

June 27, 2012

**WHEREAS**, the City of Dallas owns certain land conveyed to it by those certain instruments recorded at Instrument No. 20070387885; Volume 2005053, Page 9298; and Volume 2005011, Page 8885, of the Official Real Property Records of Dallas County, Texas, and currently designated, held and used as city park land commonly known as the Elm Fork Athletic Complex; and

**WHEREAS**, said park land was acquired by the City of Dallas subject to that one certain easement and right-of-way for an electric and/or communication system or systems in favor of Dallas Power & Light Company, a Texas corporation, and Southwestern Bell Telephone Company, a Missouri corporation, their successors and assigns, recorded at Volume 72095, Page 832, Deed Records of Dallas County, Texas (the Old Easement); and

**WHEREAS**, the City of Dallas desires to terminate the portion of the Old Easement located on and encumbering the park land and relocate the electric and/or communication system(s) from the Old Easement to newly dedicated easements on a different portion of the park land and limit said electric and/or communications system(s) to underground lines and systems; and

**WHEREAS**, it is determined by the City that said termination of the portion of the Old Easement located on and encumbering the park land and relocation of the existing utility systems to new easements that are limited to underground lines and systems is in the best interest of and will benefit the park land and that the relocated utilities will provide service to the Elm Fork Athletic Complex; and

**WHEREAS**, the holders of the Old Easement are willing to relocate the existing utility systems from the Old Easement to the newly dedicated easements at their expense; and

**WHEREAS**, to facilitate said termination of the Old Easement and relocation of the existing utility systems, the City of Dallas desires to dedicate to Oncor Electric Delivery Company LLC and Southwestern Bell Telephone Company, their respective successors and assigns, easements for underground electric and/or communication systems to be located on the parcel or tract of land containing approximately 34,248 square feet of land and being described in Exhibit "A", attached hereto and incorporated herein for all purposes (the New Easement); and

**WHEREAS**, the City of Dallas deems it to be necessary, convenient and appropriate and in the public's interest to cause the Old Easement to be terminated and the easement uses thereon relocated to the newly granted New Easements; **NOW THEREFORE**,

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DALLAS:**

June 27, 2012

**SECTION 1.** That the City Manager or her designee is authorized to execute appropriate instruments, approved as to form by the City Attorney, granting to Oncor Electric Delivery Company LLC and Southwestern Bell Telephone Company, their respective successors and assigns, easements for underground electric and/or communication system or systems, as appropriate, as to the land described in Exhibit "A" (the New Easements).

**SECTION 2.** That the New Easements shall be granted (i) in partial consideration of the release and termination of the Old Easement by the holders thereof and the relocation of any existing systems, facilities and uses in the Old Easement to the New Easements at the cost and expense of the easement holders and (ii) upon such other reasonable terms as the City Manager or her designee deem advisable, and as are approved as to form by the City Attorney.

**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 AS TO FORM:**

**THOMAS P. PERKINS, JR., City Attorney**

BY: \_\_\_\_\_

  
**Assistant City Attorney**

APPROVED BY  
CITY COUNCIL

JUN 27 2012

  
City Secretary