

August 11, 2021

WHEREAS, the City of Dallas owns land in Dallas know as Bachman Lake Park, located at 3500 West Northwest Highway, which has been maintained by the City as parkland; and

WHEREAS, the Federal Aviation Administration (FAA) has identified the need to install a new fiber optic cable from runway 31 L to its existing 31 L Localizer Facility on the north side of Bachman Lake by means of horizontal drilling approximately twenty-feet below the bottom of Bachman Lake, thereby disturbing no above-ground parkland, surfacing within FM's existing Localizer Facility within Bachman Lake Park, and the installation of appurtenances in the same Localizer Facility, for the benefit of the public and to enhance airport operations, FAA must acquire a fiber optic easement of approximately 14,000 square feet of land, more fully described in exhibit A, and the Park and Recreation Board is agreeable to providing the property for this use; and

WHEREAS, the City and FAA entered into a Memorandum of Agreement (MOA) in 2008, and updated in 2014, for the cooperative construction, operation, and maintenance of FAA-owned navigation, communication, and weather aids for the support of Air Traffic Operations in the interest of public safety and for direct support of the ongoing operation of Dallas Love Field, and the City, by separate Council action, intends to amend the MOA to include the proposed fiber optic easement, and the City considers this mutually beneficial project good and valuable consideration for the use of underground parkland; and

WHEREAS, the City considers the impact of this project in Bachman Lake Park to be de minimis in regard to Section 4(f) resources; and

WHEREAS, the Texas Parks and Wildlife Code, Chapter 26 (Section 26.001 through 26.004), requires that before a municipality may approve any program or project that requires the use or taking of any public land designated and used as parkland, the governing body of such public municipality must determine that there is no feasible and prudent alternative to the use or taking of such land, and that the program or project includes all reasonable planning to minimize harm to the remainder of the park; and

WHEREAS, prior to making this determination, notice must be given, and a public hearing be held, relative to the proposed change of park use; and

WHEREAS, the City Council desires to give notice and hold such hearing in accordance with the law with respect to the utilization of Bachman Lake Park.

Now, Therefore,

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

August 11, 2021

SECTION 1. That the Park and Recreation Department is hereby authorized and directed to advertise in writing of the above-mentioned proposed use of the park property by delivering a notice for publishing to the official newspaper to be advertised once each week for three consecutive weeks, the last publication to be not less than one week nor more than two weeks before the date of the hearing, which shall be held in the City Council Chambers on September 9, 2021.

SECTION 2. That the approval of the above-mentioned project by the City Council, at the close of said hearing, shall be construed as making the proper findings as to the use, taking and conveyance of parkland, consistent with the Texas Parks and Wildlife Code and the Texas Local Government Code.

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.