

September 12, 2018

**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 projects selected within the City of Dallas for the Regional Transportation Council Sustainable Development Program and authorized the City Manager to negotiate agreements with the North Central Texas Council of Governments and private sector partners, where applicable 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

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**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 Dallas 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 districtwide 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 NCTCOG's RTC 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**, on December 13, 2017, City Council authorized an amendment to 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 North Central Texas Council of Governments to the Texas Department of Transportation by Resolution No. 17-1894; and

**WHEREAS**, on December 13, 2017, City Council authorized Supplemental Agreement No.1 to the professional services contract with Civil Associates, Inc. to provide final design services for the Lake Highlands Transit Oriented Development Sustainable Development Infrastructure Project by Resolution No. 17-1895; and

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**WHEREAS**, on December 13, 2017, City Council authorized (1) an amendment to Resolution No. 12-2357, previously approved on September 26, 2012, for the Lake Highlands Transit Oriented Development Multimodal Connectivity Sustainable Development Infrastructure Project to: (a) delete project reimbursements to Dallas County; (b) revise Section 2 funding receipt source to receive funds from the North Central Texas Council of Governments to the Texas Department of Transportation; and (c) correct the name of the project from Lake Highlands Transit Oriented Development Multimodal Connectivity Sustainable Development Infrastructure Project to Lake Highlands Transit Oriented Development Sustainable Development Infrastructure Project; (2) the Skillman Corridor Tax Increment Financing District Board of Directors to dedicate up to \$346,778 in the Skillman Corridor Tax Increment Financing District Funds as the required local matching funds for the North Central Texas Council of Governments Sustainable Development Program associated with the Lake Highlands Transit Oriented Development Sustainable Development Infrastructure Project in the Skillman Corridor Tax Increment Financing District by Resolution No. 17-1896; and

**WHEREAS**, on December 13, 2017, City Council authorized rescinding Resolution No. 12-2358, previously approved on September 26, 2012, for the execution of the Development Agreement with PC LH Land and Partners, LP and associated receipt and deposit of funds for the Lake Highlands Transit Oriented Development Multimodal Connectivity Sustainable Development Infrastructure Project by Resolution No. 17-1897; and

**WHEREAS**, the Funding Agreement with the NCTCOG and the Texas Department of Transportation (TxDOT), dated October 17, 2012, must be current to allow NCTCOG/TxDOT's share reimbursement to the City of Dallas for the design and construction of the Lake Highlands Transit Oriented Development Sustainable Development Infrastructure Project; and

**WHEREAS**, it is now necessary to authorize an amendment to the Funding Agreement with the North Central Texas Council of Governments and the Texas Department of Transportation (Agreement No. CSJ 0918-47-028), to extend the project schedule timeline through October 31, 2019, revise the project closeout requirements, scope of work, project location map and the project budget for the Lake Highlands Transit Oriented Development Sustainable Development Infrastructure Project.

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Now, Therefore,

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

**SECTION 1.** That the City Manager is hereby authorized to sign the amendment to the Funding Agreement with the North Central Texas Council of Governments and the Texas Department of Transportation (Agreement No. CSJ 0918-47-028), approved as to form by the City Attorney, to extend the project schedule timeline through October 31, 2019, revise the project closeout requirements, scope of work, project location map and the project budget for the Lake Highlands Transit Oriented Development Sustainable Development Infrastructure Project.

**SECTION 2.** That the City Manager is hereby authorized to rescind Section 4 of Resolution No. 17-1896 previously approved on December 13, 2017.

**SECTION 3.** That this contract is designated as Contract No. PBW-2018-00006953.

**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.

