

KEY FOCUS AREA: Economic Vibrancy
AGENDA DATE: January 11, 2012
COUNCIL DISTRICT(S): 2, 7, 14
DEPARTMENT: Trinity Watershed Management
CMO: Jill A. Jordan, P.E., 670-5299
MAPSCO: 45D 45H 46E 46J 46K 46L 46M 47N

SUBJECT

Authorize Supplemental Agreement No. 2 to the contract with Halff Associates, Inc., for the design of relief drainage systems for Mill Creek, Phase I, and Middle Peaks Branch, Phases I and II, for additional scope of work to investigate, analyze and design a tunnel extension to provide drainage relief for the State-Thomas area, and for additional survey and right-of-way services for required property and easement acquisition - Not to exceed \$2,602,200 from \$11,796,600 to \$14,398,800 - Financing: 2006 Bond Funds

BACKGROUND

A professional services contract was authorized by City Council on June 13, 2007, with Halff Associates, Inc., for the design of drainage improvements and relief systems to reduce flooding in some portions of the Mill Creek and Middle Peaks Branch watersheds.

On August 6, 2008, Council was briefed on a staff recommendation to proceed with the design of Phase II of Mill Creek, based on an agreement with the Texas Department of Transportation (TxDOT) to participate in the construction cost. Council authorized additional engineering funding and authorized a proposed change of alignment of both Mill Creek and Peaks Branch drainage relief systems that included a deep tunnel that will drain both basins into Lower White Rock Creek.

Supplemental Agreement No. 1 was authorized by City Council on March 25, 2009, for the design of drainage improvements for Mill Creek, Phase II, which extends flooding protection to Fair Park, Baylor Hospital and Buckner Park. Supplemental Agreement No. 1 also provided for developing and updating the Master Drainage Plans for Mill Creek and Peaks Branch.

BACKGROUND (Continued)

On January 9, 2012, the Council's Trinity River Corridor Project Committee will be briefed on a staff recommendation to extend the Mill Creek and Peaks Branch deep drainage relief tunnel to the State-Thomas area north of Woodall Rodgers Freeway. This tunnel extension will provide a drainage outfall to reduce flooding in the State-Thomas and Uptown area.

The 2006 Bond Program provided for a drainage study, and the design and construction of a drainage relief system for the State-Thomas and Woodall Rodgers area. The State-Thomas tunnel extension to the Mill Creek/Peaks Branch drainage relief tunnel will provide drainage relief to the State Thomas area system more efficiently and economically with less construction disruption than other possible alignment and outfall locations.

This action authorizes Supplemental Agreement No. 2 which provides for the design of the extension tunnel to the State-Thomas area including complete project investigation, and engineering design. Supplemental Agreement No. 2 also provides for survey and right-of-way services for required property and easement acquisition and preparation of construction plans for phased construction.

ESTIMATED SCHEDULE OF PROJECT

Begin Design	June 2007
Complete Design	July 2013
Begin Construction	March 2014
Complete Construction	December 2017

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 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 engineering design on March 25, 2009, by Resolution No. 09-0835.

Briefed the Trinity River Committee on the State-Thomas tunnel extension to the Mill Creek and Peaks Branch drainage relief tunnel on December 6, 2011.

FISCAL INFORMATION

2006 Bond Funds - \$2,602,200

<u>Council District</u>	<u>Amount</u>
2	\$676,600
7	\$936,800
14	<u>\$988,800</u>
Total	\$2,602,200

Original contract	\$8,571,100
Supplemental Agreement No. 1	\$3,225,500
Supplemental Agreement No. 2 (this action)	<u>\$2,602,200</u>

Design Total \$14,398,800

M/WBE INFORMATION

See attached

ETHNIC COMPOSITION

Halff Associates, Inc.

Hispanic Female	11	Hispanic Male	59
African-American Female	6	African-American Male	5
Other Female	5	Other Male	7
White Female	80	White Male	258

