APRIL 12, 2017 CITY COUNCIL AGENDA
CERTIFICATION

This certification is given pursuant to Chapter XI, Section 9 of the City Charter for the City Council Agenda dated April 12, 2017. We hereby certify, as to those contracts, agreements, or other obligations on this Agenda authorized by the City Council for which expenditures of money by the City are required, that all of the money required for those contracts, agreements, and other obligations is in the City treasury to the credit of the fund or funds from which the money is to be drawn, as required and permitted by the City Charter, and that the money is not appropriated for any other purpose.

T.C. Broadnax
City Manager

3/31/2017
Date

Elizabeth Reich
Chief Financial Officer

3/31/2017
Date

RECEIVED
2017 MAR 31 PM 5:37
CITY SECRETARY
DALLAS, TEXAS

COUNCIL AGENDA

April 12, 2017
Date

(For General Information and Rules of Courtesy, Please See Opposite Side.)
(La Información General Y Reglas De Cortesía Que Deben Observarse
Durante Las Asambleas Del Consejo Municipal Aparecen En El Lado Opuesto, Favor De Leerlas.)

General Information

The Dallas City Council regularly meets on Wednesdays beginning at 9:00 a.m. in the Council Chambers, 6th floor, City Hall, 1500 Marilla. Council agenda meetings are broadcast live on WRR-FM radio (101.1 FM) and on Time Warner City Cable Channel 16. Briefing meetings are held the first and third Wednesdays of each month. Council agenda (voting) meetings are held on the second and fourth Wednesdays. Anyone wishing to speak at a meeting should sign up with the City Secretary's Office by calling (214) 670-3738 by 5:00 p.m. of the last regular business day preceding the meeting. Citizens can find out the name of their representative and their voting district by calling the City Secretary's Office.

If you need interpretation in Spanish language, please contact the City Secretary's Office at 214-670-3738 with a 48 hour advance notice.

Sign interpreters are available upon request with a 48-hour advance notice by calling (214) 670-3738 V/TDD. The City of Dallas is committed to compliance with the Americans with Disabilities Act. ***The Council agenda is available in alternative formats upon request***.

If you have any questions about this agenda or comments or complaints about city services, call 311.

Rules of Courtesy

City Council meetings bring together citizens of many varied interests and ideas. To insure fairness and orderly meetings, the Council has adopted rules of courtesy which apply to all members of the Council, administrative staff, news media, citizens and visitors. These procedures provide:

- That no one shall delay or interrupt the proceedings, or refuse to obey the orders of the presiding officer.
- All persons should refrain from private conversation, eating, drinking and smoking while in the Council Chamber.
- Posters or placards must remain outside the Council Chamber.
- No cellular phones or audible beepers allowed in Council Chamber while City Council is in session.

"Citizens and other visitors attending City Council meetings shall observe the same rules of propriety, decorum and good conduct applicable to members of the City Council. Any person making personal, impertinent, profane or slanderous remarks or who becomes boisterous while addressing the City Council or while attending the City Council meeting shall be removed from the room if the sergeant-at-arms is so directed by the presiding officer, and the person shall be barred from further audience before the City Council during that session of the City Council. If the presiding officer fails to act, any member of the City Council may move to require enforcement of the rules, and the affirmative vote of a majority of the City Council shall require the presiding officer to act." Section 3.3(c) of the City Council Rules of Procedure.

Información General

El Ayuntamiento de la Ciudad de Dallas se reúne regularmente los miércoles en la Cámara del Ayuntamiento en el sexto piso de la Alcaldía, 1500 Marilla, a las 9 de la mañana. Las reuniones informativas se llevan a cabo el primer y tercer miércoles del mes. Estas audiencias se transmiten en vivo por la estación de radio WRR-FM 101.1 y por cablevisión en la estación *Time Warner City Cable* Canal 16. El Ayuntamiento Municipal se reúne el segundo y cuarto miércoles del mes para tratar asuntos presentados de manera oficial en la agenda para su aprobación. Toda persona que desee hablar durante la asamblea del Ayuntamiento, debe inscribirse llamando a la Secretaría Municipal al teléfono (214) 670-3738, antes de las 5:00 pm del último día hábil anterior a la reunión. Para enterarse del nombre de su representante en el Ayuntamiento Municipal y el distrito donde usted puede votar, favor de llamar a la Secretaría Municipal.

Si necesita interpretación en idioma español, por favor comuníquese con la oficina de la Secretaria del Ayuntamiento al 214-670-3738 con notificación de 48 horas antes.

Intérpretes para personas con impedimentos auditivos están disponibles si lo solicita con 48 horas de anticipación llamando al (214) 670-3738 (aparato auditivo V/TDD). La Ciudad de Dallas está comprometida a cumplir con el decreto que protege a las personas con impedimentos, *Americans with Disabilties Act*. ***La agenda del Ayuntamiento está disponible en formatos alternos si lo solicita***.

Si tiene preguntas sobre esta agenda, o si desea hacer comentarios o presentar quejas con respecto a servicios de la Ciudad, llame al 311.

Reglas de Cortesía

Las asambleas del Ayuntamiento Municipal reúnen a ciudadanos de diversos intereses e ideologías. Para asegurar la imparcialidad y el orden durante las asambleas, el Ayuntamiento ha adoptado ciertas reglas de cortesía que aplican a todos los miembros del Ayuntamiento, al personal administrativo, personal de los medios de comunicación, a los ciudadanos, y a visitantes. Estos reglamentos establecen lo siguiente:

- Ninguna persona retrasará o interrumpirá los procedimientos, o se negará a obedecer las órdenes del oficial que preside la asamblea.
- Todas las personas deben de abstenerse de entablar conversaciones, comer, beber y fumar dentro de la cámara del Ayuntamiento.
- Anuncios y pancartas deben permanecer fuera de la cámara del Ayuntamiento.
- No se permite usar teléfonos celulares o enlaces electrónicos (*pagers*) audibles en la cámara del Ayuntamiento durante audiencias del Ayuntamiento Municipal.

"Los ciudadanos y visitantes presentes durante las asambleas del Ayuntamiento Municipal deben de obedecer las mismas reglas de comportamiento, decoro y buena conducta que se aplican a los miembros del Ayuntamiento Municipal. Cualquier persona que haga comentarios impertinentes, utilice vocabulario obsceno o difamatorio, o que al dirigirse al Ayuntamiento lo haga en forma escandalosa, o si causa disturbio durante la asamblea del Ayuntamiento Municipal, será expulsada de la cámara si el oficial que esté presidiendo la asamblea así lo ordena. Además, se le prohibirá continuar participando en la audiencia ante el Ayuntamiento Municipal. Si el oficial que preside la asamblea no toma acción, cualquier otro miembro del Ayuntamiento Municipal puede tomar medidas para hacer cumplir las reglas establecidas, y el voto afirmativo de la mayoría del Ayuntamiento Municipal precisará al oficial que esté presidiendo la sesión a tomar acción." Según la sección 3.3(c) de las reglas de procedimientos del Ayuntamiento.

Handgun Prohibition Notice for Meetings of Government Entities

"Pursuant to Section 30.06, Penal Code (trespass by license holder with a concealed handgun), a person licensed under Subchapter H, Chapter 411, Government Code (handgun licensing law), may not enter this property with a concealed handgun."

"De acuerdo con la sección 30.06 del código penal (ingreso sin autorización de un titular de una licencia con una pistola oculta), una persona con licencia según el subcapitulo h, capitulo 411, código del gobierno (ley sobre licencias para portar pistolas), no *puede ingresar a esta propiedad con una pistola oculta."*

"Pursuant to Section 30.07, Penal Code (trespass by license holder with an openly carried handgun), a person licensed under Subchapter H, Chapter 411, Government Code (handgun licensing law), may not enter this property with a handgun that is carried openly."

"De acuerdo con la sección 30.07 del código penal (ingreso sin autorización de un titular de una licencia con una pistola a la vista), una persona con licencia según el subcapitulo h, capitulo 411, código del gobierno (ley sobre licencias para portar pistolas), no *puede ingresar a esta propiedad con una pistola a la vista."*

AGENDA
CITY COUNCIL MEETING
WEDNESDAY, APRIL 12, 2017
ORDER OF BUSINESS

Agenda items for which individuals have registered to speak will be considered no earlier than the time indicated below:

9:00 a.m.	**INVOCATION AND PLEDGE OF ALLEGIANCE**	
	OPEN MICROPHONE	
	MINUTES	Item 1
	CONSENT AGENDA	Items 2 - 53
	ITEMS FOR INDIVIDUAL CONSIDERATION	
No earlier than 9:15 a.m.		Items 54 - 60
	PUBLIC HEARINGS AND RELATED ACTIONS	
1:00 p.m.		Items 61 - 82

NOTE: A revised order of business may be posted prior to the date of the council meeting if necessary.

AGENDA

CITY COUNCIL MEETING

APRIL 12, 2017

CITY OF DALLAS

1500 MARILLA

COUNCIL CHAMBERS, CITY HALL

DALLAS, TEXAS 75201

9:00 A. M.

Invocation and Pledge of Allegiance (Council Chambers)

Agenda Item/Open Microphone Speakers

VOTING AGENDA

1. Approval of Minutes of the March 22, 2017 City Council Meeting

CONSENT AGENDA

Business Development & Procurement Services

2. Authorize a service contract for consultant services to assist with the development of specifications and the proposal process for the management and operations of Dallas Fair Park - C.H. Johnson Consulting, Inc., most advantageous proposer of four - Not to exceed $102,000 - Financing: Current Funds (subject to appropriations)

3. Authorize a three-year service contract for bagged ice with storage containers - Emergency Ice, Inc., lowest responsible bidder of three - Not to exceed $279,514 - Financing: Current Funds ($79,021), Water Utilities Current Funds ($122,570), Sanitation Current Funds ($63,538), and Stormwater Drainage Management Current Funds ($14,385) (subject to annual appropriations)

4. Authorize a three-year service contract for railroad spur track inspections, maintenance, and repairs - Lone Star Railroad Contractors, Inc. in the amount of $395,580 and HAFCO Services, Inc. in the amount of $19,500, most advantageous proposers of five - Total not to exceed $415,080 - Financing: Water Utilities Current Funds (subject to annual appropriations)

CONSENT AGENDA (continued)

Business Development & Procurement Services (continued)

5. Authorize a three-year service contract for non-destructive pipe analysis and internal leak surveying services - Pure Technologies U.S., Inc. in the amount of $5,633,645 and Echologics, LLC in the amount of $388,815, most advantageous proposers of four - Total not to exceed $6,022,460 - Financing: Water Utilities Current Funds (subject to annual appropriations)

6. Authorize **(1)** a three-year service contract for original equipment manufacturer service with associated parts to maintain City vehicles and equipment - Holt Texas, Ltd. in the amount of $5,916,179, Southwest International Trucks, Inc. in the amount of $4,163,860, Westway Ford in the amount of $2,214,939, Kirby-Smith Machinery, Inc. in the amount of $2,150,460, Four Brothers Outdoor Power, Inc. in the amount of $1,460,316, Kinloch Equipment and Supply, Inc. in the amount of $1,031,105, Metro Fire Apparatus Specialists, Inc. in the amount of $1,003,900, Berry Companies, Inc. dba Bobcat of Dallas in the amount of $970,700, RDO Equipment Company in the amount of $773,500, Trash Truck Repair Services, Inc. in the amount of $749,600, ATC Freightliner Group, LLC in the amount of $448,690, REV Ambulance Group Orlando, Inc. in the amount of $400,339, Stewart & Stevenson Power Products, LLC in the amount of $399,003, Landmark Equipment, Inc. in the amount of $346,480, Longhorn Harley-Davidson in the amount of $282,240, CTE Holding, LLC dba Custom Truck & Equipment in the amount of $104,220, and Tom Loftus, Inc. dba Austin Turf and Tractor in the amount of $102,415, lowest responsible bidders of twenty-seven; and **(2)** a three-year service contract for original equipment manufacturer service with associated parts to maintain City vehicles and equipment - Freedom Dodge in the amount of $2,381,500, MHC Kenworth dba Texas Kenworth in the amount of $1,258,336, Rush Truck Centers of Texas, LP in the amount of $1,162,484, Freedom Chevrolet in the amount of $882,740, Romco Equipment Co. in the amount of $772,700, and CLS Sewer Equipment Co., Inc. in the amount of $187,500 through the Texas Association of School Boards (BuyBoard) - Total not to exceed $29,163,206 - Financing: Current Funds ($20,098,669), Sanitation Current Funds ($6,745,625), Water Utilities Current Funds ($1,904,615), Confiscated Monies Funds ($197,452), Aviation Current Funds ($111,079), Stormwater Drainage Management Current Funds ($73,503), and Convention and Event Services Current Funds ($32,263) (subject to annual appropriations)

7. Authorize a three-year service contract, with two one-year renewal options, for communicable disease exposure testing for Fire-Rescue personnel - Clinical Pathology Laboratories, Inc., most advantageous proposer of two - Not to exceed $175,650 - Financing: Current Funds (subject to annual appropriations)

8. Authorize a three-year service contract, with two one-year renewal options, for wastewater flowmeter monitoring services - Hach Company, most advantageous proposer of five - Not to exceed $1,442,553 - Financing: Water Utilities Current Funds (subject to annual appropriations)

CONSENT AGENDA (continued)

Business Development & Procurement Services (continued)

9. Authorize a seven-year service contract, with three one-year renewal options, for the installation, management, operation, violation ticket processing, and collection services of an automated red-light camera enforcement system - American Traffic Solutions, Inc., most advantageous proposer of five - Not to exceed $17,793,000 - Financing: Current Funds (subject to annual appropriations) costs are expected to be offset by revenues

10. Authorize a three-year master agreement for pre-cast water meter vaults - Oldcastle Precast, Inc. in the amount of $74,680, Act Pipe & Supply, Inc. in the amount of $2,526, and Forterra Pipe & Precast, LLC in the amount of $2,343, lowest responsible bidders of three - Total not to exceed $79,549 - Financing: Water Utilities Current Funds

11. Authorize a three-year master agreement for the purchase of athletic gear, equipment, and supplies - BSN Sports in the amount of $1,000,000, S & S Worldwide, Inc. in the amount of $200,000, and Santex in the amount of $75,000, lowest responsible bidders of three - Total not to exceed $1,275,000 - Financing: Current Funds

City Attorney's Office

12. Authorize settlement of the lawsuit styled Alejandro Morales-Loza v. City of Dallas, Cause No. CC-15-02250-C - Not to exceed $100,000 - Financing: Current Funds

13. Authorize Supplemental Agreement No. 3 to the professional services contract with the law firm of Carter Scholer Arnett & Mockler, PLLC f/k/a Carter Scholer Arnett Hamada & Mockler, PLLC for additional legal services necessary in the lawsuits styled Kenneth E. Albert, et al. v. City of Dallas, Cause No. 199-00697-94; Anthony Arredondo, et al. v. City of Dallas, Cause No. 199-1743-99; David L. Barber, et al. v. City of Dallas, Cause No. 199-624-95; David S. Martin, et al. v. City of Dallas, Cause No. 1-95-506; George G. Parker, et al. v. City of Dallas, Cause No. 1-95-107; Kevin Michael Willis, et al. v. City of Dallas, Cause No. 199-200-95; and any other proceedings relating to the subject matter of this litigation - Not to exceed $750,000, from $825,000 to $1,575,000 - Financing: Current Funds

14. Authorize Supplemental Agreement No. 5 to the professional services contract with Sayles Werbner, P.C. for additional legal services necessary in the lawsuits styled Kenneth E. Albert, et al. v. City of Dallas, Cause No. 199-00697-94; Anthony Arredondo, et al. v. City of Dallas, Cause No. 199-1743-99; David L. Barber, et al. v. City of Dallas, Cause No. 199-624-95; David S. Martin, et al. v. City of Dallas, Cause No. 1-95-506; George G. Parker, et al. v. City of Dallas, Cause No. 1-95-107; Kevin Michael Willis, et al. v. City of Dallas, Cause No. 199-200-95 and any other proceedings relating to the subject matter of this litigation - Not to exceed $750,000, from $1,100,000 to $1,850,000 - Financing: Current Funds

CONSENT AGENDA (continued)

City Attorney's Office (continued)

15. Authorize Supplemental Agreement No. 15 to the professional services contract with Hankinson, L.L.P. for additional legal services necessary in the lawsuits styled Kenneth E. Albert, et al. v. City of Dallas, Cause No. 199-00697-94; Anthony Arredondo, et al. v. City of Dallas, Cause No. 199-1743-99; David L. Barber, et al. v. City of Dallas, Cause No. 199-624-95; David S. Martin, et al. v. City of Dallas, Cause No. 1-95-506; George G. Parker, et al. v. City of Dallas, Cause No. 1-95-107; Kevin Michael Willis, et al. v. City of Dallas, Cause No. 199-200-95; and any other proceedings relating to the subject matter of this litigation - Not to exceed $100,000, from $1,105,000 to $1,205,000 - Financing: Current Funds

Equipment & Building Services

16. Authorize the purchase and installation of two replacement chillers, cooling towers and associated pumps at the Kay Bailey Hutchison Convention Center Dallas located at 650 South Griffin Street - Trane U.S., Inc., through the U.S. Communities Government Purchasing Alliance - Not to exceed $2,430,632 - Financing: Convention and Event Services Current Funds

Housing/Community Services

17. Authorize **(1)** approval of the development plan submitted to the Dallas Housing Acquisition and Development Corporation by City Wide Community Development Corporation for the construction of houses; **(2)** the sale of one vacant lot (list attached) from Dallas Housing Acquisition and Development Corporation to City Wide Community Development Corporation; and **(3)** execution of a release of lien for any non-tax liens on the one property that may have been filed by the City - Financing: No cost consideration to the City

18. Authorize **(1)** approval of the development plan submitted to the Dallas Housing Acquisition and Development Corporation by Confia Homes, L.L.C. for the construction of a house; **(2)** the sale of one vacant lot (list attached) from Dallas Housing Acquisition and Development Corporation to Confia Homes, L.L.C.; and **(3)** execution of a release of lien for any non-tax liens on the one property that may have been filed by the City - Financing: No cost consideration to the City

19. Authorize **(1)** approval of the development plan submitted to the Dallas Housing Acquisition and Development Corporation by Confia Homes, L.L.C. for the construction of houses; **(2)** the sale of two vacant lots (list attached) from Dallas Housing Acquisition and Development Corporation to Confia Homes, L.L.C.; and **(3)** execution of a release of lien for any non-tax liens on the two properties that may have been filed by the City - Financing: No cost consideration to the City

CONSENT AGENDA (continued)

Housing/Community Services (continued)

20. Authorize **(1)** approval of the development plan submitted to the Dallas Housing Acquisition and Development Corporation by Confia Homes, L.L.C. for the construction of a house; **(2)** the sale of one vacant lot (list attached) from Dallas Housing Acquisition and Development Corporation to Confia Homes, L.L.C.; and **(3)** execution of a release of lien for any non-tax liens on the one property that may have been filed by the City - Financing: No cost consideration to the City

21. Authorize **(1)** approval of the development plan submitted to the Dallas Housing Acquisition and Development Corporation by Dallas Area Habitat for Humanity for the construction of houses; **(2)** the sale of eight vacant lots (list attached) from Dallas Housing Acquisition and Development Corporation to Dallas Area Habitat for Humanity; and **(3)** execution of a release of lien for any non-tax liens on the eight properties that may have been filed by the City - Financing: No cost consideration to the City

22. Authorize **(1)** approval of the development plan submitted to the Dallas Housing Acquisition and Development Corporation by KW New Vision Properties and Land, Inc. for the construction of houses; **(2)** the sale of two vacant lots (list attached) from Dallas Housing Acquisition and Development Corporation to KW New Vision Properties and Land, Inc.; and **(3)** execution of a release of lien for any non-tax liens on the two properties that may have been filed by the City - Financing: No cost consideration to the City

23. Authorize **(1)** approval of the development plan submitted to the Dallas Housing Acquisition and Development Corporation by South Dallas Fair Park Innercity Community Development Corporation for the construction of houses; **(2)** the sale of two vacant lots (list attached) from Dallas Housing Acquisition and Development Corporation to South Dallas Fair Park Innercity Community Development Corporation; and **(3)** execution of a release of lien for any non-tax liens on the two properties that may have been filed by the City - Financing: No cost consideration to the City

24. Authorize **(1)** a Memorandum of Understanding with Metro Dallas Homeless Alliance (MDHA) for continued participation in the local Homeless Management Information System (HMIS), effective April 1, 2017; **(2)** a Subscription Services Agreement with Pieces Technology, Inc., for use of the Pieces Iris™ software solution being implemented by MDHA as the new HMIS, effective April 1, 2017; and **(3)** execution of any and all documents required for participation in the HMIS - Financing: No cost consideration to the City

CONSENT AGENDA (continued)

Housing/Community Services (continued)

25. Authorize **(1)** an amendment to the grant agreement (Grant No. TX0236L6T001507) between the City of Dallas and the U.S. Department of Housing and Urban Development (HUD) to add The Way Apartments, The Vineyards at Forest Edge Apartments, and The Vineyards at the Ranch Apartments as project sites to the grant agreement; **(2)** three Memorandums of Understanding (MOUs) between the City of Dallas and the three apartment property owners, MDL The Way LP herein referred to as The Way, Indigo JV LLC herein referred to as Forest Edge, and Stone Ranch Owner LLC herein referred to as The Ranch to provide project-based affordable housing to the Gateway to Permanent Supportive Housing Program, contingent upon approval of the amendment by HUD in Subject Number 1 for the term March 1, 2017 through December 31, 2017, with two twelve-month renewal options; and **(3)** execution of the amendment to the grant agreement and of the MOUs - Financing: No cost consideration to the City

26. Authorize a public hearing to be held on May 10, 2017, to receive comments on the proposed sale of eight unimproved properties (list attached) acquired by the taxing authorities from the Sheriff to Dallas Neighborhood Alliance for Habitat, a qualified non-profit organization, under the HB110 process of the City's Land Transfer Program and the release of the City's non-tax liens included in the foreclosure judgment and post-judgment non-tax liens, if any - Financing: No cost consideration to the City

Mobility and Street Services

27. Authorize a contract with Jeske Construction Company, lowest responsive bidder of five, for the construction of street and alley paving, storm drainage, water and wastewater main improvements for Project Group 12-3004 (list attached) - Not to exceed $911,793 - Financing: 2012 Bond Funds ($729,680), Water Utilities Capital Improvement Funds ($168,613) and Water Utilities Capital Construction Funds ($13,500)

28. Authorize **(1)** alley paving, water and wastewater main improvements, for Alley Group 12-1126; provide for partial payment of construction costs by assessment of abutting property owners; an estimate of the cost of the improvements to be prepared as required by law (list attached); and **(2)** a benefit assessment hearing to be held on May 24, 2017, to receive comments - Financing: No cost consideration to the City

29. Authorize **(1)** street paving and water improvements for North Adams Avenue from Tenth Street to Davis Street; provide for partial payment of construction cost by assessment of abutting property owners; an estimate of the cost of the improvements to be prepared as required by law; and **(2)** a benefit assessment hearing to be held on May 24, 2017, to receive comments - Financing: No cost consideration to the City

CONSENT AGENDA (continued)

Mobility and Street Services (continued)

30. Authorize **(1)** the receipt and deposit of funds in the amount of $254,561 from Highland Springs for the construction of a new traffic signal at Frankford Road and Unnamed Street FN3; and **(2)** an increase in appropriations in the amount of $254,561 in the Capital Projects Reimbursement Fund - Not to exceed $254,561 - Financing: Capital Projects Reimbursement Funds

31. Authorize Supplemental Agreement No. 4 to the professional services contract with EJES, Inc. for additional engineering design of street paving, drainage, sidewalk, streetscaping, traffic signal, street lights, landscaping, and water main improvements for Pearl Expressway from Pacific Avenue to Live Oak Street - Not to exceed $112,444, from $466,347 to $578,791 - Financing: 2006 Bond Funds ($97,479) and Water Utilities Capital Construction Funds ($14,965)

Office of Cultural Affairs

32. Authorize **(1)** the Cultural Facilities Program to support long-term improvement, renovation or major repairs of cultural facilities owned and operated by not-for-profit organizations with an annual operating budget less than $5 million; and **(2)** execution of the grant agreements up to $200,000 per qualifying organization and any other legal instruments, after approval as to form by the City Attorney, in accordance with the requirements in the Cultural Facilities Program Guidelines - Not to exceed $400,000 - Financing: Capital Construction Funds (in FY 2016-17 and additional program funds in successive fiscal years) (subject to future appropriations)

Office of Financial Services

33. Authorize final adoption of Reprogramming Budget No. 1 to the FY 2016-17 Action Plan for U.S. Department of Housing and Urban Development Grant Funds to use unspent prior year Community Development Block Grant Funds in the amount of $1,413,595 for the Major Systems Repair Program - Financing: No cost consideration to the City

34. An ordinance authorizing Oncor Electric Delivery Company LLC, Tariff for Retail Delivery Service Section 6.1.1.1.8.2 Lighting Service in the City of Dallas as requested by Oncor Electric Delivery Company LLC pursuant to its statement of intent filed with the City on or about December 16, 2016 - Financing: No cost consideration to the City

35. A resolution suspending the effective date of the rate filing made by Oncor Electric Delivery Company LLC on March 17, 2017 for an additional 90 days - Financing: No cost consideration to the City

CONSENT AGENDA (continued)

Park & Recreation

36. Authorize **(1)** application of seven candidate projects to the North Central Texas Council of Governments through the Transportation Alternatives Set-Aside Program for cost reimbursement in (a) the Active Transportation Project category for the proposed: Katy Trail Bridges Project, Lake Highlands Trail Northern Extension, Lake Highlands Trail Phase 2A, 2B Project, Ridgewood Trail Lighting Project, Trinity Forest Spine Trail Project, Trinity Strand Trail Phase 2 Project, and Union Bikeway Connector Project and (b) the Safe Routes to School Project category: Lake Highlands Trail Northern Extension Project; and **(2)** a required local match not to exceed $9,152,799 - Financing: This action has no cost consideration to the City

37. Authorize a Memorandum of Understanding with Richardson Independent School District as required for application submission for the Transportation Alternatives Set-Aside Safe Routes to School infrastructure application Call for Projects for the Lake Highlands Trail Northern Extension Project - Financing: No cost consideration to the City

38. Authorize the rejection of proposals for a new pavilion at Lakeland Hills Park located at 2600 St. Francis Avenue - Financing: No cost consideration to the City

Police

39. Authorize a Memorandum of Agreement between the City of Dallas through the Dallas Police Department and the Department of Homeland Security, Federal Law Enforcement Training Centers regarding collaborative training delivery of the jointly developed interrogation case study - Financing: No cost consideration to the City

