utilities Current Funds (\$3,734,355) and Stormwater Drainage Management Current Funds (\$315,475) (subject to annual appropriations)
7. Authorize a one-year master agreement for 40mm launchers for Police - GT Distributors, Inc. through the Texas Association of School Boards (BuyBoard) - Not to exceed \$235,992 - Financing: Current Funds
8. Authorize a three-year master agreement for fire hoses for Fire-Rescue - Metro Fire Apparatus Specialist, Inc. in the amount of \$959,726, Casco Industries, Inc. in the amount of \$76,450 and Dooley Tackaberry, Inc. in the amount of \$72,225, lowest responsible bidders of six - Total not to exceed \$1,108,401 - Financing: Current Funds

City Auditor's Office

9. Authorize a budget estimate of the needs and requirements of the City Auditor's Office for FY 2016-17 in the amount of \$3,106,152 (subject to final funding adjustments for decisions that will be made on a citywide basis for items such as staff benefits, insurance, Communication and Information Services charges, and other items that may affect all city departmental budgets) - Financing: This action has no cost consideration to the City

City Controller's Office

10. An ordinance authorizing the issuance and sale of Waterworks and Sewer System Revenue Refunding Bonds, Tax Exempt Series 2016A and Taxable Series 2016B in an aggregate principal amount not to exceed \$640,000,000; establishing parameters regarding the sale of the Bonds; approving the execution of the Bond Purchase Agreement and all other matters related thereto - Not to exceed \$1,249,118 - Financing: Water Utilities Current Funds

CONSENT AGENDA (Continued)

Economic Development

11. Authorize amendments to the Dallas Development Fund's certificate of formation and bylaws, and the City Manager to file the amended certificate of formation with the Secretary of State - Financing: No cost consideration to the City

Office of Environmental Quality

12. A resolution authorizing the City of Dallas to communicate its positions and requests regarding the Texas Commission on Environmental Quality's (TCEQ's) proposed State Implementation Plan for the Dallas-Fort Worth Region ozone pollution to the State of Texas, the TCEQ, and other agencies - Financing: No cost consideration to the City

Office of Financial Services

13. An ordinance amending and modifying Ordinance No. 27793, that granted to Atmos Energy Corporation, a Texas corporation, a franchise for the purpose of constructing, maintaining, and using a gas utility system in the City of Dallas; revising the definition of Gross Revenues; providing for acceptance by Grantee; and providing an effective date - Financing: This action has no cost consideration to the City (see Fiscal Information for future potential costs)

Park & Recreation

14. Authorize a Multiple Use Agreement with the Texas Department of Transportation (TxDOT) for the construction and maintenance of a natural surface trail within TxDOT right-of-way at Hines Park located at 9700 Harry Hines Boulevard - Financing: No cost consideration to the City
15. Authorize an application for a matching grant through the Collin County Parks and Open Space Project Funding Assistance Program in the amount of approximately \$660,000 for development of Moss Glen Park located at 5200 Bentwood Trail - Financing: This action has no cost consideration to the City
16. Authorize a contract with Going Forward, Inc., best value proposer of three, for pavilion repairs at Hamilton Park located at 12225 Willowdell Drive - Not to exceed \$154,000 - Financing: 2006 Bond Funds
17. Authorize a contract with Henneberger Construction, Inc., lowest responsible bidder of five, for fire line and fire lane improvements at Elm Fork Shooting Sports located at 10751 Luna Road - Not to exceed \$267,512 - Financing: 2006 Bond Funds (\$217,512) and Park and Recreation Beautification Funds (\$50,000)

CONSENT AGENDA (Continued)**Public Works Department**

18. Authorize an amendment to the Interlocal Agreement with Dallas Area Rapid Transit to provide for the operation and maintenance costs for the southern and northern extensions of the Dallas Streetcar System (Union Station to North Oak Cliff) and two additional vehicles - Financing: This action has no cost consideration to the City (see Fiscal Information for future potential costs)
19. Authorize payment to Dallas Area Rapid Transit for operation and maintenance costs for the Dallas Streetcar System (Union Station to North Oak Cliff) for Fiscal Year 2016 - Not to exceed \$875,000 - Financing: Current Funds
20. Authorize the first amendment to Contract No. 582-16-60016 with the Texas Commission on Environmental Quality to accept additional state grant funds to operate and maintain whole air samplers and conduct BioWatch air monitoring activities in Dallas County for the period September 1, 2016 through August 31, 2017 - Not to exceed \$483,321, from \$477,811 to \$961,132 - Financing: Texas Commission on Environmental Quality Grant Funds
21. Authorize **(1)** the second amendment to Contract No. 582-15-50121 with the Texas Commission on Environmental Quality to accept additional state grant funds in the amount of \$525,117, from \$1,050,234 to \$1,575,351 to continue the Air Pollution Compliance Program to provide investigative services and complaint responses within the City of Dallas for a one-year period, from September 1, 2016 through August 31, 2017; and **(2)** a local match in an amount not to exceed \$258,640 - Total not to exceed \$783,757, from \$1,567,514 to \$2,351,271 - Financing: Texas Commission on Environmental Quality Grant Funds (\$525,117) and Current Funds (\$258,640) (subject to appropriations)
22. Authorize the third amendment to Contract No. 582-15-50031 with the Texas Commission on Environmental Quality to accept additional state grant funds to conduct the Rockwall Ambient Air Monitoring Program for the period September 1, 2016 through August 31, 2017 - Not to exceed \$28,054, from \$56,106 to \$84,160 - Financing: Texas Commission on Environmental Quality Grant Funds
23. Authorize the third amendment to Contract No. 582-15-50039 with the Texas Commission on Environmental Quality to accept additional grant funds in the amount of \$67,587 for air quality monitoring of the particulate matter 2.5 network for the period September 1, 2016 through August 31, 2017 - Not to exceed \$67,587, from \$135,173 to \$202,760 - Financing: Texas Commission on Environmental Quality Grant Funds

CONSENT AGENDA (Continued)**Street Services**

24. Authorize **(1)** an Interlocal Agreement with the Texas Department of Transportation (TxDOT) to provide cost reimbursement for material and labor costs incurred by the City for traffic signal improvements at three on-system locations on Interstate Highway 35 East Frontage Road and Loop 12, Interstate Highway 635 Frontage Road and U.S. Highway 75, and Loop 12 and Hampton Road; **(2)** the receipt and deposit of funds from TxDOT in the amount of \$126,676; and **(3)** the establishment of appropriations in the amount of \$126,676 in the Texas Department of Transportation Grant Fund - Not to exceed \$126,676 - Financing: Texas Department of Transportation Grant Funds

Sustainable Development and Construction

25. Authorize acquisition from Debra J. West, of approximately 2,032 square feet of land located near the intersection of McCallum Boulevard and Oakington Court for the McKamy and Osage Branch Wastewater Interceptor Project - Not to exceed \$16,714 (\$13,714, plus closing costs and title expenses not to exceed \$3,000) - Financing: Water Utilities Capital Construction Funds
26. Authorize acquisition from Laguna Apartments, LLC, of approximately 11,780 square feet of land located near the intersection of Arapaho and Preston Roads for the McKamy and Osage Branch Wastewater Interceptor Project - Not to exceed \$109,000 (\$106,020, plus closing costs and title expenses not to exceed \$2,980) - Financing: Water Utilities Capital Construction Funds
27. Authorize acquisition of three parcels of land containing a total of approximately 17,492 square feet located near the intersection of Childress and Alex Streets for the Cadillac Heights City Service and Maintenance Facilities Project (list attached) - Not to exceed \$22,200 (\$19,200, plus closing costs and title expenses not to exceed \$3,000) - Financing: 2006 Bond Funds
28. A resolution consenting to the sale of 3 tax foreclosed properties by Dallas County, acquired by the taxing authorities from a Sheriff's Sale (list attached) - Financing: No cost consideration to the City
29. A resolution authorizing the sale of a tax foreclosure property located at 6210 J J Lemmon Road to be voided and provide for the quitclaim and release unto the City, as trustee any right, title and interest Linda and Jessie Medlock may have in and to said property - Financing: This action has no cost consideration to the City
30. A resolution authorizing the conveyance of an easement and right-of-way containing approximately 26,815 square feet of land to Oncor Electric Delivery Company, LLC for the construction and maintenance of electric facilities across City-owned land located at the McCommas Bluff Landfill near the intersection of Simpson Stuart and Locust Roads - Financing: No cost consideration to the City

CONSENT AGENDA (Continued)**Sustainable Development and Construction (Continued)**

31. A resolution authorizing the conveyance of a storm sewer drainage easement containing approximately 1,592 square feet to the City of Garland across City-owned land at Lake Ray Hubbard located near the intersection of Roan and Rowlett Roads - Revenue: \$1,000
32. A resolution authorizing the conveyance of two drainage easements containing a total of approximately 23,357 square feet to the City of Rockwall across City-owned land at Lake Ray Hubbard located near the intersection of Chestnut Lane and Betty Street - Revenue: \$4,485
33. An ordinance granting a private license to Country Forest-Jackson Meadows Homeowners Association, Inc. for the use of approximately 30 square feet of land to install a monument sign on a portion of Chimney Hill Lane right-of-way, located near its intersection with Cross Creek Drive - Revenue: \$100 one-time fee, plus the \$20 ordinance publication fee
34. An ordinance granting a private license to Southwest Airlines Co. for the use of approximately 1,120 square feet of aerial space to occupy, maintain and utilize a pedestrian bridge above and over a portion of Wyman Street right-of-way, located near its intersection with Denton Drive - Revenue: \$1,000 annually, plus the \$20 ordinance publication fee

Water Utilities

35. Authorize adoption of the 2016 Water Conservation Five-Year Work Plan for the City of Dallas - Financing: No cost consideration to the City
36. Authorize a Memorandum of Understanding with Texas Parks and Wildlife Department (TPWD) for a five year term to **(1)** continue the implementation of a public awareness campaign for the prevention and spread of zebra mussels in the amount of \$125,000; and **(2)** co-sponsor with TPWD research projects on the economic impacts and population dynamics of zebra mussels in the amount of \$100,000 - Total not to exceed \$225,000 - Financing: Water Utilities Current Funds (subject to annual appropriations)
37. Authorize an amendment to the Memorandum of Understanding with the Tarrant Regional Water District to continue participation in the "Reverse Litter" public awareness campaign for an additional five-year period - Not to exceed \$1,050,000 - Financing: Stormwater Drainage Management Current Funds (\$500,000), Water Utilities Current Funds (\$500,000) (subject to annual appropriations) and Sanitation Current Funds (\$50,000)
38. Authorize a contract for the cleaning and rehabilitation of residuals lagoons A, B, and C at the Elm Fork Water Treatment Plant - Merrell Bros., Inc., lowest responsible bidder of four - Not to exceed \$11,221,424 - Financing: Water Utilities Capital Improvement Funds

CONSENT AGENDA (Continued)

Water Utilities (Continued)

39. Authorize an increase to the 18-month master agreement with Omega Contracting, Inc. for additional work associated with wastewater small services installations throughout the city - Not to exceed \$2,122,256, from \$10,981,864 to \$13,104,120 - Financing: Water Utilities Capital Construction Funds
40. Authorize Supplemental Agreement No. 1 to the engineering services contract with Carollo Engineers, Inc. to provide additional design services for the renewal of wastewater interceptor mains in Ash Creek and White Rock Creek (list attached) - Not to exceed \$1,827,007, from \$2,929,518 to \$4,756,525 - Financing: Water Utilities Capital Improvement Funds
41. Authorize Supplemental Agreement No. 4 to the professional services contract with HDR Engineering, Inc., to provide additional hydrologic and engineering services in support of an amendment to Dallas' Lake Ray Hubbard water rights permit and revisions to water supply operational guidelines - Not to exceed \$355,000, from \$865,500 to \$1,220,500 - Financing: Water Utilities Capital Construction Funds

ITEMS FOR INDIVIDUAL CONSIDERATION

City Secretary's Office

42. Consideration of appointments to boards and commissions and the evaluation and duties of board and commission members (List of nominees is available in the City Secretary's Office)

City Attorney's Office

43. Consideration of two alternative ordinances amending Chapter 20A, "Fair Housing," of the Dallas City Code to either **(1)** prohibit discrimination in housing on the basis of source of income; or **(2)** prohibit discrimination in housing on the basis of source of income, except as prohibited by state law - Financing: No cost consideration to the City

Mayor and City Council

44. A resolution naming the West Dallas Gateway in honor of lifelong community activist and local hero Mr. Felix H. Lozada, Sr. - Financing: No cost consideration to the City

ITEMS FOR INDIVIDUAL CONSIDERATION (Continued)

ITEMS FOR FURTHER CONSIDERATION

Business Development & Procurement Services

45. Authorize **(1)** a five-year service contract, with a one-year renewal option, for parking services: Citations Management; Parking Management Services; Parking Meter Maintenance; Parking Meter Collections, Reconciliation, and Counting Services; Parking Lot Maintenance; Mobile Applications - Payments and Mobile Applications - Mapping - SP Plus Corporation in the amount of \$6,609,012, Xerox State and Local Solutions, Inc. in the amount of \$5,479,200, Ace Parking III, LLC in the amount of \$4,287,027 and ParkMe, Inc. in the amount of \$560,700, most advantageous proposers of eighteen; and **(2)** an increase in appropriations in the amount of \$812,607, from \$451,882,305 to \$452,694,912 in the Dallas Police Department budget - Total not to exceed \$16,935,939 - Financing: Current Funds (subject to annual appropriations)

Sustainable Development and Construction

46. Authorize acquisition, including the exercise of the right of eminent domain, if such becomes necessary, from Carol Arriaga a/k/a Caroline Arriaga, of approximately 6,000 square feet of land improved with a single-family dwelling located near the intersection of Pontiac Avenue and Cadillac Drive for the Cadillac Heights City Service and Maintenance Facilities Project - Not to exceed \$23,500 (\$21,500, plus closing costs and title expenses not to exceed \$2,000) - Financing: 2006 Bond Funds
47. An ordinance abandoning a portion of Montwood Lane and a garbage collection and utility easement to The Episcopal School of Dallas, Inc., and WBL Family Investments, Inc., the abutting owners, containing a total of approximately 75,438 square feet of land, located near the intersection of Merrell and Midway Roads, authorizing the quitclaim and providing for the dedication of approximately 36,970 square feet of land needed for right-of-way - Revenue: \$840,024, plus the \$20 ordinance publication fee
48. An ordinance abandoning two variable width alley reservations, an alley site reservation, a portion of an alley easement, a detention area reservation, and a portion of a detention area reservation to the City of Dallas, the abutting owner, containing a total of approximately 139,787 square feet of land, located near the intersection of Garland Road and Tavaros Avenue, and providing for the dedication of approximately 5,967 square feet of land for needed right-of-way and approximately 12,511 square feet for needed detention area easements - Revenue: \$27,000, plus the \$20 ordinance publication fee
49. An ordinance abandoning a drainage reservation, a sanitary sewer reservation, a sanitary sewer easement and a water reservation to the City of Dallas, the abutting owner, containing a total of approximately 9,087 square feet of land, located near the intersection of Garland Road and Tavaros Avenue, and providing for the dedication of drainage easements, water easements and wastewater easements containing a total of approximately 16,098 square feet - Revenue: \$5,400 plus the \$20 ordinance publication fee

ITEMS FOR INDIVIDUAL CONSIDERATION (Continued)

DESIGNATED PUBLIC SUBSIDY MATTERS

Economic Development

50. Authorize a New Markets Tax Credit transaction between the Dallas Development Fund and its subsidiaries, Capital One N.A. and its subsidiaries (Capital One), and the Girl Scouts of Northeast Texas and its affiliates (Developer) for improvements to Camp Whispering Cedars located at 6000 Whispering Cedar Drive (Project) - Financing: No cost consideration to the City

PUBLIC HEARINGS AND RELATED ACTIONS

Sustainable Development and Construction

ZONING CASES - CONSENT

51. A public hearing to receive comments regarding an application for and an ordinance granting a P(A) Parking District on property zoned an MF-1(A) Multifamily District, on the south line of Glen Lakes Drive, west of Manderville Lane
Recommendation of Staff and CPC: Approval, subject to a site/landscape plan
Z156-169(JM)
52. A public hearing to receive comments regarding an application for and an ordinance granting a Planned Development District for R-7.5(A) Single Family District and a public school other than an open-enrollment charter school on property zoned an R-7.5(A) Single Family District on the east line of Hillbrook Street and the southwest line of Wendover Road
Recommendation of Staff and CPC: Approval, subject to a development plan, traffic management plan and conditions
Z156-185(WE)
53. A public hearing to receive comments regarding an application for and an ordinance granting an MU-1 Mixed Use District on property zoned a CS Commercial Service District on the west corner of Stonewall Street and South Haskell Avenue
Recommendation of Staff and CPC: Approval
Z156-215(OTH)
54. A public hearing to receive comments regarding an application for and an ordinance granting a Planned Development Subdistrict for GR General Retail Subdistrict uses on property zoned a GR General Retail Subdistrict within Planned Development District No. 193, the Oak Lawn Special Purpose District on the north corner of Oak Lawn Avenue and Bowser Avenue
Recommendation of Staff and CPC: Approval, subject to a development plan and conditions
Z156-220(WE)

PUBLIC HEARINGS AND RELATED ACTIONS (Continued)**Sustainable Development and Construction (Continued)**ZONING CASES - INDIVIDUAL

55. A public hearing to receive comments regarding an application for and an ordinance granting a Specific Use Permit for the sale of alcoholic beverages in conjunction with a general merchandise or food store 3,500 square feet or less on property zoned a CR-D-1 Community Retail District with a D-1 Liquor Control Overlay on the northeast corner of West Illinois Avenue and Toluca Avenue
Recommendation of Staff: Approval for a two-year period with eligibility for automatic renewals for additional five-year periods, subject to a site plan and conditions
Recommendation of CPC: Approval for a two-year period, subject to a site plan and conditions
Z156-216(OTH)

MISCELLANEOUS HEARINGS

Office of Environmental Quality

56. A public hearing to receive comments on a proposed municipal setting designation to prohibit the use of groundwater as potable water beneath property owned by Ryan Street Developers, LLC, JCR Team LLC, and Hugh W. Rucker located near the intersection of Ryan and Luna Roads and adjacent street rights-of-way; and an ordinance authorizing support of the issuance of a municipal setting designation to Ryan Street Developers, LLC, by the Texas Commission on Environmental Quality and prohibiting the use of groundwater beneath the designated property as potable water - Financing: No cost consideration to the City
Recommendation of Staff: Approval

Office of Financial Services

57. A public hearing to receive comments on the proposed change of use for property located at 138 West Davis Street purchased with Community Development Block Grant (CDBG) funds from the U.S. Department of Housing and Urban Development (HUD); and, at the close of the public hearing authorize: **(1)** approval of the change of use and voluntary refund of CDBG funds to be used for other eligible purposes in the future; **(2)** disbursement of Public/Private Partnership Funds in the amount of \$479,541 to provide for the voluntary refund of CDBG funds within the timeframe required by HUD; and **(3)** the receipt and deposit of funds in an amount not less than \$479,541 from the Developer to fully reimburse the Public/Private Partnership Fund upon availability of construction loan funding - Not to exceed \$479,541 - Financing: Public/Private Partnership Funds
58. A public hearing to receive comments on the Proposed FY 2016-17 HUD Consolidated Plan Budget for U.S. Department of Housing and Urban Development Grant Funds and the Proposed FY 2015-16 Reprogramming Budget - Financing: No cost consideration to the City

PUBLIC HEARINGS AND RELATED ACTIONS (Continued)

MISCELLANEOUS HEARINGS - DESIGNATED PUBLIC SUBSIDY MATTERS

Economic Development

59. A public hearing to receive comments concerning the renewal of the Oak Lawn-Hi Line Public Improvement District (District), for the purpose of providing supplemental public services, to be funded by assessments on real property and real property improvements in the District; and, at the close of the public hearing authorize: **(1)** approval of a resolution renewing the District for a period of seven years; **(2)** approval of the District's Service Plan for calendar years 2017-2023; and **(3)** approval of a management contract with the Oak Lawn-Hi Line Improvement Corporation, a non-profit corporation as the management entity for the District - Financing: No cost consideration to the City

MISCELLANEOUS HEARINGS - UNDER ADVISEMENT

Mayor and City Council

60. A public hearing to receive comments and consider authorizing a public hearing to determine proper zoning on property zoned Planned Development District No. 521 on property generally located along both sides of Interstate Highway 20 between Spur 408 and Clark Road on the east and Mountain Creek Parkway and FM 1382 on the west and containing approximately 2,925 acres with consideration given to appropriate zoning for the area including permitted uses, development standards, and other appropriate regulations - Financing: No cost consideration to the City (via Councilmembers Thomas, Medrano, Callahan, McGough, and Deputy Mayor Pro Tem Wilson)

June 15, 2016

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Cadillac Heights Project
Agenda Item # 27

<u>Owner</u>	<u>Address</u>	<u>Amount</u>
Deborah Ann Fry & John Paul Fry	2903 Alex	\$7,400
Alicia Quintanilla	2915 Alex	\$7,400
Jose Luis DeLeon	2923 Alex	\$7,400

June 15, 2016

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Property List
Agenda Item # 28

<u>Street Address</u>	<u>Mapsc</u>	<u>Council District</u>
4315 Bernal Drive	43E	6
4136 Gentry Drive	43E	6
4136 Mart Street	43E	6

Renewal of Wastewater Interceptor Mains
Agenda Item # 40

District 2

*Easement in White Rock Creek from north of Garland Road to Bruton Road

District 5

*(Easement in White Rock Creek from north of Garland Road to Bruton Road)
(See Districts 2, 7 and 9)

District 7

*(Easement in White Rock Creek from north of Garland Road to Bruton Road)
(See Districts 2, 5 and 9)

District 9

Easement in Ash Creek from Highland Road southwest

*(Easement in White Rock Creek from north of Garland Road to Bruton Road)
(See Districts 2, 5 and 7)

*Project limits in more than one Council District

A closed executive session may be held if the discussion of any of the above agenda items concerns one of the following:

1. Contemplated or pending litigation, or matters where legal advice is requested of the City Attorney. Section 551.071 of the Texas Open Meetings Act.
2. The purchase, exchange, lease or value of real property, if the deliberation in an open meeting would have a detrimental effect on the position of the City in negotiations with a third person. Section 551.072 of the Texas Open Meetings Act.
3. A contract for a prospective gift or donation to the City, if the deliberation in an open meeting would have a detrimental effect on the position of the City in negotiations with a third person. Section 551.073 of the Texas Open Meetings Act.
4. Personnel matters involving the appointment, employment, evaluation, reassignment, duties, discipline or dismissal of a public officer or employee or to hear a complaint against an officer or employee. Section 551.074 of the Texas Open Meetings Act.
5. The deployment, or specific occasions for implementation of security personnel or devices. Section 551.076 of the Texas Open Meetings Act.
6. Deliberations regarding Economic Development negotiations. Section 551.087 of the Texas Open Meetings Act.

AGENDA DATE June 15, 2016

ITEM	OK	IND	DISTRICT	TYPE	DEPT.	DOLLARS	LOCAL	MWBE	DESCRIPTION
1			All	V	NA	NA	NA	NA	Approval of Minutes of the May 25, 2016 City Council Meeting
2			2	C	AVI	NC	NA	NA	Authorize the ninth amendment to the Headquarters Lease with Southwest Airlines Co. for ground rights at Dallas Love Field for the construction of a pedestrian sky bridge consisting of 4,646 square feet and connecting the headquarters building with another property owned by Southwest Airlines Co. across Denton Drive, a portion of the Sky Bridge will be on property leased by Southwest Airlines Co. from Aviation - Financing: No cost consideration to the City
3			All	C	PBD, PKR	\$83,000.00	NA	NA	Authorize a service contract to upgrade the electronic video scoreboard at the Cotton Bowl - Daktronic, Inc., through the Texas Association of School Boards (Buyboard) - Not to exceed \$83,000 - Financing: Fair Park Maintenance Funds
4			1, 7, 9, 14	C	PBD, OCA	\$890,543.22	NA	NA	Authorize a one-year service contract for janitorial services at the Office of Cultural Affairs facilities - TIBH Industries, Inc. - Not to exceed \$890,544 - Financing: Current Funds (\$883,496) and Municipal Radio Current Funds (\$7,048) (subject to annual appropriations)
5			All	C	PBD, WTR	\$667,200.00	20.00%	80.00%	Authorize a three-year service contract to provide storage, hauling and disposal of excavated material - Green Planet, Inc., most advantageous proposer of five - Not to exceed \$667,200 - Financing: Water Utilities Current Funds (subject to annual appropriations)
6			All	C	PBD, EBS, TW, WTR	\$4,210,900.00	13.92%	35.24%	Authorize a three-year service contract for repair and overhaul services for pumps - Evans Enterprises, Inc. in the amount of \$2,140,835, Allen's Electric Motor Service, Inc. in the amount of \$1,483,840 and Anytime Pump Service Company dba CIE in the amount of \$586,225, lowest responsible bidders of four - Total not to exceed \$4,210,900 - Financing: Current Funds (\$161,070), Water Utilities Current Funds (\$3,734,355) and Stormwater Drainage Management Current Funds (\$315,475) (subject to annual appropriations)
7			All	C	PBD, POL	\$235,992.00	NA	NA	Authorize a one-year master agreement for 40mm launchers for Police - GT Distributors, Inc. through the Texas Association of School Boards (BuyBoard) - Not to exceed \$235,992 - Financing: Current Funds
8			All	C	PBD, FIR	\$1,108,401.00	6.90%	0.00%	Authorize a three-year master agreement for fire hoses for Fire-Rescue - Metro Fire Apparatus Specialist, Inc. in the amount of \$959,726, Casco Industries, Inc. in the amount of \$76,450 and Dooley Tackaberry, Inc. in the amount of \$72,225, lowest responsible bidders of six - Total not to exceed \$1,108,401 - Financing: Current Funds
9			N/A	C	AUD	NC	NA	NA	Authorize a budget estimate of the needs and requirements of the City Auditor's Office for FY 2016-17 in the amount of \$3,106,152 (subject to final funding adjustments for decisions that will be made on a citywide basis for items such as staff benefits, insurance, Communication and Information Services charges, and other items that may affect all city departmental budgets) - Financing: This action has no cost consideration to the City
10			N/A	C	CON, WTR	\$1,249,118.00	NA	NA	An ordinance authorizing the issuance and sale of Waterworks and Sewer System Revenue Refunding Bonds, Tax Exempt Series 2016A and Taxable Series 2016B in an aggregate principal amount not to exceed \$640,000,000; establishing parameters regarding the sale of the Bonds; approving the execution of the Bond Purchase Agreement and all other matters related thereto - Not to exceed \$1,249,118 - Financing: Water Utilities Current Funds
11			N/A	C	ECO	NC	NA	NA	Authorize amendments to the Dallas Development Fund's certificate of formation and bylaws, and the City Manager to file the amended certificate of formation with the Secretary of State - Financing: No cost consideration to the City
12			All	C	OEQ	NC	NA	NA	A resolution authorizing the City of Dallas to communicate its positions and requests regarding the Texas Commission on Environmental Quality's (TCEQ's) proposed State Implementation Plan for the Dallas-Fort Worth Region ozone pollution to the State of Texas, the TCEQ, and other agencies - Financing: No cost consideration to the City
13			N/A	C	OFS	NC	NA	NA	An ordinance amending and modifying Ordinance No. 27793, that granted to Atmos Energy Corporation, a Texas corporation, a franchise for the purpose of constructing, maintaining, and using a gas utility system in the City of Dallas; revising the definition of Gross Revenues; providing for acceptance by Grantee; and providing an effective date - Financing: This action has no cost consideration to the City (see Fiscal Information for future potential costs)
14			6	C	PKR	NC	NA	NA	Authorize a Multiple Use Agreement with the Texas Department of Transportation (TxDOT) for the construction and maintenance of a natural surface trail within TxDOT right-of-way at Hines Park located at 9700 Harry Hines Boulevard - Financing: No cost consideration to the City

AGENDA DATE June 15, 2016

ITEM	IND								DESCRIPTION
#	OK	DEF	DISTRICT	TYPE	DEPT.	DOLLARS	LOCAL	MWBE	
15			12	C	PKR	NC	NA	NA	Authorize an application for a matching grant through the Collin County Parks and Open Space Project Funding Assistance Program in the amount of approximately \$660,000 for development of Moss Glen Park located at 5200 Bentwood Trail - Financing: This action has no cost consideration to the City
16			10	C	PKR	\$154,000.00	91.49%	25.71%	Authorize a contract with Going Forward, Inc., best value proposer of three, for pavilion repairs at Hamilton Park located at 12225 Willowdell Drive - Not to exceed \$154,000 - Financing: 2006 Bond Funds
17			6	C	PKR	\$267,512.00	42.43%	51.71%	Authorize a contract with Henneberger Construction, Inc., lowest responsible bidder of five, for fire line and fire lane improvements at Elm Fork Shooting Sports located at 10751 Luna Road - Not to exceed \$267,512 - Financing: 2006 Bond Funds (\$217,512) and Park and Recreation Beautification Funds (\$50,000)
18			1, 2	C	PBW	NC	NA	NA	Authorize an amendment to the Interlocal Agreement with Dallas Area Rapid Transit to provide for the operation and maintenance costs for the southern and northern extensions of the Dallas Streetcar System (Union Station to North Oak Cliff) and two additional vehicles - Financing: This action has no cost consideration to the City (see Fiscal Information for future potential costs)
19			1, 2	C	PBW	\$875,000.00	NA	NA	Authorize payment to Dallas Area Rapid Transit for operation and maintenance costs for the Dallas Streetcar System (Union Station to North Oak Cliff) for Fiscal Year 2016 - Not to exceed \$875,000 - Financing: Current Funds
20			All	C	PBW	GT	NA	NA	Authorize the first amendment to Contract No. 582-16-60016 with the Texas Commission on Environmental Quality to accept additional state grant funds to operate and maintain whole air samplers and conduct BioWatch air monitoring activities in Dallas County for the period September 1, 2016 through August 31, 2017 - Not to exceed \$483,321, from \$477,811 to \$961,132 - Financing: Texas Commission on Environmental Quality Grant Funds
21			All	C	PBW	\$258,640.00	NA	NA	Authorize (1) the second amendment to Contract No. 582-15-50121 with the Texas Commission on Environmental Quality to accept additional state grant funds in the amount of \$525,117, from \$1,050,234 to \$1,575,351 to continue the Air Pollution Compliance Program to provide investigative services and complaint responses within the City of Dallas for a one-year period, from September 1, 2016 through August 31, 2017; and (2) a local match in an amount not to exceed \$258,640 - Total not to exceed \$783,757, from \$1,567,514 to \$2,351,271 - Financing: Texas Commission on Environmental Quality Grant Funds (\$525,117) and Current Funds (\$258,640) (subject to appropriations)
22			All	C	PBW	GT	NA	NA	Authorize the third amendment to Contract No. 582-15-50031 with the Texas Commission on Environmental Quality to accept additional state grant funds to conduct the Rockwall Ambient Air Monitoring Program for the period September 1, 2016 through August 31, 2017 - Not to exceed \$28,054, from \$56,106 to \$84,160 - Financing: Texas Commission on Environmental Quality Grant Funds
23			All	C	PBW	GT	NA	NA	Authorize the third amendment to Contract No. 582-15-50039 with the Texas Commission on Environmental Quality to accept additional grant funds in the amount of \$67,587 for air quality monitoring of the particulate matter 2.5 network for the period September 1, 2016 through August 31, 2017 - Not to exceed \$67,587, from \$135,173 to \$202,760 - Financing: Texas Commission on Environmental Quality Grant Funds
24			3, 4, 10, 11	C	STS	GT	NA	NA	Authorize (1) an Interlocal Agreement with the Texas Department of Transportation (TxDOT) to provide cost reimbursement for material and labor costs incurred by the City for traffic signal improvements at three on-system locations on Interstate Highway 35 East Frontage Road and Loop 12, Interstate Highway 635 Frontage Road and U.S. Highway 75, and Loop 12 and Hampton Road; (2) the receipt and deposit of funds from TxDOT in the amount of \$126,676; and (3) the establishment of appropriations in the amount of \$126,676 in the Texas Department of Transportation Grant Fund - Not to exceed \$126,676 - Financing: Texas Department of Transportation Grant Funds
25			12	C	DEV, WTR	\$16,714.00	NA	NA	Authorize acquisition from Debra J. West, of approximately 2,032 square feet of land located near the intersection of McCallum Boulevard and Oakington Court for the McKamy and Osage Branch Wastewater Interceptor Project - Not to exceed \$16,714 (\$13,714, plus closing costs and title expenses not to exceed \$3,000) - Financing: Water Utilities Capital Construction Funds
26			11	C	DEV, WTR	\$109,000.00	NA	NA	Authorize acquisition from Laguna Apartments, LLC, of approximately 11,780 square feet of land located near the intersection of Arapaho and Preston Roads for the McKamy and Osage Branch Wastewater Interceptor Project - Not to exceed \$109,000 (\$106,020, plus closing costs and title expenses not to exceed \$2,980) - Financing: Water Utilities Capital Construction Funds

AGENDA DATE June 15, 2016

ITEM	IND								DESCRIPTION
#	OK	DEF	DISTRICT	TYPE	DEPT.	DOLLARS	LOCAL	MWBE	
27			4	C	DEV, PBW	\$22,200.00	NA	NA	Authorize acquisition of three parcels of land containing a total of approximately 17,492 square feet located near the intersection of Childress and Alex Streets for the Cadillac Heights City Service and Maintenance Facilities Project - Not to exceed \$22,200 (\$19,200, plus closing costs and title expenses not to exceed \$3,000) - Financing: 2006 Bond Funds
28			6	C	DEV	NC	NA	NA	A resolution consenting to the sale of 3 tax foreclosed properties by Dallas County, acquired by the taxing authorities from a Sheriff's Sale - Financing: No cost consideration to the City
29			8	C	DEV	NC	NA	NA	A resolution authorizing the sale of a tax foreclosure property located at 6210 J J Lemmon Road to be voided and provide for the quitclaim and release unto the City, as trustee any right, title and interest Linda and Jessie Medlock may have in and to said property - Financing: This action has no cost consideration to the City
30			8	C	DEV, SAN	NC	NA	NA	A resolution authorizing the conveyance of an easement and right-of-way containing approximately 26,815 square feet of land to Oncor Electric Delivery Company, LLC for the construction and maintenance of electric facilities across City-owned land located at the McCommas Bluff Landfill near the intersection of Simpson Stuart and Locust Roads - Financing: No cost consideration to the City
31			Outside	C	DEV, WTR	REV \$1,000	NA	NA	A resolution authorizing the conveyance of a storm sewer drainage easement containing approximately 1,592 square feet to the City of Garland across City-owned land at Lake Ray Hubbard located near the intersection of Roan and Rowlett Roads - Revenue: \$1,000
32			Outside	C	DEV, WTR	REV \$4,485	NA	NA	A resolution authorizing the conveyance of two drainage easements containing a total of approximately 23,357 square feet to the City of Rockwall across City-owned land at Lake Ray Hubbard located near the intersection of Chestnut Lane and Betty Street - Revenue: \$4,485
33			10	C	DEV	REV \$100	NA	NA	An ordinance granting a private license to Country Forest-Jackson Meadows Homeowners Association, Inc. for the use of approximately 30 square feet of land to install a monument sign on a portion of Chimney Hill Lane right-of-way, located near its intersection with Cross Creek Drive - Revenue: \$100 one-time fee, plus the \$20 ordinance publication fee
34			2	C	DEV	REV \$1,000	NA	NA	An ordinance granting a private license to Southwest Airlines Co. for the use of approximately 1,120 square feet of aerial space to occupy, maintain and utilize a pedestrian bridge above and over a portion of Wyman Street right-of-way, located near its intersection with Denton Drive - Revenue: \$1,000 annually, plus the \$20 ordinance publication fee
35			All	C	WTR	NC	NA	NA	Authorize adoption of the 2016 Water Conservation Five-Year Work Plan for the City of Dallas - Financing: No cost consideration to the City
36			All	C	WTR	\$225,000.00	NA	NA	Authorize a Memorandum of Understanding with Texas Parks and Wildlife Department (TPWD) for a five year term to (1) continue the implementation of a public awareness campaign for the prevention and spread of zebra mussels in the amount of \$125,000; and (2) co-sponsor with TPWD research projects on the economic impacts and population dynamics of zebra mussels in the amount of \$100,000 - Total not to exceed \$225,000 - Financing: Water Utilities Current Funds (subject to annual appropriations)
37			All	C	WTR, SAN, TWM	\$1,050,000.00	NA	NA	Authorize an amendment to the Memorandum of Understanding with the Tarrant Regional Water District to continue participation in the "Reverse Litter" public awareness campaign for an additional five-year period - Not to exceed \$1,050,000 - Financing: Stormwater Drainage Management Current Funds (\$500,000), Water Utilities Current Funds (\$500,000) (subject to annual appropriations) and Sanitation Current Funds (\$50,000)
38			Outside	C	WTR	\$11,221,424.00	0.03%	26.09%	Authorize a contract for the cleaning and rehabilitation of residuals lagoons A, B, and C at the Elm Fork Water Treatment Plant - Merrell Bros., Inc., lowest responsible bidder of four - Not to exceed \$11,221,424 - Financing: Water Utilities Capital Improvement Funds
39			All	C	WTR	\$2,122,256.00	99.76%	79.70%	Authorize an increase to the 18-month master agreement with Omega Contracting, Inc. for additional work associated with wastewater small services installations throughout the city - Not to exceed \$2,122,256, from \$10,981,864 to \$13,104,120 - Financing: Water Utilities Capital Construction Funds
40			2, 5, 7, 9	C	WTR	\$1,827,007.00	100.00%	35.25%	Authorize Supplemental Agreement No. 1 to the engineering services contract with Carollo Engineers, Inc. to provide additional design services for the renewal of wastewater interceptor mains in Ash Creek and White Rock Creek - Not to exceed \$1,827,007, from \$2,929,518 to \$4,756,525 - Financing: Water Utilities Capital Improvement Funds

AGENDA DATE June 15, 2016

ITEM	IND								DESCRIPTION
#	OK	DEF	DISTRICT	TYPE	DEPT.	DOLLARS	LOCAL	MWBE	
41			All	C	WTR	\$355,000.00	15.49%	9.09%	Authorize Supplemental Agreement No. 4 to the professional services contract with HDR Engineering, Inc., to provide additional hydrologic and engineering services in support of an amendment to Dallas' Lake Ray Hubbard water rights permit and revisions to water supply operational guidelines - Not to exceed \$355,000, from \$865,500 to \$1,220,500 - Financing: Water Utilities Capital Construction Funds
42			N/A	I	SEC	NC	N/A	N/A	Consideration of appointments to boards and commissions and the evaluation and duties of board and commission members (List of nominees is available in the City Secretary's Office)
43			All	I	ATT	NC	NA	NA	Consideration of two alternative ordinances amending Chapter 20A, "Fair Housing," of the Dallas City Code to either (1) prohibit discrimination in housing on the basis of source of income; or (2) prohibit discrimination in housing on the basis of source of income, except as prohibited by state law - Financing: No cost consideration to the City
44			All	I	MCC	NC	NA	NA	A resolution naming the West Dallas Gateway in honor of lifelong community activist and local hero Mr. Felix H. Lozada, Sr. - Financing: No cost consideration to the City
45			All	I	PBD, POL	\$16,935,938.44	61.85%	21.85%	Authorize (1) a five-year service contract, with a one-year renewal option, for parking services: Citations Management; Parking Management Services; Parking Meter Maintenance; Parking Meter Collections, Reconciliation, and Counting Services; Parking Lot Maintenance; Mobile Applications - Payments and Mobile Applications - Mapping - SP Plus Corporation in the amount of \$6,609,012, Xerox State and Local Solutions, Inc. in the amount of \$5,479,200, Ace Parking III, LLC in the amount of \$4,287,027 and ParkMe, Inc. in the amount of \$560,700, most advantageous proposers of eighteen; and (2) an increase in appropriations in the amount of \$812,607, from \$451,882,305 to \$452,694,912 in the Dallas Police Department budget - Total not to exceed \$16,935,939 - Financing: Current Funds (subject to annual appropriations)
46			4	I	DEV, PBW	\$23,500.00	NA	NA	Authorize acquisition, including the exercise of the right of eminent domain, if such becomes necessary, from Carol Arriaga a/k/a Caroline Arriaga, of approximately 6,000 square feet of land improved with a single-family dwelling located near the intersection of Pontiac Avenue and Cadillac Drive for the Cadillac Heights City Service and Maintenance Facilities Project - Not to exceed \$23,500 (\$21,500, plus closing costs and title expenses not to exceed \$2,000) - Financing: 2006 Bond Funds
47			13	I	DEV	REV \$840,024	NA	NA	An ordinance abandoning a portion of Montwood Lane and a garbage collection and utility easement to The Episcopal School of Dallas, Inc., and WBL Family Investments, Inc., the abutting owners, containing a total of approximately 75,438 square feet of land, located near the intersection of Merrell and Midway Roads, authorizing the quitclaim and providing for the dedication of approximately 36,970 square feet of land needed for right-of-way - Revenue: \$840,024, plus the \$20 ordinance publication fee
48			9	I	DEV, PKR	REV \$27,000	NA	NA	An ordinance abandoning two variable width alley reservations, an alley site reservation, a portion of an alley easement, a detention area reservation, and a portion of a detention area reservation to the City of Dallas, the abutting owner, containing a total of approximately 139,787 square feet of land, located near the intersection of Garland Road and Tavaros Avenue, and providing for the dedication of approximately 5,967 square feet of land for needed right-of-way and approximately 12,511 square feet for needed detention area easements - Revenue: \$27,000, plus the \$20 ordinance publication fee
49			9	I	DEV, PKR	REV \$5,400	NA	NA	An ordinance abandoning a drainage reservation, a sanitary sewer reservation, a sanitary sewer easement and a water reservation to the City of Dallas, the abutting owner, containing a total of approximately 9,087 square feet of land, located near the intersection of Garland Road and Tavaros Avenue, and providing for the dedication of drainage easements, water easements and wastewater easements containing a total of approximately 16,098 square feet - Revenue: \$5,400 plus the \$20 ordinance publication fee
50			3	I	ECO	NC	NA	NA	Authorize a New Markets Tax Credit transaction between the Dallas Development Fund and its subsidiaries, Capital One N.A. and its subsidiaries (Capital One), and the Girl Scouts of Northeast Texas and its affiliates (Developer) for improvements to Camp Whispering Cedars located at 6000 Whispering Cedar Drive (Project) - Financing: No cost consideration to the City
51			13	PH	DEV	NC	NA	NA	A public hearing to receive comments regarding an application for and an ordinance granting a P(A) Parking District on property zoned an MF-1(A) Multifamily District, on the south line of Glen Lakes Drive, west of Manderville Lane

AGENDA DATE June 15, 2016

ITEM	IND								DESCRIPTION
#	OK	DEF	DISTRICT	TYPE	DEPT.	DOLLARS	LOCAL	MWBE	
52			9	PH	DEV	NC	NA	NA	A public hearing to receive comments regarding an application for and an ordinance granting a Planned Development District for R-7.5(A) Single Family District and a public school other than an open-enrollment charter school on property zoned an R-7.5(A) Single Family District on the east line of Hillbrook Street and the southwest line of Wendover Road
53			2	PH	DEV	NC	NA	NA	A public hearing to receive comments regarding an application for and an ordinance granting an MU-1 Mixed Use District on property zoned a CS Commercial Service District on the west corner of Stonewall Street and South Haskell Avenue
54			14	PH	DEV	NC	NA	NA	A public hearing to receive comments regarding an application for and an ordinance granting a Planned Development Subdistrict for GR General Retail Subdistrict uses on property zoned a GR General Retail Subdistrict within Planned Development District No. 193, the Oak Lawn Special Purpose District on the north corner of Oak Lawn Avenue and Bowser Avenue
55			4	PH	DEV	NC	NA	NA	A public hearing to receive comments regarding an application for and an ordinance granting a Specific Use Permit for the sale of alcoholic beverages in conjunction with a general merchandise or food store 3,500 square feet or less on property zoned a CR-D-1 Community Retail District with a D-1 Liquor Control Overlay on the northeast corner of West Illinois Avenue and Toluca Avenue
56			6	PH	OEQ	NC	NA	NA	A public hearing to receive comments on a proposed municipal setting designation to prohibit the use of groundwater as potable water beneath property owned by Ryan Street Developers, LLC, JCR Team LLC, and Hugh W. Rucker located near the intersection of Ryan and Luna Roads and adjacent street rights-of-way; and an ordinance authorizing support of the issuance of a municipal setting designation to Ryan Street Developers, LLC, by the Texas Commission on Environmental Quality and prohibiting the use of groundwater beneath the designated property as potable water - Financing: No cost consideration to the City
57			1	PH	OFS, HOU, ECO	\$479,541.00	NA	NA	A public hearing to receive comments on the proposed change of use for property located at 138 West Davis Street purchased with Community Development Block Grant (CDBG) funds from the U.S. Department of Housing and Urban Development (HUD); and, at the close of the public hearing authorize: (1) approval of the change of use and voluntary refund of CDBG funds to be used for other eligible purposes in the future; (2) disbursement of Public/Private Partnership Funds in the amount of \$479,541 to provide for the voluntary refund of CDBG funds within the timeframe required by HUD; and (3) the receipt and deposit of funds in an amount not less than \$479,541 from the Developer to fully reimburse the Public/Private Partnership Fund upon availability of construction loan funding - Not to exceed \$479,541 - Financing: Public/Private Partnership Funds
58			N/A	PH	OFS	NC	NA	NA	A public hearing to receive comments on the Proposed FY 2016-17 HUD Consolidated Plan Budget for U.S. Department of Housing and Urban Development Grant Funds and the Proposed FY 2015-16 Reprogramming Budget - Financing: No cost consideration to the City
59			6	PH	ECO	NC	NA	NA	A public hearing to receive comments concerning the renewal of the Oak Lawn-Hi Line Public Improvement District (District), for the purpose of providing supplemental public services, to be funded by assessments on real property and real property improvements in the District; and, at the close of the public hearing authorize: (1) approval of a resolution renewing the District for a period of seven years; (2) approval of the District's Service Plan for calendar years 2017-2023; and (3) approval of a management contract with the Oak Lawn-Hi Line Improvement Corporation, a non-profit corporation as the management entity for the District - Financing: No cost consideration to the City
60			3	PH	MCC	NC	NA	NA	A public hearing to receive comments and consider authorizing a public hearing to determine proper zoning on property zoned Planned Development District No. 521 on property generally located along both sides of Interstate Highway 20 between Spur 408 and Clark Road on the east and Mountain Creek Parkway and FM 1382 on the west and containing approximately 2,925 acres with consideration given to appropriate zoning for the area including permitted uses, development standards, and other appropriate regulations - Financing: No cost consideration to the City (via Councilmembers Thomas, Medrano, Callahan, McGough, and Deputy Mayor Pro Tem Wilson)

TOTAL \$44,387,886.66

AGENDA ITEM # 2

KEY FOCUS AREA: Economic Vibrancy
AGENDA DATE: June 15, 2016
COUNCIL DISTRICT(S): 2
DEPARTMENT: Aviation
CMO: Ryan S. Evans, 671-9837
MAPSCO: 33G,H

SUBJECT

Authorize the ninth amendment to the Headquarters Lease with Southwest Airlines Co. for ground rights at Dallas Love Field for the construction of a pedestrian sky bridge consisting of 4,646 square feet and connecting the headquarters building with another property owned by Southwest Airlines Co. across Denton Drive, a portion of the Sky Bridge will be on property leased by Southwest Airlines Co. from Aviation - Financing: No cost consideration to the City

BACKGROUND

Southwest Airlines Co. currently leases approximately 35 acres at Dallas Love Field under its Headquarters Lease. The primary term of the lease will expire on May 4, 2046. Southwest Airlines Co. desires to build a pedestrian sky bridge (Sky Bridge) consisting of 4,646 square feet (0.107 acres) connecting to another property owned by Southwest Airlines Co. across Denton Drive. This Sky Bridge will allow for the safe crossing for Southwest Airlines Co. employees across Denton Drive without interruption of normal traffic flow. Both, Southwest Airlines Co. and the City of Dallas desire to amend the Headquarters lease to include the Sky Bridge. Upon approval of this ninth amendment all provisions of the Southwest Airlines Co. Headquarters Lease, including rent, shall apply to the Sky Bridge added by this ninth amendment. This ninth amendment is a ground rights lease that expires with the end of the primary lease.

PRIOR ACTION / REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Authorized the original lease on March 17, 1982, by Resolution No. 82-1017.

Authorized first amendment to the lease on December 17, 1986, by Resolution No. 86-3968.

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

Authorized second amendment to the lease on November 9, 1988, by Resolution No.88-3549.

Authorized third amendment to the lease on February 23, 1994, by Resolution No. 94-0841.

Authorized fourth amendment to the lease on March 25, 1996, by Resolution No. 96-1159.

Authorized fifth amendment to the lease on May 28, 1997, by Resolution No. 97-1725.

Authorized sixth amendment to the lease on October 13, 1999, by Resolution No. 99-3346.

Authorized seventh amendment to the lease on January 24, 2001, by Resolution No. 01-0329.

Authorized eighth amendment to the lease on October 24, 2012, by Resolution No. 12-2696.

Information about this item will be provided to the Economic Development Committee on June 6, 2016.

FISCAL INFORMATION

No cost consideration to the City.

OWNER

Southwest Airlines Co.

Gary C. Kelly, Chairman of the Board, President & Chief Executive Officer
Tammy Romo, Executive Vice President Finance & Chief Financial Officer
Ron Ricks, Vice Chairman of the Board

MAP

Attached.

DALLAS LOVE FIELD
Southwest Airlines Co. Existing
Maintenance/Headquarters Leases
MAPSCO 33G & H



June 15, 2016

WHEREAS, Southwest Airlines Co. (Lessee) currently leases approximately 35 acres of land at Dallas Love Field from the City of Dallas under that one certain lease referred to as the Headquarters Lease dated March 17, 1982; and,

WHEREAS, pursuant to a lease amendment of the Lessee's Maintenance Base Lease approved by Resolution No. 11-2366 on September 14, 2011, Lessee provided a major expansion at Dallas Love Field and constructed additional facilities on its Maintenance Base Lease; and,

WHEREAS, pursuant to a lease amendment of the Lessee's Headquarters lease approved by Resolution No. 12-2696 on October 24, 2012, Lessee added additional land to its Headquarters Lease to better control ingress and egress to both the Headquarters Lease and Maintenance Base Lease premises to approximately 35,599 square feet of land; and,

WHEREAS, Southwest Airlines Co. desires a ninth amendment to its Headquarters lease at Dallas Love Field for the construction of a Sky Bridge, consisting of 4,646 sq. ft. (0.107 acres), connecting its Headquarters building with another building/property owned by Southwest Airlines Co. across Denton Drive.

Now, Therefore,

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

Section 1. That the proposed ninth amendment to the Southwest Airlines Co. Headquarters Lease is hereby approved and the City Manager is authorized to execute, on behalf of the City of Dallas, a ninth amendment to the Southwest Airlines Co. Headquarters Lease after approval as to form by the City Attorney.

Section 2. That the ninth amendment to the Southwest Airlines Co. Headquarters Lease evidence, among other things, the following terms and conditions:

- (a) Approximately 4,646 square feet (0.107 acres) of land shall be added to the lease under the same basic terms and conditions as the Southwest Airlines Co. Headquarters Lease.
- (b) This ninth amendment shall increase the square footage of Headquarters lease of the Leased Premises by approximately 4,646 square feet, for a total of 1,604,598 square feet as more fully described and as shown on Exhibit B attached hereto.

June 15, 2016

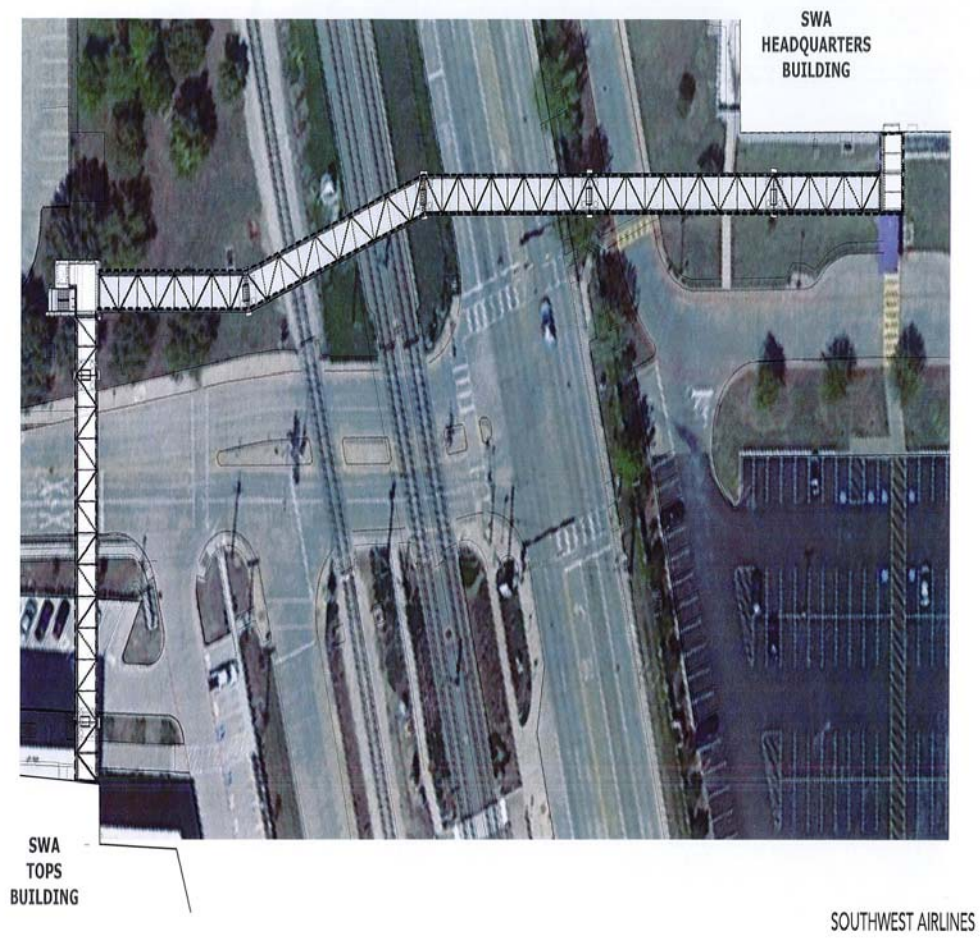
Section 3. That the parties desire to modify and amend the Exhibits to the Consolidated Lease as follows:

- (a) Exhibit A - See map attached.
- (b) Exhibit B - Survey of the Leased Premises.

Section 4. That the Chief Financial Officer is hereby authorized to deposit all revenues received under the Lease to: Aviation Operating Fund 0130; Dept. AVI; Unit 7722; Revenue Source 7814.

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.

Exhibit A



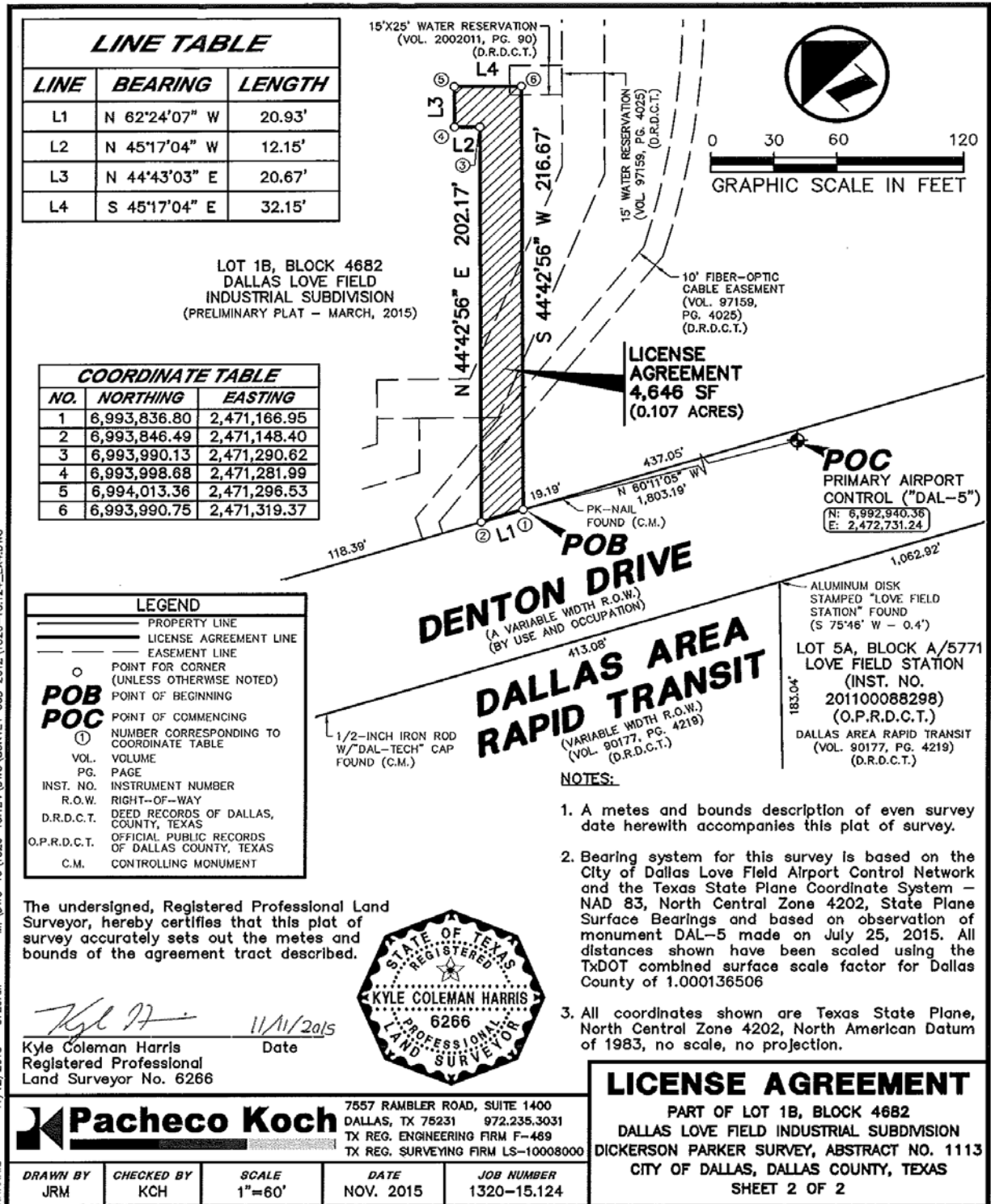
SCALE
1" = 40'



Donald R. Powell, Jr. Reg. No. 7206	Design Study
Chris W. Barnes Reg. No. 10147	Option F
John E. Orfield Reg. No. 11184	06.23.2015
R. Andrew Sennett Reg. No. 18128	

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Exhibit B



AGENDA ITEM # 3

KEY FOCUS AREA: Culture, Arts and Recreation and Educational Enhancements

AGENDA DATE: June 15, 2016

COUNCIL DISTRICT(S): All

DEPARTMENT: Business Development & Procurement Services
Park & Recreation

CMO: Jeanne Chipperfield, 670-7804
Willis Winters, 670-4071

MAPSCO: N/A

SUBJECT

Authorize a service contract to upgrade the electronic video scoreboard at the Cotton Bowl - Daktronic, Inc., through the Texas Association of School Boards (Buyboard) - Not to exceed \$83,000 - Financing: Fair Park Maintenance Funds

BACKGROUND

This service contract will provide upgrades to the electronic video scoreboard at the Cotton Bowl which provides play by play action for patrons. The scoreboard is used during numerous college and high school sporting events and other large-scale events.

The scoreboard, which was installed in 2007, is equipped with video screens capable of showing live video, instant replays, animation, graphics, and other information using full color LED technology.

Upgrades will allow for a migration from a 720 to 1080 high definition capability and will include items such as:

- Media players
- Controller
- Monitor
- Network switch and router
- Cable
- Transmitter card

BACKGROUND (Continued)

The service contract also includes licensing, on-site installation and testing, on-site operator training and a one year warranty for the upgrades.

The Texas Association of School Boards (BuyBoard), conforms to the requirements of Texas Statutes that are applicable for competitive bids and proposals, in accordance with the Interlocal Cooperation Act, Chapter 791, Texas Government Code. In addition, BuyBoard receives bids from manufacturers and dealers throughout the United States.

The recommended vendor meets the wage floor rate of \$10.37 approved by City Council on November 10, 2015, by Resolution No. 15-2141.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

The Park and Recreation Board approved this item on May 19, 2016.

Information about this item will be provided to the Budget, Finance and Audit Committee on June 6, 2016.

FISCAL INFORMATION

\$83,000.00 - Fair Park Maintenance Funds

ETHNIC COMPOSITION

Daktronic, Inc.

White Male	1,553	White Female	812
Black Male	24	Black Female	7
Hispanic Male	36	Hispanic Female	9
Other Male	41	Other Female	33

OWNER

Daktronic, Inc.

Reece Kurtenbach, President
Sarah Rose, Vice President
Carla Gatzke, Secretary
Sheila Anderson, Treasurer

June 15, 2016

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

Section 1. That the City Manager is authorized to execute a service contract with Daktronic, Inc. (355899) through the Texas Association of School Boards (BuyBoard) for upgrades to the electronic video scoreboard at the Cotton Bowl in an amount not to exceed \$83,000.00, upon approval as to form by the City Attorney. If the service was bid or proposed on an as needed, unit price basis for performance of specified tasks, payment to Daktronic, Inc. shall be based only on the amount of the services directed to be performed by the City and properly performed by Daktronic, Inc. under the contract.

Section 2. That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed \$83,000.00 from Service Contract number MASCPKR16G015.

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 ITEM # 4

KEY FOCUS AREA: Clean, Healthy Environment

AGENDA DATE: June 15, 2016

COUNCIL DISTRICT(S): 1, 7, 9, 14

DEPARTMENT: Business Development & Procurement Services
Office of Cultural Affairs

CMO: Jeanne Chipperfield, 670-7804
Joey Zapata, 670-1204

MAPSCO: 37H 45G L 46Q 54H

SUBJECT

Authorize a one-year service contract for janitorial services at the Office of Cultural Affairs facilities - TIBH Industries, Inc. - Not to exceed \$890,544 - Financing: Current Funds (\$883,496) and Municipal Radio Current Funds (\$7,048) (subject to annual appropriations)

BACKGROUND

This action does not encumber funds; the purpose of a service contract is to establish firm pricing for services, for a specific term, which are ordered on an as needed basis.

This service contract will provide for janitorial services and supplies at the Morton H. Meyerson Symphony Center, Latino Cultural Center, Majestic Theatre, Dallas City Performance Hall, Bath House Cultural Center, Oak Cliff Cultural Center and WRR Municipal Radio.

Daily janitorial maintenance will consist of cleaning of offices, public areas, restrooms, and facility exterior grounds. Event cleaning will include concert hall, public areas, meeting/presentation rooms, and restrooms. The vendor is required to provide all supplies, equipment and labor necessary for the performance of the contract. The use of environmentally friendly Green Seal certified cleaning products and supplies is a requirement in this contract. Furthermore, as additional products become Green Seal certified, the vendor is required to incorporate these products at the Office of Cultural Affairs facilities.

BACKGROUND (Continued)

The recommended vendor meets the wage floor rate of \$10.37 approved by City Council on November 10, 2015, by Resolution No. 15-2141.

Pursuant to the Texas Human Resources Code, Title 8 Rights and Responsibilities of Persons with Disabilities, Chapter 122 Texas Council on Purchasing From People with Disabilities, the City of Dallas may enter into a contract with TIBH Industries, Inc. as an agency that provides services produced by persons with disabilities, without competitive bid (Section 122.017 and 122.026). TIBH Industries, Inc. is a non-profit corporation; the services will be performed by disabled workers from a local community rehabilitation program. By investing its commissions into the State Use Program, TIBH Industries, Inc. has continued to grow from year to year, helping Community Rehabilitation Programs (CRPs) employ more than 6,000 individuals with disabilities in 2015.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On June 26, 2013, City Council authorized a two-year service contract for janitorial services at the Morton H. Meyerson Symphony Center, Latino Cultural Center, Majestic Theatre, Dallas City Performance Hall, Bath House Cultural Center, Oak Cliff Cultural Center and WRR Municipal Radio by Resolution No. 13-1133.

On March 25, 2015, City Council authorized Supplemental Agreement No. 1 to increase the service contract for janitorial services at various facilities for the Office of Cultural Affairs and extend the term from June 26, 2015 through June 26, 2016, by Resolution No. 15-0480.

Information about this item will be provided to the Budget, Finance and Audit Committee on June 6, 2016.

FISCAL INFORMATION

\$ 883,495.65 - Current Funds (subject to annual appropriations)

\$ 7,047.57 - Municipal Radio Current Funds (subject to annual appropriations)

<u>Council District</u>	<u>Amount</u>
1	\$ 13,862.64
7	\$ 7,047.57
9	\$ 13,862.64
14	<u>\$ 855,770.37</u>
Total	\$ 890,543.22

ETHNIC COMPOSITION

TIBH Industries, Inc.

White Male	16	White Female	18
Black Male	2	Black Female	0
Hispanic Male	6	Hispanic Female	8
Other Male	1	Other Female	1

OWNER

TIBH Industries, Inc.

Fred Weber, Jr., President
Peggy Foreman, Secretary
Tommy Crowe, Treasurer

June 15, 2016

WHEREAS, on June 26, 2013, City Council authorized a two-year service contract for janitorial services at the Morton H. Meyerson Symphony Center, Latino Cultural Center, Majestic Theatre, Dallas City Performance Hall, Bath House Cultural Center, Oak Cliff Cultural Center and WRR Municipal Radio by Resolution No. 13-1133; and,

WHEREAS, on March 25, 2015, City Council authorized Supplemental Agreement No. 1 to increase the service contract for janitorial services at various facilities for the Office of Cultural Affairs and extend the term from June 26, 2015 through June 26, 2016, in an amount not to exceed \$960,000.00, increasing the service contract from \$1,300,470.05 to \$2,260,470.05, by Resolution No. 15-0480;

NOW, THEREFORE,

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

Section 1. That the City Manager is authorized to execute a service contract with TIBH Industries, Inc. (353896) for janitorial services at the Office of Cultural Affairs facilities for a term of one year in an amount not to exceed \$890,543.22, upon approval as to form by the City Attorney. If the service was bid or proposed on an as needed, unit price basis for performance of specified tasks, payment to TIBH Industries, Inc. shall be based only on the amount of the services directed to be performed by the City and properly performed by TIBH Industries, Inc. under the contract.

Section 2. That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed \$890,543.22 (subject to annual appropriations) from Service Contract number BQ1610.

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 ITEM # 5

KEY FOCUS AREA: E-Gov

AGENDA DATE: June 15, 2016

COUNCIL DISTRICT(S): All

DEPARTMENT: Business Development & Procurement Services
Water Utilities

CMO: Jeanne Chipperfield, 670-7804
Mark McDaniel, 670-3256

MAPSCO: N/A

SUBJECT

Authorize a three-year service contract to provide storage, hauling and disposal of excavated material - Green Planet, Inc., most advantageous proposer of five - Not to exceed \$667,200 - Financing: Water Utilities Current Funds (subject to annual appropriations)

BACKGROUND

This action does not encumber funds; the purpose of a service contract is to establish firm pricing for services, for a specific term, which are ordered on an as needed basis.

This service contract will provide storage, hauling and disposal of excavated material. Water Utilities regularly excavates material (soil, sand, concrete, re-bar and broken pipe) in order to facilitate the repair of broken water mains. Under this contract the vendor is required to store excavated material in specifically designated roll-off containers while the material is tested for hazardous contaminants by a third party. Once testing is completed the vendor is required to dispose of the material in accordance with the Solid Waste Disposal Act and Texas Commission on Environmental Quality regulations.

A six member evaluation committee was selected from the following departments:

- Trinity Watershed Management (1)
- Water Utilities (2)
- Sanitation Services (1)
- Business Development and Procurement Services (2)*

*Business Development and Procurement Services only evaluated the Business Inclusion and Development Plan and cost.

BACKGROUND (Continued)

The successful proposer was selected by the committee on the basis of demonstrated competence and qualifications under the following criteria:

- | | |
|---|-----|
| ● Cost | 60% |
| ● Capability and expertise | 25% |
| ● Business Inclusion and Development Plan | 15% |

As part of the solicitation process and in an effort to increase competition, Business Development and Procurement Services used its procurement system to send out 1,627 email bid notifications to vendors registered under respective commodities. To further increase competition, Business Development and Procurement Services uses historical solicitation information, the internet, and vendor contact information obtained from user departments to contact additional vendors by phone. Additionally, in an effort to secure more bids, notifications were sent by the Business Development and Procurement Services' ResourceLINK Team (RLT) to 25 chambers of commerce, the DFW Minority Business Council and the Women's Business Council – Southwest, to ensure maximum vendor outreach.

The recommended vendor meets the wage floor rate of \$10.37 approved by City Council on November 10, 2015, by Resolution No. 15-2141.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Information about this item will be provided to the Budget, Finance and Audit Committee on June 6, 2016.

FISCAL INFORMATION

\$667,200.00 - Water Utilities Current Funds (subject to annual appropriations)

M/WBE INFORMATION

294 - Vendors contacted
292 - No response
2 - Response (Bid)
0 - Response (No Bid)
1 - Successful

1,627 - M/WBE and Non-M/WBE vendors were contacted

The recommended awardee has fulfilled the requirements set forth in the Business Inclusion and Development (BID) Plan adopted by Council Resolution No. 08-2826 as amended.

ETHNIC COMPOSITION

Green Planet, Inc.

White Male	0	White Female	2
Black Male	0	Black Female	0
Hispanic Male	5	Hispanic Female	1
Other Male	1	Other Female	0

PROPOSAL INFORMATION

The following proposals were received from solicitation number BWZ1603 and were opened on January 8, 2016. This service contract is being awarded in its entirety to the most advantageous proposer.

*Denotes successful proposer

<u>Proposers</u>	<u>Address</u>	<u>Score</u>	<u>Amount</u>
*Green Planet, Inc.	6371 State Hwy. 276 West Royse City, TX 75189	83%	\$667,200.00
Q. Roberts Trucking, Inc.	2508 Club Terrace Dr. Dallas, TX 75237	78%	\$602,215.05
Protect Environmental Services, Inc.	2010 Century Blvd. Suite I Irving, TX 75062	75%	\$751,009.50
Herdez Trucking, Inc.	6426 C.F. Hawn Fwy. Dallas, TX 75217	65%	\$710,210.00
Cactus Disposal of North Texas Supplies, Inc.	4960 Singleton Blvd. Dallas, TX 75212	64%	\$664,573.75

OWNER

Green Planet, Inc.

Virginia Belmore, President
Hassan Aicha, Vice President

BUSINESS INCLUSION AND DEVELOPMENT PLAN SUMMARY

PROJECT: Authorize a three-year service contract to provide storage, hauling and disposal of excavated material - Green Planet, Inc., most advantageous proposer of five - Not to exceed \$667,200 - Financing: Water Utilities Current Funds (subject to annual appropriations)

Green Planet, Inc. is a non-local, minority firm, has signed the "Business Inclusion & Development" documentation, and proposes to use the following sub-contractor.

PROJECT CATEGORY: Other Services

LOCAL/NON-LOCAL CONTRACT SUMMARY

	<u>Amount</u>	<u>Percent</u>
Total local contracts	\$133,440.00	20.00%
Total non-local contracts	\$533,760.00	80.00%
TOTAL CONTRACT	\$667,200.00	100.00%

LOCAL/NON-LOCAL M/WBE PARTICIPATION

Local Contractors / Sub-Contractors

<u>Local</u>	<u>Certification</u>	<u>Amount</u>	<u>Percent</u>
Q Roberts Trucking Inc	BMDB04166Y0516	\$66,720.00	50.00%
Total Minority - Local		\$66,720.00	50.00%

Non-Local Contractors / Sub-Contractors

<u>Non-local</u>	<u>Certification</u>	<u>Amount</u>	<u>Percent</u>
Green Planet Inc	WFDB76738Y0517	\$467,040.00	87.50%
Total Minority - Non-local		\$467,040.00	87.50%

TOTAL M/WBE CONTRACT PARTICIPATION

	<u>Local</u>	<u>Percent</u>	<u>Local & Non-Local</u>	<u>Percent</u>
African American	\$66,720.00	50.00%	\$66,720.00	10.00%
Hispanic American	\$0.00	0.00%	\$0.00	0.00%
Asian American	\$0.00	0.00%	\$0.00	0.00%
Native American	\$0.00	0.00%	\$0.00	0.00%
WBE	\$0.00	0.00%	\$467,040.00	70.00%
Total	\$66,720.00	50.00%	\$533,760.00	80.00%

June 15, 2016

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

Section 1. That the City Manager is authorized to execute a service contract with Green Planet, Inc. (357112) to provide storage, hauling and disposal of excavated material for a term of three years in an amount not to exceed \$667,200.00, upon approval as to form by the City Attorney. If the service was bid or proposed on an as needed, unit price basis for performance of specified tasks, payment to Green Planet, Inc. shall be based only on the amount of the services directed to be performed by the City and properly performed by Green Planet, Inc. under the contract.

Section 2. That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed \$667,200.00 (subject to annual appropriations) from Service Contract number BWZ1603.

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 ITEM # 6

KEY FOCUS AREA: E-Gov

AGENDA DATE: June 15, 2016

COUNCIL DISTRICT(S): All

DEPARTMENT: Business Development & Procurement Services
Equipment & Building Services
Trinity Watershed Management
Water Utilities

CMO: Jeanne Chipperfield, 670-7804
Jill A. Jordan, P.E., 670-5299
Mark McDaniel, 670-3256

MAPSCO: N/A

SUBJECT

Authorize a three-year service contract for repair and overhaul services for pumps - Evans Enterprises, Inc. in the amount of \$2,140,835, Allen's Electric Motor Service, Inc. in the amount of \$1,483,840 and Anytime Pump Service Company dba CIE in the amount of \$586,225, lowest responsible bidders of four - Total not to exceed \$4,210,900 - Financing: Current Funds (\$161,070), Water Utilities Current Funds (\$3,734,355) and Stormwater Drainage Management Current Funds (\$315,475) (subject to annual appropriations)

BACKGROUND

This action does not encumber funds; the purpose of a service contract is to establish firm pricing for services, for a specific term, which are ordered on an as needed basis.

This service contract will provide repair and overhaul services for pumps operated and maintained by the City. The awarded vendors will be required to maintain the pumps at required manufacturer's specifications. Trained professionals will perform on-site inspections, pump evaluation/condition, performance testing, equipment analysis and the removal and installation of pumps as needed. This service contract also includes field inspections, alignments, fabrication of parts, vibration, testing and systems analysis. Pumps maintained under this contract are used to regulate and control the flow of water/wastewater and stormwater.

The City has more than 300 pumping units, with capacities ranging from 350 gallons per minute to above 56,000 gallons per minute. Proper operation of these pumps allows the City to meet Texas Commission on Environmental Quality permit requirements.

BACKGROUND (Continued)

As part of the solicitation process and in an effort to increase competition, Business Development and Procurement Services (BDPS) used its procurement system to send out 412 email bid notifications to vendors registered under respective commodities. To further increase competition, BDPS uses historical solicitation information, the internet, and vendor contact information obtained from user departments to contact additional vendors by phone. Additionally, in an effort to secure more bids, notifications were sent by the BDPS' ResourceLINK Team (RLT) to 25 chambers of commerce, the DFW Minority Business Council and the Women's Business Council – Southwest, to ensure maximum vendor outreach.

The recommended vendor meets the wage floor rate of \$10.37 approved by City Council on November 10, 2015, by Resolution No. 15-2141.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On January 26, 2011, City Council authorized a three-year service contract for pump maintenance, repair and overhaul services by Resolution No. 11-0252.

On September 26, 2012, City Council authorized a three-year service contract for pump overhaul and repair services by Resolution No. 12-2344.

Information about this item will be provided to the Budget, Finance and Audit Committee on June 6, 2016.

FISCAL INFORMATION

\$ 161,070.00 – Current Funds (subject to annual appropriations)
\$3,734,355.00 – Water Utilities Current Funds (subject to annual appropriations)
\$ 315,475.00 – Stormwater Drainage Management Current Funds (subject to annual appropriations)

M/WBE INFORMATION

37 - Vendors contacted
36 - No response
1 - Response (Bid)
0 - Response (No bid)
1 - Successful

412 - M/WBE and Non-M/WBE vendors were contacted

The recommended awardees have fulfilled the good faith requirements set forth in the Business Inclusion and Development (BID) Plan adopted by Council Resolution No. 08-2826 as amended.

ETHNIC COMPOSITION

Evans Enterprises, Inc.

White Male	35	White Female	6
Black Male	2	Black Female	0
Hispanic Male	8	Hispanic Female	1
Other Male	0	Other Female	0

Allen's Electric Motor Service, Inc.

White Male	39	White Female	11
Black Male	5	Black Female	0
Hispanic Male	0	Hispanic Female	0
Other Male	0	Other Female	0

Anytime Pump Service Company dba CIE

White Male	5	White Female	3
Black Male	0	Black Female	0
Hispanic Male	3	Hispanic Female	0
Other Male	0	Other Female	0

BID INFORMATION

The following bids were received from solicitation number BM1609 and were opened on January 29, 2016. This service contract is being awarded to the lowest responsive and responsible bidders by group. Information related to this solicitation is available upon request.

*Denotes successful bidders

<u>Bidders</u>	<u>Address</u>	<u>Amount</u>
*Evans Enterprises, Inc.	201 S. Industrial Dr. Waco, TX 76710	Multiple Groups
*Allen's Electric Motor Service, Inc.	400 Roy Hoppy Hopkins Dr. Vivian, LA 71082	Multiple Groups
*Anytime Pump Service Company dba CIE	1222 S. Cedar Ridge Duncanville, TX 75137	Multiple Groups
Xylem Water Solutions USA, Inc.	2400 Tarpley Rd. Carrollton, TX 75006	Multiple Groups

OWNERS

Evans Enterprises, Inc.

Rusty Thrash, President,
Evans Thrash, Vice President
David Woodman, Secretary

Allen's Electric Motor Service, Inc.

Peggy Allen Parker, President,
Clinton Ray Walker, Vice President

Anytime Pump Service Company dba CIE

Donald O'Connor, President
Dana O'Connor, Secretary

BUSINESS INCLUSION AND DEVELOPMENT PLAN SUMMARY

PROJECT: Authorize a three-year service contract for repair and overhaul services for pumps - Evans Enterprises, Inc. in the amount of \$2,140,835, Allen's Electric Motor Service, Inc. in the amount of \$1,483,840 and Anytime Pump Service Company dba CIE in the amount of \$586,225, lowest responsible bidders of four - Total not to exceed \$4,210,900 - Financing: Current Funds (\$161,070), Water Utilities Current Funds (\$3,734,355) and Stormwater Drainage Management Current Funds (\$315,475) (subject to annual appropriations)

Evans Enterprises, Inc. is a non-local, non-minority firm, has signed the "Business Inclusion & Development" documentation, and proposes to use their own workforce. Anytime Pump Service Company dba CIE is a local, non-minority firm, has signed the "Business Inclusion & Development" documentation, and proposes to use their own workforce. Allen's Electric Motor Service, Inc. is a non-local, minority firm, has signed the "Business Inclusion & Development" documentation, and proposes to use their own workforce.

PROJECT CATEGORY: Other Services

LOCAL/NON-LOCAL CONTRACT SUMMARY

	<u>Amount</u>	<u>Percent</u>
Total local contracts	\$586,225.00	13.92%
Total non-local contracts	\$3,624,675.00	86.08%
TOTAL CONTRACT	\$4,210,900.00	100.00%

LOCAL/NON-LOCAL M/WBE PARTICIPATION

Local Contractors / Sub-Contractors

None

Non-Local Contractors / Sub-Contractors

<u>Non-local</u>	<u>Certification</u>	<u>Amount</u>	<u>Percent</u>
Allen's Electric Motor Services, Inc.	WFWD35369N0217	\$1,483,840.00	40.94%
Total Minority - Non-local		\$1,483,840.00	40.94%

TOTAL M/WBE CONTRACT PARTICIPATION

	<u>Local</u>	<u>Percent</u>	<u>Local & Non-Local</u>	<u>Percent</u>
African American	\$0.00	0.00%	\$0.00	0.00%
Hispanic American	\$0.00	0.00%	\$0.00	0.00%
Asian American	\$0.00	0.00%	\$0.00	0.00%
Native American	\$0.00	0.00%	\$0.00	0.00%
WBE	\$0.00	0.00%	\$1,483,840.00	35.24%
	<hr/>	<hr/>	<hr/>	<hr/>
Total	\$0.00	0.00%	\$1,483,840.00	35.24%

June 15, 2016

WHEREAS, on January 26, 2011, City Council authorized a three-year service contract for pump maintenance, repair and overhaul services by Resolution No. 11-0252; and,

WHEREAS, on September 26, 2012, City Council authorized a three-year service contract for pump overhaul and repair services by Resolution No. 12-2344; and,

WHEREAS, on October 20, 2015, Administrative Action No. 15-6922 authorized supplemental agreement no. 1 to the service contract with Allen's Electric Motor Service, Inc. to extend the contract term from September 25, 2015 to March 25, 2016;

NOW, THEREFORE,

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

Section 1. That the City Manager is authorized to execute a service contract with Evans Enterprises, Inc. (517530) in the amount of \$2,140,835.00, Allen's Electric Motor Service, Inc. (VS0000036492) in the amount of \$1,483,840.00 and Anytime Pump Service Company dba CIE (510337) in the amount of \$586,225.00 for repair and overhaul services for pumps for a term of three years in a total amount not to exceed \$4,210,900.00, upon approval as to form by the City Attorney. If the service was bid or proposed on an as needed, unit price basis for performance of specified tasks, payment to Evans Enterprises, Inc., Allen's Electric Motor Service, Inc. and Anytime Pump Service Company dba CIE shall be based only on the amount of the services directed to be performed by the City and properly performed by Evans Enterprises, Inc., Allen's Electric Motor Service, Inc. and Anytime Pump Service Company dba CIE under the contract.

Section 2. That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed \$4,210,900.00 (subject to annual appropriations) from Service Contract number BM1609.

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 ITEM # 7

KEY FOCUS AREA: Public Safety

AGENDA DATE: June 15, 2016

COUNCIL DISTRICT(S): All

DEPARTMENT: Business Development & Procurement Services
Police

CMO: Jeanne Chipperfield, 670-7804
Eric Campbell, 670-3255

MAPSCO: N/A

SUBJECT

Authorize a one-year master agreement for 40mm launchers for Police - GT Distributors, Inc. through the Texas Association of School Boards (BuyBoard) - Not to exceed \$235,992 - Financing: Current Funds

BACKGROUND

This action does not encumber funds; the purpose of a master agreement is to establish firm pricing for goods, for a specific term, which are ordered on an as needed basis.

This master agreement will provide 40mm launchers for Police. The 40mm launchers will provide officers another piece of equipment that provides the officer a safe distance from an assailant to de-escalate a situation in the field. These launchers will be utilized by patrol officers and task force officers that are in the field on a daily basis and can be the quickest to respond to a needed situation. The launchers will be used on non-compliant persons wielding blunt force or edged weapons at a safe distance, allowing the officer more time to talk to the person or de-escalate without use of lethal force.

To ensure each launcher is accounted for, the Quartermaster will issue the weapons to the assigned division and maintain the transaction record for the items. The equipment will be used in conjunction with their daily duties.

The Texas Association of School Boards (BuyBoard) conforms to the requirements of Texas Statutes that are applicable for competitive bids and proposals, in accordance with the Interlocal Cooperation Act, Chapter 791, Texas Government Code. In addition, BuyBoard receives bids from manufacturers and dealers throughout the United States.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Information about this item was provided to the Public Safety Committee on May 23, 2016.

FISCAL INFORMATION

\$235,992.00 - Current Funds

ETHNIC COMPOSITION

GT Distributors, Inc.

White Male	45	White Female	27
Black Male	2	Black Female	2
Hispanic Male	5	Hispanic Female	3
Other Male	4	Other Female	4

OWNER

GT Distributors, Inc.

William J. Orr, Jr., President
Timothy R. Brown, Vice President
Deborah S. Orr, Secretary

June 15, 2016

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

Section 1. That a master agreement for the purchase of 40mm launchers for Police is authorized with GT Distributors, Inc. (266534) for a term of one year in an amount not to exceed \$235,992.00.

Section 2. That the Purchasing Agent is authorized, upon appropriate request and documented need by a user department, to issue a purchase order for 40mm launchers for Police. If a written contract is required or requested for any or all purchases of 40mm launchers for Police under the master agreement instead of individual purchase orders, the City Manager is authorized to execute the contract upon approval as to form by the City Attorney.

Section 3. That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed \$235,992.00 from Master Agreement number BV1615.

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 ITEM # 8

KEY FOCUS AREA: Public Safety

AGENDA DATE: June 15, 2016

COUNCIL DISTRICT(S): All

DEPARTMENT: Business Development & Procurement Services
Fire

CMO: Jeanne Chipperfield, 670-7804
Eric Campbell, 670-3255

MAPSCO: N/A

SUBJECT

Authorize a three-year master agreement for fire hoses for Fire-Rescue - Metro Fire Apparatus Specialist, Inc. in the amount of \$959,726, Casco Industries, Inc. in the amount of \$76,450 and Dooley Tackaberry, Inc. in the amount of \$72,225, lowest responsible bidders of six - Total not to exceed \$1,108,401 - Financing: Current Funds

BACKGROUND

This action does not encumber funds; the purpose of a master agreement is to establish firm pricing for goods, for a specific term, which are ordered on an as needed basis.

This master agreement will provide for the purchase of fire hoses, utilized by Fire-Rescue (DFR), to keep fire apparatus and vehicles in service for the purpose of suppressing fires within the City. DFR has 150 firefighting apparatus in which the fire hoses are mounted. The firefighting apparatus are housed at various stations throughout the City and are used at fire emergency scenes.

The fire hoses supplied have an independent third party testing firm that certifies the methods of construction and various testing is in accordance with the National Fire Protection Association (NFPA) 1961 Standard on Fire Hose, most recent edition.

This solicitation was structured in a manner which required bidders to submit a response using unit pricing. This bid resulted in a 11% increase on comparable unit prices for the bid awarded in 2011.

BACKGROUND (Continued)

As part of the solicitation process and in an effort to increase competition, Business Development and Procurement Services (BDPS) used its procurement system to send out 278 email bid notifications to vendors registered under respective commodities. To further increase competition, BDPS uses historical solicitation information, the internet, and vendor contact information obtained from user departments to contact additional vendors by phone. Additionally, in an effort to secure more bids, notifications were sent by the BDPS' ResourceLINK Team (RLT) to 25 chambers of commerce, the DFW Minority Business Council and the Women's Business Council – Southwest, to ensure maximum vendor outreach.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On October 26, 2011, City Council authorized a three-year master agreement for fire hoses for Dallas Fire-Rescue by Resolution No. 11-2822.

Information about this item will be provided to the Public Safety Committee on June 13, 2016.

FISCAL INFORMATION

\$1,108,401.00 - Current Funds

M/WBE INFORMATION

40 - Vendors contacted
40 - No response
0 - Response (Bid)
0 - Response (No bid)
0 - Successful

278 - M/WBE and Non-M/WBE vendors were contacted

The recommended awardees have fulfilled the good faith requirements set forth in the Business Inclusion and Development (BID) Plan adopted by Council Resolution No. 08-2826 as amended.

ETHNIC COMPOSITION

Metro Fire Apparatus Specialists, Inc.

White Male	54	White Female	3
Black Male	2	Black Female	0
Hispanic Male	17	Hispanic Female	2
Other Male	0	Other Female	0

ETHNIC COMPOSITION (Continued)

Casco Industries, Inc.

White Male	19	White Female	11
Black Male	1	Black Female	0
Hispanic Male	0	Hispanic Female	0
Other Male	0	Other Female	0

Dooley Tackaberry, Inc.

White Male	63	White Female	28
Black Male	2	Black Female	0
Hispanic Male	28	Hispanic Female	5
Other Male	2	Other Female	0

BID INFORMATION

The following bids were received from solicitation number BV1517 and were opened on March 25, 2016. This master agreement is being awarded to the most responsible and responsive bidders by line. Information related to this solicitation is available upon request.

*Denotes successful bidders

<u>Bidders</u>	<u>Address</u>	<u>Amount</u>
*Metro Fire Apparatus Specialists, Inc.	17350 S.H. 249 Ste. 249 Houston, TX 77064	Multiple Lines
*Casco Industries, Inc.	1517 W. Carrier Pkwy. #118 Grand Prairie, TX 75050	Multiple Lines
*Dooley Tackaberry, Inc.	1515 W. 13 th St. Deer Park, TX 77536	Multiple Lines
JGB Enterprises, Inc.	115 Metropolitan Dr. Liverpool, NY 13088	Multiple Lines
Armored Textiles, Inc.	9 Vose Farm Rd. Ste. 250 Peterborough, NH 03458	Non-responsive**
DXP Enterprises, Inc.	5542 Harvey Wilson Dr. Houston, TX 77020	Non-responsive**

BID INFORMATION (Continued)

**Armored Textiles, Inc. and DXP Enterprises, Inc. were deemed non-responsive due to not meeting specifications.

OWNERS

Metro Fire Apparatus Specialists, Inc.

Craig N. Russell, President

Casco Industries, Inc.

Doug Schaumberg, President

Polly Ebarb, Vice President

Coleman Brown, Secretary/Treasurer

Dooley Tackaberry, Inc.

Tom Hudak, President

Glenn Boles, Vice President

Linda Hammons, Treasurer

BUSINESS INCLUSION AND DEVELOPMENT PLAN SUMMARY

PROJECT: Authorize a three-year master agreement for fire hoses for Fire-Rescue - Metro Fire Apparatus Specialist, Inc. in the amount of \$959,726, Casco Industries, Inc. in the amount of \$76,450 and Dooley Tackaberry, Inc. in the amount of \$72,225, lowest responsible bidders of six - Total not to exceed \$1,108,401 - Financing: Current Funds

Metro Fire Apparatus Specialist, Inc. and Dooley Tackaberry, Inc. are non-local, non-minority firms, have signed the "Business Inclusion & Development" documentation, and propose to use their own workforces. Casco Industries, Inc. is a local, non-minority firm, has signed the "Business Inclusion & Development" documentation, and proposes to use their own workforce.

PROJECT CATEGORY: Goods

LOCAL/NON-LOCAL CONTRACT SUMMARY

	<u>Amount</u>	<u>Percent</u>
Total local contracts	\$76,450.00	6.90%
Total non-local contracts	\$1,031,951.00	93.10%
TOTAL CONTRACT	\$1,108,401.00	100.00%

LOCAL/NON-LOCAL M/WBE PARTICIPATION

Local Contractors / Sub-Contractors

None

Non-Local Contractors / Sub-Contractors

None

TOTAL M/WBE CONTRACT PARTICIPATION

	<u>Local</u>	<u>Percent</u>	<u>Local & Non-Local</u>	<u>Percent</u>
African American	\$0.00	0.00%	\$0.00	0.00%
Hispanic American	\$0.00	0.00%	\$0.00	0.00%
Asian American	\$0.00	0.00%	\$0.00	0.00%
Native American	\$0.00	0.00%	\$0.00	0.00%
WBE	\$0.00	0.00%	\$0.00	0.00%
Total	<u>\$0.00</u>	<u>0.00%</u>	<u>\$0.00</u>	<u>0.00%</u>

June 15, 2016

WHEREAS, on October 26, 2011, City Council authorized a three-year master agreement for fire hoses for Dallas Fire-Rescue by Resolution No. 11-2822; and,

WHEREAS, on April 10, 2015, Administrative Action No. 15-5741 authorized to extend the term of the master agreement with Municipal Emergency Services, Inc. for one year from October 25, 2014 to October 24, 2015; and,

WHEREAS, on April 10, 2015, Administrative Action No. 15-5742 authorized to extend the term of the master agreement with Casco Industries, Inc. for one year from October 25, 2014 to October 24, 2015; and,

WHEREAS, on September 18, 2015, Administrative Action No. 15-6686 authorized to extend the term of the master agreement with Municipal Emergency Services, Inc. for one year from October 25, 2015 to October 24, 2016;

NOW, THEREFORE,

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

Section 1. That a master agreement for the purchase of fire hoses for Fire-Rescue is authorized with Metro Fire Apparatus Specialists, Inc. (339015) in the amount of \$959,726.00, Casco Industries, Inc. (082798) in the amount of \$76,450.00 and Dooley Tackaberry, Inc. (335385) in the amount of \$72,225.00 for a term of three years in a total amount not to exceed \$1,108,401.00.

Section 2. That the Purchasing Agent is authorized, upon appropriate request and documented need by a user department, to issue a purchase order for fire hoses for Fire-Rescue. If a written contract is required or requested for any or all purchases of fire hoses for Fire-Rescue under the master agreement instead of individual purchase orders, the City Manager is authorized to execute the contract upon approval as to form by the City Attorney.

Section 3. That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed \$1,108,401.00 from Master Agreement number BV1517.

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 ITEM # 9

KEY FOCUS AREA: E-Gov

AGENDA DATE: June 15, 2016

COUNCIL DISTRICT(S): N/A

DEPARTMENT: City Auditor

CMO: Craig Kinton, 670-3222

MAPSCO: N/A

SUBJECT

Authorize a budget estimate of the needs and requirements of the City Auditor's Office for FY 2016-17 in the amount of \$3,106,152 (subject to final funding adjustments for decisions that will be made on a citywide basis for items such as staff benefits, insurance, Communication and Information Services charges, and other items that may affect all city departmental budgets) - Financing: This action has no cost consideration to the City

BACKGROUND

The Dallas City Charter, Chapter IX establishes the City Auditor's Office as an independent audit function with the primary responsibility of serving at the direction of the City Council.

Proposition 5 (11-04-2014) amended the Dallas City Charter Chapter XI, Sec. 2 to require the City Auditor to furnish a detailed budget estimate of the needs and requirements of the City Auditor's Office for the coming year directly to the City Council, to be approved by the City Council, and then consolidated with the City Manager's annual budget estimate. (Amend. of 11-8-05, Prop. No. 13; Amend. of 11-4-14, Prop. No. 5)

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On May 16, 2016, the City Auditor's Office fiscal year 2016-17 detailed budget estimate was briefed to the Budget, Finance & Audit Committee. Motion made by Councilmember Scott Griggs and seconded by Councilmember Rickey D. Callahan that the Budget, Finance & Audit Committee approve the detailed budget estimate, subject to final citywide adjustments, and recommend full City Council approval for inclusion in the City Manager's annual budget estimate for fiscal year 2016-17. The motion was passed unanimously.

FISCAL INFORMATION

This action has no cost consideration to the City.

June 15, 2016

WHEREAS, on May 16, 2016, the City Council's Budget, Finance & Audit Committee unanimously voted to recommend approval by the full City Council the City Auditor's Office detailed budget estimate of \$3,106,152, subject to final citywide adjustments, for inclusion in the City Manager's annual budget estimate for fiscal year 2016-17.

NOW, THEREFORE,

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

Section 1. That the City Auditor's Office detailed budget estimate of \$3,106,152, subject to final citywide adjustments such as staff benefits, insurance, Communication and Information Services charges, and other items that may affect all city departmental budgets be included in the City Manager's annual budget estimate for FY 2016-17.

Section 2. 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 ITEM # 10

KEY FOCUS AREA: E-Gov

AGENDA DATE: June 15, 2016

COUNCIL DISTRICT(S): N/A

DEPARTMENT: City Controller
Water Utilities

CMO: Jeanne Chipperfield, 670-7804
Mark McDaniel, 670-3256

MAPSCO: N/A

SUBJECT

An ordinance authorizing the issuance and sale of Waterworks and Sewer System Revenue Refunding Bonds, Tax Exempt Series 2016A and Taxable Series 2016B in an aggregate principal amount not to exceed \$640,000,000; establishing parameters regarding the sale of the Bonds; approving the execution of the Bond Purchase Agreement and all other matters related thereto - Not to exceed \$1,249,118 - Financing: Water Utilities Current Funds

BACKGROUND

This proposed revenue bond sale is for the following purposes: (1) refunding and retirement of commercial paper notes issued for interim financing of improvements to the City's water and wastewater system; and (2) refunding outstanding Series 2006, Series 2007, Series 2008, Series 2010, Series 2011, Series 2012A, and Series 2013A revenue bonds (the "Refundable Bonds").

Issuance of revenue bonds for refunding and retirement of up to \$230,000,000 in commercial paper notes is in accordance with the capital program for water and wastewater improvements, and is within the Fiscal Year 2015-16 operating and capital budgets for the Water Utilities Department.

Approximately \$400,000,000 in principal amount of currently outstanding Dallas Water Utilities bonds will be eligible to be refunded with proceeds from the issue. The City's co-financial advisors, First Southwest Company and Estrada Hinojosa, recommend refunding certain maturities of the Refundable Bonds. When the Budget, Finance & Audit Committee was briefed on May 2, 2016, it was advised that based on recent market conditions to and including May 2, 2016, the refunding is expected to result in cash savings of approximately \$29.51 million and a net present value savings of approximately \$25.87 million, which is 6.54 percent of the par amount of the Refundable Bonds. Actual savings will depend on market conditions at the time of the sale.

BACKGROUND (Continued)

If interest rate conditions result in a significant deterioration in the current projected savings for the Refundable Bonds, the City may elect, as little as one day prior to the sale date, to cancel this portion of the sale.

This ordinance will authorize, subject to parameters, city staff and financial advisors to:

(1) Negotiate the sale and issuance of Waterworks and Sewer System Revenue Refunding Bonds, Series 2016A (Tax Exempt) and Taxable Series 2016B (Taxable) with the underwriting syndicate on any business day on and after June 15, 2016 and before September 30, 2016, and (2) establish the maximum par amount (not to exceed \$640,000,000) of bonds to be issued and (3) provide the City flexibility in funding a reserve fund for the bonds, proved for the ability to invest funds and retire bonds in accordance with current law, and other changes to assist in the efficient administration of the System.

The ordinances will authorize the City Manager to award the Bonds if, and only if, the purchase price for the Bonds asking bid is not less than 95% of the aggregate principal amount, plus accrued interest from the date of delivery, the aggregate net present value savings threshold to refund the Refundable Bonds is at least 4.0% and the Bonds shall not bear interest at a rate greater than 10%. The maximum maturity for the Bonds shall not exceed 30 years.

UNDERWRITER DISCLOSURE

The City plans to use Underwriting Syndicate Team "B" which is comprised of Citigroup Global Markets, Inc., Wells Fargo Bank N.A., Goldman Sachs & Co., Piper Jaffray, Stifel, Nicolaus & Co. Inc., Frost Bank, Loop Capital Markets LLC, Samuel A. Ramirez & Co., and Stern Brothers & Company. Goldman Sachs & Company will be the Book Running Senior Manager, and Loop Capital Markets LLC will be the Co-Senior Manager.

ESTIMATED SCHEDULE OF PROJECT

Authorized preparation for Issuance of Bonds	May 11, 2016
Approval of parameters ordinance	June 15, 2016
Pricing	June 23, 2016
Execution of the Bond Purchase Agreement	June 24, 2016
Delivery of Proceeds	July 7, 2016

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Briefed to the Budget, Finance and Audit Committee on May 2, 2016.

City Council authorized preparation of plans for the issuance of Waterworks and Sewer System Revenue Refunding Bonds, Series 2016A (Tax Exempt) and Taxable Series 2016B (Taxable) on May 11, 2016, by Resolution No. 16-0718.

FISCAL INFORMATION

\$1,249,118 - Water Utilities Current Funds

See Attachment I

M/WBE INFORMATION

Attachment I provides an estimate of bond issuance costs for the proposed bonds and the M/WBE participation.

**SERIES 2016A/B
WATERWORKS AND SEWER SYSTEM
REVENUE REFUNDING BONDS
\$640,000,000**

Estimate of Total Bond Issuance Costs and M/WBE Participation

Co-Bond Counsel

McCall, Parkhurst & Horton LLP (Vendor #193173)	\$ 224,000	17.9%
Escamilla & Ponnick (Vendor #518903)	169,375	13.6%

Co-Disclosure Counsel

Andrews Kurth LLP (Vendor #VC13546)	156,800	12.6%
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Co-Financial Advisors

First Southwest Company (Vendor #193056)	231,120	18.5%
Estrada Hinojosa (Vendor #259910)	154,080	12.3%

Debt Analysis/Structuring Fees

First Southwest Company (Vendor #193056)	28,000	2.2%
Estrada Hinojosa (Vendor #259910)	12,000	1.0%

Out-of-Pocket Expenses

First Southwest Company (Vendor #193056)	5,000	0.4%
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Official Statement Printing

TBD	10,000	0.8%
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Rating Agencies

FitchRatings (Vendor #VC14720)	120,000	9.6%
Standard & Poor's (Vendor #954974)	102,243	8.2%

Escrow Fees (US Bank - Vendor #VS0000052040)	3,500	0.3%
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Auditor

Grant Thornton LLP (Vendor #VS0000007921)	14,000	1.1%
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Filing Fee

Attorney General (Vendor #344989)	19,000	1.5%
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Total Issuance Costs

<u>\$ 1,249,118</u>	<u>100%</u>
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Total M/WBE Participation as % of Total Issuance Costs:	335,455	26.9%
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PRELIMINARY OFFICIAL STATEMENT

Dated: June __, 2016

DRAFT
June 1, 2016

NEW ISSUE - BOOK-ENTRY-ONLY

RATINGS:

S&P: “ ”

Fitch: “ ”

(See “OTHER INFORMATION – Ratings”)

In the opinion of Co-Bond Counsel, under existing law, interest on the Series 2016A Bonds will be excludable from gross income for federal income tax purposes. See “TAX MATTERS – Series 2016A Bonds” for a discussion of the opinion of Co-Bond Counsel, including a description of alternative minimum tax consequences. Interest on the Taxable Series 2016B Bonds will be included in gross income for federal income tax purposes. See “TAX MATTERS – Taxable Series 2016B Bonds” for a discussion of the opinion of Co-Bond Counsel.

\$381,821,000*

CITY OF DALLAS, TEXAS

(Dallas, Denton, Collin and Rockwall Counties)

**Waterworks and Sewer System Revenue Refunding Bonds,
Series 2016A**

\$191,650,000*

CITY OF DALLAS, TEXAS

(Dallas, Denton, Collin and Rockwall Counties)

**Waterworks and Sewer System Revenue Refunding Bonds,
Taxable Series 2016B**

Dated Date: Date of Delivery

Due: October 1, as shown on Page 2

PAYMENT TERMS . . . Interest on the \$381,820,000* City of Dallas, Texas Waterworks and Sewer System Revenue Refunding Bonds, Series 2016A (the “Series 2016A Bonds”) and interest on the \$191,650,000* City of Dallas, Texas Waterworks and Sewer System Revenue Refunding Bonds, Taxable Series 2016B Bonds (the “Taxable Series 2016B Bonds” and, together with the Series 2016A Bonds, the “Bonds”) will accrue from the date of delivery and will be payable on October 1, 2016, and on each April 1 and October 1 thereafter until maturity or prior redemption. Interest on the Bonds will be calculated on the basis of a 360-day year consisting of twelve 30-day months. The definitive Bonds will be initially registered and delivered only to Cede & Co., the nominee of The Depository Trust Company, New York, New York (“DTC”), pursuant to the Book-Entry-Only System described herein. Beneficial ownership of the Bonds may be acquired in denominations of \$5,000 or integral multiples thereof. No physical delivery of the Bonds will be made to the owners thereof. Principal of and interest on the Bonds will be payable by the Paying Agent/Registrar to Cede & Co., which will make distribution of the amounts so paid to the participating members of DTC for subsequent payment to the beneficial owners of the Bonds. See “THE BONDS - Book-Entry-Only System” herein. The initial Paying Agent/Registrar for the Bonds is U.S. Bank National Association (see “THE BONDS - Paying Agent/Registrar”).

AUTHORITY FOR ISSUANCE . . . The Bonds are issued pursuant to the general laws of the State of Texas, particularly Chapters 1207 and 1371, Texas Government Code, and by two separate ordinances (the “Series 2016A Bond Ordinance” and the “Taxable Series 2016B Bond Ordinance”) and, together, the “Ordinances”) passed by the City Council of the City of Dallas, Texas (the “City”) on June 15, 2016, and are special obligations of the City, payable, both as to principal and interest, solely from and, together with certain outstanding parity bonds, secured by a first lien on and pledge of the Pledged Revenues (defined herein) of the City's Waterworks and Sewer System (the “System”), which include the Net Revenues of the System remaining after deduction of current expenses of operation and maintenance. **The City has not covenanted nor obligated itself to pay the Bonds from monies raised or to be raised from taxation** (see “THE BONDS – Security and Source of Payment”).

PURPOSE . . . Proceeds from the sale of the Series 2016A Bonds, together with other available System funds, if necessary, will be used (i) to refund certain outstanding bonds of the City, and (ii) to refund outstanding Commercial Paper Notes of the City (the “Refunded Notes”). Proceeds from the sale of the Taxable Series 2016B Bonds, together with other available System funds, if necessary, will be used to refund certain outstanding bonds of the City. See Schedule I – “Schedule of Refunded Bonds” for a description of the bonds of the City eligible to be refunded with the proceeds of the Bonds (the “Refunded Bonds”). The Refunded Bonds and the Refunded Notes are referred to herein as the “Refunded Obligations”.

CUSIP Prefix: 235416

MATURITY SCHEDULE & 9 DIGIT CUSIP

See Schedule on Page 2

LEGALITY . . . The Bonds are offered for delivery when, as and if issued and received by the Underwriters listed below (the “Underwriters”) and subject to the approving opinions of the Attorney General of the State of Texas, and the opinions of Co-Bond Counsel, McCall, Parkhurst & Horton L.L.P. and Escamilla & Poneck, LLP, (see Appendix D - “Forms of Co-Bond Counsel's Opinions”). Certain legal matters will be passed upon by the City by Andrews Kurth LLP, Dallas, Texas, Disclosure Counsel for the City. Certain legal matters will be passed upon for the Underwriters by their Co-Counsel, Locke Lord, LLP, Dallas, Texas and White & Wiggins, LLP, Dallas, Texas.

DELIVERY . . . It is expected that the Bonds will be available for delivery through DTC on or about July 7, 2016.

GOLDMAN, SACHS & CO.

LOOP CAPITAL MARKETS, LLC

CITIGROUP

FROST BANK

PIPER JAFFRAY

SAMUEL A. RAMIREZ & CO.

STERN BROTHERS & CO.

STIFEL, NICOLAUS & COMPANY,

INCORPORATED

WELLS FARGO BANK, N.A.

MATURITY SCHEDULE

CUSIP Prefix: 235416⁽¹⁾

\$381,821,000* Waterworks and Sewer System Revenue Refunding Bonds, Series 2016A

Maturity (October 1)	Amount	Rate	Yield	CUSIP ⁽¹⁾ Suffix	Maturity (October 1)	Amount	Rate	Yield	CUSIP ⁽¹⁾ Suffix
2017	\$2,815,000				2028	\$ 6,765,000			
2018	2,960,000				2029	47,230,000			
2019	3,115,000				2030	28,585,000			
2020	3,275,000				2031	30,055,000			
2021	3,440,000				2032	28,345,000			
2022	3,615,000				2033	29,795,000			
2023	3,805,000				2034	31,330,000			
2024	3,995,000				2035	17,530,000			
2025	4,200,000				2036	27,765,000			
2026	4,420,000				2037	9,235,000			
2027	4,645,000								

\$42,430,000 _____ % Term Bonds Due October 1, 20____, Priced to Yield _____ %⁽²⁾ - CUSIP⁽¹⁾ Suffix: _____

\$42,470,000 _____ % Term Bonds Due October 1, 20____, Priced to Yield _____ %⁽²⁾ - CUSIP⁽¹⁾ Suffix: _____

(Interest accrues from the Date of Delivery)

\$191,650,000* Waterworks and Sewer System Revenue Refunding Bonds, Taxable Series 2016B

Maturity (October 1)	Amount	Rate	Yield	CUSIP ⁽¹⁾ Suffix	Maturity (October 1)	Amount	Rate	Yield	CUSIP ⁽¹⁾ Suffix
2016	\$8,700,000				2023	\$19,200,000			
2017	5,115,000				2024	5,420,000			
2018	39,945,000				2025	12,360,000			
2019	28,220,000				2026	12,670,000			
2020	1,345,000				2027	22,255,000			
2021	1,365,000				2028	33,660,000			
2022	1,395,000								

(Interest accrues from the Date of Delivery)

⁽¹⁾ CUSIP is a registered trademark of the American Bankers Association. CUSIP data herein is provided by CUSIP Global Services ("CGS"), managed on behalf of the American Bankers Association by S&P Capital IQ. This data is not intended to create a database and does not serve in any way as a substitute for the services provided by CGS. The Underwriters, the City and the Co-Financial Advisors are not responsible for the selection or correctness of the CUSIP numbers set forth herein.

⁽²⁾ Yield shown is yield to the first optional call date, October 1, 20____.

REDEMPTION. . . The City reserves the right, at its option, to redeem Series 2016A Bonds having stated maturities on and after October 1, 20____, in whole, or in part in principal amounts of \$5,000 or any integral multiple thereof, on October 1, 20____ or on any date thereafter, at the redemption price of par plus accrued interest to the date fixed for redemption (see "THE BONDS – Optional Redemption of the Tax-Exempt Bonds"). The Series 2016A Bonds maturing on October 1 in each of the years 20____ and 20____ are subject to mandatory sinking fund redemption prior to their scheduled maturities (see "THE BONDS - Mandatory Sinking Fund Redemption").

The City reserves the right, at its option, to redeem Taxable Series 2016B Bonds having stated maturities on and after October 1, 20____, in whole, or in part in principal amounts of \$5,000 or any integral multiple thereof, on October 1, 20____ or on any date thereafter, at the redemption price of par plus accrued interest to the date fixed for redemption (see "THE BONDS – Optional Redemption of the Taxable Bonds"). The Bonds maturing on October 1 in each of the years 20____ and 20____ are subject to mandatory sinking fund redemption prior to their scheduled maturities (see "THE BONDS - Mandatory Sinking Fund Redemption").

For purposes of compliance with Rule 15c2-12 of the United States Securities and Exchange Commission (“Rule 15c2-12”), as amended and in effect on the date hereof, this document constitutes an Official Statement of the City with respect to the Bonds that has been deemed “final” by the City as of its date except for the omission of no more than the information permitted by Rule 15c2-12.

This Official Statement and the information contained herein are subject to completion and amendment. The Bonds may not be sold nor any offers to buy be accepted prior to the time the Official Statement is delivered in final form. Under no circumstances shall this Official Statement constitute an offer to sell or the solicitation of any offer to buy, nor shall there be any sale of the Bonds in any jurisdiction in which such offer, solicitation, or sale would be unlawful prior to registration or qualification under the securities laws of any such jurisdiction.

This Official Statement, which includes the cover page, Schedule I and the Appendices hereto, does not constitute an offer to sell or the solicitation of an offer to buy in any jurisdiction to any person to whom it is unlawful to make such offer, solicitation or sale.

No dealer, broker, salesperson or other person has been authorized to give information or to make any representation other than those contained in this Official Statement, and, if given or made, such other information or representations must not be relied upon.

The information set forth herein has been obtained from the City and other sources believed to be reliable, but such information is not guaranteed as to accuracy or completeness and is not to be construed as the promise or guarantee of the City's Co-Financial Advisors. This Official Statement contains, in part, estimates and matters of opinion which are not intended as statements of fact, and no representation is made as to the correctness of such estimates and opinions, or that they will be realized.

All information contained in this Official Statement is subject, in all respects, to the complete body of information contained in the original sources thereof and no guaranty, warranty, or other representation is made concerning the accuracy or completeness of the information herein. In particular, no opinion or representation is rendered as to whether any projection will approximate actual results, and all opinions, estimates and assumptions, whether expressly identified as such, should not be considered statements of fact.

The Underwriters have provided the following sentence for inclusion in this Official Statement. The Underwriters have reviewed the information in this Official Statement in accordance with, and as part of, their responsibilities to investors under, the federal securities laws as applied to the facts and circumstances of this transaction, but the Underwriters do not guarantee the accuracy or completeness of such information.

The information and expressions of opinion contained herein are subject to change without notice, and neither the delivery of this Official Statement nor any sale made hereunder shall, under any circumstances, create any implication that there has been no change in the affairs of the City or other matters described.

IN CONNECTION WITH THIS OFFERING, THE UNDERWRITERS MAY OVER-ALLOT OR EFFECT TRANSACTIONS WHICH STABILIZE THE MARKET PRICE OF THE ISSUE AT A LEVEL ABOVE THAT WHICH MIGHT OTHERWISE PREVAIL IN THE OPEN MARKET. SUCH STABILIZING, IF COMMENCED, MAY BE DISCONTINUED AT ANY TIME.

THE AGREEMENTS OF THE CITY AND OTHERS RELATED TO THE BONDS ARE CONTAINED SOLELY IN THE CONTRACTS DESCRIBED HEREIN. NEITHER THIS OFFICIAL STATEMENT NOR ANY OTHER STATEMENT MADE IN CONNECTION WITH THE OFFER OR SALE OF THE BONDS IS TO BE CONSTRUED AS CONSTITUTING AN AGREEMENT WITH THE PURCHASERS OF THE BONDS. INVESTORS SHOULD READ THE ENTIRE OFFICIAL STATEMENT, INCLUDING ALL SCHEDULES AND APPENDICES ATTACHED HERETO, TO OBTAIN INFORMATION ESSENTIAL TO MAKING AN INFORMED INVESTMENT DECISION.

THE BONDS ARE EXEMPT FROM REGISTRATION WITH THE UNITED STATES SECURITIES AND EXCHANGE COMMISSION AND CONSEQUENTLY HAVE NOT BEEN REGISTERED THEREWITH. THE REGISTRATION, QUALIFICATION, OR EXEMPTION OF THE BONDS IN ACCORDANCE WITH APPLICABLE SECURITIES LAW PROVISIONS OF THE JURISDICTIONS IN WHICH THE BONDS HAVE BEEN REGISTERED, QUALIFIED, OR EXEMPTED SHOULD NOT BE REGARDED AS A RECOMMENDATION THEREOF.

All information contained in this Official Statement is subject, in all respects, to the complete body of information contained in the original sources thereof and no guaranty, warranty, or other representation is made concerning the accuracy or completeness of the information herein. In particular, no opinion or representation is rendered as to whether any projection will approximate actual results, and all opinions, estimates and assumptions, whether expressly identified as such, should not be considered statements of fact.

Neither the City nor the Underwriters make any representation regarding the information contained in this Official Statement regarding The Depository Trust Company or its Book-Entry-Only System, as such information has been furnished by DTC. CUSIP numbers have been assigned to this issue by CUSIP Global Services, and are included solely for the convenience of the owners of the Bonds. Neither the City nor the Underwriters shall be responsible for the selection or correctness of the CUSIP numbers shown on the inside cover page.

*This Official Statement contains “forward-looking” statements within the meaning of Section 21E of the Securities Exchange Act of 1934, as amended. Such statements may involve known and unknown risks, uncertainties and other factors which may cause the actual results, performance and achievements to be different from future results, performance and achievements expressed or implied by such forward-looking statements. **Investors are cautioned that the actual results could differ materially from those set forth in the forward-looking statements** (see “OTHER INFORMATION – Forward-Looking Statements”).*

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The cover page hereof, this page, the schedules and appendices included herein and any addenda, supplement or amendment hereto, are part of the Official Statement.

OFFICIAL STATEMENT SUMMARY

This summary is subject in all respects to the more complete information and definitions contained or incorporated in this Official Statement. The offering of the Bonds to potential investors is made only by means of this entire Official Statement. No person is authorized to detach this summary from this Official Statement or to otherwise use it without the entire Official Statement.

THE ISSUER..... The City of Dallas, Texas (the “City”), is a political subdivision located in Dallas, Denton, Collin and Rockwall Counties operating as a home-rule city under the laws of the State and a charter initially approved by the voters in 1907. The City operates under the City Council/Manager form of government where the Mayor is elected for a four-year term and fourteen City Councilmembers are each elected for two-year terms. The Mayor’s term is limited to two consecutive terms and the fourteen Councilmembers are limited to four consecutive terms. The City Council formulates operating policy for the City while the City Manager is the chief administrative officer.

The City is among the three most populous cities in Texas and among the ten most populous cities in the U.S. The City is approximately 378 square miles in area (see Appendix A - “General Information Regarding the City”).

THE BONDS The \$381,820,000* City of Dallas, Texas Waterworks and Sewer System Revenue Refunding Bonds, Series 2016A (the “Series 2016A Bonds”) are issued as serial bonds maturing on October 1 in each of the years 2016 through and including 20__, and as term bonds maturing on October 1, 20__ and October 1, 20__ (the “Term Bonds”). The \$191,650,000* City of Dallas, Texas Waterworks and Sewer System Revenue Refunding Bonds, Taxable Series 2016B (the “Taxable Series 2016B Bonds”) are issued as serial bonds maturing on October 1 in each of the years 2019 through and including 2031. The Series 2016A Bonds and the Taxable Series 2016B Bonds are collectively referred to as the “Bonds”. The Bonds shall mature on the dates as shown on the inside cover of this Official Statement (see “THE BONDS - Description of the Bonds”).

PAYMENT OF INTEREST Interest on the Bonds accrues from their date of delivery, and is payable commencing October 1, 2016 and on each April 1 and October 1 thereafter until maturity or prior redemption (see “THE BONDS - Description of the Bonds”, “THE BONDS – Optional Redemption” and “THE BONDS – Mandatory Sinking Fund Redemption”).

AUTHORITY FOR ISSUANCE The Bonds are issued pursuant to the general laws of the State, particularly Chapters 1207 and 1371, Texas Government Code, and the ordinances passed by the City Council of the City.

SECURITY FOR THE BONDS The Bonds constitute special obligations of the City payable, both as to principal and interest, solely from and secured, together with parity bonds currently or hereafter outstanding, by a first lien on and pledge of the Pledged Revenues of the System, which include the Net Revenues of the System remaining after deduction of current expenses of operation and maintenance. **The City has not covenanted nor obligated itself to pay the Bonds from monies raised or to be raised from taxation** (see “THE BONDS - Security and Source of Payment”).

REDEMPTION The City reserves the right, at its option, to redeem the Series 2016A Bonds having stated maturities on and after October 1, 20__ on October 1, 20__ or any date thereafter at the par value thereof, plus accrued interest to the date fixed for redemption (see “THE BONDS – Optional Redemption”). The Term Bonds maturing are subject to mandatory sinking fund redemption prior to their scheduled maturities (see “THE BONDS – Mandatory Sinking Fund Redemption”).

The City reserves the right, at its option, to redeem the Taxable Series 2016B Bonds having stated maturities on and after October 1, 20__ on October 1, 20__ or any date thereafter at the par value thereof, plus accrued interest to the date fixed for redemption (see “THE BONDS – Optional Redemption”).

TAX EXEMPTION..... In the opinion of Co-Bond Counsel, the interest on the Series 2016A Bonds will be excludable from gross income for federal income tax purposes under existing law, subject to the matters described under the caption “TAX MATTERS – Series 2016A Bonds” herein, including the alternative minimum tax on corporations. The Taxable Series 2016B Bonds are not issued as tax exempt obligations. Accordingly, the interest on the Taxable Series 2016B Bonds is includable in gross income. See “TAX MATTERS – Taxable Series 2016B Bonds”

USE OF PROCEEDS Proceeds from the sale of the Series 2016A Bonds, together with other available System funds, if necessary, will be used (i) to refund certain outstanding bonds of the City, and (ii) to refund outstanding Commercial Paper Notes of the City (the “Refunded Notes”). Proceeds from the sale of the Taxable Series 2016B Bonds, together with other available System funds, if necessary, will be used to refund certain outstanding bonds of the City. See Schedule I – “Schedule of Refunded Bonds” for a description of the bonds of the City eligible to be refunded with the proceeds of the Bonds (the “Refunded Bonds”). The Refunded Bonds and the Refunded Notes are referred to herein as the “Refunded Obligations”.

RATINGS Standard & Poor’s Ratings Services, a Standard & Poor’s Financial Services LLC business (“S&P”), and Fitch Inc. (“Fitch”, and together with S&P, the “Rating Agencies”) have assigned ratings of “___” and “___”, respectively, to the Bonds. An explanation of the significance of such ratings may be obtained from the Rating Agencies. The ratings reflect only the respective views of each Rating Agency and the City makes no representation as to the appropriateness of the ratings. (See “OTHER INFORMATION – Ratings”).

PAYMENT RECORD The City has never defaulted in payment of its bonds.

BOOK-ENTRY-ONLY SYSTEM..... The definitive Bonds will be initially registered and delivered only to Cede & Co., the nominee of DTC pursuant to the Book-Entry-Only System described herein. Beneficial ownership of the Bonds may be acquired in denominations of \$5,000 or integral multiples thereof. No physical delivery of the Bonds will be made to the beneficial owners thereof. Principal of, premium, if any, and interest on the Bonds will be payable by the Paying Agent/Registrar to Cede & Co., which will make distributions of the amounts so paid to the participating members of DTC for subsequent payment to the beneficial owners of the Bonds (see “THE BONDS - Book-Entry-Only System”).

SELECTED WATER AND WASTEWATER SYSTEM INDICES

Fiscal Year Ended	Dallas Population	Treated Water Pumpage (Thousand Gallons)			Net Revenues Available For Debt Service	Average Annual Debt Service Requirements	Coverage of Debt
9/30		Average Day	Peak Day	Total			Service
2011	1,200,530	428,000	683,000	156,202,000	\$279,196,000	\$97,453,117	2.86x
2012	1,207,420	395,000	649,000	144,604,000	299,528,000	100,145,435	2.99x
2013	1,213,600	391,000	583,000	142,878,000	321,509,000	103,758,448	3.10x
2014	1,232,360	369,000	535,000	134,792,000	323,681,000	107,961,340	2.99x
2015	1,244,270	374,000	619,000	136,578,000	280,858,000	105,203,244	2.67x

(1) Source: North Central Texas Council of Governments, estimated.

For additional information regarding the City, please contact:

Ms. Jeanne Chipperfield
Chief Financial Officer
City of Dallas
1500 Marilla Street, 4DN
Dallas, Texas 75201
(214) 670-7804

or

Mr. Wayne B. Placide
Mr. Steve Johnson
FirstSouthwest, a Division of
Hilltop Securities Inc.
1201 Elm Street, Suite 3500
Dallas, Texas 75270
(214) 953-4000

or

Mr. Noe Hinojosa, Jr.
Mr. Jorge Garza
Estrada Hinojosa & Company, Inc.
1717 Main St., 47th Floor
Dallas, Texas 75201
(214) 658-1670

CITY OFFICIALS, STAFF AND CONSULTANTS

ELECTED OFFICIALS

City Council	Term Expires	Length of Service as of June 1, 2016	Occupation
Mike Rawlings Mayor - Place 15	June 2019	4 Years, 11 Months	Private Equity (Vice-Chairman)
Scott Griggs Councilmember - Place 1	June 2017	4 Years, 11 Months	Attorney
Adam Medrano Councilmember - Place 2	June 2017	2 Years, 11 Months	Civic Leader
Casey Thomas, II Councilmember - Place 3	June 2017	11 Months	Teacher
Carolyn King Arnold Councilmember - Place 4	June 2017	11 Months	Civic Leader
Rick Callahan Councilmember - Place 5	June 2017	2 Years, 11 Months	Real Estate Broker
Monica Alonzo Mayor Pro Tem - Place 6	June 2017	4 Years, 11 Months	Civic Leader
Tiffinni A. Young Councilmember - Place 7	June 2017	11 Months	Civic Leader
Eric Wilson Deputy Mayor Pro Tem - Place 8	June 2017	11 Months	Teacher
Mark Clayton Councilmember - Place 9	June 2017	11 Months	Insurance
Adam McGough Councilmember - Place 10	June, 2017 June 2017	11 Months	Attorney
Lee M. Kleinman Councilmember - Place 11	June 2017	2 Years, 11 Months	Investor
Sandy Greyson Councilmember - Place 12	June 2017	4 Years, 11 Months	Community Volunteer
Jennifer S. Gates Councilmember - Place 13	June 2017	2 Years, 11 Months	Community Volunteer/Registered Nurse
Philip Kingston Councilmember - Place 14	June 2017	2 Years, 11 Months	Commercial Litigator

SELECTED ADMINISTRATIVE STAFF

Name	Position	Length of Time in This Position as of June 1, 2016	Tenure with City of Dallas as of June 1, 2016
A.C. Gonzalez	City Manager	2 Years, 3 Months	15 Years, 11 Months
Ryan S. Evans	First Assistant City Manager	2 Years, 3 Months	31 Years, 3 Months
Jill A. Jordan, P.E.	Assistant City Manager	17 Years, 5 Months	33 Years, 6 Months
Eric Campbell	Assistant City Manager	1 Year, 8 Months	1 Year, 8 Months
Mark McDaniel	Assistant City Manager	1 Year, 9 Months	1 Year, 9 Months
Joey Zapata	Assistant City Manager	5 Years,	22 Years, 1 Month
Jeanne Chipperfield	Chief Financial Officer	6 Years, 4 Months	22 Years, 1 Month
Christopher D. Bowers	Interim City Attorney *	1 Month	26 Years, 3 Months
Rosa A. Rios	City Secretary	4 Years, 3 Months	9 Years, 10 Months
Craig Kinton	City Auditor	9 Years, 8 Months	9 Years, 8 Months

* Christopher D. Bowers was appointed Interim City Attorney effective close of business April 29, 2016.

DALLAS WATER UTILITIES DEPARTMENT MANAGEMENT OFFICIALS

Name	Position	Length of Time in This Position as of June 1, 2016	Tenure with City of Dallas as of June 1, 2016
Jo M. Puckett, P.E.	Director of Water Utilites	11 Years, 2 Months	34 Years, 5 Months
Terry S. Lowery	Assistant Director, Business Operations	6 Years, 3 Months	24 Years, 7 Months
Richard Wagner, P.E.	Interim Assistant Director, Capital Improvements	1 Year, 3 Months	22 Years
Randall Payton	Assistant Director, Water Operations	4 Years, 10 Months	25 Years, 7 Months
Zachary Peoples	Assistant Director, Wastewater Operations	3 Years, 5 Months	22 Years, 6 Months
Sheila E. Delgado	Assistant Director, Customer Operations	8 Years	21 Years, 3 Months
Ade Williams	Assistant Director, Utility Systems Operations	5 Years, 5 Months	17 Years, 7 Months
Kenneth Delregno	Assistant Director, Water Production	3 Years	31 Years, 8 Months

CONSULTANTS AND ADVISORS

Auditors	Grant Thornton LLP Dallas, Texas
Co-Bond Counsel.....	McCall, Parkhurst & Horton L.L.P. Dallas, Texas
	Escamilla & Poneck, LLP Dallas, Texas
Disclosure Counsel	Andrews Kurth LLP Dallas, Texas
Co-Financial Advisors	FirstSouthwest, a Division of Hilltop Securities Inc. Dallas, Texas
	Estrada Hinojosa & Company, Inc. Dallas, Texas

OFFICIAL STATEMENT
RELATING TO
\$381,820,000*
CITY OF DALLAS, TEXAS
WATERWORKS AND SEWER SYSTEM REVENUE REFUNDING BONDS, SERIES 2016A

\$191,650,000*
CITY OF DALLAS, TEXAS
WATERWORKS AND SEWER SYSTEM REVENUE REFUNDING BONDS, TAXABLE SERIES 2016B

INTRODUCTION

This Official Statement, which includes the Appendices and Schedule I hereto, provides certain information regarding the issuance of \$381,820,000* City of Dallas, Texas Waterworks and Sewer System Revenue Refunding Bonds, Series 2016A (the “Series 2016A Bonds”) and \$191,650,000* City of Dallas, Texas Waterworks and Sewer System Revenue Refunding Bonds, Taxable Series 2016B (the “Taxable Series 2016B Bonds”) and are referred to collectively as the “Bonds”. Capitalized terms used in this Official Statement have the same meanings assigned to such terms in the ordinances adopted on June 15, 2016, which authorized the issuance of the Bonds (collectively, the “Ordinances”), except as otherwise indicated herein (see Appendix B – “Selected Provisions of the Ordinances - Definitions”).

This Official Statement includes descriptions of the Bonds and certain information regarding the City and its finances. All descriptions of documents contained herein are summaries and are qualified in their entirety by reference to each such document. Copies of such documents may be obtained from FirstSouthwest, A Division of Hilltop Securities, Inc., Dallas, Texas, and Estrada, Hinojosa & Co., Inc., Co-Financial Advisors to the City of Dallas, Texas (the “City”).

References to website addresses presented in this Official Statement are for informational purposes only and may be in the form of a hyperlink solely for the reader’s convenience. Unless otherwise specified in this Official Statement, references to websites and the information or links contained therein are not incorporated into, and are not part of, this Official Statement.

DESCRIPTION OF THE CITY . . . The City is a political subdivision located in Dallas, Denton, Collin and Rockwall Counties, operating as a home rule city under the laws of the State of Texas (the “State”) and a charter first approved by the voters in 1907 (the “City Charter”). The City operates under a Council/Manager form of government with a City Council comprised of the Mayor and fourteen Council members. The Mayor is elected for a four-year term and the fourteen Council members are each elected for two-year terms. The Mayor’s term is limited to two consecutive terms and the fourteen Councilmembers are limited to four consecutive terms. Each of the fourteen Council members represents a district within the City. The City Manager is the chief administrative officer for the City. Some of the services that the City provides are: public safety (police and fire protection), highways and streets, water and sanitary sewer utilities, environmental and health services, culture-recreation, public improvements, planning and zoning, and general administrative services. The 2015 estimated population for the City was 1,244,270. The City covers approximately 378 square miles.

PLAN OF FINANCING

PURPOSE . . . Proceeds from the sale of the Series 2016A Bonds, together with other available System funds, if necessary, will be used (i) to refund certain outstanding bonds of the City, and (ii) to refund outstanding Commercial Paper Notes of the City (the “Refunded Notes”). Proceeds from the sale of the Taxable Series 2016B Bonds, together with other available System funds, if necessary, will be used to refund certain outstanding bonds of the City. See Schedule I – “Schedule of Refunded Bonds” for a description of the bonds of the City eligible to be refunded with the proceeds of the Bonds (the “Refunded Bonds”). The Refunded Bonds and the Refunded Notes are referred to herein as the “Refunded Obligations”.

REFUNDED NOTES . . . The principal and interest due on the Refunded Notes are to be paid on their scheduled maturity date from funds to be deposited with U.S. Bank National Association, the issuing and paying agent for the Refunded Notes. The Series 2016A Bond Ordinance provides that from a portion of the proceeds of the sale of the Series 2016A Bonds received from the Underwriters, together with other available funds of the City, the City will deposit with U.S. Bank National Association, as issuing and paying agent for the Refunded Notes, an amount sufficient to accomplish the discharge and final payment of the Refunded Notes on their scheduled maturity dates.

REFUNDED BONDS . . . The principal and interest due on the Refunded Bonds are to be paid on the scheduled interest payment dates and the redemption date of such Refunded Bonds, from funds to be deposited pursuant to a certain Escrow Agreement (one or more, and referred to herein as the “Escrow Agreement”) between the City and U.S. Bank National Association, Dallas, Texas (the “Escrow Agent”). The Ordinances provide that from a portion of the proceeds of the sale of the Bonds received from the Underwriters, the City will deposit with the Escrow Agent an amount which, together with the Escrowed Securities (defined below)

purchased with a portion of the Bond proceeds and the interest to be earned on such Escrowed Securities, will be sufficient to accomplish the discharge and final payment of the Refunded Bonds on their respective redemption dates. Such funds will be held by the Escrow Agent in a special escrow account (the “Escrow Fund”) and used to purchase direct noncallable obligations of the United States, including obligations that are unconditionally guaranteed by the United States (the “Escrowed Securities”). Under the Escrow Agreement, the Escrow Fund is irrevocably pledged to the payment of the principal of and interest on the Refunded Bonds.

Grant Thornton LLP (the “Verification Agent”), a nationally recognized accounting firm, will verify at the time of delivery of the Bonds to the Underwriters the mathematical accuracy of the schedules that demonstrate the Escrowed Securities will mature and pay interest in such amounts which, together with uninvested funds in the Escrow Fund, will be sufficient to pay, when due, the principal of and interest on the Refunded Bonds on the respective redemption dates with respect to the Refunded Bonds. Such maturing principal of and interest on the Escrowed Securities will not be available to pay the Bonds (see “OTHER INFORMATION - Verification of Arithmetical and Mathematical Computations”).

By the deposit of the Escrowed Securities and cash, if necessary, with the Escrow Agent pursuant to the Escrow Agreement, the City will effect the defeasance of all of the Refunded Bonds in accordance with the law. It is the opinion of Co-Bond Counsel that as a result of such defeasance and in reliance upon the report of the Verification Agent, the Refunded Bonds will be outstanding only for the purpose of receiving payments from the Escrowed Securities and any cash held for such purpose by the Escrow Agent and such Refunded Bonds will not be deemed as being outstanding obligations of the City payable from System revenues nor for the purpose of applying any limitation on the issuance of debt.

In the Escrow Agreement, the City covenants to make timely deposits to the Escrow Fund, from lawfully available funds, of any additional amounts required to pay the principal of and interest on the Refunded Bonds, if for any reason, the cash balances on deposit or scheduled to be on deposit in the Escrow Fund are insufficient to make such payment.

THE BONDS

DESCRIPTION OF THE BONDS. . . The Bonds of each series are dated as of their date of delivery (the “Dated Date”), and will mature on October 1 in each of the years and in the amounts shown on page 2 hereof. Interest will accrue from their Date of Delivery, will be computed on the basis of a 360-day year of twelve 30-day months and will be payable on October 1, 2016 and on each April 1 and October 1 thereafter until maturity or prior redemption.

AUTHORITY FOR ISSUANCE . . . The Bonds are issued pursuant to the general laws of the State of Texas, particularly Chapters 1207 and 1371, Texas Government Code, and the Ordinances and are special obligations of the City, payable, both as to principal and interest, solely from and, together with certain outstanding parity bonds, secured by a first lien on and pledge of the Pledged Revenues of the System, which include the Net Revenues of the System remaining after deduction of current expenses of operation and maintenance. **The City has not covenanted nor obligated itself to pay the Bonds from monies raised or to be raised from taxation** (see “THE BONDS – Security and Source of Payment”).

SECURITY AND SOURCE OF PAYMENT . . . The Bonds, together with certain outstanding revenue bonds of the City (the “Previously Issued Parity Bonds”) and any additional parity bonds that may be issued in the future (“Additional Bonds”), are special obligations of the City payable, both as to principal and interest, solely from and secured by a first lien on and pledge of the Pledged Revenues of the System, which include the Net Revenues of the System remaining after the payment of operation and maintenance expenses (see Appendix B – “Selected Provisions of the Ordinances – Pledge”).

The Bonds are not a charge upon any other income or revenues of the City **and will never constitute an indebtedness or pledge or a lien on the general credit or taxing powers of the City.** The Ordinances do not create a lien or mortgage on the System, except the Pledged Revenues, and amounts on deposit in the Reserve Fund established for the benefit of the Parity Obligations (including the Bonds), and any judgment against the City may not be enforced by levy and execution against any property owned by the City.

As additional security, the Reserve Fund will be funded over a 60-month period from operations of the System in the amount equal to 100% of the average annual debt service requirements (including Amortization Installments) of the outstanding Previously Issued Parity Bonds, the Bonds and any Additional Bonds issued on a parity with the Bonds (see Appendix B - “Selected Provisions of the Ordinances – Reserve Requirements”).

Chapter 1208, Texas Government Code, applies to the issuance of the Bonds and the pledge of the Pledged Revenues, and such pledge is valid, effective, and perfected. Should Texas law be amended at any time while the Bonds are outstanding and unpaid, the result of such amendment being that the pledge of the Pledged Revenues is to be subject to the filing requirements of Chapter 9, Texas Business & Commerce Code, as amended, in order to preserve to the owners the perfection of the security interest in such pledge, the City agrees to take such measures as it determines are reasonable and necessary to enable a filing of a security interest in said pledge to occur.

APPLICATION OF SYSTEM REVENUES . . . Gross Revenues of the System are deposited in the Revenue Fund and are applied first to the payment of all necessary and reasonable expenses of operation and maintenance of the System, including payment of certain contractual obligations of the City with respect to water supply and wastewater treatment (see “DEBT INFORMATION – Table 12 –

Operations and Maintenance for Water Supply and Wastewater Treatment”), then to the payment of the amounts required for the Interest and Sinking Fund and the Reserve Fund, in that order, established by the Ordinances. The City Charter requires that all System receipts and revenues be devoted to System purposes and to payment of charges that would be due the City if the Water Utilities Department were not a City-owned public utility. The Ordinance states that excess Pledged Revenues may be used for any lawful purpose not inconsistent with the City Charter (see Appendix B – “Selected Provisions of the Ordinances – Deficiencies; Excess Pledged Revenues”).

RATES . . . The City has covenanted in the Ordinances that it will at all times charge and collect for services rendered by the System rates sufficient to pay all current operating and maintenance expenses of the System, to produce Net Revenues for each fiscal year at least equal to 1.25 times the Annual Debt Service requirements on all then outstanding Previously Issued Parity Bonds, the Bonds and Additional Bonds for the fiscal year during which such requirement are scheduled to be the greatest, to pay all other System obligations reasonably anticipated to be paid from gross revenues and to establish and maintain the funds provided for in the Ordinance. The City has further covenanted that, if the System should become legally liable for any other indebtedness, it will fix and maintain rates and collect charges for the services of the System sufficient to discharge such indebtedness.

ADDITIONAL BONDS . . . The City may issue additional revenue obligations payable from the Pledged Revenues which, together with the Previously Issued Parity Bonds and the Bonds, will be equally and ratably secured by a parity lien on and pledge of the Pledged Revenues of the System, subject, however, to complying with certain conditions in the Ordinances. (See Appendix B – “Selected Provisions of the Bond Ordinances – Additional Bonds” for terms and conditions to be satisfied for the issuance of Additional Bonds).

OPTIONAL REDEMPTION OF THE SERIES 2016A BONDS. . . The City reserves the right, at its option, to redeem Series 2016A Bonds having stated maturities on and after October 1, 20__, in whole, or in part in principal amounts of \$5,000 or any integral multiple thereof, on October 1, 20__ or on any date thereafter, at the redemption price of par plus accrued interest to the date fixed for redemption. If less than all of the Series 2016A Bonds are to be redeemed and if less than all of a maturity is to be redeemed, the Paying Agent/Registrar will determine by lot the Series 2016A Bonds, or portions thereof, within such maturity to be redeemed; provided, however, that during any period in which ownership of the Series 2016A Bonds is determined only by a book entry at a securities depository (see “Book-Entry-Only System”, below), if fewer than all of the Series 2016A Bonds of the same maturity are to be redeemed, the particular Series 2016A Bonds will be selected in accordance with arrangements between the City and the securities depository.

MANDATORY SINKING FUND REDEMPTION OF THE SERIES 2016A BONDS . . . The Series 2016A Bonds are subject to mandatory redemption in part by lot pursuant to the terms of the Series 2016A Bond Ordinance, on October 1 in each of the years 20__ through 20__, inclusive, with respect to Series 2016A Bonds maturing October 1, 20__, and on October 1 in each of the years 20__ through 20__, inclusive, with respect to Series 2016A Bonds maturing October 1, 20__, (the “Term Bonds”) in the following years and in the following amounts, at a price equal to the principal amount thereof and accrued and unpaid interest to the date of redemption, without premium:

Term Bond due October 1, 20__ (CUSIP # 235416__)	
<u>Mandatory Redemption Date</u>	<u>Mandatory Redemption Amount</u>
	\$ -
+	
<u>+ Final Maturity</u>	

Term Bond due October 1, 20__ (CUSIP # 235416__)	
<u>Mandatory Redemption Date</u>	<u>Mandatory Redemption Amount</u>
	\$ -
+	
<u>+ Final Maturity</u>	

To the extent, however, that Term Bonds subject to sinking fund redemption have been previously purchased or called for redemption in part and otherwise than from a sinking fund redemption payment, each annual sinking fund payment for such Term Bond shall be reduced by the amount obtained by multiplying the principal amount of Term Bonds so purchased or redeemed by the ratio which each remaining annual sinking fund redemption payment for such Term Bonds bears to the total remaining sinking fund payments, and by rounding each such payment to the nearest \$5,000 integral; provided, that during any period in which ownership of the Term Bonds is determined only by a book entry at a securities depository for the Term Bonds, the particular Term Bonds to be called for mandatory redemption shall be selected in accordance with the arrangements between the City and the securities depository.

OPTIONAL REDEMPTION OF THE SERIES 2016B BONDS. . . . The City reserves the right, at its option, to redeem Series 2016B Bonds having stated maturities on and after October 1, 20__, in whole, or in part in principal amounts of \$5,000 or any integral multiple thereof, on October 1, 20__ or on any date thereafter, at the redemption price of par plus accrued interest to the date fixed for redemption. If less than all of the Series 2016B Bonds are to be redeemed and if less than all of a maturity is to be redeemed, the Paying Agent/Registrar will determine by lot the Series 2016B Bonds, or portions thereof, within such maturity to be redeemed; provided, however, that during any period in which ownership of the Series 2016B Bonds is determined only by a book entry at a securities depository (see “Book-Entry-Only System”, below), if fewer than all of the Series 2016A Bonds of the same maturity are to be redeemed, the particular Series 2016B Bonds will be selected in accordance with arrangements between the City and the securities depository.

NOTICE OF REDEMPTION. . . . Not less than 30 days prior to a redemption date for the Series 2016A Bonds called for redemption, the City will cause (i) a written notice of such redemption to be given by the Paying Agent/Registrar to the registered owner of each Bond or a portion thereof being called for redemption by depositing such notice in the United States mail, first class, postage prepaid, addressed to each such registered owner at the address of such registered owner shown on the Registration Books of the Paying Agent/Registrar and (ii) a notice of such redemption to be published one time in a financial journal or publication of general circulation in the United States of America or the State of Texas carrying as a regular feature notices of municipal bonds called for redemption; provided, however, that the failure to send, mail or receive such notice described in (i) above, or any defect therein or in the sending or mailing thereof, will not affect the validity or effectiveness of the proceedings for the redemption of any Series 2016A Bond, **and the publication of notice as described in (ii) above shall be the only notice actually required in connection with or as a prerequisite to the redemption of any Series 2016A Bonds.** ANY NOTICE WILL BE CONCLUSIVELY PRESUMED TO HAVE BEEN DULY GIVEN, WHETHER OR NOT THE REGISTERED OWNER RECEIVES SUCH NOTICE. NOTICE HAVING BEEN SO GIVEN, THE SERIES 2016A BONDS CALLED FOR REDEMPTION WILL BECOME DUE AND PAYABLE ON THE SPECIFIED REDEMPTION DATE, AND NOTWITHSTANDING THAT ANY SERIES 2016A BOND OR PORTION THEREOF HAS NOT BEEN SURRENDERED FOR PAYMENT, INTEREST ON SUCH BOND OR PORTION THEREOF WILL CEASE TO ACCRUE, EXCEPT AS PROVIDED IN THE NEXT PARAGRAPH.

With respect to any optional redemption of the Series 2016A Bonds, unless the Paying Agent/Registrar has received funds sufficient to pay the principal and premium, if any, and interest on the Series 2016A Bonds to be redeemed before giving of a notice of redemption, the notice of redemption may state the City may condition redemption on the receipt by Paying Agent/Registrar of such funds on or before the date fixed for the redemption, or on the satisfaction of any other prerequisites set forth in the notice of redemption. If a conditional notice of redemption is given and such prerequisites to redemption and sufficient funds are not received, the notice shall be of no force and effect, the City shall not redeem the Series 2016A Bonds and the Paying Agent/Registrar shall give notice, in the manner in which the notice of redemption was given, that the Series 2016A Bonds have not been redeemed.

BOOK-ENTRY-ONLY SYSTEM. . . . *This section describes how ownership of the Bonds are to be transferred and how the principal of, premium, if any, and interest on the Bonds are to be paid to and credited by The Depository Trust Company, New York, New York (“DTC”), while the Bonds are registered in its nominee name. The information in this section concerning DTC and the Book-Entry-Only System has been provided by DTC for use in disclosure documents such as this Official Statement. The City believes the source of such information to be reliable, but takes no responsibility for the accuracy or completeness thereof.*

The City cannot and does not give any assurance that (1) DTC will distribute payments of debt service on the Bonds, or redemption or other notices, to DTC Participants, (2) DTC Participants or others will distribute debt service payments paid to DTC or its nominee (as the registered owner of the Bonds), or redemption or other notices, to the Beneficial Owners, or that they will do so on a timely basis, or (3) DTC will serve and act in the manner described in this Official Statement. The current rules applicable to DTC are on file with the United States Securities and Exchange Commission (the “SEC”), and the current procedures of DTC to be followed in dealing with DTC Participants are on file with DTC.

DTC will act as securities depository for the Bonds. The Bonds will be issued as fully-registered securities registered in the name of Cede & Co. (DTC’s partnership nominee) or such other name as may be requested by an authorized representative of DTC. One fully-registered certificate for each maturity and series of the Bonds will be issued, in the aggregate principal amount of such issue, and will be deposited with DTC.

DTC, the world’s largest depository, is a limited-purpose trust company organized under the New York Banking Law, a “banking organization” within the meaning of the New York Banking Law, a member of the Federal Reserve System, a “clearing corporation” within the meaning of the New York Uniform Commercial Code, and a “clearing agency” registered pursuant to the provisions of Section 17A of the Securities Exchange Act of 1934. DTC holds and provides asset servicing for over 3.5 million issues of U.S.

and non-U.S. equity issues, corporate and municipal debt issues, and money market instruments (from over 100 countries) that DTC's participants ("Direct Participants") deposit with DTC. DTC also facilitates the post-trade settlement among Direct Participants of sales and other securities transactions in deposited securities, through electronic computerized book-entry transfers and pledges between Direct Participants' accounts. This eliminates the need for physical movement of securities certificates. Direct Participants include both U.S. and non-U.S. securities brokers and dealers, banks, trust companies, clearing corporations, and certain other organizations. DTC is a wholly-owned subsidiary of The Depository Trust & Clearing Corporation ("DTCC"). DTCC is the holding company for DTC, National Securities Clearing Corporation and Fixed Income Clearing Corporation, all of which are registered clearing agencies. DTCC is owned by the users of its regulated subsidiaries. Access to the DTC system is also available to others such as both U.S. and non-U.S. securities brokers and dealers, banks, trust companies, and clearing companies that clear through or maintain a custodial relationship with a Direct Participant, either directly or indirectly ("Indirect Participants"). Direct Participants and Indirect Participants are collectively referred to as "Participants". DTC has a Standard & Poor's rating of "AA+". The DTC Rules applicable to its Participants are on file with the SEC. More information about DTC can be found at www.dtcc.com.

Purchase of the Bonds under the DTC system must be made by or through Direct Participants, which will receive a credit for the Bonds on DTC's records. The ownership interest of each actual purchaser of each Bonds ("Beneficial Owner") is in turn to be recorded on the Participants' records. Beneficial Owners will not receive written confirmation from DTC of their purchase. Beneficial Owners are, however, expected to receive written confirmations providing details of the transaction, as well as periodic statements of their holdings, from the Participant through which the Beneficial Owner entered into the transaction. Transfers of ownership interests in the Bonds are to be accomplished by entries made on the books of Participants acting on behalf of Beneficial Owners. Beneficial Owners will not receive certificates representing their ownership interests in Bonds, except in the event that use of the book-entry system for the Bonds of such series discontinued.

To facilitate subsequent transfers, all Bonds deposited by Direct Participants with DTC are registered in the name of DTC's partnership nominee, Cede & Co., or such other name as may be requested by an authorized representative of DTC. The deposit of Bonds with DTC and their registration in the name of Cede & Co. or such other DTC nominee do not effect any change in beneficial ownership. DTC has no knowledge of the actual Beneficial Owners of the Bonds; DTC's records reflect only the identity of the Direct Participants to whose accounts such Bonds are credited, which may or may not be the Beneficial Owners. The Participants will remain responsible for keeping account of their holdings on behalf of their customers.

Conveyance of notices and other communications by DTC to Direct Participants, by Direct Participants to Indirect Participants, and by Direct Participants and Indirect Participants to Beneficial Owners will be governed by arrangements among them, subject to any statutory or regulatory requirements as may be in effect from time to time. Beneficial Owners of Bonds may wish to take certain steps to augment the transmission to them of notices of significant events with respect to the Bonds, such as redemptions, tenders, defaults, and proposed amendments to the Bond documents. For example, Beneficial Owners of Bonds may wish to ascertain that the nominee holding the Bonds for their benefit has agreed to obtain and transmit notices to Beneficial Owners. In the alternative, Beneficial Owners may wish to provide their names and addresses to the Paying Agent/Registrar and request that copies of the notices be provided directly to them.

Neither DTC nor Cede & Co. (nor any other DTC nominee) will consent or vote with respect to Bonds unless authorized by a Direct Participant in accordance with DTC's Procedures. Under its usual procedures, DTC mails an Omnibus Proxy to the City as soon as possible after the record date. The Omnibus Proxy assigns Cede & Co.'s consenting or voting rights to those Direct Participants to whose accounts Bonds are credited on the record date (identified in a listing attached to the Omnibus Proxy).

Principal and interest payments on the Bonds will be made to Cede & Co., or such other nominee as may be requested by an authorized representative of DTC. DTC's practice is to credit Direct Participants' accounts upon DTC's receipt of funds and corresponding detail information from the City or the Paying Agent/Registrar, on the payable date in accordance with their respective holdings shown on DTC's records. Payments by Participants to Beneficial Owners will be governed by standing instructions and customary practices, as is the case with securities held for the accounts of customers in bearer form or registered in "street name," and will be the responsibility of such Participant and not of DTC nor its nominee, the Paying Agent/Registrar of each series, or the City, subject to any statutory or regulatory requirements as may be in effect from time to time. Payment of redemption proceeds, principal and interest payments to Cede & Co. (or such other nominee as may be requested by an authorized representative of DTC) is the responsibility of the City or the Paying Agent/Registrar, disbursement of such payments to Direct Participants will be the responsibility of DTC, and disbursement of such payments to the Beneficial Owners will be the responsibility of Participants.

DTC may discontinue providing its services as depository with respect to the Bonds at any time by giving reasonable notice to the City or the Paying Agent/Registrar. Under such circumstances, in the event that a successor depository is not obtained, Bonds are required to be printed and delivered.

Use of Certain Terms in Other Sections of this Official Statement. In reading this Official Statement, it should be understood that while the Bonds are in the Book-Entry-Only System, references in other sections of this Official Statement to registered owners or bondholders should be read to include the person for which the Participant acquires an interest in the Bonds, but (i) all rights of ownership must be exercised through DTC and the Book-Entry-Only System, and (ii) except as described above, notices that are to be given to registered owners under the Ordinances will be given only to DTC.

Effect of Termination of Book-Entry-Only System. In the event that the Book-Entry-Only System is discontinued by DTC or the use of the Book-Entry-Only System is discontinued by the City, printed Bonds will be issued to the holders and the Bonds will be subject to transfer, exchange and registration provisions as set forth in the Ordinances and summarized under “THE BONDS-Transfer, Exchange and Registration” below.

PAYING AGENT/REGISTRAR. . . The initial Paying Agent/Registrar for the Bonds is U.S. Bank National Association. In each Ordinance, the City retains the right to replace the Paying Agent/Registrar. The City covenants to maintain and provide a Paying Agent/Registrar at all times until the Bonds are duly paid, and any successor Paying Agent/Registrar must be a bank, trust company, financial institution or other entity duly qualified and legally authorized to serve as and perform the duties and services of Paying Agent/Registrar for the Bonds. Upon any change in the Paying Agent/Registrar for the Bonds, the City agrees to promptly cause a written notice thereof to be sent to each registered owner of the Bonds by United States mail, first class, postage prepaid, which notice shall also give the address of the new Paying Agent/Registrar. If the Paying Agent/Registrar is replaced by the City, the new Paying Agent/Registrar must accept the previous Paying Agent/Registrar’s records and act in the same capacity as the previous Paying Agent/Registrar.

In the event the Book-Entry-Only System hereinabove described should be discontinued, principal of the Bonds will be payable to the registered owner at maturity or redemption prior to maturity upon presentation at the Dallas, Texas corporate trust office of the Paying Agent/Registrar (the “Designated Trust Office”). Interest on the Bonds will be payable by check, dated as of the interest payment date, and mailed by the Paying Agent/Registrar to registered owners as shown on the records of the Paying Agent/Registrar on the Record Date (see “Record Date for Interest Payment” below), or by such other method, acceptable to the Paying Agent/Registrar, requested by, and at the risk and expense of, the registered owner. If the date for the payment of the principal of or interest on the Bonds is a Saturday, Sunday, legal holiday, or day on which banking institutions in the city where the Paying Agent/Registrar is located are authorized by law or executive order to close, then the date for such payment will be the next succeeding day which is not such a Saturday, Sunday, legal holiday, or day on which banking institutions are authorized to close; and payment on such date shall have the same force and effect as if made on the original date payment was due.

TRANSFER, EXCHANGE AND REGISTRATION. . . In the event the Book-Entry-Only System should be discontinued, the Bonds may be transferred and exchanged on the registration books of the Paying Agent/Registrar only upon presentation and surrender to the Paying Agent/Registrar and such transfer or exchange shall be without expense or service charge to the registered owner, except for any tax or other governmental charges required to be paid with respect to such registration, exchange and transfer. Bonds may be assigned by the execution of an assignment form on the Bonds or by other instrument of transfer and assignment acceptable to the Paying Agent/Registrar. New Bonds will be delivered by the Paying Agent/Registrar, in lieu of the Bonds being transferred or exchanged, at the Designated Trust Office of the Paying Agent/Registrar, or sent by United States mail, first class, postage prepaid, to the new registered owner or his designee. To the extent possible, new Bonds issued in an exchange or transfer of Bonds will be delivered to the registered owner or assignee of the registered owner in not more than three business days after the receipt of the Bonds to be canceled, and the written instrument of transfer or request for exchange duly executed by the registered owner or his duly authorized agent, in form satisfactory to the Paying Agent/Registrar. New Bonds registered and delivered in an exchange or transfer shall be in any integral multiple of \$5,000 for any one maturity and series and for a like aggregate designated amount and series as the Bonds surrendered for exchange or transfer. See “THE BONDS -Book-Entry-Only System” herein for a description of the system to be utilized initially in regard to ownership and transferability of the Bonds. Neither the City nor the Paying Agent/Registrar shall be required to transfer or exchange any Series 2016A Bond called for redemption, in whole or in part, within 45 days of the date fixed for redemption; provided, however, such limitation of transfer shall not be applicable to an exchange by the registered owner of the uncalled balance of the Series 2016A Bonds.

RECORD DATE FOR INTEREST PAYMENT. . . The record date (“Record Date”) for the interest payable on the Bonds on any interest payment date means the close of business on the 15th day of the preceding month.

In the event of a non-payment of interest on a scheduled payment date, and for 30 days thereafter, a new record date for such interest payment (a “Special Record Date”) will be established by the Paying Agent/Registrar, if and when funds for the payment of such interest have been received from the City. Notice of the Special Record Date and of the scheduled payment date of the past due interest (“Special Payment Date”, which must be 15 days after the Special Record Date) will be sent at least five business days prior to the Special Record Date by United States mail, first class, postage prepaid, to the address of each registered owner of a Bond appearing on the registration books of the Paying Agent/Registrar at the close of business on the last business day next preceding the date of mailing of such notice.

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SOURCES AND USES OF FUNDS . . . The sources and uses of funds, including Bond proceeds and a contribution from the City, if necessary, shall be as follows:

Sources	Taxable	
	Series 2016A	Series 2016B
Par Amount of Bonds	\$ -	\$ -
Reoffering Premium	-	-
City Contribution	-	-
Total Sources of Funds	<u>\$ -</u>	<u>\$ -</u>
Uses		
Deposit to Escrow Fund for the Refunded Bonds	\$ -	\$ -
Deposit to the Note Payment Funds for the Refunded Notes	-	-
Underwriters' Discount	-	-
Deposit to Interest and Sinking Fund	-	-
Total Uses of Funds	<u>\$ -</u>	<u>\$ -</u>

DEFEASANCE . . . The Ordinances provide that the City may discharge its obligations to the registered owners of any or all of the Bonds to pay principal, interest and redemption price thereon in any manner permitted by current law. Under current State law, such discharge may be accomplished either (i) by depositing with the Comptroller of Public Accounts of the State a sum of money equal to the principal of, premium, if any, and all interest to accrue on the Bonds to maturity or redemption or (ii) by depositing with any place of payment (paying agent) for obligations of the City payable from revenues or from ad valorem taxes or both, amounts sufficient to provide for the payment and/or redemption of the Bonds; provided that such deposits may be invested and reinvested only in direct obligations of the United States of America, including obligations that are unconditionally guaranteed by the United States of America. The foregoing obligations may be in book entry form, and shall mature and/or bear interest payable at such times and in such amounts as will be sufficient to provide for the scheduled payment and/or redemption of the Bonds.

Upon such deposit as described above, such Bonds shall no longer be regarded to be outstanding or unpaid. After firm banking and financial arrangements for the discharge and final payment or redemption of the Bonds have been made as described above, all rights of the City to initiate proceedings to call the Bonds for redemption or take any other action amending the terms of the Bonds are extinguished; provided, however, that the right to call the Bonds for redemption is not extinguished if the City: (i) in the proceedings providing for the firm banking and financial arrangements, expressly reserves the right to call the Bonds for redemption; (ii) gives notice of the reservation of that right to the owners of the Bonds immediately following the making of the firm banking and financial arrangements; and (iii) directs that notice of the reservation be included in any redemption notices that it authorizes.

The Ordinances provide that upon receiving the consent of 51% of the outstanding Previously Issued Parity Bonds, the Bonds and Additional Bonds, defeasance of the Bonds and Additional Bonds may be effected by investing moneys in “Defeasance Securities”. See “THE BONDS – Amendments to the Ordinances”.

BONDHOLDERS’ REMEDIES . . . Each Ordinance specifies events of default with respect to the Bonds (see Appendix B – “Selected Provisions of the Ordinances – Default and Remedies”). If the City defaults in the payment of principal, interest, or redemption price on the Bonds when due, or if it fails to make payments into any fund or funds created in either Ordinance, or defaults in the observation or performance of any other covenants, conditions, or obligations set forth in either Ordinance, the registered owners may seek a writ of mandamus to compel City officials to carry out their legally imposed duties with respect to the Bonds if there is no other available remedy at law to compel performance of the Bonds or the Ordinance and the City’s obligations are not uncertain or disputed. The issuance of a writ of mandamus is controlled by equitable principles, and with the discretion of the court, but may not be arbitrarily refused. There is no acceleration of maturity of the Bonds in the event of default and, consequently, the remedy of mandamus may have to be relied upon from year to year. Neither Ordinance provides for the appointment of a trustee to represent the interest of the bondholders upon any failure of the City to perform in accordance with the terms of each Ordinance, or upon any other condition and accordingly all legal actions to enforce such remedies would have to be undertaken at the initiative of, and be financed by, the registered owners.

The Texas Supreme Court ruled in *Tooke v. City of Mexia* 197 S.W.3d 325 (Tex. 2006) that a waiver of sovereign immunity in a contractual dispute must be provided for by statute in “clear and unambiguous” language. Because it is unclear whether the Texas legislature has effectively waived the City’s sovereign immunity from a suit for money damages, bondholders may not be able to bring such a suit against the City for breach of the Bonds or Ordinance covenants. Even if a judgment against the City could be obtained, it could not be enforced by direct levy and execution against the City’s property. Further, the registered owners cannot themselves foreclose on property within the City or sell property within the City to enforce the tax lien on taxable property to pay the principal of and interest on the Bonds. In *Tooke*, the Court noted the enactment in 2005 of sections 271.151 through .160, Texas

Local Government Code (the “Local Government Immunity Waiver Act”), which, according to the Court, waives “immunity from suit for contract claims against most local governmental entities under certain circumstances.” The Local Government Immunity Waiver Act covers cities and relates to contracts entered into by cities for providing goods and services.

On April 1, 2016, the Texas Supreme Court ruled in *Wasson Interests, Ltd. v. City of Jacksonville*, ___ S.W. 3d ___ (Tex. 2016) that sovereign immunity does not imbue a city with derivative immunity when it performs proprietary, as opposed to governmental, functions in respect to contracts executed by a city. Texas jurisprudence has generally held that proprietary functions are those conducted by a city in its private capacity, for the benefit only of those within its corporate limits, and not as an arm of the government or under the authority or for the benefit of the state. In its decision, the Court held that since the Local Government Immunity Waiver Act waives governmental immunity in certain breach of contract claims without addressing whether the waiver applies to a governmental function or a proprietary function of a city, the Court could not reasonably read the Local Government Immunity Waiver Act to evidence legislative intent to restrict the waiver of immunity when a city performs a proprietary function.

Chapter 1371, as amended, Texas Government Code (“Chapter 1371”), which pertains to the issuance of public securities by issuers such as the City, permits the City to waive sovereign immunity in the proceedings authorizing the issuance of the Bonds. Notwithstanding its reliance upon the provisions of Chapter 1371 in connection with the issuance of the Bonds (as further described under the caption “THE BONDS – Authority for Issuance”), the City has not waived the defense of sovereign immunity with respect thereto. Because it is unclear whether the Texas legislature has effectively waived the City’s sovereign immunity from a suit for money damages beyond Chapter 1371, Bondholders may not be able to bring such a suit against the City for breach of the Bonds or Ordinances covenants.

Furthermore, the City is eligible to seek relief from its creditors under Chapter 9 of the U.S. Bankruptcy Code (“Chapter 9”). Chapter 9 includes an automatic stay provision that would prohibit, without Bankruptcy Court approval, the prosecution of any other legal action by creditors or bondholders of an entity which has sought protection under Chapter 9. Therefore, should the City avail itself of Chapter 9 protection from creditors, the ability to enforce would be subject to the approval of the Bankruptcy Court (which could require that the action be heard in Bankruptcy Court instead of other federal or state court); and the Bankruptcy Code provides for broad discretionary powers of a Bankruptcy Court in administering any proceeding brought before it. The opinion of Co-Bond Counsel will note that all opinions relative to the enforceability of the Ordinances and the Bonds are qualified with respect to the customary rights of debtors relative to their creditors and by general principles of equity that permit the exercise of judicial discretion.

AMENDMENTS TO THE ORDINANCES. . . In each Ordinance, under certain circumstances, the City has reserved the right to amend the Ordinance without the consent of any holder of the Bonds (see Appendix B – “Selected Provisions of the Ordinances – Amendment of Ordinance”). The amendments described below were first approved by the City in the ordinances authorizing the issuance of City of Dallas, Texas Waterworks and Sewer System Revenue Refunding Bonds, Series 2015A, issued in the aggregate principal amount of \$453,630,000 (the “Series 2015A Bonds”) and the issuance of City of Dallas, Texas Waterworks and Sewer System Revenue Refunding Bonds, Taxable Series 2015B, issued in the aggregate principal amount of \$150,630,000 (the “Series 2015B Bonds”).

By acceptance of the Bonds, each owner of a Bond (i) irrevocably and specifically consents to and approves amendments to the Ordinances and the ordinances governing the issuance of Additional Bonds as described below, (ii) irrevocably appoints the City Manager as its true and lawful attorney-in-fact to evidence an owner’s specific consent to and approval of the amendments described below, and (iii) confirms all actions taken by the City Manager as attorney-in-fact for the owners.

The amendments are as follows:

(1) Amend Section 12(b) of the Ordinances to read:

(a) That money in any Fund established by ordinances authorizing Previously Issued Parity Bonds may, at the option of the City, be invested in Authorized Investments; provided, however, that all such deposits and investments shall have a par value (or market value when less than par) exclusive of accrued interest at all times at least equal to the amount of money credited to such Funds, and shall be made in such manner that the money required to be expended from any Fund will be available at the proper time or times. Money in the Reserve Fund shall not be invested in securities maturing later than the final maturity of the Previously Issued Parity Bonds, the Bonds, and Additional Bonds. Such investments shall be valued in terms of current market value as of the last day of each Year, except that direct obligations of the United States (State and Local Government Series) in book-entry form shall be continuously valued at their par or face principal amount. Such investments shall be sold promptly when necessary to prevent any default in connection with the Previously Issued Parity Bonds, the Bonds or Additional Bonds. As used in this Section, the term “Authorized Investments” shall mean those investments in which the City is now or hereafter authorized by law, including, but not limited to, Chapter 2256, Texas Government Code, and consistent with the City’s investment policy adopted and approved from time to time by the City Council pursuant to the provisions of Chapter 2256, Texas Government Code,, to purchase, sell and invest its funds and funds under its control.

(2) Amend Section 18 of the Ordinances to read:

(a) That any Previously Issued Parity Bond, Bond or Additional Bond shall be deemed to be paid, retired and no longer outstanding within the meaning of this Ordinance when payment of the principal of, redemption premium, if any, on such bond, plus interest thereon to the due date thereof (whether such due date be by reason of maturity, upon redemption, or otherwise) either (i) shall have been made or caused to be made in accordance with the terms thereof (including the giving of any required notice of redemption), or (ii) shall have been provided for by irrevocably depositing with, or making available to, a paying agent (or escrow agent) therefor, in trust and irrevocably set aside exclusively for such payment, (1) money sufficient to make such payment or (2) Defeasance Securities, as hereinafter defined in this Section, certified by an independent public accounting firm of national reputation to mature as to principal and interest in such amounts and at such times as will insure the availability, without reinvestment, of sufficient money to make such payment, and all necessary and proper fees, compensation, and expenses of such paying agent pertaining to the bonds with respect to which such deposit is made shall have been paid or the payment thereof provided for to the satisfaction of such paying agent. At such time as a Previously Issued Parity Bond, Bond or Additional Bond shall be deemed to be paid hereunder, as aforesaid, it shall no longer be secured by or entitled to the benefit of this Ordinance or such other ordinance securing such bond or a lien on and pledge of the Pledged Revenues, and shall be entitled to payment solely from such money or Defeasance Securities.

(b) That any moneys so deposited with a paying agent may, at the direction of the City, also be invested in Defeasance Securities, maturing in the amounts and times as hereinbefore set forth, and all income from all Defeasance Securities in the hands of the paying agent pursuant to this Section which is not required for the payment of the Previously Issued Parity Bonds, Bonds and Additional Bonds, the redemption premium, if any, and interest thereon, with respect to which such money has been so deposited, shall be remitted to the City.

(c) That the City covenants that no deposit will be made or accepted under clause (a)(ii) of this Section and no use will be made of any such deposit which would cause the Previously Issued Parity Bonds, Bonds or any Additional Bonds to be treated as "arbitrage bonds" within the meaning of section 148 of the Code.

(d) That for the purpose of this Section, the term "Defeasance Securities" shall mean (i) direct obligations of the United States of America, including obligations the principal of and interest on which are unconditionally guaranteed by the United States of America, (ii) noncallable obligations of an agency or instrumentality of the United States of America, including obligations that are unconditionally guaranteed or insured by the agency or instrumentality and that, on the date the City adopts or approves proceedings authorizing the issuance of refunding bonds or, if such defeasance is not in connection with the issuance of refunding bonds, on the date the City provides for the funding of an escrow to effect the defeasance of the Bonds, are rated as to investment quality by a nationally-recognized investment rating firm not less than "AAA" or its equivalent, (iii) noncallable obligations of a state or an agency or a county, municipality, or other political subdivision of a state that have been refunded and that, on the date the City adopts or approves proceedings authorizing the issuance of refunding bonds or, if such defeasance is not in connection with the issuance of refunding bonds, on the date the Board provides for the funding of an escrow to effect the defeasance of the Bonds, are rated as to investment quality by a nationally-recognized investment rating firm not less than "AAA" or its equivalent, or (iv) any other then authorized securities or obligations that may be used to defease obligations such as the Bonds under the then applicable laws of the State of Texas.

(e) That notwithstanding any other provisions of this Ordinance, all money or Defeasance Securities set aside and held in trust pursuant to the provisions of this Section for the payment of Previously Issued Parity Bonds, Bonds and Additional Bonds, the redemption premium, if any, and interest thereon, shall be applied to and used for the payment of such Previously Issued Parity Bonds, Bonds and Additional Bonds, the redemption premium, if any, and interest thereon.

(f) That in accordance with the provisions of Section 1207.033, Texas Government Code, the City may call for redemption, at a date earlier than their scheduled maturities, those Bonds which have been defeased to their maturity date. Notwithstanding any other provision of this Ordinance to the contrary, it is hereby provided that any determination not to redeem Bonds defeased under the terms of this Ordinance that is made in conjunction with the payment arrangements specified in clauses (i) or (ii) of subsection (a) above shall not be irrevocable, provided that: (1) in the proceedings providing for such payment arrangements, the City expressly reserves the right to call Bonds so defeased for redemption; (2) the City gives notice of the reservation of that right to the owners of the Bonds so defeased immediately following the making of the payment arrangements; and (3) the City directs that notice of the reservation be included in any redemption notices that it authorizes."

(3) Amend Section 20(b) of the Ordinances to read:

(a) The Chief Financial Officer of the City signs a written certificate to the effect that, during either the next preceding Year, or any twelve consecutive calendar month period ending not more than ninety days prior to the date of the then proposed Additional Bonds, the Net Revenues were, in her or his opinion, at least equal to 1.25 times the average annual principal and interest requirements (computed on a fiscal year basis) including Amortization Installments, of all Previously Issued Parity Bonds, the Bonds and Additional Bonds to be outstanding after the issuance of the then proposed Additional Bonds."

The amendments described in clauses (1) and (3) will become effective once the City determines that the consent of 51% of the aggregate unpaid principal amount of the Previously Issued Parity Bonds (including specifically the Series 2015A Bonds and the Series 2015B Bonds), the Bonds and any Additional Bonds then Outstanding is received. The amendment described in clause (2) will become effective once the City determines that the consent of 51% of the aggregate unpaid principal amount of the Previously

Issued Parity Bonds (including specifically the Series 2015A Bonds and the Series 2015B Bonds), the Bonds and any Additional Bonds then Outstanding is received, and would apply only to the Series 2015A Bonds, the Series 2015B Bonds, the Bonds and the Taxable Series 2016B Bonds, and any Additional Bonds delivered after the date of delivery of the Bonds. Upon the delivery of the Bonds and the refunding of the Refunded Bonds, the Series 2015A Bonds and the Series 2015 Bonds and the Bonds will comprise ____% of the aggregate principal amount of the Previously Issued Parity Bonds and the Bonds outstanding.

THE WATER AND WASTEWATER SYSTEM

BACKGROUND ...Dallas Water Utilities Department (“Dallas Water Utilities”) is the department of the City responsible for the administration and management of the System. As of September 30, 2015, the City employed approximately 1,453 persons within Dallas Water Utilities. The primary purposes of Dallas Water Utilities are to obtain, store, purify and distribute water to its customers, and to collect wastewater from its customers, treat it, and dispose of it, in accordance with drinking water standards and effluent guidelines and limitations established by the Texas Commission on Environmental Quality (“TCEQ”) and the United States Environmental Protection Agency (“USEPA”). The TCEQ is the successor agency to the Texas Natural Resource Conservation Commission; references to the TCEQ in this official statement are intended to include agencies whose duties and responsibilities the TCEQ has assumed under State law.

The fundamental legal document on which the governance of the City rests is its City Charter. In a provision directly relevant to Dallas Water Utilities, the City Charter states in Chapter XI, Section 14 that all water and wastewater services “must be paid for by rate schedules as approved by the city council and such state authority as may be required”. The City Charter also states that “all receipts and revenues from the water utilities department constitute a separate and sacred fund, which may never be diverted or drawn upon” for any purposes other than provision of water and wastewater services and “payment of an amount equal to ad valorem taxes and other charges that would be due the city if the water utilities department were not a city-owned public utility” (see “Water and Wastewater Service Rates” described herein). State law provides that notwithstanding any municipal charter provision, a municipality may transfer to the municipality’s general fund and may use, for general or special purposes, revenue of any municipally-owned utility system in the amount and to the extent authorized in an ordinance providing for and securing payment of utility system revenue bonds (collectively, the “Bond Ordinances”). However, the Bond Ordinances state that excess Pledged Revenues (which consist of Net Revenues and any additional funds that in the future may be pledged to obligations issued or incurred by the System payable from Pledged Revenues) may be used for any lawful purpose not inconsistent with the City Charter and, therefore, prevents any transfer of excess Pledged Revenues from the Dallas Water Utilities to the general fund or any special funds of the City, except to the extent permitted by the City Charter.

MANAGEMENT ...Management officials of Dallas Water Utilities provide departmental administration within the framework of the City’s council-manager form of government. Subject to the direction and supervision of the Office of the City Manager, the Director of Water Utilities is charged with management of the System.

WATER SUPPLY ...Summary of Present Supply Sources ... Water supply is now available to Dallas Water Utilities from six surface water impoundments, and from water in the Elm Fork of the Trinity River, as further described herein. Additionally, one other surface water impoundment, Lake Palestine, is in the process of being connected to the City’s water treatment and distribution system. All of the sources are located in north central and east Texas. The following table contains data as to annual diversion rights permitted to the City and “dependable yield” of each source to the City, expressed in million gallons per day (MGD). “Dependable yield” is an estimate of average daily supply reliably available during a period of extreme drought corresponding to the most severe drought on record in each reservoir’s drainage area. The source of the dependable yields data shown below is the *Dallas 2014 Long Range Water Supply Plan to 2070 and Beyond*, described below under “Adequacy of Water Supply”. Estimates shown are for the Fiscal Year ending September 30, 2015.

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Water Supply Source	Diversion Rights of Dallas	Dependable Yield to Dallas	
		Available	Connected
Lake Grapevine	76 MGD	13 MGD	13 MGD
Elm Fork System ⁽¹⁾	1,074 MGD	162 MGD	162 MGD
Lake Ray Hubbard ⁽²⁾	80 MGD	50 MGD	50 MGD
Lake Tawakoni	170 MGD	157 MGD	157 MGD
Lake Fork ⁽³⁾	117 MGD	107 MGD	36 MGD
Lake Palestine ⁽⁴⁾	102 MGD	102 MGD	0 MGD
Indirect Reuse ⁽⁵⁾	221 MGD	13 MGD	13 MGD
Total	1,840 MGD	604 MGD	431 MGD

- (1) Elm Fork System includes Lake Lewisville, Lake Ray Roberts and Elm Fork of the Trinity River run of the river flows.
- (2) In addition to the Connected Dependable Yield of Lake Ray Hubbard, Dallas has a temporary water rights permit for an additional 44 MGD. The temporary water rights permit provides for operational efficiency and expires upon the issuance of Lake Ray Hubbard Permit Amendment 08-2462I.
- (3) Lake Fork was connected to the System in 2009; additional transmission capacity is planned for 2020 to maximize the yield for Lake Fork and Lake Tawakoni.
- (4) Connection to System not anticipated to occur prior to 2020.
- (5) Indirect reuse has been permitted in Permit No 12468 authorizing Dallas to reuse its wastewater return flows from Dallas Central and Southside WWTP and the town of Flower Mound and City of Lewisville WWTPs.

Water supply from the six reservoirs presently connected to the System is adequate for current needs. Plans are proceeding on schedule to add additional transmission capacity for Lake Tawakoni and Lake Fork and to build a pipeline from Lake Palestine (see “THE WATER AND WASTEWATER SYSTEM – Water Supply – Lake Fork” and “Water Supply – Lake Palestine” below). Usage of water supply is ordinarily limited only by the capacity of water treatment plants and the water distribution system. Lakes Grapevine, Lewisville, and Ray Roberts are owned by the United States and are administered by the U.S. Army Corps of Engineers (the “Corps of Engineers”) for several purposes, including water supply. The estimated effects of reservoir sedimentation are included in dependable yields shown above.

Lake Grapevine ...Lake Grapevine is a Corps of Engineers project built in the mid-1950s in which the City, Dallas County Park Cities Municipal Utility District (“Park Cities MUD”), and the City of Grapevine are authorized to store, divert and use 85,000, 50,000 and 26,150 acre-feet per year of water rights, respectively. Lake Grapevine has a total dependable annual yield of only approximately 23,000 acre-feet per year of water, meaning that, during times of severe drought, the reservoir can only be counted on to produce approximately 23,000 acre-feet per year of water. Annual operations and maintenance costs are paid to the Corps of Engineers and were approximately \$193,000 in the fiscal year ended September 30, 2015. During the 1990s, several proceedings (judicial and administrative) concerning Lake Grapevine and the water rights of the City in the Elm Fork of the Trinity River were pursued by the Park Cities MUD. As described below, a settlement concerning these matters was reached in 2001.

A water use permit was granted to the City by the TCEQ in 1994. A settlement agreement involving TCEQ, the City, and the Park Cities MUD was reached in 2001 regarding the permit. Action by the TCEQ issuing orders to give effect to the settlement by the City, Park Cities MUD, the City of Grapevine and the Executive Director of the TCEQ was taken in the Fall, 2001. The settlement resolved all issues associated with Lake Grapevine reservoir operations, storage, diversion and use of water from Lake Grapevine, the permit, and protection of senior water rights of the City and the Park Cities MUD to Lake Grapevine water. There has been no additional litigation regarding this permit since the 2001 settlement was reached.

Lake Lewisville ...Lake Lewisville was completed by the Corps of Engineers in 1955. It is located on the Trinity River’s Elm Fork northwest of the City and northeast of Lake Grapevine, which is nearby. Lake Lewisville incorporates the former “Lake Dallas”, which was built in the late 1920s at a cost of approximately \$4.6 million. The City retains reversion rights to land formerly owned by the City as a part of Lake Dallas. Contract terms provide that such land will again become property of the City when no longer used by the United States for flood control and allied purposes. Including the cost of Lake Dallas and amounts paid for the right to use of 88.9% of the conservation storage of Lake Lewisville, the cost of this supply source to the City was approximately \$8.7 million. Annual operations and maintenance costs are paid to the Corps of Engineers and were approximately \$261,000 in the fiscal year ended September 30, 2015. These payments constitute current operation and maintenance expenses of the System. The City’s water permit for this lake was obtained in 1949. The City of Denton holds rights to use of the remaining 11.1% of storage in Lake Lewisville. Delivery of untreated water to the vicinity of the City’s purification plants is achieved in a manner similar to that used for Lake Grapevine, through release of water as needed into the Trinity River. The Corps of Engineers operates Lake Lewisville as part of the Elm Fork System with Lake Ray Roberts and the Elm Fork of the Trinity River run of the river flows.

The Cities of Irving (“Irving”) and Dallas adopted the Water Treatment Services Contract on January 8, 1998. This agreement allowed Irving to store 9,700 acre feet of Lake Chapman water in Lake Lewisville and for Dallas to treat Irving’s water at the Elm

Fork Water Treatment Plant. The effective date of the Water Treatment Services Contract and the Wholesale Treated Water Contract with Irving is June 30, 2003. Both contract terms are for thirty years. The implementation of this contract allows for additional water supply of 39.5 MGD to Dallas Water Utilities System for future sales to other customers.

Lake Ray Roberts...On September 16, 1980, the Cities of Dallas and Denton entered into agreements with the United States for construction of Lake Ray Roberts by the Corps of Engineers. Under permits granted by the Texas Water Commission in June 1976, the City shares this supply source and the costs thereof with the City of Denton on a basis of 74% and 26%, respectively. The U.S. Congress in 1965 authorized the Corps of Engineers to construct the reservoir for water supply and recreation. In June 1987, the gates of the dam were closed, initiating the filling of the reservoir. The reservoir was filled by May 1990. The Corps of Engineers operates Lake Ray Roberts as part of the Elm Fork System with Lake Lewisville and the Elm Fork of the Trinity River run of the river flows.

Lake Ray Roberts is located on the Elm Fork of the Trinity River north of the City of Denton and just north of Lake Lewisville. Portions of the reservoir extend into Denton, Grayson and Cooke Counties. No major transmission facilities are required to transport water from the reservoir to existing treatment plants. The location of Lake Ray Roberts is upstream from the treatment plants and this provides natural gravity flow to the plants, as is the case for Lakes Lewisville and Grapevine.

Construction costs, including interest during construction, resulted in a total Dallas share of construction costs for water supply and recreation of approximately \$198 million. The City funded its share of the construction costs through the issuance of the Series 1998 Bonds and the Series 1999 Bonds. The City must pay its share of annual operating costs, which are treated as current operation and maintenance costs of the System, and which were approximately \$289,000 in the fiscal year ended September 30, 2015.

Lake Ray Hubbard ...The City constructed, owns, operates and has available for its use 100% of the permitted water supply from Lake Ray Hubbard. Pumpage of water to nearby treatment facilities began in the summer of 1973. Reservoir cost was approximately \$38 million, a major part of which was for land acquisition and for relocation of highways, railroads and other facilities. Lake Ray Hubbard is located in the Dallas city limits (partially in Dallas County) on the East Fork of the Trinity River. A 1959 water permit applies to the reservoir and its use, and also permits (under limited conditions) storage and usage of water pumped by pipeline from Lake Tawakoni.

Lake Tawakoni ...Lakes Grapevine, Lewisville, Ray Roberts and Ray Hubbard are in the Trinity River Basin, as are the City and all of its present water and wastewater customers. Lake Tawakoni, one of the two reservoirs located in the Sabine River Basin, is approximately 50 miles east of the City on the Sabine River, another drainage area in the State. Lake Tawakoni was constructed jointly by the City and the Sabine River Authority of Texas (the "Authority"), at a cost to the City of approximately \$17.7 million. By contractual agreement with the Authority, the City has rights to use 80% of the available water in the reservoir. The agreement also states that the City will pay 80% of reservoir operation and maintenance expenses to the Authority. Such payments to the Authority were approximately \$3,136,000 in the fiscal year ended September 30, 2015, and constitute current operation and maintenance expenses of the System. The first significant pumpage of water to the City treatment facilities occurred early in 1964. Two water transmission pipelines, measuring 72 inches and 84 inches in diameter and having a combined capacity of 250 MGD, and associated pumping and interim storage facilities, allow full utilization of the City's permitted water supply from Lake Tawakoni. These transmission pipelines and associated facilities transport untreated water to the East Side Treatment Plant, which also receives untreated water from Lake Ray Hubbard. Based on information received from the Authority, other principal users of water from Lake Tawakoni (from the portion of reservoir supply not applicable to the City water rights) include the Commerce Water District and the Cities of Greenville, Wills Point, Emory, West Tawakoni, Point and Cash, and the North Texas Municipal Water District.

Lake Fork ...Lake Fork is owned and operated by the Authority and is on Lake Fork Creek, a tributary of the Sabine River. Lake Fork is located in Wood, Hopkins and Rains Counties, approximately 70 miles east of the City. Construction of the reservoir began in June 1975 and the gates of the dam were closed to begin impoundment in February 1980.

Lake Fork was constructed under a contract between the Authority and Texas Utilities Generating Company (referred to herein as "Luminant"). In 1980, Luminant approached the City concerning assumption of its contract and water rights in Lake Fork. A feasibility study was conducted by the City's long range water supply consultant (URS/Forrest and Cotton, Inc.), which concluded that the cost of obtaining water from Lake Fork was the most reasonable of all potential supply sources. Following the findings of the study, the City entered into negotiations with the Authority and Luminant for the purchase of water rights. A contract conveying Luminant's interest in the project to the City became effective October 1, 1981. The cost of the City's share of Lake Fork water supply rights was approximately \$117.0 million. Financial obligations for the City's share were fully paid as of December 2004. The Texas Department of Water Resources issued an amended water permit in August 1983 confirming the transaction. The City now has a contract with the Authority for 74% of the water available from Lake Fork.

The Lake Fork contract and the water rights described therein provide to the City the right to use 118 MGD for water supply of which 107 MGD may be used in the Trinity River Basin, in which the City is located. Luminant has exercised its right under the Lake Fork contract to purchase 11 MGD of the 118 MGD. The City is required to pay the Authority for a pro rata share of the operation and maintenance costs associated with Lake Fork, which was approximately \$3,061,000 in the fiscal year ended September 30, 2015.

The compensation amount owed to the Authority for the renewal of the Lake Fork contract was to be mutually negotiated with the Authority prior to the year 2014 pursuant to the terms of the contract. Negotiation attempts with the Authority have failed. In October 2014, the Authority unilaterally established a rate which would require the City to pay approximately an additional \$24 million annually for the water to which it is entitled. The City has challenged the rate by filing petitions with the Public Utilities Commission of Texas (the “PUC”) and district courts in Travis and Orange counties in Texas. The City has requested the PUC to establish interim water rates while this dispute remains pending. The PUC has ordered an administrative law judge to consider setting an interim rate while this dispute is pending. To date, the Authority has not produced any documents showing that it has a need for the additional revenues that it seeks or how it will spend the additional revenues. As of April 2016, \$34,166,058 has been deposited into SRA/Dallas escrow account, as per 50AH administrative law judge.

Water transmission facilities from Lake Fork to existing City facilities at Lake Tawakoni, which is located 20 miles west of Lake Fork, were completed in 2009. Additional transmission capacity from Lake Tawakoni to Dallas treatment facilities are planned for 2020 to maximize the yield of Lake Fork and Lake Tawakoni.

Lake Palestine ...Lake Palestine, located approximately 90 miles southeast of the City, is owned and operated by the Upper Neches River Municipal Water Authority (“Upper Neches”). Blackburn Crossing Dam, which impounds Lake Palestine, was completed in 1971. In 1972, the City acquired rights to use of 53.73% of the annual dependable yield of the reservoir through a contract with Upper Neches. For such rights, the City made payments to Upper Neches equal to a portion of the principal and interest requirements on Upper Neches’ previously issued bonds to develop Lake Palestine. The cost of the City’s share of Lake Palestine water supply rights was approximately \$10.9 million. The City is also required to pay Upper Neches the amounts required annually for the operation and maintenance of Lake Palestine, less recreation costs and other credits including receipts from water sales and earnings on certain funds of Upper Neches. The payments of the City with respect to such operation and maintenance were approximately \$442,000 for the fiscal year ended September 30, 2015. Water rights in Lake Palestine are held by the City to meet future needs of its customers.

Integrated Pipeline Project ...Water transmission and other facilities will be needed when service from this supply source is begun by Dallas Water Utilities. The City has contracted with the Tarrant Regional Water District (“TRWD”) to design and build a transmission line that will connect Lake Palestine to the System as well as interconnecting TRWD’s Cedar Creek and Richland Chambers reservoir with Lake Palestine and the System. The TRWD contracts relate to an “Integrated Pipeline Project”, which are expected to produce significant savings and efficiencies in capital construction and operation and maintenance costs for both the City and TRWD. In addition, the TRWD contracts are expected to enhance regional cooperation, including water supply reliability and water sharing between the two entities. Based on current water use projection, the City does not anticipate the need to make this supply available prior to the year 2020. The payments to be made by the City to TRWD under the TRWD contracts, including payments made by the City that will be used by TRWD to pay debt service on the obligations issued by TRWD to finance the components of the Integrated Pipeline Project for use by the City, will be treated as operation and maintenance expenses of the City in calculating Net Revenues for the City’s revenue bond coverage requirements under the Bond Ordinance.

The TRWD contracts include a “Financing Agreement” and a “Delivery Contract”. The “Financing Agreement” establishes that TRWD will own, operate and finance the transmission facilities and that Dallas will own “Reserved Capacity Rights” of 150 MGD and will pay its share of the design and construction based on “Reserved Capacity Rights”. Principal and interest on the obligations issued by TRWD are secured by and payable solely from payments to be received by TRWD from the City to the extent required and provided in the Financing Agreement. The obligations issued by TRWD do not constitute a debt or pledge of the faith and credit of the City and accordingly have not been reported in the accompanying financial statements; however, for accounting purposes, the obligation of the City under the Financing Agreement is treated as a liability of the City to the extent that such obligations are for the payment of bonds issued to fund the City’s share of the costs for the Project. The City has also capitalized the development of an intangible asset, Pipeline Reserved Capacity Rights for the actual Project costs incurred by TRWD. The unspent proceeds held by TRWD for future construction costs have been recorded in Other Noncurrent Assets — Future Pipeline Reserved Capacity Rights. The balance of the obligation for the Financing Agreement was \$322,223,000 at September 30, 2015. The “Delivery Contract” establishes the cost allocation of operation and maintenance costs and the operation guidelines for the transmission system.

The City’s currently estimated share of the total capital cost of the Integrated Pipeline Project is \$977.5 million. As of the date of this Official Statement, \$474,065,000 of TRWD Bonds have been issued, with \$462,730,000 currently outstanding. For the fiscal year ended September 30, 2015, the total amount paid on the outstanding bonds was \$21,453,658. It is anticipated that TRWD would issue additional bonds (the “TRWD Bonds”) over a 10 to 15 year period to pay the total capital cost of the Integrated Pipeline Project. It is anticipated that water rate increases would be presented to the City Council for approval as necessary to pay for the City’s share of debt service on the TRWD Bonds and operating expense of the Integrated Pipeline Project. All such payments by the City will constitute operating expenses of the System for purposes of calculating Net Revenues for the City’s revenue bond coverage requirements. For further discussion of the Integrated Pipeline Project and the System’s obligations for repayment of its share of TRWD Bonds issued for such project, as of September 30, 2015, see “APPENDIX C – Note 5” herein.

RECYCLED WATER ...In addition to the City’s water supply from its surface water impoundments and from the Elm Fork of the Trinity River, the City has State issued water rights for the diversion and use of its recycled wastewater return flows. The recycled Water Permit allows for the use of up to 221 MGD limited only by the actual discharge from Dallas’ Central and Southside

Wastewater Treatment Plants, the City of Lewisville's Wastewater Treatment Plant and the Town of Flower Mound Wastewater Treatment Plant and instream flow requirements.

In 2008, the City entered into a contract with North Texas Municipal Water District ("NTMWD") for the exchange of NTMWD's permitted return flows in Lake Ray Hubbard and the Elm Fork of the Trinity River for an equivalent volume of Dallas' permitted return flows from Dallas' Central and Southside wastewater treatment plants. This exchange will provide Dallas with access to recycled water in Lake Ray Hubbard and Lake Lewisville with significantly reduced transmission facilities and operation and maintenance costs.

ADEQUACY OF WATER SUPPLY ...Water supply from each of the seven reservoirs described above is limited in time only by reservoir life. Ongoing dam maintenance and measured sedimentation rates of these reservoirs indicates a useful life of over one hundred years. The dependable yield available to Dallas Water Utilities from the seven reservoirs described above is estimated to be adequate until about the year 2027. This projection assumes expected increases in customer demand throughout the utility's regional service area. Additional transmission, treatment and other facilities will be required before that time to fully utilize the available supply. The City Council has approved funding for Dallas Water Utilities to explore options for the development of future water supply sources for the City.

Senate Bill 1, which requires statewide water planning, was signed into law in June 1997. This bill set up a state-wide initiative to identify future water needs for the State. The State was divided into 16 regional water planning areas. A regional water planning group ("RWPG") was established for each of the 16 regions. The RWPG is composed of members that represent one of 12 interest categories (i.e., public, counties, municipalities, industries, agriculture, environment, small business, electric generating utilities, river authorities, water districts, water utilities and groundwater management areas). The RWPG of each region is required to project population and water demands, evaluate current water supplies, compare current supply to projected demand and identify and recommend water management strategies to meet water supply shortages. The City is in Region C, and has a representative who presently serves as chair on the Region C Group. The Region C Group is required to submit its Regional Water Plan every five years, the first plan having been submitted in January 2001. Every five years upon receiving each of the 16 regional water plans the State reviews and approves the plans and consolidates them into a draft State Water Plan. The Region C Group submitted its Regional Water Plan to the State in December 2015. The State compiled the Regional Plans into a State Water Plan dated March 2016. The City anticipates that a new five-year State Water Plan will be approved in 2017.

The City's Long Range Water Supply Plan ("LRWSP") was updated in 2014 on behalf of the City by the engineering consulting firm of HDR, Inc. to meet future water demands for Dallas and its customer cities through the year 2070 and beyond. The LRWSP identified recommended and alternate water management strategies and infrastructure recommendations.

The City Council enacted an expanded Water Conservation Program effective October 1, 2001. During the first three years, the program focused primarily on outdoor water conservation practices. In 2004, the City embarked on a more holistic approach to encouraging water conservation designed to reduce total water consumption without reducing the benefit of the water used. This long-term strategic approach is designed to: reduce the consumption of water; reduce the loss and waste of water; improve the efficiency in the use of water; postpone the construction of new water system improvements; serve as an alternative water supply source to reduce future needs and; comply with statewide legislative criteria and new initiatives. The City currently is updating its Water Conservation Strategic Plan that defined water conservation goals and recommended strategies for the next five years. The Water Conservation Strategic Plan is scheduled to be complete in June 2016.

WATER PURIFICATION AND DISTRIBUTION ...Water purification, which meets or surpasses all present State and federal quality standards, is now accomplished by Dallas Water Utilities at its three treatment plants. The current capacity of purification facilities is as follows, measured in million gallons per day (MGD):

Water Treatment Plant	Treatment Capacity
East Side	440 MGD
Elm Fork	310 MGD
Bachman	<u>150 MGD</u>
Total	900 MGD

Distribution storage capacity and treated water pumping stations are adequate to meet delivery of service for maximum day, maximum hour and fire protection requirements within the City. Currently, expansion at the East Side plant is under construction. These improvements will add an additional 100 MGD treatment capacity. Additional distribution system capacity will result from facilities currently under construction or scheduled for the near future in all functional areas, including major transmission, ground and elevated storage, and distribution pumping. Based upon system demand of Dallas and customer cities, current treatment and distribution capacity is estimated to be adequate to meet maximum daily requirements. In 2009, Dallas Water Utilities updated the City's Water Distribution System Master Plan, which consists of historic and future demand allocations, a facilities inventory, a hydraulic model of the distribution system, and identifies system improvements for the distribution system through the year 2050. At September 30, 2015, there were approximately 4,930 miles of water mains in service.

The federal Safe Drinking Water Act, as amended, provides for establishment of potable water standards in the United States. While the quality of water treated in the System presently meets all federal standards, such standards are subject to revision, which may in turn result in the need to construct additional treatment facilities or modify existing treatment processes.

PERFORMANCE STUDIES ...The City has two separate studies of performance of operations of Dallas Water Utilities. One is an audit performed by the Office of the City Auditor, dated December 27, 2002; the other is an efficiency study of Dallas Water Utilities performed by the engineering firm Black & Veatch, which was released on January 10, 2003. The studies confirm the need for Dallas Water Utilities to continue to invest more capital in upgrading existing infrastructure that serves the customers of Dallas Water Utilities. The current Distribution System Master Plan for Dallas Water Utilities anticipates expending funds to gradually upgrade the existing infrastructure serving customers of Dallas Water Utilities. Implementing the recommendations made in the reports may result in an increase in the level of capital improvements to the System above that currently anticipated in the Master Plan. Other management and operation issues have been noted in the studies, including the need to address a trend of an increase in unaccounted for water losses within the System. In order to implement some or all of the recommendations noted in the studies, Dallas Water Utilities has sought and received from the City Council approval of twelve (12) retail rate increases through the fiscal year ended September 30, 2015, for water and sewer services.

In the City budget approved September 22, 2015, for the fiscal year beginning October 1, 2015, the City Council approved a 5.3% retail rate increase (see “THE WATER AND WASTEWATER SYSTEM — Water and Wastewater Service Rates”). The City Council previously implemented a 3.5% retail rate increase that took effect October 1, 2014 (see “THE WATER AND WASTEWATER SYSTEM — Water and Wastewater Service Rates”).

WATER SERVICE CUSTOMERS ...Dallas Water Utilities provides treated water to its customers within the City on a “retail” basis. Treated and untreated water is provided on a “wholesale” basis to other cities and governmental entities outside of Dallas. Retail service is characterized by a water distribution system, by a customer service system (including service billings to final consumers) and by provision of water facilities for fire protection. Wholesale water customers provide their own distribution, customer service, and fire protection systems for the ultimate benefit of consumers.

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TABLE 1 – WHOLESALE TREATED WATER CUSTOMERS

Treated water is now supplied on a wholesale basis to the following cities and authorities under contracts expiring in the calendar years indicated.

Entity	Year	Entity	Year
Addison	2042	Flower Mound	2017
Carrollton	2043	Glenn Heights	2022
Cedar Hill	2044	Grand Prairie	2042
Cockrell Hill	2044	Hutchins	2042
Combine WSC	2035	Irving	2033
Coppell	2017	Lancaster	2041
Balch Springs	2045	Lewisville	2016
Dallas/Fort Worth International Airport	2045	Ovilla	2035
DeSoto	2043	Red Oak	2033
Duncanville	2044	Seagoville	2043
Ellis County WCID#1	2033	The Colony	2040
Farmers Branch	2040		

Dallas and its wholesale treated water customers negotiated and reached consensus on a thirty-year Memorandum of Agreement for wholesale treated water rate-setting methodology. The new Memorandum of Agreement was approved by the Dallas City Council on May 12, 2010. Wholesale rates for treated water service to all customer cities and authorities are determined per the provisions of the new Memorandum of Agreement.

As of August 13, 2003, the Dallas City Council approved individual contracts between Dallas Water Utilities and the City of Red Oak, Rockett SUD and Ellis County WCID#1 for wholesale supply of treated water. The City of Red Oak began taking water in Spring, 2009. The contract with Rockett SUD was terminated in 2009. Ellis County WCID#1 is not yet connected to Dallas Water System. These contracts will expire in the year 2033.

In addition to a Wholesale Treated Water Contract, the Cities of Irving and Dallas adopted the Water Treatment Services Contract on January 8, 1998. This agreement allows Irving to store 9,700 acre feet of its Lake Chapman water in Lake Lewisville and for Dallas to treat Irving's water at the Elm Fork Water Treatment Plant. The effective date of the Water Treatment Services Contract and the Wholesale Treated Water Contract with Irving is June 30, 2003. Both contract terms are for thirty years (see "The Water and Wastewater System - Water Supply - Lake Lewisville").

Dallas has a designated planning and service area in the 2014 update to the LRWSP. In accordance with the plans, Dallas is planning for the long range needs of all its existing customers and anticipate renewal of all existing contracts.

Untreated water from existing reservoirs is supplied to, the City of Lewisville, the Upper Trinity Regional Water District, and the City of Grapevine under contracts extending to the years 2016, 2022 and 2030, respectively.

On April 24, 2013, the City Council authorized a three-year untreated water contract with the NTMWD to: (1) purchase up to 60 MGD of untreated water from Dallas' Lake Tawakoni, Lake Fork and/or Lake Ray Hubbard supplies; and (2) transport water supply owned by NTMWD from Lake Fork to Lake Tawakoni. NTMWD contract expired on April 23, 2016.

Service to wholesale treated water customers comprised approximately 39 percent of total treated water sales volume to pumpage and approximately 21 percent of billed revenues for treated water service in the fiscal year ended September 30, 2015.

Some cities and governmental entities, in addition to those listed above, may request wholesale water service. In the LRWSP, the wholesale service planning area was reduced in Collin County to the north, while simultaneously expanded into portions of Ellis County to the south. The current wholesale service planning area includes the corporate limits of all customer cities connected to the System in 1999. In addition to one suburban city that receives water from another wholesale supplier, the wholesale service area includes most of Dallas County and portions of the contiguous counties. Each wholesale customer pays initial costs required to extend service to their area, and other continuing costs of service. The City Council adopted "Conditions for New Treated Water Customers" in December 1984.

TABLE 2 - TREATED WATER PUMPAGE (MILLION GALLONS)

<u>Fiscal Year</u>	<u>Peak Day</u>	<u>Average Day</u>	<u>Total</u>
2011	683	428	156,202
2012	649	395	144,604
2013	583	391	142,878
2014	535	369	134,792
2015	619	374	136,578

TABLE 3 – TREATED WATER CONSUMPTION BY CUSTOMER CLASS (MILLION GALLONS)

	<u>Fiscal Year Ended September 30,</u>				
	<u>2015</u>	<u>2014</u>	<u>2013</u>	<u>2012</u>	<u>2011</u>
<u>Retail</u>					
Residential	24,060	24,699	26,604	27,033	29,860
General Service	33,736	34,176	35,652	35,966	37,446
Optional General Service ⁽¹⁾	4,957	4,845	4,771	5,149	5,363
Total Retail	<u>62,753</u>	<u>63,720</u>	<u>67,027</u>	<u>68,148</u>	<u>72,669</u>
<u>Wholesale</u>	<u>51,543</u>	<u>52,573</u>	<u>55,741</u>	<u>54,438</u>	<u>58,772</u>
Total	<u>114,296</u>	<u>116,293</u>	<u>122,768</u>	<u>122,586</u>	<u>131,441</u>

⁽¹⁾ Customers consistently using one million gallons or more monthly.

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TABLE 4A – TEN LARGEST WHOLESALE TREATED WATER CUSTOMERS (MILLION GALLONS)

	Fiscal Year 2015 Water Consumption
<u>Wholesale</u>	
City of Carrollton	7,015
City of Grand Prairie	6,589
City of Irving ⁽¹⁾	3,281
City of Coppell	3,207
City of Lewisville	3,178
City of Farmers Branch	2,826
City of DeSoto	2,573
City of Duncanville	1,958
City of Cedar Hill	1,889
Addison	1,707
Total	<u>34,223</u>

⁽¹⁾ In addition to the 3,281.41 MG treated water provided under the treated water contract, Dallas Water Utilities also treated 9,250.66 MG of raw water from Irving's Lake Chapman under the Dallas Water Utilities/Irving treatment services contract. Reflects "as billed" consumption.

TABLE 4B – TEN LARGEST RETAIL TREATED WATER CUSTOMERS (MILLION GALLONS)

	Fiscal Year 2015 Water Consumption
<u>Retail</u>	
Texas Instruments Inc	1,705
UT Southwestern Medical Center	440
Niagara Bottling LLC	433
Dallas County Facilities Management	297
Nestle Water North America	258
Quaker Oats Inc.	207
White Wave Food Company	184
Dallas County Health Dept/Pleasant Grove Health Clinic	170
Baylor Health Care System	156
ROC Texas, llc	138
Total Ten Largest Retail Customers	<u>3,988</u>
Other	<u>58,765</u>
Total Retail Treated Water Consumption	<u>62,753</u>

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WASTEWATER SYSTEM ...Dallas Water Utilities provides wastewater services to its customers through a system encompassing approximately 4,020 miles of wastewater collection pipelines, which transport wastewater primarily by gravity flow to two treatment plants. In addition, a small portion of the City's wastewater treatment is obtained under long-term contracts with the Trinity River Authority of Texas ("TRA") and the City of Garland. The contract with TRA provides that monies received from the City (and other participating cities) for wastewater treatment by TRA shall be considered to be operating and maintenance expenses of the respective cities. Net payments by the City to TRA were approximately \$5,414,000 and to the City of Garland were approximately \$849,000 for the fiscal year ended September 30, 2015.

The City's wastewater treatment process is a biological treatment process providing advanced treatment to comply with State and Federal requirements for effluent quality and water pollution control. Wastewater solids generated by the treatment plants are processed for final disposal at the Southside Wastewater Treatment Plant. Solids dewatering facilities, dedicated disposal fields, and a solids only landfill (monofill) provide the capability to dispose of 120 dry tons of solids daily. The only chemicals used are chlorine and sulfur dioxide for disinfection prior to the final effluent discharge; polymers to enhance the solids dewatering process; and oxidizing agents to control odors associated with the wastewater treatment process. The filtrate (water that is pressed out of the sludge) from dewatering is closed with lime and aerated to help remove ammonia in the sidestream treatment. The cost of these chemicals is approximately 8% of wastewater treatment operational costs.

The larger of the two wastewater treatment plants operated by Dallas Water Utilities is the Central Wastewater Treatment Plant, which incorporates facilities built in phases in previous years at the same location. The Central Wastewater Treatment Plant has a permitted treatment capacity of 150 MGD. The Southside Wastewater Treatment Plant has a permitted treatment capacity of 110 MGD, resulting in total wastewater system permitted treatment capacity of 260 MGD on an average daily basis.

The departments, wastewater treatment plants are permitted to operate by the TCEQ. The Southside Plants permit was issued in March 2015 and expires in December 2019. The Central Plants permit was issued August 2012 and expires on December 2016. The department is currently working on the permit renewal process for the Central Plant.

In January 2007, the City entered into a voluntary Sanitary Sewer Outreach Initiative Agreement with TCEQ. This is a 10-year plan to address sanitary sewer overflows. The main initiative under this agreement is to develop and implement corrective action plans to protect public health, the environment, and City-owned sanitary sewer infrastructure.

WASTEWATER SERVICE CUSTOMERS ...Dallas Water Utilities provides wastewater collection and treatment services on a "retail" basis to customers primarily within the City and on a "wholesale" basis to eleven customer cities. Wholesale service is characterized by service billings from the City to wholesale customers, who provide their own wastewater collection facilities, under standards established by contract with the City, and their own customer service systems, including service billings to final consumers. Wastewater service charges to retail customers generally apply to volume of water consumption, but for retail residential customers, service rates are based on average water consumption during winter months, or actual water consumption if lower.

TABLE 5 – WHOLESALE WASTEWATER CUSTOMERS			
Customer cities receiving "wholesale" wastewater services are principally as follows, with contractual terms of service now extending to calendar years indicated:			
Addison (portion)	2044	Hutchins	2044
Cockrell Hill	2044	Mesquite (portion)	2036
Balch Springs	2045	Richardson (portion)	2037
Duncanville (portion)	2044	Seagoville	2033
Highland Park	2044	University Park	2044
		Wilmer	2044

Wholesale service rates for wastewater services to customer cities are established by rate ordinance of the City Council. Charges to wholesale wastewater customers are based on metered wastewater flows, if technically feasible, or on average water consumption during winter months. All wastewater service customers must comply with the City ordinances applicable to prohibited substances, concentration limits, infiltration/inflow monitoring and control, and payment of equitable excess strength surcharges in addition to normal service rates.

Service to wholesale wastewater customers comprised approximately 8 percent of total wastewater volume and approximately 4 percent of billed revenues for wastewater service in the fiscal year ended September 30, 2015.

TABLE 6 – TREATED WASTEWATER FLOW (MILLION GALLONS)

Fiscal Year	Maximum Day Treated Effluent	Average Day Treated Effluent	Total Treated Effluent
2011	238	145	52,767
2012	361	153	56,106
2013	261	144	52,446
2014	238	150	54,643
2015	430	181	65,908

COST OF SERVICE STUDY ... A rate study was completed in 2015 pursuant to the City’s financial criteria for Dallas Water Utilities cost of service studies. Adjustments in wholesale customer service rates based on the study were approved by the City Council on September 22, 2015, to provide for expected costs of service in the fiscal year beginning October 1, 2015.

WATER AND WASTEWATER SERVICE RATES ... The City’s water and wastewater system is operated as a self-sustaining municipal enterprise under the terms of the revenue bond ordinances adopted by the City Council and the City Charter. The self-sustaining concept was first given legal effect in the City in 1882. Dallas Water Utilities does not contribute to general revenues of the City, other than payments for services rendered and for street rental fees, which are directly comparable to franchise fees paid by privately-owned utilities to the City and a payment in lieu of taxes (“PILOT”), as further discussed below. Since 1993, the City Charter has allowed payment of amounts equal to ad valorem taxes and other charges that would be due the City if the Water Utilities Department were not a city-owned public utility. No additional amounts pursuant to the 1993 Charter amendment were paid or assessed prior to September 30, 2004. The Fiscal Year 2008 Budget provided for a partial implementation of a PILOT, not to exceed \$6 million. This represents approximately 45% of the maximum allowed. In the fiscal year 2010 budget, the PILOT was fully implemented, payable in the amount of \$13.3 million. For the current fiscal year beginning October 1, 2015 with updated Dallas Water Utilities asset values and current ad valorem rates, the PILOT payable amount is \$22.6 million. The System is not supported in any way from other City revenue sources, except payments for services rendered.

The rates charged wastewater customers are based upon the cost of providing wastewater service, as required by the USEPA.

Water and wastewater rates are intended to ensure that revenues are received from each class of customers equivalent to the costs associated with service to each respective customer class. Capital improvement planning includes provision for facilities which are adequate to meet projected customer demand, rehabilitation or replacement of aging facilities and service quality meeting required standards. All service rates, charges and basic service procedures are established by the City Council.

Retail water and wastewater service rates, as set forth in the following Tables 7 and 8, are effective as of October 1, 2015. An average monthly bill of \$63.54 is paid for water and wastewater services by a City residential customer with a 5/8 inch meter, average monthly water consumption of 8,300 gallons, and 5,500 gallons winter month average for wastewater charges.

The retail rate for treated water and wastewater services consists of a monthly customer charge which applies to each customer without reference to consumption, and a usage charge which depends on the volume of water used (or wastewater discharged). Customers are billed monthly.

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TABLE 7 – RETAIL CUSTOMER CHARGE (AS OF OCTOBER 1, 2015)

The monthly customer charge for retail treated water service and wastewater service are fixed amounts based upon meter size. Both water and wastewater charges are shown below to present the total customer charge for combined water and wastewater service.

	Monthly Retail Customer Charge		
	Water	Wastewater	Combined
5/8 Inch Meter	\$ 5.12	\$ 4.58	\$ 9.70
3/4 Inch Meter	7.07	6.27	13.34
1 Inch Meter	10.28	9.10	19.38
1 1/2 Inch Meter	19.14	17.52	36.66
2 Inch Meter	31.14	27.60	58.74
3 Inch Meter	72.93	66.72	139.65
4 Inch Meter	121.17	106.68	227.85
6 Inch Meter	240.61	209.97	450.58
8 Inch Meter	400.50	350.51	751.01
10 Inch Meter or larger	614.98	550.72	1,165.70

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TABLE 8 – RETAIL USAGE CHARGE (AS OF OCTOBER 1, 2015)

	Monthly Retail Rate Per 1,000 Gallons	
	Water	Wastewater
Residential		
Up to 4,000 Gallons	\$ 1.87	\$ 5.20 ⁽¹⁾
4,001 to 10,000 Gallons	4.13	5.20 ⁽¹⁾
10,001 to 15,000 Gallons	5.81	5.20 ⁽¹⁾
Above 15,000 Gallons	8.20	5.20 ⁽¹⁾
General Service		
Up to 10,000 Gallons	\$ 3.47	\$ 3.95
Above 10,000 Gallons	3.71	3.95
Above 10,000 and usage 1.4x annual monthly average	5.63	3.95
Wastewater metered separately		3.65
Optional General Service		
1st Million Gallons or Less	\$ 2,135.27 ⁽²⁾	\$ 3.56
Above 1 Million Gallons (Per 1,000 Gallons)	2.95	3.86
Wastewater metered separately		3.65

- (1) Wastewater rates for residential accounts are applied to average water consumption billed in December, January, February, and March, up to 40,000 gallons per month, or actual water consumption if lower.
- (2) Fixed amount, not a volume rate.

The retail usage charge applies in addition to the customer charge shown in Table 7. The usage charge is generally stated as a rate per 1,000 gallons. Both the retail water usage charge and the retail wastewater usage charge are applied to volume of water used, except for that wastewater which is metered separately. Wastewater meters are purchased by general service customers (typically large business customers) when separate wastewater metering is advantageous to them. Retail usage charges are established for three customer classes as set forth above. For residential wastewater customers, the retail usage charge is based upon average water consumption during winter months, or actual water usage for each month if lower. Each of the rates for usage charges and for customer charges is subject to 5% additional charge if not paid when due.

In addition to the above rates, a surcharge is applied when a general service customer is found to be discharging waste of excessive strength, based upon concentration (determined by sampling) of biochemical oxygen demand and/or total suspended solids above a level of 250 milligrams per liter.

The customer deposit ordinance provides that deposits from new customers are not required upon evidence of satisfactory credit histories. The customer deposit ordinance also provides for the refund of previous deposits to existing customers, if appropriate, upon review of their credit histories.

In recent years, approval of rate adjustments, as needed, by the City Council has been received in September, at the same time approval is granted for the operating and capital budgets for the following fiscal year beginning the next succeeding October 1. The fiscal year 2016 City budget was approved on September 22, 2015. The City Council approved a 5.3% retail rate increase. The adequacy of rates for both water and wastewater services will continue to be reviewed annually and recommendations will be made for adjustments as needed.

Wholesale service rates are established by rate ordinance of the City Council, within the terms of applicable contracts and agreements. The City's policy for review of wholesale rates includes an annual cost of service study, in which wholesale customers participate through a committee of their representatives. A comprehensive annual cost of services methodology review was completed in 2015. The present rates for wholesale water and wastewater service, described in Table 9, are based on an annual cost of service study completed in 2015. Rates to all wholesale treated water customers are adjusted annually in accordance with the terms of a rate agreement originally reached in August 1979 and revised in May 2010 between the City and customer cities (see "Water Service Customers").

TABLE 9 – WHOLESALE CUSTOMER CHARGES (AS OF OCTOBER 1, 2015)

Wholesale rates are as follows, for each type of wholesale service:

Treated Water Service:

Customers with rate-of-flow controllers: \$0.4305 per thousand gallons of water used, plus \$243.453 annually per million gallons of daily capacity reserved.

Customers without rate-of-flow controllers (or if a flat rate is provided by contract): \$1.9521 per thousand gallons of water used.

Untreated Water Service:

Customers inside or outside the City: \$0.8335 per thousand gallons of water used (\$0.4044 for interruptible service).

Wastewater Service:

\$2.2688 per thousand gallons of wastewater discharged. A surcharge is applied for wastewater of excessive strength.

CAPITAL IMPROVEMENT PROGRAM ...The need for and specific nature of capital improvements are dependent upon the characteristics and growth of future customer demand, and upon standards of service quality established primarily by State and federal authorities.

Capital improvements to the System have been financed principally through the issuance of “Commercial Paper Notes” and “Revenue Bonds”, through application to construction of customer revenues not required for operating expenses and debt service, and through receipt of contributions in aid of construction from customers, developers, and from State and federal grants. A major portion of the capital improvements has been financed on an interim basis through the issuance of commercial paper notes. (See “DEBT INFORMATION–Commercial Paper Notes Payable”). Capital improvements do not include the Integrated Pipeline Project, the costs of which are treated as an operating expense.

New water facilities are so designed that as additional water sources become available, water purification and distribution through the new facilities can be accomplished with a minimum of additional future construction. New wastewater system facilities are also designed to meet additional service requirements at minimal cost.

During the three fiscal year periods commencing October 1, 2015 and ending September 30, 2018, the City anticipates it will commence water utilities capital improvements totaling approximately \$851,826,000, including improvements to the water system of approximately \$592,174,000 and improvements to the wastewater system of approximately \$259,652,000. Current budgeted projections for this three fiscal year period indicate \$663,908,000 will be funded from borrowing and \$187,918,000 will come from current revenues. The projected water utilities capital improvements would require the City Council to implement annual rate increases, with an outlook toward estimated annual increases of 2 to 6 percent. Estimated rate increases are based upon the costs of the capital improvement program and projected increases in operating expenses, which include the costs associated with the Integrated Pipeline Project (see “THE WATER AND WASTEWATER SYSTEM — Water Supply — Lake Palestine”). No assurances can be given that such rate increases will be implemented or that the projected capital improvements will commence in the manner described above.

Further information regarding the System, including the financial statements for the Water Utility Fund (the financial statements are shown in Appendix C hereto), can be obtained from the filings the City has made, with respect to the Prior Encumbered Bonds pursuant to Rule 15c2-12 promulgated by the U.S. Securities and Exchange Commission, with the Municipal Securities Rulemaking Board through its Electronic Municipal Market Access (EMMA) system at <http://emma.msrb.org>. The City has not agreed to undertake a more frequent updating of such information than its annual filing obligations under the ordinances authorizing the Prior Encumbered Bonds adopted after July 3, 1995, except with respect to making specified “events” filings promptly after the occurrence of certain events required pursuant to an undertaking adopted pursuant to Rule 15c2-12.

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DEBT INFORMATION

TABLE 10 - WATERWORKS AND SEWER SYSTEM REVENUE BOND REQUIREMENTS ⁽¹⁾⁽²⁾

FYE	Outstanding Debt ⁽³⁾			Refunded		The Bonds ⁽⁴⁾			Total Debt Service			Total Debt	% of Principal Retired
	Principal	Interest	Total	Debt Service		Principal	Interest	Total	Principal	Interest	Service		
2016	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	-
2017	98,450,000	81,814,898	180,264,898	(24,322,288)		8,700,000	16,600,527	25,300,527	101,570,000	79,673,137	181,243,137	181,243,137	
2018	92,615,000	77,940,356	170,555,356	(24,360,416)		7,930,000	22,542,185	30,472,185	94,680,000	81,987,125	176,667,125	176,667,125	
2019	97,950,000	73,808,427	171,758,427	(59,000,244)		42,935,000	22,207,219	65,112,219	99,180,000	78,690,401	177,870,401	177,870,401	
2020	98,610,000	69,603,201	168,213,201	(46,927,994)		31,335,000	21,710,266	53,045,266	98,595,000	75,375,473	174,330,473	174,330,473	18.8%
2021	97,245,000	65,960,898	163,205,898	(14,872,619)		4,620,000	21,369,965	25,989,965	101,865,000	72,458,244	174,323,244	174,323,244	
2022	101,965,000	62,519,809	164,484,809	(14,872,619)		4,805,000	21,178,779	25,983,779	106,770,000	68,825,969	175,595,969	175,595,969	
2023	96,080,000	58,876,239	154,956,239	(14,872,619)		5,010,000	20,976,164	25,986,164	101,090,000	64,979,784	166,069,784	166,069,784	
2024	85,375,000	55,107,652	140,482,652	(32,451,869)		23,005,000	20,562,425	43,567,425	90,350,000	61,248,208	151,598,208	151,598,208	
2025	76,725,000	51,509,787	128,234,787	(18,392,744)		9,415,000	20,089,660	29,504,660	81,605,000	57,741,703	139,346,703	139,346,703	41.8%
2026	65,755,000	48,358,727	114,113,727	(25,119,744)		16,560,000	19,669,690	36,229,690	70,660,000	54,563,673	125,223,673	125,223,673	
2027	68,715,000	45,373,771	114,088,771	(25,116,694)		17,090,000	19,141,238	36,231,238	73,580,000	51,623,315	125,203,315	125,203,315	
2028	71,815,000	42,259,924	114,074,924	(34,238,844)		26,900,000	18,452,628	45,352,628	76,550,000	48,638,708	125,188,708	125,188,708	
2029	75,163,000	38,911,747	114,074,747	(46,699,969)		40,425,000	17,387,280	57,812,280	79,568,000	45,619,058	125,187,058	125,187,058	
2030	70,305,000	35,444,691	105,749,691	(51,670,144)		47,230,000	15,557,750	62,787,750	74,660,000	42,207,297	116,867,297	116,867,297	59.8%
2031	58,745,000	32,377,041	91,122,041	(31,134,722)		28,585,000	13,662,375	42,247,375	63,405,000	38,829,694	102,234,694	102,234,694	
2032	61,555,000	29,572,130	91,127,130	(31,136,644)		30,055,000	12,196,375	42,251,375	66,515,000	35,726,861	102,241,861	102,241,861	
2033	65,065,000	26,592,759	91,657,759	(27,967,519)		28,345,000	10,736,375	39,081,375	70,340,000	32,431,616	102,771,616	102,771,616	
2034	68,135,000	23,519,331	91,654,331	(27,963,756)		29,795,000	9,282,875	39,077,875	73,740,000	29,028,450	102,768,450	102,768,450	
2035	71,275,000	20,383,053	91,658,053	(27,969,928)		31,330,000	7,754,750	39,084,750	77,225,000	25,547,875	102,772,875	102,772,875	76.5%
2036	74,555,000	17,100,803	91,655,803	(12,948,028)		17,530,000	6,533,250	24,063,250	80,870,000	21,901,025	102,771,025	102,771,025	
2037	63,000,000	13,918,894	76,918,894	(22,051,644)		27,765,000	5,400,875	33,165,875	69,700,000	18,333,125	88,033,125	88,033,125	
2038	53,815,000	11,115,238	64,930,238	(10,065,500)		16,895,000	4,284,375	21,179,375	60,890,000	15,154,113	76,044,113	76,044,113	
2039	46,155,000	8,708,297	54,863,297	-		8,050,000	3,660,750	11,710,750	54,205,000	12,369,047	66,574,047	66,574,047	
2040	48,420,000	6,440,050	54,860,050	-		8,465,000	3,247,875	11,712,875	56,885,000	9,687,925	66,572,925	66,572,925	92.0%
2041	36,120,000	4,426,666	40,546,666	-		8,900,000	2,813,750	11,713,750	45,020,000	7,240,416	52,260,416	52,260,416	
2042	28,530,000	2,861,500	31,391,500	-		9,355,000	2,357,375	11,712,375	37,885,000	5,218,875	43,103,875	43,103,875	
2043	20,410,000	1,638,000	22,048,000	-		9,835,000	1,877,625	11,712,625	30,245,000	3,515,625	33,760,625	33,760,625	
2044	10,995,000	852,875	11,847,875	-		10,340,000	1,373,250	11,713,250	21,335,000	2,226,125	23,561,125	23,561,125	
2045	11,560,000	289,000	11,849,000	-		10,870,000	843,000	11,713,000	22,430,000	1,132,000	23,562,000	23,562,000	99.5%
2016	-	-	-	(624,156,544)	\$	573,470,000	\$ 363,756,274	\$ 937,226,274	\$ 2,092,838,000	\$ 1,142,620,492	\$ 3,235,458,492	11,710,625	100.0%

- (1) Preliminary, subject to change.
- (2) Numbers may not sum due to rounding.
- (3) All Debt Service for Fiscal Year 2016 has been paid.
- (4) Interest on the Bonds calculated at the rate of 3.053% for illustrative purposes.

OUTSTANDING REVENUE BONDS ...All of the City's Waterworks and Sewer System Revenue Bonds ("Revenue Bonds") currently outstanding and payable from "Pledged Revenues" of the System result from Revenue Bond issues commencing with the City's Waterworks and Sewer System Revenue Refunding Bonds, Series 1981 (the "Series 1981 Bonds"). The City thereafter has issued various series of Revenue Bonds on a parity with the Series 1981 Bonds, in accordance with the terms of the ordinance that authorized the issuance of the Series 1981 Bonds (the "Underlying Ordinance"). See Appendix B – "Selected Provisions of the Ordinances – Definitions – Previously Issued Parity Bonds" for a general description of the Revenue Bonds currently outstanding that were issued on a parity under the terms of the Underlying Ordinance.

REVENUE BOND COVERAGE ...Authorizing City ordinances under which all Revenue Bonds are issued require a level of Net Revenues for the preceding fiscal year ended September 30, or for a consecutive 12-month period ending within 90 days before the date of the bonds to be issued, equal to at least 1.25 times average annual principal and interest requirements of outstanding and proposed additional Revenue Bonds as a condition for issuance of Additional Bonds ("revenue bond coverage"). The "Summary of Net Revenues for Revenue Bond Coverage – Cash Basis" (Table 15 herein) presents Net Revenues for coverage using cash receipts and operating cash disbursements. In determining revenue bond coverage, Net Revenues do not include non-operating disbursements, e.g., additions to the utility plant.

In addition to the coverage requirement described above, which is a condition necessary for the issuance of additional Revenue Bonds, the authorizing ordinance stipulates that revenue bond coverage must be maintained each year. The latter requirement is effective whether or not Additional Bonds are issued. The level of Net Revenues necessary in each year is 1.25 times the principal and interest requirements of outstanding Revenue Bonds, during the year in which such requirements are scheduled to be the greatest.

TABLE 11 – HISTORICAL COVERAGE RATIOS ⁽¹⁾

The table below presents coverage ratios for ten previous years. The figures shown are revenue bond coverage of average annual principal and interest requirements and of maximum annual principal and interest requirements, for all Revenue Bonds outstanding at September 30 of each year. Net Revenues used to compute the coverage levels for each year presented below are for the fiscal year ended September 30.

<u>Year</u>	<u>Average</u>	<u>Maximum</u>	<u>Year</u>	<u>Average</u>	<u>Maximum</u>
2015	2.67x	1.54x	2010	2.54x	1.40x
2014	2.99x	1.81x	2009	2.76x	1.43x
2013	3.10x	1.85x	2008	2.97x	1.52x
2012	2.99x	1.73x	2007	2.74x	1.40x
2011	2.86x	1.58x	2006	3.08x	1.56x

⁽¹⁾ Table 14 herein entitled "Projected Coverage and Fund Balances" indicates projected coverage levels after the present issuance of Bonds, using Net Revenues of the fiscal year ended September 30, 2015.

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TABLE 12 – OPERATIONS AND MAINTENANCE FOR WATER SUPPLY AND WASTEWATER TREATMENT (AMOUNTS IN THOUSANDS)

The City has obtained most of its water supply through contractual agreements with surface reservoir operating entities. Also, a small portion of the City's wastewater is treated by the TRA and the City of Garland. In addition, as discussed in this Official Statement in "THE WATER AND WASTEWATER SYSTEM – Water Supply – Lake Palestine," the City's financial obligation to TRWD for the Integrated Pipeline Project is treated as an operating expense. The following table summarizes the monetary effect, as of September 30, 2015, of major agreements for raw water supply and wastewater treatment, and the Integrated Pipeline Project:

<u>Raw Water Supply</u>	<u>Contract With</u>	<u>Operation and Maintenance Expenses 2015</u>
Lake Ray Roberts	United States	\$ 289
Lake Fork	Sabine River Authority	3,061
Lake Fork	Sabine River Authority * (Escrow Payments)	22,107
Lake Palestine	Upper Neches River Municipal Water Authority	442
Lake Tawakoni	Sabine River Authority	3,136
Lakes Lewisville and Grapevine	United States	453
<u>Wastewater Treatment</u>		
Wastewater Treatment	Trinity River Authority	5,414
Wastewater Treatment	City of Garland	849
<u>Integrated Pipeline Project</u>		
Water Transmission	Tarrant Regional Water District	21,454
		<u>\$ 57,205</u>

* Deposited into an escrow account as per 50AH administrative law judge.

OTHER CONTRACTS ...For each agreement listed in Table 12 above, operation and maintenance expenses continue after final payment of capital obligations. Each agreement provides in effect that the City may enjoy its benefits for the useful lives of relevant facilities. Previously existing capital obligations for water supply in Lakes Ray Roberts, Fork, Palestine, Tawakoni, Lewisville, and Grapevine have been fully paid.

All payments of operation and maintenance expenses under the contracts listed in Table 12 above are considered as such in computation of revenue bond coverage. Applicable statutory laws and contracts determine the coverage effect of the expenditure requirements of certain contracts. As a result, principal and interest payments to TRA, to the Sabine River Authority under the Lake Fork contract, and to TRWD relating to the Integrated Pipeline Project, are treated as "operating expenses". The City is authorized under State law to execute additional water supply and wastewater treatment contracts with public entities which may provide for payments thereunder as operation and maintenance expenses of the System for revenue bond coverage purposes.

INTEREST AND SINKING AND RESERVE FUNDS ...In accordance with the City Charter, all receipts and revenues of the City's Water Utilities Department are devoted only to purposes relating to the System and its indebtedness and to payment of amounts equal to ad valorem taxes and other charges that would be due the City if the Water Utilities Department were not a city-owned public utility. The City's revenue bond ordinances for the System state, in effect, that all System revenues are pledged, in order of priority, to: (1) necessary expenses of operation and maintenance, (2) current payments of Revenue Bond principal and interest, (3) accumulation of a debt service Reserve Fund, and (4) any other lawful purpose not inconsistent with the City Charter. Under the terms of the Underlying Ordinance, depreciation and any PILOT payments and any other similar payments are not considered expenses of operation and maintenance of the System.

For each series of outstanding Revenue Bonds, equal amounts are set aside monthly for the next payment of interest and of principal. In addition to funds required and restricted for current debt service, the authorizing City ordinance for each series of Revenue Bonds requires a monthly deposit of an amount equal to 1/60 of the difference between the balance in the Reserve Fund immediately after an issue of Revenue Bonds, and the average annual principal and interest requirements of all outstanding Revenue Bonds. Amounts so deposited are required to be held and restricted as a Reserve Fund for Revenue Bond debt service. Such deposits must continue until the reserve amount equals the average annual principal and interest requirements of all outstanding Revenue Bonds. In addition, if so determined by the City, proceeds from the sale of Revenue Bonds also may be used to satisfy funding requirements for the Reserve Fund. The Reserve Fund is also available for current debt service if the Interest and Sinking Fund is insufficient for this purpose.

COMMERCIAL PAPER NOTES PAYABLE ...Since 1987, the City has utilized commercial paper as a means to finance, on an interim basis, capital improvements to the System. Currently, the City utilizes two series of commercial paper notes for improvements to the System. The City utilizes a tax-exempt commercial paper program, Series D, for improvements to the System, limited at any one time and from time to time to \$300,000,000 in principal amount of commercial paper outstanding. Under the terms of the ordinance establishing the Series D commercial paper program, the authority to issue Series D commercial paper notes expires September 30, 2035. In addition, the City utilizes a tax-exempt commercial paper program, Series E, for improvements to the System, limited at any one time and from time to time to \$300,000,000 in the principal amount of commercial paper outstanding. Under the terms of the ordinance establishing the Series E commercial paper program, the authority to issue Series E commercial paper notes expires September 30, 2034.

The City has two different liquidity agreements with three banks. The Series D program is supported by two revolving credit agreements, the Sub-Series D-1 Credit Agreement with State Street Bank and Trust Company, and the Sub-Series D-2 Credit Agreement with Bank of America, N.A., replacing an existing combined liquidity agreement with State Street Bank and the California State Teachers' Retirement System. The Sub-Series D-1 Credit Agreement supporting Sub-Series D-1 of the Notes, which extends to January 8, 2018, is in an aggregate amount not exceeding \$241,643,836 (of which amount \$16,643,836 is intended to cover interest for 270 days at 10%). The Sub-Series D-2 Credit Agreement supporting Sub-Series D-2 of the Notes, which extends to January 8, 2018, is in an aggregate amount not exceeding \$80,547,946 (of which amount \$5,547,946 is intended to cover interest for 270 days at 10%). The Series E commercial paper program is supported by a liquidity facility delivered by JPMorgan Chase Bank, National Association ("JPMC"). The liquidity agreement supporting the Series E commercial paper program (the "JPMC Agreement"), which extends to September 30, 2017, is in an aggregate amount not exceeding \$322,191,780.82 (of which amount \$22,191,780.82 is intended to cover interest for 270 days at 10%).

The obligation of the City under the Sub-Series D-1 Credit Agreement, the Sub-Series D-2 Credit Agreement and the JPMC Agreement (collectively, the "Liquidity Agreements") to repay advances made by a provider is subordinate to the obligation to pay debt service on the outstanding Previously Issued Parity Bonds, the Bonds and any Additional Bonds. Any advances under the Liquidity Agreements would be secured by a lien on Pledged Revenues subordinate to the lien securing the Bonds.

On May 26, 2016, Commercial Paper Notes in the aggregate principal amount of 201,178,000 were outstanding, maturing on various dates through July 2, 2016, having interest rates ranging from 0.44% to 0.58%. All of the Commercial Paper Notes outstanding on May 31, 2016 will be refunded with proceeds of the Series 2016A Bonds. (APatterson: Circled highlighted area)

FUTURE BOND ISSUANCE

The City currently does not intend to issue additional System revenue bonds within the next 12 months.

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FINANCIAL INFORMATION

TABLE 13 – SUMMARY OF OPERATIONS (AMOUNTS IN THOUSANDS)

	Fiscal Year Ended September 30,				
	2015 ⁽¹⁾	2014	2013	2012	2011
Operating Revenues					
Water	\$ 344,488	\$ 332,062	\$ 330,006	\$ 319,129	\$ 321,997
Wastewater	228,839	232,484	221,492	208,245	202,284
	<u>\$ 573,327</u>	<u>\$ 564,546</u>	<u>\$ 551,498</u>	<u>\$ 527,374</u>	<u>\$ 524,281</u>
Operating Expenses					
Operation and Maintenance	\$ 310,857	\$ 251,181	\$ 259,556	\$ 256,095	\$ 251,295
Depreciation and Amortization	113,036	108,386	105,528	99,619	95,160
	<u>\$ 423,893</u>	<u>\$ 359,567</u>	<u>\$ 365,084</u>	<u>\$ 355,714</u>	<u>\$ 346,455</u>
Operating Income	\$ 149,434	\$ 204,979	\$ 186,414	\$ 171,660	\$ 177,826
Net Interest Expense ⁽²⁾	(71,737)	(67,914)	(70,037)	(70,841)	(71,032)
Capital Contribution Received	7,005	4,267	11,411	5,510	8,040
Net Transfers	(21,170)	(22,309)	(19,008)	(17,210)	(14,637)
Gain/(Loss) From Property Disposal	40	191	(610)	(249)	75
Change in Net Assets	<u>\$ 63,572</u>	<u>\$ 119,214</u>	<u>\$ 108,170</u>	<u>\$ 88,870</u>	<u>\$ 100,272</u>
Water Customer Accounts	291,000	290,000	292,000	287,000	292,000
Wastewater Customer Accounts	276,000	275,000	276,000	272,000	274,000
Water Connections	331,000	330,000	329,000	328,000	330,000

(1) Preliminary unaudited financial information provided by City staff with information available at time of presentation.

(2) Interest earnings and capitalized interest are included above as a reduction of Net Interest Expense.

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TABLE 14 – PROJECTED COVERAGE AND FUND BALANCES

Average Annual Principal and Interest Requirements, Fiscal Years 2016-2045	\$ 105,203,244
Coverage of Average Requirements by Fiscal Year Ended 9-30-15 Net Revenues	2.67 x
Maximum Principal and Interest Requirements, Fiscal Year 2016	\$ 182,860,321
Coverage of Maximum Requirements by Fiscal Year Ended 9-30-15 Net Revenues	1.54 x
Waterworks and Sewer System Revenue Bonds to be Outstanding (as of 08/30/2015)	\$2,011,778,000
Interest and Sinking fund (as of 9-30-15)	\$ 141,414,971
Reserve Fund (as of 9-30-15)	\$ 101,114,169

TABLE 15 – SUMMARY OF NET REVENUES FOR REVENUE BOND COVERAGE - CASH BASIS (AMOUNTS IN THOUSANDS) ⁽¹⁾

	Fiscal Year Ended September 30,				
Gross Revenues	2015	2014	2013	2012	2011
Customer Charges	\$ 565,895	\$ 567,732	\$ 552,414	\$ 531,949	\$ 503,463
Interest Received	2,946	2,090	2,272	3,340	4,577
	<u>\$ 568,841</u>	<u>\$ 569,822</u>	<u>\$ 554,686</u>	<u>\$ 535,289</u>	<u>\$ 508,040</u>
Operating Expenditures					
Personnel Services	\$ 83,679	\$ 82,494	\$ 79,105	\$ 71,447	\$ 74,285
Supplies and Materials	106,731	78,731	83,261	82,518	82,069
Contractual and Other Services ⁽²⁾	97,573	84,916	70,811	81,796	72,490
	<u>\$ 287,983</u>	<u>\$ 246,141</u>	<u>\$ 233,177</u>	<u>\$ 235,761</u>	<u>\$ 228,844</u>
Net Revenues Available for Debt Service	<u>\$ 280,858</u>	<u>\$ 323,681</u>	<u>\$ 321,509</u>	<u>\$ 299,528</u>	<u>\$ 279,196</u>

(1) The figures shown in this table are presented on a cash basis and were developed in accordance with the provisions contained in the City's Waterworks and Sewer System Revenue Bond Ordinances. Gross Revenues include cash receipts derived from operation and ownership of the System. Operating Expenditures are operating cash disbursements and payments required by certain reservoir and other contracts, included for this purpose under provisions of state law. Operating Expenditures exclude payments for capital purposes and for related debt, and payments to the City in lieu of ad valorem taxes as permitted by a May 1993 amendment to the City Charter (see "THE WATER AND WASTEWATER SYSTEM - Background" and "THE WATER AND WASTEWATER SYSTEM - Water and Wastewater Services Rates").

(2) Cash payments for contractual services includes payments for the Water Transmission Facilities Financing Agreement in the amount of \$21,453,658. Under Texas Government Code, Section 1502.056(c), "a contract between a municipality and an issuer, as defined by Section 1201.002, under which the municipality obtains from the issuer or the issuer provides part or all of the facilities or services of a utility system to the municipality may provide that payments made by the municipality from the revenue of the utility system are an operating expense of the municipality's utility system."

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UTILITY PROPERTY AND SYSTEM EQUITY ... The City's water system consists generally of water supply resources, including water reservoirs and water rights, major water transmission and conveyance facilities, water treatment plants and treated water distribution facilities, and related miscellaneous assets designed to serve the City and other wholesale and retail customers located in the North Texas area. The City's wastewater system consists generally of residential, commercial and industrial wastewater collection systems and wastewater treatment and disposal facilities for the City and other wholesale and retail customers located in the North Texas area.

At September 30, 2015, property, plant and equipment of Dallas Water Utilities, stated at cost, less accumulated depreciation and amortization, together with the cost of construction in progress, was \$4,600,703,000. At said date, the total net position of the System was \$2,450,040,000 and consisted of amounts invested in capital assets, net of related debt, amounts restricted for bond requirements and unrestricted amounts. The ratio between debt and equity (net position) is subject to change based upon numerous factors, including, but not limited to, changes in capital improvement program implementation and whether debt or internal funds are used to pay for capital improvements.

TABLE 16 – NET POSITION AND LONG TERM DEBT (AMOUNTS IN THOUSANDS)

Net Position - System Equity ⁽¹⁾	Fiscal Year Ended September 30,				
	2015 ⁽²⁾	2014	2013	2012	2011 ⁽³⁾
Capital assets, net of related debt	\$ 2,134,907	\$ 2,115,067	\$ 2,011,972	\$ 1,962,446	\$ 1,899,076
Restricted	213,006	193,179	186,126	187,998	172,515
Unrestricted	102,127	203,968	194,902	134,386	124,369
Total Equity	<u>\$ 2,450,040</u>	<u>\$ 2,512,214</u>	<u>\$ 2,393,000</u>	<u>\$ 2,284,830</u>	<u>\$ 2,195,960</u>
Long-Term Debt Less Current Maturities					
Revenue Bonds Payable ⁽⁴⁾	\$ 2,050,126	\$ 1,909,227	\$ 2,016,107	\$ 1,951,883	\$ 1,857,406
Pension Obligation Bonds ⁽⁴⁾	72,198	74,376	76,602	79,564	81,622
	<u>\$ 2,122,324</u>	<u>\$ 1,983,603</u>	<u>\$ 2,092,709</u>	<u>\$ 2,031,447</u>	<u>\$ 1,939,028</u>
Total	<u>\$ 4,572,364</u>	<u>\$ 4,495,817</u>	<u>\$ 4,485,709</u>	<u>\$ 4,316,277</u>	<u>\$ 4,134,988</u>
Percentage Equity	53.6%	55.9%	53.3%	52.9%	53.1%

(1) In accordance with GASB Statement 63. System Equity is now termed Net Position.

(2) Preliminary unaudited financial information provided by City staff with information available at time of presentation.

(3) Restated as a result of the implementation of GASB Statement 63.

(4) Due to the implementation of GASB 63 and 65, deferred loss is no longer reported as a component of long term debt.

FINANCIAL POLICIES

The original Financial Management Performance Criteria ("FMPC") were adopted by the City Council in March 1978 as standards to guide managerial decisions in operating and capital budgeting, as well as to promote efficient administration of the City's financial policies. In 1981, the City Council adopted a financial criterion for Dallas Water Utilities Cost of Service studies, which requires an annual review of Customer Service rates and the recommendation of rate adjustment when appropriate. Operating Revenues shown above reflect adjustments effective October 1 at the beginning of each fiscal year. The City Council last amended the FMPC in October, 2014. The FMPC guide many of the City's financial decisions and enable the City to achieve a long-term positive financial condition. The FMPC are evaluated for compliance each year during the budget preparation/approval process, at fiscal year end and prior to each debt issuance.

Financial criteria applying specifically to Dallas Water Utilities were updated by the City Council in September 28, 2011, to ensure prudent financial administration consistent with current circumstances and appropriate financial procedures.

Provisions of Dallas Water Utilities Financial Criteria include (1) adequacy of current revenues, (2) use of debt only for capital improvements with long expected useful lives, (3) maintenance of system equity and revenue bond coverage, (4) application of

revenues for construction purposes, (5) annual cost of service reviews and recommendation of rate adjustments, and (6) use of water and wastewater funds solely for water and wastewater purposes.

The criteria are grouped into the following areas:

OPERATING PROGRAMS ...These criteria pertain to revenues and expenditures, ad valorem tax levy, retirement systems and adequacy of reserves. As an example, certain criteria in this section require the City to maintain the Contingency and Emergency Reserves plus the unassigned fund balance at a specified minimum level in relation to operating expenditures and to review the adequacy of other General Fund Reserve accounts at specified intervals.

CAPITAL AND DEBT MANAGEMENT ...These criteria pertain to the City's general obligation bonds, debt levels and the use of certificates of obligation and tax increment financing zone/public improvement district financing. The City policy is to not use bond proceeds, grants or other non-recurring revenues for current expenses.

ACCOUNTING, AUDITING AND FINANCIAL PLANNING ...These criteria pertain to audit and accounting standards and requirements for financial planning.

CASH MANAGEMENT ...These criteria pertain to the disbursement, collection and deposit of all funds, investment of idle cash and banking services.

GRANTS AND TRUSTS ...These criteria pertain to grant and trust administration.

WATER UTILITIES ...These criteria pertain to Dallas Water Utilities system rates, revenues, reserves, and debt financing.

ACCOUNTING POLICIES ...The City's policy is to adhere to the accounting principles generally accepted in the United States of America ("GAAP"). The City has established internal controls to help ensure the assets of the government are protected from loss, theft or misuse, and to ensure adequate accounting data are compiled to allow for preparation of financial statements in conformity with GAAP. The City Council is required by the City Charter to appoint a City Auditor who is independent of City management and reports directly to the City Council. The City Auditor supports the internal control structure within the City by performing independent evaluations of existing accounting and administrative controls and by ascertaining compliance with existing plans, policies and procedures. Additionally, the City undergoes an annual audit conducted by independent external auditors.

DEBT SERVICE FUND BALANCES ...The City maintains the Interest and Sinking Fund and the Reserve Fund supporting the Prior Encumbered Bonds in accordance with ordinance authorizing the issuances of the Prior Encumbered Bonds. The City will maintain the Debt Service Fund and the Reserve Fund supporting the Parity Obligations (including the Bonds) in accordance with the ordinances authorizing the issuance of Parity Obligations.

BUDGETARY PROCEDURES ...The City policy is to begin the budgetary procedure at the department level in January of each year. The budget proceeds through department levels until it reaches the City Manager level where it is refined and presented to Council in mid-August. The Council considers, amends and refines the budget until its final adoption in mid-September. The City adopted its 2015-2016 fiscal year budget by ordinance on September 22, 2015. The ordinance provides for budgetary control at the department level. Budgetary compliance is maintained in the automated accounting system and enforced at the department level by reserving appropriations by encumbering purchase orders and contracts.

PENSION PLANS ...Eligible City employees participate in the Employees' Retirement Fund of the City of Dallas, the Dallas Police and Fire Pension System, and the Police and Fire Supplemental Pension Fund. Descriptions of each fund with selected financial data are set forth below.

In accordance with the Texas Constitution and related statutes, each of the City's pension plans is administered by a board of trustees that are selected in accordance with the terms of the relevant plan document. These separate boards are responsible for administering each plan; hiring a plan administrator; selecting legal counsel; selecting the plan's actuary; and approving sound actuarial assumptions for each plan. The contributions made to each plan by the City and the employees who participate in each plan are determined by the terms of the plan document and relevant City ordinances. The amount of the contributions described in the plan documents are either fixed; determined by a fixed formula described in the plan that is based on annual calculations made by the plan's actuary; or based on an actuarial calculation with specified assumptions and approved by the relevant board. Additionally, each board also administers a qualified governmental excess benefit arrangement associated with each plan which is maintained solely for the purpose of providing its members with that part of the members' benefits that would have been provided under its qualified plan but for certain limitations imposed by the Internal Revenue Code. The City is making all of the contributions as contractually or statutorily required by the plan documents, as requested by each plan administrator on behalf of each board of trustees. The financial information below is based entirely on information provided to the City by each plan administrator on behalf of each plan's board of trustees.

At the date of this Official Statement, the City has received audited Comprehensive Annual Financial Reports from the Dallas Police and Fire Pension System and the Supplemental Police and Fire Pension Plan of the City of Dallas, and from the Employees' Retirement Fund of the City of Dallas for the period ended December 31, 2014. Additionally, the City has received unaudited calculations performed by the actuaries for each plan "as of" and for the periods ended December 31, 2013 and 2014. The December 31, 2014 calculations were used for the preparation of the City's Comprehensive Annual Financial Statement for the fiscal year ended September 30, 2015. For additional detail about the City's schedule of employer contributions, actuarial methods and assumptions, funded status and funded progress based on the plans' December 31, 2014 actuarial studies, see the City's Comprehensive Annual Financial Report for the Fiscal Year ended September 30, 2015, particularly Note 16.

EMPLOYEES' RETIREMENT FUND OF THE CITY OF DALLAS ...All eligible employees of the City, excluding fire fighters and police officers, participate in the Employees' Retirement Fund of the City of Dallas ("ERF"). Benefits are based on credited service and average monthly earnings and include normal retirement pension at age 60, early retirement pension at age 55 if employed before May 9, 1972 or at least age 50, for active employees, where age and years of service total 78, service retirement pension at any age after 30 years of credited service and disability retirement pension as determined by the Board of Trustees of the ERF (the "Board"). Survivor benefits are available before and after retirement. If a member's employment is terminated after five years of service, the member may elect to receive pension benefits, when eligible, equal to the amount accrued to date of termination.

Contribution rates for employees and the City are subject to annual adjustments based on actuarial determinations and fixed formulas. Employees pay 37% and the City pays 63% of the total cost of the ERF, including the debt service on the City's outstanding pension obligation bonds, but not exceeding 36% of payroll. This funding approach was added to the ERF plan terms in preparation for the issuance of pension obligation bonds in 2005 to support the City's long-term funding of the plan during future business cycles. On January 19, 2005, the City issued \$399,347,609 par value Taxable General Obligation Pension Bonds, Series 2005. Proceeds totaling \$533,397,000 were contributed to the ERF to partially fund an unfunded actuarial accrued liability of approximately \$646 million, which had been identified in the annual actuarial report of 2003. ERF invested the contributed proceeds consistent with its investment policy.

As of December 31, 2014, the Net Pension Liability (NPL) was \$605,570,000 and the funded ratio based on the NPL and market value of assets was 84.9%.

For the fiscal year ended September 30, 2015, each employee contributed 13.06% and the City contributed 22.23% of pay for a total of 35.29%. For the fiscal year beginning October 1, 2015, the member total contribution rate is 13.32% and the City's portion is 22.68%, in accordance with the plan document that is codified as Chapter 40A of the Dallas City Code ("Chapter 40A"). This 36.00% of payroll is less than the annual actuarially required contribution calculated by the plan's actuary based on the plan's experience for the one-year period ended on December 31, 2014, but is consistent with the City's long-term funding strategy implemented in 2005 and Chapter 40A. A portion of the City's contribution is expected to pay \$33,112,655 in debt service on the pension obligation bonds during the fiscal year beginning on October 1, 2015.

For additional detail about the City's schedule of employer contributions, actuarial methods and assumptions, funded status and funded progress, see the City's Comprehensive Annual Financial Report for the Fiscal Year ended September 30, 2015, particularly Note 16.

DALLAS POLICE AND FIRE PENSION SYSTEM ...The Dallas Police and Fire Pension System (the "System") includes three pension plans identified as the "Combined Pension Plan" (formerly the "Old Plan", "Plan A", and "Plan B"). Although there are multiple benefit structures involved (such as "Group A", which consists of former "Old Plan" and "Plan A" members, and "Group B", which consists of former "Plan B" members), the Dallas Police and Fire Pension System is a qualified pension plan. All eligible employees of the Fire-Rescue Department and Police Department participate in one of the benefit structures within the plan, with Group B covering more than 99% of the members. Participation in Group B (formerly "Plan B") is mandatory for those employed on or after March 1, 1973. All contributing members of the pension System were hired after that date and are now covered in Group B. Additional benefit structures were added to the Group B benefits through plan amendments in 2006, 2011 and 2014. Persons who are eligible to retire but remain in City service may choose to be covered by the Deferred Retirement Option Plan (DROP) provisions of Group B. All members of the System and DROP currently contribute 8.5% of their computation pay excluding overtime and special assignment pay. As described in the more detail below, effective January 1, 2015, the contribution rate for current members in DROP changed to 4% of computation pay. The City contributes 27.5% of total wages and salaries.

Vesting of service requirement occurs for members of Group B hired before March 1, 2011, after five years. Generally, benefits for Group B are based on average computation pay over the employee's highest 36 consecutive months of credited service and are available for vested members attaining the age of 50. Reduced benefits are available to persons with five or more years of service at age 45 and to persons with 20 or more years of service at any age. Under Group B, disability benefits and survivors benefits are payable at occurrence.

Effective October 1, 2011, current members participating in DROP began making contributions to the pension System and all members hired on or after March 1, 2011 will receive reduced pension benefits. The reduced pension benefits applicable to new hires on or after March 1, 2011 included a multiplier between 2% and 3% depending on years of service, a 20-year vesting period (now amended to 10 years by the 2014 election as described below), an increase in the earliest age to retire to age 55, stricter criteria to receive disability benefits, and survivor benefits that are consistent with the reduced pension benefits.

On November 13, 2014, the Board of the System certified election results approving additional plan amendments. Effective January 1, 2015, the provisions were revised as follows: (1) the contributions of current members participating in DROP were reduced from the current 8.5% of computation pay to 4% of computation pay; (2) the DROP interest rate was set at 5% effective October 1, 2017, with a step down from the current 8% DROP interest rate by one percent (1%) each year until the rate reaches 5% as follows: 10/1/2014 – 8%; 10/1/2015 – 7%; 10/1/2016 – 6%; and 10/1/2017 – 5%, with additional triggers on which scheduled interest rates credited to DROP accounts could be adjusted each year based on the funded ratio and cumulative gain or loss in the DROP accounts; (3) any current member participating in DROP was allowed a one-time opportunity to “revoke” or “undo” his or her election to enter DROP, such rescission was to be made on the earlier date the member left active service or June 30, 2015; (4) only a DROP participant’s spouse who is the beneficiary of the participant’s DROP account could maintain a DROP account after a participant’s death; (5) on attaining age 70½, all members and their surviving spouses would be required to take a distribution from DROP each year until the DROP account is paid out through distributions over a period that does not exceed 10 years.

These plan amendments also lower the vesting provisions for members hired on or after March 1, 2011 from 20 years of pension service to 10 years of pension service. The change would also provide a DROP interest rate that would be the same for all DROP participants regardless of hire date. The constitutionality of the plan amendments approved by these election results was subsequently challenged in a lawsuit filed in State District Court by certain members of the DPFP System. On December 31, 2014, the State District Judge entered a final declaratory judgment ruling in favor of the plaintiffs prohibiting the System from implementing the changes, finding that all of the 2014 plan amendments violated the Texas Constitution. On January 22, 2015, an amended and superseding final judgment was entered affirming that the plan amendments respecting DROP and vesting rules violated the Texas Constitution thus rendering them null and void. The DPFP Board subsequently filed a motion seeking to invalidate or further modify this amended final judgment and on April 3, 2015 the District Court granted the motion for reconsideration and set aside the court’s prior judgment that the plan amendments were unconstitutional. On April 14, 2015, the Court signed a final judgement that found against the plaintiffs and permitted the System to implement the changes. On April 16, 2015 the DPFP Board voted to implement the changes that were approved by the members in the 2014 election. In response, the plaintiffs filed a verified motion for a new trial and motion for reconsideration. On June 15, 2015, the Court denied the plaintiffs’ motion to reopen the evidence, for new trial, and for reconsideration. On July 13, 2015, the plaintiffs filed a notice of appeal to the Fifth District Court of Appeals.

The City’s contributions to the System are determined by state statute and would not be impacted by the outcome of the litigation related to the DROP amendments. The contributions are dependent on the level of member contributions, but are unrelated to unfunded accrued liability amounts. The current City contribution rate is 27.5% of total wages and salary as defined in the System’s plan document. The City has made all contractually required contributions and has previously taken the position it is not legally obligated to fund any additional amounts.

As of January 1, 2015, pursuant to an actuarial valuation, the Combined Pension Plan funded ratio declined significantly to 63.8% from 75.6% in the prior year. This funded ratio represents an unfunded actuarial accrued liability of \$2.10 billion for the Combined Pension Plan compared to an unfunded actuarial accrued liability of \$1.25 billion for the Combined Pension Plan as of January 1, 2014. The decrease results from a material decline in private equity and real estate assets recognized in 2013 and 2014, as well as changes in long-term capital market return assumptions. In response to the decline in the portfolio value, in July 2015 the Board of the System elected to lower the actuarial assumed rate of return from 8.5% to 7.25% for the actuarial valuation performed as of January 1, 2015. As a result of the declines in the portfolio value and the drop in the assumed rate of return to 7.25%, the Combined Pension Plan’s funding period significantly increased from 26 years to an infinite period. The City contribution rate required to pay the normal cost and to amortize the unfunded actuarial accrued liability over a 30 year period would be 42.0% of payroll. As aforementioned, the current City contribution rate is 27.5% of total wages and salary as defined in the System’s plan document.

As of December 31, 2014, the NPL for the Combined Pension System was reported as \$4,974,735,000 and the funded ratio based on the NPL was 38.2%. The NPL reported for the Combined Pension Plan is required to be included as a liability of the City beginning with the City’s fiscal year ended September 30, 2015 Comprehensive Annual Financial Report (CAFR). The NPL is based on generally accepted accounting principles (GAAP) and can differ significantly from the unfunded actuarial accrued liability calculated by the actuaries for determining funding levels. As a result, the funded ratio for GAAP purposes may also differ from the funded ratio reported by the actuaries for funding purposes.

In September of 1999 the Dallas Police and Fire Pension System intervened in lawsuits involving police and fire pay referendums (see “Other Information – Litigation” herein).

SUPPLEMENTAL POLICE AND FIRE PENSION PLAN OF THE CITY OF DALLAS ...The Supplemental Police and Fire Pension Plan System of the City of Dallas is a defined benefit pension plan created in 1973 to supplement "Plan B" of the Dallas Police and Fire Pension System. The intent is to provide retirement benefits to those employees holding rank higher than the highest corresponding Civil Service rank as provided in the Combined Pension Plan. Employees electing to participate in the Dallas Police and Fire Supplemental Pension Plan contribute 8.5% of the excess of their base compensation for the rank held over the compensation of the Civil Service rank held as a result of competitive examinations. By Ordinance, the City is legally obligated to fund the actuarially required amount each year.

The City contributed \$2,442,790 for the period ended December 31, 2015. As of January 1, 2015, pursuant to an actuarial valuation, the Supplemental Police and Fire Pension Plan funded ratio declined significantly to 51.2% from 62.0% in the prior year. This funded ratio represents an unfunded actuarial accrued liability of \$20.47 million for the Supplemental Police and Fire Pension Plan compared to an unfunded actuarial accrued liability of \$14.74 million for the Supplemental Police and Fire Pension Plan as of January 1, 2014. The decrease results from a material decline in private equity and real estate assets recognized in 2013 and 2014, as well as changes in long-term capital market return assumptions. In response to the decline in the portfolio value, in July 2015 the Board of the System elected to lower the actuarial assumed rate of return from 8.5% to 7.25% for the actuarial valuation performed as of January 1, 2015. The City funds the annual required contribution at a rate sufficient to amortize the unfunded actuarial accrued liability over ten years, including normal cost.

As of December 31, 2014, the NPL for the Supplemental Police and Fire Pension Fund plan was reported as \$21,307,000 and the funded ratio based on the NPL was 50.1%. The NPL reported for the Supplemental Police and Fire Pension Plan is required to be included as a liability of the City beginning with the City's fiscal year ended September 30, 2015 CAFR. The NPL is based on GAAP and can differ significantly from the unfunded actuarial accrued liability calculated by the actuaries for determining funding levels. As a result, the funded ratio for GAAP purposes may also differ from the funded ratio reported by the actuaries for funding purposes.

RISK MANAGEMENT PROGRAM ...The City is self-insured for all third-party liability claims. Effective May 1, 2012, the City began adjusting the liability claims internally. Interfund premiums are based primarily upon the insured funds' claims experience and exposure and are reported as cost reimbursement interfund transactions.

All known City property, primarily buildings and contents, is insured through commercial insurance policies, subject to a deductible of \$1,000,000 per occurrence. The City has reported losses against its property insurance policy for two claims: 1) March 24, 2011 – Hail Damage and 2) October 2013 – Sewer Pipe Break. Prior to March 24, 2011, no losses had exceeded the insurance deductible for the past three fiscal years.

Claims adjusting services are provided by an independent administrative services contractor for all workers' compensation claims. The City is insured for workers' compensation losses in excess of \$1.5 million. Claims exceeding \$1.5 million are covered by an Excess Workers' Compensation insurance policy. Each loss is subject to a \$1.5 million deductible. All losses in combination are subject to a \$1 million corridor as it relates to the amounts in excess of the deductible (Corridor applies to any loss greater than the deductible before reimbursement of compensable losses) for a total retention of \$2.5 million. Workers' compensation premiums are billed annually by Risk Management to the different funds based on the loss experience and number of full-time employees of respective departments. All workers' compensation losses are accumulated in a clearing fund which is being reimbursed by the premiums collected. When losses exceed premiums, the deficiencies are prorated and supplemented by the various applicable funds. Accrued workers' compensation liability consists of incurred but not received as well as unpaid reported claims. The City maintains a group health insurance plan for employees and dependents which is self-insured by the City.

OTHER POST-EMPLOYMENT BENEFITS ...In addition to pension benefits, the City provides certain other post-employment benefits for retired employees ("OPEB"). The costs of these benefits are recognized as expenditures when the underlying claims are paid in funds using the modified accrual basis of accounting.

Commencing in fiscal year 2007, the City implemented GASB Statement No. 43 "Financial Reporting For Post- Employment Benefit Plans Other Than Pension Plans." In fiscal year 2007-2008, the City implemented GASB Statement No. 45 "Accounting And Financial Reporting By Employers For Post-Employment Benefits Other Than Pensions." GASB Statement No. 45 ("Statement") requires an actuarial report to be prepared estimating an Actuarial Accrued Liability ("AAL") which reflects the value of future benefits payments based on certain assumptions including the current level of benefits. The Statement also requires the City to amortize the AAL over a period not to exceed 30 years and record a portion of the liability each year. This accumulated amortization of the AAL is reported as an OPEB obligation in the City's enterprise funds and government wide financial statements.

The City received the actuarial valuation report from an outside consultant regarding the City's September 30, 2015 OPEB obligations. As of September 30, 2015, the City estimated an Actuarial Accrued Liability of \$460 million. The City has elected to amortize this liability over a 30-year period as a level percentage of payroll. The net OPEB obligation as of September 30, 2015 was estimated to be \$242 million.

For more information concerning the City's post-employment benefits, see the City's September 30, 2014 Basic Financial Statements and the notes thereto found in Appendix B.

INVESTMENT POLICY ...The City invests its investable funds in investments authorized by state law, including specifically Public Funds Investment Act, Chapter 2256, Texas Government Code ("PFIA"), and in accordance with its written Investment Policy approved by the City Council of the City. Both State law and the City's Investment Policy are subject to change. The City Council last approved the Investment Policy on September 22, 2015.

