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.

1. Roll Call
2. Approval of Minutes: May 11, 2021
3. Approval to Declare Public Necessity, Establish Just Compensation, and Authorize the Acquisition of Parcels CB3-005A, CB3-005B, CB3-005B-G, and DE3-007 Located in the City of Richardson, Texas, for the Silver Line Regional Rail Project, and Authorize Eminent Domain Proceedings for These Parcels, if Necessary (Patrick J. Kennedy/Todd Plesko) [5 minutes]
4. Approval to Declare Public Necessity, Establish Just Compensation, and Authorize the Acquisition of Parcel DE2-003 Located in the City of Carrollton, Texas, for the Silver Line Regional Rail Project, and Authorize Eminent Domain Proceedings for the Parcel, if Necessary (Patrick J. Kennedy/Todd Plesko) [5 minutes]
5. Approval to Declare Public Necessity, Establish Just Compensation, and Authorize the Acquisition of Parcels CB3-HC2, and CB3-HC5 Located in the City of Dallas, Texas, for the Silver Line Regional Rail Project (Patrick J. Kennedy/Todd Plesko) [5 minutes]
6. Approval to Extend the GoLink On-Demand Site-Specific Shuttle Service Funding Agreement with Amazon Fulfillment Center FTW1 (Patrick J. Kennedy/Todd Plesko) [10 minutes]
7. *Briefing on the Draft 2045 Transit System Plan (Patrick J. Kennedy/Todd Plesko) [20 minutes]
8. Identification of Future Agenda Items
9. Adjournment

*This is a Briefing Item Only
Agenda

The Planning Committee may go into Closed Session under the Texas Open Meetings Act, Section 551.071, Consultation with Attorney, for any legal issues, or under Section 551.072, Deliberation Regarding Real Property for real estate issues 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.

Chair – Patrick J. Kennedy
Vice Chair – Gary Slagel
Members – Doug Hrbacek, Amanda Moreno-Lake and Paul N. Wageman
Staff Liaison – Todd Plesko
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 Planning and Capital Programs Committee came to order at 3:01 p.m., Tuesday, May 11, 2021, at DART Headquarters, 1401 Pacific Avenue, Dallas, Texas, with Chair Kennedy presiding.

The following Committee members were present: Patrick J. Kennedy, Gary Slagel, Doug Hrbacek, Amanda Moreno-Lake, and Paul N. Wageman.

Other Board Members present: Robert C. Dye, Michele Wong Krause, Lee Ruiz, Rick Stopfer, and Jon-Bertrell Killen.

Others Present: David Leininger, Gene Gamez, Carol Wise, Joseph Costello, Todd Plesko, Rob Smith, Nicole Fontayne-Bardowell, Joseph Clemmons, Kay Shelton, John Rhone, Bonnie Murphy, Leticia Delgado, Gregg Althoff, Herold Humphrey, Gregory Elsborg, Donna Johnson, Donna Henry, Nancy Johnson, and Josefina Chavira.

1. **Roll Call**

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

   Chair Kennedy 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.

2. **Approval of Minutes: April 13, 2021**

   Mr. Hrbacek made a motion to approve the Minutes from the April 13, 2021, Planning and Capital Programs Committee Meeting, and enter into record as written.

   Mr. Slagel seconded.

   Chair Kennedy took a Roll Call vote, and the motion was approved unanimously.

3. **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**

   Ms. Leticia Delgado, Assistant Vice President of Real Estate, briefed the Committee (slides on file with the Office of Board Support) as follows:

   - Today’s Consideration (slide 2)
   - Business Purpose (slide 3)
   - Location Map (slides 4-5)
   - Parcels to be Acquired by DART (slide 6)
   - Recommendation (slide 7)
Mr. Hrbacek moved to forward this draft resolution to the Committee-Of-The-Whole agenda, with a recommendation, stating:

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.

Mr. Slagel seconded.

Chair Kennedy took a Roll Call vote, and the motion was approved unanimously.

4. 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

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

- Today’s Consideration (slide 2)
- Business Purpose (slide 3)
- Location Map (slides 4-8)
- Parcels to be Acquired by DART (slide 9)
- Recommendation (slide 10)

Mr. Slagel moved to forward this draft resolution to the Committee-Of-The-Whole agenda, with a recommendation, stating:

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.

Mr. Hrbacek seconded.

Chair Kennedy took a Roll Call vote, and the motion was approved unanimously.
5. **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**

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

- Today’s Consideration (slide 2)
- Business Purpose (slides 3-4)
- Location Map (slides 5-7)
- Parcels to be Acquired by DART (slide 8)
- Recommendation (slide 9)

Mr. Hrbacek moved to forward this draft resolution to the Committee-Of-The-Whole agenda, with a recommendation, stating:

**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.

Mr. Slagel seconded.

Chair Kennedy took a Roll Call vote, and the motion was approved unanimously.

6. 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

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

- Today’s Consideration (slide 2)
- Business Purpose (slide 3)
- Location Map (slides 4-5)
- Parcels to be Acquired by DART (slide 6)
- Recommendation (slide 7)

Mr. Hrbacek moved to forward this draft resolution to the Committee-Of-The-Whole agenda, with a recommendation, stating:

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.

Mr. Slagel seconded.

Chair Kennedy took a Roll Call vote, and the motion was approved unanimously.

7. 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

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

- Today’s Consideration (slide 2)
- Business Purpose (slide 3)
- Location Map (slides 4-5)
- Recommendation (slide 6)

Mr. Slagel moved to forward this draft resolution to the Committee-Of-The-Whole agenda, with a recommendation, stating:

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.

Mr. Hrbacek seconded.

Chair Kennedy took a Roll Call vote, and the motion was approved unanimously.
Chair Kennedy, as well as Mr. Wageman, recused themselves at 3:27 p.m., delegating the presiding officer’s responsibilities to Vice-Chair Slagel.

8. **Approval to Extend the Southern Methodist University (SMU) Site-Specific Shuttle Agreement**

   Mr. Dan Dickerson, Manager of Innovative Services, briefed the Committee (slides on file with the Office of Board Support) as follows:

   - Today’s Consideration (slide 1)

   Mr. Killen joined the meeting at 3:30 p.m.

   - Site-Specific Shuttle Background (slide 2)
   - Mustang Express Shuttle Route (slide 3)
   - Ridership Trends (slide 4)
   - Financial Arrangements (slide 5)
   - Recommendation (slide 6)

   Ms. Moreno-Lake moved to forward this draft resolution to the Committee-Of-The-Whole agenda, with a recommendation, stating 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.

   Mr. Hrbacek seconded.

   Chair Kennedy took a Roll Call vote, and the motion was approved unanimously.

Chair Kennedy rejoined the meeting at 3:33 p.m., resuming the presiding officer’s responsibilities.

9. **Identification of Future Agenda Items**

   There were no future agenda items identified for this committee.

10. **Adjournment**

    There being no further business to discuss, the meeting adjourned at 3:34 p.m.

_____________________________
Josefnia Chavira, CAP      
Board Committee Secretary

/jc

+Same-Date Item
*Briefing Item
Agenda Report

Attachment: 1. Location Maps | Voting Requirements: Majority

DATE: June 8, 2021

SUBJECT: Approval to Declare Public Necessity, Establish Just Compensation, and Authorize the Acquisition of Parcels CB3-005A, CB3-005B, CB3-005B-G, and DE3-007 Located in the City of Richardson, 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 CB3-005A, CB3-005B, CB3-005B-G, and DE3-007 located in City of Richardson, Texas for the Silver Line Regional Rail Project; and 2) authorizing eminent domain proceedings for these parcels, if necessary.

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

- Parcels CB3-005A and CB3-005B, illustrated in Attachment 1, and fully described in Exhibits 1 and 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.

- Parcels CB3-005B-G and DE3-007, illustrated in Attachment 1, and fully described in Exhibits 3 and 4 of the resolution, were not anticipated in the original FEIS 10% design plans but were later added during design progression as being necessary for grading and drainage purposes for the construction of the Silver Line project.

