

Memorandum



DATE October 21, 2011

TO Trinity River Corridor Project Committee Members: Vonciel Jones Hill (Chair), Linda Koop (Vice Chair), Monica Alonzo, Scott Griggs, Angela Hunt, Delia Jasso

SUBJECT **Agenda Item No. 35**

Authorize acquisition from TFO Realty, LLC of an unimproved tract of land containing approximately 35,144 square feet located at the intersection of Maple-Routh Connection and Woodall Rogers Freeway for the State Thomas at Woodall Rogers Drainage Relief Project

Agenda Item No. 35 will be considered by the Council on October 26, 2011. This item authorizes the acquisition of an unimproved tract of land containing approximately 35,144 square feet from TFO Realty, LLC. This property is located at the intersection of Maple-Routh Connection and Woodall Rogers Freeway and will be used for the State Thomas at Woodall Rogers Drainage Relief Project. The consideration is based upon a negotiated settlement with the property owner in the amount not to exceed \$3,363,680. Similar properties in the area have sold at comparable prices to this transaction.

This land will be used for one of five drop shafts necessary to connect State Thomas drainage relief tunnel to the Mill/Peaks Branch tunnel project. This is the only piece of land that best fits the tunnel design alignment proposed for State Thomas. Staff will be briefing the Committee in December 2011 on the update of the Mill/Peaks Branch/ State Thomas project. Attached is a map showing the tunnel alignments and the locations of the drop shafts.

Please contact me if you have questions.

