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WHEREAS, the City of Dallas owns land in northwest Dallas known as Bachman Creek Greenbelt, located at 3900 Shorecrest Drive, which was acquired for park purposes and has been maintained as parkland; and

WHEREAS, Dallas Water Utilities (DWU) has identified a portion of Bachman Creek Greenbelt as necessary for the construction of an 8-inch wastewater line for the public benefit, and DWU must acquire a public utility easement of approximately 1,682 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, Dallas Water Utilities (DWU) has identified a portion of Bachman Creek Greenbelt as necessary for the construction of a 30-inch stormwater line for the public benefit, and DWU must acquire a public utility easement of approximately 1,580 square feet of land for such improvements, as shown on **Exhibit B**, 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, in consideration for the grant of the Public Utility easement, DWU, by reimbursement from Developer, will pay the fair market value of these easements (\$39,147.00), as determined by an independent appraisal; and

WHEREAS, in consideration for the grant of Public Utility easements, DWU will demolish and reconstruct the approximately 600-foot Bachman Lake Park hike and bike trail along the entire property frontage of the adjacent property to the Park and Recreation Department's current trail design standards; and

WHEREAS, UG Bluffview LP, a Texas limited partnership (UGB) is the owner of Bluffview Square on Bachman Creek Addition, located at 3842 West Northwest Highway, a property adjacent to the Bachman Creek Greenbelt whose redevelopment of its property requires relocation of its wastewater line on its property and in the parkland and requires an increased capacity of the existing stormwater line serving its property to meet current City standards; and

WHEREAS, UGB shall be solely responsible for all costs associated with this stormwater and wastewater line project in parkland including all costs contained within this action including but not limited to: costs required for the payment and recordation of the public utility easements, City of Dallas Real Estate costs, demolition and reconstruction of approximately 600 feet of Bachman Lake Park Trail, and all permitting and approval costs associated with the project; and

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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 Bachman Creek Greenbelt 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 Easements, by form instrument as approved by the City Attorney, to DWU for the purpose of construction and operation of an 8-inch wastewater utility line, and a 30-inch stormwater line said easements area more fully described in Exhibit A and Exhibit B attached hereto and made a part hereof.

SECTION 4. That UG Bluffview LP, a Texas limited partnership (UGB) is the owner of 3842 West Northwest Highway, a property adjacent to the Bachman Creek Greenbelt whose redevelopment of its land requires relocation of its wastewater utility line and increased capacity to its existing stormwater utility line within parkland.

SECTION 5. That UGB shall be solely responsible for all costs associated with this stormwater and wastewater line project in parkland including but not limited to: costs required for the payment (\$39,147.00) and recordation of the public utility easements, City of Dallas Real Estate costs, hike and bike trail demolition and reconstruction, permitting and approval costs associated with the project, and all other direct and indirect project costs within the parkland.

SECTION 6. That the Park and Recreation Board and City Manager are hereby authorized to execute a development agreement with UGB, approved as to form by the City Attorney, for the demolition and reconstruction of approximately 600 feet of the Bachman Lake Park Trail.

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SECTION 7. That, upon receipt of thirty-nine thousand one hundred forty-seven dollars (\$39,147.00) from DWU, the City Manager or designee, upon approval as to form by the City Attorney, is hereby authorized to execute a Utility Easements 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 (PKR) 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 PKR 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 PKR, and shall be at DWU's sole cost with no cost to PKR;
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 demolish and reconstruct the existing approximately 600-foot long, eight-foot-wide asphalt Bachman Lake Park Hike and Bike Trail along the entire property frontage of the adjacent property to the project. The new trail shall be reinforced concrete no less than five inches thick and ten feet wide, constructed to the Park and Recreation Department's current trail design standards, ADA standards, and all other applicable City, State, and Federal standards. DWU is responsible for all securing all permits and other approvals as required.
8. To do all work within the park and surrounding areas in a good a workmanlike manner under the supervision of the Director of PKR;
9. To permit future construction of any park improvements, amenities, and other improvements within the easement;

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SECTION 7. (continued)

10. Any existing DWU utilities which DWU abandons now or in the future shall revert to parkland upon abandonment; 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 PKR.
12. That the wastewater utility line easement and stormwater utility line easement shall not be recorded until DWU receives reimbursement funds from UGB for all direct and indirect costs associated with the wastewater and stormwater project in parkland including but not limited to: payment to PKR for the fair market value of the easement, Real Estate Division's costs, demolition and replacement of the Bachman Lake Park Trail, all direct and indirect costs associated with securing, as required, any and all permits and other approvals for the project in parkland, all restoration and other work as required in the parkland as a result of the project, and all costs as required by this action.

SECTION 8. That the Chief Financial Officer is hereby authorized to receive and deposit funds 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, in an amount not to exceed \$39,147.00.

SECTION 10. 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.