

ASSIGNMENT & ASSUMPTION AGREEMENT

THIS ASSIGNMENT & ASSUMPTION AGREEMENT ("AGREEMENT") is made and entered into by and between LNV, Inc., a ("Assignor"), and Ardurra Group, Inc., ("Assignee"), and consented to by the CITY OF SAN ANTONIO ("City") acting by and through its Director of Public Works Department.

WHEREAS, the City and Assignor entered into that one certain Bulverde Rd. Phase 1 (Butterleigh to North of Quiet Meadows) pursuant to Ordinance No. 2017-10-05-0742 (hereinafter referred to as the "Agreement") attached hereto as Exhibit A; and

WHEREAS, Assignor is dissolving its operations; and

WHEREAS, Assignor desires to assign to Assignee all of Assignor's right, title and interest in and to the Tax Phase-In Agreement, and Assignee desires to accept the assignment of such right, title and interest in and to the Agreement and to assume all of Assignor's rights and obligations in, to and under the Agreement that may arise or are to be performed from and after the effective date of this Agreement; and

WHEREAS, Assignor has requested that the City approve the assignment of Assignor's rights, duties, interests, liabilities and obligations in, to and under Agreement to Assignee; and

WHEREAS, the City is willing to grant this request of Assignor to assign its rights, duties, interests, liabilities and obligations in, to and under the Agreement to Assignee; and

NOW THEREFORE: in consideration of the terms, covenants and promises, agreements and demises herein contained, the sufficiency of which are hereby acknowledged, Assignor, Assignee and City agree as follows:

1. Effective as of January 31, 2020, Assignor hereby transfers, assigns, and sets over to the Assignee all right, title and interest of the Assignor in, to and under the Agreement, effective as hereinafter set forth.
2. In consideration therefor, Assignee hereby accepts, assumes, takes over and succeeds to all of the Assignor's rights, duties, interests, liabilities and obligations in, to and under the Agreement. Assignee shall indemnify and hold harmless the City from and against any and all such assumed duties, liabilities, or obligations.
3. Assignor warrants that it is not in material breach of the Agreement.
4. This Assignment & Assumption Agreement is executed in multiple counterparts each of which contains all required original signatures and shall be considered an original on its own.
5. This Agreement shall be governed by and construed and interpreted in accordance with the laws of the State of Texas.

IN WITNESS WHEREOF, the undersigned have duly executed this Assignment & Assumption Agreement as of the dates set forth below.

ASSIGNOR:

ASSIGNEE:

LNV, Inc.

Ardurra Group, Inc.



Signature

Signature

Dan S. Leyendecker, P.E.

Derek Naiser

Printed Name

Printed Name

President

Managing Principal

Title

Title

02/18/2022

February 18, 2022

Date

Date

CONSENT GRANTED:

CITY OF SAN ANTONIO

DocuSigned by:

Razi Hosseini

Razi Hosseini, P.E., R.P.L.S.

Director/City Engineer – Public Works Department

Date: 2/18/2022

Approved as to form:

DocuSigned by:

Danielle A Boazeman-Schick

City Attorney

EXHIBIT A
AGREEMENT

JH:ml
10/05/2017
Item No. 4

AN ORDINANCE 2017-10-05-0742

AUTHORIZING THE NEGOTIATION AND EXECUTION OF 48 PROFESSIONAL SERVICES CONTRACTS FOR CIVIL ENGINEERING SERVICES, 14 PROFESSIONAL SERVICES CONTRACTS FOR ARCHITECTURE SERVICES AND 45 PROFESSIONAL SERVICES CONTRACTS FOR LANDSCAPE ARCHITECTURE SERVICES, IN AN AGGREGATE AMOUNT NOT-TO-EXCEED \$58,000,000.00; THE NEGOTIATION AND EXECUTION OF AGREEMENTS WITH UTILITY COMPANIES TO ACCEPT REIMBURSEMENT FOR UTILITY WORK FROM RESPECTIVE UTILITIES INCLUDED IN THE CONTRACTS; AND PAYMENT SUBJECT TO THE AVAILABILITY OF FUNDS IN CONNECTION WITH THE 2017-2022 GENERAL OBLIGATION BOND PROGRAM AND THE 2018-2023 CAPITAL BUDGET.

