

October 23, 2024

**WHEREAS**, the City of Dallas owns land in northwest Dallas known as Flag Pole Hill Park, located at 951 Winfrey Point Way, which was acquired for park purposes and has been maintained as parkland; and

**WHEREAS**, Dallas Water Utilities Department (DWU) has identified a portion of Flag Pole Hill Park as necessary for the construction of two 60-inch stormwater lines for the public benefit, and DWU must acquire a public utility easement of approximately 29,355 square feet (0.67 acres) of land and temporary use of approximately 17,114 square feet of land, by Dallas Water Utilities for the construction of two 60-inch stormwater lines for the Guildhall–McCree Storm Drainage Relief System Project, for such improvements, 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**, in consideration for the grant of the Public Utility easement, DWU will pay the fair market value of these easements (\$36,800.00), as determined by an independent appraisal; 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 Flag Pole Hill 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 Stormwater Easements, by form instrument as approved by the City Attorney, to DWU for the purpose of construction and operation of two 60-inch stormwater lines for the public benefit, and DWU must acquire a public utility easement of approximately 29,355 square feet (0.67 acres) and temporary use of approximately 17,114 square feet of land (0.40 acres) said easement areas more fully described in Exhibit A attached hereto and made a part hereof.

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**SECTION 3.** That upon receipt of THIRTY-SIX THOUSAND EIGHT HUNDRED DOLLARS AND NO/100 (\$36,800.00) from DWU, the City Manager or designee, upon approval as to form by the City Attorney, is hereby authorized to execute Easements for the benefit of the public 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 to provide for the least disruption of City services and coordinate relocation of existing park amenities and construction of new amenities with the Director of Park & Recreation (PKR) Department to minimize disruption to park operations;
3. Future construction, maintenance, and operations of the utilities within the park shall be coordinated with the Director of PKR to minimize disruption of use and operation of the park, and the 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;
4. To comply with health, safety, noise, environmental protection, waste disposal, and water and air quality regulations;
5. To keep the adjacent park area free from construction debris and waste;
6. To bear the cost of construction, operation, and maintenance of the 60-inch stormwater lines and improvements;
7. To do all work within the park and surrounding areas in a good a workmanlike manner under the supervision of the Director of PKR;
8. To permit future construction of any park improvements, amenities, and other improvements within the easement;
9. Any existing DWU utilities which DWU abandons now or in the future shall revert to parkland upon abandonment at no cost to PKR; 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 PKR, and trees planted, as agreed to between DWU and the PKR's Arborist.

**SECTION 4.** That the Chief Financial Officer is hereby authorized to receive and deposit funds in an amount not to exceed \$36,800.00 paid by DWU for the fair market value of the easement into Capital Gifts, Donation & Development Fund, Fund 0530; Department PKR, Unit 919A, Revenue Code 8428.

**SECTION 5.** 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.