February 28, 2024

WHEREAS, the City of Dallas owns land in northwest Dallas known as Orbiter Park, located at 9100 Orbiter Drive, which was acquired for park purposes and has been maintained as parkland; and

WHEREAS, Dallas Water Utilities (DWU) has identified a portion of Orbiter Park as necessary for the construction of a 16-inch water line for the public benefit, and DWU must acquire a public utility easement of approximately 10,071 square feet (0.23 acres) 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, 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, 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 dedication of a portion of Bachman Creek Greenbelt to DWU.

Now, Therefore,

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

SECTION 1. That the Park and Recreation Department is hereby authorized and directed to advise in writing of such proposed use of the park property at Orbiter Park located at 9100 Orbiter Drive, by Dallas Water Utilities for the construction of a 16-inch water line totaling approximately 10,071 square feet (0.23 acres) of land 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 March 27, 2024.

SECTION 2. That the approval of the aforementioned 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 the Chief Financial Officer is hereby authorized to receive and deposit funds in an amount not to exceed $700.00 paid by DWU for the cost of advertising the public hearing into Capital Gifts, Donation and Development Fund, Fund 0530, Department PKR, Unit 919A, Revenue Code 8428.

SECTION 4. 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.