40. Authorize the creation and implementation of a Cite and Release Pilot Program with Dallas County in accordance with Texas Criminal Code Section 14.06 for Class A and B misdemeanor possession of marijuana and Class B criminal mischief, graffiti, theft, theft of service, contraband in a correctional facility, and driving with an invalid license, effective October 1, 2017 through March 31, 2018 - Financing: No cost consideration to the City

Sustainable Development and Construction

41. Authorize **(1)** the quitclaim of 15 properties acquired by the taxing authorities from the Tax Foreclosure Sheriff's Sale to the highest bidders; and **(2)** the execution of release of liens for any non-tax liens that may have been filed by the City and were included in the foreclosure judgment (list attached) - Revenue: $66,542

42. A resolution **(1)** declaring approximately 6,500 square feet of developable land unwanted and unneeded, located near the intersection of Edgewood Street and Birmingham Avenue, and authorizing its advertisement for sale by public auction; and **(2)** authorizing a Purchase and Sale Agreement to be prepared for the auctioned surplus property receiving the highest qualified bid that is sold absolute - Estimated Revenue: $6,000

CONSENT AGENDA (continued)

Sustainable Development and Construction (continued)

43. An ordinance granting a private license to LICGF Dallas Lofts, Inc. for the use of a total of approximately 85 square feet of aerial space to utilize and maintain two projecting attached video board signs over portions of Main and Elm Streets rights-of-way, near their intersection with Akard Street - Revenue: $2,000 annually, plus the $20 ordinance publication fee

44. An ordinance abandoning a sanitary sewer easement to Travis Cole Apartments 2012 LP, the abutting owner, containing approximately 5,428 square feet of land, located near the intersection of Cole and Hester Avenues, and providing for the dedication of approximately 6,364 square feet of land needed for a wastewater easement - Revenue: $5,400, plus the $20 ordinance publication fee

45. An ordinance abandoning a wastewater easement to Good Cluck, LLC, the abutting owner, containing a total of 1,588 square feet of land, located near the intersection of Buckner and Samuell Boulevards - Revenue: $5,400, plus the $20 ordinance publication fee

46. An ordinance abandoning a wastewater easement to Harwood International Center V, L.P., the abutting owner, containing approximately 1,925 square feet of land, located near the intersection of McKinnon and Randall Streets - Revenue: $5,400, plus the $20 ordinance publication fee

47. An ordinance abandoning a temporary turnaround easement and a drainage easement to HT Midtown LP, the abutting owner, containing a total of approximately 985 square feet of land, located near the intersection of Meadow and Rambler Roads; and authorizing the quitclaim - Revenue: $14,196, plus the $20 ordinance publication fee

48. An ordinance abandoning a water easement and portions of a variable width floodway easement and wastewater easement to HT Midtown LP, the abutting owner, containing a total of approximately 25,343 square feet of land, located near the intersection of Treehouse Lane and Meadow Road and providing for the dedication of approximately 23,235 square feet of land needed for a floodway easement - Revenue: $5,400, plus the $20 ordinance publication fee

49. An ordinance abandoning a water easement and two sanitary sewer easements to Capref Walnut Hill, LLC, the abutting owner, containing a total of approximately 8,194 square feet of land, located near the intersection of North Central Expressway and Walnut Hill Lane - Revenue: $5,400, plus the $20 ordinance publication fee

CONSENT AGENDA (continued)

Trinity Watershed Management

50. Authorize **(1)** settlement in lieu of proceeding further with condemnation in the condemnation suit styled City of Dallas v. Bryan/Haskell, Ltd., a Colorado limited partnership, et al., Cause No. CC-15-05434-B, pending in Dallas County Court at Law No. 2, of a subsurface easement under approximately 12,070 square feet of land from Bryan/Haskell, Ltd., located on Haskell Avenue at its intersection with Bryan Street for the Mill Creek/Peaks Branch/State-Thomas Drainage Relief Tunnel Project; and **(2)** the deposit of the settlement amount reached through negotiation of the condemnation suit for an amount not to exceed the settlement amount - Not to exceed $20,752, increased from $79,748 ($77,248 plus closing costs and title expenses not to exceed $2,500) to $100,500 ($98,000 being the settlement amount plus closing costs and title expenses not to exceed $2,500) - Financing: 2006 Bond Funds

51. Authorize **(1)** settlement in lieu of proceeding further with condemnation in the condemnation suit styled City of Dallas v. M.I. Gaston Partners, Ltd., a Texas limited partnership, et al., Cause No. CC-16-00392-B, pending in Dallas County Court at Law No. 2, of a subsurface easement under approximately 10,702 square feet of land from M.I. Gaston Partners, Ltd., located on Gaston Avenue near its intersection with Peak Street for the Mill Creek/Peaks Branch/State-Thomas Drainage Relief Tunnel Project; and **(2)** the deposit of the settlement amount reached through negotiation of the condemnation suit for an amount not to exceed the settlement amount - Not to exceed $19,000, increased from $70,500 ($68,000 plus closing costs and title expenses not to exceed $2,500) to $89,500 ($87,000 being the settlement amount plus closing costs and title expenses not to exceed $2,500) - Financing: 2006 Bond Funds

52. Authorize a professional services contract with O'Brien Engineers, Inc. for the engineering design of two erosion control improvement projects (list attached) - Not to exceed $91,998 - Financing: 2012 Bond Funds

53. Authorize **(1)** the receipt and deposit of funds in the amount of $100,000 from the Trinity Trust Foundation in support of the Margaret McDermott (IH30) Bridge over the Trinity Floodway; **(2)** Supplemental Agreement No. 3 to decrease the professional services contract with Santiago Calatrava, LLC for the IH30 Bridge over the Trinity Floodway for a contract credit, in an amount not to exceed ($125,000), from $10,688,500 to $10,563,500 without any change in the services to be performed under the contract; **(3)** an increase in appropriations in the IH30 Bridge Donation Fund in the amount of $100,000; and **(4)** payment to the Texas Department of Transportation in an amount not to exceed $222,017 for additional costs associated with the construction of the pedestrian and bicycle components of the IH30 Bridge over the Trinity Floodway - Financing: IH30 Bridge Donation Funds ($97,017) and 2006 Bond ($125,000)

ITEMS FOR INDIVIDUAL CONSIDERATION

City Secretary's Office

54. Consideration of appointments to boards and commissions and the evaluation and duties of board and commission members (List of nominees is available in the City Secretary's Office)

Sustainable Development and Construction

55. A resolution granting a waiver from the standard for naming a street within two years after the death of a person as required by Section 51A-9.304(c)(2) of the Dallas Development Code for a newly platted street (St. Louis Street Reservation on the preliminary plat) between South Pearl Expressway and South Cesar Chavez Boulevard - Financing: No cost consideration to the City

ITEMS FOR FUTHER CONSIDERATION

Sustainable Development and Construction

56. An ordinance granting a private license to Arts District Properties, Ltd., for the use of a total of approximately 15,694 square feet of land to install, maintain, and utilize landscape with irrigation, planters with appurtenances, thirty-three trees, twenty-three bollards, decorative pavers and eleven pole lights along portions of Pearl, Flora, and Olive Streets rights-of-way, near their intersection - Revenue: $600 one-time fee, plus the $20 ordinance publication fee

57. An ordinance abandoning aerial portions of Pearl and Flora Streets and a subsurface portion of Flora Street to Arts District Properties, Ltd., the abutting owner, containing a total of approximately 2,628 square feet of land, located near the intersection of Flora and Olive Streets, and authorizing the quitclaim - Revenue: $286,811, plus the $20 ordinance publication fee

58. An ordinance abandoning a portion of a sidewalk and drainage easement to Arts District Properties, Ltd., the abutting owner, containing approximately 252 square feet of land, located near the intersection of Pearl and Flora Streets - Revenue: $46,053, plus the $20 ordinance publication fee

DESIGNATED PUBLIC SUBSIDY MATTERS

Economic Development

59. Authorize a Development Agreement with GPIF Houston Street LLC, to assist with the Corgan-Crescent addition project located at 401 North Houston Street in the City Center TIF District - Not to exceed $875,000 - Financing: City Center TIF District Funds (subject to future appropriations from future tax increments)

ITEMS FOR INDIVIDUAL CONSIDERATION (continued)

DESIGNATED PUBLIC SUBSIDY MATTERS (continued)

Economic Development (continued)

60. Authorize a Chapter 380 Economic Development Grant Agreement with S&D Longhorn Partners, LLC and/or its affiliates ("Owner"), in an amount not to exceed $500,000 in consideration of the Owner's investment in eligible expenditures for improvements to the Longhorn Ballroom site and buildings located at 200 and 216 North Corinth Street, pursuant to the Public/Private Partnership Program - Not to exceed $500,000 - Financing: Public/Private Partnership Funds

PUBLIC HEARINGS AND RELATED ACTIONS

Sustainable Development and Construction

ZONING CASES - CONSENT

61. A public hearing to receive comments regarding an application for and an ordinance granting a CR Community Retail District and a resolution accepting deed restrictions volunteered by the applicant on property zoned an R-7.5(A) Single Family District on the northeast corner of North Prairie Creek Road and Scyene Road
Recommendation of Staff and CPC: Approval, subject to deed restrictions volunteered by the applicant
Z156-277(WE)

62. A public hearing to receive comments regarding an application for and an ordinance granting a Specific Use Permit for a private recreation center, club, or area on property zoned an A(A) Agricultural District on the south line of Tea Garden Road, west of Haymarket Road
Recommendation of Staff and CPC: Approval for a two-year period, subject to a site plan and conditions
Z156-323(JM)

63. A public hearing to receive comments regarding an application for and an ordinance granting a Planned Development District for R-7.5(A) Single Family District uses and a child-care facility; and an ordinance repealing Specific Use Permit No. 597 for a day nursery on property zoned an R-7.5(A) Single Family District, on the northwest corner of Inwood Road and Oriole Drive
Recommendation of Staff and CPC: Approval, subject to a development plan and conditions; and approval of the repealing of Specific Use Permit No. 597
Z156-334(OTH)

PUBLIC HEARINGS AND RELATED ACTIONS (continued)

Sustainable Development and Construction (continued)

ZONING CASES - CONSENT (continued)

64. A public hearing to receive comments regarding an application for and an ordinance granting a D-1 Liquor Control Overlay and an ordinance granting a Specific Use Permit for the sale of alcoholic beverages in conjunction with a restaurant without drive-in or drive-through service on property zoned a CR-D Community Retail District with a D Liquor Control Overlay, on the southeast side of Garland Road, north of Alvin Street
Recommendation of Staff and CPC: Approval of the D-1 Liquor Control Overlay; and approval of the Specific Use Permit for a two-year period with eligibility for automatic renewals for additional five-year periods, subject to a site plan and conditions
Z156-348(AR)

65. A public hearing to receive comments regarding an application for and an ordinance granting a Specific Use Permit for a motor vehicle fueling station on property zoned an NS(A)-D-1 Neighborhood Service District with a D-1 Liquor Control Overlay on the west corner of Buckner Boulevard and St. Francis Avenue
Recommendation of Staff and CPC: Approval for a five-year period with eligibility for automatic renewals for additional five-year periods, subject to a site plan, landscape plan and conditions
Z156-360(PD)

66. A public hearing to receive comments regarding an application for and an ordinance granting a Specific Use Permit for a private school or an open-enrollment charter school on property zoned an A(A) Agricultural District on the north line of Grady Niblo Road, between the termini of Old Settlers Way and Founders Court
Recommendation of Staff and CPC: Approval for a five-year period, subject to a site plan, a traffic management plan and conditions
Z167-123(JM)

67. A public hearing to receive comments regarding an application for and an ordinance granting an R-3.8(A) Single Family Subdistrict on property zoned an NC Neighborhood Commercial Subdistrict within Planned Development District No. 595, the South Dallas/Fair Park Special Purpose District, on the northwest line of Frank Street, northeast of Foreman Street
Recommendation of Staff and CPC: Approval
Z167-150(JM)

68. A public hearing to receive comments regarding an application for and an ordinance granting the renewal of Specific Use Permit No. 2122 for a bar, lounge, or tavern use on property zoned Tract A within Planned Development District No. 269 on the south side of Elm Street, west of North Crowdus Street
Recommendation of Staff and CPC: Approval for a three-year period, subject to conditions
Z167-154(OTH)

PUBLIC HEARINGS AND RELATED ACTIONS (continued)

Sustainable Development and Construction (continued)

ZONING CASES - CONSENT (continued)

69. A public hearing to receive comments regarding an application for and an ordinance granting an amendment to Planned Development District No. 206 for a pre-retirement home and a private community center to revise the parking regulations and update the uses to MF-2(A) Multifamily District uses on the northeast corner of Meadow Road and Stone Canyon Road
Recommendation of Staff and CPC: Approval, subject to a revised development plan, a revised landscape plan, and conditions
Z167-156(JM)

70. A public hearing to receive comments regarding an application for and an ordinance granting a P(A) Parking District on property zoned an R-7.5(A) Single Family District and a portion of Planned Development District No. 136, on the north side of Culver Street, west of Beeman Avenue
Recommendation of Staff and CPC: Approval, subject to a site plan
Z167-157(KK)

71. A public hearing to receive comments regarding an application for and an ordinance granting an amendment to Planned Development District No. 76 to allow changes to the sign regulations on the northeast corner of Walnut Hill Lane and Rambler Road
Recommendation of Staff and CPC: Approval, subject to a sign location plan and conditions
Z167-161(JM)

72. A public hearing to receive comments regarding an application for and **(1)** an ordinance granting the creation of a new subdistrict within Planned Development District No. 784 to allow a tower/antenna for cellular communication use by Specific Use Permit; and **(2)** an ordinance granting a Specific Use Permit for the tower/antenna for cellular communication use on property zoned the Mixmaster Riverfront Subarea within Planned Development District No. 784, Trinity River Corridor Special Purpose District, on the southeast side of Rock Island Street, west of South Riverfront Boulevard
Recommendation of Staff and CPC: Approval of a new Subdistrict; and approval of a Specific Use Permit for a ten-year period with eligibility for automatic renewals for additional ten-year periods, subject to a site plan and conditions
Z167-162(KK)

PUBLIC HEARINGS AND RELATED ACTIONS (continued)

Sustainable Development and Construction (continued)

ZONING CASES - INDIVIDUAL

73. A public hearing to receive comments regarding an application for **(1)** a TH-2(A) Townhouse District with deed restriction volunteered by the applicant on property zoned an LI Light Industrial District and an R-7.5(A) Single Family District on the northern portion of the request area; and **(2)** the termination of existing deed restrictions on property zoned an LI Light Industrial District, on the east line of North Prairie Creek Road, north of Cedar Run Drive
Recommendation of Staff and CPC: Approval of a TH-2(A) Townhouse District, subject to deed restrictions volunteered by the applicant; and approval of the termination of existing deed restrictions
Z167-114(JM)

74. A public hearing to receive comments regarding an application for and an ordinance granting a Specific Use Permit for an alcoholic beverage establishment limited to a bar, lounge or tavern and a private club-bar on property zoned Subdistrict 6 (Davis Corridor) within Planned Development District No. 830 on the east side of North Tyler Street, between Fouraker Street and West Davis Street
Recommendation of Staff: Approval for a two-year period, subject to a site plan and conditions
Recommendation of CPC: Approval for a three-year period with eligibility for automatic renewals for additional five-year periods, subject to a site plan and conditions
Z167-164(WE)

ZONING CASES - UNDER ADVISEMENT - INDIVIDUAL

75. A public hearing to receive comments regarding an application for and an ordinance granting an amendment to, and an expansion of, Planned Development Subdistrict No. 111 for LC Light Commercial Subdistrict uses on property zoned an LC Light Commercial Subdistrict and Planned Development Subdistrict No. 111 within Planned Development District No. 193, the Oak Lawn Special Purpose District, on the northwest line of McKinney Avenue, northeast of Bowen Street
Recommendation of Staff and CPC: Approval, subject to a development plan and conditions
Z156-278(WE)
Note: This item was considered by the City Council at a public hearing on March 22, 2017, and was deferred until April 12, 2017, with the public hearing open

PUBLIC HEARINGS AND RELATED ACTIONS (continued)

Sustainable Development and Construction (continued)

DESIGNATED ZONING CASES - INDIVIDUAL

76. A public hearing to receive comments regarding an application for and an ordinance granting a Planned Development District for RR Regional Retail District uses and multifamily use by right, and a resolution accepting deed restrictions volunteered by the applicant, and a resolution accepting the termination of existing deed restrictions on property zoned an RR Regional Retail District with deed restrictions on the northwest corner of Abrams Road and Northwest Highway
Recommendation of Staff: Approval, subject to a conceptual plan and staff's recommended conditions; and approval of the termination of existing deed restrictions
Recommendation of CPC: Approval, subject to a conceptual plan, a monument sign exhibit, and conditions; and deed restrictions volunteered by the applicant; and approval of the termination of existing deed restrictions
Z156-255(OTH)

77. A public hearing to receive comments regarding an application for and an ordinance granting a Specific Use Permit for the placement of fill material on property zoned an A(A) Agricultural District and an R-10(A) Single Family District on the east side of Haymarket Road, south of LBJ Freeway
Recommendation of Staff and CPC: Approval for a three-year period, subject to an operations plan and conditions
Z156-273(OTH)

78. A public hearing to receive comments regarding an application for the renewal of Specific Use Permit No. 1813 for a recycling collection center for the collection of household metals, industrial metals and recyclable materials on property zoned an IR Industrial Research District on the northeast corner of Sylvan Avenue and Fabrication Street
Recommendation of Staff: Approval for an 18-month period, subject to conditions
Recommendation of CPC: Denial
Z156-332(PD)

79. A public hearing to receive comments regarding an application for and an ordinance granting an amendment to Planned Development District No. 938 on property on the south side of Clarkwood Drive and the east side of Clark Springs Drive, north of Camp Wisdom Road
Recommendation of Staff: Approval, subject to a revised development plan and staff's recommended conditions
Recommendation of CPC: Approval, subject to a revised development plan and conditions
Z167-101(OTH)

PUBLIC HEARINGS AND RELATED ACTIONS (continued)

Sustainable Development and Construction (continued)

DESIGNATED ZONING CASES - INDIVIDUAL (continued)

80. A public hearing to receive comments regarding an application for and an ordinance granting a Planned Development Subdistrict for GR General Retail Subdistrict, bank or savings and loan office with drive-through window service, and service station uses on property zoned an LC Light Commercial and MF-2 Multiple Family Subdistricts within Planned Development District No. 193, the Oak Lawn Special Purpose District, on the west corner of Denton Drive and Hudnall Street
Recommendation of Staff and CPC: Approval, subject to a development plan and conditions
Z167-163(SM)

MISCELLANEOUS HEARINGS

Mobility and Street Services

81. A public hearing to receive comments to amend the City of Dallas Central Business District Streets and Vehicular Circulation Plan to: **(1)** change the operational characteristics of Commerce Street from Houston Street to Cesar Chavez Boulevard from a four-lane eastbound roadway in 80 feet of right-of-way to a three-lane eastbound roadway in 80 feet of right-of-way; **(2)** delete Akard Street between Jackson Street and Wood Street; **(3)** change the operational characteristics of Akard Street from Wood Street to Young Street from a three-lane southbound roadway in 61-74 feet of right-of-way to a one-lane northbound and one-lane southbound roadway in 61-74 feet of right-of-way; **(4)** close Jackson Street between Field Street and 350 feet west of Lane Street to vehicular access; **(5)** change the operational characteristics of Jackson Street from 350 feet west of Lane Street to Cesar Chavez Boulevard from a three-lane westbound roadway in 50-70 feet of right-of-way to a one-lane westbound and one-lane eastbound roadway in 50-70 feet of right-of-way; and **(6)** change the operational characteristics of Wood Street from Griffin Street to Pearl Expressway from a three-lane eastbound roadway in 45-80 feet of right-of-way to a one-lane westbound and one-lane eastbound roadway in 45-80 feet of right-of-way; and at the close of the hearing, authorize an ordinance implementing the change - Financing: No cost consideration to the City

Office of Environmental Quality

82. A public hearing to receive comments on a proposed municipal setting designation to prohibit the use of groundwater as potable water beneath property owned by Storage Choice - Design District, Ltd., located near the intersection of Slocum Street and Wichita Street and adjacent street rights-of-way; and an ordinance authorizing support of the issuance of a municipal setting designation to Storage Choice - Design District, Ltd., by the Texas Commission on Environmental Quality and prohibiting the use of groundwater beneath the designated property as potable water - Financing: No cost consideration to the City

Land Bank (DHADC) Sale of Lot to
City Wide Community Development Corporation
Agenda Item # 17

Property Address	Mapsco	Council District	Amount of Non-Tax Liens
1. 1103 Church	55A	4	$22,097.28

Land Bank (DHADC) Sale of Lot to
Confia Homes, L.L.C.
Agenda Item # 18

Property Address	Mapsco	Council District	Amount of Non-Tax Liens
1. 7041 Benning	48N	5	$15,150.02

Land Bank (DHADC) Sale of Lots to
Confia Homes, L.L.C.
Agenda Item # 19

Property Address	Mapsco	Council District	Amount of Non-Tax Liens
1. 1956 McBroom	44J	6	$ 9,309.57
2. 1915 Duluth	44N	6	$11,229.18

Land Bank (DHADC) Sale of Lot to
Confia Homes, L.L.C.
Agenda Item # 20

Property Address	Mapsco	Council District	Amount of Non-Tax Liens
1. 2232 Pine	56B	7	$13,555.89

Land Bank (DHADC) Sale of Lots to
Dallas Area Habitat for Humanity
Agenda Item # 21

Property Address	Mapsco	Council District	Amount of Non-Tax Liens
1. 2614 Silkwood	56G	7	$18,371.82
2. 2618 Silkwood	56G	7	$ 2,220.16
3. 2620 Silkwood	56G	7	$ 8,121.15
4. 2730 Silkwood	56H	7	$ 7,305.82
5. 2808 Silkwood	56H	7	$ 3,191.09
6. 2802 Valentine	56H	7	$10,148.84
7. 2811 Valentine	56H	7	$ 3,593.37
8. 2718 Rochester	56H	7	$11,772.09

Land Bank (DHADC) Sale of Lots to
KW New Vision Properties and Land, Inc.
Agenda Item # 22

Property Address	**Mapsco**	**Council District**	**Amount of Non-Tax Liens**
1. 4818 Owenwood	47J	7	$12,984.62
2. 4612 Silver	47N	7	$ 3,027.93

Land Bank (DHADC) Sale of Lots to
South Dallas Fair Park Innercity Community Development Corporation
Agenda Item # 23

Property Address	Mapsco	Council District	Amount of Non-Tax Liens
1. 3803 Metropolitan	46Q	7	$12,687.21
2. 3709 Carl	46Q	7	$10,386.86

Tax Foreclosure and Seizure Property Resale
Agenda Item # 26

Parcel No.	Address	Non-Profit Organization	Mapsco	DCAD Amount	Sale Amount	Vac/ Imp	Zoning
1.	2723 Silkwood	Dallas Neighborhood Alliance for Habitat	56H	$1,000	$1,000.00	V	PD-595
2.	2726 Silkwood	Dallas Neighborhood Alliance for Habitat	56H	$1,000	$1,000.00	V	PD-595
3.	3015 Valentine	Dallas Neighborhood Alliance for Habitat	56H	$1,000	$1,000.00	V	PD-595
4.	3027 Valentine	Dallas Neighborhood Alliance for Habitat	56H	$1,600	$1,585.00	V	PD-595
5.	2907 Rochester	Dallas Neighborhood Alliance for Habitat	56H	$1,000	$1,000.00	V	PD-595
6.	2932 Rochester	Dallas Neighborhood Alliance for Habitat	56H	$1,000	$1,000.00	V	PD-595
7.	3000 Rochester	Dallas Neighborhood Alliance for Habitat	56H	$1,000	$1,000.00	V	PD-595
8.	3014 Rochester	Dallas Neighborhood Alliance for Habitat	56H	$1,000	$1,000.00	V	PD-595

Project Group 12-3004
Agenda Item # 27

Project	**Limits**	**Council District**
Stevens Street	from Cayuga Drive to Davilla Avenue and Davilla Avenue from Stevens Street to Drake Street	9
Alley southwest and parallel to Shoreview Road	from Forest Trail to Eagle Trail to Nimrod Trail	10

Alley Group 12-1126
Agenda Item # 28

Project	**Limits**	**Council District**
Alley between Hibernia Street and State Street	from Boll Street to Worthington Street	14
Alley between Hibernia Street and McKinney Avenue	from Routh Street to Boll Street	14
Alley between State Street and Thomas Avenue	from Routh Street to Boll Street	14

Tax Foreclosed and Seizure Warrant Property Resales

Agenda Item # 41

Parcel No.	Address	Vac/ Imp	Council District	Zoning	Parcel Size	Struck off Amount	# Bids Rec'd	Minimum Bid Amount	Highest Bid Amount	DCAD	Highest Bidder
1	3807 Arocha	V	4	CS	.1905	$5,000.00	4	$1,000.00	$1,895.00	$5,000.00	Nextlots Now L.L.C.
2	2554 Cedar Crest	V	4	NS(A)	.2887	$9,487.00	9	$3,000.00	$5,551.00	$12,580.00	Adiel Quiroz
3	4600 Colonial	V	7	PD-595	.1147	$4,500.00	2	$1,000.00	$1,819.00	$4,500.00	Title & Title Properties, LLC
4	5125 Corrigan	I	8	R-7.5(A)	.2078	$26,610.00	14	$3,000.00	$18,000.00	$28,330.00	Prince Elizalde
5	2318 Moffatt	I	4	R-7.5(A)	.1628	$9,990.00	4	$3,000.00	$3,777.00	$9,990.00	Jesjor Tx, Inc.
6	2213 Porterfield	V	4	R-7.5(A)	.2170	$1,829.33	7	$1,000.00	$3,500.00	$2,250.00	Katrina Pitre
7	2221 Porterfield	V	4	R-7.5(A)	.2170	$1,829.33	7	$1,000.00	$3,500.00	$2,250.00	Katrina Pitre
8	2210 Porterfield	V	4	R-7.5(A)	.2323	$1,829.33	5	$1,000.00	$3,500.00	$2,250.00	Katrina Pitre
9	2209 Porterfield	V	4	R-7.5(A)	.1166	$1,829.33	8	$1,000.00	$3,500.00	$2,250.00	Katrina Pitre
10	2214 Porterfield	V	4	R-7.5(A)	.2323	$1,829.33	5	$1,000.00	$3,500.00	$2,250.00	Katrina Pitre
11	2218 Porterfield	V	4	R-7.5(A)	.2320	$1,829.33	5	$1,000.00	$3,500.00	$2,250.00	Katrina Pitre
12	2217 Porterfield	V	4	R-7.5(A)	.2170	$1,829.33	6	$1,000.00	$3,500.00	$2,250.00	Katrina Pitre
13	2205 Porterfield	V	4	R-7.5(A)	.1895	$1,829.33	8	$1,000.00	$3,500.00	$2,250.00	Katrina Pitre
14	2206 Porterfield	V	4	R-7.5(A)	.2963	$1,829.33	5	$1,000.00	$4,000.00	$2,250.00	Katrina Pitre
15	2222 Porterfield	V	4	R-7.5(A)	.2329	$1,829.33	6	$1,000.00	$3,500.00	$2,250.00	Katrina Pitre