Jill A. Jordan, P.E.
Assistant City Manager



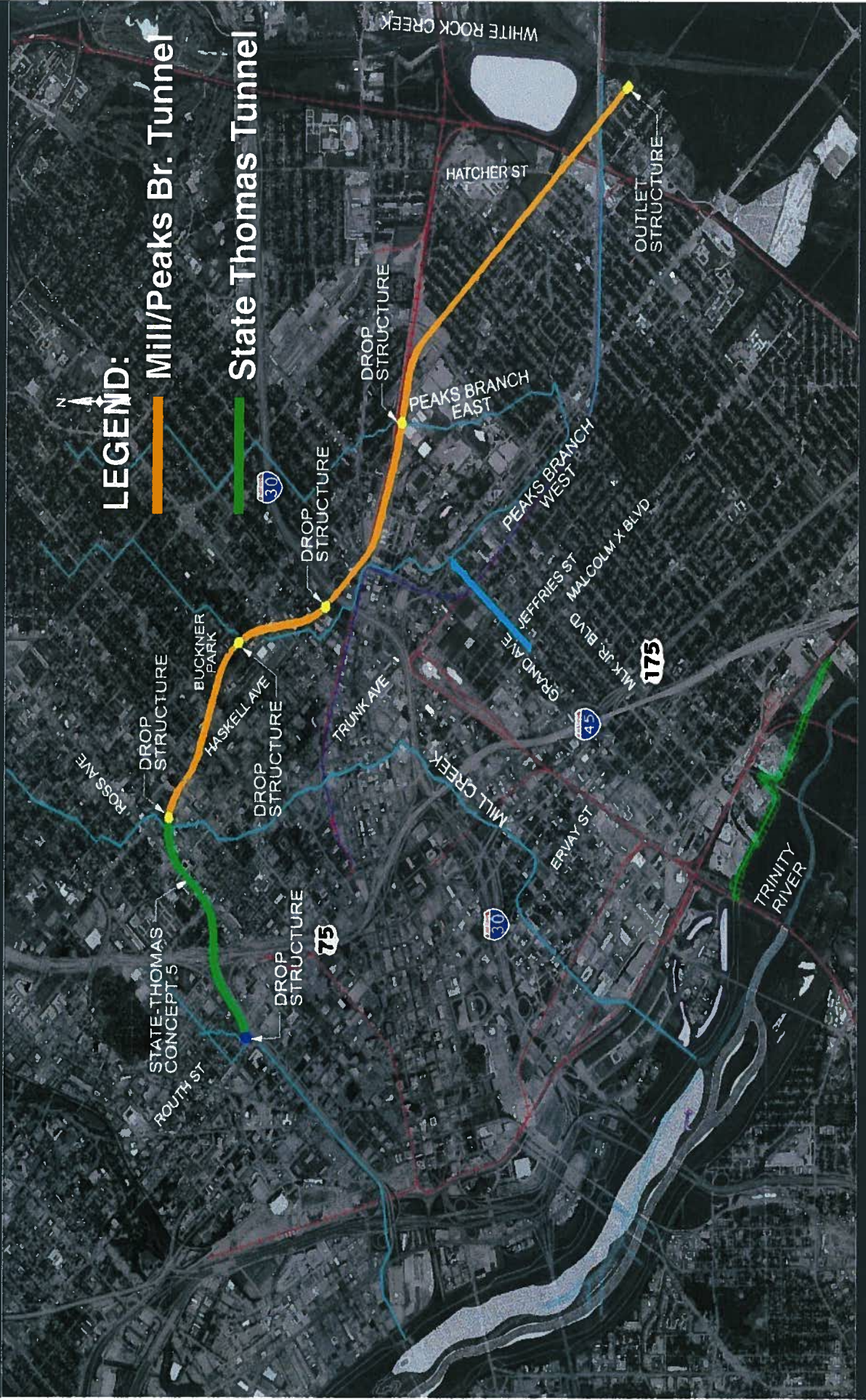
THE TRINITY
DALLAS

Attachment

cc: Honorable Mayor and Members of the City Council
Mary K. Suhm, City Manager
A. C. Gonzalez, First Assistant City Manager
Ryan S. Evans, Assistant City Manager
Jill A. Jordan, P.E., Assistant City Manager
Forest E. Turner, Assistant City Manager
Joey Zapata, Interim Assistant City Manager

Kelly High, Director, Trinity Watershed Management
Rebecca Rasor, P.E., Managing Director, Trinity River Corridor Project
Paul D. Dyer, Director, Park and Recreation
Theresa O'Donnell, Director, Sustainable Development & Construction
Rosa A. Rios, Interim City Secretary
Helena Stevens-Thompson, Assistant to the City Manager - Council

Proposed Mill-Peaks-State Thomas Drainage Relief Tunnel



KEY FOCUS AREA: Economic Vibrancy
AGENDA DATE: October 26, 2011
COUNCIL DISTRICT(S): 14
DEPARTMENT: Trinity Watershed Management
CMO: Jill A. Jordan, P.E., 670-5299
MAPSCO: 45F G

SUBJECT

Authorize acquisition from TFO Realty, LLC of an unimproved tract of land containing approximately 35,144 square feet located at the intersection of Maple-Routh Connection and Woodall Rogers Freeway for the State Thomas at Woodall Rogers Drainage Relief Project - Not to exceed \$3,363,680 (\$3,338,680 plus closing costs and title expenses not to exceed \$25,000) – Financing: 2006 Bond Funds

BACKGROUND

This item authorizes the acquisition of an unimproved tract of land containing approximately 35,144 square feet from TFO Realty, LLC. This property is located at the intersection of Maple-Routh Connection and Woodall Rogers Freeway and will be used for the State Thomas at Woodall Rogers Drainage Relief Project. The consideration is based upon a negotiated settlement with the property owner.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

This item has no prior action.

