



Legislation Text

File #: 23-1578, **Version:** 1

STRATEGIC PRIORITY: Quality of Life, Arts & Culture
AGENDA DATE: June 14, 2023
COUNCIL DISTRICT(S): 1
DEPARTMENT: Park & Recreation Department
EXECUTIVE: John D. Jenkins

SUBJECT

Authorize **(1)** a Multiple Use Agreement with Texas Department of Transportation for the Southern Gateway Public Green located between South Marsalis Avenue and South Ewing Avenue to permit the City to construct, maintain, and operate a Public Green over Texas Department of Transportation right-of-way; and **(2)** execution of the Multiple Use Agreement including all terms, conditions, and documents required by the agreement - Financing: No cost consideration to the City

BACKGROUND

The City of Dallas desires to design, construct, maintain, and operate a Public Green, called Southern Gateway Public Green (Public Green), over Interstate Highway-35 located between South Marsalis Avenue and South Ewing Avenue. Upon completion of the concrete deck structure TxDOT agrees, by means of a Multiple Use Agreement (MUA), to permit the City to construct, maintain, and operate the Public Green within the TxDOT right-of-way, over Interstate Highway-35 subject to the following:

- 1) The design, construction, maintenance, and operation of the Public Green shall be solely at the cost of the of Southern Gateway Public Green Foundation.
- 2) The term of the MUA shall be for the life of the Public Green or at an earlier date, subject to the terms of the agreement such as:
 - a. Termination by mutual agreement;
 - b. Breach of the agreement subject to a ninety days cure period;
 - c. The state determines that the Public Green is no longer within the jurisdiction of the State of Texas;
 - d. The State determines the facility is no longer in the best interest of the State such that the State determines that the Public Green impairs the safety or is a nuisance to traffic; or
 - e. The City abandons the Public Green due to lack of funds in which case the State will remove the Public Green at the City's expense.

- f. Upon termination of the MUA the City shall restore the area to its prior condition.
- 3) The City shall submit construction plans for TxDOT's review and approval. Said plans shall delineate and define the construction responsibilities of both parties. The City shall not begin construction until plans have been approved by the State.
 - a. TxDOT shall have the right at any time to inspect construction and after construction is complete to inspect the Public Green at any time during the term of the MUA.
- 4) Parking and signage in the Public Green is subject to approval by TxDOT.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

This item has no prior action.

FISCAL INFORMATION

This item has no cost consideration to the City.

MAP

Attached