

WHEREAS, heretofore, a resolution was duly adopted by the City Council of the City of Dallas for the improvement of the following streets between the limits set forth, out of materials specified, ordering that bids be taken for the construction, and ordering that an estimate of the cost of such improvements be prepared, to wit:

Sidewalk Group 06-138

1. Preston Road from LBJ Freeway to Dilbeck Lane to Spring Valley Road to Preston Oaks Road to Belt Line Road to La Cosa Drive to Alexis Drive to Hughes Lane to Regency Place to Highcourt Place to Prestondell Drive to Alpha Road to Arapaho Road
 2. Walnut Hill Lane (north side only) from Airline Road to Boedeker Street
- and,

WHEREAS, by resolution such estimate and specifications were duly adopted therefore, and the Purchasing Agent was authorized to advertise for bids for such construction; and,

WHEREAS, by resolution the City Council determined the necessity for assessing a portion of the cost of such improvements against the property abutting such improvements, and the owners thereof, and duly and legally set a time and place for a public hearing thereon, and provided for notice to be given to such owners, as provided by law; and,

WHEREAS, the said hearing was duly held at said time and place; and,

WHEREAS, the City Council, after fully considering said proposed assessments, and fully considering the benefits that each property owner and his property receive from making said improvements, is of the opinion that the said proposed assessments determined to be levied are fair and equitable, and in accordance with the enhancement report submitted by the Real Estate Manager, Development Services Department, representing the benefits that the said property receives in enhanced values from the making of the said improvements, and that the said assessments should be made; and,

WHEREAS, the Council having no further protest, remonstrance, or objection before it, is of the opinion that the said hearing should be closed.

Now, Therefore,

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

SECTION 1. That the said hearing held on the 10th day of June A.D. 2009 be and the same is hereby ordered closed.

III-AP-1

SECTION 2. That the City Attorney is hereby directed to prepare an ordinance assessing against the several owners of the abutting property, and against their property abutting upon the streets hereinabove mentioned, the proportionate part of said cost herein adjudged against the said respective owners and their property, such assessments to be in accordance with the attached enhancement report. That the said ordinance shall fix a lien upon said property, and shall declare said respective owners thereof to be respectively liable for the amounts so adjudged against them. Said ordinance shall in all respects comply with the applicable law in such cases made and provided.

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.

Distribution: Public Works and Transportation, Jean Mitchell, OCMC, Room 101
Public Works and Transportation, Lisa Valladares, OCMC, Room 307
City Attorney
Controller's Office, Sherrian Parham, 4BN

III-AP-2

APPROVED BY
CITY COUNCIL

JUN 10 2009

Rebecca Wittman
City Secretary

091487

An Appraisal Consulting Assignment

~ Involving ~

A Paving Assessment
Enhancement Evaluation Study
of a Proposed Sidewalk Improvement Project
Involving Potential Assessments on 22 Properties
Along Preston Road in the City of Dallas, Texas
Project: Sidewalk Group 06-138

~ As of ~

March 24, 2009

~ Prepared for ~

Ms. Lou Jones
Real Estate Manager
Real Estate Division
City of Dallas
320 E. Jefferson Boulevard, Room 203
Dallas, Texas 75203

~ Prepared by ~

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Real Estate Appraisal & Consulting Group
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OBJECTIVE OF THE ASSIGNMENT

The objective of this assignment is to provide the client with current estimates of the assessments of the 22 properties involved with the proposed sidewalk improvement project based upon the special

benefit enhancement to each property by the project. These estimates are intended to assist the City of Dallas in the assessment of costs for the Sidewalk Group 06-138 Project.

IDENTIFICATION OF THE PROBLEM

To provide credible estimates of the assessments attributable to each of the 22 properties involved in the proposed sidewalk improvement project.

DATE OF EVALUATION

The subject property was inspected on March 24, 2009 by Nick Nicholas, CRE, CCIM, MAI, Mitchell B. Todd, MAI, and Matthew C. Todd. The effective date of the evaluation study is as of the date of the most recent date of inspection of March 24, 2009.

INTENDED USE/INTENDED USER

This appraisal consulting report has been prepared for, and is intended to be used by the City of Dallas. The intended use of this report has been identified by the appraisers based on communications with the client, the City of Dallas, at the time of the assignment to assist in determining equitable assessments to the 22 subject properties adjoining the proposed Sidewalk Group 06-138 Project, a sidewalk improvement project. Therefore, the intended user of this report is the City of Dallas. Use of this report by others is not intended by the appraisers. No one other than the intended user should rely on the estimate of value or any other conclusions contained in this report.

PROPERTY RIGHTS APPRAISED

Property rights typically involve the fee simple and leased fee estates. The fee simple estate is defined as "*....absolute ownership unencumbered by any other interest or estate, subject only to the limitations imposed by the governmental powers of taxation, eminent domain, police power, and escheat.*"¹ This differs from the leased fee estate which is defined as "*the lessor's, or landlord's, interest. A landlord holds specified rights that include the right of use and occupancy conveyed by lease to others. The rights of the lessor (the leased fee owner) and the lessee (leaseholder) are specified by contract terms contained within the lease.*"²

¹ The Appraisal Institute, The Appraisal of Real Estate (Thirteenth Edition), Chicago, Illinois, 2008, page 111.

² The Appraisal Institute, The Appraisal of Real Estate (Thirteenth Edition), Chicago, Illinois, 2008, page 114.

DEFINITION OF SPECIAL BENEFIT

Based upon our research of various articles published regarding special benefits, the following definition appears appropriate: "A specific, measurable increase in value of certain real estate in excess of the enhancement to the general area-and benefitting the public at large-brought about by a public improvement project. It is the difference in the market value of a given property at its highest and best use before and after the installation of the project improvements." (Article entitled, *Special Benefit/Proportionate Assessment: Funding for Public Improvements*, by Charles R. Macaulay, MAI, SRA, *The Appraisal Journal*, January 1997, Page 55)

DEFINITION OF MARKET VALUE

The definition of value which will be referred to in this report is "*market value*". The following definition of *market value* is used by many federal financial institutions including the Resolution Trust Corporation (RTC), which was established under the Financial Institutions Reform, Recovery and Enforcement Act of 1989 (FIRREA) to dispose of the assets of insolvent thrift institutions. Additionally, this definition is provided within the Federal Register, Volume 55, Number 163, August 22, 1990, pages 34228 and 34229. This definition is as follows:

The most probable price which a property should bring in a competitive and open market under all conditions requisite to a fair sale, the buyer and seller each acting prudently and knowledgeably, and assuming the price is not affected by undue stimulus. Implicit in this definition is the consummation of a sale as of a specified date and the passing of title from seller to buyer under conditions whereby:

- 1) *buyer and seller are typically motivated;*
- 2) *both parties are well informed or well advised, and each acting in what they consider their own best interests;*
- 3) *a reasonable time is allowed for exposure in the open market;*
- 4) *payment is made in terms of cash in U.S. dollars or in terms of financial arrangements comparable thereto; and*
- 5) *the price represents the normal consideration for the property sold unaffected by special or creative financing or sales concessions granted by anyone associated with the sale.*³

³ The Appraisal Institute, The Appraisal of Real Estate (Thirteenth Edition), Chicago, Illinois, 2008, page 25.

The *Uniform Eminent Domain Code* defines market value as:

... the price which would be agreed to by an informed seller who is willing but not obligated to sell, and an informed buyer who is willing but not obligated to buy ...⁴

DEFINITION OF FAIR MARKET VALUE

“Fair market value” is the price the property would bring when offered for sale by one who desires to sell, but is not obliged to sell, and is bought by one who desires to buy, but is under no necessity of buying, taking into consideration all those uses to which it is reasonably adaptable and for which it either is or in all reasonable probability will become available within the reasonable future.

