

**AGENDA ITEM # 23**

**KEY FOCUS AREA:** Culture, Arts and Recreation and Educational Enhancements

**AGENDA DATE:** February 10, 2016

**COUNCIL DISTRICT(S):** 13

**DEPARTMENT:** Park & Recreation

**CMO:** Willis Winters, 670-4071

**MAPSCO:** 23-Z 24-W

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**SUBJECT**

Authorize a twenty-year development and maintenance agreement, with two five-year renewal options, with QuikTrip Corporation (QuikTrip), for the purpose of designing, constructing, and maintaining a trailhead for the Bachman Creek Greenbelt Trail located at 3900 Shorecrest Drive – Financing: No cost consideration to the City

**BACKGROUND**

The City of Dallas owns municipal parkland known as Bachman Creek Greenbelt (approximately 41 acres) located at 3900 Shorecrest Drive, just north of Love Field Airport. This passive-use park is used for open space. A trail runs through the park along the north side of Bachman Creek which connects to and is a part of the Bachman Lake Park Trail in adjacent Bachman Lake Park to the west. Currently, there is no direct publicly accessible access to Bachman Creek Greenbelt for nearby residential neighborhoods. The proposed trailhead project will provide direct, publicly accessible access to Bachman Creek Greenbelt for the surrounding neighborhood via the proposed trailhead to the existing hike and bike trail. The project will include new trails and renovation and expansion of a portion of the existing trail. The development of a trailhead will increase access, visibility, and use of Bachman Creek Greenbelt. Future trails are planned to the west which will connect the Bachman Lake Park Trail to the future Elm Fork Greenbelt Trail, an important segment of the Dallas Integrated Trail Circuit, providing off-road access to downtown and beyond.

The trailhead project will include parking adjacent to Lemmon Avenue and West Northwest Highway, landscaping, seating, paving, and a drinking fountain. Because of the configuration and limited space available for the proposed trailhead, access drive, and parking lot, the proposed park's driveway and parking spaces will be shared by park users, QuikTrip, and its patrons. Signage will be posted and maintained identifying that the parkland parking spaces are available for use by park and QuikTrip patrons.

## **BACKGROUND** (Continued)

The agreement will be subject to the following terms:

- 1) The term is for 20 years with two consecutive five-year renewal options.
- 2) The City grants QuikTrip, as the immediately adjacent property owner, a license for the non-exclusive use of the trailhead and trailhead parking lot.
- 3) QuikTrip, at its own cost, is responsible for the development of the design and construction plans and specifications for the improvements to the trailhead project at Bachman Creek Greenbelt. QuikTrip will submit the design to the Park and Recreation Department for review and approval prior to commencement of construction.
- 4) QuikTrip will hire a contractor to construct improvements. The City of Dallas shall have the right to observe and inspect the construction work. QuikTrip and its contractors will be responsible for all permits and other approvals. The City will take possession of the improvements upon acceptance.
- 5) City of Dallas may terminate the Agreement without cause after giving ninety days' notice or with cause after thirty days' notice.
- 6) QuikTrip shall have the right to make changes during the term of the agreement subject to approval by the City and the limitations enumerated in the agreement.
- 7) The City shall have the right to enter the premises and to make changes, repairs, and alterations to maintain the trailhead and parking area.
- 8) QuikTrip shall be responsible for all operations, management, and maintenance of the improvements, including the cost for all utilities for the improvements in accordance with those specified in the agreement.

QuikTrip will design, construct, and maintain the parking, landscape, and other trailhead project improvements. No permitting, platting, licensing, or other approval required by the City for the development and operation of QuikTrip will be contingent upon any of the trailhead improvements or use of parkland. The City of Dallas shall retain full and unencumbered ownership and control of all parkland. There will be no transfer, lease, or sale of parkland.

The consummation of the agreement is contingent upon, and subject to approval of the use by Park Board approval and Council approval at a public hearing, scheduled for consideration on February 10, 2016, for the use of parkland in accordance with the Texas Parks and Wildlife Code, Chapter 26 (Sections 26.001 through 26.004).