Erosion Control Improvement Projects
Agenda Item # 52

Location	Council District	Amount
Group 3		
9737/9747 Whitehurst Drive	10	$32,259.40
11601/11655 Audelia Road	10	$59,738.20

EXECUTIVE SESSION NOTICE

A closed executive session may be held if the discussion of any of the above agenda items concerns one of the following:

1. seeking the advice of its attorney about pending or contemplated litigation, settlement offers, or any matter in which the duty of the attorney to the City Council under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with the Texas Open Meetings Act. [Tex. Govt. Code §551.071]
2. deliberating the purchase, exchange, lease, or value of real property if deliberation in an open meeting would have a detrimental effect on the position of the city in negotiations with a third person. [Tex. Govt. Code §551.072]
3. deliberating a negotiated contract for a prospective gift or donation to the city if deliberation in an open meeting would have a detrimental effect on the position of the city in negotiations with a third person. [Tex. Govt. Code §551.073]
4. deliberating the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee; or to hear a complaint or charge against an officer or employee unless the officer or employee who is the subject of the deliberation or hearing requests a public hearing. [Tex. Govt. Code §551.074]
5. deliberating the deployment, or specific occasions for implementation, of security personnel or devices. [Tex. Govt. Code §551.076]
6. discussing or deliberating commercial or financial information that the city has received from a business prospect that the city seeks to have locate, stay or expand in or near the city and with which the city is conducting economic development negotiations; or deliberating the offer of a financial or other incentive to a business prospect. [Tex Govt. Code §551.087]

AGENDA DATE April 12, 2017

ITEM #	OK	IND DEF	DISTRICT	TYPE	DEPT.	DOLLARS	LOCAL	MWBE	DESCRIPTION
1			All	V	NA	NA	NA	NA	Approval of Minutes of the March 22, 2017 City Council Meeting
2			7	C	PBD, PKR	$102,000.00	28.41%	24.00%	Authorize a service contract for consultant services to assist with the development of specifications and the proposal process for the management and operations of Dallas Fair Park - C.H. Johnson Consulting, Inc., most advantageous proposer of four - Not to exceed $102,000 - Financing: Current Funds (subject to appropriations)
3			All	C	PBD, CCS, EBS, FIR, STS, PKR, POL, SAN, TWM, WTR	$279,513.50	70.00%	30.00%	Authorize a three-year service contract for bagged ice with storage containers - Emergency Ice, Inc., lowest responsible bidder of three - Not to exceed $279,514 - Financing: Current Funds ($79,021), Water Utilities Current Funds ($122,570), Sanitation Current Funds ($63,538), and Stormwater Drainage Management Current Funds ($14,385) (subject to annual appropriations)
4			All	C	PBD, WTR	$415,079.23	0.00%	0.00%	Authorize a three-year service contract for railroad spur track inspections, maintenance, and repairs - Lone Star Railroad Contractors, Inc. in the amount of $395,580 and HAFCO Services, Inc. in the amount of $19,500, most advantageous proposers of five - Total not to exceed $415,080 - Financing: Water Utilities Current Funds (subject to annual appropriations)
5			All	C	PBD, WTR	$6,022,460.00	93.54%	9.28%	Authorize a three-year service contract for non-destructive pipe analysis and internal leak surveying services - Pure Technologies U.S., Inc. in the amount of $5,633,645 and Echologics, LLC in the amount of $388,815, most advantageous proposers of four - Total not to exceed $6,022,460 - Financing: Water Utilities Current Funds (subject to annual appropriations)
6			All	C	PBD, AVI, CCS, CES, EBS, FIR, STS, PKR, POL, SAN, TWM, WTR	$29,163,205.94	51.20%	0.00%	Authorize (1) a three-year service contract for original equipment manufacturer service with associated parts to maintain City vehicles and equipment - Holt Texas, Ltd. in the amount of $5,916,179, Southwest International Trucks, Inc. in the amount of $4,163,860, Westway Ford in the amount of $2,214,939, Kirby-Smith Machinery, Inc. in the amount of $2,150,460, Four Brothers Outdoor Power, Inc. in the amount of $1,460,316, Kinloch Equipment and Supply, Inc. in the amount of $1,031,105, Metro Fire Apparatus Specialists, Inc. in the amount of $1,003,900, Berry Companies, Inc. dba Bobcat of Dallas in the amount of $970,700, RDO Equipment Company in the amount of $773,500, Trash Truck Repair Services, Inc. in the amount of $749,600, ATC Freightliner Group, LLC in the amount of $448,690, REV Ambulance Group Orlando, Inc. in the amount of $400,339, Stewart & Stevenson Power Products, LLC in the amount of $399,003, Landmark Equipment, Inc. in the amount of $346,480, Longhorn Harley-Davidson in the amount of $282,240, CTE Holding, LLC dba Custom Truck & Equipment in the amount of $104,220, and Tom Loftus, Inc. dba Austin Turf and Tractor in the amount of $102,415, lowest responsible bidders of twenty-seven; and (2) a three-year service contract for original equipment manufacturer service with associated parts to maintain City vehicles and equipment - Freedom Dodge in the amount of $2,381,500, MHC Kenworth dba Texas Kenworth in the amount of $1,258,336, Rush Truck Centers of Texas, LP in the amount of $1,162,484, Freedom Chevrolet in the amount of $882,740, Romco Equipment Co. in the amount of $772,700, and CLS Sewer Equipment Co., Inc. in the amount of $187,500 through the Texas Association of School Boards (BuyBoard) - Total not to exceed $29,163,206 - Financing: Current Funds ($20,098,669), Sanitation Current Funds ($6,745,625), Water Utilities Current Funds ($1,904,615), Confiscated Monies Funds ($197,452), Aviation Current Funds ($111,079), Stormwater Drainage Management Current Funds ($73,503), and Convention and Event Services Current Funds ($32,263) (subject to annual appropriations)
7			All	C	PBD, FIR	$175,650.00	0.00%	0.00%	Authorize a three-year service contract, with two one-year renewal options, for communicable disease exposure testing for Fire-Rescue personnel - Clinical Pathology Laboratories, Inc., most advantageous proposer of two - Not to exceed $175,650 - Financing: Current Funds (subject to annual appropriations)
8			All	C	PBD, WTR	$1,442,552.50	0.00%	0.00%	Authorize a three-year service contract, with two one-year renewal options, for wastewater flowmeter monitoring services - Hach Company, most advantageous proposer of five - Not to exceed $1,442,553 - Financing: Water Utilities Current Funds (subject to annual appropriations)
9			All	C	PBD, POL	$17,793,000.00	13.89%	25.34%	Authorize a seven-year service contract, with three one-year renewal options, for the installation, management, operation, violation ticket processing, and collection services of an automated red-light camera enforcement system - American Traffic Solutions, Inc., most advantageous proposer of five - Not to exceed $17,793,000 - Financing: Current Funds (subject to annual appropriations) costs are expected to be offset by revenues

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ITEM #	OK	IND DEF	DISTRICT	TYPE	DEPT.	DOLLARS	LOCAL	MWBE	DESCRIPTION
10			All	C	PBD, WTR	$79,548.79	100.00%	0.00%	Authorize a three-year master agreement for pre-cast water meter vaults - Oldcastle Precast, Inc. in the amount of $74,680, Act Pipe & Supply, Inc. in the amount of $2,526, and Forterra Pipe & Precast, LLC in the amount of $2,343, lowest responsible bidders of three - Total not to exceed $79,549 - Financing: Water Utilities Current Funds
11			All	C	PBD, PKR	$1,275,000.00	84.31%	5.88%	Authorize a three-year master agreement for the purchase of athletic gear, equipment, and supplies - BSN Sports in the amount of $1,000,000, S & S Worldwide, Inc. in the amount of $200,000, and Santex in the amount of $75,000, lowest responsible bidders of three - Total not to exceed $1,275,000 - Financing: Current Funds
12			N/A	C	ATT	$100,000.00	NA	NA	Authorize settlement of the lawsuit styled Alejandro Morales-Loza v. City of Dallas, Cause No. CC-15-02250-C - Not to exceed $100,000 - Financing: Current Funds
13			N/A	C	ATT	$750,000.00	NA	NA	Authorize Supplemental Agreement No. 3 to the professional services contract with the law firm of Carter Scholer Arnett & Mockler, PLLC f/k/a Carter Scholer Arnett Hamada & Mockler, PLLC for additional legal services necessary in the lawsuits styled Kenneth E. Albert, et al. v. City of Dallas, Cause No. 199-00697-94; Anthony Arredondo, et al. v. City of Dallas, Cause No. 199-1743-99; David L. Barber, et al. v. City of Dallas, Cause No. 199-624-95; David S. Martin, et al. v. City of Dallas, Cause No. 1-95-506; George G. Parker, et al. v. City of Dallas, Cause No. 1-95-107; Kevin Michael Willis, et al. v. City of Dallas, Cause No. 199-200-95; and any other proceedings relating to the subject matter of this litigation - Not to exceed $750,000, from $825,000 to $1,575,000 - Financing: Current Funds
14			N/A	C	ATT	$750,000.00	NA	NA	Authorize Supplemental Agreement No. 5 to the professional services contract with Sayles Werbner, P.C. for additional legal services necessary in the lawsuits styled Kenneth E. Albert, et al. v. City of Dallas, Cause No. 199-00697-94; Anthony Arredondo, et al. v. City of Dallas, Cause No. 199-1743-99; David L. Barber, et al. v. City of Dallas, Cause No. 199-624-95; David S. Martin, et al. v. City of Dallas, Cause No. 1-95-506; George G. Parker, et al. v. City of Dallas, Cause No. 1-95-107; Kevin Michael Willis, et al. v. City of Dallas, Cause No. 199-200-95 and any other proceedings relating to the subject matter of this litigation - Not to exceed $750,000, from $1,100,000 to $1,850,000 - Financing: Current Funds
15			N/A	C	ATT	$100,000.00	NA	NA	Authorize Supplemental Agreement No. 15 to the professional services contract with Hankinson, L.L.P. for additional legal services necessary in the lawsuits styled Kenneth E. Albert, et al. v. City of Dallas, Cause No. 199-00697-94; Anthony Arredondo, et al. v. City of Dallas, Cause No. 199-1743-99; David L. Barber, et al. v. City of Dallas, Cause No. 199-624-95; David S. Martin, et al. v. City of Dallas, Cause No. 1-95-506; George G. Parker, et al. v. City of Dallas, Cause No. 1-95-107; Kevin Michael Willis, et al. v. City of Dallas, Cause No. 199-200-95; and any other proceedings relating to the subject matter of this litigation - Not to exceed $100,000, from $1,105,000 to $1,205,000 - Financing: Current Funds
16			2	C	EBS, CES	$2,430,632.00	75.00%	25.00%	Authorize the purchase and installation of two replacement chillers, cooling towers and associated pumps at the Kay Bailey Hutchison Convention Center Dallas located at 650 South Griffin Street - Trane U.S., Inc., through the U.S. Communities Government Purchasing Alliance - Not to exceed $2,430,632 - Financing: Convention and Event Services Current Funds
17			4	C	HOU	NC	NA	NA	Authorize (1) approval of the development plan submitted to the Dallas Housing Acquisition and Development Corporation by City Wide Community Development Corporation for the construction of houses; (2) the sale of one vacant lot from Dallas Housing Acquisition and Development Corporation to City Wide Community Development Corporation; and (3) execution of a release of lien for any non-tax liens on the one property that may have been filed by the City - Financing: No cost consideration to the City
18			5	C	HOU	NC	NA	NA	Authorize (1) approval of the development plan submitted to the Dallas Housing Acquisition and Development Corporation by Confia Homes, L.L.C. for the construction of a house; (2) the sale of one vacant lot from Dallas Housing Acquisition and Development Corporation to Confia Homes, L.L.C.; and (3) execution of a release of lien for any non-tax liens on the one property that may have been filed by the City - Financing: No cost consideration to the City
19			6	C	HOU	NC	NA	NA	Authorize (1) approval of the development plan submitted to the Dallas Housing Acquisition and Development Corporation by Confia Homes, L.L.C. for the construction of houses; (2) the sale of two vacant lots from Dallas Housing Acquisition and Development Corporation to Confia Homes, L.L.C.; and (3) execution of a release of lien for any non-tax liens on the two properties that may have been filed by the City - Financing: No cost consideration to the City

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ITEM #	OK	IND DEF	DISTRICT	TYPE	DEPT.	DOLLARS	LOCAL	MWBE	DESCRIPTION
20			7	C	HOU	NC	NA	NA	Authorize (1) approval of the development plan submitted to the Dallas Housing Acquisition and Development Corporation by Confia Homes, L.L.C. for the construction of a house; (2) the sale of one vacant lot from Dallas Housing Acquisition and Development Corporation to Confia Homes, L.L.C.; and (3) execution of a release of lien for any non-tax liens on the one property that may have been filed by the City - Financing: No cost consideration to the City
21			7	C	HOU	NC	NA	NA	Authorize (1) approval of the development plan submitted to the Dallas Housing Acquisition and Development Corporation by Dallas Area Habitat for Humanity for the construction of houses; (2) the sale of eight vacant lots from Dallas Housing Acquisition and Development Corporation to Dallas Area Habitat for Humanity; and (3) execution of a release of lien for any non-tax liens on the eight properties that may have been filed by the City - Financing: No cost consideration to the City
22			7	C	HOU	NC	NA	NA	Authorize (1) approval of the development plan submitted to the Dallas Housing Acquisition and Development Corporation by KW New Vision Properties and Land, Inc. for the construction of houses; (2) the sale of two vacant lots from Dallas Housing Acquisition and Development Corporation to KW New Vision Properties and Land, Inc.; and (3) execution of a release of lien for any non-tax liens on the two properties that may have been filed by the City - Financing: No cost consideration to the City
23			7	C	HOU	NC	NA	NA	Authorize (1) approval of the development plan submitted to the Dallas Housing Acquisition and Development Corporation by South Dallas Fair Park Innercity Community Development Corporation for the construction of houses; (2) the sale of two vacant lots from Dallas Housing Acquisition and Development Corporation to South Dallas Fair Park Innercity Community Development Corporation; and (3) execution of a release of lien for any non-tax liens on the two properties that may have been filed by the City - Financing: No cost consideration to the City
24			All	C	HOU	NC	NA	NA	Authorize (1) a Memorandum of Understanding with Metro Dallas Homeless Alliance (MDHA) for continued participation in the local Homeless Management Information System (HMIS), effective April 1, 2017; (2) a Subscription Services Agreement with Pieces Technology, Inc., for use of the Pieces Iris™ software solution being implemented by MDHA as the new HMIS, effective April 1, 2017; and (3) execution of any and all documents required for participation in the HMIS - Financing: No cost consideration to the City
25			3, 7, 9	C	HOU	NC	NA	NA	Authorize (1) an amendment to the grant agreement (Grant No. TX0236L6T001507) between the City of Dallas and the U.S. Department of Housing and Urban Development (HUD) to add The Way Apartments, The Vineyards at Forest Edge Apartments, and The Vineyards at the Ranch Apartments as project sites to the grant agreement; (2) three Memorandums of Understanding (MOUs) between the City of Dallas and the three apartment property owners, MDL The Way LP herein referred to as The Way, Indigo JV LLC herein referred to as Forest Edge, and Stone Ranch Owner LLC herein referred to as The Ranch to provide project-based affordable housing to the Gateway to Permanent Supportive Housing Program, contingent upon approval of the amendment by HUD in Subject Number 1 for the term March 1, 2017 through December 31, 2017, with two twelve-month renewal options; and (3) execution of the amendment to the grant agreement and of the MOUs - Financing: No cost consideration to the City
26			7	C	HOU	NC	NA	NA	Authorize a public hearing to be held on May 10, 2017, to receive comments on the proposed sale of eight unimproved properties (list attached) acquired by the taxing authorities from the Sheriff to Dallas Neighborhood Alliance for Habitat, a qualified non-profit organization, under the HB110 process of the City's Land Transfer Program and the release of the City's non-tax liens included in the foreclosure judgment and post-judgment non-tax liens, if any - Financing: No cost consideration to the City
27			9, 10	C	STS, WTR	$911,793.00	99.89%	25.45%	Authorize a contract with Jeske Construction Company, lowest responsive bidder of five, for the construction of street and alley paving, storm drainage, water and wastewater main improvements for Project Group 12-3004 - Not to exceed $911,793 - Financing: 2012 Bond Funds ($729,680), Water Utilities Capital Improvement Funds ($168,613) and Water Utilities Capital Construction Funds ($13,500)
28			14	C	STS, WTR	NC	NA	NA	Authorize (1) alley paving, water and wastewater main improvements, for Alley Group 12-1126; provide for partial payment of construction costs by assessment of abutting property owners; an estimate of the cost of the improvements to be prepared as required by law; and (2) a benefit assessment hearing to be held on May 24, 2017, to receive comments - Financing: No cost consideration to the City

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ITEM #	OK	IND DEF	DISTRICT	TYPE	DEPT.	DOLLARS	LOCAL	MWBE	DESCRIPTION
29			1	C	STS, WTR	NC	NA	NA	Authorize (1) street paving and water improvements for North Adams Avenue from Tenth Street to Davis Street; provide for partial payment of construction cost by assessment of abutting property owners; an estimate of the cost of the improvements to be prepared as required by law; and (2) a benefit assessment hearing to be held on May 24, 2017, to receive comments - Financing: No cost consideration to the City
30			12	C	STS	GT	NA	NA	Authorize (1) the receipt and deposit of funds in the amount of $254,561 from Highland Springs for the construction of a new traffic signal at Frankford Road and Unnamed Street FN3; and (2) an increase in appropriations in the amount of $254,561 in the Capital Projects Reimbursement Fund - Not to exceed $254,561 - Financing: Capital Projects Reimbursement Funds
31			14	C	STS, WTR	$112,444.00	90.30%	90.05%	Authorize Supplemental Agreement No. 4 to the professional services contract with EJES, Inc. for additional engineering design of street paving, drainage, sidewalk, streetscaping, traffic signal, street lights, landscaping, and water main improvements for Pearl Expressway from Pacific Avenue to Live Oak Street - Not to exceed $112,444, from $466,347 to $578,791 - Financing: 2006 Bond Funds ($97,479) and Water Utilities Capital Construction Funds ($14,965)
32			N/A	C	OCA	$400,000.00	NA	NA	Authorize (1) the Cultural Facilities Program to support long-term improvement, renovation or major repairs of cultural facilities owned and operated by not-for-profit organizations with an annual operating budget less than $5 million; and (2) execution of the grant agreements up to $200,000 per qualifying organization and any other legal instruments, after approval as to form by the City Attorney, in accordance with the requirements in the Cultural Facilities Program Guidelines - Not to exceed $400,000 - Financing: Capital Construction Funds (in FY 2016-17 and additional program funds in successive fiscal years) (subject to future appropriations)
33			N/A	C	OFS	NC	NA	NA	Authorize final adoption of Reprogramming Budget No. 1 to the FY 2016-17 Action Plan for U.S. Department of Housing and Urban Development Grant Funds to use unspent prior year Community Development Block Grant Funds in the amount of $1,413,595 for the Major Systems Repair Program - Financing: No cost consideration to the City
34			N/A	C	OFS, STS	NC	NA	NA	An ordinance authorizing Oncor Electric Delivery Company LLC, Tariff for Retail Delivery Service Section 6.1.1.1.8.2 Lighting Service in the City of Dallas as requested by Oncor Electric Delivery Company LLC pursuant to its statement of intent filed with the City on or about December 16, 2016 - Financing: No cost consideration to the City
35			N/A	C	OFS	NC	NA	NA	A resolution suspending the effective date of the rate filing made by Oncor Electric Delivery Company LLC on March 17, 2017 for an additional 90 days - Financing: No cost consideration to the City
36			2, 4, 6, 7, 9, 10, 14	C	PKR, STS	NC	NA	NA	Authorize (1) application of seven candidate projects to the North Central Texas Council of Governments through the Transportation Alternatives Set-Aside Program for cost reimbursement in (a) the Active Transportation Project category for the proposed: Katy Trail Bridges Project, Lake Highlands Trail Northern Extension, Lake Highlands Trail Phase 2A, 2B Project, Ridgewood Trail Lighting Project, Trinity Forest Spine Trail Project, Trinity Strand Trail Phase 2 Project, and Union Bikeway Connector Project and (b) the Safe Routes to School Project category: Lake Highlands Trail Northern Extension Project; and (2) a required local match not to exceed $9,152,799 - Financing: This action has no cost consideration to the City
37			10	C	PKR, STS	NC	NA	NA	Authorize a Memorandum of Understanding with Richardson Independent School District as required for application submission for the Transportation Alternatives Set-Aside Safe Routes to School infrastructure application Call for Projects for the Lake Highlands Trail Northern Extension Project - Financing: No cost consideration to the City
38			7	C	PKR	NC	NA	NA	Authorize the rejection of proposals for a new pavilion at Lakeland Hills Park located at 2600 St. Francis Avenue - Financing: No cost consideration to the City
39			All	C	POL	NC	NA	NA	Authorize a Memorandum of Agreement between the City of Dallas through the Dallas Police Department and the Department of Homeland Security, Federal Law Enforcement Training Centers regarding collaborative training delivery of the jointly developed interrogation case study - Financing: No cost consideration to the City
40			All	C	POL	NC	NA	NA	Authorize the creation and implementation of a Cite and Release Pilot Program with Dallas County in accordance with Texas Criminal Code Section 14.06 for Class A and B misdemeanor possession of marijuana and Class B criminal mischief, graffiti, theft, theft of service, contraband in a correctional facility, and driving with an invalid license, effective October 1, 2017 through March 31, 2018 - Financing: No cost consideration to the City

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ITEM #	OK	IND DEF	DISTRICT	TYPE	DEPT.	DOLLARS	LOCAL	MWBE	DESCRIPTION
41			4, 7, 8	C	DEV	REV $66,542	NA	NA	Authorize (1) the quitclaim of 15 properties acquired by the taxing authorities from the Tax Foreclosure Sheriff's Sale to the highest bidders; and (2) the execution of release of liens for any non-tax liens that may have been filed by the City and were included in the foreclosure judgment - Revenue: $66,542
42			7	C	DEV	REV $6,000	NA	NA	A resolution (1) declaring approximately 6,500 square feet of developable land unwanted and unneeded, located near the intersection of Edgewood Street and Birmingham Avenue, and authorizing its advertisement for sale by public auction; and (2) authorizing a Purchase and Sale Agreement to be prepared for the auctioned surplus property receiving the highest qualified bid that is sold absolute - Estimated Revenue: $6,000
43			14	C	DEV	REV $2,000	NA	NA	An ordinance granting a private license to LICGF Dallas Lofts, Inc. for the use of a total of approximately 85 square feet of aerial space to utilize and maintain two projecting attached video board signs over portions of Main and Elm Streets rights-of-way, near their intersection with Akard Street - Revenue: $2,000 annually, plus the $20 ordinance publication fee
44			14	C	DEV	REV $5,400	NA	NA	An ordinance abandoning a sanitary sewer easement to Travis Cole Apartments 2012 LP, the abutting owner, containing approximately 5,428 square feet of land, located near the intersection of Cole and Hester Avenues, and providing for the dedication of approximately 6,364 square feet of land needed for a wastewater easement - Revenue: $5,400, plus the $20 ordinance publication fee
45			7	C	DEV	REV $5,400	NA	NA	An ordinance abandoning a wastewater easement to Good Cluck, LLC, the abutting owner, containing a total of 1,588 square feet of land, located near the intersection of Buckner and Samuell Boulevards - Revenue: $5,400, plus the $20 ordinance publication fee
46			14	C	DEV	REV $5,400	NA	NA	An ordinance abandoning a wastewater easement to Harwood International Center V, L.P., the abutting owner, containing approximately 1,925 square feet of land, located near the intersection of McKinnon and Randall Streets - Revenue: $5,400, plus the $20 ordinance publication fee
47			13	C	DEV	REV $14,196	NA	NA	An ordinance abandoning a temporary turnaround easement and a drainage easement to HT Midtown LP, the abutting owner, containing a total of approximately 985 square feet of land, located near the intersection of Meadow and Rambler Roads; and authorizing the quitclaim - Revenue: $14,196, plus the $20 ordinance publication fee
48			13	C	DEV	REV $5,400	NA	NA	An ordinance abandoning a water easement and portions of a variable width floodway easement and wastewater easement to HT Midtown LP, the abutting owner, containing a total of approximately 25,343 square feet of land, located near the intersection of Treehouse Lane and Meadow Road and providing for the dedication of approximately 23,235 square feet of land needed for a floodway easement - Revenue: $5,400, plus the $20 ordinance publication fee
49			13	C	DEV	REV $5,400	NA	NA	An ordinance abandoning a water easement and two sanitary sewer easements to Capref Walnut Hill, LLC, the abutting owner, containing a total of approximately 8,194 square feet of land, located near the intersection of North Central Expressway and Walnut Hill Lane - Revenue: $5,400, plus the $20 ordinance publication fee
50			14	C	TWM, ATT	$20,752.00	NA	NA	Authorize (1) settlement in lieu of proceeding further with condemnation in the condemnation suit styled City of Dallas v. Bryan/Haskell, Ltd., a Colorado limited partnership, et al., Cause No. CC-15-05434-B, pending in Dallas County Court at Law No. 2, of a subsurface easement under approximately 12,070 square feet of land from Bryan/Haskell, Ltd., located on Haskell Avenue at its intersection with Bryan Street for the Mill Creek/Peaks Branch/State-Thomas Drainage Relief Tunnel Project; and (2) the deposit of the settlement amount reached through negotiation of the condemnation suit for an amount not to exceed the settlement amount - Not to exceed $20,752, increased from $79,748 ($77,248 plus closing costs and title expenses not to exceed $2,500) to $100,500 ($98,000 being the settlement amount plus closing costs and title expenses not to exceed $2,500) - Financing: 2006 Bond Funds

