

October 13, 2020

**WHEREAS**, the City of Dallas owns land in Dallas known as Pegasus Plaza, located at 1500 Main Street, and, Belo Garden, located at 1014 Main Street both parks located in downtown Dallas, which have been maintained by the City as parkland; and

**WHEREAS**, Dallas Area Rapid Transit (DART) has identified Pegasus Plaza and a portion of the subsurface of Belo Garden as necessary for the construction of DART's D2 Subway line, for the benefit to the public, to enhance mobility and access for existing and future riders, and DART must acquire in: 1) Belo Garden a subsurface transportation easement of approximately 21,705 square feet of land, as shown on exhibit A, and 2) Pegasus Plaza i—a transportation easement of approximately 6,427 square feet of land, as shown in exhibit B, ii—a subsurface transportation easement of approximately 15,208 square feet of land, as shown in exhibit C, and iii—a temporary construction easement of approximately 19,100 square feet of land, as shown in exhibit D, and the Park and Recreation Board is agreeable to providing the property for this use; and

**WHEREAS**, DART is agreeable to designing and constructing a reimagined Pegasus Plaza after construction of the D2 Project is complete, including providing additional good and valuable consideration such as enhanced security and litter and trash pickup and payment for maintenance costs in excess of the current annual maintenance budget in the redesigned park, the terms thereof to be set for by separate agreement to be executed after approval of the Park and Recreation Board and Council at a later date subsequent to approval of the conveyances after the public hearing; 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 utilization of Belo Garden and Pegasus Plaza; and

**Now, Therefore,**

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

October 13, 2020

**SECTION 1.** That the Park and Recreation Department is hereby authorized and directed to advise in writing of the above mentioned proposed use of the park property 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 November 11, 2020.

**SECTION 2.** That the approval of the above mentioned 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 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.