

MEMORANDUM

TO: Claire Powell, City Manager

FROM: Stacie Anaya, Director of Parks and Recreation

DATE: September 9, 2024

SUBJECT: **Approval of Temporary Construction Easement Agreement, License and Mowing Agreement and Acceptance of Donated Irrigation and Landscaping, Between the City of Lewisville and Summit Avenue Owner LLC; and Authorization for the City Manager, or Her Designee to Execute the Agreement**

BACKGROUND

Summit Avenue Owner LLC (SAO), operates Norra Apartments located at 1801 Summit Ave. Norra, built in 2019, contains 347 units offering modern amenities in Lewisville. This was one of the first developments subject to the Parkland Dedication and Development Ordinance implemented in 2018. Upon filing of the final plat for the development, the developers dedicated 11.804 acres (a portion of which is in the flood plain) and paid \$629,657 in cash-in-lieu and park development fees. These fees were earmarked for the development of the park along Summit Avenue conceptualized in the Coy Tally Plan.

The open spaces areas referenced above are maintained by the City via a maintenance contract with a mowing contractor. On the 1.87-acre park parcel between the apartment complex and Summit Avenue, there is a twenty-five-foot drainage way that runs through the middle of the parcel and contains drip irrigation maintained by the city to water the trees along the right of way on Summit Ave. On the east side drainage area, there is an 8' trail and no irrigation as outlined on the attached aerial view of the property.

Norra has been working with PARD to develop a plan to improve the curb appeal along Summit Avenue and increase usable greenspace for their residents by improving irrigation and turf on this area of the city property.

ANALYSIS

A Temporary Construction Easement Agreement is required to facilitate the installation of an irrigation system and hydromulch Bermuda grass. The irrigation system and hydromulch will be installed according to city specifications and will be inspected by licensed irrigation staff before it is accepted by the City. Once complete, SAO will donate the system to the City and the City

will assume ownership and maintenance responsibility for the system. The total cost of the irrigation system and hydromulch is \$29,999.16.

In addition to donating the improvements, SAO seeks to mow the grass east of the drainage way. The proposed License and Mowing Agreement will provide permission for SAO to maintain the newly installed grass east side of the drainage way to their property line, as outlined in Exhibit A of the agreement. The City will continue to maintain the west side of the property to Summit Ave., as outlined in blue in Exhibit A of the agreement. A similar license agreement is proposed with the Huffines group to supplement maintenance routines in the parks on the west side of Summit Avenue.

CITY STAFF'S RECOMMENDATION

That the City Council approve the resolution and authorize the City Manager, or her designee, to execute the agreements as set forth in the caption above.