Agenda

Dallas Area Rapid Transit
COMMITTEE-OF-THE-WHOLE
Tuesday, May 25, 2021, 5:00 p.m. - Conference Room C
1401 Pacific Ave., Dallas, Texas 75202

Due to the COVID-19 virus and current extension of the Disaster Declaration issued by the Governor, all DART Board Meetings and Public Hearings are closed to the public. All meetings will take place by videoconference and will be available at https://www.dart.org/about/board/boardvideo.asp.

General Items:
1. Roll Call
2. Approval of Minutes: May 11, 2021
3. This item will be discussed at Board Meeting only.
4. This item will be discussed at Board Meeting only.

Consent Items:

Customer Service, Safety and Mobility:
5. Contract for Light Rail Vehicle (LRV) Brake Disc and Hardware Kits (Lee Ruiz/Carol Wise)
6. Addition of Contingency Funding to Bi-Level and Coach Car Overhaul Contract to Cover Hidden and Latent Damage Identified During Overhaul Due to Age/Condition (Lee Ruiz/Carol Wise)

Planning and Capital Programs:
7. Approval to Declare Public Necessity, Establish Just Compensation, and Authorize the Acquisition of Parcels DE1-005 and DE1-006 Located in the City of Coppell, Texas, for the Silver Line Regional Rail Project, and Authorize Eminent Domain Proceedings for These Parcels, if Necessary (Patrick J. Kennedy/Todd Plesko)
8. Approval to Declare Public Necessity, Establish Just Compensation, and Authorize the Acquisition of Parcels CB2-010, DE2-008, DE2-012, DE2-013 and DE2-014 Located in the City of Carrollton, Texas, for the Silver Line Regional Rail Project, and Authorize Eminent Domain Proceedings for These Parcels, if Necessary (Patrick J. Kennedy/Todd Plesko)
9. Approval to Declare Public Necessity, Establish Just Compensation, and Authorize the Acquisition of Parcels CB3-010, CB3-011 and DE3-008 in the City of Plano, Texas, for the Silver Line Regional Rail Project, and Authorize Eminent Domain Proceedings for All Parcels, if Necessary (Patrick J. Kennedy/Todd Plesko)
10. Approval to Declare Public Necessity, Establish Just Compensation, and Authorize the Acquisition of Parcels DE3-004 and DE3-005 Located in the City of Dallas, Texas, for the Silver Line Regional Rail Project (Patrick J. Kennedy/Todd Plesko)
11. Approval to Declare Property Surplus and Authorize the Conveyance of the Surplus Property Known as Parcel CB3-019A Located Near the Intersection of Shiloh Road, in the City of Plano, Texas, to Oncor Electric Delivery Company LLC, in Exchange for Parcels CB3-018 and CB3-032 for the Silver Line Regional Rail Project (Patrick J. Kennedy/Todd Plesko)

12. Approval to Extend the Southern Methodist University (SMU) Site-Specific Shuttle Agreement (Patrick J. Kennedy/Todd Plesko)

13. Authorize Administrative Settlement for Parcels CB1-021 and CB1-025 for the Silver Line Regional Rail Project (Patrick J. Kennedy/Todd Plesko)

**Individual Items:**


15. +Approval to Pay Premium for Professional and Cyber Liability Insurance Policy (Mark Enoch/Joseph Costello)

16. +Approval of Financial Plan Amendment for the Silver Line Corridor Regional Rail and D2 Subway Projects (Mark Enoch/Joseph Costello)

17. *Briefing on Claims, Cost Impacts, and Agreements Related to the Silver Line Regional Rail Project (Patrick J. Kennedy/Todd Plesko)

18. +Approval to Increase Contract Value for the Design-Build Contract for the Silver Line Regional Rail Project to Establish an Allowance to Provide for Negotiation of Owner Requested and Other Third Party Scope Changes (Patrick J. Kennedy/Todd Plesko)

**Other Items:**

19. *Briefing on Budgeted and Filled Positions (Rick Stopfer/Nicole Fontayne-Bárdowell)

20. Identification of Future Agenda Items

21. Adjournment

*This Is A Briefing Item Only
+Same Date Item Only

The Committee-of-the-Whole may go into Closed Session under the Texas Open Meetings Act, Section 551.071, Consultation with Attorney, for any Legal issues, under Section 551.072, Deliberation Regarding Real Property for Real Estate issues, or under Section 551.074 for Personnel matters, or under section 551.076, for deliberation regarding the deployment or implementation of Security Personnel or devices, arising or regarding any item listed on this Agenda.

This facility is wheelchair accessible. For accommodations for the hearing impaired, sign interpretation is available. Please contact Community Affairs at 214-749-2799, 48 hours in advance.
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Public comments for the Board of Directors' meeting on Tuesday, May 25, 2021 will be accepted via email at the following address: boardmeetingpubliccomments@dart.org until 6:00 p.m. on Tuesday, May 25, 2021. All comments received will be read into the public record during the Board meeting.
Agenda

Dallas Area Rapid Transit
6:30 P.M. BOARD OF DIRECTORS’ MEETING
Tuesday, May 25, 2021 – Conference Room C
1401 Pacific Ave., Dallas, Texas 75202

General Items:
1. Roll Call
2. Approval of Minutes: May 11, 2021
3. CAC Report on May 20, 2021 Meeting
4. Public Comments

Consent Items:

Customer Service, Safety and Mobility:
5. Contract for Light Rail Vehicle (LRV) Brake Disc and Hardware Kits (Lee Ruiz/Carol Wise)
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Other Items:
19. This item will be discussed at Committee-of-the-Whole only.
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21. Adjournment

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The Dallas Area Rapid Transit Committee-of-the-Whole meeting came to order on Tuesday, May 11, 2021, at 3:34 p.m., at DART Headquarters, 1401 Pacific Avenue, Dallas, Texas, with Chair Wageman presiding.

The following Board members were present: Paul N. Wageman, Michele Wong Krause, Jonathan R. Kelly, Robert C. Dye, Mark Enoch, Doug Hrbacek, Patrick J. Kennedy, Jon-Bertrell Killen, Amanda Moreno-Lake, Eliseo Ruiz, Rodney Schlosser, Rick Stopfer, and Gary Slagel.

Mr. Ray Jackson and Ms. Dominique P. Torres were absent.

Chair Wageman stated the Committee would conduct the actions of the meeting by Roll Call vote. He then provided voting instructions prior to continuing with the agenda items.

General Items:

1. **Roll Call**
   Chair Wageman took Roll Call, confirming a quorum was present.

2. **Approval of Minutes:** April 27, 2021
   Mr. Kelly moved for approval of the April 27, 2021, Committee-of-the-Whole Meeting Minutes, as written.
   Mr. Slagel seconded.
   Chair Wageman took a Roll Call vote, and the Minutes were approved as written.

3. ***Briefing on Items of Interest to DART Included on the May 13, 2021 North Central Texas Council of Governments, Regional Transportation Council Agenda***
   Chair Wageman stated the report of this item had been uploaded to the Board Portal for the Board’s review.

4. **This item will be discussed at Board Meeting only.**

Consent Items:

Mr. Stopfer moved to forward Consent Items 5 and 6.

**Administration:**

5. **Approval of Additional Funding for Outside Counsel for Railroad Agreements**
   Moved to forward this draft resolution to the Board of Directors, with a recommendation, stating the General Counsel is authorized to continue the engagement of Hogan Lovells, LLP relating to rail legal matters, in an additional amount not to exceed $100,000, for a new total amount not to exceed $250,000.
Budget and Finance:

6. Approval of Financial Standards for FY 2022 Budget and Twenty-Year Financial Plan Process

Moved to forward this draft resolution to the Board of Directors, with a recommendation, stating the Financial Standards for the FY 2022 Budget and Twenty-Year Financial Plan process as shown in Exhibit 1 to this Resolution are approved.

Mr. Kelly seconded.

Chair Wageman took a Roll Call vote, and the consent items were approved by unanimous vote.

Mr. Enoch joined the meeting at 3:40 p.m.

Individual Items:

7. Approval of a Non-Federal Reimbursement Agreement Between Dallas Area Rapid Transit and Dallas/Fort Worth International Airport for Federal Aviation Administration Infrastructure Service for the Silver Line Regional Rail Corridor Project

Mr. Gene Gamez, General Counsel, briefed the Committee (slides on file with the Office of Board Support) as follows:

- Today’s Consideration (slide 2)
- Cotton Belt Corridor Regional Rail Project (slide 3)

Mr. Schlosser joined the meeting at 3:43 p.m.

- Background (slide 4)
- Recommendation (slide 5)

Mr. Stopfer moved to forward this draft resolution to the Board of Directors, as a same-date item, with a recommendation, stating the Interim President & Chief Executive Officer, or his designee, is authorized to execute a Non-Federal Reimbursement Agreement Between DART and the DFWIA for FAA Infrastructure Services for the Silver Line Regional Rail Corridor, substantially in the form of Exhibit 1 to the resolution, and authorize financial payment in the amount not to exceed $123,484, plus a contingency of $12,348 for unanticipated expenses, for a total authorized amount not to exceed $135,832.

Ms. Wong Krause seconded.

Chair Wageman took a Roll Call vote, and the item was approved by unanimous vote.

8. Briefing on Upcoming Request for Contracting Officer Authority for Brad J. Cummings

Ms. Nicole Fontayne-Bárdowell, Executive Vice President/Chief Administrative Officer, briefed the Committee (slides on file with the Office of Board Support) as follows:

- Purpose (slide 1)
- Procurement Authority (slide 2)
- Brad Cummings, Bio (slide 3)
9. **Briefing on Citizens Advisory Committee Role and Appointments**

Ms. Edie Diaz, Vice President of Government and Community Relations, briefed the Committee (slides on file with the Office of Board Support) as follows:

- Background (slide 2)
- The CAC Purpose (slide 3-4)
- CAC Member Qualifications (slide 5)
- Current Committee Roster (slide 6)
- Aaron Gougis, Citizen Advisory Committee Chair (slide 7)
- CAC Meetings (slide 8)
- Deliverables (slide 9)
- Current Activities (slide 10)

Chair Wageman called on Mr. Schlosser to provide some input regarding his request to have this on the agenda. Mr. Schlosser noted, when he came on the Board and was asked to find someone to represent his seat as a CAC representative, he immediately began to research what the CAC did historically, currently, and prospectively, to find someone that would fit the requirements. After appointing his CAC representative, Ms. Christina Ladd, current Vice-Chair of the CAC, he said, he felt the Board should review the CAC and how best to utilize their unique representation to assist the Board. He noted, many Board Members simply inherited their CAC representative from their predecessor and did not actually appoint a new representative.

Ms. Wong Krause noted she would like to see more ridership input from the CAC versus the written report of their meetings.

Mr. Slagel requested staff look into the possibly of providing the CAC representatives with the technology/electronic tools that they might need to stay active as CAC representatives.

Mr. Killen agreed with Ms. Wong Krause that the CAC should provide rider insights that assist in the rider’s experience and the Board receiving valuable information to help shape their experience.

Mr. Schlosser summarized, to his understanding, the feedback from the Board. He said, the points were as follows: 1) Does the CAC serve as a focus group for the DART Board; 2) they are transit Board Members in training or; 3) are they going to simply be an audience for staff.

After further discussion, Chair Wageman recommended this item be discussed at the Administration Committee and allow that Committee to provide a recommendation for the COTW to consider.

Mr. Stopfer agreed, and felt this was a good opportunity to review and have a new plan for the CAC.

Chair Wageman stated this item can be back at the COTW for consideration at the July meeting. Mr. Stopfer stated the Administration Committee will work to have this prepared by then.

Mr. Kennedy recommended including Mr. Gougis, newly elected Chair of the CAC, in these conversations. Chair Wageman further recommended Mr. Stopfer include not only Mr. Gougis, but the officers or the full CAC committee. Mr. Stopfer responded the Committee would take all this into consideration.
10. **Review of FY 2022 Health Plan Provider Recommendations**

Mr. David Leininger, Interim President & Chief Executive Officer provided a preamble of this item.

Ms. Fontayne-Bárdowell stated Ms. Rosa Medina-Cristobal, Vice President of Human Resources, would be presenting this briefing and Ms. Karen Rogers, Representative of Holmes Murphy and Associates, would be available for assistance, if necessary.

Ms. Medina-Cristobal briefed the Committee (slides on file with the Office of Board Support) as follows:

- Background (slide 2)
- Health Plan Current Budget (slide 3)
- 2017 Forecast (slide 4)
- Health Plan History (slide 5)
- Health Plan Current Health Status (slide 6)
- Health Plan Challenges (slides 7-8)
- TPA RFP Process and Results -topic separator
- RFP Scope and Criteria (slide 10)
- RFP Technical Evaluation Process (slide 11)
- Overall Evaluation Results (slide 12)
- Network Discounts and Provider Match Analysis (slide 13)
- Network Discount Results (slide 14)
- Provider Match Results (slide 15)
- Vendor B Health Advocacy Services (slides 16-17)
- Implementation Milestones (slide 18)
- Recommendation (slides 19-20)

After some discussion, Chair Wageman inquired if the Board would see a breakdown on the scoring and the typical information that is provided when a procurement item is being presented. Ms. Fontayne-Bárdowell responded yes. In reference to staff wanting to go for a best value approach, Chair Wageman requested that it allows the agency to make a best value selection, and the network discounts are clearly stated in the Request for Proposal (RFP) as a component of the scoring and a criteria that can be utilized in determining the best value.

11. **Briefing on DARTzoom Bus Network Plan**

Mr. Rob Smith, Interim Vice President of Service Planning, briefed the Committee (slides on file with the Office of Board Support) as follows:

- Update on Public Input (slide 2)
- Participation (slide 3)
- Bus Network Plan Input (South) (slide 4)
- Bus Network Plan Input (North) (slide 5)
- Response to Public Input (slide 6)
- Next Steps (slide 7)

After some discussion, Chair Wageman inquired if it was possible to see where those respondents live within the 13-cities or outside of the service area. He further asked how much influence and impact is DART getting in these comments throughout the 13-cities. Mr. Smith said he would provide the information on the survey responses versus ridership on their next update. He further noted that staff was tracking where the people lived by zip-
code and would provide that information on maps to show where they live. Chair Wageman further requested staff speak to its consultants to find out what percentage is a good response.

12. *Discussion of President & Chief Executive Officer

Chair Wageman stated the Dallas Area Rapid Transit Committee-of-the-Whole would stand at ease at 5:17 p.m., on Tuesday, May 11, 2021, and would be going into Closed Session at 5:30 p.m., under the Texas Open Meetings Act, Section 551.074, which allows deliberation of a personnel matter, to discuss Agenda Item 12, *Discussion of President & Chief Executive Officer, and under the Texas Open Meetings Act, Section 551.071, which allows for consultation with Attorney, to discuss Agenda Item 13, *Briefing on Claims, Cost Impacts, and Agreements related to the Silver Line Regional Rail Project.

The Committee reconvened into Open Session at 8:06 p.m.

Chair Wageman took Roll Call, confirming a quorum was present.

13. *Briefing on Claims, Cost Impacts, and Agreements related to the Silver Line Regional Rail Project

This item was briefed in Closed Session.

14. *Discussion on the Use of $428M of COVID Relief Funds to Enhance Bus, LRT, Paratransit, and On-Demand Transit Operations in the 2021 Financial Plan Amendment

Chair Wageman stated this item was on the agenda at the request of Mr. Killen and proceeded to give him the floor to explain his reasoning.

Mr. Killen requested Mr. Leininger provide some insight from the staff prospective.

Mr. Leininger noted the issue Mr. Killen is wanting addressed, from his prospective, before the Board is not a financial amendment feasibility item that staff can undertake, unless the Board really wants staff to do that. He further noted, there was a policy question that should be discussed by the Board concerning “approach”. For that reason, Mr. Leininger stated, this is not something where an individual Board Member, or a group of Board Members, can direct staff to undertake an analysis. He opined it was a bit analogous to an open records request. Mr. Leininger stated if staff has the information available, they will provide it, however, staff does not undertake actual analysis at the direction of individuals. He said, in these cases, he has to look to the DART Board Chair, and the full Board, for direction. Mr. Leininger clarified this was the reason staff has not provided any type of special analysis in response to Mr. Killen’s request and have deferred to the Board and the Board Chair, on what his ideas and thoughts are on this item. He stated staff would be available to respond to their questions accordingly.

Mr. Killen stated as the Board approaches a financial plan amendment, which is rare, he along with his colleagues, voice an interest in taking a holistic approach to the financial plan amendment to make sure that all three major regional priorities, the Silver Line Regional Rail Project, the Dallas Central Business District (CBD) Second Light Rail Alignment (D2 Subway) Project and the DARTzoom Bus Network redesign, can all be completed successfully.

Mr. Enoch, as Chair of the Budget and Finance Committee, opined that this discussion should be discussed during the budget planning where all programs can compete against each other. He further cautioned the Board to wait on the new President & CEO to come
on board to allow her to acclimate herself and provide her expertise on this matter. Mr. Enoch noted his opposition to taking any action or discussion on this item until the appropriate time.

After much deliberation amongst the Committee, Chair Wageman stated he would take everyone’s input and would decide on how to move forward.

Other Items:

15. **Identification of Future Agenda Items**

   There were no future agenda items identified for this committee.

16. **Adjournment**

   There being no further business to discuss, the meeting was adjourned at 9:17 p.m.

Josefina Chavira, CAP
Board Committee Secretary

/jc

+ Same Night Item
* Briefing Item
Due to the COVID-19 virus, DART Board meeting rooms were closed to the public. All meetings took place by videoconference and are available at https://www.dart.org/about/board/boardvideo.asp.

The Dallas Area Rapid Transit Board of Directors’ meeting came to order on Tuesday, April 13, 2021, at 9:18 p.m., at DART Headquarters, 1401 Pacific Avenue, Dallas, Texas, with Chair Wageman presiding.

City of Dallas
Ray Jackson – Assistant Secretary
Patrick J. Kennedy
Jon-Bertrell Killen
Michele Wong Krause – Vice-Chair
Amanda Moreno-Lake
Rodney Schlosser
Dominique P. Torres

City of Garland
Jonathan R. Kelly – Secretary

City of Irving
Rick Stopfer

City of Plano
Paul N. Wageman – Chair

City of Cockrell Hill and Dallas
Eliseo Ruiz, III

Cities of Carrollton and Irving
Doug Hrbacek

Cities of Farmers Branch and Plano
Robert C. Dye

Cities of Garland, Rowlett, and Glenn Heights
Mark C. Enoch

Cities of Richardson and University Park; Towns of Addison and Highland Park
Gary A. Slagel

Mr. Ray Jackson and Ms. Dominique P. Torres were absent.
General Items:

1. Roll Call
   Chair Wageman took Roll Call, confirming a quorum was present.

2. Approval of Minutes: April 27, 2021
   Mr. Stopfer moved to accept the April 27, 2021, Board of Directors’ meeting Minutes, and entered into record, as presented.
   Mr. Schlosser seconded.
   Chair Wageman took a Roll Call vote and the Minutes were approved unanimously.

3. This item will be discussed in Committee-of-the-Whole only.

4. Public Comments
   Public comments for the Board of Directors' meeting were accepted via email at the following address: boardmeetingpubliccomments@dart.org until 6:00 p.m. on Tuesday, May 11, 2021. All comments received were read into the public record during the Board meeting by Chair Wageman.
   Chair Wageman read into record a total of 2 Public Comments received via email (Copy on file with the Office of Board Support).
   Public Comments were as follows:
   
   **Mr. Robert W. Steele:**
   Mr. Steele requested an investigation into the timing of his denial of Workers Compensation.

   **Ms. Sarah De Leon:**
   Ms. De Leon thanked the DART Board for their work on the proposed Draft New Bus Network. She then proceeded to inquire about various topics including the Board public comments and bus network related questions.

Consent Items:

Mr. Kelly moved to forward Consent Items 5 and 6.

Administration:

5. Approval of Additional Funding for Outside Counsel for Railroad Agreements
   Moved for approval of Resolution 210056 stating the General Counsel is authorized to continue the engagement of Hogan Lovells, LLP relating to rail legal matters, in an additional amount not to exceed $100,000, for a new total amount not to exceed $250,000.

Budget and Finance:

6. Approval of Financial Standards for FY 2022 Budget and Twenty-Year Financial Plan Process
   Moved for approval of Resolution 210057 stating the Interim President & Chief Executive Officer, or his designee, is authorized to award a one-year contract to Svanaco, Inc. d/b/a Americaneagle.com, to design, develop and implement new
websites and a digital communication strategy [Contract No. C-2053240-01] for a total authorized amount not to exceed $459,689.

Mr. Stopfer seconded.

Chair Wageman took a Roll Call vote and the Consent Items were approved unanimously.

Individual Items:

7. **Approval of a Non-Federal Reimbursement Agreement Between Dallas Area Rapid Transit and Dallas/Fort Worth International Airport for Federal Aviation Administration Infrastructure Service for the Silver Line Regional Rail Corridor Project**

   Mr. Schlosser moved for approval of Resolution 210058 stating the Interim President & Chief Executive Officer, or his designee, is authorized to execute a Non-Federal Reimbursement Agreement Between DART and the DFWIA for FAA Infrastructure Services for the Silver Line Regional Rail Corridor, substantially in the form of Exhibit 1 to the resolution, and authorize financial payment in the amount not to exceed $123,484, plus a contingency of $12,348 for unanticipated expenses, for a total authorized amount not to exceed $135,832.

   Mr. Slagel seconded.

   Chair Wageman took a Roll Call vote and the item was approved unanimously.

8. This item will be discussed in Committee-of-the-Whole only.

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Other Items:

15. This item will be discussed in Committee-of-the-Whole only.

16. **Adjournment:**

   There being no further business to discuss, the meeting was adjourned at 9:29 p.m.

Josefina Chavira, CAP
Board Committee Secretary

/jc

+ Same Night Item

* Briefing Item
Agenda Report

DATE: May 25, 2021

SUBJECT: Contract for Light Rail Vehicle (LRV) Brake Disc and Hardware Kits

RECOMMENDATION

Approval of a resolution authorizing the Interim President & Chief Executive Officer or his designee to award a two-year contract to WABTEC Passenger Transit for Light Rail Vehicle (LRV) Brake Disc and Hardware Kits for a total authorized amount not to exceed $1,199,000.

COMMITTEE CONSIDERATIONS

. On May 11, 2021 the Customer Service, Safety and Mobility Committee unanimously moved this item to the May 25, 2021 Committee-of-the-Whole for Final Consideration.

FINANCIAL CONSIDERATIONS

. This contract for Light Rail Vehicle (LRV) Brake Disc and Hardware Kits is included in Rail Operations Department's approved FY 2021 Operating budget.

. Sufficient funding for this contract in the amount of $1,199,000 is included in Rail Operations Department's FY 2021 Operating Expense budget and the Total Operating Expense line item of the FY 2021 Twenty-Year Financial Plan.

BUSINESS PURPOSE

. DART maintains a fleet of 163 LRVs and each vehicle has 12 brake discs. The brake discs on the LRV must be replaced periodically due to normal wear and tear on the vehicles as recommended by condemning limits established by the manufacturer. Each LRV averages approximately 60,000 miles per year.

. This contract would allow the purchase of approximately 1,100 LRV brake disc and hardware kits over the course of a two-year period at approximately $1,090 per brake kit. Three brake discs per vehicle are replaced a year averaging a complete replacement within a four-year period.

. Consistent with the manufacturers’ recommendations and the DART long-range maintenance plan, overhauling the brakes is required to maintain the integrity of the brake system to ensure adequate vehicle performance, passenger safety and to maintain the system in a state of good
repair.

- Approval of this contract will help achieve the Board Strategic Priority 2: Provide stewardship of the transit system, agency assets and financial obligations.

- The Board-Approved Expenditure Justification is included as Attachment 3.

**PROCUREMENT CONSIDERATIONS**

- On February 1, 2021, an Invitation for Bid (IFB) was issued.
- This will be a Requirements contract with a two-year base term with no options.
- By the closing date of February 23, 2021, two offers were received.
- An Invitation for Bid (IFB), was converted to a Request for Proposal (RFP), in order to negotiate pricing and terms.
- WABTEC Passenger Transit possesses the financial capacity to perform this contract. Prices are fair and reasonable, and the firm is recommended for award.
- The contract award analysis is provided as Attachment 1.

**D/M/WBE CONSIDERATIONS**

- The goals for this contract were established in 2004 by the DART Board of Directors at 25% MBE and 5% WBE participation.
- WABTEC Passenger Transit, the prime contractor, has committed to meet the WBE goal.
- The M/WBE analysis and Equal Employment Opportunity (EEO-1) information are included in Attachment 2. The prime contractor’s actual EEO-1 report is available upon request.

**LEGAL CONSIDERATIONS**

- Section 452.055 of the Texas Transportation Code authorizes DART to contract for the provision of goods and services.
Contract Information

A. Description: Kit 21 Disc and Hardware

B. Contractor: WABTEC Passenger Transit

C. Contract Number: C-2060992-01

D. Contract Amount: Not to exceed $1,199,000

E. Contract Type: Requirements

F. Term of Contract: Two years

G. Options Available: N/A

H. Bond Requirement: N/A

I. Liquidated Damages: N/A

J. Funding Source: Local

Solicitation Information

A. Issue Date: February 1, 2021

B. Notification Sent to Registered Vendors: Yes

C. Date and Time for Bid Receipt: February 23, 2021, 2:00 PM

D. Offers Received: Two offers received.

<table>
<thead>
<tr>
<th>Line</th>
<th>Firm</th>
<th>Base Term Pricing</th>
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</thead>
<tbody>
<tr>
<td>1</td>
<td>WABTEC Passenger Transit</td>
<td>$1,199,000</td>
</tr>
<tr>
<td>2</td>
<td>Penn Machine</td>
<td>$1,413,500</td>
</tr>
</tbody>
</table>

E. Discussion of Non-Responsive Bids: WABTEC Passenger Transit’s bid was determined to be non-responsive and Penn Machine’s bid was not fair and reasonable. The bid was converted from an Invitation for Bid (IFB) to a Request for Proposal (RFP) to negotiate price and terms.

F. Offer Evaluation: WABTEC Passenger Transit’s offer was determined to be responsive.
G. Price Considerations: Prices were determined to be fair and reasonable based on price competition, historical pricing, Producer Price Index adjusted for inflation and the independent cost estimate. WABTEC Passenger Transit offer price is 16.81% lower than the independent cost estimate. Through negotiations, DART was able to save $60,500 from Wabtec Passenger Transit initial price offer.

H. Negotiation Memorandum: Available for review in contract file.

I. Determination of Responsibility: Reference and financial surveys were satisfactory.

J. Protests received: None

K. Determinations Required: Brand Name, Non-responsive Bid, exception to Material Requirement, Cancellation of IFB after opening, Use of negotiation

Determination and Recommendation

WABTEC Passenger Transit is a responsible offeror that submitted a responsive offer. WABTEC Passenger Transit has the capacity to perform this contract and are recommended for award.
Contract for Light Rail Vehicle (LRV) Brake Disc and Hardware Kits

M/WBE CONSIDERATIONS

The goals for this contract were established in 2004 by the DART Board of Directors at 25% MBE and 5% WBE participation. WABTEC Passenger Transit, the prime contractor, has committed to meet the WBE goal through utilization of the following certified firm:

<table>
<thead>
<tr>
<th>VENDOR</th>
<th>LOCATION</th>
<th>ETHNICITY</th>
<th>SERVICE</th>
<th>AMOUNT</th>
<th>PERCENTAGE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Langley Traffic</td>
<td>Trevose, PA</td>
<td>White Female</td>
<td>Transportation</td>
<td>$59,950</td>
<td>5.00%</td>
</tr>
<tr>
<td>Service</td>
<td></td>
<td></td>
<td>Services</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

TOTAL WBE PARTICIPATION: $59,950 5.00%

NOTE: The goals are based on the not to exceed amount of $1,199,000. If there are any changes to this amount, the original goals shall apply.

*The percentage and dollar amount may remain level, increase or decrease depending on the circumstances.

Summary of EEO-1 Report

WABTEC Passenger Transit is located in Duncan, SC and employs 460 individuals. The following is an analysis of their EEO-1 report:

<table>
<thead>
<tr>
<th></th>
<th>ASIAN</th>
<th>BLACK</th>
<th>HISPANIC</th>
<th>NATIVE AMERICAN</th>
<th>WHITE</th>
<th>TOTAL</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>MALES</td>
<td>27</td>
<td>35</td>
<td>19</td>
<td>8</td>
<td>254</td>
<td>343</td>
<td>74.57%</td>
</tr>
<tr>
<td>FEMALES</td>
<td>12</td>
<td>18</td>
<td>7</td>
<td>1</td>
<td>79</td>
<td>117</td>
<td>25.43%</td>
</tr>
<tr>
<td>TOTAL</td>
<td>39</td>
<td>53</td>
<td>26</td>
<td>9</td>
<td>333</td>
<td>460</td>
<td>100%</td>
</tr>
<tr>
<td>PERCENTAGE</td>
<td>8.48%</td>
<td>11.52%</td>
<td>5.65%</td>
<td>1.96%</td>
<td>72.39%</td>
<td>100%</td>
<td></td>
</tr>
</tbody>
</table>
### Board-Approved Expenditure Justification

**Two Year Contract for Light Rail Vehicle (LRV) Brake Disk and Hardware Kits**

<table>
<thead>
<tr>
<th>PURPOSE OF CONTRACT/AGREEMENT</th>
<th>DOLLAR AMOUNT</th>
<th>CONTRACT TERM</th>
<th>TYPE OF PROCUREMENT</th>
</tr>
</thead>
<tbody>
<tr>
<td>Approval of a resolution authorizing the President/Executive Director or his designee to exercise a two-year contract to WABTEC for LRV Brake Disk and Hardware Kits for a total authorized amount not to exceed $1,199,000.</td>
<td>$1,199,000</td>
<td>24 months from the date of the Notice-to-Proceed.</td>
<td>Requirements</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>1. Is it necessary?</th>
<th>2. Does it need to happen now?</th>
<th>3. Can it be phased?</th>
<th>4. Can we reduce the amount?</th>
</tr>
</thead>
<tbody>
<tr>
<td>Yes, brake disks are required to maintain the system in a state of good repair and for system safety and security.</td>
<td>Yes, to ensure continuity of service and contracted costs.</td>
<td>No, there are contracted terms.</td>
<td>No, the contract was negotiated to the lowest possible price.</td>
</tr>
</tbody>
</table>
DRAFT

RESOLUTION

of the

DALLAS AREA RAPID TRANSIT BOARD

(Executive Committee)

Contract for Light Rail Vehicle (LRV) Brake Disc and Hardware Kits

WHEREAS, DART maintains a fleet of 163 LRVs. The brake discs on the LRV must be replaced periodically due to normal wear and tear on the vehicles as recommended by condemning limits established by the manufacturer; and

WHEREAS, each LRV has 12 brake discs and averages 60,000 miles per year, and approximately 1,100 brake discs and hardware kits are required to replace brake discs over a two-year period; and

WHEREAS, consistent with the manufacturer's recommendations and the DART long-range maintenance plan, overhauling the brakes is required to maintain the integrity of the brake system to ensure adequate vehicle performance, passenger safety and to maintain the system in a state of good repair; and

WHEREAS, the proposed price for this contract is fair and reasonable; and

WHEREAS, funding for this contract is within current Budget and FY 2021 Twenty-Year Financial Plan allocations.