Legal Investments ...Under state law, the City is authorized to invest in (1) obligations, including letters of credit, of the United States or its agencies and instrumentalities, (2) direct obligations of the State of Texas or its agencies and instrumentalities, (3) collateralized mortgage obligations directly issued by a federal agency or instrumentality of the United States, the underlying security for which is guaranteed by an agency or instrumentality of the United States, (4) other obligations, the principal and interest of which are unconditionally guaranteed or insured by, or backed by the full faith and credit of, the State of Texas or the United States or their respective agencies and instrumentalities, (5) obligations of states, agencies, counties, cities, and other political subdivisions of any state rated as to investment quality by a nationally recognized investment rating firm not less than "A" or its equivalent, (6) bonds issued, assumed, or guaranteed by the State of Israel, (7) certificates of deposit and share certificates (i) issued by a depository institution that has its main office or branch office in the State of Texas, that are guaranteed or insured by the Federal Deposit Insurance Corporation or the National Credit Union Share Insurance Fund, or are secured as to principal by obligations described in clauses (1) through (6) or in any other manner and amount provided by law for city deposits, or (ii) where (a) the funds are invested by the City through (i) a broker that has its main office or branch office in this state and is selected from a list adopted by the City; (ii) a depository institution that has a main office or branch office in this state and that is selected by the City; (b) the broker or depository institution selected by the City arranges for the deposit of funds in one or more federally insured depository institutions, wherever located; (c) the certificates of deposit are insured by the United States or an instrumentality of the United States; and (d) the City appoints the depository institution acts as a custodian for the City with respect to the certificates of deposit, and entity described by 2257.041(d) Government Code, or clearing broker-dealer registered with the Securities and Exchange Commission and operating pursuant to Securities and Exchange Commission Rule 15c3-3 (17 C.F.R., section 240.15c3-3); (8) fully collateralized repurchase agreements that have a defined termination date, are fully secured by obligations described in clause (1), and are placed through a primary government securities dealer or a financial institution doing business in the State of Texas, (9) bankers' acceptances with a stated maturity of 270 days or less from the date of its issuance, if the short-term obligations of the accepting bank or its parent are rated at least "A-1" or "P-1" or the equivalent by at least one nationally recognized credit rating agency, (10) commercial paper that is rated at least "A-1" or "P-1" or the equivalent by either (a) two nationally recognized credit rating agencies or (b) one nationally recognized credit rating agency if the paper is fully secured by an irrevocable letter of credit issued by a U.S. or state bank, (11) no-load money market mutual funds registered with and regulated by the SEC that meet the requirements of the PFIA, and are rated not less than "Aaa" or its equivalent rating by at least one nationally recognized rating service, (12) no-load mutual funds registered with the SEC that have an average weighted maturity of less than two years, invest exclusively in obligations described in the preceding clauses, and are continuously rated as to investment quality by at least one nationally recognized investment rating firm of not less than "Aaa" or its equivalent, and (13) public funds investment pools that have an advisory board which includes participants in the pool and are continuously rated as to investment quality by at least one nationally recognized investment rating firm of not less than "Aaa" or its equivalent or no lower than investment grade. Texas law also permits the City to invest bond proceeds in a guaranteed investment contract, subject to limitations as set forth in the PFIA.

A political subdivision such as the City may enter into securities lending programs if (i) the securities loaned under the program are 100% collateralized, a loan made under the program allows for termination at any time and a loan made under the program is either secured by (a) obligations that are described in clauses (1) through (6) above, (b) irrevocable letters of credit issued by a state or national bank that is continuously rated by a nationally recognized investment rating firm at not less than "A" or its equivalent or (c) cash invested in obligations described in clauses (1) through (6) above, clauses (10) through (12) above, or an authorized investment pool; (ii) securities held as collateral under a loan are pledged to the City, held in the City's name and deposited at the time the investment is made with the City or a third party designated by the City; (iii) a loan made under the program through either a primary government securities dealer or a financial institution doing business in the State of Texas; and (iv) the agreement to lend securities has a term of one year or less.

The PFIA specifically prohibits the City from investing in: (1) obligations whose payment represents the coupon payments on the outstanding principal balance of the underlying mortgage-backed security collateral and pays no principal; (2) obligations whose payment represents the principal stream of cash flow from the underlying mortgage-backed security collateral and bears no interest; (3) collateralized mortgage obligations that have a stated final maturity of greater than 10 years; and (4) collateralized mortgage obligations the interest rate of which is determined by an index that adjusts opposite to the changes in a market index. In addition, the City is prohibited from investing any portion of bond proceeds, reserves and funds held for debt service in no-load mutual funds.

Additional Provisions ...Under state law, the City Council is required to designate one or more investment officers who are responsible for the investment of the City's funds, under written investment policies that primarily emphasize safety of principal and liquidity; that address investment diversification, yield, maturity, and the quality and capability of investment management; and

that include a list of authorized investments for City funds, maximum allowable stated maturity of any individual investment and the maximum average dollar-weighted maturity allowed for pooled fund groups. All City funds must be invested consistent with a formally adopted "Investment Strategy Statement" that specifically addresses each fund's investment. Each Investment Strategy Statement will describe its objectives concerning: (1) suitability of investment type, (2) preservation and safety of principal, (3) liquidity, (4) marketability of each investment, (5) diversification of the portfolio, and (6) yield.

Under state law, City investments must be made "with judgment and care, under prevailing circumstances, that a person of prudence, discretion, and intelligence would exercise in the management of the person's own affairs, not for speculation, but for investment, considering the probable safety of capital and the probable income to be derived." At least quarterly, the investment officers of the City shall submit an investment report: (1) that describes in detail the investment position of the City, (2) that all investment officers jointly prepared and signed the report, (3) that contains a summary statement, which includes the beginning market value, the ending market value and fully accrued interest during the reporting period of each pooled fund group, (4) that states the book value and market value of each separately listed asset at the beginning and end of the reporting period, (5) that states the maturity date of each separately invested asset, (6) that states the account or fund or pooled fund group for which each individual investment was acquired, and (7) that states the compliance of the investment portfolio as it relates to: (a) adopted investment strategy statements and (b) State law. The investment officers responsible for the investment of City Funds must be designated by the City Council, and no person may invest City funds without express written authority from City Council.

Under state law, the City additionally must: (1) annually review its adopted policies and strategies and adopt an ordinance or resolution stating that it has reviewed its investment policy and investment strategies and records any changes made to either its investment policy or investment strategy in the said ordinance or resolution; (2) require any investment officers with personal business relationships or relatives with firms seeking to sell securities to the entity to disclose the relationship and file a statement with the Texas Ethics Commission and the City Council; (3) adopt a rule, order, ordinance or resolution stating that it has reviewed its investment policy and investment strategies and records any changes made to either its investment policy or investment strategy in the respective rule, order, ordinance or resolution (4) require a qualified representative of firms seeking to sell securities to the City to: (a) receive and review the City's investment policy, (b) acknowledge that reasonable controls and procedures have been implemented in an effort to preclude unauthorized investment activities, and (c) deliver a written statement attesting to these requirements; (5) perform an annual audit of the management controls on investments and adherence to the City's investment policy; (6) provide specific investment training for the Treasurer, Chief Financial Officer and investment officers; (7) restrict reverse repurchase agreements to not more than 90 days and restrict the investment of reverse repurchase agreement funds to no greater than the term of the reverse repurchase agreement; (8) restrict the investment in non-money market mutual funds to no more than 15% of the entity's monthly average fund balance, excluding bond proceeds and reserves and other funds held for debt service; (9) require local government investment pools to conform to the disclosure, rating, net asset value, yield calculation, and advisory board requirements of the PFIA; and (10) at least annually review, revise and adopt a list of qualified brokers that are authorized to engage in investment transactions with the City.

Under state law, the City may contract with an investment management firm registered under the Investment Advisers Act of 1940 (15 U.S.C. Section 80b-1 et seq.) or with the State Securities Board to provide for the investment and management of its public funds or other funds under its control for a term up to two years, but the City retains ultimate responsibility as fiduciary of its assets. In order to renew or extend such a contract, the City must do so by order, ordinance, or resolution.

City Investment Policy ...City policy requires investments in accordance with applicable state law, specifically the PFIA. The City's Investment Policy does not permit the investment of City funds in all eligible investments permitted by Texas law. Of those eligible investments described above under "Legal Investments", bankers' acceptances, commercial paper, certain collateralized mortgage obligations, reverse repurchase agreements, no-load mutual funds, State of Israel bonds and guaranteed investment contracts are not authorized for investment purposes under the City's Investment Policy. The City generally invests in obligations of the United States or its agencies and instrumentalities and in "Aaa"-rated no-load money market mutual funds and public funds investment pools. In addition to such limitations, the City's Investment Policy permits the investment of bond funds (including debt service and reserve funds) in the manner permitted by the respective ordinances authorizing the issuance of bonds.

Neither the PFIA nor the City's Investment Policy govern the investment of pension and other deferred compensation funds, and those funds are not included in the investment totals below.

Current Investments ...As of March 31, 2016, the following percentages by investment type applied to the City's investable funds, which had an unaudited aggregate market value of \$1,895,609,397.

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TABLE 17 - CURRENT INVESTMENTS

Type of Investment	Market Value	% of Total
U.S. Agencies	\$ 1,640,585,687	86.55%
U.S. Treasury	10,003,710	0.53%
Money Market Mutual Funds	42,000,000	2.22%
LOGIC ⁽¹⁾	91,000,000	4.80%
TexPool	20,000	0.00%
TexPool Prime	108,000,000	5.70%
TexSTAR ⁽²⁾	4,000,000	0.20%
	<u>\$ 1,895,609,397</u>	<u>100.00%</u>

- (1) Local Government Investment Cooperative ("LOGIC") is a local government investment pool for whom FirstSouthwest Asset Management, A Hilltop Holdings Company, an affiliate of Hilltop Securities, provides customer service and marketing for the pool. LOGIC currently maintains a "AAA" rating from Standard & Poor's and has an investment objective of achieving and maintaining a stable net asset value of \$1.00 per share. Daily investments or redemptions of funds are allowed by the participants. LOGIC operates in a manner consistent with the SEC's Rule 2a-7 of the Investment Company Act of 1940, to the extent such rule is applicable to its operations. Accordingly, LOGIC uses the amortized cost method permitted by SEC Rule 2a-7 to report net assets and share prices since that amount approximates fair value. The investment activities of LOGIC are administered by third party advisors. There is no regulatory oversight by the State over LOGIC.
- (2) TexSTAR is a local government investment pool for whom FirstSouthwest Asset Management, A Hilltop Holdings Company, an affiliate of Hilltop Securities, provides customer service and marketing for the pool. TexSTAR currently maintains a "AAAm" rating from Standard & Poor's and has an investment objective of achieving and maintaining a stable net asset value of \$1.00 per share. Daily investments or redemptions of funds is allowed by the participants.

TAX MATTERS

THE BONDS

GENERAL ...The following discussion is a summary of certain expected material federal income tax consequences of the purchase, ownership and disposition of the Bonds and is based on the Internal Revenue Code of 1986 (the "Code"), the regulations promulgated thereunder, published rulings and pronouncements of the Internal Revenue Service ("IRS") and court decisions currently in effect. There can be no assurance that the IRS will not take a contrary view, and no ruling from the IRS, has been, or is expected to be, sought on the issues discussed herein. Any subsequent changes or interpretations may apply retroactively and could affect the opinion and summary of federal income tax consequences discussed herein.

The following discussion is not a complete analysis or description of all potential U.S. federal tax considerations that may be relevant to, or of the actual tax effect that any of the matters described herein will have on, particular holders of the Bonds and does not address U.S. federal gift or estate tax or (as otherwise stated herein) the alternative minimum tax, state, local or other tax consequences. This summary does not address special classes of taxpayers (such as partnerships, or other pass-thru entities treated as a partnerships for U.S. federal income tax purposes, S corporations, mutual funds, insurance companies, financial institutions, small business investment companies, regulated investment companies, real estate investment trusts, grantor trusts, former citizens of the U.S., broker-dealers, traders in securities and tax-exempt organizations, individual recipients of Social Security or Railroad Retirement benefits, taxpayers who may be subject to or personal holding company provisions of the Code or taxpayers qualifying for the health insurance premium assistance credit) that are subject to special treatment under U.S. federal income tax laws, or persons that hold Bonds as a hedge against, or that are hedged against, currency risk or that are part of hedge, straddle, conversion or other integrated transaction, or persons whose functional currency is not the "U.S. dollar". This summary is further limited to investors who will hold the Bonds as "capital assets" (generally, property held for investment) within the meaning of section 1221 of the Code. This discussion is based on existing statutes, regulations, published rulings and court decisions, all of which are subject to change or modification, retroactively.

As used herein, the term "U.S. Holder" means a beneficial owner of a Bond who or which is: (i) an individual citizen or resident of the United States, (ii) a corporation or partnership created or organized under the laws of the United States or any political subdivision thereof or therein, (iii) an estate, the income of which is subject to U.S. federal income tax regardless of the source; or (iv) a trust, if (a) a court within the U.S. is able to exercise primary supervision over the administration of the trust and one or more

U.S. persons have the authority to control all substantial decisions of the trust, or (b) the trust validly elects to be treated as a U.S. person for U.S. federal income tax purposes. As used herein, the term “Non-U.S. Holder” means a beneficial owner of a Bond that is not a U.S. Holder.

THIS SUMMARY IS INCLUDED HEREIN FOR GENERAL INFORMATION ONLY AND DOES NOT DISCUSS ALL ASPECTS OF THE U.S. FEDERAL INCOME TAXATION THAT MAY BE RELEVANT TO A PARTICULAR HOLDER OF BONDS IN LIGHT OF THE HOLDER’S PARTICULAR CIRCUMSTANCES AND INCOME TAX SITUATION. PROSPECTIVE HOLDERS OF THE BONDS SHOULD CONSULT THEIR OWN TAX ADVISORS AS TO THE TAX TREATMENT WHICH MAY BE ANTICIPATED TO RESULT FROM THE PURCHASE, OWNERSHIP AND DISPOSITION OF THE BONDS BEFORE DETERMINING WHETHER TO PURCHASE BONDS.

THE FOLLOWING DISCUSSION IS NOT INTENDED OR WRITTEN TO BE USED, AND CANNOT BE USED BY ANY TAXPAYER, TO AVOID PENALTIES THAT MIGHT BE IMPOSED ON THE TAXPAYER IN CONNECTION WITH THE MATTERS DISCUSSED THEREIN. INVESTORS SHOULD CONSULT THEIR OWN TAX ADVISORS CONCERNING THE TAX IMPLICATIONS OF THE PURCHASE, OWNERSHIP OR DISPOSITION OF THE BONDS UNDER APPLICABLE STATE OR LOCAL LAWS, OR ANY OTHER TAX CONSEQUENCE.

FOREIGN INVESTORS SHOULD ALSO CONSULT THEIR OWN TAX ADVISORS REGARDING THE TAX CONSEQUENCES UNIQUE TO NON-U.S. HOLDERS.

INFORMATION REPORTING AND BACKUP WITHHOLDING ...Subject to certain exceptions, information reports describing interest income, including original issue discount, with respect to the Bonds will be sent to each registered holder and to the IRS. Payments of interest and principal may be subject to backup withholding under section 3406 of the Code if a recipient of the payments fails to furnish to the payor such owner's social security number or other taxpayer identification number (“TIN”), furnishes an incorrect TIN, or otherwise fails to establish an exemption from the backup withholding tax. Any amounts so withheld would be allowed as a credit against the recipient’s federal income tax. Special rules apply to partnerships, estates and trusts, and in certain circumstances, and in respect of Non-U.S. Holders, certifications as to foreign status and other matters may be required to be provided by partners and beneficiaries thereof.

SERIES 2016A BONDS

OPINION ...On the date of initial delivery of the Series 2016A Bonds, Co-Bond Counsel will render their opinion that, in accordance with statutes, regulations, published rulings and court decisions existing on the date thereof (“Existing Law”), (1) for federal income tax purposes, interest on the Series 2016A Bonds will be excludable from the “gross income” of the holders thereof and (2) the Series 2016A Bonds will not be treated as “specified private activity bonds” the interest on which would be included as an alternative minimum tax preference item under section 57(a)(5) of the Code. Except as stated above, Co-Bond Counsel will express no opinion as to any other federal, state or local tax consequences of the purchase, ownership or disposition of the Series 2016A Bonds. See Appendix D – “Forms of Co-Bond Counsel’s Opinions”.

In rendering their opinion, Co-Bond Counsel will rely upon (a) certain information and representations of the City, including information and representations contained in the City's federal tax certificate related to the Series 2016A Bonds, (b) covenants of the City contained in the Series 2016A Bond Ordinance relating to certain matters, including arbitrage and the use of the proceeds of the Series 2016A Bonds and the property financed or refinanced therewith and (c) the report issued by the Verification Agent (see “OTHER INFORMATION – Verification of Arithmetical and Mathematical Computations”). Failure by the City to observe the aforementioned representations or covenants could cause the interest on the Series 2016A Bonds to become taxable retroactively to the date of issuance.

The Code and the regulations promulgated thereunder contain a number of requirements that must be satisfied subsequent to the issuance of the Series 2016A Bonds in order for interest on the Series 2016A Bonds to be, and to remain, excludable from gross income for federal income tax purposes. Failure to comply with such requirements may cause interest on the Series 2016A Bonds to be included in gross income retroactively to the date of issuance of the Series 2016A Bonds. The opinion of Co-Bond Counsel is conditioned on compliance by the City with such requirements, and Co-Bond Counsel has not been retained to monitor compliance with these requirements subsequent to the issuance of the Series 2016A Bonds.

Co-Bond Counsel's opinion regarding the Series 2016A Bonds represents their legal judgment based upon its review of Existing Law and the reliance on the aforementioned information, representations and covenants. Co-Bond Counsel's opinion related to the Series 2016A Bonds is not a guarantee of a result. Existing Law is subject to change by the Congress and to subsequent judicial and administrative interpretation by the courts and the Department of the Treasury. There can be no assurance that Existing Law or the interpretation thereof will not be changed in a manner which would adversely affect the tax treatment of the purchase, ownership or disposition of the Series 2016A Bonds.

A ruling was not sought from the IRS by the City with respect to the Series 2016A Bonds or property financed or refinanced with the proceeds of the Series 2016A Bonds. No assurances can be given as to whether the IRS will commence an audit of the Series 2016A Bonds, or as to whether the IRS would agree with the opinion of Co-Bond Counsel. If an audit is commenced, under current procedures the IRS is likely to treat the City as the taxpayer and the holders may have no right to participate in such procedure. No additional interest will be paid upon any determination of taxability.

FEDERAL INCOME TAX ACCOUNTING TREATMENT OF ORIGINAL ISSUE DISCOUNT ...The initial public offering price to be paid for one or more maturities of the Series 2016A Bonds may be less than the principal amount thereof or one or more periods for the payment of interest on the bonds may not be equal to the accrual period or be in excess of one year (the "Original Issue Discount Bonds"). In such event, the difference between (i) the "stated redemption price at maturity" of each Original Issue Discount Bond, and (ii) the initial offering price to the public of such Original Issue Discount Bond would constitute original issue discount. The "stated redemption price at maturity" means the sum of all payments to be made on the bonds less the amount of all periodic interest payments. Periodic interest payments are payments which are made during equal accrual periods (or during any unequal period if it is the initial or final period) and which are made during accrual periods which do not exceed one year.

Under Existing Law, any U.S. Holder who has purchased a Series 2016A Bond as an Original Issue Discount Bond in the initial public offering is entitled to exclude from gross income (as defined in section 61 of the Code) an amount of income with respect to such Original Issue Discount Bond equal to that portion of the amount of such original issue discount allocable to the accrual period. For a discussion of certain collateral federal tax consequences, see discussion set forth below. In the event of the redemption, sale or other taxable disposition of such Original Issue Discount Bond prior to stated maturity, however, the amount realized by such U.S. Holder in excess of the basis of such Original Issue Discount Bond in the hands of such U.S. Holder (adjusted upward by the portion of the original issue discount allocable to the period for which such Original Issue Discount Bond was held by such initial owner) is includable in gross income.

Under Existing Law, the original issue discount on each Original Issue Discount Bond is accrued daily to the stated maturity thereof (in amounts calculated as described below for each accrual period and ratably within each such accrual period) and the accrued amount is added to an initial owner's basis for such Original Issue Discount Bond for purposes of determining the amount of gain or loss recognized by such owner upon the redemption, sale or other disposition thereof. The amount to be added to basis for each accrual period is equal to (a) the sum of the issue price and the amount of original issue discount accrued in prior periods multiplied by the yield to stated maturity (determined on the basis of compounding at the close of each accrual period and properly adjusted for the length of the accrual period) less (b) the amounts payable as current interest during such accrual period on such Original Issue Discount Bond.

All U.S. Holders of Original Issue Discount Bonds should consult their own tax advisors with respect to the determination for federal, state and local income tax purposes of the treatment of interest accrued upon redemption, sale or other disposition of such Original Issue Discount Bonds and with respect to the federal, state, local and foreign tax consequences of the purchase, ownership, redemption, sale or other disposition of such Original Issue Discount Bonds.

COLLATERAL FEDERAL INCOME TAX CONSEQUENCES ...Interest on the Series 2016A Bonds will be includable as an adjustment for "adjusted current earnings" to calculate the alternative minimum tax imposed on corporations by section 55 of the Code.

Under section 6012 of the Code, U.S. Holders of tax-exempt obligations, such as the Series 2016A Bonds, may be required to disclose interest received or accrued during each taxable year on their returns of federal income taxation.

Section 1276 of the Code provides for ordinary income tax treatment of gain recognized upon the disposition of a tax-exempt obligation, such as the Series 2016A Bonds, if such obligation was acquired at a "market discount" and if the fixed maturity of such obligation is equal to, or exceeds, one year from the date of issue. Such treatment applies to "market discount bonds" to the extent such gain does not exceed the accrued market discount of such bonds; although for this purpose, a de minimis amount of market discount is ignored. A "market discount bond" is one which is acquired by the holder at a purchase price which is less than the stated redemption price at maturity or, in the case of a bond issued at an original issue discount, the "revised issue price" (i.e., the issue price plus accrued original issue discount). The "accrued market discount" is the amount which bears the same ratio to the market discount as the number of days during which the holder holds the obligation bears to the number of days between the acquisition date and the final maturity date.

FUTURE AND PROPOSED LEGISLATION ...Tax legislation, administrative actions taken by tax authorities, or court decisions, whether at the Federal or state level, may adversely affect the tax-exempt status of interest on the Series 2016A Bonds under Federal or state law and could affect the market price or marketability of the Series 2016A Bonds. Any such proposal could limit the value of certain deductions and exclusions, including the exclusion for tax-exempt interest. The likelihood of any such proposal being enacted cannot be predicted. Prospective purchasers of the Bonds should consult their own tax advisors regarding the foregoing matters.

TAXABLE SERIES 2016B BONDS

Certain U.S. federal income tax consequences to U.S. Holders of the Taxable Series 2016B Bonds are described below.

The Taxable Series 2016B Bonds are not issued as obligations, the interest on which is excludable from gross income of holders under section 103 of the Code.

PERIODIC INTEREST PAYMENTS AND ORIGINAL ISSUE DISCOUNT ...The Taxable Series 2016B Bonds are not obligations described in section 103(a) of the Code. Accordingly, the stated interest paid on the Taxable Series 2016B Bonds or original issue discount, if any, accruing on the Taxable Series 2016B Bonds will be includable in “gross income” within the meaning of section 61 of the Code of each owner thereof and be subject to federal income taxation when received or accrued, depending upon the tax accounting method applicable to such owner.

DISPOSITION OF TAXABLE SERIES 2016B BONDS ...An owner will recognize gain or loss on the redemption, sale, exchange or other disposition of a Taxable Series 2016B Bond equal to the difference between the redemption or sale price (exclusive of any amount paid for accrued interest) and the owner's tax basis in the Taxable Series 2016B Bonds. Generally, a U.S. Holder's tax basis in the Taxable Series 2016B Bonds will be the owner's initial cost, increased by income reported by such U.S. Holder, including original issue discount and market discount income, and reduced, but not below zero, by any amortized premium. Any gain or loss generally will be a capital gain or loss and either will be long-term or short-term depending on whether the Taxable Series 2016B Bonds has been held for more than one year.

DEFEASANCE OF TAXABLE SERIES 2016B BONDS ...Defeasance of any Taxable Series 2016B Bond may result in a reissuance thereof, for U.S. federal income tax purposes, in which event a U.S. Holder will recognize taxable gain or loss as described above.

STATE, LOCAL AND OTHER TAX CONSEQUENCES ...Investors should consult their own tax advisors concerning the tax implications of holding and disposing of the Taxable Series 2016B Bonds under applicable state or local laws, or any other tax consequence, including the application of gift and estate taxes. Certain individuals, estates or trusts may be subject to a 3.8% surtax on all or a portion of the taxable interest that is paid on the Taxable Series 2016B Bonds. **PROSPECTIVE PURCHASERS OF THE TAXABLE SERIES 2016B BONDS SHOULD CONSULT THEIR OWN TAX ADVISORS REGARDING THE FOREGOING MATTERS.**

Certain U.S. federal income tax consequences to Non-U.S. Holders of the Taxable Series 2016B Bonds are described below.

A Non-U.S. Holder that is not subject to U.S. federal income tax as a result of any direct or indirect connection to the U.S. in addition to its ownership of a Taxable Series 2016B Bond, will not be subject to U.S. federal income or withholding tax in respect of such Taxable Series 2016B Bond, provided that such Non-U.S. Holder complies, to the extent necessary, with identification requirements including delivery of a signed statement under penalties of perjury, certifying that such Non-U.S. Holder is not a U.S. person and providing the name and address of such Non-U.S. Holder. Absent such exemption, payments of interest, including any amounts paid or accrued in respect of accrued original issue discount, may be subject to withholding taxes, subject to reduction under any applicable tax treaty. Non-U.S. Holders are urged to consult their own tax advisors regarding the ownership, sale or other disposition of a Taxable Series 2016B Bond.

The foregoing rules will not apply to exempt a U.S. shareholder of a controlled foreign corporation from taxation on the U.S. shareholder's allocable portion of the interest income received by the controlled foreign corporation.

OTHER INFORMATION

RATINGS

Standard & Poor's Ratings Services, a Standard & Poor's Financial Services LLC business (“S&P”), and Fitch Inc. (“Fitch”, and together with S&P, the “Rating Agencies”) have assigned ratings of “___” and “___”, respectively, to the Bonds. An explanation of the significance of such ratings may be obtained from the Rating Agencies. The ratings reflect only the respective views of each Rating Agency and the City makes no representation as to the appropriateness of the ratings. There is no assurance that such ratings will continue for any given period of time or that they will not be revised downward or withdrawn entirely by either or both of the Rating Agencies, if in the judgment of either or both Rating Agencies, circumstances so warrant. Any such downward revision or withdrawal of such ratings, or either of them, may have an adverse effect on the market price and marketability of the Bonds.

LITIGATION

The City is a party to various lawsuits in the normal course of business. It is the opinion of the City Attorney and City Management that, except as described herein below, there is no pending litigation against the City that if decided adversely to the City, (i) would

have a material adverse financial impact upon the City or its operations or (ii) would result in a judgment payable from System revenues.

The City is a defendant in six lawsuits, including two class actions, arising from City Ordinance No. 16084, adopted on January 22, 1979. All of the lawsuits allege that current and past police and fire pay schedules were adopted in violation of a referendum approved by the voters in 1979. All Plaintiffs claim that the City failed to maintain percentage pay differentials between grades in the sworn ranks as required by the referendum, and seek compensation for alleged underpayments of salaries and loss of value of retirement benefits.

It is the City's position that the 1979 referendum only mandated that pay raises be made in fiscal year 1978-1979 and that there was no continuing obligation of the City to maintain pay scale differentials, as alleged by the plaintiffs. The City has asserted its governmental immunity and various special exceptions and affirmative defenses, and disputes the Plaintiffs' allegations in all of the lawsuits.

The Plaintiffs in Albert, et al. v. City of Dallas (Cause No. 199-697-94) ("Albert") are 808 members of the Dallas Fire Department. The Plaintiffs in Arredondo, et al. v. City of Dallas (Cause No. 199-1743-99) are 16 members of the Dallas Fire Department who were originally plaintiffs in Albert but whose claims were severed in October 1999. The Plaintiffs in Barber, et al. v. City of Dallas (Cause No. 199-624-95) are 71 members of the Dallas Fire Department. The Plaintiffs in Willis, et al. v. City of Dallas (Cause No. 199-200-95) are 772 members of the Dallas Police Department. Parker et al. v. City of Dallas (Cause No. 1-95-107) is a class action lawsuit. The Parker Plaintiff class consists of all current, past or future members of the sworn ranks of the Dallas Police Department, as well as their spouses, heirs or estates. Martin, et al. v. City of Dallas (Cause No. 1-95-506) is the other class action lawsuit. The Martin Plaintiff class consists of current, past and future members of the sworn ranks of the Dallas Fire Department, as well as their spouses, heirs or estates. Both of the class action lawsuits have been certified. In addition, in September 1999, the Dallas Police and Fire Pension System intervened in the lawsuits seeking contributions from both its members (Plaintiffs) and the City of Dallas in the event of a final judgment awarding back pay to Plaintiffs.

In the two class action lawsuits, Parker and Martin, the Plaintiffs have alleged damages of approximately \$94,000,000. The amount of alleged damages has not been specified in the other lawsuits. The Plaintiffs also seek an award of attorney fees in an unspecified amount in connection with their breach of contract and declaratory relief claims. Although the City has stated that the total recovery in the cases could exceed \$1 billion, any estimate of damage at this stage in the litigation is speculative. Unless the current Court of Appeals decision, as described below, is reversed, the City is not liable for back pay damages to the Plaintiffs and any damages would be significantly more limited.

In August 1997, the trial court in Albert, the oldest of the cases, issued an order holding that the City had not maintained the percentage pay differentials between grades; however, the court also held that the remedy was within the City's discretion and that salaries could be either raised or lowered to conform to the appropriate percentage differentials. The City adopted a resolution implementing a remedy which was submitted to the court for approval. In May 1999, the court determined that the City's remedy was not adequate and, upon motion of 16 of the 824 Albert Plaintiffs, entered an Order Granting Partial Summary Judgment in favor of those 16 Plaintiffs, awarding damages of \$1.7 million to the 16 Plaintiffs. Plaintiffs requested that the Court sever that portion of the case as to the 16 Plaintiffs and enter a final order in their favor. On October 20, 1999, the Court granted the Plaintiffs' motion for severance, making the Partial Summary Judgment final with respect to the 16 Plaintiffs, whose claims are now styled, Arredondo, et al. v. City of Dallas (Cause No. 199-1743-99). On October 28, 1999, the 16 Plaintiffs appealed the Court's Final Summary Judgment order based on the measure of damages issue and on January 4, 2000, the City appealed the Final Summary Judgment as to both liability and damages issues. The Arredondo appeal (No. 05-99-01819-CV) was fully briefed and oral argument was held on November 28, 2000. On June 4, 2002, the Court of Appeals reversed the trial court's judgment and remanded the case to the trial court, holding that the ordinance is patently ambiguous and that resolution of the ambiguity (regarding whether the word "maintain" applies only to the one-time raise provided in the ordinance or also to all future pay scales) would be a question for the finder of fact based on contemporaneous evidence of the voters' intent in passing the referendum. The Arredondo plaintiffs filed a petition for review in the Texas Supreme Court. That petition was denied.

On December 21, 2006, the Court of Appeals reversed the trial courts in all six cases and upheld the City's governmental immunity from Plaintiffs' breach-of-contract claims, including claims for declaratory relief to recover damages. However, the Court of Appeals affirmed the trial courts' denial of the City's pleas regarding the Plaintiffs' claims for prospective declaratory relief, and found it appropriate to allow Plaintiffs the opportunity to argue to the trial court that the legislature has waived immunity from suit for breach of contract under Texas Local Government Code sections 271.151 to 271.160, which were enacted during the pendency of the appeals.

In opinions on August 26, 2011, and December 16, 2011, the Texas Supreme Court reversed the court of appeals. The court held that the City has immunity from Plaintiffs' requests for a declaratory judgment and that the adoption of an ordinance by referendum did not result in waiver or abrogation of the City's immunity. The court remanded the cases to the trial court to consider whether, by adding sections 271.151 through 271.160 to the Texas Local Government Code, the legislature waived the City's immunity.

On remand in Albert, Arredondo, Barber, and Willis, the City filed pleas to the jurisdiction, asserting that Plaintiffs have not pleaded a written contract to invoke the waiver of the City's governmental immunity in the Local Government Code. The district court denied the pleas, and the City filed interlocutory appeals to the court of appeals for review of whether the City's immunity is waived under the Local Government Code. On August 13, 2013, the court of appeals reversed the denials in part and dismissed all Plaintiffs' claims for declaratory relief and attorney fees, and affirmed the denials in part as to Plaintiffs' breach-of-contract claims under section 271.152. The City filed a petition for review with the Texas Supreme Court, which remains pending. The court requested briefs on the merits. The City filed its principal brief on August 1, 2014. Plaintiffs filed their brief on the merits on October 22, 2014. The City's reply brief was filed on January 7, 2015. The Texas Supreme Court has yet to rule on the City's petition for review.

The City is a defendant in United States ex rel. Lockey et al. v. City of Dallas, et al., a qui tam False Claims Act lawsuit against the City, the Dallas Housing Authority, Dallas County, and the Dallas County Housing Agency. Curtis Lockey and Craig MacKenzie are the relators, claiming that each defendant falsely certified that it was affirmatively furthering fair housing when submitting applications for federal funds from the U.S. Department of Housing and Urban Development (HUD). Under their "false certification" legal theory, the relators contend that each defendant falsely obtained all HUD affordable housing funding received over the past six years. Thus, on behalf of the United States, relators claim that the City received more than \$320 million based on the false claims and seek triple recovery of that sum and additional civil penalties against the City. They seek comparable dollar amounts based on the same formula from the other defendants. If the relators were to recover, the United States would receive the vast majority of the proceeds and the relators would receive the remainder. On February 3, 2010, the relators also filed a complaint with HUD that contains many of the same allegations that they have made in this lawsuit. In response to HUD's inquiries, the City provided information to HUD in March and May 2010 and has not received any further communication from HUD. The suit was originally filed under seal in February 2011. After receiving information from the City and the other defendants, the United States elected not to intervene. The court unsealed the case on November 14, 2011 and entered a partial scheduling order.

Relators served the City on February 28, 2012. The City moved to dismiss for lack of jurisdiction because of prior litigation and administrative proceedings. On January 23, 2013, the district court granted the City's motion to dismiss. Relators filed a notice of appeal. On December 5, 2013, Relators filed a motion in district court seeking an "indicative ruling" based on HUD's November 22, 2013 letter of non-compliance. The district court denied the motion. Relators also appealed the denial of their "indicative" motion. The Fifth Circuit affirmed the trial court's judgment on August 4, 2014, and issued the mandate on August 24, 2014. However, on October 3, 2014, Relator filed a motion to amend complaint or to file new action. The City believes that the risk of liability is remote in this case.

The City Attorney recently publicly reported to the City Council that Dallas Fire-Rescue has misplaced approximately 14 laptops that may contain certain patient health information subject to privacy restrictions under the Health Insurance Portability and Accountability Act ("HIPAA"). Preliminary information has been conveyed to the U.S. Department of Health and Human Services (HHS) Office of Civil Rights ("OCR"), the agency that enforces HIPAA. The City expects OCR to conduct a compliance review and investigation and anticipates that there may be regulatory enforcement action that could result in a fine being assessed against the City. Since the City entered into several contracts with third party vendors as part of its plan to comply with the regulations, the City is investigating whether it may have claims against those third party vendors and, if so, the amount of damages that may be recoverable to the City. If the City is fined by HHS, it is undetermined: (1) when the HHS determination as to the imposition of a fine against the City will be made; (2) whether the City would appeal the HHS determination; and (3) if, or when, the City would pay the fine amount. Based on the limited facts known to the City at this stage of the investigation, the City does not believe the amount of any fine would have a material adverse financial impact on the City or its operations.

CLEAN AIR ACT AMENDMENTS OF 1990

The USEPA has established certain air quality standards for the North Texas Region consisting of Dallas, Collin, Denton and Tarrant counties (the "Region"). In 1993, the USEPA classified the Region as a non-attainment area under the USEPA's one-hour ozone standard. In 1998, the USEPA downgraded the Region from an area of moderate non-attainment to an area of serious non-attainment. The Region was required to meet the one-hour ozone standards by a June 15, 2005 attainment date. A Texas State Implementation Plan (SIP), developed under the one-hour ozone standard, proposed emission reduction strategies necessary to meet the air quality standards.

Concurrently, the USEPA developed its newer 8-hour clean air standards (based upon a different testing methodology). On April 15, 2004, the USEPA promulgated the new 8-hour standard, which also had the effect of enlarging the non-attainment Region by adding Ellis, Johnson, Kaufman, Parker and Rockwall counties (such counties, together with the Region, being the "North Texas Region"), as well as revoking the previous one-hour standard. The new "8-hour standard" required TCEQ to develop a new SIP by June 2007 that would show attainment of the standard by 2010. The 8-hour rule also established new guidelines for areas that had not met their legal obligations under the previous one-hour standard. The option chosen by TCEQ was to propose a "5% Rate of Progress SIP" by June 2005 that would establish a schedule of at least a 5% decrease in levels of NOx, thereby leading the way for compliance of the new standard. The TCEQ approved this "5% Rate of Progress SIP" and submitted it to the USEPA in June 2005. As a result of this submission, the area has now complied with its previous one-hour standard requirements.

The finalization of the 8-hour standard and revocation of the one-hour standard also contributed to the resolution of a lawsuit brought by environmental groups against the USEPA for its failure to either approve or disapprove a SIP under the previous one-hour standard. In October 2004, a case styled Blue Skies Alliance et al. v. Leavitt was filed by four citizens groups in the U.S. District Court in Dallas, Texas. The suit sought to require the USEPA to either approve or disapprove the SIP submitted under the one-hour standard. The practical effect of the suit could have required the DFW area to a higher “severe” classification and cause disruption of all planning for federally funded highway projects in the region. However, the suit was settled and the USEPA agreed to a consent decree that proposed to approve some additional air quality measures submitted by the State, as well as additional studies on point source controls to be conducted by TCEQ.

The TCEQ has also identified new control measures for consideration for the nine county area as well as certain regional controls. On December 13, 2006, the TCEQ presented a proposed plan to its Commissioners. That plan was formally adopted by the TCEQ Commissioners on May 26, 2007.

On March 12, 2008, the USEPA revised the 8-hour ozone national ambient air quality standard. The new standard was established at 75 parts per billion (“ppb”). Due to the revision, new designations of ozone nonattainment were required by the Clean Air Act. States are to recommend to the USEPA nonattainment areas and boundaries by March 2009, and the USEPA was required by the Clean Air Act to finalize the designations by March 2010. On May 21, 2012, the USEPA designated the 10-county DFW area as “moderate nonattainment” with respect to the 8-hour ozone standard. In response, TCEQ proposed SIP revisions that were accepted in part and denied in part by the USEPA. Communication between TCEQ and the USEPA regarding these issues is ongoing. The attainment deadline for the 8-hour ozone standard is December 31, 2018.

On July 14, 2008, the USEPA proposed conditional approval of the 1997 8-hour ozone attainment demonstration SIP revisions for the Dallas/Fort Worth area submitted to the USEPA by the State of Texas on May 30, 2007 and supplemented on April 23, 2008. The USEPA’s action was published in the Federal Register on July 14, 2008 at 73 FR 40203. The USEPA also proposed on July 11, 2008 a finding that the DFW area is currently attaining the 1-hour ozone standard. Details of this action are found in the Federal Register of July 11, 2008 at 73 FR 39897.

In February 2009, the USEPA approved the 1997 8-hour ozone attainment demonstration SIP revisions for the Dallas/Fort Worth area. Details of this action are found in the Federal Register of January 14, 2009 at 74 FR 1927. However, in January 2010, the USEPA proposed to further strengthen the national ambient air quality standards for ground level ozone from the current standard 39 of 75 ppb. The USEPA has proposed to change the standard to a level between 60 ppb and 70 ppb. The USEPA has yet to change the standard.

In May 2014, the Sierra Club filed a lawsuit against the USEPA in a federal district court in the District of Columbia seeking to require the USEPA to reclassify part or all of the DFW non-attainment area as being in severe or extreme nonattainment for ozone. Such a reclassification could have a significant effect on local businesses and economic development. The parties to the lawsuit have lodged a proposed consent decree with the court. The consent decree does not include a requirement that the USEPA immediately reclassify the Dallas/Fort Worth non-attainment area for ozone, but rather sets forth a timeframe for the USEPA to act on several ozone-related issues. The proposed consent decree does not dictate that the USEPA takes any particular action.

CONTINUING DISCLOSURE OF INFORMATION

In each Ordinance, the City has made the following agreement for the benefit of the holders and beneficial owners of the Bonds. The City is required to observe the agreement for so long as it remains obligated to advance funds to pay the Bonds. Under the agreement, the City will be obligated to provide certain updated financial information and operating data annually, and timely notice of specified events, to the MSRB. This information will be available free of charge from the MSRB via the Electronic Municipal Market Access (“EMMA”) system at www.emma.msrb.org.

ANNUAL REPORTS. . . The City will provide certain updated financial information and operating data to EMMA annually. The information to be updated includes all quantitative financial information and operating data with respect to the City of the general type included in this Official Statement under Tables numbered 1 through 17, and in Appendix C. The City will update and provide this information within six months after the end of each fiscal year. The City will provide the updated information to the MSRB through the EMMA information system in accordance with Rule 15c2-12 promulgated by the SEC.

The City may provide updated information in full text or may incorporate by reference certain other publicly available documents, as permitted by the Rule. The updated information will include audited financial statements, if the City commissions an audit and it is completed by the required time. The City will additionally provide audited annual financial statements of the City, when and if available, and in any event, within twelve (12) months after the end of each Fiscal Year ending in or after 2016. If audited financial statements are not available by the end of the twelve (12) month period, then the City shall provide notice that the audited financial statements are not available, shall provide unaudited financial information of the type described in the numbered tables referenced in the first paragraph of this subsection “Annual Reports” by the required time, and will provide audited financial statements for the

applicable Year to the MSRB, when and if the audit report on such statements become available. Any such financial statements will be prepared in accordance with the accounting principles described in Appendix C or such other accounting principles as the City may be required to employ from time to time pursuant to state law or regulation.

The City's current fiscal year end is September 30. Accordingly, it must provide updated information by March 31 in each year, unless the City changes its fiscal year. If the City changes its fiscal year, it will notify the MSRB of the change.

DISCLOSURE EVENT NOTICES . . . The City shall notify the MSRB, in a timely manner not in excess of ten Business Days after the occurrence of the event, of any of the following events with respect to the Bonds: (1) principal and interest payment delinquencies; (2) non-payment related defaults, if material; (3) unscheduled draws on debt service reserves reflecting financial difficulties; (4) unscheduled draws on credit enhancements reflecting financial difficulties; (5) substitution of credit or liquidity providers, or their failure to perform; (6) adverse tax opinions, the issuance by the Internal Revenue Service of proposed or final determinations of taxability, Notices of Proposed Issue (IRS Form 5701-TEB) or other material notices or determinations with respect to the tax status of the Bonds, or other material events affecting the tax status of the Bonds; (7) modifications to rights of holders of the Bonds, if material; (8) Bond calls, if material, and tender offers; (9) defeasances; (10) release, substitution, or sale of property securing repayment of the Bonds, if material; (11) rating changes; (12) bankruptcy, insolvency, receivership or similar event of the City; (13) the consummation of a merger, consolidation, or acquisition involving the City or the sale of all or substantially all of the assets of the City, other than in the ordinary course of business, the entry into a definitive agreement to undertake such an action or the termination of a definitive agreement relating to any such actions, other than pursuant to its terms, if material; and (14) appointment of a successor Paying Agent/Registrar or change in the name of the Paying Agent/Registrar, if material. (Neither the Bonds nor the Ordinances make any provision for liquidity enhancement.) As used in clause 12 above, the phrase "bankruptcy, insolvency, receivership or similar event" means the appointment of a receiver, fiscal agent or similar officer for the City in a proceeding under the U.S. Bankruptcy Code or in any other proceeding under state or federal law in which a court or governmental authority has assumed jurisdiction over substantially all of the assets or business of the City, or if jurisdiction has been assumed by leaving the City Council and official or officers of the City in possession but subject to the supervision and orders of a court or governmental authority, or the entry of an order confirming a plan of reorganization, arrangement or liquidation by a court or governmental authority having supervision or jurisdiction over substantially all of the assets or business of the City.

LIMITATIONS AND AMENDMENTS. . . The City has agreed to update information and to provide notices of specified events only as described above. The City has not agreed to provide other information that may be relevant or material to a complete presentation of its financial results of operations, condition, or prospects or agreed to update any information that is provided, except as described above. The City makes no representation or warranty concerning such information or concerning its usefulness to a decision to invest in or sell Bonds at any future date. The City disclaims any contractual or tort liability for damages resulting in whole or in part from any breach of its continuing disclosure agreement or from any statement made pursuant to its agreement, although holders of Bonds may seek a writ of mandamus to compel the City to comply with its agreement.

The City may amend its continuing disclosure agreement from time to time to adapt to changed circumstances that arise from a change in legal requirements, a change in law, or a change in the identity, nature, status, or type of operations of the City, if (i) the agreement, as amended, would have permitted an underwriter to purchase or sell Bonds in the offering described herein in compliance with the Rule, taking into account any amendments or interpretations of the Rule to the date of such amendment, as well as such changed circumstances, and (ii) either (a) the holders of a majority in aggregate principal amount of the outstanding Bonds consent to the amendment or (b) any person unaffiliated with the City (such as nationally recognized bond counsel) determines that the amendment will not materially impair the interests of the holders and beneficial owners of the Bonds. If the City so amends the agreement, it has agreed to include with the next financial information and operating data provided in accordance with its agreement described above under "ANNUAL REPORTS" an explanation, in narrative form, of the reasons for the amendment and of the impact of any change in the type of financial information and operating data so provided.

COMPLIANCE WITH PRIOR UNDERTAKINGS . . . The City has been in compliance, in all material respects, during the last 5 years with its undertakings under the Rule.

The City did not make an event filing with respect to downgrades of the ratings on insurance on certain outstanding waterworks and sewer system revenue bonds issued by the City that was obtained from Financial Security Assurance, Inc. ("FSA"), including insurance obtained by the City in connection with its Waterworks and Sewer System Revenue Refunding and Improvement Bonds, Series 2003 (the "Series 2003 Bonds"). The Series 2003 Bonds are no longer outstanding. The City determined that the downgrade in ratings of the FSA were a matter of public record, and therefore were not material in respect to the Series 2003 Bonds and other waterworks and sewer system revenue bonds which the purchaser obtained insurance for certain maturities thereof (the City's Waterworks and Sewer System Revenue Refunding Bonds, Series 2005, which are no longer outstanding, and the City's Waterworks and Sewer System Revenue Refunding and Improvement Bonds, Series 2006).

The City has identified instances in which certain segments of the Dallas-Fort Worth International Airport's annual financial information for Fiscal Years 2009 and 2010, which the City believes are immaterial to the operations and financial condition of the Airport, were filed through incorporation by reference to Official Statements after the scheduled annual filing date for the respective

years. Consolidation of tables and audited financial information in one document filing since Fiscal Year 2012 further assures timely and complete annual filings.

REGISTRATION AND QUALIFICATION OF BONDS FOR SALE

The sale of the Bonds has not been registered under the Federal Securities Act of 1933, as amended, in reliance upon the exemption provided thereunder by Section 3(a)(2); and the Bonds have not been qualified under the Securities Act of Texas in reliance upon various exemptions contained therein; nor have the Bonds been qualified under the securities acts of any other jurisdiction. The City assumes no responsibility for qualification of the Bonds under the securities laws of any jurisdiction in which the Bonds may be sold, assigned, pledged, hypothecated or otherwise transferred. This disclaimer of responsibility for qualification for sale or other disposition of the Bonds shall not be construed as an interpretation of any kind with regard to the availability of any exemption from securities registration provisions.

LEGAL INVESTMENTS AND ELIGIBILITY TO SECURE PUBLIC FUNDS IN TEXAS

Section 1201.041 of the Public Security Procedures Act (Chapter 1201, Texas Government Code) provides that the Bonds are negotiable instruments governed by Chapter 8, Texas Business and Commerce Code, and are legal and authorized investments for insurance companies, fiduciaries, and trustees, and for the sinking funds of municipalities or other political subdivisions or public agencies of the State. With respect to investment in the Bonds by municipalities or other political subdivisions or public agencies of the State, the PFIA, requires that the Bonds be assigned a rating of not less than “A” or its equivalent as to investment quality by a national rating agency. See “OTHER INFORMATION – Ratings” above. In addition, various provisions of the Texas Finance Code provide that subject to a prudent investor standard, the Bonds are legal investments for state banks, savings bank, trust companies with capital of one million dollars or more, and savings and loan associations. The Bonds are eligible to secure deposits of any public funds of the State, its agencies, and its political subdivisions, and are legal security for those deposits to the extent of their market value. No review by the City has been made of the laws in other states to determine whether the Bonds are legal investments for various institutions in those states.

LEGAL OPINIONS

The City will furnish to the Underwriters a complete transcript of proceedings incident to the authorization and issuance of the Bonds, including the unqualified approving legal opinion of the Attorney General of Texas approving the Bonds and to the effect that the Bonds are valid and legally binding special obligations of the City, and based upon examination of such transcript of proceedings, the approving legal opinions of Co-Bond Counsel, to like effect and to the effect that, with respect to the Series 2016A Bonds, the interest on the Series 2016A Bonds will be excludable from gross income for federal income tax purposes under Section 103(a) of the Code, subject to the matters described under “TAX MATTERS, including the alternative minimum tax on corporations. Co-Bond Counsel’s opinions will be delivered on the date of delivery of each series of the Bonds. See Appendix D – “Forms of Co-Bond Counsel’s Opinions.” Co-Bond Counsel from time to time represents the Co-Financial Advisors and the members of the underwriting syndicate in matters not related to the Bonds. Co-Bond Counsel were not requested to participate, and did not take part, in the preparation of the Official Statement, and such firms have not assumed any responsibility with respect thereto or undertaken independently to verify any of the information contained therein, except that, in capacity as Co-Bond Counsel, such firms have reviewed the information under the captions “PLAN OF FINANCING”, “THE BONDS” (exclusive of the subcaptions “Book-Entry-Only System,” “Sources and Uses of Funds” and “Bondholders’ Remedies”), “TAX MATTERS” and the subcaptions “Continuing Disclosure of Information” (exclusive of the heading “Compliance with Prior Undertakings”), “Legal Investments and Eligibility to Secure Public Funds in Texas” and “Legal Opinions” under the caption “OTHER INFORMATION” in the Official Statement and Appendix B thereto, and Co-Bond Counsel is of the opinion that the information relating to the Bonds and the legal issues contained under such captions and subcaptions is an accurate and fair description of the laws and legal issues addressed therein and, with respect to the Bonds, such information conforms to the Ordinances. The legal fees to be paid to Co-Bond Counsel for services rendered in connection with the issuance of the Bonds are contingent on the sale and delivery of the Bonds. In connection with the transaction described in this Official Statement, Co-Bond Counsel represents only the City. The legal opinion will accompany the Bonds deposited with DTC or will be printed on the Bonds in the event of the discontinuance of the Book-Entry-Only System. Certain legal matters will be passed upon for the Underwriters by their Co-Counsel, Locke Lord, LLP, Dallas, Texas and White & Wiggins, LLP, Dallas, Texas. The legal fees to be paid to co-counsel to the Underwriters for services rendered in connection with the issuance of the Bonds are contingent on the sale and delivery of the Bonds.

The legal opinions to be delivered concurrently with the delivery of the Bonds express the professional judgment of the attorneys rendering the opinions as to the legal issues explicitly addressed therein. In rendering a legal opinion, the attorney does not become an insurer or guarantor of that expression of professional judgment, of the transaction opined upon, or of the future performance of the parties to the transaction, nor does the rendering of an opinion guarantee the outcome of any legal dispute that may arise out of the transaction.

VERIFICATION OF ARITHMETICAL AND MATHEMATICAL COMPUTATIONS

The arithmetical accuracy of certain computations included in the schedules provided by FirstSouthwest, A Division of Hilltop Securities Inc. and Estrada, Hinojosa & Company, Inc. on behalf of the City relating to (a) computation of forecasted receipts of principal and interest on the Escrowed Securities to the forecasted payments of principal and interest to redeem the Refunded Bonds and (b) computation of the yields of the Series 2016A Bonds and the Escrowed Securities were verified by the Verification Agent. Such computations were based solely on assumptions and information supplied by FirstSouthwest, A Division of Hilltop Securities Inc. and Estrada, Hinojosa & Company, Inc. on behalf of the City. The Verification Agent has restricted its procedures to verifying the arithmetical accuracy of certain computations and has not made any study or evaluation of the assumptions and information on which the computations are based and, accordingly, has not expressed an opinion on the data used, the reasonableness of the assumptions, or the achievability of the forecasted outcome. Such verification will be relied upon by Co-Bond Counsel in rendering its opinions with respect to the exclusion from gross income of interest on the Series 2016A Bonds for federal income tax purposes and with respect to defeasance of the Refunded Bonds.

UNDERWRITING

The Underwriters have agreed, subject to certain conditions, to purchase the Series 2016A Bonds from the City, at a purchase price of par, plus a premium of \$_____, and less an underwriting discount of \$_____. The Underwriters will be obligated to purchase all of the Series 2016A Bonds if any Series 2016A Bonds are purchased.

The Underwriters have agreed, subject to certain conditions, to purchase the Taxable Series 2016B Bonds from the City, at a purchase price of par, less an underwriting discount of \$_____. The Underwriters will be obligated to purchase all of the Taxable Series 2016B Bonds if any Taxable Series 2016B Bonds are purchased.

The Bonds to be offered to the public may be offered and sold to certain dealers (including the Underwriters and other dealers depositing Bonds into investment trusts) at prices lower than the public offering prices of such Bonds, and such public offering prices may be changed, from time to time, by the Underwriters.

Loop Capital Markets LLC ("Loop Capital Markets"), one of the Underwriters of the Bonds, has entered into an agreement (the "Distribution Agreement") with Deutsche Bank Securities Inc. ("DBS") for the retail distribution of certain securities offerings at the original issue prices. Pursuant to the Distribution Agreement, DBS will purchase Bonds from Loop Capital at the original issue prices less a negotiated portion of the selling concession applicable to any Bonds that such firm sells.

Citigroup has entered into a retail distribution agreement with each of TMC Bonds L.L.C. ("TMC") and UBS Financial Services Inc. ("UBSFS"). Under these distribution agreements, Citigroup may distribute municipal securities to retail investors through the financial advisor network of UBSFS and the electronic primary offering platform of TMC. As part of this arrangement, Citigroup may compensate TMC (and TMC may compensate its electronic platform member firms) and UBSFS for their selling efforts with respect to the Series 2016A Bonds.

Certain of the Underwriters and their respective affiliates are full service financial institutions engaged in various activities, which may include securities trading, commercial and investment banking, financial advisory, investment management, principal investment, hedging, financing and brokerage activities. Certain of the Underwriters and their respective affiliates have, from time to time, performed and may in the future perform various investment banking services for the City for which they received or will receive customary fees and expenses.

In the ordinary course of their various business activities, the Underwriters and their respective affiliates may make or hold a broad array of investments and actively trade debt and equity securities (or related derivative securities, which may include credit default swaps) and financial instruments (including bank loans) for their own account and for the accounts of their customers and may at any time hold long and short positions in such securities and instruments. Such investment and securities activities may involve securities and instruments of the City.

The Underwriters have reviewed the information in the Official Statement in accordance with their responsibilities to investors under the federal securities laws as applied to the facts and circumstances of this transaction, but the Underwriters do not guarantee the accuracy or completeness of such information.

CO-FINANCIAL ADVISORS

FirstSouthwest, A Division of Hilltop Securities Inc. and Estrada Hinojosa & Company, Inc. are employed as Co-Financial Advisors to the City in connection with the issuance of the Bonds. The Co-Financial Advisors' fees for services rendered with respect to the sale of the Bonds is contingent upon the issuance and delivery of the Bonds. FirstSouthwest, A Division of Hilltop Securities Inc. and Estrada Hinojosa & Company, Inc. have agreed, in their Co-Financial Advisor contracts with the City, not to bid for the Bonds, either independently or as a member of a syndicate organized to submit a bid for the Bonds. FirstSouthwest, A Division of Hilltop

Securities Inc. and Estrada Hinojosa & Company, Inc., in their capacity as Co-Financial Advisors, have relied on the opinion of Co-Bond Counsel and have not verified and do not assume any responsibility for the information, covenants and representations contained in any of the legal documents with respect to the federal income tax status of the Bonds or the possible impact of any present, pending or future actions taken by any legislative or judicial bodies. In the normal course of business, the Co-Financial Advisors may from time to time sell investment securities to the City for the investment of bond proceeds or other funds of the City upon the request of the City.

The Co-Financial Advisors to the City have provided the following sentence for inclusion in this Official Statement. The Co-Financial Advisors have reviewed the information in this Official Statement in accordance with, and as part of, their responsibilities to the City and, as applicable, to investors under the federal securities laws as applied to the facts and circumstances of this transaction, but the Co-Financial Advisors do not guarantee the accuracy or completeness of such information.

FORWARD-LOOKING STATEMENTS

The statements contained in this Official Statement, and in any other information provided by the City, that are not purely historical, are forward-looking statements, including statements regarding the City's expectations, hopes, intentions, or strategies regarding the future. Readers should not place undue reliance on forward-looking statements. All forward looking statements included in this Official Statement are based on information available to the City on the date hereof, and the City assumes no obligation to update any such forward-looking statements. It is important to note that the City's actual results could differ materially from those in such forward-looking statements.

The forward-looking statements herein are necessarily based on various assumptions and estimates and are inherently subject to various risks and uncertainties, including risks and uncertainties relating to the possible invalidity of the underlying assumptions and estimates and possible changes or developments in social, economic, business, industry, market, legal and regulatory circumstances and conditions and actions taken or omitted to be taken by third parties, including customers, suppliers, business partners and competitors, and legislative, judicial and other governmental authorities and officials. Assumptions related to the foregoing involve judgments with respect to, among other things, future economic, competitive, and market conditions and future business decisions, all of which are difficult or impossible to predict accurately and many of which are beyond the control of the City. Any of such assumptions could be inaccurate and, therefore, there can be no assurance that the forward-looking statements included in this Official Statement would prove to be accurate.

Each Ordinance approves the form and content of this Official Statement, and any addenda, supplement or amendment hereto, authorizes designated officials of the City to complete this Official Statement, and authorizes its further use in the reoffering of the Bonds by the Underwriters.

A.C. GONZALEZ
City Manager
City of Dallas, Texas

JEANNE CHIPPERFIELD
Chief Financial Officer

ATTEST:

ROSA A. RIOS
City Secretary

SCHEDULE I

SCHEDULE OF REFUNDED BONDS

Bond	Maturity Date	Interest Rate	Principal Outstanding	Principal Refunded	Call Date	Call Price
\$255,375,000 Waterworks and Sewer System Revenue Refunding and Improvement Bonds, Series 2006						
Refunded by Series 2016A Bonds						
	10/1/2016	4.250%	5,580,000	5,580,000	8/8/2016	100.000
	10/1/2017	4.375%	5,865,000	5,865,000	8/8/2016	100.000
			11,445,000	11,445,000		
\$678,480,000 Waterworks and Sewer System Revenue Refunding Bonds, Series 2007						
Refunded by Series 2016A Bonds and Series 2016B Bonds						
	10/1/2018	5.000%	41,675,000	41,675,000	10/1/2017	100.000
	10/1/2019	4.500%	31,350,000	31,350,000	10/1/2017	100.000
	10/1/2027	4.500%	11,880,000	11,880,000	10/1/2017	100.000
	10/1/2028	4.500%	12,420,000	12,420,000	10/1/2017	100.000
	10/1/2029 ⁽¹⁾	4.375%	18,080,000	18,080,000	10/1/2017	100.000
	10/1/2030 ⁽¹⁾	4.375%	8,985,000	8,985,000	10/1/2017	100.000
	10/1/2031 ⁽¹⁾	4.375%	9,390,000	9,390,000	10/1/2017	100.000
	10/1/2032 ⁽¹⁾	4.375%	9,810,000	9,810,000	10/1/2017	100.000
	10/1/2033 ⁽²⁾	4.375%	2,330,000	2,330,000	10/1/2017	100.000
	10/1/2034 ⁽²⁾	4.375%	2,445,000	2,445,000	10/1/2017	100.000
	10/1/2035 ⁽²⁾	4.375%	2,555,000	2,555,000	10/1/2017	100.000
	10/1/2036 ⁽²⁾	4.375%	2,670,000	2,670,000	10/1/2017	100.000
	10/1/2033 ⁽³⁾	4.500%	7,920,000	7,920,000	10/1/2017	100.000
	10/1/2034 ⁽³⁾	4.500%	8,280,000	8,280,000	10/1/2017	100.000
	10/1/2035 ⁽³⁾	4.500%	8,660,000	8,660,000	10/1/2017	100.000
	10/1/2036 ⁽³⁾	4.500%	9,055,000	9,055,000	10/1/2017	100.000
			187,505,000	187,505,000		

(1) Sinking Fund payment of 2032 Term Bond.
(2) Sinking Fund payment of 2036 Term Bond.
(3) Sinking Fund payment of 2036 Term Bond.

Bond	Maturity Date	Interest Rate	Principal Outstanding	Principal Refunded	Call Date	Call Price
\$158,655,000 Waterworks and Sewer System Revenue Refunding Bonds, Series 2008						
Refunded by Series 2016A Bonds						
	10/1/2036 ⁽¹⁾	5.000%	9,340,000	9,340,000	10/1/2018	100.000
	10/1/2037 ⁽¹⁾	5.000%	9,820,000	9,820,000	10/1/2018	100.000
			19,160,000	19,160,000		

(1). Sinking Fund payment of 2037 Term Bond.

SCHEDULE I (Continued)

SCHEDULE OF REFUNDED BONDS

Bond	Maturity Date	Interest Rate	Principal Outstanding	Principal Refunded	Call Date	Call Price
\$295,850,000 Waterworks and Sewer System Revenue Refunding Bonds, Series 2010						
Refunded by Series 2016A and Series 2016B Bonds						
	10/1/2025	5.000%	2,645,000	2,645,000	10/1/2020	100.000
	10/1/2026	5.000%	2,780,000	2,780,000	10/1/2020	100.000
	10/1/2027	5.000%	2,920,000	2,920,000	10/1/2020	100.000
	10/1/2028	5.000%	12,665,000	12,665,000	10/1/2020	100.000
	10/1/2029	5.000%	13,300,000	13,300,000	10/1/2020	100.000
	10/1/2030	5.000%	8,905,000	8,905,000	10/1/2020	100.000
	10/1/2031 ⁽¹⁾	5.000%	9,360,000	9,360,000	10/1/2020	100.000
	10/1/2032 ⁽¹⁾	5.000%	9,840,000	9,840,000	10/1/2020	100.000
	10/1/2033 ⁽¹⁾	5.000%	10,345,000	10,345,000	10/1/2020	100.000
	10/1/2034 ⁽¹⁾	5.000%	10,875,000	10,875,000	10/1/2020	100.000
			83,635,000	83,635,000		
⁽¹⁾ Sinking Fund payment of 2035 Term Bond.						

Bond	Maturity Date	Interest Rate	Principal Outstanding	Principal Refunded	Call Date	Call Price
\$239,425,000 City of Dallas Waterworks and Sewer System Revenue Refunding Bonds, Series 2011						
Refunded by Series 2016A Bonds						
	10/1/2023	5.000%	15,780,000	8,980,000	10/1/2021	100.000
	10/1/2024	5.000%	4,025,000	2,290,000	10/1/2021	100.000
	10/1/2025	5.000%	4,235,000	2,410,000	10/1/2021	100.000
	10/1/2026	5.000%	4,450,000	2,535,000	10/1/2021	100.000
	10/1/2027	5.000%	4,680,000	2,665,000	10/1/2021	100.000
	10/1/2028	5.000%	4,920,000	2,800,000	10/1/2021	100.000
	10/1/2029	5.000%	5,170,000	2,945,000	10/1/2021	100.000
	10/1/2030	5.000%	5,435,000	3,095,000	10/1/2021	100.000
	10/1/2031	5.000%	5,715,000	3,255,000	10/1/2021	100.000
	10/1/2032 ⁽¹⁾	5.000%	6,010,000	3,420,000	10/1/2021	100.000
	10/1/2033 ⁽¹⁾	5.000%	6,315,000	3,595,000	10/1/2021	100.000
	10/1/2034 ⁽¹⁾	5.000%	6,640,000	3,780,000	10/1/2021	100.000
			73,375,000	41,770,000		

⁽¹⁾ Sinking Fund payment of 2036 Term Bond.

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SCHEDULE OF REFUNDED BONDS

Bond	Maturity Date	Interest Rate	Principal Outstanding	Principal Refunded	Call Date	Call Price
\$259,420,000 Waterworks and Sewer System Revenue Refunding Bonds, Series 2012A						
Refunded by Series 2016A Bonds						
	10/1/2023	5.000%	16,490,000	9,050,000	10/1/2022	100.000
	10/1/2024	5.000%	4,090,000	2,245,000	10/1/2022	100.000
	10/1/2025	4.000%	4,280,000	2,350,000	10/1/2022	100.000
	10/1/2026	4.000%	4,450,000	2,440,000	10/1/2022	100.000
	10/1/2028	5.000%	14,825,000	8,135,000	10/1/2022	100.000
	10/1/2029	5.000%	15,580,000	8,550,000	10/1/2022	100.000
	10/1/2030	5.000%	5,360,000	2,940,000	10/1/2022	100.000
	10/1/2031	5.000%	5,635,000	3,090,000	10/1/2022	100.000
			70,710,000	38,800,000		
Bond	Maturity Date	Interest Rate	Principal Outstanding	Principal Refunded	Call Date	Call Price
\$156,540,000 Waterworks and Sewer System Revenue Bonds, Series 2013A						
Refunded by Series 2016A Bonds						
	10/1/2025	5.000%	4,250,000	4,250,000	10/1/2023	100.000
	10/1/2026	5.000%	4,470,000	4,470,000	10/1/2023	100.000
	10/1/2027	5.000%	4,700,000	4,700,000	10/1/2023	100.000
			13,420,000	13,420,000		

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APPENDIX A

GENERAL INFORMATION REGARDING THE CITY

LOCATION AND POPULATION . . .The City of Dallas is located in north central Texas approximately 300 miles north of the Gulf of Mexico. It is among the three largest cities in Texas and among the ten largest cities in the United States. Dallas is the county seat of Dallas County.

Dallas County encompasses an area of 880 square miles while the City of Dallas contains approximately 378 square miles. The City of Dallas' corporate land extends into Collin, Denton and Rockwall Counties.

POPULATION TOTALS ARE:

	2013	2012	2011	2010	2009
	Estimate	Estimate	Estimate	Estimate	Estimate
City	1,213,600	1,207,420	1,200,530	1,197,816 ⁽²⁾	1,306,350
County	2,480,331	2,453,843	2,380,510	2,492,850	2,471,000
Metro Stat Area ⁽¹⁾	6,812,373	6,647,496	6,526,548	6,402,922	6,447,228

⁽¹⁾ Metropolitan Statistical Area (MSA) is a twelve-county area which includes Collin, Dallas, Delta, Denton, Ellis, Hunt, Johnson, Kaufman, Parker, Rockwall, Tarrant, and Wise Counties.

⁽²⁾ U.S. Census.

Sources: U.S. Census Bureau-American Fact Finder; North Central Texas Council of Governments.

ESTIMATED PER CAPITA INCOME

	2013	2012	2011	2010	2009
Dallas MD ⁽¹⁾	\$ 48,591	\$ 48,069	\$ 45,404	\$ 42,943	\$ 41,948
Dallas County	48,638	48,127	45,402	43,178	42,088
Texas	43,552	42,638	40,147	37,747	36,500
U.S.	44,543	43,735	41,560	39,937	38,846

⁽¹⁾ Metropolitan Division (MD) is an eight-county area which includes Collin, Dallas, Delta, Denton, Ellis, Hunt, Kaufman, and Rockwall Counties.

Sources: U.S. Department of Commerce; Bureau of Economic Analysis.

GOVERNMENT ORGANIZATION . . .The City of Dallas operates under a Council-Manager form of government. There are fourteen single-district council members and a mayor elected at large. The Mayor and Council appoint the City Manager, City Attorney, City Auditor, City Secretary, City Treasurer and the Municipal Court Judges. The City Manager appoints all other department directors except two appointed by the Civil Service Board and the Park and Recreation Board. The Mayor is elected to a four-year term and is limited to two consecutive four-year terms. Council members are elected for two-year terms and can serve up to four consecutive two-year terms.

The Mayor and City Council set the public agenda, adopt policy and laws and appoint the City Manager, who acts as chief executive, responsible for implementing council policy. The City Manager oversees City operations with an executive team of assistant city managers, each of whom has responsibility for various departments.

The City organization has approximately 13,000 full-time employees.

CITY SERVICES AND FACILITIES . . . The City provides the full range of municipal services contemplated by statute or charter. This includes public safety (police and fire), streets, sanitation, health and human services, culture and recreation, public improvements, planning and zoning, and general administrative services. In addition to general government activities, the Dallas Water Utilities, Municipal Airport (Love Field), Convention Center, Municipal Radio and several other enterprise and internal service fund activities are a part of the City's legal entity.

EMPLOYMENT DATA . . . A diverse economy and highly-skilled work force contribute to the strengths of the City. Dallas is a center for high technology, retail and wholesale trade, finance, major medical facilities, culture and recreation and a convention and visitor destination. The following exhibits show the City's civilian employment over the last several years, the employment by sector and the major employers within the Dallas area.

EMPLOYMENT STATISTICS

	December 2014	December 2013	December 2012	December 2011	December 2010
Civilian Labor Force (City of Dallas)	602,197	590,030	582,926	578,057	574,156
Civilian Labor Force (Dallas MD*)	2,323,807	2,273,714	2,243,969	2,206,155	2,182,110
Total Employed (City of Dallas)	575,894	554,875	543,813	533,058	524,742
Total Employed (Dallas MD*)	2,229,463	2,148,096	2,105,272	2,051,807	2,010,340
Total Unemployed (City of Dallas)	26,303	35,155	39,113	44,999	49,414
Total Unemployed (Dallas MD*)	94,344	125,618	138,697	154,348	171,770
% Unemployed (City of Dallas)	4.4%	6.0%	6.7%	7.8%	8.6%
% Unemployed (Dallas MD*)	4.1%	5.5%	6.2%	7.0%	7.9%
% Unemployed (Dallas County)	4.4%	6.0%	6.6%	7.6%	8.5%
% Unemployed (Texas)	4.1%	5.6%	6.3%	7.1%	8.0%
% Unemployed (U.S.)	5.4%	6.5%	7.6%	8.3%	9.1%

* Metropolitan Division (MD) is an eight-county area which includes Collin, Dallas, Delta, Denton, Ellis, Hunt, Kaufman, and Rockwall Counties.

Source: Bureau of Labor Statistics.

AVERAGE ANNUAL UNEMPLOYMENT RATES

	2014	2013	2012	2011	2010
City of Dallas	5.5% ⁽²⁾	6.8%	7.7%	8.7%	8.7%
Dallas - MD ⁽¹⁾	5.1% ⁽²⁾	6.3%	7.1%	8.0%	8.2%
State of Texas	5.2% ⁽²⁾	6.4%	7.1%	8.1%	8.2%
United States	6.2%	7.4%	8.3%	9.2%	9.7%

⁽¹⁾ Dallas-Plano-Irving Metropolitan Division (MD) is an eight-county area which includes Collin, Dallas, Delta, Denton, Ellis, Hunt, Kaufman, and Rockwall Counties.

⁽²⁾ Preliminary.

Sources: Texas Workforce Commission; U.S. Bureau of Labor Statistics.

MAJOR DALLAS AREA EMPLOYERS

Company	Product/Service	Number of Local Employees
Wal-Mart Stores Inc	Retailer	52,700
American Airlines	Airline	23,700
Baylor Health Care System	Health Care	22,000
Dallas Independent School District	Education	20,793
Texas Health Resources	Health Care	16,205
Bank of America	Financial Services	15,400
JPMorgan Chase	Financial Services	13,000
Texas Instruments Inc.	Semiconductor Design and Manufacturing	13,000
City of Dallas	City Government	13,000
Lockheed Martin Aeronautics	Semiconductor Design and Manufacturing	13,000
		<u>202,798</u>

Source: The Dallas Business Journal Book of Lists 2015 (July 18, 2014).

DALLAS – PLANO - IRVING METROPOLITAN DIVISION---NON-AGRICULTURAL WAGE AND SALARY EMPLOYMENT BY SECTOR

Industry ⁽¹⁾	2013 Average Annual		2012 Average Annual	
	Employment	Percentage	Employment	Percentage
Trade, Transportation, & Utilities	430,000	20.1%	412,000	19.6%
Professional, Business Services	392,000	18.3%	359,000	17.1%
Health, Educational Services	270,000	12.4%	271,000	12.4%
Government	266,000	12.6%	261,000	12.9%
Leisure and Hospitality	211,000	9.9%	205,000	9.8%
Financial Services	163,000	7.6%	166,000	7.9%
Manufacturing	153,000	7.1%	186,000	8.9%
Natural Resources & Mining and Construction	117,000	5.5%	104,000	5.0%
Other Services	76,000	3.5%	72,000	3.4%
Information	64,000	3.0%	65,000	3.1%
Non-farm Total	2,142,000	100.0%	2,101,000	100.0%

⁽¹⁾ Dallas-Plano-Irving Metropolitan Division (MD) is an eight-county area which includes Collin, Dallas, Delta, Denton, Ellis, Hunt, Kaufman, and Rockwall Counties.

Sources: Texas Workforce Commission; U.S. Bureau of Labor Statistics.

OFFICE AND INDUSTRIAL SPACE OCCUPANCY RATES . . . The City of Dallas' office market consists of 117 million square feet of space. Average rents are on the rise, and have surpassed their 2008 high of over \$20 per square foot reaching \$20.90 per square foot. As of October 2014, over 1.6 million square feet of new office space is under construction citywide. The current citywide vacancy rate is 18.0 percent.

The City is committed to the long-term health of the Central Business District (CBD). A number of public/private projects have been recently completed: Klyde Warren Park, the expanded Dallas Arts District, the Omni Dallas Convention Center Hotel and Belo Garden Park. Construction began in March 2013 on a modern streetcar system to improve mobility between the CBD and North Oak Cliff. The current CBD office vacancy rate is 28.1 percent. The market consists of 33.8 million square feet, which is the lowest inventory since the end of 2006. The decline is largely attributable to obsolete inventory taken off the market for residential conversions and other uses, such as parks. As of October 2014, average rents are \$21.82 per square foot.

Industrial/distribution building activity has picked up, with 198 million square feet of new space delivered as of October 2014. Available space is tightening, with only 7.3 percent vacant in October 2014.

Source: City of Dallas Department of Economic Development (as of October 1, 2014).

CONSTRUCTION VALUATION/BUILDING PERMIT ACTIVITY**

Valuation (\$000)	2014	2013	2012	2011	2010	2009
Residential	\$ 1,574,178	\$ 1,270,705	\$ 1,060,472	\$ 673,100	\$ 650,387	\$ 481,664
Commercial	1,792,730	1,402,317	1,249,854	2,426,771	1,308,526	1,381,078
Total	\$ 3,366,908	\$ 2,673,022	\$ 2,310,326	\$ 3,099,871	\$ 1,958,913	\$ 1,862,742

Source: City of Dallas Building Inspection Division

Other is reflected in Commercial.

These valuations are based on all building permit activity inclusive of single trade permits, new residential and new non-residential construction, residential and non-residential rehabilitation with additions considered as new construction. Excluded are sign permits, barricades, excavations, demolitions, moving permits and tents.

** Permit data is fluid and may fluctuate for the following reasons after the initial data is reported:

- 1) Permit cancellations.
- 2) Permit addendums; reductions or augmentations to the original plans submitted that change the valuation of the project.
- 3) Periodic audits that correct data entry errors after the reporting period has closed.

TRANSPORTATION . . . Dallas' success as a leader in transportation is a result of its excellent airports, rail routes, and interstate highway systems. Positioned centrally to both the east and west coasts, Dallas is easily accessible to all areas of the United States, Mexico and Canada. Direct flight time to any North American city takes less than four hours. In addition, Dallas is the center point between North America's five largest business centers - New York, Los Angeles, Chicago, Mexico City and Toronto.

Dallas/Fort Worth International Airport is a major contributor to the City's diversified economy. It is among the world's busiest airports in terms of total operation ranked fourth in the world. Approximately 60 million passengers traveled through the airport for the previous 12 months, as of August 2014.

Dallas Love Field, located seven miles north of the Central Business District, is also extremely valuable to the Dallas economy. Approximately 8.6 million passengers were carried at Love Field during 2014. It acts as a catalyst for business by providing valuable scheduled air carrier and general aviation transportation services, and attracting and serving major companies that assemble, overhaul and maintain aircraft. Love Field began major renovation to the facility starting in 2010. The Love Field Modernization Program (LFMP) will increase efficiency for travelers while maintaining the convenience that Love Field currently offers passengers.

In the new modernization design, the terminal will decrease in size approximately 25 percent by replacing a large amount of unused and outdated space with modern and efficient facilities. The three original concourses will be demolished and consolidated into one convenient, centrally located concourse for all airlines.

Dallas Executive Airport, formerly known as Redbird Airport, is a public airport located six miles (10 km) southwest of the central business district (CBD) of the City of Dallas, in Dallas County, Texas, USA. The airport is used entirely for general aviation purposes and serves as a reliever airport for Dallas Love Field. It has two runways, the longest being 6,451 feet long by 150 feet wide. Facilities at the airport include a restaurant, a conference center, Fixed Based Operators and aircraft Hangar and tie-down areas. The airport is home to approximately 126 individual, enclosed T-hangars.

The Dallas Vertiport is a Facility located at the Dallas Convention Center at the Central Business District and built to accommodate helicopters and tiltrotor type aircraft. It has two landing areas with independent approaches and facilities for flight planning and meetings and 5 tie-down areas.

Dallas has a well-developed highway system. There are five interstate highways which run north/south and east/west including a loop freeway encompassing the City. Dallas has 19 other major U.S. and state highways. Dallas is a principal trucking and freight distribution center with approximately 120 trucking companies. Overnight pickup and delivery services are available to most cities.

Dallas is a major hub for hundreds of rail routes. Major railroads that serve the Dallas area include Burlington Northern Santa Fe Railway, Kansas City Southern Railway and Union Pacific. Amtrak provides passenger train service at Union Station in downtown Dallas with three lines: Chicago, Los Angeles, and San Antonio.

The City is part of an integrated regional mass transit system – Dallas Area Rapid Transit (DART). DART consists of the City of Dallas and 13 cities and is funded by a 1.0% local sales tax assessed in the cities within the service area as well as fare revenues and federal funds for certain capital projects. The DART Service Area is approximately 700 square miles. The DART Transit System Plan is designed to provide a balanced combination of transit services and facilities to meet the region's mobility needs. DART's mission is made both difficult and necessary by the size and sprawl of the metroplex. Unlike some cities that funnel transportation into the central business district, the metroplex has multiple "cores" that have developed in suburban communities and along existing transportation routes. These mini-hubs complicate transportation service requirements and necessitate a range of mobility programs.

DART provides fixed-route bus service with a total of 612 vehicle fleet from three DART-owned facilities. DART currently operates 85 miles of light rail. A 34-mile commuter rail service between downtown Dallas and Fort Worth is operated jointly by DART and the Fort Worth Transportation Authority. Additionally, DART operates and maintains 75 freeway miles of high-occupancy vehicle (HOV) lanes and provides Paratransit service to more than 11,550 riders.

Sources: Greater Dallas Chamber; The Dallas Facts; Dallas Area Rapid Transit (DART); the City of Dallas, Dallas/Fort Worth International Airport.

EDUCATION . . .The Dallas Independent School District (DISD) had approximately 159,713 students enrolled for the 2013-2014 school year. DISD has 224 schools, including four elementary school vanguards (magnets), one elementary school vanguard/middle school academy, two Montessori schools, six magnet middle/high schools, one middle school academy/magnet high school, and two high school/magnet high schools. In May 2008, a \$1.35 billion bond program was approved to build fifteen new schools, 177 new classrooms in existing schools and additional renovations.

There are 48 college and university campuses in the Dallas metroplex area, enrolling over 220,000 students. Twenty-six campuses offer 4-year undergraduate degree programs, 19 offer 2-year associate degree programs and 22 offer advanced degrees.

Sources: Dallas Independent School District; Greater Dallas Chamber, The Dallas Facts.

MEDICAL . . .The Dallas metropolitan area is a major medical center providing "state-of-the-art" equipment and facilities. There are 24 general hospitals in Dallas County which are licensed for nearly 8,000 beds. In addition, there are two pediatric, two psychiatric and several long-term/rehabilitation hospitals.

As a complement to its excellent medical treatment facilities, Dallas is becoming a leading force in biomedical research. The University of Texas Southwestern Medical Center at Dallas has five Nobel Prize winners on the faculty and staff. Nationally recognized medical and dental schools in Dallas include University of Texas Southwestern Medical Center, Texas A&M University System - Baylor College of Dentistry and Baylor University School of Nursing.

Sources: The University of Texas Southwestern Medical Center at Dallas; The Texas State Board of Medical Examiners.

TOURISM . . .According to the Dallas Convention and Visitors Bureau, Dallas ranks among the top convention cities in the nation. April 24, 2013 City Council renamed the Dallas Convention Center the Kay Bailey Hutchison Convention Center, which has the largest convention center of its kind in Texas with approximately 1.0 million square feet of total space. There are 96 meeting rooms and over one million square feet of exhibit space. The convention center also boasts the world's largest column-free exhibit hall and a fully equipped theater along with catering capabilities and a cafeteria. The Center has both open and covered parking and the facilities include a Heliport/Vertiport. Dallas is one of the leading convention cities in the nation, attracting nearly four million convention delegates who contribute in excess of \$4 billion to the local economy while attending more than 3,600 conventions a year.

Dallas is the number one visitor and leisure destination in Texas. Annually, more than 30 million people visit metropolitan Dallas. The Dallas area annually receives \$9.6 billion from visitors. There are approximately 65,000 hotel rooms.

On September 15, 2009, City broke ground on the 23-story Omni Dallas Convention Center Hotel. The 1,000 room hotel opened November 11, 2011. The Dallas Convention & Visitors Bureau has received commitments for meetings totaling 400,000 definite room nights for groups committed to Dallas for future years using the Omni Dallas Convention Center hotel.

Source: Dallas Convention Center; Dallas Convention and Visitors Bureau.

RECREATION . . .Dallas offers numerous recreational, cultural and entertainment opportunities. Within the City are 374 public parks and open spaces covering 23,331 acres plus 4,400 surface acres of water. There are over 60 lakes and reservoirs within 100 miles of Dallas covering more than 550,000 acres and four state parks within an hour of Dallas. There are 39 private and 34 municipal golf courses in the area.

The Dallas metropolitan area hosts numerous national annual sporting events and has several large amusement parks. Major golf tournaments include the EDS Byron Nelson and the Bank of America Colonial Golf Tournament. Dallas is one of few metropolitan areas with four professional sports teams, including the Dallas Cowboys football team, the Dallas Mavericks basketball team, the Texas Rangers baseball team and the Dallas Stars hockey team.

Key attractions include the Dallas Museum of Art, Nasher Sculpture Center, Crow Collection of Asian Art, Dallas Black Dance Theater Center, and Morton H Meyerson Symphony Center, home of the Dallas Symphony Orchestra. In October 2009, with the opening of the AT&T Performing Arts Center, three new cultural facilities were added to the Arts District: Winspear Opera House, Wyly Theater, and Sammons Performance Park. The Dallas area has a number of museums, galleries, theaters, orchestras and dance groups.

Sources: City of Dallas, Parks and Recreation Department; City of Dallas, Office of Cultural Affairs.

APPENDIX B

SELECTED PROVISIONS OF THE BOND ORDINANCES

SELECTED PROVISIONS OF THE BOND ORDINANCES

The City will adopt the Ordinances authorizing the Series 2016A Bonds and the Taxable Series 2016B Bonds, which will be in substantially the same form as the ordinances authorizing the outstanding Previously Issued Parity Bonds. Selected provisions of the Ordinances are shown below. The excerpts presented herein do not purport to be complete statements of each Ordinance, and reference is made to the Ordinance for further information in all respects.

Section 7. **DEFINITIONS.** That the following terms shall have the meanings set forth below, unless the text hereof specifically indicates otherwise:

The term "Additional Bonds" shall mean the additional parity revenue bonds which the City reserves the right to issue in the future, as provided in the Ordinance.

The term "Amortization Installment", with respect to any Term Bonds of any Previously Issued Parity Bonds, any of the Bonds designated in either Ordinance as Term Bonds, or any series of Additional Bonds, shall mean the amount of money which is required to be deposited into the Mandatory Redemption Account referred to in Section 10(b) of each Ordinance for retirement of such Term Bonds (whether at maturity or by mandatory redemption and including redemption premium, if any), provided that the total Amortization Installments for such Term Bonds shall be sufficient to provide for retirement of the aggregate principal amount of such Term Bonds.

The term "Authorized Denomination" shall mean \$5,000 or any integral multiple thereof.

The term "Bonds", as used in this summary, shall include the Series 2016A Bonds and the Taxable Series 2016B Bonds. The term "Series 2016A Bonds" shall mean one or more, as the case may be, of the City of Dallas, Texas Waterworks and Sewer System Revenue Refunding Bonds, Series 2016A, authorized to be issued by the Series 2016A Bond Ordinance. The term "Taxable Series 2016B Bonds" shall mean one or more, as the case may be, of the City of Dallas, Texas Waterworks and Sewer System Revenue Refunding Bonds, Taxable Series 2016B, authorized to be issued by the Taxable Series 2016B Bond Ordinance.

The term "Business Day" shall mean a day other than a Saturday, Sunday, a legal holiday, or a day on which banking institutions are authorized by law or executive order to close in the City or the city where the Designated Trust Office of the Paying Agent/Registrar is located.

The term "Chapter 9" shall mean Chapter 9, Texas Business & Commerce Code, as amended.

The term "Chapter 1206" shall mean Chapter 1206, Texas Government Code, as amended.

The term "Chapter 1207" shall mean Chapter 1207, Texas Government Code, as amended.

The term "Chapter 1208" shall mean Chapter 1208, Texas Government Code, as amended.

The terms "City" and "Issuer" shall mean the City of Dallas, Texas.

The term "Code" shall mean the Internal Revenue Code of 1986, as amended.

The term "Commercial Paper Notes" shall mean the City's Waterworks and Sewer System Commercial Paper Notes, Series D and Series E, authorized to be outstanding from time to time and at any one time in the aggregate principal amount of \$600,000,000.

The term "DTC" shall mean The Depository Trust Company, New York, New York.

The term "DTC Participant" shall mean the securities brokers and dealers, banks, trust companies, clearing corporations and certain other organizations on whose behalf DTC was created to hold securities to facilitate the clearance and settlement of securities transactions among DTC Participants.

The term "Designated Trust Office" shall mean the designated corporate trust office of the Paying Agent/Registrar.

The terms "Gross Revenues of the City's Combined Waterworks and Sewer System" and "Gross Revenues" shall mean all revenues, income, and receipts of every nature derived or received by the City from the operation and ownership of the System, including the interest income from the investment or deposit of money in any Fund created by the Ordinance, or maintained by the City in connection with the System.

The term "Interest and Sinking Fund" shall have the meaning as set forth in Section 10(a) of the Ordinance.

The term "MAC" shall mean the Municipal Advisory Council of Texas.

The term "MSRB" shall mean the Municipal Securities Rulemaking Board.

The terms "Net Revenues of the City's Combined Waterworks and Sewer System" and "Net Revenues" shall mean all Gross Revenues after deducting and paying the current expenses of operation and maintenance of the System, as required by Section 1502.056, Texas Government Code, including all salaries, labor, materials, interest, repairs, and extensions necessary to render efficient service; provided, however, that only such repairs and extensions, as in the judgment of the City Council, reasonably and fairly exercised by the adoption of the appropriate resolution, are necessary to keep the System in operation and render adequate service to the City and the inhabitants thereof, or such as might be necessary to meet some physical accident or condition which would otherwise impair the Previously Issued Parity Bonds, the Bonds or Additional Bonds, shall be deducted in determining "Net Revenues". Payments made by the City for water supply or treatment of sewage which constitute under the law operation and maintenance expense shall be considered herein as expenses incurred in the operation and maintenance of the System. Depreciation and any payments to the City in lieu of ad valorem taxes and any other similar payments shall never be considered as an expense of operation and maintenance.

The term "Ordinance", as used in this summary, shall include the Series 2016A Bond Ordinance and the Taxable Series 2016B Bond Ordinance. The term "Series 2016A Bond Ordinance" shall mean the ordinance authorizing the issuance of the Series 2016A Bonds. The term "Taxable Series 2016B Bond Ordinance" shall mean the ordinance authorizing the issuance of the Taxable Series 2016B Bonds.

The term "Paying Agent/Registrar" shall mean U.S. Bank National Association, or any successor thereto named in accordance with the Ordinance.

The term "Pledged Revenues" shall mean

- (1) the Net Revenues, plus
- (2) any additional revenues, income, receipts, or other resources, including, without limitation, any grants, donations, or income received or to be received from the United States Government, or any other public or private source, whether pursuant to an agreement or otherwise, which hereafter may be pledged to the payment of the Previously Issued Parity Bonds, Bonds or Additional Bonds.

The term "Previously Issued Parity Bonds" shall mean the Series 2006 Bonds, the Series 2007 Bonds, the Series 2008 Bonds, the Series 2009A Bonds, the Series 2009B Bonds, the Series 2009C Bonds, the Series 2010 Bonds, the Series 2011 Bonds, the Series 2012A Bonds, the Series 2012B Bonds and the Series 2013 Bonds.

The term "Registration Books" shall mean the books or records of the registration and transfer of the Bonds.

The term "Reserve Fund" shall have the meaning as set forth in Section 11 of the Ordinance.

The term "Revenue Fund" shall have the meaning as set forth in Section 9 of the Ordinance.

The term "Rule" shall mean SEC Rule 15c2-12, as amended from time to time.

The term "SEC" shall mean the United States Securities and Exchange Commission.

The term "Series 1981 Bonds" shall mean the City of Dallas, Texas Waterworks and Sewer System Revenue Refunding Bonds, Series 1981, dated April 1, 1981, and authorized by ordinance of the City passed April 1, 1981; the term "Series 2006 Bonds" shall mean the City of Dallas, Texas Waterworks and Sewer System Revenue Refunding and Improvement Bonds, Series 2006, dated April 1, 2006, and authorized by ordinance of the City passed April 12, 2006; the term "Series 2007 Bonds" shall mean the City of Dallas, Texas Waterworks and Sewer System Revenue Refunding Bonds, Series 2007, dated March 15, 2007, and authorized by ordinance of the City passed March 21, 2007; the term "Series 2008 Bonds" shall mean the City of Dallas, Texas Waterworks and Sewer System Revenue Refunding Bonds, Series 2008, dated May 15, 2008, and authorized by ordinance of the City passed May 28, 2008; the term "Series 2009A Bonds" shall mean the City of Dallas, Texas Waterworks and Sewer System Revenue Bonds, Series 2009A, dated February 1, 2009, and authorized by ordinance of the City passed February 11, 2009; the term "Series 2009B Bonds" shall mean the City of Dallas, Texas Waterworks and Sewer System Revenue Bonds, Series 2009B, dated February 1, 2009, and authorized by ordinance of the City passed February 11, 2009; the term "Series 2009C

Bonds" shall mean the City of Dallas, Texas Waterworks and Sewer System Revenue Bonds, Series 2009C, dated February 1, 2009, and authorized by ordinance of the City passed February 11, 2009; the term "Series 2010 Bonds" shall mean the City of Dallas, Texas Waterworks and Sewer System Revenue Refunding Bonds, Series 2010, dated June 15, 2010, and authorized by ordinance of the City passed June 9, 2010; the term "Series 2011 Bonds" shall mean the City of Dallas, Texas Waterworks and Sewer System Revenue Refunding Bonds, Series 2011, dated July 26, 2011, and authorized by ordinance of the City passed June 23, 2011; the term "Series 2012A Bonds" shall mean the City of Dallas, Texas Waterworks and Sewer System Revenue Refunding Bonds, Series 2012A, dated September 19, 2012, and authorized by ordinance of the City passed August 8, 2012; the term "Series 2012B Bonds" shall mean the City of Dallas, Texas Waterworks and Sewer System Revenue Refunding Bonds, Taxable Series 2012B, dated September 19, 2012, and authorized by ordinance of the City passed August 8, 2012; the term "Series 2013 Bonds" shall mean the City of Dallas, Texas Waterworks and Sewer System Revenue Refunding and Improvement Bonds, Series 2013, dated September 17, 2013, and authorized by ordinance of the City passed August 14, 2013; the term "Series 2015A Bonds" shall mean the City of Dallas, Texas Waterworks and Sewer System Revenue Refunding Bonds, Series 2015A, dated March 25, 2015, and authorized by ordinance of the City passed February 25, 2015; and the term "Series 2015B Bonds" shall mean the City of Dallas, Texas Waterworks and Sewer System Revenue Refunding Bonds, Taxable Series 2015B, dated March 25, 2015, and authorized by ordinance of the City passed February 25, 2015.

The term "System" shall mean and include the City's combined existing waterworks and sewer system, together with all future extensions, improvements, enlargements, and additions thereto, and all replacements thereof; provided that, notwithstanding the foregoing, and to the extent now or hereafter authorized or permitted by law, the term System shall not include any waterworks or sewer facilities which are declared not to be a part of the System and which are acquired or constructed by the City with the proceeds from the issuance of "Special Facilities Bonds", which are hereby defined as being special revenue obligations of the City which are not secured by or payable from the Pledged Revenues as defined herein, but which are secured by and payable solely from special contract revenues or payments received from any other legal entity in connection with such facilities; and such revenues or payments shall not be considered as or constitute Gross Revenues of the System, unless and to the extent otherwise provided in the ordinance or ordinances authorizing the issuance of such "Special Facilities Bonds".

The term "Term Bonds" means those Bonds (if any) so designated in each Ordinance, and those Previously Issued Parity Bonds or Additional Bonds so designated in the ordinances authorizing such bonds, which shall be subject to retirement by operation of the Mandatory Redemption Account referred to in Section 10(a) of the Ordinance.

The term "Year" shall mean the regular fiscal year used by the City in connection with the operation of the System, which may be any twelve consecutive months period established by the City.

Section 8. **PLEDGE.** (a) That the Previously Issued Parity Bonds, the Bonds and any Additional Bonds, and any interest payable thereon, are and shall be secured by and payable from an irrevocable first lien on and pledge of the Pledged Revenues; and the Pledged Revenues are further pledged irrevocably to the establishment and maintenance of the Interest and Sinking Fund and the Reserve Fund as hereinafter provided. The Previously Issued Parity Bonds, the Bonds and any Additional Bonds are and will be secured by and payable only from the Pledged Revenues, and are not secured by or payable from a mortgage or deed of trust on any real, personal or mixed properties constituting the System.

(b) That Chapter 1208 applies to the issuance of the Bonds and the pledge of the Pledged Revenues granted by the City under subsection (a) of this Section, and such pledge is therefore valid, effective, and perfected. If Texas law is amended at any time while the Bonds are outstanding and unpaid such that the pledge of the Pledged Revenues granted by the City is to be subject to the filing requirements of Chapter 9, then in order to preserve to the registered owners of the Bonds the perfection of the security interest in said pledge, the City agrees to take such measures as it determines are reasonable and necessary under Texas law to comply with the applicable provisions of Chapter 9 and enable a filing to perfect the security interest in said pledge to occur.

Section 9. **REVENUE FUND.** That there has been created and established on the books of the City, and accounted for separate and apart from all other funds of the City, a special fund entitled the "City of Dallas, Texas, Waterworks and Sewer System Revenue Fund" (the "Revenue Fund"). All Gross Revenues are and shall be credited to the Revenue Fund immediately upon receipt. All current expenses of operation and maintenance of the System are and shall be paid from such Gross Revenues as a first charge against same.

Section 10. **INTEREST AND SINKING FUND.** (a) That for the sole purpose of paying the principal of and interest on the Previously Issued Parity Bonds, the Bonds and any Additional Bonds, as the same come due, there has been created and established on the books of the City a separate fund entitled the "City of Dallas, Texas, Waterworks and Sewer System Revenue Bonds Interest and Sinking Fund" (the "Interest and Sinking Fund"). Monies in the Interest and Sinking Fund are and shall be maintained at an official depository bank of the City.

(b) That within the Interest and Sinking Fund there has been established the Mandatory Redemption Account, into which account shall be credited the Amortization Installments which shall be used for the payment of the principal of Term Bonds as the same shall come due, whether by maturity thereof or by redemption, through the operation of the Mandatory Redemption Account.

Section 11. **RESERVE FUND.** That there has been created and established on the books of the City a separate fund entitled the "City of Dallas, Texas, Waterworks and Sewer System Revenue Bonds Reserve Fund" (the "Reserve Fund"). Monies in the Reserve Fund shall be used solely for the purpose of retiring the last of any Previously Issued Parity Bonds, Bonds or Additional Bonds as they become due or paying principal of and interest on any Previously Issued Parity Bonds, Bonds or Additional Bonds when and to the extent the amounts in the Interest and Sinking Fund are insufficient for such purpose. Monies in the Reserve Fund shall be maintained at an official depository bank of the City.

Section 12. **DEPOSITS OF PLEDGED REVENUES; INVESTMENTS.** (a) That the Pledged Revenues shall be deposited in the Interest and Sinking Fund and the Reserve Fund when and as required by ordinances authorizing Previously Issued Parity Bonds and by each Ordinance.

(b) That money in any Fund established by ordinances authorizing Previously Issued Parity Bonds may, at the option of the City, be (A) placed in time deposits or certificates of deposit which are secured by (i) obligations of the type described in (B) hereinbelow, (ii) any obligations of the City, or (iii) any municipal bonds issued by a political subdivision in Texas bearing a rating by Standard & Poor's Corporation of "BBB" or Moody's Investors Service of "Baa", or better or (B) invested, including investments held in book-entry form, in (i) direct obligations of the United States of America, (ii) obligations guaranteed or insured by the United States of America, which, in the opinion of the Attorney General of the United States, are backed by its full faith and credit or represent its general obligations, or, (iii) to the extent permitted by law, evidences of indebtedness issued, insured or guaranteed by such governmental agencies as the Federal Land Banks, Federal Intermediate Credit Banks, Banks for Cooperatives, Federal Home Loan Banks, Government National Mortgage Association, United States Postal Service, Farmers Home Association, and the Federal Home Loan Mortgage Association; provided that all such deposits and investments shall have a par value (or market value when less than par) exclusive of accrued interest at all times at least equal to the amount of money credited to such Funds, and shall be made in such manner that the money required to be expended from any Fund will be available at the proper time or times. Money in the Reserve Fund shall not be invested in securities maturing later than the final maturity of the Previously Issued Parity Bonds, the Bonds, and Additional Bonds. Such investments shall be valued in terms of current market value as of the last day of each Year, except that direct obligations of the United States (State and Local Government Series) in book-entry form shall be continuously valued at their par or face principal amount. Such investments shall be sold promptly when necessary to prevent any default in connection with the Previously Issued Parity Bonds, the Bonds or Additional Bonds.

Section 13. **FUNDS SECURED.** That money in all Funds created by each Ordinance, to the extent not invested, shall be secured in the manner prescribed by law for securing funds of the City.

Section 14. **DEBT SERVICE REQUIREMENTS.** (a) That promptly after the delivery of the Bonds the City shall cause to be deposited to the credit of the Interest and Sinking Fund any accrued interest received from the sale and delivery of the Bonds, and any such deposit shall be used to pay part of the interest next coming due on the Bonds.

(b) That in addition to all amounts heretofore required to be transferred from the Pledged Revenues and deposited to the credit of the Interest and Sinking Fund by the ordinances authorizing the issuance of the Previously Issued Parity Bonds, the City shall transfer from the Pledged Revenues and deposit to the credit of the Interest and Sinking Fund the amounts, at the times, as follows:

(1) such amounts, deposited in approximately equal monthly installments on or before the 25th day of each month hereafter, commencing with the month during which the Bonds are delivered, or the month thereafter if delivery is made after the 25th day thereof, as will be sufficient, together with other amounts, if any, then on hand in the Interest and Sinking Fund and available for such purpose, to pay the interest scheduled to accrue and come due on the Bonds on the next succeeding interest payment date; and

(2) such amounts, deposited in approximately equal monthly installments on or before the 25th day of each month hereafter, commencing with the month during which the Bonds are delivered, or the month thereafter if delivery is made after the 25th day thereof, as will be sufficient, together with other amounts, if any, then on hand in the Interest and Sinking Fund and available for such purpose, to pay the principal scheduled to mature and come due on the Bonds on the next succeeding principal payment date.

Section 15. **RESERVE REQUIREMENTS.** That the Reserve Fund shall be maintained in an amount equal to the average annual principal and interest requirements (including Amortization Installments) of the Previously Issued Parity Bonds,

the Bonds and Additional Bonds (the "Required Amount"). When and so long as the money and investments in the Reserve Fund are not less than the Required Amount, no deposits need be made to the credit of the Reserve Fund. When and if the Reserve Fund contains less than the Required Amount due to the issuance of the Bonds or Additional Bonds, beginning on the 25th day of the month following the delivery of the Bonds or Additional Bonds to the purchasers thereof, and continuing for sixty months, the City shall transfer from the Pledged Revenues and deposit to the credit of the Reserve Fund an amount equal to 1/60th of the difference determined as of such delivery date between the amount in the Reserve Fund and the Required Amount. When and if the Reserve Fund at any time contains less than the Required Amount due to any cause or condition other than the issuance of Additional Bonds, then, subject and subordinate to making the required deposits to the credit of the Interest and Sinking Fund, such deficiency shall be made up as soon as possible from the next available Pledged Revenues, or from any other sources available for such purpose. The City may, at its option, withdraw and use for any lawful purpose not inconsistent with the City's Charter, all surplus in the Reserve Fund over the Required Amount.

Section 16. **DEFICIENCIES; EXCESS PLEDGED REVENUES.** (a) That if on any occasion there shall not be sufficient Pledged Revenues to make the required deposits into the Interest and Sinking Fund and the Reserve Fund, then such deficiency shall be made up as soon as possible from the next available Pledged Revenues, or from any other sources available for such purpose.

(b) That, subject to making the required deposits to the credit of the Interest and Sinking Fund and the Reserve Fund when and as required by each Ordinance, or any ordinance authorizing the issuance of Previously Issued Parity Bonds or Additional Bonds, the excess Pledged Revenues may be used by the City for any lawful purpose not inconsistent with the City's Charter.

Section 17. **PAYMENT OF THE BONDS AND ADDITIONAL BONDS.** That on or before October 1, 2016, and semiannually on or before each April 1 and October 1 thereafter while any of the Previously Issued Parity Bonds, the Bonds or Additional Bonds are outstanding and unpaid, the City shall make available to the paying agents therefor (including the Paying Agent/Registrar), out of the Interest and Sinking Fund and the Reserve Fund (if necessary), money sufficient to pay such interest on and such principal of the Previously Issued Parity Bonds, the Bonds and Additional Bonds as shall become due on such dates, respectively, at maturity or by redemption prior to maturity. The aforesaid paying agents (including the Paying Agent/Registrar) shall destroy all paid Previously Issued Parity Bonds, Bonds and Additional Bonds, and furnish the City with an appropriate certificate of cancellation or destruction.

Section 18. **FINAL DEPOSITS; GOVERNMENTAL OBLIGATIONS.** (a) That any Previously Issued Parity Bond, Bond or Additional Bond shall be deemed to be paid, retired and no longer outstanding within the meaning of this Ordinance when payment of the principal of, redemption premium, if any, on such bond, plus interest thereon to the due date thereof (whether such due date be by reason of maturity, upon redemption, or otherwise) either (i) shall have been made or caused to be made in accordance with the terms thereof (including the giving of any required notice of redemption), or (ii) shall have been provided for by irrevocably depositing with, or making available to, a paying agent (or escrow agent) therefor, in trust and irrevocably set aside exclusively for such payment, (1) money sufficient to make such payment or (2) Government Obligations, as hereinafter defined in this Section, certified by an independent public accounting firm of national reputation to mature as to principal and interest in such amounts and at such times as will insure the availability, without reinvestment, of sufficient money to make such payment, and all necessary and proper fees, compensation, and expenses of such paying agent pertaining to the bonds with respect to which such deposit is made shall have been paid or the payment thereof provided for to the satisfaction of such paying agent. At such time as a Previously Issued Parity Bond, Bond or Additional Bond shall be deemed to be paid hereunder, as aforesaid, it shall no longer be secured by or entitled to the benefit of the Ordinance or such other ordinance securing such bond or a lien on and pledge of the Pledged Revenues, and shall be entitled to payment solely from such money or Government Obligations.

(b) That any moneys so deposited with a paying agent may, at the direction of the City, also be invested in Government Obligations, maturing in the amounts and times as hereinbefore set forth, and all income from all Government Obligations in the hands of the paying agent pursuant to this Section which is not required for the payment of the Previously Issued Parity Bonds, Bonds and Additional Bonds, the redemption premium, if any, and interest thereon, with respect to which such money has been so deposited, shall be remitted to the City.

(c) That the City covenants that no deposit will be made or accepted under clause (a)(ii) of this Section and no use will be made of any such deposit which would cause the Previously Issued Parity Bonds, Bonds or any Additional Bonds to be treated as "arbitrage bonds" within the meaning of section 148 of the Code.

(d) That for the purpose of this Section, the term "Government Obligations" shall mean direct obligations of the United States of America, including obligations the principal of and interest on which are unconditionally guaranteed by the United States of America.

(e) That notwithstanding any other provisions of each Ordinance, all money or Government Obligations set aside and held in trust pursuant to the provisions of this Section for the payment of Previously Issued Parity Bonds, Bonds and Additional Bonds, the redemption premium, if any, and interest thereon, shall be applied to and used for the payment of such Previously Issued Parity Bonds, Bonds and Additional Bonds, the redemption premium, if any, and interest thereon.

(f) That in accordance with the provisions of Section 1207.033, Texas Government Code, the City may call for redemption, at a date earlier than their scheduled maturities, those Bonds which have been defeased to their maturity date. Notwithstanding any other provision of each Ordinance to the contrary, it is hereby provided that any determination not to redeem Bonds defeased under the terms of each Ordinance that is made in conjunction with the payment arrangements specified in clauses (i) or (ii) of subsection (a) above shall not be irrevocable, provided that: (1) in the proceedings providing for such payment arrangements, the City expressly reserves the right to call Bonds so defeased for redemption; (2) the City gives notice of the reservation of that right to the owners of the Bonds so defeased immediately following the making of the payment arrangements; and (3) the City directs that notice of the reservation be included in any redemption notices that it authorizes.

Section 19. ADDITIONAL BONDS. (a) That the City shall have the right and power at any time and from time to time to authorize, issue and deliver additional parity revenue bonds (herein called "Additional Bonds") in one or more series or issues, in accordance with law, in any amounts, for purposes of extending, improving or repairing the System or for the purpose of refunding of any Previously Issued Parity Bonds, Bonds, Additional Bonds or other obligations of the City incurred in connection with the ownership or operation of the System. Such Additional Bonds, if and when authorized, issued and delivered in accordance with this Ordinance, shall be secured by and made payable equally and ratably on a parity with the Previously Issued Parity Bonds, the Bonds, and all other outstanding Additional Bonds, from an irrevocable first lien on and pledge of the Pledged Revenues.

(b) That the Interest and Sinking Fund and the Reserve Fund established by the ordinance authorizing the Series 1981 Bonds shall secure and be used to pay all Additional Bonds as well as the Previously Issued Parity Bonds and the Bonds. However, each ordinance under which Additional Bonds are issued shall provide and require that, in addition to the amounts required to be deposited to the credit of the Interest and Sinking Fund by the provisions of this Ordinance and the provisions of any other ordinance or ordinances authorizing Additional Bonds, the City shall deposit to the credit of the Interest and Sinking Fund at least such amounts as are required for the payment of all principal of and interest on said Additional Bonds then being issued, as the same come due; and that the aggregate amount to be accumulated and maintained in the Reserve Fund shall be increased (if and to the extent necessary) to an amount not less than the average annual principal and interest requirements (including Amortization Installments) of all Previously Issued Parity Bonds, Bonds and Additional Bonds which will be outstanding after the issuance and delivery of the then proposed Additional Bonds; and that the required additional amount shall be so accumulated by the deposit in the Reserve Fund of all or any part of said required additional amount in cash immediately after the delivery of the then proposed Additional Bonds, or, at the option of the City, by the deposit of said required additional amount (or any balance of said required additional amount not deposited in cash as permitted above) in monthly installments, made on or before the 25th day of each month following the delivery of the then proposed Additional Bonds, of not less than 1/60th of said required additional amount (or 1/60th of the balance of said required additional amount not deposited in cash as permitted above).

(c) That all calculations of average annual principal and interest requirements (including Amortization Installments) made pursuant to this Section shall be made as of and from the date of the Additional Bonds then proposed to be issued.

(d) That the principal of all Additional Bonds must be scheduled to be paid or mature on April 1 or October 1 (or both) of the years in which such principal is scheduled to be paid or mature; and all interest thereon must be payable on April 1 and October 1.

Section 20. FURTHER REQUIREMENTS FOR ADDITIONAL BONDS. That Additional Bonds shall be issued only in accordance with the Ordinance, but notwithstanding any provisions of this Ordinance to the contrary, no installment, Series or issue of Additional Bonds shall be issued or delivered unless:

(a) The Mayor and the City Secretary of the City sign a written certificate to the effect that the City is not in default as to any covenant, condition or obligation in connection with all outstanding Previously Issued Parity Bonds, the Bonds and Additional Bonds, and the ordinances authorizing same, and that the Interest and Sinking Fund and the Reserve Fund each contains the amount then required to be therein.

(b) An independent certified public accountant, or independent firm of certified public accountants, signs a written certificate to the effect that, during either the next preceding Year, or any twelve consecutive calendar month period ending not more than ninety days prior to the date of the then proposed Additional Bonds, the Net Revenues were, in his or its opinion, at least equal to 1.25 times the average annual principal and interest requirements (computed on a fiscal year basis)

including Amortization Installments, of all Previously Issued Parity Bonds, the Bonds and Additional Bonds to be outstanding after the issuance of the then proposed Additional Bonds.

Section 21. **GENERAL COVENANTS.** That the City further covenants and agrees that in accordance with and to the extent required or permitted by law:

(a) **Performance.** It will faithfully perform at all times any and all covenants, undertakings, stipulations, and provisions contained in each Ordinance, and each ordinance authorizing the issuance of Previously Issued Parity Bonds and Additional Bonds, and in each and every Previously Issued Parity Bond, Bond and Additional Bond; it will promptly pay or cause to be paid the principal of and interest on every Previously Issued Parity Bond, Bond and Additional Bond, on the dates and in the places and manner prescribed in such ordinances and Previously Issued Parity Bonds, Bonds or Additional Bonds; and it will, at the times and in the manner prescribed, deposit or cause to be deposited the amounts required to be deposited into the Interest and Sinking Fund and the Reserve Fund; and any holder of the Previously Issued Parity Bonds, Bonds or Additional Bonds may require the City, its officials and employees to carry out, respect or enforce the covenants and obligations of each Ordinance, or any ordinance authorizing the issuance of Additional Bonds, by all legal and equitable means, including specifically, but without limitation, the use and filing of mandamus proceedings, in any court of competent jurisdiction, against the City, its officials and employees.

(b) **City's Legal Authority.** It is a duly created and existing home rule city of the State of Texas, and is duly authorized under the laws of the State of Texas to create and issue the Bonds; that all action on its part for the creation and issuance of the Bonds has been duly and effectively taken; and that the Bonds in the hands of the holders and owners thereof are and will be valid and enforceable special obligations of the City in accordance with their terms.

(c) **Title.** It has or will obtain lawful title to the lands, buildings, structures and facilities constituting the System, that it warrants that it will defend the title to all the aforesaid lands, buildings, structures and facilities, and every part thereof, for the benefit of the holders and owners of the Previously Issued Parity Bonds, Bonds and Additional Bonds, against the claims and demands of all persons whomsoever, that it is lawfully qualified to pledge the Pledged Revenues to the payment of the Previously Issued Parity Bonds, Bonds and Additional Bonds in the manner prescribed herein, and has lawfully exercised such rights.

(d) **Liens.** It will from time to time and before the same become delinquent pay and discharge all taxes, assessments and governmental charges, if any, which shall be lawfully imposed upon it, or the System; it will pay all lawful claims for rents, royalties, labor, materials, and supplies which if unpaid might by law become a lien or charge thereon, the lien of which would be prior to or interfere with the liens hereof, so that the priority of the liens granted hereunder shall be fully preserved in the manner provided herein; and it will not create or suffer to be created any mechanic's, laborer's, materialman's or other lien or charge which might or could be prior to the liens hereof, or do or suffer any matter or thing whereby the liens hereof might or could be impaired; provided, however, that no such tax, assessment or charge, and that no such claims which might be used as the basis of a mechanic's, laborer's, materialman's or other lien or charge, shall be required to be paid so long as the validity of the same shall be contested in good faith by the City.

(e) **Operation of System; No Free Service.** It will, while the Previously Issued Parity Bonds, Bonds or any Additional Bonds are outstanding and unpaid, continuously and efficiently operate the System, and shall maintain the System in good condition, repair and working order, all at reasonable cost. No free service of the System shall be allowed, and should the City or any of its agencies or instrumentalities make use of the services and facilities of the System, payment of the reasonable value shall be made by the City out of funds from sources other than the revenues of the System, unless made from surplus or excess Pledged Revenues as permitted in Section 16(b) of each Ordinance.

(f) **Further Encumbrance.** It, while the Previously Issued Parity Bonds, Bonds or any Additional Bonds are outstanding and unpaid, will not additionally encumber the Pledged Revenues in any manner, except as permitted in this Ordinance in connection with Additional Bonds, unless said encumbrance is made junior and subordinate in all respects to the liens, pledges, covenants and agreements of this Ordinance; but the right of the City to issue revenue bonds payable from a subordinate lien on the Pledged Revenues is specifically recognized and retained.

(g) **Sale or Disposal of Property.** It, while the Previously Issued Parity Bonds, the Bonds or any Additional Bonds are outstanding and unpaid, will not sell, convey, mortgage, encumber, lease or in any manner transfer title to, or otherwise dispose of the System, or any significant or substantial part thereof; provided that whenever the City deems it necessary to dispose of any property, machinery, fixtures or equipment, it may sell or otherwise dispose of such property, machinery, fixtures or equipment when it has made arrangements to replace the same or provide substitutes therefor, unless it is determined that no such replacement or substitute is necessary. Proceeds from any sale hereunder not used to replace or provide for substitution of such property sold, shall be used for improvements to the System or to purchase or redeem Previously Issued Parity Bonds, Bonds and Additional Bonds.

(h) **Insurance.** (1) It shall cause to be insured such parts of the System as would usually be insured by corporations operating like properties, with a responsible insurance company or companies, against risks, accidents or casualties against which, and to the extent, insurance is usually carried by corporations operating like properties, including, to the extent reasonably obtainable, fire and extended coverage insurance, insurance against damage by floods, and use and occupancy insurance. Public liability and property damage insurance shall also be carried unless the City Attorney of the City gives a written opinion to the effect that the City is not liable for claims which would be protected by such insurance. At any time while any contractor engaged in construction work shall be fully responsible therefor, the City shall not be required to carry insurance on the work being constructed if the contractor is required to carry appropriate insurance. All such policies shall be open to the inspection of the bondholders and their representatives at all reasonable times. Upon the happening of any loss or damage covered by insurance from one or more of said causes, the City shall make due proof of loss and shall do all things necessary or desirable to cause the insuring companies to make payment in full directly to the City. The proceeds of insurance covering such property, together with any other funds necessary and available for such purpose, shall be used forthwith by the City for repairing the property damaged or replacing the property destroyed; provided, however, that if said insurance proceeds and other funds are insufficient for such purpose, then said insurance proceeds pertaining to the System shall be used promptly as follows:

(i) for the redemption prior to maturity of the Previously Issued Parity Bonds, the Bonds and Additional Bonds, ratably in the proportion that the outstanding principal of each series of Previously Issued Parity Bonds, Bonds or Additional Bonds bears to the total outstanding principal of all Previously Issued Parity Bonds, Bonds and Additional Bonds, provided that, if on any such occasion the principal of any such series is not subject to redemption, it shall not be regarded as outstanding in making the foregoing computation; or

(ii) if none of the outstanding Previously Issued Parity Bonds, Bonds or Additional Bonds is subject to redemption, then for the purchase on the open market and retirement of said Previously Issued Parity Bonds, Bonds and Additional Bonds in the same proportion as prescribed in the foregoing clause (i), to the extent practicable; provided that the purchase price for any Previously Issued Parity Bond, Bond or Additional Bond shall not exceed the redemption price of such Previously Issued Parity Bond, Bond or Additional Bond on the first date upon which it becomes subject to redemption; or

(iii) to the extent that the foregoing clauses (i) and (ii) cannot be complied with at the time, the insurance proceeds, or the remainder thereof, shall be deposited in a special and separate trust fund, at an official depository of the City, to be designated the Insurance Account. The Insurance Account shall be held until such time as the foregoing clauses (i) and/or (ii) can be complied with, or until other funds become available which, together with the Insurance Account, will be sufficient to make the repairs or replacements originally required, whichever of said events occurs first.

(2) The foregoing provisions of (1) above notwithstanding, the City shall have authority to enter into coinsurance or similar plans where risk of loss is shared in whole or in part by the City.

(3) The annual audit hereinafter required shall contain a section commenting on whether or not the City has complied with the requirements of this Section with respect to the maintenance of insurance, and listing all policies carried, and whether or not all insurance premiums upon the insurance policies to which reference is hereinbefore made have been paid.

(i) **Rate Covenant.** The City Council of the City will fix, establish, maintain and collect such rates, charges and fees for the use and availability of the System at all times as are necessary to produce Gross Revenues sufficient, (1) to pay all current operation and maintenance expenses of the System, (2) to produce Net Revenues for each Year at least equal to 1.25 times the principal and interest requirements (including Amortization Installments) of all then outstanding Previously Issued Parity Bonds, Bonds and Additional Bonds for the Year during which such requirements are scheduled to be the greatest, and (3) to pay all other obligations of the System.

(j) **Records.** It will keep proper books of record and account in which full, true and correct entries will be made of all dealings, activities and transactions relating to the System, the Pledged Revenues and the Funds created pursuant to this Ordinance, and all books, documents and vouchers relating thereto shall at all reasonable times be made available for inspection upon request of any bondholders.

(k) **Audits.** After the close of each Year while any of the Previously Issued Parity Bonds, Bonds or any Additional Bonds are outstanding, an audit will be made of the books and accounts relating to the System and the Pledged Revenues by an independent certified public accountant or an independent firm of certified public accountants. As soon as practicable after the close of each such Year, and when said audit has been completed and made available to the City, a copy of such audit for the preceding Year shall be mailed to the MAC and to any holder of 5% or more in aggregate principal amount of then outstanding Previously Issued Parity Bonds, Bonds and Additional Bonds who shall so request in writing. Such annual audit reports shall be open to the inspection of the bondholders and their agents and representatives at all reasonable times.

(l) **Governmental Agencies.** It will comply with all of the terms and conditions of any and all franchises, permits and authorizations applicable to or necessary with respect to the System, and which have been obtained from any governmental agency; and the City has or will obtain and keep in full force and effect all franchises, permits, authorization and other requirements applicable to or necessary with respect to the acquisition, construction, equipment, operation and maintenance of the System.

(m) **No Competition.** It will not grant any franchise or permit for the acquisition, construction or operation of any competing facilities which might be used as a substitute for the System's facilities, and, to the extent that it legally may, the City will prohibit any such competing facilities.

Section 22. **AMENDMENT OF ORDINANCE.** (a) That the holders of the Previously Issued Parity Bonds, Bonds and Additional Bonds aggregating in principal amount 51% of the aggregate principal amount of then outstanding Previously Issued Parity Bonds, Bonds and Additional Bonds shall have the right from time to time to approve any amendment to each Ordinance which may be deemed necessary or desirable by the City; provided, however, that without the consent of the holders of all of the Previously Issued Parity Bonds, Bonds and Additional Bonds at the time outstanding, nothing herein contained shall permit or be construed to permit the amendment of the terms and conditions in each Ordinance or in the Previously Issued Parity Bonds, Bonds or Additional Bonds so as to:

- (1) Make any change in the maturity of the outstanding Previously Issued Parity Bonds, Bonds or Additional Bonds;
- (2) Reduce the rate of interest borne by any of the outstanding Previously Issued Parity Bonds, Bonds or Additional Bonds;
- (3) Reduce the amount of the principal payable on the outstanding Previously Issued Parity Bonds, Bonds or Additional Bonds;
- (4) Modify the terms of payment of principal of or interest on the outstanding Previously Issued Parity Bonds, Bonds or Additional Bonds or impose any conditions with respect to such payment;
- (5) Affect the rights of the holders of less than all of the Previously Issued Parity Bonds, Bonds and Additional Bonds then outstanding; or
- (6) Change the minimum percentage of the principal amount of Previously Issued Parity Bonds, Bonds and Additional Bonds necessary for consent to such amendment.

(b) That if at any time the City shall desire to amend either Ordinance, the City shall cause notice of the proposed amendment to be published in a financial newspaper or journal published in The City of New York, New York, once during each calendar week for at least two successive calendar weeks. Such notice shall briefly set forth the nature of the proposed amendment and shall state that a copy thereof is on file at the principal office of the Paying Agent/Registrar for inspection by all holders of Previously Issued Parity Bonds, Bonds and Additional Bonds. Such publication is not required, however, if notice in writing is given to each holder of Previously Issued Parity Bonds, Bonds and Additional Bonds.

(c) That whenever at any time not less than thirty days, and within one year, from the date of the first publication of said notice or other service of written notice the City shall receive an instrument or instruments executed by the holders of at least 51% in aggregate principal amount of all Previously Issued Parity Bonds, Bonds and Additional Bonds then outstanding, which instrument or instruments shall refer to the proposed amendment described in said notice and which specifically consent to and approve such amendment in substantially the form of the copy thereof on file with the Paying Agent/Registrar, the City Council may pass the amendatory ordinance in substantially the same form.

(d) That upon the passage of any amendatory ordinance pursuant to the provisions of this Section, the applicable Ordinance shall be deemed to be amended in accordance with such amendatory ordinance, and the respective rights, duties and obligations under the applicable Ordinance of the City and all the holders of then outstanding Previously Issued Parity Bonds, Bonds and Additional Bonds shall thereafter be determined, exercised and enforced hereunder, subject in all respects to such amendments.

(e) That any consent given by the holder of a Previously Issued Parity Bond, Bond or Additional Bond pursuant to the provisions of this Section shall be irrevocable for a period of six months from the date of the first publication of the notice or other service of written notice provided for in this Section, and shall be conclusive and binding upon all future holders of the same Previously Issued Parity Bond, Bond or Additional Bond during such period. Such consent may be revoked at any time

after six months from the date of the first publication of such notice or other service of written notice by the holder who gave such consent, or by a successor in title, by filing notice thereof with the paying agent/registrars therefor and the City, but such revocation shall not be effective if the holders, identified in accordance with subsection (f) of this Section, of 51% in aggregate principal amount of the then outstanding Previously Issued Parity Bonds, Bonds and Additional Bonds have, prior to the attempted revocation, consented to and approve the amendment.

(f) That for the purpose of this Section, the fact of the holding of Previously Issued Parity Bonds, Bonds, or Additional Bonds issued in registered form without coupons and the amounts and numbers of such Previously Issued Parity Bonds, Bonds or Additional Bonds and the date of their holding same shall be proved by the bond registration books of the paying agent/registrars therefor. For purposes of this Section, the holder of a Previously Issued Parity Bond, Bond or Additional Bond in such registered form shall be the owner thereof as shown on such registration books. The City may conclusively assume that such ownership continues until written notice to the contrary is served upon the City.

(g) The foregoing provisions of this Section notwithstanding, the City by action of the City Council may amend this Ordinance for any one or more of the following purposes:

(1) To add to the covenants and agreements of the City in either Ordinance contained, other covenants and agreements thereafter to be observed, grant additional rights or remedies to bondholders or to surrender, restrict or limit any right or power herein reserved to or conferred upon the City;

(2) To make such provisions for the purpose of curing any ambiguity, or curing, correcting or supplementing any defective provision contained in either Ordinance, or in regard to clarifying matters or questions arising under this Ordinance, including, without limitation, those matters described in clause (vi) of each Ordinance as described under CONTINUING DISCLOSURE UNDERTAKING – Limitations, Disclaimers, and Amendments, as are necessary or desirable and not contrary to or inconsistent with the applicable Ordinance and which shall not adversely affect the interests of the holders of the Previously Issued Parity Bonds, Bonds or Additional Bonds;

(3) To modify any of the provisions of either Ordinance in any other respect whatever, provided that (i) such modification shall be, and be expressed to be, effective only after all Previously Issued Parity Bonds outstanding at the date of the adoption of such modification shall cease to be outstanding, and (ii) such modification shall be specifically referred to in the text of all Additional Bonds issued after the date of the adoption of such modification.

CONTINUING DISCLOSURE UNDERTAKING. (a) **Annual Reports.** (i) That the City shall provide annually to the MSRB, within six months after the end of each Year ending in or after 2016, financial information and operating data with respect to the City of the general type included in the final official statement for the Bonds authorized by the applicable Ordinance, being the information described in Exhibit B thereto (as such information may be amended or supplemented by the City Manager or the Chief Financial Officer of the City to conform Exhibit B to the final official statement prepared in connection with the sale of the Bonds). The City will additionally provide audited annual financial statements of the City, when and if available, and in any event, within twelve (12) months after the end of each Year ending in or after 2016. If audited financial statements are not available by the end of the twelve (12) month period, then the City shall provide notice that the audited financial statements are not available, shall provide unaudited financial information of the type described in the numbered tables referenced in Exhibit B hereto by the required time, and will provide audited financial statements for the applicable Year to the MSRB, when and if the audit report on such statements become available. Such information shall be transmitted electronically to the MSRB, in such format as prescribed by the MSRB.

(ii) If the Year is changed by the City, the City will notify the MSRB of such change (and of the date of the new Year end) prior to the next date by which the City otherwise would be required to provide financial information and operating data pursuant to this Section. The financial information and operating data to be provided pursuant to this Section may be set forth in full in one or more documents or may be included by specific reference to any document (including an official statement or other offering document, if it is available from the MSRB) that theretofore has been provided to the MSRB or filed with the SEC.

(b) **Disclosure Event Notices.** That the City shall notify the MSRB of any of the following events with respect to the Bonds, in a timely manner not in excess of ten Business Days after the occurrence of the event:

1. Principal and interest payment delinquencies;
2. Non-payment related defaults, if material;
3. Unscheduled draws on debt service reserves reflecting financial difficulties;
4. Unscheduled draws on credit enhancements reflecting financial difficulties;
5. Substitution of credit or liquidity providers, or their failure to perform;
6. Adverse tax opinions, the issuance by the Internal Revenue Service of proposed or final determinations of taxability, Notices of Proposed Issue (IRS Form 5701-TEB) or other material

- notices or determinations with respect to the tax status of the Bonds, or other events affecting the tax status of the Bonds;
7. Modifications to rights of holders of the Bonds, if material;
 8. Bond calls, if material, and tender offers;
 9. Defeasances;
 10. Release, substitution, or sale of property securing repayment of the Bonds, if material;
 11. Rating changes;
 12. Bankruptcy, insolvency, receivership or other similar event of the City;
 13. The consummation of a merger, consolidation, or acquisition involving the City or the sale of all or substantially all of the assets of the City, other than in the ordinary course of business, the entry into a definitive agreement to undertake such an action or the termination of a definitive agreement relating to any such actions, other than pursuant to its terms, if material; and
 14. Appointment of a successor Paying Agent/Registrar or change in the name of the Paying Agent/Registrar, if material.

As used in clause 12 above, the phrase "bankruptcy, insolvency, receivership or similar event" means the appointment of a receiver, fiscal agent or similar officer for the City in a proceeding under the U.S. Bankruptcy Code or in any other proceeding under state or federal law in which a court or governmental authority has assumed jurisdiction over substantially all of the assets of the City, or if jurisdiction has been assumed by leaving the City Council and officials or officers of the City in possession but subject to the supervision and orders of a court or governmental authority, or the entry of an order confirming a plan of reorganization, arrangement or liquidation by a court or governmental authority having supervision or jurisdiction over substantially all of the assets or business of the City. The City shall notify the MSRB, in a timely manner, of any failure by the City to provide financial information or operating data in accordance with subsection (a) of this Section by the time required by such subsection.

(c) **Limitations, Disclaimers, and Amendments.** (i) That the City shall be obligated to observe and perform the covenants specified in this Section for so long as, but only for so long as, the City remains an "obligated person" with respect to the Bonds within the meaning of the Rule, except that the City in any event will give notice of any deposit made in accordance with the applicable Ordinance or applicable law that causes Bonds no longer to be outstanding.

(ii) The provisions of this Section are for the sole benefit of the holders and beneficial owners of the Bonds, and nothing in this Section, express or implied, shall give any benefit or any legal or equitable right, remedy, or claim hereunder to any other person. The City undertakes to provide only the financial information, operating data, financial statements, and notices which it has expressly agreed to provide pursuant to this Section and does not hereby undertake to provide any other information that may be relevant or material to a complete presentation of the City's financial results, condition, or prospects or hereby undertake to update any information provided in accordance with this Section or otherwise, except as expressly provided herein. The City does not make any representation or warranty concerning such information or its usefulness to a decision to invest in or sell Bonds at any future date.

(iii) UNDER NO CIRCUMSTANCES SHALL THE CITY BE LIABLE TO THE HOLDER OR BENEFICIAL OWNER OF ANY BOND OR ANY OTHER PERSON, IN CONTRACT OR TORT, FOR DAMAGES RESULTING IN WHOLE OR IN PART FROM ANY BREACH BY THE CITY, WHETHER NEGLIGENT OR WITHOUT FAULT ON ITS PART, OF ANY COVENANT SPECIFIED IN THIS SECTION, BUT EVERY RIGHT AND REMEDY OF ANY SUCH PERSON, IN CONTRACT OR TORT, FOR OR ON ACCOUNT OF ANY SUCH BREACH SHALL BE LIMITED TO AN ACTION FOR MANDAMUS OR SPECIFIC PERFORMANCE.

(iv) No default by the City in observing or performing its obligations under this Section shall comprise a breach of or default under either Ordinance for purposes of any other provision of either Ordinance. Nothing in this Section is intended or shall act to disclaim, waive, or otherwise limit the duties of the City under federal and state securities laws.

(v) Should the Rule be amended to obligate the City to make filings with or provide notices to entities other than the MSRB, the City agrees to undertake such obligation in accordance with the Rule as amended.

(vi) The provisions of this Section may be amended by the City from time to time to adapt to changed circumstances that arise from a change in legal requirements, a change in law, or a change in the identity, nature, status, or type of operations of the City, but only if (1) the provisions of this Section, as so amended, would have permitted an underwriter to purchase or sell Bonds in the primary offering of the Bonds in compliance with the Rule, taking into account any amendments or interpretations of the Rule since such offering as well as such changed circumstances and (2) either (A) the holders of a majority in aggregate principal amount (or any greater amount required by any other provision of this Ordinance that authorizes such an amendment) of the outstanding Bonds consent to such amendment or (B) a person that is unaffiliated with the City (such as nationally recognized bond counsel) determines that such amendment will not materially impair the interest of the holders and beneficial owners of the Bonds. If the City so amends the provisions of this Section, it shall include with any amended financial information or operating

data next provided in accordance with subsection (a) of this Section an explanation, in narrative form, of the reason for the amendment and of the impact of any change in the type of financial information or operating data so provided. The City may also amend or repeal the provisions of this continuing disclosure agreement if the SEC amends or repeals the applicable provision of the Rule or a court of final jurisdiction enters judgment that such provisions of the Rule are invalid, but only if and to the extent that the provisions of this sentence would not prevent an underwriter from lawfully purchasing or selling Bonds in the primary offering of the Bonds.

DEFAULT AND REMEDIES. (a) **Events of Default.** That each of the following occurrences or events for the purpose of the Ordinance is hereby declared to be an Event of Default:

- (i) the failure to make payment of the principal of or interest on any of the Bonds when the same becomes due and payable; or
- (ii) default in the performance or observance of any other covenant, agreement or obligation of the City, the failure to perform which materially, adversely affects the rights of the registered owners of the Bonds, including, but not limited to, their prospect or ability to be repaid in accordance with each Ordinance, and the continuation thereof for a period of 60 days after notice of such default is given by any registered owner to the City.

(b) Remedies for Default.

(i) Upon the happening of any Event of Default, then and in every case, any registered owner or an authorized representative thereof, including, but not limited to, a trustee or trustees therefor, may proceed against the City, or any official, officer or employee of the City in their official capacity, for the purpose of protecting and enforcing the rights of the registered owners under each Ordinance, by mandamus or other suit, action or special proceeding in equity or at law, in any court of competent jurisdiction, for any relief permitted by law, including the specific performance of any covenant or agreement contained herein, or thereby to enjoin any act or thing that may be unlawful or in violation of any right of the registered owners hereunder or any combination of such remedies.

(ii) It is provided that all such proceedings shall be instituted and maintained for the equal benefit of all registered owners of Bonds then outstanding.

(c) Remedies Not Exclusive.

(i) No remedy herein conferred or reserved is intended to be exclusive of any other available remedy or remedies, but each and every such remedy shall be cumulative and shall be in addition to every other remedy given hereunder or under the Bonds or now or hereafter existing at law or in equity; provided, however, that notwithstanding any other provision of each Ordinance, the right to accelerate the debt evidenced by the Bonds shall not be available as a remedy under each Ordinance.

(ii) The exercise of any remedy herein conferred or reserved shall not be deemed a waiver of any other available remedy.

(iii) By accepting the delivery of a Bond authorized under either Ordinance, such registered owner agrees that the certifications required to effectuate any covenants or representations contained in either Ordinance do not and shall never constitute or give rise to a personal or pecuniary liability or charge against the officers, employees or members of the City or the City Council.

(iv) None of the members of the City Council, nor any other official or officer, agent, or employee of the City, shall be charged personally by the registered owners with any liability, or be held personally liable to the registered owners under any term or provision of either Ordinance, or because of any Event of Default or alleged Event of Default under either Ordinance.

Exhibit B to Ordinance

DESCRIPTION OF ANNUAL FINANCIAL INFORMATION

Annual Financial Statements and Operating Data

The financial information and operating data with respect to the City to be provided annually in accordance with such Section are as specified below (and included in the Appendix or under the headings of the Official Statement referred to):

Tables 1 through 9 under the Official Statement Section entitled "THE WATER AND WASTEWATER SYSTEM".

Tables 10 through 12 under the Official Statement Section entitled "DEBT INFORMATION".

Tables 13 through 17 under the Official Statement Section entitled "FINANCIAL INFORMATION".

Appendix C to the Official Statement, entitled "DALLAS WATER UTILITIES FINANCIAL STATEMENTS".

Accounting Principles

The accounting principles referred to in such Section are described in the notes to the financial statements referred to in Appendix C described above.

APPENDIX C

DALLAS WATER UTILITIES

FINANCIAL STATEMENTS

For the Year Ended September 30, 2015

The information contained in this Appendix consists of the City of Dallas, Texas Water Utilities Financial Statements for the Year Ended September 30, 2015, and is not intended to be a complete statement of the financial condition of the Dallas Water Utilities.

APPENDIX D

FORMS OF CO-BOND COUNSEL'S OPINIONS

Proposed Form of Opinion of Co-Bond Counsel

*An opinion in substantially the following form will be delivered by
McCall, Parkhurst & Horton L.L.P. and Escamilla & Poneck, LLP,
Co-Bond Counsel, upon the delivery of the Bonds,
assuming no material changes in facts or law.*

CITY OF DALLAS, TEXAS WATERWORKS AND SEWER SYSTEM REVENUE REFUNDING BONDS, SERIES 2016A

AS CO-BOND COUNSEL for the City of Dallas, Texas (the "City"), the issuer of the bonds described above (the "Bonds"), we have examined into the legality and validity of the Bonds, which Bonds are issued in the aggregate principal amount of \$_____. The Bonds bear interest from their date of delivery and mature on the dates specified on the face of the Bonds, and are subject to redemption prior to maturity on the dates and in the manner specified in the Bonds, all in accordance with the ordinance of the City authorizing the issuance of the Bonds (the "Ordinance"). Terms used herein and not otherwise defined shall have the meaning given in the Ordinance.

WE HAVE EXAMINED the Constitution and Statutes of the State of Texas, the City Charter of the City, certified copies of the proceedings of the City Council of the City, and other proofs authorizing and relating to the issuance of the Bonds, including one of the executed Bonds (Bond Number R-1); we do not, however, express any opinion with regard to any statement of insurance printed on the Bonds.

IN OUR OPINION, the Bonds have been authorized and issued in accordance with law, and constitute valid and legally binding special obligations of the City; and, except as may be limited by laws applicable to the City relating to bankruptcy, reorganization, and other similar matters affecting creditors' rights, and the exercise of judicial discretion in accordance with general principles of equity, that the interest on and principal of the Bonds, together with outstanding parity bonds, are payable from, and secured by a first lien on and pledge of, the Pledged Revenues, which include the Net Revenues of the City's combined Waterworks and Sewer System. All such revenue bonds are secured ratably by such pledge of revenues in such manner that no one Bond shall have priority of lien over any other Bond so secured. The holder or holders of the Bonds shall never have the right to demand payment out of money raised or to be raised by taxation.

THE CITY reserves the right, subject to the restrictions stated, and adopted by reference, in the Ordinance, to issue additional parity obligations payable from and equally secured by a lien on and pledge of the Pledged Revenues in all things on a parity with the Bonds.

IT IS FURTHER OUR OPINION, except as discussed below, that the interest on the Bonds is excludable from the gross income of the owners for federal income tax purposes under the statutes, regulations, published rulings, and court decisions existing on the date of this opinion. We are further of the opinion that the Bonds are not "specified private activity bonds" and that, accordingly, interest on the Bonds will not be included as an individual or corporate alternative minimum tax preference item under section 57(a)(5) of the Internal Revenue Code of 1986 (the "Code"). In expressing the aforementioned opinions, we have relied on certain representations, the accuracy of which we have not independently verified, and assume compliance with certain covenants, regarding the use and investment of the proceeds of the Bonds and the use of the property financed therewith. In addition, we have relied upon the report of Grant Thornton LLP, independent certified public accountants, with respect to certain

arithmetical and mathematical computations relating to the Bonds and the obligations refunded with the proceeds of the Bonds. We call your attention to the fact that if such representations are determined to be inaccurate or upon a failure by the City to comply with such covenants, interest on the Bonds may become includable in gross income retroactively to the date of issuance of the Bonds.

EXCEPT AS STATED ABOVE, we express no opinion as to any other federal, state, or local tax consequences of acquiring, carrying, owning, or disposing of the Bonds.

WE CALL YOUR ATTENTION TO THE FACT that the interest on tax-exempt obligations, such as the Bonds, is included in a corporation's alternative minimum taxable income for purposes of determining the alternative minimum tax imposed on corporations by section 55 of the Code.

WE EXPRESS NO OPINION as to any insurance policies issued with respect to the payments due for the principal of and interest on the Bonds, nor as to any such insurance policies issued in the future.

OUR SOLE ENGAGEMENT in connection with the issuance of the Bonds is as co-Bond Counsel for the City, and, in that capacity, we have been engaged by the City for the sole purpose of rendering an opinion with respect to the legality and validity of the Bonds under the Constitution and laws of the State of Texas, and with respect to the exclusion from gross income of the interest on the Bonds for federal income tax purposes, and for no other reason or purpose. The foregoing opinions represent our legal judgment based upon a review of existing legal authorities that we deem relevant to render such opinions and are not a guarantee of a result. We have not been requested to investigate or verify, and have not independently investigated or verified any records, data, or other material relating to the financial condition or capabilities of the City, or the disclosure thereof in connection with the sale of the Bonds, and have not assumed any responsibility with respect thereto. We express no opinion and make no comment with respect to the marketability of the Bonds and have relied solely on certificates executed by officials of the City as to the availability and sufficiency of the Pledged Revenues. Our role in connection with the City's Official Statement prepared for use in connection with the sale of the Bonds has been limited as described therein.

OUR OPINIONS ARE BASED ON EXISTING LAW, which is subject to change. Such opinions are further based on our knowledge of facts as of the date hereof. We assume no duty to update or supplement our opinions to reflect any facts or circumstances that may thereafter come to our attention or to reflect any changes in any law that may thereafter occur or become effective. Moreover, our opinions are not a guarantee of result and are not binding on the Internal Revenue Service (the "Service"); rather, such opinions represent our legal judgment based upon our review of existing law and in reliance upon the representations and covenants referenced above that we deem relevant to such opinions. The Service has an ongoing audit program to determine compliance with rules that relate to whether interest on state or local obligations is includable in gross income for federal income tax purposes. No assurance can be given whether or not the Service will commence an audit of the Bonds. If an audit is commenced, in accordance with its current published procedures the Service is likely to treat the City as the taxpayer. We observe that the City has covenanted not to take any action, or omit to take any action within its control, that if taken or omitted, respectively, may result in the treatment of interest on the Bonds as includable in gross income for federal income tax purposes.

Respectfully,

Proposed Form of Opinion of Co-Bond Counsel

*An opinion in substantially the following form will be delivered by
McCall, Parkhurst & Horton L.L.P. and Escamilla & Poneck, LLP,
Co-Bond Counsel, upon the delivery of the Bonds,
assuming no material changes in facts or law.*

CITY OF DALLAS, TEXAS WATERWORKS AND SEWER SYSTEM REVENUE REFUNDING BONDS, TAXABLE SERIES 2016B

AS CO-BOND COUNSEL for the City of Dallas, Texas (the "City"), the issuer of the bonds described above (the "Bonds"), we have examined into the legality and validity of the Bonds, which Bonds are issued in the aggregate principal amount of \$_____. The Bonds bear interest from their date of delivery and mature on the dates specified on the face of the Bonds, and are subject to redemption prior to maturity on the dates and in the manner specified in the Bonds, all in accordance with the ordinance of the City authorizing the issuance of the Bonds (the "Ordinance"). Terms used herein and not otherwise defined shall have the meaning given in the Ordinance.

WE HAVE EXAMINED the Constitution and Statutes of the State of Texas, the City Charter of the City, certified copies of the proceedings of the City Council of the City, and other proofs authorizing and relating to the issuance of the Bonds, including one of the executed Bonds (Bond Number R-1); we do not, however, express any opinion with regard to any statement of insurance printed on the Bonds.

IN OUR OPINION, the Bonds have been authorized and issued in accordance with law, and constitute valid and legally binding special obligations of the City; and, except as may be limited by laws applicable to the City relating to bankruptcy, reorganization, and other similar matters affecting creditors' rights, and the exercise of judicial discretion in accordance with general principles of equity, that the interest on and principal of the Bonds, together with outstanding parity bonds, are payable from, and secured by a first lien on and pledge of, the Pledged Revenues, which include the Net Revenues of the City's combined Waterworks and Sewer System. All such revenue bonds are secured ratably by such pledge of revenues in such manner that no one Bond shall have priority of lien over any other Bond so secured. The holder or holders of the Bonds shall never have the right to demand payment out of money raised or to be raised by taxation.

THE CITY reserves the right, subject to the restrictions stated, and adopted by reference, in the Ordinance, to issue additional parity obligations payable from and equally secured by a lien on and pledge of the Pledged Revenues in all things on a parity with the Bonds.

IT IS OUR OPINION THAT THE BONDS ARE NOT OBLIGATIONS DESCRIBED IN SECTION 103(a) OF THE INTERNAL REVENUE CODE OF 1986.

EXCEPT AS STATED ABOVE, we express no opinion as to any other federal, state, or local tax consequences of acquiring, carrying, owning, or disposing of the Bonds. In particular, but not by way of limitation, we express no opinion with respect to the federal, state or local tax consequences arising from the enactment of any pending or future legislation.

WE EXPRESS NO OPINION as to any insurance policies issued with respect to the payments due for the principal of and interest on the Bonds, nor as to any such insurance policies issued in the future.

OUR SOLE ENGAGEMENT in connection with the issuance of the Bonds is as co-Bond Counsel for the City, and, in that capacity, we have been engaged by the City for the sole purpose of rendering an opinion with respect to the legality and validity of the Bonds under the Constitution and laws of the State of Texas, and for no other reason or purpose. The foregoing opinions represent our legal judgment based upon a review of existing legal authorities that we deem relevant to render such opinions and are not a guarantee of a result. We have not been requested to investigate or verify, and have not independently investigated or verified any records, data, or other material relating to the financial condition or capabilities of the City, or the disclosure thereof in connection with the sale of the Bonds, and have not assumed any responsibility with respect thereto. We express no opinion and make no comment with respect to the marketability of the Bonds and have relied solely on certificates executed by officials of the City as to the availability and sufficiency of the Pledged Revenues. Our role in connection with the City's Official Statement prepared for use in connection with the sale of the Bonds has been limited as described therein.

OUR OPINIONS ARE BASED ON EXISTING LAW, which is subject to change. Such opinions are further based on our knowledge of facts as of the date hereof. We assume no duty to update or supplement our opinions to reflect any facts or circumstances that may thereafter come to our attention or to reflect any changes in any law that may thereafter occur or become effective.

Respectfully,

ORDINANCE AUTHORIZING THE ISSUANCE AND SALE OF CITY OF DALLAS, TEXAS WATERWORKS AND SEWER SYSTEM REVENUE REFUNDING BONDS, SERIES 2016A; ESTABLISHING PARAMETERS REGARDING THE SALE OF THE BONDS; APPROVING THE EXECUTION OF AGREEMENTS IN CONNECTION WITH THE SALE OF THE BONDS; AND ALL OTHER MATTERS RELATED THERETO

THE STATE OF TEXAS :
COUNTIES OF DALLAS, DENTON, COLLIN AND ROCKWALL :
CITY OF DALLAS :

WHEREAS, the City of Dallas (the "City" or the "Issuer") has heretofore issued its City of Dallas, Texas Waterworks and Sewer System Revenue Refunding Bonds, Series 1981 (the "Series 1981 Bonds"); and

WHEREAS, defined terms used in this Ordinance shall have the meaning given said terms in Section 7 of this Ordinance, unless otherwise indicated herein; and

WHEREAS, in the ordinance authorizing the issuance of the Series 1981 Bonds (the "1981 Ordinance"), the City reserved the right to issue revenue bonds on a parity with the Series 1981 Bonds; and

WHEREAS, under authority of the right reserved in the 1981 Ordinance, the City issued and there currently remain outstanding revenue bonds from each series of bonds described in the definition of "Previously Issued Parity Bonds" set forth in Section 7 of this Ordinance; and

WHEREAS, in addition to the outstanding Previously Issued Parity Bonds, the City has authorized the issuance from time to time and at any one time outstanding of up to \$600,000,000 of its Waterworks and Sewer System Commercial Paper Notes, Series D and Series E (collectively, the "Commercial Paper Notes"), for the purpose of improving and extending the System; and

WHEREAS, the City deems it appropriate to issue the hereinafter authorized bonds in part for the purpose of retiring an aggregate principal amount of the outstanding Commercial Paper Notes not to exceed \$230,000,000, subject to the parameters hereinafter described; and

WHEREAS, the City Council has determined that the outstanding Previously Issued Parity Bonds described in Schedule I attached to this Ordinance are eligible to be refunded for the public purpose of achieving a debt service savings; and

WHEREAS, concurrently with the adoption of this Ordinance, the City Council shall consider for approval an ordinance titled "Ordinance Authorizing the Issuance and Sale of City of Dallas, Texas Waterworks and Sewer System Revenue Refunding Bonds, Taxable Series 2016B; Establishing Parameters Regarding the Sale of the Bonds; Approving the Execution of Agreements in Connection with the Sale of the Bonds; and All Other Matters Related Thereto" (the "Taxable Series 2016B Bond Ordinance"); and

WHEREAS, because of fluctuating conditions in the municipal bond market, the City Council has determined to delegate to the City Manager the authority to effect the sale of the bonds hereinafter authorized and bonds authorized by the Series 2016B Bond Ordinance for the purpose of providing for the refunding of all or a portion of the Previously Issued Parity Bonds described in Schedule I, subject to the parameters hereinafter described; and

WHEREAS, the bonds hereinafter authorized are to be issued and delivered pursuant to the laws of the State of Texas, including Chapter 1207, Texas Government Code, for the purposes set forth above; and

WHEREAS, the bonds hereinafter authorized shall be on a parity with the outstanding Previously Issued Parity Bonds and the bonds, if any, sold pursuant to the terms of the Taxable Series 2016B Bond Ordinance; and

WHEREAS, the City Council does hereby determine that it is necessary and desirable to adopt this Ordinance for the purposes hereinafter stated;

THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DALLAS, TEXAS;

Section 1. **BONDS AUTHORIZED.** That the City's bonds (the "Bonds") are hereby authorized to be issued for the purpose of (i) refunding the Refunded Bonds, (ii) retiring an aggregate principal amount of the City's outstanding Commercial Paper Notes, not to exceed \$230,000,000, and (iii) paying costs of issuance of the Bonds. The Bonds shall be designated as the "**City of Dallas, Texas Waterworks and Sewer System Revenue Refunding Bonds, Series 2016A**". The Bonds shall be issued as "Additional Bonds" as such term is defined in the 1981 Ordinance, and shall be in all respects on a parity with the outstanding Previously Issued Parity Bonds and the bonds, if any, issued pursuant to the Taxable Series 2016B Bond Ordinance. The City Council authorizes the issuance of the Bonds and the bonds authorized by the Taxable Series 2016B Bond Ordinance in an aggregate principal amount not to exceed \$640,000,000.

Section 2. **DATE, DENOMINATIONS, NUMBER, MATURITIES AND TERMS OF BONDS.** (a) That initially there shall be issued, sold, and delivered hereunder fully registered bonds, without interest coupons, numbered consecutively from R-1 upward, payable to the respective initial registered owners thereof, or to the registered assignee or assignees of the Bonds or any portion or portions thereof, in the denomination of \$5,000 or any integral multiple thereof (an "Authorized Denomination"), maturing not later than October 1, 2045, payable serially or otherwise

on the dates, in the years and in the principal amounts, and dated, all as set forth in the Purchase Contract.

(b) That it is hereby found and determined to be in the best interests of the City for the Bonds to be issued under this Ordinance to be sold through a negotiated sale pursuant to the procedures set forth herein. Goldman, Sachs & Co. and Loop Capital Markets, LLC, are hereby designated to be the co-senior managing underwriters for the Bonds. The City Manager, acting for and on behalf of the City, is authorized to enter into and carry out the Purchase Contract with the Underwriters, in substantially the form attached to this Ordinance, and which shall be made a part hereof for all purposes, with such changes as may be necessary to effect the sale of the Bonds to the Underwriters. The Bonds shall be sold to the Underwriters at such price, and subject to such terms and conditions as set forth in the Purchase Contract, as shall be determined by the City Manager pursuant to subsection (c) below. In the Purchase Contract, the City Manager shall determine, based upon advice provided by the City's financial advisors, that acceptance of the purchase price for the Bonds is in the best interests of the City. The City Manager shall not execute the Purchase Contract unless the Underwriters have confirmed to the City Manager that they have made disclosure filings to the Texas Ethics Commission in accordance with Section 2252.908, Texas Government Code. Within thirty (30) days of receipt of the disclosure filings from the Underwriters, the City will submit a copy of the disclosure filings with the Texas Ethics Commission. The authority of the City Manager to execute the Purchase Contract shall expire if the Purchase Contract has not been executed and delivered by the City and by the Underwriters (acting through their duly designated representative) by 5:00 p.m., Friday, September 30, 2016. Any finding or determination made by the City Manager relating to the issuance and sale of the Bonds and the execution of the Purchase Contract in connection therewith shall have the same force and effect as a finding or determination made by the City Council.

(c) That as authorized by Chapter 1207, the City Manager is hereby authorized, appointed, and designated to act on behalf of the City in selling and delivering the Bonds and carrying out the other procedures specified in this Ordinance, including determining and fixing the date of the Bonds, any additional or different designation or title by which the Bonds shall be known, the aggregate principal amount of the Bonds, the date of delivery of the Bonds, the price at which the Bonds will be sold, the years in which the Bonds will mature, the principal amount of Bonds to mature in each of such years, the rate or rates of interest to be borne by or accrue on each such maturity, the interest payment periods, the dates, price, and terms upon and at which the Bonds shall be subject to redemption prior to maturity at the option of the City, as well as any mandatory sinking fund redemption provisions, and all other matters relating to the issuance, sale, and delivery of the Bonds, and the refunding of the Refundable Bonds and the Refunded Commercial Paper Notes, including, without limitation, obtaining a municipal bond insurance policy in support of all or any portion of the Bonds, all of which shall be specified in the Purchase Contract; provided, however, that (i) the price to be paid for the Bonds shall not be less than 95% of the aggregate original principal amount thereof, plus accrued interest, if any, thereon from the date of their delivery, (ii) none of the Bonds shall bear interest at a rate greater than 10.00% per annum, (iii) the principal of the Bonds shall be scheduled to be paid or mature on April 1 or October 1 (or both) of the years such principal is scheduled to be paid or mature, and (iv) the Refundable Bonds shall not be refunded unless such refunding of the Refunded Bonds results in achieving the minimum net present value debt service

savings threshold described in Section 27(a) of this Ordinance. The amount of the savings to be realized from the refunding of the Refunded Bonds and any Series 2016B Refunded Bonds, on both a gross and a present value basis, shall be set forth in a certificate (further described in Section 27(a) of this Ordinance) to be executed by the Chief Financial Officer of the City. The City Manager is authorized to effect the sale of the Bonds for the purpose of refunding the Refunded Commercial Paper Notes regardless of whether Bonds are sold for the purpose of refunding any of the Refundable Bonds. In addition, the City Manager is authorized to determine the principal amount of Bonds to be issued and sold, if any, to provide for the refunding of Refunded Bonds and to provide for the refunding of Refunded Commercial Paper Notes; provided, however, that the determination by the City Manager to issue Bonds for the purpose of refunding Refunded Bonds or refunding Refunded Commercial Paper Notes shall be subject to the principal amount limitation set forth in the last sentence of Section 1 hereof and the parameters set forth in Section 27 hereof. Should a municipal bond insurance policy be obtained, the conditions of the bond insurer, as set forth in its commitment to issue said policy, shall be attached to this Ordinance as an exhibit and incorporated by reference into this Ordinance.

(d) That the City Manager and the Chief Financial Officer of the City are authorized and directed to provide for and oversee the preparation of a preliminary official statement and the final official statement in connection with the issuance of the Bonds, and to approve such preliminary and final official statement and deem such preliminary official statement final in compliance with the Rule and to provide it to the Underwriters of the Bonds in compliance with the Rule.

Section 3. **REDEMPTION.** (a) That the Bonds may be subject to redemption prior to their scheduled maturities at the option of the City, on the dates and in the manner as provided in the Purchase Contract. Should the Purchase Contract provide for the redemption of the Bonds prior to their scheduled maturities at the option of the City, if less than all of the Bonds are to be redeemed by the City, the City shall determine the maturity or maturities and the amounts thereof to be redeemed and shall direct the Paying Agent/Registrar to call by lot Bonds, or portions thereof, within such maturity or maturities and in such principal amounts, for redemption; provided, however, that during any period in which ownership of the Bonds is determined only by a book entry at a securities depository for the Bonds, if fewer than all of the Bonds of the same maturity and bearing the same interest rate are to be redeemed, the particular Bonds of such maturity and bearing such interest rate shall be selected in accordance with the arrangements between the City and the securities depository.

(b) That should the Purchase Contract provide for the mandatory sinking fund redemption of the Bonds, the terms and conditions governing any such mandatory sinking fund redemption and the payment of Amortization Installments relating thereto shall be as set forth in the Purchase Contract.

(c) That at least thirty (30) days prior to the date any such Bonds are to be redeemed, (i) a written notice of redemption shall be given by the Paying Agent/Registrar to the registered owner of each Bond or a portion thereof being called for redemption by depositing such notice in the United States mail, first-class, postage prepaid, addressed to each such registered owner at the address thereof as shown on the Registration Books and (ii) a notice of such redemption shall be published one (1) time in a financial journal or publication of general circulation in the United States of America or the State of Texas carrying as a regular feature notices of municipal bonds called for

redemption; provided, however, that the failure to send, mail or receive such notice described in (i) above, or any defect therein or in the sending or mailing thereof, shall not affect the validity or effectiveness of the proceedings for the redemption of any Bond, and the publication of notice as described in (ii) above shall be the only notice actually required in connection with or as a prerequisite to the redemption of any Bonds. By the date fixed for any such redemption, due provision shall be made by the City with the Paying Agent/Registrar for the payment of the required redemption price for the Bonds or the portions thereof which are to be so redeemed, plus accrued interest thereon to the date fixed for redemption. If such notice of redemption is given, and if due provision for such payment is made, all as provided above, the Bonds, or the portions thereof which are to be so redeemed, thereby automatically shall be redeemed prior to their scheduled maturities, and shall not bear interest after the date fixed for their redemption, and shall not be regarded as being outstanding except for the right of the registered owner to receive the redemption price plus accrued interest to the date fixed for redemption from the Paying Agent/Registrar out of the funds provided for such payment. The Paying Agent/Registrar shall record in the Registration Books all such redemptions of principal of the Bonds or any portion thereof. If a portion of any Bond shall be redeemed, a substitute Bond or Bonds having the same maturity date, bearing or accruing interest at the same rate, in any Authorized Denomination, at the written request of the registered owner, and in an aggregate principal amount equal to the unredeemed portion thereof, will be issued to the registered owner upon the surrender thereof for cancellation, at the expense of the City, all as provided in this Ordinance. In addition, notice of such redemption shall be provided in the manner described in Section 5(h) hereof, but the failure to provide such notice as described in Section 5(h) hereof shall not affect the validity or effectiveness of the proceedings for the redemption of the Bonds.

(d) With respect to any optional redemption of the Bonds, unless the Paying Agent/Registrar has received funds sufficient to pay the principal and premium, if any, and interest on the Bonds to be redeemed before giving of a notice of redemption, the notice of redemption may state the City may condition redemption on the receipt by the Paying Agent/Registrar of such funds on or before the date fixed for the redemption, or on the satisfaction of any other prerequisites set forth in the notice of redemption. If a conditional notice of redemption is given and such prerequisites to the redemption and sufficient funds are not received, the notice shall be of no force and effect, the City shall not redeem the Bonds and the Paying Agent/Registrar shall give notice, in the manner in which the notice of redemption was given, that the Bonds have not been redeemed.

Section 4. **INTEREST.** That the Bonds shall bear interest calculated on the basis of a 360-day year composed of twelve 30-day months from the dates specified in the FORM OF BOND set forth in this Ordinance, to their respective dates of maturity at the rates set forth in the Purchase Contract. Interest on the Bonds shall be payable on April 1 and October 1, commencing on the date as set forth in the Purchase Contract, until the maturity or prior redemption of the Bonds.

Section 5. **PAYING AGENT/REGISTRAR; BOOK-ENTRY ONLY SYSTEM.** (a) That the City shall keep or cause to be kept at the corporate trust office designated by U.S. Bank National Association, as its place of payment for the Bonds, or such other bank, trust company, fi-

nancial institution, or other entity duly qualified and legally authorized to serve and perform duties of and services of paying agent and registrar, named in accordance with the provisions of (g) of this Section hereof (the "Paying Agent/Registrar"), books or records of the registration and transfer of the Bonds (the "Registration Books"), and the City hereby appoints the Paying Agent/Registrar as its registrar and transfer agent to keep the Registration Books and make such transfers and registrations under such reasonable regulations as the City and the Paying Agent/Registrar may prescribe; and the Paying Agent/Registrar shall make such transfers and registrations as herein provided. The place of payment so designated by the Paying Agent/Registrar shall be referred to herein as the "Designated Trust Office" of the Paying Agent/Registrar. It shall be the duty of the Paying Agent/Registrar to obtain from the registered owner and record in the Registration Books the address of such registered owner of each Bond to which payments with respect to the Bonds shall be mailed, as herein provided. The Paying Agent/Registrar shall keep the Registration Books confidential and, unless otherwise required by law, shall not permit their inspection by any entity other than the City. Registration of each Bond may be transferred in the Registration Books only upon presentation and surrender of such Bond for transfer of registration and cancellation to the Paying Agent/Registrar at its Designated Trust Office during normal business hours, together with proper written instruments of assignment, in form and with guarantee of signatures satisfactory to the Paying Agent/Registrar, evidencing the assignment of the Bond, or any portion thereof in any Authorized Denomination, to the assignee or assignees thereof, and the right of such assignee or assignees to have the Bond or any such portion thereof registered in the name of such assignee or assignees. Upon the assignment and transfer of any Bond or any portion thereof, a new substitute Bond or Bonds shall be issued in exchange therefor in the manner herein provided. As of the date this Ordinance is approved by the City, the Designated Trust Office is the Dallas, Texas corporate trust office of U.S. Bank National Association.

(b) That the entity in whose name any Bond shall be registered in the Registration Books at any time shall be treated as the absolute owner thereof for all purposes of this Ordinance, whether such Bond shall be overdue, and the City and the Paying Agent/Registrar shall not be affected by any notice to the contrary unless otherwise required by law; and payment of, or on account of, the principal of, premium, if any, and interest on any such Bond shall be made only to such registered owner. All such payments shall be valid and effectual to satisfy and discharge the liability upon such Bond to the extent of the sum or sums so paid.

(c) That the City hereby further appoints the Paying Agent/Registrar to act as the paying agent for paying the principal of, premium, if any, and interest on the Bonds, and to act as its agent to exchange or replace Bonds, all as provided in this Ordinance. The Paying Agent/Registrar shall keep proper records of all payments made by the City and the Paying Agent/Registrar with respect to the Bonds, and of all exchanges of the Bonds, and all replacements of the Bonds, as provided in this Ordinance.

(d) That each Bond may be exchanged for fully registered Bonds in the manner set forth herein. Each Bond issued and delivered pursuant to this Ordinance, to the extent of the unpaid or unredeemed principal amount thereof, may, upon surrender thereof at the Designated Trust Office of the Paying Agent/Registrar, together with a written request therefor duly executed by the registered

owner or the assignee or assignees thereof, or its or their duly authorized attorneys or representatives, with guarantee of signatures satisfactory to the Paying Agent/Registrar, at the option of the registered owner or such assignee or assignees, as appropriate, be exchanged for fully registered Bonds, without interest coupons, in the form prescribed in the FORM OF BOND, in an Authorized Denomination (subject to the requirement hereinafter stated that each substitute Bond shall have a single stated maturity date), as requested in writing by such registered owner or such assignee or assignees, in an aggregate principal amount equal to the unpaid or unredeemed principal amount of any Bond or Bonds so surrendered, and payable to the appropriate registered owner, assignee, or assignees, as the case may be. If a portion of any Bond shall be redeemed prior to its scheduled maturity as provided herein, at the request of the registered owner a substitute Bond or Bonds having the same maturity date, bearing interest at the same rate, in an Authorized Denomination, and in an aggregate principal amount equal to the unredeemed portion thereof, will be issued to the registered owner upon surrender thereof for cancellation. If any Bond or portion thereof is assigned and transferred, each Bond issued in exchange therefor shall have the same principal maturity date and bear interest at the same rate as the Bond for which it is being exchanged. Each substitute Bond shall bear a letter and/or number to distinguish it from each other Bond. The Paying Agent/Registrar shall exchange or replace Bonds as provided herein, and each fully registered Bond delivered in exchange for or replacement of any Bond or portion thereof as permitted or required by any provision of this Ordinance shall constitute one of the Bonds for all purposes of this Ordinance, and may again be exchanged or replaced. On each substitute Bond issued in exchange for or replacement of any Bond or Bonds issued under this Ordinance there shall be printed thereon a Paying Agent/Registrar's Authentication Certificate, in the form set forth in the FORM OF BOND (the "Authentication Certificate"). An authorized representative of the Paying Agent/Registrar shall, before the delivery of any such Bond, manually sign and date the Authentication Certificate, and no such Bond shall be deemed to be issued or outstanding unless the Authentication Certificate is so executed and dated. The Paying Agent/Registrar promptly shall cancel all Bonds surrendered for exchange or replacement. No additional ordinances, orders, or resolutions need be passed or adopted by the City Council or any other body or person so as to accomplish the foregoing exchange or replacement of any Bond or portion thereof, and the Paying Agent/Registrar shall provide for the printing, execution, and delivery of the substitute Bonds in the manner prescribed herein, pursuant to Chapter 1206, particularly Subchapter B thereof. The duty of such exchange or replacement of Bonds as described in the preceding sentence is hereby imposed upon the Paying Agent/Registrar, and upon the execution of the Authentication Certificate, the exchanged or replaced Bond shall be valid, incontestable, and enforceable in the same manner and with the same effect as the Bonds which originally were delivered pursuant to this Ordinance, approved by the Attorney General, and registered by the Comptroller of Public Accounts. Neither the City nor the Paying Agent/Registrar shall be required (1) to make any transfer or exchange during a period beginning at the opening of business fifteen (15) days before the day of the first mailing of a notice of redemption of Bonds and ending at the close of business on the day of such mailing, or (2) to transfer or exchange any Bond after it is selected for redemption, in whole or in part, when such redemption is scheduled to occur within thirty (30) calendar days; provided, however, that such limitation shall not be applicable to an exchange by the owner of the uncalled principal balance of a Bond.

(e) That all Bonds issued in exchange or replacement of any other Bond or portion thereof (i) shall be issued in fully registered form, without interest coupons, with the principal of and interest on the Bonds to be payable only to the registered owners thereof, (ii) may be redeemed prior to their scheduled maturities, (iii) may be transferred and assigned, (iv) may be exchanged for other Bonds, (v) shall have the characteristics, (vi) shall be signed and sealed, and (vii) the principal of and interest on the Bonds shall be payable, all as provided, and in the manner required or indicated, in the FORM OF BOND.

(f) That the City shall pay all of the Paying Agent/Registrar's reasonable and customary fees and charges for making transfers, conversions and exchanges of the Bonds in accordance with an agreement between the City and the Paying Agent/Registrar, but the registered owner of any Bond requesting such transfer shall pay any taxes or other governmental charges required to be paid with respect thereto. In addition, the City hereby covenants with the registered owners of the Bonds that it will pay the reasonable standard or customary fees and charges of the Paying Agent/Registrar for its services with respect to the payment of the principal of and interest on the Bonds, when due.

(g) That the City covenants with the registered owners of the Bonds that at all times while the Bonds are outstanding the City will provide a competent and legally qualified bank, trust company, financial institution, or other entity duly qualified and legally authorized to serve as and perform the duties and services of Paying Agent/Registrar, to act as and perform the services of Paying Agent/Registrar for the Bonds under this Ordinance, and that the Paying Agent/Registrar will be one entity. The City reserves the right to, and may, at its option, change the Paying Agent/Registrar upon not less than sixty (60) days' written notice to the Paying Agent/Registrar. In the event that the entity at any time acting as Paying Agent/Registrar (or its successor by merger, acquisition, or other method) should resign or otherwise cease to act as such, the City covenants that promptly it will appoint a competent and legally qualified bank, trust company, financial institution, or other entity duly qualified and legally authorized to serve as and perform the services of Paying Agent/Registrar, which shall be a corporation organized and doing business under the laws of the United States of America or of any state, authorized under such laws to exercise trust powers, subject to supervision or examination by federal or state authority, and whose qualifications substantially are similar to the previous Paying Agent/Registrar, to act as Paying Agent/Registrar under this Ordinance. Upon any change in the Paying Agent/Registrar, the previous Paying Agent/Registrar promptly shall transfer and deliver the Registration Books (or a copy thereof), along with all other pertinent books and records relating to the Bonds, to the City and to the new Paying Agent/Registrar designated and appointed by the City. Upon any change in the Paying Agent/Registrar, the City promptly will cause a written notice thereof to be sent by the new Paying Agent/Registrar to each registered owner of the Bonds, by United States mail, first-class, postage prepaid, which notice also shall give the address of the new Paying Agent/Registrar. By accepting the position and performing as such, each Paying Agent/Registrar shall be deemed to have agreed to the provisions of this Ordinance, and a certified copy of this Ordinance shall be delivered to each Paying Agent/Registrar.

(h)(i) That in addition to the manner of providing notice of redemption of Bonds as described in Section 3 hereof, the Paying Agent/Registrar shall give notice of redemption of Bonds by United States mail, first-class, postage prepaid, at least thirty (30) days prior to a redemption date

to the MSRB. In addition, in the event of a redemption caused by an advance refunding of the Bonds, the Paying Agent/Registrar shall send a second notice of redemption to the persons specified in the immediately preceding sentence at least thirty (30) days but not more than ninety (90) days prior to the actual redemption date. Any notice sent to the MSRB shall be sent so that such notice is received at least two (2) days prior to the general mailing or publication date of such notice. The Paying Agent/Registrar shall also send a notice of redemption to the registered owner of any Bonds who has not sent the Bonds in for redemption sixty (60) days after the redemption date. The failure to send, mail or receive any such notice described in this clause (i), or any defect therein or in the sending or mailing thereof, shall not affect the validity or effectiveness of the proceedings for the redemption of any Bond.

(ii) Each redemption notice, whether required in the FORM OF BOND or otherwise by this Ordinance, shall contain a description of the Bonds to be redeemed including the complete name of the Bonds, the Series, the date of issue, the interest rate, the maturity date, the CUSIP number, the amounts called of each Bond, the publication and mailing date for the notice, the date of redemption, the redemption price, the name of the Paying Agent/Registrar and the address at which the Bond may be redeemed including a contact person and telephone number.

(iii) All redemption payments made by the Paying Agent/Registrar to the registered owners of the Bonds shall include a CUSIP number relating to each amount paid to such registered owner.

(i) That the Bonds initially shall be issued and delivered in such manner that no physical distribution of the Bonds will be made to the public, and DTC initially will act as depository for the Bonds. DTC has represented to the City that it is a limited purpose trust company incorporated under the laws of the State of New York, a member of the Federal Reserve System, a "clearing corporation" within the meaning of the New York Uniform Commercial Code, and a "clearing agency" registered under Section 17A of the Securities Exchange Act of 1934, as amended, and the City accepts, but in no way verifies, such representations. It is expected that DTC will hold the Bonds on behalf of the Underwriters and its participants, and that the definitive Bonds held at DTC upon delivery of the Bonds to the Underwriters shall be registered in the name of CEDE & CO., the nominee of DTC. So long as each Bond is registered in the name of CEDE & CO., the Paying Agent/Registrar shall treat and deal with DTC the same in all respects as if it were the actual and beneficial owner thereof. It is expected that DTC will maintain a book-entry system which will identify ownership of the Bonds in Authorized Denominations, with transfers of ownership being effected on the records of DTC and its participants pursuant to rules and regulations established by them, and that the Bonds initially deposited with DTC shall be immobilized and not be further exchanged for substitute Bonds except as hereinafter provided. The City is not responsible or liable for any functions of DTC, will not be responsible for paying any fees or charges with respect to the services of DTC, will not be responsible or liable for maintaining, supervising, or reviewing the records of DTC or its participants, or protecting any interests or rights of the beneficial owners of the Bonds. It shall be the duty of the DTC Participants, as described in the official statement for the Bonds referred to in Section 2(d) hereof, to make all arrangements with DTC to establish this book-entry system, the beneficial ownership of the Bonds, and the method of paying the fees and charges of DTC. The City does not represent nor does it in any way covenant that the initial book-entry system established with DTC will be maintained in the future. Notwithstanding the initial

establishment of the foregoing book-entry system with DTC, if for any reason any of the originally delivered Bonds is duly filed with the Paying Agent/Registrar with proper request for transfer and substitution, as provided for in this Ordinance, substitute Bonds will be duly delivered as provided in this Ordinance, and there will be no assurance or representation that any book-entry system will be maintained for the Bonds. The City heretofore has executed a "Blanket Letter of Representations" prepared by DTC in order to implement the book-entry system described above.

Section 6. **FORM OF BONDS.** That the form of all Bonds, including the form of the Authentication Certificate, the form of Assignment, and the form of the Comptroller's Registration Certificate to accompany the Bonds on the initial delivery thereof, shall be, respectively, substantially in the form set forth in Exhibit A to this Ordinance, with such appropriate variations, omissions, or insertions as are permitted or required by this Ordinance and the Purchase Contract.

Section 7. **DEFINITIONS.** That, as used in this Ordinance, the following terms shall have the meanings set forth below, unless the text hereof specifically indicates otherwise:

The term "Additional Bonds" shall mean the additional parity revenue bonds which the City reserves the right to issue in the future, as provided in this Ordinance.

The term "Amortization Installment", with respect to any Term Bonds of any Previously Issued Parity Bonds, any of the Bonds designated in this Ordinance as Term Bonds, or any series of Additional Bonds, shall mean the amount of money which is required to be deposited into the Mandatory Redemption Account referred to in Section 10(b) hereof for retirement of such Term Bonds (whether at maturity or by mandatory redemption and including redemption premium, if any), provided that the total Amortization Installments for such Term Bonds shall be sufficient to provide for retirement of the aggregate principal amount of such Term Bonds.

The term "Authorized Denomination" shall have the same meaning as set forth in Section 2(a) hereof.

The terms "Bonds" and "Series 2016A Bonds" shall mean one or more, as the case may be, of the City of Dallas, Texas Waterworks and Sewer System Revenue Refunding Bonds, Series 2016A, authorized to be issued by this Ordinance.

The term "Business Day" shall mean a day other than a Saturday, Sunday, a legal holiday, or a day on which banking institutions are authorized by law or executive order to close in the City or the city where the Designated Trust Office of the Paying Agent/Registrar is located.

The term "Chapter 9" shall mean Chapter 9, Texas Business & Commerce Code.

The term "Chapter 1206" shall mean Chapter 1206, Texas Government Code.

The term "Chapter 1207" shall mean Chapter 1207, Texas Government Code.

The term "Chapter 1208" shall mean Chapter 1208, Texas Government Code.

The terms "City" and "Issuer" shall mean the City of Dallas, Texas.

The term "Code" shall mean the Internal Revenue Code of 1986.

The term "Commercial Paper Notes" shall mean the City's Waterworks and Sewer System Commercial Paper Notes, Series D and Series E, authorized to be outstanding from time to time and at any one time in the aggregate principal amount of \$600,000,000.

The term "DTC" shall mean The Depository Trust Company, New York, New York.

The term "DTC Participant" shall mean the securities brokers and dealers, banks, trust companies, clearing corporations and certain other organizations on whose behalf DTC was created to hold securities to facilitate the clearance and settlement of securities transactions among DTC Participants.

The term "Designated Trust Office" shall have the same meaning as set forth in Section 5(a) hereof.

The term "Escrow Agent" shall mean U.S. Bank National Association.

The term "Escrow Agreement" shall mean the Escrow Agreement between the City and the Escrow Agent, executed in connection with the refunding of the Refunded Bonds.

The terms "Gross Revenues of the City's Combined Waterworks and Sewer System" and "Gross Revenues" shall mean all revenues, income, and receipts of every nature derived or received by the City from the operation and ownership of the System, including the interest income from the investment or deposit of money in any Fund created by this Ordinance, or maintained by the City in connection with the System.

The term "Interest and Sinking Fund" shall have the meaning as set forth in Section 10(a) hereof.

The term "MAC" shall mean the Municipal Advisory Council of Texas.

The term "MSRB" shall mean the Municipal Securities Rulemaking Board.

The terms "Net Revenues of the City's Combined Waterworks and Sewer System" and "Net Revenues" shall mean all Gross Revenues after deducting and paying the current expenses of operation and maintenance of the System, as required by Section 1502.056, Texas Government Code, including all salaries, labor, materials, interest, repairs, and extensions necessary to render efficient service; provided, however, that only such repairs and extensions, as in the judgment of the City Council, reasonably and fairly exercised by the adoption of the appropriate resolution, are necessary to keep the System in operation and render adequate service to the City and the inhabitants thereof, or such as might be necessary to meet some physical accident or condition which would

otherwise impair the Previously Issued Parity Bonds, the Bonds or Additional Bonds, shall be deducted in determining "Net Revenues". Payments made by the City for water supply or treatment of sewage which constitute under the law an operation and maintenance expense shall be considered herein as expenses incurred in the operation and maintenance of the System. Depreciation and any payments to the City in lieu of ad valorem taxes and any other similar payments shall never be considered as an expense of operation and maintenance.

The term "1981 Ordinance" shall mean the ordinance authorizing the issuance of the Series 1981 Bonds.

The term "Paying Agent/Registrar" shall have the meaning as set forth in Section 5(a) hereof.

The term "Pledged Revenues" shall mean

(1) the Net Revenues, plus

(2) any additional revenues, income, receipts, or other resources, including, without limitation, any grants, donations, or income received or to be received from the United States Government, or any other public or private source, whether pursuant to an agreement or otherwise, which hereafter may be pledged to the payment of the Previously Issued Parity Bonds, Bonds and Additional Bonds.

The term "Previously Issued Parity Bonds" shall mean the Series 2006 Bonds, the Series 2007 Bonds, the Series 2008 Bonds, the Series 2009A Bonds, the Series 2009B Bonds, the Series 2009C Bonds, the Series 2010 Bonds, the Series 2011 Bonds, the Series 2012A Bonds, the Series 2012B Bonds, the Series 2013 Bonds, the Series 2015A Bonds and the Series 2015B Bonds.

The term "Purchase Contract" shall mean the Bond Purchase Contract relating to the Bonds and the Taxable Series 2016B Bonds, between the City and Underwriters.

The term "Refundable Bonds" shall mean those Previously Issued Parity Bonds identified in Schedule I attached to this Ordinance.

The term "Refunded Bonds" shall mean those Refundable Bonds that are selected to be refunded by the City Manager in accordance with Section 27(a) hereof and refunded with proceeds of the Bonds.

The term "Refunded Commercial Paper Notes" shall mean those Commercial Paper Notes outstanding on the date the Purchase Contract is executed that are selected to be refunded by the Chief Financial Officer of the City in accordance with Section 27(b) hereof.

The term "Registration Books" shall have the meaning as set forth in Section 5(a) hereof.

The term "Reserve Fund" shall have the meaning as set forth in Section 11 hereof.

The term "Revenue Fund" shall have the meaning as set forth in Section 9 hereof.

The term "Rule" shall mean SEC Rule 15c2-12, as amended from time to time.

The term "SEC" shall mean the United States Securities and Exchange Commission.

The term "Series 1981 Bonds" shall mean the City of Dallas, Texas Waterworks and Sewer System Revenue Refunding Bonds, Series 1981, dated April 1, 1981, and authorized by ordinance of the City passed April 1, 1981; the term "Series 2006 Bonds" shall mean the City of Dallas, Texas Waterworks and Sewer System Revenue Refunding and Improvement Bonds, Series 2006, dated April 1, 2006, and authorized by ordinance of the City passed April 12, 2006; the term "Series 2007 Bonds" shall mean the City of Dallas, Texas Waterworks and Sewer System Revenue Refunding Bonds, Series 2007, dated March 15, 2007, and authorized by ordinance of the City passed March 21, 2007; the term "Series 2008 Bonds" shall mean the City of Dallas, Texas Waterworks and Sewer System Revenue Refunding Bonds, Series 2008, dated May 15, 2008, and authorized by ordinance of the City passed May 28, 2008; the term "Series 2009A Bonds" shall mean the City of Dallas, Texas Waterworks and Sewer System Revenue Bonds, Series 2009A, dated February 1, 2009, and authorized by ordinance of the City passed February 11, 2009; the term "Series 2009B Bonds" shall mean the City of Dallas, Texas Waterworks and Sewer System Revenue Bonds, Series 2009B, dated February 1, 2009, and authorized by ordinance of the City passed February 11, 2009; the term "Series 2009C Bonds" shall mean the City of Dallas, Texas Waterworks and Sewer System Revenue Bonds, Series 2009C, dated February 1, 2009, and authorized by ordinance of the City passed February 11, 2009; the term "Series 2010 Bonds" shall mean the City of Dallas, Texas Waterworks and Sewer System Revenue Refunding Bonds, Series 2010, dated June 15, 2010, and authorized by ordinance of the City passed June 9, 2010; the term "Series 2011 Bonds" shall mean the City of Dallas, Texas Waterworks and Sewer System Revenue Refunding Bonds, Series 2011, dated July 26, 2011, and authorized by ordinance of the City passed June 23, 2011; the term "Series 2012A Bonds" shall mean the City of Dallas, Texas Waterworks and Sewer System Revenue Refunding Bonds, Series 2012A, dated September 19, 2012, and authorized by ordinance of the City passed August 8, 2012; the term "Series 2012B Bonds" shall mean the City of Dallas, Texas Waterworks and Sewer System Revenue Refunding Bonds, Taxable Series 2012B, dated September 19, 2012, and authorized by ordinance of the City passed August 8, 2012; the term "Series 2013 Bonds" shall mean the City of Dallas, Texas Waterworks and Sewer System Revenue Refunding and Improvement Bonds, Series 2013, dated September 17, 2013, and authorized by ordinance of the City passed August 14, 2013; the term "Series 2015A Bonds" shall mean the City of Dallas, Texas Waterworks and Sewer System Revenue Refunding Bonds, Series 2015A, dated March 25, 2015, and authorized by ordinance of the City passed February 25, 2015; and the term "Series 2015B Bonds" shall mean the City of Dallas, Texas Waterworks and Sewer System Revenue Refunding Bonds, Taxable Series 2015B, dated March 25, 2015, and authorized by ordinance of the City passed February 25, 2015.

The term "Series 2016B Refunded Bonds" shall mean those Refundable Bonds refunded with the proceeds of the Taxable Series 2016B Bonds in accordance with the terms of the Taxable Series 2016B Bond Ordinance and the Purchase Contract.

The term "System" shall mean and include the City's combined existing waterworks and sewer system, together with all future extensions, improvements, enlargements, and additions thereto, and all replacements thereof; provided, however, that, notwithstanding the foregoing, and to the extent now or hereafter authorized or permitted by law, the term System shall not include any waterworks or sewer facilities which are declared not to be a part of the System and which are acquired or constructed by the City with the proceeds from the issuance of "Special Facilities Bonds", which are hereby defined as being special revenue obligations of the City which are not secured by or payable from the Pledged Revenues as defined herein, but which are secured by and payable solely from special contract revenues or payments received from any other legal entity in connection with such facilities; and such revenues or payments shall not be considered as or constitute Gross Revenues of the System, unless and to the extent otherwise provided in the ordinance or ordinances authorizing the issuance of such "Special Facilities Bonds".

The term "Taxable Series 2016B Bond Ordinance" shall mean the ordinance authorizing the issuance of the Taxable Series 2016B Bonds, adopted concurrently with this Ordinance.

The term "Taxable Series 2016B Bonds" shall mean one or more, as the case may be, of the City of Dallas, Texas Waterworks and Sewer System Revenue Refunding Bonds, Taxable Series 2016B, authorized to be issued by the Taxable Series 2016B Bond Ordinance. If issued, the Taxable Series 2016B Bonds will be issued as Additional Bonds.

The term "Term Bonds" shall mean those Bonds (if any) so designated pursuant to this Ordinance, and those Previously Issued Parity Bonds or Additional Bonds so designated in the ordinances authorizing such bonds, which shall be subject to retirement by operation of the Mandatory Redemption Account referred to in Section 10(b) hereof.

The term "Underwriters" shall mean the investment banking firms designated in Section 2(b) of this Ordinance as the co-senior managing underwriters for the Bonds, together with any other investment banking firms named as "Underwriters" in the Purchase Contract.

The term "Year" shall mean the regular fiscal year used by the City in connection with the operation of the System, which may be any twelve consecutive months period established by the City.

Section 8. **PLEDGE.** (a) That the Previously Issued Parity Bonds, the Bonds and any Additional Bonds, and any interest payable thereon, are and shall be secured by and payable from an irrevocable first lien on and pledge of the Pledged Revenues; and the Pledged Revenues are further pledged irrevocably to the establishment and maintenance of the Interest and Sinking Fund and the Reserve Fund as hereinafter provided. The Previously Issued Parity Bonds, the Bonds and any Additional Bonds are and will be secured by and payable only from the Pledged Revenues, and are not secured by or payable from a mortgage or deed of trust on any real, personal or mixed properties constituting the System.

(b) That Chapter 1208 applies to the issuance of the Bonds and the pledge of the Pledged Revenues granted by the City under subsection (a) of this Section, and such pledge is therefore valid, effective, and perfected. If Texas law is amended at any time while the Bonds are outstanding and unpaid such that the pledge of the Pledged Revenues granted by the City is to be subject to the filing requirements of Chapter 9, then in order to preserve to the registered owners of the Bonds the perfection of the security interest in said pledge, the City agrees to take such measures as it determines are reasonable and necessary under Texas law to comply with the applicable provisions of Chapter 9 and enable a filing to perfect the security interest in said pledge to occur.

Section 9. **REVENUE FUND.** That there has been created and established on the books of the City, and accounted for separate and apart from all other funds of the City, a special fund entitled the "City of Dallas, Texas, Waterworks and Sewer System Revenue Fund" (the "Revenue Fund"). All Gross Revenues are and shall be credited to the Revenue Fund immediately upon receipt. All current expenses of operation and maintenance of the System are and shall be paid from such Gross Revenues as a first charge against same.

Section 10. **INTEREST AND SINKING FUND.** (a) That for the sole purpose of paying the principal of and interest on the Previously Issued Parity Bonds, the Bonds and any Additional Bonds, as the same come due, there has been created and established on the books of the City a separate fund entitled the "City of Dallas, Texas, Waterworks and Sewer System Revenue Bonds Interest and Sinking Fund" (the "Interest and Sinking Fund"). Monies in the Interest and Sinking Fund are and shall be maintained at an official depository bank of the City.

(b) That within the Interest and Sinking Fund there has been established the Mandatory Redemption Account, into which account shall be credited the Amortization Installments which shall be used for the payment of the principal of Term Bonds as the same shall come due, whether by maturity thereof or by redemption, through the operation of the Mandatory Redemption Account.

Section 11. **RESERVE FUND.** That there has been created and established on the books of the City a separate fund entitled the "City of Dallas, Texas, Waterworks and Sewer System Revenue Bonds Reserve Fund" (the "Reserve Fund"). Monies in the Reserve Fund shall be used solely for the purpose of retiring the last of any Previously Issued Parity Bonds, Bonds or Additional Bonds as they become due or paying principal of and interest on any Previously Issued Parity Bonds, Bonds or Additional Bonds when and to the extent the amounts in the Interest and Sinking Fund are insufficient for such purpose. Monies in the Reserve Fund shall be maintained at an official depository bank of the City.

Section 12. **DEPOSITS OF PLEDGED REVENUES; INVESTMENTS.** (a) That the Pledged Revenues shall be deposited in the Interest and Sinking Fund and the Reserve Fund when and as required by ordinances authorizing Previously Issued Parity Bonds and by this Ordinance.

(b) That money in any Fund established by ordinances authorizing Previously Issued Parity Bonds may, at the option of the City, be (A) placed in time deposits or certificates of deposit

which are secured by (i) obligations of the type described in (B) hereinbelow, (ii) any obligations of the City, or (iii) any municipal bonds issued by a political subdivision in Texas bearing a rating by Standard & Poor's Ratings Services of "BBB" or Moody's Investors Service of "Baa", or better or (B) invested, including investments held in book-entry form, in (i) direct obligations of the United States of America, (ii) obligations guaranteed or insured by the United States of America, which, in the opinion of the Attorney General of the United States, are backed by its full faith and credit or represent its general obligations, or, (iii) to the extent permitted by law, evidences of indebtedness issued, insured or guaranteed by such governmental agencies as the Federal Land Banks, Federal Intermediate Credit Banks, Banks for Cooperatives, Federal Home Loan Banks, Government National Mortgage Association, United States Postal Service, Farmers Home Association, and the Federal Home Loan Mortgage Association; provided, however, that all such deposits and investments shall have a par value (or market value when less than par) exclusive of accrued interest at all times at least equal to the amount of money credited to such Funds, and shall be made in such manner that the money required to be expended from any Fund will be available at the proper time or times. Money in the Reserve Fund shall not be invested in securities maturing later than the final maturity of the Previously Issued Parity Bonds, the Bonds, and Additional Bonds. Such investments shall be valued in terms of current market value as of the last day of each Year, except that direct obligations of the United States (State and Local Government Series) in book-entry form shall be continuously valued at their par or face principal amount. Such investments shall be sold promptly when necessary to prevent any default in connection with the Previously Issued Parity Bonds, the Bonds or Additional Bonds.

Section 13. **FUNDS SECURED.** That money in all Funds created by this Ordinance, to the extent not invested, shall be secured in the manner prescribed by law for securing funds of the City.

Section 14. **DEBT SERVICE REQUIREMENTS.** (a) That promptly after the delivery of the Bonds the City shall cause to be deposited to the credit of the Interest and Sinking Fund any accrued interest received from the sale and delivery of the Bonds, and any such deposit shall be used to pay part of the interest next coming due on the Bonds.

(b) That in addition to all amounts heretofore required to be transferred from the Pledged Revenues and deposited to the credit of the Interest and Sinking Fund by the ordinances authorizing the issuance of the Previously Issued Parity Bonds, the City shall transfer from the Pledged Revenues and deposit to the credit of the Interest and Sinking Fund the amounts, at the times, as follows:

(1) such amounts, deposited in approximately equal monthly installments on or before the 25th day of each month hereafter, commencing with the month during which the Bonds are delivered, or the month thereafter if delivery is made after the 25th day thereof, as will be sufficient, together with other amounts, if any, then on hand in the Interest and Sinking Fund and available for such purpose, to pay the interest scheduled to accrue and come due on the Bonds on the next succeeding interest payment date; and

(2) such amounts, deposited in approximately equal monthly installments on or before the 25th day of each month hereafter, commencing with the month during which the Bonds are delivered, or the month thereafter if delivery is made after the 25th day thereof, as will be sufficient, together with other amounts, if any, then on hand in the Interest and Sinking Fund and available for such purpose, to pay the principal scheduled to mature and come due on the Bonds on the next succeeding principal payment date.

Section 15. **RESERVE REQUIREMENTS.** That the Reserve Fund shall be maintained in an amount equal to the average annual principal and interest requirements (including Amortization Installments) of the Previously Issued Parity Bonds, the Bonds and Additional Bonds (the "Required Amount"). When and so long as the money and investments in the Reserve Fund are not less than the Required Amount, no deposits need be made to the credit of the Reserve Fund. When and if the Reserve Fund contains less than the Required Amount due to the issuance of the Bonds or Additional Bonds, beginning on the 25th day of the month following the delivery of the Bonds or Additional Bonds to the purchasers thereof, and continuing for sixty months, the City shall transfer from the Pledged Revenues and deposit to the credit of the Reserve Fund an amount equal to 1/60th of the difference determined as of such delivery date between the amount in the Reserve Fund and the Required Amount. When and if the Reserve Fund at any time contains less than the Required Amount due to any cause or condition other than the issuance of Additional Bonds, then, subject and subordinate to making the required deposits to the credit of the Interest and Sinking Fund, such deficiency shall be made up as soon as possible from the next available Pledged Revenues, or from any other sources available for such purpose. The City may, at its option, withdraw and use for any lawful purpose not inconsistent with the City's Charter, all surplus in the Reserve Fund over the Required Amount.

Section 16. **DEFICIENCIES; EXCESS PLEDGED REVENUES.** (a) That if on any occasion there shall not be sufficient Pledged Revenues to make the required deposits into the Interest and Sinking Fund and the Reserve Fund, then such deficiency shall be made up as soon as possible from the next available Pledged Revenues, or from any other sources available for such purpose.

(b) That, subject to making the required deposits to the credit of the Interest and Sinking Fund and the Reserve Fund when and as required by this Ordinance, or any ordinance authorizing the issuance of Previously Issued Parity Bonds or Additional Bonds, the excess Pledged Revenues may be used by the City for any lawful purpose not inconsistent with the City's Charter.

Section 17. **PAYMENT OF THE BONDS AND ADDITIONAL BONDS.** That on or before October 1, 2016, and semiannually on or before each April 1 and October 1 thereafter while any of the Previously Issued Parity Bonds, the Bonds or Additional Bonds are outstanding and unpaid, the City shall make available to the paying agents therefor (including the Paying Agent/Registrar), out of the Interest and Sinking Fund and the Reserve Fund (if necessary), money sufficient to pay such interest on and such principal of the Previously Issued Parity Bonds, the Bonds and Additional Bonds as shall become due on such dates, respectively, at maturity or by redemption

prior to maturity. The aforesaid paying agents (including the Paying Agent/Registrar) shall destroy all paid Previously Issued Parity Bonds, Bonds and Additional Bonds, and furnish the City with an appropriate certificate of cancellation or destruction.

Section 18. **FINAL DEPOSITS; GOVERNMENTAL OBLIGATIONS.** (a) That any Previously Issued Parity Bond, Bond or Additional Bond shall be deemed to be paid, retired and no longer outstanding within the meaning of this Ordinance when payment of the principal of, redemption premium, if any, on such bond, plus interest thereon to the due date thereof (whether such due date be by reason of maturity, upon redemption, or otherwise) either (i) shall have been made or caused to be made in accordance with the terms thereof (including the giving of any required notice of redemption), or (ii) shall have been provided for by irrevocably depositing with, or making available to, a paying agent (or escrow agent) therefor, in trust and irrevocably set aside exclusively for such payment, (1) money sufficient to make such payment or (2) Government Obligations, as hereinafter defined in this Section, certified by an independent public accounting firm of national reputation to mature as to principal and interest in such amounts and at such times as will insure the availability, without reinvestment, of sufficient money to make such payment, and all necessary and proper fees, compensation, and expenses of such paying agent pertaining to the bonds with respect to which such deposit is made shall have been paid or the payment thereof provided for to the satisfaction of such paying agent. At such time as a Previously Issued Parity Bond, Bond or Additional Bond shall be deemed to be paid hereunder, as aforesaid, it shall no longer be secured by or entitled to the benefit of this Ordinance or such other ordinance securing such bond or a lien on and pledge of the Pledged Revenues, and shall be entitled to payment solely from such money or Government Obligations.

(b) That any moneys so deposited with a paying agent may, at the direction of the City, also be invested in Government Obligations, maturing in the amounts and times as hereinbefore set forth, and all income from all Government Obligations in the hands of the paying agent pursuant to this Section which is not required for the payment of the Previously Issued Parity Bonds, Bonds and Additional Bonds, the redemption premium, if any, and interest thereon, with respect to which such money has been so deposited, shall be remitted to the City.

(c) That the City covenants that no deposit will be made or accepted under clause (a)(ii) of this Section and no use will be made of any such deposit which would cause the Previously Issued Parity Bonds, Bonds or any Additional Bonds to be treated as "arbitrage bonds" within the meaning of section 148 of the Code.

(d) That for the purpose of this Section, the term "Government Obligations" shall mean direct obligations of the United States of America, including obligations the principal of and interest on which are unconditionally guaranteed by the United States of America.

(e) That notwithstanding any other provisions of this Ordinance, all money or Government Obligations set aside and held in trust pursuant to the provisions of this Section for the payment of Previously Issued Parity Bonds, Bonds and Additional Bonds, the redemption premium,

if any, and interest thereon, shall be applied to and used for the payment of such Previously Issued Parity Bonds, Bonds and Additional Bonds, the redemption premium, if any, and interest thereon.

(f) That in accordance with the provisions of Section 1207.033, Texas Government Code, the City may call for redemption, at a date earlier than their scheduled maturities, those Bonds which have been defeased to their maturity date. Notwithstanding any other provision of this Ordinance to the contrary, it is hereby provided that any determination not to redeem Bonds defeased under the terms of this Ordinance that is made in conjunction with the payment arrangements specified in clauses (i) or (ii) of subsection (a) above shall not be irrevocable, provided that: (1) in the proceedings providing for such payment arrangements, the City expressly reserves the right to call Bonds so defeased for redemption; (2) the City gives notice of the reservation of that right to the owners of the Bonds so defeased immediately following the making of the payment arrangements; and (3) the City directs that notice of the reservation be included in any redemption notices that it authorizes.

Section 19. **ADDITIONAL BONDS.** (a) That the City shall have the right and power at any time and from time to time to authorize, issue and deliver additional parity revenue bonds (herein called "Additional Bonds") in one or more series or issues, in accordance with law, in any amounts, for purposes of extending, improving or repairing the System or for the purpose of refunding of any Previously Issued Parity Bonds, Bonds, Additional Bonds or other obligations of the City incurred in connection with the ownership or operation of the System. Such Additional Bonds, if and when authorized, issued and delivered in accordance with this Ordinance, shall be secured by and made payable equally and ratably on a parity with the Previously Issued Parity Bonds, the Bonds, and all other outstanding Additional Bonds, from an irrevocable first lien on and pledge of the Pledged Revenues.

(b) That the Interest and Sinking Fund and the Reserve Fund established by the 1981 Ordinance shall secure and be used to pay all Additional Bonds as well as the Previously Issued Parity Bonds and the Bonds. However, each ordinance under which Additional Bonds are issued shall provide and require that, in addition to the amounts required to be deposited to the credit of the Interest and Sinking Fund by the provisions of this Ordinance and the provisions of any other ordinance or ordinances authorizing Additional Bonds, the City shall deposit to the credit of the Interest and Sinking Fund at least such amounts as are required for the payment of all principal of and interest on said Additional Bonds then being issued, as the same come due; and that the aggregate amount to be accumulated and maintained in the Reserve Fund shall be increased (if and to the extent necessary) to an amount not less than the average annual principal and interest requirements (including Amortization Installments) of all Previously Issued Parity Bonds, Bonds and Additional Bonds which will be outstanding after the issuance and delivery of the then proposed Additional Bonds; and that the required additional amount shall be so accumulated by the deposit in the Reserve Fund of all or any part of said required additional amount in cash immediately after the delivery of the then proposed Additional Bonds, or, at the option of the City, by the deposit of said required additional amount (or any balance of said required additional amount not deposited in cash as permitted above) in monthly installments, made on or before the 25th day of each month

following the delivery of the then proposed Additional Bonds, of not less than 1/60th of said required additional amount (or 1/60th of the balance of said required additional amount not deposited in cash as permitted above).

(c) That all calculations of average annual principal and interest requirements (including Amortization Installments) made pursuant to this Section shall be made as of and from the date of the Additional Bonds then proposed to be issued.

(d) That the principal of all Additional Bonds must be scheduled to be paid or mature on April 1 or October 1 (or both) of the years in which such principal is scheduled to be paid or mature; and all interest thereon must be payable on April 1 and October 1.

Section 20. **FURTHER REQUIREMENTS FOR ADDITIONAL BONDS.** That Additional Bonds shall be issued only in accordance with this Ordinance, but notwithstanding any provisions of this Ordinance to the contrary, no installment, Series or issue of Additional Bonds shall be issued or delivered unless:

(a) The Mayor and the City Secretary of the City sign a written certificate to the effect that the City is not in default as to any covenant, condition or obligation in connection with all outstanding Previously Issued Parity Bonds, the Bonds and Additional Bonds, and the ordinances authorizing same, and that the Interest and Sinking Fund and the Reserve Fund each contains the amount then required to be therein.

(b) An independent certified public accountant, or independent firm of certified public accountants, signs a written certificate to the effect that, during either the next preceding Year, or any twelve consecutive calendar month period ending not more than ninety days prior to the date of the then proposed Additional Bonds, the Net Revenues were, in his or its opinion, at least equal to 1.25 times the average annual principal and interest requirements (computed on a fiscal year basis) including Amortization Installments, of all Previously Issued Parity Bonds, the Bonds and Additional Bonds to be outstanding after the issuance of the then proposed Additional Bonds.

Section 21. **GENERAL COVENANTS.** That the City further covenants and agrees that in accordance with and to the extent required or permitted by law:

(a) **Performance.** It will faithfully perform at all times any and all covenants, undertakings, stipulations, and provisions contained in this Ordinance, and each ordinance authorizing the issuance of Previously Issued Parity Bonds and Additional Bonds, and in each and every Previously Issued Parity Bond, Bond and Additional Bond; it will promptly pay or cause to be paid the principal of and interest on every Previously Issued Parity Bond, Bond and Additional Bond, on the dates and in the places and manner prescribed in such ordinances and Previously Issued Parity Bonds, Bonds or Additional Bonds; and it will, at the times and in the manner prescribed, deposit or cause to be deposited the amounts required to be deposited into the Interest and Sinking Fund and the Reserve Fund; and any holder of the Previously Issued Parity Bonds, Bonds or Additional Bonds may require the City, its officials and employees to carry out, respect or enforce the covenants and obligations of this Ordinance, or any ordinance authorizing the issuance of Additional Bonds, by all

legal and equitable means, including specifically, but without limitation, the use and filing of mandamus proceedings, in any court of competent jurisdiction, against the City, its officials and employees.

(b) **City's Legal Authority.** It is a duly created and existing home rule city of the State of Texas, and is duly authorized under the laws of the State of Texas to create and issue the Bonds; that all action on its part for the creation and issuance of the Bonds has been duly and effectively taken; and that the Bonds in the hands of the holders and owners thereof are and will be valid and enforceable special obligations of the City in accordance with their terms.

(c) **Title.** It has or will obtain lawful title to the lands, buildings, structures and facilities constituting the System, that it warrants that it will defend the title to all the aforesaid lands, buildings, structures and facilities, and every part thereof, for the benefit of the holders and owners of the Previously Issued Parity Bonds, Bonds and Additional Bonds, against the claims and demands of all persons whomsoever, that it is lawfully qualified to pledge the Pledged Revenues to the payment of the Previously Issued Parity Bonds, Bonds and Additional Bonds in the manner prescribed herein, and has lawfully exercised such rights.

(d) **Liens.** It will from time to time and before the same become delinquent pay and discharge all taxes, assessments and governmental charges, if any, which shall be lawfully imposed upon it, or the System; it will pay all lawful claims for rents, royalties, labor, materials, and supplies which if unpaid might by law become a lien or charge thereon, the lien of which would be prior to or interfere with the liens hereof, so that the priority of the liens granted hereunder shall be fully preserved in the manner provided herein; and it will not create or suffer to be created any mechanic's, laborer's, materialman's or other lien or charge which might or could be prior to the liens hereof, or do or suffer any matter or thing whereby the liens hereof might or could be impaired; provided, however, that no such tax, assessment or charge, and that no such claims which might be used as the basis of a mechanic's, laborer's, materialman's or other lien or charge, shall be required to be paid so long as the validity of the same shall be contested in good faith by the City.

(e) **Operation of System; No Free Service.** It will, while the Previously Issued Parity Bonds, Bonds or any Additional Bonds are outstanding and unpaid, continuously and efficiently operate the System, and shall maintain the System in good condition, repair and working order, all at reasonable cost. No free service of the System shall be allowed, and should the City or any of its agencies or instrumentalities make use of the services and facilities of the System, payment of the reasonable value shall be made by the City out of funds from sources other than the revenues of the System, unless made from surplus or excess Pledged Revenues as permitted in Section 16(b) hereof.

(f) **Further Encumbrance.** It, while the Previously Issued Parity Bonds, Bonds or any Additional Bonds are outstanding and unpaid, will not additionally encumber the Pledged Revenues in any manner, except as permitted in this Ordinance in connection with Additional Bonds, unless said encumbrance is made junior and subordinate in all respects to the liens, pledges, covenants and

agreements of this Ordinance; but the right of the City to issue revenue bonds payable from a subordinate lien on the Pledged Revenues is specifically recognized and retained.

(g) **Sale or Disposal of Property.** It, while the Previously Issued Parity Bonds, the Bonds or any Additional Bonds are outstanding and unpaid, will not sell, convey, mortgage, encumber, lease or in any manner transfer title to, or otherwise dispose of the System, or any significant or substantial part thereof; provided, however, that whenever the City deems it necessary to dispose of any property, machinery, fixtures or equipment, it may sell or otherwise dispose of such property, machinery, fixtures or equipment when it has made arrangements to replace the same or provide substitutes therefor, unless it is determined that no such replacement or substitute is necessary. Proceeds from any sale hereunder not used to replace or provide for substitution of such property sold, shall be used for improvements to the System or to purchase or redeem Previously Issued Parity Bonds, Bonds and Additional Bonds.

(h) **Insurance.** (1) It shall cause to be insured such parts of the System as would usually be insured by corporations operating like properties, with a responsible insurance company or companies, against risks, accidents or casualties against which, and to the extent, insurance is usually carried by corporations operating like properties, including, to the extent reasonably obtainable, fire and extended coverage insurance, insurance against damage by floods, and use and occupancy insurance. Public liability and property damage insurance shall also be carried unless the City Attorney of the City gives a written opinion to the effect that the City is not liable for claims which would be protected by such insurance. At any time while any contractor engaged in construction work shall be fully responsible therefor, the City shall not be required to carry insurance on the work being constructed if the contractor is required to carry appropriate insurance. All such policies shall be open to the inspection of the bondholders and their representatives at all reasonable times. Upon the happening of any loss or damage covered by insurance from one or more of said causes, the City shall make due proof of loss and shall do all things necessary or desirable to cause the insuring companies to make payment in full directly to the City. The proceeds of insurance covering such property, together with any other funds necessary and available for such purpose, shall be used forthwith by the City for repairing the property damaged or replacing the property destroyed; provided, however, that if said insurance proceeds and other funds are insufficient for such purpose, then said insurance proceeds pertaining to the System shall be used promptly as follows:

(i) for the redemption prior to maturity of the Previously Issued Parity Bonds, the Bonds and Additional Bonds, ratably in the proportion that the outstanding principal of each series of Previously Issued Parity Bonds, Bonds or Additional Bonds bears to the total outstanding principal of all Previously Issued Parity Bonds, Bonds and Additional Bonds, provided that, if on any such occasion the principal of any such series is not subject to redemption, it shall not be regarded as outstanding in making the foregoing computation; or

(ii) if none of the outstanding Previously Issued Parity Bonds, Bonds or Additional Bonds is subject to redemption, then for the purchase on the open market and retirement of said Previously Issued Parity Bonds, Bonds and Additional Bonds in the same proportion as

prescribed in the foregoing clause (i), to the extent practicable; provided, however, that the purchase price for any Previously Issued Parity Bond, Bond or Additional Bond shall not exceed the redemption price of such Previously Issued Parity Bond, Bond or Additional Bond on the first date upon which it becomes subject to redemption; or

(iii) to the extent that the foregoing clauses (i) and (ii) cannot be complied with at the time, the insurance proceeds, or the remainder thereof, shall be deposited in a special and separate trust fund, at an official depository of the City, to be designated the Insurance Account. The Insurance Account shall be held until such time as the foregoing clauses (i) and/or (ii) can be complied with, or until other funds become available which, together with the Insurance Account, will be sufficient to make the repairs or replacements originally required, whichever of said events occurs first.

(2) The foregoing provisions of (1) above notwithstanding, the City shall have authority to enter into coinsurance or similar plans where risk of loss is shared in whole or in part by the City.

(3) The annual audit hereinafter required shall contain a section commenting on whether or not the City has complied with the requirements of this Section with respect to the maintenance of insurance, and listing all policies carried, and whether or not all insurance premiums upon the insurance policies to which reference is hereinbefore made have been paid.

(i) **Rate Covenant.** The City Council of the City will fix, establish, maintain and collect such rates, charges and fees for the use and availability of the System at all times as are necessary to produce Gross Revenues sufficient, (1) to pay all current operation and maintenance expenses of the System, (2) to produce Net Revenues for each Year at least equal to 1.25 times the principal and interest requirements (including Amortization Installments) of all then outstanding Previously Issued Parity Bonds, Bonds and Additional Bonds for the Year during which such requirements are scheduled to be the greatest, and (3) to pay all other obligations of the System.

(j) **Records.** It will keep proper books of record and account in which full, true and correct entries will be made of all dealings, activities and transactions relating to the System, the Pledged Revenues and the Funds created pursuant to this Ordinance, and all books, documents and vouchers relating thereto shall at all reasonable times be made available for inspection upon request of any bondholders.

(k) **Audits.** After the close of each Year while any of the Previously Issued Parity Bonds, Bonds or any Additional Bonds are outstanding, an audit will be made of the books and accounts relating to the System and the Pledged Revenues by an independent certified public accountant or an independent firm of certified public accountants. As soon as practicable after the close of each such Year, and when said audit has been completed and made available to the City, a copy of such audit for the preceding Year shall be mailed to the MAC and to any holder of 5% or more in aggregate principal amount of then outstanding Previously Issued Parity Bonds, Bonds and Additional Bonds

who shall so request in writing. Such annual audit reports shall be open to the inspection of the bondholders and their agents and representatives at all reasonable times.

(l) **Governmental Agencies.** It will comply with all of the terms and conditions of any and all franchises, permits and authorizations applicable to or necessary with respect to the System, and which have been obtained from any governmental agency; and the City has or will obtain and keep in full force and effect all franchises, permits, authorization and other requirements applicable to or necessary with respect to the acquisition, construction, equipment, operation and maintenance of the System.

(m) **No Competition.** It will not grant any franchise or permit for the acquisition, construction or operation of any competing facilities which might be used as a substitute for the System's facilities, and, to the extent that it legally may, the City will prohibit any such competing facilities.

Section 22. **AMENDMENT OF ORDINANCE.** (a) That the holders of the Previously Issued Parity Bonds, Bonds and Additional Bonds aggregating in principal amount 51% of the aggregate principal amount of then outstanding Previously Issued Parity Bonds, Bonds and Additional Bonds shall have the right from time to time to approve any amendment to this Ordinance which may be deemed necessary or desirable by the City; provided, however, that without the consent of the holders of all of the Previously Issued Parity Bonds, Bonds and Additional Bonds at the time outstanding, nothing herein contained shall permit or be construed to permit the amendment of the terms and conditions in this Ordinance or in the Previously Issued Parity Bonds, Bonds or Additional Bonds so as to:

- (1) Make any change in the maturity of the outstanding Previously Issued Parity Bonds, Bonds or Additional Bonds;
- (2) Reduce the rate of interest borne by any of the outstanding Previously Issued Parity Bonds, Bonds or Additional Bonds;
- (3) Reduce the amount of the principal payable on the outstanding Previously Issued Parity Bonds, Bonds or Additional Bonds;
- (4) Modify the terms of payment of principal of or interest on the outstanding Previously Issued Parity Bonds, Bonds or Additional Bonds or impose any conditions with respect to such payment;
- (5) Affect the rights of the holders of less than all of the Previously Issued Parity Bonds, Bonds and Additional Bonds then outstanding; or
- (6) Change the minimum percentage of the principal amount of Previously Issued Parity Bonds, Bonds and Additional Bonds necessary for consent to such amendment.

(b) That if at any time the City shall desire to amend the Ordinance under this Section, the City shall cause notice of the proposed amendment to be published in a financial newspaper or journal published in The City of New York, New York, once during each calendar week for at least two successive calendar weeks. Such notice shall briefly set forth the nature of the proposed amendment and shall state that a copy thereof is on file at the principal office of the Paying Agent/Registrar for inspection by all holders of Previously Issued Parity Bonds, Bonds and Additional Bonds. Such publication is not required, however, if notice in writing is given to each holder of Previously Issued Parity Bonds, Bonds and Additional Bonds.

(c) That whenever at any time not less than thirty days, and within one year, from the date of the first publication of said notice or other service of written notice the City shall receive an instrument or instruments executed by the holders of at least 51% in aggregate principal amount of all Previously Issued Parity Bonds, Bonds and Additional Bonds then outstanding, which instrument or instruments shall refer to the proposed amendment described in said notice and which specifically consent to and approve such amendment in substantially the form of the copy thereof on file with the Paying Agent/Registrar, the City Council may pass the amendatory ordinance in substantially the same form.

(d) That upon the passage of any amendatory ordinance pursuant to the provisions of this Section, this Ordinance shall be deemed to be amended in accordance with such amendatory ordinance, and the respective rights, duties and obligations under this Ordinance of the City and all the holders of then outstanding Previously Issued Parity Bonds, Bonds and Additional Bonds shall thereafter be determined, exercised and enforced hereunder, subject in all respects to such amendments.

(e) That any consent given by the holder of a Previously Issued Parity Bond, Bond or Additional Bond pursuant to the provisions of this Section shall be irrevocable for a period of six (6) months from the date of the first publication of the notice or other service of written notice provided for in this Section, and shall be conclusive and binding upon all future holders of the same Previously Issued Parity Bond, Bond or Additional Bond during such period. Such consent may be revoked at any time after six (6) months from the date of the first publication of such notice or other service of written notice by the holder who gave such consent, or by a successor in title, by filing notice thereof with the paying agent/registrar therefor and the City, but such revocation shall not be effective if the holders, identified in accordance with subsection (f) of this Section, of 51% in aggregate principal amount of the then outstanding Previously Issued Parity Bonds, Bonds and Additional Bonds have, prior to the attempted revocation, consented to and approve the amendment.

(f) That for the purpose of this Section, the fact of the holding of Previously Issued Parity Bonds, Bonds, or Additional Bonds issued in registered form without coupons and the amounts and numbers of such Previously Issued Parity Bonds, Bonds or Additional Bonds and the date of their holding same shall be proved by the bond registration books of the paying agent/registrar therefor. For purposes of this Section, the holder of a Previously Issued Parity Bond, Bond or Additional Bond

in such registered form shall be the owner thereof as shown on such registration books. The City may conclusively assume that such ownership continues until written notice to the contrary is served upon the City.

(g) That the foregoing provisions of this Section notwithstanding, the City by action of the City Council may amend this Ordinance for any one or more of the following purposes:

(1) To add to the covenants and agreements of the City in this Ordinance contained, other covenants and agreements thereafter to be observed, grant additional rights or remedies to bondholders or to surrender, restrict or limit any right or power herein reserved to or conferred upon the City;

(2) To make such provisions for the purpose of curing any ambiguity, or curing, correcting or supplementing any defective provision contained in this Ordinance, or in regard to clarifying matters or questions arising under this Ordinance, including, without limitation, those matters described in Section 26(c)(vi) hereof, or those matters necessary to obtain a rating on the Bonds or to obtain the approving opinion of the Attorney General of Texas as required by law, as are necessary or desirable and not contrary to or inconsistent with this Ordinance and which shall not adversely affect the interests of the holders of the Previously Issued Parity Bonds, Bonds or Additional Bonds;

(3) To modify any of the provisions of this Ordinance in any other respect whatever, provided that (i) such modification shall be, and be expressed to be, effective only after all Previously Issued Parity Bonds outstanding at the date of the adoption of such modification shall cease to be outstanding, and (ii) such modification shall be specifically referred to in the text of all Additional Bonds issued after the date of the adoption of such modification.

Section 23. DAMAGED, MUTILATED, LOST, STOLEN OR DESTROYED BONDS.

(a) That in the event any outstanding Bond is damaged, mutilated, lost, stolen, or destroyed, the Paying Agent/Registrar shall cause to be printed, executed, and delivered, a new Bond of the same principal amount, maturity, and interest rate, as the damaged, mutilated, lost, stolen, or destroyed Bond, in replacement for such Bond in the manner hereinafter provided.

(b) That application for replacement of damaged, mutilated, lost, stolen, or destroyed Bonds shall be made to the Paying Agent/Registrar. In every case of loss, theft, or destruction of a Bond, the applicant for a replacement bond shall furnish to the City and to the Paying Agent/Registrar such security or indemnity as may be required by them to save each of them harmless from any loss or damage with respect thereto. Also, in every case of loss, theft, or destruction of a Bond, the applicant shall furnish to the City and to the Paying Agent/Registrar evidence to their satisfaction of the loss, theft, or destruction of such Bond, as the case may be. In every case of damage or mutilation of a Bond, the applicant shall surrender to the Paying Agent/Registrar for cancellation the Bond so damaged or mutilated.

(c) That notwithstanding the foregoing provisions of this Section, in the event any such Bond shall have matured, and no default has occurred which is then continuing in the payment of the principal of, redemption premium, if any, or interest on the Bond, the City may authorize the payment of the same (without surrender thereof except in the case of a damaged or mutilated Bond) instead of issuing a replacement bond, provided security or indemnity is furnished as above provided in this Section.

(d) That prior to the issuance of any replacement bond, the Paying Agent/Registrar shall charge the owner of such Bond with all legal, printing, and other expenses in connection therewith. Every replacement bond issued pursuant to the provisions of this Section by virtue of the fact that any Bond is lost, stolen, or destroyed shall constitute a contractual obligation of the City whether or not the lost, stolen or destroyed Bond shall be found at any time, or be enforceable by anyone, and shall be entitled to all the benefits of this Ordinance equally and proportionately with any and all other Bonds duly issued under this Ordinance.

(e) That in accordance with Chapter 1206, particularly Subchapter B thereof, this Section of this Ordinance shall constitute authority for the issuance of any such replacement bond without necessity of further action by the governing body of the City or any other body or person, and the duty of the replacement of such bonds is hereby authorized and imposed upon the Paying Agent/Registrar, and the Paying Agent/Registrar shall authenticate and deliver such bonds in the form and manner and with the effect, as provided in Section 5(d) of this Ordinance for Bonds issued in exchange for other Bonds.

Section 24. **TAX COVENANTS.** That the City covenants to refrain from any action which would adversely affect, or to take any action to assure, the treatment of the Bonds as obligations described in section 103 of the Code, the interest on which is not includable in the "gross income" of the holder for purposes of federal income taxation. In furtherance thereof, the City covenants as follows:

(a) to take any action to assure that no more than 10 percent of the proceeds of the Bonds or the projects financed therewith (less amounts deposited to a reserve fund, if any) are used for any "private business use", as defined in section 141(b)(6) of the Code or, if more than 10 percent of the proceeds are so used, that amounts, whether or not received by the City, with respect to such private business use, do not, under the terms of this Ordinance or any underlying arrangement, directly or indirectly, secure or provide for the payment of more than 10 percent of the debt service on the Bonds, in contravention of section 141(b)(2) of the Code;

(b) to take any action to assure that in the event that the "private business use" described in subsection (a) hereof exceeds 5 percent of the proceeds of the Bonds or the projects financed therewith (less amounts deposited into a reserve fund, if any) then the amount in excess of 5 percent is used for a "private business use" which is "related" and not

"disproportionate", within the meaning of section 141(b)(3) of the Code, to the governmental use;

(c) to take any action to assure that no amount which is greater than the lesser of \$5,000,000, or 5 percent of the proceeds of the Bonds (less amounts deposited into a reserve fund, if any), is directly or indirectly used to finance loans to persons, other than state or local governmental units, in contravention of section 141(c) of the Code;

(d) to refrain from taking any action which would otherwise result in the Bonds being treated as "private activity bonds" within the meaning of section 141(a) of the Code;

(e) to refrain from taking any action that would result in the Bonds being "federally guaranteed" within the meaning of section 149(b) of the Code;

(f) to refrain from using any portion of the proceeds of the Bonds, directly or indirectly, to acquire or to replace funds which were used, directly or indirectly, to acquire investment property (as defined in section 148(b)(2) of the Code) which produces a materially higher yield over the term of the Bonds, other than investment property acquired with --

(1) proceeds of the Bonds invested for a reasonable temporary period, until such proceeds are needed for the purpose for which the Bonds are issued,

(2) amounts invested in a bona fide debt service fund, within the meaning of section 1.148-1(b) of the Treasury Regulations, and

(3) amounts deposited in any reasonably required reserve or replacement fund to the extent such amounts do not exceed 10 percent of the proceeds of the Bonds;

(g) to otherwise restrict the use of the proceeds of the Bonds or amounts treated as proceeds of the Bonds, as may be necessary, so that the Bonds do not otherwise contravene the requirements of section 148 of the Code (relating to arbitrage) and, to the extent applicable, section 149(d) of the Code (relating to advance refundings); and

(h) to pay to the United States of America at least once during each five-year period (beginning on the date of delivery of the Bonds) an amount that is at least equal to 90 percent of the "excess earnings", within the meaning of section 148(f) of the Code, and to pay to the United States of America, not later than 60 days after the Bonds have been paid in full, 100 percent of the amount then required to be paid as a result of Excess Earnings under section 148(f) of the Code.

The City understands that the term "proceeds" includes "disposition proceeds" as defined in the Treasury Regulations and, in the case of a refunding bond, transferred proceeds (if any) and proceeds of the refunded bonds expended prior to the date of the issuance of the Bonds. It is the understanding of the City that the covenants contained herein are intended to assure compliance with the Code and any regulations or rulings promulgated by the U.S. Department of the Treasury pursuant thereto. In the event that regulations or rulings are hereafter promulgated which modify or expand provisions of the Code, as applicable to the Bonds, the City will not be required to comply with any covenant contained herein to the extent that such failure to comply, in the opinion of nationally-recognized bond counsel, will not adversely affect the exemption from federal income taxation of interest on the Bonds under section 103 of the Code. In the event that regulations or rulings are hereafter promulgated which impose additional requirements which are applicable to the Bonds, the City agrees to comply with the additional requirements to the extent necessary, in the opinion of nationally-recognized bond counsel, to preserve the exemption from federal income taxation of interest on the Bonds under section 103 of the Code. In furtherance of the foregoing, the Mayor, the City Manager, the Chief Financial Officer of the City, and any Assistant City Manager may execute any certificates or other reports required by the Code and make such elections, on behalf of the City, which may be permitted by the Code as are consistent with the purpose for the issuance of the Bonds. In order to facilitate compliance with the above clause (h), a "Rebate Fund" is hereby established by the City for the sole benefit of the United States of America, and such Rebate Fund shall not be subject to the claim of any other person, including without limitation the registered owners of the Bonds. The Rebate Fund is established for the additional purpose of compliance with section 148 of the Code.

Section 25. ADDITIONAL TAX COVENANTS; WRITTEN PROCEDURES. (a) Disposition of Bond Financed Property. That the City covenants that property financed with the proceeds of the Refunded Bonds or the Refunded Commercial Paper Notes will not be sold or otherwise disposed in a transaction resulting in the receipt by the City of cash or other compensation, unless the City obtains an opinion of nationally-recognized bond counsel substantially to the effect that such sale or other disposition will not adversely affect the tax-exempt status of the Bonds, the Refunded Bonds or the Refunded Commercial Paper Notes. For purposes of this Section, the portion of the property comprising personal property and disposed of in the ordinary course of business shall not be treated as a transaction resulting in the receipt of cash or other compensation. For purposes of this Section, the City shall not be obligated to comply with this covenant if it obtains an opinion of nationally-recognized bond counsel to the effect that such failure to comply will not adversely affect the excludability for federal income tax purposes from gross income of the interest.

(b) Written Procedures. That unless superseded by another action of the City, to ensure compliance with the covenants contained herein regarding private business use, remedial actions, arbitrage and rebate, the written procedures adopted by the City in the ordinance authorizing the issuance of City of Dallas, Texas Waterworks and Sewer System Revenue Refunding Bonds, Series 2012A, adopted by the City Council on September 19, 2012, apply to the Bonds.

Section 26. CONTINUING DISCLOSURE UNDERTAKING. (a) Annual Reports. (i) That the City shall provide annually to the MSRB, within six months after the end of each Year

ending in or after 2016, financial information and operating data with respect to the City of the general type included in the final official statement for the Bonds referred to in Section 2(d) of this Ordinance, being the information described in Exhibit B hereto (as such information may be amended or supplemented by the City Manager or the Chief Financial Officer of the City to conform Exhibit B to the final official statement prepared in connection with the sale of the Bonds). The City will additionally provide audited annual financial statements of the City, when and if available, and in any event, within twelve (12) months after the end of each Year ending in or after 2016. If audited financial statements are not available by the end of the twelve (12) month period, then the City shall provide notice that the audited financial statements are not available, shall provide unaudited financial information of the type described in the numbered tables referenced in Exhibit B hereto by the required time, and will provide audited financial statements for the applicable Year to the MSRB, when and if the audit report on such statements become available. Such information shall be transmitted electronically to the MSRB, in such format as prescribed by the MSRB.

(ii) If the Year is changed by the City, the City will notify the MSRB of such change (and of the date of the new end of the Year) prior to the next date by which the City otherwise would be required to provide financial information and operating data pursuant to this Section. The financial information and operating data to be provided pursuant to this Section may be set forth in full in one or more documents or may be included by specific reference to any document (including an official statement or other offering document, if it is available from the MSRB) that theretofore has been provided to the MSRB or filed with the SEC.

(b) Disclosure Event Notices. That the City shall notify the MSRB of any of the following events with respect to the Bonds, in a timely manner not in excess of ten Business Days after the occurrence of the event:

1. Principal and interest payment delinquencies;
2. Non-payment related defaults, if material;
3. Unscheduled draws on debt service reserves reflecting financial difficulties;
4. Unscheduled draws on credit enhancements reflecting financial difficulties;
5. Substitution of credit or liquidity providers, or their failure to perform;
6. Adverse tax opinions, the issuance by the Internal Revenue Service of proposed or final determinations of taxability, Notices of Proposed Issue (IRS Form 5701-TEB) or other material notices or determinations with respect to the tax status of the Bonds, or other material events affecting the tax status of the Bonds;
7. Modifications to rights of holders of the Bonds, if material;
8. Bond calls, if material, and tender offers;
9. Defeasances;
10. Release, substitution, or sale of property securing repayment of the Bonds, if material;
11. Rating changes;
12. Bankruptcy, insolvency, receivership or similar event of the City;
13. The consummation of a merger, consolidation, or acquisition involving the City or the sale of all or substantially all of the assets of the City, other than in the ordinary course of business, the entry into a definitive agreement to undertake such an action

- or the termination of a definitive agreement relating to any such actions, other than pursuant to its terms, if material; and
14. Appointment of a successor Paying Agent/Registrar or change in the name of the Paying Agent/Registrar, if material.

As used in clause 12 above, the phrase "bankruptcy, insolvency, receivership or similar event" means the appointment of a receiver, fiscal agent or similar officer for the City in a proceeding under the U.S. Bankruptcy Code or in any other proceeding under state or federal law in which a court or governmental authority has assumed jurisdiction over substantially all of the assets of the City, or if jurisdiction has been assumed by leaving the City Council and official or officers of the City in possession but subject to the supervision and orders of a court or governmental authority, or the entry of an order confirming a plan of reorganization, arrangement or liquidation by a court or governmental authority having supervision or jurisdiction over substantially all of the assets or business of the City. The City shall notify the MSRB, in a timely manner, of any failure by the City to provide financial information or operating data in accordance with subsection (a) of this Section by the time required by such subsection.

(c) Limitations, Disclaimers, and Amendments. (i) That the City shall be obligated to observe and perform the covenants specified in this Section for so long as, but only for so long as, the City remains an "obligated person" with respect to the Bonds within the meaning of the Rule, except that the City in any event will give notice of any deposit made in accordance with this Ordinance or applicable law that causes Bonds no longer to be outstanding.

(ii) The provisions of this Section are for the sole benefit of the holders and beneficial owners of the Bonds, and nothing in this Section, express or implied, shall give any benefit or any legal or equitable right, remedy, or claim hereunder to any other person. The City undertakes to provide only the financial information, operating data, financial statements, and notices which it has expressly agreed to provide pursuant to this Section and does not hereby undertake to provide any other information that may be relevant or material to a complete presentation of the City's financial results, condition, or prospects or hereby undertake to update any information provided in accordance with this Section or otherwise, except as expressly provided herein. The City does not make any representation or warranty concerning such information or its usefulness to a decision to invest in or sell Bonds at any future date.

(iii) UNDER NO CIRCUMSTANCES SHALL THE CITY BE LIABLE TO THE HOLDER OR BENEFICIAL OWNER OF ANY BOND OR ANY OTHER PERSON, IN CONTRACT OR TORT, FOR DAMAGES RESULTING IN WHOLE OR IN PART FROM ANY BREACH BY THE CITY, WHETHER NEGLIGENT OR WITHOUT FAULT ON ITS PART, OF ANY COVENANT SPECIFIED IN THIS SECTION, BUT EVERY RIGHT AND REMEDY OF ANY SUCH PERSON, IN CONTRACT OR TORT, FOR OR ON ACCOUNT OF ANY SUCH BREACH SHALL BE LIMITED TO AN ACTION FOR MANDAMUS OR SPECIFIC PERFORMANCE.

(iv) No default by the City in observing or performing its obligations under this Section shall comprise a breach of or default under this Ordinance for purposes of any other provision of this Ordinance. Nothing in this Section is intended or shall act to disclaim, waive, or otherwise limit the duties of the City under federal and state securities laws.

(v) Should the Rule be amended to obligate the City to make filings with or provide notices to entities other than the MSRB, the City agrees to undertake such obligation in accordance with the Rule as amended.

(vi) The provisions of this Section may be amended by the City from time to time to adapt to changed circumstances that arise from a change in legal requirements, a change in law, or a change in the identity, nature, status, or type of operations of the City, but only if (1) the provisions of this Section, as so amended, would have permitted an underwriter to purchase or sell Bonds in the primary offering of the Bonds in compliance with the Rule, taking into account any amendments or interpretations of the Rule since such offering as well as such changed circumstances and (2) either (A) the holders of a majority in aggregate principal amount (or any greater amount required by any other provision of this Ordinance that authorizes such an amendment) of the outstanding Bonds consent to such amendment or (B) a person that is unaffiliated with the City (such as nationally recognized bond counsel) determines that such amendment will not materially impair the interest of the holders and beneficial owners of the Bonds. If the City so amends the provisions of this Section, it shall include with any amended financial information or operating data next provided in accordance with subsection (a) of this Section an explanation, in narrative form, of the reason for the amendment and of the impact of any change in the type of financial information or operating data so provided. The City may also amend or repeal the provisions of this continuing disclosure agreement if the SEC amends or repeals the applicable provision of the Rule or a court of final jurisdiction enters judgment that such provisions of the Rule are invalid, but only if and to the extent that the provisions of this sentence would not prevent an underwriter from lawfully purchasing or selling Bonds in the primary offering of the Bonds.

Section 27. **REFUNDING.** (a) **Refunded Bonds.** That the City hereby finds that the issuance of the Bonds for the purpose of refunding the Refunded Bonds to realize a net present value savings is a public purpose. As a condition to the issuance of the Bonds, the refunding of the aggregate principal amount of the Refunded Bonds, together with the refunding of the aggregate principal amount of Series 2016B Refunded Bonds (if any), must produce a net present value savings, calculated in accordance with GASB Statement No. 7, of at least four percent (4.00%). The principal amount of Bonds issued to refund Refunded Bonds, and the Refunded Bonds to be refunded, shall be specifically identified in the Purchase Contract. The City Manager may elect not to refund any or all of the obligations listed in Schedule I, but in no event shall the Refundable Bonds be refunded if the refunding of the aggregate principal amount of the Refundable Bonds selected for refunding, together with any Series 2016B Refunded Bonds, does not result in the minimum savings threshold established in this Section being realized. On or before the date of delivery of the Bonds the Chief Financial Officer of the City shall execute and deliver to the City Council a certificate stating that as a result of the refunding of the Refunded Bonds and any Series 2016B Refunded

Bonds, the savings thresholds herein established have been realized. This certificate shall specifically state both the net present value savings and the gross savings realized by the City as a result of refunding the Refunded Bonds and any Series 2016B Refunded Bonds. The determination of the City Manager relating to the issuance and sale of Bonds to refund Refunded Bonds in such principal amount as provided in the Purchase Contract shall have the same force and effect as if such determination were made by the City Council.

(b) **Refunded Commercial Paper Notes.** That the City hereby finds that the issuance of the Bonds for the purpose of refunding the Refunded Commercial Paper Notes is a public purpose. The Refunded Commercial Paper Notes are being refunded to convert interim financing into long-term fixed rate financing, as contemplated by the City in the operation of the interim financing program for the System, and the manner in which the refunding of the Refunded Commercial Paper Notes is being executed by the City makes it impracticable to make the determinations required by subsection (a) of Section 1207.008, Texas Government Code. The Refunded Commercial Paper Notes shall be those outstanding Commercial Paper Notes, not to exceed \$230,000,000 in principal amount, designated by the Chief Financial Officer of the City to be refunded and retired with a portion of the proceeds of the Bonds. The principal amount of the Refunded Commercial Paper Notes shall be specifically identified in the Purchase Contract. For the sole purpose of establishing for the benefit of the Public Finance Division of the Office of the Attorney General of Texas that the City possesses sufficient Pledged Revenues to pay the Commercial Paper Notes and the interest thereon, the City shall establish sufficiency through the issuance of Prior Lien Bonds under authority of Chapter 1207 at then current market interest rates with level debt service over a forty (40) year period to refinance such Commercial Paper Notes, under authority of Section 1371.057(c), Texas Government Code. The determination of the City Manager relating to the issuance and sale of Bonds to refund Refunded Commercial Paper Notes in such principal amount as provided in the Purchase Contract shall have the same force and effect as if such determination were made by the City Council.

Section 28. **DEFAULT AND REMEDIES.** (a) **Events of Default.** That each of the following occurrences or events for the purpose of this Ordinance is hereby declared to be an Event of Default:

(i) the failure to make payment of the principal of or interest on any of the Bonds when the same becomes due and payable; or

(ii) default in the performance or observance of any other covenant, agreement or obligation of the City, the failure to perform which materially, adversely affects the rights of the registered owners of the Bonds, including, but not limited to, their prospect or ability to be repaid in accordance with this Ordinance, and the continuation thereof for a period of sixty (60) days after notice of such default is given by any registered owner to the City.

(b) **Remedies for Default.**

(i) That upon the happening of any Event of Default, then and in every case, any registered owner or an authorized representative thereof, including, but not limited to, a trustee or trustees therefor, may proceed against the City, or any official, officer or employee of the City in their official capacity, for the purpose of protecting and enforcing the rights of the registered owners under this Ordinance, by mandamus or other suit, action or special proceeding in equity or at law, in any court of competent jurisdiction, for any relief permitted by law, including the specific performance of any covenant or agreement contained herein, or thereby to enjoin any act or thing that may be unlawful or in violation of any right of the registered owners hereunder or any combination of such remedies.

(ii) It is provided that all such proceedings shall be instituted and maintained for the equal benefit of all registered owners of Bonds then outstanding.

(c) Remedies Not Exclusive.

(i) That no remedy herein conferred or reserved is intended to be exclusive of any other available remedy or remedies, but each and every such remedy shall be cumulative and shall be in addition to every other remedy given hereunder or under the Bonds or now or hereafter existing at law or in equity; provided, however, that notwithstanding any other provision of this Ordinance, the right to accelerate the debt evidenced by the Bonds shall not be available as a remedy under this Ordinance.

(ii) The exercise of any remedy herein conferred or reserved shall not be deemed a waiver of any other available remedy.

(iii) By accepting the delivery of a Bond authorized under this Ordinance, such registered owner agrees that the certifications required to effectuate any covenants or representations contained in this Ordinance do not and shall never constitute or give rise to a personal or pecuniary liability or charge against the officers, employees or members of the City or the City Council.

(iv) None of the members of the City Council, nor any other official or officer, agent, or employee of the City, shall be charged personally by the registered owners with any liability, or be held personally liable to the registered owners under any term or provision of this Ordinance, or because of any Event of Default or alleged Event of Default under this Ordinance.

Section 29. APPROVAL AND REGISTRATION OF BONDS. That the City Manager of the City is hereby authorized to have control of the Bonds and all necessary records and proceedings pertaining to the Bonds pending their delivery and their investigation, examination and approval by the Attorney General of the State of Texas, and their registration by the Comptroller of Public Accounts of the State of Texas. Upon registration of the Bonds, the Comptroller of Public Accounts (or a deputy designated in writing to act therefor) shall manually sign the Comptroller's Registration Certificate set forth in the FORM OF BOND. The Bonds thus registered shall remain in the custody of the City Manager (or the designee thereof) until delivered to the Underwriters.

Section 30. **FURTHER PROCEDURES.** That the City Manager, the Chief Financial Officer of the City, any Assistant City Manager, and all other officers, employees, and agents of the City, and each of them, shall be and they are hereby expressly authorized, empowered, and directed from time to time and at any time to do and perform all such acts and things and to execute, acknowledge, and deliver in the name and under the corporate seal and on behalf of the City all such instruments, whether herein mentioned, as may be necessary or desirable in order to carry out the terms and provisions of this Ordinance, and the sale and delivery of the Bonds and fixing all details in connection therewith. In addition, should Bonds be sold for the purpose of refunding Refunded Bonds to the extent so provided in the Purchase Contract, the City Council hereby determines that the Refunded Bonds so identified in the Purchase Contract shall be called for redemption on the redemption date or dates as determined by the City Manager, at the applicable redemption price to the date fixed for redemption as provided in Schedule I. The City Manager or the designee thereof shall take such actions as are necessary to cause the required notice of redemption to be given in accordance with the terms of each ordinance for the Refunded Bonds called for redemption. Should a municipal bond insurance policy be obtained insuring the payment of debt service on all or any portion of the Bonds, it is hereby authorized that a statement of insurance provided by the bond insurer may be printed on the Bonds so insured. The City Council hereby authorizes the payment of the fee of the Office of the Attorney General of the State of Texas for the examination of the proceedings relating to the issuance of the Bonds, in the amount determined in accordance with the provisions of Section 1202.004, Texas Government Code.

Section 31. **USE OF PROCEEDS.** That the proceeds representing accrued interest on the Bonds, if any, shall be deposited to the credit of the Interest and Sinking Fund. Proceeds representing premium, if any, paid by the Underwriters in connection with the sale of the Bonds may be used for any purpose authorized by Section 1201.042(d), Texas Government Code, including specifically, but not by way of limitation, in connection with the refunding of the Refunded Bonds or the Refunded Commercial Paper Notes. Concurrently with the delivery of the Bonds, proceeds in the amount of the principal amount of the Refunded Commercial Paper Notes shall be deposited to the credit of the "Series D Note Payment Fund" and the "Series E Note Payment Fund", as the case may be, each established in accordance with the provisions of the respective ordinances of the City adopted December 10, 2014 and June 25, 2014, to refund Commercial Paper Notes of such series designated by the Chief Financial Officer of the City to be refunded and retired with a portion of the proceeds of the Bonds, in accordance with and as further described in the letter of instructions executed by the Chief Financial Officer of the City referred to in Section 27(b) of this Ordinance. The City shall cause to be deposited with the Escrow Agent, from the proceeds from the sale of the Bonds and other available moneys of the City, an amount sufficient to provide for the refunding of the Refunded Bonds in accordance with Chapter 1207.

Section 32. **ESCROW AGREEMENT.** That the City Manager and City Secretary are hereby authorized, for and on behalf of the City, to execute and deliver the Escrow Agreement to accomplish the establishing of firm banking arrangements in connection with the refunding of the Refunded Bonds, in substantially the form and substance attached to this Ordinance, with such changes as the City Manager deems necessary to effect the sale of the Bonds. The Escrow Agent is

not a depository bank of the City, and shall, in accordance with the provisions of Section 1207.062, Texas Government Code, serve as escrow agent for the Refunded Bonds, regardless of whether the Escrow Agent is a paying agent for each series of the Refunded Bonds. If required by law, the City shall not execute the Escrow Agreement unless the Escrow Agent has confirmed to the City Manager that it has made disclosure filings to the Texas Ethics Commission in accordance with Section 2252.908, Texas Government Code. Within thirty (30) days of receipt of the disclosure filings from the Escrow Agent, the City will submit a copy of the disclosure filings with the Texas Ethics Commission.

Section 33. CONSENT TO CERTAIN AMENDMENTS GIVEN THROUGH OWNERSHIP OF BONDS. By acceptance of the Bonds, each Owner of a Bond: (i) irrevocably and specifically consents to and approves the amendments described in (1) and (2) below; (ii) irrevocably appoints the City Manager as its true and lawful attorney-in-fact for the limited purpose of executing the written instrument required by Section 22(c) of this Ordinance to evidence the Owner's specific consent to and approval of the amendments described in (1) and (2) below; and (iii) confirms all actions taken by the City Manager as attorney-in-fact for the Owner, it being specifically provided that the City Manager need not consult with, or provide notice to, an Owner in connection with the actions taken by the City Manager under this Section. The power of attorney granted to the City Manager shall be limited to effecting the below amendments and is irrevocable for so long as any Bond remains Outstanding.

The amendments are:

(1) Amend Section 12(b) of this Ordinance to read:

"(b) That money in any Fund established by ordinances authorizing Previously Issued Parity Bonds may, at the option of the City, be invested in Authorized Investments; provided, however, that all such deposits and investments shall have a par value (or market value when less than par) exclusive of accrued interest at all times at least equal to the amount of money credited to such Funds, and shall be made in such manner that the money required to be expended from any Fund will be available at the proper time or times. Money in the Reserve Fund shall not be invested in securities maturing later than the final maturity of the Previously Issued Parity Bonds, the Bonds, and Additional Bonds. Such investments shall be valued in terms of current market value as of the last day of each Year, except that direct obligations of the United States (State and Local Government Series) in book-entry form shall be continuously valued at their par or face principal amount. Such investments shall be sold promptly when necessary to prevent any default in connection with the Previously Issued Parity Bonds, the Bonds or Additional Bonds. As used in this Section, the term "Authorized Investments" shall mean those investments in which the City is now or hereafter authorized by law, including, but not limited to, Chapter 2256, Texas Government Code, and consistent with the City's investment policy adopted and approved from time to time by the City Council pursuant to the provisions of Chapter 2256, Texas Government Code,, to purchase, sell and invest its funds and funds under its control.

(2) Amend Section 18 of this Ordinance to read:

"(a) That any Previously Issued Parity Bond, Bond or Additional Bond shall be deemed to be paid, retired and no longer outstanding within the meaning of this Ordinance when payment of the principal of, redemption premium, if any, on such bond, plus interest thereon to the due date thereof (whether such due date be by reason of maturity, upon redemption, or otherwise) either (i) shall have been made or caused to be made in accordance with the terms thereof (including the giving of any required notice of redemption), or (ii) shall have been provided for by irrevocably depositing with, or making available to, a paying agent (or escrow agent) therefor, in trust and irrevocably set aside exclusively for such payment, (1) money sufficient to make such payment or (2) Defeasance Securities, as hereinafter defined in this Section, certified by an independent public accounting firm of national reputation to mature as to principal and interest in such amounts and at such times as will insure the availability, without reinvestment, of sufficient money to make such payment, and all necessary and proper fees, compensation, and expenses of such paying agent pertaining to the bonds with respect to which such deposit is made shall have been paid or the payment thereof provided for to the satisfaction of such paying agent. At such time as a Previously Issued Parity Bond, Bond or Additional Bond shall be deemed to be paid hereunder, as aforesaid, it shall no longer be secured by or entitled to the benefit of this Ordinance or such other ordinance securing such bond or a lien on and pledge of the Pledged Revenues, and shall be entitled to payment solely from such money or Defeasance Securities.

(b) That any moneys so deposited with a paying agent may, at the direction of the City, also be invested in Defeasance Securities, maturing in the amounts and times as hereinbefore set forth, and all income from all Defeasance Securities in the hands of the paying agent pursuant to this Section which is not required for the payment of the Previously Issued Parity Bonds, Bonds and Additional Bonds, the redemption premium, if any, and interest thereon, with respect to which such money has been so deposited, shall be remitted to the City.

(c) That the City covenants that no deposit will be made or accepted under clause (a)(ii) of this Section and no use will be made of any such deposit which would cause the Previously Issued Parity Bonds, Bonds or any Additional Bonds to be treated as "arbitrage bonds" within the meaning of section 148 of the Code.

(d) That for the purpose of this Section, the term "Defeasance Securities" shall mean (i) direct obligations of the United States of America, including obligations the principal of and interest on which are unconditionally guaranteed by the United States of America, (ii) noncallable obligations of an agency or instrumentality of the United States of America, including obligations that are unconditionally guaranteed or insured by the agency or instrumentality and that, on the date the City adopts or approves proceedings authorizing the issuance of refunding bonds or, if such defeasance is not in connection with the issuance of refunding bonds, on the date the City provides for the funding of an escrow to effect the defeasance of the Bonds, are rated as to investment quality by a nationally-recognized investment rating firm not less than "AAA" or its equivalent, (iii) noncallable obligations of a state or an agency or a county, municipality, or other political subdivision of a state that have been refunded and that, on the date the City adopts or approves proceedings authorizing the issuance of refunding bonds or, if such defeasance is not in connection

with the issuance of refunding bonds, on the date the Board provides for the funding of an escrow to effect the defeasance of the Bonds, are rated as to investment quality by a nationally-recognized investment rating firm not less than "AAA" or its equivalent, or (iv) any other then authorized securities or obligations that may be used to defease obligations such as the Bonds under the then applicable laws of the State of Texas.

(e) That notwithstanding any other provisions of this Ordinance, all money or Defeasance Securities set aside and held in trust pursuant to the provisions of this Section for the payment of Previously Issued Parity Bonds, Bonds and Additional Bonds, the redemption premium, if any, and interest thereon, shall be applied to and used for the payment of such Previously Issued Parity Bonds, Bonds and Additional Bonds, the redemption premium, if any, and interest thereon.

(f) That in accordance with the provisions of Section 1207.033, Texas Government Code, the City may call for redemption, at a date earlier than their scheduled maturities, those Bonds which have been defeased to their maturity date. Notwithstanding any other provision of this Ordinance to the contrary, it is hereby provided that any determination not to redeem Bonds defeased under the terms of this Ordinance that is made in conjunction with the payment arrangements specified in clauses (i) or (ii) of subsection (a) above shall not be irrevocable, provided that: (1) in the proceedings providing for such payment arrangements, the City expressly reserves the right to call Bonds so defeased for redemption; (2) the City gives notice of the reservation of that right to the owners of the Bonds so defeased immediately following the making of the payment arrangements; and (3) the City directs that notice of the reservation be included in any redemption notices that it authorizes."

(3) Amend Section 20(b) of this Ordinance to read:

"(b) The Chief Financial Officer of the City signs a written certificate to the effect that, during either the next preceding Year, or any twelve consecutive calendar month period ending not more than ninety days prior to the date of the then proposed Additional Bonds, the Net Revenues were, in her or his opinion, at least equal to 1.25 times the average annual principal and interest requirements (computed on a fiscal year basis) including Amortization Installments, of all Previously Issued Parity Bonds, the Bonds and Additional Bonds to be outstanding after the issuance of the then proposed Additional Bonds."

The amendments described in clauses (1) and (3) will become effective once the City determines that the consent of 51% of the aggregate unpaid principal amount of the Previously Issued Parity Bonds, the Bonds and any Additional Bonds then Outstanding is received. The amendment described in clause (2) will become effective once the City determines that the consent of 51% of the aggregate unpaid principal amount of the Previously Issued Parity Bonds, the Bonds and any Additional Bonds then Outstanding is received, and would apply only to the Series 2015A Bonds, the Series 2015B Bonds, the Bonds, the Taxable Series 2016B Bonds, and any Additional Bonds delivered after the date of delivery of the Bonds and the Taxable Series 2016B Bonds.

Section 34. **PREAMBLE.** That the preamble to this Ordinance is incorporated by reference and made a part hereof for all purposes.

Section 35. **RULES OF CONSTRUCTION.** That for all purposes of this Ordinance, unless the context requires otherwise, all references to designated Sections and other subdivisions are to the Sections and other subdivisions of this Ordinance. The words "herein", "hereof" and "hereunder" and other words of similar import refer to this Ordinance as a whole and not to any particular Section or other subdivision. Except where the context otherwise requires, terms defined in this Ordinance to impart the singular number shall be considered to include the plural number and vice versa. References to any named person means that party and its successors and assigns. References to any constitutional, statutory or regulatory provision means such provision as it exists on the date this Ordinance is adopted by the City and any future amendments thereto or successor provisions thereof. Any reference to the payment of principal in this Ordinance shall be deemed to include the payment of Amortization Installments (if any). Any reference to "FORM OF BOND" shall refer to the form of the Bonds set forth in Exhibit A to this Ordinance. The calculation of average annual principal and interest requirements as may be required by this Ordinance shall be made at the beginning of each Year and shall be the sum of the annual principal and interest requirements due for the current and each subsequent Year in which the Previously Issued Parity Bonds, the Bonds and any Additional Bonds are outstanding divided by the number of such Years, or partial Years, if applicable. Surplus moneys in the Reserve Fund the source of which are proceeds of bonds may be used only to complete projects for which such bond proceeds were issued, for improvements to the System, or for other costs for which the City could issue bonds for the System. The terms "owner" and "holder" and "bondholder", as used in this Ordinance, shall mean the registered or beneficial owner of a Bond.

Section 36. **TAXABLE SERIES 2016B BOND ORDINANCE.** That concurrently with the adoption of this Ordinance, the City Council will consider for approval the Taxable Series 2016B Bond Ordinance. If the Taxable Series 2016B Bond Ordinance is approved, the Taxable Series 2016B Bonds, if issued, shall be Additional Bonds, and the issuance of the Taxable Series 2016B Bonds shall be governed by the terms of the Taxable Series 2016B Bond Ordinance.

Section 37. **IMMEDIATE EFFECT.** That this Ordinance shall be effective immediately from and after its passage in accordance with the provisions of Section 1201.028, Texas Government Code.

PASSED AND APPROVED the 15th day of June, 2016.

APPROVED AS TO FORM:
Christopher D. Bowers, Interim City Attorney

SCHEDULE I

DESCRIPTION OF REFUNDABLE BONDS

CITY OF DALLAS, TEXAS WATERWORKS AND SEWER SYSTEM REVENUE REFUNDING AND IMPROVEMENT BONDS, SERIES 2006, bonds maturing on October 1 in each of the years 2016 and 2017, aggregating \$11,445,000 in principal amount; REDEMPTION PRICE: par plus accrued interest; REDEMPTION DATE: August 8, 2016.

CITY OF DALLAS, TEXAS WATERWORKS AND SEWER SYSTEM REVENUE REFUNDING BONDS, SERIES 2007, bonds maturing on October 1 in each of the years 2018, 2019, 2027, 2028, and on October 1 in each of the years 2032 and 2036, aggregating \$187,505,000 in principal amount; REDEMPTION PRICE: par plus accrued interest; REDEMPTION DATE: October 1, 2017.

CITY OF DALLAS, TEXAS WATERWORKS AND SEWER SYSTEM REVENUE REFUNDING BONDS, SERIES 2008, bonds maturing on October 1 in each of the years 2036 and 2037, aggregating \$19,160,000 in principal amount; REDEMPTION PRICE: par plus accrued interest; REDEMPTION DATE: October 1, 2018.

CITY OF DALLAS, TEXAS WATERWORKS AND SEWER SYSTEM REVENUE REFUNDING BONDS, SERIES 2010, bonds maturing on October 1 in each of the years 2025 through 2030, and on October 1, 2035, aggregating \$83,635,000 in principal amount; REDEMPTION PRICE: par plus accrued interest; REDEMPTION DATE: October 1, 2020.

CITY OF DALLAS, TEXAS WATERWORKS AND SEWER SYSTEM REVENUE REFUNDING BONDS, SERIES 2011, bonds maturing on October 1 in each of the years 2023 through 2031, and on October 1, 2036, aggregating \$41,770,000 in principal amount; REDEMPTION PRICE: par plus accrued interest; REDEMPTION DATE: October 1, 2021.

CITY OF DALLAS, TEXAS WATERWORKS AND SEWER SYSTEM REVENUE REFUNDING BONDS, SERIES 2012A, bonds maturing on October 1 in each of the years 2023 through 2031, aggregating \$38,800,000 in principal amount; REDEMPTION PRICE: par plus accrued interest; REDEMPTION DATE: October 1, 2022.

CITY OF DALLAS, TEXAS WATERWORKS AND SEWER SYSTEM REVENUE REFUNDING BONDS, SERIES 2013A, bonds maturing on October 1 in each of the years 2025 through 2027, aggregating \$13,420,000 in principal amount; REDEMPTION PRICE: par plus accrued interest; REDEMPTION DATE: October 1, 2023.

EXHIBIT A

FORM OF BOND:

NO. R-

\$_____

UNITED STATES OF AMERICA
STATE OF TEXAS
COUNTIES OF DALLAS, DENTON, COLLIN AND ROCKWALL
CITY OF DALLAS, TEXAS
WATERWORKS AND SEWER SYSTEM
REVENUE REFUNDING BOND
SERIES 2016A

MATURITY
DATE

INTEREST
RATE

ORIGINAL
ISSUE DATE

CUSIP

ON THE MATURITY DATE SPECIFIED ABOVE, THE CITY OF DALLAS, IN DALLAS, DENTON, COLLIN AND ROCKWALL COUNTIES, TEXAS (the "City"), hereby promises to pay to _____, or the registered assignee hereof (either being hereinafter called the "registered owner") the principal amount of

and to pay interest thereon, from the original issue date of this Bond specified above, to the date of its scheduled maturity or the date of its redemption prior to scheduled maturity, at the rate of interest per annum specified above, with said interest being payable on October 1, 2016, and semiannually on each April 1 and October 1 thereafter, except that if the Paying Agent/Registrar's Authentication Certificate appearing on the face of this Bond is dated later than October 1, 2016, such interest is payable semiannually on each April 1 and October 1 following such date.

THE PRINCIPAL OF AND INTEREST ON this Bond are payable in lawful money of the United States of America, without exchange or collection charges. The principal of this Bond shall be paid to the registered owner hereof upon presentation and surrender of this Bond at maturity, or upon the date fixed for its redemption prior to maturity, at the designated corporate trust office in Dallas, Texas (the "Designated Trust Office"), of U.S. Bank National Association, which is the "Paying Agent/Registrar" for this Bond. The payment of interest on this Bond shall be made by the Paying Agent/Registrar to the registered owner hereof as shown by the "Registration Books" kept by the Paying Agent/Registrar at the close of business on the Record Date (hereinafter defined) by check drawn by the Paying Agent/Registrar on, and payable solely from, funds of the City required to be on deposit with the Paying Agent/Registrar for such purpose as hereinafter provided; and such check

shall be sent by the Paying Agent/Registrar by United States mail, first-class, postage prepaid, on each such interest payment date, to the registered owner hereof at its address as it appears on the Registration Books kept by the Paying Agent/Registrar, as hereinafter described, or by such other method, acceptable to the Paying Agent/Registrar, requested by, and at the risk and expense of, the registered owner. The date for determining the person to whom the interest is payable on any interest payment date means the 15th day of the preceding month (the "Record Date"). In the event of a non-payment of interest on a scheduled payment date, and for 30 days thereafter, a new record date for such interest payment (a "Special Record Date") will be established by the Paying Agent/Registrar, if and when funds for the payment of such interest have been received from the City. Notice of the Special Record Date and of the scheduled payment date of the past due interest (the "Special Payment Date", which shall be 15 days after the Special Record Date) shall be sent at least five business days prior to the Special Record Date by United States mail, first-class, postage prepaid, to the address of each registered owner of a Bond appearing on the books of the Paying Agent/Registrar at the close of business on the last business day next preceding the date of mailing of such notice. The City covenants with the registered owner of this Bond that no later than each principal payment date and interest payment date for this Bond it will make available to the Paying Agent/Registrar the amounts required to provide for the payment, in immediately available funds, of all principal of and interest on the Bonds, when due, in the manner set forth in the ordinance authorizing the issuance of the Bonds (the "Ordinance").

IF THE DATE for the payment of the principal of or interest on this Bond shall be a Saturday, Sunday, a legal holiday, or a day on which banking institutions are authorized by law or executive order to close in the city where the Designated Trust Office of the Paying Agent/Registrar is located, then the date for such payment shall be the next succeeding day which is not such a Saturday, Sunday, legal holiday, or day on which banking institutions are authorized to close; and payment on such date shall have the same force and effect as if made on the original date payment was due. Notwithstanding the foregoing, during any period in which ownership of the bonds of this Series is determined only by a book entry at a securities depository therefor, any payment to the securities depository, or its nominee or registered assigns, shall be made in accordance with existing arrangements between the City and the securities depository.

THIS BOND is one of a Series of bonds of like tenor and effect except as to denomination, number, maturity, interest rate and right of prior redemption, dated as of the original issue date specified above, issued in the aggregate principal amount of \$____,____,000 for the purpose of refunding the "Refunded Bonds" (as defined in the Ordinance) and the "Refunded Commercial Paper Notes" (as defined in the Ordinance), and paying costs of issuance. All Bonds of this Series are issuable solely as fully registered bonds, without interest coupons, in the denomination of any integral multiple of \$5,000 (an "Authorized Denomination").

THE BONDS of this Series scheduled to mature on and after October 1, 20__ may be redeemed prior to their scheduled maturities, in whole or in part, in principal amounts of any Authorized Denomination, at the option of the City, on October 1, 20__, or on any date thereafter, at the redemption price of par plus accrued interest to the date fixed for redemption. If less than all of

the Bonds are to be redeemed by the City, the City shall determine the maturity or maturities and the principal amounts thereof to be redeemed and shall direct the Paying Agent/Registrar to call by lot Bonds, or portions thereof, within such maturity or maturities and in such principal amounts, for redemption; provided, however, that during any period in which ownership of the Bonds is determined only by a book entry at a securities depository for the Bonds, if fewer than all of the Bonds of the same maturity and bearing the same interest rate are to be redeemed, the particular Bonds of such maturity and bearing such interest rate shall be selected in accordance with the arrangements between the City and the securities depository.

THE BONDS are also subject to mandatory redemption in part by lot pursuant to the terms of the Ordinance, on October 1 in each of the years 20__ through 20__, inclusive, with respect to Bonds maturing October 1, 20__, and on October 1 in each of the years 20__ through 20__, inclusive, with respect to Bonds maturing October 1, 2044, in the following years and in the following amounts, at a price equal to the principal amount thereof and accrued and unpaid interest to the date of redemption, without premium:

<u>Year</u>	<u>Principal Amount (\$)</u>
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* Final Maturity

To the extent, however, that Bonds subject to sinking fund redemption have been previously purchased or called for redemption in part and otherwise than from a sinking fund redemption payment, each annual sinking fund payment for such Bond shall be reduced by the amount obtained by multiplying the principal amount of Bonds so purchased or redeemed by the ratio which each remaining annual sinking fund redemption payment for such Bonds bears to the total remaining sinking fund payments, and by rounding each such payment to the nearest \$5,000 integral; provided, that during any period in which ownership of the Bonds is determined only by a book entry at a securities depository for the Bonds, the particular Bonds to be called for mandatory redemption shall be selected in accordance with the arrangements between the City and the securities depository.

AT LEAST 30 days prior to the date fixed for any such redemption, (i) a written notice of such redemption shall be given by the Paying Agent/Registrar to the registered owner of each Bond or a portion thereof being called for redemption by depositing such notice in the United States mail, first-class, postage prepaid, addressed to each such registered owner at his address shown on the Registration Books of the Paying Agent/Registrar and (ii) a notice of such redemption shall be published one (1) time in a financial journal or publication of general circulation in the United States of America or the State of Texas carrying as a regular feature notices of municipal bonds called for redemption; provided, however, that the failure to send, mail or receive such notice described in (i) above, or any defect therein or in the sending or mailing thereof, shall not affect the validity or effectiveness of the proceedings for the redemption of any Bond, and the publication of notice as described in (ii) above shall be the only notice actually required in connection with or as a prerequisite to the redemption of any Bonds. By the date fixed for any such redemption due

provision shall be made by the City with the Paying Agent/Registrar for the payment of the required redemption price for this Bond or the portion hereof which is to be so redeemed, plus accrued interest thereon to the date fixed for redemption. If such notice of redemption is given, and if due provision for such payment is made, all as provided above, this Bond, or the portion hereof which is to be so redeemed, thereby automatically shall be redeemed prior to its scheduled maturity, and shall not bear interest after the date fixed for its redemption, and shall not be regarded as being outstanding except for the right of the registered owner to receive the redemption price plus accrued interest to the date fixed for redemption from the Paying Agent/Registrar out of the funds provided for such payment. The Paying Agent/Registrar shall record in the Registration Books all such redemptions of principal of this Bond or any portion hereof. If a portion of this Bond shall be redeemed a substitute Bond or Bonds having the same maturity date, bearing interest at the same rate, in any Authorized Denomination, at the written request of the registered owner, and in aggregate principal amount equal to the unredeemed portion thereof, will be issued to the registered owner upon the surrender hereof for cancellation, at the expense of the City, all as provided in the Ordinance.