**PRIOR ACTION/REVIEW (Council, Boards, Commissions)**

The Park and Recreation Board authorized the development and maintenance agreement on December 3, 2015.

Information about this item will be presented to the Quality of Life & Environment Committee on February 8, 2016.

**FISCAL INFORMATION**

No cost consideration to the City.

**MAPS**

Attached

February 10, 2016

**WHEREAS**, the City Charter provides for the Park and Recreation Board to grant contracts and agreements with park facilities with such terms and conditions as it shall deem proper; and

**WHEREAS**, the City of Dallas Park and Recreation Department (City) and QuikTrip Corporation (QuikTrip), an Oklahoma Corporation, desire to enter into a development and maintenance agreement for the purpose of designing, constructing, and maintaining a trailhead on parkland in Bachman Creek Greenbelt located at 3900 Shorecrest Drive and shown in Exhibit A, which provide accessible public access to the existing hike and bike trail; and

**WHEREAS**, the City desires to have QuikTrip construct, develop, and maintain a portion of parkland during the Term of the Agreement for use and enjoyment of all city of Dallas citizens.

**Now, Therefore,**

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

**SECTION 1.** That the City Manager is hereby authorized to enter into a twenty-year development and maintenance agreement, with two five-year renewal options, with QuikTrip for the design, construction, development and maintenance of a trailhead, and landscaping improvements for the Bachman Creek Greenbelt Trail for the purpose of providing public access to the existing hike and bike trail for the benefit of the citizens of Dallas.

**SECTION 2.** That the President of the Park and Recreation Board and the City Manager are hereby authorized to execute a development and maintenance agreement with QuikTrip, after approval as to form by the City Attorney.

**SECTION 3.** That the duration of the agreement will be for an initial term of 20 years with two consecutive five-year renewal options.

**SECTION 4.** 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.

**KEY FOCUS AREA:** Culture, Arts and Recreation and Educational Enhancements

**AGENDA DATE:** February 10, 2016

**COUNCIL DISTRICT(S):** 6

**DEPARTMENT:** Park & Recreation

**CMO:** Willis Winters, 670-4071

**MAPSCO:** 22-X Y

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**SUBJECT**

Authorize a public hearing to be held on March 23, 2016, to receive comments on the proposed use of a portion of the Elm Fork Greenbelt located at 10400 Wildwood Drive, totaling approximately 296,757 square feet of land, by the Texas Department of Transportation for the construction of improvements to State Highway Loop 12/Walton Walker Boulevard - Financing: No cost consideration to the City

**BACKGROUND**

The City of Dallas owns municipal parkland known as the Elm Fork Greenbelt located west of downtown Dallas within the Trinity River corridor. Texas Department of Transportation (TxDOT), through its design-build contractor, SouthGate Constructors, has requested use of a portion of the Elm Fork Greenbelt to be used as a compensatory storage area, consisting of approximately 296,757 square feet (6.813 acres) as required by local, state, and federal regulations regarding floodplain management.

TxDOT's highway project requires fill within the floodplain. Since such fill will reduce the flood storage in the floodplain, TxDOT must excavate a floodable area to replace the lost flood storage area. The area within the Elm Fork Greenbelt which TxDOT has identified for compensatory storage would require excavation of approximately 18,274 cubic yards of material. Excavated depths would range from several inches to approximately three-and-a-half-feet. Excavation and final grading of the site would follow the existing profile of the land which currently is a gentle slope from northeast to southwest towards the Elm Fork of the Trinity River. When the project is completed the compensatory storage area will surface drain to the Elm Fork of the Trinity River - no ponding will occur as a result of construction. At no time will ownership or any rights of the parkland be transferred to TxDOT. The compensatory storage area will not encumber the parkland which may be used for any parkland purpose which is currently allowed.

## **BACKGROUND** (Continued)

The proposed compensatory storage area is adjacent to a future trailhead of the Elm Fork Trail as envisioned in the Elm Fork Greenbelt Master Plan adopted by the Park and Recreation Board on June 4, 2015. The area is currently vegetated with non-native grasses, forbs, and shrubs. The area also contains piles of illegally dumped construction debris. TxDOT will remove all debris and vegetation as part of the project.