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ITEM #	OK	IND DEF	DISTRICT	TYPE	DEPT.	DOLLARS	LOCAL	MWBE	DESCRIPTION
51			2	C	TWM, ATT	$19,000.00	NA	NA	Authorize (1) settlement in lieu of proceeding further with condemnation in the condemnation suit styled City of Dallas v. M.I. Gaston Partners, Ltd., a Texas limited partnership, et al., Cause No. CC-16-00392-B, pending in Dallas County Court at Law No. 2, of a subsurface easement under approximately 10,702 square feet of land from M.I. Gaston Partners, Ltd., located on Gaston Avenue near its intersection with Peak Street for the Mill Creek/Peaks Branch/State-Thomas Drainage Relief Tunnel Project; and (2) the deposit of the settlement amount reached through negotiation of the condemnation suit for an amount not to exceed the settlement amount - Not to exceed $19,000, increased from $70,500 ($68,000 plus closing costs and title expenses not to exceed $2,500) to $89,500 ($87,000 being the settlement amount plus closing costs and title expenses not to exceed $2,500) - Financing: 2006 Bond Funds
52			10	C	TWM	$91,997.60	100.00%	33.01%	Authorize a professional services contract with O'Brien Engineers, Inc. for the engineering design of two erosion control improvement projects - Not to exceed $91,998 - Financing: 2012 Bond Funds
53			1, 6	C	TWM	$222,016.18	0.00%	0.00%	Authorize (1) the receipt and deposit of funds in the amount of $100,000 from the Trinity Trust Foundation in support of the Margaret McDermott (IH30) Bridge over the Trinity Floodway; (2) Supplemental Agreement No. 3 to decrease the professional services contract with Santiago Calatrava, LLC for the IH30 Bridge over the Trinity Floodway for a contract credit, in an amount not to exceed ($125,000), from $10,688,500 to $10,563,500 without any change in the services to be performed under the contract; (3) an increase in appropriations in the IH30 Bridge Donation Fund in the amount of $100,000; and (4) payment to the Texas Department of Transportation in an amount not to exceed $222,017 for additional costs associated with the construction of the pedestrian and bicycle components of the IH30 Bridge over the Trinity Floodway - Financing: IH30 Bridge Donation Funds ($97,017) and 2006 Bond ($125,000)
54			N/A	I	SEC	NC	N/A	N/A	Consideration of appointments to boards and commissions and the evaluation and duties of board and commission members (List of nominees is available in the City Secretary's Office)
55			2	I	DEV	NC	NA	NA	A resolution granting a waiver from the standard for naming a street within two years after the death of a person as required by Section 51A-9.304(c)(2) of the Dallas Development Code for a newly platted street (St. Louis Street Reservation on the preliminary plat) between South Pearl Expressway and South Cesar Chavez Boulevard - Financing: No cost consideration to the City
56			14	I	DEV	REV $600	NA	NA	An ordinance granting a private license to Arts District Properties, Ltd., for the use of a total of approximately 15,694 square feet of land to install, maintain, and utilize landscape with irrigation, planters with appurtenances, thirty-three trees, twenty-three bollards, decorative pavers and eleven pole lights along portions of Pearl, Flora, and Olive Streets rights-of-way, near their intersection - Revenue: $600 one-time fee, plus the $20 ordinance publication fee
57			14	I	DEV	REV $286,811	NA	NA	An ordinance abandoning aerial portions of Pearl and Flora Streets and a subsurface portion of Flora Street to Arts District Properties, Ltd., the abutting owner, containing a total of approximately 2,628 square feet of land, located near the intersection of Flora and Olive Streets, and authorizing the quitclaim - Revenue: $286,811, plus the $20 ordinance publication fee
58			14	I	DEV	REV $46,053	NA	NA	An ordinance abandoning a portion of a sidewalk and drainage easement to Arts District Properties, Ltd., the abutting owner, containing approximately 252 square feet of land, located near the intersection of Pearl and Flora Streets - Revenue: $46,053, plus the $20 ordinance publication fee
59			2	I	ECO	$875,000.00	NA	NA	Authorize a Development Agreement with GPIF Houston Street LLC, to assist with the Corgan-Crescent addition project located at 401 North Houston Street in the City Center TIF District - Not to exceed $875,000 - Financing: City Center TIF District Funds (subject to future appropriations from future tax increments)
60			2	I	ECO	$500,000.00	NA	NA	Authorize a Chapter 380 Economic Development Grant Agreement with S&D Longhorn Partners, LLC and/or its affiliates ("Owner"), in an amount not to exceed $500,000 in consideration of the Owner's investment in eligible expenditures for improvements to the Longhorn Ballroom site and buildings located at 200 and 216 North Corinth Street, pursuant to the Public/Private Partnership Program - Not to exceed $500,000 - Financing: Public/Private Partnership Funds
61			7	PH	DEV	NC	NA	NA	A public hearing to receive comments regarding an application for and an ordinance granting a CR Community Retail District and a resolution accepting deed restrictions volunteered by the applicant on property zoned an R-7.5(A) Single Family District on the northeast corner of North Prairie Creek Road and Scyene Road

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ITEM #	OK	IND DEF	DISTRICT	TYPE	DEPT.	DOLLARS	LOCAL	MWBE	DESCRIPTION
62			8	PH	DEV	NC	NA	NA	A public hearing to receive comments regarding an application for and an ordinance granting a Specific Use Permit for a private recreation center, club, or area on property zoned an A(A) Agricultural District on the south line of Tea Garden Road, west of Haymarket Road
63			2	PH	DEV	NC	NA	NA	A public hearing to receive comments regarding an application for and an ordinance granting a Planned Development District for R-7.5(A) Single Family District uses and a child-care facility; and an ordinance repealing Specific Use Permit No. 597 for a day nursery on property zoned an R-7.5(A) Single Family District, on the northwest corner of Inwood Road and Oriole Drive
64			9	PH	DEV	NC	NA	NA	A public hearing to receive comments regarding an application for and an ordinance granting a D-1 Liquor Control Overlay and an ordinance granting a Specific Use Permit for the sale of alcoholic beverages in conjunction with a restaurant without drive-in or drive-through service on property zoned a CR-D Community Retail District with a D Liquor Control Overlay, on the southeast side of Garland Road, north of Alvin Street
65			7	PH	DEV	NC	NA	NA	A public hearing to receive comments regarding an application for and an ordinance granting a Specific Use Permit for a motor vehicle fueling station on property zoned an NS(A)-D-1 Neighborhood Service District with a D-1 Liquor Control Overlay on the west corner of Buckner Boulevard and St. Francis Avenue
66			3	PH	DEV	NC	NA	NA	A public hearing to receive comments regarding an application for and an ordinance granting a Specific Use Permit for a private school or an open-enrollment charter school on property zoned an A(A) Agricultural District on the north line of Grady Niblo Road, between the termini of Old Settlers Way and Founders Court
67			7	PH	DEV	NC	NA	NA	A public hearing to receive comments regarding an application for and an ordinance granting an R-3.8(A) Single Family Subdistrict on property zoned an NC Neighborhood Commercial Subdistrict within Planned Development District No. 595, the South Dallas/Fair Park Special Purpose District, on the northwest line of Frank Street, northeast of Foreman Street
68			2	PH	DEV	NC	NA	NA	A public hearing to receive comments regarding an application for and an ordinance granting the renewal of Specific Use Permit No. 2122 for a bar, lounge, or tavern use on property zoned Tract A within Planned Development District No. 269 on the south side of Elm Street, west of North Crowdus Street
69			11	PH	DEV	NC	NA	NA	A public hearing to receive comments regarding an application for and an ordinance granting an amendment to Planned Development District No. 206 for a pre-retirement home and a private community center to revise the parking regulations and update the uses to MF-2(A) Multifamily District uses on the northeast corner of Meadow Road and Stone Canyon Road
70			2	PH	DEV	NC	NA	NA	A public hearing to receive comments regarding an application for and an ordinance granting a P(A) Parking District on property zoned an R-7.5(A) Single Family District and a portion of Planned Development District No. 136, on the north side of Culver Street, west of Beeman Avenue
71			13	PH	DEV	NC	NA	NA	A public hearing to receive comments regarding an application for and an ordinance granting an amendment to Planned Development District No. 76 to allow changes to the sign regulations on the northeast corner of Walnut Hill Lane and Rambler Road
72			6	PH	DEV	NC	NA	NA	A public hearing to receive comments regarding an application for and (1) an ordinance granting the creation of a new subdistrict within Planned Development District No. 784 to allow a tower/antenna for cellular communication use by Specific Use Permit; and (2) an ordinance granting a Specific Use Permit for the tower/antenna for cellular communication use on property zoned the Mixmaster Riverfront Subarea within Planned Development District No. 784, Trinity River Corridor Special Purpose District, on the southeast side of Rock Island Street, west of South Riverfront Boulevard
73			7	PH	DEV	NC	NA	NA	A public hearing to receive comments regarding an application for (1) a TH-2(A) Townhouse District with deed restriction volunteered by the applicant on property zoned an LI Light Industrial District and an R-7.5(A) Single Family District on the northern portion of the request area; and (2) the termination of existing deed restrictions on property zoned an LI Light Industrial District, on the east line of North Prairie Creek Road, north of Cedar Run Drive
74			1	PH	DEV	NC	NA	NA	A public hearing to receive comments regarding an application for and an ordinance granting a Specific Use Permit for an alcoholic beverage establishment limited to a bar, lounge or tavern and a private club-bar on property zoned Subdistrict 6 (Davis Corridor) within Planned Development District No. 830 on the east side of North Tyler Street, between Fouraker Street and West Davis Street

AGENDA DATE April 12, 2017

ITEM #	OK	IND DEF	DISTRICT	TYPE	DEPT.	DOLLARS	LOCAL	MWBE	DESCRIPTION
75			14	PH	DEV	NC	NA	NA	A public hearing to receive comments regarding an application for and an ordinance granting an amendment to, and an expansion of, Planned Development Subdistrict No. 111 for LC Light Commercial Subdistrict uses on property zoned an LC Light Commercial Subdistrict and Planned Development Subdistrict No. 111 within Planned Development District No. 193, the Oak Lawn Special Purpose District, on the northwest line of McKinney Avenue, northeast of Bowen Street
76			9	PH	DEV	NC	NA	NA	A public hearing to receive comments regarding an application for and an ordinance granting a Planned Development District for RR Regional Retail District uses and multifamily use by right, and a resolution accepting deed restrictions volunteered by the applicant, and a resolution accepting the termination of existing deed restrictions on property zoned an RR Regional Retail District with deed restrictions on the northwest corner of Abrams Road and Northwest Highway
77			8	PH	DEV	NC	NA	NA	A public hearing to receive comments regarding an application for and an ordinance granting a Specific Use Permit for the placement of fill material on property zoned an A(A) Agricultural District and an R-10(A) Single Family District on the east side of Haymarket Road, south of LBJ Freeway
78			6	PH	DEV	NC	NA	NA	A public hearing to receive comments regarding an application for the renewal of Specific Use Permit No. 1813 for a recycling collection center for the collection of household metals, industrial metals and recyclable materials on property zoned an IR Industrial Research District on the northeast corner of Sylvan Avenue and Fabrication Street
79			3	PH	DEV	NC	NA	NA	A public hearing to receive comments regarding an application for and an ordinance granting an amendment to Planned Development District No. 938 on property on the south side of Clarkwood Drive and the east side of Clark Springs Drive, north of Camp Wisdom Road
80			2	PH	DEV	NC	NA	NA	A public hearing to receive comments regarding an application for and an ordinance granting a Planned Development Subdistrict for GR General Retail Subdistrict, bank or savings and loan office with drive-through window service, and service station uses on property zoned an LC Light Commercial and MF-2 Multiple Family Subdistricts within Planned Development District No. 193, the Oak Lawn Special Purpose District, on the west corner of Denton Drive and Hudnall Street
81			2, 14	PH	STS	NC	NA	NA	A public hearing to receive comments to amend the City of Dallas Central Business District Streets and Vehicular Circulation Plan to: (1) change the operational characteristics of Commerce Street from Houston Street to Cesar Chavez Boulevard from a four-lane eastbound roadway in 80 feet of right-of-way to a three-lane eastbound roadway in 80 feet of right-of-way; (2) delete Akard Street between Jackson Street and Wood Street; (3) change the operational characteristics of Akard Street from Wood Street to Young Street from a three-lane southbound roadway in 61-74 feet of right-of-way to a one-lane northbound and one-lane southbound roadway in 61-74 feet of right-of-way; (4) close Jackson Street between Field Street and 350 feet west of Lane Street to vehicular access; (5) change the operational characteristics of Jackson Street from 350 feet west of Lane Street to Cesar Chavez Boulevard from a three-lane westbound roadway in 50-70 feet of right-of-way to a one-lane westbound and one-lane eastbound roadway in 50-70 feet of right-of-way; and (6) change the operational characteristics of Wood Street from Griffin Street to Pearl Expressway from a three-lane eastbound roadway in 45-80 feet of right-of-way to a one-lane westbound and one-lane eastbound roadway in 45-80 feet of right-of-way; and at the close of the hearing, authorize an ordinance implementing the change - Financing: No cost consideration to the City
82			6	PH	OEQ	NC	NA	NA	A public hearing to receive comments on a proposed municipal setting designation to prohibit the use of groundwater as potable water beneath property owned by Storage Choice - Design District, Ltd., located near the intersection of Slocum Street and Wichita Street and adjacent street rights-of-way; and an ordinance authorizing support of the issuance of a municipal setting designation to Storage Choice - Design District, Ltd., by the Texas Commission on Environmental Quality and prohibiting the use of groundwater beneath the designated property as potable water - Financing: No cost consideration to the City

TOTAL $64,031,644.74

AGENDA ITEM # 2

KEY FOCUS AREA: E-Gov

AGENDA DATE: April 12, 2017

COUNCIL DISTRICT(S): 7

DEPARTMENT: Business Development & Procurement Services
Park & Recreation

CMO: Elizabeth Reich, 670-7804
Willis Winters, 670-4071

MAPSCO: 46 P

SUBJECT

Authorize a service contract for consultant services to assist with the development of specifications and the proposal process for the management and operations of Dallas Fair Park - C.H. Johnson Consulting, Inc., most advantageous proposer of four - Not to exceed $102,000 - Financing: Current Funds (subject to appropriations)

BACKGROUND

This service contract is for consultant services that will be utilized to assist staff with the development of specifications and the proposal process for the management and operations of Fair Park. The consultant will augment staff in developing the specifications, provide guidance during the evaluation process, and evaluate proposed financials. During the development of the specifications, the consultant will meet with stakeholders and the community surrounding Fair Park to obtain information to be used to finalize the scope of work and minimum requirements of the public-private partnership for management and operations proposal document.

On October 28, 2016, Business Development and Procurement Services issued a Request for Qualifications to solicit a public-private partnership with a qualified nonprofit or for-profit organization operating as a nonprofit, to manage and operate Fair Park. The City received three statements of qualification. An evaluation team reviewed the statements of qualification from the three organizations and deemed all three qualified. The three organizations will be invited to participate in the second step of the process (Request for Competitive Sealed Proposals) which will require each organization to submit a proposal to manage and operate Fair Park.

Upon contract commencement, the consultant is anticipated to begin meeting with stakeholders, collecting project information and data, and drafting the specifications.

BACKGROUND (continued)

An eight member committee from the following departments reviewed and evaluated the proposals:

- Mobility and Street Services (1)
- Office of Cultural Affairs (1)
- Sustainable Development & Construction (2)
- Equipment and Building Services (1)
- Park and Recreation (1)
- Business Development and Procurement Services (2)*

*Business Development and Procurement Services only evaluated the Business Inclusion and Development Plan and cost.

The committee selected the successful respondent on the basis of demonstrated competence and qualifications under the following criteria:

- Cost 20 points
- Qualifications and expertise 30 points
- Project approach and understanding 20 points
- Business stability 15 points
- Business Inclusion and Development Plan 15 points

As part of the solicitation process and in an effort to increase competition, Business Development and Procurement Services (BDPS) used its procurement system to send out 2,618 email bid notifications to vendors registered under respective commodities. To further increase competition, BDPS uses historical solicitation information, the internet, and vendor contact information obtained from user departments to contact additional vendors by phone. Additionally, in an effort to secure more bids, BDPS' ResourceLINK Team (RLT) sent notifications to 25 chambers of commerce, the DFW Minority Business Council, and the Women's Business Council – Southwest, to ensure maximum vendor outreach.

On November 10, 2015, City Council authorized the wage floor rate of $10.37 by Resolution No. 15-2141; the selected vendor meets this requirement.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

City Council will be briefed by memorandum regarding this matter on March 31, 2017.

FISCAL INFORMATION

Current Funds - $102,000 (subject to appropriations)

M/WBE INFORMATION

491 - Vendors contacted
491 - No response
0 - Response (Bid)
0 - Response (No bid)
0 - Successful

The awardee has fulfilled the good faith effort requirements set forth in the Business Inclusion and Development (BID) Plan adopted on October 22, 2008, by Resolution No. 08-2826, as amended.

ETHNIC COMPOSITION

C. H. Johnson Consulting, Inc.

White Male	6	White Female	3
Black Male	0	Black Female	0
Hispanic Male	0	Hispanic Female	0
Other Male	0	Other Female	1

PROPOSAL INFORMATION

Business Development and Procurement Services received the following proposals from solicitation number BBZ1702. We opened them on February 10, 2017. We recommend the City Council award this service contract for consultant services to the most advantageous proposer.

*Denotes successful proposer

Proposers	Address	Score	Amount
*C.H. Johnson Consulting, Inc.	6 E. Monroe, 5th Floor Chicago, IL 60603	94.17%	$102,000.00
Hunden Strategic Partners	686 N. Milwaukee Ave. Suite 202 Chicago, IL 60642	84.36%	$177,000.00
HR&A Advisors, Inc.	501 Elm St. Suite 450 Dallas, TX 75202	76.19%	$297,558.00
ETM Associates, LLC	202 Raritan Ave. Highland Park, NJ 08904	68.51%	$197,300.00

OWNER

C.H. Johnson Consulting, Inc.

Charles H. Johnson, President

BUSINESS INCLUSION AND DEVELOPMENT PLAN SUMMARY

PROJECT: Authorize a service contract for consultant services to assist with the development of specifications and the proposal process for the management and operations of Dallas Fair Park - C.H. Johnson Consulting, Inc., most advantageous proposer of four - Not to exceed $102,000 - Financing: Current Funds (subject to appropriations)

C.H. Johnson Consulting, Inc. is a non-local, non-minority firm, has signed the "Business Inclusion & Development" documentation, and proposes to use the following sub-contractor.

PROJECT CATEGORY: Other Services

LOCAL/NON-LOCAL CONTRACT SUMMARY

	Amount	Percent
Total local contracts	$28,980.00	28.41%
Total non-local contracts	$73,020.00	71.59%
TOTAL CONTRACT	$102,000.00	100.00%

LOCAL/NON-LOCAL M/WBE PARTICIPATION

Local Contractors / Sub-Contractors

Local	Certification	Amount	Percent
Alpha Business Images, LLC	BFDFW014271017	$24,480.00	84.47%
Total Minority - Local		$24,480.00	84.47%

Non-Local Contractors / Sub-Contractors

None

TOTAL M/WBE CONTRACT PARTICIPATION

	Local	Percent	Local & Non-Local	Percent
African American	$24,480.00	84.47%	$24,480.00	24.00%
Hispanic American	$0.00	0.00%	$0.00	0.00%
Asian American	$0.00	0.00%	$0.00	0.00%
Native American	$0.00	0.00%	$0.00	0.00%
WBE	$0.00	0.00%	$0.00	0.00%
Total	$24,480.00	84.47%	$24,480.00	24.00%

April 12, 2017

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DALLAS:

SECTION 1. That the City Manager is hereby authorized to execute a service contract with C.H. Johnson Consulting, Inc. (VS0000025558) for consultant services to assist with the development of specifications and the proposal process for the management and operations of Dallas Fair Park in an amount not to exceed $102,000, after approval as to form by the City Attorney. If the service was bid or proposed on an as needed, unit price basis for performance of specified tasks, payment to C.H. Johnson Consulting, Inc. shall be based only on the amount of the services directed to be performed by the City and properly performed by C.H. Johnson Consulting, Inc. under the contract.

SECTION 2. That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed $102,000 (subject to appropriations) from Service Contract No. MASCPKRCONSULTFP.

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.

AGENDA ITEM # 3

KEY FOCUS AREA: Clean, Healthy Environment

AGENDA DATE: April 12, 2017

COUNCIL DISTRICT(S): All

DEPARTMENT: Business Development & Procurement Services
Code Compliance
Equipment & Building Services
Fire
Mobility and Street Services
Park & Recreation
Police
Sanitation Services
Trinity Watershed Management
Water Utilities

CMO: Elizabeth Reich, 670-7804
Theresa O'Donnell, 670-3309
Majed Al-Ghafry, 670-3297
Eric Campbell, 670-3255
Willis Winters, 670-4071
Jill A. Jordan, P.E., 670-5299
Mark McDaniel, 670-3256

MAPSCO: N/A

SUBJECT

Authorize a three-year service contract for bagged ice with storage containers - Emergency Ice, Inc., lowest responsible bidder of three - Not to exceed $279,514 - Financing: Current Funds ($79,021), Water Utilities Current Funds ($122,570), Sanitation Current Funds ($63,538), and Stormwater Drainage Management Current Funds ($14,385) (subject to annual appropriations)

BACKGROUND

This action does not encumber funds; the purpose of a service contract is to establish firm pricing for goods, for a specific term, which are ordered on an as needed basis.

This service contract will provide bagged ice with storage containers. Ice is an important product for field operation staff as they perform activities in an outdoor environment where temperatures can become extreme. City field staff carry water and/or beverages in their vehicles to sustain hydration and keep beverages available in the event remote working locations do not have accessible water.

BACKGROUND (continued)

Furthermore, refrigerated ice storage containers will be strategically located at facilities that use ice on a consistent basis. These facilities house staff whose core responsibilities include outdoor general field operations, maintenance, and construction. In the event of a storage container failure, it is the responsibility of the awarded vendor to repair or replace the container.

In this solicitation, Business Development and Procurement Services required bidders to submit a response using unit pricing. This bid resulted in a 7.69 percent increase on comparable unit prices for the bid awarded in 2014.

As part of the solicitation process and in an effort to increase competition, Business Development and Procurement Services (BDPS) used its procurement system to send out 71 email bid notifications to vendors registered under respective commodities. To further increase competition, BDPS uses historical solicitation information, the internet, and vendor contact information obtained from user departments to contact additional vendors by phone. Additionally, in an effort to secure more bids, BDPS' ResourceLINK Team (RLT) sent notifications to 25 chambers of commerce, the DFW Minority Business Council, and the Women's Business Council - Southwest, to ensure maximum vendor outreach.

On November 10, 2015, City Council authorized the wage floor rate of $10.37 by Resolution No. 15-2141; the selected vendor meets this requirement.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On May 22, 2013, City Council authorized a three-year master agreement for the purchase of bagged ice by Resolution No. 13-0806.

On March 26, 2014, City Council authorized a three-year master agreement for the purchase of bagged ice by Resolution No. 14-0499.

City Council will be briefed by memorandum regarding this matter on March 31, 2017.

FISCAL INFORMATION

Current Funds - $79,020.90 (subject to annual appropriations)
Water Utilities Current Funds - $122,570.00 (subject to annual appropriations)
Sanitation Current Funds - $63,537.60 (subject to annual appropriations)
Stormwater Drainage Management Current Funds - $14,385.00 (subject to annual appropriations)

M/WBE INFORMATION

8 - Vendors contacted
8 - No response
0 - Response (Bid)
0 - Response (No Bid)
0 - Successful

The awardee has fulfilled the good faith effort requirements set forth in the Business Inclusion and Development (BID) Plan adopted on October 22, 2008, by Resolution No. 08-2826, as amended.

ETHNIC COMPOSITION

Emergency Ice, Inc.

White Male	18	White Female	3
Black Male	37	Black Female	4
Hispanic Male	64	Hispanic Female	5
Other Male	0	Other Female	0

BID INFORMATION

Business Development and Procurement Services received the following bids from solicitation number BT1711. We opened them on January 13, 2017. We recommend the City Council award this service contract in its entirety to the lowest responsive and responsible bidder.

*Denotes successful bidder

Bidders	**Address**	**Amount**
*Emergency Ice, Inc.	8700 Diplomacy Row Dallas, TX 75247	$279,513.50
Pure Party Ice Dallas, LLC.	1902 S. Laredo Street Bldg. 5 San Antonio, TX 78207	$315,699.37
Reddy Ice Corp.	5720 LBJ Freeway Suite 200 Dallas, TX 75240	$456,105.42

OWNER

Emergency Ice, Inc.

Earl Toler, President
Paul Toler, Vice President
Donna Toler, Secretary

BUSINESS INCLUSION AND DEVELOPMENT PLAN SUMMARY

PROJECT: Authorize a three-year service contract for bagged ice with storage containers - Emergency Ice, Inc., lowest responsible bidder of three - Not to exceed $279,514 - Financing: Current Funds ($79,021), Water Utilities Current Funds ($122,570), Sanitation Current Funds ($63,538), and Stormwater Drainage Management Current Funds ($14,385) (subject to annual appropriations)

Emergency Ice, Inc. is a local, non-minority firm, has signed the "Business Inclusion & Development" documentation, and proposes to use the following sub-contractor.
PROJECT CATEGORY: Other Services

LOCAL/NON-LOCAL CONTRACT SUMMARY

	Amount	Percent
Total local contracts	$195,659.45	70.00%
Total non-local contracts	$83,854.05	30.00%
TOTAL CONTRACT	$279,513.50	100.00%

LOCAL/NON-LOCAL M/WBE PARTICIPATION

Local Contractors / Sub-Contractors

None

Non-Local Contractors / Sub-Contractors

Non-local	Certification	Amount	Percent
Murphy Scott Resources, LP	WFWB92133N0717	$83,854.05	100.00%
Total Minority - Non-local		$83,854.05	100.00%

TOTAL M/WBE CONTRACT PARTICIPATION

	Local	Percent	Local & Non-Local	Percent
African American	$0.00	0.00%	$0.00	0.00%
Hispanic American	$0.00	0.00%	$0.00	0.00%
Asian American	$0.00	0.00%	$0.00	0.00%
Native American	$0.00	0.00%	$0.00	0.00%
WBE	$0.00	0.00%	$83,854.05	30.00%
Total	$0.00	0.00%	$83,854.05	30.00%

April 12, 2017

WHEREAS, on May 22, 2013, City Council authorized a three-year master agreement for the purchase of bagged ice by Resolution No. 13-0806; and

WHEREAS, on March 26, 2014, City Council authorized a three-year master agreement for the purchase of bagged ice by Resolution No. 14-0499.