WITH RESPECT TO any optional redemption of this Bond, unless the Paying Agent/Registrar has received funds sufficient to pay the principal and premium, if any, and interest on this Bond to be redeemed before giving of a notice of redemption, the notice of redemption may state the City may condition redemption on the receipt by the Paying Agent/Registrar of such funds on or before the date fixed for the redemption, or on the satisfaction of any other prerequisites set forth in the notice of redemption. If a conditional notice of redemption is given and such prerequisites to the redemption and sufficient funds are not received, the notice shall be of no force and effect, the City shall not redeem this Bond and the Paying Agent/Registrar shall give notice, in the manner in which the notice of redemption was given, that this Bond has not been redeemed.

AS PROVIDED IN THE ORDINANCE, this Bond, or any unredeemed portion hereof, may, at the request of the registered owner or the assignee or assignees hereof, be assigned, transferred, and exchanged for a like aggregate principal amount of fully registered bonds, without interest coupons, payable to the appropriate registered owner, assignee, or assignees, as the case may be, having the same maturity date, and bearing interest at the same rate, in any Authorized Denomination as requested in writing by the appropriate registered owner, assignee, or assignees, as the case may be, upon surrender of this Bond to the Paying Agent/Registrar at its Designated Trust Office for cancellation, all in accordance with the form and procedures set forth in the Ordinance. Among other requirements for such assignment and transfer, this Bond must be presented and surrendered to the Paying Agent/Registrar, together with proper instruments of assignment, in form and with guarantee of signatures satisfactory to the Paying Agent/Registrar, evidencing assignment of this Bond or any portion or portions hereof in any Authorized Denomination to the assignee or assignees in whose name or names this Bond or any such portion or portions hereof is or are to be transferred and registered. The form of Assignment printed or endorsed on this Bond may be executed by the registered owner to evidence the assignment hereof, but such method is not exclusive, and other instruments of assignment satisfactory to the Paying Agent/Registrar may be used to evidence the assignment of this Bond or any portion or portions hereof from time to time by the registered owner. The City shall pay the Paying Agent/Registrar's reasonable standard or customary fees and charges for transferring, converting and exchanging any Bond or portion thereof; provided, however, that any

taxes or governmental charges required to be paid with respect thereto shall be paid by the one requesting such transfer, conversion and exchange. In any circumstance, neither the City nor the Paying Agent/Registrar shall be required (1) to make any transfer or exchange during a period beginning at the opening of business 15 days before the day of the first mailing of a notice of redemption of bonds and ending at the close of business on the day of such mailing, or (2) to transfer or exchange any Bonds so selected for redemption when such redemption is scheduled to occur within 30 calendar days; provided, however, such limitation shall not be applicable to an exchange by the registered owner of the uncalled principal balance of a Bond.

WHENEVER the beneficial ownership of this Bond is determined by a book entry at a securities depository for the Bonds, the foregoing requirements of holding, delivering or transferring this Bond shall be modified to require the appropriate person or entity to meet the requirements of the securities depository as to registering or transferring the book entry to produce the same effect.

IN THE EVENT any Paying Agent/Registrar for the Bonds is changed by the City, resigns, or otherwise ceases to act as such, the City has covenanted in the Ordinance that it promptly will appoint a competent and legally qualified substitute therefor, and promptly will cause written notice thereof to be mailed to the registered owners of the Bonds.

BY BECOMING the registered owner of this Bond, the registered owner thereby acknowledges all of the terms and provisions of the Ordinance, agrees to be bound by such terms and provisions, acknowledges that the Ordinance is duly recorded and available for inspection in the official minutes and records of the City, and agrees that the terms and provisions of this Bond and the Ordinance constitute a contract between each registered owner hereof and the City.

THE CITY has reserved the right, subject to the restrictions stated, and adopted by reference, in the Ordinance, to issue additional parity revenue bonds which also may be made payable from, and secured by a first lien on and pledge of, the "Pledged Revenues" (as defined in the Ordinance).

THE REGISTERED OWNER HEREOF is not entitled to demand payment of this obligation out of any money raised or to be raised by taxation, or from any source whatsoever other than the Pledged Revenues.

IT IS HEREBY certified and covenanted that this Bond has been duly and validly authorized, issued and delivered; that all acts, conditions and things required or proper to be performed, exist and be done precedent to or in the authorization, issuance and delivery of this Bond have been performed, existed and been done in accordance with law; that this Bond is a special obligation; and that the principal of and interest on this Bond together with outstanding parity revenue bonds are payable from, and secured by a first lien on and pledge of, the Pledged Revenues, which include the Net Revenues of the City's Combined Waterworks and Sewer System (as defined in the Ordinance).

IN TESTIMONY WHEREOF, the City Council has caused the seal of the City to be duly impressed or placed in facsimile hereon, and this Bond to be signed with the imprinted facsimile signature of the Mayor and countersigned by the facsimile signatures of the City Manager and the City Secretary.

COUNTERSIGNED:

City Manager,
City of Dallas, Texas

Mayor,
City of Dallas, Texas

City Secretary,
City of Dallas, Texas

(SEAL)

FORM OF PAYING AGENT/REGISTRAR'S AUTHENTICATION CERTIFICATE

PAYING AGENT/REGISTRAR'S AUTHENTICATION CERTIFICATE

It is hereby certified that this Bond has been issued under the provisions of the proceedings adopted by the City as described in the text of this Bond; and that this Bond has been issued in exchange for or replacement of a Bond, Bonds, or a portion of a Bond or Bonds of an issue which originally was approved by the Attorney General of the State of Texas and registered by the Comptroller of Public Accounts of the State of Texas.

Dated _____

U.S. BANK NATIONAL ASSOCIATION,
Paying Agent/Registrar

By: _____
Authorized Representative

(FORM OF COMPTROLLER'S CERTIFICATE ATTACHED TO
THE BONDS UPON INITIAL DELIVERY THEREOF ONLY)

OFFICE OF COMPTROLLER :

REGISTER NO. _____

STATE OF TEXAS :

I hereby certify that there is on file and of record in my office a true and correct copy of the opinion of the Attorney General of the State of Texas approving this Bond and that this Bond has been registered this day by me.

Witness my signature and seal this

Comptroller of Public Accounts of
the State of Texas

FORM OF ASSIGNMENT:

ASSIGNMENT

FOR VALUE RECEIVED, the undersigned hereby sells, assigns and transfers unto

Please insert Social Security or Taxpayer Identification Number of Transferee

/ _____ /

(Please print or typewrite name and address, including zip code of Transferee)

the within Bond and all rights thereunder, and hereby irrevocably constitutes and appoints

_____ attorney to

register the transfer of the within Bond on the books kept for registration thereof, with full power of substitution in the premises.

Dated: _____

Signature Guaranteed:

NOTICE: Signatures must be guaranteed by an eligible guarantor institution participating in a Securities Transfer Association recognized signature guarantee program.

NOTICE: The signature above must correspond with the name of the registered owner as it appears upon the front of this Bond in every particular, without alteration or enlargement or any change whatsoever.

DESCRIPTION OF ANNUAL FINANCIAL INFORMATION

The following information is referred to in Section 26 of this Ordinance.

Annual Financial Statements and Operating Data

The financial information and operating data with respect to the City to be provided annually in accordance with such Section are as specified below (and included in the Appendix or under the headings of the Official Statement referred to):

Tables 1 through 9 under the Official Statement Section entitled "THE WATER AND WASTEWATER SYSTEM".

Tables 10 through 12 under the Official Statement Section entitled "DEBT INFORMATION".

Tables 13 through 17 under the Official Statement Section entitled "FINANCIAL INFORMATION".

Appendix C to the Official Statement, entitled "DALLAS WATER UTILITIES FINANCIAL STATEMENTS".

Accounting Principles

The accounting principles referred to in such Section are the accounting principles described in the notes to the financial statements referred to in Appendix C described above.

THE STATE OF TEXAS :
COUNTIES OF DALLAS, DENTON, COLLIN AND ROCKWALL :
CITY OF DALLAS :

I, ROSA A. RIOS, City Secretary of the City of Dallas, Texas, do hereby certify that the above and foregoing is a true and correct copy of an excerpt from the minutes of the City Council of the City of Dallas, had in Regular Meeting on the 15th day of June, 2016, and an Ordinance authorizing the issuance and sale of City of Dallas, Texas Waterworks and Sewer System Revenue Refunding Bonds, Series 2016A, which Ordinance is duly of record in the minutes of said City Council; and that said meeting was open to the public, and public notice of the time, place and purpose of said meeting was given, all as required by Chapter 551, Texas Government Code, as amended.

WITNESS MY HAND and seal of the City of Dallas, Texas, this the 15th day of June, 2016.

Rosa A. Rios, City Secretary
City of Dallas, Texas

(SEAL)

ORDINANCE AUTHORIZING THE ISSUANCE AND SALE OF CITY OF DALLAS, TEXAS WATERWORKS AND SEWER SYSTEM REVENUE REFUNDING BONDS, TAXABLE SERIES 2016B; ESTABLISHING PARAMETERS REGARDING THE SALE OF THE BONDS; APPROVING THE EXECUTION OF AGREEMENTS IN CONNECTION WITH THE SALE OF THE BONDS; AND ALL OTHER MATTERS RELATED THERETO

THE STATE OF TEXAS :
COUNTIES OF DALLAS, DENTON, COLLIN AND ROCKWALL :
CITY OF DALLAS :

WHEREAS, the City of Dallas (the "City" or the "Issuer") has heretofore issued its City of Dallas, Texas Waterworks and Sewer System Revenue Refunding Bonds, Series 1981 (the "Series 1981 Bonds"); and

WHEREAS, defined terms used in this Ordinance shall have the meaning given said terms in Section 7 of this Ordinance, unless otherwise indicated herein; and

WHEREAS, in the ordinance authorizing the issuance of the Series 1981 Bonds (the "1981 Ordinance"), the City reserved the right to issue revenue bonds on a parity with the Series 1981 Bonds; and

WHEREAS, under authority of the right reserved in the 1981 Ordinance, the City issued and there currently remain outstanding revenue bonds from each series of bonds described in the definition of "Previously Issued Parity Bonds" set forth in Section 7 of this Ordinance; and

WHEREAS, the City Council has determined that the outstanding Previously Issued Parity Bonds described in Schedule I attached to this Ordinance are eligible to be refunded for the public purpose of achieving a debt service savings; and

WHEREAS, concurrently with the adoption of this Ordinance, the City Council shall consider for approval an ordinance titled "Ordinance Authorizing the Issuance and Sale of City of Dallas, Texas Waterworks and Sewer System Revenue Refunding Bonds, Series 2016A; Establishing Parameters Regarding the Sale of the Bonds; Approving the Execution of Agreements in Connection with the Sale of the Bonds; and All Other Matters Related Thereto" (the "Series 2016A Bond Ordinance"); and

WHEREAS, because of fluctuating conditions in the municipal bond market, the City Council has determined to delegate to the City Manager the authority to effect the sale of the bonds hereinafter authorized and bond authorized by the Series 2016A Bond Ordinance for the purpose of providing for the refunding of all or a portion of the Previously Issued Parity Bonds described in Schedule I, subject to the parameters hereinafter described; and

WHEREAS, the bonds hereinafter authorized are to be issued and delivered pursuant to the laws of the State of Texas, including Chapter 1207, Texas Government Code, for the purposes set forth above; and

WHEREAS, the bonds hereinafter authorized shall be on a parity with the outstanding Previously Issued Parity Bonds and the bonds, if any, sold pursuant to the terms of the Series 2016A Bond Ordinance; and

WHEREAS, the City Council does hereby determine that it is necessary and desirable to adopt this Ordinance for the purposes hereinafter stated;

THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DALLAS, TEXAS;

Section 1. **BONDS AUTHORIZED.** That the City's bonds (the "Bonds") are hereby authorized to be issued for the purpose of (i) refunding the Refunded Bonds and (ii) paying costs of issuance of the Bonds. The Bonds shall be designated as the "**City of Dallas, Texas Waterworks and Sewer System Revenue Refunding Bonds, Taxable Series 2016B**". The Bonds shall be issued as "Additional Bonds" as such term is defined in the 1981 Ordinance, and shall be in all respects on a parity with the outstanding Previously Issued Parity Bonds and the bonds, if any, issued pursuant to the Series 2016A Bond Ordinance. The City Council authorizes the issuance of the Bonds and the bonds authorized by the Series 2016A Bond Ordinance in an aggregate principal amount not to exceed \$640,000,000.

Section 2. **DATE, DENOMINATIONS, NUMBER, MATURITIES AND TERMS OF BONDS.** (a) That initially there shall be issued, sold, and delivered hereunder fully registered bonds, without interest coupons, numbered consecutively from R-1 upward, payable to the respective initial registered owners thereof, or to the registered assignee or assignees of the Bonds or any portion or portions thereof, in the denomination of \$5,000 or any integral multiple thereof (an "Authorized Denomination"), maturing not later than October 1, 2031, payable serially or otherwise on the dates, in the years and in the principal amounts, and dated, all as set forth in the Purchase Contract.

(b) That it is hereby found and determined to be in the best interests of the City for the Bonds to be issued under this Ordinance to be sold through a negotiated sale pursuant to the procedures set forth herein. Goldman, Sachs & Co. and Loop Capital Markets, LLC, are hereby designated to be the co-senior managing underwriters for the Bonds. The City Manager, acting for and on behalf of the City, is authorized to enter into and carry out the Purchase Contract with the Underwriters, in substantially the form attached to this Ordinance, and which shall be made a part hereof for all purposes, with such changes as may be necessary to effect the sale of the Bonds to the Underwriters. The Bonds shall be sold to the Underwriters at such price, and subject to such terms and conditions as set forth in the Purchase Contract, as shall be determined by the City Manager pursuant to subsection (c) below. In the Purchase Contract, the City Manager shall determine, based upon advice provided by the City's financial advisors, that acceptance of the purchase price for the Bonds is in the best interests of the City. The City Manager shall not execute the Purchase Contract unless the Underwriters have confirmed to the City Manager that they have made disclosure filings to the Texas Ethics Commission in accordance with Section 2252.908, Texas Government Code.

Within thirty (30) days of receipt of the disclosure filings from the Underwriters, the City will submit a copy of the disclosure filings with the Texas Ethics Commission. The authority of the City Manager to execute the Purchase Contract shall expire if the Purchase Contract has not been executed and delivered by the City and by the Underwriters (acting through their duly designated representative) by 5:00 p.m., Friday, September 30, 2016. Any finding or determination made by the City Manager relating to the issuance and sale of the Bonds and the execution of the Purchase Contract in connection therewith shall have the same force and effect as a finding or determination made by the City Council.

(c) That as authorized by Chapter 1207, the City Manager is hereby authorized, appointed, and designated to act on behalf of the City in selling and delivering the Bonds and carrying out the other procedures specified in this Ordinance, including determining and fixing the date of the Bonds, any additional or different designation or title by which the Bonds shall be known, the aggregate principal amount of the Bonds, the date of delivery of the Bonds, the price at which the Bonds will be sold, the years in which the Bonds will mature, the principal amount of Bonds to mature in each of such years, the rate or rates of interest to be borne by or accrue on each such maturity, the interest payment periods, the dates, price, and terms upon and at which the Bonds shall be subject to redemption prior to maturity at the option of the City, as well as any mandatory sinking fund redemption provisions, and all other matters relating to the issuance, sale, and delivery of the Bonds, and the refunding of the Refundable Bonds, including, without limitation, obtaining a municipal bond insurance policy in support of all or any portion of the Bonds, all of which shall be specified in the Purchase Contract; provided, however, that (i) the price to be paid for the Bonds shall not be less than 95% of the aggregate original principal amount thereof, plus accrued interest, if any, thereon from the date of their delivery, (ii) none of the Bonds shall bear interest at a rate greater than 10.00% per annum, (iii) the principal of the Bonds shall be scheduled to be paid or mature on April 1 or October 1 (or both) of the years such principal is scheduled to be paid or mature, and (iv) the Bonds shall not be issued unless such refunding of the Refunded Bonds results in achieving the minimum net present value debt service savings threshold described in Section 26 of this Ordinance. The amount of the savings to be realized from the refunding of the Refunded Bonds and any Series 2016A Refunded Bonds, on both a gross and a present value basis, shall be set forth in a certificate (further described in Section 26 of this Ordinance) to be executed by the Chief Financial Officer of the City. In addition, the City Manager is authorized to determine the principal amount of Bonds to be issued and sold, if any, to provide for the refunding of Refunded Bonds; provided, however, that the determination by the City Manager to issue Bonds for the purpose of refunding Refunded Bonds shall be subject to the limitation set forth in the last sentence of Section 1 hereof and the parameters set forth in Section 26 hereof. Should a municipal bond insurance policy be obtained, the conditions of the bond insurer, as set forth in its commitment to issue said policy, shall be attached to this Ordinance as an exhibit and incorporated by reference into this Ordinance.

(d) That the City Manager and the Chief Financial Officer of the City are authorized and directed to provide for and oversee the preparation of a preliminary official statement and the final official statement in connection with the issuance of the Bonds, and to approve such preliminary and final official statement and deem such preliminary official statement final in compliance with the Rule and to provide it to the Underwriters of the Bonds in compliance with the Rule.

Section 3. **REDEMPTION.** (a) That the Bonds may be subject to redemption prior to their scheduled maturities at the option of the City, on the dates and in the manner as provided in the

Purchase Contract. Should the Purchase Contract provide for the redemption of the Bonds prior to their scheduled maturities at the option of the City, if less than all of the Bonds are to be redeemed by the City, the City shall determine the maturity or maturities and the amounts thereof to be redeemed and shall direct the Paying Agent/Registrar to call by lot Bonds, or portions thereof, within such maturity or maturities and in such principal amounts, for redemption; provided, however, that during any period in which ownership of the Bonds is determined only by a book entry at a securities depository for the Bonds, if fewer than all of the Bonds of the same maturity and bearing the same interest rate are to be redeemed, the particular Bonds of such maturity and bearing such interest rate shall be selected in accordance with the arrangements between the City and the securities depository.

(b) That should the Purchase Contract provide for the mandatory sinking fund redemption of the Bonds, the terms and conditions governing any such mandatory sinking fund redemption and the payment of Amortization Installments relating thereto shall be as set forth in the Purchase Contract.

(c) That at least thirty (30) days prior to the date any such Bonds are to be redeemed, (i) a written notice of redemption shall be given by the Paying Agent/Registrar to the registered owner of each Bond or a portion thereof being called for redemption by depositing such notice in the United States mail, first-class, postage prepaid, addressed to each such registered owner at the address thereof as shown on the Registration Books and (ii) a notice of such redemption shall be published one (1) time in a financial journal or publication of general circulation in the United States of America or the State of Texas carrying as a regular feature notices of municipal bonds called for redemption; provided, however, that the failure to send, mail or receive such notice described in (i) above, or any defect therein or in the sending or mailing thereof, shall not affect the validity or effectiveness of the proceedings for the redemption of any Bond, and the publication of notice as described in (ii) above shall be the only notice actually required in connection with or as a prerequisite to the redemption of any Bonds. By the date fixed for any such redemption, due provision shall be made by the City with the Paying Agent/Registrar for the payment of the required redemption price for the Bonds or the portions thereof which are to be so redeemed, plus accrued interest thereon to the date fixed for redemption. If such notice of redemption is given, and if due provision for such payment is made, all as provided above, the Bonds, or the portions thereof which are to be so redeemed, thereby automatically shall be redeemed prior to their scheduled maturities, and shall not bear interest after the date fixed for their redemption, and shall not be regarded as being outstanding except for the right of the registered owner to receive the redemption price plus accrued interest to the date fixed for redemption from the Paying Agent/Registrar out of the funds provided for such payment. The Paying Agent/Registrar shall record in the Registration Books all such redemptions of principal of the Bonds or any portion thereof. If a portion of any Bond shall be redeemed, a substitute Bond or Bonds having the same maturity date, bearing or accruing interest at the same rate, in any Authorized Denomination, at the written request of the registered owner, and in an aggregate principal amount equal to the unredeemed portion thereof, will be issued to the registered owner upon the surrender thereof for cancellation, at the expense of the City, all as provided in this Ordinance. In addition, notice of such redemption shall be provided in the manner described in Section 5(h) hereof, but the failure to provide such notice as described in Section 5(h) hereof shall not affect the validity or effectiveness of the proceedings for the redemption of the Bonds.

(d) With respect to any optional redemption of the Bonds, unless the Paying Agent/Registrar has received funds sufficient to pay the principal and premium, if any, and interest on the Bonds to be redeemed before giving of a notice of redemption, the notice of redemption may state the City may condition redemption on the receipt by the Paying Agent/Registrar of such funds on or before the date fixed for the redemption, or on the satisfaction of any other prerequisites set forth in the notice of redemption. If a conditional notice of redemption is given and such prerequisites to the redemption and sufficient funds are not received, the notice shall be of no force and effect, the City shall not redeem the Bonds and the Paying Agent/Registrar shall give notice, in the manner in which the notice of redemption was given, that the Bonds have not been redeemed.

Section 4. **INTEREST.** That the Bonds shall bear interest calculated on the basis of a 360-day year composed of twelve 30-day months from the dates specified in the FORM OF BOND set forth in this Ordinance, to their respective dates of maturity at the rates set forth in the Purchase Contract. Interest on the Bonds shall be payable on April 1 and October 1, commencing on the date as set forth in the Purchase Contract, until the maturity or prior redemption of the Bonds.

Section 5. **PAYING AGENT/REGISTRAR; BOOK-ENTRY ONLY SYSTEM.** (a) That the City shall keep or cause to be kept at the corporate trust office designated by U.S. Bank National Association, as its place of payment for the Bonds, or such other bank, trust company, financial institution, or other entity duly qualified and legally authorized to serve and perform duties of and services of paying agent and registrar, named in accordance with the provisions of (g) of this Section hereof (the "Paying Agent/Registrar"), books or records of the registration and transfer of the Bonds (the "Registration Books"), and the City hereby appoints the Paying Agent/Registrar as its registrar and transfer agent to keep the Registration Books and make such transfers and registrations under such reasonable regulations as the City and the Paying Agent/Registrar may prescribe; and the Paying Agent/Registrar shall make such transfers and registrations as herein provided. The place of payment so designated by the Paying Agent/Registrar shall be referred to herein as the "Designated Trust Office" of the Paying Agent/Registrar. It shall be the duty of the Paying Agent/Registrar to obtain from the registered owner and record in the Registration Books the address of such registered owner of each Bond to which payments with respect to the Bonds shall be mailed, as herein provided. The Paying Agent/Registrar shall keep the Registration Books confidential and, unless otherwise required by law, shall not permit their inspection by any entity other than the City. Registration of each Bond may be transferred in the Registration Books only upon presentation and surrender of such Bond for transfer of registration and cancellation to the Paying Agent/Registrar at its Designated Trust Office during normal business hours, together with proper written instruments of assignment, in form and with guarantee of signatures satisfactory to the Paying Agent/Registrar, evidencing the assignment of the Bond, or any portion thereof in any Authorized Denomination, to the assignee or assignees thereof, and the right of such assignee or assignees to have the Bond or any such portion thereof registered in the name of such assignee or assignees. Upon the assignment and transfer of any Bond or any portion thereof, a new substitute Bond or Bonds shall be issued in exchange therefor in the manner herein provided. As of the date this Ordinance is approved by the City, the Designated Trust Office is the Dallas, Texas corporate trust office of U.S. Bank National Association.

(b) That the entity in whose name any Bond shall be registered in the Registration Books at any time shall be treated as the absolute owner thereof for all purposes of this Ordinance, whether such Bond shall be overdue, and the City and the Paying Agent/Registrar shall not be affected by any notice to the contrary unless otherwise required by law; and payment of, or on account of, the principal of, premium, if any, and interest on any such Bond shall be made only to such registered owner. All such payments shall be valid and effectual to satisfy and discharge the liability upon such Bond to the extent of the sum or sums so paid.

(c) That the City hereby further appoints the Paying Agent/Registrar to act as the paying agent for paying the principal of, premium, if any, and interest on the Bonds, and to act as its agent to exchange or replace Bonds, all as provided in this Ordinance. The Paying Agent/Registrar shall keep proper records of all payments made by the City and the Paying Agent/Registrar with respect to the Bonds, and of all exchanges of the Bonds, and all replacements of the Bonds, as provided in this Ordinance.

(d) That each Bond may be exchanged for fully registered Bonds in the manner set forth herein. Each Bond issued and delivered pursuant to this Ordinance, to the extent of the unpaid or unredeemed principal amount thereof, may, upon surrender thereof at the Designated Trust Office of the Paying Agent/Registrar, together with a written request therefor duly executed by the registered owner or the assignee or assignees thereof, or its or their duly authorized attorneys or representatives, with guarantee of signatures satisfactory to the Paying Agent/Registrar, at the option of the registered owner or such assignee or assignees, as appropriate, be exchanged for fully registered Bonds, without interest coupons, in the form prescribed in the FORM OF BOND, in an Authorized Denomination (subject to the requirement hereinafter stated that each substitute Bond shall have a single stated maturity date), as requested in writing by such registered owner or such assignee or assignees, in an aggregate principal amount equal to the unpaid or unredeemed principal amount of any Bond or Bonds so surrendered, and payable to the appropriate registered owner, assignee, or assignees, as the case may be. If a portion of any Bond shall be redeemed prior to its scheduled maturity as provided herein, at the request of the registered owner a substitute Bond or Bonds having the same maturity date, bearing interest at the same rate, in an Authorized Denomination, and in an aggregate principal amount equal to the unredeemed portion thereof, will be issued to the registered owner upon surrender thereof for cancellation. If any Bond or portion thereof is assigned and transferred, each Bond issued in exchange therefor shall have the same principal maturity date and bear interest at the same rate as the Bond for which it is being exchanged. Each substitute Bond shall bear a letter and/or number to distinguish it from each other Bond. The Paying Agent/Registrar shall exchange or replace Bonds as provided herein, and each fully registered Bond delivered in exchange for or replacement of any Bond or portion thereof as permitted or required by any provision of this Ordinance shall constitute one of the Bonds for all purposes of this Ordinance, and may again be exchanged or replaced. On each substitute Bond issued in exchange for or replacement of any Bond or Bonds issued under this Ordinance there shall be printed thereon a Paying Agent/Registrar's Authentication Certificate, in the form set forth in the FORM OF BOND (the "Authentication Certificate"). An authorized representative of the Paying Agent/Registrar shall, before the delivery of any such Bond, manually sign and date the Authentication Certificate, and no such Bond shall be deemed to be issued or outstanding unless the Authentication Certificate is so executed and dated. The Paying Agent/Registrar promptly shall cancel all Bonds surrendered for exchange or replacement. No additional ordinances, orders, or resolutions need be passed or adopted by the City Council or any other body or person so as to accomplish the foregoing exchange or replacement of

any Bond or portion thereof, and the Paying Agent/Registrar shall provide for the printing, execution, and delivery of the substitute Bonds in the manner prescribed herein, pursuant to Chapter 1206, particularly Subchapter B thereof. The duty of such exchange or replacement of Bonds as described in the preceding sentence is hereby imposed upon the Paying Agent/Registrar, and upon the execution of the Authentication Certificate, the exchanged or replaced Bond shall be valid, incontestable, and enforceable in the same manner and with the same effect as the Bonds which originally were delivered pursuant to this Ordinance, approved by the Attorney General, and registered by the Comptroller of Public Accounts. Neither the City nor the Paying Agent/Registrar shall be required (1) to make any transfer or exchange during a period beginning at the opening of business fifteen (15) days before the day of the first mailing of a notice of redemption of Bonds and ending at the close of business on the day of such mailing, or (2) to transfer or exchange any Bond after it is selected for redemption, in whole or in part, when such redemption is scheduled to occur within thirty (30) calendar days; provided, however, that such limitation shall not be applicable to an exchange by the owner of the uncalled principal balance of a Bond.

(e) That all Bonds issued in exchange or replacement of any other Bond or portion thereof (i) shall be issued in fully registered form, without interest coupons, with the principal of and interest on the Bonds to be payable only to the registered owners thereof, (ii) may be redeemed prior to their scheduled maturities, (iii) may be transferred and assigned, (iv) may be exchanged for other Bonds, (v) shall have the characteristics, (vi) shall be signed and sealed, and (vii) the principal of and interest on the Bonds shall be payable, all as provided, and in the manner required or indicated, in the FORM OF BOND.

(f) That the City shall pay all of the Paying Agent/Registrar's reasonable and customary fees and charges for making transfers, conversions and exchanges of the Bonds in accordance with an agreement between the City and the Paying Agent/Registrar, but the registered owner of any Bond requesting such transfer shall pay any taxes or other governmental charges required to be paid with respect thereto. In addition, the City hereby covenants with the registered owners of the Bonds that it will pay the reasonable standard or customary fees and charges of the Paying Agent/Registrar for its services with respect to the payment of the principal of and interest on the Bonds, when due.

(g) That the City covenants with the registered owners of the Bonds that at all times while the Bonds are outstanding the City will provide a competent and legally qualified bank, trust company, financial institution, or other entity duly qualified and legally authorized to serve as and perform the duties and services of Paying Agent/Registrar, to act as and perform the services of Paying Agent/Registrar for the Bonds under this Ordinance, and that the Paying Agent/Registrar will be one entity. The City reserves the right to, and may, at its option, change the Paying Agent/Registrar upon not less than sixty (60) days' written notice to the Paying Agent/Registrar. In the event that the entity at any time acting as Paying Agent/Registrar (or its successor by merger, acquisition, or other method) should resign or otherwise cease to act as such, the City covenants that promptly it will appoint a competent and legally qualified bank, trust company, financial institution, or other entity duly qualified and legally authorized to serve as and perform the services of Paying Agent/Registrar, which shall be a corporation organized and doing business under the laws of the United States of America or of any state, authorized under such laws to exercise trust powers, subject to supervision or examination by federal or state authority, and whose qualifications substantially are similar to the previous Paying Agent/Registrar, to act as Paying Agent/Registrar under this Ordinance. Upon any change in the Paying Agent/Registrar, the previous Paying Agent/Registrar

promptly shall transfer and deliver the Registration Books (or a copy thereof), along with all other pertinent books and records relating to the Bonds, to the City and to the new Paying Agent/Registrar designated and appointed by the City. Upon any change in the Paying Agent/Registrar, the City promptly will cause a written notice thereof to be sent by the new Paying Agent/Registrar to each registered owner of the Bonds, by United States mail, first-class, postage prepaid, which notice also shall give the address of the new Paying Agent/Registrar. By accepting the position and performing as such, each Paying Agent/Registrar shall be deemed to have agreed to the provisions of this Ordinance, and a certified copy of this Ordinance shall be delivered to each Paying Agent/Registrar.

(h)(i) That in addition to the manner of providing notice of redemption of Bonds as described in Section 3 hereof, the Paying Agent/Registrar shall give notice of redemption of Bonds by United States mail, first-class, postage prepaid, at least thirty (30) days prior to a redemption date to the MSRB. In addition, in the event of a redemption caused by an advance refunding of the Bonds, the Paying Agent/Registrar shall send a second notice of redemption to the persons specified in the immediately preceding sentence at least thirty (30) days but not more than ninety (90) days prior to the actual redemption date. Any notice sent to the MSRB shall be sent so that such notice is received at least two (2) days prior to the general mailing or publication date of such notice. The Paying Agent/Registrar shall also send a notice of redemption to the registered owner of any Bonds who has not sent the Bonds in for redemption sixty (60) days after the redemption date. The failure to send, mail or receive any such notice described in this clause (i), or any defect therein or in the sending or mailing thereof, shall not affect the validity or effectiveness of the proceedings for the redemption of any Bond.

(ii) Each redemption notice, whether required in the FORM OF BOND or otherwise by this Ordinance, shall contain a description of the Bonds to be redeemed including the complete name of the Bonds, the Series, the date of issue, the interest rate, the maturity date, the CUSIP number, the amounts called of each Bond, the publication and mailing date for the notice, the date of redemption, the redemption price, the name of the Paying Agent/Registrar and the address at which the Bond may be redeemed including a contact person and telephone number.

(iii) All redemption payments made by the Paying Agent/Registrar to the registered owners of the Bonds shall include a CUSIP number relating to each amount paid to such registered owner.

(i) That the Bonds initially shall be issued and delivered in such manner that no physical distribution of the Bonds will be made to the public, and DTC initially will act as depository for the Bonds. DTC has represented to the City that it is a limited purpose trust company incorporated under the laws of the State of New York, a member of the Federal Reserve System, a "clearing corporation" within the meaning of the New York Uniform Commercial Code, and a "clearing agency" registered under Section 17A of the Securities Exchange Act of 1934, as amended, and the City accepts, but in no way verifies, such representations. It is expected that DTC will hold the Bonds on behalf of the Underwriters and its participants, and that the definitive Bonds held at DTC upon delivery of the Bonds to the Underwriters shall be registered in the name of CEDE & CO., the nominee of DTC. So long as each Bond is registered in the name of CEDE & CO., the Paying Agent/Registrar shall treat and deal with DTC the same in all respects as if it were the actual and beneficial owner thereof. It is expected that DTC will maintain a book-entry system which will identify ownership of the Bonds in Authorized Denominations, with transfers of ownership being effected on the records of DTC and its participants pursuant to rules and regulations established by

them, and that the Bonds initially deposited with DTC shall be immobilized and not be further exchanged for substitute Bonds except as hereinafter provided. The City is not responsible or liable for any functions of DTC, will not be responsible for paying any fees or charges with respect to the services of DTC, will not be responsible or liable for maintaining, supervising, or reviewing the records of DTC or its participants, or protecting any interests or rights of the beneficial owners of the Bonds. It shall be the duty of the DTC Participants, as described in the official statement for the Bonds referred to in Section 2(d) hereof, to make all arrangements with DTC to establish this book-entry system, the beneficial ownership of the Bonds, and the method of paying the fees and charges of DTC. The City does not represent nor does it in any way covenant that the initial book-entry system established with DTC will be maintained in the future. Notwithstanding the initial establishment of the foregoing book-entry system with DTC, if for any reason any of the originally delivered Bonds is duly filed with the Paying Agent/Registrar with proper request for transfer and substitution, as provided for in this Ordinance, substitute Bonds will be duly delivered as provided in this Ordinance, and there will be no assurance or representation that any book-entry system will be maintained for the Bonds. The City heretofore has executed a "Blanket Letter of Representations" prepared by DTC in order to implement the book-entry system described above.

Section 6. **FORM OF BONDS.** That the form of all Bonds, including the form of the Authentication Certificate, the form of Assignment, and the form of the Comptroller's Registration Certificate to accompany the Bonds on the initial delivery thereof, shall be, respectively, substantially in the form set forth in Exhibit A to this Ordinance, with such appropriate variations, omissions, or insertions as are permitted or required by this Ordinance and the Purchase Contract.

Section 7. **DEFINITIONS.** That, as used in this Ordinance, the following terms shall have the meanings set forth below, unless the text hereof specifically indicates otherwise:

The term "Additional Bonds" shall mean the additional parity revenue bonds which the City reserves the right to issue in the future, as provided in this Ordinance.

The term "Amortization Installment", with respect to any Term Bonds of any Previously Issued Parity Bonds, any of the Bonds designated in this Ordinance as Term Bonds, or any series of Additional Bonds, shall mean the amount of money which is required to be deposited into the Mandatory Redemption Account referred to in Section 10(b) hereof for retirement of such Term Bonds (whether at maturity or by mandatory redemption and including redemption premium, if any), provided that the total Amortization Installments for such Term Bonds shall be sufficient to provide for retirement of the aggregate principal amount of such Term Bonds.

The term "Authorized Denomination" shall have the same meaning as set forth in Section 2(a) hereof.

The terms "Bonds" and "Taxable Series 2016B Bonds" shall mean one or more, as the case may be, of the City of Dallas, Texas Waterworks and Sewer System Revenue Refunding Bonds, Taxable Series 2016B, authorized to be issued by this Ordinance.

The term "Business Day" shall mean a day other than a Saturday, Sunday, a legal holiday, or a day on which banking institutions are authorized by law or executive order to close in the City or the city where the Designated Trust Office of the Paying Agent/Registrar is located.

The term "Chapter 9" shall mean Chapter 9, Texas Business & Commerce Code.

The term "Chapter 1206" shall mean Chapter 1206, Texas Government Code.

The term "Chapter 1207" shall mean Chapter 1207, Texas Government Code.

The term "Chapter 1208" shall mean Chapter 1208, Texas Government Code.

The terms "City" and "Issuer" shall mean the City of Dallas, Texas.

The term "Code" shall mean the Internal Revenue Code of 1986.

The term "DTC" shall mean The Depository Trust Company, New York, New York.

The term "DTC Participant" shall mean the securities brokers and dealers, banks, trust companies, clearing corporations and certain other organizations on whose behalf DTC was created to hold securities to facilitate the clearance and settlement of securities transactions among DTC Participants.

The term "Designated Trust Office" shall have the same meaning as set forth in Section 5(a) hereof.

The term "Escrow Agent" shall mean U.S. Bank National Association.

The term "Escrow Agreement" shall mean the Escrow Agreement between the City and the Escrow Agent, executed in connection with the refunding of the Refunded Bonds.

The terms "Gross Revenues of the City's Combined Waterworks and Sewer System" and "Gross Revenues" shall mean all revenues, income, and receipts of every nature derived or received by the City from the operation and ownership of the System, including the interest income from the investment or deposit of money in any Fund created by this Ordinance, or maintained by the City in connection with the System.

The term "Interest and Sinking Fund" shall have the meaning as set forth in Section 10(a) hereof.

The term "MAC" shall mean the Municipal Advisory Council of Texas.

The term "MSRB" shall mean the Municipal Securities Rulemaking Board.

The terms "Net Revenues of the City's Combined Waterworks and Sewer System" and "Net Revenues" shall mean all Gross Revenues after deducting and paying the current expenses of operation and maintenance of the System, as required by Section 1502.056, Texas Government Code, including all salaries, labor, materials, interest, repairs, and extensions necessary to render efficient service; provided, however, that only such repairs and extensions, as in the judgment of the City Council, reasonably and fairly exercised by the adoption of the appropriate resolution, are

necessary to keep the System in operation and render adequate service to the City and the inhabitants thereof, or such as might be necessary to meet some physical accident or condition which would otherwise impair the Previously Issued Parity Bonds, the Bonds or Additional Bonds, shall be deducted in determining "Net Revenues". Payments made by the City for water supply or treatment of sewage which constitute under the law an operation and maintenance expense shall be considered herein as expenses incurred in the operation and maintenance of the System. Depreciation and any payments to the City in lieu of ad valorem taxes and any other similar payments shall never be considered as an expense of operation and maintenance.

The term "1981 Ordinance" shall mean the ordinance authorizing the issuance of the Series 1981 Bonds.

The term "Paying Agent/Registrar" shall have the meaning as set forth in Section 5(a) hereof.

The term "Pledged Revenues" shall mean

(1) the Net Revenues, plus

(2) any additional revenues, income, receipts, or other resources, including, without limitation, any grants, donations, or income received or to be received from the United States Government, or any other public or private source, whether pursuant to an agreement or otherwise, which hereafter may be pledged to the payment of the Previously Issued Parity Bonds, Bonds and Additional Bonds.

The term "Previously Issued Parity Bonds" shall mean the Series 2006 Bonds, the Series 2007 Bonds, the Series 2008 Bonds, the Series 2009A Bonds, the Series 2009B Bonds, the Series 2009C Bonds, the Series 2010 Bonds, the Series 2011 Bonds, the Series 2012A Bonds, the Series 2012B Bonds, the Series 2013 Bonds, the Series 2015A Bonds and the Series 2015B Bonds.

The term "Purchase Contract" shall mean the Bond Purchase Contract relating to the Bonds and the Series 2016A Bonds, between the City and Underwriters.

The term "Refundable Bonds" shall mean those Previously Issued Parity Bonds identified in Schedule I attached to this Ordinance.

The term "Refunded Bonds" shall mean those Refundable Bonds that are selected to be refunded by the City Manager in accordance with Section 26 hereof and refunded with proceeds of the Bonds.

The term "Registration Books" shall have the meaning as set forth in Section 5(a) hereof.

The term "Reserve Fund" shall have the meaning as set forth in Section 11 hereof.

The term "Revenue Fund" shall have the meaning as set forth in Section 9 hereof.

The term "Rule" shall mean SEC Rule 15c2-12, as amended from time to time.

The term "SEC" shall mean the United States Securities and Exchange Commission.

The term "Series 1981 Bonds" shall mean the City of Dallas, Texas Waterworks and Sewer System Revenue Refunding Bonds, Series 1981, dated April 1, 1981, and authorized by ordinance of the City passed April 1, 1981; the term "Series 2006 Bonds" shall mean the City of Dallas, Texas Waterworks and Sewer System Revenue Refunding and Improvement Bonds, Series 2006, dated April 1, 2006, and authorized by ordinance of the City passed April 12, 2006; the term "Series 2007 Bonds" shall mean the City of Dallas, Texas Waterworks and Sewer System Revenue Refunding Bonds, Series 2007, dated March 15, 2007, and authorized by ordinance of the City passed March 21, 2007; the term "Series 2008 Bonds" shall mean the City of Dallas, Texas Waterworks and Sewer System Revenue Refunding Bonds, Series 2008, dated May 15, 2008, and authorized by ordinance of the City passed May 28, 2008; the term "Series 2009A Bonds" shall mean the City of Dallas, Texas Waterworks and Sewer System Revenue Bonds, Series 2009A, dated February 1, 2009, and authorized by ordinance of the City passed February 11, 2009; the term "Series 2009B Bonds" shall mean the City of Dallas, Texas Waterworks and Sewer System Revenue Bonds, Series 2009B, dated February 1, 2009, and authorized by ordinance of the City passed February 11, 2009; the term "Series 2009C Bonds" shall mean the City of Dallas, Texas Waterworks and Sewer System Revenue Bonds, Series 2009C, dated February 1, 2009, and authorized by ordinance of the City passed February 11, 2009; the term "Series 2010 Bonds" shall mean the City of Dallas, Texas Waterworks and Sewer System Revenue Refunding Bonds, Series 2010, dated June 15, 2010, and authorized by ordinance of the City passed June 9, 2010; the term "Series 2011 Bonds" shall mean the City of Dallas, Texas Waterworks and Sewer System Revenue Refunding Bonds, Series 2011, dated July 26, 2011, and authorized by ordinance of the City passed June 23, 2011; the term "Series 2012A Bonds" shall mean the City of Dallas, Texas Waterworks and Sewer System Revenue Refunding Bonds, Series 2012A, dated September 19, 2012, and authorized by ordinance of the City passed August 8, 2012; the term "Series 2012B Bonds" shall mean the City of Dallas, Texas Waterworks and Sewer System Revenue Refunding Bonds, Taxable Series 2012B, dated September 19, 2012, and authorized by ordinance of the City passed August 8, 2012; the term "Series 2013 Bonds" shall mean the City of Dallas, Texas Waterworks and Sewer System Revenue Refunding and Improvement Bonds, Series 2013, dated September 17, 2013, and authorized by ordinance of the City passed August 14, 2013; the term "Series 2015A Bonds" shall mean the City of Dallas, Texas Waterworks and Sewer System Revenue Refunding Bonds, Series 2015A, dated March 25, 2015, and authorized by ordinance of the City passed February 25, 2015; and the term "Series 2015B Bonds" shall mean the City of Dallas, Texas Waterworks and Sewer System Revenue Refunding Bonds, Taxable Series 2015B, dated March 25, 2015, and authorized by ordinance of the City passed February 25, 2015.

The term "Series 2016A Bond Ordinance" shall mean the ordinance authorizing the issuance of the Series 2016A Bonds.

The term "Series 2016A Bonds" shall mean one or more, as the case may be, of the City of Dallas, Texas Waterworks and Sewer System Revenue Refunding Bonds, Series 2016A, authorized to be issued by the Series 2016A Bond Ordinance. If issued, the Series 2016A Bonds will be issued as Additional Bonds.

The term "Series 2016A Refunded Bonds" shall mean those Refundable Bonds refunded with the proceeds of the Series 2016A Bonds in accordance with the terms of the Series 2016A Bond Ordinance and the Purchase Contract.

The term "System" shall mean and include the City's combined existing waterworks and sewer system, together with all future extensions, improvements, enlargements, and additions thereto, and all replacements thereof; provided, however, that, notwithstanding the foregoing, and to the extent now or hereafter authorized or permitted by law, the term System shall not include any waterworks or sewer facilities which are declared not to be a part of the System and which are acquired or constructed by the City with the proceeds from the issuance of "Special Facilities Bonds", which are hereby defined as being special revenue obligations of the City which are not secured by or payable from the Pledged Revenues as defined herein, but which are secured by and payable solely from special contract revenues or payments received from any other legal entity in connection with such facilities; and such revenues or payments shall not be considered as or constitute Gross Revenues of the System, unless and to the extent otherwise provided in the ordinance or ordinances authorizing the issuance of such "Special Facilities Bonds".

The term "Term Bonds" shall mean those Bonds (if any) so designated pursuant to this Ordinance, and those Previously Issued Parity Bonds or Additional Bonds so designated in the ordinances authorizing such bonds, which shall be subject to retirement by operation of the Mandatory Redemption Account referred to in Section 10(b) hereof.

The term "Underwriters" shall mean the investment banking firms designated in Section 2(b) of this Ordinance as the co-senior managing underwriters for the Bonds, together with any other investment banking firms named as "Underwriters" in the Purchase Contract.

The term "Year" shall mean the regular fiscal year used by the City in connection with the operation of the System, which may be any twelve consecutive months period established by the City.

Section 8. **PLEDGE.** (a) That the Previously Issued Parity Bonds, the Bonds and any Additional Bonds, and any interest payable thereon, are and shall be secured by and payable from an irrevocable first lien on and pledge of the Pledged Revenues; and the Pledged Revenues are further pledged irrevocably to the establishment and maintenance of the Interest and Sinking Fund and the Reserve Fund as hereinafter provided. The Previously Issued Parity Bonds, the Bonds and any Additional Bonds are and will be secured by and payable only from the Pledged Revenues, and are not secured by or payable from a mortgage or deed of trust on any real, personal or mixed properties constituting the System.

(b) That Chapter 1208 applies to the issuance of the Bonds and the pledge of the Pledged Revenues granted by the City under subsection (a) of this Section, and such pledge is therefore valid, effective, and perfected. If Texas law is amended at any time while the Bonds are outstanding and unpaid such that the pledge of the Pledged Revenues granted by the City is to be subject to the filing requirements of Chapter 9, then in order to preserve to the registered owners of the Bonds the perfection of the security interest in said pledge, the City agrees to take such measures as it determines are reasonable and necessary under Texas law to comply with the applicable provisions of Chapter 9 and enable a filing to perfect the security interest in said pledge to occur.

Section 9. **REVENUE FUND.** That there has been created and established on the books of the City, and accounted for separate and apart from all other funds of the City, a special fund entitled the "City of Dallas, Texas, Waterworks and Sewer System Revenue Fund" (the "Revenue Fund"). All Gross Revenues are and shall be credited to the Revenue Fund immediately upon receipt. All current expenses of operation and maintenance of the System are and shall be paid from such Gross Revenues as a first charge against same.

Section 10. **INTEREST AND SINKING FUND.** (a) That for the sole purpose of paying the principal of and interest on the Previously Issued Parity Bonds, the Bonds and any Additional Bonds, as the same come due, there has been created and established on the books of the City a separate fund entitled the "City of Dallas, Texas, Waterworks and Sewer System Revenue Bonds Interest and Sinking Fund" (the "Interest and Sinking Fund"). Monies in the Interest and Sinking Fund are and shall be maintained at an official depository bank of the City.

(b) That within the Interest and Sinking Fund there has been established the Mandatory Redemption Account, into which account shall be credited the Amortization Installments which shall be used for the payment of the principal of Term Bonds as the same shall come due, whether by maturity thereof or by redemption, through the operation of the Mandatory Redemption Account.

Section 11. **RESERVE FUND.** That there has been created and established on the books of the City a separate fund entitled the "City of Dallas, Texas, Waterworks and Sewer System Revenue Bonds Reserve Fund" (the "Reserve Fund"). Monies in the Reserve Fund shall be used solely for the purpose of retiring the last of any Previously Issued Parity Bonds, Bonds or Additional Bonds as they become due or paying principal of and interest on any Previously Issued Parity Bonds, Bonds or Additional Bonds when and to the extent the amounts in the Interest and Sinking Fund are insufficient for such purpose. Monies in the Reserve Fund shall be maintained at an official depository bank of the City.

Section 12. **DEPOSITS OF PLEDGED REVENUES; INVESTMENTS.** (a) That the Pledged Revenues shall be deposited in the Interest and Sinking Fund and the Reserve Fund when and as required by ordinances authorizing Previously Issued Parity Bonds and by this Ordinance.

(b) That money in any Fund established by ordinances authorizing Previously Issued Parity Bonds may, at the option of the City, be (A) placed in time deposits or certificates of deposit which are secured by (i) obligations of the type described in (B) hereinbelow, (ii) any obligations of the City, or (iii) any municipal bonds issued by a political subdivision in Texas bearing a rating by Standard & Poor's Ratings Services of "BBB" or Moody's Investors Service of "Baa", or better or (B) invested, including investments held in book-entry form, in (i) direct obligations of the United States of America, (ii) obligations guaranteed or insured by the United States of America, which, in the opinion of the Attorney General of the United States, are backed by its full faith and credit or represent its general obligations, or, (iii) to the extent permitted by law, evidences of indebtedness issued, insured or guaranteed by such governmental agencies as the Federal Land Banks, Federal Intermediate Credit Banks, Banks for Cooperatives, Federal Home Loan Banks, Government National Mortgage Association, United States Postal Service, Farmers Home Association, and the Federal Home Loan Mortgage Association; provided, however, that all such deposits and

investments shall have a par value (or market value when less than par) exclusive of accrued interest at all times at least equal to the amount of money credited to such Funds, and shall be made in such manner that the money required to be expended from any Fund will be available at the proper time or times. Money in the Reserve Fund shall not be invested in securities maturing later than the final maturity of the Previously Issued Parity Bonds, the Bonds, and Additional Bonds. Such investments shall be valued in terms of current market value as of the last day of each Year, except that direct obligations of the United States (State and Local Government Series) in book-entry form shall be continuously valued at their par or face principal amount. Such investments shall be sold promptly when necessary to prevent any default in connection with the Previously Issued Parity Bonds, the Bonds or Additional Bonds.

Section 13. **FUNDS SECURED.** That money in all Funds created by this Ordinance, to the extent not invested, shall be secured in the manner prescribed by law for securing funds of the City.

Section 14. **DEBT SERVICE REQUIREMENTS.** (a) That promptly after the delivery of the Bonds the City shall cause to be deposited to the credit of the Interest and Sinking Fund any accrued interest received from the sale and delivery of the Bonds, and any such deposit shall be used to pay part of the interest next coming due on the Bonds.

(b) That in addition to all amounts heretofore required to be transferred from the Pledged Revenues and deposited to the credit of the Interest and Sinking Fund by the ordinances authorizing the issuance of the Previously Issued Parity Bonds, the City shall transfer from the Pledged Revenues and deposit to the credit of the Interest and Sinking Fund the amounts, at the times, as follows:

(1) such amounts, deposited in approximately equal monthly installments on or before the 25th day of each month hereafter, commencing with the month during which the Bonds are delivered, or the month thereafter if delivery is made after the 25th day thereof, as will be sufficient, together with other amounts, if any, then on hand in the Interest and Sinking Fund and available for such purpose, to pay the interest scheduled to accrue and come due on the Bonds on the next succeeding interest payment date; and

(2) such amounts, deposited in approximately equal monthly installments on or before the 25th day of each month hereafter, commencing with the month during which the Bonds are delivered, or the month thereafter if delivery is made after the 25th day thereof, as will be sufficient, together with other amounts, if any, then on hand in the Interest and Sinking Fund and available for such purpose, to pay the principal scheduled to mature and come due on the Bonds on the next succeeding principal payment date.

Section 15. **RESERVE REQUIREMENTS.** That the Reserve Fund shall be maintained in an amount equal to the average annual principal and interest requirements (including Amortization Installments) of the Previously Issued Parity Bonds, the Bonds and Additional Bonds (the "Required Amount"). When and so long as the money and investments in the Reserve Fund are not less than the Required Amount, no deposits need be made to the credit of the Reserve Fund. When and if the Reserve Fund contains less than the Required Amount due to the issuance of the Bonds or Additional Bonds, beginning on the 25th day of the month following the delivery of the Bonds or Additional

Bonds to the purchasers thereof, and continuing for sixty months, the City shall transfer from the Pledged Revenues and deposit to the credit of the Reserve Fund an amount equal to 1/60th of the difference determined as of such delivery date between the amount in the Reserve Fund and the Required Amount. When and if the Reserve Fund at any time contains less than the Required Amount due to any cause or condition other than the issuance of Additional Bonds, then, subject and subordinate to making the required deposits to the credit of the Interest and Sinking Fund, such deficiency shall be made up as soon as possible from the next available Pledged Revenues, or from any other sources available for such purpose. The City may, at its option, withdraw and use for any lawful purpose not inconsistent with the City's Charter, all surplus in the Reserve Fund over the Required Amount.

Section 16. **DEFICIENCIES; EXCESS PLEDGED REVENUES.** (a) That if on any occasion there shall not be sufficient Pledged Revenues to make the required deposits into the Interest and Sinking Fund and the Reserve Fund, then such deficiency shall be made up as soon as possible from the next available Pledged Revenues, or from any other sources available for such purpose.

(b) That, subject to making the required deposits to the credit of the Interest and Sinking Fund and the Reserve Fund when and as required by this Ordinance, or any ordinance authorizing the issuance of Previously Issued Parity Bonds or Additional Bonds, the excess Pledged Revenues may be used by the City for any lawful purpose not inconsistent with the City's Charter.

Section 17. **PAYMENT OF THE BONDS AND ADDITIONAL BONDS.** That on or before October 1, 2016, and semiannually on or before each April 1 and October 1 thereafter while any of the Previously Issued Parity Bonds, the Bonds or Additional Bonds are outstanding and unpaid, the City shall make available to the paying agents therefor (including the Paying Agent/Registrar), out of the Interest and Sinking Fund and the Reserve Fund (if necessary), money sufficient to pay such interest on and such principal of the Previously Issued Parity Bonds, the Bonds and Additional Bonds as shall become due on such dates, respectively, at maturity or by redemption prior to maturity. The aforesaid paying agents (including the Paying Agent/Registrar) shall destroy all paid Previously Issued Parity Bonds, Bonds and Additional Bonds, and furnish the City with an appropriate certificate of cancellation or destruction.

Section 18. **FINAL DEPOSITS; GOVERNMENTAL OBLIGATIONS.** (a) That any Previously Issued Parity Bond, Bond or Additional Bond shall be deemed to be paid, retired and no longer outstanding within the meaning of this Ordinance when payment of the principal of, redemption premium, if any, on such bond, plus interest thereon to the due date thereof (whether such due date be by reason of maturity, upon redemption, or otherwise) either (i) shall have been made or caused to be made in accordance with the terms thereof (including the giving of any required notice of redemption), or (ii) shall have been provided for by irrevocably depositing with, or making available to, a paying agent (or escrow agent) therefor, in trust and irrevocably set aside exclusively for such payment, (1) money sufficient to make such payment or (2) Government Obligations, as hereinafter defined in this Section, certified by an independent public accounting firm of national reputation to mature as to principal and interest in such amounts and at such times as will insure the availability, without reinvestment, of sufficient money to make such payment, and all

necessary and proper fees, compensation, and expenses of such paying agent pertaining to the bonds with respect to which such deposit is made shall have been paid or the payment thereof provided for to the satisfaction of such paying agent. At such time as a Previously Issued Parity Bond, Bond or Additional Bond shall be deemed to be paid hereunder, as aforesaid, it shall no longer be secured by or entitled to the benefit of this Ordinance or such other ordinance securing such bond or a lien on and pledge of the Pledged Revenues, and shall be entitled to payment solely from such money or Government Obligations.

(b) That any moneys so deposited with a paying agent may, at the direction of the City, also be invested in Government Obligations, maturing in the amounts and times as hereinbefore set forth, and all income from all Government Obligations in the hands of the paying agent pursuant to this Section which is not required for the payment of the Previously Issued Parity Bonds, Bonds and Additional Bonds, the redemption premium, if any, and interest thereon, with respect to which such money has been so deposited, shall be remitted to the City.

(c) That the City covenants that no deposit will be made or accepted under clause (a)(ii) of this Section and no use will be made of any such deposit which would cause the Previously Issued Parity Bonds, Bonds or any Additional Bonds to be treated as "arbitrage bonds" within the meaning of section 148 of the Code.

(d) That for the purpose of this Section, the term "Government Obligations" shall mean direct obligations of the United States of America, including obligations the principal of and interest on which are unconditionally guaranteed by the United States of America.

(e) That notwithstanding any other provisions of this Ordinance, all money or Government Obligations set aside and held in trust pursuant to the provisions of this Section for the payment of Previously Issued Parity Bonds, Bonds and Additional Bonds, the redemption premium, if any, and interest thereon, shall be applied to and used for the payment of such Previously Issued Parity Bonds, Bonds and Additional Bonds, the redemption premium, if any, and interest thereon.

(f) That in accordance with the provisions of Section 1207.033, Texas Government Code, the City may call for redemption, at a date earlier than their scheduled maturities, those Bonds which have been defeased to their maturity date. Notwithstanding any other provision of this Ordinance to the contrary, it is hereby provided that any determination not to redeem Bonds defeased under the terms of this Ordinance that is made in conjunction with the payment arrangements specified in clauses (i) or (ii) of subsection (a) above shall not be irrevocable, provided that: (1) in the proceedings providing for such payment arrangements, the City expressly reserves the right to call Bonds so defeased for redemption; (2) the City gives notice of the reservation of that right to the owners of the Bonds so defeased immediately following the making of the payment arrangements; and (3) the City directs that notice of the reservation be included in any redemption notices that it authorizes.

Section 19. **ADDITIONAL BONDS.** (a) That the City shall have the right and power at any time and from time to time to authorize, issue and deliver additional parity revenue bonds (herein called "Additional Bonds") in one or more series or issues, in accordance with law, in any

amounts, for purposes of extending, improving or repairing the System or for the purpose of refunding of any Previously Issued Parity Bonds, Bonds, Additional Bonds or other obligations of the City incurred in connection with the ownership or operation of the System. Such Additional Bonds, if and when authorized, issued and delivered in accordance with this Ordinance, shall be secured by and made payable equally and ratably on a parity with the Previously Issued Parity Bonds, the Bonds, and all other outstanding Additional Bonds, from an irrevocable first lien on and pledge of the Pledged Revenues.

(b) That the Interest and Sinking Fund and the Reserve Fund established by the 1981 Ordinance shall secure and be used to pay all Additional Bonds as well as the Previously Issued Parity Bonds and the Bonds. However, each ordinance under which Additional Bonds are issued shall provide and require that, in addition to the amounts required to be deposited to the credit of the Interest and Sinking Fund by the provisions of this Ordinance and the provisions of any other ordinance or ordinances authorizing Additional Bonds, the City shall deposit to the credit of the Interest and Sinking Fund at least such amounts as are required for the payment of all principal of and interest on said Additional Bonds then being issued, as the same come due; and that the aggregate amount to be accumulated and maintained in the Reserve Fund shall be increased (if and to the extent necessary) to an amount not less than the average annual principal and interest requirements (including Amortization Installments) of all Previously Issued Parity Bonds, Bonds and Additional Bonds which will be outstanding after the issuance and delivery of the then proposed Additional Bonds; and that the required additional amount shall be so accumulated by the deposit in the Reserve Fund of all or any part of said required additional amount in cash immediately after the delivery of the then proposed Additional Bonds, or, at the option of the City, by the deposit of said required additional amount (or any balance of said required additional amount not deposited in cash as permitted above) in monthly installments, made on or before the 25th day of each month following the delivery of the then proposed Additional Bonds, of not less than 1/60th of said required additional amount (or 1/60th of the balance of said required additional amount not deposited in cash as permitted above).

(c) That all calculations of average annual principal and interest requirements (including Amortization Installments) made pursuant to this Section shall be made as of and from the date of the Additional Bonds then proposed to be issued.

(d) That the principal of all Additional Bonds must be scheduled to be paid or mature on April 1 or October 1 (or both) of the years in which such principal is scheduled to be paid or mature; and all interest thereon must be payable on April 1 and October 1.

Section 20. **FURTHER REQUIREMENTS FOR ADDITIONAL BONDS.** That Additional Bonds shall be issued only in accordance with this Ordinance, but notwithstanding any provisions of this Ordinance to the contrary, no installment, Series or issue of Additional Bonds shall be issued or delivered unless:

(a) The Mayor and the City Secretary of the City sign a written certificate to the effect that the City is not in default as to any covenant, condition or obligation in connection with all outstanding Previously Issued Parity Bonds, the Bonds and Additional Bonds, and the ordinances

authorizing same, and that the Interest and Sinking Fund and the Reserve Fund each contains the amount then required to be therein.

(b) An independent certified public accountant, or independent firm of certified public accountants, signs a written certificate to the effect that, during either the next preceding Year, or any twelve consecutive calendar month period ending not more than ninety days prior to the date of the then proposed Additional Bonds, the Net Revenues were, in his or its opinion, at least equal to 1.25 times the average annual principal and interest requirements (computed on a fiscal year basis) including Amortization Installments, of all Previously Issued Parity Bonds, the Bonds and Additional Bonds to be outstanding after the issuance of the then proposed Additional Bonds.

Section 21. **GENERAL COVENANTS.** That the City further covenants and agrees that in accordance with and to the extent required or permitted by law:

(a) **Performance.** It will faithfully perform at all times any and all covenants, undertakings, stipulations, and provisions contained in this Ordinance, and each ordinance authorizing the issuance of Previously Issued Parity Bonds and Additional Bonds, and in each and every Previously Issued Parity Bond, Bond and Additional Bond; it will promptly pay or cause to be paid the principal of and interest on every Previously Issued Parity Bond, Bond and Additional Bond, on the dates and in the places and manner prescribed in such ordinances and Previously Issued Parity Bonds, Bonds or Additional Bonds; and it will, at the times and in the manner prescribed, deposit or cause to be deposited the amounts required to be deposited into the Interest and Sinking Fund and the Reserve Fund; and any holder of the Previously Issued Parity Bonds, Bonds or Additional Bonds may require the City, its officials and employees to carry out, respect or enforce the covenants and obligations of this Ordinance, or any ordinance authorizing the issuance of Additional Bonds, by all legal and equitable means, including specifically, but without limitation, the use and filing of mandamus proceedings, in any court of competent jurisdiction, against the City, its officials and employees.

(b) **City's Legal Authority.** It is a duly created and existing home rule city of the State of Texas, and is duly authorized under the laws of the State of Texas to create and issue the Bonds; that all action on its part for the creation and issuance of the Bonds has been duly and effectively taken; and that the Bonds in the hands of the holders and owners thereof are and will be valid and enforceable special obligations of the City in accordance with their terms.

(c) **Title.** It has or will obtain lawful title to the lands, buildings, structures and facilities constituting the System, that it warrants that it will defend the title to all the aforesaid lands, buildings, structures and facilities, and every part thereof, for the benefit of the holders and owners of the Previously Issued Parity Bonds, Bonds and Additional Bonds, against the claims and demands of all persons whomsoever, that it is lawfully qualified to pledge the Pledged Revenues to the payment of the Previously Issued Parity Bonds, Bonds and Additional Bonds in the manner prescribed herein, and has lawfully exercised such rights.

(d) **Liens.** It will from time to time and before the same become delinquent pay and discharge all taxes, assessments and governmental charges, if any, which shall be lawfully imposed upon it, or the System; it will pay all lawful claims for rents, royalties, labor, materials, and supplies which if unpaid might by law become a lien or charge thereon, the lien of which would be prior to or

interfere with the liens hereof, so that the priority of the liens granted hereunder shall be fully preserved in the manner provided herein; and it will not create or suffer to be created any mechanic's, laborer's, materialman's or other lien or charge which might or could be prior to the liens hereof, or do or suffer any matter or thing whereby the liens hereof might or could be impaired; provided, however, that no such tax, assessment or charge, and that no such claims which might be used as the basis of a mechanic's, laborer's, materialman's or other lien or charge, shall be required to be paid so long as the validity of the same shall be contested in good faith by the City.

(e) **Operation of System; No Free Service.** It will, while the Previously Issued Parity Bonds, Bonds or any Additional Bonds are outstanding and unpaid, continuously and efficiently operate the System, and shall maintain the System in good condition, repair and working order, all at reasonable cost. No free service of the System shall be allowed, and should the City or any of its agencies or instrumentalities make use of the services and facilities of the System, payment of the reasonable value shall be made by the City out of funds from sources other than the revenues of the System, unless made from surplus or excess Pledged Revenues as permitted in Section 16(b) hereof.

(f) **Further Encumbrance.** It, while the Previously Issued Parity Bonds, Bonds or any Additional Bonds are outstanding and unpaid, will not additionally encumber the Pledged Revenues in any manner, except as permitted in this Ordinance in connection with Additional Bonds, unless said encumbrance is made junior and subordinate in all respects to the liens, pledges, covenants and agreements of this Ordinance; but the right of the City to issue revenue bonds payable from a subordinate lien on the Pledged Revenues is specifically recognized and retained.

(g) **Sale or Disposal of Property.** It, while the Previously Issued Parity Bonds, the Bonds or any Additional Bonds are outstanding and unpaid, will not sell, convey, mortgage, encumber, lease or in any manner transfer title to, or otherwise dispose of the System, or any significant or substantial part thereof; provided, however, that whenever the City deems it necessary to dispose of any property, machinery, fixtures or equipment, it may sell or otherwise dispose of such property, machinery, fixtures or equipment when it has made arrangements to replace the same or provide substitutes therefor, unless it is determined that no such replacement or substitute is necessary. Proceeds from any sale hereunder not used to replace or provide for substitution of such property sold, shall be used for improvements to the System or to purchase or redeem Previously Issued Parity Bonds, Bonds and Additional Bonds.

(h) **Insurance.** (1) It shall cause to be insured such parts of the System as would usually be insured by corporations operating like properties, with a responsible insurance company or companies, against risks, accidents or casualties against which, and to the extent, insurance is usually carried by corporations operating like properties, including, to the extent reasonably obtainable, fire and extended coverage insurance, insurance against damage by floods, and use and occupancy insurance. Public liability and property damage insurance shall also be carried unless the City Attorney of the City gives a written opinion to the effect that the City is not liable for claims which would be protected by such insurance. At any time while any contractor engaged in construction work shall be fully responsible therefor, the City shall not be required to carry insurance on the work being constructed if the contractor is required to carry appropriate insurance. All such policies shall be open to the inspection of the bondholders and their representatives at all reasonable times. Upon

the happening of any loss or damage covered by insurance from one or more of said causes, the City shall make due proof of loss and shall do all things necessary or desirable to cause the insuring companies to make payment in full directly to the City. The proceeds of insurance covering such property, together with any other funds necessary and available for such purpose, shall be used forthwith by the City for repairing the property damaged or replacing the property destroyed; provided, however, that if said insurance proceeds and other funds are insufficient for such purpose, then said insurance proceeds pertaining to the System shall be used promptly as follows:

(i) for the redemption prior to maturity of the Previously Issued Parity Bonds, the Bonds and Additional Bonds, ratably in the proportion that the outstanding principal of each series of Previously Issued Parity Bonds, Bonds or Additional Bonds bears to the total outstanding principal of all Previously Issued Parity Bonds, Bonds and Additional Bonds, provided that, if on any such occasion the principal of any such series is not subject to redemption, it shall not be regarded as outstanding in making the foregoing computation; or

(ii) if none of the outstanding Previously Issued Parity Bonds, Bonds or Additional Bonds is subject to redemption, then for the purchase on the open market and retirement of said Previously Issued Parity Bonds, Bonds and Additional Bonds in the same proportion as prescribed in the foregoing clause (i), to the extent practicable; provided, however, that the purchase price for any Previously Issued Parity Bond, Bond or Additional Bond shall not exceed the redemption price of such Previously Issued Parity Bond, Bond or Additional Bond on the first date upon which it becomes subject to redemption; or

(iii) to the extent that the foregoing clauses (i) and (ii) cannot be complied with at the time, the insurance proceeds, or the remainder thereof, shall be deposited in a special and separate trust fund, at an official depository of the City, to be designated the Insurance Account. The Insurance Account shall be held until such time as the foregoing clauses (i) and/or (ii) can be complied with, or until other funds become available which, together with the Insurance Account, will be sufficient to make the repairs or replacements originally required, whichever of said events occurs first.

(2) The foregoing provisions of (1) above notwithstanding, the City shall have authority to enter into coinsurance or similar plans where risk of loss is shared in whole or in part by the City.

(3) The annual audit hereinafter required shall contain a section commenting on whether or not the City has complied with the requirements of this Section with respect to the maintenance of insurance, and listing all policies carried, and whether or not all insurance premiums upon the insurance policies to which reference is hereinbefore made have been paid.

(i) **Rate Covenant.** The City Council of the City will fix, establish, maintain and collect such rates, charges and fees for the use and availability of the System at all times as are necessary to produce Gross Revenues sufficient, (1) to pay all current operation and maintenance expenses of the System, (2) to produce Net Revenues for each Year at least equal to 1.25 times the principal and interest requirements (including Amortization Installments) of all then outstanding Previously Issued

Parity Bonds, Bonds and Additional Bonds for the Year during which such requirements are scheduled to be the greatest, and (3) to pay all other obligations of the System.

(j) **Records.** It will keep proper books of record and account in which full, true and correct entries will be made of all dealings, activities and transactions relating to the System, the Pledged Revenues and the Funds created pursuant to this Ordinance, and all books, documents and vouchers relating thereto shall at all reasonable times be made available for inspection upon request of any bondholders.

(k) **Audits.** After the close of each Year while any of the Previously Issued Parity Bonds, Bonds or any Additional Bonds are outstanding, an audit will be made of the books and accounts relating to the System and the Pledged Revenues by an independent certified public accountant or an independent firm of certified public accountants. As soon as practicable after the close of each such Year, and when said audit has been completed and made available to the City, a copy of such audit for the preceding Year shall be mailed to the MAC and to any holder of 5% or more in aggregate principal amount of then outstanding Previously Issued Parity Bonds, Bonds and Additional Bonds who shall so request in writing. Such annual audit reports shall be open to the inspection of the bondholders and their agents and representatives at all reasonable times.

(l) **Governmental Agencies.** It will comply with all of the terms and conditions of any and all franchises, permits and authorizations applicable to or necessary with respect to the System, and which have been obtained from any governmental agency; and the City has or will obtain and keep in full force and effect all franchises, permits, authorization and other requirements applicable to or necessary with respect to the acquisition, construction, equipment, operation and maintenance of the System.

(m) **No Competition.** It will not grant any franchise or permit for the acquisition, construction or operation of any competing facilities which might be used as a substitute for the System's facilities, and, to the extent that it legally may, the City will prohibit any such competing facilities.

Section 22. **AMENDMENT OF ORDINANCE.** (a) That the holders of the Previously Issued Parity Bonds, Bonds and Additional Bonds aggregating in principal amount 51% of the aggregate principal amount of then outstanding Previously Issued Parity Bonds, Bonds and Additional Bonds shall have the right from time to time to approve any amendment to this Ordinance which may be deemed necessary or desirable by the City; provided, however, that without the consent of the holders of all of the Previously Issued Parity Bonds, Bonds and Additional Bonds at the time outstanding, nothing herein contained shall permit or be construed to permit the amendment of the terms and conditions in this Ordinance or in the Previously Issued Parity Bonds, Bonds or Additional Bonds so as to:

- (1) Make any change in the maturity of the outstanding Previously Issued Parity Bonds, Bonds or Additional Bonds;

- (2) Reduce the rate of interest borne by any of the outstanding Previously Issued Parity Bonds, Bonds or Additional Bonds;
- (3) Reduce the amount of the principal payable on the outstanding Previously Issued Parity Bonds, Bonds or Additional Bonds;
- (4) Modify the terms of payment of principal of or interest on the outstanding Previously Issued Parity Bonds, Bonds or Additional Bonds or impose any conditions with respect to such payment;
- (5) Affect the rights of the holders of less than all of the Previously Issued Parity Bonds, Bonds and Additional Bonds then outstanding; or
- (6) Change the minimum percentage of the principal amount of Previously Issued Parity Bonds, Bonds and Additional Bonds necessary for consent to such amendment.

(b) That if at any time the City shall desire to amend the Ordinance under this Section, the City shall cause notice of the proposed amendment to be published in a financial newspaper or journal published in The City of New York, New York, once during each calendar week for at least two successive calendar weeks. Such notice shall briefly set forth the nature of the proposed amendment and shall state that a copy thereof is on file at the principal office of the Paying Agent/Registrar for inspection by all holders of Previously Issued Parity Bonds, Bonds and Additional Bonds. Such publication is not required, however, if notice in writing is given to each holder of Previously Issued Parity Bonds, Bonds and Additional Bonds.

(c) That whenever at any time not less than thirty days, and within one year, from the date of the first publication of said notice or other service of written notice the City shall receive an instrument or instruments executed by the holders of at least 51% in aggregate principal amount of all Previously Issued Parity Bonds, Bonds and Additional Bonds then outstanding, which instrument or instruments shall refer to the proposed amendment described in said notice and which specifically consent to and approve such amendment in substantially the form of the copy thereof on file with the Paying Agent/Registrar, the City Council may pass the amendatory ordinance in substantially the same form.

(d) That upon the passage of any amendatory ordinance pursuant to the provisions of this Section, this Ordinance shall be deemed to be amended in accordance with such amendatory ordinance, and the respective rights, duties and obligations under this Ordinance of the City and all the holders of then outstanding Previously Issued Parity Bonds, Bonds and Additional Bonds shall thereafter be determined, exercised and enforced hereunder, subject in all respects to such amendments.

(e) That any consent given by the holder of a Previously Issued Parity Bond, Bond or Additional Bond pursuant to the provisions of this Section shall be irrevocable for a period of six (6) months from the date of the first publication of the notice or other service of written notice provided for in this Section, and shall be conclusive and binding upon all future holders of the same

Previously Issued Parity Bond, Bond or Additional Bond during such period. Such consent may be revoked at any time after six (6) months from the date of the first publication of such notice or other service of written notice by the holder who gave such consent, or by a successor in title, by filing notice thereof with the paying agent/registrar therefor and the City, but such revocation shall not be effective if the holders, identified in accordance with subsection (f) of this Section, of 51% in aggregate principal amount of the then outstanding Previously Issued Parity Bonds, Bonds and Additional Bonds have, prior to the attempted revocation, consented to and approve the amendment.

(f) That for the purpose of this Section, the fact of the holding of Previously Issued Parity Bonds, Bonds, or Additional Bonds issued in registered form without coupons and the amounts and numbers of such Previously Issued Parity Bonds, Bonds or Additional Bonds and the date of their holding same shall be proved by the bond registration books of the paying agent/registrar therefor. For purposes of this Section, the holder of a Previously Issued Parity Bond, Bond or Additional Bond in such registered form shall be the owner thereof as shown on such registration books. The City may conclusively assume that such ownership continues until written notice to the contrary is served upon the City.

(g) That the foregoing provisions of this Section notwithstanding, the City by action of the City Council may amend this Ordinance for any one or more of the following purposes:

(1) To add to the covenants and agreements of the City in this Ordinance contained, other covenants and agreements thereafter to be observed, grant additional rights or remedies to bondholders or to surrender, restrict or limit any right or power herein reserved to or conferred upon the City;

(2) To make such provisions for the purpose of curing any ambiguity, or curing, correcting or supplementing any defective provision contained in this Ordinance, or in regard to clarifying matters or questions arising under this Ordinance, including, without limitation, those matters described in Section 25(c)(vi) hereof, or those matters necessary to obtain a rating on the Bonds or to obtain the approving opinion of the Attorney General of Texas as required by law, as are necessary or desirable and not contrary to or inconsistent with this Ordinance and which shall not adversely affect the interests of the holders of the Previously Issued Parity Bonds, Bonds or Additional Bonds;

(3) To modify any of the provisions of this Ordinance in any other respect whatever, provided that (i) such modification shall be, and be expressed to be, effective only after all Previously Issued Parity Bonds outstanding at the date of the adoption of such modification shall cease to be outstanding, and (ii) such modification shall be specifically referred to in the text of all Additional Bonds issued after the date of the adoption of such modification.

Section 23. **DAMAGED, MUTILATED, LOST, STOLEN OR DESTROYED BONDS.**

(a) That in the event any outstanding Bond is damaged, mutilated, lost, stolen, or destroyed, the Paying Agent/Registrar shall cause to be printed, executed, and delivered, a new Bond of the same

principal amount, maturity, and interest rate, as the damaged, mutilated, lost, stolen, or destroyed Bond, in replacement for such Bond in the manner hereinafter provided.

(b) That application for replacement of damaged, mutilated, lost, stolen, or destroyed Bonds shall be made to the Paying Agent/Registrar. In every case of loss, theft, or destruction of a Bond, the applicant for a replacement bond shall furnish to the City and to the Paying Agent/Registrar such security or indemnity as may be required by them to save each of them harmless from any loss or damage with respect thereto. Also, in every case of loss, theft, or destruction of a Bond, the applicant shall furnish to the City and to the Paying Agent/Registrar evidence to their satisfaction of the loss, theft, or destruction of such Bond, as the case may be. In every case of damage or mutilation of a Bond, the applicant shall surrender to the Paying Agent/Registrar for cancellation the Bond so damaged or mutilated.

(c) That notwithstanding the foregoing provisions of this Section, in the event any such Bond shall have matured, and no default has occurred which is then continuing in the payment of the principal of, redemption premium, if any, or interest on the Bond, the City may authorize the payment of the same (without surrender thereof except in the case of a damaged or mutilated Bond) instead of issuing a replacement bond, provided security or indemnity is furnished as above provided in this Section.

(d) That prior to the issuance of any replacement bond, the Paying Agent/Registrar shall charge the owner of such Bond with all legal, printing, and other expenses in connection therewith. Every replacement bond issued pursuant to the provisions of this Section by virtue of the fact that any Bond is lost, stolen, or destroyed shall constitute a contractual obligation of the City whether or not the lost, stolen or destroyed Bond shall be found at any time, or be enforceable by anyone, and shall be entitled to all the benefits of this Ordinance equally and proportionately with any and all other Bonds duly issued under this Ordinance.

(e) That in accordance with Chapter 1206, particularly Subchapter B thereof, this Section of this Ordinance shall constitute authority for the issuance of any such replacement bond without necessity of further action by the governing body of the City or any other body or person, and the duty of the replacement of such bonds is hereby authorized and imposed upon the Paying Agent/Registrar, and the Paying Agent/Registrar shall authenticate and deliver such bonds in the form and manner and with the effect, as provided in Section 5(d) of this Ordinance for Bonds issued in exchange for other Bonds.

Section 24. **TAX COVENANTS.** That the City does not intend to issue the Bonds in a manner such that the Bonds would constitute obligations described in section 103(a) of the Code and all applicable temporary, proposed and final regulations and procedures promulgated thereunder or promulgated under the Internal Revenue Code of 1954, to the extent applicable to the Code.

Section 25. **CONTINUING DISCLOSURE UNDERTAKING.** (a) **Annual Reports.** (i) That the City shall provide annually to the MSRB, within six months after the end of each Year ending in or after 2016, financial information and operating data with respect to the City of the general type included in the final official statement for the Bonds referred to in Section 2(d) of this

Ordinance, being the information described in Exhibit B hereto (as such information may be amended or supplemented by the City Manager or the Chief Financial Officer of the City to conform Exhibit B to the final official statement prepared in connection with the sale of the Bonds). The City will additionally provide audited annual financial statements of the City, when and if available, and in any event, within twelve (12) months after the end of each Year ending in or after 2016. If audited financial statements are not available by the end of the twelve (12) month period, then the City shall provide notice that the audited financial statements are not available, shall provide unaudited financial information of the type described in the numbered tables referenced in Exhibit B hereto by the required time, and will provide audited financial statements for the applicable Year to the MSRB, when and if the audit report on such statements become available. Such information shall be transmitted electronically to the MSRB, in such format as prescribed by the MSRB.

(ii) If the Year is changed by the City, the City will notify the MSRB of such change (and of the date of the new end of the Year) prior to the next date by which the City otherwise would be required to provide financial information and operating data pursuant to this Section. The financial information and operating data to be provided pursuant to this Section may be set forth in full in one or more documents or may be included by specific reference to any document (including an official statement or other offering document, if it is available from the MSRB) that theretofore has been provided to the MSRB or filed with the SEC.

(b) **Disclosure Event Notices.** That the City shall notify the MSRB of any of the following events with respect to the Bonds, in a timely manner not in excess of ten Business Days after the occurrence of the event:

1. Principal and interest payment delinquencies;
2. Non-payment related defaults, if material;
3. Unscheduled draws on debt service reserves reflecting financial difficulties;
4. Unscheduled draws on credit enhancements reflecting financial difficulties;
5. Substitution of credit or liquidity providers, or their failure to perform;
6. Adverse tax opinions, the issuance by the Internal Revenue Service of proposed or final determinations of taxability, Notices of Proposed Issue (IRS Form 5701-TEB) or other material notices or determinations with respect to the tax status of the Bonds, or other material events affecting the tax status of the Bonds;
7. Modifications to rights of holders of the Bonds, if material;
8. Bond calls, if material, and tender offers;
9. Defeasances;
10. Release, substitution, or sale of property securing repayment of the Bonds, if material;
11. Rating changes;
12. Bankruptcy, insolvency, receivership or similar event of the City;
13. The consummation of a merger, consolidation, or acquisition involving the City or the sale of all or substantially all of the assets of the City, other than in the ordinary course of business, the entry into a definitive agreement to undertake such an action or the termination of a definitive agreement relating to any such actions, other than pursuant to its terms, if material; and

14. Appointment of a successor Paying Agent/Registrar or change in the name of the Paying Agent/Registrar, if material.

As used in clause 12 above, the phrase "bankruptcy, insolvency, receivership or similar event" means the appointment of a receiver, fiscal agent or similar officer for the City in a proceeding under the U.S. Bankruptcy Code or in any other proceeding under state or federal law in which a court or governmental authority has assumed jurisdiction over substantially all of the assets of the City, or if jurisdiction has been assumed by leaving the City Council and official or officers of the City in possession but subject to the supervision and orders of a court or governmental authority, or the entry of an order confirming a plan of reorganization, arrangement or liquidation by a court or governmental authority having supervision or jurisdiction over substantially all of the assets or business of the City. The City shall notify the MSRB, in a timely manner, of any failure by the City to provide financial information or operating data in accordance with subsection (a) of this Section by the time required by such subsection.

(c) Limitations, Disclaimers, and Amendments. (i) That the City shall be obligated to observe and perform the covenants specified in this Section for so long as, but only for so long as, the City remains an "obligated person" with respect to the Bonds within the meaning of the Rule, except that the City in any event will give notice of any deposit made in accordance with this Ordinance or applicable law that causes Bonds no longer to be outstanding.

(ii) The provisions of this Section are for the sole benefit of the holders and beneficial owners of the Bonds, and nothing in this Section, express or implied, shall give any benefit or any legal or equitable right, remedy, or claim hereunder to any other person. The City undertakes to provide only the financial information, operating data, financial statements, and notices which it has expressly agreed to provide pursuant to this Section and does not hereby undertake to provide any other information that may be relevant or material to a complete presentation of the City's financial results, condition, or prospects or hereby undertake to update any information provided in accordance with this Section or otherwise, except as expressly provided herein. The City does not make any representation or warranty concerning such information or its usefulness to a decision to invest in or sell Bonds at any future date.

(iii) UNDER NO CIRCUMSTANCES SHALL THE CITY BE LIABLE TO THE HOLDER OR BENEFICIAL OWNER OF ANY BOND OR ANY OTHER PERSON, IN CONTRACT OR TORT, FOR DAMAGES RESULTING IN WHOLE OR IN PART FROM ANY BREACH BY THE CITY, WHETHER NEGLIGENT OR WITHOUT FAULT ON ITS PART, OF ANY COVENANT SPECIFIED IN THIS SECTION, BUT EVERY RIGHT AND REMEDY OF ANY SUCH PERSON, IN CONTRACT OR TORT, FOR OR ON ACCOUNT OF ANY SUCH BREACH SHALL BE LIMITED TO AN ACTION FOR MANDAMUS OR SPECIFIC PERFORMANCE.

(iv) No default by the City in observing or performing its obligations under this Section shall comprise a breach of or default under this Ordinance for purposes of any other provision of this Ordinance. Nothing in this Section is intended or shall act to disclaim, waive, or otherwise limit the duties of the City under federal and state securities laws.

(v) Should the Rule be amended to obligate the City to make filings with or provide notices to entities other than the MSRB, the City agrees to undertake such obligation in accordance with the Rule as amended.

(vi) The provisions of this Section may be amended by the City from time to time to adapt to changed circumstances that arise from a change in legal requirements, a change in law, or a change in the identity, nature, status, or type of operations of the City, but only if (1) the provisions of this Section, as so amended, would have permitted an underwriter to purchase or sell Bonds in the primary offering of the Bonds in compliance with the Rule, taking into account any amendments or interpretations of the Rule since such offering as well as such changed circumstances and (2) either (A) the holders of a majority in aggregate principal amount (or any greater amount required by any other provision of this Ordinance that authorizes such an amendment) of the outstanding Bonds consent to such amendment or (B) a person that is unaffiliated with the City (such as nationally recognized bond counsel) determines that such amendment will not materially impair the interest of the holders and beneficial owners of the Bonds. If the City so amends the provisions of this Section, it shall include with any amended financial information or operating data next provided in accordance with subsection (a) of this Section an explanation, in narrative form, of the reason for the amendment and of the impact of any change in the type of financial information or operating data so provided. The City may also amend or repeal the provisions of this continuing disclosure agreement if the SEC amends or repeals the applicable provision of the Rule or a court of final jurisdiction enters judgment that such provisions of the Rule are invalid, but only if and to the extent that the provisions of this sentence would not prevent an underwriter from lawfully purchasing or selling Bonds in the primary offering of the Bonds.

Section 26. **REFUNDING.** That the City hereby finds that the issuance of the Bonds for the purpose of refunding the Refunded Bonds to realize a net present value savings is a public purpose. As a condition to the issuance of the Bonds, the refunding of the aggregate principal amount of the Refunded Bonds, together with the refunding of the aggregate principal amount of Series 2016A Refunded Bonds (if any) must produce a net present value savings, calculated in accordance with GASB Statement No. 7, of at least four percent (4.00%). The principal amount of Bonds issued to refund Refunded Bonds, and the Refunded Bonds to be refunded, shall be specifically identified in the Purchase Contract. The City Manager may elect not to refund any or all of the obligations listed in Schedule I, but in no event shall the Refundable Bonds be refunded if the refunding of the aggregate principal amount of the Refundable Bonds selected for refunding, together with any Series 2016A Refunded Bonds, does not result in the minimum savings threshold established in this Section being realized.. On or before the date of delivery of the Bonds the Chief Financial Officer of the City shall execute and deliver to the City Council a certificate stating that as a result of the refunding of the Refunded Bonds and any Series 2016A Refunded Bonds, the savings thresholds herein established have been realized. This certificate shall specifically state both the net present value savings and the gross savings realized by the City as a result of refunding the Refunded Bonds and any Series 2016A Refunded Bonds. The determination of the City Manager relating to the issuance and sale of Bonds to refund Refunded Bonds in such principal amount as provided in the Purchase Contract shall have the same force and effect as if such determination were made by the City Council.

Section 27. **DEFAULT AND REMEDIES.** (a) **Events of Default.** That each of the following occurrences or events for the purpose of this Ordinance is hereby declared to be an Event of Default:

(i) the failure to make payment of the principal of or interest on any of the Bonds when the same becomes due and payable; or

(ii) default in the performance or observance of any other covenant, agreement or obligation of the City, the failure to perform which materially, adversely affects the rights of the registered owners of the Bonds, including, but not limited to, their prospect or ability to be repaid in accordance with this Ordinance, and the continuation thereof for a period of sixty (60) days after notice of such default is given by any registered owner to the City.

(b) Remedies for Default.

(i) That upon the happening of any Event of Default, then and in every case, any registered owner or an authorized representative thereof, including, but not limited to, a trustee or trustees therefor, may proceed against the City, or any official, officer or employee of the City in their official capacity, for the purpose of protecting and enforcing the rights of the registered owners under this Ordinance, by mandamus or other suit, action or special proceeding in equity or at law, in any court of competent jurisdiction, for any relief permitted by law, including the specific performance of any covenant or agreement contained herein, or thereby to enjoin any act or thing that may be unlawful or in violation of any right of the registered owners hereunder or any combination of such remedies.

(ii) It is provided that all such proceedings shall be instituted and maintained for the equal benefit of all registered owners of Bonds then outstanding.

(c) Remedies Not Exclusive.

(i) That no remedy herein conferred or reserved is intended to be exclusive of any other available remedy or remedies, but each and every such remedy shall be cumulative and shall be in addition to every other remedy given hereunder or under the Bonds or now or hereafter existing at law or in equity; provided, however, that notwithstanding any other provision of this Ordinance, the right to accelerate the debt evidenced by the Bonds shall not be available as a remedy under this Ordinance.

(ii) The exercise of any remedy herein conferred or reserved shall not be deemed a waiver of any other available remedy.

(iii) By accepting the delivery of a Bond authorized under this Ordinance, such registered owner agrees that the certifications required to effectuate any covenants or representations contained in this Ordinance do not and shall never constitute or give rise to a personal or pecuniary liability or charge against the officers, employees or members of the City or the City Council.

(iv) None of the members of the City Council, nor any other official or officer, agent, or employee of the City, shall be charged personally by the registered owners with any liability, or be held personally liable to the registered owners under any term or provision of this Ordinance, or because of any Event of Default or alleged Event of Default under this Ordinance.

Section 28. **APPROVAL AND REGISTRATION OF BONDS.** That the City Manager of the City is hereby authorized to have control of the Bonds and all necessary records and proceedings pertaining to the Bonds pending their delivery and their investigation, examination and approval by the Attorney General of the State of Texas, and their registration by the Comptroller of Public Accounts of the State of Texas. Upon registration of the Bonds, the Comptroller of Public Accounts (or a deputy designated in writing to act therefor) shall manually sign the Comptroller's Registration Certificate set forth in the FORM OF BOND. The Bonds thus registered shall remain in the custody of the City Manager (or the designee thereof) until delivered to the Underwriters.

Section 29. **FURTHER PROCEDURES.** That the City Manager, the Chief Financial Officer of the City, any Assistant City Manager, and all other officers, employees, and agents of the City, and each of them, shall be and they are hereby expressly authorized, empowered, and directed from time to time and at any time to do and perform all such acts and things and to execute, acknowledge, and deliver in the name and under the corporate seal and on behalf of the City all such instruments, whether herein mentioned, as may be necessary or desirable in order to carry out the terms and provisions of this Ordinance, and the sale and delivery of the Bonds and fixing all details in connection therewith. In addition, should Bonds be sold for the purpose of refunding Refunded Bonds to the extent so provided in the Purchase Contract, the City Council hereby determines that the Refunded Bonds so identified in the Purchase Contract shall be called for redemption on the redemption date or dates as determined by the City Manager, at the applicable redemption price to the date fixed for redemption as provided in Schedule I. The City Manager or the designee thereof shall take such actions as are necessary to cause the required notice of redemption to be given in accordance with the terms of each ordinance for the Refunded Bonds called for redemption. Should a municipal bond insurance policy be obtained insuring the payment of debt service on all or any portion of the Bonds, it is hereby authorized that a statement of insurance provided by the bond insurer may be printed on the Bonds so insured. The City Council hereby authorizes the payment of the fee of the Office of the Attorney General of the State of Texas for the examination of the proceedings relating to the issuance of the Bonds, in the amount determined in accordance with the provisions of Section 1202.004, Texas Government Code.

Section 30. **USE OF PROCEEDS.** That the proceeds representing accrued interest, if any, on the Bonds shall be deposited to the credit of the Interest and Sinking Fund. Proceeds representing premium, if any, paid by the Underwriters in connection with the sale of the Bonds may be used for any purpose authorized by Section 1201.042(d), Texas Government Code, including specifically, but not by way of limitation, in connection with the refunding of the Refunded Bonds. The City shall cause to be deposited with the Escrow Agent, from the proceeds from the sale of the Bonds and other available moneys of the City, an amount sufficient to provide for the refunding of the Refunded Bonds in accordance with Chapter 1207.

Section 31. **ESCROW AGREEMENT.** That the City Manager and City Secretary are hereby authorized, for and on behalf of the City, to execute and deliver the Escrow Agreement to accomplish the establishing of firm banking arrangements in connection with the refunding of the Refunded Bonds, in substantially the form and substance attached to this Ordinance, with such changes as the City Manager deems necessary to effect the sale of the Bonds. The Escrow Agent is not a depository bank of the City, and shall, in accordance with the provisions of Section 1207.062, Texas Government Code, serve as escrow agent for the Refunded Bonds, regardless of whether the Escrow Agent is a paying agent for each series of the Refunded Bonds. If required by law, the City shall not execute the Escrow Agreement unless the Escrow Agent has confirmed to the City Manager that it has made disclosure filings to the Texas Ethics Commission in accordance with Section 2252.908, Texas Government Code. Within thirty (30) days of receipt of the disclosure filings from the Escrow Agent, the City will submit a copy of the disclosure filings with the Texas Ethics Commission.

Section 32. **CONSENT TO CERTAIN AMENDMENTS GIVEN THROUGH OWNERSHIP OF BONDS.** By acceptance of the Bonds, each Owner of a Bond: (i) irrevocably and specifically consents to and approves the amendments described in (1) and (2) below; (ii) irrevocably appoints the City Manager as its true and lawful attorney-in-fact for the limited purpose of executing the written instrument required by Section 22(c) of this Ordinance to evidence the Owner's specific consent to and approval of the amendments described in (1) and (2) below; and (iii) confirms all actions taken by the City Manager as attorney-in-fact for the Owner, it being specifically provided that the City Manager need not consult with, or provide notice to, an Owner in connection with the actions taken by the City Manager under this Section. The power of attorney granted to the City Manager shall be limited to effecting the below amendments and is irrevocable for so long as any Bond remains Outstanding.

The amendments are:

(1) Amend Section 12(b) of this Ordinance to read:

"(b) That money in any Fund established by ordinances authorizing Previously Issued Parity Bonds may, at the option of the City, be invested in Authorized Investments; provided, however, that all such deposits and investments shall have a par value (or market value when less than par) exclusive of accrued interest at all times at least equal to the amount of money credited to such Funds, and shall be made in such manner that the money required to be expended from any Fund will be available at the proper time or times. Money in the Reserve Fund shall not be invested in securities maturing later than the final maturity of the Previously Issued Parity Bonds, the Bonds, and Additional Bonds. Such investments shall be valued in terms of current market value as of the last day of each Year, except that direct obligations of the United States (State and Local Government Series) in book-entry form shall be continuously valued at their par or face principal amount. Such investments shall be sold promptly when necessary to prevent any default in connection with the Previously Issued Parity Bonds, the Bonds or Additional Bonds. As used in this Section, the term "Authorized Investments" shall mean those investments in which the City is now or hereafter authorized by law, including, but not limited to, Chapter 2256, Texas Government Code, and consistent with the City's investment policy adopted and approved from time to time by the City

Council pursuant to the provisions of Chapter 2256, Texas Government Code,, to purchase, sell and invest its funds and funds under its control.

(2) Amend Section 18 of this Ordinance to read:

"(a) That any Previously Issued Parity Bond, Bond or Additional Bond shall be deemed to be paid, retired and no longer outstanding within the meaning of this Ordinance when payment of the principal of, redemption premium, if any, on such bond, plus interest thereon to the due date thereof (whether such due date be by reason of maturity, upon redemption, or otherwise) either (i) shall have been made or caused to be made in accordance with the terms thereof (including the giving of any required notice of redemption), or (ii) shall have been provided for by irrevocably depositing with, or making available to, a paying agent (or escrow agent) therefor, in trust and irrevocably set aside exclusively for such payment, (1) money sufficient to make such payment or (2) Defeasance Securities, as hereinafter defined in this Section, certified by an independent public accounting firm of national reputation to mature as to principal and interest in such amounts and at such times as will insure the availability, without reinvestment, of sufficient money to make such payment, and all necessary and proper fees, compensation, and expenses of such paying agent pertaining to the bonds with respect to which such deposit is made shall have been paid or the payment thereof provided for to the satisfaction of such paying agent. At such time as a Previously Issued Parity Bond, Bond or Additional Bond shall be deemed to be paid hereunder, as aforesaid, it shall no longer be secured by or entitled to the benefit of this Ordinance or such other ordinance securing such bond or a lien on and pledge of the Pledged Revenues, and shall be entitled to payment solely from such money or Defeasance Securities.

(b) That any moneys so deposited with a paying agent may, at the direction of the City, also be invested in Defeasance Securities, maturing in the amounts and times as hereinbefore set forth, and all income from all Defeasance Securities in the hands of the paying agent pursuant to this Section which is not required for the payment of the Previously Issued Parity Bonds, Bonds and Additional Bonds, the redemption premium, if any, and interest thereon, with respect to which such money has been so deposited, shall be remitted to the City.

(c) That the City covenants that no deposit will be made or accepted under clause (a)(ii) of this Section and no use will be made of any such deposit which would cause the Previously Issued Parity Bonds, Bonds or any Additional Bonds to be treated as "arbitrage bonds" within the meaning of section 148 of the Code.

(d) That for the purpose of this Section, the term "Defeasance Securities" shall mean (i) direct obligations of the United States of America, including obligations the principal of and interest on which are unconditionally guaranteed by the United States of America, (ii) noncallable obligations of an agency or instrumentality of the United States of America, including obligations that are unconditionally guaranteed or insured by the agency or instrumentality and that, on the date the City adopts or approves proceedings authorizing the issuance of refunding bonds or, if such defeasance is not in connection with the issuance of refunding bonds, on the date the City provides for the funding of an escrow to effect the defeasance of the Bonds, are rated as to investment quality

by a nationally-recognized investment rating firm not less than "AAA" or its equivalent, (iii) noncallable obligations of a state or an agency or a county, municipality, or other political subdivision of a state that have been refunded and that, on the date the City adopts or approves proceedings authorizing the issuance of refunding bonds or, if such defeasance is not in connection with the issuance of refunding bonds, on the date the Board provides for the funding of an escrow to effect the defeasance of the Bonds, are rated as to investment quality by a nationally-recognized investment rating firm not less than "AAA" or its equivalent, or (iv) any other then authorized securities or obligations that may be used to defease obligations such as the Bonds under the then applicable laws of the State of Texas.

(e) That notwithstanding any other provisions of this Ordinance, all money or Defeasance Securities set aside and held in trust pursuant to the provisions of this Section for the payment of Previously Issued Parity Bonds, Bonds and Additional Bonds, the redemption premium, if any, and interest thereon, shall be applied to and used for the payment of such Previously Issued Parity Bonds, Bonds and Additional Bonds, the redemption premium, if any, and interest thereon.

(f) That in accordance with the provisions of Section 1207.033, Texas Government Code, the City may call for redemption, at a date earlier than their scheduled maturities, those Bonds which have been defeased to their maturity date. Notwithstanding any other provision of this Ordinance to the contrary, it is hereby provided that any determination not to redeem Bonds defeased under the terms of this Ordinance that is made in conjunction with the payment arrangements specified in clauses (i) or (ii) of subsection (a) above shall not be irrevocable, provided that: (1) in the proceedings providing for such payment arrangements, the City expressly reserves the right to call Bonds so defeased for redemption; (2) the City gives notice of the reservation of that right to the owners of the Bonds so defeased immediately following the making of the payment arrangements; and (3) the City directs that notice of the reservation be included in any redemption notices that it authorizes."

(3) Amend Section 20(b) of this Ordinance to read:

"(b) The Chief Financial Officer of the City signs a written certificate to the effect that, during either the next preceding Year, or any twelve consecutive calendar month period ending not more than ninety days prior to the date of the then proposed Additional Bonds, the Net Revenues were, in her or his opinion, at least equal to 1.25 times the average annual principal and interest requirements (computed on a fiscal year basis) including Amortization Installments, of all Previously Issued Parity Bonds, the Bonds and Additional Bonds to be outstanding after the issuance of the then proposed Additional Bonds."

The amendments described in clauses (1) and (3) will become effective once the City determines that the consent of 51% of the aggregate unpaid principal amount of the Previously Issued Parity Bonds, the Bonds and any Additional Bonds then Outstanding is received. The amendment described in clause (2) will become effective once the City determines that the consent of 51% of the aggregate unpaid principal amount of the Previously Issued Parity Bonds, the Bonds and any Additional Bonds then Outstanding is received, and would apply only to the Series 2015A

Bonds, the Series 2015B Bonds, the Bonds, the Taxable Series 2016B Bonds, and any Additional Bonds delivered after the date of delivery of the Bonds and the Taxable Series 2016B Bonds.

Section 33. **PREAMBLE.** That the preamble to this Ordinance is incorporated by reference and made a part hereof for all purposes.

Section 34. **RULES OF CONSTRUCTION.** That for all purposes of this Ordinance, unless the context requires otherwise, all references to designated Sections and other subdivisions are to the Sections and other subdivisions of this Ordinance. The words "herein", "hereof" and "hereunder" and other words of similar import refer to this Ordinance as a whole and not to any particular Section or other subdivision. Except where the context otherwise requires, terms defined in this Ordinance to impart the singular number shall be considered to include the plural number and vice versa. References to any named person means that party and its successors and assigns. References to any constitutional, statutory or regulatory provision means such provision as it exists on the date this Ordinance is adopted by the City and any future amendments thereto or successor provisions thereof. Any reference to the payment of principal in this Ordinance shall be deemed to include the payment of Amortization Installments (if any). Any reference to "FORM OF BOND" shall refer to the form of the Bonds set forth in Exhibit A to this Ordinance. The calculation of average annual principal and interest requirements as may be required by this Ordinance shall be made at the beginning of each Year and shall be the sum of the annual principal and interest requirements due for the current and each subsequent Year in which the Previously Issued Parity Bonds, the Bonds and any Additional Bonds are outstanding divided by the number of such Years, or partial Years, if applicable. Surplus moneys in the Reserve Fund the source of which are proceeds of bonds may be used only to complete projects for which such bond proceeds were issued, for improvements to the System, or for other costs for which the City could issue bonds for the System. The terms "owner" and "holder" and "bondholder", as used in this Ordinance, shall mean the registered or beneficial owner of a Bond.

Section 35. **SERIES 2016A BOND ORDINANCE.** That concurrently with the adoption of this Ordinance, the City Council will consider for approval the Series 2016A Bond Ordinance. If the Series 2016A Bond Ordinance is approved, the Series 2016A Bonds, if issued, shall be Additional Bonds, and the issuance of the Series 2016A Bonds shall be governed by the terms of the Series 2016A Bond Ordinance.

Section 36. **IMMEDIATE EFFECT.** That this Ordinance shall be effective immediately from and after its passage in accordance with the provisions of Section 1201.028, Texas Government Code.

PASSED AND APPROVED the 15th day of June, 2016.

APPROVED AS TO FORM:
Christopher D. Bowers, Interim City Attorney

SCHEDULE I

DESCRIPTION OF REFUNDABLE BONDS

CITY OF DALLAS, TEXAS WATERWORKS AND SEWER SYSTEM REVENUE REFUNDING AND IMPROVEMENT BONDS, SERIES 2006, bonds maturing on October 1 in each of the years 2016 and 2017, aggregating \$11,445,000 in principal amount; REDEMPTION PRICE: par plus accrued interest; REDEMPTION DATE: August 8, 2016.

CITY OF DALLAS, TEXAS WATERWORKS AND SEWER SYSTEM REVENUE REFUNDING BONDS, SERIES 2007, bonds maturing on October 1 in each of the years 2018, 2019, 2027, 2028, and on October 1 in each of the years 2032 and 2036, aggregating \$187,505,000 in principal amount; REDEMPTION PRICE: par plus accrued interest; REDEMPTION DATE: October 1, 2017.

CITY OF DALLAS, TEXAS WATERWORKS AND SEWER SYSTEM REVENUE REFUNDING BONDS, SERIES 2008, bonds maturing on October 1 in each of the years 2036 and 2037, aggregating \$19,160,000 in principal amount; REDEMPTION PRICE: par plus accrued interest; REDEMPTION DATE: October 1, 2018.

CITY OF DALLAS, TEXAS WATERWORKS AND SEWER SYSTEM REVENUE REFUNDING BONDS, SERIES 2010, bonds maturing on October 1 in each of the years 2025 through 2030, and on October 1, 2035, aggregating \$83,635,000 in principal amount; REDEMPTION PRICE: par plus accrued interest; REDEMPTION DATE: October 1, 2020.

CITY OF DALLAS, TEXAS WATERWORKS AND SEWER SYSTEM REVENUE REFUNDING BONDS, SERIES 2011, bonds maturing on October 1 in each of the years 2023 through 2031, and on October 1, 2036, aggregating \$41,770,000 in principal amount; REDEMPTION PRICE: par plus accrued interest; REDEMPTION DATE: October 1, 2021.

CITY OF DALLAS, TEXAS WATERWORKS AND SEWER SYSTEM REVENUE REFUNDING BONDS, SERIES 2012A, bonds maturing on October 1 in each of the years 2023 through 2031, aggregating \$38,800,000 in principal amount; REDEMPTION PRICE: par plus accrued interest; REDEMPTION DATE: October 1, 2022.

CITY OF DALLAS, TEXAS WATERWORKS AND SEWER SYSTEM REVENUE REFUNDING BONDS, SERIES 2012A, bonds maturing on October 1 in each of the years 2025 through 2027, aggregating \$13,420,000 in principal amount; REDEMPTION PRICE: par plus accrued interest; REDEMPTION DATE: October 1, 2022.

EXHIBIT A

FORM OF BOND:

NO. R- _____ \$_____

UNITED STATES OF AMERICA
STATE OF TEXAS
COUNTIES OF DALLAS, DENTON, COLLIN AND ROCKWALL
CITY OF DALLAS, TEXAS
WATERWORKS AND SEWER SYSTEM
REVENUE REFUNDING BOND
TAXABLE SERIES 2016B

<u>MATURITY DATE</u>	<u>INTEREST RATE</u> %	<u>ORIGINAL ISSUE DATE</u>	<u>CUSIP</u>
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ON THE MATURITY DATE SPECIFIED ABOVE, THE CITY OF DALLAS, IN DALLAS, DENTON, COLLIN AND ROCKWALL COUNTIES, TEXAS (the "City"), hereby promises to pay to _____, or the registered assignee hereof (either being hereinafter called the "registered owner") the principal amount of

_____ DOLLARS

and to pay interest thereon, from the original issue date of this Bond specified above, to the date of its scheduled maturity, at the rate of interest per annum specified above, with said interest being payable on October 1, 2016, and semiannually on each April 1 and October 1 thereafter, except that if the Paying Agent/Registrar's Authentication Certificate appearing on the face of this Bond is dated later than October 1, 2016, such interest is payable semiannually on each April 1 and October 1 following such date.

THE PRINCIPAL OF AND INTEREST ON this Bond are payable in lawful money of the United States of America, without exchange or collection charges. The principal of this Bond shall be paid to the registered owner hereof upon presentation and surrender of this Bond at maturity, or upon the date fixed for its redemption prior to maturity, at the designated corporate trust office in Dallas, Texas (the "Designated Trust Office"), of U.S. Bank National Association, which is the "Paying Agent/Registrar" for this Bond. The payment of interest on this Bond shall be made by the Paying Agent/Registrar to the registered owner hereof as shown by the "Registration Books" kept by the Paying Agent/Registrar at the close of business on the Record Date (hereinafter defined) by check drawn by the Paying Agent/Registrar on, and payable solely from, funds of the City required to be on deposit with the Paying Agent/Registrar for such purpose as hereinafter provided; and such check shall be sent by the Paying Agent/Registrar by United States mail, first-class, postage prepaid, on each such interest payment date, to the registered owner hereof at its address as it appears on the

Registration Books kept by the Paying Agent/Registrar, as hereinafter described, or by such other method, acceptable to the Paying Agent/Registrar, requested by, and at the risk and expense of, the registered owner. The date for determining the person to whom the interest is payable on any interest payment date means the 15th day of the preceding month (the "Record Date"). In the event of a non-payment of interest on a scheduled payment date, and for 30 days thereafter, a new record date for such interest payment (a "Special Record Date") will be established by the Paying Agent/Registrar, if and when funds for the payment of such interest have been received from the City. Notice of the Special Record Date and of the scheduled payment date of the past due interest (the "Special Payment Date", which shall be 15 days after the Special Record Date) shall be sent at least five business days prior to the Special Record Date by United States mail, first-class, postage prepaid, to the address of each registered owner of a Bond appearing on the books of the Paying Agent/Registrar at the close of business on the last business day next preceding the date of mailing of such notice. The City covenants with the registered owner of this Bond that no later than each principal payment date and interest payment date for this Bond it will make available to the Paying Agent/Registrar the amounts required to provide for the payment, in immediately available funds, of all principal of and interest on the Bonds, when due, in the manner set forth in the ordinance authorizing the issuance of the Bonds (the "Ordinance").

IF THE DATE for the payment of the principal of or interest on this Bond shall be a Saturday, Sunday, a legal holiday, or a day on which banking institutions are authorized by law or executive order to close in the city where the Designated Trust Office of the Paying Agent/Registrar is located, then the date for such payment shall be the next succeeding day which is not such a Saturday, Sunday, legal holiday, or day on which banking institutions are authorized to close; and payment on such date shall have the same force and effect as if made on the original date payment was due. Notwithstanding the foregoing, during any period in which ownership of the bonds of this Series is determined only by a book entry at a securities depository therefor, any payment to the securities depository, or its nominee or registered assigns, shall be made in accordance with existing arrangements between the City and the securities depository.

THIS BOND is one of a Series of bonds of like tenor and effect except as to denomination, number, maturity, interest rate and right of prior redemption, dated as of the original issue date specified above, issued in the aggregate principal amount of \$____,____,000 for the purpose of refunding the "Refunded Bonds" (as defined in the Ordinance) and paying costs of issuance. All Bonds of this Series are issuable solely as fully registered bonds, without interest coupons, in the denomination of any integral multiple of \$5,000 (an "Authorized Denomination").

THE BONDS of this Series scheduled to mature on and after October 1, 20__ may be redeemed prior to their scheduled maturities, in whole or in part, in principal amounts of any Authorized Denomination, at the option of the City, on October 1, 20__, or on any date thereafter, at the redemption price of par plus accrued interest to the date fixed for redemption. If less than all of the Bonds are to be redeemed by the City, the City shall determine the maturity or maturities and the principal amounts thereof to be redeemed and shall direct the Paying Agent/Registrar to call by lot Bonds, or portions thereof, within such maturity or maturities and in such principal amounts, for

redemption; provided, however, that during any period in which ownership of the Bonds is determined only by a book entry at a securities depository for the Bonds, if fewer than all of the Bonds of the same maturity and bearing the same interest rate are to be redeemed, the particular Bonds of such maturity and bearing such interest rate shall be selected in accordance with the arrangements between the City and the securities depository.

THE BONDS are also subject to mandatory redemption in part by lot pursuant to the terms of the Ordinance, on October 1 in each of the years 20__ through 20__, inclusive, with respect to Bonds maturing October 1, 20__, and on October 1 in each of the years 20__ through 20__, inclusive, with respect to Bonds maturing October 1, 2044, in the following years and in the following amounts, at a price equal to the principal amount thereof and accrued and unpaid interest to the date of redemption, without premium:

<u>Year</u>	<u>Principal Amount (\$)</u>
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* Final Maturity

To the extent, however, that Bonds subject to sinking fund redemption have been previously purchased or called for redemption in part and otherwise than from a sinking fund redemption payment, each annual sinking fund payment for such Bond shall be reduced by the amount obtained by multiplying the principal amount of Bonds so purchased or redeemed by the ratio which each remaining annual sinking fund redemption payment for such Bonds bears to the total remaining sinking fund payments, and by rounding each such payment to the nearest \$5,000 integral; provided, that during any period in which ownership of the Bonds is determined only by a book entry at a securities depository for the Bonds, the particular Bonds to be called for mandatory redemption shall be selected in accordance with the arrangements between the City and the securities depository.

AT LEAST 30 days prior to the date fixed for any such redemption, (i) a written notice of such redemption shall be given by the Paying Agent/Registrar to the registered owner of each Bond or a portion thereof being called for redemption by depositing such notice in the United States mail, first-class, postage prepaid, addressed to each such registered owner at his address shown on the Registration Books of the Paying Agent/Registrar and (ii) a notice of such redemption shall be published one (1) time in a financial journal or publication of general circulation in the United States of America or the State of Texas carrying as a regular feature notices of municipal bonds called for redemption; provided, however, that the failure to send, mail or receive such notice described in (i) above, or any defect therein or in the sending or mailing thereof, shall not affect the validity or effectiveness of the proceedings for the redemption of any Bond, and the publication of notice as described in (ii) above shall be the only notice actually required in connection with or as a prerequisite to the redemption of any Bonds. By the date fixed for any such redemption due provision shall be made by the City with the Paying Agent/Registrar for the payment of the required redemption price for this Bond or the portion hereof which is to be so redeemed, plus accrued interest thereon to the date fixed for redemption. If such notice of redemption is given, and if due

provision for such payment is made, all as provided above, this Bond, or the portion hereof which is to be so redeemed, thereby automatically shall be redeemed prior to its scheduled maturity, and shall not bear interest after the date fixed for its redemption, and shall not be regarded as being outstanding except for the right of the registered owner to receive the redemption price plus accrued interest to the date fixed for redemption from the Paying Agent/Registrar out of the funds provided for such payment. The Paying Agent/Registrar shall record in the Registration Books all such redemptions of principal of this Bond or any portion hereof. If a portion of this Bond shall be redeemed a substitute Bond or Bonds having the same maturity date, bearing interest at the same rate, in any Authorized Denomination, at the written request of the registered owner, and in aggregate principal amount equal to the unredeemed portion thereof, will be issued to the registered owner upon the surrender hereof for cancellation, at the expense of the City, all as provided in the Ordinance.

WITH RESPECT TO any optional redemption of this Bond, unless the Paying Agent/Registrar has received funds sufficient to pay the principal and premium, if any, and interest on this Bond to be redeemed before giving of a notice of redemption, the notice of redemption may state the City may condition redemption on the receipt by the Paying Agent/Registrar of such funds on or before the date fixed for the redemption, or on the satisfaction of any other prerequisites set forth in the notice of redemption. If a conditional notice of redemption is given and such prerequisites to the redemption and sufficient funds are not received, the notice shall be of no force and effect, the City shall not redeem this Bond and the Paying Agent/Registrar shall give notice, in the manner in which the notice of redemption was given, that this Bond has not been redeemed.

AS PROVIDED IN THE ORDINANCE, this Bond, or any unredeemed portion hereof, may, at the request of the registered owner or the assignee or assignees hereof, be assigned, transferred, and exchanged for a like aggregate principal amount of fully registered bonds, without interest coupons, payable to the appropriate registered owner, assignee, or assignees, as the case may be, having the same maturity date, and bearing interest at the same rate, in any Authorized Denomination as requested in writing by the appropriate registered owner, assignee, or assignees, as the case may be, upon surrender of this Bond to the Paying Agent/Registrar at its Designated Trust Office for cancellation, all in accordance with the form and procedures set forth in the Ordinance. Among other requirements for such assignment and transfer, this Bond must be presented and surrendered to the Paying Agent/Registrar, together with proper instruments of assignment, in form and with guarantee of signatures satisfactory to the Paying Agent/Registrar, evidencing assignment of this Bond or any portion or portions hereof in any Authorized Denomination to the assignee or assignees in whose name or names this Bond or any such portion or portions hereof is or are to be transferred and registered. The form of Assignment printed or endorsed on this Bond may be executed by the registered owner to evidence the assignment hereof, but such method is not exclusive, and other instruments of assignment satisfactory to the Paying Agent/Registrar may be used to evidence the assignment of this Bond or any portion or portions hereof from time to time by the registered owner. The City shall pay the Paying Agent/Registrar's reasonable standard or customary fees and charges for transferring, converting and exchanging any Bond or portion thereof; provided, however, that any taxes or governmental charges required to be paid with respect thereto shall be paid by the one requesting such transfer, conversion and exchange. In any circumstance, neither the City nor the Paying Agent/Registrar shall be required (1) to make any transfer or exchange during a period

beginning at the opening of business 15 days before the day of the first mailing of a notice of redemption of bonds and ending at the close of business on the day of such mailing, or (2) to transfer or exchange any Bonds so selected for redemption when such redemption is scheduled to occur within 30 calendar days; provided, however, such limitation shall not be applicable to an exchange by the registered owner of the uncalled principal balance of a Bond.

WHENEVER the beneficial ownership of this Bond is determined by a book entry at a securities depository for the Bonds, the foregoing requirements of holding, delivering or transferring this Bond shall be modified to require the appropriate person or entity to meet the requirements of the securities depository as to registering or transferring the book entry to produce the same effect.

IN THE EVENT any Paying Agent/Registrar for the Bonds is changed by the City, resigns, or otherwise ceases to act as such, the City has covenanted in the Ordinance that it promptly will appoint a competent and legally qualified substitute therefor, and promptly will cause written notice thereof to be mailed to the registered owners of the Bonds.

BY BECOMING the registered owner of this Bond, the registered owner thereby acknowledges all of the terms and provisions of the Ordinance, agrees to be bound by such terms and provisions, acknowledges that the Ordinance is duly recorded and available for inspection in the official minutes and records of the City, and agrees that the terms and provisions of this Bond and the Ordinance constitute a contract between each registered owner hereof and the City.

THE CITY has reserved the right, subject to the restrictions stated, and adopted by reference, in the Ordinance, to issue additional parity revenue bonds which also may be made payable from, and secured by a first lien on and pledge of, the "Pledged Revenues" (as defined in the Ordinance).

THE REGISTERED OWNER HEREOF is not entitled to demand payment of this obligation out of any money raised or to be raised by taxation, or from any source whatsoever other than the Pledged Revenues.

IT IS HEREBY certified and covenanted that this Bond has been duly and validly authorized, issued and delivered; that all acts, conditions and things required or proper to be performed, exist and be done precedent to or in the authorization, issuance and delivery of this Bond have been performed, existed and been done in accordance with law; that this Bond is a special obligation; and that the principal of and interest on this Bond together with outstanding parity revenue bonds are payable from, and secured by a first lien on and pledge of, the Pledged Revenues, which include the Net Revenues of the City's Combined Waterworks and Sewer System (as defined in the Ordinance).

IN TESTIMONY WHEREOF, the City Council has caused the seal of the City to be duly impressed or placed in facsimile hereon, and this Bond to be signed with the imprinted facsimile signature of the Mayor and countersigned by the facsimile signatures of the City Manager and the City Secretary.

COUNTERSIGNED:

City Manager,
City of Dallas, Texas

Mayor,
City of Dallas, Texas

City Secretary,
City of Dallas, Texas

(SEAL)

FORM OF PAYING AGENT/REGISTRAR'S AUTHENTICATION CERTIFICATE

PAYING AGENT/REGISTRAR'S AUTHENTICATION CERTIFICATE

It is hereby certified that this Bond has been issued under the provisions of the proceedings adopted by the City as described in the text of this Bond; and that this Bond has been issued in exchange for or replacement of a Bond, Bonds, or a portion of a Bond or Bonds of an issue which originally was approved by the Attorney General of the State of Texas and registered by the Comptroller of Public Accounts of the State of Texas.

Dated _____

U.S. BANK NATIONAL ASSOCIATION,
Paying Agent/Registrar

By: _____
Authorized Representative

(FORM OF COMPTROLLER'S CERTIFICATE ATTACHED TO
THE BONDS UPON INITIAL DELIVERY THEREOF ONLY)

OFFICE OF COMPTROLLER :

REGISTER NO. _____

STATE OF TEXAS :

I hereby certify that there is on file and of record in my office a true and correct copy of the opinion of the Attorney General of the State of Texas approving this Bond and that this Bond has been registered this day by me.

Witness my signature and seal this

Comptroller of Public Accounts of
the State of Texas

FORM OF ASSIGNMENT:

ASSIGNMENT

FOR VALUE RECEIVED, the undersigned hereby sells, assigns and transfers unto

Please insert Social Security or Taxpayer Identification Number of Transferee

/ _____ /

(Please print or typewrite name and address, including zip code of Transferee)

the within Bond and all rights thereunder, and hereby irrevocably constitutes and appoints

_____ attorney to

register the transfer of the within Bond on the books kept for registration thereof, with full power of substitution in the premises.

Dated: _____

Signature Guaranteed:

NOTICE: Signatures must be guaranteed by an eligible guarantor institution participating in a Securities Transfer Association recognized signature guarantee program.

NOTICE: The signature above must correspond with the name of the registered owner as it appears upon the front of this Bond in every particular, without alteration or enlargement or any change whatsoever.

DESCRIPTION OF ANNUAL FINANCIAL INFORMATION

The following information is referred to in Section 25 of this Ordinance.

Annual Financial Statements and Operating Data

The financial information and operating data with respect to the City to be provided annually in accordance with such Section are as specified below (and included in the Appendix or under the headings of the Official Statement referred to):

Tables 1 through 9 under the Official Statement Section entitled "THE WATER AND WASTEWATER SYSTEM".

Tables 10 through 12 under the Official Statement Section entitled "DEBT INFORMATION".

Tables 13 through 17 under the Official Statement Section entitled "FINANCIAL INFORMATION".

Appendix C to the Official Statement, entitled "DALLAS WATER UTILITIES FINANCIAL STATEMENTS".

Accounting Principles

The accounting principles referred to in such Section are the accounting principles described in the notes to the financial statements referred to in Appendix C described above.

THE STATE OF TEXAS :
COUNTIES OF DALLAS, DENTON, COLLIN AND ROCKWALL :
CITY OF DALLAS :

I, ROSA A. RIOS, City Secretary of the City of Dallas, Texas, do hereby certify that the above and foregoing is a true and correct copy of an excerpt from the minutes of the City Council of the City of Dallas, had in Regular Meeting on the 15th day of June, 2016, and an Ordinance authorizing the issuance and sale of City of Dallas, Texas Waterworks and Sewer System Revenue Refunding Bonds, Taxable Series 2016B, which Ordinance is duly of record in the minutes of said City Council; and that said meeting was open to the public, and public notice of the time, place and purpose of said meeting was given, all as required by Chapter 551, Texas Government Code, as amended.

WITNESS MY HAND and seal of the City of Dallas, Texas, this the 15th day of June, 2016.

Rosa A. Rios, City Secretary
City of Dallas, Texas

(SEAL)

AGENDA ITEM # 11

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: June 15, 2016

COUNCIL DISTRICT(S): N/A

DEPARTMENT: Office of Economic Development

CMO: Ryan S. Evans, 671-9837

MAPSCO: N/A

SUBJECT

Authorize amendments to the Dallas Development Fund's certificate of formation and bylaws, and the City Manager to file the amended certificate of formation with the Secretary of State - Financing: No cost consideration to the City

BACKGROUND

The City of Dallas authorized the creation of the Dallas Development Fund (DDF), a non-profit Community Development Entity (CDE), by Resolution No. 09-0461 on February 11, 2009, to apply for a New Markets Tax Credit (NMTC) allocation from the U.S. Department of Treasury's Community Development Financial Institutions (CDFI) Fund in its 2009 funding cycle. DDF was awarded a \$55 million allocation under the 2009 cycle. DDF applied for additional allocation in 2012, and was awarded \$30 million in the 2012 funding cycle, and again applied for allocation in 2014, and was awarded \$45 million under that funding cycle.

The NMTC program permits taxpayers to receive a credit against federal income taxes for making qualified equity investments in designated CDEs. These investments must be used by the CDE for projects and investments in low-income communities, as defined by the NMTC program. The credit provided to the investor totals 39% of the cost of the investment and is claimed over a 7-year credit allowance period. To date, DDF and the City Council have authorized \$111 million in NMTC allocation to ten projects throughout the City.

The Dallas Development Fund last updated its organizational documents in 2013 in response to comments from the IRS related to its 501(c)3 non-profit status designation. Since that time, the CDFI Fund has increased the level of emphasis it places on the level and depth of Low Income Community (LIC) representation on CDE boards in its competitive scoring of NMTC applications.

BACKGROUND (Continued)

To strengthen DDF's LIC accountability, the minimum number of LIC board members will be increased from 3 to 4. Additionally, board member eligibility would be expanded to also allow candidates who are (i) both a resident of Dallas County AND an employee or board member of a community-based or charitable organization with an office in the City of Dallas that supports economic well-being, community revitalization and/or provision of services to disadvantaged communities, or (ii) residents of the City of Dallas. Currently, DDF board members must be City of Dallas residents and 18 years old. The new language would allow board members to either be City of Dallas residents (with no requirement for LIC accountability) OR Dallas County residents with accountability to a Dallas-officed LIC accountable organization.

Other changes to the DDF organizational documents relate to the term start and end dates. First, terms of the DDF board are staggered to ensure continuity by creating terms that end in even or odd years. Second, the maximum term limit is raised by two years to eight years total; current board members would have a maximum term of seven or eight years (from the existing six). Third, terms end on February 25th so that all board members have the same end date rather than an end date two years after the date of appointment.

Finally, changes are proposed to clarify a few issues including: clarifying the nominating and approval methods for Class II members; that abstaining from a vote due to a conflict of interests does not cause a loss of quorum; that offices of Secretary and Treasurer must be either board members or City employees; and that Roberts Rules of Order shall provide common rules and procedures unless otherwise specified in the bylaws.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On February 11, 2009, City Council authorized the creation of the Dallas Development Fund (DDF), a non-profit Community Development Entity (CDE) by Resolution No. 09-0461.

On January 27, 2010, City Council authorized the bylaw and certificate of formation changes to the DDF by Resolution No. 10-0371.

On February 13, 2013, City Council authorized the bylaw and certificate of formation changes to the DDF by Resolution No. 13-0300.

On May 17, 2016, the DDF board unanimously approved changes to the Dallas Development Fund's Certificate of Formation and Bylaws.

Information about this item will be provided to the Economic Development Committee on June 6, 2016.

FISCAL INFORMATION

No cost consideration to the City.

June 15, 2016

WHEREAS, the City is committed to supporting enhanced economic development opportunities for low-income communities within the City and to low-income persons residing within those communities; and

WHEREAS, the United States Department of Treasury has established the New Markets Tax Credit (NMTC) program to stimulate investments in predominately low-income communities; and

WHEREAS, the goals and purposes of the NMTC program are consistent with and complementary to the economic development programs previously established by the City to support expanded economic development opportunities for low-income communities within the City and to low-income persons residing within those communities; and

WHEREAS, under the NMTC program, tax credits are competitively awarded annually by the Treasury Department through its Community Development Financial Institutions (CDFI) Fund to qualified Community Development Entities (CDEs) after review and evaluation of applications submitted by CDEs, which are then made available to investors; and

WHEREAS, the City of Dallas created the Dallas Development Fund (DDF) as a non-profit Texas corporation in order to apply for an award under the NMTC program; and

WHEREAS, the DDF has been awarded \$130 million in NMTC allocation since 2009; and

WHEREAS, the CDFI Fund has adjusted NMTC program parameters such that CDEs' accountability to Low Income Communities (LICs) is of even greater importance in NMTC award process; and

WHEREAS, to comply with the CDFI Fund's preferences and remain competitive for future NMTC allocations, the City Council is asked to make revisions to DDF's bylaws and certificate of formation.

NOW, THEREFORE,

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

Section 1. That in order to comply with the CDFI Fund's preference for higher representation by Low Income Communities (LIC) on the DDF board, changes to the DDF bylaws and certificate of formation are necessary to increase the number of LIC accountable board members and to make other changes related to board eligibility, board member terms, and meeting administration.

June 15, 2016

Section 2. That the amendments to the certificate of formation, as shown in **Exhibit A**, and the bylaws, as shown in **Exhibit B**, are hereby approved and the City Manager is directed to file the amended certificate of formation, approved as to form by the City Attorney, with the Secretary of State.

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.

**~~FOURTH~~FIFTH AMENDED AND RESTATED
CERTIFICATE OF FORMATION
OF
DALLAS DEVELOPMENT FUND**

ARTICLE I

The name of the corporation is DALLAS DEVELOPMENT FUND (the “Corporation”).

ARTICLE II

The Corporation is a public non-profit corporation.

ARTICLE III

The period of duration of the Corporation shall be perpetual. The corporate existence of the Corporation commenced on February 13, 2009.

ARTICLE IV

This Corporation is formed exclusively for charitable, religious, educational, and/or scientific purpose, including, for such purpose, the making of distributions to organizations that qualify as exempt organizations under section 501(c)(3) of the Internal Revenue Code, or corresponding section of any future federal tax code. The Corporation is organized, and, at all times thereafter, is operated, exclusively for the benefit of, to perform the economic development functions of, or to carry out the purposes of the City of Dallas. The Corporation was formed to assist in carrying out the economic development program, charitable purposes, and objectives of the City of Dallas consistent with the foregoing purposes by generating private investment capital through the New Markets Tax Credit Program (the “N.M.T.C. Program”) to be made available for investment in ~~low-income communities~~ “Low-Income Communities” (as defined in the law and regulations governing the N.M.T.C. Program including Section 45(e)(1) of the Internal Revenue Code of 1986, as amended). In order to fulfill this purpose, and as required by the N.M.T.C. Program, the Corporation shall (1) apply to the United States Treasury Department’s Community Development Financial Institution Fund (the “C.D.F.I. Fund”) for designation as a “Community Development Entity” as required by the N.M.T.C. Program; (2) apply for one or more allocations of tax credits under the N.M.T.C. Program; (3) if the Corporation receives an allocation of tax credits under the N.M.T.C. Program, transfer that allocation to one (1) or more for-profit subsidiaries established in accordance with the regulations governing the N.M.T.C. Program for purposes of making investments in low-income communities in the City; and (4) perform such ongoing asset management, servicing,

compliance, and other related functions as necessary to maintain these investments in good standing and compliance with the rules and objectives of the NMTC program. The City of Dallas is the Corporation's "Controlling Entity", as that term is defined by the C.D.F.I Fund, and the Corporation shall remain so controlled through the term of any written agreements between the Corporation and Treasury. The City of Dallas does not own the Corporation, and provides no guaranty or indemnity in favor of the Corporation.

The Corporation is organized and shall be operated exclusively for such charitable purposes described in the paragraph above. The Corporation shall have all such powers as are required by and are consistent with its purposes.

The Corporation, in accordance with and as set out in the provisions of Article XIV of this Certificate, shall also have the power to acquire and receive funds and property of every kind and nature, whatsoever whether by purchase, conveyance, lease, gift, grant, bequest, legacy or otherwise; own hold, expend, make gifts, grants and contributions of, and to convey, transfer and dispose of any funds and property and the income therefrom, all in furtherance of the purposes of the Corporation as hereinabove set forth; and which are afforded to the Corporation under the Act, as now enacted or as hereafter amended.

ARTICLE V

The Corporation shall have and exercise all of the rights, powers, privileges, authority, and functions given by the general laws of the State of Texas to non-profit corporations incorporated under the Act subject to the following limitations:

In the exercise of its powers, and in accordance with and as set out in the provisions of Article XIV in this Certificate, the Corporation may enter into a loan, lease, trust, or other agreements as authorized by the Act and under the N.M.T.C. Program that are necessary and appropriate to the fulfillment of the public purpose of the Corporation, all of which agreements, and the specific uses, the methods of withdrawal and expenditure, the proceeds the bonds, notes, or other debt instruments to be determined by the Corporation, subject, if applicable, to the provisions involving tax credit use, allocation or transfer set out in Article XIV.

In furtherance and not in limitation of its purposes set forth in Article IV above, it is expressly provided that the Corporation, in accordance with and as set out in the provisions of Article XIV in this Certificate, shall have the following powers:

A. to enter into, make and perform contracts of every sort and kind with any person, firm, association, corporation, municipality, government agency, housing authority, county, state, or with the federal government or any agency or instrumentality thereof; including, without limitation, contracts with the City for such staff support and financial assistance as may be required by the Corporation;

B. to advance or lend money or provide equity capital to any person, association, corporation, municipality, government agency, housing authority, county or state in such manner and upon such terms as is deemed expedient;

C. to borrow money, to acquire, own, hold, sell, negotiate, assign, deal in, exchange, transfer, mortgage, pledge or otherwise dispose of mortgages, notes, evidences of indebtedness, and all other securities or choses in action issued or created by any person, firm, association, corporation, municipality, body politic, housing authority, county, state, or with the federal government or any agency or instrumentality thereof;

D. to sell, lease, sublease, or otherwise make available to any person, firm, association, corporation, municipal, body politic, housing authority, county or state any real estate or interest therein acquired by the Corporation;

E. to employ agents, employees, consultants and independent contractors necessary to carry out the purposes of the Corporation and to fix their compensation and terms and conditions of employment;

F. to solicit proposals from low-income businesses and from potential investors in the N.M.T.C. Program for projects meeting the economic development goals and objectives of the City and satisfy the requirements of the N.M.T.C. Program;

G. to attain and maintain its status as a qualified community development entity for purposes of the N.M.T.C. Program;

H. to do everything necessary, proper, convenient or incident to effect any or all of the purposes for which the Corporation is organized; and

I. without limiting the generality of the foregoing, the Corporation shall have all of the powers, privileges, rights, and immunities necessary or convenient for carrying out the purposes for which the Corporation is formed, and the directors hereby claim for the Corporation all the benefits, privileges, rights and powers created, given, extended or conferred, now or hereafter, by the provisions of all applicable laws of the State of Texas, pertaining to not-for-profit corporations, and any additions or amendments thereto.

ARTICLE VI

The Corporation shall have no members and shall have no stock.

ARTICLE VII

All powers of the Corporation shall be vested in a Board of Directors consisting of seven

(7) members. At the first regular or special meeting of the Corporation following the filing of ~~this the Fourth Amended and Restated~~ Certificate with and acceptance of same by the Texas Secretary of State (“said meeting hereinafter called “the Class Determination Meeting”), the existing members of the Board of Directors ~~shall be were~~ divided into two classes of Directors. By lottery, election or other manner of determination decided by the Board, four (4) Director positions ~~shall are~~ classified by the Board as “Class I Directors” who shall thereafter be re-filled by appointment by the City’s City Manager and confirmed by the Dallas City Council. The remaining existing Director positions ~~shall are~~ classified as “Class II Directors.” These Class II Director’s positions shall be re-filled by majority vote of the ~~Class II~~ Directors on the Board.

To be eligible to serve as a Director, a person must be at least eighteen (18) years of age and (i) be a resident of the City, or (ii) be a resident of Dallas County and an employee or board member of a non-affiliated community-based or charitable organization with an office in the City of Dallas that supports economic well-being, community revitalization and/or provision of services to disadvantaged communities and persons in the City of Dallas. In addition, at least four (4) Directors shall satisfy the requirement of being a “Low-Income Representative”, which is defined as an individual who (1) resides in a Low-Income Community; (2) is a small business owner whose business is located in a Low-Income Community and whose business either provides goods and services to community residents or principally employs residents of Low-Income Communities; (3) is an employee or board member of a non-affiliated community-based or charitable organization that provides more than 50% of its activities or services to Low-Income Persons (as defined in NMTC program regulations); (4) is a religious leader whose congregation is based in a Low-Income Community; (5) is an employee of a governmental agency (other than the City of Dallas) or department that principally serves Low-Income Communities or an employee of a governmental agency (other than the City of Dallas) or department whose daily job responsibility principally serves Low-Income Communities; or (6) is, or works for, an elected official whose constituency is comprised of Low-Income Communities or residents of Low-Income Communities.~~To be eligible to serve as a Director, a person must be a resident of the City and at least eighteen (18) years of age. In addition, at least three-four (34) members of the Board shall be representative of a “low income community” (as defined in the law and regulations governing the N.M.T.C. Program)~~Low-Income Community.

In the event that the City Council does not confirm the City Manager’s appointment or re-appointment of a Class I Director, and such failure to confirm would result in the Board having less than three (3) of its members representing a low-income community, the prior Class I Director filling such position will remain in holdover status, as described in the following paragraph, until a qualified successor Class I Director may be appointed and confirmed. If the Low-Income Community accountability status of any sitting Director changes, causes the Corporation to have fewer than four (4) Low-Income Community-accountable Directors, the next Director to be elected or appointed, whether Class I or Class II, must be Low-Income Community accountable.

Board members shall serve a two (2) year term beginning on the date of the Class Determination Meeting, which was held February 25, 2013. A board member may remain in “holdover” status

until a successor is appointed or elected as described in this article. If a board member has been appointed or elected to fill an unexpired term, the board member's partial term will end the following February 25. At that time, the board member is eligible to be appointed or elected for his or her first full term. No board member may serve longer than four full, consecutive terms (8 years), unless such service is required to complete an unexpired term or until a successor Director is elected or appointed. In order to ensure continuity of the board and notwithstanding the foregoing, the terms of two existing Class I members shall be staggered with the other Class I members such that two terms end in an even-numbered calendar year and these members' final term expires on February 25, 2020 if the member serves their maximum possible term. The other two Class I members shall have terms designated "odd year." The Class I members will determine by lot or draw which Class I members will have such "even year" terms as soon as is practical following the adoption of these Amended and Restated Bylaws. Notwithstanding the foregoing, a Director shall continue to serve for as long as needed to allow at least a majority of the Directors to meet the Low-Income Community accountability requirements of the Community Development Financial Institutions Fund.

After the determination and re-appointment or re-election of the Class I and Class II Directors at the Class Determination Meeting described in the preceding paragraph, all Class I Directors' positions shall be filled by appointment or re-appointment by the City's City Manager, subject to confirmation by the City Council, and all Class II Directors' positions shall be filled by majority vote of the existing Directors (without regard to their class) in attendance at a validly organized meeting after appointment by a Class II Director. Any Class I Director may be removed from office at any time, with or without cause, by the City's City Manager and any Class II Director may be removed with or without cause by majority vote of the Directors on the Board at the time that such election takes place.

Annually, at the Board election meeting, the Board shall select by lot a first, second, and third alternate Class I Director from the Class II Directors so that in the event a valid vote of the Board of Directors on a proposed transfer of allocation/investment is not possible due to disclosed conflicts of interest among the Class I Directors or unavailability of Class I Directors, an alternate Class II Director who is available and who does not have a conflict of interest on the proposed transfer of allocation/investment may serve as a Class I Director for the purposes of facilitating a valid vote of the Directors in compliance with the parameters set forth in Article XIV.

~~Board members shall serve for a term the longer of two (2) years from the date of the Class Determination Meeting or until his or her successor is appointed or elected as described in this Article above, unless such Board member has been appointed or elected to fill an unexpired term, in which case the term of such Board member shall expire on the expiration date of the term of the Board member who he or she was appointed to replace. After the determination and re-appointment or re-election of the Class I and Class II Directors at the Class Determination Meeting described in the preceding paragraph, all Class I Directors' positions shall be filled by appointment or re-appointment by the City's City Manager, subject to confirmation by the City Council, and all Class II Directors' positions shall be filled by majority vote of the existing Class~~

~~II Directors on the Board at the time of such election. Board members shall be eligible for reappointment; provided however that no Director may serve for longer than six (6) years consecutively, unless such service is required to complete an unexpired term. Any Class I Director may be removed from office at any time, with or without cause, by the City's City Manager. Any Class II Director may be removed with or without cause by majority vote of all of the Directors on the Board at the time that such election takes place. The City Manager shall appoint a first, second, and third alternate Class I Director from the Class II Directors so that in the event a valid vote of the Board of Directors on a proposed transfer of allocation/investment is not possible due to disclosed conflicts of interest among the Class I Directors or unavailability of Class I Directors, an alternate Class II Director who is available and who does not have a conflict of interest on the proposed transfer of allocation/investment may serve as a Class I Director for the purposes of facilitating a valid vote of the Directors in compliance with the parameters set forth in Article XIV.~~

The Corporation is organized on a nonstock basis only. There shall be no shareholders in the Corporation. The Corporation shall be deemed to be performing essential public functions.

All other matters pertaining to the internal affairs of the Corporation shall be governed by the Bylaws of the Corporation, so long as such Bylaws are not inconsistent with this Certificate of Formation or the laws of the State of Texas.

ARTICLE VIII

Unless otherwise determined by the Board of Directors in accordance with the Bylaws of the Corporation, the street address of the registered office of the Corporation is 1500 Marilla, Dallas, Texas 75201, which is within the city limits of the City, and the name of its registered agent at such address is Mary K. Suhm.

ARTICLE IX

A resolution approving the form of this Amended and Restated Certificate of Formation was adopted by the Dallas City Council on ~~January~~June -27 __, 20106.

ARTICLE X

The Corporation shall be governed by a Board of Directors consisting of seven (7) directors. The names and addresses of the Directors, each of whom resides within the City, are:

NAME	ADDRESS
1. Gilbert Gerst	2707 South Boulevard, Dallas, Texas 75215

2. ~~Brenda Garza~~Dora Ramirez - 7815 Kirkland Court~~421 East Sixth Street,~~
Dallas, Texas ~~75203~~75237

3. ~~Anthony Pace~~Benjamin Salazar ~~14939-4056~~ Knoll View Dr, Dallas, Texas
~~75248~~75244

4. Bill Hall 5935 Belmont Avenue, Dallas, Texas 75206

5. Brentt Shropshire 1409 Lamar Street, #406, Dallas, Texas 75215

6. Zenetta Drew 3852 Treeline Drive, Dallas, Texas 75224

7. Edward Okpa 6923 Chapelridge Drive, Dallas, Texas 75236

ARTICLE XI

No Director shall be liable to the Corporation for monetary damages for an act or omission in the Director's capacity as a Director, except for liability (i) for any breach of the Director's duty of loyalty to the Corporation, (ii) for acts or omissions not in good faith or which involve intentional misconduct or a knowing violation of law, (iii) for any transaction from which the Director received an improper benefit, whether the benefit resulted from an act taken within the scope of the Director's office, or (iv) for acts or omissions for which the liability of a Director is expressly provided by statute. Any repeal or amendment of this Article by the Directors shall be prospective only, and shall not adversely affect any limitation on the personal liability of a Director existing at the time of such repeal or amendment. In addition to the circumstances in which a Director is not personally liable as set forth in the preceding sentences, a Director shall not be liable to the fullest extent permitted by any amendment to the Texas statutes hereafter enacted that further limits the liability of a Director.

ARTICLE XII

In accordance with the provisions of Section 501(c)(3) of the Internal Revenue Code of 1986, as amended (the "Internal Revenue Code"), and regardless of any other provisions of this Certificate of Formation or the laws of the State of Texas, the Corporation: (a) shall not permit any part of the net earnings of the Corporation to inure to the benefit of any private individual (except that reasonable compensation may be paid for personal services rendered to or for the Corporation in effecting one or more of its purposes); (b) shall not direct any of its activities to attempting to influence legislation by propaganda or otherwise; (c) shall not participate in or intervene in (including the publication or distribution of statements), any political campaign on behalf of any candidate for public office; and (d) shall not attempt to influence the outcome of any election for public office or to carry on, directly or indirectly, any voter registration drives.

Any income earned by the Corporation after payment of reasonable expenses, debt and such reserves as may be necessary as set forth in the authorizing documents related to the issuance of debt by the Corporation shall accrue to the City.

The Corporation shall not afford pecuniary gain, incidentally or otherwise, to its Directors, and no part of the net income or net earnings of the Corporation shall inure to the benefit of any Director or individual, and no substantial part of its activities shall consist of carrying on propaganda or otherwise attempting to influence legislation.

The Corporation shall not participate in or intervene in (including the publishing or distributing of statement) any political campaign on behalf of any candidates for public office.

The Corporation shall not lend any of its assets to any officer or Director of the Corporation or to any close relative of any such person or guarantee the repayment of a loan made to any such person. The term "close relative" as used herein shall mean any brother or sister of any Director or officer, the forbearers and descendents of a director or officer or any such brothers or sister or any spouse of a director or officer or any of the aforesaid persons.

If the Board of Directors determines by resolution that the purposes for which the Corporation was formed have been substantially met and all debt obligations, if any, issued by and all other obligations incurred by the Corporation have been fully paid or provision made for such payment, the Board shall execute a certificate of dissolution which states those facts and declares the Corporation dissolved in accordance with the requirements of the Act, or with applicable law then in existence. In the event of dissolution or liquidation of the Corporation, all assets will be turned over to the City for a public purpose for deposit into such account or fund as the City Council shall direct to the extent allowed under the law and regulations governing the N.M.T.C. Program.

Should the City of Dallas no longer exist, not accept such assets, or no longer qualify to receive such assets, then, upon dissolution of the Corporation, assets shall be distributed for one or more exempt purposes within the meaning of Section 501(c)(3) of the Internal Revenue Code or corresponding section of any future federal tax code, or shall be distributed to the federal government, or to a state or local government, for a public purpose. Any such assets not disposed shall be disposed by a court of competent jurisdiction of the county in which the principal office of the Corporation is then located, exclusively for such exempt purposes or to such organization or organizations organized exclusively for such exempt purposes, as said court shall determine.

ARTICLE XIII

If the Corporation is a private foundation within the meaning of Section 509(a) of the Internal Revenue Code, the Corporation (a) shall distribute its income for each taxable year at such time and in such manner as not to become subject to the tax on undistributed income

imposed by Section 4942 of the Internal Revenue Code; (b) shall not engage in any act of self-dealing as defined in Section 4941 (d) of the Internal Revenue Code; (c) shall not retain any excess business holdings as defined in Section 4943(c) of the Internal Revenue Code; (d) shall not make any investments in such manner as to subject it to tax under Section 4944 of the Internal Revenue Code; and (e) shall not make any taxable expenditures as defined in Section 4945(d) of the Internal Revenue Code.

ARTICLE XIV

Subject to the provisions contained in this Article XIV, the business and conduct of affairs of the Corporation shall be regulated by the Bylaws of the Corporation adopted by the majority vote of the members of the Board of Directors. The Bylaws shall not be inconsistent with this Certificate of Formation. Any use of the tax credits shall occur through a transfer of tax credit allocation from the Corporation to a subsidiary entity. Any transfer of such tax credits from the Corporation to another entity shall be subject to the terms and conditions contained in a written resolution approved by a majority of the Board of Directors in attendance at a validly organized meeting, including at least one vote in favor of the agreement by a Class I Director. Additionally, such transfers or investments must also be approved by the City, as evidenced by City Council resolution indicating the amount of the allocation transfer and beneficiary of the NMTC subsidy.

ARTICLE XV

Any subsequent revisions, amendments or changes adopted by the Board to either the Certificate of Formation or the Bylaws that, in any way, amends, modifies, changes, revises or dilutes the provisions of Article VII, Article XIV or this Article XV of this Certificate must be approved by majority vote of the present and qualified Class I Directors and by majority vote of the Class II Directors qualified and in attendance at the meeting considering such revision, amendment, or change, unless otherwise provided or restricted by the Texas Business Organizations Code, and by resolution of the Dallas City Council. Any other subsequent revision, amendment or change of this Certificate or the Bylaws adopted by the Board shall be approved by majority vote of all of the Directors, regardless of class, unless otherwise provided or restricted by the Texas Business Organizations Code.

ARTICLE XVI

The Corporation shall encourage public awareness of the activities of the Corporation to the maximum extent possible.

The Corporation shall, in its notice and conduct of meetings, comply with Chapter 551 of the Texas Government Code (“the Texas Open Meetings Act”), as now enacted or as hereafter

amended, and the Corporation is subject to the provisions of Chapter 552 of the Texas Government Code (“the Texas Public Information Act”) relating to public records.

IN WITNESS WHEREOF, we have hereunto set our hands this _____ day of _____, 201____.

Gilbert Gerst
President, Dallas Development Fund

**~~FOURTH~~FIFTH AMENDED AND RESTATED
BYLAWS
OF
DALLAS DEVELOPMENT FUND**

ARTICLE I

PURPOSES

The Dallas Development Fund (the “Corporation”) is organized exclusively for charitable, religious, educational, and/or scientific purpose, including, for such purpose, the making of distributions to organizations that qualify as exempt organizations under section 501(c)(3) of the Internal Revenue Code, or corresponding section of any future federal tax code. The Corporation is organized, and, at all times thereafter, is operated, exclusively for the benefit of, to perform the economic development functions of, or to carry out the purposes of the City of Dallas, Texas, a home rule municipality (the “City”). The Corporation was formed to assist in carrying out the economic development program, charitable purposes, and objectives of the City consistent with the foregoing purposes by generating private investment capital through the New Markets Tax Credit Program (the “N.M.T.C. Program”) to be made available for investment in ~~low-income communities~~ “Low-Income Communities” (as defined in the law and regulations governing the N.M.T.C. Program including Section 45(e)(1) of the Internal Revenue Code of 1986, as amended).

The Corporation is formed pursuant to the provisions of the Texas Nonprofit Corporation Law, Chapter 22, Business Organizations Code, Section 22.01, et seq. (“the Act”).

The Corporation shall have and exercise all of the rights, powers, privileges, authority, and functions given by the general laws of the State of Texas to non-profit corporations incorporated under the Act.

The Corporation shall have all other powers of a like or different nature not prohibited by law which are available to non-profit corporations in Texas and which are necessary or useful to enable the Corporation to perform the purposes for which it is created, including the power to issue bonds, notes or other obligations, and otherwise exercise its borrowing power to accomplish the purposes for which it was created.

ARTICLE II

BOARD OF DIRECTORS

Section 1. *Appointment, Powers, Number, Eligibility, and Term of Office.* All powers of the Corporation shall be vested in a Board of Directors consisting of seven (7) persons. At ~~the first regular or special~~ meeting of the Corporation ~~following the January on February 25, 2013 filing of the Fourth Amended and Restated Certificate of Formation with and acceptance of same by the Texas Secretary of State~~ (“said meeting hereinafter called “the Class Determination

Meeting”), the existing members of the Board of Directors ~~shall be~~were divided into two classes of Directors. By lottery, ~~election or other manner of determination decided by the Board,~~ four (4) Director positions ~~shall~~were classified by the Board as “Class I Directors” who shall thereafter be re-filled by appointment by the City’s City Manager and confirmed by the City Council. The remaining existing Director positions ~~shall~~are classified as “Class II Directors”. ~~These Class II Director’s positions shall be re-filled by majority vote of the Replacement~~ Class II Directors ~~on~~shall be nominated by an existing Class II Director (or if no Class II Director makes a nomination to fill a Class II Director vacancy, by a Class I Director or the City Manager) and elected in the Board. —manner set forth below.

~~Board members shall serve for a term the longer of two (2) years from the date of the Class Determination Meeting or until his or her successor is appointed or elected as described in this Article, unless such Board member has been appointed or elected to fill an unexpired term, in which case the term of such Board member shall expire on the expiration date of the term of the Board member who he or she was appointed or elected to replace.~~ Board members shall serve a two (2) year term beginning on the date of the Class Determination Meeting. A board member may remain in “holdover” status until a successor is appointed or elected as described in this article. If a board member has been appointed or elected to fill an unexpired term, the board member’s partial term will end on the date the replaced member’s term would have expired (taking into account any “holdover” period as set forth above).. At that time, the board member who served a partial term is eligible to be appointed or elected for his or her first full term. No board member may serve longer than four full, consecutive terms (8 years), unless such service is required to complete an unexpired term or until a successor Director is elected or appointed. In order to ensure continuity of the board and notwithstanding the foregoing, the terms of two existing Class I members shall be staggered with the other Class I members such that two terms end in an even-numbered calendar year and these members’ final term expires on February 25, 2020 if the member serves their maximum possible term. The other two Class I members shall have terms designated “odd year.” The Class I members will determine by lot or draw which Class I members will have such “even year” terms as soon as is practical following the adoption of these Amended and Restated Bylaws. Any subsequent board members elected or appointed thereafter will be designated with an “odd-year” or “even-year” term based on which member they are replacing when added to the Board of Directors. Notwithstanding the foregoing, a Director shall continue to serve for as long as needed to allow at least a majority of the Directors to meet the Low-Income Community accountability requirements of the Community Development Financial Institutions Fund.

After the determination and re-appointment or re-election of the Class I and Class II Directors at the Class Determination Meeting described in the preceding paragraph, all Class I Directors’ positions shall be filled by appointment or re-appointment by the City’s City Manager, subject to confirmation by the City Council, and all Class II Directors’ positions shall be filled by majority vote of the existing ~~Class II Directors on the Board at the time of such election.~~ Board members shall be eligible for reappointment; provided however that no Director may serve for longer than six (6) years consecutively, unless such service is required to complete an unexpired term. Directors (without regard to their class) in attendance at a validly organized meeting after appointment by a Class II Director. Any Class I Director may be removed from office at any

time, with or without cause, by the City's City Manager and any Class II Director may be removed with or without cause by majority vote of the ~~Class II~~ Directors on the Board at the time that such election takes place. ~~The City Manager~~

Annually, at the Board election meeting, the Board shall ~~appoint~~select by lot a first, second, and third alternate Class I Director from the Class II Directors so that in the event a valid vote of the Board of Directors on a proposed transfer of allocation/investment is not possible due to disclosed conflicts of interest among the Class I Directors or unavailability of Class I Directors, an alternate Class II Director who is available and who does not have a conflict of interest on the proposed transfer of allocation/investment may serve as a Class I Director for the purposes of facilitating such a vote.

~~To be eligible to serve as a Director, a person must be a resident of the City and at least eighteen (18) years of age. In addition, at least three (3) members of the Board shall be representative of a "low income community" (as defined in the law and regulations governing the N.M.T.C. Program).~~

To be eligible to serve as a Director, a person must be at least eighteen (18) years of age and (i) be a resident of the City, or (ii) be a resident of Dallas County and an employee or board member of a non-affiliated community-based or charitable organization with an office in the City of Dallas that supports economic well-being, community revitalization and/or provision of services to disadvantaged communities and persons in the City of Dallas. In addition, at least four (4) Directors shall satisfy the requirement of being a "Low-Income Representative", which is defined as an individual who (1) resides in a Low-Income Community; (2) is a small business owner whose business is located in a Low-Income Community and whose business either provides goods and services to community residents or principally employs residents of Low-Income Communities; (3) is an employee or board member of a non-affiliated community-based or charitable organization that provides more than 50% of its activities or services to Low-Income Persons (as defined in NMTC program regulations); (4) is a religious leader whose congregation is based in a Low-Income Community; (5) is an employee of a governmental agency (other than the City of Dallas) or department that principally serves Low-Income Communities or an employee of a governmental agency (other than the City of Dallas) or department whose daily job responsibility principally serves Low-Income Communities; or (6) is, or works for, an elected official whose constituency is comprised of Low-Income Communities or residents of Low-Income Communities. In the event that the City Council does not confirm the City Manager's appointment or re-appointment of a Class I Director, and such failure to confirm would result in the Board having less than ~~three (3)~~four (4) of its members representing a ~~low income community~~Low-Income Community, the prior Class I Director filling such position will remain in holdover status, as described in the following paragraph, until a qualified successor Class I Director may be appointed and confirmed. If the Low-Income Community accountability status of any sitting Director changes, causing the Corporation to have fewer than four (4) Low-Income Community – accountable Directors, the next Director to be elected or appointed, whether Class I or Class II, must be Low-Income Community accountable.

Section 2. *Meetings of Directors.* The Directors may hold their meetings and may have an office and keep the books of the Corporation at the City Hall, or such other place or places

within the City as the Board may from time to time determine; provided, however, in the absence of any such determination, the City Hall shall be the registered office of the Corporation in the State of Texas.

The Board shall meet in accordance with and file notice of each meeting of the Board for the same length of time and in the same manner and location as is required of a City under Chapter 551, Government Code (the “Open Meetings Act”).

The Corporation and the Board are subject to Chapter 552, Government Code (the “Public Information Act”).

Section 3. *Annual Meetings.* The annual meeting of the Board shall be held at the time and at the location in the City designated by the resolution of the Board for the purposes of transacting such business as may be brought before the meeting.

Section 4. *Regular Meetings.* Regular meetings of the Board shall be held at such times and places as shall be designated, from time to time, by resolution of the Board.

Section 5. *Special and Emergency Meetings.* Special and emergency meetings of the Board shall be held whenever called by the President of the Board or by a majority of the Directors who are serving duly appointed terms of office at the time the meeting is called.

The Secretary shall give notice of each special meeting in person, by telephone, electronic transmission (e.g., facsimile transmission or electronic mail) or mail at least three (3) days before the meeting to each Director. Notice of each emergency meeting shall also be given in the manner required of the City under the Open Meetings Act. Unless otherwise indicated in the notice thereof, any and all matters pertaining to the purposes of the Corporation may be considered and acted upon at a special or emergency meeting.

Section 6. *Quorum.* A majority of the Board shall constitute a quorum for the consideration of matters pertaining to the purposes of the Corporation. If, at any meeting of the Board there is less than a quorum present, a majority of those present may adjourn the meeting from time to time. The act of a majority of the Directors present and voting at a meeting at which a quorum is in attendance shall constitute the act of the Board, unless the act of a greater number is required by law, by the Certificate of Formation, or by these Bylaws. Once a quorum is present, it is not lost if a Director leaves the meeting due to a Conflict of Interest or a desire to avoid an appearance of Conflict of Interest. The Director leaving the meeting shall be counted as attending the meeting and abstaining from voting.

A Director who is present at a meeting of the Board at which any corporate action is taken shall be presumed to have assented to such action, unless his or her dissent shall be entered in the minutes of the meeting or unless he or she shall file a written dissent to such action with the person acting as the secretary of the meeting before the adjournment thereof or shall forward such dissent by registered mail to the Secretary of the Corporation immediately after the adjournment of the meeting. Such right to dissent shall not apply to a Director who voted in favor of the action.

Section 7. *Conduct of Business.* At the meetings of the Board, matters pertaining to the purposes of the Corporation shall be considered in such order as from time to time the Board may determine.

At all meetings of the Board, the President shall preside, and in the absence of the President, the Vice President shall preside. In the absence of the President and the Vice President, an acting presiding officer shall be chosen by the Board from among the Directors present.

The Secretary of the Corporation shall act as secretary of all meetings of the Board, but in the absence of the Secretary, the presiding officer may appoint any person to act as secretary of the meeting.

Section 8. *Compensation of Directors.* Directors, as such, shall not receive any salary or compensation for their services as Directors.

Section 9. *Director's Reliance on Consultant Information.* A Director shall not be liable if while acting in good faith and with ordinary care, the Director relies on information, opinions, reports, or statements, including financial statements and other financial data, concerning the Corporation or another person that were prepared or presented by:

- (a) one or more other officers or employees of the Corporation; or
- (b) legal counsel, public accountants, or other persons as to matters the officer reasonably believes are within the person's professional or expert competence.

ARTICLE III

OFFICERS

Section 1. *Titles and Term of Office.* The officers of the Corporation shall be the President, the Vice President, the Secretary, the Treasurer, and such other officers as the Board may from time to time elect. One person may hold more than one office, except that one person shall not concurrently hold the offices of President and Secretary or the offices of Vice President and Secretary. The term of office for each officer shall be the longer of ~~one (1) year~~ two (2) years or until removal through resignation or a vote of the Directors except as noted below. Officers may be re-elected. The officers must be either Directors or employees of the City of Dallas. Officers shall be elected by a majority of the Directors in attendance at a validly organized meeting.

Section 2. *Powers and Duties of the President.* The President shall be a member of the Board and shall preside at all meetings of the Board. The President shall be the principal executive officer of the Corporation and, subject to the Board, he or she shall be in general charge of the properties and affairs of the Corporation. In furtherance of the purposes of the Corporation and subject to the limitations contained in the Certificate of Formation, the President or Vice President

may sign and execute all bonds, notes, deeds, conveyances, franchises, assignments, mortgages, notes, contracts and other obligations in the name of the Corporation. The President shall have such other duties as are assigned by the Board. The President may call special and emergency meetings of the Board as provided in these Bylaws.

Section 3. *Powers and Duties of the Vice President.* The Vice President shall be a member of the Board. The Vice President shall perform the duties and exercise the powers of the President upon the President's death, absence, disability, or resignation, or upon the President's inability to perform the duties of his or her office. Any action taken by the Vice President in the performance of the duties of the President shall be conclusive evidence of the absence or inability to act of the President at the time such action was taken. A Vice President shall have such other powers and duties as may be assigned to him or her by the Board or the President.

Section 4. *Treasurer.* The Treasurer shall have custody of all the funds and securities of the Corporation which come into his or her hands. When necessary or proper, he or she may endorse, on behalf of the Corporation, for collection, checks, notes and other obligations and shall deposit the same to the credit of the Corporation in such bank or banks or depositories as shall be designated in the manner prescribed by the Board; he or she may sign all receipts and vouchers for payments made to the Corporation, either alone or jointly with such other officer as is designated by the Board; whenever required by the Board, he or she shall render a statement of his or her cash account; he or she shall enter or cause to be entered regularly in the books of the Corporation to be kept by him or her for that purpose full and accurate accounts of all moneys received and paid out on account of the Corporation; he or she shall perform all acts incident to the position of Treasurer subject to the control of the Board; and he or she shall, if required by the Board, give such bond for the faithful discharge of his or her duties in such form as the Board may require. The Treasurer need not be a member of the Board.

Section 5. *Secretary.* The Secretary shall keep or cause to be kept the minutes of all meetings of the Board in books provided for that purpose; he or she shall attend to the giving and serving of all notices; in furtherance of the purposes of the Corporation and subject to the limitations contained in the Certificate of Formation, he or she may sign with the President in the name of the Corporation and/or attest the signatures thereof, all contracts, conveyances, franchises, bonds, deeds, assignments, mortgages, notes and other instruments of the Corporation; he or she shall have charge of the Corporation's books, records, documents and instruments, except the books of account and financial records and securities of which the Treasurer shall have custody and charge, and such other books and papers as the Board may direct, all of which shall at all reasonable times be open to the inspection of any Director upon application at the office of the Corporation during business hours; and, he or she shall in general perform all duties incident to the office of Secretary subject to the control of the Board. The Secretary need not be a member of the Board. The Secretary's term shall be perpetual, until replaced.

Section 6. *Staff.* The City Manager of the City or the designee thereof shall initially serve as the Executive Director of the Corporation. The City Manager's office shall provide administrative support services for the Corporation, and shall perform duties as prescribed by the Board and the City Council. Staff functions for the Corporation may be performed by City staff,

as directed by the City Manager, and the Corporation shall pay the costs for such services as from time to time shall be billed to the Corporation by the City pursuant to a written agreement between these parties. City staff may retain third party registered agent services to facilitate maintenance of the Corporation in good standing.

Section 7. *Compensation.* Officers, as such, shall not receive any salary or compensation for their services as Officers.

Section 8. *Officer's Reliance on Consultant Information.* In the discharge of a duty imposed or power conferred on an officer of the Corporation, the officer may in good faith and with ordinary care rely on information, opinions, reports, or statements, including financial statements and other financial data, concerning the Corporation or another person, which were prepared or presented by:

(a) one or more other officers or employees of the Corporation, including members of the Board; or

(b) legal counsel, public accountants, or other persons as to matters the officer reasonably believes are within the person's professional or expert competence.

ARTICLE IV

MISCELLANEOUS PROVISIONS

Section 1. *Fiscal Year.* The fiscal year of the Corporation shall be the same as the City.

Section 2. *Seal.* The seal of the Corporation shall be such as from time to time may be approved by the Board.

Section 3. *Notice and Waiver of Notice.* Whenever any notice whatever is required to be given under the provisions of these Bylaws, such notice shall be deemed to be sufficient if given by depositing the same in a post office box in a sealed postpaid wrapper addressed to the person entitled thereto at his or her post office address, as it appears on the books of the Corporation, and such notice shall be deemed to have been given on the day of such mailing. A waiver of notice, signed by the person or persons entitled to said notice, whether before or after the time stated therein, shall be deemed equivalent thereto.

Section 4. *Resignations.* Any Director or officer may resign at any time. Such resignations shall be made in writing and shall take effect at the time specified therein, or, if no time be specified, at the time of its receipt by the President or Secretary. The acceptance of a resignation shall not be necessary to make it effective, unless expressly so provided in the resignation.

Section 5. *Gender.* References herein to the masculine gender shall also refer to the feminine in all appropriate cases, and vice versa.

Section 6. *Appropriations and Grants.* The Corporation shall have the power to request and accept any allocation, appropriation, grant, contribution, donation, or other form of aid from the federal government, the State, any political subdivision, or municipality in the State, or from any other source.

Section 7. *Roberts Rules of Order.* Unless otherwise required by the Bylaws or the Certificate of Formation, Roberts Rules of Order shall provide the common rules and procedures for deliberations, debate and actions of the Board.

ARTICLE V

INDEMNIFICATION OF DIRECTORS AND OFFICERS

Section 1. *Right to Indemnification.* Subject to the limitations and conditions as provided in this Article V and the Certificate of Formation, each person who was or is made a party or is threatened to be made a party to or is involved in any threatened, pending or completed action, suit or proceeding, whether civil, criminal, administrative, arbitral or investigative (hereinafter a “proceeding”), or any appeal in such a proceeding or any inquiry or investigation that could lead to such a proceeding, by reason of the fact that he or she, or a person for whom he or she is the legal representative, is or was a Director or officer of the Corporation or while a Director or officer of the Corporation is or was serving at the request of the Corporation as a director, officer, partner, venturer, proprietor, trustee, employee, agent or similar functionary of another foreign or domestic corporation, partnership, joint venture, sole proprietorship, trust, employee benefit plan or other enterprise shall be indemnified by the Corporation to the fullest extent permitted by the Texas Non-Profit Corporation Act, as the same exists or may hereafter be amended (but, in the case of any such amendment, only to the extent that such amendment permits the Corporation to provide broader indemnification rights than said law permitted the Corporation to provide prior to such amendment) against judgments, penalties (including excise and similar taxes and punitive damages), fines, settlements and reasonable expenses (including, without limitation, attorneys' fees) actually incurred by such person in connection with such proceeding, and indemnification under this Article V shall continue as to a person who has ceased to serve in the capacity which initially entitled such person to indemnity hereunder. The rights granted pursuant to this Article V shall be deemed contract rights, and no amendment, modification or repeal of this Article V shall have the effect of limiting or denying any such rights with respect to action taken or proceedings arising prior to any such amendment, modification or repeal. It is expressly acknowledged that the indemnification provided in this Article V could involve indemnification for negligence or under theories of strict liability.

Section 2. *Indemnification of Employees and Agents.* The Corporation, by adoption of a resolution of the Board, to the extent that such resources are available, may indemnify and

advance expenses to a Director or officer of the Corporation; and the Corporation may indemnify and advance expenses to persons who are not or were not Directors, officers, employees or agents of the Corporation but who are or were serving at the request of the Corporation as a Director, officer, partner, venture proprietor, trustee, employee, agent or similar functionary of another foreign or domestic corporation, partnership, joint venture, sole proprietorship, trust, or other enterprise against any liability asserted against him or her and incurred by him or her in such a capacity or arising out of his or her status as such a person.

Section 3. *Appearance as a Witness.* Notwithstanding any other provision of this Article V, the Corporation may pay or reimburse expenses incurred by a Director or officer in connection with his or her appearance as a witness or other participation in a proceeding involving the Corporation or its business at a time when he or she is not a named defendant or respondent in the proceeding.

Section 4. *Non-Exclusivity of Rights.* The right to indemnification and the advancement and payment of expenses conferred in this Article V shall not be exclusive of any other right which a Director or officer or other person indemnified pursuant to Section 3 of this Article V may have or hereafter acquire under any law (common or statutory), provision of the Articles of Incorporation of the Corporation or these Bylaws, agreement, vote of disinterested Directors or otherwise.

Section 6. *Insurance.* The Corporation may purchase and maintain insurance, at its expense, to protect itself and any person who is or was serving as a Director, officer, employee or agent of the Corporation or is or was serving at the request of the Corporation as a Director, officer, partner, venturer, proprietor, trustee, employee, agent or similar functionary of another foreign or domestic corporation, partnership, joint venture, proprietorship, trust or other enterprise against any expense, liability or loss, whether the Corporation would have the power to indemnify such person against such expense, liability or loss under this Article V.

Section 7. *Notification.* Any indemnification of or advance of expenses to a Director or officer in accordance with this Article V shall be reported in writing to the members of the Board with or before the notice of the next regular meeting of the Board and, in any case, within the 12-month period immediately following the date of the indemnification or advance.

Section 8. *Savings Clause.* If this Article V or any portion hereof shall be invalidated on any ground by any court of competent jurisdiction, then the Corporation shall nevertheless indemnify and hold harmless each Director, officer or any other person indemnified pursuant to this Article V as to costs, charges and expenses (including attorneys' fees), judgments, fines and in amounts paid in settlement with respect to any action, suit or proceeding, whether civil, criminal, administrative or investigative, to the full extent permitted by any applicable portion of this Article V that shall not have been invalidated and to the fullest extent permitted by applicable law.

ARTICLE VI

CODE OF ETHICS

Section 1. *Policy and Purposes.*

(a) It is the policy of the Corporation that Directors and officers conduct themselves in a manner consistent with sound business and ethical practices; that the public interest always be considered in conducting corporate business; that the appearance of impropriety be avoided to ensure and maintain public confidence in the Corporation; and that the Board establish policies to control and manage the affairs of the Corporation fairly, impartially, and without discrimination.

(b) This Code of Ethics has been adopted as part of the Corporation's Bylaws for the following purposes: (a) to encourage high ethical standards in official conduct by Directors and corporate officers; and (b) to establish guidelines for such ethical standards of conduct.

Section 2. *Conflicts of Interest.*

(a) Except as provided in subsection (c), a Director or officer is prohibited from participating in a vote, decision, or award of a contract involving a business entity or real property in which the Director or the officer has a substantial interest, if it is foreseeable that the business entity or real property will be economically benefitted by the action. A person has a substantial interest in a business (i) if his or her ownership interest is ten percent or more of the voting stock or shares of the business entity or ownership of \$15,000 or more of the fair market value of the business entity, or (ii) if the business entity provides more than ten percent of the person's gross income. A person has a substantial interest in real property if the interest is an equitable or legal ownership with a fair market value of \$2,500 or more. An interest of a person related in the second degree by affinity (marriage relationship) or the third degree by consanguinity (blood relationship) to a Director or officer is considered a substantial interest.

(b) If a Director or a person related to a Director in the first or second degree by affinity or the first, second, or third degree by consanguinity has a substantial interest in a business entity or real property that would be pecuniarily affected by any official action taken by the Board, such Director, before a vote or decision on the matter, shall file an affidavit stating the nature and extent of the interest. The affidavit shall be filed with the Secretary of the Board.

(c) A Director who has a substantial interest in a business entity that will receive a pecuniary benefit from an action of the Board may vote on that action if a majority of the Board has a similar interest in the same action or if all other similar business entities in the City will receive a similar pecuniary benefit.

~~—(d)~~ An employee of a public entity may serve on the Board.

Section 3. *Acceptance of Gifts.* No Director or officer shall accept any benefit as consideration for any decision, opinion, recommendation, vote or other exercise of discretion in carrying out official acts for the Corporation. No Director or officer shall solicit, accept, or agree to accept any benefit from a person known to be interested in or likely to become interested in any

contract, purchase, payment, claim or transaction involving the exercise of the Director's or officer's discretion. As used here, a benefit does not include:

(a) a fee prescribed by law to be received by a Director or officer or any other benefit to which the Director or officer is lawfully entitled or for which he or she gives legitimate consideration in a capacity other than as a Director or officer,

(b) a gift or other benefit conferred on account of kinship or a personal, professional, or business relationship independent of the official status of the Director or officer;

(c) an honorarium in consideration for legitimate services rendered above and beyond official duties and responsibilities if:

(1) not more than one honorarium is received from the same person in a calendar year;

(2) not more than one honorarium is received for the same service; and

(3) the value of the honorarium does not exceed \$250 exclusive of reimbursement for travel, food, and lodging expenses incurred by the Director or officer in performance of the services;

(d) a benefit consisting of food, lodging, transportation, or entertainment accepted as a guest if reported as may be required by law.

Section 4. *Bribery.* A Director or officer shall not intentionally or knowingly offer, confer or agree to confer on another, or solicit, accept, or agree to accept from another:

(a) any benefit as consideration for the Director's or officer's decision, opinion, recommendation, vote, or other exercise of discretion as a Director or officer;

(b) any benefit as consideration for the Director or officer's decision, vote, recommendation, or other exercise of official discretion in a judicial or administrative proceeding; or

(c) any benefit as consideration for a violation of duty imposed by law on the Director or officer.

Section 5. *Nepotism.* No Director or officer shall appoint, or vote for, or confirm the appointment to any office, position, clerkship, employment or duty, of any person related within the second degree by affinity or within the third degree of consanguinity to the Director or officer so appointing, voting or confirming, or to any other Director or officer. This provision shall not prevent the appointment, voting for, or confirmation of any person who shall have been continuously employed in any such office, position, clerkship, employment or duty at least thirty

(30) days prior to the appointment of the Director or officer so appointing or voting.

ARTICLE VII

AMENDMENTS

Any subsequent revisions, amendments or changes adopted by the Board that, in any way, amends, modifies, changes, revises or dilutes the provisions of Article II or Article VII of these Bylaws must be approved by majority vote of the present and qualified Class I Directors and by majority vote of the Class II Directors qualified and in attendance at the meeting considering such revision, amendment, or change. Any other subsequent revision, amendment or change of these Bylaws adopted by the Board shall be approved by majority vote of all of the Directors, regardless of class.

ADOPTED BY VOTE OF THE BOARD OF DIRECTORS: ~~January 29, 2013.~~_____.

KEY FOCUS AREA: Clean, Healthy Environment

AGENDA DATE: June 15, 2016

COUNCIL DISTRICT(S): All

DEPARTMENT: Office Of Environmental Quality

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

MAPSCO: N/A

SUBJECT

A resolution authorizing the City of Dallas to communicate its positions and requests regarding the Texas Commission on Environmental Quality's (TCEQ's) proposed State Implementation Plan for the Dallas-Fort Worth Region ozone pollution to the State of Texas, the TCEQ, and other agencies - Financing: No cost consideration to the City

BACKGROUND

Since 1991, the Dallas-Fort Worth (D-FW) region has been out of compliance with the ozone air quality standard. The Environmental Protection Agency (EPA) required the Texas Commission on Environmental Quality (TCEQ) to develop a State Implementation Plan (SIP) because the region is out of compliance with the ozone standard of 75 parts per billion. Implementation of the actions contained in the SIP are supposed to bring the air quality in the D-FW region into compliance with the standard. The TCEQ received public comment on its draft SIP, and will submit the final SIP to the EPA in July 2016.

The EPA commented on the draft SIP stating that the actions proposed for mobile sources were adequate. However, the actions proposed for stationary sources need significantly more emission reductions. In addition, the models used in the plan are not sufficient because they overestimate ozone reductions. Overall, the EPA stated that the draft SIP will not get the air quality in the region into compliance with the ozone standard.

If the EPA determines that the final TCEQ SIP is inadequate for bringing the region into compliance, there could be economic consequences. These potentially include the denial of air permits for new businesses in the region, limiting the approval of the expansion of current air permits for businesses in the region, and the withholding of federal highway funds.

BACKGROUND (Continued)

Additionally, there are public health consequences if the EPA determines the TCEQ SIP is inadequate. People's health would continue to be impacted by the air in this region. Ozone is detrimental to human health. Studies show it exacerbates or leads to premature death from asthma, Chronic Obstructive Pulmonary Disease, and other pulmonary and cardiac issues. Thus, people and businesses may not want to move to this region because of the unhealthy air. Also, business may not be able to relocate here because of the limitations from the sanctions.

Scientists have determined there are three types of stationary sources inside and outside the region that need to be addressed in order to reduce ozone inside the region. These include the three cement plants located in Midlothian; the natural gas compressors and other gas production equipment located in the Barnett Shale Natural Gas Production Area; and the five coal-fired power plants located south, southeast, and east of the region.

Given the severity of the consequences and EPA's evaluation of the draft SIP, a stronger SIP is needed. This resolution is an opportunity to encourage the TCEQ to develop a stronger SIP by utilizing accelerated measures, requiring reductions in the stationary sources, encouraging more renewable energy development, and implementing the EPA's Clean Power Plan.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On May 23, 2016, the Quality of Life and Environment Committee approved sending a resolution regarding the proposed State Implementation Plan for DFW ozone pollution to the full City Council for approval.

FISCAL INFORMATION

No cost consideration to the City.

June 15, 2016

WHEREAS, the Dallas-Fort Worth Region has been in continual violation of the federal Clean Air Act standard for ozone since 1991 and the region has until July 20, 2018 to meet the ozone air quality standard of 75 parts per billion (ppb); and,

WHEREAS, the U.S. Environmental Protection Agency (EPA) has officially stated that the latest air quality State Implementation Plan (SIP) proposed by the Texas Commission on Environmental Quality (TCEQ) is not adequate to address the ozone concentrations “without additional reductions” in ozone-forming pollution and that the proposed SIP is using “unrealistic” modeling projections; and,

WHEREAS, studies have shown a direct correlation between health issues, such as asthma and chronic obstructive pulmonary disease, and higher levels of ozone; and,

WHEREAS, the economic success of the D-FW Region is closely tied to the environmental quality and living conditions of the area; and,

WHEREAS, the proposed SIP fails to adequately address emissions from stationary sources such as cement kilns, coal-fired power plants, and compressors and other equipment related to the Barnett Shale gas production area; and,

WHEREAS, independent studies have concluded that reductions of nitrogen oxides from stationary sources such as cement kilns and coal-fired power plants outside the D-FW region, and reductions of volatile organic compounds (VOCs) from compressor emissions in the Barnett Shale gas production areas, can reduce ozone levels in the D-FW Region. Such control measures as Selective Catalyst Reduction at kilns and coal plants and electrification of compressors would help the region meet or exceed the current ozone standard of 75 ppb at all North Texas air monitors; and,

WHEREAS, ozone can be reduced by the generation of electricity from renewable energy sources, such as solar, wind, geothermal, and co-generation which can be elements of a distributed energy district; and,

WHEREAS, the State of Texas could increase its support of the renewable energy sector through net-metering requirements and distributed energy districts.

Now, Therefore,

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

SECTION 1. That the City of Dallas concurs with the EPA’s comments on the proposed SIP and requests that the TCEQ revise the proposed SIP to add additional measures to the clean air plan that will reduce ozone levels at an accelerated rate.

June 15, 2016

SECTION 2. That the City of Dallas requests the TCEQ reduce emissions from stationary sources in Texas to reduce transport of these emissions to the D-FW Region to reduce ozone levels in this region.

SECTION 3. That the City of Dallas requests the TCEQ and the EPA have a cooperative dialogue with the City of Dallas to develop practical and effective solutions at the local, state, and federal level to reduce ozone levels in the D-FW Region.

SECTION 4. That the City of Dallas encourages state agencies to explore changes promoting net-metering and the creation of distributed energy districts and the creation of additional programs to expand the use of solar power and other renewable energy sources in the state.

SECTION 5. That the City of Dallas supports the EPA's Clean Power Plan because implementation of this plan could help decrease ozone levels in Dallas and encourages the State of Texas to reverse its position and support the Clean Power Plan.

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

AGENDA ITEM # 13

KEY FOCUS AREA: E-Gov

AGENDA DATE: June 15, 2016

COUNCIL DISTRICT(S): N/A

DEPARTMENT: Office of Financial Services

CMO: Jeanne Chipperfield, 670-7804

MAPSCO: N/A

SUBJECT

An ordinance amending and modifying Ordinance No. 27793, that granted to Atmos Energy Corporation, a Texas corporation, a franchise for the purpose of constructing, maintaining, and using a gas utility system in the City of Dallas; revising the definition of Gross Revenues; providing for acceptance by Grantee; and providing an effective date - Financing: This action has no cost consideration to the City (see Fiscal Information for future potential costs)

BACKGROUND

Atmos Energy Corporation (Atmos) provides gas utility service in Dallas in accordance with City franchise Ordinance No. 27793. This franchise Ordinance provides for the City's continued management of the public rights-of-ways as well as requiring reasonable compensation for its use by Atmos. Under the franchise, Atmos pays the City a franchise fee equal to 5% of their gross revenues from the sale of gas to all customers within the City as defined by the Ordinance.

After reviewing findings of a recent franchise fee audit performed by MuniServices for the City of Dallas, Atmos and the City agree that revising the definition of "Gross Revenues" would provide greater clarity regarding the meaning of Section 14 (7) (b) of Ordinance No. 27793.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On April 4 and May 16, 2016, this item was briefed to the Budget, Finance & Audit Committee.

FISCAL INFORMATION

This action has no cost consideration to the City; however, this clarification of the franchise will result in the City receiving revenues from Atmos to include \$3,380,232 in additional franchise fees for the period January 2010 through March 2016, plus an estimated additional \$600,000 annually in gas franchise fees for the remainder of the franchise term.

ORDINANCE NO. _____

An ordinance amending and modifying Ordinance No. 27793, that granted to Atmos Energy Corporation, a Texas corporation, a franchise for the purpose of constructing, maintaining, and using a gas utility system in the City of Dallas; revising the definition of Gross Revenues; providing for acceptance by Grantee; and providing an effective date.

WHEREAS, Atmos Energy Corporation is engaged in the business of supplying gas utilities services through its facilities within the City of Dallas to customers throughout the City of Dallas; and,

WHEREAS, Atmos Energy Corporation has been supplying gas utilities services to customers throughout the City of Dallas pursuant to Ordinance No. 27793 adopted January 13, 2010; and,

WHEREAS, Atmos Energy Corporation and the City of Dallas determined that revising the definition of "Gross Revenues" would provide greater clarity regarding the meaning of Section 14 of Ordinance No. 27793; and,

WHEREAS, it is beneficial to the City of Dallas to clarify the language in Section 14 of Ordinance No. 27793; Now, Therefore,

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

SECTION 1. That subparagraph (b) of paragraph 7 of subsection (a) of Section 14 of Ordinance 27793 is hereby deleted in its entirety and the following is substituted therefor:

(b) State and local sales tax imposed on customers that Grantee is obligated to collect and which Grantee passes on, in full, to the applicable governmental authority or authorities:

SECTION. 2 That Section 14, subsection (a) of Ordinance 27793 is hereby amended to add the following paragraph (8):

(8) Gross Revenues shall include amounts billed to customers for franchise fees payable to the City pursuant to this ordinance, regardless if those amounts are included in base rates, separate rate rider or line item surcharged to customers.

SECTION. 3 This ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of the Charter of the City of Dallas and subject to its acceptance as provided below, and it is accordingly so ordained.

SECTION. 4 The Grantee, Atmos Energy Corporation, shall, by 5:15 p.m., July 1, 2016 file in the office of the City Secretary a written instrument signed and acknowledged by a duly authorized officer, in substantially the following form:

To the honorable Mayor and City Council of the City of Dallas:

The Grantee, Atmos Energy Corporation, acting by and through the undersigned authorized officer, hereby accepts Ordinance No. _____ amending Ordinance No. 27793 granting a franchise to Atmos Energy Corporation.

President
Atmos Energy Corporation
Mid-Tex Division

ATTEST:

Secretary of Atmos Energy Corp.

Executed this, the _____ day of _____, 2016

APPROVED AS TO FORM:

Christopher D. Bowers, Interim City Attorney

By: Don Knight
Assistant City Attorney

AGENDA ITEM # 14

KEY FOCUS AREA: Culture, Arts and Recreation and Educational Enhancements

AGENDA DATE: June 15, 2016

COUNCIL DISTRICT(S): 6

DEPARTMENT: Park & Recreation

CMO: Willis Winters, 670-4071

MAPSCO: 33-B F

SUBJECT

Authorize a Multiple Use Agreement with the Texas Department of Transportation (TxDOT) for the construction and maintenance of a natural surface trail within TxDOT right-of-way at Hines Park located at 9700 Harry Hines Boulevard - Financing: No cost consideration to the City

BACKGROUND

This action will authorize a Multiple Use Agreement with TxDOT for the construction and maintenance of a natural surface trail within TxDOT right-of-way at Hines Park. The trail will be constructed and maintained by Groundwork Dallas, Inc. The Park and Recreation Department authorized a previous agreement with Groundwork Dallas, Inc., a non-profit group formed for the purpose of developing and promoting trails and other enhancements in addition to community programming to promote the quality of life in the Trinity River Corridor.

Groundwork Dallas, Inc. has been removing trash from Hines Park and has constructed natural surface trails to provide opportunities to view wildlife in the wetland. It now desires to create a natural surface trail to circumnavigate the entire wetland at Hines Park. Due to the property boundaries and irregular shape of the wetland it is necessary to enter into a Multiple Use Agreement with TxDOT for the construction of a natural surface trail within TxDOT right-of-way.

The agreement would be subject to the following terms:

1. The agreement has no term length; however, the agreement may be terminated upon notice by either party. The site must be restored to a condition satisfactory to TxDOT if the trail is abandoned.

BACKGROUND (Continued)

2. TxDOT retains its use of the land for highway purposes and does not grant any interest in the land to the City.
3. Maintenance, repair, and operation of the trail shall be the responsibility of the City including trash removal, mowing, and otherwise keeping the trail in a clean and sanitary condition.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On May 19, 2016, the Park and Recreation Board authorized the Multiple Use Agreement with TxDOT.

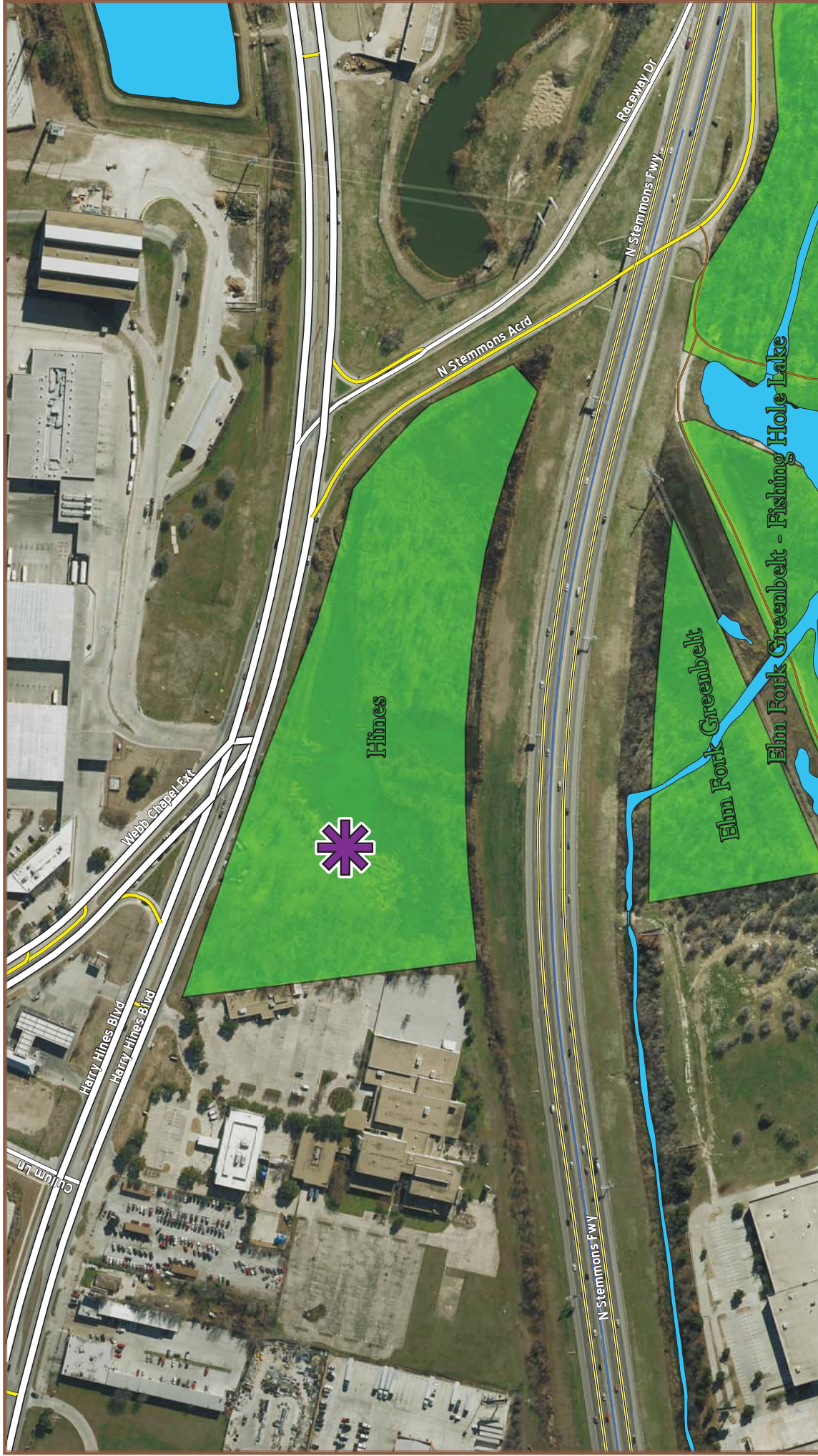
Information about this item will be provided to the Quality of Life & Environment Committee on June 13, 2016.

FISCAL INFORMATION

No cost consideration to the City.

MAP

Attached



May 19, 2016

Hines Park (9700 Harry Hines Boulevard)

Mapsc
33 B,F

District
6

June 15, 2016

WHEREAS, the City desires to construct a natural surface trail and other trail improvements at Hines Park located at 9700 Harry Hines Boulevard and in the adjacent Texas Department of Transportation (TxDOT) right-of-way as shown in Exhibits A, B and C; and

WHEREAS, this trail will facilitate public access to the park and wetland for enjoyment and wildlife viewing; and

WHEREAS, the Multiple Use Agreement is only for the segments of the trail which enter TxDOT right-of-way; and

WHEREAS, the City of Dallas Park and Recreation Department will construct, operate, and maintain the trail.

Now, Therefore,

BE IT RESOLVED BY THE PARK AND RECREATION BOARD AND THE CITY COUNCIL OF THE CITY OF DALLAS:

SECTION 1. That the President of the Park and Recreation Board and the City Manager are hereby authorized to enter into a Multiple Use Agreement with the Texas Department of Transportation for the construction and maintenance of a natural surface trail within TxDOT right-of-way.

SECTION 2. 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.

Exhibit A

Field Notes Describing a 12.17 Acre (530,193 Square Foot) Tract of Land in City Block 4422

BEING a 12.17 acre (530,193 square foot) tract of land situated in the Dickerson Parker Survey, Abstract No. 1113, City of Dallas, Dallas County, Texas, Official City of Dallas Block Number 4422, and being part of a called 619 acre tract of land described in four Deeds to the City of Dallas, as recorded in Volume 259, Page 573, Volume 260, Page 137, Volume 260, Page 140, and Volume 260, page 142 of the Deed Records of Dallas County, Texas (D.R.D.C.T.), and being more particularly described as follows:

BEGINNING at a 5/8-inch found iron rod for the south corner of Lot 6B, Block A/5797 of DALLAS REHABILITAION CENTER PHASE 2, an addition to the City of Dallas, Dallas County, Texas, as recorded in Instrument Number 20070170332 of the Official Public Records of Dallas County, Texas (O.P.R.D.C.T.), on the northeast right-of-way line of Interstate Highway 35E (A.K.A. Stemmons Freeway, a 400-foot wide right-of-way at this point);

THENCE North 43 degrees 21 minutes 12 seconds East, with the southeast line of Lot 6B, Block A/5797 of said DALLAS REHABILITAION CENTER PHASE 2 addition, passing the common most southerly southeast corner of Lot 6B, Block A/5797 of said DALLAS REHABILITAION CENTER PHASE 2 addition and south corner of Lot 6E, Block A/5797 of said DALLAS REHABILITAION CENTER PHASE 2 addition at a distance of 370.66 feet, continuing with the southeast line of Lot 6E, Block A/5797 of said DALLAS REHABILITAION CENTER PHASE 2 addition, in all, a total distance of 594.85 feet to a 5/8-inch set iron rod with a yellow plastic cap stamped "HALFF ASSOC. INC." on the southwest right-of-way line of Harry Hines Boulevard (F.K.A. U.S. Highway No. 77, a 300-foot wide right-of-way), from which a found Type I concrete TxDOT monument for witness bears South 15 degrees 21 minutes 35 seconds West, a distance of 3.52 feet;

THENCE South 12 degrees 55 minutes 09 seconds East, departing the southeast line of Lot 6E, Block A/5797 of said DALLAS REHABILITAION CENTER PHASE 2 addition, and with the southwest right-of-way line of said Harry Hines Boulevard, a distance of 320.95 feet to a 5/8-inch set iron rod with a yellow plastic cap stamped "HALFF ASSOC. INC." at the point of curvature of a tangent circular curve to the left, having a radius of 3,819.72 feet, whose chord bears South 19 degrees 44 minutes 26 seconds East, a distance of 907.38 feet;

THENCE Southerly, continuing with southwest right-of-way line of said Harry Hines Boulevard, and with said curve, through a central angle of 13 degrees 38 minutes 35 seconds, an arc distance of 909.53 feet to a point (unable to set) at the end of said curve at the intersection of the southwest right-of-way line of said Harry Hines Boulevard with the northwest right-of-way line of said Interstate Highway 35E (Harry Hines Connection);

THENCE South 12 degrees 29 minutes 48 seconds West, with the northwest right-of-way line of said Interstate Highway 35E (Harry Hines Connection), a distance of 201.60 feet to a point (unable to set);

Exhibit A

Field Notes Describing a 12.17 Acre (530,193 Square Foot) Tract of Land in City Block 4422

THENCE South 24 degrees 29 minutes 48 seconds West, continuing with the northwest right-of-way line of said Interstate Highway 35E (Harry Hines Connection), a distance of 225.00 feet to a point (unable to set);

THENCE North 85 degrees 14 minutes 32 seconds West, continuing with the northwest right-of-way line of said Interstate Highway 35E (Harry Hines Connection), a distance of 56.68 feet to a point (unable to set) at the intersection of the northwest right-of-way line of said Interstate Highway 35E (Harry Hines Connection) with the northeast right-of-way line of said Interstate Highway 35E (A.K.A. Stemmons Freeway, a 300-foot wide right-of-way at this point), from City to State by Letter (as shown on U.S. Highway No. 77 Freeway TxDOT Right-of-Way Map, Dallas County, From: MK&T Spur, to: Bachman-Hines, dated September 1957 and corrected September 4, 1957), from which a found Type I concrete TxDOT monument bears North 00 degrees 49 minutes 14 seconds East, a distance of 70.27 feet;

THENCE North 26 degrees 03 minutes 06 seconds West, with the northeast right-of-way line of said Interstate Highway 35E (A.K.A. Stemmons Freeway), a distance of 450.94 feet to a 5/8-inch set iron rod with a yellow plastic cap stamped "HALFF ASSOC. INC." at the point of curvature of a tangent circular curve to the left, having a radius of 3,969.72 feet, whose chord bears North 31 degrees 55 minutes 55 seconds West, a distance of 813.38 feet;

THENCE Northwesterly, continuing with the northeast right-of-way line of said Interstate Highway 35E (A.K.A. Stemmons Freeway), and with said curve, through a central angle of 11 degrees 45 minutes 37 seconds, an arc distance of 814.81 feet to a 5/8-inch set iron rod with a yellow plastic cap stamped "HALFF ASSOC. INC." at the end of said curve;

THENCE North 44 degrees 23 minutes 52 seconds East, continuing with the northeast right-of-way line of Interstate Highway 35E (A.K.A. Stemmons Freeway), a distance of 50.11 feet to the POINT OF BEGINNING AND CONTAINING 530,193 square feet or 12.17 acres of land, more or less.

Exhibit A

Field Notes Describing a 12.17 Acre (530,193 Square Foot) Tract of Land in City Block 4422

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

NOTES:

The found monuments shown hereon indicated (C.M.) are controlling monuments on which this survey is referenced.

I, Heath W. Brown, a Registered Professional Land Surveyor, hereby certify that the legal description hereon and the accompanying plat of even date represent an actual survey made on the ground under my supervision.

Heath W. Brown 11-11-2015

Heath W. Brown
Registered Professional Land Surveyor
Texas No. 6189
Halff Associates, Inc.
1201 North Bowser Rd.
Richardson, Texas 75081
TBPLS Firm No. 10029600





Exhibit of a 12.17 acre (530,193 square foot)
Tract of Land
In City Block 4422
Exhibit A



1201 NORTH BOWSER ROAD RICHARDSON, TEXAS 75081 (214) 346-6200
TBPLS FIRM NO. 10029600

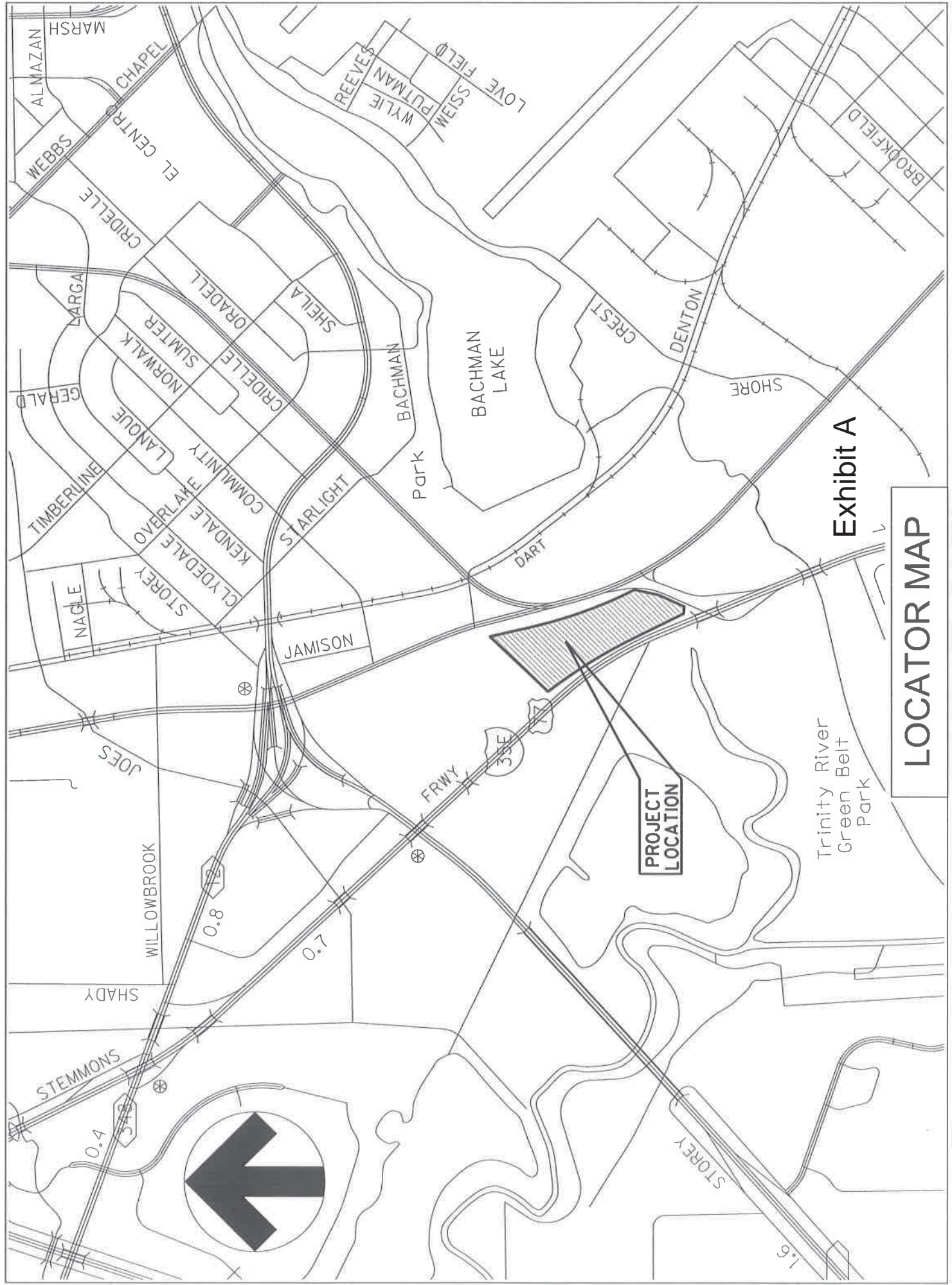


Exhibit A

LOCATOR MAP

General Notes

No. Revision/Issue Date

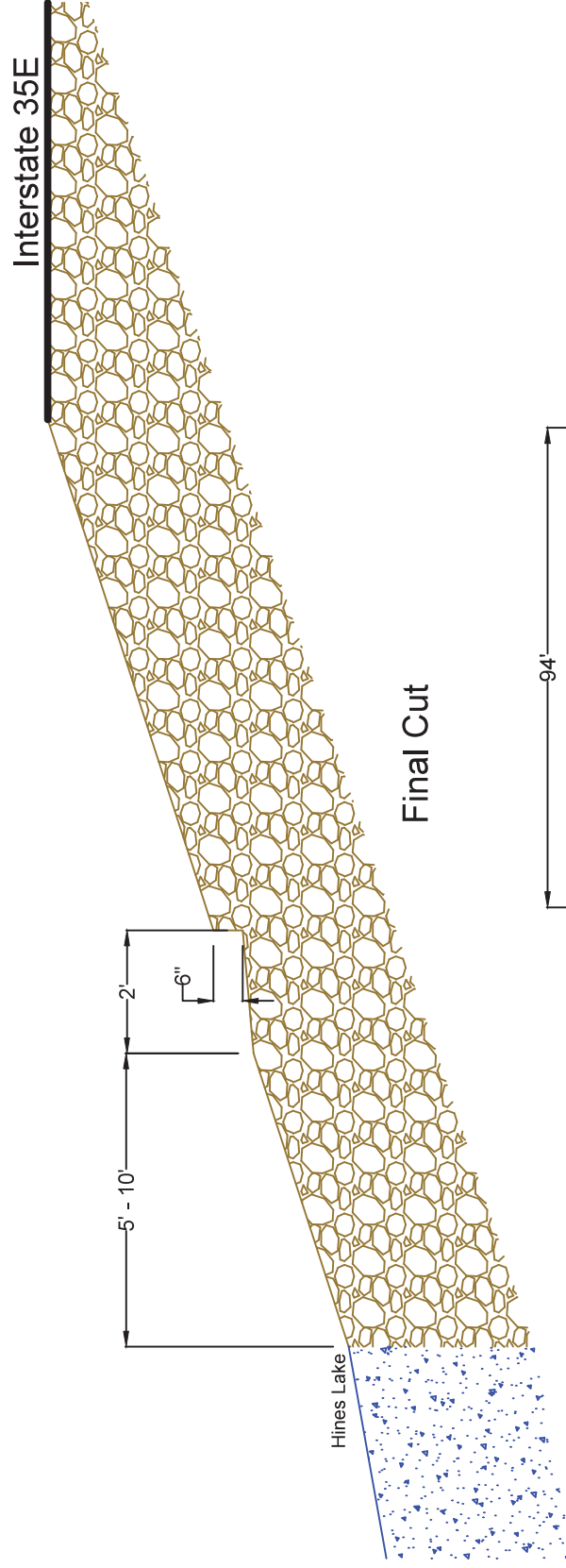
GroundWork Dallas
3001 Quebec St
Suite 201
Dallas, Tx 75247

Project Name and Address
Hines Park Trail

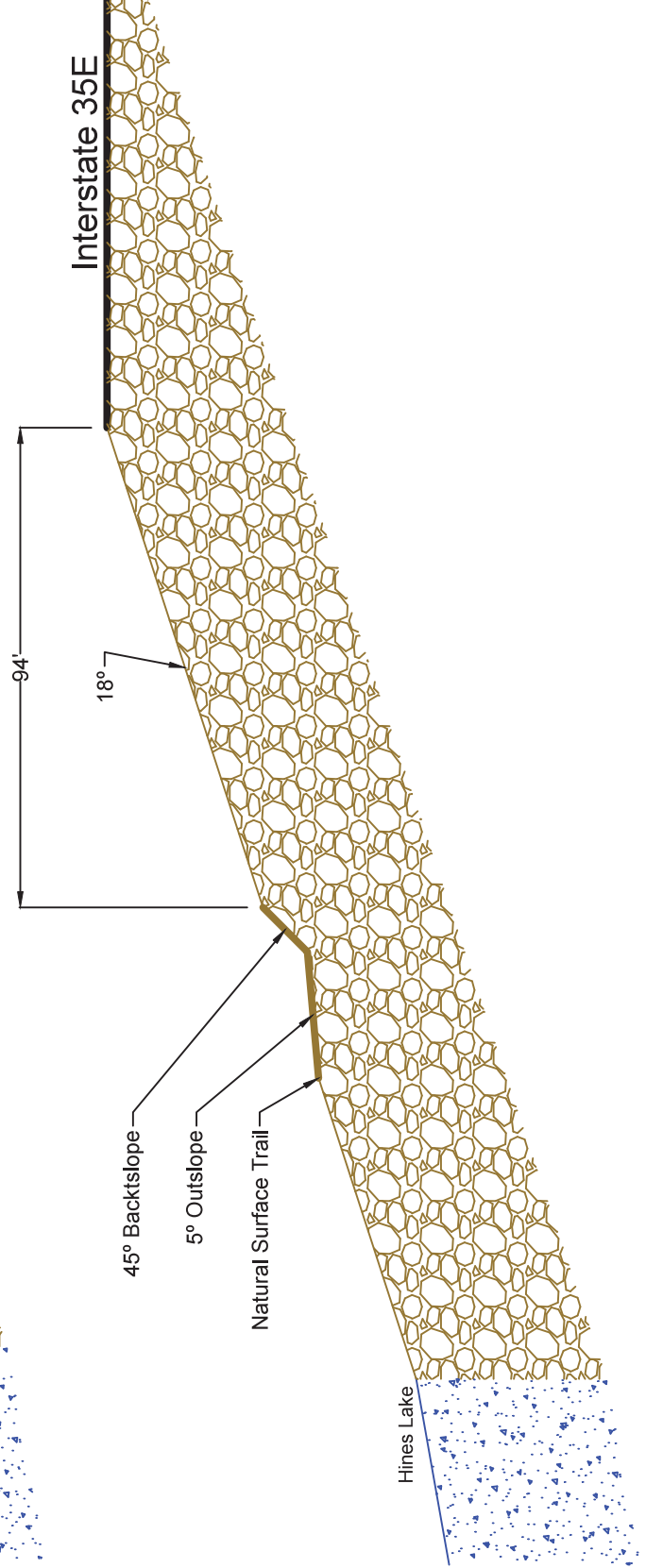
Exhibit C

Project
03/03/2016
Sheet
2 of 2
N/A

First Cut



Final Cut



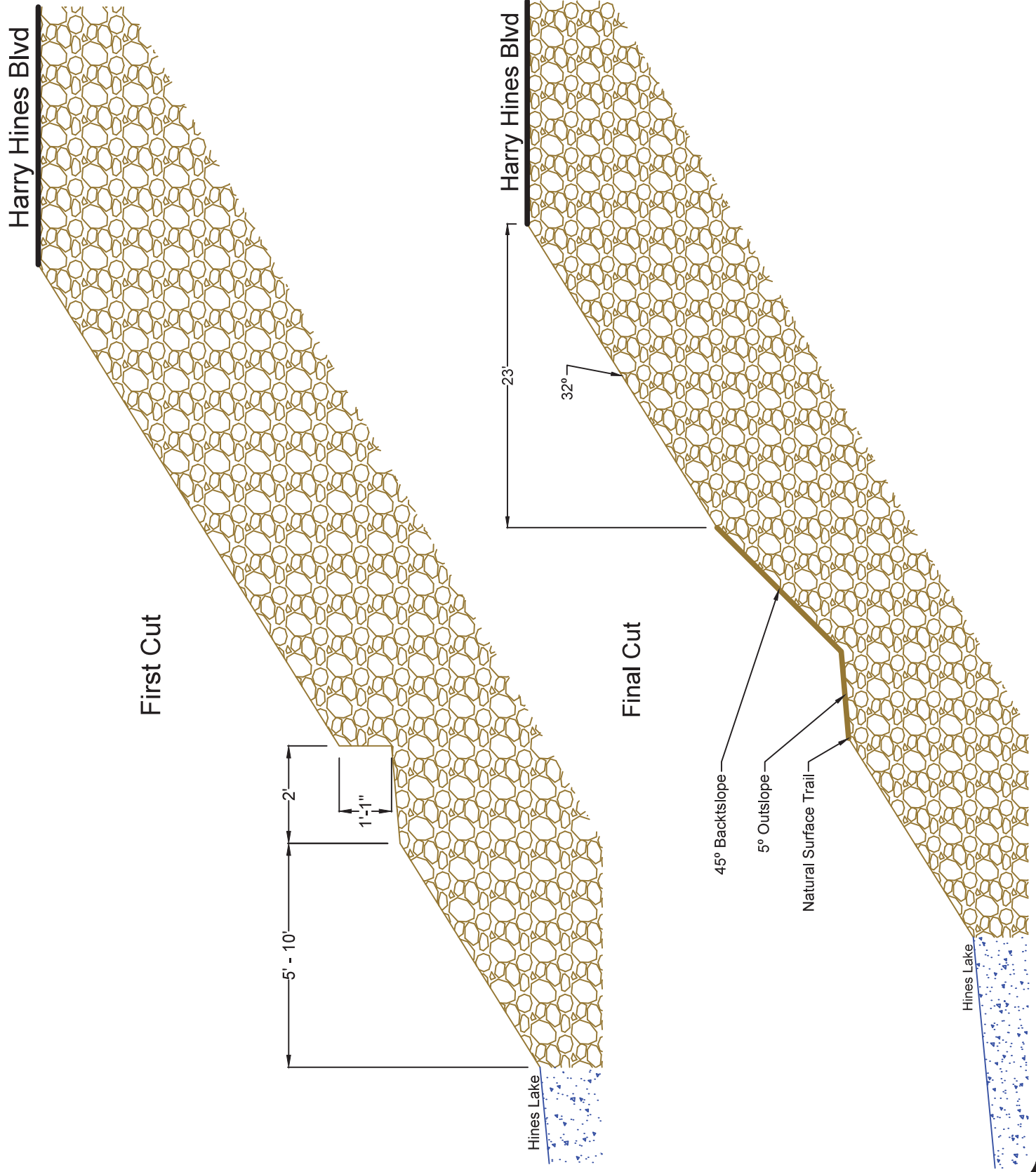
General Notes

No. Revision/Issue Date

Project Name and Address
GroundWork Dallas
3001 Quebec St
Suite 201
Dallas, Tx 75247

Project Name and Address
Hines Park Trail
Exhibit C

Project Name and Address
Sheet
03/03/2016
1 of 2
N/A



AGENDA ITEM # 15

KEY FOCUS AREA: Culture, Arts and Recreation and Educational Enhancements

AGENDA DATE: June 15, 2016

COUNCIL DISTRICT(S): 12

DEPARTMENT: Park & Recreation

CMO: Willis Winters, 670-4071

MAPSCO: 656-X

SUBJECT

Authorize an application for a matching grant through the Collin County Parks and Open Space Project Funding Assistance Program in the amount of approximately \$660,000 for development of Moss Glen Park located at 5200 Bentwood Trail - Financing: This action has no cost consideration to the City

BACKGROUND

The 4.5-acre Moss Glen Park was acquired in 2000 as part of the President George Bush Turnpike Segment I construction project. The park contains a detention basin and trees, but otherwise has remained undeveloped since the Park and Recreation Department acquired the property.

A master plan (Exhibit A) for the park was developed in late May 2013 with neighborhood input and support. The master plan calls for a loop trail, berms, preservation of existing trees, stone performance stage with stone seat walls, exercise equipment, tree, shrub, and perennial plantings, native plantings, and enhancement of the detention basin as a natural area planted with riparian and upland native plants. A future connector trail, which will link Timberglen Trail and Preston Ridge Trail, will pass through Moss Glen Park and provide access to additional amenities in other parks.

In November 2007 the voters of Collin County approved a \$17 million bond proposition for Parks and Open Space administered through the Collin County Project *Funding Assistance Program*. In this, the seventh series and final call for proposals, a total of \$2.3 million is planned to be made available. Funding is allocated on a competitive application basis to projects which are consistent with and further the objectives of the *Collin County Parks and Open Space Strategic Plan* (October 2001). The program requires a dollar for dollar match, funds being provided by the applicant in any combination of cash, materials, in-kind services, or the appraised value of undeveloped parkland. There must be a reasonable expectation that matching funds will be secured by the applicant within six months from the time Commissioners Court approves funding for a project.

BACKGROUND (Continued)

The scoring criteria for this grant program focuses on projects that: 1) Support and advance objectives of the *Collin County Parks and Open Space Strategic Plan* (such objectives include: acquisition of land, coordinated development of an interconnected system, development of a wide variety of recreational facilities with priority on trails, with an emphasis on trail interconnectedness, active sports, floodplain greenways, and regional prairie parks); 2) Adequacy of funding and level of funding commitment; and 3) Perception of need and benefit to the citizens of Collin County.

Currently available for the grant match are \$30,000 in funds allocated for improvements to Moss Glen Park and approximately \$630,000 in parkland value. An appraisal is forthcoming at which time the exact land value match amount will be determined. Construction of the entire park is estimated at \$750,000.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On May 19, 2016, the Park and Recreation Board authorized an application for a matching grant through the Collin County Parks and Open Space Project Funding Assistance Program.

Information about this item will be provided to the Quality of Life & Environment Committee on June 13, 2016.

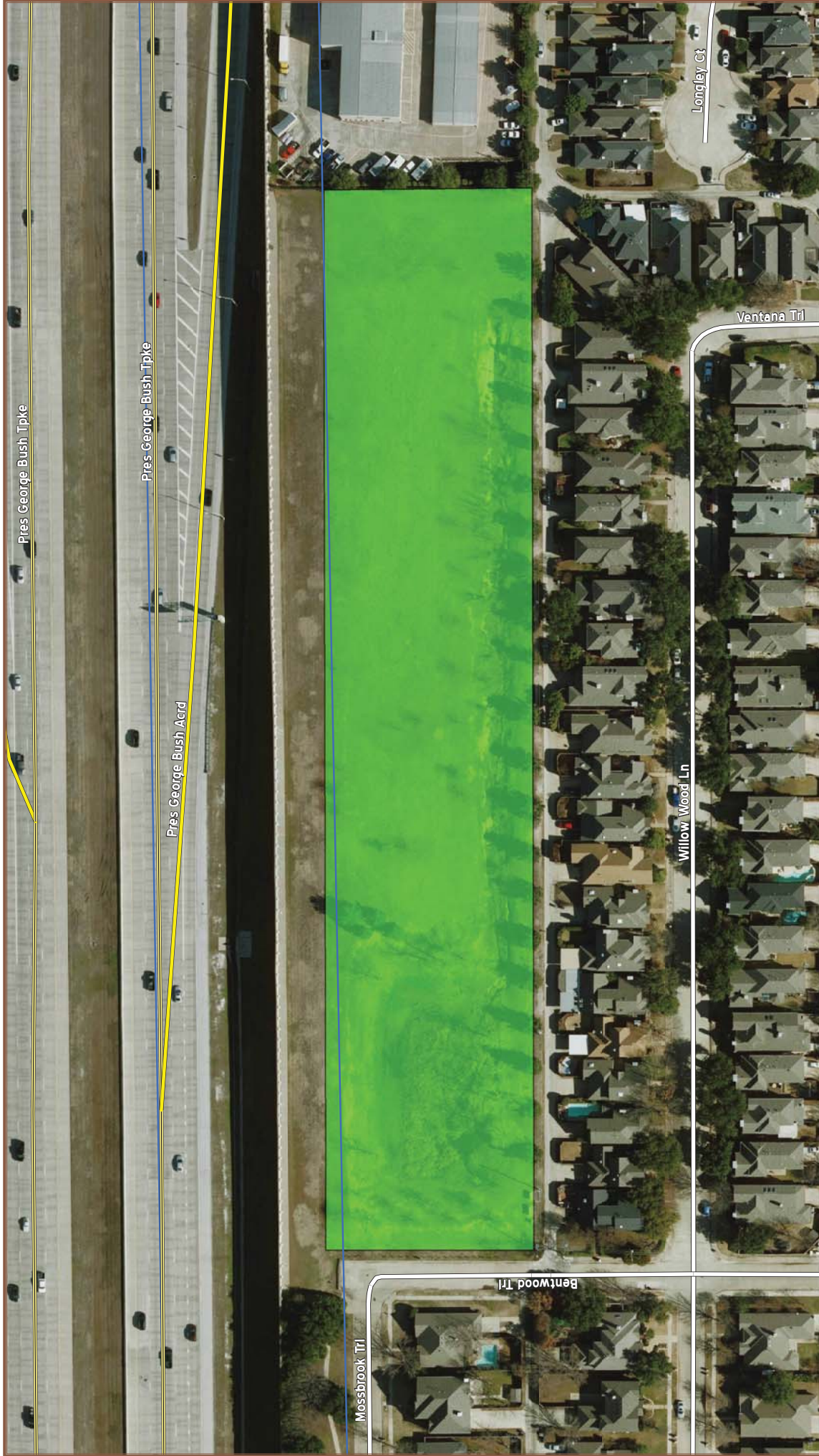
FISCAL INFORMATION

This action has no cost consideration to the City.

If awarded, the \$660,000 grant requires a 1-to-1 local match. This match will come from \$30,000 of 2006 Bond Funds as well as an in-kind match of \$630,000 from the estimated value of the parkland (value to be determined by forthcoming appraisal).

MAP

Attached

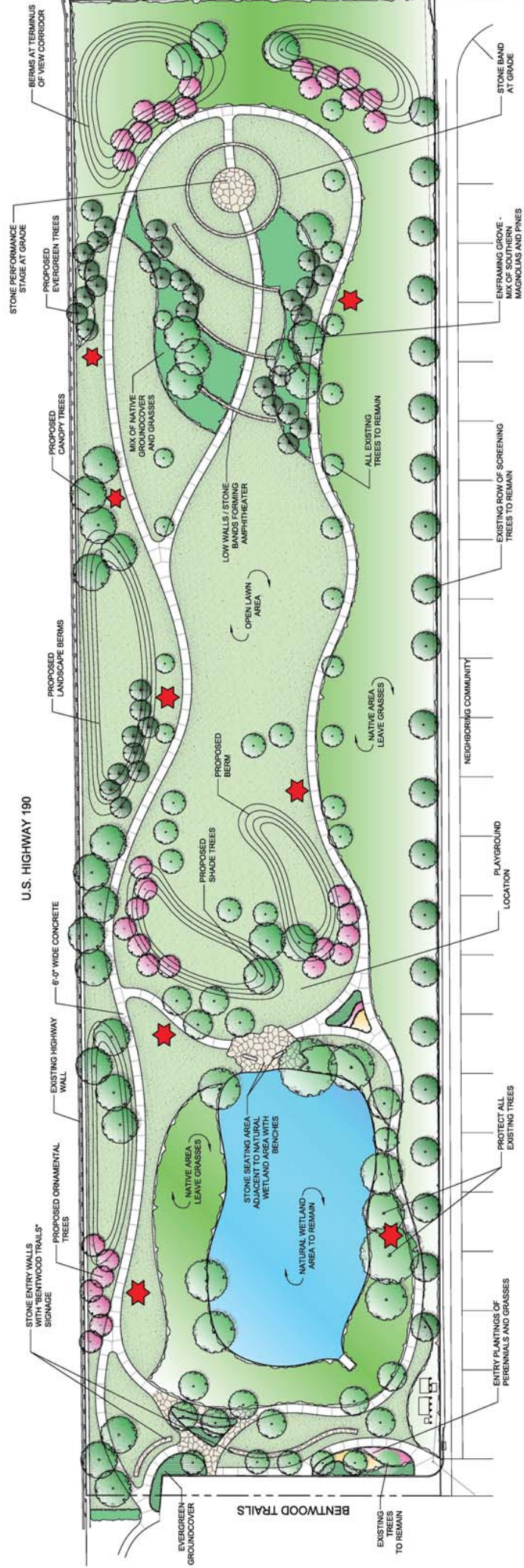


May 19, 2016

Moss Glen Park (5200 Bentwood Trail)

Mapsco
656 X

District
12



Exercise Equipment



Exhibit A

DATE: 5/28/2013



MOSS GLEN PARK
CITY OF DALLAS

LANDSCAPE MASTER PLAN

SCALE: 1"=30'-0"

Age group	Number of people
0-14	10
15-24	60
25-34	20
35-44	10
45-54	5
55-64	5
65-74	5
75-84	5
85-94	5
95-104	5

PARKS AND RECREATION DEPARTMENT

**LINDA
TYCHER**
& ASSOCIATES

LINDA TYCHER & ASSOCIATES, INC.
11411N CENTRAL EXPRESSWAY-SUITE V
DALLAS, TEXAS 75243
(214) 376-1210

(204) 780-1210

June 15, 2016

WHEREAS, the Collin County Parks Foundation Advisory Board is accepting *Park and Open Space Project Funding Assistance Program* grant applications for the development, expansion, and improvement of parks in Collin County under its 2007 Park and Open Space bond proposition; and

WHEREAS, the City of Dallas is fully eligible to receive assistance under the Collin County Park and Open Space grant program; and

WHEREAS, the City of Dallas is desirous of authorizing an official to represent and act for the applicant in dealing with Collin County concerning this program.

Now, Therefore,

BE IT RESOLVED BY THE PARK AND RECREATION BOARD AND THE CITY COUNCIL OF THE CITY OF DALLAS:

SECTION 1. That the City of Dallas, Park and Recreation Department hereby certifies that it is eligible to receive assistance under this program.

SECTION 2. That the City of Dallas, Park and Recreation Department hereby certifies that the matching share for this application is available through 2006 Bond Funds and the value of undeveloped parkland based on the fair market value as determined by an independent appraisal.

SECTION 3. That the President of the Park and Recreation Board and the City Manager are hereby authorized to apply for a grant from Collin County, for an estimated total of \$660,000, and to execute any and all documents required by the grant.

SECTION 4. That the City Manager hereby authorizes and directs the Director of the Park and Recreation Department or its designee to represent and act for the City in dealing with Collin County; and is hereby officially designated as the representative in this regard.

SECTION 5. That the City Manager hereby specifically authorizes the Park and Recreation Department to make application to Collin County concerning the site known as Moss Glen Park in the City of Dallas for use as a park site.

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

AGENDA ITEM # 16

KEY FOCUS AREA: Culture, Arts and Recreation and Educational Enhancements

AGENDA DATE: June 15, 2016

COUNCIL DISTRICT(S): 10

DEPARTMENT: Park & Recreation

CMO: Willis Winters, 670-4071

MAPSCO: 16-T X

SUBJECT

Authorize a contract with Going Forward, Inc., best value proposer of three, for pavilion repairs at Hamilton Park located at 12225 Willowdell Drive - Not to exceed \$154,000 - Financing: 2006 Bond Funds

BACKGROUND

On April 1, 2016, three proposals were received for pavilion repairs at Hamilton Park. Going Forward, Inc. was selected as the best value proposer for the Base Price and Alternate Nos. 1 and 2, in the amount of \$154,000.

Proposals based on Request for Competitive Sealed Proposals (RFCSP) are evaluated on pre-set criteria which include cost, qualifications of the prime contractor, construction amount and schedule ratings, which are based on mathematical formulas, with the best price and best schedule being given the highest scores. Ratings "1" to "10" are given for each criterion with "10" being the best rating. These ratings are multiplied by the weighting to obtain the score for each criterion.

The following is a list of the rating criteria and values for each criterion:

<u>Rating Criteria</u>	<u>Value</u>
1. Proposed Construction Contract Award	45%
2. Qualifications/Experience/References for Prime Firm	20%
3. Subcontractor Experience	10%
4. Business Inclusion and Development Plan	15%
5. Financial Sufficiency	5%
6. Schedule/Time of Completion	<u>5%</u>
	100%

ESTIMATED SCHEDULE OF PROJECT

Began Design	April 2010
Completed Design	February 2011
Begin Construction	July 2016
Complete Construction	May 2017

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

The Park and Recreation Board authorized proceeding with construction procurement on January 13, 2011.

On May 19, 2016, the Park and Recreation Board authorized award of the contract.

Information about this item will be provided to the Quality of Life & Environment Committee on June 13, 2016.

FISCAL INFORMATION

2006 Bond Funds - \$154,000

M/WBE INFORMATION

See attached.

ETHNIC COMPOSITION

Going Forward, Inc.

White Male	1	White Female	0
Hispanic Male	0	Hispanic Female	1
Black Male	2	Black Female	3
Other Male	1	Other Female	0

PROPOSAL INFORMATION

The following three proposals were received and opened on April 1, 2016:

*Denotes the successful proposer

<u>Proposer's</u>	<u>Base Price</u>	<u>Alter. Nos. 1 and 2**</u>	<u>Total Price</u>	<u>Scores</u>
*Going Forward, Inc. 100 North Central Expy. Dallas, Texas 75080	\$138,000	\$16,000	\$154,000	4410.00

PROPOSAL INFORMATION (Continued)

<u>Proposer's</u>	<u>Base Price</u>	<u>Alter. Nos. 1 and 2**</u>	<u>Total Price</u>	<u>Scores</u>
DENCO CS Corporation	\$242,769	\$12,700	\$255,469	3486.05
MART, Inc.	\$285,000	\$15,000	\$300,000	3354.30

**Alternate No. 1 - provides for painting of concrete roof canopies and supporting columns after repairs.

**Alternate No. 2 - provides for painting of the existing decorative concrete masonry after repair.

Note: The best and final offer from Going Forward, Inc. for Base Price and Alternate Nos. 1 and 2 was for \$154,000.

OWNER

Going Forward, Inc.

Tom Chawana, President

MAP

Attached

BUSINESS INCLUSION AND DEVELOPMENT PLAN SUMMARY

PROJECT: Authorize a contract with Going Forward, Inc., best value proposer of three, for pavilion repairs at Hamilton Park located at 12225 Willowdell Drive - Not to exceed \$154,000 - Financing: 2006 Bond Funds

Going Forward, Inc. is a local, non-minority firm, has signed the "Business Inclusion & Development" documentation, and proposes to use the following sub-contractor.

PROJECT CATEGORY: Construction

LOCAL/NON-LOCAL CONTRACT SUMMARY

	<u>Amount</u>	<u>Percent</u>
Total local contracts	\$140,900.00	91.49%
Total non-local contracts	\$13,100.00	8.51%
TOTAL CONTRACT	\$154,000.00	100.00%

LOCAL/NON-LOCAL M/WBE PARTICIPATION

Local Contractors / Sub-Contractors

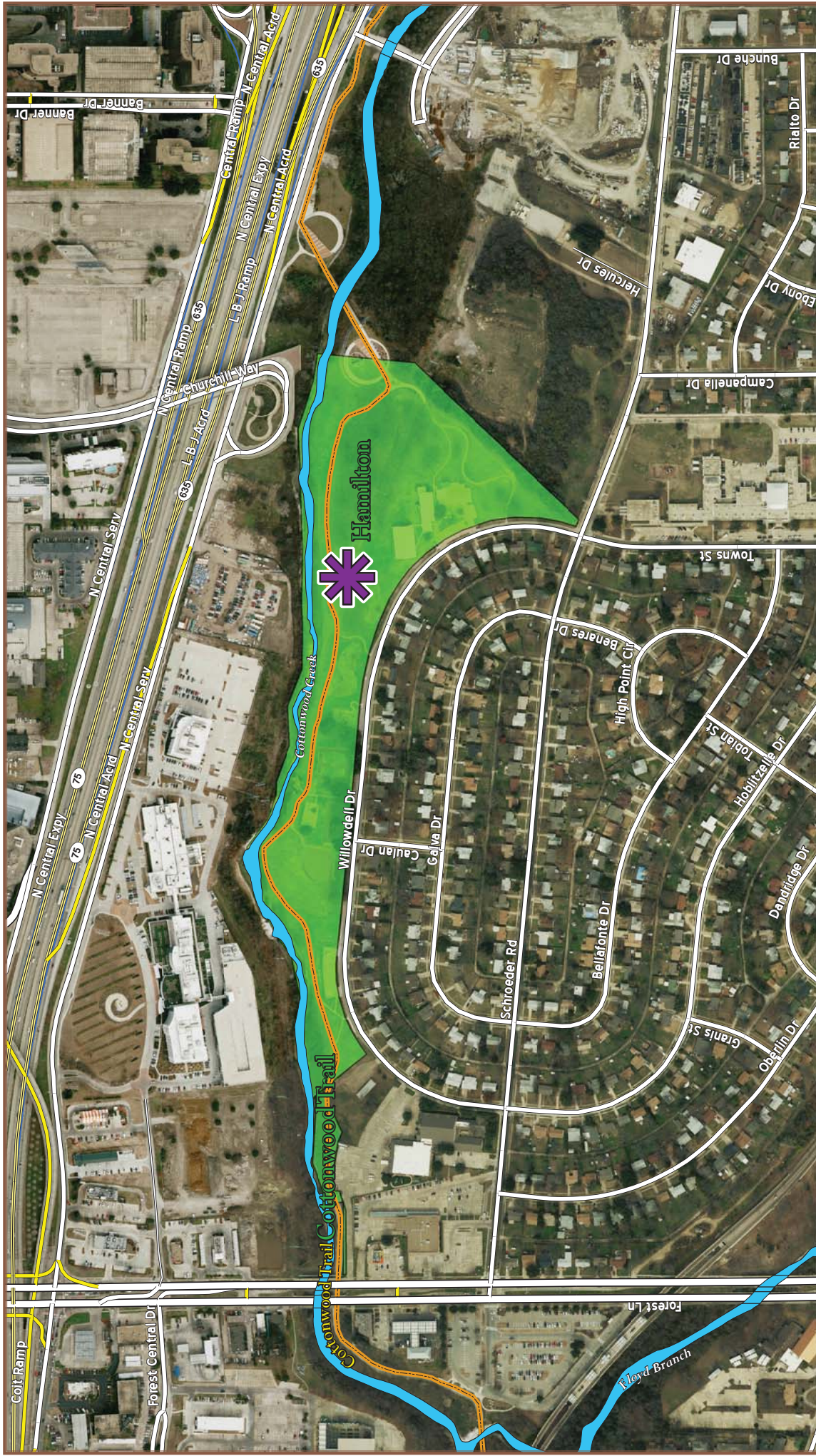
<u>Local</u>	<u>Certification</u>	<u>Amount</u>	<u>Percent</u>
Posadas Painting	HMDB34145Y0417	\$39,600.00	28.11%
Total Minority - Local		\$39,600.00	28.11%

Non-Local Contractors / Sub-Contractors

None

TOTAL M/WBE CONTRACT PARTICIPATION

	<u>Local</u>	<u>Percent</u>	<u>Local & Non-Local</u>	<u>Percent</u>
African American	\$0.00	0.00%	\$0.00	0.00%
Hispanic American	\$39,600.00	28.11%	\$39,600.00	25.71%
Asian American	\$0.00	0.00%	\$0.00	0.00%
Native American	\$0.00	0.00%	\$0.00	0.00%
WBE	\$0.00	0.00%	\$0.00	0.00%
Total	\$39,600.00	28.11%	\$39,600.00	25.71%



Mapsco
16 T,X

District
10

Hamilton Park (12225 Willowdell Dr)

May 19, 2016

June 15, 2016

WHEREAS, on April 1, 2016, three proposals were received for pavilion repairs at Hamilton Park located at 12225 Willowdell Drive; and

<u>Proposer's</u>	<u>Base Price</u>	<u>Alter. Nos. 1 and 2**</u>	<u>Total Price</u>	<u>Scores</u>
Going Forward, Inc.	\$138,000	\$16,000	\$154,000	4410.00
DENCO CS Corporation	\$242,769	\$12,700	\$255,469	3486.05
MART, Inc.	\$285,000	\$15,000	\$300,000	3354.30

**Alternate No. 1 - provides for painting of concrete roof canopies and supporting columns after repairs.

**Alternate No. 2 - provides for painting of the existing decorative concrete masonry after repair.

Note: The best and final offer from Going Forward, Inc. for Base Price and Alternate Nos. 1 and 2 was for \$154,000.

WHEREAS, it has been determined that acceptance of the best and final offer from Going Forward, Inc., in an amount not to exceed \$154,000 is the best value for the City of Dallas.

Now, Therefore,

BE IT RESOLVED BY THE PARK AND RECREATION BOARD AND THE CITY COUNCIL OF THE CITY OF DALLAS:

SECTION 1. That the City Manager is hereby authorized to enter into a contract with Going Forward, Inc. for pavilion repairs at Hamilton Park, in an amount not to exceed \$154,000.

SECTION 2. That the President of the Park and Recreation Board and the City Manager are hereby authorized to execute a contract with Going Forward, Inc., after approval as to form by the City Attorney.

SECTION 3. That the Chief Financial Officer is hereby authorized to disburse an amount not to exceed \$154,000 from (2006) Park and Recreation Facilities Improvement Fund, Fund BT00, Department PKR, Unit T161, Object 3210, Activity RFSI, Program PK06T161, CT-PKR16019951, Commodity 91200, Vendor VS91499.

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 ITEM # 17

KEY FOCUS AREA: Culture, Arts and Recreation and Educational Enhancements

AGENDA DATE: June 15, 2016

COUNCIL DISTRICT(S): 6

DEPARTMENT: Park & Recreation

CMO: Willis Winters, 670-4071

MAPSCO: 21B-R 21B-V 22-N S

SUBJECT

Authorize a contract with Henneberger Construction, Inc., lowest responsible bidder of five, for fire line and fire lane improvements at Elm Fork Shooting Sports located at 10751 Luna Road - Not to exceed \$267,512 - Financing: 2006 Bond Funds (\$217,512) and Park and Recreation Beautification Funds (\$50,000)

BACKGROUND

On April 8, 2016, five bids were received for fire line and fire lane improvements at Elm Fork Shooting Sports. This item authorizes award of the construction contract to Henneberger Construction, Inc., with a total contract amount of \$267,512.

The following chart illustrates Henneberger Construction, Inc.'s contractual activities with the City of Dallas for the past three years:

	<u>PBW</u>	<u>DWU</u>	<u>PKR</u>
Projects Completed	0	0	4
Change Orders	0	0	6
Projects Requiring Liquidated Damages	0	0	0
Projects Completed by Bonding Company	0	0	0

ESTIMATED SCHEDULE OF PROJECT

Began Design	March 2015
Completed Design	October 2015
Begin Construction	July 2016
Complete Construction	January 2017

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

The Park and Recreation Board authorized proceeding with advertisement for construction procurement on December 3, 2015.

On May 19, 2016, the Park and Recreation Board authorized award of the contract.

Information about this item will be provided to the Quality of Life & Environment Committee on June 13, 2016.

FISCAL INFORMATION

2006 Bond Funds - \$217,512

Park and Recreation Beautification Funds - \$50,000

M/WBE INFORMATION

See attached.

ETHNIC COMPOSITION

Henneberger Construction, Inc.

White Male	2	White Female	1
Hispanic Male	8	Hispanic Female	0
Black Male	0	Black Female	0
Other Male	0	Other Female	0

BID INFORMATION

The following five bids were received and opened on April 8, 2016:

*Denotes the successful bidder

<u>Bidders</u>	<u>Total Bid</u>
*Henneberger Construction, Inc. 8928 Fairglen Drive Dallas, Texas 75231	\$267,512
MART, Inc.	\$279,000
Northstar Construction, LLC	\$331,992
Wall Enterprises	\$334,712
DENCO CS Corporation	\$337,450

OWNER

Henneberger Construction, Inc.

Cynthia Henneberger, President

MAP

Attached

BUSINESS INCLUSION AND DEVELOPMENT PLAN SUMMARY

PROJECT: Authorize a contract with Henneberger Construction, Inc., lowest responsible bidder of five, for fire line and fire lane improvements at Elm Fork Shooting Sports located at 10751 Luna Road - Not to exceed \$267,512 - Financing: 2006 Bond Funds (\$217,512) and Park and Recreation Beautification Funds (\$50,000)

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

PROJECT CATEGORY: Construction

LOCAL/NON-LOCAL CONTRACT SUMMARY

	<u>Amount</u>	<u>Percent</u>
Total local contracts	\$113,508.31	42.43%
Total non-local contracts	\$154,003.69	57.57%
TOTAL CONTRACT	\$267,512.00	100.00%

LOCAL/NON-LOCAL M/WBE PARTICIPATION

Local Contractors / Sub-Contractors

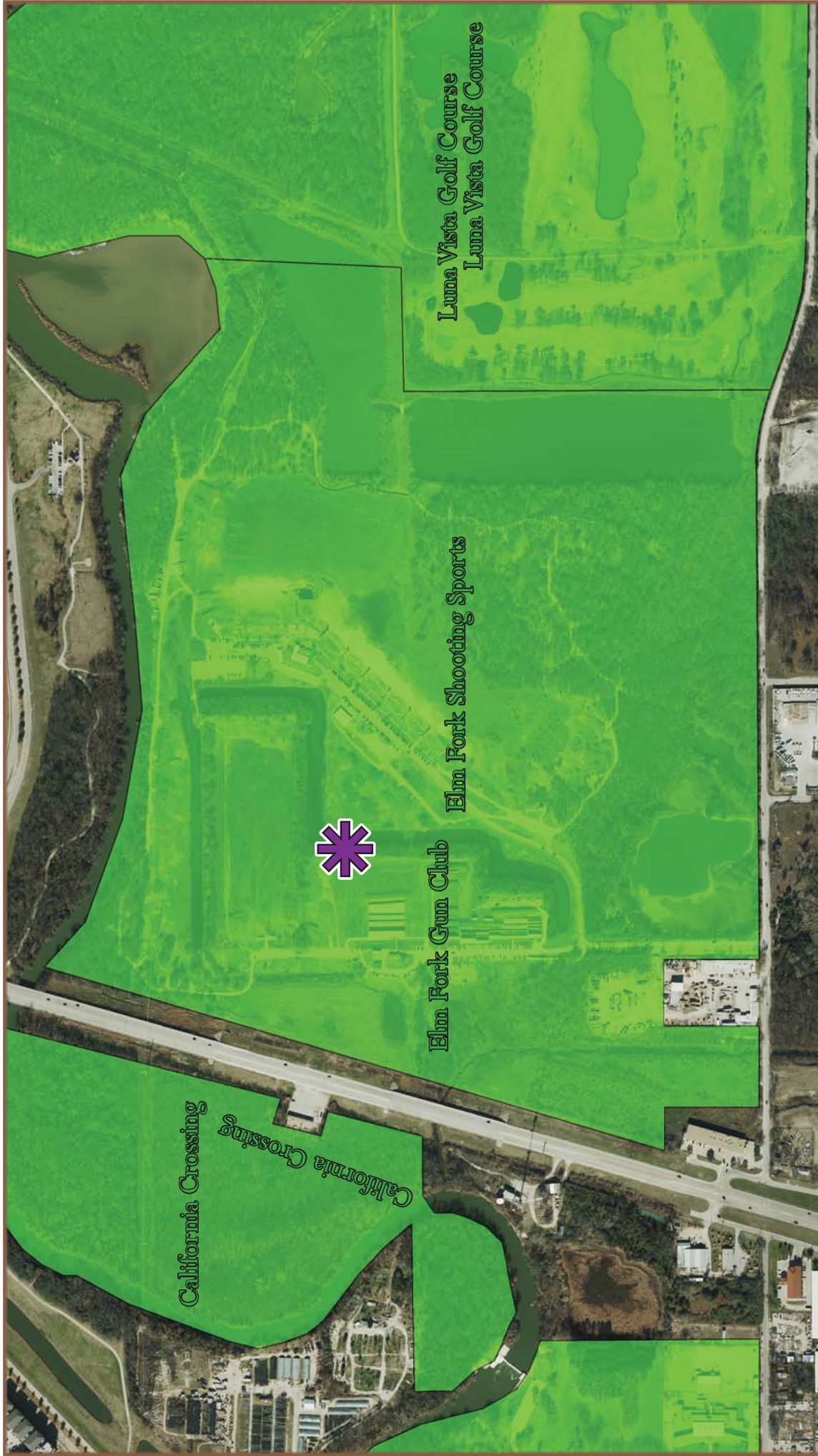
<u>Local</u>	<u>Certification</u>	<u>Amount</u>	<u>Percent</u>
Poole Excavation	BMDB00031Y0716	\$30,372.00	26.76%
Total Minority - Local		\$30,372.00	26.76%

Non-Local Contractors / Sub-Contractors

<u>Non-local</u>	<u>Certification</u>	<u>Amount</u>	<u>Percent</u>
J & M Civil Construction	HMMB64703N0317	\$107,961.19	70.10%
Total Minority - Non-local		\$107,961.19	70.10%

TOTAL M/WBE CONTRACT PARTICIPATION

	<u>Local</u>	<u>Percent</u>	<u>Local & Non-Local</u>	<u>Percent</u>
African American	\$30,372.00	26.76%	\$30,372.00	11.35%
Hispanic American	\$0.00	0.00%	\$107,961.19	40.36%
Asian American	\$0.00	0.00%	\$0.00	0.00%
Native American	\$0.00	0.00%	\$0.00	0.00%
WBE	\$0.00	0.00%	\$0.00	0.00%
Total	\$30,372.00	26.76%	\$138,333.19	51.71%



May 19, 2016

Elm Fork Shooting Sports (10751 Luna Road)

Mapsco
21B-R, 21B-V
22-N S

District
6

June 15, 2016

WHEREAS, on April 8, 2016, five bids were received for fire line and fire lane improvements at Elm Fork Shooting Sports located at 10751 Luna Road.

<u>Bidders</u>	<u>Total Bid</u>
Henneberger Construction, Inc.	\$267,512
MART, Inc.	\$279,000
Northstar Construction, LLC	\$331,992
Wall Enterprises	\$334,712
DENCO CS Corporation	\$337,450

Now, Therefore,

BE IT RESOLVED BY THE PARK AND RECREATION BOARD AND THE CITY COUNCIL OF THE CITY OF DALLAS:

SECTION 1. That the City Manager is hereby authorized to enter into a contract with Henneberger Construction, Inc. for fire line and fire lane improvements at Elm Fork Shooting Sports, in an amount not to exceed \$267,512.

SECTION 2. That the President of the Park and Recreation Board and the City Manager are hereby authorized to execute a contract with Henneberger Construction, Inc., after approval as to form by the City Attorney.

SECTION 3. That the Chief Financial Officer is hereby authorized to disburse an amount not to exceed \$267,512 to Henneberger Construction, Inc., as follows:

(2006) Park and Recreation Facilities Improvement Fund Fund 1T00, Department PKR, Unit T046, Object 4599 Activity CCSS, Program PK6T046.10, CT-PKR16019546 Commodity 91200, Vendor 331939	\$217,512
Park and Recreation Beautification Fund Fund 0641, Department PKR, Unit 8018, Object 4599 Activity PK09, Program PK6T046.10, CT-PKR16019546 Commodity 91200, Vendor 331939	<u>\$50,000</u>
Total amount not to exceed	\$267,512

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 ITEM # 18

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: June 15, 2016

COUNCIL DISTRICT(S): 1, 2

DEPARTMENT: Public Works Department

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

MAPSCO: 44 Z 45 P S T W 54 D

SUBJECT

Authorize an amendment to the Interlocal Agreement with Dallas Area Rapid Transit to provide for the operation and maintenance costs for the southern and northern extensions of the Dallas Streetcar System (Union Station to North Oak Cliff) and two additional vehicles - Financing: This action has no cost consideration to the City (see Fiscal Information for future potential costs)

BACKGROUND

The City maintains several Interlocal Agreements (ILA) with the North Central Texas Council of Governments (NCTCOG), Federal Transit Administration (FTA), Texas Department of Transportation (TxDOT), and with Dallas Area Rapid Transit (DART) pertaining to the Dallas Streetcar Project. These ILA's established the City of Dallas as the owner of the Dallas Streetcar and allow for the City to rely on technical expertise from DART to operate and maintain the Dallas Streetcar system.

On May 28, 2014, City Council authorized an ILA with DART for the operation and maintenance of the Dallas Streetcar System (Union Station to North Oak Cliff) by Resolution No. 14-0831. This ILA covered the operation and maintenance (O&M) needs for the original TIGER Grant-funded section of the Dallas Streetcar System from Union Station to North Oak Cliff. The City and DART are operating the Streetcar based on the terms outlined in this ILA.

The southern extension to Bishop Arts is under construction and is anticipated to be ready for service by the end of August 2016, while the northern extension is under design currently. Two additional streetcar vehicles are being manufactured and are expected to be in operation later this year. However, the O&M for these two extensions and the new vehicles are not provided for in the original O&M ILA.

BACKGROUND (Continued)

If approved, this proposed action will authorize the City Manager to execute the amended ILA to include O&M for the Dallas Streetcar System (Union Station to North Oak Cliff) including the southern and northern extensions two additional vehicles, that will supplement the existing streetcars that currently operate over the System, and any additional Streetcar vehicles ordered in the future.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On August 4, 2010, City Council authorized the acceptance of \$10M for streetcar development; an Interlocal Agreement between NCTCOG and DART to detail roles and responsibilities, and an Interlocal Agreement with DART to establish a purchasing program for goods and services, by Resolution No. 10-1921.

On April 27, 2011, City Council authorized an Interlocal Agreement with the NCTCOG and Dallas Area Rapid Transit to detail agency roles and responsibilities related to the financial commitment for operation and maintenance of the TIGER Streetcar Project, by Resolution No. 11-1185.

On April 11, 2012, City Council authorized an Interlocal Agreement with the NCTCOG and Dallas Area Rapid Transit related to roles and responsibilities related to procurement and financial matters for implementation of the TIGER Streetcar Project, by Resolution No. 12-1041.

On August 8, 2012, City Council authorized the acceptance of \$5,800,000 from the NCTCOG for the development of the TIGER Streetcar Project, by Resolution No. 12-1921.

On February 13, 2013, City Council authorized the acceptance of a Federal Transit Administration Grant through the NCTCOG of \$26,000,000 for the TIGER Streetcar Project, by Resolution No. 13-0312.

On May 28, 2014, City Council authorized an Interlocal Agreement with Dallas Area Rapid Transit to detail agency roles and responsibilities related to operation and maintenance of the TIGER Grant funded Dallas Streetcar Project (Union Station to North Oak Cliff), by Resolution No. 14-0831.

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

On September 24, 2014, City Council authorized an Interlocal Agreement with Dallas Area Rapid Transit to outline project roles and responsibilities related to design and design support for the northern and southern extensions; and to accept a grant from the North Central Texas Council of Governments (NCTCOG), functioning as agent for the Texas Department of Transportation (TxDOT), in the amount of \$30,872,531 for the extension of the TIGER Modern Streetcar System from Methodist Hospital to the Bishop Arts District and from Union Station to the Omni Hotel along with the purchase of streetcar vehicles to operate on the expanded modern streetcar system, by Resolution Nos. 14-1645 and 14-1646.

On April 8, 2015, City Council authorized an Interlocal Agreement with Dallas Area Rapid Transit (DART) for construction services for extensions of the Dallas Union Station to Oak Cliff Streetcar Project (Union station to North Oak Cliff).

On June 17, 2015, City Council authorized the disbursement of funds to DART for construction of the Streetcar extensions and the purchase of two additional vehicles using NCTCOG grant funds (i.e., Texas Mobility Funds) in the amount of \$27,472,531, by Resolution No. 15-1168.

On May 11, 2016, City Council authorized the disbursement of \$1,200,000 in additional funds from the 2006 Bond Program to DART for ongoing construction of the Dallas Streetcar Extension Project by Resolution No. 16-0737.

Information about this item will be provided to the Transportation and Trinity River Project Committee on June 13, 2016.

FISCAL INFORMATION

This action has no cost consideration to the City.

Current O&M expenses for the Dallas Streetcar system is included in the FY16 General Fund Budget in an amount not to exceed \$875,000. On top of this base ongoing amount of \$875,000, this amendment will have a future incremental increase to the General Fund. The total amount of funding needed for FY17 is currently being determined by the City and DART. This expense will be considered as part of the FY17 Budget Process. Per the terms of the O&M ILA, DART is to provide the City with an estimate each March for its portion of the O&M costs so that it can be budgeted for the subsequent fiscal year. City Council will need to provide authorization annually to disburse these funds.

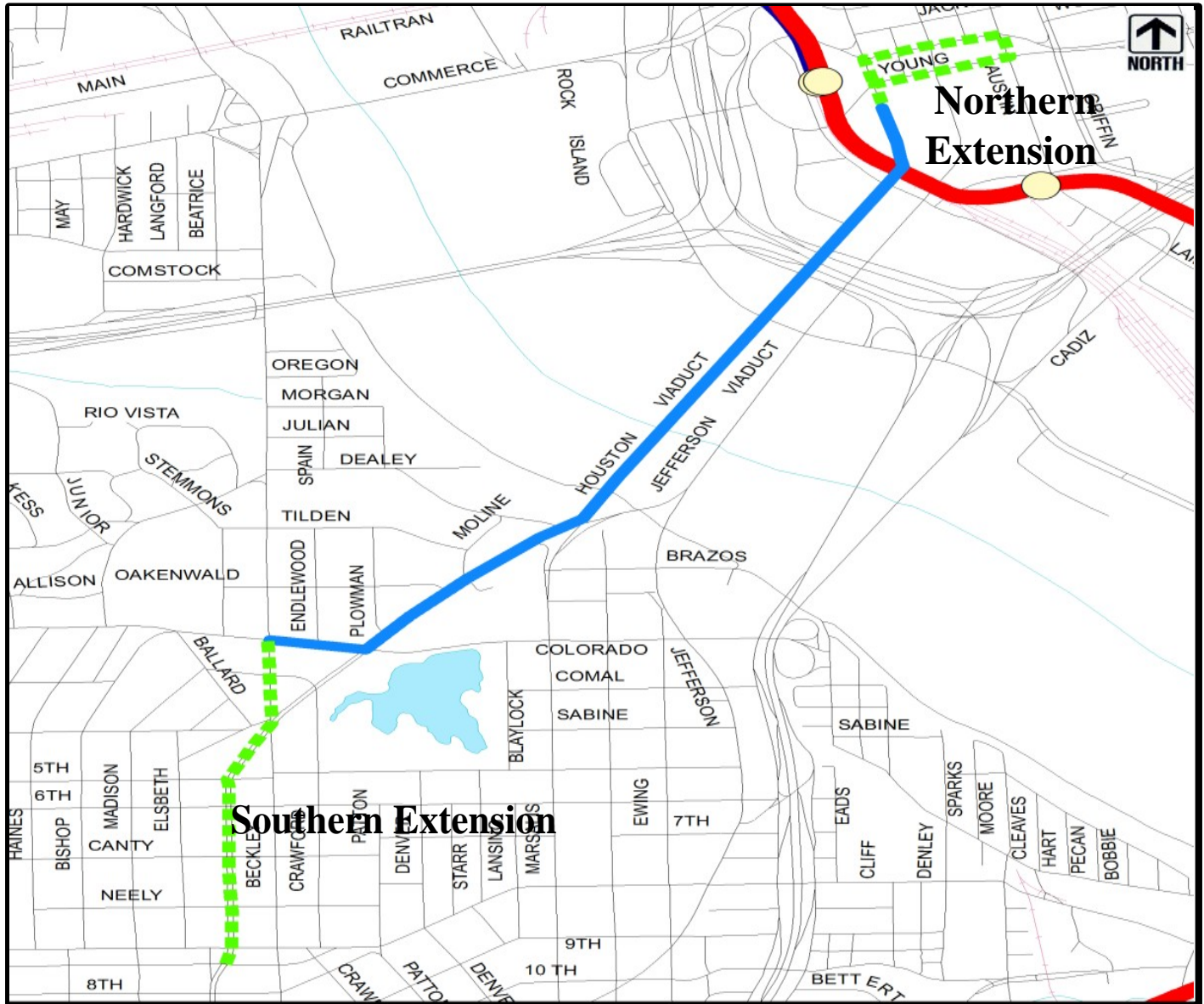
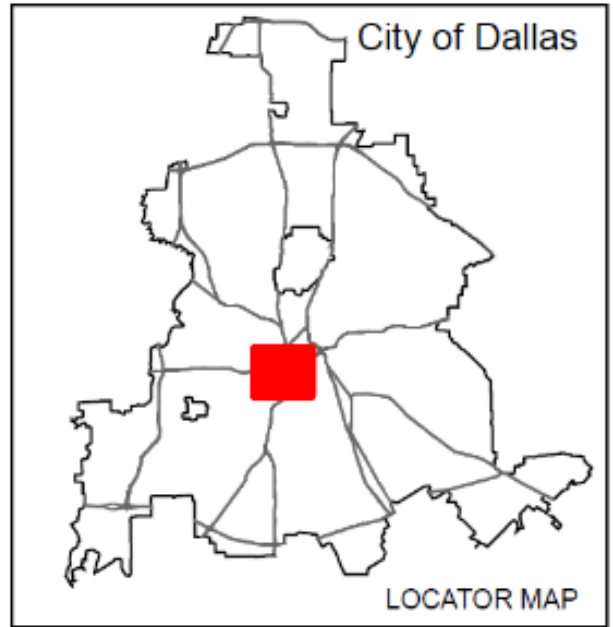
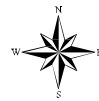
MAP

Attached

Dallas Modern Streetcar Extensions

Districts: 1, 2

MAPSCO: 44 Z, 45 P, S, T, W, 54 D



June 15, 2016

WHEREAS, the City of Dallas and Dallas Area Rapid Transit (DART) entered into agreements related to the funding, construction, and operation of the Dallas Streetcar Project; and,

WHEREAS, on April 27, 2011, City Council authorized an Interlocal Agreement (ILA) with the North Central Texas Council of Governments and DART to detail agency roles and responsibilities related to the financial commitment for operation and maintenance of the TIGER Streetcar Project, by Resolution No. 11-1185; and,

WHEREAS, on May 28, 2014, City Council authorized an Interlocal Agreement with DART to detail agency roles and responsibilities related to operation and maintenance of the TIGER Grant funded Dallas Streetcar Project (Union Station to North Oak Cliff), by Resolution No. 14-0831; and,

WHEREAS, said ILA was executed by the City on September 9, 2014 and by DART on January 27, 2015; and,

WHEREAS, the City and DART desire to amend said ILA to provide for the respective duties and responsibilities of the City and DART in relation to the ongoing operations and maintenance of the TIGER Grant-funded portion of the streetcar system as well as the southern extension to the Bishop Arts area (0.8 mile) and the northern extension to Omni Convention Center Hotel area (0.2 mile) and two additional streetcar vehicles.

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 the amended Interlocal Agreement, after approval as to form by the City Attorney, with Dallas Area Rapid Transit (DART) for the operation and maintenance of the Dallas Streetcar System (Union Station to North Oak Cliff) including the southern and northern extensions of the Dallas Streetcar System, two additional vehicles, and any additional Streetcar vehicles ordered in the future.

Section 2. 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 ITEM # 19

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: June 15, 2016

COUNCIL DISTRICT(S): 1, 2

DEPARTMENT: Public Works Department

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

MAPSCO: 44 Z 45 P S T W 54 D

SUBJECT

Authorize payment to Dallas Area Rapid Transit for operation and maintenance costs for the Dallas Streetcar System (Union Station to North Oak Cliff) for Fiscal Year 2016 - Not to exceed \$875,000 - Financing: Current Funds

BACKGROUND

The City maintains several Interlocal Agreements (ILA) with the North Central Texas Council of Governments (NCTCOG), Federal Transit Administration (FTA), Texas Department of Transportation (TxDOT), and with Dallas Area Rapid Transit (DART) pertaining to the Dallas Streetcar Project. These ILA's established the City of Dallas as the owner of the Dallas Streetcar and allow for the City to rely on technical expertise from DART to operate and maintain the Dallas Streetcar.

On May 28, 2014, the City Council authorized an ILA with DART for the operation and maintenance (O&M) of the Dallas Streetcar System (Union Station to North Oak Cliff) by Resolution No. 14-0831. The ILA outlines that the O&M costs are shared between DART and the City.

This ILA addressed the O&M needs for the original TIGER Grant funded section of the Dallas Streetcar system from Union Station to North Oak Cliff. The southern extension to Bishop Arts is under construction and is anticipated to be ready for service by the end of August 2016, while the northern extension is under design. Two additional Streetcar vehicles are being manufactured and are expected to be in operation later this year. However, the O&M for these two extensions and the new vehicles are not provided for in the original O&M ILA.

BACKGROUND (Continued)

For Fiscal Year 2015-2016, the City budgeted \$875,000 for Streetcar O&M while DART budgeted \$546,526. DART has been covering the O&M costs to date but recently invoiced the City for its portion to cover the remainder of this year's O&M costs. If approved, the proposed action will authorize the disbursement of funds to DART for O&M costs up to the budgeted amount of \$875,000.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On August 4, 2010, City Council authorized the acceptance of \$10M for streetcar development; an ILA between NCTCOG and DART to detail roles and responsibilities, and an ILA with DART to establish a purchasing program for goods and services, by Resolution No. 10-1921.

On April 27, 2011, City Council authorized an ILA with NCTCOG and DART to detail agency roles and responsibilities related to the financial commitment for operation and maintenance of the Dallas Streetcar System (Union Station to North Oak Cliff), by Resolution No. 11-1185.

On April 11, 2012, City Council authorized an Interlocal Agreement with the NCTCOG and Dallas Area Rapid Transit related to roles and responsibilities related to procurement and financial matters for implementation of the TIGER Streetcar Project, by Resolution No. 12-1041.

On August 8, 2012, City Council authorized the acceptance of \$5,800,000 from the NCTCOG for the development of the TIGER Streetcar Project, by Resolution No. 12-1921.

On February 13, 2013, City Council authorized the acceptance of a Federal Transit Administration Grant through the NCTCOG of \$26,000,000 for the TIGER Streetcar Project, by Resolution No. 13-0312.

On May 28, 2014, the City Council authorized an ILA with DART to detail agency roles and responsibilities related to operation and maintenance (O&M) of the Dallas Streetcar System (Union Station to North Oak Cliff), by Resolution No. 14-0831. This ILA was executed by the City on September 9, 2014 and by DART on January 27, 2015.

On September 24, 2014, City Council authorized an ILA with DART to outline project roles and responsibilities related to design and design support for the northern and southern extensions; and to accept a grant from NCTCOG, functioning as agent for TxDOT, in the amount of \$30,872,531 for the extension of the Dallas Streetcar System from North Oak Cliff to the Bishop Arts District and from Union Station to the Omni Hotel along with the purchase of streetcar vehicles to operate on the expanded streetcar system, by Resolution Nos. 14-1645 and 14-1646.

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

On April 8, 2015, City Council authorized an ILA with DART for construction services for extensions of the Dallas Streetcar System (Union station to North Oak Cliff), by Resolution No. 15-0709.

On June 17, 2015, City Council authorized the disbursement of funds to DART for construction of the Streetcar extensions (North Oak Cliff to Bishop Arts and Union Station to the Omni Hotel) and the purchase of two additional vehicles using NCTCOG grant funds (i.e., Texas Mobility Funds) in the amount of \$27,472,531, by Resolution No. 15-1168.

On May 11, 2016, the City Council authorized the disbursement of \$1,200,000 in additional funds from the 2006 Bond Program to DART for ongoing construction of the Dallas Streetcar Extension System (North Oak Cliff to Bishop Arts) by Resolution No. 16-0737. This ILA for O&M does not address O&M for extensions to the Dallas Streetcar System (Union Station to Oak Cliff).

Information about the item will be provided to the Transportation and Trinity River Project Committee on June 13, 2016.