OWNER

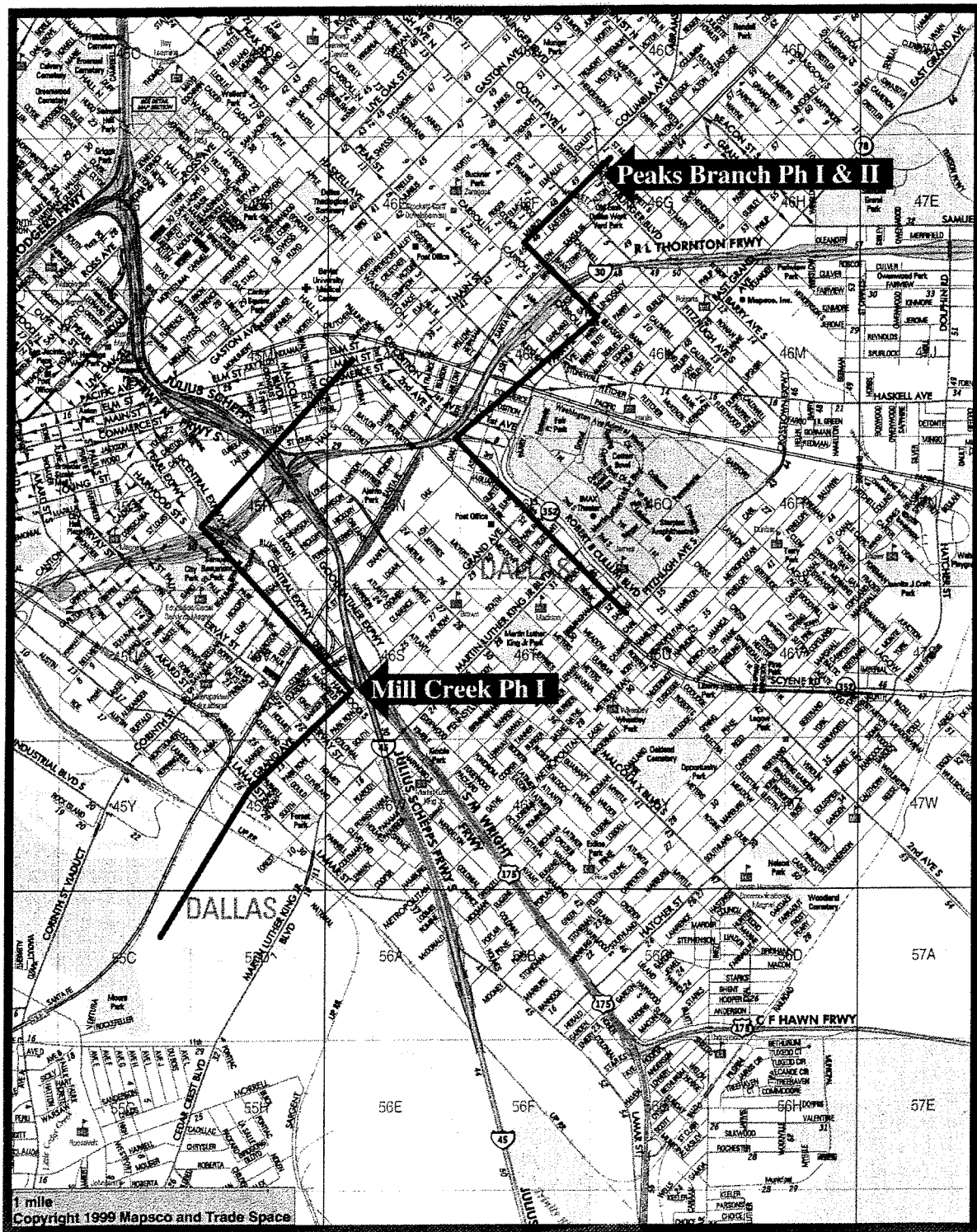
Halff Associates, Inc.

Walter Skipwith, P.E., Chairman
Martin Malloy, P.E., President

MAP

Attached

MILL CREEK PHASE I PEAKS BRANCH PHASE I AND II



KEY FOCUS AREA: Economic Vibrancy
AGENDA DATE: January 11, 2012
COUNCIL DISTRICT(S): 5
DEPARTMENT: Trinity Watershed Management
CMO: Jill A. Jordan, P.E., 670-5299
MAPSCO: 57 Z

SUBJECT

Authorize acquisition, including the exercise of the right of eminent domain if such becomes necessary, of approximately one acre of unimproved land, being that portion of Long Acre Lane extending south from Great Trinity Forest Way for the Trinity River Corridor Project Audubon Center (list attached) - Not to exceed \$86,600 (\$82,400 plus closing costs and title expenses not to exceed \$4,200) – Financing: 1998 Bond Funds

BACKGROUND

This item authorizes the acquisition of approximately one acre of unimproved land being that portion of Long Acre Lane extending south from Great Trinity Forest Way which will be used for the Trinity River Corridor Project - Audubon Center.