- On August 14, 2018 (Resolution No. 180070), the Board authorized an Interlocal Agreement (ILA) with the City of Richardson where the City would convey to DART city owned property for the corridor as the City of Richardson’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 CB3-005A, CB3-005B, CB3-005B-G and DE3-007 Located in the City of Richardson, Texas, for the Silver Line Regional Rail Project and Authorize Eminent Domain for All Parcels if Necessary.
Approval to Declare Public Necessity, Establish Just Compensation, and Authorize the Acquisition of Parcels CB3-005A, CB3-005B and CB3-005B-G located in the City of Richardson, 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 Parcel DE3-007 Located in the City of Richardson, Texas, for the Silver Line Regional Rail Project, and Authorize Eminent Domain Proceedings for the Parcel, 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 CB3-005A, CB3-005B, CB3-005B-G, and DE3-007 Located in the City of Richardson, 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 through 4 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:
Section 1: There is a public necessity for the acquisition of Parcel CB3-005A 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 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 Richardson for CB3-005A. 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 CB3-005B 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 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 Richardson for CB3-005B. 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.
There is a public necessity for the acquisition of Parcel CB3-005B-G 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 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 Richardson for CB3-005B-G. 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.
There is a public necessity for the acquisition of Parcel DE3-007 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 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 Richardson for DE3-007. 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 CB3-005A, CB3-005B, CB3-005B-G, and DE3-007 Located in the City of Richardson, 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
Exhibit 1

Field Notes Describing a 74,161 Square Feet (1.702 acres) Parcel CB3-005A

Being a 74,161 square foot (1.702 acre) tract of land out of the J. Vance Survey, Abstract No. 938, Collin County, Texas, in the City of Plano and being part of a called 18.8689 acre tract of land that M & A Texas Prairie, LP conveyed to Prairie Creek Apts, LLC, by Special Warranty Deed, as recorded in Instrument No. 20121011001294090, filed on 10/11/2012, Official Public Records, Collin County, Texas (O.P.R.C.C.T) and also being also being Lot 2A, Block A of The Homes Of Prairie Creek, a subdivision recorded in Cabinet J, Slide 977, Plat Records, Collin County, Texas (P.R.C.C.T.) and being more particularly described as follows:

BEGINNING, at a 5/8 inch iron rod with a red “LAMB-STAR” cap set for corner on the proposed south Right-of-Way (R.O.W.) line, said point being on a common most northern west line of said called 18.8689 acre tract of land, on the east existing R.O.W. line of Alma Road, a variable width R.O.W. and the east line of Tract R-16III a called 0.1296 acre tract of land as described to the City of Richardson, as recorded in Volume 3319, Page 916, Deed Records, Collin County, Texas (D.R.C.C.T.) for the POINT OF BEGINNING;

THENCE, N 12° 00’ 28” E, along the common said most northern west line of called 18.8689 tract of land, said east existing R.O.W. line of Alma Road and said east line of Tract R-16III, a distance of 30.91 feet to a found “X” cut in concrete for the northwest corner of said called 18.8689 acre tract of land, the northeast corner of said Tract R-16III, and being on the southern existing R.O.W. line of Dallas Area Rapid Transit (D.A.R.T.), a 100 foot R.O.W., as recorded in Volume 3424, Page 126, D.R.C.C.T.,

THENCE, N 77° 44’ 36” E, departing said common line, along the common north line of said called 18.8689 acre tract of land and said southern existing D.A.R.T. R.O.W. line, a distance of 307.46 feet to a point for corner and being on a circular curve to the left, tangent to the preceding course, having a radius of 1,960.08 feet, whose chord bears N 76° 32’ 02” E, a distance of 82.67 feet;

THENCE, Northeasterly, along the common said north line of called 18.8689 acre tract of land and said southern existing D.A.R.T. R.O.W. line, and along said circular curve to the left, through a central angle of 02° 25’ 00”, a arc length of 82.67 feet to a found 5/8-inch iron rod with a red “KHA” cap for the north corner of said called 18.8689 acre tract of land, the southwest corner of Tract R-16II a called 2.3511 acre tract of land as described to the City of Richardson, as recorded in Volume 3319, Page 916, D.R.C.C.T. and being on the south existing R.O.W. line State Highway 190 - President George Bush Turnpike (S.H. 190), a variable width R.O.W.;

THENCE, S 87° 07’ 04” E, departing the common said north line of called 18.8689 acre tract of land and said southern existing D.A.R.T. R.O.W. line, along the common north line of said called 18.8689 acre tract of land, the south line of said Tract R-16II and said south existing R.O.W. line of S.H. 190, a distance of 306.54 feet to a found 5/8-inch iron rod with a yellow “JACOBS” cap for corner;

THENCE, N 89° 06’ 50” E, continuing along the common said north line of called 18.8689 acre tract of land, said south line of Tract R-16II and said south existing R.O.W. line of S.H. 190, a distance of 331.18 feet to a found 5/8-inch iron rod with a yellow “UNREADABLE” cap for corner;

THENCE, S 84° 30’ 29” E, continuing along said common line, a distance of 200.27 feet to a found 5/8-inch iron rod with a red “KHA” cap for corner;
Field Notes Describing a 74,161 Square Feet (1.702 acres) Parcel CB3-005A

THENCE, S 81° 09' 23" E, continuing along said common line, a distance of 48.88 feet to a found 5/8-inch iron rod with a orange “P AND C” cap for the northeast corner of said called 18.8689 acre tract of land, the southwest corner of a called 2.0065 acre tract of land as described to the State of Texas, as recorded in Document No. 96-0035272, D.R.C.C.T. and the northwest corner remainder of a called 3.53 acre tract of land described to Texas Power & Light Company, as recorded in Volume 576, Page 395, D.R.C.C.T.;

THENCE, S 00° 30' 48" W, departing said south existing R.O.W. line of S.H. 190, along a east line of said called 18.8689 acre tract of land and the west line of said Texas Power & Light Company tract of land, a distance of 39.13 feet to a 5/8 inch iron rod with a red “LAMB-STAR” cap set for corner, said point being a northern southeast corner of said called 18.8689 acre tract of land, on the west line of said Texas Power & Light Company tract of land and the northeast corner of a called 19.7020 acre tract of land described to Prairie Creek Apts, LLC, as recorded in Instrument No. 20121011001294090, O.P.R.C.C.T and also being Lot 1, Block A of The Homes Of Prairie Creek, a subdivision recorded in Cabinet J, Slide 227-228 P.R.C.C.T., from which a found 1/2 inch iron rod with a yellow “RLG INC” cap, bears S 00° 30' 48" W, 80.10 feet;

THENCE, S 89° 26' 50" W, departing the common said east line of called 18.8689 acre tract of land and said west line of Texas Power & Light Company tract of land, along the common south line of said called 18.8689 acre tract of land and the north line of said called 19.7020 acre tract of land, a distance of 424.66 feet to a point for corner;

THENCE, S 17° 52' 35" E, along a common east line of said called 18.8689 acre tract of land and the most northern west line of said called 19.7020 acre tract of land, a distance of 3.54 feet to a 5/8 inch iron rod with a red “LAMB-STAR” cap set for corner on the proposed south R.O.W.;

THENCE, N 87° 52' 47" W, departing the common said east line of called 18.8689 acre tract of land and said most northern west line of called 19.7020 acre tract of land, over & across said called 18.8689 acre tract of land and along said proposed south R.O.W., a distance of 249.68 feet to a 5/8 inch iron rod with a red “LAMB-STAR” cap set for corner and being on a circular curve to the left, tangent to the preceding course, having a radius of 2,822.93 feet, whose chord bears S 86° 52' 26" W, a distance of 516.23 feet;

THENCE, Southwesterly, continuing over & across said called 18.8689 acre tract of land and along said proposed south R.O.W., and along said circular curve to the left, through a central angle of 10° 29' 33", a arc length of 516.96 feet to a 5/8 inch iron rod with a red “LAMB-STAR” cap set for corner;

THENCE, S 81° 37' 40" W, continuing over & across said called 18.8689 acre tract of land and along said proposed south R.O.W., a distance of 84.23 feet to the POINT OF BEGINNING and containing 74,161 square foot or 1.702 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 May 2020 and Revised a Volume and Page in September 2020 and Revised Adjoiner Ownership in October 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 8,825 Square Foot (0.203 Acre) Parcel CB3-005B

Being a 8,825 square foot (0.203 acre) tract of land out of the J. Vance Survey, Abstract No. 938, Collin County, Texas, in the City of Plano and being part of a called 19.7020 acre tract that M & A Texas Prairie, LP conveyed to Prairie Creek Apts, LLC, by Special Warranty Deed, as recorded in Instrument No. 20121011001294090, filed on 10/11/2012, Official Public Records, Collin County, Texas (O.P.R.C.C.T) and also being Block A, Lot 1 of the Homes Of Prairie Creek, a subdivision recorded in Cabinet J, Slide 227-228, P.R.C.C.T. and being more particularly described as follows:

BEGINNING, at a 5/8 inch iron rod with a red “LAMB-STAR” cap set for corner on the proposed south Right-of-Way (R.O.W.) line, said point being on a common west line of said called 19.7020 acre tract of land and an east line of a called 18.8689 acre tract of land described to Prairie Creek Apts, LLC, as recorded in Instrument No. 20121011001294090, O.P.R.C.C.T., and also being Lot 2A, Block A of The Homes Of Prairie Creek, a subdivision recorded in Cabinet J, Slide 977, P.R.C.C.T, for the POINT OF BEGINNING;

THENCE, N 17° 52' 35" W, departing said proposed south R.O.W. line, along the common said west line of called 19.7020 acre tract of land and said east line of called 18.8689 acre tract of land, a distance of 3.54 feet to a point for corner;

THENCE, N 89° 26' 50" E, departing said common line, continuing along a common north line of said called 19.7020 acre tract of land and a south line of said called 18.8689 acre tract of land, a distance of 424.66 feet to a point for corner on the common east line of said called 19.7020 acre tract of land and the west line of a remainder of a called 3.53 acre tract of land described to Texas Power & Light Company, as recorded in Volume 576, Page 395, D.R.C.C.T., from which a found 5/8 inch iron rod with a orange "P AND C" cap, bears N 00° 30' 48" E, 39.13 feet;

THENCE, S 00° 30' 48" W, departing said common line, along the common east line of said called 19.7020 tract of land and the west line of said Texas Power & Light Company tract, a distance of 64.37 feet to a 5/8 inch iron rod with a red “LAMB-STAR” cap set for corner on said proposed south R.O.W. line, from which a found 1/2 inch iron rod with a yellow “RLG INC” cap, bears S 00° 30' 48" W, 15.73 feet and being on a circular curve to the left, non-tangent to the preceding course, having a radius of 708.00 feet, whose chord bears N 78° 03' 25" W, a distance of 241.57 feet;

THENCE, Northwesterly, departing the said common east and west lines, over & across said called 19.7020 tract of land and along the said proposed south R.O.W. line and along said circular curve to the left, through a central angle of 19° 38' 45", a arc length of 242.76 feet to a 5/8 inch iron rod with a red “LAMB-STAR” cap set for corner;

THENCE, N 87° 52' 47" W, continuing over & across said called 19.7020 tract of land and along the said proposed south R.O.W. line, a distance of 186.76 feet to the POINT OF BEGINNING and containing 8,825 square foot or 0.203 acre or of land, more or less.
Field Notes Describing a 8,825 Square Foot (0.203 Acre) Parcel CB3-005B

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 May 2020 and Revised a Volume and Page in September 2020 and Revised Adjoiner Ownership in October 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 2,234 Square Foot (0.0513 Acre) Grading Easement CB3-005B-G

Being a 2,234 Square Foot (0.0513 Acre) tract of land situated in the J. Vance Survey, Abstract Number 938, in the City of Richardson, Collin County, Texas and being part of Tract 2, a called 19.7020 acre tract of land conveyed by M&A TEXAS PRAIRIE LP to PRAIRIE CREEK APTS LLC by Special Warranty Deed filed on October 11, 2012, as recorded in Instrument Number 20121011001294090 of the Official Public Records of Collin County, Texas, (O.P.R.C.C.T.), further being part of Lot 1, Block A of THE HOMES OF PRAIRIE CREEK ADDITION, an Addition to the City of Richardson, as recorded in Cabinet J, Page 277 of the Plat Records of Collin County, Texas (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 proposed southerly Right-Of-Way line the Cotton Belt Silver Line (Variable Width Right-Of-Way) and being the northeast corner of the herein described tract of land, from which a 3/8 inch yellow capped iron rod stamped, “P&C 100871” found for the northeast corner of Tract 1 of said Instrument Number 20121011001294090, same being the northeast corner of Lot 2A, Block A of THE HOMES OF PRAIRIE CREEK ADDITION, an Addition to the City of Richardson, as recorded in Cabinet J, Page 977, P.R.C.C.T. , further being on the southerly Right-Of-Way line of the President George Bush Turnpike (Variable Width Right-Of-Way), as recorded in a Donation Deed from the City of Richardson to The State of Texas and recorded in Volume 3373, Page 441 of the Deed Records of Collin County, Texas (D.R.C.C.T.) bears: along a curve to the right, having a radius of 708.00 feet and whose chord bears: South 76 Degrees 13 Minutes 02 Seconds East, a distance of 196.65 feet, through a central angle of 15 Degrees 57 Minutes 57 Seconds, for an arc length of 197.29 feet, North 00 Degrees 11 Minutes 46 Seconds East a distance of 103.50 feet;

THENENCE, departing said proposed Right-Of-Way line, over and across said Lot 1 the following three (3) courses and distances:

1. South 05 Degrees 49 Minutes 28 Seconds West, a distance of 13.57 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 87 Degrees 52 Minutes 47 Seconds West, a distance of 149.95 feet, to a 5/8 inch iron rod with a yellow plastic cap stamped, “ARS ENGINEERS” set for the southwest corner of the herein described tract of land;

3. North 02 Degrees 03 Minutes 06 Seconds East, a distance of 15.00 feet, to a 5/8 inch iron rod with a yellow plastic cap stamped, “ARS ENGINEERS” set on the aforementioned proposed Right-Of-Way line and being the northwest corner of the herein described tract of land;
**THENCE**, along the said proposed Right-Of-Way line the following two (2) courses and distances:

1. **South 87 Degrees 52 Minutes 47 Seconds East**, a distance of 105.41 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 708.00 feet and whose chord bears: **South 86 Degrees 02 Minutes 24 Seconds East**, a distance of 45.46 feet;

2. Along said curve to the right, through a central angle of 03 Degrees 40 Minutes 46 Seconds, for an arc length of 45.47 feet, to the **POINT OF BEGINNING** and containing 2,234 Square Feet or 0.0513 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.

Date

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
BEING a 21,030 square feet or 0.4828 acre tract of land situated in the Francis McCollough Survey, Abstract No. 586 and the John C. Campbell Survey, Abstract No. 241, City of Richardson, Collin County, Texas, said 21,030 square feet of land being a portion of a called 0.713 acre tract of land quitclaimed unto THE ATCHISON, TOPEKA and SANTA FE RAILWAY COMPANY, by quitclaim deed as recorded in Instrument Number 19940705000628680, Official Public Records, Collin County, Texas, said 21,030 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 at the northwest property corner of the said 0.713 acre tract, same being the intersection of the south right-of-way line of a called 100 feet wide right-of-way conveyed to Dallas Area Rapid Transit Acquisition Corporation by deed recorded in Instrument Number 1910111000019690, Official Public Records, Collin County, Texas, with the northeast right-of-way line of the remainder of a called 200 feet wide right-of-way conveyed to The Atchison, Topeka and Santa Fe Railway Company, no deed of record found, said beginning point being South 35°36'47" East, 106.29 feet from the south property corner of a called 4.558 acre tract of land quitclaimed unto The Atchison, Topeka and Santa Fe Railway Company, by quitclaim deed thereof filed for record in Instrument Number 19940705000628680, Official Public Records, Collin County, Texas;

THENCE North 74°11’34” East, along the north property line of the said 0.713 acre tract and along the south right-of-way line of the said 100 feet wide right-of-way, 998.82 feet to a “X” set;

THENCE South 24°07’30” West, departing the said property line, the said right-of-way line and over and across the said 0.713 acre tract, 43.66 feet to a “X” set on the south property line of the said 0.713 acre tract, same being the north property line of a called 0.618 acre tract conveyed to the City of Richardson, by deed thereof filed for record in Instrument Number 19940705000628660, Official Public Records, Collin County, Texas;

THENCE South 75°01’26” West, along the said property lines at a distance of 28.22 feet passing the northwest property corner of the said 0.618 acre tract, same being the northeast corner of a drainage easement conveyed to the City of Richardson, by deed thereof for record in Instrument Number 20200127000111880, Official Public Records, Collin County, Texas, continuing along the said south property line and along the north line of the said drainage easement, in all a total distance of 95.28 feet a 5/8 inch iron rod with a cap stamped “SPOONER 5922” set;

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

South 77°39’23” West, 200.23 feet to a 5/8 inch iron rod with a cap stamped “SPOONER 5922” set;

South 74°11’34” West, 499.00 feet to a 5/8 inch iron rod with a cap stamped “SPOONER 5922” set;

South 79°50’56” West, 101.46 feet to a 5/8 inch iron rod with a cap stamped “SPOONER 5922” set;

South 74°11’34” West, 72.10 feet to a 5/8 inch iron rod with a cap stamped “SPOONER 5922” set at the most southerly southwest property corner of the said 0.713 acre tract, same being the said northeast right-of-way line, from said iron rod set, a 5/8 inch iron rod with a cap stamped “CARTER BURGESS” (controlling monument) found at the north lot corner of Lot 5, Block A, Northside at UTD, being an Addition to the City of Cedar Hill, Collin County, Texas, according to the plat thereof filed for record in Instrument Number 20200122010000350, Official Public Records, Collin County, Texas, bears South 77°10’41” West, 162.70 feet;
THENCE North 35° 36’ 49” West, along the said southwest property line and along the said northeast right-of-way line, 10.63 feet to the POINT OF BEGINNING, containing 21,030 square feet or 0.4828 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

9-10-20
21,030 SQ. FT.
0.4828 AC.