FISCAL INFORMATION

Current Funds - \$875,000.00

<u>Council District</u>	<u>Amount</u>
1	\$787,500.00
2	<u>\$ 87,500.00</u>
Total	\$875,000.00

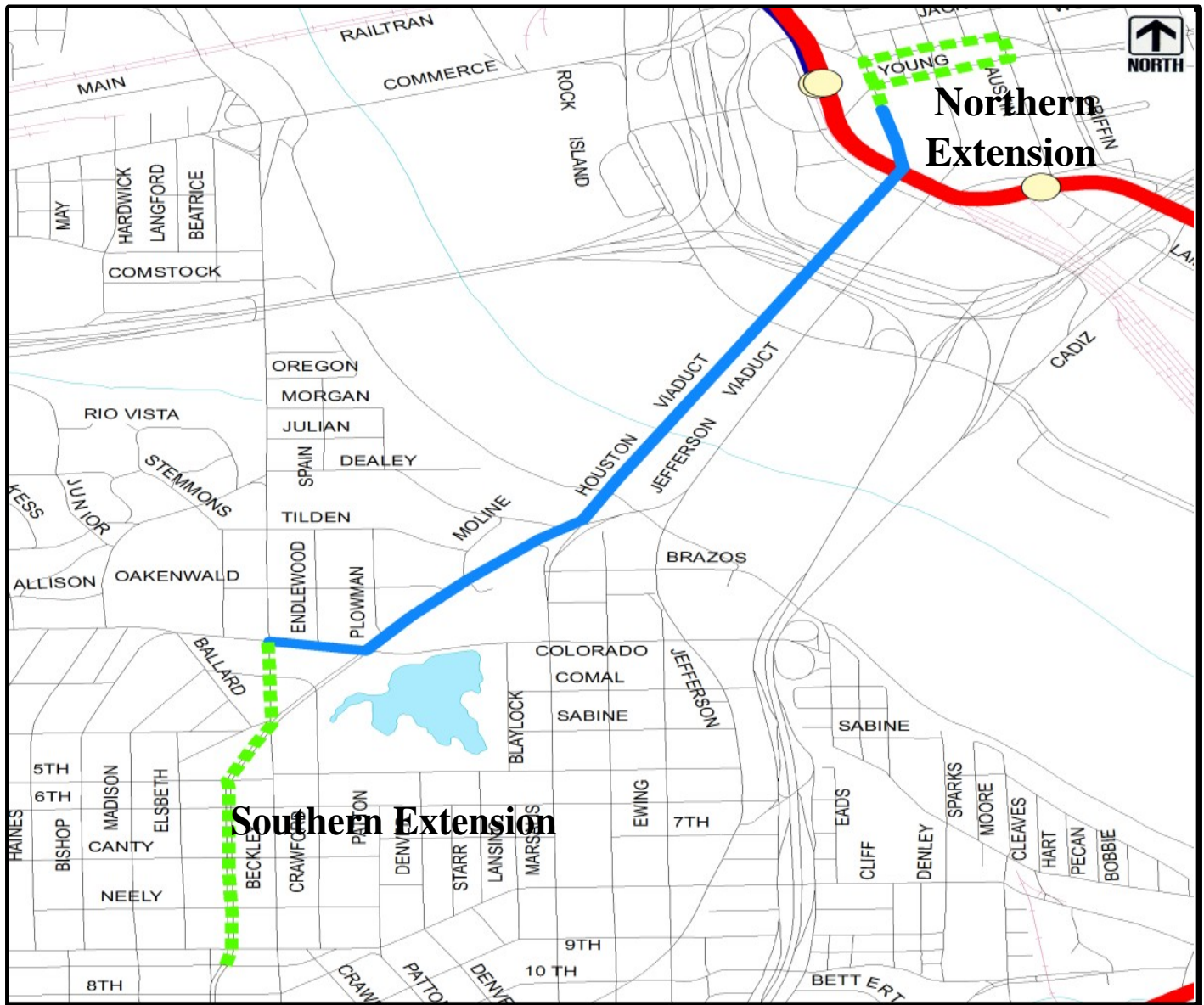
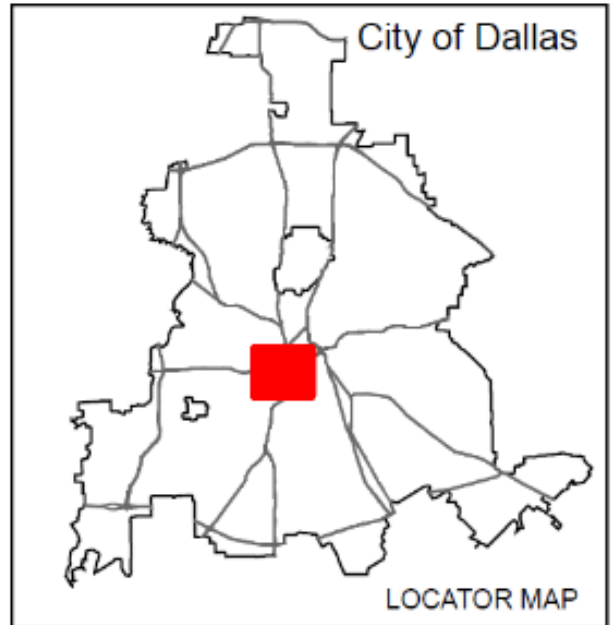
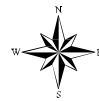
MAP

Attached

Dallas Modern Streetcar Extensions

Districts: 1, 2

MAPSCO: 44 Z, 45 P, S, T, W, 54 D



June 15, 2016

WHEREAS, the City of Dallas and Dallas Area Rapid Transit (DART) entered into agreements related to the funding, construction, and operation of the Dallas Streetcar Project; and,

WHEREAS, on April 27, 2011, City Council authorized an Interlocal Agreement (ILA) with the North Central Texas Council of Governments and DART to detail agency roles and responsibilities related to the financial commitment for operation and maintenance of the TIGER Streetcar Project, by Resolution No. 11-1185; and,

WHEREAS, on May 28, 2014, City Council authorized an Interlocal Agreement with DART to detail agency roles and responsibilities related to operation and maintenance of the TIGER Grant funded Dallas Streetcar Project (Union Station to North Oak Cliff), by Resolution No. 14-0831; and,

WHEREAS, said ILA was executed by the City on September 9, 2014 and by DART on January 27, 2015; and,

WHEREAS, said ILA does not address the operation and maintenance for extensions to the TIGER Grant funded portion of the Dallas Streetcar project; and,

WHEREAS, the City and DART desire to provide for the operation and maintenance for the entire Dallas Streetcar system and additional streetcar vehicles; and,

WHEREAS, the City and DART desire to amend said ILA to provide for the respective duties and responsibilities of the City and DART in relation to the ongoing operations and maintenance of the TIGER Grant-funded portion of the streetcar system as well as the southern extension to the Bishop Arts area (0.8 mile) and the northern extension to Omni Convention Center Hotel area (0.2 mile) and two additional streetcar vehicles; and,

WHEREAS, the City's adopted annual budget for fiscal year 2015-2016 allocated up to \$875,000 to reimburse DART for the operation and maintenance of the Dallas Streetcar system.

Now, Therefore,

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

Section 1. That the City hereby authorizes payment to Dallas Area Rapid Transit for the operation and maintenance of the Dallas Streetcar System for FY 2016 in an amount not to exceed \$875,000.00.

June 15, 2016

Section 2. That the Chief Financial Officer is hereby authorized to disburse funds in accordance with the terms and conditions of the contract from:

Current Funds

Fund: 0001, Department BMS, Unit 1991

Object: 3070, Program #PBPRP629, CT# PBWPRP629I1

Vendor No. 232802, in an amount not to exceed \$ 875,000

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 ITEM # 20

KEY FOCUS AREA: Clean, Healthy Environment

AGENDA DATE: June 15, 2016

COUNCIL DISTRICT(S): All

DEPARTMENT: Public Works Department

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

MAPSCO: N/A

SUBJECT

Authorize the first amendment to Contract No. 582-16-60016 with the Texas Commission on Environmental Quality to accept additional state grant funds to operate and maintain whole air samplers and conduct BioWatch air monitoring activities in Dallas County for the period September 1, 2016 through August 31, 2017 - Not to exceed \$483,321, from \$477,811 to \$961,132 - Financing: Texas Commission on Environmental Quality Grant Funds

BACKGROUND

Since 1967, the City of Dallas has worked with the Texas Commission on Environmental Quality (TCEQ) to support clean air monitoring and enforcement of air quality regulations through a set of renewing contracts for services.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Authorized the acceptance of grant funds for the Whole Air Sampling Contract No. 582-10-86403 to conduct air monitoring activities from September 1, 2009 through August 31, 2010 on May 13, 2009, by Resolution No. 09-1170.

Briefed to the Transportation & Environment Committee on May 24, 2010.

Authorized the first amendment to Contract No. 582-10-86403 to extend the term of the contract period from September 1, 2010 through August 31, 2011 on June 23, 2010, by Resolution No. 10-1611.

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

Authorized the second amendment to Contract No. 582-10-86403 to extend the term of the contract period from September 1, 2011 through August 31, 2012 on June 8, 2011, by Resolution No. 11-1526.

Authorized Contract No. 582-13-30015 with the Texas Commission on Environmental Quality to accept state grant funds to continue to operate and maintain whole air samplers and conduct BioWatch air monitoring activities in Dallas County for the period September 1, 2012 through August 31, 2013.

Authorized the first amendment to Contract No. 582-13-30015 to extend the term of the contract period from September 1, 2013 through August 31, 2014 on June 26, 2013, by Resolution No. 13-1077.

Authorized the second amendment for the acceptance of additional grant funds for the Whole Air Sampling Contract No. 582-13-30015 to conduct air monitoring activities from September 1, 2013 through August 31, 2014 on March 26, 2014, by Resolution No. 14-0516.

Authorized the third amendment for the acceptance of additional grant funds for the Whole Air Sampling Contract No. 582-13-30015 to conduct air monitoring activities from September 1, 2014 through August 31, 2015 on June 25, 2014, by Resolution No. 14-1024.

Authorized Contract No. 582-16-60016 with TCEQ for BioWatch air monitoring from September 1, 2015 to August 31, 2016, on August 26, 2015, by Resolution No. 15-1563.

Information about this item will be provided to the Quality of Life and Environment Committee on June 13, 2016.

FISCAL INFORMATION

Texas Commission on Environmental Quality Grant Funds - \$483,320.62

June 15, 2016

WHEREAS, on May 13, 2009, Resolution No. 09-1170 authorized Contract No. 582-10-86403 with the Texas Commission on Environmental Quality (TCEQ) to accept grant funds to operate and maintain whole air samplers and conduct BioWatch air monitoring activities in Dallas County for the period September 1, 2009 through August 31, 2010, in the amount of \$293,562.00, and the actual contract in the amount of \$277,968.00 was signed and executed on August 20, 2010; and,

WHEREAS, on June 23, 2010, Resolution No. 10-1611 authorized the first amendment to Contract No. 582-10-86403 to extend the term of the contract period from September 1, 2010 through August 31, 2011, in the amount of \$422,360, increasing the contract amount from \$277,968 to \$700,328; and,

WHEREAS, on June 8, 2011, Resolution No. 11-1526 authorized the second amendment to Contract No. 582-10-86403 to extend the term of the contract period from September 1, 2011 through August 31, 2012, in the amount of \$422,360, increasing the contract amount from \$700,328 to \$1,122,688; and,

WHEREAS, on June 13, 2012, Resolution No. 12-1542 authorized Contract No. 582-13-30015 with the Texas Commission on Environmental Quality to accept state grant funds to continue to operate and maintain whole air samplers and conduct BioWatch air monitoring activities in Dallas County for the period September 1, 2012 through August 31, 2013, in the amount of \$422,360; and,

WHEREAS, on June 26, 2013, Resolution No. 13-1077 authorized the first amendment to Contract No. 582-13-30015 to extend the term of the contract period from September 1, 2013 through August 31, 2014 in the amount of \$422,360, increasing the contract amount from \$422,360 to \$844,720; and,

WHEREAS, on March 26, 2014, Resolution No. 14-0516 authorized the second amendment for the acceptance of additional grant funds for the Whole Air Sampling Contract No. 582-13-30015 to conduct air monitoring activities from September 1, 2013 through August 31, 2014, in the amount of \$49,640, increasing the contract amount from \$844,720 to \$894,360; and,

WHEREAS, on June 25, 2014, Resolution No. 14-1024 authorized the third amendment for the acceptance of additional grant funds for the Whole Air Sampling Contract No. 582-13-30015 to conduct air monitoring activities from September 1, 2014 through August 31, 2015 in the amount of \$461,744, increasing the contract amount from \$894,360 to \$1,356,104; and,

June 15, 2016

WHEREAS, on August 26, 2015, Resolution No. 15-1563 authorized Contract No. 582-16-60016 with TCEQ to conduct BioWatch air monitoring activities in Dallas County for the period September 1, 2015 through August 31, 2016 in the amount of \$477,811.30; and,

WHEREAS, there is a continuing need to operate an air pollution control program and a network of monitors sampling for BioWatch contaminants; and,

WHEREAS, it is now necessary to authorize the first amendment to Contract No. 582-16-60016, CFDA No. 97.091, Federal Grant Number 998117, with the Texas Commission on Environmental Quality to accept additional state grant funds to continue to operate and maintain whole air samplers and conduct BioWatch air monitoring activities in Dallas County for the period September 1, 2016 through August 31, 2017, in the amount of \$483,320.62, from \$477,811.30 to \$961,131.92.

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 the first amendment to Contract No. 582-16-60016, CFDA No. 97.091, Federal Grant Number 998117, with the Texas Commission on Environmental Quality to accept additional state grant funds to continue to operate and maintain whole air samplers and conduct BioWatch air monitoring activities in Dallas County for the period September 1, 2016 through August 31, 2017, in the amount of \$483,320.62, increasing the contract from \$477,811.30 to \$961,131.92, after it has been approved as to form by the City Attorney.

Section 2. That the Chief Financial Officer is hereby authorized to receive and deposit grant funds in Fund F489 , Dept. PBW, Unit 1950 , Revenue Source 6526, in an amount not to exceed \$483,320.62.

Section 3. That the City Manager is hereby authorized to establish appropriations in an amount not to exceed \$483,320.62 in Fund F489 , Dept. PBW, Unit 1950 , Object Code 3099.

Section 4. That the Chief Financial Officer is hereby authorized to reimburse Fund 0001, Dept. PBW, Unit 4241, Object Code 5011, in an amount not to exceed \$483,320.62 from Fund F489, Dept. PBW, Unit 1950, Object Code 3099.

Section 5. That the City Manager is hereby authorized to reimburse the granting agency any expenditure identified as ineligible. The City Manager shall notify the appropriate City Council Committee of expenditures identified as ineligible not later than 30 days after the reimbursement.

June 15, 2016

Section 6. That the City Manager shall keep the appropriate City Council Committee informed of all final granting agency monitoring reports not later than 30 days after the receipt of the report.

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

AGENDA ITEM # 21

KEY FOCUS AREA: Clean, Healthy Environment

AGENDA DATE: June 15, 2016

COUNCIL DISTRICT(S): All

DEPARTMENT: Public Works Department

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

MAPSCO: N/A

SUBJECT

Authorize **(1)** the second amendment to Contract No. 582-15-50121 with the Texas Commission on Environmental Quality to accept additional state grant funds in the amount of \$525,117, from \$1,050,234 to \$1,575,351 to continue the Air Pollution Compliance Program to provide investigative services and complaint responses within the City of Dallas for a one-year period, from September 1, 2016 through August 31, 2017; and **(2)** a local match in an amount not to exceed \$258,640 - Total not to exceed \$783,757, from \$1,567,514 to \$2,351,271 - Financing: Texas Commission on Environmental Quality Grant Funds (\$525,117) and Current Funds (\$258,640) (subject to appropriations)

BACKGROUND

Since 1967, the City of Dallas has worked with the Texas Commission on Environmental Quality (TCEQ) to support clean air monitoring and enforcement of air quality regulations through a set of renewing contracts for services.

Under this contract, the City's Air Quality Specialists conduct periodic inspections of industries and business in Dallas that have the potential to emit pollutants, as defined in the city code. These may include manufacturing entities, fueling stations, paint-and-body shops, and so on. Field staff also respond to citizen complaints of odor, smoke or other airborne pollutants. The TCEQ may also ask City staff to review air permit requests made by potential emitters.

This action will authorize Amendment No. 2 to Contract No. 582-15-50121, renewing the service agreement through FY '17. The City and the TCEQ share in the cost of this annual program on a 33%-to-67% funding basis.

PRIOR ACTION/REVIEW (COUNCILS, BOARDS, COMMISSIONS)

Authorized Contract No. 582-4-64437 to accept to accept grant funds for FY 2003-05 on August 13, 2003, by Resolution No. 03-2151.

Authorized the first amendment of Contract No. 582-6-74390 to accept grant funds for FY 2005-07 on August 10, 2005, by Resolution No. 05-2198.

Authorized the second amendment to Contract No. 582-6-74390 to accept grant funds for FY 2007-08 on June 27, 2007, by Resolution No. 07-1971.

Authorized the third amendment to Contract No. 582-6-74390 to accept grant funds for FY 2008-09 on June 25, 2008, by Resolution No. 08-1793.

Authorized Contract No. 582-10-90257 to accept grant funds for FY 2009-10 on June 24, 2009, by Resolution No. 09-1628.

Briefed to the Transportation & Environmental Committee on May 24, 2010.

Authorized the first amendment of Contract No. 582-10-90257 to accept grant funds for FY 2010-11 on June 23, 2010, by Resolution No. 10-1612.

Authorized the second amendment to Contract No. 582-10-90257 to accept grant funds for FY 2011-12 on June 8, 2011, by Resolution No. 11-1527.

Authorized the third amendment to Contract No. 582-10-90257 to decrease the amount of grant funds for the period September 1, 2011 through August 31, 2012.

Authorized the fourth amendment to Contract No. 582-10-90257 to accept grant funds for FY 2012-13 on June 1, 2012, by Resolution No. 12-1543.

Authorized Contract No. 582-14-40025 to accept grant funds for FY 2013-14 on June 26, 2013, by Resolution No. 13-1076.

Authorized Contract No. 582-15-50121 with TCEQ for the period September 1, 2014 to August 31, 2015, on June 25, 2014, by Resolution No. 14-1023.

Information about this item was provided to the Quality of Life and Environment Committee on August 10, 2015.

Authorized the first amendment of Contract No. 582-15-50121 to accept grant funds for FY 2015-2016 on August 26, 2015, by Resolution No. 15-1566.

Information about this item will be provided to the Quality of Life and Environment Committee on June 13, 2016.

FISCAL INFORMATION

Texas Commission on Environmental Quality Grant Funds - \$525,117.00

Current Funds - \$258,640.00 (subject to appropriations)

June 15, 2016

WHEREAS, on June 8, 2011, Resolution No. 11-1527 authorized the second amendment to Contract No. 582-10-90257 to accept additional grant funds to continue the Air Pollution Compliance Program to provide investigative services and complaint responses within the City of Dallas for the period September 1, 2011 through August 31, 2012, in the amount of \$530,421.00 with a local match of \$261,252.00, increasing the contract from \$1,583,346.00 to \$2,375,019.00; and,

WHEREAS, on November 9, 2011, the third amendment to Contract No. 582-10-90257 was authorized to decrease the amount of grant funds to continue the Air Pollution Compliance Program to provide investigative services and complaint responses within the City of Dallas for the period September 1, 2011 through August 31, 2012, in the amount of \$5,304.00, decreasing the contract from \$2,375,019.00 to \$2,369,715.00; and,

WHEREAS, on June 13, 2012, Resolution No. 12-1543 authorized the fourth amendment to Contract No. 582-10-90257 to accept additional grant funds to continue the Air Pollution Compliance Program to provide investigative services and complaint responses within the City of Dallas for the period September 1, 2012 through August 31, 2013, in the amount of \$525,117.00 with a local match of \$258,640.00, increasing the contract from \$2,369,715.00 to \$3,153,472.00; and,

WHEREAS, on June 26, 2013, Resolution No. 13-1076 authorized Contract No. 582-14-40025 to accept additional grant funds to continue the Air Pollution Compliance Program to provide investigative services and complaint responses within the City of Dallas for the period September 1, 2013 through August 31, 2014, in the amount of \$525,117.00 with a local match of \$258,640.00; and,

WHEREAS, on June 25, 2014, Resolution No. 14-1023 authorized Contract No. 582-15-50121 to accept \$525,117.00, with a local match of \$258,640.00 for September 1, 2014 through August 31, 2015; and,

WHEREAS, on August 26, 2015, Resolution No. 15-1566 authorized the first amendment to Contract No. 582-15-50121 to accept additional grant funds to continue the Air Pollution Compliance Program to provide investigative services and complaint responses within the City of Dallas for the period September 1, 2015 through August 31, 2016; in the amount of \$525,117.00 with a local match of \$258,640.00, increasing the contract from \$783,757.00 to \$1,567,514.00; and,

WHEREAS, there is a continuing need for the City of Dallas to provide investigation services and complaint responses within the City of Dallas; and,

WHEREAS, the City of Dallas Public Works has been approved by the TCEQ to receive grant funds up to \$525,117.00 to accomplish air pollution control investigations with the City of Dallas; and,

June 15, 2016

WHEREAS, the total amount to be reimbursed under this agreement shall not exceed 67% of the City's total cost for its local air pollution program investigations; and,

WHEREAS, the remaining 33% of the Air Pollution Compliance program costs are to be funded by the City as matching funds (\$258,640); and,

WHEREAS, it is now necessary to authorize the second amendment to Contract No. 582-15-50121 with the Texas Commission on Environmental Quality to accept additional state grant funds to continue the Air Pollution Compliance program to provide investigative services and complaint response, for an extended performance period September 1, 2016 through August 31, 2017, in the amount of \$525,117.00 and a local match in the amount of \$258,640.00, from \$1,567,514.00 to \$2,351,271.00.

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 the second amendment to Contract No. 582-15-50121 with the Texas Commission on Environmental Quality to **(1)** accept additional state grant funds in the amount of \$525,117.00, for the period September 1, 2016 through August 31, 2017; and **(2)** a local match in the amount of \$258,640.00, from \$1,567,514.00 to \$2,351,271.00, after it has been approved as to form by the City Attorney.

Section 2. That the Chief Financial Officer is hereby authorized to receive and deposit funds in Fund S298, Dept. PBW, Unit 1949, Revenue Source Code 6516, in an amount not to exceed \$525,117.00.

Section 3. That the City Manager is hereby authorized to establish appropriations in an amount not to exceed \$525,117.00 in Fund S298, Dept. PBW, Unit 1949, Object Code 3099.

Section 4. That the Chief Financial Officer is hereby authorized to reimburse Fund 0001, Dept. PBW, Unit 4298, Object Code 5011, in an amount not to exceed \$525,117.00 from Fund S298, Dept. PBW, Unit 1949, Object Code 3099.

Section 5. That the Chief Financial Officer is hereby authorized to disburse the required cash match from Fund 0001, Dept. PBW, Unit 4298, Object Code 1101, in the amount of \$258,640.00.

Section 6. That the City Manager is hereby authorized to reimburse the granting agency any expenditure identified as ineligible. The City Manager shall notify the appropriate City Council Committee of expenditures identified as ineligible not later than 30 days after the reimbursement.

June 15, 2016

Section 7. That the City Manager shall keep the appropriate City Council Committee informed of all final granting agency monitoring reports not later than 30 days after receipt of the report.

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.

KEY FOCUS AREA: Clean, Healthy Environment

AGENDA DATE: June 15, 2016

COUNCIL DISTRICT(S): All

DEPARTMENT: Public Works Department

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

MAPSCO: N/A

SUBJECT

Authorize the third amendment to Contract No. 582-15-50031 with the Texas Commission on Environmental Quality to accept additional state grant funds to conduct the Rockwall Ambient Air Monitoring Program for the period September 1, 2016 through August 31, 2017 - Not to exceed \$28,054, from \$56,106 to \$84,160 - Financing: Texas Commission on Environmental Quality Grant Funds

BACKGROUND

Since 1967, the City of Dallas has received various state and federal grants to support the Air Pollution Control Program. The Air Pollution Control Program consists of: (1) Monitoring Ambient Air Quality; (2) Enforcing the Texas Clean Air Act and the City's Clean Air Ordinance; and (3) reviewing permits for the construction and/or modification of industrial plants which have the potential for emitting airborne contaminants.

The Texas Commission on Environmental Quality (TCEQ) requested that the City of Dallas operate the Rockwall (Rockwall County) continuous ambient air monitoring station as a part of the City's and Dallas/Fort Worth region's ambient air monitoring network. TCEQ purchased and installed major components of the station and will maintain these components at their expense, including all hardware and equipment required for the facility to be operational.

This action will authorize the third amendment to Contract No. 582-15-50031 for grant funds to conduct continuing service of the Rockwall Ambient Air Monitoring Program in FY 2017 with the same scope of work and compensation level as provided by TCEQ in FY 2016.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Authorized Contract No. 582-11-86427 to accept grant funds to operate and maintain an ambient air monitoring station in Rockwall County on June 23, 2010, by Resolution No. 10-1603.

Authorized the first amendment to Contract No. 582-11-86427 to accept additional grant funds to operate and maintain an ambient air monitoring station on June 8, 2011, by Resolution No. 11-1524.

Authorized the second amendment to Contract No. 582-11-86427 to accept additional grant funds to operate and maintain an ambient air monitoring station on June 13, 2012, by Resolution No. 12-1540.

Third amendment to Contract No. 582-11-86427 issued by TCEQ to reduce grant funds specific to state funding requirements on October 8, 2012; no council resolution required.

Authorized the fourth amendment to Contract No. 582-11-86427 to accept additional grant funds to operate and maintain an ambient air monitoring station on June 26, 2013, by Resolution No. 13-1079.

Authorized Contract No. 582-15-50031 to accept grant funds to operate and maintain an ambient air monitoring station in Rockwall County on June 25, 2014, by Resolution No. 14-1021.

Authorized the first amendment to Contract No. 582-15-50031 to accept grant funds to operate and maintain an ambient air monitoring station in Rockwall County on August 26, 2015, by Resolution No. 15-1564.

Information about this item will be provided to the Quality of Life and Environment Committee on June 13, 2016.

FISCAL INFORMATION

Texas Commission on Environmental Quality Grant Funds - \$28,053.19

June 15, 2016

WHEREAS, on June 23, 2010, Resolution No. 10-1603 authorized Contract No. 582-11-86427 to accept grant funds from the Texas Commission on Environmental Quality (TCEQ) to operate and maintain an air pollution monitoring station in Rockwall County for the period September 1, 2010 through August 31, 2011, in the amount of \$26,811.36; and,

WHEREAS, on June 8, 2011, Resolution No. 11-1524 authorized the first amendment to Contract No. 582-11-86427 to accept additional grant funds to operate and maintain an ambient air monitoring station in the amount of \$26,811.36, increasing the contract from \$26,811.36 to \$53,622.72; and,

WHEREAS, on June 13, 2012, Resolution No. 12-1540 authorized the second amendment to Contract No. 582-11-86427 to accept additional grant funds to operate and maintain an ambient air monitoring station in the amount of \$26,811.36, increasing the contract from \$53,622.72 to \$80,434.08; and,

WHEREAS, on October 8, 2012, TCEQ issued contract amendment No. 3 to reduce the amount of grant funds by \$6,000 for the operational period of September 1, 2012 through August 31, 2013; and,

WHEREAS, on June 26, 2013, Resolution No. 13-1079 authorized the fourth amendment to Contract No. 582-11-86427 to accept additional grant funds to operate and maintain an ambient air monitoring station in the amount of \$20,812.00, increasing the contract amount from \$74,434.08 to \$95,246.08; and,

WHEREAS, on June 25, 2014, Resolution No. 14-1021 authorized Contract No. 582-15-50031 with the TCEQ to accept state grant funds to conduct the Rockwall Ambient Air Monitoring Program for the period September 1, 2014 through August 31, 2015, with state grant funds in the amount of \$28,053.19; and

WHEREAS, on August 26, 2015, Resolution No. 15-1564 authorized the first amendment to Contract No. 582-15-50031 with the TCEQ to accept state grant funds to conduct the Rockwall Ambient Air Monitoring Program for the period September 1, 2015 through August 31, 2016, in the amount of \$28,053.19; from \$28,053.19 to \$56,106.38; and,

WHEREAS, on August 27, 2015, Contract No. 582-15-50031 was amended by TCEQ, representing the second amendment, to extend the expiration date of the FY '15 contract by 90 days; and,

WHEREAS, there is a continuing need for an air pollution monitoring site in Rockwall County; and,

June 15, 2016

WHEREAS, it is now necessary to authorize the third amendment to Contract No. 582-15-50031 with the Texas Commission on Environmental Quality to accept additional state grant funds to conduct the Rockwall Ambient Air Monitoring Program for the period September 1, 2016 through August 31, 2017, in the amount of \$28,053.19, increasing the contract from \$56,106.38 to \$84,159.57.

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 the third amendment to Contract No. 582-15-50031, with the Texas Commission on Environmental Quality to additional accept state grant funds to conduct the Rockwall Ambient Air Monitoring Program for the period September 1, 2016 through August 31, 2017, in the amount of \$28,053.19, increasing the contract from \$56,106.38 to \$84,159.57, after it has been approved as to form by the City Attorney.

Section 2. That the Chief Financial Officer is hereby authorized to receive and deposit grant funds in Fund S301 , Dept. PBW, Unit 1953, Revenue Source 6516, in an amount not to exceed \$28,053.19.

Section 3. That the City Manager is hereby authorized to establish appropriations in an amount not to exceed \$28,053.19 in Fund S301, Dept. PBW, Unit 1953, Object Code 3099.

Section 4. That the Chief Financial Officer is hereby authorized to reimburse Fund 0001, Dept. PBW, Unit 4298, Object Code 5011, in an amount not to exceed \$28,053.19 from Fund S301, Dept. PBW, Unit 1953, Object Code 3099.

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.

KEY FOCUS AREA: Clean, Healthy Environment

AGENDA DATE: June 15, 2016

COUNCIL DISTRICT(S): All

DEPARTMENT: Public Works Department

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

MAPSCO: N/A

SUBJECT

Authorize the third amendment to Contract No. 582-15-50039 with the Texas Commission on Environmental Quality to accept additional grant funds in the amount of \$67,587 for air quality monitoring of the particulate matter 2.5 network for the period September 1, 2016 through August 31, 2017 - Not to exceed \$67,587, from \$135,173 to \$202,760 - Financing: Texas Commission on Environmental Quality Grant Funds

BACKGROUND

Since 1967, the City of Dallas has received various state and federal grants to support the Air Pollution Control Program. The Air Pollution Control Program, funded by the U.S. Environmental Protection Agency (EPA) through the Texas Commission on Environmental Quality (TCEQ), consists of: (1) monitoring ambient air quality; (2) enforcing the Texas Clean Air Act and the City's Clean Air Ordinances; and (3) reviewing permits for the construction and/or modification of facilities/sources which have the potential for emitting airborne contaminants.

The TCEQ has, for many years, looked to the City to support the monitoring of particulate matter 2.5 (PM 2.5) in the air because of evidence of serious health effects associated with exposure to fine particulates. This action will authorize execution of the third amendment to Contract No. 582-15-50039, which funds the continuance of the monitoring of PM 2.5 in FY 2017 under the same terms as provided in FY 2016.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Authorized Contract No. 582-11-86432 to accept grant funds to operate air samplers for particulate matter 2.5 on June 23, 2010, by Resolution No. 10-1602.

Authorized the first amendment to Contract No. 582-11-86432 to accept additional grant funds to operate air samplers for particulate matter 2.5 on June 8, 2011, by Resolution No. 11-1525.

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

Authorized the second amendment to Contract No. 582-11-86432 to accept additional grant funds to operate air samplers for particulate matter 2.5 on June 13, 2012, by Resolution No. 12-1541.

Authorized the third amendment to Contract No. 582-11-86432 to accept additional grant funds to operate air samplers for particulate matter 2.5 on June 26, 2013, by Resolution No. 13-1078.

Authorized Contract No. 582-15-50039 to accept grant funds to operate air samplers for particulate matter 2.5 on June 25, 2014, by Resolution No. 14-1022.

Authorized the first amendment to Contract No. 582-15-50039 to accept additional grant funds to operate air samplers for particulate matter 2.5 on August 26, 2015, by Resolution No. 15-1565.

Information about this item will be provided to the Quality of Life and Environment Committee on June 13, 2016.

FISCAL INFORMATION

Texas Commission on Environmental Quality Grant Funds - \$67,586.52

June 15, 2016

WHEREAS, on June 23, 2010, Resolution No. 10-1602 authorized Contract No. 582-11-86432 to accept grant funds from the Texas Commission on Environmental Quality (TCEQ) to operate air samplers for particulate matter 2.5 and other pollutants for the period September 1, 2010 through August 31, 2011, in the amount of \$67,586.52; and,

WHEREAS, the TCEQ amended Contract No. 582-11-86432 each subsequent year to continue the specified monitoring services through FY '13; and,

WHEREAS, on June 25, 2014, Resolution No. 14-1022 authorized Contract No. 582-15-50039 with the TCEQ to accept grant funds to operate air samplers for particulate matter 2.5 network for the period September 1, 2014 through August 31, 2015, in the amount of \$67,586.52; and,

WHEREAS, on August 26, 2015, Resolution No. 15-1565 authorized the first amendment to Contract No. 582-15-50039 with the TCEQ to accept grant funds to operate air samplers for particulate matter 2.5 network for the period September 1, 2015 through August 31, 2016, in the amount of \$67,586.52, from \$67,586.52 to \$135,173.04; and,

WHEREAS, on August 27, 2015, Contract No. 582-15-50039 was amended by TCEQ, representing the second amendment, to extend the expiration date of the FY 2015 contract by 90 days; and,

WHEREAS, there is a continuing need for an air pollution control program for particulate matter 2.5; and,

WHEREAS, it is now necessary to authorize the third amendment to Contract No. 582-15-50039 with the Texas Commission on Environmental Quality to accept additional grant funds in the amount of \$67,586.52 to operate air samplers for particulate matter 2.5 network for the period September 1, 2016 through August 31, 2017; in the amount of \$67,586.52, from \$135,173.04 to \$202,759.56.

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 the third amendment to Contract No. 582-15-50039, CFDA No. 66.034, with the Texas Commission on Environmental Quality to accept additional grant funds to continue operating air samplers for particulate matter 2.5 network activities for the period September 1, 2016 through August 31, 2017, in the amount of \$67,586.52, increasing the contract from \$135,173.04 to \$202,759.56, after it has been approved as to form by the City Attorney.

June 15, 2016

Section 2. That the Chief Financial Officer is hereby authorized to receive and deposit grant funds in Fund F490, Dept. PBW, Unit 1951, Revenue Source 6506, in an amount not to exceed \$67,586.52.

Section 3. That the City Manager is hereby authorized to establish appropriations in the amount of \$67,586.52 in Fund F490, Dept. PBW, Unit 1951, Object Code 3099.

Section 4. That the Chief Financial Officer is hereby authorized to reimburse Fund 0001, Dept. PBW, Unit 4241, Object Code 5011, in an amount not to exceed \$67,586.52 from Fund F490, Dept. PBW, Unit 1951, Object Code 3099.

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.

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: June 15, 2016

COUNCIL DISTRICT(S): 3, 4, 10, 11

DEPARTMENT: Street Services

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

MAPSCO: 16T 63H 64H

SUBJECT

Authorize **(1)** an Interlocal Agreement with the Texas Department of Transportation (TxDOT) to provide cost reimbursement for material and labor costs incurred by the City for traffic signal improvements at three on-system locations on Interstate Highway 35 East Frontage Road and Loop 12, Interstate Highway 635 Frontage Road and U.S. Highway 75, and Loop 12 and Hampton Road; **(2)** the receipt and deposit of funds from TxDOT in the amount of \$126,676; and **(3)** the establishment of appropriations in the amount of \$126,676 in the Texas Department of Transportation Grant Fund - Not to exceed \$126,676 - Financing: Texas Department of Transportation Grant Funds

BACKGROUND

The City of Dallas was awarded grant funding totaling \$6.17 million from the 2014 Highway Safety Improvement Program (HSIP) administered by TxDOT to upgrade several high accident intersections in the City of Dallas.

TxDOT will begin construction at three of the following intersections: Interstate Highway 35 East Frontage Road and Loop 12, Interstate Highway 635 Frontage Road and U.S. Highway 75, and Loop 12 and Hampton Road. The improvements at the three on-system intersections will include upgrades to pedestrian features, signage, pavement markings and reconstruction of traffic signals.

To remain consistent with other equipment in the city-wide system, the City of Dallas will provide labor and material for installation of traffic signal controllers, controller cabinets, traffic signs and other traffic control equipment for the project. TxDOT has agreed to reimburse the City for 100% of the above cost which includes labor and material.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Information about this item will be provided to the Transportation and Trinity River Project Committee on June 13, 2016.

ESTIMATED SCHEDULE OF PROJECT

Began Design	October 2015
Complete Construction	October 2018

FISCAL INFORMATION

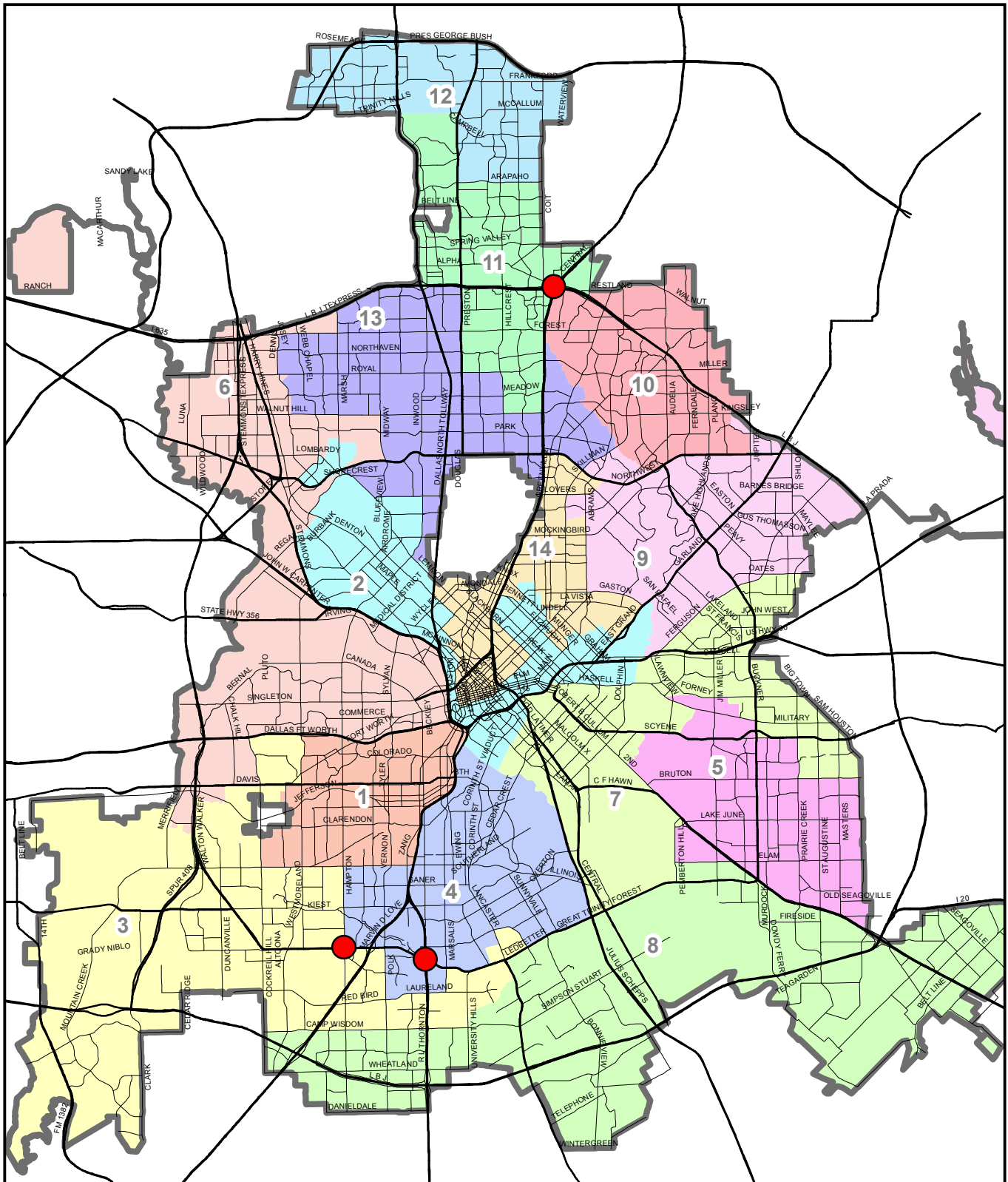
Texas Department of Transportation Grant Funds - \$126,675.68

<u>Council District</u>	<u>Amount</u>
3	\$ 22,546.68
4	\$ 22,546.68
10	\$ 20,395.58
11	<u>\$ 61,186.74</u>
Total	\$126,675.68

MAP

Attached

HSIP 2014 Submittal **Three On-System Intersection Traffic Signals**



Council Districts 3, 4, 10, 11
Mapsco Pages 16T, 63H, 64H

June 15, 2016

WHEREAS, the Texas Department of Transportation (TxDOT) will provide reimbursement to the City of Dallas for material and labor costs incurred for improvements at three intersections, including upgrades to the traffic signals, specifically at Interstate Highway 35 East Frontage Road and Loop 12, Interstate Highway 635 Frontage Road and U.S. Highway 75, and Loop 12 and Hampton Road; and,

WHEREAS, TxDOT will reimburse 100% of labor and material costs in an amount not to exceed \$126,675.68; and,

WHEREAS, the City of Dallas desires to enter into an agreement with TxDOT to receive cost reimbursement for material and labor costs incurred for traffic signal improvements at Interstate Highway 35 East Frontage Road and Loop 12, Interstate Highway 635 Frontage Road and U.S. Highway 75, and Loop 12 and Hampton Road.

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 an Interlocal Agreement with the Texas Department of Transportation through a grant from the U. S. Department of Transportation Federal Highway Administration (CFDA 20.205) Agreement numbers CSJ #0442-02-158 (Interstate Highway 35 East Frontage Road and Loop 12), CSJ# 2374-01-178 (Interstate Highway 635 Frontage Road and U.S. Highway 75) and CSJ# 0581-02-144 (Loop 12 and Hampton Road), after it has been approved as to form by the City Attorney. The agreement remains effective as long as the project is incomplete or unless otherwise terminated or modified.

Section 2. That the Chief Financial Officer is hereby authorized to receive and deposit all reimbursements from TxDOT pertaining to this project in an amount not to exceed \$126,675.68 in Fund F8FS, Dept. STS, Unit 88FS, Revenue Source 6506.

Section 3. That the City Manager is hereby authorized to establish appropriations in an amount not to exceed \$126,675.68 in Fund F8FS, Dept. STS, Unit 88FS, Act. THRG, Obj. 4820, Major Program STSMJR, Program TPF8 FS16.

Section 4. That the Chief Financial Officer is hereby authorized to disburse funds from Fund F8FS, Dept. STS, Unit 88FS, Act. THRG, Obj. 4820, Major Program STSMJR, Program TPF8FS16, in an amount not to exceed \$126,675.68.

June 15, 2016

Section 5. That the City Manager is hereby authorized to reimburse the granting agency any expenditures identified as ineligible and notify the appropriate City Council Committee of expenditures identified as ineligible not later than 30 days after the reimbursement.

Section 6. That the City Manager shall keep the appropriate City Council Committee informed of all final granting agency monitoring reports not later than 30 days after the receipt of the report.

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

AGENDA ITEM # 25

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: June 15, 2016

COUNCIL DISTRICT(S): 12

DEPARTMENT: Sustainable Development and Construction
Water Utilities

CMO: Ryan S. Evans, 671-9837
Mark McDaniel, 670-3256

MAPSCO: 5M

SUBJECT

Authorize acquisition from Debra J. West, of approximately 2,032 square feet of land located near the intersection of McCallum Boulevard and Oakington Court for the McKamy and Osage Branch Wastewater Interceptor Project - Not to exceed \$16,714 (\$13,714, plus closing costs and title expenses not to exceed \$3,000) - Financing: Water Utilities Capital Construction Funds

BACKGROUND

This item authorizes the acquisition of a total of approximately 2,032 square feet of land located near the intersection of McCallum Boulevard and Oakington Court for the McKamy and Osage Branch Wastewater Interceptor Project. This property will be used for improvements and relocation of the McKamy & Osage Branch wastewater line. The consideration is based on an independent appraisal.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Information about this item will be provided to the Economic Development Committee on June 6, 2016.

FISCAL INFORMATION

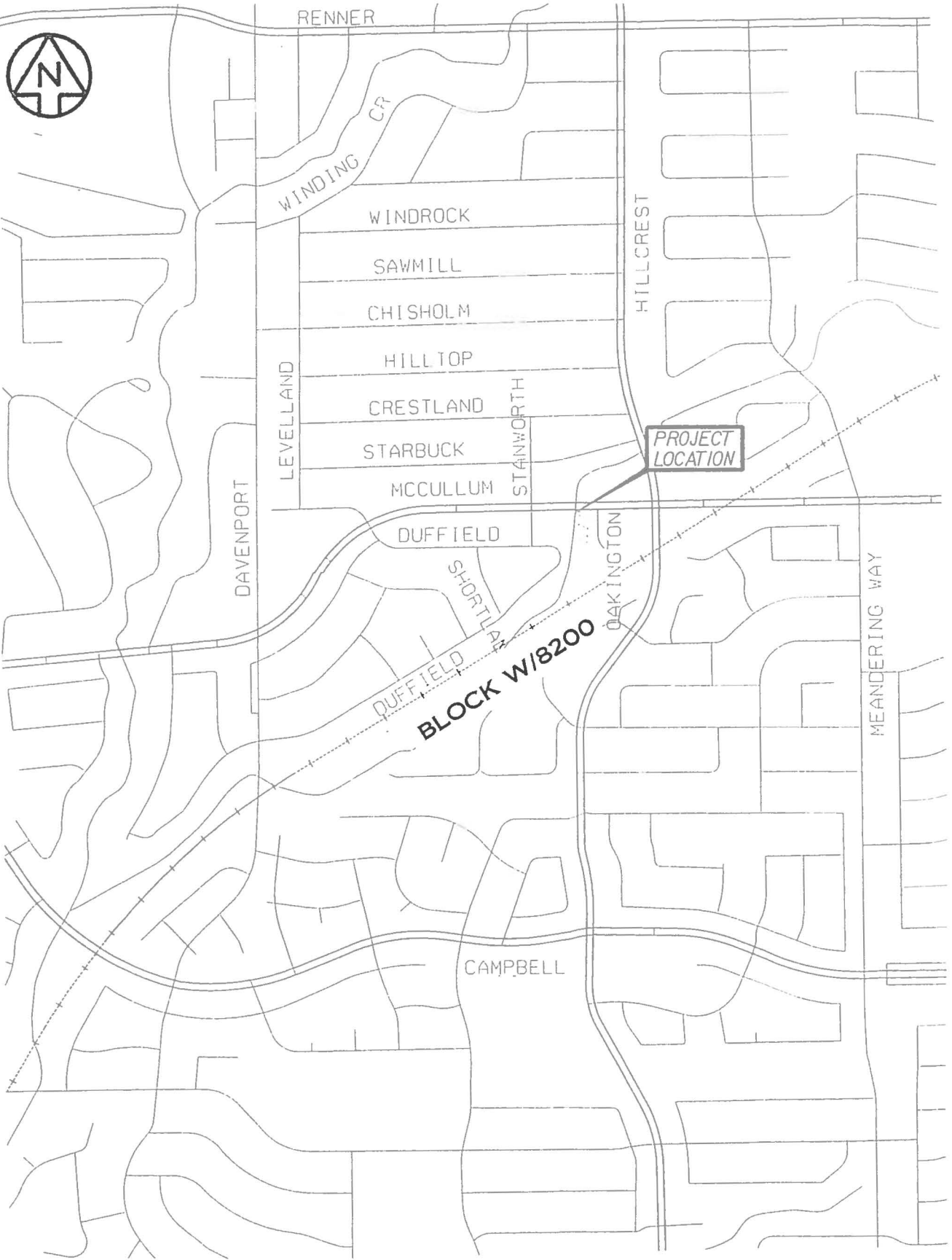
Water Utilities Capital Construction Funds - \$16,714 (\$13,714, plus closing costs and title expenses not to exceed \$3,000)

OWNER

Debra J. West

MAP

Attached



SUBJECT: 

June 15, 2016

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 2,032 square feet of land located in Collin 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": McKamy and Osage Branch Wastewater Interceptor Project

"USE": The installation, use, and maintenance of a pipeline or lines for the transmission of wastewater 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": Easement subject to the exceptions, reservations, covenants, conditions and/or interests, if any, provided in the instrument more particularly described in Exhibit "B" attached hereto and made a part hereof for all purposes.

"OWNER": Debra J. West, 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": \$13,714

"CLOSING COSTS AND TITLE EXPENSES": Not to exceed \$3,000

"AUTHORIZED AMOUNT": Not to exceed \$16,714

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.

June 15, 2016

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 conveyance 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 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 Utilities Capital Construction Funds, Fund No 0103, Department DWU, Unit CS40, Activity MPSA, Program No. 706028, Object 4250, Encumbrance No. CT-DWU706028EA2. 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 D. Bowers
Interim City Attorney

BY


Assistant City Attorney

**2,032 SQUARE FOOT (0.047 ACRE)
DALLAS CITY BLOCK W/8200
WASTEWATER EASEMENT
DEBRA J. WEST**

EXHIBIT A

BEING a 2,032 square foot (0.047 Acre) parcel of land situated in the JOHN W. OVERTON SURVEY, ABSTRACT NO. 1115, in Official City Block Number W/8200, in the City of Dallas, Collin County, Texas, said parcel being part of Lot 11 of Block W/8200 of Fourth Section, Preston Green North, an addition to the City of Renner according to the plat thereof recorded in Cabinet 12, Page 63 of the Map Records Collin County Texas (M.R.C.C.T.) and annexed into the City of Dallas by Ordinance No. 15463 and modified by Certificates of Correction of Error recorded in Volume 1180, Page 377 of the Deed Records Collin County Texas (D.R.C.C.T.), Volume 1585, Page 912 of the D.R.C.C.T. and Volume 79049, Page 964 of the Deed Records Dallas County Texas (D.R.D.C.T.) said Certificates of Correction of Error modifying recording Information from Cabinet 12, Page 63 to Cabinet A, Page 397 and also modifying Block D/8200 to Block W/8200, said Fourth Section, Preston Green North also recorded in Volume 76198, Page 1012, D.R.D.C.T., said Lot 11 being described in a deed to Debra J. West recorded in Instrument Number 20071218001674550, D.R.C.C.T. and being more particularly described as follows:

COMMENCING at a one-half inch steel rod found (controlling monument-Texas State Plane Grid Coordinates - N=7,046,302.10, E=2,494,359.38) at the intersection of the southerly right-of-way line of Oakington Court (50-foot radius cul-d-sac right-of-way) with the southwest line of a 15-foot wide alley for the northeast corner of Lot 16, Block W/8200 of said Fourth Section, Preston Green North, said steel rod being the beginning of a non-tangent curve to the right;

THENCE Westerly, along the west right-of-way of said Oakington Court and along the non-tangent curve to the right passing a five-eighths inch steel rod found (controlling monument-Texas State Plane Grid Coordinates - N = 7,046,303.13, E=2,494,311.54) for the northwest corner of said Lot 16 and northeast corner of Lot 15, Block W/8200 of said Fourth Section, Preston Green North, chord bears North 88 degrees 45 minutes 55 seconds West for 47.85 feet, a radius of 50.00 feet and a central angle of 57 degrees 10 minutes 21 seconds, for an arc distance of 49.89 feet, with an overall chord that bears North 74 degrees 05 minutes 33 seconds West for 68.53 feet, a radius of 50.00 feet an overall central angle of 86 degrees 31 minutes 03 seconds and an overall arc distance of 75.50 feet to the end of said curve;

THENCE North 30 degrees 50 minutes 02 seconds West, continuing along the west right-of-way of said Oakington Court, a distance of 35.00 feet to the north corner of said Lot 15 and the east corner of Lot 14, Block W/8200 of said Fourth Section, Preston Green North, said point being the beginning of a tangent curve to the right;

FIELD NOTES APPROVED:

9/17/14
DE



2,032 SQUARE FOOT (0.047 ACRE)
DALLAS CITY BLOCK W/8200
WASTEWATER EASEMENT
DEBRA J. WEST

EXHIBIT A

THENCE Northerly, continuing along the west right-of-way of said Oakington Court and along the tangent curve to the right, passing a three-eighths inch steel rod found (controlling monument-Texas State Plane Grid Coordinates – N=7,046,410.53, E=2,494,247.39) for the southeast corner of said Lot 13 and northeast corner of said Lot 14, chord bears North 25 degrees 17 minutes 19 seconds West for 65.92 feet, a radius of 341.07 feet and a central angle of 11 degrees 05 minutes 26 seconds, for an arc distance of 66.02 feet, with an overall chord that bears North 15 degrees 44 minutes 52 seconds West for 177.54 feet, a radius of 341.07 feet an overall central angle of 30 degrees 10 minutes 20 seconds and an overall arc distance of 179.61 feet to the end of said curve;

THENCE North 00 degrees 39 minutes 30 seconds West, continuing along the west right-of-way of said Oakington Court, a distance of 19.60 feet to the southeast corner of said Lot 11 and northeast corner of Lot 12, Block W/8200 of said Fourth Section, Preston Green North;

THENCE South 89 degrees 20 minutes 30 seconds West, along the common line between said Lot 11 and said Lot 12, a distance of 122.36 feet to a one-half inch steel rod with a cap marked "AZ&B" set for the **POINT OF BEGINNING**;

THENCE South 89 degrees 20 minutes 30 seconds West, continuing along the common line between said Lot 11 and said Lot 12, a distance of 25.40 feet to a point for corner (unable to set);

THENCE North 10 degrees 51 minutes 23 seconds West, departing said common line and across said Lot 11, a distance of 81.28 feet to a point for corner (unable to set) in the common line between said Lot 11 and McCallum Boulevard (a variable width right-of-way);

THENCE North 89 degrees 20 minutes 30 seconds East, along the common line between said Lot 11 and said McCallum Boulevard, a distance of 25.40 feet to a one-half inch steel rod with a cap marked "AZ&B" set for corner;

2,032 SQUARE FOOT (0.047 ACRE)
DALLAS CITY BLOCK W/8200
WASTEWATER EASEMENT
DEBRA J. WEST

EXHIBIT A

THENCE South 10 degrees 51 minutes 23 seconds East, departing said common line and across said Lot 11, a distance of 81.28 feet to the **POINT OF BEGINNING** and containing 2,032 square feet (0.047 acre) of land, more or less, of which 813 square feet are within an existing sanitary sewer easement.

Basis of bearings and source of coordinates is the Texas State Plane Coordinate System, North American Datum of 1983 (NAD83), North Central Zone No. 4202, as determined by GPS observations using the WDS-VRS network.

A survey plat of even date accompanies this property description.

I, the undersigned, a Registered Professional Land Surveyor in the State of Texas, do hereby certify that this description and the accompanying survey plat were prepared from an actual survey made on the ground in the month of November, 2013


Jeffrey Sheppard
Registered Professional Land Surveyor No. 3696



LEGEND

- (CM) CONTROLLING MONUMENT
- SRF STEEL ROD FOUND
- P.O.B. POINT OF BEGINNING
- P.O.C. POINT OF COMMENCING



- MONUMENT FOUND (SIZE/TYPE AS NOTED)
- 1/2" STEEL REBAR SET W/ AZB PLASTIC CAP (OR AS NOTED)
- LIMITS OF PROPERTY TO BE ACQUIRED

NOTES

A PROPERTY DESCRIPTION OF EVEN DATE ACCOMPANIES THIS PLAT.

BASIS OF BEARINGS AND SOURCE OF COORDINATES IS THE TEXAS STATE PLANE COORDINATE SYSTEM, NORTH AMERICAN DATUM 1983 (NAD83), NORTH CENTRAL ZONE, AS DETERMINED BY GPS OBSERVATIONS USING THE WGS-VRS NETWORK.

EXHIBIT A

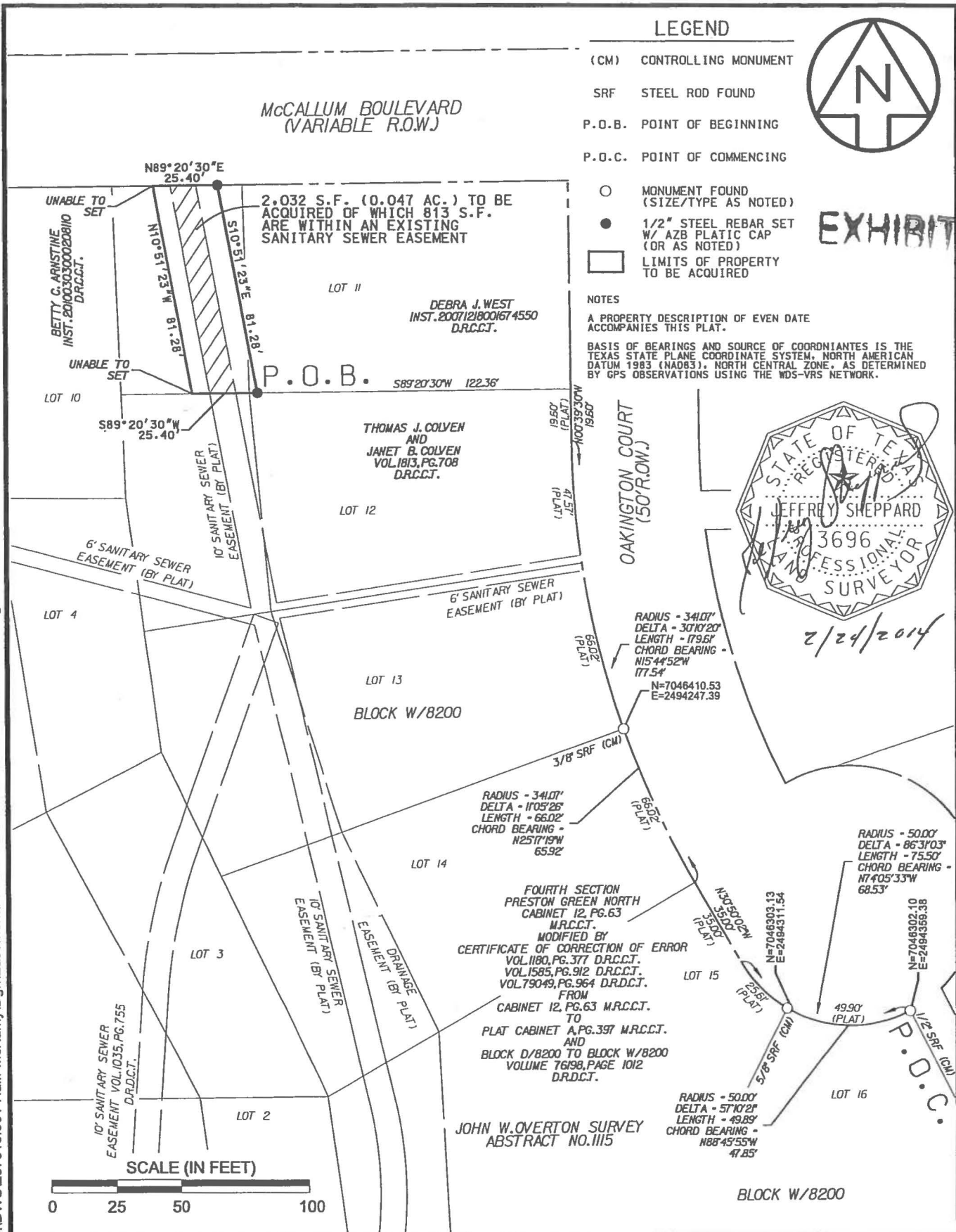


2/12/2014

11:31:12 AM

2/24/2014

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SCALE (IN FEET)

0 25 50 100

COMPUTED JDS CKD JHS
DRAWN JDS CKD JHS
SUPERVISOR E.D. UTZMAN
DATE 2-24-14
SCALE 1"=50'

REVISION HISTORY

AZ&B
ARREDONDO, ZEPEDA
& BRUNZ, INC.
11355 MCCREE ROAD
DALLAS, TX 75238
PH: 214-341-8900
FAX: 214-341-8925
email: office@azb-engr.com

2,032 SQUARE FOOT (0.047 ACRE)
DALLAS CITY BLOCK W/8200
WASTEWATER EASEMENT
DEBRA J. WEST

SHEET 4 OF 4 DWG No.

REV

EXHIBIT B

WASTEWATER EASEMENT

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

That Debra J. West, an unmarried individual (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 SEVEN HUNDRED FOURTEEN AND NO/100 DOLLARS (\$13,714.00) 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, an easement for the purpose of laying, constructing, maintaining, repairing and replacing a City wastewater main or mains and appurtenances and such additional main or mains and appurtenances as are needed in the future in, under, through, across and along all that certain lot, tract or parcel of land described in Exhibit A, attached hereto and made a part hereof by reference for all purposes.

The City is acquiring this property for the purpose of laying, constructing, maintaining, repairing and replacing a City wastewater main or mains and appurtenances, and such additional main or mains and appurtenances as are needed in the future, according to such plans and specifications as will, in City's opinion, best serve the public purpose. The payment of the purchase price shall be considered full and adequate compensation for the easement rights herein granted.

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 shall be conclusively presumed that the person signing on behalf of such a party has been duly and legally authorized to so sign and there shall be no necessity for a seal or attestation.

The City shall have all other rights and benefits necessary or convenient for the full enjoyment or use of the rights herein granted, including, but without limiting the same to, the right of ingress and egress over and across said property to and from said easement for the purpose of constructing, reconstructing, maintaining, inspecting or repairing said main or mains and appurtenances.

The City shall have the right to remove and keep removed from the permanent easement herein granted any and all structures, fences, trees, shrubs, growths or other obstructions which may endanger or interfere with the construction, reconstruction, maintenance, repair or operation of the said main or mains. (Grantor, its successors or assigns, shall not place or store any material upon, or cover, bury, pave over or otherwise obstruct any cleanout, valve, meter or manhole located within the herein described permanent easement.)

Grantor, its successors or assigns, shall not be permitted to plant trees or shrubs of any kind within the boundaries of the herein described permanent easement.

EXHIBIT B

All expenses in the construction and maintenance of said main or mains and appurtenances shall be borne by the City. In the construction of said main or mains and appurtenances, should the City find it necessary to remove any improvements now on the above-described property, all of those expenses shall also be borne by the City. Upon completion of construction, all surplus excavation, debris, trash or litter resulting from construction shall be cleaned up and hauled off the premises, and the easement property, including any fences disturbed, shall be restored to its original contour and condition.

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

SPECIAL PROVISIONS: None.

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

EXECUTED this _____ day of _____, _____.

GRANTOR:

Debra J. West

* * * * *

STATE OF TEXAS '
COUNTY OF DALLAS '

This instrument was acknowledged before me on _____
by Debra J. West.

Notary Public, State of TEXAS

* * * * *

EXHIBIT B

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: Mark A. Proctor

Wastewater Easement Log No. 40654

2,032 SQUARE FOOT (0.047 ACRE)
DALLAS CITY BLOCK W/8200
WASTEWATER EASEMENT
DEBRA J. WEST

EXHIBIT A

BEING a 2,032 square foot (0.047 Acre) parcel of land situated in the JOHN W. OVERTON SURVEY, ABSTRACT NO. 1115, in Official City Block Number W/8200, in the City of Dallas, Collin County, Texas, said parcel being part of Lot 11 of Block W/8200 of Fourth Section, Preston Green North, an addition to the City of Renner according to the plat thereof recorded in Cabinet 12, Page 63 of the Map Records Collin County Texas (M.R.C.C.T.) and annexed into the City of Dallas by Ordinance No. 15463 and modified by Certificates of Correction of Error recorded in Volume 1180, Page 377 of the Deed Records Collin County Texas (D.R.C.C.T.), Volume 1585, Page 912 of the D.R.C.C.T. and Volume 79049, Page 964 of the Deed Records Dallas County Texas (D.R.D.C.T.) said Certificates of Correction of Error modifying recording Information from Cabinet 12, Page 63 to Cabinet A, Page 397 and also modifying Block D/8200 to Block W/8200, said Fourth Section, Preston Green North also recorded in Volume 76198, Page 1012, D.R.D.C.T., said Lot 11 being described in a deed to Debra J. West recorded in Instrument Number 20071218001674550, D.R.C.C.T. and being more particularly described as follows:

COMMENCING at a one-half inch steel rod found (controlling monument-Texas State Plane Grid Coordinates - N=7,046,302.10, E=2,494,359.38) at the intersection of the southerly right-of-way line of Oakington Court (50-foot radius cul-d-sac right-of-way) with the southwest line of a 15-foot wide alley for the northeast corner of Lot 16, Block W/8200 of said Fourth Section, Preston Green North, said steel rod being the beginning of a non-tangent curve to the right;

THENCE Westerly, along the west right-of-way of said Oakington Court and along the non-tangent curve to the right passing a five-eighths inch steel rod found (controlling monument-Texas State Plane Grid Coordinates - N = 7,046,303.13, E=2,494,311.54) for the northwest corner of said Lot 16 and northeast corner of Lot 15, Block W/8200 of said Fourth Section, Preston Green North, chord bears North 88 degrees 45 minutes 55 seconds West for 47.85 feet, a radius of 50.00 feet and a central angle of 57 degrees 10 minutes 21 seconds, for an arc distance of 49.89 feet, with an overall chord that bears North 74 degrees 05 minutes 33 seconds West for 68.53 feet, a radius of 50.00 feet an overall central angle of 86 degrees 31 minutes 03 seconds and an overall arc distance of 75.50 feet to the end of said curve;

THENCE North 30 degrees 50 minutes 02 seconds West, continuing along the west right-of-way of said Oakington Court, a distance of 35.00 feet to the north corner of said Lot 15 and the east corner of Lot 14, Block W/8200 of said Fourth Section, Preston Green North, said point being the beginning of a tangent curve to the right;

FIELD NOTES APPROVED:

6/17/14
DE



2,032 SQUARE FOOT (0.047 ACRE)
DALLAS CITY BLOCK W/8200
WASTEWATER EASEMENT
DEBRA J. WEST

EXHIBIT A

THENCE Northerly, continuing along the west right-of-way of said Oakington Court and along the tangent curve to the right, passing a three-eighths inch steel rod found (controlling monument-Texas State Plane Grid Coordinates – N=7,046,410.53, E=2,494,247.39) for the southeast corner of said Lot 13 and northeast corner of said Lot 14, chord bears North 25 degrees 17 minutes 19 seconds West for 65.92 feet, a radius of 341.07 feet and a central angle of 11 degrees 05 minutes 26 seconds, for an arc distance of 66.02 feet, with an overall chord that bears North 15 degrees 44 minutes 52 seconds West for 177.54 feet, a radius of 341.07 feet an overall central angle of 30 degrees 10 minutes 20 seconds and an overall arc distance of 179.61 feet to the end of said curve;

THENCE North 00 degrees 39 minutes 30 seconds West, continuing along the west right-of-way of said Oakington Court, a distance of 19.60 feet to the southeast corner of said Lot 11 and northeast corner of Lot 12, Block W/8200 of said Fourth Section, Preston Green North;

THENCE South 89 degrees 20 minutes 30 seconds West, along the common line between said Lot 11 and said Lot 12, a distance of 122.36 feet to a one-half inch steel rod with a cap marked "AZ&B" set for the **POINT OF BEGINNING**;

THENCE South 89 degrees 20 minutes 30 seconds West, continuing along the common line between said Lot 11 and said Lot 12, a distance of 25.40 feet to a point for corner (unable to set);

THENCE North 10 degrees 51 minutes 23 seconds West, departing said common line and across said Lot 11, a distance of 81.28 feet to a point for corner (unable to set) in the common line between said Lot 11 and McCallum Boulevard (a variable width right-of-way);

THENCE North 89 degrees 20 minutes 30 seconds East, along the common line between said Lot 11 and said McCallum Boulevard, a distance of 25.40 feet to a one-half inch steel rod with a cap marked "AZ&B" set for corner;

2,032 SQUARE FOOT (0.047 ACRE)
DALLAS CITY BLOCK W/8200
WASTEWATER EASEMENT
DEBRA J. WEST

EXHIBIT A

THENCE South 10 degrees 51 minutes 23 seconds East, departing said common line and across said Lot 11, a distance of 81.28 feet to the **POINT OF BEGINNING** and containing 2,032 square feet (0.047 acre) of land, more or less, of which 813 square feet are within an existing sanitary sewer easement.

Basis of bearings and source of coordinates is the Texas State Plane Coordinate System, North American Datum of 1983 (NAD83), North Central Zone No. 4202, as determined by GPS observations using the WDS-VRS network.

A survey plat of even date accompanies this property description.

I, the undersigned, a Registered Professional Land Surveyor in the State of Texas, do hereby certify that this description and the accompanying survey plat were prepared from an actual survey made on the ground in the month of November, 2013


Jeffrey Sheppard
Registered Professional Land Surveyor No. 3696



LEGEND

- (CM) CONTROLLING MONUMENT
- SRF STEEL ROD FOUND
- P.O.B. POINT OF BEGINNING
- P.O.C. POINT OF COMMENCING
- MONUMENT FOUND (SIZE/TYPE AS NOTED)
- 1/2" STEEL REBAR SET W/ AZB PLATIC CAP (OR AS NOTED)
- LIMITS OF PROPERTY TO BE ACQUIRED



EXHIBIT A

NOTES

A PROPERTY DESCRIPTION OF EVEN DATE ACCOMPANIES THIS PLAT.

BASIS OF BEARINGS AND SOURCE OF COORDINATES IS THE TEXAS STATE PLANE COORDINATE SYSTEM, NORTH AMERICAN DATUM 1983 (NAD83), NORTH CENTRAL ZONE, AS DETERMINED BY GPS OBSERVATIONS USING THE WDS-VRS NETWORK.

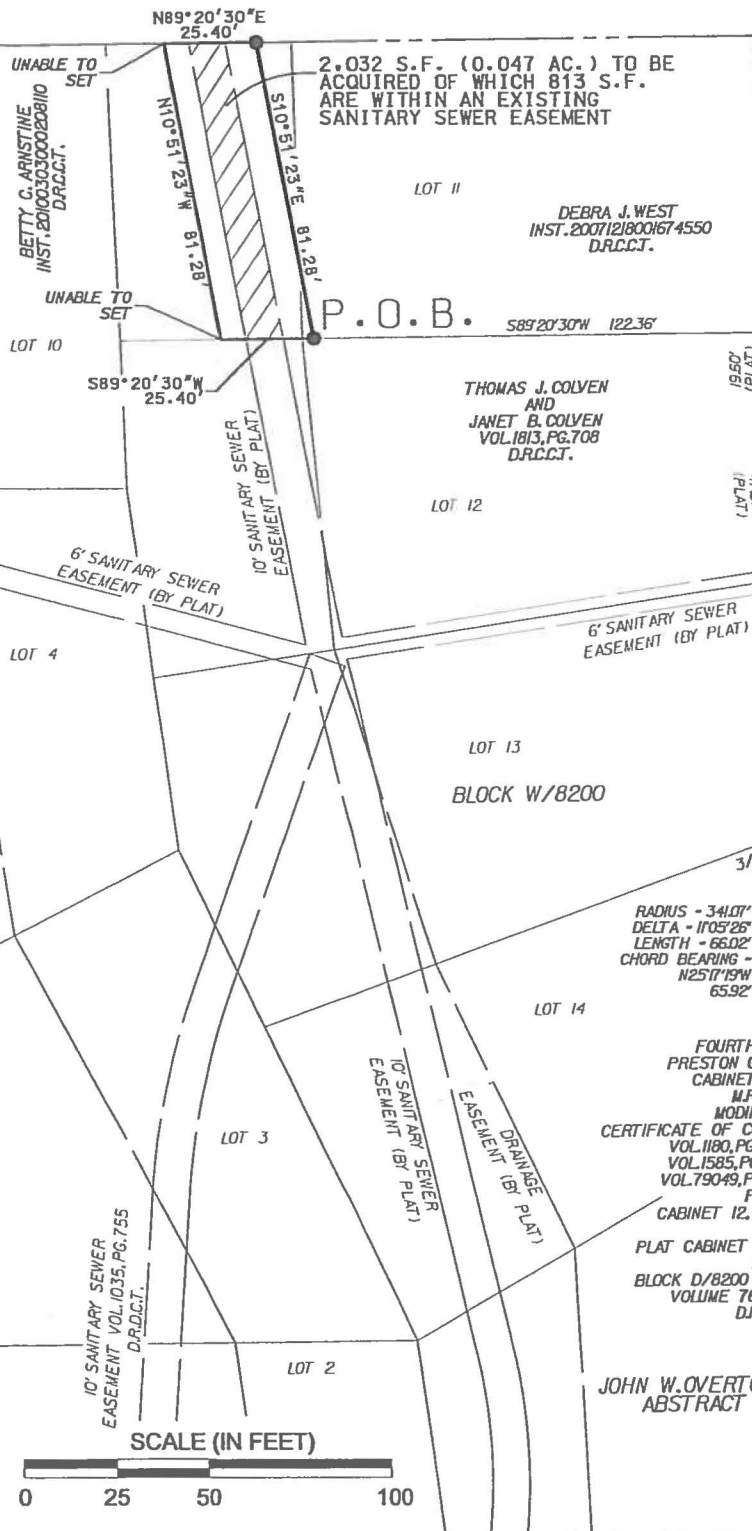


11:31:12 AM

2/24/2014

S:\DWU\207010.001-Half-McKamy\Drawn\Easement\Green North\ESMT-660.dgn

McCALLUM BOULEVARD
(VARIABLE R.O.W.)



SCALE (IN FEET)

0 25 50 100

REVISION HISTORY

COMPUTED	JDS, CKD	JHS
DRAWN	JDS, CKD	JHS
SUPERVISOR	F.D. UTZMAN	
DATE	2-24-14	
SCALE	1"=50'	

AZ&B

ARREDONDO, ZEPEDA
& BRUNZ, INC.
11355 MCCOY ROAD
DALLAS, TX 75238
PH: 214-341-8200
FAX: 214-341-8225
email: office@azb-engr.com

2,032 SQUARE FOOT (0.047 ACRE)
DALLAS CITY BLOCK W/8200
WASTEWATER EASEMENT
DEBRA J. WEST

SHEET 4 OF 4 DWG No.

REV

AGENDA ITEM # 26

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: June 15, 2016

COUNCIL DISTRICT(S): 11

DEPARTMENT: Sustainable Development and Construction
Water Utilities

CMO: Ryan S. Evans, 671-9837
Mark McDaniel, 670-3256

MAPSCO: 5X

SUBJECT

Authorize acquisition from Laguna Apartments, LLC, of approximately 11,780 square feet of land located near the intersection of Arapaho and Preston Roads for the McKamy and Osage Branch Wastewater Interceptor Project - Not to exceed \$109,000 (\$106,020, plus closing costs and title expenses not to exceed \$2,980) - Financing: Water Utilities Capital Construction Funds

BACKGROUND

This item authorizes the acquisition of a total of approximately 11,780 square feet of land located near the intersection of Arapaho and Preston Roads for the McKamy and Osage Branch Wastewater Interceptor Project. This property will be used for improvements and relocation of the McKamy & Osage Branch wastewater line. The consideration is based on an independent appraisal.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Information about this item will be provided to the Economic Development Committee on June 6, 2016.

FISCAL INFORMATION

Water Utilities Capital Construction Funds - \$109,000 (\$106,020, plus closing costs and title expenses not to exceed \$2,980)

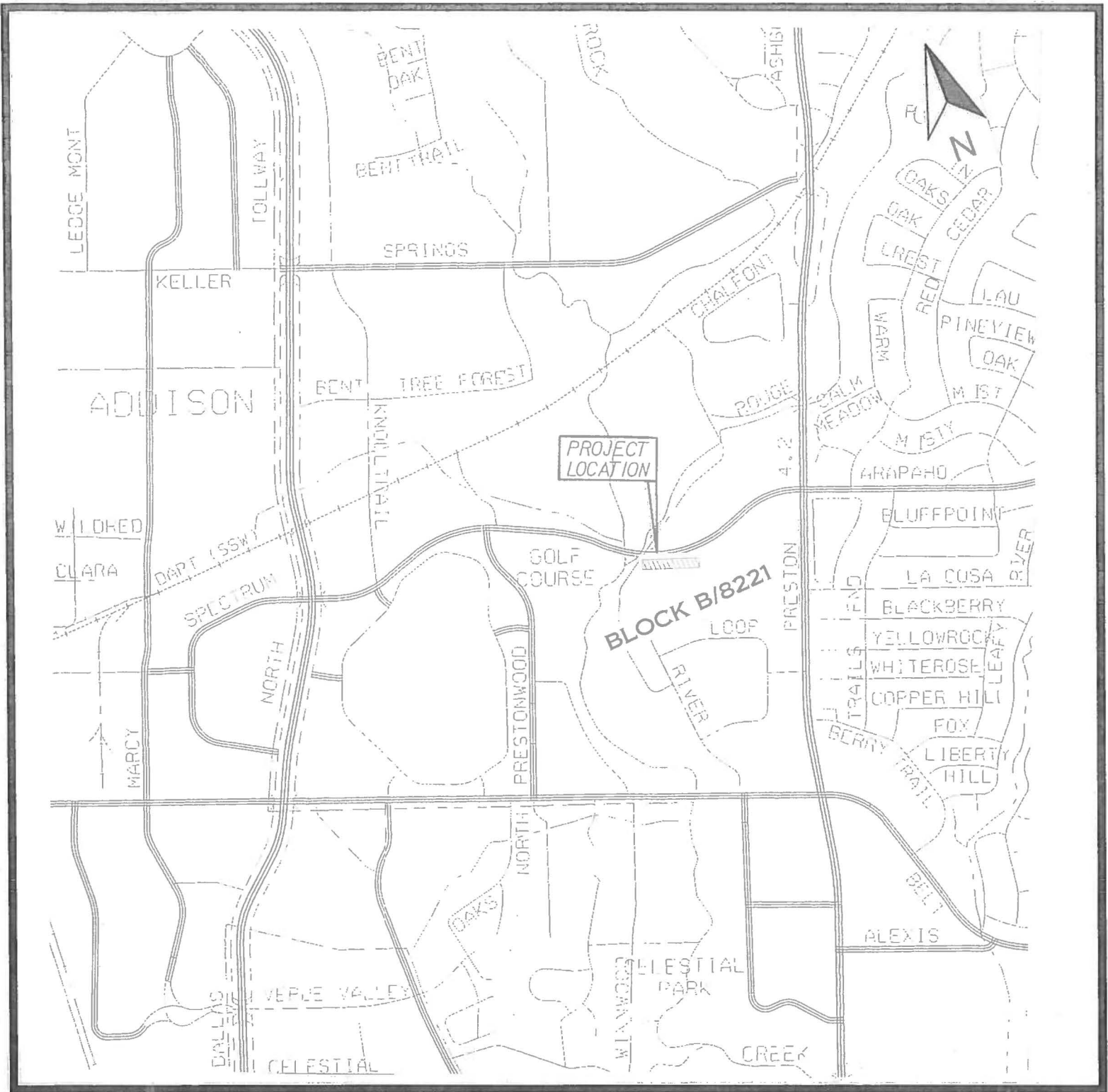
OWNER

Laguna Apartments, LLC

Steve Evans, President

MAP

Attached



SUBJECT: 

June 15, 2016

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 11,780 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": McKamy and Osage Branch Wastewater Interceptor Project

"USE": The installation, use, and maintenance of a pipeline or lines for the transmission of wastewater 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": Easement subject to the exceptions, reservations, covenants, conditions and/or interests, if any, provided in the instrument more particularly described in Exhibit "B" attached hereto and made a part hereof for all purposes.

"OWNER": Laguna Apartments, LLC, 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": \$106,020

"CLOSING COSTS AND TITLE EXPENSES": Not to exceed \$2,980

"AUTHORIZED AMOUNT": Not to exceed \$109,000

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.

June 15, 2016

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 conveyance 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 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 Utilities Capital Construction Funds, Fund No 0103, Department DWU, Unit CS40, Activity MPSA, Program No. 706028, Object 4250, Encumbrance No. CT-DWU706028EA5. 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 D. BOWERS, Interim City Attorney

BY Boris N. Spivey II
Assistant City Attorney

11,780 SQUARE FOOT (0.271 ACRE)
DALLAS CITY BLOCK B/8221
WASTEWATER EASEMENT
LAGUNA APARTMENTS, L.P.

BEING a 11,780 square foot of land (0.270 acre) parcel of land situated in the ROBERT WILBURN SURVEY, ABSTRACT NO. 1580 in Official City Block No. 8221 in the City of Dallas, Dallas County, Texas, said parcel being a part of Lot 1, Block B/8221, The Courts of Prestonwood, an addition to the City of Dallas according to the plat thereof recorded in Volume 91115, Page 4959 of the Deed Records of Dallas County, Texas, which was conveyed to Laguna Apartments, L.P. as evidenced by deed recorded in Instrument No. 20080037952 of the Official Public Records of Dallas County, Texas, and being more particularly described as follows:

BEGINNING at a 1/2-inch steel rebar found (controlling monument) for corner in the south right-of-way line of Arapaho Road (variable width right-of-way) at the most northerly northwest corner of said Lot 1, said point also being the most northerly northeast corner of a called 41.8573 acre tract of land described as Tract 1 in a deed to Providence Texas Capital Corporation, Inc. recorded in Volume 97076, Page 4407 of said Deed Records;

THENCE along the southerly right-of-way of said Arapaho Road the following courses and distances:

North 88 degrees 35 minutes 38 seconds East, a distance of 76.78 feet to a 1/2-inch steel rebar found (controlling monument) for corner;

North 03 degrees 35 minutes 08 seconds West, a distance of 3.73 feet to 1/2-inch steel rebar (controlling monument) found at the beginning of a non-tangent curve to the left;

Easterly, along said non-tangent curve to the left, which has a chord that bears North 86 degrees 37 minutes 22 seconds East for 43.33 feet, a central angle of 02 degrees 04 minutes 33 seconds and a radius of 1,195.92 feet, for arc distance of 43.33 feet, to a 1/2-inch steel rod with a cap marked "AZ&B" set for corner;

THENCE departing the southerly right-of-way of Arapaho Road and across said Lot 1 the following courses and distance:

South 20 degrees 49 minutes 33 seconds West, a distance of 26.40 feet to a 1/2-inch steel rod with a cap marked "AZ&B" set for corner;

South 50 degrees 10 minutes 20 seconds West, a distance of 16.82 feet to a 1/2-inch steel rod with a cap marked "AZ&B" set for corner;

South 67 degrees 16 minutes 35 seconds West, a distance of 50.99 feet to a 1/2-inch steel rod with a cap marked "AZ&B" set for corner;

FIELD NOTES APPROVED:

AKC 10/30/12



11,780 SQUARE FOOT (0.271 ACRE)
DALLAS CITY BLOCK B/8221
WASTEWATER EASEMENT
LAGUNA APARTMENTS, L.P.

EXHIBIT A

South 66 degrees 41 minutes 30 seconds West, a distance of 47.38 feet to a ½-inch steel rod with a cap marked "AZ&B" set for corner;

South 81 degrees 48 minutes 44 seconds West, a distance of 26.70 feet to a ½-inch steel rod with a cap marked "AZ&B" set for corner;

South 88 degrees 31 minutes 08 seconds West, a distance of 46.48 feet to a ½-inch steel rod with a cap marked "AZ&B" set for corner;

South 57 degrees 31 minutes 14 seconds West, a distance of 67.73 feet to a ½-inch steel rod with a cap marked "AZ&B" set for corner;

South 38 degrees 32 minutes 30 seconds West, a distance of 34.11 feet to a ½-inch steel rod with a cap marked "AZ&B" set for corner;

South 37 degrees 25 minutes 00 seconds West, a distance of 97.41 feet to a ½-inch steel rod with a cap marked "AZ&B" set for corner;

North 52 degrees 04 minutes 10 seconds West, a distance of 22.92 feet to a point on the common boundary between said Lot 1 and said 41.8573 acre tract from which a 5/8-inch steel rebar found bears North 44 degrees 33 minutes 50 seconds East, a distance of 0.78 feet;

THENCE along the common boundary between said Lot 1 and said 41.8573 acre tract the following courses and distances:

North 45 degrees 00 minutes 29 seconds East, a distance of 100.21 feet to a point from which a ½-inch steel rebar found bears South 27 degrees 18 minutes 08 seconds West, a distance of 1.57 feet;

North 24 degrees 45 minutes 29 seconds East, a distance of 85.00 feet to a ½-inch steel rebar (controlling monument) found;

North 85 degrees 30 minutes 29 seconds East, a distance of 115.00 feet to a ¾-inch steel rebar found (controlling monument);

North 00 degrees 42 minutes 36 seconds East, a distance of 40.02 feet to the **POINT OF BEGINNING** and containing 11,780 square feet (0.270 acre) of land, more or less.

Basis of bearings is the Texas State Plane Coordinate System, North American Datum of 1983 (NAD83), North Central Zone No. 4202, as determined by GPS observations using the WDS-VRS network.

11,780 SQUARE FOOT (0.271 ACRE)
DALLAS CITY BLOCK B/8221
WASTEWATER EASEMENT
LAGUNA APARTMENTS, L.P.

EXHIBIT A

A survey plat of even date accompanies this property description.

I the undersigned, a Registered Professional Land Surveyor in the State of Texas, do hereby certify that this description and the accompanying survey plat were prepared from an actual survey made on the ground in the month of December, 2011.


Jeffrey Sheppard
Registered Professional Land Surveyor No. 3696



BLOCK
8222PROVIDENCE TEXAS
CAPITAL CORPORATION, INC.
BLOCK 8222
VOL. 97076, PG. 4407
TRACT 2
D.R.D.C.T.BLOCK
A/8220

15' SANITARY SEWER ESMT.

ARAPAHO ROAD
(VARIABLE R.O.W.)P.O.B.
1/2" SRF
(CM)1/2" SRF
(CM)N02°40'34"W
3.73 (PLAT)N89°30'12"E
76.80 (PLAT)

R=1,195.92 L=211.09 (PLAT)

S14°14'37"E
31.18 (PLAT)

S00°29'48"E 130.00 (PLAT)

1/2" SRF
(CM)BLOCK
82221/2" SRF
BEARS
S27°18'08"W
1.57'PROVIDENCE TEXAS
CAPITAL CORPORATION, INC.
BLOCK 8222
VOL. 97076, PG. 4407
TRACT 1
D.R.D.C.T.N64°06'30"E
108.82 (PLAT)FLOODWAY
MANAGEMENT
AREA25' WATER & SANITARY
SEWER ESMT.BLOCK
B/8221(CALLED 11,5457 AC)
LAGUNA APARTMENTS, L.P.
INST. 20080037952
O.P.R.D.C.T.THE COURTS OF PRESTONWOOD
LOT 1, BLOCK B/8221
VOL. 91115, PG. 4959
D.R.D.C.T.11,780 S.F.
(0.270 AC.)
TO BE ACQUIRED

LINE	BEARING	DISTANCE
L1	N03°35'08"W	3.73'
L2	S20°49'33"W	26.40'
L3	S50°10'20"W	16.82'
L4	S67°16'35"W	50.99'
L5	S66°41'30"W	47.38'
L6	S81°48'44"W	26.70'
L7	S88°31'08"W	46.48'
L8	S57°31'14"W	67.73'
L9	S38°32'30"W	34.11'
L10	S37°25'00"W	97.41'
L11	N52°04'10"W	22.92'
L12	N45°00'29"E	100.21'
L13	N24°45'29"E	85.00'

LINE	BEARING	DISTANCE
L14	N85°30'29"E	115.00'
L15	N00°42'36"E	40.02'
L16	N88°35'38"E	76.78'

CURVE	DELTA	RADIUS	LENGTH	CH. BEARING	CHORD
C1	02°04'33" (LT)	1,195.92'	43.33'	N86°37'22"E	43.33'

LEGEND

- (CM) CONTROLLING MONUMENT
 ○ STEEL REBAR FOUND
 (SIZE AS NOTED)
 ● 1/2" STEEL REBAR SET
 W/ AZB PLASTIC CAP
 (EXCEPT AS NOTED)
 □ LIMITS OF PROPERTY TO
 BE ACQUIRED



9/24/2012

SCALE (IN FEET)

0 50 100 200

NOTES

A PROPERTY DESCRIPTION OF EVEN
DATE ACCOMPANES HIS P AT.BASIS OF BEARING S THE TEXAS STATE
PLANE COORDINATE SYSTEM, NORTH AMERICAN
DAT M 983 V T M CENTRAL ZONE,
AS DETERMINED BY OBSERVATIONS USING
THE WDS-1RS NE WORK.

REVISION HISTORY

COMPUTED KMM CKD JHS
 DRAWN KMM CKD JHS
 SUPERVISOR E.D. UTZMAN
 DATE 3-16-12
 SCALE 1"=100'

AZ&B
 ARREDONDO, ZEPEDA
 & BRUNZ, INC.
 11355 MCCREE ROAD
 DALLAS, TX 75238
 PH 214-341-9900
 FAX 214-341-9925
 email - office@azb-engrs.com

11,780 SQUARE FOOT (0.270 ACRE)
 DALLAS CITY BLOCK A/8221
 WASTEWATER EASEMENT
 LAGUNA APARTMENTS

SHEET 4 OF 4 DWG No.

REV

2:26:23 PM

9/24/2012

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©

EXHIBIT B

WASTEWATER EASEMENT

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

That Laguna Apartments, LLC, a Delaware limited liability company (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 ONE HUNDRED SIX THOUSAND AND NO/100 DOLLARS (\$106,020.00) 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, an easement for the purpose of laying, constructing, maintaining, repairing and replacing a City wastewater main or mains and appurtenances and such additional main or mains and appurtenances as are needed in the future in, under, through, across and along all that certain lot, tract or parcel of land described in Exhibit A, attached hereto and made a part hereof by reference for all purposes.

The City is acquiring this property for the purpose of laying, constructing, maintaining, repairing and replacing a City wastewater main or mains and appurtenances, and such additional main or mains and appurtenances as are needed in the future, according to such plans and specifications as will, in City's opinion, best serve the public purpose. The payment of the purchase price shall be considered full and adequate compensation for the easement rights herein granted.

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 shall be conclusively presumed that the person signing on behalf of such a party has been duly and legally authorized to so sign and there shall be no necessity for a seal or attestation.

The City shall have all other rights and benefits necessary or convenient for the full enjoyment or use of the rights herein granted, including, but without limiting the same to, the right of ingress and egress over and across said property to and from said easement for the purpose of constructing, reconstructing, maintaining, inspecting or repairing said main or mains and appurtenances.

The City shall have the right to remove and keep removed from the permanent easement herein granted any and all structures, fences, trees, shrubs, growths or other obstructions which may endanger or interfere with the construction, reconstruction, maintenance, repair or operation of the said main or mains. (Grantor, its successors or assigns, shall not place or store any material upon, or cover, bury, pave over or otherwise obstruct any cleanout, valve, meter or manhole located within the herein described permanent easement.)

Grantor, its successors or assigns, shall not be permitted to plant trees or shrubs of any kind within the boundaries of the herein described permanent easement.

EXHIBIT B

All expenses in the construction and maintenance of said main or mains and appurtenances shall be borne by the City. In the construction of said main or mains and appurtenances, should the City find it necessary to remove any improvements now on the above-described property, all of those expenses shall also be borne by the City. Upon completion of construction, all surplus excavation, debris, trash or litter resulting from construction shall be cleaned up and hauled off the premises, and the easement property, including any fences disturbed, shall be restored to its original contour and condition.

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

SPECIAL PROVISIONS: "None".

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

EXECUTED this _____ day of _____, _____.

Laguna Apartments, LLC,
a Delaware limited liability company

By: _____
Steve Evans, President

* * * * *

STATE OF _____ ,
COUNTY OF _____ ,

This instrument was acknowledged before me on _____
by Steve Evans, President of Laguna Apartments, LLC, a Delaware limited liability
company on behalf of said limited liability company.

Notary Public, State of _____

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: Mark A. Proctor

Wastewater Easement Log No. 39013

11,780 SQUARE FOOT (0.271 ACRE)
DALLAS CITY BLOCK B/8221
WASTEWATER EASEMENT
LAGUNA APARTMENTS, L.P.

EXHIBIT A

BEING a 11,780 square foot of land (0.270 acre) parcel of land situated in the ROBERT WILBURN SURVEY, ABSTRACT NO. 1580 in Official City Block No. 8221 in the City of Dallas, Dallas County, Texas, said parcel being a part of Lot 1, Block B/8221, The Courts of Prestonwood, an addition to the City of Dallas according to the plat thereof recorded in Volume 91115, Page 4959 of the Deed Records of Dallas County, Texas, which was conveyed to Laguna Apartments, L.P. as evidenced by deed recorded in Instrument No. 20080037952 of the Official Public Records of Dallas County, Texas, and being more particularly described as follows:

BEGINNING at a 1/2-inch steel rebar found (controlling monument) for corner in the south right-of-way line of Arapaho Road (variable width right-of-way) at the most northerly northwest corner of said Lot 1, said point also being the most northerly northeast corner of a called 41.8573 acre tract of land described as Tract 1 in a deed to Providence Texas Capital Corporation, Inc. recorded in Volume 97076, Page 4407 of said Deed Records;

THENCE along the southerly right-of-way of said Arapaho Road the following courses and distances:

North 88 degrees 35 minutes 38 seconds East, a distance of 76.78 feet to a 1/2-inch steel rebar found (controlling monument) for corner;

North 03 degrees 35 minutes 08 seconds West, a distance of 3.73 feet to 1/2-inch steel rebar (controlling monument) found at the beginning of a non-tangent curve to the left;

Easterly, along said non-tangent curve to the left, which has a chord that bears North 86 degrees 37 minutes 22 seconds East for 43.33 feet, a central angle of 02 degrees 04 minutes 33 seconds and a radius of 1,195.92 feet, for arc distance of 43.33 feet, to a 1/2-inch steel rod with a cap marked "AZ&B" set for corner;

THENCE departing the southerly right-of-way of Arapaho Road and across said Lot 1 the following courses and distance:

South 20 degrees 49 minutes 33 seconds West, a distance of 26.40 feet to a 1/2-inch steel rod with a cap marked "AZ&B" set for corner;

South 50 degrees 10 minutes 20 seconds West, a distance of 16.82 feet to a 1/2-inch steel rod with a cap marked "AZ&B" set for corner;

South 67 degrees 16 minutes 35 seconds West, a distance of 50.99 feet to a 1/2-inch steel rod with a cap marked "AZ&B" set for corner;

FIELD NOTES APPROVED:

Date 10/30/12



11,780 SQUARE FOOT (0.271 ACRE)
DALLAS CITY BLOCK B/8221
WASTEWATER EASEMENT
LAGUNA APARTMENTS, L.P.

EXHIBIT A

South 66 degrees 41 minutes 30 seconds West, a distance of 47.38 feet to a ½-inch steel rod with a cap marked "AZ&B" set for corner;

South 81 degrees 48 minutes 44 seconds West, a distance of 26.70 feet to a ½-inch steel rod with a cap marked "AZ&B" set for corner;

South 88 degrees 31 minutes 08 seconds West, a distance of 46.48 feet to a ½-inch steel rod with a cap marked "AZ&B" set for corner;

South 57 degrees 31 minutes 14 seconds West, a distance of 67.73 feet to a ½-inch steel rod with a cap marked "AZ&B" set for corner;

South 38 degrees 32 minutes 30 seconds West, a distance of 34.11 feet to a ½-inch steel rod with a cap marked "AZ&B" set for corner;

South 37 degrees 25 minutes 00 seconds West, a distance of 97.41 feet to a ½-inch steel rod with a cap marked "AZ&B" set for corner;

North 52 degrees 04 minutes 10 seconds West, a distance of 22.92 feet to a point on the common boundary between said Lot 1 and said 41.8573 acre tract from which a 5/8-inch steel rebar found bears North 44 degrees 33 minutes 50 seconds East, a distance of 0.78 feet;

THENCE along the common boundary between said Lot 1 and said 41.8573 acre tract the following courses and distances:

North 45 degrees 00 minutes 29 seconds East, a distance of 100.21 feet to a point from which a ½-inch steel rebar found bears South 27 degrees 18 minutes 08 seconds West, a distance of 1.57 feet;

North 24 degrees 45 minutes 29 seconds East, a distance of 85.00 feet to a ½-inch steel rebar (controlling monument) found;

North 85 degrees 30 minutes 29 seconds East, a distance of 115.00 feet to a ¾-inch steel rebar found (controlling monument);

North 00 degrees 42 minutes 36 seconds East, a distance of 40.02 feet to the **POINT OF BEGINNING** and containing 11,780 square feet (0.270 acre) of land, more or less.

Basis of bearings is the Texas State Plane Coordinate System, North American Datum of 1983 (NAD83), North Central Zone No. 4202, as determined by GPS observations using the WDS-VRS network.

11,780 SQUARE FOOT (0.271 ACRE)
DALLAS CITY BLOCK B/8221
WASTEWATER EASEMENT
LAGUNA APARTMENTS, L.P.

EXHIBIT A

A survey plat of even date accompanies this property description.

I the undersigned, a Registered Professional Land Surveyor in the State of Texas, do hereby certify that this description and the accompanying survey plat were prepared from an actual survey made on the ground in the month of December, 2011.


Jeffrey Sheppard
Registered Professional Land Surveyor No. 3696



BLOCK
8222BLOCK
A/8220PROVIDENCE TEXAS
CAPITAL CORPORATION, INC.
BLOCK 8222
VOL. 97076, PG. 4407
TRACT 2
D.R.D.C.T.

15' SANITARY SEWER ESMT.

ARAPAHO ROAD
(VARIABLE R.O.W.)P.O.B.
1/2" SRF
(CM)1/2" SRF
(CM)N02°40'34" W
3.73 (PL)N89°30'12" E
76.80 (PLA)NORTH
(PLAT)

40.00

N85°1'0"E
11.0 (PLAT)1/2" SRF
(CM)BLOCK
82211/2" SRF
BEARS
S27°18'08"W
1.57'PROVIDENCE TEXAS
CAPITAL CORPORATION, INC.
BLOCK 822
VOL. 97076, PG. 4407
TRACT 1
D.R.D.C.T.N84°06'30"E
105.82 (PLAT)

L11

5/8" SRF
BEARS
N44°33'50"E
0.78'BLOCK
B/8221(CALLED 11,545' AC.)
LAGUNA APARTMENTS, L.P.
INST. 20080037952
O.P.R.D.C.T.FLOODWAY
MANAGEMENT
AREA

N01°06'00"W 309.2' (PLAT)

THE COURTS OF PRESTONWOOD
LOT 1, BLOCK B/8221
VOL. 91115, PG. 4953
D.R.D.C.T.

NOTES

A PROPERTY DESCRIPTION OF EVEN
DATE ACCOMPANIES THIS PLAT.BASIS OF BEARINGS IS THE TEXAS
PLANE COORDINATE SYSTEM, NORTH AM
DATUM 823 (NAD83), NORTH CEV PL
AS DETERMINED BY GPS OBSERVATIONS
THE WDS-VRS NETWORK.

LINE	BEARING	DISTANCE
L1	N03°35'08"W	3.73'
L2	S20°49'33"W	26.40'
L3	S50°10'20"W	16.82'
L4	S67°16'35"W	50.99'
L5	S66°41'30"W	47.38'
L6	S81°48'44"W	26.70'
L7	S88°31'08"W	46.48'
L8	S57°31'14"W	67.73'
L9	S38°32'30"W	34.11'
L10	S37°25'00"W	97.41'
L11	N52°04'10"W	22.92'
L12	N45°00'29"E	100.21'
L13	N24°45'29"E	85.00'

CURVE	DELTA	RADIUS	LENGTH	CH. BEARING	CHORD
C1	02°04'33"(LT)	1,195.92'	43.33'	N86°37'22"E	43.33'



9/24/2012

LEGEND

- (CM) CONTROLLING MONUMENT
- STEEL REBAR FOUND (SIZE AS NOTED)
- 1/2" STEEL REBAR SET W/ AZB PLASTIC CAP (EXCEPT AS NOTED)
- LIMITS OF PROPERTY TO BE ACQUIRED

SCALE (IN FEET)

0 50 100 200

COMPUTED KJM CJD JHS
 DRAWN KJM CJD JHS
 SUPERVISOR E.D. UTZMAN
 DATE 3-6-12
 SCALE 1"=100'

REVISION HISTORY

NO.	DATE	DESCRIPTION

AZ&B
 ARREDONDO, ZEPEDA
 & BRUNZ, INC.
 11355 MCCREE ROAD
 DALLAS, TX. 75238
 PH 214-341-9900
 FAX 214-341-9925
 email - office@azb-srgrs.com

11,780 SQUARE FOOT (0.270 ACRE)
 DALLAS CITY BLOCK A/8221
 WASTEWATER EASEMENT
 LAGUNA APARTMENTS

SHEET 4 OF 4 DWG No.

REV

2:26:23 PM

9/24/2012

S:\DWU\207010.001-Half-McKamy\Dgn\Easement\Aguna Apts\ESMT-503\ESMT-503.dgn

AGENDA ITEM # 27

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: June 15, 2016

COUNCIL DISTRICT(S): 4

DEPARTMENT: Sustainable Development and Construction
Public Works Department

CMO: Ryan S. Evans, 671-9837
Jill A. Jordan, P.E., 670-5299

MAPSCO: 55H

SUBJECT

Authorize acquisition of three parcels of land containing a total of approximately 17,492 square feet located near the intersection of Childress and Alex Streets for the Cadillac Heights City Service and Maintenance Facilities Project (list attached) - Not to exceed \$22,200 (\$19,200, plus closing costs and title expenses not to exceed \$3,000) - Financing: 2006 Bond Funds

BACKGROUND

This item authorizes the acquisition of three parcels of land containing a total of approximately 17,492 square feet located near the intersection of Childress and Alex Streets for the Cadillac Heights City Service and Maintenance Facilities Project. The considerations are based on independent appraisals.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Information about this item will be provided to the Economic Development Committee on June 6, 2016.

FISCAL INFORMATION

2006 Bond Funds - \$22,200 (\$19,200, plus closing costs and title expenses not to exceed \$3,000)

OWNERS

Deborah Ann Fry

John Paul Fry

OWNERS (Continued)

Alicia Quintanilla

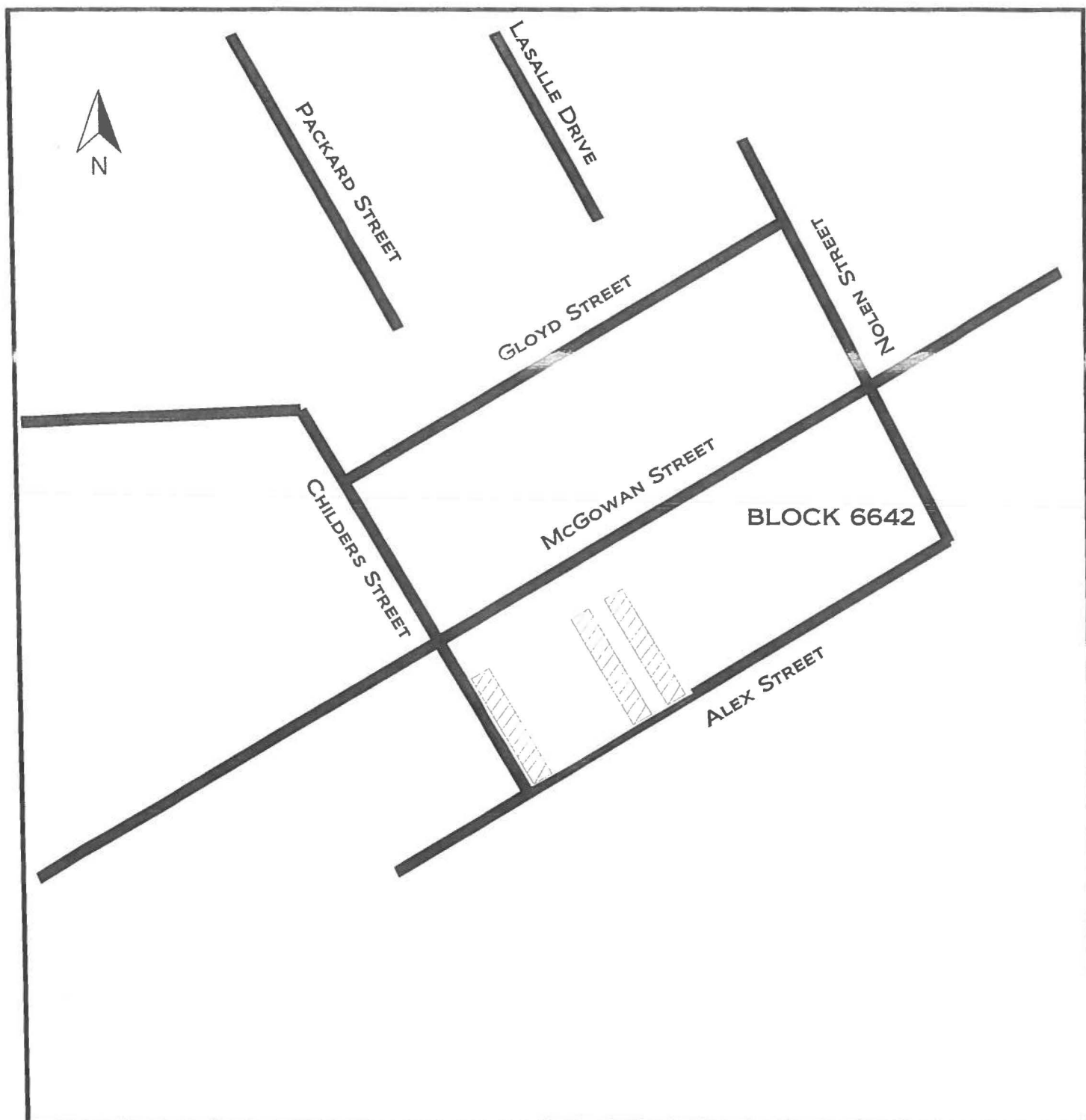
Jose Luis DeLeon

MAP

Attached

Cadillac Heights Project

<u>Owner</u>	<u>Address</u>	<u>Amount</u>
Deborah Ann Fry & John Paul Fry	2903 Alex	\$7,400
Alicia Quintanilla	2915 Alex	\$7,400
Jose Luis DeLeon	2923 Alex	\$7,400



SUBJECT: 

June 15, 2016

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": Three tracts of land, containing a total of approximately 17,492 square feet 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": Cadillac Heights Phase II

"USE": City service and maintenance facilities, 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 instrument more particularly described in Exhibit "B" attached hereto and made a part hereof for all purposes.

"TOTAL AUTHORIZED AMOUNT": Not to exceed \$22,200

"OWNER", "OFFER AMOUNT", "CLOSING COSTS AND TITLE EXPENSES" and "AUTHORIZED AMOUNT" are described below:

Address	Owner	Offer Amount	Closing Costs and Title Expenses Not to Exceed	Authorized Amount
2903 Alex	Deborah Ann Fry & John Paul Fry	\$6,400	\$1,000	\$7,400
2915 Alex	Alicia Quintanilla	\$6,400	\$1,000	\$7,400
2923 Alex	Jose Luis DeLeon	\$6,400	\$1,000	\$7,400

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.

June 15, 2016

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 donation, grant, and conveyance to CITY of the PROPERTY INTEREST in and to the PROPERTY pursuant to the conveyance instrument substantially in the form described in Exhibit "B", attached hereto and made a part hereof for all purposes, 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 authorized and directed to draw a warrant in favor of the OWNER, or the then current owner of record, or the title company closing the transaction described herein in the OFFER AMOUNT and CLOSING COSTS AND TITLE EXPENSES payable out of Land Acquisition in Cadillac Heights Funds, Fund No. BT11, Department PBW, Unit T825, Activity LAAQ, Program No. PB06T825, Object 4210, Encumbrance Nos. SUSVLT82508, SUSVLT82512 and SUSVLT82513.

The OFFER AMOUNT, CLOSING COSTS and TITLE EXPENSES together shall not exceed the AUTHORIZED AMOUNT.

Owner	Offer Amount	Closing Costs and Title Expenses Not to Exceed	Authorized Amount	Encumbrance
Deborah Ann Fry & John Paul Fry	\$6,400	\$1,000	\$7,400	SUSVLT82508
Alicia Quintanilla	\$6,400	\$1,000	\$7,400	SUSVLT82512
Jose Luis DeLeon	\$6,400	\$1,000	\$7,400	SUSVLT82513

June 15, 2016

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 D. BOWERS, Interim City Attorney

BY


Assistant City Attorney

EXHIBIT "A"

Being Lot 69, City Block 6642, of MEADOW Gardens, an Addition to the City of Dallas, Dallas County, Texas according to the Plat thereof recorded in Volume 7, Page 465, Map Records, Dallas County, Texas.

Exhibit A

Lot 72 in Block 6642 of MCNABBS MEADOW GARDENS ADDITION, an Addition to the City of Dallas, Dallas County, Texas, according to the Map thereof recorded in Volume 7, Page 465, Map Records, Dallas County, Texas.

EXHIBIT A

Being Lot 74, City Block 6642, of MEADOW GARDENS, an Addition to the City of Dallas, Dallas County, Texas, according to the plat thereof recorded in Volume 7, page 465, Map Records, Dallas County, Texas.

NOTICE OF CONFIDENTIALITY OF RIGHTS: IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY OR ALL OF THE FOLLOWING INFORMATION FROM ANY INSTRUMENT THAT TRANSFERS AN INTEREST IN REAL PROPERTY BEFORE IT IS FILED FOR RECORD IN THE PUBLIC RECORDS: YOUR SOCIAL SECURITY NUMBER OR YOUR DRIVER'S LICENSE NUMBER.

EXHIBIT B

GENERAL WARRANTY DEED

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

That Deborah Ann Fry and John Paul Fry, a married couple (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 SIX THOUSAND FOUR HUNDRED AND NO/100 DOLLARS (\$6,400.00) 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, has GRANTED, SOLD AND CONVEYED and does hereby GRANT, SELL AND CONVEY unto City, its successors and assigns, the following (all said property and interests being collectively referred to herein as the "Property"):

(a) that certain tract or parcel of land (the "Land") in Dallas County, Texas, described more fully on Exhibit "A", attached hereto and incorporated herein for all purposes;

(b) all right, title and interest of Grantor, as owner of the Land, in (i) strips or gores, if any, between the Land and abutting properties and (ii) any land lying in or under the bed of any street, alley, road or right-of-way, opened or proposed, abutting or adjacent to the Land;

(c) all improvements, buildings, structures, fixtures, and open parking areas which may be located on the Land (the "Improvements"), including, without limitation, all mechanical, electrical, heating, ventilation, air conditioning and plumbing fixtures, systems and equipment as well as compressors, engines, elevators and escalators, if any;

(d) all right, title and interest of Grantor, as owner of the Land, in and to any easements, rights-of-way, rights of ingress and egress or other interests in, on, or to any land, highway, street, road or avenue, opened or proposed, in, on, across from, in front of, abutting, adjoining or otherwise appurtenant to the Land; and

(e) all other rights, privileges and appurtenances owned by Grantor and in any way related to the Property.

TO HAVE AND TO HOLD the Property, together with all and singular the rights and appurtenances thereto in anywise belonging unto City, its successors and assigns forever, and Grantor binds Grantor and Grantor's heirs, executors, administrators, or successors to Warrant and Forever Defend all and singular the said premises unto City, its successors and assigns, against every person whomsoever lawfully claiming or to claim the same or any part thereof.

EXECUTED this _____ day of _____, _____.

Deborah Ann Fry

John Paul Fry

ACKNOWLEDGEMENT

STATE OF TEXAS
COUNTY OF DALLAS

This instrument was acknowledged before me on _____ by Deborah Ann Fry.

Notary Public, State of TEXAS

STATE OF TEXAS
COUNTY OF DALLAS

This instrument was acknowledged before me on _____ by John Paul Fry.

Notary Public, State of TEXAS

After recording return to:
City of Dallas, Department of Development Services
Real Estate Division
320 East Jefferson Boulevard, Room 203
Dallas, Texas 75203
attn: VLeal

Warranty Deed Log No. 42232

TRACT 1

EXHIBIT "A"

Being Lot 69, City Block 6642, of MEADOW Gardens, an Addition to the City of Dallas, Dallas County, Texas according to the Plat thereof recorded in Volume 7, Page 465, Map Records, Dallas County, Texas.

NOTICE OF CONFIDENTIALITY OF RIGHTS: IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY OR ALL OF THE FOLLOWING INFORMATION FROM ANY INSTRUMENT THAT TRANSFERS AN INTEREST IN REAL PROPERTY BEFORE IT IS FILED FOR RECORD IN THE PUBLIC RECORDS: YOUR SOCIAL SECURITY NUMBER OR YOUR DRIVER'S LICENSE NUMBER.

EXHIBIT B

GENERAL WARRANTY DEED

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

That Alicia Quintanilla, a single woman (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 SIX THOUSAND FOUR HUNDRED AND NO/100 DOLLARS (\$6,400.00) 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, has GRANTED, SOLD AND CONVEYED and does hereby GRANT, SELL AND CONVEY unto City, its successors and assigns, the following (all said property and interests being collectively referred to herein as the "Property"):

- (a) that certain tract or parcel of land (the "Land") in Dallas County, Texas, described more fully on Exhibit "A", attached hereto and incorporated herein for all purposes;
- (b) all right, title and interest of Grantor, as owner of the Land, in (i) strips or gores, if any, between the Land and abutting properties and (ii) any land lying in or under the bed of any street, alley, road or right-of-way, opened or proposed, abutting or adjacent to the Land;
- (c) all improvements, buildings, structures, fixtures, and open parking areas which may be located on the Land (the "Improvements"), including, without limitation, all mechanical, electrical, heating, ventilation, air conditioning and plumbing fixtures, systems and equipment as well as compressors, engines, elevators and escalators, if any;
- (d) all right, title and interest of Grantor, as owner of the Land, in and to any easements, rights-of-way, rights of ingress and egress or other interests in, on, or to any land, highway, street, road or avenue, opened or proposed, in, on, across from, in front of, abutting, adjoining or otherwise appurtenant to the Land; and
- (e) all other rights, privileges and appurtenances owned by Grantor and in any way related to the Property.

TO HAVE AND TO HOLD the Property, together with all and singular the rights and appurtenances thereto in anywise belonging unto City, its successors and assigns forever, and Grantor binds Grantor and Grantor's heirs, executors, administrators, or successors to Warrant and Forever Defend all and singular the said premises unto City, its successors and assigns, against every person whomsoever lawfully claiming or to claim the same or any part thereof.

EXECUTED this _____ day of _____, _____.

Alicia Quintanilla

ACKNOWLEDGEMENT

STATE OF TEXAS
COUNTY OF DALLAS

This instrument was acknowledged before me on _____ by Alicia Quintanilla.

Notary Public, State of TEXAS

After recording return to:
City of Dallas, Department of Development Services
Real Estate Division
320 East Jefferson Boulevard, Room 203
Dallas, Texas 75203
attn: VLeal

Warranty Deed Log No. 42236

Exhibit A

**Lot 72 in Block 6642 of MCNABBS MEADOW GARDENS
ADDITION, an Addition to the City of Dallas, Dallas County, Texas,
according to the Map thereof recorded in Volume 7, Page 465,
Map Records, Dallas County, Texas.**

NOTICE OF CONFIDENTIALITY OF RIGHTS: IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY OR ALL OF THE FOLLOWING INFORMATION FROM ANY INSTRUMENT THAT TRANSFERS AN INTEREST IN REAL PROPERTY BEFORE IT IS FILED FOR RECORD IN THE PUBLIC RECORDS: YOUR SOCIAL SECURITY NUMBER OR YOUR DRIVER'S LICENSE NUMBER.

EXHIBIT B

GENERAL WARRANTY DEED

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

That Jose Luis DeLeon, a married man not joined by his spouse hereby constitutes no part of their business or residence homestead and is his sole management and control as separate property (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 SIX THOUSAND FOUR HUNDRED AND NO/100 DOLLARS (\$6,400.00) 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, has GRANTED, SOLD AND CONVEYED and does hereby GRANT, SELL AND CONVEY unto City, its successors and assigns, the following (all said property and interests being collectively referred to herein as the "Property"):

(a) that certain tract or parcel of land (the "Land") in Dallas County, Texas, described more fully on Exhibit "A", attached hereto and incorporated herein for all purposes;

(b) all right, title and interest of Grantor, as owner of the Land, in (i) strips or gores, if any, between the Land and abutting properties and (ii) any land lying in or under the bed of any street, alley, road or right-of-way, opened or proposed, abutting or adjacent to the Land;

(c) all improvements, buildings, structures, fixtures, and open parking areas which may be located on the Land (the "Improvements"), including, without limitation, all mechanical, electrical, heating, ventilation, air conditioning and plumbing fixtures, systems and equipment as well as compressors, engines, elevators and escalators, if any;

(d) all right, title and interest of Grantor, as owner of the Land, in and to any easements, rights-of-way, rights of ingress and egress or other interests in, on, or to any land, highway, street, road or avenue, opened or proposed, in, on, across from, in front of, abutting, adjoining or otherwise appurtenant to the Land; and

(e) all other rights, privileges and appurtenances owned by Grantor and in any way related to the Property.

TO HAVE AND TO HOLD the Property, together with all and singular the rights and appurtenances thereto in anywise belonging unto City, its successors and assigns forever, and Grantor binds Grantor and Grantor's heirs, executors, administrators, or successors to Warrant and Forever Defend all and singular the said premises unto City, its successors and assigns, against every person whomsoever lawfully claiming or to claim the same or any part thereof.

EXECUTED this _____ day of _____, _____.

Jose Luis DeLeon

ACKNOWLEDGEMENT

STATE OF TEXAS
COUNTY OF DALLAS

This instrument was acknowledged before me on _____ by Jose Luis DeLeon.

Notary Public, State of TEXAS

After recording return to:
City of Dallas, Department of Development Services
Real Estate Division
320 East Jefferson Boulevard, Room 203
Dallas, Texas 75203
attn: VLeal

Warranty Deed Log No. 42237

EXHIBIT A

Being Lot 74, City Block 6642, of MEADOW GARDENS, an Addition to the City of Dallas, Dallas County, Texas, according to the plat thereof recorded in Volume 7, page 465, Map Records, Dallas County, Texas.

AGENDA ITEM # 28

KEY FOCUS AREA: Economic Vibrancy
AGENDA DATE: June 15, 2016
COUNCIL DISTRICT(S): 6
DEPARTMENT: Sustainable Development and Construction
CMO: Ryan S. Evans, 671-9837
MAPSCO: 43E

SUBJECT

A resolution consenting to the sale of 3 tax foreclosed properties by Dallas County, acquired by the taxing authorities from a Sheriff's Sale (list attached) – Financing: No cost consideration to the City

BACKGROUND

As required under Tax Code 34.05(i) and 34.05(j), this item will consent to the sale of 3 tax foreclosed properties (list attached) by Dallas County. Pursuant to the provisions of Section 34.05(c) of the Tax Property Code, the properties were offered for sale by the Sheriff of Dallas County at public auction. No bids were received and the properties were subsequently struck off to the Irving Independent School District, pursuant to tax judgments for the non-payment of delinquent taxes. The County of Dallas holds the properties in trust for each taxing entity and is seeking the consent for the sale of the properties.

The properties will return to the tax rolls upon sale and conveyance.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Information about this item will be provided to the Economic Development Committee on June 6, 2016.

FISCAL INFORMATION

No cost consideration to the City.

MAP

Attached

PROPERTY LIST

STREET ADDRESS	MAPSCO	COUNCIL DISTRICT
4315 Bernal Drive	43E	6
4136 Gentry Drive	43E	6
4136 Mart Street	43E	6

June 15, 2016

WHEREAS, the City of Dallas, the State of Texas, ("State"), the County of Dallas, ("County"), the Dallas County Community College District, the Parkland Hospital District, and the Irving Independent School District, acquired Sheriff's Deeds to the properties, ("Properties"), at a sheriff's tax sale, ("the First Sale"), authorized by a District Court of Dallas County, Texas, by a Judicial Foreclosure ("the Judgment") in a tax foreclosure sale or a Seizure Warrant, ("Warrant") and the subsequent Sheriff's Deeds were filed in the Real Property Records of Dallas County, Texas; and

WHEREAS, the Properties, as described in Exhibit A were struck off to the Irving Independent School District; and

WHEREAS, the County holds the Properties in trust for each taxing jurisdiction party to the judgment; and

WHEREAS, pursuant to the provisions of Chapter 34, Section 34.05 of the Property Tax Code, a taxing unit is authorized to resell the Properties by public or private sale; and

WHEREAS, the County seeks to conduct a resale of the Properties by private sale which requires consent of all the taxing entities; and

WHEREAS, the distribution of the proceeds of the resale will be in accordance with Chapter 34, Section 34.06 of the Property Tax Code; and

WHEREAS, the County seeks the City of Dallas' consent to a private sale of the Properties; **Now, Therefore**,

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

SECTION 1. That the City Council of the City of Dallas consents to the private sale pursuant to Chapter 34, Section 34.05(i) and 34.05(j) of the Property Tax Code of the Properties identified on Exhibit A.

SECTION 2. That the consideration received will be distributed pursuant to Chapter 34, Section 34.06 of the Property Tax Code and applied to payment of the judgment, court costs, interest, and cost of sale owed to the taxing entities by the delinquent taxpayer or the amount of delinquent taxes, penalties, the amount secured by any municipal health or safety liens on the Properties included in the Warrant application, court costs, interest and cost of seizure and sale owed to the taxing entities as set forth in the Warrant; any such amount(s) still owed by the delinquent taxpayer to any of the taxing entities shall remain the personal obligation of the delinquent taxpayer, and any excess amounts shall be distributed in the manner described in Section 34.03 of the Property Tax Code.

June 15, 2016

SECTION 3. That the purchaser shall be responsible for post judgment taxes and pro rata property taxes assessed from the date of closing for the remaining part of the then current calendar year. The Properties shall be placed back on the tax rolls effective as of the date of execution of the deed.

SECTION 4. That to the extent authorized by law the liens securing the taxes referenced in Section 2 above are hereby released from the Properties.

SECTION 5. That any and all proceeds received for the resale of the properties listed on Exhibit A be deposited to General Fund 0001, Department DEV, Balance Sheet Account 0519.

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

APPROVED AS TO FORM:

Christopher D. Bowers, Interim City Attorney

BY

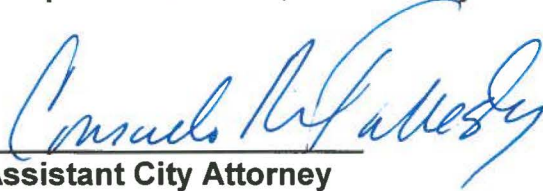

Assistant City Attorney

EXHIBIT "A"

TAX FORECLOSURE PROPERTIES STRUCK OFF TO IRVING I.S.D. DALLAS COUNTY AS TRUSTEE FOR CITY OF DALLAS AND IRVING I.S.D.

STREET ADDRESS	IMPROVED/ UNIMPROVE	JUDGMENT/ STRIKE OFF AMOUNT	MARKET VALUE SPECIFIED IN JUDGMENT	2015 DCAD VALUE	TAX YEARS INCLUDED IN JUDGMENT (COUNTY/CITY/ SCHOOL)	DATE OF SHERIFF'S SALE
4315 Bernal Dr., Dallas, Texas	Unimproved	\$12,000.00	\$12,000.00	\$12,000.00	County: 1992-2009 City: 1992-2009 Irv ISD: 1992-2009	05/01/12
4136 Gentry Dr., Dallas, Texas	Improved	\$10,260.00	\$27,260.00	\$20,430.00	County: 2003-2009 City: 2003-2009 Irv ISD: 2003-2009	12/06/11
4136 Mart St., Dallas, Texas	Unimproved	\$12,000.00	\$12,000.00	\$12,000.00	County: 1989-2006 City: 1990-2006 Irv ISD: 1989-2006	06/03/08

AGENDA ITEM # 29

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: June 15, 2016

COUNCIL DISTRICT(S): 8

DEPARTMENT: Sustainable Development and Construction

CMO: Ryan S. Evans, 671-9837

MAPSCO: 66R

SUBJECT

A resolution authorizing the sale of a tax foreclosure property located at 6210 J J Lemmon Road to be voided and provide for the quitclaim and release unto the City, as trustee any right, title and interest Linda and Jessie Medlock may have in and to said property - Financing: This action has no cost consideration to the City

BACKGROUND

This item authorizes the sale of a tax foreclosure property located at 6210 J J Lemmon Road to be voided and provides for the quitclaim and release unto the City, as trustee any right, title and interest Linda and Jessie Medlock may have in and to said property. This property was sold to Linda and Jessie Medlock for \$11,021 on October 8, 2015.

The City by accident, oversight, error, and/or mistake executed and delivered a quitclaim deed to Linda and Jessie Medlock recorded on December 28, 2015.

The City and Jessie and Linda Medlock mutually wish to void said transaction, acknowledge the mistake and execute necessary documents to publicly reinstate title to the property to the City, as trustee. The City shall return the bid purchase price plus recording fee in the amount of \$11,071.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On August 26, 2015, by Resolution No. 15-1570, City Council approved the bid purchase price.

Information about this item will be provided to the Economic Development Committee on June 6, 2016.

FISCAL INFORMATION

This action has no cost consideration to the City.

MAP

Attached



6210 J J Lemmon Road

June 15, 2016

WHEREAS, on March 26, 2015, the City of Dallas, a Texas municipal corporation, for itself and as trustee for Dallas County, Dallas Independent School District, Dallas County School Equalization Fund, Parkland Hospital District and Dallas County Community College District ("City") received tax title to certain real property located at 6210 J J Lemmon Road ("Property") situated in Dallas County, Texas under that one certain Sheriff's Deed, recorded as Instrument Number 201500074398 of the Official Real Property Records of Dallas County, Texas; and

WHEREAS, pursuant to Texas Property Tax Code, Section 34.05, the City is voiding the sale as it was by accident, oversight, error, and/or mistake advertised for sale; and

WHEREAS, the City, thereafter, by accident, oversight, error, and/or mistake executed and delivered a Quitclaim Deed to Jessie and Linda Medlock of 302 Glen Oaks Boulevard, Dallas, TX 75232, said Quitclaim Deed being recorded on December 28, 2015 as Instrument Number 201500338958 of the Official Real Property Records of Dallas County, Texas, in exchange for the payment by Jessie and Linda Medlock of the total sum of \$11,071 (bid purchase price plus recording fee); and

WHEREAS, the City and Jessie and Linda Medlock mutually wish to void said transaction, acknowledge the mistake and execute necessary documents to publicly reinstate title to the property to the City of Dallas, Dallas County, Dallas Independent School District, Dallas County School Equalization Fund, Parkland Hospital District and Dallas County Community College District; and

WHEREAS, Jessie and Linda Medlock shall release any and all claims they may have as to the Property or against the City arising from the Property, and the City shall reimburse the \$11,071 paid by them; **Now, Therefore,**

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

SECTION 1. That for and in consideration of the sum of eleven thousand seventy-one and 00/100 Dollars (\$11,071.00), the receipt and sufficiency of which are hereby acknowledged, Linda Medlock and husband, Jessie Medlock, quitclaim to the City of Dallas, Trustee, acting for itself and as trustee for Dallas County, Dallas Independent School District, Dallas County School Equalization Fund, Parkland Hospital District and Dallas County Community College District ("City"), all of their right, title and interest in and to the Property, to have and to hold it to the City and City's successors and assigns forever.

SECTION 2. That neither Linda Medlock and husband, Jesse Medlock nor their heirs, successors, assigns will have, claim or demand any right or title to the Property or any part of it.

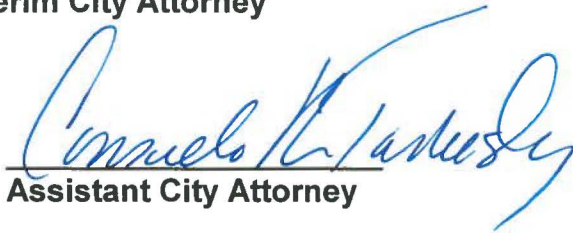
June 15, 2016

SECTION 3. That Linda Medlock and husband, Jessie Medlock, for themselves and their heirs, successors, and assigns, does hereby further waive and release any and all claims, causes of action, and demands they may have, now or that may arise in the future, known or unknown, at law or in equity, in any way related to or arising from Property, the Quitclaim Deed and/or the earlier attempted quitclaim from the City to Linda Medlock and husband, Jessie Medlock.

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.

**APPROVED AS TO FORM:
CHRISTOPHER D. BOWERS
Interim City Attorney**

BY

A handwritten signature in blue ink, appearing to read "Connel K. Keady", is written over a horizontal line.

Assistant City Attorney

AGENDA ITEM # 30

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: June 15, 2016

COUNCIL DISTRICT(S): 8

DEPARTMENT: Sustainable Development and Construction
Sanitation Services

CMO: Ryan S. Evans, 671-9837
Joey Zapata, 670-3009

MAPSCO: 67 F, K

SUBJECT

A resolution authorizing the conveyance of an easement and right-of-way containing approximately 26,815 square feet of land to Oncor Electric Delivery Company, LLC for the construction and maintenance of electric facilities across City-owned land located at the McCommas Bluff Landfill near the intersection of Simpson Stuart and Locust Roads – Financing: No cost consideration to the City

BACKGROUND

This item authorizes the conveyance of an easement and right-of-way to Oncor Electric Delivery Company, LLC located at the McCommas Bluff Landfill. This easement and right-of-way will allow for the construction and maintenance of power lines and electric transformer facilities to service the McCommas Bluff Landfill.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Information about this item will be provided to the Economic Development Committee on June 6, 2016.

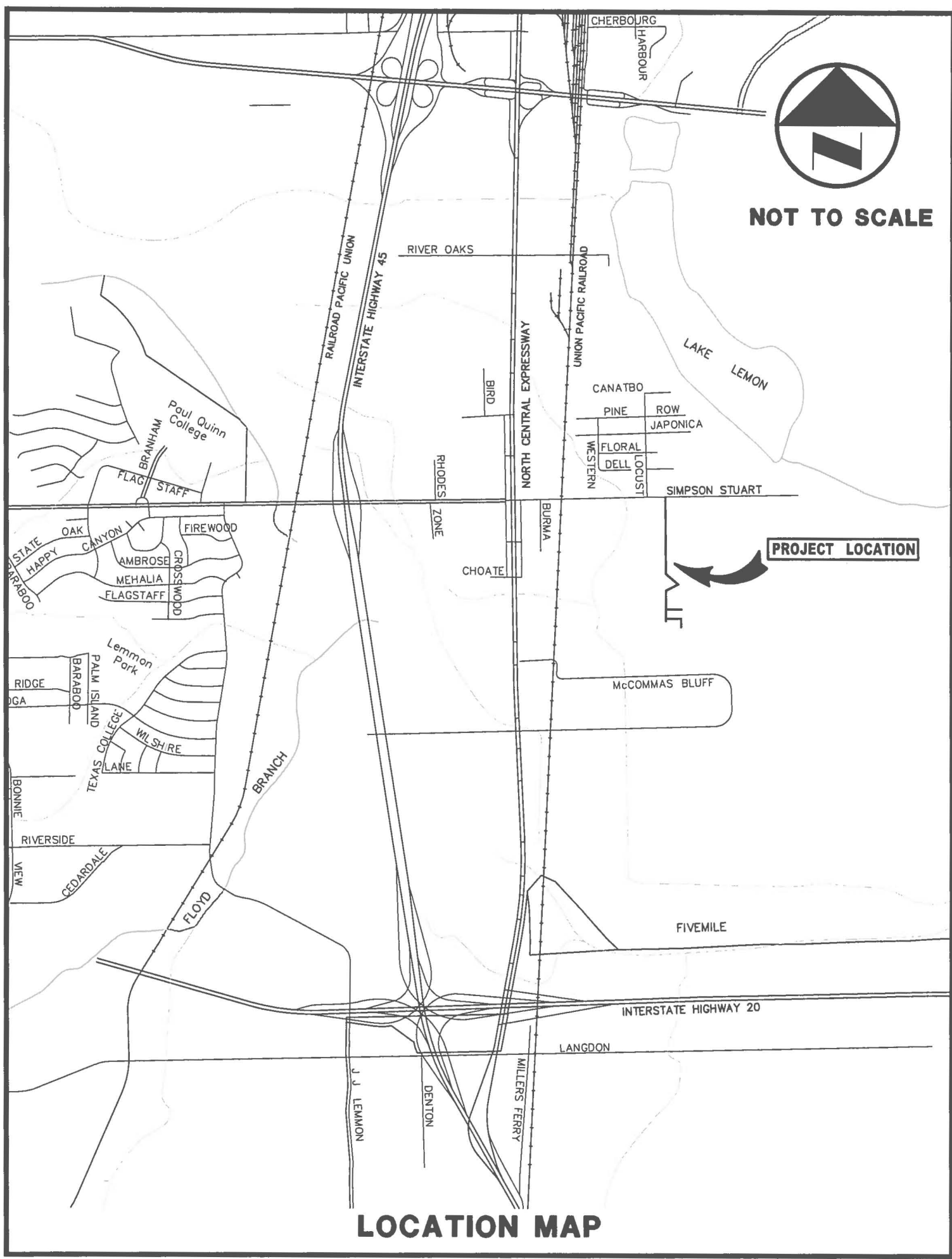
FISCAL INFORMATION

No cost consideration to the City.

MAP

Attached

M:\DWG-37\3751-15.402\DWG\SURVEY C3D 2015\3751-15.402EX.DWG



NOT TO SCALE

PROJECT LOCATION

LOCATION MAP

June 15, 2016

WHEREAS, the City of Dallas owns certain land in City Block 8003, Dallas, Dallas County, Texas which is used for the City's McCommas Bluff Landfill, being the same land described in Final Judgment of County Court Case No. 74-5131-c to the City of Dallas recorded in Volume 80111, Page 2361, Official Real Property Records of Dallas County Texas; and

WHEREAS, Oncor Electric Delivery Company, LLC has requested an Easement and Right-of-Way containing approximately 26,815 square feet of land, being more fully described in Exhibit "A", attached hereto and incorporated herein for all purposes (the Easement); for the construction, maintenance and use of power lines and electric transformer facilities to service the McCommas Bluff Landfill; and

WHEREAS, the City of Dallas needs and desires said utility service to the McCommas Bluff Landfill and will be benefitted by the granting of said Easement and Right-of-Way;

Now, Therefore,

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

SECTION 1. That the City Manager or designee is authorized to execute and deliver to Oncor Electric Delivery Company, LLC, an Easement and Right-of-Way to be attested by the City Secretary upon approval as to form by the City Attorney, for the construction, maintenance and use of power lines and electric transformer facilities to service the City's facilities, including McCommas Bluff Landfill, on the approximately 26,815 square feet of land described in Exhibit "A".

SECTION 2. 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 D. BOWERS, Interim City Attorney

BY


Assistant City Attorney *ONN*

EXHIBIT A

ONCOR ELECTRIC DELIVERY COMPANY, LLC EASEMENT

Part of the City of Dallas tract, City of Dallas Block 8003 (unplatted)

Levi Dixon Survey, Abstract No. 380

City of Dallas, Dallas County, Texas

DESCRIPTION, of a 26,815 square foot (0.616 acre) tract of land situated in City of Dallas Block 8003 (unplatted) and the Levi Dixon Survey, Abstract No. 380, City of Dallas, Dallas County, Texas; said tract being part of that tract of land described in Final Judgement of County Court Case No. 74-5131-c to the City of Dallas recorded in Volume 80111, Page 2361 of the Deed Records of Dallas County, Texas; said 26,815 square foot tract being more particularly described as follows:

COMMENCING, at an axle (controlling monument) found in the south right-of-way line of Simpson Stuart Road (a 60-foot wide right-of-way) and the north line of said Block 8003; said point being a re-entrant corner for the said City of Dallas tract; from which a 1/2-inch iron rod bears South 03 degrees, 24 minutes, 28 seconds east, a distance of 3.73 feet;

THENCE, South 59 degrees, 15 minutes, 53 seconds West, along the said south line of Simpson Stuart Road and the said north line of Block 8003 and the north line of the said City of Dallas tract, a distance of 2,764.01 feet to the POINT OF BEGINNING; (N: 6,938,086.07, E: 2,513,037.38, Grid)

THENCE, departing the said south line of Simpson Stuart Road and said north line of Block 8003 and the said north line of the City of Dallas tract, over and across, the said City of Dallas tract, the following thirty-seven (37) calls:

South 08 degrees, 48 minutes, 19 seconds East, a distance of 31.58 feet;
(N: 6,938,054.86, E: 2,513,042.21, Grid)

South 30 degrees, 23 minutes, 21 seconds East, a distance of 420.12 feet;
(N: 6,937,692.51, E: 2,513,254.71, Grid)

South 48 degrees, 39 minutes, 54 seconds East, a distance of 119.61 feet;
(N: 6,937,613.53, E: 2,513,344.51, Grid)

North 59 degrees, 15 minutes, 53 seconds East, a distance of 24.54 feet;
(N: 6,937,626.07, E: 2,513,365.60, Grid)

South 30 degrees, 44 minutes, 07 seconds East, a distance of 15.00 feet;
(N: 6,937,613.18, E: 2,513,373.27, Grid)

South 59 degrees, 15 minutes, 53 seconds West, a distance of 26.14 feet;
(N: 6,937,599.82, E: 2,513,350.81, Grid)

South 04 degrees, 45 minutes, 06 seconds West, a distance of 140.57 feet;
(N: 6,937,459.75, E: 2,513,339.16, Grid)

South 30 degrees, 44 minutes, 07 seconds East, a distance of 286.37 feet;
(N: 6,937,213.64, E: 2,513,485.50, Grid)

North 59 degrees, 15 minutes, 53 seconds East, a distance of 182.29 feet;
(N: 6,937,306.79, E: 2,513,642.16, Grid)

FIELD NOTES APPROVED:
2022 5-20-16



EXHIBIT A

ONCOR ELECTRIC DELIVERY COMPANY, LLC EASEMENT

Part of the City of Dallas tract, City of Dallas Block 8003 (unplatted)

Levi Dixon Survey, Abstract No. 380

City of Dallas, Dallas County, Texas

North 30 degrees, 44 minutes, 07 seconds West, a distance of 2.50 feet;
(N: 6,937,308.94, E: 2,513,640.88, Grid)

North 59 degrees, 15 minutes, 53 seconds East, a distance of 20.00 feet;
(N: 6,937,319.16, E: 2,513,658.07, Grid)

South 30 degrees, 44 minutes, 07 seconds East, a distance of 20.00 feet;
(N: 6,937,301.97, E: 2,513,668.29, Grid)

South 59 degrees, 15 minutes, 53 seconds West, a distance of 20.00 feet;
(N: 6,937,291.75, E: 2,513,651.10, Grid)

North 30 degrees, 44 minutes, 07 seconds West, a distance of 2.50 feet;
(N: 6,937,293.90, E: 2,513,649.83, Grid)

South 59 degrees, 15 minutes, 53 seconds West, a distance of 182.29 feet;
(N: 6,937,200.75, E: 2,513,493.16, Grid)

South 30 degrees, 44 minutes, 07 seconds East, a distance of 126.93 feet;
(N: 6,937,091.66, E: 2,513,558.03, Grid)

North 59 degrees, 15 minutes, 53 seconds East, a distance of 180.40 feet;
(N: 6,937,183.85, E: 2,513,713.06, Grid)

South 30 degrees, 44 minutes, 07 seconds East, a distance of 123.94 feet;
(N: 6,937,077.33, E: 2,513,776.40, Grid)

North 59 degrees, 15 minutes, 53 seconds East, a distance of 2.50 feet;
(N: 6,937,078.61, E: 2,513,778.54, Grid)

South 30 degrees, 44 minutes, 07 seconds East, a distance of 20.00 feet;
(N: 6,937,061.42, E: 2,513,788.77, Grid)

South 59 degrees, 15 minutes, 53 seconds West, a distance of 20.00 feet;
(N: 6,937,051.20, E: 2,513,771.58, Grid)

North 30 degrees, 44 minutes, 07 seconds West, a distance of 20.00 feet;
(N: 6,937,068.39, E: 2,513,761.36, Grid)

North 59 degrees, 15 minutes, 53 seconds East, a distance of 2.50 feet;
(N: 6,937,069.67, E: 2,513,763.51, Grid)

North 30 degrees, 44 minutes, 07 seconds West, a distance of 108.94 feet;
(N: 6,937,163.29, E: 2,513,707.84, Grid)

South 59 degrees, 15 minutes, 53 seconds West, a distance of 165.40 feet;

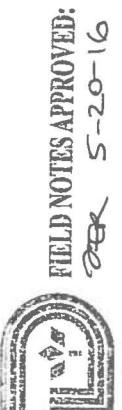


EXHIBIT A

ONCOR ELECTRIC DELIVERY COMPANY, LLC EASEMENT

Part of the City of Dallas tract, City of Dallas Block 8003 (unplatted)

Levi Dixon Survey, Abstract No. 380

City of Dallas, Dallas County, Texas

(N: 6,937,078.77, E: 2,513,565.69, Grid)

South 30 degrees, 44 minutes, 07 seconds East, a distance of 22.50 feet;

(N: 6,937,059.44, E: 2,513,577.19, Grid)

South 59 degrees, 15 minutes, 53 seconds West, a distance of 15.00 feet;

(N: 6,937,051.77, E: 2,513,564.30, Grid)

North 30 degrees, 44 minutes, 07 seconds West, a distance of 460.70 feet;

(N: 6,937,447.70, E: 2,513,328.88, Grid)

South 59 degrees, 15 minutes, 53 seconds West, a distance of 22.50 feet;

(N: 6,937,436.21, E: 2,513,309.54, Grid)

North 30 degrees, 44 minutes, 07 seconds West, a distance of 15.00 feet;

(N: 6,937,449.10, E: 2,513,301.88, Grid)

North 59 degrees, 15 minutes, 53 seconds East, a distance of 26.14 feet;

(N: 6,937,462.45, E: 2,513,324.34, Grid)

North 04 degrees, 45 minutes, 06 seconds East, a distance of 139.20 feet;

(N: 6,937,601.15, E: 2,513,335.87, Grid)

North 48 degrees, 39 minutes, 54 seconds West, a distance of 117.08 feet;

(N: 6,937,678.47, E: 2,513,247.97, Grid)

South 59 degrees, 36 minutes, 39 seconds West, a distance of 14.58 feet;

(N: 6,937,671.10, E: 2,513,235.39, Grid)

North 30 degrees, 23 minutes, 21 seconds West, a distance of 15.00 feet;

(N: 6,937,684.03, E: 2,513,227.81, Grid)

North 59 degrees, 36 minutes, 39 seconds East, a distance of 12.50 feet;

(N: 6,937,690.36, E: 2,513,238.59, Grid)

North 30 degrees, 23 minutes, 21 seconds West, a distance of 443.03 feet to a point in the said south line of Simpson Stuart Road and the said north line of Block 8003 and the said north line of the City of Dallas tract; (N: 6,938,072.46, E: 2,513,014.50, Grid) from which a 5/8-inch iron rod with "BDS TECH" cap (controlling monument) found for the northwest corner of the said City of Dallas tract bears South 59 degrees, 15 minutes, 53 seconds West, a distance of 1,296.87 feet;

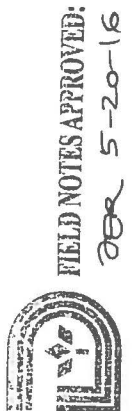


EXHIBIT A.

ONCOR ELECTRIC DELIVERY COMPANY, LLC EASEMENT

Part of the City of Dallas tract, City of Dallas Block 8003 (unplatted)

Levi Dixon Survey, Abstract No. 380

City of Dallas, Dallas County, Texas

THENCE, North 59 degrees, 15 minutes, 53 seconds East, along the said south line of Simpson Stuart Road and the said north line of Block 8003 and the said north line of the City of Dallas tract, a distance of 26.62 feet to the POINT OF BEGINNING;

CONTAINING: 26,815 square feet or 0.616 acres of land, more or less.

Bearing system is based on the State Plane Coordinate System, North American Datum of 1983 (2011), Texas North Central, Zone 4202. Distances shown have been adjusted to surface by applying the Dallas County TxDOT combination factor of 1.000136506.

All Coordinates given are Texas State Plane, North Central Zone 4202, North American Datum of 1983 (2011), no scale, no projection.


(A survey plat of even survey date herewith accompanies this description.)

The undersigned, Registered Professional Land Surveyor, hereby certifies that the foregoing description accurately sets out the metes and bounds of the easement tract described.


Justin W. Waldrip Date
Registered Professional Land Surveyor No. 6179
Pacheco Koch, Inc
7557 Rambler Road, Suite 1400, Dallas, TX 75231
(972) 235-3031
TX Reg. Surveying Firm LS-1008000



3751-15.402EX.docx
3751-15.402EX.dwg CTP

FIELD NOTES APPROVED:
DER 5-20-16




0 30 60 120

GRAPHIC SCALE IN FEET

LOT 1, BLOCK A/8002
DALLAS ECO BUSINESS
PARK ADDITION, PHASE 1
(VOL. 2003116, PG. 4)
(D.R.D.C.T.)
CITY OF DALLAS
(VOL. 96217, PG. 5645)
(D.R.D.C.T.)

LOCUST
DRIVE

(60' WIDE RIGHT-OF-WAY)
(VOL. 2003116, PG. 4, D.R.D.C.T.)

CITY BLOCK
12/8002
CITY OF DALLAS
(NO RECORD FOUND)

SIMPSON STUART ROAD

(60' WIDE RIGHT-OF-WAY)
(VOL. 2233, PG. 439, D.R.D.C.T.)

N 59°15'53" E
26.62'

P.O.B.

5/8-INCH IRON ROD W/
"BDS TECH" CAP FOUND
(C.M.)

(38)

S 59°15'53" W 2,764.01'
S 08°48'19" E
31.58'

P.O.C.

AXLE FOUND
(C.M.)
(1/2-INCH IRON ROD FOUND
BEARS S 03°24'28" E, 3.73')

LEGEND

- PROPERTY LINE
- PROPOSED
- EASEMENT LINE
- (C.M.) - CONTROLLING MONUMENT
- D.R.D.C.T. - DEED RECORDS OF
DALLAS COUNTY, TEXAS
- R/W - RIGHT OF WAY LINE
- ⊙ - AXLE FOUND
- ⊠ - 5/8-INCH IRON ROD W/
"BDS TECH" CAP FOUND
- P.O.C. - POINT OF COMMENCING
- P.O.B. - POINT OF BEGINNING

ONCOR ELECTRIC
DELIVERY COMPANY,
LLC EASEMENT
26,815 SQUARE FEET
(0.616 ACRES)

CITY BLOCK 8003
CITY OF DALLAS
(VOL. 80111, PG. 2361)
(D.R.D.C.T.)

N 30°23'21" W 443.03'

S 30°23'21" E 420.12'

NOTES:

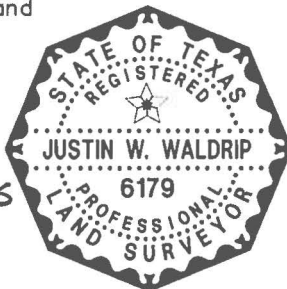
1. A metes and bounds description of even survey date herewith accompanies this plat of survey.
2. Bearing system for this survey is based on the State Plane Coordinate System, North American Datum of 1983 (2011), Texas North Central, Zone 4202. Distances reported have been scaled by applying the Dallas County TxDOT combination factor of 1.000136506.
3. All coordinates given are Texas State Plane, North Central Zone 4202, North American Datum of 1983 (2011), no scale, no projection.

MATCH LINE (SEE SHEET 6)

The undersigned, Registered Professional Land Surveyor, hereby certifies that this plat of survey accurately sets out the metes and bounds of the easement tract described.

Justin W. Waldrip
Registered Professional
Land Surveyor No. 6179

Date

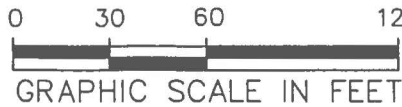


7557 RAMBLER ROAD, SUITE 1400
DALLAS, TX 75231 972.235.3031
TX REG. ENGINEERING FIRM F-469
TX REG. SURVEYING FIRM LS-10008000

ONCOR ELECTRIC DELIVERY COMPANY, LLC EASEMENT

PART OF THE CITY OF DALLAS TRACT
CITY OF DALLAS BLOCK 8003 (UNPLATTED)
LEVI DIXON SURVEY, ABSTRACT NO. 380,
CITY OF DALLAS, DALLAS COUNTY, TEXAS
SHEET 5 OF 8

DRAWN BY	CHECKED BY	SCALE	DATE	JOB NUMBER
CTP	JWW	1"=60'	MAY 2016	3751-15.402



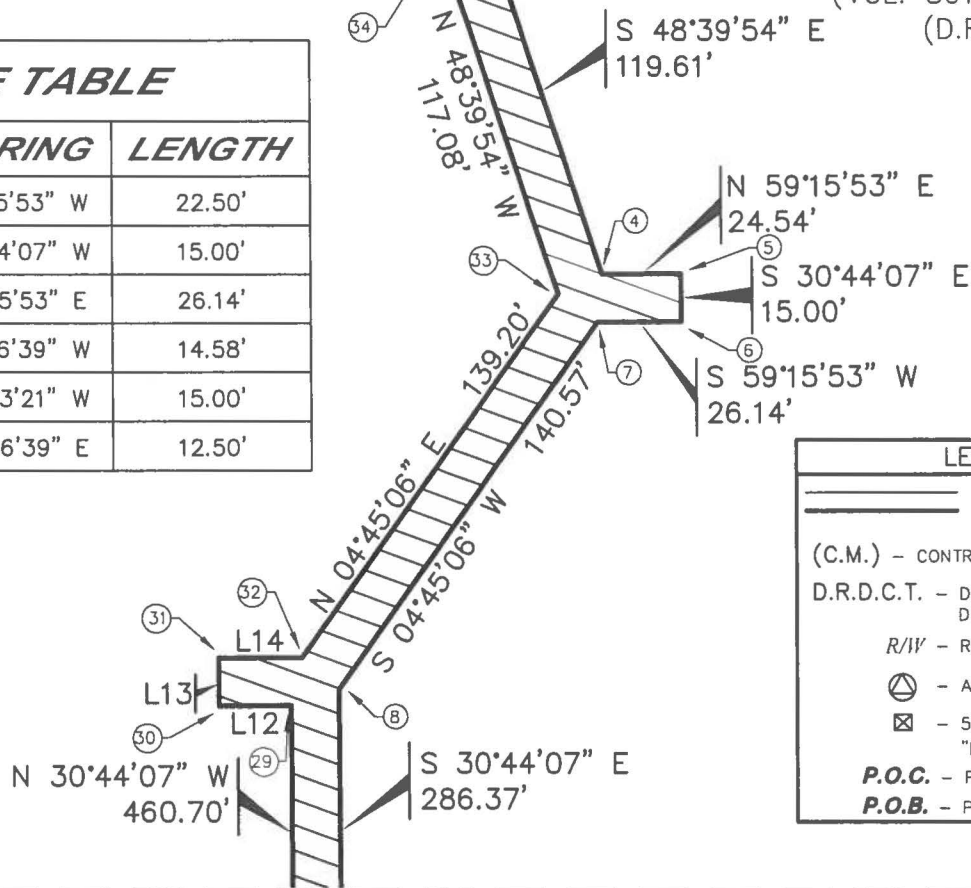
MATCH LINE (SEE SHEET 5)

N 30°23'21" W
443.03'S 30°23'21" E
420.12'

ONCOR ELECTRIC
DELIVERY COMPANY,
LLC EASEMENT
26,815 SQUARE FEET
(0.616 ACRES)

CITY BLOCK 8003
CITY OF DALLAS
(VOL. 80111, PG. 2361)
(D.R.D.C.T.)

LINE TABLE		
LINE	BEARING	LENGTH
L12	S 59°15'53" W	22.50'
L13	N 30°44'07" W	15.00'
L14	N 59°15'53" E	26.14'
L15	S 59°36'39" W	14.58'
L16	N 30°23'21" W	15.00'
L17	N 59°36'39" E	12.50'



LEGEND

	PROPERTY LINE
	PROPOSED EASEMENT LINE
(C.M.)	- CONTROLLING MONUMENT
D.R.D.C.T.	- DEED RECORDS OF DALLAS COUNTY, TEXAS
R/W	- RIGHT OF WAY LINE
	- AXLE FOUND
	- 5/8-INCH IRON ROD W/ "BDS TECH" CAP FOUND
P.O.C.	- POINT OF COMMENCING
P.O.B.	- POINT OF BEGINNING

NOTES:

MATCH LINE (SEE SHEET 7)

1. A metes and bounds description of even survey date herewith accompanies this plat of survey.
2. Bearing system for this survey is based on the State Plane Coordinate System, North American Datum of 1983 (2011), Texas North Central Zone 4202. Distances reported have been scaled by applying the Dallas County TxDOT combination factor of 1.000136506.
3. All coordinates given are Texas State Plane, North Central Zone 4202, North American Datum of 1983 (2011), no scale, no projection.



7557 RAMBLER ROAD, SUITE 1400
DALLAS, TX 75231 972.235.3031
TX REG. ENGINEERING FIRM F-469
TX REG. SURVEYING FIRM LS-10008000

ONCOR ELECTRIC DELIVERY COMPANY, LLC EASEMENT

PART OF THE CITY OF DALLAS TRACT
CITY OF DALLAS BLOCK 8003 (UNPLATTED)
LEVI DIXON SURVEY, ABSTRACT NO. 380,
CITY OF DALLAS, DALLAS COUNTY, TEXAS
SHEET 6 OF 8

DRAWN BY	CHECKED BY	SCALE	DATE	JOB NUMBER
CTP	JWW	1"=60'	MAY 2016	3751-15.402

MATCH LINE (SEE SHEET 6)

LEGEND

- PROPERTY LINE
 PROPOSED EASEMENT LINE
 (C.M.) - CONTROLLING MONUMENT
 D.R.D.C.T. - DEED RECORDS OF DALLAS COUNTY, TEXAS
 R/W - RIGHT OF WAY LINE
 AXLE FOUND
 5/8-INCH IRON ROD W/ "BDS TECH" CAP FOUND
 P.O.C. - POINT OF COMMENCING
 P.O.B. - POINT OF BEGINNING

LINE TABLE

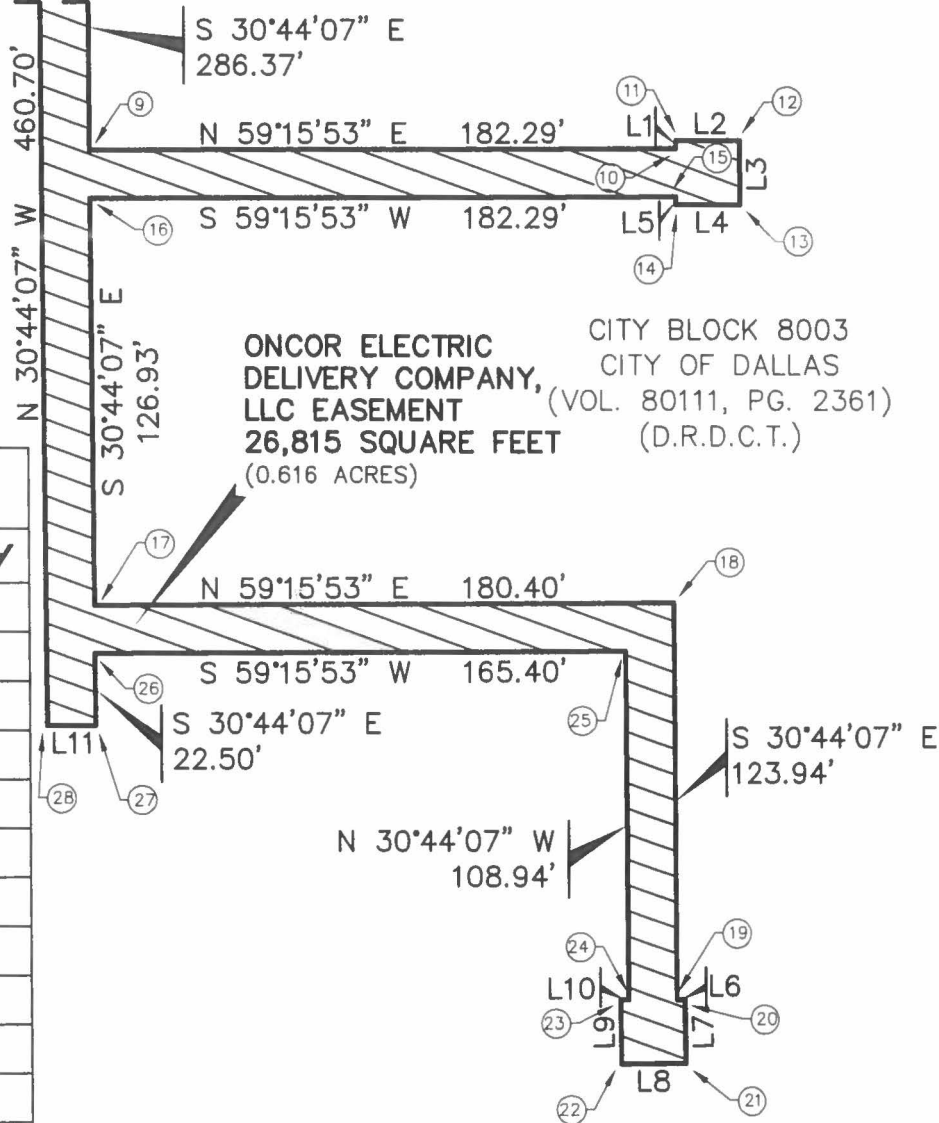
LINE	BEARING	LENGTH
L1	N 30°44'07" W	2.50'
L2	N 59°15'53" E	20.00'
L3	S 30°44'07" E	20.00'
L4	S 59°15'53" W	20.00'
L5	N 30°44'07" W	2.50'
L6	N 59°15'53" E	2.50'
L7	S 30°44'07" E	20.00'
L8	S 59°15'53" W	20.00'
L9	N 30°44'07" W	20.00'
L10	N 59°15'53" E	2.50'
L11	S 59°15'53" W	15.00'

NOTES:

1. A metes and bounds description of even survey date herewith accompanies this plat of survey.
2. Bearing system for this survey is based on the State Plane Coordinate System, North American Datum of 1983 (2011), Texas North Central, Zone 4202. Distances reported have been scaled by applying the Dallas County TxDOT combination factor of 1.000136506.
3. All coordinates given are Texas State Plane, North Central Zone 4202, North American Datum of 1983 (2011), no scale, no projection.

7557 RAMBLER ROAD, SUITE 1400
 DALLAS, TX 75231 972.235.3031
 TX REG. ENGINEERING FIRM F-469
 TX REG. SURVEYING FIRM LS-10008000

DRAWN BY	CHECKED BY	SCALE	DATE	JOB NUMBER
CTP	JWW	1"=60'	MAY 2016	3751-15.402



0 30 60 120
GRAPHIC SCALE IN FEET

ONCOR ELECTRIC DELIVERY COMPANY, LLC EASEMENT

PART OF THE CITY OF DALLAS TRACT
 CITY OF DALLAS BLOCK 8003 (UNPLATTED)
 LEVI DIXON SURVEY, ABSTRACT NO. 380,
 CITY OF DALLAS, DALLAS COUNTY, TEXAS
 SHEET 7 OF 8

COORDINATE TABLE			COORDINATE TABLE		
POINT NO.	NORTHING	EASTING	POINT NO.	NORTHING	EASTING
1	6,938,086.07	2,513,037.38	20	6,937,078.61	2,513,778.54
2	6,938,054.86	2,513,042.21	21	6,937,061.42	2,513,788.77
3	6,937,692.51	2,513,254.71	22	6,937,051.20	2,513,771.58
4	6,937,613.53	2,513,344.51	23	6,937,068.39	2,513,761.36
5	6,937,626.07	2,513,365.60	24	6,937,069.67	2,513,763.51
6	6,937,613.18	2,513,373.27	25	6,937,163.29	2,513,707.84
7	6,937,599.82	2,513,350.81	26	6,937,078.77	2,513,565.69
8	6,937,459.75	2,513,339.16	27	6,937,059.44	2,513,577.19
9	6,937,213.64	2,513,485.50	28	6,937,051.77	2,513,564.30
10	6,937,306.79	2,513,642.16	29	6,937,447.70	2,513,328.88
11	6,937,308.94	2,513,640.88	30	6,937,436.21	2,513,309.54
12	6,937,319.16	2,513,658.07	31	6,937,449.10	2,513,301.88
13	6,937,301.97	2,513,668.29	32	6,937,462.45	2,513,324.34
14	6,937,291.75	2,513,651.10	33	6,937,601.15	2,513,335.87
15	6,937,293.90	2,513,649.83	34	6,937,678.47	2,513,247.97
16	6,937,200.75	2,513,493.16	35	6,937,671.10	2,513,235.39
17	6,937,091.66	2,513,558.03	36	6,937,684.03	2,513,227.81
18	6,937,183.85	2,513,713.06	37	6,937,690.36	2,513,238.59
19	6,937,077.33	2,513,776.40	38	6,938,072.46	2,513,014.50

NOTES:

1. A metes and bounds description of even survey date herewith accompanies this plat of survey.
2. Bearing system for this survey is based on the State Plane Coordinate System, North American Datum of 1983 (2011), Texas North Central, Zone 4202. Distances reported have been scaled by applying the Dallas County TxDOT combination factor of 1.000136506.
3. All coordinates given are Texas State Plane, North Central Zone 4202, North American Datum of 1983 (2011), no scale, no projection.



7557 RAMBLER ROAD, SUITE 1400
DALLAS, TX 75231 972.235.3031
TX REG. ENGINEERING FIRM F-469
TX REG. SURVEYING FIRM LS-10008000

ONCOR ELECTRIC DELIVERY COMPANY, LLC EASEMENT

PART OF THE CITY OF DALLAS TRACT
CITY OF DALLAS BLOCK 8003 (UNPLATTED)
LEVI DIXON SURVEY, ABSTRACT NO. 380,
CITY OF DALLAS, DALLAS COUNTY, TEXAS
SHEET 8 OF 8

DRAWN BY	CHECKED BY	SCALE	DATE	JOB NUMBER
CTP	JWW	NONE	MAY 2016	3751-15.402

AGENDA ITEM # 31

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: June 15, 2016

COUNCIL DISTRICT(S): Outside City Limits

DEPARTMENT: Sustainable Development and Construction
Water Utilities

CMO: Ryan S. Evans, 671-9837
Mark McDaniel, 670-3256

MAPSCO: 30Y

SUBJECT

A resolution authorizing the conveyance of a storm sewer drainage easement containing approximately 1,592 square feet to the City of Garland across City-owned land at Lake Ray Hubbard located near the intersection of Roan and Rowlett Roads - Revenue: \$1,000

BACKGROUND

This item authorizes the conveyance of a storm sewer drainage easement to the City of Garland for the construction and maintenance of a drainage easement across City-owned land at Lake Ray Hubbard near the intersection of Roan and Rowlett Roads. This property will be used for the Hillside on the Lake II Project. The purchase price of \$1,000 is based on independent appraisal.

PRIOR ACTION / REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Information about this item will be provided to the Economic Development Committee on June 6, 2016.

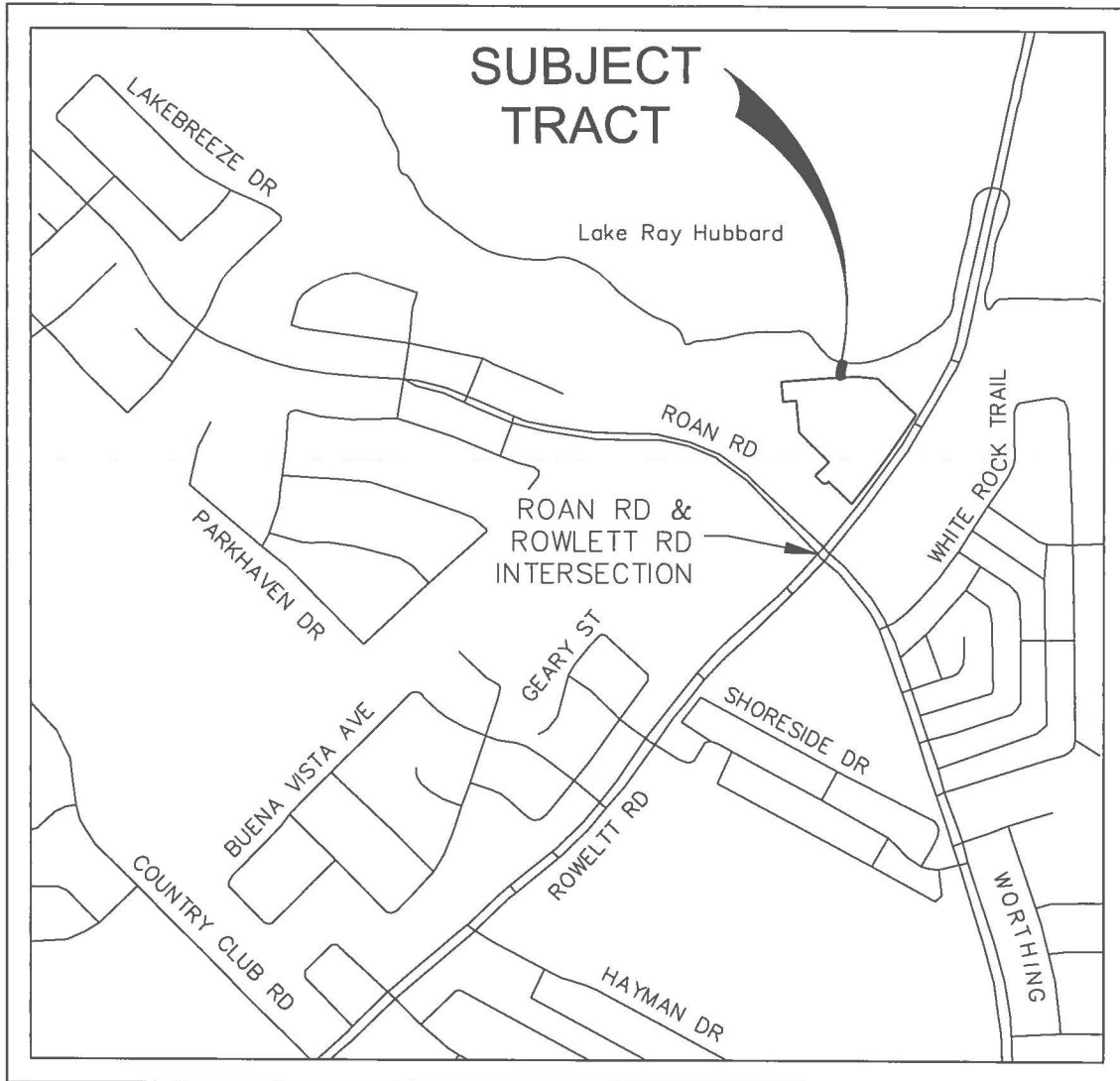
FISCAL INFORMATION

Revenue: \$1,000

MAP

Attached

N



VICINITY MAP

June 15, 2016

WHEREAS, the City of Dallas owns a tract of land which is used for Lake Ray Hubbard; and

WHEREAS, the City of Garland has requested a drainage easement on said land for the construction, maintenance and use of storm sewer drainage facilities containing 1,592 square feet of land, located near the intersection of Roan and Rowlett Roads, City of Garland, Dallas County, Texas; and being more fully described in Exhibit "A" attached hereto and made a part hereof for all purposes; and

WHEREAS, the Interlocal Agreement and Lease between the City of Dallas and the City of Garland dated July 20, 1999, contemplates the granting of easement rights.
Now, Therefore,

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

SECTION 1. That upon receipt of **ONE THOUSAND DOLLARS AND NO/100 (\$1,000.00)** from the City of Garland, the City Manager or designee is authorized to execute a Drainage Easement, to be attested by the City Secretary upon approval as to form by the City Attorney.

SECTION 2. That the proceeds shall be deposited into the Water and Sewer Revenue Fund 0100, Dept DWU, Unit 7005, Revenue Source 8428 and Department of Sustainable Development and Construction Services, Real Estate Division shall be reimbursed for the costs of obtaining legal description, appraisal and other administrative cost incurred. The reimbursement processed shall be deposited in General Fund 0001, Dept DEV, Unit 1183, Object 5011 and any remaining proceeds shall be transferred to the General Capital Reserves Fund 0625, Dept BMS, Org 8888, Revenue Source 8118.

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.

APPROVED AS TO FORM:
CHRISTOPHER D. BOWERS
Interim City Attorney

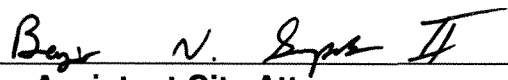
By: 
Assistant City Attorney

EXHIBIT A
20' WIDE DRAINAGE EASEMENT
JOHN LITTLE SURVEY
ABSTRACT No. 761
CITY of GARLAND, DALLAS COUNTY, TEXAS

BEING a 1,592 Square Feet tract of land situated in the John Little Survey, Abstract No. 761. City of Garland, Dallas, County, Texas, said tract being a portion of that tract of land conveyed to the City of Dallas and described in the Warranty Deed and recorded in Volume 68252, Page 937 of the Deed Records of Dallas County Texas (DRDCT) also as shown on City of Dallas "Take Line" Map 612D, Sheet 189 on file in the City of Dallas Public Works, Survey Records Vault, said subject tract being more particularly described as follows:

COMMENCING at a City Of Dallas concrete monument found, (Controlling Monument CM) with no cap at corner number O3-4 according to the City Of Dallas Map of Lake Ray Hubbard filed as Drawing No. 612D-1, Sheet 189 in the Dallas Survey Records Vault, from said boundary angle point another City Of Dallas concrete monument (CM) with Brass cap stamped O5-1, O3-5 found bears North 73° 43' 32" West a distance of 33.75 feet (City deed is 34.70 feet)and being in a southerly line of said City Of Dallas tract the same being in that north line of a tract of land described as Tract 1 in that Special Warranty Deed to M/I Homes of DFW, LLC., recorded in Instrument No. 201400100398, Official Public Records, Dallas County, Texas;

THENCE, North 85° 19' 38" East, along said common south line of said City Of Dallas tract , north line of said Tract 1 and Tract 2 of said M/I HOMES OF DFW, LLC, a distance of 774.48 feet (deed call 774.57 feet) to a City Of Dallas concrete monument with Brass cap stamped O3-3

THENCE, North 87° 01' 21" East, along the common line of Tract 2 of said M/I HOMES OF DFW, LLC, and said City of Dallas tract a distance of 75.04 feet to a 5/8" iron rod with a yellow plastic cap stamped "WESTWOOD PS" set for the **POINT OF BEGINNING**;

THENCE, North 02° 58'39" West, departing said common line and over and across said City Of Dallas tract, a distance of 20.80 feet to a 5/8 inch iron rod with yellow plastic cap stamped "WESTWOOD PS" set for corner and the beginning of a curve to the right having a central; angle of 19°48'32", a radius of 80.00 feet and a long chord that bears North 06°55'37"East a distance of 27.52 feet



EXHIBIT A

THENCE, along said curve to the right an arc distance of 27.66 feet to a 5/8" iron rod with a yellow plastic cap stamped "WESTWOOD PS" set for corner;

THENCE, North 16°49'53" East, a distance of 34.58 feet to a 5/8" iron rod with a yellow plastic cap stamped "WESTWOOD PS" set for corner;

THENCE, South 73°10'07" East, a distance of 20.00 feet to a 5/8" iron rod with a yellow plastic cap stamped "WESTWOOD PS" set for corner;

THENCE, South 16°49'53" West, a distance of 34.58 feet to a 5/8" iron rod with a yellow plastic cap stamped "WESTWOOD PS" set for corner and the beginning of a curve to the left having a central angle of 19°48'32", a radius of 60.00 feet and a long chord that bears South 06°55'37" West a distance of 20.64 feet;

THENCE along said curve to the left an arc distance of 20.74 feet to a 5/8" iron rod with a yellow plastic cap stamped "WESTWOOD PS" set for corner;

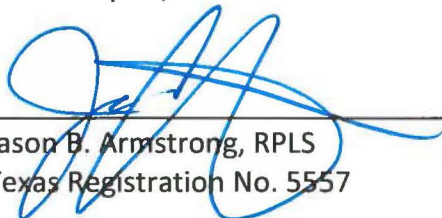
THENCE, South 02°58'39" East, a distance of 20.80 feet to a 5/8" iron rod with a yellow plastic cap stamped "WESTWOOD PS" set for corner;

THENCE, South 87° 01' 21" West, a distance of 20.00 feet to the **PLACE OF BEGINNING** with the subject tract containing 1,592 square feet of land.

Bearing basis is Grid North. Texas State Plane Coordinates North Central Zone (4202) using City of Garland Geodetic Control (2002 Datum) Monuments.

An exhibit of even date accompanies this description.

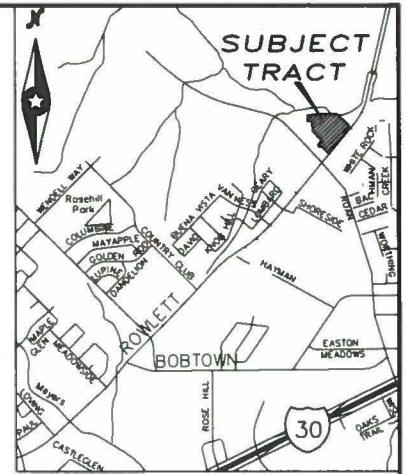
Date: May 23, 2016



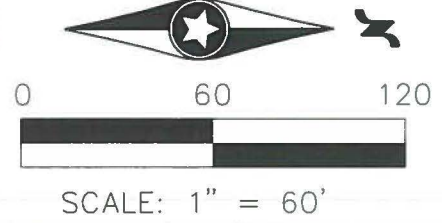
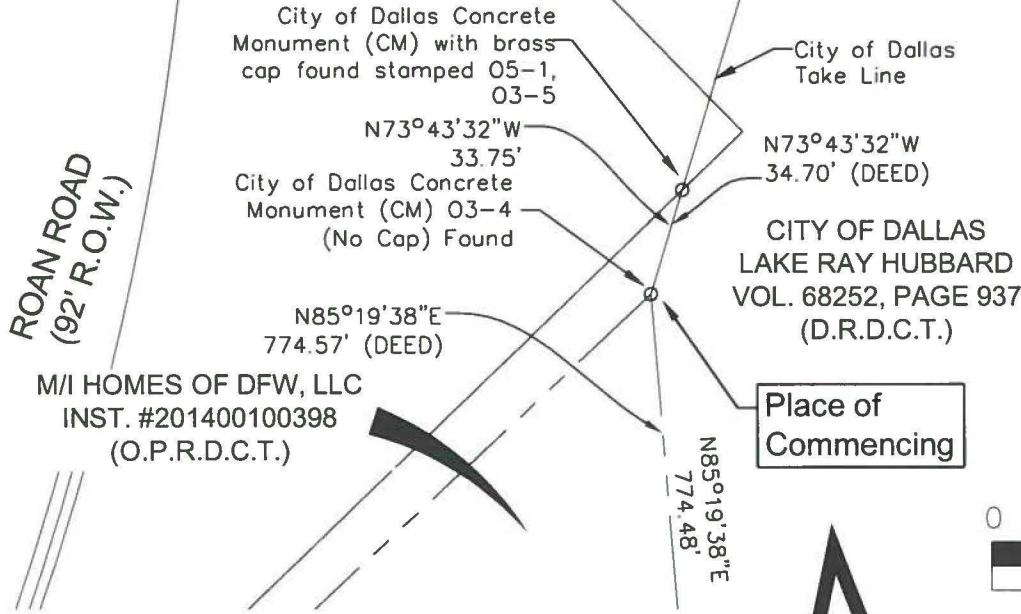
Jason B. Armstrong, RPLS
Texas Registration No. 5557



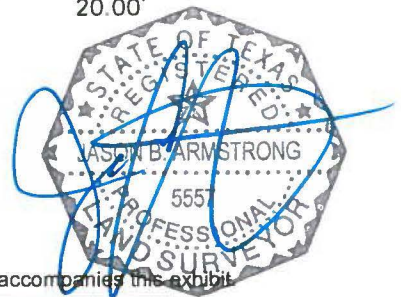
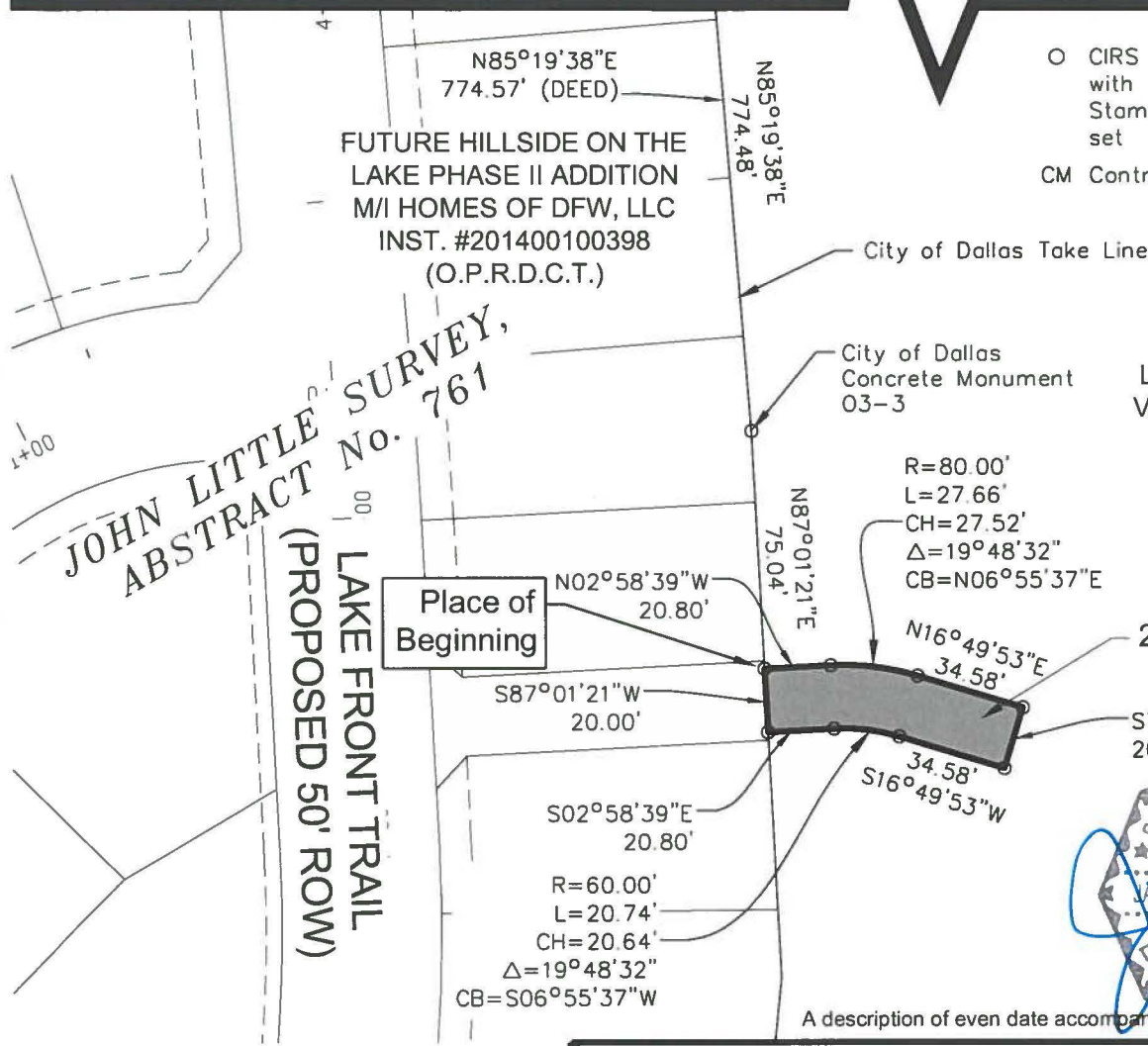
EXHIBIT A



SUBJECT TRACT



- CIRS - 5/8" Iron Rod with Yellow Plastic Cap Stamped "Westwood PS" set
- CM Controlling Monument



A description of even date accompanies this exhibit.

TIPTON ENGINEERING
a division of **Westwood**

2740 North Dallas Parkway
Suite 280, Plano, Texas 75093
(972) 793-0300 Firm No. F-11756

20' Drainage Easement Hillside on the Lake II

John Little Survey ~ Abstract No. 761
City of Garland, Dallas County, Texas

Sheet: 1 OF 3
Date: 05/23/16

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: June 15, 2016

COUNCIL DISTRICT(S): Outside City Limits

DEPARTMENT: Sustainable Development and Construction
Water Utilities

CMO: Ryan S. Evans, 671-9837
Mark McDaniel, 670-3256

MAPSCO: 10C-T

SUBJECT

A resolution authorizing the conveyance of two drainage easements containing a total of approximately 23,357 square feet to the City of Rockwall across City-owned land at Lake Ray Hubbard located near the intersection of Chestnut Lane and Betty Street - Revenue: \$4,485

BACKGROUND

This item authorizes the conveyance of two drainage easements containing a total of approximately 23,357 square feet to the City of Rockwall for the construction and maintenance of two drainage easements across City-owned land at Lake Ray Hubbard near the intersection of Chestnut Lane and Betty Street. This property will be used for the Castle Ridge Estates Project. The purchase price of \$4,485 is based on an independent appraisal.

PRIOR ACTION / REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Information about this item will be provided to the Economic Development Committee on June 6, 2016.

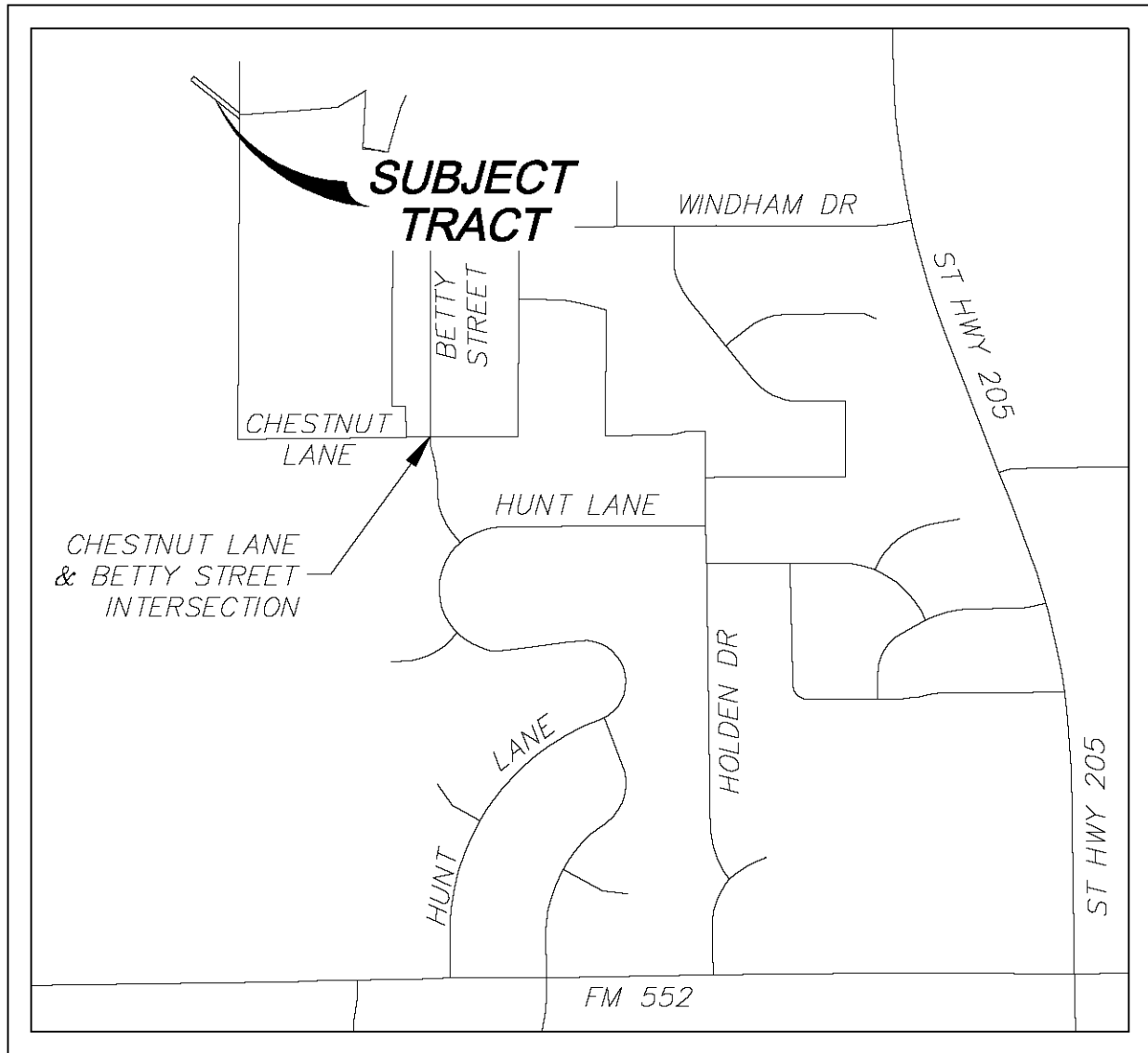
FISCAL INFORMATION

Revenue: \$4,485

MAP

Attached

N



VICINITY MAP

June 15, 2016

WHEREAS, the City of Dallas owns tracts of land which are used for Lake Ray Hubbard; and

WHEREAS, the City of Rockwall has requested two drainage easements on said land for the construction, maintenance and use of storm sewer drainage facilities containing a total of approximately 23,357 square feet of land, located in Abstract No. 187, Rockwall County, Texas, the boundary of which property being more particularly described in "Exhibit A", attached hereto and made part hereof for all purposes; **Now, Therefore,**

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

SECTION 1. That upon receipt of **FOUR THOUSAND FOUR HUNDRED EIGHTY FIVE DOLLARS AND NO/100 (\$4,485.00)** from the City of Rockwall, the City Manager is authorized to execute two drainage easements, to be attested by the City Secretary, upon approval as to form by the City Attorney, for a total of approximately 23,357 square feet of land, located in Rockwall, Rockwall County, Texas.

SECTION 2. That the proceeds shall be deposited into the General Fund 0001, Department DEV, Balance Sheet 0519 and Department of Sustainable Development and Construction Services, Real Estate Division shall be reimbursed for administrative costs incurred (Fund 0001, Department DEV, Unit 1183, Object 5011). Any remaining proceeds shall be transferred to the Water and Sewer Revenue Fund 0100, Department DWU, Unit 7005, Revenue Source 8428.

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.

APPROVED AS TO FORM:

CHRISTOPHER D. BOWERS, Interim City Attorney

BY 
Assistant City Attorney

EXHIBIT / TRACT 1

FIELD NOTES DESCRIBING AN 18,376 SQ. FOOT (0.422ACRE)
DRAINAGE EASEMENT TO BE ACQUIRED BY
THE CITY OF ROCKWALL WITHIN THE LIMITS OF LAKE RAY HUBBARD
FROM THE CITY OF DALLAS

BEING an 18,376 square foot (0.422 acre) tract of land situated in the City of Rockwall, Rockwall County, Texas, being a part of the J. Strickland Survey, Abstract No. 187, being out of the 132 1/2 acre tract of land (Second Tract) conveyed to the City of Dallas (Lake Ray Hubbard) by deed of record in Volume 60, Page 450, of the Official Public Records, Rockwall County, Texas, said 0.422 acre tract being more particularly described as follows:

COMMENCING at a 5/8" found iron rod with yellow cap stamped "Westwood PS" found for the occupied southeast corner of said City of Dallas tract and for the southwest corner of the 19.521 acre tract of land conveyed to D.R. Horton-Texas, LTD. by deed recorded in Instrument Number 2014-00006940 of said Official Public Records, from which (1) a concrete monument with metallic cap stamped "City of Dallas Marker / EE 8-3 bears South 89 degrees 27 minutes 13 seconds West, 991.77 feet and (2) a concrete monument with metallic cap stamped "City of Dallas Marker / EE 12-1 and EE 8-5 bears North 00 degrees 20 minutes 39 seconds East, 1,335.82 feet;

THENCE North 00 degrees 20 minutes 39 seconds East, along the west line of said D.R. Horton Tract and the east line of said City of Dallas tract, a distance of 158.32 feet to a 1/2" iron rod with yellow plastic cap stamped "WESTWOOD PS" set for the southeast corner of the herein described easement tract, the **TRUE POINT-OF-BEGINNING**;

THENCE over and across said City of Dallas tract the following courses and distances:

North 89 degrees 45 minutes 04 seconds West, a distance of 112.74 feet to a set 1/2" iron rod with yellow plastic cap stamped "WESTWOOD PS";

North 44 degrees 52 minutes 32 seconds West, a distance of 43.69 feet to a set 1/2" iron rod with yellow plastic cap stamped "WESTWOOD PS";

North 00 degrees 00 minutes 00 seconds East, a distance of 150.94 feet to a set 1/2" iron rod with yellow plastic cap stamped "WESTWOOD PS";

North 45 degrees 00 minutes 00 seconds West, a distance of 27.07 feet to a set 1/2" iron rod with yellow plastic cap stamped "WESTWOOD PS";

North 90 degrees 00 minutes 00 seconds West, a distance of 158.92 feet to a set 1/2" iron rod with yellow plastic cap stamped "WESTWOOD PS";

North 62 degrees 32 minutes 45 seconds West, a distance of 430.74 feet to a set 1/2" iron rod with yellow plastic cap stamped "WESTWOOD PS";

North 27 degrees 14 minutes 57 seconds East, a distance of 20.00 feet to a set 1/2" iron rod with yellow plastic cap stamped "WESTWOOD PS";

FIELD NOTES APPROVED:

6/11/16



EXHIBIT A
TRACT 1

South 62 degrees 32 minutes 45 seconds East, a distance of 425.93 feet to a set 1/2" iron rod with yellow plastic cap stamped "WESTWOOD PS";

North 90 degrees 00 minutes 00 seconds East, a distance of 162.32 feet to a set 1/2" iron rod with yellow plastic cap stamped "WESTWOOD PS";

South 45 degrees 00 minutes 00 seconds East, a distance of 43.64 feet to a set 1/2" iron rod with yellow plastic cap stamped "WESTWOOD PS";

South 00 degrees 00 minutes 00 seconds East, a distance of 150.97 feet to a set 1/2" iron rod with yellow plastic cap stamped "WESTWOOD PS";

South 44 degrees 52 minutes 32 seconds East, a distance of 27.17 feet to a set 1/2" iron rod with yellow plastic cap stamped "WESTWOOD PS";

South 89 degrees 45 minutes 04 seconds East, a distance of 104.51 feet to a 1/2" iron rod with yellow plastic cap stamped "WESTWOOD PS" set in the west line of said D.R. Horton Tract and the east line of said City of Dallas tract;

THENCE South 00 degrees 20 minutes 39 seconds West, along said common line a distance of 20.00 feet to the **POINT OF BEGINNING** and containing **18,376 square feet or 0.422 acres** of land.

The bearing basis is Grid North State Plane Coordinate System NAD83 (CORS96), Texas North Central Zone 4202, NAVD88.

An exhibit of even date accompanies this description.

Date: November 16, 2015


Jason B. Armstrong, RPLS
Registered Professional Land Surveyor
Texas Registration No. 5557



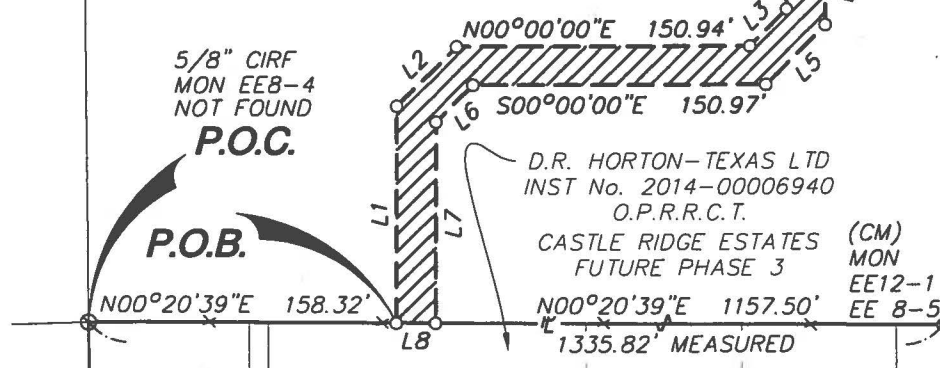
EXHIBIT A
TRACT 1(CM)
MON
EE 8-3

LEGEND	
○	5/8" IRON ROD SET WITH YELLOW CAP STAMPED "WESTWOOD PS"
P.O.B.	POINT OF BEGINNING
P.O.C.	POINT OF COMMENCEMENT
INST No.	INSTRUMENT NUMBER
R.O.W.	RIGHT-OF-WAY
SQ.FT.	SQUARE FEET
O.P.R.R.C.T.	OFFICIAL PUBLIC RECORDS ROCKWALL COUNTY, TEXAS

20' DRAINAGE EASEMENT 0.422 ACRE (18,376 SQ.FT)

CITY OF DALLAS
(LAKE RAY HUBBARD)
132 1/2 AC.
SECOND TRACT
VOL. 60, PG. 450

LINE TABLE		
LINE #	LENGTH	BEARING
L1	112.74	N89°45'04"W
L2	43.69	N44°52'32"W
L3	27.07	N45°00'00"W
L4	20.00	N27°14'57"E
L5	43.64	S45°00'00"E
L6	27.17	S44°52'32"E
L7	104.51	S89°45'04"E
L8	20.00	S00°20'39"W



NOTES:

- 1.) BEARINGS FOR THIS DESCRIPTION CITED ARE BASED ON GRID NORTH STATE PLANE COORDINATES OF THE TEXAS COORDINATE SYSTEM NAD83 (CORS96) TEXAS NORTH CENTRAL ZONE (4202), NAVD88.
- 2.) DESCRIPTION OF EVEN DATE ACCOMPANIES THIS EXHIBIT
- 3.) MAINTENANCE OF EASEMENT SHALL NOT BE THE RESPONSIBILITY OF THE CITY OF DALLAS, TEXAS. UTILITY LINE AND EASEMENT WILL MAINTAINED BY THE CITY OF ROCKWALL, TEXAS.
- 4.) SEE SHEET 132 LAKE RAY HUBBARD DWJ PROPERTY SURVEY.

JASON B. ARMSTRONG 11/16/2015
REGISTERED PROFESSIONAL LAND SURVEYOR NO. 5557
GRAPHIC SCALE 1" = 100'



Westwood

Phone (214) 473-4640 2740 North Dallas Parkway, Suite 280
Toll Free (888) 937-5150 Plano, TX 75093
Survey Firm No. 10074301 westwoodps.com

Westwood Professional Services, Inc.

**20'/0.422 Acre
Drainage Easement
Castle Ridge Estates**
Joseph Strickland Survey ~ Abstract No. 187
City of Rockwall, Rockwall County, Texas

EXHIBIT A
Sheet: 3 of: 3
Date: 11/16/15

EXHIBIT A TRACT 2

FIELD NOTES DESCRIBING A 4,981 SQ. FOOT (0.114 ACRE) DRAINAGE EASEMENT TO BE ACQUIRED BY THE CITY OF ROCKWALL WITHIN THE LIMITS OF LAKE RAY HUBBARD FROM THE CITY OF DALLAS

BEING a 4,981 square foot (0.114 acre) tract of land situated in the City of Rockwall, Rockwall County, Texas, being a part of the J. Strickland Survey, Abstract No. 187, being out of the 132 1/2 acre tract of land (Second Tract) conveyed to the City of Dallas (Lake Ray Hubbard) by deed of record in Volume 60, Page 450 of the Official Public Records, Rockwall County, Texas, said 0.114 acre tract being more particularly described as follows:

BEGINNING at a concrete monument with metallic cap stamped "City of Dallas Marker / EE 12-1 and EE 8-5" found in the east line of said City of Dallas tract for the northwest corner of the 19.521 acre tract of land conveyed to D.R. Horton-Texas, LTD. by deed recorded in Instrument Number 2014-00006940 Land Records, Rockwall County, Texas, said monument marking the southwest corner of the Flood Easement conveyed to the City of Dallas by instrument of record in Volume 76, page 530, of said Official Public Records;

THENCE South 00 degrees 20 minutes 39 seconds West, along the west line of said D.R. Horton tract, a distance of 17.06 feet to a 1/2" iron rod with yellow plastic cap stamped "WESTWOOD PS" set for the southeast corner of the herein described easement tract;

THENCE over and across said City of Dallas tract the following courses and distances:

North 51 degrees 10 minutes 03 seconds West a distance of 257.01 feet to a set 1/2" iron rod with yellow plastic cap stamped "WESTWOOD PS";

North 38 degrees 51 minutes 01 seconds East, a distance of 20.00 feet to a set 1/2" iron rod with yellow plastic cap stamped "WESTWOOD PS";

South 51 degrees 10 minutes 03 seconds South, a distance of 241.18 feet to a 1/2" iron rod with yellow plastic cap stamped "WESTWOOD PS" set in the west line of said Flood Easement;

THENCE South 00 degrees 46 minutes 37 seconds West, along the west line of said Flood Easement and the east line of said City of Dallas tract, a distance of 8.44 feet to the **POINT OF BEGINNING** and containing **4,981 square feet or 0.114 acres** of land.

The bearing basis is Grid North State Plane Coordinate System NAD83 (CORS96), Texas North Central Zone 4202, NAVD88.

An exhibit of even date accompanies this description.

Date: November 16, 2015

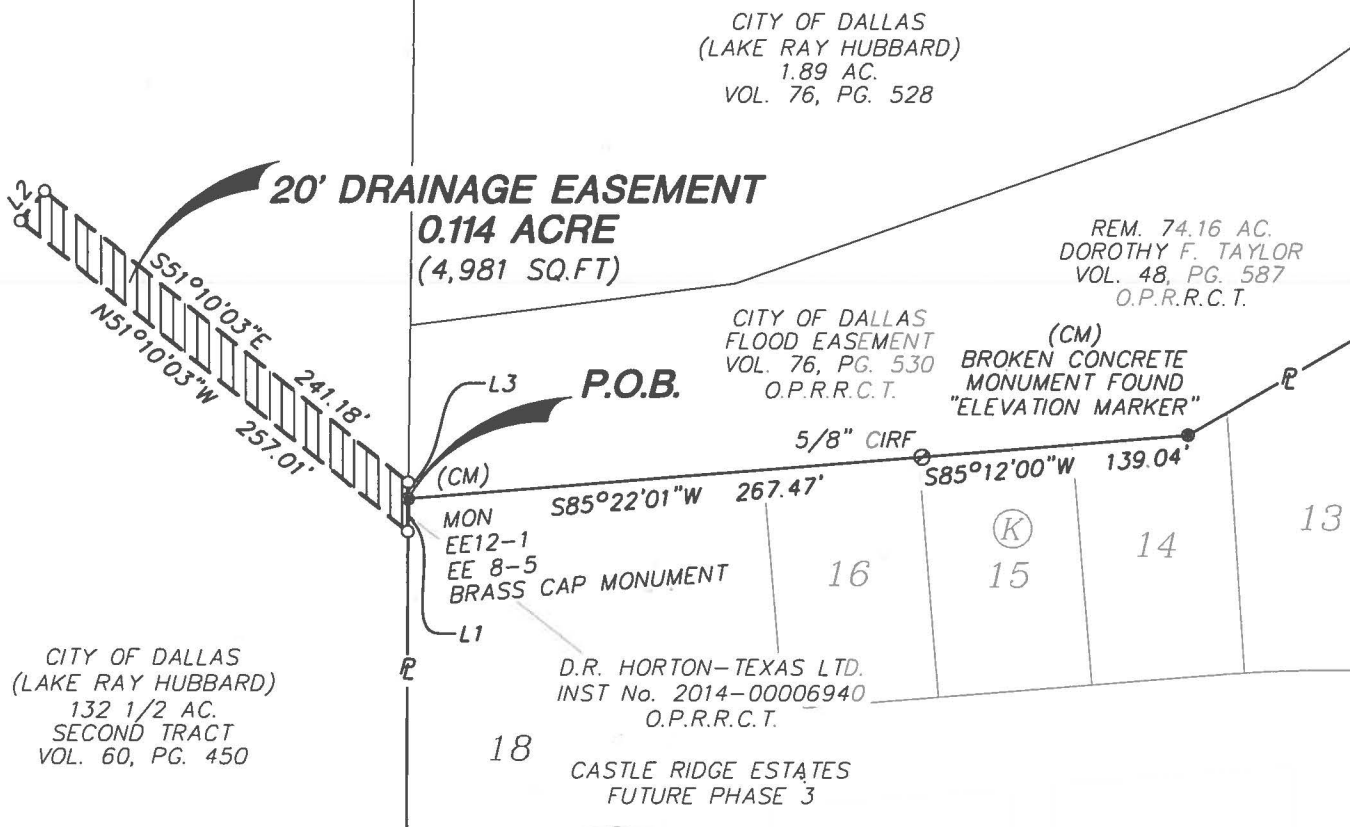

Jason B. Armstrong, RPLS
Registered Professional Land Surveyor
Texas Registration No. 5557





○ 5/8" IRON ROD SET WITH YELLOW CAP
 STAMPED "WESTWOOD PS"
 P.O.B. POINT OF BEGINNING
 P.O.C. POINT OF COMMENCEMENT
 INST No. INSTRUMENT NUMBER
 R.O.W. RIGHT-OF-WAY
 SQ.FT. SQUARE FEET
 O.P.R.R.C.T. OFFICIAL PUBLIC RECORDS ROCKWALL
 COUNTY, TEXAS

LINE TABLE		
LINE #	LENGTH	BEARING
L1	17.06	S00°20'39"W
L2	20.00	N38°51'01"E
L3	8.44	S00°46'37"W



- 1.) BEARINGS FOR THIS DESCRIPTION CITED ARE BASED ON GRID NORTH STATE PLANE COORDINATES OF THE TEXAS COORDINATE SYSTEM NAD83 (CORS96) TEXAS NORTH CENTRAL ZONE (4202), NAVD88.
- 2.) DESCRIPTION OF EVEN DATE ACCOMPANIES THIS EXHIBIT
- 3.) MAINTENANCE OF EASEMENT SHALL NOT BE THE RESPONSIBILITY OF THE CITY OF DALLAS, TEXAS. UTILITY LINE AND EASEMENT WILL MAINTAINED BY THE CITY OF ROCKWALL, TEXAS.
- 4.) SEE SHEET 132 LAKE RAY HUBBARD DWU PROPERTY SURVEY

JASON B. ARMSTRONG 11/16/2015
REGISTERED PROFESSIONAL LAND SURVEYOR NO. 5557
GRAPHIC SCALE 1" = 100'



Westwood

Phone (214) 473-4640 2740 North Dallas Parkway, Suite 280
Toll Free (888) 937-5150 Plano, TX 75093
Survey Firm No. 10074301 westwoodps.com

Westwood Professional Services, Inc.

**20'/0.114 Acre
Drainage Easement
Castle Ridge Estates**

Joseph Strickland Survey ~ Abstract No. 187
City of Rockwall, Rockwall County, Texas

EXHIBIT A

Sheet: 2 of: 2

Date: 11/16/15

AGENDA ITEM # 33

KEY FOCUS AREA: Economic Vibrancy
AGENDA DATE: June 15, 2016
COUNCIL DISTRICT(S): 10
DEPARTMENT: Sustainable Development and Construction
CMO: Ryan S. Evans, 671-9837
MAPSCO: 17X

SUBJECT

An ordinance granting a private license to Country Forest-Jackson Meadows Homeowners Association, Inc. for the use of approximately 30 square feet of land to install a monument sign on a portion of Chimney Hill Lane right-of-way, located near its intersection with Cross Creek Drive - Revenue: \$100 one-time fee, plus the \$20 ordinance publication fee

BACKGROUND

This item grants a private license to Country Forest-Jackson Meadows Homeowners Association, Inc. for approximately 30 square feet of land to install a monument sign on a portion of Chimney Hill Lane right-of-way, near its intersection with Cross Creek Drive. The use of this area will not impede pedestrian or vehicular traffic.

The licensee will indemnify the City and carry general liability insurance naming the City as an additional insured.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Information about this item will be provided to the Economic Development Committee on June 6, 2016.

FISCAL INFORMATION

Revenue: \$100 one-time fee, plus the \$20 ordinance publication fee

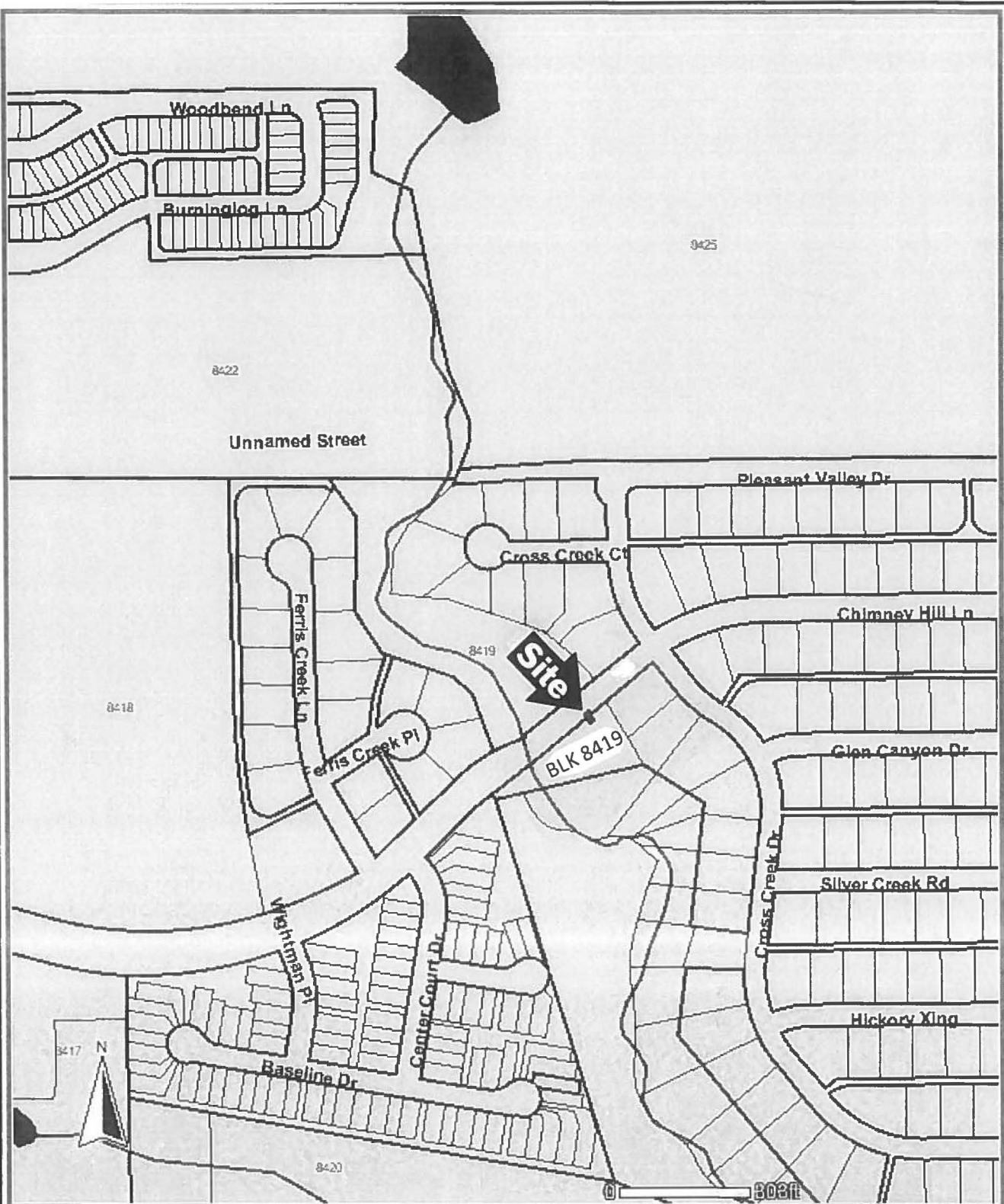
OWNER

Country Forest-Jackson Meadows Homeowners Association, Inc.

Charles H. Stegman, President

MAP

Attached



License area - ■

ORDINANCE NO. _____

An ordinance granting a private license to Country Forest-Jackson Meadows Homeowners Association, Inc., a Texas non-profit corporation to occupy, maintain and utilize a portion of Chimney Hill Lane right-of-way located near the intersection of Chimney Hill Lane and Cross Creek Drive in City Block 3/8419 within the limits hereinafter more fully described, for the purpose of installing and maintaining a monument sign; providing for the terms and conditions of this license; providing for a one-time fee to be paid to the City of Dallas; providing for payment of the publication fee; and providing an effective date of this license and ordinance.

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

SECTION 1. That a private license, hereinafter referred to as “license”, subject to the restrictions and conditions of this ordinance, is hereby granted to Country Forest-Jackson Meadows Homeowners Association, Inc., a Texas non-profit corporation, their heirs, successors and assigns, hereinafter referred to as “**GRANTEE**”, to occupy, maintain and utilize for the purpose set out hereinbelow the tract of land described in Exhibit A, hereinafter referred to as “licensed area” which is attached hereto and made a part hereof.

SECTION 2. That this license is granted for a term of forty (40) years, unless sooner terminated according to other terms and provisions herein contained.

SECTION 3. That **GRANTEE** shall pay to the City of Dallas a one-time fee in the sum of **ONE HUNDRED AND NO/100 (\$100.00) DOLLARS**, for the license herein granted for the monument sign, said sum to become due and payable upon the final passage of this ordinance and shall cover the consideration for the monument sign for the license term in accordance with the special fees established by Section 43-115.1 of the Dallas City Code. Such consideration shall be in addition to and exclusive of any other taxes or special assessments required by law to be paid by **GRANTEE**.

Should **GRANTEE** fail to pay the above stated fee within sixty (60) days of the due date, the Director of Department of Sustainable Development and Construction may terminate this license. All sums payable to the City of Dallas hereunder shall be paid to the Chief Financial Officer of the City of Dallas and deposited in Fund 0001, Department DEV, Unit 1181, Revenue Source 8200. In the event **GRANTEE's** check for the license fee is dishonored, **GRANTEE** shall pay to the City a processing fee of \$25.00 for each dishonored check. Additionally, all monies owed to the City under this license shall be subject to the assessment of interest at a rate of 10% a year from the day after any monies become due until it is paid in full, in accordance with Section 2-1.1 of the Dallas City Code.

SECTION 4. That the licensed area shall be used by **GRANTEE** for the following purpose under the direction of the Director of Department of Sustainable Development and Construction of the City of Dallas: to occupy, maintain and utilize a monument sign.

SECTION 5. That this license is subject to the provisions set forth in EXHIBIT B, attached hereto and made a part hereof.

SECTION 6. That this license is nonexclusive and is made expressly subject and subordinate to the right of the City to use the licensed area for any public purpose. The Governing Body of the City of Dallas reserves the right by resolution duly passed by said Governing Body, to terminate and cancel this license upon giving **GRANTEE** sixty (60) days notice of its intent to cancel. Upon termination, all rights granted hereunder shall thereupon be considered fully terminated and cancelled and the City of Dallas shall not be held liable by reason thereof. Said resolution shall be final and shall not be subject to review by the Courts. **GRANTEE** shall have the right of cancellation upon giving the City of Dallas sixty (60) days written notice of its intention to cancel, and in either event upon the termination or cancellation by the City or **GRANTEE**, as the case may be, this instrument shall become null and void and **GRANTEE** or anyone claiming any rights under this instrument shall remove, to the extent required by the Director of Department of Sustainable Development and Construction, any improvements and encroachments from the licensed area at **GRANTEE's** expense. Failure to do so shall subject **GRANTEE** to the provisions contained in EXHIBIT B, Subsection (a).

All work shall be done at the sole cost of **GRANTEE** and to the satisfaction of the Director of Department of Sustainable Development and Construction.

SECTION 7. That the license is subject to the following conditions, terms and reservations:

- a) **GRANTEE** shall obtain a street cut permit and consult with the City of Dallas Public Works Department prior to work being performed.
- b) **GRANTEE** shall locate existing water/wastewater mains prior to work and keep safe distance to the mains to minimize disturbance.
- c) **GRANTEE** shall repair any surface area damage or rutting at no cost to the City.
- d) **GRANTEE** shall verify all utility lines in the field prior to any excavation.

SECTION 8. That the license granted hereby shall not become effective until and unless **GRANTEE** files a final acceptance, in writing, to the terms and conditions of this ordinance with the Director of Department of Sustainable Development and Construction and said written acceptance shall be forwarded to the City Secretary of the City of Dallas. In the event said written final acceptance is not filed within six (6) months after the passage of this ordinance as provided for herein, then the Director of Department of Sustainable Development and Construction, or designee, may terminate this license.

SECTION 9. That upon receipt of **GRANTEE's** final written acceptance, the Director of Department of Sustainable Development and Construction, or designee, is hereby authorized to execute a NOTICE OF LICENSE and to file same in the deed records of Dallas County, Texas. Additionally, the Director of Department of Sustainable Development and Construction, or designee, is hereby authorized to execute a cancellation of Notice of License upon termination by the City or **GRANTEE** and to file such cancellation of Notice of License in the deed records of Dallas County, Texas.

SECTION 10. That the terms and conditions contained in this ordinance shall be binding upon **GRANTEE**, their heirs, successors and assigns.

SECTION 11. That this license may not be assigned without prior written approval from the Director of Department of Sustainable Development and Construction, or designee. Such assignment shall recite that it is subject to the terms, restriction and conditions contained in this ordinance. The assignee shall deliver **evidence of ownership of property abutting the licensed area**, and a copy of the assignment, along with the assignee's written acceptance of the provisions of this ordinance, to the Director of Department of Sustainable Development and Construction within 10 days of such assignment; said assignment and written acceptance shall be forwarded to the City Secretary of the City of Dallas. Should **GRANTEE** fail to obtain prior written approval for assignment of this license or fail to provide the City of Dallas with the required written acceptance and a copy of the assignment, the Director of Department of Sustainable Development and Construction, or designee, may terminate this license.

SECTION 12. That the City Secretary is hereby authorized and directed to certify a copy of this ordinance for recordation in the Deed Records of Dallas County, Texas, which certified copy shall be delivered to the Director of Department of Sustainable Development and Construction, or designee. Upon receipt of the fee for the year 2016, an acceptable certificate of insurance and the fee for publishing this ordinance which **GRANTEE** shall likewise pay, the Director of Department of Sustainable Development and Construction, or designee, shall deliver to **GRANTEE** the certified copy of this ordinance. The Director of Department of Sustainable Development and Construction, or designee, shall be the sole source for receiving certified copies of this ordinance for one year after its passage.

SECTION 13. That this ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so ordained.

APPROVED AS TO FORM:
CHRISTOPHER D. BOWERS
Interim City Attorney

DAVID COSSUM
Director of Department of Sustainable
Development and Construction

BY 
Assistant City Attorney

BY 
Assistant Director

Passed _____.

LICENSE AGREEMENT
REVISED PLAT COUNTRY FOREST, PHASE ONE
CITY OF DALLAS BLOCK 8419
BJ PRIGMORE SURVEY, ABSTRACT NO. 1159
CITY OF DALLAS, DALLAS COUNTY, TEXAS

Being a 30 square foot (0.01 of one acre) tract of land situated in the B.J. Prigmore Survey, Abstract Number 1159, in the City of Dallas Block 3/8419, Dallas County, Texas, same being a portion of a Floodway Management Area, City of Dallas Block 3/8419, of Revised Plat of Country Forest, Phase One, an Addition to the City of Dallas, Dallas County, Texas, according to the plat thereof recorded in Volume 77236, Page 1129, Deed Records, Dallas County, Texas, and being more particularly described as follows:

Commencing at a 1/2 inch iron rod found for corner, said corner being at the Northerly corner of Lot 1, Block 3/8419 of said Revised Plat of Country Forest Phase 1, same being a point of curvature/tangency of said Lot 1, and being in the Southeast right-of-way line of Chimney Hill Lane (60 foot right-of-way);

Thence South 51 degrees 40 minutes 56 seconds West, a distance of 124.56 feet to a point for corner, said corner being in the Southeast right-of-way line of said Chimney Hill Lane, and being the West corner of said Lot 1, Block 3/8419, from which a 1/2 inch iron rod found bears South 29 degrees 11 minutes 00 seconds East a distance of 169.74;

Thence South 51 degrees 40 minutes 56 seconds West, along the South line of said Chimney Hill Lane, a distance of 46.28 feet to a point for corner and being the POINT OF BEGINNING of the herein described tract;

Thence South 38 degrees 29 minutes 37 seconds East, departing the Southeast right-of-way line of said Chimney Hill Lane, a distance of 10.00 feet to a point for corner;


Thence South 51 degrees 40 minutes 56 seconds West, a distance of 3.00 feet to a point for corner;

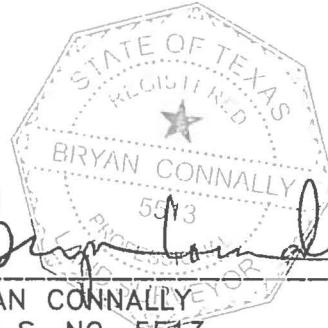
Thence North 38 degrees 29 minutes 37 seconds West, a distance of 10.00 feet to a point for corner, said corner being in the Southeast right-of-way line of said Chimney Hill Lane;

Thence North 51 degrees 40 minutes 56 seconds East, along the Southeast right-of-way line of said Chimney Hill Lane, a distance of 3.00 feet to the POINT OF BEGINNING and containing 30 square feet or 0.01 acre of land.

GENERAL NOTES:

1) BEARINGS ARE BASED ON THE SOUTHWEST LINE OF FLOODWAY MANAGEMENT AREA, BLOCK 8419, OF REVISED PLAT OF COUNTRY FOREST, PHASE ONE, AN ADDITION TO THE CITY OF DALLAS, DALLAS COUNTY, TEXAS, RECORDED IN VOLUME 77049, PAGE 1743, DEED RECORD, DALLAS COUNTY, TEXAS. (N35°30'27"W)

(FOR SPRG USE ONLY)	
REVIEWED BY:	
	
DATE:	1-28-16
SPRG NO. 3588	


 BRYAN CONNALLY
 R.P.L.S. NO. 5513

**EXHIBIT B
COMMERCIAL ENTITY
ADDITIONAL LICENSE PROVISIONS**

That this license is granted subject to the following additional conditions, terms and reservations:

- (a) That at such time as this license is terminated or canceled for any reason whatsoever, **GRANTEE**, upon orders issued by the City acting through the Director of Sustainable Development and Construction, or designee, shall remove all installations, improvements and appurtenances owned by it situated in, under or attached to the licensed area, and shall restore the premises to its former condition in accordance with the requirements of the Director of Sustainable Development and Construction at the sole cost of **GRANTEE**. In the event, upon termination of this license, **GRANTEE** shall fail to remove its installations, improvements and appurtenances and to restore the licensed area in compliance with orders issued by City, or such work is not done to the satisfaction of the Director of Sustainable Development and Construction, then in either event the City shall have the right to do all work necessary to restore said area to its former condition or cause such work to be done, and to assess the cost of all such work against **GRANTEE**; in neither event shall the City of Dallas be liable to **GRANTEE** on account thereof.
- (b) It is further understood that if and when the City of Dallas, in the exercise of its discretion, shall determine that the grade of any street, sidewalk or parkway should be modified or changed, or that any other work should be done in connection with any public improvement which will affect the licensed area, and/or any of **GRANTEE's** installations and improvements thereon, any modifications or changes to **GRANTEE's** facilities in the licensed area or in construction or reconstruction of any public improvement attributable to **GRANTEE's** use of the licensed area and/or its installations and improvements thereon, shall be made at the sole expense of **GRANTEE** and to the satisfaction of the Director of Sustainable Development and Construction.
- (c) At such time as this license is granted, it is agreed, and a condition hereof, that **GRANTEE** shall procure and keep in full force and effect **Commercial General Liability Insurance** coverage issued by an insurance company authorized and approved by the State of Texas, acceptable to the City of Dallas and issued in the standard form approved by the Texas Department of Insurance. The insured provisions of this policy must name the City of Dallas as an additional insured protecting the City of Dallas against any and all claims for damages to persons or property as a result of or arising out of the use, operation and maintenance by **GRANTEE** of the licensed area and **GRANTEE's** installations, improvements, landscaping and equipment in connection therewith and located therein. The Commercial General Liability coverage must include, but not limited to, Premises/Operations, Independent Contractors and Contractual Liability with minimum combined bodily injury (including death) and property damage limits of not less than \$500,000 per occurrence and \$500,000 annual aggregate. This insurance shall also include coverage for underground, explosion and collapse hazards (i.e. not excluded). If this insurance is written on a claims-made form, coverage shall be continuous (by renewal or extended reporting period) for not less than

**EXHIBIT B
COMMERCIAL ENTITY
ADDITIONAL LICENSE PROVISIONS**

twelve (12) months following termination of this license and removal of the installations, improvements and appurtenances and restoration of the licensed area pursuant to paragraph (a) above. Coverage, including any renewals, shall contain the same retroactive date as the original policy applicable to this license. The City of Dallas reserves the right to review the insurance requirements set forth herein during the effective term of the license and to adjust insurance coverages and their limits when deemed necessary and prudent by the City of Dallas' Risk Management based upon changes in statutory law, court decisions, or the claims history of the industry as well as the City of Dallas.

1. **GRANTEE** agrees that with respect to the above required insurance, all insurance contracts and certificates of insurance will contain and state, in writing, that coverage shall not be canceled, nonrenewed or materially changed except after thirty (30) days written notice by certified mail to Department of Sustainable Development and Construction.
 2. **GRANTEE** shall carry said insurance at its expense and shall furnish the City of Dallas proof of such insurance. In the event said insurance should terminate during the licensing term hereof, or **GRANTEE** fails to furnish proof of insurance coverage in accordance with the specifications as required by this section, the Director of Sustainable Development and Construction, or designee, may terminate the license granted herein.
- (d) **GRANTEE** is prohibited from using the licensed area in any manner which violates Federal, State or local laws, regulations, rules and orders, regardless of when they become or became effective, including without limitation, those related to health, safety, noise, environmental protection, waste disposal and water and air quality, and shall provide satisfactory evidence of compliance upon the request of the City of Dallas. Should any discharge, leakage, spillage, emission or pollution of any type occur upon or from the licensed area due to **GRANTEE's** use and occupancy thereof, **GRANTEE**, at its expense, shall be obligated to clean up the licensed area to the satisfaction of the City of Dallas and any governmental body having jurisdiction thereover. The City of Dallas may, at its option, clean the licensed area. If the City of Dallas elects to do so, **GRANTEE** shall promptly pay to the City of Dallas the reasonable cost of such cleanup upon receipt of bills therefore. **GRANTEE** agrees that the indemnity provisions contained in paragraph (g) herein shall be fully applicable to the requirements of this paragraph, in event of **GRANTEE's** breach of this paragraph, or as a result of any such discharge, leakage, spillage, emission or pollution arising out of the **GRANTEE's** use of the licensed area.
- (e) This license is subject to all State laws, the provisions of the Charter of the City of Dallas as it now exists, or may hereafter be adopted or amended, and the ordinances of the City of Dallas now in effect or those which may hereafter be passed or adopted. The City of Dallas shall have the right to increase or decrease the compensation to be charged for the use contemplated by this grant in

**EXHIBIT B
COMMERCIAL ENTITY
ADDITIONAL LICENSE PROVISIONS**

accordance with the provisions of the Dallas City Code as it now exists, or as may hereafter be adopted or amended.

- (f) The Governing Body of the City of Dallas reserves the right, at any time without notice, to terminate and cancel this license, by resolution, upon a finding by the Governing Body that this license is inconsistent with the public use of the property or whenever the purpose or use of the license is likely to become a nuisance and all rights granted hereunder shall thereupon be considered fully terminated and canceled and the City of Dallas shall not be held liable by reason thereof. The decision of the Governing Body of the City in this matter shall be final and binding upon all parties insofar as the City's determination as to whether the **GRANTEE's** use of this license constitutes a nuisance or is inconsistent with the public use of the property.
- (g) As a condition hereof, **GRANTEE** agrees and is bound to defend, indemnify and hold the City of Dallas, its officers, agents and employees, harmless against any and all claims, lawsuits, judgments, costs and expenses for bodily injury (including death), property damage or other harm for which recovery of damages is sought, suffered by any person or persons, that may arise out of or be occasioned by the use, occupancy and maintenance of the licensed area or **GRANTEE's** installations and improvements within the licensed area, from any act or omission of any representative, agent, customer and/or employee of **GRANTEE**, or by **GRANTEE's** breach of any of the terms or provisions of this license, or by any negligent or strictly liable act or omission of **GRANTEE**, its officers, agents, employees or contractors in the use, occupancy and maintenance of **GRANTEE's** installations and improvements within the licensed area; except that the indemnity provided for in this paragraph shall not apply to any liability resulting from the sole negligence or fault of the City of Dallas, its officers, agents, employees or separate contractors, and in the event of joint and concurring negligence or fault of both the **GRANTEE** and the City of Dallas, responsibility and liability, if any, shall be apportioned comparatively in accordance with the laws of the State of Texas, without, however, waiving any governmental immunity available to the City of Dallas under Texas law and without waiving any defenses of the parties under Texas law. This obligation to indemnify and defend shall also include any claim for damage that any utility or communication company, whether publicly or privately owned, may sustain or receive by reason of **GRANTEE's** use of the licensed area or **GRANTEE's** improvements and equipment located thereon. In addition to the foregoing, **GRANTEE** covenants and agrees never to make a claim of any kind or character whatsoever against the City of Dallas for damage of any kind that it may suffer by reason of the installation, construction, reconstruction, operation or maintenance of any public improvement, utility or communication facility on the licensed area, whether presently in place or which may in the future be constructed or installed, including but not limited to, any water or wastewater mains or storm sewer facilities, regardless of whether such damage is due to

**EXHIBIT B
COMMERCIAL ENTITY
ADDITIONAL LICENSE PROVISIONS**

flooding, infiltration, backflow or seepage caused from the failure of any installation, natural causes, City's negligence, or from any other cause whatsoever.

- (h) This license is subject to any existing utilities or communication facilities, including drainage, presently located within the licensed area, owned and/or operated by the City of Dallas or any utility or communications company, public or private, and to any vested rights presently owned by an utility or communications company, public or private, for the use of the licensed area for facilities presently located within the boundaries of said licensed area. It is the intent of the foregoing that this permission herein is made expressly subject to the utilization of the licensed area for communication and utility purposes, both public and private, including drainage, over, under, through, across and along the licensed area. No buildings shall be constructed or placed upon, over or across the licensed area in such a manner as to interfere with the operation of any utilities and communication facilities. All and any communication company and utility, both public and private, shall have the right to remove and keep removed all or parts of any buildings which may in any way endanger or interfere with the construction, maintenance or efficiency of its respective systems within the licensed area. All communication companies and utilities, both public and private, shall have the full right to remove and keep removed all parts of any buildings, fences, trees, or other improvements or growths which in any way may endanger or interfere with the construction, maintenance and efficiency of its respective system and shall at all times have the full right of ingress and egress to or from and upon the licensed area for the purpose of constructing, relocating, inspecting, patrolling, maintaining and adding to or removing all or part of its respective systems without the necessity at any time of procuring the permission of anyone.

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: June 15, 2016

COUNCIL DISTRICT(S): 2

DEPARTMENT: Sustainable Development and Construction

CMO: Ryan S. Evans, 671-9837

MAPSCO: 33H

SUBJECT

An ordinance granting a private license to Southwest Airlines Co. for the use of approximately 1,120 square feet of aerial space to occupy, maintain and utilize a pedestrian bridge above and over a portion of Wyman Street right-of-way, located near its intersection with Denton Drive - Revenue: \$1,000 annually, plus the \$20 ordinance publication fee

BACKGROUND

This item grants a private license to Southwest Airlines Co. for the use of approximately 1,120 square feet of aerial space to occupy, maintain and utilize a pedestrian bridge above and over a portion of Wyman Street right-of-way, located near its intersection with Denton Drive. The use of this area will not impede pedestrian or vehicular traffic.

The licensee will indemnify the City and carry general liability insurance naming the City as an additional insured.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Council will be briefed by memorandum regarding this item.

FISCAL INFORMATION

Revenue: \$1,000 annually, plus the \$20 ordinance publication fee

OWNER

Southwest Airlines Co.

Gary C. Kelly, President

MAP

Attached



AREA TO BE
LICENSED

WYMAN STREET

DALLAS AREA RAPID TRANSIT

DENTON DR

SEELCO ST

BURBANK ST

DENTON DR

BURBANK ST

HARRY HINES BLVD

WADLEY LN

RESEARCH ROW

SHORECREST DR

SHORECREST DR



LICENSE AREA

DALLAS COUNTY
MAPSCO 33H

VICINITY MAP
(NOT TO SCALE)

DWG FILE: 1320-15.124_EX1.DWG

M:\DWG-13\1320-15.124\DWG\SURVEY C3D 2012\1320-15.124_EX1.DWG

03/22/2016 - 4:15PM

JMILLER

ORDINANCE NO. _____

An ordinance granting a private license to Southwest Airlines Co. to occupy, maintain and utilize aerial space above and over a portion of Wyman Street right-of-way located near its intersection with Denton Drive adjacent to City Block A/5772 within the limits hereinafter more fully described, for the purpose of installing and maintaining a pedestrian bridge; providing for the terms and conditions of this license; providing for the annual compensation to be paid to the City of Dallas; providing for payment of the publication fee; and providing an effective date of this license and ordinance.

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

SECTION 1. That a private license, hereinafter referred to as "license", subject to the restrictions and conditions of this ordinance, is hereby granted to Southwest Airlines Co., a Texas corporation, its successors and assigns, hereinafter referred to as "**GRANTEE**", to occupy, maintain and utilize for the purpose set out hereinbelow aerial space above and over the tract of land beginning at an elevation of 490.00 feet above mean sea level and extending to an elevation of 507.00 feet above mean sea level described in Exhibit A, hereinafter referred to as "licensed area" which is attached hereto and made a part hereof.

SECTION 2. That this license is granted for a term of thirty (30) years, unless sooner terminated according to other terms and provisions herein contained.

SECTION 3. That **GRANTEE** shall pay to the City of Dallas the sum of **ONE THOUSAND AND NO/100 (\$1,000.00) DOLLARS** annually for the license herein granted, said sum to become due and payable on the 2nd day of January each year, in advance, during the term hereof; provided, however, that the first payment due hereunder in the sum of **ONE THOUSAND AND NO/100 (\$1,000.00) DOLLARS** shall become due and payable upon the final passage of this ordinance and shall cover the consideration for 2016.

Such consideration shall be in addition to and exclusive of any other taxes or special assessments required by law to be paid by **GRANTEE**. Should **GRANTEE** fail to pay the above stated annual fee within sixty (60) days of the due date, the Director of Department of Sustainable Development and Construction may terminate this license. All sums payable to the City of Dallas hereunder shall be paid to the Chief Financial Officer of the City of Dallas and deposited in Fund 0001, Department DEV, Unit 1181, Revenue Source 8200. In the event **GRANTEE's** check for the license fee is dishonored, **GRANTEE** shall pay to the City a processing fee of \$25.00 for each dishonored check. Additionally, all monies owed to the City under this license shall be subject to the assessment of interest at a rate of 10% a year from the day after any monies become due until it is paid in full, in accordance with Section 2-1.1 of the Dallas City Code.

SECTION 4. That the licensed area shall be used by **GRANTEE** for the following purpose under the direction of the Director of Department of Sustainable Development and Construction of the City of Dallas: to install, utilize and maintain a pedestrian bridge.

SECTION 5. That this license is subject to the provisions set forth in EXHIBIT B, attached hereto and made a part hereof.

SECTION 6. That this license is nonexclusive and is made expressly subject and subordinate to the right of the City to use the licensed area for any public purpose. The Governing Body of the City of Dallas reserves the right by resolution duly passed by said Governing Body, to terminate and cancel this license upon giving **GRANTEE** sixty (60) days notice of its intent to cancel. Upon termination, all rights granted hereunder shall thereupon be considered fully terminated and cancelled and the City of Dallas shall not be held liable by reason thereof. Said resolution shall be final and shall not be subject to review by the Courts.

GRANTEE shall have the right of cancellation upon giving the City of Dallas sixty (60) days written notice of its intention to cancel, and in either event upon the termination or cancellation by the City or **GRANTEE**, as the case may be, this license shall become null and void and **GRANTEE** or anyone claiming any rights under this instrument shall remove, to the extent required by the Director of Department of Sustainable Development and Construction, any improvements and encroachments from the licensed area at **GRANTEE's** expense. Failure to do so shall subject **GRANTEE** to the provisions contained in EXHIBIT B, Subsection (a). All work shall be done at the sole cost of **GRANTEE** and to the satisfaction of the Director of Department of Sustainable Development and Construction.

SECTION 7. That the license is subject to the following conditions, terms and reservations:

- a) **GRANTEE** shall install bridge at requisite height within license area per Dallas City Code to not impede commercial truck traffic and must sign bridge with visible height elevation clearances.
- b) **GRANTEE** shall show clearances above the streets and sidewalks. A height clearance of a minimum of 12 feet is required for emergency equipment.
- c) **GRANTEE** shall maintain right-of-way in order to facilitate emergency response. At no time during or post construction shall emergency traffic be delayed and water to hydrants must also be maintained.
- d) **GRANTEE** shall obtain a right-of-way permit prior to commencement of any work in the field.
- e) **GRANTEE** shall have a Traffic Control Plan approved by the City prior to commencement of any work in the field.
- f) **GRANTEE** acknowledges Oncor has existing overhead electrical facilities in licensed area. **GRANTEE** is responsible for coordinating the relocation/burial of existing lines at **GRANTEE's** expense to facilitate the construction of the pedestrian bridge.

- g) **GRANTEE** acknowledges Atmos has active facilities within the right-of-way of Wyman Street. If any conflicts with Atmos facilities and **GRANTEE's** installation of pedestrian bridge arises requiring relocation of Atmos facilities, **GRANTEE** will be responsible for costs to relocate Atmos facilities.
- h) **GRANTEE** shall maintain 25 feet vertical clearance required between the surface of the road and the bottom of the pedestrian bridge elevation.

SECTION 8. That the license granted hereby shall not become effective until and unless **GRANTEE** files a final acceptance, in writing, to the terms and conditions of this ordinance with the Director of Department of Sustainable Development and Construction and said written acceptance shall be forwarded to the City Secretary of the City of Dallas. In the event said written final acceptance is not filed within six (6) months after the passage of this ordinance as provided for herein, then the Director of Department of Sustainable Development and Construction, or designee, may terminate this license.

SECTION 9. That upon receipt of **GRANTEE's** final written acceptance, the Director of Department of Sustainable Development and Construction, or designee, is hereby authorized to execute a NOTICE OF LICENSE and to file same in the deed records of Dallas County, Texas. Additionally, the Director of Department of Sustainable Development and Construction, or designee, is hereby authorized to execute a cancellation of Notice of License upon termination by the City or **GRANTEE** and to file such cancellation of Notice of License in the deed records of Dallas County, Texas.

SECTION 10. That the terms and conditions contained in this ordinance shall be binding upon **GRANTEE**, its successors and assigns.

SECTION 11. That this license may not be assigned without prior written approval from the Director of Department of Sustainable Development and Construction, or designee. Such assignment shall recite that it is subject to the terms, restriction and conditions contained in this ordinance. The assignee shall deliver evidence of ownership of property abutting the licensed area, and a copy of the assignment, along with the assignee's written acceptance of the provisions of this ordinance, to the Director of Department of Sustainable Development and Construction within 10 days of such assignment; said assignment and written acceptance shall be forwarded to the City Secretary of the City of Dallas. Should **GRANTEE** fail to obtain prior written approval for assignment of this license or fail to provide the City of Dallas with the required written acceptance and a copy of the assignment, the Director of Department of Sustainable Development and Construction, or designee, may terminate this license.

SECTION 12. That the City Secretary is hereby authorized and directed to certify a copy of this ordinance for recordation in the Deed Records of Dallas County, Texas, which certified copy shall be delivered to the Director of Department of Sustainable Development and Construction, or designee. Upon receipt of the fee for the year 2016, an acceptable certificate of insurance and the fee for publishing this ordinance which **GRANTEE** shall likewise pay, the Director of Department of Sustainable Development and Construction, or designee, shall deliver to **GRANTEE** the certified copy of this ordinance. The Director of Department of Sustainable Development and Construction, or designee, shall be the sole source for receiving certified copies of this ordinance for one year after its passage.

SECTION 13. That this ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so ordained.

APPROVED AS TO FORM:
CHRISTOPHER D. BOWERS
Interim City Attorney

DAVID COSSUM
Director of Department of Sustainable
Development and Construction

BY


Assistant City Attorney

BY


Assistant Director

Passed _____.

AERIAL SPACE LICENSE
Part of Wyman Street by Denton Drive
Adjacent to Block A/5772
Dickerson Parker Survey, Abstract No. 1113
City of Dallas, Dallas County, Texas

EXHIBIT A

DESCRIPTION, of a 1,120 square foot (0.026 acre) tract of land situated in the Dickerson Parker Survey, Abstract No. 1113, City of Dallas, Dallas County, Texas and being part of Wyman Street (a variable width right-of-way) recorded in Volume 96161, Page 1293 and Volume 2390, Page 131 of the Deed Records of Dallas County, Texas, adjacent to Block A/5772, Official Block Numbers of the City of Dallas, Texas and Lot 1A, Block A/5772, SWA Training and Operations Support, an addition to the City of Dallas, Texas according to the plat recorded in Instrument No. 201400026737 of the Official Public Records of Dallas County, Texas; said 1,120 square foot tract being more particularly described as follows (Bearing system is based on the City of Dallas Love Field Airport Control Network and the State Plane Coordinate System – NAD 83, Texas North Central Zone 4202, State Plane Surface Bearings and based on observation of monument DAL-5 made on July 25, 2015. All distances shown have been scaled using the TxDOT combined surface scale factor for Dallas County of 1.000136506.):

COMMENCING, at a found 2" aluminum disk stamped "JACOBS DAL-5", as shown on the City of Dallas, Texas, Dallas Love Field Airport (DAL) Survey Control Network, produced by Jacobs on March 17, 2011;
(N: 6,992,940.36, E: 2,472,731.24, Grid)

THENCE, North 70 degrees, 48 minutes, 48 seconds West, a distance of 1,793.18 feet to the southeast right-of-way line of said Wyman Street and a northwest line of said Lot 1A for the **POINT OF BEGINNING**;
(N: 6,993,529.60, E: 2,471,037.89, Grid)

THENCE, South 44 degrees, 05 minutes, 55 seconds West, along the said southeast line of Wyman Street and the said northwest line of Lot 1A, a distance of 20.00 feet; (N: 6,993,515.24, E: 2,471,023.98, Grid)

THENCE, North 45 degrees, 17 minutes, 04 seconds West, departing the said southeast line of Wyman Street and the said northwest line of Lot 1A, over and across part of said Wyman Street, a distance of 56.00 feet to the northwest right-of-way line of said Wyman Street and a southeast line of said Lot 1A;
(N: 6,993,554.63, E: 2,470,984.19, Grid)


THENCE, North 44 degrees, 05 minutes, 57 seconds East, along the said northwest line of Wyman Street and the said southeast line of said Lot 1A, a distance of 20.00 feet to a point for corner;
(N: 6,993,568.99, E: 2,470,998.11, Grid)

THENCE, South 45 degrees, 17 minutes, 04 seconds East, departing the said northwest line of Wyman Street and the said southeast line of said Lot 1A, over and across part of said Wyman Street, a distance of 56.00 feet to the **POINT OF BEGINNING**;

CONTAINING: 1,120 square feet or 0.026 acres of land, more or less.

(A survey plat of even survey date herewith accompanies this description.)

The undersigned, Registered Professional Land Surveyor, hereby certifies that the foregoing description accurately sets out the metes and bounds of the license tract described.



Kyle Coleman Harris
Registered Professional Land Surveyor No. 6266
Pacheco Koch Consulting Engineers, Inc.
7557 Rambler Road, #1400, Dallas TX 75231
(972) 235-3031
TX Reg. Surveying Firm LS-10008000
1320-15.124_EX1.doc, 1320-15.124_EX1.dwg jrm

5/18/2016
Date



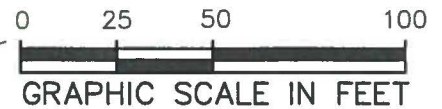
FIELD NOTES APPROVED:

5/18/2016



DALLAS AREA RAPID TRANSIT

(VARIABLE WIDTH R.O.W.)
(VOL. 90177, PG. 4219)
(D.R.D.C.T.)

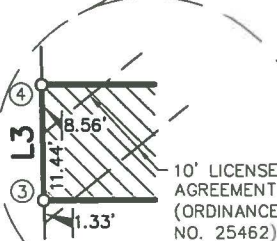


**LOT 1A, BLOCK A/5772
SWA TRAINING AND
OPERATIONS SUPPORT**
(INST. NO. 201400026737)
(O.P.R.D.C.T.)

SOUTHWEST AIRLINES CO.
(VOL. 96089, PG. 1591)
(D.R.D.C.T.)

**AERIAL SPACE
LICENSE
1,120 SF
(0.026 ACRES)**

TOP OF BRIDGE=507'
BOTTOM=491'



**WYMAN
STREET**

(A VARIABLE WIDTH R.O.W.)
(VOL. 96161, PG. 1293)
(VOL. 2390, PG. 131)
(D.R.D.C.T.)

**LOT 1A, BLOCK A/5772
SWA TRAINING AND
OPERATIONS SUPPORT**
(INST. NO. 201400026737)
(O.P.R.D.C.T.)

SOUTHWEST AIRLINES CO.
(VOL. 97027, PG. 2673)
(D.R.D.C.T.)

POB

TOP OF BRIDGE=506'
BOTTOM=490'

ACCESS EASEMENT
TO FLOODWAY
(VOL. 96161, PG. 1293)
(D.R.D.C.T.)

POC

PRIMARY AIRPORT
CONTROL ("DAL-5")

N: 6,992,940.36
E: 2,472,731.24

FOUND 2-INCH ALUMINUM DISK

COORDINATE TABLE

NO.	NORTHING	EASTING
1	6,993,529.60	2,471,037.89
2	6,993,515.24	2,471,023.98
3	6,993,554.63	2,470,984.19
4	6,993,568.99	2,470,998.11

LINE TABLE

LINE	BEARING	LENGTH
L1	S 44°05'55" W	20.00'
L2	N 45°17'04" W	56.00'
L3	N 44°05'57" E	20.00'
L4	S 45°17'04" E	56.00'

NOTES:

- A metes and bounds description of even survey date herewith accompanies this plat of survey.
- Bearing system for this survey is based on the City of Dallas Love Field Airport Control Network and the State Plane Coordinate System - NAD 83, Texas North Central Zone 4202, State Plane Surface Bearings and based on observation of monument DAL-5 made on July 25, 2015. All distances shown have been scaled using the TxDOT combined surface scale factor for Dallas County of 1.000136506
- All coordinates shown are State Plane, Texas North Central Zone 4202, North American Datum of 1983, no scale, no projection.
- 10-foot License Agreement by Ordinance No. 25462 is for the purpose of constructing and maintaining concrete duct banks for the relocation of existing communications conduit.

LEGEND

— PROPERTY LINE
— LICENSE AGREEMENT LINE
— EASEMENT LINE

POB
POC

POINT OF BEGINNING

POINT OF COMMENCING
① NUMBER CORRESPONDING TO
COORDINATE TABLE

VOL. VOLUME

PG. PAGE

INST. NO. INSTRUMENT NUMBER

R.O.W. RIGHT-OF-WAY

D.R.D.C.T. DEED RECORDS OF DALLAS,
COUNTY, TEXAS

O.P.R.D.C.T. OFFICIAL PUBLIC RECORDS
OF DALLAS COUNTY, TEXAS

C.M. CONTROLLING MONUMENT

The undersigned, Registered Professional
Land Surveyor, hereby certifies that this
plat of survey accurately sets out the
metes and bounds of the license tract
described.

Kyle Coleman Harris
Registered Professional
Land Surveyor No. 6266

Date

5/18/2016



Pacheco Koch

7557 RAMBLER ROAD, SUITE 1400
DALLAS, TX 75231 972.235.3031
TX REG. ENGINEERING FIRM F-489
TX REG. SURVEYING FIRM LS-10008000

DRAWN BY	CHECKED BY	SCALE	DATE	JOB NUMBER
JRM	KCH	1"=50'	MAY 2016	1320-15.124

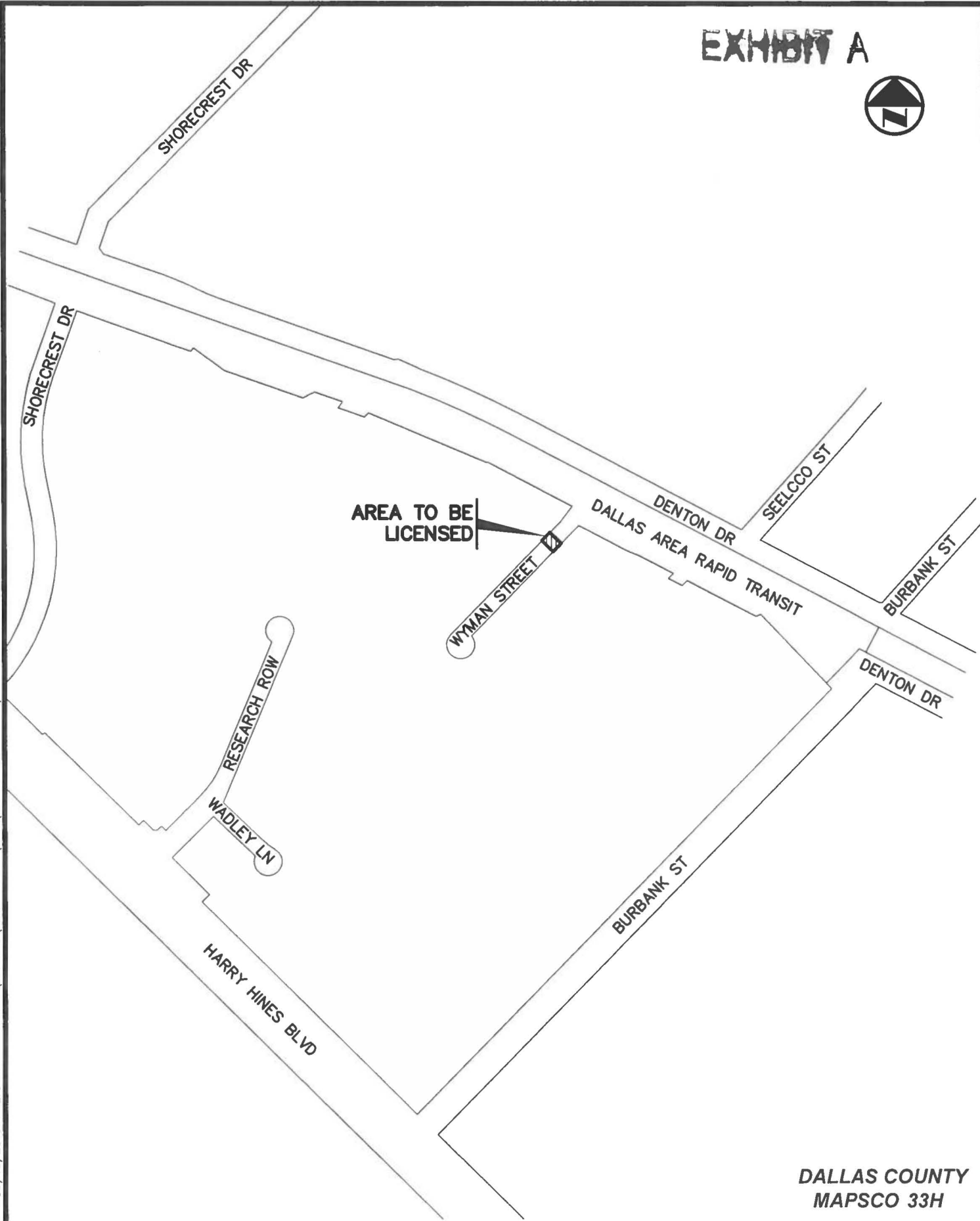
AERIAL SPACE LICENSE

PART OF WYMAN STREET BY DENTON DRIVE
ADJACENT TO BLOCK A/5772

DICKERSON PARKER SURVEY, ABSTRACT NO. 1113
CITY OF DALLAS, DALLAS COUNTY, TEXAS
SHEET 2 OF 2

DWG FILE: 1320-15.124_EX1.DWG

EXHIBIT A



VICINITY MAP
(NOT TO SCALE)

DALLAS COUNTY
MAPSCO 33H

**EXHIBIT B
COMMERCIAL ENTITY
ADDITIONAL LICENSE PROVISIONS**

That this license is granted subject to the following additional conditions, terms and reservations:

- (a) That at such time as this license is terminated or canceled for any reason whatsoever, **GRANTEE**, upon orders issued by the City acting through the Director of Sustainable Development and Construction, or designee, shall remove all installations, improvements and appurtenances owned by it situated in, under or attached to the licensed area, and shall restore the premises to its former condition in accordance with the requirements of the Director of Sustainable Development and Construction at the sole cost of **GRANTEE**. In the event, upon termination of this license, **GRANTEE** shall fail to remove its installations, improvements and appurtenances and to restore the licensed area in compliance with orders issued by City, or such work is not done to the satisfaction of the Director of Sustainable Development and Construction, then in either event the City shall have the right to do all work necessary to restore said area to its former condition or cause such work to be done, and to assess the cost of all such work against **GRANTEE**; in neither event shall the City of Dallas be liable to **GRANTEE** on account thereof.
- (b) It is further understood that if and when the City of Dallas, in the exercise of its discretion, shall determine that the grade of any street, sidewalk or parkway should be modified or changed, or that any other work should be done in connection with any public improvement which will affect the licensed area, and/or any of **GRANTEE's** installations and improvements thereon, any modifications or changes to **GRANTEE's** facilities in the licensed area or in construction or reconstruction of any public improvement attributable to **GRANTEE's** use of the licensed area and/or its installations and improvements thereon, shall be made at the sole expense of **GRANTEE** and to the satisfaction of the Director of Sustainable Development and Construction.
- (c) At such time as this license is granted, it is agreed, and a condition hereof, that **GRANTEE** shall procure and keep in full force and effect **Commercial General Liability Insurance** coverage issued by an insurance company authorized and approved by the State of Texas, acceptable to the City of Dallas and issued in the standard form approved by the Texas Department of Insurance. The insured provisions of this policy must name the City of Dallas as an additional insured protecting the City of Dallas against any and all claims for damages to persons or property as a result of or arising out of the use, operation and maintenance by **GRANTEE** of the licensed area and **GRANTEE's** installations, improvements, landscaping and equipment in connection therewith and located therein. The Commercial General Liability coverage must include, but not limited to, Premises/Operations, Independent Contractors and Contractual Liability with minimum combined bodily injury (including death) and property damage limits of not less than \$500,000 per occurrence and \$500,000 annual aggregate. This insurance shall also include coverage for underground, explosion and collapse hazards (i.e. not excluded). If this insurance is written on a claims-made form, coverage shall be continuous (by renewal or extended reporting period) for not less than

**EXHIBIT B
COMMERCIAL ENTITY
ADDITIONAL LICENSE PROVISIONS**

twelve (12) months following termination of this license and removal of the installations, improvements and appurtenances and restoration of the licensed area pursuant to paragraph (a) above. Coverage, including any renewals, shall contain the same retroactive date as the original policy applicable to this license. The City of Dallas reserves the right to review the insurance requirements set forth herein during the effective term of the license and to adjust insurance coverages and their limits when deemed necessary and prudent by the City of Dallas' Risk Management based upon changes in statutory law, court decisions, or the claims history of the industry as well as the City of Dallas.

1. **GRANTEE** agrees that with respect to the above required insurance, all insurance contracts and certificates of insurance will contain and state, in writing, that coverage shall not be canceled, nonrenewed or materially changed except after thirty (30) days written notice by certified mail to Department of Sustainable Development and Construction.
 2. **GRANTEE** shall carry said insurance at its expense and shall furnish the City of Dallas proof of such insurance. In the event said insurance should terminate during the licensing term hereof, or **GRANTEE** fails to furnish proof of insurance coverage in accordance with the specifications as required by this section, the Director of Sustainable Development and Construction, or designee, may terminate the license granted herein.
- (d) **GRANTEE** is prohibited from using the licensed area in any manner which violates Federal, State or local laws, regulations, rules and orders, regardless of when they become or became effective, including without limitation, those related to health, safety, noise, environmental protection, waste disposal and water and air quality, and shall provide satisfactory evidence of compliance upon the request of the City of Dallas. Should any discharge, leakage, spillage, emission or pollution of any type occur upon or from the licensed area due to **GRANTEE's** use and occupancy thereof, **GRANTEE**, at its expense, shall be obligated to clean up the licensed area to the satisfaction of the City of Dallas and any governmental body having jurisdiction thereover. The City of Dallas may, at its option, clean the licensed area. If the City of Dallas elects to do so, **GRANTEE** shall promptly pay to the City of Dallas the reasonable cost of such cleanup upon receipt of bills therefore. **GRANTEE** agrees that the indemnity provisions contained in paragraph (g) herein shall be fully applicable to the requirements of this paragraph, in event of **GRANTEE's** breach of this paragraph, or as a result of any such discharge, leakage, spillage, emission or pollution arising out of the **GRANTEE's** use of the licensed area.
- (e) This license is subject to all State laws, the provisions of the Charter of the City of Dallas as it now exists, or may hereafter be adopted or amended, and the ordinances of the City of Dallas now in effect or those which may hereafter be passed or adopted. The City of Dallas shall have the right to increase or decrease the compensation to be charged for the use contemplated by this grant in

**EXHIBIT B
COMMERCIAL ENTITY
ADDITIONAL LICENSE PROVISIONS**

accordance with the provisions of the Dallas City Code as it now exists, or as may hereafter be adopted or amended.

- (f) The Governing Body of the City of Dallas reserves the right, at any time without notice, to terminate and cancel this license, by resolution, upon a finding by the Governing Body that this license is inconsistent with the public use of the property or whenever the purpose or use of the license is likely to become a nuisance and all rights granted hereunder shall thereupon be considered fully terminated and canceled and the City of Dallas shall not be held liable by reason thereof. The decision of the Governing Body of the City in this matter shall be final and binding upon all parties insofar as the City's determination as to whether the **GRANTEE's** use of this license constitutes a nuisance or is inconsistent with the public use of the property.
- (g) As a condition hereof, **GRANTEE** agrees and is bound to defend, indemnify and hold the City of Dallas, its officers, agents and employees, harmless against any and all claims, lawsuits, judgments, costs and expenses for bodily injury (including death), property damage or other harm for which recovery of damages is sought, suffered by any person or persons, that may arise out of or be occasioned by the use, occupancy and maintenance of the licensed area or **GRANTEE's** installations and improvements within the licensed area, from any act or omission of any representative, agent, customer and/or employee of **GRANTEE**, or by **GRANTEE's** breach of any of the terms or provisions of this license, or by any negligent or strictly liable act or omission of **GRANTEE**, its officers, agents, employees or contractors in the use, occupancy and maintenance of **GRANTEE's** installations and improvements within the licensed area; except that the indemnity provided for in this paragraph shall not apply to any liability resulting from the sole negligence or fault of the City of Dallas, its officers, agents, employees or separate contractors, and in the event of joint and concurring negligence or fault of both the **GRANTEE** and the City of Dallas, responsibility and liability, if any, shall be apportioned comparatively in accordance with the laws of the State of Texas, without, however, waiving any governmental immunity available to the City of Dallas under Texas law and without waiving any defenses of the parties under Texas law. This obligation to indemnify and defend shall also include any claim for damage that any utility or communication company, whether publicly or privately owned, may sustain or receive by reason of **GRANTEE's** use of the licensed area or **GRANTEE's** improvements and equipment located thereon. In addition to the foregoing, **GRANTEE** covenants and agrees never to make a claim of any kind or character whatsoever against the City of Dallas for damage of any kind that it may suffer by reason of the installation, construction, reconstruction, operation or maintenance of any public improvement, utility or communication facility on the licensed area, whether presently in place or which may in the future be constructed or installed, including but not limited to, any water or wastewater mains or storm sewer facilities, regardless of whether such damage is due to

**EXHIBIT B
COMMERCIAL ENTITY
ADDITIONAL LICENSE PROVISIONS**

flooding, infiltration, backflow or seepage caused from the failure of any installation, natural causes, City's negligence, or from any other cause whatsoever.

- (h) This license is subject to any existing utilities or communication facilities, including drainage, presently located within the licensed area, owned and/or operated by the City of Dallas or any utility or communications company, public or private, and to any vested rights presently owned by an utility or communications company, public or private, for the use of the licensed area for facilities presently located within the boundaries of said licensed area. It is the intent of the foregoing that this permission herein is made expressly subject to the utilization of the licensed area for communication and utility purposes, both public and private, including drainage, over, under, through, across and along the licensed area. No buildings shall be constructed or placed upon, over or across the licensed area in such a manner as to interfere with the operation of any utilities and communication facilities. All and any communication company and utility, both public and private, shall have the right to remove and keep removed all or parts of any buildings which may in any way endanger or interfere with the construction, maintenance or efficiency of its respective systems within the licensed area. All communication companies and utilities, both public and private, shall have the full right to remove and keep removed all parts of any buildings, fences, trees, or other improvements or growths which in any way may endanger or interfere with the construction, maintenance and efficiency of its respective system and shall at all times have the full right of ingress and egress to or from and upon the licensed area for the purpose of constructing, relocating, inspecting, patrolling, maintaining and adding to or removing all or part of its respective systems without the necessity at any time of procuring the permission of anyone.

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: June 15, 2016

COUNCIL DISTRICT(S): All

DEPARTMENT: Water Utilities

CMO: Mark McDaniel, 670-3256

MAPSCO: All

SUBJECT

Authorize adoption of the 2016 Water Conservation Five-Year Work Plan for the City of Dallas – Financing: No cost consideration to the City

BACKGROUND

Title 30, Chapter 288, Subchapter A of the Texas Administrative Code requires that retail and wholesale water providers submit a water conservation plan to the Texas Commission on Environmental Quality (TCEQ) every five years. The 2016 Water Conservation Five-Year Work Plan is a roadmap for compliance with the State's mandate. It is also a major component of a long-term planning effort to: delay the need to develop expensive water supplies, extend the life of existing water supplies and infrastructure and to lower capital and operating costs of the existing system.

Despite population increases and periodic drought, water demand has been greatly reduced over the past decade. As the City's water conservation efforts have expanded and matured, the next five years will focus heavily on further increasing the DWU water system's efficiency and targeted programming for the top water using premise types.

Thirteen (13) measures have been identified for implementation and/or continuation for the 2016 Water Conservation Five-Year Work Plan over the period of FY 2016 through FY 2020. These strategies are segmented by:

- Continued Customer Engagement
- Water System Improvements
- Ordinance Amendments

The selected strategies are projected to achieve an average per capita reduction of 1% per year over the five-year planning horizon. The Plan will be monitored annually and necessary adjustments will be made to achieve the stated goal.

BACKGROUND (Continued)

A draft of the 2016 Water Conservation Five-Year Work Plan was posted on www.savedallaswater.com for public review and comment from April 15, 2016 through May 18, 2016. All comments were considered as the plan was being finalized.

PRIOR ACTION/ REVIEW (COUNCIL BOARDS, COMMISSIONS)

Briefed Dallas City Council on April 20, 2016 on details of 2016 Water Conservation Five-Year Work Plan.

FISCAL INFORMATION

No cost consideration to the City.