FISCAL INFORMATION

2006 Bond Funds - \$3,363,680 (\$3,338,680 plus closing costs not to exceed \$25,000)

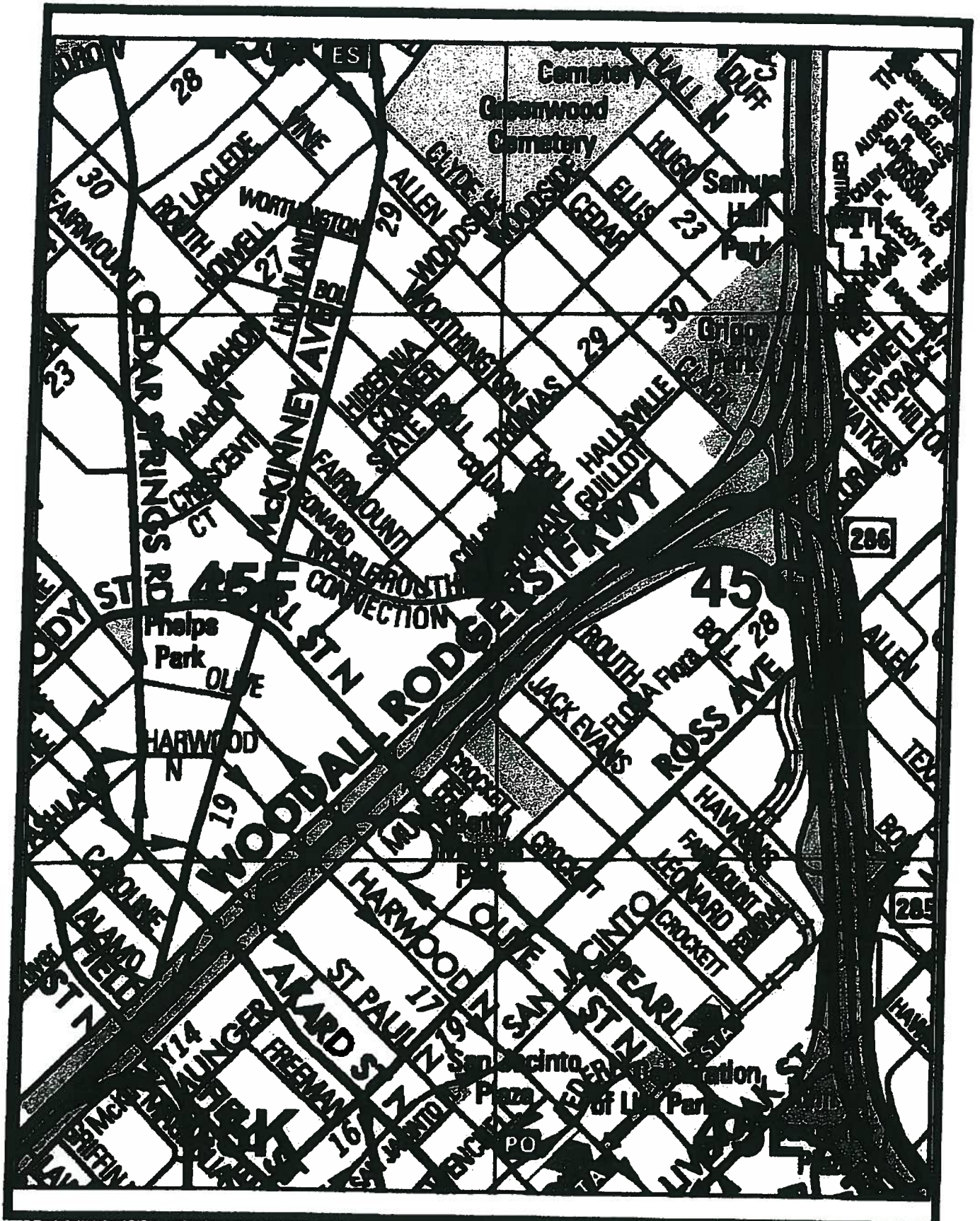
OWNER

TFO REALTY, LLC

Traci F. Owen, Managing Member

MAPS

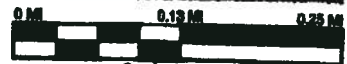
Attached



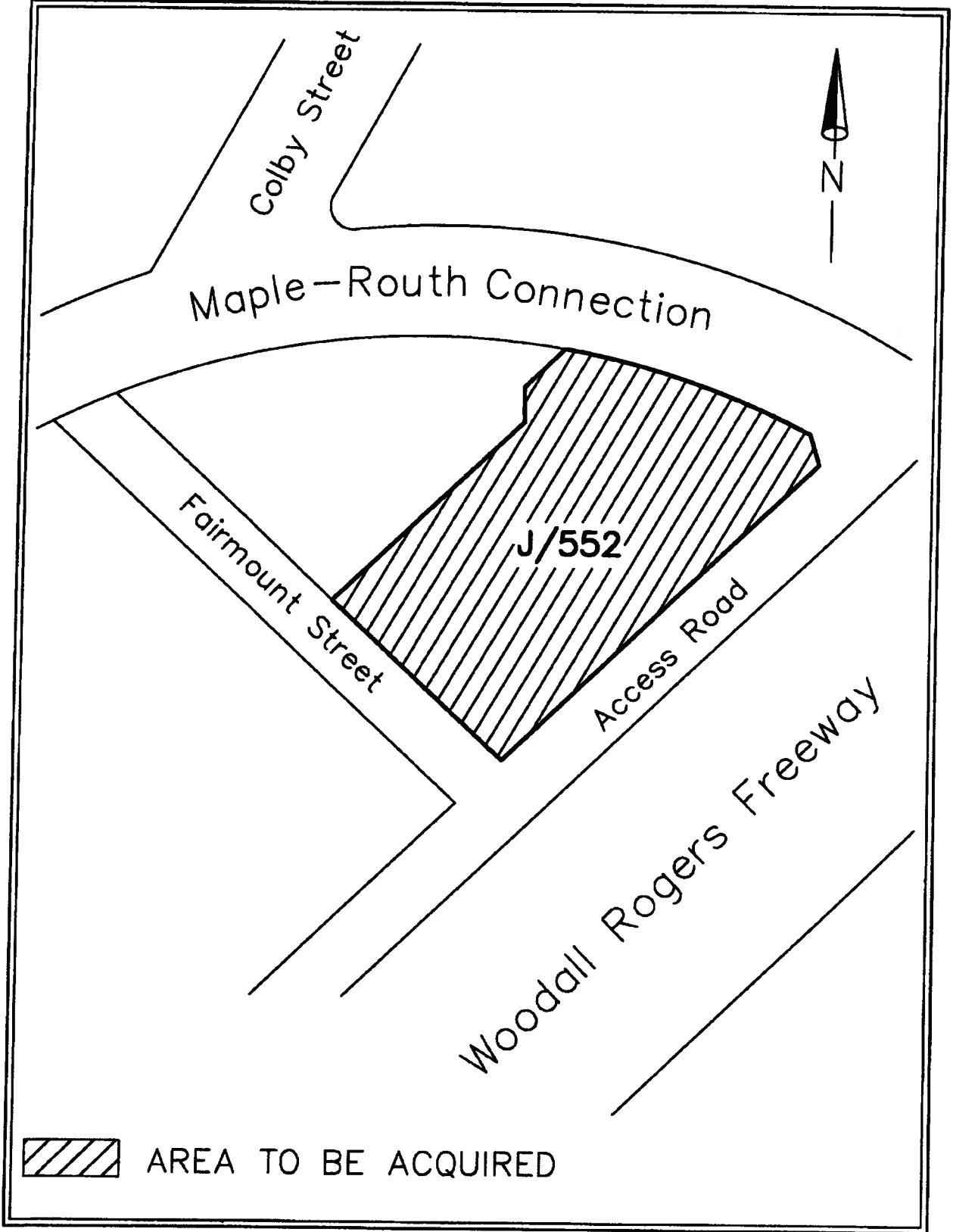
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MAPSCO

45F G



Scale 1 : 8 166



Colby Street

Maple-Routh Connection



Fairmount Street

J/552

Access Road

Woodall Rogers Freeway



AREA TO BE ACQUIRED

**Field Notes Describing a 35,144 Square Foot (0.8067 Acre
Tract of Land To be Acquired in City Block J/552
From TFO Realty, LLC**

Being a 35,144 Square Foot (0.8067 Acre) tract of land out of the John Grigsby Survey, Abstract Number 495, Dallas County, Texas, and being a part of that tract of land conveyed to TFO Realty, LLC by two separate Deeds; from FLCT and F&C R/E Inc. (aggregate 53% interest) recorded in Volume 2001006, Page 1 and River Street Development, LTD (47% interest), recorded in Volume 200232, Page 4325 of the Deed Records of Dallas County, Texas, and being a part of Lot 7A, Block J/552 of the Comerica Addition, an addition to the City of Dallas recorded in Volume 2001133, Page 1720 of the Deed Records of Dallas County Texas, and being more particularly described as follows:

BEGINNING at a 5/8 inch diameter Iron Rod with cap marked "CITY OF DALLAS" (hereinafter referred to as "5/8" I.R. w/COD Cap") set at the South corner of said Block J/552, being also the South corner of said Lot 7A, at the intersection of the Northwest line of Woodall Rodgers Freeway (a variable width Right-of-Way) with the Northeast line of Fairmount Street (a variable width Right-of-Way):

THENCE North 45°55'57" West, departing the last said Northwest line of Woodall Rodgers Freeway and with the said Northeast line of Fairmount Street a distance of 135.12 feet to the West corner of said Lot 7A, being also the South corner of Lot 1A of Block J/552 of said Comerica Addition, from which a 5/8 inch diameter Iron rod (found, no cap) bears North 43°15'06" West a distance of 1.21 feet:

THENCE North 44°04'03" East, departing the last said Northeast line of Fairmount Street and with the common line between said Lots 7A and 1A a distance of 154.04 feet to a ½ inch dia. Iron Rod found at an inside corner of said Lot 7A:

THENCE North 04°37'19" West, continuing with the common line between said Lots 1A and 7A a distance of 25.75 feet to a 5/8" I.R. w/COD cap set at an outside corner of the herein described tract of land:

THENCE North 44°04'03" East, departing the last said common line between Lots 1A and 7A a distance of 33.84 feet to a 5/8" I.R. w/COD cap set at a Non-Tangent point on a Curve to the Right, on the South line of the Maple-Routh Connection (a variable Right-of-Way):

THENCE Easterly along said Curve to the Right, having a Radius of 507.12 feet, a Central Angle of 19°28'05", an Arc Length of 172.31 feet and a Chord which Bears South 72°25'25" East a distance of 171.48 feet to an "X" cut in concrete at the intersection of the South line of said Maple-Routh Connection with the above referenced Northwest line of Woodall Rodgers Freeway, being also the most Easterly corner of said Lot 7A:

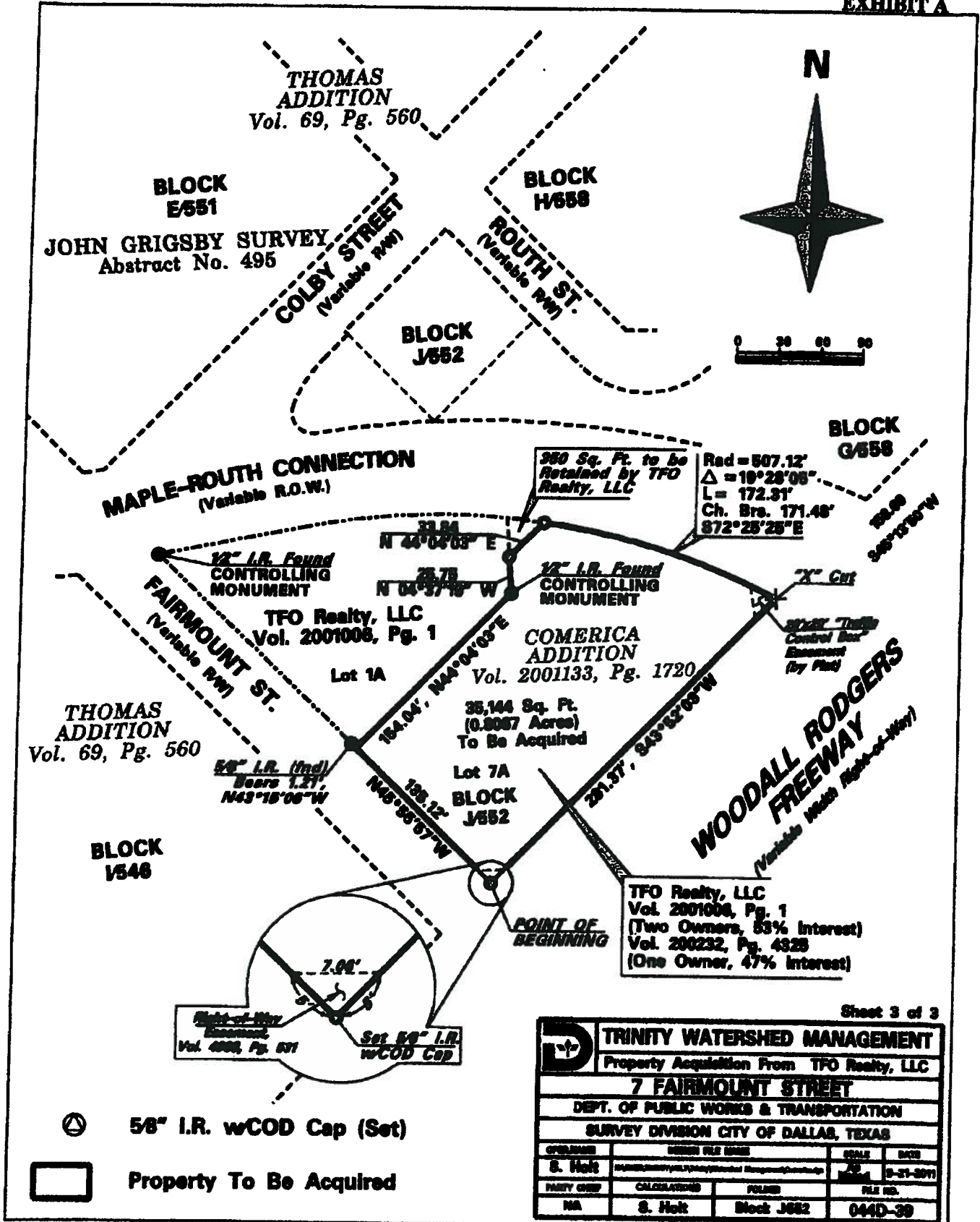
**Field Notes Describing a 35,144 Square Foot (0.8067 Acre
Tract of Land To be Acquired in City Block J/552
From TFO Realty, LLC**