FOUND IRON ROD
5/8" CAPPED IRON ROD SET STAMPED "SPOONER 5922"

CONTROLLING MONUMENT

DEED RECORDS, COLLIN COUNTY, TEXAS
OFFICIAL PUBLIC RECORDS, COLLIN COUNTY, TEXAS

PROPERTY TO BE ACQUIRED

LEGEND

TO BE ACQUIRED

O.P.R.C.C.T. OFFICIAL PUBLIC RECORDS, COLLIN COUNTY, TEXAS
D.R.C.C.T. DEED RECORDS, COLLIN COUNTY, TEXAS
IRF IRON ROD FOUND
(CM) CONTROLLING MONUMENT

5/8" CAPPED IRON ROD SET STAMPED "SPOONER 5922"

DEED RECORDS, COLLIN COUNTY, TEXAS
OFFICIAL PUBLIC RECORDS, COLLIN COUNTY, TEXAS

PROPERTY TO BE ACQUIRED

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
TWO.
2. All distances shown are surface values and
may be converted to grid by dividing by the
conversion factor for Dallas County of
1:00136506.
3. This survey was performed without the
benefit of a title commitment.
4. Easements were not researched by the
surveyor.

NOTES:
1.000136506 conversion factor for Dallas County of
may be converted to grid by dividing by the
1.000136506 factor for Dallas County.
2. 83 Published (CORS) Stations ZFW1 and
TWO.
3. All distances shown are surface values and
may be converted to grid by dividing by the
conversion factor for Dallas County of
1:00136506.
4. This survey was performed without the
benefit of a title commitment.
5. Easements were not researched by the
surveyor.

NOTE:

LOT 5, BLOCK A
NORTHSIDE AT UTD
INS. No. 20200122010000350
O.P.R.C.C.T.

NOTE:

REMAINDER OF THE "THIRD TRACT" CONVEYED TO
THE BOARD OF REGENTS OF THE UNIVERSITY OF TEXAS
VOL. 976, PG. 517, D.R.C.C.T.

LINE TABLE

<table>
<thead>
<tr>
<th>LINE #</th>
<th>BEARING</th>
<th>LENGTH</th>
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<tbody>
<tr>
<td>L1</td>
<td>S24°07'30&quot;W</td>
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<tr>
<td>L2</td>
<td>S75°01'26&quot;W</td>
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<td>S77°10'41&quot;W</td>
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<td>L5</td>
<td>S74°11'34&quot;W</td>
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<tr>
<td>L6</td>
<td>N35°36'49&quot;W</td>
<td>10.83'</td>
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</tbody>
</table>
Agenda Report

DATE:       June 8, 2021

SUBJECT:   Approval to Declare Public Necessity, Establish Just Compensation, and
           Authorize the Acquisition of Parcel DE2-003 Located in the City of Carrollton,
           Texas, for the Silver Line Regional Rail Project, and Authorize Eminent
           Domain Proceedings for the Parcel, if Necessary

RECOMMENDATION

Approval of a resolution: 1) declaring public necessity, establishing just compensation, and
authorizing the acquisition of Parcel DE2-003 located in the City of Carrollton, Texas, for the Silver
Line Regional Rail Project; and 2) authorizing eminent domain proceedings for the parcel, if
necessary.

FINANCIAL CONSIDERATIONS

• This real estate acquisition is included in the Silver Line project budget of the approved FY 2021
  Capital Budget.

• Sufficient funding for this real estate acquisition 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 this parcel is financed by the Federal Railroad Administration (FRA) Railroad
  Rehabilitation and Improvement Financing Program (RRIF) loan program.

BUSINESS PURPOSE

• The parcel illustrated in Attachment 1, and fully described in Exhibit 1 of the resolution, was not
  identified in the Final Environmental Impact Statement (FEIS) 10% design plans but was later
  added during design progression as necessary for drainage improvements for construction of the
  Silver Line project.

• 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 parcel 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 Parcel DE2-003 Located in the City of Carrollton, Texas, for the Silver Line Regional Rail Project and Authorize Eminent Domain Proceedings, if necessary.
Approval to Declare Public Necessity, Establish Just Compensation, and Authorize the Acquisition of Parcel DE2-003 located in the City of Carrollton, Texas, for the Silver Line Regional Rail Project and Authorize Eminent Domain Proceedings, 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 Parcel DE2-003 Located in the City of Carrollton, Texas, for the Silver Line Regional Rail Project, and Authorize Eminent Domain Proceedings for the Parcel, 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 parcel described in Exhibit 1 is required for the construction of the Silver Line Regional Rail project; and

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

WHEREAS, funding for this real estate acquisition 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 there is a public necessity for the acquisition of Parcel DE2-003 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 DE2-003. 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 Parcel DE2-003 Located in the City of Carrollton, Texas, for the Silver Line Regional Rail Project, and Authorize Eminent Domain Proceedings for the Parcel, 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 31,537 Square Foot (0.7240 Acre) Drainage Easement DE2-003

Being a 31,537 Square Foot (0.7240 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 Lot 1, Block 1 of the COLUMBIAN COUNTRY CLUB, an Addition to the City of Carrollton, as recorded in Instrument Number 20070193408 of the Official Public Records of Dallas County, Texas (O.P.R.D.C.T.) and being further described as a called 213.07 Acre tract of land conveyed by THE HONORS GOLF CLUB DALLAS to MA Columbian LLC by Special Warranty Deed dated December 31, 2013, as recorded in Instrument Number 201300392138, 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 of the Deed Records, Dallas County, Texas (D.R.D.C.T.), same being the southerly line of said Lot 1, Block 1 and being the west corner of the herein described tract of land, from which a found 1/2 inch iron rod, Controlling Monument, (CM), bears, North 78 degrees 13 minutes 49 seconds West along the common line of said Lot 1, Block 1 and said existing northerly Right-Of-Way line of DART, a distance of 1,793.05 feet to the southwest corner of said Lot 1, Block 1, same being the southeast corner of the Kelly Boulevard Athletic Facility Addition, an Addition to the City of Carrollton, as recorded in Vol. 95205, Page 3546, D.R.D.C.T., and South 00 degrees 42 minutes 11 seconds West, a distance of 0.47 feet;

THENCE departing the common line of said Lot 1, Block 1 and said existing northerly Right-Of-Way line of DART and over and across said Lot 1, Block 1 the following six (6) courses and distances:

1. North 11 Degrees 46 Minutes 11 Seconds East, a distance of 10.00 feet to a 5/8 inch iron rod with a yellow plastic cap stamped, “ARS ENGINEERS” set for corner;

2. South 84 degrees 32 minutes 37 seconds East, a distance of 276.68 feet to a 5/8 inch iron rod with a yellow plastic cap stamped, “ARS ENGINEERS” set for corner;

3. South 78 degrees 13 minutes 49 seconds East, a distance of 375.00 feet to a 5/8 inch iron rod with a yellow plastic cap stamped, “ARS ENGINEERS” set for corner;

4. South 72 degrees 52 minutes 55 seconds East, a distance of 326.42 feet to a 5/8 inch iron rod with a yellow plastic cap stamped, “ARS ENGINEERS” set for corner;

5. South 78 degrees 13 minutes 49 seconds East, a distance of 125.00 feet to a 5/8 inch iron rod with a yellow plastic cap stamped, “ARS ENGINEERS” set for corner;
6. 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 on the common line of the aforementioned Lot 1, Block 1 and the existing northerly Right-Of-Way line of DART and being the southeast corner of the herein described tract of land;

**THENCE** North 78 degrees 13 minutes 49 seconds West, along said common line, a distance of 1,100.00 feet to the **POINT OF BEGINNING** and containing 31,537 Square Feet or 0.7240 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

5-24-2021
COTTON BELT REGIONAL RAIL SYSTEM

A 31,537 SQUARE FOOT (0.7240 ACRES) DRAINAGE EASEMENT DE2-003 TO BE ACQUIRED FROM MA Columbia LLC

DECLARE PUB. NEC. & AUTH. ACQ. OF DE2-003

FILED DECEMBER 31, 2013

O.P.R.D.C.T.
INST. No. 201300392138
LOT 1, BLOCK 1
COLUMBIAN COUNTRY CLUB
INST. No. 2007019408
O.P.R.D.C.T.

