

WHEREAS, the City of Dallas owns land in northwest Dallas known as Reverchon Park, which was acquired for park purposes and has been maintained as park land; and

WHEREAS, the Dallas Water Utilities Department (DWU) has requested the use of approximately 4,409 square feet of land, as described on Exhibit A, for the installation of a segment of a 54-inch wastewater main, and the Park and Recreation Board is agreeable to providing the property for this use; and

WHEREAS, the Texas Parks and Wildlife Code, Chapter 26 (Section 26.001 through 26.004), requires that before a municipality may approve any program or project that requires the use or taking of any public land designated and used as park land, the governing body of such public municipality must determine that there is no feasible and prudent alternative to the use or taking of such land, and that the program or project includes all reasonable planning to minimize harm to the remainder of the park; **Now, Therefore,**

BE IT RESOLVED BY THE PARK AND RECREATION BOARD AND THE CITY COUNCIL OF THE CITY OF DALLAS:

SECTION 1. That as a result of the public hearing held November 10, 2008, it is hereby determined that there is no feasible and prudent alternative to this use of park land and that all reasonable planning to minimize harm to the park has been taken.

SECTION 2. That since the public hearing has been held, the use is authorized subject to the following terms and conditions:

a. Construction of the 54-inch wastewater main shall not disrupt any services provided by the Park and Recreation Department. DWU and its contractor shall make any adjustments and reconfigurations to Reverchon Park to eliminate any disruption of services, programming, irrigation, lighting, signs, drive approaches, and parking. Any adjustments and reconfigurations must be approved in advance by the Park and Recreation Department (PARD) staff and completed prior to the portion of the project that will create the disruption. The contractor shall return the park to its original condition or as agreed upon between DWU and the Park and Recreation Department.

b. DWU will participate in planned improvements to Reverchon Park as consideration for the use of this park land, including the removal of the existing parking lot as per the Park Development Plan.

- c. The contractor shall provide safety fencing around the construction area within Reverchon Park.
- d. All health, safety, noise, environmental protection, waste disposal, and air quality regulations shall remain in compliance.
- e. PARD will not bear the cost of any construction associated with the installation of the wastewater main and once completed, the area including all sites used for staging and access for the project will be compatible with the adjacent park property.
- f. Construction of the wastewater main shall not disturb trees, shrubs or other landscaping outside of the wastewater line use area, and those that may be damaged will be corrected appropriately as approved by PARD staff.
- g. Any trees that may require removal by this project shall be mitigated by the contractor. Mitigation shall be approved by PARD staff and in accordance with the City of Dallas Tree Preservation Ordinance.
- h. Prior to construction, the contractor will stake the construction alignment, flag the trees to be removed and provide protection for those trees remaining within the easement, subject to the approval of PARD staff and representatives of the Dallas Water Utilities Department.
- i. Upon completion of construction, all affected turf areas shall be made free of ruts, rocks, and construction debris, and aerated as needed and top dressed with a good soil mixture.
- j. The contractor will reseed/sod all grass areas within the park that are damaged by construction activities. Reseeding/sodding will be accomplished following the completion of construction. Reseeding/sodding will be judged to be effective or not effective within 90 days of planting. If not effective, one reseeded/sodded area will take place as promptly as possible by the contractor.
- k. No chemicals will be applied on the park property without prior written permission of the PARD, detailing the chemicals and their specification for use.
- l. The contractor's ingress and egress of the park are subject to approval of PARD staff.

m. No machinery or construction access or storage shall be allowed on property beyond the limits of the temporary workspace as approved by PARD staff. Should the storage of materials or open excavations be required to remain unsupervised within the work space, a stable standing chain link fence of six feet in height will be installed along the perimeter of the storage/work area, sufficient to protect against access by children, park users, and other trespassers.

SECTION 3. 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.

APPROVED BY
CITY COUNCIL

NOV 10 2008


City Secretary