

January 8, 2020

WHEREAS, the City of Dallas owns land in northwest Dallas known as Brownwood Park, which was acquired for park purposes and has been maintained as parkland; and

WHEREAS, a portion of Brownwood Park has been identified by Dallas Water Utilities (DWU) as necessary for the construction of a 36-inch wastewater main and a 10-inch wastewater line for the public benefit, and DWU must acquire approximately 20,159 square feet of land for such improvements and temporary use of approximately 7,227 square feet of land, as shown on Exhibit A, and the Park and Recreation Board is agreeable to providing the property for this use; and

WHEREAS, DWU is agreeable to designing and constructing its improvements such that the City's ability to make future improvements to the park shall not be impaired; and

WHEREAS, a public hearing was held, as required by the Texas Parks and Wildlife Code (Chapter 26, Section 26.001 through 26.004), to determine that there is no feasible and prudent alternative to this use of this parkland and that all reasonable planning to minimize harm to Brownwood Park has been taken.

Now, Therefore,

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

SECTION 1. That as a result of the public hearing held today, it is hereby determined that there is no feasible and prudent alternative to the use of parkland for the purpose stated in this resolution and that all reasonable planning to minimize harm to the park has been taken.

SECTION 2. That the City of Dallas hereby approves and authorizes the grant of utility easements, by form instrument as approved by the City Attorney, to DWU for purpose of construction of water and wastewater pipeline projects, said easement areas more fully described in Exhibit A, attached hereto and made a part hereof.

SECTION 3. That the City Manager or designee, upon approval as to form by the City Attorney, is hereby authorized to execute utility easements for the benefit of DWU for the purposes authorized herein, and to all of the following terms and conditions:

- a. DWU shall covenant to the City:
 1. To observe safety regulations;
 2. To not be detrimental to the park and to coordinate work with City staff so as to provide for the least disruption of City services;

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SECTION 3. (continued)

3. To comply with health, safety, noise, environmental protection, waste disposal, and water and air quality regulations;
4. To keep the adjacent park area free from construction debris and waste;
5. To bear the cost of construction, operation, and maintenance of the sewer line and improvements;
6. To do all work within the park and surrounding areas in a good a workmanlike manner under the supervision of the Director of the Park and Recreation Department;
7. To permit future construction of the any park improvement, amenities, and other improvements within the easements;
8. DWU shall effect abandonment of existing utility easements no longer needed, at DWU's expense, and such land shall revert to parkland;
9. Future construction, maintenance, and operations of the utilities within the park will be coordinated with the Park and Recreation Department operations to minimize disruption of use and operation of the park; and
10. Any damage to or removal of any park improvements by DWU or its contractors, regardless of the reason, shall be repaired or replaced at DWU's sole cost with no cost consideration to the Park and Recreation Department.

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.