



Legislation Details (With Text)

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**Type:** CONSENT AGENDA      **Status:** Approved

**File created:** 4/11/2023      **In control:** Park & Recreation Department

**On agenda:** 5/10/2023      **Final action:**

**Title:** Authorize a ten-year term, with two five-year extension options, for development, operation, and maintenance with the Dallas Off-Road Bicycle Association for the purpose of providing off-road bicycle trail improvements and soft-surface trail improvements on a portion of L.B. Houston Park, Boulder Park, Emerald Lake, Harry S. Moss Park, Ash Creek Greenbelt (also referred to as CreekSide Park), for the benefit of Dallas residents - Financing: No cost consideration to the City

**Sponsors:**

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**Attachments:** 1. Resolution, 2. Exhibit A

Date	Ver.	Action By	Action	Result
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**STRATEGIC PRIORITY:** Quality of Life, Arts & Culture

**AGENDA DATE:** May 10, 2023

**COUNCIL DISTRICT(S):** All

**DEPARTMENT:** Park & Recreation Department

**EXECUTIVE:** John D. Jenkins

**SUBJECT**

Authorize a ten-year term, with two five-year extension options, for development, operation, and maintenance with the Dallas Off-Road Bicycle Association for the purpose of providing off-road bicycle trail improvements and soft-surface trail improvements on a portion of L.B. Houston Park, Boulder Park, Emerald Lake, Harry S. Moss Park, Ash Creek Greenbelt (also referred to as CreekSide Park), for the benefit of Dallas residents - Financing: No cost consideration to the City

**BACKGROUND**

The Dallas Off-Road Bicycle Association (DORBA) is proposing to enter into a ten-year agreement for the development, operation and maintenance of off-road bicycle trails and soft-surface trail improvements on portions of the following park sites: a L.B. Houston Park, Boulder Park, and Harry S. Moss Park. and Creekside Park and other future sites. This agreement will allow future sites to be incorporated through an Administrative Action subject to Park Board approval.

Deal Points (including but not limited to):

- City of Dallas Park & Recreation Department (PKR) agrees to:
  - Securing land rights from Dallas Area Rapid Transit, Oncor, etc. should proposed trail be on others' property.
- DORBA agrees to:
  - Work with the Dallas (PKR) to resolve any found safety issues
  - At its own cost, be responsible for design, construction, and maintenance for the improvements to be made to the park sites.
  - Manage and fund the design and construction through its own consultants and contractors and will be responsible for all permits, platting, zoning, and other required approvals.
  - Responsible for the development of the design, plans and specifications for the improvements to be made to the park sites. DORBA will submit the design to the Dallas PKR for review and approval prior to commencement of construction. Review and approval of major modifications to routes will be required.
  - Adopt and make good faith efforts to comply with the City's Business Inclusion and Development (BID) Policy, to the extent feasible, in hiring and contracting with minority and women-owned local businesses certified by the City or the North Central Texas Regional Certification Agency in the construction of the Improvement.
  - Provide as-built plans within thirty days of completion of project.
  - Seek the Dallas PKR approval of programming and reservation of trail for events, competitions, or actively managed use. Should approval be granted the trail will be closed to non-participant and would potentially disrupt public use of the trail.
  - Carry and maintain insurance for the development and maintenance of the trails and for any events held by the group. The City of Dallas will be on the policy as an additional insured.
  - Submit a development plan for approval by Director.
  - DORBA shall maintain trail improvements at each site.
- Other terms:
  - The term of the Agreement is for ten years, with two five-year renewal options upon approval by the Dallas Park and Recreation Board.
  - Standard contractual language regarding insurance, right-of-entry, approvals, etc.
  - Either party may terminate the agreement without cause with ninety days' notice
  - Assignment of the agreement to a third-party is only by approval of the Director of the Dallas PKR.
  - Any revenue received from events/programs shall only be used for maintenance and operation of park.
  - Any vegetation and trees removed to be approved by the Director.
  - Any capital improvements become the property of the City upon completion.

### **PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)**

On May 4, 2023, the Park and Recreation Board will consider authoring a ten-year term, with two five-year extension options for development, operation, and maintenance with the Dallas Off-Road Bicycle Association.

### **FISCAL INFORMATION**

No cost consideration to the City.