

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE TOWN OF ADDISON, TEXAS APPROVING THE RIGHT OF ENTRY PERMIT BETWEEN THE TOWN OF ADDISON AND DALLAS AREA RAPID TRANSIT (“DART”), FOR ENTERING A PROPERTY TO CONDUCT SURVEYS, GEOTECHNICAL INVESTIGATIONS AND SUBSURFACE UTILITY INVESTIGATIONS, AUTHORIZING THE CITY MANAGER TO EXECUTE THE PERMIT, AND PROVIDING AN EFFECTIVE DATE.

BE IT RESOLVED BY THE CITY COUNCIL OF THE TOWN OF ADDISON, TEXAS:

SECTION 1. The Right of Entry Permit between the Town of Addison and Dallas Area Rapid Transit (“DART”), for entering a property to conduct surveys, geotechnical investigations and subsurface utility investigations, a copy of which is attached to this Resolution as Exhibit A, is hereby approved. The City Manager is hereby authorized to execute the agreement.

SECTION 2. This Resolution shall take effect from and after its date of adoption.

DULY RESOLVED AND ADOPTED by the City Council of the Town of Addison, Texas, on this the 24th day of SEPTEMBER 2019.

TOWN OF ADDISON, TEXAS

Joe Chow, Mayor

ATTEST:

APPROVED AS TO FORM:

Irma Parker, City Secretary

Brenda N. McDonald, City Attorney

EXHIBIT A



RIGHT OF ENTRY PERMIT

STATE OF TEXAS

KNOW ALL BY THESE PRESENTS:

COUNTY OF DALLAS

That Town of Addison, ("Owner") does hereby grant to Dallas Area Rapid Transit ("DART") a non-exclusive Right of Entry Permit, ("Permit") and permission to enter onto, over, under, across and upon that certain tract or parcel of land as shown on the attached Exhibit "A" (hereinafter referred to as the "Property").

WHEREAS, DART has requested permission to enter on the Property for the purposes of conducting the following listed activities:

- ☐ Property Surveys (to determine property boundaries and construction limits)
- ☐ Subsurface Utility Investigations (locating underground utilities to avoid conflicts)
- ☐ Existing Conditions Surveys (video and photographic images of pre-construction conditions)

WHEREAS, upon the terms set forth below the Owner has agreed to permit DART certain rights.

NOW THEREFORE, the owner agrees as follows:

1. **PURPOSE:** The purpose of this Permit shall be for DART and its agents, employees, consultants and contractors to enter the Property for the purposes of conducting property surveys, geotechnical investigations, subsurface utility investigations and existing conditions survey at DART's cost and expense. This Permit includes, but is not limited to, the right to video and photograph existing interior and exterior conditions and the right of reasonable ingress and egress across the Property for the purposes set forth herein.
2. **CONDITION OF PROPERTY:** DART's Contractor ("Contractor") will restore the Property back to its original condition to the maximum extent practicable, including, but not limited to, the back filling of bore holes and trenches. Contractor shall be responsible for any and all damages to the Property resulting from activities associated with this Permit.
3. **TERM:** This Permit shall terminate on December 31, 2019 unless DART and Owner agree to an extension in writing.
4. **NOTICE:** Contractor will notify Owner (or Owner's representative) at least five calendar days prior to entering the Property pursuant to this Permit. It is the responsibility of the person signing below for the Owner to ensure tenants or other occupants of the Property are notified and the Property is available to the Contractor.

- a. All notices to the Owner shall be sent in writing to the address or email address listed below:

Name: Lisa A. Pyles
Address: P.O. Box 9010
Telephone: (972)450-2878 daytime
214)546-6205 after hours
Email: lpyles@addisontx.gov

- b. All notices to DART shall be sent in writing to the address or email address listed below:

Dallas Area Rapid Transit
Attn: Real Estate
P.O. Box 660163
Dallas, Texas 75266-7230
Email: jgutierrez@dart.org

5. **AUTHORITY:** Each person signing this Permit for Owner warrants that they are the Owner of the Property or have the capacity and authority to execute this Permit and grant the rights set forth herein. This Permit contains each and all of the rights granted to DART with respect to the subject matter hereof and supersedes all prior understandings, if any, with respect thereto.


EXECUTED BY OWNER this ____ day of _____, 20__.

By:

Print Name: Wesley S. Pierson
Title: City Manager

EXECUTED BY DART this 10th day of Sept, 2019

Dallas Area Rapid Transit:



Cleo Grounds, SR/WA
AVP-Real Estate

EXHIBIT A
DART Right-of-Entry Aerial

