

Memorandum



CITY OF DALLAS

DATE November 3, 2017

TO Honorable Mayor and Members of the City Council

SUBJECT **November 8, 2017 Agenda Item #24 – Correction Memo**

Please note the following corrections to the November 8, 2017 Agenda Item #24:

SUBJECT

Authorize a twenty-year development, operation, and maintenance agreement, with one five-year renewal option, with Harwood International Inc. for the development, operation, and maintenance of a pedestrian sidewalk and landscape improvements for purposes of connecting to and providing public access from the adjacent Jack sStreet right-of-way through adjacent North Texas Tollway Authority (NTTA) owned property to that portion of the Katy Trail located at the intersection with McKinnon sStreet right-of-way, contingent upon authorization and execution of a use agreement between the City and NTTA for the use of the participating NTTA property northern terminus of North Harwood Street - Financing: No cost consideration to the City

BACKGROUND

This action will authorize a twenty-year development, operation, and maintenance agreement, with one five-year renewal option, with Harwood International Inc. (Harwood) for the development, operation, and maintenance of a pedestrian sidewalk and landscape improvements for purposes of connecting to and providing public access from the Jack sStreet right-of-way through adjacent NTTA owned property to that portion of the Katy Trail located at the intersection with McKinnon sStreet right-of way, contingent upon authorization and execution of a use agreement between the City and NTTA for the use of the participating NTTA property North Harwood Street (Exhibit A, attached to the Resolution).

The agreement will be subject to the following terms:

1. The term is for 20 years with one consecutive five-year renewal option.
2. Harwood at its own cost, is responsible for the development of the design, plans, and specifications for the improvements to be made to the park. Harwood will submit the design to the Park and Recreation Department for review and approval prior to commencement of construction.

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BACKGROUND (continued)

3. Harwood at their own cost, is responsible for the maintenance and repair of the improvements during the term of the agreement.
4. Harwood will manage the design and construction through its own consultants and contractors and will be responsible for all permits and other approvals. All consultants and contractors are required to provide insurance that is consistent with what is required by City consultants and contractors.
5. Harwood agrees to allow the public access to the Katy Trail ~~from North Harwood Street~~.
6. The City of Dallas will retain the right to require Harwood to modify the improvements if and when necessary to maintain the public safety of the Katy Trail.

Resolution

WHEREAS, the City Charter provides for the Park and Recreation Board to grant contracts and agreements regarding improvements supporting within park facilities with such terms and conditions as it shall deem proper; and

WHEREAS, the North Texas Tollway Authority (NTTA) is the owner of a certain tract of land located at the intersection of McKinnon sStreet right-of-way and the Katy Trail (the “adjacent NTTA owned property”) which the City of Dallas is desirous to use as a pedestrian accessway to the Katy Trail; and

WHEREAS, the City of Dallas Park and Recreation Department (City) and Harwood International Inc. (Harwood), a Texas Corporation, desire to enter into a twenty-year development, operation, and maintenance agreement, with one five-year renewal option for the purpose of ~~development, operation, and maintenance of a portion of parkland at the Katy Trail located at North Harwood Street~~ developing and maintaining a pedestrian accessway and landscape improvements from Jack sStreet right-of-way through the adjacent NTTA owned property to that portion of the Katy Trail located at the intersection with McKinnon sStreet right-of-way shown in Exhibit A; and

WHEREAS, the City of Dallas is currently seeking the necessary use authorization of the adjacent NTTA owned property to facilitate the pedestrian accessway to the Katy Trail; and

WHEREAS, the City desires to have Harwood develop, operate, and maintain a public pedestrian accessway and landscape improvements on the adjacent NTTA owned property and the participating portion of the Katy Trail parkland during the Term of the Agreement for use and enjoyment of all City of Dallas citizens.

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Now, Therefore,

BE IT RESOLVED BY THE PARK AND RECREATION BOARD AND THE CITY COUNCIL OF THE CITY OF DALLAS:

SECTION 1. That upon execution and authorization of a use agreement between the City and NTTA for the use of the adjacent NTTA owned property, the City Manager is hereby authorized to sign a twenty-year development, operation, and maintenance agreement, with one five-year renewal option, with Harwood International, Inc., approved as to form by the City Attorney, for the development, operation, and maintenance of a portion of parkland at the Katy Trail.



