

September 14, 2022

WHEREAS, the City of Dallas owns land in Dallas known as Everglade Park, located at 5100 Jim Miller Road, which has been maintained by the City as parkland; and

WHEREAS, a portion of Everglade Park has been identified by Dallas Water Utilities (DWU) as necessary for the construction of a 48-inch water main for the public benefit, and DWU must acquire approximately 23,373 square feet of land for such improvements, as shown on Exhibit A, and a temporary construction easement of approximately 31,142 square feet of land, as shown on Exhibit B, 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, and Temporary Construction Easement, Dallas Water Utilities will make improvements to the park, relocate park amenities in the proposed work area prior to construction of its project, renovate the park after construction, construct a trail on its property which will connect with the existing park trail, and maintain in perpetuity a fire lane which is required on parkland for emergency access to the existing pump station, and abandon DWU's existing sewer easement in the park of approximately 9,051 square-foot of land, as shown on Exhibit C; and

WHEREAS, DWU is agreeable to designing and constructing its improvements on parkland 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 Everglade 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.

September 14, 2022

SECTION 2. That the City of Dallas hereby approves and authorizes the grant of utility easement, and temporary construction easement, by form instrument as approved by the City Attorney, to DWU for purpose of construction of a 48-inch water main, said easement areas more fully described in Exhibit A and Exhibit B, attached hereto and made a part hereof.

SECTION 3. That the Park and Recreation Board and the City Manager or designee, is hereby authorized to execute a Utility Easement and Temporary Construction Easement, approval as to form by the City Attorney, 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 & Recreation Department 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 construct a fire lane on parkland, which is required for the Jim Miller Pump Station Improvements Project, of a permeable structural material which meets fire code for such access, such as to permit the healthy growth of turf, and to accommodate continued park use of the space. Being that the fire lane is for the purpose and in support of the pump station, the maintenance and replacement all fire lane infrastructure shall be the perpetual cost and responsibility of DWU—the Park & Recreation Department shall be responsible for mowing and basic lawn care separate from responsibility of and for the firetruck-rated green infrastructure.
5. To comply with health, safety, noise, environmental protection, waste disposal, and water and air quality regulations;

September 14, 2022

SECTION 3. (continued)

6. To keep the adjacent park area free from construction debris and waste;
7. To bear the cost of construction, operation, and maintenance of the 48 inch water line, existing sewer line and improvements;
8. 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;
9. To permit future construction of any park improvements, amenities, and other improvements within the easement;
10. 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
11. 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. 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.