

February 24, 2021

WHEREAS, on October 20, 2019, a tornado event occurred in the City, damaging many homes, buildings, trees, and other structures and improvements, resulting in a significant amount of debris throughout the City; and

WHEREAS, Texas Instruments Incorporated (TI) is the owner of certain real property located at 8700 LBJ Freeway, on the southwest corner of TI Boulevard and IH 635 in Dallas, Dallas County, Texas (Premises); and

WHEREAS, in exercise of its emergency response functions the City identified the Premises as suitable and essential to its efforts and requested TI grant City temporary use of the Premises for the temporary storage and management of debris associated with the tornado emergency; and

WHEREAS, TI granted City temporary advanced use of the Premises without obligation for monthly rent during the term and for and in consideration of additional rent in form of City obligation to either (a) restore the Premises to condition prior to City's use; or (b) pay TI a restoration payment for TI to restore the Premises to condition prior to City's use; and

WHEREAS, on or about March 19, 2020, the City surrendered physical possession of the Premises and TI accepted City's surrender and has resumed control of the Premises; and

WHEREAS, the parties are agreed to a post-surrender process for City to evaluate cost of restoration and to either elect to restore the Premises to condition prior to City's use or remit a restoration payment to TI for TI to do the work; and

WHEREAS, TI has requested the restoration payment for reimbursement for TI to do the restoration work and has submitted an estimated cost not to exceed \$810,583.00; and

WHEREAS, the City desires TI do the restoration work to the Premises and City to remit a restoration payment to TI in an amount not to exceed \$810,583.00, in lieu of City undertaking the restoration work to repair and restore the Premises to its condition prior to its use by the City.

Now, Therefore,

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

February 24, 2021

SECTION 1. That the City Manager, upon approval as to form by the City Attorney, be and is hereby authorized to execute a lease agreement (the "Lease") between Texas Instruments Incorporated (TI), as landlord, and the City of Dallas (City), as tenant, for approximately 22.3044 acres of land located at and having a street address of 8700 LBJ Freeway, and being a portion of Blocks 7626 and 7768, City of Dallas, Dallas County, Texas (the "Premises"), for use as a temporary storm debris staging area following the October 20, 2019 tornado event for the period October 23, 2019 through March 19, 2020.

SECTION 2. That the special terms and conditions of the lease are:

- a) The lease is for a term of five (5) months, beginning October 23, 2019 and ending March 19, 2020.
- b) TI agrees that the City shall use the Premises without obligation to pay TI monthly rent during the Term, provided the City shall be obligated to either (i) restore the Premises to condition prior to City's use; or (ii) pay TI a restoration payment for TI to restore the Premises to condition prior to City's use. The City shall make its election between (i) and (ii) known within ten (10) days following the determination of the restoration payment amount, in accordance with process set forth in the lease. If elected, the restoration payment shall be deemed additional rent due and payable in accordance with terms of the lease.

SECTION 3. That the City Manager, upon approval as to form by the City Attorney, be and is hereby authorized to execute an addendum to the lease agreement (the "Addendum") between TI and the City, providing for the City's election to remit a restoration payment to TI as additional rent, in lieu of undertaking restoration work to repair and restore the Premises to its condition prior to its use by the City, in an amount not to exceed \$810,583.00, and termination of the lease agreement following settlement of the restoration payment.

SECTION 4. That the City Manager is hereby authorized to increase appropriations in an amount not to exceed \$810,583.00 in the Sanitation Operation Fund, Fund 0440, Department SAN, Unit 3522, Object 3330.

SECTION 5. That the Chief Financial Officer be and is hereby authorized to disburse funds in an amount not to exceed \$810,583.00 to Texas Instruments Incorporated from the Sanitation Operation Fund, Fund 0440, Department SAN, Unit 3522, Object 3330, Vendor VS88817.

SECTION 6. That this contract is designated as Contract No. SAN-2021-00015716.

February 24, 2021

SECTION 7. 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.

APPROVED AS TO FORM:
CHRISTOPHER J. CASO, City Attorney

BY:


Assistant City Attorney