

**FEBRUARY 10, 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 February 10, 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

2.5.16

\_\_\_\_\_  
Date



FOR: Jeanne Chipperfield  
Chief Financial Officer

2/5/16

\_\_\_\_\_  
Date



**RECEIVED**

2016 FEB -5 PM 3: 54

CITY SECRETARY  
DALLAS, TEXAS

**ADDENDUM  
CITY COUNCIL MEETING  
WEDNESDAY, FEBRUARY 10, 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 - 29

**CONSENT ADDENDUM**

Items 1 - 5

**ITEMS FOR INDIVIDUAL CONSIDERATION**

No earlier  
than 9:15 a.m.

Items 30 - 31  
Addendum Items 6 - 7

**PUBLIC HEARINGS AND RELATED ACTIONS**

1:00 p.m.

Items 32 - 37

# 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  
FEBRUARY 10, 2016  
CITY OF DALLAS  
1500 MARILLA  
COUNCIL CHAMBERS, CITY HALL  
DALLAS, TEXAS 75201  
9:00 A. M.**

ADDITIONS:

Closed Session

Personnel (Sec. 551.074 T.O.M.A.)

- Discuss the qualifications, criteria, and selection for the position of the city attorney.

CONSENT ADDENDUM

**Housing/Community Services**

1. Authorize an amendment to Resolution No. 14-1080, previously approved on June 25, 2014, for a grant from the Texas Department of State Health Services to provide services to the homeless through the Healthy Community Collaborative to extend the contract service date from August 31, 2015 to August 31, 2016 - Financing: No cost consideration to the City

**Sustainable Development and Construction**

2. A resolution authorizing the conveyance of approximately 470 square feet of land for a public mass transit easement across City-owned land to Dallas Area Rapid Transit, located near the intersection of Hampshire Road and Wagon Wheels Trail - Revenue: \$1,000
3. A resolution authorizing the conveyance of approximately 15,574 square feet of land for a public mass transit easement across City-owned land to Dallas Area Rapid Transit, located near the intersection of Hampshire Road and Wagon Wheels Trail - Revenue: \$4,073
4. An ordinance abandoning a drainage easement to LMI Park Central Two, LLC, the abutting owner, containing approximately 5,175 square feet of land, located near the intersection of Banner and Merritt Drives, and authorizing the quitclaim - Revenue: \$5,400, plus the \$20 ordinance publication fee
5. An ordinance abandoning a portion of an alley to Deep Ellum Brewing Company, LLC, the abutting owner, containing approximately 3,450 square feet of land, located near the intersection of St. Louis Street and Malcolm X Boulevard, and authorizing the quitclaim - Revenue: \$83,000, plus the \$20 ordinance publication fee

**ADDENDUM  
CITY COUNCIL MEETING  
FEBRUARY 10, 2016**

ADDITIONS: (Continued)

ITEMS FOR INDIVIDUAL CONSIDERATION

**Business Development & Procurement Services**

6. Execute the casting of lots to identify the recommended vendor resulting from tie bids on lines 17, 18, 19, 20, 22, 23, 24, 73, 74, 75, 76, 77, 79 and 139 for bid BA1602 for a three-year master agreement for the purchase of granulated and liquid fertilizers - Winfield Solutions LLC, BWI Dallas/Ft. Worth, Harrell's LLC and Helena Chemical Company - Financing: This action has no cost consideration to the City

**Mayor and City Council**

7. A resolution regarding a proposed contract with Three Expo Events, LLC for a three-day expo at the Dallas Convention Center - Financing: No cost consideration to the City

CORRECTION:

VOTING AGENDA

1. Approval of Minutes of the January 20, 2016 and January 27, 2016 City Council Meeting

**ADDENDUM DATE February 10, 2016**

ITEM		IND							DESCRIPTION
#	OK	DEF	DISTRICT	TYPE	DEPT.	DOLLARS	LOCAL	MWBE	
1			All	C	HOU	NC	NA	NA	Authorize an amendment to Resolution No. 14-1080, previously approved on June 25, 2014, for a grant from the Texas Department of State Health Services to provide services to the homeless through the Healthy Community Collaborative to extend the contract service date from August 31, 2015 to August 31, 2016 - Financing: No cost consideration to the City
2			3	C	DEV	REV \$1,000	NA	NA	A resolution authorizing the conveyance of approximately 470 square feet of land for a public mass transit easement across City-owned land to Dallas Area Rapid Transit, located near the intersection of Hampshire Road and Wagon Wheels Trail - Revenue: \$1,000
3			3	C	DEV	REV \$4,073	NA	NA	A resolution authorizing the conveyance of approximately 15,574 square feet of land for a public mass transit easement across City-owned land to Dallas Area Rapid Transit, located near the intersection of Hampshire Road and Wagon Wheels Trail - Revenue: \$4,073
4			11	C	DEV	REV \$5,400	NA	NA	An ordinance abandoning a drainage easement to LMI Park Central Two, LLC, the abutting owner, containing approximately 5,175 square feet of land, located near the intersection of Banner and Merritt Drives, and authorizing the quitclaim - Revenue: \$5,400, plus the \$20 ordinance publication fee
5			2	C	DEV	REV \$83,000	NA	NA	An ordinance abandoning a portion of an alley to Deep Ellum Brewing Company, LLC, the abutting owner, containing approximately 3,450 square feet of land, located near the intersection of St. Louis Street and Malcolm X Boulevard, and authorizing the quitclaim - Revenue: \$83,000, plus the \$20 ordinance publication fee
6			All	I	PBD, PKR	NC	NA	NA	Execute the casting of lots to identify the recommended vendor resulting from tie bids on lines 17, 18, 19, 20, 22, 23, 24, 73, 74, 75, 76, 77, 79 and 139 for bid BA1602 for a three-year master agreement for the purchase of granulated and liquid fertilizers - Winfield Solutions LLC, BWI Dallas/Ft. Worth, Harrell's LLC and Helena Chemical Company - Financing: This action has no cost consideration to the City
7			N/A	I	MCC	NC	NA	NA	A resolution regarding a proposed contract with Three Expo Events, LLC for a three-day expo at the Dallas Convention Center - Financing: No cost consideration to the City

**TOTAL \$0.00**





**KEY FOCUS AREA:** Clean, Healthy Environment

**AGENDA DATE:** February 10, 2016

**COUNCIL DISTRICT(S):** All

**DEPARTMENT:** Housing/Community Services

**CMO:** Alan Sims, Chief of Neighborhood Plus, 670-1611

**MAPSCO:** N/A

---

**SUBJECT**

Authorize an amendment to Resolution No. 14-1080, previously approved on June 25, 2014, for a grant from the Texas Department of State Health Services to provide services to the homeless through the Healthy Community Collaborative to extend the contract service date from August 31, 2015 to August 31, 2016 - Financing: No cost consideration to the City

**BACKGROUND**

This item was placed on the addendum to continue to use grant funds, in the amount of \$5,177,000, from the Texas Department of State Health Services for homeless services.

Senate Bill 58 of the 83<sup>rd</sup> regular legislative session amended Subtitle I, Title 4, of the Texas Government Code to add Chapter 539 establishing or expanding community collaborative projects to improve the access to care, quality/comprehensiveness of care, and outcomes for persons who are both homeless and have a mental illness. The Texas Department of State Health Services requested applications from five Texas municipalities in counties with populations of more than one million, including Bexar, Dallas, Harris, Tarrant, and Travis. In FY2014, the City of Dallas applied for and was awarded \$5,177,000 in funds to service mentally ill and substance abuse homeless individuals.

Acceptable uses of the grant money require one for one matching funds to include the establishment or expansion of a community collaborative of service providers focused on meeting the needs of the mentally ill homeless population, the establishment, operation and/or maintenance of minimum services and, once requirements are met, the provision and/or coordination of optional services.

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

On June 25, 2014, City Council authorized the acceptance of funds from the Texas Department of State Health Services for the Healthy Community Collaborative program, by Resolution No. 14-1080.

Information about this item was provided to the Housing Committee on February 1, 2016, as an Upcoming Agenda Item.

**FISCAL INFORMATION**

No cost consideration to the City

February 10, 2016

**WHEREAS**, Senate Bill 58 of the 83<sup>rd</sup> regular legislative session amended Subtitle I, Title 4, of the Texas Government Code to add Chapter 539 establishing or expanding community collaborative projects to improve the access to care, quality/comprehensiveness of care, and outcomes for persons who are both homeless and have a mental illness; and

**WHEREAS**, the five eligible municipalities and counties include: Bexar, Dallas, Harris, Tarrant, and Travis; and

**WHEREAS**, on June 25, 2014, City Council approved the acceptance of the FY2014 Texas Department of State Health Services (TDSHS) funds in the amount of \$5,177,000 to service mentally ill and substance abuse homeless individuals, by Resolution No. 14-1080; and

**WHEREAS**, the City desires to continue services under the grant from the Texas Department of State Health Services for the homeless through the Healthy Community Collaborative.

**NOW, THEREFORE,**

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

**Section 1.** That following approval as to form by the City Attorney, the City Manager is hereby authorized to amend Resolution No. 14-1080, previously approved on June 25, 2014, for a grant from the Texas Department of State Health Services (Grant No. 2014-045801-001 and Fund S269) to provide services to the homeless through the Healthy Community Collaborative to extend the contract service date from August 31, 2015 to August 31, 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.



**KEY FOCUS AREA:** Economic Vibrancy  
**AGENDA DATE:** February 10, 2016  
**COUNCIL DISTRICT(S):** 3  
**DEPARTMENT:** Sustainable Development and Construction  
**CMO:** Ryan S. Evans, 671-9837  
**MAPSCO:** 65M

---

**SUBJECT**

A resolution authorizing the conveyance of approximately 470 square feet of land for a public mass transit easement across City-owned land to Dallas Area Rapid Transit, located near the intersection of Hampshire Road and Wagon Wheels Trail - Revenue: \$1,000

**BACKGROUND**

This item is on the addendum because additional review time was required. This item will authorize the conveyance of approximately 470 square feet for a public mass transit easement across City-owned land to Dallas Area Rapid Transit (DART), located near the intersection of Hampshire Road and Wagon Wheels Trail. The public mass transit easement will serve DART's light rail SOC3 line. The purchase price of \$1,000 is based on an independent appraisal.

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

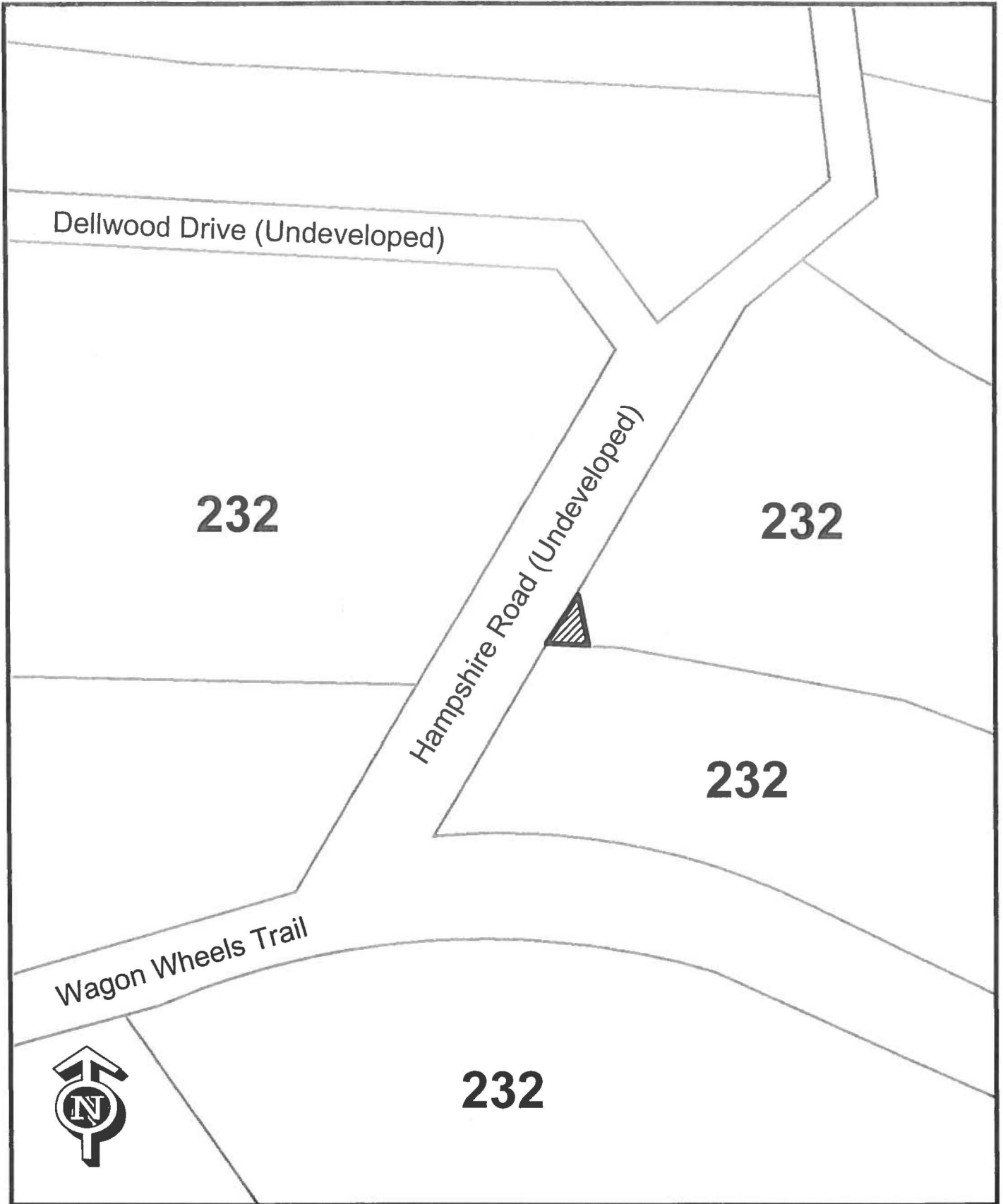
Council will be briefed by memorandum regarding this item.