THE HONORS GOLF CLUB DALLAS
SPECIAL WARRANTY DEED
CALLED 213.07 ACRES

5/24/2021
Agenda Report

Attachment: 1. Location Maps  
Voting Requirements: Majority

DATE: June 8, 2021

SUBJECT: Approval to Declare Public Necessity, Establish Just Compensation, and Authorize the Acquisition of Parcels CB3-HC2 and CB3-HC5 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 CB3-HC2 and CB3-HC5 located in the City of Dallas, Texas, for the Silver Line Regional Rail Project.

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 and 2 of the resolution, were not identified in the original FEIS 10% design plans but were added during design progression to support the construction of the depressed section of Hillcrest Road under 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 Parcel CB3-HC2 and CB3-HC5 Located in the City of Dallas, Texas, for the Silver Line Regional Rail Project.
DALLAS AREA RAPID TRANSIT

Approval to Declare Public Necessity, Establish Just Compensation, and Authorize the Acquisition of Parcels CB3-HC2 and CB3-HC5
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 CB3-HC2 and CB3-HC5 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 and 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 CB3-HC2 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 CB3-HC5 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 CB3-HC2 and CB3-HC5 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 2,959 Square Foot (0.0679 Acre) Parcel CB3-HC2

Being a 2,959 Square Foot (0.0679 Acre) tract of land out of the J. Overton Survey, Abstract Number 1108, Dallas, County, Texas, and the J. Overton Survey, Abstract Number 1115, Collin, County, Texas and being the remainder of a called 84.754 acre tract of land conveyed by DORIS McKAMY SKELTON, joined by husband, J.F. SKELTON to McKamy Development Corporation, a Texas corporation of Dallas County, Texas, as recorded by Warranty Deed with Vendor's Lien, filed on January 7, 1977 in Volume 1068, Page 900 of the Deed Records of Collin County, Texas (D.R.C.C.T.), further being recorded as Volume 77005, Page 2164 of the Deed Records of Dallas County, Texas (D.R.D.C.T.) and being more particularly described as follows:

BEGINNING at the southwest corner of said McKamy Development Corporation tract of land, same being the northwest corner of Lot 42, Block G/8200, out of the Highland of McKamy II, an Addition to the City of Dallas, as recorded in Volume 77054, Page 920, D.R.D.C.T., further being on the existing southerly Right-Of-Way line of the Dallas Area Rapid Transit (DART) corridor (100 foot Right-Of-Way), as recorded in Volume 88083, Page 4905, D.R.D.C.T. and being the southwest corner of the herein described tract of land;

THENCE, North 59 Degrees 10 Minutes 25 Seconds East, along the common line of said DART corridor and the McKamy Development Corporation tract of land, a distance of 117.75 feet, to a power pole found for corner on the existing westerly Right-Of-Way line of Hillcrest Road (100 foot Right-Of-Way), as recorded in said Volume 77054, Page 920 and being the beginning of a non-tangent curve to the right, having a radius of 770.00 feet and whose chord bears South 02 Degrees 21 Minutes 02 Seconds West, a distance of 59.59 feet, further being the north corner of the herein described tract of land, from which a 1/2 inch iron rod, Controlling Monument, (C.M.), found for the east corner of Lot 16, Block W/8200, out of the Fourth Section Preston Green North, an Addition to the City of Dallas, as recorded in Cabinet A, Page 397 of the Plat Records of Collin County, Texas (P.R.C.C.T.), same being the south corner of a 15 foot Alley, as recorded in said Cabinet A, Page 397, same being on the northerly Right-Of-Way line of said DART corridor, bears: North 87 Degrees 52 Minutes 45 Seconds West, a distance of 183.87 feet;

THENCE, departing said southerly DART Right-Of-Way line and along the common line of McKamy Development Corporation tract of land and westerly Right-Of-Way line of said Hillcrest Road, further being along said curve to the right, through a central angle of 04 Degrees 26 Minutes 06 Seconds, for an arc distance of 59.60 feet, to a Mag nail with an ARS washer set in a fence footing for the southeast corner of said McKamy Development Corporation tract of land, same being the northeast corner of the aforementioned Lot 42 and the southeast corner of the herein described tract of land, from which a 5/8 inch iron rod, Controlling Monument, (C.M.), found for the southwest corner of Lot 19, Block T/8200, out of the Correction Plat of the Highland Square, an Addition to the City of Dallas, as recorded in Volume G, Page 625 of P.R.C.C.T., same being the northwest corner of a 15 foot Alley in Block T/8200, as dedicated to the City of Dallas by said Volume 77054, Page 920, further being on the existing easterly Right-Of-Way line of said Hillcrest Road, bears: North 89 Degrees 28 Minutes 50 Seconds East, a distance of 100.35 feet;
THENCE, South 89 Degrees 31 Minutes 58 Seconds West, departing said Hillcrest Right-Of-Way and along the common line of the aforementioned Lot 42 and said McKamy Development Corporation tract of land, a distance of 98.67 feet the POINT OF BEGINNING and containing 2,959 Square Feet or 0.0679 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
Field Notes Describing a 24,235 Square Foot (0.5564 Acre) Drainage Easement CB3-HC5

Being a 24,235 Square Foot (0.5564 Acre) tract of land out of the J. Overton Survey, Abstract Number 1115, Collin County, Texas and being all of the remainder of a called 15.1281 Acre tract of land conveyed from TEXAS AMERICAN LAND CORPORATION and RICHLAND MEADOWS, INC. to TEXAS AMERICAN LAND CORPORATION by General Warranty Deed filed on August 20, 1980, as recorded in Volume 1293, Page 689 of the Deed Records of Collin County, Texas (D.R.C.C.T.), and being more particularly described as follows:

BEGINNING at a 5/8 inch iron rod with a yellow plastic cap stamped, “ARS ENGINEERS” set for the west corner of said remainder tract of land, same being on the existing easterly Right-Of-Way line of Hillcrest Road (100 foot Right-Of-Way), further being on the existing southerly Right-Of-Way line of the Dallas Area Rapid Transit (DART) corridor (100 foot Right-Of-Way), as recorded in Volume 88083, Page 4905 of the Deed Records of Dallas County, Texas (D.R.D.C.T);

THENENCE, departing said existing easterly Right-Of-Way line of Hillcrest Road and along the common line of said remainder tract of land and said southerly Right-Of-Way line of the DART corridor, North 59 Degrees 10 Minutes 25 Seconds East, a distance of 778.05 feet, to a 5/8 inch iron rod with a yellow plastic cap stamped, “ARS ENGINEERS” set for the north corner of said remainder tract of land, same being on the existing south Right-Of-Way line of McCallum Boulevard (Variable Width Right-Of-Way);

THENENCE, departing said common line, and along said existing south Right-Of-Way line of McCallum Boulevard, North 89 Degrees 21 Minutes 47 Seconds East, a distance of 59.23 feet to a 1/2 inch iron rod found (I.R.F.), Controlling Monument, (C.M.), for the east corner of said remainder tract of land, same being a north angle point of Lot 16, Block I of the Correction Plat of a Part of the Replat of Highland Square, an Addition to the City of Dallas, as recorded in Cabinet G, Page 625 of the Plat Records of Collin County, Texas (P.R.C.C.T.), further being the southwest corner of a 10 foot Street Dedication, as recorded in Cabinet C, Page 186, P.R.C.C.T;

THENENCE, departing said existing south Right-Of-Way line of McCallum Boulevard and along the southeasterly line of said remainder tract of land, same being the northwesterly line of said Correction Plat of a Part of the Replat of Highland Square, South 59 Degrees 10 Minutes 25 Seconds West, a distance of 846.74 feet to a 5/8 inch iron rod with a yellow plastic cap stamped, “ARS ENGINEERS” set for the south corner of said remainder tract of land, same being the northwest corner of Lot 19, Block T/8200 of said Correction Plat of a Part of the Replat of Highland Square, further being on the aforementioned existing easterly Right-Of-Way line of Hillcrest Road, from which from which a 5/8 inch iron rod, C.M., found for the southwest corner of Lot 19, Block T/8200, of said Correction Plat of the Replat of Highland Square, same being the northwest corner of a 15 foot Alley in Block T/8200, as dedicated to the City of Dallas by Volume 77054, Page 920, D.R.D.C.T., and being on the existing easterly Right-Of-Way line of Hillcrest Road (100 foot Right-Of-Way), as recorded in said Volume 77054, Page 920, bears: South 00 Degrees 28 Minutes 05 Seconds East, a distance of 15.89 feet, to a
corner for the beginning of a non-tangent curve to the right, having a radius of 870.00 feet and whose chord bears: South 01 Degrees 45 Minutes 25 Seconds West, a distance of 67.55 feet, through a central angle of 04 Degrees 27 Minutes 00 Seconds, for an arc length of 67.57 feet;

