

August 12, 2020

**WHEREAS**, the City of Dallas owns certain property located at 2300 Live Oak Street, Dallas, Dallas County, Texas near the intersection of Live Oak and North Pearl Streets, and being a part of City Block 260 (the "Property"); and

**WHEREAS**, the Property is currently being used as John W. Carpenter Park (the "Park") for the City of Dallas; and

**WHEREAS**, the City is redeveloping said Park and will expand the Park to incorporate a portion of public right-of-way at the intersection of Live Oak and North Pearl Streets which will require relocation of some existing utility provider installations; and

**WHEREAS**, CenturyLink Communications, LLC ("Century") is one such utility provider that has utility installations within the public right-of-way; and

**WHEREAS**, City has determined it is in the public interest and advantageous to serve the redeveloped Park for Century to remain and maintain Century utility provider installations within the public right-of-way, including but not limited to serve the redeveloped Park; and

**WHEREAS**, City is willing to grant a license agreement to Century so Century equipment can remain within the portion of the public right-of way at the intersection of Live Oak and North Pearl Streets to be incorporated into the redeveloped Park; and

**WHEREAS**, the City deems it advisable to license the non-exclusive use of approximately 225 square feet of land within the Property (the "License Area") in location as shown in Exhibit A, attached hereto and incorporated for all purposes, to Century upon the terms and conditions provided herein and such other terms as the City Manager may deem appropriate and as is approved as to form by the City Attorney.

**Now, Therefore,**

**BE IT RESOLVED BY THE PARK AND RECREATION BOARD AND THE CITY COUNCIL OF THE CITY OF DALLAS:**

**SECTION 1.** That the City Manager, upon approval as to form by the City Attorney, is hereby authorized to execute a License Agreement, between CenturyLink Communications, LLC, a Delaware limited liability company, as Licensee, and the City of Dallas, as Licensor, hereinafter referred to as "City", for approximately 225 square feet of land located at the intersection of Live Oak and North Pearl Streets, Dallas, Dallas County, Texas (the "License Area"), as shown in Exhibit A for the non-exclusive right to relocate and maintain utility lines.

**SECTION 2.** That the special terms and conditions of the License Agreement are:

- (a) The license is for a term of twenty (20) years, beginning August 1, 2020 and ending July 31, 2040.
- (b) The license is non-exclusive and the City reserves full ingress and egress rights and the right to grant use to other parties.

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**SECTION 2.** (continued)

- (c) The license and the licensed right to use the License Area is terminable by the City at its convenience upon 90-days written notice of said termination. Upon expiration or termination of the license for any reason, the licensee shall cease using the License Area; remove its improvements, if any, within the License Area as directed by the City.
- (d) The License Area is licensed "AS IS, WITH ALL FAULTS" and the City is under no obligation to make any improvements or modifications to the Property.
- (e) Licensee shall be responsible to maintain the License Area which shall consist of removing debris and maintaining the utility lines.
- (f) Licensee shall pay any taxes and assessments levied or assessed against the Property attributable to licensee's use and shall secure such insurance coverage as the City shall deem appropriate, during the term of the license.
- (g) Any modifications to the utility lines within the License Area shall require the Park and Recreation Board approval.

**SECTION 3.** That this Resolution is designated for City purposes as Contract No. PKR-2020-00014024.

**SECTION 4.** 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