**FISCAL INFORMATION**

Revenue: \$1,000

**MAP**

Attached



February 10, 2016

**WHEREAS**, the City of Dallas is the owner of certain tracts of land used for Five Mile Creek; and

**WHEREAS**, Dallas Area Rapid Transit, a regional transportation authority, has requested a Public Mass Transit Easement for it's South Oak Cliff Corridor Blue Line Extension (SOC-3) to construct, reconstruct, operate, and perpetually maintain public transit facilities, including without limitation associated utilities including communication facilities, bridge structures, spans, signs, traffic control devices and any other related facilities or structures that facilitate, support, or promote public transit; containing approximately 470 square feet, located in Block Z/4377, Dallas County, Texas, and located near the intersection of Hampshire Road and Wagon Wheels Trail and being more fully described in Exhibit A, attached hereto; and

**WHEREAS**, on August 13, 1983, Dallas Area Rapid Transit Authority (DART) was created as a regional transportation authority organized and existing pursuant to Chapter 452, Texas Transportation Code, for the purpose of providing public transportation and general transportation services within the DART service area, which includes the City of Dallas, a Texas home rule municipal corporation, and surrounding regions; and

**WHEREAS**, on February 28, 1990, Dallas City Council Resolution No. 90-0810 approved a Master Interlocal Agreement ("Master ILA") between DART and City regarding DART's system and establishing a cooperative and supportive relationship between DART and City; and the Master ILA has undergone numerous supplementations and amendments over the years as City and DART have sought to address newly arising circumstances, issues, and needs; and

**WHEREAS**, as a governmental entity having certain powers of eminent domain the bidding provisions of Section 272.001 of the Local Government Code and certain provisions of Section 2-24 of the Dallas City Code do not apply to this conveyance;

**Now, Therefore,**

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

**SECTION 1.** That upon receipt of **ONE THOUSAND AND NO/100 (\$1,000.00) DOLLARS** from Dallas Area Rapid Transit ("DART"), the City Manager or designee is authorized to execute a Public Mass Transit Easement, to be attested by the City Secretary upon approval as to form by the City Attorney for the approximately 470 square feet of land, Block Z/4377, Dallas County, Texas and located near the intersection of Hampshire Road and Wagon Wheels Trail and more fully described in Exhibit A, attached hereto, to DART as **GRANTEE**.

February 10, 2016

**SECTION 2.** That the sale proceeds shall be deposited into the General Fund 0001, Dept DEV, Bal Sheet 0519 and Department of Development Services, Real Estate Division shall be reimbursed for the cost of obtaining legal description, appraisal and other administrative costs incurred. The reimbursement proceeds shall be deposited in General Fund 0001, Dept DEV, Unit 1183, Object 5011 and any remaining proceeds shall be transferred to the General Capital Reserve Fund 0625, Agency 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:**  
**WARREN M. S. ERNST, City Attorney**

BY   
**Assistant City Attorney**



# EXHIBIT A

DART PARCEL NUMBER SOC3-15  
PROPERTY OF CITY OF DALLAS  
JAMES COLE SURVEY, ABSTRACT NO. 232  
CITY OF DALLAS  
DALLAS COUNTY, TEXAS

PAGE 1 OF 7  
JANUARY 14, 2013

BEING a 470 square foot tract of land situated in the James Cole Survey, Abstract No. 232, in City Block Z/4377 of the City of Dallas, Dallas County, Texas, and being a portion of that called 3.284 acre tract of land conveyed to the City of Dallas in General Warranty Deed as recorded in Volume 93034, Page 797 of the Deed Records of Dallas County, Texas (D.R.D.C.T.), said called 3.284 acre tract being portions of Lots 2 and 3, Block Z/4377 of Glendale Acres, an addition to the City of Dallas according to the plat thereof recorded in Volume 1, Page 517, of the Map Records of Dallas County, Texas (M.R.D.C.T.), and being more particularly described by metes and bounds as follows:

COMMENCING at a PK nail found in the west line of a called 23.248 acre tract of land conveyed to the City of Dallas and described as Tract II in Exhibit "A" of the Special Warranty Deed as recorded in Volume 2000137, Page 3769, D.R.D.C.T., said Tract II being a portion of City Block 6902 and a portion of Lots 7, 8 and 9, City Block Z/4378 of said Glendale Acres addition, said west line being the east line of Singing Hills No. Two, an addition to the City of Dallas, Texas according to the plat thereof recorded in Volume 35, Page 189, M.R.D.C.T. and in the east right-of-way line of a 15' alley as reflected on said plat of Singing Hills No. Two, said PK nail being the southwest corner of a variable width easement for the passage of vehicular and pedestrian traffic granted to the City of Dallas and described as Parcel 2 in Exhibit "A" of the instrument as recorded in Volume 97107, Page 1469, D.R.D.C.T.;

THENCE N 73°06'08" E (easement ~ S 74°03'23" W), departing the west line of said City of Dallas called 23.248 acre tract, the east line of said Singing Hills No. Two and the east line of said 15' alley and with the south line of said easement for the passage of vehicular and pedestrian traffic (Volume 97107, Page 1469, D.R.D.C.T.), 919.11 feet (easement ~ 918.92 feet) to the southeast corner of said easement, said southeast corner being in the east line of said City of Dallas called 23.248 acre tract and in the west line of that certain tract of land conveyed to Jo Ann Smith according to the Warranty Deed as recorded in Volume 2001137, Page 4188, D.R.D.C.T. and the General Warranty Deed (Cash) as recorded in Volume 2005178, Page 11690 of the Official Public Records of Dallas County, Texas (O.P.R.D.C.T.), said Jo Ann Smith tract being Lot 6, City Block Z/4378 and Lot 5, City Block Z/4377 of said Glendale Acres addition, said southeast corner of the easement for the passage of vehicular and pedestrian traffic (Volume 97107, Page 1469, D.R.D.C.T.) also being the southwest corner of a variable width easement for the passage of vehicular and pedestrian traffic granted to the City of Dallas and described as Parcel 5 in Exhibit "A" of the instrument as recorded in Volume 97030, Page 742, D.R.D.C.T.;

THENCE N 73°00'16" E (easement ~ S 74°03'23" W), departing the west line of said Jo Ann Smith tract and the east line of said City of Dallas called 23.248 acre tract and with the south line of said easement for the passage of vehicular and pedestrian traffic (Parcel 5, Volume 97030, Page 742, D.R.D.C.T.), 499.90 feet (easement ~ 500.23 feet) to the southeast corner of said easement for the passage of vehicular and pedestrian traffic (Parcel 5, Volume 97030, Page 742, D.R.D.C.T.), said southeast corner being in the east line of said Jo Ann Smith tract and being the northwest corner of a called

FIELD NOTES APPROVED:  
*Doc 10/21/14*



# EXHIBIT A

DART PARCEL NUMBER SOC3-15  
PROPERTY OF CITY OF DALLAS  
JAMES COLE SURVEY, ABSTRACT NO. 232  
CITY OF DALLAS  
DALLAS COUNTY, TEXAS

PAGE 2 OF 7  
JANUARY 14, 2013

3.631 acre tract conveyed to Pure Texas Honey in the Special Warranty Deed as recorded in Volume 2000142, Page 5391, D.R.D.C.T., said Pure Texas Honey tract being a portion of Lot 4, City Block Z/4377 of said Glendale Acres addition, said southeast corner also being the southwest corner of a 50' right-of-way easement for city street granted to the City of Dallas according to the instrument recorded in Volume 5359, Page 259, D.R.D.C.T., said 50' right-of-way easement for city street being a part of Wagon Wheels Trail (a variable width right-of-way, formerly Hampshire Road, a 40' right-of-way as reflected on the aforementioned plat of Glendale Acres addition);

THENCE N 73°08'47" E (deed ~ N 77°49'50" E), departing the east line of said Jo Ann Smith tract and with the north line of said Pure Texas Honey tract and the south line of said Wagon Wheels Trail, 26.01 feet (deed ~ 26.00 feet) to a 1/2" iron rod with plastic cap stamped "PRECISE" found for corner at a point of curvature of the north line of said Pure Texas Honey tract and the south line of said Wagon Wheels Trail;

THENCE N 16°51'13" W, departing the north line of said Pure Texas Honey tract and the south line of said 50' right-of-way easement and crossing said Wagon Wheels Trail, and crossing a variable width easement for the passage of vehicular and pedestrian traffic granted to the City of Dallas and described as Parcel 3 in Exhibit "A" of the aforementioned instrument recorded in Volume 97030, Page 742, D.R.D.C.T., 50.08 feet to the north line of said easement for the passage of vehicular and pedestrian traffic (Parcel 3, Volume 97030, Page 742, D.R.D.C.T.), said easement for the passage of vehicular and pedestrian traffic (Parcel 3, Volume 97030, Page 742, D.R.D.C.T.) being a portion of that certain tract of land conveyed to Tomas Aleman and Juan Aleman and described in the Warranty Deed as recorded in Volume 2003018, Page 8137, D.R.D.C.T., said Aleman tract being portions of Lots 1,2,3 and 4 and all of Lot 5, City Block Y/4376 of said Glendale Acres addition;

THENCE N 73°02'54" E (easement ~ N 74°03'23" E), with the north line of said easement for the passage of vehicular and pedestrian traffic (Parcel 3, Volume 97030, Page 742, D.R.D.C.T.), 14.67 feet to the east corner of said easement, said east corner being the common southeast corner of said Lot 1, City Block Y/4376 of said Glendale Acres addition and the southeast corner of said Aleman tract and being the intersection of the north right-of-way line of said Wagon Wheels Trail with the westerly right-of-way line of Hampshire Road (40' right-of-way);

THENCE N 29°45'38" E (Aleman deed ~ S 34°32'34" W), with the easterly line of said Aleman tract and said westerly right-of-way line of Hampshire Road, 34.40 feet;

THENCE S 60°14'22" E, departing said easterly line of the Aleman tract and said westerly right-of-way line of Hampshire Road and crossing said Hampshire Road, 40.00 feet to a 1/2 inch iron rod with a plastic cap stamped

# EXHIBIT A

DART PARCEL NUMBER SOC3-15  
PROPERTY OF CITY OF DALLAS  
JAMES COLE SURVEY, ABSTRACT NO. 232  
CITY OF DALLAS  
DALLAS COUNTY, TEXAS

PAGE 3 OF 7  
JANUARY 14, 2013

"TX REG NO 100189-00" set for the southwest corner of that called 1.762 acre tract of land conveyed to Tomas Castro Venegas and wife, Maria A. Castro and described as Tract Two in Warranty Deed recorded in Volume 2002238, Page 3237, D.R.D.C.T., said corner also being the intersection of the north right-of-way line of said Wagon Wheels Trail with the easterly right-of-way line of said Hampshire Road;

THENCE N 29°45'38" E (Venegas and Castro deed ~ S 02°40' W), with the westerly line of said Venegas and Castro tract and said easterly right-of-way line of Hampshire Road, 136.56 feet to a 1/2 inch iron rod with a plastic cap stamped "TX REG NO 100189-00" set for the POINT OF BEGINNING, same being the northwest corner of said Venegas and Castro tract and southwest corner of said called 3.284 acre City of Dallas tract;

THENCE N 29°45'38" E (City of Dallas deed ~ no called bearing), departing said westerly line of said Venegas and Castro tract, and with the westerly line of said called 3.284 acre City of Dallas tract and said easterly right-of-way line of Hampshire Road, 45.00 feet to a 1/2 inch iron rod with a plastic cap stamped "TX REG NO 100189-00" set for the beginning of a non-tangent curve to the right having a central angle of 00°42'17", a radius of 3,165.00 feet, a tangent of 19.47 feet and a chord which bears S 02°32'48" E, 38.93 feet;

THENCE Southerly, departing said westerly line of said called 3.284 acre City of Dallas tract and said easterly right-of-way line of Hampshire Road and along said non-tangent curve to the right, an arc distance of 38.93 feet to a 1/2 inch iron rod with a plastic cap stamped "TX REG NO 100189-00" set in the southerly line of said called 3.284 acre City of Dallas tract and northerly line of said Venegas and Castro tract for the end of said curve;

THENCE S 89°35'13" W (Venegas and Castro deed ~ S 71°10' W), 24.07 feet to the POINT OF BEGINNING and containing 470 square feet or 0.0108 acre, more or less.

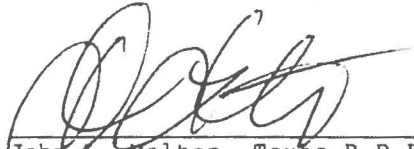
# EXHIBIT A

DART PARCEL NUMBER SOC3-15  
PROPERTY OF CITY OF DALLAS  
JAMES COLE SURVEY, ABSTRACT NO. 232  
CITY OF DALLAS  
DALLAS COUNTY, TEXAS

PAGE 4 OF 7  
JANUARY 14, 2013

BASIS OF BEARING for this survey is referenced to Texas Department of Transportation survey control monuments R0570089 and R0570029 tied with the Western Data Systems Texas Cooperative Network ([www.txrtk.com](http://www.txrtk.com)) and is referenced to NAD83 State Plane Coordinate System, Texas North Central Zone 4202. Stations DUNP-g0811 and DSIA-g081 were utilized as base stations during GPS data collection sessions.