Now, Therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DALLAS:

SECTION 1. That the City Manager is hereby authorized to execute a service contract with Emergency Ice, Inc. (VS0000039972) for bagged ice with storage containers for a term of three years in an amount not to exceed $279,513.50, after approval as to form by the City Attorney. If the service was bid or proposed on an as needed, unit price basis for performance of specified tasks, payment to Emergency Ice, Inc. shall be based only on the amount of the services directed to be performed by the City and properly performed by Emergency Ice, Inc. under the contract.

SECTION 2. That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed $279,513.50 (subject to annual appropriations) from Service Contract No. BT1711.

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.

AGENDA ITEM # 4

KEY FOCUS AREA: E-Gov

AGENDA DATE: April 12, 2017

COUNCIL DISTRICT(S): All

DEPARTMENT: Business Development & Procurement Services
Water Utilities

CMO: Elizabeth Reich, 670-7804
Jill A. Jordan, P.E., 670-5299

MAPSCO: N/A

SUBJECT

Authorize a three-year service contract for railroad spur track inspections, maintenance, and repairs - Lone Star Railroad Contractors, Inc. in the amount of $395,580 and HAFCO Services, Inc. in the amount of $19,500, most advantageous proposers of five - Total not to exceed $415,080 - Financing: Water Utilities Current Funds (subject to annual appropriations)

BACKGROUND

This action does not encumber funds; the purpose of a service contract is to establish firm pricing for services, for a specific term, which are ordered on an as needed basis.

This service contract will provide railroad spur track inspections, maintenance, and repair services for Dallas Water Utilities (DWU). DWU receives essential bulk chemicals by railroad car that are used in the treatment and purification of water. Maintaining the railroad track infrastructure is essential to meeting safety standards and enables railroad cars to safely enter DWU properties. HAFCO Services, Inc. will perform railroad track inspections and Lone Star Railroad Contractors, Inc. will provide maintenance and repairs. Four DWU properties contain approximately 13,000 feet of existing railroad tracks which will be maintained through this contract:

- Central Wastewater Treatment Plant
- Eastside Water Purification Plant
- Elm Fork Water Purification Plant
- Bachman Water Purification Plant

BACKGROUND (continued)

A five member evaluation committee from the following departments reviewed and evaluated the proposals:

- Trinity Watershed Management (1)
- Water Utilities (2)
- Business Development & Procurement Services (2)*

*Business Development & Procurement Services only evaluated cost and the Business Inclusion and Development Plan.

The committee selected the successful respondent on the basis of demonstrated competence and qualifications under the following criteria:

- Cost 45 points
- Approach 20 points
- Experience 20 points
- Business Inclusion and Development Plan 15 points

In this solicitation, Business Development and Procurement Services required bidders to submit a response using unit pricing. This bid resulted in a 3.55 percent increase over comparable unit prices for services for the bid awarded in 2013.

As part of the solicitation process and in an effort to increase competition, Business Development and Procurement Services (BDPS) used its procurement system to send out 744 email bid notifications to vendors registered under respective commodities. To further increase competition, BDPS uses historical solicitation information, the internet, and vendor contact information obtained from user departments to contact additional vendors by phone. Additionally, in an effort to secure more bids, BDPS' ResourceLINK Team (RLT) sent notifications to 25 chambers of commerce, the DFW Minority Business Council, and the Women's Business Council – Southwest, to ensure maximum vendor outreach.

On November 10, 2015, City Council authorized the wage floor rate of $10.37 by Resolution No. 15-2141; the selected vendors meets this requirement.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On December 11, 2013, City Council authorized a two-year service contract for railroad track inspections, maintenance and repair for Water Utilities by Resolution No. 13-2044.

City Council will be briefed by memorandum regarding this matter on March 31, 2017.

FISCAL INFORMATION

Water Utilities Current Funds - $415,079.23 (subject to annual appropriations)

M/WBE INFORMATION

204 - Vendors contacted
204 - No response
0 - Response (Bid)
0 - Response (No bid)
0 – Successful

The awardees have fulfilled the good faith effort requirements set forth in the Business Inclusion and Development (BID) Plan adopted on October 22, 2008, by Resolution No. 08-2826, as amended.

ETHNIC COMPOSITION

Lone Star Railroad Contractors, Inc.

White Male	4	White Female	1
Black Male	0	Black Female	1
Hispanic Male	46	Hispanic Female	0
Other Male	0	Other Female	0

HAFCO Services, Inc.

White Male	0	White Female	0
Black Male	0	Black Female	0
Hispanic Male	6	Hispanic Female	0
Other Male	0	Other Female	0

PROPOSAL INFORMATION

Business Development and Procurement Services received the following proposals from solicitation number BMZ1614. We opened them on May 12, 2016. We recommend the City Council award this service contract to the most advantageous proposers by group.

*Denotes successful proposers

Proposers	Address	Score	Amount
*Lone Star Railroad Contractors, Inc.	4201 S. IH 45 Ennis, TX 75119	79.33	Group 1 - No Bid Group 2 - $ 395,579.23

PROPOSALS INFORMATION (continued)

Proposers	Address	Score	Amount
*HAFCO Services, Inc.	11411 Bristle Oak Tr. Austin, TX 78750	84.67	Group 1 - $ 19,500.00 Group 2 - No Bid
Herzog Contracting Corp.Contractors, Inc.	600 Riverside Rd. St. Joseph, MO 64507	77.73	Group 1 - No Bid Group 2 - $ 721,998.00
R&R Contracting, Inc./dba R&R Contracting of North Dakota, Inc.	5201 N. Washington Grand Forks, ND 58203	65.57	Group 1 - No Bid Group 2 - $ 655,155.02
Railworks Track Systems	1600 W. 13th St. Deer Park, TX 77536	77.54	Group 1 - No Bid Group 2 - $1,208,123.00

OWNERS

Lone Star Railroad Contractors, Inc.

Josh Newman, President
Susan Hamm, Vice President

HAFCO Services, Inc.

Humberto Friede, President
Michelle Friede, Vice President

BUSINESS INCLUSION AND DEVELOPMENT PLAN SUMMARY

PROJECT: Authorize a three-year service contract for railroad spur track inspections, maintenance, and repairs - Lone Star Railroad Contractors, Inc. in the amount of $395,580 and HAFCO Services, Inc. in the amount of $19,500, most advantageous proposers of five - Total not to exceed $415,080 - Financing: Water Utilities Current Funds (subject to annual appropriations)

Lone Star Railroad Contractors, Inc. and HAFCO Services, Inc. are non-local, non-minority firms, have signed the "Business Inclusion & Development" documentation, and propose to use their own workforces.
PROJECT CATEGORY: Other Services

LOCAL/NON-LOCAL CONTRACT SUMMARY

	Amount	Percent
Total local contracts	$0.00	0.00%
Total non-local contracts	$415,079.23	100.00%
TOTAL CONTRACT	$415,079.23	100.00%

LOCAL/NON-LOCAL M/WBE PARTICIPATION

Local Contractors / Sub-Contractors

None

Non-Local Contractors / Sub-Contractors

None

TOTAL M/WBE CONTRACT PARTICIPATION

	Local	Percent	Local & Non-Local	Percent
African American	$0.00	0.00%	$0.00	0.00%
Hispanic American	$0.00	0.00%	$0.00	0.00%
Asian American	$0.00	0.00%	$0.00	0.00%
Native American	$0.00	0.00%	$0.00	0.00%
WBE	$0.00	0.00%	$0.00	0.00%
Total	$0.00	0.00%	$0.00	0.00%

April 12, 2017

WHEREAS, on December 11, 2013, City Council authorized a two-year service contract for railroad track inspections, maintenance and repair for Water Utilities by Resolution No. 13-2044.

Now, Therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DALLAS:

SECTION 1. That the City Manager is hereby authorized to execute a service contract with Lone Star Railroad Contractors, Inc. (VS0000007206) in the amount of $395,579.23 and HAFCO Services, Inc. (VS0000056576) in the amount of $19,500.00 for railroad spur track inspections, maintenance, and repairs for a term of three years in a total amount not to exceed $415,079.23, after approval as to form by the City Attorney. If the service was bid or proposed on an as needed, unit price basis for performance of specified tasks, payment to Lone Star Railroad Contractors, Inc. and HAFCO Services, Inc. shall be based only on the amount of the services directed to be performed by the City and properly performed by Lone Star Railroad Contractors, Inc. and HAFCO Services, Inc. under the contract.

SECTION 2. That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed $415,079.23 (subject to annual appropriations) from Service Contract No. BMZ1614.

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.

AGENDA ITEM # 5

KEY FOCUS AREA: E-Gov

AGENDA DATE: April 12, 2017

COUNCIL DISTRICT(S): All

DEPARTMENT: Business Development & Procurement Services
Water Utilities

CMO: Elizabeth Reich, 670-7804
Jill A. Jordan, P.E., 670-5299

MAPSCO: N/A

SUBJECT

Authorize a three-year service contract for non-destructive pipe analysis and internal leak surveying services - Pure Technologies U.S., Inc. in the amount of $5,633,645 and Echologics, LLC in the amount of $388,815, most advantageous proposers of four - Total not to exceed $6,022,460 - Financing: Water Utilities Current Funds (subject to annual appropriations)

BACKGROUND

This action does not encumber funds; the purpose of a service contract is to establish firm pricing for services, for a specific term, which are ordered on an as needed basis.

This service contract will provide non-destructive pipe analysis and internal leak surveying services for Dallas Water Utilities (DWU). Non-destructive underground leak detection survey services provide real-time pipe conditions using various types of technologies. Pure Technologies U.S. Inc. will survey/inspect/assess and monitor city pipes for pressure, leaks or gas pockets, internal wall condition, condition of pre-stressed concrete cylinder pipe (PCCP) for broken wires and bars. Echologics, LLC will perform testing and assessment of the pipe's external wall.

Identified damage is reported to DWU which allows them to plan and coordinate the replacement and/or rehabilitation of identified pipe segments prior to it reaching critical failure status. The innovative approach allows the pipe to remain in service and intact thus eliminating the need to excavate and cut a section of system piping for evaluation. The data collected from this method supports the department's ability to effectively monitor the condition of large diameter pipelines, enabling them to plan and coordinate maintenance projects.

The non-destructive underground leak detection surveying and condition assessment services allow DWU to monitor the condition of critical arterial pipelines, reducing the likelihood of catastrophic failures and large scale water-loss events.

BACKGROUND (continued)

General leaks are induced by soil conditions, corrosion points and small structural material cracks. DWU maintains 4,948 miles of water mains throughout the water distribution system.

A five member evaluation committee from the following departments reviewed and evaluated the proposals:

- Trinity Watershed Management (1)
- Water Utilities (2)
- Business Development & Procurement Services (2)*

*Business Development & Procurement Services only evaluated cost and the Business Inclusion and Development Plan.

The committee selected the successful respondent on the basis of demonstrated competence and qualifications under the following criteria:

- Cost 30 points
- Experience 30 points
- Approach 15 points
- Functional match 10 points
- Business Inclusion and Development Plan 15 points

As part of the solicitation process and in an effort to increase competition, Business Development and Procurement Services (BDPS) used its procurement system to send out 345 email bid notifications to vendors registered under respective commodities. To further increase competition, BDPS uses historical solicitation information, the internet, and vendor contact information obtained from user departments to contact additional vendors by phone. Additionally, in an effort to secure more bids, BDPS' ResourceLINK Team (RLT) sent notifications to 25 chambers of commerce, the DFW Minority Business Council, and the Women's Business Council – Southwest, to ensure maximum vendor outreach.

On November 10, 2015, City Council authorized the wage floor rate of $10.37 by Resolution No. 15-2141; the selected vendor meets this requirement.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On January 12, 2011, City Council authorized a three-year service contract for non-destructive underground leak detection survey services by Resolution No. 11-0157.

City Council will be briefed by memorandum regarding this matter on March 31, 2017.

FISCAL INFORMATION

Water Utilities Currents Funds - $6,022,460 (subject to annual appropriations)

M/WBE INFORMATION

38 - Vendors contacted
38 - No response
0 - Response (Bid)
0 - Response (No bid)
0 - Successful

The awardee has fulfilled the good faith effort requirements set forth in the Business Inclusion and Development (BID) Plan adopted on October 22, 2008, by Resolution No. 08-2826, as amended.

ETHNIC COMPOSITION

Pure Technologies U.S., Inc.

White Male	11	White Female	1
Black Male	0	Black Female	0
Hispanic Male	1	Hispanic Female	0
Other Male	1	Other Female	0

Echologics, LLC

White Male	55	White Female	7
Black Male	2	Black Female	0
Hispanic Male	0	Hispanic Female	0
Other Male	13	Other Female	20

PROPOSAL INFORMATION

Business Development and Procurement Services received the following proposals from solicitation number BMZ1702. We opened them on December 1, 2016. We recommend the City Council award this service contract to the most advantageous proposers by group. Information related to this solicitation is available upon request.

*Denotes successful proposers

Proposers	Address	Amount
*Pure Technologies U.S., Inc.	4505 Excel Pkwy. #600 Addison, TX 75001	Multiple Groups

PROPOSAL INFORMATION (continued)

Proposers	**Address**	**Amount**
*Echologics, LLC	1200 Abernathy Rd. Suite 1200 Atlanta, GA 30328	Multiple Groups
Ace Pipe	6601 Universal Ave. Kansas City, MO 64120	Multiple Groups
HPS LLC	40211 Industrial Park Cr. Georgetown, TX 78626	Multiple Groups

OWNERS

Pure Technologies U.S., Inc.

John F. Elliot, President
Mark W. Holley, Vice President
Nicole Springer, Secretary
Geoffrey D. Krause, Treasurer

Echologics, LLC

Keith Belknap, President
Marc Bracken, Vice President
Kristi Crawford, Secretary
Michelle Cunningham, Treasurer

BUSINESS INCLUSION AND DEVELOPMENT PLAN SUMMARY

PROJECT: Authorize a three-year service contract for non-destructive pipe analysis and internal leak surveying services - Pure Technologies U.S., Inc. in the amount of $5,633,645 and Echologics, LLC in the amount of $388,815, most advantageous proposers of four - Total not to exceed $6,022,460 - Financing: Water Utilities Current Funds (subject to annual appropriations)

Pure Technologies U.S., Inc. is a local, non-minority firm, has signed the "Business Inclusion & Development" documentation, and proposes to use the following subcontractors. Echologics, LLC is a non-local, non-minority firm, has signed the "Business Inclusion & Development" documentation, and proposes to use the following subcontractors.

PROJECT CATEGORY: Other Services

LOCAL/NON-LOCAL CONTRACT SUMMARY

	Amount	Percent
Total local contracts	$5,633,645.00	93.54%
Total non-local contracts	$388,815.00	6.46%
TOTAL CONTRACT	$6,022,460.00	100.00%

LOCAL/NON-LOCAL M/WBE PARTICIPATION

Local Contractors / Sub-Contractors

Local	Certification	Amount	Percent
Eagle Barricade	BFMB64870N0417	$92,537.97	1.64%
JQ Infrastructure	IMDB36707Y0717	$270,000.00	4.79%
Total Minority - Local		$362,537.97	6.44%

Non-Local Contractors / Sub-Contractors

Non-local	Certification	Amount	Percent
Rey-Mar Construction Company	HMDB14942Y0617	$196,250.00	50.47%
Total Minority - Non-local		$196,250.00	50.47%

TOTAL M/WBE CONTRACT PARTICIPATION

	Local	Percent	Local & Non-Local	Percent
African American	$92,537.97	1.64%	$92,537.97	1.54%
Hispanic American	$0.00	0.00%	$196,250.00	3.26%
Asian American	$270,000.00	4.79%	$270,000.00	4.48%
Native American	$0.00	0.00%	$0.00	0.00%
WBE	$0.00	0.00%	$0.00	0.00%
Total	$362,537.97	6.44%	$558,787.97	9.28%

April 12, 2017

WHEREAS, on January 12, 2011, City Council authorized a three-year service contract for non-destructive underground leak detection survey services by Resolution No. 11-0157; and

WHEREAS, on October 23, 2014, Administrative Action No. 14-7012 authorized extension of the master agreement for twelve-months from January 11, 2015 to January 10, 2016; and

WHEREAS, on November 24, 2015, Administrative Action No. 15-7311 authorized extension of the master agreement for twelve-months from January 10, 2016 to January 11, 2017.

Now, Therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DALLAS:

SECTION 1. That the City Manager is hereby authorized to execute a service contract with Pure Technologies U.S., Inc. (518600) in the amount of $5,633,645 and Echologics, LLC (VS0000071560) in the amount of $388,815 for non-destructive pipe analysis and internal leak surveying services for a term of three years, in a total amount not to exceed $6,022,460, after approval as to form by the City Attorney. If the service was bid or proposed on an as needed, unit price basis for performance of specified tasks, payment to Pure Technologies U.S., Inc. and Echologics, LLC shall be based only on the amount of the services directed to be performed by the City and properly performed by Pure Technologies U.S., Inc. and Echologics LLC under the contract.

SECTION 2. That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed $6,022,460 (subject to annual appropriations) from Service Contract No. BMZ1702.

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.

AGENDA ITEM # 6

KEY FOCUS AREA: E-Gov

AGENDA DATE: April 12, 2017

COUNCIL DISTRICT(S): All

DEPARTMENT: Business Development & Procurement Services
Aviation
Code Compliance
Convention and Event Services
Equipment & Building Services
Fire
Mobility and Street Services
Park & Recreation
Police
Sanitation Services
Trinity Watershed Management
Water Utilities

CMO: Elizabeth Reich, 670-7804
Mark McDaniel, 670-3256
Theresa O'Donnell, 670-3309
Joey Zapata, 670-3009
Majed Al-Ghafry, 670-3302
Eric Campbell, 670-3255
Willis Winters, 670-4071
Jill A. Jordan, P.E., 670-5299

MAPSCO: N/A

SUBJECT

Authorize **(1)** a three-year service contract for original equipment manufacturer service with associated parts to maintain City vehicles and equipment - Holt Texas, Ltd. in the amount of $5,916,179, Southwest International Trucks, Inc. in the amount of $4,163,860, Westway Ford in the amount of $2,214,939, Kirby-Smith Machinery, Inc. in the amount of $2,150,460, Four Brothers Outdoor Power, Inc. in the amount of $1,460,316, Kinloch Equipment and Supply, Inc. in the amount of $1,031,105, Metro Fire Apparatus Specialists, Inc. in the amount of $1,003,900, Berry Companies, Inc. dba Bobcat of Dallas in the amount of $970,700, RDO Equipment Company in the amount of $773,500, Trash Truck Repair Services, Inc. in the amount of $749,600, ATC Freightliner Group, LLC in the amount of $448,690, REV Ambulance Group Orlando, Inc. in the amount of $400,339, Stewart & Stevenson Power Products, LLC in the amount of $399,003, Landmark Equipment, Inc. in the amount of $346,480, Longhorn Harley-Davidson in the amount of $282,240, CTE Holding, LLC dba Custom Truck & Equipment in the amount of $104,220, and Tom Loftus, Inc. dba Austin Turf and Tractor in the amount of $102,415, lowest responsible bidders of twenty-seven; and

SUBJECT (continued)

(2) a three-year service contract for original equipment manufacturer service with associated parts to maintain City vehicles and equipment - Freedom Dodge in the amount of $2,381,500, MHC Kenworth dba Texas Kenworth in the amount of $1,258,336, Rush Truck Centers of Texas, LP in the amount of $1,162,484, Freedom Chevrolet in the amount of $882,740, Romco Equipment Co. in the amount of $772,700, and CLS Sewer Equipment Co., Inc. in the amount of $187,500 through the Texas Association of School Boards (BuyBoard) - Total not to exceed $29,163,206 - Financing: Current Funds ($20,098,669), Sanitation Current Funds ($6,745,625), Water Utilities Current Funds ($1,904,615), Confiscated Monies Funds ($197,452), Aviation Current Funds ($111,079), Stormwater Drainage Management Current Funds ($73,503), and Convention and Event Services Current Funds ($32,263) (subject to annual appropriations)

BACKGROUND

This action does not encumber funds; the purpose of a service contract is to establish firm pricing for goods or services, for a specific term, which are ordered on an as needed basis.

This service contract will be used citywide to purchase original equipment manufacturer parts. The City has approximately 8,400 pieces of equipment ranging from light and heavy-duty trucks to excavators. This service contract will be used to supplement the City's need for factory authorized service repairs to City vehicles and equipment necessary to keep the equipment in good, reliable condition.

The Texas Association of School Boards (BuyBoard) conforms to the requirements of Texas Statutes that are applicable for competitive bids and proposals, in accordance with the Interlocal Cooperation Act, Chapter 791, Texas Government Code. In addition, BuyBoard receives bids from manufacturers and dealers throughout the United States.

As part of the solicitation process and in an effort to increase competition, Business Development and Procurement Services (BDPS) used its procurement system to send out 2,045 email bid notifications to vendors registered under respective commodities. To further increase competition, BDPS uses historical solicitation information, the internet, and vendor contact information obtained from user departments to contact additional vendors by phone. Additionally, in an effort to secure more bids, BDPS' ResourceLINK Team (RLT) sent notifications to 25 chambers of commerce, the DFW Minority Business Council, and the Women's Business Council – Southwest, to ensure maximum vendor outreach.

On November 10, 2015, City Council authorized the wage floor rate of $10.37 by Resolution No. 15-2141; the selected vendors meet this requirement.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On May 4, 2011, City Council authorized (1) a three-year master agreement for parts to repair and maintain City vehicles and equipment; and (2) a three-year service contract for repair of City vehicles and equipment by Resolution No. 11-1259.

On August 24, 2011, City Council authorized (1) a three-year master agreement for original equipment manufacturer parts to repair and maintain City vehicles and equipment; and (2) a three-year service contract for repair of City vehicles and equipment by Resolution No. 11-2167.

On April 10, 2013, City Council authorized an increase in the master agreement for auto and truck OEM parts and service by Resolution No. 13-0607.

On June 26, 2013, City Council authorized (1) a three-year service contract for original equipment manufacturer parts and labor to maintain City vehicles and equipment; and (2) a three-year service contract for original equipment manufacturer parts by Resolution No. 13-1056.

On April 13, 2016, City Council authorized (1) Supplemental Agreement No. 1 to increase the service contract for original equipment manufacturer parts and labor to maintain City vehicles and equipment; (2) Supplemental Agreement No. 2 to increase the service contract for original equipment manufacturer parts and labor to maintain City vehicles and equipment; and (3) Supplemental Agreement No. 1 to increase the service contract for original equipment manufacturer parts by Resolution No. 16-0527.

City Council will be briefed by memorandum regarding this matter on March 31, 2017.

FISCAL INFORMATION

Current Funds - $20,098,668.61 (subject to annual appropriations)
Sanitation Current Funds - $6,745,625.27 (subject to annual appropriations)
Water Utilities Current Funds - $1,904,615.27 (subject to annual appropriations)
Confiscated Monies Funds - $197,452.25 (subject to annual appropriations)
Aviation Current Funds - $111,078.77 (subject to annual appropriations)
Stormwater Drainage Management Current Funds - $73,503.02 (subject to annual appropriations)
Convention and Event Services Current Funds - $32,262.75 (subject to annual appropriations)

M/WBE INFORMATION

338 - Vendors Contacted
336 - No Response
2 - Response (bid)
0 - Response (no bid)
0 - Successful

The awardees has fulfilled the good faith effort requirements set forth in the Business Inclusion and Development (BID) Plan adopted on October 22, 2008, by Resolution No. 08-2826, as amended.

ETHNIC COMPOSITION

Holt Texas, Ltd.

White Male	189	White Female	24
Black Male	31	Black Female	3
Hispanic Male	53	Hispanic Female	9
Other Male	15	Other Female	2

Southwest International Trucks, Inc.

White Male	228	White Female	34
Black Male	20	Black Female	1
Hispanic Male	81	Hispanic Female	10
Other Male	4	Other Female	0

Westway Ford

White Male	56	White Female	12
Black Male	7	Black Female	1
Hispanic Male	37	Hispanic Female	11
Other Male	4	Other Female	4

Kirby-Smith Machinery, Inc.

White Male	28	White Female	3
Black Male	2	Black Female	0
Hispanic Male	5	Hispanic Female	0
Other Male	0	Other Female	0

ETHNIC COMPOSITION (continued)

Four Brothers Outdoor Power, Inc.

White Male	6	White Female	4
Black Male	0	Black Female	0
Hispanic Male	7	Hispanic Female	0
Other Male	0	Other Female	5

Kinloch Equipment and Supply, Inc.

White Male	6	White Female	1
Black Male	0	Black Female	0
Hispanic Male	0	Hispanic Female	0
Other Male	0	Other Female	0

Metro Fire Apparatus Specialists, Inc.

White Male	45	White Female	3
Black Male	3	Black Female	0
Hispanic Male	21	Hispanic Female	2
Other Male	2	Other Female	0

Berry Companies, Inc. dba Bobcat of Dallas

White Male	26	White Female	1
Black Male	0	Black Female	0
Hispanic Male	2	Hispanic Female	1
Other Male	0	Other Female	0

RDO Equipment Company

White Male	38	White Female	4
Black Male	3	Black Female	0
Hispanic Male	8	Hispanic Female	0
Other Male	0	Other Female	0

Trash Truck Repair Services, Inc.

White Male	1	White Female	2
Black Male	1	Black Female	0
Hispanic Male	3	Hispanic Female	0
Other Male	0	Other Female	0

ETHNIC COMPOSITION (continued)

ATC Freightliner Group, LLC

White Male	84	White Female	20
Black Male	24	Black Female	7
Hispanic Male	17	Hispanic Female	1
Other Male	1	Other Female	0

REV Ambulance Group Orlando, Inc.

White Male	123	White Female	26
Black Male	61	Black Female	9
Hispanic Male	201	Hispanic Female	24
Other Male	21	Other Female	2

Stewart & Stevenson Power Products, LLC

White Male	57	White Female	8
Black Male	7	Black Female	1
Hispanic Male	0	Hispanic Female	0
Other Male	2	Other Female	1

Landmark Equipment, Inc.