NOW, THEREFORE, BE IT RESOLVED by the Dallas Area Rapid Transit Board of Directors that the Interim President & Chief Executive Officer or his designee is authorized to award a two-year contract to WABTEC Passenger Transit for LRV Disc Brake and Hardware Kits for a total authorized amount not to exceed $1,199,000.
Contract for Light Rail Vehicle (LRV) Brake Disc and Hardware Kits

Prepared by:

/s/ Carol Wise *
Carol Wise
Executive Vice President
Chief Operating Officer

/s/ Gene Gamez *
Gene Gamez
General Counsel

Approved as to form:

Approved by:

/s/ David Leininger *
David Leininger
Interim President & Chief Executive Officer

* Reviewed and approved, but not signed due to COVID-19 Coronavirus Pandemic
DATE: May 25, 2021

SUBJECT: Addition of Contingency Funding to Bi-level and Coach Car Overhaul Contract to Cover Hidden and Latent Damage Identified During Overhaul Due to Age/Condition

RECOMMENDATION

Approval of a resolution authorizing the Interim President & Chief Executive Officer or his designee to add contingency funding to the contract with CAD Railway Industries, Ltd. [Contract C-2046256-01], for Bi-Level Overhaul & Side Sill Repair for additional costs to cover hidden and latent damage identified during overhaul in TRE coach and cab cars due to age and condition of the vehicles, in the amount of $781,362, for a new total authorized amount not to exceed $16,672,388.

COMMITEE CONSIDERATIONS

. On May 11, 2021 the Customer Service, Safety and Mobility Committee unanimously moved this item to the May 25, 2021 Committee-of-the-Whole for Final Consideration.

FINANCIAL CONSIDERATIONS

• The contingency for additional costs to cover hidden and latent damage identified during overhaul in TRE coach and cab cars in the amount of $781,362 is included in the Bi-Level & Cab Car Overhauls Program project budget of the approved FY 2021 capital budget.

• Sufficient funding for the contingency in the amount of $781,362 is included in both the Bi-level & Cab Car Overhauls project budget and the Commuter Rail Capital line item of the FY 2021 Twenty-Year Financial Plan.

• The funding for the contingency of $781,362 shall be jointly shared by the transit authorities as specified in the Interlocal Agreement between DART and Trinity Metro (DART's share - $390,681; Trinity Metro's share - $390,681).

BUSINESS PURPOSE

• Approval of this contingency will cover additional costs to address hidden and latent damage identified during overhaul of the TRE coach and cab cars due to the age and condition of the vehicles.

• Approval of this contingency funding will help achieve Board Strategic Priority 2: Provide
stewardship of the transit system, agency assets and financial obligations.

- TRE’s current fleet consists of 17 bi-level coaches and 8 bi-level cab cars. These bi-level coaches were manufactured in 1977-1978, and the cab cars were manufactured in 2000 and 2003. The coach cars were purchased from GO-Transit in 2000 and refurbished prior to being added to the TRE revenue operating fleet in 2000. The cab cars were purchased new from Bombardier in 2000 and 2003. The refurbishment, performed by Amtrak, was primarily cosmetic (exterior painting), with some electrical wiring conversion performed to accommodate the electrical requirements used in United States vehicles as opposed to those in Canada.

- On August 13, 2019 (Resolution No 190090), the Board approved the award of a contract to CAD Railway Industries, Ltd., for overhaul and repair of side sill damage on Trinity Railway Express (TRE) coach and cab cars for a total authorized amount not to exceed $15,891,026.

- The Trinity Metro Board of Directors is scheduled to consider the expenditure for their portion of the contingency to overhaul the coaches and cab cars on May 17, 2021.

- Pursuant to Section 2.4 of the Second Restated Interlocal Cooperative Agreement by and between DART and Trinity Metro for the Operation and Development of the TRE, dated April 13, 2021 (Resolution No. 210043), DART is acting as the procuring agency on behalf of Trinity Metro and the TRE for this contract. The Board-Approved Expenditure Justification is included as Attachment 3.

**PROCUREMENT CONSIDERATIONS**

- The base term of the contract is three years from the award date of September 9, 2019, and was awarded with no contingency.

- The addition of the contingency will not change the contract award amount at this time. Use of contingency will fall under the DART procurement regulations and shall be approved by the Change Control Board.

- The procurement analysis is provided as Attachment 1.

**D/M/WBE CONSIDERATIONS**

- The goal for this contract was established in May 2019 at 8% M/WBE participation.

- CAD Railway Industries, Ltd., the prime contractor, has committed to some participation.

- The M/WBE analysis and Equal Employment Opportunity (EEO-1) information are included in Attachment 2. The prime contractor's actual EEO-1 report is available upon request.

**LEGAL CONSIDERATIONS**

- Section 452.055 of the Texas Transportation Code authorizes DART to contract for the provision of goods and services.
Contract Information

A. **Contract Description**: Bi-Level Overhaul & Side Sill Repair

B. **Contractor**: CAD Railway Industries, Ltd.

C. **Contract Number**: C-2046256-01

D. **Contractual Action**: Add Contingency

E. **Current Contract Amount**: $15,891,026

F. **Contract Modification Amount**: Add contingency of $781,362

G. **New Contract Amount**: $15,891,026 with a contingency of $781,362

H. **Contract Type**: Definite Delivery/Definite Quantity

I. **Current Term of Contract/Performance Period**: Three years from Notice to Proceed

J. **Remaining Options Available**: N/A

K. **Price Considerations**: Price is fair and reasonable based on full and open competition, historical pricing, market research, and independent cost estimate.

L. **Negotiation Memorandum**: N/A

M. **Determinations Required**: N/A

N. **Funding**: Local

O. **Determination of Responsibility**:  
   - **Bond Check**: N/A  
   - **Reference Check**: Satisfactory  
   - **Financial Responsibility Survey**: Satisfactory  
   - **Insurance Check**: Yes  
   - **On-Site Inspection**: N/A  
   - **Arithmetic Check**: Yes  
   - **Verification of Offer**: N/A  
   - **Buy America Certification and/or Audit, if applicable**: N/A  
   - **Debarred/Suspended list**: Not on the debarred /suspended list

**Determination and Recommendation**

CAD Railway Industries, Ltd. is a responsible contractor for the modification described above. Therefore, execution of the contract modification is recommended.
Addition of Contingency to Bi-Level/Coach Car Overhaul Contract to Cover Hidden and Latent Damage Identified During Overhaul Due to Age/Condition

M/WBE CONSIDERATIONS

The goal for this contract was established in May 2019 at 8% M/WBE participation. CAD Railway Industries, Ltd., the prime contractor, has committed to achieve some participation through utilization of the following certified firms:

<table>
<thead>
<tr>
<th>VENDOR</th>
<th>LOCATION</th>
<th>ETHNICITY</th>
<th>SERVICE</th>
<th>AMOUNT</th>
<th>PERCENT</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lin Industries</td>
<td>Hornell, NY</td>
<td>Asian Indian Female</td>
<td>Windows for Cab Cars</td>
<td>$158,910</td>
<td>2.00%</td>
</tr>
<tr>
<td>Zen Industrial Services</td>
<td>Rye Brook, NY</td>
<td>Asian Indian Male</td>
<td>Flooring Panels for Cab Cars</td>
<td>$317,821</td>
<td>4.00%</td>
</tr>
<tr>
<td><strong>TOTAL M/WBE PARTICIPATION:</strong></td>
<td></td>
<td></td>
<td></td>
<td><strong>$476,731</strong></td>
<td><strong>6.00%</strong>*</td>
</tr>
</tbody>
</table>

NOTE: The goal is based on DART’s share of the not to exceed amount ($7,945,513). If there are any changes to this amount, the original goal shall still apply.

*The percentage and dollar amount may remain level, increase or decrease depending on the circumstances.

Summary of EEO-1 Report

CAD Railway Industries, Ltd. is located in Montreal, QC and employs 436 individuals. The following is an analysis of their EEO-1 report:

<table>
<thead>
<tr>
<th></th>
<th>ASIAN</th>
<th>BLACK</th>
<th>HISPANIC</th>
<th>NATIVE AMERICAN</th>
<th>WHITE</th>
<th>TOTAL</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>MALES</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>407</td>
<td>407</td>
<td>93.35%</td>
</tr>
<tr>
<td>FEMALES</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>1</td>
<td>28</td>
<td>29</td>
<td>6.65%</td>
</tr>
<tr>
<td>TOTAL</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>1</td>
<td>435</td>
<td>436</td>
<td>100%</td>
</tr>
<tr>
<td>PERCENTAGE</td>
<td>0.00%</td>
<td>0.00%</td>
<td>0.00%</td>
<td>0.23%</td>
<td>99.77%</td>
<td>100%</td>
<td></td>
</tr>
</tbody>
</table>
### Board-Approved Expenditure Justification

**Addition of Contingency to Bi-level and Coach Car Overhaul Contract to Cover Hidden and Latent Damage Identified During Overhaul Due to Age/Condition**

<table>
<thead>
<tr>
<th>PURPOSE OF CONTRACT/AGREEMENT</th>
<th>DOLLAR AMOUNT</th>
<th>CONTRACT TERM</th>
<th>TYPE OF PROCUREMENT</th>
<th>1. Is it necessary?</th>
<th>2. Does it need to happen now?</th>
<th>3. Can it be phased?</th>
<th>4. Can we reduce the amount?</th>
</tr>
</thead>
<tbody>
<tr>
<td>This contract modification is to add contingency dollars to the Bi-level and Coach Car Overhaul contract to cover unanticipated, hidden and latent damage, found during overhaul activities. The age and overall condition of these vehicles presents various degrees of hidden and latent damage.</td>
<td>Add contingency of $781,362</td>
<td>Three-year base term with no options.</td>
<td>Sole Source</td>
<td>1. Yes. The hidden and latent damage can be significant in many instances. If let unrepaired, the integrity of the rebuild is put in jeopardy.</td>
<td>2. Yes. The contract modification is necessary to meet the current schedule for timely overhaul and return of the vehicles to TRE for revenue service.</td>
<td>3. Yes. The contingency funding will be issued as individual change orders to provide DART the opportunity to evaluate each individual change request.</td>
<td>4. No. The unanticipated repairs on vehicles overhauled to date are consistent with the calculation provided per car.</td>
</tr>
</tbody>
</table>
DRAFT
RESOLUTION
of the
DALLAS AREA RAPID TRANSIT BOARD
(Executive Committee)

Addition of Contingency to Bi-Level/Coach Car Overhaul Contract to Cover Hidden and Latent Damage Identified During Overhaul Due to Age/Condition

WHEREAS, the Trinity Railway Express (TRE) has a fleet of eight bi-level cab cars and 17 bi-level coaches; and

WHEREAS, on August 13, 2019 (Resolution No 190090), the Board approved the award of a contract to CAD Railway Industries, Ltd., for overhaul and repair of side sill damage on Trinity Railway Express (TRE) coach and cab cars for a total authorized amount not to exceed $15,891,026; and

WHEREAS, approval of additional contingency funding will cover additional costs to cover hidden and latent damage identified during overhaul of the TRE coach and cab cars due to age and condition of the vehicles; and

WHEREAS, the proposed pricing is fair and reasonable; and

WHEREAS, pursuant to Section 2.4 of the Second Restated Interlocal Cooperative Agreement by and between DART and Trinity Metro for the Operation and Development of the TRE, dated April 13, 2021 (Resolution No. 210043), DART is acting as the procuring agency on behalf of Trinity Metro and the TRE for this contract; and

WHEREAS, the cost of the additional contingency will be shared between DART and Trinity Metro in accordance with the Interlocal Agreement between the two agencies; and

WHEREAS, funding for this contingency funding is within current Budget and FY 2021 Twenty-Year Financial Plan allocations.

NOW, THEREFORE, BE IT RESOLVED by the Dallas Area Rapid Transit Board of Directors that the Interim President & Chief Executive Director or his designee is authorized to add contingency funding to the contract with CAD Railway Industries, Ltd. [Contract C-2046256-01], for Bi-Level Overhaul & Side Sill Repair for additional costs to cover hidden and latent damage identified during overhaul in TRE coach and cab cars due to age and condition of the vehicles, in the amount of $781,362 for a new total authorized amount not to exceed $16,672,388.
Addition of Contingency to Bi-Level/Coach Car Overhaul Contract to Cover Hidden and Latent Damage Identified During Overhaul Due to Age/Condition

Prepared by: /s/ Bonnie Murphy *

Bonnie Murphy
Vice President
Commuter Rail and Railroad Management

Approved by: /s/ Todd Plesko *

Todd Plesko
Interim Executive Vice President
Growth/Regional Development

/s/ Gene Gamez *

Gene Gamez
General Counsel

Approved as to form: /s/ David Leininger *

David Leininger
Interim President & Chief Executive Officer

* Reviewed and approved, but not signed due to COVID-19 Coronavirus Pandemic
DATE: May 25, 2021

SUBJECT: Approval to Declare Public Necessity, Establish Just Compensation, and Authorize the Acquisition of Parcels DE1-005 and DE1-006 Located in the City of Coppell, Texas, for the Silver Line Regional Rail Project, and Authorize Eminent Domain Proceedings for These Parcels, if Necessary

RECOMMENDATION

Approval of a resolution: 1) declaring public necessity, establishing just compensation, and authorizing the acquisition of Parcels DE1-005 and DE1-006 located in City of Coppell, Texas for the Silver Line Regional Rail Project; and 2) authorizing eminent domain proceedings for these parcels, if necessary.

COMMITTEE CONSIDERATIONS

On May 11, 2021 the Planning and Capital Programs Committee unanimously moved this item to the May 25, 2021 Committee-of-the-Whole for Final Consideration.

FINANCIAL CONSIDERATIONS

• These real estate acquisitions are included in the Silver Line project budget of the approved FY 2021 Capital Budget.

• Sufficient funding for these real estate acquisitions is included in both the Silver Line project budget and the Commuter Rail and Railroad Management line item of the FY 2021 Twenty-Year Financial Plan.

• Acquisition of these parcels is financed by the Federal Railroad Administration (FRA) Railroad Rehabilitation and Improvement Financing Program (RRIF) loan program.

BUSINESS PURPOSE

• The parcels illustrated in Attachment 1, and fully described in Exhibits 1-2 of the resolution, were not identified in the original Final Environmental Impact Statement (FEIS) 10% design but were added during design progression as being needed for drainage purposes for the construction of the Silver Line corridor.

• On August 14, 2018 (Resolution No. 180068), the Board authorized an Interlocal Agreement (ILA) with the City of Coppell where the City would convey to DART city-owned property for the corridor and the Cypress Water Station as the City of Coppell’s commitment to the Silver Line Regional Rail Project. These parcels do not fall under the commitments of the ILA.
• Approval of these real estate transactions will help achieve Board Strategic Priority 5: Enhance DART’s role as a recognized local, regional and national transportation leader.

• The Board has been provided a confidential packet under separate cover outlining the details of the proposed transactions.

• Deliberation of a possible purchase, lease, or value of the identified parcels of land in an open meeting would have a detrimental effect on the position of DART’s negotiations with third parties.

APPRAISAL INFORMATION

• An appraisal has been prepared by a Texas State Certified Real Estate Appraiser and reviewed by a Texas State Certified Real Estate Appraiser.

LEGAL CONSIDERATIONS

• Section 452.054 of the Texas Transportation Code grants Dallas Area Rapid Transit (DART) authority to acquire real property.

• Section 452.058 of the Texas Transportation Code grants DART the authority to acquire real property by eminent domain.
Approval to Declare Public Necessity, Establish Just Compensation, and Authorize the Acquisition of Parcels DE1-005 and DE1-006 Located in the City of Coppell, Texas, for the Silver Line Regional Rail Project and Authorize Eminent Domain Proceedings for both parcels, if necessary.
DALLAS AREA RAPID TRANSIT

Approval to Declare Public Necessity, Establish Just Compensation, and Authorize the Acquisition of Parcels DE1-005 and DE1-006 Located in the City of Coppell, Texas, for the Silver Line Regional Rail Project and Authorize Eminent Domain Proceedings for both parcels, if necessary.
DRAFT

RESOLUTION

of the

DALLAS AREA RAPID TRANSIT BOARD

(Executive Committee)

Approval to Declare Public Necessity, Establish Just Compensation, and Authorize the Acquisition of Parcels DE1-005 and DE1-006 Located in the City of Coppell, Texas, for the Silver Line Regional Rail Project, and Authorize Eminent Domain Proceedings for These Parcels, if Necessary

WHEREAS, Dallas Area Rapid Transit (DART) was created to provide a regional public transportation system, and the acquisition of real property and the planning, design, engineering, and construction of improvements thereon are functions fundamental to the provision of a public transportation system; and

WHEREAS, the parcels described in Exhibits 1-2 are required for the construction of the Silver Line Regional Rail project; and

WHEREAS, after careful review of these parcels and the recommendation of the Interim President & Chief Executive Officer, the Board desires to declare the acquisition of these parcels a public necessity, to approve the offer of just compensation for these parcels, and to authorize the Interim President & Chief Executive Officer or his designee to proceed with the negotiation and purchase of these parcels, and if necessary, the acquisition of these parcels through eminent domain; and

WHEREAS, funding for these real estate acquisitions is within current Budget and FY 2021 Twenty-Year Financial Plan allocations.

NOW, THEREFORE, BE IT RESOLVED by the Dallas Area Rapid Transit Board of Directors that:

Declare Pub Nec DE1-005 and DE1-006-BD
Section 1: There is a public necessity for the acquisition of Parcel DE1-005 described in Exhibit 1. This property is necessary and proper for construction of the Silver Line Regional Rail Project and for any other use authorized by Chapter 452 of the Texas Transportation Code, and such use is hereby declared to be a public use for a public purpose. The amount to be paid represents just compensation for this parcel required for the Silver Line Regional Rail Project as determined by a Texas State Certified Real Estate Appraiser and reviewed by a Texas State Certified Real Estate Appraiser. In the event the property owner accepts the payment of just compensation, the Interim President & Chief Executive Officer or his designee is hereby authorized to execute all necessary legal instruments and to pay necessary relocation expenses, title policy expenses, closing costs, and other such costs as may be required by law to close the purchase of the property. Should the property owner decline the payment of just compensation, then the Interim President & Chief Executive Officer or his designee is hereby authorized and directed to negotiate the purchase of such parcel in accordance with DART’s Real Estate Policy. If the Interim President & Chief Executive Officer or his designee is unable to negotiate the purchase of this parcel for just compensation, the General Counsel is hereby authorized and directed to initiate and prosecute the completion of eminent domain proceedings for the acquisition of this parcel for the Silver Line Regional Rail Project. DART shall not exercise its power of eminent domain for the acquisition of the parcel described in Exhibit 1 without approval of such acquisition by the City Council of the City of Coppell for DE1-005. DART’s exercise of the power of eminent domain in acquiring the herein described parcel will not unduly impair the then existing neighborhood character of property surrounding or adjacent to the property to be condemned, nor unduly interfere with interstate commerce, nor authorize DART to run its vehicles on railroad tracks which are used to transport property.
Section 2: There is a public necessity for the acquisition of Parcel DE1-006 described in Exhibit 2. This property is necessary and proper for construction of the Silver Line Regional Rail Project and for any other use authorized by Chapter 452 of the Texas Transportation Code, and such use is hereby declared to be a public use for a public purpose. The amount to be paid represents just compensation for this parcel required for the Silver Line Regional Rail Project as determined by a Texas State Certified Real Estate Appraiser and reviewed by a Texas State Certified Real Estate Appraiser. In the event the property owner accepts the payment of just compensation, the Interim President & Chief Executive Officer or his designee is hereby authorized to execute all necessary legal instruments and to pay necessary relocation expenses, title policy expenses, closing costs, and other such costs as may be required by law to close the purchase of the property. Should the property owner decline the payment of just compensation, then the Interim President & Chief Executive Officer or his designee is hereby authorized and directed to negotiate the purchase of such parcel in accordance with DART’s Real Estate Policy. If the Interim President & Chief Executive Officer or his designee is unable to negotiate the purchase of this parcel for just compensation, the General Counsel is hereby authorized and directed to initiate and prosecute the completion of eminent domain proceedings for the acquisition of this parcel for the Silver Line Regional Rail Project. DART shall not exercise its power of eminent domain for the acquisition of the parcel described in Exhibit 2 without approval of such acquisition by the City Council of the City of Coppell for DE1-006. DART’s exercise of the power of eminent domain in acquiring the herein described parcel will not unduly impair the then existing neighborhood character of property surrounding or adjacent to the property to be condemned, nor unduly interfere with interstate commerce, nor authorize DART to run its vehicles on railroad tracks which are used to transport property.
Approval to Declare Public Necessity, Establish Just Compensation, and Authorize the Acquisition of Parcels DE1-005 and DE1-006 Located in the City of Coppell, Texas, for the Silver Line Regional Rail Project, and Authorize Eminent Domain Proceedings for These Parcels, if Necessary

Prepared by: /s/ David Ehrlicher *

David Ehrlicher
Interim Vice President
Capital Design & Construction

Prepared by: /s/ Todd Plesko *

Todd Plesko
Interim Executive Vice President
Growth/Regional Development

Approved as to form: /s/ Gene Gamez *

Gene Gamez
General Counsel

Approved by: /s/ David Leininger *

David Leininger
Interim President & Chief Executive Officer

* Reviewed and approved, but not signed due to COVID-19 Coronavirus Pandemic
Field Notes Describing a 225 Square Foot (0.0052 Acre) Drainage Easement DE1-005

Being a 225 Square Foot (0.0052 Acre) tract of land situated in the James A. Simmons Survey, Abstract Number 1296, in the City of Coppell, Dallas County, Texas and being part of Lot 2R-1, Block 2 of the MINOR AMENDING PLAT OF LOT 2R-1 & 2R-2, BLOCK 2, an Addition to the City of Coppell, as recorded in Volume 2000242, Page 1144 of the Deed Records of Dallas County, Texas (D.R.D.C.T.) and being further described as a called 17.278 Acre tract of land conveyed by THE NORTHWESTERN MUTUAL LIFE INSURANCE COMPANY to TEACHERS INSURANCE AND ANNUITY ASSOCIATION OF AMERICA by Special Warranty Deed dated December 19, 2000, as recorded in Volume 2000245, Page 2719, D.R.D.C.T., and being more particularly described by metes and bounds as follows:

BEGINNING at a 5/8 inch iron rod with a yellow plastic cap stamped, “ARS ENGINEERS” set on the north line of said Lot 2R-1, same being the south line of Lot 2, Block 1 of the RE-PLAT OF BLOCK 1 & 2 of the PARK WEST COMMERCE CENTER, an Addition to the City of Coppell, as recorded in Volume 93226, Page 2864, D.R.D.C.T., from which a 1/2 inch yellow capped iron rod stamped, “AH HALFF ASSOC”, Controlling Monument (C.M.) found for the southeast corner of Lot 3, Block 1 of said PARK WEST COMMERCE CENTER addition, same being the northeast corner of Lot 2R-2 of said MINOR AMENDING PLAT OF LOT 2R-1 & 2R-2 addition and further being on the existing west Right-Of-Way line of Beltline Road (Variable Width Right-Of-Way) bears: North 88 Degrees 58 Minutes 36 Seconds East, a distance of 784.31 feet.

THENCE departing the common line of said Lot 2R-1, and said Lot 2 and over and across said Lot 2R-1 the following three (3) courses and distances:

1. South 01 degrees 01 minutes 24 seconds East, a distance of 15.00 feet to a “X” cut set for corner;

2. South 88 degrees 58 minutes 36 seconds West, a distance of 15.00 feet to a “X” cut set for corner;

3. North 01 degrees 01 minutes 24 seconds West, a distance of 15.00 feet a 5/8 inch iron rod with a yellow plastic cap stamped, “ARS ENGINEERS” set for corner on the aforementioned common line of Lot 2R-1 and Lot 2;

THENCE North 88 degrees 58 minutes 36 seconds East, along said common line, a distance of 15.00 feet to the POINT OF BEGINNING and containing 225 Square Feet or 0.0052 Acres of land.
NOTES:


2. All coordinates and distances are US Survey Feet, displayed in surface values and may be converted to grid by dividing by the combined adjustment factor of 1.000136506 (Dallas County Scale Factor).

3. A survey plat of even date herewith accompanies the legal description.

I, Dustin D. Davison, a Registered Professional Land Surveyor in the State of Texas, hereby certify that the land description and plat represent an actual survey made on the ground under my supervision.

____________________________
Dustin D. Davison, R.P.L.S. Date
Texas Registration No. 6451
ARS Engineers
12801 N. Central Expressway - Suite 1250
Dallas, Texas 75243
TBPLS Firm No. 101319-00
LOT 2, BLOCK 1
N88°58'36"E
15.00'

LOT 2-1, BLOCK 2
225 SQ. FT.

DE1-005

5/8 INCH DIAMETER IRON ROD WITH YELLOW PLASTIC CAP
STAMPED "ARS ENGINEERS" SET, UNLESS OTHERWISE NOTED

0.0052 AC.

TO BE ACQUIRED

15.00'

"X" CUT SET

NOTES:

1. All bearings and coordinates are based on the Texas State Plane Coordinate System NAD 83 (2011) North Central Zone (42021), Ref Stations: ZFW1 and TACO

2. All distances shown are surface values and may be converted to grid by dividing by the conversion factor for Dallas County of 1,000136506
BEING a 450 square feet or 0.0103 acre tract of land situated in the James A. Simmons Survey, Abstract No. 1296, City of Coppell, Dallas County, Texas, said 450 square feet of land being a portion of LOT 2R-3, BLOCK 2, PARK WEST COMMERCE CENTER, being an Addition to the said City and State, according to the plat thereof recorded in Instrument Number 200503563883, Official Public Records, Dallas County, Texas (O.P.R.D.C.T.), said 450 square feet of land being a portion of that certain tract of land that The Northwestern Mutual Life Insurance Company conveyed to NM MAJESTIC HOLDINGS, LLC, by special warranty deed, as recorded in Dallas County Clerk’s Instrument Number 200503634878, O.P.R.D.C.T., said 450 square feet of land being more particularly described by metes and bounds as follows:

BEGINNING at a 5/8 inch iron rod with a cap stamped “SPOONER 5922” set on the north lot line of said Lot 2R-3, same being the south lot line of Lot 3, Block 1, Park West Commerce Center, being an Addition to the said City and State, according to the plat thereof filed for record in Volume 93226, Page 2864, Deed Records, Dallas County, Texas, said beginning point being South 88°58’36” West, 394.25 feet from a 1/2 inch iron rod with a cap stamped “A.H. HALFF” found (controlling monument) at the northeast lot corner of said Lot 2R-3, same being the southeast lot corner of said Lot 3, said iron rod found also being on the west right-of-way line of S. Belt Line Road (being a variable width public right-of-way);

THENCE South 01°01’24” East, departing the said lot lines and over and across said Lot 2R-3, 30.00 feet to an X-cut set on the north line of an existing 24 feet wide Fire Lane and Access Easement, being shown on and dedicated by deed thereof filed for record in Volume 2005149, Page 191, O.P.R.D.C.T.;

THENCE South 88°58’36” West, along the said easement line, 15.00 feet to an X-cut set;

THENCE North 01°01’24” West, departing the said easement line and continuing over and across said Lot 2R-3, 30.00 feet to a 5/8 inch iron rod with a cap stamped “SPOONER 5922” set on the said lot lines, from said iron rod set, a 5/8 inch iron rod with a cap stamped “SPOONER 5922” found (controlling monument) at the southwest lot corner of said Lot 3, same being the southeast lot corner of Lot 2 of said Block 1 bears South 88°58’36” West, 153.29 feet;

THENCE North 88°58’36” East, along the said north lot line and along the said south lot line, 15.00 feet to the POINT OF BEGINNING, containing 450 square feet or 0.0103 acres of land.

NOTE: All bearings and coordinates as based on the Texas State Plane Coordinate System, NAD-83 (2011), North Central Zone (4202). The horizontal datum derived from the 2019 NAD-83 Published (CORS) Stations ZFW1 and TXCO. All distances shown are surface values and may be converted to grid by dividing by the conversion factor for Dallas County of 1.000136506.

Surveyors Name: Eric S. Spooner
Registered Professional Land Surveyor, Texas No. 5922
Spooner and Associates, Inc.
Texas Board of Professional Land Surveying No. 10054900

1/13/21
LEGEND
EASEMENT TO BE ACQUIRED
O.P.R.D.C.T.
OFFICIAL PUBLIC RECORDS, DALLAS COUNTY, TEXAS
D.R.D.C.T.
DEED RECORDS, DALLAS COUNTY, TEXAS
CONTROLLING MONUMENT
▲ 5/8 INCH IRON WITH CAP STAMPED "SPOONER 5922" SET
● FOJND IRON ROD
○ X-CUT SET

LOT 2, BLOCK 1,
PARK WEST COMMERCE CENTER
VOLUME 93226, PAGE 2864,
D.R.D.C.T.
MLRP PARK WEST LAND, LLC
D.C.C.I. NO. 201400045575,
FILED FEBRUARY 25, 2014
O.P.R.D.C.T.

LOT 3, BLOCK 1,
PARK WEST COMMERCE CENTER
VOLUME 93226, PAGE 2864,
D.R.D.C.T.
MLRP PARK WEST LAND LLC
D.C.C.I. NO. 201400045575,
FILED FEBRUARY 25, 2014
O.P.R.D.C.T.

POINT OF BEGINNING
S88°58'36"W~153.29'
L4
S88°58'36"W~394.25'
L3
L2
L1

DE1-006
0.0103 AC.
450 SQ. FT.
TO BE ACQUIRED

LOT 2R-3, BLOCK 2,
PARK WEST COMMERCE CENTER
INST.NO. 200503563883,
O.P.R.D.C.T.

THE NORTHWESTERN MUTUAL
LIFE INSURANCE COMPANY TO
NM MAJESTIC HOLDINGS, LLC
INST. NO. 200503634878,
O.D.R.D.C.T.

NOTES:
1. All bearing and coordinates as based on the
Texas State Plane Coordinate System NAD
83 (2011) North Central Zone (4202). The
horizontal datum derived from the 2019 NAD
83. Published (CORS) Stations ZFW1 and
TXCO.
2. All distances shown are surface values and
may be converted to grid by dividing by the
conversion factor for Dallas County of
1.000136506
3. This survey was performed without the
benefit of a title commitment.
4. Easements were not researched by the
surveyor.

declare pub nec de1-006 and de1-006 bd
DATE:      May 25, 2021

SUBJECT: Approval to Declare Public Necessity, Establish Just Compensation, and Authorize the Acquisition of Parcels CB2-010, DE2-008, DE2-012, DE2-013 and DE2-014 Located in the City of Carrollton, Texas, for the Silver Line Regional Rail Project, and Authorize Eminent Domain Proceedings for These Parcels, if Necessary

RECOMMENDATION

Approval of a resolution: 1) declaring public necessity, establishing just compensation, and authorizing the acquisition of Parcels CB2-010, DE2-008, DE2-012, DE2-013 and DE2-014 located in City of Carrollton, Texas, for the Silver Line Regional Rail Project; and 2) authorizing eminent domain proceedings for these parcels, if necessary.