THENCE South 43°52'03" West, departing the last said South line of the Maple-Routh Connection and with the said Northwest line of Woodall Rodgers Freeway, a distance of 281.37 to the POINT OF BEGINNING, containing 35,144 Square Feet, or 0.8067 Acres of land.

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



Scott Holt
9/21/2011



-  58" I.R. wCOD Cap (Set)
-  Property To Be Acquired

Sheet 3 of 3

TRINITY WATERSHED MANAGEMENT			
Property Acquisition From TFO Realty, LLC			
7 FAIRMOUNT STREET			
DEPT. OF PUBLIC WORKS & TRANSPORTATION			
SURVEY DIVISION CITY OF DALLAS, TEXAS			
CREATOR	USER FILE NAME	SCALE	DATE
S. Holt	Survey\2011\09\21\20110921.dwg	AS SHOWN	9-21-2011
DRYING OFF	CALCULATED	PLANNED	FILE NO.
NA	S. Holt	Block J652	044D-39

October 26, 2011

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

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

"CITY": The City of Dallas

"PROPERTY": Approximately 35,144 square feet of land located in Dallas County, Texas, and being the same property more particularly described in "Exhibit A", attached hereto and made a part hereof for all purposes, and any and all improvements, rights and appurtenances appertaining thereto.

"PROJECT": State Thomas at Woodall Rogers Drainage Relief Project

"USE": The construction, installation, use, and maintenance of a storm drainage intake structure and connecting lines for the transmission of storm drainage, and a construction staging area for the intake structure and connecting lines, together with such appurtenant facilities as may be necessary provided, however, to the extent fee title to the PROPOERTY is acquired, such title and the PROPERTY shall not be limited to or otherwise deemed restricted to the USE here provided.

"PROPERTY INTEREST": Fee Simple Title subject to the exceptions, reservations, covenants, conditions and/or interests, if any, provided in the instrument more particularly described in Exhibit "B"

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

"PURCHASE AMOUNT": \$3,338,680.00

"CLOSING COSTS AND TITLE EXPENSES": Not to exceed \$25,000.00

"AUTHORIZED AMOUNT": Not to exceed \$3,363,680.00

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.

October 26, 2011

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

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

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

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

SECTION 6. That in the event this acquisition closes, the 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 PURCHASE AMOUNT and CLOSING COSTS AND TITLE EXPENSES payable as follows: \$1,741,584.00 out of the 2006 Bond Funds – Flood Protection and Storm Drainage Facilities, Fund No. 7T23, Department PBW, Unit T536, Activity SDRS, Program No. PB06T536, Object 4210, Encumbrance No. PBW06T536K1; and \$1,622,096.00 out of the 2006 Bond Funds – Flood Protection and Storm Drainage Facilities, Fund No. BT23, Department TWM, Unit T536, Activity SDRS, Program No. PB06T536, Object 4210, Encumbrance No. PBW06T536K1. The PURCHASE AMOUNT, CLOSING COSTS and TITLE EXPENSES together shall not exceed the AUTHORIZED AMOUNT.

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

COUNCIL CHAMBER

October 26, 2011

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

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

BY


Assistant City Attorney

EXHIBIT B

NOTICE OF CONFIDENTIALITY RIGHTS: IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY OR ALL OF THE FOLLOWING INFORMATION FROM ANY INSTRUMENT THAT TRANSFERS AN INTEREST IN REAL PROPERTY BEFORE IT IS FILED FOR RECORD IN THE PUBLIC RECORDS: YOUR SOCIAL SECURITY NUMBER OR YOUR DRIVER'S LICENSE NUMBER.