City of Austin v. Cannizzo, 267 S.W. 2d 808 (Tex, 1954)

STATEMENT OF OWNERSHIP

According to the Dallas County Deed Records, the Dallas County Tax Records; and information provided by the client, the ownership of the subject properties varies and the individual owners of each property are outlined in the property listing information within the addenda.

SCOPE OF WORK

The scope of work is defined as the type and extent of research and analysis in an assignment. The scope of this appraisal consulting assignment is to estimate the assessments of the sidewalk improvement project costs to the adjoining properties based upon the special benefit enhancements to each property by the proposed project. In compliance with the 2008 Edition of the Uniform Standards of Professional Appraisal Practice (USPAP), and upon the request of the client, an appraisal consulting assignment has been prepared utilizing the Scope of Work Rule.

The Scope of Work Rule was added to USPAP to emphasize the requirements for problem identification, determining the appropriate scope of work, and disclosure of the scope of work that was performed in appraisal, appraisal review, and appraisal consulting assignments. The following is a discussion of the scope of work undertaken within the context of this report.

Our research began with a brief review of the history of the subject properties by conducting research of the Dallas County public records for three years prior to the date of assignment. This research was facilitated by several on-line sources including CoStar.com, Dallas Central Appraisal District, RoddyReport.com, and Loopnet.com, as well as several other resources including owners, buyers,

⁴ American Institute of Real Estate Appraisers (now known as the Appraisal Institute), Real Estate Valuation in Litigation, Chicago, Illinois, 1989, page 4.

lenders, and other parties knowledgeable of the subject property. The Regional and Neighborhood Analyses include information gathered through inspection of the areas, review of published secondary data, such as that provided by the North Central Texas Council of Governments and a variety of resources available from the Cities of Fort Worth, Dallas, and other communities comprising the Metroplex.

The site analysis included an inspection of the properties by the appraisers, a review of the project plans, zoning maps, and FEMA flood insurance rate maps. The exterior inspection of the subject properties was conducted on March 24, 2009. The inspection was conducted by Nick Nicholas, CRE, CCIM, MAI, Mitchell B. Todd, MAI, and Matthew C. Todd of Nicholas Co. The date of the most recent inspection was on March 24, 2009 which will be used as the effective date of the evaluation study. The applicable zoning ordinances of the subject properties were verified with the zoning records of the City of Dallas.

To complete this appraisal consulting assignment, paired data analysis along with market participant interviews were completed. This entailed using sales of comparable properties to determine the special benefit enhancement to the subject properties due to sidewalk improvements. This was done by analyzing similar sales from the area which have occurred during the last several years. All data gathered within this technique regarding properties similar to the subject have been previously verified with either the Grantor, the Grantee, or their representatives. Primary data regarding the subject submarket and the immediate surrounding area were verified by the appraisers through inspection of the area and interviews conducted with owners/investors, real estate brokers, developers, and management company representatives. A more detailed explanation of the methods and techniques employed in the estimates of market value is located in the Evaluation Process section of this report.

The subject properties involve four different types of properties including improved retail properties, improved office properties, improved residential properties, and vacant land. Given the different types of uses comprising the subject properties, different sets of sales comparables will be utilized to determine special benefit enhancements for sidewalks on the different property types included within the project. The appraisers are relying on the client furnished proposed assessments being in compliance with the State Transportation Code and the Dallas City Council Resolutions that are contained in the addenda section of this report.

CONCLUSIONS

Based upon our research of various articles published and made available from the Appraisal Institute's Lum Library, the most important factor in determining value enhancements is the highest and best use of the subject property. The articles researched have been included within the addenda of this report. Therefore, in order to determine the value enhancement (special benefit) to the subject property caused by the proposed sidewalk improvements, the highest and best use of each property must be considered. Based upon the market data analyzed and discussions with market participants it appears that improved office, residential, and retail properties as well as vacant land are typically enhanced by sidewalk improvements.

The assessments proposed by the City for each subject property is listed within the tables on the following pages. Several properties within the subject project have highest and best uses for continued office, retail, and apartment uses. Based upon our analyses it is considered reasonable that the value of the office, retail, and apartment properties would be enhanced by the amount of proposed assessment. Additionally, several subject properties are vacant land with highest and best uses for future commercial or residential use. It is considered reasonable that the value of these properties will also be enhanced by sidewalk improvements. However, a significant amount of the sidewalk can be anticipated to be damaged upon development of the sites due to the usage of heavy equipment. Therefore, the enhancement to property value is estimated to be 50 percent of the proposed assessment on the vacant tracts. It should be noted that one of the vacant tracts is partially encumbered by floodplain. However, based upon the location of the floodplain, it appears that the property can be developed and assessment is considered reasonable.

Concluding Table Extent of Assessment (General)

Office	100%
Retail	100%
Residential	100%
Vacant Land	50%

Located on the following pages are tables including the subject properties, their proposed assessments by the City of Dallas, their current uses, their highest and best uses, the percent of the assessment considered reasonable for each property, and their recommended assessments based upon the value enhancements (special benefits) by the proposed sidewalks.

CERTIFICATION

The undersigned hereby certifies that, to the best of their knowledge and belief:

- 1) The statements of fact contained in this report are true and correct.
- 2) The reported analyses, opinions, and conclusions are limited only by the reported assumptions and limiting conditions, and are the personal, unbiased, professional analyses, opinions, and conclusions of the undersigned.
- 3) The undersigned, nor any associate of the appraiser, has any present or prospective interest in the property that is the subject of this report, and have no personal interest or bias with respect to the parties involved.
- 4) All analyses, opinions, and conclusions have been developed, and this report has been prepared, in conformity with Title XI of the Federal Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (FIRREA) and its regulations, as well as the requirements of the Code of Professional Ethics and the Uniform Standards of Professional Appraisal Practice of the Appraisal Foundation and the Appraisal Institute.
- 5) The use of this report is subject to the requirements of Appraisal Institute regarding review by duly authorized representatives.
- 6) No one provided significant assistance in the preparation of this appraisal report to the persons signing this report.
- 7) As of the date of this report, Nick Nicholas and Mitchell B. Todd have completed the requirements of the continuing education program of The Appraisal Institute.
- 8) The undersigned's compensation is not contingent upon the reporting of a predetermined value or direction in value that favors the cause of the client, the amount of the value estimate, the attainment of a stipulated result, or the occurrence of a subsequent event.
- 9) The report was not based on a requested minimum valuation, a specific valuation, or the approval of a loan.
- 10) The effective date of evaluation is March 24, 2009. Nick Nicholas, Mitchell B. Todd, and Matthew C. Todd inspected the subject properties on March 24, 2009 and other dates.
- 11) In our professional opinion, and after careful consideration of the various factors influencing this assignment, the estimated assessments of the subject properties reflective of value enhancement by the proposed sidewalk project, as of our most recent date of inspection of March 24, 2009 are as follows:

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SIDEWALK GROUP 06-138

1. PRESTON ROAD FROM LBJ FREEWAY TO BELT LINE ROAD

OWNER	LOT	BLOCK	FRONTAGE	CURRENT USE	HIGHEST AND BEST USE	PROPOSED ASSESSMENT	% ASSESSED	RECOMMENDED ASSESSMENT
WEST SIDE OF STREET								
VALLEY VIEW SHOPPING CENTER								
SHAFER PLAZA XLIX 3001 KNOX ST, SUITE 207 DALLAS, TX 75205-5586	1 Less ROW Acs 2.82 Preston Rd&LBJ FWY 13101 Preston Rd	A/7409	200 FT WALK	Office Building	Continued use as an office building	\$1,916.00	100.00%	\$1,916.00
CHARLES H WILKERSON								
SEARS ROEBUCK & CO D/768 TAX B2-107A 3333 BEVERLY ROAD HOFFMAN ESTATES, IL 60192	Pt Lt 2 Acs 4.504 13131 Preston Rd	A/7409	330 FT WALK	Retail Buildings and Parking Lot	Continued retail use and future retail development of the parking lot	\$3,161.40	100.00%	\$3,161.40
MACERICH VALLEY VIEW LTD E PROPERTY TX DEPT108 P O BOX 4900 SCOTTSDALE, AZ 85261 -4900	Pt Lt 3 TR A AC 2.2965 13131 Preston Rd	A/7409	275 FT WALK	Parking Lot	Future retail development	\$2,638.50	50.00%	\$1,319.25
DILBECK LANE INTERSECTS								
DILLARD DEPT STORES INC C/O PPTY TAX DEPT 4501 N BEACH STREET FORT WORTH, TX 76137-3218	Pt Lt 3 Acs 1.6595 13131 Preston Rd	A/7409	73 FT WALK	Parking Lot	Future retail development	\$699.34	50.00%	\$349.67
INGE CHARLES ANDERSON T CUTSHALL HANNAH DAVIS & DAVIS HELEN BUCHANAN 4501 HIGHLAND DRIVE DALLAS, TEXAS 75205-3818	ACS 3.7196 13439 Preston Rd	7014	293 FT WALK	Auto Dealership	Continued use as an auto dealership	\$2,806.94	100.00%	\$2,806.94
SPRING VALLEY ROAD INTERSECTS								
WOODLAND'S WEST								
PRICE PRESTON PARK LP 4125 CENTURION WAY STE 200 ADDISON, TEXAS 75001 -4399	10.877 ACS Preston Rd & Spring Valley Rd 14041 Preston Rd	B/8163	606 FT WALK	Apartment Complex	Continued use as an apartment complex	\$5,805.48	100.00%	\$5,805.48
CENTURY PARTNERS FUND 4582 S ULSTER ST, STE 111 DENVER, COLORADO 80237	11.567 AC Preston Oaks Rd&Preston Rd 5902 Preston Oaks Rd	A/8163	400 FT WALK	Apartment Complex	Continued use as an apartment complex	\$3,832.00	100.00%	\$3,832.00

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OWNER	LOT	BLOCK	FRONTAGE	CURRENT USE	HIGHEST AND BEST USE	PROPOSED ASSESSMENT	% ASSESSED	RECOMMENDED ASSESSMENT
PRESTON OAKS ROAD INTERSECTS								
PRESTON ON THE CREEK PH II								
DMP CREEKVIEW LLC 12721 METCALF AVE STE 200 OVERLAND PARK, KS 66213-2619	3, Acs 6.4611 14255 Preston Rd	A/8164	238 FT WALK	Apartment Complex	Continued use as an apartment complex	\$2,280.04	100.00%	\$2,280.04
ROSTLAND 3								
FAIRWAY CAPITAL PTNR LTD C/O ROBERT G SAMFORD P O BOX 684827 AUSTIN, TEXAS 78768-4827	4E, ACS 0.8096 14885 Preston Rd	A/8174	77 FT WALK	Bank Branch	Continued use as a bank branch	\$737.66	100.00%	\$737.66
FAIRWAY CAPITAL PTNR LTD C/O S C COMM MGMT INC 8214 WESTCHESTER DR STE 850 DALLAS, TEXAS 75225-6129	4D ACS 1.0671 14891 Preston Rd	A/8174	133 FT WALK	Retail Shopping Center	Continued use as a retail shopping center	\$1,274.14	100.00%	\$1,274.14
FAIRWAY CAPITAL PTNR LTD PAT GARNER CHICK FIL A 5200 BUFFINGTON RD ATLANTA, GA 30349-2945	4C ACS 1.1401 14897 Preston Rd	A/8174	134 FT WALK	Fast Food Restaurant	Continued use as a fast food restaurant	\$1,283.72	100.00%	\$1,283.72
WENDYS SIGNATURE CENTER								
FAIRWAY CAPITAL PTNR LTD C/O SC COMPANY 8214 WESTCHESTER DR STE 850 DALLAS, TEXAS 75225-6129	4F, ACS 0.801 14949 Preston Rd	A/8174	93 FT WALK	Vacant Lot	Single tenant retail development	\$890.94	50.00%	\$445.47
SIGNATURE CENTER								
FAIRWAY CAPITAL PTNR LTD C/O SC COMPANY 8214 WESTCHESTER DR STE 850 DALLAS, TEXAS 75225-6129	4A, ACS 14.688 14999 Preston Rd	A/8174	215 FT WALK	Retail Shopping Center	Continued use as a retail shopping center	\$2,059.70	100.00%	\$2,059.70
COMPASS BANK PLANO ATTN: ACCTG DIV P O BOX 10566 BIRMINGHAM, AL 35296-0002	5B, ACS 1.047 14852 Preston Rd	B/8189	169 FT WALK	Bank Branch	Continued use as a bank branch	\$1,619.02	100.00%	\$1,619.02
ALEXIS DRIVE INTERSECTS								
BERT FIELDS, JR. C/O BRIAN L ARNOLD P O BOX 270627 HOUSTON, TEXAS 77277	TR 3.1 ACS 37.406 6050 Belt Line Rd	8178	220 FT WALK	Vacant Land	Future multifamily residential development	\$2,107.60	50.00%	\$1,053.80

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OWNER	LOT	BLOCK	FRONTAGE	CURRENT USE	HIGHEST AND BEST USE	PROPOSED ASSESSMENT	% ASSESSED	RECOMMENDED ASSESSMENT
LATTER RAIN HOLINESS CHURCH 14001 PRESTON ROAD DALLAS, TX 75254-3413	0.663 ACS Preston Rd @ Spring Valley 14002 Preston Rd	8175	67 FT WALK	Vacant Lot	Assemblage with adjoining tract & development	\$641.86	50.00%	\$320.93
MT PISGAH BAPTIST CH 11611 WEBB CHAPEL RD. DALLAS, TX 75229-2434	117.5X425.5 Preston Rd 371.5FR Spring Valley 14000 Preston Rd	8175	47 FT WALK	Church	Demolition of the building, assemblage with adjoining tract and redevelopment	\$450.26	50.00%	\$225.13
TACO BELL OF AMERICA INC C/O TBC TAX UNIT #005614 P O BOX 35370 LOUISVILLE, KY 40232-5370	3, ACS 0.5206 13670 Preston Rd	A/7418	110 FT WALK	Fast Food Restaurant	Continued use as a fast food restaurant	\$1,053.80	100.00%	\$1,053.80

ALPHA ROAD INTERSECTS

SOUTHEAST PRESTON/ALPHA


FONBERG HOLDINGS LTD ET 5452 GLEN LAKES DR STE 203 DALLAS, TEXAS 75231-0943	1 ACS 2.281 13444 Preston Rd	A/7441	160 FT WALK	Single Tenant Retail	Continued use as a single tenant retail building	\$1,532.80	100.00%	\$1,532.80
GILLILAND PPTIES II LTD C/O LYNN GILLILAND O'NEAL 5956 SHERRY LN STE 1000 DALLAS, TEXAS 75225-8021	2, ACS 0.788 13420 Preston Rd	A/7441	45 FT WALK	Single Tenant Retail	Continued use as a single tenant retail building	\$431.10	100.00%	\$431.10

