

ORDINANCE NO. _____

An ordinance granting renewal of a revocable license to the City of Coppell to occupy, maintain and utilize portions of Belt Line Road right-of-way located near its intersection with North Lake Road adjacent to City Block 8461 within the limits hereinafter more fully described, for the purpose of occupying, maintaining and utilizing the subsurface space for an existing 24-inch waterline; providing for the terms and conditions of this license; providing for the waiver of compensation to be paid to the City of Dallas; providing for the payment of a publication fee; and providing an effective date of this license and ordinance.

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WHEREAS, on April 12, 1989, the City Council of the City of Dallas passed Ordinance No. 20263, thereby granting the City of Coppell the right, privilege, and franchise to utilize certain public property located near the intersection of North Lake and Belt Line Roads; and

WHEREAS, rights granted by said ordinance have expired; and

WHEREAS, the City of Coppell has requested renewal of the rights granted by said ordinance; and

WHEREAS, the City Council of the City of Dallas is of the opinion that a new license should be granted to the City of Coppell to continue the use of this public property for an existing subsurface 24-inch waterline, subject to the conditions hereinafter more fully set out;

Now Therefore,

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

SECTION 1. That a revocable license, hereinafter referred to as "license", subject to the restrictions and conditions of this ordinance, is hereby granted to the City of Coppell, a Texas municipal corporation, its successors and assigns, hereinafter referred to as "**GRANTEE**", to occupy, maintain and utilize for the purpose set out hereinbelow the tracts of land described in Exhibit A, hereinafter referred to as "licensed area" which is attached hereto and made a part hereof.



SECTION 2. That this license is granted for a term of forty (40) years, unless sooner terminated according to other terms and provisions herein contained.

SECTION 3. That in accordance with Section 43-115 (d) and Section 43-119 of the Dallas City Code, monetary consideration has been waived by the Dallas City Council, with the exception of the publication fee.

SECTION 4. That the licensed area shall be used by **GRANTEE** for the following purpose under the direction of the Director of Department of Facilities and Real Estate Management of the City of Dallas: occupy, maintain and utilize an existing subsurface 24-inch waterline.

SECTION 5. That this license is subject to the provisions set forth in EXHIBIT B, attached hereto and made a part hereof.

SECTION 6. That this license is nonexclusive and is made expressly subject and subordinate to the right of the City to use the licensed area for any public purpose. The Governing Body of the City of Dallas reserves the right to terminate and cancel this license, at will, by Resolution duly passed by said Governing Body. Upon termination, all rights granted hereunder shall thereupon be considered fully terminated and cancelled and the City of Dallas shall not be held liable by reason thereof. Said Resolution shall be final and shall not be subject to review by the Courts. **GRANTEE** shall have the right of cancellation upon giving the City of Dallas sixty (60) days written notice of its intention to cancel, and in either event upon the termination or cancellation by the City or **GRANTEE**, as the case may be, this license shall become null and void and **GRANTEE** or anyone claiming any rights under this instrument shall remove, to the extent required by the Director of Department of Facilities and Real Estate Management, any improvements and encroachments from the licensed area at **GRANTEE's** expense. Failure to do so shall subject **GRANTEE** to the provisions contained in EXHIBIT B, Subsection (a). All work shall be done at the sole cost of **GRANTEE** and to the satisfaction of the Director of Department of Facilities and Real Estate Management.

SECTION 7. That upon the effectiveness of this ordinance, the Director of Department of Facilities and Real Estate Management, or designee, is hereby authorized to execute a NOTICE OF LICENSE and to file same in the deed records of Dallas County, Texas. Additionally, the Director of Department of Facilities and Real Estate Management, or designee, is hereby authorized to execute the cancellation of Notice of License upon termination by the City or **GRANTEE** and to file such cancellation of Notice of License in the deed records of Dallas County, Texas.

SECTION 8. That the terms and conditions contained in this ordinance shall be binding upon **GRANTEE**, its successors and assigns.

SECTION 9. That this license may not be assigned without prior written approval from the Director of Department of Facilities and Real Estate Management, or designee. Such assignment shall recite that it is subject to the terms, restrictions and conditions contained in this ordinance. The assignee shall deliver evidence of ownership of property abutting the licensed area, and a copy of the assignment, along with the assignee's written acceptance of the provisions of this ordinance, to the Director of Department of Facilities and Real Estate Management within 10 days of such assignment; said assignment and written acceptance shall be forwarded to the City Secretary of the City of Dallas. That upon the Director or designee's approval of assignment of this ordinance, the Director of Department of Facilities and Real Estate Management, or designee, is hereby authorized to execute a NOTICE OF ASSIGNMENT OF LICENSE and to file same in the deed records of Dallas County, Texas. Should **GRANTEE** fail to obtain prior written approval for assignment of this license or fail to provide the City of Dallas with the required written acceptance and a copy of the assignment, the Director of Department of Facilities and Real Estate Management, or designee, may terminate this license.

SECTION 10. That in lieu of the insurance requirements specified in EXHIBIT B, Subsection (c), **GRANTEE** may self-insure to the extent permitted by applicable law under any plan of self-insurance, maintained in accordance with sound accounting practices, against the risks described in this Subsection (c) and shall not be required to maintain insurance hereunder provided that **GRANTEE** furnishes the City satisfactory evidence of the existence of an insurance reserve adequate for the risks covered by such plan of self-insurance, evidence of which shall be provided to the City prior to issuance of a certified copy of the ordinance to **GRANTEE**.

SECTION 11. That the City Secretary is hereby authorized and directed to certify a copy of this ordinance for recordation in the Deed Records of Dallas County, Texas, which certified copy shall be delivered to the Director of Department of Facilities and Real Estate Management, or designee. Upon receipt of an acceptable certificate of insurance and the fee for publishing this ordinance which **GRANTEE** shall likewise pay, the Director of Department of Facilities and Real Estate Management, or designee, shall deliver to **GRANTEE** the certified copy of this ordinance. The Director of Department of Facilities

SECTION 11. (continued)

and Real Estate Management, or designee, shall be the sole source for receiving certified copies of this ordinance for one year after its passage.

SECTION 12. That this ordinance is also designated for City purposes as Contract No. FRM-2023-00023186.

SECTION 13. That this ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so ordained.

APPROVED AS TO FORM:
TAMMY L. PALOMINO,
City Attorney

JOHN JOHNSON, Director
Department of Facilities and Real Estate
Management

BY Molly P. Ward
Assistant City Attorney

BY Jim Carraway
for Assistant Director

Passed _____.