This property was originally conveyed to the City as a street easement and is currently being utilized as the entrance to the Trinity River Audubon Center. The consideration is based upon an independent appraisal.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

This item has no prior action.

FISCAL INFORMATION

1998 Bond Funds - \$86,600 (\$82,400 plus closing costs and title expenses not to exceed \$4,200)

OWNERS

Gary James Heathcock
Bette Heathcock
Shirley Ann Heathcock Dunn
Clair Dugas
The Estate of Anna Liebundgnt, deceased
Earlene McKnight Hamner
Mary Lee Frazer
Nancy Lee Perry Brecht
Earline Perry, a Life Estate
David Shannon Eatherly
Anna Marie Reeves
Jerry Katherine Reeves Weatherly
Barbara Jean Reeves
Fortunato Mata
Valerie Suzanne Reeves
James Harold Reeves, II
Kimberly Allison Reeves
James Michael Reeves, Jr.
Barbara Kathryn Reeves Bovinette
Jason William Reeves

MAPS

Attached

Item 27 requires a motion that the Council of the City of Dallas adopt the item and authorize the use of the power of eminent domain to acquire, from Gary James Heathcock and others, a tract of land containing approximately one acre, being that portion of Longacre Lane extending south from Great Trinity Forest Way in City of Dallas Block 6259, Dallas County, Texas and more fully described in Exhibit A of the proposed written resolution for this item, for an entrance to the Trinity River Audubon Center, being part of the Trinity River Corridor Project.

January 11, 2012

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

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

"CITY": The City of Dallas

"PROPERTY": Approximately one acre 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": Trinity River Corridor Project - Audubon Center

"USE": Entrance to the Trinity River Audubon Center.

"PROPERTY INTEREST": Fee Simple

"OWNER": Gary James Heathcock
Bette Heathcock
Shirley Ann Heathcock Dunn
Clair Dugas
The Estate of Anna Liebundgnt, deceased
Earlene McKnight Hamner
Mary Lee Frazer
Nancy Lee Perry Brecht
Earline Perry, a Life Estate
David Shannon Eatherly
Anna Marie Reeves
Jerry Katherine Reeves Weatherly
Barbara Jean Reeves
Fortunato Mata
Valerie Suzanne Reeves
James Harold Reeves, II
Kimberly Allison Reeves
James Michael Reeves, Jr.
Barbara Kathryn Reeves Bovinette
Jason William Reeves

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.

January 11, 2012

"OFFER AMOUNT": \$82,400.00

"CLOSING COSTS AND TITLE EXPENSES ": Not to exceed \$4,200.00

"AUTHORIZED AMOUNT": \$86,600.00

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

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

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

SECTION 3. That for the purpose of acquiring the PROPERTY INTEREST in the PROPERTY, the Assistant Director of the Sustainable Development and Construction Department, Real Estate Division, or such person as she may designate, is hereby authorized and directed to offer the OFFER AMOUNT as payment for the PROPERTY INTEREST in the PROPERTY.

SECTION 4. That in the event the OWNER accepts the OFFER AMOUNT, the City Controller is authorized and directed to draw a warrant in favor of the OWNER, or the then current owner of record, or the title company closing the transaction described herein in the OFFER AMOUNT and CLOSING COSTS AND TITLE EXPENSES payable out of Trinity River Corridor Project Fund, Fund No. 4P14, Department PBW, Unit N966, Activity TRPP, Program No. PB98N966, Object 4210, Encumbrance No. CT-PBW98N966C3. 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.

January 11, 2012

SECTION 7. That in the event it is subsequently determined that additional persons other than those named herein have an interest in the PROPERTY, the City Attorney is authorized and directed to join said parties as defendants in said condemnation suit(s).

SECTION 8. That to the extent the PROPERTY is being purchased wholly or partly with bond proceeds CITY has obtained an independent appraisal of the PROPERTY'S market value.

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

SECTION 10. That in the event the Special Commissioners in Condemnation appointed by the Court return an award that is the same amount or less than the OFFER AMOUNT, the City Attorney is hereby authorized to settle the lawsuit for that amount and the City Controller is hereby authorized to issue a check drawn on the previously described funds in an amount not to exceed the Commissioners' award made payable to the County Clerk of Dallas County, to be deposited into the registry of the Court, to enable the CITY to take possession of the PROPERTY without further action of the Dallas City Council.

