

**WHEREAS**, the City of Dallas owns land in Dallas known as the Turtle Creek Greenbelt, which was acquired for park purposes and has been maintained as park land; and

**WHEREAS**, the City of Dallas Sustainable Development and Construction Services Department has requested the use of approximately 1,584 square feet of land, as described on Exhibit A, for the installation of a segment of a storm sewer line and outfall to serve adjacent property , 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 on November 14, 2012, 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 storm sewer line and outfall shall not disrupt any services provided by the Park and Recreation Department. The contractor shall make any adjustments and reconfigurations to the Turtle Creek Greenbelt to eliminate any disruption of services, programming, irrigation, lighting, signs, drive approaches, etc. 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 the contractor and the Park and Recreation Department.
- b. The contractor shall provide safety fencing around the construction area within Turtle Creek Greenbelt.

**SECTION 2. (Continued)**

- c. All health, safety, noise, environmental protection, waste disposal, and air quality regulations shall remain in compliance.
- d. PARD will not bear the cost of any construction associated with the installation of the storm sewer line and outfall and once completed, the area including all sites used for staging and access for the project will be compatible with the adjacent park property.
- e. On-going maintenance of the sewer line shall be the responsibility of the Trinity Watershed Management Department.
- f. Construction of the storm sewer line and outfall shall not disturb trees, shrubs or other landscaping outside of the wastewater line use area, other than what is approved on the tree removal and mitigation plan, and those that may be damaged will be corrected appropriately as approved by PARD staff.
- g. 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 reservation area, subject to the approval of PARD staff.
- h. 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.
- i. 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, additional reseeded/sodding will take place promptly as possible by the contractor.
- j. No chemicals will be applied on the park property without prior written permission of the PARD, detailing the chemicals and their specification for use.
- k. The contractor's ingress and egress of the park are subject to approval of PARD staff.

**SECTION 2.** (Continued)

- I. 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 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.



**DRAINAGE EASEMENT  
SITUATED IN BLOCK 993  
JAMES A. SYLVESTER SURVEY, ABSTRACT NO. 1383  
WILLIAM GRIGSBY SURVEY, ABSTRACT NO. 501  
CITY OF DALLAS, DALLAS COUNTY, TEXAS**

**BEING** 1,584 square foot (0.036 acre) tract of land situated in the James Sylvester Survey, Abstract No. 1383 and the William Grigsby Survey, Abstract No. 501, City Block 993, City of Dallas, Dallas County, Texas and being part of a tract of land described in Warranty Deed to the City of Dallas, recorded in 1647, Page 380, Deed Records of Dallas County, Texas and part of a tract of land described in Warranty Deed to the City of Dallas, recorded in Volume 1493, Page 572, Deed Records of Dallas County, Texas and being more particularly described as follows:

**COMMENCING** at a "X" cut in concrete found at the intersection of the southwest right-of-way line of Cedar Springs Road (a variable width right-of-way) and the northwest right-of-way line of Turtle Creek Boulevard (a variable width right-of-way);

**THENCE** South 4°58'04" West, a distance of 102.15 feet to a "PK" nail set in the northwest line of the first referenced City of Dallas tract and in the northeast bound lane of Turtle Creek Boulevard;

**THENCE** departing said northwest line, the following courses and distances:

South 55°46'57" East, a distance of 48.84 feet to a 5/8" iron rod with "KHA" cap set for corner;  
South 6°27'14" West, at a distance of 55.84 feet, passing a "X" cut in concrete set for reference, continuing, in all a total distance of 65.84 feet to a point in Turtle Creek;  
North 83°32'46" West, a distance of 15.00 feet to a point in Turtle Creek;  
North 6°27'14" East, at a distance of 10.00 feet, passing a "X" cut in concrete set for reference, continuing, in all a total distance of 56.78 feet to a 5/8" iron rod with "KHA" cap set for corner;  
North 55°46'57" West, a distance of 39.80 feet to a "PK" nail set in said northwest line;

**THENCE** with said northwest line, North 34°16'26" East, a distance of 15.00 feet to the **POINT OF BEGINNING** and containing 1,584 square feet or 0.036 acres of land.

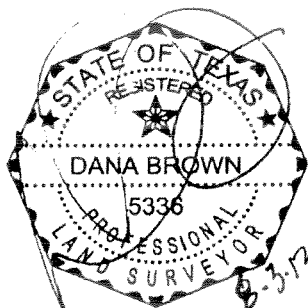
Bearing system based on a bearing of South 34°16'26" West for the northwest right-of-way line of Turtle Creek Boulevard according to Certificate as to Title recorded in Instrument No. 201200004228, Official Public Records of Dallas County, Texas.