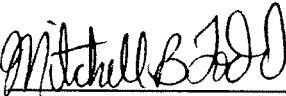
PRESTON DILBECK

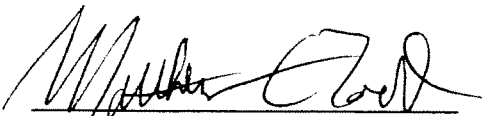
SCOTT ROAD 20 LLC 2622 COMMERCE ST DALLAS, TX 75226-1402	3, ACS 1.7100 Preston Rd & Dilbeck Ln 13410 Preston Rd	A/7441	75 FT WALK	Retail Shopping Center	Continued use as a retail shopping center	\$718.50	100.00%	\$718.50
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DILBECK LANE INTERSECTS

CIN PRESTON VALLEY VIEW 8750 N CENTRAL EXPWY STE 625 DALLAS, TEXAS 75232	194,485 SQ FT 13330 Preston Rd	7438	345 FT WALK	Retail Shopping Center	Continued use as a retail shopping center	\$3,305.10	100.00%	\$3,305.10
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 Nick Nicholas, CRE, CCIM, MAI
 President
 State Certification #TX-1320778-G


 Mitchell B. Todd, MAI
 Vice President
 State Certification #TX-1323514-G


 Matthew C. Todd
 State Certification #TX-1338120-G

ASSUMPTIONS AND LIMITING CONDITIONS

- 1) No responsibility is assumed for matters legal in character or nature, nor matters of survey, nor of any architectural, structural, mechanical or engineering nature. No opinion is rendered as to the title of the subject property, which is presumed to be good and marketable. The legal descriptions are assumed to be correct as used in this report.
- 2) These properties are analyzed as though free and clear of any or all liens or encumbrances unless stated.
- 3) The properties are assumed to be under responsible ownership and competent management.
- 4) The appraisers have not independently verified all of the information furnished or assumptions made with respect to the appraisal consulting assignment unless otherwise indicated and therefore are not responsible for their content or their effect on the market value of the property. The information furnished by others is believed to be reliable. However, no warranty is given for its accuracy.
- 5) All engineering is assumed to be correct. The maps or other illustrative materials included in this report are intended only to depict spatial relationships. They are not measured surveys nor measured maps, and the appraiser is not responsible for cartographic or surveying errors. Dimensions and areas of the subject property and of the comparables were obtained by various means and are not guaranteed to be exact.
- 6) The appraisal consulting assignment is based on there being no hidden, unapparent, or apparent conditions of the property site, subsoil, or structures or toxic materials which would render it more or less valuable. No responsibility is assumed for any such conditions or for any expertise or engineering to discover them.
- 7) The appraisal consulting assignment is based on the premise that there is full compliance with all applicable federal, state and local environmental regulations and laws unless otherwise stated in this report.
- 8) This appraisal consulting assignment is based on the assumption that all applicable zoning, building, and use restrictions for all types have been complied with, unless a nonconformity has been stated, defined, and considered in the report.
- 9) The assumption has been made that all required licenses, consents, permits or other legislative or administrative authority, local, state, federal and/or private entity or organization have been or can be obtained or renewed for any use considered in the value estimate.
- 10) Unless otherwise stated in this report, the existence of hazardous substances, including without limitation asbestos, polychlorinated biphenyls, petroleum leakage, or agricultural chemicals, which may or may not be present on the property, or other environmental conditions, were not called to the attention of nor did the appraiser become aware of such during the appraiser's inspection. The appraisers have no knowledge of the existence of such materials on or in the property unless otherwise stated. The appraisers, however, are not qualified to test such substances or conditions. If the presence of such substances, such as asbestos, urea formaldehyde, foam insulation, or other hazardous substances or environmental conditions, may affect the value of the properties, the value estimated is predicated on the assumption that there is not such condition on or in the properties or in such proximity thereto that it would cause a loss in value. No responsibility is assumed for any such conditions, nor for any expertise or engineering knowledge required to discover them. The client is urged to retain an expert in the field of environmental impacts upon real estate if so desired.
- 11) This appraisal consulting assignment is based on the assumption that the use of the land and improvements is within the boundaries of the subject properties and there is no trespass or encroachment unless otherwise noted in the report.

- 12) The distribution of the total valuation in this report between land and improvements applies only under the existing program of utilization. The separate valuations for land and building must not be used in conjunction with any other appraisal and are invalid if so used.
- 13) Possession of this report or any copy thereof does not carry with it the right of publication, nor may it be used for other than its intended use. The Bylaws and Regulations of the Appraisal Institute require each Member and Candidate to control the use and distribution of each appraisal consulting report signed by such Member or Candidate; this appraisal consulting report shall not be given to third parties without the prior written consent of the signatory of this appraisal report. Neither all nor any part of this appraisal consulting report shall be disseminated to the general public by use of advertising media, public relations, news, sales or other media for public communication without the prior written consent of the appraiser.
- 14) The appraisers are not obligated to provide any other services, including but not limited to, testimony in court or before any other body charged with interpretation of enforcement of the appraisal consulting assignment.
- 15) Due to the nature of real estate valuation and the complexities of external and internal factors which dictate the market value of any real estate, and the rapid changes and fluctuations with respect to the valuation of real estate, the opinion of the appraiser set forth in the appraisal consulting assignment concerning the market value of the property is reliable as of the effective date and should not be considered as reliable at any time thereafter.
- 16) The appraisers make no guarantee or warranty, whether implied or expressed, concerning the market value set forth in the appraisal consulting assignment. The appraisal consulting assignment merely sets forth the appraiser's opinion of such market value based upon information obtained by the appraisers and assumptions made by the appraisers with respect to the property.
- 17) The appraisers assume no responsibility for any costs or consequences arising due to the need, or the lack of need for flood hazard insurance. An agent for the Federal Flood Insurance Program should be contacted to determine the actual need for flood hazard insurance.
- 18) Subsurface Rights (minerals and oil) were not considered in this appraisal consulting assignment unless otherwise specifically stated.
- 19) The State of Texas does not have full disclosure laws regarding real estate transactions. Therefore, the appraisers necessarily confirmed all sales and rental comparables with brokers, property managers, mortgage brokers, grantors, grantees and other parties familiar with the transaction. The appraiser's data is limited by the accuracy of the information supplied by the aforementioned individuals. Whenever possible, the information was verified by county records.

AN ORDINANCE LEVYING ASSESSMENTS AGAINST VARIOUS PERSONS AND THEIR PROPERTY FOR THE PAYMENT OF A PART OF THE COST OF IMPROVING AND PAVING PORTIONS OF THE FOLLOWING STREETS IN THE CITY OF DALLAS, TEXAS, TO WIT:

Sidewalk Group 06-138

1. Preston Road from LBJ Freeway to Dilbeck Lane to Spring Valley Road to Preston Oaks Road to Belt Line Road to La Cosa Drive to Alexis Drive to Hughes Lane to Regency Place to Highcourt Place to Prestondell Drive to Alpha Road to Arapaho Road
2. Walnut Hill Lane (north side only) from Airline Road to Boedeker Street

PROVIDING FOR THE TIME WHEN SUCH ASSESSMENTS BECOME DUE AND PAYABLE, THE RATE OF INTEREST, AND FIXING A CHARGE AND LIEN AGAINST SAID PROPERTY AND MAKING SAID CHARGE A PERSONAL LIABILITY OF THE PROPERTY OWNERS OWNING PROPERTY ABUTTING ON SAID STREETS, AND PROVIDING FOR THE COLLECTION THEREOF; AND DECLARING AN EMERGENCY.