In keeping with the character of the surrounding greenbelt, and as an amenity of the trailhead of the future Elm Fork Greenbelt Trail, the compensatory storage area will be planted with a native prairie plant seed mixture. If required, preparation of the site may necessitate importation of topsoil and irrigation. TxDOT will be responsible for maintenance of the restored site for a period of two years after seeding is complete to ensure establishment of the prairie.

In compliance with the law, TxDOT has determined that there is a need and that no feasible and prudent alternative exists and that all reasonable care has been taken so as to not damage the remainder of the park property and to mitigate any disruption of current and future park services.

In accordance with the Texas Parks and Wildlife Code, Chapter 26 (Sections 26.001 through 26.004) the City Council must advertise and hold a public hearing on the change of use of parkland.

## **PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)**

On January 21, 2016, the Park and Recreation Board authorized a public hearing to be held on March 23, 2016.

Information about this item will be presented to the Quality of Life & Environment Committee on February 8, 2016.

## **FISCAL INFORMATION**

No cost consideration to the City.

## **MAP**

Attached

February 10, 2016

**WHEREAS**, the City of Dallas owns land known as Elm Fork Greenbelt and TxDOT has determined that a compensatory storage area is needed and in the public interest for the proper construction and development of improvements to State Highway Loop 12/Walton Walker Boulevard, and is necessary; and

**WHEREAS**, said improvements require the use of approximately 296,757 square feet (6.813 acres) of land from the Elm Fork Greenbelt, as described in Exhibit A, attached hereto and made a part hereof, because the use of this parkland is necessary to accomplish the purpose, and the Park and Recreation Board of the City of Dallas is agreeable to providing the property for this use; and

**WHEREAS**, in consideration for this use, TxDOT will pay the fair market value of the use, as determined by an independent appraisal; 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 parkland, 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; 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 utilization of the Elm Fork Greenbelt.

**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 use 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 on March 23, 2016.

**SECTION 2.** That the approval of the aforementioned project by the City Council, at the close of the public hearing, shall be construed as making the proper findings as to the use, taking and temporary conveyance of parkland, consistent with the Texas Parks and Wildlife Code and the Texas Local Government Code.

February 10, 2016

**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.



**KEY FOCUS AREA:** Culture, Arts and Recreation and Educational Enhancements

**AGENDA DATE:** February 10, 2016

**COUNCIL DISTRICT(S):** 6

**DEPARTMENT:** Park & Recreation

**CMO:** Willis Winters, 670-4071

**MAPSCO:** 32-R 33-N

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**SUBJECT**

Authorize a public hearing to be held on March 23, 2016, to receive comments on the proposed use of a portion of the Elm Fork Greenbelt located at 3123 Proctor Street, totaling approximately 67,592 square feet of land, by the Texas Department of Transportation for construction of improvements to State Highway 183/John W. Carpenter Freeway - Financing: No cost consideration to the City

**BACKGROUND**

The City of Dallas owns municipal parkland known as the Elm Fork Greenbelt located west of downtown Dallas within the Trinity River corridor. The City of Dallas has partnered with the Texas Department of Transportation (TxDOT) on the State Highway 183/Interstate 35E project since the commencement of Project Pegasus in early 1999. Pursuant to the goals of the project, on January 12, 2000, the Dallas City Council passed Resolution No. 00-0276 approving and endorsing the recommended preferred alternative.

TxDOT, through its design-build contractor, SouthGate Constructors, has requested a three-year Temporary Construction Easement, consisting of approximately 67,592 square feet (1.552 acres), for construction of improvements to State Highway 183 in the Elm Fork Greenbelt, adjacent to the existing State Highway 183 bridge and appurtenances. TxDOT's contractor requires temporary use a small portion of the City's parkland in the Elm Fork Greenbelt for their project. Such use may include: ingress and egress; construction of temporary structures; temporary placement of excavated material; and storage of construction equipment, vehicles, and materials as necessary for construction work. In consideration for this temporary conveyance by easement, TxDOT, or TxDOT's contractor, will pay the fair market value of this easement, or equivalent in-kind value, as determined by an independent appraisal. Upon completion of the project, the area will be restored to its pre-construction condition or better.

