

**WHEREAS**, the City of Dallas owns a tract of land totaling approximately 12,000 square feet located in city block A/6005, City of Dallas, Dallas County, Texas, at the southeast corner of Maryland Avenue and Fordham Avenue, more specifically described in "Exhibit A" attached hereto and incorporated herein for all purposes (the "Property"); and

**WHEREAS**, the Park and Recreation Department voted on October 9, 1975, and ratified by the City Council on October 20, 1975, approved acceptance of the property from the Department of Housing and Urban Development; and

**WHEREAS**, the Property has been identified by the Park and Recreation Board as land no longer useable or functional for park purposes, the upkeep of which is a needless burden on the Park and Recreation Department resources, and the Park and Recreation Department desires to offer the property for sale to the public as surplus property; and

**WHEREAS**, the Texas Local Government Code, Chapter 253, Section 253.001, permits the sale of park land where the park is owned by a home-rule municipality with a population of more than one million, the park is of two acres or less, the park is no longer useable and functional as a park, the proceeds of the sale will be used to acquire and improve land for park purposes, a public hearing is held by the municipality's governing body and said governing body finds that the property is no longer useable and functional as a park, and a 60-day waiting period occur after said public hearing; and

**WHEREAS**, the Texas Parks and Wildlife Code, Chapter 26 (Section 26.001-26.004) 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 remaining park land, resulting from the use or taking; and

**WHEREAS**, prior to making this determination, notice must be given and a public hearing be held relative to the proposed change of park use; and

**WHEREAS**, the City Council desires to give notice and hold such hearing in accordance with the law with respect to the proposed sale of Maryland Park.

**Now, Therefore,**

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

**SECTION 1.** That the Park and Recreation Department is hereby authorized and directed to advise, in writing, of such proposed sale of the park property by delivering a notice for publishing to the official newspaper to be advertised once each week for three consecutive weeks, the last publication to be not less than one week nor more than two weeks before the date of the hearing, which shall be held in the City Council Chambers at 1:00 p.m. on Wednesday, January 9, 2013.

**SECTION 2.** That the approval of the aforementioned project by the City Council, at the close of said hearing, and after a 60-day waiting period, shall be construed as making the proper findings as to the use, taking and conveyance of park land consisting of the Property, consistent with the Texas Parks and Wildlife Code and the Texas Local Government Code.

**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.