**THENCE**, departing said common line and along the west line of said remainder tract of land, same being the aforementioned existing easterly Right-Of-Way line of Hillcrest Road, North 00 Degrees 28 Minutes 05 Seconds West, a distance of 34.63 feet, to the **POINT OF BEGINNING** and containing 24,235 Square Feet or 0.5564 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

4-12-2021
DATE: June 8, 2021

SUBJECT: Approval to Extend the GoLink On-Demand Site-Specific Shuttle Service Funding Agreement with Amazon Fulfillment Center FTW1

RECOMMENDATION

Approval of a resolution authorizing the Interim President & Chief Executive Officer or his designee to execute an extension for the GoLink On-Demand Site-Specific Shuttle Service Funding Agreement with Amazon Fulfillment Center FTW1, substantially in the form shown in Exhibit 1 to the Resolution and subject to legal review, for funding of DART’s portion (50%) of the total cost of $60,000, for weekend and holiday services for one year, for a total authorized amount not to exceed $30,000.

FINANCIAL CONSIDERATIONS

- This service agreement for Site-Specific Shuttle Service is included in the Planning and Development Department's proposed FY 2022 operating budget.

- Sufficient funding for this service agreement in the amount of $30,000 is included in both the Planning Department’s proposed FY 2022 Operating Expense budget and the Total Operating Expense line item of the approved FY 2021 Twenty-Year Financial Plan.

- The funding agreement with Amazon Fulfillment Center FTW1 will provide 50% of the balance of the cost of the service.

BUSINESS PURPOSE

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

- On April 14, 1998 (Resolution No. 980078), the Board approved DART Board Policy III.16, Site-Specific Shuttle Service Policy, that allows a city in the DART Service Area or a private entity to provide funding to support DART fixed-route service. (See Attachment 1.)

- On August 14, 2018 (Resolution No. 180066), the Board approved the Site-Specific Shuttle Agreement with Amazon Fulfillment Center FTW1 for the operation of weekend and holiday services. The service operates between 5:00 a.m. and 8:00 a.m. during morning peak hours and 5:00 p.m. to 8:00 p.m. during evening peak hours, meeting the shift time for Amazon.
• GoLink is a demand-response service, providing "last mile" access to and from the rest of the DART rail and bus network. Customers schedule their on-demand trips through GoPass to receive curbside service. The GoPass app is free from the Google Play Store or Apple Store.

• The Inland Port’s GoLink On-Demand Shuttle Service was first introduced in February 2018 serving parts of Southern Dallas County. The GoLink on-demand service shall be open to the public traveling within the Inland Port Zone during designated weekends and holidays. (See Attachment 2.)

• DART’s on-demand service, operated by MV Transportation, Inc., includes a mixed supply of vehicles consisting of transportation network companies (TNCs), taxi companies, UberPool, and other dedicated lift or ramp equipped vehicles for passengers seeking paratransit service. Any passenger boarding this service will be required to pay a valid local fare as established by the DART Fare Structure.

• Amazon weekend ridership is slowly rebounding to pre-pandemic levels. Average daily ridership through FY 2021 is 25 riders compared to 30 riders for FY 2020. During FY 2019, average daily ridership was 35 riders.

• Amazon is seeking to renew the Site-Specific Shuttle Service Funding Agreement for weekend and holiday services for FY 2022, operating between UNT Dallas Station and Amazon Fulfillment Center FTW1. The service would be extended beginning on October 1, 2021, and ending September 30, 2022.

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

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 Service 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.
Site Specific Shuttle Service Policy

DATE ISSUED: April 14, 1998
Resolution No. 980078
Amended by Resolution: 070120
Policy No. III.16 (Operations)

Section 1:

1.1 It is the policy of the DART Board to consider partial funding (up to 50%) of circulator/distributor shuttle services (bus or van) which connect to rail stations or transit centers and are operated by employers or other private entities. In order to be considered for funding, such services must enhance the DART system and must meet Board adopted standards for performance of circulator/distributor service (as provided for in the adopted Service Standards, Policy III.11). DART participation in support of such services should be commensurate with the degree of enhancement to the DART system. A process diagram is shown in Attachment 1.

1.2 Service proposals brought to the Board for consideration under this section of the Policy should at minimum, include:

A. A projection of new riders (passenger trips) attracted to the DART system through the provision of the proposed service. Evaluation of the degree to which a proposed service is an enhancement to the DART system will primarily be determined by the calculated subsidy per new rider.
B. A description of DART's participation in the solicitation and selection of the contractor or operator of the proposed service.
C. The proposed routing and scheduling of the service (including how the service interfaces with DART rail or DART Transit Centers).
D. The proposed fare and fare media for the service.
E. Indemnification of DART relative to the liability associated with operation of the proposed service.
F. Proposed service quality standards, as well as a methodology for assuring attainment of standards.
G. Proposed service identification (identification of the service as being partially DART sponsored).
H. A description of how accessibility of the service will be provided.

1.3 A proposal for a service agreement with a college or university located within the DART Service Area and accredited by the Commission on Colleges of the Southern Association of Colleges and Schools that is brought to the Board for consideration under this section may include, as part of the consideration for entering the agreement, access to the DART fixed-route system for students, faculty and staff of the college or university.

Section 2:

2.1 Further, it is the policy of the DART Board to consider the initiation or continuation of DART-operated circulator/distribution shuttle services (bus or van) which connect to rail stations or transit centers where performance of the service is marginal, but where an employer or other entity agrees to subsidize the service. The amount of the subsidy will be determined in accordance with the performance standards for the Circulator/Distributor category of service as established within DART's adopted Service Standards.

2.2 In keeping with the adopted Service Standards, route performance will be measured by three indicators; passenger/mile, passengers, trip and subsidy per passenger, and indexed within each service category. Service will only be initiated or continued under this section of the Policy if the subsidy provided by the employer or other entity results in the route meeting the minimum required performance level (an indexed score of 0.6, when all three performance indicators are considered). Performance of each route will be evaluated on a quarterly basis and adjustments made in the subsidy requirement, as necessary, to comply with the performance threshold established by the Service Standards. The route performance process is shown in Attachment 2.

2.3 This policy is intended to supplement DART initiated services and not limit the provision of any DART initiated services.

2.4 DART's financial participation in services would be paid for through the incremental bus operations funding included in the financial bus plan. New service proposals under this policy will only be considered where "currently approved" funding exists to support them.
Board-Approved Expenditure Justification
To Extend the GoLink On-Demand Site-Specific Shuttle Service Funding Agreement with Amazon

<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>Allow continuation of GoLink service since current agreement ends in 9/30/2021</td>
<td>$30,000</td>
<td>Annual agreement which ends 9/30/2021</td>
<td>Site Specific Shuttle Funding Agreement</td>
<td>Yes</td>
<td>Yes, without the new agreement service will end since current agreement ends after 9/30/21.</td>
<td>No</td>
<td>This is a one-year funding agreement. No changes in annual dollar amount from FY 2021.</td>
</tr>
</tbody>
</table>
DRAFT

RESOLUTION

of the

DALLAS AREA RAPID TRANSIT BOARD

(Executive Committee)

Approval to Extend the GoLink On-Demand Site-Specific Shuttle Service Funding Agreement with Amazon Fulfillment Center FTW1

WHEREAS, on April 14, 1998 (Resolution No. 980078), the Board approved the DART Board Policy III.16, Site-Specific Shuttle Service Policy, that allows a city in the DART Service Area or a private entity to provide funding to support DART fixed-route service; and

WHEREAS, in accordance with Policy No. III.16, DART’s financial participation in this service agreement may be up to 50% of the shuttle service cost; and

WHEREAS, on August 14, 2018 (Resolution No. 180066), the Board approved the Site-Specific Shuttle Funding Agreement with Amazon Fulfilment Center FTW1, for GoLink on-demand services; and

WHEREAS, Amazon is seeking to renew the Site-Specific Shuttle Service Funding Agreement for weekend and holiday services for FY 2022. The service would be extended beginning on October 1, 2021 and ending September 30, 2022; and

WHEREAS, DART will operate the GoLink On-Demand Site-Specific Shuttle Service between UNT Dallas Station and Amazon Fulfillment Center FTW1 for weekend and holiday services; and

WHEREAS, Amazon will pay 50% of the weekend and holiday service not to exceed $30,000; and

WHEREAS, DART will pay the balance of the cost of the weekend and holiday service, not to exceed $30,000; and

WHEREAS, funding for this service agreement is within proposed FY 2022 budget and current 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 GoLink On-Demand Site-Specific Shuttle Service Funding Agreement with Amazon Fulfillment Center FTW1, substantially in the form shown in Exhibit 1 to the Resolution and subject to legal review, for funding of DART’s portion (50%) of the total cost of $60,000, for weekend and holiday services for one year, for a total authorized amount not to exceed $30,000.
Approval to Extend the GoLink On-Demand Site-Specific Shuttle Service Funding Agreement with Amazon Fulfillment Center FTW1

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
SHUTTLE SERVICE AGREEMENT
between
Dallas Area Rapid Transit
and
Amazon.com Services, Inc.