WHEREAS, heretofore a resolution was duly adopted by the City Council ordering the improvements of

Sidewalk Group 06-138

1. Preston Road from LBJ Freeway to Dilbeck Lane to Spring Valley Road to Preston Oaks Road to Belt Line Road to La Cosa Drive to Alexis Drive to Hughes Lane to Regency Place to Highcourt Place to Prestondell Drive to Alpha Road to Arapaho Road
2. Walnut Hill Lane (north side only) from Airline Road to Boedeker Street

by filling, raising, grading, and paving same; and,

WHEREAS, pursuant to said resolution, specifications and an estimate of the cost of such improvements were prepared for said work by the Director of Public Works and Transportation (City Engineer), filed with said Council, examined, approved, and adopted by it, all as required by applicable law; and,

WHEREAS, in compliance with the law the City Engineer prepared his statements or lists showing the names of property owners upon said street the description of their property, the total cost of the said improvements, the cost there of per front foot and cost to each property owner, said statements possessing all the other requisites required by law; and,

WHEREAS, thereafter the said statements were filed with the City Council and by them examined and approved and a resolution was passed by said Council determining the necessity of making an assessment for part of the cost of said pavement against property owners and their property, and fixing a time and providing for a hearing to such property owners, all in accordance with the terms of applicable law, at which hearing to such property owners were to be heard as to the benefits of the said improvements to their property, as to any error or invalidity in said proceedings, or to any matter or thing connected with the said improvements; and,

WHEREAS, the said resolution in connection with the improvement of said streets was duly adopted in compliance with the law on the 22nd day of April, 2009; and,

WHEREAS, in accordance with the terms of the law, the City Secretary of the City of Dallas gave notice to the property owners on said street of said hearing, by publishing a copy of said notice in the Dallas Morning News, a daily paper of general circulation in the City of Dallas, for three successive days prior to the days set for the hearing, to wit, the 10th day of June, 2009; and the City Secretary also gave notice of said hearing by mailing letters containing the same to said property owners at least fourteen (14) days before the said hearing; provided, however, that any failure of the property owners to receive said notices shall not invalidate these proceedings; and,

WHEREAS, said hearing was held at the time and place mentioned in the said resolution and notice, to wit, on the 10th day of June, 2009 at 1:00 o'clock P.M. at the Council Chamber in the City Hall of the City of Dallas, Texas, which hearing was then closed; and,

WHEREAS, at said hearing, all desiring to contest the said assessments, correct the same, or in any manner be heard concerning the benefits thereof, or in any related matter, were heard, and errors and all matters of error or mistake or inequalities or other matters requiring rectification which were called to the attention of the Council were rectified and corrected.

Now, Therefore,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DALLAS, TEXAS:

SECTION 1. That the action of the City Council closing the hearing and overruling the protests at the public hearing on the 10th day of June, 2009, in these proceedings is hereby ratified and confirmed by this ordinance. That the City Council, from the evidence, finds that the assessments herein levied should be made and levied against the respective parcels of property abutting upon the streets herein below mentioned

SECTION 1. (continued)

and against the owners thereof; that such assessments and charges are right and proper, and are substantially in proportion to the benefits to the respective parcels of property by means of the improvement in the unit or district for which such assessments are levied, and establish substantial justice, equality, and uniformity between the respective owners of the respective properties between all parties concerned, considering the benefits received and burdens imposed. The Council further finds that in each case the abutting property assessed is specially benefited in enhanced value to the said properties by means of the said improvements in the unit or district upon which the particular property abuts, and for which assessment is levied and charge made, in a sum in excess of the said assessment and charge made against the same by this ordinance. The Council further finds that the apportionment of the cost of the improvements is in accordance with the law in force in this City and that the proceedings of the City heretofore had with reference to said improvements are in all respects valid and regular.

SECTION 2. That there shall be and is hereby levied and assessed against the parcels of property hereinbelow mentioned, and against the real and true owners thereof (whether such owners be correctly named herein or not), the sums of money below mentioned and itemized shown opposite the description of the respective parcels of property, and the several amounts assessed against the same and the owners thereof, as far as such owners are known, being as follows:

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SIDEWALK GROUP 06-138

1. PRESTON ROAD FROM LBJ FREEWAY TO DILBECK LANE TO SPRING VALLEY ROAD TO PRESTON OAKS ROAD TO BELT LINE ROAD TO LA COSA DRIVE TO ALEXIS DRIVE TO HUGHES LANE TO REGENCY PLACE TO HIGHCOURT PLACE TO PRESTONDELL DRIVE TO ALPHA ROAD TO ARAPAHO ROAD SHALL BE IMPROVED WITH 4-INCH THICKNESS REINFORCED CONCRETE SIDEWALKS 4 OR 5 FEET WIDE WHERE SPECIFIED

OWNER	LOT(S)	BLOCK	FRONTAGE	RATE	AMOUNT	TOTAL ASSESSMENT
WEST SIDE OF STREET						
VALLEY VIEW SHOPPING CENTER						
SHAFER PLAZA XLIX 3001 KNOX ST, SUITE 207 DALLAS, TEXAS 75205-5586	1 Less ROW Acs 2.82 Preston Rd&LBJ FWY 13101 Preston Rd	A/7409	200 FT	WALK	\$9.58 \$1,916.00	\$1,916.00
CHARLES H WILKERSON						
SEARS ROEBUCK & CO D/768 TAX B2-107A 3333 BEVERLY ROAD HOFFMAN ESTATES, IL 60192	Pt Lt 2 Acs 4.504 13131 Preston Rd	A/7409	330 FT	WALK	\$9.58 \$3,161.40	\$3,161.40
MACERICH VALLEY VIEW LTD C/O E PROPERTY TX DEPT108 P O BOX 4900 SCOTTSDALE, AZ 85261-4900	Pt Lt 3 TR A AC 2.2965 13131 Preston Rd	A/7409	275 FT	WALK	\$9.58 \$2,634.50 ADJ. PER ENHANCEMENT EVAL. \$1,317.25 NET DUE BY OWNER	\$1,317.25
DILBECK LANE INTERSECTS						
DILLARD DEPT STORES INC C/O PPTY TAX DEPT 4501 N BEACH STREET FORT WORTH, TX 76137-3218	Pt Lt 3 Acs 1.6595 13131 Preston Rd	A/7409	73 FT	WALK	\$9.58 \$699.34 ADJ. PER ENHANCEMENT EVAL. \$349.67 NET DUE BY OWNER	\$349.67
INGE CHARLES ANDERSON TR & CUTSHALL HANNAH DAVIS & DAVIS HELEN BUCHANAN 4501 HIGHLAND DRIVE DALLAS, TEXAS 75205-3818	ACS 3.7196 13439 Preston Rd	7014	293 FT	WALK	\$9.58 \$2,806.94	\$2,806.94
SPRING VALLEY ROAD INTERSECTS						
WOODLAND'S WEST						
PRICE PRESTON PARK LP 4125 CENTURION WAY STE 200 ADDISON, TEXAS 75001-4398	10.877 ACS Preston Rd & Spring Valley Rd 14041 Preston Rd	B/8163	606 FT	WALK	\$9.58 \$5,805.48	\$5,805.48
THE OAKS APTS						
CENTURY PARTNERS FUND 4582 S ULSTER ST, STE 1100 DENVER, COLORADO 80237-2662	11.567 AC Preston Oaks Rd&Preston Rd 5902 Preston Oaks Rd	A/8163	400 FT	WALK	\$9.58 \$3,832.00	\$3,832.00