COMMITTEEconsiderATIONS

. On May 11, 2021 the Planning and Capital Programs Committee unanimously moved this item to the May 25, 2021 Committee-of-the-Whole for Final Consideration.

FINANCIAL CONSIDERATIONS

• These real estate acquisitions are included in the Silver Line project budget of the approved FY 2021 Capital Budget.

• Sufficient funding for these real estate acquisitions is included in both the Silver Line project budget and the Commuter Rail and Railroad Management line item of the FY 2021 Twenty-Year Financial Plan.

• Acquisition of these parcels is financed by the Federal Railroad Administration (FRA) Railroad Rehabilitation and Improvement Financing Program (RRIF) loan program.

BUSINESS PURPOSE

• Parcel CB2-010 illustrated in Attachment 1, and fully described in Exhibits 1 of the resolution, was anticipated and has been identified in the Final Environmental Impact Statement (FEIS) as necessary for the construction of the Silver Line project.

• Parcels DE2-008, DE2-012, DE2-013 and DE2-014 illustrated in Attachment 1, and fully described in Exhibits 2-5 of the resolution, were not identified in the original FEIS 10% design but were added during design progression as being needed for drainage purposes for the construction of the Silver Line corridor.
• Approval of these real estate transactions will help achieve Board Strategic Priority 5: Enhance DART’s role as a recognized local, regional and national transportation leader.

• The Board has been provided a confidential packet under separate cover outlining the details of the proposed transactions.

• Deliberation of a possible purchase, lease, or value of the identified parcels of land in an open meeting would have a detrimental effect on the position of DART’s negotiations with third parties.

APPRaisal INFORMATION

• An appraisal has been prepared by a Texas State Certified Real Estate Appraiser and reviewed by a Texas State Certified Real Estate Appraiser.

LEGAL CONSIDERATIONS

• Section 452.054 of the Texas Transportation Code grants Dallas Area Rapid Transit (DART) authority to acquire real property.

• Section 452.058 of the Texas Transportation Code grants DART the authority to acquire real property by eminent domain.
Approval to Declare Public Necessity, Establish Just Compensation, and Authorize the Acquisition of Parcels CB2-010, DE2-008, DE2-012, DE2-013, and DE2-014 located in the City of Carrollton, Texas, for the Silver Line Regional Rail Project and Authorize Eminent Domain Proceedings for all parcels, if necessary.
DALLAS AREA RAPID TRANSIT

Approval to Declare Public Necessity, Establish Just Compensation, and Authorize the Acquisition of Parcels CB2-010, DE2-008, DE2-012, DE2-013 and DE2-014 Located in the City of Carrollton, Texas, for the Silver Line Regional Rail Project and Authorize Eminent Domain Proceedings for all parcels, if necessary.

Declare Pub Nec CB2-010, DE2-008,012,013,014-BD
Approval to Declare Public Necessity, Establish Just Compensation, and Authorize the Acquisition of Parcels CB2-010, DE2-008, DE2-012, DE2-013, and DE2-014 Located in the City of Carrollton, Texas, for the Silver Line Regional Rail Project and Authorize Eminent Domain Proceedings for all parcels, if necessary.
Approval to Declare Public Necessity, Establish Just Compensation, and Authorize the Acquisition of Parcels CB2-010, DE2-008, DE2-012, DE2-013, and DE2-014 located in the City of Carrollton, Texas, for the Silver Line Regional Rail Project and Authorize Eminent Domain Proceedings for all parcels, if necessary.
DALLAS AREA RAPID TRANSIT

Approval to Declare Public Necessity, Establish Just Compensation, and Authorize the Acquisition of Parcels CB3-010, CB3-011 and DE3-008 Located in the City of Plano, Texas, for the Silver Line Regional Rail Project and Authorize Eminent Domain Proceedings for all parcels, if Necessary.
DRAFT
RESOLUTION
of the
DALLAS AREA RAPID TRANSIT BOARD
(Executive Committee)

Approval to Declare Public Necessity, Establish Just Compensation, and Authorize the Acquisition of Parcels CB2-010, DE2-008, DE2-012, DE2-013 and DE2-014 Located in the City of Carrollton, Texas, for the Silver Line Regional Rail Project, and Authorize Eminent Domain Proceedings for These Parcels, if Necessary

WHEREAS, Dallas Area Rapid Transit (DART) was created to provide a regional public transportation system, and the acquisition of real property and the planning, design, engineering, and construction of improvements thereon are functions fundamental to the provision of a public transportation system; and

WHEREAS, the parcels described in Exhibits 1-5 are required for the construction of the Silver Line Regional Rail project; and

WHEREAS, after careful review of these parcels and the recommendation of the Interim President & Chief Executive Officer, the Board desires to declare the acquisition of these parcels a public necessity, to approve the offer of just compensation for these parcels, and to authorize the Interim President & Chief Executive Officer or his designee to proceed with the negotiation and purchase of these parcels, and if necessary, the acquisition of these parcels through eminent domain; and

WHEREAS, funding for these real estate acquisitions is within current Budget and FY 2021 Twenty-Year Financial Plan allocations.

NOW, THEREFORE, BE IT RESOLVED by the Dallas Area Rapid Transit Board of Directors that:

Declare Pub Nec CB2-010, DE2-008,012,013,014-BD
Section 1: There is a public necessity for the acquisition of Parcel CB2-010 described in Exhibit 1. This property is necessary and proper for construction of the Silver Line Regional Rail Project and for any other use authorized by Chapter 452 of the Texas Transportation Code, and such use is hereby declared to be a public use for a public purpose. The amount to be paid represents just compensation for this parcel required for the Silver Line Regional Rail Project as determined by a Texas State Certified Real Estate Appraiser and reviewed by a Texas State Certified Real Estate Appraiser. In the event the property owner accepts the payment of just compensation, the Interim President & Chief Executive Officer or his designee is hereby authorized to execute all necessary legal instruments and to pay necessary relocation expenses, title policy expenses, closing costs, and other such costs as may be required by law to close the purchase of the property. Should the property owner decline the payment of just compensation, then the Interim President & Chief Executive Officer or his designee is hereby authorized and directed to negotiate the purchase of such parcel in accordance with DART’s Real Estate Policy. If the Interim President & Chief Executive Officer or his designee is unable to negotiate the purchase of this parcel for just compensation, the General Counsel is hereby authorized and directed to initiate and prosecute the completion of eminent domain proceedings for the acquisition of this parcel for the Silver Line Regional Rail Project. DART shall not exercise its power of eminent domain for the acquisition of the parcel described in Exhibit 1 without approval of such acquisition by the City Council of the City of Carrollton for CB2-010. DART’s exercise of the power of eminent domain in acquiring the herein described parcel will not unduly impair the then existing neighborhood character of property surrounding or adjacent to the property to be condemned, nor unduly interfere with interstate commerce, nor authorize DART to run its vehicles on railroad tracks which are used to transport property.
Section 2: There is a public necessity for the acquisition of Parcel DE2-008 described in Exhibit 2. This property is necessary and proper for construction of the Silver Line Regional Rail Project and for any other use authorized by Chapter 452 of the Texas Transportation Code, and such use is hereby declared to be a public use for a public purpose. The amount to be paid represents just compensation for this parcel required for the Silver Line Regional Rail Project as determined by a Texas State Certified Real Estate Appraiser and reviewed by a Texas State Certified Real Estate Appraiser. In the event the property owner accepts the payment of just compensation, the Interim President & Chief Executive Officer or his designee is hereby authorized to execute all necessary legal instruments and to pay necessary relocation expenses, title policy expenses, closing costs, and other such costs as may be required by law to close the purchase of the property. Should the property owner decline the payment of just compensation, then the Interim President & Chief Executive Officer or his designee is hereby authorized and directed to negotiate the purchase of such parcel in accordance with DART’s Real Estate Policy. If the Interim President & Chief Executive Officer or his designee is unable to negotiate the purchase of this parcel for just compensation, the General Counsel is hereby authorized and directed to initiate and prosecute the completion of eminent domain proceedings for the acquisition of this parcel for the Silver Line Regional Rail Project. DART shall not exercise its power of eminent domain for the acquisition of the parcel described in Exhibit 2 without approval of such acquisition by the City Council of the City of Carrollton for DE2-008. DART’s exercise of the power of eminent domain in acquiring the herein described parcel will not unduly impair the then existing neighborhood character of property surrounding or adjacent to the property to be condemned, nor unduly interfere with interstate commerce, nor authorize DART to run its vehicles on railroad tracks which are used to transport property.
Section 3: There is a public necessity for the acquisition of Parcel DE2-012 described in Exhibit 3. This property is necessary and proper for construction of the Silver Line Regional Rail Project and for any other use authorized by Chapter 452 of the Texas Transportation Code, and such use is hereby declared to be a public use for a public purpose. The amount to be paid represents just compensation for this parcel required for the Silver Line Regional Rail Project as determined by a Texas State Certified Real Estate Appraiser and reviewed by a Texas State Certified Real Estate Appraiser. In the event the property owner accepts the payment of just compensation, the Interim President & Chief Executive Officer or his designee is hereby authorized to execute all necessary legal instruments and to pay necessary relocation expenses, title policy expenses, closing costs, and other such costs as may be required by law to close the purchase of the property. Should the property owner decline the payment of just compensation, then the Interim President & Chief Executive Officer or his designee is hereby authorized and directed to negotiate the purchase of such parcel in accordance with DART’s Real Estate Policy. If the Interim President & Chief Executive Officer or his designee is unable to negotiate the purchase of this parcel for just compensation, the General Counsel is hereby authorized and directed to initiate and prosecute the completion of eminent domain proceedings for the acquisition of this parcel for the Silver Line Regional Rail Project. DART shall not exercise its power of eminent domain for the acquisition of the parcel described in Exhibit 3 without approval of such acquisition by the City Council of the City of Carrollton for DE2-012. DART’s exercise of the power of eminent domain in acquiring the herein described parcel will not unduly impair the then existing neighborhood character of property surrounding or adjacent to the property to be condemned, nor unduly interfere with interstate commerce, nor authorize DART to run its vehicles on railroad tracks which are used to transport property.
Section 4: There is a public necessity for the acquisition of Parcel DE2-013 described in Exhibit 4. This property is necessary and proper for construction of the Silver Line Regional Rail Project and for any other use authorized by Chapter 452 of the Texas Transportation Code, and such use is hereby declared to be a public use for a public purpose. The amount to be paid represents just compensation for this parcel required for the Silver Line Regional Rail Project as determined by a Texas State Certified Real Estate Appraiser and reviewed by a Texas State Certified Real Estate Appraiser. In the event the property owner accepts the payment of just compensation, the Interim President & Chief Executive Officer or his designee is hereby authorized to execute all necessary legal instruments and to pay necessary relocation expenses, title policy expenses, closing costs, and other such costs as may be required by law to close the purchase of the property. Should the property owner decline the payment of just compensation, then the Interim President & Chief Executive Officer or his designee is hereby authorized and directed to negotiate the purchase of such parcel in accordance with DART’s Real Estate Policy. If the Interim President & Chief Executive Officer or his designee is unable to negotiate the purchase of this parcel for just compensation, the General Counsel is hereby authorized and directed to initiate and prosecute the completion of eminent domain proceedings for the acquisition of this parcel for the Silver Line Regional Rail Project. DART shall not exercise its power of eminent domain for the acquisition of the parcel described in Exhibit 4 without approval of such acquisition by the City Council of the City of Carrollton for DE2-013. DART’s exercise of the power of eminent domain in acquiring the herein described parcel will not unduly impair the then existing neighborhood character of property surrounding or adjacent to the property to be condemned, nor unduly interfere with interstate commerce, nor authorize DART to run its vehicles on railroad tracks which are used to transport property.
Section 5: There is a public necessity for the acquisition of Parcel DE2-014 described in Exhibit 5. This property is necessary and proper for construction of the Silver Line Regional Rail Project and for any other use authorized by Chapter 452 of the Texas Transportation Code, and such use is hereby declared to be a public use for a public purpose. The amount to be paid represents just compensation for this parcel required for the Silver Line Regional Rail Project as determined by a Texas State Certified Real Estate Appraiser and reviewed by a Texas State Certified Real Estate Appraiser. In the event the property owner accepts the payment of just compensation, the Interim President & Chief Executive Officer or his designee is hereby authorized to execute all necessary legal instruments and to pay necessary relocation expenses, title policy expenses, closing costs, and other such costs as may be required by law to close the purchase of the property. Should the property owner decline the payment of just compensation, then the Interim President & Chief Executive Officer or his designee is hereby authorized and directed to negotiate the purchase of such parcel in accordance with DART’s Real Estate Policy. If the Interim President & Chief Executive Officer or his designee is unable to negotiate the purchase of this parcel for just compensation, the General Counsel is hereby authorized and directed to initiate and prosecute the completion of eminent domain proceedings for the acquisition of this parcel for the Silver Line Regional Rail Project. DART shall not exercise its power of eminent domain for the acquisition of the parcel described in Exhibit 5 without approval of such acquisition by the City Council of the City of Carrollton for DE2-014. DART’s exercise of the power of eminent domain in acquiring the herein described parcel will not unduly impair the then existing neighborhood character of property surrounding or adjacent to the property to be condemned, nor unduly interfere with interstate commerce, nor authorize DART to run its vehicles on railroad tracks which are used to transport property.
Approval to Declare Public Necessity, Establish Just Compensation, and Authorize the Acquisition of Parcels CB2-010, DE2-008, DE2-012, DE2-013 and DE2-014 Located in the City of Carrollton, Texas, for the Silver Line Regional Rail Project, and Authorize Eminent Domain Proceedings for These Parcels, if Necessary

Prepared by: /s/ David Ehrlicher *
David Ehrlicher
Interim Vice President
Capital Design & Construction

Prepared by: /s/ Todd Plesko *
Todd Plesko
Interim Executive Vice President
Growth/Regional Development

Approved as to form: /s/ Gene Gamez *
Gene Gamez
General Counsel

Approved by: /s/ David Leininger *
David Leininger
Interim President & Chief Executive Officer

* Reviewed and approved, but not signed due to COVID-19 Coronavirus Pandemic
BEING an 32,748 square feet or 0.7518 acre tract of land situated in the Joshua B. Lee Survey, Abstract No. 798, City of Carrollton, Dallas County, Texas, said 32,748 square feet of land being a portion of Lot 19, Block A, Woodcrest Estates, being an Addition to the City of Carrollton, Dallas County, Texas, according to the plat thereof filed for record in Volume 71004, Page 1725, Deed Records, Dallas County, Texas, said 32,748 square feet of land being a portion of that certain tract of land that K-C Metroplex, Inc. conveyed to RELZY ZETTY and SHIRLEY ZETTY, by general warranty deed, as recorded in Volume 77094, Page 901, filed May 10, 1977, Deed Records, Dallas County, Texas (D.R.D.C.T), said 32,748 square feet of land being more particularly described by metes and bounds as follows:

COMMENCING at a 60d nail found at the most easterly northeast lot corner of said Lot 19, same being the northwest lot corner of Lot 18 of said Block A, said commencing point being on the southerly right-of-way line of Cecil Drive, said commencing point also being South 18°17’46” West, 96.34 feet from a 5/8 inch iron rod (controlling monument) found at the southeast lot corner of Lot 34, Block B of said plat of Woodcrest Estates, said commencing point also being South 23°32’03” East, 89.66 feet from a 5/8 inch iron rod with an illegible cap (controlling monument) found at the southwest lot corner of said Lot 34;

THENCE South 00°18’09” West, along the east lot line of said Lot 19 and along the west lot line of Lot 18 of said Block A, 104.17 feet to a 5/8 inch iron rod with a cap stamped “SPOONER 5922” set at the POINT OF BEGINNING;

THENCE South 00°18’09” West, continuing along the said lot lines, 5.46 feet to a 5/8 inch iron rod with a cap stamped “SPOONER 5922” set at the southeast lot corner of said Lot 19, same being the southwest lot corner of said Lot 18, said point being on the northwest property line of a tract of land conveyed to the Dallas Area Rapid Transit Property Acquisition Corporation, by deed thereof filed for record in Volume 91008, Page 1341, D.R.D.C.T., said point also being at the beginning of a non-tangent curve to the right having a radius of 4,981.71 feet;

THENCE along the southeast lot line of said Lot 19, along the said northwest property line and along the said curve to the right through a central angle of 0°55’18”, an arc length of 80.14 feet, and across a chord which bears South 65°28’37” West, a chord length of 80.14 feet to a 5/8 inch iron rod with a cap stamped “SPOONER 5922” set;

THENCE South 65°56’16” West, continuing along the said southeast lot line and along the said northwest property line, 807.54 feet to the southwest lot corner of said Lot 19, same being the intersection of the said northwest property line with the southeast property line of a tract of land owned by Burlington Northern Sante Fe Railroad Company, no deed of record found, said point being at the beginning of a non-tangent curve to the left having a radius of 3,382.16 feet;

THENCE along a northwest lot line of said Lot 19, along the said southeast property line of the B.N.S.F. Railroad tract and along the said curve to the left through a central angle of 3°54’34”, an arc length of 230.78 feet, and across a chord which bears North 48°14’58” East, a chord length of 230.73 feet to a 5/8 inch iron rod with a cap stamped “SPOONER 5922” set;

THENCE North 71°26’05” East, departing the said lot line and the said property line and over and across said Lot 19, 673.20 feet to the POINT OF BEGINNING, containing 32,748 square feet or 0.7518 acres of land.
NOTE: All bearings and coordinates as based on the Texas State Plane Coordinate System, NAD-83 (2011), North Central Zone (4202). The horizontal datum derived from the 2019 NAD-83 Published (CORS) Stations ZFW1 and TXCO. All distances shown are surface values and may be converted to grid by dividing by the conversion factor for Dallas County of 1.000136506.

Surveyors Name: Eric S. Spooner
Registered Professional Land Surveyor, Texas No. 5922
Spooner and Associates, Inc.
Texas Board of Professional Land Surveying No. 10054900

7-20-20
NOTES:

1. All bearing and coordinates as based on the Texas State Plane Coordinate System NAD 83 (2011) North Central Zone (4202). The horizontal datum derived from the 2019 NAD 83 Published (CORS) Stations ZFW1 and TXCO.

2. All distances shown are surface values and may be converted to grid by dividing by the conversion factor for Dallas County of 1.000136506.

3. This survey was performed without the benefit of a title commitment.

4. Easements were not researched by the surveyor.
Field Notes Describing a 2,693 Square Foot (0.0618 Acre) Drainage Easement DE2-008

**Being** a 2,693 Square Foot (0.0618 Acre) tract of land situated in the James Armstrong Survey, Abstract Number 31 in the City of Carrollton, Dallas County, Texas and being part of Lot 3R, Block 1 of the Replat of the GLIDDEN ADDIDITION, an Addition to the City of Carrollton, as recorded in Volume 2003177, Page 00020 of the Deed Records of Dallas County, Texas (D.R.D.C.T.) and being further described as a called 45.483 Acre tract of land conveyed by STOCKBRIDGE 1900 NORTH JOSEY LANE, LLC, a Delaware limited liability company to RENSON USA REAL ESTATE, LLC, a Texas limited liability company by Special Warranty Deed dated February 23, 2021, as recorded in Instrument Number 202100047274 of the Official Public Records of Dallas County Texas, (O.P.R.D.C.T.) and being more particularly described by metes and bounds as follows:

**BEGINNING** at a 5/8 inch iron rod with a yellow plastic cap stamped, “ARS ENGINEERS” set on the existing northerly right-of-way line of a 100 foot Right-of-way conveyed to Dallas Area Rapid Transit Property Acquisition Corporation (DART), as recorded in Volume 91008, Page 1341, D.R.D.C.T., same being the southeast corner of said Lot 3R, Block 1 and the southwest corner of Lot 1, Block A of the Administrative Plat of East Middle School, an Addition to the City of Carrollton, as recorded in Volume 96095, Page 0677, D.R.D.C.T. and being the southeast corner of the herein described tract of land;

**THENCE** North 78 degrees 13 minutes 49 seconds West, along the common line of said DART tract of land and said Lot 3R, Block 1 a distance of 199.29 feet to 5/8 inch iron rod with a yellow plastic cap stamped, “ARS ENGINEERS” set for the west corner of the herein described tract of land;

**THENCE** departing said common line and over and across said Lot 3R, Block 1 the following two (2) courses and distances:

1. South 87 degrees 19 minutes 04 seconds East, a distance of 126.64 feet to a 5/8 inch iron rod with a yellow plastic cap stamped, “ARS ENGINEERS” set for corner;

2. South 78 degrees 13 minutes 49 seconds East, a distance of 69.95 feet to a 5/8 inch iron rod with a yellow plastic cap stamped, “ARS ENGINEERS” set for northeast corner of the herein described tract of land and being on the common line of said Lot 3R and the aforementioned Lot 1, Block A, from which a 5/8 inch yellow capped iron rod stamped, “DCA INC.” found for the northwest corner of said Lot 1, Block A and the northeast corner of said Lot 3R, Block 1, same being on the south line of the Final Plat of the Josey Rand Greenbelt Park Addition, an Addition to the City of Carrollton, as recorded in Volume 88131, Page 3784, D.R.D.C.T., bears, North 00 degrees 19 minutes 20 seconds West, a distance of 1135.93 feet;
THENCE S 00 degrees 19 minutes 20 seconds West, along the common line of said Lot 1, Block A and Lot 3R, Block 1, passing at a distance of 18.25 feet, a found 5/8 inch yellow capped iron rod stamped, “DCA INC.”, Controlling Monument, (CM), continuing for a total distance of 20.46 feet to the POINT OF BEGINNING and containing 2,693 Square Feet or 0.0618 Acres of land.

NOTES:
2. All coordinates and distances are US Survey Feet, displayed in surface values and may be converted to grid by dividing by the combined adjustment factor of 1.000136506 (Dallas County Scale Factor).
3. A survey plat of even date herewith accompanies the legal description.

I, Dustin D. Davison, a Registered Professional Land Surveyor in the State of Texas, hereby certify that the land description and plat represent an actual survey made on the ground under my supervision.

Dustin D. Davison, R.P.L.S. Date
Texas Registration No. 6451
ARS Engineers
12801 N. Central Expressway - Suite 1250
Dallas, Texas 75243
TBPLS Firm No. 101319-00
Called 45.483 Acres
Special Warranty Deed
Stockbridge 1900 North
Josey Lane, LLC, a Delaware
limited liability company
Conveys to
Renson USA Real Estate, LLC,
a Texas limited
liability company
Filed 2/23/2021
Inst. No. 202100047274
O.P.R.D.C.T.

Called 32.148 Acres
Warranty Deed
Grover H. Hope
Conveys to
Carrollton-Farmers Branch
Independent School District
File March 26, 1993

Called Public Necessity CB2-010, DE2-008, 012, 013, 014-BD
Lot 3R, Block 1
Vol. 2003177, O.P.R.D.C.T.

Notes:
1. All bearings and coordinates are based on the Texas State Plane
Coordinate System NAD 83 (2011) North Central Zone (4202), Ref Station
PrSB4867413367
2. All distances shown are surface
values and may be converted to
grid by dividing by the conversion
factor for Dallas County of 1,000136506

دس

DE2-008

0.0618 AC.
2,693 SQ. FT.
To Be Acquired

Legend

D.R.D.C.T.

Exhibit 2
Field Notes Describing a 4,335 Square Foot (0.0995 Acre) Drainage Easement DE2-012

Being a 4,335 Square Foot (0.0995 Acre) tract of land situated in the H. Vail Survey, Abstract Number 1511, in the City of Carrollton, Dallas County, Texas and being part of the Replat of Lot 2R, Block 3 of the Belt Line-Marsh Business Park Addition, an addition to the City of Carrollton, as recorded in Volume 93227, Page 1167, Deed, Records, Dallas County, Texas (D.R.D.C.T.), and being further described as a called 6.6192 acre tract of land conveyed by SL3 DFW INDUSTRIAL, LP to WESTCORE ALPHA DALLAS I, LLC by Special Warranty Deed, as recorded in Instrument No. 202000283308 of the Official Public Records of Dallas County, Texas, (O.P.R.D.C.T.) and being more particularly described by metes and bounds as follows:

BEGINNING at a 5/8 inch iron rod with a yellow plastic cap stamped, “ARS ENGINEERS” set on the existing southerly Right-Of-Way line of a 100 foot Right-Of-Way conveyed to Dallas Area Rapid Transit Property Acquisition Corporation (DART), as recorded in Volume 91008, Page 1341, D.R.D.C.T., same being the northwest corner of said Lot 2R, Block 3 and the northeast corner of a remainder tract of land conveyed to the Union Pacific Railroad, as recorded in Volume 4160, Page 59, D.R.D.C.T. and being the northwest corner of the herein described tract of land;

THENCE South 78 degrees 13 minutes 49 seconds East, along the common line of said DART tract of land, and said Lot 2R, Block 3 a distance of 342.71 feet, to a 5/8 inch iron rod with a yellow plastic cap stamped, “ARS ENGINEERS” set for the northeast corner of the herein described tract of land,

THENCE departing said common line and being over and across said Lot 2R, Block 3 the following four (4) courses and distances:

1. South 11 degrees 46 minutes 11 seconds West, a distance of 10.00 feet to a 5/8 inch iron rod with a yellow plastic cap stamped, “ARS ENGINEERS” set for the southeast corner of the herein described tract of land;

2. North 78 degrees 13 minutes 49 seconds West, a distance of 185.00 feet 5/8 inch iron rod with a yellow plastic cap stamped, “ARS ENGINEERS” set for corner;

3. North 82 degrees 48 minutes 15 seconds West, a distance of 125.40 feet 5/8 inch iron rod with a yellow plastic cap stamped, “ARS ENGINEERS” set for corner;

4. North 78 degrees 13 minutes 49 seconds West, a distance of 28.25 feet 5/8 inch iron rod with a yellow plastic cap stamped, “ARS ENGINEERS” set on the common line of the aforementioned Lot 2R, Block 3 and the aforementioned Union Pacific Railroad remainder tract of land and being southwest corner of the herein described tract of land, from which a found 5/8” capped iron rod stamped, HALFF & ASSOC.”, Controlling Monument (C.M.) bears: South 00 degrees 47
minutes 11 seconds East, a distance of 484.60 feet to the southwest corner of Lot 2R, Block 3, same being the northwest corner of the Replat of Lot 3, Block 3 of the Belt Line Marsh Business Park Addition, an addition to the City of Carrollton, as recorded in Volume 92149, Page 0483, D.R.D.C.T., South 89 degrees 44 minutes 35 seconds West, along the common line of said Lot 2R, Block 3 and Lot 3, Block 3, a distance of 28.46 feet;

**THENCE** North 00 degrees 47 minutes 11 seconds West, along said common line of Lot 2R, Block 3 and said Union Pacific Railroad remainder tract of land, a distance of 20.49 feet to the **POINT OF BEGINNING** and containing 4,335 Square Feet or 0.0995 Acres of land.

**NOTES:**


2. All coordinates and distances are US Survey Feet, displayed in surface values and may be converted to grid by dividing by the combined adjustment factor of 1.000136506 (Dallas County Scale Factor).

3. A survey plat of even date herewith accompanies the legal description.

I, Dustin D. Davison, a Registered Professional Land Surveyor in the State of Texas, hereby certify that the land description and plat represent an actual survey made on the ground under my supervision.

Dustin D. Davison, R.P.L.S.  
Texas Registration No. 6451  
ARS Engineers  
12801 N. Central Expressway - Suite 1250  
Dallas, Texas 75243  
TBPLS Firm No. 101319-00  

8/14/20
Field Notes Describing a 1,001 Square Foot (0.0230 Acre) Drainage Easement DE2-013(E)

Being a 1,001 Square Foot (0.0230 Acre) tract of land situated in the David Meyers Survey, Abstract Number 923, Dallas County, Texas and being part a called 2.8962 Acre tract of land conveyed by SURVEYOR/LINDBERGH, LTD to HAROLD LEIDNER PROPERTY COMPANY by Special Warranty Deed dated November 2, 1998, as recorded in Volume 98215, Page 1899 of the Deed Records, Dallas County, Texas (D.R.D.C.T.) and being more particularly described by metes and bounds as follows:

BEGINNING at a 5/8 inch iron rod with a yellow plastic cap stamped, “ARS ENGINEERS” set on the common line of the existing north Right-Of-Way line of a 100 foot Right-Of-Way conveyed to Dallas Area Transit Property Acquisition Corporation (DART), as recorded in Volume 91008, Page 1341, D.R.D.C.T., and said 2.8962 acre tract of land, also being the southwest corner of the herein described tract of land, from which a 3/8 inch iron rod, Controlling Monument (CM), found bears: South 89 degrees 41 minutes 54 seconds West, a distance of 286.46 feet to the southwest corner of said 2.8962 acre tract of land, same being the southeast corner of a called 5.65 acre tract of land conveyed to Dallas Power and Light Company, as recorded in Volume 4632, Page 398, D.R.D.C.T., North 00 degrees 14 minutes 13 seconds West, along the west line of said 2.8962 acre tract of land and the east line of said 5.65 acre tract of land, a distance of 0.63 feet;

THENCE departing said north Right-Of-Way line and over and across said 2.8962 acre tract of land the following two (2) courses and distances:

1. North 00 degrees 27 minutes 34 seconds West, a distance of 29.75 feet to a 5/8 inch iron rod with a yellow plastic cap stamped, “ARS ENGINEERS” set for the northwest corner of the herein described tract of land;

2. North 89 degrees 32 minutes 26 seconds East, a distance of 33.65 feet, to a 5/8 inch iron rod with a yellow plastic cap stamped, “ARS ENGINEERS” set on the east line of the aforementioned 2.8962 acre tract of land, same being the existing west Right-Of-Way line of Surveyor Blvd. (60 foot Right-Of-Way), as recorded in Volume 72121, Page 2477, D.R.D.C.T., from which a 5/8 inch iron rod found for the northeast corner of a called 6.268 acre tract of land conveyed to AER MFG., INC. bears: North 00 degrees 14 minutes 13 seconds West, a distance of 1,216.29 feet;

THENCE South 00 degrees 14 minutes 13 seconds East, along the common line of said 2.8962 acre tract of land and Surveyor Blvd., a distance of 29.84 feet, to a 5/8 inch iron rod with a yellow plastic cap stamped, “ARS ENGINEERS” set on the aforementioned common line of DART and said 2.8962 acre tract of land;
THENCE South 89 degrees 41 minutes 54 seconds West, along said common line, a distance of 33.54 feet to the POINT OF BEGINNING and containing 1,001 Square Feet or 0.0230 Acres of land.