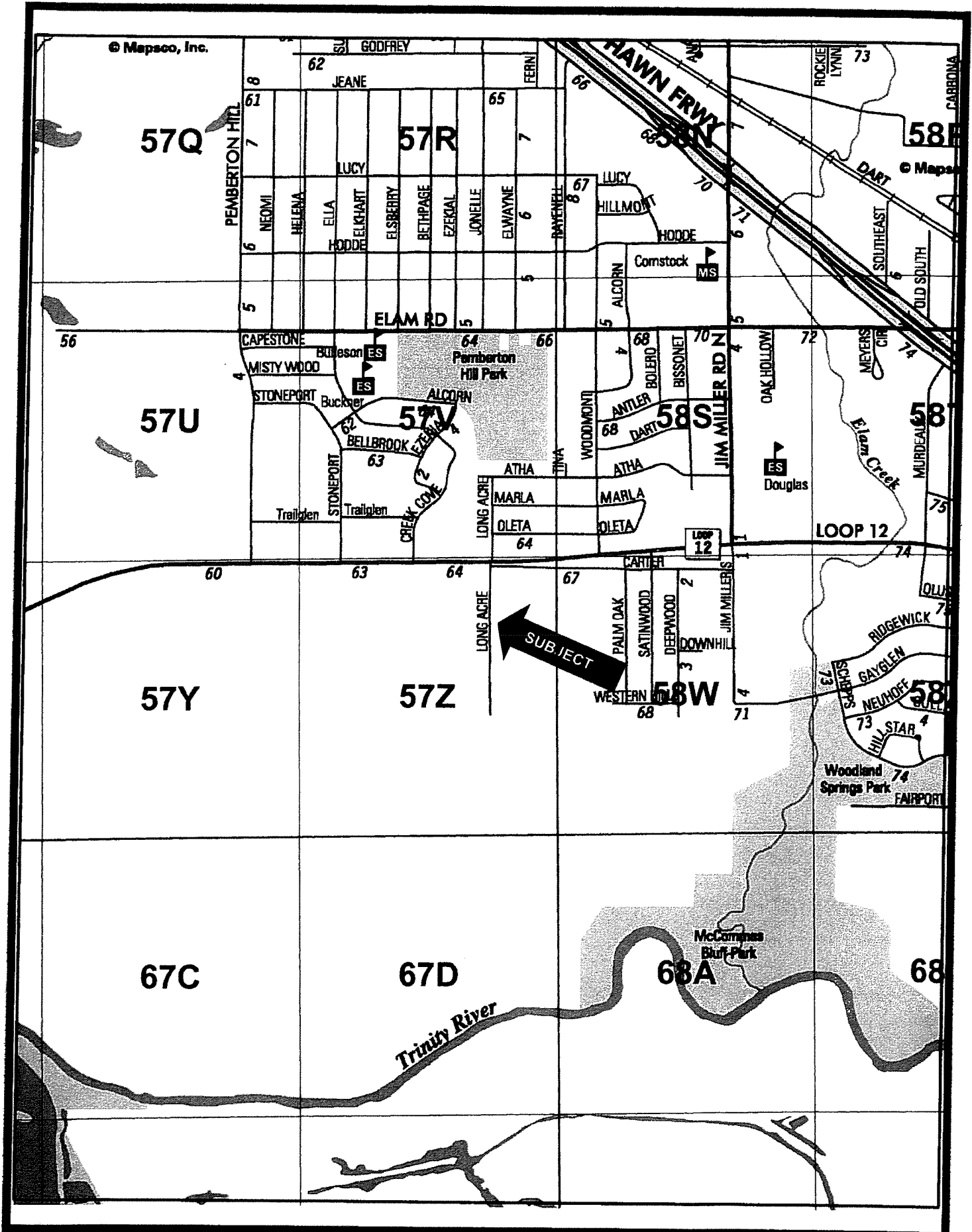
SECTION 11. That this resolution shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so resolved.

