

August 10, 2022

**WHEREAS**, the City of Dallas (“City”) recognizes the emerging evolution of transportation infrastructure in the City and the importance of providing an integrated transportation system that balances the needs of pedestrians, transit, bicycles, and automobiles; and

**WHEREAS**, on November 7, 2017, City voters approved the 2017 General Obligation Bond Program for the purposes of improving transit-oriented infrastructure within the City; and

**WHEREAS**, one of the bond program projects identified was the Harry Hines Boulevard Improvements (Market Center to Mockingbird Lane) (the “Project”); and

**WHEREAS**, the City’s total fixed Project construction budget is \$7,500,000.00; and

**WHEREAS**, on October 12, 2017, the North Central Texas Council of Governments (“NCTCOG”), through its Regional Transportation Council (the “RTC”) approved the programming of Congestion Mitigation and Air Quality and Surface Transportation Block Grant funds for the construction of the Project in amount of \$6,000,000.00 (collectively, the “RTC Funds”); and

**WHEREAS**, RTC and the City have entered into a Memorandum of Understanding (the “MOU”) regarding obligations and conditions relating to the distribution of the RTC Funds for the Project; and

**WHEREAS**, the MOU requires a local City match of \$7,500,000.00 (the “City Funds”) and a fully executed agreement between the City and a private sector entity that obligates the private sector entity to make a financial contribution to the Project of at least \$19,056,322.00 (“Private Funds”); and

**WHEREAS**, the Texas Trees Foundation, a Texas nonprofit corporation located in the City (“TTF”), has identified the Project as a priority and TTF has agreed to conduct all necessary design services associated with the Project at its sole cost and expense and donate the design documents in order to facilitate the construction of the Project, meet TTF’s charitable goals within the City, and fulfill the Private Funds requirement of the MOU; and

**WHEREAS**, NCTCOG commissioned and is managing a study regarding the Harry Hines corridor (the “Harry Hines Corridor Study”), the results of which may impact the Project; and

**WHEREAS**, the RTC Funds, the City Funds, and the Private Funds will not be eligible for use for the Project until the execution of a contract between the City and TTF and Dallas County’s approval of the Project; and

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**WHEREAS**, the RTC funds will not be used on the Project in a way that contradicts the results of the Harry Hines Corridor Study; and

**WHEREAS**, the City and TTF, in the mutual interest of the City of Dallas, desire to enter into a contract establishing the terms for the development and donation of the Project design plans.

**Now, Therefore,**

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

**SECTION 1.** That the City Manager is hereby authorized to execute **(1)** a Development Participation Contract with Texas Trees Foundation for the donation of privately funded design plans for a City of Dallas 2017 General Obligation Bond Program Project identified as the Southwestern Medical District Streetscape Plan/Harry Hines Boulevard Improvements (Market Center DART Station to Mockingbird Lane); and **(2)** an Operating and Maintenance Agreement with Texas Trees Foundation for non-standard public improvements associated with the Harry Hines Boulevard Improvements Project (Market Center to Mockingbird Lane), approved as to form by the City Attorney.

**SECTION 2.** That this contract is designated as Contract No. TRN-2022-00019385.

**SECTION 3.** That this resolution shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so resolved.