WARRANTY DEED

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

That TFO REALTY, LLC, a Texas limited liability company, (hereinafter called "Grantor" whether one or more natural persons or legal entities) for and in consideration of the sum of THREE MILLION THREE HUNDRED THIRTY-EIGHT THOUSAND SIX HUNDRED EIGHTY AND NO/100 DOLLARS (\$3,338,680.00) to the undersigned in hand paid by the **City of Dallas, 1500 Marilla Street, Dallas, Texas, 75201**, a Texas municipal corporation (hereinafter called "City"), the receipt of which is hereby acknowledged and confessed, has granted, sold and conveyed and does hereby grant, sell and convey unto City, its successors and assigns, all of the property described in Exhibit "A", attached hereto and made a part hereof by reference for all purposes.

SPECIAL PROVISIONS: NONE

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

EXECUTED this _____ day of _____, _____.

TFO REALTY, LLC
a Texas limited liability company

By: _____
Traci F. Owen
Managing Member

EXHIBIT B

* * * * *

STATE OF TEXAS :
COUNTY OF DALLAS :

This instrument was acknowledged before me on _____
by Traci F. Owen, Managing Member of TFO REALTY, LLC, a Texas limited liability
company, on behalf of said limited liability company.

Notary Public, State of Texas

* * * * *

After recording return to:
City of Dallas,
Trinity Watershed Management Department, Real Estate Division
1500 Marilla Street, Room 6B South
Dallas, Texas 75201
attn: Todd Wright

Warranty Deed Log No. TRC230

Memorandum



DATE October 21, 2011

TO Trinity River Corridor Project Committee Members: Vonciel Jones Hill (Chair)
Linda Koop (Vice Chair), Monica Alonzo, Scott Griggs, Angela Hunt, and Delia Jasso

SUBJECT **Personal Service Contracts with Larry Beasley and Brent Brown for
FY 2011-2012**

On September 23, 2009, City Council authorized the acceptance of a donation from the Trinity Trust Foundation through the Dallas Foundation in an amount not to exceed \$2,000,000 for the creation and operation of the Dallas CityDesign Studio over a five-year period. A requirement of the grant is that the City provide an increasing share of the Studio's funding through five (FY 2013-14), with the Studio being completely City funded in year six. The general fund match requirement for FY 2011-2012 is 40 percent. The City is leveraging \$195,320 from the general fund to receive \$292,980 from the grant in FY 2011-2012. The City is using part of the required match for FY 2011-2012 to fund the Urban Design Special Advisor and Studio Director.

In FY 2009-2010 and FY 2010-2011, City Council authorized personal service contracts with Larry Beasley and Brent Brown. Their functions were to guide and direct the Studio, work with City Staff and the local design and development community to advance livable communities within Dallas, and elevate an awareness and attention to design in both private and public projects.

Larry Beasley has agreed to renew his contract to serve as an Urban Design Special Advisor to the City, and will provide experience and expertise to mentor and guide the ongoing work of the Studio. The amount of the contract for FY 2011-2012 is \$83,400. The scope of services for this contract will include:

- Work with development interests identified by the Studio to develop collaborative strategies to advance livable communities along the Trinity Corridor and within the City of Dallas;
- Represent the Studio through community engagement and outreach efforts in areas of interest identified by the Studio; and
- Advise the City Manager and mentor Studio staff in the ongoing operation of the Studio.

Also, Brent Brown has agreed to renew his contract to serve as the Studio Director. The amount of the contract for FY 2011-2012 is \$85,000. The scope of services for this contract will include:

- Plan and direct the overall management of the Studio;

- Establish priorities for the Studio and develop appropriate strategies and work program to ensure their implementation;
- Directs Studio staff to ensure productivity and quality standards are maintained; and
- Represent the Studio to the design and development community as well as other City Departments.

Agenda item #36 on the October 26, 2011 City Council meeting requests authorization for each of these personal service contracts. Please contact me if you have questions.