I certify that this property description and attached plat represents a survey made on the ground under my supervision during the months of March through December 2012.



John L. Melton, Texas R.P.L.S. No. 4268  
Registered Professional Land Surveyor  
Nathan D. Maier Consulting Engineers, Inc.  
8080 Park Lane Suite 600  
Dallas, Texas 75231  
(214) 739-4741

01/14/2013  
Date

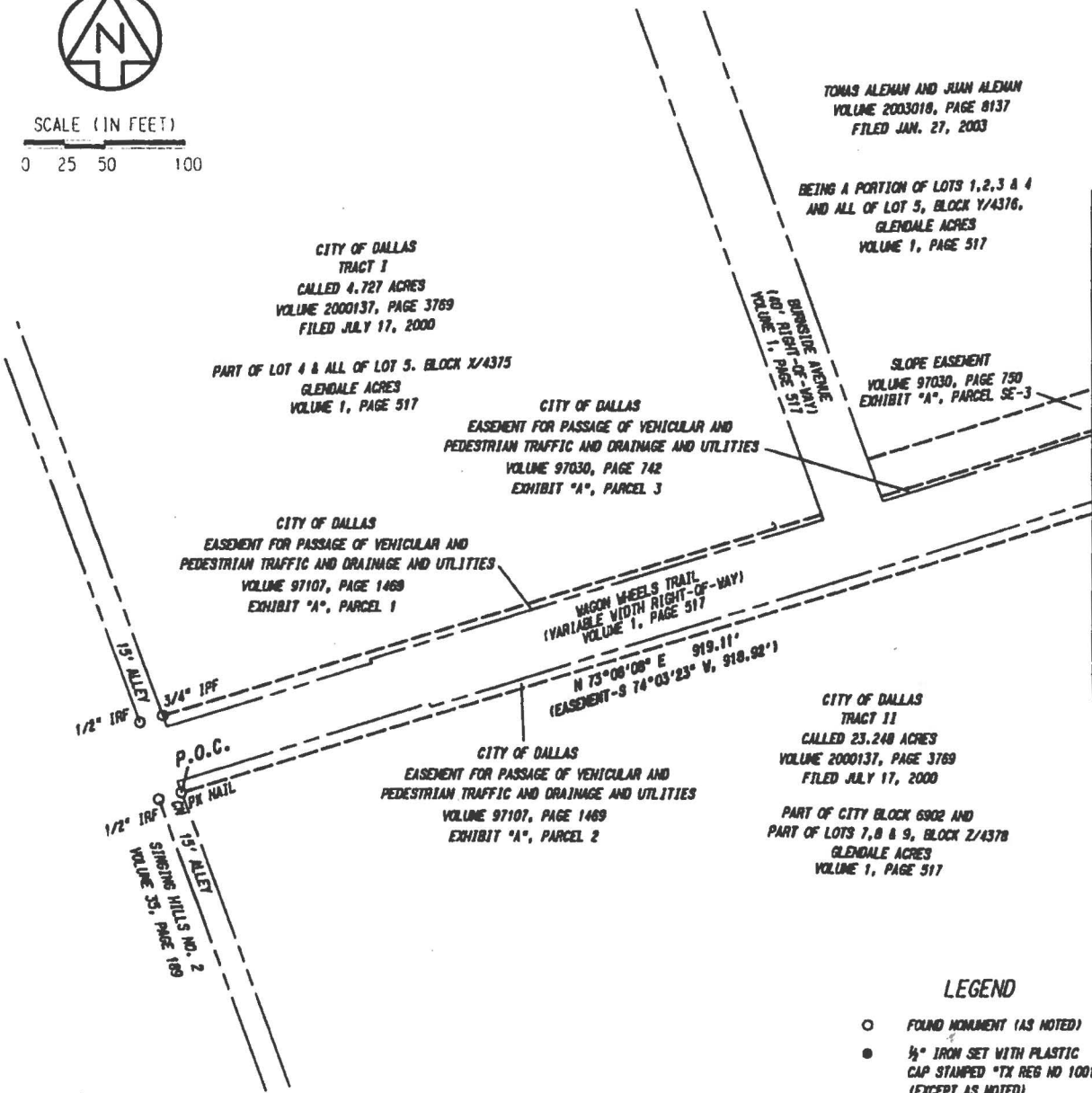


# EXHIBIT A



SCALE (IN FEET)

0 25 50 100



TOMAS ALEMAN AND JUAN ALEMAN  
VOLUME 2003018, PAGE 8137  
FILED JAN. 27, 2003

BEING A PORTION OF LOTS 1,2,3 & 4  
AND ALL OF LOT 5, BLOCK Y/4376.  
GLENDALE ACRES  
VOLUME 1, PAGE 517

CITY OF DALLAS  
TRACT I  
CALLED 4.727 ACRES  
VOLUME 2000137, PAGE 3769  
FILED JULY 17, 2000

PART OF LOT 4 & ALL OF LOT 5, BLOCK X/4375  
GLENDALE ACRES  
VOLUME 1, PAGE 517

CITY OF DALLAS  
EASEMENT FOR PASSAGE OF VEHICULAR AND  
PEDESTRIAN TRAFFIC AND DRAINAGE AND UTILITIES  
VOLUME 97030, PAGE 742  
EXHIBIT "A", PARCEL 3

SLOPE EASEMENT  
VOLUME 97030, PAGE 750  
EXHIBIT "A", PARCEL SE-3

CITY OF DALLAS  
EASEMENT FOR PASSAGE OF VEHICULAR AND  
PEDESTRIAN TRAFFIC AND DRAINAGE AND UTILITIES  
VOLUME 97107, PAGE 1469  
EXHIBIT "A", PARCEL 1

WAGON WHEELS TRAIL  
(VARIABLE WIDTH RIGHT-OF-WAY)  
VOLUME 1, PAGE 517

N 73°08'08" E 919.11'  
(EASEMENT-8 74°03'23" W, 918.92')

CITY OF DALLAS  
TRACT II  
CALLED 23.248 ACRES  
VOLUME 2000137, PAGE 3769  
FILED JULY 17, 2000

PART OF CITY BLOCK 6302 AND  
PART OF LOTS 7, 8 & 9, BLOCK Z/4378  
GLENDALE ACRES  
VOLUME 1, PAGE 517

1/2" IRF  
15' ALLEY  
3/4" IPF  
P.O.C.  
1/2" IRF  
15' ALLEY  
SINGING HILLS NO. 2  
VOLUME 35, PAGE 189

### LEGEND

- FOUND MONUMENT (AS NOTED)
- 1/2" IRON SET WITH PLASTIC CAP STAMPED "TX REG NO 100189-00" (EXCEPT AS NOTED)
- CM CONTROLLING MONUMENT
- P.O.C. POINT OF COMMENCING
- P.O.B. POINT OF BEGINNING

### PROPERTY DATA

PROPERTY OWNER(S) OF RECORD: CITY OF DALLAS  
STREET ADDRESS: 1500 MARILLA STREET, DALLAS, TEXAS 75201  
DEED VOLUME: 93034 PAGE: 797  
BLOCK NUMBER: BLOCK Z/4377  
SURVEY: JAMES COLE, ABSTRACT NUMBER 232

### AREA SUMMARY

WHOLE PROPERTY: 3.284 Ac  
PARCEL AREAS: 0.0108 Ac  
FEE: 0.0108 Ac



**NATHAN D. MAIER**  
CONSULTING ENGINEERS, INC.  
8080 PARK LANE STE. 600  
DALLAS, TEXAS 75231  
Texas Reg. No. 100189-00

### DART PROJECT



SCALE	AS SHOWN
DRAWN	M. DEBEAR
DESIGNED	C. MATTHEWS
CHECKED	J. NELSON
IN CHARGE	J. NELSON
DATE	10 JAN 13

**LIGHT RAIL TRANSIT SYSTEM**  
**LINE SECTION SOC-3**  
**PARCEL NUMBER**  
**SOC3-15**  
**SHEET 5 OF 7**



CONTRACT Dwg No. **SOC3-15**

# EXHIBIT A



SCALE (IN FEET)

0 25 50 100

MATCH LINE - SEE SHEET 5

MATCH LINE - SEE SHEET 7

TOMAS ALENAN AND JUAN ALENAN  
VOLUME 2003018, PAGE 8137  
FILED JAN. 27, 2003  
  
BETHS A PORTION OF LOTS 1,2,3 & 4  
AND ALL OF LOT 5, BLOCK Y/4378,  
GLENDALE ACRES  
VOLUME 1, PAGE 517

DRAINAGE EASEMENT  
VOLUME 97030, PAGE 727  
EXHIBIT "A", PAGE 3

SLOPE EASEMENT  
VOLUME 97030, PAGE 750  
EXHIBIT "A", PARCEL SE-3

CITY OF DALLAS  
EASEMENT FOR PASSAGE OF VEHICULAR AND  
PEDESTRIAN TRAFFIC AND DRAINAGE AND UTILITIES  
VOLUME 97030, PAGE 742  
EXHIBIT "A", PARCEL 3

WAGON WHEELS TRAIL  
(VARIABLE WIDTH RIGHT-OF-WAY)  
VOLUME 1, PAGE 517  
EASEMENT - S 74°03'23" V. 500.23'

SLOPE EASEMENT  
VOLUME 97030, PAGE 750

CITY OF DALLAS  
EASEMENT FOR PASSAGE OF VEHICULAR AND  
PEDESTRIAN TRAFFIC AND DRAINAGE AND UTILITIES  
VOLUME 97107, PAGE 1469  
EXHIBIT "A", PARCEL 2

CITY OF DALLAS  
EASEMENT FOR PASSAGE OF VEHICULAR AND  
PEDESTRIAN TRAFFIC AND DRAINAGE AND UTILITIES  
PARCEL 5  
VOLUME 97030, PAGE 742

N 73°08'08" E 919.11'  
EASEMENT - S 74°03'23" V. 918.92'

JO ANN SMITH  
VOL. 2001137, PG. 4188  
FILED JULY 13, 2001  
AND  
VOL. 2005178, PG. 11690  
FILED SEPT. 9, 2005  
LOT 5, BLOCK Z/4377 & LOT 6, BLOCK Z/4378  
GLENDALE ACRES  
VOL. 1, PG. 517

CITY OF DALLAS  
TRACT II  
CALLED 23.248 ACRES  
VOLUME 2000137, PAGE 3789  
FILED JULY 17, 2000  
  
PART OF CITY BLOCK 8902 AND  
PART OF LOTS 7, 8 & 9, BLOCK Z/4378  
GLENDALE ACRES  
VOLUME 1, PAGE 517

### LEGEND

- FOUND MONUMENT (AS NOTED)
- ½" IRON SET WITH PLASTIC CAP STAMPED "TX REG NO 100189-00" (EXCEPT AS NOTED)
- CM CONTROLLING MONUMENT
- P.O.C. POINT OF COMMENCING
- P.O.B. POINT OF BEGINNING

### PROPERTY DATA

PROPERTY OWNER(S) OF RECORD: CITY OF DALLAS  
STREET ADDRESS: 1500 MARILLA STREET, DALLAS, TEXAS 75201  
DEED VOLUME: 93034 PAGE: 797  
BLOCK NUMBER: BLOCK Z/4377  
SURVEY: JAMES COLE, ABSTRACT NUMBER 232

### AREA SUMMARY

WHOLE PROPERTY: 3.284 Ac  
PARCEL AREAS: 0.0108 Ac  
FEE: 0.0108 Ac

**NDM**  
NATHAN D. MAIER  
CONSULTING ENGINEERS, INC.

8080 PARK LANE STE. 800  
DALLAS, TEXAS 75231  
Texas Reg. No. 100189-00

### DART PROJECT



SCALE	AS SHOWN
DRAWN	N. BISHARA
DESIGNED	S. MATTHEWS
CHECKED	J. NELSON
IN CHARGE	J. NELSON
DATE	14 JAN 13

LIGHT RAIL TRANSIT SYSTEM  
LINE SECTION SOC-3  
PARCEL NUMBER  
SOC3-15  
SHEET 6 OF 7



CONTRACT

DWG No.

