



Legislation Text

File #: 24-342, **Version:** 1

STRATEGIC PRIORITY: Quality of Life, Arts & Culture
AGENDA DATE: February 14, 2024
COUNCIL DISTRICT(S): 2
DEPARTMENT: Park & Recreation Department
EXECUTIVE: John D. Jenkins

SUBJECT

Authorize a development agreement with Dallas Wetlands Foundation for a term commencing upon execution and shall terminate one year following the completion of the construction of improvements - Not to exceed \$7,358,064.00 - Financing: Park and Recreation (B) Fund (2017 General Obligation Bond Fund)

BACKGROUND

The Dallas Wetlands Foundation (DWF) is a Texas non-profit 501c3 organization that was created for the purpose of developing urban wetlands, promoting the sound use of land and resources for the long-term health of the community, and educating the public of the value and function of wetlands through public private partnerships.

The proposed project will create new green space while increasing resilience through maintained flood mitigation and by developing, enhancing, and protecting urban wetlands in order to improve water quality. The agreement will be a public/private partnership between the City of Dallas including the Dallas Parks & Recreation Department (PKR), Dallas Water Utilities (DWU), and DWF.

Below are the significant deal points of the development agreement.

- DWF will be responsible for securing all zoning, building permits and other approvals required including the United States Army Corps of Engineers and Federal Emergency Management Agency.
- PKR will provide \$7,358,064.00 in funding from the 2017 City of Dallas Bond and DWF will provide an equal or greater match to PKR bond funding of \$7,358,064.00 for the project. The match will consist of project expenses in-kind, cash and/or land.
- DWF will have the right to name all and/or portions of the project subject to Park Naming Policy as applicable.

- DWF agrees to establish one or more designated capital accounts for the project to maintain DWF's portion of funding for each project phase, accessible to the City and its auditors for review.
- DWF will be listed as the applicant for all permitting regardless of agency with the City listed as owner of land within the Dallas Levee System.
- Design submittals will include reviews at intervals mutually determined by the City and DWF. The City has the right to observe and inspect work performed by any contractor(s) or subcontractors performing work on the project.
- DWF will be responsible for any environmental issues occurring upon privately owned land which is a part of the project prior to conveyance to the City.
- DWF will adopt and make efforts to exceed the City of Dallas Business Inclusion and Development Policy.
- DWU will maintain water quality testing as appropriate and in conjunction with local and federal permitting requirements throughout the term of the agreement.
- Substantial completion of Phase 1 of the project is 30 months from commencement of construction.
- The City shall have the right to extend any date by no more than 24 months for reasonable cause shown by the DWF.
- The City reserves the right to close portions of or in its' entirety the project area for flood mitigation necessity upon weather conditions (planned) and ongoing flood events. Best efforts will be made to coordinate closure in advance.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On January 11, 2024, the Park and Recreation Board authorized a development agreement with a term commencing upon execution and shall terminate one year following the completion of the construction of improvements with Dallas Wetlands Foundation.

FISCAL INFORMATION

Fund	FY 2024	FY 2025	Future Years
Park and Recreation (B) Fund (2017 General Obligation Bond Fund)	\$7,358,064.00	\$0.00	\$0.00

MAP

Attached