Jill A. Jordan, P.E.
Assistant City Manager



THE TRINITY
DALLAS

cc: Honorable Mayor and Members of the City Council
Mary K. Suhm, City Manager
A. C. Gonzalez, First Assistant City Manager
Ryan S. Evans, Assistant City Manager
Jill A. Jordan, P.E., Assistant City Manager
Forest E. Turner, Assistant City Manager
Joey Zapata, Interim Assistant City Manager

Kelly High, Director, Trinity Watershed Management
Rebecca Rasor, P.E., Managing Director, Trinity River Corridor Project
Paul D. Dyer, Director, Park and Recreation
Theresa O'Donnell, Director, Sustainable Development & Construction
Rosa A. Rios, Interim City Secretary
Helena Stevens-Thompson, Assistant to the City Manager - Council

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: October 26, 2011

COUNCIL DISTRICT(S): All

DEPARTMENT: Trinity Watershed Management
City Manager's Office

CMO: Jill A. Jordan, P.E., 670-5299
Mary K. Suhm, 670-5306

MAPSCO: All

SUBJECT

Authorize personal services contracts with **(1)** Larry Beasley with Beasley and Associates, Planning Inc. to serve as the Urban Design Special Advisor for the Dallas CityDesign Center for the period October 1, 2011 through September 30, 2012, in an amount not to exceed \$83,400; and **(2)** Brent Brown with buildingcommunity Workshop to serve as Studio Director for the Dallas City Design Studio for the period October 1, 2011 through September 30, 2012, in an amount not to exceed \$85,000 – Total not to exceed \$168,400 - Financing: Current Funds (portion of City's required match)

BACKGROUND

On September 23, 2009, City Council authorized the acceptance of a donation from the Trinity Trust Foundation through the Dallas Foundation in an amount not to exceed \$2,000,000 for the creation and operation of the Dallas City Design Studio over a five-year period. A requirement of the grant is that the City provide an increasing share of the Studio's funding over years two (FY 2010-11) through five (FY 2013-14), with the Studio being completely City funded in year six. The general fund match requirement for FY 2011-2012 is 40 percent. The City is leveraging \$195,320 from the general fund to receive \$292,980 from the grant in FY 2011-2012. The City is using part of the required match for FY 2011-2012 to fund the Urban Design Special Advisor and Studio Director.

In FY 2009-2010 and FY 2010-2011, City Council authorized personal service contracts with Larry Beasley and Brent Brown. Their functions were to guide and direct the Studio, work with City Staff and the local design and development community to advance livable communities within Dallas, and elevate an awareness and attention to design in both private and public projects.

BACKGROUND (Continued)

Larry Beasley has agreed to renew his contract to serve as an Urban Design Special Advisor to the City, and will provide experience and expertise to mentor and guide the ongoing work of the Studio. The amount of the contract for FY 2011-2012 is \$83,400. The scope of services for this contract will include:

- Work with development interests identified by the Studio to develop collaborative strategies to advance livable communities along the Trinity Corridor and within the City of Dallas;
- Represent the Studio through community engagement and outreach efforts in areas of interest identified by the Studio; and
- Advise the City Manager and mentor Studio staff in the ongoing operation of the Studio.

Brent Brown has also agreed to renew his contract to serve as the Studio Director. The amount of the contract for FY 2011-2012 is \$85,000. The scope of services for this contract will include:

- Plan and direct the overall management of the Studio;
- Establish priorities for the Studio and develop appropriate strategies and work program to ensure their implementation;
- Direct Studio staff to ensure productivity and quality standards are maintained; and
- Represent the Studio to the design and development community as well as other City Departments.

PRIOR ACTION / REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Authorized the acceptance of a donation from the Trinity Trust Foundation through the Dallas Foundation on September 23, 2009, by Resolution No. 09-2376.

Authorized personal services contracts with (1) Larry Beasley with Beasley and Associates, Planning Inc. to serve as the Urban Design Special Advisor for the Dallas City Design Center from October 1, 2009 through September 30, 2010 and (2) Brent Brown with buildingcommunity Workshop to serve as Studio Director for the Dallas CityDesign Studio from October 1, 2009 through September 30, 2010, on October 28, 2009, by Resolution No. 09-2651.

Authorized personal services contracts with 1) Larry Beasley with Beasley and Associates, Planning Inc. to serve as the Urban Design Special Advisor for the Dallas City Design Center from October 1, 2010 through September 30, 2011 and 2) Brent Brown with buildingcommunity Workshop to serve as Studio Director for the Dallas CityDesign Studio from October 1, 2010 through September 30, 2011, on October 26, 2010, by Resolution No. 10-2764.

FISCAL INFORMATION

Current Funds (portion of City's required match) - \$168,400