NOTES:
1. The Basis of Bearing is the Texas Coordinate System of 1983, North Central Zone (4202), North American Datum of 1983 (NAD83) 2011 Adjustment, Epoch 2010.00. Ref Station: DUNP_g1012
2. All coordinates and distances are US Survey Feet, displayed in surface values and may be converted to grid by dividing by the combined adjustment factor of 1.000136506 (Dallas County Scale Factor).
3. A survey plat of even date herewith accompanies the legal description.

I, Dustin D. Davison, a Registered Professional Land Surveyor in the State of Texas, hereby certify that the land description and plat represent an actual survey made on the ground under my supervision.

Dustin D. Davison, R.P.L.S. Date
Texas Registration No. 6451
ARS Engineers
12801 N. Central Expressway - Suite 1250
Dallas, Texas 75243
TBPLS Firm No. 101319-00
Field Notes Describing a 410 Square Foot (0.0094 Acre) Drainage Easement DE2-014

Being a 410 Square Foot (0.0094 Acre) tract of land situated in the H. Vail Survey, Abstract Number 1511, in the City of Carrollton, Dallas County, Texas and being part of the remainder of the Union Pacific Railroad tract of land, conveyed by southwestern Transportation Company, as recorded by Warranty Deed dated October 26, 1954 in Volume 4160, Page 59, Deed, Records, Dallas County, Texas (D.R.D.C.T.) and being more particularly described by metes and bounds as follows:

BEGINNING at a 5/8 inch iron rod with a yellow plastic cap stamped, “ARS ENGINEERS” set on the existing southerly Right-Of-Way line of a 100 foot Right-Of-Way conveyed to Dallas Area Rapid Transit Property Acquisition Corporation (DART), as recorded in Volume 91008, Page 1341, D.R.D.C.T., same being the northeast corner of Lot 1, Block 1 of the Georgia Pacific Addition, an addition to the City of Carrollton, as recorded in Volume 90126, Page 1464 of the Deed Records of Dallas County, Texas (D.R.D.C.T.) and the northwest corner of said remainder tract of land and being the northwest corner of the herein described tract of land;

THENCE South 78 degrees 13 minutes 49 seconds East, along the common line of said DART tract of land, and said remainder tract of land, a distance of 20.48 feet, to a 5/8 inch iron rod with a yellow plastic cap stamped, “ARS ENGINEERS” set for the northeast corner of the herein described tract of land, same being the northwest corner of the Replat of Lot 2R, Block 3 of the Belt Line-Marsh Business Park Addition, an addition to the City of Carrollton, as recorded in Volume 93227, Page 1167, D.R.D.C.T.;

THENCE South 00 degrees 47 minutes 11 seconds East, along the common line of said Lot 2R, Block 3 and said remainder tract of land, a distance of 20.49 feet to a 5/8 inch iron rod with a yellow plastic cap stamped, “ARS ENGINEERS” set for the southeast corner of the herein described tract of land;

THENCE North 78 degrees 13 minutes 49 seconds West, over and across said remainder tract of land, a distance of 20.48 feet to a 5/8 inch iron rod with a yellow plastic cap stamped, “ARS ENGINEERS” set on common line of said Lot 1, Block 1 and said remainder tract of land and being the southwest corner of the herein described tract of land, from which a capped 1/2 inch iron rod stamped, “Carter & Burgess”, Controlling Monument (CM), found for the southwest corner of said Lot 1, Block 1 and the southeast corner of a 25 foot Right-Of-Way Dedication, as recorded in Volume 90126, Page 1464, D.R.D.C.T., bears, South 00 degrees 47 minutes 10 seconds East, a distance of 927.32 feet to the southeast corner of said Lot 1, Block 1 and the northeast corner of called 15.00 Acre tract of land conveyed to GH Belt Line, Inc., as recorded by Special Warranty Deed in Instrument Number 201300301207 of the Official Public Records of Dallas County, Texas, South 89 degrees 21 minutes 50 seconds West, along the common line of said Lot 1, Block 1 and said called 15.00 Acre tract of land, a distance of 602.00 to said found
1/2 inch Carter & Burgess capped iron rod, from which a 5/8 inch capped iron rod stamped, “HALFF & ASSOC.”, CM, found for the northwest corner of said called 15.00 Acre tract of land bears, South 89 degrees 21 minutes 50 seconds West, a distance of 4.35 feet;

**THENCE** North 00 degrees 47 minutes 10 seconds West, along said common line of Lot 1, Block 1 and said remainder tract of land, a distance of 20.49 feet to the **POINT OF BEGINNING** and containing 410 Square Feet or 0.0094 Acres of land.

**NOTES:**


2. All coordinates and distances are US Survey Feet, displayed in surface values and may be converted to grid by dividing by the combined adjustment factor of 1.000136506 (Dallas County Scale Factor).

3. A survey plat of even date herewith accompanies the legal description.

I, Dustin D. Davison, a Registered Professional Land Surveyor in the State of Texas, hereby certify that the land description and plat represent an actual survey made on the ground under my supervision.

Dustin D. Davison, R.P.L.S.  Date
Texas Registration No. 6451
ARS Engineers
12801 N. Central Expressway - Suite 1250
Dallas, Texas 75243
TBPLS Firm No. 101319-00

8/19/20
DATE:      May 25, 2021

SUBJECT:   Approval to Declare Public Necessity, Establish Just Compensation, and Authorize the Acquisition of Parcels CB3-010, CB3-011 and DE3-008 in the City of Plano, Texas, for the Silver Line Regional Rail Project, and Authorize Eminent Domain Proceedings for All Parcels, if Necessary

RECOMMENDATION

Approval of a resolution: 1) declaring public necessity, establishing just compensation, and authorizing the acquisition of Parcels CB3-010, CB3-011 and DE3-008 located in Plano, Texas, for the Silver Line Regional Rail Project; and 2) authorizing eminent domain proceedings for all parcels, if necessary.

COMMITTEE CONSIDERATIONS

. On May 11, 2021 the Planning and Capital Programs Committee unanimously moved this item to the May 25, 2021 Committee-of-the-Whole for Final Consideration.

FINANCIAL CONSIDERATIONS

. These real estate acquisitions are included in the Silver Line project budget of the approved FY 2021 Capital Budget.

. Sufficient funding for these real estate acquisitions is included in both the Silver Line project budget and the Commuter Rail and Railroad Management line item of the FY 2021 Twenty-Year Financial Plan.

. These parcels are financed by the Department of Transportation Railroad Rehabilitation and Improvement Financing (RRIF) loan.

BUSINESS PURPOSE

. Parcel CB3-010 and CB3-011 illustrated in Attachment 1, and fully described in Exhibits 1-2 of the resolution, were anticipated and have been identified in the Final Environmental Impact Statement (FEIS) as necessary for the construction of the Silver Line project.

. Parcel DE3-008 illustrated in Attachment 1, and fully described in Exhibit 3 of the resolution, was not identified in the original FEIS 10% design but was added during design progression as being needed for drainage purposes for the construction of the Silver Line corridor.

. On August 14, 2018 (Resolution No. 180069), the Board authorized an Interlocal Agreement
(ILA) with the City of Plano where the City would convey to DART city owned property for the corridor as the City of Plano’s commitment to the Silver Line Regional Rail Project. These parcels do not fall under the commitments of the ILA.

- Approval of these real estate transactions will help achieve Board Strategic Priority 5: Enhance DART’s role as a recognized local, regional and national transportation leader.

- The Board has been provided a confidential packet under separate cover outlining the details of the proposed transactions.

- Deliberation of a possible purchase, lease, or value of the identified parcels of land in an open meeting would have a detrimental effect on the position of DART’s negotiations with third parties.

APPRAISAL INFORMATION

- An appraisal has been prepared by a Texas State Certified Real Estate Appraiser and reviewed by a Texas State Certified Real Estate Appraiser.

LEGAL CONSIDERATIONS

- Section 452.054 of the Texas Transportation Code grants Dallas Area Rapid Transit (DART) authority to acquire real property.

- Section 452.058 of the Texas Transportation Code grants DART the authority to acquire real property by eminent domain.
Approval to Declare Public Necessity, Establish Just Compensation, and Authorize the Acquisition of Parcels CB3-010, CB3-011 and DE3-008 Located in the City of Plano, Texas, for the Silver Line Regional Rail Project and Authorize Eminent Domain Proceedings for both parcels, if necessary.
Approval to Declare Public Necessity, Establish Just Compensation, and Authorize the Acquisition of Parcels CB3-010, CB3-011 and DE3-008 located in the City of Plano, Texas, for the Silver Line Regional Rail Project and Authorize Eminent Domain Proceedings for Both Parcels, if Necessary.
DALLAS AREA RAPID TRANSIT

Approval to Declare Public Necessity, Establish Just Compensation, and Authorize the Acquisition of Parcels CB3-010, CB3-011 and DE3-008 Located in the City of Plano, Texas, for the Silver Line Regional Rail Project and Authorize Eminent Domain Proceedings for all parcels, if Necessary.
RESOLUTION
of the
DALLAS AREA RAPID TRANSIT BOARD
(Executive Committee)

Approval to Declare Public Necessity, Establish Just Compensation, and Authorize the Acquisition of Parcels CB3-010, CB3-011 and DE3-008 in the City of Plano, Texas, for the Silver Line Regional Rail Project, and Authorize Eminent Domain Proceedings for All Parcels, if Necessary

WHEREAS, Dallas Area Rapid Transit (DART) was created to provide a regional public transportation system, and the acquisition of real property and the planning, design, engineering, and construction of improvements thereon are functions fundamental to the provision of a public transportation system; and

WHEREAS, the parcels described in Exhibits 1-3 are required for the construction of the Silver Line Regional Rail project; and

WHEREAS, after careful review of these parcels and the recommendation of the Interim President & Chief Executive Officer, the Board desires to declare the acquisition of these parcels a public necessity, to approve the offer of just compensation for these parcels, and to authorize the Interim President & Chief Executive Officer or his designee to proceed with the negotiation and purchase of these parcels, and if necessary, the acquisition of these parcels through eminent domain; and

WHEREAS, funding for these real estate acquisitions is within current Budget and FY 2021 Twenty-Year Financial Plan allocations.

NOW, THEREFORE, BE IT RESOLVED by the Dallas Area Rapid Transit Board of Directors that:

Declare Pub Nec CB3-010, CB3-011, DE3-008-BD
Section 1: There is a public necessity for the acquisition of Parcel CB3-010 described in Exhibit 1. This property is necessary and proper for construction of the Silver Line Regional Rail Project and for any other use authorized by Chapter 452 of the Texas Transportation Code, and such use is hereby declared to be a public use for a public purpose. The amount to be paid represents just compensation for this parcel required for the Silver Line Regional Rail Project as determined by a Texas State Certified Real Estate Appraiser and reviewed by a Texas State Certified Real Estate Appraiser. In the event the property owner accepts the payment of just compensation, the Interim President & Chief Executive Officer or his designee is hereby authorized to execute all necessary legal instruments and to pay necessary relocation expenses, title policy expenses, closing costs, and other such costs as may be required by law to close the purchase of the property. Should the property owner decline the payment of just compensation, then the Interim President & Chief Executive Officer or his designee is hereby authorized and directed to negotiate the purchase of such parcel in accordance with DART’s Real Estate Policy. If the Interim President & Chief Executive Officer or his designee is unable to negotiate the purchase of this parcel for just compensation, the General Counsel is hereby authorized and directed to initiate and prosecute the completion of eminent domain proceedings for the acquisition of this parcel for the Silver Line Regional Rail Project. DART shall not exercise its power of eminent domain for the acquisition of the parcel described in Exhibit 1 without approval of such acquisition by the City Council of the City of Plano for CB3-010. DART’s exercise of the power of eminent domain in acquiring the herein described parcel will not unduly impair the then existing neighborhood character of property surrounding or adjacent to the property to be condemned, nor unduly interfere with interstate commerce, nor authorize DART to run its vehicles on railroad tracks which are used to transport property.
Section 2: There is a public necessity for the acquisition of Parcel CB3-011 described in Exhibit 2. This property is necessary and proper for construction of the Silver Line Regional Rail Project and for any other use authorized by Chapter 452 of the Texas Transportation Code, and such use is hereby declared to be a public use for a public purpose. The amount to be paid represents just compensation for this parcel required for the Silver Line Regional Rail Project as determined by a Texas State Certified Real Estate Appraiser and reviewed by a Texas State Certified Real Estate Appraiser. In the event the property owner accepts the payment of just compensation, the Interim President & Chief Executive Officer or his designee is hereby authorized to execute all necessary legal instruments and to pay necessary relocation expenses, title policy expenses, closing costs, and other such costs as may be required by law to close the purchase of the property. Should the property owner decline the payment of just compensation, then the Interim President & Chief Executive Officer or his designee is hereby authorized and directed to negotiate the purchase of such parcel in accordance with DART’s Real Estate Policy. If the Interim President & Chief Executive Officer or his designee is unable to negotiate the purchase of this parcel for just compensation, the General Counsel is hereby authorized and directed to initiate and prosecute the completion of eminent domain proceedings for the acquisition of this parcel for the Silver Line Regional Rail Project. DART shall not exercise its power of eminent domain for the acquisition of the parcel described in Exhibit 2 without approval of such acquisition by the City Council of the City of Plano for CB3-011. DART’s exercise of the power of eminent domain in acquiring the herein described parcel will not unduly impair the then existing neighborhood character of property surrounding or adjacent to the property to be condemned, nor unduly interfere with interstate commerce, nor authorize DART to run its vehicles on railroad tracks which are used to transport property.
Section 3: There is a public necessity for the acquisition of Parcel DE3-008 described in Exhibit 3. This property is necessary and proper for construction of the Silver Line Regional Rail Project and for any other use authorized by Chapter 452 of the Texas Transportation Code, and such use is hereby declared to be a public use for a public purpose. The amount to be paid represents just compensation for this parcel required for the Silver Line Regional Rail Project as determined by a Texas State Certified Real Estate Appraiser and reviewed by a Texas State Certified Real Estate Appraiser. In the event the property owner accepts the payment of just compensation, the Interim President & Chief Executive Officer or his designee is hereby authorized to execute all necessary legal instruments and to pay necessary relocation expenses, title policy expenses, closing costs, and other such costs as may be required by law to close the purchase of the property. Should the property owner decline the payment of just compensation, then the Interim President & Chief Executive Officer or his designee is hereby authorized and directed to negotiate the purchase of such parcel in accordance with DART’s Real Estate Policy. If the Interim President & Chief Executive Officer or his designee is unable to negotiate the purchase of this parcel for just compensation, the General Counsel is hereby authorized and directed to initiate and prosecute the completion of eminent domain proceedings for the acquisition of this parcel for the Silver Line Regional Rail Project. DART shall not exercise its power of eminent domain for the acquisition of the parcel described in Exhibit 3 without approval of such acquisition by the City Council of the City of Plano for DE3-008. DART’s exercise of the power of eminent domain in acquiring the herein described parcel will not unduly impair the then existing neighborhood character of property surrounding or adjacent to the property to be condemned, nor unduly interfere with interstate commerce, nor authorize DART to run its vehicles on railroad tracks which are used to transport property.
Approval to Declare Public Necessity, Establish Just Compensation, and Authorize the Acquisition of Parcels CB3-010, CB3-011, and DE3-008 in the City of Plano, Texas, for the Silver Line Regional Rail Project, and Authorize Eminent Domain Proceedings for All Parcels, if Necessary

Prepared by:  
/s/ David Ehrlicher *

David Ehrlicher  
Interim Vice President  
Capital Design & Construction

Prepared by:  
/s/ Todd Plesko *

Todd Plesko  
Interim Executive Vice President  
Growth/Regional Development

Approved as to form:  
/s/ Gene Gamez *

Gene Gamez  
General Counsel

Approved by:  
/s/ David Leininger *

David Leininger  
Interim President & Chief Executive Officer

* Reviewed and approved, but not signed due to COVID-19 Coronavirus Pandemic
Field Notes Describing a 11,477 Square Foot (0.263 Acre) Parcel CB3-010

Being a 11,477 square foot (0.263 acre) tract of land out of the S. Clepper Survey, Abstract No. 216, Collin County, Texas, in the City of Plano and being part of a called 4.1498 acre tract that Resolution Trust Corporation conveyed to Parkway Square Joint Venture, a Texas Joint Venture, by Special Warranty Deed, as recorded in Document No. 92-0088103, filed on 12/14/1992, Deed Records, Collin County, Texas (D.R.C.C.T.) and also being Block 1, Lot 1 of the Replat Parkway Square, a subdivision recorded in Cabinet C, Slide 483, Plat Records, Collin County, Texas (P.R.C.C.T.) and being more particularly described as follows:

COMMENCING, at a found "X" cut in concrete (controlling monument) at the southeast corner, northern end of a corner clip at the intersection of the east R.O.W. line of Executive Drive, a 60-foot Right-of-Way (R.O.W.) as recorded in Cabinet C, Page 601, P.R.C.C.T and south R.O.W. line of Plano Parkway, a 100-foot easement, as recorded in Volume 644, Page 373, D.R.C.C.T., said point also being the most northern northwest corner of a called 13.496 acres tract of land described to TRG Bush Turnpike, LP, as recorded in Instrument No. 20140514000474260, Official Public Records, Collin County, Texas (O.P.R.C.C.T.) and also being the most northern northwest corner of a 5-foot R.O.W. dedication, dedicated by the Aura Plano Addition, a subdivision recorded in Volume 2016, Page 429, P.R.C.C.T.;

THENCE, N 89° 35' 57" E, along the common said north line of TRG Bush Turnpike tract, the said north 5-foot R.O.W. dedication line, said south R.O.W. easement line of Plano Parkway and parallel to the 110-foot existing south R.O.W. line of Plano Parkway, a distance of 430.87 feet to a found 1" iron rod (leaning)(controlling monument) for the northeast corner of said TRG Bush Turnpike tract, the northeast corner of said 5-foot R.O.W. dedication, the northeast corner of the said Aura Plano Addition and being on the west R.O.W. line of Dallas Area Rapid Transit (D.A.R.T.) as recorded in Volume 2828, Page 1 and Volume 5443, Page 5532 D.R.C.C.T. and being on a circular curve to the left, non-tangent to the preceding course, having a radius of 3,295.29 feet, whose chord bears N 04° 54' 19" E, a distance of 105.45 feet;

THENCE, Northeasterly, departing said common line, along the east line of said 100-foot Plano Parkway easement tract and said west R.O.W. line of D.A.R.T., passing at an arc length of 100.44 feet, the common southeast corner of said Replat Parkway Square subdivision, the southeast corner of a 5-foot R.O.W. dedication, dedicated by said Replat Parkway Square subdivision and the northeast corner of said 100-foot Plano Parkway easement tract, continuing along said west R.O.W. line of D.A.R.T., the common east line of said Replat Parkway Square subdivision, the east line of said 5-foot R.O.W. dedication and along said circular curve to the left, through a central angle of 01° 50' 01", a total arc length of 105.46 feet to a PK nail with a "LAMB-STAR TBPLS#10048300" washer set for corner for the POINT OF BEGINNING and being the northeast corner of said 5-foot R.O.W. dedication and being on the north 110-foot existing R.O.W. line of Plano Parkway;

THENCE, S 89° 35' 57" W, departing the said common east line and said west R.O.W. line of D.A.R.T., along the common south line of said Parkway Square Joint Venture tract, the north line of said 5-foot R.O.W. dedication and said north 110-foot existing R.O.W. line of Plano Parkway, a distance of 27.30 feet to a "X" cut in concrete set for corner on the proposed new west R.O.W. line;
THENCE, N 05° 34' 13" E, departing said south line of Parkway Square Joint Venture tract, said north line of a 5-foot R.O.W. dedication and said north 110-foot existing R.O.W. line of Plano Parkway, over & across said Parkway Square Joint Venture tract and said Block 1, Lot 1 and along said proposed new west R.O.W. line, a distance of 52.86 feet to a "X" cut in concrete set for corner;

THENCE, N 00° 28' 50" W, continuing over & across said Parkway Square Joint Venture tract and said Block 1, Lot 1 and along said proposed new west R.O.W. line, a distance of 237.61 feet to a "X" cut in concrete set for corner and being on a circular curve to the left, being non-tangent to the preceding course, having a radius of 3,784.00 feet, whose chord bears N 00° 49' 05" E, a distance of 96.90 feet;

THENCE, Northeasterly, continuing over & across said Parkway Square Joint Venture tract and said Block 1, Lot 1 and along said proposed new west R.O.W. line, and along said circular curve to the left, through a central angle of 01° 28' 02"", an arc length of 96.91 feet to a "X" cut in concrete set for corner for the intersection of the common north line of said Parkway Square Joint Venture tract, the north line of said Replat Parkway Square subdivision, and the north line of a 5-foot utility easement, dedicated by said Replat Parkway Square subdivision, with the south line of a called 4.1226 acre tract described to Collin Creek I Joint Venture, by Special Warranty Deed, as recorded in Document No. 95-0014527, D.R.C.C.T., the south line of Block 1, Lot 1 of the Parkway Business Center, a subdivision recorded in Cabinet C, Slide 405, P.R.C.C.T., and the south line of a sanitary sewer, TP & L, and SWB Telephone combined easement, dedicated by said Parkway Business Center subdivision;

THENCE, N 89° 35' 58" E, departing said proposed new west R.O.W. line and along the common north and south lines, a distance of 29.91 feet to a found 1" iron rod for corner, for the common northeast corner of said Parkway Square Joint Venture tract, the northeast corner of said Replat Parkway Square subdivision, the northeast corner of said 5-foot utility easement, the northeast corner of a 10-foot utility easement, dedicated by said Replat Parkway Square subdivision, the southeast corner of said Collin Creek I Joint Venture tract, the southeast corner of said Parkway Business Center, and the southeast corner of said sanitary sewer, TP & L, and SWB Telephone combined easement, said point also being on the said west R.O.W. line of D.A.R.T.;

THENCE, S 00° 19' 42" E, departing said north and south common lines, along the common east line of said Parkway Square Joint Venture tract, the said east line of the Replat Parkway Square subdivision, the east line of said 10-foot utility easement and the said west R.O.W. line of D.A.R.T., a distance of 139.03 feet to a point for corner and being on a circular curve to the right, being tangent to the preceding course, having a radius of 3,295.29 feet, whose chord bears S 01° 49' 49" W, a distance of 248.22 feet;

THENCE, Southwesterly, continuing along the said common east lines and said west R.O.W. line of D.A.R.T., and along said circular curve to the right, through a central angle of 04° 19' 01"", an arc length of 248.28 feet to the POINT OF BEGINNING and containing 11,477 square foot or 0.263 acre or of land, more or less.
The basis of bearing is the Texas State Plane Coordinate System of 1983 North Central Zone (4202), North American Datum (NAD83), 2011 adjustment, EPOCH 2010, Reference Station - Leica-Smartnet (TXRD). All distances and coordinates shown are surface, unless otherwise noted, and may be converted to grid by dividing the Dallas District TXDOT combined scale factor of 1.000136506. Unit of measurement is U.S. Survey Feet.

A plat of even survey date herewith accompanies this description.

I, Scott M. Posey, a Registered Professional Land Surveyor in the State of Texas, hereby certify that the land description and plat represent an actual survey made on the ground under my direction or supervision in September 2019 through April 2020.

Scott M. Posey
Texas Registration No. 5350

Lamb-Star Engineering, L.P.
5700 W. Plano Parkway, Suite 1000
Plano, Texas 75093
PH. (214) 440-3600
Firm Registration Certificate No. 10048300
Being a 3,731 square foot (0.086 acre) tract of land out of the S. Clepper Survey, Abstract No. 216, Collin County, Texas, in the City of Plano and being part of a called 4.1226 acre tract that Collin Creek Business Center Associates conveyed to Collin Creek I Joint Venture, a Texas Joint Venture, by Special Warranty Deed, as recorded in Document No. 95-0014527, filed on 03/03/1995, Deed Records, Collin County, Texas (D.R.C.C.T.) and also being Block 1, Lot 1 of the Parkway Business Center, a subdivision recorded in Cabinet C, Slide 405, Plat Records, Collin County, Texas (P.R.C.C.T.) and being more particularly described as follows:

COMMENCING, at a found 1/2-inch iron rod with a red “R-DELTAL ENGRS” cap on the existing west 100-foot Right-of-Way (R.O.W.) of Dallas Area Rapid Transit (D.A.R.T.) as recorded in Volume 2828, Page 1 and Volume 5443, Page 5532 of the Deed Records Collin County, Texas (D.R.C.C.T.), said point being the southeast corner of a called 17.8676 acre tract of land described to TCRG Opportunity XXI, LLC, as recorded in Instrument No. 20180531000665700, Official Public Records, Collin County, Texas (O.P.R.C.C.T.) and also being Block 1, Lot 1R of the Capital Wire And Cable Co., a subdivision recorded in Cab. 2009, Slide 234, P.R.C.C.T., said point also being the northeast corner of a called 5.623 acre tract of land described to the City of Richardson, as recorded in Volume 5004, Page 1618, D.R.C.C.T.;

THENCE, S 00° 19' 42" E, departing the south line of said TCRG Opportunity XXI tract, along the common said west R.O.W. line of D.A.R.T. and the east line of said City of Richardson tract, a distance of 509.49 feet to a point for corner for the POINT OF BEGINNING and being the most easterly northeast corner of said Collin Creek I Joint Venture tract and a easterly northeast corner of an existing sanitary sewer, TP & L, and SWB Telephone combined easement;

THENCE, S 00° 19' 42" E, continuing along the common said west R.O.W. line of D.A.R.T., the east line of said Collin Creek I Joint Venture tract and the east line of said existing combined easement, a distance of 82.16 feet to a found 1" iron rod for the southeast corner of said Collin Creek I Joint Venture tract and said existing combined easement, said point also being the northeast corner of a called 4.1498 acre tract of land described to Parkway Square Joint Venture, as recorded in Document No. 92-0088103, D.R.C.C.T. and being Block 1, Lot 1 of the Replat Parkway Square, a subdivision recorded in Cabinet C, Slide 483, P.R.C.C.T., said point also being the northeast corner of a 5-foot utility easement and the northeast corner of a 10-foot utility easement;

THENCE, S 89° 35' 58" W, departing the common said west R.O.W. line of D.A.R.T., the east line of said Collin Creek I Joint Venture tract and the east line of said existing combined easement, along the common south line of said Collin Creek I Joint Venture tract, the south line of said existing combined easement, the north line of said Parkway Square Joint Venture and the north line of said existing 5-foot utility easement, a distance of 29.91 feet to a “X” cut in concrete set for corner on the proposed new west R.O.W. line and being on a circular curve to the left, non-tangent to the preceding course, having a radius of 3,784.00 feet, whose chord bears N 00° 06' 07" W, a distance of 24.61 feet;
Field Notes Describing a 3,731 Square Foot (0.086 Acre) Parcel CB3-011

THENCE, Northeasterly, departing the said common north and south lines, over & across said Collin Creek I Joint Venture tract and along the said proposed new west R.O.W. line and along said circular curve to the left, through a central angle of 00° 22' 21", a arc length of 24.61 feet to a "X" cut in concrete set for corner;

THENCE, N 00° 17' 18" W, continuing over & across said Collin Creek I Joint Venture tract and along said proposed new west R.O.W. line, a distance of 137.33 feet to a 5/8" iron rod with red cap stamped "Lamb-Star" set for corner, and being on a circular curve to the right, non-tangent to the preceding course, having a radius of 547.55 feet, whose chord bears S 20° 46' 10" E, a distance of 85.10 feet to the intersection of the common northeastern arc of said Collin Creek I Joint Venture tract, with the most eastern southerly arc of said City of Richardson tract;

THENCE, Southeasterly, departing said proposed new west R.O.W. line, along the common said northeastern arc of Collin Creek I Joint Venture tract and said most eastern southerly arc of the City of Richardson tract and along said circular curve to the right, through a central angle of 08° 54' 50", a arc length of 85.19 feet to the POINT OF BEGINNING and containing 3,731 square foot or 0.086 acre or of land, more or less.

The basis of bearing is the Texas State Plane Coordinate System of 1983 North Central Zone (4202), North American Datum (NAD83), 2011 adjustment, EPOCH 2010, Reference Station - Leica-Smartnet (TXRD). All distances and coordinates shown are surface, unless otherwise noted, and may be converted to grid by dividing the Dallas District TXDOT combined scale factor of 1.000136506. Unit of measurement is U.S. Survey Feet.

A plat of even survey date herewith accompanies this description.

I, Scott M. Posey, a Registered Professional Land Surveyor in the State of Texas, hereby certify that the land description and plat represent an actual survey made on the ground under my direction or supervision in September 2019 through April 2020.