(For SPRG use only)

Reviewed By: \_\_\_\_\_

Date: \_\_\_\_\_

SPRG NO: \_\_\_\_\_



REGISTERED PROFESSIONAL  
LAND SURVEYOR NO. 5336



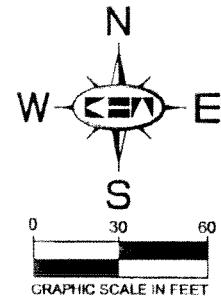
**Kimley-Horn  
and Associates, Inc.**

12750 Marit Drive, Suite 1000  
Dallas, Texas 75251

Tel. No. (972) 770-1300  
Fax No. (972) 239-3820

Scale	Drawn by	Checked by	Date	Project No.	Sheet No.
N/A	SRD	DAB	AUG. 2012	064316008	1 OF 2

**DRAINAGE EASEMENT  
SITUATED IN BLOCK 993  
JAMES A. SYLVESTER SURVEY, ABSTRACT NO. 1383  
WILLIAM GRIGSBY SURVEY, ABSTRACT NO. 501  
CITY OF DALLAS, DALLAS COUNTY, TEXAS**

**LEGEND**

P.O.B. = POINT OF BEGINNING  
 IRSC = IRON ROD WITH CAP SET  
 IRFC = IRON ROD WITH CAP FOUND  
 C.M. = CONTROLLING MONUMENT  
 PKF = PK NAIL FOUND  
 XF = "X" CUT IN CONCRETE FOUND  
 D.R.D.C.T. = DEED RECORDS OF DALLAS COUNTY, TEXAS  
 O.P.R.D.C.T. = OFFICIAL PUBLIC RECORDS OF DALLAS COUNTY, TEXAS  
 M.R.D.C.T. = MAP RECORDS OF DALLAS COUNTY, TEXAS  
 ESMT. = EASEMENT  
 INST. NO. = INSTRUMENT NUMBER

BLOCK 1035

"EXHIBIT A-1"  
"TRACT 1"

TURTLE CREEK REALTY, LLC  
 INST. NO. 201200004228  
 O.P.R.D.C.T.

**DICKASON AVENUE**  
 (40' RIGHT-OF-WAY)

**TURTLE CREEK BLVD.**  
 S34°16'26"W 356.41'  
 CREATED AND IN USE  
 BY OCCUPATION

AREA IN USE AS STREET

CITY OF DALLAS

VOL. 1483, PG. 572

D.R.D.C.T.

JAMES SYLVESTER SURVEY

ABSTRACT NO. 1383

WILLIAM GRIGSBY SURVEY

ABSTRACT NO. 501

CITY OF DALLAS

VOL. 1528, PG. 51

D.R.D.C.T.

3000 TURTLE CREEK

PLAZA LLC

INST. NO. 201100197498

O.P.R.D.C.T.

POINT NOT SET

N83°32'46"W

15.00'

10.00'

XS

N6°27'14"E

56.78'

N55°46'57"W

39.80'

N34°16'26"E

15.00'

S4°58'04"W

102.15'

XF (C.M.)

50.0'

P.O.C.

P.O.B.

S55°46'57"E

48.84'

S6°27'14"W

65.84'

10.00'

10.00'

PKS

CITY OF DALLAS

VOL. 1647, PG. 380

D.R.D.C.T.

0.036 ACRES

1,584 SQ. FT.

BLOCK 993

BOWEN ST.

(50' RIGHT-OF-WAY)

LOT 1, BLOCK A/993

TURTLE CREEK PLAZA

VOL. 84001, PG. 7146

D.R.D.C.T.

LOT 2

BLOCK B/992

LOT 1

CULLUM'S

SUBDIVISION

OF BLOCK 992

VOL. 1, PG. 82

M.R.D.C.T.

(For SPRG use only)

Reviewed By: \_\_\_\_\_

Date: \_\_\_\_\_

SPRG NO: \_\_\_\_\_

**NOTES**

Bearing system based on a bearing of South 34°16'26" West for the northwest right-of-way line of Turtle Creek Boulevard according to Certificate as to Title recorded in Instrument No. 201200004228, Official Public Records of Dallas County, Texas.

All easement corners are a 5/8" Iron rod with "KHA" cap set unless otherwise noted.



**Kimley-Horn  
and Associates, Inc.**

12750 Merit Drive, Suite 1000  
Dallas, Texas 75251

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Fax No. (972) 239-3820

Scale	Drawn by	Checked by	Date	Project No.	Sheet No.
1" = 60'	SRD	DAB	AUG. 2012	084316008	2 OF 2