* * * * *

WHEREAS, the 2017-2022 Bond Program, consisting of six propositions totaling \$850 Million, was passed by voters on May 6, 2017; and

WHEREAS, the Program includes 180 projects designed to improve and enhance existing, as well as to acquire or construct, streets, bridges, sidewalks, drainage facilities, parks, facilities, and developable residential neighborhood areas that benefit all areas of San Antonio; and

WHEREAS, three Requests for Qualifications were issued to seek professional design services in connection with the 2017 Bond Program, specifically: 1) Civil Engineering, 2) Architecture and 3) Landscape Architecture; and

WHEREAS, this Ordinance will select the proposals submitted for forty-eight (48) professional services contracts for Civil Engineering, fourteen (14) professional services contracts for Architecture and forty-five (45) professional services contracts for Landscape Architecture for negotiation and execution in an aggregate amount not to exceed \$58,000,000.00; and

WHEREAS, funds for the respective utilities will be reimbursed by SAWS, CPS Energy and other relevant utility companies; and

WHEREAS, approval of this Ordinance for the selection, negotiation and execution of all design consultant contracts in one action reduces the total number of council actions significantly and allows staff to move forward with the bond program more quickly; and

WHEREAS, this Ordinance also authorizes the execution of reimbursement agreements with SAWS, CPS Energy and other utility companies for the respective utility work related to projects in the 2018-2023 Capital Budget, which include joint design and/or joint bid through City contracting processes and accepting these reimbursements; **NOW THEREFORE,**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN ANTONIO:

SECTION 1. The firms listed in on **ATTACHMENT “I”** are hereby selected for negotiation and execution of professional services contracts in connection with the 2017 General Obligation Bond Program.

SECTION 2. The City Manager or her designee, in order to accomplish the aims of this Ordinance, is hereby authorized to negotiate and execute professional services contracts for Architectural, Engineering and Landscape Architectural Services with the firms listed on **ATTACHMENT “I”**.

SECTION 3. Funding for this ordinance will be identified when work orders are issued. If funding for any work orders is not previously appropriated, funding will be identified and appropriated through subsequent City Council action. Payment is limited to the amounts budgeted in the Operating and/or Capital Budget funding sources identified. All expenditures will comply with Operating and/or Capital Budgets for current and future fiscal years.

SECTION 4. Payment not to exceed \$58,000,000.00 per FY 2017 - FY 2022 Capital Budget, is authorized to be encumbered with purchase orders for professional service contracts designated in this ordinance. Payments for services are contingent upon the availability of funds and the sale of future City of San Antonio, General Obligation Bonds in accordance with the adopted capital budget. Payment is limited to the amounts budgeted in the Operating and/or Capital Budget funding sources identified. All expenditures will comply with approved operating and/or capital budgets for current and future fiscal years.

SECTION 5. The City Manager or her designee is authorized to execute reimbursement agreements with SAWS, CPS Energy and other utility companies for respective utility work related to projects in the 2018-2023 Capital Budget, which include joint design and/or joint bid through City contracting processes.

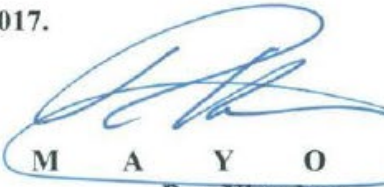
SECTION 6. Funds are authorized to be received from SAWS as per reimbursement agreement for respective utility work related to projects in the FY 2018 - FY 2023 Capital Budget. The funding for any work orders not previously appropriated will be identified and appropriated through subsequent City Council action.