Scott M. Posey
Texas Registration No. 5350

Lamb-Star Engineering, L.P.
5700 W. Plano Parkway, Suite 1000
Plano, Texas 75093
PH. (214) 440-3600
Firm Registration Certificate No. 10048300
Field Notes Describing a 263 Square Foot (0.0060 Acre) Drainage Easement DE3-008

Being a 263 Square Foot (0.0060 Acre) tract of land situated in the S. Beck Survey, Abstract Number 73, in the City of Plano, Collin County, Texas and being part of Lot 6R, Block D of the Replat of OGLESBY PLACE REVISED FIRST ADDITION, an Addition to the City of Plano, as recorded in Volume 2011, Page 255 of the Official Public Records of Collin County, Texas (O.P.R.C.C.T.), further being part of TRACT II out of those certain tracts of land conveyed by the OWENS WAREHOUSE COMPANY to SHUFFLER ENTERPRISES, LLC by Special Warranty Deed With Vendor’s Lien dated June 29, 1998, as recorded in Volume 4196, Page 2859 of the Deed Records of Collin County, Texas, (D.R.C.C.T.) and being more particularly described by metes and bounds as follows:

BEGINNING at a 5/8 inch iron rod with a yellow plastic cap stamped, “ARS ENGINEERS” set on the east line of said Lot 6R, same being the existing west Right-Of-Way line of Avenue N (Variable width Right-Of-Way), as dedicated by said Volume 2011, Page 255 and being the northeast corner of the herein described tract of land further being the beginning of a non-tangent curve to the left, having a radius of 548.36 feet and whose chord bears: South 13 Degrees 05 Minutes 22 Seconds East, a distance of 8.42 feet, from which a 1/2 inch yellow capped iron rod, Controlling Monument (C.M.) Illegible, found for the northwest corner of TRACT I of said Volume 4196, Page 2589, same being the northeast corner of Lot 10, Block D of the OGLESBY PLACE REVISED FIRST ADDITION, an Addition to the City of Plano, as recorded in Volume 1, Page 21 of the Plat Records of Collin County, Texas, (P.R.C.C.T.), further being on the south Right-Of-Way line of 13th Street (40 foot Right-Of-Way), as dedicated by said Volume 1, Page 21 bears: along a curve to the right, having a radius of 548.36 feet and whose chord bears: North 06 Degrees 54 Minutes 12 Seconds West, a distance of 109.81, through a central angle of 11 Degrees 29 Minutes 34 Seconds, for an arc length of 109.99 feet, North 42 Degrees 56 Minutes 32 Seconds East, a distance of 15.03 feet, South 73 Degrees 09 Minutes 35 Seconds West, a distance of 3.16 feet, North 89 Degrees 41 Minutes 34 Seconds West, a distance of 573.87 feet;

THENCE, along said curve to the left, same being the common line of said Avenue N and said Lot 6R, through a central angle of 00 Degrees 52 Minutes 47 Seconds, for an arc length of 8.42 feet, to 5/8 inch iron rod with a yellow plastic cap stamped, “ARS ENGINEERS” set on the existing northwesterly Right-Of-Way line of a 120 foot Right-Of-Way conveyed to Dallas Area Rapid Transit Property Acquisition Corporation (DART), as recorded in Volume 3424, Page 126, O.P.R.C.C.T, same being the southeast corner of said Lot 6R and the beginning of a non-tangent curve to the left, having a radius of 1,929.86 feet and whose chord bears: south 71 Degrees 16 Minutes 47 Seconds West, a distance of 44.37 feet, further being the southeast corner of the herein described tract of land;
THENCE, along said curve to the left, same being the common line of said DART tract of land and said Lot 6R, through a central angle of 01 Degrees 19 Minutes 02 Seconds, for an arc length of 44.37 feet, to 5/8 inch iron rod with a yellow plastic cap stamped, “ARS ENGINEERS” set for the northwest corner of the herein described tract of land;

THENCE, departing said common line, over and across said Lot 6R the following four (4) courses and distances:

1. North 19 Degrees 26 Minutes 54 Seconds West, a distance of 5.00 feet, to a 5/8 inch iron rod with a yellow plastic cap stamped, “ARS ENGINEERS” set for the beginning of a non-tangent curve to the right, having a radius of 1,934.86 feet and whose chord bears: North 71 Degrees 00 Minutes 48 Seconds East, a distance of 26.50 feet;

2. Along said curve to the right, through a central angle of 00 Degrees 47 Minutes 05 Seconds, for an arc length of 26.50 feet, to a 5/8 inch iron rod with a yellow plastic cap stamped, “ARS ENGINEERS” set for corner and the end of said curve to the right;

3. North 56 Degrees 11 Minutes 24 Seconds East, a distance of 9.76 feet, to a 5/8 inch iron rod with a yellow plastic cap stamped, “ARS ENGINEERS” set for corner;

4. North 66 Degrees 54 Minutes 10 Seconds East, a distance of 9.36 feet, to the POINT OF BEGINNING and containing 263 Square Feet or 0.0060 Acres of land.
NOTES:


2. All coordinates and distances are US Survey Feet, displayed in surface values and may be converted to grid by dividing by the combined adjustment factor of 1.000136506 (Dallas County Scale Factor).

3. A survey plat of even date herewith accompanies the legal description.

I, Dustin D. Davison, a Registered Professional Land Surveyor in the State of Texas, hereby certify that the land description and plat represent an actual survey made on the ground under my supervision.

____________________________
Dustin D. Davison, R.P.L.S. Date
Texas Registration No. 6451
ARS Engineers
12801 N. Central Expressway - Suite 1250
Dallas, Texas 75243
TBPLS Firm No. 101319-00
DART PROJECT

COTTON BELT REGIONAL RAIL SYSTEM
A 263 SQUARE FOOT (0.0060 ACRES) DRAINAGE EASEMENT DE3-008 TO BE ACQUIRED FROM SHUFFLER ENTERPRISES, LLC

ARS Engineers, Inc.

Drawing Scale 1"=50'

Drawn by EWELL WORK

Contract No. 14B0567

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DATE: May 25, 2021

SUBJECT: Approval to Declare Public Necessity, Establish Just Compensation, and Authorize the Acquisition of Parcels DE3-004 and DE3-005 Located in the City of Dallas, Texas, for the Silver Line Regional Rail Project

RECOMMENDATION

Approval of a resolution declaring public necessity, establishing just compensation, and authorizing the acquisition of Parcels DE3-004 and DE3-005 located in the City of Dallas, Texas, for the Silver Line Regional Rail Project.

COMMITTEE CONSIDERATIONS

- On May 11, 2021 the Planning and Capital Programs Committee unanimously moved this item to the May 25, 2021 Committee-of-the-Whole for Final Consideration.

FINANCIAL CONSIDERATIONS

- These real estate acquisitions are included in the Silver Line project budget of the approved FY 2021 Capital Budget.

- Sufficient funding for these real estate acquisitions is included in both the Silver Line project budget and the Commuter Rail and Railroad Management line item of the FY 2021 Twenty-Year Financial Plan.

- These parcels are financed by the Federal Railroad Administration (FRA) Railroad Rehabilitation and Improvement Financing Program (RRIF) loan program.

BUSINESS PURPOSE

- The parcels illustrated in Attachment 1, and fully described in Exhibits 1-2 of the resolution, were identified as necessary for the construction of the Silver Line project. These parcels were not identified in the original Final Environmental Impact Statement (FEIS) 10% design but were added during design progression as being needed for drainage purposes for the construction of the Silver Line corridor.

- Approval of these real estate transactions will help achieve Board Strategic Priority 5: Enhance DART’s role as a recognized local, regional and national transportation leader.

- The Board has been provided a confidential packet under separate cover outlining the details of the proposed transactions.
• Deliberation of a possible purchase, lease, or value of the identified parcels of land in an open meeting would have a detrimental effect on the position of DART’s negotiations with third parties.

APPRAISAL INFORMATION

• An appraisal has been prepared by a Texas State Certified Real Estate Appraiser and reviewed by a Texas State Certified Real Estate Appraiser.

LEGAL CONSIDERATIONS

• Section 452.054 of the Texas Transportation Code grants Dallas Area Rapid Transit (DART) authority to acquire real property.
Approval to Declare Public Necessity, Establish Just Compensation, and Authorize the Acquisition of Parcels DE3-004 and DE3-005 Located in the City of Dallas, Texas, for the Silver Line Regional Rail Project.
Approval to Declare Public Necessity, Establish Just Compensation, and Authorize the Acquisition of Parcels DE3-004 and DE3-005 Located in the City of Dallas, Texas, for the Silver Line Regional Rail Project.
DRAFT

RESOLUTION

of the

DALLAS AREA RAPID TRANSIT BOARD

(Executive Committee)

Approval to Declare Public Necessity, Establish Just Compensation, and Authorize the Acquisition of Parcels DE3-004 and DE3-005 Located in the City of Dallas, Texas, for the Silver Line Regional Rail Project

WHEREAS, Dallas Area Rapid Transit (DART) was created to provide a regional public transportation system, and the acquisition of real property and the planning, design, engineering, and construction of improvements thereon are functions fundamental to the provision of a public transportation system; and

WHEREAS, the parcels described in Exhibits 1-2 are required for the construction of the Silver Line Regional Rail project; and

WHEREAS, after careful review of these parcels and the recommendation of the Interim President & Chief Executive Officer, the Board desires to declare the acquisition of these parcels a public necessity, to approve the offer of just compensation for these parcels, and to authorize the Interim President & Chief Executive Officer or his designee to proceed with the negotiation and purchase of these parcels; and

WHEREAS, funding for these real estate acquisitions is within current Budget and FY 2021 Twenty-Year Financial Plan allocations.

NOW, THEREFORE, BE IT RESOLVED by the Dallas Area Rapid Transit Board of Directors that:
Section 1: There is a public necessity for the acquisition of Parcel DE3-004 described in Exhibit 1. This property is necessary and proper for construction of the Silver Line Regional Rail Project and for any other use authorized by Chapter 452 of the Texas Transportation Code, and such use is hereby declared to be a public use for a public purpose. The amount to be paid represents just compensation for this parcel required for the Silver Line Regional Rail Project as determined by a Texas State Certified Real Estate Appraiser and reviewed by a Texas State Certified Real Estate Appraiser. In the event the property owner accepts the payment of just compensation, the Interim President & Chief Executive Officer or his designee is hereby authorized to execute all necessary legal instruments and to pay necessary relocation expenses, title policy expenses, closing costs, and other such costs as may be required by law to close the purchase of the property. Should the property owner decline the payment of just compensation, then the Interim President & Chief Executive Officer or his designee is hereby authorized and directed to negotiate the purchase of such parcel in accordance with DART's Real Estate Policy.
Section 2: There is a public necessity for the acquisition of Parcel DE3-005 described in Exhibit 2. This property is necessary and proper for construction of the Silver Line Regional Rail Project and for any other use authorized by Chapter 452 of the Texas Transportation Code, and such use is hereby declared to be a public use for a public purpose. The amount to be paid represents just compensation for this parcel required for the Silver Line Regional Rail Project as determined by a Texas State Certified Real Estate Appraiser and reviewed by a Texas State Certified Real Estate Appraiser. In the event the property owner accepts the payment of just compensation, the Interim President & Chief Executive Officer or his designee is hereby authorized to execute all necessary legal instruments and to pay necessary relocation expenses, title policy expenses, closing costs, and other such costs as may be required by law to close the purchase of the property. Should the property owner decline the payment of just compensation, then the Interim President & Chief Executive Officer or his designee is hereby authorized and directed to negotiate the purchase of such parcel in accordance with DART's Real Estate Policy.
Approval to Declare Public Necessity, Establish Just Compensation, and Authorize the Acquisition of Parcels DE3-004 and DE3-005 Located in the City of Dallas, Texas, for the Silver Line Regional Rail Project

Prepared by: /s/ David Ehrlicher *
David Ehrlicher
Interim Vice President
Capital Design & Construction

Prepared by: /s/ Todd Plesko *
Todd Plesko
Interim Executive Vice President
Growth/Regional Development

Approved as to form: /s/ Gene Gamez *
Gene Gamez
General Counsel

Approved by: /s/ David Leininger *
David Leininger
Interim President & Chief Executive Officer

* Reviewed and approved, but not signed due to COVID-19 Coronavirus Pandemic
Field Notes Describing a 175 Square Foot (0.0040 Acre) Drainage Easement DE3-004

**Being** a 175 Square Foot (0.0040 Acre) tract of land situated in the School Land Survey, Abstract Number 169, in the City of Dallas, Collin County, Texas and being part of Lot 6, Block A/8726 of the CHATHAM COURT No. 2 ADDITION, an Addition to the City of Dallas, as recorded in Cabinet G, Page 443 of the Plat Records of Collin County, Texas, (P.R.C.C.T.), said Lot 6 being created by a Certificate of Correction of Error to CHATHAM COURT No. 2, recorded in Volume 3378, Page 32 of the Official Public Records of Collin County, Texas (O.P.R.C.C.T.) and being further described as Tract I, a called 4.032 Acre tract of land conveyed by F. WILBUR HILDEBRAND and LUCY J. HILDEBRAND to THE HILDEBRAND PARTNERSHIP by Deed dated January 5, 1999, as recorded in Volume 4330, Page 0282, O.P.R.C.C.T. and being more particularly described by metes and bounds as follows:

**BEGINNING** at a 5/8 inch iron rod with a yellow plastic cap stamped, “ARS ENGINEERS” set on the existing westerly Right-Of-Way line of Coit Road (FM 3193), a 130’ Right-Of-Way Easement, recorded as Part # 1 in Volume 813, Page 58, of the Deed Records of Collin County, Texas, (D.R.C.C.T.) also being on the east line of said Lot 6 and being the south corner of the herein described tract of land, from which a 1/2 inch iron rod found for the southeast corner of said Lot 6, same being the most easterly north corner of Lot 4 of said CHATHAM COURT No. 2 ADDITION bears: South 00 Degrees 31 Minutes 54 Seconds West, along said westerly Right-Of-Way line of Coit Rd. and the east line of said Lot 6, a distance of 328.37 feet;

**THENCE** North 45 degrees 49 minutes 03 seconds West, over and across said Lot 6, a distance of 23.40 feet to a 5/8 inch iron rod with a yellow plastic cap stamped, “ARS ENGINEERS” set on the common line of said Lot 6 and the existing southerly Right-Of-Way line of a 100 foot Right-Of-Way conveyed to Dallas Area Rapid Transit Property Acquisition Corporation (DART), as recorded in Volume 3424, Page 126, O.P.R.C.C.T, from which a 1/2 yellow capped iron rod found for the northwest corner of said Lot 4, same being the northeast corner of Lot 1 of the McCALLUM BOULEVARD CONDOMINIUM ADDITION, an Addition to the City of Dallas, as recorded in Cabinet F, Page 741, P.R.C.C.T., and being further described as Tract 1, a called 11.0459 Acre tract of land, as conveyed to DFW CHATHAM APARTMENTS, L.L.C. by Special Warranty Deed in Instrument No. 20160511000577860, O.P.R.C.C.T bears: South 74 Degrees 10 Minutes 54 Seconds West, along said southerly DART Right-Of-Way line and the north line of said Lot 6 and Lot 4, a distance of 1,284.99 feet;

**THENCE** North 74 Degrees 10 Minutes 54 Seconds East, along the common line of said DART Right-Of-Way and said Lot 6, a distance of 17.24 feet to a 5/8 inch iron rod with a yellow plastic cap stamped, “ARS ENGINEERS” set on the aforementioned west Right-Of-Way line of Coit Rd, same being the east line of said Lot 6 and being the north corner of the herein described tract of land;
THENCE South 00 degrees 31 minutes 54 seconds East, departing said common line and being along said west Right-Of-Way line of Coit Rd., same being the east line of said Lot 6, a distance of 21.01 feet to the POINT OF BEGINNING and containing 175 Square Feet or 0.0040 Acres of land.

NOTES:


2. All coordinates and distances are US Survey Feet, displayed in surface values and may be converted to grid by dividing by the combined adjustment factor of 1.000136506 (Dallas County Scale Factor).

3. A survey plat of even date herewith accompanies the legal description.

I, Dustin D. Davison, a Registered Professional Land Surveyor in the State of Texas, hereby certify that the land description and plat represent an actual survey made on the ground under my supervision.

Dustin D. Davison, R.P.L.S.
Texas Registration No. 6451
ARS Engineers
12801 N. Central Expressway - Suite 1250
Dallas, Texas 75243
TBPLS Firm No. 101319-00

11-13-20
NOTES:
1. All bearings and coordinates are based on the Texas State Plane Coordinate System NAD 83 (2011) North Central Zone (4202), Ref Stations ZFW1 & TXC0.
2. All distances shown are surface values and may be converted to grid by dividing by the conversion factor for Dallas County of 1,000136006.

DUSTIN D. DAVISON
6451

ARS Engineers, Inc.

COTTON BELT REGIONAL RAIL SYSTEM
A 1 3/4 SQUARE FOOT (0.0040 ACRES) PARCEL DE-3-004
TO BE ACQUIRED FROM THE HILDEBRAND PARTNERSHIP

DART PROJECT

PARCEL DETAIL
N.T.S.

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DEED RECORDS, COLLIN COUNTY, TEXAS
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CONTROLLING MONUMENT

Exhibit 1

Exhibit 1
BEING a 12,707 square feet or 0.2917 acre tract of land situated in the Collin CSL Survey, Abstract No. 169, said 12,707 square feet of land being a portion of Lot 1B, Block 11/8725, COIT GARDENS ADDITION, being an Addition to the City of Dallas, Collin County, Texas, according to the plat thereof filed for record in Instrument Number 96-0082005, Official Public Records, Collin County, Texas, said 12,707 square feet of land being a portion of a certain tract that Mandalay Apartments, LLC conveyed to TEXCAN VENTURES XII LTD., by deed thereof filed for record in Instrument Number 20180103000011330, Official Public Records, Collin County, Texas, said 12,707 square feet of land being more particularly described by metes and bounds as follows:

BEGINNING at a 1/2 inch iron rod with a cap stamped “AZB” (controlling monument) found at the southeast lot corner of said Lot 1B, said beginning point being at the intersection of the west right-of-way line of Coit Road (being a 130 feet wide public right-of-way at this point) with the north line of a 100 feet wide right-of-way conveyed to Dallas Area Rapid Transit Property Acquisition Corporation, by deed thereof filed for record in Volume 3424, Page 126, Official Public Records, Collin County, Texas;

THENCE South 74°09’54” West, along the south lot line of said Lot 1B and along the said north right-of-way line, 187.28 feet to a 5/8 inch iron rod with a cap stamped “SPOONER 5922” set, from said iron rod set, a 5/8 inch iron rod (controlling monument) found at the southwest lot corner of Lot 1A of said Block 11/8725 bears South 74°09’54” West, 888.74 feet;

THENCE North 15°50’06” West, departing the said property line, the said right-of-way line and over and across said Lot 1B, 90.00 feet to a 5/8 inch iron rod with a cap stamped “SPOONER 5922” set on the northerly line of an existing 90 feet wide Drainage Easement conveyed to the City of Dallas, by deed thereof filed for record in Instrument Number 93-0110448, Official Public Records, Collin County, Texas;

THENCE along the said said easement line the following courses and distances:

North 74°09’54” East, 75.00 feet to a 5/8 inch iron rod with a cap stamped “SPOONER 5922” set;

South 15°50’06” East, 40.00 feet to a 5/8 inch iron rod with a cap stamped “SPOONER 5922” set at the intersection of the said easement line with the northerly line of an existing Drainage Easement conveyed to the State of Texas, by deed thereof filed for record in Volume 859, Page 375, Official Public Records, Collin County, Texas;

THENCE North 74°09’54” East, along the said northerly easement line, 125.96 feet to a 5/8 inch iron rod with a cap stamped “SPOONER 5922” set on the east lot line of said Lot 1B, same being the said west right-of-way line of Coit Road;

THENCE South 00°32’15” East, along the said lot line and along the said right-of-way line, 51.84 feet to the POINT OF BEGINNING, containing 12,707 square feet or 0.2917 acres of land.

NOTE: All bearings and coordinates as based on the Texas State Plane Coordinate System, NAD-83 (2011), North Central Zone (4202). The horizontal datum derived from the 2019 NAD-83 Published (CORS) Stations ZFW1 and TXCO. All distances shown are surface values and may be converted to grid by dividing by the conversion factor for Dallas County of 1.000136506.

Surveyors Name: Eric S. Spooner
Registered Professional Land Surveyor, Texas No. 5922
Spooner and Associates, Inc.
Texas Board of Professional Land Surveying No. 10054900
AGENDA ITEM NO. 11

Agenda Report

DATE: May 25, 2021

SUBJECT: Approval to Declare Property Surplus and Authorize the Conveyance of the Surplus Property Known as Parcel CB3-019A Located Near the Intersection of Shiloh Road, in the City of Plano, Texas, to Oncor Electric Delivery Company LLC, in Exchange for Parcels CB3-018 and CB3-032 for the Silver Line Regional Rail Project

RECOMMENDATION

Approval of a resolution: 1) declaring DART's interest in Parcel CB3-019A, located near the intersection of Shiloh Road and the Silver Line Regional Rail Corridor, surplus to DART's mass transit requirements; and 2) authorizing the Interim President & Chief Executive Officer or his designee to take such action and execute such documents as shall be necessary to convey Parcel CB3-019A, as described in Exhibit 1 of the resolution, to Oncor Electric Delivery Company, LLC, and acquire Parcels CB3-018 and CB3-032, as described in Exhibits 2-3 of the resolution, as an exchange, subject to legal review and approval by the Federal Transit Administration, if necessary.

COMMITTEE CONSIDERATIONS

. On May 11, 2021 the Planning and Capital Programs Committee unanimously moved this item to the May 25, 2021 Committee-of-the-Whole for Final Consideration.

FINANCIAL CONSIDERATIONS

. DART agrees to convey Parcel CB3-019A to Oncor Electric Delivery Company, LLC, for an exchange of Oncor owned property needed by DART for the Silver Line Project.

BUSINESS PURPOSE

. The parcel illustrated in Attachment 1, and fully described in Exhibit 1 of the resolution, is owned by DART. Oncor Electric Delivery Company, LLC, wishes to acquire DART owned property (approximately 9,785 square feet) for the purpose of expanding their facilities to meet the local power needs. This parcel was anticipated and has been identified in the Final Environmental Impact Statement (FEIS) as necessary for the construction of the Silver Line Project.

. Parcels CB3-019A and CB3-018 illustrated in Attachment 1 and fully described in Exhibits 1-2 of the resolution, were anticipated and have been identified in the Final Environmental Impact Statement (FEIS) as necessary for the construction of the Silver Line Project.

. Parcel CB3-032 was not identified in the original FEIS 10% design but was added during design
progression as being needed for the construction of the Shiloh Road Station of the Silver Line project.

- On August 14, 2018 (Resolution 180069), the Board authorized an Interlocal Agreement (ILA) with the City of Plano where the City would convey to DART city-owned property for the corridor as the City of Plano’s commitment to the Silver Line Regional Rail Project. Parcel CB3-019A is part of the City’s commitment under the ILA. CB3-018 and CB3-032 do not fall under the commitment of the ILA.

- Parcel CB3-019A (Attachment 1) will be conveyed to Oncor Electric Delivery Company, LLC, in exchange for property DART wishes to acquire for the Silver Line Regional Rail Project (Parcels CB3-018 and CB3-032).

- Approval of this real estate transaction will help achieve Board Strategic Priority 5: Enhance DART’s role as a recognized local, regional and national transportation leader.

- The Board has been provided a confidential packet under separate cover outlining the details of the proposed transaction.

- Deliberation of a possible purchase, lease, or value of the identified parcels of land in an open meeting would have a detrimental effect on the position of DART’s negotiations with third parties.

**APPRaisal INFORMATION**

- An appraisal has been prepared by a Texas State Certified Real Estate Appraiser and reviewed by a Texas State Certified Real Estate Appraiser.

**LEGAL CONSIDERATIONS**

- Section 452.054 of the Texas Transportation Code grants Dallas Area Rapid Transit (DART) authority to acquire real property.

- Section 452.058 of the Texas Transportation Code grants DART the authority to acquire real property by eminent domain.
DALLAS AREA RAPID TRANSIT

Approval To Declare Property Surplus and Authorize the Conveyance of the Surplus Property Known as Parcel CB3-019A Located Near the Intersection of Shiloh Road, in the City of Plano, Texas, to Oncor Electric Delivery Company, LLC, in the Exchange for Parcels CB3-018 and CB3-032 for the Silver Line Regional Rail Project

Attachment 1
Approval to Declare Property Surplus and Authorize the Conveyance of the Surplus Property Known as Parcel CB3-019A Located Near the Intersection of Shiloh Road, in the City of Plano, Texas, to Oncor Electric Delivery Company, LLC, in the Exchange for Parcels CB3-018 and CB3-032 for the Silver Line Regional Rail Project.
DRAFT
RESOLUTION
of the
DALLAS AREA RAPID TRANSIT BOARD
(Executive Committee)

Approval to Declare Property Surplus and Authorize the Conveyance of the Surplus Property Known as Parcel CB3-019A Located Near the Intersection of Shiloh Road, in the City of Plano, Texas, to Oncor Electric Delivery Company LLC, in Exchange for Parcels CB3-018 and CB3-032 for the Silver Line Regional Rail Project

WHEREAS, Dallas Area Rapid Transit (DART) was created to provide a regional public transportation system, and the acquisition of real property and the planning, design, engineering, and construction of improvements thereon are functions fundamental to the provision of a public transportation system; and

WHEREAS, Oncor Electric Delivery Company, LLC, (Oncor) desires to acquire a total of 9,785 square feet of property from DART's Silver Line Regional Rail corridor; and

WHEREAS, DART's interest in the subject property, known as CB3-019A, is surplus to DART's regional rail transit requirements; and

WHEREAS, DART would agree to convey Parcel CB3-019A to Oncor for an exchange of Oncor owned property needed by DART for the Silver Line project; and

WHEREAS, the DART property will be conveyed "as is" and "where is" without warranties, subject to any and all utilities.

NOW, THEREFORE, BE IT RESOLVED by the Dallas Area Rapid Transit Board of Directors that:

Section 1: The interest of DART in and to Parcel CB3-019A described in Exhibit 1 is hereby declared surplus to DART’s needs.

Section 2: The Interim President & Chief Executive Officer or his designee is authorized to take such action and execute such documents as shall be necessary to convey Parcel CB3-019A, as described in Exhibit 1, to Oncor Electric Delivery Company, LLC, and acquire Parcels CB3-018 and CB3-032, as described in Exhibits 2-3, as an exchange, subject to legal review and approval by the Federal Transit Administration, if necessary.
Approval to Declare Property Surplus and Authorize the Conveyance of the Surplus Property Known as Parcel CB3-019A Located Near the Intersection of Shiloh Road, in the City of Plano, Texas, to Oncor Electric Delivery Company LLC, in Exchange for Parcels CB3-018 and CB3-032 for the Silver Line Regional Rail Project

Prepared by: /s/ David Ehrlicher *

David Ehrlicher
Interim Vice President
Capital Design & Construction

Prepared by: /s/ Todd Plesko *

Todd Plesko
Interim Executive Vice President
Growth/Regional Development

Approved as to form: /s/ Gene Gamez *

Gene Gamez
General Counsel

Approved by: /s/ David Leininger *

David Leininger
Interim President & Chief Executive Officer

* Reviewed and approved, but not signed due to COVID-19 Coronavirus Pandemic
Field Notes Describing a 9,785 Square Foot (0.2246 Acre) Parcel CB3-019A

Being a 9,785 Square Foot (0.2246 Acre) tract of land situated in the James Ledbetter Survey, Abstract Number 545 and the D. Yeamans Survey, Abstract Number 1043 in the City of Plano, Collin County, Texas and being part of Lot 8, Block 1, of the REPLAT OF PLANO TECH CENTER, an Addition to the City of Plano, as recorded in Volume N, Page 578 of the Plat Records of Collin County, Texas (P.R.C.C.T.), further being part of a called 6.731 acre tract of land conveyed by AGENT PLANO REALITY, LP to THE CITY OF PLANO by Special Warranty Deed dated December 19, 2012, as recorded in Instrument Number 20121219001617490 of the Official Public Records of Collin County, Texas (O.P.R.C.C.T.) and being more particularly described by metes and bounds as follows:

BEGINNING at a 5/8 inch iron rod with a yellow plastic cap stamped, “ARS ENGINEERS” found, Controlling Monument, (C.M.) for the northeast corner of said Lot 8, same being the southeast corner of a called 1.6532 acre tract of land, conveyed to TEXAS UTILITIES ELECTRIC COMPANY, as recorded in Volume 3409, Page 17, D.R.C.C.T., further being on the west line of Tract II, a called 2.879 acre tract of land conveyed to TEXAS POWER AND LIGHT COMPANY, as recorded in Volume 874, Page 566, D.R.C.C.T.;

THENCE, South 01 Degrees 30 Minutes 26 West Seconds, along the east line of said Lot 8, same being the west line of said called 1.6532 acre tract of land, a distance of 20.21, a 5/8 inch iron rod with a yellow plastic cap stamped, “ARS ENGINEERS” set for corner, from which a “X” cut, C.M., found for the southeast corner of said Lot 8, same being the northeast corner of Lot 3, Block 1 of the REPLAT PLANO TECH CENTER, an Addition to the City of Plano, as recorded in Volume N, Page 578, P.R.C.C.T. bears: South 01 Degrees 30’ Minutes 26 Seconds West, a distance of 464.02 feet;

THENCE, departing said west and east line, over and across said Lot 8 the following two (2) courses and distances:

1. North 80 Degrees 11 Minutes 04 Seconds West, a distance of 490.84 feet, a 5/8 inch iron rod with a yellow plastic cap stamped, “ARS ENGINEERS” set for corner;

2. North 10 Degrees 27 Minutes 17 Seconds East, a distance of 20.00, to a 5/8 inch iron rod with a red plastic cap stamped, “LAMB STAR” found for corner on the north line of said Lot 8, same being the south line of the aforementioned called 1.6532 acre tract of land, , from which a 1/2 inch yellow capped iron rod stamped, “HALFF ASSOC INC” found for the most northwest corner of said Lot 8, same being the southwest corner of said called 1.6532 acre tract of land and further being the most easterly corner of Lot 7, Block 1 of the PLANO TECH CENTER, an Addition to the City of Plano, as recorded in Volume N, Page 578, P.R.C.C.T., bears: North 80 Degrees 11 Minutes 04 Seconds West, a distance of 22.89 feet,
from which an “X” cut, C.M., found for the most westerly corner of said Lot 8, same being the most southeast corner of said Lot 7, further being the northeast corner of Lot 6, Block 1 of said REPLAT PLANO TECH CENTER bears: South 38 Degrees 28 Minutes 08 Seconds West, a distance of 37.33 feet, from which an “X” cut, C.M., found on the west line of said Lot 8, same being the southeast corner of said Lot 6 and the northeast corner of Lot 5, Block 1 of said REPLAT PLANO TECH CENTER bears: South 00 Degrees 32 Minutes 39 Seconds West, a distance of 345.74 feet and South 00 Degrees 26 Minutes 29 Seconds East, a distance of 10.12 feet;

THENCE, South 80 Degrees 11 Minutes 04 Seconds East, along said north and south line, a distance of 487.70 feet, to the POINT OF BEGINNING and containing 9,785 Square Feet or 0.2246 Acres of land.

NOTES:


2. All coordinates and distances are US Survey Feet, displayed in surface values and may be converted to grid by dividing by the combined adjustment factor of 1.000136506 (Dallas County Scale Factor).

3. A survey plat of even date herewith accompanies the legal description.

I, Dustin D. Davison, a Registered Professional Land Surveyor in the State of Texas, hereby certify that the land description and plat represent an actual survey made on the ground under my supervision.

