

December 11, 2019

**WHEREAS**, on May 23, 2007, by Resolution No. 07-1536, City Council authorized a development agreement ("Development Agreement") for the construction of the Woodall Rodgers Deck Plaza and a use agreement for the operation and maintenance of the Woodall Rodgers Deck Plaza with Woodall Rodgers Park Foundation for a period of forty years with five ten-year renewal options; and

**WHEREAS**, on September 18, 2008, Administrative Action No. 08-2655 authorized Supplemental Agreement No. 1 to the Development Agreement with Woodall Rodgers Park Foundation. This modification included deleting the entire fifth sentence of Section 2.2 and substituting the following sentence: "Prior to the awarding of Phase I contract by the City, the Woodall Rodgers Park Foundation shall raise and deposit with the City 40% of the estimated cost (\$751,745.00) to cover its portion of the construction cost for Phase I, which is approximately \$300,590.00"; and

**WHEREAS**, on October 8, 2008, City Council, by Resolution No. 08-2791, authorized Supplemental Agreement No. 2 to the Development Agreement with the Woodall Rodgers Park Foundation for the Woodall Rodgers Deck Plaza to amend the Agreement to update Sections 2.2 and 2.3, entitled Woodall Rodgers Park Foundation "WRPF Project Contribution" and "Estimated Funding Allocation," respectively, to: (i) reflect reductions in budgeted construction costs of approximately \$11,300,000.00; (ii) reallocate Phase 2 work to Phase 3; (iii) acknowledge an additional \$10,000,000.00 in funding secured from Texas Department of Transportation (TxDOT) by the Woodall Rodgers Park Foundation, resulting in a total Statewide Transportation Enhancement Program (STEP) grant allocation of \$20,000,000.00; (iv) reflect design and pre-construction cost contributions and/or contractual obligations made by the Foundation in excess of \$8,000,000.00; and (v) reflect the obligation of the Foundation to fund all costs in excess of the City's and TxDOT's project contributions for Phases 1-4 and to apply the full balance of the Foundation's \$20,000,000.00 minimum in private funding obligation to Phase 5; and

**WHEREAS**, this action will authorize Supplemental Agreement No. 3 to the Development Agreement with the Woodall Rodgers Park Foundation, a Texas non-profit, for the design, construction and financing of the Phase 2 expansion of Klyde Warren Park located at 2012 Woodall Rodgers Freeway to (a) include the Klyde Warren Park Phase 2 Extension, and to (b) include a nearby portion of unused City right-of-way encompassed by the eastbound side of Woodall Rodgers Freeway service road, the southbound side of North Pearl Street, the southbound Olive Street on ramp to the Woodall Rodgers Freeway and adjacent parking lot to relocate the existing dog park component of the Park, (which (a) and (b) collectively hereafter referred to as KWP2.

**Now, Therefore,**

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

December 11, 2019

**SECTION 1.** That the President of the Park and Recreation Board and the City Manager are hereby authorized to execute Supplemental Agreement No. 3 to the Development Agreement with the Woodall Rodgers Park Foundation, a Texas non-profit, approved as to form by the City Attorney, for the design, construction and financing of the Phase 2 expansion of Klyde Warren Park located at 2012 Woodall Rodgers Freeway to (a) include the Klyde Warren Park Phase 2 Extension, and to (b) include a nearby portion of unused City right-of-way encompassed by the eastbound side of Woodall Rodgers Freeway service road, the southbound side of North Pearl Street, the southbound Olive Street on ramp to the Woodall Rodgers Freeway and adjacent parking lot to relocate the existing dog park component of the Park, (which (a) and (b) collectively hereafter referred to as KWP2).

**SECTION 2.** That this contract is designated as Contract No. PKR-2020-00011944.

**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.