June 15, 2016

WHEREAS, the Dallas City Council passed Resolution No. 05-1221 adopting the Water Conservation Five-Year Strategic Plan on April 13, 2005; and,

WHEREAS, the 2005 Water Conservation Five-Year Strategic Plan set specific goals and objectives to reach an average one percent reduction in per capita consumption each year for FY 06 through FY 10; and,

WHEREAS, the Dallas City Council passed Resolution No. 10-1509 adopting the Water Conservation Five-Year Strategic Plan Update on June 9, 2010; and,

WHEREAS, the 2010 Water Conservation Five-Year Strategic Plan Update set specific goals and objectives to reach an average 1.5 percent reduction in per capita consumption each year for FY 11 through FY 15; and,

WHEREAS, the actual reduction in consumption from FY 06 through FY 15 averaged a 1.7 percent reduction per year in per capita consumption; and,

WHEREAS, gallons per capita per day in Dallas has dropped 26 percent since 2001 as a result of City of Dallas Water Utilities efforts; and,

WHEREAS, the Dallas City Council is committed to water conservation.

Now, Therefore,

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

Section 1. That the 2016 Water Conservation Five-Year Work Plan is hereby approved and adopted.

Section 2. 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 resolved.



City of Dallas

Water Conservation Five-Year Work Plan

April 2016

City of Dallas Water Utilities
www.savedallaswater.com

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Water Conservation Five-Year Work Plan

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Water Conservation Five-Year Work Plan

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Water Conservation Five-Year Work Plan

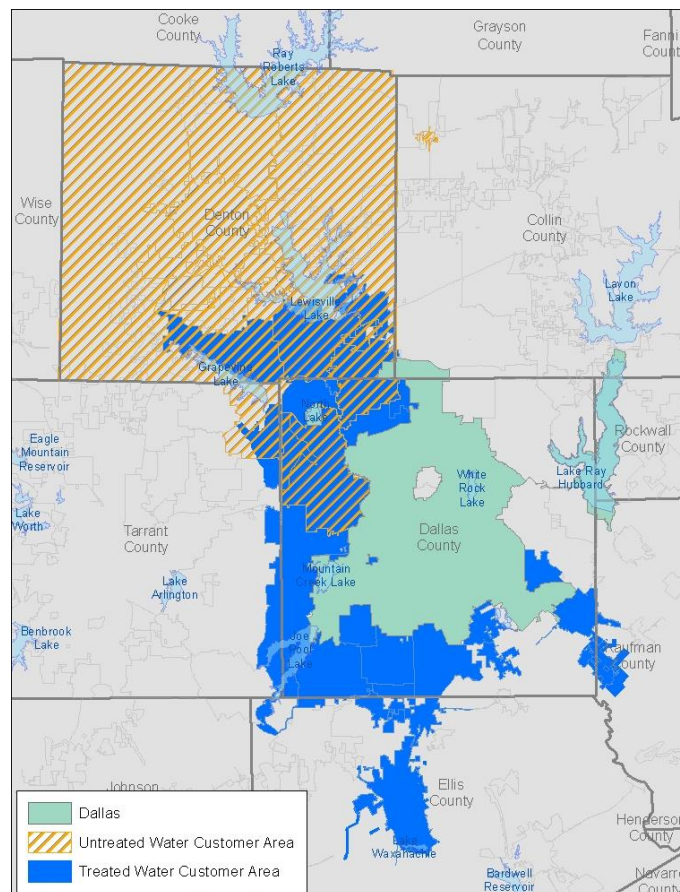
ES. Executive Summary

Dallas Water Utilities (DWU) is a major retail and wholesale provider of water in North Texas that currently serves over 2.4 million people within a 700 square mile service area. DWU has met the water and wastewater needs of the City of Dallas since 1881 and currently supplies treated water to 23 wholesale treated water customers. DWU also supplies untreated water to an additional three wholesale customers.

Dallas meets these needs through a system of seven surface water reservoirs and through its transmission, treatment, and distribution facilities. These seven geographically diverse reservoirs are located in different watersheds therefore allowing the capability of balancing the level of use in each reservoir to ensure that the supply of any single reservoir will not be prematurely exhausted.

The reservoirs comprising DWU's system are subdivided into western and eastern systems. This designation corresponds to DWU's overall water treatment system infrastructure, which includes two western water treatment plants, Bachman Water Treatment Plant (WTP) and Elm Fork WTP, and one eastern water treatment plant, East Side WTP. There are two wastewater treatment plants (WWTP) in the DWU water system - Central and Southside. Recycled water projects, existing and proposed, are also components of the DWU water system.

Figure ES-1: Dallas Water Utilities Service Area



ES.I. Water Conservation as a Demand Management Tool

Water Conservation is defined as “those practices, techniques and technologies that will reduce the consumption of water, reduce the loss and waste of water, improve the efficiency in the use of water, or increase the recycling and reuse of water so that a water supply is made available for future or alternative uses” (Texas Water Code § 11.002 (a) (8) (B)).

State of Texas Requirements

The Texas Administrative Code Title 30, Chapter 288 (30 TAC § 288) requires holders of an existing permit, certified filing, or certificate of adjudication for the appropriation of surface water in the amount of 1,000 acre-feet a year or more for municipal, industrial, and other non-irrigation uses to develop, submit, and implement a water conservation plan and to update it every five years. Because DWU provides water as a municipal public and wholesale water supplier, its Water Conservation Plan must include information necessary to comply with Texas Commission on Environmental Quality (TCEQ) requirements for each of these designations. The minimum requirements of Subchapter A that must be included in the City of Dallas Water Conservation Plan are summarized below.

- **Utility Profile:** Includes information regarding population and customer data, water use data (including total gallons per capita per day (GPCD) and residential GPCD), water supply system data, and wastewater system data
- **Description of the Wholesaler’s Service Area:** Includes population and customer data, water use data, water supply system data, and wastewater data
- **Goals:** Specific quantified five-year and ten-year targets for water savings to include goals for water loss programs and goals for municipal and residential use, in GPCD
- **Accurate Metering Devices:** The TCEQ requires metering devices with an accuracy of plus or minus 5 percent for measuring water diverted from source supply
- **Universal Metering, Testing, Repair, and Replacement:** The TCEQ requires that there be a program for universal metering of both customer and public uses of water for meter testing and repair, and for periodic meter replacement
- **Leak Detection, Repair, and Control of Unaccounted for Water:** The regulations require measures to determine and control unaccounted-for water. Measures may include periodic visual inspections along distribution lines and periodic audits of the water system for illegal connections or abandoned services
- **Continuing Public Education Program:** TCEQ requires a continuing public education and information program regarding water conservation
- **Non-Promotional Rate Structure:** Chapter 288 requires a water rate structure that is cost based and which does not encourage the excessive use of water
- **Reservoir Systems Operational Plan:** This requirement is to provide a coordinated structure for operation of reservoirs owned by the water supply entity within a common watershed or river basin in order to optimize available water supplies
- **Wholesale Customer Requirements:** The water conservation plan must include a requirement in every water supply contract entered into or renewed after official adoption of the Water Conservation Plan, and including any contract extension, that each

successive wholesale customer develop and implement a water conservation plan or water conservation measures using the applicable elements of Title 30 TAC Chapter 288

- **A Means of Implementation and Enforcement:** The regulations require a means to implement and enforce the Water Conservation Plan, as evidenced by an ordinance, resolution, or tariff, and a description of the authority by which the conservation plan is enforced.
- **Coordination with Regional Water Planning Groups:** The water conservation plan should document the coordination with the Regional Water Planning Group for the service area of the public water supplier to demonstrate consistency with the appropriate approved regional water plan

The 2016 Water Conservation Five-Year Work Plan serves as a road map for compliance with the State's mandates. It also serves as a major component of Dallas' Long Range Water Supply strategies.

Benefits of Water Conservation

A well-designed Water Conservation Plan will not deprive the community of essential water uses; rather, it will provide a blueprint for efficient water use. The benefits of water conservation not only include those derived from avoided costs, but other benefits that may not be as easily enumerated in terms of dollars yet hold significant importance to the City in terms of value. Benefits of water conservation include:

- **Delays the need to develop expensive future water supplies.** Costs associated with developing new water supplies (or purchasing new water) are numerous. These can include capital costs for construction of reservoirs, pumping facilities, pipelines, treatment plants, water storage, and related facilities; costs of obtaining water rights and permits; and operational costs such as labor, energy, and chemicals.
- **Extends the life of existing water supplies and infrastructure.** Pressures within the water system will increase in localized areas in order to meet increasing customer demands. Increased pressures within an aging infrastructure will mean more leaks from the system. When water demands are maintained or reduced through conservation, higher system pressure is avoided.
- **Reduces peak requirements.** A water system is sized to meet its customers' peak demands. When these peak demands are reduced through water conservation, a portion of the system's capacity is freed-up for other water customers. This, in effect, increases the base capacity of the system.
- **Lowers capital and operating costs of the existing system.** The need for expanding the water treatment and distribution system is delayed or avoided. Operational costs, such as power and chemicals, are also reduced.

Other benefits include the generation of positive environmental effects, improving customer good will and promoting a positive image for Dallas. Water Conservation is Dallas' most cost-effective water supply. Since 2001, the city's broad-based water efficiency measures have worked in tandem to save approximately 316 BG (billion gallons) or 62 million gallons per day (MGD).

Additionally, DWU's Water Conservation Program is directly responsible for changing the perceptions and behaviors of its customers. Since 2001, the city's GPCD has been reduced by 26%. Annual surveys indicate that customer awareness of the watering ordinance is up from 60%

to 76%, and that customers' positive water conservation behaviors are up from 46% to more than 71%. However, water conservation alone will not solve Dallas' long-term water needs. Continued customer engagement and on-going re-evaluation of the conservation program are necessary to sustain the water savings that have been achieved. Anything less will erode the gains made and over time, they will be substantially lost.

FY 2015 marked the 10th anniversary of Dallas' Water Conservation strategic planning efforts. Water demand has been greatly reduced despite population increases and periodic drought. As the program has expanded and matured, the next five years will focus heavily on further increasing the DWU water system's efficiency and targeted programming for the top water using premise types. These efforts are segmented by:

- Water System Improvements
- Ordinance Changes
- Continued Customer Engagement

Thirteen (13) measures have been identified for implementation and/or continuation for the 2016 Water Conservation Five-Year Work Plan (hereafter referred to as the 2016 Work Plan). Based on the DWU water use profile, the measures in **Table ES-I** were selected based on estimated water savings, benefits and costs. These measures address a broad range of customer premise types and water use types.

Table ES-I: Proposed Measures by User Group

Proposed Measure	User Group				Action		
	SF	MF	ICI	DWU	Ongoing	Enhance	New
Continued Customer Engagement							
1. Residential Irrigation System Rebate Program	✓	✓					★
2. ICI Financial Incentive Program			✓		★	★	
3. Multi-Family Outreach Partnership with Department of Code Compliance		✓					★
4. Wholesale Customer Cities Monitoring, Measurement, and Reporting				✓			★
5. Targeted Outreach to ICI & Large Campus Style Properties	✓	✓	✓				★
6. Enhanced Residential Public Outreach	✓	✓	✓		★	★	
7. Increased Enforcement Efforts	✓	✓	✓	✓	★	★	
Water System Improvements							
8. Water Loss Reduction				✓	★	★	
9. Meter Reading (Apparent Loss Reduction)				✓	★	★	
10. Complete Modernization of Meter Reading Process				✓	★	★	
11. Water Treatment Plant Backwash Optimization				✓	★	★	
Ordinance Changes							
12. Landscape Ordinance Amendment	✓	✓	✓	✓	★	★	
13. Evaluate Alternative Rate Options (DWU Rate Study)		✓					★
SF = Single Family; MF = Multi-Family; ICI = Industrial, Commercial, and Institutional							

ES.2. 2016 Work Plan Development Process

The inaugural Five-Year Strategic Plan adopted in 2005 and the subsequent 2010 Update were completed by outside consultants¹ with assistance from City of Dallas Water Utilities' staff. The 2016 Work Plan was completed by DWU staff with assistance from Alan Plummer Associates, Inc.

The 2016 Work Plan was developed through a multi-faceted approach that included review of the previous water conservation planning efforts; review of numerous water conservation programs, initiatives, data, and literature; and through interviews with water conservation staff from other cities and public/private stakeholders.

City of Dallas water use data was examined to identify strategic areas to target for additional water conservation opportunities. Numerous water conservation strategies were evaluated using screening criteria, a benefit-cost analysis, and other means to determine their suitability for implementation during the next five-year planning period. Strategies that will continue from previous plans include:

- Public Awareness Campaign
- Toilet Rebate Programs
- Minor Plumbing Repair Program
- Environmental Education Initiative
- Irrigation System Check-Up Program

ES.3. Organization of the 2016 Work Plan

The following information and procedures are provided in the 2016 Work Plan:

- **Section 1.0, City of Dallas Water Use Profile** describes the customer make-up and water use patterns of the DWU service area including summary data showing water use by water user category.
- **Section 2.0, City of Dallas Water Conservation Progress** documents the water conservation measures implemented to date and the resulting water savings. Measure descriptions, the extent to which measures have been implemented and implementation costs are also discussed.
- **Section 3.0, Advancing City of Dallas Water Conservation Efforts (FY 2016 through FY 2020)** describes planned program enhancements as well as new conservation measures that are likely to be implemented.
- **Section 4.0, Projected Water Savings, Estimated Costs, Benefits and Staffing** includes projected water savings, potential benefits, estimated costs, recommended budgets and staffing needs for the proposed measures.
- **Section 5.0, 2016 Work Plan Implementation and Schedules** describe detailed annual action plans for FY 2016 through FY 2020.
- Appendix

¹ 2005 City of Dallas Water Conservation Five-Year Strategic Plan completed by Enviromedia and Alan Plummer Associates, Inc. in association with: Chris Brown Consulting and Baker Consulting Associates. 2010 City of Dallas Water Conservation Five-Year Strategic Plan Update completed by Alan Plummer Associates, Inc. in association with: Amy Vickers & Associates, Inc., CP&Y, Inc., Miya Water and BDS Technologies, Inc.

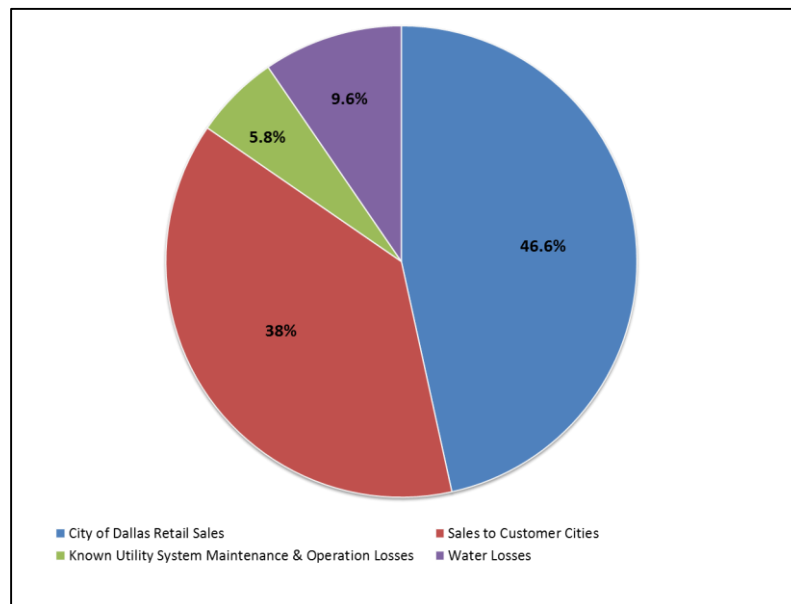
I. City of Dallas Water Use Profile

To make recommendations that are technically sound and economically feasible, water conservation planners must understand the customer make-up and water use patterns of the service area. For FY 2011 through FY 2015, summary data showing monthly water use by water user category was analyzed. Categories included residential, general service (GS), optional general service (OGS), municipal, wholesale, and unbilled. In the summary data:

- Residential water use is assumed to be single-family
- The General Service (GS) category has two classifications- Multi-Family and Commercial
- Optional GS water users consist primarily of large industrial customers
- Unbilled water, also known as non-revenue water, is a combination of unbilled authorized consumption and water loss. Unbilled authorized consumption includes unbilled municipal uses such as, ozone cooling water at the water treatment plants, main flushing, firefighting, meter testing, and other uses. Unbilled water loss includes leaks, breaks and metering errors
- Total Billed Retail is the sum of all retail categories (Residential, Multi-Family, Commercial, Large Industrial and Municipal)
- Billed Metered is the sum of Total Billed Retail and Wholesale water use

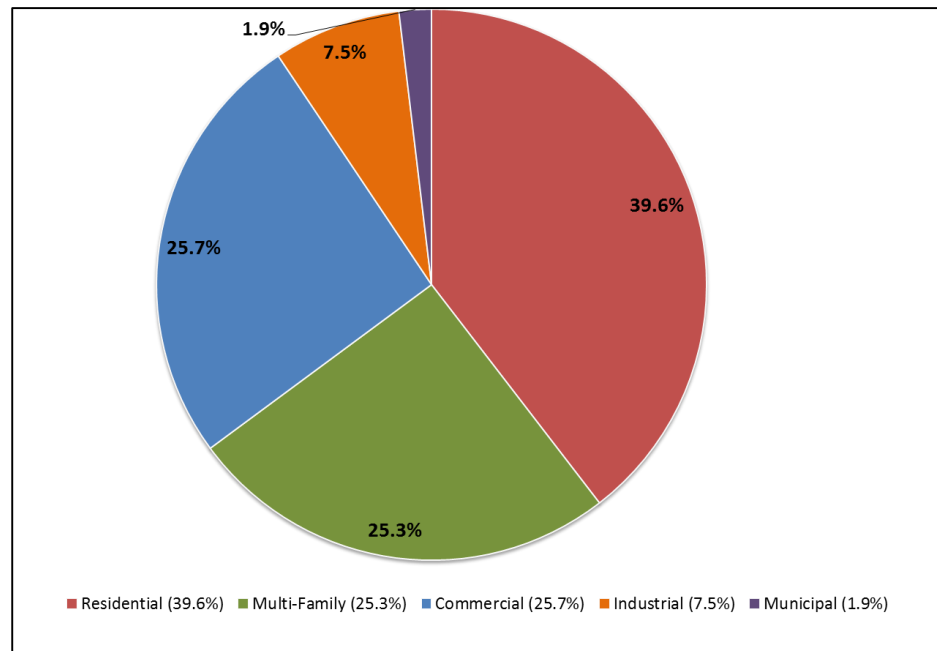
From FY 2011 through FY 2015, Dallas' average annual treated water production was 143.6 billion gallons. Total treated water use is divided into City of Dallas retail sales, known utility system maintenance and operation losses, sales to customer cities and water losses. During the review period, retail sales accounted for 46.6 percent of total treated water use and wholesale water sales accounted for 38.1 percent.

**Figure I-1: Summary of DWU Total Treated Water Use
FY 2011 through FY 2015**



Currently, Dallas provides treated water to more than 330,000 active retail customers. The division of billed retail water use into customer categories is shown in **Figure I-2**. Single-family residential customers comprise the largest water use category, accounting for 39.6 percent of billed retail water use during the analysis period.

**Figure I-2: Summary of DWU Total Billed Retail Water Use
FY 2011 - FY 2015**



Understanding “base” and “seasonal” water use helps in the targeting of water conservation strategies. Base water use is:

- Generally associated with indoor water uses or other water uses that remain relatively constant throughout the year
- Estimated to be the amount of water used in the minimum water-use month for a given year
- Assumed to be constant throughout each year for each category

Seasonal water use is generally associated with irrigation and cooling water uses and estimated to be all water use greater than the base. Base and seasonal water uses are shown by category and year in **Figures I-3 and I-4**. Among retail customers, residential (single-family), commercial, and institutional accounts used between 37 to 40 percent of all water supplied for seasonal purposes. Multi-family and large industrial accounts had much lower seasonal water use.

Figure I-3: Seasonal Water Use by Category FY 2011- FY 2015

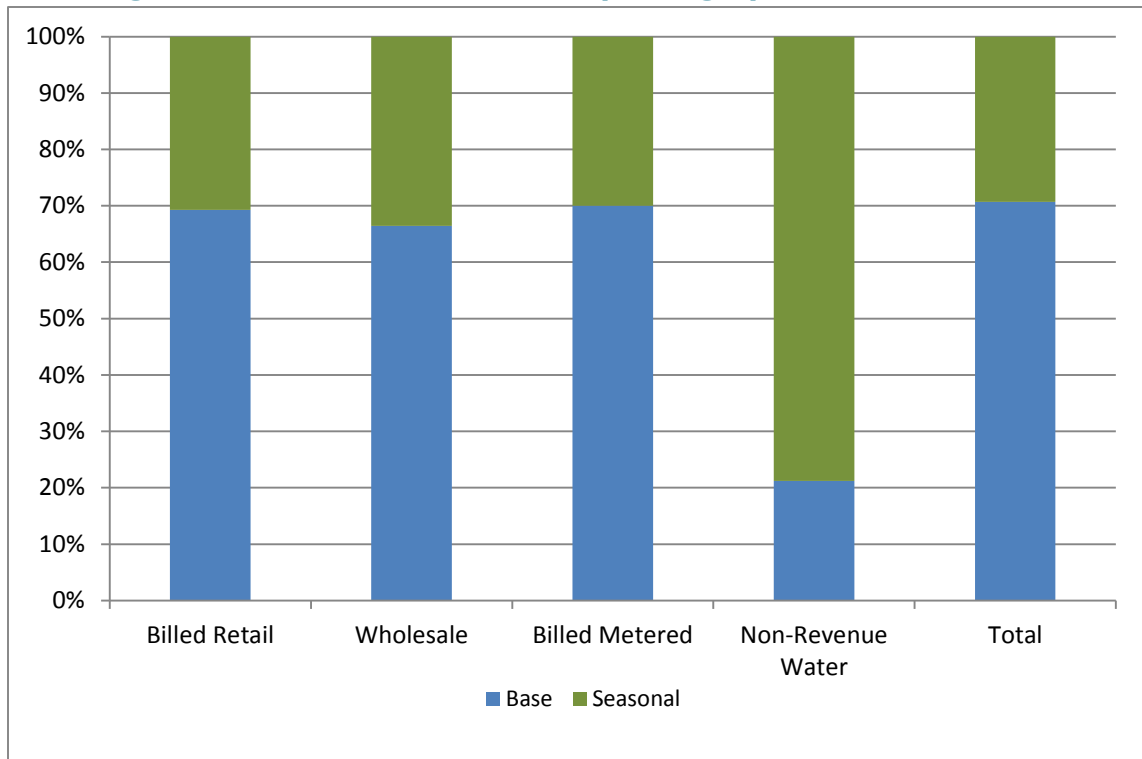
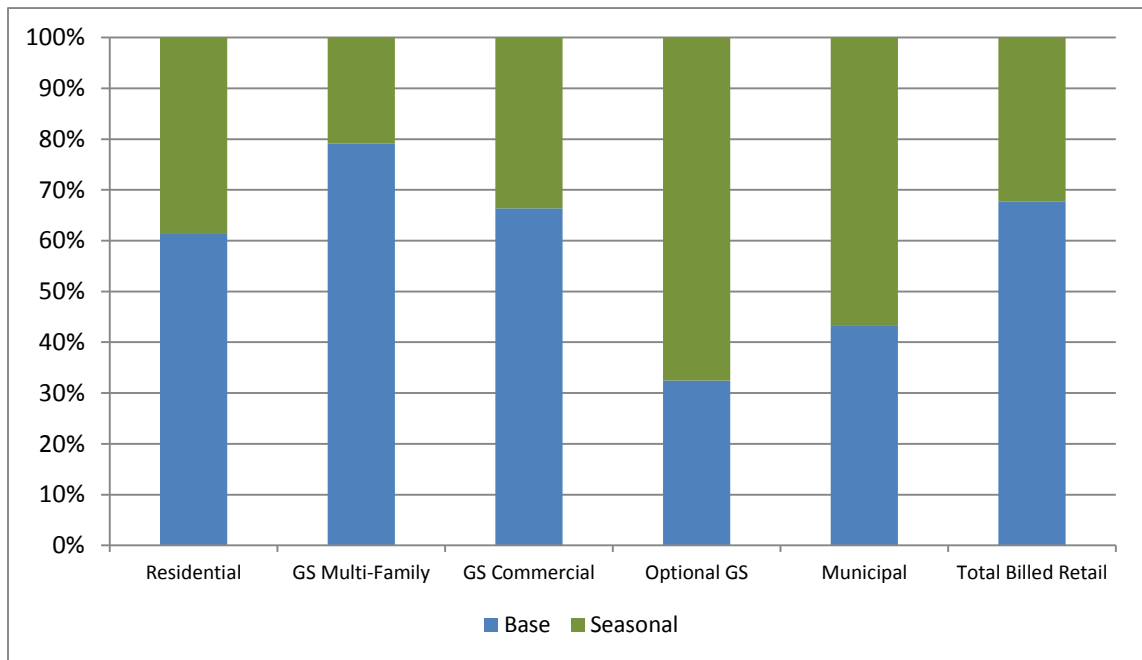
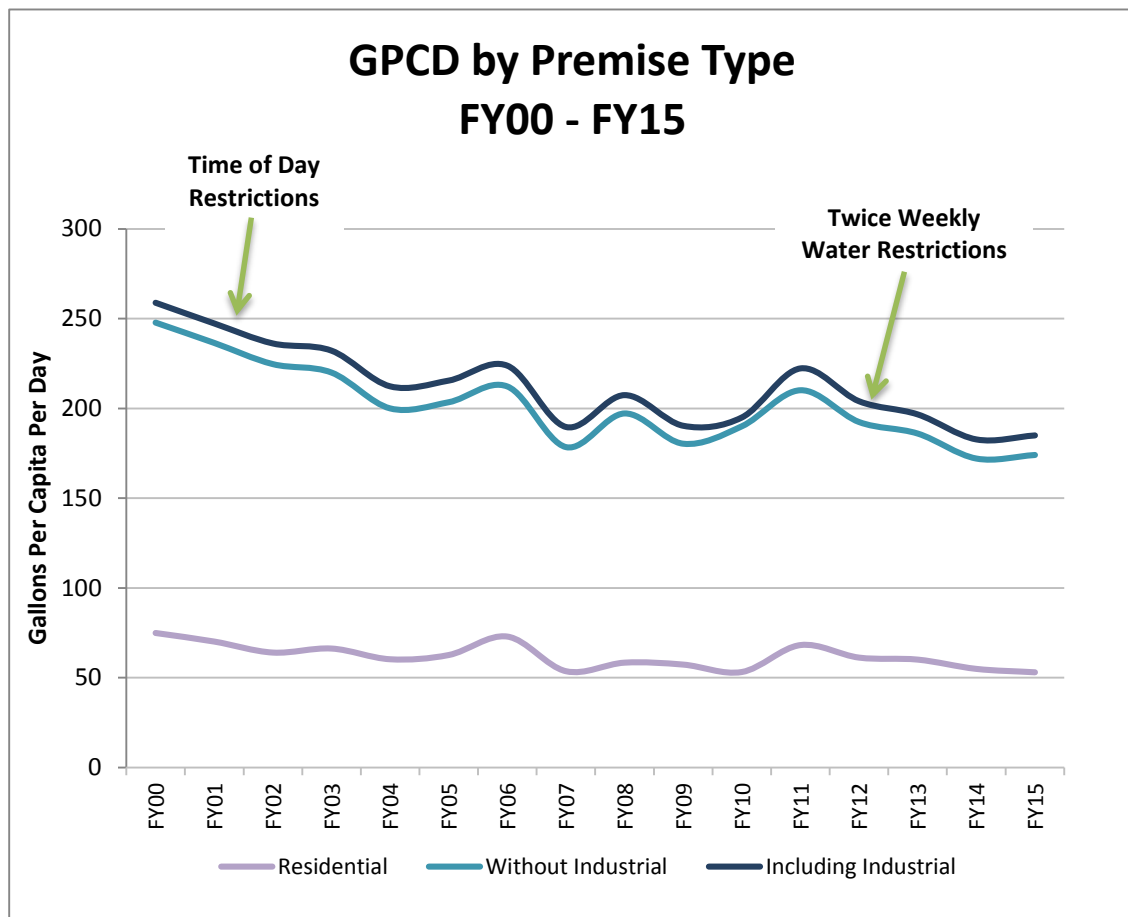


Figure I-4: Seasonal Billed Retail Water Use by Category FY 2011 – FY 2015



GPCD is a metric that helps water purveyors track their consumption patterns. The Water Conservation Implementation Task Force Best Management Practices Guide² recommended standard methodologies for calculating GPCD and residential per capita water use. Using this methodology, total per capita water use for the City of Dallas (including billed retail water use, unbilled authorized consumption, and water loss) was calculated for the last fourteen years. Total per capita water use has steadily declined from its FY 2000 peak to the present as indicated in **Figure I-5**.

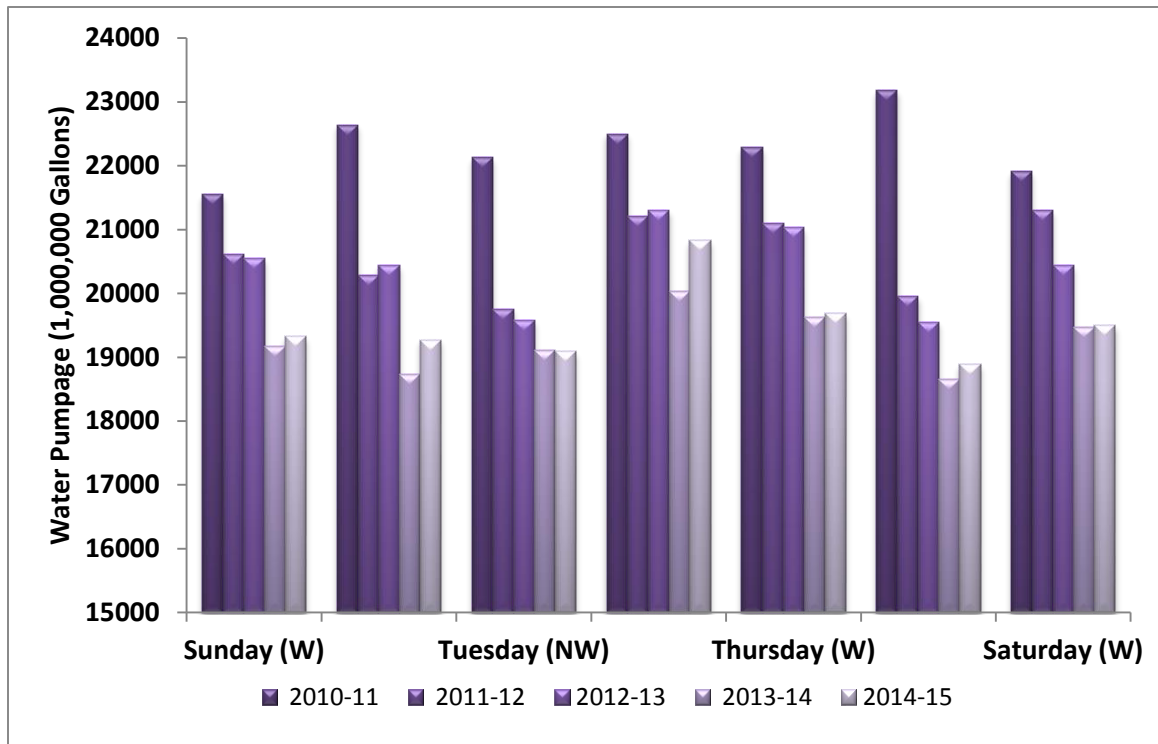
Figure I-5: GPCD by Premise Type



Another interesting trend to note is that DWU implemented a mandatory maximum twice-weekly watering schedule for the City of Dallas in the Spring of 2012. **Figure I-6** clearly shows that when any day watering was allowed, significant amounts of water were used. However, since FY 2011, when maximum twice weekly watering schedules were implemented, water savings have been achieved on non-watering days.

² Published and distributed by the Texas Water Development Board, P.O. Box 13231, Capital Station, Austin, Texas 78711-3231

**Figure I-6: Water Consumption (MG) on Watering (W)
Vs. Non-Watering (NW) Days**



2. City of Dallas Water Conservation Progress

DWU has a long history of providing leadership in the area of water conservation. This section provides a description of the existing program and the enhancements and new measures that have been implemented to reduce per capita consumption and curb water waste.

2.1 Water Conservation Program Chronology

The City of Dallas has had a water conservation program since the early 1980's. Beginning in 1981, DWU began adding bill inserts to encourage customers to conserve water. In 1984, DWU initiated a school education program that included textbook covers with a conservation message, poster contests, a regional science fair, curriculum aids, classroom presentations, and student tours of treatment facilities.

In the mid-1980's, DWU conservation efforts focused on media relations, speaking engagements, and special events and promotions. Media relations consisted of news coverage of conservation techniques and television and radio public service announcements. DWU staff spoke to professional and civic organizations and made classroom presentations on conservation. Special events and promotions included exhibits at trade fairs and community events, an annual Drinking Water Week poster contest that began in 1984, and water-upon-request promotions at local restaurants in 1985-86.

In 1987, DWU started a retrofit pilot program, fitting 2,025 homes with low-flow showerheads and toilet dams. Since the pilot program, DWU has provided ongoing public education about the benefits of retrofitting and ongoing distribution of showerheads upon request.

In 1988, DWU began promoting water-wise landscapes with exhibits, brochures, and seminars (in partnership with the Texas Agrilife Extension Service). In 1993, a water-wise demonstration garden was installed at the historic White Rock Pump Station. During that same period, DWU also began sponsoring annual recognition awards and a tour of homes with water-wise landscaping.

In October 2001, the Dallas City Council amended the city's water and wastewater ordinance to include conservation water rates and a prohibition on landscape water waste. The inverted block rate structure was amended so that residential customers using more than 15,000 gallons per month paid a higher unit rate for the additional water (currently \$8.20 per thousand gallons) and commercial customers using more than 10,000 gallons per month and using more than 1.4 times their annual monthly average also pay a higher unit rate. In addition, the following wasteful practices were prohibited:

- Runoff from irrigation onto a street or other drainage area
- Irrigation of impervious areas
- Operation of an irrigation system with broken or missing sprinkler heads
- Irrigation during a precipitation event
- Irrigation between the hours of 10 am and 6 pm from April 1 through October 31 of any year³ (except irrigation by hand and the use of soaker hoses)

³ This requirement was amended in FY 2006. Time-of-day restrictions were formerly from June 1 through September 30.

- Irrigation in excess of twice per week based on the property street address.⁴ Designated watering days are assigned based on the last digit of the property address. Addresses ending in an even number are allowed to water on Sundays and Thursdays and those ending in odd numbers are allowed to water on Saturdays and Wednesdays

Finally, the ordinance amendment required all irrigation systems be equipped with rain-sensing devices and freeze sensors by January 1, 2005. The amendment provided for warnings on a first violation of the ordinance and fines between \$250 and \$2,000 for subsequent violations.

In 2002, DWU initiated an extensive, ongoing multimedia Public Awareness Campaign to educate customers about landscape irrigation practices and new restrictions from the ordinance amendment. The award winning campaign is themed “Save Water. Nothing Can Replace It.”

In 2005, the Dallas City Council adopted a Water Conservation Five-Year Strategic Plan to further reduce peak demands and curb water waste. The goal of the Strategic Plan was to reduce per capita water consumption by an average of 1% per year from FY 2006 through FY 2010. The 2005 Strategic Plan was subsequently updated in FY 2010 with a new goal of reducing per capita consumption by an average of 1.5% per year from FY 2011 through FY 2015.

2.2 City of Dallas Water Conservation Measures

This section provides a description of DWU's existing water conservation program and the enhancements and new conservation measures that have helped to achieve DWU's stated water conservation goal.

Accurate Supply Source Metering

DWU has a comprehensive program to meter water diverted from supply sources within the DWU water system. All untreated water diversions or conveyances to the City of Dallas' WTPs are metered at the plants. DWU's Wholesale Customer Cities (WSCC) contracts (treated and untreated water) require that a meter be provided and is operated and maintained to commercial accuracy, with review and approval by DWU.

All untreated water diverted from supply sources is compiled in an annual surface water report, which reflects diversions on a monthly basis.

Universal Metering

The current City of Dallas ordinance requires metering of all connections, except closed fire systems with alarms. Individual metering is required at all single-family residential locations. Most multi-family residential locations, such as apartments and condominiums, have individual metering for each building or designated water user. Some commercial businesses are combined through a single master meter as well. Dual metering is currently provided to some customers based on the individual needs of the user. All treated water pumped from the WTPs is compiled in an annual Pumped Water Report, which shows water pumped on a monthly basis.

Most of the treated water used by wholesale customers is metered by DWU using Venturi meters with rate-of-flow controllers (ROFCs). The remaining treated water usage by wholesale customers is metered by volumetric meters. All treated water pumped from the WTPs to treated water wholesale customers is included in the Annual Pumped Water Report.

⁴ This amendment was adopted in April, 2012.

Meter Testing and Repair

All production meters are tested and calibrated in accordance with Dallas Water Utilities ISO standards. The city maintains a program to pull, test, and replace any meters determined to be functioning outside of these parameters.

Periodic Meter Replacement

Most residential meters in the City of Dallas are replaced at 10- or 15-year intervals depending on meter size and accuracy life of the meter. Most large and high capacity general service meters are tested on an annual basis. DWU will also repair or replace any meter reported as inaccurate by a water customer.

Leak Detection, Repair, and Control of Unaccounted-for Water

DWU has an extensive leak detection and repair program and is committed to maintaining a rate of less than 10 percent for unaccounted-for water losses in its water system. Annual unaccounted-for water, based on the difference between treated water pumped and sold, averaged 9.35 percent in 2015.

Currently, DWU has an annual budget of \$25 million for maintenance and upkeep of the distribution system. The majority of the budget is used for personnel, equipment, and materials. DWU operates 23 four-person repair crews. Most leaks, illegal connections, or abandoned services are discovered through the visual observation of field crews or are reported by the public.

DWU also has fourteen staff members to detect hard-to-find leaks. The Leak Detection Program has the goal of surveying the entire water system and improving the integrity of the water system by identifying weaknesses in water pipelines before breaks develop. The goal is to survey all pipelines every 2.5 years, 40% annually. Leak detection staff members utilize state-of-the-art leak detection equipment, including leak listening devices, leak noise loggers, and a leak noise correlator. The DWU leak detection program continues to meet and exceed its annual goal and in FY 2015 surveyed approximately 95% of the entire system.

Monitoring and Record Management of Water Deliveries, Sales and Losses

DWU regularly monitors all water deliveries and sales to both treated and untreated water customers. All critical data, such as raw water conveyances to WTPs or wholesale customers, treated water pumped, and unaccounted-for water losses are available on a regular basis, as needed. All water sources and service connection accounts are individually metered and read on a regular basis to facilitate accurate comparisons and analysis.



Continuing Public Education Program

The City of Dallas' public education program is considered one of the best information and education programs in the State of Texas. DWU's program has received recognition from the Texas Water Development Board, the Texas Section of the American Water Works Association (TAWWA), the Texas Water Conservation Association, the American Advertising Federation, the U.S. Environmental Protection Agency (EPA), and the Obama Administration's 2011 Clean Water Framework Report. The school program has received awards from the TAWWA, Keep Texas Beautiful, and the Oak Cliff Chamber of Commerce.

Public Awareness Campaign

Launched in the summer of 2002, the city's Public Awareness Campaign, branded "Save Water, Nothing Can Replace It," promotes water conservation with television ads on major stations, radio ads during peak traffic periods, billboards on heavily traveled thoroughfares, and print ads in the Dallas Morning News and minority publications. A web site featuring the "Save Water" logo contains information about water conservation programs, the water conservation ordinance restrictions, and various "green" events sponsored by the city. The website can be accessed by visiting www.savedallaswater.com.

Although the Dallas-Fort Worth area receives water service from many different water providers, it is a single media market. As a result, the DWU Public Awareness Campaign delivers messages within other water service areas and the DWU water service area receives water conservation messages from other water providers. In 2009, DWU partnered with the Tarrant Regional Water District (TRWD) to minimize the potential for customer confusion by providing uniform water conservation messages to the entire media market and to leverage its Public Awareness Campaign budget. Dallas has historically spent approximately \$750,000 annually for media coverage.

An additional \$750,000 in media exposure is leveraged annually through the TRWD partnership. Since 2002, Dallas has spent over \$16 million on its public awareness campaign thus demonstrating its continuing commitment to water conservation for the entire North Texas region.

Environmental Education Initiative K-12

In FY 2006, DWU augmented its existing school education programs with an Environmental Education Initiative (EEI) through a collaborative effort with the City of Dallas Department of Sanitation to provide programs for grades kindergarten through twelve in the Dallas and Richardson Independent School Districts. The EEI web site⁵ is an online resource for teachers with links to videos on outdoor water use, indoor water use, watersheds, and surface-groundwater interactions. The web site also has a description of recycling lessons and water lessons for kindergarten through fifth grade children. Teachers can also register for a free in-class presentation through this web site. To date, the EEI has reached over 190,000 students and parents.

Water Conservation Mascot

In 2006, DISD students elected Dallas' official water conservation mascot "DEW". Through frequent public appearances and community outreach, DEW helps to educate kids and adults alike about the importance of using water wisely. DEW has reached an annual average of approximately 1,500 Dallas residents and businesses since his 2006 debut. More information on DEW's efforts can be accessed through the "Kids Corner" link on the city's water conservation webpage, www.savedallaswater.com.



City of Dallas

⁵ URL: <http://dallaseei.org/>

Free Irrigation System Inspections

DWU added two licensed irrigators to its water conservation division staff and began providing free irrigation system inspections in FY 2007. These inspectors serve residential and commercial customers and work with other city departments on proper maintenance and operation of city irrigation systems. The inspections include identification of potential system leaks, diagnosis of equipment malfunctions, and recommendations for equipment upgrades to enhance efficiency. Over 5,700 inspections have been performed since the program was launched. Projected water savings based on implemented recommendations for FY 2015 is over 39 million gallons per year (MG/Y).

Water Wise Landscape Events

FY 2015 marked the 21st anniversary of the city's Water-wise Landscape Tour of Homes and Awards program. This initiative is designed to raise public awareness and save water by showcasing demonstration gardens, recognizing water-wise award winners, and promoting the replacement of water-thirsty yards with landscaping that requires minimal water and maintenance.

The city also maintains "water-wise" landscapes and demonstration gardens at the historic White Rock Lake Pump Station and at Fair Park. The use of water-wise landscaping is also promoted through semi-annual water-wise seminars. From FY 2011 through FY 2015, the city hosted 31 water-wise landscape events. It is difficult to quantify water savings achieved specifically from these events. However, this conservation measure heightens awareness of the need for water conservation and provides tools for landscape conversion and proper maintenance.

Water savings resulting from customer conversion to water-wise landscaping is not tracked by the city, but continued education events and potential water-wise landscape ordinances for future construction are expected to contribute to water use reduction over time.



City of Dallas

Other Public Education

The City of Dallas also uses other approaches to public education, including water bill inserts, brochures, speaking engagements, special events and promotions, and conservation-oriented signs in city facilities.

Industrial, Commercial, and Institutional (ICI) Free Water Efficiency Surveys

In FY 2012, the Dallas City Council authorized an ICI Water Efficiency Survey Program to help commercial entities and small businesses save water and money by identifying opportunities to increase water use efficiency and to reduce water, wastewater and electricity costs.

The city's free assessments include a full examination of:

- Cooling Towers, Boilers & Other Thermodynamic Operations
- Metering, Monitoring and Measurement
- Plumbing Fixtures, Fittings & Equipment
- Landscape
- Irrigation
- Food Service Operations
- Laundry Operations
- Laboratory & Medical Facilities
- Swimming Pools, Spas & Fountains
- Vehicle Washes
- Alternate Sources of Water

Over 320 water efficiency assessments have been performed since the program was launched with an estimated water savings of over 337 MG/Y if recommended process and equipment improvements are implemented.

ICI Hospitality Industry Program

In FY 2011, the Dallas City Council authorized a program to encourage hotels/motels and restaurants to expand their efforts to save water by participating in the city's Water Conservation Hospitality Industry Program. The initiative is voluntary. Participating hotels and motels urge guests to embrace fewer linen and towel changes, as well as, serve water on request only in their dining areas. The City provides free public service announcements to participating lodging facilities to educate their guests about the program. Dallas area restaurants are also encouraged to serve water on request only. This simple measure not only saves our water resources but also provides energy savings through less frequent dishwasher and heated water use. Free marketing and promotional materials are provided for participating establishments. Over 75 facilities currently participate in the program.

ICI Training Programs (Under development during FY 2016)

DWU plans to develop, lead, and manage ongoing water efficiency training programs for:

- ICI facility managers and engineers, and
- Irrigators and commercial landscape professionals

Topics will include industrial cooling, food processing, irrigation management, and leakage control. Bi-monthly or quarterly training programs will be conducted. As facility managers and irrigators become more aware of available water-efficient technologies and methods, they will begin to implement these measures. DWU will work with local businesses, green building organizations, and energy utilities to seek their input on the curriculum development and certification process.

ICI Business Partnership Program (Under development during FY 2016)

DWU plans to establish an ongoing Business Partnership Task Force or work group for the purpose of engaging the ICI community in DWU's water conservation program, particularly business leaders who represent companies that are top water users. The Task Force will meet four to six times per year for discussion of water conservation practices, sharing of conservation success stories, and discussion of DWU ICI water conservation programs.

Water Conservation Division Staff

DWU currently maintains 13 staff positions in the Water Conservation Division, up from 7 full-time employees in 2005. New staff members have been added to analyze and track Best Management Practices (BMPs), provide customer water audits, administer education programs, and facilitate retrofit programs. Significant expansion of water conservation programs with the implementation of the Strategic Plan required more water conservation staff to coordinate and support the enhanced program.

Retrofit of City Owned Facilities

Retrofits of city facilities have included replacement of indoor plumbing fixtures and irrigation audits and corresponding improvements. The city has also increased its employee and public awareness with campaigns publicizing improvements or retrofits at city-owned facilities. These improvements were made possible through the City Leadership Grant Program which provides funding to city departments for water conservation improvement projects. Grants are awarded on a competitive basis annually. Since, FY 2009, grants totaling \$681,654 have been awarded with an estimated water savings of 2.56 MG/Y.

Water-Wise Landscape Design Requirements (Under Review FY 2016)

DWU is collaborating with the city's Sustainable Development and Construction Department to revise (upon City Council approval and adoption) its landscape ordinance to promote water conservation best management practices. Items under review include limiting turf areas in new landscapes, minimum soil depths, soil amendments, and turf grass dormancy capability. Turf grass requires more water than native grasses and low-water-use plants. Reducing the turf grass area in new landscapes will reduce irrigation water use.

ICI Commercial Equipment Rule

With the adoption of the International Green Building Construction Code (Section 5.14), the city has put into place requirements for certain water efficiency standards for new and newly-occupied ICI establishments.

Toilet Voucher/Rebate Program

The New Throne for Your Home program, initiated in July 2007, offers vouchers and rebates for the replacement of older, inefficient toilets with high efficiency (HET) models. Applicants must be DWU customers whose toilets were installed prior to January 1, 1994 and who do not already have HETs. Single-family vouchers are limited to two per household. A rebate option is also available for up to \$90 per toilet. The program is promoted in print, radio and occasionally on television, as well as, the DWU water conservation web site⁶. To date, more than 91,000 toilets have been replaced through the New Throne for Your Home program. These efficient toilets are projected to save over 392 MG/Y.

⁶ www.savedallaswater.com

Minor Plumbing Repair Program

The Minor Plumbing Repair (MPR) program was initiated in FY 2006 with the goal of assisting low-to-moderate income water customers reduce water waste and increase water use efficiency. The program is designed to replace inefficient water use fixtures such as toilets (up to 2 per household), faucets and showerheads with more efficient fixtures. The program also includes minor repairs to leaking faucets, hose bib leaks, easily accessible pipe joint leaks, and water heaters. To date, over 3,770 families have participated. Measures implemented through the MPR program are projected to save over 26 MG/Y.

ICI Rebate Program (Recommended for Restructuring)

In FY 2012, the Dallas City Council authorized funding for ICI rebates in an effort to help corporations and small businesses defray the costs for large water conservation projects. Up to \$100,000 (per project) in site-specific rebates are available to ICI customers towards the cost of new equipment and processes that conserve water at existing facilities. All ICI water users served by the City of Dallas Water Utilities are eligible to apply. A free City of Dallas water efficiency facility assessment is required for eligibility. Four customers have been identified for potential rebates to date.

Residential Irrigation/Landscape System Incentive (Recommended For Implementation FY 2013. Program not implemented)

This program was not implemented because the region was in a severe drought and it was determined that a rebate program would not succeed if there was a possibility that watering restrictions might be elevated to stage 2 or above (possibly no outdoor irrigation). However, the program is included among the proposed measures for the FY 2016 Work Plan.

DWU plans to offer a rebate or other incentive to single-family and multifamily residential customers that retrofit their existing irrigation systems with water-conserving equipment. Qualifying equipment may include:

- Drip irrigation equipment
- Spray heads with greater distribution uniformity
- Smart irrigation controllers
- Other devices

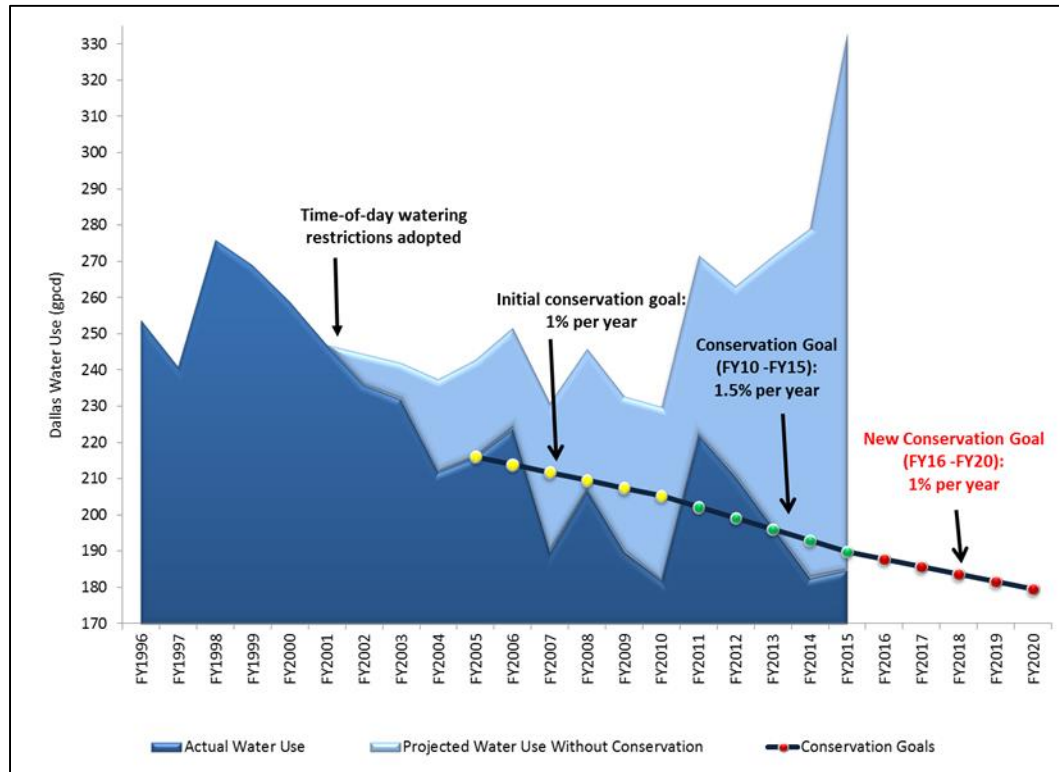
3. Advancing City of Dallas Water Conservation Efforts FY 2016 through FY 2020

Water Conservation Goals

The City of Dallas is committed to continuing its conservation efforts and building on past accomplishments. The goals identified in the 2016 Work Plan are designed to:

- Continue to develop and implement water conservation programs aimed at:
 - Reducing seasonal peak demands
 - Reducing water loss and waste
 - Decreasing per capita water use (GPCD)
- Continue public education of the need for water conservation through the Regional Water Conservation Public Awareness campaign with Tarrant Regional Water District
- Continue and enhance conservation practices that will maintain quality of life and allow economic growth and development
- Continue to include broad-based public and private stakeholder groups (both English and Spanish-speaking) in new program development and implementation processes
- Continue to lead by example by upgrading city facilities with water-efficient fixtures, landscapes and irrigation systems wherever possible
- Assist in facilitating regional conservation efforts among DWU Wholesale Customer Cities and neighboring municipalities
- Target an average 1 percent per year reduction in per capita consumption for the five-year planning period (**Figure 3-1**). This target is exclusive of any credit for indirect reuse diversion volumes
- Establish the foundation for continuation of water savings targets for the following five-year period

Figure 3-1: Per Capita Water Consumption Goal, FY 2016 through FY 2020



3.1 Water System Improvements

Measures in this category are designed to impact the annual average of 22.1 BG in unbilled water use that is comprised of:

- Unbilled Water Loss
- System Maintenance (flushing, meter testing and sewer cleaning)
- Treatment Plant Process Water
- Main Breaks
- Maintenance on storage facilities
- Fires and fire training
- Unbilled municipal uses

Apparent Losses

Apparent losses, sometimes referred to as commercial losses, occur when water that should be included as revenue generating water appears as a loss due to unauthorized actions or calculation errors. Unauthorized consumption, meter inaccuracies, and data handling errors are discussed in the following sections.

Unauthorized Consumption

Unauthorized Consumption is water that is removed from the system without authorization and generally without DWU's knowledge. According to the EPA, unauthorized consumption includes water theft, illegal meter by-passes, vandalism, or un-metered hydrant use for construction or recreation. The amount of water involved is very difficult to estimate because by its nature, the water use is unknown to DWU.

A small portion of unauthorized consumption is the loss of water due to theft. Currently, the DWU Water Delivery Program is developing methods in which to reduce water theft. However, this is a difficult process - it only takes a would-be offender a few moments to illegally hook a tanker truck to a fire hydrant, steal several hundred or a thousand gallons of water, and be on their way. Efforts have been made to regularly spot check tanker trucks and these efforts are reducing the amount of theft within the system. The department has made progress by adding an inspector position for portable meter inspection.

Other areas where unauthorized consumption may occur are illegal meter by-passes or when someone removes or tampers with the metering mechanism inside a meter thereby allowing water to flow through the meter without being measured. If evidence of a by-pass or tampering is found, the offender is issued a citation, an estimate of the amount of water involved is determined and a bill is subsequently issued to the property owner. DWU is evaluating the feasibility of conducting a study to determine if additional measures are warranted.

Customer Meter Accuracy and Meter Exchange

A major part of DWU's operations involve the repair and replacement of water meters. Review of data and interviews with Meter Operations Division staff indicate that a significant amount of work is being implemented to improve meter accuracy. DWU operates meter testing facilities for large and small meters, maintains an electronic catalogue of meters both in service and in the warehouse, and conducts ongoing repairs. Currently, all service work, meter replacements, and new installations are conducted by city staff.

Over the past fifteen years, the following processes have been implemented to improve meter accuracy:

- Replacement of any meter older than 15 years
- Replacement of traditional meters with Automated Meter Reading (AMR) / Advanced Metering Infrastructure (AMI) ready meters
- Re-alignment of staff in the Large Meter Division to enhance Quality Assurance in Large Meter testing and rebuilding

As water meters age, their internal mechanisms begin to deteriorate which can lead to lower measurements. An aging meter will likely become an economic liability with potential for revenue losses. A comprehensive meter replacement program not only benefits the water distribution system by creating a more efficient operation, it also allows the city to more fully recover its revenues.

As of September 30, 2015, DWU maintained 329,578 water meters. Of these, 274,421 were residential meters, 53,457 commercial meters, 1,612 municipal meters, and 88 Optional General Services meters. The current average age of small meters within the DWU system is approximately 7.3 years.

According to a recent engineering study, when a small meter reaches about 15 years old, the ability to accurately report water usage is diminished by approximately 10%⁷. By replacing meters at DWU's current rate, the system is reporting water usage numbers with less than a 4% loss.

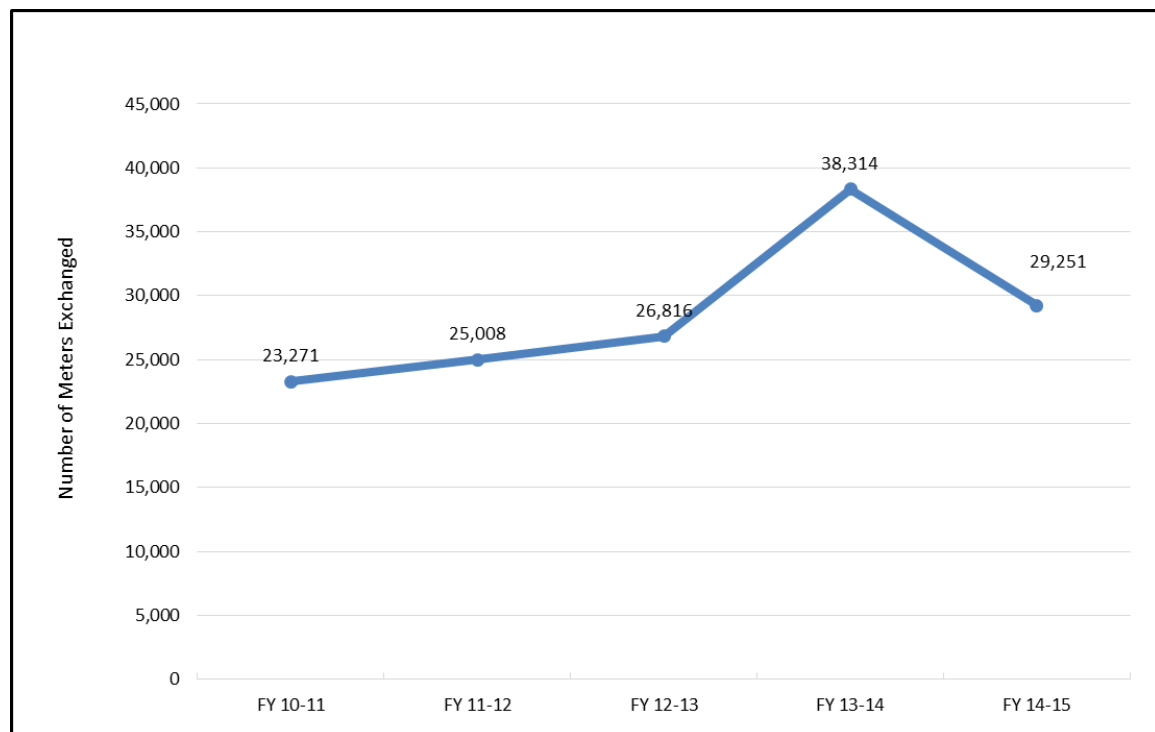
As a policy, large meters (three-inch diameter and larger) are tested at least annually, and the highest-use meters are tested as often as every six months. Large meters are generally flow tested in situ (without removing the customer meter) using a Sensus WI250™ portable large meter tester. These portable testers are used to test flows up to five hundred gallons per minute. There are approximately 6,800 large meters, including 3,300 industrial meters and 3,500 detector check meters, which allow priming of fire sprinkler systems while metering any low flows into a customer's fire control system.



DWU maintains a staff of 54 employees and 10 Supervisors in the Small Meters Section that are able to completely maintain all of the small water meters in the DWU system. In the Large Meter Section, DWU maintains a staff of 10 – two employee crews and 2 crew leaders that are able to field repair and test large meters.

DWU has a policy of exchanging a meter if its accuracy rating in the field cannot be determined. It is more cost effective to exchange a questionable meter with a newly certified one than it is to pull a meter, refurbish it, and return it to the customer site. **Figure 3-2** reflects the number of meters that have been exchanged over the past 5 years.

Figure 3-2: Meter Exchange Rate within DWU

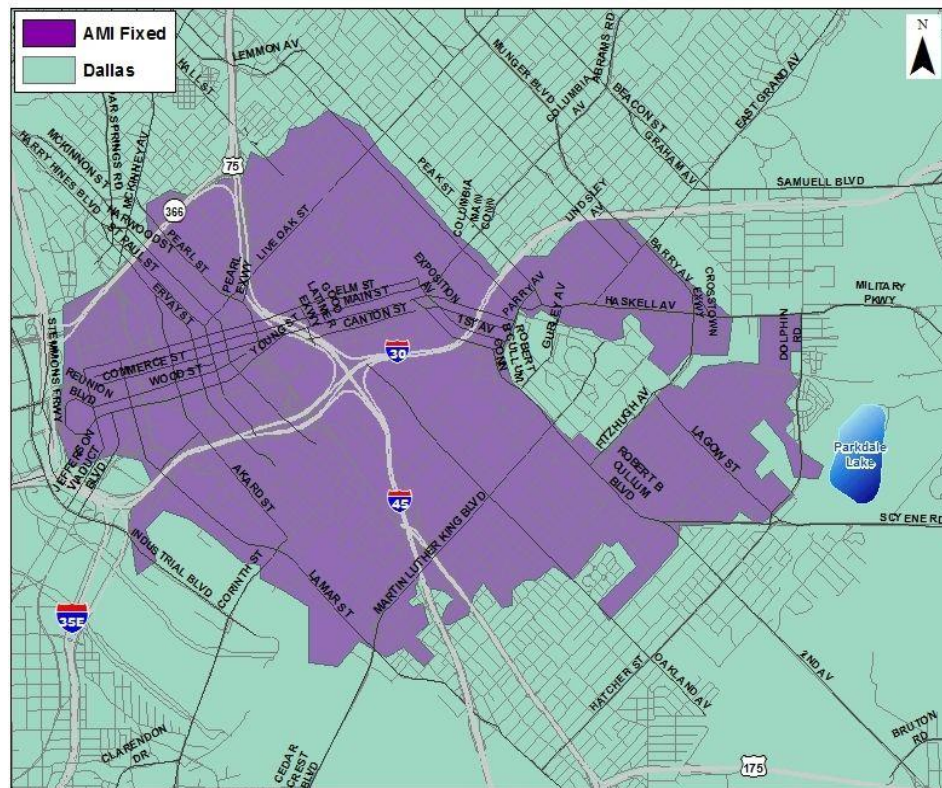


⁷ Final Water Meter Review and Testing Phase Two, for the City of Dubuque, IA. HDR Engineering, Inc. March, 2009. Exhibit C; Table 5-1, Page 11. 1/30/2015: <http://www.cityofdubuque.org/DocumentCenter/Home/View/1945>

Meter Reading Using Advanced Technology

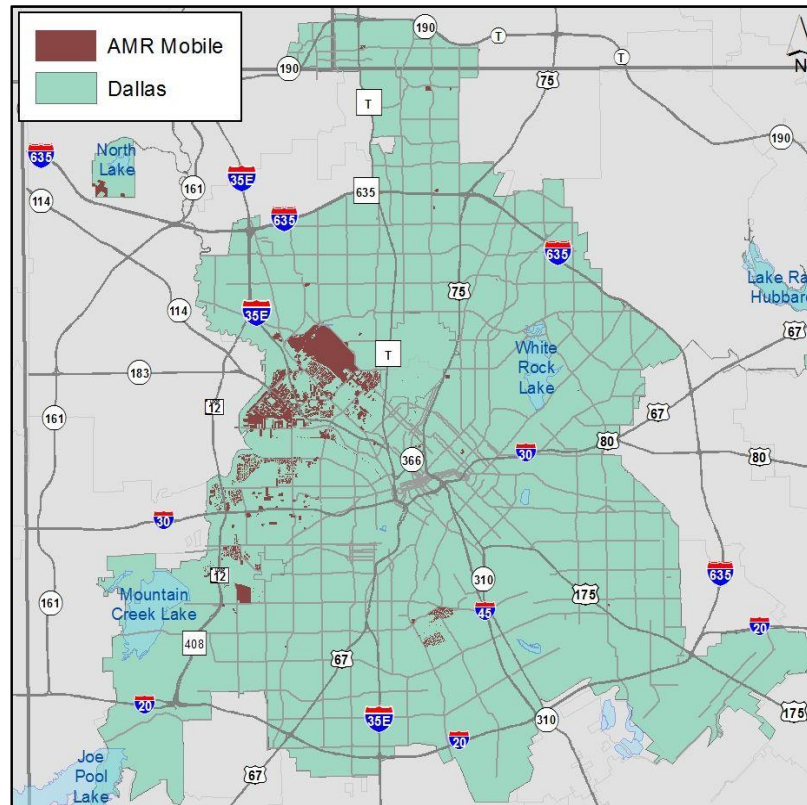
Prior to FY 2009, DWU meters were read manually utilizing a touchpad device. In FY 2009, DWU launched a pilot project to begin the modernization of its meter reading process. The AMI Fixed Network was deployed in the Central Business District, Deep Ellum and Fair Park. Approximately 7,000 meters are currently being read through the AMI Fixed Network as depicted in **Figure 3-3**.

Figure 3-3: City of Dallas AMI Fixed Network System



In FY 2014, the modernization process was enhanced with the deployment of the AMR Mobile Network. AMR Mobile Network units are installed in sections of West Dallas, Cypress Waters and some controlled access properties. Approximately 15,700 meters are currently being read through AMI Mobile technology as depicted in **Figure 3-4**.

Figure 3-4: City of Dallas AMR Mobile Network System



At the beginning of FY 2015, approximately 65,130 meters had been replaced with AMR/AMI ready meters. There are approximately 265,400 traditional meters remaining in the system. At the current rate of exchange (approximately 38,000 meters annually), the entire DWU system could be fully AMR/AMI ready in about 5 years.

DWU's effort to replace all exchanged meters with newly tested and certified AMR/AMI ready meters should result in greater accuracy of its water sales (at least to within 2-3%). This should minimize apparent losses from metering inaccuracies within the entire system.

It is recommended that DWU continue to procure and install the AMI infrastructure. Field deployment should be performed over a five-year period using a phased-in approach. For example, Phase I could include installation of endpoints and a communication grid on existing AMI ready meters. Phases II and III could include the installation of AMI meter endpoints (route by route).

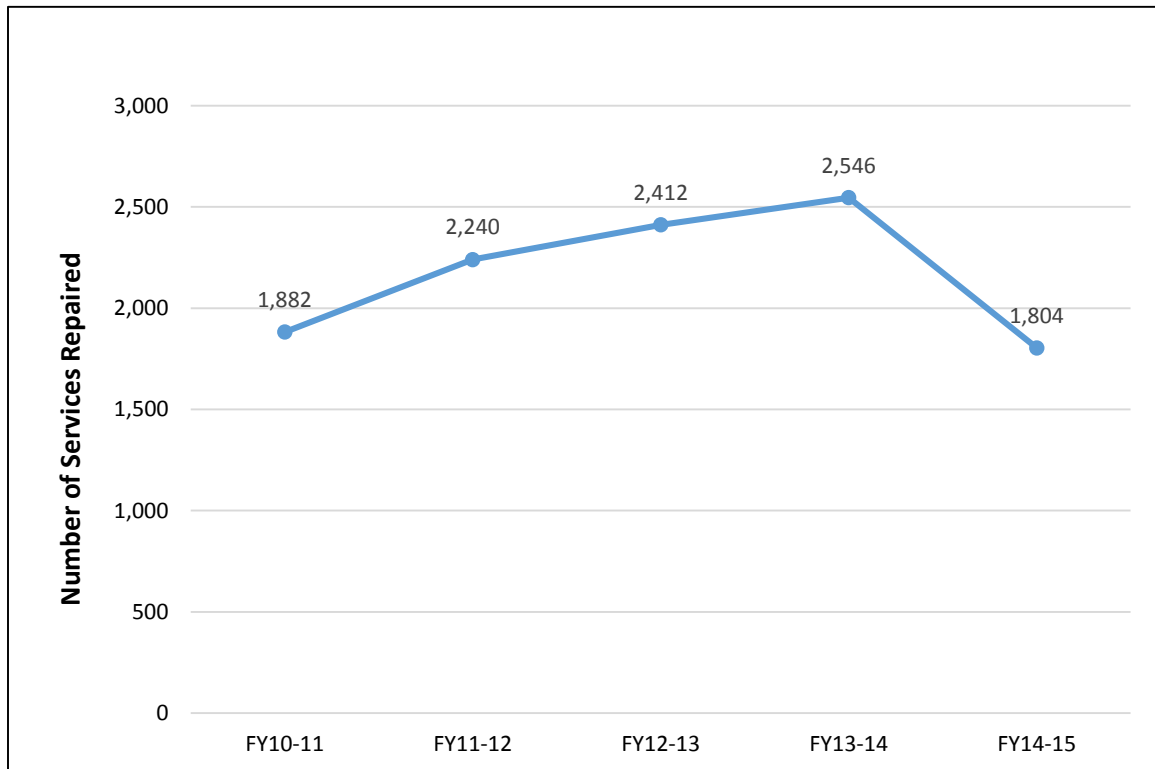
An active AMR/AMI ready meter has the ability to broadcast meter readings (water usage) in time increments as small as every 15 minutes or less. Ultimately, having a system that is AMR/AMI capable will reduce the cost of meter reading and provide timely water usage data to improve:

- Customer service
- Water planning
- System modeling and pressure zone management
- Water Conservation
- Enforcement Efforts

Service Repairs

DWU's Service Repair Initiative works as a companion program to its Customer Meter Accuracy initiatives. Service Repairs are generally small leaks that develop at a water service (meter) and are caused by worn gaskets, washers, or other small mechanical failures. When reported, a repair crew is dispatched to repair these minor leaks. Between FY 2011 and FY 2015, approximately 11,000 leaks were repaired – about 7 leaks a day. Considering that each minor leak may allow as much as 5 gallons of water to escape each day, DWU has saved approximately 49.4 million gallons since FY 2011 alone. **Figure 3-5** reflects the number of service repairs in the last 5 years.

Figure 3-5: Water Service Leak Repairs



Data Handling Errors

Data errors can occur with the manual handling of data entry, billing and meter reading. The handheld device used by the meter readers contains validation parameters that will trigger a notification to alert the user to read the meter again. In some instances, it will require the meter reader to re-enter the meter read and to enter the meter number. After the meter reads are uploaded into the billing system, it will validate the data through algorithms within established parameters. The billing system will produce exception reports.

Exception reports are reviewed every day to determine if the consumption is valid or if field verification is needed before invoicing the account. Manual reports are maintained to account for the accuracy of the manual meter reads which currently stands at approximately 99.93%.

Real Losses

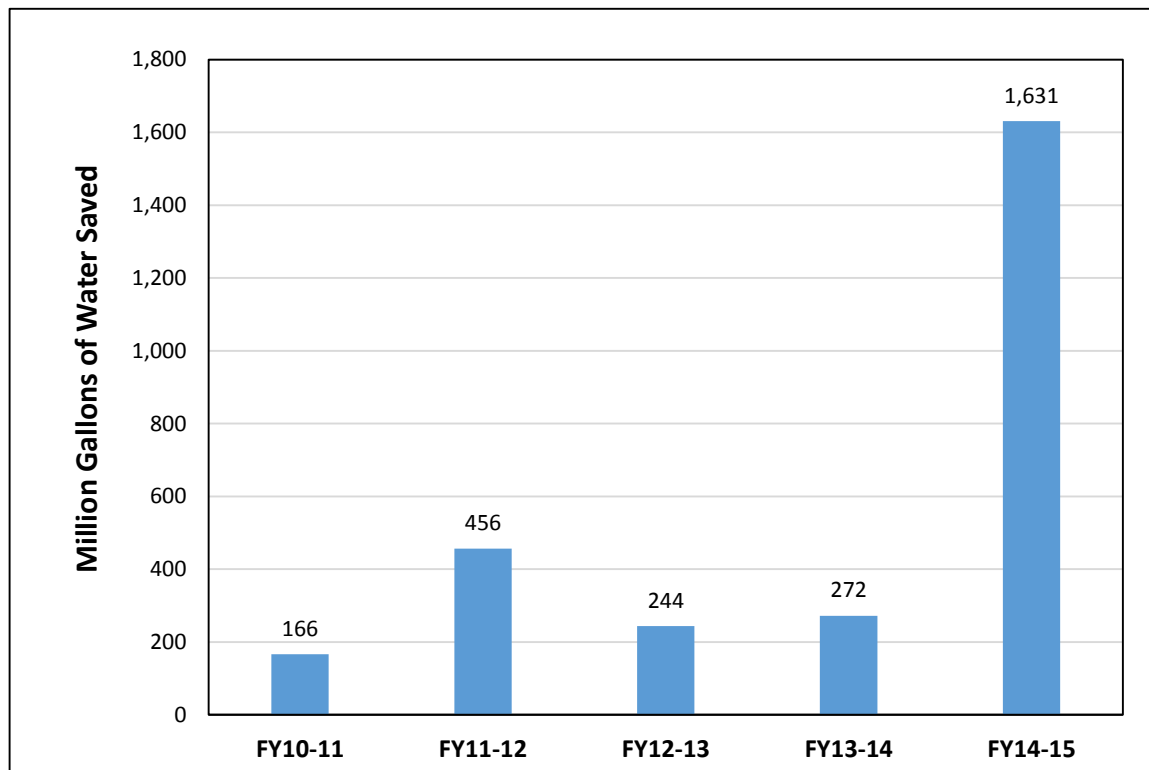
Real Losses consist of leakage from transmission and distribution mains, leakage and overflows from the system's storage tanks, and leakage from service connections up to and including the meter. DWU has implemented several programs and initiatives designed to keep track of and repair various real losses within the distribution system. The following sections describe some of these initiatives and programs in greater detail.

Proactive Leak Detection and Repairs Using Advanced Technology

DWU has been very effective in controlling and limiting water losses caused by leaks within the distribution system. Since 2005, the Water Distribution Division has worked towards reducing real losses by finding and fixing leaking pipes and valves through the Proactive Leak Detection and Repair Program. The goal is to survey the entire distribution and transmission system every 2.5 years (approximately 40% of the system per year) using state-of-the-art leak detection technology. Since Fiscal Year 2011, leak detection crews have met or exceeded this goal. During FY 2015, crews surveyed approximately 95% of the entire system.

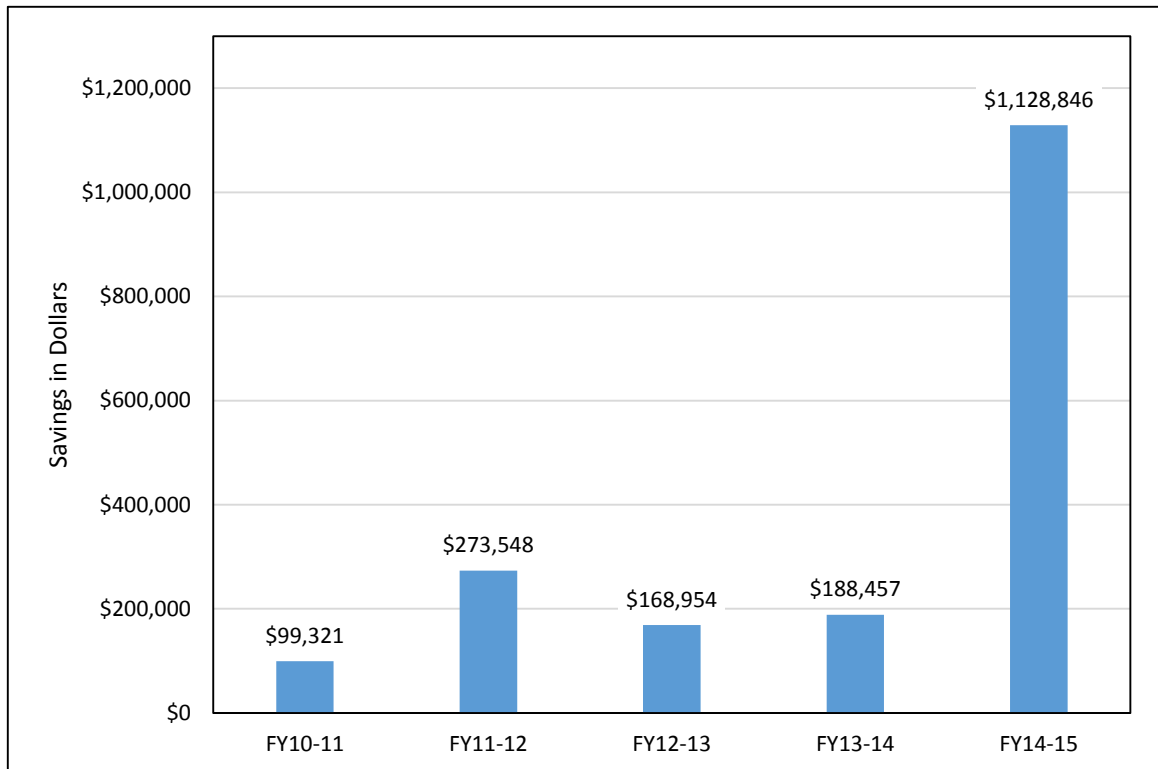
By surveying most of the system each year, significant water savings are being realized. In fact, by having a focused leak detection staff of four 2-person crews, the City located and repaired 2,769 leaks from FY 2011 through FY 2015, which has saved approximately 2.8 billion gallons of water since FY 2011. This represents savings of approximately \$1.9 million in water treatment and delivery costs⁸ (See **Figures 3-6 and 3-7**).

Figure 3-6: Millions of Gallons of Water Saved Due to the Proactive Leak Detection Program (Advanced Technology)



⁸ Based on average treatment and delivery costs of \$700 per million gallons.

Figure 3-7: Dollar Savings per Year for Proactive Leak Detection and Repairs Using Advanced Technology



The benefits of proactively detecting leaks include:

- Reducing water lost
- Lowering utility costs
- Minimizing the potential for property damage from pipeline breaks
- Improving public relations as a result of ongoing visibility and promotion of maintenance
- Reducing disruption to customers with fewer unscheduled repairs and service interruptions

Small diameter pipelines (those two to twelve inches in diameter) make up approximately eighty-five percent of the potable water system, while larger than twelve inch diameter pipelines make up the remaining fifteen percent.

Small diameter pipelines are surveyed with noise surveys or acoustic leak detection equipment. Noise surveys utilize a high frequency contact microphone on water services or fire hydrants to detect leaks in the system. Acoustic leak detection is performed by survey teams with acoustic correlation equipment that captures the sound of the leak as it radiates to a logger.

The equipment consists of Permalog Intelligent Leak Noise Loggers™ affixed to pipes and fittings and electronic leak listening devices used in conjunction with an AC Digital™ or TriCorr Touch Correlator™ to pinpoint the location of the leak. The advantage of this technology is that the leak locations may be marked and scheduled for repairs without excessive excavation or in planned outages to customers.

Valve and Pressure Reducing Valve Check Crew

From time to time, valves within the system are closed for various reasons including a contractor or repair crew turning off a valve and not turning it back on. If a valve is closed, water cannot flow in the manner for which the system was designed and this can result in diminished fire flows, degradation of water quality, or other concerns.

Since the inception of the Proactive Leak Detection Program, nearly 8,000 valves have been checked and more than 99% of these valves have been in the correct position – indicating only a small percentage have had to be corrected. However, due to the size and scope of the DWU system, it is difficult to check each valve within the system on an annual basis. Additionally, the DWU distribution system contains about 30 Pressure Reducing Valves (PRVs) and other means to control how the system pressure is distributed.

Adjusting PRVs requires specialized training and expertise. A recommendation is being made to add additional funding for valve and pressure reducing valve checks. This will reduce the burden of checking valves on the Proactive Leak Detection Program allowing them to be more productive as well as provide resources with specialized knowledge of the operation of the distribution system.

Traditional Main Break and Main Leak Repairs

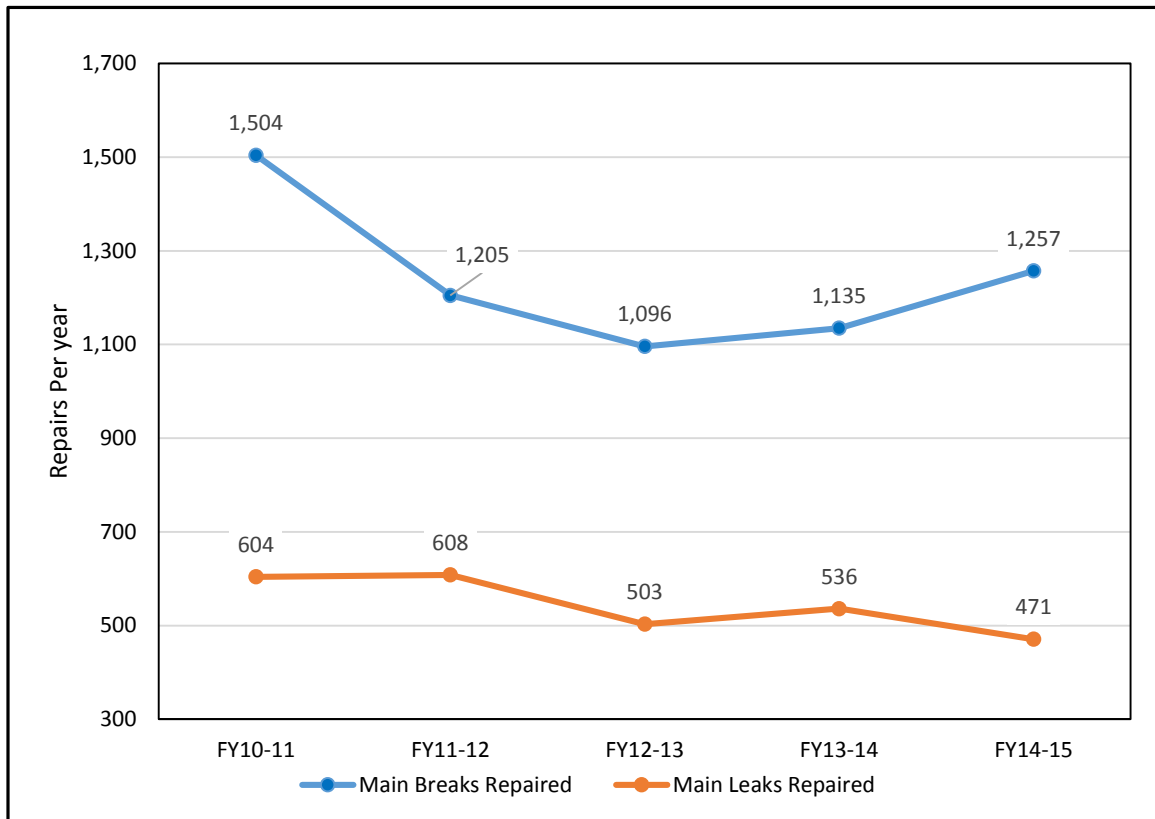
In addition to the Proactive Leak Detection and Repair program, DWU maintains traditional repair crews, charged with repairing two different types of water line leaks: breaks, where there is a circumference crack or a gaping hole in the pipe, and leaks where there is a small amount of water leaking from a longitudinal crack, at a joint, at a tap, or at a connection.

Main Break Repair Crews are on duty 24 hours a day, 365 days a year as a break may occur at any time. The crews have significant resources including backhoes, trucks, pneumatic equipment, service centers, etc. The DWU repair crews pride themselves on their ability to quickly repair any type of leak that may occur. The repair crews devote considerable effort in training and honing their skills. For instance, on July 1, 2013, an 84” diameter water line burst near White Rock Lake. DWU crews were able to find the break, shut off the water, excavate the pipe, repair the pipe, and begin disinfection within 44 continuous hours.

Records for main breaks have been kept for a number of years. However, records for main leaks have been kept separately since FY 2011. It is important to note that prior to FY 2011, the number of main breaks being repaired was on a continuous rise. Since then, main breaks have been declining. With all of the proactive leak detection, repairs, and pipeline replacements being performed, it is evident that the system is becoming more efficient.

Figure 3-8 shows that the total number of main repairs conducted each year has remained fairly consistent. Reasons for this consistency might include an aging system and different areas aging at the same rate. In addition, recent drought conditions and the resulting expansive soils may generate increased external loads, which often cause pipes to start leaking. Currently, data collected on the Main Breaks and Main Leaks Programs include the location, type of break, and the date the break or leak was repaired.

**Figure 3-8: Number of Main Breaks and Main Leaks Repaired
FY 2011 through FY 2015**



Pipeline Replacement Program

Over time, the materials used to construct a water distribution system begin to deteriorate. Pipes age, the ground will shift, embedment materials will fail, corrosion will take its toll, and many other mechanical and chemical forces will act to cause individual pipes to require repair or replacement. In some cases, pipelines will catastrophically fail and can result in washed out roads, flooded houses, and videos on the nightly news. In many cases, pipelines will be deemed to have failed because the cost to continually make repairs exceeds the cost to replace them. Other factors may also contribute to the decision to replace a particular pipeline. For instance, a pipeline failure could result in higher repair costs and significant potential customer impacts such as:

- Service interruptions at schools, hospitals, homes, and businesses
- Damaged roads
- Formation of sinkholes
- Dangerous conditions from frozen water on roadways
- Interruption of other utility services such as phones, internet, gas and electricity

For many years, DWU has maintained a program of replacing pipes that wear out or require too many repairs within a given period of time. The Distribution Division maintains a database of the number of pipeline leaks and breaks that have been repaired, how often a particular pipeline segment is repaired, and the number of years since the first repair on a segment was made. This information is used to develop a parameter referred to as the Water Break Index (WBI). The WBI, together with several other parameters, including, possible property damage (in the case of a catastrophic break), pipe size and other critical issues are rolled together to develop a rating system used to create a prioritized list of pipes to replace. The Pipeline Replacement Program utilizes this list to prioritize replacing the most critical pipelines each year.

At the end of FY 2015, DWU was maintaining approximately 4,925 miles of potable water pipeline. Of this, 309 miles of pipeline, or about 6.3% of the system had been identified for replacement based on the criteria described above. **Figure 3-9** illustrates the quantity of pipe replaced each year since FY 2011. Over the last five years, DWU has replaced an average of 55.6 miles per year through the Pipeline Replacement Program. The Program's annual budget ranged from approximately \$33 million to \$70 million. Since FY 2011, DWU has spent approximately \$248 million and repaired approximately 278 miles of pipe. **Figure 3-10** reflects the annual budget of the Pipeline Replacement Program.

Figure 3-9: Quantity of Pipe Replaced Since FY 2011

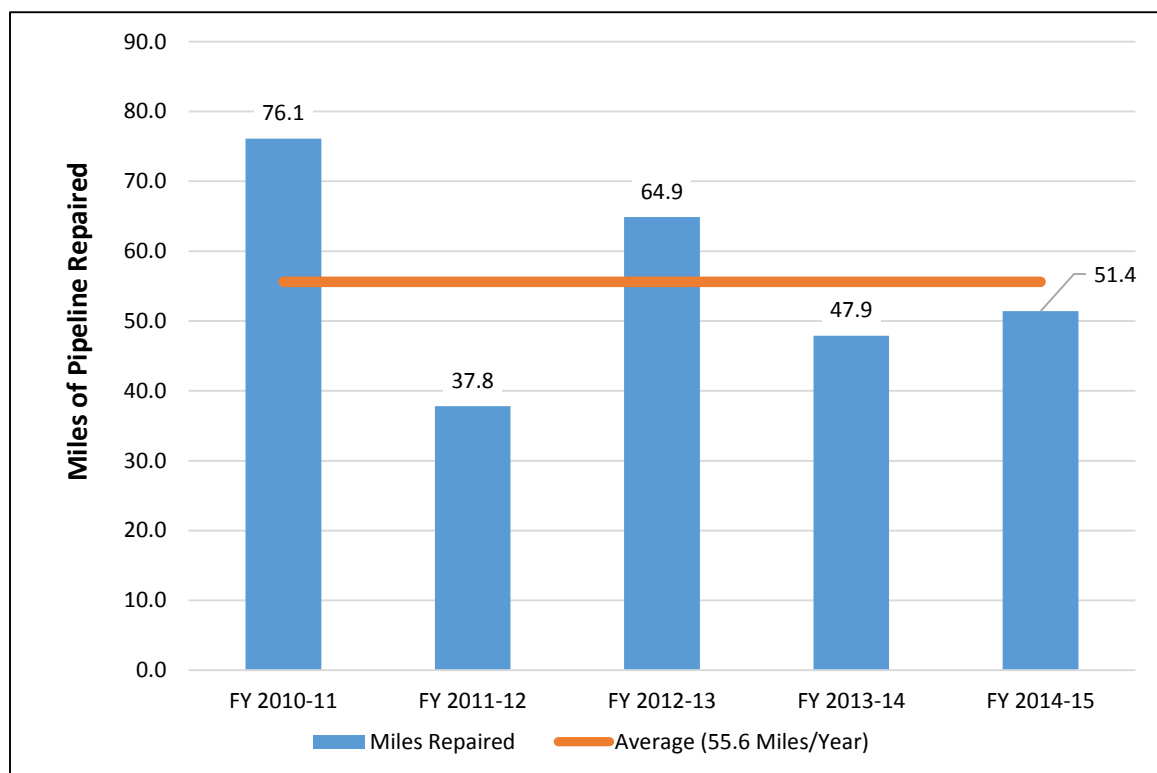
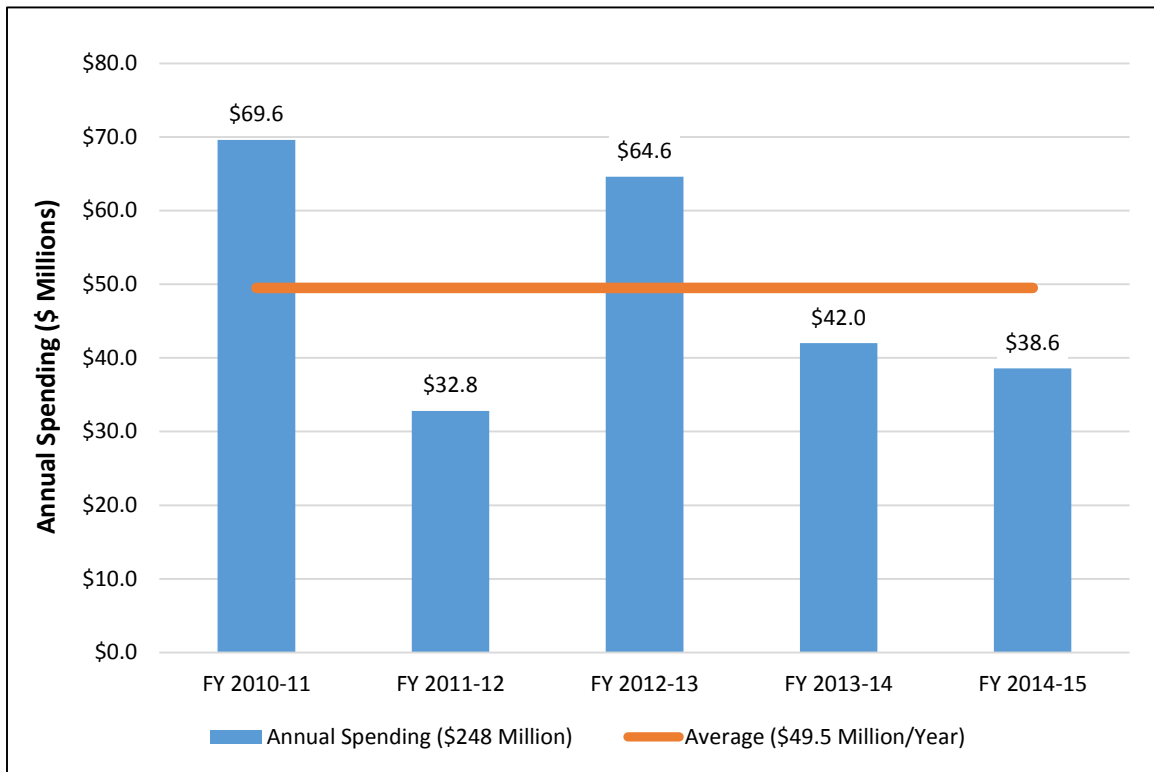
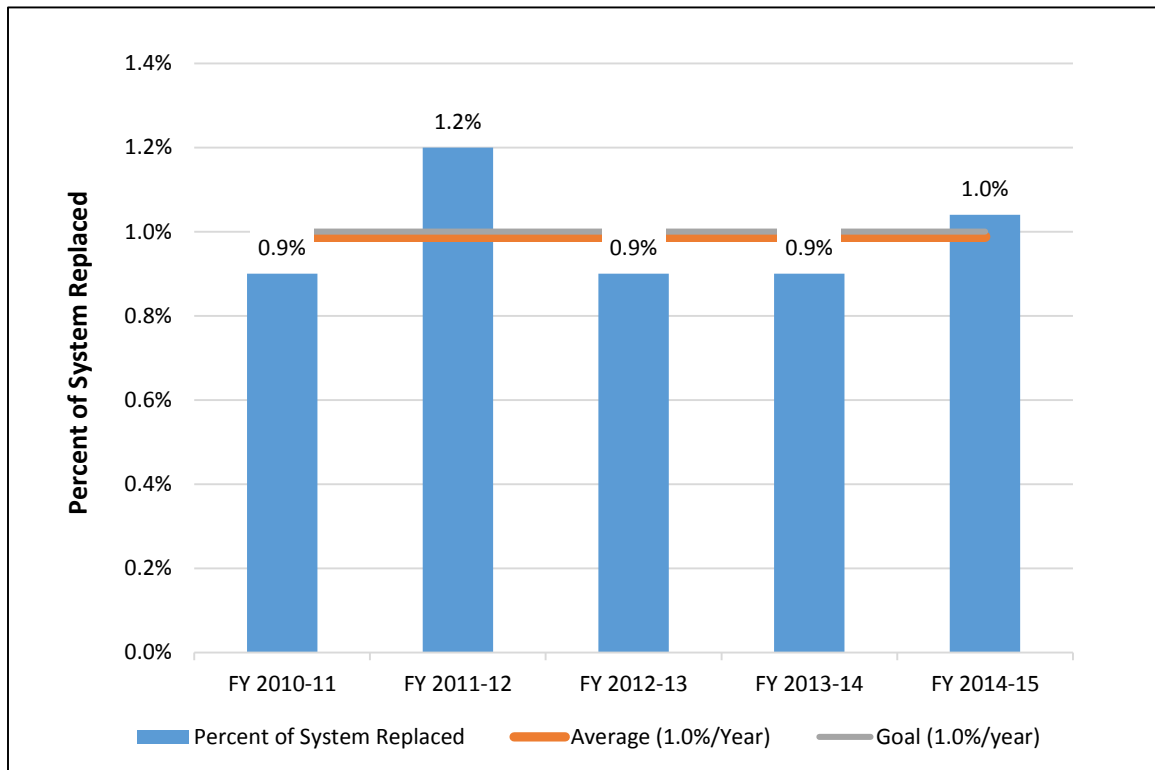


Figure 3-10: Annual Spending for the Pipeline Replacement Program



In 2002, an Efficiency Study was completed on the DWU pipeline system. At that time, the recommendation was made to replace 50% of the water distribution system in the next 30-years to achieve a 70 year replacement cycle (averaging 1.4% per year). Since 2001, DWU has reduced the percent of system older than 50 years from 48% to 42% and main breaks per miles have decreased from 0.6 to 0.3. Since FY 2010-11, as is shown in **Figure 3-11**, the Pipeline Replacement Program has managed an average replacement rate of about 1% of the system per year.

Figure 3-1 I: Percent of System Replaced



Water Treatment Plant Backwash Optimization

At the three water treatment plants, Bachman, Elm Fork and East Side, the final procedure in the potable water treatment process involves the use of a number of filters to remove small suspended particles (called suspended solids) from the raw water. Following the initial clarification processes (flocculation and sedimentation), the water is introduced to the top of the filter, where it passes through layers of different sized media (anthracite carbon over graded sand and gravel). As the water passes through the media, the suspended solids are retained within the media. The filtered water then passes to a series of collection pipes under the media and is stored within clear wells before being pumped to the distribution system.

As the filters are used, the suspended solids begin to build up, eventually reducing the filter's ability to pass water through it. Hence, a necessary part of the filtration process is the periodic cleaning, or backwashing, of the filters. Backwashing is done by forcing already filtered water backwards through the filters, expanding the media and washing away any suspended solids into specially designed pipes. The pipes empty into a lagoon where the suspended solids are allowed to settle to the bottom. The backwash water is then pumped from the lagoon to the head of the water treatment plant and reintroduced to the system as untreated water. At the Bachman WTP, where this process was analyzed, the backwash process is often done every other day and can last as long as nine minutes per filter. During a nine minute backwash process, as much as 110,000 gallons of water may be forced through a given filter.

After the backwashing process, the filtering media remains unsettled and is not capable of adequately filtering the suspended solids. To resolve this, a process called “filter ripening” allows new unfiltered water to flow through the filter to consolidate the media and allow the filter to perform as needed. The water consumed during the ripening process is also carried to a lagoon where the suspended solids are allowed to settle to the bottom. This water is also recycled to the head of the water treatment plant. This part of the process, called “Filter to Waste”, may last 30 minutes or more and may utilize as much as 41,640 gallons of water per backwash per filter. With 32 filters at the Bachman Water Treatment plant to backwash and even more at Elm Fork and East Side, the amount of water used in these processes can be substantial.

Backwash Optimization Process

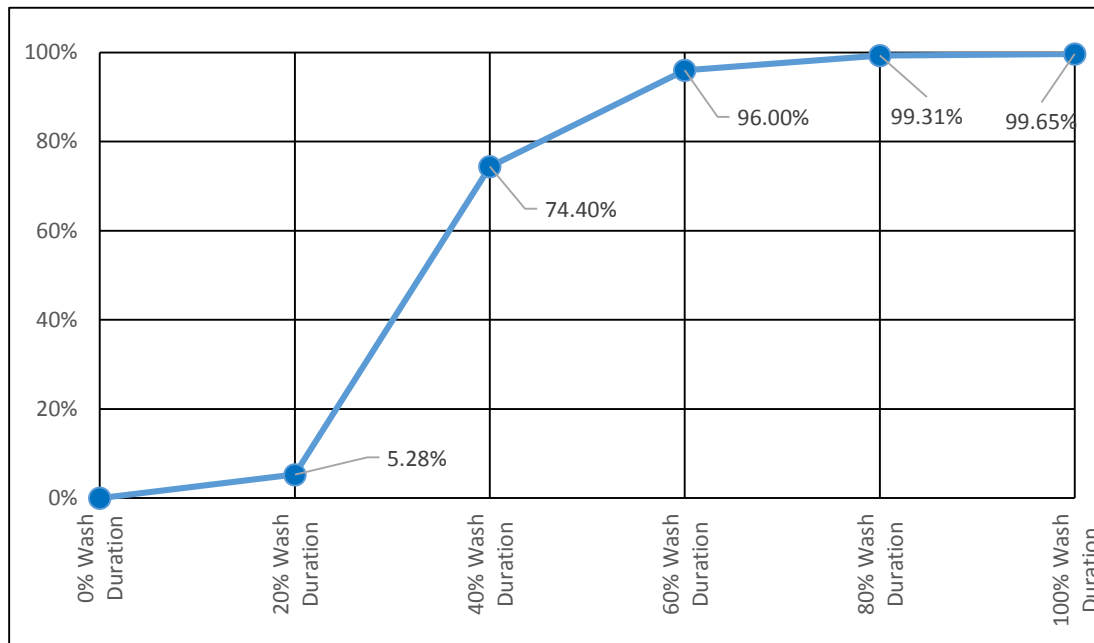
Over the last few years, various procedures in the treatment process have been analyzed with the goal of optimizing plant operations in general. More specifically, in 2011, methods were explored to reduce the amount of water used during the filtration process. At that time, the following was discovered:

- There were no strict standards or procedures concerning how the filters were backwashed
- Personnel involved in backwashing filters had different criteria to determine what defined “clean” water for this process and there was no established optimal duration of the backwash cycle
- There were no departmental or prescribed methods, goals, guidelines, or suggestions on how to improve the filtration process

To quantify the amount of water used in both the backwash and the ripening processes, a test filter was selected at Bachman WTP and a turbidity meter was installed. This meter measures the turbidity of the process water.

Figure 3-12 depicts the turbidity level over a fifteen minute wash cycle and shows that 96% of the turbidity was removed during the first 60% of the cycle. This results in a reduction of backwash duration and a water savings of approximately 50,000 gallons per filter per backwash.

Figure 3-12: Turbidity Removed as a Percent of Backwash Duration



Through this test, DWU staff were able to determine how much turbidity could be left in the filter without impacting the effectiveness of the next run cycle. It was found that the characteristics of the filter run at 60% duration were minimally affected by the changes in the wash water used.

An additional benefit was noted after a reduced wash cycle: The “Ripening Period” greatly decreased, which allowed the filter to come back into service much faster.

Prior to the initiation of new backwash procedures at the Bachman WTP, the following was noted:

- 504.9 million gallons of wash water was used per year
- On average 13 filters are washed per day
- An average wash used about 109,781 gallons

After the implementation of the new backwash procedures at Bachman, the expected water savings are as follows:

Table 3-1: Water Saving Per Year – New Backwash Procedures

Item	Comments (Savings)
Average Filters washed per day:	13 Filters
Average amount of water per wash:	75,000 gallons
Average amount of water used for backwash per day:	975,000 gallons
Average amount of water used for backwash per year:	355,875,000 gallons
Total amount of water saved per year: (Former amount – new amount)	149,025,000 gallons (504,900,000 gallons – 355,875,000 gallons)

Filter Ripening Optimization

By using a more optimized backwash process, it takes much less time for the media to settle and thus requires less water to ripen the filters. The “Filter to Waste” time has been reduced at the Bachman WTP from about 30 minutes to about 5 minutes and has saved an approximate total of 99 MG/Y.

Additional Water Savings

Since initiation of new backwash procedures, the filtering media can settle saving approximately 17,000 gallons of water per wash and resulting in a savings of approximately 80.7 MG/Y.

The resulting annual water savings at the Bachman WTP are shown below:

Table 3-2: Water Savings Per Year – Modified Filter-to-Waste Time

Original water used for filter ripening per year:	131,721,000 gallons
Amount of water used per filter ripening using new procedures: (5 minutes x 1,388 gallons per minute)	6,940 gallons
Amount of water used per year for filter ripening using new procedures: (13 filters per day x 6,940 gallons per filter x 365 days per year)	32,930,300 gallons
Savings of new filter ripening procedures: (131,721,000 gallons – 32,930,300 gallons)	98,790,700 gallons

Projected Water Savings for all Water Treatment Plants

- Reducing the backwash water for all 32 filters in the Bachman WTP from approximately 504.9 million gallons per year to approximately 355.9 million gallons per year results in a water savings of approximately 149 million gallons per year
- Reducing the immediate drain water from approximately 17,000 gallons per backwash to zero will save approximately 80.7 million gallons of water per year
- Reducing the filter-to-waste time from approximately 30 minutes to about 5 minutes will save approximately 98.8 million gallons of water per year

Therefore, the Filter Optimization process at the Bachman WTP will save approximately 328.5 MG/Y. Assuming a base price of \$0.73⁹ per 1000 gallons, the annual savings for Filter Optimization at Bachman WTP will save approximately \$240,000 per year.

In 2012 the Bachman WTP processed approximately 93.3 MGD, which is a little more than 34 BG of potable water per year. The filter optimization process is projected to save approximately 1.0% of the processed water.

Applying these ratios to the Elm Fork and East Side Water Treatment Plants, the Filter Optimization Program, once implemented, is projected to result in a total savings at all three plants of as much as 1.56 BG/Y and \$1,140,000.

DWU Water Reuse Studies and Reports

The following studies and reports were reviewed to summarize historic and on-going water reuse strategies:

- 2000 Update to the City of Dallas Long Range Water Supply Plan, CP&Y, Inc., 2000
- Dallas Water Utilities Recycled Water Implementation Plan, Volume I, Alan Plummer Associates, Inc. (APAI) and CP&Y, August 30, 2005
- Dallas Water Utilities Recycled Water Implementation Plan, Volume II: Water Supply Augmentation with Recycled Water - DRAFT, APAI and CP&Y, August 2005
- 2005 Update to the City of Dallas Long Range Water Supply Plan, CP&Y and Mehta West Brashear (MWB) Group, December 31, 2005
- City of Dallas Water Conservation Five-Year Strategic Plan, APAI, June 2010
- Dallas Water Utilities Wastewater Treatment Facilities Strategic Plan, Carollo, December 1, 2010
- Appraisal Report, Dallas Trinity River Recycled Water Project – Final Draft, United States Department of Interior-Bureau of Reclamation (USDI-BOR), March 2010
- Feasibility Plan of Study, Dallas Trinity River Recycled Water Project, USDI-BOR, May 2011
- Dallas Water Utilities Southwest Dallas Reuse Plan, DWU, March 2012
- Region C Water Conservation and Reuse Study, Freese and Nichols Inc. (FNI), APAI and CP&Y, April 2009
- 2011 Region C Water Plan, FNI, APAI, CP&Y and Cooksey Communications, October 2010
- Water for Texas 2012 State Water Plan, TWDB, January 2012
- Lake Tawakoni Recycled Water Study, Alan Plummer Associates, Inc. (APAI), February 2008.

⁹ Dallas Water Utilities Water Treatment & Delivery Fiscal Year 2014-15 Operating Budget.

Summary of DWU Water Reuse Alternatives

Tables 3-3 and 3-4 summarize historic and ongoing direct non-potable and indirect potable water reuse strategies respectively.

Table 3-3: DWU Direct Non-Potable Reuse Water System Alternatives

Direct Reuse Alternative	Average Supply (mgd)	System Capacity (mgd)	Recommended Completion Date	Capital Construction Cost (\$Million)	Unit Costs per 1,000 gal (50-year)
Existing and Proposed Projects Under Construction					
Cedar Crest Golf Course	0.50	3.50	Existing	N/A	N/A
Cedar Crest Pipeline Extension	2.25	3.50	Completed Fall 2014	\$10.66	\$0.93
White Rock Pipeline	16.50	30	2013	\$55.20	\$0.72
Trinity Corridor	10.72	(1)	(1)	(1)	(1)
Alternatives Evaluated and Not Recommended					
Far South Dallas / Red Bird Corridor WF ⁽²⁾	0.62 ⁽³⁾	NI ⁽⁴⁾	N/A	\$6.53	NI
Love Field Corridor (Convert Storm water overflow WWTP ⁽⁵⁾ to WF)	0.43 ⁽³⁾	NI	N/A	\$10.98	NI
Love Field Service Area WF	2.25	4.50	N/A	\$22.14	\$1.82
White Rock Lake / North Dallas WF	(6)	(6)	N/A	(6)	(6)
Lower White Rock Lake Service Area WF	2.50	5.00	N/A	\$23.30	\$1.75
Upper White Rock Lake Service Area WF	7.50	15.0	N/A	\$40.20	\$1.09
Southwest Dallas Service Area WF & Phases I-III	1.00	5.00	N/A	\$16.51	\$3.02
Southwest Dallas Option 1	0.39	2.00	N/A	\$16.96	\$7.94
Southwest Dallas Option 2	0.39	2.00	N/A	\$11.84	\$5.64
Southwest Dallas Option 2a	0.95	2.00	N/A	\$17.00	\$3.27
Southwest Dallas Option 3	0.39	2.00	N/A	\$16.15	\$8.06
Southwest Dallas Option 4	0.39	2.00	N/A	\$13.48	\$6.86
Southwest Dallas Option 5	0.69	2.00	N/A	\$15.41	\$4.58
(1) Feasibility-level investigation is recommended for this project to determine system capacity, recommended infrastructure and estimated costs. (2) WF is water factory. (3) Values provided are average daily demand from 2000 LRWSP. (4) NI is not included. (5) WWTP is wastewater treatment plant. (6) Consideration of this project was recommended in the 2000 LRWSP. However, demands were not estimated and therefore no details regarding this system were provided.					

For indirect potable reuse, additional treatment processes will be necessary at the Central and Southside WWTPs. These planned wastewater treatment improvements and associated capital costs are necessary for future regulatory effluent requirements. Additional or different treatment may be necessary depending on actual requirements.

Table 3-4: DWU Indirect Potable Reuse Water System Alternatives

Indirect Reuse Alternative	Receiving Water	Reuse Water Source	Projected Average Supply (mgd)	Recommended Completion Date	Capital Construction Cost (\$Million)
Existing and Proposed Projects					
Return Flows ⁽¹⁾	(1)	(1)	37.5 ⁽²⁾	Existing	N/A
Agreement with NTMWD	Lake Ray Hubbard	NTMWD-operated WWTPs	28.2 ⁽²⁾	2013	\$31.3 ⁽⁸⁾
Ray Hubbard I (RH1)	Lake Ray Hubbard	Southside WWTP	60	(3)	\$166.4
Alternatives & No Currently Recommended					
Lewisville Lake I (LL1)	Lewisville Lake	Central WWTP	60	(3)	\$159.7
Ray Hubbard - Lewisville Lake RHLL1 ⁽⁴⁾⁽⁵⁾	Lake Ray Hubbard & Lake Lewisville	Central & Southside WWTPs	120 ⁽⁶⁾	(3)	\$361.9
Lewisville Lake LL2 ⁽⁴⁾	Lewisville Lake	Central WWTP	60	N/A	\$186.3
City of Lewisville (CL1)	Lewisville Lake	City of Lewisville WWTP	18	N/A	\$30.1
Lewisville Lake – Ray Roberts I (LLRR1)	Lewisville Lake & Ray Roberts	Central & Southside WWTPs	120 ⁽⁶⁾	N/A	\$395.2
Lewisville Lake – Ray Roberts 2 (LLRR2 ⁽⁴⁾)	Lewisville Lake & Ray Roberts	Central & Southside WWTPs	120 ⁽⁶⁾	N/A	\$447.0
Ray Hubbard (RH2)	Lake Ray Hubbard	Southside WWTP	60	N/A	\$138.9
Lake Tawakoni (LT1)	Lake Tawakoni	Southside WWTP or Trinity River	120	N/A	\$272.0
Ray Hubbard – Lake Tawakoni (RHT1)	Lake Ray Hubbard & Lake Tawakoni	Southside WWTP or Diversion Point on Trinity River	120 ⁽⁶⁾	N/A	\$317.9
<p>(1) Includes return flows to various DWU water sources from Flower Mound, Lewisville, Denton, NTMWD and UTRWD.</p> <p>(2) Projected average supplies are for Year 2020. Flows are projected to increase through the Year 2060.</p> <p>(3) Augmentation of Lake Ray Hubbard and Lewisville Lake has been put on hold.</p> <p>(4) Conveyance facilities and costs include 20 mgd of capacity to serve potential direct use customers in the White Rock Corridor.</p> <p>(5) This alternative would be constructed in lieu of RH1 and LL1. Further analysis was recommended to determine the best alternative.</p> <p>(6) Flow is split equally between the two lakes.</p> <p>(7) Cost interpolated from a known cost of \$100M for 90mgd.</p>					

3.2 Ordinance Changes

Measures in this category are designed to strengthen the city's prohibition of wasteful water use practices and to sustain the advances made in water conservation.

Landscape Ordinance Amendment

On June 9, 2010, The City of Dallas adopted the *2010 Water Conservation Five-Year Strategic Plan Update (Strategic Plan Update)*. "Appendix G: Recommendation to Amend the Dallas Landscape Ordinance (2010 Appendix G)" included a review of various city ordinances and statewide legislation resulting in the development of recommended ordinance amendments and updates. Since the adoption of the Strategic Plan in 2010, certain water conservation requirements have been updated at the state as well as the municipal level, particularly with regard to automatic irrigation systems. In addition, the City's construction code has also been updated. This section will identify the recommendations that have since been adopted, those recommendations that are still in the process for possible adoption, and the recommendations that were reviewed but deemed unpractical at this point in time.

Adoption of 2010 Recommendations

Dallas City Code

Some of the recommendations included in the Strategic Plan were already part of Dallas City Code and/or State law or have since been adopted. The following are examples of these:

- Allow hand watering at any time
- Require working rain and freeze sensors on automatic irrigation systems
- Repair irrigation system leaks and replace broken sprinkler heads
- Require drip irrigation in bedding areas & narrow strips

Of greatest consequence in terms of impact was the adoption on April 23, 2012 of a conservation ordinance requirement for maximum twice weekly landscape watering. DWU customers are assigned watering days based on the last digit of their service address.

Variances to the maximum twice weekly requirement were included in the provisions to allow for extenuating circumstances.

An additional recommendation in the Strategic Plan Update suggested that existing code requirements be cross referenced in the Landscape Ordinance.

State Legislative Water Conservation Initiatives

During the 83rd Legislative Session, a number of Bills related to water were passed. Although many of these were not identified in the Strategic Plan Update, these demonstrate the ongoing approach to codifying water conservation efforts at the state level. Among the legislative bills adopted were:

- **HB 4** creates a \$2 Billion state water implementation fund (SWIFT) that would collect revenue to help provide financial assistance for water-related government projects
- **SB 198** makes it illegal for a homeowners association to prohibit drought-resistant, water-wise landscaping

- **SB 654** allows municipalities to enforce water ordinances through a civil action, rather than bringing criminal suits
- **HB 857, HB 1461 and HB 3605** require utilities to conduct annual audits of water lines to check for water loss, to inform customers of audit results, and to use a portion of state assistance funds in order to repair leaks discovered by such audits
- **SB 700** requires the State Energy Conservation Office to develop a template for state agencies to use in creating comprehensive energy and water management plans, requires that agencies set percentage goals for reducing its water, electric and gas usage, and requires that state agencies update these plans annually
- **HB 2781** requires new state buildings with a roof measuring at least 10,000 square feet to employ rainwater harvesting

Water bills related to conservation that passed in the 84th (2015) Legislative session included:

- **HB 30** provides that each regional planning group indicate their regional water plan opportunities for desalination facilities for brackish groundwater or seawater.
- **HB 1902** expands usable wastewater to include other sources deemed appropriate by TCEQ.
- **SB 551** requires the State Water Conservation Advisory Council to submit recommendations for advancing water conservation in the state.
- **SB 991** requires General Land Office and TWDB to conduct a study about using renewable energy for water desalination.

Water priorities for the 2015 Legislative session included: continued state investment in meeting water needs, funding seawater desalination projects, reviewing water use and ways to reduce freshwater use in oil and gas and other industrial uses, and providing incentives for new technology, conservation and recycling.

Recommended Items Currently Under Review for Implementation

Zoning and Ordinance Committee Review

In February of 2015, the City of Dallas Zoning Ordinance Committee (ZOC) began a broad review of the Landscape Ordinance for the purpose of considering appropriate updates. This review has been in the planning stages for a number of years.

In addition to the recommendations proposed in the 2010 Water Conservation Strategic Plan Update, the impetus to amend the ordinance has been driven by a number of converging interests including but not limited to:

- Dallas Green Building Ordinance
- Recent irrigation ordinance updates at the state and local levels
- iSWM Criteria Manual for Construction
- forwardDallas! Comprehensive Plan

- Urban Forest Advisory Council
- New urban forest research and technology
- New industry standards and best management practices, and
- General public interest including the development and conservation communities

The general consensus has been that the current ordinance as it stands now is outdated. As stated in the “2010 Appendix G”:

Dallas’s current Landscape Ordinance provides a set of standards and requirements that are designed primarily for the purposes of urban beautification, protection of property values, and preservation of large trees. When the ordinance was adopted 16 years ago, it likely served those objectives. Today, however, Dallas’s Landscape Ordinance is outdated and limited in terms of what is commonly included in a water conservation-oriented landscape ordinance: requirements for landscape design, installation and maintenance that promote water efficiency, including but not limited to specifications for soil, turf, plants, trees, and irrigation technology, maintenance and operation

- The ZOC established a process to consider a chart of issues for the two major categories- landscape and trees. Some of the items that were identified in the Strategic Plan Update will be included in the “chart of issues.” These include:
 - Updating the “Purpose” section to include water conservation and efficient irrigation and landscape design
 - Cross-referencing other sections of the City Code related to water conservation, specifically irrigation system rules
 - Expanding the list of acceptable plant materials
 - Limiting the areas for high-volume plant material
 - Expanding the soil planting area requirement to include minimum depth of topsoil, mulching requirement and possibly annual mulching
 - Expanding the “Landscape Plan” sections to include water conservation landscape design and related irrigation components
 - Allowing for water efficiency training needs of city landscape plan reviewers and inspectors
 - Expanding the “Landscape Checklist” to include non-plant materials and related irrigation components
 - Reviewing and allowing for effective enforcement

NOTE: The ZOC will review the enforcement and fines component for any new and expanded portion of the Landscape Ordinance. A review of enforcement options for overall water conservation ordinance requirements is addressed in Section 3.3 of this work plan

Regional Consideration

Increasingly, DWU and other major providers have recognized the need to create a more unified approach at the regional level. This approach is currently being demonstrated in areas such as media outreach partnerships and in formal organizations such as the Water Efficiency Network of North Texas (WENNT).

Looking Ahead

Dallas has made significant strides in curbing landscape water waste. However, opportunities for further water waste reductions are apparent. One of the acknowledged effective strategies to deal with water waste has been through incorporation of ordinance requirements. The ongoing efforts of the ZOC are too early in their development to determine the eventual results.

One of the approaches under consideration is that some of the specific items recommended in the 2010 Strategic Plan Update may not actually be codified in the ordinance. In actuality, the items may be listed in a standards reference manual as “best practices” and referenced as such in the ordinance. DWU will continue to monitor and recommend amendments that will help reach our water conservation goals. Additional and ongoing efforts will be considered when the City of Dallas Green Building Task Force reconvenes.

Retail Cost of Service and Rate Study

DWU has a conservation-oriented rate structure for customers within the City of Dallas. Under the increasing block rate structure, customers are billed a water meter service charge which increases with the size of their meters. Customers are also billed for water usage, and increasing usage results in a higher unit cost for water. Connecting higher rates to increased consumption discourages customers from wasting water.

Evaluating Additional Customer Classes for Commercial Customers

DWU is in the process of finalizing a Request for Qualifications (RFQ) to update its retail cost of service and rate model. The scope of the project will include an evaluation of current cost allocations between customer classes as well as an examination of additional tiers for all customer classes. The assessment is projected to be completed by Fall 2016 and subsequently presented for City Council consideration.

3.3 Continued Customer Engagement

Measures in this category are designed to expand the city’s outreach efforts through advanced technologies, financial incentives and technical support.

Wholesale Customers Monitoring, Measurement & Reporting

Impact of Wholesale Water Customers on Water Demand

Wholesale water customers account for a significant portion of DWU's water demand. These customers currently use approximately 40 percent of all water (treated and untreated) and 32 percent of treated water supplied by DWU.

Water use by DWU's current wholesale water customers could increase to approximately 54 percent of all water and 49 percent of treated water by the year 2070. Therefore, water demand reductions by DWU's wholesale customers are considered essential in helping to achieve its long range water supply objectives.

Background

DWU has several customer types. Within the city limits of Dallas, retail customers include residential, municipal, industrial, commercial and institutional accounts. As a regional wholesale provider, DWU has treated water, untreated water, wastewater, and irrigation wholesale customers. Wholesale customers comprise about 38% of DWU's total treated water demand.

The majority of DWU's wholesale treated water contracts are other local municipalities. Dallas' water rights were granted by the State of Texas with the understanding that Dallas would provide water to smaller surrounding cities.

As the North Texas region has grown, expansion of Dallas' water rights has occurred with the understanding that this arrangement would continue. City of Dallas retail and wholesale rates are based on the capital and operating costs needed to purchase, treat and deliver water. Both wholesale and retail rates are determined by Cost of Service studies performed annually by DWU. Wholesale Customer Cities (WSCC) are briefed on rates every year and Cost of Service studies are available for review. Dallas' wholesale rates are lower than retail rates because all costs associated with storage, distribution and billing are the responsibility of the wholesale customer. Wholesale water contracts are negotiated for a term of 30 years and approved by the Dallas City Council and the governing body of the wholesale customer. WSCC are sovereign entities, not subject to City of Dallas policies or ordinances. Wholesale customers are required to observe the conditions of their contracts and to follow State of Texas requirements for water use and reporting.

The State requires that all public water providers with more than 3,300 connections submit a Water Conservation Plan, Utility Profile, Water Conservation Implementation Report and Drought Contingency Plan to the Texas Commission on Environmental Quality (TCEQ). The Texas Water Development Board (TWDB) requires submittal of the same Water Conservation Plan and Water Conservation Implementation Report, as well as a Water Loss Audit Report. These State plans and reports are due every five years, according to a specific schedule.

WSCC contracts require that they provide copies of these State reports to DWU. However, there has not been a process in place by the State or within DWU to evaluate the effectiveness of their water conservation or drought plans. WSCC outreach has been primarily centered on water service and contractual issues. Because water conservation is such a vital part of long range water supply planning, DWU intends to develop a Wholesale Customer Outreach Program to evaluate WSCC plans and assist WSCC in their water conservation efforts.

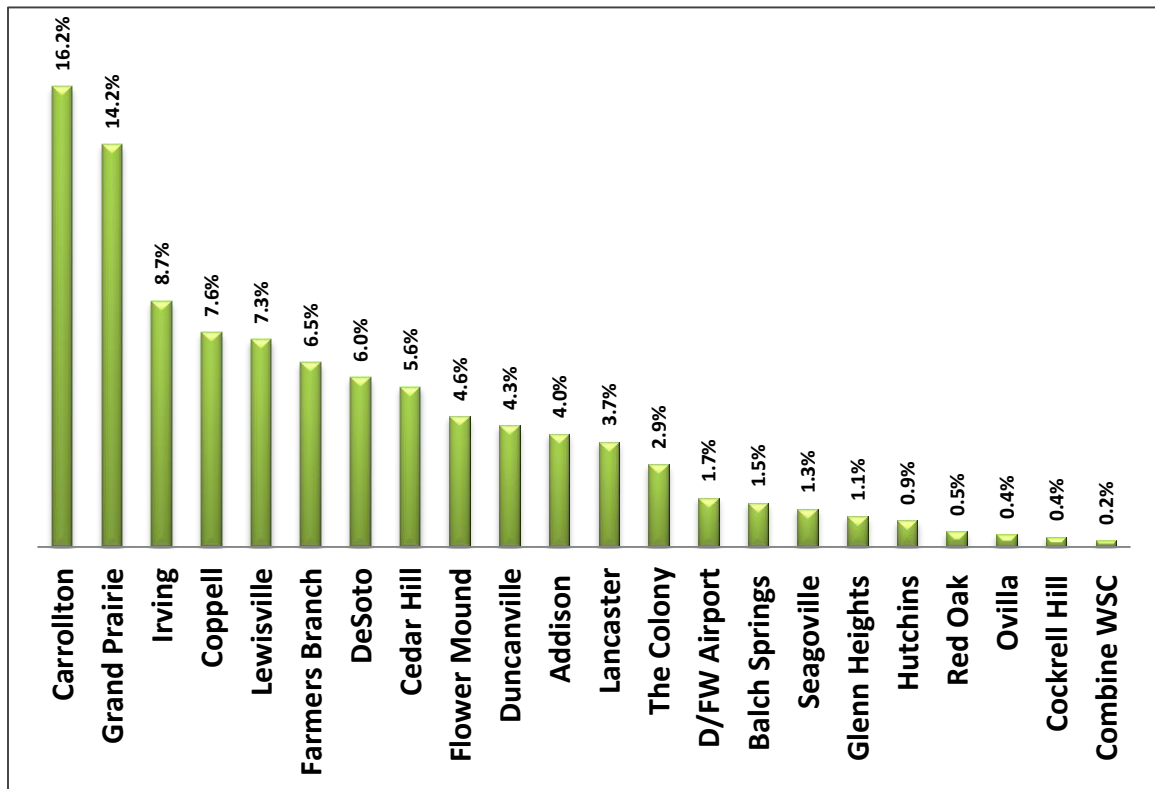
Purpose/Goal

The primary purpose of a *Wholesale Customer Outreach Program* is to ensure WSCC consumption is declining in partnership and on par with DWU. Reduced consumption is vital to the reliability of DWU's long term planning, which also has a direct impact on WSCC. An outreach program would establish additional communication and strengthen the working relationship between DWU and the wholesale customer. Effective water efficiency strategies and reduced consumption by all water providers is vital to ensure water is available for the future.

Process

Because treated water contracts result in the most significant wholesale consumption and have more similarities as a group, they will be the initial outreach program focus. Untreated and smaller treated WSCC may prefer different kinds of assistance, so they will both be deferred as a group until the completion of programs for larger treated water customers. All customer groups will be prioritized by consumption volume. The top five largest treated wholesale customers will receive outreach efforts first, followed by the next five highest volume users and so on (**Figure 3-13**).

Figure 3-13: Wholesale Customer Cities (Treated Water) FY 2012 – FY 2015



Initially, the proposed program will consolidate existing records on WSCC water use and reports. A system will be developed to monitor and provide an overview of all the WSCC plans submitted to DWU. Dallas currently has 23 treated water wholesale customers (Ellis County WCID #1 is not taking water), 19 are required to submit State reports.

DWU will also consolidate and track additional metrics in order to better document the historical consumption by wholesale customers. These metrics will include:

- Population and residential GPCD
- Overall consumption
- Peak consumption
- Water Loss
- Five and 10 year per capita trends

Once these detailed consumption trends have been determined, DWU will review WSCC State Water Conservation Plans. Although determining the efficacy of specific programs and measures may be extremely difficult to establish, cumulative combined programs should indicate a downward trend in consumption. A review of the Water Conservation Plans and the Implementation Reports will include:

- Water Conservation Plans
 - Reduction goals for consumption and water loss
 - Rate structure
 - Landscape ordinances or requirements and enforcement
 - Conservation programs in place
 - Conservation programs proposed
- Water Conservation Five-year Implementation Report or Water Conservation Plan Annual Report
 - Trends
 - Consistency in reporting

DWU will continue to pursue opportunities to hold its Wholesale Customers accountable for implementing water conservation measures that comply with their contractual obligations and state of Texas mandates.

Drought Contingency Plans will not be able to be evaluated for efficacy, since the impact of drought response measures on consumption can only be measured during drought conditions. North Texas area water providers, including DWU, have encouraged wholesale customers to adopt a simple and consistent regional drought plan in order to minimize customer confusion and simplify enforcement efforts. WSCC are not required to adopt the regional plan, but that will be one element to be evaluated. Additional elements include:

- Whether the WSCC drought plan triggers when DWU enters their drought plan
- Number of Drought Stages
- Reduction Goals
- Response Actions

After State submitted plans have been evaluated, DWU will meet with individual WSCC who have succeeded in meeting reduction goals. Discussion topics will include:

- Successful WSCC conservation strategies and programs
- WSCC challenges for implementing strategies and programs
- How DWU has or could help WSCC efforts
- Whether they would be willing to be an information resource for other WSCC
- How they would like to be recognized for their efforts
- DWU will also meet with those WSCC who appear to be having difficulties in meeting their reduction goals to discuss:
- WSCC challenges
- How DWU could help WSCC conservation efforts
- Resources for those WSCC struggling to attain conservation goals
 - Possible quarterly or semi-annual workshops with successful DWU WSCC of a similar size
 - Encourage emulation or participation in DWU activities as appropriate

Recognize efforts

As part of the Wholesale Outreach Program, DWU will recognize WSCC who have achieved their water efficiency and reduced consumption goals. While meeting with WSCC during outreach efforts, DWU will discuss what sort of recognition, if any, is desired.

The purpose for recognition is to demonstrate DWU's appreciation for the dedication of time and resources to help change water use habits and encourage efficient water use. DWU believes that the water provider/water customer relationship is a partnership, and goals can only be achieved by working together.

Some recognition methods to be considered include:

- News release and press conference in the Wholesale Customer City
- Small advertising campaign, to include a billboard or newspaper ad
- Proclamation by the Dallas City Council or Dallas Mayor
- Luncheon with the Director of DWU
- Memorandum to TCEQ

Increased Multi-Family Outreach Efforts

It is recommended that DWU provide education and technical assistance to its multi-family customers through the city's Code Compliance Multi-Tenant Community Integrity Division. Information on water conservation best management practices and water efficiency management should be disseminated to multi-tenant property managers.

DWU staff should also work with the Apartment Association of Greater Dallas to explore opportunities to increase awareness of the city's incentive programs.

Revised ICI Financial Incentive Program

The following section describes the city's current ICI Financial Incentive Program. In short, the program is open to all DWU ICI customers and provides financial incentives (rebates) for new equipment/processes that conserve water at existing facilities. Under the current program, the financial incentive available for each project is the lesser of: (1) half the cost of the purchase price of the equipment up to \$100,000, or (2) \$1.00 for each gallon per day of water saved up to 100,000 gallons for a maximum rebate of up to \$100,000.

The rebate program does not cover the cost of labor. DWU also provides free irrigation system audits to ICI customers and educational support to hospitality industry customers (restaurants, hotels).

Customer participation in the existing ICI Rebate Program has not met DWU expectations. Based on customer feedback, modifications are needed to improve program flexibility and customer accessibility ultimately resulting in increased participation and a reduction in ICI water consumption.

Two program options are recommended- 1) a cost sharing option similar to the residential toilet rebate program and 2) free water saving fixtures distribution option that includes a commercial distribution program component. These options incorporate various measures to garner improved customer accessibility for targeted user groups, program flexibility, and offer more

attractive financial incentives. Water savings will be calculated for each project to ensure a cost benefit exists.

Option 1: ICI Cost Sharing Rebates

Rebates for Manufacturing, Reclamation and Reuse Projects

This program will offer rebates for up to 50% of any indoor or process related water conservation project. Rebates will be issued for manufacturing and process improvements and advanced water reclamation and reuse projects. The maximum rebate amount will be \$100,000.

Rebates for Irrigation System Improvements

This program will provide rebates for up to 50% of any irrigation system related improvements. The maximum rebate amount will be \$100,000.

Rebates for Commercial Domestic Plumbing Fixtures

This program will offer rebates on domestic plumbing fixtures for qualifying customers. Rebate amounts will be similar to the residential toilet rebate program. Often, properties such as hotels and multifamily residential establishments, have very specific brand and model requirements for domestic fixtures. Hospitals often have very specialized fixtures that may not make sense to offer through a distribution program, and condominiums offer a unique challenge. For example, although they are considered a single commercial customer, they are made up of individually owned residential units. It is unlikely that these customers will participate in a distribution program. However, they can represent significant water savings.

Option 2: Free Water Saving Fixtures

This program will offer free products to qualifying commercial customers. When purchased in bulk and through a wholesale contract, the City can provide quality products to its DWU customers at a much lower price than would be available to the end user.

Products may include:

- High Efficiency Residential Toilets
- High Efficiency Industrial Toilets & Flush Valves
- High Efficiency Urinals
- High Efficiency Faucet Aerators
- Cooling Tower Conductivity Controllers
- Landscape Irrigation System Controllers
- High Efficiency Showerheads
- Rain and Freeze Sensors
- Kitchen Pre-Rinse Spray Valves
- Car Wash Wand Nozzles and Nozzle Guards

Program could also have free fixture and installation component for non-profit organizations. Many academic and non-profit facilities have little or no funding for water efficiency improvements.

A program related to educational and non-profit facilities will offer rebates or free installation of water efficiency fixtures for qualifying institutions.

Qualifying institutions may include, but are not limited to:

- Colleges & Universities
- Public Schools
- Government Offices
- 501- (c)(3) Organizations

On May, 11, 2016, the Dallas City Council adopted the Property Assessed Clean Energy (PACE) in a Box program. The PACE program enables private sector owners of commercial, industrial and multifamily properties with five or more dwelling units to obtain low-cost, long-term loans to pay for water and energy saving retrofits. DWU will plan, develop and implement a PACE financing option as a component of its ICI financial incentive program.

Programs for ICI and Large Campus Style Properties

According to the EPA, a water budget is a site-specific method of calculating an allowable amount of water to be used by the landscape and then designing the landscape to meet this budget. The budget takes into account plant type, plant water needs, irrigation system design, and applied water that the landscape receives either by irrigation or by precipitation. Water budgets must be associated with a specified amount of time, such as a week, month, or year.¹⁰

Given that a water budget program has been identified as a conservation BMP to help customers make the most of the resources they have, DWU should implement a water budget outreach program to complement its existing ICI efforts. It is recommended that the city consider the Denver Water Budget Program as a model for planning, development and implementation.

Denver Water Budget Program

Program Overview

While in the program, participants must still abide by Denver Water's regular restrictions:

- Do not water lawns between 10 a.m. and 6 p.m.
- Do not waste water by allowing it to pool in gutters, streets and alleys
- Do not waste water by letting it spray on concrete and asphalt
- Repair leaking sprinkler systems within 10 days
- Do not water while it is raining or during high winds

Water Budget Program participants receive a report after each meter read cycle is complete. The reports provide a comparison of the site's consumption to the water budget. If a participant regularly exceeds the target water budget, Denver Water's conservation department offers suggestions for other programs or techniques to use water more efficiently.

¹⁰ WaterSense Water Budget Approach, Version 1.02, July, 24, 2014. http://www.epa.gov/WaterSense/water_budget/index.html.

How outdoor consumption is calculated

The outdoor budget is based on weather and the size of irrigable area within the property's boundaries. The irrigable area is defined by the customer during the water budget application process and multiplied by how much water that landscape needs to determine each month's water budget. Historically, the Denver-metro area requires about 18 gallons of water per square foot for the entire irrigation season (April 15 – Oct. 15). Denver Water also makes additional allotments for cooling towers, pools and industrial processes as they are identified.

The Water Budget program does not impose additional penalties for customers over-budget. All water budget customers are subject to their normally billed rates. However, wasting water is essentially wasting money. If a participant regularly exceeds the target water budget, Denver Water's conservation department makes suggestions for other programs or techniques to help the customer use water more efficiently.

There is no water budget allocation for ponds, new plant establishment or line breaks. At the request of the customer, Denver Water calculates a reasonable amount of water necessary to operate pools and/or cooling towers. Calculations are based on verified volume or capacity.

Planning, development and implementation

The Denver Water Budget Program was launched in 2013. According to Denver Water staff¹¹, approximately 400 customers currently participate in the Water Budget Program. Only commercial customers with more than one acre of irrigable land are eligible for the program. Current program participants are primarily parks and schools. During the 2013 drought, the program helped customers save more than 4 million gallons of water.¹²

The program is staffed by one full-time specialist. The program was developed utilizing Denver Water's Information Technology (IT) and Geographic Information Systems (GIS) staff.

It is recommended that Dallas use its internal GIS, CIS and DWU Technology Solutions teams to plan, develop and implement the program over a 3-5 year phased-in approach. Aside from the financial savings that may be achieved by deploying existing resources, the in-house implementation approach will also provide a smoother transition to a budget based rate structure should this become a consideration in the future.

The Golf Course Industry

The golfing industry views increasing water shortages as one of its major challenges. Consequently, water conservation is a top priority and the industry is proactively seeking ways to help reduce water use through a number of strategies. One of the strategies they actively promote is the development and adoption of irrigation and landscape best management practices. Local leadership of the Golf Courses Association of America have expressed an interest in partnering with DWU to promote best management practices to its member golf courses and to create a water conservation certification program for golf courses as a way of encouraging water conservation practices. They would also like to see rebate opportunities for irrigation upgrades as part of the ICI financial incentives program.

¹¹ Personal communication, J. Tehral, Denver Water Conservation Manager, April, 15, 2015.

¹² Denver Water Budget Program website, <http://www.denverwater.org/Conservation/WaterBudget/>.

Residential Irrigation System Rebate Program

While not implemented in the 2010 strategic planning cycle, Dallas should implement the irrigation system rebate program as a complement to any future landscape ordinance amendments and water budget initiatives. A rebate or other incentive should be offered to single family residential customers that retrofit their existing irrigation systems with water-conserving equipment. An example of a possible program model is outlined below.

Residential Irrigation System Design Rebate

Through the Residential Irrigation Design Rebate Program, DWU conservation staff will work with customers to help identify irrigation system changes that can result in water savings and a healthier landscape. Rebates will be designed to offset a portion of irrigation system redesign costs.

Who is Eligible?

Existing single-family and multi-family residential customers who receive water service from Dallas Water Utilities. Applicant must have an existing in-ground automatic irrigation system.

Terms of the Rebate:

A one-time rebate of up to \$500 per property for any combination of options, depending on the number of zones converted or capped. Only existing systems are eligible for rebates.

Procedures:

1. Resident must submit a brief online pre-assessment form to the DWU Water Conservation Division
2. A licensed DWU irrigation professional will be assigned to the project. The same Conservation Division staff member will track the project throughout the rebate process
3. The customer will have a licensed irrigator complete the work or complete the work themselves
4. If customer completes work, they must follow all city and state laws governing irrigation installation and design including obtaining any city required permits
5. Once the installation of the redesigned system has been completed, customer will submit a final rebate application and include information on work performed along with original receipts or invoices
6. The DWU Conservation staff member will conduct a final inspection, including work completed and irrigation controller scheduling
7. Upon final inspection and application approval, DWU will credit the customer's water bill for the total approved rebate

Table 3-5: Proposed Irrigation System Design Rebate Amounts

Amount	Procedure	Description
\$200	Irrigation Controllers	Controller must have the following features: <ul style="list-style-type: none"> • Day of week scheduling capabilities or seven day programming feature • Seasonal adjust or water budget percentage settings
\$200	Converting a pop-up spray zone to drip/bubblers	The conversion of a zone that is currently irrigated by a pop-up spray or rotor irrigation system. <ul style="list-style-type: none"> • Drip system pop-up spray must include appropriate pressure regulation, a filter and pressure release valve. • For conversion from fixed sprays and rotors to a drip system, emitters must not exceed 1 gallon per hour. • Drip irrigation must consist of: (1.) Half-inch tubing with built-in emitters; or (2.) Smaller point-source tubing connected laterally with individual emitters for specific plants. Tubing with laser holes is not eligible for rebate. • Fittings should not be the barbed connection fittings but compression fittings that are more secure. • System must include: (1.) A pop-up head with its nozzle closed or capped and the stem painted a bright color; or (2.) A manufactured flag indicator. This will indicate that the zone is working properly. Misterters are not allowed. • Bubblers must be nonadjustable, fixed flow - not to exceed 1 gallon/minute per head.
\$150	Splitting a zone to beds and turf	Conversion of a single zone that covers both turf and beds to two separate zones for turf and beds.
\$200	Conversion of spray to multi-stream nozzles in turf zones	Conversion of existing turf zone from spray to multi-stream, rotating heads.
\$100	General Irrigation System Repairs	Credit for materials to repair system leaks and heads.

External Customer Web and Mobile Applications

WaterSmart Software®

WaterSmart is an educational tool that purports to reduce water consumption by conducting targeted outreach and education to households in a jurisdiction/region. In 2014, the City of Dallas received this tool as a prize for winning the Wyland Foundation's National Mayor's Challenge for Water Conservation. The prize included a six month pilot program targeted to 5,000 randomly selected DWU customers.

WaterSmart is a unique tool for informing its participants about their water use relative to similar households in their neighborhood (definition varies across jurisdictions and regions). This tool

profiles households in three groups, high, average and efficient water users. Based on the profile type, residents receive targeted water saving tips e.g., a household with a large backyard and high water use would receive tips for reducing irrigation water consumption. WaterSmart boasts that this method of education and outreach results in reduction of water consumption over a specified period of time.

The Dallas pilot program ran from October 2014 through March 2015. The aforementioned households were randomly selected from a pool of DWU e-bill customers and equally distributed among the city's fourteen (14) city council districts. E-bill customers were targeted to avoid the cost of printing and postage. Each customer received a "Home Water Report" on the third Saturday of every month over the six month period. A typical Home Water Report consisted of three sections:

1. Gallons Per Day (GPD) number (calculated based on the previous month's water consumption) and a water consumption profile (high, average or efficient water use), based on the GPD number
2. Targeted water saving tips based on individual water use profile, demography and property information i.e., yard size and number of household occupants. Up to three water-saving tips were provided on each Home Water Report along with the projected financial savings for each suggested tip
3. Promotional information, water trivia and links to City of Dallas Water Conservation Program web page

Currently, DWU has developed an interactive water use calculator for its residential customers to:

- Demonstrate how the water bill is calculated by rate tier
- Allow customers to validate the water portion of their utility bill
- Estimate the cost impact of higher water use

DWU should develop a request for proposals (RFP) for an online program designed to provide specific tools and recommendations aimed at helping residents and businesses achieve greater automatic irrigation system efficiencies. Examples of specifications include but are not limited to:

- The ability to provide residents and businesses access to ETo (potential evapotranspiration) data for the northern and southern sectors of the City of Dallas
- The ability to distribute weekly recommendations on the amount (in inches) of supplemental irrigation needed to sustain a north Texas landscape

Mobile Applications

DWU should research the many mobile apps that are now available to determine the best platform for its customers. The candidate app should provide end-users the convenience of accessing the following information through their smartphones, tablets and other mobile devices.

- Dashboard – The dashboard page should provide monthly water use summary information. It should also provide a personalized weather tool to inform residents about local precipitation forecasts

- Advice and Recommendations – Links should be provided to the DWU homepage as well as the SaveDallasWater.com webpage in order to help customers learn more about water regulations and the city’s water conservation rebate and incentive programs

Notifications – The app should have the ability to remind residents of their watering and non-watering days to help them avoid unnecessary fines.

Enhanced Enforcement Efforts

DWU administers various components of the Water Conservation Program as authorized by the Dallas City Code, Chapter 49, Water and Wastewater. The enforcement of the water rate structure and metering is automatic. However, water conservation lawn and landscape restrictions are enforced by the Department of Code Compliance (DCC). The DWU budget includes funding for enforcement activities by the DCC equivalent to two full-time personnel. For wholesale customers, clauses within their water supply contracts require development of water conservation plans to ensure that available supplies are used efficiently.

Enhanced Enforcement Initiative

The original City of Dallas Water Conservation Five-Year Strategic Plan adopted in 2005, recommended that DWU “improve the utilization of codes and standards to promote water conservation.” An additional recommendation acknowledged the “need for improved ordinance enforcement.” An option was suggested to fund additional Code inspectors to help enforce the ordinance. The need for more effective enforcement was again addressed in the 2010 Water Conservation Five-Year Strategic Plan Update (2010 Plan) acknowledging that up to that point, enforcement of the water conservation restrictions had been a challenge.

Over the course of the two previous five-year planning cycles, several observations have been made of conditions that in all probability have contributed to inadequate enforcement of the ordinance. Some of these include:

- Violations had to be processed through the criminal courts
- Violations had to be observed by Code Compliance inspectors at the time of the offense
- Code inspectors worked standard “business” hours while most water waste violations occurred before or after routine staff schedules
- Due to the nature of automatic irrigation systems, watering event violations occur during a very limited time frame, on average one to two hours. This provides a very narrow window of opportunity in which to observe a violation

During August and September of 2014, DCC began a pilot program of enhanced enforcement for water conservation violations related to high mosquito propagation. The effort provided DCC an opportunity to implement an aggressive campaign to target water waste, in particular overwatering of lawns and landscapes.

DCC utilized six Code Compliance inspectors during the campaign who worked periodic overtime from 4 a.m. to 8 a.m. and from 8 p.m. to midnight - periods when they are not normally on duty but during which irrigation normally takes place. The inspectors targeted areas of high water usage and positive mosquito trap tests.

The results of the campaign suggest that this approach is considerably more effective than the customary approach. During FY 2014 for example, there were 3,593 water conservation cases logged into the system of which 41% were created proactively by inspectors. Proactively means

that inspectors observed the violation while patrolling their assigned area as opposed to the violation having been previously reported.

By contrast, during the pilot program 1,704 cases were reported citywide, almost half of the total cases for the year. Of these cases, 89% were in the pilot targeted areas and 77% were proactive.

The enforcement process includes a notice of violation prior to the issuance of a citation. A citation is typically issued upon a second violation during the subsequent 12 months after the notice of violation is issued.

For the pilot program, the notice of violation process was used to maximize education and minimize citations. This included the placement of a reminder yard sign at the property where a violation was found to help increase property owner awareness. The yard sign provided a phone line with a recorded educational message for people with questions about the sign in their yard. Code inspectors also reached out to community groups in the target areas to inform them about increased enforcement.

Based on the results of the pilot, DCC and DWU are developing a program for systematic and continued enhanced enforcement. The program includes vehicle signage, inserts and handouts, yard signs and additional overtime funding to provide periodic enforcement coverage from 4 a.m. to 8 a.m. and from 8 p.m. to 12:00 midnight, including weekends. This effort could also be conducted year round to reduce watering during precipitation and freezing events.

The projected annual costs are estimated at a maximum of \$115,000 for overtime during drought years with lesser amounts for non-drought years. An additional cost of approximately \$5,000 would be incurred for materials and vehicle signage. If a drought stage is declared, this effort could be increased to a level that would help provide for the 5% reduction in total GPCD for Stage 1, 15% reduction for Stage 2, and 20% reduction for Stage 3. These costs have been included in the FY2016 budget.

Additional amendments to City Code have streamlined the fines portion of the enforcement process. During the 2013 State Legislative Session, Senate Bill 654 was approved allowing municipalities to enforce water violations through civil rather than criminal actions. Subsequently, on January 28, 2015, the Dallas City Council adopted this approach for the enforcement of water violations. Although the new law continues to require Code inspectors or other authorized staff to witness the violation, it allows for the notice or citation to be posted on the property and mailed if the person is not available to be personally served. In addition, the civil cases are referred to a Municipal Court hearing officer as opposed to a criminal court judge and the Code inspector is only required to appear if the citation is appealed or if requested by the defendant. These changes will significantly reduce the efforts and burden on Code inspectors.

Historically, inspectors have spent significant efforts tracking down offenders to personally identify and serve them as required under the criminal process. In addition, under the criminal process the inspector was required to appear at the hearing whereas the new process only requires their appearance if requested or appealed. The number of cases with findings of liability is expected to be at a much higher rate than guilty findings under the criminal process because the burden of proof is greater on the defendant. In addition, if the defendant fails to appear for the hearing, he/she will be considered to have admitted liability.

A summary of all the water conservation strategies recommended in this Work Plan and discussed in Section 3 are listed in **Table 3-6**.

Table 3-6: Recommended Measures Summary

Strategy	Recommendation
Water System Improvements	
Water Loss Reduction	<ul style="list-style-type: none"> • Additional resources needed for Pressure Reducing Valve maintenance and one vehicle. Total costs \$120K • Additional resources needed for system repairs over the five year period – including equipment and materials • One-time funding of \$200K for large diameter leak condition assessment plus \$50K per year after the 1st year • Additional resources needed for leak detection including one vehicle and supplies. Total costs \$160K
Meter Reading (Apparent Loss Reduction)	<ul style="list-style-type: none"> • Perform focused data analytics to determine water consumption anomalies • Implement automated process to enhance large meter maintenance program for improved quality assurance
Filter Cleaning at Water Treatment Plants	<ul style="list-style-type: none"> • Continue processes: <ul style="list-style-type: none"> ○ To reduce backwash water ○ To reduce immediate drain water ○ To reduce the filter-to-waste time ○ Expand process to Elm Fork and East Side WTP
Modernization of Meter Reading Process	<ul style="list-style-type: none"> • Continue to procure and install AMR Fixed Network infrastructure <ul style="list-style-type: none"> ○ Deploy all components within 5 years ○ Perform field deployment in phases ○ Phase I- Installation of Endpoints on existing AMI Ready Meters ○ Phase I.I- Installation of Communication Grid (parallel with Phase I) ○ Phases II and III- Installation of AMI Meter/Endpoints (route by route)
Ordinance Changes	
Landscape Ordinance Amendments	<ul style="list-style-type: none"> • Assist Department of Sustainable Development and Construction with Article X Revision and Recommendations by <ul style="list-style-type: none"> ○ Including water conservation as one of the objectives in the ordinance ○ Including water conservation options as a means of acquiring required “points” for landscape design permit ○ Assisting in developing water conservation best management practices in the Landscape Manual to be provided as a reference guide for the ordinance
Retail Cost of Service and Rate Study	<ul style="list-style-type: none"> • Finalize Request for Qualifications to update retail cost of service and rate model <ul style="list-style-type: none"> ○ Scope should include evaluating <ul style="list-style-type: none"> ▪ <i>Current cost allocations between customer classes</i> ▪ <i>Additional tiers for all customer classes</i>

Table 3-6: Recommended Measures Summary (Continued)

Strategy	Recommendation
Continued Customer Engagement	
Wholesale Customer Cities Monitoring, Measurement and Reporting	<ul style="list-style-type: none"> • Monitor Wholesale Customers' State required water conservation and drought plans • Consolidate, track and analyze current and historical consumption, GPCD and other pertinent metrics • Recognize and promote Wholesale Customers' water conservation achievements • Assist Wholesale Customers in enhancing and expanding their existing programs
Increased Multi-Family Outreach Efforts	<ul style="list-style-type: none"> • Partner with the Department of Code Compliance to distribute ordinance information during multi-family property managers' outreach events • Conduct training on landscape best management practices • Perform spatial analysis in an effort to target programming to geographical areas with low customer participation
Revised ICI Financial Incentive Program	<ul style="list-style-type: none"> • Two options are recommended for implementation • ICI Cost Share Program <ul style="list-style-type: none"> ○ Rebates will be offered for up to 50% of any indoor or process related water conservation project ○ Program will provide rebates for up to 50% of any irrigation system related improvements ○ Program will offer rebates on domestic fixtures for properties such as hotels and multifamily residential establishments • Free Water Saving Fixtures Distribution Program <ul style="list-style-type: none"> ○ Program will offer free products to qualifying commercial customers. When purchased in bulk and through a wholesale contract, the City can provide quality products to its DWU customers at a lower price than would be available to the end user ○ Program will offer free installation of water efficiency fixtures to not for profit organizations such as faith-based organizations, colleges/universities, government agencies
Programs for ICI and Large Campus Style Properties	<ul style="list-style-type: none"> • Implement a water budget program to complement existing rebate and public outreach efforts <ul style="list-style-type: none"> ○ ICI and large residential properties with 1 acre or more of irrigable landscape will be eligible ○ DWU should partner with CIS and GIS to implement program over a 3-5 year phased-in approach • Develop Golf Course Certification Program <ul style="list-style-type: none"> ○ Work with the Golf Course Superintendents Association of America to actively promote water conservation BMPs to its members ○ Create a Water Wise Certification program for local golf courses that adopt formal best management practices ○ Incorporate program into existing ICI program

Table 3-6: Recommended Measures Summary (Continued)

Strategy	Recommendation
Continued Customer Engagement	
Residential Irrigation System Rebate Program	<ul style="list-style-type: none"> • Program should complement highly successful irrigation system check-up program and water wise landscape seminars • Examples of incentives include <ul style="list-style-type: none"> ○ Drip irrigation ○ Spray heads with more efficient distribution patterns ○ Weather-based (smart) controllers
Enhanced Residential Outreach	<ul style="list-style-type: none"> • Research and Implement Mobile App <ul style="list-style-type: none"> ○ App can be used on Smartphones, tablets and computers ○ Will allow users to set up email reminders for their watering days and times based on zip code ○ Smart alerts will inform users of rain forecasts • Develop and implement online interactive water calculator for residential customers <ul style="list-style-type: none"> ○ Demonstrates how the water bill is calculated by tier ○ Allows customers to validate the water portion of their utility bill ○ Tool to estimate the cost impact of higher water use
Enhanced Enforcement Efforts	<ul style="list-style-type: none"> • Provide overtime funding to Department of Code Compliance to develop year-round program to provide systematic coverage from 4 AM to 8 AM and from 8 PM to 12:00 midnight, including weekends <ul style="list-style-type: none"> ○ Vehicle signage ○ Handouts ○ Yard signs

4. Projected Water Savings, Costs, Benefits and Staffing

The water savings for the selected residential and ICI strategies and the water savings for selected water loss reduction strategies have been projected using different methods, as described below.

4.1 Projected Water Savings from Selected Residential and ICI Measures

The projected water savings for the selected residential and ICI strategies are based on water use for the target customers, the target customer market, the projected unit water savings, and other impacts (**Table 4-1**).

Water Use and Unit Water Savings

In **Table 4-1**, the water use figures are the average indoor and outdoor water use by accounts in the target market. For example, the average indoor water use for all single-family residential accounts is 148 gallons per account per day. The twenty-five percent of single family accounts with the highest water demands have an average indoor water use of 526 gallons per account per day.

The projected water savings for each strategy are indoor and outdoor water savings goals for customer participants. The figures shown are based on the experience of other utilities and benchmark data. As such, they are estimates, and actual water savings will vary. Some customers will realize greater water savings, while others will realize less due to a number of variables that affect individual water use. Once each strategy is in operation, DWU staff should verify that customers are realizing the projected water savings. If they are not, the program should be re-evaluated and revised goals should be established.

Target Customer Markets

Most measures will be available to all customers, but some measures will be specifically targeted for high water users and new customers that have high water savings potential. For example, the Residential Irrigation System Rebate measure, which will provide an incentive for such measures as improved irrigation controllers and other irrigation system water efficiency improvements, will be available to all DWU customers. At the same time, water users in the top 25th percentile will be targeted more aggressively to engage their participation in the program because of their potential for higher water savings than the average customer. Similarly, high water-using customers are expected to be more interested in participating in the program since their potential for cost savings is also greater.

Several factors impact the projected water savings over time. Measure life is defined as the number of years that the measure can be expected to yield water savings before it must be replaced due to normal product aging (e.g., high efficiency toilets typically last about 25 years before they are replaced). Annual savings decay refers to the annual percentage of customers who are expected to remove a water-saving device or discontinue adherence to water efficiency practices (e.g., removing a weather-based irrigation controller or no longer resetting an irrigation clock on a monthly basis as recommended during a customer audit).

Table 4-1: Target Customer Water Use, Target Customer Markets, and Projected Water Savings

Selected Water Conservation Strategies	Water Use(a)		Target Market	Projected Water Savings			Impacts	
	Indoor Water Use	Outdoor Water Use		Indoor Savings (Percent per Account)	Outdoor Savings (Percent per Account)	Net Water Savings (gpad)	Measure Life (b) (years)	Annual Savings Decay(c)
Continued Customer Engagement								
Wholesale Customer Cities Monitoring, Measurement & Reporting	4,112,414	1,062,310	Treated Water Customers	0.25%	0.25%	12,937	5	15%
Increased Multi-Family Outreach Efforts	1,356	92	All	2%	2%	29	5	n/a
Revised ICI Financial Incentive Program								
ICI Cost Share Program	11,965	3,327	Top 10% Priority	31.7%	31.7%	4,848	10	5%
Multi-Family Toilet Distribution Program	1,356	92	Older Toilets (3.5 GPF and Above)	19%	0%	256	25	n/a
Free ICI Toilet Program	1,443	412	Older Toilets (3.5 GPF and Above)	10%	0%	144	25	n/a
Academic & Non-Profit Facility Incentives	1,443	412	Older Toilets (3.5 GPF and Above)	10%	0%	144	25	n/a
Programs for ICI & Large Campus Style Properties	5,416	1,552	Top 25% Priority	10%	10%	697	5	15%
Residential Irrigation System Rebate Program	526	355	Top 25% Priority	0%	20%	71	10	5%
Enhanced Residential Public Outreach								
DWU Residential Rate Calculator	148	54	All	0%	6%	3	5	n/a
Customer Web & Mobile Applications	148	54	All	6.4%	6.4%	13	5	n/a
Enhanced Enforcement								
Residential Enhanced Enforcement	526	355	Top 25% Priority	0%	4%	14	5	n/a
Multi-Family Enhanced Enforcement	1,356	92	All	0%	4%	4	5	n/a
ICI Enhanced Enforcement	1,443	412	All	0%	4%	16	5	n/a

Table 4-1: Target Customer Water Use, Target Customer Markets, and Projected Water Savings (Continued)

Selected Water Conservation Strategies	Water Use(a)		Target Market	Projected Water Savings			Impacts	
	Indoor Water Use	Outdoor Water Use		Indoor Savings (Percent per Account)	Outdoor Savings (Percent per Account)	Net Water Savings (gpad)	Measure Life (b) (years)	Annual Savings Decay(c)
Ordinance Changes								
Landscape Ordinance Amendments								
Residential Landscape Ordinance Amendment	148	54	New Construction	0%	25%	14	20	n/a
Multi-Family Landscape Ordinance Amendment	1,356	92	New Construction	0%	25%	23	20	n/a
ICI Landscape Ordinance Amendment	1,443	412	New Construction	0%	25%	103	20	n/a
Evaluation of Commercial Customer Classes	1,356	92	All	2%	2%	29	1	n/a
Assumptions								
(a) Water use in gallons per account per day								
(b) Measure life is the number of years that the measure can be expected to yield water savings before it must be replaced due to normal product aging								
(c) Annual savings decay is the annual percentage of customers who are expected to remove a water-saving device or discontinue adherence to water efficiency practices.								

Ordinances and rules have no decay adjustments because participation is mandatory. The water savings shown for these strategies incorporate the fact that there will not be full customer compliance. Annual savings decay factors are not shown for plumbing fixtures and appliances, because experience has shown virtually no removals due to customer dissatisfaction. Replacements of faulty equipment are assumed to have the same water use and efficiency features as the original product.

Program Participation

Program participants are DWU customers who can reasonably be expected to adopt the selected water conservation measures. Customer participation goals were set for each of the strategies based on a combination of factors, including:

- Participation levels achieved by other water utilities for similar programs
- Net water savings per account for the strategy
- The implementation schedule for each strategy
- Water savings required to meet the revised per capita consumption goal

The projected number of customer participants must be achieved to realize the water savings projected for each measure. The growing participation figures shown for the regulatory strategies (e.g., Landscape Ordinance Amendment) are for new customers only. The figures shown for other strategies represent the numbers of customers who must be successfully engaged by DWU to participate in the program or the number of retrofits that must be accomplished for a given program to achieve the projected water savings.

The number of participants shown in **Table 4-2** does not contain adjustments for free riders or silent savers, due to the uncertainties in estimating their net effects. Free riders are customers who participate in an incentive-based water conservation strategy, such as the residential irrigation system rebate program, but who would have still made modifications to their landscape even if a rebate had not been available to defray the cost of the purchase. Silent savers are customers that adopt water efficiency measures but do not apply for available incentives. It is difficult to estimate reliably the number or percentage of free riders and silent savers for a given strategy. If free ridership is a significant concern for a particular measure, program participation rules can be tightened to minimize their impact.

Water Savings from Selected Residential and ICI Strategies

The projected water savings for the selected residential and ICI strategies (**Table 4-3**) are based on the unit water savings, target customer markets, program participation assumptions, measure life, and annual savings decay assumptions described in the previous sections.

Table 4-2: Customer Participation Assumptions for Projected Water Savings

Selected Water Conservation Strategies	Measures Per Account	Projected Number of New Participating Accounts / Incentive Each Year				
		FY 2015-16	FY 2016-17	FY 2017-18	FY 2018-19	FY 2019-20
Continued Customer Engagement						
Wholesale Customer Cities Measuring, Monitoring & Reporting	1	5	5	5	5	2
Increased Multi-Family Outreach Efforts	1	0	2,100	2,100	2,100	2,100
Enhanced Residential Public Outreach						
DWU Residential Rate Calculator	1	2,500	5,000	5,000	5,000	5,000
Customer Web & Mobile Applications	1	0	7,500	7,500	7,500	7,500
Revised ICI Financial Incentive Program						
ICI Cost Share Program	1	0	20	20	20	20
Multi-Family Toilet Distribution Program	13.2	0	2,403	2,403	2,403	2,403
Free ICI Toilet Distribution Program	1	0	2,336	2,336	2,336	2,336
Academic & Non-Profit Facility Incentives	1	0	880	880	880	880
Programs for ICI and Large Campus Style Properties	1	0	20	20	40	40
Residential Irrigation System Rebate Program	1	0	0	125	375	500
Enhanced Enforcement						
Residential Enhanced Enforcement	1	3,750	3,750	3,750	3,750	3,750
Multi-Family Enforcement	1	1,250	1,250	1,250	1,250	1,250
ICI Enhanced Enforcement	1	1,250	1,250	1,250	1,250	1,250
Ordinance Changes						
Landscape Ordinance Amendments						
Residential Landscape Ordinance Amendment	1	0	0	0	700	1,400
Multi-Family Landscape Ordinance Amendment	1	0	0	0	700	1,400
ICI Landscape Ordinance Amendment	1	0	0	0	700	1,400
Evaluation of Commercial Customer Classes	1	0	0	36,057	36,057	36,057
Assumptions						
(a) Participation in the Multi-Family Toilet Distribution Program, ICI Toilet Program, and Non-Profit Facility Incentives is shown as the number of toilets retrofitted						
(b) Participation for the Sprinkler App. Program and the Home Water Efficiency Report are anticipated new participants by year based on efforts by DWU to increase participation each year.						

4.2 Projected Water Savings from Selected Water Loss Measures

All of the projected water savings for the selected water loss measures will come from the Enhanced Real Loss Reduction strategy and from the increased capacity of existing real loss reduction efforts. Although reduction of apparent losses recovers revenue for the utility, it does not reduce water use.

DWU's total water loss percent over the past five years has ranged from 12.1 percent to 16.8 percent, with an average of 15.6 percent. This includes authorized uses as well as unknown losses. It is recommended that DWU maintain a maximum unknown water loss percent of no more than 10 percent. Based on experience with other utilities, the consultant team projected the water savings from the selected water loss reduction strategies (**Table 4-3**). The projected real loss reduction of 11.2 million gallons per day by FY 2020 corresponds to a reduction in total water loss percent from 12.1 percent to 7.5 percent.

Long-Term Implications of Projected Savings

The water savings from the selected strategies are expected to continue beyond FY 2020. The incentive-based and educational programs implemented during the five-year planning period will continue to produce water savings depending on the measure life and the annual decay assumptions. In addition, water savings from ordinance-related measures will continue to grow along with the growing population. Assuming that all of the selected strategies are implemented as described in this chapter, it is projected that the measures implemented during the five-year planning period will save a total of approximately 43.1 BG over the next twenty years.

Table 4-3: Projected Water Savings from Selected Strategies

Selected Water Conservation Strategies	Projected Water Savings (gal/year)				
	FY 2015-16	FY 2016-17	FY 2017-18	FY 2018-19	FY 2019-20
Existing Conservation Programs - Implemented Savings					
New Throne for Your Home (Based on FY 2013-14 Recorded Savings)	56,319,865	112,639,730	168,959,595	225,279,460	281,599,325
Minor Plumbing Repair Program (Based on FY 2013-14 Recorded Savings)	6,770,020	13,540,040	20,310,060	27,080,080	33,850,100
Additional Savings - Existing Real Loss Program	365,000,000	730,000,000	912,500,000	1,095,000,000	1,277,500,000
TOTAL ANNUAL SAVINGS	428,089,885	856,179,770	1,101,769,655	1,347,359,540	1,592,949,425
Continued Customer Engagement					
Wholesale Customer Cities Measuring, Monitoring & Reporting	23,609,679	43,677,906	60,735,900	75,235,194	73,393,786
Increased Multi-Family Outreach Efforts	0	22,303,544	44,607,088	66,910,632	89,214,176
Enhanced Residential Public Outreach					
DWU Residential Rate Calculator	0	2,956,500	8,869,500	14,782,500	20,695,500
Customer Web & Mobile Applications	0	35,390,400	70,780,800	106,171,200	141,561,600
Revised ICI Financial Incentive Program					
Multi-Family Toilet Distribution Program	0	17,029,198	34,058,396	51,087,594	68,116,792
ICI Cost Share Program (Includes Domestic Fixture & Landscape Rebates)	0	35,387,217	69,005,074	100,942,037	131,282,152
Free ICI Toilet Program	0	123,035,952	246,071,904	369,107,856	492,143,808
Academic & Non-Profit Facility Incentives	0	46,349,160	92,698,320	139,047,480	185,396,640
Programs for ICI and Large Campus Style Properties	0	5,086,640	9,410,284	18,172,021	25,619,498
Residential Irrigation System Rebate Program	0	0	3,239,375	12,795,531	25,113,255
Enhanced Enforcement					
Residential Enhanced Enforcement	19,436,250	38,872,500	58,308,750	77,745,000	97,181,250
Multi-Family Enhanced Enforcement	1,679,000	3,358,000	5,037,000	6,716,000	8,395,000
ICI Enhanced Enforcement	7,519,000	15,038,000	22,557,000	30,076,000	37,595,000
TOTAL ANNUAL SAVINGS	52,243,929	388,485,017	725,379,391	1,068,789,045	1,395,708,457

Table 4-3: Projected Water Savings from Selected Strategies (Continued)

Selected Water Conservation Strategies	Projected Water Savings (gallyear)				
	FY 2015-16	FY 2016-17	FY 2017-18	FY 2018-19	FY 2019-20
Ordinance Changes					
Landscape Ordinance Amendments					
Residential Landscape Ordinance Amendments	0	0	0	3,449,250	10,347,750
Multi-Family Landscape Ordinance Amendments	0	0	0	587,650	1,762,950
ICI Turf Landscape Ordinance Amendments	0	0	0	2,631,650	7,894,950
Evaluation of Commercial Customer Classes	0	0	381,136,913	381,136,913	381,136,913
TOTAL ANNUAL SAVINGS	0	0	381,136,913	387,805,463	401,142,563
Water System Improvements					
Water Loss Reduction					
Large Diameter Leak Condition Assessment	153,738,000	225,481,670	297,225,340	368,969,010	440,712,680
Enhanced Leak Detection- Additional Leak Repair Resources	0	50,589,000	101,178,000	151,767,000	202,356,000
Enhanced Leak Detection- Additional Leak Detection Resources	0	133,400,200	200,100,300	266,800,400	333,500,500
Enhanced Leak Detection - Additional Pressure Reducing Valve Resources	0	13,340,020	26,680,040	40,020,060	53,360,080
Water Treatment Plant Backwash Optimization	328,515,695	328,515,695	328,515,695	328,515,695	328,515,695
TOTAL ANNUAL SAVINGS	482,253,695	751,326,585	953,699,375	1,156,072,165	1,358,444,955

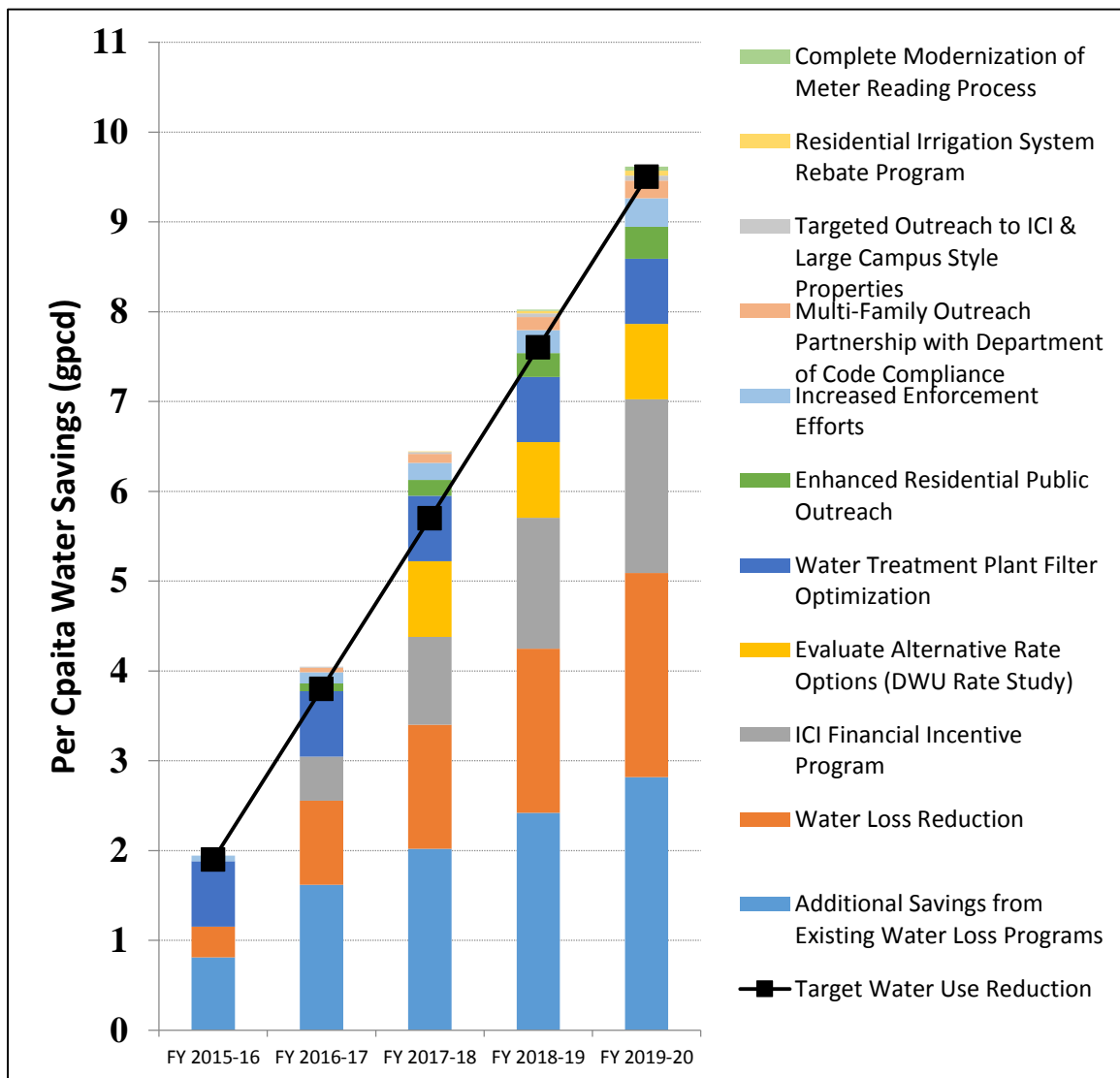
Table 4-3a: Projected Water Savings from Selected Strategies Summary

Category	Projected Water Savings (gal/year)				
	FY 2015-16 GPCD	FY 2016-17 GPCD	FY 2017-18 GPCD	FY 2018-19 GPCD	FY 2019-20 GPCD
Savings from Existing Implemented Water Conservation Programs	428,089,885	856,179,770	1,101,769,655	1,347,359,540	1,592,949,425
Savings from Water System Improvements	482,253,695	751,326,585	953,699,375	1,156,072,165	1,358,444,955
Savings from Ordinance Changes	0	0	381,136,913	387,805,463	401,142,563
Savings from Continued Customer Engagement	52,243,929	388,485,017	725,379,391	1,068,789,045	1,395,708,457
TOTAL PROJECTED ANNUAL SAVINGS	962,587,509	1,995,991,373	3,161,985,333	3,960,026,214	4,748,245,401
TARGET (GPCD Reduction)	1%	2%	3%	4%	5%
TARGETED ANNUAL SAVINGS	855,997,591	1,714,707,045	2,576,128,361	3,440,261,539	4,307,106,580
ANTICIPATED GPCD REDUCTION BASED ON TARGETED ANNUAL SAVINGS	1.90	3.80	5.70	7.60	9.50
NEW GPCD GOAL BASED ON 5 YEAR ROLLING AVERAGE OF 190 GPCD	188	186	184	182	181

4.3 Projected Per Capita Water Savings

Figure 4-1 depicts the conversion of the projected savings (**Table 4-3**) to per capita water savings by selected water conservation strategy, ordered from greatest projected savings to least. The selected strategies are projected to achieve the target per capita water use reduction (an average of 1.0 percent per year) in each year of the planning period. The three most important strategies contributing towards achieving the savings goal are the additional savings from existing water loss programs, enhanced water loss reduction, and revised ICI financial incentives.

Figure 4-1: Projected Per Capita Water Savings from Selected Strategies



Water Conservation Benefits

Water conservation has both economic and non-economic benefits. Water conservation:

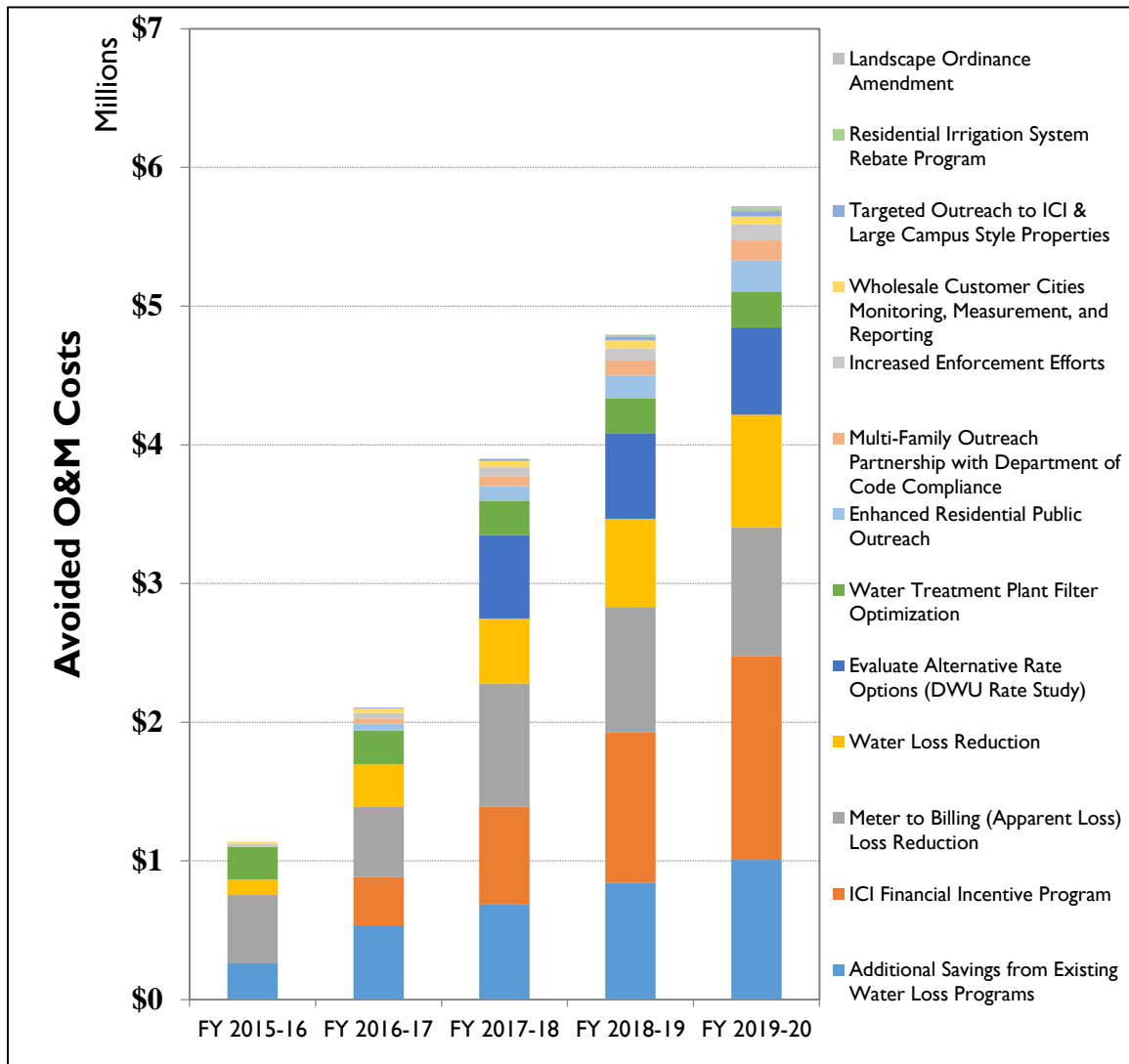
- Extends the life of existing water supplies and delays the need to develop expensive future water supplies. Costs associated with developing new water supplies (or purchasing new water) can include capital costs for construction of reservoirs, pumping facilities, pipelines, treatment plants, water storage and related facilities; costs of obtaining water rights and permits; and operation and maintenance (O&M) costs such as labor, energy, and chemicals.
- Reduces peak requirements, extending the life of existing infrastructure. Water system infrastructure is sized to meet peak demands. When peak demands are reduced through water conservation, the need for infrastructure expansion is delayed.

Lowers capital and operating costs of the existing system. Deferral of new water supply development or infrastructure expansion allows the utility to avoid associated capital costs. In addition, operational costs, such as power and chemicals, are reduced.

- Positions the city to obtain future water rights. In the Long Range Water Supply Plan and in the 2016 Region C Initially Prepared Plan, Dallas has identified future water sources that would involve interbasin transfer of raw water. An interbasin transfer authorization requires that the applicant “has developed and implement a water conservation plan that will result in the highest practicable levels of water conservation and efficiency achievable within the jurisdiction of the applicant”.
- Other benefits include positive environmental effects, improved customer good will, continued growth and economic development, a reduction of Dallas’s carbon footprint, and a positive image of Dallas.

The projected water savings are based on the unit water savings, target customer markets, measure life, annual savings decay, and program participation assumptions depicted in **Tables 4-1 and 4-2**.

Figure 4-2: Potential Reduced O&M Costs from Selected Strategies



Typically, capital costs are developed for specific projects in specific locations. However, estimated water savings have been developed for the city as a whole and not for specific locations in the water system. Therefore, the avoided capital costs are difficult to quantify. In addition, other possible avoided capital costs are dependent on pending decisions about future water supplies for Dallas. Therefore, the benefit evaluation described in this section includes only avoided O&M costs.

According to DWU staff, the marginal O&M cost for water treatment and delivery is \$732 per MG, and the marginal O&M cost for wastewater service is \$809 per mg.¹³ Some strategies (e.g., residential irrigation system incentives) only reduce water O&M costs, because irrigation does not return flow to the wastewater system. Other strategies (e.g., toilet retrofits) reduce both water and wastewater O&M costs.

¹³ 2016 dollars. Avoided O&M costs are assumed to increase at an annual inflation rate equal to the historical average inflation rate from 1990 through 2010 (2.35 percent per year). Historical average inflation rate calculated from the Dallas Federal Reserve Bank trimmed mean personal consumption expenditures inflation rate.

For most of the selected strategies, the potential costs reduction associated with a given strategy is simply the projected water savings multiplied by the avoided O&M costs. The exception is the Meter Reading (Apparent Loss Reduction) strategy which does not reduce water usage. Instead, this enables the utility to enhance revenue recovery for water that is used.

In recent years, DWU's apparent losses have averaged 7.6 gallons per connection per day and have varied from 2.4 gal/conn/day to 10.5. Based on experience with other utilities, the consultant team projected the additional billed water from each component of the apparent loss reduction strategies (**Table 4-4**). The additional billed water is projected to amount to 600,000 gallons per day by FY 2020. It was assumed that this water would be billed at an average rate of \$3.77 per thousand gallons.

The potential reduced O&M costs from the selected water conservation strategies is about \$5.7 million per year by FY 2020 (**Figure 4-2**). The three measures that contribute the most benefits are additional savings from existing water loss programs, revised ICI financial incentives, and apparent loss reduction. Assuming that all of the selected strategies are implemented as described in this section, the potential reduced O&M costs for the measures implemented during the five-year planning period is approximately \$38.3 million over the next twenty years.

Estimated Costs

In the following sections, unit cost assumptions are described and estimated costs for the selected water conservation strategies are presented. Conservation strategy costs typically include:

- Marketing and public education materials and campaigns
- Hardware devices (e.g., giveaways or free installation of small retrofit devices, high efficiency toilets, hose shutoffs, etc.)
- Incentive fees for rebate and bill credit programs
- Staff or contractor labor
- Equipment, materials, and training (especially for leak detection and repair)

Table 4-4: Projected Additional Billed Water Use from Apparent Loss Reduction

Selected Water Conservation Strategies	Projected Additional Billed Water Use (gal/day)				
	FY 2015-16	FY 2016-17	FY 2017-18	FY 2018-19	FY 2019-20
Review accounts with either water or wastewater accounts	100,000	100,000	100,000	100,000	100,000
Evaluate misclassified accounts	250,000	250,000	500,000	500,000	500,000
Report on performance indicators	n/a	n/a	n/a	n/a	n/a
Identify unauthorized uses	n/a	n/a	n/a	n/a	n/a
Total	350,000	350,000	600,000	600,000	600,000
n/a means that additional billed water was not projected for this component					

4.4 Unit Cost Assumptions for Selected Residential and ICI Strategies

Unit cost assumptions for the selected residential and ICI water conservation strategies are presented in **(Table 4-5)**. The Incentive amount is the projected amount of the financial incentive to the customer for each measure (e.g., per toilet, per account, etc.). The Labor amount is the estimated labor cost for each measure for either DWU staff or a contractor to provide the incentive, training, or audit.

The primary sources of information used to develop the unit costs include recent Water Conservation and Water Operations Division budgets and reported unit costs at other water utilities.

Table 4-5: Unit Cost Assumptions for Selected Residential and ICI Strategies

Selected Water Conservation Strategies	Unit Cost Assumptions (\$/Measure)		
	Incentive	Labor	Combined
Continued Customer Engagement			
Residential Irrigation System Rebate Program	\$270	\$124	\$394
Enhanced Residential Public Outreach			
-DWU Residential Rate Calculator	-	-	-
-Customer Web & Mobile Applications	\$12.36	-	\$12.36
Enhanced Enforcement			
-Residential Enhanced Enforcement	-	\$17.97	\$17.97
-Multi-Family Enhanced Enforcement	-	\$17.97	\$17.97
-ICI Enhanced Enforcement	-	\$17.97	\$17.97
Increased Multi-Family Outreach	-	-	-
Programs for ICI and Large Campus Style Properties	-	\$1,550	\$1,550
Wholesale Customer Cities Program	-	-	-
Ordinance Changes			
Landscape Ordinance Amendment	-	-	-
-Residential Landscape Ordinance Amendment	-	-	-
-Multi-Family Landscape Ordinance Amendment	-	-	-
-ICI Landscape Ordinance Amendment	-	-	-
Evaluation of Commercial Customer Classes	-	-	-
Revised ICI Financial Incentive Program			
-ICI Cost Share Program	\$23,450	\$1,550	\$25,000
-Multi-Family Toilet Distribution Program	\$90	\$13	\$103
-Free ICI Toilet Program	\$200	\$13	\$213
-Academic & Non-Profit Facility Incentives	\$200	\$70	\$270
"—" The measure will be implemented without cost or will be performed by existing Water Conservation Division Staff. Costs shown are in 2015 dollars			

Estimated costs for the selected water conservation strategies are presented in **Table 4-6**. The estimated costs for most of the residential and ICI strategies are based on the program participation assumptions **(Table 4-2)** and the unit cost assumptions **(Table 4-5)** while estimated costs for other strategies were developed based on experience with other utilities. Estimated costs were adjusted for inflation using the same rates as discussed in Section 4.3. By FY 2020, the total estimated costs for the selected strategies is approximately \$8.3 million per year **(Table 4-6)**.

Table 4-6: Estimated Cost for Selected Strategies

Recommended Water Conservation Division Budgets by Fiscal Year		FY 2015-16	FY 2016-17	FY 2017-18	FY 2018-19	FY 2019-20
Anticipated Program Costs in Dollars per Year						
Existing Budget Items						
Program Administration		\$1,416,593	\$1,299,651	\$1,243,280	\$1,281,756	\$1,345,119
Minor Plumbing Repair Program		\$400,000	\$400,000	\$419,021	\$419,021	\$419,021
Public Awareness Campaign		\$951,800	\$951,800	\$997,060	\$1,020,491	\$1,020,491
Regional Campaign (TRWD)		\$148,462	\$150,000	\$150,000	\$150,000	\$150,000
Environmental Education Initiative		\$358,713	\$358,713	\$358,713	\$358,713	\$358,713
Toilet Rebate Program		\$1,050,000	\$1,050,000	\$1,050,000	\$1,050,000	\$1,050,000
ICI Audits		\$150,000	\$150,000	\$150,000	\$150,000	\$150,000
ICI Rebate Program		\$0	\$0	\$239,332	\$257,881	\$276,866
ICI Training Program		\$0	\$0	\$25,000	\$25,000	\$25,000
Existing Budget Items Subtotal		\$4,675,568	\$4,560,164	\$4,807,406	\$4,887,862	\$4,970,210
Additional Budget Items						
Landscape Ordinance Amendment		\$0	\$0	\$0	\$0	\$0
Residential Irrigation System Rebate Program		\$0	\$0	\$49,250	\$147,750	\$197,000
Increased Multi-Family Outreach Efforts		\$0	\$0	\$0	\$0	\$0
Programs for High Users and Large Properties		\$0	\$32,474	\$33,237	\$68,037	\$69,636
Enhanced Residential Public Outreach		\$0	\$0	\$132,627	\$135,744	\$138,934
Enhanced Enforcement		\$114,939	\$113,345	\$120,405	\$123,234	\$126,130
Additional Budget Items Subtotal		\$114,939	\$145,819	\$335,519	\$474,765	\$531,700
Total		\$4,790,507	\$4,705,983	\$5,142,925	\$5,362,627	\$5,501,910

Table 4-6: Estimated Cost for Selected Strategies (Continued)

Recommended Water Operations Budget by Fiscal Year						
Existing Real Loss Program		\$1,800,000	\$1,842,300	\$1,885,594	\$1,929,906	\$1,975,258
Water Loss Reduction						
Leak Detection and Repair		\$0	\$0	\$289,035	\$688,960	\$760,493
Large Diameter Leak Condition Assessment		\$200,000	\$0	\$50,000	\$50,000	\$50,000
Water Loss Reduction Subtotal		\$200,000	\$0	\$339,035	\$738,960	\$810,493
Total Water Operations Division Budget		\$2,000,000	\$1,842,300	\$2,224,629	\$2,668,866	\$2,785,751
Totals Anticipated Annual Costs		\$6,790,507	\$6,548,283	\$7,367,554	\$8,031,493	\$8,287,661
Cumulative Change in Funding Required from FY 2016			-\$242,224	\$577,047	\$1,240,986	\$1,497,154

It is projected that if DWU reduces the amounts shown in **Table 4-6**, then it will not realize the projected water savings shown in **Table 4-3**. However, there is an important difference between these estimated costs and the recommended budgets. ICI financial incentives are funded in the existing DWU budget. To the degree to which they are currently funded, these strategies do not require an increased budget authorization.

Costs associated with additional savings from the Existing Water Loss Program are currently budgeted as part of the Leak Detection Program in the Operations Division. No increased budget authorization will be necessary for this strategy.

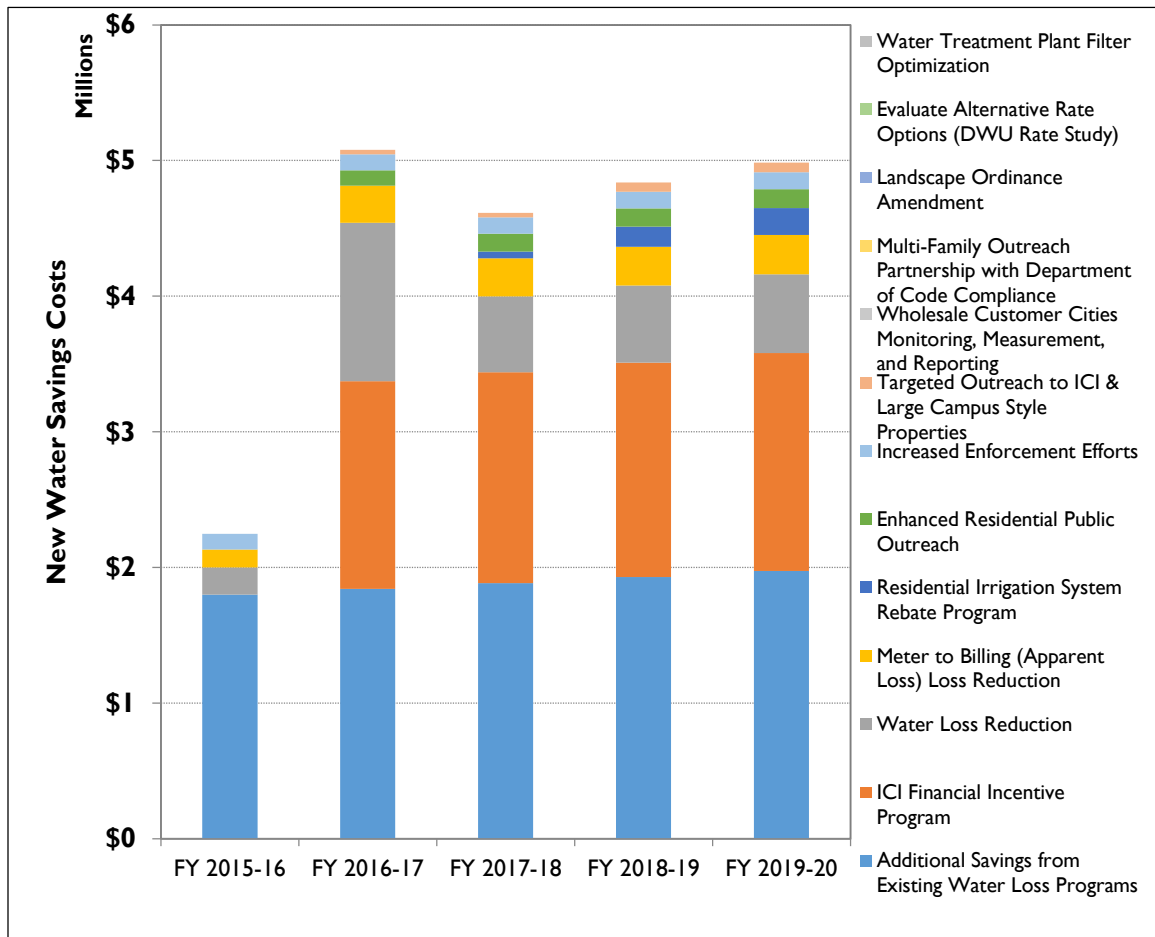
Each of the remaining selected strategies will require an increased budget authorization according to the estimated costs shown in **Table 4-6**.

Some of the recommended water conservation strategies require no additional DWU labor (e.g., enhanced multifamily outreach and landscape ordinance amendments). However, some of the recommended measures may require staff time for employees of other city departments. This will largely be dependent upon what ordinance measures are adopted and the level of enforcement required. Additional staff time for employees of city departments other than DWU is not included in the estimated costs.

The estimated costs are presented in **Figure 4-3**. By FY 2020, the measures with costs greater than \$1 million per year are the existing water loss program and the revised toilet rebate programs.

Assuming that all of the selected strategies are implemented as described in this section, the estimated costs over the next twenty years for the measures implemented during the five-year planning period is approximately \$25.5 million with the costs actually be incurred during the first five years. Comparing the twenty-year estimated costs to the projected twenty-year water savings gives a unit cost for the water savings of approximately \$0.37 per thousand gallons. These unit costs are less than the unit costs of raw water from other potential water supplies for which unit costs are available excluding the additional costs for water treatment and distribution or the benefits from the conserved water (**Section 4.3**).

Figure 4-3: Estimated Costs for Selected Strategies



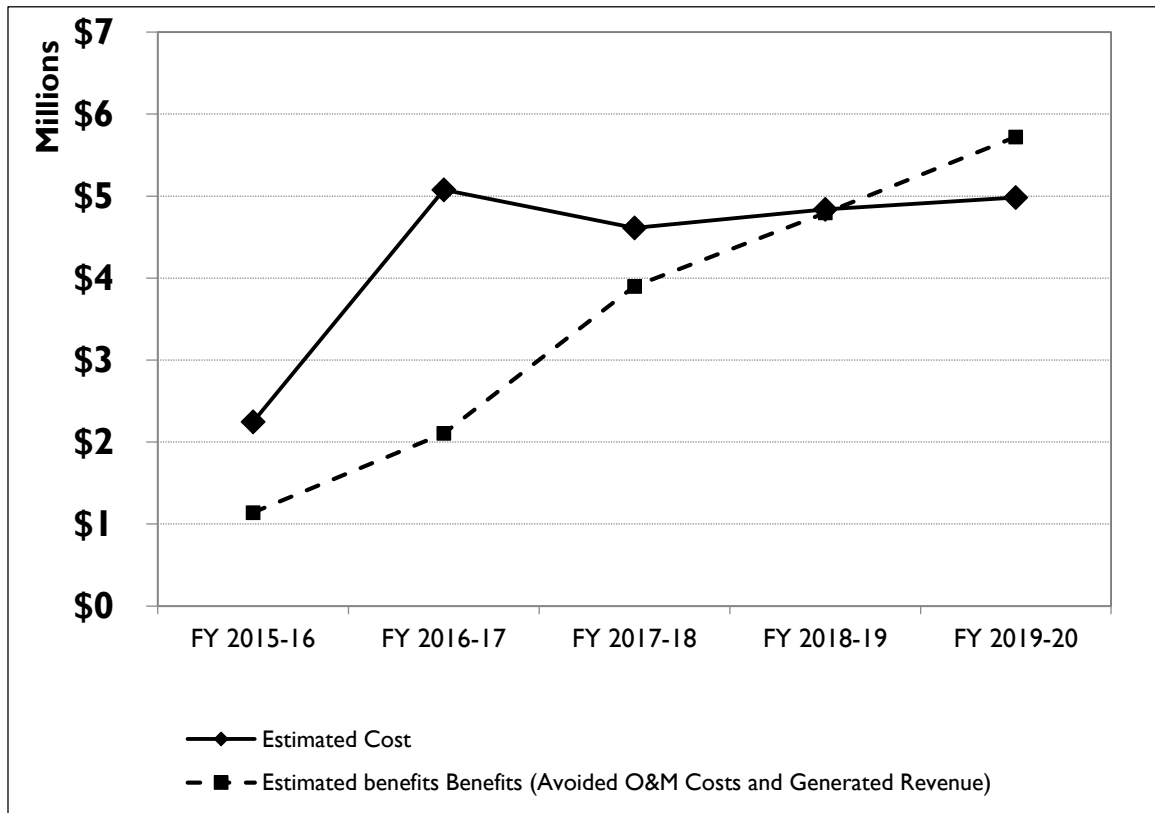
4.5 Benefit-Cost Analysis

For the five-year planning period, estimated costs and benefits are compared for the selected strategies in **Figure 4-4**. By FY 2018, the potential reduced O&M costs is projected to exceed the estimated cost of implementing the selected strategies.

Assuming that all of the selected strategies are implemented as described in this chapter, the estimated net benefit is approximately \$38.3 million over the next twenty years.

There may be additional benefits (e.g., avoided capital costs) and additional costs (e.g., increases in water rates) that have not been considered in the benefit-cost analysis.

Figure 4-4: Potential Reduced O&M Costs and Estimated Costs for Selected Strategies



4.6 Recommended Staffing Levels

It is anticipated that DWU will use existing resources, seasonal labor and contractors to implement the proposed strategies. The recommended resources needed are based on customer participation assumptions and staff time required for similar programs at other utilities. Each of the recommended water conservation strategies should be reviewed annually to verify that customer participation and the production capacity of the existing staff continue to warrant the recommended increase in resources.

5.0 2016 Work Plan Implementation

While significant analysis and efforts have gone into development of the 2016 Work Plan, it should be reassessed annually to make sure that Dallas is achieving its water conservation goals. It should also be revamped if necessary, to take advantage of new water conservation opportunities, such as federal or state funding for water conservation. The overall conservation program should be flexible, allowing strategies to be adjusted based on continued feasibility and support of goals, feedback from stakeholders and focus groups, and public participation or interest.

Considering the effectiveness of DWU's water conservation program over the past ten years, all of the water conservation strategies presently employed by DWU are recommended for continuation or enhancement under the 2016 Work Plan.

It is also recommended that DWU implement each of the strategies that were evaluated in detail (as described in Section 4) during the next five years. It is projected that these new or enhanced strategies will enable DWU to meet its water conservation goals, will be less expensive than other water supply alternatives, and will provide positive net economic benefits over the next twenty years.

To maximize the success of the recommended water conservation strategies, DWU must prioritize implementation to allow for careful planning and development of ordinances, educational programs, and incentive programs, while still meeting the water conservation goals. The recommended implementation schedule (summarized in **Table 5-1**) is based on the following prioritization criteria:

- Implement measures with higher water savings early
- Implement measures with high community interest early
- Limit the number of programs to be planned/implemented each year
- Align strategies that have similarities/synergies
- Implement training programs in advance of rule changes, where applicable

In addition, there are several general steps to implementing a new water conservation strategy:

- **Planning and development:** Increase staff or hire a contractor as necessary to administer the program. Identify, research, and make decisions about key implementation issues (e.g., rebates versus vouchers, eligibility requirements, ordinance language, etc.). Identify methods for engaging the target customer market. Conduct pilot testing for a limited time to gain experience with the individual program. Planning and development typically occurs one or more years prior to full-scale implementation
- **Marketing and education:** Conduct an aggressive campaign to solicit the participation of targeted customers. Educate customers about potential water savings expected from the particular program, how water is conserved, and other opportunities to save. This may involve meetings with stakeholder groups, multi-media advertising campaigns, or other communication methods. Marketing and education should begin a short time prior to full-scale implementation and should continue to some degree throughout the life of the strategy
- **Full-scale implementation:** Depending on the individual strategy, conduct day-to-day operations necessary to enforce ordinance requirements, carry out individual education

and outreach initiatives, or provide financial or other incentives to encourage customer participation

- **Verification/follow-up/data collection:** Confirm the installation and implementation of relevant measures. For some strategies, this may involve site inspections. Record relevant data about the customer and the measure. Compare water use before and after installation. Verification/follow-up/data collection begins with full-scale implementation and continues until the individual strategy is discontinued
- **Savings/cost comparison:** Estimate the water savings and the value of the water saved through the strategy. Estimate the cost to initiate and monitor the strategy throughout its life. Compare savings to costs in terms of a benefit-cost ratio or payback period. Savings/cost comparisons should be conducted annually to monitor the progress of the strategy toward meeting its goals. If the strategy is not meeting its goals, it should be reevaluated, and program parameters should be changed or revised goals should be established

**Table 5-1 Recommended Implementation Schedule
FY 2016 through FY 2020**

Summary of Recommended Implementation Schedule						
Program	Projected Water Savings Rank	FY 2015-16	FY 2016-17	FY 2017-18	FY 2018-19	FY 2019-20
Water Loss Reduction	1	1				
Revised ICI Financial Incentive Program	2	2				
Water Treatment Plant Backwash Optimization	3	3				
Evaluate Alternative Rate Options (DWU Rate Study)	4		4			
Enhanced Enforcement	5	5				
Mobile Apps and Customer Portals	6	6				
Wholesale Customer Cities Program	7	7				
Increased Multi-Family Outreach Efforts	8	8				
Programs for ICI and Large Campus Style Properties	9	9				
Residential Irrigation System Rebate Programs	10	10				
Landscape Ordinance Amendment	11	11				
Modernization of Meter Reading Process	12	n/a				
Meter to Billing Loss Reduction	13	n/a				

Savings Rank: lower numbers mean higher water savings	
	Strategy Planning and Development
	Implementation
	No Action

5.1 Method to Monitor the Effectiveness of the Plan

The effectiveness and efficiency of the water conservation program will be monitored on an ongoing basis by DWU staff. DWU determines the extent of water conservation by compiling implementation data, monitoring water consumption, modeling water demand, and tracking water conservation costs.

Annual Report on Water Conservation Activities – 30 TAC § 288 requires that each entity that is required to submit a water conservation plan to the TWDB or the TCEQ shall file an annual report to the TWDB on the entity's progress in implementing each of the minimum requirements in their water conservation plan. DWU submitted the first of these yearly reports on April 26, 2010. This report will be submitted in accordance with the requirement.

Quantified Marketing Analysis – DWU conducts surveys at the conclusion of each year's public awareness campaign to evaluate and improve the effectiveness of the campaign. Results



City of Dallas Water Utilities
www.savedallaswater.com

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: June 15, 2016

COUNCIL DISTRICT(S): All

DEPARTMENT: Water Utilities

CMO: Mark McDaniel, 670-3256

MAPSCO: All

SUBJECT

Authorize a Memorandum of Understanding with Texas Parks and Wildlife Department (TPWD) for a five year term to **(1)** continue the implementation of a public awareness campaign for the prevention and spread of zebra mussels in the amount of \$125,000; and **(2)** co-sponsor with TPWD research projects on the economic impacts and population dynamics of zebra mussels in the amount of \$100,000 - Total not to exceed \$225,000 - Financing: Water Utilities Current Funds (subject to annual appropriations)

BACKGROUND

Zebra mussels are an invasive species that were introduced in the Great Lakes in 1988. Since their introduction, they have spread throughout North America. In April 2009, zebra mussels were first discovered in Texas at Lake Texoma. As of April of 2016, zebra mussels have established populations in Lake Ray Roberts and Lake Lewisville and have been detected in the Elm Fork of the Trinity River, Lake Fork and Lake Ray Hubbard.

The introduction of zebra mussels in North America has resulted in a major economic impact to raw-water-dependent infrastructures, water intakes and power generation facilities. Throughout North America, zebra mussels have caused expensive problems: blocking pipes that deliver drinking and process water to cities and factories and cooling water to power plants; attaching in enormous numbers to ship and boat hulls, marine structures and navigational buoys; and covering beaches with sharp-edged mussel shells and rotting mussel flesh.

BACKGROUND (Continued)

On June 22, 2011, Council authorized a Memorandum of Understanding with the TPWD for the development of a media campaign to educate boaters. The public awareness and education campaign was kicked off in 2011 and resulted in the development and production of posters, postcards, wallet cards, brochures, display banners and lake buoys with interactive internet advertising, billboards, pump toppers, print, video and radio ads. In 2013, TPWD developed "Clean, Drain and Dry Your Boat" stencils, which were installed on boat ramps at Lake Grapevine, Lake Ray Hubbard and Lake Tawakoni. In 2014 and 2015, the campaign included boat ramp signage, billboards, gas station advertising (window clings, pump toppers and floor mats), radio, print, online ads and email blasts.

When Zebra Mussels were found in Lake Texoma in 2009, there was a significant lack of information on zebra mussel, biology, population dynamics and impacts in warmer waters. Since that time research has been conducted and still underway to evaluate zebra mussel biology and population growth. Through the recent droughts and floods in North Texas zebra mussel population have decreased and additional research is needed to understand the dynamics of established zebra mussel populations and the economic impact to municipal water supply and associated facilities.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Authorized a Memorandum of Understanding with the Texas Parks and Wildlife Department on June 22, 2011, by Resolution No. 11-1731.

Authorized funding of the second year of the Memorandum of Understanding with the Texas Parks and Wildlife Department on March 28, 2012, by Resolution No. 12-0947.

Transportation and Environment Committee was briefed and provided an update on zebra mussels on August 14, 2012.

Authorized a Memorandum of Understanding with the Texas Parks and Wildlife Department on May 22, 2013, by Resolution No. 13-0858.

Authorized funding for ARCADIS U.S. Inc. to develop controls and maintenance plans for the prevention and eradication of zebra mussels in DWU treatment facilities on June 25, 2014, by Resolution No. 14-1044.

Information about this item will be provided to the Transportation & Trinity River Project Committee on June 13, 2016.

FISCAL INFORMATION

\$225,000 – Water Utilities Current Funds (subject to annual appropriations)

June 15, 2016

WHEREAS, zebra mussels are an invasive species and can have a major economic impact to water supply intakes and infrastructure; and,

WHEREAS, zebra mussels have migrated to Texas and the Trinity River basin; have infested Lake Ray Roberts and Lake Lewisville and have been identified in the Elm Fork of the Trinity River, Lake Fork and Lake Ray Hubbard; and,

WHEREAS, Lakes Ray Roberts, Lewisville, Grapevine, Ray Hubbard, Fork, and the Elm Fork of the Trinity River are primary drinking water resources for Dallas and its customer cities; and,

WHEREAS, the City of Dallas entered into an Interlocal Agreement with Texas Parks and Wildlife Department to develop a zebra mussel public education campaign; and,

WHEREAS, the Texas Parks and Wildlife Department has developed the “Clean, Drain and Dry Your Boat” public education campaign for zebra mussels targeting North Texas area lakes; and,

WHEREAS, the Texas Parks and Wildlife Department is co-sponsoring research on zebra mussel population dynamics and economic impacts.

Now, Therefore,

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

Section 1. That the City Manager is authorized to enter into a Memorandum of Understanding with the Texas Parks and Wildlife Department for a five year term to **(1)** continue the implementation of a public awareness campaign for the prevention and spread of zebra mussels; and **(2)** co-sponsor with the Texas Parks and Wildlife Department research projects on the economic impact and population dynamics of zebra mussels.

Section 2. That the Chief Financial Officer is hereby authorized to disburse an amount not to exceed \$225,000 from the Water Utilities Current Funds, subject to annual appropriations, as follows:

<u>FUND</u>	<u>DEPT</u>	<u>UNIT</u>	<u>OBJ</u>	<u>ENCUMBRANCE</u>	<u>VENDOR</u>	<u>AMOUNT</u>
0100	DWU	7030	3070	MASCDWU7030H1602	044338	\$225,000

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 ITEM # 37

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: June 15, 2016

COUNCIL DISTRICT(S): All

DEPARTMENT: Water Utilities
Sanitation Services
Trinity Watershed Management

CMO: Mark McDaniel, 670-3256
Joey Zapata, 670-3009

MAPSCO: All

SUBJECT

Authorize an amendment to the Memorandum of Understanding with the Tarrant Regional Water District to continue participation in the “Reverse Litter” public awareness campaign for an additional five-year period - Not to exceed \$1,050,000 - Financing: Stormwater Drainage Management Current Funds (\$500,000), Water Utilities Current Funds (\$500,000) (subject to annual appropriations) and Sanitation Current Funds (\$50,000)

BACKGROUND

Dallas is required to develop a Stormwater Management Plan every five years, and reports annually to the Texas Commission on Environmental Quality on the eight elements of the plan. The Reverse Litter Campaign addresses two items on the list: Public Education and Outreach and MS4 Maintenance Activities.

A Memorandum of Understanding was approved by Council on September 26, 2012 between Tarrant Regional Water District (TRWD) and Dallas to develop a regional anti-litter public awareness campaign to prevent tons of litter and debris from washing into area waterways, and ultimately the water supply reservoirs, for more than six million North Texans. The campaign began in the autumn of 2012, and has raised awareness of littering and promoted the pledge for “Ten on Tuesday” – picking up 10 pieces of litter every Tuesday. The regional public awareness partners include TRWD and the cities of Dallas, Fort Worth and Denton.

BACKGROUND (Continued)

Regional campaign results include:

- 15,689 “Ten on Tuesday” pledges
- Development of a six-week TEKS curricula for middle school children
- Development of a “Ten on Tuesday” class activity for elementary school children
- Production of five “Ten on Tuesday” endorsement videos with area mayors
- Bi-weekly newsletter sent to 3,500 subscribers in 2015
- Radio and TV PSAs for an added value of \$123,136 in 2015
- An annual average of 227% return on media buy investment

The ongoing goals of the Reverse Litter public awareness campaign:

- Awareness building - opening our eyes to the problem of litter
- Community outreach - inform and educate residents on how to help
- Community engagement - encourage everyone to be part of the solution

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Council authorized a Memorandum of Understanding for regional public awareness campaigns with Tarrant Regional Water District; including an attachment to that agreement for the Reverse Litter Campaign; on September 26, 2012, by Resolution No. 12-2429.

Information about this item will be provided to the Transportation & Trinity River Project Committee on June 13, 2016.

FISCAL INFORMATION

Stormwater Drainage Management Current Funds - \$500,000 (subject to annual appropriations)

Water Utilities Current Funds - \$500,000 (subject to annual appropriations)

Sanitation Current Funds - \$50,000 (for FY 2015/16)

June 15, 2016

WHEREAS, the population of the Dallas-Fort Worth Metroplex and surrounding communities is more than six million people; and

WHEREAS, each year hundreds of tons of trash and debris wind up in creeks and rivers that flow into our reservoirs; and,

WHEREAS, Dallas and the Tarrant Regional Water District have a keen interest in protecting and preserving the quality of our waterways; and,

WHEREAS, Dallas is required to develop and submit to the Texas Commission on Environmental Quality a Stormwater Management Plan which includes abatement of litter and floatables, as well as comprehensive public education, outreach, public involvement and participation; and,

WHEREAS, Reverse Litter is an established regional anti-litter campaign, managed and funded by the Tarrant Regional Water District and the cities of Dallas, Denton and Fort Worth; and,

WHEREAS, the Tarrant Regional Water District and the cities of Dallas, Denton and Fort Worth plan to continue the public awareness campaign and anti-litter efforts.

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 an amendment to the Memorandum of Understanding with the Tarrant Regional Water District to support the regional awareness campaign to address litter for an additional five-year period.

Section 2. That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed \$1,050,000.00 from MASCDWU7030H1601 as follows:

<u>FUND</u>	<u>DEPT</u>	<u>UNIT</u>	<u>OBJ</u>	<u>AMOUNT</u>	
0061	SDM	4908	3099	\$500,000	(subject to annual appropriations)

<u>FUND</u>	<u>DEPT</u>	<u>UNIT</u>	<u>OBJ</u>	<u>AMOUNT</u>	
0100	DWU	7030	3072	\$500,000	(subject to annual appropriations)

<u>FUND</u>	<u>DEPT</u>	<u>UNIT</u>	<u>OBJ</u>	<u>AMOUNT</u>
0440	SAN	3599	3099	\$50,000

June 15, 2016

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.

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: June 15, 2016

COUNCIL DISTRICT(S): Outside City Limits

DEPARTMENT: Water Utilities

CMO: Mark McDaniel, 670-3256

MAPSCO: 2 T

SUBJECT

Authorize a contract for the cleaning and rehabilitation of residuals lagoons A, B, and C at the Elm Fork Water Treatment Plant - Merrell Bros., Inc., lowest responsible bidder of four - Not to exceed \$11,221,424 - Financing: Water Utilities Capital Improvement Funds

BACKGROUND

This action consists of cleaning and rehabilitation of the residuals lagoons at the Elm Fork Water Treatment Plant (EFWTP). The EFWTP is the second largest of three water treatment plants serving customers of the City of Dallas - Water Utilities Department. It was constructed in the 1950's and has a current capacity of 300 million gallons per day. Residuals are a normal by-product of the drinking water treatment process and are stored in on-site lagoons. As these residuals lagoons reach capacity, periodic cleaning and rehabilitation is necessary. This project will restore capacity in the lagoons and ensure that the EFWTP continues to meet production demands and environmental regulations mandated by the Texas Commission on Environmental Quality.

Merrell Bros., Inc. completed contractual activities in the past three years:

	<u>PBW</u>	<u>DWU</u>	<u>PKR</u>
Projects Authorized	0	1	0
Change Orders	0	1	0
Projects Requiring Liquidated Damages	0	0	0
Projects Completed by Bonding Company	0	0	0

ESTIMATED SCHEDULE OF PROJECT

Began Design	March 2014
Completed Design	April 2016
Begin Construction	July 2016
Complete Construction	January 2018

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Authorized a professional services contract with Malcolm Pirnie, Inc. to provide engineering services for Elm Fork Water Treatment Plant water quality improvements on June 23, 2010, by Resolution No. 10-1641.

Authorized Supplemental Agreement No. 1 to the professional services contract with Malcolm Pirnie, Inc. for additional engineering services for the Elm Fork Water Treatment Plant water quality improvements on September 14, 2011, by Resolution No. 11-2422.

Authorized Supplemental Agreement No. 2 to the professional services contract with Malcolm Pirnie, Inc. for additional engineering services associated with water quality improvements at the Elm Fork Water Treatment Plant on August 28, 2013, by Resolution No. 13-1469.

Information about this item will be provided to the Transportation & Trinity River Project Committee on June 13, 2016.

FISCAL INFORMATION

\$11,221,424.00 - Water Utilities Capital Improvement Funds

Design	\$ 7,562,770.00
Supplemental Agreement No. 1	\$ 6,500,000.00
Supplemental Agreement No. 2	\$ 5,622,236.00
Construction (this action)	<u>\$11,221,424.00</u>
Total Project Cost	\$30,906,430.00

M/WBE INFORMATION

See attached.

ETHNIC COMPOSITION

Merrell Bros., Inc.

Hispanic Female	0	Hispanic Male	1
Black Female	0	Black Male	0
White Female	10	White Male	82
Other Female	0	Other Male	0

BID INFORMATION

The following bids with quotes were opened on April 15, 2016:

*Denotes successful bidder

<u>Bidders</u>	<u>Bid Amount</u>
*Merrell Bros., Inc. 8811 West 500 North Kokomo, Indiana 46901	\$11,221,424.00
Renda Environmental, Inc.	\$12,178,000.00
Record Steel and Construction, Inc.	\$14,839,500.00
Quest Civil Constructors, Inc.	\$20,610,016.00

OWNER

Merrell Bros., Inc.

Nieta Merrell, President

MAP

Attached

BUSINESS INCLUSION AND DEVELOPMENT PLAN SUMMARY

PROJECT: Authorize a contract for the cleaning and rehabilitation of residuals lagoons A, B, and C at the Elm Fork Water Treatment Plant - Merrell Bros., Inc., lowest responsible bidder of four - Not to exceed \$11,221,424 - Financing: Water Utilities Capital Improvement Funds

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

PROJECT CATEGORY: Construction

LOCAL/NON-LOCAL CONTRACT SUMMARY

	<u>Amount</u>	<u>Percent</u>
Total local contracts	\$3,500.00	0.03%
Total non-local contracts	\$11,217,924.00	99.97%
TOTAL CONTRACT	\$11,221,424.00	100.00%

LOCAL/NON-LOCAL M/WBE PARTICIPATION

Local Contractors / Sub-Contractors

<u>Local</u>	<u>Certification</u>	<u>Amount</u>	<u>Percent</u>
LCA Environmental	WFDB32286Y0416	\$3,500.00	100.00%
Total Minority - Local		\$3,500.00	100.00%

Non-Local Contractors / Sub-Contractors

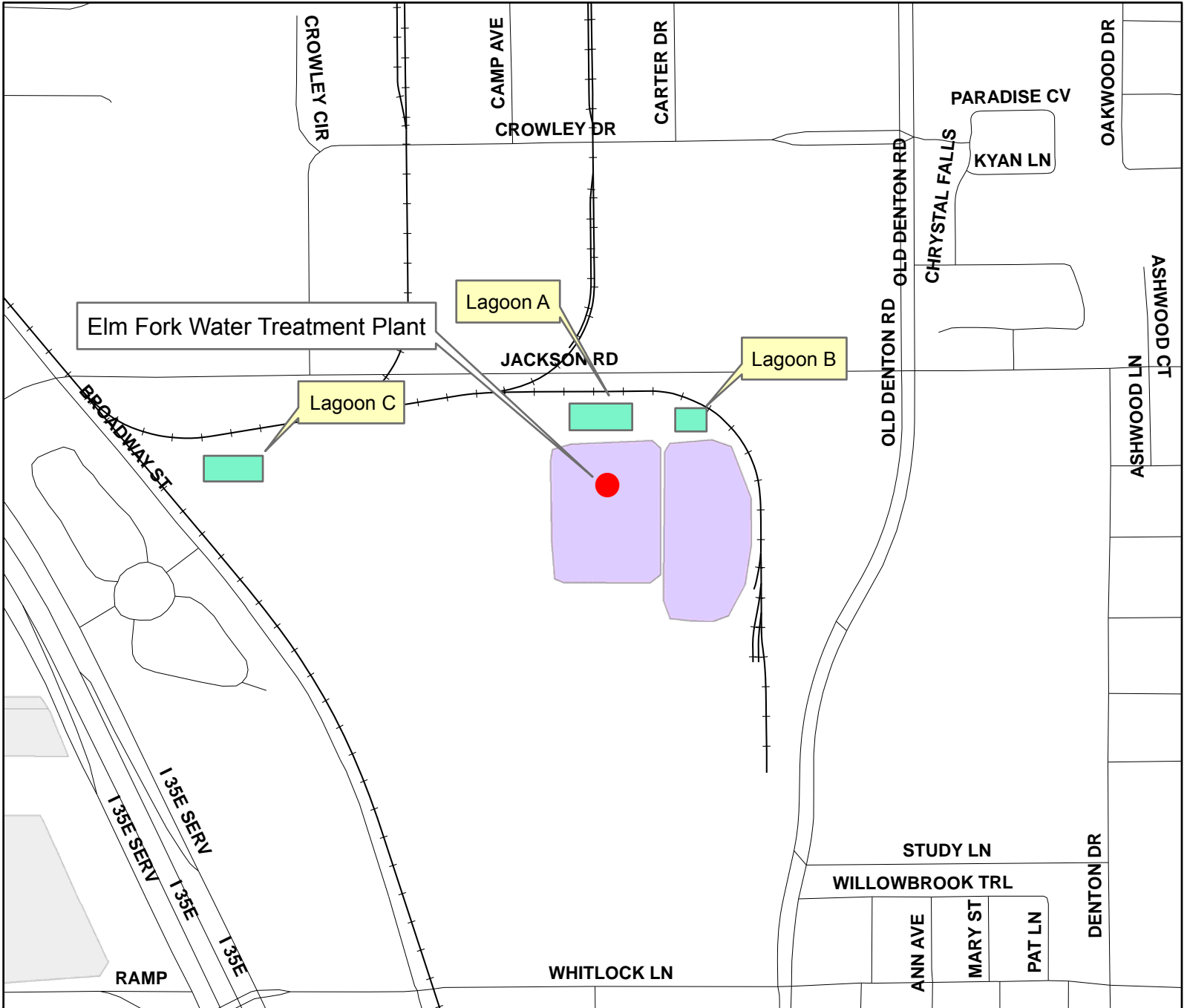
<u>Non-local</u>	<u>Certification</u>	<u>Amount</u>	<u>Percent</u>
Partnering for Success	HFMB61772Y0516	\$5,000.00	0.04%
G.L. Morris Ent. dba Sunbelt Enterprises	WFWB64135Y0217	\$2,872,685.00	25.61%
Champion Fuel	WFDB49106Y0617	\$41,000.00	0.37%
MMG Building Services & Construction Services, LLC	WFWB62284N0616	\$5,000.00	0.04%
Total Minority - Non-local		\$2,923,685.00	26.06%

BUSINESS INCLUSION AND DEVELOPMENT PLAN SUMMARY

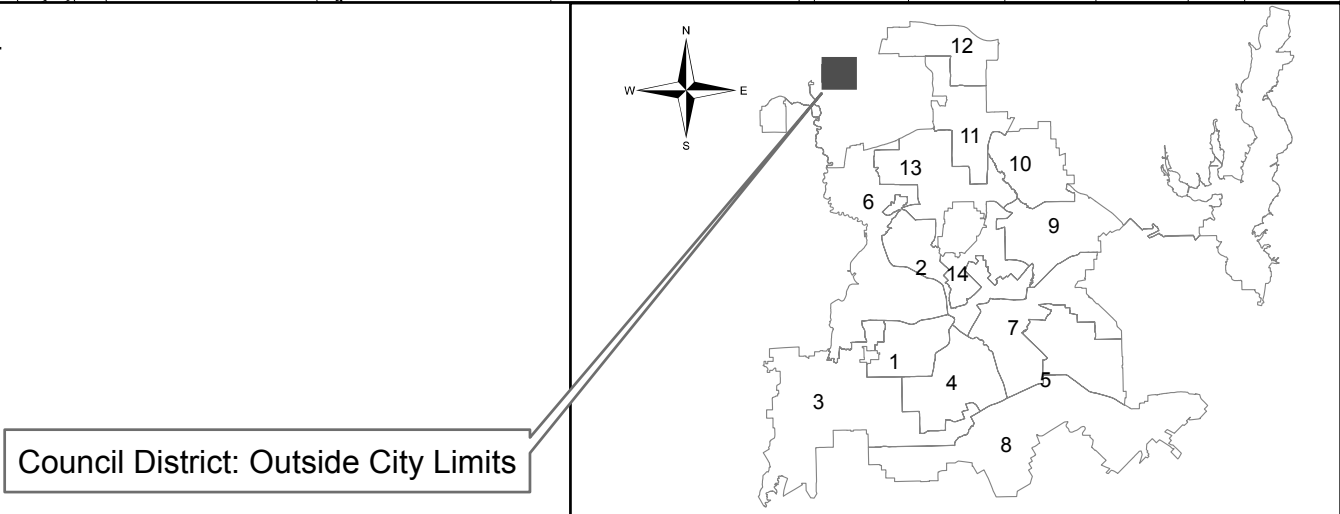
Page 2

TOTAL M/WBE CONTRACT PARTICIPATION

	<u>Local</u>	<u>Percent</u>	<u>Local & Non-Local</u>	<u>Percent</u>
African American	\$0.00	0.00%	\$0.00	0.00%
Hispanic American	\$0.00	0.00%	\$5,000.00	0.04%
Asian American	\$0.00	0.00%	\$0.00	0.00%
Native American	\$0.00	0.00%	\$0.00	0.00%
WBE	\$3,500.00	100.00%	\$2,922,185.00	26.04%
Total	<u>\$3,500.00</u>	<u>100.00%</u>	<u>\$2,927,185.00</u>	<u>26.09%</u>



Mapsc0: 2 T



June 15, 2016

WHEREAS, bids were received on April 15, 2016 for the cleaning and rehabilitation of residuals lagoons A, B, and C at the Elm Fork Water Treatment Plant, Contract No. 16-181, listed as follows:

<u>BIDDERS</u>	<u>BID AMOUNT</u>
Merrell Bros., Inc.	\$11,221,424.00
Renda Environmental, Inc.	\$12,178,000.00
Record Steel and Construction, Inc.	\$14,839,500.00
Quest Civil Constructors, Inc.	\$20,610,016.00

WHEREAS, the bid submitted by Merrell Bros., Inc., 8811 West 500 North, Kokomo, Indiana 46901, in the amount of \$11,221,424.00, is the lowest and best of all bids received.

Now, Therefore,

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

Section 1. That the bid submitted by Merrell Bros, Inc., in the amount of \$11,221,424.00, for doing the work covered by the plans, specifications, and contract documents, Contract No. 16-181, be accepted.

Section 2. That the City Manager is hereby authorized to execute a contract with Merrell Bros, Inc., for the cleaning and rehabilitation of residuals lagoons A, B, and C at the Elm Fork Water Treatment Plant, after approval as to form by the City Attorney.

Section 3. That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed \$11,221,424.00 from the Water Capital Improvement Fund as follows:

<u>FUND</u>	<u>DEPT</u>	<u>UNIT</u>	<u>OBJ</u>	<u>PRO</u>	<u>ENCUMBRANCE</u>	<u>VENDOR</u>
3115	DWU	PW31	4320	716181	CT-DWU716181CP	VS0000063711

Merrell Bros., Inc. - (Contract No. 16-181) - \$11,221,424.00

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

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: June 15, 2016

COUNCIL DISTRICT(S): All

DEPARTMENT: Water Utilities

CMO: Mark McDaniel, 670-3256

MAPSCO: Various

SUBJECT

Authorize an increase to the 18-month master agreement with Omega Contracting, Inc. for additional work associated with wastewater small services installations throughout the city - Not to exceed \$2,122,256, from \$10,981,864 to \$13,104,120 - Financing: Water Utilities Capital Construction Funds

BACKGROUND

On March 25, 2015, the City Council authorized a contract with Omega Contracting, Inc. for (1) an 18-month master agreement for water and wastewater small services installations at various locations; (2) a contract for the installation of water and wastewater mains at 12 locations; and (3) an 18-month master agreement for water and wastewater mainline extensions and emergency mainline installations and relocations at various locations.

Following the implementation of the contract, Dallas Water Utilities (DWU) has received a significantly higher than anticipated volume of permitted wastewater service requests. These service requests support development activities and are initiated by Sustainable Development upon issuance of a permit to a property owner. Available funding under the original contract will not be adequate to provide for permitted wastewater service installations for the rest of the master agreement period.

This action will provide the additional funds needed to keep up with anticipated wastewater service installation requests for the remaining period of the master agreement. In order to avoid major disruption and delays to development efforts, it is critical to provide new wastewater services in a timely manner. The delay of permitted wastewater service installations is likely to lead to excessive customer complaints, and will affect DWU's efforts to meet the service needs of future growth.

ESTIMATED SCHEDULE OF PROJECT

Began Installation May 2015
Complete Installation November 2016

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Authorized (1) an 18-month master agreement for water and wastewater small services installations at various locations; (2) a contract for the installation of water and wastewater mains at 12 locations; and (3) an 18-month master agreement for water and wastewater mainline extensions and emergency mainline installations and relocations at various locations on March 25, 2015, by Resolution No. 15-0511.

Information about this item will be provided to the Transportation & Trinity River Project Committee on June 13, 2016.

FISCAL INFORMATION

\$2,122,256.00 - Water Utilities Capital Construction Funds

Construction Contract	\$10,981,864.00
Change Order No. 1 (this action)	<u>\$ 2,122,256.00</u>

Total Project Cost	\$13,104,120.00
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M/WBE INFORMATION

See attached.

ETHNIC COMPOSITION

Omega Contracting, Inc.

Hispanic Female	3	Hispanic Male	95
Black Female	0	Black Male	4
White Female	0	White Male	7
Other Female	0	Other Male	0

OWNER

Omega Contracting, Inc.

Luis Spinola, Owner

MAP

Attached

BUSINESS INCLUSION AND DEVELOPMENT PLAN SUMMARY

PROJECT: Authorize an increase to the 18-month master agreement with Omega Contracting, Inc. for additional work associated with wastewater small services installations throughout the city - Not to exceed \$2,122,256, from \$10,981,864 to \$13,104,120 - Financing: Water Utilities Capital Construction Funds

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

PROJECT CATEGORY: Construction

LOCAL/NON-LOCAL CONTRACT SUMMARY - THIS ACTION ONLY

	<u>Amount</u>	<u>Percent</u>
Local contracts	\$2,117,256.00	99.76%
Non-local contracts	\$5,000.00	0.24%
TOTAL THIS ACTION	\$2,122,256.00	100.00%

LOCAL/NON-LOCAL M/WBE PARTICIPATION THIS ACTION

Local Contractors / Sub-Contractors

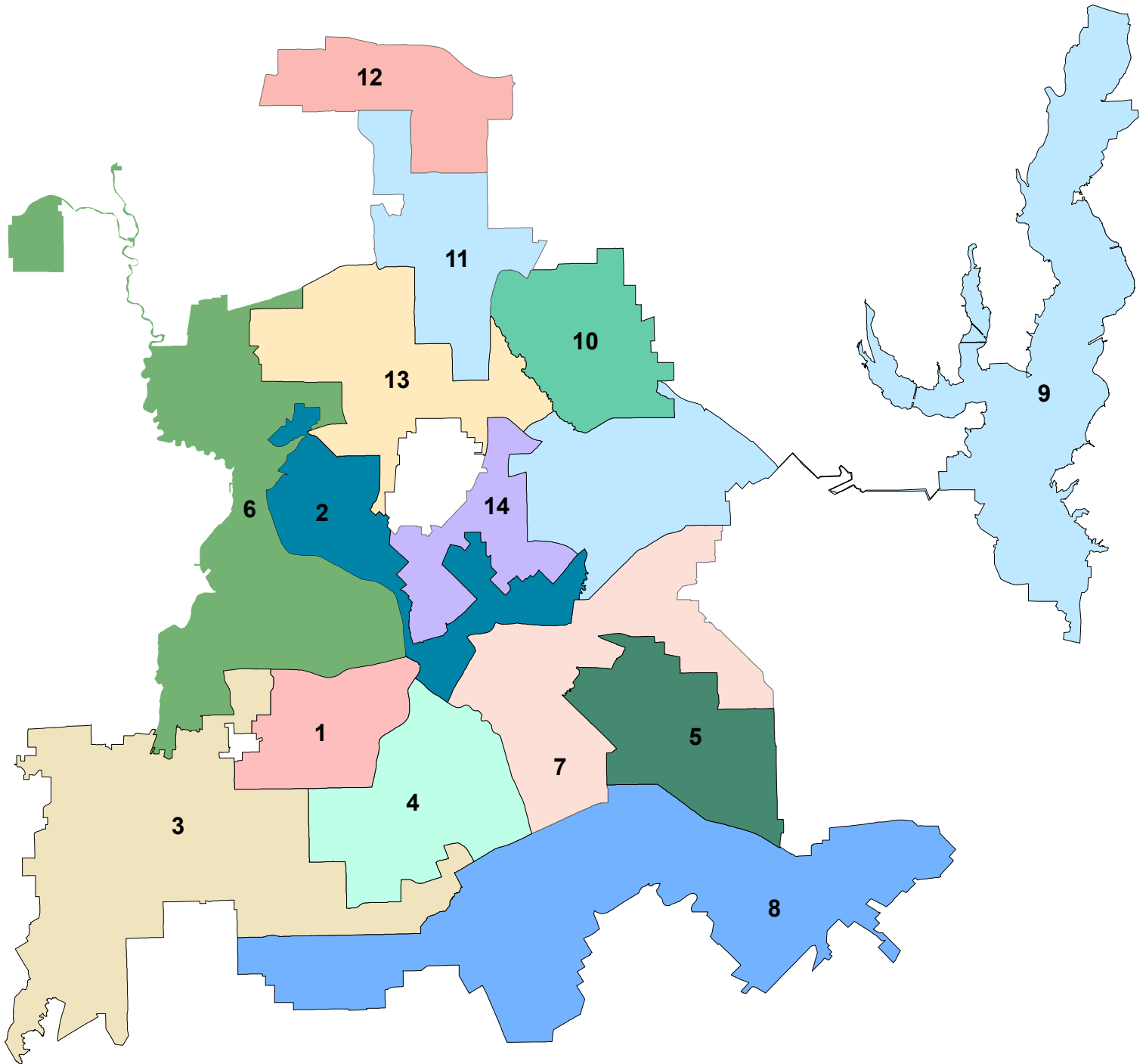
<u>Local</u>	<u>Certification</u>	<u>Amount</u>	<u>Percent</u>
Omega Contracting, Inc.	HMMB63334Y1016	\$1,767,256.00	83.47%
G & G Sawing	HMDB62844Y1216	\$350,000.00	16.53%
Total Minority - Local		\$2,117,256.00	100.00%

Non-Local Contractors / Sub-Contractors

<u>Non-local</u>	<u>Certification</u>	<u>Amount</u>	<u>Percent</u>
Buyers Barricades	WFDB24016Y0516	\$5,000.00	100.00%
Total Minority - Non-local		\$5,000.00	100.00%

TOTAL M/WBE PARTICIPATION

	<u>This Action</u>		<u>Participation to Date</u>	
	<u>Amount</u>	<u>Percent</u>	<u>Amount</u>	<u>Percent</u>
African American	\$0.00	0.00%	\$0.00	0.00%
Hispanic American	\$2,117,256.00	99.76%	\$10,418,345.00	79.50%
Asian American	\$0.00	0.00%	\$0.00	0.00%
Native American	\$0.00	0.00%	\$0.00	0.00%
WBE	\$5,000.00	0.24%	\$25,775.00	0.20%
Total	\$2,122,256.00	100.00%	\$10,444,120.00	79.70%



Dallas Water Utilities
Contract No. 15-043/044, Change Order No. 1
Installation of Permitted Wastewater Service Requests

June 15, 2016

WHEREAS, on March 25, 2015, the City Council awarded Contract No. 15-043/044 in the amount of \$10,981,864.00, by Resolution No. 15-0511, to Omega Contracting, Inc., for (1) an 18-month master agreement for water and wastewater small services installations at various locations; (2) a contract for the installation of water and wastewater mains at 12 locations; and (3) an 18-month master agreement for water and wastewater mainline extensions and emergency mainline installations and relocations at various locations; and,

WHEREAS, Dallas Water Utilities has received a higher than anticipated volume of permitted wastewater service requests and available funding under the original contract will not be adequate to provide for permitted wastewater service installations for the rest of the master agreement period; and,

WHEREAS, Omega Contracting, Inc., 2518 Chalk Hill Road, Dallas, Texas 75212, has submitted an acceptable proposal for this additional work; and,

WHEREAS, Dallas Water Utilities recommends that Contract No. 15-043/044 be increased by \$2,122,256.00, from \$10,981,864.00 to \$13,104,120.00.

Now, Therefore,

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

Section 1. That the proposed Change Order No. 1 be accepted and that Contract No. 15-043/044 with Omega Contracting, Inc., be revised accordingly.

Section 2. That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed \$2,122,256.00 from the Wastewater Construction Fund as follows:

<u>FUND</u>	<u>DEPT</u>	<u>BALANCE SHEET ACCOUNT</u>	<u>VENDOR</u>
0103	DWU	0531	345379

Omega Contracting, Inc. - (Contract No. 15-044) - \$2,122,256.00

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.

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: June 15, 2016

COUNCIL DISTRICT(S): 2, 5, 7, 9

DEPARTMENT: Water Utilities

CMO: Mark McDaniel, 670-3256

MAPSCO: Various

SUBJECT

Authorize Supplemental Agreement No. 1 to the engineering services contract with Carollo Engineers, Inc. to provide additional design services for the renewal of wastewater interceptor mains in Ash Creek and White Rock Creek (list attached) - Not to exceed \$1,827,007, from \$2,929,518 to \$4,756,525 - Financing: Water Utilities Capital Improvement Funds

BACKGROUND

This action consists of providing engineering services for the study, survey and design of an estimated 27,700 feet of wastewater interceptor main rehabilitation and renewal, including approximately 3,800 feet of 39-inch wastewater interceptor main in Ash Creek and approximately 23,900 feet of 54-inch wastewater interceptor main in White Rock Creek.

The mains targeted for design were built in 1948 and 1968. The wastewater mains contribute to excessive amounts of inflow and infiltration into the wastewater collection system, resulting in wastewater overflows and high maintenance costs. The design will include sizing the future renewal mains for improved capacity, and once built will reduce maintenance costs.

ESTIMATED SCHEDULE OF PROJECT

Begin Design	July 2016
Complete Design	July 2017
Begin Construction	July 2017
Complete Construction	October 2018

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Authorized an engineering services contract with Carollo Engineers, Inc. to (1) provide engineering design services for the replacement and rehabilitation of water and wastewater mains at seven locations; and (2) provide alignment study at one location on December 10, 2014, by Resolution No. 14-2127.

Information about this item will be provided to the Transportation & Trinity River Project Committee on June 13, 2016.

FISCAL INFORMATION

\$1,827,007.00 - Water Utilities Capital Improvement Funds

Design	\$2,929,518.00
Supplemental Agreement No. 1 (this action)	<u>\$1,827,007.00</u>
Total Project Cost	\$4,756,525.00

<u>Council District</u>	<u>Amount</u>
2	\$ 288,489.00
5	\$ 309,133.00
7	\$ 686,775.00
9	<u>\$ 542,610.00</u>
Total	\$1,827,007.00

M/WBE INFORMATION

See attached.

ETHNIC COMPOSITION

Carollo Engineers, Inc.

Hispanic Female	3	Hispanic Male	4
Black Female	4	Black Male	2
White Female	8	White Male	18
Other Female	1	Other Male	3

OWNER

Carollo Engineers, Inc.

Balakrishnan Narayanan, Chief Executive Officer

MAPS

Attached

Renewal of Wastewater Interceptor Mains

District 2

*Easement in White Rock Creek from north of Garland Road to Bruton Road

District 5

*(Easement in White Rock Creek from north of Garland Road to Bruton Road)
(See Districts 2, 7 and 9)

District 7

*(Easement in White Rock Creek from north of Garland Road to Bruton Road)
(See Districts 2, 5 and 9)

District 9

Easement in Ash Creek from Highland Road southwest

*(Easement in White Rock Creek from north of Garland Road to Bruton Road)
(See Districts 2, 5 and 7)

*Project limits in more than one Council District

BUSINESS INCLUSION AND DEVELOPMENT PLAN SUMMARY

PROJECT: Authorize Supplemental Agreement No. 1 to the engineering services contract with Carollo Engineers, Inc. to provide additional design services for the renewal of wastewater interceptor mains in Ash Creek and White Rock Creek (list attached) - Not to exceed \$1,827,007, from \$2,929,518 to \$4,756,525 - Financing: Water Utilities Capital Improvement Funds

Carollo Engineers, Inc. is a local, non-minority firm, has signed the "Business Inclusion & Development" documentation, and proposes to use the following sub-consultants.

PROJECT CATEGORY: Architecture & Engineering

LOCAL/NON-LOCAL CONTRACT SUMMARY - THIS ACTION ONLY

	<u>Amount</u>	<u>Percent</u>
Local contracts	\$1,827,007.00	100.00%
Non-local contracts	\$0.00	0.00%
TOTAL THIS ACTION	\$1,827,007.00	100.00%

LOCAL/NON-LOCAL M/WBE PARTICIPATION THIS ACTION

Local Contractors / Sub-Contractors

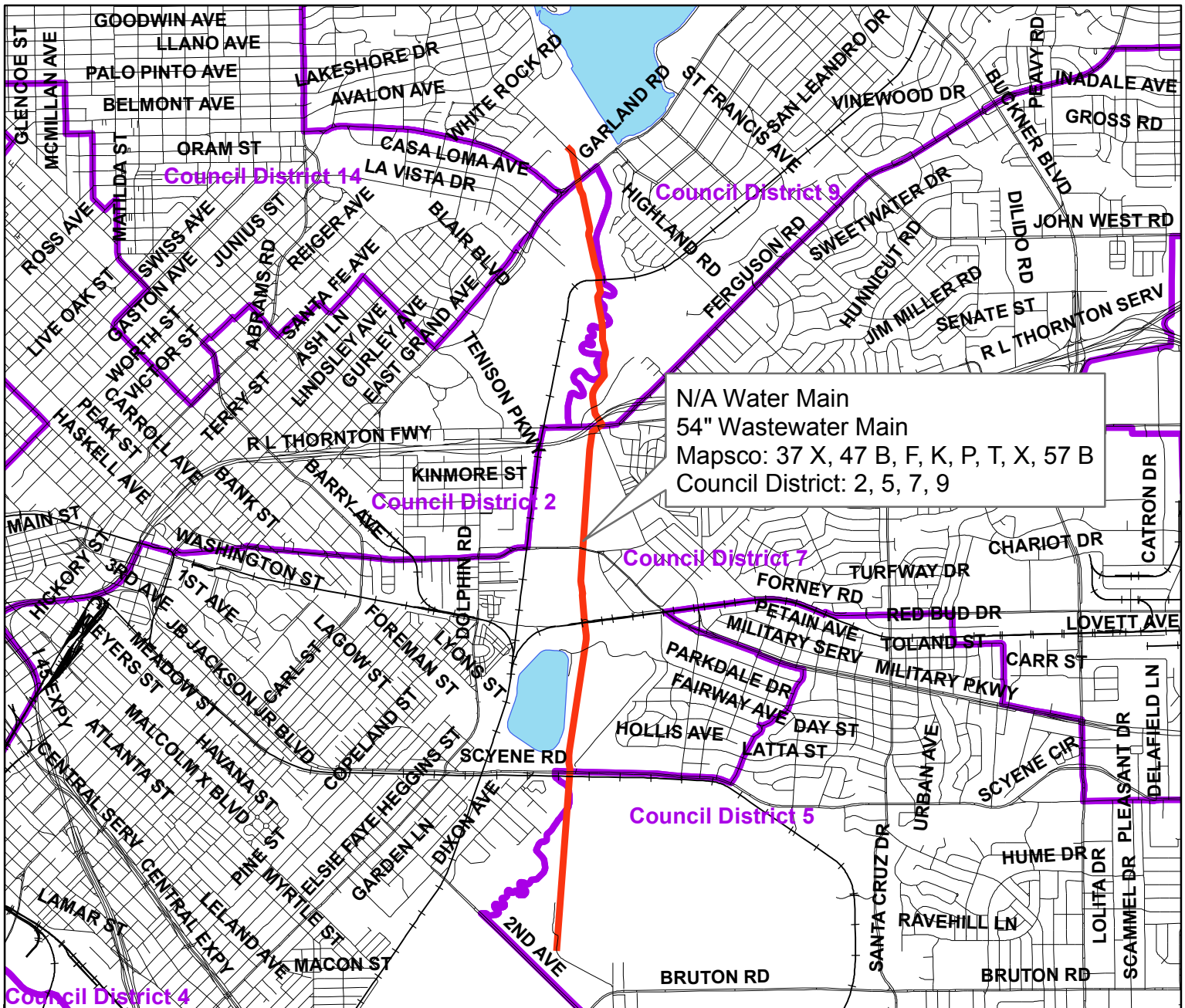
<u>Local</u>	<u>Certification</u>	<u>Amount</u>	<u>Percent</u>
Technical Associates Services, Inc.	BMDB27862Y0716	\$357,000.00	19.54%
Alliance Geotechnical Group, Inc.	BMDB94986Y0117	\$20,000.00	1.09%
Criado & Associates	HFDB44840Y0716	\$173,563.00	9.50%
VRX, Inc.	WFDB30224Y0317	\$24,000.00	1.31%
Total Minority - Local		\$574,563.00	31.45%

Non-Local Contractors / Sub-Contractors

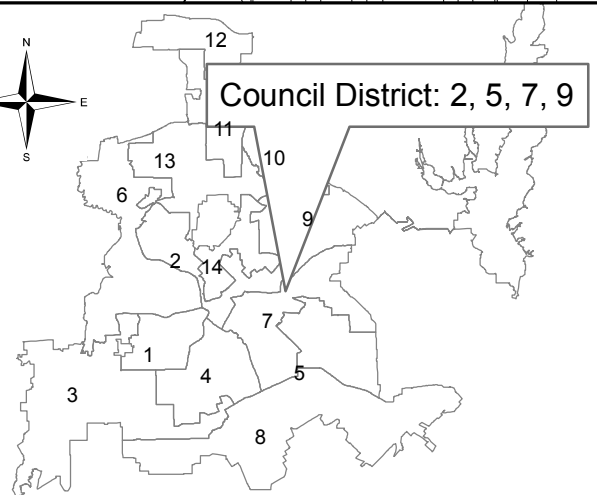
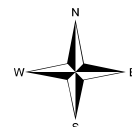
None

TOTAL M/WBE PARTICIPATION

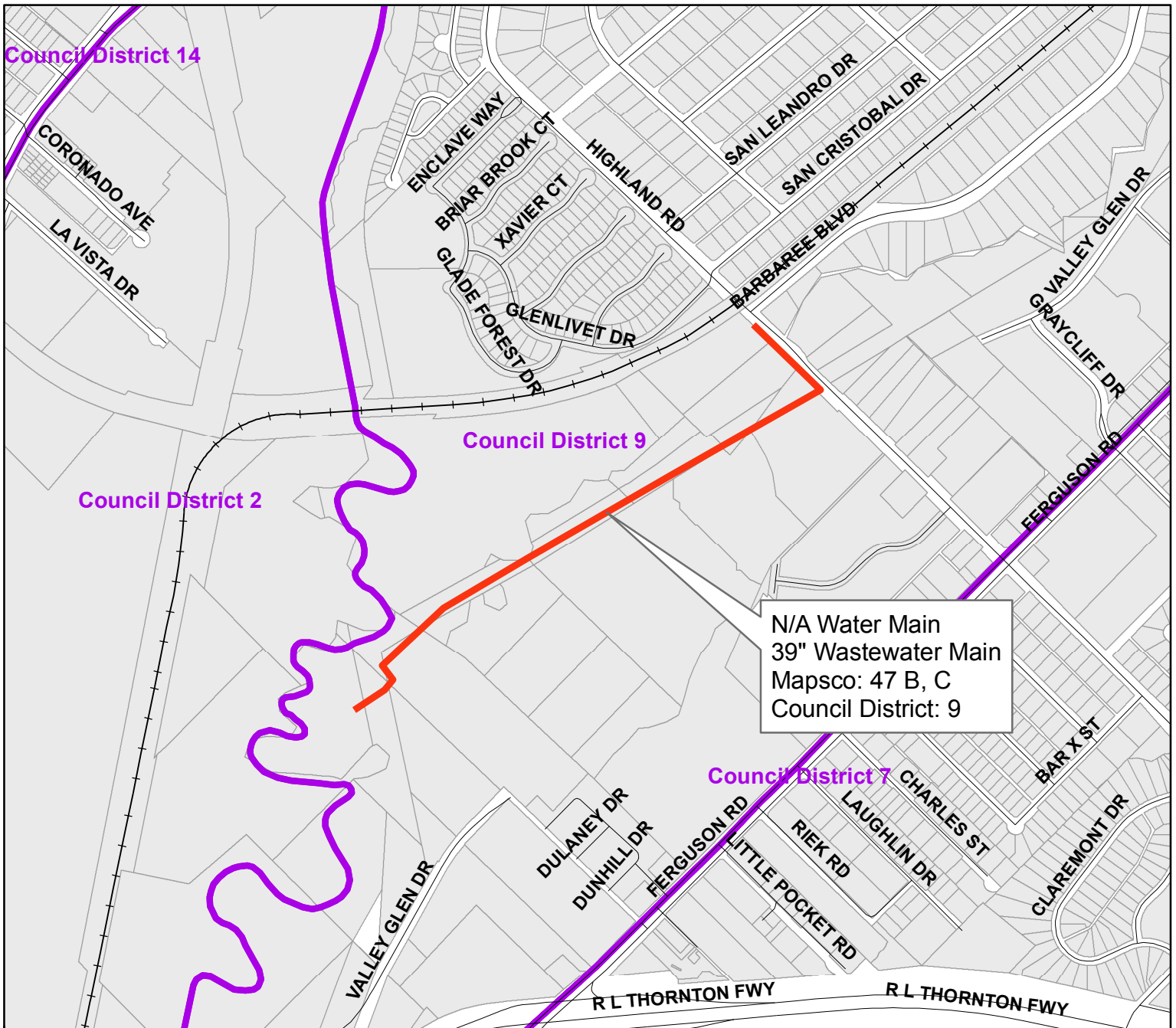
	<u>This Action</u>		<u>Participation to Date</u>	
	<u>Amount</u>	<u>Percent</u>	<u>Amount</u>	<u>Percent</u>
African American	\$377,000.00	20.63%	\$718,000.00	15.10%
Hispanic American	\$173,563.00	9.50%	\$759,466.60	15.97%
Asian American	\$0.00	0.00%	\$0.00	0.00%
Native American	\$0.00	0.00%	\$0.00	0.00%
WBE	\$24,000.00	1.31%	\$199,000.00	4.18%
Total	\$574,563.00	31.45%	\$1,676,466.60	35.25%



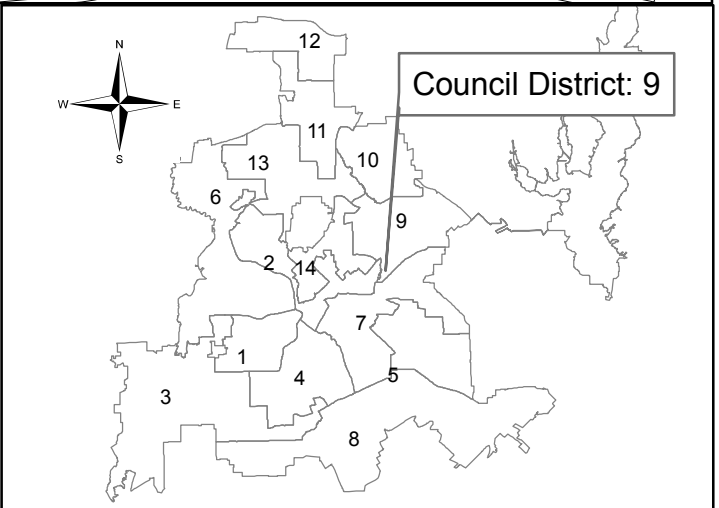
Easement in White Rock Creek
from north of Garland Road to Bruton Road



Dallas Water Utilities
Contract No. 14-387E/388E, Supplemental Agreement No. 1
Renewal of Wastewater Interceptor Mains
in White Rock Creek and Ash Creek



Easement in Ash Creek from
Highland Road southwest



June 15, 2016

WHEREAS, on December 10, 2014, the City Council awarded Contract No. 14-387/388E in the amount of \$2,929,518.00, by Resolution No.14-2127, to Carollo Engineers, Inc., to (1) provide engineering design services for the replacement and rehabilitation of water and wastewater mains at seven locations; and (2) provide alignment study at one location; and,

WHEREAS, additional engineering services are required for the study, survey, and design of wastewater interceptor mains in Ash Creek and White Rock Creek to address capacity related overflows; and,

WHEREAS, Carollo Engineers, Inc., 14785 Preston Road, Suite 950, Dallas, Texas 75254, has submitted an acceptable proposal to provide these engineering services; and,

WHEREAS, Dallas Water Utilities recommends that Contract No. 14-387/388E be increased by \$1,827,007.00, from \$2,929,518.00 to \$4,756,525.00.

Now, Therefore,

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

Section 1. That the proposed Supplemental Agreement No. 1 be accepted and that Contract No. 14-387/388E with Carollo Engineers, Inc., be revised accordingly.

Section 2. That the City Manager is hereby authorized to execute the contract after it has been approved as to form by the City Attorney.

Section 3. That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed \$1,827,007.00 from the Wastewater Capital Improvement Fund as follows:

<u>FUND</u>	<u>DEPT</u>	<u>UNIT</u>	<u>OBJ</u>	<u>PRO</u>	<u>ENCUMBRANCE</u>	<u>VENDOR</u>
2116	DWU	PS40	4111	714388	DWU714388CP	339957

Carollo Engineers, Inc. - (Contract No. 14-388E) - \$1,827,007.00

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

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: June 15, 2016

COUNCIL DISTRICT(S): All

DEPARTMENT: Water Utilities

CMO: Mark McDaniel, 670-3256

MAPSCO: All

SUBJECT

Authorize Supplemental Agreement No. 4 to the professional services contract with HDR Engineering, Inc., to provide additional hydrologic and engineering services in support of an amendment to Dallas' Lake Ray Hubbard water rights permit and revisions to water supply operational guidelines - Not to exceed \$355,000, from \$865,500 to \$1,220,500 - Financing: Water Utilities Capital Construction Funds

BACKGROUND

The City Council awarded an engineering services contract on December 14, 2005, for hydrologic and engineering services to evaluate the water supply yield of Lake Ray Hubbard. The results of the study on Lake Ray Hubbard indicated that additional water yield is available, over and above the City's permitted diversion right. As a result, a permit amendment application for the additional yield in Lake Ray Hubbard was prepared and filed with the Texas Commission on Environmental Quality (TCEQ) on July 11, 2007.

The TCEQ has made several requests for information while processing the permit application. The TCEQ declared the application to be administratively complete on June 8, 2008. At the direction of the TCEQ, the City published notice on October 23, 2008.

Upon publishing notice, the TCEQ received contested case hearing requests from eight water rights holders and interested parties (i.e., Texas Parks and Wildlife Department, Trinity River Authority, City of Houston, North Texas Municipal Water District, National Wildlife Federation, Environmental Defense Fund, Texas Chapter Coastal Conservation Association and Texas Westmoreland Coal Company).

BACKGROUND (Continued)

In 2007, Senate Bill 3 of the 80th Legislature required the development and establishment of environmental flow standards. Senate Bill 3 also applied the environmental flow standards to water rights permits and amendments issued after September 1, 2007, thus delaying the Lake Ray Hubbard permit amendment through the development of the standards. In 2011, the TCEQ adopted environmental flow standards for the Trinity River Basin. Responses were prepared and submitted to several additional TCEQ requests for information.

On July 14, 2015, the TCEQ issued a draft permit for the additional Lake Ray Hubbard yield. Specific discussions with the eight protestants regarding the draft permit, have resulted in additional analysis, and the development of positions on requested changes to the draft permit.

The draft permit is on track to be placed on the TCEQ Commissioners' agenda for referral to the State Office of Administrative Hearings.

FISCAL INFORMATION

\$355,000.00 – Water Utilities Capital Construction Funds

Hydrologic and Engineering Services	\$ 170,000.00
Supplemental Agreement No. 1	\$ 158,000.00
Supplemental Agreement No. 2	\$ 240,000.00
Supplemental Agreement No. 3	\$ 297,500.00
Supplemental Agreement No. 4 (this action)	<u>\$ 355,000.00</u>
Total Project Cost	\$1,220,500.00

ESTIMATED SCHEDULE OF PROJECT

Began Work	December 2005
Complete Work	September 2018

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

City Council awarded Professional Services Contract No. 06-079E to HDR Engineering, Inc. for hydrologic and engineering services to evaluate the water supply yield of Lake Ray Hubbard and the East Fork of the Trinity River, on December 14, 2005, by Resolution No. 05-3471.

City Council awarded Supplemental Agreement No. 1 to the Professional Services Contract No. 06-079E to HDR Engineering, Inc. for additional hydrologic and engineering services to evaluate the water supply yield of Lake Ray Hubbard and the East Fork of the Trinity River, on November 8, 2006, by Resolution No. 06-3073.

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

City Council awarded Supplemental Agreement No. 2 to the Professional Services Contract No. 06-079E to HDR Engineering, Inc. to provide additional hydrologic and engineering services in support of an amendment to Dallas' Lake Ray Hubbard water rights permit on August 22, 2007, by Resolution No. 07-2409.

City Council was briefed on October 3, 2007 entitled "The Path to 2060: Dallas Water Plan Update" that included information regarding the filing of the Lake Ray Hubbard Permit amendment application.

City Council awarded Supplemental Agreement No. 3 to the Professional Services Contract No. 06-079E to HDR Engineering, Inc. to provide additional hydrologic and engineering services in support of an amendment to Dallas' Lake Ray Hubbard water rights permit on February 23, 2011, by Resolution No. 11-0580.

Information about this item will be provided to the Transportation & Trinity River Project Committee on June 13, 2016.

M/WBE INFORMATION

See attached.

ETHNIC COMPOSITION

HDR Engineering, Inc.

Hispanic Female	200	Hispanic male	387
Black female	105	Black male	204
White female	2,181	White male	5,028
Other female	580	Other male	950

OWNER

HDR Engineering, Inc.

George A. Little, Chairman and Chief Executive Officer

MAP

Attached

BUSINESS INCLUSION AND DEVELOPMENT PLAN SUMMARY

PROJECT: Authorize Supplemental Agreement No. 4 to the professional services contract with HDR Engineering, Inc., to provide additional hydrologic and engineering services in support of an amendment to Dallas' Lake Ray Hubbard water rights permit and revisions to water supply operational guidelines - Not to exceed \$355,000, from \$865,500 to \$1,220,500 - Financing: Water Utilities Capital Construction Funds

HDR Engineering, Inc. is a non-local, non-minority firm, has signed the "Business Inclusion & Development" documentation, and proposes to use the following sub-consultant.

PROJECT CATEGORY: Architecture & Engineering

LOCAL/NON-LOCAL CONTRACT SUMMARY - THIS ACTION ONLY

	<u>Amount</u>	<u>Percent</u>
Local contracts	\$55,000.00	15.49%
Non-local contracts	\$300,000.00	84.51%
TOTAL THIS ACTION	\$355,000.00	100.00%

LOCAL/NON-LOCAL M/WBE PARTICIPATION THIS ACTION

Local Contractors / Sub-Contractors

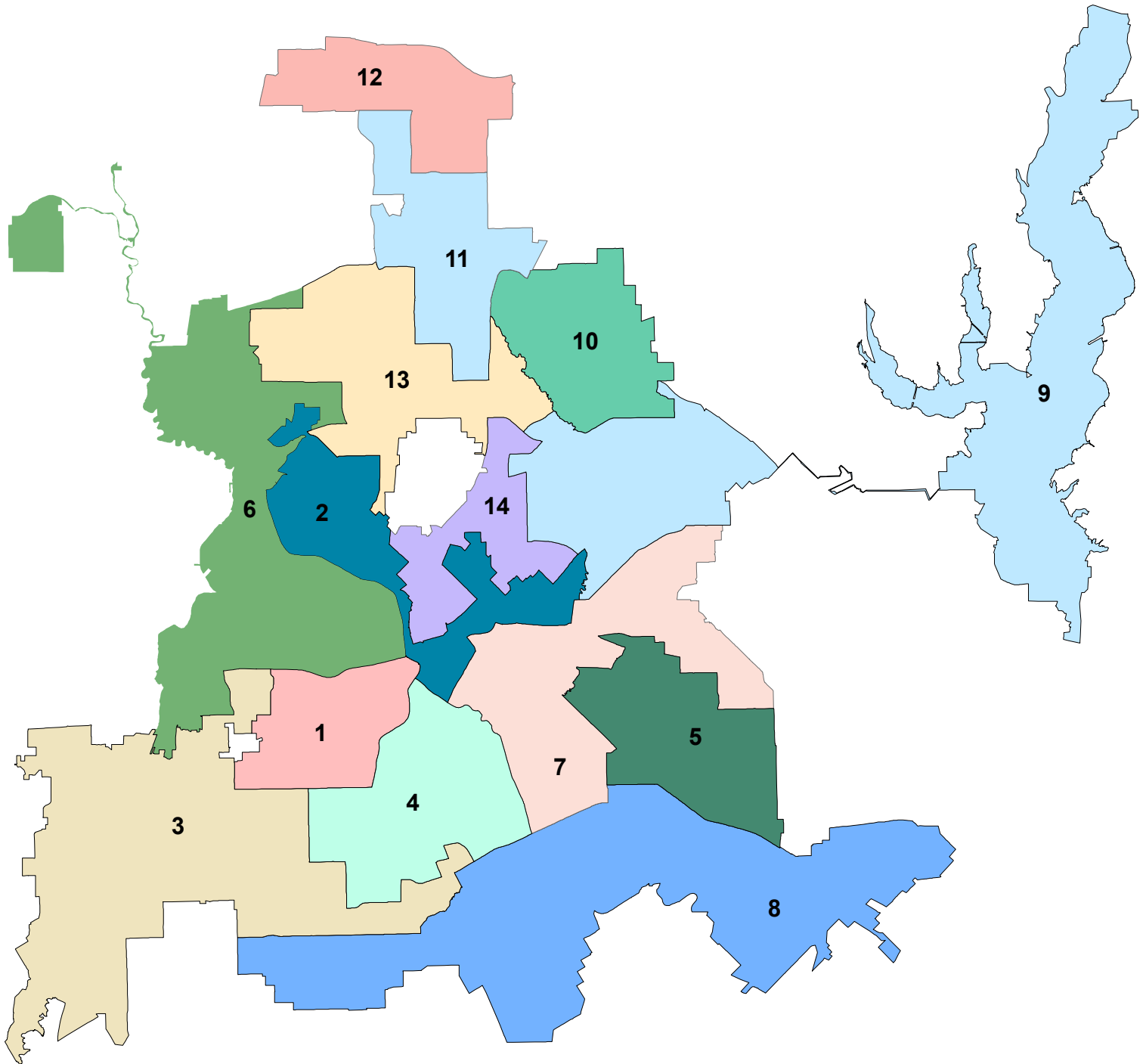
<u>Local</u>	<u>Certification</u>	<u>Amount</u>	<u>Percent</u>
JQ Infrastructure, LLC	IMDB80158Y0716	\$55,000.00	100.00%
Total Minority - Local		\$55,000.00	100.00%

Non-Local Contractors / Sub-Contractors

None

TOTAL M/WBE PARTICIPATION

	<u>This Action</u>		<u>Participation to Date</u>	
	<u>Amount</u>	<u>Percent</u>	<u>Amount</u>	<u>Percent</u>
African American	\$0.00	0.00%	\$54,935.65	4.50%
Hispanic American	\$0.00	0.00%	\$0.00	0.00%
Asian American	\$55,000.00	15.49%	\$55,000.00	4.51%
Native American	\$0.00	0.00%	\$0.00	0.00%
WBE	\$0.00	0.00%	\$1,049.61	0.09%
Total	\$55,000.00	15.49%	\$110,985.26	9.09%



June 15, 2016

WHEREAS, the City needs to maintain its existing water supplies while evaluating and connecting additional water supply, in order to meet the future needs of the citizens and customers of Dallas; and,

WHEREAS, a volumetric survey has been performed on Lake Ray Hubbard to measure the effects of sedimentation on the volume of water in the lake; and,

WHEREAS, the hydrology of the Lake Ray Hubbard watershed has changed as the area has developed since the construction of Lake Ray Hubbard; and,

WHEREAS, the City Council authorized a study to determine the yield of Lake Ray Hubbard; and,

WHEREAS, it has been determined that due to the development in the intervening Lake Ray Hubbard watershed below Lake Lavon, additional yield is available in Lake Ray Hubbard; and,

WHEREAS, the City Council authorized the preparation of permit amendment application documents; and,

WHEREAS, a permit amendment application has been filed with the Texas Commission on Environmental Quality to increase the City's diversion permit in Lake Ray Hubbard; and,

WHEREAS, the Texas Commission on Environmental Quality received eight requests for a contested case hearing; and,

WHEREAS, Senate Bill 3 of the 80th Legislature in 2007 required the establishment of environmental flow standards; and,

WHEREAS, the Texas Commission on Environmental Quality adopted environmental flow standards for the Trinity River Basin in 2011; and,

WHEREAS, the Texas Commission on Environmental Quality issued a draft permit amendment for an increase in the City's diversion permit in Lake Ray Hubbard; and,

WHEREAS, the Texas Commission on Environmental Quality is prepared to submit the water rights amendment to the State Office of Administrative Hearings.