Dustin D. Davison, R.P.L.S.  
Texas Registration No. 6451  
ARS Engineers  
12801 N. Central Expressway - Suite 1250  
Dallas, Texas 75243  
TBPLS Firm No. 101319-00  

2-22-2021
Field Notes Describing a 6,716 Square Foot (0.154 Acre) Parcel CB3-018

Being a 6,716 square foot (0.154 acre) tract of land out of the D. Yeamans Survey, Abstract No. 1043, Collin County, Texas, in the City of Plano and being part of a called 1.6532 acre tract that Southwestern Town Lot Corporation conveyed to Texas Utilities Electric Company, by Special Warranty Deed, as recorded in Volume 5443, Page 5532, filed on 12/04/1990, Deed Records, Collin County, Texas (D.R.C.C.T.) and being more particularly described as follows:

COMMENCING, at a found "X" cut in concrete for corner, said corner being the northeast common intersection corner of a called 6.1591 acre tract of land described to Rreef Plano Tech Center, LP, as recorded in Document No. 2000-0125540, Official Public Records, Collin County, Texas (O.P.R.C.C.T.) and also being Block 1, Lot 6 of the Replat Plano Tech Center, a subdivision recorded in Volume N, Page 578, Plat Records, Collin County, Texas (P.R.C.C.T.), said corner also being the most southern southeast corner of a called 6.1591 acre tract of land described to Colfin 2015-18 Industrial Owner, LLC, as recorded in Instrument No. 20150709000843230, O.P.R.C.C.T., and being Block 1, Lot 7 of said Replat Plano Tech Center, said corner also being the most western northwest corner of a called 6.731 acre tract of land described to the City of Plano, as recorded in Instrument No. 20121219001617490, O.P.R.C.C.T., and being Block 1, Lot 8 of said Replat Plano Tech Center;

THENCE, N 38° 28' 08" E, along the common most southeast line of said Lot 7 and the most northwest line of said Lot 8, a distance of 37.33 feet to a found 1/2-inch iron rod with a yellow "HALFF ASSOC INC" cap for the POINT OF BEGINNING and being the southwest corner of said called 1.6532 acre tract;

THENCE, N 09° 48' 56" E, along the common west line of said called 1.6532 acre tract and the east line of said Lot 7, a distance of 274.98 feet to a found 1/2-inch iron rod with a yellow "HALFF ASSOC INC" cap for the northwest corner of said Lot 7 and being the most northern northeast corner of said Replat Plano Tech Center, said corner also being the northwest corner of said called 1.6532 acre tract and being on the existing southern 100-foot Right-of-Way (R.O.W.) of Dallas Area Rapid Transit Property Acquisition Corporation (D.A.R.T.) as recorded in Volume 3424, Page 126, D.R.C.C.T.;

THENCE, S 80° 11' 04" E, departing said common line, along the common most northern north line of said called 1.6532 acre tract and said existing southern R.O.W. line of D.A.R.T., a distance of 25.96 feet to a 5/8" iron rod with red cap stamped "Lamb-Star" set for corner;

THENCE, S 10° 27' 17" W, departing said common line, over & across said called 1.6532 acre tract and along the proposed east line, a distance of 275.00 feet to a 5/8" iron rod with red cap stamped "Lamb-Star" set for corner on the common south line of said called 1.6532 acre tract and the north line of said Lot 8;

THENCE, N 80° 11' 04" W, along said common line, a distance of 22.89 feet to the POINT OF BEGINNING and containing 6,716 square foot or 0.154 acre or of land, more or less.
The basis of bearing is the Texas State Plane Coordinate System of 1983 North Central Zone (4202), North American Datum (NAD83), 2011 adjustment, EPOCH 2010, Reference Station - Leica-Smartnet (TXRD). All distances and coordinates shown are surface, unless otherwise noted, and may be converted to grid by dividing the Dallas District TXDOT combined scale factor of 1.000136506. Unit of measurement is U.S. Survey Feet.

A plat of even survey date herewith accompanies this description.

I, Scott M. Posey, a Registered Professional Land Surveyor in the State of Texas, hereby certify that the land description and plat represent an actual survey made on the ground under my direction or supervision in September 2019 through April 2020.

Scott M. Posey
Texas Registration No. 5350

Lamb-Star Engineering, L.P.
5700 W. Plano Parkway, Suite 1000
Plano, Texas 75093
PH. (214) 440-3600
Firm Registration Certificate No. 10048300

4/29/2020
Field Notes Describing a 3,707 Square Foot (0.0851 Acre) Parcel CB3-032

Being a 3,707 Square Foot (0.0851 Acre) tract of land situated in the James Ledbetter Survey, Abstract Number 545 and the J.T. McCollough survey, Abstract Number 633 in the City of Plano, Collin County, Texas and being part of Tract II, a called 2.879 acre tract of land conveyed by THE SOUTHWESTERN TOWN LOT CORPORATION to TEXAS POWER AND LIGHT COMPANY by Warranty Deed dated July 6, 1973 as recorded in Volume 874, Page 566 of the Deed Records of Collin County, Texas, (D.R.C.C.T.) and being more particularly described by metes and bounds as follows:

BEGINNING at a 5/8 inch iron rod with a yellow plastic cap stamped, “ARS ENGINEERS” set on the west line of said Tract II, same being on the east line of Lot 8, Block 1 of the REPLAT PLANO TECH CENTER ADDITION, an Addition to the City of Plano, as recorded in Volume N, Page 578 of the Plat Records of Collin County, Texas (P.R.C.C.T.) from which a found 5/8 inch iron rod, Controlling Monument, (C.M), with a yellow plastic cap stamped, “ARS ENGINEERS” found for the northeast corner of said Lot 8, same being the southeast corner of a called 1.6532 acre tract of land, conveyed to TEXAS UTILITIES ELECTRIC COMPANY, as recorded in Volume 3409, Page 17, D.R.C.C.T., bears: North 01 Degrees 30 Minutes 26 Seconds East, a distance of 20.21 feet, from which a 1/2 inch yellow capped iron rod, C.M., stamped, “HALFF ASSOC INC” found for the most northwest corner of said Lot 8, same being the southwest corner of said called 1.6532 acre tract of land and further being the most easterly corner of Lot 7, Block 1 of the PLANO TECH CENTER ADDITION, an Addition to the City of Plano, as recorded in Volume N, Page 578, P.R.C.C.T., bears: North 80 Degrees 11 Minutes 04 Seconds West, a distance of 510.59 feet, from which an “X” cut, C.M., found for the most westerly corner of said Lot 8, same being the most southeast corner of said Lot 8, further being the northeast corner of Lot 6, Block 1 of said REPLAT PLANO TECH CENTER ADDITION bears: South 38 Degrees 28 Minutes 08 Seconds West, a distance of 37.33 feet, from which an “X” cut, C.M., found on the west line of said Lot 8, same being the southeast corner of said Lot 6 and the northeast corner of Lot 5, Block 1 of said REPLAT PLANO TECH CENTER ADDITION bears: South 00 Degrees 32 Minutes 39 Seconds West, a distance of 345.74 feet and South 00 Degrees 26 Minutes 29 Seconds East, a distance of 10.12 feet

THENCE, South 80 Degrees 11 Minutes 04 Seconds East, over and across said Tract II, a distance of 8.08 feet, to a 5/8 inch iron rod with a yellow plastic cap stamped, “ARS ENGINEERS” set on the east line of said Tract II, same being the existing west Right-Of-Way line of Shiloh Road, (140 foot Right-Of-Way) Deed or record not found and being the northeast corner of the herein described tract of land;

THENCE, South 01 Degrees 30 Minutes 26 West Seconds, along the common line of said Tract II and the existing west Right-Of-Way line of Shiloh Road, a distance of 462.85 feet, to a “X” cut set for the southeast corner of the herein described tract of land;

CB3-032
THENCE, North 88 Degrees 31 Minutes 52 Seconds West, over and across said Tract II, a distance of 8.00 feet, to a “X” cut set on the west line of said Tract II, same being the southeast corner of the aforementioned Lot 8 and further being the northeast corner of Lot 3, Block 1 of the aforementioned REPLAT PLANO TECH CENTER ADDITION;

THENCE, North 01 Degrees 30 Minutes 26 Seconds East, along the common line of said Tract II and said Lot 8, a distance of 464.02 feet, to the POINT OF BEGINNING and containing 3,707 Square Feet or 0.0851 Acres of land.

NOTES:
2. All coordinates and distances are US Survey Feet, displayed in surface values and may be converted to grid by dividing by the combined adjustment factor of 1.000136506 (Dallas County Scale Factor).
3. A survey plat of even date herewith accompanies the legal description.

I, Dustin D. Davison, a Registered Professional Land Surveyor in the State of Texas, hereby certify that the land description and plat represent an actual survey made on the ground under my supervision.

Dustin D. Davison, R.P.L.S. Date
Texas Registration No. 6451
ARS Engineers
12801 N. Central Expressway - Suite 1250
Dallas, Texas 75243
TBPLS Firm No. 101319-00
DATE: May 25, 2021

SUBJECT: Approval to Extend the Southern Methodist University (SMU) Site-Specific Shuttle Agreement

RECOMMENDATION

Approval of a resolution authorizing the Interim President & Chief Executive Officer or his designee to execute an extension for the Southern Methodist University (SMU) Site-Specific Shuttle Service Agreement, substantially in the form shown in Exhibit 1 to the Resolution, for the joint provision of a site-specific shuttle service, with a cost to DART not to exceed $381,924 per year for a three-year period.

COMMITTEE CONSIDERATIONS

. On May 11, 2021 the Planning and Capital Programs Committee unanimously moved this item to the May 25, 2021 Committee-of-the-Whole for Final Consideration.

FINANCIAL CONSIDERATIONS

. This Campus Shuttle Service Agreement is included in the Planning Department’s approved FY 2021 Operating Budget.

. Sufficient funding for this service agreement is included in both the Planning Department’s FY 2021 Operating Expense budget and the Total Operating Expense line item of the FY 2021 Twenty-Year Financial Plan.

BUSINESS PURPOSE

. Approval of this resolution will assist DART in achieving Board Strategic Priority 1: Enhance the safety and service experience through customer focused initiatives.

. The total cost of DART’s responsibility under this agreement is not to exceed $381,924 annually for three years for a total amount of $1,145,772.

. On July 30, 2002 (Resolution No. 020128), the Board approved a three-year Site Specific Shuttle agreement with Southern Methodist University.
• On September 9, 2003 (Resolution No. 030037), the Board approved an amendment to the SMU Site-Specific Agreement to extend the operating days of the SMU Mustang Express from the school year period to year-round service. This modification was made in response to the elimination of Route 527, a poorly performing rail feeder route that previously served the Lovers Lane and Mockingbird Stations.

• On May 10, 2005 (Resolution No. 050069), the Board approved a three-year agreement with two, one-year extensions with Southern Methodist University (SMU) for the joint provision of site-specific shuttle service, with a cost to DART not to exceed $225,000 per year.

• The Mustang Express shuttle (Route 768) provides service to SMU’s campus from Mockingbird Station and serves the apartment complexes south of Lovers Lane and east of Greenville Avenue where an estimated 2,000 to 4,000 students reside. The service, which is open to the general public, begins at 7:00 a.m., and the last trip leaves the campus at 9:40 p.m.

• The current site-specific shuttle agreement will continue with the same funding split that was approved with the amendment in 2003. DART and SMU will each pay 50% of the operating costs during the school year (about 180 days). DART will pay 100% of the costs during the winter and summer breaks and other holidays when the SMU Campus is closed. DART will provide the regular service (about 75 days).

• In May 2007 Route 768 was modified again to better serve the changing land-use around the SMU campus. This included a shift in student population from university-owned apartments on campus to apartments east of Greenville Avenue and an increasing shift of university administrative functions to newly acquired properties east of US 75. A map of the current service is included as Attachment 1.

• SMU asked DART if they could increase their financial participation mainly due to overloads. On November 13, 2007 (Resolution No. 070188), the Board amended a previous Resolution No. 050069 which added a peak hour third bus to the mix and an additional $63,000 to the budget. By the time DART staff procured additional funds to match SMU’s request, SMU fell into a budget shortfall and had to postpone the additional bus due to fuel price increases experienced by SMU’s contractor and unanticipated by all.

• On June 7, 2011 (Resolution No. 110055), the Board approved a three-year agreement with Southern Methodist University (SMU) for the joint provision of site-specific shuttle service, with a cost to DART not to exceed $360,000 per year.

• On June 24, 2014 (Resolution No. 140056), the Board approved a three-year agreement with Southern Methodist University (SMU) for the joint provision of site-specific shuttle service, with a cost to DART not to exceed $360,000 per year.

• On May 9, 2017 (Resolution No. 170051), the Board approved a three-year agreement with Southern Methodist University (SMU) for the joint provision of site-specific shuttle service, with a cost to DART not to exceed $360,000 in year one, $370,800 in year two, and $381,924 in year three.
• On June 23, 2020 (Resolution No. 200062), the Board approved a one-year agreement with Southern Methodist University (SMU) for the joint provision of site-specific shuttle service, with a cost not to exceed $381,924. DART temporarily moved to a one-year agreement to monitor the impact of the COVID-19 pandemic on public transit.

• Pre-pandemic performance on the SMU Site Specific Shuttle reported 871 daily passengers at $1.54 subsidy per rider.

• SMU has agreed to purchase Annual System Passes for students at a rate of $22 for 2022, $23 for 2023, and $24 for 2024 per Full Time Equivalent (FTE) Student. FTEs will be based on the previous year’s enrollment. In addition, SMU will purchase annual passes for faculty and staff in accordance with the Employer Pass Program.

• The estimated annualized cost for the Mustang Express service is $1,168,360, with a cost to DART not to exceed $381,924 annually for a three-year term ($1,145,772 total DART share). This breaks out as follows:

<table>
<thead>
<tr>
<th>Weekday Mustang Express</th>
<th>Saturday Mustang Express</th>
<th>Bush Library/Museum</th>
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<tbody>
<tr>
<td>$381,924 DART annual share</td>
<td>$0 DART share</td>
<td>$0 DART share</td>
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<tr>
<td>DART pays 50% of cost during school year</td>
<td>SMU pays 100% of cost</td>
<td>SMU pays 100% of costs</td>
</tr>
<tr>
<td>DART pays 100% of cost during school breaks, Summer</td>
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• The term of this Agreement will begin on August 1, 2021, and terminate at midnight on July 31, 2024.

• The Board-Approved Expenditure Justification is included as Attachment 2.

LEGAL CONSIDERATIONS

Section 452.056(a) of the Texas Transportation Code authorizes DART to construct, develop, plan, and operate a public transportation system within the service area.

DART Board Policy III.16 Site Specific Shuttle Policy allows for Board consideration of an agreement for a third-party to subsidize a DART-operated route in order to support continuation of that service.
Board-Approved Expenditure Justification  
For the Site-Specific Shuttle Service Funding 
Agreement with Southern Methodist University (SMU)

<table>
<thead>
<tr>
<th>PURPOSE OF CONTRACT/AGREEMENT</th>
<th>DOLLAR AMOUNT</th>
<th>CONTRACT TERM</th>
<th>TYPE OF PROCUREMENT</th>
<th>1. Is it necessary?</th>
<th>2. Does it need to happen now?</th>
<th>3. Can it be phased?</th>
<th>4. Can we reduce the amount?</th>
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<tr>
<td>Allow continuation of site-</td>
<td>$1,145,772</td>
<td>Three-year</td>
<td>Agreement Renewal</td>
<td>Yes</td>
<td>Yes, since current agreement ends 7/30/21</td>
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<td>No</td>
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<td>specific shuttle service</td>
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<td>agreement</td>
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<td>since current agreement ends</td>
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DRAFT
RESOLUTION
of the
DALLAS AREA RAPID TRANSIT BOARD
(Executive Committee)
Approval to Extend the Southern Methodist University (SMU) Site-Specific Shuttle Agreement

WHEREAS, on July 30, 2002 (Resolution No. 020128), the Board approved a three-year Site Specific Shuttle agreement with Southern Methodist University; and

WHEREAS, on September 9, 2003 (Resolution No. 030037), the Board approved an amendment to the SMU site-specific agreement to extend the operating days of the SMU Mustang Express from the school year period to year-round service; and

WHEREAS, on May 10, 2005 (Resolution No. 050069), the Board approved a three-year agreement with Southern Methodist University for the joint provision of the site-specific shuttle service; and

WHEREAS, on July 8, 2008 (Resolution No. 080107), the Board approved another three-year agreement with Southern Methodist University for the joint provision of the site-specific shuttle service; and

WHEREAS, on June 7, 2011 (Resolution No.110055), the Board approved another three-year agreement with Southern Methodist University for the joint provision of the site-specific shuttle service, and

WHEREAS, on June 24, 2014 (Resolution No.140056), the Board approved a three-year agreement with Southern Methodist University (SMU) for the joint provision of site-specific shuttle service, and

WHEREAS, on May 9, 2017 (Resolution No. 170051), the Board approved a three-year agreement with Southern Methodist University (SMU) for the joint provision of site-specific shuttle service, and

WHEREAS, on June 23, 2020 (Resolution No. 200062), the Board approved a one-year agreement with Southern Methodist University (SMU) for the joint provision of site-specific shuttle service, and

WHEREAS, DART’s financial participation is 50% of the shuttle service cost during the school year and 100% of the cost during summer and winter breaks; and

WHEREAS, SMU has agreed to purchase Annual System Passes for students at a rate of $22 for 2022, $23 for 2023, and $24 for 2024 per Full Time Equivalent (FTE) Student. FTEs will be based on the previous year’s enrollment. In addition, SMU will purchase annual passes for faculty and staff in accordance with the Employer Pass Program; and

WHEREAS, the term of this agreement will begin on August 1, 2021, and terminate at midnight on July 31, 2024; and
WHEREAS, funding for this agreement is within current Budget and FY 2021 Twenty-Year Financial Plan allocations.

NOW, THEREFORE, BE IT RESOLVED by the Dallas Area Rapid Transit Board of Directors that the Interim President & Chief Executive Officer or his designee is authorized to execute an extension for the Southern Methodist University (SMU) Site-Specific Shuttle Service Agreement, substantially in the form shown as Exhibit 1 to the Resolution, for the joint provision of a site-specific shuttle service, with a cost to DART not to exceed $381,924 per year for a three-year period.
Approval to Extend the Southern Methodist University (SMU) Site-Specific Shuttle Agreement

Prepared by: /s/ Robert Smith *

Robert Smith
Interim Vice President
Service Planning and Scheduling

Prepared by: /s/ Todd Plesko *

Todd Plesko
Interim Executive Vice President
Growth/Regional Development

Approved as to form: /s/ Gene Gamez *

Gene Gamez
General Counsel

Approved by: /s/ David Leininger *

David Leininger
Interim President & Chief Executive Officer

* Reviewed and approved, but not signed due to COVID-19 Coronavirus Pandemic
CAMPUS SHUTTLE SERVICE AGREEMENT

THIS AGREEMENT is by and between DALLAS AREA RAPID TRANSIT ("DART"), a regional transportation authority organized and existing pursuant to Chapter 452, Texas Transportation Code, and SOUTHERN METHODIST UNIVERSITY ("SMU"), a private secondary educational entity whose address is 6425 Boaz Lane, Room 205, Dallas, Texas 75275.

WHEREAS, SMU desires to provide a bus shuttle service (the "Service") serving various on-campus locations, certain off-campus residential communities, and one or more of the DART Light Rail ("LRT") Stations; and,

WHEREAS, SMU has requested certain management services and financial participation from DART in order to implement the Service; and,

WHEREAS, DART's Site Specific Shuttle Service Policy permits the partial funding by DART of circulator shuttle services operated by employers or other private entities and connecting to rail stations or transit centers; and,

WHEREAS, DART analysis predicts the attraction of new riders to the DART transit system through provision of such Service and the Football Shuttle;

NOW THEREFORE, for the consideration set forth herein and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged by the parties, the parties agree as follows:

1. SMU Duties and Responsibilities. In consideration of the performance by DART of each and all obligations set forth in this agreement, SMU covenants and agrees as follows:

1.01. For the Service, SMU shall provide, or cause to be provided, at least three (3) motor coach vehicles capable of carrying at least thirty (30) passengers (individually the "Vehicle" or collectively the "Vehicles").

1.02. Every Vehicle providing Service shall be fully compliant with the Americans With Disabilities Act of 1990 (42 U.S.C. §§ 12101-12213) and relevant regulations applicable thereto, licensed for passenger operations by the State of Texas, and equipped with a two-way radio;

1.03. Every Vehicle providing Service shall be operated by an operator duly licensed by the State of Texas to operate vehicles of the type and size described herein, and appropriately dressed in a uniform selected by SMU and reasonably satisfactory to DART.

1.04. Every operator permitted to operate one of the Vehicles providing Service must have had continuous possession of a valid driver's license for the prior five (5) years, must have current possession of a valid Texas Chauffeur's License, must have received not more than one (1) traffic citation for a moving violation within the prior two (2) year period, and must have received no DWI/DUI convictions.
1.05. Every Vehicle providing Service shall display a special vehicle identification configuration specified by SMU and reasonably satisfactory to DART and shall display a DART insignia.

1.06. The Service shall initially operate between the hours of 7:00 a.m. and 10:00 p.m., Monday through Friday, PROVIDED, HOWEVER, that SMU shall have the option to increase or decrease the Service based on ridership, subject to appropriate notification and public hearing requirements and provided Service is not reduced to less than ten (10) hours per day.

1.07. The Service shall operate on a fixed schedule over the route described in Attachment 1, which is incorporated for all purposes herein. The route and schedule shall be reviewed prior to July 31 each year. Such review may result in adjustment to the route and schedule, but in no event shall the Service be reduced to less than ten hours per day or to a route that is less than 7.7 round trip miles long with no fewer than 40 stops, one of which shall be at DART’s Mockingbird Station.

1.08. Service hereunder shall be available to any passenger at no fare cost, PROVIDED, HOWEVER, that passengers with pets (except service animals as defined by the ADA) or alcohol shall be denied boarding.

1.09. Exterior and interior advertising on the Vehicles shall be managed by SMU at its sole discretion and within the guidelines and parameters established by the DART Advertising and Concessions Policy. SMU shall allocate at least ten percent (10%) of interior bus advertising inventory to DART at no additional cost for the purpose of DART promotion and advertising. All revenues generated by the sale of the remaining 90% of Vehicle advertising shall belong to SMU.

1.10. For the Service, SMU shall conduct, or cause to be conducted, daily and weekly counts of boardings and shall respond to any and all reasonable requests from DART for Service operations information, including the number of boardings and alightings.

1.11. SMU shall be responsible for the safe operation of the Vehicles and the protection for the passengers and others using the Vehicles.

1.12. SMU shall provide, or cause to be provided, all mechanical repairs, maintenance, and upkeep required to keep the Vehicles in a clean and safe operating condition.

1.13. SMU shall secure, or cause to be secured, all permits and other governmental authorizations which may be required to provide the Service.

1.14. SMU and its agents, employees, and contractors shall abide by and be governed by all laws, ordinances, and regulations of any and all governmental entities having jurisdiction over such operations.

1.15. SMU shall permit DART Transit Police to ride the Vehicles on a schedule solely determined by DART. Nothing herein shall be deemed to place any obligation on DART to provide safety or security for the Service.
1.16. SMU shall make an annual payment to DART in January of each year of this Agreement in order to participate in the DART Annual Pass Program. Payments will be based on the following:

1.16.a. An amount equal to the number of SMU Full-time Equivalent Students (“FTE’s”) average enrollment for the previous academic year, multiplied by $22 for 2022, $23.00 for 2023, and $24.00 for 2024, for System passes for students. SMU must notify DART to deactivate any passes of students who no longer qualify as an FTE student to ensure that SMU does not exceed FTE annual projections. Should SMU order passes beyond FTE projections by 10%, DART reserves the right to charge regular student fees to cover any unanticipated overages; plus

1.16.b. An amount equal to the number of passes purchased by SMU staff and faculty in accordance with DART’s a current Corporate Pass Programs.

1.16.c Payments shall be mailed to: DART, P.O. Box 840009, Dallas, TX 75284-0009

1.17. SMU shall issue a DART-provided Annual System Pass to students, and the pass selected per the Corporate Program for faculty and staff not utilizing the GoPass mobile ticketing platform. Physical passes can be issued to person(s) with disabilities or who do not have compatible devices.

1.18. To the extent approved by SMU’s Vice-President for Development and External Affairs or his designee, marketing materials produced by SMU for events held on the SMU campus shall include information about access to the event using DART transit service and the Service provided under this Agreement.

2. Term. The term of this Agreement shall begin on the 31st day of July, 2021, and terminate at midnight on the 31st day of July, 2024. It is agreed that prior to the approval of any renewal or extension of this Agreement, the parties will review and evaluate the Shuttle Service, including its cost and effectiveness.

3. DART Duties and Responsibilities. In consideration of the performance by SMU of each and all of the obligations set forth in this Agreement, DART covenants and agrees as follows:

3.01 DART shall reimburse SMU for up to fifty percent (50%) of the cost of providing the Service for each day that SMU classes are in session (approximately 180 days per year). Additionally, DART shall reimburse SMU for up to one hundred (100%) of the cost of providing the Service for each day that SMU classes are not in session, including by example during summer and winter breaks (approximately 75 days per year). The total combined reimbursement paid by DART to SMU shall not exceed $381,924 for each year with a not to exceed of $1,145,772 over the three-year term

3.02 DART shall provide management consulting, planning, scheduling, marketing and promotional services as agreed upon by the parties.

3.03. DART shall issue a DART Local pass to students and the pass selected per the Corporate Program for faculty and staff through the GoPass mobile ticketing platform.
3.04. DART shall provide SMU with the appropriate annual pass fare media as described in paragraph 1.17 and 3.03 of this Agreement. SMU shall affix or provide the appropriate photos for FTE students, faculty, and staff or provide pictures for the use on the GoPass mobile ticketing platform. DART shall permit the holder of each such annual pass to access the DART fixed route transit system in accordance with DART’s Fare Structure.

4. Billing and Payment for the Service. SMU shall submit to DART, not more than monthly, an original and four (4) copies of an invoice in a form acceptable to DART, properly documenting, summarizing and verifying the costs by description, including cost per hour, and reflecting the total amount then due and owing. Invoices should be mailed to: DART P.O. Box 223805, Dallas, TX 75222-3805. Subject to the limitation in paragraph 3.01, DART shall make payment to SMU within thirty (30) days after receipt of SMU’s Invoice provided that the invoice is properly prepared and documented.

5. Audit; Retention of Records. DART, upon giving five (5) business days notice, shall have the right to request, at DART’s expense, an audit of SMU's records reflecting the costs of providing the Service, individuals to whom passes were issued, or any other aspect of this Agreement. SMU shall retain adequate cost accounting records and appropriate annual pass documentation for auditing purposes for a period of three (3) years after final payment hereunder.

6. Insurance. SMU shall, at all times during the term of this Agreement and any extended terms thereof, provide and maintain, or cause to be provided and maintained, the following types of insurance protecting the interests of SMU and DART against any loss, cost or expense, of any kind arising out of the Service to be provided hereunder. DART shall be named as an additional insured on the general liability and the automobile liability policies. All policies shall provide a waiver of subrogation in favor of DART. Evidence of insurance shall be provided to DART at least twenty (20) days prior to the commencement of performance hereunder and throughout the agreement term. Limits may be provided by a single primary policy or a combination of a primary policy and an excess policy. When using a combination of primary policy and excess policy the excess policy must follow form. In the event SMU allows any coverage to lapse during the terms hereof, DART shall have the right to immediately terminate this Agreement by written notice to SMU and/or to exercise such other remedy available in the circumstance.

6.01. Workers' Compensation Insurance. SMU shall provide, or cause to be provided, Workers' Compensation Insurance providing benefits comparable to those provided under the Workers' Compensation Act of the State of Texas and/or any other State or Federal law or laws applicable to SMU's employees, contractors, agents or assigns performing work under this Agreement.

6.02. Employers' Liability Insurance. SMU shall provide, or cause to be provided, Employers' Liability Insurance with limits of liability of not less than $500,000.00 each accident, $500,000.00 each employee for disease, and $500,000.00 policy limit for disease.

6.03. Commercial General Liability Insurance. Commercial General Liability insurance providing limits of not less than $10,000,000 for bodily injury and property damage per occurrence with a general aggregate of $10,000,000. There shall not be any policy exclusions or limitations for Contractual Liability covering
Contractor's obligations herein, Personal Injury, Advertising Liability, and Liability for Independent Contractors. The policy shall be primary and noncontributory.

6.04. Commercial Automobile Liability Insurance. Commercial Automobile Insurance, covering all owned, hired and non-owned vehicles used in connection with this Agreement with a combined single limit for bodily injury and property damage liability of not less than $10,000,000.00.

7. Indemnification. SMU SHALL DEFEND, INDEMNIFY, AND HOLD DART, ITS BOARD, OFFICERS, AND EMPLOYEES HARMLESS FROM ALL LOSS, COST, AND EXPENSE BY REASON OF INJURY (INCLUDING DEATH) TO ANY PERSON OR DAMAGE TO PROPERTY ARISING OUT OF OR FROM ANY ACCIDENT OR OTHER OCCURRENCE IN CONNECTION WITH THE OPERATION OF THE SERVICE DURING THE PERFORMANCE OF THIS AGREEMENT, WHICH INJURY OR DAMAGE RESULTS FROM NEGLIGENCE OR MISCONDUCT ON THE PART OF SMU, ITS AGENTS, EMPLOYEES, CONTRACTORS, VISITORS OR INVITEES. IN THE EVENT OF JOINT OR CONCURRING NEGLIGENCE OR FAULT OF SMU AND DART, RESPONSIBILITY AND INDEMNITY, IF ANY, SHALL BE APPORTIONED COMPARETIVELY IN ACCORDANCE WITH THE LAW OF THE STATE OF TEXAS. THE PROVISIONS OF THIS SECTION ARE SOLELY FOR THE BENEFIT OF THE PARTIES HERETO AND NOT INTENDED TO CREATE OR GRANT ANY RIGHTS, CONTRACTUAL OR OTHERWISE, TO ANY OTHER PERSON OR ENTITY, NOR LIMIT THE RIGHT OF DART TO ASSERT ANY GOVERNMENTAL IMMUNITY DEFENSE TO ANY CLAIM OF SUCH OTHER PARTY OR ENTITY AND SHALL SURVIVE TERMINATION OF THIS AGREEMENT.


8.01. Assignment. Neither party may assign this Agreement in whole or in part, without first obtaining the written consent of the other party.

8.02. Notices. Any notice by either party to the other shall be in writing and shall be deemed to have been duly given only if delivered personally or sent by United States mail, certified, return receipt requested, in a postage paid envelope addressed to the party at the address set out below:

DART: DALLAS AREA RAPID TRANSIT
P.O. Box 660163
Dallas, Texas 75266-7210
Attention: Assistant Vice President, Service Planning

with a copy to:

General Counsel
DALLAS AREA RAPID TRANSIT
P.O. Box 660163
Dallas, Texas 75266-7210
Either party may designate another address by giving notice thereof to the other party.

8.03. Binding Effect. The provisions of this Agreement shall be binding upon and inure to the benefit of SMU, DART, and their respective successors and permitted assigns.

8.04. Headings. The paragraph headings in this Agreement are intended for convenience only and shall not be taken into consideration in the construction or interpretation of this Agreement.

8.05. Number and Gender. Whenever used herein, unless the context otherwise provides, the singular number shall include the plural, the plural the singular, and the use of any gender shall include all other genders.

8.06. Partial Invalidity. Any portion of this Agreement being declared by law to be invalid shall not invalidate the remaining provisions which shall remain in full force and effect.

8.07. Merger and Amendment. Except for that certain Campus Shuttle Service Agreement between DART and SMU, effective as of October 27, 2020, that will terminate and be of no further force and effect no later than July 31, 2021, this instrument constitutes the entire agreement of the parties with respect to the matters contemplated herein and it may be modified or amended only in writing, signed by the parties hereto.

8.08. No Kickbacks. DART warrants that no trustee, officer, employee, student or agent of SMU has been or will be employed, retained, or paid a fee, or otherwise has received any personal compensation or consideration by or from DART or any of DART's directors, officers, employees or agents in connection with the obtaining, arranging, negotiation or performance of this Agreement.

8.09. Sufficiency of Consideration. Both parties agree that the consideration to be paid under this Agreement represents fair and responsible consideration relative to the value of services to be provided by DART and SMU.
8.10. **No partnerships or Joint Enterprise.** It is mutually understood and agreed that this Agreement is intended by the parties to establish only an independent contractual relationship and is not intended to create a partnership or joint venture.

