

September 9, 2021

WHEREAS, the City of Dallas owns land in Dallas known as Bachman Lake Park, located at 3500 West Northwest Highway, which has been maintained by the City as parkland; and

WHEREAS, the Federal Aviation Administration (FAA) has identified the need to install a new fiber optic cable from runway 13R / 31- L to its existing 31 L Localizer Facility on the north side of Bachman Lake by means of horizontal drilling approximately twenty-feet beneath the bottom of Bachman Lake, thereby disturbing no above-ground parkland, surfacing within FAA's existing Localizer Facility within Bachman Lake Park, and the installation of appurtenances in the same Localizer Facility, for the benefit of the public and to enhance airport operations, FAA must acquire a fiber optic easement of approximately 11,059 square feet of land, more fully described in Exhibit A, and the Park and Recreation Board is agreeable to providing the property for this use; and

WHEREAS, the City and FAA entered into a Memorandum of Agreement (MOA) in 2008, and updated in 2014, for the cooperative construction, operation, and maintenance of FAA-owned navigation, communication, and weather aids for the support of Air Traffic Operations in the interest of public safety and for direct support of the ongoing operation of Dallas Love Field, and the City, by separate Council action, intends to amend the MOA to include the proposed fiber optic easement, and the City considers this mutually beneficial project good and valuable consideration for the use of underground parkland; and

WHEREAS, with the proposed actions taken by FAA to minimize harm to the park the City of Dallas concurs with the Section 4(f) de minimis impact determination for Bachman Lake Park regarding Section 4(f) resources; 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 Bachman Lake 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.

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SECTION 2. That, City of Dallas hereby approves and authorizes the grant of fiber optic easement, approved as to form by the City Attorney, to FAA for the construction of a fiber optic cable, said easement area more fully described in Exhibit A, attached hereto and made a part hereof.

SECTION 3. That, in accordance with the long-standing MOA, the City considers the public benefit from this mutually beneficial project, and existing FAA equipment within the park, good and valuable consideration for the use of subterranean parkland, and that upon approval as to form by the City Attorney, is authorized to execute a fiber optic easement for the benefit of FAA, the public, and for the purposes authorized herein and to provide the following:

1. To comply with health, safety, noise, environmental protection, waste disposal, and water and air quality regulations;
2. To bear the cost of construction, operation, and maintenance of the fiber optic cable and improvements;
3. To comply with all provisions enumerated in the existing MOA between the FAA and the City regarding mutually beneficial projects on City land;
4. To permit existing and reasonable future parkland use of the easement area and that the fiber optic easement is non-exclusive;
5. To be responsible for all expenses to the City for the cleanup, repairs, and any and all damages or actions deleterious to the park resultant of its actions or negligence.

SECTION 4. 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.