



## Legislation Details (With Text)

<b>File #:</b>	22-1869	<b>Version:</b>	1	<b>Name:</b>	
<b>Type:</b>	PUBLIC HEARINGS AND RELATED ACTIONS	<b>Status:</b>	Hearing Closed; Approved		
<b>File created:</b>	8/17/2022	<b>In control:</b>	Park & Recreation Department		
<b>On agenda:</b>	9/14/2022	<b>Final action:</b>			
<b>Title:</b>	A public hearing, pursuant to Chapter 26 of the Texas Parks and Wildlife Code, to receive comments on the proposed use of a portion of parkland at Everglade Park located at 5100 Jim Miller Road totaling approximately 23,373 square feet of land and temporary use of approximately 31,142 square feet of land, by Dallas Water Utilities for the construction of a 48-inch water main and future wastewater lines for the Jim Miller Pump Station Improvements Project; and, at the close of the public hearing, consideration of a resolution authorizing the proposed use of parkland pursuant to Chapter 26 of the Texas Parks and Wildlife Code - Financing: No cost consideration to the City				
<b>Sponsors:</b>					
<b>Indexes:</b>	7				
<b>Code sections:</b>					
<b>Attachments:</b>	1. Map, 2. Resolution, 3. Exhibit A, 4. Exhibit B, 5. Exhibit C				

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

**AGENDA DATE:** September 14, 2022

**COUNCIL DISTRICT(S):** 7

**DEPARTMENT:** Park & Recreation Department

**EXECUTIVE:** John D. Jenkins

### SUBJECT

A public hearing, pursuant to Chapter 26 of the Texas Parks and Wildlife Code, to receive comments on the proposed use of a portion of parkland at Everglade Park located at 5100 Jim Miller Road totaling approximately 23,373 square feet of land and temporary use of approximately 31,142 square feet of land, by Dallas Water Utilities for the construction of a 48-inch water main and future wastewater lines for the Jim Miller Pump Station Improvements Project; and, at the close of the public hearing, consideration of a resolution authorizing the proposed use of parkland pursuant to Chapter 26 of the Texas Parks and Wildlife Code - Financing: No cost consideration to the City

### BACKGROUND

The City of Dallas owns municipal parkland known as Everglade Park (8.2 acres) located at 5100 Jim Miller Road on the east side of Dallas. Everglade Park is a community park with a lighted baseball diamond, swimming pool, playground, walking trail, exercise stations, pavilion, and open lawn.

In the 1960s, Dallas Water Utilities (DWU) purchased two parcels totaling sixteen acres of land. DWU constructed its current Jim Miller Pump station on the northern parcel. In the 1970s, Everglade Park was developed on the southern parcel adjacent to the pump station property.

DWU's current Jim Miller Pump Station Improvements Project will upgrade much of the mechanical equipment at the station as well as increase capacity to meet recent area growth and anticipated future needs. As part of the project DWU needs to permanently relocate the existing 48-inch water discharge line to accommodate the pump station upgrades. Because of site space constraints DWU needs to relocate the water discharge line to approximately fifteen feet inside Everglade Park. This relocation requires DWU to acquire a water/wastewater easement in a portion of Everglade Park of approximately 23,373 (0.54 acres) square feet of land (Exhibit A). In addition, DWU requires temporary use of approximately 31,142 square feet (0.71 acres) of land (Exhibit B). Lastly, DWU will abandon its current sewer easement in the park of approximately 9,051 square-foot (0.21 acres) of land (Exhibit C).

In consideration of grant of easements DWU proposes to make improvements within the park. Consideration includes but is not limited to:

1. relocation of a portion of the existing loop trail and the exercise equipment before the DWU project commences;
2. restoration of the wildflower area after construction;
3. reconstruction of a portion of the loop trail after construction;
4. installation of a permanent fire lane using structural permeable pavement, in compliance with City of Dallas Code, to allow for park use of the fire lane area when not used in an emergency, and
5. to provide additional park plantings.

Additionally, DWU proposes to construct a 2,000-foot long, minimum five-foot wide trail on its parcel encircling the pump station and connecting the existing park loop trail.

DWU agrees as condition of the conveyance of easement to:

1. Permit future construction of any park amenities and other improvements within the easement.
2. That future construction, maintenance, and operations of DWU utilities within the parkland will be coordinated with the Park & Recreation Department operations to minimize disruption of use and operation of the park.
3. DWU shall request approval from the Director of the Park & Recreation Department should DWU's operations, maintenance, or construction require DWU to disrupt, demolish, or modify any improvements, vegetation, or terrain within the easement or parkland, except for in a situation which affects the public's immediate health, safety, or welfare, in which case DWU shall notify the Director of the Park & Recreation Department as soon as possible of such activities. In any case, 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 the Park & Recreation Department, and shall be at DWU's sole cost with no cost to the Park & Recreation Department.
4. Scheduling of DWU's project and relocation of existing park amenities and construction of new amenities shall be coordinated with the Director of the Park & Recreation Department to minimize disruption to park operations.
5. The fire lane, which will be on parkland, and is required by DWU's upgrade project by fire code

regulations, shall consist of a permeable structural material that meets fire code for such access, will permit the healthy growth of turf, and will accommodate continued park use of the space. Being that the fire lane is for the purpose and in support of the pump station, the maintenance and replacement all fire lane infrastructure shall be the perpetual cost and responsibility of DWU - the Park & Recreation Department shall be only responsible for mowing and basic lawn care.

6. Any existing DWU utilities which DWU abandons in the future shall revert to parkland upon abandonment and existing DWU reservations and easements of such areas shall be abandoned.

In compliance with the law, the City must determine that there is a need, that there is no feasible and prudent alternative, and that all reasonable care will be taken not to damage the remainder of the park property and to mitigate any disruption of park services.

In accordance with the Texas Parks and Wildlife Code, Chapter 26 (Sections 26.001 through 26.004) the City Council must advertise and hold a public hearing on the change of use of parkland.

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

On June 22, 2022, the Park and Recreation Board authorized a public hearing to be held on September 14, 2022.

On August 10, 2022, City Council authorized a public hearing on September 14, 2022, by Resolution No. 22-1126.

#### **FISCAL INFORMATION**

No cost consideration to the City.

#### **MAP**

Attached