THIS AGREEMENT ("Agreement") is made and entered into by and between DALLAS AREA RAPID TRANSIT ("DART"), a regional transportation authority organized and existing pursuant to Chapter 452 of the Texas Transportation Code, and Amazon.com Services, Inc. ("AMAZON"), a Delaware entity authorized to do business in Texas.

WITNESSETH:

WHEREAS, DART, is willing to operate an “On-Demand” public shuttle service known as GoLink (hereafter “GoLink” or the “Service”) within the Inland Port Zone (the “Zone”) bounded by the UNT Dallas Station and Amazon Fulfillment Center FTW1 located at 33333 J. J. Lemmon Rd, Dallas, TX 75241 (the “Facility”) as depicted in the map attached hereto as Exhibit 1, which is incorporated for all purposes herein.

WHEREAS, AMAZON is willing to pay the cost of the Service not to exceed $30,000 as further described below.

NOW THEREFORE, in consideration of the premises and other good and valuable consideration herein set forth, the receipt and sufficiency of which is hereby acknowledged, DART and AMAZON hereby agree as follows:

1. Service Description. The Service shall consist of On-Demand weekend service between DART’s UNT Station and the Facility every Saturday and Sunday from 5:00 AM to 8:00 AM and 5:00 PM to 8:00 PM within the boundaries described hereinabove.

1.01. The Service shall include and operate on the following holidays: Memorial Day, July 4, Labor Day, Thanksgiving Day, the day after Thanksgiving, and New Year’s Day. No service on Christmas Day.

2. Term and Termination.

2.01. The term of this Agreement shall begin on the 1st day of October 2021 and terminate at midnight on the 30th day of September 2022, unless terminated sooner as set forth herein.

2.02. Any party shall have the right to terminate this Agreement by giving the other party thirty (30) days notice.

2.03. In the event that a party breaches this Agreement, the other party may terminate the Agreement, upon giving (10) days advance written notice of termination to the other party. The notice shall identify the alleged breach as a basis for termination. If
given a 10-day notice of termination as set forth herein, there shall be a simultaneous 10-day right to cure the breach.

3. DART Duties and Responsibilities.

3.01. DART shall provide the On-Demand Service through a mixed supply of vehicles consisting of vehicles provided by transportation network companies, taxi companies, and other dedicated lift or ramp equipped vehicles (the “Vehicles”) for passengers seeking paratransit service.

3.02. The Vehicles shall be fully compliant with the American With Disabilities Act of 1990 (42 U.S.C. §§ 12101-12213) (the “Act”) and relevant regulations applicable thereto, licensed for passenger operations by the State of Texas, and equipped with a two-way radio.

3.03. The operators of the Vehicles shall be duly licensed by the State of Texas to operate vehicles of the type and size described herein.

3.04. No Vehicle operator shall have had more than two moving violations within a one year period.

3.05. DART shall collect fares for the Service. Passengers will be required to pay DART’s current local fare as established and published by DART from time-to-time.

3.06. DART shall be responsible for the safe operation of the Vehicles and the reasonable protection of the passengers related to the Service.

3.07. DART shall keep the Vehicles in DART’S customarily maintained condition, but no less than industry standard conditions.

3.08. DART shall comply with all laws, ordinances and regulations applicable to the Service.

3.09. DART shall provide AMAZON with reports detailing ridership, or other measures used by DART to measure performance of the Service.

4. AMAZON Duties and Responsibilities.

4.01. AMAZON shall reimburse DART for the cost of the Service (not to exceed $30,000 paid by Amazon) during the term of this Agreement, in accord with DART’S Policy III.16, as may be amended from time-to-time.

4.02. AMAZON releases DART from any responsibility or liability for wear and tear on pavement surfaces or other use of the Facility.

4.03. AMAZON hereby grants DART a right of access into the perimeter of the Facility for the purpose of pick-up and delivery of passengers as described herein.
AMAZON shall ensure that the Facility is available for the Service and complies with all applicable law, including by example, and not limitation, the Act.

4.04. AMAZON acknowledges the number of passengers desiring the Service may exceed Vehicle capacity from time-to-time. In this event, the operator will unload the passengers at the desired destination and make an additional trip to accommodate the remaining passengers.

4.05. AMAZON acknowledges the Service is not exclusive for AMAZON employees and will be available to the members of the public wishing to travel within the Zone.

4.06. AMAZON shall promote the Service and provide relevant information to employees regarding use of the Service.

4.07. AMAZON acknowledges that marketing and communications regarding the Service may require the use of marks and logos that are owned by each of the parties. The parties agree to such limited use of their individually registered marks, logos, and trade names solely in connection with providing and promoting the Service. DART will not use AMAZON’s marks, logos, trade names or similarly protected items without AMAZON’s prior written consent.

4.08. AMAZON shall participate with DART in periodic planning Service evaluation meetings.

5. Force Majeure. DART shall at all times use reasonable commercial efforts to provide the Service, but DART does not warrant or guarantee uninterrupted Service. Neither party shall be liable for any special, direct or consequential damages relating to or arising from a reasonably unforeseeable interruption in Service. The obligations of DART to perform under this Agreement shall be suspended to the extent that DART is unable to perform as a result of causes beyond the reasonable control and without fault or negligence of DART, its employees, agents or contractors, including, but not limited to, equipment breakdown, accidents, acts of nature, and governmental action. In such event, DART shall use reasonable efforts to eliminate the cause of the suspension as quickly as possible and notify AMAZON of any such delay.

6. Billing and Payment. DART shall submit monthly invoices to AMAZON stating the amount due for Service for the upcoming month. AMAZON shall make payment of each invoice within thirty (30) days after receipt thereof. The provisions of Chapter 2251 of the Texas Government Code, Payment for Goods and Services, shall apply to payment under this Agreement. AMAZON shall send payments to DART electronically to an account identified by DART, or by US mail to the following address:

Dallas Area Rapid Transit
Accounts Receivable
P.O. Box 840009
Dallas, TX 75284-0009
7. Audit; Retention of Records. Upon reasonable advance notice to DART during the term hereof, AMAZON shall have the right to request an audit of DART’s records related to the operation of the Service. DART shall retain adequate records for auditing purposes for a period of three (3) years after the end of the term hereof.

8. Insurance. DART shall, at all times during the term of this Agreement provide and maintain, a program of self-insured automobile and general liability insurance that meets its obligations as outlined in the Texas Tort Claims Act, Section 101.00 Civil Practice and Remedies Code. DART shall also maintain a program of self-insured worker’s compensation insurance and employers liability for the benefit of its employees that complies with the Texas Workers Compensation Act.


9.01. Nothing contained herein shall waive or limit DART’s governmental immunity defense or other available defenses to any claim hereunder or otherwise.

9.02. TO THE EXTENT PERMITTED BY APPLICABLE LAW, AMAZON SHALL DEFEND, INDEMNIFY AND HOLD DART, THEIR DIRECTORS, OFFICERS, EMPLOYEES AND CONTRACTORS 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 TAKING PLACE DURING THE PERFORMANCE OF THIS AGREEMENT, WHICH INJURY OR DAMAGE RESULTS FROM NEGLIGENCE OR MISCONDUCT ON THE PART OF AMAZON, ITS AGENTS, EMPLOYEES, CONTRACTORS, VISITORS OR INVITEES.

9.03. IN THE EVENT OF JOINT AND CONCURRING NEGLIGENCE OR FAULT OF DART AND/OR AMAZON, RESPONSIBILITY AND INDEMNITY, IF ANY, SHALL BE APPORTIONED COMPARATIVELY 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. THE PROVISIONS OF THIS SECTION 9 SHALL SURVIVE TERMINATION OR EXPIRATION OF THIS AGREEMENT.