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SIDEWALK GROUP 06-138

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OWNER	LOT(S)	BLOCK	FRONTAGE	RATE	AMOUNT	TOTAL ASSESSMENT
PRESTON OAKS ROAD INTERSECTS						
PRESTON ON THE CREEK PH II						
DMP CREEKVIEW LLC 12721 METCALF AVE STE 200 OVERLAND PARK, KANSAS 66213-2619	3, Acs 6.4611 14255 Preston Rd	A/8164	238 FT	WALK	\$9.58 \$2,280.04	\$2,280.04
	2	A/8164			NO ASSESSMENT - NO ACCESS	
	1A ACS 10.0577	A/8164			NO ASSESSMENT - NO ACCESS	
ROSTLAND 3						
FAIRWAY CAPITAL PTNR LTD C/O ROBERT G SAMFORD P O BOX 684827 AUSTIN, TEXAS 78768-4827	4E, ACS 0.8096 14885 Preston Rd	A/8174	77 FT	WALK	\$9.58 \$737.66	\$737.66
FAIRWAY CAPITAL PTNR LTD C/O S C COMM MGMT INC 8214 WESTCHESTER DR STE 850 DALLAS, TEXAS 75225-6128	4D ACS 1.0671 14891 Preston Rd	A/8174	133 FT	WALK	\$9.58 \$1,274.14	\$1,274.14
FAIRWAY CAPITAL PTNR LTD C/O PAT GARNER CHICK FIL A 5200 BUFFINGTON RD ATLANTA, GEORGIA 30349-2945	4C ACS 1.1401 14897 Preston Rd	A/8174	134 FT	WALK	\$9.58 \$1,283.72	\$1,283.72
WENDYS SIGNATURE CENTER						
FAIRWAY CAPITAL PTNR LTD C/O SC COMPANY 8214 WESTCHESTER DR STE 850 DALLAS, TEXAS 75225-6128	4F, ACS 0.801 14949 Preston Rd	A/8174	93 FT	WALK	\$9.58 \$890.94 ADJ. PER ENHANCEMENT EVAL. \$445.47 NET DUE BY OWNER	\$445.47
SIGNATURE CENTER						
FAIRWAY CAPITAL PTNR LTD C/O SC COMPANY 8214 WESTCHESTER DR STE 850 DALLAS, TEXAS 75225-6128	4A, ACS 14.688 14999 Preston Rd	A/8174	215 FT	WALK	\$9.58 \$2,059.70	\$2,059.70
BELT LINE ROAD INTERSECTS						
DEL NORTE RACQUET CLUB CONDOS						
	ACS 17.839 5811 Belt Line	A/8221			NO ASSESSMENT - NO ACCESS	

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SIDEWALK GROUP 06-138

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OWNER	LOT(S)	BLOCK	FRONTAGE	RATE	AMOUNT	TOTAL ASSESSMENT
PRESTON DEL NORTE VILLAS						
	CE 2.99012	D/8221				NO ASSESSMENT - NO ACCESS
EAST SIDE OF STREET						
PRESTONWOOD						
	21 THRU 31	3/8190				NO ASSESSMENT - REAR OF PROPERTY
LA COSA DRIVE INTERSECTS						
	15	17/8189				NO ASSESSMENT - REAR OF PROPERTY
	1, 16	24/8189				NO ASSESSMENT - REAR OF PROPERTY
	1, 16	26/8189				NO ASSESSMENT - REAR OF PROPERTY
	1, White Rose Trl Pt of Lt 19, 20	28/8189 28/8189				NO ASSESSMENT - REAR OF PROPERTY NO ASSESSMENT - REAR OF PROPERTY
COMPASS BANK						
COMPASS BANK PLANO ATTN: ACCTG DIV P O BOX 10566 BIRMINGHAM, ALABAMA 35296-0002	5B, ACS 1.047 14852 Preston Rd	B/8189	169 FT	WALK	\$9.58 \$1,619.02	\$1,619.02
ALEXIS DRIVE INTERSECTS						
BERT FIELDS, JR. C/O BRIAN L ARNOLD P O BOX 270627 HOUSTON, TEXAS 77277-0627	TR 3.1 ACS 37.406 6050 Belt Line Rd	8178	220 FT	WALK	\$9.58 \$2,107.60 ADJ. PER ENHANCEMENT EVAL. \$1,053.80 NET DUE BY OWNER	\$1,053.80
STATE OF TEXAS 9700 E R L THORNTON FWY DALLAS, TEXAS 75228-5619	27,560 SQ FT 14404 Preston Rd	8178				NO ASSESSMENT - STATE OF TEXAS
TEXAS UTILITIES ELEC CO C/O STATE & LOCAL TAX DEPT P O BOX 219071 DALLAS, TEXAS 75221-9071	ACS 0.72 14402 Preston Rd	8178				NO ASSESSMENT - CONCRETE IN PLACE
OAKS AT WILLIAMSBURG						
	SPLT B ACS 0.3914 10	B/8178 B/8178				NO ASSESSMENT - REAR OF PROPERTY NO ASSESSMENT - REAR OF PROPERTY

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SIDEWALK GROUP 06-138

1. PRESTON ROAD FROM LBJ FREEWAY TO DILBECK LANE TO SPRING VALLEY ROAD TO PRESTON OAKS ROAD TO BELT LINE ROAD TO LA COSA DRIVE TO ALEXIS DRIVE TO HUGHES LANE TO REGENCY PLACE TO HIGHCOURT PLACE TO PRESTONDELL DRIVE TO ALPHA ROAD TO ARAPAHO ROAD SHALL BE IMPROVED WITH 4-INCH THICKNESS REINFORCED CONCRETE SIDEWALKS 4 OR 5 FEET WIDE WHERE SPECIFIED

OWNER	LOT(S)	BLOCK	FRONTAGE	RATE	AMOUNT	TOTAL ASSESSMENT
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HUGHES LANE INTERSECTS

WILLIAMSBURG AT PRESTON

14331 HUGHES LANE	41	1/8175				NO ASSESSMENT - NO ACCESS
14336 REGENCY PL	1	5/8175				NO ASSESSMENT - NO ACCESS

REGENCY PLACE INTERSECTS

REGENCY PLACE

14339 REGENCY PL	PT LT 1 0.159 ACS	6/8175				NO ASSESSMENT - NO ACCESS
	15 Thru 18	6/8175				NO ASSESSMENT - REAR OF PROPERTY
6003 HIGHCOURT PL	32	6/8175				NO ASSESSMENT - NO ACCESS

HIGHCOURT PLACE INTERSECTS

6004 HIGHCOURT PL	49	5/8175				NO ASSESSMENT - NO ACCESS
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REGENCY PLACE PHASE 2

	47 Thru 43	5/8175				NO ASSESSMENT - REAR OF PROPERTY
LATTER RAIN HOLINESS CHURCH 14000 PRESTON ROAD DALLAS, TEXAS 75254-3412	0.663 ACS Preston Rd @ Spring Valley 14002 Preston Rd	8175	67 FT WALK	\$9.58	\$641.86	
			ADJ. PER ENHANCEMENT EVAL.		\$320.93	
			NET DUE BY OWNER			\$320.93

MT PISGAH BAPTIST CH 11611 WEBB CHAPEL ROAD DALLAS, TEXAS 75229-2434	117.5X425.5 Preston Rd 371.5FR Spring Valley 14000 Preston Rd	8175	47 FT WALK	\$9.58	\$450.26	
			ADJ. PER ENHANCEMENT EVAL.		\$225.13	
			NET DUE BY OWNER			\$225.13

SPRING VALLEY ROAD INTERSECTS

PRESTON RD NORTH ESTS

	6 Thru 1	2/7418				NO ASSESSMENT - REAR OF PROPERTY
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THOMPSON RESUB

	1 THRU 4	1/7418				NO ASSESSMENT - REAR OF PROPERTY
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SIDEWALK GROUP 06-138

