



Legislation Details (With Text)

**File #:** 20-1884      **Version:** 1      **Name:**

**Type:** PUBLIC HEARINGS AND RELATED ACTIONS      **Status:** Hearing Closed; Approved

**File created:** 9/22/2020      **In control:** Park & Recreation Department

**On agenda:** 11/11/2020      **Final action:** 11/11/2020

**Title:** A public hearing to (1) receive comments on the proposed use of a portion of parkland for public transportation easements and temporary use easement at (i) Belo Garden located at 1014 Main Street, totaling approximately 21,705 square feet of land; and (ii) Pegasus Plaza located at 1500 Main Street, totaling approximately 6,427 square feet of land, 15,028 square feet of subsurface land, and temporary use of approximately 19,100 square feet of land, for the Dallas Area Rapid Transit D2 Subway Project to enhance mobility and access for existing and future riders; and at the close of the public hearing, a resolution authorizing the proposed use of parkland for public transportation easements and temporary use easement pursuant to Chapter 26 of the Texas Parks and Wildlife Code; and (2) accept payment for the easements - Revenue: Capital Gifts, Donation and Development Fund \$304,665.00

**Sponsors:**

**Indexes:** 14

**Code sections:**

**Attachments:** 1. Map, 2. Resolution, 3. Exhibit A, 4. Exhibit B, 5. Exhibit C, 6. Exhibit D

Date	Ver.	Action By	Action	Result
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**STRATEGIC PRIORITY:** Quality of Life

**AGENDA DATE:** November 11, 2020

**COUNCIL DISTRICT(S):** 14

**DEPARTMENT:** Park & Recreation Department

**EXECUTIVE:** John D. Jenkins

**SUBJECT**

A public hearing to **(1)** receive comments on the proposed use of a portion of parkland for public transportation easements and temporary use easement at **(i)** Belo Garden located at 1014 Main Street, totaling approximately 21,705 square feet of land; and **(ii)** Pegasus Plaza located at 1500 Main Street, totaling approximately 6,427 square feet of land, 15,028 square feet of subsurface land, and temporary use of approximately 19,100 square feet of land, for the Dallas Area Rapid Transit D2 Subway Project to enhance mobility and access for existing and future riders; and at the close of the public hearing, a resolution authorizing the proposed use of parkland for public transportation easements and temporary use easement pursuant to Chapter 26 of the Texas Parks and Wildlife Code; and **(2)** accept payment for the easements - Revenue: Capital Gifts, Donation and Development Fund \$304,665.00

## **BACKGROUND**

The City of Dallas owns municipal parkland known as Belo Garden located at 1014 Main Street (approximately 1.3 acres) and Pegasus Plaza located at 1500 Main Street (approximately 0.5 acres).

Dallas Area Rapid Transit (DART) proposes to construct a 2.4-mile light rail transit alignment from the existing Victory Station located at 2525 Victory Avenue through the core of downtown Dallas to the existing Green Line along North Good Latimer Expressway in Deep Ellum. The project includes at and below-grade railway and ancillary improvements. The project is necessary to provide additional light rail capacity to and through downtown Dallas to enhance mobility, reliability, and access for riders, as well as support economic and transit-oriented development opportunities. Since 2007, extensive transportation studies and public involvement have been undertaken in the planning of the proposed alignment to best serve the public. On September 13, 2017, City Council authorized a resolution to endorse the DART Victory/Commerce/Swiss alignment as the locally preferred alternative for a second light rail alignment through Downtown Dallas (D2), by Resolution No. 17-1426.

The proposed alignment requires a subsurface easement for the subway section of the light rail alignment under a portion of Belo Garden of approximately 21,705 square feet (0.50 acres) of land (Exhibit A).

The alignment also requires a surface easement for a headhouse in Pegasus Plaza of approximately 6,427 square feet (0.15 acres) of land (Exhibit B), and a subsurface easement of approximately 15,028 square feet (0.35 acres) of land (Exhibit C) to provide for an access point to and from the Commerce Station in the subway section of the alignment under Commerce Street. In addition, DART requires temporary use of approximately 19,100 square feet (0.44 acres) of land (Exhibit D) which is the remainder of the Pegasus Plaza park site to construct the DART D2 Subway Project (D2 Project). Upon completion of the D2 Project, DART, at its sole cost, will design and construct a reimagined Pegasus Plaza, with public input and final design approved by the Park and Recreation Board.