10.01. Assignment. This Agreement shall not be assigned without the prior written consent of the parties. Notwithstanding the foregoing, AMAZON may assign this Agreement to any of its Affiliates, without DART’s consent. “Affiliate” means, with respect to a particular person, any entity that directly or indirectly controls, is controlled by, or is under common control with such person.
10.02. Notices. Any notice required or permitted to be given by either party to the other shall be in writing and shall be deemed to have been duly given when delivered personally or sent by certified mail, 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 75266-7202
Attention: Vice President, Planning and Development

AMAZON
Amazon Fulfillment Center FTW1
33333 J J Lemmon Rd, Dallas, Texas 75241
Attention: Chad Buck, General Manager

10.03. Governing Law; Venue. This Agreement shall be construed and enforced in accordance with the laws of the State of Texas, and is entirely performable in Dallas County, Texas. Venue for any legal action arising by reason of this Agreement shall be in the courts of Dallas County, Texas.

10.04. Entirety and Amendments. This Agreement embodies the entire agreement between the parties and supersedes all prior agreements and understandings, if any, relating to the matters addressed herein, and may be amended or supplemented only by a written instrument executed by the party against whom enforcement is sought.

10.05. Parties Bound. This Agreement shall be binding upon and inure to the benefit of the executing parties and their respective successors and approved assigns.

10.06. Number and Gender. Words of any gender used in this Agreement shall be held and construed to include any other gender; and words in the singular shall include the plural and vice versa, unless the text clearly requires otherwise.

10.07. No Partnership or Joint Enterprise. The parties hereto acknowledge and agree that the relationship described herein between the parties is not intended to be a partnership, a joint enterprise or any other relationship wherein one party is the agent for the other or liable for the other’s obligations of any nature. Specifically, the parties disclaim that there is any common purpose, any equal right of control or pecuniary interest regarding their relationship described in this Agreement.

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

10.09. 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.
(SIGNATURES APPEAR ON NEXT PAGE)
IN WITNESS WHEREOF, the parties have executed this Agreement in multiple originals as of the 1st day of October, 2021.

DALLAS AREA RAPID TRANSIT

By: ____________________________
    David Leininger
    Interim President & Chief Executive Officer

Date: ____________________________

AMAZON.COM SERVICES, INC.

By: ____________________________

Name: ____________________________

Title: ____________________________

Date: ____________________________
Exhibit 1

MAP - Exhibit 1

Amazon Fulfillment Center FTW1

Approval of AMAZON GoLink Service

6/3/2021 1:51:50 PM
Agenda Report

DATE: June 8, 2021
SUBJECT: Briefing on the Draft 2045 Transit System Plan

RECOMMENDATION

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

BUSINESS PURPOSE

• Staff will brief the Planning and Capital Programs Committee on the continued development of the Draft 2045 Transit System Plan with a focus on highlighting a range of capital, operating, and program opportunities.

• 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.

• On October 24, 2006 (Resolution No. 060177), the 2030 DART Transit System Plan was approved by the DART Board.

• DART staff updates the Transit System Plan on a regular basis to reflect new and changed conditions.

• An update to the DART Transit System Plan was initiated in 2014 for a horizon year of 2040. Based on additional time needed to address DART Board member requests, as well as to align with the North Central Texas Council of Governments (NCTCOG) Metropolitan Transportation Plan (MTP) Mobility 2045, the horizon year was extended to year 2045 in early 2019. The update will assess potential services, programs, and projects through this timeframe, and is closely coordinated with the Twenty-Year Financial Plan.

• On May 27, 2014, the DART Planning Committee was briefed on a phased approach to the 2040 Transit System Plan, data availability, coordination with the NCTCOG Mobility 2040 Plan development, and schedule. Phase 1 included a Comprehensive Operations Analysis (COA) and Phase 2 entails assessment of longer-range capital programs and projects through the year 2040.

• Numerous briefings have been made to the Planning Committee on the 2040 Transit System Plan Phase 1 COA effort, which resulted in a Draft Bus Service Plan, outlining recommendations to improve efficiencies and ridership. Public and stakeholder input, as well as extensive data analysis, were the basis for the draft COA recommendations.

• The DART Board was provided a copy of the Draft 2040 Transit System Plan for review and comment on May 26, 2017. At that time, staff was continuing to refine the document and would incorporate Board comments prior to distribution to the public.
On June 6, 2017, the Committee-of-the-Whole approved a draft resolution to distribute the Draft 2040 Transit System Plan to the public and service area cities for review and comment. This resolution was not forwarded to the DART Board for consideration pending continued review and discussion of the draft plan by the current DART Board of Directors.

An updated Draft 2040 Transit System Plan was provided to the DART Board on October 20, 2017. However, additional time was requested by the DART Board to refine the bus service strategy and review bus service standards, develop additional high capacity corridor evaluation criteria, and assess additional opportunities such as new technology and streetcar.

DART Service Planning staff reviewed bus service standards with the DART Board from December 2017 through September 2018. Revised service standards were approved by the DART Board in October 2018.

Based on the February 2019 DART Board Workshop, DART staff is advancing the DARTzoom Bus Network Redesign effort that will examine ridership vs. coverage-based scenarios and incorporate a robust stakeholder involvement plan. This effort is in process and being coordinated with the 2045 Transit System Plan. Integration of both efforts resulted in a revised schedule for development of the draft 2045 Transit System Plan by Spring 2021 to align with and integrate DARTzoom recommendations. Final plans for both efforts are scheduled for Summer 2021.

A Transit System Plan Progress Report was published in June 2019 to provide an interim report while the new Transit System Plan and Streetcar Master Plan are in development. Since that time staff has continued to brief the committee regularly on key topics.

In February 2020, the committee was briefed on the high capacity corridor evaluation results.

In March and April 2020, DART staff presented the overall framework for the Transit System Plan including key themes centered around topics such as Mobility as a Service (MaaS) and provided updates on Streetcar Master Plan progress.

In May 2020, staff presented draft goals and actions related to two themes: “Mobility and Innovation” and “Land Use and Economic Development.” This briefing also provided an overview of streetcar options and preliminary ridership and cost information.

The Draft Definition of Potential Streetcar Corridors is complete and was distributed to city staff for review on May 18, 2020, and was also made available to the DART Board. Follow-up meetings were conducted with all cities.

Due to other critical agenda items, the staff update on the 2045 Transit System Plan was postponed at the June and July meetings of the Board’s Planning and Capital Programs Committee. Therefore, the presentation for the 2045 Transit System Plan’s initial draft goals and actions for the third theme (Service and Expansion) was distributed by Board packet prior to the August 11, 2020 meeting.

At the August 11, 2020 Planning and Capital Programs Committee, staff reviewed an updated schedule for the 2045 Transit System Plan and draft goals and actions for the Rider Experience theme. Staff also provided an update on the Streetcar Master Plan and service area city meetings.

At the September 8, 2020 DART Board Planning and Capital Programs Committee, staff reviewed the Collaboration theme for the Transit System Plan and provided a status update on the Streetcar Master Plan.
The October 6, 2020 Committee briefing highlighted proposed dates and materials for the fall outreach on the Transit System Plan. The five themes and associated draft goals and actions have been the focus for fall virtual outreach to share information and obtain feedback from the public and service area cities. The Committee was briefed on recent meetings related to the Streetcar Master Plan and the progress towards a draft plan.

In October, DART completed a Progress Update on the 2045 Transit System Plan and provided it to service area City Managers and the DART Board.

During October and November 2020, DART staff met with DART Service Area city staff to review the TSP framework, themes, and draft goals and actions. Meetings were held with 11 of the 13 cities and city staff feedback will be provided during December.

On November 19, 2020, staff provided a briefing to the DART Citizens Advisory Committee.

On December 3, 2020, DART held two virtual public meetings at noon and 6:30 pm to review the progress on development and the TSP. A public feedback form is on-line and being promoted to receive input on the key themes and opportunities.

On December 4, 2020, a memorandum was provided to the DART Board, including a brief status presentation and overview of recent public and city outreach activities.

On January 12, 2021, the Planning and Capital Programs Committee briefing included a summary of the fall outreach activities, comments received to date from both the public and DART cities, and overview of next steps. A short update on the Streetcar Master Plan was also provided.

On March 5, 2021, a memorandum was provided to the DART Board to summarize key findings and a compilation of DART Service Area city staff feedback on the draft goals and actions related to the 2045 Transit System Plan.

The June 8, 2021 Planning and Capital Programs Committee briefing will highlight the development of the Draft 2045 Transit System Plan with a focus on highlighting a range of capital, operating, and program opportunities.