

ORDINANCE NO. _____

An ordinance providing for the closure and vacation to vehicular traffic of a portion of Brookside Drive adjacent to City Block B/2785 in the City of Dallas and County of Dallas, Texas; providing for the interdepartmental transfer of funds; providing for the terms, provisions and effective date of the closure and vacation made herein; and providing an effective date for this ordinance.

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WHEREAS, the Park and Recreation Department has requested the closure and vacation of a portion of Brookside Drive for the development of a trailhead; and

WHEREAS, the City Council of the City of Dallas, acting pursuant to law, is of the opinion that the best interest and welfare of the public will be served by closing and vacating a portion of Brookside Drive adjacent to city-owned property in City Block B/2785 to all vehicular traffic;

Now, Therefore,

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

SECTION 1. That the tract of land described in Exhibit A, which is attached hereto and made a part hereof, be and the same is hereby vacated and closed insofar as the right, title and easement of the public to use said tract for vehicular purposes are concerned; subject, however, to the conditions hereinafter more fully set out.

SECTION 2. That the City Controller is authorized to transfer the monetary consideration in the sum of **ELEVEN THOUSAND TWO HUNDRED FORTY-FIVE AND NO/100 DOLLARS (\$11,245.00)** for the Abandonment Processing Fee of **ELEVEN THOUSAND ONE HUNDRED FIFTY AND NO/100 DOLLARS (\$11,150.00)**, for the Publication Fee of **TWENTY AND NO/100 DOLLARS (\$20.00)** and Recording Fee of **SEVENTY-FIVE AND NO/100 DOLLARS (\$75.00)** from the Mowmentum Park Improvement Fund, Fund 0T80, Department PKR, Unit T110, Object 4260 to General Fund, Fund 0001, Department FRM, Balance Sheet 0519, and Department of Facilities and Real Estate Management shall be reimbursed for the cost of obtaining the legal description, appraisal and other administrative costs incurred. The reimbursement proceeds shall be deposited in General Fund, Fund 0001, Department FRM, Unit 1181, Object 5011 and any remaining proceeds shall be transferred to the General Capital Reserve Fund, Fund 0625, Department BMS, Unit 8888, Revenue Code 8416.

SECTION 3. That the closure and vacation provided for herein are made subject to all present zoning and deed restrictions, if the latter exist, and are subject to all existing easement rights of others, if any, whether apparent or non-apparent, aerial, surface, underground or otherwise, and are subject to existing and retained rights of the City to use the property described in Exhibit A for water, wastewater and drainage purposes and the presently existing facilities, if any, for all public utility and fiber optic franchisees, which facilities shall remain in place pursuant to the respective franchise agreements with those companies.

SECTION 4. That as a condition of this closure and vacation and as part of the consideration for the quitclaim made herein, City of Dallas – Park and Recreation Department shall acknowledge:

- a) Dallas Water Utilities shall retain the right of unhindered access, maintenance, construction or relocation of public water and wastewater mains (existing and future).
- b) Coordination with the appropriate City Engineering Division as to how the closure will occur and the design of any parking abutting Covington Lane or Brookside Drive.
- c) Dallas Area Rapid Transit (DART) shall have access to its right-of-way at all times.

SECTION 5. That the closure and vacation provided for herein is made subject to public use for pedestrian traffic and shall remain open and accessible.

SECTION 6. 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.

SECTION 7. That this ordinance is designated for City purposes as Contract No. FRM-2023-00023225.

SECTION 8. 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 For [Signature]
Assistant Director

Passed _____.