SOC3-15

# EXHIBIT A

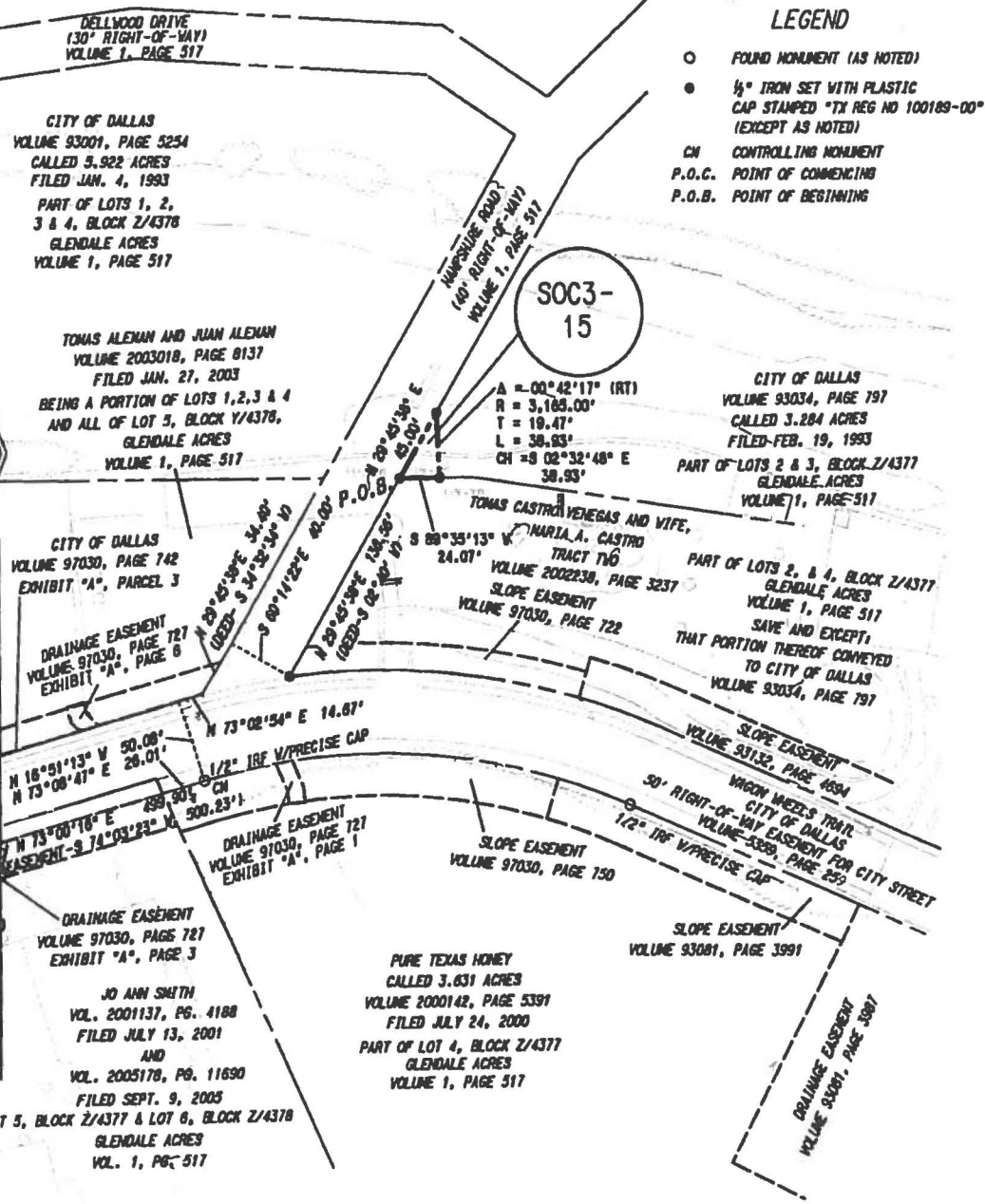


SCALE (IN FEET)  
0 25 50 100



*Handwritten signature and date:*  
01/14/2013

MATCH LINE - SEE SHEET 6



### LEGEND

- FOUND MONUMENT (AS NOTED)
- 1/2" IRON SET WITH PLASTIC CAP STAMPED "TX REG NO 100189-00" (EXCEPT AS NOTED)
- CM CONTROLLING MONUMENT
- P.O.C. POINT OF COMMENCING
- P.O.B. POINT OF BEGINNING

### PROPERTY DATA

PROPERTY OWNER(S) OF RECORD: CITY OF DALLAS  
 STREET ADDRESS: 1500 MARILLA STREET, DALLAS, TEXAS 75201  
 DEED VOLUME: 93034 PAGE: 797  
 BLOCK NUMBER: BLOCK Z/4377  
 SURVEY: JAMES COLE, ABSTRACT NUMBER 232

### AREA SUMMARY

WHOLE PROPERTY: 3.284 Ac  
 PARCEL AREAS: 0.0108 Ac  
 FEE: 0.0108 Ac



**NATHAN D. MAIER**  
 CONSULTING ENGINEERS, INC.  
 8080 PARK LANE STE. 600  
 DALLAS, TEXAS 75231  
 Texas Reg. No. 100189-00

### DART PROJECT



SCALE	AS SHOWN
DRAWN	H. DESHER
DESIGNED	G. MATTHEWS
CHECKED	J. MELTON
IN CHARGE	J. MELTON
DATE	18 JAN 13

**LIGHT RAIL TRANSIT SYSTEM**  
**LINE SECTION SOC-3**  
**PARCEL NUMBER**  
**SOC3-15**  
**SHEET 7 OF 7**

CAES	CONTRACT	DWG No.	SOC3-15
------	----------	---------	---------





**KEY FOCUS AREA:** Economic Vibrancy  
**AGENDA DATE:** February 10, 2016  
**COUNCIL DISTRICT(S):** 3  
**DEPARTMENT:** Sustainable Development and Construction  
**CMO:** Ryan S. Evans, 671-9837  
**MAPSCO:** 65L

---

**SUBJECT**

A resolution authorizing the conveyance of approximately 15,574 square feet of land for a public mass transit easement across City-owned land to Dallas Area Rapid Transit, located near the intersection of Hampshire Road and Wagon Wheels Trail - Revenue: \$4,073

**BACKGROUND**

This item is on the addendum because additional review time was required. This item will authorize the conveyance of approximately 15,574 square feet for a public mass transit easement across City-owned land to Dallas Area Rapid Transit (DART), located near the intersection of Hampshire Road and Wagon Wheels Trail. The public mass transit easement will serve DART's light rail SOC3 line. The purchase price of \$4,073 is based on an independent appraisal.

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

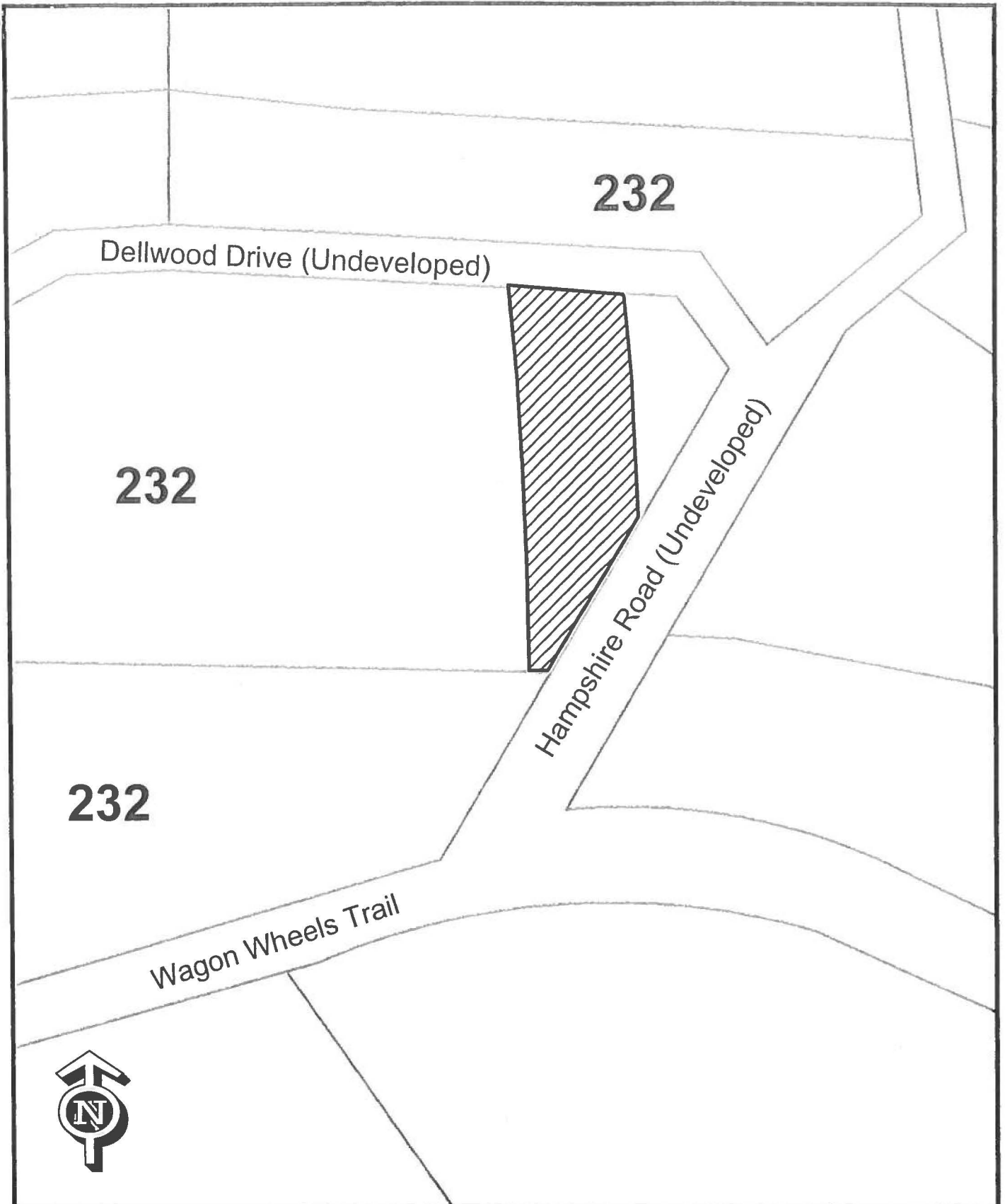
Council will be briefed by memorandum regarding this item.

**FISCAL INFORMATION**

Revenue: \$4,073

**MAP**

Attached



**Legend**

 DART Light Rail Right-of-Way

**DALLAS AREA RAPID TRANSIT**

**SOG3-3**  
CITY OF DALLAS

**STREET ADDRESS**

1947 Hampshire Road  
Dallas, TX 75241



February 10, 2016

**WHEREAS**, the City of Dallas is the owner of certain tracts of land used for Five Mile Creek; and

**WHEREAS**, Dallas Area Rapid Transit, a regional transportation authority, has requested a Public Mass Transit Easement for it's South Oak Cliff Corridor Blue Line Extension (SOC-3) to construct, reconstruct, operate, and perpetually maintain public transit facilities, including without limitation associated utilities including communication facilities, bridge structures, spans, signs, traffic control devices and any other related facilities or structures that facilitate, support, or promote public transit; containing approximately 15,574 square feet, located in Block Y/4376, Dallas County, Texas, and located near the intersection of Hampshire Road and Wagon Wheels Trail and being more fully described in Exhibit A, attached hereto; and

**WHEREAS**, on August 13, 1983, Dallas Area Rapid Transit Authority (DART) was created as a regional transportation authority organized and existing pursuant to Chapter 452, Texas Transportation Code, for the purpose of providing public transportation and general transportation services within the DART service area, which includes the City of Dallas, a Texas home rule municipal corporation, and surrounding regions; and

**WHEREAS**, on February 28, 1990, Dallas City Council Resolution No. 90-0810 approved a Master Interlocal Agreement ("Master ILA") between DART and City regarding DART's system and establishing a cooperative and supportive relationship between DART and City; and the Master ILA has undergone numerous supplementations and amendments over the years as City and DART have sought to address newly arising circumstances, issues, and needs; and

**WHEREAS**, as a governmental entity having certain powers of eminent domain the bidding provisions of Section 272.001 of the Local Government Code and certain provisions of Section 2-24 of the Dallas City Code do not apply to this conveyance;

**Now, Therefore,**

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

**SECTION 1.** That upon receipt of **FOUR THOUSAND SEVENTY-THREE AND NO/100 (\$4,073.00) DOLLARS** from Dallas Area Rapid Transit ("DART"), the City Manager or designee is authorized to execute a Public Mass Transit Easement, to be attested by the City Secretary upon approval as to form by the City Attorney for the approximately 15,574 square feet of land, Block Y/4376, Dallas County, Texas and located near the intersection of Hampshire Road and Wagon Wheels Trail and more fully described in Exhibit A, attached hereto, to DART as **GRANTEE**.

February 10, 2016

**SECTION 2.** That the Public Mass Transit Easement shall provide that the conveyance to ("GRANTEE") is subject to the following:

- (a) GRANTEE shall keep the creek area clean, including but not limited to removing any blockage and maintaining the adjacent banks and vegetation.

**SECTION 3.** That the sale proceeds shall be deposited into the General Fund 0001, Dept DEV, Bal Sheet 0519 and Department of Development Services, Real Estate Division shall be reimbursed for the cost of obtaining legal description, appraisal and other administrative costs incurred. The reimbursement proceeds shall be deposited in General Fund 0001, Dept DEV, Unit 1183, Object 5011 and any remaining proceeds shall be transferred to the General Capital Reserve Fund 0625, Agency BMS, Org 8888, Revenue Source 8118.

