

June 14, 2023

WHEREAS, Chapter 791 of the Texas Government Code and Texas Transportation Code Article 251 provides authorization for local governments to contract with each other for the performance of governmental functions and services, and joint funding of transportation projects; and

WHEREAS, the City of Dallas will be responsible for all costs of the project including any change orders or bid overruns; and

WHEREAS, the City of Dallas will enter into a development agreement with Southern Gateway; and

WHEREAS, upon completion of the concrete deck structure TxDOT agrees, by means of the MUA, to permit the City to construct, maintain, and operate the Public Green within the TxDOT right-of-way; and

WHEREAS, the term of the MUA shall be for the life of the Public Green or at an earlier date, subject to the terms of the agreement such as by mutual agreement, breach of the agreement terms subject to a ninety days cure period, TxDOT determines the Public Green is no longer in the best interest of TxDOT, or the City abandons the Public Green, in all cases of termination the City shall restore the area to its prior condition and be subject to such costs thereof; and

WHEREAS, parking and signage shall be subject to approval by TxDOT.

Now, Therefore,

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

SECTION 1. That the President of the Park and Recreation Board and the City Manager are hereby authorized to 1) enter into a Multiple Use Agreement with Texas Department of Transportation for the Southern Gateway Public Green located between South Marsalis Avenue and South Ewing Avenue to permit the City to construct, maintain, and operate a Public Green over Texas Department of Transportation right-of-way, and 2) execution of the Multiple Use Agreement including all terms, conditions, and documents required by the agreement, approved as to form by the City Attorney.

SECTION 2. That this contract is designated as Contract No. PKR-2023-00022198.

SECTION 3. 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.