Willis C. Winters, FAIA
Director
Park and Recreation Department

Attachments

c: Larry Caslo, City Attorney
T.C. Broadnax, City Manager
Craig D. Kinton, City Auditor
Biliera Johnson, City Secretary (Interim)
Daniel F. Solis, Administrative Judge
Kimberly Bizar Tolbert, Chief of Staff to the City Manager
Majed A. Al-Ghafry, Assistant City Manager
Jo M. (Jody) Puckett, Assistant City Manager (Interim)

Jon Fortune, Assistant City Manager
Joey Zapata, Assistant City Manager
M. Elizabeth Reich, Chief Financial Officer
Nadia Chandler Hardy, Chief of Community Services
Raquel Favela, Chief of Economic Development & Neighborhood Services
Theresa O'Donnell, Chief of Resilience
Directors and Assistant Directors

STRATEGIC PRIORITY: Quality of Life

AGENDA DATE: November 8, 2017

COUNCIL DISTRICT(S): 2

DEPARTMENT: Park & Recreation

CMO: Willis Winters, 670-4071

MAPSCO: 45A E

SUBJECT

Authorize a twenty-year development, operation, and maintenance agreement, with one five-year renewal option, with Harwood International Inc. for the development, operation, and maintenance of a pedestrian sidewalk and landscape improvements for purposes of connecting to and providing public access from ~~the adjacent Jack sStreet right-of-way through adjacent North Texas Tollway Authority (NTTA) owned property to that portion of the Katy Trail located at the intersection with McKinnon sStreet right-of-way, contingent upon authorization and execution of a use agreement between the City and NTTA for the use of the participating NTTA property northern terminus of North Harwood Street~~ - Financing: No cost consideration to the City

BACKGROUND

This action will authorize a twenty-year development, operation, and maintenance agreement, with one five-year renewal option, with Harwood International Inc. (Harwood) for the development, operation, and maintenance of a pedestrian sidewalk and landscape improvements for purposes of connecting to and providing public access from the Jack sStreet right-of-way through adjacent NTTA owned property to that portion of the Katy Trail located at the intersection with McKinnon sStreet right-of way, contingent upon authorization and execution of a use agreement between the City and NTTA for the use of the participating NTTA property North Harwood Street (Exhibit A, attached to the Resolution).

The agreement will be subject to the following terms:

1. The term is for 20 years with one consecutive five-year renewal option.

BACKGROUND (continued)

2. Harwood at its own cost, is responsible for the development of the design, plans, and specifications for the improvements to be made to the park. Harwood will submit the design to the Park and Recreation Department for review and approval prior to commencement of construction.
3. Harwood at their own cost, is responsible for the maintenance and repair of the improvements during the term of the agreement.
4. Harwood will manage the design and construction through its own consultants and contractors and will be responsible for all permits and other approvals. All consultants and contractors are required to provide insurance that is consistent with what is required by City consultants and contractors.
5. Harwood agrees to allow the public access to the Katy Trail ~~from North Harwood Street.~~
6. The City of Dallas will retain the right to require Harwood to modify the improvements if and when necessary to maintain the public safety of the Katy Trail.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On September 7, 2017, the Park and Recreation Board authorized a twenty-year development, operation, and maintenance agreement, with one five-year renewal option, with Harwood International Inc.

FISCAL INFORMATION

No cost consideration to the City.

MAP

Attached



August 3, 2017

Katy Trail Agreement—Harwood International
(northern terminus of North Harwood Street)

Mapsc
 45 A,E

District
 2

November 8, 2017

WHEREAS, the City Charter provides for the Park and Recreation Board to grant contracts and agreements regarding improvements supporting ~~within~~ park facilities with such terms and conditions as it shall deem proper; and

WHEREAS, the North Texas Tollway Authority (NTTA) is the owner of a certain tract of land located at the intersection of McKinnon sStreet right-of-way and the Katy Trail (the "adjacent NTTA owned property") which the City of Dallas is desirous to use as a pedestrian accessway to the Katy Trail; and

