

WHEREAS, the City Council of the City of Dallas, Texas recognizes the importance of its role in local economic development; and,

WHEREAS, on June 26, 1996, the City Council, pursuant to Ordinance No. 22802, established Tax Increment Financing Reinvestment Zone Number Five (City Center TIF District) in accordance with the Tax Increment Financing Act, as amended (V.T.C.A. Tax Code, Chapter 311, hereafter the "Act") to promote development and redevelopment in the City Center area through the use of tax increment financing as amended; and,

WHEREAS, on February 12, 1997, the City Council, pursuant to Ordinance No. 23034, approved the City Center TIF District Project Plan and Reinvestment Zone Financing Plan for the City Center TIF District as amended; and,

WHEREAS, on October 3, 2003, the City Center TIF District Board of Directors recommended City Council authorize the use of City Center TIF funds in an amount not to exceed \$4,605,000 for environmental remediation, demolition, facade restoration, and streetscape improvements associated with Republic Center Tower I; and,

WHEREAS, on December 8, 2003, Resolution No. 03-3385 authorized a development agreement with Ervay Residential Partner, Inc. for the redevelopment of Republic Center Tower I and established TIF funding in an amount not to exceed \$4,605,000; and,

WHEREAS, on December 8, 2003, Resolution No. 03-3386 authorized reimbursement from TIF funds in an amount not to exceed \$4,605,000; and,

WHEREAS, on September 8, 2004, Resolution No. 04-2595, the City Council authorized (1) a contract for environmental remediation related to the redevelopment of the Republic Center Tower I, located at 300 Ervay Street, with EPSCO, lowest responsible bidder of six, in an amount not to exceed \$88,987, and (2) assignment of the contract to Ervay Residential Partner, Inc. for construction management, in an amount not to exceed \$88,987; and,

WHEREAS, on February 23, 2005, Resolution No. 05-0655 authorized (1) a contract for window replacement related to the redevelopment of the Republic Center Tower I located at 300 Ervay Street, with Jennings Glass Contractors, lowest responsible bidder of six, in an amount not to exceed \$1,297,000, (2) payment to Ervay Residential Partner, Inc. in an amount not to exceed \$1,872,813 for design, reimbursables and construction management, (3) assignment of the contract to Ervay Residential Partner, Inc. for construction management, and (4) extension of the completion date deadline; and,

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WHEREAS, on April 27, 2005, Resolution No. 05-1371 authorized (1) a contract for selective demolition related to the redevelopment of the Republic Center Tower I located at 300 Ervay Street, with A & R Demolition, Inc., lowest responsible bidder of five, in an amount not to exceed \$705,000, (2) payment to Ervay Residential Partner, Inc., in an amount not to exceed \$219,588 for design, reimbursables and construction management, and (3) assignment of the contract to Ervay Residential Partner, Inc. for construction management; and,

WHEREAS, on October 12, 2005, Resolution No. 05-2928 authorized an amendment to Resolution Nos. 03-3385 and 03-3386, previously approved on December 8, 2003, as amended, to change the name of the contracting party from Ervay Residential Partner, Inc. to Ervay Residential Limited Partnership, Inc. for the redevelopment of Republic Center Tower I located at 300 Ervay Street, located in Tax Increment Financing Reinvestment Zone Five (City Center TIF District); and,

WHEREAS, on March 8, 2006, Resolution No. 06-0852 authorized a change order to the contract with Jennings Glass Contractors for window replacement related to the redevelopment of Republic Center Tower I for an amount not to exceed \$63,750, increasing the contract from \$1,297,000 to \$1,360,750 and a decrease in the payment to Ervay Residential Limited Partnership, Inc. for reimbursement by an amount not to exceed \$63,750, decreasing the amount from \$2,092,401 to \$2,028,651, and an extension to the deadline for completion of the project from September 30, 2006 to June 30, 2007; and,

WHEREAS, it is now necessary to authorize Supplemental Agreement No. 1 to the development agreement to increase the design and construction management reimbursables for the Republic Center Tower I facility in an amount not to exceed \$405,677.05, from \$2,028,651 to \$2,434,328.05.

Now, Therefore,

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

Section 1. That the City Manager is hereby authorized to execute Supplemental Agreement No. 1 to the development agreement with Ervay Residential Limited Partnership, Inc. to increase the design and construction management reimbursables for the Republic Center Tower I in an amount not to exceed \$405,677.05, from \$2,028,651 to \$2,434,328.05.

Section 2. That the City Controller is hereby authorized to receive and deposit funds in Fund 0035, Department ECO, Balance Sheet Account 084H, in an amount not to exceed \$405,677.05.

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Section 3. That the City Controller is hereby authorized to disburse funds in accordance with the terms and conditions of the development agreement from:

City Center TIF District Fund
Fund 0035, Department ECO, Unit P103, Act. TCCN
Obj. 3070, Program #PBTIF005, CT PD DEVP103F005-3
Vendor #516702, in an amount not to exceed \$405,677.05

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.

Distribution: Public Works and Transportation, Cheryl Nichols, OCMC, Room 101
Public Works and Transportation, Jay Macaulay, OCMC, Room 321
Economic Development, Tenna Kirk, 5CS
City Attorney Office, Barbara Martinez, 7DN

APPROVED BY
CITY COUNCIL

FEB 28 2007

Richard M. ...
City Secretary

APPROVED

Cheryl Nichols
HEAD OF DEPARTMENT

APPROVED

Samuel Key
CITY CONTROLLER

APPROVED

[Signature]
CITY MANAGER