SECTION 7. Funds are authorized to be received from CPS Energy as per reimbursement agreement for respective utility work related to projects in the FY 2018 - FY 2023 Capital Budget. The funding for any work orders not previously appropriated will be identified and appropriated through subsequent City Council action.

SECTION 8. The financial allocations in this Ordinance are subject to approval by the Director of Finance, City of San Antonio. The Director of Finance, may, subject to concurrence by the City Manager or the City Manager's designee, correct allocations to specific SAP Fund Numbers, SAP Project Definitions, SAP WBS Elements, SAP Internal Orders, SAP Fund Centers, SAP Cost Centers, SAP Functional Areas, SAP Funds Reservation Document Numbers, and SAP GL Accounts as necessary to carry out the purpose of this Ordinance.

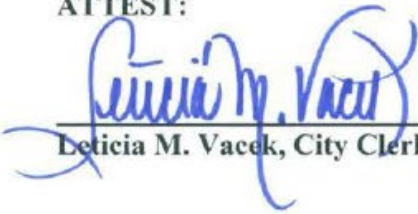
SECTION 9. This Ordinance shall be effective immediately upon passage by eight or more affirmative votes; otherwise, it shall be effective on the tenth day after passage.

PASSED AND APPROVED this 5th day of October, 2017.



M A Y O
Ron Nirenberg

ATTEST:



Leticia M. Vacck, City Clerk

APPROVED AS TO FORM:



for Andrew Segovia, City Attorney

Agenda Item:	4						
Date:	10/05/2017						
Time:	10:21:29 AM						
Vote Type:	Motion to Approve						
Description:	An Ordinance authorizing the negotiation and execution of 48 professional services contracts for Civil Engineering Services, 14 professional services contracts for Architecture services and 45 professional services contracts for Landscape Architecture services, in an aggregate amount not-to-exceed \$58,000,000.00; the negotiation and execution of agreements with utility companies to accept reimbursement for utility work from respective utilities included in the contracts; and payment subject to the availability of funds in connection with the 2017-2022 General Obligation Bond Program and the 2018-2023 Capital Budget. [Peter Zanoni, Deputy City Manager; Mike Frisbie, Director, Transportation & Capital Improvements]						
Result:	Passed						
Voter	Group	Not Present	Yea	Nay	Abstain	Motion	Second
Ron Nirenberg	Mayor		x				
Roberto C. Treviño	District 1		x				x
William Cruz Shaw	District 2		x				
Rebecca Viagran	District 3		x			x	
Rey Saldaña	District 4		x				
Shirley Gonzales	District 5		x				
Greg Brockhouse	District 6		x				
Ana E. Sandoval	District 7		x				
Manny Pelaez	District 8	x					
John Courage	District 9		x				
Clayton H. Perry	District 10	x					