1. PRESTON ROAD FROM LBJ FREEWAY TO DILBECK LANE TO SPRING VALLEY ROAD TO PRESTON OAKS ROAD TO BELT LINE ROAD TO LA COSA DRIVE TO ALEXIS DRIVE TO HUGHES LANE TO REGENCY PLACE TO HIGHCOURT PLACE TO PRESTONDELL DRIVE TO ALPHA ROAD TO ARAPAHO ROAD
SHALL BE IMPROVED WITH 4-INCH THICKNESS REINFORCED CONCRETE SIDEWALKS 4 OR 5 FEET WIDE WHERE SPECIFIED

OWNER	LOT(S)	BLOCK	FRONTAGE			RATE	AMOUNT	TOTAL ASSESSMENT
ALPHA PRESTON CENTER								
TACO BELL OF AMERICA INC C/O TBC TAX UNIT #005614 P O BOX 35370 LOUISVILLE, KENTUCKY 40232-5370	3, ACS 0.5206 13670 Preston Rd	A/7418	110 FT	WALK		\$9.58	\$1,053.80	\$1,053.80
ALPHA ROAD INTERSECTS								
SOUTHEAST PRESTON/ALPHA								
FONBERG HOLDINGS LTD ET AL 5452 GLEN LAKES DR STE 203 DALLAS, TEXAS 75231-0942	1 ACS 2.281 13444 Preston Rd	A/7441	160 FT	WALK		\$9.58	\$1,532.80	\$1,532.80
GILLILAND PPTIES II LTD C/O LYNN GILLILAND O'NEAL 5956 SHERRY LN STE 1000 DALLAS, TEXAS 75225-8021	2, ACS 0.788 13420 Preston Rd	A/7441	45 FT	WALK		\$9.58	\$431.10	\$431.10
PRESTON DILBECK								
SCOTT ROAD 20 LLC 2622 COMMERCE ST DALLAS, TEXAS 75226-1402	3, ACS 1.7100 Preston Rd&Dilbeck Ln 13410 Preston Rd	A/7441	75 FT	WALK		\$9.58	\$718.50	\$718.50
DILBECK LANE INTERSECTS								
CIN PRESTON VALLEY VIEW 8750 N CENTRAL EXPWY STE 625 DALLAS, TEXAS 75231	194,485 SQ FT 13330 Preston Rd	7438	345 FT	WALK		\$9.58	\$3,305.10	\$3,305.10

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SIDEWALK GROUP 06-138

**1. PRESTON ROAD FROM LBJ FREEWAY TO DILBECK LANE TO SPRING VALLEY ROAD TO PRESTON OAKS ROAD
TO BELT LINE ROAD TO LA COSA DRIVE TO ALEXIS DRIVE TO HUGHES LANE TO REGENCY PLACE TO
HIGHCOURT PLACE TO PRESTONDELL DRIVE TO ALPHA ROAD TO ARAPAHO ROAD**

TOTAL PROPERTY OWNERS' COST - ASSESSMENTS	\$41,241.90	
ADJUSTMENTS PER ENHANCEMENT EVALUATION	\$3,712.25	
NET DUE BY OWNER		\$37,529.65
TOTAL CITY OF DALLAS' COST PAVING	\$318,944.35	
TOTAL WATER UTILITIES DEPARTMENT COST WATER AND WASTEWATER ADJUSTMENTS	\$6,370.00	
TOTAL CITY OF DALLAS' COST		\$325,314.35
TOTAL COST OF IMPROVEMENTS		\$362,844.00

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SIDEWALK GROUP 06-138

2. WALNUT HILL LANE (NORTH SIDE ONLY) FROM AIRLINE ROAD TO BOEDEKER STREET
SHALL BE IMPROVED WITH 4-INCH THICKNESS REINFORCED CONCRETE SIDEWALKS 4 OR 5 FEET
WHERE SPECIFIED

OWNER	LOT(S)	BLOCK	FRONTAGE	RATE	AMOUNT	TOTAL ASSESSMENT
WEST SIDE OF STREET						
<i>MEADOWS</i>						
	1 THRU 12	A/5455	NO ASSESSMENTS - REAR OF PROPERTY			

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SIDEWALK GROUP 06-138

2. WALNUT HILL LANE (NORTH SIDE ONLY) FROM AIRLINE ROAD TO BOEDEKER STREET

TOTAL PROPERTY OWNERS' COST - ASSESSMENTS		\$0.00
TOTAL CITY OF DALLAS' COST PAVING	\$35,256.00	
TOTAL WATER UTILITIES DEPARTMENT COST WATER AND WASTEWATER ADJUSTMENTS	\$630.00	
TOTAL CITY OF DALLAS' COST		\$35,886.00
TOTAL COST OF IMPROVEMENTS		\$35,886.00

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Sidewalk Group 06-138

1. Preston Road from LBJ Freeway to Dilbeck Lane to Spring Valley Road to Preston Oaks Road to Belt Line Road to La Cosa Drive to Alexis Drive to Hughes Lane to Regency Place to Highcourt Place to Prestondell Drive to Alpha Road to Arapaho Road
2. Walnut Hill Lane (north side only) from Airline Road to Boedeker Street

Grand Total Property Owners' Cost - Assessments	\$41,241.90	
Adjustments Per Enhancement Evaluation	\$3,712.25	
Grand Net Due by Owner		\$37,529.65
Grand Total City of Dallas' Cost - Paving	\$354,200.35	
Grand Total Water Utilities Department Cost Water and Wastewater Adjustments	\$7,000.00	
Grand Total City of Dallas' Cost		\$361,200.35
Grand Total Cost of Improvements		\$398,730.00

SECTION 3. That where more than one person, firm or corporation owns an interest in any property above described, each said person, firm or corporation shall be personally liable for its, his or her pro rata of the total assessment against such property in proportion as its, his or her respective interest bears to the total ownership of such property, and its, his or her respective interest in such property may be released from the assessment lien upon payment of such proportionate sum.

SECTION 4. That the several sums above mentioned and assessed against the said parcels of property and the owners thereof, and interest thereon at the rate of eight per centum (8.00%) per annum, together with reasonable attorney's fees and costs of collection, if incurred, are hereby declared to be and are made a lien upon the respective parcels of property against which the same are assessed, and a personal liability and charge against the real and true owners of such property, whether such owners be named herein or not, and the said liens shall be and constitute the first enforceable lien and claim against the property on which such assessments are levied, and shall be a first paramount lien thereon, superior to all other liens and claims except State, County, School District and City ad valorem taxes.

The sums so assessed against the abutting property and the owners thereof, shall be and become due and payable as follows, to wit, in twelve (12) equal installments, the first payable on or before thirty (30) days after the acceptance of the completed improvements by the City, and one (1) each month thereafter until the total amount is paid; deferred payments shall bear interest from the date of such completion and acceptance at the rate of eight per centum (8.00%) per annum, payable monthly with each installment, so that upon the completion and acceptance of the improvements in a particular unit or district, assessments against such completed and accepted unit or district shall be and become due and payable in such installments and with interest from the date of such completion and acceptance. Provided, however, that any owner shall have the right to pay the entire assessment, or any installment thereof, before maturity, by payment of principal and accrued interest, and further provided that if default shall be made in the payment of any installment of principal or interest promptly as the same matures, then the entire amount of the assessment upon which such default is made shall, at the option of the said City of Dallas, or its assigns, be and become immediately due and payable, and shall be collectible, together with reasonable attorney's fees and costs of collection, if incurred. Any assessed property owner, however, shall have the right to execute a mechanics and materialman's lien contract and a promissory note whereby the assessments due, together with interest at the rate mentioned above, shall be payable over a period of not longer than ten years in equal monthly payments, but each monthly payment shall never be less than \$5.00.

