

**WHEREAS**, the Regional Transportation Council (RTC) is the regional transportation policy board of the North Central Texas Council of Governments (NCTCOG), and is a regional forum for cooperative decisions on transportation; and

**WHEREAS**, pursuant to Chapter 228 of the Texas Transportation Code, the State of Texas provided surplus revenue from a State Highway 121 Toll Project to RTC for its Sustainable Development Program; and

**WHEREAS**, the RTC approved \$41.0 million for the 2009-2010 Sustainable Development Program Call for Projects; and

**WHEREAS**, the City of Dallas issued a request for proposals to private developers and other organizations to solicit projects to submit to the RTC's Sustainable Development Call for Projects; and

**WHEREAS**, the City of Dallas submitted sixteen infrastructure projects, including the Lake Highlands Transit Oriented Development (TOD) Sustainable Development Infrastructure Project, and seven planning projects to the RTC's Sustainable Development Call for Projects; and

**WHEREAS**, on June 3, 2010, the RTC approved \$13,779,712 in Regional Toll Revenue (RTR) or Regional Transportation Council local funds for nine infrastructure and three planning projects in the City of Dallas; and

**WHEREAS**, on August 25, 2010, City Council authorized support for the Lake Highlands TOD Multimodal Connectivity Project and authorized the City Manager to negotiate agreements with NCTCOG and private sector partners by Resolution No. 10-2152; and

**WHEREAS**, on February 24, 2011, the Texas Transportation Commission concurred with RTC's selection of projects for the Lake Highlands TOD Multimodal Connectivity Project and its funding of \$2,774,222; and

**WHEREAS**, the Sustainable Development Program requires a minimum local match of 20% of the total project cost of \$3,467,778, or \$693,556, which was to be provided by Dallas County (10%) and PC LH Land Partners, LP (10%); and

**WHEREAS**, on September 26, 2012, City Council authorized an agreement with NCTCOG and the State of Texas to obtain funding to reimburse Dallas County, for the costs of design, right-of-way acquisition, and construction of the Lake Highlands Transit Oriented Development Multimodal Connectivity Sustainable Development Infrastructure Project in the amount of \$2,774,222, by Resolution No. 12-2357; and

**WHEREAS**, on September 26, 2012, City Council authorized a Development Agreement with PC LH Land Partners, LP, in support of the design, right-of-way acquisition, and construction of the Lake Highlands Transit Oriented Development Multimodal Connectivity Sustainable Development Infrastructure Project by Resolution No. 12-2358; and

**WHEREAS**, on September 26, 2012, City Council authorized a Project Specific Agreement with Dallas County for reimbursement of the costs of design, right-of-way acquisition, and construction of the Lake Highlands Transit Oriented Development Multimodal Connectivity Sustainable Development Infrastructure Project by Resolution No. 12-2359; and

**WHEREAS**, in March 2016, the developer, PC LH Land Partners, LP, notified the City of its desire to terminate its Tax Incentive Financing (TIF) agreement and forgo all obligations for this project; and

**WHEREAS**, on April 1, 2016, the Skillman Corridor TIF Board of Directors approved the district-wide TIF funding request of up to \$346,800 as the required 10 percent local matching funds that was to be provided by PC LH Land Partners, LP for the Lake Highlands Transit Oriented Development Sustainable Development Project in the Skillman Corridor TIF District in partnership with North Central Texas Council of Governments Regional Transportation Council for its Sustainable Development Program; and

**WHEREAS**, Dallas County was originally planned to be the lead agency administering the design, right-of-way, and construction of the project; however, it was mutually agreed upon by the City of Dallas and Dallas County that the City of Dallas would take over the lead agency role for this project in order to expedite the project in support of active private development in the vicinity; and

**WHEREAS**, it is now necessary to amend Resolution No. 12-2359, previously approved on September 26, 2012, to rescind Sections 1, 3, 4, 5, 6, 7, 8, 9, 10, and 11 releasing project encumbrances to Dallas County, and to revise Section 2 funding receipt source to receive funds from the NCTCOG to the Texas Department of Transportation; and to authorize a Project Specific Agreement with Dallas County for design, right-of-way acquisition, and construction of the Lake Highlands Transit Oriented Development Sustainable Development Infrastructure Project.

**Now, Therefore,**

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

**SECTION 1.** That the City Manager is hereby authorized to amend Resolution No. 12-2359, previously approved on September 26, 2012, to rescind Sections 1, 3, 4, 5, 6, 7, 8, 9, 10, and 11 releasing project encumbrances to Dallas County, in an amount not to exceed \$3,121,000 for the Lake Highlands Transit Oriented Development (TOD) Sustainable Development Infrastructure Project as follows:

Lake Highlands Project Fund  
Fund S250, Department ECO, Unit P737  
Activity ECSD, Object 4510, Program ECSD0006  
Contract No./Encumbrance CT ECOP737K192-1, Vendor 014003 (\$2,774,222)

Lake Highlands Project Fund  
Fund S250, Department ECO, Unit P737  
Activity ECSD, Object 4510, Program ECSD0006  
Contract No./Encumbrance CT ECOP737K192-2, Vendor 014003 (\$ 346,778)

Total amount not to exceed (\$3,121,000)

**SECTION 2.** That the City Manager is hereby authorized to amend Resolution No. 12-2359, previously approved on September 26, 2012, to revise Section 2 funding receipt source from the NCTCOG to the Texas Department of Transportation as follows:

**SECTION 2.** That the City Manager is hereby authorized to establish appropriations for funds received from the ~~North Central Texas Council of Governments~~ Texas Department of Transportation in the Lake Highlands Project Fund, Fund S250, Department ECO, Unit P737, Activity ECSD, Object 4510, in an amount not to exceed \$2,774,222.

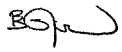
**SECTION 3.** That the City Manager is hereby authorized to sign a Project Specific Agreement with Dallas County, approved as to form by the City Attorney, for design, right-of-way acquisition, and construction of the Lake Highlands Transit Oriented Development Sustainable Development Infrastructure Project.

**SECTION 4.** That the Chief Financial Officer is hereby authorized to receive and deposit funds in an amount not to exceed \$346,778 from Dallas County in the Capital Projects Reimbursement Fund, Fund 0556, Department PBW, Unit P737, Revenue Code 6511.

**SECTION 5.** That the City Manager is hereby authorized to increase appropriations in an amount not to exceed \$346,778 in the Capital Projects Reimbursement Fund, Fund 0556, Department PBW, Unit P737, Object 4510.

**SECTION 6.** That this contract is designated as Contract No. PBW-2018-00004417.

**SECTION 7.** 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 BY  
CITY COUNCIL  
  
DEC 13 2017  
  
  
Interim City Secretary