WHEREAS, the City of Dallas Park and Recreation Department (City) and Harwood International Inc. (Harwood), a Texas Corporation, desire to enter into a twenty-year development, operation, and maintenance agreement, with one five-year renewal option for the purpose of ~~development, operation, and maintenance of a portion of parkland at the Katy Trail located at North Harwood Street~~ developing and maintaining a pedestrian accessway and landscape improvements from Jack sStreet right-of-way through the adjacent NTTA owned property to that portion of the Katy Trail located at the intersection with McKinnon sStreet right-of-way shown in Exhibit A; and

WHEREAS, the City of Dallas is currently seeking the necessary use authorization of the adjacent NTTA owned property to facilitate the pedestrian accessway to the Katy Trail; and

WHEREAS, the City desires to have Harwood develop, operate, and maintain a public pedestrian accessway and landscape improvements on the adjacent NTTA owned property and the participating portion of the Katy Trail ~~parkland~~ during the Term of the Agreement for use and enjoyment of all City of Dallas citizens.

Now, Therefore,

BE IT RESOLVED BY THE PARK AND RECREATION BOARD AND THE CITY COUNCIL OF THE CITY OF DALLAS:

SECTION 1. That upon execution and authorization of a use agreement between the City and NTTA for the use of the adjacent NTTA owned property, the City Manager is hereby authorized to sign a twenty-year development, operation, and maintenance agreement, with one five-year renewal option, with Harwood International, Inc., approved as to form by the City Attorney, for the development, operation, and maintenance of a portion of parkland at the Katy Trail.

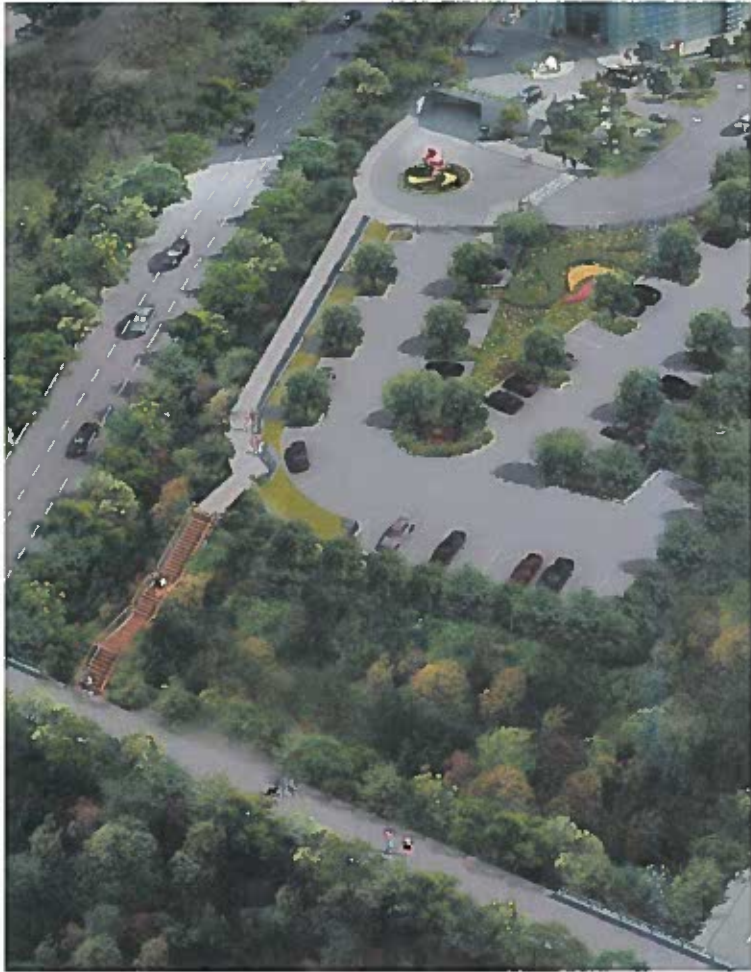
SECTION 2. That the President of the Park and Recreation Board and City Manager are hereby authorized to execute a twenty-year development, operation, and maintenance agreement, with one five-year renewal option, with Harwood, approved as to form by the City Attorney.