JH:ml
10/05/2017
Item No. 4

Attachment I

2017-2022 Bond Civil Engineering Services	
AECOM Technical Services, Inc.	Portion of Pedestrian Mobility Improvements
AIA Engineers, Ltd.	Enrique Barrera Pkwy (Old Hwy 90) Corridor Phase 1
Bain Medina Bain, Inc.	Esma Area Drainage Improvements
Big Red Dog, Inc.	Portion of Pedestrian Mobility Improvements
Brown & Gay Engineers, Inc.	Southercross (IH 37 to IH 35) (World Heritage)
Camacho-Hernandez and Associates, LLC	Goliad (Fair Avenue to East Southcross)
Civil Design Services, Inc. dba CDS Muery	Eisenhauer Northwood-Devonshire Area Drainage Outfall Phase 1
CNG Engineering, PLLC	Blossom Park-Lotus Blossom Drainage Improvements
Cobb, Fendley & Associates, Inc.	Jones Maltsberger/Burning Trail Intersection Improvements
CP&Y, Inc.	Commerce Street (Santa Rosa to Frio)
Don Durden, Inc. dba Civil Engineering Consultants	Roosevelt Corridor Improvements
Fernandez, Frazer, White and Associates, Inc.	Monticello Park (Area Streets)
Ford Engineering, Inc.	Upland Road Drainage
Freese and Nichols, Inc.	North New Braunfels Phase 1 (Houston to Burleson)
Garcia & Wright Consulting Engineers, Inc.	Bitters Road Intersections & Sidewalks (Savannah Pass to Blanco Road)
Garza EMC, LLC	Mission Road (San Antonio River to SE Military Drive) (World Heritage)
GGC Engineers, Inc.	Rittiman (IH-35 to Castle Cross)
GGE Consulting Engineers, Inc., dba GE Reaves Engineering	Applewhite Intersections (South of Watson & Zarzamora)
Gonzalez, Kypuros and White, Inc. dba GKW, Inc.	N. Flores/Fredericksburg (Five Points) Intersection Improvements
Gonzalez-De La Garza & Associates, LLC	N. St. Mary's Street Improvements (Mistletoe to Josephine)
Half Associates, Inc.	Barbara Drive Phase 2 Drainage
HDR Engineering, Inc.	Hemisfair Internal Streets Phase 2
HNTB Corporation	Auldine & Burr Oak Alley to Outfall Drainage
IDCUS, Inc.	Bynum Avenue (West Gerald to SW Military)
Jacobs Engineering Group Inc.	Portion of Pedestrian Mobility Improvements
Jones & Carter, Inc.	Thousand Oaks (Wetmore to Perrin Bietel Road)
KFW Management, LLC dba KFW Engineers & Surveying	West Military and Westmar Area Drainage Improvements
Kimley-Horn and Associates, Inc.	Probandt (Alamo to Highway 90)
Klotz Associates, Inc. dba RPS Klotz Associates	South Presa (SE Military to Southcross) (World Heritage)
LNV, Inc.	Bulverde Rd Phase 1 (Butterleigh to North of Quiet Meadows)* (Mentorship Program Requirement)
Lockwood, Andrews & Newnam, Inc.	N. Main and Soledad (Pecan to Navarro)
M & S Engineering, LLC	Vance Jackson Low Water Crossing Improvements
Maestas & Associates, Inc.	Cedarhurst Drive Area Drainage Improvements (Dumont Drive to Eaglerock Drive)
Mendez Engineering, PLLC	Portion of Pedestrian Mobility Improvements

Michael Baker International, Inc.	Camaron (Houston to Fox Tech) Pedestrian Improvements
Moore Iacofano Goltsman, Inc.	San Saba (Nueva to Martin)
Moy Tarin Ramirez Engineers, LLC	Thomas Jefferson High School Area Improvements
MW Cude Engineers, LLC	Portion of Pedestrian Mobility Improvements
Pape-Dawson Engineers, Inc.	Santa Rosa (Cesar E. Chavez to Martin)
Poznecki-Camarillo, Inc.	Fredericksburg (N. Flores to Woodlawn)
Reyes & Hamilton Engineers PLLC	O.P. Schnabel Park Entrance Improvements & Bridge
Sanchez-Salazar & Associates, LLC	Paso Del Norte (Shady Oaks)
Slay Engineering Company, Inc.	Portion of Pedestrian Mobility Improvements
Structural Engineering Associates, Inc.	Zarzamora Overpass @ UPRR/Frio City Road
Unintech Consulting Engineers, Inc.	Sealing Channel Phase 3 Drainage* (Mentorship Program Requirement)
Vickrey & Associates, Inc.	South Pine/Greer Street Drainage Improvements Phase 1
WSP USA, Inc.	Evans Road Intersection & Corridor Improvements
Young Professional Resources	Heath Road & Grissom Road Intersection
2017-2022 Bond Architectural Services	
Alamo Architects, Inc.	Market Square
Beaty Palmer Architects, Inc.	District 9 Senior Center * (Mentorship Program Requirement)
Chesney Morales Partners, Inc.	Sports Education Facility
Debra J. Dockery, Architect, P.C.	Fire Station #24 Replacement.
Douglas Architects, Inc.	Woodlawn Lake Park Multi-Generational Center
H Munoz and Company, Inc.	Memorial Branch Library
Madeline Anz Slay Architecture, LLC	Tezel Road Facility
Marmon Mok, LP	Central Library Improvements
Marmon Mok, LP	Texana Resource Center
Piwonka Sturrock Architects, LLC	McCreless Branch Library
Rehler Vaughn & Koone, Inc.	Forest Hills Library
Robey Architecture, Inc.	District 4 Heritage Community Center
Seventh Generation Design, Inc.	Las Palmas Library
Westeast Design Group, LLC	Wheatley Heights Sports Complex
2017-2022 Bond Landscape Architectural Services	
Bender, Inc.	District 6 Parks Package (Levi Strauss, Meadowcliff & Westwood Village Parks)
Bender, Inc.	Pearsall Park
Bender, Inc.	Rosedale Park
Bender, Inc.	Tom Slick Creek Park
Coltrane, Fernandez, Zavala Group, LLC	Dawson Park
Coltrane, Fernandez, Zavala Group, LLC	Nani Falcone Park
Design Workshop, Inc.	Oscar Perez Park
Dunaway Associates, L.P.	Beacon Hill Linear Park
Dunaway Associates, L.P.	World Heritage Park & Land Acquisition
Dunaway Associates, L.P.	World Heritage Trail Signage & Wayfinding
Gonzalez-De La Garza & Associates, LLC	Fox Park
Halff Associates, Inc.	Martin Luther King Park