## **BACKGROUND** (Continued)

In compliance with the law, TxDOT has determined that there is a need and that no feasible and prudent alternative exists and that all reasonable care has been taken so as to not damage the remainder of the park property and to mitigate any disruption of current and future park services, including hike and bike trail development.

In accordance with the Texas Parks and Wildlife Code, Chapter 26 (Sections 26.001 through 26.004) the City Council must advertise and hold a public hearing on the change of use of parkland.

## **PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)**

On January 21, 2016, the Park and Recreation Board authorized a public hearing to be held on March 23, 2016.

Information about this item will be provided to the Quality of Life & Environment Committee on February 8, 2016.

## **FISCAL INFORMATION**

No cost consideration to the City.

## **MAP**

Attached

February 10, 2016

**WHEREAS**, on January 12, 2000, the Dallas City Council adopted Resolution No. 00-0276, approving and endorsing PROJECT PEGASUS between the City and the Texas Department of Transportation (TxDOT); and

**WHEREAS**, the City of Dallas owns land known as Elm Fork Greenbelt and TxDOT has determined that a temporary construction easement is needed and in the public interest for the proper construction and development of improvements to State Highway 183/John W. Carpenter Freeway to decrease congestion and enhance travel and accessibility to downtown Dallas, and is necessary; and

**WHEREAS**, said improvements require a temporary construction easement of approximately 67,592 square (1.552 acres) of land from the Elm Fork Greenbelt, as described in Exhibit A, attached hereto and made a part hereof, because the use of this parkland is necessary to accomplish the purpose, and the Park and Recreation Board of the City of Dallas is agreeable to providing the property for this use; and

**WHEREAS**, in consideration for this temporary conveyance by easement, TxDOT will pay the fair market value of this easement, as determined by an independent appraisal; 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 parkland, 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; 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 utilization of the Elm Fork Greenbelt.

**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 use 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 on March 23, 2016.

February 10, 2016

**SECTION 2.** That the approval of the aforementioned project by the City Council, at the close of the public hearing, shall be construed as making the proper findings as to the use, taking and temporary conveyance of parkland, 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.

**KEY FOCUS AREA:** Culture, Arts and Recreation and Educational Enhancements

**AGENDA DATE:** February 10, 2016

**COUNCIL DISTRICT(S):** 13

**DEPARTMENT:** Park & Recreation

**CMO:** Willis Winters, 670-4071

**MAPSCO:** 23-Z 24-W

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**SUBJECT**

A public hearing to receive comments for the proposed use of a portion of the Bachman Creek Greenbelt, totaling approximately 42,323 square feet, for driveway access and parking by QuikTrip Corporation; and at the close of the public hearing, consideration of a resolution authorizing the use – Financing: No cost consideration to the City

**BACKGROUND**

The City of Dallas owns municipal parkland known as Bachman Creek Greenbelt (approximately 42,323 square feet) located at 3900 Shorecrest Drive, just north of Love Field Airport. This passive-use park is used for open space. A trail runs through the park along the north side of Bachman Creek which connects to and is a part of the Bachman Lake Park Trail in adjacent Bachman Lake Park to the west. Currently, there is no direct public accessible access to Bachman Creek Greenbelt for residential neighborhoods to the north. There is a need for direct, publicly accessible access to Bachman Creek Greenbelt for the surrounding neighborhood. QuikTrip proposes to construct and maintain a trailhead which includes parking, landscaping, seating, paving, and a drinking fountain. QuikTrip is proposing to allow itself and patrons use of the proposed parkland access drive and parking lot. Because of the configuration and limited space available for development of the proposed trailhead, access drive, and parking lot there is a need and no feasible and prudent alternative to allowing access and use of the parkland parking lot by QuikTrip and its patrons.

In compliance with the law, QuikTrip has determined that there is a need and that there is no feasible and prudent alternative and that all reasonable care has been taken so as to not damage the remainder of the park property and to mitigate any disruption of park services.

In accordance with the Texas Parks and Wildlife Code, Chapter 26 (Sections 26.001 through 26.004) the City Council must advertise and hold a public hearing on the use of parkland.