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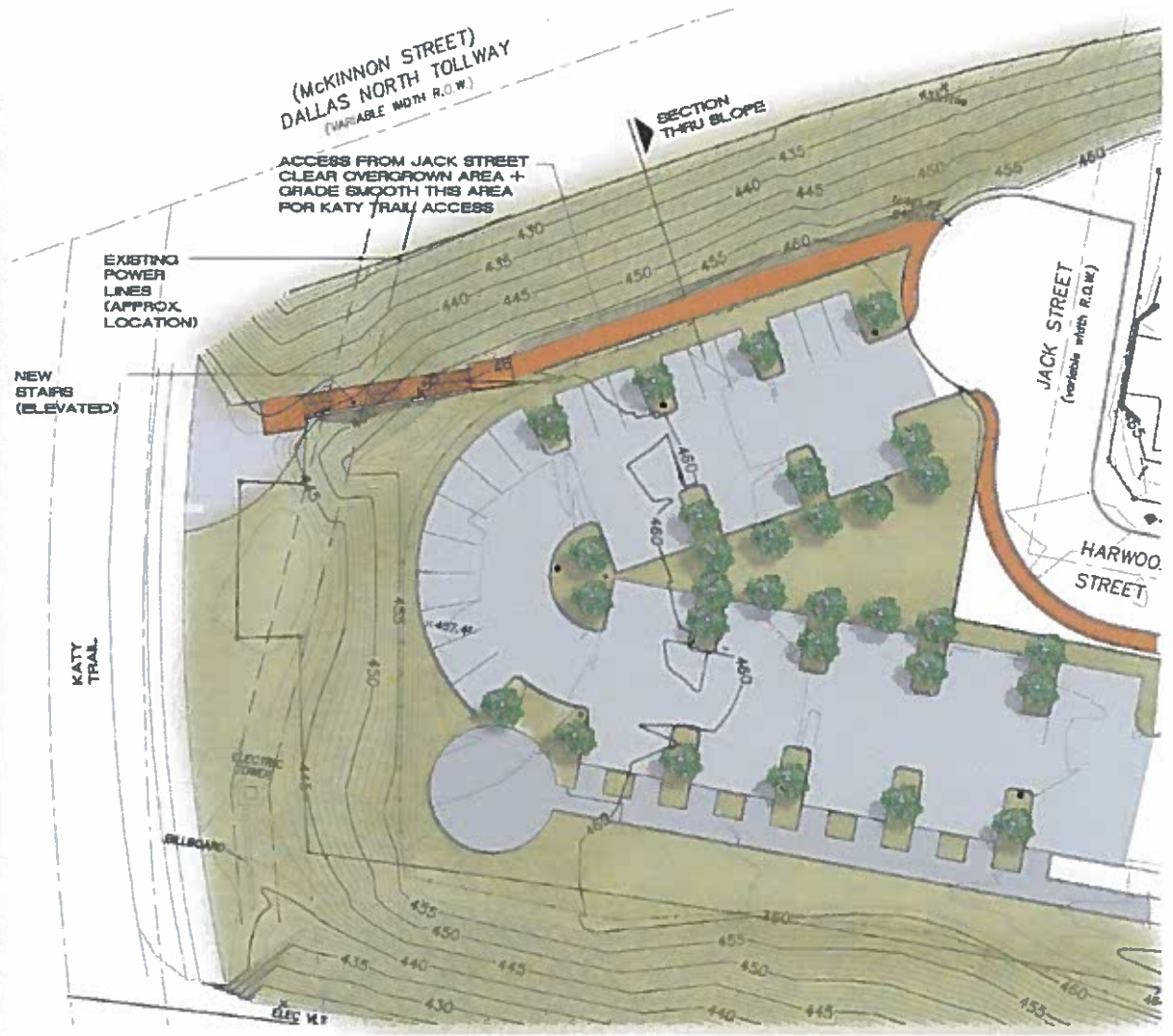
SECTION 3. That the duration of the agreement will be for a term of 20 years with one five-year renewal option.

SECTION 4. That this contract is designated as Contract No. PKR-2017-00002000.

SECTION 5. That this resolution shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so resolved.



RENDERING



COLORED SITE PLAN

KATY TRAIL ACCESS | January 2017

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