IDCUS, Inc.	Stinson Park (San Antonio 5 Diamonds Little Improvements)
Jacobs Engineering Group Inc.	Culebra Creek Park
Jacobs Engineering Group Inc.	Piper's Meadow Park Development
Jacobs Engineering Group Inc.	Rainbow Hills Park
Kudela & Weinheimer, Inc.	Lackland Terrace Park
Kudela & Weinheimer, Inc.	Palo Alto Park
Lauren Griffith, Inc.	Kingsborough Park
Lauren Griffith, Inc.	Spicewood Park
MP Studio Landscape Architecture, LLC	District 5 Parks Package (Benavides, Collins & Kennedy & Vidaurri Parks)
MP Studio Landscape Architecture, LLC	Jupe Manor Neighborhood Park Development
MP Studio Landscape Architecture, LLC	Martin Luther King Plaza
MP Studio Landscape Architecture, LLC	Miller's Pond Park
Open Air Studios, LLC	Cuellar Park
Open Air Studios, LLC	Normoyle Park (San Antonio Seniors Softball Facility)
Open Air Studios, LLC	North San Antonio Hills Park Development
Open Air Studios, LLC	Villa Coronado Park
Rehler Vaughn & Koone, Inc.	Downtown Park Package (Columbus, Maverick & Travis Parks)
Rehler Vaughn & Koone, Inc.	Gilbert Garza Park
Rehler Vaughn & Koone, Inc.	McAllister Park
Rehler Vaughn & Koone, Inc.	Perrin Homestead Historic Center
Rehler Vaughn & Koone, Inc.	Southside Lions Park
Rialto Studio, Inc.	Classen-Steubing Ranch Park Property Acquisition & Development
Rialto Studio, Inc.	Old Spanish Walking Trails Park
Rialto Studio, Inc.	San Pedro Springs Park
Stantec Architecture, Inc.	Caracol Creek Park
SWA Group	Brackenridge Park* (Mentorship Program Requirement)
Terra Design Group, Inc.	Comanche Lookout Park
Terra Design Group, Inc.	Friesenhahn Park
Terra Design Group, Inc.	Monterrey Park
Terra Design Group, Inc.	Mud Creek Park
Terra Design Group, Inc.	Pittman-Sullivan Park
Terra Design Group, Inc.	Raintree Park
The Broussard Group, Inc.	Lockwood & Dignowity Parks