

December 13, 2023

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

**WHEREAS**, Dallas Water Utilities (DWU) has identified a portion of Singing Hills Park as necessary for the construction of a 15-inch wastewater line for the public benefit, and DWU must acquire approximately 1,089 square feet of land 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**, in consideration for the grant of the Public Utility easement, DWU, [by reimbursement from Developer](#), will pay the fair market value of these easements (\$3,400.00), as determined by an independent appraisal; 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**, LDG Development (LDG) is constructing a multifamily residential development called The Ridge at Lancaster which will require additional wastewater capacity and LDG is willing to pay for all costs related to the public utility work within parkland; 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 Singing Hills Park has been taken.

**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 hold a 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 Easement, by form instrument as approved by the City Attorney, to DWU for purpose of construction and operation of a 15-inch wastewater utility line, said easement area more fully described in **Exhibit A**, attached hereto and made a part hereof.



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**SECTION 3.** That, upon receipt of \$3,400.00 from DWU, the City Manager or designee, upon approval as to form by the City Attorney, is hereby authorized to execute a Utility Easement 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 and Recreation 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 the Park & Recreation Department 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 the Park & Recreation Department, and shall be at DWU's sole cost with no cost to the Park & Recreation Department;
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 15-inch water line, existing sewer 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 the Park & Recreation Department;
8. To permit future construction of any park improvements, amenities, and other improvements within the easement;
9. Any existing DWU utilities which DWU abandons in the future shall revert to parkland upon abandonment and existing DWU reservations and easements of such areas shall be abandoned; 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 & Recreation Department.
11. That the wastewater easement in parkland shall not be recorded until DWU receives reimbursement funds from LDG Development including

but not limited to: all costs required for securing the new easement in the parkland including all Real Estate Division costs, payment to PKR for the easement, renovation work in the parkland, if so incurred, and all other costs, direct or indirect as a result of this project.

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**SECTION 4.** That the Chief Financial Officer is hereby authorized to receive and deposit funds in an amount not to exceed \$3,400.00 paid by DWU for the fair market value of the easement into Capital Gifts, Donation and Development Fund, Fund 0530, Department PKR, Unit 919A, Revenue Code 8428.

**SECTION 5.** 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.