June 15, 2016

Now, Therefore,

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

Section 1. That the proposed Supplemental Agreement No. 4 be accepted and that Contract No. 06-079E with HDR Engineering, Inc. be revised accordingly.

Section 2. That the City Manager is hereby authorized to enter into a contract with HDR Engineering, Inc. for the performance of said work.

Section 3. That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed \$355,000.00 from the Water Capital Construction Fund as follows:

<u>FUND</u>	<u>DEPT</u>	<u>UNIT</u>	<u>OBJ</u>	<u>PRO</u>	<u>ENCUMBRANCE</u>	<u>VENDOR</u>
0102	DWU	CW01	4111	706079	CTDWU706079EN	181219

HDR Engineering, Inc. - (Contract No. 06-079E)

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

KEY FOCUS AREA: E-Gov

AGENDA DATE: June 15, 2016

COUNCIL DISTRICT(S): All

DEPARTMENT: City Attorney's Office

CMO: Christopher D. Bowers, 670-3491

MAPSCO: N/A

SUBJECT

Consideration of two alternative ordinances amending Chapter 20A, "Fair Housing," of the Dallas City Code to either **(1)** prohibit discrimination in housing on the basis of source of income; or **(2)** prohibit discrimination in housing on the basis of source of income, except as prohibited by state law - Financing: No cost consideration to the City

BACKGROUND

In 2014, the City entered into a Voluntary Compliance Agreement ("VCA") with the U.S. Department of Housing and Urban Development. The VCA requires that the city council consider adoption of an ordinance that would prohibit discrimination in housing on the basis of source of income, including housing choice vouchers. An ordinance that complies with our VCA obligations is attached as "**Ordinance 1.**" Consideration of Ordinance 1 is sufficient to satisfy our VCA obligation; the VCA does not require that the city council approve this alternative.

After the City entered into the VCA, the Texas Legislature enacted a law that prohibits municipalities from adopting source of income ordinances related to federal housing assistance (except as to military veterans and voluntary programs). In light of the change to state law, the Housing Committee recommended an ordinance that would prohibit source of income discrimination, except as barred by state law. The Housing Committee's recommendations are reflected in the attached "**Ordinance 2.**" Also, as permitted by state law, the Housing Committee recommended that residential developments receiving city subsidies or increases in zoning density refrain from source of income discrimination, including housing choice vouchers. Finally, Ordinance 2 adds a new "safe harbor" defense, which states that property owners are safe from source of income discrimination claims if 10% of their residential units are leased to housing choice voucher holders.

PRIOR ACTION / REVIEW (COUNCIL, BOARDS, COMMISSIONS)

The Housing Committee was briefed on the source of income discrimination ordinance on January 4, and reviewed the alternative ordinances on May 2, 2016.

FISCAL INFORMATION

No cost consideration to the City.

ORDINANCE NO. _____

An ordinance amending Chapter 20A, “Fair Housing,” of the Dallas City Code by amending Sections 20A-2, 20A-3, 20A-4, 20A-5, 20A-7, and 20A-10; prohibiting discrimination in housing practices on the basis of source of income; providing a penalty not to exceed \$500; providing a saving clause; providing a severability clause; and providing an effective date.

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

SECTION 1. That Section 20A-2, “Declaration of Policy,” of Chapter 20A, “Fair Housing,” of the Dallas City Code, as amended, is amended to read as follows:

“SEC. 20A-2. DECLARATION OF POLICY.

It is the policy of the city of Dallas, through fair, orderly, and lawful procedures, to promote the opportunity for each person to obtain housing without regard to race, color, sex, religion, handicap, familial status, [ø] national origin, or source of income. This policy is grounded upon a recognition of the right of every person to have access to adequate housing of the person's own choice, and the denial of this right because of race, color, sex, religion, handicap, familial status, [ø] national origin, or source of income is detrimental to the health, safety, and welfare of the inhabitants of the city and constitutes an unjust deprivation of rights, which is within the power and proper responsibility of government to prevent.”

SECTION 2. That Section 20A-3, “Definitions,” of Chapter 20A, “Fair Housing,” of the Dallas City Code, as amended, is amended to read as follows:

“SEC. 20A-3. DEFINITIONS.

In this chapter, unless the context requires a different definition:

(1) ACCESSIBLE means that an area of a housing accommodation can be approached, entered, and used by a person with a physical handicap.

(2) ACCESSIBLE ROUTE means a continuous unobstructed path connecting accessible elements and spaces in a housing accommodation that can be negotiated by a person with a severe disability using a wheelchair and that is also safe for and usable by a person with other disabilities.

(3) ADMINISTRATOR means the administrator of the fair housing office designated by the city manager to enforce and administer this chapter and includes the administrator's designated representative.

(4) AGGRIEVED PERSON means a person claiming to be injured by a discriminatory housing practice.

(5) BUILDING ENTRANCE ON AN ACCESSIBLE ROUTE means an accessible entrance to a covered multi-family dwelling that is connected by an accessible route to public transportation stops, to accessible parking and passenger loading zones, or to the public streets or sidewalks, if available.

(6) COMPLAINANT means a person, including the administrator, who files a complaint under Section 20A-7.

(7) COVERED MULTI-FAMILY DWELLING means:

(A) a building consisting of four or more dwelling units if the building has one or more elevators; and

(B) a ground floor dwelling unit in any other building consisting of four or more dwelling units.

(8) DEFENSE means a defense to criminal prosecution in municipal court as explained in the Texas Penal Code. Defense also means, where specifically provided, an exemption from a civil action.

(9) DISCRIMINATORY HOUSING PRACTICE means conduct that is an offense under Section 20A-4 of this chapter.

(10) DWELLING UNIT means a single unit of residence for a family.

(11) FAMILIAL STATUS means the status of a person resulting from being:

(A) pregnant;

(B) domiciled with an individual younger than 18 years of age in regard to whom the person:

(i) is the parent or legal custodian; or

(ii) has the written permission of the parent or legal custodian for domicile with the individual; or

(C) in the process of obtaining legal custody of an individual younger than 18 years of age.

(12) FAMILY includes a single individual.

(13) HANDICAP:

(A) means:

(i) a physical or mental impairment that substantially limits one or more major life activities;

(ii) a record of an impairment described in Subparagraph (i) of this paragraph; or

(iii) being regarded as having an impairment described in Subparagraph (i) of this paragraph; and

(B) does not mean a current, illegal use of or addiction to a drug or illegal or federally-controlled substance.

(14) HOUSING ACCOMMODATION means:

(A) any building, structure, or part of a building or structure that is occupied, or designed or intended for occupancy, as a residence for one or more families; and

(B) any vacant land that is offered for sale or lease for the construction or location of a building, structure, or part of a building or structure described by Paragraph (A) of this subsection.

(15) PERSON means an individual, corporation, partnership, association, labor organization, legal representative, mutual company, joint-stock company, trust, unincorporated organization, trustee, receiver, or fiduciary or any employee, representative, or agent of the person.

(16) RENT means lease, sublease, or otherwise grant for a consideration the right to occupy premises that are not owned by the occupant.

(17) RESIDENCE does not include a hotel, motel, or similar public accommodation where occupancy is available exclusively on a temporary, day-to-day basis.

(18) RESIDENTIAL REAL ESTATE-RELATED TRANSACTION means:

(A) the making or purchasing of loans or the providing of other financial assistance:

(i) for purchasing, constructing, improving, repairing, or maintaining a housing accommodation; or

(ii) secured by residential real estate; or

(B) the selling, brokering, or appraising of residential real property.

(19) RESPONDENT means a person identified in a complaint or charge as having committed a discriminatory housing practice under this chapter.

(20) SOURCE OF INCOME means lawful, regular, and verifiable income from whatever source derived (including housing vouchers and other subsidies provided by government or non-governmental entities, child support, or spousal maintenance).”

SECTION 3. That Section 20A-4, “Discriminatory Housing Practices,” of Chapter 20A, “Fair Housing,” of the Dallas City Code, as amended, is amended to read as follows:

“SEC. 20A-4. DISCRIMINATORY HOUSING PRACTICES.

(a) A person commits an offense if he, because of race, color, sex, religion, handicap, familial status, ~~[\&]~~ national origin, or source of income:

(1) refuses to negotiate with a person for the sale or rental of a housing accommodation or otherwise denies or makes unavailable a housing accommodation to a person;

(2) refuses to sell or rent, or otherwise makes unavailable, a housing accommodation to another person after the other person makes an offer to buy or rent the accommodation; or

(3) discriminates against a person in the terms, conditions, or privileges of, or in providing a service or facility in connection with, the sale or rental of a housing accommodation.

(b) A person commits an offense if he, because of race, color, sex, religion, handicap, familial status, ~~[\&]~~ national origin, or source of income:

(1) represents to a person that a housing accommodation is not available for inspection, sale, or rental if the accommodation is available;

(2) discriminates against a prospective buyer or renter in connection with the showing of a housing accommodation; or

(3) with respect to a multiple listing service, real estate brokers' organization, or other business relating to selling or renting housing accommodations:

(A) denies a person access to or membership in the business; or

(B) discriminates against a person in the terms or conditions of access to or membership in the business.

(c) A person commits an offense if he:

(1) for profit, induces or attempts to induce another person to sell or rent a housing accommodation by a representation that a person of a particular race, color, sex, religion, handicap, familial status, [Ø] national origin, or source of income is in proximity to, is present in, or may enter into the neighborhood in which the housing accommodation is located;

(2) makes an oral or written statement indicating a policy of the respondent or a person represented by the respondent to discriminate on the basis of race, color, sex, religion, handicap, familial status, [Ø] national origin, or source of income in the selling or renting of a housing accommodation; or

(3) prints or publicizes or causes to be printed or publicized an advertisement that expresses a preference or policy of discrimination based on race, color, sex, religion, handicap, familial status, [Ø] national origin, or source of income in the selling or renting of a housing accommodation.

(d) A person who engages in a residential real estate-related transaction commits an offense if he, because of race, color, sex, religion, handicap, familial status, [Ø] national origin, or source of income, discriminates against a person:

(1) in making a residential real estate-related transaction available; or

(2) in the terms or conditions of a residential real estate-related transaction.

(e) A person commits an offense if he:

(1) discriminates in the sale or rental of a housing accommodation to any buyer or renter because of a handicap of:

(A) that buyer or renter;

(B) a person residing in or intending to reside in the housing accommodation after it is sold, rented, or made available; or

(C) any person associated with that buyer or renter; or

(2) discriminates against any person in the terms, conditions, or privileges of sale or rental of a housing accommodation, or in the provision of services or facilities in connection with the housing accommodation, because of a handicap of:

(A) that person;

(B) a person residing in or intending to reside in the housing accommodation after it is sold, rented, or made available; or

(C) any person associated with that person.

(f) A person commits an offense if he:

(1) refuses to permit, at the expense of a handicapped person, reasonable modifications of existing premises occupied or to be occupied by the handicapped person, if the modifications may be necessary to afford the handicapped person full use of the premises; except that, in the case of a rental, the landlord may, where reasonable to do so, condition permission for modification on the renter's agreeing to restore the interior of the premises to the condition that existed before the modification, reasonable wear and tear excepted;

(2) refuses to make reasonable accommodations in rules, policies, practices, or services when the accommodations may be necessary to afford a handicapped person equal opportunity to use and enjoy a housing accommodation;

(3) fails to design or construct a covered multi-family dwelling, for first occupancy after March 13, 1991, to have at least one building entrance on an accessible route, unless it is impractical to do so because of the terrain or unusual characteristics of the site; or

(4) fails to design and construct a covered multi-family dwelling, for first occupancy after March 13, 1991, that has a building entrance on an accessible route in such a manner that:

(A) the public and common use areas of the dwelling are readily accessible to and usable by a handicapped person;

(B) all the doors designed to allow passage into and within all premises are sufficiently wide to allow passage by a handicapped person in a wheelchair; and

(C) all premises within a dwelling unit contain the following features of adaptive design:

(i) an accessible route into and through the dwelling unit;

(ii) light switches, electrical outlets, thermostats, and other environmental controls in accessible locations;

(iii) reinforcements in the bathroom walls to allow later installation of grab bars; and

(iv) usable kitchens and bathrooms that allow a person in a wheelchair to maneuver about the space.

(g) A person commits an offense if he coerces, intimidates, threatens, or otherwise interferes with any person in the exercise or enjoyment of, or on account of that person having exercised or enjoyed, or on account of that person having aided or encouraged any other person in the exercise or enjoyment of, any right granted or protected by this chapter.

(h) A person commits an offense if he retaliates against any person for making a complaint, testifying, assisting, or participating in any manner in a proceeding under this chapter.”

SECTION 4. That Section 20A-5, “Defenses to Criminal Prosecution and Civil Action,” of Chapter 20A, “Fair Housing,” of the Dallas City Code, as amended, is amended to read as follows:

“SEC. 20A-5. DEFENSES TO CRIMINAL PROSECUTION AND CIVIL ACTION.

(a) It is a defense to criminal prosecution or civil action under Section 20A-4 that:

(1) the housing accommodation is owned, controlled, or managed by:

(A) a religious organization, or a nonprofit organization that exists in conjunction with or is operated, supervised, or controlled by a religious organization, and the organization sells or rents the housing accommodation only to individuals of the same religion as the organization; except that, this defense is not available if:

(i) the offense involves discrimination other than on the basis of religion;

(ii) the organization owns, controls, or manages the housing accommodation for a commercial purpose; or

(iii) membership in the religion is limited to individuals on the basis of race, color, sex, handicap, familial status, ~~or~~ national origin, or source of income.

(B) a nonprofit religious, educational, civic, or service organization or by a person who rents the housing accommodation to individuals, a predominant number of whom are associated with the same nonprofit religious, educational, civic, or service organization, and the organization or person, for the purposes of privacy and personal modesty, rents the housing accommodation only to individuals of the same sex or provides separate accommodations or facilities on the basis of sex; except that, this defense is not available if the offense involves:

(i) discrimination other than on the basis of sex; or

(ii) a sale of the housing accommodation; or

(C) a private organization and, incidental to the primary purpose of the organization, the organization rents the housing accommodation only to its own members; except that, this defense is not available if:

(i) the organization owns, controls, or manages the housing accommodation for a commercial purpose; or

(ii) the offense involves a sale of the housing accommodation;
or

(2) compliance with this chapter would violate a federal, state, or local law restricting the maximum number of occupants permitted to occupy a dwelling unit.

(b) It is a defense to criminal prosecution or civil action under all of Section 20A-4 except Section 20A-4(c)(2) and (3) that the housing accommodation is:

(1) a single-family dwelling owned by the respondent; except that, this defense is not available if the respondent:

(A) owns an interest or title in more than three single-family dwellings, whether or not located inside the city, at the time the offense is committed;

(B) has not resided in the dwelling within the preceding 24 months before the offense is committed; or

(C) uses the services or facilities of a real estate agent, or any other person in the business of selling or renting real estate, in connection with a sale or rental involved in the offense; or

(2) occupied or intended for occupancy by four or fewer families living independently of each other, and the respondent is the owner of the accommodation and occupies part of the accommodation as a residence; except that, this defense is not available if the offense involves a sale of all or part of the housing accommodation.

(c) It is a defense to criminal prosecution or civil action under Section 20A-4 as it relates to handicap that occupancy of a housing accommodation by the aggrieved person would constitute a direct threat to the health or safety of another person or result in physical damage to another person's property.

(d) It is a defense to criminal prosecution or civil action under Section 20A-4 as it relates to familial status that the housing accommodation is:

(1) provided under a state or federal program that is specifically designed and operated to assist elderly persons, as defined in the state or federal program;

(2) intended for, and solely occupied by, a person at least 62 years of age, except that:

(A) an employee of the housing accommodation who performs substantial duties directly related to the management or maintenance of the housing accommodation may occupy a dwelling unit, with family members in the same unit; and

(B) a person under age 62 years residing in the housing accommodation on September 13, 1988 may occupy a dwelling unit, provided that all new occupants following that date are persons at least 62 years of age; and

(C) all vacant units are reserved for occupancy by persons at least 62 years of age; or

(3) intended and operated for occupancy by at least one person 55 years of age or older per dwelling unit, provided that:

(A) the housing accommodation has significant facilities and services specifically designed to meet the physical and social needs of an older person or, if it is not practicable to provide such facilities and services, the housing accommodation is necessary to provide important housing opportunities for an older person;

(B) at least 80 percent of the dwelling units in the housing accommodation are occupied by at least one person 55 years of age or older per dwelling unit; except that a newly constructed housing accommodation for first occupancy after March 12, 1989 need not comply with this requirement until 25 percent of the dwelling units in the housing accommodation are occupied; and

(C) the owner or manager of the housing accommodation publishes and adheres to policies and procedures that demonstrate an intent by the owner or manager to provide housing to persons at least 55 years of age.

(e) It is a defense to criminal prosecution or civil action under Section 20A-4(d) that the person, in the purchasing of loans, considered factors that were justified by business necessity and related to the transaction's financial security or the protection against default or reduction in the value of the security, but were unrelated to race, color, religion, sex, handicap, familial status, ~~or~~ national origin, or source of income.

(f) It is a defense to criminal prosecution under Section 20A-4 that the aggrieved person has been convicted by a court of competent jurisdiction of the illegal manufacture or distribution of a controlled substance as defined by Section 481.002 of the Texas Health and Safety Code, as amended, or by Section 802, Title 21 of the United States Code Annotated, as amended.

(g) It is a defense to criminal prosecution under Section 20A-4(d) that the person was engaged in the business of furnishing appraisals of real property and considered factors other than race, color, religion, sex, handicap, familial status, ~~or~~ national origin, or source of income.

(h) Nothing in this chapter prohibits:

(1) conduct against a person because of the person's conviction by a court of competent jurisdiction of the illegal manufacture or distribution of a controlled substance as defined by Section 481.002 of the Texas Health and Safety Code, as amended, or by Section 802, Title 21 of the United States Code Annotated, as amended; or

(2) a person engaged in the business of furnishing appraisals of real property from taking into consideration factors other than race, color, religion, sex, handicap, familial status, ~~[or]~~ national origin, or source of income.”

SECTION 5. That Subsection (c) of Section 20A-7, “Complaint and Answer,” of Chapter 20A, “Fair Housing,” of the Dallas City Code, as amended, is amended to read as follows:

“(c) A complaint must be in writing, made under oath or affirmation, and contain the following information:

- (1) Name and address of the respondent.
- (2) Name, address, and signature of the complainant.
- (3) Name and address of the aggrieved person, if different from the complainant.
- (4) Date of the occurrence or termination of the discriminatory housing practice and date of the filing of the complaint.
- (5) Description and address of the housing accommodation involved in the discriminatory housing practice, if appropriate.
- (6) Concise statement of the facts of the discriminatory housing practice, including the basis of the discrimination (race, color, sex, religion, handicap, familial status, ~~[or]~~ national origin, or source of income).”

SECTION 6. That Subsection (d) of Section 20A-10, “Conciliation,” of Chapter 20A, “Fair Housing,” of the Dallas City Code, as amended, is amended to read as follows:

“(d) A conciliation agreement executed under this section must contain:

- (1) an identification of the discriminatory housing practice and corresponding respondent that gives rise to the conciliation agreement under Subsection (a) and the identification of any other discriminatory housing practice and respondent that the parties agree to make subject to the limitation on prosecution in Subsection (b);
- (2) an identification of the housing accommodation subject to the conciliation agreement; and
- (3) a statement that each party entering into the conciliation agreement agrees:
 - (A) not to violate this chapter or the conciliation agreement; and

(B) that the respondent shall file with the administrator a periodic activity report, in accordance with the following regulations, if the discriminatory housing practice giving rise to the conciliation agreement under Subsection (a) involves a respondent who engages in a business relating to selling or renting housing accommodations; a housing accommodation occupied or intended for occupancy on a rental or sale basis; or a violation of Section 20A-4(d):

(i) Unless the discriminatory housing practice involves a violation of Section 20A-4(c)(1), the activity report must state, with respect to each person of the specified class (the race, color, sex, religion, handicap, familial status, ~~[or]~~ national origin, or source of income alleged as the basis of discrimination in the complaint on the discriminatory housing practice) who in person contacts a party to the conciliation agreement concerning either sale, rental, or financing of a housing accommodation or a business relating to selling or renting housing accommodations, the name and address or telephone number of the person, the date of each contact, and the result of each contact.

(ii) If the discriminatory housing practice involves a violation of Section 20A-4(c)(1), the activity report must state the number and manner of solicitations concerning housing accommodations made by the party and the approximate boundaries of each neighborhood in which the solicitations are made.

(iii) The party who prepares the activity report must sign and verify the report.

(iv) An activity report must be filed each month on the date specified in the conciliation agreement for a period of not less than three months nor more than 36 months, as required by the conciliation agreement.”

SECTION 7. That a person violating any provision of this ordinance is, upon conviction, punishable by a fine not to exceed \$500.

SECTION 8. That Chapter 20A of the Dallas City Code shall remain in full force and effect, save and except as amended by this ordinance.

SECTION 9. That the terms and provisions of this ordinance are severable and are governed by Section 1-4 of Chapter 1 of the Dallas City Code, as amended.

SECTION 10. That this ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so ordained.

APPROVED AS TO FORM:

CHRISTOPHER D. BOWERS, Interim City Attorney

By _____
Assistant City Attorney

Passed _____

ORDINANCE NO. _____

An ordinance amending Chapter 20A, “Fair Housing,” of the Dallas City Code by amending Sections 20A-2, 20A-3, 20A-4, 20A-5, 20A-7, and 20A-10; prohibiting discrimination in housing practices on the basis of source of income; providing a penalty not to exceed \$500; providing a saving clause; providing a severability clause; and providing an effective date.

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

SECTION 1. That Section 20A-2, “Declaration of Policy,” of Chapter 20A, “Fair Housing,” of the Dallas City Code, as amended, is amended to read as follows:

“SEC. 20A-2. DECLARATION OF POLICY.

It is the policy of the city of Dallas, through fair, orderly, and lawful procedures, to promote the opportunity for each person to obtain housing without regard to race, color, sex, religion, handicap, familial status, [ø] national origin, or source of income. This policy is grounded upon a recognition of the right of every person to have access to adequate housing of the person's own choice, and the denial of this right because of race, color, sex, religion, handicap, familial status, [ø] national origin, or source of income is detrimental to the health, safety, and welfare of the inhabitants of the city and constitutes an unjust deprivation of rights, which is within the power and proper responsibility of government to prevent.”

SECTION 2. That Section 20A-3, “Definitions,” of Chapter 20A, “Fair Housing,” of the Dallas City Code, as amended, is amended to read as follows:

“SEC. 20A-3. DEFINITIONS.

In this chapter, unless the context requires a different definition:

(1) ACCESSIBLE means that an area of a housing accommodation can be approached, entered, and used by a person with a physical handicap.

(2) ACCESSIBLE ROUTE means a continuous unobstructed path connecting accessible elements and spaces in a housing accommodation that can be negotiated by a person with a severe disability using a wheelchair and that is also safe for and usable by a person with other disabilities.

(3) ADMINISTRATOR means the administrator of the fair housing office designated by the city manager to enforce and administer this chapter and includes the administrator's designated representative.

(4) AGGRIEVED PERSON means a person claiming to be injured by a discriminatory housing practice.

(5) BUILDING ENTRANCE ON AN ACCESSIBLE ROUTE means an accessible entrance to a covered multi-family dwelling that is connected by an accessible route to public transportation stops, to accessible parking and passenger loading zones, or to the public streets or sidewalks, if available.

(6) COMPLAINANT means a person, including the administrator, who files a complaint under Section 20A-7.

(7) COVERED MULTI-FAMILY DWELLING means:

(A) a building consisting of four or more dwelling units if the building has one or more elevators; and

(B) a ground floor dwelling unit in any other building consisting of four or more dwelling units.

(8) DEFENSE means a defense to criminal prosecution in municipal court as explained in the Texas Penal Code. Defense also means, where specifically provided, an exemption from a civil action.

(9) DISCRIMINATORY HOUSING PRACTICE means conduct that is an offense under Section 20A-4 of this chapter.

(10) DWELLING UNIT means a single unit of residence for a family.

(11) FAMILIAL STATUS means the status of a person resulting from being:

(A) pregnant;

(B) domiciled with an individual younger than 18 years of age in regard to whom the person:

(i) is the parent or legal custodian; or

(ii) has the written permission of the parent or legal custodian for domicile with the individual; or

(C) in the process of obtaining legal custody of an individual younger than 18 years of age.

(12) FAMILY includes a single individual.

(13) HANDICAP:

(A) means:

(i) a physical or mental impairment that substantially limits one or more major life activities;

(ii) a record of an impairment described in Subparagraph (i) of this paragraph; or

(iii) being regarded as having an impairment described in Subparagraph (i) of this paragraph; and

(B) does not mean a current, illegal use of or addiction to a drug or illegal or federally-controlled substance.

(14) HOUSING ACCOMMODATION means:

(A) any building, structure, or part of a building or structure that is occupied, or designed or intended for occupancy, as a residence for one or more families; and

(B) any vacant land that is offered for sale or lease for the construction or location of a building, structure, or part of a building or structure described by Paragraph (A) of this subsection.

(15) PERSON means an individual, corporation, partnership, association, labor organization, legal representative, mutual company, joint-stock company, trust, unincorporated organization, trustee, receiver, or fiduciary or any employee, representative, or agent of the person.

(16) RENT means lease, sublease, or otherwise grant for a consideration the right to occupy premises that are not owned by the occupant.

(17) RESIDENCE does not include a hotel, motel, or similar public accommodation where occupancy is available exclusively on a temporary, day-to-day basis.

(18) RESIDENTIAL REAL ESTATE-RELATED TRANSACTION means:

(A) the making or purchasing of loans or the providing of other financial assistance:

(i) for purchasing, constructing, improving, repairing, or maintaining a housing accommodation; or

(ii) secured by residential real estate; or

(B) the selling, brokering, or appraising of residential real property.

(19) **RESPONDENT** means a person identified in a complaint or charge as having committed a discriminatory housing practice under this chapter.

(20) **SOURCE OF INCOME** means lawful, regular, and verifiable income from whatever source derived (including housing vouchers and other subsidies provided by government or non-governmental entities, child support, or spousal maintenance), except as prohibited by Texas Local Government Code Section 250.007, as amended. For purposes of housing accommodations that benefit from a subsidy approved by the Dallas City Council on or after October 1, 2016, source of income includes housing choice vouchers and other federal, state, and local housing subsidies.

(21) **SUBSIDY** means (i) a designated public subsidy matter, as that term is defined in Section 12A-15.2 of the Dallas City Code, as amended; or (ii) a request to increase zoning density or floor area ratio approved by the Dallas City Council.”

SECTION 3. That Section 20A-4, “Discriminatory Housing Practices,” of Chapter 20A, “Fair Housing,” of the Dallas City Code, as amended, is amended to read as follows:

“SEC. 20A-4. DISCRIMINATORY HOUSING PRACTICES.

(a) A person commits an offense if he, because of race, color, sex, religion, handicap, familial status, ~~[or]~~ national origin, or source of income:

(1) refuses to negotiate with a person for the sale or rental of a housing accommodation or otherwise denies or makes unavailable a housing accommodation to a person;

(2) refuses to sell or rent, or otherwise makes unavailable, a housing accommodation to another person after the other person makes an offer to buy or rent the accommodation; or

(3) discriminates against a person in the terms, conditions, or privileges of, or in providing a service or facility in connection with, the sale or rental of a housing accommodation.

(b) A person commits an offense if he, because of race, color, sex, religion, handicap, familial status, ~~[or]~~ national origin, or source of income:

(1) represents to a person that a housing accommodation is not available for inspection, sale, or rental if the accommodation is available;

(2) discriminates against a prospective buyer or renter in connection with the showing of a housing accommodation; or

(3) with respect to a multiple listing service, real estate brokers' organization, or other business relating to selling or renting housing accommodations:

(A) denies a person access to or membership in the business; or

(B) discriminates against a person in the terms or conditions of access to or membership in the business.

(c) A person commits an offense if he:

(1) for profit, induces or attempts to induce another person to sell or rent a housing accommodation by a representation that a person of a particular race, color, sex, religion, handicap, familial status, [ø] national origin, or source of income is in proximity to, is present in, or may enter into the neighborhood in which the housing accommodation is located;

(2) makes an oral or written statement indicating a policy of the respondent or a person represented by the respondent to discriminate on the basis of race, color, sex, religion, handicap, familial status, [ø] national origin, or source of income in the selling or renting of a housing accommodation; or

(3) prints or publicizes or causes to be printed or publicized an advertisement that expresses a preference or policy of discrimination based on race, color, sex, religion, handicap, familial status, [ø] national origin, or source of income in the selling or renting of a housing accommodation.

(d) A person who engages in a residential real estate-related transaction commits an offense if he, because of race, color, sex, religion, handicap, familial status, [ø] national origin, or source of income, discriminates against a person:

(1) in making a residential real estate-related transaction available; or

(2) in the terms or conditions of a residential real estate-related transaction.

(e) A person commits an offense if he:

(1) discriminates in the sale or rental of a housing accommodation to any buyer or renter because of a handicap of:

(A) that buyer or renter;

(B) a person residing in or intending to reside in the housing accommodation after it is sold, rented, or made available; or

(C) any person associated with that buyer or renter; or

(2) discriminates against any person in the terms, conditions, or privileges of sale or rental of a housing accommodation, or in the provision of services or facilities in connection with the housing accommodation, because of a handicap of:

(A) that person;

(B) a person residing in or intending to reside in the housing accommodation after it is sold, rented, or made available; or

(C) any person associated with that person.

(f) A person commits an offense if he:

(1) refuses to permit, at the expense of a handicapped person, reasonable modifications of existing premises occupied or to be occupied by the handicapped person, if the modifications may be necessary to afford the handicapped person full use of the premises; except that, in the case of a rental, the landlord may, where reasonable to do so, condition permission for modification on the renter's agreeing to restore the interior of the premises to the condition that existed before the modification, reasonable wear and tear excepted;

(2) refuses to make reasonable accommodations in rules, policies, practices, or services when the accommodations may be necessary to afford a handicapped person equal opportunity to use and enjoy a housing accommodation;

(3) fails to design or construct a covered multi-family dwelling, for first occupancy after March 13, 1991, to have at least one building entrance on an accessible route, unless it is impractical to do so because of the terrain or unusual characteristics of the site; or

(4) fails to design and construct a covered multi-family dwelling, for first occupancy after March 13, 1991, that has a building entrance on an accessible route in such a manner that:

(A) the public and common use areas of the dwelling are readily accessible to and usable by a handicapped person;

(B) all the doors designed to allow passage into and within all premises are sufficiently wide to allow passage by a handicapped person in a wheelchair; and

(C) all premises within a dwelling unit contain the following features of adaptive design:

(i) an accessible route into and through the dwelling unit;

(ii) light switches, electrical outlets, thermostats, and other environmental controls in accessible locations;

(iii) reinforcements in the bathroom walls to allow later installation of grab bars; and

(iv) usable kitchens and bathrooms that allow a person in a wheelchair to maneuver about the space.

(g) A person commits an offense if he coerces, intimidates, threatens, or otherwise interferes with any person in the exercise or enjoyment of, or on account of that person having exercised or enjoyed, or on account of that person having aided or encouraged any other person in the exercise or enjoyment of, any right granted or protected by this chapter.

(h) A person commits an offense if he retaliates against any person for making a complaint, testifying, assisting, or participating in any manner in a proceeding under this chapter.”

SECTION 4. That Chapter 20A, “Fair Housing,” of the Dallas City Code, as amended, is amended by adding Section 20A-4.1, “Acceptance of Vouchers,” to read as follows:

“SEC. 20A-4.1. ACCEPTANCE OF VOUCHERS.

In accordance with Texas Local Government Code Section 250.007, as amended, all housing accommodations that benefit from a subsidy approved by the Dallas City Council on or after October 1, 2016, shall accept housing vouchers, including federal housing choice vouchers.”

SECTION 5. That Section 20A-5, “Defenses to Criminal Prosecution and Civil Action,” of Chapter 20A, “Fair Housing,” of the Dallas City Code, as amended, is amended to read as follows:

“SEC. 20A-5. DEFENSES TO CRIMINAL PROSECUTION AND CIVIL ACTION.

(a) It is a defense to criminal prosecution or civil action under Section 20A-4 that:

(1) the housing accommodation is owned, controlled, or managed by:

(A) a religious organization, or a nonprofit organization that exists in conjunction with or is operated, supervised, or controlled by a religious organization, and the organization sells or rents the housing accommodation only to individuals of the same religion as the organization; except that, this defense is not available if:

(i) the offense involves discrimination other than on the basis of religion;

(ii) the organization owns, controls, or manages the housing accommodation for a commercial purpose; or

(iii) membership in the religion is limited to individuals on the basis of race, color, sex, handicap, familial status, ~~or~~ national origin, or source of income.

(B) a nonprofit religious, educational, civic, or service organization or by a person who rents the housing accommodation to individuals, a predominant number of whom are associated with the same nonprofit religious, educational, civic, or service organization, and the organization or person, for the purposes of privacy and personal modesty, rents the housing accommodation only to individuals of the same sex or provides separate accommodations or facilities on the basis of sex; except that, this defense is not available if the offense involves:

(i) discrimination other than on the basis of sex; or

(ii) a sale of the housing accommodation; or

(C) a private organization and, incidental to the primary purpose of the organization, the organization rents the housing accommodation only to its own members; except that, this defense is not available if:

(i) the organization owns, controls, or manages the housing accommodation for a commercial purpose; or

(ii) the offense involves a sale of the housing accommodation;
or

(2) compliance with this chapter would violate a federal, state, or local law restricting the maximum number of occupants permitted to occupy a dwelling unit.

(b) It is a defense to criminal prosecution or civil action under all of Section 20A-4 except Section 20A-4(c)(2) and (3) that the housing accommodation is:

(1) a single-family dwelling owned by the respondent; except that, this defense is not available if the respondent:

(A) owns an interest or title in more than three single-family dwellings, whether or not located inside the city, at the time the offense is committed;

(B) has not resided in the dwelling within the preceding 24 months before the offense is committed; or

(C) uses the services or facilities of a real estate agent, or any other person in the business of selling or renting real estate, in connection with a sale or rental involved in the offense; or

(2) occupied or intended for occupancy by four or fewer families living independently of each other, and the respondent is the owner of the accommodation and occupies part of the accommodation as a residence; except that, this defense is not available if the offense involves a sale of all or part of the housing accommodation.

(c) It is a defense to criminal prosecution or civil action under Section 20A-4 as it relates to handicap that occupancy of a housing accommodation by the aggrieved person would constitute a direct threat to the health or safety of another person or result in physical damage to another person's property.

(d) It is a defense to criminal prosecution or civil action under Section 20A-4 as it relates to familial status that the housing accommodation is:

(1) provided under a state or federal program that is specifically designed and operated to assist elderly persons, as defined in the state or federal program;

(2) intended for, and solely occupied by, a person at least 62 years of age, except that:

(A) an employee of the housing accommodation who performs substantial duties directly related to the management or maintenance of the housing accommodation may occupy a dwelling unit, with family members in the same unit; and

(B) a person under age 62 years residing in the housing accommodation on September 13, 1988 may occupy a dwelling unit, provided that all new occupants following that date are persons at least 62 years of age; and

(C) all vacant units are reserved for occupancy by persons at least 62 years of age; or

(3) intended and operated for occupancy by at least one person 55 years of age or older per dwelling unit, provided that:

(A) the housing accommodation has significant facilities and services specifically designed to meet the physical and social needs of an older person or, if it is not practicable to provide such facilities and services, the housing accommodation is necessary to provide important housing opportunities for an older person;

(B) at least 80 percent of the dwelling units in the housing accommodation are occupied by at least one person 55 years of age or older per dwelling unit; except that a newly constructed housing accommodation for first occupancy after March 12,

1989 need not comply with this requirement until 25 percent of the dwelling units in the housing accommodation are occupied; and

(C) the owner or manager of the housing accommodation publishes and adheres to policies and procedures that demonstrate an intent by the owner or manager to provide housing to persons at least 55 years of age.

(e) It is a defense to criminal prosecution or civil action under Section 20A-4(d) that the person, in the purchasing of loans, considered factors that were justified by business necessity and related to the transaction's financial security or the protection against default or reduction in the value of the security, but were unrelated to race, color, religion, sex, handicap, familial status, ~~or~~ national origin, or source of income.

(f) It is a defense to criminal prosecution under Section 20A-4 that the aggrieved person has been convicted by a court of competent jurisdiction of the illegal manufacture or distribution of a controlled substance as defined by Section 481.002 of the Texas Health and Safety Code, as amended, or by Section 802, Title 21 of the United States Code Annotated, as amended.

(g) It is a defense to criminal prosecution under Section 20A-4(d) that the person was engaged in the business of furnishing appraisals of real property and considered factors other than race, color, religion, sex, handicap, familial status, ~~or~~ national origin, or source of income.

(h) It is a defense to criminal prosecution or civil action under Section 20A-4 regarding source of income that at least 10 percent of the dwelling units in a multifamily use, as defined in Section 51A-4.209(b)(5) of the Dallas Development Code, as amended, are leased to housing voucher holders.

(i) Nothing in this chapter prohibits:

(1) conduct against a person because of the person's conviction by a court of competent jurisdiction of the illegal manufacture or distribution of a controlled substance as defined by Section 481.002 of the Texas Health and Safety Code, as amended, or by Section 802, Title 21 of the United States Code Annotated, as amended; or

(2) a person engaged in the business of furnishing appraisals of real property from taking into consideration factors other than race, color, religion, sex, handicap, familial status, ~~or~~ national origin, or source of income.”

SECTION 6. That Subsection (c) of Section 20A-7, “Complaint and Answer,” of Chapter 20A, “Fair Housing,” of the Dallas City Code, as amended, is amended to read as follows:

“(c) A complaint must be in writing, made under oath or affirmation, and contain the following information:

- (1) Name and address of the respondent.
- (2) Name, address, and signature of the complainant.
- (3) Name and address of the aggrieved person, if different from the complainant.
- (4) Date of the occurrence or termination of the discriminatory housing practice and date of the filing of the complaint.
- (5) Description and address of the housing accommodation involved in the discriminatory housing practice, if appropriate.
- (6) Concise statement of the facts of the discriminatory housing practice, including the basis of the discrimination (race, color, sex, religion, handicap, familial status, ~~[or]~~ national origin, or source of income).”

SECTION 7. That Subsection (d) of Section 20A-10, “Conciliation,” of Chapter 20A, “Fair Housing,” of the Dallas City Code, as amended, is amended to read as follows:

“(d) A conciliation agreement executed under this section must contain:

- (1) an identification of the discriminatory housing practice and corresponding respondent that gives rise to the conciliation agreement under Subsection (a) and the identification of any other discriminatory housing practice and respondent that the parties agree to make subject to the limitation on prosecution in Subsection (b);
- (2) an identification of the housing accommodation subject to the conciliation agreement; and
- (3) a statement that each party entering into the conciliation agreement agrees:
 - (A) not to violate this chapter or the conciliation agreement; and
 - (B) that the respondent shall file with the administrator a periodic activity report, in accordance with the following regulations, if the discriminatory housing practice giving rise to the conciliation agreement under Subsection (a) involves a respondent who engages in a business relating to selling or renting housing accommodations; a housing accommodation occupied or intended for occupancy on a rental or sale basis; or a violation of Section 20A-4(d):

(i) Unless the discriminatory housing practice involves a violation of Section 20A-4(c)(1), the activity report must state, with respect to each person of the specified class (the race, color, sex, religion, handicap, familial status, ~~[ø]~~ national origin, or source of income alleged as the basis of discrimination in the complaint on the discriminatory housing practice) who in person contacts a party to the conciliation agreement concerning either sale, rental, or financing of a housing accommodation or a business relating to selling or renting housing accommodations, the name and address or telephone number of the person, the date of each contact, and the result of each contact.

(ii) If the discriminatory housing practice involves a violation of Section 20A-4(c)(1), the activity report must state the number and manner of solicitations concerning housing accommodations made by the party and the approximate boundaries of each neighborhood in which the solicitations are made.

(iii) The party who prepares the activity report must sign and verify the report.

(iv) An activity report must be filed each month on the date specified in the conciliation agreement for a period of not less than three months nor more than 36 months, as required by the conciliation agreement.”

SECTION 8. That a person violating any provision of this ordinance is, upon conviction, punishable by a fine not to exceed \$500.

SECTION 9. That Chapter 20A of the Dallas City Code shall remain in full force and effect, save and except as amended by this ordinance.

SECTION 10. That the terms and provisions of this ordinance are severable and are governed by Section 1-4 of Chapter 1 of the Dallas City Code, as amended.

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

APPROVED AS TO FORM:

CHRISTOPHER D. BOWERS, Interim City Attorney

By _____
Assistant City Attorney

Passed _____

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: June 15, 2016

COUNCIL DISTRICT(S): All

DEPARTMENT: Mayor and City Council

CMO: A. C. Gonzalez, 670-3297

MAPSCO: N/A

SUBJECT

A resolution naming the West Dallas Gateway in honor of lifelong community activist and local hero Mr. Felix H. Lozada, Sr. - Financing: No cost consideration to the City

BACKGROUND

Mr. Felix H. Lozada, Sr. is a community leader who has spent his life advocating for the residents and children of the West Dallas community. He petitioned the City in the early 80's to pave streets in West Dallas. He has been instrumental in improving and preserving the West Dallas community. He was part of a 6-month petition drive to secure signatures to pursue rezoning that would limit the height of structures and preserve the area for single-family homes. The goal was to create a neighborhood stabilization overlay in an area bounded by Singleton Boulevard, Sylvan Avenue and the river levee.

Mr. Lozada has served on several City of Dallas boards and commissions. He served on the Park and Recreation Board for the 1999-2001 term and on the Senior Affairs Commission for the 2011-2013 and 2013-2015 terms.

At the age of 90, Mr. Lozada is an accomplished golfer and Olympian who earned 2nd place in the 2015 National Senior Games Golf – Men 90-94 category.

Mr. Lozada, a WWII veteran, has lived in the West Dallas community since 1925 and in La Bajada since 1961. Mr. Lozada has been recognized for his lifelong contributions to the community and military service. On November, 10, 2014, Congressman Marc Veasey (TX-33) presented Mr. Felix H. Lozada, Sr. with the Congressional Veteran Commendation (CVC) award. The award recognizes the wartime sacrifices and the peacetime community involvement of veterans of the 33rd Congressional District of Texas.

BACKGROUND (Continued)

Mr. Lozada is currently serving as holdover for the 2015-2017 term on the Senior Affairs Commission.

The City of Dallas wishes to acknowledge and thank Felix H. Lozada, Sr. for his contributions to the U.S. military and the City of Dallas by naming the West Dallas Gateway, the Felix H. Lozada, Sr. Gateway in his honor.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Information about this item was provided to the Transportation and Trinity River Project Committee on May 23, 2016.

FISCAL INFORMATION

No cost consideration to the City

June 15, 2016

WHEREAS, as a community leader, Mr. Felix H. Lozada, Sr., has spent his life advocating for the residents and children of the West Dallas community; and

WHEREAS, Felix H. Lozada, Sr. a WWII veteran, has lived in the West Dallas community since 1925 and in La Bajada since 1961; and

WHEREAS, Felix H. Lozada, Sr. in the early 80s petitioned the City to pave streets in West Dallas; and continued as a leader by being involved with the West Dallas Community Center (Bataan Center), Los Barrios Unidos Community Clinic, La Voz del Anciano and La Bajada Neighborhood Association; and

WHEREAS, Felix H. Lozada, Sr. was part of a 6-month petition drive to secure signatures to pursue rezoning that would limit the height of structures and preserve the area for single-family homes; and Felix Lozada's goal was to create a neighborhood stabilization overlay in an area bounded by Singleton Boulevard, Sylvan Avenue and the river levee; and

WHEREAS, Mr. Lozada served on the Park and Recreation Board for the 1999-2001 term and on the Senior Affairs Commission for the 2011-2013 and 2013-2015 terms; and

WHEREAS, Mr. Lozada, at the age of 90, is an accomplished golfer and Olympian who earned 2nd place in the 2015 National Senior Games Golf – Men 90-94 category; and

WHEREAS, Congressman Marc Veasey recognized Mr. Lozada for his lifelong contributions to the community and military service with the Congressional Veteran Commendation (CVC) award that recognizes the wartime sacrifices and the peacetime community involvement of veterans of the 33rd Congressional District of Texas; and

WHEREAS, Felix H. Lozada, Sr. has been instrumental in improving and preserving the West Dallas community; and

WHEREAS, Felix H. Lozada, Sr. has unselfishly given his time and efforts to further the Interests of the United States, State of Texas, City of Dallas and its citizens; and

WHEREAS, Felix Lozada's legacy of achievements and contributions nationally, U.S. military, sports and locally in Dallas will be enjoyed and appreciated for generations to come; and

WHEREAS, the City of Dallas gives thanks to Felix H. Lozada, Sr. for his years of public service and his dedication to the City of Dallas, State of Texas and the United States.

June 15, 2016

NOW, THEREFORE,

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

Section 1. That the West Dallas Gateway is to be named in honor of Felix H. Lozada, Sr.

Section 2. 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 ITEM # 45

KEY FOCUS AREA: E-Gov

AGENDA DATE: June 15, 2016

COUNCIL DISTRICT(S): All

DEPARTMENT: Business Development & Procurement Services
Police

CMO: Jeanne Chipperfield, 670-7804
Eric Campbell, 670-3255

MAPSCO: N/A

SUBJECT

Authorize **(1)** a five-year service contract, with a one-year renewal option, for parking services: Citations Management; Parking Management Services; Parking Meter Maintenance; Parking Meter Collections, Reconciliation, and Counting Services; Parking Lot Maintenance; Mobile Applications - Payments and Mobile Applications - Mapping - SP Plus Corporation in the amount of \$6,609,012, Xerox State and Local Solutions, Inc. in the amount of \$5,479,200, Ace Parking III, LLC in the amount of \$4,287,027 and ParkMe, Inc. in the amount of \$560,700, most advantageous proposers of eighteen; and **(2)** an increase in appropriations in the amount of \$812,607, from \$451,882,305 to \$452,694,912 in the Dallas Police Department budget - Total not to exceed \$16,935,939 - Financing: Current Funds (subject to annual appropriations)

BACKGROUND

This item is on the addendum to allow for adequate time to transition parking services providers without interruption to revenue collections, system maintenance and customer service.

This action does not encumber funds; the purpose of a service contract is to establish firm pricing for services, for a specific term, which are ordered on an as needed basis.

These service contracts will provide for the management and operation of the City's metered parking assets and provide for ticket processing and collection services.

The City's parking services is responsible for the management of over \$8,000,000 in payments; the operation of over 4,000 metered parking spaces; processing of parking citations; and other parking related services. In preparation for the expiration of the existing turnkey parking services contract with Xerox State and Local Solutions, Inc. in August 2016, staff hired a consultant in December 2014 to develop specifications for the release of the City's Parking Services Request for Competitive Sealed Proposal (RFCSP).

BACKGROUND (Continued)

A component based Parking Services RFCSP was released in August 2015. The RFCSP allowed vendors to submit proposals for all (8) components or any single component.

The awarded citations management vendor will process citations and send notices of violation and collect payments up to ninety days after the violation. They will also be responsible for maintaining a citations database and providing support to parking enforcement and adjudication.

The awarded parking management services vendor will provide integration support, manage a payment center at the Oak Cliff Municipal Center, provide reconciliation and monitoring of all aspects of parking services and provide best practices and performance consultation.

The awarded parking meter maintenance vendor will provide preventative and routine maintenance on all of the City's single and multi-space meters.

The awarded parking meter collections, reconciliation, and counting services vendor will collect all monies from single and multi-space meters including coin, cash and credit card payments. The vendor will also be responsible for the counting and reconciling of all revenue including the deposit and payment to the City.

The awarded parking lot maintenance vendor will be responsible for the preventative and routine maintenance including striping, litter control and landscaping.

The awarded mobile applications-payments vendor will provide a service to allow the payment of parking meters by mobile phone via application, interactive voice response (IVR) or website. Vendor will be responsible for the reconciliation and payment of revenue to the City.

The awarded mobile applications-mapping vendor will provide a service that displays the location, rates and effective hours of parking meters and lots via a mobile phone application or website. Services will also include a link to the mobile applications payment service and the City's car-share service.

The above represents the award of seven out of eight components of the City's parking system. The eighth component, delinquent collections, will be recommended on future Council agenda.

General performance standards and specific service level agreements (SLA's) for the (8) components were included in the parking services contracts. These will provide a formal and comprehensive method to monitor the Parking Services contracts. Each SLA will define the expected level of service, the service level measurement, the reporting requirements and the resolution of performance issues.

BACKGROUND (Continued)

With the approval of these contracts, an increase in appropriations is needed so that payment for services can be expensed to the vendor(s) for the remainder of the fiscal year. In the past, vendor payments were retained by the contractor by deducting these amounts directly from gross revenues forwarded to City. The City would receive net revenue without a customary invoice for subsequent payment by City. Now the City will receive gross revenues and the vendor will invoice and request payment from the City on a monthly basis for services rendered. The City will recognize additional revenue (gross vs. net) and also record expenses for the services rendered under these contracts. The parking program will transition from the receipt of net revenue to the receipt of gross revenue generated from parking program related activities. The City anticipates approximately \$10 million in gross revenue on an annual basis. Historically the parking program received approximately \$7 million in net revenue on an annual basis.

A turnkey option was available for components (1-5), as listed below, where vendors could offer lower pricing due to economies of scale.

Parking Service Components

1. Citations Management
2. Parking Management Services
3. Parking Meter Maintenance
4. Parking Meter Collections, Reconciliation, and Counting Services
5. Parking Lot Maintenance
6. Delinquent Collections
7. Mobile Applications - Payments
8. Mobile Applications - Mapping

An eight member committee from the following departments reviewed and evaluated the proposals:

- | | |
|---|------|
| ● Police | (1) |
| ● Office of Financial Services | (1) |
| ● Office of Economic Development | (1) |
| ● Communication and Information Services | (1) |
| ● Planning and Urban Design | (1) |
| ● Street Services | (1) |
| ● Business Development and Procurement Services | (2)* |

*Business Development and Procurement Services only evaluated the Business Inclusion and Development Plan and cost.

BACKGROUND (Continued)

The successful proposer was selected by the committee on the basis of demonstrated competence and qualifications under the following criteria:

- | | |
|---|-----------|
| ● Approach to services | 30 Points |
| ● Cost | 30 Points |
| ● Value added services | 20 Points |
| ● Business Inclusion and Development Plan | 15 Points |
| ● Qualifications and experience | 5 Points |

As part of the solicitation process and in an effort to increase competition, Business Development and Procurement Services (BDPS) used its procurement system to send out 946 email bid notifications to vendors registered under respective commodities. To further increase competition, BDPS uses historical solicitation information, the internet, and vendor contact information obtained from user departments to contact additional vendors by phone. Additionally, in an effort to secure more bids, notifications were sent by the BDPS' ResourceLINK Team (RLT) to 25 chambers of commerce, the DFW Minority Business Council and the Women's Business Council - Southwest, to ensure maximum vendor outreach.

The recommended vendors meet the wage floor rate of \$10.37 approved by City Council on November 10, 2015, by Resolution No. 15-2141.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On April 27, 2005, City Council authorized a sixty-month professional services contract, with one sixty-month renewal option, for meter operation and parking management information system by Resolution No. 05-1331.

On April 26, 2006, City Council authorized Supplemental Agreement No. 1 to the professional services contract with ACS State and Local Solutions, Inc., for the provision of license recognition equipment and maintenance, staff and equipment for an auto pound payment station, and reimbursement to the City for two Boot Officers by Resolution No. 06-1220.

On May 12, 2010, City Council authorized the renewal option to the contract with ACS State and Local Solutions, Inc. for a five-year period for services related to meter operations and a parking management information system for the period June 1, 2010 through May 31, 2015, by Resolution No. 10-1257.

On September 26, 2012, City Council authorized to amend the contract with ACS State and Local Solutions, Inc., to provide for pay-by-phone or wireless application services for all metered parking spaces in the City by Resolution No. 12-2426.

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

On March 25, 2015, City Council authorized Supplemental Agreement No. 7, to exercise the option of a one-year renewal to the contract with Xerox State and Local Solutions, Inc. (formerly ACS State and Local Solutions, Inc.) for services related to meter operations and a parking management information system for the period May 2, 2015 through May 1, 2016, by Resolution No. 15-0549.

On April 27, 2016, City Council authorized Supplemental Agreement No. 8 to the contract with Xerox State and Local Solutions, Inc. (formerly ACS State and Local Solutions, Inc.) to extend the contract term from May 2, 2016 through August 2, 2016 for services related to meter operations and a parking management information system by Resolution No. 16-0689.

Information about this item was briefed by memorandum to the Public Safety Committee on May 23, 2016.

On May 25, 2016, this item was deferred by Councilmember Adam McGough.

FISCAL INFORMATION

\$16,935,938.44 - Current Funds (subject to annual appropriations)

M/WBE INFORMATION

199 - Vendors contacted

199 - No response

0 - Response (Bid)

0 - Response (No Bid)

0 - Successful

946 M/WBE and Non-M/WBE vendors were contacted

The recommended awardees have fulfilled the good faith requirements set forth in the Business Inclusion and Development (BID) Plan adopted by Council Resolution No. 08-2826 as amended.

ETHNIC COMPOSITION

SP Plus Corporation

White Male	4,316	White Female	1,787
Black Male	5,839	Black Female	3,275
Hispanic Male	4,090	Hispanic Female	1,414
Other Male	1,481	Other Female	556

Xerox State and Local Solutions, Inc.

White Male	940	White Female	901
Black Male	279	Black Female	759
Hispanic Male	269	Hispanic Female	684
Other Male	237	Other Female	204

Ace Parking III, LLC

White Male	23	White Female	8
Black Male	57	Black Female	40
Hispanic Male	21	Hispanic Female	4
Other Male	3	Other Female	1

ParkMe, Inc.

White Male	10	White Female	2
Black Male	0	Black Female	0
Hispanic Male	1	Hispanic Female	1
Other Male	3	Other Female	0

PROPOSAL INFORMATION

The following proposals were received for solicitation number BKZ1521A and opened on October 30, 2015. This service contract is being awarded to the most advantageous proposers by group. Information related to this solicitation is available upon request.

*Denotes successful proposers

<u>Proposers</u>	<u>Address</u>	<u>Amount</u>
*SP Plus Corporation	1700 Pacific Ave. Suite 1840 Dallas, TX 75201	Multiple Groups

PROPOSAL INFORMATION (Continued)

<u>Proposers</u>	<u>Address</u>	<u>Amount</u>
*Xerox State and Local Solutions, Inc.	1860 Willow Oaks Corporate Dr. Fairfax, VA 22031	Multiple Groups
*Ace Parking III, LLC	645 Ash St. San Diego, CA 92101	Multiple Groups
*ParkMe, Inc.	1411 5th St. Suite 402 Santa Monica, CA 90401	Multiple Groups
Nleader, LLC	3606 E. Jeffaline Ln. Dallas, TX 75233	Multiple Groups
Complus Data Innovations, Inc.	560 White Plains Rd. Tarrytown, NY 10591	Multiple Groups
Data Ticket, Inc.	4600 Campus Dr. Suite 200 Newport Beach, CA 92660	Multiple Groups
Delaware US, LLC	2525 Ponce De Leon Blvd. Suite 300 Coral Gables, FL 33134	Multiple Groups
Professional Account Management, LLC	633 W. Wisconsin Ave. Suite 1600 Milwaukee, WI 53203	Multiple Groups
EYSA USA, LLC	7480 Bird Rd. Suite 540 Miami, FL 33155	Multiple Groups
Inet, Inc.	P.O. Box 60309 San Diego, CA 92106	Multiple Groups
LAZ Parking Texas, LLC	325 N. St. Paul St. Suite 1390 Dallas, TX 75201	Multiple Groups

PROPOSAL INFORMATION (Continued)

<u>Proposers</u>	<u>Address</u>	<u>Amount</u>
Linebarger Goggan Blair & Sampson, LLP	2777 N. Stemmons Frwy. Suite 1000 Dallas, TX 75207	Multiple Groups
Mobile Now, LLC	2275 Research Blvd. Suite 500 Rockville, MD 20850	Multiple Groups
Pango USA, LLC	79 Madison Ave. Suite 507 New York, NY 10017	Multiple Groups
Parkmobile, LLC	1100 Spring St., NW Suite 200 Atlanta, GA 30309	Multiple Groups
PaybyPhone Technologies, Inc.	403-1168 Hamilton St. Vancouver, BC V6B 2S2	Multiple Groups
T2 Systems, Inc.	8900 Keystone Crossing Suite 700 Indianapolis, IN 46240	Multiple Groups

OWNERS

SP Plus Corporation

Marc Baumann, President
Robert Sacks, Secretary

Xerox State and Local Solutions, Inc.

David A. Amoriell, President
Michael M. Davis, Vice President

Ace Parking III, LLC

Steve Burton, President
Keith Jones, Secretary

OWNERS (Continued)

ParkMe, Inc.

Sam Friedman, President

Alexander Israel, Vice President

BUSINESS INCLUSION AND DEVELOPMENT PLAN SUMMARY

PROJECT: Authorize **(1)** a five-year service contract, with a one-year renewal option, for parking services: Citations Management; Parking Management Services; Parking Meter Maintenance; Parking Meter Collections, Reconciliation, and Counting Services; Parking Lot Maintenance; Mobile Applications - Payments and Mobile Applications - Mapping - SP Plus Corporation in the amount of \$6,609,012, Xerox State and Local Solutions, Inc. in the amount of \$5,479,200, Ace Parking III, LLC in the amount of \$4,287,027 and ParkMe, Inc. in the amount of \$560,700, most advantageous proposers of eighteen; and **(2)** an increase in appropriations in the amount of \$812,607, from \$451,882,305 to \$452,694,912 in the Dallas Police Department budget - Total not to exceed \$16,935,939 - Financing: Current Funds (subject to annual appropriations)

SP Plus Corporation and Ace Parking III, LLC are local, non-minority firms, have signed the "Business Inclusion & Development" documentation, and propose to use the following sub-contractors. Xerox State and Local Solutions, Inc. is a non-local, non-minority firm, has signed the "Business Inclusion & Development" documentation, and proposes to use the following sub-contractors. ParkMe, Inc. is a non-local, non-minority firm, has signed the "Business Inclusion & Development" documentation, and proposes to use their own workforce.

PROJECT CATEGORY: Other Services

LOCAL/NON-LOCAL CONTRACT SUMMARY

	<u>Amount</u>	<u>Percent</u>
Total local contracts	\$10,474,093.72	61.85%
Total non-local contracts	\$6,461,844.72	38.15%
TOTAL CONTRACT	\$16,935,938.44	100.00%

LOCAL/NON-LOCAL M/WBE PARTICIPATION

Local Contractors / Sub-Contractors

<u>Local</u>	<u>Certification</u>	<u>Amount</u>	<u>Percent</u>
Caldwell Industries	BMMB72006N0516	\$821,756.75	7.85%
Wai-Wize	BMDM23528Y0317	\$375,000.00	3.58%
Pinnacle Technical Resources	HFMD09522N0417	\$776,000.00	7.41%
Total Minority - Local		\$1,972,756.75	18.83%

Non-Local Contractors / Sub-Contractors

<u>Non-local</u>	<u>Certification</u>	<u>Amount</u>	<u>Percent</u>
Global Parking	BMDM00341N0516	\$1,572,944.72	24.34%
Comet Inc	BMDM24085N0617	\$155,000.00	2.40%
Total Minority - Non-local		\$1,727,944.72	26.74%

TOTAL M/WBE CONTRACT PARTICIPATION

	<u>Local</u>	<u>Percent</u>	<u>Local & Non-Local</u>	<u>Percent</u>
African American	\$1,196,756.75	11.43%	\$2,924,701.47	17.27%
Hispanic American	\$776,000.00	7.41%	\$776,000.00	4.58%
Asian American	\$0.00	0.00%	\$0.00	0.00%
Native American	\$0.00	0.00%	\$0.00	0.00%
WBE	\$0.00	0.00%	\$0.00	0.00%
Total	\$1,972,756.75	18.83%	\$3,700,701.47	21.85%

June 15, 2016

WHEREAS, on April 27, 2005, City Council authorized a sixty-month professional services contract, with one sixty-month renewal option, for the meter operation and parking management information system by Resolution No. 05-1331; and,

WHEREAS, on April 26, 2006, City Council authorized Supplemental Agreement No.1 to the professional services contract with ACS State and Local Solutions, Inc., for the provision of license recognition equipment and maintenance, staff and equipment for an auto pound payment station, and reimbursement to the City for two Boot Officers by Resolution No. 06-1220; and,

WHEREAS, on April 12, 2007, Administrative Action No. 07-1107 authorized Supplemental Agreement No. 2 to the contract with ACS State and Local Solutions, Inc., to provide for the ability to adjust the revenue guarantee scale and alter the minimum guarantee; and,

WHEREAS, on May 12, 2010, City Council authorized the renewal option to the contract with ACS State and Local Solutions, Inc. for a five-year period for services related to meter operations and a parking management information system for the period June 1, 2010 through May 31, 2015, by Resolution No. 10-1257; and,

WHEREAS, on September 26, 2012, City Council authorized to amend the contract with ACS State and Local Solutions, Inc., to provide for pay-by-phone or wireless application services for all metered parking spaces in the City by Resolution No. 12-2426; and,

WHEREAS, on November 20, 2012, Administrative Action No. 12-2862 authorized Supplemental Agreement No. 5, to the contract with Xerox State and Local Solutions, Inc., to provide for the purchase of 10 multi-space meters and related items; and,

WHEREAS, on June 10, 2014, Administrative Action No. 14-6037 authorized Supplemental Agreement No. 6, with Xerox State and Local Solutions, Inc., to provide for meter operations and parking system management of the Dallas Parking Technology Pilot; and,

WHEREAS, on March 25, 2015, City Council authorized Supplemental Agreement No. 7 to exercise the option of a one-year renewal to the contract with Xerox State and Local Solutions, Inc. (formerly ACS State and Local Solutions, Inc.) for services related to meter operations and a parking management information system for the period May 2, 2015 through May 1, 2016, by Resolution No. 15-0549; and,

June 15, 2016

WHEREAS, on April 27, 2016, City Council authorized Supplemental Agreement No. 8 to the contract with Xerox State and Local Solutions, Inc. (formerly ACS State and Local Solutions, Inc.) to extend the contract term from May 2, 2016 through August 2, 2016 for services related to meter operations and a parking management information system by Resolution No. 16-0689; and,

WHEREAS, the City of Dallas has requested competitive sealed proposals for parking services related to Parking Meter and Citation Operations and Parking Management Information Services, RFSCP No. BKZ1521A consisting of certain parking services and systems, training and services, to support the operations of the Dallas Police Department of the City; and,

WHEREAS, it was determined that each vendor was the responsible offeror submitting the best and final offer pursuant to the specific parking service request;

NOW, THEREFORE,

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

Section 1. That the City Manager is authorized to execute a service contract with SP Plus Corporation (VS0000053138) in the amount of \$6,609,011.44, Xerox State and Local Solutions, Inc. (VS0000005027) in the amount of \$5,479,200.00, Ace Parking III, LLC (VS0000023785) in the amount of \$4,287,027.00 and ParkMe, Inc. (VS0000083310) in the amount of \$560,700.00 for parking services for a term of five years, with a one-year renewal option, in a total amount not to exceed \$16,935,938.44, upon approval as to form by the City Attorney. If the service was bid or proposed on an as needed, unit price basis for performance of specified tasks, payment to SP Plus Corporation, Xerox State and Local Solutions, Inc., Ace Parking III, LLC and ParkMe, Inc. shall be based only on the amount of the services directed to be performed by the City and properly performed by SP Plus Corporation, Xerox State and Local Solutions, Inc., Ace Parking III, LLC and ParkMe, Inc., under the contract.

Section 2. That the City Manager is hereby authorized to increase the Police Department appropriations in an amount not to exceed \$812,607.00 from \$451,882,305.00 to \$452,694,912.00 in Fund 0001, Dept. DPD, 2109, Object 3072.

June 15, 2016

Section 3. That the Chief Financial Officer is authorized to disburse funds in an amount not to exceed \$16,935,938.44 (subject to annual appropriations) from Service Contract numbers XEROXPARKING, SPPLUSPARKING, ACEPARKING and PARKMEPARKING.

<u>FUND</u>	<u>DEPT</u>	<u>UNIT</u>	<u>OBJ</u>	<u>AMOUNT</u>	<u>FY</u>
0001	DPD	2109	3072	\$812,607.00	2016
0001	DPD	2109	3072	\$16,123,331.44	(subject to annual appropriations)

Section 4. That the Chief Financial Officer is hereby authorized to deposit revenues into Fund 0001, Dept DPD, Unit 2109, Revenue Source 6369, 8007, 8041, 8042, 8043, 8410, 8530.

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.

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: June 15, 2016

COUNCIL DISTRICT(S): 4

DEPARTMENT: Sustainable Development and Construction
Public Works Department

CMO: Ryan S. Evans, 671-9837
Jill A. Jordan, P.E., 670-5299

MAPSCO: 55H

SUBJECT

Authorize acquisition, including the exercise of the right of eminent domain, if such becomes necessary, from Carol Arriaga a/k/a Caroline Arriaga, of approximately 6,000 square feet of land improved with a single-family dwelling located near the intersection of Pontiac Avenue and Cadillac Drive for the Cadillac Heights City Service and Maintenance Facilities Project - Not to exceed \$23,500 (\$21,500, plus closing costs and title expenses not to exceed \$2,000) - Financing: 2006 Bond Funds

BACKGROUND

This item authorizes the acquisition of approximately 6,000 square feet of land improved with a single-family dwelling located near the intersection of Pontiac Avenue and Cadillac Drive for the Cadillac Heights City Service and Maintenance Facilities Project. The use of eminent domain is being pursued because the subject property is encumbered with title issues preventing the issuance of a title policy. The consideration is based on an independent appraisal. The relocation benefits are estimated to be \$62,000.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Information about this item was provided to the Economic Development Committee on May 16, 2016.

On May 25, 2016, this item was deferred by Councilmember Carolyn King Arnold.

FISCAL INFORMATION

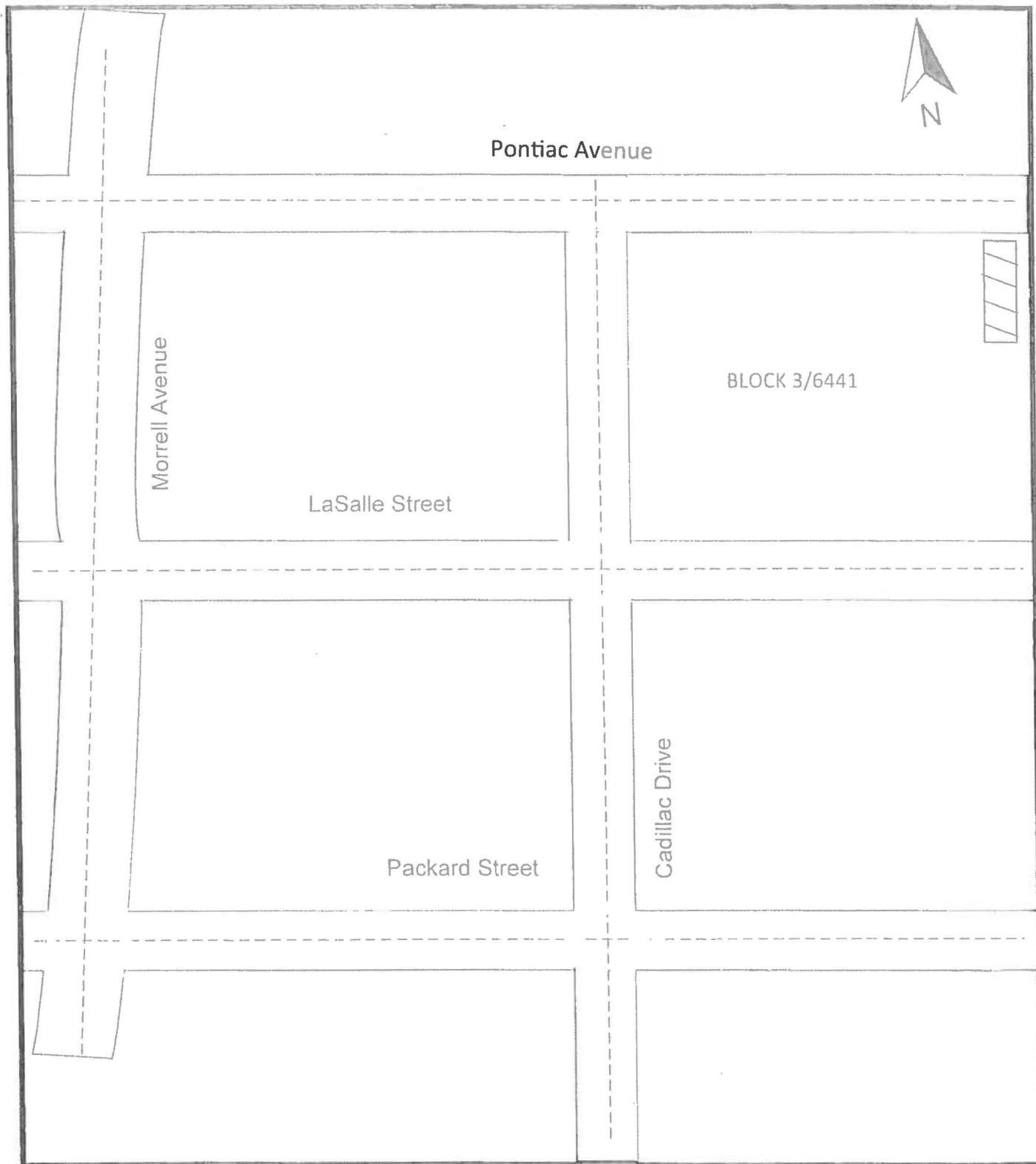
2006 Bond Funds - \$23,500 (\$21,500, plus closing costs and title expenses not to exceed \$2,000)

OWNER

Carol Arriaga a/k/a Caroline Arriaga

MAP

Attached



SUBJECT: 

June 15, 2016

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

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

"CITY": The City of Dallas

"PROPERTY": Approximately 6,000 square feet of property located in Dallas County, and being the same property more particularly described in "Exhibit A", attached hereto and made a part hereof for all purposes.

"PROJECT": Cadillac Heights Phase II

"USE": City service and maintenance facilities.

"PROPERTY INTEREST": Fee Simple

"OWNER": Carol Arriaga a/k/a Caroline Arriaga, provided, however, that the term "OWNER" as used in this resolution means all persons having an ownership interest, regardless of whether those persons are actually named herein.

"OFFER AMOUNT": \$21,500

"CLOSING COSTS AND TITLE EXPENSES": Not to exceed \$2,000

"AUTHORIZED AMOUNT": \$23,500

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

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

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

SECTION 3. That for the purpose of acquiring the PROPERTY INTEREST in the PROPERTY, the Assistant Director of the Department of Sustainable Development and Construction Department, Real Estate Division, or such person as she may designate, is hereby authorized and directed to offer the OFFER AMOUNT as payment for the PROPERTY INTEREST in the PROPERTY.

June 15, 2016

SECTION 4. That in the event the OWNER accepts the OFFER AMOUNT, the Chief Financial Officer is authorized and directed to draw a warrant in favor of the OWNER, or the then current owner of record, or the title company closing the transaction described herein in the OFFER AMOUNT and CLOSING COSTS AND TITLE EXPENSES payable out of Land Acquisition in Cadillac Heights Fund, Fund No. BT11, Department PBW, Unit T825, Activity LAAQ, Program No. PB06T825, Object 4210, Encumbrance No. SUSVL82572 The OFFER AMOUNT, CLOSING COSTS and TITLE EXPENSES together shall not exceed the AUTHORIZED AMOUNT.

SECTION 5. That the CITY is to have possession of the PROPERTY at closing; and the CITY will pay any title expenses and closing costs. In the event of condemnation, the CITY will pay court costs as may be assessed by the Special Commissioners or the court. Further, that litigation expenses determined by the City Attorney to be necessary are authorized for payment. All costs and expenses described in this section shall be paid from the previously described funds.

SECTION 6. That if the OWNER refuses to accept the OFFER AMOUNT, the CITY will appropriate the PROPERTY INTEREST in the PROPERTY for the PROJECT under the laws of eminent domain and the provisions of the Charter of the City of Dallas. In such case, the City Attorney is authorized and requested to file the necessary suit(s) and take the necessary action for the prompt acquisition of the PROPERTY INTEREST in the PROPERTY by condemnation or in any manner provided by law.

SECTION 7. That in the event it is subsequently determined that additional persons other than those named herein have an interest in the PROPERTY, the City Attorney is authorized and directed to join said parties as defendants in said condemnation suit(s).

SECTION 8. That to the extent the PROPERTY is being purchased wholly or partly with bond proceeds CITY has obtained an independent appraisal of the PROPERTY'S market value.

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

SECTION 10. That in the event the Special Commissioners in Condemnation appointed by the Court return an award that is the same amount or less than the OFFER AMOUNT, the City Attorney is hereby authorized to settle the lawsuit for that amount and the Chief Financial Officer is hereby authorized to issue a check drawn on the previously described funds in an amount not to exceed the Commissioners' award made payable to the County Clerk of Dallas County, to be deposited into the registry of the Court, to enable the CITY to take possession of the PROPERTY without further action of the Dallas City Council.

June 15, 2016

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

APPROVED AS TO FORM:

Christopher D. Bowers, Interim City Attorney

BY 
Assistant City Attorney

EXHIBIT A

Being Lot 26, in Block 3/6641, of CADILLAC PLACE ADDITION,
an Addition to the City of Dallas, Dallas County, Texas, according
to the Map thereof recorded in Volume 7, Page 459, of the Map
Records of Dallas County, Texas

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: June 15, 2016

COUNCIL DISTRICT(S): 13

DEPARTMENT: Sustainable Development and Construction

CMO: Ryan S. Evans, 671-9837

MAPSCO: 24K

SUBJECT

An ordinance abandoning a portion of Montwood Lane and a garbage collection and utility easement to The Episcopal School of Dallas, Inc., and WBL Family Investments, Inc., the abutting owners, containing a total of approximately 75,438 square feet of land, located near the intersection of Merrell and Midway Roads, authorizing the quitclaim and providing for the dedication of approximately 36,970 square feet of land needed for right-of-way - Revenue: \$840,024, plus the \$20 ordinance publication fee

BACKGROUND

This item authorizes the abandonment of a portion of Montwood Lane and a garbage collection and utility easement to The Episcopal School of Dallas, Inc., and WBL Family Investments, Inc., the abutting owners. The areas will be included with the property of the abutting owners for future development of an elementary school. The owners will dedicate a total of approximately 36,970 square feet of land needed for right-of-way. The abandonment fee is based on an independent appraisal.

Notices were sent to 37 property owners located within 300 feet of the proposed abandonment area. There were 9 responses received in opposition to this request.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Information about this item was provided to the Economic Development Committee on April 4, 2016.

On April 13, 2016, this item was deferred by Councilmember Jennifer S. Gates.

FISCAL INFORMATION

Revenue: \$840,024, plus the \$20 ordinance publication fee

OWNERS

The Episcopal School of Dallas, Inc.

Erin Mayo, President

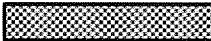
WBL Family Investments, Inc.


Stephen B. Swann, Director

MAP

Attached



Abandonment areas: 

Dedication areas: 

ORDINANCE NO. _____

An ordinance providing for the abandonment of a portion of Montwood Lane located adjacent to City Blocks 3/6150 and 4/6150 and a garbage collection and utility easement located in City Block 3/6150 in the City of Dallas and County of Dallas, Texas; providing for the quitclaim thereof to The Episcopal School of Dallas, Inc. and WBL Family Investments, Inc.; providing for the terms and conditions of the abandonment and quitclaim made herein; providing for barricading; providing for the conveyance of needed land to the City of Dallas; providing for the indemnification of the City of Dallas against damages arising out of the abandonment herein; providing for the consideration to be paid to the City of Dallas; providing for the payment of the publication fee; providing a future effective date for this abandonment; and providing an effective date for this ordinance.

ooo0ooo

WHEREAS, the City Council of the City of Dallas, acting pursuant to law and upon the request and petition of The Episcopal School of Dallas, Inc., a Texas non-profit corporation, and WBL Family Investments, Inc., a Texas corporation, hereinafter referred to collectively as **GRANTEE**, deems it advisable to abandon and quitclaim the hereinafter described tracts of land to **GRANTEE**, and is of the opinion that, subject to the terms and conditions herein provided, said easement and portion of Montwood Lane are not needed for public use, and same should be abandoned and quitclaimed to **GRANTEE**, as hereinafter stated; and

WHEREAS, the City Council of the City of Dallas is of the opinion that the best interest and welfare of the public will be served by abandoning and quitclaiming the same to **GRANTEE** for the consideration and subject to the terms and conditions hereinafter more fully set forth; **Now, Therefore,**

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

SECTION 1. That the tracts of land described in Exhibit A, which is attached hereto and made a part hereof for all purposes, be and the same is abandoned, vacated and closed insofar as the right, title and interest of the public are concerned; subject, however, to the conditions and future effective date hereinafter more fully set out.

SECTION 2. That for and in monetary consideration of the sum of **EIGHT HUNDRED FORTY THOUSAND TWENTY-FOUR AND NO/100 DOLLARS (\$840,024.00)** paid by **GRANTEE**, and the further consideration described in Sections 8, 9, 10, 13, and 14, the City of Dallas does by these presents **FOREVER QUITCLAIM** unto the said **GRANTEE**, subject to the conditions, reservations, future effective date, and exceptions hereinafter made and with the restrictions and upon the covenants below stated, all of its right, title and interest in and to the certain tracts of land hereinabove described in Exhibit A as follows: unto The Episcopal School of Dallas, Inc., all of its right, title, and interest in Tract 1 of Exhibit A; unto WBL Family Investments, Inc., all of its right, title and interest in Tract II of Exhibit A. **TO HAVE AND TO HOLD** all of such right, title and interest in and to the property and premises, subject aforesaid, together with all and singular the rights, privileges, hereditaments and appurtenances thereto in any manner belonging unto the said **GRANTEE** forever.

SECTION 3. That upon payment of the monetary consideration set forth in Section 2, **GRANTEE** accepts the terms, provisions, future effective date and conditions of this ordinance.

SECTION 4. That the Chief Financial Officer is authorized to deposit the sum paid by **GRANTEE** pursuant to Section 2 above in the General Fund 0001, Department DEV, Balance Sheet 0519 and Department of Sustainable Development and Construction-Real Estate Division shall be reimbursed for the cost of obtaining the legal description, appraisal and other administrative costs incurred. The reimbursement proceeds shall be deposited in General Fund 0001, Department DEV, Unit 1183, Object 5011 and any remaining proceeds shall be transferred to the General Capital Reserve Fund 0625, Department BMS, Unit 8888, Revenue Source 8416.

SECTION 5. That the abandonment and quitclaim provided for herein are made subject to all present zoning and deed restrictions, if the latter exist, and are subject to all existing easement rights of others, if any, whether apparent or non-apparent, aerial, surface, underground or otherwise, and are further subject to the conditions contained in Exhibit B, which is attached hereto and made a part hereof for all purposes.

SECTION 6. That the terms and conditions contained in this ordinance shall be binding upon **GRANTEE**, its successors and assigns.

SECTION 7. That the abandonment and quitclaim provided for herein shall extend only to the public right, title, easement and interest, and shall be construed to extend only to that interest the Governing Body of the City of Dallas may legally and lawfully abandon and vacate.

SECTION 8. That as a condition of this abandonment and as a part of the consideration for the quitclaim to **GRANTEE** herein, **GRANTEE**, their successors and assigns, to the extent allowed by law, agree to indemnify, defend, release and hold harmless the City of Dallas as to any and all claims for damages, fines, penalties, costs or expenses to persons or property that may arise out of, or be occasioned by or from: (i) the use and occupancy of the areas described in Exhibit A by **GRANTEE**, their successors and assigns; (ii) the presence, generation, spillage, discharge, release, treatment or disposition of any Hazardous Substance on or affecting the areas set out in Exhibit A; (iii) all corrective actions concerning any discovered Hazardous Substances on or affecting the areas described in Exhibit A, which **GRANTEE**, their successors and assigns, agree to undertake and complete in accordance with applicable federal, state and local laws and regulations; and (iv) the abandonment, closing, vacation and quitclaim by the City of Dallas of the areas set out in Exhibit A. **GRANTEE**, their successors and assigns, hereby agree to defend any and all suits, claims, or causes of action brought against the City of Dallas on account of same, and discharge any judgment or judgments that may be rendered against the City of Dallas in connection therewith. For purposes hereof, "Hazardous Substance" means the following: (a) any "hazardous substances" under the Comprehensive Environmental Response, Compensation, and Liability Act, 42 U.S.C. Section 9601 et seq., as amended;

(b) any “hazardous substance” under the Texas Hazardous Substances Spill Prevention and Control Act, TEX. WATER CODE, Section 26.261 et seq., as amended; (c) petroleum or petroleum-based products (or any derivative or hazardous constituents thereof or additives thereto), including without limitation, fuel and lubricating oils; (d) any “hazardous chemicals” or “toxic chemicals” under the Occupational Safety and Health Act, 29 U.S.C. Section 651 et seq., as amended; (e) any “hazardous waste” under the Resource Conservation and Recovery Act, 42 U.S.C. Section 6901 et seq., as amended; and (f) any “chemical substance” under the Toxic Substance Control Act, 15 U.S.C. Section 2601 et seq., as amended. References to particular acts or codifications in this definition include all past and future amendments thereto, as well as applicable rules and regulations as now or hereafter promulgated thereunder.

SECTION 9. That as a condition of this abandonment and as a part of the consideration for the quitclaim made herein, **GRANTEE** shall file a final replat of the adjoining properties prior to the issuance of any building permits affecting the tracts of land abandoned and quitclaimed herein. This final replat shall be recorded by **GRANTEE** in the official real property records of the county in which the abandoned area is located after its approval by the City Plan Commission of the City of Dallas.

SECTION 10. That as a condition of this abandonment and as a part of the consideration for the quitclaim made herein, **GRANTEE** shall convey by General Warranty Deed to the City of Dallas, within 90 days of the effective date of this ordinance, good, indefeasible and marketable fee simple title, subject to only those title exceptions approved by the City Attorney, and insured by an owner’s policy of title insurance approved as to form by the City Attorney, to certain properties located in City Blocks 6150, 3/6150, and 4/6150, containing approximately 36,970 square feet of land, a description of which is attached hereto and made a part hereof as Exhibit C. This abandonment shall not be effective unless and until this dedication is completed as herein provided and failure to convey the above described property as set forth shall render this ordinance null and void and of no further effect.

SECTION 11. That at such time as the instrument described in Section 10 above is executed and delivered to the City of Dallas and has been approved as to form by the City Attorney it be accepted, and thereafter, the Director of Department of Sustainable Development and Construction is authorized and directed to record said instrument in the official real property records of the county in which the subject property is located; and the recorded instrument shall be forwarded to the City Secretary for permanent record.

SECTION 12. That this ordinance and properly executed General Warranty Deed, approved as to form by the City Attorney, be forwarded to a title insurance company for closing. Subsequent to closing, all instruments conveying real estate interests to the City of Dallas shall be recorded in the official real property records of the county in which the subject property is located and thereafter returned to the City Secretary for permanent record.

SECTION 13. That as a condition of this abandonment and as a part of the consideration for the quitclaim made herein, **GRANTEE** shall pay all closing costs and title expenses associated with the acquisition of the property described in Section 10 above.

SECTION 14. That as a condition of this abandonment and as a part of the consideration for the quitclaim made herein, **GRANTEE** shall, immediately upon the effectiveness of this abandonment, close, barricade and/or place signs in the area described in Exhibit A in accordance with detailed plans approved by the Director of Department of Sustainable Development and Construction. **GRANTEE's** responsibility for keeping the area described in Exhibit A closed, barricaded and/or the signs in place shall continue until the street improvements and intersection returns are removed by **GRANTEE**, their successors and assigns, to the satisfaction of the Director of Department of Sustainable Development and Construction.

SECTION 15. That the City Secretary is hereby authorized and directed to certify a copy of this ordinance for recordation in the official real property records of the county in which the abandonment area is located, which certified copy shall be delivered to the Director of Department of Sustainable Development and Construction, or designee. Upon receipt of the monetary consideration set forth in Section 2, plus the fee for the publishing of this ordinance, which **GRANTEE** shall likewise pay, and completion of the dedication set forth in Section 10 the Director of Department of Sustainable Development and Construction, or designee: (i) shall deliver to **GRANTEE** a certified copy of this ordinance, and (ii) is authorized to and shall prepare and deliver a **QUITCLAIM DEED** with regard to the area abandoned herein, to **GRANTEE** hereunder, same to be executed by the City Manager on behalf of the City of Dallas, attested by the City Secretary and approved as to form by the City Attorney. The Director of Department of Sustainable Development and Construction, or designee, shall be the sole source for receiving certified copies of this ordinance for one year after its passage.

SECTION 16. That this ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so ordained.

APPROVED AS TO FORM:
CHRISTOPHER D. BOWERS
Interim City Attorney

DAVID COSSUM
Director of Department of Sustainable
Development and Construction

BY


Assistant City Attorney

BY


Assistant Director

Passed _____.

**STREET RIGHT-OF-WAY ABANDONMENT
A PORTION OF MONTWOOD LANE
ADJACENT TO BLOCK 3/6150 MIDMONT ADDITION
BLOCK 4/6150 EPISCOPAL SCHOOL OF DALLAS ADDITION
CITY OF DALLAS, DALLAS COUNTY, TEXAS**

BEING A 1.606 ACRE TRACT OF LAND SITUATED IN THE BENJAMIN MERELL SURVEY, ABSTRACT NO. 933, ADJACENT TO CITY OF DALLAS BLOCK NO. 3/6150, AND 4/6150, CITY OF DALLAS, DALLAS COUNTY, TEXAS, AND BEING A PORTION OF MONTWOOD LANE, (A 58-FOOT PUBLIC RIGHT-OF-WAY), SAID MONTWOOD LANE BEING DEDICATED BY THE PLAT OF THE EPISCOPAL SCHOOL OF DALLAS, RECORDED IN VOLUME 79218, PAGE 598 OF THE DEED RECORDS OF DALLAS COUNTY, TEXAS, (D.R.D.C.T.), AND THE PLAT OF MIDMONT ADDITION, AN ADDITION TO THE CITY OF DALLAS ACCORDING TO THE PLAT THEREOF FILED FOR RECORD IN VOLUME 36, PAGE 201, MAP RECORDS OF DALLAS COUNTY, TEXAS, (M.R.D.C.T.), SAID 1.606 ACRE TRACT OF LAND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A 5/8-INCH IRON ROD WITH YELLOW PLASTIC CAP STAMPED "BURY" SET FOR THE POINT OF INTERSECTION OF THE WESTERLY RIGHT-OF-WAY LINE OF MIDWAY ROAD (A VARIABLE WIDTH RIGHT-OF-WAY, CALLED 80-FOOT WIDE AT THIS POINT) WITH THE SOUTHERLY RIGHT-OF-WAY LINE OF SAID MONTWOOD LANE AND BEING THE NORTHEAST CORNER OF LOT 12, BLOCK 3/6150 OF SAID MIDMONT ADDITION;

THENCE SOUTH 89°51'50" WEST, DEPARTING THE WEST RIGHT-OF-WAY LINE OF SAID MIDWAY ROAD ALONG THE SOUTH RIGHT-OF-WAY LINE OF SAID MONTWOOD LANE, SAME BEING THE NORTH LINE OF LOTS 2 THROUGH 12, BLOCK 3/6150 OF SAID MIDMONT ADDITION, AT A DISTANCE OF 365.00 FEET PASSING A 1-INCH IRON ROD FOUND FOR THE NORTHWEST CORNER OF LOT 10, BLOCK 3/6150 AND THE NORTHEAST CORNER OF LOT 9, BLOCK 3/6150, AT A DISTANCE OF 1065.00 FEET PASSING A 1/2-INCH IRON ROD FOUND FOR THE NORTHWEST CORNER OF LOT 3, BLOCK 3/6150 AND THE NORTHEAST CORNER OF LOT 2, BLOCK 3/6150, CONTINUING IN ALL FOR A DISTANCE OF 1074.50 FEET TO A 5/8-INCH IRON ROD WITH YELLOW PLASTIC CAP STAMPED "BURY" SET FOR THE POINT OF CURVATURE OF A NON-TANGENT CURVE TO THE RIGHT HAVING A RADIUS POINT WHICH BEARS NORTH 60°08'10" WEST, A DISTANCE OF 50.00 FEET;

(For SPRG use only)

Reviewed by: JD

Date: 7/16/2015

SPRG NO: 2964

**STREET RIGHT-OF-WAY ABANDONMENT
A PORTION OF MONTWOOD LANE
ADJACENT TO BLOCK 3/6150 MIDMONT ADDITION
BLOCK 4/6150 EPISCOPAL SCHOOL OF DALLAS ADDITION
CITY OF DALLAS, DALLAS COUNTY, TEXAS**

THENCE WESTERLY, NORTHERLY AND EASTERLY ALONG THE CURVING CUL-DE-SAC OF SAID MONTWOOD LANE, WITH SAID CURVE TO THE RIGHT AT AN ARC LENGTH OF 135.91 FEET PASSING THE COMMON LINE OF SAID MIDMONT ADDITION AND SAID EPISCOPAL SCHOOL OF DALLAS CONTINUING ALONG THE COMMON LINE OF SAID CUL-DE-SAC AND THE SOUTHERLY LINE OF SAID LOT 1, BLOCK 4/6150 OF THE EPISCOPAL SCHOOL OF DALLAS, THROUGH A TOTAL CENTRAL ANGLE OF 288°42'00" FOR AN ARC LENGTH OF 251.94 FEET, A CHORD BEARING OF NORTH 05°47'10" WEST AND A CHORD DISTANCE OF 58.28 FEET TO A 5/8-INCH IRON ROD WITH YELLOW PLASTIC CAP STAMPED "BURY" SET FOR CORNER IN THE NORTHERLY RIGHT-OF-WAY LINE OF SAID MONTWOOD LANE;

THENCE NORTH 89°51'50" EAST ALONG SAID NORTHERLY RIGHT-OF-WAY LINE, SAME BEING THE SOUTH LINE OF SAID LOT 1, BLOCK 4/6150, A DISTANCE OF 1074.47 FEET TO A 5/8-INCH IRON ROD WITH YELLOW PLASTIC CAP STAMPED "BURY" SET FOR THE SOUTH END OF A CORNER CLIP;

THENCE NORTH 44°58'45" EAST ALONG SAID CORNER CLIP, A DISTANCE OF 7.09 FEET TO A 5/8-INCH IRON ROD WITH YELLOW PLASTIC CAP STAMPED "BURY" SET FOR CORNER;

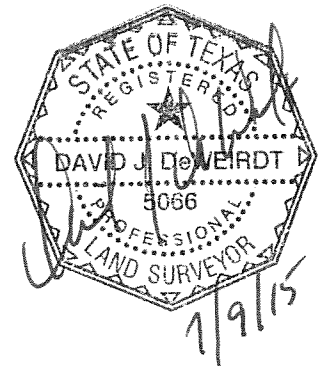
THENCE SOUTH 00°49'01" EAST DEPARTING SAID CORNER CLIP, OVER AND ACROSS SAID MONTWOOD LANE, A DISTANCE OF 63.00 FEET TO THE POINT OF BEGINNING;

CONTAINING A COMPUTED AREA OF 69,963 SQUARE FEET OR 1.606 ACRES OF LAND.

NOTES:

A SKETCH WAS PREPARED ON EVEN DATE TO ACCOMPANY THIS DESCRIPTION.

BEARINGS CALLED FOR HEREIN ARE BASED ON THE NORTH RIGHT-OF-WAY LINE OF MONTWOOD LANE BEING NORTH 89°51'50" EAST, THE SAME AS RECORDED IN VOLUME 79218, PAGE 598, D.R.D.C.T.



(For SPRG use only)

Reviewed by: JD

Date: 7/16/2015

SPRG NO: 2964

OWNERSHIP LIST

LOT 1 WBL FAMILY INVESTMENTS, INC INST No. 200900041141 O.P.R.D.C.T.	LOT 5 WBL FAMILY INVESTMENTS, INC VOL. 2001233, PG. 7037 D.R.D.C.T.	LOT 9 WBL FAMILY INVESTMENTS, INC INST No. 201300128230 O.P.R.D.C.T.
LOT 2 WBL FAMILY INVESTMENTS, INC INST No. 200900041157 O.P.R.D.C.T.	LOT 6 WBL FAMILY INVESTMENTS, INC INST No. 20080222092 O.P.R.D.C.T.	LOT 10 WBL FAMILY INVESTMENTS, INC VOL. 2003114, PG. 23109 D.R.D.C.T.
LOT 3 WBL FAMILY INVESTMENTS, INC INST No. 2010000207904 O.P.R.D.C.T.	LOT 7 WBL FAMILY INVESTMENTS, INC VOL. 2005173, PG. 4470 O.P.R.D.C.T.	LOT 11 WBL FAMILY INVESTMENTS, INC VOL. 2001233, PG. 7037 D.R.D.C.T.
LOT 4 WBL FAMILY INVESTMENTS, INC INST No. 200800097843 O.P.R.D.C.T.	LOT 8 WBL FAMILY INVESTMENTS, INC VOL. 2004018, PG. 982 O.P.R.D.C.T.	LOT 12 WBL FAMILY INVESTMENTS, INC VOL. 2001233, PG. 7037 D.R.D.C.T.

LOT 1, BLOCK 4/6150
EPISCOPAL SCHOOL OF DALLAS
VOL. 79218, PG. 598
D.R.D.C.T.

IRF	1/2" IRON ROD FOUND	(CM)	CONTROL MONUMENT
XF	CUT "X" FOUND		
CIRS	5/8" IRON ROD SET W/YELLOW CAP STAMPED "BURY"	INST. NO.	INSTRUMENT NUMBER
D.R.D.C.T.	DEED RECORDS OF DALLAS COUNTY, TEXAS	VOL., PG.	VOLUME, PAGE
M.R.D.C.T.	MAP RECORDS OF DALLAS COUNTY, TEXAS	SQ. FT.	SQUARE FEET
		POB	POINT OF BEGINNING
		R.O.W.	RIGHT-OF-WAY
			</



20' DRAINAGE EASEMENT
VOL. 36, PG. 201
M.R.D.C.T.

$\Delta = 286^{\circ}42'00''$
 $R = 50.00'$
 $L = 251.94'$
 $CB = N 05^{\circ}47'10'' W$
 $CD = 58.28'$

15' WATER EASEMENT
CITY OF DALLAS
VOL. 95028, PG. 1161
D.R.D.C.T.

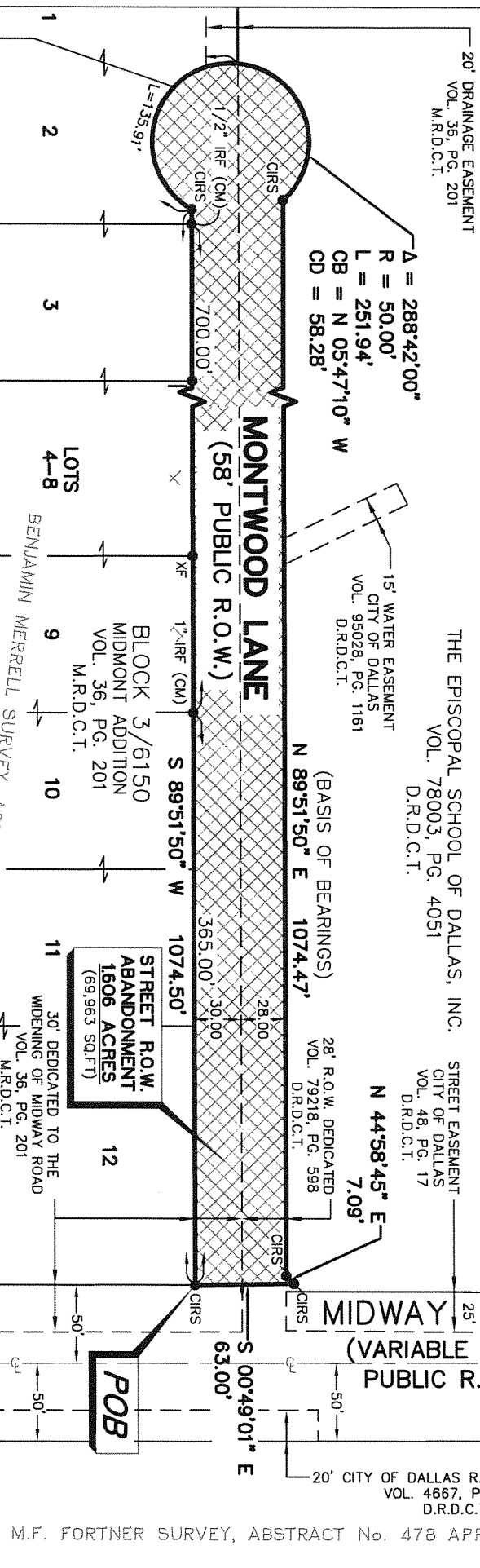
THE EPISCOPAL SCHOOL OF DALLAS, INC.
VOL. 78003, PG. 4051
D.R.D.C.T.

(BASIS OF BEARINGS)
 $N 89^{\circ}51'50'' E$ 1074.47'
 $N 44^{\circ}58'45'' E$ 7.09'

28' R.O.W. DEDICATED
CITY OF DALLAS
VOL. 48, PG. 17
D.R.D.C.T.

MIDWAY ROAD
(VARIABLE WIDTH
PUBLIC R.O.W.)

20' CITY OF DALLAS R.O.W. DEDICATION
VOL. 4667, PG. 263
D.R.D.C.T.

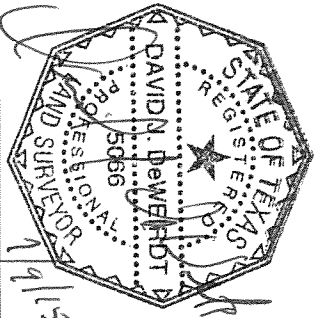


NOTES:
BASIS OF BEARING IS THE NORTH RIGHT-OF-WAY LINE OF MONTWOOD LANE BEING NORTH 89°51'50" EAST AS RECORDED IN MIDMONT ADDITION, VOLUME 36, PAGE 201, M.R.D.C.T.

A FIELD NOTE DESCRIPTION WAS PREPARED ON EVEN DATE TO ACCOMPANY THIS SKETCH.

(FOR SPRG USE ONLY)
REVIEWED BY: JD
DATE: 7/16/2015
SPRG NO. 2964

STREET RIGHT-OF-WAY ABANDONMENT
A PORTION OF MONTWOOD LANE
ADJACENT TO BLOCK 3/6150 MIDMONT ADDITION AND
BLOCK 4/6150 EPISCOPAL SCHOOL OF DALLAS ADDITION
CITY OF DALLAS, DALLAS COUNTY, TEXAS



**EASEMENT ABANDONMENT
PORTION OF LOTS 10, 11 & 12, BLOCK 3/6150
MIDMONT ADDITION
CITY OF DALLAS, DALLAS COUNTY, TEXAS**

BEING A 5,475 SQUARE FOOT TRACT OF LAND SITUATED IN THE BENJAMIN MERRELL SURVEY, ABSTRACT NO. 933, CITY OF DALLAS, DALLAS COUNTY, TEXAS, AND BEING A PORTION OF LOTS 10, 11 AND 12, BLOCK 3/6150, MIDMONT ADDITION, AN ADDITION TO THE CITY OF DALLAS, DALLAS COUNTY, TEXAS ACCORDING TO THE PLAT THEREOF FILED FOR RECORD IN VOLUME 36, PAGE 201, MAP RECORDS OF DALLAS COUNTY, TEXAS, (M.R.D.C.T.), AND BEING A PORTION OF A TRACT OF LAND DESCRIBED IN A GENERAL WARRANTY DEED TO WBL FAMILY INVESTMENTS, INC. RECORDED IN VOLUME 2003114, PAGE 23109, DEED RECORDS, DALLAS COUNTY, TEXAS, (D.R.D.C.T.), AND A TRACT OF LAND DESCRIBED IN A SPECIAL WARRANTY DEED TO WBL FAMILY INVESTMENTS, INC. RECORDED IN VOLUME 2001233, PAGE 7037, D.R.D.C.T., SAID 5,475 SQUARE FOOT TRACT OF LAND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A 1-INCH IRON ROD FOUND FOR THE NORTHWEST CORNER OF SAID LOT 10, BLOCK 3/6150, SAME BEING THE NORTHEAST CORNER OF LOT 9, BLOCK 3/6150 OF SAID MIDMONT ADDITION, SAID POINT BEING IN THE SOUTH RIGHT-OF-WAY LINE OF MONTWOOD LANE (A 58-FOOT PUBLIC RIGHT-OF-WAY) AND FROM WHICH A CUT "X" FOUND FOR THE NORTHWEST CORNER OF SAID LOT 9, BLOCK 3/6150 BEARS SOUTH 89°51'50" WEST, A DISTANCE OF 100.00 FEET;

THENCE, SOUTH 00°08'10" EAST, DEPARTING THE SOUTH RIGHT-OF-WAY LINE OF SAID MONTWOOD LANE ALONG THE COMMON LINE OF SAID LOT 10 AND SAID LOT 9, A DISTANCE OF 165.00 FEET TO THE **POINT OF BEGINNING**, BEING IN THE NORTH LINE OF A 15-FOOT WIDE EASEMENT CREATED BY SAID MIDMONT ADDITION;

THENCE, NORTH 89°51'50" EAST, DEPARTING SAID COMMON LINE OVER AND ACROSS SAID LOTS 10, 11 AND 12, BLOCK 3/6150 ALONG THE NORTH LINE OF SAID EASEMENT, A DISTANCE OF 365.00 FEET TO A POINT IN THE COMMON EAST LINE OF SAID LOT 12, BLOCK 3/6150 WITH THE WEST RIGHT-OF-WAY LINE OF MIDWAY ROAD, (A VARIABLE WIDTH PUBLIC RIGHT-OF-WAY);

THENCE, SOUTH 00°08'10" EAST, ALONG SAID COMMON LINE, A DISTANCE OF 15.00 FEET TO A POINT FOR THE SOUTHEAST CORNER OF SAID LOT 12, BLOCK 3/6150 AND BEING IN THE NORTH LINE OF A TRACT OF LAND DESCRIBED IN A GENERAL WARRANTY DEED TO WBL FAMILY INVESTMENTS, INC. RECORDED IN INSTRUMENT NUMBER 200600332154, OFFICIAL PUBLIC RECORDS, DALLAS COUNTY, TEXAS;

THENCE, SOUTH 89°51'50" WEST, DEPARTING SAID COMMON LINE ALONG THE NORTH LINE OF SAID WBL FAMILY INVESTMENTS, INC. TRACT, AT A DISTANCE OF 320.00 FEET PASSING THE MOST NORTHERLY NORTHEAST CORNER OF MIDWAY WEST, AN ADDITION TO THE CITY OF DALLAS ACCORDING TO THE PLAT THEREOF FILED FOR RECORD IN VOLUME 28, PAGE 149, M.R.D.C.T., CONTINUING ALONG THE NORTH LINE

(For SPRG use only)

Reviewed by: JD

Date: 1/13/2015

SPRG NO: 3030

**EASEMENT ABANDONMENT
PORTION OF LOTS 10, 11 & 12, BLOCK 3/6150
MIDMONT ADDITION
CITY OF DALLAS, DALLAS COUNTY, TEXAS**

OF SAID MIDWAY WEST ADDITION, IN ALL A TOTAL DISTANCE OF 365.00 FEET TO A POINT FOR THE SOUTHWEST CORNER OF SAID LOT 10, BLOCK 3/6150 SAME BEING THE SOUTHEAST CORNER OF SAID LOT 9, BLOCK 3/6150;

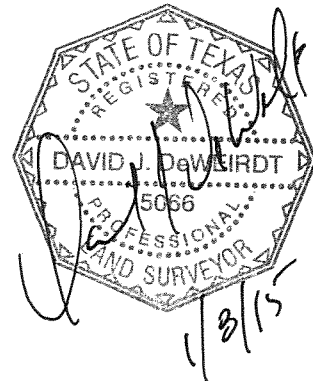
THENCE, NORTH 00°08'10" WEST, ALONG THE COMMON LINE OF SAID LOT 10, BLOCK 3/6150 AND SAID LOT 9, BLOCK 3/6150, A DISTANCE OF 15.00 FEET TO THE POINT OF BEGINNING;

CONTAINING A COMPUTED AREA OF 5,475 SQUARE FEET OR 0.126 ACRES OF LAND.

NOTES:

A SKETCH WAS PREPARED ON EVEN DATE TO ACCOMPANY THIS DESCRIPTION.

BEARINGS CALLED FOR HEREIN ARE BASED ON THE NORTH RIGHT-OF-WAY LINE OF MONTWOOD LANE BEING SOUTH 89°51'50" WEST, THE SAME AS RECORDED IN VOLUME 79218, PAGE 598, D.R.D.C.T.



(For SPRG use only)

Reviewed by: JD

Date: 1/13/2015

SPRG NO: 3030

EXHIBIT B

ADDITIONAL ABANDONMENT PROVISIONS

That as a condition hereof, this abandonment is subject to any utilities or communication facilities, including without limitation water and wastewater lines, gas lines, and storm sewers, ("Facilities") presently located within the abandoned area described in Exhibit "A", owned and/or operated by the City of Dallas or any utility or communications company, public or private, ("Utility") and to the rights of any Utility for the use of the abandoned area for its Facilities. It is the intent of the foregoing to confirm and maintain and there is hereby reserved and excepted unto the City of Dallas, and not abandoned or conveyed hereunder, an easement (to which this abandonment is made expressly subject) over, upon, under, through, in, and across the abandoned area for each Utility for its respective Facilities located therein at the time of this abandonment, together with the right to make any subsequent alterations, additions, expansions, upgrades or modifications to such Facilities as may, from time to time be deemed necessary or convenient by the Utility owning and/or operating same. No buildings, structures (above or below ground) or trees shall be constructed or placed within the abandoned area without written consent of each affected Utility. Each Utility shall have the full right to remove and keep removed all or part of any buildings, fences, trees, or other improvements or growths which in any way may endanger or interfere with the construction, maintenance or efficiency of its respective Facilities lying within the abandoned area and shall at all times have the full right of ingress and egress to or from and upon the abandoned area for the purposes of reconstructing, removing, relocating, inspecting, patrolling, maintaining, expanding, upgrading, and/or adding to all or part of its Facilities without the necessity at any time of procuring the permission of anyone. The easement reserved hereunder and the conditions and restrictions to which this abandonment is subject shall remain for the benefit of the applicable Utility and/or operators of the Facilities until said Facilities are removed and relocated from the abandoned area. The relocation, removal or adjustment of any or all such Facilities, if made necessary by GRANTEE'S (whether one or more natural persons or legal entities) use of the abandonment area, shall be at the expense of GRANTEE herein, or GRANTEE'S successors and assigns. Should GRANTEE'S relocation or removal of the Facilities require the obtaining of new easements, the acquisition of same shall be at the expense of GRANTEE, GRANTEE'S successors and assigns. If any of the Facilities (or relocations thereof) are allowed to remain on any part of the abandoned area, the easements and buildings restrictions provided herein shall remain thereon. Upon removal or relocation of all of the Facilities, any easements reserved or created herein relating to such removed or relocated Facilities shall terminate, and any building restrictions herein created shall cease.

**STREET RIGHT-OF-WAY DEDICATION
FOR A PORTION OF MIDWAY ROAD
PART OF BLOCK 6150 AND PART OF LOT 1, BLOCK 4/6150
EPISCOPAL SCHOOL OF DALLAS,
CITY OF DALLAS, DALLAS COUNTY, TEXAS**

BEING A 29,021 SQUARE FOOT (0.6662 ACRE) TRACT OF LAND SITUATED IN THE BENJAMIN MERRELL SURVEY, ABSTRACT NO. 933, CITY OF DALLAS, DALLAS COUNTY, TEXAS, BEING PART OF CITY OF DALLAS BLOCK NO. 6150, AND BEING ALL OF A CALLED 25,477 SQUARE FOOT TRACT OF LAND DESCRIBED TO THE CITY OF DALLAS FOR A STREET EASEMENT RECORDED IN VOLUME 48, PAGE 17, DEED RECORDS OF DALLAS COUNTY, TEXAS, (D.R.D.C.T.), AND BEING A PORTION OF LOT 1, BLOCK 4/6150 OF EPISCOPAL SCHOOL OF DALLAS, AN ADDITION TO THE CITY OF DALLAS ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 79218, PAGE 598, D.R.D.C.T. AND DESCRIBED IN GENERAL WARRANTY DEED TO THE EPISCOPAL SCHOOL OF DALLAS, INC. RECORDED IN VOLUME 78003, PAGE 4051, D.R.D.C.T.; SAID 29,021 SQUARE FOOT TRACT OF LAND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A 5/8-INCH IRON ROD WITH A YELLOW PLASTIC CAP STAMPED "BURY" FOUND AT THE INTERSECTION OF THE WEST RIGHT-OF-WAY LINE OF MIDWAY ROAD, (A VARIABLE WIDTH PUBLIC RIGHT-OF-WAY), WITH THE SOUTH RIGHT-OF-WAY LINE OF MONTWOOD LANE, (A 58 FOOT WIDE PUBLIC RIGHT-OF-WAY) AND BEING THE NORTHEAST CORNER OF LOT 12, BLOCK 3/6150 OF MIDMONT ADDITION, AN ADDITION TO THE CITY OF DALLAS ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 36, PAGE 201, MAP RECORDS OF DALLAS COUNTY, TEXAS, (M.R.D.C.T.);

THENCE NORTH 00°49'01" WEST OVER AND ACROSS SAID MONTWOOD LANE RIGHT-OF-WAY, A DISTANCE OF 63.00 FEET TO A 5/8-INCH IRON ROD WITH A YELLOW PLASTIC CAP STAMPED "BURY" SET FOR THE **POINT OF BEGINNING** AT THE INTERSECTION WITH A CORNER CLIP IN THE NORTH RIGHT-OF-WAY LINE OF SAID MONTWOOD LANE, SAME BEING THE SOUTHERLY LINE OF SAID LOT 1, BLOCK 4/6150;

THENCE DEPARTING THE NORTH RIGHT-OF-WAY LINE OF SAID MONTWOOD LANE AND ALONG A LINE WHICH IS 5.00 FEET WESTERLY FROM AND PARALLEL TO THE EAST LINE OF SAID LOT 1, BLOCK 4/6150 THE FOLLOWING:

NORTH 00°05'40" EAST, A DISTANCE OF 416.94 FEET TO A 5/8-INCH IRON ROD WITH A YELLOW PLASTIC CAP STAMPED "BURY" SET FOR CORNER;

NORTH 01°45'20" WEST, A DISTANCE OF 265.29 FEET TO A 5/8-INCH IRON ROD WITH A YELLOW PLASTIC CAP STAMPED "BURY" SET FOR CORNER;

THENCE NORTH 45°52'40" WEST, A DISTANCE OF 21.54 FEET TO A 5/8-INCH IRON ROD WITH YELLOW PLASTIC CAP STAMPED "BURY" SET FOR CORNER AT THE INTERSECTION WITH THE SOUTH RIGHT-OF-WAY LINE OF MERRELL ROAD, (A 60-FOOT PUBLIC RIGHT-OF-WAY);

THENCE NORTH 90°00'00" EAST ALONG SAID SOUTH RIGHT-OF-WAY LINE, A DISTANCE OF 9.99 FEET TO A 5/8-INCH IRON ROD WITH YELLOW PLASTIC CAP STAMPED "BURY" SET FOR THE NORTH END OF CORNER CLIP AT THE INTERSECTION OF SAID SOUTH RIGHT-OF-WAY LINE WITH THE EXISTING WEST RIGHT-OF-WAY LINE OF SAID MIDWAY ROAD;

(For SPRG use only)

Reviewed by: JD

Date: 7/16/2015

SPRG NO: 3233

**STREET RIGHT-OF-WAY DEDICATION
FOR A PORTION OF MIDWAY ROAD
PART OF BLOCK 6150 AND PART OF LOT 1, BLOCK 4/6150
EPISCOPAL SCHOOL OF DALLAS,
CITY OF DALLAS, DALLAS COUNTY, TEXAS**

THENCE SOUTH 45°52'34" EAST ALONG SAID CORNER CLIP, A DISTANCE OF 14.36 FEET TO A 5/8-INCH IRON ROD WITH YELLOW PLASTIC CAP STAMPED "BURY" SET AT THE INTERSECTION WITH THE WEST RIGHT-OF-WAY LINE OF SAID MIDWAY ROAD;

THENCE SOUTH 01°53'28" EAST ALONG THE WEST RIGHT-OF-WAY LINE OF SAID MIDWAY ROAD, A DISTANCE OF 4.00 FEET TO A 5/8-INCH IRON ROD WITH YELLOW PLASTIC CAP STAMPED "BURY" SET AT THE NORTHWEST CORNER OF SAID 25,477 SQUARE FOOT STREET EASEMENT;

THENCE OVER AND ACROSS SAID MIDWAY ROAD, ALONG THE NORTH, EAST, SOUTH, AND WEST LINE OF SAID 25,477 SQUARE FOOT STREET EASEMENT, THE FOLLOWING:

NORTH 90°00'00" EAST, A DISTANCE OF 53.59 FEET TO A POINT FOR CORNER AT THE NORTHEAST CORNER OF SAID 25,477 SQUARE FOOT STREET EASEMENT;

SOUTH 00°05'40" WEST, A DISTANCE OF 322.00 FEET TO A POINT FOR CORNER;

NORTH 89°54'20" WEST, A DISTANCE OF 20.00 FEET TO A POINT FOR CORNER;

SOUTH 00°05'40" WEST, A DISTANCE OF 394.06 FEET TO A POINT FOR CORNER AT THE SOUTHEAST CORNER OF SAID 25,477 SQUARE FOOT STREET EASEMENT;

SOUTH 89°51'50" WEST, A DISTANCE OF 25.00 FEET TO A MAGNETIC NAIL SET AT THE SOUTHWEST CORNER OF SAID 25,477 SQUARE FOOT STREET EASEMENT;

NORTH 00°05'40" EAST, A DISTANCE OF 38.00 FEET TO A 5/8-INCH IRON ROD WITH YELLOW PLASTIC CAP STAMPED "BURY" SET FOR THE NORTH END OF A CORNER CLIP AT THE INTERSECTION OF THE NORTH RIGHT-OF-WAY LINE OF SAID MONTWOOD LANE WITH THE EAST LINE OF SAID LOT 1, BLOCK 4/6150;

THENCE SOUTH 44°58'45" WEST ALONG SAID CORNER CLIP, A DISTANCE OF 7.09 FEET TO THE POINT OF BEGINNING;

CONTAINING A COMPUTED AREA OF 29,021 SQUARE FEET OR 0.6662 ACRES OF LAND.

NOTES:

A SKETCH WAS PREPARED ON EVEN DATE TO ACCOMPANY THIS DESCRIPTION.

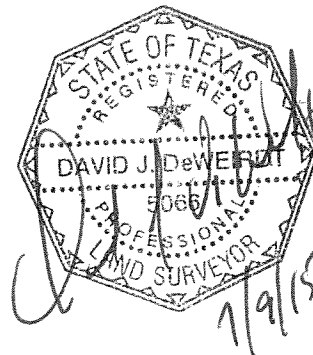
BEARINGS CALLED FOR HEREIN ARE BASED ON THE NORTH RIGHT-OF-WAY LINE OF MONTWOOD LANE BEING SOUTH 89°51'50" WEST, THE SAME AS RECORDED IN VOLUME 79218, PAGE 598, D.R.D.C.T.

(For SPRG use only)

Reviewed by: JD

Date: 7/16/2015

SPRG NO: 3233



NOTES:

BASIS OF BEARING IS THE NORTH RIGHT-OF-WAY LINE OF MONTWOOD LANE BEING SOUTH 89°51'50" WEST AS RECORDED IN MIDMONT ADDITION, VOL. 79218, PG. 598, M.R.D.C.T.

A FIELD NOTE DESCRIPTION WAS PREPARED ON EVEN DATE TO ACCOMPANY THIS SKETCH.

MERRELL ROAD

(60' WIDTH PUBLIC R.O.W.)
VOL. 2388, PG. 330 D.R.D.C.T.

14' QUIT CLAIM
BY CITY OF DALLAS
VOL. 31, PG. 33
D.R.D.C.T.

BENJAMIN MERRELL SURVEY
ABSTRACT No. 933

CALLED 25,477 SQ. FT.
VARIABLE WIDTH
STREET EASEMENT
CITY OF DALLAS
VOL. 48, PG. 17
D.R.D.C.T.

**STREET R.O.W.
DEDICATION
0.6662 ACRES
(29,021 SQ. FT.)**

THE EPISCOPAL SCHOOL OF DALLAS, INC.
VOL. 78003, PG. 4051
D.R.D.C.T.

LOT 1, BLOCK 4/6150
EPISCOPAL SCHOOL
OF DALLAS
VOL. 79218, PG. 598
D.R.D.C.T.

VARIABLE WIDTH
STREET EASEMENT
CITY OF DALLAS
VOL. 48, PG. 17
D.R.D.C.T.

*NO RIGHT-OF-WAY
DEDICATION FOUND

(BASIS OF BEARINGS)
S 89°51'50" W 1074.47'

MONTWOOD LANE

(58' PUBLIC R.O.W.)

S 89°51'50" W 365.00'

1" IRF (CM) 100.00' 100.00' 165.00' CIRF (CM)

9 10
BLOCK 3/6150
MIDMONT ADDITION
VOL. 36, PG. 201
M.R.D.C.T.

(F)

30' DEDICATED TO THE
WIDENING OF MIDWAY ROAD
VOL. 36, PG. 201
M.R.D.C.T.

POC

BURY

5310 Harvest Hill Road, Suite 100
Dallas, Texas 75230
Tel. (972) 991-0011 Fax (972) 991-0278
TBPE # F-1048 TBPLS # F-10107502
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**STREET RIGHT-OF-WAY DEDICATION
FOR A PORTION OF MIDWAY ROAD
PART OF BLOCK 6150 AND
PART OF LOT 1, BLOCK 4/6150
EPISCOPAL SCHOOL OF DALLAS,
CITY OF DALLAS, DALLAS COUNTY, TEXAS**

DATE: 07-06-15

SCALE: 1" = 120'

DRAWN BY: RSG/RDR

PROJECT NO.: R0112220-30001

NORTHCREST
ADD. REVISED
VOL. 4, PG. 143
M.R.D.C.T.
BLOCK 2/5536
4 5

R.O.W. EASEMENT
VOL. 14, PG. 66
D.R.D.C.T.

NORTHCREST
SECOND INSTALLMENT
VOL. 4, PG. 132
M.R.D.C.T.
BLOCK 5/5536

NORTHCREST THIRD
INSTALLMENT
VOL. 4, PG. 264
M.R.D.C.T.
BLOCK 5/5536

SEXTON LANE

(50' PUBLIC R.O.W.)

NORTHCREST THIRD
INSTALLMENT
VOL. 4, PG. 264
M.R.D.C.T.
BLOCK 6/5536

WALNUT HILL RIDGE
ADDITION
VOL. 8, PG. 268 A
M.R.D.C.T.

BLOCK 1/5537

1
WALNUT HILL
RIDGE
VOL. 8, PG. 268 A
M.R.D.C.T.
BLOCK 1/5537

PARCEL LINE DATA

LINE #	BEARING	DISTANCE
L1	N45°52'40"W	21.54'
L2	N90°00'00"E	9.99'
L3	S45°52'34"E	14.36'
L4	S1°53'28"E	4.00'
L5	N90°00'00"E	53.59'
L6	N89°54'20"W	20.00'
L7	S89°51'50"W	25.00'
L8	N0°05'40"E	38.00'
L9	S44°58'45"W	7.09'
L10	N0°49'01"W	63.00'

LEGEND

CIRS 5/8" IRON ROD SET
WITH YELLOW PLASTIC
CAP STAMPED "BURY"
CIRF 5/8" IRON ROD FOUND
WITH YELLOW PLASTIC
CAP STAMPED "BURY"
INST., NO. INSTRUMENT, NUMBER
VOL./PG. VOLUME/PAGE
SQ. FT. SQUARE FEET
(CM) CONTROLLING MONUMENT
D.R.D.C.T. DEED RECORDS OF DALLAS
COUNTY, TEXAS
M.R.D.C.T. MAP RECORDS OF DALLAS
COUNTY, TEXAS
O.P.R.D.C.T. OFFICIAL PROPERTY RECORDS
OF DALLAS COUNTY, TEXAS
R.O.W. RIGHT-OF-WAY
C CENTERLINE
POC POINT OF COMMENCING
POB POINT OF BEGINNING
PFC POINT FOR CORNER
(NOT MONUMENTED FOR SAFETY CONCERNS)

0 60 120

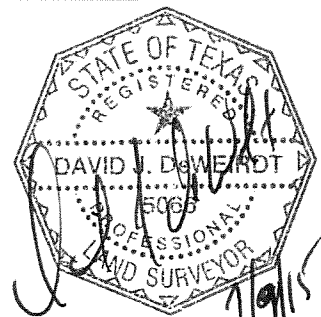
1" = 120'

(FOR SPRG USE ONLY)

REVIEWED BY: JD

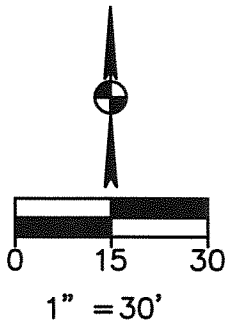
DATE: 7/16/2015

SPRG NO. 3233



DAVID J. De WEIRDT
REGISTERED PROFESSIONAL
LAND SURVEYOR NO. 5066

SHEET NO. 3 OF 4



**STREET R.O.W.
DEDICATION
0.6662 ACRES
(29,021 SQ. FT.)**

LOT 1, BLOCK 4/6150
EPISCOPAL SCHOOL
OF DALLAS
VOL. 79218, PG. 598
D.R.D.C.T.

VARIABLE WIDTH
STREET EASEMENT
CITY OF DALLAS
VOL. 48, PG. 17
D.R.D.C.T.

THE EPISCOPAL SCHOOL OF DALLAS, INC.
VOL. 78003, PG. 4051
D.R.D.C.T.

(BASIS OF BEARINGS)
S 89°51'50" W 1074.47'

(58' PUBLIC R.O.W.)
MONTWOOD LANE

PARCEL LINE DATA		
LINE #	BEARING	DISTANCE
L1	N45°52'40"W	21.54'
L2	N90°00'00"E	9.99'
L3	S45°52'34"E	14.36'
L4	S1°53'28"E	4.00'
L5	N90°00'00"E	53.59'
L6	N89°54'20"W	20.00'
L7	S89°51'50"W	25.00'
L8	N0°05'40"E	38.00'
L9	S44°58'45"W	7.09'
L10	N0°49'01"W	63.00'

28' R.O.W. DEDICATED
VOL. 79218, PG. 598
D.R.D.C.T.

30' R.O.W. DEDICATED
VOL. 36, PG. 201
M.R.D.C.T.

165.00'

12

BLOCK 3/6150

MIDMONT ADDITION
VOL. 36, PG. 201
M.R.D.C.T.

DETAIL SHEET

BURY

5310 Harvest Hill Road, Suite 100
Dallas, Texas 75230
Tel (972) 991-0011 Fax (972) 991-0278
TBPE # F-1048 TBPLS # F-10107502
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**STREET RIGHT-OF-WAY DEDICATION
FOR A PORTION OF MIDWAY ROAD
PART OF BLOCK 6150 AND
PART OF LOT 1, BLOCK 4/6150
EPISCOPAL SCHOOL OF DALLAS,
CITY OF DALLAS, DALLAS COUNTY, TEXAS**

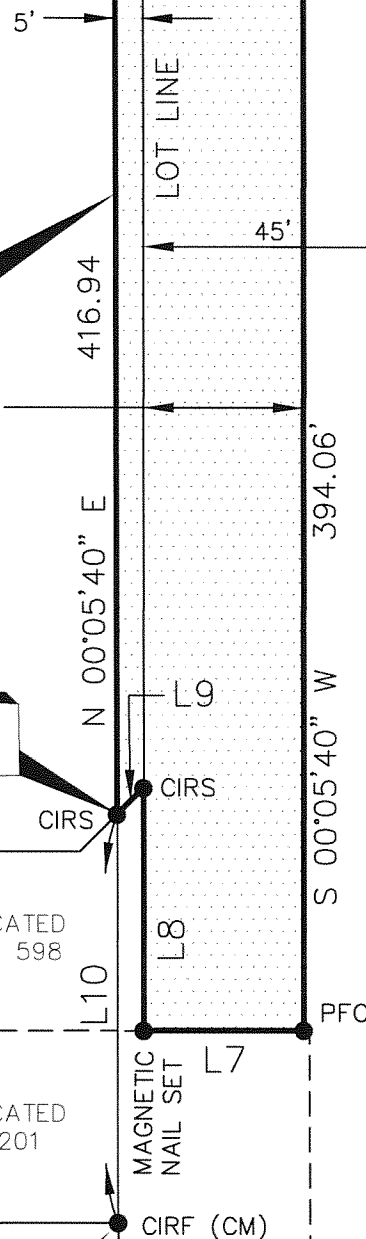
DATE: 07-05-15

SCALE: 1" = 30'

DRAWN BY: RSG/RDR

PROJECT NO. R0112220-30001

SHEET NO. 4 OF 4



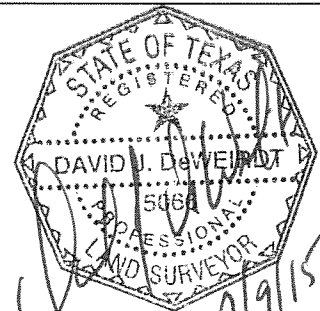
MIDWAY ROAD
(VARIABLE WIDTH R.O.W.)

(FOR SPRG USE ONLY)

REVIEWED BY: JD

DATE: 7/16/2015

SPRG NO. 3233



DAVID J. De WEIRDT
REGISTERED PROFESSIONAL
LAND SURVEYOR NO. 5066

**STREET RIGHT-OF-WAY DEDICATION
A PORTION OF MIDWAY ROAD
PART OF BLOCK 6150 & BLOCK 3/6150
CITY OF DALLAS, DALLAS COUNTY, TEXAS**

BEING A 4,291 SQUARE FEET TRACT OF LAND SITUATED IN THE BENJAMIN MERRELL SURVEY, ABSTRACT NO. 933, CITY OF DALLAS, DALLAS COUNTY, TEXAS, BEING PART OF BLOCK 6150 AND BLOCK 3/6150 CITY OF DALLAS, TEXAS, BEING ALL OF A STREET EASEMENT DESCRIBED IN DEED TO THE CITY OF DALLAS, RECORDED IN VOLUME 10, PG. 231, DEED RECORDS OF DALLAS COUNTY, TEXAS (D.R.D.C.T.), BEING PART OF LOT 12, BLOCK 3/6150 OF MIDMONT ADDITION, AN ADDITION TO THE CITY OF DALLAS ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 36, PAGE 201, MAP RECORDS OF DALLAS COUNTY, TEXAS (M.R.D.C.T.), BEING PART OF A TRACT OF LAND DESCRIBED IN A SPECIAL WARRANTY DEED TO WBL FAMILY INVESTMENTS, INC., RECORDED IN VOLUME 2001233, PAGE 7037 (D.R.D.C.T.) AND A PORTION OF A TRACT OF LAND DESCRIBED IN A GENERAL WARRANTY DEED TO WBL FAMILY INVESTMENTS, INC., RECORDED IN INSTRUMENT NUMBER 200600332154, OFFICIAL PUBLIC RECORDS OF DALLAS COUNTY, TEXAS, (O.P.R.D.C.T.), SAID 4,291 SQUARE FOOT TRACT OF LAND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A 5/8-INCH IRON ROAD WITH YELLOW PLASTIC CAP STAMPED "BURY" FOUND FOR THE NORTHEAST CORNER OF SAID LOT 12, BLOCK 3/6150 AND BEING THE POINT OF INTERSECTION OF THE WEST RIGHT-OF-WAY LINE OF MIDWAY ROAD (A VARIABLE WIDTH PUBLIC RIGHT-OF-WAY) WITH THE SOUTH RIGHT-OF-WAY LINE OF MONTWOOD LANE (A 58-FOOT PUBLIC RIGHT-OF-WAY), FROM WHICH POINT A 1-INCH IRON ROD FOUND AT THE NORTHWEST CORNER OF LOT 10, BLOCK 3/6150 OF SAID MIDMONT ADDITION AND THE NORTHEAST CORNER OF LOT 9, BLOCK 3/6150 OF SAID MIDMONT ADDITION, BEARS SOUTH 89°51'50" WEST, A DISTANCE OF 365.00 FEET;

THENCE, DEPARTING THE SOUTH RIGHT-OF-WAY LINE OF SAID MONTWOOD LANE AND ALONG THE WEST RIGHT-OF-WAY LINE OF SAID MIDWAY ROAD THE FOLLOWING CALLS;

1. SOUTH 00°08'10" EAST, A DISTANCE OF 180.00 FEET TO A 5/8-INCH IRON ROAD WITH YELLOW PLASTIC CAP STAMPED "BURY" SET AT THE SOUTHEAST CORNER OF SAID LOT 12, BLOCK 3/6150 AND BEING IN THE NORTH LINE OF SAID WBL FAMILY INVESTMENTS, INC. TRACT, RECORDED IN INSTRUMENT NUMBER 200600332154, O.P.R.D.C.T.;
2. NORTH 89°51'50" EAST, A DISTANCE OF 30.00 TO A POINT FOR CORNER, BEING THE NORTHEAST CORNER OF SAID WBL FAMILY INVESTMENTS, INC. TRACT;
3. SOUTH 00°08'10" EAST, A DISTANCE OF 109.00 FEET TO A POINT FOR CORNER, BEING THE SOUTHEAST CORNER OF SAID WBL FAMILY INVESTMENTS, INC. TRACT OF LAND;

(For SPRG use only)

Reviewed by: JD

Date: 7/16/2015

SPRG NO: 3235

**STREET RIGHT-OF-WAY DEDICATION
A PORTION OF MIDWAY ROAD
PART OF BLOCK 6150 & BLOCK 3/6150
CITY OF DALLAS, DALLAS COUNTY, TEXAS**

4. SOUTH 89°44'18" WEST, AT A DISTANCE OF 30.00 FEET PASSING THE NORTHEAST CORNER OF MIDWAY WEST, AN ADDITION TO THE CITY OF DALLAS ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 28, PAGE 149, M.R.D.C.T., CONTINUING ALONG THE COMMON LINE OF SAID WBL FAMILY INVESTMENTS, INC. TRACT OF LAND AND SAID MIDWAY WEST ADDITION IN ALL A TOTAL DISTANCE OF 37.06 FEET TO A 5/8-INCH IRON ROD WITH YELLOW PLASTIC CAP STAMPED "BURY" SET FOR CORNER;

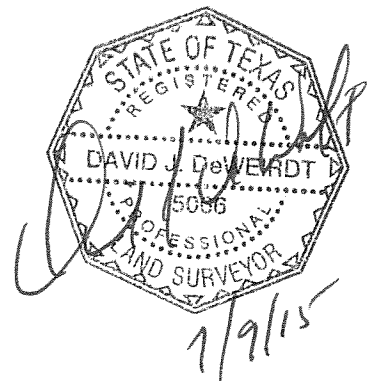
THENCE, NORTH 01°15'43" EAST, DEPARTING SAID COMMON LINE, OVER AND ACROSS SAID WBL FAMILY INVESTMENTS, INC. TRACT OF LAND, AT A DISTANCE OF 109.11 FEET PASSING THE COMMON LINE OF SAID WBL FAMILY INVESTMENTS, INC. TRACT OF LAND AND SAID LOT 12, BLOCK 3/6150, CONTINUING OVER AND ACROSS SAID LOT 12, BLOCK 3/6150, IN ALL A TOTAL DISTANCE OF 289.17 FEET TO THE POINT OF BEGINNING;

CONTAINING A COMPUTED AREA OF 4,291 SQUARE FEET OR 0.0985 ACRES OF LAND.

NOTES:

A SKETCH WAS PREPARED ON EVEN DATE TO ACCOMPANY THIS DESCRIPTION.

BEARINGS CALLED FOR HEREIN ARE BASED ON THE NORTH RIGHT-OF-WAY LINE OF MONTWOOD LANE BEING NORTH 89°51'50" EAST, THE SAME AS RECORDED IN VOLUME 79218, PAGE 598, D.R.D.C.T.

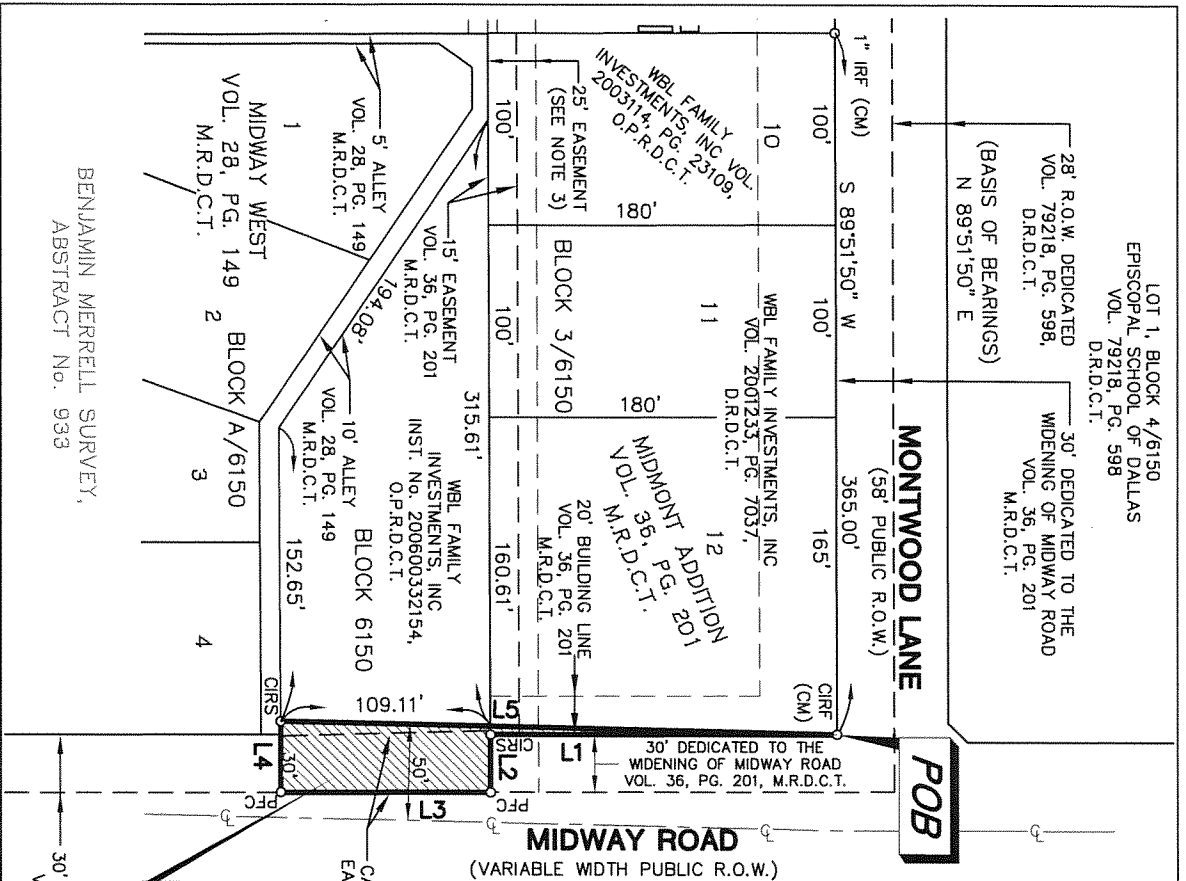


(For SPRG use only)

Reviewed by: JD

Date: 7/16/2015

SPRG NO: 3235



LEGEND

5/8" IRON ROD WITH YELLOW PLASTIC CAP STAMPED "BURY"

IRON ROD FOUND

FOUND

CONTROLLING MONUMENT

OFFICIAL PUBLIC RECORDS OF DALLAS COUNTY, TEXAS

DEED RECORDS OF DALLAS COUNTY, TEXAS

MAP RECORDS OF DALLAS COUNTY, TEXAS

INST. NO. INSTRUMENT NUMBER

VOL., PG. VOLUME, PAGE

SQ. FT. SQUARE FEET

R.O.W. RIGHT-OF-WAY

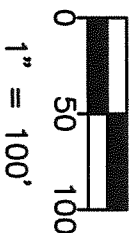
POB POINT OF BEGINNING

PFC POINT OF CORNER (NOT MONUMENTED DUE TO SAFETY CONCERNS)

LINE TABLE		
LINE #	BEARING	DISTANCE
L1	S0°08'10"E	180.00'
L2	N89°51'50"E	30.00'
L3	S0°08'10"E	109.00'
L4	S89°44'18"W	37.06'
L5	N1°15'43"E	289.17'

NOTES:

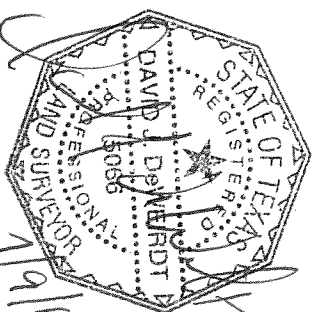
1. BASIS OF BEARING IS THE NORTH RIGHT-OF-WAY LINE OF MONTWOOD LANE BEING NORTH 89°51'50" EAST AS RECORDED IN MIDMONT ADDITION, VOLUME 79218, PAGE 598, D.R.D.C.T.
2. A FIELD NOTE DESCRIPTION WAS PREPARED ON EVEN DATE TO ACCOMPANY THIS SKETCH.
3. 25' EASEMENT TO DALLAS POWER AND LIGHT CO. AND SOUTHWESTERN BELL TELEPHONE CO. VOL. 2818, PG. 58 D.R.D.C.T.



BENJAMIN MERRELL SURVEY,
ABSTRACT No. 933

(FOR SPRG USE ONLY)
REVIEWED BY: JD
DATE: 7/16/2015
SPRG NO. 3235

STREET RIGHT-OF-WAY DEDICATION
A PORTION OF MIDWAY ROAD
PART OF BLOCK 6150 & BLOCK 3/6150
CITY OF DALLAS, DALLAS COUNTY, TEXAS



DAVID J. De WEIRDT
REGISTERED PROFESSIONAL
LAND SURVEYOR NO. 5066

DATE: 07-08-15

SCALE: 1" = 100'

DRAWN BY: RDR

PROJECT NO. R0112220-30001

TBPLS REGISTRATION NO. 10107502

S:\SUR\01122220 Espiscopal School Dallas\30001 ESD\EXHIBITS\2220-01-S-ROW-DED 3235.dwg Jul 8, 15 5:00 PM by: jgarcia

SHEET NO. 3 OF 3

**ALLEY RIGHT-OF-WAY DEDICATION
PORTIONS OF
LOTS 10, BLOCK 3/6150, MIDMONT ADDITION
AND WBL FAMILY INVESTMENTS, INC. TRACT, BLOCK 6150
CITY OF DALLAS, DALLAS COUNTY, TEXAS**

BEING A 3,658 SQUARE FOOT TRACT OF LAND SITUATED IN THE BENJAMIN MERRELL SURVEY, ABSTRACT NO. 933, CITY OF DALLAS, DALLAS COUNTY, TEXAS, AND BEING A PORTION OF LOT 10, BLOCK 3/6150, MIDMONT ADDITION, AN ADDITION TO THE CITY OF DALLAS ACCORDING TO THE PLAT THEREOF FILED FOR RECORD IN VOLUME 36, PAGE 201, MAP RECORDS OF DALLAS COUNTY, TEXAS, (M.R.D.C.T.), AND DESCRIBED IN A GENERAL WARRANTY DEED TO WBL FAMILY INVESTMENTS, INC., RECORDED IN VOLUME 2003114, PAGE 23109, DEED RECORDS OF DALLAS COUNTY, TEXAS, (D.R.D.C.T.), AND BEING A PORTION OF DALLAS CITY BLOCK 6150 AS DESCRIBED IN A GENERAL WARRANTY DEED TO WBL FAMILY INVESTMENTS, INC., RECORDED IN INSTRUMENT NO. 200600332154, OFFICIAL PUBLIC RECORDS, DALLAS COUNTY, TEXAS, (O.P.R.D.C.T.), SAID 3,658 SQUARE FOOT TRACT OF LAND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A 5/8-INCH IRON ROD WITH A YELLOW PLASTIC CAP STAMPED "BURY" FOUND FOR THE NORTHEAST CORNER OF LOT 12, BLOCK 3/6150 IN SAID MIDMONT ADDITION, SAME BEING THE POINT OF INTERSECTION OF THE WEST RIGHT-OF-WAY LINE OF MIDWAY ROAD (A VARIABLE WIDTH PUBLIC RIGHT-OF-WAY) WITH THE SOUTH RIGHT-OF-WAY LINE OF MONTWOOD LANE, (58-FOOT PUBLIC RIGHT-OF-WAY);

THENCE SOUTH 00°08'10" EAST, ALONG SAID WEST RIGHT-OF-WAY LINE, AT A DISTANCE OF 180.00 FEET PASSING THE SOUTHEAST CORNER OF SAID LOT 12, BEING IN THE NORTH LINE OF SAID WBL FAMILY INVESTMENTS, INC. TRACT, AND BEING THE NORTHWEST CORNER OF A CALLED 3,354 SQUARE FOOT TRACT OF LAND DESCRIBED TO THE CITY OF DALLAS FOR A STREET EASEMENT, RECORDED IN VOLUME 10, PAGE 231, DEED RECORDS OF DALLAS COUNTY, TEXAS (D.R.D.C.T.), CONTINUING ALONG THE WEST LINE OF SAID CITY OF DALLAS 3,354 TRACT AND OVER AND ACROSS SAID WBL FAMILY INVESTMENTS, INC. TRACT, A TOTAL DISTANCE OF 289.07 FEET TO THE SOUTHWEST CORNER OF SAID CITY OF DALLAS 3,354 SQUARE FOOT TRACT, BEING IN THE SOUTH LINE OF SAID WBL FAMILY INVESTMENTS, INC. TRACT, SAME BEING THE NORTH LINE OF A 10-FOOT ALLEY CREATED BY MIDWAY WEST, AN ADDITION TO THE CITY OF DALLAS, ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 28, PAGE 149, M.R.D.C.T.;

THENCE SOUTH 89°44'18" WEST, ALONG THE NORTH LINE OF SAID ALLEY, A DISTANCE OF 7.06 FEET TO A 5/8-INCH IRON ROD WITH A YELLOW PLASTIC CAP STAMPED "BURY" SET FOR THE **POINT OF BEGINNING**;

THENCE CONTINUING ALONG SAID NORTH LINE, THE FOLLOWING CALLS:

SOUTH 89°44'18" WEST, A DISTANCE OF 152.65 FEET TO A 5/8-INCH IRON ROD WITH A YELLOW PLASTIC CAP STAMPED "BURY" SET FOR CORNER;

NORTH 55°49'10" WEST, A DISTANCE OF 194.08 FEET TO A 5/8-INCH IRON ROD WITH A YELLOW PLASTIC CAP STAMPED "BURY" SET FOR CORNER IN THE SOUTH LINE OF LOT 10, BLOCK 3/6150 OF SAID MIDMONT ADDITION;

(For SPRG use only)

Reviewed by: JD

Date: 1/4/2016

SPRG NO: 3234

**ALLEY RIGHT-OF-WAY DEDICATION
PORTIONS OF
LOTS 10, BLOCK 3/6150, MIDMONT ADDITION
AND WBL FAMILY INVESTMENTS, INC. TRACT, BLOCK 6150
CITY OF DALLAS, DALLAS COUNTY, TEXAS**

SOUTH 89°51'50" WEST, ALONG THE NORTH LINE OF SAID ALLEY, A DISTANCE OF 44.60 FEET TO THE NORTHWEST CORNER OF SAID ALLEY, THE SOUTHWEST CORNER OF SAID LOT 10, BLOCK 3/6150, THE SOUTHEAST CORNER OF LOT 9, BLOCK 3/6150 OF SAID MIDMONT ADDITION, AND THE NORTHEAST CORNER OF LOT 9A, BLOCK 2/6150 OF MIDWAY HILLS, SECOND SECTION, AN ADDITION TO THE CITY OF DALLAS ACCORDING TO PLAT THEREOF RECORDED IN VOLUME 20, PAGE 137, M.R.D.C.T.;

THENCE NORTH 00°17'40" WEST, ALONG THE COMMON LINE OF SAID LOT 10 AND LOT 9, A DISTANCE OF 5.00 FEET TO A 5/8-INCH IRON ROD WITH YELLOW PLASTIC CAP STAMPED "BURY" SET FOR CORNER

THENCE NORTH 89°51'50" EAST, ALONG A LINE WHICH IS 5-FEET NORTHERLY FROM AND PARALLEL TO THE SOUTH LINE OF SAID MIDMONT ADDITION, A DISTANCE OF 55.03 FEET TO A 5/8-INCH IRON ROD WITH YELLOW PLASTIC CAP STAMPED "BURY" SET FOR CORNER;

THENCE SOUTH 55°49'10" EAST, ALONG A LINE WHICH IS 10.00 FEET NORTHEASTERLY FROM AND PARALLEL TO THE NORTHEAST LINE OF THE AFOREMENTIONED 10-FOOT ALLEY CREATED BY MIDWAY WEST ADDITION, A DISTANCE OF 185.20 FEET TO A 5/8-INCH IRON ROD WITH YELLOW PLASTIC CAP STAMPED "BURY" SET FOR CORNER;

THENCE NORTH 89°44'18" EAST, CONTINUING ALONG A LINE WHICH IS 10.00 FEET NORTHERLY FROM AND PARALLEL TO SAID 10-FOOT ALLEY, A DISTANCE OF 149.81 FEET TO A 5/8-INCH IRON ROD WITH YELLOW PLASTIC CAP STAMPED "BURY" SET FOR CORNER IN THE PROPOSED WESTERLY RIGHT-OF-WAY LINE OF MIDWAY ROAD, BEING 50 FEET WESTERLY FROM THE ESTABLISHED CENTERLINE OF SAID MIDWAY ROAD;

THENCE SOUTH 01°15'43" WEST ALONG SAID PROPOSED WESTERLY RIGHT-OF-WAY LINE, A DISTANCE OF 10.00 FEET TO THE POINT OF BEGINNING;

CONTAINING A COMPUTED AREA OF 3,658 SQUARE FEET OR 0.0840 ACRES OF LAND.

NOTES:

A SKETCH WAS PREPARED ON EVEN DATE TO ACCOMPANY THIS DESCRIPTION.

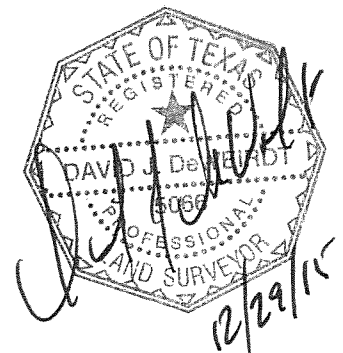
BASIS OF BEARING IS THE NORTH RIGHT-OF-WAY LINE OF MONTWOOD LANE, BEING SOUTH 89°51'50" WEST, THE SAME AS RECORDED IN MIDMONT ADDITION, VOLUME 79218, PAGE 598, D.R.D.C.T.

(For SPRG use only)

Reviewed by: JD

Date: 1/4/2016

SPRG NO: 3234



THE EPISCOPAL SCHOOL OF DALLAS, INC. LOT 1, BLOCK 4/6150
VOL. 78003, PG. 4051 EPISCOPAL SCHOOL OF DALLAS
D.R.D.C.T. VOL. 79218, PG. 598
D.R.D.C.T.

(BASIS OF BEARINGS)
S 89°51'50" W 1074.47'

28' R.O.W. DEDICATION
VOL. 79218, PG. 598,
D.R.D.C.T.

30' R.O.W. DEDICATION
VOL. 36, PG. 201
M.R.D.C.T.

MONTWOOD LANE
(58' PUBLIC R.O.W.)

POC

SEXTON LANE

PARCEL LINE DATA		
LINE #	BEARING	DISTANCE
L1	S89°51'50"W	44.60'
L2	N01°7'40"W	5.00'
L3	N89°51'50"E	55.03'

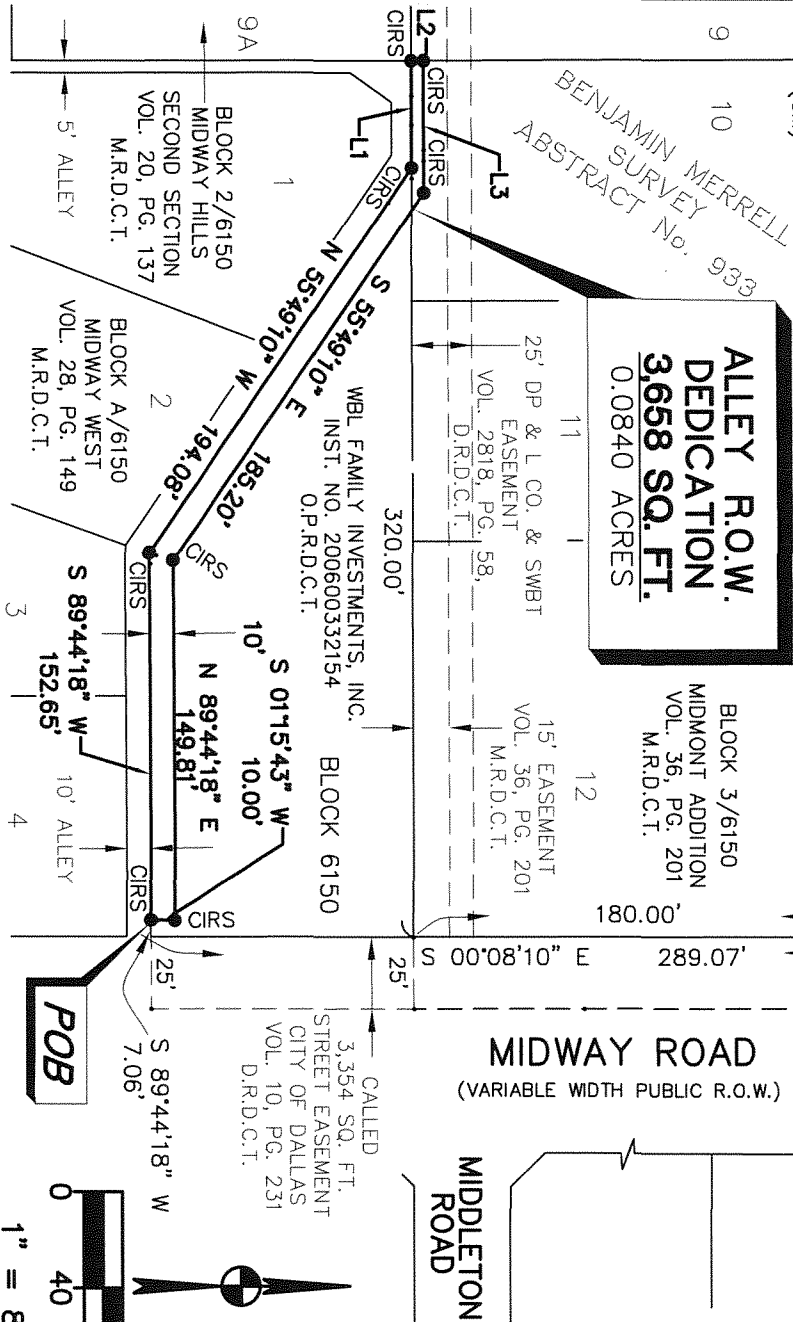
LEGEND

- CIRS 5/8-INCH IRON ROD W/YELLOW PLASTIC CAP STAMPED "BURY" SET
- CIRF 5/8-INCH IRON ROD W/YELLOW PLASTIC CAP STAMPED "BURY" FOUND
- IRF IRON ROD FOUND
- FND FOUND
- (CM) CONTROLLING MONUMENT
- O.P.R.D.C.T. OFFICIAL PUBLIC RECORDS OF DALLAS COUNTY, TEXAS
- D.R.D.C.T. DEED RECORDS OF DALLAS COUNTY, TEXAS
- M.R.D.C.T. MAP RECORDS OF DALLAS COUNTY, TEXAS
- INST. NO. INSTRUMENT NUMBER
- VOL. PG. VOLUME, PAGE
- SQ. FT. SQUARE FEET
- DP & L CO. DALLAS POWER & LIGHT COMPANY
- & SWBT & SOUTHWESTERN BELL TELEPHONE
- R.O.W. RIGHT-OF-WAY
- POC POINT OF COMMENCING
- POB POINT OF BEGINNING
- LAND OWNERSHIP HOOK

NOTES:

BASIS OF BEARING IS THE NORTH RIGHT-OF-WAY LINE OF MONTWOOD LANE BEING SOUTH 89°51'50" WEST AS RECORDED IN MIDMONT ADDITION, VOLUME 79218, PAGE 598, D.R.D.C.T.

A FIELD NOTE DESCRIPTION WAS PREPARED ON EVEN DATE TO ACCOMPANY THIS SKETCH.

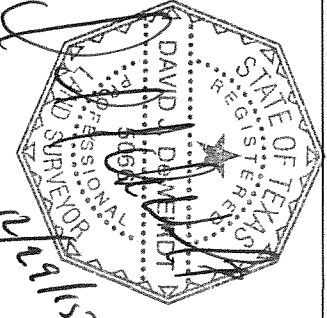


BURY

5310 Harvest Hill Road, Suite 100
Dallas, Texas 75230
Tel: (972) 991-0011 Fax: (972) 991-0278
TBP# F-1048 TBP# F-107502
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(FOR SPRG USE ONLY)
REVIEWED BY: JD
DATE: 1/4/2016
SPRG NO. 3234

ALLEY RIGHT-OF-WAY DEDICATION
PORTIONS OF
LOT 10, BLOCK 3/6150 MIDMONT ADDITION
AND WBL FAMILY INVESTMENTS, INC. TRACT, BLOCK 6150
CITY OF DALLAS, DALLAS COUNTY, TEXAS



OWNERSHIP LIST BLOCK 2/6150

MIDWAY HILLS SECOND SECTION
VOL. 20, PG. 137, M.R.D.C.T.

LOT 9A
CYNTHIA OSBORNE
INST. NO. 201400090949
O.P.R.D.C.T.

OWNERSHIP LIST BLOCK A/6150

MIDWAY WEST ADDITION
VOL. 28, PG. 149, M.R.D.C.T.

LOT 1
OLIVER SINTOBIN
VOL. 83148, PG. 3574
D.R.D.C.T.

LOT 3
ROBERT M. &
DEBRA A. BARTOLOMEO
INST. NO.
201300209180
O.P.R.D.C.T.

LOT 2
MARK L. &
DONNA L. RATHBUN
VOL. 86202, PG. 4139
D.R.D.C.T.

LOT 4
KENETH B. ZALLY
VOL. 77127, PG. 1463
D.R.D.C.T.

OWNERSHIP LIST BLOCK 3/6150

MIDMONT ADDITION
VOL. 36, PG. 201, M.R.D.C.T.

LOT 9
WBL FAMILY INVESTMENTS,
INC
INST No. 201300128230
O.P.R.D.C.T.

LOT 10
WBL FAMILY INVESTMENTS,
INC
VOL. 2003114, PG. 23109
D.R.D.C.T.

LOT 11
WBL FAMILY INVESTMENTS,
INC
VOL. 2001233, PG. 7037
D.R.D.C.T.

LOT 12
WBL FAMILY INVESTMENTS,
INC
VOL. 2001233, PG. 7037
D.R.D.C.T.

BURY

5310 Harvest Hill Road, Suite 100
Dallas, Texas 75230
Tel. (972) 991-0011 Fax (972) 991-0278
TBPE # F-1048 TBPLS # F-10107502
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(FOR SPRG USE ONLY)REVIEWED BY: JDDATE: 1/4/2016SPRG NO. 3234**ALLEY RIGHT-OF-WAY DEDICATION**

PORTIONS OF

LOT 10, BLOCK 3/6150 MIDMONT ADDITION
AND WBL FAMILY INVESTMENTS TRACT, BLOCK 6150
CITY OF DALLAS, DALLAS COUNTY, TEXAS

DAVID J. De WEIRDT
REGISTERED PROFESSIONAL
LAND SURVEYOR NO. 5066

DATE: 12-29-15

SCALE: N/A

DRAWN BY: RSG

PROJECT NO.: R0112220-30001

TBPLS REGISTRATION NO. 10107502

S:\SUR\0112220 Espiscopai School Dallas\30001 ESD\EXHIBITS\10' ALLEY-DED 3234.dwg Dec 2, 15 11:58 AM by: mking

SHEET NO. 4 OF 4

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: June 15, 2016

COUNCIL DISTRICT(S): 9

DEPARTMENT: Sustainable Development and Construction
Park & Recreation

CMO: Ryan S. Evans, 671-9837
Willis Winters, 670-4071

MAPSCO: 37R

SUBJECT

An ordinance abandoning two variable width alley reservations, an alley site reservation, a portion of an alley easement, a detention area reservation, and a portion of a detention area reservation to the City of Dallas, the abutting owner, containing a total of approximately 139,787 square feet of land, located near the intersection of Garland Road and Tavaros Avenue, and providing for the dedication of approximately 5,967 square feet of land for needed right-of-way and approximately 12,511 square feet for needed detention area easements - Revenue: \$27,000, plus the \$20 ordinance publication fee

BACKGROUND

This item authorizes the abandonment of two variable width alley reservations, an alley site reservation, a portion of an alley easement, a detention area reservation, and a portion of a detention area reservation to the City of Dallas, the abutting owner. The area will be included with the property of the abutting owner for the construction of a parking garage benefiting the Dallas Arboretum. The owner will dedicate approximately 5,967 square feet of land for needed right-of-way and approximately 12,511 square feet for needed detention area easements. The abandonment fee is the minimum.

Notices were sent to 27 property owners located within 300 feet of the proposed abandonment areas. There were no responses received in opposition to this request.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

The Park and Recreation Board approved the acceptance of the bid on April 9, 2014.

Information about this item was provided to the Economic Development Committee on May 16, 2016.

On May 25, 2016, this item was deferred by Councilmember Mark Clayton.

FISCAL INFORMATION

Revenue: \$27,000, plus the \$20 ordinance publication fee

MAP

Attached



 = Abandonment Areas

 = Dedication Areas

ORDINANCE NO. _____

An ordinance providing for the abandonment of two variable width alley reservations, an alley sight reservation, a portion of an alley easement, a detention area reservation, and a portion of a detention area reservation located in City Block 6/5284 in the City of Dallas and County of Dallas, Texas; providing for the quitclaim thereof to the City of Dallas; providing for the terms and conditions of the abandonment and quitclaim made herein; providing for barricading; providing for the conveyance of needed reservations to the City of Dallas; providing for the indemnification of the City of Dallas against damages arising out of the abandonment herein; providing for the consideration to be paid to the City of Dallas; providing for the payment of the publication fee; providing a future effective date for this abandonment; and providing an effective date for this ordinance.

ooo0ooo

WHEREAS, the City Council of the City of Dallas, acting pursuant to law and upon the request and petition of the City of Dallas, a Texas municipal corporation, hereinafter referred to as **GRANTEE**, deems it advisable to abandon and quitclaim the hereinafter described tracts of land to **GRANTEE**, and is of the opinion that, subject to the terms and conditions herein provided, said reservations and portion of easement are not needed for public use, and same should be abandoned and quitclaimed to **GRANTEE**, as hereinafter stated; and

WHEREAS, the City Council of the City of Dallas is of the opinion that the best interest and welfare of the public will be served by abandoning and quitclaiming the same to **GRANTEE** for the consideration and subject to the terms and conditions hereinafter more fully set forth; **Now, Therefore,**

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

SECTION 1. That the tracts of land described in Exhibit A, which is attached hereto and made a part hereof for all purposes, be and the same is abandoned, vacated and closed insofar as the right, title and interest of the public are concerned; subject, however, to the conditions and future effective date hereinafter more fully set out.

SECTION 2. That for and in monetary consideration of the sum of **TWENTY-SEVEN THOUSAND AND NO/100 DOLLARS (\$27,000.00)** paid by the Dallas Arboretum & Botanical Society, Inc., and the further consideration described in Sections 8, 9, and 10, the City of Dallas does by these presents **FOREVER QUITCLAIM** unto the said **GRANTEE**, subject to the conditions, reservations, future effective date, and exceptions hereinafter made and with the restrictions and upon the covenants below stated, all of its right, title and interest in and to the certain tracts of land hereinabove described in Exhibit A. **TO HAVE AND TO HOLD** all of such right, title and interest in and to the property and premises, subject aforesaid, together with all and singular the rights, privileges, hereditaments and appurtenances thereto in any manner belonging unto the said **GRANTEE** forever.

SECTION 3. That upon payment of the monetary consideration set forth in Section 2, **GRANTEE** accepts the terms, provisions, future effective date and conditions of this ordinance.

SECTION 4. That the Chief Financial Officer is authorized to deposit the sum paid by **GRANTEE** pursuant to Section 2 above in the General Fund 0001, Department DEV, Balance Sheet 0519 and Department of Sustainable Development and Construction-Real Estate Division shall be reimbursed for the cost of obtaining the legal description, appraisal and other administrative costs incurred. The reimbursement proceeds shall be deposited in General Fund 0001, Department DEV, Unit 1183, Object 5011 and any remaining proceeds shall be transferred to the General Capital Reserve Fund 0625, Department BMS, Unit 8888, Revenue Source 8416.

SECTION 5. That the abandonment and quitclaim provided for herein are made subject to all present zoning and deed restrictions, if the latter exist, and are subject to all existing easement rights of others, if any, whether apparent or non-apparent, aerial, surface, underground or otherwise.

SECTION 6. That the terms and conditions contained in this ordinance shall be binding upon **GRANTEE**, its successors and assigns.

SECTION 7. That the abandonment and quitclaim provided for herein shall extend only to the public right, title, easement and interest, and shall be construed to extend only to that interest the Governing Body of the City of Dallas may legally and lawfully abandon and vacate.

SECTION 8. That as a condition of this abandonment and as a part of the consideration for the quitclaim to **GRANTEE** herein, **GRANTEE**, its successors and assigns, to the extent allowed by law, agree to indemnify, defend, release and hold harmless the City of Dallas as to any and all claims for damages, fines, penalties, costs or expenses to persons or property that may arise out of, or be occasioned by or from: (i) the use and occupancy of the areas described in Exhibit A by **GRANTEE**, its successors and assigns; (ii) the presence, generation, spillage, discharge, release, treatment or disposition of any Hazardous Substance on or affecting the areas set out in Exhibit A; (iii) all corrective actions concerning any discovered Hazardous Substances on or affecting the areas described in Exhibit A, which **GRANTEE**, its successors and assigns, agree to undertake and complete in accordance with applicable federal, state and local laws and regulations; and (iv) the abandonment, closing, vacation and quitclaim by the City of Dallas of the areas set out in Exhibit A. **GRANTEE**, its successors and assigns, hereby agree to defend any and all suits, claims, or causes of action brought against the City of Dallas on account of same, and discharge any judgment or judgments that may be rendered against the City of Dallas in connection therewith. For purposes hereof, "Hazardous Substance" means the following: (a) any "hazardous substances" under the Comprehensive Environmental Response, Compensation, and Liability Act, 42 U.S.C. Section 9601 et seq., as amended; (b) any "hazardous substance" under the Texas Hazardous Substances Spill Prevention and Control Act, TEX. WATER CODE, Section 26.261 et seq., as amended; (c) petroleum or petroleum-based products (or any derivative or hazardous constituents thereof or additives thereto), including without limitation, fuel and lubricating oils; (d) any "hazardous chemicals" or "toxic chemicals" under the Occupational Safety and Health Act, 29 U.S.C. Section 651 et seq., as amended; (e) any "hazardous waste" under the Resource Conservation and Recovery Act, 42 U.S.C. Section 6901 et seq., as amended; and

(f) any “chemical substance” under the Toxic Substance Control Act, 15 U.S.C. Section 2601 et seq., as amended. References to particular acts or codifications in this definition include all past and future amendments thereto, as well as applicable rules and regulations as now or hereafter promulgated thereunder.

SECTION 9. That as a condition of this abandonment and as a part of the consideration for the quitclaim made herein, Dallas Arboretum & Botanical Society, Inc. shall record a final replat of the adjoining properties within (1) one year of the effective date of this ordinance showing the dedication by reservation of not less than 5,967 square feet of needed variable width alley reservations and not less than 112 square feet for an alley site reservation in City Block 6/5284, and not less than 9,196 square feet for a detention area easement in City Block 6/5284 and not less than 3,315 square feet for a detention area easement in City Block 6/5284. This final replat shall be recorded by **GRANTEE** in the official real property records of the county in which the abandoned area and the dedicated property are located, after its approval by the City Plan Commission of the City of Dallas. This abandonment shall not be effective unless and until this dedication is completed and failure to record a final replat in accordance with the term of this section shall render this ordinance null and void and of no further effect. Further, the final replat shall be recorded in the official real property records of the county in which the abandoned area is located before a certified copy of this ordinance shall be delivered to **GRANTEE**.



SECTION 10. That as a condition of this abandonment and as a part of the consideration for the quitclaim made herein, **GRANTEE** shall, immediately upon the effectiveness of this abandonment, close, barricade and/or place signs in the area described in Exhibit A Tracts 1, 2, 3 and 4 in accordance with detailed plans approved by the Director of Department of Sustainable Development and Construction. **GRANTEE's** responsibility for keeping the area described in Exhibit A Tracts 1, 2, 3 and 4 closed, barricaded and/or the signs in place shall continue until the street improvements and intersection returns are removed by **GRANTEE**, its successors and assigns, to the satisfaction of the Director of Department of Sustainable Development and Construction.

SECTION 11. That the City Secretary is hereby authorized and directed to certify a copy of this ordinance for recordation in the official real property records of the county in which the abandonment area is located, which certified copy shall be delivered to the Director of Department of Sustainable Development and Construction, or designee. Upon receipt of the monetary consideration set forth in Section 2, plus the fee for the publishing of this ordinance, which **GRANTEE** shall likewise pay, and the filing of the final replat set forth in Section 9, the Director of Department of Sustainable Development and Construction, or designee: (i) shall deliver to **GRANTEE** a certified copy of this ordinance, and (ii) is authorized to and shall prepare and deliver a **QUITCLAIM DEED** with regard to the area abandoned herein, to **GRANTEE** hereunder, same to be executed by the City Manager on behalf of the City of Dallas, attested by the City Secretary and approved as to form by the City Attorney. The Director of Department of Sustainable Development and Construction, or designee, shall be the sole source for receiving certified copies of this ordinance for one year after its passage.

SECTION 12. That this ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so ordained.

APPROVED AS TO FORM:
CHRISTOPHER D. BOWERS
Interim City Attorney

DAVID COSSUM
Director of Department of Sustainable
Development and Construction

BY  BY 
Assistant City Attorney Assistant Director

Passed _____.

EXHIBIT A-TRACT 1

**Variable Width Alley Reservation to be Abandoned
In Lot 1A, Block No. 6/5284, Dallas Arboretum Addition
Richard Scurry Survey, Abstract No. 1382
City of Dallas, Dallas, County, Texas**

DESCRIPTION, of a 3,832 square foot (0.088 acre) tract of land situated in the Richard Scurry Survey, Abstract No. 1382, City of Dallas, Dallas County, Texas; said tract being part of Lot 1A, Block 6/5284, Dallas Arboretum Addition, an addition to the City of Dallas, Texas according to the plat recorded in Instrument No. 201200245747 of the Official Public Records of Dallas County, Texas and part of that certain tract of land described in General Warranty Deed to Dallas Arboretum & Botanical Society, Inc. recorded in Instrument No. 201200144549 of said Official Public Records; said tract also being all of that certain tract of land described as a variable width alley reservation, depicted and reserved by the said plat of Dallas Arboretum Addition; said 3,832 square foot (0.088 acre) tract being more particularly described as follows (bearing system for this survey based on the North American Datum of 1983, Texas State Plane Coordinate System, North Central Texas, Zone 4202, Reference Frame NAD83 (CORS96), EPOCH: 2002.00):

BEGINNING, at a "+" cut in concrete found (controlling monument) in the southeast right-of-way line of Garland Road (State Highway No. 78 a variable width right-of-way, formerly known as Bankhead Highway, by use and occupation); said point being the northernmost corner of that certain tract of unplatted land described in Special Warranty Deed to Tamale Partners, Ltd. recorded in Instrument No. 201100295906 of said Official Public Records and the westernmost corner of said Lot 1A, Block 6/5284;

THENCE, North 43 degrees, 50 minutes, 54 seconds East, along said southeast line of Garland Road and the northwest line of said Lot 1A, Block 6/5284, a distance of 15.00 feet to a point; said point being the northernmost corner of said Alley Reservation;

THENCE, departing said southeast line of Garland Road and the said northwest line of Lot 1A, Block 6/5284 and into and across said Lot 1A, Block 6/5284, along the northeast line of said Alley Reservation, the following (3) calls:

South 46 degrees, 09 minutes, 55 seconds East, , a distance of 80.73 feet to a point at the point of curvature of a tangent curve to the left;

Along said curve to the left, having a central angle of 46 degrees, 34 minutes, 03 seconds, a radius of 40.00 feet, a chord bearing and distance of South 69 degrees, 26 minutes, 57 seconds East, 31.62 feet, an arc distance of 32.51 feet to the point of reverse curvature;

Along said reverse curve to the right, having a central angle of 104 degrees, 37 minutes, 50 seconds, a radius of 40.00 feet, a chord bearing and distance of South 40 degrees, 25 minutes, 03 seconds East, 63.31 feet, an arc distance of 73.05 feet to a point in the northwest line of that certain tract of land described as "for alley purposes" in Warranty Deed to the City of Dallas, Texas recorded in Volume 2958, Page 400 of the Deed Records of Dallas County, Texas and the westernmost southeast line of said Lot 1A, Block 6/5284; said point being in a non-tangent curve to the left and the easternmost corner of said Alley Reservation;

REVIEWED BY
JR 11-25-13
SPR 2768

EXHIBIT A-TRACT 1

Variable Width Alley Reservation to be Abandoned
In Lot 1A, Block No. 6/5284, Dallas Arboretum Addition
Richard Scurry Survey, Abstract No. 1382
City of Dallas, Dallas County, Texas

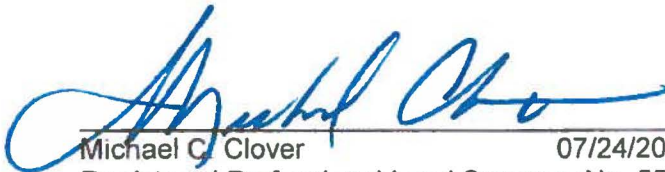
THENCE, along the said northwest line of the "for alley purposes" tract, the said southwest line of Lot 1A Block 6/5284, the southwest line of said Alley Reservation tract and said curve to the left, having a central angle of 12 degrees, 16 minutes, 16 seconds, a radius of 115.60 feet, a chord bearing and distance of South 74 degrees, 56 minutes, 00 seconds West, 24.71 feet, an arc distance of 24.76 feet to a 1/2-inch iron rod with "PACHECO KOCH" cap found; said point being the easternmost corner of said Tamale Partners tract and the westernmost south corner of said Lot 1A, Block 6/5284 and the southernmost corner of said Alley Reservation;

THENCE, North 46 degrees, 09 minutes, 55 seconds West, departing the said northwest line of the "for alley purposes" tract, along the southernmost southwest line of said Lot 1A, Block 6/5284, the southwest line of the Alley Reservation tract and the northeast line of said Tamale Partners tract, a distance of 160.01 feet to the **POINT OF BEGINNING**;

CONTAINING, 3,832 square feet or 0.088 acres of land, more or less.

(A survey plat of even survey date herewith accompanies this description.)

The undersigned, Registered Professional Land Surveyor, hereby certifies that the foregoing description accurately sets out the metes and bounds of the alley reservation abandonment tract described.



Michael C. Clover 07/24/2013
Registered Professional Land Surveyor No. 5525
Pacheco Koch, LLC
8350 N. Central Expwy, #1000, Dallas TX 75206
(972) 235-3031
TX Reg. Surveying Firm LS-10193805
Revised: 11/04/2013

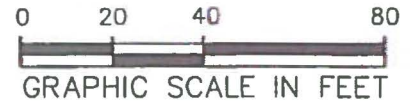


EX6 - 3832 SF Tract-REV docx sbp
1214-13.131EX6.dwg sbp

REVIEWED BY
SL 11-25-13
SPR 2768

GARLAND ROAD (STATE HIGHWAY NO. 78)

(A VARIABLE WIDTH RIGHT-OF-WAY
FORMERLY KNOWN AS BANKHEAD HIGHWAY)
(BY USE AND OCCUPATION)
(NO RECORD FOUND)



LOT 1A, BLOCK 6/5284
DALLAS ARBORETUM ADDITION
(INST. NO. 201200245747)
O.P.R.D.C.T.

PART OF
CITY OF DALLAS
(VOL. 2002213, PG. 3982)
D.R.D.C.T.

LEGEND	
---	OLD DEED LINE
---	EASEMENT LINE
P/L	PROPERTY LINE
---	RESERVATION
---	ABANDONMENT LINE
R/W—P/L	PROPERTY LINE & R.O.W. LINE
⊗	"+" CUT IN CONCRETE FOUND (C.M.)
⊙	"PK" NAIL FOUND
⊗	1/2-INCH IRON ROD WITH "PIBURN PARTNERS" CAP FOUND (C.M.)
⊗	1/2-INCH IRON ROD WITH "PACHECO KOCH" CAP FOUND (C.M.)
○	POINT FOR CORNER
(C.M.)	CONTROLLING MONUMENT
POB	POINT OF BEGINNING

NOTES:

1. A metes and bounds description of even survey date herewith accompanies this plat of survey.
2. Bearing system for this survey is based on the North American Datum of 1983, Texas State Plane Coordinate System, North Central Texas, Zone 4202, Reference Frame NAD83 (CORS96), EPOCH: 2002.00.

VARIABLE WIDTH ALLEY RESERVATION TO BE ABANDONED

PART OF LOT 1A, BLOCK 6/5284,
DALLAS ARBORETUM ADDITION,
AN ADDITION TO THE CITY OF DALLAS,
RICHARD SCURRY SURVEY, ABSTRACT NO. 1382
CITY OF DALLAS, DALLAS COUNTY, TEXAS
SHEET 3 OF 3

N 43°50'54" E
15.00'
POB

15'X15' ALLEY SIGHT
RESERVATION
(INST. NO. 201200245747)
O.P.R.D.C.T.

10'X15' WATER
RESERVATION
(INST. NO. 201200245747)
O.P.R.D.C.T.

DALLAS ARBORETUM &
BOTANICAL SOCIETY, INC.
(INST. NO. 201200144549)
O.P.R.D.C.T.

VARIABLE WIDTH
ALLEY RESERVATION
TO BE ABANDONED
3,832 SF
(0.088 ACRES)

Δ=46°34'03"
R=40.00'
L=32.51'
T=17.21'
CB=S 69°26'57" E
CD=31.62'

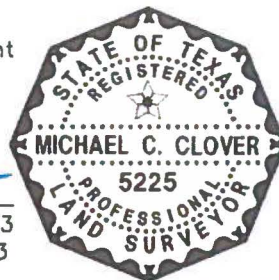
Δ=104°37'50"
R=40.00'
L=73.05'
T=51.78'
CB=S 40°25'03" E
CD=63.31'

VARIABLE WIDTH
ALLEY RESERVATION
(INST. NO. 201200245747)
O.P.R.D.C.T.

Δ=12°16'16"
R=115.60'
L=24.76'
T=12.43'
CB=S 74°56'00" W
CD=24.71'

LOT 4
BLOCK 5284
WILLIAMS SUBDIVISION
(VOL. 16, PG. 247)
M.R.D.C.T.

The undersigned, Registered Professional Land Surveyor, hereby certifies that this plat of survey accurately sets out the metes and bounds of the alley reservation abandonment tract described.



Michael C. Clover
Registered Professional Revised: 11/04/2013
Land Surveyor No. 5225

8350 N. CENTRAL EXPWY. SUITE 1000
DALLAS, TX 75206 972.235.3031
TX REG. ENGINEERING FIRM F-14439
TX REG. SURVEYING FIRM LS-10193805

Pacheco Koch

DRAWN BY	CHECKED BY	SCALE	DATE	JOB NUMBER
SBP/DB	MCC	1"=40'	JULY 2013	1214-13.171

**Variable Width Alley Reservation to be Abandoned
In Lot 1A, Block No. 6/5284, Dallas Arboretum Addition**
Richard Scurry Survey, Abstract No. 1382
City of Dallas, Dallas, County, Texas

DESCRIPTION, of a 3,932 square foot (0.090 acre) tract of land situated in the Richard Scurry Survey, Abstract No. 1382, City of Dallas, Dallas County, Texas; said tract being part of Lot 1A, Block 6/5284, Dallas Arboretum Addition, an addition to the City of Dallas, Texas according to the plat recorded in Instrument No. 201200245747 of the Official Public Records of Dallas County, Texas; said tract also being part of that certain tract of land described in Warranty Deed to the City of Dallas recorded in Instrument No. 201000188307 of said Official Public Records and part of that certain tract of land described in General Warranty Deed to Dallas Arboretum & Botanical Society, Inc. recorded in Instrument No. 201200144549 of said Official Public Records; said 3,932 square foot (0.090 acre) tract being more particularly described as follows (bearing system for this survey based on the North American Datum of 1983, Texas State Plane Coordinate System, North Central Texas, Zone 4202, Reference Frame NAD83 (CORS96), EPOCH: 2002.00):

BEGINNING, at a point in the northwest line of that certain tract of land described as "for alley purposes" in Warranty Deed to the City of Dallas, Texas recorded in Volume 2958, Page 400 of the Deed Records of Dallas County, Texas and the westernmost southeast line of said Lot 1A, Block 6/5284; said point being the easternmost corner of said alley reservation tract and South 43 degrees, 50 minutes, 06 seconds West, a distance of 17.50 feet from a 1/2-inch iron rod found (controlling monument) at the northernmost corner of the northeast terminus of said City of Dallas "for alley purposes" tract and a reentrant corner of said Lot 1A, Block 6/5284;

THENCE, in a southwesterly direction, along the said northwest line of said City of Dallas "for alley purposes" tract, the said southeast line of Lot 1A, Block 6/5284 and the southeast line of said alley reservation tract, the following three (3) calls:

South 43 degrees, 50 minutes, 06 seconds West, a distance of 65.36 feet to a 1/2-inch iron rod with "PIBURN PARTNERS" cap found (controlling monument) at the point of curvature of a tangent curve to the right;

Along said curve to the right, having a central angle of 50 degrees, 01 minutes, 59 seconds, a radius of 35.60 feet, a chord bearing and distance of South 68 degrees, 51 minutes, 06 seconds West, 30.11 feet, an arc distance of 31.09 feet to a 1/2-inch iron rod with "PACHECO KOCH" cap found at the point of reverse curvature;

Along said reverse curve to the left, having a central angle of 04 degrees, 01 minutes, 10 seconds, a radius of 115.60 feet, a chord bearing and distance of North 88 degrees, 08 minutes, 29 seconds West, 8.11 feet, an arc distance of 8.11 feet to a point; said point being the southernmost corner of said alley reservation tract;

THENCE, departing the said northwest line of the City of Dallas "for alley purposes" tract, the said southeast line of Lot 1A, Block 6/5284 and the said southeast line of the alley reservation tract and into and across said Lot 1A, Block 6/5284, the following four (4) calls:

North 02 degrees, 46 minutes, 44 seconds West, along the southwest line of said alley reservation tract, a distance of 44.50 feet to a point; said point being the westernmost corner of said alley reservation tract;

REVIEWED BY
JL 17-25-13
SPAL 2229

Variable Width Alley Reservation to be Abandoned
In Lot 1A, Block No. 6/5284, Dallas Arboretum Addition
Richard Scurry Survey, Abstract No. 1382
City of Dallas, Dallas, County, Texas

North 88 degrees, 13 minutes, 42 seconds East, along the west line of said alley reservation tract, a distance of 8.72 feet to a point; said point being a reentrant corner of said alley reservation tract;

North 43 degrees, 50 minutes, 06 seconds East, along the northwest line of said alley reservation tract, a distance of 61.26 feet to a point; said point being the northernmost corner of said alley reservation tract;

South 46 degrees, 09 minutes, 54 seconds East, along the northeast line of said alley reservation tract, a distance of 45.00 feet to the **POINT OF BEGINNING**;

CONTAINING, 3,932 square feet or 0.090 acres of land, more or less.

(A survey plat of even survey date herewith accompanies this description.)

The undersigned, Registered Professional Land Surveyor, hereby certifies that the foregoing description accurately sets out the metes and bounds of the alley reservation abandonment tract described.



Michael C. Clover 07/24/2013
Registered Professional Land Surveyor No. 5525
Pacheco Koch, LLC
8350 N. Central Expwy, #1000, Dallas TX 75206
(972) 235-3031
TX Reg. Surveying Firm LS-10193805
Revised: 11/04/2013



EX5 - 3932 SF Tract-REV.docx sbp
1214-13.131EX5.dwg sbp

REVIEWED BY
SR 11-25-13
5926 2729

TAMALE
PARTNERS, LTD.
(INST. NO.
201100295906)
O.P.R.D.C.T.

UNPLATTED
PROPERTY

LOT 1A,
BLOCK 6/5284
DALLAS ARBORETUM
ADDITION
(INST. NO. 201200245747)
O.P.R.D.C.T.

DALLAS ARBORETUM &
BOTANICAL SOCIETY, INC.
(INST. NO. 201200144549)
O.P.R.D.C.T.

CITY OF DALLAS
(INST. NO. 201000188307)
O.P.R.D.C.T.



0 20 40 80
GRAPHIC SCALE IN FEET

PART OF
CITY OF DALLAS
(VOL. 2002213, PG. 3982)
D.R.D.C.T.

VARIABLE WIDTH
ALLEY RESERVATION
(INST. NO.
201200245747)
O.P.R.D.C.T.

VARIABLE WIDTH
ALLEY RESERVATION
TO BE ABANDONED
3,932 SF
(0.090 ACRES)

15' ALLEY
(CLOSED AND VACATED
BY CITY OF DALLAS
ORDINANCE NO. 27148,
INST. NO. 20080180378)
O.P.R.D.C.T.
(EASEMENTS RETAINED)

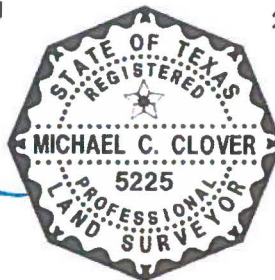
20' SANITARY
SEWER RESERVATION
(INST. NO. 201200245747)
O.P.R.D.C.T.

LEGEND

---	OLD DEED LINE
---	EASEMENT LINE
---	PROPERTY LINE
---	RESERVATION
---	ABANDONMENT LINE
---	PROPERTY LINE & R.O.W. LINE
⊙	1/2-INCH IRON ROD FOUND
⊗	1/2-INCH IRON ROD WITH "PILBURN PARTNERS" CAP FOUND (C.M.)
■	1/2-INCH IRON ROD WITH "PACHECO KOCH" CAP FOUND
○	POINT FOR CORNER
(C.M.)	CONTROLLING MONUMENT
POB	POINT OF BEGINNING

- NOTES:
1. A metes and bounds description of even survey date herewith accompanies this plat of survey.
 2. Bearing system for this survey is based on the North American Datum of 1983, Texas State Plane Coordinate System, North Central Texas, Zone 4202, Reference Frame NAD83 (CORS96), EPOCH: 2002.00.

The undersigned, Registered Professional Land Surveyor, hereby certifies that this plat of survey accurately sets out the metes and bounds of the alley reservation abandonment tract described.



Michael C. Clover 07/24/2013
Registered Professional Revised: 11/04/2013
Land Surveyor No. 5225

VARIABLE WIDTH ALLEY RESERVATION TO BE ABANDONED

PART OF LOT 1A, BLOCK 6/5284,
DALLAS ARBORETUM ADDITION,
AN ADDITION TO THE CITY OF DALLAS,
RICHARD SCURRY SURVEY, ABSTRACT NO. 1382
DALLAS COUNTY, TEXAS
SHEET 3 OF 3

Pacheco Koch

8350 N. CENTRAL EXPWY. SUITE 1000
DALLAS, TX 75206 972.235.3031
TX REG. ENGINEERING FIRM F-14439
TX REG. SURVEYING FIRM LS-10193805

DRAWN BY SBP/DB	CHECKED BY MCC	SCALE 1"=40'	DATE JULY 2013	JOB NUMBER 1214-13.171
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EXHIBIT A-TRACT 3

**Alley Sight Reservation to be Abandoned
In Lot 1A, Block No. 6/5284, Dallas Arboretum Addition
Richard Scurry Survey, Abstract No. 1382
City of Dallas, Dallas, County, Texas**

DESCRIPTION, of a 112 square foot (0.003 acre) tract of land situated in the Richard Scurry Survey, Abstract No. 1382, City of Dallas, Dallas County, Texas; said tract being part of Lot 1A, Block 6/5284, Dallas Arboretum Addition, an addition to the City of Dallas, Texas according to the plat recorded in Instrument No. 201200245747 of the Official Public Records of Dallas County, Texas and part of that certain tract of land described in General Warranty Deed to Dallas Arboretum & Botanical society, Inc. recorded in Instrument No. 201200144549 of said Official Public Records; said tract also being all of that certain tract of land described as a 15-foot by 15-foot Alley Sight Reservation, depicted on and reserved by, said plat; said 112 square foot (0.003 acre) tract being more particularly described as follows (bearing system for this survey based on the North American Datum of 1983, Texas State Plane Coordinate System, North Central Texas, Zone 4202, Reference Frame NAD83 (CORS96), EPOCH: 2002.00):

BEGINNING, at a point in the southeast right-of way line of Garland road (State Highway No. 78 a variable width right-of-way formerly known as Bankhead Highway, by use and occupation) and the northwest line of said Lot 1A; said point being North 43 degrees, 50 minutes, 54 seconds East, a distance of 15.00 feet from a "+" cut in concrete found (controlling monument) at the westernmost corner of said Lot 1A and the northernmost corner of that certain tract of unplatted land described in Special Warranty Deed to Tamale Partners, Ltd., recorded in Instrument No. 201100295906 of said Official Public Records;

THENCE, North 43 degrees, 50 minutes, 54 seconds East, along the said southeast line of Garland Road and the said northwest line of Lot 1A, a distance of 15.00 feet to a point;

THENCE, departing the said southeast line of Garland Road and the said northwest line of Lot 1A and into and across said Lot 1A, the following two (2) calls:

South 01 degrees, 09 minutes, 31 seconds East, a distance of 21.21 feet to a point;

North 46 degrees, 09 minutes, 55 seconds West, a distance of 15.00 feet to the **POINT OF BEGINNING**;

CONTAINING, 112 square feet or 0.003 acres of land, more or less.

(A survey plat of even survey date herewith accompanies this description.)

The undersigned, Registered Professional Land Surveyor, hereby certifies that the foregoing description accurately sets out the metes and bounds of the reservation abandonment tract described.


Michael C. Clover 07/24/2013
Registered Professional Land Surveyor No. 5525
Pacheco Koch, LLC

8350 N. Central Expwy, #1000, Dallas TX 75206
(972) 235-3031
TX Reg. Surveying Firm LS-10193805
Revised: 11/04/2013



EX7 - 112 SF Tract.doc
1214-13.171EX7.DWG CJG/DB

REVIEWED BY
JL 11-25-13
SPG 2775

GARLAND ROAD (STATE HIGHWAY NO. 78)

(A VARIABLE WIDTH RIGHT-OF-WAY
FORMERLY KNOWN AS BANKHEAD HIGHWAY)

(BY USE AND OCCUPATION
(NO RECORD FOUND)

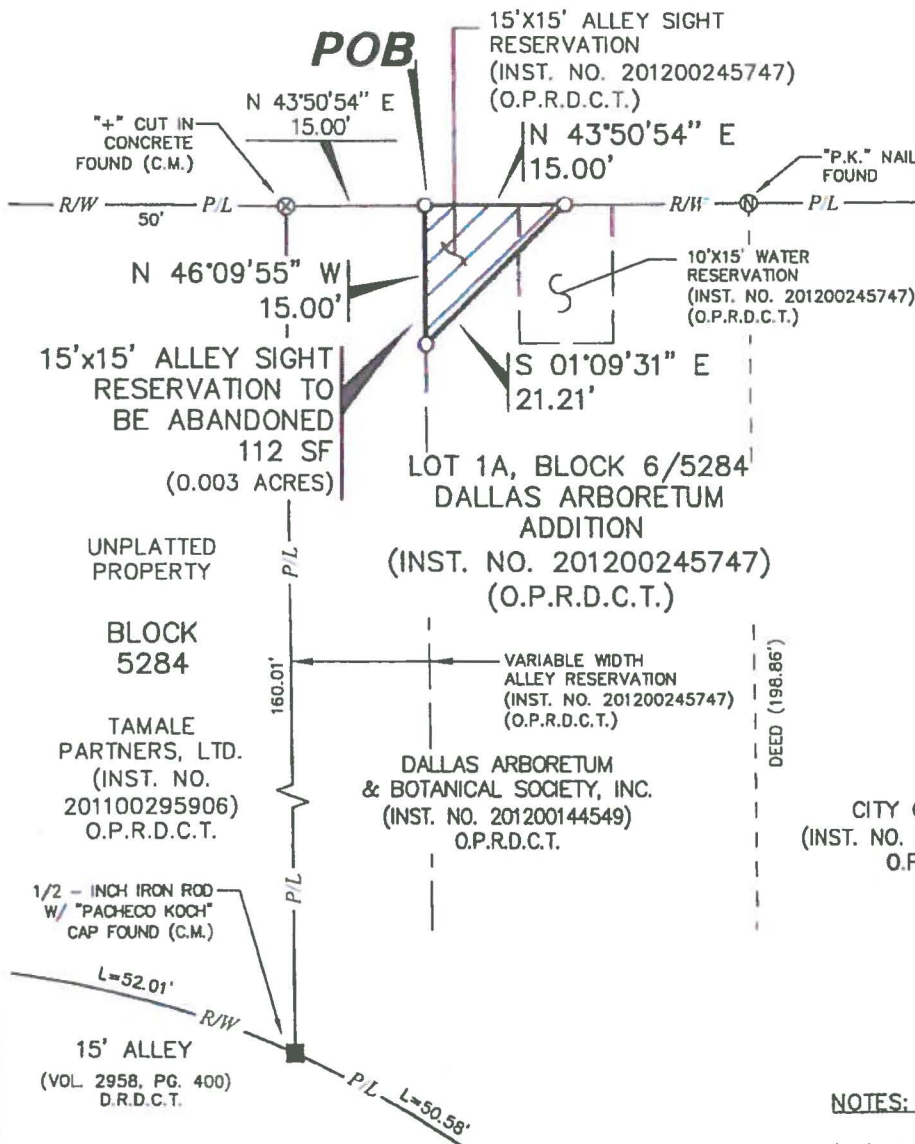


0 10 20 40

GRAPHIC SCALE IN FEET

LEGEND

- R/W - P/L -	PROPERTY LINE & R.O.W. LINE
- P/L -	PROPERTY LINE
- - - - -	RESERVATION LINE
- - - - -	OLD DEED LINE
- - - - -	RESERVATION ABANDONMENT LINE
D.R.D.C.T.	DEED RECORDS OF DALLAS COUNTY, TEXAS
O.P.R.D.C.T.	OFFICIAL PUBLIC RECORDS OF DALLAS COUNTY, TEXAS
(C.M.)	CONTROLLING MONUMENT
○	POINT FOR CORNER
POB	POINT OF BEGINNING



CITY OF DALLAS
(INST. NO. 201000188307)
O.P.R.D.C.T.

REVIEWED BY
JL 11-25-13
SPR 2715

NOTES:

1. A metes and bounds description of even survey date herewith accompanies this plat of survey.
2. Bearing system for this survey is based on the North American Datum of 1983, Texas State Plane Coordinate System, North Central Texas, Zone 4202, Reference Frame NAD83 (CORS96), EPOCH: 2002.00.

The undersigned, Registered Professional Land Surveyor, hereby certifies that this plat of survey accurately sets out the metes and bounds of the reservation abandonment tract described.



Michael C. Clover 07/24/2013
Registered Professional Revised: 11/04/2013
Land Surveyor No. 5225

Pacheco Koch

8350 N. CENTRAL EXPWY. SUITE 1000
DALLAS, TX 75206 972.235.3031
TX REG. ENGINEERING FIRM F-14439
TX REG. SURVEYING FIRM LS-10193805

ALLEY SIGHT RESERVATION TO BE ABANDONED

PART OF LOT 1A, BLOCK 6/5284,
DALLAS ARBORETUM ADDITION

RICHARD SCURRY SURVEY, ABSTRACT NO. 1382
CITY OF DALLAS, DALLAS COUNTY, TEXAS
SHEET 2 OF 2

DRAWN BY CJG/DB	CHECKED BY MCC	SCALE 1"=20'	DATE JULY 2013	JOB NUMBER 1214-13.171
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EXHIBIT A-TRACT 4

**15-Foot Alley Right-of-Way
To be Abandoned
Part of Lot 1A, Block No. 6/5284,
Dallas Arboretum Addition
Richard Scurry Survey, Abstract No. 1382
City of Dallas, Dallas, County, Texas**

DESCRIPTION, of a 4,503 square foot (0.103 acre) tract of land situated in the Richard Scurry Survey, Abstract No. 1382, City of Dallas, Dallas County, Texas; said tract being part of Lot 1A, Block 6/5284, Dallas Arboretum Addition, an addition to the City of Dallas, Texas according to the plat recorded in Instrument No. 201200245747 of the Official Public Records of Dallas County, Texas; said tract also being all of that certain portion of a 15-foot wide alley Closed and Vacated by City of Dallas Ordinance No. 27148, recorded in Instrument No. 20080180378 of said Official Public Records (easements retained); said 4,503 square foot tract being more particularly described as follows (bearing system for this survey based on the State Plane Coordinate System, Texas North Central Zone (4202), North American Datum of 1983, Reference Frame NAD83 (CORS96), EPOCH: 2002.00):

BEGINNING, at a 3-inch brass monument stamped "SWB TEL CO" found for corner (controlling monument) at the intersection of the southwest line and the northwest line of a variable width alley recorded in Volume 68155, Page 1684 of the Deed Records of Dallas County, Texas; said point being the northernmost corner of said Closed and Vacated alley and a reentrant corner of said Lot 1A;

THENCE, South 45 degrees, 54 minutes, 16 seconds East, along the northeast line of said Closed and Vacated alley, a northeast line of said Lot 1A and the said southwest line of the variable width alley, a distance of 15.00 feet to a 3-inch brass monument with "SWB TEL CO" found for corner (controlling monument); said point being the easternmost corner of said Closed and Vacated alley;

THENCE, South 44 degrees, 10 minutes, 36 seconds West, departing the said southwest line of the variable width alley and the said northeast line of Lot 1A and into and across said Lot 1A along the southeast line of said Closed and Vacated alley, a distance of 300.12 feet to 1/2-inch iron rod found for corner (controlling monument) in a southwest line of said Lot 1A; said point being an angle point in said southwest line of Lot 1A, an angle point in the northeast line of Lot 2, Block 5284, J.L Little Subdivision, an addition to the City of Dallas, Texas according to the plat recorded in Volume 11, Page 447 of the Map Records of Dallas County, Texas and the southernmost corner of said Closed and Vacated alley;

THENCE, North 46 degrees, 37 minutes, 02 seconds West, along the southwest line of said Closed and Vacated alley, the said southwest line of Lot 1A and the said northeast line of Lot 2, at a distance of 1.67 feet passing the northernmost corner of Lot 2 and the easternmost corner of the northeast terminus of that certain tract of land "for alley purposes" described in Warranty Deed to the City of Dallas, Texas recorded in Volume 2958, Page 400 of said Deed Records, then continuing along the said northeast terminus of the tract "for alley purposes" in all a total distance of 15.00 feet to a 1/2-inch iron rod with "JDJR" cap found for corner (controlling monument); said point being the westernmost corner of said Closed and Vacated alley;

REVIEWED BY
JL 12-2-15
SPAL 3474

EXHIBIT A-TRACT 4


**15-Foot Alley Right-of-Way
To be Abandoned
Part of Lot 1A, Block No. 6/5284,
Dallas Arboretum Addition
Richard Scurry Survey, Abstract No. 1382
City of Dallas, Dallas, County, Texas**

THENCE, North 44 degrees, 10 minutes, 36 seconds East, departing the said northeast terminus of the tract "for alley purposes" and the said southwest line of Lot 1A and into and across said Lot 1A along the northwest line of said Closed and Vacated alley, a distance of 300.31 feet to the **POINT OF BEGINNING**;

CONTAINING, 4,503 square feet or 0.103 acres of land, more or less.

(A survey plat of even survey date herewith accompanies this description.)

The undersigned, Registered Professional Land Surveyor, hereby certifies that the foregoing description accurately sets out the metes and bounds of the alley right-of-way abandonment tract described.

 *Revised 9/04/2015*
Michael C. Clover Date
Registered Professional Land Surveyor No. 5525
Pacheco Koch, LLC
7557 Rambler Road, Suite 1400, Dallas TX 75231
(972) 235-3031
TX Reg. Surveying Firm LS-10193805

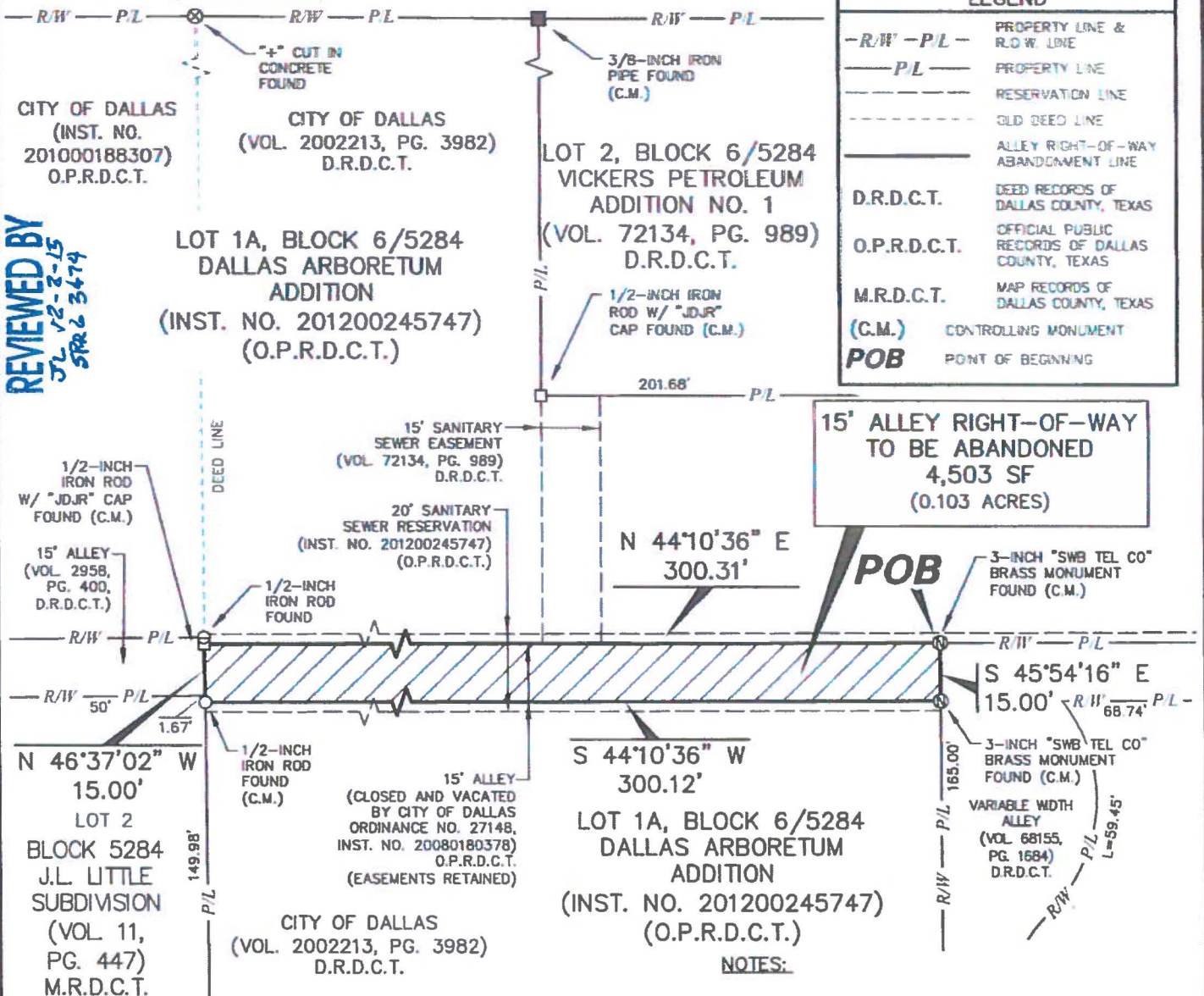
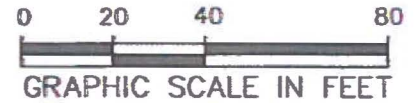


EX2-4503 SF Tract-REV-2-1.docx
1214-13 171EX2-1 DWG CM

(For SPRG use only)	
Reviewed By:	<u>JL</u>
Date:	<u>12-2-15</u>
SPRG NO:	<u>3474</u>

GARLAND ROAD (STATE HIGHWAY NO. 78)

(A VARIABLE WIDTH RIGHT-OF-WAY
FORMERLY KNOWN AS BANKHEAD HIGHWAY)
(BY USE AND OCCUPATION)
(NO RECORD FOUND)



REVIEWED BY
JL 12-3-15
SPR 2 3474

LEGEND	
-R/W- P/L-	PROPERTY LINE & R.O.W. LINE
-P/L-	PROPERTY LINE
---	RESERVATION LINE
---	OLD DEED LINE
---	ALLEY RIGHT-OF-WAY ABANDONMENT LINE
D.R.D.C.T.	DEED RECORDS OF DALLAS COUNTY, TEXAS
O.P.R.D.C.T.	OFFICIAL PUBLIC RECORDS OF DALLAS COUNTY, TEXAS
M.R.D.C.T.	MAP RECORDS OF DALLAS COUNTY, TEXAS
(C.M.)	CONTROLLING MONUMENT
POB	POINT OF BEGINNING

15' ALLEY RIGHT-OF-WAY
TO BE ABANDONED
4,503 SF
(0.103 ACRES)

POB

NOTES:

1. A metes and bounds description of even survey date herewith accompanies this plat of survey.
2. Bearing system for this survey is based on the State Plane Coordinate System, Texas North Central Zone (4202), North American Datum of 1983, Reference Frame NAD83 (CORS96), EPOCH: 2002.00.

The undersigned, Registered Professional Land Surveyor, hereby certifies that this plat of survey accurately sets out the metes and bounds of the alley right-of-way abandonment tract described.

Michael C. Clover
Registered Professional
Land Surveyor No. 5225

Revised 9/4/2015



Pacheco Koch

7557 RAMBLER ROAD, SUITE 1400
DALLAS, TX 75231 972.235.3031
TX REG. ENGINEERING FIRM F-469
TX REG. SURVEYING FIRM LS-10193805

DRAWN BY	CHECKED BY	SCALE	DATE	JOB NUMBER
CM	MCC	1"=40'	JULY 2013	1214-13.171

**15' ALLEY RIGHT-OF-WAY
TO BE ABANDONED**
PART OF LOT 1A, BLOCK 6/5284,
DALLAS ARBORETUM ADDITION
RICHARD SCURRY SURVEY, ABSTRACT NO. 1382
CITY OF DALLAS, DALLAS COUNTY, TEXAS
SHEET 3 OF 3

EXHIBIT A-TRACT 5

**Detention Area Reservation
To be Abandoned
Part of Lot 1A, Block No. 6/5284, Dallas Arboretum Addition**
Richard Scurry Survey, Abstract No. 1382
City of Dallas, Dallas, County, Texas

DESCRIPTION, of a 2.828 acre tract of land situated in the Richard Scurry Survey, Abstract No. 1382, City of Dallas, Dallas County, Texas; said tract being part of Lot 1A, Block 6/5284, Dallas Arboretum Addition, an addition to the City of Dallas, Texas according to the plat recorded in Instrument No. 201200245747 of the Official Public Records of Dallas County, Texas; all of that certain tract of land described in Warranty Deed to the City of Dallas, Texas recorded in Instrument No. 201000188307 of said Official Public Records, all of that certain portion of a 15-foot wide alley Closed and Vacated by City of Dallas Ordinance No. 27148, recorded in Instrument No. 20080180378 of said Official Public Records, all of those certain tracts of land described in Warranty Deed to the City of Dallas, Texas recorded in Volume 2002213, Page 3982 of the Deed Records Dallas County, Texas and part of that certain tract of land described as Detention Area Reservation, depicted on and reserved by, said plat; said 2.828 acre tract being more particularly described as follows (bearing system for this survey based on the State Plane Coordinate System, Texas North Central Zone (4202), North American Datum of 1983, Reference Frame NAD83 (CORS96), EPOCH: 2002.00):

BEGINNING, at a 3/8-inch iron pipe found for corner in the southeast right-of-way line of Garland Road (State Highway No. 78, a 100-foot wide right-of-way); said point being the westernmost north corner of said Lot 1A, Block 6/5284 and the westernmost corner of Lot 2, Block 6/5284 of Vickers Petroleum Addition No. 1, an addition to the City of Dallas, Texas according to the plat recorded in Volume 72134, Page 989 of said Deed Records;

THENCE, South 45 degrees, 44 minutes, 50 seconds East, departing said southeast line of Garland Road and along a northeast line of said Lot 1A and the southwest line of said Lot 2, a distance of 140.00 feet to a 1/2-inch iron rod with "JDJR" cap found for corner; said point being a reentrant corner of said Lot 1A and the southernmost corner of said Lot 2;

THENCE, North 44 degrees, 10 minutes, 25 seconds East, along the southernmost northwest line of said Lot 1A and the southeast line of said Lot 2, a distance of 201.68 feet to a 1/2-inch iron rod with "JDJR" cap found for corner in the northernmost southwest line of Lot A, Block 6/5284, Resubdivision of Part of Block 6/5284 of Shamrock Shores Addition No. 3, an addition to the City of Dallas, Texas according to the plat recorded in Volume 68155, Page 1684 of said Deed Records; said point being the northernmost corner of said Lot 1A and the easternmost corner of said Lot 2;

THENCE, South 45 degrees, 44 minutes, 44 seconds East, along a northeast line of said Lot 1A and the said southwest line of Lot A, a distance of 63.25 feet to a 1/2-inch iron rod with "JDJR" cap found for corner; said point being the northernmost east corner of said Lot 1A and the northernmost corner of the northeast terminus of a 15-foot wide alley across said Block 6/5284 and shown on said plat of Resubdivision of Part of Block 6/52894 of Shamrock Shores No. 3 Addition;

THENCE, South 44 degrees, 10 minutes, 36 seconds West, departing the said southwest line of Lot A, and along the northernmost southeast line of said Lot 1A and the northwest line of the second referenced alley, a distance of 99.88 feet to a 3-inch "SWB TEL CO" brass monument found for corner; said point being a reentrant corner of said Lot 1A and the northernmost corner of said Closed and Vacated alley (the first referenced alley);

REVIEWED BY
DL 12-2-15
SPR 3473

EXHIBIT A-TRACT 5

Detention Area Reservation

To be Abandoned

Part of Lot 1A, Block No. 6/5284, Dallas Arboretum Addition

Richard Scurry Survey, Abstract No. 1382

City of Dallas, Dallas, County, Texas

THENCE, South 45 degrees, 54 minutes, 16 seconds East, departing the said northwest line of the second referenced alley and along the easternmost northeast line of said Lot 1A and the northeast line of said Closed and Vacated alley (the first referenced alley), at a distance of 15.00 feet passing a 3-inch "SWB TEL CO" brass monument found at the easternmost corner of said Closed and Vacated alley (the first referenced alley) and the westernmost corner of a variable width alley right-of-way dedication as shown on said plat of Resubdivision of Part of Block 6/52894 of Shamrock Shores Addition No. 3, then continuing along the southwest line of said variable width alley, in all a total distance of 165.00 feet to a 1/2-inch iron rod with "JDJR" cap found for corner at the intersection of the said southwest line of the variable width alley and the northwest line of Angora Street (a 50-foot wide right-of-way); said point being the easternmost corner of said Lot 1A;

THENCE, South 44 degrees, 10 minutes, 51 seconds West, departing the said southwest line of the variable width alley and along the said northwest line of Angora Street and the southernmost southeast line of said Lot 1A, a distance of 299.53 feet to a 1/2-inch iron rod with "JDJR" cap found for corner; said point being the southernmost south corner of said Lot 1A and the easternmost corner of Lot 2, Block 5284, J.L. Little Subdivision, an addition to the City of Dallas, Texas according to the plat recorded in Volume 11, Page 447 of the Map Records of Dallas County, Texas;

THENCE, North 46 degrees, 07 minutes, 42 seconds West, departing the said northwest line of Angora Street and along the southernmost southwest line of said Lot 1A and the northeast line of the second referenced Lot 2, a distance of 149.98 feet to a 1/2-inch iron rod found at an angle point in the said southwest line of Lot 1A and the said northeast line of Lot 2; said point being the southernmost corner of said Closed and Vacated alley (the first referenced alley);

THENCE, North 46 degrees, 37 minutes, 02 seconds West, continuing along the said southwest line of Lot 1A and the said northeast line of the second referenced Lot 2 and along the southwest line of said Closed and Vacated alley (the first referenced alley), at a distance of 1.67 feet passing the northernmost corner of the second referenced Lot 2 and the easternmost corner of that certain tract of land "for alley purposes" described in Warranty Deed to the City of Dallas recorded in Volume 2958, Page 400 of said Deed Records, then continuing along the northeast line of the said City of Dallas tract "for alley purposes", at a distance of 15.00 feet passing a 1/2-inch iron rod with "JDJR" cap found at the westernmost corner of said Closed and Vacated alley (the first referenced alley), then continuing in all a total distance of 16.67 feet to a 1/2-inch iron rod found for corner; said point being a reentrant corner of said Lot 1A and the northernmost corner of said City of Dallas tract "for alley purposes";

THENCE, in a southwesterly direction, along a southeast line of said Lot 1A and the northwest line of said City of Dallas tract "for alley purposes", the following two (2) calls:

South 43 degrees, 50 minutes, 06 seconds West, a distance of 82.86 feet to a 1/2-inch iron rod with "PIBURN PARTNERS" cap found at the point of curvature of a tangent curve to the right;

REVIEWED BY
JL 12-2-15
SPR 3473

EXHIBIT A-TRACT 5

**Detention Area Reservation
To be Abandoned
Part of Lot 1A, Block No. 6/5284, Dallas Arboretum Addition
Richard Scurry Survey, Abstract No. 1382
City of Dallas, Dallas, County, Texas**

Along said curve to the right, having a central angle of 28 degrees, 47 minutes, 01 seconds, a radius of 35.60 feet, a chord bearing and distance of South 58 degrees, 13 minutes, 37 seconds West, 17.70 feet, an arc distance of 17.88 feet to a 1/2-inch iron rod with "PIBURN PARTNERS" cap found for corner; said point being a south corner of said Lot 1A and the easternmost corner of that certain tract of land described in Warranty Deed to the City of Dallas recorded in Instrument No. 201300237677 of said Official Public Records;

THENCE, North 46 degrees, 09 minutes, 55 seconds West, departing the said northwest line of said City of Dallas tract "for alley purposes" and along the northernmost southwest line of said Lot 1A and the northeast line of the last said City of Dallas tract, a distance of 198.88 feet to a PK nail found for corner in the said southeast line of Garland Road and the northernmost northwest line of said Lot 1A; said point being the northernmost corner of the last said City of Dallas tract;

THENCE, along the said southeast line of Garland Road and the said northwest line of Lot 1A, the following two (2) calls:


North 43 degrees, 50 minutes, 54 seconds East, a distance of 100.01 feet to a "+" cut in concrete found at an angle point;

North 44 degrees, 39 minutes, 30 seconds East, a distance of 200.00 feet to the **POINT OF BEGINNING**;

CONTAINING, 123,195 square feet or 2.828 acres of land, more or less.

(A survey plat of even survey date herewith accompanies this description.)

The undersigned, Registered Professional Land Surveyor, hereby certifies that the foregoing description accurately sets out the metes and bounds of the reservation abandonment tract described.

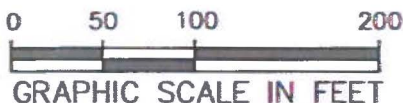

Revised: 9/04/2015

Michael C. Clover
Registered Professional Land Surveyor No. 5525
Pacheco Koch, LLC
7557 Rambler Road, Suite 1400, Dallas TX 75231
(972) 235-3031
TX Reg. Surveying Firm LS-10193805
REVISED: 12/01/2015



EX9-2 - 2.828 Acre Tract-REV.doc
1214-13 171EX9-2 DWG CM

(For SPRG use only)	
Reviewed By:	<u>JL</u>
Date:	<u>12-2-15</u>
SPRG NO:	<u>3473</u>

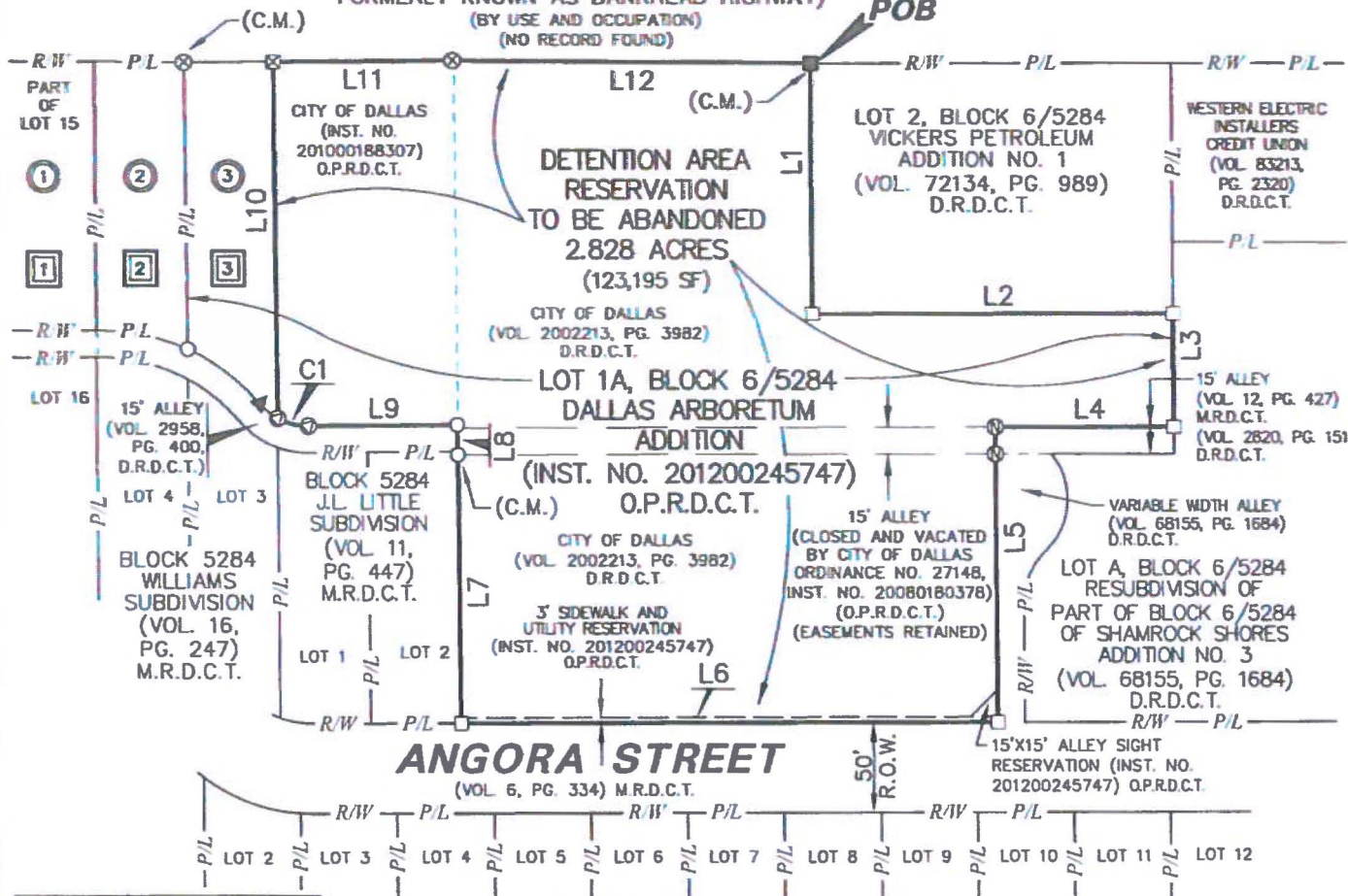


SEE SHEET 5 OF 5 FOR
OWNERSHIP AND PLAT
REFERENCE, LINE AND CURVE
TABLES, NOTES AND
SURVEYOR'S CERTIFICATE

GARLAND ROAD (STATE HIGHWAY NO. 78)

(A 100' WIDE RIGHT-OF-WAY
FORMERLY KNOWN AS BANKHEAD HIGHWAY)
(BY USE AND OCCUPATION)
(NO RECORD FOUND)

POB



(For SPRG use only)

Reviewed By: _____
Date: _____
SPRG NO: _____

LEGEND

—R/W—P/L—	PROPERTY LINE & R.O.W. LINE	(C.M.)	CONTROLLING MONUMENT
—P/L—	PROPERTY LINE	■	3/8-INCH IRON PIPE FOUND (C.M.)
---	RESERVATION LINE	□	1/2-INCH IRON ROD W/ "JDJR" CAP FOUND (C.M.)
---	OLD DEED LINE	⊗	"+" CUT IN CONCRETE FOUND
---	RESERVATION ABANDONMENT LINE	⊙	3-INCH "SWB TEL CO" BRASS MONUMENT FOUND (C.M.)
---	CLOSED AND VACATED ALLEY LINE	○	1/2-INCH IRON ROD FOUND
D.R.D.C.T.	DEED RECORDS OF DALLAS COUNTY, TEXAS	⊕	1/2-INCH IRON ROD W/ "PIBURN PARTNERS" CAP FOUND (C.M.)
O.P.R.D.C.T.	OFFICIAL PUBLIC RECORDS OF DALLAS COUNTY, TEXAS	▲	1/2-INCH IRON ROD W/ "PACHECO KOCH" CAP FOUND
M.R.D.C.T.	MAP RECORDS OF DALLAS COUNTY, TEXAS	⊠	"PK" NAIL FOUND

POB	POINT OF BEGINNING
①	PROPERTY OWNER TAG
①	PROPERTY LABEL TAG

REVIEWED BY
JL 12-2-15
SPRG 3473

DETENTION AREA RESERVATION TO BE ABANDONED

PART OF LOT 1A, BLOCK 6/5284,
DALLAS ARBORETUM ADDITION
RICHARD SCURRY SURVEY, ABSTRACT NO. 1382
CITY OF DALLAS, DALLAS COUNTY, TEXAS
SHEET 4 OF 5



7557 RAMBLER ROAD, SUITE 1400
DALLAS, TX 75231 972.235.3031
TX REG. ENGINEERING FIRM F-469
TX REG. SURVEYING FIRM LS-10193805

DRAWN BY	CHECKED BY	SCALE	DATE	JOB NUMBER
CM	MCC	1"=100'	JULY 2013	1214-13.171

EXHIBIT A-TRACT 5

CURVE TABLE

CURVE	DELTA	RADIUS	LENGTH	TANGENT	CHORD BEARING	CHORD
C1	28°47'01"	35.60'	17.88'	9.14'	S 58°13'37" W	17.70'

LINE TABLE

LINE	BEARING	LENGTH
L1	S 45° 44' 50" E	140.00'
L2	N 44° 10' 25" E	201.68'
L3	S 45° 44' 44" E	63.25'
L4	S 44° 10' 36" W	99.88'
L5	S 45° 54' 16" E	165.00'
L6	S 44° 10' 51" W	299.53'
L7	N 46° 07' 42" W	149.98'
L8	N 46° 37' 02" W	16.67'
L9	S 43° 50' 06" W	82.86'
L10	N 46° 09' 55" W	198.88'
L11	N 43° 50' 54" E	100.01'
L12	N 44° 39' 30" E	200.00'

REVIEWED BY
JL 12-2-15
SPAC 3473

① TRACT 2
CITY OF DALLAS
(INST. NO. 201400139388)
O.P.R.D.C.T.

② TRACT 1
CITY OF DALLAS
(INST. NO. 201400139388)
O.P.R.D.C.T.

③ CITY OF DALLAS
(INST. NO. 201300237677)
O.P.R.D.C.T.

① BLOCK 1/5222
"LAKE CREST" ADDITION
(VOL. 3, PG. 296)
M.R.D.C.T.

② PART OF UNPLATTED
BLOCK 5284

③ PART OF
LOT 1A, BLOCK 6/5284,
DALLAS ARBORETUM
ADDITION
(INST. NO. 201200245747)
O.P.R.D.C.T.

The undersigned, Registered Professional Land Surveyor, hereby certifies that this plat of survey accurately sets out the metes and bounds of the reservation abandonment tract described.



Michael C. Clover
Registered Professional
Land Surveyor No. 5225
REVISED: 12/01/2015

NOTES:

1. A metes and bounds description of even survey date herewith accompanies this plat of survey.
2. Bearing system for this survey is based on the State Plane Coordinate System, Texas North Central Zone (4202), North American Datum of 1983, Reference Frame NAD83 (CORS96), EPOCH: 2002.00.

DETENTION AREA RESERVATION TO BE ABANDONED

PART OF LOT 1A, BLOCK 6/5284,
DALLAS ARBORETUM ADDITION
RICHARD SCURRY SURVEY, ABSTRACT NO. 1382
CITY OF DALLAS, DALLAS COUNTY, TEXAS
SHEET 5 OF 5

Pacheco Koch

7557 RAMBLER ROAD, SUITE 1400
DALLAS, TX 75231 972.235.3031
TX REG. ENGINEERING FIRM F-469
TX REG. SURVEYING FIRM LS-10193805

DRAWN BY CM	CHECKED BY MCC	SCALE 1"=100'	DATE JULY 2013	JOB NUMBER 1214-13.171
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EXHIBIT A-TRACT 6

**Detention Area Reservation
To be Abandoned
Part of Lot 1A, Block No. 6/5284, Dallas Arboretum Addition
Richard Scurry Survey, Abstract No. 1382
City of Dallas, Dallas, County, Texas**

DESCRIPTION, of a 4,213 square foot (0.097 acre) tract of land situated in the Richard Scurry Survey, Abstract No. 1382, City of Dallas, Dallas County, Texas; said tract being part of Lot 1A, Block 6/5284, Dallas Arboretum Addition, an addition to the City of Dallas, Texas according to the plat recorded in Instrument No. 201200245747 of the Official Public Records of Dallas County, Texas; part of that certain tract of land described in Warranty Deed to the City of Dallas recorded in Instrument No. 201300237677 of said Official Public Records (hereinafter called "the first referenced COD tract") and part of that certain tract of land described as Detention Area Reservation, depicted on and reserved by, said plat; said 4,213 square foot tract being more particularly described as follows (bearing system for this survey based on the State Plane Coordinate System, Texas North Central Zone (4202), North American Datum of 1983, Reference Frame NAD83 (CORS96), EPOCH: 2002.00):

BEGINNING, at a "+" cut in concrete found for corner in the southeast right-of-way line of Garland Road (State Highway No. 78, a 100-foot wide right-of-way); said point being the westernmost corner of said Lot 1A, the westernmost corner of the first referenced COD tract and the northernmost corner of that certain tract of land described as Tract 1 in Special Warranty Deed to the City of Dallas recorded in Instrument No. 201400139388 of said Official Public Records (hereinafter called "the second referenced COD tract");

THENCE, North 43 degrees, 50 minutes, 54 seconds East, along the said southeast line of Garland Road, the northernmost northwest line of said Lot 1A and the northwest line of the first referenced COD tract, a distance of 49.95 feet to a PK nail found for corner; said point being the northernmost corner of the first referenced COD tract and the westernmost corner of that certain tract of land described in Warranty Deed to the City of Dallas, Texas recorded in Instrument No. 201000188307 of said Official Public Records (hereinafter called "third referenced COD tract");

THENCE, South 46 degrees, 09 minutes, 55 seconds East, departing the said southeast line of Garland Road and the said northwest line of Lot 1A and along the northeast line of the first referenced COD tract and the southwest line of the third referenced COD tract, a distance of 198.88 feet to a 1/2-inch iron rod with "PIBURN PARTNERS" cap found for corner in the westernmost south line of said Lot 1A and the north line of that certain tract of land "for alley purposes" described in Warranty Deed to the City of Dallas, Texas recorded in Volume 2958, Page 400 of the Deed Records of Dallas County, Texas; said point being the easternmost corner of the first referenced COD tract, the southernmost corner of the third referenced COD tract and in a non-tangent curve to the right;

THENCE, in a westerly direction, along the south line of the first referenced COD tract, the said south line of Lot 1A and the said north line of the City of Dallas tract "for alley purposes", the following two (2) calls:

Along said curve to the right, having a central angle of 21 degrees, 14 minutes, 59 seconds, a radius of 35.60 feet, a chord bearing and distance of South 83 degrees, 14 minutes, 37 seconds West, 13.13 feet, an arc distance of 13.20 feet to 1/2-inch iron rod with "PACHECO KOCH" cap found at the end of said curve; said point being the beginning of a reverse curve to the left;

Along said curve to the left, having a central angle of 25 degrees, 04 minutes, 13 seconds, a radius of 115.60 feet, a chord bearing and distance of South 81 degrees, 19 minutes, 59 seconds West, 50.18 feet, an arc distance of 50.58 feet to 1/2-inch iron rod with "PACHECO KOCH" cap found for corner; said point being the southernmost corner of the first referenced COD tract, the westernmost south corner of said Lot 1A and the easternmost corner of the second referenced COD tract;

REVIEWED BY
JL 12-2-15
SPRL 3471

EXHIBIT A-TRACT 6

Detention Area Reservation to be Abandoned
Part of Lot 1A, Block No. 6/5284, Dallas Arboretum Addition
Richard Scurry Survey, Abstract No. 1382
City of Dallas, Dallas, County, Texas

THENCE, North 46 degrees, 09 minutes, 55 seconds West, departing the said north line of the City of Dallas tract "for alley purposes" and along the southwest line of the first referenced COD tract, the northernmost southwest line of said Lot 1A and the northeast line of the second referenced COD tract, a distance of 17.39 feet to a point for corner;

THENCE, departing the said southwest line of the first referenced COD tract, the said southwest line of Lot 1A and the said northeast line of the second referenced COD tract and traversing into and across the first referenced COD tract and said Lot 1A, the following three (3) calls:

North 44 degrees, 18 minutes, 00 seconds East, a distance of 40.71 feet to a point for corner,

North 45 degrees, 42 minutes, 00 seconds West, a distance of 113.00 feet to a point for corner;

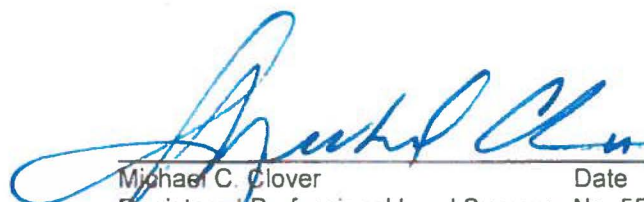
South 44 degrees, 18 minutes, 00 seconds West, a distance of 41.63 feet to a point for corner in the said southwest line of the first referenced COD tract, the said southwest line of Lot 1A and the said northeast line of the second referenced COD tract;

THENCE, North 46 degrees, 09 minutes, 55 seconds West, along the said southwest line of the first referenced COD tract, the said southwest line of Lot 1A and the said northeast line of the second referenced COD tract, a distance of 29.61 feet to the **POINT OF BEGINNING**,

CONTAINING, 4,213 square feet or 0.097 acres of land, more or less.

(A survey plat of even survey date herewith accompanies this description.)

The undersigned, Registered Professional Land Surveyor, hereby certifies that the foregoing description accurately sets out the metes and bounds of the reservation abandonment tract described.


Michael C. Clover
Registered Professional Land Surveyor No. 5525
Pacheco Koch, LLC
7557 Rambler Road, Suite 1400, Dallas TX 75231
(972) 235-3031
TX Reg. Surveying Firm LS-10193805
REVISED: 12/01/2015

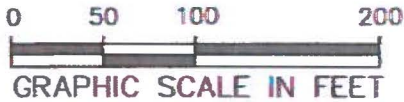
Revised:
9/29/2015



EX9-1 - 0.107 Acre Tract-REV.doc
1214-13.171EX9-1.DWG CM

(For SPRG use only)

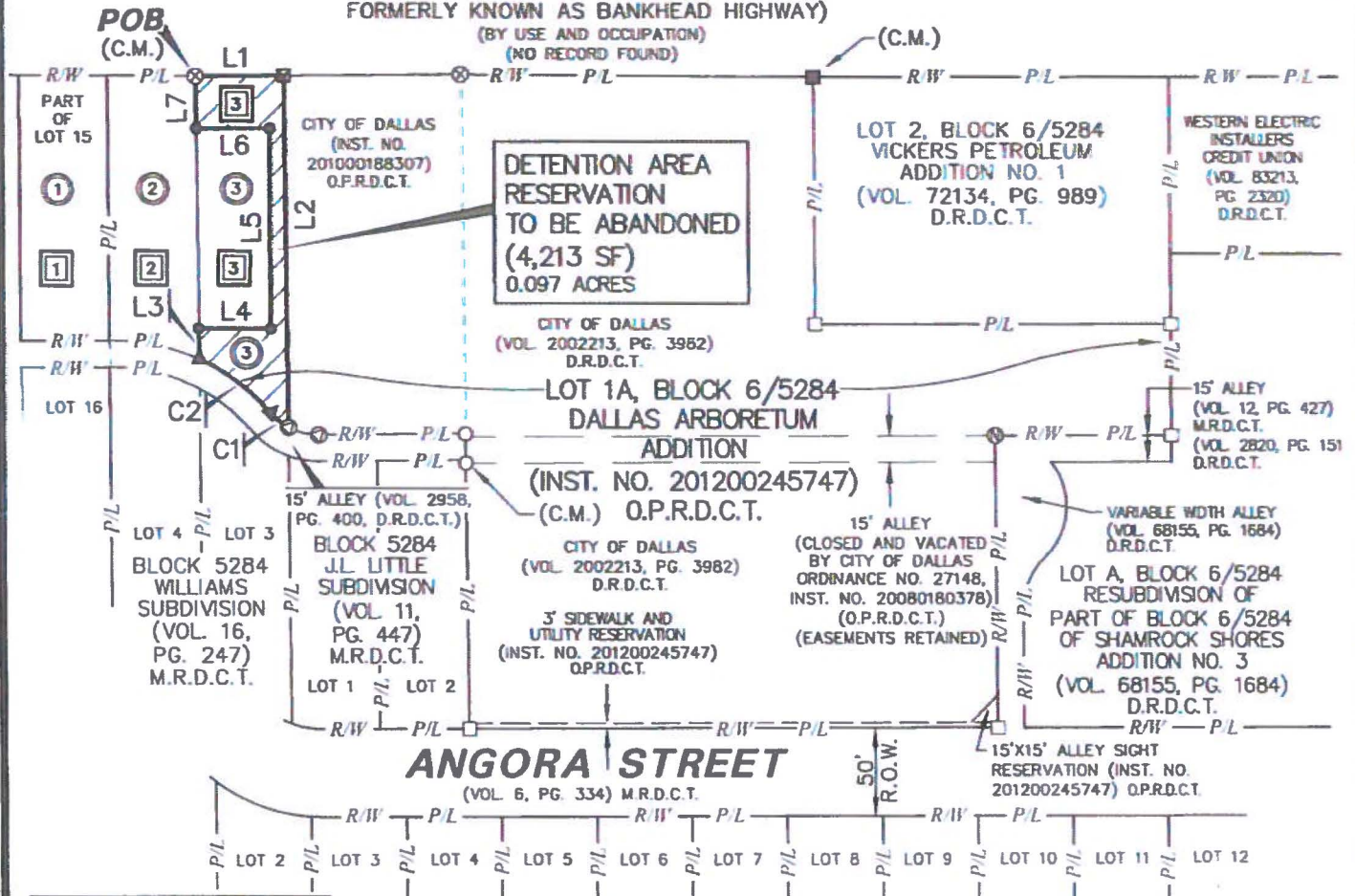
Reviewed By: JL
Date: 12-2-15
SPRG NO: 3471



GARLAND ROAD (STATE HIGHWAY NO. 78)

(A 100' WIDE RIGHT-OF-WAY
FORMERLY KNOWN AS BANKHEAD HIGHWAY)
(BY USE AND OCCUPATION)
(NO RECORD FOUND)

SEE SHEET 4 OF 4 FOR
OWNERSHIP AND PLAT
REFERENCE, LINE AND CURVE
TABLES, NOTES AND
SURVEYOR'S CERTIFICATE



(For SPRG use only)
Reviewed By: _____
Date: _____
SPRG NO: _____

LEGEND

—R/W—P/L— PROPERTY LINE & R.O.W. LINE
—P/L— PROPERTY LINE
--- RESERVATION LINE
- - - - - OLD DEED LINE
- - - - - RESERVATION ABANDONMENT LINE
- - - - - CLOSED AND VACATED ALLEY LINE
D.R.D.C.T. DEED RECORDS OF DALLAS COUNTY, TEXAS
O.P.R.D.C.T. OFFICIAL PUBLIC RECORDS OF DALLAS COUNTY, TEXAS
M.R.D.C.T. MAP RECORDS OF DALLAS COUNTY, TEXAS

(C.M.) CONTROLLING MONUMENT
3/8-INCH IRON PIPE FOUND (C.M.)
1/2-INCH IRON ROD W/ "JDJR" CAP FOUND (C.M.)
"+" CUT IN CONCRETE FOUND
3-INCH "SWB TEL CO" BRASS MONUMENT FOUND (C.M.)
1/2-INCH IRON ROD FOUND
1/2-INCH IRON ROD W/ "PIBURN PARTNERS" CAP FOUND (C.M.)
1/2-INCH IRON ROD W/ "PACHECO KOCH" CAP FOUND
"PK" NAIL FOUND

● POINT FOR CORNER
POB POINT OF BEGINNING
① PROPERTY OWNER TAG
[1] PROPERTY LABEL TAG
VOL. VOLUME
PG. PAGE
INST. NO. INSTRUMENT NUMBER

REVIEWED BY
JL 12-2-15
SPAL 3471

DETENTION AREA RESERVATION TO BE ABANDONED

PART OF LOT 1A, BLOCK 6/5284,
DALLAS ARBORETUM ADDITION
RICHARD SCURRY SURVEY, ABSTRACT NO. 1382
CITY OF DALLAS, DALLAS COUNTY, TEXAS
SHEET 3 OF 4

Pacheco Koch

7557 RAMBLER ROAD, SUITE 1400
DALLAS, TX 75231 972.235.3031
TX REG. ENGINEERING FIRM F-469
TX REG. SURVEYING FIRM LS-10193805

DRAWN BY CM	CHECKED BY MCC	SCALE 1"=100'	DATE JULY 2013	JOB NUMBER 1214-13.171
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CURVE TABLE

CURVE	DELTA	RADIUS	LENGTH	TANGENT	CHORD BEARING	CHORD
C1	21°14'59"	35.60'	13.20'	6.68'	S 83°14'37" W	13.13'
C2	25°04'13"	115.60'	50.58'	25.70'	S 81°19'59" W	50.18'

LINE TABLE

LINE	BEARING	LENGTH
L1	N 43° 50' 54" E	49.95'
L2	S 46° 09' 55" E	198.88'
L3	N 46° 09' 55" W	17.39'
L4	N 44° 18' 00" E	40.71'
L5	N 45° 42' 00" W	113.00'
L6	S 44° 18' 00" W	41.63'
L7	N 46° 09' 55" W	29.61'

REVIEWED BY
JL 12-2-15
SMG 3471

① TRACT 2
CITY OF DALLAS
(INST. NO. 201400139388)
O.P.R.D.C.T.

② TRACT 1
CITY OF DALLAS
(INST. NO. 201400139388)
O.P.R.D.C.T.

③ CITY OF DALLAS
(INST. NO. 201300237677)
O.P.R.D.C.T.

① BLOCK 1/5222
"LAKE CREST" ADDITION
(VOL. 3, PG. 296)
M.R.D.C.T.

② PART OF UNPLATTED
BLOCK 5284

③ PART OF
LOT 1A, BLOCK 6/5284,
DALLAS ARBORETUM
ADDITION
(INST. NO. 201200245747)
O.P.R.D.C.T.

NOTES:

1. A metes and bounds description of even survey date herewith accompanies this plat of survey.
2. Bearing system for this survey is based on the State Plane Coordinate System, Texas North Central Zone (4202), North American Datum of 1983, Reference Frame NAD83 (CORS96), EPOCH: 2002.00.
3. For the sake of clarity, all reservations being abandoned by separate instrument documents are not depicted hereon.

The undersigned, Registered Professional Land Surveyor, hereby certifies that this plat of survey accurately sets out the metes and bounds of the reservation abandonment tract described.



Michael C. Clover
Registered Professional
Land Surveyor No. 5225
REVISED: 12/01/2015

Revised 9/9/2015

Pacheco Koch

7557 RAMBLER ROAD, SUITE 1400
DALLAS, TX 75231 972.235.3031
TX REG. ENGINEERING FIRM F-469
TX REG. SURVEYING FIRM LS-10193805

DRAWN BY CM	CHECKED BY MCC	SCALE 1"=100'	DATE JULY 2013	JOB NUMBER 1214-13.171
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DETENTION AREA RESERVATION TO BE ABANDONED

PART OF LOT 1A, BLOCK 6/5284,
DALLAS ARBORETUM ADDITION
RICHARD SCURRY SURVEY, ABSTRACT NO. 1382
CITY OF DALLAS, DALLAS COUNTY, TEXAS
SHEET 4 OF 4

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: June 15, 2016

COUNCIL DISTRICT(S): 9

DEPARTMENT: Sustainable Development and Construction
Park & Recreation

CMO: Ryan S. Evans, 671-9837
Willis Winters, 670-4071

MAPSCO: 37R

SUBJECT

An ordinance abandoning a drainage reservation, a sanitary sewer reservation, a sanitary sewer easement and a water reservation to the City of Dallas, the abutting owner, containing a total of approximately 9,087 square feet of land, located near the intersection of Garland Road and Tavaros Avenue, and providing for the dedication of drainage easements, water easements and wastewater easements containing a total of approximately 16,098 square feet - Revenue: \$5,400 plus the \$20 ordinance publication fee

BACKGROUND

This item authorizes the abandonment of a drainage reservation, a sanitary sewer reservation, a sanitary sewer easement, and a water reservation to the City of Dallas. These areas will be included with the property of the abutting owner for the construction of a parking garage benefiting the Dallas Arboretum. The owner will dedicate drainage easements, water easements and wastewater easements containing a total of approximately 16,098 square feet. The cost for this abandonment is the minimum processing fee pursuant to the Dallas City Code, therefore, no appraisal is required.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

The Park and Recreation Board approved the acceptance of the bid on April 9, 2014.

Information about this item was provided to the Economic Development Committee on May 16, 2016.

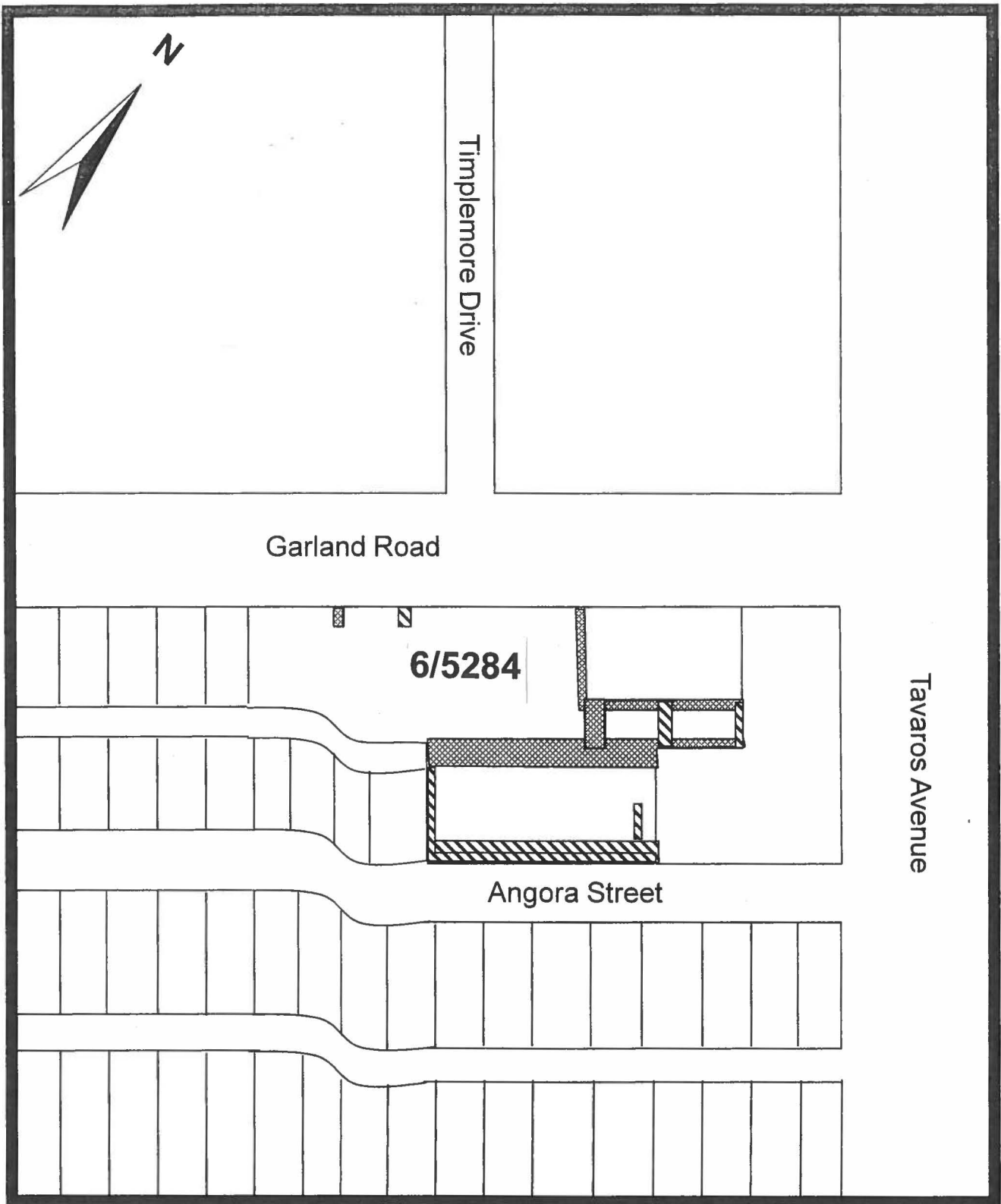
On May 25, 2016, this item was deferred by Councilmember Mark Clayton.

FISCAL INFORMATION

Revenue: \$5,400, plus the \$20 ordinance publication fee

MAP

Attached



 = Abandonment Areas

 = Dedication Areas

ORDINANCE NO. _____

An ordinance providing for the abandonment and relinquishment of a drainage reservation, a sanitary sewer reservation, a sanitary sewer easement, and a water reservation, located in City Block 6/5284 in the City of Dallas and County of Dallas, Texas; providing for the quitclaim thereof to the City of Dallas; providing for the terms and conditions of the abandonment, relinquishment and quitclaim made herein; providing for the conveyance of new reservations to the City of Dallas; providing for the indemnification of the City of Dallas against damages arising out of the abandonments herein; providing for the consideration to be paid to the City of Dallas; providing a future effective date for the abandonment, relinquishment and quitclaim made herein; providing for the payment of the publication fee; and providing an effective date for this ordinance.

ooo0ooo

WHEREAS, the City Council of the City of Dallas, acting pursuant to law and upon the request and petition of City of Dallas, a Texas municipal corporation; hereinafter referred to as **GRANTEE**, deems it advisable to abandon, relinquish and quitclaim the City of Dallas' right, title and interest in and to the hereinafter described tracts of land to **GRANTEE**, and is of the opinion that, subject to the terms and conditions herein provided, said reservations and easements are no longer needed for municipal use, and same should be abandoned, relinquished and quitclaimed to **GRANTEE** as hereinafter provided, for the consideration hereinafter stated; and

WHEREAS, the City Council of the City of Dallas is of the opinion that the best interest and welfare of the City will be served by abandoning, relinquishing and quitclaiming the same to **GRANTEE** for the consideration and subject to the terms and conditions hereinafter more fully set forth; **Now, Therefore,**

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

SECTION 1. That the City of Dallas hereby abandons and relinquishes all of its right, title and interest in and to the tracts of land described in Exhibit A, attached hereto and made a part hereof; subject, however, to the conditions and future effective date hereinafter more fully set out.

SECTION 2. That for and in monetary consideration of the sum of **FIVE THOUSAND FOUR HUNDRED AND NO/100 (\$5,400.00) DOLLARS** paid by the Dallas Arboretum and Botanical Society, Inc., and the further consideration described in Sections 8, 9, and 10, the City of Dallas does by these presents **FOREVER QUITCLAIM** unto the said **GRANTEE**, subject to the conditions, reservations, future effective date and exceptions hereinafter made and with the restrictions and upon the covenants below stated, all its right, title and interest in and to those certain tracts or parcels of land hereinabove described in Exhibit A. **TO HAVE AND TO HOLD** all of such right, title and interest in and to the property and premises, subject aforesaid, together with all and singular the rights, privileges, hereditaments and appurtenances thereto in any manner belonging unto the said **GRANTEE** forever.

SECTION 3. That upon payment of the monetary consideration set forth in Section 2, **GRANTEE** accepts the terms, provisions, and conditions of this ordinance.

SECTION 4. That the Chief Financial Officer is authorized to deposit the sum paid by **GRANTEE** pursuant to Section 2 above in the General Fund 0001, Department DEV, Balance Sheet 0519 and Department of Sustainable Development and Construction - Real Estate Division shall be reimbursed for the cost of obtaining the legal description, appraisal and other administrative costs incurred. The reimbursement proceeds shall be deposited in General Fund 0001, Department DEV, Unit 1183, Object 5011 and any remaining proceeds shall be transferred to the General Capital Reserve Fund 0625, Department BMS, Unit 8888, Revenue Source 8416.

SECTION 5. That the abandonment, relinquishment and quitclaim provided for herein are made subject to all present zoning and deed restrictions, if the latter exist, and are subject to all existing easement rights of others, if any, whether apparent or non-apparent, aerial, surface, underground or otherwise.

SECTION 6. That the terms and conditions contained in this ordinance shall be binding upon **GRANTEE**, its successors and assigns.

SECTION 7. That the abandonment, relinquishment and quitclaim provided for herein shall extend only to that interest the Governing Body of the City of Dallas may legally and lawfully abandon, relinquish and quitclaim.

SECTION 8. That as a condition of this abandonment and as a part of the consideration for the quitclaim to **GRANTEE** herein, **GRANTEE**, its successors and assigns, to the extent allowed by law, agree to indemnify, defend, release and hold harmless the City of Dallas as to any and all claims for damages, fines, penalties, costs or expenses to persons or property that may arise out of, or be occasioned by or from: (i) the use and occupancy of the areas described in Exhibit A by **GRANTEE**, its successors and assigns; (ii) the presence, generation, spillage, discharge, release, treatment or disposition of any Hazardous Substance on or affecting the areas set out in Exhibit A, (iii) all corrective actions concerning any discovered Hazardous Substances on or affecting the areas described in Exhibit A, which **GRANTEE**, its successors and assigns agree to undertake and complete in accordance with applicable federal, state and local laws and regulations; and (iv) the abandonment, closing, vacation and quitclaim by the City of Dallas of the areas set out in Exhibit A. **GRANTEE**, its successors and assigns hereby agree to defend any and all suits, claims, or causes of action brought against the City of Dallas on account of same, and discharge any judgment or judgments that may be rendered against the City of Dallas in connection therewith. For purposes hereof, "Hazardous Substance" means the following: (a) any "hazardous substances" under the Comprehensive Environmental Response, Compensation, and Liability Act, 42 U.S.C. Section 9601 et seq., as amended; (b) any "hazardous substance" under the Texas Hazardous Substances Spill Prevention and Control Act, TEX. WATER CODE, Section 26.261 et seq., as amended; (c) petroleum or petroleum-based products (or any derivative or hazardous constituents thereof or additives thereto), including without limitation, fuel and lubricating oils; (d) any "hazardous chemicals" or "toxic chemicals" under the Occupational Safety and Health Act, 29 U.S.C. Section 651 et seq., as amended;

(e) any “hazardous waste” under the Resource Conservation and Recovery Act, 42 U.S.C. Section 6901 et seq., as amended; and (f) any “chemical substance” under the Toxic Substance Control Act, 15 U.S.C. Section 2601 et seq., as amended. References to particular acts or codifications in this definition include all past and future amendments thereto, as well as applicable rules and regulations as now or hereafter promulgated thereunder.

SECTION 9. That this abandonment, relinquishment and quitclaim of the City's right, title and interest in and to said easement and reservations shall not become effective until and unless: (i) the existing installations and facilities are relocated, at **GRANTEE's** expense, to the new easement, if needed to be provided by **GRANTEE** and acceptable to the Director of Department of Sustainable Development and Construction, as is hereinafter provided; and (ii) plans for the construction and relocation of installations within the new easement are approved by the Director of Department of Sustainable Development and Construction; and (iii) said construction and relocation of installations are completed, approved and accepted in writing by the Director of Department of Sustainable Development and Construction. **GRANTEE** will grant the new easement at no cost consideration to the City and all work shall be done at the sole cost of **GRANTEE** and to the satisfaction of the Director of Department of Sustainable Development and Construction.

SECTION 10. That as a condition of this abandonment and relinquishment and as a part of the consideration for the quitclaim made herein, **GRANTEE** shall record a final replat of adjoining properties within one year after passage of this ordinance showing the dedication of not less than 8,086 square feet for three drainage easements in City Block 6/5284, 225 square feet for a water easement in City Block 6/5284, and 7,787 square feet for three wastewater easements in City Block 6/5284 satisfactory to the Director of Department of Sustainable Development and Construction. This final replat shall be recorded by **GRANTEE** in the Deed Records of Dallas County, Texas after its approval by the City Plan Commission of the City of Dallas. Failure to record a final replat in accordance with the terms of this section shall render this ordinance null and void, and of no further effect.

Further, the final replat shall be filed with the Department of Sustainable Development and Construction of the City of Dallas before a certified copy of this ordinance shall be delivered to **GRANTEE**.

SECTION 11. That the City Secretary is hereby authorized and directed to certify a copy of this ordinance for recordation in the Deed Records of Dallas County, Texas, which certified copy shall be delivered to the Director of the Department of Sustainable Development and Construction, or designee. Upon receipt of the monetary consideration set forth in Section 2, and the recording of the final replat as set forth in Section 10, plus the fee for the publishing of this ordinance, which **GRANTEE** shall likewise pay, the Director of the Department of Sustainable Development and Construction, or designee shall deliver to **GRANTEE** a certified copy of this ordinance. The Director of the Department of Sustainable Development and Construction, or designee, shall be the sole source for receiving certified copies of this ordinance for one year after its passage.

SECTION 12. That this ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so ordained.

APPROVED AS TO FORM:
CHRISTOPHER D. BOWERS
Interim City Attorney

DAVID COSSUM
Director of Department of Sustainable
Development and Construction

BY 
Assistant City Attorney

BY 
Assistant Director

Passed _____.

EXHIBIT A-TRACT 1

**Drainage Reservation to be Abandoned
In Lot 1A, Block No. 6/5284, Dallas Arboretum Addition
Richard Scurry Survey, Abstract No. 1382
City of Dallas, Dallas County, Texas**

DESCRIPTION, of a 1,734 square foot (0.040 acre) tract of land situated in the Richard Scurry Survey, Abstract No. 1382, City of Dallas, Dallas County, Texas; said tract being part of Lot 1A, Block 6/5284, Dallas Arboretum Addition, an addition to the City of Dallas, Texas according to the plat recorded in Instrument Number 201200245747 of the Official Public Records of Dallas County, Texas and part of those certain tracts of land described in Warranty Deed to the City of Dallas recorded in Volume 2002213, Page 3982 of the Deed Records of Dallas County, Texas; said tract also being all of a 5-foot wide Drainage Reservation reserved by the said plat of Dallas Arboretum Addition; said 1,734 square foot (0.040 acre) tract being more particularly described as follows (bearing system for this survey based on the North American Datum of 1983, Texas State Plane Coordinate System, North Central Texas, Zone 4202, Reference Frame NAD83 (CORS96), EPOCH: 2002.00):

BEGINNING, at a 3/8-inch iron pipe found (controlling monument) in the southeast right-of-way line of Garland Road (State Highway No. 78, a variable width right-of-way formerly known as Bankhead Highway, by use and occupation); said point being the westernmost north corner of said drainage reservation, the westernmost north corner of said Lot 1A, Block 6/5284 and the westernmost corner of Lot 2, Block 6/5284, Vickers Petroleum Addition No. 1, an addition to the City of Dallas, Texas according to the plat recorded in Volume 72134, Page 989 of said Deed Records;

THENCE, South 45 degrees, 44 minutes, 50 seconds East, departing said southeast line of Garland Road and along the southwest line of said Lot 2, Block 6/5284, the southernmost northeast line of said drainage reservation and the southernmost northeast line of said Lot 1A, Block 6/5284, a distance of 140.00 feet to a 1/2-inch iron rod with "JDJR" cap found (controlling monument); said point being the southernmost corner of said Lot 2, Block 6/5284, a reentrant corner of said drainage reservation and a reentrant corner of said Lot 1A, Block 6/5284;

THENCE, North 44 degrees, 10 minutes, 25 seconds East, along the southeast line of said Lot 2, Block 6/5284, a northwest line of said drainage reservation and a northwest line of said Lot 1A, Block 6/5284, a distance of 201.68 feet to a 1/2-inch iron rod with "JDJR" cap found (controlling monument) in the northernmost southwest line of Lot A, Block 6/5284, Resubdivision of Part of Block 6/5284 of Shamrock Shores Addition No. 3, an addition to the City of Dallas, Texas according to the plat recorded in Volume 68155, Page 1684 of said Deed Records; said point being the easternmost corner of said Lot 2, Block 6/5284, the northernmost corner of said drainage reservation and the northernmost corner of said Lot 1A, Block 6/5284;

THENCE, South 45 degrees, 44 minutes, 44 seconds East, along the said southwest line of Lot A, Block 6/5284, the northernmost northeast line of said drainage easement and the northernmost northeast line of said Lot 1A, Block 6/5284, a distance of 5.00 feet to a point (not monumented); said point being the easternmost corner of said drainage easement;

THENCE, South 44 degrees, 10 minutes, 25 seconds West, departing the said southwest line of Lot A, Block 6/5284, the said northernmost northeast line of the drainage easement and the said northernmost northeast line of Lot 1A, Block 6/5284, a distance of 206.68 feet to a point (not monumented); said point being the southernmost corner of said drainage easement;

REVIEWED BY
JL 11-25-13
SPK 2772

EXHIBIT A-TRACT 1

**Drainage Reservation to be Abandoned
In Lot 1A, Block No. 6/5284, Dallas Arboretum Addition
Richard Scurry Survey, Abstract No. 1382
City of Dallas, Dallas County, Texas**

THENCE, North 45 degrees, 44 minutes, 50 seconds West, a distance of 145.04 to a point (not monumented) in the said southeast line of Garland Road and the westernmost northwest line of said Lot 1A, Block 6/5284; said point being the westernmost corner of said drainage easement;


THENCE, North 44 degrees, 39 minutes, 30 seconds East, along the said southeast line of Garland Road, the westernmost northwest line of said drainage easement and the said westernmost northwest line of Lot 1A, Block 6/5284, a distance of 5.00 feet to the **POINT OF BEGINNING**;

CONTAINING, 1,734 square feet or 0.040 acres of land, more or less.

(A survey plat of even survey date herewith accompanies this description.)

The undersigned, Registered Professional Land Surveyor, hereby certifies that the foregoing description accurately sets out the metes and bounds of the drainage reservation abandonment tract described.

REVIEWED BY
JL 11-25-13
SPAG 2772


Michael C. Clover 07/24/2013
Registered Professional Land Surveyor No. 5525
Pacheco Koch, LLC
8350 N. Central Expwy, #1000, Dallas TX 75206
(972) 235-3031
TX Reg. Surveying Firm LS-10193805
Revised: 11/04/2013



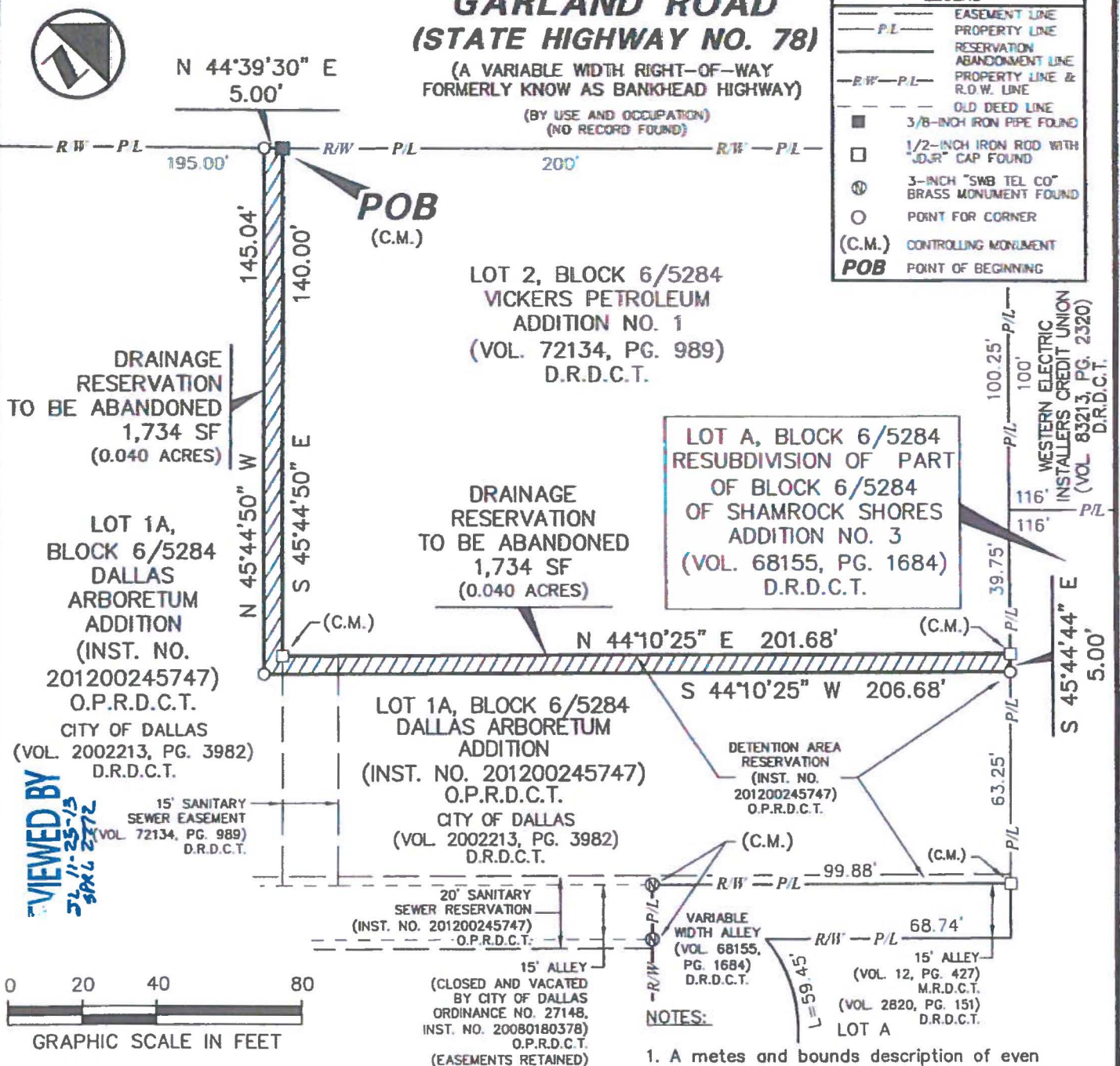
EX3 - 1374 SF Tract-REV docx sbp
1214-13.131EX3.dwg sbp

GARLAND ROAD (STATE HIGHWAY NO. 78)

(A VARIABLE WIDTH RIGHT-OF-WAY
FORMERLY KNOWN AS BANKHEAD HIGHWAY)

(BY USE AND OCCUPATION)
(NO RECORD FOUND)

LEGEND	
— P.L. —	EASEMENT LINE
— P.L. —	PROPERTY LINE
— R.W. — P.L. —	RESERVATION ABANDONMENT LINE
— R.W. — P.L. —	PROPERTY LINE & R.O.W. LINE
—	OLD DEED LINE
■	3/8-INCH IRON FOUND
□	1/2-INCH IRON ROD WITH "JDR" CAP FOUND
⊙	3-INCH "SWB TEL CO" BRASS MONUMENT FOUND
○	POINT FOR CORNER
(C.M.)	CONTROLLING MONUMENT
POB	POINT OF BEGINNING



The undersigned, Registered Professional Land Surveyor, hereby certifies that this plat of survey accurately sets out the metes and bounds of the drainage reservation abandonment tract described.