**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:**  
**WARREN M. S. ERNST, City Attorney**

BY   
Assistant City Attorney

# EXHIBIT A

DART PARCEL SOC3-3  
PROPERTY OF CITY OF DALLAS  
JAMES COLE SURVEY, ABSTRACT NO. 232  
CITY OF DALLAS  
DALLAS COUNTY, TEXAS

Page 1 of 7  
DECEMBER 28, 2012

BEING a 15,574 square foot tract of land situated in the James Cole Survey, Abstract No. 232, in City Block Y/4376 of the City of Dallas, Dallas County, Texas, and being a portion of that called 5.922 acre tract of land conveyed to the City of Dallas in General Warranty Deed as recorded in Volume 93001, Page 5254 of the Deed Records of Dallas County, Texas (D.R.D.C.T.), said called 5.922 acre tract being portions of Lots 1, 2, 3 and 4, Block Y/4376 of Glendale Acres, an addition to the City of Dallas according to the plat thereof recorded in Volume 1, Page 517, of the Map Records of Dallas County, Texas (M.R.D.C.T.), and being more particularly described by metes and bounds as follows:

COMMENCING at a PK nail found in the west line of a called 23.248 acre tract of land conveyed to the City of Dallas and described as Tract II in Exhibit "A" of the Special Warranty Deed as recorded in Volume 2000137, Page 3769, D.R.D.C.T., said Tract II being a portion of City Block 6902 and a portion of Lots 7, 8 and 9, City Block Z/4378 of said Glendale Acres addition, said west line being the east line of Singing Hills No. Two, an addition to the City of Dallas, Texas according to the plat thereof recorded in Volume 35, Page 189, M.R.D.C.T. and in the east right-of-way line of a 15' alley as reflected on said plat of Singing Hills No. Two, said PK nail being the southwest corner of a variable width easement for the passage of vehicular and pedestrian traffic granted to the City of Dallas and described as Parcel 2 in Exhibit "A" of the instrument as recorded in Volume 97107, Page 1469, D.R.D.C.T.;

THENCE N 73°06'08" E (easement ~ S 74°03'23" W), departing the west line of said City of Dallas called 23.248 acre tract, the east line of said Singing Hills No. Two and the east line of said 15' alley and with the south line of said easement for the passage of vehicular and pedestrian traffic (Volume 97107, Page 1469, D.R.D.C.T.), 919.11 feet (easement ~ 918.92 feet) to the southeast corner of said easement, said southeast corner being in the east line of said City of Dallas called 23.248 acre tract and in the west line of that certain tract of land conveyed to Jo Ann Smith according to the Warranty Deed as recorded in Volume 2001137, Page 4188, D.R.D.C.T. and the General Warranty Deed (Cash) as recorded in Volume 2005178, Page 11690 of the Official Public Records of Dallas County, Texas (O.P.R.D.C.T.), said Jo Ann Smith tract being Lot 6, City Block Z/4378 and Lot 5, City Block Z/4377 of said Glendale Acres addition, said southeast corner of the easement for the passage of vehicular and pedestrian traffic (Volume 97107, Page 1469, D.R.D.C.T.) also being the southwest corner of a variable width easement for the passage of vehicular and pedestrian traffic granted to the City of Dallas and described as Parcel 5 in Exhibit "A" of the instrument as recorded in Volume 97030, Page 742, D.R.D.C.T.;

THENCE N 73°00'16" E (easement ~ S 74°03'23" W), departing the west line of said Jo Ann Smith tract and the east line of said City of Dallas called 23.248 acre tract and with the south line of said easement for the passage of vehicular and pedestrian traffic (Parcel 5, Volume 97030, Page 742, D.R.D.C.T.), 499.90 feet (easement ~ 500.23 feet) to the southeast corner of said easement for the passage of vehicular and pedestrian traffic (Parcel 5, Volume 97030, Page 742, D.R.D.C.T.), said southeast corner being in the east line of said Jo Ann Smith tract and being the northwest corner of a called



# EXHIBIT A

DART PARCEL SOC3-3  
PROPERTY OF CITY OF DALLAS  
JAMES COLE SURVEY, ABSTRACT NO. 232  
CITY OF DALLAS  
DALLAS COUNTY, TEXAS

Page 2 of 7  
DECEMBER 28, 2012

3.631 acre tract conveyed to Pure Texas Honey in the Special Warranty Deed as recorded in Volume 2000142, Page 5391, D.R.D.C.T., said Pure Texas Honey tract being a portion of Lot 4, City Block Z/4377 of said Glendale Acres addition, said southeast corner also being the southwest corner of a 50' right-of-way easement for city street granted to the City of Dallas according to the instrument recorded in Volume 5359, Page 259, D.R.D.C.T., said 50' right-of-way easement for city street being a part of Wagon Wheels Trail (a variable width right-of-way, formerly Hampshire Road, a 40' right-of-way as reflected on the aforementioned plat of Glendale Acres addition);

THENCE N 73°08'48" E (deed ~ N 77°49'50" E), departing the east line of said Jo Ann Smith tract and with the north line of said Pure Texas Honey tract and the south line of said Wagon Wheels Trail, 26.01 feet (deed ~ 26.00 feet) to a 1/2" iron rod with plastic cap stamped "PRECISE" found for corner at a point of curvature of the north line of said Pure Texas Honey tract and the south line of said Wagon Wheels Trail;

THENCE N 16°51'13" W, departing the north line of said Pure Texas Honey tract and the south line of said 50' right-of-way easement and crossing said Wagon Wheels Trail, and crossing a variable width easement for the passage of vehicular and pedestrian traffic granted to the City of Dallas and described as Parcel 3 in Exhibit "A" of the aforementioned instrument recorded in Volume 97030, Page 742, D.R.D.C.T., 50.08 feet to the north line of said easement for the passage of vehicular and pedestrian traffic (Parcel 3, Volume 97030, Page 742, D.R.D.C.T.), said easement for the passage of vehicular and pedestrian traffic (Parcel 3, Volume 97030, Page 742, D.R.D.C.T.) being a portion of that certain tract of land conveyed to Tomas Aleman and Juan Aleman and described in the Warranty Deed as recorded in Volume 2003018, Page 8137, D.R.D.C.T., said Aleman tract being portions of Lots 1,2,3 and 4 and all of Lot 5, City Block Y/4376 of said Glendale Acres addition;

THENCE N 73°02'54" E (easement ~ N 74°03'23" E), with the north line of said easement for the passage of vehicular and pedestrian traffic (Parcel 3, Volume 97030, Page 742, D.R.D.C.T.), 14.67 feet to the east corner of said easement, said east corner being the common southeast corner of said Lot 1, City Block Y/4376 of said Glendale Acres addition and the southeast corner of said Aleman tract and being the intersection of the north right-of-way line of said Wagon Wheels Trail with the westerly right-of-way line of Hampshire Road (40' right-of-way);

THENCE N 29°45'38" E (Aleman deed ~ S 34°32'34" W), with the easterly line of said Aleman tract and said westerly right-of-way line of Hampshire Road, 147.71 feet to a 1/2 inch iron rod with a plastic cap stamped "TX REG NO 100189-00" set for the POINT OF BEGINNING, same being the common northeast corner of said Aleman tract and the southeast corner of a called 5.922 acre tract of land conveyed to the City of Dallas and described in the General Warranty Deed as recorded in Volume 93001, Page 5254, D.R.D.C.T., said City of Dallas called 5.922 acre tract being portions of Lots 1,2,3 and 4, City Block Y/4376 of said Glendale Acres addition;

# EXHIBIT A

DART PARCEL SOC3-3  
PROPERTY OF CITY OF DALLAS  
JAMES COLE SURVEY, ABSTRACT NO. 232  
CITY OF DALLAS  
DALLAS COUNTY, TEXAS

Page 3 of 7  
DECEMBER 28, 2012

THENCE S 89°35'13" W (Aleman deed ~ S 85°40'00" E), with the northerly line of said Aleman tract and the southerly line of said called 5.922 acre City of Dallas tract, 9.70 feet to the beginning of a non-tangent curve (unable to monument) to the left having a central angle of 04°35'02", a radius of 3,085.00 feet, a tangent of 123.48 feet and a chord which bears N 04°31'57" W, 246.75 feet;

THENCE Northerly, departing said northerly line of the Aleman tract and the southerly line of said called 5.922 acre City of Dallas tract and along said non-tangent curve to the left, an arc distance of 246.82 feet to a 1/2 inch iron rod with a plastic cap stamped "TX REG NO 100189-00" set in the southerly right-of-way line of Dellwood Drive (a 30' right-of-way as reflected on the aforementioned plat of Glendale Acres addition) and the northerly line of said called 5.922 acre City of Dallas tract for the end of said curve;

THENCE S 86°45'40" E (City of Dallas deed ~ no called bearing), along said southerly right-of-way line of Dellwood Drive and said northerly line of said called 5.922 acre City of Dallas tract, 81.22 feet to a 1/2 inch iron rod with a plastic cap stamped "TX REG NO 100189-00" set for the beginning of a non-tangent curve to the right having a central angle of 02°21'01", a radius of 3,165.00 feet, a tangent of 64.92 feet and a chord which bears S 05°23'32" E, 129.82 feet;

THENCE Southerly, departing said southerly right-of-way line of Dellwood Drive and said northerly line of said called 5.922 acre City of Dallas tract and along said non-tangent curve to the right, an arc distance of 129.82 feet to a 1/2 inch iron rod with a plastic cap stamped "TX REG NO 100189-00" set in the aforementioned westerly right-of-way line of Hampshire Road for the end of said curve;

THENCE S 29°45'38" W (City of Dallas deed ~ no called bearing), with said westerly right-of-way line of Hampshire Road, 129.11 feet to the POINT OF BEGINNING and containing 15,574 square feet or 0.3575 acre of land, more or less.

EXHIBIT A

DART PARCEL SOC3-3  
PROPERTY OF CITY OF DALLAS  
JAMES COLE SURVEY, ABSTRACT NO. 232  
CITY OF DALLAS  
DALLAS COUNTY, TEXAS

Page 4 of 7  
DECEMBER 28, 2012

BASIS OF BEARING for this survey is referenced to Texas Department of Transportation survey control monuments R0570089 and R0570029 tied with the Western Data Systems Texas Cooperative Network (www.txrtk.com) and is referenced to NAD83 State Plane Coordinate System, Texas North Central Zone 4202. Stations DUNP-g0811 and DSIA-g081 were utilized as base stations during GPS data collection sessions.

I certify that this property description and attached plat represents a survey made on the ground under my supervision during the months of March through December 2012.



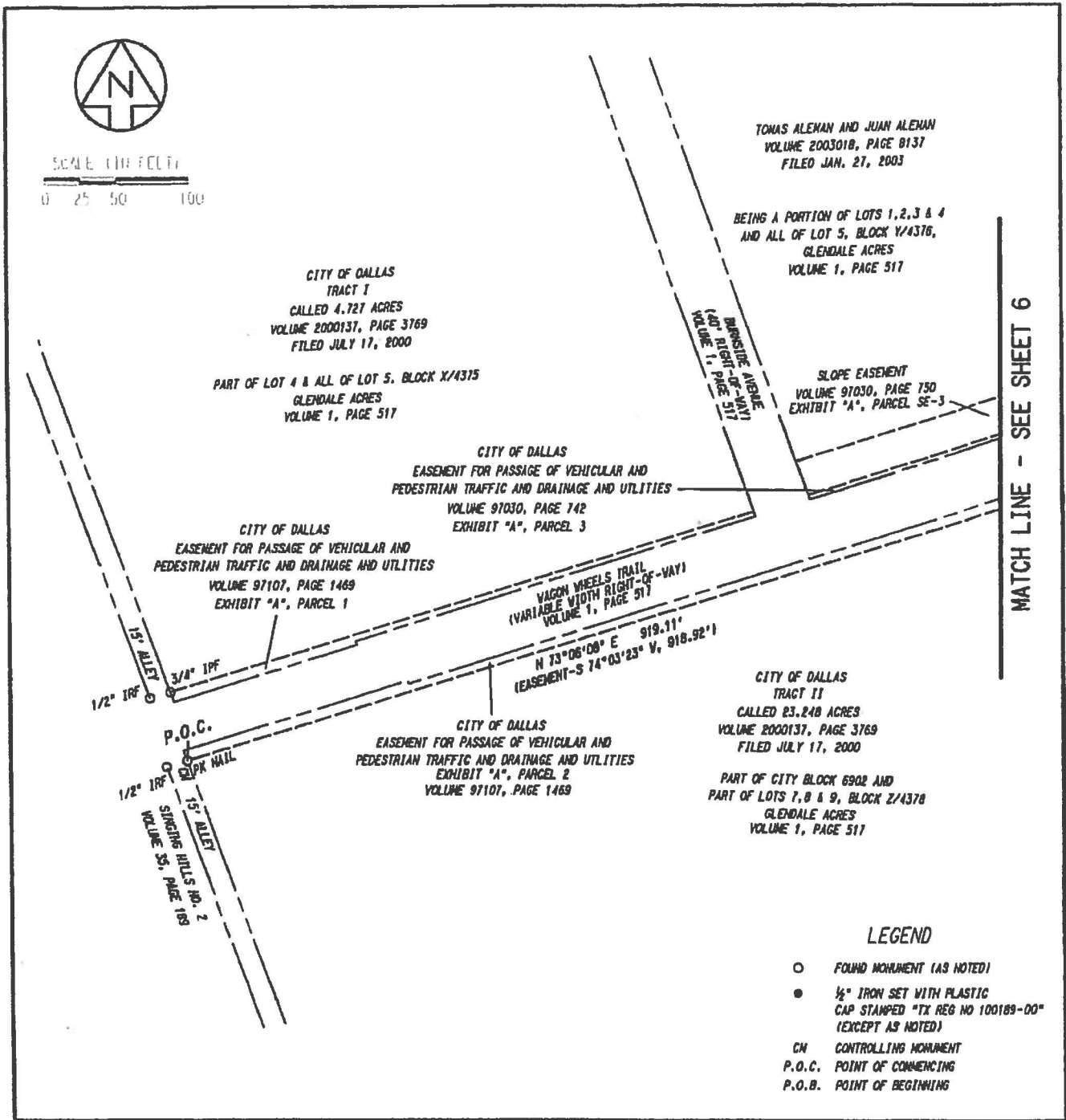
John L. Melton, Texas R.P.L.S. No. 4268  
Registered Professional Land Surveyor  
Nathan D. Maier Consulting Engineers, Inc.  
8080 Park Lane Suite 600  
Dallas, Texas 75231  
(214) 739-4741



12/28/2012  
Date



# EXHIBIT A



MATCH LINE - SEE SHEET 6

### LEGEND

- FOUND MONUMENT (AS NOTED)
- 1/2" IRON SET WITH PLASTIC CAP STAMPED "TX REG NO 100189-00" (EXCEPT AS NOTED)
- CM CONTROLLING MONUMENT
- P.O.C. POINT OF COMMENCING
- P.O.B. POINT OF BEGINNING