White Male	42	White Female	8
Black Male	4	Black Female	1
Hispanic Male	7	Hispanic Female	0
Other Male	0	Other Female	0

Longhorn Harley-Davidson

White Male	40	White Female	7
Black Male	6	Black Female	1
Hispanic Male	12	Hispanic Female	7
Other Male	2	Other Female	0

CTE Holding, LLC dba Custom Truck & Equipment

White Male	91	White Female	9
Black Male	7	Black Female	1
Hispanic Male	12	Hispanic Female	1
Other Male	0	Other Female	0

ETHNIC COMPOSITION (continued)

Tom Loftus, Inc. dba Austin Turf and Tractor

White Male	50	White Female	6
Black Male	1	Black Female	0
Hispanic Male	9	Hispanic Female	0
Other Male	0	Other Female	0

Freedom Dodge

White Male	58	White Female	13
Black Male	11	Black Female	5
Hispanic Male	25	Hispanic Female	10
Other Male	0	Other Female	0

MHC Kenworth dba Texas Kenworth

White Male	81	White Female	2
Black Male	12	Black Female	0
Hispanic Male	32	Hispanic Female	3
Other Male	4	Other Female	0

Rush Truck Centers of Texas, LP

White Male	38	White Female	6
Black Male	4	Black Female	1
Hispanic Male	7	Hispanic Female	0
Other Male	0	Other Female	0

Freedom Chevrolet

White Male	20	White Female	11
Black Male	45	Black Female	15
Hispanic Male	63	Hispanic Female	12
Other Male	1	Other Female	1

Romco Equipment Co.

White Male	163	White Female	18
Black Male	7	Black Female	2
Hispanic Male	41	Hispanic Female	8
Other Male	7	Other Female	0

ETHNIC COMPOSITION (continued)

CLS Sewer Equipment Co., Inc.

White Male	8	White Female	2
Black Male	2	Black Female	0
Hispanic Male	0	Hispanic Female	0
Other Male	0	Other Female	0

BID INFORMATION

Business Development and Procurement Services received the following bids from solicitation number BN1702. We opened them on December 2, 2016. We recommend the City Council award this service contract to the lowest responsive and responsible bidders by group. Information related to this solicitation is available upon request.

*Denotes successful bidders

Bidders	Address	Amount of Bid
*Holt Texas, Ltd.	5665 Southeast Loop 410 San Antonio, TX 78222	Multiple Groups
*Southwest International Trucks, Inc.	3722 Irving Blvd. Dallas, TX 75247	Multiple Groups
*Westway Ford	801 W. Airport Frwy. Irving, TX 75062	Multiple Groups
*Kirby-Smith Machinery, Inc.	8505 South Central Expwy. Dallas, TX 75241	Multiple Groups
*Four Brothers Outdoor Power, Inc.	2324 East I-30 Royce City, TX 75189	Multiple Groups
*Kinloch Equipment and Supply, Inc.	763 109th Street Arlington, TX 76011	Multiple Groups
*Metro Fire Apparatus Specialists, Inc.	1745 Parana Dr. Houston, TX 77080	Multiple Groups
*****Berry Companies, Inc. dba Bobcat of Dallas	1302 South Stemmons Frwy. Lewisville, TX 75067	Multiple Groups
*RDO Equipment Company	3230 East Airport Frwy. Irving, TX 75062	Multiple Groups

BID INFORMATION (continued)

Bidders	Address	Amount of Bid
*****Trash Truck Repair Services, Inc.	2208 South Peachtree Rd. Balch Springs, TX 75180	Multiple Groups
*ATC Freightliner Group, LLC	4200 Port Blvd. Dallas, TX 75241	Multiple Groups
*REV Ambulance Group Orlando, Inc.	2737 North Forsyth Rd. Winter Park, FL 32792	Multiple Groups
*Stewart & Stevenson Power Products, LLC	1631 Chalk Hill Rd. Dallas, TX 75212	Multiple Groups
*Landmark Equipment, Inc.	1351 South Loop 12 Irving, TX 75060	Multiple Groups
*Longhorn Harley-Davidson	2830 West I-20 Grand Prairie, TX 75052	Multiple Groups
*CTE Holding, LLC dba Custom Truck & Equipment	7200 Jack Newell Blvd. South Fort Worth, TX 76118	Multiple Groups
*Tom Loftus, Inc. dba Austin Turf and Tractor	2098 Valley View Lane Farmers Branch, TX 75234	Multiple Groups
Darr Equipment	350 Bank St. Southlake, TX 76092	Multiple Groups
Freedom Dodge	815 East Camp Wisdom Rd. Dallas, TX 75116	Multiple Groups
Freedom Chevrolet	8008 Marvin D. Love Frwy. Dallas, TX 75237	Multiple Groups
Sam Pack's Five Star Ford	2070 Diplomat Dr. Farmers Branch, TX 75234	Multiple Groups
North Central Ford	1819 North Central Expwy. Richardson, TX 75080	Multiple Groups

BID INFORMATION (continued)

Bidders	Address	Amount of Bid
CLS Sewer Equipment Co., Inc.	726 South Sherman St. Richardson, TX 75081	Multiple Groups
Park Cities Ford	3333 Inwood Rd. Dallas, TX 75235	Multiple Groups
Rush Truck Centers of Texas, LP	4000 Irving Blvd. Dallas, TX 75247	Multiple Groups
Banda Automotive	8201 Maddox Ave. Dallas, TX 75217	Multiple Groups
Industrial Disposal Supply	1106 Paulsun Dr. San Antonio, TX 78219	Multiple Groups

OWNERS

Holt Texas, Ltd.

Peter M. Holt, President

Southwest International Trucks, Inc.

G.R. Trimble, President
Jane C. Roth, Secretary

Westway Ford

Barton Hankins, President

Kirby-Smith Machinery, Inc.

Ed Kirby, President
David Cooper, Vice President
Celise Blewitt, Secretary
J.D. Young, Treasurer

Four Brothers Outdoor Power, Inc.

Rex Kelly, President
Russell Kelly, Vice President
Eddy Kelly, Secretary

OWNERS (continued)

Kinloch Equipment and Supply, Inc.

Todd Kinloch, President

Metro Fire Apparatus Specialists, Inc.

Craig N. Russell, President

Berry Companies, Inc. dba Bobcat of Dallas

Walter Berry, President

RDO Equipment Company

Ron Offutt, President
Christi Offutt, Vice President
Al Knull, Secretary
Tom Espeil, Treasurer

Trash Truck Repair Services, Inc.

Marvin Triplett, President
James A. Triplett, Vice President
Brandi Gray, Secretary

ATC Freightliner Group, LLC

Rich Sheering, President
Chinta Hara, Vice President
John Pruitt, Secretary

REV Ambulance Group Orlando, Inc.

Tim Sullivan, President
Stanley Edme, Vice President
Pamela Krop, Secretary
Dean Nolden, Treasurer

Stewart & Stevenson Power Products, LLC

John Merrifield, President
John Farmer, Vice President
Jack Pieper, Secretary

OWNERS (continued)

Landmark Equipment, Inc.

Mike Lyle, President
Gary Lyle, Vice President
Marla Lyle, Secretary
Kimberly Chambers, Treasurer

Longhorn Harley-Davidson

Maritia Keeling, President
Alfred Keeling, Vice President
Caroline Calhoon, Secretary
Chris Calhoon, Treasurer

CTE Holding, LLC dba Custom Truck & Equipment

Fred Ross, President
Matt Beller, Vice President

Tom Loftus, Inc. dba Austin Turf and Tractor

Tom Loftus, President

Freedom Dodge

Frank Stinson, President
Matt Stinson, Vice President
Alissa Hillhouse, Secretary
John Rowe, Treasurer

MHC Kenworth dba Texas Kenworth

Mike Murphy, President
Steve Ellington, Vice President

Rush Truck Centers of Texas, LP

W.M. Rush, President
Martin A. Naegelin Jr., Vice President

OWNERS (continued)

Freedom Chevrolet

Frank Stinson, President
Matt Stinson, Vice President
Alissa Hillhouse, Secretary
John Rowe, Treasurer

Romco Equipment Co.

Charles Clarkson, President
Craig Burkert, Vice President

CLS Sewer Equipment Co., Inc.

Jerry P. Sonnier, President
Jennifer Sonnier, Secretary

BUSINESS INCLUSION AND DEVELOPMENT PLAN SUMMARY

PROJECT: Authorize **(1)** a three-year service contract for original equipment manufacturer service with associated parts to maintain City vehicles and equipment - Holt Texas, Ltd. in the amount of $5,916,179, Southwest International Trucks, Inc. in the amount of $4,163,860, Westway Ford in the amount of $2,214,939, Kirby-Smith Machinery, Inc. in the amount of $2,150,460, Four Brothers Outdoor Power, Inc. in the amount of $1,460,316, Kinloch Equipment and Supply, Inc. in the amount of $1,031,105, Metro Fire Apparatus Specialists, Inc. in the amount of $1,003,900, Berry Companies, Inc. dba Bobcat of Dallas in the amount of $970,700, RDO Equipment Company in the amount of $773,500, Trash Truck Repair Services, Inc. in the amount of $749,600, ATC Freightliner Group, LLC in the amount of $448,690, REV Ambulance Group Orlando, Inc. in the amount of $400,339, Stewart & Stevenson Power Products, LLC in the amount of $399,003, Landmark Equipment, Inc. in the amount of $346,480, Longhorn Harley-Davidson in the amount of $282,240, CTE Holding, LLC dba Custom Truck & Equipment in the amount of $104,220, and Tom Loftus, Inc. dba Austin Turf and Tractor in the amount of $102,415, lowest responsible bidders of twenty-seven; and **(2)** a three-year service contract for original equipment manufacturer service with associated parts to maintain City vehicles and equipment - Freedom Dodge in the amount of $2,381,500, MHC Kenworth dba Texas Kenworth in the amount of $1,258,336, Rush Truck Centers of Texas, LP in the amount of $1,162,484, Freedom Chevrolet in the amount of $882,740, Romco Equipment Co. in the amount of $772,700, and CLS Sewer Equipment Co., Inc. in the amount of $187,500 through the Texas Association of School Boards (BuyBoard) - Total not to exceed $29,163,206 - Financing: Current Funds ($20,098,669), Sanitation Current Funds ($6,745,625), Water Utilities Current Funds ($1,904,615), Confiscated Monies Funds ($197,452), Aviation Current Funds ($111,079), Stormwater Drainage Management Current Funds ($73,503), and Convention and Event Services Current Funds ($32,263) (subject to annual appropriations)

Southwest International Trucks, Inc., Westway Ford, Kirby-Smith Machinery, Inc., RDO Equipment Company, Trash Truck Repair Services, Inc., ATC Freightliner Group, LLC, Stewart & Stevenson Power Products, LLC., Landmark Equipment, Inc., Longhorn Harley-Davidson, are local, non-minority firms, have signed the "Business Inclusion & Development" documentation, and propose to use their own workforces. Holt Texas, Ltd., Four Brothers Outdoor Power, Inc., Kinloch Equipment and Supply, Inc., Metro Fire Apparatus Specialists, Inc., Berry Companies, Inc. dba Bobcat of Dallas, REV Ambulance Group Orlando, Inc., CTE Holding, LLC dba Custom Truck & Equipment, and Tom Loftus, Inc. dba Austin Turf and Tractor are non-local, non-minority firms, have signed the "Business Inclusion & Development" documentation, and propose to use their own workforces.

PROJECT CATEGORY: Other Services

LOCAL/NON-LOCAL CONTRACT SUMMARY

	Amount	Percent
Total local contracts	$11,528,772.30	51.20%
Total non-local contracts	$10,989,173.64	48.80%
TOTAL CONTRACT	$22,517,945.94	100.00%

LOCAL/NON-LOCAL M/WBE PARTICIPATION

Local Contractors / Sub-Contractors

None

Non-Local Contractors / Sub-Contractors

None

TOTAL M/WBE CONTRACT PARTICIPATION

	Local	Percent	Local & Non-Local	Percent
African American	$0.00	0.00%	$0.00	0.00%
Hispanic American	$0.00	0.00%	$0.00	0.00%
Asian American	$0.00	0.00%	$0.00	0.00%
Native American	$0.00	0.00%	$0.00	0.00%
WBE	$0.00	0.00%	$0.00	0.00%
Total	$0.00	0.00%	$0.00	0.00%

WHEREAS, on May 4, 2011, City Council authorized (1) a three-year master agreement for parts to repair and maintain City vehicles and equipment; and (2) a three-year service contract for repair of City vehicles and equipment by Resolution No. 11-1259; and

WHEREAS, on August 24, 2011, City Council authorized (1) a three-year master agreement for original equipment manufacturer parts to repair and maintain City vehicles and equipment; and (2) a three-year service contract for repair of City vehicles and equipment by Resolution No. 11-2167; and

WHEREAS, on April 10, 2013, City Council authorized an increase in the master agreement for auto and truck OEM parts and service by Resolution No. 13-0607; and

WHEREAS, on June 26, 2013, City Council authorized (1) a three-year service contract for original equipment manufacturer parts and labor to maintain City vehicles and equipment; and (2) a three-year service contract for original equipment manufacturer parts by Resolution No. 13-1056; and

WHEREAS, on April 13, 2016, City Council authorized Supplemental Agreement No. 1 to increase the service contract for original equipment manufacturer parts and labor to maintain City vehicles and equipment; and (2) a three-year service contract for original equipment manufacturer parts by Resolution No. 16-0527.

Now, Therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DALLAS:

SECTION 1. That the City Manager is hereby authorized to execute (1) a three-year service contract with Holt Texas, Ltd. (506724) in the amount of $5,916,178.39, Southwest International Trucks, Inc. (003940) in the amount of $4,163,860.00, Westway Ford (182863) in the amount of $2,214,939.00, Kirby-Smith Machinery, Inc. (502341) in the amount of $2,150,460.00, Four Brothers Outdoor Power, Inc. (256331) in the amount of $1,460,316.25, Kinloch Equipment and Supply, Inc. (504975) in the amount of $1,031,105.00, Metro Fire Apparatus Specialists, Inc. (339015) in the amount of $1,003,900.00, Berry Companies, Inc. dba Bobcat of Dallas (VC0000008555) in the amount of $970,700.00, RDO Equipment Company (VS91627) in the amount of $773,500.00, Trash Truck Repair Services, Inc. (512145) in the amount of $749,600.00, ATC Freightliner Group, LLC (VC14623) in the amount of $448,690.00, REV Ambulance Group Orlando, Inc. (VS0000076949) in the amount of $400,339.00, Stewart & Stevenson Power Products, LLC (951731) in the amount of $399,003.30, Landmark Equipment, Inc. (502100) in the amount of $346,480.00, Longhorn Harley-Davidson (VS0000028407) in the amount of $282,240.00, CTE Holding, LLC dba Custom Truck & Equipment (VS89382) in the amount of $104,220.00

SECTION 1. (continued)

and Tom Loftus, Inc. dba Austin Turf and Tractor (353926) in the amount of $102,415.00 for original equipment manufacturer service with associated parts to maintain City vehicles and equipment; and (2) a three-year service contract with Freedom Dodge (VS0000077189) in the amount of $2,381,500.00, MHC Kenworth dba Texas Kenworth (VS0000039231) in the amount of $1,258,336.00, Rush Truck Centers of Texas, LP (VS0000078878) in the amount of $1,162,484.00, Freedom Chevrolet (VS0000077188) in the amount of $882,740.00, Romco Equipment Co. (VS0000077004) in the amount of $772,700.00, and CLS Sewer Equipment Co., Inc. (VS0000018694) in the amount of $187,500.00 through the Texas Association of School Boards (BuyBoard) for original equipment manufacturer service with associated parts to maintain City vehicles and equipment, in a total amount not to exceed $29,163,205.94, after approval as to form by the City Attorney. If the service was bid or proposed on an as needed, unit price basis for performance of specified tasks, payment to Holt Texas, Ltd., Southwest International Trucks, Inc., Westway Ford, Kirby-Smith Machinery, Inc., Four Brothers Outdoor Power, Inc., Kinloch Equipment and Supply, Inc., Metro Fire Apparatus Specialists, Inc., Berry Companies, Inc. dba Bobcat of Dallas, RDO Equipment Company, Trash Truck Repair Services, Inc., ATC Freightliner Group, LLC, REV Ambulance Group Orlando, Inc., Stewart & Stevenson Power Products, LLC, Landmark Equipment, Inc., Longhorn Harley-Davidson, CTE Holding, LLC dba Custom Truck & Equipment, Tom Loftus, Inc. dba Austin Turf and Tractor, Freedom Dodge, MHC Kenworth dba Texas Kenworth, Rush Truck Centers of Texas, LP, Freedom Chevrolet, Romco Equipment Co., and CLS Sewer Equipment Co., Inc. shall be based only on the amount of services directed to be performed by the City and properly performed by Holt Texas, Ltd., Southwest International Trucks, Inc., Westway Ford, Kirby-Smith Machinery, Inc., Four Brothers Outdoor Power, Inc., Kinloch Equipment and Supply, Inc., Metro Fire Apparatus Specialists, Inc., Berry Companies, Inc. dba Bobcat of Dallas, RDO Equipment Company, Trash Truck Repair Services, Inc., ATC Freightliner Group, LLC, REV Ambulance Group Orlando, Inc., Stewart & Stevenson Power Products, LLC, Landmark Equipment, Inc., Longhorn Harley-Davidson, CTE Holding, LLC dba Custom Truck & Equipment, Tom Loftus, Inc. dba Austin Turf and Tractor, Freedom Dodge, MHC Kenworth dba Texas Kenworth, Rush Truck Centers of Texas, LP, Freedom Chevrolet, Romco Equipment Co., and CLS Sewer Equipment Co., Inc. under this contract.

SECTION 2. That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed $29,163,205.94 (subject to annual appropriations) from Service Contract No. BN1702.

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.

AGENDA ITEM # 7

KEY FOCUS AREA: Public Safety

AGENDA DATE: April 12, 2017

COUNCIL DISTRICT(S): All

DEPARTMENT: Business Development & Procurement Services
Fire

CMO: Elizabeth Reich, 670-7804
Eric Campbell, 670-3255

MAPSCO: N/A

SUBJECT

Authorize a three-year service contract, with two one-year renewal options, for communicable disease exposure testing for Fire-Rescue personnel - Clinical Pathology Laboratories, Inc., most advantageous proposer of two - Not to exceed $175,650 - Financing: Current Funds (subject to annual appropriations)

BACKGROUND

This action does not encumber funds; the purpose of a service contract is to establish firm pricing for services, for a specific term, which are ordered on an as needed basis.

This service contract will provide testing services for communicable disease exposure for Fire-Rescue personnel. Fire-Rescue personnel are vulnerable to communicable diseases while responding to emergency calls. This service contract engages a medical laboratory where Fire-Rescue personnel can visit and be tested for various communicable diseases. The test results are sent to the Fire-Rescue nurse who is responsible for administering necessary vaccines according to the lab results or directing personnel to seek appropriate medical attention. The Fire-Rescue nurse also provides personnel support in coordinating medical assistance and monitors their progress.

A medical laboratory provides immediate availability to a medical testing facility and expeditious test results which enables medical personnel to treat Fire-Rescue staff swiftly in the event of exposure to communicable disease.

BACKGROUND (continued)

Communicable disease testing includes tests such as:

- Hepatitis
- HIV
- Measles
- Mumps
- Rubella

A six member committee from the following departments reviewed and evaluated the proposals:

● Fire-Rescue	(2)
● Police	(1)
● Code Compliance	(1)
● Trinity Watershed Management	(1)
● Business Development and Procurement Services	(1)*

*Business Development and Procurement Services only evaluated cost.

The committee selected the successful respondent on the basis of demonstrated competence and qualifications under the following criteria:

● Cost	35%
● Overall approach	35%
● Capability and expertise	30%

As part of the solicitation process and in an effort to increase competition, Business Development and Procurement Services (BDPS) used its procurement system to send out 912 email bid notifications to vendors registered under respective commodities. To further increase competition, BDPS uses historical solicitation information, the internet, and vendor contact information obtained from user departments to contact additional vendors by phone. Additionally, in an effort to secure more bids, BDPS' ResourceLINK Team (RLT) sent notifications to 25 chambers of commerce, the DFW Minority Business Council, and the Women's Business Council – Southwest, to ensure maximum vendor outreach.

On November 10, 2015, City Council authorized the wage floor rate of $10.37 by Resolution No. 15-2141; the selected vendor meets this requirement.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

City Council will be briefed by memorandum regarding this matter on March 31, 2017.

FISCAL INFORMATION

Current Funds - $175,650 (subject to annual appropriations)

M/WBE INFORMATION

162 - Vendors contacted
162 - No response
0 - Response (Bid)
0 - Response (No bid)
0 - Successful

The awardee has fulfilled the good faith effort requirements set forth in the Business Inclusion and Development (BID) Plan adopted on October 22, 2008, by Resolution No. 08-2826, as amended.

ETHNIC COMPOSITION

Clinical Pathology Laboratories, Inc.

White Male	279	White Female	664
Black Male	72	Black Female	394
Hispanic Male	137	Hispanic Female	533
Other Male	66	Other Female	137

PROPOSAL INFORMATION

Business Development and Procurement Services received the following proposals from solicitation number BVZ1611. We opened them on November 11, 2016. We recommend the City Council award this service contract in its entirety to the most advantageous proposer.

*Denotes successful proposer

Proposers	Address	Score	Amount
*Clinical Pathology Laboratories, Inc.	9200 Wall St. Austin, TX 78754	91%	$175,650.00
Quest Diagnostics Clinical Laboratories, Inc.	4770 Regent Blvd. Irving, TX 75063	88%	$216,611.80

OWNER

Clinical Pathology Laboratories, Inc.

Nancy Stratton, President

BUSINESS INCLUSION AND DEVELOPMENT PLAN SUMMARY

PROJECT: Authorize a three-year service contract, with two one-year renewal options, for communicable disease exposure testing for Fire-Rescue personnel - Clinical Pathology Laboratories, Inc., most advantageous proposer of two - Not to exceed $175,650 - Financing: Current Funds (subject to annual appropriations)

Clinical Pathology Laboratories, Inc. is a non-local, non-minority firm, has signed the "Business Inclusion & Development" documentation, and proposes to use their own workforce.
PROJECT CATEGORY: Other Services

LOCAL/NON-LOCAL CONTRACT SUMMARY

	Amount	Percent
Total local contracts	$0.00	0.00%
Total non-local contracts	$175,650.00	100.00%
TOTAL CONTRACT	$175,650.00	100.00%

LOCAL/NON-LOCAL M/WBE PARTICIPATION

Local Contractors / Sub-Contractors

None

Non-Local Contractors / Sub-Contractors

None

TOTAL M/WBE CONTRACT PARTICIPATION

	Local	Percent	Local & Non-Local	Percent
African American	$0.00	0.00%	$0.00	0.00%
Hispanic American	$0.00	0.00%	$0.00	0.00%
Asian American	$0.00	0.00%	$0.00	0.00%
Native American	$0.00	0.00%	$0.00	0.00%
WBE	$0.00	0.00%	$0.00	0.00%
Total	$0.00	0.00%	$0.00	0.00%

April 12, 2017

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DALLAS:

SECTION 1. That the City Manager is hereby authorized to execute a service contract with Clinical Pathology Laboratories, Inc. (355858) for communicable disease exposure testing for Fire-Rescue personnel for a term of three years, with two one-year renewal options, in an amount not to exceed $175,650, after approval as to form by the City Attorney. If the service was bid or proposed on an as needed, unit price basis for performance of specified tasks, payment to Clinical Pathology Laboratories, Inc. shall be based only on the amount of the services directed to be performed by the City and properly performed by Clinical Pathology Laboratories, Inc. under the contract.

SECTION 2. That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed $175,650 (subject to annual appropriations) from Service Contract No. BVZ1611.

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.

AGENDA ITEM # 8

KEY FOCUS AREA: E-Gov

AGENDA DATE: April 12, 2017

COUNCIL DISTRICT(S): All

DEPARTMENT: Business Development & Procurement Services
Water Utilities

CMO: Elizabeth Reich, 670-7804
Jill A. Jordan, P.E., 670-5299

MAPSCO: N/A

SUBJECT

Authorize a three-year service contract, with two one-year renewal options, for wastewater flowmeter monitoring services - Hach Company, most advantageous proposer of five - Not to exceed $1,442,553 - Financing: Water Utilities Current Funds (subject to annual appropriations)

BACKGROUND

This action does not encumber funds; the purpose of a service contract is to establish firm pricing for services, for a specific term, which are ordered on an as needed basis.

This service contract will provide wastewater flowmeter monitoring services. The contractor shall furnish all materials, labor, equipment, tools, and required incidentals as necessary for installing 80 flowmeters, five level-only sensors, and some rain gauges (if requested by the City). They shall also maintain all installed flowmeters/sensors/rain gauges, removing any installed flowmeters/sensors/rain gauges, and providing a Web-based Sewer Profile Analysis tool.

A five member committee from the following departments reviewed and evaluated the proposals:

- Trinity Watershed Management (1)
- Water Utilities (2)
- Business Development & Procurement Services (2)*

*Business Development & Procurement Services only evaluated cost and the Business Inclusion and Development Plan.

BACKGROUND (continued)

The committee selected the successful respondent on the basis of demonstrated competence and qualifications under the following criteria:

- Cost 50 points
- Approach 15 points
- Experience 10 points
- Functional Match 10 points
- Business Inclusion and Development Plan 15 points

As part of the solicitation process and in an effort to increase competition, Business Development and Procurement Services (BDPS) used its procurement system to send out 828 email bid notifications to vendors registered under respective commodities. To further increase competition, BDPS uses historical solicitation information, the internet, and vendor contact information obtained from user departments to contact additional vendors by phone. Additionally, in an effort to secure more bids, BDPS' ResourceLINK Team (RLT) sent notifications to 25 chambers of commerce, the DFW Minority Business Council, and the Women's Business Council – Southwest, to ensure maximum vendor outreach.

On November 10, 2015, City Council authorized the wage floor rate of $10.37 by Resolution No. 15-2141; the selected vendor meets this requirement.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On June 12, 2013, City Council authorized a three-year service contract, with two one-year renewal options, for wastewater flowmeter monitoring services by Resolution No. 13-0938.

City Council will be briefed by memorandum regarding this matter on March 31, 2017.

FISCAL INFORMATION

Water Utilities Currents Funds - $1,442,552.50 (subject to annual appropriations)

M/WBE INFORMATION

94 - Vendors contacted
94 - No response
0 - Response (Bid)
0 - Response (No bid)
0 - Successful

M/WBE INFORMATION (continued)

The awardee has fulfilled the good faith effort requirements set forth in the Business Inclusion and Development (BID) Plan adopted on October 22, 2008, by Resolution No. 08-2826, as amended.

ETHNIC COMPOSITION

Hach Company

White Male	864	White Female	451
Black Male	28	Black Female	4
Hispanic Male	58	Hispanic Female	53
Other Male	45	Other Female	30

PROPOSAL INFORMATION

Business Development and Procurement Services received the following proposals from solicitation number BMZ1701. We opened them on December 1, 2016. We recommend the City Council award this service contract to the most advantageous proposer by group.