Michael C. Clover
Registered Professional Land Surveyor No. 5225
07/24/2013
Revised: 11/04/2013

Pacheco Koch

8350 N. CENTRAL EXPWY. SUITE 1000
DALLAS, TX 75206 972.235.3031
TX REG. ENGINEERING FIRM F-14439
TX REG. SURVEYING FIRM LS-10193805

DRAINAGE RESERVATION TO BE ABANDONED

PART OF LOT 1A, BLOCK 6/5284,
DALLAS ARBORETUM ADDITION,
AN ADDITION TO THE CITY OF DALLAS,
RICHARD SCURRY SURVEY, ABSTRACT NO. 1382
DALLAS COUNTY, TEXAS
SHEET 3 OF 3

DRAWN BY SBP/DB	CHECKED BY MCC	SCALE 1"=40'	DATE JULY 2013	JOB NUMBER 1214-13.171
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**Sanitary Sewer Reservation to be Abandoned
In Lot 1A, Block No. 6/5284, Dallas Arboretum Addition**
Richard Scurry Survey, Abstract No. 1382
City of Dallas, Dallas County, Texas

DESCRIPTION, of a 6,254 square foot (0.144 acre) tract of land situated in the Richard Scurry Survey, Abstract No. 1382, City of Dallas, Dallas County, Texas; said tract being part of Lot 1A, Block 6/5284, Dallas Arboretum Addition, an addition to the City of Dallas, Texas according to the plat recorded in Instrument No. 201200245747 of the Official Public Records of Dallas County, Texas and part of those certain tracts of land described in Warranty Deed to the City of Dallas, Texas recorded in Volume 2002213, Page 3982 of the Deed Records of Dallas County, Texas; said tract also being all of that certain tract of land described as a 20-foot Sanitary Sewer Reservation, depicted on and reserved by said plat of Dallas Arboretum Addition; said 6,254 square foot (0.144 acre) tract being more particularly described as follows (bearing system for this survey based on the North American Datum of 1983, Texas State Plane Coordinate System, North Central Texas, Zone 4202, Reference Frame NAD83 (CORS96), EPOCH: 2002.00):

BEGINNING, at a 1/2-inch iron rod with "JDJR" cap found (controlling monument) in a southwest line of Lot A, Block 6/5284, Subdivision of Part of Block 6/5284, an addition to the City of Dallas, Texas according to the plat recorded in Volume 68155, Page 1684 of said Deed Records; said point being the northernmost corner of the northeast terminus of a 15-foot wide alley across said Block 6/5284 according to the plat of Shamrock Shores Addition No. 3, an addition to the City of Dallas, Texas recorded in Volume 12 Page 427 of the Map Records of Dallas County, Texas and an east corner of said Lot 1A;

THENCE, South 44 degrees, 10 minutes, 36 seconds West, departing the said southwest line of Lot A and along the northwest line of said alley and a southeast line of said Lot 1A, a distance of 99.88 feet to a 3-inch brass monument with "SWB TEL CO" found (controlling monument); said point being the northernmost corner of a 15-foot wide alley closed and vacated by City of Dallas Ordinance No. 27148 recorded in Instrument Number 20080180378 of said Official Public Records; said point also being a reentrant corner of said Lot 1A;

THENCE, South 45 degrees, 54 minutes, 16 seconds East, departing the said northwest line of the first referenced alley and along the northeast line of said closed and vacated alley (Ordinance No. 27148) and a northeast line of said Lot 1A, at a distance of 15.00 feet passing a 3-inch brass monument with "SWB TEL CO" (controlling monument) found at the easternmost corner of said closed and vacated alley (Ordinance No. 27148) and the westernmost corner of a variable width alley right-of-way dedication as shown on said plat of Subdivision of Part of Block 6/5284 recorded in Volume 68155, Page 1684 of said Deed Records, then continuing along the southwest line of said variable width alley, in all a total distance of 17.50 feet to a point;

THENCE, South 44 degrees, 10 minutes, 36 seconds West, departing the southwest line of said variable width alley and the said northeast line of Lot 1A and into and across said Lot 1A, a distance of 300.11 feet to a point in a southwest line of said Lot 1A and the northeast line of Lot 2, Block 5284, J.L. Little Subdivision, an addition to the City of Dallas, Texas according to the plat recorded in Volume 11, Page 447 of said Map Records;

THENCE, North 46 degrees, 07 minutes, 42 seconds West, along said southwest line of Lot 1A and along the said northeast line of Lot 2, a distance of 2.50 feet to a 1/2-inch iron rod found (controlling monument); said point being the southernmost corner of the said closed and vacated alley (Ordinance No. 27148) and an angle point in the said southwest line Lot 1A;

REVIEWED BY
JL 11-25-13
SP46 2773

EXHIBIT A-TRACT 2

**Sanitary Sewer Reservation to be Abandoned
In Lot 1A, Block No. 6/5284, Dallas Arboretum Addition**
Richard Scurry Survey, Abstract No. 1382
City of Dallas, Dallas, County, Texas

THENCE, North 46 degrees, 37 minutes, 02 seconds West, continuing along said southwest line of Lot 1A and the said northeast line of Lot 2 and along the southwest line of said closed and vacated alley (Ordinance No. 27148), at a distance of 1.67 feet passing the northernmost corner of said Lot 2 and the easternmost corner of that certain tract of land "for alley purposes" described in Warranty Deed to the City of Dallas, Texas recorded in Volume 2958, Page 400 of said Deed Records, continuing along the northeast line of the last said City of Dallas tract "for alley purposes" (Volume 2958, Page 400), at a distance of 15.00 feet passing a 1/2-inch iron rod with "JDJR" cap found (controlling monument) at the westernmost corner of said closed and vacated alley (Ordinance No. 27148), then continuing in all a total distance of 16.67 feet to a 1/2-inch iron rod found; said point being the northernmost corner of the last said City of Dallas tract "for alley purposes" (Volume 2958, Page 400) and a reentrant corner of said Lot 1A;

THENCE, North 46 degrees, 09 minutes, 40 seconds West, departing the northeast line of the last said City of Dallas tract "for alley purposes" (Volume 2958, Page 400) and into Lot 1A, a distance of 0.83 feet to a point;

THENCE, North 44 degrees, 10 minutes, 36 seconds East, continuing across said Lot 1A, a distance of 400.21 feet to a point in a northeast line of said Lot 1A and the said southwest line of Lot A;

THENCE, South 45 degrees, 44 minutes, 44 seconds East, along the said northeast line of Lot 1A and the said southwest line of Lot A, a distance of 2.50 feet to the **POINT OF BEGINNING**;

CONTAINING, 6,254 square feet or 0.144 acres of land, more or less.

(A survey plat of even survey date herewith accompanies this description.)

The undersigned, Registered Professional Land Surveyor, hereby certifies that the foregoing description accurately sets out the metes and bounds of the reservation abandonment tract described.

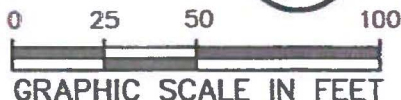
REVIEWED BY
JL 11-25-13
SPK 2773


Michael C. Clover 07/24/2013
Registered Professional Land Surveyor No. 5525
Pacheco Koch, LLC
8350 N. Central Expwy, #1000, Dallas TX 75206
(972) 235-3031
TX Reg. Surveying Firm LS-10193805
Revised: 11/04/2013



EX4 - 6254 SF Tract-REV.doc
1214-13 171EX4 DWG DB

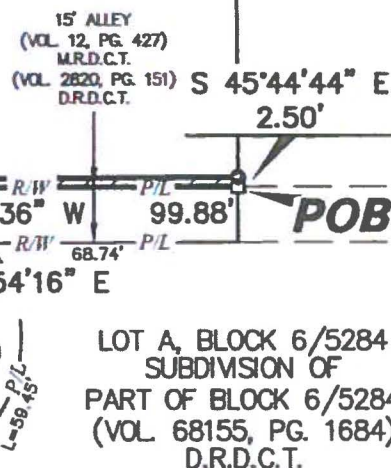
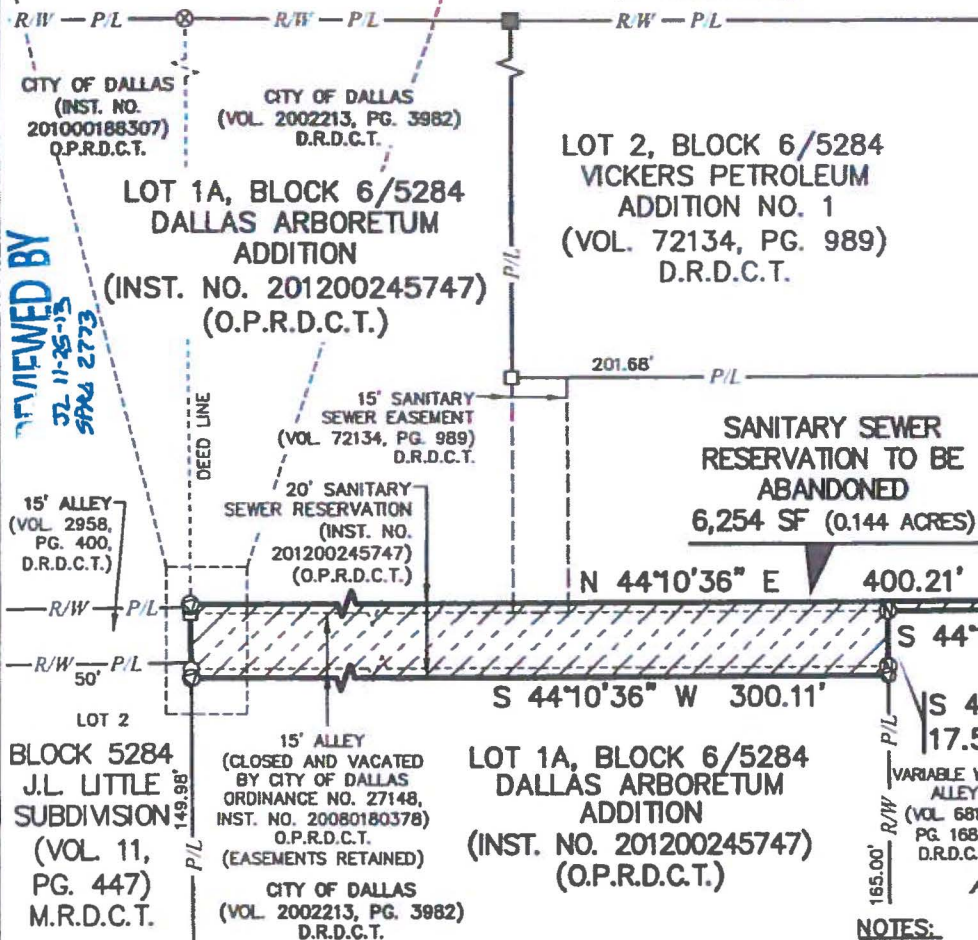
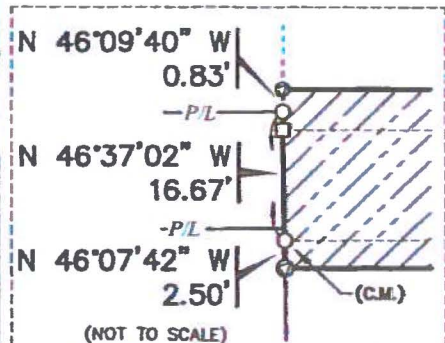
EXHIBIT A-TRACT 2



GARLAND ROAD (STATE HIGHWAY NO. 78) (A VARIABLE WIDTH RIGHT-OF-WAY FORMERLY KNOWN AS BANKHEAD HIGHWAY) (BY USE AND OCCUPATION) (NO RECORD FOUND)

LEGEND

-R/W-P/L-	PROPERTY LINE & R.O.W. LINE
-P/L-	PROPERTY LINE
- - - - -	RESERVATION LINE
- - - - -	OLD DEED LINE
- - - - -	RESERVATION ABANDONMENT LINE
D.R.D.C.T.	DEED RECORDS OF DALLAS COUNTY, TEXAS
O.P.R.D.C.T.	OFFICIAL PUBLIC RECORDS OF DALLAS COUNTY, TEXAS
M.R.D.C.T.	MAP RECORDS OF DALLAS COUNTY, TEXAS
(C.M.)	CONTROLLING MONUMENT
■	3/8-INCH IRON PIPE FOUND (C.M.)
□	1/2-INCH IRON ROD W/ "JDJR" CAP FOUND (C.M.)
⊗	"+" CUT IN CONCRETE FOUND
⊙	3-INCH "SWB TEL CO" BRASS MONUMENT FOUND (C.M.)
○	1/2-INCH IRON ROD FOUND
⊙	POINT FOR CORNER
POB	POINT OF BEGINNING



NOTES:

1. A metes and bounds description of even survey date herewith accompanies this plat of survey.
2. Bearing system for this survey is based on the North American Datum of 1983, Texas State Plane Coordinate System, North Central Texas, Zone 4202, Reference Frame NAD83 (CORS96), EPOCH: 2002.00.

The undersigned, Registered Professional Land Surveyor, hereby certifies that this plat of survey accurately sets out the metes and bounds of the reservation abandonment tract described.



Michael C. Clover 07/24/2013
Registered Professional Land Surveyor No. 5225
Revised: 11/04/2013

Pacheco Koch

8350 N. CENTRAL EXPWY. SUITE 1000
DALLAS, TX 75206 972.235.3031
TX REG. ENGINEERING FIRM F-14439
TX REG. SURVEYING FIRM LS-10193805

SANITARY SEWER RESERVATION TO BE ABANDONED

PART OF LOT 1A, BLOCK 6/5284,
DALLAS ARBORETUM ADDITION
RICHARD SCURRY SURVEY, ABSTRACT NO. 1382
CITY OF DALLAS, DALLAS COUNTY, TEXAS
SHEET 3 OF 3

DRAWN BY	CHECKED BY	SCALE	DATE	JOB NUMBER
DB	MCC	1"=50'	JULY 2013	1214-13.171

EXHIBIT A-TRACT 3

Sanitary Sewer Easement to be Abandoned
In Lot 1A, Block No. 6/5284, Dallas Arboretum Addition
Richard Scurry Survey, Abstract No. 1382
City of Dallas, Dallas County, Texas

DESCRIPTION, of a 949 square foot (0.022 acre) tract of land situated in the Richard Scurry Survey, Abstract No. 1382, City of Dallas, Dallas County, Texas; said tract being part of Lot 1A, Block 6/5284, Dallas Arboretum Addition, an addition to the City of Dallas, Texas according to the plat recorded in Instrument No. 201200245747 of the Official Public Records of Dallas County, Texas and part of those certain tracts of land described in Warranty Deed to the City of Dallas recorded in Volume 2002213, Page 3982 of the Deed Records of Dallas County, Texas; said tract also being all of that certain tract of land described as a 15-foot Sanitary Sewer Easement on, and dedicated by, the plat of Vickers Petroleum Addition No. 1, an addition to the City of Dallas, Texas recorded in Volume 72134, Page 989 of said Deed Records; said 949 square foot (0.022 acre) tract being more particularly described as follows (bearing system for this survey based on the North American Datum of 1983, Texas State Plane Coordinate System, North Central Texas, Zone 4202, Reference Frame NAD83 (CORS96), EPOCH: 2002.00):

BEGINNING, at a 1/2-inch iron rod with "JDJR" cap found (controlling monument); said point being a reentrant corner of said Lot 1A, the southernmost corner of Lot 2, Block 6/5284 of said Vickers Petroleum Addition No. 1 and the westernmost corner of said sanitary sewer easement;

THENCE, North 44 degrees, 10 minutes, 25 seconds East, along a northwest line of said Lot 1A, the southeast line of said Lot 2 and the northwest line of said sanitary sewer easement, a distance of 15.00 feet to a point (not monumented); said point being the northernmost corner of said sanitary sewer easement;

THENCE, departing the said northwest line of Lot 1A and the said southeast line of Lot 2 and into and across said Lot 1A, the following three (3) calls:

South 45 degrees, 44 minutes, 50 seconds East, along the northeast line of said sanitary sewer easement, a distance of 63.24 feet to a point (not monumented) in the northwest line of a 15-foot wide alley closed and vacated by City of Dallas by Ordinance No. 27148 recorded in Instrument No. 20080180378 of said Official Public Records; said point being the easternmost corner of said sanitary sewer easement;

South 44 degrees, 10 minutes, 36 seconds West, along the northwest line of said alley and the southeast line of said sanitary sewer easement, a distance of 15.00 feet to a point (not monumented); said point being the southernmost corner of said sanitary sewer easement;

EXHIBIT A-TRACT 3

Sanitary Sewer Easement to be Abandoned
In Lot 1A, Block No. 6/5284, Dallas Arboretum Addition
Richard Scurry Survey, Abstract No. 1382
City of Dallas, Dallas County, Texas

North 45 degrees, 44 minutes, 50 seconds West, departing the northwest line of said alley and along the southwest line of said sanitary sewer easement, a distance of 63.24 feet to the **POINT OF BEGINNING**;

CONTAINING, 949 square feet or 0.022 acres of land, more or less.

(A survey plat of even survey date herewith accompanies this description.)

The undersigned, Registered Professional Land Surveyor, hereby certifies that the foregoing description accurately sets out the metes and bounds of the easement abandonment tract described.

REVIEWED BY
JL 11-25-13
SPR 271



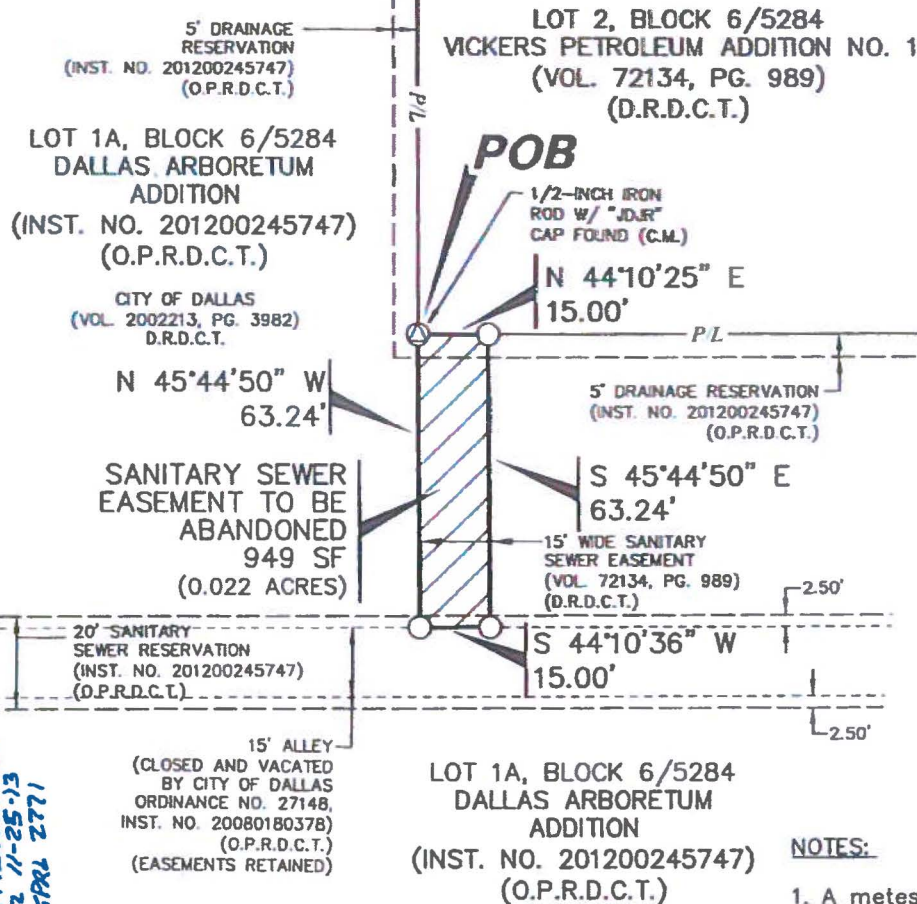
Michael C. Clover 07/24/2013
Registered Professional Land Surveyor No. 5525
Pacheco Koch, LLC
8350 N. Central Expwy, #1000, Dallas TX 75206
(972) 235-3031
TX Reg. Surveying Firm LS-10193805
Revised: 11/04/2013



EX1 - 929 SF Tract-REV.doc
1214-13.171EX1.DWG GMP

GARLAND ROAD (STATE HIGHWAY NO. 78)

(A VARIABLE WIDTH RIGHT-OF-WAY
FORMERLY KNOWN AS BANKHEAD HIGHWAY)
(BY USE AND OCCUPATION)
(NO RECORD FOUND)

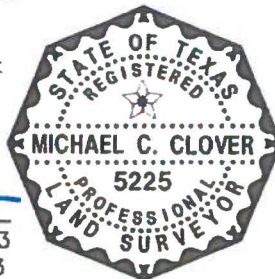


LEGEND	
	DEED LINE
	EASEMENT
	ABANDONMENT LINE
	PROPERTY LINE & R.O.W. LINE
	RESERVATION LINE
	OLD LOT LINE
	DEED RECORDS OF DALLAS COUNTY TEXAS
	D.R.D.C.T.
	OFFICIAL PUBLIC RECORDS OF DALLAS COUNTY TEXAS
	O.P.R.D.C.T.
	MAP RECORDS OF DALLAS COUNTY TEXAS
	M.R.D.C.T.
	POINT FOR CORNER
	CONTROLLING MONUMENT
	POINT OF BEGINNING

NOTES:

1. A metes and bounds description of even survey date herewith accompanies this plat of survey.
2. Bearing system for this survey is based on the North American Datum of 1983, Texas State Plane Coordinate System, North Central Texas, Zone 4202, Reference Frame NAD83 (CORS96), EPOCH: 2002.00.

The undersigned, Registered Professional Land Surveyor, hereby certifies that this plat of survey accurately sets out the metes and bounds of the easement abandonment tract described.



Michael C. Clover 07/24/2013
Registered Professional Revised: 11/04/2013
Land Surveyor No. 5225

Pacheco Koch

8350 N. CENTRAL EXPWY. SUITE 1000
DALLAS, TX 75206 972.235.3031
TX REG. ENGINEERING FIRM F-14439
TX REG. SURVEYING FIRM LS-10193805

**SANITARY SEWER
EASEMENT
TO BE ABANDONED**

PART OF LOT 1A, BLOCK 6/5284,
DALLAS ARBORETUM ADDITION
RICHARD SCURRY SURVEY, ABSTRACT NO. 1382
CITY OF DALLAS, DALLAS COUNTY, TEXAS
SHEET 3 OF 3

DRAWN BY GMP	CHECKED BY MCC	SCALE 1"=40'	DATE JULY, 2013	JOB NUMBER 1214-13.171
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EXHIBIT A-TRACT 4

**Water Reservation to be Abandoned
In Lot 1A, Block No. 6/5284, Dallas Arboretum Addition
Richard Scurry Survey, Abstract No. 1382
City of Dallas, Dallas, County, Texas**

DESCRIPTION, of a 150 square foot (0.003 acre) tract of land situated in the Richard Scurry Survey, Abstract No. 1382, City of Dallas, Dallas County, Texas; said tract being part of Lot 1A, Block 6/5284, Dallas Arboretum Addition, an addition to the City of Dallas, Texas according to the plat recorded in Instrument No. 201200245747 of the Official Public Records of Dallas County, Texas and all of that certain tract of land described in General Warranty Deed to Dallas Arboretum & Botanical Society, Inc. recorded in Instrument No. 201200144549 of said Official Public Records; said tract also being all of that certain tract of land described as a 10-foot by 15-foot Water Reservation, depicted on and reserved by said plat; said 150 square foot (0.003 acre) tract being more particularly described as follows (bearing system for this survey based on the North American Datum of 1983, Texas State Plane Coordinate System, North Central Texas, Zone 4202, Reference Frame NAD83 (CORS96), EPOCH: 2002.00):

BEGINNING, at a point in the southeast right-of way line of Garland road (State Highway No. 78 a variable width right-of-way formerly known as Bankhead Highway, by use and occupation) and the northwest line of said Lot 1A; said point being North 43 degrees, 50 minutes, 54 seconds East, a distance of 25.00 feet from a "+" cut in concrete found (controlling monument) at the westernmost corner of said Lot 1A and the northernmost corner of that certain tract of unplatted land described in Special Warranty Deed to Tamale Partners, Ltd., recorded in Instrument No. 201100295906 of said Official Public Records;

THENCE, North 43 degrees, 50 minutes, 54 seconds East, along the said southeast line of Garland Road and the said northwest line of Lot 1A, a distance of 10.00 feet to a point;

THENCE, departing the said southeast line of Garland Road and the said northwest line of Lot 1A and into and across said Lot 1A, the following three (3) calls:

South 46 degrees, 09 minutes, 55 seconds East, a distance of 15.00 feet to a point;


South 43 degrees, 50 minutes, 54 seconds West, a distance of 10.00 feet to a point;

North 46 degrees, 09 minutes, 55 seconds West, a distance of 15.00 feet to the **POINT OF BEGINNING**;

CONTAINING, 150 square feet or 0.003 acres of land, more or less.

(A survey plat of even survey date herewith accompanies this description.)

The undersigned, Registered Professional Land Surveyor, hereby certifies that the foregoing description accurately sets out the metes and bounds of the reservation abandonment tract described.



Michael C. Clover 07/24/2013
Registered Professional Land Surveyor No. 5525
Pacheco Koch, LLC
8350 N. Central Expwy, #1000, Dallas TX 75206
(972) 235-3031
TX Reg. Surveying Firm LS-10193805
Revised: 11/04/2013

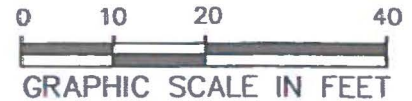


REVIEWED BY
JC 11-25-13
SPAL 2774

GARLAND ROAD (STATE HIGHWAY NO. 78)

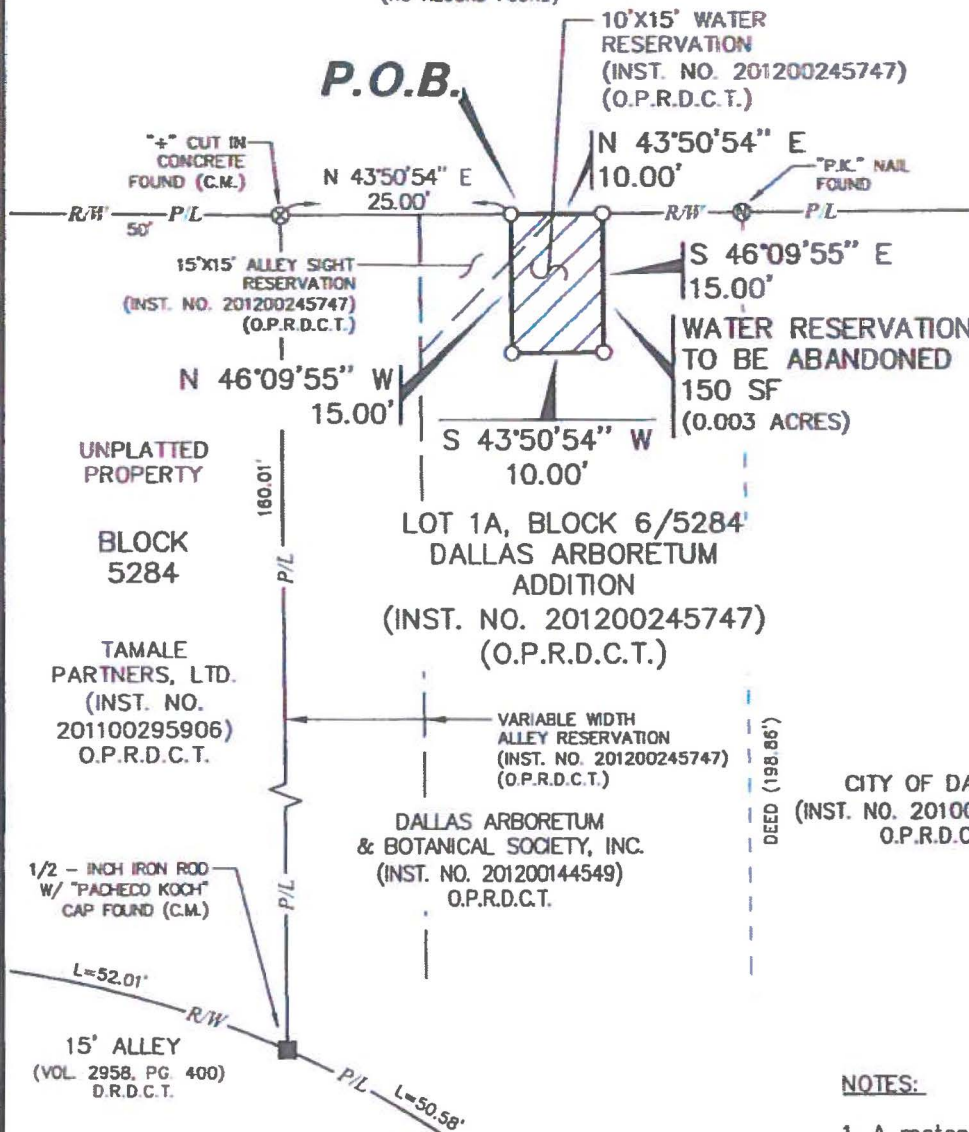
(A VARIABLE WIDTH RIGHT-OF-WAY
FORMERLY KNOWN AS BANKHEAD HIGHWAY)

(BY USE AND OCCUPATION)
(NO RECORD FOUND)



LEGEND

- R/W - P/L -	PROPERTY LINE & R.O.W. LINE
- P/L -	PROPERTY LINE
- - - - -	RESERVATION LINE
- - - - -	OLD DEED LINE
- - - - -	RESERVATION ABANDONMENT LINE
D.R.D.C.T.	DEED RECORDS OF DALLAS COUNTY, TEXAS
O.P.R.D.C.T.	OFFICIAL PUBLIC RECORDS OF DALLAS COUNTY, TEXAS
(C.M.)	CONTROLLING MONUMENT
○	POINT FOR CORNER
POB	POINT OF BEGINNING



CITY OF DALLAS
(INST. NO. 201000188307)
O.P.R.D.C.T.

REVIEWED BY
DL 11-25-13
SPR 2774

NOTES:

1. A metes and bounds description of even survey date herewith accompanies this plat of survey.
2. Bearing system for this survey is based on the North American Datum of 1983, Texas State Plane Coordinate System, North Central Texas, Zone 4202, Reference Frame NAD83 (CORS96), EPOCH: 2002.00.

The undersigned, Registered Professional Land Surveyor, hereby certifies that this plat of survey accurately sets out the metes and bounds of the reservation abandonment tract described.



Michael C. Clover
Registered Professional Land Surveyor No. 5225
07/24/2013
Revised: 11/04/2013

Pacheco Koch

8350 N. CENTRAL EXPWY. SUITE 1000
DALLAS, TX 75206 972.235.3031
TX REG. ENGINEERING FIRM F-14439
TX REG. SURVEYING FIRM LS-10193805

WATER RESERVATION TO BE ABANDONED

PART OF LOT 1A, BLOCK 6/5284,
DALLAS ARBORETUM ADDITION
RICHARD SCURRY SURVEY, ABSTRACT NO. 1382
CITY OF DALLAS, DALLAS COUNTY, TEXAS
SHEET 2 OF 2

DRAWN BY	CHECKED BY	SCALE	DATE	JOB NUMBER
DB	MCC	1"=20'	JULY 2013	1214-13.171

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: June 15, 2016

COUNCIL DISTRICT(S): 3

DEPARTMENT: Office of Economic Development

CMO: Ryan S. Evans, 671-9837

MAPSCO: N/A

SUBJECT

Authorize a New Markets Tax Credit transaction between the Dallas Development Fund and its subsidiaries, Capital One N.A. and its subsidiaries (Capital One), and the Girl Scouts of Northeast Texas and its affiliates (Developer) for improvements to Camp Whispering Cedars located at 6000 Whispering Cedar Drive (Project) - Financing: No cost consideration to the City

BACKGROUND

The City of Dallas authorized the creation of the Dallas Development Fund (DDF), a non-profit Community Development Entity (CDE), by Resolution No. 09-0461 on February 11, 2009, to apply for a New Markets Tax Credit (NMTC) allocation from the U.S. Department of Treasury's Community Development Financial Institutions Fund in its 2009 funding cycle. DDF was awarded a \$55 million allocation under the 2009 cycle, and that allocation was officially accepted by DDF on March 31, 2010. DDF applied for additional allocation in 2012, and was awarded \$30 million in the 2012 funding cycle, and again applied for allocation in 2014, and was awarded \$45 million under that funding cycle.

The NMTC program permits taxpayers to receive a credit against federal income taxes for making qualified equity investments in designated CDEs. These investments must be used by the CDE for projects and investments in low-income communities, as defined by the NMTC program. The credit provided to the investor totals 39 percent of the cost of the investment and is claimed over a 7-year credit allowance period.

On May 17, 2016, DDF considered and approved a NMTC transaction between DDF, Capital One, and the Developer. This NMTC allocation will use up to \$6 million of DDF's \$45 million NMTC allocation; Capital One will provide an additional \$2 million from its allocation, bringing the total allocation amount for this project to \$8 million. Capital One will invest up to \$8 million in NMTC allocation from DDF which will in turn generate approximately \$2.65 million in gross NMTC equity for the benefit of the Project.

BACKGROUND (Continued)

The Girl Scouts of Northeast Texas (GSNETX) provides programming and opportunities for nearly 27,000 girls across 32 Northeast Texas counties. GSNETX operates 5 camps and 8 service centers across northeast Texas, including Southern Sector Service Center (Hampton Road and I-20) and Camp Whispering Cedars (the Project site) both of which are located in Southern Dallas. GSNETX's outreach programs focus on girls developing self-esteem, practical life skills, and academic engagement through programs that include Science, Technology, Engineering, and Math (STEM) activities, career exploration and participation in the cookie program.

Much of GSNETX's activities are concentrated in the City of Dallas, which is home to more than 7,000 GSNETX participants (approximately 27% of total participation). Within the city, GSNETX serves 4,500 girls through its Hampton Road office, including 2,500 girls in its community outreach (school-based) programs and nearly 2,000 girls in troops. For each of the more than 2,500 girls who are enrolled in Dallas Title 1 Schools, GSNETX covers 100% of the cost of Girl Scout membership, insurance coverage, books, uniforms, badges, and programs. Approximately 250 of these girls also attend spring break and summer day camp programs at the existing Camp Whispering Cedars.

Camp Whispering Cedars is approximately 90 acres, and is the oldest camp in GSNETX's portfolio. The camp has seen limited improvements since the 1940s. GSNETX will make improvements to Camp Whispering Cedars to make it the STEM Center of Excellence, a year-round facility supporting GSNETX's mission to expand STEM education for girls. The approximately \$10.5 million Project includes the construction of new facilities, including the Welcome Center and Program Center, the Leadership Center, the Aquatic Center (replacing the non-functional existing pool) and a ropes course. The Project will also include the major renovations of approximately 22,000 square feet of existing cabins and other camp facilities, as well as extensive site work and infrastructure development, including new trails, outdoor activity areas, and landscaping. These new structures, renovations, and site work will allow GSNETX to offer important STEM-focused activities while expanding the ecology, physical, and exploration activities currently offered.

The Girl Scout's STEM Curriculum aligns with national standards and provides multiple opportunities for girls to use STEM skills in fun and engaging activities. GSNETX chose to create a dedicated STEM facility at this camp, which is their only campsite located within the City of Dallas, specifically because of the camp's proximity to businesses, program providers, and low-income girls living in Dallas, and the opportunity for business and academic partnerships. After meetings with local employers, GSNETX believes that the STEM Center of Excellence will help improve the pipeline of women in STEM fields. Additionally, GSNETX anticipates partnering with DISD to provide opportunities for DISD students to use the STEM Center of Excellence.

BACKGROUND (Continued)

The Project is located at 6000 Whispering Cedar Drive in Southern Dallas. The area is located in a Texas Enterprise Zone and qualifies as highly-distressed with median family income less than 70% of regional median and a location in a federally-designated major disaster area.

Without DDF's NMTC financing, GSNETX would have to delay project components and might not be able to expand its STEM programming fully.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On February 11, 2009, City Council authorized the creation of the Dallas Development Fund (DDF), a non-profit Community Development Entity (CDE) by Resolution No. 09-0461.

On January 13, 2010, City Council authorized the acceptance of the \$55 million NMTC allocation by Resolution No. 10-0210.

On January 19, 2010, the Economic Development Committee was briefed on the DDF and the NMTC program.

On September 21, 2015, the Economic Development Committee was briefed on the DDF and the NMTC program.

On May 17, 2016, the Dallas Development Fund was briefed on the Camp Whispering Cedars project and approved the transaction.

Information about this item will be provided to the Economic Development Committee on June 6, 2016.

FISCAL INFORMATION

No cost consideration to the City.

OWNER

Girl Scouts of Northeast Texas

Jennifer K. Bartkowski, Chief Executive Officer

June 15, 2016

WHEREAS, the City is committed to supporting enhanced economic development opportunities for low-income communities within the City and to low-income persons residing within those communities; and

WHEREAS, the United States Department of Treasury has established the New Markets Tax Credit (NMTC) program to stimulate investments in predominately low-income communities; and

WHEREAS, the goals and purposes of the NMTC program are consistent with and complementary to the economic development programs previously established by the City to support expanded economic development opportunities for low-income communities within the City and to low-income persons residing within those communities; and

WHEREAS, under the NMTC program, tax credits are competitively awarded annually by the Treasury Department through its Community Development Financial Institutions (CDFI) Fund to qualified Community Development Entities (CDEs) after review and evaluation of applications submitted by CDEs, which are then made available to investors; and

WHEREAS, the City of Dallas created the Dallas Development Fund (DDF) as a non-profit Texas corporation in order to apply for an award under the NMTC program; and

WHEREAS, the DDF was awarded a \$55 million NMTC allocation under the 2009 NMTC program; and

WHEREAS, the DDF was awarded a \$30 million NMTC allocation under the 2012 NMTC program; and

WHEREAS, the DDF was awarded a \$45 million NMTC allocation under the 2014 NMTC program; and

WHEREAS, the DDF board has approved awarding of up to \$6 million in NMTC allocation to the Girl Scouts of Northeast Texas for improvements to Camp Whispering Cedars located at 6000 Whispering Cedar Drive.

NOW, THEREFORE,

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

June 15, 2016

Section 1. That the City Council hereby authorizes a New Markets Tax Credit transaction between the Dallas Development Fund and its subsidiaries, Capital One N.A. and its subsidiaries, and the Girl Scouts of Northeast Texas and its affiliates for improvements to Camp Whispering Cedars located at 6000 Whispering Cedar Drive as further described in **Attachment A**.

Section 2. 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.

DATE: May 2016

SUBJECT: Girl Scouts of Northeast Texas STEM Center of Excellence

FROM: City of Dallas Office of Economic Development

Project Overview

Project Sponsor: Girl Scouts of Northeast Texas

The Girl Scouts of Northeast Texas (“GSNETX”) provides programming and opportunities for nearly 27,000 girls across 32 Northeast Texas counties. GSNETX operates 5 camps and 8 service centers across northeast Texas, including Southern Sector Service Center (Hampton Road and I-20) and Camp Whispering Cedars (the Project site) both of which are located in Southern Dallas. GSNETX’s outreach programs focus on girls developing self-esteem, practical life skills, and academic engagement through programs that include STEM activities, career exploration and participation in the cookie program.

Much of GSNETX’s activities are concentrated in the City of Dallas, which is home to more than 7,000 GSNETX participants (approximately 27% of total participation). Within the city, GSNETX serves 4,500 girls through its Hampton Road office, including 2,500 girls in its community outreach (school-based) programs and nearly 2,000 girls in troops. For each of the more than 2,500 girls who are enrolled in Dallas Title 1 Schools, GSNETX covers 100% of the cost of Girl Scout membership, insurance coverage, books, uniforms, badges, and programs. Approximately 250 of these girls also attend spring break and summer day camp programs at Camp Whispering Cedars.

Project Description

The NMTC Project will transform Camp Whispering Cedars into the STEM Center of Excellence, a year-round facility supporting GSNETX’s mission to expand STEM education for girls. The existing 88-acre camp is the oldest facility in GSNETX’s portfolio and has not seen major investment in decades. The approximately \$10.5 million Project will include the new construction of the Welcome Center and Program Center, the Leadership Center, and the Aquatic Center. The Project will also include the major renovations of 22,000 SF of existing cabins and other camp facilities, as well as extensive site work and infrastructure development, including new trails, outdoor activity areas, and landscaping. These new structures, renovations, and site work will allow GSNETX to offer important STEM-focused activities while expanding the ecology, physical, and exploration activities currently offered. Please see Exhibit 3 for Project Images.

The Project is located at 6000 Whispering Cedar Drive in Southern Dallas and accessible to I-20, I-30, and I-35E. The area is located in a Texas Enterprise Zone and qualifies as highly-distressed with median family income less than 70% of regional median and a location in a federally-designated major disaster area. GSNETX chose to create a dedicated STEM facility at this camp—GSNETX’s only campsite located within a City—specifically because of the camp’s proximity to businesses, program providers, and low-income girls

living in Dallas. Today, Camp Whispering Cedars serves 2,200 girls annually with 96% having family incomes of \$55,300 or less, 61% identifying as minority and 14% residing in Southern Dallas.

Related/Sponsoring Entities

The NMTC borrower is anticipated to be GSNETX Stem Center of Excellence, a newly created nonprofit affiliate of GSNETX, which will own and improve the Project site and lease the facility back to GSNETX itself for operation.

Financing Terms

NMTC Allocation

Up to \$6 million in allocation from Dallas Development Fund

Up to \$2 million in allocation from Capital One Community Reinvestment Fund (“CORF”), a Community Development Entity with a national footprint, based in New Orleans. CORF is a subsidiary of the bank Capital One, N.A. Between DDF and COCRF’s allocation, a total of \$8 million in allocation is anticipated.

NMTC Investor

Capital One, N.A. (“Capital One”)

Anticipated Closing Costs and Fees

Dallas Development Fund will charge upfront fees totaling 4% of the QEI (estimated at \$240,000). In addition, DDF will charge an annual Asset Management Fee of \$21,000 per year.

DDF will separately secure reimbursement for costs associated with closing this transaction, as well as audit and tax return preparation costs associated with maintaining the financing structure during the 7-year NMTC compliance period.

Financing Structure

As NMTC Equity investor, Capital One is anticipated to provide a total of approximately \$2.652 million in NMTC Equity (\$0.85 pricing) to support the \$8 million in total allocation from DDF and CORF. GSNETX will provide approximately \$5.468 million in the form of a “Leverage Loan” for the transaction. The underlying sources for the Leverage Loan will include a combination of GSNETX cash, monetization/recapitalization of recent expenditures, and a capital campaign bridge loan. Capital One will form a special purpose investment fund entity and will be responsible for management of this fund. The equity and leverage debt will be combined to capitalize an investment fund (a subsidiary of Capital One), which in turn will make a Qualified Equity Investment (QEI) of up to \$6 million into a subsidiary of Dallas Development Fund (“DDF Sub-CDE”) and pay a 2% CDE Fee to DDF. This fund will also make a QEI of up to \$2 million to a COCRF Sub-CDE.

Dallas Development Fund (DDF) and CORF, through the aforementioned Sub-CDEs, will in turn make Qualified Low-Income Community Investment (QLICI) loans to the QALICB. Pursuant to DDF’s Allocation Agreement, DDF will take a fee of 2% of the QEI in order to finance its activities. The total QLICI loans to the QALICB will be up to approximately \$7.88 million, including a \$5.88 million from DDF Sub-CDE and \$2

million from the CORF Sub-CDE. Beyond the \$7.88 million in QLICI loans, GSNETX will contribute the \$3.32 million balance of funds to the QALICB needed to complete the Project.

The financing sources for this project are summarized in the table below. In addition, a project sources and uses is provided in Exhibit 1.

Closing Timeline

This Project financing is expected to close in the 3rd Quarter of 2016.

Community Benefits and Need for Assistance

Community Benefits

The STEM Center of Excellence will increase the capacity of GSNETX to provide low-income girls from Dallas with a vital introduction to and immersion in STEM. Highlights of these impacts include:

Increasing the Number of Girls Served:

The creation of the STEM Center of Excellence will increase the number of girls served annually at Camp Whispering Cedars from 2,200 to more than 3,000 (a 36% increase). Of the 2,200 girls currently served at the site, 21% have family incomes below \$20,750 and 12% have incomes between \$20,751 and \$34,550. Currently, 14% of the girls reside in Southern Dallas.

Expanding STEM Education:

Educational programming at the STEM Center of Excellence will revolve around four main areas:

1. Eco-Adventure (natural and life sciences, including biology and chemistry)
2. Forces of Nature (geology, physics, energy and meteorology)
3. Tech Innovation/Design Studio (math, science, and engineering), and
4. Health Science and Technology.

The “living laboratory” provided by the camp setting will combine ropes, archery, gardens and other outdoor activities with STEM learning.

To enhance learning and involvement, GSNETX has lined up area partners to provide programming. These partners range from nonprofits, including the Perot Museum and Dallas Arboretum, to STEM-based companies, including Texas Instruments and Hunt Oil. The Center is most focused on providing unique, hands-on STEM engagement and learning experiences that can lead girls to enter a career in STEM and change the workforce pipeline in the Dallas area.

Outreach and Presence in Southern Dallas:

The STEM Center of Excellence will be integral in GSNETX’s expanded engagement with the Dallas Independent School District (DISD) and schools in Southern Dallas. Because the project is GSNETX’s only urban camp site, the vision is that schools could use the camp as a one-day field trip for students to have both an outdoor and STEM experience close to their schools. These field trips would be incorporated into DISD’s STEM curriculum and will align with the STAAR and the National Math and Science standards.

The STEM Center of Excellence’s school-based programming will enhance GSNETX’s existing partnership with DISD Title 1 schools. Today, GSNETX operates the following three programs at DISD schools:

- Girl Scout Direct, an after-school program serving 1,400 low-income girls in elementary schools
- Girl Scouting in the School Day, a leadership development program held during the school day serving over 530 middle-school girls in underserved communities, and
- Las Mariposas, an in-school program that offers the Girl Scout experience to over 600 elementary-school girls whose primary language is not English.

Need For NMTC Assistance

But for DDF’s NMTC financing, GSNETX would have to delay project components and might not be able to expand its STEM programming fully. To build the STEM Center of Excellence, GSNETX raised funds through a capital campaign, which is ongoing. Given the timing of the capital campaign, without DDF’s NMTC financing, GSNETX estimates that some project components would be delayed by 2+ years. Additionally, without DDF’s NMTC financing, GSNETX would not have been able to attract the additional \$2 million in NMTC allocation from CORF.

Exhibit 1: Proposed Project Sources and Uses (preliminary)

Sources	Total
Net NMTC Equity (Net of CDE Suballocation Fees)	\$ 2,412,000
Sponsor Equity (cash from capital campaign)	\$ 744,713
Sponsor Equity (expenditures prior to Closing)	\$ 4,540,000
Capital Campaign Bridge Loan (for leverage loan)	\$ 3,316,713
Capital Campaign Bridge Loan (for contribution to QALICB)	\$ 183,287
Total Sources	\$ 11,196,713
Uses	Total
Phase 1 Water, Wastewater and Fire Line Infrastructure	\$ 270,967
Welcome Center and Girl Program Center	\$ 1,625,000
Land acquisition 2-4 acres	\$ 87,953
STEM Furnishings/Equipment/Laptops/Kits	\$ 45,196
Entrance Gate/Fencing/Signage	\$ 75,000
Hiking Trails/Benches	\$ 25,000
Archery Equipment and Field Clearing	\$ 50,000
Ropes Course and Clearing	\$ 123,370
Outdoor Soundscape (Music Garden)	\$ 20,000
Pond Feature	\$ 90,000
Energy in Motion	\$ 40,000
Remodel Old House for Program and Equipment Storage	\$ 36,250
Shaded Archery Structure	\$ 150,000
Observation Tower and Courtyard	\$ 750,000
Pool and Aquatic Center	\$ 1,400,000
Parking Area at Aquatic Center	\$ 96,000
Girl Exploration Center (former Kirby house site)	\$ 850,000
Remodel Pod Unit/Glen Oaks	\$ 175,000
Glen Oaks Utilities/Roads/Infrastructure	\$ 260,000
Electric Infrastructure Phase 2	\$ 125,000
Amphitheater Remodel	\$ 40,000
Remodel Pod Unit/Cedar Lodge	\$ 200,000
Cedar Lodge Utilities/Roads/Infrastructure	\$ 344,000
Pecan Grove Lodge Unit 2 (was formerly Tanglewood remodel)	\$ 530,000
Site Manager House	\$ 265,000
Program Pavilion at Pond	\$ 125,000
Remodel Lodge/Tejas Timbers	\$ 335,000
Remodel Site Manager House for Staff Housing	\$ 50,600
Pecan Grove Lodge Unit 1	\$ 755,000
Leadership Center/Health Lodge	\$ 1,000,000
Camp Infrastructure/Roads/Utilities	\$ 170,264
Soft Costs	\$ 214,713
NMTC Reserves	\$ 243,000
NMTC Estimated Closing Costs	\$ 412,500
NMTC Arranger Fee (Crescent Growth Capital, consultant retained by GSNETX)	\$ 216,900
Total Uses	\$ 11,196,713

Exhibit 2: Project Images



Observation Building



Girl Exploration Center



The Rees-Jones Foundation Welcome Center Complex

AGENDA ITEM # 51

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: June 15, 2016

COUNCIL DISTRICT(S): 13

DEPARTMENT: Sustainable Development and Construction

CMO: Ryan S. Evans, 671-9837

MAPSCO: 26 K

SUBJECT

A public hearing to receive comments regarding an application for and an ordinance granting a P(A) Parking District on property zoned an MF-1(A) Multifamily District, on the south line of Glen Lakes Drive, west of Manderville Lane

Recommendation of Staff and CPC: Approval, subject to a site/landscape plan

Z156-169(JM)

FILE NUMBER: Z156-169(JM)

DATE FILED: December 18, 2015

LOCATION: South line of Glen Lakes Drive, west of Manderville Lane

COUNCIL DISTRICT: 13

MAPSCO: 26 K

SIZE OF REQUEST: Approx. 13,286 Sq. Ft. **CENSUS TRACT:** 78.22

APPLICANT/OWNER: Glen Lakes Holdings, LLC

REPRESENTATIVE: Robert Reeves

REQUEST: An application for a P(A) Parking District on property zoned an MF-1(A) Multifamily District.

SUMMARY: The applicant is proposing to develop the site with surface parking to serve the multi-tenant retail development south of the site (located in the northeast quadrant of North Central Expressway and Walnut Hill Lane).

CPC RECOMMENDATION: **Approval**, subject to a site/landscape plan.

STAFF RECOMMENDATION: **Approval**, subject to a site/landscape plan.

GUIDING CRITERIA FOR RECOMMENDATION:

Staff recommends approval of the request based upon:

1. *Performance impacts upon surrounding property* – Impact on adjacent properties will be somewhat passive in that the only permitted operation will be to provide for surface parking. Required landscaping and retention of two mature trees will soften the increase in non-permeable surface area required to support the parking.
2. *Traffic impact* – No negative impact is anticipated subject to attached plan design (see note, No. 1, above).
3. *Comprehensive Plan or Area Plan Conformance* – Proposed use of the property is an example of one use normally provided for within a Business Center or Corridor.

Zoning History: There has been no recent zoning activity in the immediate area relevant to the request.

Street

Glen Lakes Drive

Existing & Proposed ROW

Local; 60' ROW

STAFF ANALYSIS:

Comprehensive Plan: The site is located in a Business Center or Corridor. This Building Block represents major employment or shopping destinations outside of Downtown. Examples include the Galleria area, the North Park Center area, Southwest Center Mall area at I-20 and US Hwy 67 and the Stemmons Corridor. Business Centers are usually at major intersections or along Highways or major arterials and rely heavily on car access. These areas typically include high-rise office towers and low- to mid-rise residential buildings for condos or apartments and may include multifamily housing. Land uses are typically separated from one another by parking lots, freeways or arterial roads. Streets in these areas emphasize efficient movement of vehicles. Bold lighting and linear landscaping features such as esplanades and tree-lined boulevards can all work to distinguish and identify these areas. Public spaces may be at key entry points and central locations. Gateway landscaping, monuments and other devices will provide visibility from the freeway and guide visitors to destinations. Public transit may play a role in these areas and help create some pockets of transit oriented development. Business Centers and Corridors provide important concentrations of employment within Dallas that compete with suburban areas.

Land Use Compatibility: The site, previously a residential use, has been cleared of all improvements. The applicant is proposing to improve the parking for surface parking in

conjunction with parking demands for an adjacent multi-tenant retail development. The site is situated approximately 900 feet east of the street's terminus with the northbound access road for North Central Expressway. From a historical perspective, the entire blockface was generally zoned for O-1 Office District uses prior to the City's zoning transition in 1987-1989 [property generally situated north and west transitioned to NO(A) District Uses during this time]. The exception was this parcel as well as two parcels, west and east respectively, all of which were zoned for either MF-1 Multiple Family District Uses and R-7.5 Single Family District Uses (the property to the east has been rezoned to an MO-1 Mid-Range Office District).

As the site is situated within close proximity to the Presbyterian Hospital campus (approx. 1,270 feet, along Glen Lakes Drive to Rambler Road/Walnut Hill Lane, crossing at the signalized intersection), the majority of uses tend to support a medical campus; office/medical office and medical labs. A regional serving multi-tenant retail center is developed to the south/southwest across an unimproved public alley. It is this retail center that will utilize the requested use of the property for surface parking. It should be noted an improved crosswalk will be provided (subject to approval of a private license approved by the City Council) across the alley, linking the retail center with the proposed parking. The attached alley crosswalk exhibit is provided for illustrative purposes only.

A Parking District must be contiguous or perpendicularly across an alley or street from the main use(s) it serves. The attached site/landscape plan provides for retention of two mature large canopy trees, required screening and landscaping, along with 16 foot-tall light standards which are vertically in scale with the surrounding one and two story structures.

In summary of this analysis, staff supports the request subject to the attached plan.

CPC Action

March 17, 2016; April 7, 2016; April 21, 2016

This item was held under advisement.

May 5, 2016, CPC Action

Motion: It was moved to recommend **approval** of a P(A) Parking District, subject to a site/landscape plan on property zoned an MF-1(A) Multifamily District, on the south line of Glen Lakes Drive, west of Manderville Lane.

Maker: Murphy
Second: Ridley
Result: Carried: 9 to 1

For: 9 - Houston, Davis, Shidid, Abtahi, Haney, Jung,
Peadon, Murphy, Ridley

Against: 1 - Housewright
Absent: 4 - Anglin, Anantasomboon, Schultz, Tarpley
Vacancy: 1 - District 2

Notices: Area: 200 Mailed: 12
Replies: For: 1 Against: 1

Speakers: For: Robert Reeves, 900 Jackson St., Dallas, TX, 75202
Kirk Williams, 8343 Douglas Ave., Dallas, TX, 75225
Against: None

• • • • •

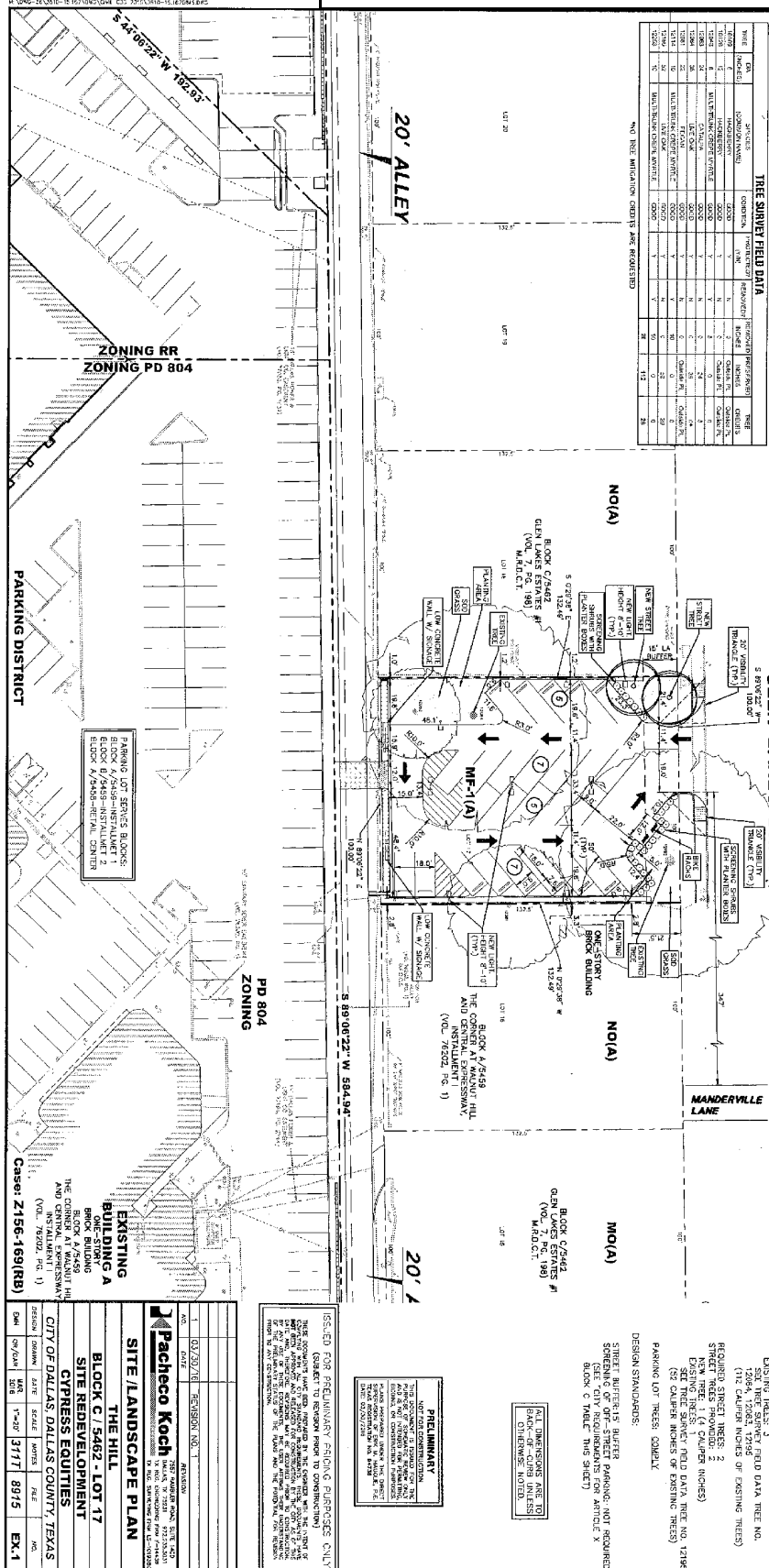
Glen Lakes Holdings, LLC
2015 Officers

Todd Minnis, President
Christopher Maguire, Vice President
Mark Miller, Vice President
Hunter Simon, Vice President
Scott Gosslee, Vice President

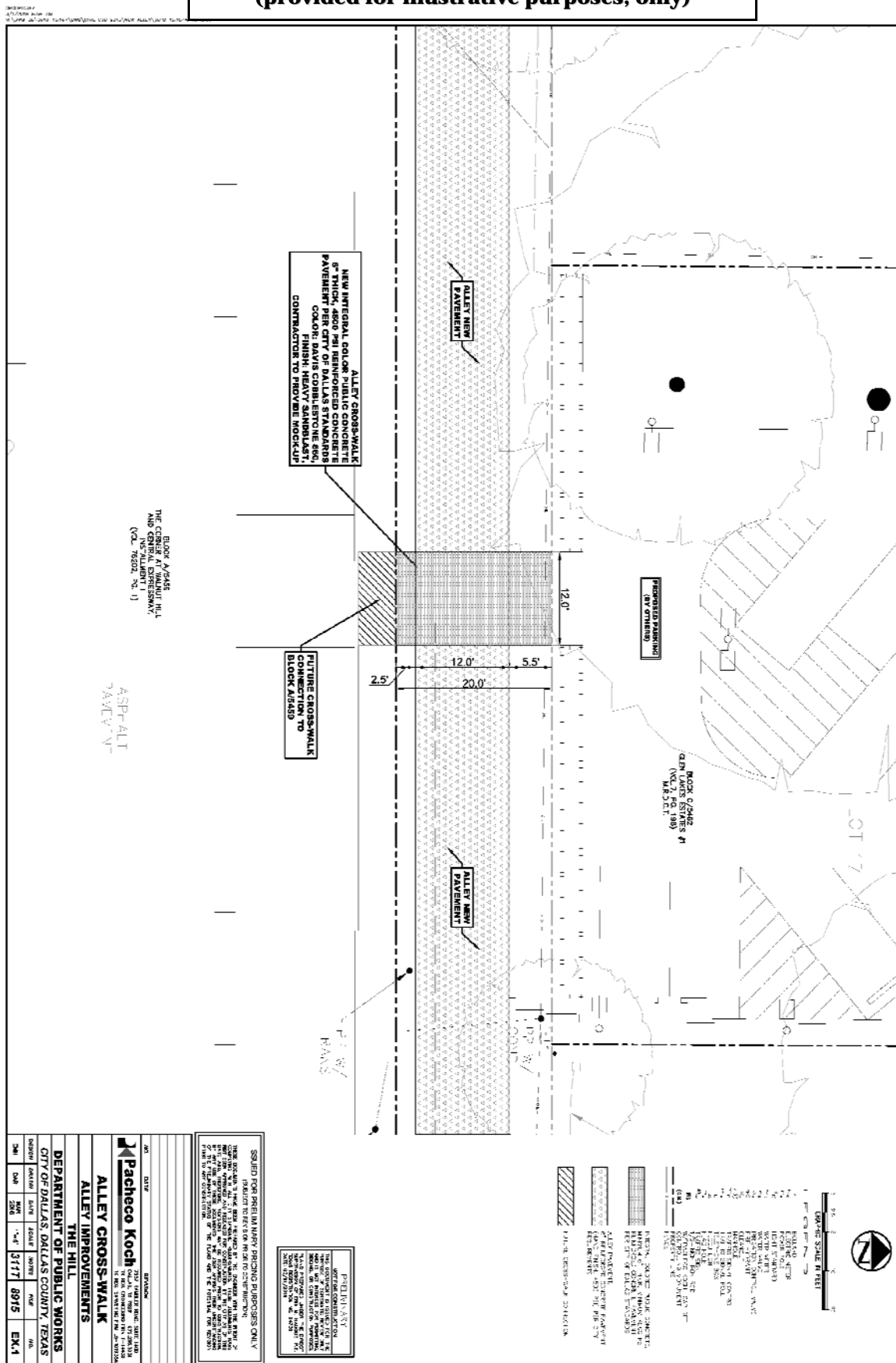
Site/ Landscape Plan

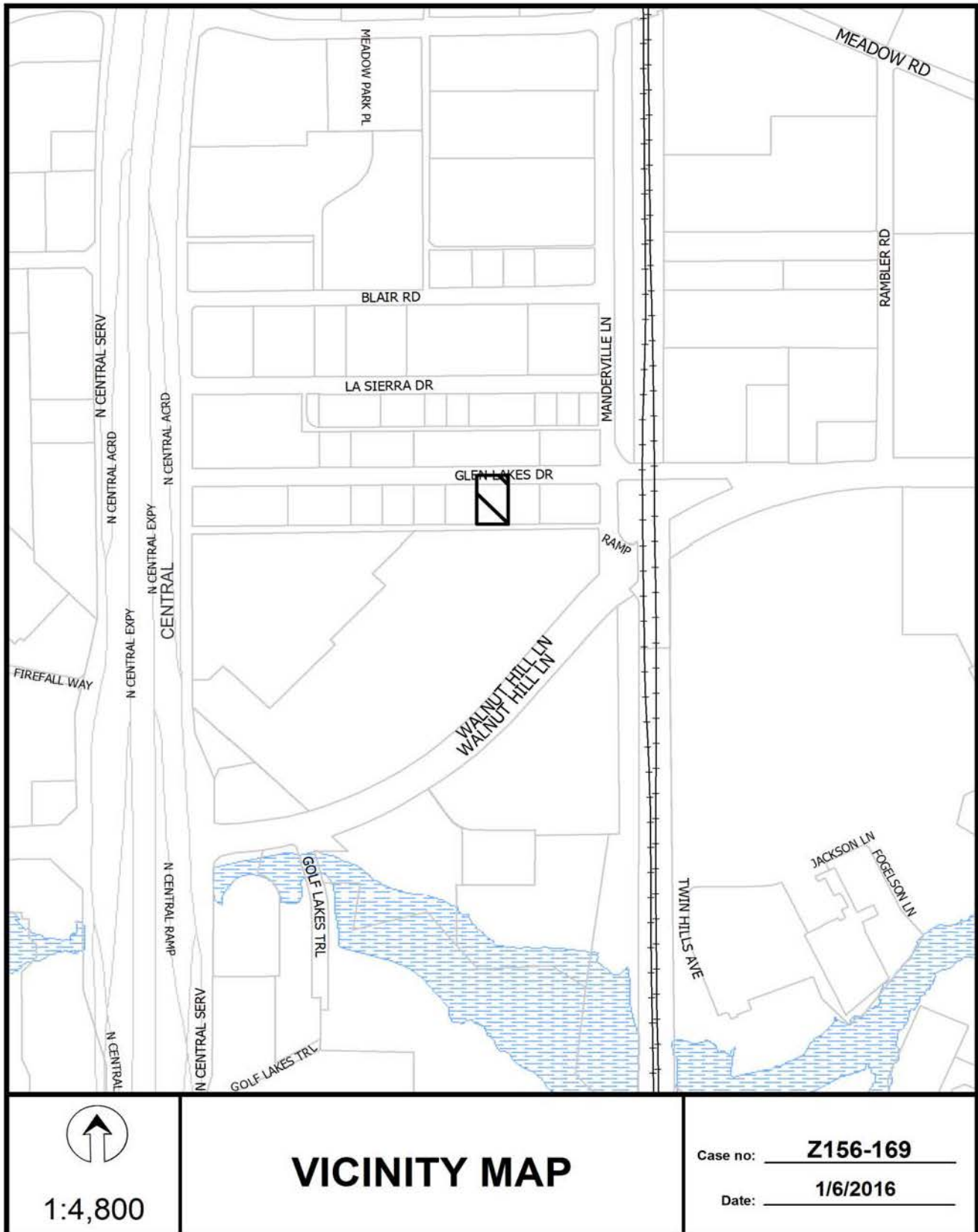
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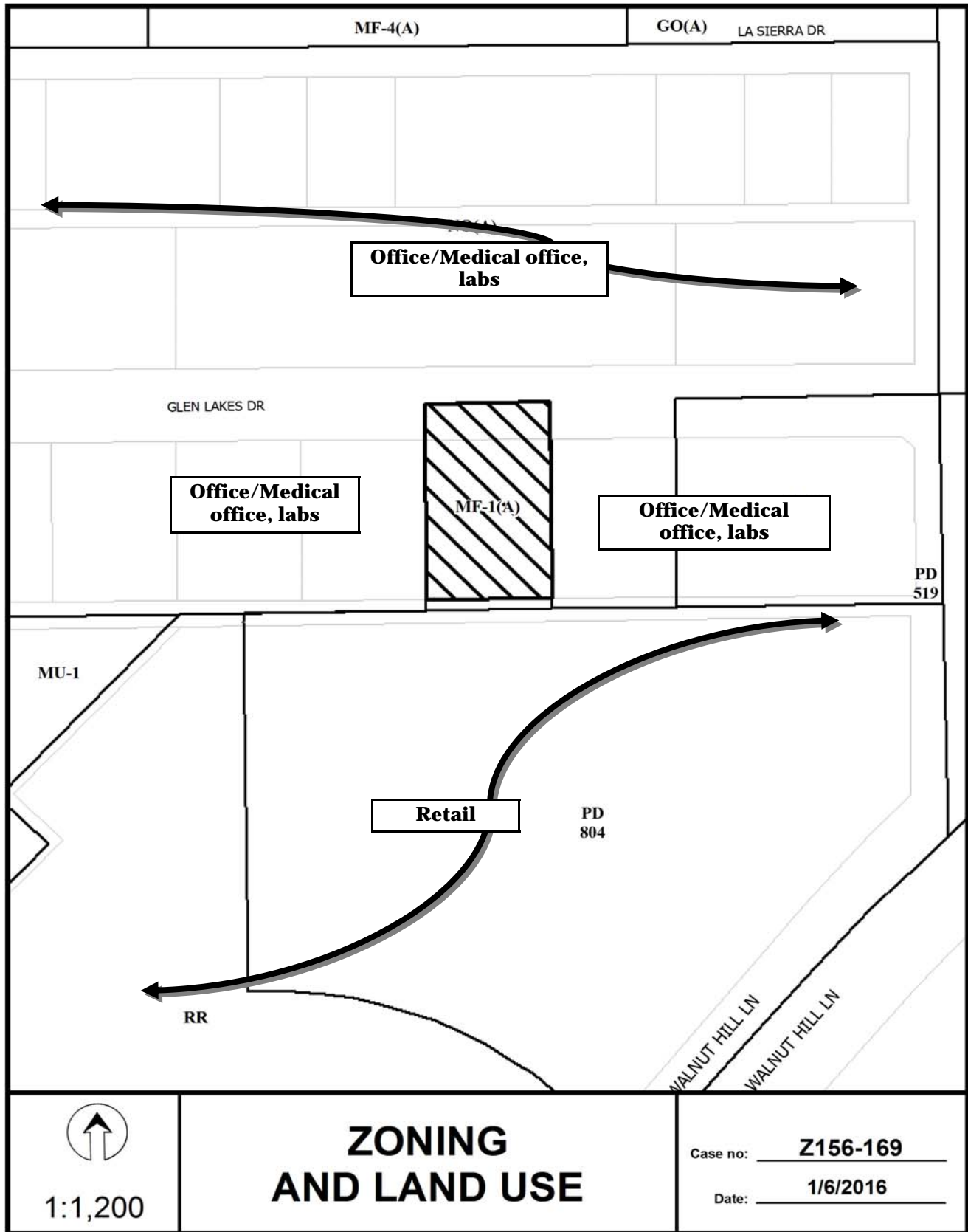
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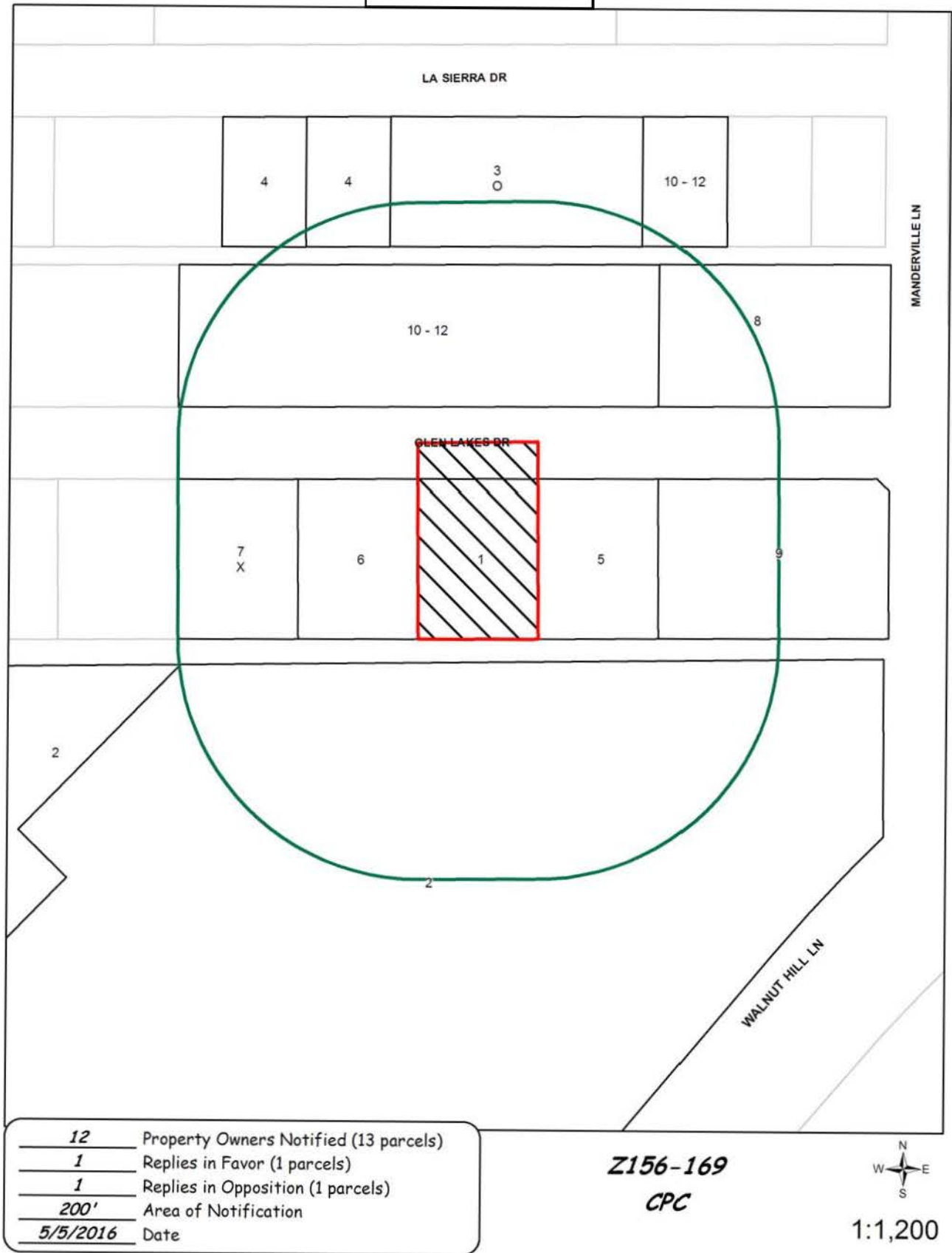
Alley Crosswalk Exhibit
(provided for illustrative purposes, only)







CPC Responses



05/04/2016

Reply List of Property Owners***Z156-169******12 Property Owners Notified******1 Property Owners in Favor******1 Property Owners Opposed***

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
	1	5478 GLEN LAKES DR	GLEN LAKES HOLDINGS LLC
	2	8021 WALNUT HILL LN	CAPREF WALNUT HILL LLC
O	3	5480 LA SIERRA DR	5480 LA SIERRA LLC
	4	5468 LA SIERRA DR	KOERBER ELLEN B
	5	5486 GLEN LAKES DR	LIPPAS MARC GREGORY FAM
	6	5470 GLEN LAKES DR	WATSON MAELISSA ET AL
X	7	5462 GLEN LAKES DR	PRICE DEBORAH R
	8	5499 GLEN LAKES DR	5499 GLEN LAKES LTD
	9	5494 GLEN LAKES DR	WHSC GEN PAR LLC
	10	5477 GLEN LAKES DR	FIRST 5477 LTD
	11	5477 GLEN LAKES DR	DALLAS FORT WORTH IVF REALTY LP
	12	5477 GLEN LAKES DR	NT PSYCHIATRIC ALLIANCE

AGENDA ITEM # 52

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: June 15, 2016

COUNCIL DISTRICT(S): 9

DEPARTMENT: Sustainable Development and Construction

CMO: Ryan S. Evans, 671-9837

MAPSCO: 36 R; 37 N

SUBJECT

A public hearing to receive comments regarding an application for and an ordinance granting a Planned Development District for R-7.5(A) Single Family District and a public school other than an open-enrollment charter school on property zoned an R-7.5(A) Single Family District on the east line of Hillbrook Street and the southwest line of Wendover Road

Recommendation of Staff and CPC: Approval, subject to a development plan, traffic management plan and conditions
Z156-185(WE)

FILE NUMBER: Z156-185(WE) **DATE FILED:** January 19, 2016

LOCATION: East line of Hillbrook Street and the southwest line of Wendover Road

COUNCIL DISTRICT: 9 **MAPSCO:** 36R, 37N

SIZE OF REQUEST: Approx. 8.387 acres **CENSUS TRACT:** 80.00

APPLICANT / OWNER: Dallas I.S.D.

REPRESENTATIVE: Karl Crawley, MASTERPLAN

REQUEST: An application for a Planned Development District for R-7.5(A) Single Family District and a public school other than an open-enrollment charter school on property zoned an R-7.5(A) Single Family District.

SUMMARY: The purpose of this request is to allow for the expansion of an existing public school [Lakewood Elementary School]. The expansion will consist of constructing additional classrooms and expanding the cafeteria. The total expansion of the two areas is approximately 54,683 square feet.

CPC RECOMMENDATION: Approval, subject to a development plan, traffic management plan and conditions.

STAFF RECOMMENDATION: Approval, subject to a development plan, traffic management plan and conditions.

GUIDING CRITERIA FOR RECOMMENDATION:

1. *Performance impacts upon surrounding property* – The expansion of the school should not have an impact on the surrounding properties. The improvements may impact the adjacent properties during the construction of the new addition. During construction of the new addition on the south side of the campus, the applicant will relocate the existing modular building to an area on campus that is designated as a “swing space.” The applicant has also indicated that after construction of the new addition, the modular buildings will be removed from the “swing space” area and will be permanently removed from the site. In addition, to reduce the queuing on Hillbrook Drive, the applicant will insert a curved lane in front of the campus.
2. *Traffic impact* – The Engineering Section of the Department of Sustainable Development and Construction has determined that the request will not have a negative impact on the street system.
3. *Comprehensive Plan or Area Plan Conformance* – The *forwardDallas! Comprehensive Plan* shows that the request site is located in a Residential Building Block. The request is in compliance with the Comprehensive Plan.
4. *Justification for PD Planned Development District* as opposed to a straight zoning district. – The request for a Planned Development District is to allow for several modifications to the straight zoning, which includes a reduction in the parking regulations for an elementary school, permit alternative screening requirements in lieu of Article X, and allow the existing parking to remain in the required front yard.

BACKGROUND INFORMATION:

- The site is developed with a 45,876 square foot elementary school. The site is surrounded by residential uses.
- The applicant is proposing an expansion of 54,683 square feet that will consist of 47 classrooms and a cafeteria.

Zoning History: There have not been any zoning changes in the surrounding area in the last five years.

Thoroughfares/Streets:

Thoroughfare/Street	Type	Existing ROW	Proposed ROW
Hillbrook Drive	Local	50 ft.	50 ft.
Wendover Road	Local	60 ft.	60 ft.

COMPREHENSIVE PLAN: The forwardDallas! Comprehensive Plan was adopted by the City Council in June 2006. The forwardDallas! Comprehensive Plan outlines several goals and policies which can serve as a framework for assisting in evaluating the applicant's request. The Plan identifies the request site being in a Residential Building Block. The proposed development is in compliance with the forwardDallas! Comprehensive Plan.

This Building Block represents the life-blood of Dallas, the traditional neighborhood of single-family detached homes. Dallas has many neighborhoods that match this description, including Winnetka Heights, Preston Hollow, Lakewood and Wheatley Place. Single-family dwellings are the dominate land use in these areas. Some shops, restaurants or institutional land uses such as schools and religious centers that serve neighborhood residents may be located at the edges or at key intersections.

STAFF ANALYSIS:

Land Use:

	Zoning	Land Use
Site	R-7.5(A)	Public School
North	R-7.5(A)	Single Family
South	R-7.5(A), H/119	Single Family
East	R-7.5(A)	Single Family
West	R-7.5(A)	Single Family

Land Use Compatibility:

The 8.387-acre site is developed with a one-story, 45,876 square-foot elementary school and is surrounded by predominately residential uses. The applicant's request for a Planned Development District will permit several changes to the development standards. These changes consist of a reduction in the parking regulations, permit alternative screening requirements in lieu of Article X, and allow the existing parking to remain in the required front yard. The applicant is proposing to expand the campus by 54,683 square feet which will include 35 classrooms and a cafeteria. The total number of classrooms will not change as a result of the new addition. The total number of classrooms is 45. In addition, during the construction phase of the development, the existing modular buildings will be relocated on the eastern portion of the campus. There are approximately 27 classrooms in the modular buildings. Upon completion of the school expansion, the modular buildings will be removed from the site.

Traffic: The Engineering Section of the Department Sustainable Development and Construction has reviewed the request and determined that it will not have a detrimental impact on the surrounding street system. In addition, the Public Works and Transportation Department Street Division has reviewed the traffic management plan as it relates to the queuing in City right-of-way and has no objections to the proposed plan.

In 1950, the elementary school was constructed and is located within an established neighborhood where queuing of vehicles are present during student drop-off and pick-up. To alleviate the long extended queuing lanes on the residential streets, there are three streets that have been designated as one-way streets during specific school hours. These residential streets are Lake Circle Drive, Vanderbilt Avenue and Sondra Drive.

Development Standards:

<u>DISTRICT</u>	<u>SETBACKS</u>		Density	Height	Lot Coverage	Special Standards	PRIMARY Uses
	Front	Side/Rear					
R-7.5(A) Single Family	25'	5'	1 Dwelling Unit/ 7,500 sq. ft.	30'	45%		Single family
PDD for school Single Family	25'	5'	1 Dwelling Unit/ 7,500 sq. ft.	35'	35%		Single family, Public school;

Landscaping: Landscaping must be provided in accordance with Article X. However, the applicant is requesting to remove the screening requirement for the loading parking areas.

Parking: The requirement for off-street parking for the school is derived by the following criterion: 1) the number of classrooms, and 2) the type of institution that serves the students (e.g., elementary, middle or high school). The total number of proposed classrooms determines the number of required parking spaces. The Dallas Development Code requirement for off-street parking for a school is as follows:

- one and three-half spaces for each kindergarten / elementary school classroom;

The number of required off-street parking spaces for the school is 68 spaces. The total number of proposed classrooms determines the number of required parking spaces. The school currently has 45 classrooms and 65 off-street parking spaces on campus. The number of classrooms will not change as a result of the new addition. The PD will state that the applicant will have to provide a minimum of 65 spaces on site.

The applicant is requesting a reduction in the parking ratio to reflect the actual number of classrooms on campus when the expansion is completed. The modification in the parking ratio is for one space for each kindergarten / elementary school classroom for the current number of classrooms. DISD will have to comply with the Development Code's parking ratio of one and three-half spaces for each kindergarten/ elementary school classroom when exceeding 45 classrooms. Our Engineering staff has reviewed the TMP and supports the applicant's request for regarding the parking reduction.

CPC Action (May 5, 2016)

Motion: It was moved to recommend **approval** of a Planned Development District for R-7.5(A) Single Family District and public school other than an open-enrollment charter school, subject to a revised development plan, revised traffic management plan, and revised conditions with the following change: 1) Under Off-Street Parking – An minimum of 65 parking spaces is required. If the number of classroom exceeds 45 the off-street parking ratio is 1.5 spaces for each kindergarten/elementary school classroom on property zoned an R-7.5(A) Single Family District on the east line of Hillbrook Street and the southwest line of Wendover Road.

Maker: Jung
Second: Houston
Result: Carried: 10 to 0

For: 10 - Houston, Davis, Shidid, Abtahi, Haney, Jung,
Housewright, Peadon, Murphy, Ridley

Against: 0
Absent: 4 - Anglin, Anantasomboon, Schultz, Tarpley
Vacancy: 1 - District 2

Notices:	Area: 500	Mailed: 158
Replies:	For: 18	Against: 4

Speakers: None

BOARD OF TRUSTEES
DISD

President



Eric Cowan
District 7

Term Expires 2016

1st Vice President



Miguel Solis
District 8

Term Expires 2017

2nd Vice President



Lew Blackburn
District 5

Term Expires 2016

Board Secretary



Nancy Bingham
District 4

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Edwin Flores
District 1

Term Expires 2018

Vacant
District 2

Term Expires 2017



Dan Micciche
District 3

Term Expires 2018



Joyce Foreman
District 6

Term Expires 2017



Bernadette Nutall
District 9

Term Expires 2018

CPC PROPOSED PDD CONDITIONS

ARTICLE.

PDS.

SEC. 51P- .101. LEGISLATIVE HISTORY.

PD ____ was established by Ordinance No. _____, passed by the Dallas City Council on _____. Ordinance No._____.

SEC. 51P- .102. PROPERTY LOCATION AND SIZE.

PD ____ is established on property generally located East line of Hillbrook Street and the southwest line of Wendover Road. The size of PD ____ is approximately 8.387 acres.

SEC. 51P- .103. DEFINITIONS AND INTERPRETATIONS.

- (a) Unless otherwise stated, the definitions in Chapter 51A apply to this article.
- (b) Unless otherwise stated, all references to articles, divisions, or sections in this article are to articles, divisions, or sections in Chapter 51A.
- (c) This district is considered to be a residential zoning district.

SEC. 51P- 103.1. EXHIBITS.

The following exhibits are incorporated into this article:

- (1) Exhibit ____A: development plan.
- (2) Exhibit ____B: traffic management plan.

SEC. 51P- .104. DEVELOPMENT PLAN.

- (a) For a public school other than an open-enrollment charter school, development and use of the Property must comply with the development plan (Exhibit____). In the event of a conflict between the provisions of this article and the development plan, the provisions of this article control.
- (b) For all other permitted uses, Section 51A-4.702(c)(2) through Section 51A-4.702(i) regarding submission of and amendments to a site plan, a development plan, and a landscape plan, do not apply.

SEC. 51P- .105. MAIN USES PERMITTED.

(a) Public school other than an open-enrolment charter school.

(b) All other uses permitted in an R-7.5(A) Single Family District, subject to the same conditions applicable in the R-7.5(A) Single Family District, as set out in the Dallas Development Code. For example, a use permitted in the R-7.5(A) Single Family District by specific use permit (SUP) only is permitted in this PD by SUP only. A use subject to development impact review (DIR) in the R-7.5(A) Single Family District is subject to DIR in this PD, etc.

SEC. 51P- .106. ACCESSORY USES.

(a) As a general rule, an accessory use is permitted in any district in which the main use is permitted. Some specific types of accessory uses, however, due to their unique nature, are subject to additional regulations contained in Section 51A-4.217. For more information regarding accessory uses, consult Section 51A-4.217.

SEC. 51P- .107. YARD, LOT, AND SPACE REGULATIONS.

(Note: The yard, lot, and space regulations in this section must be read together with the yard, lot, and space regulations in Division 51A-4.400. In the event of a conflict between this section and Division 51A-4.400, this section controls.)

(a) In general. Except as otherwise provided in this section, the yard, lot, and space regulations for an R-7.5(A) Single Family District apply in this district.

(b) For a Public School other than an open-enrolment charter school.

i. Front Yard: The minimum front yard is 25 feet.

a. A dumpster enclosure is permitted within 15 feet of the required yard in the location shown on the development plan.

ii. Side and rear yard: The minimum side and rear yard is 5 feet.

iii. Floor area: The maximum floor area is 105,000 square feet.

iv. Height: The maximum height is 35 feet. The residential proximity slope does not apply.

v. Lot coverage: The maximum lot coverage is 35 percent.

vi. Lot size: No minimum lot size

SEC. 51P- .108. OFF-STREET PARKING.

(a) Consult the use regulations (Division 51A-4.200) for the specific off-street parking and loading requirements for each use. Consult the off-street parking and loading regulations (Division 51A-4.300) for information regarding off-street parking and loading generally.

(b) For a public school other than an open-enrollment charter school:

i. A minimum of 65 parking spaces is required. If the number of classrooms exceeds 65, the off-street parking ratio is 1.5 spaces for each kindergarten / elementary school classroom.

ii. Off-street parking is permitted in the front yard.

SEC. 51P- .109. ENVIRONMENTAL PERFORMANCE STANDARDS.

See Article VI.

SEC. 51P- .110. LANDSCAPING.

(a) Landscaping must be provided in accordance with Article X, as amended

(b) A tree removal permit may be issued by the Building Official prior to the issuance of a building permit.

(c) For a public school other than an open-enrollment charter school, parking lot and /or loading screening is not required.

(d) Plant materials must be maintained in a healthy, growing condition.

SEC. 51P- .111. SIGNS.

Signs must comply with the provisions for non-business zoning districts contained in Article VII.

SEC. 51P- .112. ACCESS.

Ingress and egress must be provided as shown on the development plan.

SEC. 51P- .1 TRAFFIC MANAGEMENT PLAN.

(a) Operation of the public school must comply with the traffic management plan (Exhibit ____B).

(b) In general. Operation of a public school must comply with the traffic management plan (Exhibit __C).

(c) Traffic Study.

(1) The Property owner or operator shall prepare a traffic study evaluating the sufficiency of the traffic management plan. The initial traffic study must be submitted to the director by **March 1, 2018**. After the initial traffic study, the Property owner or operator shall submit biennial updates of the traffic study to the director by March 1 of each even-numbered year.

(2) The traffic study must be in writing, performed by a licensed engineer, based on a minimum of four samples taken on different school days at different drop-off and pick-up times over a two-week period, and must contain an analysis of the following:

- A. ingress and egress points;
- B. queue lengths;
- C. number and location of personnel assisting with loading and unloading of students;
- D. drop-off and pick-up locations;
- E. drop-off and pick-up hours for each grade level;
- F. hours for each grade level; and
- G. circulation.

(3) Within 30 days after submission of a traffic study, the director shall determine if the current traffic management plan is sufficient.

A. If the director determines that the current traffic management plan is sufficient, the director shall notify the applicant in writing.

B. If the director determines that the current traffic management plan results in traffic hazards or traffic congestion, the director shall require the Property owner to submit an amended traffic management plan. If the Property owner fails to submit an amended traffic management plan within 30 days, the director shall notify the city plan commission.

(d) Phase II. Before issuance of a building permit for Phase II, the Property owner or operator shall:

(A) submit additional data to the director showing the number of students who live within walking distance of the school, how many students actually walk to school, and how many students use public transportation; and

(B) submit an amended traffic management plan.

(e) Amendment process.

(1) A traffic management plan may be amended using the minor plan amendment fee and public hearing process in Section 51A-1.105(k)(3) of Chapter 51A of the Dallas City Code, as amended.

(2) The city plan commission shall authorize changes in a traffic management plan if the proposed amendments improve queuing or traffic circulation; eliminate traffic hazards; or decrease traffic congestion.

SEC. 51P- .113. ADDITIONAL PROVISIONS.

(a) The Property must be properly maintained in a state of good repair and neat appearance.

(b) Development and use of the Property must comply with all federal and state laws and regulations, and with all ordinances, rules, and regulations of the city.

SEC. 51P- .114. COMPLIANCE WITH CONDITIONS.

(a) All paved areas, permanent drives, streets, and drainage structures, if any, must be constructed in accordance with standard city specifications, and completed to the satisfaction of the director of public works and transportation.

(b) The building official shall not issue a building permit or certificate of occupancy for a use in this PD until there has been full compliance with this article, the Dallas Development Code, the construction codes, and all other ordinances, rules, and regulations of the city.

PROPOSED DEVELOPMENT PLAN



Proposed Traffic Management Plan

Traffic Management Plan

A Traffic Management Plan (TMP) is important to safely achieve an optimum level of traffic flow and circulation during peak traffic periods associated with student drop-off and pick-up. By properly managing the vehicular traffic generated during the critical periods, the safety and efficiency of other modes of travel – including walking – will also inherently improve, and the operational impact on the public street system should also be minimized. The TMP should not be considered a comprehensive set of instructions to ensure adequate safety; however, it should be used as a tool to facilitate a safer and more efficient environment.

The analysis summarized below utilizes the proposed school site plan to evaluate aspects such as passenger loading/unloading and vehicle queuing (i.e., stacking) that occur at the school in order to accommodate the observed peak demands within the site. A concerted effort and full participation by the school administration, staff, students, and parents are encouraged to provide and maintain safe and efficient traffic operations. [NOTE: In this report the term “parent” refers to any parent, family member, legal guardian, or other individual who is involved in the pick-up or drop-off of one or more students at the school.]

School Operational Characteristics

Error! Reference source not found. summarizes the known operational characteristics for Lakewood Elementary School assumed in this analysis:

Table 1. School Operational Characteristics

	Existing Conditions	Proposed Conditions
Enrollment:	<i>Total (All grades): approximately 850 students in Grades Kindergarten through 5th</i>	<i>Total (All grades): approximately 850 students in Grades Kindergarten through 5th (no change)</i>
Daily Start/End Schedule	Grades K-5th: >Start: 7:55 AM >End: 2:55 PM	Grades K-5th: >Start: 7:55 AM <i>(no change)</i> >End: 2:55 PM <i>(no change)</i>
Approximate Percentage Travel by Mode:	By School Bus: <5% By Walking: <5% By Drop-off/Pick-Up: >90%	By School Bus: <5% <i>(no change)</i> By Walking: <5% <i>(no change)</i> By Other: >90% <i>(no change)</i>

NOTE #1: To the highest degree practical, the accounts of “existing conditions” presented in this report were based upon actual on-site observations conducted by DeShazo during typical school day(s) conditions and from personal interviews of school representatives. The analyses and recommendations presented in this report for “proposed” or “future” conditions were based upon evaluations of “existing conditions” and may be supplemented by DeShazo’s professional judgment and experience. “Proposed”/“Future” conditions are intended to reflect the anticipated day-to-day conditions at full occupancy.

NOTE #2: Occasional functions or other events may be held at the school, which generate traffic outside of the traditional peak drop-off and pick-up periods. While some of the measures presented in this report may be

applicable in such cases, traffic characteristics other than those directly associated with the primary drop-off and pick-up periods are not the subject of this analysis.

Existing Traffic Conditions

Site Access and Circulation

The subject site currently provides a small parking area for faculty and staff, which is accessed from Sondra Lane. However, no on-site area is available for student loading and unloading – all loading/unloading must occur within public right-of-way. In order to accommodate school traffic demands during peak periods, Hillbrook Street, between Lake Circle Drive and Sondra Drive, currently operates as a part-time, one-way (northbound) operation; and Vanderbilt Avenue, between Hillbrook Street and Oakhurst Street, operates as a part-time, one-way (westbound) operation. [Part time operations are in effect from 7:00-9:00 AM and 2:45-4:30 PM on school days.]

No changes to the site nor other school operations are planned as part of the building expansion. So, student loading/unloading must continue to occur on-street.

Passenger Unloading/Loading and Vehicle Queuing

During the afternoon pick-up period, the vast majority of students are transported by parents in personal vehicles. The School provides a loading area along the east curb of Hillbrook Street between Lake Circle Drive and Vanderbilt Avenue. Vehicles approach from the west on Lake Circle Drive, load/unload on Hillbrook Street, and exit the vicinity via Vanderbilt Avenue (while the one-way streets are in effect, Hillbrook Street is blocked off north of Vanderbilt Avenue to Sondra Avenue – all vehicles must turn left onto Vanderbilt Avenue). School faculty and staff facilitate and coordinate loading/unloading of students to/from the vehicles at this loading area.

One public school bus also serves the School. A designated school bus loading zone is provided on the west curb of Wendover Road. School faculty/staff also assist students to/from the bus loading/unloading point. A small number of students may also live within close proximity to the school, and may be escorted by parents to/from the School.

All remaining students (the vast majority) are transported by parents who drive personal vehicles and drop-off/pick-up their children. The surrounding streets become very congested with vehicles during the corresponding morning and afternoon periods, however conditions are generally very orderly.

Two Dallas County Schools crossing guards serve the School. One crossing guard is stationed at the Hillbrook Street crosswalk on the north side of the Vanderbilt Avenue intersection; a second crossing guard serves the three crosswalks at the intersection of Hillbrook Street and Sondra Drive. Several marked crosswalks exist along Wendover Road between Sondra Drive and Sperry Street.

Based upon field observations conducted by DeShazo on multiple occasions during typical school-day conditions (in Fall 2014 and in April 2015), the peak number of parent-vehicles accessing site during the afternoon pick-up period was approximated to be 226, including vehicle includes vehicles in queue and parked on-street.

The school only has one (de facto) loading zoning (on Hillbrook Street), which accommodates approximately 49 vehicles simultaneously. So, a significant deficiency of formal queuing area is evident under existing conditions. Such conditions are assumed to continue in the future.

NOTE: The same operation is in effect during the morning; however, the overall volume of vehicles is less concentrated during the morning, so the peak vehicle demand are lower than in the afternoon. Therefore, detailed analysis results are based upon the afternoon pick-up period.

Recommendations

The following recommendations are provided by DeShazo to Lakewood Elementary School for the management of vehicular traffic generated by the school during peak traffic conditions. [NOTE: Generally, traffic delays and congestion that occurs during the afternoon pick-up period is notably greater than the traffic generated during the morning drop-off period due to the timing and concentration characteristics. In most instances, achieving efficiency during the afternoon period is most critical, while the morning traffic operations require nominal active management. Therefore, except where stated otherwise, the recommendations provided herein pertain specifically to the afternoon period operations.]

General

To maximize personal safety, passenger loading/unloading within the public right-of-way should strive to only occur in areas designated the City of Dallas.

To minimize liabilities, no persons other than deputized officers of the law (including crossing guards) should engage or attempt to influence traffic operations in public right-of-way.

The full cooperation of all school staff members, students, and parents is crucial for the success of a Traffic Management Plan. Proper training of school staff on the duties and expectations pertaining to the Plan is recommended. Sufficient communications at the beginning of each school term (and otherwise, as needed) with students and parents on their duties and expectations is also recommended.

Site Circulation Plan

Based upon DeShazo's review of the proposed site conditions and the anticipated needs of traffic during peak conditions, it is recommended that the existing circulation plan and traffic operations be maintained. Although traffic congestion is appreciable, there is no known history of traffic accidents. The existing conditions are also a result of an investment in

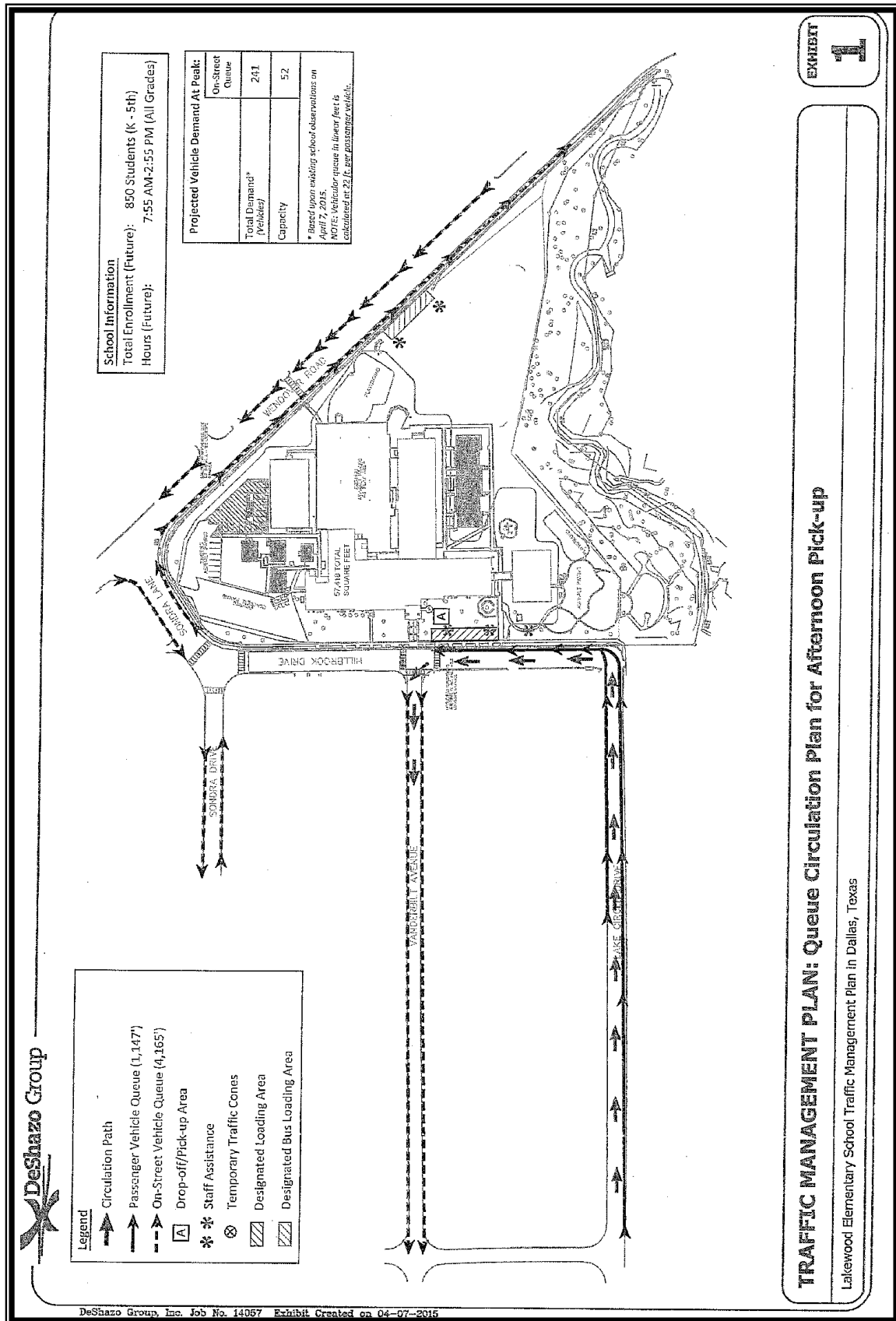
resources and refinements made by the School and by the City of Dallas over many years. Given that the traffic demands are not expected to change and no additional resources or space expansion options are available, the status quo is considered to provide the best alternatives and has the advantage of familiarity. **Exhibit 1** provides a graphical summary of the existing/recommended circulation plan.

One potential modification that may result in a slight improvement to traffic flow is to eliminate all parking along the southern curb of Sondra Drive between Hillbrook Street and Oakhurst Street (but maintain parking along the north curb). The benefit of this measure would be to improve the flow of two-way traffic Sondra Drive, whereas today, two-way traffic flow is reduced to a single lane along most of the block due to the narrow street and vehicles parked along both sides. The south side of the street contains several residential driveways where only intermittent parking is allowed, but the north side of the street does not contain driveways and can accommodate a higher number of parking places. The disadvantages of this measure would be a loss of some on-street parking for residents of the street. Strict enforcement would also be required in order for this strategy to be effective. Additionally, sign clutter would increase. Therefore, implementation of this measure is recommended only with the support of the affected residents.

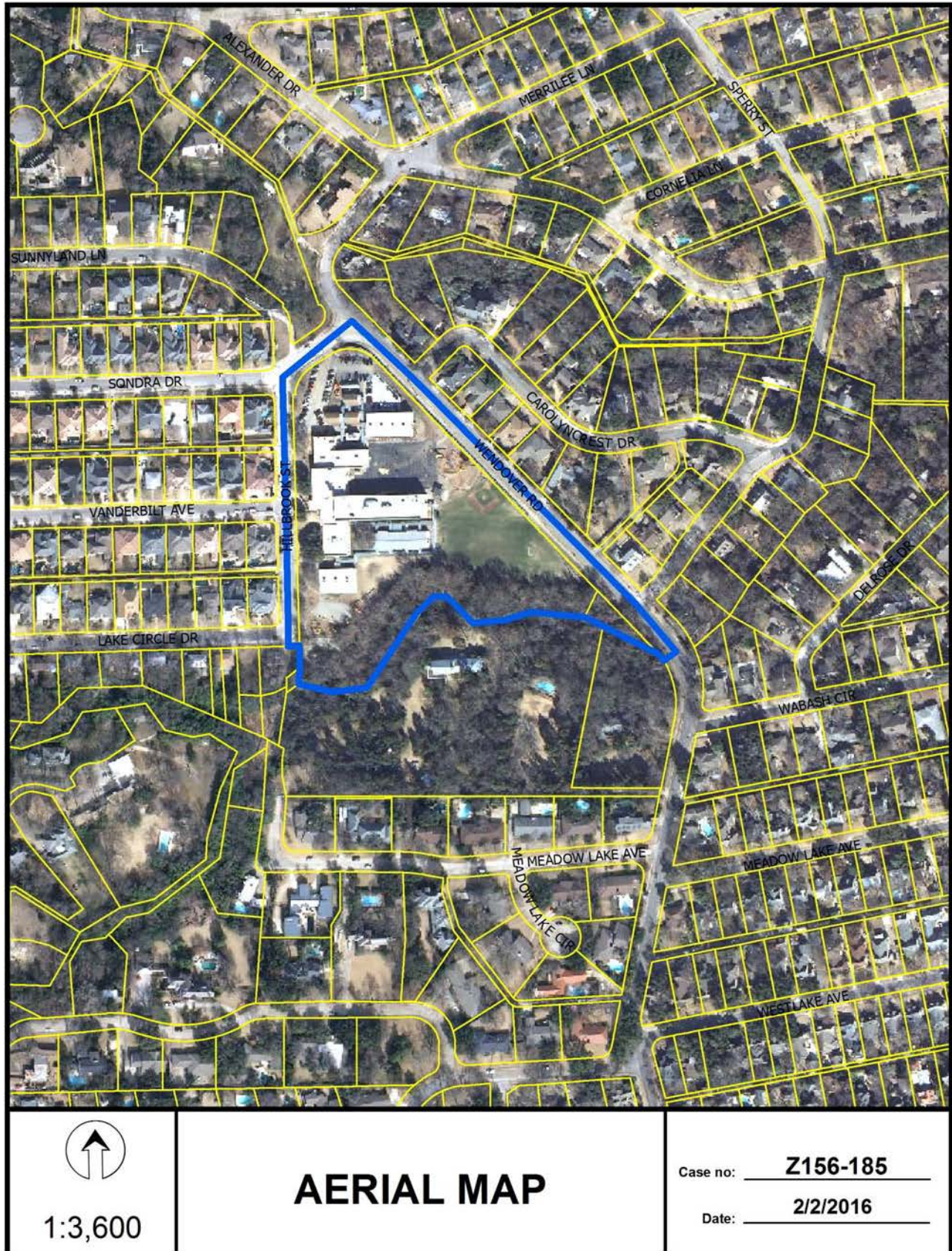
Summary

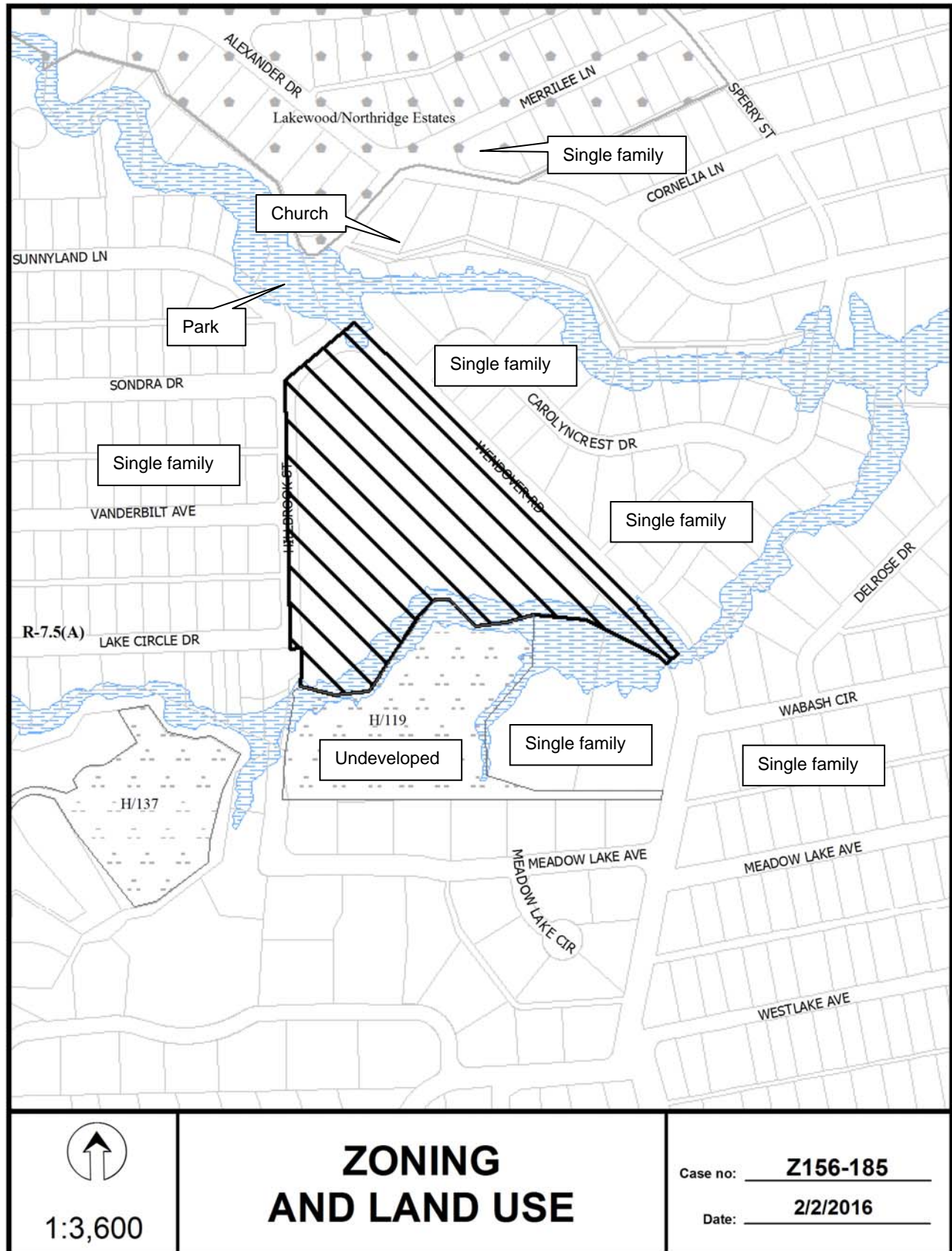
This TMP is to be used by Lakewood Elementary School to provide safe and efficient transportation of students, staff, and faculty to and from the site. The Plan was developed with the intent of optimizing safety and efficiency and the goal of accommodating vehicular traffic generated by the school at peak traffic periods within the site. The details of the TMP shall be reviewed by the school on a regular basis to confirm its effectiveness.

PROPOSED TMP CIRCULATION PLAN

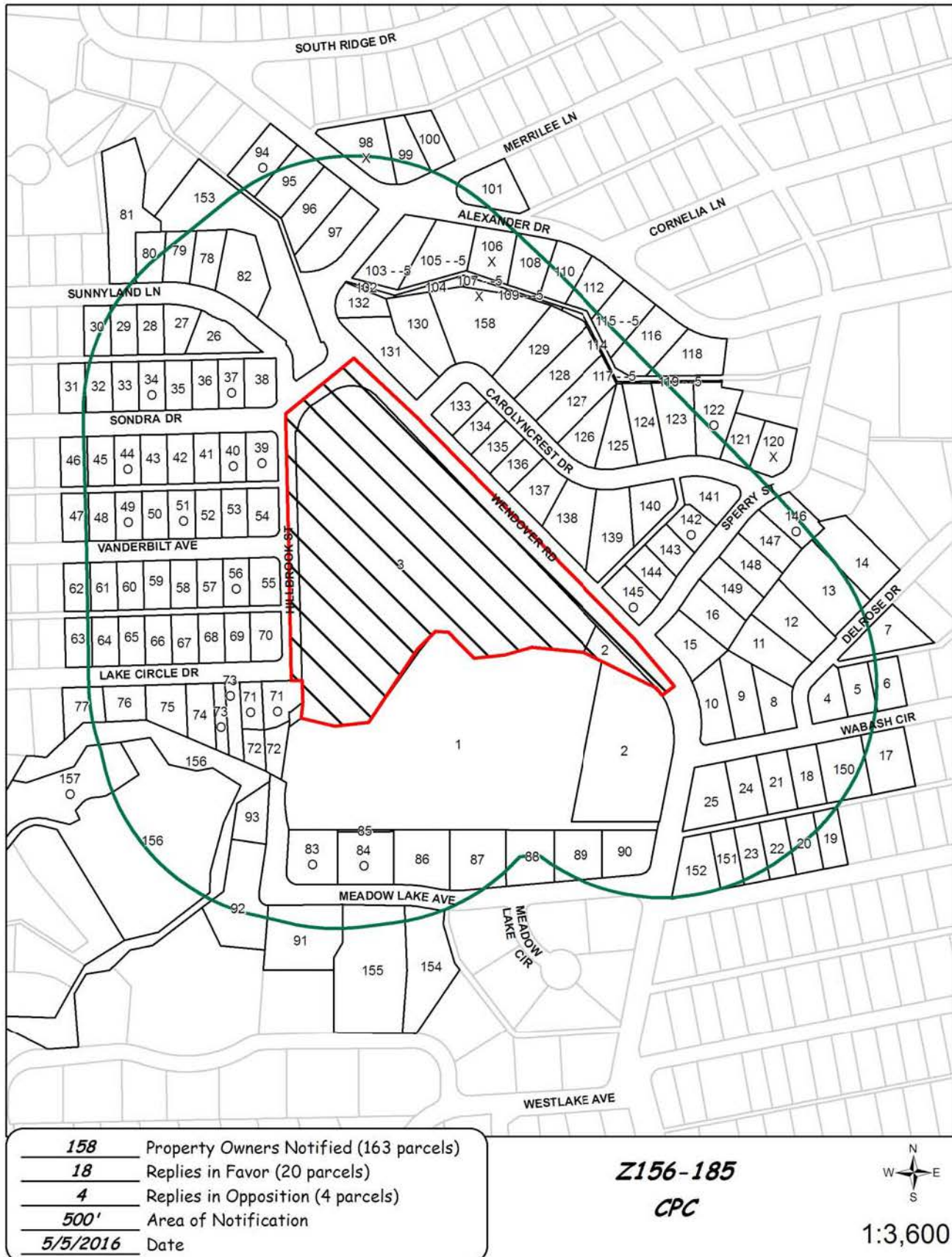








CPC RESPONSES



Notification List of Property Owners

Z156-185

158 Property Owners Notified 18 Property Owners in Favor 4 Property Owners Opposed

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
	1	3201 WENDOVER RD	PATTERSON DAN E
	2	3209 WENDOVER RD	PATTERSON DAN E
	3	3000 HILLBROOK ST	Dallas ISD
	4	6919 WABASH CIR	KURIAN BENJI & RACHEL
	5	6927 WABASH CIR	BURNAM ROBERT L III &
	6	6933 WABASH CIR	DOWDLE WESLEY P
	7	6928 DELROSE DR	PINSEL DAVID F
	8	6915 WABASH CIR	SCHERGER JOHN J & KAREN
	9	6911 WABASH CIR	FITZGERALD PATRICK F &
	10	6905 WABASH CIR	BRYAN JAMES L &
	11	6915 DELROSE DR	SOLARES BEATRICE
	12	6921 DELROSE DR	TARPLEY CURTIS DEAN &
	13	6927 DELROSE DR	NEWSOM PATSY
	14	6933 DELROSE DR	LUDWICK DAVID C
	15	3106 SPERRY ST	WEARDEN LAWRENCE A &
	16	3112 SPERRY ST	INGALLS CHARLES S III
	17	6932 WABASH CIR	WWW PROPERTIES LTD
	18	6918 WABASH CIR	CARTER MITCHELL W &
	19	6919 MEADOW LAKE AVE	WOMACK KATHERINE ALICE H
	20	6915 MEADOW LAKE AVE	SHUFF MARK P & JENNIFER T
	21	6914 WABASH CIR	BIXLER MARY M
	22	6911 MEADOW LAKE AVE	PHILLIPS SUSAN N
	23	6907 MEADOW LAKE AVE	TAYLOR WILLIAM R
	24	6910 WABASH CIR	MATUSEWICZ SUSAN BASCOMB
	25	6900 WABASH CIR	MCDANALD CONWAY L ETAL
	26	6730 SUNNYLAND LN	TREWITT KATHERINE R

05/17/2016

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
	27	6720 SUNNYLAND LN	COSTA JOHN M & LISA M
	28	6714 SUNNYLAND LN	KING ALLEN & MARILYN
	29	6708 SUNNYLAND LN	COOPER PAUL
	30	6702 SUNNYLAND LN	SMITH JOCELYN T & SEAN B
	31	6629 SONDR A DR	GENG JIN
	32	6701 SONDR A DR	DARBY JAMES &
	33	6709 SONDR A DR	HAYTER MARTIN JOHN & EMILY DAWN PRESSON
O	34	6713 SONDR A DR	FARRELL WILLIAM G & STACEY M
	35	6717 SONDR A DR	MCLEOD ADAM W
	36	6723 SONDR A DR	BRADFORD SCOTT A & JENNIFER W
O	37	6729 SONDR A DR	BERINHOUT NEAL & SHARON A
	38	6735 SONDR A DR	TOLIA VEERAL & DEEPTI
O	39	6732 SONDR A DR	BATJER HENRY H III & JANET
O	40	6728 SONDR A DR	BARRETT JAMES A & KARYN M
	41	6722 SONDR A DR	FIFE JEREMY D & JENNIFER S
	42	6716 SONDR A DR	VANDIJK LISA M & CHRISTIAN T VAN DIJK
	43	6712 SONDR A DR	CHU JAY & SMITH DIANE
O	44	6706 SONDR A DR	BURCH MICAH & MELISSA
	45	6702 SONDR A DR	SPIGEL JOE & CYNTHIA
	46	6628 SONDR A DR	CAMPAGNA ANTHONY J &
	47	6629 VANDERBILT AVE	ARRA PHILIP A JR & PIPER
	48	6701 VANDERBILT AVE	CORR LAUREN MARIE
O	49	6709 VANDERBILT AVE	MARLOWE ABIGAIL &
	50	6713 VANDERBILT AVE	WIKE DOUGLAS & PAM
O	51	6717 VANDERBILT AVE	DABDOUB ALAN
	52	6723 VANDERBILT AVE	VANDERBERG MICHAEL R & AMANDA M
	53	6729 VANDERBILT AVE	KISTLER MARILYN C TR
	54	6733 VANDERBILT AVE	HARMAN JEREMY & JULIA
	55	6732 VANDERBILT AVE	HALVERSON CHRISTOPHER R &
O	56	6728 VANDERBILT AVE	ELKMAN SCOTT L & AIME
	57	6722 VANDERBILT AVE	MOORE GREGORY B & STEPHANIE Z

05/17/2016

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
	58 6716	VANDERBILT AVE	MARAZIO JOHN A JR
	59 6712	VANDERBILT AVE	FERGUSON MICHAEL DON II & SHANEL
	60 6708	VANDERBILT AVE	TANEJA RISHI &
	61 6700	VANDERBILT AVE	PIPPEN JOHN & PATRICIA
	62 6628	VANDERBILT AVE	HANSSEN CHRISTOPHER J
	63 6629	LAKE CIRCLE DR	SOTIROPOULOS
	64 6701	LAKE CIRCLE DR	LATIN RICHARD H & MONICA
	65 6707	LAKE CIRCLE DR	QUIRAM DAVID J & GINA
	66 6713	LAKE CIRCLE DR	NELSON KEVIN & JULIE
	67 6717	LAKE CIRCLE DR	NOCKELS JONATHAN A & DEBRA
	68 6723	LAKE CIRCLE DR	STEINSHNIDER ROBIN M
	69 6729	LAKE CIRCLE DR	WELLS MELANIE J & ROBERT LOFTUS
	70 6733	LAKE CIRCLE DR	MANNING LAWRENCE & JULIA
O	71 6732	LAKE CIRCLE DR	MAPLEHILL RESIDENTIAL LLC
	72 6732	LAKE CIRCLE DR	PATTERSON DAN E
O	73 6724	LAKE CIRCLE DR	EGAN KERN W & ABBY M
	74 6716	LAKE CIRCLE DR	STEPHENSON MICHAEL C &
	75 6712	LAKE CIRCLE DR	CORREA PEDRO & JENNIFER
	76 6706	LAKE CIRCLE DR	MINITAS COMPANY SA
	77 6628	LAKE CIRCLE DR	LUECKE LAURA E
	78 6723	SUNNYLAND LN	ROSEWOOD CUSTOM BUILDERS LLC
	79 6719	SUNNYLAND LN	PALAMAR KATHERINE S &
	80 6715	SUNNYLAND LN	CAMPITI ANTHONY J &
	81 6709	SUNNYLAND LN	SMITH MICHAEL E &
	82 6727	SUNNYLAND LN	THE TREWITT TRUST
O	83 6707	MEADOW LAKE AVE	JOHNSON WILLIAM B
O	84 6717	MEADOW LAKE AVE	DODSON LIVING TRUST THE
	85 6717	MEADOW LAKE AVE	PATTERSON DAN & GAIL THOMA
	86 6727	MEADOW LAKE AVE	ROBINSON GEORGE H
	87 6737	MEADOW LAKE AVE	FRANKENFELD ROBERT PAUL &
	88 6807	MEADOW LAKE AVE	COFFEY SPENCER & NANCY

05/17/2016

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
	89 6825	MEADOW LAKE AVE	BURGARD EDWIN F &
	90 6839	MEADOW LAKE AVE	MARSAN THOMAS J &
	91 6700	MEADOW LAKE AVE	BERG DOUGLAS E & MEGHAN M
	92 6705	MEADOW LAKE AVE	LEWIS JERRY M & PAT RUTH
	93 6705	MEADOW LAKE AVE	PATTERSON DAN
O	94 6722	ALEXANDER DR	ROBERTS JOAN
	95 6730	ALEXANDER DR	GRAHAM SIDNEY L &
	96 6738	ALEXANDER DR	WIGGINS HARVEY W JR
	97 6744	ALEXANDER DR	DROEMER MICHAEL
X	98 6741	ALEXANDER DR	DURST PHILIP & SHANNON
	99 6747	ALEXANDER DR	PICKELL AARON JAMES & LARK
	100 6815	MERRILEE LN	NGUYEN TIEN
	101 6808	MERRILEE LN	SLAUGHTER REID & JOSLIN M
	102 6804	ALEXANDER DR	FARNER F NATHAN &
	103 6804	ALEXANDER DR	FARNER F NATHAN &
	104 6814	ALEXANDER DR	GIBSON GERALD P
	105 6814	ALEXANDER DR	GIBSON GERALD P
X	106 6822	ALEXANDER DR	SCHMIDT ROBERT D & CAROLYN RAE
X	107 6822	ALEXANDER DR	SCHMIDT ROBERT D & CAROLYN RAE
	108 6830	ALEXANDER DR	POST MAX H
	109 6830	ALEXANDER DR	POST MAX H
	110 6838	ALEXANDER DR	LLOYD SCOTT & KRISTINE E
	111 6838	ALEXANDER DR	LLOYD SCOTT & KRISTINE E
	112 6902	ALEXANDER DR	KARNOWSKI JOHN M & ANN A
	113 6902	ALEXANDER DR	KARNOWSKI JOHN M & ANN A
	114 6910	ALEXANDER DR	GARCIA JOAQUIN JR
	115 6910	ALEXANDER DR	GARCIA JOAQUIN JR
	116 6918	ALEXANDER DR	DAHLMAN TERREL W JR
	117 6918	ALEXANDER DR	DAHLMAN TERREL W JR
	118 6926	ALEXANDER DR	WOLTJEN KEVIN & ANGIE
	119 6926	ALEXANDER DR	WOLTJEN KEVIN & ANGIE

05/17/2016

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
X	120	6893 CAROLYNCREST DR	DUNN DOUGLAS
	121	6887 CAROLYNCREST DR	CRAWFORD JEAN
O	122	6881 CAROLYNCREST DR	WANSTRATH GEORGE M & MARTHA B
	123	6875 CAROLYNCREST DR	GRIFFITH GARY E &
	124	6869 CAROLYNCREST DR	WRIGHT WEIL 2001 FAMILY
	125	6863 CAROLYNCREST DR	MALONEY JOHN W & JUDITH A
	126	6853 CAROLYNCREST DR	KELLER JOHN T
	127	6845 CAROLYNCREST DR	MOORE PATSY SUE
	128	6839 CAROLYNCREST DR	MILLS MONTAGUE S
	129	6833 CAROLYNCREST DR	TRUITT TOM
	130	6815 CAROLYNCREST DR	DEMARCO CATHERINE R & JOHN J
	131	6805 CAROLYNCREST DR	HAY GILBERT R
	132	6790 MERRILEE LN	SANDERS DOUG
	133	6828 CAROLYNCREST DR	SHALAN GREGG A
	134	6834 CAROLYNCREST DR	LAFLEUR ROSS
	135	6840 CAROLYNCREST DR	KAUFMAN RACHEL LEIDNER &
	136	6846 CAROLYNCREST DR	SCOTT JAMES & ELIZABETH
	137	6852 CAROLYNCREST DR	DUNLAP DOROTHY
	138	6858 CAROLYNCREST DR	HARDIE GEORGE W III
	139	6862 CAROLYNCREST DR	SCRUGGS GRANGER R
	140	6870 CAROLYNCREST DR	COCHRAN CAROLYN ANN C
	141	3129 SPERRY ST	STEELE SUSAN D TR
O	142	3123 SPERRY ST	MOSLEY JESSE WILLIAM
	143	3117 SPERRY ST	BUNCH DAVID ALAN
	144	3111 SPERRY ST	MCWHORTER ALTON G &
O	145	3105 SPERRY ST	VARKER BRIAN ALAN
O	146	3136 SPERRY ST	BOWEN SHANE M & CORY L
	147	3130 SPERRY ST	MARTIN DANIEL & STACY
	148	3124 SPERRY ST	HUCH JOSEPH H
	149	3118 SPERRY ST	YEAGER KARON BURK
	150	6922 WABASH CIR	PRITCHARD JAMES C &

Z156-185(WE)

05/17/2016

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
	151 6903	MEADOW LAKE AVE	ALEXANDER ROBERT BENJAMIN &
	152 3100	WENDOVER RD	MURRAY MARK D & DEBRA B
	153 3435	WENDOVER RD	WILSON NORMA JUNE
	154 6726	MEADOW LAKE AVE	STEWART ALLEN M &
	155 6835	WESTLAKE AVE	MILLER HIPPS FAMILY TRUST
	156 10	NONESUCH RD	LOVVORN MARK E &
O	157 12	NONESUCH RD	CREE RICHARD E & ANNE W
	158 6821	CAROLYNCREST DR	MASON GEORGE & KIM

AGENDA ITEM # 53

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: June 15, 2016

COUNCIL DISTRICT(S): 2

DEPARTMENT: Sustainable Development and Construction

CMO: Ryan S. Evans, 671-9837

MAPSCO: 46 L

SUBJECT

A public hearing to receive comments regarding an application for and an ordinance granting an MU-1 Mixed Use District on property zoned a CS Commercial Service District on the west corner of Stonewall Street and South Haskell Avenue
Recommendation of Staff and CPC: Approval
Z156-215(OTH)

FILE NUMBER: Z156-215(OTH)

DATE FILED: February 26, 2016

LOCATION: West corner of Stonewall Street and South Haskell Avenue.

COUNCIL DISTRICT: 2

MAPSCO: 46-L

SIZE OF REQUEST: Approx. 0.1717 acres

CENSUS TRACT: 25.00

APPLICANT / OWNER: Donald L. Ward

REQUEST: An application for an MU-1 Mixed Use District on property zoned a CS Commercial Service District.

SUMMARY: The applicant proposes to refurbish the existing two-story structure for a single family dwelling unit.

CPC RECOMMENDATION: Approval

STAFF RECOMMENDATION: Approval

GUIDING CRITERIA FOR STAFF RECOMMENDATION:

Staff recommends approval based upon:

1. *Performance impacts upon surrounding property* – The proposed zoning district will not have a negative impact upon surrounding properties. The property is adjacent to a vehicle service use and surrounded by residential, vacant, vehicle service uses and undeveloped.
2. *Traffic impact* – The proposed development is located on a principal arterial street. The proposed use of the property will not have a conflict with the existing street system.
3. *Comprehensive Plan or Area Plan Conformance* – The forwardDallas! Comprehensive Plan states that this area is within the Urban Neighborhood Building Block. The requested zoning district is consistent with the Urban Neighborhood Building Block. Staff believes having a residential use on the property is consistent with the Comprehensive Plan.

Zoning History: There has been one zoning change in the vicinity within the last five years.

1. **Z145-330** On November 10, 2015, City Council approved an MF-1(A) Multifamily District on property zoned an NS(A) Neighborhood Service District on property located at 925 South Carroll Avenue.

Thoroughfares/Streets:

Thoroughfare/Street	Type	Existing ROW
S. Haskell Avenue	Principal Arterial	55 feet
Stonewall Street	Principal Arterial	50 feet

STAFF ANALYSIS:

Comprehensive Plan:

The forwardDallas! Comprehensive Plan was adopted by the City Council in June 2006. The forwardDallas! Comprehensive Plan outlines several goals and policies which can serve as a framework for assisting in evaluating the applicant's request. The Plan classifies the area as Urban Neighborhood Building Block.

Urban Neighborhoods including Oak Lawn, the Grand Avenue area in South Dallas, the area near Jefferson Boulevard and the Vickery Meadow area, are predominately residential but are distinguished from other neighborhoods by the wide variety of

housing options they provide and easy access to public transit. Housing choices should include single-family detached dwellings, townhomes and low- to midrise condominiums or apartments. These neighborhoods will have concentrations of shops and offices along key corridors or at key intersections, providing important services and job opportunities within walking distance of residences. These areas may have mixed-use buildings with ground floor shops. Areas currently developed with single-family or duplex uses should generally be maintained unless redevelopment is addressed through an Area Planning process. Urban Neighborhood streets will be very pedestrian friendly, providing excellent connectivity to shopping, schools and other community services. Emphasis should be placed on slowing traffic through use of on-street parking and other similar traffic calming measures. Public investments in these areas will focus on parks, pathways, transit stops, pedestrian-oriented landscaping and road improvements.

The proposed zoning district generally conforms to the Comprehensive Plan.

Surrounding Land Uses:

	Zoning	Land Use
Site	CS	Vacant buildings
North	CS, P(A), CH	Residential and undeveloped
East	CS	Auto related uses, undeveloped & vacant
South	CS	Auto related uses, undeveloped & vacant
West	CS	Auto related uses, undeveloped & vacant

Land Use Compatibility:

The request site is comprised of three lots which have an approximately 700 square foot vacant structure with no record of the last use, which the applicant is utilizing for his hobby and exercise room; the second lot is developed with an approximately 2,400 square foot, two-story building; the third lot is undeveloped. The applicant is proposing to refurbish the existing two-story structure for a single family dwelling unit. The applicant's desire is to combine the structures and make a dwelling unit with a library for collectibles, exercise room, family/game room. The applicant is in the process of getting building permits to refurbish the property. The property is surrounded by some vacant and undeveloped lots, residential development to the north and some auto related uses.

Parking:

Pursuant to the Dallas Development Code, off-street parking must be provided in accordance with Division 51A-4.200 for the specific off-street parking and loading requirements for each use. A single family unit will be required to provide two parking spaces when located in a mixed use district. The applicant will be providing the required parking once the property is refurbished.

Z156-215(OTH)

Landscaping:

All landscaping for any development must comply with the requirements of Article X.

CPC ACTION:
May 5, 2016

Motion: It was moved to recommend **approval** of an MU-1 Mixed Use District on property zoned a CS Commercial Service District on the west corner of Stonewall Street and South Haskell Avenue.

Maker: Ridley
Second: Murphy
Result: Carried: 10 to 0

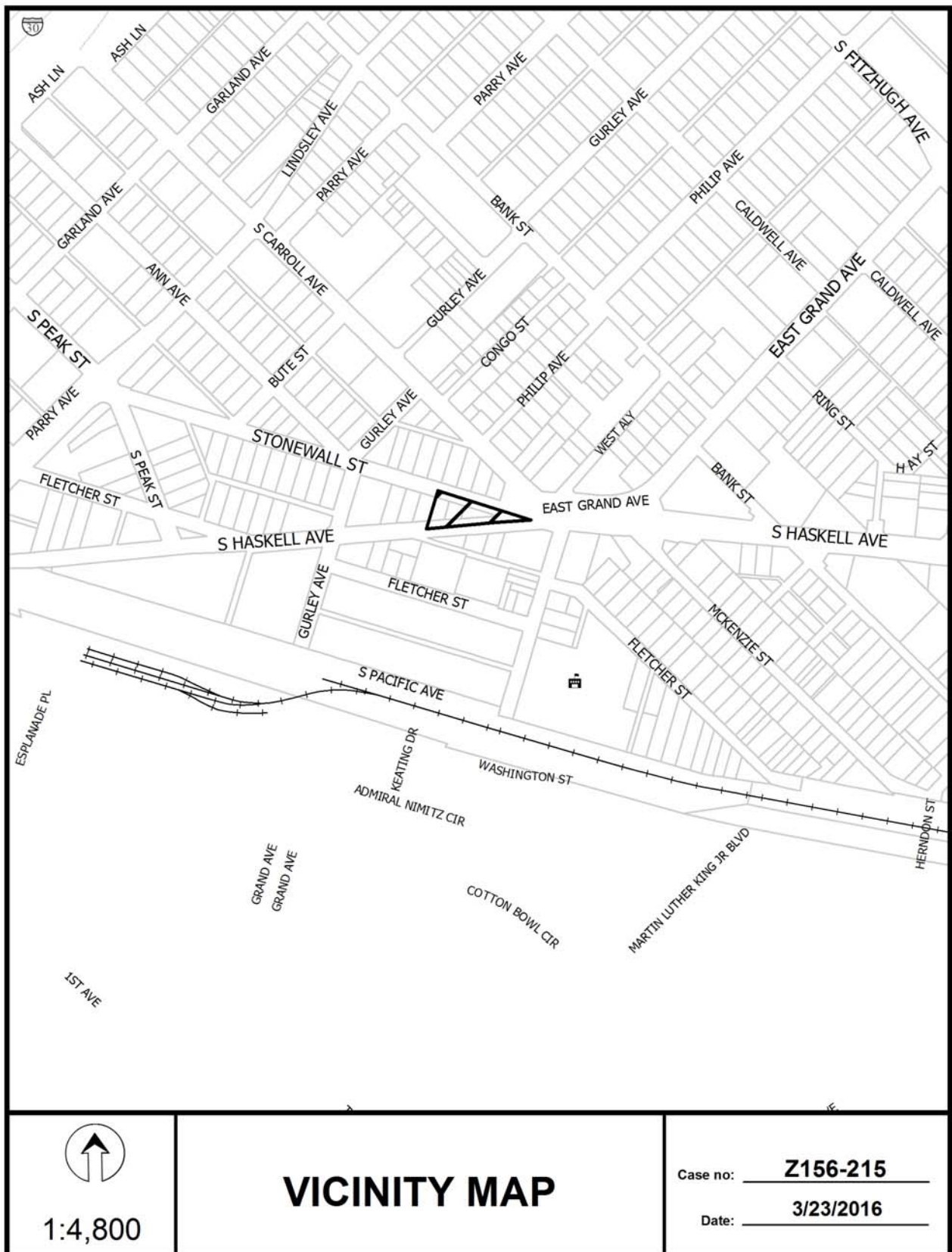
For: 10 - Houston, Davis, Shidid, Abtahi, Haney, Jung,
Housewright, Peadon, Murphy, Ridley

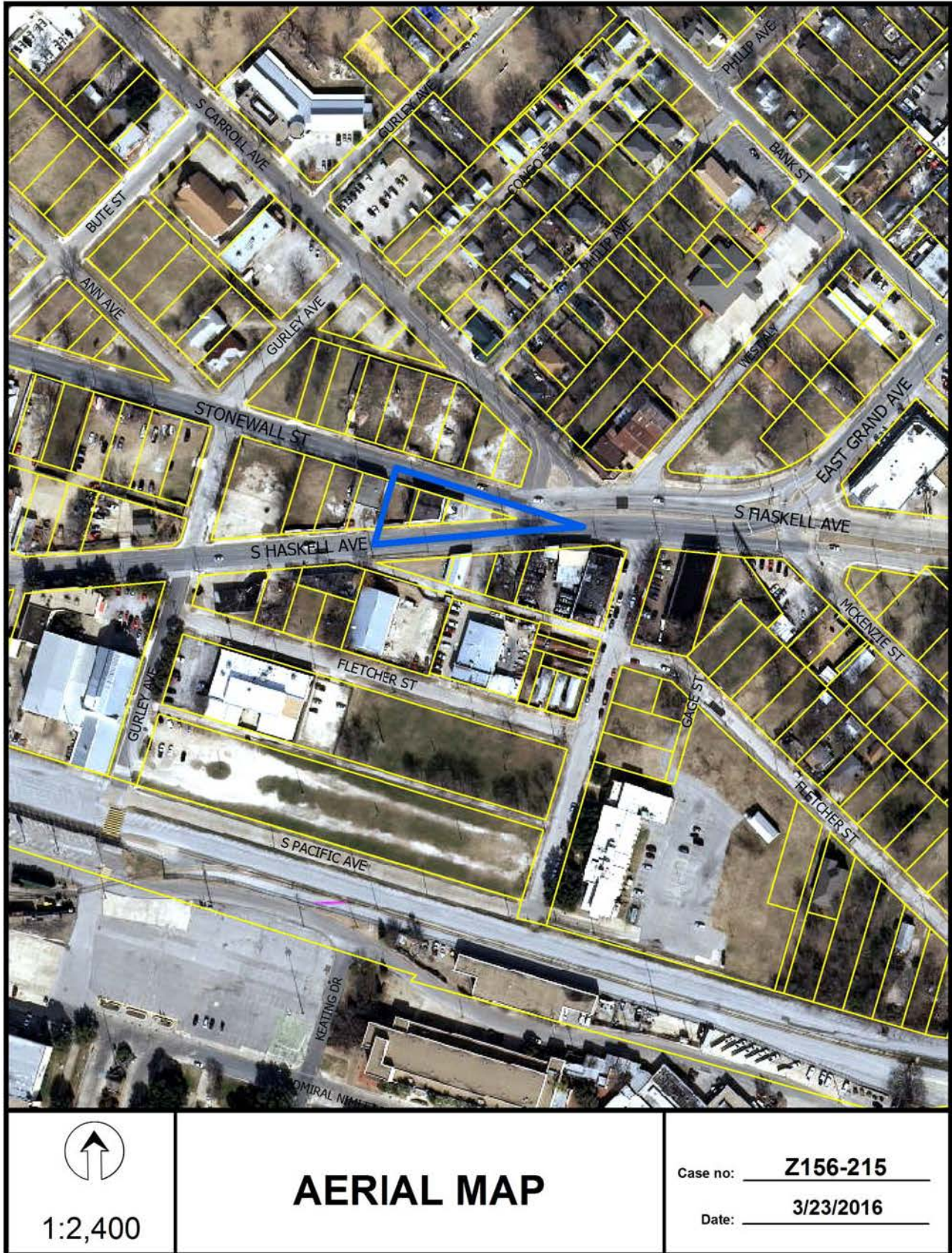
Against: 0
Absent: 4 - Anglin, Anantasomboon, Schultz, Tarpley
Vacancy: 1 - District 2

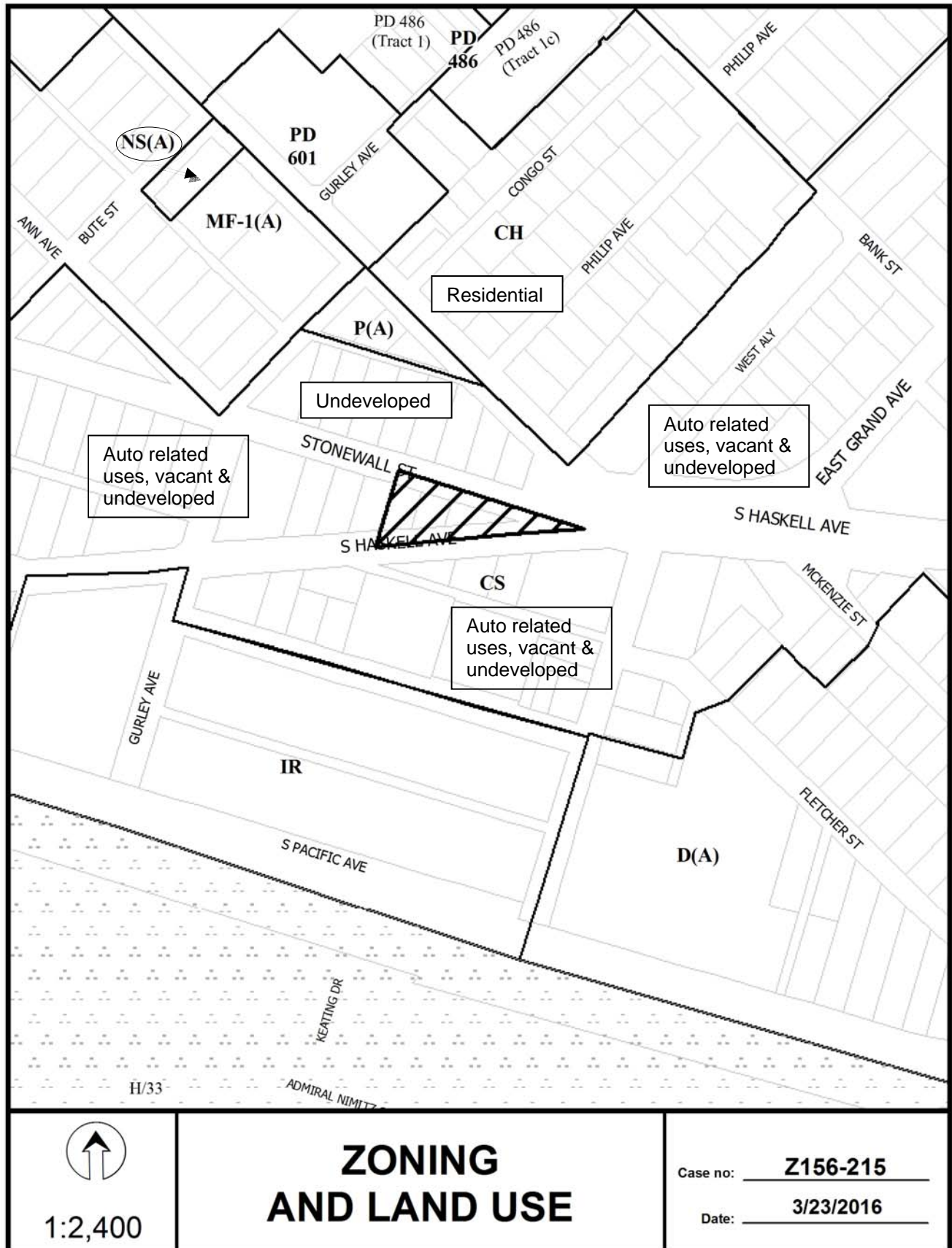
Notices:	Area: 200	Mailed: 29
Replies:	For: 0	Against: 1

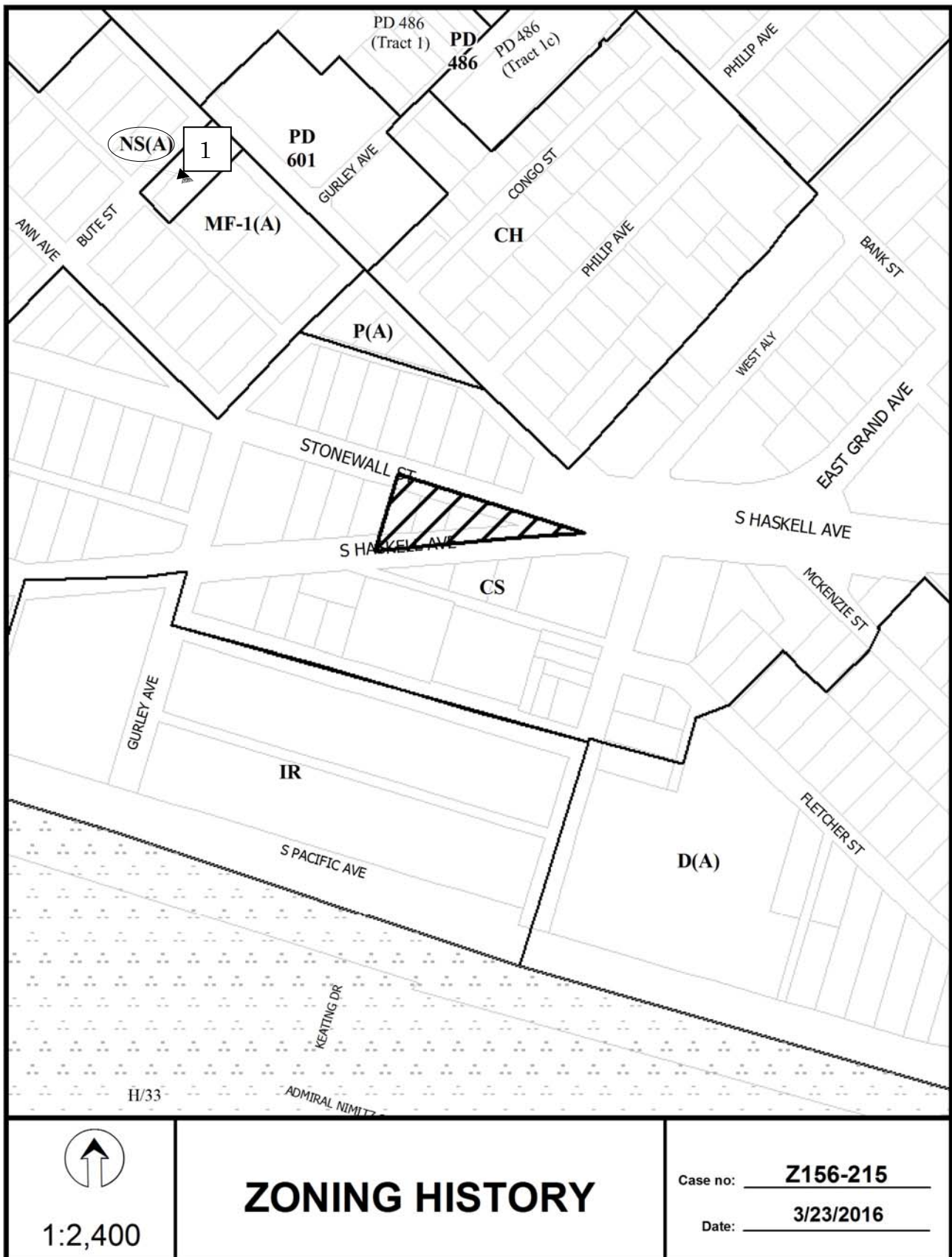
Speakers: None

Z156-215(OTH)









ZONING HISTORY

Case no: **Z156-215**
Date: **3/23/2016**

CPC RESPONSES



05/04/2016

Reply List of Property Owners***Z156-215******29 Property Owners Notified******0 Property Owners in Favor******1 Property Owners Opposed***

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
	1	1134 STONEWALL ST	LEWIS GRADY JOHN
	2	1114 STONEWALL ST	LEWIS GRADY JOHN
	3	1105 S CARROLL AVE	EAST DALLAS CHURCH
	4	1109 S CARROLL AVE	EAST DALLAS CHURCH
	5	1102 STONEWALL ST	TOPLETZ INVESTMENTS
	6	1106 STONEWALL ST	JOHNSON DON
	7	1112 STONEWALL ST	GONZALEZ NOE O
	8	1100 S HASKELL AVE	MSC I LTD
	9	1110 S HASKELL AVE	TRS ASSET PARTNERS LTD
	10	1127 S HASKELL AVE	MANZANARES PILAR & ANSELMO
	11	1141 S HASKELL AVE	MANZANARES PILAR & ANSELMO
X	12	1155 S HASKELL AVE	JOHNSON KENNETH M
	13	1101 S HASKELL AVE	LOPEZ FERMIN & GLORIA
	14	1111 S HASKELL AVE	WELCOME HOUSE INC
	15	1112 FLETCHER ST	BERRY MURDINE
	16	1121 S HASKELL AVE	GURROLA SANDRA NANCY
	17	1116 FLETCHER ST	MALLET CHARLES JR
	18	1124 FLETCHER ST	CERVIN BENNETT W
	19	1144 FLETCHER ST	TOPLETZ HAROLD ET AL
	20	4307 EAST GRAND AVE	WILLIAMS THOMAS J
	21	4305 EAST GRAND AVE	TOPLETZ JACK M ET AL
	22	4309 EAST GRAND AVE	WILLIAMS ROY F & MARY L
	23	1203 S HASKELL AVE	MOXIE INVESTMENTS LTD
	24	1110 S CARROLL AVE	MACIAS ALFONSE & ANDREA
	25	1112 S CARROLL AVE	PHILLIPS DAMON
	26	4500 PHILIP AVE	ORTIZ NORMA

Z156-215(OTH)

05/04/2016

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
	27	4500 WEST ALLEY PL	LUONG JOE
	28	1136 FLETCHER ST	PARKERSON ACME SIGN CO
	29	4518 WEST AVE	GOOLSBY WILLARD J

AGENDA ITEM # 54

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: June 15, 2016

COUNCIL DISTRICT(S): 14

DEPARTMENT: Sustainable Development and Construction

CMO: Ryan S. Evans, 671-9837

MAPSCO: 35 X

SUBJECT

A public hearing to receive comments regarding an application for and an ordinance granting a Planned Development Subdistrict for GR General Retail Subdistrict uses on property zoned a GR General Retail Subdistrict within Planned Development District No. 193, the Oak Lawn Special Purpose District on the north corner of Oak Lawn Avenue and Bowser Avenue

Recommendation of Staff and CPC: Approval, subject to a development plan and conditions

Z156-220(WE)

FILE NUMBER: Z156-220(WE) **DATE FILED:** February 29, 2016

LOCATION: North corner of Oak Lawn Avenue and Bowser Avenue

COUNCIL DISTRICT: 14 **MAPSCO:** 35X

SIZE OF REQUEST: Approx. 0.77 acres **CENSUS TRACT:** 6.06

APPLICANT / OWNER: Asset Management Associates, LLC

REPRESENTATIVE: Jonathan Vinson, Jackson Walker LLP

REQUEST: An application for a Planned Development Subdistrict for GR General Retail Subdistrict uses on property zoned a GR General Retail Subdistrict within Planned Development District No. 193, the Oak Lawn Special Purpose District.

SUMMARY: The purpose of this request is to modify the parking ratio for an existing two-story structure that is being used solely for medical clinic uses. The modification in the parking ratio will reflect the existing parking spaces on site. The applicant contends that the site contains adequate parking for the current uses.

CPC RECOMMENDATION: Approval, subject to a development plan and conditions.

STAFF RECOMMENDATION: Approval, subject to a development plan and conditions.

GUIDING CRITERIA FOR RECOMMENDATION:

1. *Performance impacts upon surrounding property* – The site is currently developed with a two-story, 17,548 square foot building that is being primarily used for medical uses. The reduction in the off-street parking to address only the parking for the medical uses should not have any negative impact on the surrounding uses. The applicant is proposing to modification the parking ratio for medical clinic uses only in order to reflect the parking on site. Any other uses that receive a certificate of occupancy will have to comply with the off-street parking regulations per Code.
2. *Traffic impact* – The applicant submitted a parking analysis demand report and the Engineering Section of the Department of Sustainable Development and Construction determined that the request will not have a negative impact on the street system.
3. *Comprehensive Plan or Area Plan Conformance* – The *forwardDallas! Comprehensive Plan* shows that the request site is located in a Urban Neighborhood Building Block. The request is in compliance with the Comprehensive Plan.
4. *Justification for PDS Planned Development District* as opposed to a straight zoning district. – The request site was developed with an office building and met the development standards under the GR General Retail Subdistrict regulations. Due the specific type of medical clinic uses that are operating within the building and the amount of parking demand each use requires, the applicant's request for a reduction in the parking regulations cannot be met by straight zoning. The Planned Development Subdistrict will only address the parking reduction for medical clinic uses. Any other use permitted in the GR General Retail Subdistrict will have to comply with the off-street parking regulations per code.

BACKGROUND INFORMATION:

- The site is developed with a two-story 17,548 square foot office building that is being used primarily with medical type uses. The site is surrounded by residential and retail uses.

Zoning History: There have not been any zoning changes in the surrounding area in the last five years.

Thoroughfares/Streets:

Thoroughfare/Street	Type	Existing ROW	Proposed ROW
Oak Lawn Avenue	Principal Arterial	80 ft.	80 ft.
Bowser Avenue	Local	70 ft.	70 ft.

Traffic: The Engineering Section of the Department Sustainable Development and Construction has reviewed the parking analysis and determined that it will not have a detrimental impact on the surrounding street system.

COMPREHENSIVE PLAN: The forwardDallas! Comprehensive Plan was adopted by the City Council in June 2006. The forwardDallas! Comprehensive Plan outlines several goals and policies which can serve as a framework for assisting in evaluating the applicant's request. The Plan identifies the request site as being in an Urban Neighborhood Building Block. The proposed development is in compliance with the forwardDallas! Comprehensive Plan.

Urban Neighborhoods, including Oak Lawn, the Grand Avenue area in South Dallas, the area near Jefferson Boulevard and the Vickery Meadow area, are predominately residential but are distinguished from other neighborhoods by the wide variety of housing options they provide and easy access to public transit. Housing choices should include single-family detached dwellings, townhomes and low- to midrise condominiums or apartments. These neighborhoods will have concentrations of shops and offices along key corridors or at key intersections, providing important services and job opportunities within walking distance of residences. These areas may have mixed-use buildings with ground floor shops. Areas currently developed with single-family or duplex uses should generally be maintained unless redevelopment is addressed through an Area Planning process. Urban Neighborhood streets will be very pedestrian friendly, providing excellent connectivity to shopping, schools and other community services. Emphasis should be placed on slowing traffic through use of on-street parking and other similar traffic calming measures. Public investments in these areas will focus on parks, pathways, transit stops, pedestrian-oriented landscaping and road improvements.

STAFF ANALYSIS:

Land Use:

	Zoning within PDD No. 193	Land Use
Site	GR	Office building
Northeast	MF-2	Multiple family, Single Family
Southeast	GR, PDS No. 121	Office, Retail
Southwest	GR, P	Retail, surface parking
Northwest	MF-2	Multiple family

Development Standards:

<u>DISTRICT</u>	<u>SETBACKS</u>		Density	Height	Lot Coverage	Special Standards	PRIMARY Uses
	Front	Side/Rear					
GR General Retail	25'	0'	2:1 FAR	120'	40%		Residential, Community service, Medical uses, Personal, professional, and custom craft uses
PDD for GR General Retail	25'	0'	2:1 FAR	125'	45%	Parking for medical clinic uses 1 spaces per 300 sq. ft.	Residential, Community service, Medical uses, Personal, professional, and custom craft uses

Landscaping: Landscaping must be provided in accordance with Part I of PDD No. 193, the Oak Lawn Special Purpose District.

Parking: The applicant is requesting a parking reduction for all medical clinic uses on site. The site is currently development with a two-story office building and is occupied with a mix of medical uses. The reduction in the off-street parking requirement will only apply to medical clinic uses. Any other uses that are permitted within the Planned Development Subdistrict for GR General Retail Subdistrict uses will have to comply with the parking regulation standards for that specific main use.

The applicant is proposing a parking ratio of one space for each 300 square feet of gross floor area. The development code requires a parking ratio for medical clinic uses of one space for each 150 square feet of gross floor area. Based on the 17,548 square foot building the required off-street parking for the site is 117 spaces. The site is currently developed and is providing 66 spaces. Our Engineering staff has reviewed the demand report and supports the applicant's request for the parking ratio for the medical clinic uses.

CPC Action (May 5, 2016)

Motion: It was moved to recommend **approval** of a Planned Development Subdistrict for GR General Retail Subdistrict uses, subject to a development plan, and revised conditions with the following change: 1) Under Parking where stated “medical uses” it should read: “Medical Clinic uses”, only on property zoned a GR General Retail Subdistrict within Planned Development District No. 193, the Oak Lawn Special Purpose District on the north corner of Oak Lawn Avenue and Bowser Avenue.

Maker: Jung
Second: Houston
Result: Carried: 10 to 0

For: 10 - Houston, Davis, Shidid, Abtahi, Haney, Jung,
Housewright, Peadon, Murphy, Ridley

Against: 0
Absent: 4 - Anglin, Anantasomboon, Schultz, Tarpley
Vacancy: 1 - District 2

Notices:	Area: 500	Mailed: 375
Replies:	For: 2	Against: 1

Speakers: None

LIST OF OFFICIERS

- Herbert K. H. Lee, Jr. Managing Member
- Kelly Lee, Member
- Herbert Lee III, Member
- Gordon D. Lee, Member
- Rusty S. Lee, Member
- Ronald P. Berlin, Asset Manager

CPC PROPOSED PDS CONDITIONS

ARTICLE.

SEC. S-____.101. LEGISLATIVE HISTORY.

PD Subdistrict _____ was established by Ordinance No. _____, passed by the Dallas City Council on _____, 2016.

SEC. S-____.102. PROPERTY LOCATION AND SIZE.

PD Subdistrict _____ is established on property generally fronting on the west line of Oak Lawn Avenue, the north line of Bowser Avenue (the "Property"). The size of PD Subdistrict _____ is approximately 0.77 acres.

SEC. S-____.103. DEFINITIONS AND INTERPRETATIONS.

Unless otherwise stated, the definitions and interpretations in Chapter 51 and Part I of this article apply to this division. In the event of a conflict, this division controls. In the event of a conflict between Chapter 51 and Part I of this article, Part I of this article controls.

(a) In this division, SUBDISTRICT means a subdistrict of PD 193.

(c) Unless otherwise stated, all references to articles, divisions, or sections in this division are to articles, divisions, or sections in Chapter 51.

(d) This subdistrict is considered to be a nonresidential zoning district.

SEC. S-____.104. DEVELOPMENT PLAN.

Development and use of the Property must comply with the development plan (Exhibit S-____A). In the event of a conflict between the text of this division and development plan, the text of this division controls.

SEC. S-____.105. MAIN USES PERMITTED.

(a) Subject to Subsec. S-____.105(b) below, the only main uses permitted in this subdistrict are those main uses permitted in the GR, General Retail Subdistrict, subject to the same conditions applicable in the GR, General Retail Subdistrict, as set out in Part I of this article. For example, a use permitted in the GR, General Retail Subdistrict only by specific use permit (SUP) is permitted in this subdistrict only by SUP; a use subject to development impact review (DIR) in the GR, General Retail Subdistrict is subject to DIR in this subdistrict; etc.

SEC. S-____.106. ACCESSORY USES.

An accessory use is permitted in any subdistrict in which the main use is permitted. Some specific accessory uses, however, due to their unique nature, are subject to additional regulations in Section 51P-193.108. For more information regarding accessory uses, consult Section 51P-193.108.

SEC. S-____.107. YARD, LOT, AND SPACE REGULATIONS.

Except as provided in this section, the yard lot and space regulations of the GR General Retail Subdistrict apply.

SEC. S-____.108. OFF STREET PARKING AND LOADING.

(a) Consult Part I of this article for the specific off-street parking and loading requirements for each use. Consult the off-street parking and loading regulations of PD 193 for information about off-street parking and loading generally.

(b) For medical clinic uses only. All medical clinic uses on the Property shall provide parking spaces at a ratio of one space per 300 square feet of floor area.

(c) Off-street loading may take place within the drive aisles of the off-street parking spaces on the Property.

SEC. S-____.109. ENVIRONMENTAL PERFORMANCE STANDARDS.

See Article VI

SEC. S-____.110. SIGNS.

Signs must comply with the provisions for business zoning districts in Article VII.

SEC. S-____.111. ADDITIONAL PROVISIONS.

(a) The Property must be properly maintained in a state of good repair and neat appearance.

(b) Development and use of the Property must comply with all federal and state laws and regulations, and with all ordinances, rules, and regulations of the city.

(c) Except as provided in this division or shown on the development plan, development and use of the Property must comply with Part I of this article.

SEC. S-____.115. COMPLIANCE WITH CONDITIONS.

(a) All paved areas, permanent drives, streets, and drainage structures, if any, must be constructed in accordance with standard city specifications, and completed to the satisfaction of the director of public works and transportation.

(b) The building official shall not issue a building permit to authorize work, or a certificate of occupancy to authorize the operation of a use, in this subdistrict until there has been full compliance with this division, the Dallas Development Code, the construction codes, and all other ordinances, rules, and regulations of the city.



WYCLIFF AVE
BOWSER CT

DOUGLAS AVE
CIELO CT

KNIGHT ST

THROCKMORTON ST

LEMMON AVE

RAWLINS ST

WELBORN ST

HOOD ST

CEDAR SPRINGS RD

DICKASON AVE

NEWTON AVE

IRVING AVE

OAK LAWN AVE

AVONDALE AVE

BLACKBURN ST

SYLVAN DR

NEWMAN AVE

TRAVIS ST

COLE AVE

CARLISLE PL

TURTLE CREEK BLVD

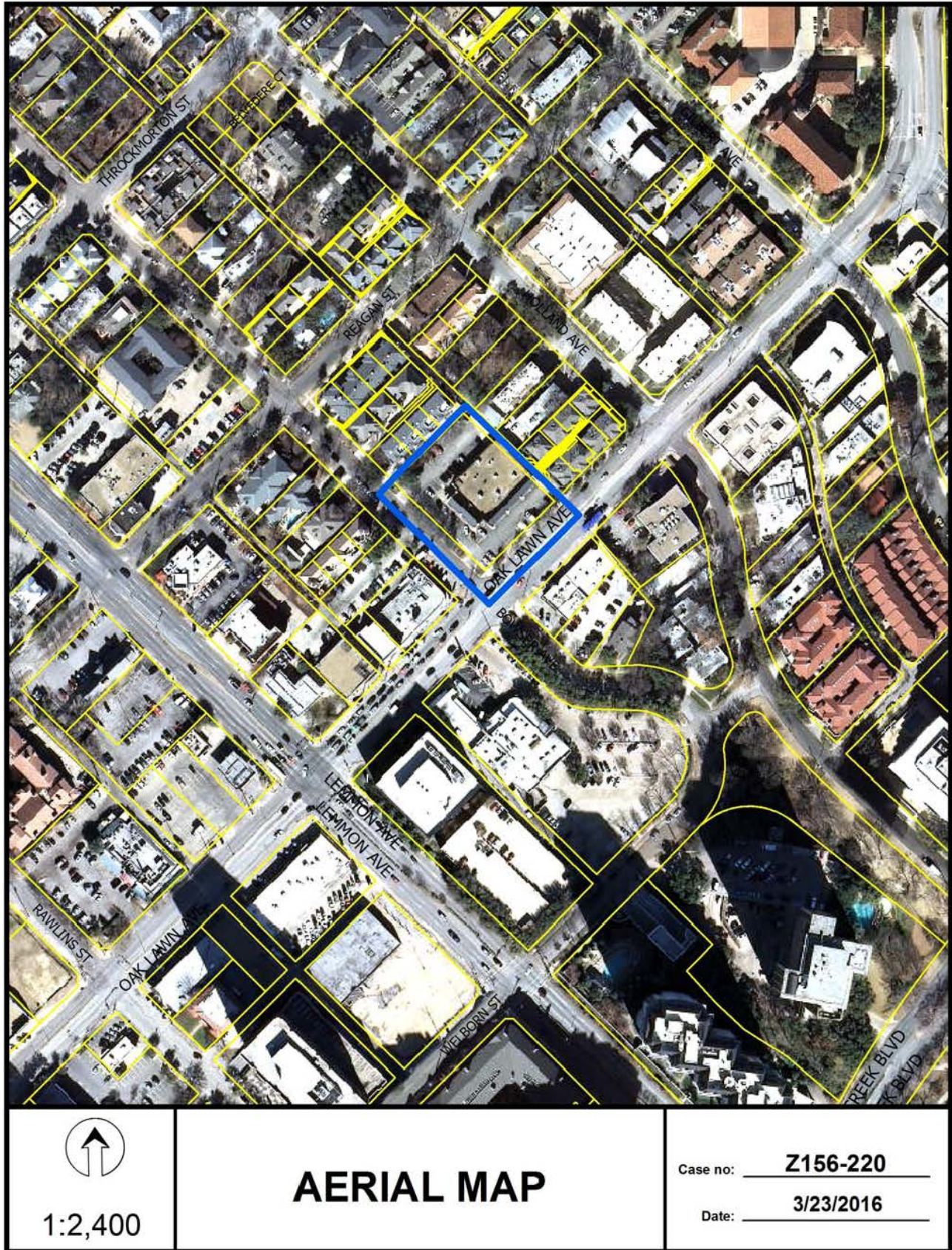
Town of Highland Park

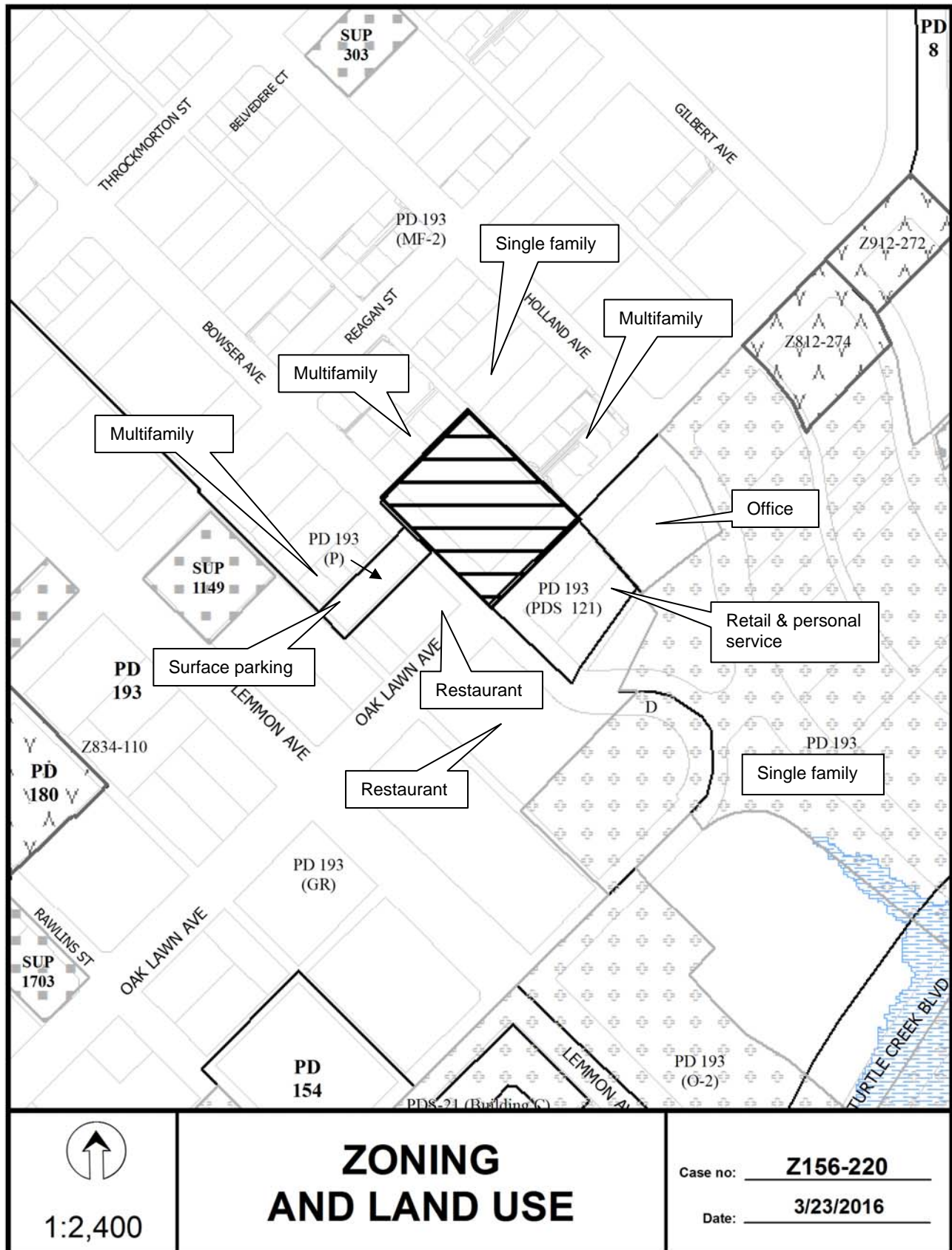
VICINITY MAP

1:6,000

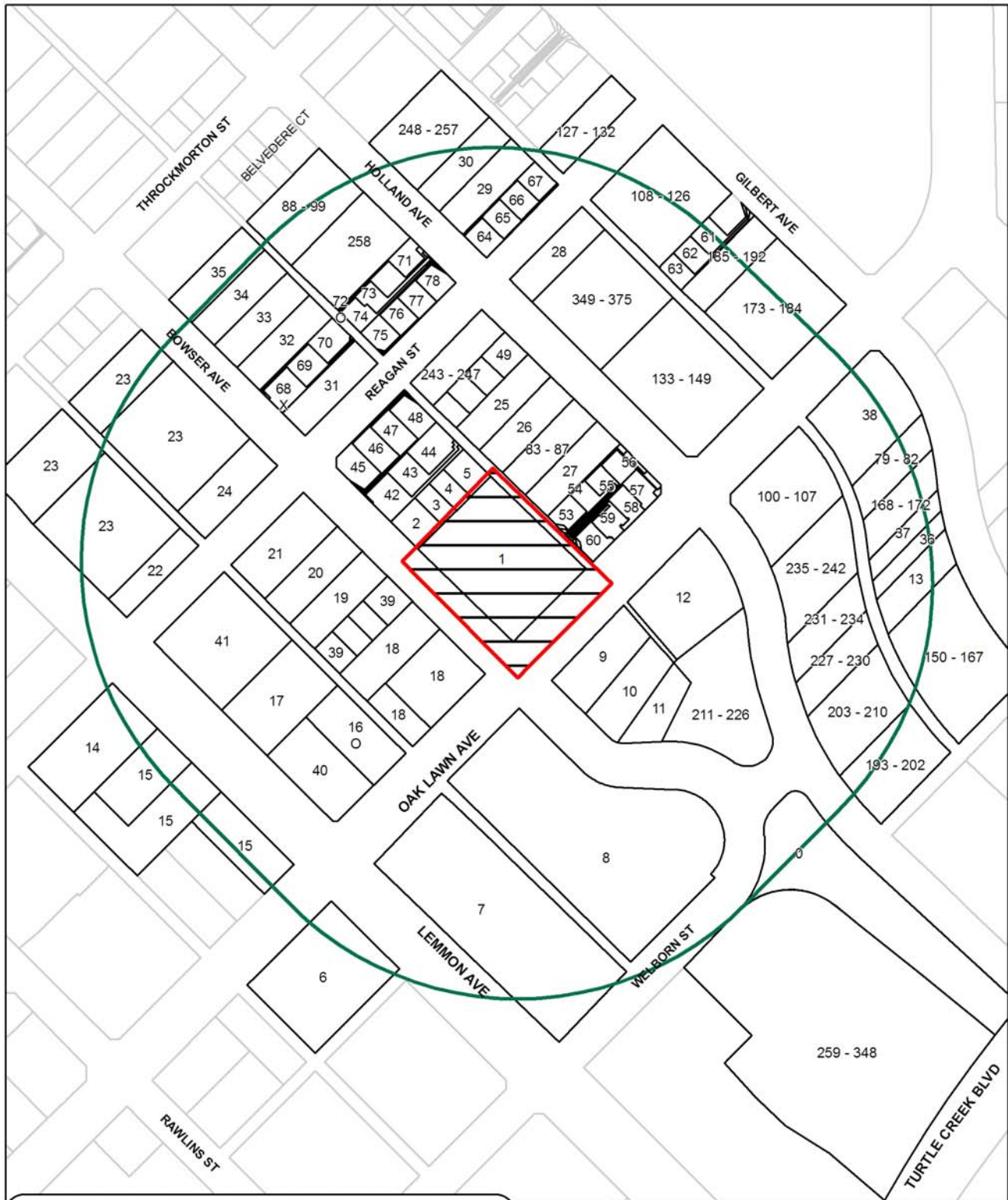
Case no: **Z156-220**

Date: **3/23/2016**





CPC RESPONSES



<u>375</u>	Property Owners Notified (111 parcels)
<u>2</u>	Replies in Favor (2 parcels)
<u>1</u>	Replies in Opposition (1 parcels)
<u>500'</u>	Area of Notification
<u>5/5/2016</u>	Date

Z156-220
CPC



1:2,400

Notification List of Property Owners

Z156-220

375 Property Owners Notified 2 Property Owners in Favor 1 Property Owners Opposed

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
	1	3607 OAK LAWN AVE	ASSET MANAGEMENT ASSOC
	2	3816 BOWSER AVE	SHIVER JAMES & MARGARET
	3	3816 BOWSER AVE	HURLEY PIERS A
	4	3816 BOWSER AVE	GOTO COLLIN S
	5	3816 BOWSER AVE	SIFERT TODD K
	6	3416 OAK LAWN AVE	SOUTHWEST BK TRUSTEE
	7	3500 OAK LAWN AVE	WESTDALE 3500 OAK LAWN LP
	8	3703 BOWSER AVE	PAPPAS RESTAURANTS INC
	9	3604 OAK LAWN AVE	LEWIS PAUL D NO 7
	10	3722 BOWSER AVE	LEWIS PAUL D LIMITED
	11	3716 BOWSER AVE	LEWIS PAUL D LIMITED PS # 7
	12	3624 OAK LAWN AVE	WAYFAIR CAPITAL PARTNERS
	13	3719 GILBERT AVE	SCHUSTER ELLEN JANE
	14	3827 LEMMON AVE	HASKELL LEMMON PTR LTD
	15	3817 LEMMON AVE	RP LEMMON PPTIES LP
O	16	3509 OAK LAWN AVE	OAK LAWN RETAIL ASSO LTD
	17	3812 LEMMON AVE	GSSW LEMMON OAKLAWN LLC
	18	3519 OAK LAWN AVE	3519 OAKLAWN PARTNERS LTD
	19	3821 BOWSER AVE	USOV SERGEY
	20	3825 BOWSER AVE	BURLACU VALENTIN &
	21	3827 BOWSER AVE	PHOL INVESTMENT INC
	22	3900 LEMMON AVE	PANOUSOPOULUS NICKOS
	23	3906 LEMMON AVE	OGM GROUP LLC
	24	3903 BOWSER AVE	OGM GROUP LLC
	25	3823 HOLLAND AVE	WREN JUSTIN
	26	3819 HOLLAND AVE	IRANI GIL

05/04/2016

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
	27	3811 HOLLAND AVE	NASH KEVIN
	28	3830 HOLLAND AVE	DOOLEY FRANCO
	29	3906 HOLLAND AVE	WESTFIELD JOHN D
	30	3910 HOLLAND AVE	JG REDIDENTIAL PROPERTIES LLC
	31	3900 BOWSER AVE	NEWCOMB ERIC B &
	32	3910 BOWSER AVE	VINCENT BENJAMIN J
	33	3914 BOWSER AVE	3914 BOWSER LLC
	34	3918 BOWSER AVE	MICHLIN JUDY
	35	3922 BOWSER AVE	GERMANY JAMES M
	36	3723 GILBERT AVE	PUELZ ROBERT L & AMY V
	37	3725 GILBERT AVE	GUION GARY DONELSON
	38	3738 OAK LAWN AVE	LA GRANGE ACQUISITION
	39	3817 BOWSER AVE	STERLING BOWSER DEV I LP
	40	3804 LEMMON AVE	GSSW LEMMON OAKLAWN LLC
	41	3826 LEMMON AVE	KLINE TRUST INV LTD
	42	3820 BOWSER AVE	CLARK JAMES DANA
	43	3822 BOWSER AVE	PATEL AMIT & AMISHA
	44	3824 BOWSER AVE	SANCHEZ FELIX & LOURDES
	45	3834 BOWSER AVE	GRIFFO BOB C
	46	3608 REAGAN ST	HAMILTON BILL T & DEBBIE
	47	3610 REAGAN ST	COTE DUANE LIVING TRUST
	48	3612 REAGAN ST	FOSTER PETERSON &
	49	3827 HOLLAND AVE	MACIAS RUBEN JR &
	50	3827 HOLLAND AVE	MADRIGAL ALICIA
	51	3827 HOLLAND AVE	MILLER SCOTT K
	52	3827 HOLLAND AVE	KAMPRATH KRISTIN
	53	3807 HOLLAND AVE	BELINKIE LUCAS &
	54	3805 HOLLAND AVE	MANTANI NIKHILESH R &
	55	3803 HOLLAND AVE	JOBIN THOMAS A & VIVIENNE L
	56	3801 HOLLAND AVE	JONES LAURIE E
	57	3637 OAK LAWN AVE	JONES LYNDE A

05/04/2016

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
	58	3633 OAK LAWN AVE	DAY KENNETH A
	59	3629 OAK LAWN AVE	WOODLIEF MARI
	60	3625 OAK LAWN AVE	JAMESON MICHAEL
	61	3819 GILBERT AVE	BORSCHOW MICHAEL A
	62	3819 GILBERT AVE	CLINCHY MARISSA A
	63	3819 GILBERT AVE	PALLA MARK J
	64	3701 REAGAN ST	MULLEN DAVID T
	65	3705 REAGAN ST	GRIFFIN JAMIE JOSEPH
	66	3709 REAGAN ST	THOMANN DANIEL & LYDIA
	67	3715 REAGAN ST	JMS OAKLAWN PROPERTY LLC
X	68	3902 BOWSER AVE	KIMMERLING AMY
	69	3904 BOWSER AVE	REHMATULLA ABDULAHAD ASIF
	70	3906 BOWSER AVE	OSGOOD JEFFREY S &
	71	3909 HOLLAND AVE	SOLOMON NIKKI
O	72	3907 HOLLAND AVE	ANDRADE DANTE G
	73	3905 HOLLAND AVE	HORTON PATRICIA E
	74	3903 HOLLAND AVE	STEINFELD ROBERT H
	75	3633 REAGAN ST	BOYER WILLIAM F III & TERESA BALL
	76	3637 REAGAN ST	RYBARSKI JOSEPH W &
	77	3641 REAGAN ST	DRAXLER GREGORY F
	78	3645 REAGAN ST	EULER JASON
	79	3731 GILBERT AVE	WATSON SCOTT
	80	3731 GILBERT AVE	LONGORIA RAMON JR
	81	3731 GILBERT AVE	KAUFMAN MICHAEL
	82	3731 GILBERT AVE	NELSON DEBRA D
	83	3815 HOLLAND AVE	HOLLAND 3815#1 LAND TRUST
	84	3815 HOLLAND AVE	WEBSTER ADRIAN
	85	3815 HOLLAND AVE	SMITH BRYAN D
	86	3815 HOLLAND AVE	PENDLETON JAMEIL
	87	3815 HOLLAND AVE	SCHEXNAYDER SHELLEY L
	88	3919 HOLLAND AVE	ROOSSIEN SEAN T

05/04/2016

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
	89	3919 HOLLAND AVE	ERNST AUVERN
	90	3919 HOLLAND AVE	COWLEY DOROTHY SUSAN
	91	3919 HOLLAND AVE	ROBBINS SHARON L
	92	3919 HOLLAND AVE	MAY LAURA
	93	3919 HOLLAND AVE	LEDESMA MICHAEL
	94	3919 HOLLAND AVE	BURNS DAN E
	95	3919 HOLLAND AVE	SHARMA NAMRATA
	96	3919 HOLLAND AVE	DEES ANNELIESE C
	97	3919 HOLLAND AVE	BISHOP JOE
	98	3919 HOLLAND AVE	WONG DIXON
	99	3919 HOLLAND AVE	BALDWIN CHRISTOPHER T
	100	3740 HOLLAND AVE	KAFKA TERRY B & JANET P
	101	3740 HOLLAND AVE	MCKEEBY PAULO &
	102	3740 HOLLAND AVE	PENNOCK ALBERT S LIV TR
	103	3740 HOLLAND AVE	MCPHERSON EDWARD R & SALLY T
	104	3740 HOLLAND AVE	MORRISON LIONEL B & SUSAN
	105	3740 HOLLAND AVE	RINEARSON LEIGH LIFE ESTATE
	106	3740 HOLLAND AVE	MCKOOL MOLLIE
	107	3740 HOLLAND AVE	LEE WILLIAM M &
	108	3825 GILBERT AVE	DRIVER MARY A
	109	3825 GILBERT AVE	HUNTER TANA L
	110	3825 GILBERT AVE	ACOX TIMOTHY W
	111	3825 GILBERT AVE	PYEATT MILDRED
	112	3825 GILBERT AVE	BINFORD JOSEPH INGRAM & ANN COLLINS
	113	3825 GILBERT AVE	RBT AMERICAN REALTY LLC
	114	3825 GILBERT AVE	GREWING CURTIS L
	115	3825 GILBERT AVE	WALLS SEANS
	116	3825 GILBERT AVE	CASTILLO DOMINGO Y
	117	3827 GILBERT AVE	RIVERA JENNIFER
	118	3825 GILBERT AVE	HUMPHRIES JOHN F JR
	119	3825 GILBERT AVE	RATLIFF HARVEY L

05/04/2016

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>	
	120	3825	GILBERT AVE	SHERMAN LESLY
	121	3827	GILBERT AVE	MERRIMAN GEORGE R
	122	3825	GILBERT AVE	PEARSON WENDY L
	123	3825	GILBERT AVE	MCCARTHY KATHLEEN M
	124	3825	GILBERT AVE	CLARK JAMES &
	125	3827	GILBERT AVE	CLARK THOMAS A
	126	3825	GILBERT AVE	VANDEVER KENNETH RYAN & ALISON
	127	3905	GILBERT AVE	THOMAS KEN
	128	3905	GILBERT AVE	DAVIS KASSI
	129	3905	GILBERT AVE	ROBERTS K GARY
	130	3905	GILBERT AVE	BJORNNES ALEXANDRA L
	131	3905	GILBERT AVE	STEWART KEITH LEE JR
	132	3905	GILBERT AVE	LEDDY CHARLES D
	133	3800	HOLLAND AVE	SHUJA KHWAWAJA &
	134	3800	HOLLAND AVE	BATES SCOTT
	135	3800	HOLLAND AVE	BROWN LOUIS N
	136	3800	HOLLAND AVE	HAUSMAN AARON B
	137	3800	HOLLAND AVE	DELAHUNTY IAN
	138	3800	HOLLAND AVE	SPEEGLE CHRISTOPHER F
	139	3800	HOLLAND AVE	JAJI SEBNEM &
	140	3800	HOLLAND AVE	HUYNH LONG
	141	3800	HOLLAND AVE	FREIBERGER PETER P III
	142	3800	HOLLAND AVE	PHAM HANH MS
	143	3800	HOLLAND AVE	MAUTER RODNEY
	144	3800	HOLLAND AVE	WAEREA MITCHELL J
	145	3800	HOLLAND AVE	STOREY MEREDITH L
	146	3800	HOLLAND AVE	NELSON CAITLIN GRACE
	147	3800	HOLLAND AVE	FOSTY KEVIN N
	148	3800	HOLLAND AVE	HERMAN CHRISTOPHER K
	149	3800	HOLLAND AVE	LIPNICK DAVID H
	150	3707	GILBERT AVE	MAHER KEVIN & MARY KATHRYN

05/04/2016

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>	
	151	3707	GILBERT AVE	KINNEY ALICE MARIE
	152	3707	GILBERT AVE	GORANSON THOMAS P
	153	3707	GILBERT AVE	RODRIGUEZNAVA HILDA
	154	3707	GILBERT AVE	CVENGROS JOSEPH
	155	3707	GILBERT AVE	ROSS JERRELL K
	156	3707	GILBERT AVE	RUBIN ROCHELLE
	157	3707	GILBERT AVE	DUNHAM WILLIAM H &
	158	3707	GILBERT AVE	PAGLIARO CHRISTINE RUTH
	159	3707	GILBERT AVE	WIG GAGANDEEP S
	160	3707	GILBERT AVE	RUST WILLIAM MARTIN & MARY BETH HYINK
	161	3707	GILBERT AVE	HATHAWAY RICHARD L
	162	3707	GILBERT AVE	WATERCREST PARTNERS II
	163	3707	GILBERT AVE	ROSSI JAMES S
	164	3707	GILBERT AVE	MOORE CARLOTTA M
	165	3707	GILBERT AVE	ELLIOTT BRYCE R & KATIE M
	166	3707	GILBERT AVE	PYLE SARAH P TRUST
	167	3707	GILBERT AVE	HOARD STEVEN L & TERESA L
	168	3727	GILBERT AVE	SHEPHERD FRANCIS R
	169	3727	GILBERT AVE	LEMON KATHERINE A &
	170	3727	GILBERT AVE	JAEGER JOHN T
	171	3727	GILBERT AVE	KING CYNTHIA MCCLURE
	172	3727	GILBERT AVE	MACDONALD CANDICE JEANNE
	173	3801	GILBERT AVE	COCANOUGH CATHERINE
	174	3801	GILBERT AVE	PFEIFFER JULIE
	175	3801	GILBERT AVE	MCDANIEL CRAIG C
	176	3801	GILBERT AVE	SURI TANVIR SINGH
	177	3801	GILBERT AVE	DIXON PHILLIP T
	178	3801	GILBERT AVE	LEMMON J RICHARD
	179	3801	GILBERT AVE	ECHOLS BRUCE ALAN
	180	3801	GILBERT AVE	DUNCKLEY RUSSELL A &
	181	3801	GILBERT AVE	HANSEN DAVID

05/04/2016

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>	
	182	3801	GILBERT AVE	HODGES ROBERT R
	183	3801	GILBERT AVE	SMITH MELVIN A
	184	3801	GILBERT AVE	HARLIN WILLIAM TED
	185	3817	GILBERT AVE	GALUBENSKI JENNIFER D
	186	3817	GILBERT AVE	DESORMEAUX CELESTE
	187	3817	GILBERT AVE	WAGNER WALKER
	188	3817	GILBERT AVE	BARNETT KYRA
	189	3817	GILBERT AVE	MCGILL SONJA
	190	3817	GILBERT AVE	SCHULZ RONALD MARK
	191	3817	GILBERT AVE	WANG THOMAS T
	192	3817	GILBERT AVE	CIRNU ALEXANDRU
	193	3702	HOLLAND AVE	RYAN DEBORAH C
	194	3702	HOLLAND AVE	PIERSON TYLER & BRENDA K
	195	3702	HOLLAND AVE	NISENOFF JENNIFER
	196	3702	HOLLAND AVE	HERBERT JEFFREY WELLS & PATRICIA G
	197	3702	HOLLAND AVE	MEBUS ROBERT G
	198	3702	HOLLAND AVE	MAYNARD JOAN M
	199	3702	HOLLAND AVE	WILSON SHARON L
	200	3702	HOLLAND AVE	ROY IAN & BEVERLY DIANE
	201	3702	HOLLAND AVE	KRAMER ROBERT I
	202	3702	HOLLAND AVE	HOLLAND SHEARY
	203	3710	HOLLAND AVE	3710 HOLLAND LLC
	204	3710	HOLLAND AVE	GREEN JACK D
	205	3710	HOLLAND AVE	DIAMOND NANCY RICE
	206	3710	HOLLAND AVE	NICHOLS JENNIFER A
	207	3710	HOLLAND AVE	CORN JERRY H &
	208	3710	HOLLAND AVE	ASKEW KIM J
	209	3710	HOLLAND AVE	SWEET LEWIS T JR & CAROLE
	210	3710	HOLLAND AVE	FISCUS TODD W
	211	3711	HOLLAND AVE	LEMUS LUIS RAUL & ANA B DE LA PARRA DE
	212	3711	HOLLAND AVE	SIMS H DESHA

05/04/2016

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
	213	3711 HOLLAND AVE	BRINKMANN MATTHEW F
	214	3711 HOLLAND AVE	DOUGLAS CHRISTIE
	215	3711 HOLLAND AVE	PEREZ SUSAN
	216	3711 HOLLAND AVE	HINOJOSA CRISTIAN
	217	3711 HOLLAND AVE	LEMUS LUIS R SR & ANA B BELAPARRA LEMUS
	218	3711 HOLLAND AVE	CHHABRA RADHIKA W
	219	3711 HOLLAND AVE	NACE BENJAMIN Y
	220	3711 HOLLAND AVE	HEDGE NARAYAN ETAL
	221	3711 HOLLAND AVE	HILZENDAGER VICKI & JOHN
	222	3711 HOLLAND AVE	SALEHI BEHNOOD P
	223	3711 HOLLAND AVE	KOBRA REALTY LLC
	224	3711 HOLLAND AVE	KINDLEY GARY G
	225	3711 HOLLAND AVE	LAMANTIA KATHERINE J
	226	3711 HOLLAND AVE	KRISHNAN ROHINI
	227	3718 HOLLAND AVE	MCNEELY JANE E
	228	3718 HOLLAND AVE	PARKMAN RICHARD J JR
	229	3718 HOLLAND AVE	HARGROVE MAC & PHEBE PHILLIPS
	230	3718 HOLLAND AVE	ALLEN ANNE
	231	3722 HOLLAND AVE	GOODMAN C LEROY
	232	3722 HOLLAND AVE	HEROLD JANE
	233	3722 HOLLAND AVE	JUARDO RAYMOND ARTHUR
	234	3722 HOLLAND AVE	MAYER KARL E
	235	3730 HOLLAND AVE	WRIGHT FRANK S & JOYCE
	236	3730 HOLLAND AVE	QUIST CONRAD W EST OF
	237	3730 HOLLAND AVE	WOODRUFF SUSAN
	238	3730 HOLLAND AVE	PUCKETT MARY KEITH
	239	3730 HOLLAND AVE	KEILHOLZ NATHAN M & ANDREA S
	240	3730 HOLLAND AVE	BULLOCK STEPHEN
	241	3730 HOLLAND AVE	ROBERTS MARY
	242	3730 HOLLAND AVE	PEYTON IRIS NICOLE &
	243	3624 REAGAN ST	SPAID ALEXANDER DELYIA

05/04/2016

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
	244	3622 REAGAN ST	BACHMANN RAYMOND JOHN & APRIL LYNN
	245	3620 REAGAN ST	CROWE MARY K
	246	3618 REAGAN ST	SHERROD VERITY ELIZABETH &
	247	3616 REAGAN ST	STROM BEN
	248	3918 HOLLAND AVE	CRAWFORD CARLOLINE GRACE
	249	3918 HOLLAND AVE	LUCY JERRIE &
	250	3918 HOLLAND AVE	SOLIS NATASHA ALDAZ
	251	3918 HOLLAND AVE	CROW MITCHELL
	252	3918 HOLLAND AVE	FARRIS JOHN & LORA
	253	3918 HOLLAND AVE	STRYER STEVN
	254	3918 HOLLAND AVE	MAHANNA KENDELL
	255	3918 HOLLAND AVE	MARCHIO MARY CELESTE &
	256	3918 HOLLAND AVE	KING ALICE
	257	3918 HOLLAND AVE	CHISM ELIZABETH T H
	258	3911 HOLLAND AVE	AVANT LLC
	259	3525 TURTLE CREEK BLVD	EDWARDS JULIA Z
	260	3525 TURTLE CREEK BLVD	ATKINS JAMES M & CAROLYN L
	261	3525 TURTLE CREEK BLVD	CLIFFORD CHARLOTTE B
	262	3525 TURTLE CREEK BLVD	BROWN ALLINE F TRUST
	263	3525 TURTLE CREEK BLVD	HUBBARD ROBERTINE G LIF EST
	264	3525 TURTLE CREEK BLVD	COLLINS LARRY D & ANNE B CO -TRUSTEES
	265	3525 TURTLE CREEK BLVD	GODDARD DOROTHY GORDON TRUST
	266	3525 TURTLE CREEK BLVD	HEAD DENNIS & ELAINE
	267	3525 TURTLE CREEK BLVD	PARKER P MARK &
	268	3525 TURTLE CREEK BLVD	MOSS WILLIAM REV LIV TR
	269	3525 TURTLE CREEK BLVD	HILL MARY JOHN LIFE EST
	270	3525 TURTLE CREEK BLVD	SURVIVORS TRUST
	271	3525 TURTLE CREEK BLVD	MEYERSON BERNICE
	272	3525 TURTLE CREEK BLVD	WARREN MARY G
	273	3525 TURTLE CREEK BLVD	MCCONVILLE ROBERT T ET AL

05/04/2016

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
	274	3525	TURTLE CREEK BLVD WILLINGHAM CLARK S & JANE H
	275	3525	TURTLE CREEK BLVD WEBB JANE F
	276	3525	TURTLE CREEK BLVD EDSEL NORMA
	277	3525	TURTLE CREEK BLVD HOFF DAVID F
	278	3525	TURTLE CREEK BLVD CHANDLER NANCY ANN S TR &
	279	3525	TURTLE CREEK BLVD HAYES JOANN B
	280	3525	TURTLE CREEK BLVD POWER ROBERT & ELIZABETH
	281	3525	TURTLE CREEK BLVD MEBUS ROBERT G & SANDRA B
	282	3525	TURTLE CREEK BLVD INGERSOLL TED M & JEAN M
	283	3525	TURTLE CREEK BLVD TOMASO JOHN L & SHERRI
	284	3525	TURTLE CREEK BLVD MURPHY RON &
	285	3525	TURTLE CREEK BLVD GRAHAM ROY E
	286	3525	TURTLE CREEK BLVD DALTON DENNIS
	287	3525	TURTLE CREEK BLVD LECONY ELIZABETH
	288	3525	TURTLE CREEK BLVD LEE LIZA
	289	3525	TURTLE CREEK BLVD GRAHAM BARBARA
	290	3525	TURTLE CREEK BLVD MCLAUGHLIN GEORGE & OLIVE
	291	3525	TURTLE CREEK BLVD BECK NORMA
	292	3525	TURTLE CREEK BLVD PAPA ZIAN GERARD &
	293	3525	TURTLE CREEK BLVD JACOBS REUBEN S
	294	3525	TURTLE CREEK BLVD ROTEN RANDOLPH M &
	295	3525	TURTLE CREEK BLVD KOSKI CHRISTINE LOUISE
	296	3525	TURTLE CREEK BLVD POUNDERS STEVEN N
	297	3525	TURTLE CREEK BLVD GREMM JUDY D
	298	3525	TURTLE CREEK BLVD PATTERSON PATRICIA M
	299	3525	TURTLE CREEK BLVD SVEHLAK LINDA &
	300	3525	TURTLE CREEK BLVD DILWORTH SANDRA TRUST
	301	3525	TURTLE CREEK BLVD BACH PROPERTIES LLC
	302	3525	TURTLE CREEK BLVD NAPPER LUE CHARLES & BACKY M
	303	3525	TURTLE CREEK BLVD BURCHETT JOHN
	304	3525	TURTLE CREEK BLVD TURTLE LAND TRUST
	305	3525	TURTLE CREEK BLVD KENNER JAMES M

05/04/2016

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
	306	3525	TURTLE CREEK BLVD TANNER PARTNERS LLC
	307	3525	TURTLE CREEK BLVD DENNARD MARY ANNA
	308	3525	TURTLE CREEK BLVD RIDOLFI CHRISTOPHER
	309	3525	TURTLE CREEK BLVD GEORGE SMITH TRUST
	310	3525	TURTLE CREEK BLVD LEE LIZA
	311	3525	TURTLE CREEK BLVD EDGAR CAROL A
	312	3525	TURTLE CREEK BLVD FARRELL ELIZABETH ANN
	313	3525	TURTLE CREEK BLVD SWINDELL LIVING TRUST
	314	3525	TURTLE CREEK BLVD GRIGSBY FRANCES
	315	3525	TURTLE CREEK BLVD MARTINEZ JUAN CARLOS & SANDRA C
	316	3525	TURTLE CREEK BLVD GALER SHARON A
	317	3525	TURTLE CREEK BLVD MEYERSON MARLENE N
	318	3525	TURTLE CREEK BLVD FURRH JAMES M & GAIL R
	319	3525	TURTLE CREEK BLVD ZWICK NICHOLAS
	320	3525	TURTLE CREEK BLVD COLEMAN JACK RUE & PATRICIA NELSON
	321	3525	TURTLE CREEK BLVD MARTIN ROBERT E TRUST
	322	3525	TURTLE CREEK BLVD WILLIAMS BARBARA ANN EMMETT
	323	3525	TURTLE CREEK BLVD AUGUR JAMES M
	324	3525	TURTLE CREEK BLVD TBF CHILDRENS TRUST THE
	325	3525	TURTLE CREEK BLVD SCHNEIDLER S N
	326	3525	TURTLE CREEK BLVD PHILLIPS ROBERT J LIVING TRUST
	327	3525	TURTLE CREEK BLVD BASHARKHAH CATHERINE
	328	3525	TURTLE CREEK BLVD BRACE JEAN E & DAVID J
	329	3525	TURTLE CREEK BLVD WHITE LIVING TRUST
	330	3525	TURTLE CREEK BLVD VONWUPPERFELD PAUL &
	331	3525	TURTLE CREEK BLVD BYWATERS THOMAS
	332	3525	TURTLE CREEK BLVD FRAZIER ELIZABETH WEIR &
	333	3525	TURTLE CREEK BLVD CAFFEE TIMOTHY &
	334	3525	TURTLE CREEK BLVD HATHOOT ANN J
	335	3525	TURTLE CREEK BLVD ATHEY BERNARD B JR &
	336	3525	TURTLE CREEK BLVD MORGAN STEVEN H

05/04/2016

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
	337	3525	TURTLE CREEK BLVD GLENN RUSSELL M
	338	3525	TURTLE CREEK BLVD PURDY BRIAN & LESLIE
	339	3525	TURTLE CREEK BLVD PEASE JAMES &
	340	3525	TURTLE CREEK BLVD WEST C P
	341	3525	TURTLE CREEK BLVD SURVIVORSTRUST
	342	3525	TURTLE CREEK BLVD VANAMBURGH JOHN H JR &
	343	3525	TURTLE CREEK BLVD CAMPBELL JACK G & ET AL
	344	3525	TURTLE CREEK BLVD DEAL ERNEST L & M KEITH C
	345	3525	TURTLE CREEK BLVD WILKIRSON LEE
	346	3525	TURTLE CREEK BLVD MCLAUGHLIN FRANKLIN III &
	347	3525	TURTLE CREEK BLVD OSBORNE WILLIAM
	348	3525	TURTLE CREEK BLVD BIRENBAUM BETH WEINBERGER
	349	3818	HOLLAND AVE LANG LINDSEY A
	350	3818	HOLLAND AVE ALKIDAS LAURETTE
	351	3818	HOLLAND AVE HADDAD MARK G
	352	3818	HOLLAND AVE MCLAUGHLIN JEFFREY WADE &
	353	3818	HOLLAND AVE SOURI BEHROUZ
	354	3818	HOLLAND AVE WALTERS KATHRYN L
	355	3818	HOLLAND AVE CARTER KERRI D
	356	3818	HOLLAND AVE COCANOUGH B BONNIE GLENN & REGINA
	357	3818	HOLLAND AVE BAILEY MADELINE LYLE
	358	3818	HOLLAND AVE MAIER EMIL & NATALIA &
	359	3818	HOLLAND AVE COGGINS ROBERT
	360	3818	HOLLAND AVE BROWN AUTUMN KEENA
	361	3818	HOLLAND AVE HUTTO CHARLES
	362	3818	HOLLAND AVE LAWHON DAVID C
	363	3818	HOLLAND AVE PALFREY CAMPBELL III
	364	3818	HOLLAND AVE GORE BOBBIE A
	365	3818	HOLLAND AVE LOKEY RAQUEL C
	366	3818	HOLLAND AVE THOMAS RALPH & KIM
	367	3818	HOLLAND AVE ALLEN JUSTIN

Z156-220(WE)

05/04/2016

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
	368	3818 HOLLAND AVE	BLUM DENA R
	369	3818 HOLLAND AVE	JAKSA KACIE E
	370	3818 HOLLAND AVE	BONNEY ERIC
	371	3818 HOLLAND AVE	CAIN CHRISTOPHER &
	372	3818 HOLLAND AVE	KOTIYA RUPESH J
	373	3818 HOLLAND AVE	FURLONG ELIZABETH SHEA
	374	3818 HOLLAND AVE	WITT CAPITAL LLC
	375	3818 HOLLAND AVE	COSTELLO JOSEPH G & MARGARET A

AGENDA ITEM # 55

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: June 15, 2016

COUNCIL DISTRICT(S): 4

DEPARTMENT: Sustainable Development and Construction

CMO: Ryan S. Evans, 671-9837

MAPSCO: 54 U; V

SUBJECT

A public hearing to receive comments regarding an application for and an ordinance granting a Specific Use Permit for the sale of alcoholic beverages in conjunction with a general merchandise or food store 3,500 square feet or less on property zoned a CR-D-1 Community Retail District with a D-1 Liquor Control Overlay on the northeast corner of West Illinois Avenue and Toluca Avenue

Recommendation of Staff: Approval for a two-year period with eligibility for automatic renewals for additional five-year periods, subject to a site plan and conditions

Recommendation of CPC: Approval for a two-year period, subject to a site plan and conditions

Z156-216(OTH)

FILE NUMBER: Z156-216(OTH)

DATE FILED: February 26, 2015

LOCATION: Northeast corner of West Illinois Avenue and Toluca Avenue

COUNCIL DISTRICT: 4

MAPSCO: 54-U, V

SIZE OF REQUEST: Approx. 0.766 acres

CENSUS TRACT: 54.00

APPLICANT/ OWNER: John Mathews

REPRESENTATIVE: Masterplan, Santos Martinez

REQUEST: An application for a Specific Use Permit for the sale of alcoholic beverages in conjunction with a general merchandise or food store 3,500 square feet or less on property zoned a CR-D-1 Community Retail District with a D-1 Liquor Control Overlay.

SUMMARY: The applicant proposes to sell alcohol for off-premise consumption in conjunction with the existing general merchandise or food store. This property previously held Specific Use Permit No. 1832 for the sale of alcoholic beverages in conjunction with a general merchandise or food store 3,500 square feet or less. However, the SUP expired on August 10, 2013, The applicant is a new owner of the business and now is requesting a new SUP.

CPC RECOMMENDATION: **Approval** for a two-year period, subject to a site plan and conditions.

STAFF RECOMMENDATION: **Approval** for a two-year period with eligibility for automatic renewals for additional five-year periods, subject to a site plan and conditions.

GUIDING CRITERIA FOR STAFF RECOMMENDATION:

The following factors are listed in Chapter 51A of the Dallas Development Code to guide the determination as to whether or not an SUP shall be granted. Staff has listed its findings based upon each component below:

1. *Compatibility with surrounding uses and community facilities* – The sale of alcoholic beverages in conjunction with the existing general merchandise or food store 3,500 square feet or less will not impact compatibility with the surrounding land uses.
2. *Contribution to, enhancement, or promoting the welfare of the area of request and adjacent properties* – The sale alcoholic beverages in conjunction with the existing general merchandise or food store neither contributes to nor deters the welfare of adjacent properties.
3. *Not a detriment to the public health, safety, or general welfare* – The sale of alcoholic beverages is not a detriment to the public health, safety or general welfare of the public.
4. *Conforms in all other respects to all applicable zoning regulations and standards* – Based on information depicted on the site plan, the proposed development complies with all applicable zoning regulations and standards of the City of Dallas.

Zoning History: There has been one zoning request in the area within the last five years.

Z101-197 On August 10, 2011, the City Council approved a D-1 Liquor Control Overlay and Specific Use Permit No. 1832 for the sale of alcoholic beverages in conjunction with a general merchandise or food store 3,500 square feet or less on the request site.

Thoroughfares/Streets:

Thoroughfares/Street	Type	Existing ROW
West Illinois Avenue	Principal Arterial	Aprox. 85.52 ft.
Toluca Street	Local	50 ft.

Traffic:

The Engineering Section of the Department of Sustainable Development and Construction reviewed the request and determined that it will not impact the surrounding roadway system.

STAFF ANALYSIS:**Comprehensive Plan:**

The fowardDallas! Comprehensive Plan was adopted by the City Council in June 2006. The fowardDallas! Comprehensive Plan outlines several goals and policies which can serve as a framework for assisting in evaluating the applicant's request. The Plan identifies the request site as being in on a Commercial Center of Corridor.

This Building Block primarily functions as service and job destinations and are similar to Business Centers or Corridors, but are smaller and incorporate less density. These corridors, commonly at the intersection of major streets, are easily accessed via automobiles. Buckner Boulevard is an example of a Commercial Corridor. Buildings in these areas tend to be on separate parcels and stand one to five stories with offices, restaurants and a range of retail and commercial uses. In addition to jobs and services, Commercial Centers or Corridors also may include multifamily housing in low- to mid-rise apartment buildings or condominiums. Landscaping and urban design will enhance the visitor's experience and is used to separate sidewalks from major roads and define pedestrian routes in large parking lots. For large shopping centers, this may involve adding public plazas or other "town center" features. Public transit enhancements as well as quality access and visibility are important components of successful auto-oriented development.

Surrounding Land Uses:

	Zoning	Land Use
Site	CR-D-1	Retail uses
North	R-7.5(A)	Single family
East	CR-D	Car wash and retail uses
South	CR-D	Office, retail, dance school, residential, restaurant, and auto service center
West	CR-D	Office

Land Use Compatibility:

The approximately 0.766 acre site is zoned a CR-D-1 Community Retail District with a D-1 Liquor Control Overlay and is developed with a general merchandise or food store 3,500 square feet or less and a motor vehicle fueling station. The applicant is proposing to sell alcohol for off-premise consumption in conjunction with the general merchandise or food store on the property, which requires a Specific Use Permit.

The adjacent land uses are single family residential to the north; and a car wash to the east. Surrounding land uses are office and single family to the north, retail uses to the east; office, retail, dance school, residential, restaurant, and auto service center to the south; and office to the west.

The general provisions for a Specific Use Permit in Section 51A-4.219 of the Dallas Development Code specifically state: (1) The SUP provides a means for developing certain uses in a manner in which the specific use will be consistent with the character of the neighborhood; (2) Each SUP application must be evaluated as to its probable effect on the adjacent property and the community welfare and may be approved or denied as the findings indicate appropriate; (3) The city council shall not grant an SUP for a use except upon a finding that the use will: (A) complement or be compatible with the surrounding uses and community facilities; (B) contribute to, enhance, or promote the welfare of the area of request and adjacent properties; (C) not be detrimental to the public health, safety, or general welfare; and (D) conform in all other respects to all applicable zoning regulations and standards. The regulations in this chapter have been established in accordance with a comprehensive plan for the purpose of promoting the health, safety, morals, and general welfare of the city.

The general merchandise use is also regulated by Chapter 12B of the Dallas City Code, Convenience Stores. This chapter applies to all convenience stores, which is defined as any business that is primarily engaged in the retail sale of convenience goods, or both convenience goods and gasoline, and has less than 10,000 square feet of retail floor space; the term does not include any business that has no retail floor space accessible to the public. The purpose of Chapter 12B is to protect the health, safety, and welfare of the citizens of the city of Dallas by reducing the occurrence of crime, preventing the escalation of crime, and increasing the successful prosecution of crime that occurs in convenience stores in the city.

Per the DPD, the applicant is complying with Chapter 12B regulations.

Parking:

The Dallas Development Code requires off-street parking to be provided for a general merchandise or food store use at one space for each 200 square feet of floor area and two parking spaces for the motor vehicle fueling station. The proposed use requires 13 spaces for the proposed use; 11 spaces for the general merchandise or food store and two spaces for the motor vehicle fueling station. The site plan shows 17 parking spaces. Parking must be provided as shown on the site plan.

Landscaping:

Landscaping is required in accordance with Article X of the Dallas Development Code. However, the applicant's request does not trigger any Article X requirements, as no new construction is proposed on the site.

CPC ACTION:
May 5, 2016

Motion: It was moved to recommend **approval** of a Specific Use Permit for the sale of alcoholic beverages in conjunction with a general merchandise or food store 3,500 square feet or less for a two-year period, subject to a site plan and conditions on property zoned a CR Community Retail District with a D-1 Liquor Control Overlay on the northeast corner of West Illinois Avenue and Toluca Avenue.

Maker: Davis
Second: Shidid
Result: Carried: 10 to 0

For: 10 - Houston, Davis, Shidid, Abtahi, Haney, Jung,
Housewright, Peadon, Murphy, Ridley

Against: 0
Absent: 4 - Anglin, Anantasomboon, Schultz, Tarpley
Vacancy: 1 - District 2

Notices: Area: 200 Mailed: 35
Replies: For: 1 Against: 0

Speakers: For (Did not speak): Santos Martinez, 900 Jackson St., Dallas,
TX, 75202
Against: None

PROPOSED CONDITIONS

1. USE: The only use authorized by this specific use permit is the sale of alcoholic beverages in conjunction with a general merchandise or food store 3,500 square feet or less.
2. SITE PLAN: Use and development of the Property must comply with the attached site plan.

CPC Recommendation:

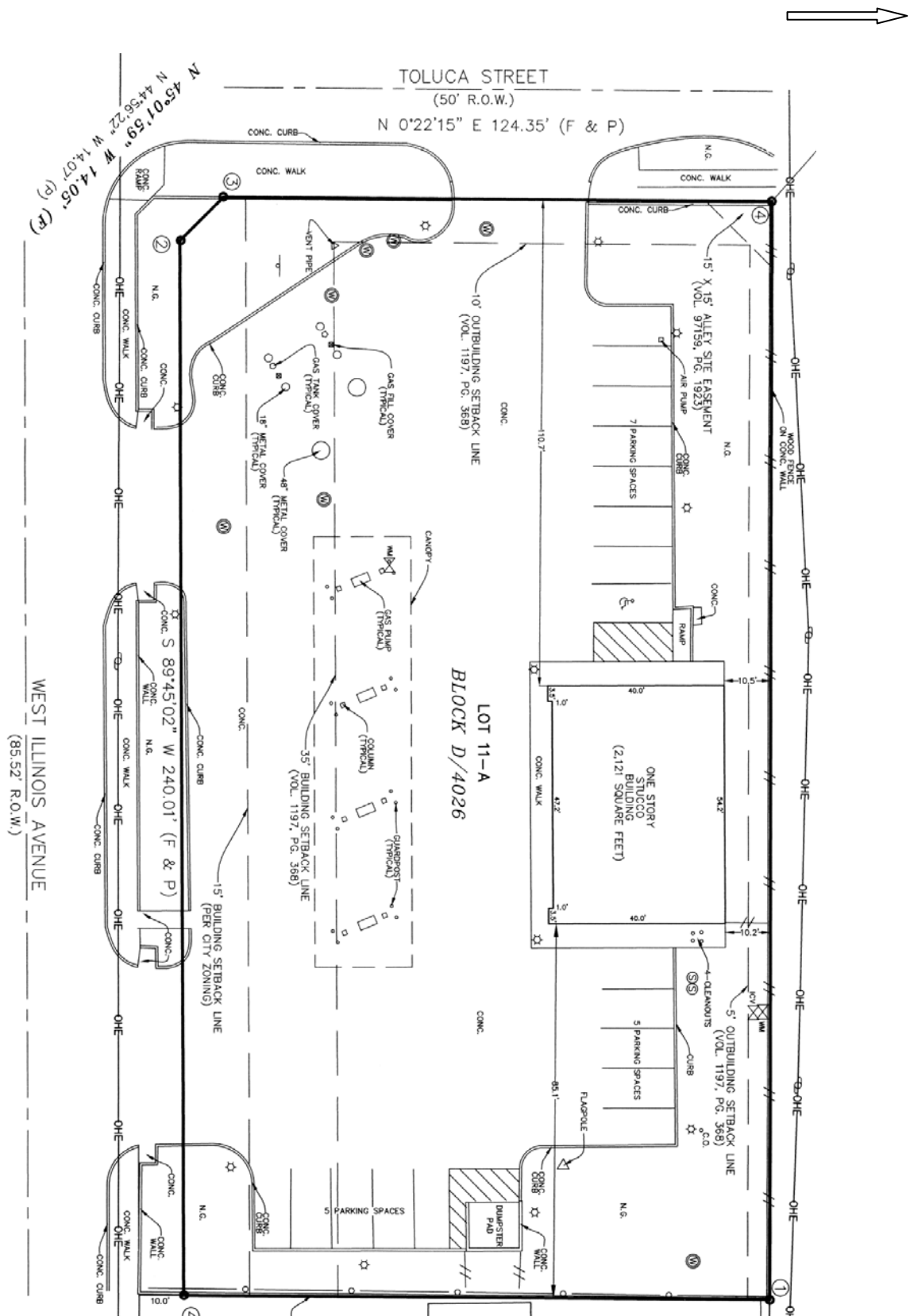
3. <u>TIME LIMIT</u> : This specific use permit expires on <u>two years</u>).
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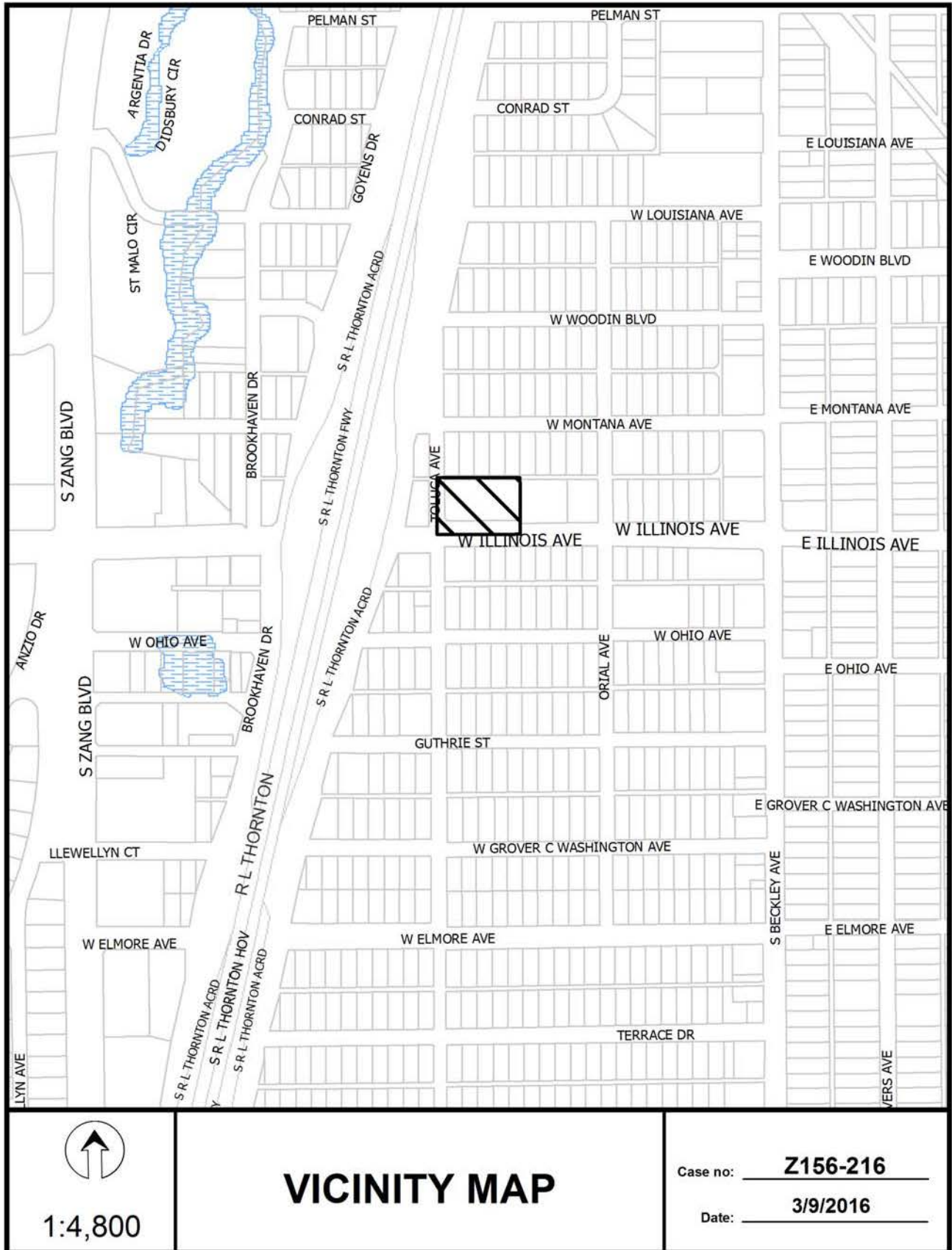
Staff's recommendation & Applicant's Request:

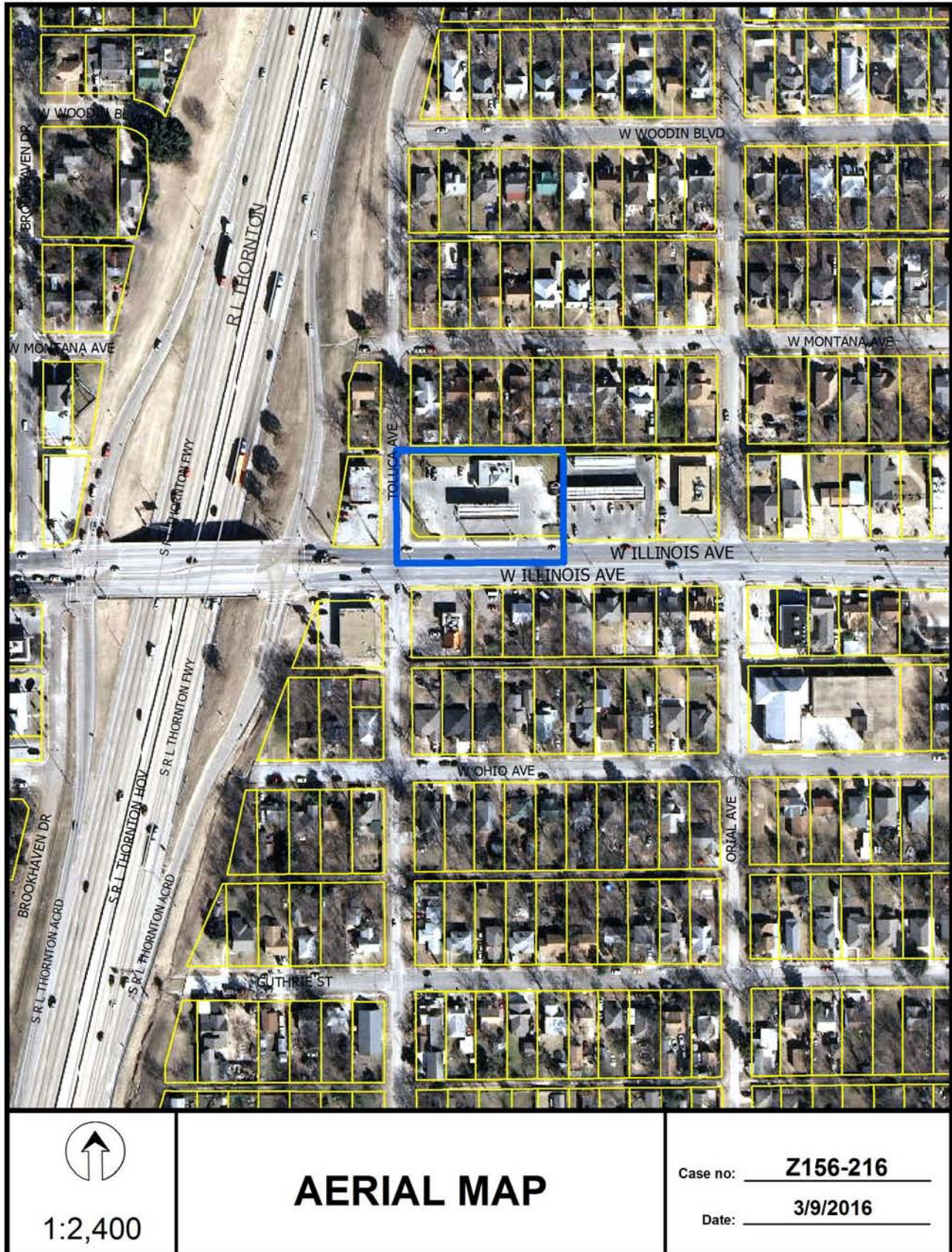
3. <u>TIME LIMIT</u> : This specific use permit expires on (<u>two years</u>), but is eligible for automatic renewal for additional five-year periods, pursuant to Section 51A-4.219 of Chapter 51A of the Dallas City Code, as amended. For automatic renewal to occur, the Property owner must file a complete application for automatic renewal with the director before the expiration of the current period. Failure to timely file a complete application will render this specific use permit ineligible for automatic renewal. (Note: The Code currently provides that applications for automatic renewal must be filed after the 180th but before the 120th day before the expiration of the current specific use permit period. The Property owner is responsible for checking the Code for possible revisions to this provision. The deadline for applications for automatic renewal is strictly enforced.)
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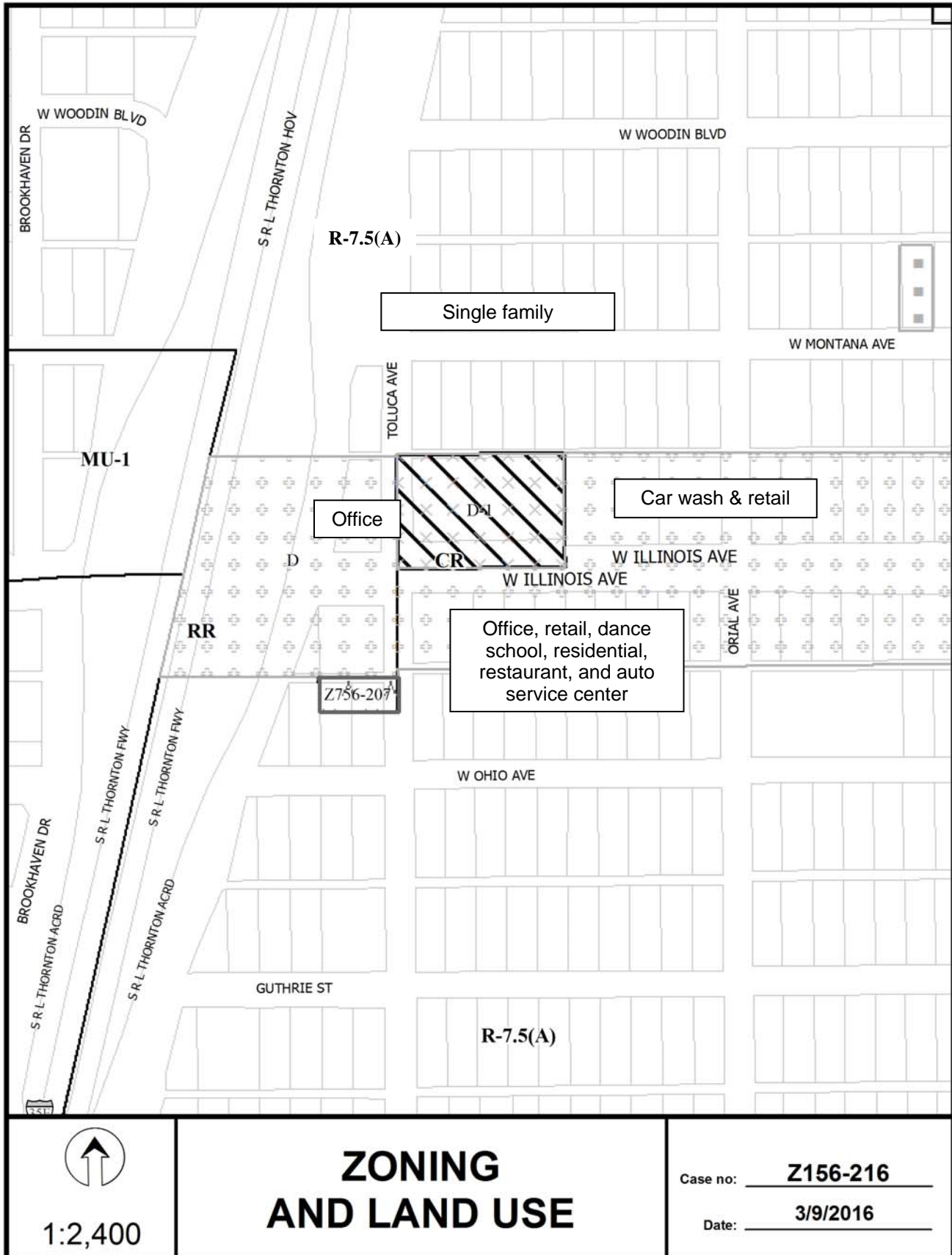
5. MAINTENANCE: The Property must be properly maintained in a state of good repair and neat appearance.
6. GENERAL REQUIREMENTS: Use of the Property must comply with all federal and state laws and regulations, and with all ordinances, rules, and regulations of the City of Dallas.

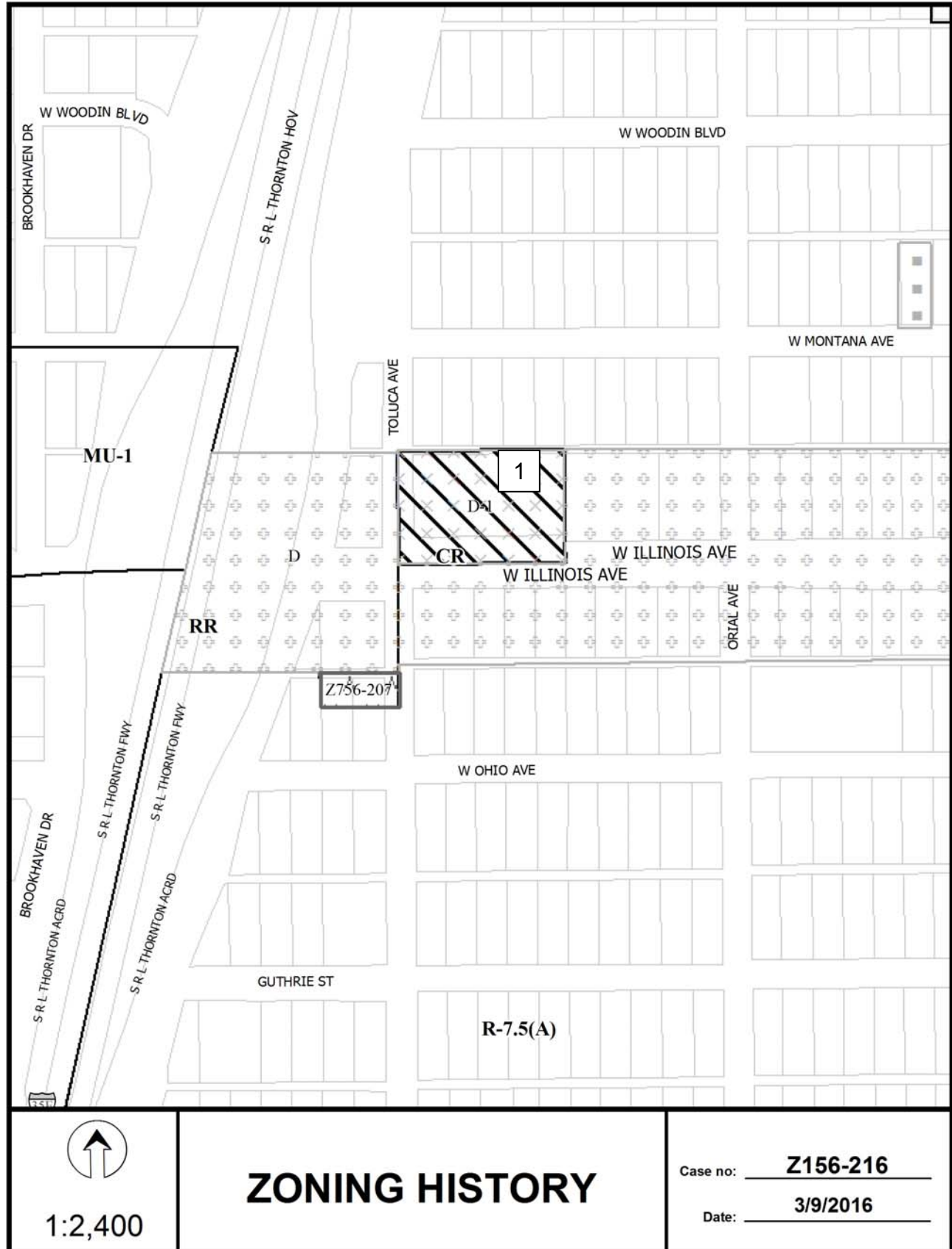
PROPOSED SITE PLAN



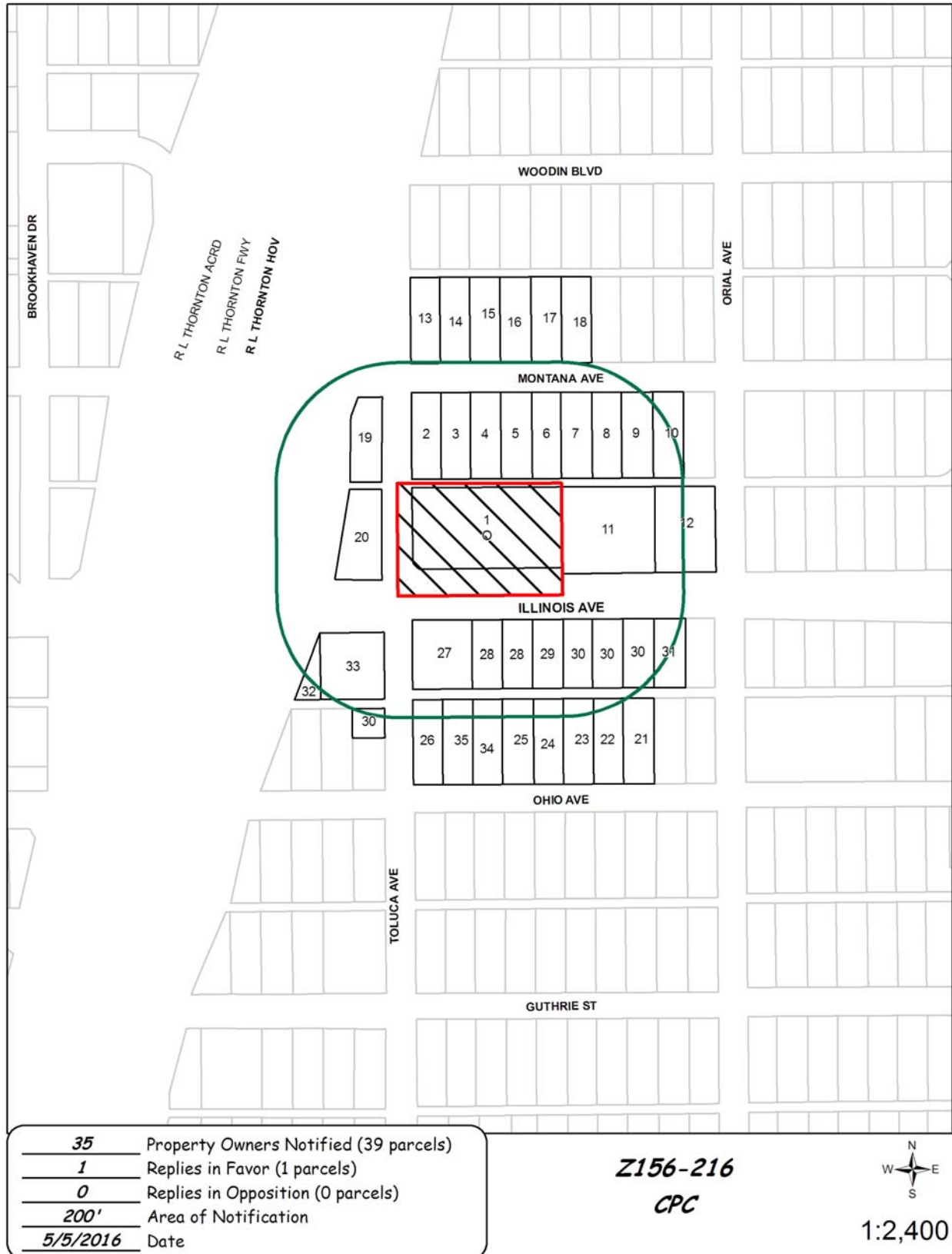








CPC RESPONSES



05/04/2016

Reply List of Property Owners
Z156-216

35 Property Owners Notified***1 Property Owners in Favor******0 Property Owners Opposed***

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
O	1	225 W ILLINOIS AVE	BORA PETROLEUM INC
	2	238 W MONTANA AVE	FAGGETT FELECIA
	3	234 W MONTANA AVE	JOHNSON GWENDA LAJOYCE
	4	230 W MONTANA AVE	WILLIAMS TOMASA G
	5	226 W MONTANA AVE	PEREZ ALICE RAMIREZ
	6	222 W MONTANA AVE	DOROTEO ALFREDO &
	7	218 W MONTANA AVE	MIRELES OVIDIO JR
	8	212 W MONTANA AVE	ORTEGA JOEL F SALINAS &
	9	208 W MONTANA AVE	POWELL DEBRA A
	10	204 W MONTANA AVE	AGUILAR ROGELIO & ESMERALDA DE LA SANCHI ALONSO
	11	213 W ILLINOIS AVE	KRIN MARK C & SUZANNE
	12	207 W ILLINOIS AVE	A & I INSURANCE SERV INC
	13	237 W MONTANA AVE	WHEELER MARGIE FAY
	14	233 W MONTANA AVE	ROMERO ARMANDO JOEL
	15	231 W MONTANA AVE	GEORGE JOHNNY R &
	16	227 W MONTANA AVE	SEALS WILBA L
	17	221 W MONTANA AVE	PAVIA INVESTMENTS LLC
	18	219 W MONTANA AVE	CASAS RAUL
	19	302 W MONTANA AVE	WHEELER ALEXANDER R II
	20	2220 S R L THORNTON FWY	SAROFIA HOLDINGS INC
	21	211 W OHIO AVE	MORALES JOSE ANTONIO
	22	215 W OHIO AVE	SALAZAR GLORIA M
	23	219 W OHIO AVE	MENDOZA PAULA S &
	24	223 W OHIO AVE	COLUNGA MARIA C
	25	227 W OHIO AVE	BADILLO ARISTEO R &
	26	239 W OHIO AVE	RIOJAS NOLBERTO & ANTONIA M &

05/04/2016

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
27	238	W ILLINOIS AVE	WILLIAMS FRIED CHICKEN
28	230	W ILLINOIS AVE	RIVERA SUPPLY INC
29	222	W ILLINOIS AVE	RAFTER WALKER REAL EST VI
30	218	W ILLINOIS AVE	BLAIR EVELYN
31	206	W ILLINOIS AVE	SALINAS JOEL F &
32	2310	S R L THORNTON FWY	EASDON STEVEN L
33	308	W ILLINOIS AVE	JOHNSON PARTNERS LTD ETAL
34	231	W OHIO AVE	ALVARADO FRANCISCO
35	235	W OHIO AVE	ESPINOZA MERCEDALIA

KEY FOCUS AREA: Clean, Healthy Environment

AGENDA DATE: June 15, 2016

COUNCIL DISTRICT(S): 6

DEPARTMENT: Office Of Environmental Quality

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

MAPSCO: 22 N P S T

SUBJECT

A public hearing to receive comments on a proposed municipal setting designation to prohibit the use of groundwater as potable water beneath property owned by Ryan Street Developers, LLC, JCR Team LLC, and Hugh W. Rucker located near the intersection of Ryan and Luna Roads and adjacent street rights-of-way; and an ordinance authorizing support of the issuance of a municipal setting designation to Ryan Street Developers, LLC, by the Texas Commission on Environmental Quality and prohibiting the use of groundwater beneath the designated property as potable water - Financing: No cost consideration to the City

Recommendation of Staff: Approval

BACKGROUND

Based on information provided by the Applicant, the designated property is underlain by a perched shallow groundwater bearing unit encountered at approximately 11.5 feet to just above the underlying Eagle Ford Shale Formation at 34 feet below ground surface (bgs). The Eagle Ford Shale Formation is considered an aquitard with an estimated thickness of 208 feet in the area. The general direction of groundwater flow beneath the designated property is to the southeast and is considered variable over time with flow expected to the southwest. A portion of the groundwater has been affected by cis-1,2-dichloroethylene (cis-1,2-DCE), vinyl chloride, and arsenic at concentrations above groundwater ingestion standards. The probable historical source of chemicals has not been identified onsite. The potential offsite sources for cis-1,2-DCE and vinyl chloride are from surrounding industrial facilities with similar chemical use and storage.

A portion of the designated property was entered into the Voluntary Cleanup Program (VCP) administered by the Texas Commission on Environmental Quality (TCEQ) in October 2015 and is designated as VCP Facility ID No. 2772.

BACKGROUND (Continued)

The applicant has requested that the City support its application for a Municipal Setting Designation (MSD). A public meeting was held on May 23, 2016 to receive comments and concerns. Notices of the meeting were sent to 91 property owners within 2,500 feet of the property and 126 private well owners within 5 miles of the property. The City of Irving is the only other municipality located within one-half mile of the property.

This item is a municipal setting designation ordinance prohibiting the use of potable groundwater beneath property located near the intersection of Ryan and Luna Roads including adjacent street rights-of-way; and supporting the issuance of a MSD by TCEQ.

The applicant's current plan is to obtain closure through the Voluntary Cleanup Program supported by a MSD. Currently, the designated property is undeveloped and there is light truck maintenance at 1840 Ryan Road. The portion of the designated property currently located at 10704 Luna Road is a drainage culvert owned by the City of Dallas with a future use that is expected to remain the same. The anticipated future use at 1860 Ryan Road is a metal recycling facility for Venture Metals LLC and the anticipated future use of the remaining portions of the property is unknown at this time.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Information about this item will be presented to the Quality of Life and Environment Committee on June 13, 2016.

FISCAL INFORMATION

No cost consideration to the City.

OWNERS

Ryan Street Developers, LLC

Michael Uhrick, Manager

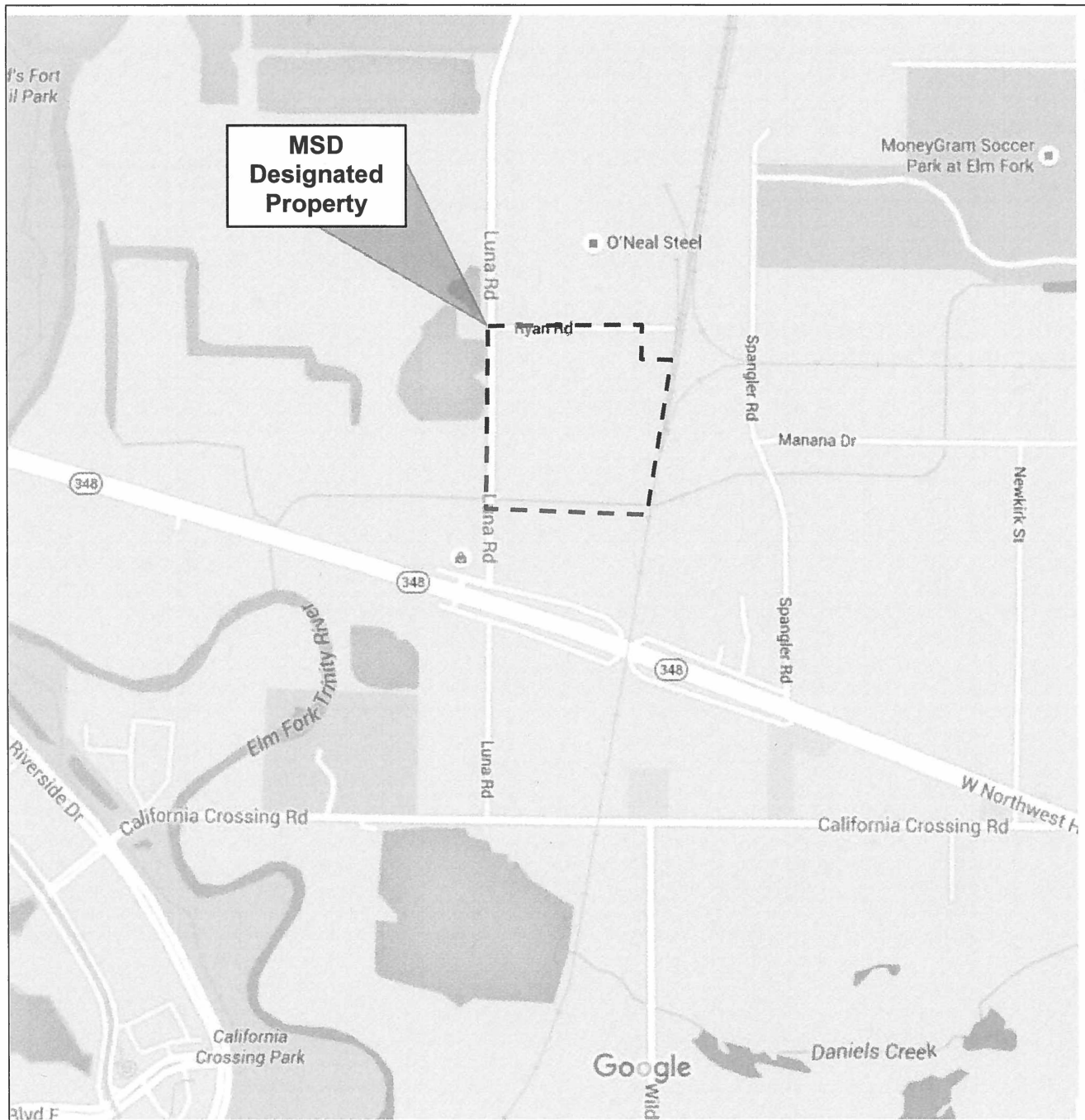
JCR Team LLC

Rebekah K Nix, Managing Member

Hugh W. Rucker

MAP

Attached



CITY OF DALLAS



Municipal Setting Designation
Designated Property Boundary Map
MSD Log OEQ0053

Applicant – Ryan Street Developers, LLC
 1840 & 1860 Ryan Road, 10704, 10710,
 10714, & 10750 Luna Road
 Dallas, TX 75220

ORDINANCE NO. _____

A municipal setting designation ordinance prohibiting the use of designated groundwater from beneath property generally located at 1840 and 1860 Ryan Road, and 10704, 10710, 10714, and 10750 Luna Road and supporting issuance of a municipal setting designation certificate by the Texas Commission on Environmental Quality; providing a penalty not to exceed \$2,000; providing a saving clause; providing a severability clause; and providing an effective date.

WHEREAS, Subchapter W, “Municipal Setting Designations,” of Chapter 361, “Solid Waste Disposal Act,” of the Texas Health and Safety Code authorizes the Texas Commission on Environmental Quality to create municipal setting designations; and

WHEREAS, Section 51A-6.108, “Municipal Setting Designation Ordinance,” of Article VI, “Environmental Performance Standards,” of Chapter 51A, “Dallas Development Code: Ordinance No. 19455, as amended,” of the Dallas City Code authorizes municipal setting designation ordinances prohibiting the use of designated groundwater as potable water and thereby enable the Texas Commission on Environmental Quality to certify a municipal setting designation for designated property; and

WHEREAS, the city council finds that:

(1) the eligibility criteria of Section 361.803 of the Texas Health and Safety Code have been met;

(2) this municipal setting designation ordinance will not have an adverse effect on the current or future water resource needs or obligations of the city of Dallas;

(3) there is a public drinking water supply system that satisfies the requirements of Chapter 341 of the Texas Health and Safety Code and that supplies or is capable of supplying drinking water to the designated property and property within one-half mile of the designated property; and

(4) this municipal setting designation ordinance is necessary because the concentration of contaminants of concern exceed ingestion protective concentration levels for human ingestion; and

WHEREAS, the city council, in accordance with the Charter of the City of Dallas, the state law, and the ordinances of the city of Dallas, have given the required notices and have held the required public hearings regarding this municipal setting designation ordinance; Now Therefore,

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

SECTION 1. That for purposes of this municipal setting designation ordinance, the “designated property” means the property described in Exhibit A, attached to the ordinance.

SECTION 2. That for purposes of this municipal setting designation ordinance, “designated groundwater” means water below the surface of the designated property to a depth of 200 feet.

SECTION 3. That use of the designated groundwater from beneath the designated property as potable water is prohibited.

SECTION 4. That the use of the designated groundwater from beneath public rights-of-way included in the designated property as potable water is prohibited.

SECTION 5. That the following uses of or contacts with the designated groundwater are prohibited:

- (1) Human consumption or drinking.
- (2) Showering or bathing.
- (3) Cooking.
- (4) Irrigation of crops for human consumption.

SECTION 6. That the following conditions are imposed on the designated property and designated groundwater:

- (1) The potable use of the designated groundwater from beneath the designated property is prohibited.

- (2) The potable use of the designated groundwater from beneath public rights-of-way included in the designated property is prohibited.
- (3) The portion of the designated property assigned TCEQ Voluntary Cleanup Program No. 2772 must receive a Certificate of Completion from the Texas Commission on Environmental Quality by no later than June 15, 2020.

SECTION 7. That the city council supports the application to the Texas Commission on Environmental Quality for a municipal setting designation on the designated property, with the following comments:

- (1) The Texas Commission on Environmental Quality, as the state agency chartered to protect human health and the environment, is requested to thoroughly review the conditions of the designated property and issue a certificate of completion only when all contaminants of concern, through the applicable routes of exposure, have been addressed.

SECTION 8. That the public rights-of-way immediately adjacent to the designated property must be included, at no additional cost to the city of Dallas, in the application to the Texas Commission on Environmental Quality.

SECTION 9. That a state or federal program must address the entire non-ingestion protective concentration level exceedence zone originating from sources on the designated property or migrating from the designated property no later than June 15, 2020. That within this time period, the applicant shall provide the managing director of the office of environmental quality documentation, including a certificate of completion from the Texas Commission on Environmental Quality, that it has been addressed to the satisfaction of the agency administering the program. If it has not been addressed, the managing director of the office of environmental quality may, for good cause, take any of the following actions:

- (1) allow additional time to address the non-ingestion protective concentration level exceedence zone;

- (2) request a review by the Texas Commission on Environmental Quality or the agency administering the program;
- (3) recommend to the city council that this municipal setting designation ordinance be repealed;
- (4) request additional information or documentation from the applicant; or
- (5) pursue other actions that the managing director of the office of environmental quality believes may be warranted.

SECTION 10. That any person owning, operating, or controlling the designated property remains responsible for complying with all applicable federal and state laws and regulations; all ordinances, rules, and regulations of the city of Dallas; and all environmental regulations, and that this municipal setting designation ordinance in itself does not change any environmental assessment or cleanup requirements applicable to the designated property.

SECTION 11. That any person owning, operating, or controlling any portion of the designated property is responsible for ensuring compliance with this ordinance with respect to their portion of the designated property. Allowing use of designated ground water for potable purposes or failure to provide the managing director of the office of environmental quality with required documentation is a violation of this ordinance and may result in the ordinance being repealed for that portion of the designated property.

SECTION 12. That approval of this municipal setting designation ordinance shall not be construed to subject the city of Dallas to any responsibility or liability for any injury to persons or damages to property caused by any contaminant of concern.

SECTION 13. That within 30 days after adoption of this municipal setting designation ordinance, the applicant shall provide the managing director of the office of environmental quality with an electronic file showing the location of the designated property and the designated groundwater in a format compatible with the city of Dallas' geographic information system.

SECTION 14. That within 60 days after adoption of this municipal setting designation ordinance, the managing director of the office of environmental quality shall file a certified copy of this municipal setting designation ordinance in the deed records of the county where the designated property is located.

SECTION 15. That within 60 days after adoption of this municipal setting designation ordinance, the managing director of the office of environmental quality shall send a certified copy of this municipal setting designation ordinance to the applicant and the Texas Commission on Environmental Quality, and that the managing director of the office of environmental quality shall notify the Texas Commission on Environmental Quality 60 days prior to any amendment or repeal of this municipal setting designation ordinance.

SECTION 16. That the applicant shall provide the managing director of the office of environmental quality with a copy of the municipal setting designation certificate issued by the Texas Commission on Environmental Quality pursuant to Section 361.807 of the Texas Health and Safety Code within 30 days after issuance of the certificate.

SECTION 17. That the applicant shall provide the managing director of the office of environmental quality with a copy of the certificate of completion or other documentation issued by the Texas Commission on Environmental Quality showing that any site investigations and response actions required pursuant to Section 361.808 of the Texas Health and Safety Code have been completed to the satisfaction of the Texas Commission on Environmental Quality within the time period required. The managing director of the office of environmental quality may, for good cause, extend the time for submitting the documentation.

SECTION 18. That the applicant shall notify the managing director of the office of environmental quality in writing if the applicant determines that notice is required to be sent to an owner of other property beyond the boundaries of the designated property under Title 30 Texas Administrative Code, Chapter 30, Section 350.55(b), and provide the name of the property owner, the property address, and a copy of the notice sent to the property owner.

SECTION 19. That a person violating a provision of this municipal setting designation ordinance, upon conviction, is punishable by a fine not to exceed \$2,000, and that the Texas Commission on Environmental Quality shall be notified of any violations.

SECTION 20. That Chapter 51A of the Dallas City Code shall remain in full force and effect, save and except as amended by this municipal setting designation ordinance.

SECTION 21. That the terms and provisions of this municipal setting designation ordinance are severable and are governed by Section 1-4 of Chapter 1 of the Dallas City Code, as amended.

SECTION 22. That this municipal setting designation ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so ordained.

APPROVED AS TO FORM:

CHRISTOPHER D. BOWERS, Interim City Attorney

By _____
Assistant City Attorney

Passed _____

LEGAL DESCRIPTION

30.664 ACRES

BEING a tract of land situated in the William Babbitt Survey, Abstract No. 155, City of Dallas, Dallas County, Texas, and in City Blocks 8374 and 8375 of the Official Block Numbers of the City of Dallas, Texas; being part of that tract of land described as Tract One in Special Warranty Deed to JCR Team, LLC recorded in Instrument No. 201000250739, Official Public Records of Dallas County, Texas; all of that tract of land described in Special Warranty Deed to JCR Team, LLC recorded in Instrument No. 201000250740 of said Official Public Records; all of that tract of land described in General Warranty Deed to the City of Dallas recorded in Volume 741, Page 947, Deed Records of Dallas County, Texas; all of those tracts of land described in Warranty Deeds to the City of Dallas recorded in Volume 890, Page 1062 and Volume 907, Page 706 of said Deed Records; all of a called 25.6176 acre tract of land described as Exhibit F in Marital Property Agreement to Gale A. Rucker and Hugh W. Rucker recorded in Volume 90210, Page 1899 of said Deed Records; all of Tract 1 and Tract 2 as described in Special Warranty Deed to Ryan Street Developers, LLC recorded in Instrument No. 201500237750 of said Official Public Records, a portion of Ryan Road (a 50-foot wide right-of-way) and a portion of Luna Road (a variable width right-of-way); and being more particularly described as follows:

COMMENCING at the north end of a right-of-way corner clip at the intersection of the north right-of-way line of W. Northwest Highway (a variable width right-of-way) and the west right-of-way line of said Luna Road;

THENCE with said west right-of-way line of Luna Road, the following courses and distances:

North 0°25'47" West, a distance of 307.28 feet to a point for corner;
North 89°33'23" East, a distance of 20.00 feet to a point for corner;
North 0°25'47" West, a distance of 188.35 feet to the **POINT OF BEGINNING**;

THENCE with said west right-of-way line of Luna Road, North 0°25'47" West, a distance of 1,254.09 feet to a point for corner;

THENCE departing said west right-of-way line of Luna Road, North 89°30'14" East, at a distance of 60.00 feet passing the northwest terminus of said Ryan Road and continuing with the north right-of-way line of said Ryan Road for a total distance of 897.59 feet to a point for corner;

THENCE departing said north right-of-way line of Ryan Road, South 0°27'18" East, at a distance of 50.00 feet passing the northeast corner of said Tract 1 and the northwest corner of a tract of land described in Special Warranty Deed to Arcadian Properties & Leasing, LLC recorded in Instrument No. 200600077619 of said Official Public Records and continuing for a total distance of 445.22 feet to a point at the southwest corner of said Arcadian Properties & Leasing, LLC tract;

DANA BROWN
REGISTERED PROFESSIONAL
LAND SURVEYOR NO. 5336
12750 MERIT DRIVE, SUITE 1000
DALLAS, TEXAS 75251
PH. 972-770-1300
dana.brown@kimley-horn.com



EXHIBIT A
M.S.D. SURVEY
CITY OF DALLAS BLOCKS 8374 & 8375
WILLIAM BABBITT SURVEY,
ABSTRACT NO. 155
CITY OF DALLAS, DALLAS COUNTY, TEXAS

Kimley»Horn

12750 Merit Drive, Suite 1000
Dallas, Texas 75251

FIRM # 10115500

Tel. No. (972) 770-1300
Fax No. (972) 239-3820

Scale	Drawn by	Checked by	Date	Project No.	Sheet No.
N/A	SLJ	DAB/JAD	SEPT. 2015	064484200	1 OF 3

LEGAL DESCRIPTION

30.665 ACRES

(continued)

THENCE with said south line of the Arcadian Properties & Leasing, LLC tract, North 89°30'14" East, a distance of 335.20 feet to a point for corner in the west line of the C.R.I. & G. Railroad (a variable width right-of-way) at the southeast corner of said Arcadian Properties & Leasing, LLC tract;

THENCE with said west line of the C.R.I. & G. Railroad tract, the following courses and distances:

South 8°51'14" West, a distance of 229.54 feet to a point for corner;
North 81°08'46" West, a distance of 25.00 feet to a point for corner;
South 8°51'14" West, a distance of 514.30 feet to a point for corner;
North 88°51'46" West, a distance of 94.20 feet to a point for corner;
South 0°20'46" East, a distance of 110.00 feet to a point at the southeast corner of last mentioned City of Dallas tract;

THENCE with the south line of said City of Dallas tracts, North 88°51'45" West, at a distance of 934.36 feet passing the east right-of-way line of said Luna Road and continuing for a total distance of 994.36 feet to the **POINT OF BEGINNING** and containing 30.664 acres or 1,335,731 square feet of land.

The bearings for this survey are based on a bearing of North 89°30'14" East for the south right-of-way line of Ryan Road (a 50-foot wide right-of-way) according to the Special Warranty Deed to Ryan Street Developers, LLC recorded in Instrument No. 201500237750 of the Official Public Records of Dallas County, Texas.

This document was prepared under 22 TAC §663.21, does not reflect the results of an on the ground survey, and is not to be used to convey or establish interests in real property except those rights and interests implied or established by the creation or reconfiguration of the boundary of the political subdivision for which it was prepared.

EXHIBIT A
M.S.D. SURVEY
CITY OF DALLAS BLOCKS 8374 & 8375
WILLIAM BABBITT SURVEY,
ABSTRACT NO. 155
CITY OF DALLAS, DALLAS COUNTY, TEXAS

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DALLAS, TEXAS 75251
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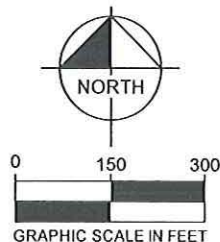
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Dallas, Texas 75251

FIRM # 10115500

Tel. No. (972) 770-1300
Fax No. (972) 239-3820

Scale	Drawn by	Checked by	Date	Project No.	Sheet No.
N/A	SLJ	DAB/JAD	SEPT. 2015	064484200	2 OF 3



MSD No. 0E00053 Ryan Street Developers, LLC - 1840 & 1860 Ryan Rd. and 10704, 10710, 10714, & 10750 Luna Road

CITY OF DALLAS
VOL. 120, PG. 1470
D.R.D.C.T.

BLOCK 8572

ZT EQUIPMENT, L.L.C.
INST. NO. 201200142890
O.P.R.D.C.T.

ZT EQUIPMENT, L.L.C.
INST. NO. 201200142891
O.P.R.D.C.T.

P.O.B.

N0°25'47"W
188.35'

N89°33'23"E
20.00'

LOT 1, BLOCK A/8572
HASTY INCORPORATED
ADDITION
VOL. 86236, PG. 1816
D.R.D.C.T.

P.O.C.

20' R.O.W. DEDICATION
VOL. 86236, PG. 1816
D.R.D.C.T.

LEGEND

P.O.C. = POINT OF COMMENCING
P.O.B. = POINT OF BEGINNING
R.O.W. = RIGHT-OF-WAY
D.R.D.C.T. = DEED RECORDS OF
DALLAS COUNTY, TEXAS
O.P.R.D.C.T. = OFFICIAL PUBLIC
RECORDS, DALLAS
COUNTY, TEXAS

DANA BROWN
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W. NORTHWEST
HIGHWAY
(VARIABLE WIDTH R.O.W.)

ISSAM AL SHMAISANI
INST. NO. 201200271065
O.P.R.D.C.T.

NILCO ENTERPRISES
INC.
VOL. 97219, PG. 3727
D.R.D.C.T.

O'NEAL METALS
(TEXAS), L.P.
VOL. 99004,
PG. 5754
D.R.D.C.T.

DALLAS TUBE
PARTNERSHIP
VOL. 86133,
PG. 5280
D.R.D.C.T.

60' N89°30'14"E 897.59'

50'

RYAN
ROAD
(50' R.O.W.)

REMAINDER
TRACT ONE
JCR TEAM, LLC
INST. NO.
201000250739
O.P.R.D.C.T.

TRACT 1
RYAN STREET
DEVELOPERS, LLC
INST. NO.
201500237750
O.P.R.D.C.T.

S0°27'18"E
445.22'
ARCADIAN PROPERTIES
& LEASING, LLC
INST. NO.
200600077619
O.P.R.D.C.T.

N89°30'14"E
335.20'

REMAINDER
CALLED
25.6176 ACRES
GALE A. RUCKER &
HUGH W. RUCKER
VOL. 90210,
PG. 1899
D.R.D.C.T.

BLOCK 8375

TRACT 2
RYAN STREET DEVELOPERS, LLC
INST. NO. 201500237750
O.P.R.D.C.T.

N81°08'46"W
25.00'

S8°51'14"W
229.54'

C.R.I. & G. RAILROAD
(VARIABLE WIDTH R.O.W.)

30.664 ACRES
1,335,731 SQ. FT.

CITY OF DALLAS
VOL. 741, PG. 947
D.R.D.C.T.

CITY OF DALLAS BLOCK 8375
CITY OF DALLAS BLOCK 8374
CITY OF DALLAS
VOL. 890, PG. 1062, D.R.D.C.T.

CITY OF DALLAS
VOL. 907, PG. 706
D.R.D.C.T.

N88°51'46"W
94.20'

S0°20'46"E
110.00'

NOTES:

1. The bearings for this survey are based on a bearing of North 89°30'14" East for the south right-of-way line of Ryan Road (a 50-foot wide right-of-way) according to the Special Warranty Deed to Ryan Street Developers, LLC recorded in Instrument No. 201500237750 of the Official Public Records of Dallas County, Texas.
2. This document was prepared under 22 TAC §663.21, does not reflect the results of an on the ground survey, and is not to be used to convey or establish interests in real property except those rights and interests implied or established by the creation or reconfiguration of the boundary of the political subdivision for which it was prepared.