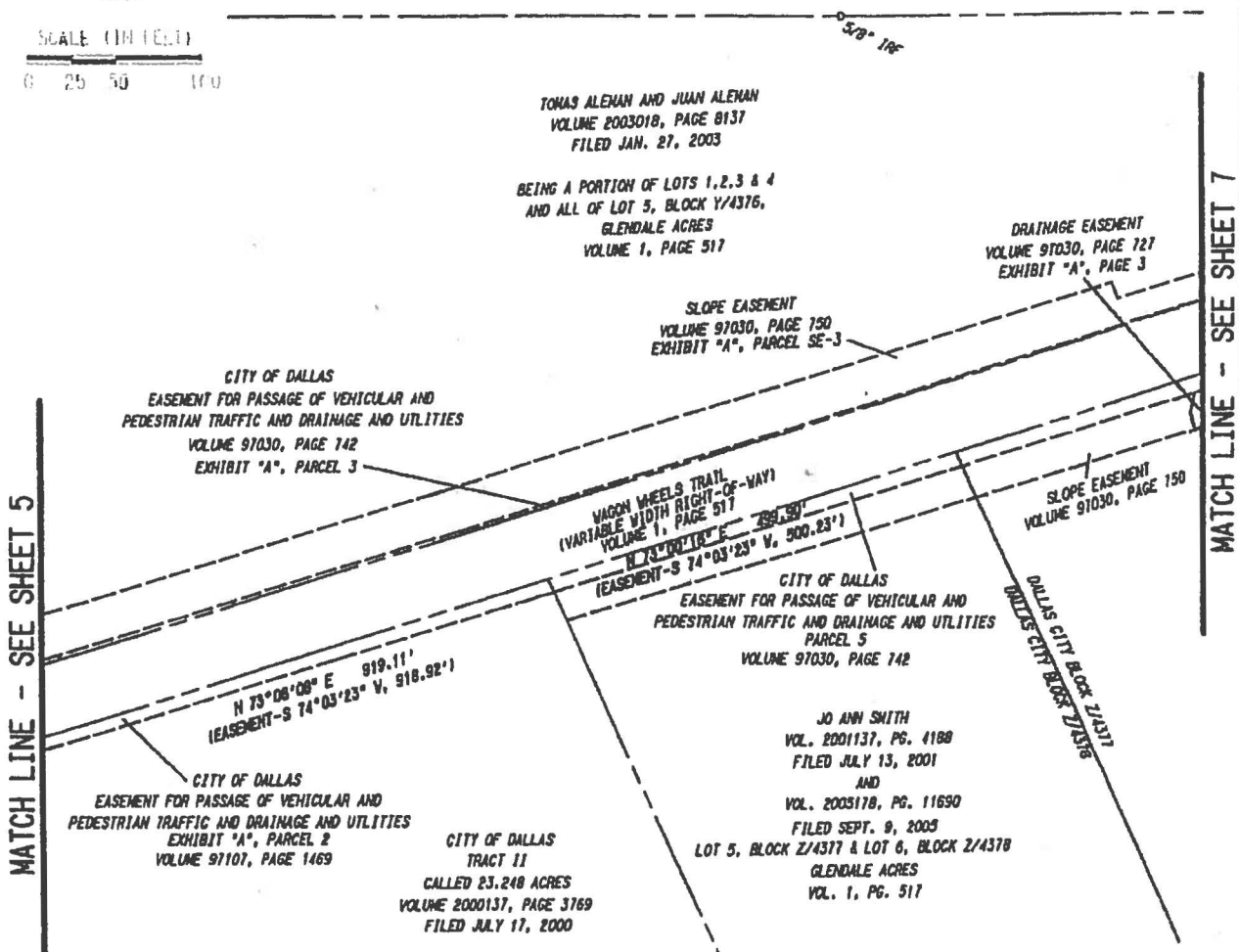
PROPERTY DATA	AREA SUMMARY
<p>PROPERTY OWNER(S) OF RECORD: CITY OF DALLAS                      STREET ADDRESS: 1500 MARILLA STREET, DALLAS, TEXAS 75201                      DEED VOLUME: 93001 PAGE: 5254                      BLOCK NUMBER: BLOCK Y/4378                      SURVEY: JAMES COLE, ABSTRACT NUMBER 232</p>	<p>WHOLE PROPERTY: 5.922 Ac                      PARCEL AREAS: 0.3575 Ac                      FEE: 0.3575 Ac</p>

 <b>NDM</b> NATHAN D. MAIER CONSULTING ENGINEERS, INC. 8080 PARK LANE STE. 800 DALLAS, TEXAS 75231 Texas Reg. No. 100189-00	<b>DART PROJECT</b> 	SCALE: AS SHOWN	<b>LIGHT RAIL TRANSIT SYSTEM</b> LINE SECTION SOC-3 PARCEL NUMBER SOC3-3 SHEET 5 OF 7
		DESIGNER: M. GOSWAMI CHECKED: G. MATTHEWS IN CHARGE: J. HELTON DATE: 28 DEC 12	
			CONTRACT: _____ DWG No.: SOC3-3

# EXHIBIT A



SCALE (IN FEET)  
0 25 50 100



MATCH LINE - SEE SHEET 5

MATCH LINE - SEE SHEET 7

**PROPERTY DATA**  
PROPERTY OWNER(S) OF RECORD: CITY OF DALLAS  
STREET ADDRESS: 1500 MARILLA STREET, DALLAS, TEXAS 75201  
DEED VOLUME: 93001 PAGE: 5254  
BLOCK NUMBER: BLOCK Y/4376  
SURVEY: JAMES COLE, ABSTRACT NUMBER 232

**AREA SUMMARY**  
WHOLE PROPERTY: 5.922 Ac  
PARCEL AREAS: 0.3575 Ac  
FEE: 0.3575 Ac

- LEGEND**
- FOUND MONUMENT (AS NOTED)
  - 1/2" IRON SET WITH PLASTIC CAP STAMPED "TX REG NO 100189-00" (EXCEPT AS NOTED)
  - CH CONTROLLING MONUMENT
  - P.O.C. POINT OF COMMENCING
  - P.O.B. POINT OF BEGINNING

**NDM**  
NATHAN D. MAIER  
CONSULTING ENGINEERS, INC.  
8080 PARK LANE STE. 600  
DALLAS, TEXAS 75231  
Texas Reg. No. 100189-00

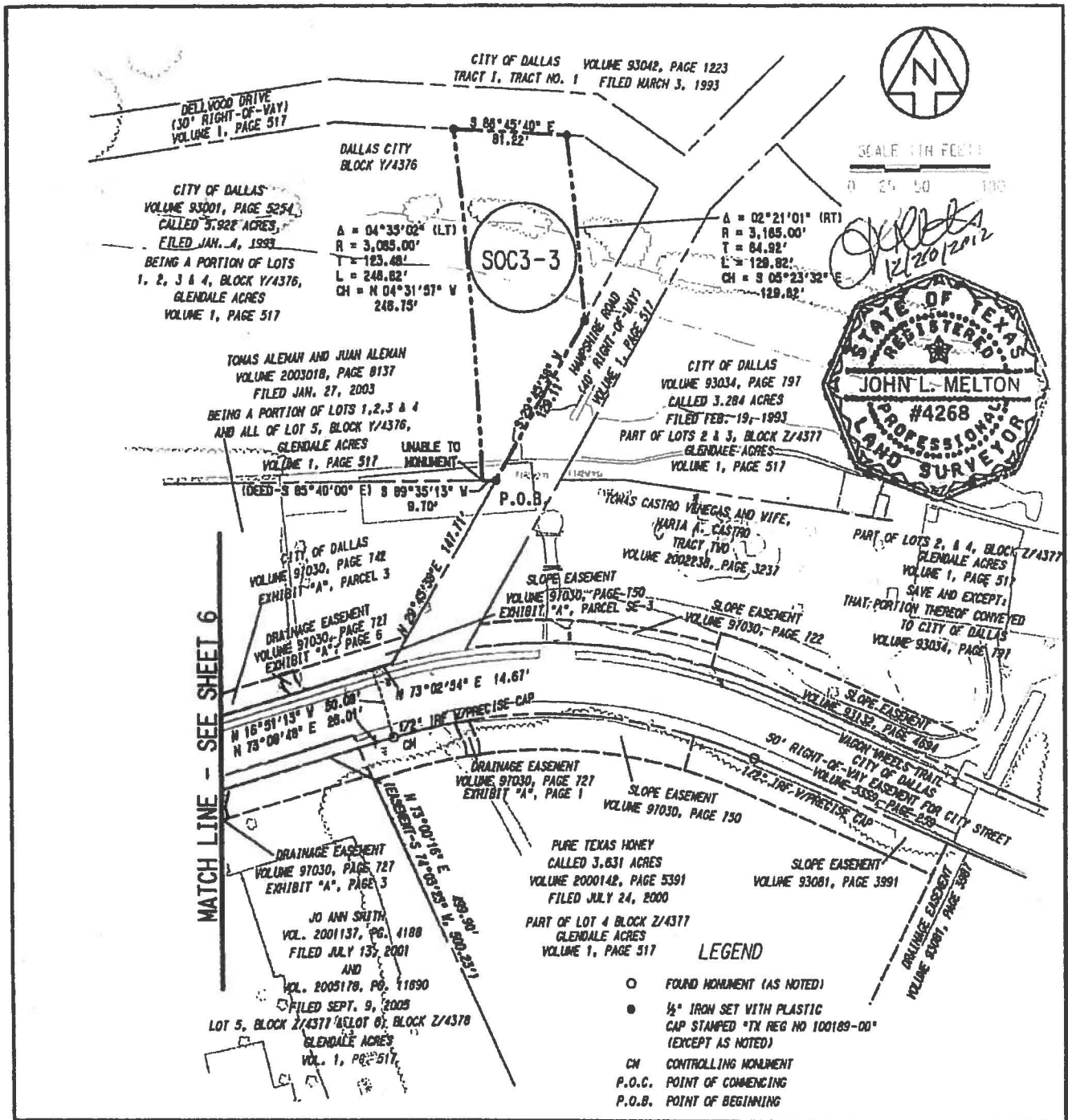
**DART PROJECT**

SCALE	AS SHOWN
DRAWN	D. B. SWEET
DESIGNED	C. MATHIAS
CHECKED	J. MATHIAS
IN CHARGE	J. MATHIAS
DATE	18 DEC 12

**LIGHT RAIL TRANSIT SYSTEM**  
**LINE SECTION SOC-3**  
**PARCEL NUMBER**  
**SOC3-3**  
**SHEET 6 OF 7**

CONTRACT **CAES** Dwg No. **SOC3-3**

# EXHIBIT A



PROPERTY DATA	AREA SUMMARY
PROPERTY OWNER(S) OF RECORD: CITY OF DALLAS	WHOLE PROPERTY: 5.922 Ac
STREET ADDRESS: 1500 MARILLA STREET, DALLAS, TEXAS 75201	PARCEL AREAS: 0.3575 Ac
DEED VOLUME: 93001 PAGE: 5254	FEE: 0.3575 Ac
BLOCK NUMBER: BLOCK Y/4376	
SURVEY: JAMES COLE, ABSTRACT NUMBER 232	

**NDM**  
NATHAN D. MAIER  
CONSULTING ENGINEERS, INC.  
8080 PARK LANE STE. 600  
DALLAS, TEXAS 75231  
Texas Reg. No. 100189-00

**DART PROJECT**

DATE	15 DEC 2012
BY	J. MAIER
CHECKED	C. KATHREIN
DESIGNED	M. BISHAR
DRAWN	J. MAIER
DATE	15 DEC 2012

**LIGHT RAIL TRANSIT SYSTEM**  
**LINE SECTION SOC-3**  
**PARCEL NUMBER**  
**SOC3-3**  
**SHEET 7 OF 7**

CONTRACT DWS No. SOC3-3



**KEY FOCUS AREA:** Economic Vibrancy  
**AGENDA DATE:** February 10, 2016  
**COUNCIL DISTRICT(S):** 11  
**DEPARTMENT:** Sustainable Development and Construction  
**CMO:** Ryan S. Evans, 671-9837  
**MAPSCO:** 16 S

---

**SUBJECT**

An ordinance abandoning a drainage easement to LMI Park Central Two, LLC, the abutting owner, containing approximately 5,175 square feet of land, located near the intersection of Banner and Merritt Drives, and authorizing the quitclaim - Revenue: \$5,400, plus the \$20 ordinance publication fee

**BACKGROUND**

This item is on the addendum because additional review time was required. This item authorizes the abandonment of a drainage easement to LMI Park Central Two, LLC, the abutting owner. The area will be included with the property of the abutting owner for a high rise residential development. 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)**

Council will be briefed by memorandum regarding this item.

**FISCAL INFORMATION**

Revenue: \$5,400, plus the \$20 ordinance publication fee

**OWNER**

**LMI Park Central Two, LLC**

Lennar Multifamily Communities, LLC

Richard Beckwitt, President

**MAP**

Attached



Abandonment Areas: **————**





**ORDINANCE NO. \_\_\_\_\_**

An ordinance providing for the abandonment and relinquishment of a drainage easement, located in City Block C/7731 in the City of Dallas and County of Dallas, Texas; providing for the quitclaim thereof to LMI Park Central Two, LLC; providing for the terms and conditions of the abandonment, relinquishment and quitclaim made herein; 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; 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 LMI Park Central Two, LLC, a Delaware limited liability company; 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 tract of land to **GRANTEE**, and is of the opinion that, subject to the terms and conditions herein provided, said easement is 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 tract of land described in Exhibit A, attached hereto and made a part hereof; subject, however, to the conditions 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 **GRANTEE**, and the further consideration described in Section 8, the City of Dallas does by these presents **FOREVER QUITCLAIM** unto the said **GRANTEE**, subject to the conditions, reservations, and exceptions hereinafter made and with the restrictions and upon the covenants below stated, all its right, title and interest in and to the certain tract or parcel 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 area 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 area set out in Exhibit A, (iii) all corrective actions concerning any discovered Hazardous Substances on or affecting the area 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 area 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 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 monetary consideration set forth in Section 2, plus the fee for the publishing of this ordinance, which **GRANTEE** shall likewise pay, the Director of Department of Sustainable Development and Construction, or designee shall deliver to **GRANTEE** a 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 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:**  
**WARREN M.S. ERNST**  
City Attorney

BY   
Assistant City Attorney

**DAVID COSSUM**  
Director of Department of Sustainable  
Development and Construction

BY   
Assistant Director

Passed \_\_\_\_\_.