In consideration for these conveyances by easement, DART will pay the fair market value of the easements based on an independent appraisal. Additionally, DART shall reimburse the City for public hearing advertising costs of approximately \$650.00 as well as reimburse the Department of Sustainable Development and Construction Services, Real Estate Division for the costs of recordation of the easements and other administrative cost customarily incurred. For the temporary construction easement, DART is proposing the design and construction of Pegasus Plaza at the completion of the D2 Project as “good and valuable consideration” activating the space and enhancing public access to this area of downtown. Additional consideration by DART shall be to provide no less than twice daily litter pick-up for Pegasus Plaza and enhanced security of the park with cameras to monitor both the plaza and the station facilities, with DART police presence at the mezzanine level of the station below Pegasus Plaza. DART will also provide for maintenance costs at the reimagined Pegasus Plaza in excess of the City’s standard costs.

At Belo Garden the project requires a subsurface easement which is approximately 35-feet below the surface at its highest elevation. This easement does not impact the current park improvements or park infrastructure or impair the City to install or construct any future improvements in the park as it deems necessary or appropriate.

At Pegasus Plaza the project requires a temporary use agreement of approximately 19,000 square feet (0.44 acres) park site to be able to construct the Commerce Station and associated station facilities to minimize impacts along Commerce Street. The project proposes a surface easement which requires the taking of approximately 6,427 square feet of the park for a headhouse that will provide direct access to the Commerce Station. To construct the headhouse, vertical circulation to lower mezzanine levels, and service and ventilation facilities, a subsurface easement of 15,028 square feet is required. The subsurface area at its highest elevation is approximately 8 feet below the surface. The project is expected to take approximately 18-36 months, subject to final contracting methods and schedule development during which time the park will not be accessible to the public. Upon completion of the project DART will reconstruct Pegasus Plaza upon the remainder of the park site at no cost to the City.

Design and redevelopment of the park after the completion of the D2 Project will be by separate agreement. The execution of the agreement is contingent upon approval by Park Board and Council of the conveyances at the public hearing.

As a result of the proposed actions taken by DART to minimize harm to the park the City of Dallas concurs with the Federal Transit Administration Section 4(f) de minimis impact determination for Pegasus Plaza. This determination is made following public notice and review and is based on the finding that all possible planning to minimize harm has been incorporated, and the activities, features, and attributes of Pegasus Plaza would not be adversely affected. The overall use and activity of the Plaza would be enhanced as part of the redesign with an integrated Commerce Station headhouse.

In summary:

#### Belo Garden

- The DART easement is entirely subsurface and the City's right to repair, replace, or improve the park in any way as the City sees fit shall not require review, approval, or notice to DART. Furthermore, DART shall hold no claim against the City for any such improvements or activities by the City, at present or in the future, associated with the use of the park against DART's improvements in its subsurface easement.

#### Pegasus Plaza

- Construction of the headhouse requires permanent and temporary use of the entire park. DART shall design and upon completion of its project construct the remainder of the park with public and Park Board participation and input-final approval of the park design and acceptance of the reconstructed park shall be by the Park and Recreation Board by separate agreement.

In compliance with the law, the City has determined that there is a need for public transportation and temporary use easements, that no feasible and prudent alternative exists, and that all reasonable care will be taken to not damage the remainder of the park property and to mitigate any disruption of park services.

In accordance with the Texas Parks and Wildlife Code, Chapter 26 (Sections 26.001 through 26.004) the City Council must advertise and hold a public hearing on the change of use of parkland.

### **PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)**

On September 5, 2019, the Park and Recreation Board was briefed on the DART D2 Subway Project and the proposed off-set headhouse construction approach.

One September 19, 2019, the Park and Recreation Board authorized a resolution which outlined the measures to continue planning for the concept of the Pegasus Plaza use and headhouse and agree that City staff continue to coordinate with DART on agreements that may be required for City parks.

The Transportation and Infrastructure Committee was briefed on the DART D2 Subway Project on January 21, 2020.

On June 4, 2020, the Park and Recreation Board was briefed on the DART D2 Subway Project, including the proposed parkland uses at Belo Garden and Pegasus Plaza. At this briefing, the Board was provided a copy of the DART D2 Subway Pegasus Plaza Vision Summary report that documents the January 29, 2020 stakeholder workshop including key priorities for a reimagined plaza and an overall vision statement.

On August 6, 2020, the Park and Recreation Board, Planning and Design Committee was briefed on the upcoming public hearing, easements required by DART, and terms of the agreement for the DART D2 Subway Project.

On September 17, 2020, the Park and Recreation Board authorized a public hearing to be held on November 11, 2020, to receive comments on the proposed use of a portion of Belo Garden and Pegasus Plaza.

On October 13, 2020, City Council authorized a public hearing to be held on November 11, 2020, to receive comments on the proposed use of Pegasus Plaza and a portion of Belo Garden by Resolution No. 20-1563.

### **FISCAL INFORMATION**

Revenue: Capital Gifts, Donation and Development Fund \$304,665.00

### **MAP**

Attached