



## Legislation Details (With Text)

<b>File #:</b>	24-705	<b>Version:</b>	1	<b>Name:</b>	
<b>Type:</b>	MISCELLANEOUS HEARINGS	<b>Status:</b>	Hearing Closed; Approved		
<b>File created:</b>	2/21/2024	<b>In control:</b>	Park & Recreation Department		
<b>On agenda:</b>	3/27/2024	<b>Final action:</b>			
<b>Title:</b>	A public hearing, pursuant to Chapter 26 of the Texas Parks and Wildlife Code, to receive comments on the proposed use of a portion of Bachman Creek Greenbelt located at 3900 Shorecrest Drive, by Dallas Water Utilities for the construction of an 8-inch wastewater line totaling approximately 1,682 square feet of land, and a 30-inch stormwater line totaling approximately 1,580 square feet of land, for the public benefit and execution of a development agreement with UG Bluffview LP for the reconstruction of trail affected by the easement - Revenue: Capital Gifts, Donation and Development Fund \$39,147.00				
<b>Sponsors:</b>					
<b>Indexes:</b>	13				
<b>Code sections:</b>					
<b>Attachments:</b>	1. Map, 2. Resolution, 3. Exhibit A, 4. Exhibit B				

Date	Ver.	Action By	Action	Result
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**STRATEGIC PRIORITY:** Quality of Life, Arts & Culture

**AGENDA DATE:** March 27, 2024

**COUNCIL DISTRICT(S):** 13

**DEPARTMENT:** Park & Recreation Department

**EXECUTIVE:** John D. Jenkins

### SUBJECT

A public hearing, pursuant to Chapter 26 of the Texas Parks and Wildlife Code, to receive comments on the proposed use of a portion of Bachman Creek Greenbelt located at 3900 Shorecrest Drive, by Dallas Water Utilities for the construction of an 8-inch wastewater line totaling approximately 1,682 square feet of land, and a 30-inch stormwater line totaling approximately 1,580 square feet of land, for the public benefit and execution of a development agreement with UG Bluffview LP for the reconstruction of trail affected by the easement - Revenue: Capital Gifts, Donation and Development Fund \$39,147.00

### BACKGROUND

The City of Dallas owns municipal parkland known as Bachman Creek Greenbelt (41 acres) located at 3900 Shorecrest Drive, just north of Dallas Love Field Airport. Bachman Creek Greenbelt is a community park offering a variety of park amenities.

Dallas Water Utilities (DWU) maintains an 8-inch wastewater line and 18-inch stormwater line in the park which services an adjacent property located at 3842 West Northwest Highway called *Bluffview Square on Bachman Creek Addition*. This adjacent owner, UG Bluffview LP, a Texas limited partnership (UGB), is redeveloping its property. In order to meet current City sewer and stormwater design standards, and facilitate redevelopment of UGB's property, DWU needs to relocate the wastewater line and increase the size of the existing stormwater line, both lines currently located in the park. This work requires that DWU acquire new easements within the parkland for this project.

The existing 8-inch wastewater line in the park connects to an existing 45-inch wastewater line in the park. This utility line will be relocated to the west in the park. This relocation will require DWU to abandon the existing 8-inch wastewater line and obtain a wastewater easement of approximately 1,682 square feet in the new location (Exhibit A). The new 8-inch wastewater line will connect to the same existing 45-inch wastewater line.

The existing 18-inch stormwater line in the park must be increased in size to a 30-inch stormwater line to accommodate increased runoff from the adjacent development into Bachman Lake and to meet current City stormwater standards. Although the stormwater line will be in the same location as the current stormwater line, the larger size of the utility line, and the depth of the utility line, will require an increase in the area of parkland needed. This DWU project is needed to meet the increased stormwater demand and need to relocate the wastewater utility line.

In consideration for this conveyance by easement, DWU will pay the fair market value of \$39,147.00 for this easement, as determined by an independent appraisal.

UGB shall be solely responsible for all costs associated with this stormwater and wastewater line project including all costs contained within this action including but not limited to: costs required for the payment of the fair market value and recordation of the easement, demolition and reconstruction of approximately 600 feet of Bachman Lake Park Trail, and City of Dallas Real Estate costs. Pursuant to a Development Agreement with the City, approved as to form by the City Attorney, UGB shall demolish and reconstruct the existing approximately 600-foot long, eight-foot-wide asphalt hike and bike trail along the entire property frontage of the adjacent property. The new trail shall be reinforced concrete no less than five inches thick and ten feet wide, constructed to the Park and Recreation Department's current trail design standards, ADA standards, and all other applicable City, State, and Federal standards. UGB is responsible for all securing all permits and other approvals as required.

DWU agrees as condition of the conveyance of easement to:

1. Permit future construction of any park amenities and other improvements within the easements.
2. Coordinate construction work with the Dallas Park & Recreation Department (PKR) staff to minimize disruption to the park, and should the work require the trail to be closed for any period of time, an alternate route, or flaggers, shall be provided by DWU to provide minimal disruption to trail use. Any damage to the trail, park driveway, or any parkland, shall be repaired or replaced by DWU as determined and required by PKR staff.
3. Coordinate with PKR operations for future construction, maintenance, and operations of the utility lines within the trail corridor to minimize disruption of use and park operations.
4. Request approval from the Director of PKR should DWU's operations, maintenance, or construction require DWU to disrupt, demolish, or modify any improvements, vegetation, or terrain within the easement or park, except for a situation which affects the public's immediate

- health, safety, or welfare, in which case DWU shall notify the Director of PKR as soon as possible of such activities. In any case, repair or replacement of park improvements or vegetation damaged or damage to terrain as the result of DWU activities, shall be at the discretion of the Director of PKR, and shall be at DWU's sole cost with no cost to PKR.
5. Schedule DWU's project and relocation of existing park amenities and construction of new amenities with the Director of PKR to minimize disruption to park operations.
  6. Revert easements and reservations to parkland of any existing DWU utilities which DWU abandons at any time now or in the future.
  7. The wastewater line easement shall not be recorded until DWU receives reimbursement funds from UGB for all costs associated with the wastewater project including but not limited to: payment to PKR for the fair market value of the easement, Real Estate Division's costs, all restoration and other work required in the parkland as a result of the project, all costs associated with permitting and approval of any work, and as required by this action.

In compliance with the law, the City must determine that there is a need, that there is no feasible and prudent alternative, and that all reasonable care will be taken not to 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 January 11, 2024, the Park and Recreation Board authorized a public hearing to be held on March 27, 2024 to receive comments on the proposed use of a portion of Bachman Creek Greenbelt located at 3900 Shorecrest Drive, by Dallas Water Utilities for the construction of an 8-inch wastewater line totaling approximately 1,682 square feet of land, and a 30-inch stormwater line totaling approximately 1,580 square feet of land, for the public benefit.

On February 14, 2024, the City Council authorized a public hearing to be held on March 27, 202 to receive comments on the proposed use of a portion of Bachman Creek Greenbelt located at 3900 Shorecrest Drive, by Dallas Water Utilities for the construction of an 8-inch wastewater line totaling approximately 1,682 square feet of land, and a 30-inch stormwater line totaling approximately 1,580 square feet of land, for the public benefit and execution of a development agreement with UG Bluffview LP for the reconstruction of trail affected by the easement 4 by Resolution No. 24-0278.

### **FISCAL INFORMATION**

Revenue: Capital Gifts, Donation and Development Fund \$39,147.00

### **MAP**

Attached