# EXHIBIT A

## ABANDONMENT OF 10' DRAINAGE EASEMENT BLOCK C/7731, PARK CENTRAL VI CITY OF DALLAS, DALLAS COUNTY, TEXAS

**BEING** a 5,175 square foot (0.119 acre) tract of land located in the City of Dallas, Dallas County, Texas, part of the Hiram Wilburn Survey, Abstract No. 1568, being part of Block C/7731, Park Central VI, an addition to the City of Dallas according to the plat thereof recorded in Volume 77167, Page 608, Deed Records, Dallas County, Texas, being part of that called 8.996 acre tract of land conveyed to LMI Park Central Two, LLC by Special Warranty Deed recorded as Instrument No. 201300315447, Official Public Records, Dallas County, Texas and being all of that 10' wide Drainage Easement created by plat recorded in Volume 77167, Page 608, Deed Records, Dallas County, Texas, and being more particularly described as follows:

**COMMENCING** at a 1/2" iron rod found for the northeast end of a right-of-way corner clip at the northwest corner of said Block C/7731, being the intersection of the south right-of-way line of Banner Drive (100' R.O.W.) and the east right-of-way line of Merit Drive (variable width R.O.W.);

**THENCE**, along the north line of said Block C/7731 and the south line of Banner Drive, South 89 degrees 12 minutes 19 seconds East, a distance of 134.88 feet to the northwest corner of said 10' Drainage Easement, the **POINT OF BEGINNING**;


**THENCE**, continuing along the south line of Banner Drive and the north line of Block C/7731, South 89 degrees 12 minutes 19 seconds East, a distance of 11.72 feet to the northeast corner of said 10' Drainage Easement, from which a 1/2" iron rod found bears South 89 degrees 12 minutes 19 seconds East, a distance of 679.81 feet;

**THENCE**, departing the south line of Banner Drive, along the southeast line of said 10' Drainage Easement, South 32 degrees 11 minutes 49 seconds West, a distance of 526.41 feet to the southeast corner of said 10' Drainage Easement, being in the west line of Block C/7731;

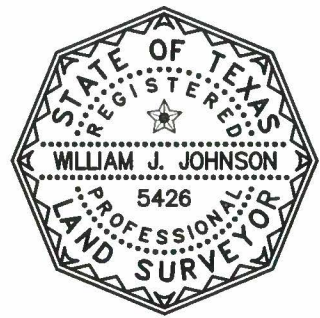
**THENCE**, North 08 degrees 10 minutes 02 seconds West, along the west line of said 10' Drainage Easement and the west line of said Block C/7731, a distance of 15.44 feet to the southwest corner of said 10' Drainage Easement;

**THENCE**, along the northwest line of said 10' Drainage Easement, North 32 degrees 11 minutes 49 seconds East, a distance of 508.54 feet to the **POINT OF BEGINNING** and containing 5,175 square feet or 0.119 acres of land more or less.

**NOTE:** The basis of bearings for the above legal description is the west line of Coit Road (South 00 degrees 44 minutes 55 seconds West), per deed recorded as Instrument No. 201300315447, Official Public Records, Dallas County, Texas.

  
\_\_\_\_\_  
William J. Johnson  
Registered Professional Land Surveyor No. 5426

**REVIEWED BY**  
*JR* 01.07.2016  
SPRG 3530



 903 N. Bowser Road, Suite 240  
Richardson, Texas 75081  
(972) 424-7002 Voice  
(972) 633-1702 Fax  
WWW.SurveyConsultantsInc.Com  
TBPLS Firm No. 10139600

# EXHIBIT A

## ABANDONMENT OF 10' DRAINAGE EASEMENT BLOCK C/7731, PARK CENTRAL VI CITY OF DALLAS, DALLAS COUNTY, TEXAS

### LINE TABLE

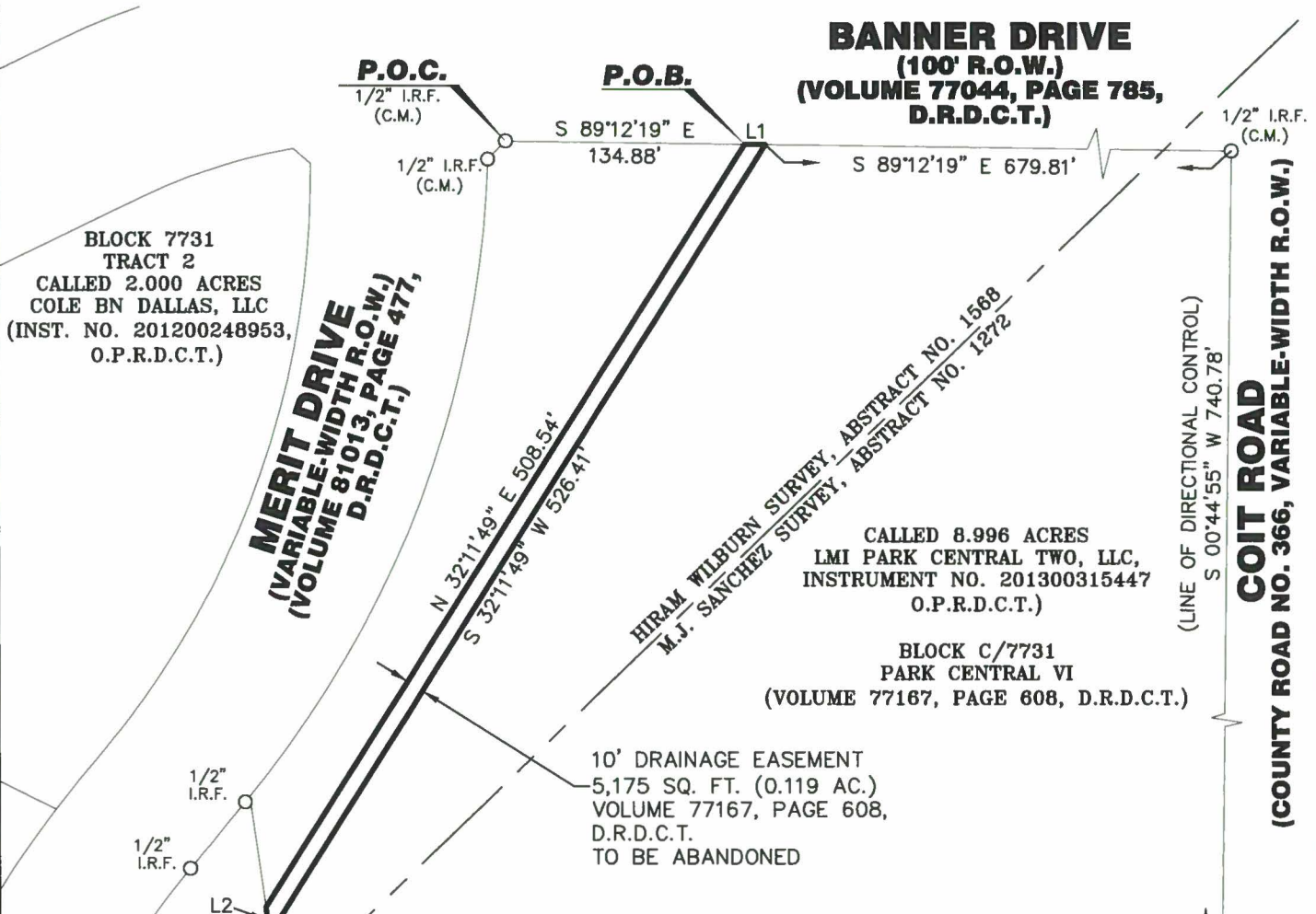
NUMBER	DIRECTION	DISTANCE
L1	S 89°12'19" E	11.72'
L2	N 08°10'02" W	15.44'

### LEGEND

(C.M.)	CONTROLLING MONUMENT
D.R.D.C.T.	DEED RECORDS, DALLAS COUNTY, TEXAS
I.R.F.	IRON ROD FOUND
O.P.R.D.C.T.	OFFICIAL PUBLIC RECORDS, DALLAS COUNTY, TEXAS
P.O.B.	POINT OF BEGINNING
P.O.C.	POINT OF COMMENCING
R.O.W.	RIGHT-OF-WAY



BASIS OF BEARINGS  
WEST R.O.W. LINE OF COIT ROAD  
S 00°44'55" W  
(INSTRUMENT NO. 201300315447, O.P.R.D.C.T.)



BLOCK 7731  
TRACT 2  
CALLED 2.000 ACRES  
COLE BN DALLAS, LLC  
(INST. NO. 201200248953,  
O.P.R.D.C.T.)

CALLED 8.996 ACRES  
LMI PARK CENTRAL TWO, LLC,  
INSTRUMENT NO. 201300315447  
O.P.R.D.C.T.)

BLOCK C/7731  
PARK CENTRAL VI  
(VOLUME 77167, PAGE 608, D.R.D.C.T.)

REVIEWED BY

*JJ* 01-07-2016  
SPRG 3530



*William J. Johnson* 1/6/2016  
William J. Johnson  
Registered Professional Land Surveyor No. 5426



903 N. Bowser Road, Suite 240  
Richardson, Texas 75081  
(972) 424-7002 Voice  
(972) 633-1702 Fax  
WWW.SurveyConsultantsInc.Com  
TBPLS Firm No. 10139600

**KEY FOCUS AREA:** Economic Vibrancy  
**AGENDA DATE:** February 10, 2016  
**COUNCIL DISTRICT(S):** 2  
**DEPARTMENT:** Sustainable Development and Construction  
**CMO:** Ryan S. Evans, 671-9837  
**MAPSCO:** 45M

---

**SUBJECT**

An ordinance abandoning a portion of an alley to Deep Ellum Brewing Company, LLC, the abutting owner, containing approximately 3,450 square feet of land, located near the intersection of St. Louis Street and Malcolm X Boulevard, and authorizing the quitclaim - Revenue: \$83,000, plus the \$20 ordinance publication fee

**BACKGROUND**

This item is on the addendum because additional review time was required. This item authorizes the abandonment of a portion of an alley to Deep Ellum Brewing Company, LLC, the abutting owner. The area will be included with the property of the abutting owner for expanding silo facilities. The abandonment fee is based on an independent appraisal.

Notices were sent to 12 property owners located within 300 feet of the proposed abandonment area. There were no responses received in opposition to this request.

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

Council will be briefed by memorandum regarding this item.

