

October 27, 2021

**WHEREAS** the City of Dallas owns land in Dallas know as Glendale Park, located at 1515 East Ledbetter Drive, which has been maintained by the City as parkland; and

**WHEREAS**, a portion of Glendale Park has been identified by Dallas Water Utilities (DWU) as necessary for the construction of a 72-inch wastewater main for the public benefit, and DWU must acquire approximately 147,692 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 Utility Easement, Dallas Water Utilities will pay \$1,000,000.00; 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**, 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 Glendale 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 utility easement, by form instrument as approved by the City Attorney, to Dallas Water Utilities for purpose of construction of water and wastewater pipeline projects, said easement area more fully described in Exhibit A, attached hereto and made a part hereof.

**SECTION 3.** That, upon receipt of ONE MILLION DOLLARS AND NO/100 (\$1,000,000.00) from Dallas Water Utilities, the City Manager or designee, upon approval as to form by the City Attorney is authorized to execute a Utility Easement for the benefit of the public for the purposes authorized herein and to provide the following:

**SECTION 3.** (continued)

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 so as to provide for the least disruption of City services;
3. To comply with health, safety, noise, environmental protection, waste disposal, and water and air quality regulations;
4. To keep the adjacent park area free from construction debris and waste;
5. To bear the cost of construction, operation, and maintenance of the sewer line and improvements;
6. 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. Future construction, maintenance, and operations of the utilities within the park will be coordinated with the Park & Recreation Department operations to minimize disruption of use and operation of the park;
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.

**SECTION 4.** That the Chief Financial Officer is hereby authorized to deposit funds paid by the Dallas Water Utilities for the easements, as good and valuable consideration, into Capital Gifts, Donation and Development Fund, Fund 0530, Department PKR, Unit 919A, Revenue Code 8428, in an amount not to exceed \$1,000,000.00.

**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.