



**CITY OF PLANO
COUNCIL AGENDA ITEM**

CITY SECRETARY'S USE ONLY				
<input type="checkbox"/> Consent <input type="checkbox"/> Regular <input type="checkbox"/> Statutory				
Council Meeting Date:		2/28/2011		
Department:		City Manager		
Department Head		LaShon Ross		
Agenda Coordinator (include phone #): Betsy Allen # 7545				
CAPTION				
A Resolution of the City Council of the City of Plano, Texas establishing the area defined herein as the "Plano Eruv District," for the purpose of accommodating Orthodox Jewish citizens to "carry" and transport within said "Plano Eruv District" on the Sabbath and other Jewish Holy Days in accordance with Jewish religious law; and providing an effective date.				
FINANCIAL SUMMARY				
<input type="checkbox"/> NOT APPLICABLE <input type="checkbox"/> OPERATING EXPENSE <input checked="" type="checkbox"/> REVENUE <input type="checkbox"/> CIP				
FISCAL YEAR:	2010-11	Prior Year (CIP Only)	Current Year	Future Years
		TOTALS		
Budget	0	0	0	0
Encumbered/Expended Amount	0	0	0	0
This Item	0	1	0	1
BALANCE	0	1	0	1
FUND(S): GENERAL FUND				
COMMENTS: Approval of this item will result in a one-time rental fee of \$1, to the City, as requested by the residents of Jewish faith. The term of this rental is ninety-nine years.				
STRATEGIC PLAN GOAL: Establishing an area defined as the "Plano Eruv District" relates to the city's goal of Partnering for Community Benefit.				
SUMMARY OF ITEM				
The Orthodox Jewish Community of Plano has requested the City to consider a rental agreement for the purpose of establishing an eruv for an area of the City. Under Jewish law, an eruv is a boundary demarcation that allows observant Jews to push or carry persons and things outside their homes on Sabbath and other Holy Days. The eruv must be approved by the local entity where it is established, and the common method for identifying an eruv is attaching thin black strips and/or filament known as lechis on utility poles and wires. The eruv will not create any property rights, and no city funds or resources will be required in the establishment of the district.				
List of Supporting Documents:			Other Departments, Boards, Commissions or Agencies	
Resolution; Exhibit "A"				

A Resolution of the City Council of the City of Plano, Texas establishing the area defined herein as the “Plano Eruv District,” for the purpose of accommodating Orthodox Jewish citizens to “carry” and transport within said “Plano Eruv District” on the Sabbath and other Jewish Holy Days in accordance with Jewish religious law; and providing an effective date.

WHEREAS, the Orthodox Jewish community of Plano, Texas, by and through Chabad of Plano/Collin County, Inc. and DATA of Plano, wishes to establish an Eruv District within a portion of Plano, Texas, within which District said persons will, pursuant to their own religious laws and beliefs, have the liberty to “carry” on certain days, and without which District they would be forbidden by their own religious laws and beliefs from doing so; and

WHEREAS, Eruv districts have been used for 2,500 years by countless Orthodox Jewish communities including ancient Israel, throughout Eastern Europe, and present-day cities including Paris, London, New York, Los Angeles, Dallas, and Washington D.C.; and

WHEREAS, Chabad of Plano/Collin County, Inc. and DATA of Plano, Texas has requested that the City of Plano join in the establishing of an Eruv District as defined herein; and

WHEREAS, an Eruv is neither worshipped nor is it a religious symbol and an Eruv boundary is identified by the installation of lechis on utility poles and lines and is established to permit Jews to carry and transport within the Plano Eruv District on their Sabbath and holidays; and

WHEREAS, Chabad of Plano/Collin County, Inc. and DATA of Plano plan to enter into agreements with the owners of utility poles and lines for the installation and maintenance of any lechis to utilities, appurtenances, and encroachments needed for the construction of an Eruv; and

WHEREAS, it is in the public interest that Orthodox Jewish citizens of Plano, Texas be able to establish and utilize this Eruv District, the establishment of said district will be of no detriment to the rights and general welfare of any other citizens or members of the public and is done for the purpose of accommodating religious exercise; and

WHEREAS, no citizen of any faith, or of no faith, will be excluded from, designated as, or be given preferential treatment within said Eruv District, and said Eruv District shall have no purpose or effect other than as stated herein; and

WHEREAS, the permission of the Plano City Council allowing the establishment of an Eruv District creates no duties or obligations on the part of the City and does not, nor shall not diminish, increase, waive, or alter any rights or restrictions imposed by federal, state, or local law.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF PLANO, TEXAS, THAT:

Section I. This Resolution adopts the recitals above as true and correct and are copied verbatim as if fully set forth at length.

Section II. The Plano Eruv District is approved as described in Exhibit "A."

Section III. This designation is subject to the following:

- (a) No religious symbols or messages shall be attached to any infrastructure;
- (b) This Resolution does not create any right or obligation to attach markers (lechis) to any poles or utility lines, such rights are exclusively reserved to the owners of such poles and lines to grant such rights;
- (c) No public funds or resources shall be used to install or maintain the lechis;
- (d) In the event lechis create a danger to the public use and enjoyment of the right of way or interfere with City operations, they shall be removed or modified to eliminate those concerns.

Section IV. The City Council of Plano deems it to be in the public interest to grant the delineation of this Eruv at a one-time rental of \$1 as requested by the residents of Jewish faith and the term of this rental is ninety-nine years. This designation shall not convey any actual or real property or property rights beyond the scope of what is described herein, nor shall this designation grant the right or permission to encroach, impede, limit, or violate the rights of others, laws, regulations, or statutes of the City of Plano, Texas, the State of Texas, or the United States.

Section V. This designation is nonexclusive and is made expressly subject and subordinate to the right of the City to use the area for any public purpose. The City of Plano reserves the right to terminate and cancel this designation. Upon termination, all rights granted hereunder shall thereupon be considered fully terminated and canceled and the City of Plano shall not be held liable by reason thereof.

Section VI. This Resolution shall become effective immediately upon its passage and payment of the above stated consideration.

DULY PASSED AND APPROVED this the 28th day of February, 2011.

Phil Dyer, MAYOR

ATTEST:

Diane Zucco, CITY SECRETARY

APPROVED AS TO FORM:

Diane C. Wetherbee, CITY ATTORNEY

EXHIBIT “A”

BOUNDARIES OF THE PLANO ERUV DISTRICT

The area described as the Plano Eruv District is demarcated by the following boundaries:

To the WEST the Plano Eruv District is bound by North Dallas Tollway.

To the EAST the Plano Eruv District is bound by US 75 Central Expressway.

To the NORTH the Plano Eruv District is bound by Legacy Drive.

To the SOUTH the Plano Eruv District is bound by West Plano Parkway.