8.11. **Use of Contractors.** Nothing in this Agreement shall prevent SMU from using a contractor or agent to perform the duties and responsibilities contemplated by this Agreement.

8.12. **Effective Date.** This agreement shall be effective on the date this Agreement is signed by the last of those required to sign.

8.13. **Nondiscrimination.** In its performance of this Agreement, DART and SMU each warrants that it will not discriminate against any person on account of race, color, sex, religious creed, age, disability, ethnic or national origin, or veteran status.

8.14. **No Waiver.** Neither party shall be deemed, by any act or omission, to have waived any of its rights or remedies hereunder unless such waiver is in writing and signed by the waiving party, and then only to the extent specially set forth in such writing. A waiver with reference to one event shall not be construed as continuing or as a bar to or waiver of any right or remedy as to a subsequent event.

IN WITNESS WHEREOF, the parties have executed this Agreement in multiple originals.

**DALLAS AREA RAPID TRANSIT**

By: ________________________________
David Leininger
Interim President & Chief Executive Officer

Date: ______________________________

**SOUTHERN METHODIST UNIVERSITY**

By: ________________________________
R. Gerald Turner
President

Date: ______________________________
DATE: May 25, 2021

SUBJECT: Authorize Administrative Settlement for Parcels CB1-021 and CB1-025 for the Silver Line Regional Rail Project

RECOMMENDATION

Approval of a resolution authorizing the Interim President & Chief Executive Officer or his designee to: 1) negotiate the purchase of Parcels CB1-021 and CB1-025 for an administrative settlement as approved by the Board; 2) execute all necessary legal instruments and to pay any necessary relocation costs expenses, including title policy expenses, closing costs, and other such costs as may be required by law to close the purchase of Parcels CB1-021 and CB1-025; and 3) if unable to close the purchase and obtain clear title, negotiate the purchase of these parcels for just compensation, the General Counsel is hereby authorized and directed to proceed and prosecute the completion of eminent domain proceedings for the acquisition of these parcels for the Silver Line Regional Rail Project.

FINANCIAL CONSIDERATIONS

• Funding for these real estate acquisitions is included in the Silver Line project budget of the approved FY 2021 Capital Budget.

• Sufficient funding for these real estate acquisitions is included in both the Silver Line project budget and the Commuter Rail and Railroad Management line item of the FY 2021 Twenty-Year Financial Plan.

BUSINESS PURPOSE

• The parcels illustrated in Attachment 1, and fully described in Exhibit 1 of the resolution, were anticipated and have been identified in the Final Environmental Impact Statement (FEIS) as necessary for the construction of the Silver Line project.

• On August 25, 2020 (Resolution No. 200086), the Board declared public necessity, established just compensation, and authorized the purchase, lease and/or value of Real Property for Parcels CB1-021 and CB1-025 for the Silver Line Project and authorized eminent domain proceedings, if necessary.

• Good faith negotiations for the purchase of Parcels CB1-021 and CB1-025 based on the appraised values, right of entry costs, relocation costs and other valuable consideration have been ongoing, and a proposed administrative settlement has been reached and will be presented to the Board for its consideration. The administrative settlement for the purchase of these parcels is necessary as they are in the critical path area for the construction of the Silver Line Regional Rail Project.
Rail Project.

- The Board has been provided a confidential packet under separate cover outlining the details of the proposed transaction.
- Approval of these real estate transactions will help achieve Board Strategic Priority 5: Enhance DART’s role as a recognized local, regional and national transportation leader.

**APPRaisal INFORMATION**

- An appraisal has been prepared by a Texas State Certified Real Estate Appraiser and reviewed by a Texas State Certified Real Estate Appraiser.

**LEGAL CONSIDERATIONS**

- Section 452.054 of the Texas Transportation Code grants Dallas Area Rapid Transit (DART) authority to acquire real property.
- Section 452.058 of the Texas Transportation Code grants DART the authority to acquire real property by eminent domain, if necessary.
Legend

Silver Line Corridor
Outline of Whole Property
Whole Property Acquisition For CB1-021
Whole Property Acquisition For CB1-025
Property Boundaries

DALLAS AREA RAPID TRANSIT
Decline Public Necessity, Establish Just Compensation, and Authorize the Acquisition of Parcels CB1-015, CB1-016, DE1-016, CB1-017, CB1-017A, CB1-018, CB1-019, CB1-021 and CB1-025 in the City of Coppell, Texas for the Cotton Belt Silver Line Project and Authorize Eminent Domain Proceedings, if necessary.
DRAFT

RESOLUTION

of the

DALLAS AREA RAPID TRANSIT BOARD

(Executive Committee)

Authorize Administrative Settlement for the Acquisition of Parcels CB1-021 and CB1-025 for the Silver Line Regional Rail Project

WHEREAS, the Dallas Area Rapid Transit (DART) was created to provide a regional public transportation system, and the acquisition of real property and the planning, design, engineering, and construction of improvements thereon are functions fundamental to the provision of a public transportation system; and

WHEREAS, the parcels described in Exhibit 1 are required for the construction of the Silver Line Regional Rail Corridor Project; and

WHEREAS, on August 25, 2020 (Resolution No. 200086), the Board declared public necessity, established just compensation, and authorized the purchase, exchange, lease and/or value of real property for Parcels CB1-021 and CB1-025 for the Silver Line Project and authorized eminent domain proceedings, if necessary; and

WHEREAS, after careful review of these parcels and the recommendation of the Interim President & Chief Executive Officer, the Board desires to approve the Administrative Settlement for the parcels, and to authorize the Interim President & Chief Executive Officer or his designee to proceed with the negotiation and purchase of these parcels; and

WHEREAS, funding for these real estate acquisitions is within current Budget and FY 2021 Twenty-Year Financial Plan allocations.

NOW, THEREFORE, BE IT RESOLVED by the Dallas Area Rapid Transit Board of Directors that:

Section 1: The Interim President & Chief Executive Officer or his designee is hereby authorized and directed to negotiate the purchase of Parcels CB1-021 and CB1-025 for an administrative settlement as approved by the Board.

Section 2: The Interim President & Chief Executive Officer or his designee is hereby authorized to execute all necessary legal instruments and to pay any necessary relocation costs expenses, including title policy expenses, closing costs, and other such costs as may be required by law to close the purchase of Parcels CB1-021 and CB1-025.

Section 3: If the Interim President & Chief Executive Officer or his designee is unable to close the purchase and obtain clear title, negotiate the purchase of these parcels for just compensation, the General Counsel is hereby authorized and directed to proceed and prosecute the completion of eminent domain proceedings for the acquisition of these parcels for the Silver Line Regional Rail Project.
Authorize Administrative Settlement for the Acquisition of Parcels CB1-021 and CB1-025 for the Silver Line Regional Rail Project

Prepared by: /s/ David Ehrlicher *  
David Ehrlicher  
Interim Vice President  
Capital Design & Construction

Prepared by: /s/ Todd Plesko *  
Todd Plesko  
Interim Executive Vice President  
Growth/Regional Development

Approved as to form: /s/ Gene Gamez *  
Gene Gamez  
General Counsel

Approved by: /s/ David Leininger *  
David Leininger  
Interim President & Chief Executive Officer

* Reviewed and approved, but not signed due to COVID-19 Coronavirus Pandemic
CB1-021

BEING a tract of land situated in the McKinney and Williams Survey, Abstract No. 1054, City of Coppell, Dallas County, Texas, said tract of land being all of LOT 8 of the COPPELL HEIGHTS ADDITION, being an Addition of the said City and State, according to the plat thereof recorded in Volume 32, Page 229, Map Records, Dallas County, Texas, being the same land described as Tract 3, conveyed to Coppell Lake Breeze, LLC, by General Warranty Deed with Vendor’s Lien, as recorded in Dallas County Clerk’s Instrument Number 201300304437, filed September 25, 2013, Official Public Records of Dallas County, Texas.

CB1-025

BEING a tract of land situated in the McKinney and Williams Survey, Abstract No. 1054, City of Coppell, Dallas County, Texas, said tract of land being all of LOT 10 of the COPPELL HEIGHTS ADDITION, being an Addition of the said City and State, according to the plat thereof recorded in Volume 32, Page 229, Map Records, Dallas County, Texas, being the part of the same land described as Tract 1, conveyed to Coppell Lake Breeze, LLC, by General Warranty Deed with Vendor’s Lien, as recorded in Dallas County Clerk’s Instrument Number 201300304437, filed September 25, 2013, Official Public Records of Dallas County, Texas.
DATE: May 25, 2021

SUBJECT: Approval of a Limited Waiver of DART Personnel Policy and Non-Disclosure Agreement for Gary C. Thomas

RECOMMENDATION

Approval of: 1) a limited waiver of Section 7.3 of the DART Administrative Employment Manual; and 2) authorization for the Interim President & Chief Executive Officer or his designee, subject to legal review, to execute a Non-Disclosure Agreement as shown in Exhibit 1 to the Resolution as it pertains to the post-DART employment of Gary C. Thomas following his retirement and temporary employment assignment from DART.

BUSINESS PURPOSE AND FINANCIAL CONSIDERATIONS

• On July 7, 2020 (Resolution No. 200072), the Board approved to offer a Voluntary Retirement Incentive Program (VRIP) to eligible employees to support DART’s Response to the COVID-19 Pandemic. Gary C. Thomas, former President/Executive Director, accepted the VRIP, and his effective retirement date was January 31, 2021.

• On January 26, 2021 (Resolution No. 210014), the Board approved a Temporary Employment Assignment for Gary C. Thomas, and the duration of the temporary employment was for no more than six months.

• Thomas disclosed that he was considering employment with the Jacobs Engineering Group.

• Jacobs Engineering is a current sub-contractor on the Design Build Silver Line Regional Rail Corridor Project and is a prime contractor on the Professional Services Pool contract.

• DART may need Thomas’s services in potential claim disputes or litigation on current capital projects. Mutual considerations for confidentiality and cooperation have been set out in a Non-Disclosure Agreement included as Exhibit 1 to the Resolution.

• It is in the best interest of DART to have the services of Thomas’s unique experiences, background and historical agency knowledge for potential contract claims or litigation on capital projects or other disputed matters. Any financial impact for witness-related expenses is covered by the General Counsel’s FY 2021 approved budget.
LEGAL CONSIDERATIONS

• Section 452.054 of the Texas Transportation Code authorizes DART to exercise all powers necessary or convenient to carry out the purposes or provisions of the statute.

• Section 7.3 of the Administrative Employment Manual prohibits former employees of DART, for a period of one year following termination from DART from participation in any contracts or employment relationship that results in an assignment of work on any DART project for which the employee had significant responsibilities.

• Section 7.3 further provides that the DART Board of Directors may, by two-thirds vote, waive this prohibition if the waiver is determined to be in the best interest of DART.
DRAFT

RESOLUTION

of the

DALLAS AREA RAPID TRANSIT BOARD

(Executive Committee)

Approval of a Limited Waiver of DART Personnel Policy and Non-Disclosure Agreement for Gary C. Thomas

WHEREAS, on July 7, 2020 (Resolution No. 200072), the Board approved to offer a Voluntary Retirement Incentive Program (VRIP) to eligible employees to support DART’s Response to the COVID-19 Pandemic, and Gary C. Thomas, former President/Executive Director, accepted the VRIP and his effective retirement date was January 31, 2021; and

WHEREAS, on January 26, 2021 (Resolution No. 210014), the Board approved a Temporary Employment Assignment for Gary C. Thomas, and the duration of the temporary employment assignment was for no more than six months; and

WHEREAS, Gary C. Thomas has disclosed he is considering employment with the Jacobs Engineering Group; and

WHEREAS, Jacobs Engineering Group is a current sub-contractor on the Design Build Silver Line Regional Rail Corridor Project and is a prime contractor on the Professional Services Pool contract; and

WHEREAS, pursuant to Section 7.3 of DART's Administrative Employment Manual (AEM), the Board finds that it is in the best interest of DART to have the services of Thomas’s unique experiences, background and historical agency knowledge for potential contract claims or litigation on capital projects or other disputed matters; and

WHEREAS, in accordance with Section 7.3 of DART’s AEM, approval of this waiver is to be by a two-thirds vote of the appointed and qualified members of the DART Board.

NOW, THEREFORE, BE IT RESOLVED by the Dallas Area Rapid Transit Board of Directors, by a two-thirds vote of the appointed and qualified members, that:

Section 1: The prohibition in Section 7.3 of DART's Administrative Employment Manual is hereby waived with respect to Gary C. Thomas.

Section 2: The Interim President & Chief Executive Officer or his designee, subject to legal review, is authorized to execute a Non-Disclosure Agreement between DART and Gary C. Thomas, substantially in the form shown as Exhibit 1 to the Resolution.
Approval of a Limited Waiver of DART Personnel Policy and Non-Disclosure Agreement for Gary C. Thomas

/s/ Gene Gamez *

Prepared and Approved as to form: Gene Gamez
General Counsel

/s/ David Leininger *

Approved by: David Leininger
Interim President & Chief Executive Officer

* Reviewed and approved, but not signed due to COVID-19 Coronavirus Pandemic
DATE: May 25, 2021

SUBJECT: Approval to Pay Premium for Professional and Cyber Liability Insurance Policy

RECOMMENDATION

Approval of a resolution authorizing the Interim President & Chief Executive Officer or his designee to pay $235,998 in premium and $12,421 in surplus lines fees for a total amount not to exceed $248,419 for the Professional and Cyber Liability Insurance Policy beginning June 9, 2021.

BUSINESS PURPOSE AND FINANCIAL CONSIDERATIONS

• DART works through an insurance broker of record, Willis Towers Watson Services West, Inc. (Contract No. C-2024740-02), to obtain pricing for insurance coverage. The purchase of this Professional and Cyber Liability insurance provides services to ensure that DART will recover more quickly, and transfers the financial risk from a data breach, virus, or other cyberattack.

• Approval of this item will help achieve Board Strategic Priority 2: Provide stewardship of the transit system, agency assets and financial obligations.

• DART has a current cyber liability policy through the Texas Municipal League (TML). The coverage is provided at no cost and has a third-party limit of $1,000,000 and a first party aggregate limit of $100,000 with sub-limits averaging $20,000.

• Criminal activity has increased in the digital climate and the public sector has been a frequent target. The increase in cyber-attacks against public entities requires a more robust insurance policy that expands coverage, should DART be targeted.

• Starr Insurance Company will provide $5 million limit with a $1 million self-insured retention, with a required 25% coinsurance. The policy provides pre-breach and post-breach services including but not limited to supporting best industry practices, training, privacy breach response services, privacy breach response services and notification of affected individuals, and computer expert services. DART will continue to maintain the policy with TML as primary insurance.

• Professional and Cyber Liability insurance covers the cost for a business to recover from a data breach, virus, or other cyberattacks. It also covers legal claims such as breach of contract, failure to perform, claims by or on behalf of contractors, and claims for access to credit card information.

• The insurance also provides coverage for the GoPass expansion contractual requirements, Kiosk project, and agency operations cyber related exposures.
• Surplus lines fees consist of premium taxes and filing fees charged by and payable to the Texas State Comptroller. Surplus lines insurance carriers are highly specialized insurers that write unique and high capacity risks.

• Funding for payment of premiums for the Professional and Cyber Liability insurance policy is included in the Finance Department’s approved FY 2021 operating budget.

• Sufficient funding for payment of premiums and surplus lines fees in the amount of $248,419, is included in both the FY 2021 operating budget and the Total Operating Expense line item of the FY 2021 Twenty-Year Financial Plan.

LEGAL CONSIDERATIONS

• Section 452.062 of the Texas Transportation Code authorizes DART to insure, through purchased insurance policies or self-insurance programs, or both, its own legal liability and the legal liability of its contractors and subcontractors arising from the acquisition, construction, or operation of the programs and facilities of DART.

• Section 452.055 of the Texas Transportation Code authorizes DART to contract for the provision of goods and services.
DRAFT

RESOLUTION

of the

DALLAS AREA RAPID TRANSIT BOARD

(Executive Committee)

Approval to Pay Premium for Professional and Cyber Liability Insurance Policy

WHEREAS, DART works through an insurance broker of record, Willis Towers Watson Insurance Services West, Inc. (Contract No. C-2024740-02), to obtain pricing for insurance coverage; and

WHEREAS, purchase of this Professional and Cyber Liability insurance provides services to ensure that DART will recover more quickly, and transfers the financial risk from a data breach, virus, or other cyberattack; and

WHEREAS, the Professional and Cyber Liability insurance policy provides coverage for the GoPass expansion contractual requirements, Kiosk project, and agency operations cyber related exposures; and

WHEREAS, it has been determined that the premium of $235,998 is fair and reasonable for this coverage; and

WHEREAS, funding for this premium amount is within current Budget and FY 2021 Twenty-Year Financial Plan allocations.

NOW, THEREFORE, BE IT RESOLVED by the Dallas Area Rapid Transit Board of Directors that the Interim President & Chief Executive Officer or his designee is authorized to pay $235,998 in premium and $12,421 in surplus lines fees for a total of $248,419 for the purchase of the Professional and Cyber Liability insurance policy for the period beginning June 9, 2021.
Approval to Pay Premium for Professional and Cyber Liability Insurance Policy

Prepared by:  
/s/ Joseph G. Costello *

Joseph G. Costello  
Chief Financial Officer

Approved as to form:  
/s/ Gene Gamez *

Gene Gamez  
General Counsel

Approved by:  
/s/ David Leininger *

David Leininger  
Interim President & Chief Executive Officer

* Reviewed and approved, but not signed due to COVID-19 Coronavirus Pandemic
Agenda Report

DATE: May 25, 2021

SUBJECT: Approval of Financial Plan Amendment for the Silver Line Corridor Regional Rail and D2 Subway Projects

RECOMMENDATION

Approval of a resolution amending the FY 2021 Twenty-Year Financial Plan in the total amount of $1,113,000,000 for the following projects:

Section 1:
The Silver Line Corridor Regional Rail Project for an amount of $633,000,000, for a new total project cost not to exceed $1,899,000,000.

Section 2:
The D2 Subway Project for an amount of $480,000,000, for a new total project cost not to exceed $1,940,000,000.

FINANCIAL CONSIDERATIONS

- Silver Line Corridor Regional Rail Project
  - Funding for the Silver Line project is within the approved FY 2021 Capital Budget and Twenty-Year Financial Plan.
  - Funding for additional services for the Silver Line Corridor Regional Rail Project is not included in DART’s FY 2021 Budget or Twenty-Year Financial Plan; and, therefore, a Financial Plan Amendment will be required.

- D2 Subway Project
  - Funding for the D2 Subway project is within the FY 2021 Budget and Twenty-Year Financial Plan, including a $1.46 billion budget, with $810 million in local DART funding and $650 million in external funding. This budget reflects an inflated year of expenditure amount based on a year 2025 revenue service date.
  - In February 2018, the Project received a “Medium-High” project rating from the Federal Transit Administration (FTA) in their 2018 Report to Congress as a Capital Investment Grant (CIG) Core Capacity project. DART is coordinating with FTA to request entry into Engineering in anticipation of a potential Full Funding Grant Agreement in the future.
  - Capital costs have been refined to $1.7 billion during project development to reflect a more detailed 30% level of preliminary engineering, and a new year of expenditure (YOE) estimate of $1.94 billion has been developed to reflect the proposed delivery method and new anticipated revenue service date of 2028.
• The FY 2021 Budget and Twenty-Year Financial Plan amendment would modify the D2 Subway capital budget, external funding assumption, and revenue service date to reflect the latest information, and would allow for consistency with upcoming FTA submittals. The external funding assumption will be maximized at $951 million. The proposed amendment also maintains a strong local DART commitment of $989 million.
• Should FTA authorize DART to enter into the Engineering phase in late 2021 or early 2022, the Core Capacity grant amount will be locked in at that time. The current cost estimate is subject to an independent cost review, value engineering, and risk assessment by summer 2021. DART will focus on opportunities to reduce costs but also will seek to optimize the FTA grant amount and other potential new external funding opportunities.

BUSINESS PURPOSE

• Approval of this action will help achieve Board Strategic Priority 1: Enhance the safety and service experience through customer-focused initiatives; Strategic Priority 2: Provide stewardship of the transit system, agency assets and financial obligations; and Strategic Priority 5: Enhance DART's role as a recognized local, regional, and national transportation leader.

• Silver Line Corridor Regional Rail Project

• The Financial Plan Amendment will provide additional project funding for the completion of the Silver Line Corridor Regional Rail Project to address cost impacts related to the extended schedule, including construction management and other professional services and pending resolution of contractor’s claims.
• On January 26, 2021, the Board was briefed on the status of claims and cost impacts affecting the Silver Line Regional Rail Project.
• Additional funding is needed for real estate acquisition, capital project support costs, and pending resolution of contractor's changes and claims for overhead costs for an extended duration of the project.

• D2 Subway Project

• On October 26, 2006 (Resolution No. 060177), the Board approved the 2030 Transit System Plan (TSP), which included the second CBD alignment and anticipated a revenue service date of 2014.
• In May 2007, DART initiated the Dallas Central Business District (CBD) Alternatives Analysis/Draft Environmental Impact Statement (AA/DEIS) for the D2 project.
• In March 2010, DART completed the AA/DEIS and circulated the document for a 45-day public review period from April 2, 2010, to May 17, 2010.
• On September 28, 2010 (Resolution No. 100130), the Board approved the FY 2011 Twenty-Year Financial Plan, which deferred the construction of the second CBD alignment to post year 2035 due to the economic downturn.
• In 2013, DART reinitiated the D2 Alternatives Analysis taking into consideration AA/DEIS comments. After a comprehensive study and public involvement, in September 2015, the Dallas City Council and DART Board (Resolution No. 150101) approved Alternative B4: Lamar/Young/Jackson Street as the Locally Preferred Alternative (LPA), a mostly at-grade alignment.
• On September 30, 2015, DART submitted the appropriate materials to FTA to obtain a project rating that would identify the D2 project in the Federal FY 2017 Budget.
• On November 5, 2015, DART received authorization from FTA to enter the Project Development phase as a Core Capacity project under the FTA Capital Investment Grant (CIG) Program.
During Summer 2016, there was increasing stakeholder concern about the potential impacts of a mostly surface-running D2 alignment. As a result, on October 11, 2016, the Dallas City Council approved a resolution requesting that D2 be refined as a subway project between Woodall Rodgers Freeway and IH 345.

On October 25, 2016, the DART Board approved the FY 2017 Twenty-Year Financial Plan, which included additional budget and direction to pursue a subway option for the D2 Project. The FY17 Financial Plan established a $1.3 billion YOE budget with a $650 million external grant assumption. The budget represented an approximate doubling of the prior budget and was of magnitude based on a conceptual alignment. The assumed revenue service date was 2024.

On September 13, 2017, the Dallas City Council approved Resolution No. 171426, which endorsed the Victory/Commerce/Swiss Alternative as the preferred D2 Subway alignment.

On September 26, 2017 (Resolution No. 170101), the DART Board of Directors approved the Commerce Alternative as the Locally Preferred Alternative (LPA) for the Second CBD Light Rail Alignment (D2), using the Victory and Swiss Avenue connection points.

The FY 2018 Twenty-Year Financial Plan maintained a $1.3 billion budget but decreased external funding to $300 million to demonstrate a conservative approach.

In February 2018, DART’s D2 Subway Project received a “Medium-High” project rating from FTA in their 2018 Report to Congress. This was in addition to "Medium-High" ratings in 2016 and 2017 for prior alignments. Given the change in project direction and inability to complete Project Development within two years, DART received a letter from FTA on March 20, 2018 denying DART’s request to extend Project Development until November 2019. FTA withdrew DART’s D2 Subway project from the CIG program with the recommendation that DART reapply for Entry into Engineering at a later date.

The FY 2019 Twenty-Year Financial Plan increased the budget to $1.4 billion based on real estate market price increases in downtown Dallas. The external funding assumption remained at $300 million.

On August 29, 2019, DART staff submitted a letter and supporting information to the FTA on our interest to re-enter the Capital Investment Grant (CIG) program and work towards Entry into Engineering during 2020.

On May 15, 2020, the FTA, in cooperation with DART, issued the notice of availability for the Supplemental Draft Environmental Impact Statement (SDEIS), including the 20% design, for a 45-day public and agency review period through June 29, 2020.

The FY 2021 Twenty-Year Financial Plan adjusted the external funding share to $650 million and moved the revenue service date to 2025.

In October 2020, DART completed the 30% design. A Final EIS/Record of Decision (FEIS/ROD) was issued by FTA, in coordination with DART, in April 2021 following Dallas City Council resolution on March 24, 2021 to advance the project. The City resolution notes that they support adding the D2 Subway to the DART Service Plan subject to additional future evaluations and review of project refinements, enhancements, and/or modifications along the east end of the corridor, and also subject to future mutual binding written interlocal agreement(s) and Dallas City Council resolution(s) no later than March 2022.

Based on the 30% design and proposed delivery method, the current cost estimate is $1.7 billion in 2021 dollars. The inflated YOE estimate is $1.94 billion assuming a revenue service date of 2028. This cost estimate still reflects a conservative 30% design contingency and will undergo a detailed review and value engineering in summer 2021.
• The next Core Capacity submittal is due to FTA no later than August 2021 to obtain a project rating prior to entry into Engineering. The financial information requires that DART submit the latest project cost estimate, a proposed CIG grant amount, and financial plan to demonstrate capacity. DART and FTA will lock-in a grant amount at Entry into Engineering. In addition, DART must demonstrate that at least 30% of the non-CIG funding is committed; higher commitments are rated more favorably.
• Amending the FY 2021 Twenty-Year Financial Plan to reflect the latest D2 Subway budget will allow for a higher external funding assumption while maintaining a strong local DART share commitment. External funding could consist of the FTA grant as well as other sources to be determined.

LEGAL CONSIDERATIONS

Section 452.056 of the Texas Transportation Code authorizes DART to construct, develop, plan and operate a public transportation system within the DART Service Area.

Section 452.111 of the Texas Transportation Code requires the Board to approve a Financial Plan by two-thirds vote of the Board.

DART Board Bylaws, Article III, Section 14, requires that the adoption or amendment of the Financial Plan requires a two-thirds vote of the Board.
RESOLUTION

of the

DALLAS AREA RAPID TRANSIT BOARD

(Executive Committee)

Approval of Financial Plan Amendment for the Silver Line Corridor Regional Rail and D2 Subway Projects

WHEREAS, the DART Board desires to continue the Silver Line Corridor Regional Rail Project and the D2 Subway Project; and

WHEREAS, additional funding is needed for the completion of the Silver Line Corridor Regional Rail Project to address cost impacts related to the extended schedule, including construction management and other professional services and pending resolution of contractor’s claims; and

WHEREAS, funding for additional services for the Silver Line project in the amount of $633,000,000 is not included in DART's FY 2021 Budget or Twenty-Year Financial Plan, and a Financial Plan Amendment is required; and

WHEREAS, additional funding is needed to update the D2 Subway capital budget, external funding assumption, and revenue service date to reflect the latest information based on the 30% level of design; and

WHEREAS, amending the D2 Subway budget would allow for consistency with upcoming FTA submittals, including a higher external grant assumption and a strong local DART financial commitment; and

WHEREAS, funding for the updated D2 Subway budget in the amount of $480,000,000 is not included in DART's FY 2021 Budget or Twenty-Year Financial Plan, and a Financial Plan Amendment is required; and

WHEREAS, approval of a Financial Plan Amendment requires an affirmative vote of two-thirds of the appointed and qualified members of the Board (ten members).

NOW, THEREFORE, BE IT RESOLVED by the Dallas Area Rapid Transit Board of Directors that the FY 2021 Twenty-Year Financial Plan is amended in the total amount of $1,113,000,000 for the following projects:

Section 1: The Silver Line Corridor Regional Rail Project for an amount of $633,000,000, for a new total project cost not to exceed $1,899,000,000.

Section 2: The D2 Subway Project for an amount of $480,000,000, for a new total project cost not to exceed $1,940,000,000.
Approval of Financial Plan Amendment for the Silver Line Corridor Regional Rail and D2 Subway Projects

Prepared by: /s/ Joseph G. Costello *

Joseph G. Costello
Chief Financial Officer

Approved as to form: /s/ Gene Gamez *

Gene Gamez
General Counsel

Approved by: /s/ David Leininger *

David Leininger
Interim President & Chief Executive Officer

* Reviewed and approved, but not signed due to COVID-19 Coronavirus Pandemic
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</table>
DATE: May 25, 2021

SUBJECT: Briefing on Claims, Cost Impacts, and Agreements Related to the Silver Line Regional Rail Project

RECOMMENDATION

This is a briefing item. No action is required at this time.

BUSINESS PURPOSE

- The Board was briefed in executive session at the January 26, 2021, February 23, 2021, April 27, 2021 and May 11, 2021 Committee-of-the-Whole meetings on the status of the claims and cost impacts for the Silver Line Project.

- On May 25, 2021, the Committee will be briefed on the status of claims and cost impacts including:
  - Details of change requests and claim notifications;
  - Approach to ensuring fair and reasonable pricing and cost control procedures
  - Railroad negotiations with Kansas City Southern Railway Company (KCS), Fort Worth & Western Railroad Company (FWWR), Union Pacific (UP), BNSF Railway and DART during design and construction of the Silver Line.
  - DFW International Airport negotiations for design review

- This briefing will help achieve Board Strategic Priority 2: Provide stewardship of the transit system, agency assets and financial obligations; and Strategic Priority 5: Enhance DART's role as a recognized local, regional, and national transportation leader.
DATE: May 25, 2021

SUBJECT: Approval to Increase Contract Value for the Design-Build Contract for the Silver Line Regional Rail Project to Establish an Allowance to Provide for Negotiation of Owner Requested and Other Third Party Scope Changes

RECOMMENDATION

Approval of a resolution authorizing the Interim President & Chief Executive Officer or his designee to increase the contract value for design-build services with Archer Western Herzog 4.0, Joint Venture, for the Silver Line Regional Rail Project to establish an allowance in the amount of $237,403,589 to provide for negotiations of each Owner requested or third party change request, plus a supplemental work contingency of $35,795,345 for unanticipated expenses, for a total amount of $273,198,934, and a new total Board-authorized amount not to exceed $1,294,567,655.

FINANCIAL CONSIDERATIONS

- The contract value increase is included in the proposed financial plan amendment to the Silver Line project budget of the approved FY 2021 Capital Budget.
- Sufficient funding for the contract value increase in the amount of $273,198,934 is included in both the Silver Line project budget and the Commuter Rail and Railroad Management line item of the proposed FY 2021 Twenty-Year Financial Plan Amendment.