**FISCAL INFORMATION**

Revenue: \$83,000, plus the \$20 ordinance publication fee

**OWNER**

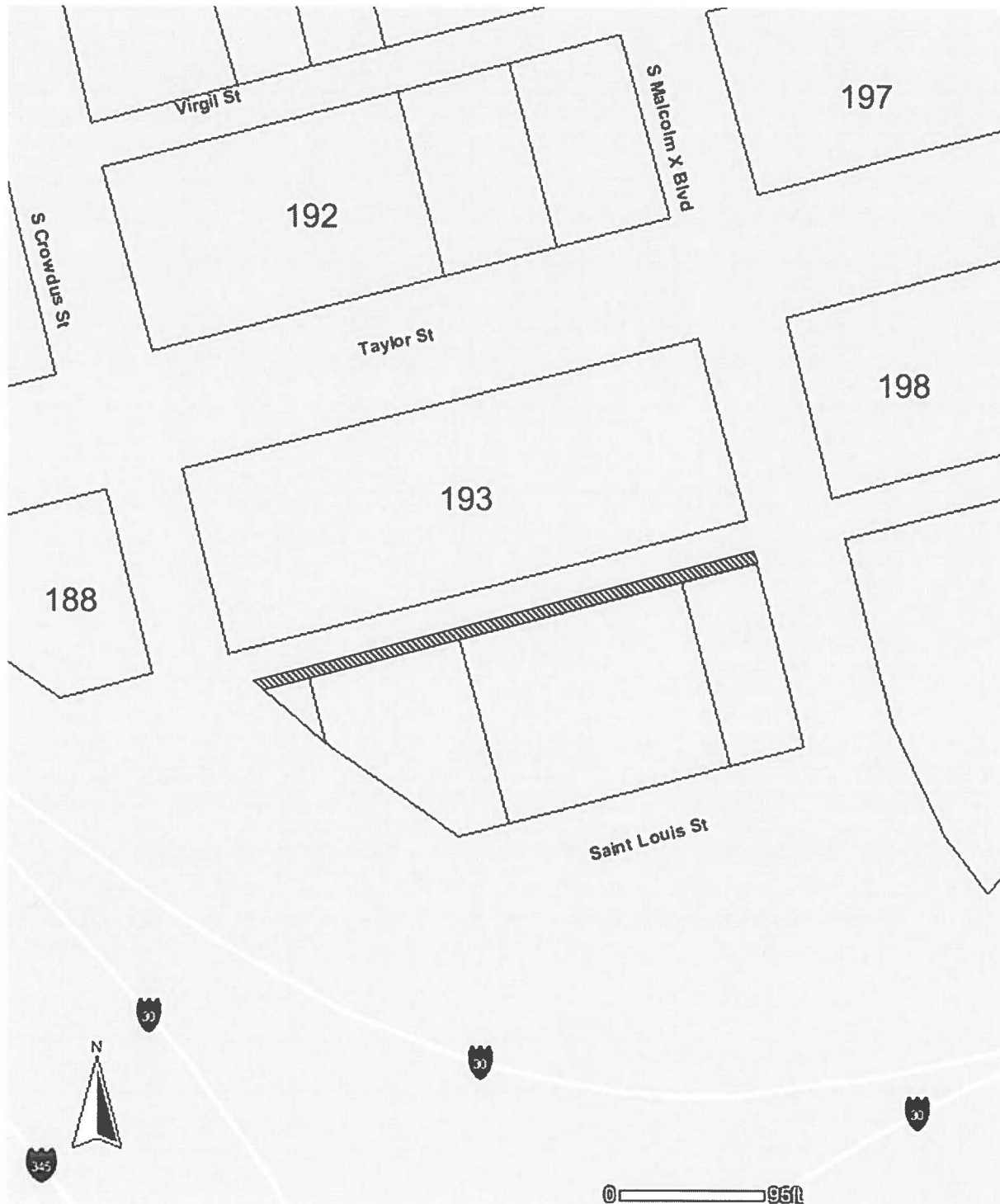
**Deep Ellum Brewing Company, LLC**

John C. Reardon, Chief Executive Officer

**MAP**

Attached





Abandonment area = 



**ORDINANCE NO. \_\_\_\_\_**

An ordinance providing for the abandonment of a portion of an alley located in City Block 11/193 in the City of Dallas and County of Dallas, Texas; providing for the quitclaim thereof to Deep Ellum Brewing Company, LLC; providing for the terms and conditions of the abandonment and quitclaim made herein; providing for barricading; 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; 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 Deep Ellum Brewing Company, LLC, a Texas limited liability company, hereinafter referred to as **GRANTEE**, deems it advisable to abandon and quitclaim the hereinafter described tract of land to **GRANTEE**, and is of the opinion that, subject to the terms and conditions herein provided, said portion of alley is 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 tract 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 hereinafter more fully set out.

**SECTION 2.** That for and in monetary consideration of the sum of **EIGHTY-THREE THOUSAND AND NO/100 DOLLARS (\$83,000.00)** paid by **GRANTEE**, and the further consideration described in Sections 8, 9, 10, and 11, the City of Dallas does by these presents **FOREVER QUITCLAIM** unto the said **GRANTEE**, subject to the conditions, reservations, 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 tract 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 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**, 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 area 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 area set out in Exhibit A; (iii) all corrective actions concerning any discovered Hazardous Substances on or affecting the area 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 area 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, GRANTEE shall:

- a) at no time during or after the project, cause any delay to emergency traffic or cause interruption to water supply in the area.
- b) contact the Texas Excavation Safety System (Texas 811) to have facilities marked and located within affected easements before excavations are started.
- c) maintain a minimum alley width of 15 feet without obstructions, including vertical obstructions, to allow safe access to dumpsters.

**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 passage of this ordinance, 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**, its successors and assigns, to the satisfaction of the Director of Department of Sustainable Development and Construction.

**SECTION 11.** 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 tract 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 12.** 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, 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 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:**  
**WARREN M.S. ERNST**  
City Attorney

**DAVID COSSUM**  
Director of Department of Sustainable  
Development and Construction

BY   
Assistant City Attorney

BY   
Assistant Director

Passed \_\_\_\_\_.

# EXHIBIT A

ALLEY ABANDONMENT  
CROWDUS & AKARD'S ADDITION  
BLOCK 11/193  
ALLEY BETWEEN CROWDUS STREET AND MALCOLM X BOULEVARD  
JOHN GRIGSBY ABSTRACT NO. 495  
CITY OF DALLAS, DALLAS COUNTY, TEXAS

Being 3449.63 square feet of land, more or less, which includes a 10 foot strip of land lying in the JOHN GRIGSBY ABSTRACT NO. 495, North of and adjacent to parts of Lots 8, 9 and 10 and all of Lots 11, 12, 13 and 14 in Block 11/193 of CROWDUS & AKARD'S ADDITION, an addition to the City of Dallas, Dallas County, Texas, according to the plat thereof recorded in Volume 3 at page 523 of the Map Records of Dallas County, Texas and described in Warranty Deed with Vendor's Lien for Deep Ellum Brewing Company, LLC recorded in County Clerk File No. 201100164581, Deed Records, Dallas County, Texas and being more particularly described as follows:

**BEGINNING** at a P.K. nail set for corner, said point being the Northeast corner of Lot 14 of said addition and on the West line of Oakland Avenue (now known as Malcolm X Boulevard);

**THENCE** South 76 degrees 39 minutes West on the North line of Lots 8 thru 14, a distance of 341.50 feet to a Brass Marker in concrete found for corner, said point being on the East line of Crowdus Street;

**THENCE** North 48 degrees 20 minutes 31 seconds West, along the East line of Crowdus Street, a distance of 12.20 feet to an "x" set for corner;

**THENCE** North 76 degrees 39 minutes East, departing the East and parallel to the North line of said Lots 8 thru 14, a distance of 348.42 feet to a  $\frac{1}{2}$  inch iron rod set for corner;

**THENCE** South 13 degrees 46 minutes 57 seconds East, a distance of 10.0 feet to the Place of BEGINNING and containing 3449.63 square feet of land, more or less.

Bearings based upon the centerline of St. Louis Street (per Plat).  
Crowdus & Akard's Addition, Volume 3, Page 523 M.R.D.C.T.  
N 76° 39' 00" E

July 16, 2015

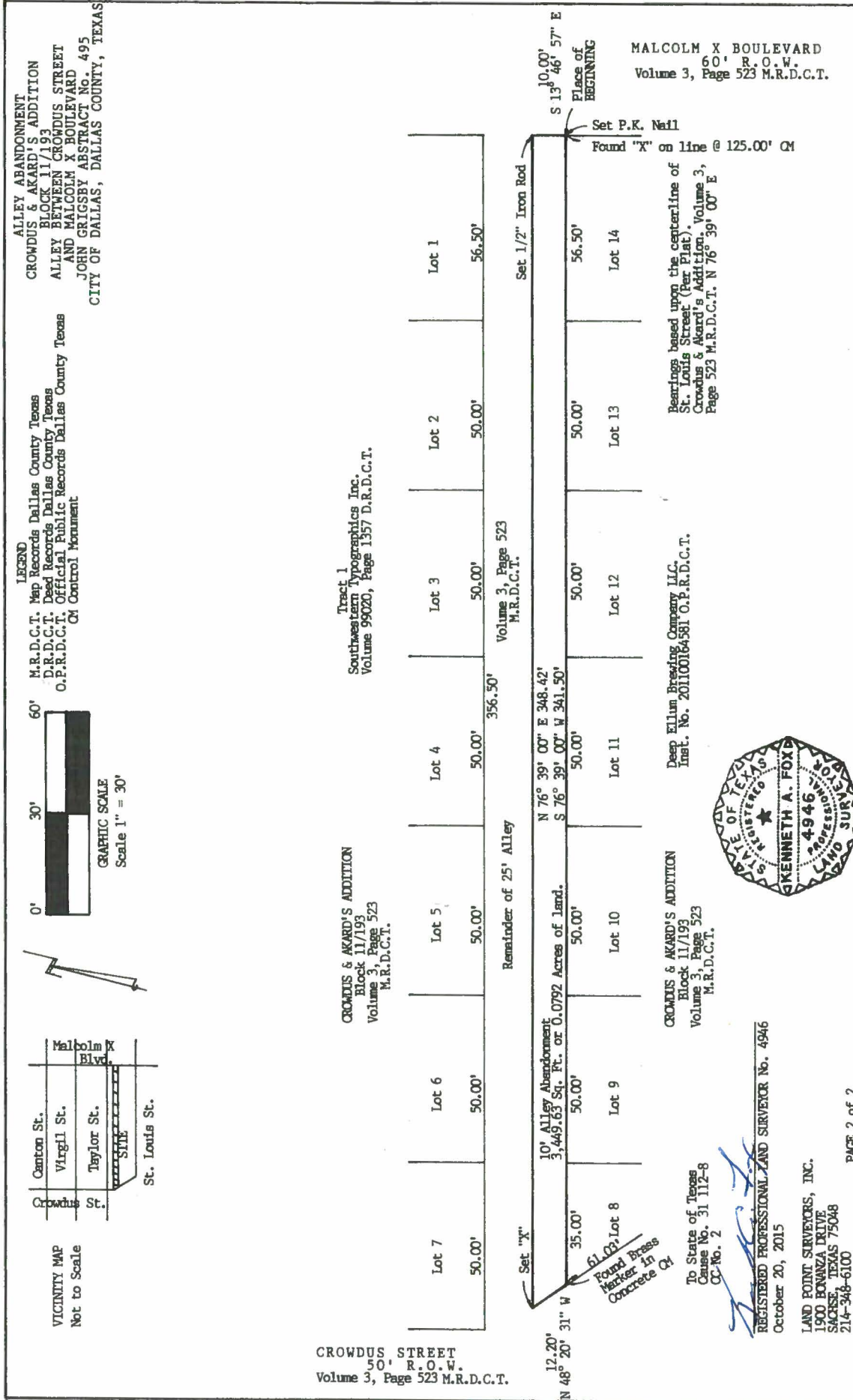
  
Registered Professional Land Surveyor No. 4946



REVIEWED BY  
JL 12-14-15  
SARL 3448



# EXHIBIT A



REVIEWED BY  
JL 12-14-15  
SPAG 348

# 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.

**KEY FOCUS AREA:** Clean, Healthy Environment

**AGENDA DATE:** February 10, 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**

Execute the casting of lots to identify the recommended vendor resulting from tie bids on lines 17, 18, 19, 20, 22, 23, 24, 73, 74, 75, 76, 77, 79 and 139 for bid BA1602 for a three-year master agreement for the purchase of granulated and liquid fertilizers – Winfield Solutions LLC, BWI Dallas/Ft. Worth, Harrell’s LLC and Helena Chemical Company - Financing: This action has no cost consideration to the City

**BACKGROUND**

This item was placed on the addendum to execute the casting of lots for tie bids received from solicitation BA1602 for the purchase of granulated and liquid fertilizers. The council agenda for award recommendation is scheduled for February 24, 2016 and in order to meet this date the results of the tie bids must be selected prior to award.

This action is not intended to make an award, but to execute the casting of lots to identify a vendor for each of the lines for which the City has received identical bids. This process is being executed in accordance with Texas Local Government Code, Section 271.901. This section of the Texas local Government Code states, in part:

- The municipality must select from the identical bids by the casting of lots
- The casting of lots must be in the presence of the governing body of the municipality
- If one of the bidders submitting an identical bid is a resident of the municipality, the municipality must select that bidder

This particular solicitation resulted in identical bids from vendors located outside the city limits.

## **BACKGROUND (Continued)**

Once the vendor(s) are selected for each line by a casting of lots, a recommendation will be presented to the City Council for award on February 24, 2016.

## **BID INFORMATION**

The following bids were received from solicitation number BA1602 and were opened on December 11, 2015. This master agreement will be awarded by line.

<b><u>Bidders</u></b>	<b><u>Address</u></b>	<b><u>Tie Bid Lines</u></b>
Winfield Solutions LLC	1221 Champion Circle #107 Carrollton, TX 75006	Lines 17- 20, 22-24, 73-77, 79 and 139
BWI Dallas/Ft. Worth	1418 Upfield Road Carrollton, TX 75006	Lines 17- 20, 22-24, 73-77, 79 and 139
Harrell's LLC	720 Kraft Road Lareland, FL 33815	Line 139
Helena Chemical Company	225 Schilling Boulevard Suite 300 Gollierville, TN 38017	Line 139

## **OWNERS**

### **Winfield Solutions LLC**

Chris Policinski, President  
Dan Knutson, Vice President

### **BWI Dallas/Ft. Worth**

Jim Bunch, President  
Robert Bunch, President  
Mike Mize, Vice President

### **Harrell's LLC**

Jack Harrell Jr, Chief Executive Officer  
Dave Schermerhorn, Vice President

### **Helena Chemical Company**

Mike McCarty, President  
Dave Thomas, Vice President

**KEY FOCUS AREA:** E-Gov  
**AGENDA DATE:** February 10, 2016  
**COUNCIL DISTRICT(S):** N/A  
**DEPARTMENT:** Mayor and City Council  
**CMO:** A. C. Gonzalez, 670-3297  
**MAPSCO:** N/A

---

**SUBJECT**

A resolution regarding a proposed contract with Three Expo Events, LLC for a three-day expo at the Dallas Convention Center - Financing: No cost consideration to the City

**BACKGROUND**

Three Expo Events, LLC held an adult entertainment expo at the Dallas Convention Center, on August 7-9, 2015. Three Expo Events, LLC would like to enter into a new agreement with the City to hold another adult entertainment expo at the convention center in 2016.

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

Council was briefed in Executive Session on February 3, 2016.

**FISCAL INFORMATION**

No cost consideration to the City.

February 10, 2016

**WHEREAS**, Three Expo Events, LLC requests to contract with the City to hold a three-day adult entertainment expo at the Dallas Convention Center; **Now, Therefore,**

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

**Section 1.** That the City Council directs the City Manager to not enter into a contract with Three Expo Events, LLC, for the lease of the Dallas Convention Center.

**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.