**PRIOR ACTION/REVIEW (Council, Boards, Commissions)**

On December 3, 2015 the Park and Recreation Board authorized a public hearing to be held on February 10, 2016.

On January 13, 2016 City Council authorized a public hearing to be held on February 10, 2016, by Resolution No. 16-0088.

Information about this item will be provided to the Quality of Life & Environment Committee on February 8, 2016.

**FISCAL INFORMATION**

No cost consideration to the City.

**MAPS**

Attached

February 10, 2016

**WHEREAS**, the City of Dallas owns land in Dallas known as Bachman Creek Greenbelt, located at 3900 Shorecrest Drive, north of Love Field Airport, which has been maintained by the City as parkland since 1930; and

**WHEREAS**, QuikTrip Corporation (QuikTrip), an Oklahoma corporation, proposes to design, construct, and maintain a trailhead on approximately 42,323 square feet of parkland in Bachman Creek Greenbelt, which will provide accessible public access to the existing hike and bike trail; and

**WHEREAS**, QuikTrip Corporation has requested non-exclusive use of the trailhead access driveway and parking for itself and its patrons as identified in Exhibit A and Exhibit B, and the Park and Recreation Board is agreeable to providing the property for this non-exclusive use; and

**WHEREAS**, a public hearing was held, as required by the Texas Parks and Wildlife Code (Chapter 26, Section 26.001 through 26.004), to determine that there is no feasible and prudent alternative to this use of this parkland and that all reasonable planning to minimize harm to Bachman Creek Greenbelt has been taken.

**Now, Therefore,**

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

**SECTION 1.** That the use of the portion of Bachman Creek Greenbelt as described in Exhibit A is authorized and approved subject to this resolution, and to all of the following terms and conditions:

I. Construction work shall not begin until the City enters into a development and maintenance agreement (Agreement) with QuikTrip, approval of which is by separate Council resolution;

II. The plan of the Bachman Creek Greenbelt Trailhead project shall be based on the attached concept plan (Exhibit A), as approved by the Director of the Park and Recreation Department (PARD). Such improvements shall consist of in part the following elements:

- a) Parking and driveway access including lighting;
- b) Public access trail connection to Bachman Lake Hike and Bike Trail in accordance with PARD guidelines and in compliance with the Americans with Disabilities Act (ADA);
- c) Pavilion, signage, seating, and trash receptacles;
- d) Landscaping and irrigation.

February 10, 2016

**SECTION 1.** (Continued)

III. All health, safety, noise, environmental protection, waste disposal, and air quality regulations shall remain in compliance. Safety fencing shall be installed for public protection prior to and during construction.

IV. The City shall bear no cost for any part of the design or construction of the trailhead project.

V. QuikTrip will maintain and replace as needed, at its sole cost, the portion of the park as described in Exhibit A, for the length and terms specified in the Agreement, which includes existing and improved amenities and other elements and features:

- a) Maintenance shall be in accordance with PARD standards;
- b) No chemicals shall be used on park property without prior written permission by PARD.

VI. No construction equipment storage shall be allowed on park property without prior written permission by PARD.

VII. Construction shall provide minimal disturbance to the remainder of the Bachman Creek Greenbelt including use of the Bachman Lake Hike and Bike Trail:

- a) After construction has commenced, the trailhead project shall be completed in a timely fashion without unreasonable delays.

**SECTION 2.** That the City of Dallas hereby approves the proposed non-exclusive use of parkland by QuikTrip Corporation and its patrons as identified in Exhibit A and Exhibit B for use of driveway access and parking, subject to the terms and conditions of the Agreement and this resolution.

**SECTION 3.** That the approval of the aforementioned project by the City Council, at the close of said hearing, shall be construed as making the proper findings as to the use of parkland, consistent with the Texas Parks and Wildlife Code, and that all reasonable planning to minimize harm to parkland has been taken.

**SECTION 4.** That, as a result of the public hearing held today, it is hereby determined that there is no feasible and prudent alternative to the use of the Bachman Creek Greenbelt for the purpose stated in this resolution and that all reasonable planning to minimize harm to the parkland has been taken.

**SECTION 5.** 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.