SECTION 5. That if default be made in the payment of any of the said sums hereby assessed against said property owners and their property, collection thereof shall be enforced either by suit in any court having jurisdiction or by lien foreclosure.

SECTION 6. That for the purpose of evidencing the several sums payable by said property owners and the time and terms of payment, and to aid in the enforcement thereof, assignable certificates may be issued by the City of Dallas upon the completion and acceptance of the said work of improvement, which shall be executed by the Mayor, signing the same or by his facsimile signature impressed thereon, attested by the City Secretary, under the impress of the corporate seal, and shall be payable to the City of Dallas, or its assigns, which certificate shall declare the said amounts and the time and terms of payment thereof, and the said rate of interest payable thereof, and shall contain the name of the owner and the description of his property by Lot or Block Number of front feet thereof, or such description as may otherwise identify the same by reference to any other fact, and if said property shall be owned by an estate, then the description thereof as so owned shall be sufficient.

And that the said certificates shall further provide that if default shall be made in the payment of any installment of principal or interest thereon, when due then at the option of the said City of Dallas being the owner and holder thereof, the whole of the said assessment shall at once become due and payable and shall be collectible with reasonable attorney's fees and costs if incurred.

And that the said certificates shall further set forth and evidence the said personal liability of the owner and the lien upon his premises and shall provide that if default shall be made in the payment thereof, the same may be enforced as above provided.

And the said certificates shall further recite that the proceedings with reference to making said improvements have been regularly in compliance with the terms of the applicable law, and that all prerequisites to the fixing of the lien and claims of personal liability evidenced by such certificates have been performed, which recitals shall be prima facie evidence of the facts so recited and no further proof thereof shall be required.

That the said certificates shall also provide that the amounts payable thereunder shall be paid to the City Controller of the City of Dallas, who shall credit said payments upon the said certificates, and shall immediately deposit the amounts so collected with the City Treasurer of the City of Dallas, to be kept and held by him in a special fund, which is hereby designated as Capital Assessments Fund and which payments shall be by the Treasurer paid to the said City of Dallas or other holder of the said certificates, on presentation thereof to him, duly credited by the City Controller the said credit by said City Controller being the Treasurer's Warranty for making such payment and the said City of Dallas or other holder of said certificate, shall receipt in writing to said Treasurer when paid in full, together with all costs of collection.

SECTION 6. (continued)

And that the said certificates shall further provide that the City of Dallas shall exercise all legal power, when requested so to do by the holder of said certificate, to aid in the collection thereof; but the City of Dallas shall in nowise be liable to the holder of said certificates in any manner for payment of the amount evidenced by the said certificates or for any costs or expense in the premises, or for any failure of the said City Council or any of its officers in connection therewith.

Full power to make and levy reassessments, and to correct mistakes, errors, invalidates or irregularities, either in the assessments or in the certificates issued in evidence thereof, is in accordance with the law in force in this City, vested in the City.

SECTION 7. That all assessments levied are a personal liability and charged against the real and true owners of the premises described, notwithstanding such owners may not be named, or may be incorrectly named.

SECTION 8. That the assessments herein levied are made and levied under and by virtue of the terms, powers and provisions of an Act passed at the First Called Session of the Fortieth Legislature of the State of Texas, known as Chapter 106 of the Acts of said Session, with amendments thereto, now shown as Texas Transportation Code Annotated Section 311 and 313 (Vernon's 1996), which said law has been adopted as an alternative method for the construction of streets improvements in the City of Dallas, Texas, by Chapter XX of the Charter of the City of Dallas.

SECTION 9. That the assessments so levied are for the improvements in the particular unit or district upon which the property described abuts, and the assessments for the improvements in one unit or district are in nowise related to or connected with the improvements in any other unit or district, and in making assessments and in holding said hearing, the amounts assessed for improvements in one unit or district have been in nowise affected by any fact in anywise connected with the improvements or the assessments therefore in any other unit or district.

SECTION 10. That the City Manager, or her designee, is hereby authorized to execute releases of any paving assessment liens herein levied and assessed against the parcels of property and owners thereof, if same are fully paid, such releases to be approved as to form by the City Attorney and attested by the City Secretary.

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SECTION 11. That this Ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of the Charter of the City of Dallas and it is accordingly ordained.


Distribution: Public Works and Transportation, Jean Mitchell, OCMC, Room 101
 Public Works and Transportation, Lisa Valladares, OCMC, Room 307
 City Attorney
 Office of Financial Services

APPROVED AS TO FORM:

Thomas P. Perkins, Jr.
City Attorney

By 
Assistant City Attorney

Prepared by 
Paving Assessment Manager

Approved by 
Director, Public Works & Transportation

Passed and correctly enrolled JUN 10 2009

June 10, 2009

WHEREAS, on April 22, 2009, Resolution No. 09-1076 authorized improvements and the public hearing; and,

WHEREAS, bids were received on April 16, 2009, for sidewalk improvements on Sidewalk Group 06-138, as follows:

<u>BIDDERS</u>	<u>AMOUNT OF BID</u>
HCE Construction, Inc.	\$398,730.00
Stark Built M.P. LLC	\$385,565.00**
Advanced Paving Company	\$415,752.15
Texas Standard Construction	\$430,300.00
MACVAL Associates, LLC	\$430,830.00
Estrada Concrete Co., LLC	\$435,140.00
Admiral Construction Company	\$459,736.50
Ken-Do Contracting, LP	\$486,270.00
National Capital Builders, LLC	\$495,125.00
Santos Construction, Inc.	\$566,865.00

**Note: HCE Construction, Inc., was not the lowest bidder; however, they were given a 5% preferential consideration on their total bid because the Cement Preference Certification was submitted with their bid, in compliance with the new City of Dallas cement specifications approved by Council on May 23, 2007. The contractor with the lowest bid, Stark Built M.P., LLC, did not submit the Cement Preference Certification.

Now, Therefore,

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

Section 1. That the City Manager is hereby authorized to enter into a contract with HCE Construction, Inc. for sidewalk improvements on Sidewalk Group 06-138, in an amount not to exceed \$398,730.00, this being the lowest responsive bid received as indicated by the tabulation of bids.

Section 2. That the City Manager is hereby authorized to execute the contract after it has been approved as to form by the City Attorney.

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

Street and Transportation Improvements Fund
Fund 6T22, Department PBW, Unit U271, Act. SIDI
Obj. 4510, Program #PB06U271, CT PBW06U271I1
Vendor #514871, in an amount not to exceed

\$391,730.00

June 10, 2009

Water Construction Fund
Fund 0102, Department DWU, Unit CW42, Act. RELP
Obj. 3221, Program #709163, REP WY63, CT PBW709163EN
Vendor #514871, in an amount not to exceed \$ 6,200.00

Wastewater Construction Fund
Fund 0103, Department DWU, Unit CS42, Act. RELP
Obj. 3222, Program #709164X, REP TO85, CT PBW709164EN
Vendor #514871, in an amount not to exceed \$ 800.00

Total in an amount not to exceed \$398,730.00

Section 4. That this resolution shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Dallas and it is accordingly so resolved.

Distribution: Public Works and Transportation, Jean Mitchell, OCMC, Room 101
Public Works and Transportation, Lisa Valladares, OCMC, Room 307
City Attorney
Controller's Office, Sherrian Parham, 4BN

APPROVED BY
CITY COUNCIL

JUN 10 2009


City Secretary