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

BY 
Assistant City Attorney

Long Acre Lane Property
OWNERS

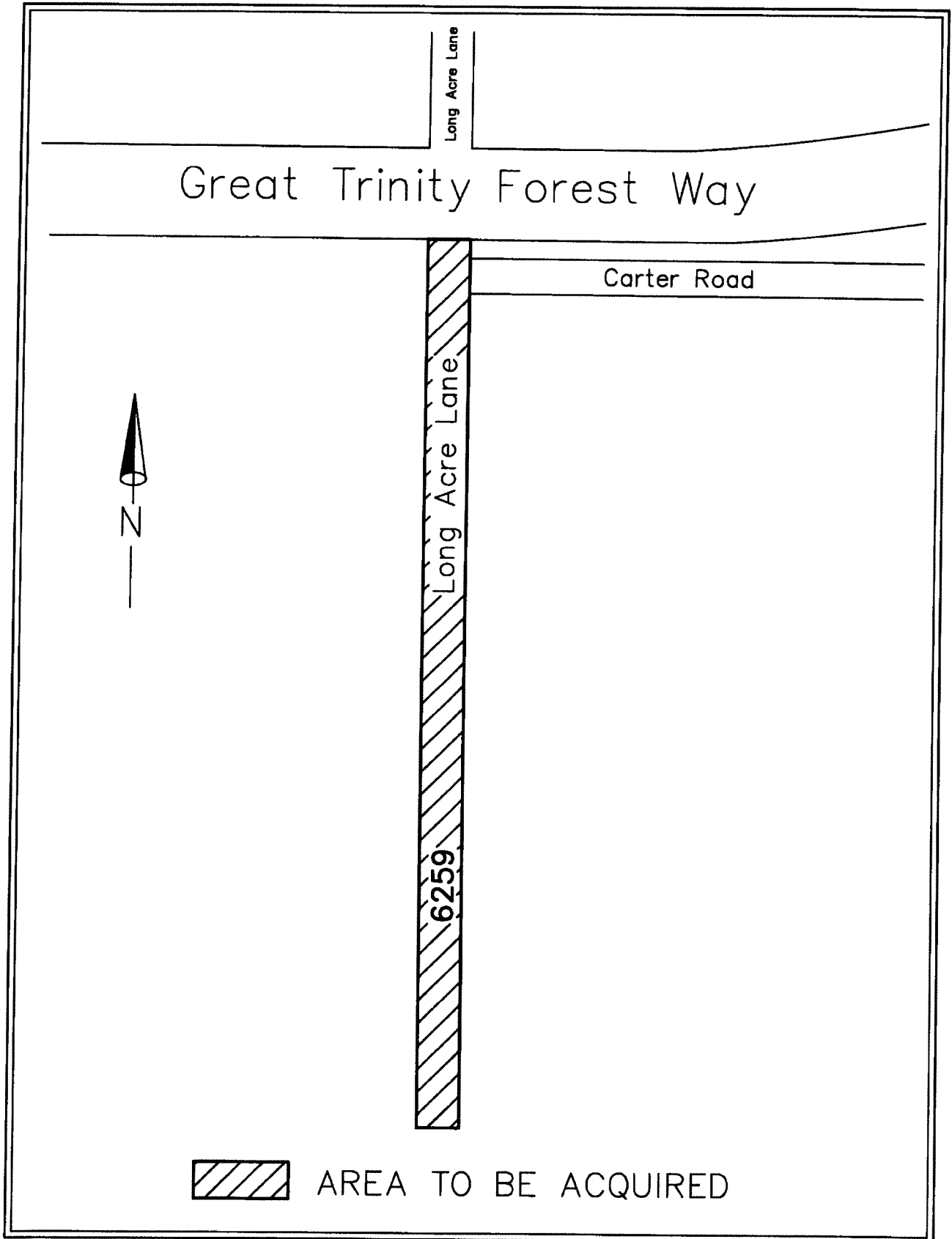
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SUBJECT



Great Trinity Forest Way

Long Acre Lane

Carter Road



Long Acre Lane
6259



AREA TO BE ACQUIRED

**FIELD NOTES DESCRIBING 0.935 ACRES (40,736 Sq. Ft.) OF LAND IN
BLOCK 6259, TO BE ACQUIRED FROM
The Heirs of: RUDOLPH VONAESCH & HAL C. WORTH
Being All The Property Known As "LONGACRE LANE"**

BEING a 0.935 Acre (40,736 Sq. Ft.) tract of land in the Gideon Pemberton Survey, Abstract Number 1155, Dallas County, Texas, lying in Block 6259, Official City of Dallas Numbers, and being all of the land conveyed to Rudolph Vonaesch from W.S. Kirby, by Deed dated February 28, 1916 and recorded in Volume 670, Page 290 of the Deed Records of Dallas County, being the same tract granted to the City of Dallas by Rudolph Vonaesch and Edna M. Worth for a twenty-foot wide roadway easement, known as "Longacre Lane," by Deed dated April 16, 1963 and recorded in Volume 60, Page 1331 of the Dallas County Deed Records, and being more particularly described as follows:

COMMENCING at a wooden Railroad Tie fence corner with a PK nail set in the top, found in the South line of Carter Road (a variable-width Right-of-Way) at the Northwest corner of a tract of land conveyed to LaPoleon Denson, Jr., by deed dated April 14, 1995, recorded in Volume 95077, Page 03368 of the Dallas County Deed Records, same being the most Easterly Northeast corner of a tract of land conveyed to North Benson, Inc., by deed dated April 4, 2003 and recorded in Volume 2003065, Page 05458 of said deed records:

THENCE North 89°34'18" West, along the North line of said North Benson, Inc. tract, same being the South line of said Carter Road, pass at 688.76 feet the most Westerly Northwest corner of said North Benson, Inc. tract, being also the Northeast corner of a tract of land conveyed to James Robert McDaniel by Deed dated October 30, 1968 and recorded in Volume 68217, Page 1480 of the Deed Records of Dallas County, pass at 787.20 feet the common North corner between said McDaniel tract and a tract of land conveyed to Lanny and Steve Gatlin by Deed recorded in Vol. 88207, Pg. 4256, and continuing for a total distance of 896.27 feet to a 5/8 inch dia. steel rod with cap marked "CITY OF DALLAS" set at the common North corner between said Gatlin tract and said Longacre Lane Roadway Easement, and being the Northeast corner and **POINT OF BEGINNING** of the herein described tract:

THENCE South 00°14'11" East, departing the last said South line of Carter Road, with the common line between Longacre Lane and said Gatlin tract, a distance of 500.55 feet to a 5/8 inch dia. steel rod with cap marked "CITY OF DALLAS" set at the Southwest corner of said Gatlin Tract, being also the most Westerly Northwest corner of a 39.6347 Acre tract of land conveyed to Trigger Gap, Inc., by Deed recorded in Volume 2002001, page 4116 of the Dallas County Deed Records:

**FIELD NOTES DESCRIBING 0.935 ACRES (40,736 Sq. Ft.) OF LAND IN
BLOCK 6259, TO BE ACQUIRED FROM
The Heirs of: RUDOLPH VONAESCH & HAL C. WORTH
Being All The Property Known As "LONGACRE LANE"**

THENCE South 00°44'48" East with the common line between Longacre Lane and said Trigger Gap tract, a distance of 1,010.72 feet to a 5/8 inch dia. steel rod with cap marked "CITY OF DALLAS" set at the Northwest corner of a tract of land conveyed to Herman Nethery, Recorded in Volume 96211, Page 00765 of the Deed Records of Dallas County:

THENCE continuing at South 00°44'48" East with the common line between said Nethery tract and Longacre Lane a distance of 495.07 feet to a 5/8 inch dia. steel rod with cap marked "CITY OF DALLAS" set at the Southwest corner of said Nethery tract, being also the Northwest corner of a tract of land conveyed to Rudolph Vonaesch by deed recorded in Volume 629, Page 687 of the Deed Records of Dallas County:

THENCE continuing at South 00°44'48" East with the common line between said Vonaesch tract and Longacre Lane a distance of 30.26 feet to the Southeast corner of this tract:

THENCE South 89°15'12" West with the South line of Longacre Lane a distance of 20.00 feet to the Southwest corner of this tract, being an inside corner of a 190.96 acre tract conveyed to the Metropolitan Sand & Gravel Co., LLC, by deed recorded in Volume 98253, Page 1948 of the Deed Records of Dallas County:

THENCE North 00°44'48" West with the common line between said Metropolitan Sand & Gravel Co. tract and Longacre Lane a distance of 1,536.14 feet to an outside corner of this tract:

THENCE North 00°14'11" West, continuing with said common line between the Metropolitan Sand & Gravel Co. tract and Longacre Lane a distance of 500.87 feet to the intersection with the said South line of Carter Road:

THENCE South 89°34'18" East with the said South line of Carter Road a distance of 20.00 feet to the **POINT OF BEGINNING**, containing 0.935 acres, or 40,736 Sq. Ft. of land.

BASIS OF BEARINGS is the Texas State Plane, North Central Zone, Geodetic bearing as established by Global Positioning System observations taken from the U.S.C. & G.S. Triangulation Station "BUCKNER RESET," North American Datum of 1983.

Scott Holt
1/4/2011