EXHIBIT A

M.S.D. SURVEY

CITY OF DALLAS BLOCKS 8374 & 8375

WILLIAM BABBITT SURVEY,

ABSTRACT NO. 155

CITY OF DALLAS, DALLAS COUNTY, TEXAS

Kimley»Horn

12750 Merit Drive, Suite 1000
Dallas, Texas 75251

FIRM # 10115500

Tel. No. (972) 770-1300
Fax No. (972) 239-3820

Scale	Drawn by	Checked by	Date	Project No.	Sheet No.
1" = 300'	SLJ	DAB/JAD	SEPT. 2015	064484200	3 OF 3

KEY FOCUS AREA: E-Gov

AGENDA DATE: June 15, 2016

COUNCIL DISTRICT(S): 1

DEPARTMENT: Office of Financial Services
Housing/Community Services
Office of Economic Development

CMO: Jeanne Chipperfield, 670-7804
Alan Sims, Chief of Neighborhood Plus, 670-1611
Ryan S. Evans, 671-9837

MAPSCO: 54D

SUBJECT

A public hearing to receive comments on the proposed change of use for property located at 138 West Davis Street purchased with Community Development Block Grant (CDBG) funds from the U.S. Department of Housing and Urban Development (HUD); and, at the close of the public hearing authorize: **(1)** approval of the change of use and voluntary refund of CDBG funds to be used for other eligible purposes in the future; **(2)** disbursement of Public/Private Partnership Funds in the amount of \$479,541 to provide for the voluntary refund of CDBG funds within the timeframe required by HUD; and **(3)** the receipt and deposit of funds in an amount not less than \$479,541 from the Developer to fully reimburse the Public/Private Partnership Fund upon availability of construction loan funding - Not to exceed \$479,541 - Financing: Public/Private Partnership Funds

BACKGROUND

Community Development Block Grant (CDBG) funds in the amount of \$479,541 were used to complete design work, environmental testing related to median improvements and the purchase of the property located at 138 West Davis Street in December 2013. The original project was to create an open space/public plaza median on the site to include streetscape improvements, seating, landscaping and lighting. In 2014, the property adjacent to the project site was identified as a future streetcar stop location (as part of the planned extension of the Oak Cliff Streetcar from Methodist Hospital area to the Bishop Arts District).

When the opportunity for a streetcar extension and stop became known, discussions ensued to incorporate the public plaza within the streetcar stop. As plans for new development in the area began to evolve, the remaining portion of the originally proposed CDBG project, including completion of the public plaza and streetscape improvements, were not completed.

BACKGROUND (Continued)

In January 2015, developer Alamo Manhattan BAD, LLC ("Developer") began discussions with City staff on a proposed Bishop Arts Station project for TIF funding. This project would be a mixed-use development - 209 residential units (20% will be affordable units) and 25,200 square feet of retail/restaurant space with structured parking. Total investment for this development is estimated to be approximately \$50M.

The proposed Bishop Arts Station project design includes a 1,250 square feet abandonment of the western portion of 138 West Davis Street tract (of the 10,260 sf originally purchased with CDBG funds) for a small portion of building structure and restaurant seating. The eastern portion would remain public as an enhanced plaza adjacent to the streetcar line as proposed in the initial CDBG project.

A condition of the TIF agreement for the development project is that the Developer provide for funds as required by HUD for the City to refund HUD; however, the Developer does not anticipate having a construction loan to provide this payment until September 2016. Typically, HUD receives payment within 30-45 days of the close of the public hearing, necessitating the need to provide an interim source of City Public/Private Partnership funds. The TIF agreement with the Developer will include a requirement that the City be reimbursed upon their construction loan funding.

According to the U.S. Department of Housing and Urban Development (HUD) regulations, the proposed abandonment of a portion of the property at 138 West Davis Street triggers the change of use provisions in HUD's Code of Federal Regulations (CFR), at 24 CFR 570.505.

The change of use provisions requires that citizens be provided notice and opportunity to comment on the proposed change. If it is determined to change the use of the property to a use which does meet a national objective, the changed use is allowed if the CDBG program is reimbursed in the amount of the current fair market value of the property. Following the refund to the CDBG program, the property will no longer be subject to any CDBG requirements.

In order to provide the most flexibility for the proposed developer with design and timing for the proposed project, a change of use is needed. Staff has consulted with HUD and received approval of the City's proposal to move forward with compliance with the change of use provisions.

This item holds a public hearing to receive comments on the proposed change of use for property located at 138 West Davis Street purchased with Community Development Block Grant funds from the U.S. Department of Housing and Urban Development; and, at the close of the public hearing, authorize approval of the change of use and voluntary refund of CDBG funds to be used for other eligible purposes in the future.

BACKGROUND (Continued)

In conformance with HUD requirements, a notice of the public hearing was published in the Dallas Morning News on May 15, 2016.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Information about this item was provided at the combined Economic Development and Housing Committee meeting on February 1, 2016.

On March 23, 2016, City Council authorized a development agreement with Alamo Manhattan BAD, LLC and/or its affiliates which included a pending abandonment process acquisition of a portion of City owned right-of-way at 138 West Davis Street by Resolution No. 16-0466, as amended.

On April 27, 2016, City Council authorized a public hearing to be held on June 15, 2016, to receive comments on the proposed change of use for property located at 138 West Davis Street purchased with Community Development Block Grant funds from the U. S. Department of Housing and Urban Development, by Resolution No. 16-0637.

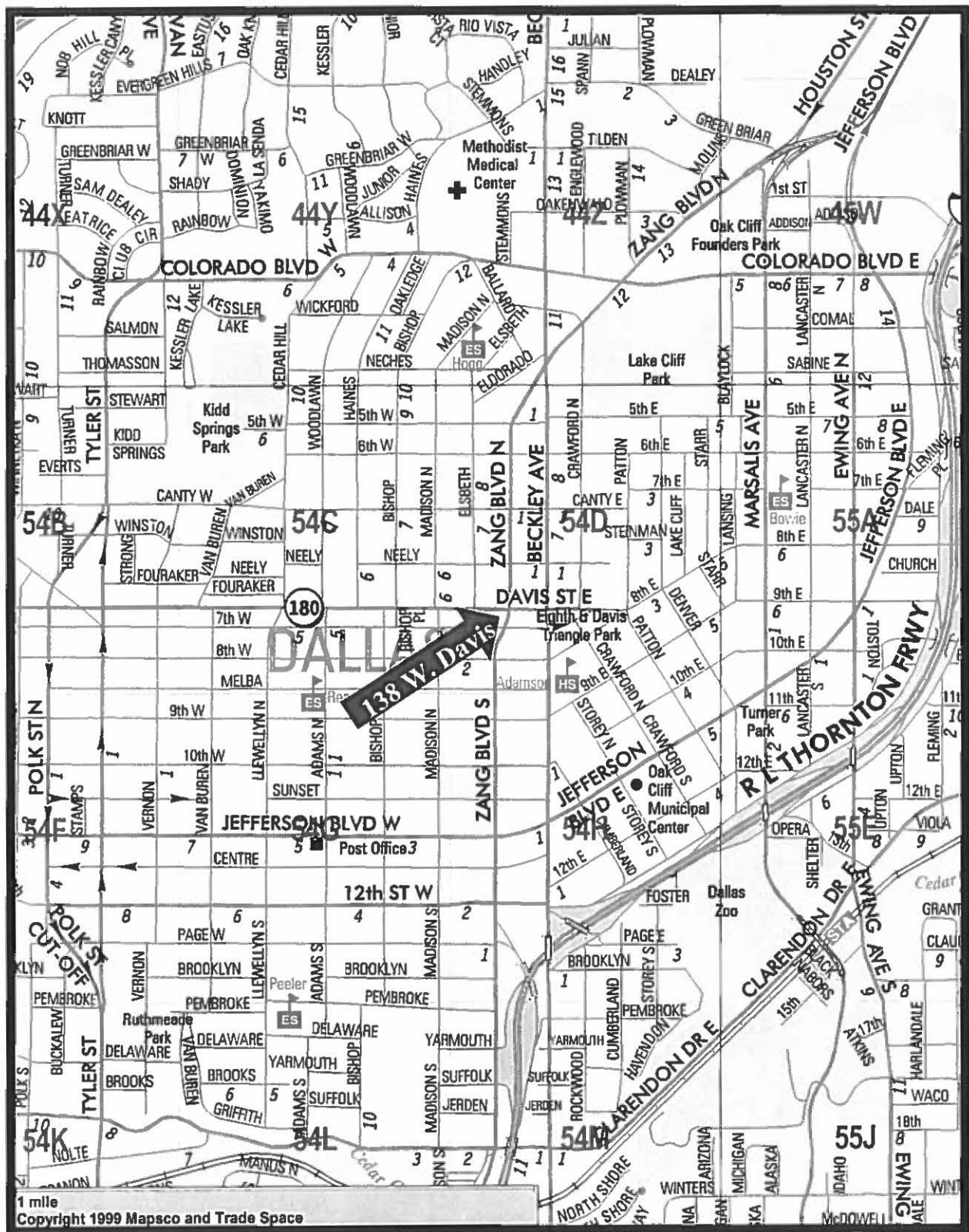
Information about this item will be provided to the Housing Committee on June 6, 2016.

FISCAL INFORMATION

Public/Private Partnership Funds - \$479,541

MAP

Attached



MAPSCO 54D

June 15, 2016

WHEREAS, Community Development Block Grant (CDBG) funds in the amount of \$479,541 were used to complete design work, environmental testing related to median improvements and the purchase of the property located at 138 West Davis Street; and

WHEREAS, the City of Dallas desires to abandon 1,250 square feet of City-owned property purchased with CDBG funds located at 138 West Davis Street as part of a proposed development project; and

WHEREAS, a condition of the TIF agreement for the development project is that the developer provide for funds as required by HUD for the City to refund HUD; however, the developer funding is contingent on a construction loan necessitating the need for City interim funding to provide the voluntary refund in a timely manner for HUD; and

WHEREAS, according to HUD regulations, the proposed abandonment of a portion of the property at 138 West Davis Street triggers the change of use provisions in HUD's Code of Federal Regulations (CFR), at 24 CFR 570.505 that requires public notice; and

WHEREAS, on April 27, 2016, City Council authorized a public hearing to be held on June 15, 2016 to receive comments on the proposed change of use, and notice was published in the Dallas Morning News on May 15, 2016; and

WHEREAS, holding a public hearing on June 15, 2016 for public comment on the proposed change of use for property located at 138 West Davis Street purchased with CDBG funds will satisfy HUD requirements;

Now, Therefore,

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

Section 1. That the City Council hereby authorizes approval of the change of use for property located at 138 West Davis Street purchased with CDBG funds and voluntary refund of CDBG funds to be used for other eligible purposes in the future.

Section 2. That the Chief Financial Officer is hereby authorized to disburse funds to the U.S. Department of Housing and Urban Development in an amount not to exceed \$479,541, from Fund 0352, Department ECO, Unit 9992, Object Code 3571, Activity PPPF, Encumbrance No. ECO99921283, Vendor No. 263304 for the voluntary refund of CDBG funds.

Section 3. That the Chief Financial Officer is hereby authorized to receive and deposit any and all funds received from the Developer in an amount not less than \$479,541, to fully reimburse the Public/Private Partnership Fund 0352, Department ECO, Unit 9992, Activity PPPF, Revenue Source 8518 for funds expended to provide for the voluntary refund of CDBG funds.

June 15, 2016

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

KEY FOCUS AREA: E-Gov

AGENDA DATE: June 15, 2016

COUNCIL DISTRICT(S): N/A

DEPARTMENT: Office of Financial Services

CMO: Jeanne Chipperfield, 670-7804

MAPSCO: N/A

SUBJECT

A public hearing to receive comments on the Proposed FY 2016-17 HUD Consolidated Plan Budget for U.S. Department of Housing and Urban Development Grant Funds and the Proposed FY 2015-16 Reprogramming Budget - Financing: No cost consideration to the City

BACKGROUND

Federal regulations require a public hearing on the City's Proposed Consolidated Plan Budget for U.S. Department of Housing and Urban Development (HUD) grant funds. This includes the following grants: Community Development Block Grant (CDBG), HOME Investment Partnerships Program (HOME), Emergency Solutions Grant (ESG), and Housing Opportunities for Persons with AIDS (HOPWA). Federal regulations also require a public hearing on the City's Proposed Reprogramming Budget.

Federal regulations and the City's Citizen Participation Plan require a public comment period of not less than 30 days and a public hearing to receive comments.

On May 18, 2016, City Council authorized a public hearing to be held on June 15, 2016 before the City Council. The public hearing will provide an opportunity for comments on the proposed use of funds. The public review and comment period continues through June 21, 2016.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On February 10, 2016, City Council authorized the release of unobligated funds from their originally budgeted purposes for future reprogramming in conjunction with the FY 2016-17 Consolidated Plan Budget by Resolution No. 16-0284.

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

On March 3, 2016, the Community Development Commission (CDC) was briefed on the City Manager's Proposed FY 2016-17 HUD Consolidated Plan Budget. The CDC held meetings in March and April 2016 to review the proposed budget.

On April 7, 2016, the CDC concurred with the City Manager's proposed budget and there were no amendments.

On April 20, 2016, City Council was briefed on the Proposed FY 2016-17 Consolidated Plan Budget and the CDC's recommendations.

On May 11, 2016, City Council remanded the Proposed FY 2016-17 HUD Consolidated Plan Budget to the Housing Committee for further consideration.

On May 16, 2016, the Housing Committee was briefed on the development of the Proposed FY 2016-17 HUD Consolidated Plan Budget and potential amendments.

On May 18, 2016, City Council was briefed on the development of the Proposed FY 2016-17 HUD Consolidated Plan Budget Amendments and straw votes were taken.

On May 18, 2016, City Council approved the preliminary adoption of the Proposed FY 2016-17 HUD Consolidated Plan Budget for U.S. Department of Housing and Urban Development Grant funds and the Proposed FY 2015-16 Reprogramming Budget and authorized a public hearing by Resolution No. 16-0786.

FISCAL INFORMATION

No cost consideration to the City.

AGENDA ITEM # 59

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: June 15, 2016

COUNCIL DISTRICT(S): 6

DEPARTMENT: Office of Economic Development

CMO: Ryan S. Evans, 671-9837

MAPSCO: 44 D, H 45 E

SUBJECT

A public hearing to receive comments concerning the renewal of the Oak Lawn-Hi Line Public Improvement District (District), for the purpose of providing supplemental public services, to be funded by assessments on real property and real property improvements in the District; and, at the close of the public hearing authorize: **(1)** approval of a resolution renewing the District for a period of seven years; **(2)** approval of the District's Service Plan for calendar years 2017-2023; and **(3)** approval of a management contract with the Oak Lawn-Hi Line Improvement Corporation, a non-profit corporation as the management entity for the District - Financing: No cost consideration to the City

BACKGROUND

The Oak Lawn-Hi Line Public Improvement District was first established by the City Council on June 24, 2009 following a petition and public hearing. The Improvement Order authorized collection of the requested assessment over a seven year period. On April 1, 2016, the Oak Lawn-Hi Line Improvement Corporation, representing property owners of the Oak Lawn-Hi Line area, presented to the City staff petitions requesting the renewal of the Oak Lawn-Hi Line Public Improvement District and approval of a seven year service plan, effective January 1, 2017. The staff reviewed the proposed Service Plan, verified the petitions, found the renewal plan to be viable, and recommended its approval.

On May 11, 2016, the City Council authorized the public hearing for the renewal of the District to be held on June 15, 2016. Notice of the public hearing was published in the Dallas Morning News and mailings were sent to property owners of record in the District.

BACKGROUND (Continued)

The City desires, by calling and holding of the scheduled public hearing, to provide a reasonable opportunity for any owner of property located within the District to speak for or against the renewal of the District or the special assessment the District may levy against each property owner of record for real property and real property improvements, exclusive of right-of-way, to provide funding for the District for the purpose of providing supplemental services and improvements.

The public improvement district is outlined in the following way:

- a. **Nature of the Services and Improvements.** The purpose of the District is to supplement and enhance services provided within the District, but not to replace or supplant existing City services provided within the District. The general nature of the proposed services and improvements to be performed by the District includes enhanced security and public safety, capital improvements, improvement of common areas, landscaping, trash/litter removal, graffiti control, marketing and promotional activities, distinctive lighting and signage, business development and recruitment to promote the area, and related expenses incurred in establishing, administering and operating the District as authorized by the Act.
- b. **Estimated Cost of the Services and Improvements.** During the seven (7) year period, the annual cost of the improvements and services provided by the existing District is estimated to range from approximately \$374,321 to \$887,693 annually. Based on the estimated maximum cost of improvements and services, the seven year total assessment collection requested by the District shall not exceed a collective total of \$4,252,187. In the event the District requires additional funds, the District shall re-petition the property owners for such an increase. At no time shall the total amount levied exceed the total amount shown in the approved petition budget for the services and improvements to be provided for the year in which the property is assessed except as provided in the petition and subject to the collective total for the 7 year period.

The District shall not incur bonded indebtedness. The service plan budget and assessment rate are subject to annual review, a public hearing, and approval by the City Council.
- c. **Boundaries.** The District is located wholly within the City of Dallas, Texas. The boundaries of the District are shown on the map of the district.

BACKGROUND (Continued)

- d. **Method of Assessment.** The assessment shall apportion the costs each year among the property owners on the basis of special benefits accruing to the property. The proposed method of assessment, which may specify included or excluded classes of assessable property, shall be based on the value of the real property and real property improvements as determined by the Dallas Central Appraisal District. The assessment amount for 2016 is proposed to be \$374,321. This amount is approximately equal to \$0.15 per \$100.00 of appraised value as determined by the Dallas Central Appraisal District. If appraised values rise such that the assessment rate equal to the amount of \$.15 per \$100.00 valuation would yield an assessment amount that exceeds the estimated costs, the assessment rate shall be reduced until the total assessment equals or is less than to the budgeted amount approved in the petition budget, subject to the appropriations set forth in the petition.
- e. **Apportionment of Cost between the District and the Municipality as a Whole.** The District shall pay the costs of the services and improvements by special assessment against the real property and real property improvements. The real property of jurisdictions and entities that have obtained an exemption from City of Dallas real property taxes pursuant to the Texas Property Code (except under the provisions of Sections 11.24 and 11.28 of the Property Tax Code) will not be subject to an assessment on that portion of the assessed value of the property exempt from City real property taxes. The City of Dallas is not responsible for payment of assessment against exempt City property in the District. City right-of-way, railroad right-of-way, City parks and cemeteries are not specially benefitted and therefore are not subject to PID assessment.

Staff review of the signed petitions presented on April 1, 2016 confirmed that property owners of record representing 71.3 percent of the value of the property in the specified area and representing 66.2 percent of the land area had signed the petitions requesting the renewal of the District.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On June 24, 2009, City Council authorized creation of the Oak Lawn-Hi Line Public Improvement District by Resolution No. 09-1679.

On September 9, 2015, City Council authorized the assessment rate for 2015 by Ordinance No. 29865.

Information about this item was provided to the Economic Development Committee on May 2, 2016.

On May 11, 2016, City Council authorized the public hearing to be held on June 15, 2016 to review the renewal of the District by Resolution No. 16-0723.

FISCAL INFORMATION

No cost consideration to the City.

June 15, 2016

WHEREAS, Chapter 372 of the Texas Local Government Code (the “Act”) allows for the creation of public improvement districts; and

WHEREAS, on June 24, 2009, City Council authorized creation of the Oak Lawn-Hi Line Public Improvement District by Resolution No. 09-1679; and

WHEREAS, on September 9, 2015, City Council authorized the assessment rate for 2015 by Ordinance No. 29865; and

WHEREAS, on April 1, 2016, the Oak Lawn-Hi Line Improvement Corporation, representing property owners of the Oak Lawn-Hi Line area, delivered to the City of Dallas a petition to renew the Oak Lawn-Hi Line Public Improvement District in accordance with Chapter 372 of the Texas Local Government Code and as shown on the attached Map of the District (**Exhibit A**). City staff reviewed the petition and determined that the owners of more than 60 percent of the appraised value of the taxable real property liable for assessment, and more than 60 percent of the land area of all taxable real property liable for assessment within the District executed the petition, meeting the thresholds for the City Council to consider creation or renewal of the District; and

WHEREAS, pursuant to Section 372.007 of the Act, the City staff, with the assistance of the Oak Lawn-Hi Line Improvement Corporation verified the petitions, evaluated the service plan to determine whether the services and improvements should be made as proposed by the petition, and found the services and improvements to be desirable and feasible; and

WHEREAS, the Act further requires that prior to the adoption of the resolution providing for the re-establishment of the Oak Lawn-Hi Line Public Improvement District to provide supplemental public services to be funded by assessments on real property and real property improvements, the City Council must hold a public hearing on the advisability of the improvements; the nature of the improvement; the estimated cost of the improvement; the boundaries of the public improvement district; the method of assessment; and the apportionment of costs between the district and the municipality as a whole; and

WHEREAS, on May 11, 2016, the City Council called for a public hearing to be held on June 15, 2016, to hear comments and concerns regarding the re-establishment of the Oak Lawn-Hi Line Public Improvement District (District) and stated its intent at the close of that hearing to consider a resolution renewing the District by Resolution No. 16-0723; and

WHEREAS, after providing notices required by Section 372.009 of the Act, the City Council on June 15, 2016, conducted a public hearing on the advisability of the improvements and services, and adjourned such public hearing.

June 15, 2016

NOW, THEREFORE,

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

Section 1. That pursuant to the requirements of the Act, the City Council, after considering the Petition for the proposed District and evidence and testimony presented at the public hearing on June 15, 2016, hereby finds and declares:

- a. **Nature of the Services and Improvements.** The purpose of the District is to supplement and enhance services provided within the District, but not to replace or supplant existing City services provided within the District. The general nature of the proposed services and improvements to be performed by the District includes enhanced security and public safety, capital improvements, improvement of common areas, landscaping, trash/litter removal, graffiti control, marketing and promotional activities, distinctive lighting and signage, business development and recruitment to promote the area, and related expenses incurred in establishing, administering, and operating the District as authorized by the Act.
- b. **Estimated Cost of the Services and Improvements.** During the seven (7) year period, the annual cost of the improvements and services provided by the existing District is estimated to range from approximately \$374,321 to \$887,693 annually. Based on the estimated maximum cost of improvements and services, the seven year total assessment collection requested by the District shall not exceed a collective total of \$4,252,187. In the event the District requires additional funds, the District shall re-petition the property owners for such an increase. At no time shall the total amount levied exceed the total amount shown in the approved petition budget for the services and improvements to be provided for the year in which the property is assessed except as provided in the petition and subject to the collective total for the 7 year period.

The District shall not incur bonded indebtedness. The service plan budget and assessment rate are subject to annual review, a public hearing and approval by the City Council.

- c. **Boundaries.** The District is located wholly within the City of Dallas, Texas. The boundaries of the District are shown on the map of the district (**Exhibit A**).

June 15, 2016**Section 1. (Continued)**

- d. **Method of Assessment.** The assessment shall apportion the costs each year among the property owners on the basis of special benefits accruing to the property. The proposed method of assessment, which may specify included or excluded classes of assessable property, shall be based on the value of the real property and real property improvements as determined by the Dallas Central Appraisal District (**Exhibit C**). The assessment amount for 2016 is proposed to be \$374,321. This amount is approximately equal to \$0.15 per \$100.00 of appraised value as determined by the Dallas Central Appraisal District. If appraised values rise such that the assessment rate equal to the amount of \$.15 per \$100.00 valuation would yield an assessment amount that exceeds the estimated costs, the assessment rate shall be reduced until the total assessment equals or is less than to the budgeted amount approved in the petition budget, subject to the appropriations set forth in the petition.
- e. **Apportionment of Cost between the District and the Municipality as a Whole.** The District shall pay the costs of the services and improvements by special assessment against the real property and real property improvements. The real property of jurisdictions and entities that have obtained an exemption from City of Dallas real property taxes pursuant to the Texas Property Code (except under the provisions of Sections 11.24 and 11.28 of the Property Tax Code) will not be subject to an assessment on that portion of the assessed value of the property exempt from City real property taxes. The City of Dallas is not responsible for payment of assessment against exempt City property in the District. City right-of-way, railroad right-of-way, City parks and cemeteries are not specially benefitted and therefore are not subject to PID assessment.
- f. **Annual Assessment Collection and Budget Allocation.** The District shall hold an annual meeting to review the service plan. The annual meeting shall be open to all property owners in a public meeting space (with written notice to all property owners in the PID at least two weeks prior to the meeting) to provide an opportunity for property owner questions, comments and input to be considered during the PID annual budget and service plan approval process.
- g. **City Expenses and Dallas County Charges.** The District shall pay the cost of: (i) collections service fee to Dallas County and (ii) City expenses related to oversight of the PID operations.

June 15, 2016

Section 1. (Continued)

- h. District Management.** The District shall be managed by the Oak Lawn-Hi Line Improvement Corporation (OLHLIC), a private nonprofit corporation created under the provisions of Section 501(c) (3) of the Internal Revenue Code. A cooperative relationship between the City and the private sector will be created whereby the City Council will review and approve annually the service plan and assessment plan, determine and levy assessments and conduct other functions as required by the Act, and the OLHLIC will be responsible for managing and implementing the Service Plan of the District.
- i. Advisory Body.** An advisory body may be established to develop and recommend an improvement plan to the governing body of the municipality. In the interest of providing efficient District management, the City Council, by accepting this Petition and renewing the District, agrees not to establish a separate advisory body and agrees to assign the responsibility for development and recommendation of the annual service and improvement plans and other responsibilities of the advisory body contained in the Act to the OLHLIC.
- j. District Dissolution.** The District shall automatically dissolve on December 31, 2023, unless renewed or dissolved through the petition and approval process as provided by the Act.

Section 2. That the facts and recitals contained in the preamble of this resolution are found and declared to be true and correct.

Section 3. That the Oak Lawn-Hi Line Public Improvement District is hereby authorized and established as a Public Improvement District under the Act in accordance with the findings as to the advisability of the services and improvements contained in this resolution, with an effective date of January 1, 2017. The District shall be subject to all of the terms, conditions, limitations and reservations contained in the findings of Section 1 of this resolution.

Section 4. That the City Secretary is directed to give notice of the authorization for the establishment of the District by publishing a copy of this resolution once in the newspaper of general circulation in the City of Dallas. Such authorization shall take effect and the District shall be deemed to be established effective upon the publication of this notice. The District shall automatically dissolve on December 31, 2023 unless the District is renewed through the petition and approval process as provided by the Act, or the District is sooner terminated as provided by law.

June 15, 2016**Section 4.** (Continued)

The power of the City to continue to levy and collect assessments within the District will cease and the District will be dissolved on the date that a petition requesting dissolution is filed with the City Secretary of the City of Dallas and the petition contains the signatures of at least enough property owners in the District to make the petition sufficient for creation of a public improvement district as provided in Section 372.005(b) of the Act.

Section 5. That the City Council authorizes that the District shall be managed through Oak Lawn-Hi Line Improvement Corporation (OLHLIC), a private nonprofit corporation established under the provisions of Section 501(c) of the Internal Revenue Code, to develop and recommend a service plan, improvement plan and assessment plan for approval by the City Council in order to promote the efficient management of the District. The OLHLIC shall be the entity responsible for the management of the District.

Section 6. That City Council hereby approves the Service Plan prepared by the OLHLIC, which is attached hereto and made part hereof and marked **(Exhibit B)** and directs the OLHLIC, to implement it in accordance with the Act. The Service Plan covers a period of seven (7) years and defines the annual indebtedness and projected cost for services and improvements. The OLHLIC, is hereby granted the ability to modify or substitute items without City Council approval within the program categories in the Service Plan, with City staff review and approval, if such changes serve the common interest of owners and tenants in the District and the increase and/or decrease in the amount of a program category does not exceed twenty percent (20%) of the budgeted amount for that category and subject to the total authorized by the petition. "Program categories" in the Service Plan are listed in **Exhibit B** and are permitted by the Act.

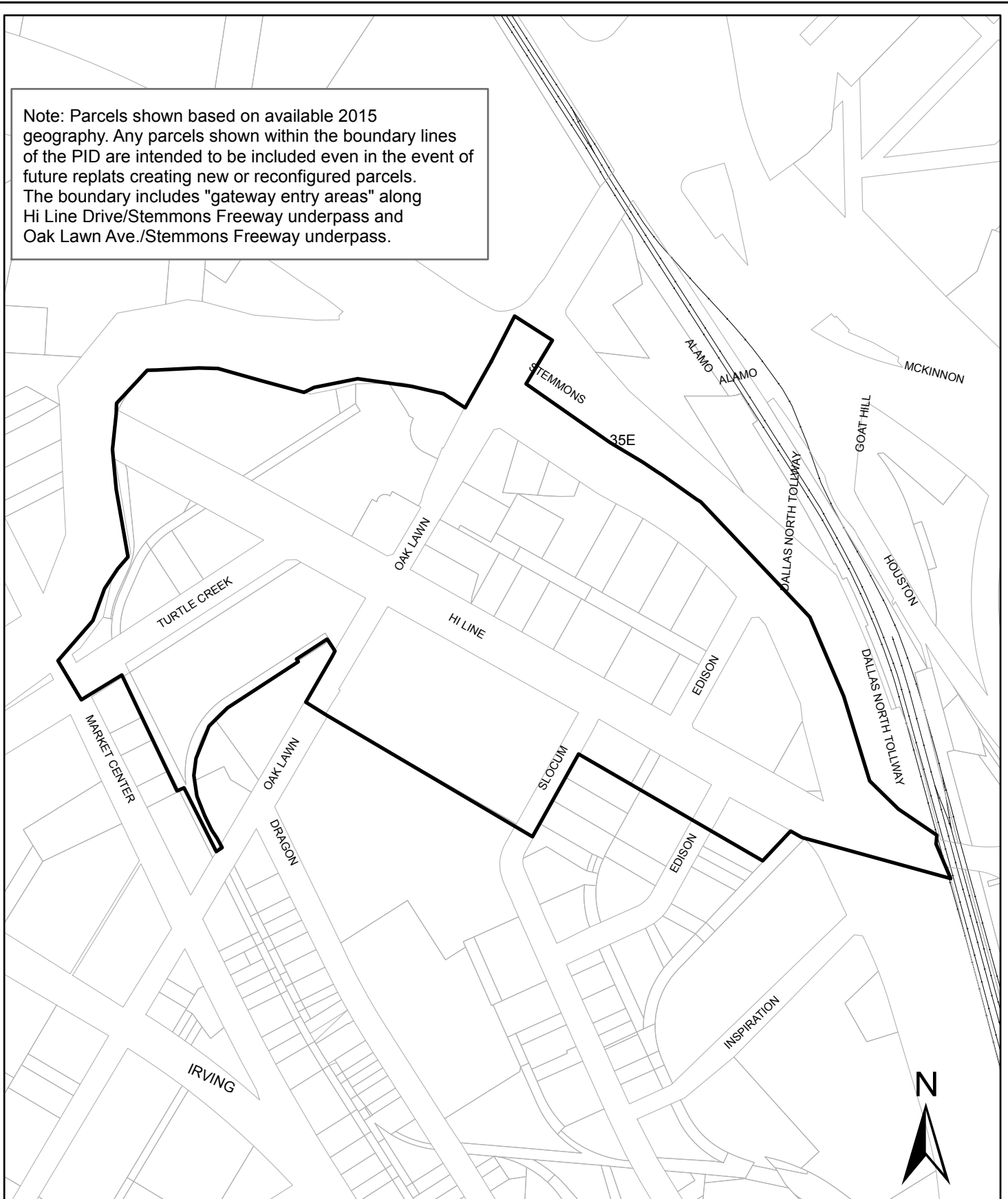
Section 7. That pursuant to the exception granted by Section 252.022(a)(9) of the Texas Local Government Code, the City Manager is hereby authorized and directed, upon approval as to form by the City Attorney, to enter into a contract with Oak Lawn-Hi Line Improvement Corporation, to manage special supplemental services to be paid from the assessments collected. The contract with the OLHLIC shall be in accordance with the Service Plan and this resolution and shall provide for compliance by the OLHLIC, with the Business Inclusion and Development Plan for participation of minorities and women providing services and improvements to the District.

Section 8. That the contract with the OLHLIC shall also provide for assessment collection services that the County will provide to the OLHLIC, for collection of the special assessments. The County shall receive a fee per account as compensation for its collection services.

June 15, 2016

Section 9. That this resolution shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so resolved.

Note: Parcels shown based on available 2015 geography. Any parcels shown within the boundary lines of the PID are intended to be included even in the event of future replats creating new or reconfigured parcels. The boundary includes "gateway entry areas" along Hi Line Drive/Stemmons Freeway underpass and Oak Lawn Ave./Stemmons Freeway underpass.



Oak Lawn - Hi Line Public Improvement District

Exhibit A

 PID Boundary



CITY OF DALLAS S

Office of Economic Development
March 2016

Exhibit B
Oak Lawn-Hi Line Public Improvement District--Seven Year Service Plan

	2017	2018	2019	2020	2021	2022	2023
INCOME							
Net assessment revenue ⁽¹⁾	\$335,010	\$368,860	\$490,988	\$610,447	\$742,346	\$816,941	\$887,595
Interest on cash balances	\$82	\$84	\$87	\$90	\$92	\$95	\$98
Other income & contributions ⁽²⁾	\$39,229	\$6,241	\$0	\$0	\$0	\$0	\$0
TOTAL INCOME	\$374,321	\$375,185	\$491,075	\$610,537	\$742,438	\$817,036	\$887,693
EXPENDITURES							
Security/PID Patrol ⁽³⁾	\$115,000	\$115,000	\$115,000	\$120,000	\$120,000	\$125,000	\$125,000
Area Improvements ⁽⁴⁾	\$216,000	\$186,000	\$216,000	\$216,000	\$266,000	\$216,000	\$216,000
General Administrative ⁽⁵⁾	\$25,200	\$25,200	\$25,200	\$27,200	\$27,200	\$27,200	\$27,200
Marketing/Promotion ⁽⁶⁾	\$1,136	\$32,000	\$35,000	\$35,000	\$40,000	\$40,000	\$40,000
Capital Improvements ⁽⁷⁾			\$82,890	\$195,352	\$272,253	\$391,851	\$462,508
Insurance and Audit ⁽⁸⁾	\$16,985	\$16,985	\$16,985	\$16,985	\$16,985	\$16,985	\$16,985
TOTAL EXPENDITURES	\$374,321	\$375,185	\$491,075	\$610,537	\$742,438	\$817,036	\$887,693

Oak Lawn-Hi Line Public Improvement District--Assessment Plan

The assessment amount is approximately equal to \$0.15 per \$100.00 of appraised value as determined by the Dallas Central Appraisal District (DCAD).

Notes

1. Net assessment reflects the deduction of City and County fees from the gross assessment collection.
2. Expenditures are anticipated to exceed net assessment revenue and interest income in the earlier years. Deficits will be met with property owner donations.
3. Public Safety consists of contract security patrols inside PID boundary.
4. Area improvements include landscape/irrigation to include turf, trees and periodic flower changes as well as litter and graffiti control. Maintenance of above standard improvements including benches, trash receptacles and bike racks is included. Periodic improvements to refurbish specialty signage and painting treatments.
4. General Administrative costs include management fee, annual tax preparation, bookkeeping charges and postage for public notices
6. Marketing/ Promotion is public information dissemination primarily through the Dallas Design District website. A branding effort is also proposed during the next 7 year term.
7. Capital improvements may include transportation planning/design for gateway improvements and phased implementation of those improvements. The feasibility of overhead utility burial to improve the aesthetics of the area will be studied and funded as budget allows with potential to leverage other sources of funding. Other improvements may include additional benches, trash cans, signage, sidewalk/median improvement projects, installing a signature fountain or adding art pieces to the District.
8. Insurance expense provides for liability coverage binder and cost of required annual financial audit

**OAK LAWN - HI LINE PUBLIC IMPROVEMENT DISTRICT
2016 ASSESSMENT PLAN**

The cost of the services and improvements provided by the Oak Lawn-Hi Line Public Improvement District will be paid primarily by assessments against real properties within the Oak Lawn-Hi Line Public Improvement District boundaries. Annual assessments will be based on the value of real property and improvements as certified by the Dallas Central Appraisal District.

The cost of improvements and services in the district will be assessed by application of a single rate applied to all non-exempt property on the combined value of the real property and real property improvements as determined by the Dallas Central Appraisal District. The 2016 assessment rate is proposed at \$0.15 per \$100.00 of appraised value. The annual assessments rate, during the seven-year life of the District, will not exceed \$0.15 per \$100.00 of appraised value as determined by the Dallas Central Appraisal District.

The District shall pay the costs of the services and improvements by special assessment against the real property and real property improvements. The City of Dallas is not responsible for payment of assessments against exempt City property in the District, which is specially benefited. City rights-of-way and city parks are not subject to assessment. Properties otherwise exempt from ad valorem taxes are not subject to assessment. Payment of assessment by other exempt jurisdictions must be established by contract.

The Oak Lawn Hi Line PID assessments will be collected by the Dallas County Tax Office in accordance with the contract with the City of Dallas and in accordance with the management contract between the City of Dallas and the Oak Lawn-Hi Line Improvement District Corporation.

AGENDA ITEM # 60

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: June 15, 2016

COUNCIL DISTRICT(S): 3

DEPARTMENT: Mayor and City Council

CMO: A. C. Gonzalez, 670-3297

MAPSCO: 61A-B,F,G,H,J,K,M,P,Q,R,T,U,V,X,Y,Z; 71A-B,C,D,H

SUBJECT

A public hearing to receive comments and consider authorizing a public hearing to determine proper zoning on property zoned Planned Development District No. 521 on property generally located along both sides of Interstate Highway 20 between Spur 408 and Clark Road on the east and Mountain Creek Parkway and FM 1382 on the west and containing approximately 2,925 acres with consideration given to appropriate zoning for the area including permitted uses, development standards, and other appropriate regulations - Financing: No cost consideration to the City (via Councilmembers Thomas, Medrano, Callahan, McGough, and Deputy Mayor Pro Tem Wilson)

BACKGROUND

Planned Development District No. 521 was created on November 11, 1998, by Ordinance No. 23711, for residential, office and retail uses. The Planned Development District is divided into two zones: the North Zone containing seven subdistricts and South Zone containing 14 subdistricts with Interstate Highway 20 being the dividing line.

Since 1998, there have been various amendments and new subdistricts created. Property owners within and surrounding Planned Development District No. 521 have voiced concern about recent proposals and indicated a desire to review Planned Development District No. 521 to see if changes are needed.

Five City Councilmembers, in a memo dated April 20, 2016, requested this item be placed on the City Council agenda and advertised as a public hearing as required by 51A-4.701(a)(1) of the Dallas Development Code.

This is a hearing to consider the request to authorize the hearing, not the rezoning of property at this time.

PRIOR ACTION/ REVIEW (COUNCIL, BOARDS, COMMISSIONS)

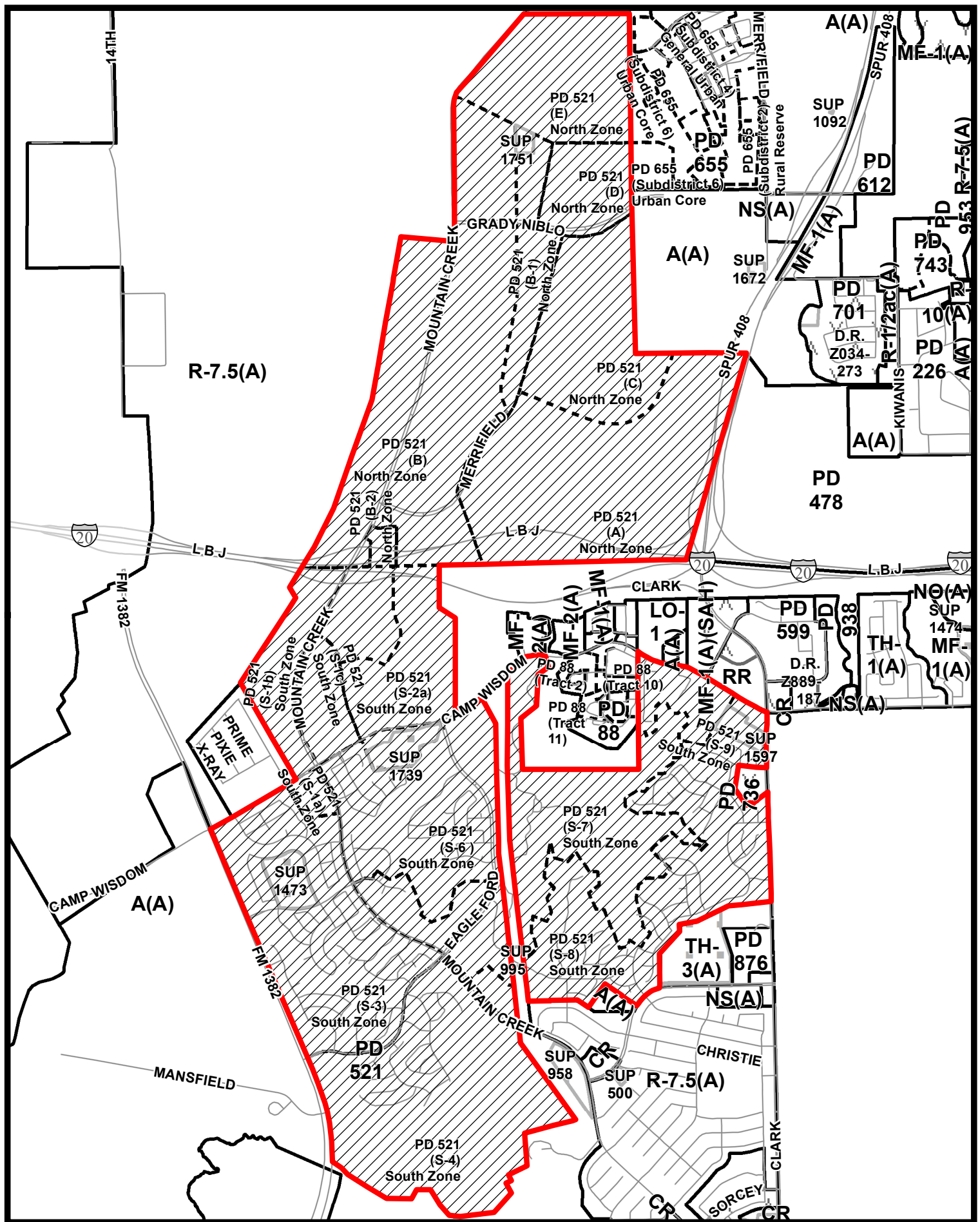
On May 25, 2016, this item was deferred at the request of Councilmember Thomas.

FISCAL INFORMATION

No cost consideration to the City.

MAP

Attached



1:30,000

Proposed Authorized Hearing
Planned Development District No. 521

Memorandum



CITY OF DALLAS

DATE April 20, 2016

TO The Honorable Mike Rawlings, Mayor


SUBJECT Request for Agenda Item for Authorized Hearing
Planned Development District No. 521 on both sides of Interstate Highway 20 between Spur 408 and Clark Road on the east and Mountain Creek Parkway and FM 1382 on the west.

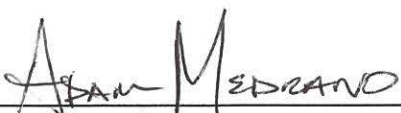
We respectfully request that the following item be placed on the City Council agenda and advertised as required by Section 51A-7.701(a)(1) of the City of Dallas Development Code.

Consideration of authorizing a public hearing to determine the proper zoning on property zoned Planned Development District No. 521 generally located on both sides of Interstate Highway 20 between Spur 408 and Clark Road on the east and Mountain Creek Parkway and FM 1382 on the west with consideration given to appropriate zoning for the area including use, development standards, and other appropriate regulations. Attached is a location map for your review.

This is a hearing to consider the request to authorize the hearing and not the rezoning of property at this time.

Thank you for your attention to this matter.


Casey Thomas, Councilmember

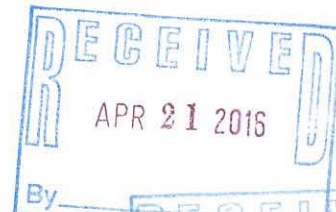

Councilmember


Councilmember


Councilmember


Councilmember

c: A.C. Gonzalez, City Manager
Rosa A. Rios, City Secretary
Ryan S. Evans, First Assistant City Manager
David Cossum, Director, Sustainable Development and Construction



June 15, 2016

WHEREAS, Planned Development District No. 521 was created on November 11, 1998, by Ordinance No. 23711, for residential, office and retail uses; and

WHEREAS, in a memo dated April 20, 2016, five City Councilmembers requested an item be placed on the Council agenda for consideration of authorizing a public hearing to consider the appropriate zoning for the area including use, development standards, and other appropriate regulations.

Now, Therefore,

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

Section 1. That pursuant to Section 51A-4.701(a)(1) of the Dallas Development Code, a public hearing is authorized to consider appropriate zoning for the area generally located along both sides of Interstate Highway 20 between Spur 408 and Clark Road on the east and Mountain Creek Parkway and FM 1382 on the west and containing approximately 2,925 acres with consideration given to appropriate zoning for the area including permitted uses, development standards, and other appropriate regulations.

Section 2. 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.

**JUNE 15, 2016 CITY COUNCIL ADDENDUM
CERTIFICATION**

This certification is given pursuant to Chapter XI, Section 9 of the City Charter for the City Council Addendum dated June 15, 2016. We hereby certify, as to those contracts, agreements, or other obligations on this Agenda authorized by the City Council for which expenditures of money by the City are required, that all of the money required for those contracts, agreements, and other obligations is in the City treasury to the credit of the fund or funds from which the money is to be drawn, as required and permitted by the City Charter, and that the money is not appropriated for any other purpose.



A.C. Gonzalez
City Manager



Date



Jeanne Chipperfield
Chief Financial Officer



Date

RECEIVED

2016 JUN 10 PM 8: 13

CITY SECRETARY
DALLAS, TEXAS

ADDENDUM
CITY COUNCIL MEETING
WEDNESDAY, JUNE 15, 2016
CITY OF DALLAS
1500 MARILLA
COUNCIL CHAMBERS, CITY HALL
DALLAS, TX 75201
9:00 A.M.

REVISED ORDER OF BUSINESS

Agenda items for which individuals have registered to speak will be considered no earlier than the time indicated below:

9:00 a.m. **INVOCATION AND PLEDGE OF ALLEGIANCE**

OPEN MICROPHONE

CLOSED SESSION

MINUTES

Item 1

CONSENT AGENDA

Items 2 - 41

CONSENT ADDENDUM

Items 1 - 4

ITEMS FOR INDIVIDUAL CONSIDERATION

No earlier
than 9:15 a.m.

Items 42 - 50
Addendum Items 5 - 11

PUBLIC HEARINGS AND RELATED ACTIONS

1:00 p.m.

Items 51 - 60

SUPPLEMENTAL NOTICE

"Pursuant to Section 30.06, Penal Code (trespass by license holder with a concealed handgun), a person licensed under Subchapter H, Chapter 411, Government Code (handgun licensing law), may not enter this property with a concealed handgun."

"De acuerdo con la sección 30.06 del código penal (ingreso sin autorización de un titular de una licencia con una pistola oculta), una persona con licencia según el subcapítulo h, capítulo 411, código del gobierno (ley sobre licencias para portar pistolas), no puede ingresar a esta propiedad con una pistola oculta."

"Pursuant to Section 30.07, Penal Code (trespass by license holder with an openly carried handgun), a person licensed under Subchapter H, Chapter 411, Government Code (handgun licensing law), may not enter this property with a handgun that is carried openly."

"De acuerdo con la sección 30.07 del código penal (ingreso sin autorización de un titular de una licencia con una pistola a la vista), una persona con licencia según el subcapítulo h, capítulo 411, código del gobierno (ley sobre licencias para portar pistolas), no puede ingresar a esta propiedad con una pistola a la vista."

**ADDENDUM
CITY COUNCIL MEETING
JUNE 15, 2016
CITY OF DALLAS
1500 MARILLA
COUNCIL CHAMBERS, CITY HALL
DALLAS, TEXAS 75201
9:00 A. M.**

ADDITIONS:

Closed Session

Attorney Briefings (Sec. 551.071 T.O.M.A.)

- Legal issues involving the oil and gas lease between Chesapeake Exploration L.L.C. and the Dallas-Fort Worth International Airport Board, the City of Dallas, and the City of Fort Worth.

Personnel (Sec. 551.074 T.O.M.A.)

- Discussion on the status of the hiring and selection of a candidate for the position of city attorney.

CONSENT ADDENDUM

Intergovernmental Services

1. Authorize an application to the Texas Commission on the Arts under the Cultural Districts Program to designate Fair Park as a Cultural District – Financing: No cost consideration to the City

Street Services

Agreement with TxDOT

Note: Addendum Item Nos. 2 and 3 must be considered collectively.

2. * Authorize an amendment to the Municipal Maintenance Interlocal Agreement with the Texas Department of Transportation (TxDOT) to authorize the City to mow, clean, and control litter on state highway rights-of-way for an additional five years (list attached) - Revenue: \$871,000 (see Fiscal Information for potential future costs)
3. * Authorize a Landscape Maintenance Agreement with the Texas Department of Transportation for the City to maintain the median, planters and bridge crossings related landscape improvements of succulent plantings along US 75 from Spur 366 (Woodall Rodgers Freeway) to IH 635 within TxDOT right-of-way - Financing: This action has no cost consideration to the City (see Fiscal Information for potential future costs)

**ADDENDUM
CITY COUNCIL MEETING
JUNE 15, 2016**

ADDITIONS: (Continued)

CONSENT ADDENDUM (Continued)

Trinity Watershed Management

4. Authorize the **(1)** deposit of the amount awarded by the Special Commissioners in the condemnation proceeding styled City of Dallas v. M.I. Gaston Partners, Ltd., a Texas limited partnership, et al., Cause No. CC-16-00392-B, pending in Dallas County Court at Law No. 2, to acquire a subsurface easement under approximately 10,702 square feet of land, located on Gaston Avenue near its intersection with Peak Street for the Mill Creek/Peaks Branch/State-Thomas Drainage Relief Tunnel Project; and **(2)** settlement of the condemnation proceeding for an amount not to exceed the award - Not to exceed \$70,500 (\$68,000 being the amount of the award, plus closing costs and title expenses not to exceed \$2,500); an increase of \$35,894 from the amount Council originally authorized for this acquisition - Financing: 2006 Bond Funds

ITEMS FOR INDIVIDUAL CONSIDERATION

City Secretary's Office

5. A resolution designating absences by Mayor Michael S. Rawlings, Mayor Pro Tem Monica R. Alonzo, Deputy Mayor Pro Tem Erik Wilson, Councilmember Casey Thomas and Councilmember Sandy Greyson as being for "Official City Business" - Financing: No cost consideration to the City

Human Resources

6. Authorize a 2% increase in the annual base salary of City Secretary Rosa Rios, in an amount of \$2,575 from \$128,750 to \$131,325, plus the associated pension contribution and Medicare payments, effective June 8, 2016 - Financing: Current Funds
7. Authorize a 4% increase in the annual base salary of City Auditor Craig Daniel Kinton, CPA in the amount of \$8,146 from \$203,647 to \$211,793, plus the associated pension contribution and Medicare payments effective June 8, 2016 - Financing: Current Funds

**ADDENDUM
CITY COUNCIL MEETING
JUNE 15, 2016**

ADDITIONS: (Continued)

ITEMS FOR INDIVIDUAL CONSIDERATION (Continued)

ITEMS FOR FURTHER CONSIDERATION

Trinity Watershed Management

8. Authorize Supplemental Agreement No. 5 to the contract with Halff Associates, Inc. for design and analysis of drainage relief for Mill Creek, Peaks Branch, and State-Thomas areas, for additional scope of work for support services for construction documents updates, State-Thomas feasibility study, design services for storm drainage improvements from Junius Street to Gaston Avenue and engineering design services required during construction of the Mill Creek / Peaks Branch / State-Thomas Drainage Relief Tunnel Project - Not to exceed ~~\$6,126,500~~ \$8,025,400, from \$15,993,488 to ~~\$22,119,988~~ \$24,018,888 - Financing: 2006 Bond Funds (~~\$6,105,000~~) (\$8,003,900) and Water Utilities Capital Improvement Funds (\$21,500)
9. Authorize a professional services contract with Black & Veatch Corporation for support services for construction document updates, and construction management services during the construction phase of the Mill Creek / Peaks Branch / State-Thomas Drainage Relief Tunnel Project - Not to exceed ~~\$17,350,000~~ \$19,800,000 - Financing: 2006 Bond Funds
10. Authorize a professional services contract with Alliance Geotechnical Group, Inc. for construction materials testing services during the construction phase of the Mill Creek / Peaks Branch / State-Thomas Drainage Relief Tunnel Project - Not to exceed \$2,764,000 - Financing: 2006 Bond Funds
11. Authorize a contract for construction of storm drainage improvements for the Mill Creek / Peaks Branch / State-Thomas Drainage Relief Tunnel Project - Southland Mole JV, lowest responsive and responsible bidder of five - Not to exceed \$209,894,515 - Financing: General Obligation Commercial Paper Funds (\$209,179,636), Water Utilities Capital Construction Funds (\$25,600) and Water Utilities Capital Improvement Funds (\$689,279)

**ADDENDUM
CITY COUNCIL MEETING
JUNE 15, 2016**

CORRECTION:

Sustainable Development and Construction

46. Authorize acquisition, ~~including the exercise of the right of eminent domain, if such becomes necessary,~~ from Carol Arriaga a/k/a Caroline Arriaga, of approximately 6,000 square feet of land improved with a single-family dwelling located near the intersection of Pontiac Avenue and Cadillac Drive for the Cadillac Heights City Service and Maintenance Facilities Project - Not to exceed \$23,500 (\$21,500, plus closing costs and title expenses not to exceed \$2,000) - Financing: 2006 Bond Funds

Municipal Maintenance Agreement for State Highway Right-of-Ways
Addendum Item # 2

<u>Highway</u>	<u>Limits</u>	<u>Council District</u>
FM 1382	IH 20 to Cedar Hill City Limits	3
IH 20	Dallas City Limits to Cedar Ridge Drive	3
IH 20	Cockrell Hill Road to 1/2 mile east of IH 35E	8
IH 20	West of SH 342 to SH 310	8
IH 20	West of Trinity River to IH 635	8
IH 30	Dallas City Limits to Trinity Railway Express	2, 3, 6
IH 30	Trinity Railway Express to Mesquite City Limits	2, 4, 7, 14
IH 35E	Harry Hines Boulevard to Reunion Boulevard	2, 6
IH 35E	Reunion Boulevard to Loop 12	1, 2, 3, 4
IH 35E	Loop 12 to Dallas City Limits	4, 5, 8
IH 45	IH 30 to Grand Avenue	2, 7
IH 45	Overton Road to Pine Street	4, 7
IH 45	Grand Avenue to Loop 12	4, 5, 7
IH 45	Loop 12 to IH 20 (South Limits at Langdon)	5, 8
IH 345	Flora Street to Elm Street	14
IH 635	West Dallas City Limits to Denton Drive	6
IH 635	Merit Drive to Kingsley Road	10, 11
Loop 12	IH 35E to Elm Fork Trinity River	6
Loop 12	Trinity River Bridge to 0.3 miles south of Illinois Avenue	3, 6
Loop 12	Pemberton Hill Road to Carbondale Street	4, 5
SH 180	Dallas City Limits to Loop 12	1, 3, 6
SH 183	Elm Fork Trinity River to IH 35E	6
SH 310	IH 45 to US 175	7
Spur 408	Loop 12 to IH 20	3
Spur 482	Denton Drive to Elm Fork Trinity River	6
US 175	Grand Avenue to Seagoville City Limits	4, 5, 7, 8
US 67	IH 35E to IH 20	3, 4, 5, 8
US 67	IH 20 to Duncanville City Limits	8
US 75	Hamilton Park Addition to the South, Schroeder Road to the east, and US 75 north bound	10
US 75	Flora Street to Midpark Road	2, 10, 11, 13, 14
US 80	Loop 12 to Mesquite City Limit	7

ADDENDUM DATE June 15, 2016

ITEM	IND		DISTRICT	TYPE	DEPT.	DOLLARS	LOCAL	MWBE	DESCRIPTION
#	OK	DEF							
1			7	C	IGS	NC	NA	NA	Authorize an application to the Texas Commission on the Arts under the Cultural Districts Program to designate Fair Park as a Cultural District - Financing: No cost consideration to the City
2			All	C	STS	REV \$871,000	NA	NA	Agreement with TxDOT: Authorize an amendment to the Municipal Maintenance Interlocal Agreement with the Texas Department of Transportation (TxDOT) to authorize the City to mow, clean, and control litter on state highway rights-of-way for an additional five years - Revenue: \$871,000
3			All	C	STS	NC	NA	NA	Agreement with TxDOT: Authorize a Landscape Maintenance Agreement with the Texas Department of Transportation for the City to maintain the median, planters and bridge crossings related landscape improvements of succulent plantings along US 75 from Spur 366 (Woodall Rodgers Freeway) to IH 635 within TxDOT right-of-way - Financing: This action has no cost consideration to the City (see Fiscal Information for potential future costs)
4			2	C	TWM, ATT	\$70,500.00	NA	NA	Authorize the (1) deposit of the amount awarded by the Special Commissioners in the condemnation proceeding styled City of Dallas v. M.I. Gaston Partners, Ltd., a Texas limited partnership, et al., Cause No. CC-16-00392-B, pending in Dallas County Court at Law No. 2, to acquire a subsurface easement under approximately 10,702 square feet of land, located on Gaston Avenue near its intersection with Peak Street for the Mill Creek/Peaks Branch/State-Thomas Drainage Relief Tunnel Project; and (2) settlement of the condemnation proceeding for an amount not to exceed the award - Not to exceed \$70,500 (\$68,000 being the amount of the award, plus closing costs and title expenses not to exceed \$2,500); an increase of \$35,894 from the amount Council originally authorized for this acquisition - Financing: 2006 Bond Funds
5			N/A	I	SEC	NC	NA	NA	A resolution designating absences by Mayor Michael S. Rawlings, Mayor Pro Tem Monica R. Alonzo, Deputy Mayor Pro Tem Erik Wilson, Councilmember Casey Thomas and Councilmember Sandy Greyson as being for "Official City Business" - Financing: No cost consideration to the City
6			N/A	I	HRD	\$2,575.00	NA	NA	Authorize a 2% increase in the annual base salary of City Secretary Rosa Rios, in an amount of \$2,575 from \$128,750 to \$131,325, plus the associated pension contribution and Medicare payments, effective June 8, 2016 - Financing: Current Funds
7			N/A	I	HRD	\$8,145.88	NA	NA	Authorize a 4% increase in the annual base salary of City Auditor Craig Daniel Kinton, CPA in the amount of \$8,146 from \$203,647 to \$211,793, plus the associated pension contribution and Medicare payments effective June 8, 2016 - Financing: Current Funds
8			2, 7, 14	I	TWM, WTR	\$8,025,400.00	80.34%	28.59%	Authorize Supplemental Agreement No. 5 to the contract with Halff Associates, Inc. for design and analysis of drainage relief for Mill Creek, Peaks Branch, and State-Thomas areas, for additional scope of work for <u>support services for construction documents updates, State-Thomas feasibility study, design services for storm drainage improvements from Junius Street to Gaston Avenue and</u> engineering design services required during construction of the Mill Creek / Peaks Branch / State-Thomas Drainage Relief Tunnel Project - Not to exceed \$6,126,500 <u>\$8,025,400</u> , from \$15,993,488 to \$22,119,988 <u>\$24,018,888</u> - Financing: 2006 Bond Funds (\$6,105,000) (<u>\$8,003,900</u>) and Water Utilities Capital Improvement Funds (\$21,500)
9			2, 7, 14	I	TWM	\$19,800,000.00	100.00%	26.91%	Authorize a professional services contract with Black & Veatch Corporation for <u>support services for construction document updates, and</u> construction management services during the construction phase of the Mill Creek / Peaks Branch / State-Thomas Drainage Relief Tunnel Project - Not to exceed \$17,350,000 <u>\$19,800,000</u> - Financing: 2006 Bond Funds
10			2, 7, 14	I	TWM	\$2,764,000.00	97.22%	98.00%	Authorize a professional services contract with Alliance Geotechnical Group, Inc. for construction materials testing services during the construction phase of the Mill Creek / Peaks Branch / State-Thomas Drainage Relief Tunnel Project - Not to exceed \$2,764,000 - Financing: 2006 Bond Funds
11			2, 7, 14	I	TWM, WTR	\$209,894,515.00	19.93%	32.63%	Authorize a contract for construction of storm drainage improvements for the Mill Creek / Peaks Branch / State-Thomas Drainage Relief Tunnel Project - Southland Mole JV, lowest responsive and responsible bidder of five - Not to exceed \$209,894,515 - Financing: General Obligation Commercial Paper Funds (\$209,179,636), Water Utilities Capital Construction Funds (\$25,600) and Water Utilities Capital Improvement Funds (\$689,279)

TOTAL \$240,565,135.88

ADDENDUM ITEM # 1

KEY FOCUS AREA: Culture, Arts and Recreation and Educational Enhancements

AGENDA DATE: June 15, 2016

COUNCIL DISTRICT(S): 7

DEPARTMENT: Intergovernmental Services

CMO: A. C. Gonzalez, 670-3297

MAPSCO: N/A

SUBJECT

Authorize an application to the Texas Commission on the Arts under the Cultural Districts Program to designate Fair Park as a Cultural District – Financing: No cost consideration to the City

BACKGROUND

The Texas Commission on the Arts (TCA) can designate cultural arts districts in cities, as authorized by House Bill 2208 of the 79th Legislature. Cultural districts can increase business, generate activity, attract tourists, stimulate cultural and economic activities, and help support community revitalization.

The goal of the TCA cultural arts program is to recognize outstanding community cultural efforts across the state in an effort to promote cultural tourism opportunities for designated places and bring audiences to the community. Those receiving a cultural district designation are able to apply for Arts Respond project support grants that comply with the priority areas of Texas government (education, health and human services, economic development, criminal justice and public safety, and natural resources and agriculture) from TCA to support activity that takes place in the cultural district.

Fair Park has been a gathering place for people for more than a hundred and thirty years and it was the Texas Centennial of 1936 that launched its permanence on the Dallas landscape. In addition to its current cultural institutions, many of Dallas' cultural institutions had their beginnings at Fair Park to include the Dallas Museum of Art, the Perot Museum of Nature and Science, the Dallas Symphony, the Dallas Opera, and numerous theater groups.

BACKGROUND (Continued)

Fair Park has the largest collection of Art Deco architecture in the United States and extensive public art. In addition to its cultural institutions, the Park annually hosts large events such as Earth Day Texas, North Texas Irish Festival, KwanzaaFest, the Taste of Dallas, Fair Park Fourth, the Diwali Mela Festival, Festival de Mayo, the State Fair of Texas, and the Zaxby's Heart of Dallas Bowl at the Cotton Bowl.

Securing designation as a cultural district would invigorate a new level of vibrancy for the Park's future with all cultural institutions and events being encouraged to actively support, promote and help maintain activities and events in said district.

This item is on the addendum because the authorization to submit the application must be acted on before the next available agenda.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

The Park and Recreation Board approved award of this item on June 2, 2016.

Information about this item will be provided to the Quality of Life and Environment Committee on June 13, 2016.

FISCAL INFORMATION

No cost consideration to the City.

June 15, 2016

WHEREAS, the Texas Commission on the Arts (TCA) can designate cultural arts districts in cities as authorized by House Bill 2208 of the 79th Legislature, and cultural districts can increase business, generate activity, attract tourists, stimulate cultural and economic activities, and help support community revitalization; and,

WHEREAS, the City of Dallas, through its Park and Recreation Department, is the owner of Fair Park, and Fair Park has been a gathering place for people for more than a hundred and thirty years; and,

WHEREAS, in addition to its current cultural institutions, many of Dallas' cultural institutions had their beginnings at Fair Park to include the Dallas Museum of Art, the Perot Museum of Nature and Science, the Dallas Symphony, the Dallas Opera, and numerous theater groups; and,

WHEREAS, those receiving a cultural district designation are able to apply for Arts Respond project support grants that comply with the priority areas of Texas government (education, health and human services, economic development, criminal justice and public safety, and natural resources and agriculture) from TCA to support activity that takes place in the cultural district.

Now, Therefore,

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

SECTION 1. That the City Manager is authorized to submit an application to the Texas Commission on the Arts under the Cultural Districts Program to designate Fair Park as a Cultural District.

SECTION 2. That this resolution shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so resolved.

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: June 15, 2016

COUNCIL DISTRICT(S): All

DEPARTMENT: Street Services

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

MAPSCO: Various

SUBJECT

Agreement with TxDOT

- * Authorize an amendment to the Municipal Maintenance Interlocal Agreement with the Texas Department of Transportation (TxDOT) to authorize the City to mow, clean, and control litter on state highway rights-of-way for an additional five years (list attached) - Revenue: \$871,000 (see Fiscal Information for potential future costs)
- * Authorize a Landscape Maintenance Agreement with the Texas Department of Transportation for the City to maintain the median, planters and bridge crossings related landscape improvements of succulent plantings along US 75 from Spur 366 (Woodall Rodgers Freeway) to IH 635 within TxDOT right-of-way - Financing: This action has no cost consideration to the City (see Fiscal Information for potential future costs)

BACKGROUND

This item was placed on the addendum to authorize the Municipal Maintenance Interlocal Agreement with TxDOT to allow the City to continue to mow, clean, and control litter on TxDOT right-of-way; therefore to authorize partial reimbursement. TxDOT requires an approval from the City before TxDOT will fund the landscape installation project.

BACKGROUND (Continued)

With respect to the Municipal Maintenance Interlocal Agreement, on April 13, 2011, Resolution No. 11-0929 authorized an amendment to the Municipal Maintenance Interlocal Agreement with TxDOT that allowed the City to mow, clean, and control litter on state highways within the Dallas City limits. At the request of the City, TxDOT agreed to allow the City to perform mowing, cleaning, and litter control services for no less than five (5) years on approximately 3,300 acres along 17 corridors previously managed by TxDOT. The estimated cost for TxDOT right-of way maintenance is \$2.4 million per year or \$12 million over the five year term of the agreement. The City currently funds \$2.4 million per year to maintain TxDOT rights-of-way.

TxDOT will partially reimburse the City for mowing and litter removal; and the estimated amount of annual reimbursement is \$871,000, based on productions levels of 3 mowing cycles per year, and up to 12 litter cycles per year. The City provides an enhanced level of service for an estimated cost of \$2.4 million per year. This Municipal Maintenance Interlocal Agreement contract term is for five (5) years.

With respect to the Landscape Maintenance Agreement, TxDOT is proposing changes to the existing native grasses and will remove and install succulents along US 75 from Spur 366 (Woodall Rodgers Freeway) to IH 635 within TxDOT right-of-way due to their resiliency during drought conditions. The Quality of Life and Environment committee recommended the installation of succulents as an aesthetic enhancement over the existing native grasses.

TxDOT will fund, approximately \$840,000, for the succulent installation. In turn, the City will agree to be responsible for all required landscape maintenance, including but not limited to, plant maintenance, plant replacement, weeding, trimming, and manual watering, as required. The typical annualized maintenance cost to the City would be \$704,060. Incremental future cost to the City for the succulent maintenance is \$232,180 annually.

This action will authorize (1) an amendment to the Municipal Maintenance Interlocal Agreement with TxDOT to allow the City continued control to mow, clean, and control litter on state highway rights-of-way; and (2) a Landscape Maintenance Agreement with TxDOT for the City to maintain median/planter and bridge crossings related landscape improvements of succulent plantings along US 75 from Spur 366 (Woodall Rodgers Freeway) to IH 635 within TxDOT right-of-way. Council approval is required to move forward with the amendment to the Municipal Maintenance Interlocal Agreement and the Landscape Maintenance Agreement with TxDOT. The Landscape Maintenance Agreement with TxDOT has no specified contract term. As stated in the termination clause of the agreement, it is understood and agreed between the parties hereto that should either party fail to properly fulfill its obligations as herein outlined, the other party may terminate this agreement upon thirty days written notice. Additionally, this agreement may be terminated by mutual agreement and consent of both parties.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Authorized a master Municipal Maintenance Agreement with the State of Texas on December 14, 1983, by Resolution No. 83-4008.

Authorized a Municipal Maintenance Interlocal Agreement with TxDOT to formally define the duties of each agency related to all aspects of roadway maintenance on state highways within the city limits on December 13, 2006, by Resolution No. 06-3471.

Authorized an amendment to the Municipal Maintenance Interlocal Agreement with TxDOT to authorize the City to operate red light camera enforcement systems at signals located on state highways on December 13, 2006, by Resolution No. 06-3472.

Briefed to the Transportation and Environment Committee regarding North Central Expressway landscaping on February 11, 2008.

Briefed to the Transportation and Environment Committee regarding North Central Expressway landscaping on September 8, 2008.

Briefed to the Transportation and Environment Committee regarding North Central Expressway landscaping on April 12, 2010.

Deferred Landscape Maintenance Agreement with TxDOT for US 75 from Spur 366 (Woodall Rodgers Freeway) to IH 635 on June 23, 2010.

Deferred Landscape Maintenance Agreement with TxDOT for US 75 from Spur 366 (Woodall Rodgers Freeway) to IH 635 by Council Majority on August 11, 2010.

Authorized a Landscape Maintenance Agreement with TxDOT to provide supplemental mowing in the parkways and maintain median landscape improvements along US 75 from Spur 366 (Woodall Rodgers Freeway) to IH 635 within TxDOT right-of-way on September 22, 2010, by Resolution No. 10-2413.

Authorized an amendment to the Municipal Maintenance Interlocal Agreement with TxDOT to authorize the City to mow, clean, and control litter on state highway rights-of-way on April 13, 2011, by Resolution No. 11-0929.

Briefed to the Quality of Life and Environment Committee regarding Landscape Maintenance Agreements on January 9, 2012.

Authorize a Landscape Maintenance Agreement with TxDOT for the City to maintain bridge crossing related landscape improvements along US 75 from Spur 366 (Woodall Rodgers Freeway) to IH 635 within TxDOT right-of-way on February 8, 2012, by Resolution No. 12-0461.

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

Briefed to the Quality of Life and Environment Committee regarding Landscape Maintenance Agreements and Potential TxDOT and City Partnerships on January 11, 2016.

Information about this item will be provided to the Quality of Life and Environment Committee on June 13, 2016.

FISCAL INFORMATION

Revenue - \$871,000 (Net expense for the city to maintain the rights-of-way is estimated to be \$1,520,800 (\$2,391,800 annually; of which \$871,000 is reimbursed by TxDOT) (subject to appropriations)

When the City assumes maintenance responsibility for the new vegetation, the annualized expense is estimated to be \$704,060 (subject to appropriations)

MAP

Attached

Municipal Maintenance Agreement for State Highway Right-of-Ways

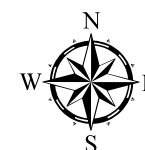
<u>Highway</u>	<u>Limits</u>	<u>Council District</u>
FM 1382	IH 20 to Cedar Hill City Limits	3
IH 20	Dallas City Limits to Cedar Ridge Drive	3
IH 20	Cockrell Hill Road to 1/2 mile east of IH 35E	8
IH 20	West of SH 342 to SH 310	8
IH 20	West of Trinity River to IH 635	8
IH 30	Dallas City Limits to Trinity Railway Express	2, 3, 6
IH 30	Trinity Railway Express to Mesquite City Limits	2, 4, 7, 14
IH 35E	Harry Hines Boulevard to Reunion Boulevard	2, 6
IH 35E	Reunion Boulevard to Loop 12	1, 2, 3, 4
IH 35E	Loop 12 to Dallas City Limits	4, 5, 8
IH 45	IH 30 to Grand Avenue	2, 7
IH 45	Overton Road to Pine Street	4, 7
IH 45	Grand Avenue to Loop 12	4, 5, 7
IH 45	Loop 12 to IH 20 (South Limits at Langdon)	5, 8
IH 345	Flora Street to Elm Street	14
IH 635	West Dallas City Limits to Denton Drive	6
IH 635	Merit Drive to Kingsley Road	10, 11
Loop 12	IH 35E to Elm Fork Trinity River	6
Loop 12	Trinity River Bridge to 0.3 miles south of Illinois Avenue	3, 6
Loop 12	Pemberton Hill Road to Carbondale Street	4, 5
SH 180	Dallas City Limits to Loop 12	1, 3, 6
SH 183	Elm Fork Trinity River to IH 35E	6
SH 310	IH 45 to US 175	7
Spur 408	Loop 12 to IH 20	3
Spur 482	Denton Drive to Elm Fork Trinity River	6
US 175	Grand Avenue to Seagoville City Limits	4, 5, 7, 8
US 67	IH 35E to IH 20	3, 4, 5, 8
US 67	IH 20 to Duncanville City Limits	8
US 75	Hamilton Park Addition to the South, Schroeder Road to the east, and US 75 north bound	10
US 75	Flora Street to Midpark Road	2, 10, 11, 13, 14
US 80	Loop 12 to Mesquite City Limit	7

TxDOT Median & R.O.W. Mowing



City of Dallas

Dept. of
Street Svcs.



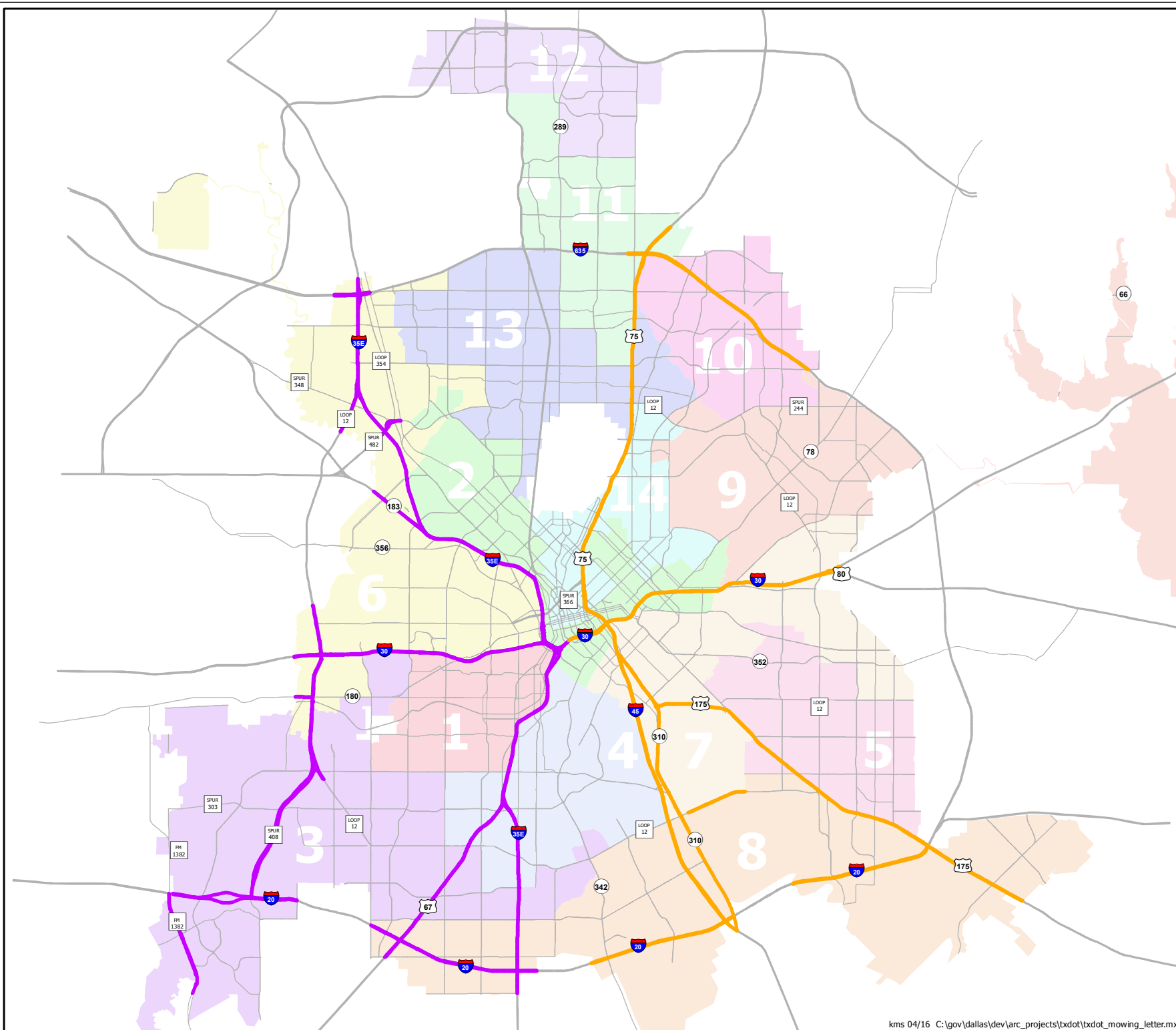
Printed
April 28, 2016

1 in = 3.47 miles

Legend

State Hwy Mowing

- TxDOT-East
- TxDOT-West



June 15, 2016

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, Resolution No. 06-3472 authorized a Municipal Maintenance Interlocal Agreement with the Texas Department of Transportation (TxDOT) to define duties of each agency related to all aspects for roadway maintenance on state highways within the city limits; and,

WHEREAS, on April 13, 2011, Resolution No. 11-0929 authorized an amendment to the Municipal Maintenance Interlocal Agreement with TxDOT to authorize the City to mow, clean, and control litter on state highway rights-of-way; and,

WHEREAS, the City has performed mowing, cleaning, and litter control services on approximately 3,300 acres of TxDOT rights-of-way along 17 corridors for the past five years, and desires to continue to provide these services for an additional five (5) year period.

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 an amendment to the Municipal Maintenance Interlocal Agreement with TxDOT to authorize the City to mow, clean, and control litter on state highway rights-of-way, after it has been approved as to form by the City Attorney.

Section 2. That the Chief Financial Officer is hereby authorized to deposit reimbursements from TxDOT into Fund 0001, Dept. STS, Unit 3438, Revenue Code 6526, in an estimated annual amount of \$871,000 for five years in accordance with the terms of the agreement.

June 15, 2016

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.

June 15, 2016

WHEREAS, the 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 agreements with the State to fix responsibilities for maintenance, control, supervision, and regulation of State highways within and through 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, on September 22, 2010, Resolution No. 10-2413 authorized a Landscape Maintenance Agreement with the Texas Department of Transportation (TxDOT) for the City to provide supplemental mowing in the parkways and maintain median landscape improvements along US 75 from Spur 366 (Woodall Rodgers Freeway) to IH 635 within TxDOT's right-of-way; and,

WHEREAS, on February 8, 2012, Resolution No. 12-0461 authorized a Landscape Maintenance Agreement with TxDOT for the City to maintain bridge crossing related landscape improvements along US 75 from Spur 366 (Woodall Rodgers Freeway) to IH 635 within TxDOT's right-of-way; and,

WHEREAS, it is now necessary to authorize a Landscape Maintenance Agreement with TxDOT for the City to maintain median, planters and bridge crossings related landscape improvements of succulent plantings along US 75 from Spur 366 (Woodall Rodgers Freeway) to IH 635 within TxDOT's right-of-way.

Now, Therefore,

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

June 15, 2016

Section 1. That the City Manager is hereby authorized to execute a Landscape Maintenance Agreement with the Texas Department of Transportation for the City to maintain median, planters and bridge crossings related landscape improvements of succulent plantings along US 75 from Spur 366 (Woodall Rodgers Freeway) to IH 635 within TxDOT right-of-way, after it has been approved as to form by the City Attorney.

Section 2. 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.

ADDENDUM ITEM # 4

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: June 15, 2016

COUNCIL DISTRICT(S): 2

DEPARTMENT: Trinity Watershed Management
City Attorney's Office

CMO: Mark McDaniel, 670-3256
Christopher D. Bowers, 670-3491

MAPSCO: 46E

SUBJECT

Authorize the **(1)** deposit of the amount awarded by the Special Commissioners in the condemnation proceeding styled City of Dallas v. M.I. Gaston Partners, Ltd., a Texas limited partnership, et al., Cause No. CC-16-00392-B, pending in Dallas County Court at Law No. 2, to acquire a subsurface easement under approximately 10,702 square feet of land, located on Gaston Avenue near its intersection with Peak Street for the Mill Creek/Peaks Branch/State-Thomas Drainage Relief Tunnel Project; and **(2)** settlement of the condemnation proceeding for an amount not to exceed the award - Not to exceed \$70,500 (\$68,000 being the amount of the award, plus closing costs and title expenses not to exceed \$2,500); an increase of \$35,894 from the amount Council originally authorized for this acquisition - Financing: 2006 Bond Funds

BACKGROUND

This item is being placed on the addendum requesting Council approval prior to the deadline to file objections to the Award of the Special Commissioners.

On May 13, 2015, the City Council authorized the acquisition of this property, by Resolution No. 15-0857. On September 9, 2015, the City Council authorized the modification of elevation reference for the subsurface easement, by Resolution No. 15-1662.

The property owner was offered \$32,106, which was based on a written appraisal from an independent certified appraiser. The property owner did not accept the offer and the City filed an eminent domain proceeding to acquire the property. The appraisal was updated March 8, 2016, and the offer amount was revised to \$53,510. After a hearing before the Special Commissioners on June 2, 2016, the property owner was awarded \$68,000. This item authorizes deposit of the amount awarded by the Special Commissioners for the property, which is \$35,894 more than the City Council originally authorized for this acquisition, plus closing costs and title expenses not to exceed \$2,500.

BACKGROUND (Continued)

The City has no control over the Special Commissioners appointed by the judge or any award that is subsequently rendered by the Special Commissioners. The City, in order to acquire possession of the property and proceed with its improvements, must deposit the amount awarded by the Special Commissioners in the registry of the Court.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Authorized acquisition on May 13, 2015, by Resolution No. 15-0857.

Authorized modification of elevation on September 9, 2015, by Resolution No. 15-1662.

Council was briefed in Closed Session on June 8, 2016.

Information about this item will be provided to the Transportation and Trinity River Project Committee on June 13, 2016.

FISCAL INFORMATION

2006 Bond Funds - \$70,500 (\$68,000 plus closing costs and title expenses not to exceed \$2,500)

OWNER

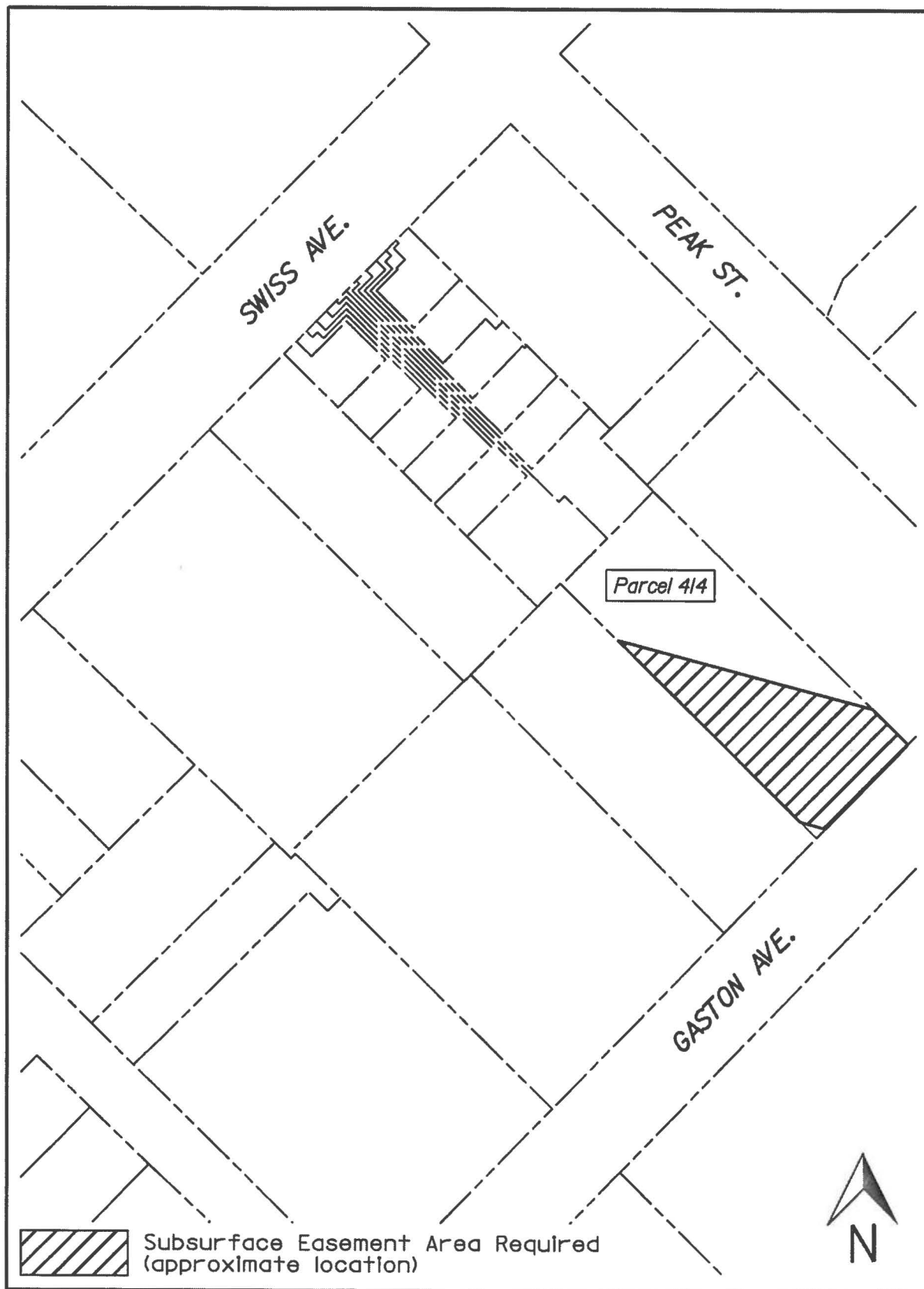
M.I. Gaston Partners, Ltd.

KM3 Operating, Inc., General Partner

Kenneth Murchison, III, President

MAP

Attached



June 15, 2016

A RESOLUTION AUTHORIZING THE DEPOSIT OF A SPECIAL COMMISSIONERS AWARD AND SETTLEMENT OF THE CONDEMNATION PROCEEDING AND IF OBJECTIONS ARE FILED, SETTLEMENT OF THE CONDEMNATION LAWSUIT FOR AN AMOUNT NOT TO EXCEED THE AWARD.

IN THIS RESOLUTION THE FOLLOWING DEFINITIONS SHALL APPLY:

AUTHORIZED AMOUNT: Not to exceed: \$70,500.00

AWARD: \$68,000.00

CLOSING COSTS AND TITLE EXPENSES: Not to exceed \$2,500.00

CONDEMNATION PROCEEDING: Cause No. CC-16-00392-B, in Dallas County Court at Law No. 2, and styled City of Dallas v. M.I. Gaston Partners, Ltd. a Texas limited partnership, et al., filed pursuant to City Council Resolution No. 15-0857.

DESIGNATED FUNDS: AWARD payable out of the 2006 Bond Funds, Fund No. 3T23, Department TWM, Unit T525, Activity SDRS, Program No. PB06T525, Object 4210, Encumbrance No. CT-PBW06T525G48, CLOSING COSTS AND TITLE EXPENSES payable out of the 2006 Bond Funds, Fund No. 3T23, Department TWM, Unit T525, Activity SDRS, Program No. PB06T525, Object 4230, Encumbrance No. CT-PBW06T525G49.

OFFICIAL OFFER: \$32,106.00

PROJECT: Mill Creek/Peaks Branch/State-Thomas Drainage Relief Tunnel Project

PROPERTY: Subsurface easement located under approximately 10,702 square feet of land in Dallas County, as described in the CONDEMNATION PROCEEDING.

WHEREAS, the OFFICIAL OFFER having been made and refused, the City Attorney filed the CONDEMNATION PROCEEDING for the acquisition of the PROPERTY for the PROJECT; and,

WHEREAS, the Special Commissioners appointed by the Court in the CONDEMNATION PROCEEDING made the AWARD, which the City Council wishes to deposit with the County Clerk of Dallas County, Texas, so that the City may take possession of the PROPERTY; and,

June 15, 2016

WHEREAS, the City Council desires to authorize the City Attorney to settle the CONDEMNATION PROCEEDING and, if objections are filed, the lawsuit arising from the CONDEMNATION PROCEEDING for an amount not to exceed the AWARD;

Now, Therefore,

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

SECTION 1. That the Chief Financial Officer is hereby authorized and directed to issue a check, paid out of and charged to the DESIGNATED FUNDS, in the amount of the AWARD payable to the County Clerk of Dallas County, Texas, to be deposited by the City Attorney with the County Clerk and in the amount of the CLOSING COSTS AND TITLE EXPENSES payable to the title company closing the transaction described herein. The AWARD, CLOSING COSTS AND TITLE EXPENSES together shall not exceed the AUTHORIZED AMOUNT.

SECTION 2. That the City Attorney is authorized to settle the CONDEMNATION PROCEEDING, and if objections are filed, the lawsuit arising from the CONDEMNATION PROCEEDING, for an amount not to exceed the AWARD.

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.

APPROVED AS TO FORM

**Christopher D. Bowers,
Interim City Attorney**

By: 
Assistant City Attorney

ADDENDUM ITEM # 5

KEY FOCUS AREA: E-Gov

AGENDA DATE: June 15, 2016

COUNCIL DISTRICT(S): N/A

DEPARTMENT: City Secretary

CMO: Rosa A. Rios, 670-3738

MAPSCO: N/A

SUBJECT

A resolution designating absences by Mayor Michael S. Rawlings, Mayor Pro Tem Monica R. Alonzo, Deputy Mayor Pro Tem Erik Wilson, Councilmember Casey Thomas and Councilmember Sandy Greyson as being for "Official City Business" - Financing: No cost consideration to the City

BACKGROUND

This item is on the addendum to allow council members additional time to request approval of their outstanding absences (if applicable) as "Official City Business."

Chapter III, Section 4(e) of the Dallas City Charter provides in part, "If any city council member, including the mayor, misses more than 10 percent of the total number of regular meetings held by the city council during any compensation year, then the city council member's compensation...for that year will be reduced proportionately by the percentage of meetings missed.... Meetings missed by a city council member while he or she is on the official business of the city council and at the direction of the city council will not be counted towards the percentage of missed meetings for which compensation reduction is required... but will be counted as though the member had attended the meetings that are missed while so engaged in city business."

Section 4.11(b) of the City Council Rules of Procedure provides that an absence by a council member for (1) attending a meeting or conference of a professional organization of or association of municipalities or municipal officers, (2) testifying at a legislative hearing at the request of the mayor, the city council, the chair of the council's legislative affairs committee or the city manager, or (3) attending a meeting of a board, commission, or committee to which the council member has been appointed by the mayor or the city council, will automatically be deemed to be for "official city business at the direction of the city council" and will not be counted against a city council member for purposes of determining the council member's annual compensation.

BACKGROUND (Continued)

Section 4.11(c) of the City Council Rules of Procedure provides that, in addition to those absences automatically considered to be on "official city business at the direction of the city council" under Section 4.11(b) above, the city council may by resolution designate whenever a council member's absence is for official city business and not counted as a missed meeting for purposes of determining the council member's annual compensation under Chapter III, Section 4 of the Dallas City Charter.

The proposed resolution authorizes and directs the city secretary to amend the minutes of city council meetings, without further city council action or approval, to reflect when the absences by designated council members have been deemed by the city council to be for "official city business."

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

This item has no prior action.

FISCAL INFORMATION

No cost consideration to the City.

June 15, 2016

WHEREAS, Chapter III, Section 4(e) of the Dallas City Charter provides in part, "If any city council member, including the mayor, misses more than 10 percent of the total number of regular meetings held by the city council during any compensation year, then the city council member's compensation... for that year will be reduced proportionately by the percentage of meetings missed.... Meetings missed by a city council member while he or she is on the official business of the city council and at the direction of the city council will not be counted towards the percentage of missed meetings for which compensation reduction is required... but will be counted as though the member had attended the meetings that are missed while so engaged in city business"; and

WHEREAS, Section 4.11(b) of the City Council Rules of Procedure provides that an absence by a council member for (1) attending a meeting or conference of a professional organization or association of municipalities or municipal officers, (2) testifying at a legislative hearing at the request of the mayor, the city council, the chair of the council's legislative affairs committee or the city manager, or (3) attending a meeting of a board, commission, or committee to which the council member has been appointed by the mayor or the city council, will automatically be deemed to be for "official city business at the direction of the city council" and will not be counted against a city council member for purposes of determining the council member's annual compensation; and

WHEREAS, Section 4.11(c) of the City Council Rules of Procedure provides that, in addition to those absences automatically considered to be on "official city business at the direction of the city council" under Section 4.11(b) referenced above, the city council may by resolution designate whenever a council member's absence is for official city business and not counted as a missed meeting for purposes of determining the council member's annual compensation under Chapter III, Section 4 of the Dallas City Charter; and

WHEREAS, Mayor Michael S. Rawlings, Mayor Pro Tem Monica R. Alonzo, Deputy Mayor Pro Tem Erik Wilson, Councilmember Casey Thomas and Sandy Greyson participated in event(s) and/or meeting(s), as described in **Exhibit A** attached, which required them to miss all or part of one or more city council meeting(s) or committee meeting(s) on the date(s) noted;

Now, Therefore,

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

June 15, 2016

SECTION 1. That, in accordance with Chapter III, Section 4(e) of the Dallas City Charter and Section 4.11(c) of the City Council Rules of Procedure, the event(s) and/or meeting(s) described in **Exhibit A**, attached, are hereby deemed to be for "official city business," and any absences from city council meeting(s) and/or city council committee meeting(s), on the date(s) noted in **Exhibit A**, by Mayor Michael S. Rawlings, Mayor Pro Tem Monica R. Alonzo, Deputy Mayor Pro Tem Erik Wilson, Councilmember Casey Thomas and Sandy Greyson because of their participation in any event(s) and/or meeting(s) will not be counted against them in determining their annual compensation under Chapter III, Section 4 of the Dallas City Charter.

SECTION 2. That, in accordance with Section 4.11(a) of the City Council Rules of Procedure, the City Secretary shall maintain a record of the absence on official city business so that such absence(s) will not count against Mayor Michael S. Rawlings, Mayor Pro Tem Monica R. Alonzo, Deputy Mayor Pro Tem Erik Wilson, Councilmember Casey Thomas and Councilmember Sandy Greyson in determining their annual compensation under Chapter III, Section 4 of the Dallas City Charter.

SECTION 3. That the City Secretary is authorized and directed to amend the minutes of each city council meeting held on the date(s) specified in Exhibit A, if applicable, to reflect that the absence(s) by Mayor Michael S. Rawlings, Mayor Pro Tem Monica R. Alonzo, Deputy Mayor Pro Tem Erik Wilson, Councilmember Casey Thomas and Sandy Greyson as described in Exhibit A, were for "official city business," and no further city council action or approval of those minutes is required.

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.

EXHIBIT A
CITY COUNCIL MEMBER(S)
REQUEST ABSENCE AS OFFICIAL CITY BUSINESS

COUNCILMEMBER	MEETING DATE	<u>MEETING</u> EXEMPTION	PURPOSE/LOCATION	ABSENCE TYPE
Erik Wilson	5/18/2016	City Council Briefing	Attended a training Houston, Texas	Absent
Casey Thomas	5/18/2016	City Council Briefing	Attended a speaking engagement in district Dallas, Texas	Absent more than 50%
Michael S. Rawlings	6/8/2016	City Council Briefing	Attended a Dallas/Fort Worth trade mission Mexico City, Mexico	Absent
Monica R. Alonzo	6/6/2016	Housing Council Committee	Attended a Dallas/Fort Worth trade mission Mexico City, Mexico	Absent
Monica R. Alonzo	6/8/2016	City Council Briefing	Attended a Dallas/Fort Worth trade mission Mexico City, Mexico	Absent
Sandy Greyson	6/8/2016	City Council Briefing	Represented the City of Dallas at the House Business and Industry Committee Meeting Austin, Texas	Absent

KEY FOCUS AREA: E-Gov
AGENDA DATE: June 15, 2016
COUNCIL DISTRICT(S): N/A
DEPARTMENT: Human Resources
CMO: A. C. Gonzalez, 670-3302
MAPSCO: N/A

SUBJECT

Authorize a 2% increase in the annual base salary of City Secretary Rosa Rios, in an amount of \$2,575 from \$128,750 to \$131,325, plus the associated pension contribution and Medicare payments, effective June 8, 2016 - Financing: Current Funds

BACKGROUND

The City Council evaluated the performance of City Secretary, Rosa Rios on June 1, 2016. As a result of this annual performance review, the City Council desires to give this city official an increase in her annual base salary.

PRIOR ACTION / REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On May 14, 2014, the City Council discussed the City Secretary's performance review.

On May 28, 2014, City Council approved a merit increase to the annual base salary for City Secretary Rosa Rios; increasing her base annual base salary by four and one half percent (4.5%) from \$119,512 to \$125,000, effective May 28, 2014, by Resolution No. 14-0875.

On June 3, 2015, the City Council discussed the performance of City Secretary Rosa A. Rios.

On August 12, 2015, City Council approved a merit increase to the annual base salary for City Secretary Rosa Rios; increasing her base annual base salary by three percent (3%) from \$125,000 to \$128,750, effective May 28, 2015, by Resolution No. 15-1485.

On June 1, 2016, the City Council discussed the City Secretary's performance review.

FISCAL INFORMATION

\$ 2,575 - Current Funds

June 15, 2016

WHEREAS, on June 1, 2016, the City Council conducted an annual performance review of the City Secretary; and

WHEREAS, as a result of the review, and based upon the City Council's evaluation of the performance of this City officer, the City Council has determined that this officer should receive a 2% increase in her annual base salary.

NOW, THEREFORE,

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

Section 1. That the City Secretary's annual base salary be increased by 2%, in the amount of \$2,575 from \$128,750.00 to \$131,325, plus the associated pension contribution and Medicare, effective June 8, 2016.

Section 2. 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.

ADDENDUM ITEM # 7

KEY FOCUS AREA: E-Gov
AGENDA DATE: June 15, 2016
COUNCIL DISTRICT(S): N/A
DEPARTMENT: Human Resources
CMO: A. C. Gonzalez, 670-3302
MAPSCO: N/A

SUBJECT

Authorize a 4% increase in the annual base salary of City Auditor Craig Daniel Kinton, CPA in the amount of \$8,146 from \$203,647 to \$211,793, plus the associated pension contribution and Medicare payments effective June 8, 2016 - Financing: Current Funds

BACKGROUND

The City Council evaluated the performance of City Auditor Craig D. Kinton on June 1, 2016. As a result of this annual performance review, the City Auditor's annual base salary is increased by 4%.

PRIOR ACTION / REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On May 28, 2014, City Council approved a merit increase to the annual base salary for City Auditor Craig Kinton; increasing his base annual base salary by four percent 4% from \$188,283.27 to \$195,814.60, effective May 28, 2014, by Resolution No. 14-0876.

On April 22, 2015, the City Council discussed the City Auditor's performance review.

On May 27, 2015, City Council approved a merit increase to the annual base salary for City Auditor Craig Kinton; increasing his base annual base salary by four percent 4% from \$195,814.60 to \$203,647.18, effective May 28, 2015, by Resolution No. 15-1013.

On June 1, 2016, the City Council discussed the City Auditor's performance review.

FISCAL INFORMATION

\$8,145.88 - Current Funds

June 15, 2016

WHEREAS, on June 1, 2016, the City Council conducted an annual performance review of the City Auditor; and

WHEREAS, as a result of the review, and based upon the City Council's evaluation of the performance of this City officer, the City Council has determined that this officer should receive a 4% merit increase in his annual base salary;

NOW, THEREFORE,

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

Section 1. That the City Auditor's annual base salary is increased by 4%, in the amount of \$8,145.88 from \$203,647.18 to \$211,793.06, plus the associated pension contribution and Medicare, effective June 8, 2016.

Section 2. 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.

ADDENDUM ITEM # 8

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: June 15, 2016

COUNCIL DISTRICT(S): 2, 7, 14

DEPARTMENT: Trinity Watershed Management
Water Utilities

CMO: Mark McDaniel, 670-3256

MAPSCO: 45D 45H 46E 46J 46K 46L 46M 47N

SUBJECT

Authorize Supplemental Agreement No. 5 to the contract with Halff Associates, Inc. for design and analysis of drainage relief for Mill Creek, Peaks Branch, and State-Thomas areas, for additional scope of work for support services for construction documents updates, State-Thomas feasibility study, design services for storm drainage improvements from Junius Street to Gaston Avenue and engineering design services required during construction of the Mill Creek / Peaks Branch / State-Thomas Drainage Relief Tunnel Project - Not to exceed ~~\$6,126,500~~ \$8,025,400, from \$15,993,488 to ~~\$22,119,988~~ \$24,018,888 - Financing: 2006 Bond Funds (~~\$6,105,000~~) (\$8,003,900) and Water Utilities Capital Improvement Funds (\$21,500)

BACKGROUND

The 2006 and 2012 Bond Programs provided funding for design and construction of storm drainage relief improvements for the Mill Creek / Peaks Branch / State-Thomas watersheds. This project is a deep underground storm drainage tunnel that will provide drainage and flooding relief to the lower areas of the Mill Creek watershed (around Baylor Hospital), Peaks Branch watershed (south of Buckner Park), and East Peaks Branch watershed (around Fair Park area). It will also provide drainage relief to the Woodall Rodgers area in the State-Thomas area.

The drainage relief tunnel project consists of approximately five miles of thirty-foot diameter storm drainage tunnel that is between seventy-five and one hundred fifty feet deep. The project includes an outfall structure on White Rock Creek and five intake shafts that will connect to existing storm drainage systems and collect overland floodwaters during heavy rain events. The project also includes street and surface drainage improvements at the intake and outfall sites.

On June 13, 2007, Council authorized a professional services contract with Halff Associates, Inc., for the design of drainage relief improvements to reduce flooding in the lower portions of the Mill Creek and Middle Peaks Branch watersheds.

BACKGROUND (Continued)

Supplemental Agreement No. 1 authorized a change of alignment of both Mill Creek and Peaks Branch drainage relief systems that provided a deep tunnel that will drain both watersheds into Lower White Rock Creek and provided for the design of drainage relief improvements for Mill Creek, Phase II, which extends flooding protection through Fair Park to the Baylor Hospital and Buckner Park areas. Supplemental Agreement No. 2 provided for engineering design of the deep drainage tunnel extension to the State-Thomas area to reduce flooding in the State-Thomas and Uptown areas. Supplemental Agreement No. 3 provided for additional scope of work to design upgrades to water and wastewater facilities in the tunnel project area. Supplemental Agreement No. 4 provided for additional scope of work to design water and wastewater facilities related to the drainage tunnel and right-of-way acquisition support during design.

On May 25, 2016, the City Council remanded this item to the Budget, Finance and Audit Committee for its review and recommendation concerning issues outlined in an audit by the City Auditor related to the procurement of the Mill Creek / Peaks Branch State-Thomas Drainage Relief Tunnel construction contract. On June 6, 2016, after consideration of the issues disclosed in the City Auditor's report, the Budget, Finance and Audit Committee recommended that the City reject all bids and re-advertise the construction contract. If the construction contract on this project is rebid, the proposal from Halff will need to be increased from \$6,126,500 to \$8,025,400. This will incorporate revisions to the scope of services to be provided by Halff Associates, Inc. and increases the amount as underlined from the original proposed amount shown with a strikethrough.

This action authorizes Supplemental Agreement No. 5 which provides for support services for construction document updates, State-Thomas feasibility study, design services for storm drainage improvements from Junius Street to Gaston Avenue and engineering design services required during construction including reviews of contractor submittals and RFIs, evaluations of contractor-proposed changes, and preparation of as-built drawings.

ESTIMATED SCHEDULE OF PROJECT

Began Design	June 2007
Completed Design	September 2015
Begin Construction	May 2016
Complete Construction	May 2021

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Authorized a professional services contract with Halff Associates, Inc., for engineering design on June 13, 2007, by Resolution No. 07-1833.

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

Briefed Council on alternate combined drainage tunnel alignment for both Mill Creek and Peaks Branch on August 6, 2008.

Authorized Supplemental Agreement No. 1 to the professional services contract with Halff Associates, Inc., for additional engineering design on March 25, 2009, by Resolution No. 09-0835.

Briefed Council on the State-Thomas tunnel extension to the Mill Creek and Peaks Branch drainage relief tunnel on January 4, 2012.

Authorized Supplemental Agreement No. 2 to the professional services contract with Halff Associates, Inc., for additional engineering design on January 11, 2012, by Resolution No. 12-0136.

Authorized Supplemental Agreement No. 4 to the professional services contract with Halff Associates, Inc., for additional engineering design on January 14, 2015, by Resolution No. 15-0123.

Authorized a professional services contract with Parsons Environment & Infrastructure Group, Inc. for preliminary construction management services during the design phase on January 14, 2015, by Resolution No. 15-0120.

Briefed the Council on the project status and the evaluation of the construction bid tabulation on February 17, 2016.

Information about this item was provided to the Transportation and Trinity River Project Committee on April 11, 2016.

~~On April 13, 2016 and May 11, 2016, this item was deferred by Councilmember Kleinman.~~

~~On May 25, 2016, this item was deferred by Councilmember Gates.~~

~~Information about this item was provided to the Budget, Finance and Audit Committee on June 6, 2016.~~

On both April 13, 2016 and May 11, 2016, action on this item was deferred by the City Council, pending the completion of an audit prepared by the City Auditor regarding issues related to the procurement of the construction contract for the Mill Creek / Peaks Branch / State-Thomas Drainage Relief Tunnel Project.

On May 25, 2016, this item was remanded to the Budget, Finance and Audit Committee by the City Council for the Committee's recommendation after consideration of the procurement issues disclosed in the City Auditor's audit.

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

Information about the construction contract procurement was provided to the Budget, Finance and Audit Committee on June 6, 2016 and the Committee approved a recommendation to send the construction contract back to the City Council, recommended the rejection of any and all of the current construction bids and recommended the re-advertisement of new bids on the construction contract.

FISCAL INFORMATION

2006 Bond Funds - ~~\$6,105,000~~ \$8,003,900
Water Utilities Capital Improvement Funds - \$21,500

Design

Original contract	\$ 8,571,100
Supplemental Agreement No. 1	\$ 3,225,500
Supplemental Agreement No. 2	\$ 2,602,200
Supplemental Agreement No. 3	\$ 45,088
Supplemental Agreement No. 4	\$ 1,549,600
Supplemental Agreement No. 5 (this action)	\$ 6,126,500 <u>\$8,025,400</u>

Total Design ~~\$ 22,119,988~~ \$24,018,888

Construction <u>Estimate</u>	\$209,894,515 <u>\$257,000,000</u>
<u>Preliminary Construction Management</u>	<u>\$ 1,215,000</u>
Construction Management	\$ 18,565,000 <u>\$19,800,000</u>
Construction Materials Testing	<u>\$ 2,764,000</u>

Total Project Cost ~~\$253,343,503~~ \$304,797,888

Council District

Amount

2	\$1,654,160 <u>\$2,166,860</u>
7	\$2,756,920 <u>\$3,611,420</u>
14	\$1,715,420 <u>\$2,247,120</u>
Total	\$6,126,500 <u>\$8,025,400</u>

M/WBE INFORMATION

See attached.

ETHNIC COMPOSITION

Halff Associates, Inc.

Hispanic Female	20	Hispanic Male	75
African-American Female	7	African-American Male	12
Other Female	6	Other Male	12
White Female	91	White Male	294

OWNER

Halff Associates, Inc.

Walter Skipwith, P.E., Chairman
Pat Kunz, P.E., President

MAP

Attached

BUSINESS INCLUSION AND DEVELOPMENT PLAN SUMMARY

PROJECT: Authorize Supplemental Agreement No. 5 to the contract with Halff Associates, Inc. for design and analysis of drainage relief for Mill Creek, Peaks Branch, and State-Thomas areas, for additional scope of work for support services for construction documents updates, State-Thomas feasibility study, design services for storm drainage improvements from Junius Street to Gaston Avenue and engineering design services required during construction of the Mill Creek / Peaks Branch / State-Thomas Drainage Relief Tunnel Project - Not to exceed ~~\$6,126,500~~ \$8,025,400, from \$15,993,488 to ~~\$22,119,988~~ \$24,018,888 - Financing: 2006 Bond Funds (~~\$6,105,000~~) (~~\$8,003,900~~) and Water Utilities Capital Improvement Funds (\$21,500)

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

PROJECT CATEGORY: Professional Services

LOCAL/NON-LOCAL CONTRACT SUMMARY - THIS ACTION ONLY

	<u>Amount</u>	<u>Percent</u>
Local contracts	\$6,447,900.00	80.34%
Non-local contracts	\$1,577,500.00	19.66%
TOTAL THIS ACTION	\$8,025,400.00	100.00%

LOCAL/NON-LOCAL M/WBE PARTICIPATION THIS ACTION

Local Contractors / Sub-Contractors

<u>Local</u>	<u>Certification</u>	<u>Amount</u>	<u>Percent</u>
HVJ Associates, Inc.	BMMB61733N0516	\$115,000.00	1.78%
Urban Engineers Group, Inc.	HFDB10630Y0716	\$230,000.00	3.57%
Charles Gojer	HMDB92968Y0616	\$200,000.00	3.10%
Garcia Land Data	HMMB64109N0217	\$125,000.00	1.94%
Gupta & Associates Inc	PMMB62419Y0719	\$150,000.00	2.33%
Nathan D. Maier	WFWB62783Y0816	\$888,000.00	13.77%
Total Minority - Local		\$1,708,000.00	26.49%

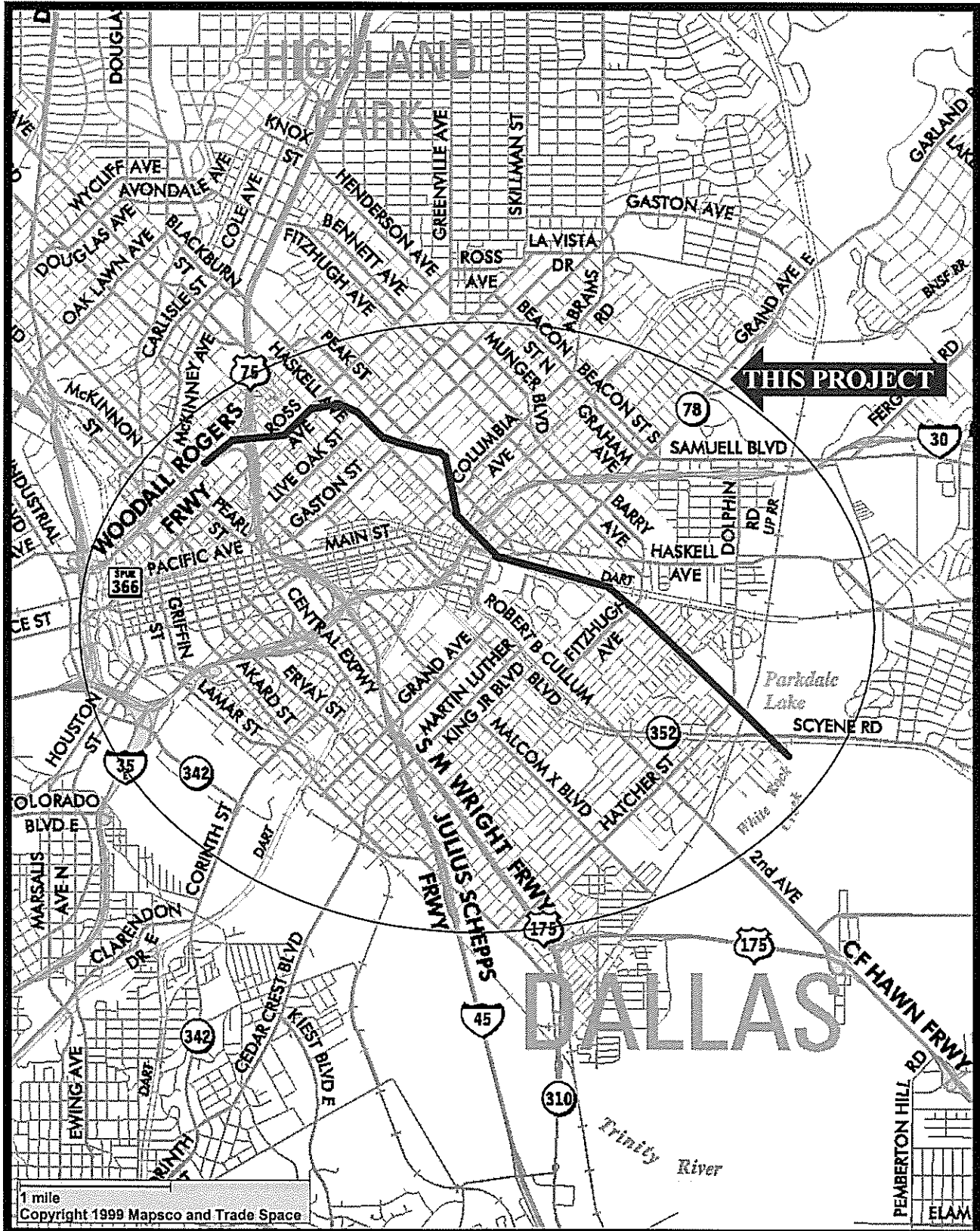
Non-Local Contractors / Sub-Contractors

None

TOTAL M/WBE PARTICIPATION

	This Action		Participation to Date	
	<u>Amount</u>	<u>Percent</u>	<u>Amount</u>	<u>Percent</u>
African American	\$115,000.00	1.43%	\$436,740.00	1.82%
Hispanic American	\$555,000.00	6.92%	\$2,468,602.68	10.28%
Asian American	\$150,000.00	1.87%	\$220,500.00	0.92%
Native American	\$0.00	0.00%	\$1,078,347.68	4.49%
WBE	\$888,000.00	11.06%	\$2,661,700.00	11.08%
Total	\$1,708,000.00	21.28%	\$6,865,890.36	28.59%

Mill Creek Tunnel



June 15, 2016

WHEREAS, on June 13, 2007, Resolution No. 07-1833 authorized professional services contracts with four engineering firms, including Halff Associates, Inc., to provide program management and engineering design of major flood management and storm drainage projects; and,

WHEREAS, on March 25, 2009, Resolution No. 09-0835 authorized Supplemental Agreement No. 1 to the professional services contract with Halff Associates, Inc. to provide additional design and analysis for drainage relief for Mill Creek Phase I, and Middle Peaks Branch, Phases I and II, for additional scope of work to develop and update master drainage plans for Mill Creek and Middle Peaks Branch, including design of the Mill Creek, Phase II system; and,

WHEREAS, on January 11, 2012, Resolution No. 12-0136 authorized Supplemental Agreement No. 2 to the professional services contract with Halff Associates, Inc. to provide additional scope of work for design and analysis for drainage relief for the State-Thomas area, and for additional survey and right-of-way services for required property acquisition; and,

WHEREAS, on July 25, 2014, Administrative Action No. 14-6555 authorized Supplemental Agreement No. 3 to the professional services contract with Halff Associates, Inc. to provide additional design and analysis of water and wastewater main replacements in Carroll Avenue from Junius Street to Victor Street; and,

WHEREAS, on January 14, 2015, Resolution No. 15-0123 authorized Supplemental Agreement No. 4 to the professional services contract with Halff Associates, Inc. to provide for additional scope of work for design of water and wastewater facilities and right-of-way acquisition support during design; and,

WHEREAS, on January 14, 2015, Resolution No. 15-0120 authorized a professional services contract with Parsons Environment & Infrastructure Group, Inc. for preliminary construction management services during the design phase; and,

WHEREAS, the professional services contract with Parsons Environment & Infrastructure Group, Inc. was subsequently terminated at the convenience of the City.

WHEREAS, it is now necessary to authorize Supplemental Agreement No. 5 to the professional services contract with Halff Associates, Inc. to provide for support services for construction documents updates, State-Thomas feasibility study, additional design services for storm drainage improvements from Junius Street to Gaston Avenue and engineering design services required during construction including reviews of contractor submittals, evaluations of contractor-proposed changes, and preparation of as-built drawings.

June 15, 2016

Now, Therefore,

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

Section 1. That the City Manager is hereby authorized to execute Supplemental Agreement No. 5 to the contract with Halff Associates, Inc. ~~for engineering design services required (including reviews of contractor submittals and RFIs, evaluations of contractor proposed changes, and preparation of as-built drawings) during construction of the Mill Creek / Peaks Branch / State-Thomas Drainage Relief Tunnel to provide for support services for construction documents updates, State-Thomas feasibility study, additional design services for storm drainage improvements from Junius Street to Gaston Avenue and engineering design services required during construction including reviews of contractor submittals, evaluations of contractor-proposed changes, and preparation of as-built drawings~~ in an amount not to exceed ~~\$6,126,500~~ \$8,025,400, increasing the contract from \$15,993,488, to ~~\$22,119,988~~ \$24,018,888 after it has been approved as to form by the City Attorney.

Section 2. That the Chief Financial Officer is hereby authorized to disburse funds in accordance with the terms and conditions of the contract from:

Flood Protection and Storm Drainage Facilities Fund
 Fund 3T23, Department TWM, Unit T525, Act. SDRS
 Obj. 4111, Program #PB06T536, CT PBW06T523I1
 Vendor #089861, in an amount not to exceed ~~\$6,105,000~~ \$8,003,900

Wastewater Capital Improvement Fund
 Fund 2116, Department DWU, Unit PS42
 Obj. 4111, Program #714076, CT DWU714076CPA
 Vendor #089861, in an amount not to exceed \$ 21,500

Total \$6,126,500 \$8,025,400

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.

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: June 15, 2016

COUNCIL DISTRICT(S): 2, 7, 14

DEPARTMENT: Trinity Watershed Management

CMO: Mark McDaniel, 670-3256

MAPSCO: 45D 45H 46E 46J 46K 46L 46M 47N

SUBJECT

Authorize a professional services contract with Black & Veatch Corporation for support services for construction document updates, and construction management services during the construction phase of the Mill Creek / Peaks Branch / State-Thomas Drainage Relief Tunnel Project - Not to exceed ~~\$17,350,000~~ \$19,800,000 - Financing: 2006 Bond Funds

BACKGROUND

The 2006 and 2012 Bond Programs provided funding for design and construction of storm drainage relief improvements for the Mill Creek / Peaks Branch / State-Thomas watersheds. This project is a deep underground storm drainage tunnel that will provide drainage and flooding relief to the lower areas of the Mill Creek watershed (around Baylor Hospital), Peaks Branch watershed (south of Buckner Park), and East Peaks Branch watershed (around Fair Park area). It will also provide drainage relief to the Woodall Rodgers area in the State-Thomas area.

The drainage relief tunnel project consists of approximately five miles of thirty-foot diameter storm drainage tunnel that is between seventy-five and one hundred fifty feet deep. The project includes an outfall structure on White Rock Creek and five intake shafts that will connect to existing storm drainage systems and collect overland floodwaters during heavy rain events. The project also includes street and surface drainage improvements at the intake and outfall sites.

In 2007, Council authorized a professional services contract to study and design drainage relief improvements to reduce flooding in the lower portions of the Mill Creek and Middle Peaks Branch watersheds. In 2009, Council authorized a change of alignment of both Mill Creek and Peaks Branch drainage relief systems that provided a deep underground tunnel that will drain both watersheds into Lower White Rock Creek.

BACKGROUND (Continued)

In 2012, Council authorized extending the tunnel to the State-Thomas area to reduce flooding in the State-Thomas and Uptown areas. In 2015, Council authorized a professional services contract with Parsons Environment & Infrastructure Group, Inc. to provide preliminary construction management services during the design phase, including a constructability review and reviews of construction costs and schedule. This contract was terminated at the end of the construction advertisement/bidding phase in March 2016.

The construction of the tunnel will utilize a tunnel boring machine and requires specialized construction management services due to the complexity and sophistication of tunnel construction. The construction manager will minimize the project risk and serve as an extension of City staff to provide professional supervision and experienced inspection of the construction.

On May 25, 2016, the City Council remanded this item to the Budget, Finance and Audit Committee for its review and recommendation concerning issues outlined in an audit by the City Auditor related to the procurement of the Mill Creek / Peaks Branch / State-Thomas Drainage Relief Tunnel construction contract. On June 6, 2016, after consideration of the issues disclosed in the City Auditor's report, the Budget, Finance and Audit Committee recommended that the City reject all bids and re-advertise the construction contract. If the construction contract for this project is rebid, the proposal from Black & Veatch will need to be increased from \$17,350,000 to \$19,800,000. This will extend the construction management services and increase the amount as underlined from the original proposed amount show with a strikethrough.

This action authorizes a professional services contract with Black & Veatch Corporation to provide support services for construction document updates, and construction management services during construction including field inspection, administration, and project coordination during the construction of the Mill Creek / Peaks Branch / State-Thomas Drainage Relief Tunnel Project.

ESTIMATED SCHEDULE OF PROJECT

Began Design	June 2007
Completed Design	September 2015
Begin Construction	May 2016
Complete Construction	May 2021

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Authorized a professional services contract with Halff Associates, Inc., for engineering design on June 13, 2007, by Resolution No. 07-1833.

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

Briefed the Council on alternate combined drainage tunnel alignment for both Mill Creek and Peaks Branch on August 6, 2008.

Authorized Supplemental Agreement No. 1 to the professional services contract with Halff Associates, Inc., for additional engineering design on March 25, 2009, by Resolution No. 09-0835.

Briefed Council on the State-Thomas tunnel extension to the Mill Creek and Peaks Branch drainage relief tunnel on January 4, 2012.

Authorized Supplemental Agreement No. 2 to the professional services contract with Halff Associates, Inc., for additional engineering design on January 11, 2012, by Resolution No. 12-0136.

Authorized Supplemental Agreement No. 4 to the professional services contract with Halff Associates, Inc., for additional engineering design on January 14, 2015, by Resolution No. 15-0123.

Authorized a professional services contract with Parsons Environment & Infrastructure Group, Inc. for preliminary construction management services during the design phase on January 14, 2015, by Resolution No. 15-0120.

Briefed Council on the project status and the evaluation of the construction bid tabulation on February 17, 2016.

Information about this item was presented to the Transportation and Trinity River Project Committee on April 11, 2016.

~~On April 13, 2016 and May 11, 2016, this item was deferred by Councilmember Kleinman.~~

~~On May 25, 2016, this item was deferred by Councilmember Gates.~~

~~Information about this item was provided to the Budget, Finance and Audit Committee on June 6, 2016.~~

On both April 13, 2016 and May 11, 2016, action on this item was deferred by the City Council, pending the completion of an audit prepared by the City Auditor regarding issues related to the procurement of the construction contract for the Mill Creek / Peaks Branch / State-Thomas Drainage Relief Tunnel Project.

On May 25, 2016, this item was remanded to the Budget, Finance and Audit Committee by the City Council for the Committee's recommendation after consideration of the procurement issues disclosed in the City Auditor's audit.

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

Information about the construction contract procurement was provided to the Budget, Finance and Audit Committee on June 6, 2016 and the Committee approved a recommendation to send the construction contract back to the City Council, recommended the rejection of any and all of the current construction bids and recommended the re-advertisement of new bids on the construction contract.

FISCAL INFORMATION

2006 Bond Funds - ~~\$17,350,000~~ \$19,800,000

Construction Management (this action)	\$ 17,350,000 <u>\$19,800,000</u>
Design	\$ 22,119,988 <u>\$24,018,888</u>
Preliminary Construction Management	\$ 1,215,000
Construction Materials Testing	\$ 2,764,000
Construction <u>Estimate</u>	\$209,894,515 <u>\$257,000,000</u>
Total Project Cost	\$253,343,503 <u>\$304,797,888</u>

<u>Council District</u>	<u>Amount</u>
2	\$4,684,500 <u>\$5,346,000</u>
7	\$7,807,500 <u>\$8,910,000</u>
14	\$4,858,000 <u>\$5,544,000</u>
Total	\$17,350,000 <u>\$19,800,000</u>

M/WBE INFORMATION

See attached.

ETHNIC COMPOSITION

Black & Veatch Corporation

Hispanic Female	91	Hispanic Male	157
African-American Female	116	African-American Male	129
Other Female	116	Other Male	324
White Female	1,285	White Male	3,466

OWNER

Black & Veatch Corporation

Cindy Wallis-Lage, President, Black & Veatch Corporation Water

MAP

Attached

BUSINESS INCLUSION AND DEVELOPMENT PLAN SUMMARY

PROJECT: Authorize a professional services contract with Black & Veatch Corporation for support services for construction document updates, and construction management services during the construction phase of the Mill Creek / Peaks Branch / State-Thomas Drainage Relief Tunnel Project - Not to exceed ~~\$17,350,000~~ \$19,800,000 - Financing: 2006 Bond Funds

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

PROJECT CATEGORY: Professional Services

LOCAL/NON-LOCAL CONTRACT SUMMARY - THIS ACTION ONLY

	<u>Amount</u>	<u>Percent</u>
Local contracts	\$19,800,000.00	100.00%
Non-local contracts	\$0.00	0.00%
TOTAL THIS ACTION	\$19,800,000.00	100.00%

LOCAL/NON-LOCAL M/WBE PARTICIPATION THIS ACTION

Local Contractors / Sub-Contractors

<u>Local</u>	<u>Certification</u>	<u>Amount</u>	<u>Percent</u>
K Strategies Group	BFDB06673Y0317	\$317,250.00	1.60%
CMTS, LLC.	BMDB05598Y8016	\$1,361,530.00	6.88%
Arredondo, Zepeda & Brunz, LLC.	HMDB52665Y0616	\$2,230,750.00	11.27%
2M Associates	IMDB36537Y0716	\$1,417,765.00	7.16%
Total Minority - Local		\$5,327,295.00	26.91%

Non-Local Contractors / Sub-Contractors

None

TOTAL M/WBE PARTICIPATION

	<u>This Action</u>		<u>Participation to Date</u>	
	<u>Amount</u>	<u>Percent</u>	<u>Amount</u>	<u>Percent</u>
African American	\$1,678,780.00	8.48%	\$1,678,780.00	8.48%
Hispanic American	\$2,230,750.00	11.27%	\$2,230,750.00	11.27%
Asian American	\$1,417,765.00	7.16%	\$0.00	0.00%
Native American	\$0.00	0.00%	\$1,417,765.00	7.16%
WBE	\$0.00	0.00%	\$0.00	0.00%
Total	\$5,327,295.00	26.91%	\$5,327,295.00	26.91%

June 15, 2016

WHEREAS, on June 13, 2007, Resolution No. 07-1833 authorized professional services contracts with four engineering firms, including Halff Associates, Inc., to provide program management and engineering design of major flood management and storm drainage projects; and,

WHEREAS, on March 25, 2009, Resolution No. 09-0835 authorized Supplemental Agreement No. 1 to the professional services contract with Halff Associates, Inc. to provide additional design and analysis for drainage relief for Mill Creek Phase I, and Middle Peaks Branch, Phases I and II, for scope of works to develop and update master drainage plans for Mill Creek and Middle Peaks Branch, including design of the Mill Creek, Phase II system; and,

WHEREAS, on January 11, 2012, Resolution No. 12-0136 authorized Supplemental Agreement No. 2 to the professional services contract with Halff Associates, Inc. to provide additional scope of work for design and analysis for drainage relief for the State-Thomas area, and for additional survey and right-of-way services for required property acquisition; and,

WHEREAS, on July 25, 2014, Administrative Action No. 14-6555 authorized Supplemental Agreement No. 3 to the professional services contract with Halff Associates, Inc. to provide additional design and analysis of water and wastewater main replacements in Carroll Avenue from Junius Street to Victor Street; and,

WHEREAS, on January 14, 2015, Resolution No. 15-0123 authorized Supplemental Agreement No. 4 to the professional services contract with Halff Associates, Inc. to provide for additional scope of work for design of water and wastewater facilities and right-of-way acquisition support during design; and,

WHEREAS, on January 14, 2015, Resolution No. 15-0120 authorized a professional services contract with Parsons Environment & Infrastructure Group, Inc. for preliminary construction management services during the design phase; and,

WHEREAS, the professional services contract with Parsons Environment & Infrastructure Group, Inc. was subsequently terminated at the convenience of the City.

WHEREAS, this project requires specialized construction management services due to the complexity and sophistication of tunnel construction, it is now necessary to authorize a professional services contract with Black & Veatch Corporation for construction management services and other related contract administration services during construction of the Mill Creek / Peaks Branch / State-Thomas Drainage Relief Tunnel Project.

June 15, 2016

Now, Therefore,

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

Section 1. That the City Manager is hereby authorized to enter into a contract with Black & Veatch Corporation for support services for construction document updates, and construction management services for the Mill Creek / Peaks Branch / State-Thomas Drainage Relief Tunnel Project in an amount not to exceed ~~\$17,350,000~~ \$19,800,000, after it has been approved as to form by the City Attorney.

Section 2. That the Chief Financial Officer is hereby authorized to distribute funds in accordance with the terms and conditions of the contract from:

Flood Protection and Storm Drainage Facilities Fund
Fund 3T23, Department TWM, Unit T525, Act. SDRS
Obj. 4111, Program #PB06T525, CT TWM06T525G1
Vendor #520478, in an amount not to exceed ~~\$17,350,000~~ \$19,800,000

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.

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: June 15, 2016

COUNCIL DISTRICT(S): 2, 7, 14

DEPARTMENT: Trinity Watershed Management

CMO: Mark McDaniel, 670-3256

MAPSCO: 45D 45H 46E 46J 46K 46L 46M 47N

SUBJECT

Authorize a professional services contract with Alliance Geotechnical Group, Inc. for construction materials testing services during the construction phase of the Mill Creek / Peaks Branch / State-Thomas Drainage Relief Tunnel Project - Not to exceed \$2,764,000 - Financing: 2006 Bond Funds

BACKGROUND

The 2006 and 2012 Bond Programs provided funding for design and construction of storm drainage relief improvements for the Mill Creek / Peaks Branch / State-Thomas watersheds. This project is a deep underground storm drainage relief tunnel that will provide drainage and flooding relief to the lower areas of the Mill Creek watershed (around Baylor Hospital), Peaks Branch watershed (south of Buckner Park), and East Peaks Branch watershed (around Fair Park area). It will also provide drainage relief to the Woodall Rodgers area in the State-Thomas area.

The drainage relief tunnel project consists of approximately five miles of thirty-foot diameter storm drainage tunnel that is between seventy-five and one hundred fifty feet deep. The project includes an outfall structure on White Rock Creek and five intake shafts that will connect to existing storm drainage systems and collect overland floodwaters during heavy rain events. The project also includes street and surface drainage improvements at the intake and outfall sites.

In 2007, Council authorized a professional services contract to study and design drainage relief improvements to reduce flooding in the lower portions of the Mill Creek and Middle Peaks Branch watersheds. In 2009, Council authorized a change of alignment of both Mill Creek and Peaks Branch drainage relief systems that provided a deep underground tunnel that will drain both watersheds into Lower White Rock Creek. In 2012, Council authorized extending the tunnel to the State-Thomas area to reduce flooding in the State-Thomas and Uptown areas.

BACKGROUND (Continued)

The construction materials testing consultant will provide all labor, supervision, and equipment for performing field or laboratory analyses for soil, concrete, air and water testing, seismic, noise and light monitoring and other necessary services. These services will typically be related to tunnel excavation and lining, pump station, street paving, storm drainage, water, wastewater and other infrastructure improvements.

On May 25, 2016, the City Council remanded this item to the Budget, Finance and Audit Committee for its review and recommendation concerning issues outlined in an audit by the City Auditor related to the procurement of the Mill Creek / Peaks Branch / State-Thomas Drainage Relief Tunnel construction contract. On June 6, 2016, after consideration of the issues disclosed in the City Auditor's report, the Budget, Finance and Audit Committee recommended that the City reject all bids and re-advertise the construction contract.

This action authorizes a professional services contract with Alliance Geotechnical Group, Inc. for construction materials testing services during the construction phase of the Mill Creek / Peaks Branch / State-Thomas Drainage Relief Tunnel Project.

ESTIMATED SCHEDULE OF PROJECT

Began Design	June 2007
Completed Design	September 2015
Begin Construction	May 2016
Complete Construction	May 2021

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Authorized a professional services contract with Halff Associates, Inc., for engineering design on June 13, 2007, by Resolution No. 07-1833.

Briefed Council on alternate combined drainage tunnel alignment for both Mill Creek and Peaks Branch on August 6, 2008.

Authorized Supplemental Agreement No. 1 to the professional services contract with Halff Associates, Inc., for additional engineering design on March 25, 2009, by Resolution No. 09-0835.

Briefed Council on the State-Thomas tunnel extension to the Mill Creek and Peaks Branch drainage relief tunnel on January 4, 2012.

Authorized Supplemental Agreement No. 2 to the professional services contract with Halff Associates, Inc., for additional engineering design on January 11, 2012, by Resolution No. 12-0136.

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

Authorized Supplemental Agreement No. 4 to the professional services contract with Halff Associates, Inc., for additional engineering design on January 14, 2015, by Resolution No. 15-0123.

Authorized a professional services contract with Parsons Environment & Infrastructure Group, Inc. for preliminary construction management services during the design phase on January 14, 2015, by Resolution No. 15-0120.

Briefed the Council on the project status and the evaluation of the construction bid tabulation on February 17, 2016.

Information about this item was presented to the Transportation and Trinity River Project Committee on April 11, 2016.

~~On April 13, 2016 and May 11, 2016, this item was deferred by Councilmember Kleinman.~~

~~On May 25, 2016, this item was deferred by Councilmember Gates.~~

~~Information about this item was provided to the Budget, Finance and Audit Committee on June 6, 2016.~~

On both April 13, 2016 and May 11, 2016, action on this item was deferred by the City Council, pending the completion of an audit prepared by the City Auditor regarding issues related to the procurement of the construction contract for the Mill Creek / Peaks Branch / State-Thomas Drainage Relief Tunnel Project.

On May 25, 2016, this item was remanded to the Budget, Finance and Audit Committee by the City Council for the Committee's recommendation after consideration of the procurement issues disclosed in the City Auditor's audit.

Information about the construction contract procurement was provided to the Budget, Finance and Audit Committee on June 6, 2016 and the Committee approved a recommendation to send the construction contract back to the City Council, recommended the rejection of any and all of the current construction bids and recommended the re-advertisement of new bids on the construction contract.

FISCAL INFORMATION

2006 Bond Funds - \$2,764,000

Construction Materials Testing (this action)	\$ 2,764,000
Design	\$ 22,119,988 <u>\$24,018,888</u>
Construction Management	\$ 18,565,000 <u>\$21,015,000</u>
Construction <u>Estimate</u>	\$209,894,515 <u>\$257,000,000</u>
Total Project Cost	\$253,343,503 <u>\$304,797,888</u>

<u>Council District</u>	<u>Amount</u>
2	\$ 746,280
7	\$1,243,800
14	<u>\$ 773,920</u>
Total	\$2,764,000

M/WBE INFORMATION

See attached

ETHNIC COMPOSITION

Alliance Geotechnical Group, Inc.

Hispanic Female	2	Hispanic Male	19
African-American Female	0	African-American Male	19
Other Female	0	Other Male	2
White Female	10	White Male	54

OWNER

Alliance Geotechnical Group, Inc.

Robert P. Nance, President

MAP

Attached

BUSINESS INCLUSION AND DEVELOPMENT PLAN SUMMARY

PROJECT: Authorize a professional services contract with Alliance Geotechnical Group, Inc. for construction materials testing services during the construction phase of the Mill Creek / Peaks Branch / State-Thomas Drainage Relief Tunnel Project - Not to exceed \$2,764,000 - Financing: 2006 Bond Funds

Alliance Geotechnical Group, Inc. is a local, minority firm, has signed the "Business Inclusion & Development" documentation, and proposes to use the following sub-contractors.

PROJECT CATEGORY: Professional Services

LOCAL/NON-LOCAL CONTRACT SUMMARY

	<u>Amount</u>	<u>Percent</u>
Total local contracts	\$2,687,120.00	97.22%
Total non-local contracts	\$76,880.00	2.78%
TOTAL CONTRACT	\$2,764,000.00	100.00%

LOCAL/NON-LOCAL M/WBE PARTICIPATION

Local Contractors / Sub-Contractors

<u>Local</u>	<u>Certification</u>	<u>Amount</u>	<u>Percent</u>
Alliance Geotechnical Group, Inc.	BMDB94986Y0117	\$1,760,668.00	65.52%
T. Smith Inspection and Testing	BMDB72436Y0616	\$857,352.00	31.91%
Design Consultant Engineers	IMDB32421Y0317	\$69,100.00	2.57%
Total Minority - Local		\$2,687,120.00	100.00%

Non-Local Contractors / Sub-Contractors

<u>Non-local</u>	<u>Certification</u>	<u>Amount</u>	<u>Percent</u>
Steel Inspectors of Texas	WMDB73989N1116	\$21,600.00	28.10%
Total Minority - Non-local		\$21,600.00	28.10%

TOTAL M/WBE CONTRACT PARTICIPATION

	<u>Local</u>	<u>Percent</u>	<u>Local & Non-Local</u>	<u>Percent</u>
African American	\$2,618,020.00	97.43%	\$2,618,020.00	94.72%
Hispanic American	\$0.00	0.00%	\$0.00	0.00%
Asian American	\$69,100.00	2.57%	\$69,100.00	2.50%
Native American	\$0.00	0.00%	\$0.00	0.00%
WBE	\$0.00	0.00%	\$21,600.00	0.78%
	<hr/>	<hr/>	<hr/>	<hr/>
Total	\$2,687,120.00	100.00%	\$2,708,720.00	98.00%

Mill Creek Tunnel

**Mapscs 45, 46, 47**

June 15, 2016

WHEREAS, on June 13, 2007, Resolution No. 07-1833 authorized professional services contracts with four engineering firms, including Halff Associates, Inc., to provide program management and engineering design of major flood management and storm drainage projects; and,

WHEREAS, on March 25, 2009, Resolution No. 09-0835 authorized Supplemental Agreement No. 1 to the professional services contract with Halff Associates, Inc. to provide additional design and analysis for drainage relief for Mill Creek Phase I, and Middle Peaks Branch, Phases I and II, for scope of works to develop and update master drainage plans for Mill Creek and Middle Peaks Branch, including design of the Mill Creek, Phase II system; and,

WHEREAS, on January 11, 2012, Resolution No. 12-0136 authorized Supplemental Agreement No. 2 to the professional services contract with Halff Associates, Inc. to provide additional scope of work for design and analysis for drainage relief for the State-Thomas area, and for additional survey and right-of-way services for required property acquisition; and,

WHEREAS, on July 25, 2014, Administrative Action No. 14-6555 authorized Supplemental Agreement No. 3 to the professional services contract with Halff Associates, Inc. to provide additional design and analysis of water and wastewater main replacements in Carroll Avenue from Junius Street to Victor Street; and,

WHEREAS, on January 14, 2015, Resolution No. 15-0123 authorized Supplemental Agreement No. 4 to the professional services contract with Halff Associates, Inc. to provide for additional scope of work for design of water and wastewater facilities and right-of-way acquisition support during design; and,

WHEREAS, on January 14, 2015, Resolution No. 15-0120 authorized a professional services contract with Parsons Environment & Infrastructure Group, Inc. for preliminary construction management services during the design phase; and,

WHEREAS, the professional services contract with Parsons Environment & Infrastructure Group, Inc. was subsequently terminated at the convenience of the City.

WHEREAS, this project requires specialized construction materials testing services for performing field or laboratory analyses for soil, concrete, air, and water testing, seismic, noise and light monitoring and other necessary services, it is now necessary to authorize a professional services contract with Alliance Geotechnical Group, Inc. for construction materials testing services during the construction phase of the Mill Creek / Peaks Branch / State-Thomas Drainage Relief Tunnel Project.

June 15, 2016

Now, Therefore,

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

Section 1. That the City Manager is hereby authorized to enter into a contract with Alliance Geotechnical Group, Inc. for construction materials testing services during the construction phase of the Mill Creek / Peaks Branch / State-Thomas Drainage Relief Tunnel Project in an amount not to exceed \$2,764,000, after it has been approved as to form by the City Attorney.

Section 2. That the Chief Financial Officer is hereby authorized to disburse funds in accordance with the terms and conditions of the contract from:

Flood Protection and Storm Drainage Facilities Fund	
Fund 3T23, Department TWM, Unit T525, Act. SDRS	
Obj. 4111, Program #TW06T525, CT TWM06T525G2	
Vendor #338366, in an amount not to exceed	\$2,764,000.00

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.

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: June 15, 2016

COUNCIL DISTRICT(S): 2, 7, 14

DEPARTMENT: Trinity Watershed Management
Water Utilities

CMO: Mark McDaniel, 670-3256

MAPSCO: 45D 45H 46E 46J 46K 46L 46M 47N

SUBJECT

Authorize a contract for construction of storm drainage improvements for the Mill Creek / Peaks Branch / State-Thomas Drainage Relief Tunnel Project - Southland Mole JV, lowest responsive and responsible bidder of five - Not to exceed \$209,894,515 - Financing: General Obligation Commercial Paper Funds (\$209,179,636), Water Utilities Capital Construction Funds (\$25,600) and Water Utilities Capital Improvement Funds (\$689,279)

BACKGROUND

The 2006 and 2012 Bond Programs provided funding for design and construction of storm drainage relief improvements for the Mill Creek / Peaks Branch / State-Thomas watersheds. This project is a deep underground storm drainage tunnel that will provide drainage and flooding relief to the lower areas of the Mill Creek watershed (around Baylor Hospital), Peaks Branch watershed (south of Buckner Park), and East Peaks Branch watershed (around Fair Park area). It will also provide drainage relief to the Woodall Rodgers area in the State-Thomas area.

The drainage relief tunnel project consists of approximately five miles of thirty-foot diameter storm drainage tunnel that is between seventy-five and one hundred fifty feet deep. The project includes an outfall structure on White Rock Creek and five intake shafts that will connect to existing storm drainage systems and collect overland floodwaters during heavy rain events. The project also includes street and surface drainage improvements at the intake and outfall sites.

In 2007, Council authorized a professional services contract to study and design drainage relief improvements to reduce flooding in the lower portions of the Mill Creek and Middle Peaks Branch watersheds. In 2009, Council authorized a change of alignment of both Mill Creek and Peaks Branch drainage relief systems that provided a deep underground tunnel that will drain both watersheds into Lower White Rock Creek. In 2012, Council authorized extending the tunnel to the State-Thomas area to reduce flooding in the State-Thomas and Uptown areas.

BACKGROUND (Continued)

On May 25, 2016, the City Council remanded this item to the Budget, Finance and Audit Committee for its review and recommendation concerning issues outlined in an audit by the City Auditor related to the procurement of the Mill Creek / Peaks Branch / State-Thomas Drainage Relief Tunnel construction contract. On June 6, 2016, after consideration of the issues disclosed in the City Auditor's report, the Budget, Finance and Audit Committee recommended that the City reject all bids and re-advertise the construction contract. The re-bidding of the project construction contract results in an increase to the original item presented for this action. Rebidding this project and extending the construction management services increases the amount as underlined from the original proposed amount shown with a strikethrough.

This action authorizes a contract with Southland Mole JV to construct storm drainage improvements for the Mill Creek / Peaks Branch / State-Thomas Drainage Relief Tunnel Project including five miles of 30-foot diameter tunnel, five intake shafts and connections, an outfall shaft, a dewatering station, associated street and surface storm drainage improvements, and water and wastewater improvements.

ESTIMATED SCHEDULE OF PROJECT

Began Design	June 2007
Completed Design	September 2015
Begin Construction	May 2016
Complete Construction	May 2021

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Authorized a professional services contract with Halff Associates, Inc., for engineering design on June 13, 2007, by Resolution No. 07-1833.

Briefed Council on alternate combined drainage tunnel alignment for both Mill Creek and Peaks Branch on August 6, 2008.

Authorized Supplemental Agreement No. 1 to the professional services contract with Halff Associates, Inc., for additional engineering design on March 25, 2009, by Resolution No. 09-0835.

Briefed Council on the State-Thomas tunnel extension to the Mill Creek and Peaks Branch drainage relief tunnel on January 4, 2012.

Authorized Supplemental Agreement No. 2 to the professional services contract with Halff Associates, Inc., for additional engineering design on January 11, 2012, by Resolution No. 12-0136.

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

Authorized Supplemental Agreement No. 4 to the professional services contract with Halff Associates, Inc., for additional engineering design on January 14, 2015, by Resolution No. 15-0123.

Authorized a professional services contract with Parsons Environment & Infrastructure Group, Inc. for preliminary construction management services during the design phase on January 14, 2015, by Resolution No. 15-0120.

Briefed Council on the project status and the evaluation of the construction bid tabulation on February 17, 2016.

Information about this item was provided to the Transportation and Trinity River Project Committee on April 11, 2016.

~~On April 13, 2016 and May 11, 2016, this item was deferred by Councilmember Kleinman.~~

~~On May 25, 2016, this item was deferred by Councilmember Gates.~~

~~Information about this item was provided to the Budget, Finance and Audit Committee on June 6, 2016.~~

On both April 13, 2016 and May 11, 2016, action on this item was deferred by the City Council, pending the completion of an audit prepared by the City Auditor regarding issues related to the procurement of the construction contract for the Mill Creek / Peaks Branch / State-Thomas Drainage Relief Tunnel Project.

On May 25, 2016, this item was remanded to the Budget, Finance and Audit Committee by the City Council for the Committee's recommendation after consideration of the procurement issues disclosed in the City Auditor's audit.

Information about the construction contract procurement was provided to the Budget, Finance and Audit Committee on June 6, 2016 and the Committee approved a recommendation to send the construction contract back to the City Council, recommended the rejection of any and all of the current construction bids and recommended the re-advertisement of new bids on the construction contract.

FISCAL INFORMATION

2012 Bond Program (General Obligation Commercial Paper Funds) - \$209,179,636.00

Water Utilities Capital Construction Funds - \$25,600.00

Water Utilities Capital Improvement Funds - \$689,279.00

Construction

Storm drainage improvements \$209,179,636.00

Water improvements \$ 124,234.00

Wastewater improvements \$ 590,645.00

Total Construction \$209,894,515.00

Design ~~\$22,119,988.00~~ \$24,018,888

Construction Management ~~\$18,565,000.00~~ \$21,015,000

Construction Materials Testing \$ 2,764,000.00

Total Project Cost ~~\$253,343,503.00~~ \$257,692,403

Engineer's Construction Estimate \$257,000,000

Council District

Amount

2 \$ 56,671,520

7 \$ 94,452,530

14 \$ 58,770,465

Total \$209,894,515

M/WBE INFORMATION

See attached.

ETHNIC COMPOSITION

Southland Mole JV

Hispanic Female	5	Hispanic Male	121
African-American Female	1	African-American Male	16
Other Female	6	Other Male	43
White Female	10	White Male	72

BID INFORMATION

The following bids with quotes were received and opened on December 18, 2015:

*Denotes successful bidder(s)

BIDDERS	BID AMOUNT
* Southland Mole JV 608 Henrietta Creek Road Roanoke, Texas 76262	\$209,894,515
Salini Impregilo / Healy / MCM JV	\$223,174,000
Archer Western / Obayashi JV	\$235,355,009
Mill Creek Tunnel Constructors, LLC.	\$262,946,375
Dragodos / Pulice JV	\$281,449,979
Odebrecht Construction, Inc.	\$189,246,994**

**Odebrecht Construction, Inc. bid was deemed non-responsible due to not meeting bid specifications relevant to tunnel experience.

Engineer's Estimate: \$257,644,000

OWNER

Southland Mole JV

Frank Renda, Managing Member

MAP

Attached.

BUSINESS INCLUSION AND DEVELOPMENT PLAN SUMMARY

PROJECT: Authorize a contract for construction of storm drainage improvements for the Mill Creek / Peaks Branch / State-Thomas Drainage Relief Tunnel Project - Southland Mole JV, lowest responsive and responsible bidder of five - Not to exceed \$209,894,515 - Financing: General Obligation Commercial Paper Funds (\$209,179,636), Water Utilities Capital Construction Funds (\$25,600) and Water Utilities Capital Improvement Funds (\$689,279)

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

PROJECT CATEGORY: Construction

LOCAL/NON-LOCAL CONTRACT SUMMARY

	<u>Amount</u>	<u>Percent</u>
Total local contracts	\$41,830,000.00	19.93%
Total non-local contracts	\$168,064,515.00	80.07%
TOTAL CONTRACT	\$209,894,515.00	100.00%

LOCAL/NON-LOCAL M/WBE PARTICIPATION

Local Contractors / Sub-Contractors

<u>Local</u>	<u>Certification</u>	<u>Amount</u>	<u>Percent</u>
Clemons Trucking Company	BFDB48714Y1016	\$14,500,000.00	34.66%
Eagle Barricade LLC	BFMB6480N0417	\$40,000.00	0.10%
Pannell Industries, Inc.	BMDB16064Y1116	\$65,000.00	0.16%
Ibarra Consulting Engineers, Inc.	HFDB64809Y0146	\$2,550,000.00	6.10%
All Janitorial, Inc.	HFDWF224960616	\$55,000.00	0.13%
Partnering for Success	HFMB61772Y0516	\$15,000.00	0.04%
Omega Contracting, Inc.	HMMB63334Y1016	\$12,000,000.00	28.69%
GLL Corporation DBE MG Trucking	HMDB64606Y016	\$500,000.00	1.20%
Romera Steel	HMMB63034N0916	\$300,000.00	0.72%
LKT & Associates, LLC	WFDB26473Y1016	\$10,500,000.00	25.10%
Champion Fuel Supply	WFDB79263Y0416	\$1,000,000.00	2.39%
Ram Tool Supply	WFWB61372N0416	\$150,000.00	0.36%
Bowden's Guaranteed Hydromulch	WFWB80971N0517	\$45,000.00	0.11%
Universal Fence Company, Inc.	WFDB92092Y0416	\$10,000.00	0.02%
Total Minority - Local		\$41,730,000.00	99.76%

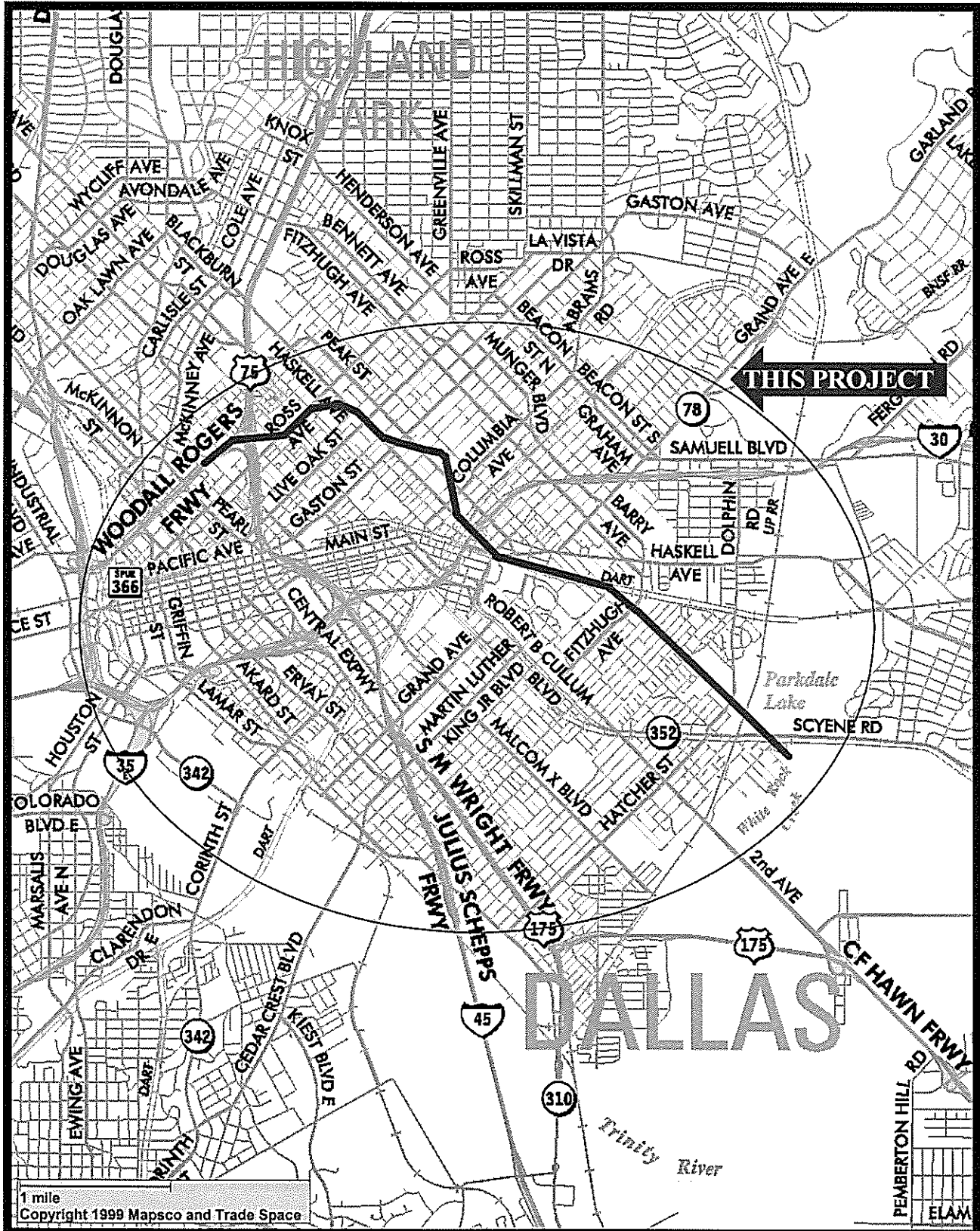
Non-Local Contractors / Sub-Contractors

<u>Non-local</u>	<u>Certification</u>	<u>Amount</u>	<u>Percent</u>
LeVis Consulting Group, LLC	BFMB17589Y1116	\$50,000.00	0.03%
Curtis & Cartwright Transport Services, LLC	BMMB08640N1017	\$1,000,000.00	0.60%
KDAT, LLC	BMDB45396Y0117	\$50,000.00	0.03%
Dtech Services	BMMB61579Y0917	\$25,000.00	0.01%
Luis Moreno Trucking	HMDB33385Y0117	\$500,000.00	0.30%
RECS, Inc.	WFWB63026N0816	\$24,000,000.00	14.28%
Suncoast Resources	WFWB63943N0117	\$1,000,000.00	0.60%
A.N.A. Consultants LLC	WFDB57431Y0516	\$100,000.00	0.06%
MMG Building & Construction	WFWB62284N0616	\$40,000.00	0.02%
Total Minority - Non-local		\$26,765,000.00	15.93%

TOTAL M/WBE CONTRACT PARTICIPATION

	<u>Local</u>	<u>Percent</u>	<u>Local & Non-Local</u>	<u>Percent</u>
African American	\$14,605,000.00	34.92%	\$15,730,000.00	7.49%
Hispanic American	\$15,420,000.00	36.86%	\$15,920,000.00	7.58%
Asian American	\$0.00	0.00%	\$0.00	0.00%
Native American	\$0.00	0.00%	\$0.00	0.00%
WBE	\$11,705,000.00	27.98%	\$36,845,000.00	17.55%
Total	\$41,730,000.00	99.76%	\$68,495,000.00	32.63%

Mill Creek Tunnel



June 15, 2016

WHEREAS, on June 13, 2007, Resolution No. 07-1833 authorized professional services contracts with four engineering firms, including Halff Associates, Inc., to provide program management and engineering design of major flood management and storm drainage projects; and,

WHEREAS, on March 25, 2009, Resolution No. 09-0835 authorized Supplemental Agreement No. 1 to the professional services contract with Halff Associates, Inc. to provide additional design and analysis for drainage relief for Mill Creek Phase I, and Middle Peaks Branch, Phases I and II, for additional scope of work to develop and update master drainage plans for Mill Creek and Middle Peaks Branch, including design of the Mill Creek, Phase II system; and,

WHEREAS, on January 11, 2012, Resolution No. 12-0136 authorized Supplemental Agreement No. 2 to the professional services contract with Halff Associates, Inc. to provide additional scope of work for design and analysis for drainage relief for the State-Thomas area, and for additional survey and right-of-way services for required property acquisition; and,

WHEREAS, on July 25, 2014, Administrative Action No. 14-6555 authorized Supplemental Agreement No. 3 to the professional services contract with Halff Associates, Inc. to provide additional design and analysis of water and wastewater main replacements in Carroll Avenue from Junius Street to Victor Street; and,

WHEREAS, on January 14, 2015, Resolution No. 15-0123 authorized Supplemental Agreement No. 4 to the professional services contract with Halff Associates, Inc. to provide for additional scope of work for design of water and wastewater facilities and right-of-way acquisition support during design; and,

WHEREAS, on January 14, 2015, Resolution No. 15-0120 authorized a professional services contract with Parsons Environment & Infrastructure Group, Inc. for preliminary construction management services during the design phase; and,

WHEREAS, the professional services contract with Parsons Environment & Infrastructure Group, Inc. was subsequently terminated at the convenience of the City.

June 15, 2016

WHEREAS, bids were received on December 18, 2015, for the construction of storm drainage improvements and water and wastewater improvements for the Mill Creek / Peaks Branch / State-Thomas Drainage Relief Tunnel Project:

<u>BIDDERS</u>	<u>BID AMOUNT</u>
* Southland Mole JV 608 Henrietta Creek Road Roanoke, Texas 76262	\$209,894,515
Salini Impregilo / Healy / MCM JV	\$223,174,000
Archer Western / Obayashi JV	\$235,355,009
Mill Creek Tunnel Constructors, LLC.	\$262,946,375
Dragodos / Pulice JV	\$281,449,979
Odebrecht Construction, Inc.	Non-responsible**

**Odebrecht Construction, Inc. bid was deemed non-responsible due to not meeting bid specifications.

Now, Therefore,

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

Section 1. That Southland Mole JV, Inc. is hereby awarded the contract for the construction of storm drainage improvements and water and wastewater improvements for the Mill Creek / Peaks Branch / State-Thomas Drainage Relief Tunnel Project in an amount not to exceed \$209,894,515, this being the lowest responsive and responsible bid received as indicated by the tabulation of bids.

Section 2. That the City Manager is hereby authorized to execute the contract after it has been approved as to form by the City Attorney.

Section 3. That the Chief Financial Officer is hereby authorized to distribute funds in accordance with the terms and conditions of the contract from:

Flood Protection and Storm Drainage Facilities Fund Fund 4U23, Dept. TWM, Unit S769, Act. SDRS Obj. 4540, Program #TW12S769, CT TWM12S769G1 Vendor #VS90299, in an amount not to exceed	\$209,179,636.00
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Water Utilities Capital Improvement Fund Fund 2115, Department DWU, Unit PW42 Obj. 4550, Program #715387, CT TWM715387CP Vendor # VS90299, in an amount not to exceed	\$ 115,334.00
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June 15, 2016

Water Utilities Construction Fund
Fund 0102, Department DWU, Unit CW42
Obj. 3221, Program #715387X, CT TWM715387EN
Vendor # VS90299, in an amount not to exceed \$ 8,900.00

Wastewater Capital Improvement Fund
Fund 2116, Department DWU, Unit PS42
Obj. 4560, Program #715388, CT TWM715388CP
Vendor # VS90299, in an amount not to exceed \$ 573,945.00

Wastewater Construction Fund
Fund 0103, Department DWU, Unit CS42
Obj. 3222, Program #715388X, CT TWM715388EN
Vendor # VS90299, in an amount not to exceed \$ 16,700.00

Total in an amount not to exceed \$209,894,515.00

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

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: June 15, 2016

COUNCIL DISTRICT(S): 4

DEPARTMENT: Sustainable Development and Construction
Public Works Department

CMO: Ryan S. Evans, 671-9837
Jill A. Jordan, P.E., 670-5299

MAPSCO: 55H

SUBJECT

Authorize acquisition, ~~including the exercise of the right of eminent domain, if such becomes necessary,~~ from Carol Arriaga a/k/a Caroline Arriaga, of approximately 6,000 square feet of land improved with a single-family dwelling located near the intersection of Pontiac Avenue and Cadillac Drive for the Cadillac Heights City Service and Maintenance Facilities Project - Not to exceed \$23,500 (\$21,500, plus closing costs and title expenses not to exceed \$2,000) - Financing: 2006 Bond Funds

BACKGROUND

This item authorizes the acquisition of approximately 6,000 square feet of land improved with a single-family dwelling located near the intersection of Pontiac Avenue and Cadillac Drive for the Cadillac Heights City Service and Maintenance Facilities Project. ~~The use of eminent domain is being pursued because the subject property is encumbered with title issues preventing the issuance of a title policy.~~ The consideration is based on an independent appraisal. The relocation benefits are estimated to be \$62,000.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Information about this item was provided to the Economic Development Committee on May 16, 2016.

On May 25, 2016, this item was deferred by Councilmember Carolyn King Arnold.

FISCAL INFORMATION

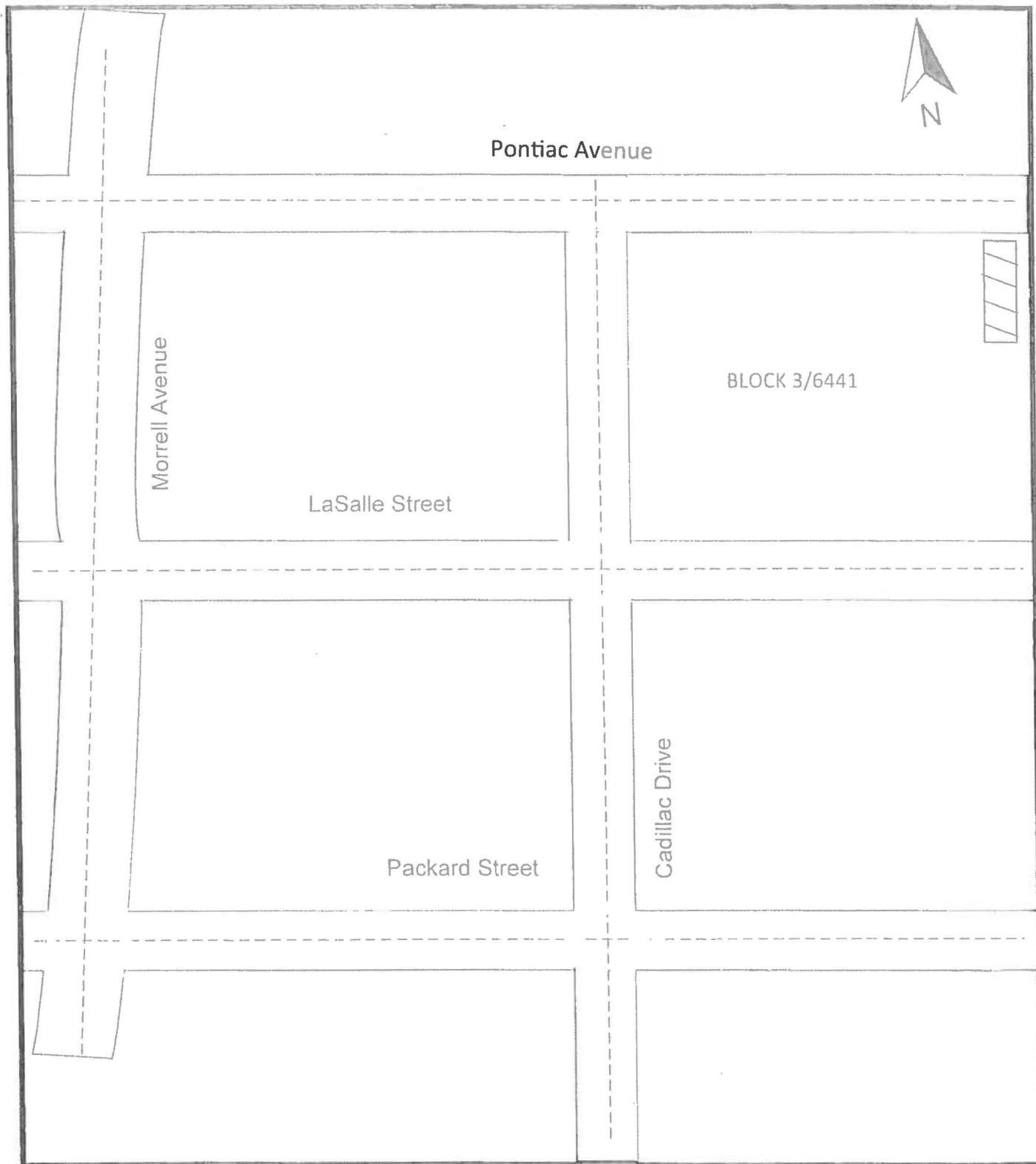
2006 Bond Funds - \$23,500 (\$21,500, plus closing costs and title expenses not to exceed \$2,000)

OWNER

Carol Arriaga a/k/a Caroline Arriaga

MAP

Attached



SUBJECT: 

June 15, 2016

A RESOLUTION DETERMINING UPON THE NECESSITY OF ACQUIRING REAL PROPERTY AND AUTHORIZING ITS CONDEMNATION 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 6,000 square feet of ~~property~~ 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": Cadillac Heights Phase II

"USE": City service and maintenance facilities; 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 Title 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": Carol Arriaga a/k/a Caroline Arriaga, provided, however, that the term "OWNER" as used in this resolution means all persons having an ownership interest, regardless of whether those persons are actually named herein.

"OFFER AMOUNT": \$21,500

"CLOSING COSTS AND TITLE EXPENSES": Not to exceed \$2,000

"AUTHORIZED AMOUNT": Not to exceed \$23,500

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

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

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

June 15, 2016

SECTION 3. ~~That for the purpose of acquiring the PROPERTY INTEREST in the PROPERTY, the Assistant Director of the Department of Sustainable Development and Construction Department, Real Estate Division, or such person as she may designate, is hereby authorized and directed to offer the OFFER AMOUNT as payment for the PROPERTY INTEREST in the PROPERTY.~~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 in the event the OWNER accepts the OFFER AMOUNT, the Chief Financial Officer is authorized and directed to draw a warrant in favor of the OWNER, or the then current owner of record, or the title company closing the transaction described herein in the OFFER AMOUNT and CLOSING COSTS AND TITLE EXPENSES payable out of Land Acquisition in Cadillac Heights Fund, Fund No. BT11, Department PBW, Unit T825, Activity LAAQ, Program No. PB06T825, Object 4210, Encumbrance No. SUSVL82572 The OFFER AMOUNT, CLOSING COSTS and TITLE EXPENSES together shall not exceed the AUTHORIZED AMOUNT.~~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 the CITY is to have possession of the PROPERTY at closing; and the CITY will pay any title expenses and closing costs. In the event of condemnation, the CITY will pay court costs as may be assessed by the Special Commissioners or the court. Further, that litigation expenses determined by the City Attorney to be necessary are authorized for payment. All costs and expenses described in this section shall be paid from the previously described funds.~~OWNER has been provided with a copy of the Landowner's Bill of Rights as contemplated by applicable state statute.

June 15, 2016

SECTION 6. ~~That if the OWNER refuses to accept the OFFER AMOUNT, the CITY will appropriate the PROPERTY INTEREST in the PROPERTY for the PROJECT under the laws of eminent domain and the provisions of the Charter of the City of Dallas. In such case, the City Attorney is authorized and requested to file the necessary suit(s) and take the necessary action for the prompt acquisition of the PROPERTY INTEREST in the PROPERTY by condemnation or in any manner provided by law.~~in the event this acquisition closes, the Chief Financial Officer is authorized and directed to draw a warrant in favor of the OWNER, or the then current owner of record, or the title company closing the transaction described herein in the PURCHASE AMOUNT and CLOSING COSTS AND TITLE EXPENSES payable out of Land Acquisition in Cadillac Heights Funds, Fund No. PB06T825, Department PBW, Unit T825, Activity LAAQ, Program No. PB06T825, Object 4210, Encumbrance No. SUSVL82572. The PURCHASE AMOUNT, CLOSING COSTS and TITLE EXPENSES together shall not exceed the AUTHORIZED AMOUNT.

SECTION 7. ~~That in the event it is subsequently determined that additional persons other than those named herein have an interest in the PROPERTY, the City Attorney is authorized and directed to join said parties as defendants in said condemnation suit(s). 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 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.. 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.~~

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

SECTION 10. ~~That in the event the Special Commissioners in Condemnation appointed by the Court return an award that is the same amount or less than the OFFER AMOUNT, the City Attorney is hereby authorized to settle the lawsuit for that amount and the Chief Financial Officer is hereby authorized to issue a check drawn on the previously described funds in an amount not to exceed the Commissioners' award made payable to the County Clerk of Dallas County, to be deposited into the registry of the Court, to enable the CITY to take possession of the PROPERTY without further action of the Dallas City Council.~~

June 15, 2016

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

APPROVED AS TO FORM:

Christopher D. Bowers, Interim City Attorney

BY 
Assistant City Attorney

EXHIBIT A

Being Lot 26, in Block 3/6641, of CADILLAC PLACE ADDITION,
an Addition to the City of Dallas, Dallas County, Texas, according
to the Map thereof recorded in Volume 7, Page 459, of the Map
Records of Dallas County, Texas

NOTICE OF CONFIDENTIALITY OF RIGHTS: IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY OR ALL OF THE FOLLOWING INFORMATION FROM ANY INSTRUMENT THAT TRANSFERS AN INTEREST IN REAL PROPERTY BEFORE IT IS FILED FOR RECORD IN THE PUBLIC RECORDS: YOUR SOCIAL SECURITY NUMBER OR YOUR DRIVER'S LICENSE NUMBER.

Exhibit B

GENERAL WARRANTY DEED

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

That Carol Arriaga a/k/a Caroline Arriaga, a single woman (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 TWENTY ONE THOUSAND FIVE HUNDRED AND NO/100 DOLLARS (\$21,500.00) 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, has GRANTED, SOLD AND CONVEYED and does hereby GRANT, SELL AND CONVEY unto City, its successors and assigns, the following (all said property and interests being collectively referred to herein as the "Property"):

(a) that certain tract or parcel of land (the "Land") in Dallas County, Texas, described more fully on Exhibit "A", attached hereto and incorporated herein for all purposes;

(b) all right, title and interest of Grantor, as owner of the Land, in (i) strips or gores, if any, between the Land and abutting properties and (ii) any land lying in or under the bed of any street, alley, road or right-of-way, opened or proposed, abutting or adjacent to the Land;

(c) all improvements, buildings, structures, fixtures, and open parking areas which may be located on the Land (the "Improvements"), including, without limitation, all mechanical, electrical, heating, ventilation, air conditioning and plumbing fixtures, systems and equipment as well as compressors, engines, elevators and escalators, if any;

(d) all right, title and interest of Grantor, as owner of the Land, in and to any easements, rights-of-way, rights of ingress and egress or other interests in, on, or to any land, highway, street, road or avenue, opened or proposed, in, on, across from, in front of, abutting, adjoining or otherwise appurtenant to the Land; and

(e) all other rights, privileges and appurtenances owned by Grantor and in any way related to the Property.

TO HAVE AND TO HOLD the Property, together with all and singular the rights and appurtenances thereto in anywise belonging unto City, its successors and assigns forever, and Grantor binds Grantor and Grantor's heirs, executors, administrators, or successors to Warrant and Forever Defend all and singular the said premises unto City, its successors and assigns, against every person whomsoever lawfully claiming or to claim the same or any part thereof.

EXECUTED this _____ day of _____, _____.

Carol Arriaga a/k/a Caroline Arriaga

ACKNOWLEDGEMENT

STATE OF TEXAS
COUNTY OF DALLAS

This instrument was acknowledged before me on _____ by Carol Arriaga a/k/a
Caroline Arriaga.

Notary Public, State of TEXAS

After recording return to:
City of Dallas, Department of Development Services
Real Estate Division
320 East Jefferson Boulevard, Room 203
Dallas, Texas 75203
attn: VLeal

Warranty Deed Log No. 36820

EXHIBIT A

Being Lot 26, in Block 3/6641, of CADILLAC PLACE ADDITION,
an Addition to the City of Dallas, Dallas County, Texas, according
to the Map thereof recorded in Volume 7, Page 459, of the Map
Records of Dallas County, Texas

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: June 15, 2016

COUNCIL DISTRICT(S): 13

DEPARTMENT: Sustainable Development and Construction

CMO: Ryan S. Evans, 671-9837

MAPSCO: 24K

SUBJECT

An ordinance abandoning a portion of Montwood Lane and a garbage collection and utility easement to The Episcopal School of Dallas, Inc., and WBL Family Investments, Inc., the abutting owners, containing a total of approximately 75,438 square feet of land, located near the intersection of Merrell and Midway Roads, authorizing the quitclaim and providing for the dedication of approximately 36,970 square feet of land needed for right-of-way - Revenue: \$840,024, plus the \$20 ordinance publication fee

BACKGROUND

This item authorizes the abandonment of a portion of Montwood Lane and a garbage collection and utility easement to The Episcopal School of Dallas, Inc., and WBL Family Investments, Inc., the abutting owners. The areas will be included with the property of the abutting owners for future development of an elementary school. The owners will dedicate a total of approximately 36,970 square feet of land needed for right-of-way. The abandonment fee is based on an independent appraisal.

Notices were sent to 37 property owners located within 300 feet of the proposed abandonment area. There were 9 responses received in opposition to this request.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Information about this item was provided to the Economic Development Committee on April 4, 2016.

On April 13, 2016, this item was deferred by Councilmember Jennifer S. Gates.

FISCAL INFORMATION

Revenue: \$840,024, plus the \$20 ordinance publication fee

OWNERS

The Episcopal School of Dallas, Inc.

Erin Mayo, President

WBL Family Investments, Inc.


Stephen B. Swann, Director

MAP

Attached



Abandonment areas: 

Dedication areas: 

ORDINANCE NO. _____

An ordinance providing for the abandonment of a portion of Montwood Lane located adjacent to City Blocks 3/6150 and 4/6150 and a garbage collection and utility easement located in City Block 3/6150 in the City of Dallas and County of Dallas, Texas; providing for the quitclaim thereof to The Episcopal School of Dallas, Inc. and WBL Family Investments, Inc.; providing for the terms and conditions of the abandonment and quitclaim made herein; providing for barricading; providing for the conveyance of needed land to the City of Dallas; providing for the indemnification of the City of Dallas against damages arising out of the abandonment herein; providing for the consideration to be paid to the City of Dallas; providing for the payment of the publication fee; providing a future effective date for this abandonment; and providing an effective date for this ordinance.

ooo0ooo

WHEREAS, the City Council of the City of Dallas, acting pursuant to law and upon the request and petition of The Episcopal School of Dallas, Inc., a Texas non-profit corporation, and WBL Family Investments, Inc., a Texas corporation, hereinafter referred to collectively as **GRANTEE**, deems it advisable to abandon and quitclaim the hereinafter described tracts of land to **GRANTEE**, and is of the opinion that, subject to the terms and conditions herein provided, said easement and portion of Montwood Lane are not needed for public use, and same should be abandoned and quitclaimed to **GRANTEE**, as hereinafter stated; and

WHEREAS, the City Council of the City of Dallas is of the opinion that the best interest and welfare of the public will be served by abandoning and quitclaiming the same to **GRANTEE** for the consideration and subject to the terms and conditions hereinafter more fully set forth; **Now, Therefore,**

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

SECTION 1. That the tracts of land described in Exhibit A, which is attached hereto and made a part hereof for all purposes, be and the same is abandoned, vacated and closed insofar as the right, title and interest of the public are concerned; subject, however, to the conditions and future effective date hereinafter more fully set out.

SECTION 2. That for and in monetary consideration of the sum of **EIGHT HUNDRED FORTY THOUSAND TWENTY-FOUR AND NO/100 DOLLARS (\$840,024.00)** paid by **GRANTEE**, and the further consideration described in Sections 8, 9, 10, 11, 12, 13, 16 and ~~14~~ and 17, the City of Dallas does by these presents **FOREVER QUITCLAIM** unto the said **GRANTEE**, subject to the conditions, reservations, future effective date, and exceptions hereinafter made and with the restrictions and upon the covenants below stated, all of its right, title and interest in and to the certain tracts of land hereinabove described in Exhibit A as follows: unto The Episcopal School of Dallas, Inc., all of its right, title, and interest in Tract 1 of Exhibit A; unto WBL Family Investments, Inc., all of its right, title and interest in Tract ~~#~~ 2 of Exhibit A. **TO HAVE AND TO HOLD** all of such right, title and interest in and to the property and premises, subject aforesaid, together with all and singular the rights, privileges, hereditaments and appurtenances thereto in any manner belonging unto the said **GRANTEE** forever.

SECTION 3. That upon payment of the monetary consideration set forth in Section 2, **GRANTEE** accepts the terms, provisions, future effective date and conditions of this ordinance.

SECTION 4. That the Chief Financial Officer is authorized to deposit the sum paid by **GRANTEE** pursuant to Section 2 above in the General Fund 0001, Department DEV, Balance Sheet 0519 and Department of Sustainable Development and Construction-Real Estate Division shall be reimbursed for the cost of obtaining the legal description, appraisal and other administrative costs incurred. The reimbursement proceeds shall be deposited in General Fund 0001, Department DEV, Unit 1183, Object 5011 and any remaining proceeds shall be transferred to the General Capital Reserve Fund 0625, Department BMS, Unit 8888, Revenue Source 8416.

SECTION 5. That the abandonment and quitclaim provided for herein are made subject to all present zoning and deed restrictions, if the latter exist, and are subject to all existing easement rights of others, if any, whether apparent or non-apparent, aerial, surface, underground or otherwise, and are further subject to the conditions contained in Exhibit B, which is attached hereto and made a part hereof for all purposes.

SECTION 6. That the terms and conditions contained in this ordinance shall be binding upon **GRANTEE**, its successors and assigns.

SECTION 7. That the abandonment and quitclaim provided for herein shall extend only to the public right, title, easement and interest, and shall be construed to extend only to that interest the Governing Body of the City of Dallas may legally and lawfully abandon and vacate.

SECTION 8. That as a condition of this abandonment and as a part of the consideration for the quitclaim to **GRANTEE** herein, **GRANTEE**, their successors and assigns, to the extent allowed by law, agree to indemnify, defend, release and hold harmless the City of Dallas as to any and all claims for damages, fines, penalties, costs or expenses to persons or property that may arise out of, or be occasioned by or from: (i) the use and occupancy of the areas described in Exhibit A by **GRANTEE**, their successors and assigns; (ii) the presence, generation, spillage, discharge, release, treatment or disposition of any Hazardous Substance on or affecting the areas set out in Exhibit A; (iii) all corrective actions concerning any discovered Hazardous Substances on or affecting the areas described in Exhibit A, which **GRANTEE**, their successors and assigns, agree to undertake and complete in accordance with applicable federal, state and local laws and regulations; and (iv) the abandonment, closing, vacation and quitclaim by the City of Dallas of the areas set out in Exhibit A. **GRANTEE**, their successors and assigns, hereby agree to defend any and all suits, claims, or causes of action brought against the City of Dallas on account of same, and discharge any judgment or judgments that may be rendered against the City of Dallas in connection therewith. For purposes hereof, "Hazardous Substance" means the following: (a) any "hazardous substances" under the Comprehensive Environmental Response, Compensation, and Liability Act, 42 U.S.C. Section 9601 et seq., as amended; (b) any "hazardous substance" under the Texas Hazardous Substances Spill Prevention and

Control Act, TEX. WATER CODE, Section 26.261 et seq., as amended; (c) petroleum or petroleum-based products (or any derivative or hazardous constituents thereof or additives thereto), including without limitation, fuel and lubricating oils; (d) any “hazardous chemicals” or “toxic chemicals” under the Occupational Safety and Health Act, 29 U.S.C. Section 651 et seq., as amended; (e) any “hazardous waste” under the Resource Conservation and Recovery Act, 42 U.S.C. Section 6901 et seq., as amended; and (f) any “chemical substance” under the Toxic Substance Control Act, 15 U.S.C. Section 2601 et seq., as amended. References to particular acts or codifications in this definition include all past and future amendments thereto, as well as applicable rules and regulations as now or hereafter promulgated thereunder.

SECTION 9. That as a condition of this abandonment and as a part of the consideration for the quitclaim made herein, **GRANTEE** shall complete construction of alley right-of-way improvements within the dedication area, being Exhibit C - Tract 3, to be conveyed to the City of Dallas as described in Section 13 herein. **GRANTEE** shall complete alley right-of-way improvements prior to any barricading of the abandoned right-of-way pursuant to Section 17. All alley right-of-way construction shall comply with the City of Dallas street construction standards. Failure to complete alley right-of-way improvements within the dedication area, being Exhibit C - Tract 3, within two years of the effective date of this ordinance and prior to barricading or removal of the abandoned right-of-way in accordance with the terms of this section shall render this ordinance null and void and of no further effect.

SECTION 10. That as a condition of this abandonment and as a part of the consideration for the quitclaim made herein, **GRANTEE** shall allow for continued and uninterrupted sanitation services by the City of Dallas to residences of City Block 2/6150 until such time that completion of alley right-of-way improvements have been completed for the dedication area being Exhibit C – Tract 3. Failure to comply with the terms of this section shall render this ordinance null and void and of no further effect.

SECTION 11. That as a condition of this abandonment and as a part of the consideration for the quitclaim made herein, **GRANTEE** shall:

- a) Ensure the alley right-of-way improvements shall be constructed at a width of least 16 feet wide;
- b) Ensure height clearance of dedication area, being Exhibit C – Tract 3, meet a minimum of 15 feet in height, measured from the surface of pavement, to avoid obstruction of City of Dallas Sanitation vehicles.

SECTION 9 12. That as a condition of this abandonment and as a part of the consideration for the quitclaim made herein, **GRANTEE** shall file a final replat of the adjoining properties prior to the issuance of any building permits affecting the tracts of land abandoned and quitclaimed herein. This final replat shall be recorded by **GRANTEE** in the official real property records of the county in which the abandoned area is located after its approval by the City Plan Commission of the City of Dallas.

SECTION 40 13. That as a condition of this abandonment and as a part of the consideration for the quitclaim made herein, **GRANTEE** shall convey by General Warranty Deed to the City of Dallas, within 90 days of the effective date of this ordinance, good, indefeasible and marketable fee simple title, subject to only those title exceptions approved by the City Attorney, and insured by an owner's policy of title insurance approved as to form by the City Attorney, to certain properties located in City Blocks 6150, 3/6150, and 4/6150, containing a total of approximately 36,970 square feet of land, a description of which is attached hereto and made a part hereof as Exhibit C. This abandonment shall not be effective unless and until this dedication is completed as herein provided and failure to convey the above described property as set forth shall render this ordinance null and void and of no further effect.

SECTION 44 14. That at such time as the instrument described in Section 40 13 above is executed and delivered to the City of Dallas and has been approved as to form by the City Attorney it be accepted, and thereafter, the Director of Department of Sustainable Development and Construction is authorized and directed to record said instrument in the official real property records of the county in which the subject property is located;

and the recorded instrument shall be forwarded to the City Secretary for permanent record.

SECTION 42 15. That this ordinance and properly executed General Warranty Deed, approved as to form by the City Attorney, be forwarded to a title insurance company for closing. Subsequent to closing, all instruments conveying real estate interests to the City of Dallas shall be recorded in the official real property records of the county in which the subject property is located and thereafter returned to the City Secretary for permanent record.

SECTION 43 16. That as a condition of this abandonment and as a part of the consideration for the quitclaim made herein, **GRANTEE** shall pay all closing costs and title expenses associated with the acquisition of the property described in Section 40-~~13~~ above.

SECTION 44 17. That as a condition of this abandonment and as a part of the consideration for the quitclaim made herein, **GRANTEE** shall, immediately upon the effectiveness of this abandonment; ~~close, barricade and/or place signs in the area described in Exhibit A in accordance with detailed plans approved by the Director of Department of Sustainable Development and Construction.~~ **GRANTEE's** responsibility for keeping the area described in Exhibit A closed, barricaded and/or the signs in place shall continue until the street improvements and intersection returns are removed by **GRANTEE**, their successors and assigns, to the satisfaction of the Director of Department of Sustainable Development and Construction.

- (i) close, barricade and/or place signs in the area described in Exhibit A-Tract 1 in accordance with detailed plans approved by the Director of Department of Sustainable Development and Construction. **GRANTEE's** responsibility for keeping the area described in Exhibit A-Tract 1 closed, barricaded and/or the signs in place shall continue until the street improvements and intersection returns are removed by **GRANTEE**, their successors and assigns, to the satisfaction of the Director of Department of Sustainable Development and Construction; and

- (ii) close barricade and/or place signs in the area described in Exhibit A-Tract 2, but in no event prior to the completion of the alley right-of-way improvements required pursuant to Section 9 of this ordinance, in accordance with detailed plans approved by the Director of the Department of Sustainable Development and Construction. **GRANTEE's** responsibility for keeping the area described in Exhibit A-Tract 2 closed, barricaded and/or the signs in place shall continue until the right-of-way improvements and intersection returns are removed by **GRANTEE**, their successors and assigns, to the satisfaction of the Director of Department of Sustainable Development and Construction.

SECTION 18. That the City Secretary is hereby authorized and directed to certify a copy of this ordinance for recordation in the official real property records of the county in which the abandonment area is located, which certified copy shall be delivered to the Director of Department of Sustainable Development and Construction, or designee. Upon receipt of the monetary consideration set forth in Section 2, plus the fee for the publishing of this ordinance, which **GRANTEE** shall likewise pay, and completion of the dedication set forth in Section ~~40~~ 13 the Director of Department of Sustainable Development and Construction, or designee: (i) shall deliver to **GRANTEE** a certified copy of this ordinance, and (ii) is authorized to and shall prepare and deliver a **QUITCLAIM DEED** with regard to the area abandoned herein, to **GRANTEE** hereunder, same to be executed by the City Manager on behalf of the City of Dallas, attested by the City Secretary and approved as to form by the City Attorney. The Director of Department of Sustainable Development and Construction, or designee, shall be the sole source for receiving certified copies of this ordinance for one year after its passage.

SECTION 16 19. That this ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so ordained.

APPROVED AS TO FORM:
CHRISTOPHER D. BOWERS
Interim City Attorney

DAVID COSSUM
Director of Department of Sustainable
Development and Construction

BY


Assistant City Attorney

BY


Assistant Director

Passed _____.

**STREET RIGHT-OF-WAY ABANDONMENT
A PORTION OF MONTWOOD LANE
ADJACENT TO BLOCK 3/6150 MIDMONT ADDITION
BLOCK 4/6150 EPISCOPAL SCHOOL OF DALLAS ADDITION
CITY OF DALLAS, DALLAS COUNTY, TEXAS**

BEING A 1.606 ACRE TRACT OF LAND SITUATED IN THE BENJAMIN MERELL SURVEY, ABSTRACT NO. 933, ADJACENT TO CITY OF DALLAS BLOCK NO. 3/6150, AND 4/6150, CITY OF DALLAS, DALLAS COUNTY, TEXAS, AND BEING A PORTION OF MONTWOOD LANE, (A 58-FOOT PUBLIC RIGHT-OF-WAY), SAID MONTWOOD LANE BEING DEDICATED BY THE PLAT OF THE EPISCOPAL SCHOOL OF DALLAS, RECORDED IN VOLUME 79218, PAGE 598 OF THE DEED RECORDS OF DALLAS COUNTY, TEXAS, (D.R.D.C.T.), AND THE PLAT OF MIDMONT ADDITION, AN ADDITION TO THE CITY OF DALLAS ACCORDING TO THE PLAT THEREOF FILED FOR RECORD IN VOLUME 36, PAGE 201, MAP RECORDS OF DALLAS COUNTY, TEXAS, (M.R.D.C.T.), SAID 1.606 ACRE TRACT OF LAND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A 5/8-INCH IRON ROD WITH YELLOW PLASTIC CAP STAMPED "BURY" SET FOR THE POINT OF INTERSECTION OF THE WESTERLY RIGHT-OF-WAY LINE OF MIDWAY ROAD (A VARIABLE WIDTH RIGHT-OF-WAY, CALLED 80-FOOT WIDE AT THIS POINT) WITH THE SOUTHERLY RIGHT-OF-WAY LINE OF SAID MONTWOOD LANE AND BEING THE NORTHEAST CORNER OF LOT 12, BLOCK 3/6150 OF SAID MIDMONT ADDITION;

THENCE SOUTH 89°51'50" WEST, DEPARTING THE WEST RIGHT-OF-WAY LINE OF SAID MIDWAY ROAD ALONG THE SOUTH RIGHT-OF-WAY LINE OF SAID MONTWOOD LANE, SAME BEING THE NORTH LINE OF LOTS 2 THROUGH 12, BLOCK 3/6150 OF SAID MIDMONT ADDITION, AT A DISTANCE OF 365.00 FEET PASSING A 1-INCH IRON ROD FOUND FOR THE NORTHWEST CORNER OF LOT 10, BLOCK 3/6150 AND THE NORTHEAST CORNER OF LOT 9, BLOCK 3/6150, AT A DISTANCE OF 1065.00 FEET PASSING A 1/2-INCH IRON ROD FOUND FOR THE NORTHWEST CORNER OF LOT 3, BLOCK 3/6150 AND THE NORTHEAST CORNER OF LOT 2, BLOCK 3/6150, CONTINUING IN ALL FOR A DISTANCE OF 1074.50 FEET TO A 5/8-INCH IRON ROD WITH YELLOW PLASTIC CAP STAMPED "BURY" SET FOR THE POINT OF CURVATURE OF A NON-TANGENT CURVE TO THE RIGHT HAVING A RADIUS POINT WHICH BEARS NORTH 60°08'10" WEST, A DISTANCE OF 50.00 FEET;

(For SPRG use only)

Reviewed by: JD

Date: 7/16/2015

SPRG NO: 2964

**STREET RIGHT-OF-WAY ABANDONMENT
A PORTION OF MONTWOOD LANE
ADJACENT TO BLOCK 3/6150 MIDMONT ADDITION
BLOCK 4/6150 EPISCOPAL SCHOOL OF DALLAS ADDITION
CITY OF DALLAS, DALLAS COUNTY, TEXAS**

THENCE WESTERLY, NORTHERLY AND EASTERLY ALONG THE CURVING CUL-DE-SAC OF SAID MONTWOOD LANE, WITH SAID CURVE TO THE RIGHT AT AN ARC LENGTH OF 135.91 FEET PASSING THE COMMON LINE OF SAID MIDMONT ADDITION AND SAID EPISCOPAL SCHOOL OF DALLAS CONTINUING ALONG THE COMMON LINE OF SAID CUL-DE-SAC AND THE SOUTHERLY LINE OF SAID LOT 1, BLOCK 4/6150 OF THE EPISCOPAL SCHOOL OF DALLAS, THROUGH A TOTAL CENTRAL ANGLE OF 288°42'00" FOR AN ARC LENGTH OF 251.94 FEET, A CHORD BEARING OF NORTH 05°47'10" WEST AND A CHORD DISTANCE OF 58.28 FEET TO A 5/8-INCH IRON ROD WITH YELLOW PLASTIC CAP STAMPED "BURY" SET FOR CORNER IN THE NORTHERLY RIGHT-OF-WAY LINE OF SAID MONTWOOD LANE;

THENCE NORTH 89°51'50" EAST ALONG SAID NORTHERLY RIGHT-OF-WAY LINE, SAME BEING THE SOUTH LINE OF SAID LOT 1, BLOCK 4/6150, A DISTANCE OF 1074.47 FEET TO A 5/8-INCH IRON ROD WITH YELLOW PLASTIC CAP STAMPED "BURY" SET FOR THE SOUTH END OF A CORNER CLIP;

THENCE NORTH 44°58'45" EAST ALONG SAID CORNER CLIP, A DISTANCE OF 7.09 FEET TO A 5/8-INCH IRON ROD WITH YELLOW PLASTIC CAP STAMPED "BURY" SET FOR CORNER;

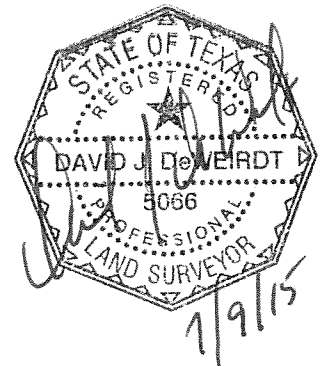
THENCE SOUTH 00°49'01" EAST DEPARTING SAID CORNER CLIP, OVER AND ACROSS SAID MONTWOOD LANE, A DISTANCE OF 63.00 FEET TO THE POINT OF BEGINNING;

CONTAINING A COMPUTED AREA OF 69,963 SQUARE FEET OR 1.606 ACRES OF LAND.

NOTES:

A SKETCH WAS PREPARED ON EVEN DATE TO ACCOMPANY THIS DESCRIPTION.

BEARINGS CALLED FOR HEREIN ARE BASED ON THE NORTH RIGHT-OF-WAY LINE OF MONTWOOD LANE BEING NORTH 89°51'50" EAST, THE SAME AS RECORDED IN VOLUME 79218, PAGE 598, D.R.D.C.T.



(For SPRG use only)

Reviewed by: JD


Date: 7/16/2015

SPRG NO: 2964

OWNERSHIP LIST

LOT 1 WBL FAMILY INVESTMENTS, INC INST No. 200900041141 O.P.R.D.C.T.	LOT 5 WBL FAMILY INVESTMENTS, INC VOL. 2001233, PG. 7037 D.R.D.C.T.	LOT 9 WBL FAMILY INVESTMENTS, INC INST No. 201300128230 O.P.R.D.C.T.
LOT 2 WBL FAMILY INVESTMENTS, INC INST No. 200900041157 O.P.R.D.C.T.	LOT 6 WBL FAMILY INVESTMENTS, INC INST No. 20080222092 O.P.R.D.C.T.	LOT 10 WBL FAMILY INVESTMENTS, INC VOL. 2003114, PG. 23109 D.R.D.C.T.
LOT 3 WBL FAMILY INVESTMENTS, INC INST No. 2010000207904 O.P.R.D.C.T.	LOT 7 WBL FAMILY INVESTMENTS, INC VOL. 2005173, PG. 4470 O.P.R.D.C.T.	LOT 11 WBL FAMILY INVESTMENTS, INC VOL. 2001233, PG. 7037 D.R.D.C.T.
LOT 4 WBL FAMILY INVESTMENTS, INC INST No. 200800097843 O.P.R.D.C.T.	LOT 8 WBL FAMILY INVESTMENTS, INC VOL. 2004018, PG. 982 O.P.R.D.C.T.	LOT 12 WBL FAMILY INVESTMENTS, INC VOL. 2001233, PG. 7037 D.R.D.C.T.

LOT 1, BLOCK 4/6150
EPISCOPAL SCHOOL OF DALLAS
VOL. 79218, PG. 598
D.R.D.C.T.

IRF	1/2" IRON ROD FOUND	(CM)	CONTROL MONUMENT
XF	CUT "X" FOUND		
CIRS	5/8" IRON ROD SET W/YELLOW CAP STAMPED "BURY"	INST. NO. VOL., PG.	INSTRUMENT NUMBER VOLUME, PAGE
D.R.D.C.T.	DEED RECORDS OF DALLAS COUNTY, TEXAS	SQ. FT.	SQUARE FEET
M.R.D.C.T.	MAP RECORDS OF DALLAS COUNTY, TEXAS	POB	POINT OF BEGINNING
	LAND HOOK DENOTES COMMON OWNERSHIP	R.O.W.	RIGHT-OF-WAY
			



20' DRAINAGE EASEMENT
VOL. 36, PG. 201
M.R.D.C.T.

$\Delta = 286^{\circ}42'00''$
 $R = 50.00'$
 $L = 251.94'$
 $CB = N 05^{\circ}47'10'' W$
 $CD = 58.28'$

15' WATER EASEMENT
CITY OF DALLAS
VOL. 95028, PG. 1161
D.R.D.C.T.

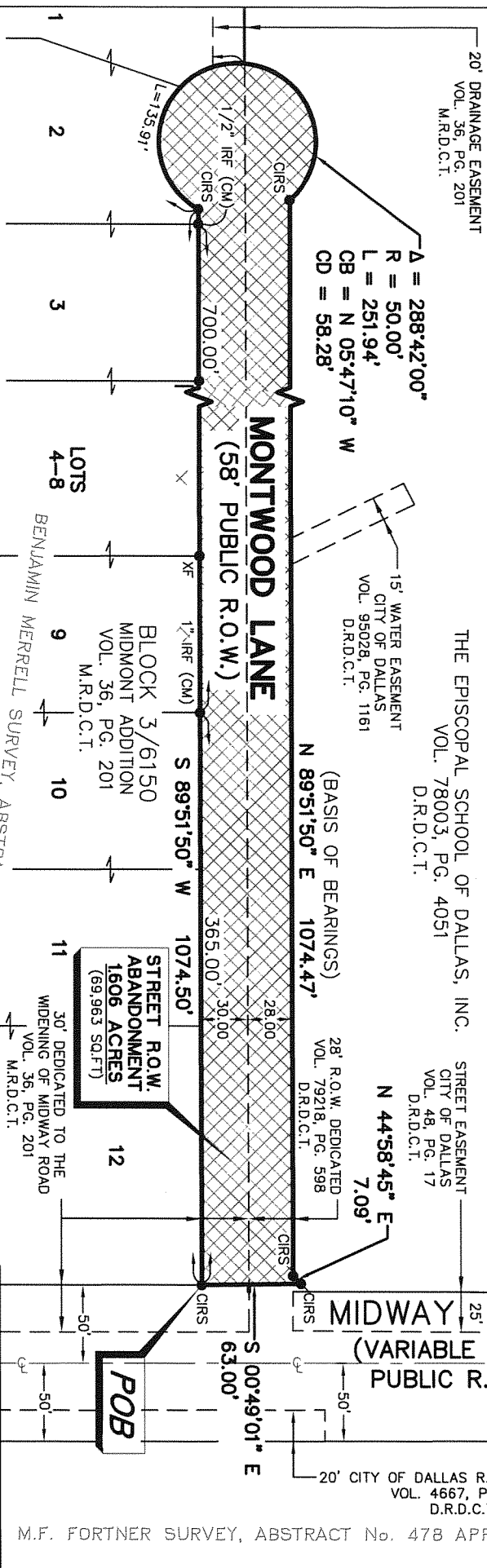
THE EPISCOPAL SCHOOL OF DALLAS, INC.
VOL. 78003, PG. 4051
D.R.D.C.T.

(BASIS OF BEARINGS)
 $N 89^{\circ}51'50'' E$ 1074.47'
 $N 44^{\circ}58'45'' E$ 7.09'

28' R.O.W. DEDICATED
CITY OF DALLAS
VOL. 48, PG. 17
D.R.D.C.T.

MIDWAY ROAD
(VARIABLE WIDTH
PUBLIC R.O.W.)

20' CITY OF DALLAS R.O.W. DEDICATION
VOL. 4667, PG. 263
D.R.D.C.T.

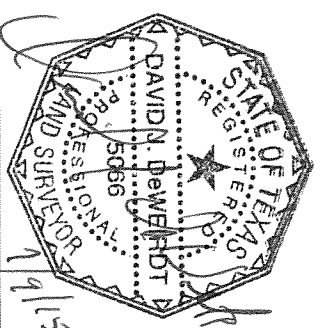


M.F. FORTNER SURVEY, ABSTRACT No. 478 APPROX. LOCATION

NOTES:
BASIS OF BEARING IS THE NORTH RIGHT-OF-WAY LINE OF MONTWOOD LANE BEING NORTH 89°51'50" EAST AS RECORDED IN MIDMONT ADDITION, VOLUME 36, PAGE 201, M.R.D.C.T.
A FIELD NOTE DESCRIPTION WAS PREPARED ON EVEN DATE TO ACCOMPANY THIS SKETCH.

(FOR SPRG USE ONLY)
REVIEWED BY: JD
DATE: 7/16/2015
SPRG NO. 2964

STREET RIGHT-OF-WAY ABANDONMENT
A PORTION OF MONTWOOD LANE
ADJACENT TO BLOCK 3/6150 MIDMONT ADDITION AND
BLOCK 4/6150 EPISCOPAL SCHOOL OF DALLAS ADDITION
CITY OF DALLAS, DALLAS COUNTY, TEXAS



**EASEMENT ABANDONMENT
PORTION OF LOTS 10, 11 & 12, BLOCK 3/6150
MIDMONT ADDITION
CITY OF DALLAS, DALLAS COUNTY, TEXAS**

BEING A 5,475 SQUARE FOOT TRACT OF LAND SITUATED IN THE BENJAMIN MERRELL SURVEY, ABSTRACT NO. 933, CITY OF DALLAS, DALLAS COUNTY, TEXAS, AND BEING A PORTION OF LOTS 10, 11 AND 12, BLOCK 3/6150, MIDMONT ADDITION, AN ADDITION TO THE CITY OF DALLAS, DALLAS COUNTY, TEXAS ACCORDING TO THE PLAT THEREOF FILED FOR RECORD IN VOLUME 36, PAGE 201, MAP RECORDS OF DALLAS COUNTY, TEXAS, (M.R.D.C.T.), AND BEING A PORTION OF A TRACT OF LAND DESCRIBED IN A GENERAL WARRANTY DEED TO WBL FAMILY INVESTMENTS, INC. RECORDED IN VOLUME 2003114, PAGE 23109, DEED RECORDS, DALLAS COUNTY, TEXAS, (D.R.D.C.T.), AND A TRACT OF LAND DESCRIBED IN A SPECIAL WARRANTY DEED TO WBL FAMILY INVESTMENTS, INC. RECORDED IN VOLUME 2001233, PAGE 7037, D.R.D.C.T., SAID 5,475 SQUARE FOOT TRACT OF LAND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A 1-INCH IRON ROD FOUND FOR THE NORTHWEST CORNER OF SAID LOT 10, BLOCK 3/6150, SAME BEING THE NORTHEAST CORNER OF LOT 9, BLOCK 3/6150 OF SAID MIDMONT ADDITION, SAID POINT BEING IN THE SOUTH RIGHT-OF-WAY LINE OF MONTWOOD LANE (A 58-FOOT PUBLIC RIGHT-OF-WAY) AND FROM WHICH A CUT "X" FOUND FOR THE NORTHWEST CORNER OF SAID LOT 9, BLOCK 3/6150 BEARS SOUTH 89°51'50" WEST, A DISTANCE OF 100.00 FEET;

THENCE, SOUTH 00°08'10" EAST, DEPARTING THE SOUTH RIGHT-OF-WAY LINE OF SAID MONTWOOD LANE ALONG THE COMMON LINE OF SAID LOT 10 AND SAID LOT 9, A DISTANCE OF 165.00 FEET TO THE **POINT OF BEGINNING**, BEING IN THE NORTH LINE OF A 15-FOOT WIDE EASEMENT CREATED BY SAID MIDMONT ADDITION;

THENCE, NORTH 89°51'50" EAST, DEPARTING SAID COMMON LINE OVER AND ACROSS SAID LOTS 10, 11 AND 12, BLOCK 3/6150 ALONG THE NORTH LINE OF SAID EASEMENT, A DISTANCE OF 365.00 FEET TO A POINT IN THE COMMON EAST LINE OF SAID LOT 12, BLOCK 3/6150 WITH THE WEST RIGHT-OF-WAY LINE OF MIDWAY ROAD, (A VARIABLE WIDTH PUBLIC RIGHT-OF-WAY);

THENCE, SOUTH 00°08'10" EAST, ALONG SAID COMMON LINE, A DISTANCE OF 15.00 FEET TO A POINT FOR THE SOUTHEAST CORNER OF SAID LOT 12, BLOCK 3/6150 AND BEING IN THE NORTH LINE OF A TRACT OF LAND DESCRIBED IN A GENERAL WARRANTY DEED TO WBL FAMILY INVESTMENTS, INC. RECORDED IN INSTRUMENT NUMBER 200600332154, OFFICIAL PUBLIC RECORDS, DALLAS COUNTY, TEXAS;

THENCE, SOUTH 89°51'50" WEST, DEPARTING SAID COMMON LINE ALONG THE NORTH LINE OF SAID WBL FAMILY INVESTMENTS, INC. TRACT, AT A DISTANCE OF 320.00 FEET PASSING THE MOST NORTHERLY NORTHEAST CORNER OF MIDWAY WEST, AN ADDITION TO THE CITY OF DALLAS ACCORDING TO THE PLAT THEREOF FILED FOR RECORD IN VOLUME 28, PAGE 149, M.R.D.C.T., CONTINUING ALONG THE NORTH LINE

(For SPRG use only)

Reviewed by: JD

Date: 1/13/2015

SPRG NO: 3030

**EASEMENT ABANDONMENT
PORTION OF LOTS 10, 11 & 12, BLOCK 3/6150
MIDMONT ADDITION
CITY OF DALLAS, DALLAS COUNTY, TEXAS**

OF SAID MIDWAY WEST ADDITION, IN ALL A TOTAL DISTANCE OF 365.00 FEET TO A POINT FOR THE SOUTHWEST CORNER OF SAID LOT 10, BLOCK 3/6150 SAME BEING THE SOUTHEAST CORNER OF SAID LOT 9, BLOCK 3/6150;

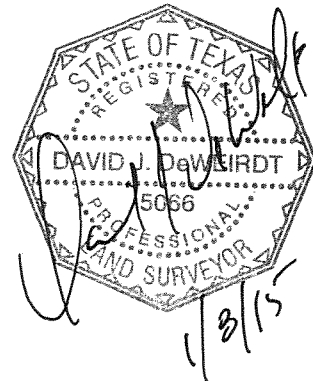
THENCE, NORTH 00°08'10" WEST, ALONG THE COMMON LINE OF SAID LOT 10, BLOCK 3/6150 AND SAID LOT 9, BLOCK 3/6150, A DISTANCE OF 15.00 FEET TO THE POINT OF BEGINNING;

CONTAINING A COMPUTED AREA OF 5,475 SQUARE FEET OR 0.126 ACRES OF LAND.

NOTES:

A SKETCH WAS PREPARED ON EVEN DATE TO ACCOMPANY THIS DESCRIPTION.

BEARINGS CALLED FOR HEREIN ARE BASED ON THE NORTH RIGHT-OF-WAY LINE OF MONTWOOD LANE BEING SOUTH 89°51'50" WEST, THE SAME AS RECORDED IN VOLUME 79218, PAGE 598, D.R.D.C.T.



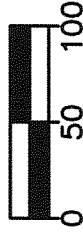
(For SPRG use only)

Reviewed by: JD

Date: 1/13/2015

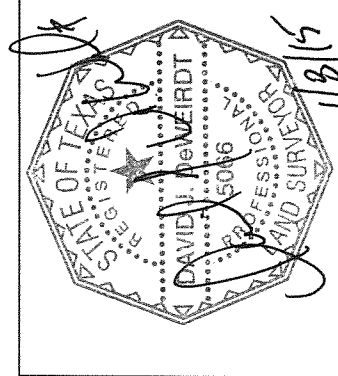
SPRG NO: 3030

LINE TABLE		
LINE #	BEARING	DISTANCE
L1	N89°51'50"E	365.00'
L2	S0°08'10"E	15.00'
L3	S89°51'50"W	365.00'
L4	N0°08'10"W	15.00'



LEGEND

- IRF IRON ROD FOUND
- FND FOUND
- (CM) CONTROL MONUMENT
- O.P.R.D.C.T. OFFICIAL PUBLIC RECORDS OF DALLAS COUNTY, TEXAS
- D.R.D.C.T. DEED RECORDS OF DALLAS COUNTY, TEXAS
- M.R.D.C.T. MAP RECORDS OF DALLAS COUNTY, TEXAS
- INST. NO. INSTRUMENT NUMBER
- VOL., PG. VOLUME, PAGE
- SQ. FT. SQUARE FEET
- R.O.W. RIGHT-OF-WAY
- POC POINT OF COMMENCING
- POB POINT OF BEGINNING



DAVID J. De WEIRTD
REGISTERED PROFESSIONAL
LAND SURVEYOR NO. 5066

MIDWAY ROAD
(VARIABLE WIDTH PUBLIC R.O.W.)

MIDDLETON

CALLED 3,354 SQ. FT.
EASEMENT FOR STREET
PURPOSES
CITY OF DALLAS
VOL. 10, PG. 231
D.R.D.C.T.

30' DEDICATED TO THE
WIDENING OF MIDWAY ROAD
VOL. 36, PG. 201
M.R.D.C.T.

MONTWOOD LANE
(58' PUBLIC R.O.W.)

WBL FAMILY INVESTMENTS, INC
VOL. 2001235, PG. 7037,
D.R.D.C.T.
BLOCK 3/6150
EASEMENT
ABANDONMENT
0.126 ACRES
(5,475 SQ. FT.)
MIDMONT ADDITION
VOL. 36, PG. 201
M.R.D.C.T.

20' BUILDING LINE
VOL. 36, PG. 201
M.R.D.C.T.

WBL FAMILY
INVESTMENTS, INC INST
No. 200600332154,
O.P.R.D.C.T.

10' ALLEY
VOL. 28, PG. 149
M.R.D.C.T.

4
BLOCK A/6150

28' R.O.W. DEDICATED
VOL. 79218, PG. 598,
D.R.D.C.T.

1" IRF (CM)

WBL FAMILY INVESTMENTS, INC
VOL. 2003114, PG. 23109,
D.R.D.C.T.

WBL FAMILY INVESTMENTS, INC INST
No. 200300128230,
O.P.R.D.C.T.

POB

25' EASEMENT OF R.O.W. TO
D.P. & L. Co. & SOUTHWESTERN
BELL TEL. Co.

10' EASEMENT VOL. 2818, PG. 58
VOL. 19, PG. 295B D.R.D.C.T.

MIDWAY HILLS
SECOND ADDITION
VOL. 20, PG. 187
M.R.D.C.T.

BLOCK 2/6150

NOTES:
BASIS OF BEARING IS THE NORTH RIGHT-OF-WAY LINE OF MONTWOOD LANE BEING SOUTH 89°51'50" WEST AS RECORDED IN MIDMONT ADDITION, VOLUME 79218, PAGE 598, D.R.D.C.T.
A FIELD NOTE DESCRIPTION WAS PREPARED ON EVEN DATE TO ACCOMPANY THIS SKETCH.

**EASEMENT ABANDONMENT
PORTION OF LOTS 10, 11 & 12, BLOCK 3/6150
MIDMONT ADDITION
CITY OF DALLAS, DALLAS COUNTY, TEXAS**

(FOR SPRG USE ONLY)
REVIEWED BY: JD
DATE: 1/13/2015
SPRG NO. 3030

EXHIBIT B

ADDITIONAL ABANDONMENT PROVISIONS

That as a condition hereof, this abandonment is subject to any utilities or communication facilities, including without limitation water and wastewater lines, gas lines, and storm sewers, ("Facilities") presently located within the abandoned area described in Exhibit "A", owned and/or operated by the City of Dallas or any utility or communications company, public or private, ("Utility") and to the rights of any Utility for the use of the abandoned area for its Facilities. It is the intent of the foregoing to confirm and maintain and there is hereby reserved and excepted unto the City of Dallas, and not abandoned or conveyed hereunder, an easement (to which this abandonment is made expressly subject) over, upon, under, through, in, and across the abandoned area for each Utility for its respective Facilities located therein at the time of this abandonment, together with the right to make any subsequent alterations, additions, expansions, upgrades or modifications to such Facilities as may, from time to time be deemed necessary or convenient by the Utility owning and/or operating same. No buildings, structures (above or below ground) or trees shall be constructed or placed within the abandoned area without written consent of each affected Utility. Each Utility shall have the full right to remove and keep removed all or part of any buildings, fences, trees, or other improvements or growths which in any way may endanger or interfere with the construction, maintenance or efficiency of its respective Facilities lying within the abandoned area and shall at all times have the full right of ingress and egress to or from and upon the abandoned area for the purposes of reconstructing, removing, relocating, inspecting, patrolling, maintaining, expanding, upgrading, and/or adding to all or part of its Facilities without the necessity at any time of procuring the permission of anyone. The easement reserved hereunder and the conditions and restrictions to which this abandonment is subject shall remain for the benefit of the applicable Utility and/or operators of the Facilities until said Facilities are removed and relocated from the abandoned area. The relocation, removal or adjustment of any or all such Facilities, if made necessary by GRANTEE'S (whether one or more natural persons or legal entities) use of the abandonment area, shall be at the expense of GRANTEE herein, or GRANTEE'S successors and assigns. Should GRANTEE'S relocation or removal of the Facilities require the obtaining of new easements, the acquisition of same shall be at the expense of GRANTEE, GRANTEE'S successors and assigns. If any of the Facilities (or relocations thereof) are allowed to remain on any part of the abandoned area, the easements and buildings restrictions provided herein shall remain thereon. Upon removal or relocation of all of the Facilities, any easements reserved or created herein relating to such removed or relocated Facilities shall terminate, and any building restrictions herein created shall cease.

**STREET RIGHT-OF-WAY DEDICATION
FOR A PORTION OF MIDWAY ROAD
PART OF BLOCK 6150 AND PART OF LOT 1, BLOCK 4/6150
EPISCOPAL SCHOOL OF DALLAS,
CITY OF DALLAS, DALLAS COUNTY, TEXAS**

BEING A 29,021 SQUARE FOOT (0.6662 ACRE) TRACT OF LAND SITUATED IN THE BENJAMIN MERRELL SURVEY, ABSTRACT NO. 933, CITY OF DALLAS, DALLAS COUNTY, TEXAS, BEING PART OF CITY OF DALLAS BLOCK NO. 6150, AND BEING ALL OF A CALLED 25,477 SQUARE FOOT TRACT OF LAND DESCRIBED TO THE CITY OF DALLAS FOR A STREET EASEMENT RECORDED IN VOLUME 48, PAGE 17, DEED RECORDS OF DALLAS COUNTY, TEXAS, (D.R.D.C.T.), AND BEING A PORTION OF LOT 1, BLOCK 4/6150 OF EPISCOPAL SCHOOL OF DALLAS, AN ADDITION TO THE CITY OF DALLAS ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 79218, PAGE 598, D.R.D.C.T. AND DESCRIBED IN GENERAL WARRANTY DEED TO THE EPISCOPAL SCHOOL OF DALLAS, INC. RECORDED IN VOLUME 78003, PAGE 4051, D.R.D.C.T.; SAID 29,021 SQUARE FOOT TRACT OF LAND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A 5/8-INCH IRON ROD WITH A YELLOW PLASTIC CAP STAMPED "BURY" FOUND AT THE INTERSECTION OF THE WEST RIGHT-OF-WAY LINE OF MIDWAY ROAD, (A VARIABLE WIDTH PUBLIC RIGHT-OF-WAY), WITH THE SOUTH RIGHT-OF-WAY LINE OF MONTWOOD LANE, (A 58 FOOT WIDE PUBLIC RIGHT-OF-WAY) AND BEING THE NORTHEAST CORNER OF LOT 12, BLOCK 3/6150 OF MIDMONT ADDITION, AN ADDITION TO THE CITY OF DALLAS ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 36, PAGE 201, MAP RECORDS OF DALLAS COUNTY, TEXAS, (M.R.D.C.T.);

THENCE NORTH 00°49'01" WEST OVER AND ACROSS SAID MONTWOOD LANE RIGHT-OF-WAY, A DISTANCE OF 63.00 FEET TO A 5/8-INCH IRON ROD WITH A YELLOW PLASTIC CAP STAMPED "BURY" SET FOR THE **POINT OF BEGINNING** AT THE INTERSECTION WITH A CORNER CLIP IN THE NORTH RIGHT-OF-WAY LINE OF SAID MONTWOOD LANE, SAME BEING THE SOUTHERLY LINE OF SAID LOT 1, BLOCK 4/6150;

THENCE DEPARTING THE NORTH RIGHT-OF-WAY LINE OF SAID MONTWOOD LANE AND ALONG A LINE WHICH IS 5.00 FEET WESTERLY FROM AND PARALLEL TO THE EAST LINE OF SAID LOT 1, BLOCK 4/6150 THE FOLLOWING:

NORTH 00°05'40" EAST, A DISTANCE OF 416.94 FEET TO A 5/8-INCH IRON ROD WITH A YELLOW PLASTIC CAP STAMPED "BURY" SET FOR CORNER;

NORTH 01°45'20" WEST, A DISTANCE OF 265.29 FEET TO A 5/8-INCH IRON ROD WITH A YELLOW PLASTIC CAP STAMPED "BURY" SET FOR CORNER;

THENCE NORTH 45°52'40" WEST, A DISTANCE OF 21.54 FEET TO A 5/8-INCH IRON ROD WITH YELLOW PLASTIC CAP STAMPED "BURY" SET FOR CORNER AT THE INTERSECTION WITH THE SOUTH RIGHT-OF-WAY LINE OF MERRELL ROAD, (A 60-FOOT PUBLIC RIGHT-OF-WAY);

THENCE NORTH 90°00'00" EAST ALONG SAID SOUTH RIGHT-OF-WAY LINE, A DISTANCE OF 9.99 FEET TO A 5/8-INCH IRON ROD WITH YELLOW PLASTIC CAP STAMPED "BURY" SET FOR THE NORTH END OF CORNER CLIP AT THE INTERSECTION OF SAID SOUTH RIGHT-OF-WAY LINE WITH THE EXISTING WEST RIGHT-OF-WAY LINE OF SAID MIDWAY ROAD;

(For SPRG use only)

Reviewed by: JD

Date: 7/16/2015

SPRG NO: 3233

**STREET RIGHT-OF-WAY DEDICATION
FOR A PORTION OF MIDWAY ROAD
PART OF BLOCK 6150 AND PART OF LOT 1, BLOCK 4/6150
EPISCOPAL SCHOOL OF DALLAS,
CITY OF DALLAS, DALLAS COUNTY, TEXAS**

THENCE SOUTH 45°52'34" EAST ALONG SAID CORNER CLIP, A DISTANCE OF 14.36 FEET TO A 5/8-INCH IRON ROD WITH YELLOW PLASTIC CAP STAMPED "BURY" SET AT THE INTERSECTION WITH THE WEST RIGHT-OF-WAY LINE OF SAID MIDWAY ROAD;

THENCE SOUTH 01°53'28" EAST ALONG THE WEST RIGHT-OF-WAY LINE OF SAID MIDWAY ROAD, A DISTANCE OF 4.00 FEET TO A 5/8-INCH IRON ROD WITH YELLOW PLASTIC CAP STAMPED "BURY" SET AT THE NORTHWEST CORNER OF SAID 25,477 SQUARE FOOT STREET EASEMENT;

THENCE OVER AND ACROSS SAID MIDWAY ROAD, ALONG THE NORTH, EAST, SOUTH, AND WEST LINE OF SAID 25,477 SQUARE FOOT STREET EASEMENT, THE FOLLOWING:

NORTH 90°00'00" EAST, A DISTANCE OF 53.59 FEET TO A POINT FOR CORNER AT THE NORTHEAST CORNER OF SAID 25,477 SQUARE FOOT STREET EASEMENT;

SOUTH 00°05'40" WEST, A DISTANCE OF 322.00 FEET TO A POINT FOR CORNER;

NORTH 89°54'20" WEST, A DISTANCE OF 20.00 FEET TO A POINT FOR CORNER;

SOUTH 00°05'40" WEST, A DISTANCE OF 394.06 FEET TO A POINT FOR CORNER AT THE SOUTHEAST CORNER OF SAID 25,477 SQUARE FOOT STREET EASEMENT;

SOUTH 89°51'50" WEST, A DISTANCE OF 25.00 FEET TO A MAGNETIC NAIL SET AT THE SOUTHWEST CORNER OF SAID 25,477 SQUARE FOOT STREET EASEMENT;

NORTH 00°05'40" EAST, A DISTANCE OF 38.00 FEET TO A 5/8-INCH IRON ROD WITH YELLOW PLASTIC CAP STAMPED "BURY" SET FOR THE NORTH END OF A CORNER CLIP AT THE INTERSECTION OF THE NORTH RIGHT-OF-WAY LINE OF SAID MONTWOOD LANE WITH THE EAST LINE OF SAID LOT 1, BLOCK 4/6150;

THENCE SOUTH 44°58'45" WEST ALONG SAID CORNER CLIP, A DISTANCE OF 7.09 FEET TO THE POINT OF BEGINNING;

CONTAINING A COMPUTED AREA OF 29,021 SQUARE FEET OR 0.6662 ACRES OF LAND.

NOTES:

A SKETCH WAS PREPARED ON EVEN DATE TO ACCOMPANY THIS DESCRIPTION.

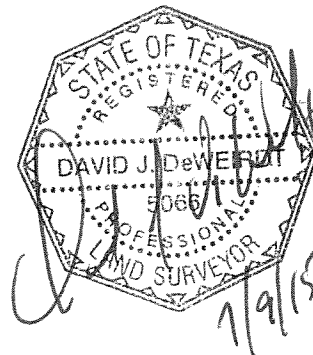
BEARINGS CALLED FOR HEREIN ARE BASED ON THE NORTH RIGHT-OF-WAY LINE OF MONTWOOD LANE BEING SOUTH 89°51'50" WEST, THE SAME AS RECORDED IN VOLUME 79218, PAGE 598, D.R.D.C.T.

(For SPRG use only)

Reviewed by: JD

Date: 7/16/2015

SPRG NO: 3233



NOTES:

BASIS OF BEARING IS THE NORTH RIGHT-OF-WAY LINE OF MONTWOOD LANE BEING SOUTH 89°51'50" WEST AS RECORDED IN MIDMONT ADDITION, VOL. 79218, PG. 598, M.R.D.C.T.

A FIELD NOTE DESCRIPTION WAS PREPARED ON EVEN DATE TO ACCOMPANY THIS SKETCH.

MERRELL ROAD

(60' WIDTH PUBLIC R.O.W.)
VOL. 2388, PG. 330 D.R.D.C.T.

14' QUIT CLAIM
BY CITY OF DALLAS
VOL. 31, PG. 33
D.R.D.C.T.

BENJAMIN MERRELL SURVEY
ABSTRACT No. 933

CALLED 25,477 SQ. FT.
VARIABLE WIDTH
STREET EASEMENT
CITY OF DALLAS
VOL. 48, PG. 17
D.R.D.C.T.

**STREET R.O.W.
DEDICATION
0.6662 ACRES
(29,021 SQ. FT.)**

THE EPISCOPAL SCHOOL OF DALLAS, INC.
VOL. 78003, PG. 4051
D.R.D.C.T.

LOT 1, BLOCK 4/6150
EPISCOPAL SCHOOL
OF DALLAS
VOL. 79218, PG. 598
D.R.D.C.T.

VARIABLE WIDTH
STREET EASEMENT
CITY OF DALLAS
VOL. 48, PG. 17
D.R.D.C.T.

*NO RIGHT-OF-WAY
DEDICATION FOUND

(BASIS OF BEARINGS)
S 89°51'50" W 1074.47'

MONTWOOD LANE

(58' PUBLIC R.O.W.)

S 89°51'50" W 365.00'

1" IRF (CM) 100.00' 100.00' 165.00' CIRF (CM)

9 10
BLOCK 3/6150
MIDMONT ADDITION
VOL. 36, PG. 201
M.R.D.C.T.

(F)

30' DEDICATED TO THE
WIDENING OF MIDWAY ROAD
VOL. 36, PG. 201
M.R.D.C.T.

POC

BURY

5310 Harvest Hill Road, Suite 100
Dallas, Texas 75230
Tel. (972) 991-0011 Fax (972) 991-0278
TBPE # F-1048 TBPLS # F-10107502
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**STREET RIGHT-OF-WAY DEDICATION
FOR A PORTION OF MIDWAY ROAD
PART OF BLOCK 6150 AND
PART OF LOT 1, BLOCK 4/6150
EPISCOPAL SCHOOL OF DALLAS,
CITY OF DALLAS, DALLAS COUNTY, TEXAS**

DATE: 07-06-15

SCALE: 1" = 120'

DRAWN BY: RSG/RDR

PROJECT NO.: R0112220-30001

NORTHCREST
ADD. REVISED
VOL. 4, PG. 143
M.R.D.C.T.
BLOCK 2/5536
4 5

R.O.W. EASEMENT
VOL. 14, PG. 66
D.R.D.C.T.

NORTHCREST
SECOND INSTALLMENT
VOL. 4, PG. 132
M.R.D.C.T.
BLOCK 5/5536

NORTHCREST THIRD
INSTALLMENT
VOL. 4, PG. 264
M.R.D.C.T.
BLOCK 5/5536

SEXTON LANE

(50' PUBLIC R.O.W.)

NORTHCREST THIRD
INSTALLMENT
VOL. 4, PG. 264
M.R.D.C.T.
BLOCK 6/5536

WALNUT HILL RIDGE
ADDITION
VOL. 8, PG. 268 A
M.R.D.C.T.

BLOCK 1/5537

1
WALNUT HILL
RIDGE
VOL. 8, PG. 268 A
M.R.D.C.T.
BLOCK 1/5537

PARCEL LINE DATA

LINE #	BEARING	DISTANCE
L1	N45°52'40"W	21.54'
L2	N90°00'00"E	9.99'
L3	S45°52'34"E	14.36'
L4	S1°53'28"E	4.00'
L5	N90°00'00"E	53.59'
L6	N89°54'20"W	20.00'
L7	S89°51'50"W	25.00'
L8	N0°05'40"E	38.00'
L9	S44°58'45"W	7.09'
L10	N0°49'01"W	63.00'

LEGEND

CIRS 5/8" IRON ROD SET
WITH YELLOW PLASTIC
CAP STAMPED "BURY"
CIRF 5/8" IRON ROD FOUND
WITH YELLOW PLASTIC
CAP STAMPED "BURY"
INST., NO. INSTRUMENT, NUMBER
VOL./PG. VOLUME/PAGE
SQ. FT. SQUARE FEET
(CM) CONTROLLING MONUMENT
D.R.D.C.T. DEED RECORDS OF DALLAS
COUNTY, TEXAS
M.R.D.C.T. MAP RECORDS OF DALLAS
COUNTY, TEXAS
O.P.R.D.C.T. OFFICIAL PROPERTY RECORDS
OF DALLAS COUNTY, TEXAS
R.O.W. RIGHT-OF-WAY
C CENTERLINE
POC POINT OF COMMENCING
POB POINT OF BEGINNING
PFC POINT FOR CORNER
(NOT MONUMENTED FOR SAFETY CONCERNS)

0 60 120

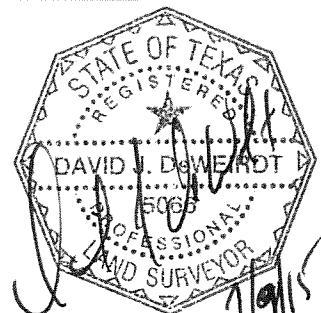
1" = 120'

(FOR SPRG USE ONLY)

REVIEWED BY: JD

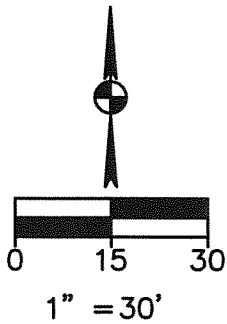
DATE: 7/16/2015

SPRG NO. 3233



DAVID J. De WEIRDT
REGISTERED PROFESSIONAL
LAND SURVEYOR NO. 5066

SHEET NO. 3 OF 4



**STREET R.O.W.
DEDICATION
0.6662 ACRES
(29,021 SQ. FT.)**

LOT 1, BLOCK 4/6150
EPISCOPAL SCHOOL
OF DALLAS
VOL. 79218, PG. 598
D.R.D.C.T.

VARIABLE WIDTH
STREET EASEMENT
CITY OF DALLAS
VOL. 48, PG. 17
D.R.D.C.T.

THE EPISCOPAL SCHOOL OF DALLAS, INC.
VOL. 78003, PG. 4051
D.R.D.C.T.

(BASIS OF BEARINGS)
S 89°51'50" W 1074.47'

(58' PUBLIC R.O.W.)
MONTWOOD LANE

PARCEL LINE DATA		
LINE #	BEARING	DISTANCE
L1	N45°52'40"W	21.54'
L2	N90°00'00"E	9.99'
L3	S45°52'34"E	14.36'
L4	S1°53'28"E	4.00'
L5	N90°00'00"E	53.59'
L6	N89°54'20"W	20.00'
L7	S89°51'50"W	25.00'
L8	N0°05'40"E	38.00'
L9	S44°58'45"W	7.09'
L10	N0°49'01"W	63.00'

28' R.O.W. DEDICATED
VOL. 79218, PG. 598
D.R.D.C.T.

30' R.O.W. DEDICATED
VOL. 36, PG. 201
M.R.D.C.T.

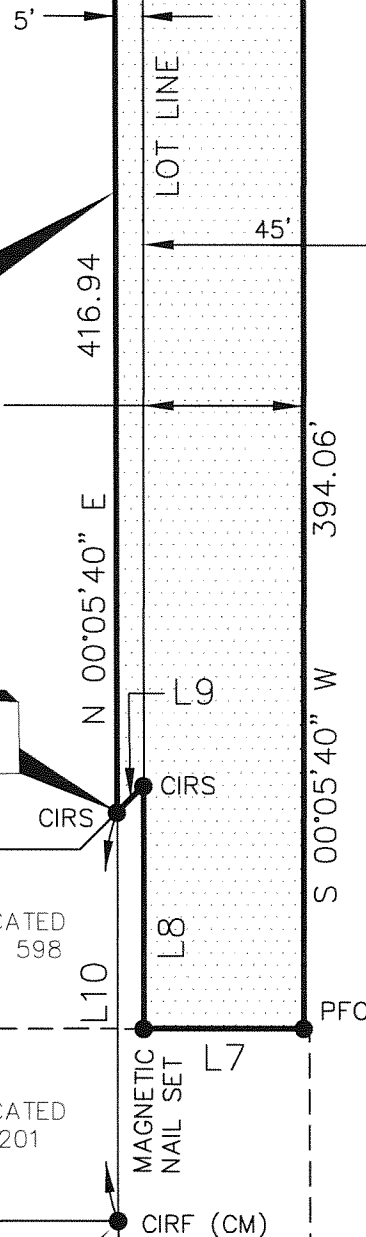
165.00'

12

BLOCK 3/6150

MIDMONT ADDITION
VOL. 36, PG. 201
M.R.D.C.T.

DETAIL SHEET



MIDWAY ROAD
(VARIABLE WIDTH R.O.W.)

(FOR SPRG USE ONLY)

REVIEWED BY: JD

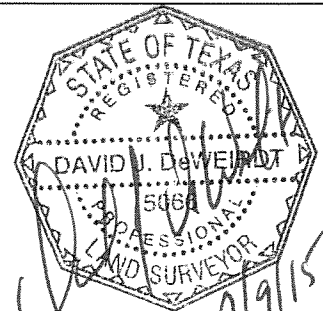
DATE: 7/16/2015

SPRG NO. 3233

BURY

5310 Harvest Hill Road, Suite 100
Dallas, Texas 75230
Tel (972) 991-0011 Fax (972) 991-0278
TBPE # F-1048 TBPLS # F-10107502
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**STREET RIGHT-OF-WAY DEDICATION
FOR A PORTION OF MIDWAY ROAD
PART OF BLOCK 6150 AND
PART OF LOT 1, BLOCK 4/6150
EPISCOPAL SCHOOL OF DALLAS,
CITY OF DALLAS, DALLAS COUNTY, TEXAS**



DAVID J. De WEIRDT
REGISTERED PROFESSIONAL
LAND SURVEYOR NO. 5066

DATE: 07-05-15

SCALE: 1" = 30'

DRAWN BY: RSG/RDR

PROJECT NO. R0112220-30001

SHEET NO. 4 OF 4

**STREET RIGHT-OF-WAY DEDICATION
A PORTION OF MIDWAY ROAD
PART OF BLOCK 6150 & BLOCK 3/6150
CITY OF DALLAS, DALLAS COUNTY, TEXAS**

BEING A 4,291 SQUARE FEET TRACT OF LAND SITUATED IN THE BENJAMIN MERRELL SURVEY, ABSTRACT NO. 933, CITY OF DALLAS, DALLAS COUNTY, TEXAS, BEING PART OF BLOCK 6150 AND BLOCK 3/6150 CITY OF DALLAS, TEXAS, BEING ALL OF A STREET EASEMENT DESCRIBED IN DEED TO THE CITY OF DALLAS, RECORDED IN VOLUME 10, PG. 231, DEED RECORDS OF DALLAS COUNTY, TEXAS (D.R.D.C.T.), BEING PART OF LOT 12, BLOCK 3/6150 OF MIDMONT ADDITION, AN ADDITION TO THE CITY OF DALLAS ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 36, PAGE 201, MAP RECORDS OF DALLAS COUNTY, TEXAS (M.R.D.C.T.), BEING PART OF A TRACT OF LAND DESCRIBED IN A SPECIAL WARRANTY DEED TO WBL FAMILY INVESTMENTS, INC., RECORDED IN VOLUME 2001233, PAGE 7037 (D.R.D.C.T.) AND A PORTION OF A TRACT OF LAND DESCRIBED IN A GENERAL WARRANTY DEED TO WBL FAMILY INVESTMENTS, INC., RECORDED IN INSTRUMENT NUMBER 200600332154, OFFICIAL PUBLIC RECORDS OF DALLAS COUNTY, TEXAS, (O.P.R.D.C.T.), SAID 4,291 SQUARE FOOT TRACT OF LAND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A 5/8-INCH IRON ROAD WITH YELLOW PLASTIC CAP STAMPED "BURY" FOUND FOR THE NORTHEAST CORNER OF SAID LOT 12, BLOCK 3/6150 AND BEING THE POINT OF INTERSECTION OF THE WEST RIGHT-OF-WAY LINE OF MIDWAY ROAD (A VARIABLE WIDTH PUBLIC RIGHT-OF-WAY) WITH THE SOUTH RIGHT-OF-WAY LINE OF MONTWOOD LANE (A 58-FOOT PUBLIC RIGHT-OF-WAY), FROM WHICH POINT A 1-INCH IRON ROD FOUND AT THE NORTHWEST CORNER OF LOT 10, BLOCK 3/6150 OF SAID MIDMONT ADDITION AND THE NORTHEAST CORNER OF LOT 9, BLOCK 3/6150 OF SAID MIDMONT ADDITION, BEARS SOUTH 89°51'50" WEST, A DISTANCE OF 365.00 FEET;

THENCE, DEPARTING THE SOUTH RIGHT-OF-WAY LINE OF SAID MONTWOOD LANE AND ALONG THE WEST RIGHT-OF-WAY LINE OF SAID MIDWAY ROAD THE FOLLOWING CALLS;

1. SOUTH 00°08'10" EAST, A DISTANCE OF 180.00 FEET TO A 5/8-INCH IRON ROAD WITH YELLOW PLASTIC CAP STAMPED "BURY" SET AT THE SOUTHEAST CORNER OF SAID LOT 12, BLOCK 3/6150 AND BEING IN THE NORTH LINE OF SAID WBL FAMILY INVESTMENTS, INC. TRACT, RECORDED IN INSTRUMENT NUMBER 200600332154, O.P.R.D.C.T.;
2. NORTH 89°51'50" EAST, A DISTANCE OF 30.00 TO A POINT FOR CORNER, BEING THE NORTHEAST CORNER OF SAID WBL FAMILY INVESTMENTS, INC. TRACT;
3. SOUTH 00°08'10" EAST, A DISTANCE OF 109.00 FEET TO A POINT FOR CORNER, BEING THE SOUTHEAST CORNER OF SAID WBL FAMILY INVESTMENTS, INC. TRACT OF LAND;

(For SPRG use only)

Reviewed by: JD

Date: 7/16/2015

SPRG NO: 3235

**STREET RIGHT-OF-WAY DEDICATION
A PORTION OF MIDWAY ROAD
PART OF BLOCK 6150 & BLOCK 3/6150
CITY OF DALLAS, DALLAS COUNTY, TEXAS**

4. SOUTH 89°44'18" WEST, AT A DISTANCE OF 30.00 FEET PASSING THE NORTHEAST CORNER OF MIDWAY WEST, AN ADDITION TO THE CITY OF DALLAS ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 28, PAGE 149, M.R.D.C.T., CONTINUING ALONG THE COMMON LINE OF SAID WBL FAMILY INVESTMENTS, INC. TRACT OF LAND AND SAID MIDWAY WEST ADDITION IN ALL A TOTAL DISTANCE OF 37.06 FEET TO A 5/8-INCH IRON ROD WITH YELLOW PLASTIC CAP STAMPED "BURY" SET FOR CORNER;

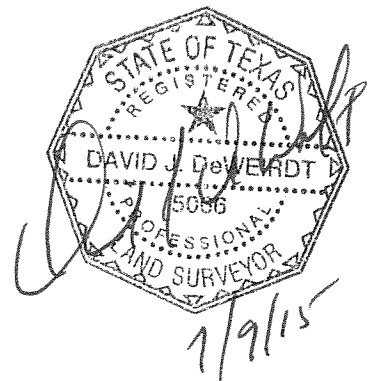
THENCE, NORTH 01°15'43" EAST, DEPARTING SAID COMMON LINE, OVER AND ACROSS SAID WBL FAMILY INVESTMENTS, INC. TRACT OF LAND, AT A DISTANCE OF 109.11 FEET PASSING THE COMMON LINE OF SAID WBL FAMILY INVESTMENTS, INC. TRACT OF LAND AND SAID LOT 12, BLOCK 3/6150, CONTINUING OVER AND ACROSS SAID LOT 12, BLOCK 3/6150, IN ALL A TOTAL DISTANCE OF 289.17 FEET TO THE POINT OF BEGINNING;

CONTAINING A COMPUTED AREA OF 4,291 SQUARE FEET OR 0.0985 ACRES OF LAND.

NOTES:

A SKETCH WAS PREPARED ON EVEN DATE TO ACCOMPANY THIS DESCRIPTION.

BEARINGS CALLED FOR HEREIN ARE BASED ON THE NORTH RIGHT-OF-WAY LINE OF MONTWOOD LANE BEING NORTH 89°51'50" EAST, THE SAME AS RECORDED IN VOLUME 79218, PAGE 598, D.R.D.C.T.

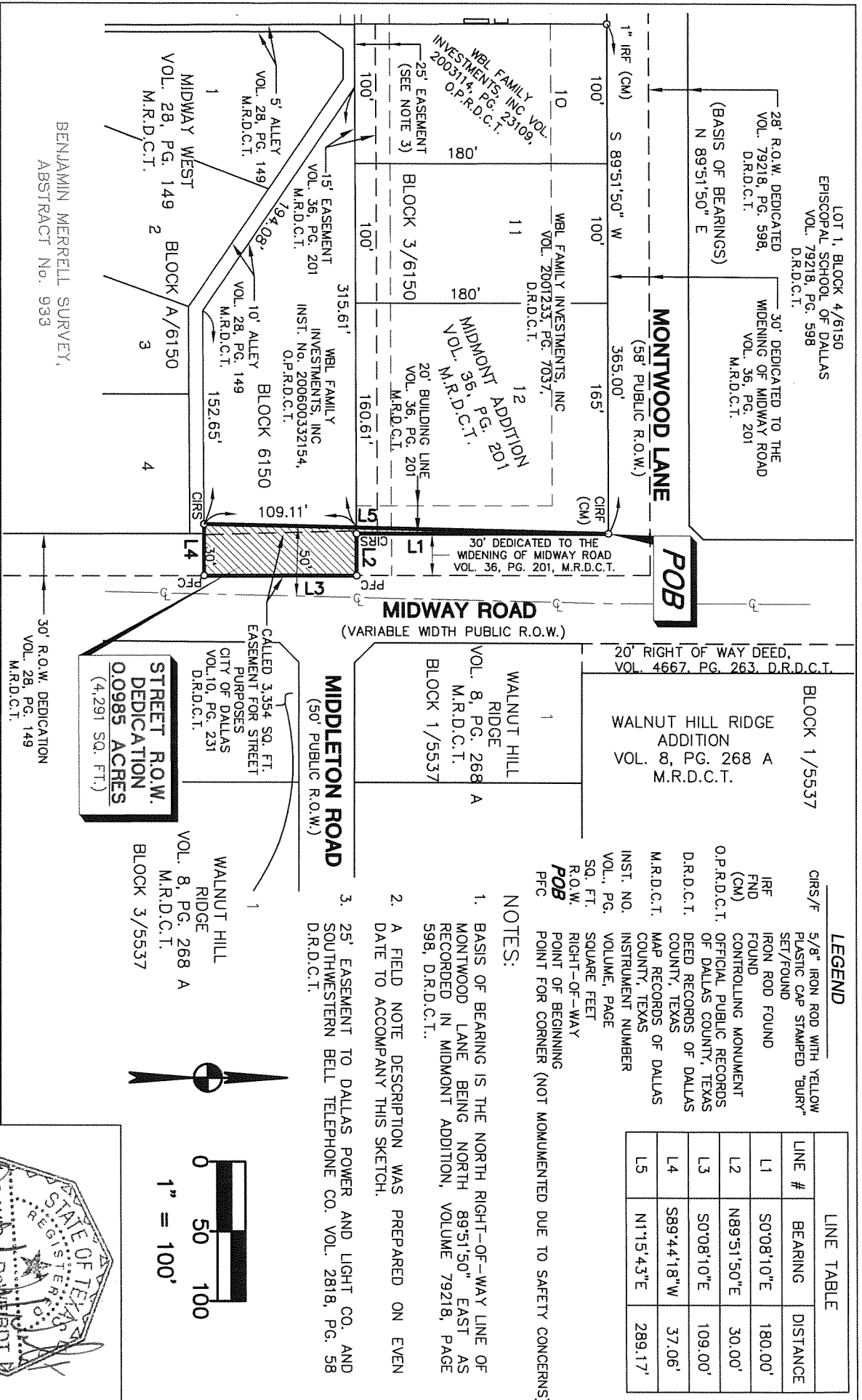


(For SPRG use only)

Reviewed by: JD

Date: 7/16/2015

SPRG NO: 3235



(FOR SPRG USE ONLY)
REVIEWED BY: JD
DATE: 7/16/20
SPRG NO. 3235

STREET RIGHT-OF-WAY DEDICATION
A PORTION OF MIDWAY ROAD
PART OF BLOCK 6150 & BLOCK 3/6150
CITY OF DALLAS, DALLAS COUNTY, TEXAS

DAVID J. De WEIRDT
REGISTERED PROFESSIONAL
LAND SURVEYOR NO. 5066

**ALLEY RIGHT-OF-WAY DEDICATION
PORTIONS OF
LOTS 10, BLOCK 3/6150, MIDMONT ADDITION
AND WBL FAMILY INVESTMENTS, INC. TRACT, BLOCK 6150
CITY OF DALLAS, DALLAS COUNTY, TEXAS**

BEING A 3,658 SQUARE FOOT TRACT OF LAND SITUATED IN THE BENJAMIN MERRELL SURVEY, ABSTRACT NO. 933, CITY OF DALLAS, DALLAS COUNTY, TEXAS, AND BEING A PORTION OF LOT 10, BLOCK 3/6150, MIDMONT ADDITION, AN ADDITION TO THE CITY OF DALLAS ACCORDING TO THE PLAT THEREOF FILED FOR RECORD IN VOLUME 36, PAGE 201, MAP RECORDS OF DALLAS COUNTY, TEXAS, (M.R.D.C.T.), AND DESCRIBED IN A GENERAL WARRANTY DEED TO WBL FAMILY INVESTMENTS, INC., RECORDED IN VOLUME 2003114, PAGE 23109, DEED RECORDS OF DALLAS COUNTY, TEXAS, (D.R.D.C.T.), AND BEING A PORTION OF DALLAS CITY BLOCK 6150 AS DESCRIBED IN A GENERAL WARRANTY DEED TO WBL FAMILY INVESTMENTS, INC., RECORDED IN INSTRUMENT NO. 200600332154, OFFICIAL PUBLIC RECORDS, DALLAS COUNTY, TEXAS, (O.P.R.D.C.T.), SAID 3,658 SQUARE FOOT TRACT OF LAND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A 5/8-INCH IRON ROD WITH A YELLOW PLASTIC CAP STAMPED "BURY" FOUND FOR THE NORTHEAST CORNER OF LOT 12, BLOCK 3/6150 IN SAID MIDMONT ADDITION, SAME BEING THE POINT OF INTERSECTION OF THE WEST RIGHT-OF-WAY LINE OF MIDWAY ROAD (A VARIABLE WIDTH PUBLIC RIGHT-OF-WAY) WITH THE SOUTH RIGHT-OF-WAY LINE OF MONTWOOD LANE, (58-FOOT PUBLIC RIGHT-OF-WAY);

THENCE SOUTH 00°08'10" EAST, ALONG SAID WEST RIGHT-OF-WAY LINE, AT A DISTANCE OF 180.00 FEET PASSING THE SOUTHEAST CORNER OF SAID LOT 12, BEING IN THE NORTH LINE OF SAID WBL FAMILY INVESTMENTS, INC. TRACT, AND BEING THE NORTHWEST CORNER OF A CALLED 3,354 SQUARE FOOT TRACT OF LAND DESCRIBED TO THE CITY OF DALLAS FOR A STREET EASEMENT, RECORDED IN VOLUME 10, PAGE 231, DEED RECORDS OF DALLAS COUNTY, TEXAS (D.R.D.C.T.), CONTINUING ALONG THE WEST LINE OF SAID CITY OF DALLAS 3,354 TRACT AND OVER AND ACROSS SAID WBL FAMILY INVESTMENTS, INC. TRACT, A TOTAL DISTANCE OF 289.07 FEET TO THE SOUTHWEST CORNER OF SAID CITY OF DALLAS 3,354 SQUARE FOOT TRACT, BEING IN THE SOUTH LINE OF SAID WBL FAMILY INVESTMENTS, INC. TRACT, SAME BEING THE NORTH LINE OF A 10-FOOT ALLEY CREATED BY MIDWAY WEST, AN ADDITION TO THE CITY OF DALLAS, ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 28, PAGE 149, M.R.D.C.T.;

THENCE SOUTH 89°44'18" WEST, ALONG THE NORTH LINE OF SAID ALLEY, A DISTANCE OF 7.06 FEET TO A 5/8-INCH IRON ROD WITH A YELLOW PLASTIC CAP STAMPED "BURY" SET FOR THE **POINT OF BEGINNING**;

THENCE CONTINUING ALONG SAID NORTH LINE, THE FOLLOWING CALLS:

SOUTH 89°44'18" WEST, A DISTANCE OF 152.65 FEET TO A 5/8-INCH IRON ROD WITH A YELLOW PLASTIC CAP STAMPED "BURY" SET FOR CORNER;

NORTH 55°49'10" WEST, A DISTANCE OF 194.08 FEET TO A 5/8-INCH IRON ROD WITH A YELLOW PLASTIC CAP STAMPED "BURY" SET FOR CORNER IN THE SOUTH LINE OF LOT 10, BLOCK 3/6150 OF SAID MIDMONT ADDITION;

(For SPRG use only)

Reviewed by: JD

Date: 1/4/2016

SPRG NO: 3234

**ALLEY RIGHT-OF-WAY DEDICATION
PORTIONS OF
LOTS 10, BLOCK 3/6150, MIDMONT ADDITION
AND WBL FAMILY INVESTMENTS, INC. TRACT, BLOCK 6150
CITY OF DALLAS, DALLAS COUNTY, TEXAS**

SOUTH 89°51'50" WEST, ALONG THE NORTH LINE OF SAID ALLEY, A DISTANCE OF 44.60 FEET TO THE NORTHWEST CORNER OF SAID ALLEY, THE SOUTHWEST CORNER OF SAID LOT 10, BLOCK 3/6150, THE SOUTHEAST CORNER OF LOT 9, BLOCK 3/6150 OF SAID MIDMONT ADDITION, AND THE NORTHEAST CORNER OF LOT 9A, BLOCK 2/6150 OF MIDWAY HILLS, SECOND SECTION, AN ADDITION TO THE CITY OF DALLAS ACCORDING TO PLAT THEREOF RECORDED IN VOLUME 20, PAGE 137, M.R.D.C.T.;

THENCE NORTH 00°17'40" WEST, ALONG THE COMMON LINE OF SAID LOT 10 AND LOT 9, A DISTANCE OF 5.00 FEET TO A 5/8-INCH IRON ROD WITH YELLOW PLASTIC CAP STAMPED "BURY" SET FOR CORNER

THENCE NORTH 89°51'50" EAST, ALONG A LINE WHICH IS 5-FEET NORTHERLY FROM AND PARALLEL TO THE SOUTH LINE OF SAID MIDMONT ADDITION, A DISTANCE OF 55.03 FEET TO A 5/8-INCH IRON ROD WITH YELLOW PLASTIC CAP STAMPED "BURY" SET FOR CORNER;

THENCE SOUTH 55°49'10" EAST, ALONG A LINE WHICH IS 10.00 FEET NORTHEASTERLY FROM AND PARALLEL TO THE NORTHEAST LINE OF THE AFOREMENTIONED 10-FOOT ALLEY CREATED BY MIDWAY WEST ADDITION, A DISTANCE OF 185.20 FEET TO A 5/8-INCH IRON ROD WITH YELLOW PLASTIC CAP STAMPED "BURY" SET FOR CORNER;

THENCE NORTH 89°44'18" EAST, CONTINUING ALONG A LINE WHICH IS 10.00 FEET NORTHERLY FROM AND PARALLEL TO SAID 10-FOOT ALLEY, A DISTANCE OF 149.81 FEET TO A 5/8-INCH IRON ROD WITH YELLOW PLASTIC CAP STAMPED "BURY" SET FOR CORNER IN THE PROPOSED WESTERLY RIGHT-OF-WAY LINE OF MIDWAY ROAD, BEING 50 FEET WESTERLY FROM THE ESTABLISHED CENTERLINE OF SAID MIDWAY ROAD;

THENCE SOUTH 01°15'43" WEST ALONG SAID PROPOSED WESTERLY RIGHT-OF-WAY LINE, A DISTANCE OF 10.00 FEET TO THE POINT OF BEGINNING;

CONTAINING A COMPUTED AREA OF 3,658 SQUARE FEET OR 0.0840 ACRES OF LAND.

NOTES:

A SKETCH WAS PREPARED ON EVEN DATE TO ACCOMPANY THIS DESCRIPTION.

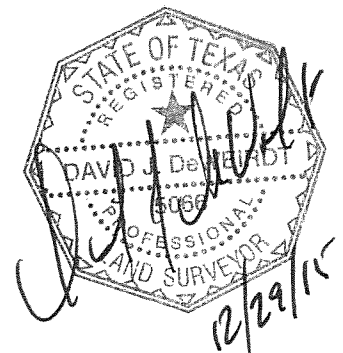
BASIS OF BEARING IS THE NORTH RIGHT-OF-WAY LINE OF MONTWOOD LANE, BEING SOUTH 89°51'50" WEST, THE SAME AS RECORDED IN MIDMONT ADDITION, VOLUME 79218, PAGE 598, D.R.D.C.T.

(For SPRG use only)

Reviewed by: JD

Date: 1/4/2016

SPRG NO: 3234



THE EPISCOPAL SCHOOL OF DALLAS, INC. LOT 1, BLOCK 4/6150
VOL. 78003, PG. 4051 EPISCOPAL SCHOOL OF DALLAS
D.R.D.C.T. VOL. 79218, PG. 598
D.R.D.C.T.

(BASIS OF BEARINGS)
S 89°51'50" W 1074.47'

28' R.O.W. DEDICATION
VOL. 79218, PG. 598,
D.R.D.C.T.

30' R.O.W. DEDICATION
VOL. 36, PG. 201
M.R.D.C.T.

MONTWOOD LANE
(58' PUBLIC R.O.W.)

POC

SEXTON LANE

PARCEL LINE DATA		
LINE #	BEARING	DISTANCE
L1	S89°51'50"W	44.60'
L2	N01°7'40"W	5.00'
L3	N89°51'50"E	55.03'

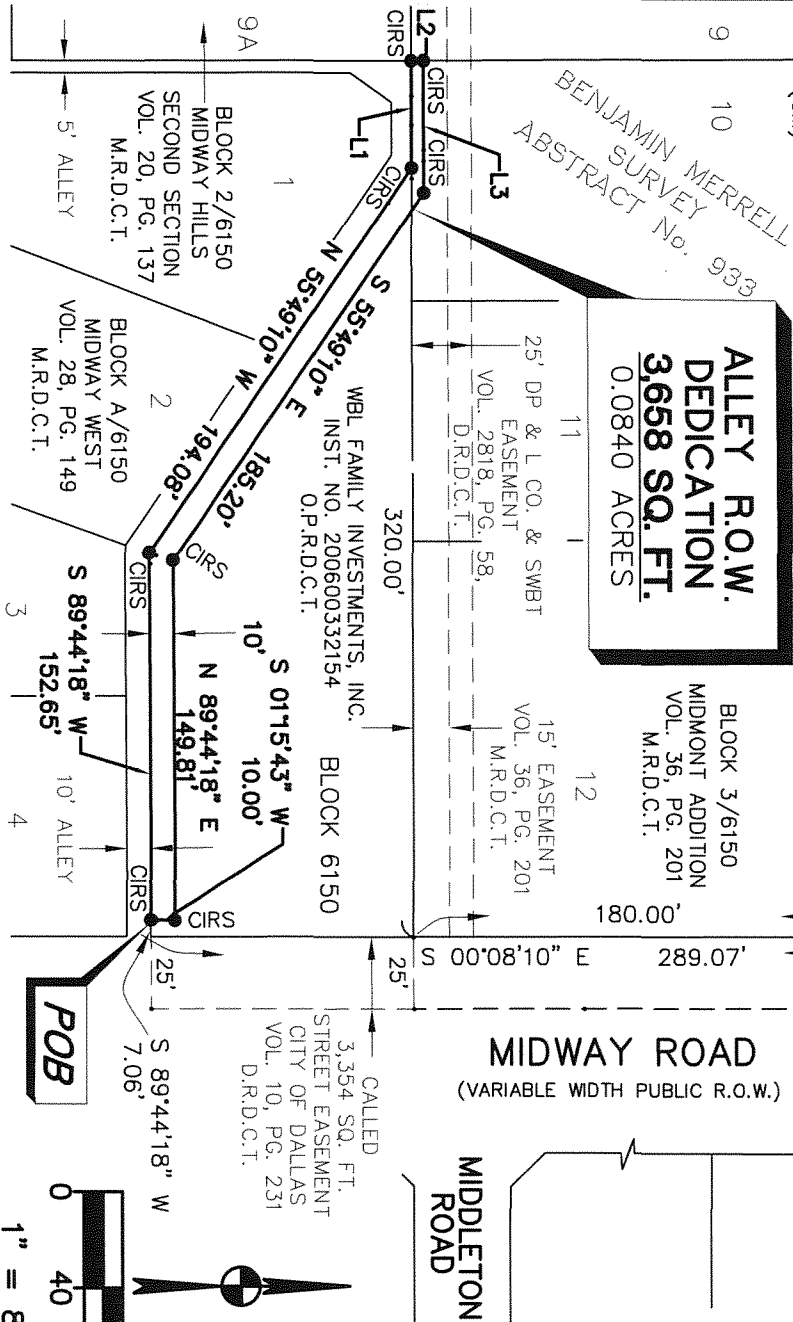
LEGEND

- CIRS 5/8-INCH IRON ROD W/YELLOW PLASTIC CAP STAMPED "BURY" SET
- CIRF 5/8-INCH IRON ROD W/YELLOW PLASTIC CAP STAMPED "BURY" FOUND
- IRF IRON ROD FOUND
- FND FOUND
- (CM) CONTROLLING MONUMENT
- O.P.R.D.C.T. OFFICIAL PUBLIC RECORDS OF DALLAS COUNTY, TEXAS
- D.R.D.C.T. DEED RECORDS OF DALLAS COUNTY, TEXAS
- M.R.D.C.T. MAP RECORDS OF DALLAS COUNTY, TEXAS
- INST. NO. INSTRUMENT NUMBER
- VOL. PG. VOLUME, PAGE
- SQ. FT. SQUARE FEET
- DP & L CO. DALLAS POWER & LIGHT COMPANY
- & SWBT & SOUTHWESTERN BELL TELEPHONE
- R.O.W. RIGHT-OF-WAY
- POC POINT OF COMMENCING
- POB POINT OF BEGINNING
- LAND OWNERSHIP HOOK

NOTES:

BASIS OF BEARING IS THE NORTH RIGHT-OF-WAY LINE OF MONTWOOD LANE BEING SOUTH 89°51'50" WEST AS RECORDED IN MIDMONT ADDITION, VOLUME 79218, PAGE 598, D.R.D.C.T.

A FIELD NOTE DESCRIPTION WAS PREPARED ON EVEN DATE TO ACCOMPANY THIS SKETCH.

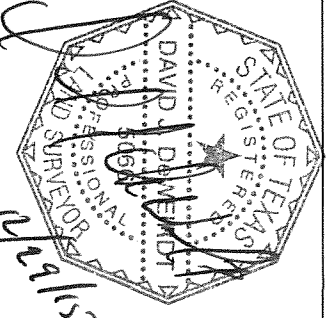


BURY

5310 Harvest Hill Road, Suite 100
Dallas, Texas 75230
Tel: (972) 991-0011 Fax: (972) 991-0278
TBP# F-1048 TBP# F-107502
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REVIEWED BY: JD
DATE: 1/4/2016
SPRG NO. 3234

ALLEY RIGHT-OF-WAY DEDICATION
PORTIONS OF
LOT 10, BLOCK 3/6150 MIDMONT ADDITION
AND WBL FAMILY INVESTMENTS, INC. TRACT, BLOCK 6150
CITY OF DALLAS, DALLAS COUNTY, TEXAS



OWNERSHIP LIST BLOCK 2/6150

MIDWAY HILLS SECOND SECTION
VOL. 20, PG. 137, M.R.D.C.T.

LOT 9A
CYNTHIA OSBORNE
INST. NO. 201400090949
O.P.R.D.C.T.

OWNERSHIP LIST BLOCK A/6150

MIDWAY WEST ADDITION
VOL. 28, PG. 149, M.R.D.C.T.

LOT 1
OLIVER SINTOBIN
VOL. 83148, PG. 3574
D.R.D.C.T.

LOT 3
ROBERT M. &
DEBRA A. BARTOLOMEO
INST. NO.
201300209180
O.P.R.D.C.T.

LOT 2
MARK L. &
DONNA L. RATHBUN
VOL. 86202, PG. 4139
D.R.D.C.T.

LOT 4
KENETH B. ZALLY
VOL. 77127, PG. 1463
D.R.D.C.T.

OWNERSHIP LIST BLOCK 3/6150

MIDMONT ADDITION
VOL. 36, PG. 201, M.R.D.C.T.

LOT 9
WBL FAMILY INVESTMENTS,
INC
INST No. 201300128230
O.P.R.D.C.T.

LOT 10
WBL FAMILY INVESTMENTS,
INC
VOL. 2003114, PG. 23109
D.R.D.C.T.

LOT 11
WBL FAMILY INVESTMENTS,
INC
VOL. 2001233, PG. 7037
D.R.D.C.T.

LOT 12
WBL FAMILY INVESTMENTS,
INC
VOL. 2001233, PG. 7037
D.R.D.C.T.

BURY

5310 Harvest Hill Road, Suite 100
Dallas, Texas 75230
Tel. (972) 991-0011 Fax (972) 991-0278
TBPE # F-1048 TBPLS # F-10107502
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(FOR SPRG USE ONLY)REVIEWED BY: JDDATE: 1/4/2016SPRG NO. 3234**ALLEY RIGHT-OF-WAY DEDICATION**

PORTIONS OF

LOT 10, BLOCK 3/6150 MIDMONT ADDITION
AND WBL FAMILY INVESTMENTS TRACT, BLOCK 6150
CITY OF DALLAS, DALLAS COUNTY, TEXAS

DAVID J. De WEIRDT
REGISTERED PROFESSIONAL
LAND SURVEYOR NO. 5066

DATE: 12-29-15

SCALE: N/A

DRAWN BY: RSG

PROJECT NO.: R0112220-30001

TBPLS REGISTRATION NO. 10107502

S:\SUR\0112220 Espiscopai School Dallas\30001 ESD\EXHIBITS\10' ALLEY-DED 3234.dwg Dec 2, 15 11:58 AM by: mking

SHEET NO. 4 OF 4