BUSINESS PURPOSE

- This contract value increase will provide for negotiation of changes as allowances under the contract.
- Approval of this item will assist DART in achieving Board Strategic Priority 1: Enhance the safety and service experience through customer-focused initiatives; and Strategic Priority 5: Enhance DART's role as a recognized local, regional, and national transportation leader.
- The following table is a history of Board authorizations for this contract:

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<th>Date</th>
<th>Action</th>
<th>Contract Change Amount</th>
<th>Total Board Authorized NTE Amount</th>
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<td>Contract award to Archer Western Herzog 4.0, Joint Venture, (AWH) for design and</td>
<td></td>
<td>$815,075,019</td>
</tr>
<tr>
<td>Date</td>
<td>Description</td>
<td>Contract Amount</td>
<td>Total Amount</td>
</tr>
<tr>
<td>------------</td>
<td>-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------</td>
<td>-----------------</td>
<td>-------------------</td>
</tr>
<tr>
<td>12/11/18</td>
<td>Construction of the Cotton Belt (now known as Silver Line) project as a mixed double and single track alignment (Resolution No. 180135)</td>
<td></td>
<td>($783,725,980, plus a 4% contingency of $31,349,039)</td>
</tr>
<tr>
<td>2/12/19</td>
<td>Increase contract value for design-build services with AWH to completely double track the project between DFW International Airport and Shiloh Road (Resolution No. 190021)</td>
<td>$108,760,839</td>
<td>$923,835,858</td>
</tr>
<tr>
<td>5/26/20</td>
<td>Increase contract value for Hillcrest Road, Coit Road, traffic signals at Wester Way and Sugar Cane Way, and related modifications to return to the 10% Design (Resolution No. 200049)</td>
<td>$26,446,869</td>
<td>$945,808,207</td>
</tr>
<tr>
<td>5/26/20</td>
<td>Increase contract value for HAWK signal for pedestrian crossing at Wester Way and traffic signal at McKamy Drive (Resolution No. 200050)</td>
<td>$217,840</td>
<td>$946,026,047</td>
</tr>
<tr>
<td>5/26/20</td>
<td>Increase contract value for the betterment wall in the DART right-of-way (ROW) at McCallum Blvd. for Rocky Top Circle (Resolution No. 200051)</td>
<td>$19,770</td>
<td>$946,045,817</td>
</tr>
<tr>
<td>5/26/20</td>
<td>Increase contract value for curb cut in existing median at Campbell Road (Resolution No. 200052)</td>
<td>$25,007</td>
<td>$946,070,824</td>
</tr>
<tr>
<td>5/26/20</td>
<td>Increase contract value for 8-foot concrete wall at ROW adjacent to Fairhill School (Resolution No. 200053)</td>
<td>$182,019</td>
<td>$946,252,843</td>
</tr>
<tr>
<td>5/26/20</td>
<td>Increase contract value for 8-foot concrete wall at ROW adjacent to Ivy Montessori School (Resolution No. 200054)</td>
<td>$61,408</td>
<td>$946,314,251</td>
</tr>
<tr>
<td>5/26/20</td>
<td>Increase contract value for a betterment wall at Highland Springs Phase II (Resolution No. 200055)</td>
<td>$695,079</td>
<td>$947,009,330</td>
</tr>
<tr>
<td></td>
<td>Increase contract value for</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Date</td>
<td>Description</td>
<td>Amount</td>
<td>Notes</td>
</tr>
<tr>
<td>------------</td>
<td>------------------------------------------------------------------------------</td>
<td>---------------------------------</td>
<td>----------------------------------------------------------------------</td>
</tr>
<tr>
<td>8/25/20</td>
<td>Installation of foundations and underground conduits for information kiosks at Silver Line stations (Resolution No. 200085)</td>
<td>$686,465 (funded by an agreement with Landmark)</td>
<td>$947,695,795</td>
</tr>
<tr>
<td>9/22/20</td>
<td>Increase contract value to include design of the Veloweb Hike &amp; Bike Trail (Resolution No. 200098)</td>
<td>$14,979,703 (from funding authorized by NCTCOG)</td>
<td>$962,675,498</td>
</tr>
<tr>
<td>12/8/20</td>
<td>Increase contract value to include franchise utility allowance (Resolution No. 200133)</td>
<td>$33,970,142 ($10,000,000 from contingency and $23,970,142 from Debt Service savings)</td>
<td>$986,645,640</td>
</tr>
<tr>
<td>1/12/21</td>
<td>Increase contract value to include improvements for the sound-absorbing wall material and signal preview system (Resolution No. 210004)</td>
<td>$2,985,496 + $1,259,976, for a total of $4,245,472</td>
<td>$990,891,112</td>
</tr>
<tr>
<td>3/23/21</td>
<td>Increase the contract value to include construction of tall walls, design of the US-75 aesthetic arch and design and construction of the design enhancements (Resolution No. 210029 &amp; Resolution No. 210030)</td>
<td>$8,903,073, + $1,621,367 + $859,525, for a total of $11,383,965, minus deobligations in the amount of $1,520,940</td>
<td>$1,000,754,137</td>
</tr>
<tr>
<td>4/13/21</td>
<td>Increase the contract value to include construction of the communication infrastructure duct bank (Resolution No. 210042)</td>
<td>$20,614,584</td>
<td>$1,021,368,721</td>
</tr>
</tbody>
</table>

- The changes include anticipated Facilities, Systems, Stations, and any jurisdictional requirements deemed to be necessary. DART will negotiate each of the change requests with the design-builder. Where the negotiated cost is less than the design-builder's proposed cost, the savings will be moved into project savings subject to Board control. If the cost for the change request exceeds the target, contingency funds authorized by the Board may be used subject to DART change control policies.

- The Board-Approved Expenditure Justification is included as Attachment 3.

**PROCUREMENT CONSIDERATIONS**
• The base term of the contract is from December 26, 2018, through final acceptance, but no later than December 28, 2022.

• The modification to increase funding for Design-Build Services for the Cotton Belt Regional Rail (Silver Line) Design Build Project to provide for establishing an allowance for Owner and Other Third Party Requested Scope Changes.

• The procurement analysis is provided as Attachment 1.

D/M/WBE CONSIDERATIONS

• The goals for this contract were established in March 2017 at 7% DBE and 38% M/WBE participation.

• Archer Western Herzog 4.0, Joint Venture (AWH), the prime contractor, has committed to exceed the DBE goal and meet the M/WBE goal for design services. For construction services, Archer Western Herzog 4.0, Joint Venture (AWH) has committed to meet both goals.

• The D/M/WBE analysis and Equal Employment Opportunity (EEO-1) information are included in Attachment 2. The prime contractor’s actual EEO-1 report is available upon request.

LEGAL CONSIDERATIONS

• Section 452.056 (a) of the Texas Transportation Code authorizes DART to construct, develop, plan and operate a public transportation system within the DART Service Area.

• Section 452.055 of the Texas Transportation Code authorizes DART to contract for the provisions of goods and services.
Contract Information

A. **Contract Description:** The Cotton Belt Regional Rail (Silver Line) Design Build Project is approximately 26 miles of rail guideway from the northern portion of the DART service area to Shiloh Road in Plano to Dallas Fort Worth International Airport location adjacent to Terminal B. The alignment traverses three counties: Tarrant, Dallas, and Collin; and seven cities: Grapevine, Coppell, Dallas, Carrollton, Addison, Richardson and Plano.

B. **Contractor:** Archer Western Herzog 4.0, Joint Venture (Archer Western Construction, LLC and Herzog Contracting Corporation)

C. **Contract Number:** C-2033270-01

D. **Contractual Action:** Contract modification to increase funding for Design-Build Services for the Cotton Belt Regional Rail (Silver Line) Design Build Project to establish an allowance to provide for negotiation of Owner Requested and Other Third-Party Scope Changes.

E. **Current Contract Amount:** $994,157,286

F. **Potential Contract Modification Amount:** $237,403,589

G. **Increase in Total Authorized Contract Amount:** $1,231,560,875

H. **Contract Type:** Design-Build Contract: Fixed Price with Performance Incentives

I. **Current Term of Contract/Performance Period:** December 26, 2018 through final acceptance; but no later than December 28, 2022.

J. **Remaining Options Available:** None

K. **Price Considerations:** The cumulative estimated not-to-exceed amount of $237,403,589 is subject to negotiation to be determined fair and reasonable.

L. **Negotiation Memorandum:** Will be available for review in the contract file.

M. **Determinations Required:** None

N. **Funding:** Local/Federal

O. **Determination of Responsibility:** Archer Western Herzog 4.0, Joint Venture is determined to be a responsible contractor.

- **Bond Check:** Yes
- **Reference Check:** Satisfactory
- **Financial Responsibility Survey:** Satisfactory
- **Insurance Check:** Yes
Attachment 1

On-Site Inspection: N/A
Arithmetic Check: Verified
Verification of Offer: Verified
Buy America Certification and/or Audit, if applicable: Yes
Debarred/Suspended list: Not on the debarred/suspended list

Determination and Recommendation

The establishment of an Allowance to provide for the negotiation of Owner and Other Third Party Requested Scope Changes is needed to complete the design of the Cotton Belt Regional Rail (Silver Line). Each scope change requirement is pending negotiations to be determined fair and reasonable. Archer Western Herzog 4.0, Joint Venture is a responsible contractor for the modification described above.
Approval to Increase Contract Value for the Design-Build Contract for the Silver Line Regional Rail Project to Establish an Allowance to Provide for Negotiation of Owner Requested and Other Third Party Scope Changes

D/M/WBE CONSIDERATIONS

DESIGN SERVICES

The goals for this contract were established in March 2017 at 7% DBE and 38% M/WBE participation. Archer Western Herzog 4.0, Joint Venture (AWH), the prime contractor, has committed to exceed the DBE goal and meet the M/WBE goal through utilization of the following certified firms:

DBE PARTICIPATION

<table>
<thead>
<tr>
<th>VENDOR</th>
<th>LOCATION</th>
<th>ETHNICITY</th>
<th>SERVICE</th>
<th>AMOUNT</th>
<th>PERCENTAGE</th>
</tr>
</thead>
<tbody>
<tr>
<td>HVJ North Texas</td>
<td>Dallas, TX</td>
<td>Asian Indian Male</td>
<td>Geotechnical Services</td>
<td>$2,624,656</td>
<td>4.23%</td>
</tr>
<tr>
<td>IEA, Inc</td>
<td>Dallas, TX</td>
<td>Asian Indian Male</td>
<td>Civil &amp; Structural Engineering</td>
<td>$3,052,593</td>
<td>4.92%</td>
</tr>
<tr>
<td>Lamb-Star Engineering</td>
<td>Plano, TX</td>
<td>Native American Male</td>
<td>Quality Control</td>
<td>$631,103</td>
<td>1.02%</td>
</tr>
<tr>
<td>Multatech Engineering, Inc.</td>
<td>Dallas, TX</td>
<td>Hispanic Male</td>
<td>Track Engineering Support</td>
<td>$1,195,857</td>
<td>1.93%</td>
</tr>
</tbody>
</table>

TOTAL DBE PARTICIPATION: $7,504,209 12.10%**

M/WBE FIRMS IDENTIFIED TO DATE

<table>
<thead>
<tr>
<th>VENDOR</th>
<th>LOCATION</th>
<th>ETHNICITY</th>
<th>SERVICE</th>
<th>AMOUNT</th>
<th>PERCENTAGE</th>
</tr>
</thead>
<tbody>
<tr>
<td>APM &amp; Associates</td>
<td>Dallas, TX</td>
<td>Black Male</td>
<td>Civil &amp; Structural Services</td>
<td>$1,916,011</td>
<td>3.09%</td>
</tr>
<tr>
<td>Ars Engineers, Inc.</td>
<td>Dallas, TX</td>
<td>Asian Indian Male</td>
<td>Title Search</td>
<td>$575,945</td>
<td>0.93%</td>
</tr>
<tr>
<td>Caye Cook &amp; Associates</td>
<td>Dallas, TX</td>
<td>White Female</td>
<td>Landscape Architecture</td>
<td>$1,194,300</td>
<td>1.92%</td>
</tr>
<tr>
<td>Civil Associates, Inc.</td>
<td>Dallas, TX</td>
<td>Asian Pacific Male</td>
<td>CADD Support</td>
<td>$233,128</td>
<td>0.37%</td>
</tr>
<tr>
<td>D&amp;S Engineering Labs, LLC</td>
<td>Denton, TX</td>
<td>White Female</td>
<td>Geotechnical Services</td>
<td>$2,259,526</td>
<td>3.64%</td>
</tr>
<tr>
<td>Company</td>
<td>Location</td>
<td>Gender</td>
<td>Role</td>
<td>Amount</td>
<td>Percentage</td>
</tr>
<tr>
<td>-----------------------------------------------</td>
<td>------------</td>
<td>----------</td>
<td>-----------------------------</td>
<td>------------</td>
<td>------------</td>
</tr>
<tr>
<td>Lina T. Ramey &amp; Associates</td>
<td>Farmers Branch, TX</td>
<td>Asian Indian Female</td>
<td>Engineering Services</td>
<td>$5,905,624</td>
<td>9.52%</td>
</tr>
<tr>
<td>McAfee3 Architects, Inc.</td>
<td>Dallas, TX</td>
<td>Black Female</td>
<td>Architectural Design Support</td>
<td>$3,014,187</td>
<td>4.86%</td>
</tr>
<tr>
<td>Olivier, Inc</td>
<td>Dallas, TX</td>
<td>Black Female</td>
<td>Document Control Support</td>
<td>$731,726</td>
<td>1.18%</td>
</tr>
<tr>
<td>Simon Engineering &amp; Consulting</td>
<td>Dallas, TX</td>
<td>Black Female</td>
<td>Civil Engineering Support</td>
<td>$1,019,821</td>
<td>1.64%</td>
</tr>
<tr>
<td>Solaray Engineering, Inc.</td>
<td>Dallas, TX</td>
<td>Hispanic Male</td>
<td>Utility Coordinator</td>
<td>$4,635,265</td>
<td>7.47%</td>
</tr>
</tbody>
</table>

**TOTAL IDENTIFIED M/WBE PARTICIPATION:** $21,485,533 34.62%**

The contractor has committed to meet the M/WBE goal. However, two major subcontractors left the Archer Western Herzog 4.0 Joint Venture (AWH) team. The commitments associated with these firms has been and continues to be assigned to existing or additional M/WBE firms by the Joint Venture team.

<table>
<thead>
<tr>
<th>Committed M/WBE Participation</th>
<th>Engineering Services</th>
<th>Amount</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>$2,095,600</td>
<td>3.38%</td>
<td></td>
</tr>
</tbody>
</table>

**TOTAL UNIDENTIFIED M/WBE PARTICIPATION:** $2,095,600 3.38%**

**Total Identified and Unidentified M/WBE Participation:** $23,581,133 38.00%**

**TOTAL DBE & M/WBE PARTICIPATION TO DATE:** $31,085,342 50.10%**

**NOTE:** The goals are based on the current design cost of $62,058,311. If there are any changes to this amount, the original goals will apply.

**The percentages and dollar amounts may remain level, increase or decrease depending on the circumstances.**

**CONSTRUCTION SERVICES**

The goals for this contract were established in March 2017 at 7% DBE and 38% M/WBE participation. Archer Western Herzog 4.0, Joint Venture (AWH), the prime contractor, has committed to meet the DBE and M/WBE goals for the construction services portion of this project. Due to the design-build nature of this project, Archer Western Herzog 4.0, Joint Venture (AWH) has not identified its complete scope of construction services nor final identification of all D/M/WBEfirms that will be utilized for construction services.
As design progresses and becomes final, Archer Western Herzog 4.0, Joint Venture (AWH) will continue to engage D/M/WBE firms to complete its subcontracting team and goals. Below is a list of D/M/WBE firms identified to-date for construction services and their current commitments:

<table>
<thead>
<tr>
<th>VENDOR</th>
<th>LOCATION</th>
<th>ETHNICITY</th>
<th>SERVICE</th>
<th>AMOUNT</th>
</tr>
</thead>
<tbody>
<tr>
<td>Alliance Geotechnical Group, Inc.</td>
<td>Dallas, TX</td>
<td>Black Male</td>
<td>Quality Inspection &amp; Testing</td>
<td>$744,673</td>
</tr>
<tr>
<td>All in One Resources</td>
<td>Carrollton, TX</td>
<td>Black Male</td>
<td>Janitorial Services</td>
<td>$43,965</td>
</tr>
<tr>
<td>ATS Drilling</td>
<td>Ft. Worth, TX</td>
<td>Asian Pacific Male</td>
<td>Drilled Shafts</td>
<td>$16,599,302</td>
</tr>
<tr>
<td>Big D Concrete</td>
<td>Dallas, TX</td>
<td>White Female</td>
<td>Concrete</td>
<td>$1,168,591</td>
</tr>
<tr>
<td>Bonded Inspection</td>
<td>Garland, TX</td>
<td>White Female</td>
<td>Inspection Services</td>
<td>$62,287</td>
</tr>
<tr>
<td>B&amp;B Diversified Materials</td>
<td>Green Valley, AZ</td>
<td>Asian Pacific Female</td>
<td>Material Supplier</td>
<td>$14,431,547</td>
</tr>
<tr>
<td>Buyers Barricade</td>
<td>North Richland Hills, TX</td>
<td>White Female</td>
<td>Traffic Control</td>
<td>$23,000</td>
</tr>
<tr>
<td>CARCON Industries</td>
<td>Dallas, TX</td>
<td>Hispanic Female</td>
<td>Construction Management</td>
<td>$1,716,410</td>
</tr>
<tr>
<td>Cowboys &amp; Sons, LLC</td>
<td>Dallas, TX</td>
<td>Hispanic Male</td>
<td>Trucking</td>
<td>$232,904</td>
</tr>
<tr>
<td>Davis Advocates</td>
<td>Dallas, TX</td>
<td>White Female</td>
<td>Consulting Services</td>
<td>$312,000</td>
</tr>
<tr>
<td>DGR Consultants, LLC</td>
<td>Dallas, TX</td>
<td>White Female</td>
<td>Quality Assurance</td>
<td>$1,301,867</td>
</tr>
<tr>
<td>Edna’s Touch</td>
<td>Garland, TX</td>
<td>Black Male</td>
<td>Landscape Maintenance</td>
<td>$28,819</td>
</tr>
<tr>
<td>GST Manufacturing</td>
<td>Haltom City, TX</td>
<td>White Female</td>
<td>Metal Material</td>
<td>$9,298,840</td>
</tr>
<tr>
<td>KLP Construction Supply</td>
<td>Manor, TX</td>
<td>Native American Female</td>
<td>Material Supply</td>
<td>$663,917</td>
</tr>
<tr>
<td>Lamb-Star Engineering, LP</td>
<td>Plano, TX</td>
<td>Native American Male</td>
<td>Construction Quality Control</td>
<td>$2,264,910</td>
</tr>
<tr>
<td>Laughley Bridge &amp; Construction</td>
<td>Ft. Worth, TX</td>
<td>Asian Pacific Male</td>
<td>Building Construction</td>
<td>$982,870</td>
</tr>
<tr>
<td>Lina T. Ramey &amp; Associates, Inc.</td>
<td>Farmers Branch, TX</td>
<td>Asian Indian Female</td>
<td>Utility Potholing</td>
<td>$166,425</td>
</tr>
<tr>
<td>Lindamood Demolition</td>
<td>Irving, TX</td>
<td>White Female</td>
<td>Construction Services</td>
<td>$61,074,840</td>
</tr>
<tr>
<td>National Railroad Safety Service</td>
<td>West Chester, OH</td>
<td>White Female</td>
<td>Flagging</td>
<td>$103,500</td>
</tr>
<tr>
<td>Omega Industries</td>
<td>Dallas, TX</td>
<td>Hispanic Male</td>
<td>Material Supplier</td>
<td>$1,573,795</td>
</tr>
<tr>
<td>Company</td>
<td>Location</td>
<td>Race/Ethnicity</td>
<td>Services</td>
<td>Contract Value</td>
</tr>
<tr>
<td>-------------------------------</td>
<td>-------------------</td>
<td>----------------</td>
<td>---------------------------------</td>
<td>----------------</td>
</tr>
<tr>
<td>Post L Group</td>
<td>Ft. Worth, TX</td>
<td>Black Male</td>
<td>General Construction Services</td>
<td>$7,850,343</td>
</tr>
<tr>
<td>Project Management Associates, PLLC</td>
<td>Bedford, TX</td>
<td>Black Male</td>
<td>Lab – Airspace Modeling</td>
<td>$41,091</td>
</tr>
<tr>
<td>QN Management</td>
<td>Dallas, TX</td>
<td>Asian Pacific Male</td>
<td>Scheduling Services</td>
<td>$1,354,590</td>
</tr>
<tr>
<td>Reginald Loftin</td>
<td>Dallas, TX</td>
<td>Black Male</td>
<td>Photography Services</td>
<td>$60,800</td>
</tr>
<tr>
<td>Reyes Group</td>
<td>Grand Prairie, TX</td>
<td>Hispanic Male</td>
<td>Walls</td>
<td>$31,201,668</td>
</tr>
<tr>
<td>Santa Clara Construction</td>
<td>Austin, TX</td>
<td>Hispanic Male</td>
<td>Utility Work</td>
<td>$13,299,315</td>
</tr>
<tr>
<td>Slayton Brothers</td>
<td>Hurst, TX</td>
<td>White Female</td>
<td>Walls</td>
<td>$7,320,365</td>
</tr>
<tr>
<td>Solaray Engineering, Inc.</td>
<td>Dallas, TX</td>
<td>Hispanic Male</td>
<td>Utilities</td>
<td>$6,584,031</td>
</tr>
<tr>
<td>Stateside Right of Way Services</td>
<td>Dallas, TX</td>
<td>White Female</td>
<td>Utility Work</td>
<td>$33,070</td>
</tr>
<tr>
<td>STL Engineers</td>
<td>Dallas, TX</td>
<td>Hispanic Female</td>
<td>Quality Control &amp; Inspections</td>
<td>$9,000,000</td>
</tr>
<tr>
<td>Texas Industrial Security</td>
<td>Ft. Worth, TX</td>
<td>White Female</td>
<td>Unarmed Security</td>
<td>$303,851</td>
</tr>
<tr>
<td>Texas Star Transport</td>
<td>Dallas, TX</td>
<td>Hispanic Female</td>
<td>Trucking Services</td>
<td>$1,852,155</td>
</tr>
<tr>
<td>The Rios Group</td>
<td>Ft. Worth, TX</td>
<td>Hispanic Male</td>
<td>Potholing</td>
<td>$75,000</td>
</tr>
<tr>
<td>Toro Bravo Construction, LLC</td>
<td>Dallas, TX</td>
<td>Hispanic Male</td>
<td>Rebar</td>
<td>$12,804,002</td>
</tr>
<tr>
<td>Tricon Precast, Ltd.</td>
<td>Ft. Worth, TX</td>
<td>Hispanic Male</td>
<td>Precast Beams</td>
<td>$16,715,820</td>
</tr>
<tr>
<td>Urban Infrastructure</td>
<td>Ft. Worth, TX</td>
<td>Asian Indian Male</td>
<td>Street Paving</td>
<td>$5,310,130</td>
</tr>
<tr>
<td>USA SWPP, Inc,</td>
<td>Ft. Worth, TX</td>
<td>White Female</td>
<td>Erosion Control</td>
<td>$1,572,361</td>
</tr>
<tr>
<td>VRX, Inc.</td>
<td>Plano, TX</td>
<td>White Female</td>
<td>Environmental Services</td>
<td>$2,072,576</td>
</tr>
</tbody>
</table>

**Summary of EEO-1 Reports**

**Archer Western Construction, LLC** is located in Irving, TX and employs 2,001 individuals. The following is an analysis of their EEO-1 report:

<table>
<thead>
<tr>
<th></th>
<th>ASIAN</th>
<th>BLACK</th>
<th>HISPANIC</th>
<th>NATIVE AMERICAN</th>
<th>WHITE</th>
<th>TOTAL</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>MALES</td>
<td>13</td>
<td>220</td>
<td>747</td>
<td>18</td>
<td>814</td>
<td>1,812</td>
<td>90.55%</td>
</tr>
<tr>
<td>FEMALES</td>
<td>3</td>
<td>22</td>
<td>62</td>
<td>1</td>
<td>101</td>
<td>189</td>
<td>9.45%</td>
</tr>
<tr>
<td>TOTAL</td>
<td>16</td>
<td>242</td>
<td>809</td>
<td>19</td>
<td>915</td>
<td>2,001</td>
<td>100%</td>
</tr>
<tr>
<td>PERCENTAGE</td>
<td>0.80%</td>
<td>12.09%</td>
<td>40.43%</td>
<td>0.95%</td>
<td>45.73%</td>
<td>100%</td>
<td></td>
</tr>
</tbody>
</table>
**Herzog Contracting Corporation** is located in Joseph, MO and employs 458 individuals. The following is an analysis of their EEO-1 report:

<table>
<thead>
<tr>
<th></th>
<th>ASIAN</th>
<th>BLACK</th>
<th>HISPANIC</th>
<th>NATIVE AMERICAN</th>
<th>WHITE</th>
<th>TOTAL</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>MALES</strong></td>
<td>9</td>
<td>16</td>
<td>116</td>
<td>7</td>
<td>239</td>
<td>387</td>
<td>84.50%</td>
</tr>
<tr>
<td><strong>FEMALES</strong></td>
<td>1</td>
<td>1</td>
<td>11</td>
<td>3</td>
<td>55</td>
<td>71</td>
<td>15.50%</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td>10</td>
<td>17</td>
<td>127</td>
<td>10</td>
<td>294</td>
<td>458</td>
<td>100%</td>
</tr>
</tbody>
</table>

**PERCENTAGE**  | 2.18% | 3.72% | 27.73%    | 2.18%           | 64.19% | 100%  |
<table>
<thead>
<tr>
<th>PURPOSE OF CONTRACT/AGREEMENT</th>
<th>DOLLAR AMOUNT</th>
<th>CONTRACT TERM</th>
<th>TYPE OF PROCUREMENT</th>
<th>1. Is it necessary?</th>
<th>2. Does it need to happen now?</th>
<th>3. Can it be phased?</th>
<th>4. Can we reduce the amount?</th>
</tr>
</thead>
<tbody>
<tr>
<td>This contract modification is to increase funding to Establish an Allowance to Negotiate Owner and Other Third Party Scope Changes</td>
<td>$237,403,589 for a new total not to exceed amount of $1,231,560,875</td>
<td>December 26, 2018 through December 28, 2022 base with no options.</td>
<td>Design-Build Contract: Fixed Price with Performance Incentives</td>
<td>1. Yes. This action is necessary to avoid design and additional costs associated with the Silver Line.</td>
<td>2. Yes. Failure to execute this modification could result in future cost and change orders impacting project design and schedule.</td>
<td>3. Yes. However, it is not recommended because of the potential impact to the project from a design and scheduling perspective.</td>
<td>4. Yes. Negotiations are still pending and potential savings are possible.</td>
</tr>
</tbody>
</table>
WHEREAS, on December 11, 2018 (Resolution No. 180135), the Board approved the contract award to Archer Western Herzog 4.0, Joint Venture, for design and construction of the Cotton Belt Corridor (now known as the Silver Line) Regional Rail Project as a mixed double- and single-track alignment, in an amount not to exceed $783,725,980, plus a supplemental work contingency of $31,349,039 (4%) for unanticipated expenses, for a total authorized amount not to exceed $815,075,019; and

WHEREAS, the Board has authorized subsequent contract actions as follows: February 12, 2019 (Resolution No. 190021); May 26, 2020 (Resolution Nos. 200049, 200050, 200051, 200052, 200053, 200054, and 200055); August 25, 2020 (Resolution No. 200085); September 22, 2020 (Resolution No. 200098); December 8, 2020 (Resolution No. 200133); January 12, 2021 (Resolution No. 210004); March 23, 2021 (Resolution Nos. 210029 and 210030); and April 13, 2021 (Resolution No. 210042), for a new total authorized amount not to exceed $1,021,368,721; and

WHEREAS, a contract funding increase is needed to include an allowance for various change requests to be negotiated and to increase contingency for unanticipated expenses; and

WHEREAS, the proposed pricing is fair and reasonable; and

WHEREAS, funding for this contract value increase is within the proposed Budget and FY 2021 Twenty-Year Financial Plan amendment allocations.

NOW, THEREFORE, BE IT RESOLVED by the Dallas Area Rapid Transit Board of Directors that the Interim President & Chief Executive Officer or his designee is authorized to increase the contract value for design-build services with Archer Western Herzog 4.0, Joint Venture, for the Silver Line Regional Rail Project to establish an allowance in the amount of $237,403,589 to provide for negotiation of each Owner requested or third party change request, plus a supplemental work contingency of $35,795,345 for unanticipated expenses, for a total amount of $273,198,934, and a new total Board-authorized amount not to exceed $1,294,567,655.
Approval to Increase Contract Value for the Design-Build Contract for the Silver Line Regional Rail Project to Establish an Allowance to Provide for Negotiation of Owner Requested and Other Third Party Scope Changes

Prepared by: /s/ David Ehrlicher *

David Ehrlicher
Interim Vice President
Capital Design & Construction

Prepared by: /s/ Todd Plesko *

Todd Plesko
Interim Executive Vice President
Growth/Regional Development

/s/ Gene Gamez *

Approved as to form: Gene Gamez
General Counsel

 Approved by: /s/ David Leininger *

David Leininger
Interim President & Chief Executive Officer

* Reviewed and approved, but not signed due to COVID-19 Coronavirus Pandemic
Agenda Report

DATE: May 25, 2021

SUBJECT: Briefing on Budgeted and Filled Positions

RECOMMENDATION

This is a briefing item. No action is required at this time.

BUSINESS PURPOSE

- The purpose of this item is to brief the Committee-of-the-Whole regarding DART’s budgeted and filled positions and the status of the Retiree temporary re-hires.

- As a result of DART offering a Voluntary Retirement Incentive Program (VRIP), the Agency retired 369 employees as of December 15, 2020. Positions reduced or eliminated from the budget will not be funded this fiscal year.

- Department Heads were asked to evaluate each of their respective areas for consolidation of job duties and possible reorganizations. Some interim assignments were made, some departments chose to consolidate functions and/or downgrade positions and in others, retirees were brought back temporarily while the Agency recruits for permanent replacements.

- For Departments with vacancies, their requests have been vetted by the Executive Leadership Team and the Finance Department according to operational need and budget considerations.

- The overall goal is to remain under the Agency’s approved position count. The Finance Department and the Executive Leadership Team have reviewed all agency positions and the process has begun to backfill what is necessary in order to maintain a continuity of operations while still maintaining our budget goals.

- The Agency has not stopped the recruiting of key positions such as Operators or Mechanics. Positions in both Operations and Administration have recently been approved for phased recruiting and hiring.

- An initial group of sixteen Retirees was identified as key personnel and approved for rehiring as temporary employees in order to finish critical projects for the Agency. The temporary employment was set with parameters such as employees working no more than 30 hours per week and the assignment to last no more than six months in duration.

- To date, eight of the approved sixteen retirees are working on projects for the Agency. Four retirees have completed their project terms and are no longer working at DART.

- On April 13, 2021 (Resolution No. 210037), the Board approved one retiree an additional 6 month extension on his temporary assignment. This project is scheduled to end no later than November 24, 2021.
• This briefing helps achieve Board Strategic Priority 3: Innovate to enhance mobility options, business processes and funding; and Strategic Priority 4: Pursue excellence through employee engagement, diversity, development and well-being.