*Denotes successful proposer

Proposers	**Address**	**Score**	**Amount**
*Hach Company	5600 Lindbergh Dr. Loveland, CO 80539	100.00 95.00	Group 1 - $1,385,762.50 Group 2 - $ 56,790.00
RJN Group, Inc.	12160 Abrams Rd. Suite #400 Dallas, TX 75243	87.70 61.60	Group 1 - $1,432,372.00 Group 2 - $ 116,966.25
ADS LLC	340 The Bridge St. Suite # 204 Huntsville, AL 35806	85.55 51.64	Group 1 - $1,615,902.50 Group 2 - $ 181,500.00
Burgess & Niple, Inc.	12750 Merit Dr. Suite #425 Dallas, TX 75251	69.35 61.40	Group 1 - $2,287,415.00 Group 2 - $ 126,750.00
Interra Hydro, Inc.	6500 River Place Blvd. Suite #250 Austin, TX 78730	48.53 37.68	Group 1 - $3,120,425.00 Group 2 - $ 236,250.00

OWNER

Hach Company

Kevin Klau, President
Gary Dreher, Vice President
James F. O'Reilly, Secretary
Frank T. McFaden, Treasurer

BUSINESS INCLUSION AND DEVELOPMENT PLAN SUMMARY

PROJECT: Authorize a three-year service contract, with two one-year renewal options, for wastewater flowmeter monitoring services - Hach Company, most advantageous proposer of five - Not to exceed $1,442,553 - Financing: Water Utilities Current Funds (subject to annual appropriations)

Hach Company is a non-local, non-minority firm, has signed the "Business Inclusion & Development" documentation, and proposes to use their own workforce.
PROJECT CATEGORY: Other Services

LOCAL/NON-LOCAL CONTRACT SUMMARY

	Amount	Percent
Total local contracts	$0.00	0.00%
Total non-local contracts	$1,442,552.50	100.00%
TOTAL CONTRACT	$1,442,552.50	100.00%

LOCAL/NON-LOCAL M/WBE PARTICIPATION

Local Contractors / Sub-Contractors

None

Non-Local Contractors / Sub-Contractors

None

TOTAL M/WBE CONTRACT PARTICIPATION

	Local	Percent	Local & Non-Local	Percent
African American	$0.00	0.00%	$0.00	0.00%
Hispanic American	$0.00	0.00%	$0.00	0.00%
Asian American	$0.00	0.00%	$0.00	0.00%
Native American	$0.00	0.00%	$0.00	0.00%
WBE	$0.00	0.00%	$0.00	0.00%
Total	$0.00	0.00%	$0.00	0.00%

April 12, 2017

WHEREAS, on June 12, 2013, City Council authorized a three-year service contract, with two one-year renewal options, for wastewater flowmeter monitoring services by Resolution No. 13-0938; and

WHEREAS, on May 15, 2014, Administrative Action No. 14-6033 authorized additional lines to the master agreement to allow for monthly payment for monitoring of each meter installed; and

WHEREAS, on July 19, 2016, Administrative Action No. 16- 6341 authorized extension of the master agreement for twelve-months from June 11, 2016 to June 11, 2017.

Now, Therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DALLAS:

SECTION 1. That the City Manager is hereby authorized to execute a service contract with Hach Company (029911) for wastewater flowmeter monitoring services for a term of three years, with two one-year renewal options, in an amount not to exceed $1,442,552.50, after approval as to form by the City Attorney. If the service was bid or proposed on an as needed, unit price basis for performance of specified tasks, payment to Hach Company shall be based only on the amount of the services directed to be performed by the City and properly performed by Hach Company under the contract.

SECTION 2. That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed $1,442,552.50 (subject to annual appropriations) from Service Contract No. BMZ1701.

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.

AGENDA ITEM # 9

KEY FOCUS AREA:	E-Gov
AGENDA DATE:	April 12, 2017
COUNCIL DISTRICT(S):	All
DEPARTMENT:	Business Development & Procurement Services Police
CMO:	Elizabeth Reich, 670-7804 Eric Campbell, 670-3255
MAPSCO:	N/A

SUBJECT

Authorize a seven-year service contract, with three one-year renewal options, for the installation, management, operation, violation ticket processing, and collection services of an automated red-light camera enforcement system - American Traffic Solutions, Inc., most advantageous proposer of five - Not to exceed $17,793,000 - Financing: Current Funds (subject to annual appropriations) costs are expected to be offset by revenues

BACKGROUND

This action does not encumber funds; the purpose of a service contract is to establish firm pricing for services, for a specific term.

This service contract will provide for the installation, management, operation, violation ticket processing, and collection services of the City's automated red-light camera enforcement system and provide for ticket processing and collection services. The cameras and the system are owned by the vendor and the City pays a monthly camera fee per location.

The City's previous automated red-light camera program managed over $7 million in payments and operated 50 cameras in multiple intersections across the City. This new contract will continue mitigation of right angle crashes, injuries, and fatalities related to red-light violations. In preparation for the expiration of the existing turnkey automated red-light camera program, contract staff hired a consultant in Spring 2016 to develop specifications for the release of the City's Automated Red-light Camera System Request for Competitive Sealed Proposal (RFCSP). A Request for Information (RFI) was released in July 2016 to allow vendors to comment on the draft specifications. The City worked with the consultant to amend the draft specifications to address feedback from the RFI. The RFCSP was issued in October 2016.

BACKGROUND (continued)

The new service contract will allow for a base system of 40 cameras and the option to add additional cameras over the life of the contract. This procurement resulted in an 13.3 percent reduction in the cost per camera approach from the previous contract.

A 2015 report, based on traffic data between 2004 and 2013 from the National Highway Traffic Safety Administration, ranked the City of Dallas the 7th highest in red-light violation fatalities. The City of Houston ranked the highest in red-light violations.

An Automated Red Light Enforcement Program can reduce red-light violations by up to 60 percent. The Federal Highway Administration reports that nationwide, intersections average a 25 percent reduction in red light related collisions after installing photo enforcement systems.

Over the past 10 years, this safety program produced surplus revenue that State law required to be dedicated as follows: 1) a provision of 50 percent of the surplus revenue generated to the State of Texas for funding to trauma centers including Parkland and 2) a provision for the remaining 50 percent of surplus revenue to be used to support safety and educational programs. On average, $3.5 million dollars in program revenue has been split between the City and State of Texas each year.

In 2016, 10 years after implementation, the Dallas red-light camera program statistics show:

- a 47 percent average reduction in red-light related accidents at intersections with a camera; and
- a 49 percent average reduction in right angle crashes at intersections with a camera.

The City's red-light camera enforcement program, entitled "Safelight", includes a public awareness campaign which targets high impact audiences such as:

- Chief on the Beat
- State Fair of Texas
- Mary Kay Convention
- Ford Motor Driving Skills for Life
- National Night Out
- National Stop on Red Week
- Mayor's Back to School Fair

The Safelight Program is foremost a safety program that is self-sufficient and includes a public awareness campaign. As required by State Law, the City also maintains an Automated Red-Light Enforcement Commission that is charged with public oversight of the programs operation. This City Council appointed Commission meets quarterly.

BACKGROUND (continued)

General performance standards and a specific service level agreement (SLA) were included in the service contract. These will provide a formal and comprehensive method to monitor the automated red-light camera system contract. Each SLA will define the expected level of service, the service level measurement, the reporting requirements, and the resolution of performance issues. Specifically, the recommended vendor proposes a 62-67 percent collections warranty on citations.

An eleven member committee from the following departments reviewed and evaluated the technical portion of proposals:

- Police (5)
- Fire-Rescue (1)
- Communication and Information Services (1)
- Mobility and Street Services (1)
- Municipal Court (1)
- Business Development and Procurement Services (2)*

*Business Development and Procurement Services only evaluated the Business Inclusion and Development Plan, cost, and proposed revenue.

The committee selected the successful respondent on the basis of demonstrated competence and qualifications under the following criteria:

- Cost and revenue 30%
- Functional match 30%
- Capability and experience 15%
- Business Inclusion and Development Plan 15%
- Approach 10%

As part of the solicitation process and in an effort to increase competition, Business Development and Procurement Services (BDPS) used its procurement system to send out 359 email bid notifications to vendors registered under respective commodities. To further increase competition, BDPS uses historical solicitation information, the internet, and vendor contact information obtained from user departments to contact additional vendors by phone. Additionally, in an effort to secure more bids, BDPS' ResourceLINK Team (RLT) sent notifications to 25 chambers of commerce, the DFW Minority Business Council, and the Women's Business Council – Southwest, to ensure maximum vendor outreach.

BACKGROUND (continued)

On November 10, 2015, City Council authorized the wage floor rate of $10.37 by Resolution No. 15-2141; the selected vendor meets this requirement.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On October 22, 2014, City Council authorized Supplemental Agreement No. 4 to increase the service contract with Xerox, State and Local Solutions, Inc. for automated red light camera enforcement extending the contract term from January 1, 2017 through March 31, 2017, by Resolution No. 14-1785.

Information about this item was briefed by memorandum to the Public Safety Committee on March 27, 2017.

Information about this item will be briefed to the Public Safety Committee on April 10, 2017.

FISCAL INFORMATION

Current Funds - $17,793,000 (subject to annual appropriations) costs are expected to be offset by revenues

M/WBE INFORMATION

36 - Vendors contacted
36 - No response
0 - Response (Bid)
0 - Response (No Bid)
0 - Successful

The awardee has fulfilled the good faith effort requirements set forth in the Business Inclusion and Development (BID) Plan adopted on October 22, 2008, by Resolution No. 08-2826, as amended.

ETHNIC COMPOSITION

American Traffic Solutions, Inc.

White Male	207	White Female	188
Black Male	27	Black Female	16
Hispanic Male	33	Hispanic Female	49
Other Male	32	Other Female	40

PROPOSAL INFORMATION

Business Development and Procurement Services received the following proposals from solicitation number BUZ1704. We opened them on December 1, 2016. We recommend the City Council award this service contract in its entirety to the most advantageous proposer.

*Denotes successful proposer

Proposers	Address	Score	Amount
*American Traffic Solutions, Inc.	1150 North Alma School Rd. Mesa, AZ 85201	92%	$17,793,000.00
Xerox State and Local Solutions, Inc.	8260 Willow Oaks Corporate Dr. Suite 600 Fairfax, VA 22031	90%	$23,542,116.48
Redflex Traffic System, Inc.	5651 West Talavi Blvd. Suite 200 Glendale, AZ 85306	80%	$26,139,612.00
Sensys America, Inc. dba Zero Fatality Solutions	8019 Sunport Dr. Suite 203 Orlando, FL 32809	80%	$19,854,600.00
Gatso USA, Inc.	900 Cummings Center Suite 222-T Beverly, MA 01915	76%	$19,533,633.48

OWNER

American Traffic Solutions, Inc.

David M. Roberts, President
Adam R. Draizin, Vice President

BUSINESS INCLUSION AND DEVELOPMENT PLAN SUMMARY

PROJECT: Authorize a seven-year service contract, with three one-year renewal options, for the installation, management, operation, violation ticket processing, and collection services of an automated red-light camera enforcement system - American Traffic Solutions, Inc., most advantageous proposer of five - Not to exceed $17,793,000 - Financing: Current Funds (subject to annual appropriations) costs are expected to be offset by revenues

American Traffic Solutions, Inc. is a non-local, non-minority firm, has signed the "Business Inclusion & Development" documentation, and proposes to use the following sub-contractors.

PROJECT CATEGORY: Other Services

LOCAL/NON-LOCAL CONTRACT SUMMARY

	Amount	Percent
Total local contracts	$2,472,000.00	13.89%
Total non-local contracts	$15,321,000.00	86.11%
TOTAL CONTRACT	$17,793,000.00	100.00%

LOCAL/NON-LOCAL M/WBE PARTICIPATION

Local Contractors / Sub-Contractors

Local	Certification	Amount	Percent
Link America	HMDB11432Y0817	$1,680,000.00	67.96%
Dickie & Associates	WFMB60426N1117	$600,000.00	24.27%
Total Minority - Local		$2,280,000.00	92.23%

Non-Local Contractors / Sub-Contractors

Non-local	Certification	Amount	Percent
National Services, LLC dba NSA	WFWBC20057418	$1,728,000.00	11.28%
Business Ink	WFWBC200530617	$500,620.00	3.27%
Total Minority - Non-local		$2,228,620.00	14.55%

TOTAL M/WBE CONTRACT PARTICIPATION

	Local	Percent	Local & Non-Local	Percent
African American	$0.00	0.00%	$0.00	0.00%
Hispanic American	$1,680,000.00	67.96%	$1,680,000.00	9.44%
Asian American	$0.00	0.00%	$0.00	0.00%
Native American	$0.00	0.00%	$0.00	0.00%
WBE	$600,000.00	24.27%	$2,828,620.00	15.90%
Total	$2,280,000.00	92.23%	$4,508,620.00	25.34%

April 12, 2017

WHEREAS, on October 22, 2014, City Council authorized Supplemental Agreement No. 4 to increase the service contract with Xerox, State and Local Solutions, Inc. for automated red light camera enforcement extending the contract term from January 1, 2017 through March 31, 2017, by Resolution No.14-1785.

Now, Therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DALLAS:

SECTION 1. That the City Manager is hereby authorized to execute a service contract with American Traffic Solutions, Inc. (VS0000005526) for the installation, management, operation, violation ticket processing, and collection services of an automated red-light camera enforcement system for a term of seven years, with three one-year renewal options, exercised by Council Resolution, in an amount not to exceed $17,793,000, after approval as to form by the City Attorney. If the service was bid or proposed on an as needed, unit price basis for performance of specified tasks, payment to American Traffic Solutions, Inc. shall be based only on the amount of the services directed to be performed by the City and properly performed by American Traffic Solutions, Inc. under the contract.

SECTION 2. That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed $17,793,000 (subject to annual appropriations) from Service Contract No. MASCATS-REDLIGHT.

SECTION 3. That the Chief Financial Officer is hereby authorized to deposit all revenues received as follows to Fund 0024, Department DPD, Unit 1447 and annually transfer to Fund 0001, Department DPD, Unit 3037, Revenue Code 8035.

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.

AGENDA ITEM # 10

KEY FOCUS AREA: E-Gov

AGENDA DATE: April 12, 2017

COUNCIL DISTRICT(S): All

DEPARTMENT: Business Development & Procurement Services
Water Utilities

CMO: Elizabeth Reich, 670-7804
Jill A. Jordan, P.E., 670-5299

MAPSCO: N/A

SUBJECT

Authorize a three-year master agreement for pre-cast water meter vaults - Oldcastle Precast, Inc. in the amount of $74,680, Act Pipe & Supply, Inc. in the amount of $2,526, and Forterra Pipe & Precast, LLC in the amount of $2,343, lowest responsible bidders of three - Total not to exceed $79,549 - Financing: Water Utilities Current Funds

BACKGROUND

This action does not encumber funds; the purpose of a master agreement is to establish firm pricing for goods, for a specific term, which are ordered on an as needed basis.

This master agreement will provide pre-cast water meter vaults for Water Utilities. The pre-cast water meter vaults are installed at commercial sites, subdivisions and public streets. New commercial developments are required to install vaults 4" or greater, and they are primarily installed at new construction sites. The City replaces and or installs approximately 60 pre-cast water meter vaults annually due to new construction or aging vaults.

In this solicitation, Business Development and Procurement Services required bidders to submit a response using unit pricing. This bid resulted in a 0.45 percent decrease over comparable unit prices for the bid awarded in 2008.

As part of the solicitation process and in an effort to increase competition, Business Development and Procurement Services (BDPS) used its procurement system to send out 208 email bid notifications to vendors registered under respective commodities. To further increase competition, BDPS uses historical solicitation information, the internet, and vendor contact information obtained from user departments to contact additional vendors by phone.

BACKGROUND (continued)

Additionally, in an effort to secure more bids, BDPS' ResourceLINK Team (RLT) sent notifications to 25 chambers of commerce, the DFW Minority Business Council, and the Women's Business Council – Southwest, to ensure maximum vendor outreach.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On January 28, 2009, City Council authorized a thirty-six-month master agreement for precast meter vaults by Resolution No. 09-0271.

City Council will be briefed by memorandum regarding this matter on March 31, 2017.

FISCAL INFORMATION

Water Utilities Current Funds - $79,548.79

M/WBE INFORMATION

33 - Vendors contacted
33 - No response
0 - Response (Bid)
0 - Response (No bid)
0 - Successful

The awardees have fulfilled the good faith effort requirements set forth in the Business Inclusion and Development (BID) Plan adopted on October 22, 2008, by Resolution No. 08-2826, as amended.

ETHNIC COMPOSITION

Oldcastle Precast, Inc.

White Male	12	White Female	5
Black Male	2	Black Female	1
Hispanic Male	44	Hispanic Female	4
Other Male	1	Other Female	0

Act Pipe & Supply, Inc.

White Male	9	White Female	3
Black Male	1	Black Female	0
Hispanic Male	2	Hispanic Female	0
Other Male	0	Other Female	0

ETHNIC COMPOSITION (continued)

Forterra Pipe & Precast, LLC

White Male	55	White Female	13
Black Male	8	Black Female	0
Hispanic Male	14	Hispanic Female	4
Other Male	0	Other Female	0

BID INFORMATION

Business Development and Procurement Services received the following bids from solicitation number BM1706. We opened them on February 10, 2017. We recommend the City Council award this master agreement to the lowest responsive and responsible bidders by line. Information related to this solicitation is available upon request.

*Denotes successful bidders

Bidders	**Address**	**Amount**
*Oldcastle Precast, Inc.	1100 Heritage Pkwy. Mansfield, TX 76063	Multiple Lines
*Act Pipe & Supply, Inc.	1888 Northwest Hwy. Dallas, TX 75220	Multiple Lines
*Forterra Pipe & Precast, LLC	1000 N. MacArthur Blvd. Grand Prairie, TX 75050	Multiple Lines

OWNERS

Oldcastle Precast, Inc.

Philip Shoult, President

Act Pipe & Supply, Inc.

Andy Zizinia, President
Steve Hass, Vice President
Mary Gagnon, Secretary
Harry Kirk, Chief Executive Officer

OWNERS (continued)

Forterra Pipe & Precast, LLC

Jeffrey Bradley, President
Mark Carpenter, Vice President
Lori Browne, Secretary
William Matthew Brown, Treasurer

BUSINESS INCLUSION AND DEVELOPMENT PLAN SUMMARY

PROJECT: Authorize a three-year master agreement for pre-cast water meter vaults - Oldcastle Precast, Inc. in the amount of $74,680, Act Pipe & Supply, Inc. in the amount of $2,526, and Forterra Pipe & Precast, LLC in the amount of $2,343, lowest responsible bidders of three - Total not to exceed $79,549 - Financing: Water Utilities Current Funds

Oldcastle Precast, Inc., Act Pipe & Supply, Inc. and Forterra Pipe & Precast, LLC are local, non-minority firms, have signed the "Business Inclusion & Development" documentation, and propose to use their own workforce.
PROJECT CATEGORY: Goods

LOCAL/NON-LOCAL CONTRACT SUMMARY

	Amount	Percent
Total local contracts	$79,548.79	100.00%
Total non-local contracts	$0.00	0.00%
TOTAL CONTRACT	$79,548.79	100.00%

LOCAL/NON-LOCAL M/WBE PARTICIPATION

Local Contractors / Sub-Contractors

None

Non-Local Contractors / Sub-Contractors

None

TOTAL M/WBE CONTRACT PARTICIPATION

	Local	Percent	Local & Non-Local	Percent
African American	$0.00	0.00%	$0.00	0.00%
Hispanic American	$0.00	0.00%	$0.00	0.00%
Asian American	$0.00	0.00%	$0.00	0.00%
Native American	$0.00	0.00%	$0.00	0.00%
WBE	$0.00	0.00%	$0.00	0.00%
Total	$0.00	0.00%	$0.00	0.00%

April 12, 2017

WHEREAS, on January 28, 2009 City Council authorized a thirty-six-month master agreement for precast meter vaults by Resolution No. 09-0271; and

WHEREAS, on January 26, 2012, internal authorization extension of the master agreement for twelve-months from January 27, 2012 to January 26, 2013; and

WHEREAS, on November 7, 2012, internal authorization extension of the master agreement for twelve-months from January 26, 2013 to January 25, 2014; and

WHEREAS, on October 29, 2013, Administrative Action No. 13-6700 authorized extension of the master agreement for twelve-months from January 25, 2014 to January 24, 2015; and

WHEREAS, on September 19, 2014, Administrative Action No. 14-6727 authorized extension of the master agreement for twelve-months from January 25, 2014 to January 25, 2015; and

WHEREAS, on October 16, 2014, Administrative Action No. 14-6846 authorized extension of the master agreement for twelve-months from January 25, 2015 to January 24, 2016; and

WHEREAS, on November 24, 2015, Administrative Action No. 15-7315 authorized extension of the master agreement for twelve-months from January 24, 2016 to January 24, 2017.

Now, Therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DALLAS:

SECTION 1. That a master agreement for the purchase of pre-cast water meter vaults is authorized with Oldcastle Precast, Inc. (022620) in the amount of $74,680.00, Act Pipe & Supply, Inc. (358157) in the amount of $2,525.79, and Forterra Pipe & Precast, LLC (138811) in the amount of $2,343.00 for a term of three years in a total amount not to exceed $79,548.79.

SECTION 2. That the Purchasing Agent is authorized, upon appropriate request and documented need by a user department, to issue a purchase order for pre-cast water meter vaults. If a written contract is required or requested for any or all purchases of pre-cast water meter vaults under the master agreement instead of individual purchase orders, the City Manager is hereby authorized to execute the contract after approval as to form by the City Attorney.

SECTION 3. That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed $79,548.79 from Master Agreement No. BM1706.

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.

AGENDA ITEM # 11

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

AGENDA DATE: April 12, 2017

COUNCIL DISTRICT(S): All

DEPARTMENT: Business Development & Procurement Services
Park & Recreation

CMO: Elizabeth Reich, 670-7804
Willis Winters, 670-4071

MAPSCO: N/A

SUBJECT

Authorize a three-year master agreement for the purchase of athletic gear, equipment, and supplies - BSN Sports in the amount of $1,000,000, S & S Worldwide, Inc. in the amount of $200,000, and Santex in the amount of $75,000, lowest responsible bidders of three - Total not to exceed $1,275,000 - Financing: Current Funds

BACKGROUND

This action does not encumber funds; the purpose of a master agreement is to establish firm pricing for goods, for a specific term, which are ordered on an as needed basis.

This master agreement will provide for the purchase of athletic gear, equipment, and supplies for Park and Recreation programs and activities such as:

- Basketball equipment
- Softball equipment
- Baseball equipment
- Track and field supplies

This master agreement will provide youth sports gear for the operation of 61 after school programs, annual summer camps, and 19 Send A Kid to Camp sites. The agreement in addition, assists with the facilitation of required needs for the Park and Recreation Sports programs which currently serve over 10,000 youth annually.

BACKGROUND (continued)

As part of the solicitation process and in an effort to increase competition, Business Development and Procurement Services (BDPS) used its procurement system to send out 1,686 email bid notifications to vendors registered under respective commodities. To further increase competition, BDPS uses historical solicitation information, the internet, and vendor contact information obtained from user departments to contact additional vendors by phone. Additionally, in an effort to secure more bids, BDPS' ResourceLINK Team (RLT) sent notifications to 25 chambers of commerce, the DFW Minority Business Council, and the Women's Business Council - Southwest, to ensure maximum vendor outreach.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On August 13, 2014, City Council authorized a three-year master agreement for the purchase of athletic, recreation and sports equipment and supplies for use throughout the City by Resolution No. 14-1212.

On March 23, 2017, the Park and Recreation Board approved this item.

City Council will be briefed by memorandum regarding this matter on March 31, 2017.

FISCAL INFORMATION

Current Funds - $1,275,000

M/WBE INFORMATION

172 - Vendors contacted
172 - No response
0 - Response (Bid)
0 - Response (No bid)
0 - Successful

The awardee has fulfilled the good faith effort requirements set forth in the Business Inclusion and Development (BID) Plan adopted on October 22, 2008, by Resolution No. 08-2826, as amended.

ETHNIC COMPOSITION

BSN Sports

White Male	705	White Female	199
Black Male	34	Black Female	32
Hispanic Male	62	Hispanic Female	61
Other Male	26	Other Female	12

S & S Worldwide, Inc.

White Male	75	White Female	125
Black Male	3	Black Female	3
Hispanic Male	8	Hispanic Female	5
Other Male	5	Other Female	5

Santex

White Male	0	White Female	0
Black Male	0	Black Female	0
Hispanic Male	1	Hispanic Female	2
Other Male	0	Other Female	0

BID INFORMATION

Business Development and Procurement Services received the following bids from solicitation number BT1701. We opened them on December 23, 2016. We recommend the City Council award this master agreement to the lowest responsive and responsible bidders by group. Information related to this solicitation is available upon request.

*Denotes successful bidders

Bidders	**Address**	**Amount**
*BSN Sports	1901 Diplomat Dr. Farmers Branch, TX 75234	Multiple Groups
*S & S Worldwide, Inc.	75 Mill St. Colchester, CT 06415	Multiple Groups
*Santex	4211 W. Illinois Ave. Ste. 100 Dallas, TX 75211	Multiple Groups

OWNERS

BSN Sports

Terrence Babilla, President
Kurt Hagen, Vice President
Kent Laber, Treasurer

S & S Worldwide, Inc.

Adam Schwartz, President
Hy Schwartz, Vice President
Carla Schwartz, Secretary
Vincent Pescosolido, Treasurer

Santex

Jose Lopez, President
Karla Leal, Vice President
Norma Morales, Secretary

BUSINESS INCLUSION AND DEVELOPMENT PLAN SUMMARY

PROJECT: Authorize a three-year master agreement for the purchase of athletic gear, equipment, and supplies - BSN Sports in the amount of $1,000,000, S & S Worldwide, Inc. in the amount of $200,000, and Santex in the amount of $75,000, lowest responsible bidders of three - Total not to exceed $1,275,000 - Financing: Current Funds

S & S Worldwide, Inc. is a non-local, non-minority firm, has signed the "Business Inclusion & Development" documentation, and proposes to use their own workforce. BSN Sports is a local, non-minorty firm and has signed the "Business Inclusion & Development" documentation, and proposes to use their own workforce. Santex is a local, minority firm, has signed the "Business Inclusion & Development" documentation, and proposes to use their own workforce.
PROJECT CATEGORY: Goods

LOCAL/NON-LOCAL CONTRACT SUMMARY

	Amount	Percent
Total local contracts	$1,075,000.00	84.31%
Total non-local contracts	$200,000.00	15.69%
TOTAL CONTRACT	$1,275,000.00	100.00%

LOCAL/NON-LOCAL M/WBE PARTICIPATION

Local Contractors / Sub-Contractors

Local	Certification	Amount	Percent
Santex	HMMB65747N0418	$75,000.00	6.98%
Total Minority - Local		$75,000.00	6.98%

Non-Local Contractors / Sub-Contractors

None

TOTAL M/WBE CONTRACT PARTICIPATION

	Local	Percent	Local & Non-Local	Percent
African American	$0.00	0.00%	$0.00	0.00%
Hispanic American	$75,000.00	6.98%	$75,000.00	5.88%
Asian American	$0.00	0.00%	$0.00	0.00%
Native American	$0.00	0.00%	$0.00	0.00%
WBE	$0.00	0.00%	$0.00	0.00%
Total	$75,000.00	6.98%	$75,000.00	5.88%

April 12, 2017

WHEREAS, on August 13, 2014, City Council authorized a three-year master agreement for the purchase of athletic, recreation and sports equipment and supplies for use throughout the City by Resolution No. 14-1212.

Now, Therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DALLAS:

SECTION 1. That a master agreement for the purchase of athletic gear, equipment, and supplies is authorized with BSN Sports (355112) in the amount of $1,000,000, S & S Worldwide, Inc. (003083) in the amount of $200,000 and Santex (VC15335) in the amount of $75,000 for a term of three years in a total amount not to exceed $1,275,000.

SECTION 2. That the Purchasing Agent is authorized, upon appropriate request and documented need by a user department, to issue a purchase order for athletic gear, equipment, and supplies. If a written contract is required or requested for any or all purchases of athletic gear, equipment, and supplies under the master agreement instead of individual purchase orders, the City Manager is hereby authorized to execute the contract after approval as to form by the City Attorney.

SECTION 3. That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed $1,275,000 from Master Agreement No. BT1701.

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.

AGENDA ITEM # 12

KEY FOCUS AREA: E-Gov

AGENDA DATE: April 12, 2017

COUNCIL DISTRICT(S): N/A

DEPARTMENT: City Attorney's Office

CMO: Larry Casto, 670-3491

MAPSCO: N/A

SUBJECT

Authorize settlement of the lawsuit styled Alejandro Morales-Loza v. City of Dallas, Cause No. CC-15-02250-C - Not to exceed $100,000 - Financing: Current Funds

BACKGROUND

Plaintiff filed a lawsuit against the City of Dallas seeking compensation for bodily injuries and other damages sustained in an automobile collision on November 16, 2014, involving a Dallas Police Department vehicle. The City and Mr. Morales-Loza have reached a proposed settlement. Plaintiff is represented by the Law Office of Domingo Garcia.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

City Council will be briefed in Executive Session on April 5, 2017.

FISCAL INFORMATION

Funding for this item is budgeted in the current fiscal year.

Current Funds - $100,000

April 12, 2017

WHEREAS, a lawsuit styled Alejandro Morales-Loza v. City of Dallas, Cause No. CC-15-02250-C, was filed by the plaintiff seeking compensation from the City of Dallas for bodily injuries and other damages sustained in an automobile collision on November 16, 2014, involving a Dallas Police Department vehicle; and

WHEREAS, the plaintiff has agreed to a settlement of the case whereby the City will pay Alejandro Morales-Loza, Law Office of Domingo Garcia, and all other persons having an interest in the settlement proceeds, the total amount of $100,000; and

WHEREAS, it is in the best interest of the City to settle this lawsuit.

Now, Therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DALLAS:

SECTION 1. That the proposed settlement of the lawsuit, styled Alejandro Morales-Loza v. City of Dallas, Cause No. CC-15-02250-C, in an amount not to exceed $100,000 is hereby approved.

SECTION 2. That the Chief Financial Officer is hereby authorized to pay Alejandro Morales-Loza and the Law Office of Domingo Garcia, and all other persons having an interest in the settlement, the amount of $100,000 from Fund 0192, Department ORM, Unit 3890, Object 3521, Vendor CTORM001.

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.

AGENDA ITEM # 13

KEY FOCUS AREA: E-Gov

AGENDA DATE: April 12, 2017

COUNCIL DISTRICT(S): N/A

DEPARTMENT: City Attorney's Office

CMO: Larry Casto, 670-3491

MAPSCO: N/A

SUBJECT

Authorize Supplemental Agreement No. 3 to the professional services contract with the law firm of Carter Scholer Arnett & Mockler, PLLC f/k/a Carter Scholer Arnett Hamada & Mockler, PLLC for additional legal services necessary in the lawsuits styled Kenneth E. Albert, et al. v. City of Dallas, Cause No. 199-00697-94; Anthony Arredondo, et al. v. City of Dallas, Cause No. 199-1743-99; David L. Barber, et al. v. City of Dallas, Cause No. 199-624-95; David S. Martin, et al. v. City of Dallas, Cause No. 1-95-506; George G. Parker, et al. v. City of Dallas, Cause No. 1-95-107; Kevin Michael Willis, et al. v. City of Dallas, Cause No. 199-200-95; and any other proceedings relating to the subject matter of this litigation - Not to exceed $750,000, from $825,000 to $1,575,000 - Financing: Current Funds

BACKGROUND

The additional legal services of Carter Scholer Arnett & Mockler, PLLC f/k/a Carter Scholer Arnett Hamada & Mockler, PLLC are necessary for the resolution of the above-referenced lawsuits.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

City Council was briefed in Closed Session on May 20, 2015.

City Council was briefed in Closed Session on September 16, 2015.

On December 9, 2015, City Council authorized Supplemental Agreement No. 1 to the professional services contract with the law firm of Carter Scholer Arnett Hamada & Mockler, PLLC f/k/a Carter Stafford Arnett Hamada & Mockler, PLLC for additional legal services by Resolution No. 15-2205.

City Council was briefed in Closed Session on February 17, 2016.

City Council was briefed in Closed Session on March 23, 2016.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS) (continued)

City Council was briefed in Closed Session on June 22, 2016.

City Council was briefed in Closed Session on August 3, 2016.

On August 24, 2016, City Council authorized Supplemental Agreement No. 2 to the professional services contract with the law firm of Carter Scholer Arnett Hamada & Mockler, PLLC f/k/a Carter Stafford Arnett Hamada & Mockler, PLLC for additional legal services by Resolution No. 16-1384.

City Council was briefed in Closed Session on November 15, 2016.

City Council will be briefed in Closed Session on April 5, 2017.

FISCAL INFORMATION

Funding for this item is budgeted in the current fiscal year.

Current Funds - $750,000

OWNER

Carter Scholer Arnett & Mockler, PLLC f/k/a Carter Scholer Arnett Hamada & Mockler, PLLC

E. Leon Carter, Partner

WHEREAS, on December 20, 2012, Administrative Action No. 12-3109 authorized a professional services contract in the amount of $50,000, with the law firm of Carter Stafford Arnett Hamada & Mockler, PLLC, for legal services necessary to represent the City in this lawsuit and any other proceedings relating to the subject matter of this litigation; and

WHEREAS, on December 13, 2015, City Council authorized Supplemental Agreement No. 1 to the professional services contract with Carter Scholer Arnett Hamada & Mockler, PLLC f/k/a Carter Stafford Arnett Hamada & Mockler, PLLC by Resolution No. 15-2205, in the amount of $375,000, from $50,000 to $425,000 for additional legal services necessary to represent the City in this lawsuit and any other proceedings relating to the subject matter of this litigation; and

WHEREAS, on August 24, 2016, City Council authorized Supplemental Agreement No. 2 to the professional services contract with Carter Scholer Arnett Hamada & Mockler, PLLC f/k/a Carter Stafford Arnett Hamada & Mockler, PLLC by Resolution No. 16-1384, in the amount of $400,000, from $425,000 to $825,000 for additional legal services necessary to represent the City in this lawsuit and any other proceedings relating to the subject matter of this litigation; and

WHEREAS, the professional legal services of Carter Scholer Arnett & Mockler, PLLC f/k/a Carter Scholer Arnett Hamada & Mockler, PLLC, continue to be necessary.

Now, Therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DALLAS:

SECTION 1. That, following approval as to form by the City Attorney, the City Manager is hereby authorized to enter into Supplemental Agreement No. 3 to the professional services contract with Carter Scholer Arnett & Mockler, PLLC f/k/a Carter Scholer Arnett Hamada & Mockler, PLLC for additional legal services necessary in the lawsuits styled Kenneth E. Albert, et al. v. City of Dallas, Cause No. 199-00697-94; Anthony Arredondo, et al. v. City of Dallas, Cause No. 199-1743-99; David L. Barber, et al. v. City of Dallas, Cause No. 199-624-95; David S. Martin, et al. v. City of Dallas, Cause No. 1-95-506; George G. Parker, et al. v. City of Dallas, Cause No. 1-95-107; Kevin Michael Willis, et al. v. City of Dallas, Cause No. 199-200-95; and any other proceedings relating to the subject matter of this litigation, in an amount not to exceed $750,000, increasing the contract amount from $825,000 to $1,575,000.

SECTION 2. That the Chief Financial Officer is hereby authorized to disburse, in periodic payments to Carter Scholer Arnett & Mockler, PLLC f/k/a Carter Scholer Arnett Hamada & Mockler, PLLC, an amount not to exceed $750,000 from Fund 0192, Department ORM, Unit 3890, Object 3033, Encumbrance ATT389011J270, Vendor VS0000071772.

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.

AGENDA ITEM # 14

KEY FOCUS AREA: E-Gov

AGENDA DATE: April 12, 2017

COUNCIL DISTRICT(S): N/A

DEPARTMENT: City Attorney's Office

CMO: Larry Casto, 670-3491

MAPSCO: N/A

SUBJECT

Authorize Supplemental Agreement No. 5 to the professional services contract with Sayles Werbner, P.C. for additional legal services necessary in the lawsuits styled Kenneth E. Albert, et al. v. City of Dallas, Cause No. 199-00697-94; Anthony Arredondo, et al. v. City of Dallas, Cause No. 199-1743-99; David L. Barber, et al. v. City of Dallas, Cause No. 199-624-95; David S. Martin, et al. v. City of Dallas, Cause No. 1-95-506; George G. Parker, et al. v. City of Dallas, Cause No. 1-95-107; Kevin Michael Willis, et al. v. City of Dallas, Cause No. 199-200-95 and any other proceedings relating to the subject matter of this litigation - Not to exceed $750,000, from $1,100,000 to $1,850,000 - Financing: Current Funds

BACKGROUND

The additional legal services of Sayles Werbner, P.C. are necessary for the resolution of the above-referenced lawsuits.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On August 25, 2004, City Council authorized a professional services contract with Sayles Werbner, P.C. by Resolution No. 04-2431.

On September 27, 2006, City Council authorized Supplemental Agreement No. 1 to the professional services contract with Sayles Werbner, P.C. for additional legal services in this matter by Resolution No. 06-2595.

City Council was briefed in Closed Session on May 20, 2015.

City Council was briefed in Closed Session on September 16, 2015.

On December 9, 2015, City Council authorized Supplemental Agreement No. 3 to the professional services contract with the law firm of Sayles Werbner, P.C. for additional legal services, by Resolution No. 15-2206.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS) (continued)

On August 24, 2016, City Council authorized Supplemental Agreement No. 4 to the professional services contract with the law firm of Sayles Werbner, P.C. for additional legal services by Resolution No. 16-1385.

City Council was briefed in Closed Session on November 15, 2016.

FISCAL INFORMATION

Funding for this item is budgeted in the current fiscal year.

Current Funds - $750,000

OWNER

Sayles Werbner, P.C.

Richard A. Sayles, Chief Executive Officer

April 12, 2017

WHEREAS, on August 25, 2004, City Council authorized a professional services contract with Sayles Werbner, P.C. by Resolution No. 04-2431, in an amount not to exceed $200,000, for legal services and related expenses necessary in the lawsuit styled Kenneth E. Albert, et al. v. City of Dallas, Civil Action No. 199-00697-04; and

WHEREAS, on September 27, 2006, City Council authorized Supplemental Agreement No. 1, to the professional services contract with Sayles Werbner, P.C. by Resolution No. 06-2595, in an amount of $100,000, from $200,000 to $300,000, for additional legal services necessary to represent the City in this lawsuit and any other proceedings relating to the subject matter of this litigation; and

WHEREAS, on December 7, 2012, Administrative Action No. 12-2959 authorized Supplemental Agreement No. 2 to the professional services contract with Sayles Werbner, P.C., in an amount of $25,000, from $300,000 to $325,000, for additional legal services necessary to represent the City in this lawsuit and any other proceedings relating to the subject matter of this litigation; and

WHEREAS, on December 9, 2015, City Council authorized Supplemental Agreement No. 3 to the professional services contract with Sayles Werbner, P.C. by Resolution No. 15-2206 , in an amount of $375,000, from $325,000 to $700,000, for additional legal services necessary to represent the City in this lawsuit and any other proceedings relating to the subject matter of this litigation; and

WHEREAS, on August 24, 2016, City Council authorized Supplemental Agreement No. 4 to the professional services contract with Sayles Werbner, P.C. by Resolution No. 16-1385, in an amount of $400,000, from $700,000 to $1,100,000, for additional legal services necessary to represent the City in this lawsuit and any other proceedings relating to the subject matter of this litigation; and

WHEREAS, the professional legal services of Sayles Werbner, P.C. continue to be necessary for representation of the City in this lawsuit and any other proceedings related to the subject matter of this litigation.

Now, Therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DALLAS:

April 12, 2017

SECTION 1. That, following approval as to form by the City Attorney, the City Manager is hereby authorized to enter into Supplemental Agreement No. 5 to the professional services contract with Sayles Werbner, P.C. for additional legal services necessary in the lawsuits styled Kenneth E. Albert, et al. v. City of Dallas, Cause No. 199-00697-94; Anthony Arredondo, et al. v. City of Dallas, Cause No. 199-1743-99; David L. Barber, et al. v. City of Dallas, Cause No. 199-624-95; David S. Martin, et al. v. City of Dallas, Cause No. 1-95-506; George G. Parker, et al. v. City of Dallas, Cause No. 1-95-107; Kevin Michael Willis, et al. v. City of Dallas, Cause No. 199-200-95 and any other proceedings relating to the subject matter of this litigation, in an amount not to exceed $750,000, increasing the contract amount from $1,100,000 to $1,850,000.

SECTION 2. That the Chief Financial Officer is hereby authorized to disburse, in periodic payments to Sayles Werbner, P.C. an amount not to exceed $750,000 from Fund 0192, Department ORM, Unit 3890, Object 3033, Encumbrance ATT389L0053, Vendor 399669.

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.

AGENDA ITEM # 15

KEY FOCUS AREA: E-Gov

AGENDA DATE: April 12, 2017

COUNCIL DISTRICT(S): N/A

DEPARTMENT: City Attorney's Office

CMO: Larry Casto, 670-3491

MAPSCO: N/A

SUBJECT

Authorize Supplemental Agreement No. 15 to the professional services contract with Hankinson, L.L.P. for additional legal services necessary in the lawsuits styled Kenneth E. Albert, et al. v. City of Dallas, Cause No. 199-00697-94; Anthony Arredondo, et al. v. City of Dallas, Cause No. 199-1743-99; David L. Barber, et al. v. City of Dallas, Cause No. 199-624-95; David S. Martin, et al. v. City of Dallas, Cause No. 1-95-506; George G . Parker, et al. v. City of Dallas, Cause No. 1-95-107; Kevin Michael Willis, et al. v. City of Dallas, Cause No. 199-200-95; and any other proceedings relating to the subject matter of this litigation - Not to exceed $100,000, from $1,105,000 to $1,205,000 - Financing: Current Funds

BACKGROUND

The additional legal services of Hankinson, L.L.P. are necessary for the resolution of the above-referenced lawsuits.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On March 24, 2004, City Council authorized a professional services contract with the Law Offices of Deborah Hankinson, P.C. for legal services by Resolution No. 04-1047.

On January 12, 2005, City Council authorized Supplemental Agreement No. 1 to the professional services contract with the Law Offices of Deborah Hankinson, P.C. for additional legal services by Resolution No. 05-0197.

On April 11, 2007, City Council authorized Supplemental Agreement No. 2 to the professional services contract with the Law Offices of Deborah Hankinson, P.C. for additional legal services by Resolution No. 07-1145.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS) (continued)

On April 14, 2010, City Council authorized Supplemental Agreement No. 4 to the professional services contract with Hankinson Levinger, L.L.P. for additional legal services by Resolution No. 10-0861.

On January 11, 2012, City Council authorized Supplemental Agreement No. 5 to the professional services contract with Hankinson Levinger, L.L.P. for additional legal services by Resolution No. 12-0163.

On December 11, 2013, City Council authorized Supplemental Agreement No. 7 to the professional services contract with Hankinson L.L.P. for additional legal services by Resolution No. 13-2147.

On February 25, 2015, City Council authorized Supplemental Agreement No. 10 to the professional services contract with Hankinson L.L.P. for additional legal services by Resolution No. 15-0345.

City Council was briefed in Closed Session on May 20, 2015.

On May 27, 2015, City Council authorized Supplemental Agreement No. 11 to the professional services contract with Hankinson L.L.P. for additional legal services by Resolution No. 15-0938.

City Council was briefed in Closed Session on September 16, 2015.

On December 9, 2015, City Council authorized Supplemental Agreement No. 12 to the professional services contract with Hankinson L.L.P. for additional legal services by Resolution No. 15-2207.

City Council was briefed in Closed Session on February 17, 2016.

City Council was briefed in Closed Session on March 23, 2016.

City Council was briefed in Closed Session on June 22, 2016.

City Council was briefed in Closed Session on August 3, 2016.

On August 24, 2016, City Council authorized Supplemental Agreement No. 14 to the professional services contract with Hankinson L.L.P. for additional legal services by Resolution No. 16-1386.

City Council was briefed in Closed Session on November 15, 2016.

FISCAL INFORMATION

Funding for this item is budgeted in the current fiscal year.

Current Funds - $100,000

OWNER

Hankinson, L.L.P.

Rick Thompson, Managing Partner

WHEREAS, on March 24, 2004, Resolution No. 04-1047 authorized a professional services contract with the Law Offices of Deborah Hankinson, P.C. in an amount not to exceed $60,000, for legal services necessary to represent the City in this lawsuit and any other proceedings related to the subject matter of this lawsuit; and

WHEREAS, on January 12, 2005, Resolution No. 05-0197 authorized Supplemental Agreement No. 1 to the professional services contract with the Law Offices of Deborah Hankinson, P.C. in an amount of $50,000, from $60,000 to $110,000 for additional legal services necessary to represent the City in this lawsuit; and

WHEREAS, on April 11, 2007, Resolution No. 07-1145 authorized Supplemental Agreement No. 2 to the professional services contract with the Law Offices of Deborah Hankinson, P.C. in an amount of $50,000, from $110,000 to $160,000 for additional legal services necessary to represent the City in this lawsuit; and

WHEREAS, on July 9, 2008, Administrative Action No. 08-1936 authorized Supplemental Agreement No. 3 to the professional services contract with the Law Offices of Deborah Hankinson, P.C. to increase the hourly rates paid for legal services provided; and

WHEREAS, on September 3, 2008, Administrative Action No. 08-2358 authorized assignment of the professional services contract from the Law Offices of Deborah Hankinson, P.C. to Hankinson Levinger, L.L.P.; and

WHEREAS, on April 14, 2010, Resolution No. 10-0861 authorized Supplemental Agreement No. 4 to the professional services contract with Hankinson Levinger, L.L.P. in an amount of $30,000, from $160,000 to $190,000 for additional legal services necessary to represent the City in this lawsuit; and

WHEREAS, on January 11, 2012, Resolution No. 12-0163 authorized Supplemental Agreement No. 5 to the professional services contract with Hankinson Levinger, L.L.P. in the amount of $30,000, from $190,000 to $220,000 for additional legal services necessary to represent the City in this lawsuit; and

WHEREAS, on March 5, 2013, Administrative Action No. 13-5289 authorized Supplemental Agreement No. 6 to the professional services contract with with Hankinson, L.L.P. (formerly Hankinson Levinger, L.L.P.) in an amount of $50,000, from $220,000 to $270,000, for additional legal services necessary in this lawsuit; and

WHEREAS, on December 11, 2013, Resolution No. 13-2147 authorized Supplemental Agreement No. 7 to the professional services contract with Hankinson, L.L.P. in the amount of $185,000, from $270,000 to $455,000 for additional legal services necessary to represent the City in this lawsuit; and

WHEREAS, on September 23, 2014, Administrative Action No. 14-6688 authorized Supplemental Agreement No. 8, to the professional services contract with Hankinson, L.L.P. to increase the hourly rates paid for legal services provided; and

WHEREAS, on January 29, 2015, Administrative Action No. 15-5272 authorized Supplemental Agreement No. 9, to the professional services contract with Hankinson, L.L.P. in an amount of $35,000, from $455,000.00 to $490,000.00 for additional legal services necessary in this lawsuit; and

WHEREAS, on February 25, 2015, Resolution No. 15-0345 authorized Supplemental Agreement No. 10, to the professional services contract with Hankinson, L.L.P. in an amount of $80,000, from $490,000 to $570,000 for additional legal services necessary to represent the City in this lawsuit; and

WHEREAS, on May 27, 2015, Resolution No. 15-0938 authorized Supplemental Agreement No. 11 to the professional services contract with Hankinson, L.L.P. in an amount of $175,000, from $570,000 to $745,000 for additional legal services necessary to represent the City in this lawsuit; and

WHEREAS, on December 9, 2015, Resolution No. 15-2207 authorized Supplemental Agreement No. 12 to the professional services contract with Hankinson, L.L.P. in an amount of $210,000, from $745,000 to $955,000 for additional legal services necessary to represent the City in this lawsuit; and

WHEREAS, December 30, 2015, Administrative Action No. 15-7447 authorized Supplemental Agreement No. 13 to the professional services contract with Hankinson, L.L.P., to increase the hourly rate pay for legal services in this lawsuit; and

WHEREAS, on August 24, 2016, Resolution No. 16-1386 authorized Supplemental Agreement No. 14 to the professional services contract with Hankinson, L.L.P. in an amount of $150,000, from $955,000 to $1,105,000 for additional legal services necessary to represent the City in this lawsuit; and

WHEREAS, the professional legal services of the law firm of Hankinson, L.L.P. continue to be necessary for representation of the City in this lawsuit and any other proceedings related to the subject matter of this lawsuit.

Now, Therefore,

April 12, 2017

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DALLAS:

SECTION 1. That following approval as to form by the City Attorney, the City Manager is hereby authorized to enter into Supplemental Agreement No. 15 to the professional services contract with Hankinson, L.L.P., for additional legal services necessary in the lawsuits styled Kenneth E. Albert v. City of Dallas, Cause No. 199-00697-94; Anthony Arredondo v. City of Dallas, Cause No. 199-1743-99; David L. Barber v. City of Dallas, Cause No. 199-624-95; David S. Martin v. City of Dallas, Cause No. 1-95-506; George G. Parker v. City of Dallas, Cause No. 1-95-107; Kevin Michael Willis v. City of Dallas, Cause No. 199-200-95; and any other proceedings relating to the subject matter of this litigation, in an amount not to exceed $100,000, increasing the contract amount from $1,105,000 to $1,205,000.

SECTION 2. That the Chief Financial Officer is hereby authorized to disburse, in periodic payments to Hankinson, L.L.P., an amount not to exceed $100,000 from Fund 0192, Department ORM, Unit 3890, Obj. 3033, Encumbrance No. ATT389015A001, Vendor No. VC0000005988.

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.

AGENDA ITEM # 16

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: April 12, 2017

COUNCIL DISTRICT(S): 2

DEPARTMENT: Equipment & Building Services
Convention and Event Services

CMO: Majed Al-Ghafry, 670-3302
Joey Zapata, 670-3009

MAPSCO: 45P

SUBJECT

Authorize the purchase and installation of two replacement chillers, cooling towers and associated pumps at the Kay Bailey Hutchison Convention Center Dallas located at 650 South Griffin Street - Trane U.S., Inc., through the U.S. Communities Government Purchasing Alliance - Not to exceed $2,430,632 - Financing: Convention and Event Services Current Funds

BACKGROUND

U.S. Communities conforms to the requirements of Texas statutes that are applicable for competitive bids and proposals, in accordance with the Inter-local Cooperation Act, Chapter 791 of the Texas Government Code. In addition, they receive bids from manufacturers and dealers throughout the United States. Trane U.S., Inc., has provided pricing through the U.S. Communities Government Purchasing Alliance for the replacement of these components at the Kay Bailey Hutchison Convention Center Dallas. The replacement services include labor and materials for the removal and replacement of two chillers, cooling towers and associated pumps. These system components are critical to providing adequate summer cooling.

This action will authorize replacement of the system as identified in the Convention Center needs assessment for Hall C. Hall C consists of approximately 200,000 square feet of prefunction meeting rooms, an exhibit hall and ballroom. The hall was constructed in 1984, and many of its heating, ventilation and air conditioning components are original and in need of replacement.

ESTIMATED SCHEDULE OF PROJECT

Begin Replacement	April 2017
Substantial Completion	July 2017
Complete Replacement	September 2017

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

This item has no prior action.

FISCAL INFORMATION

Convention and Event Services Current Funds - $2,430,632

M/WBE INFORMATION

See Attached.

ETHNIC COMPOSITION

Trane U.S., Inc.

White Male	135	White Female	28
Black Male	7	Black Female	1
Hispanic Male	6	Hispanic Female	0
Other Male	9	Other Female	0

OWNER

Trane U.S., Inc.

David Regnery, President
Kevin Baxter, Vice President

MAP

Attached

BUSINESS INCLUSION AND DEVELOPMENT PLAN SUMMARY

PROJECT: Authorize the purchase and installation of two replacement chillers, cooling towers and associated pumps at the Kay Bailey Hutchison Convention Center Dallas located at 650 South Griffin Street - Trane U.S., Inc., through the U.S. Communities Government Purchasing Alliance - Not to exceed $2,430,632 - Financing: Convention and Event Services Current Funds

Trane U.S., Inc. is a local, non-minority firm, has signed the "Business Inclusion & Development" documentation, and proposes to use the following sub-contractors.
PROJECT CATEGORY: Other Services

LOCAL/NON-LOCAL CONTRACT SUMMARY

	Amount	Percent
Total local contracts	$1,822,974.00	75.00%
Total non-local contracts	$607,658.00	25.00%
TOTAL CONTRACT	$2,430,632.00	100.00%

LOCAL/NON-LOCAL M/WBE PARTICIPATION

Local Contractors / Sub-Contractors

None

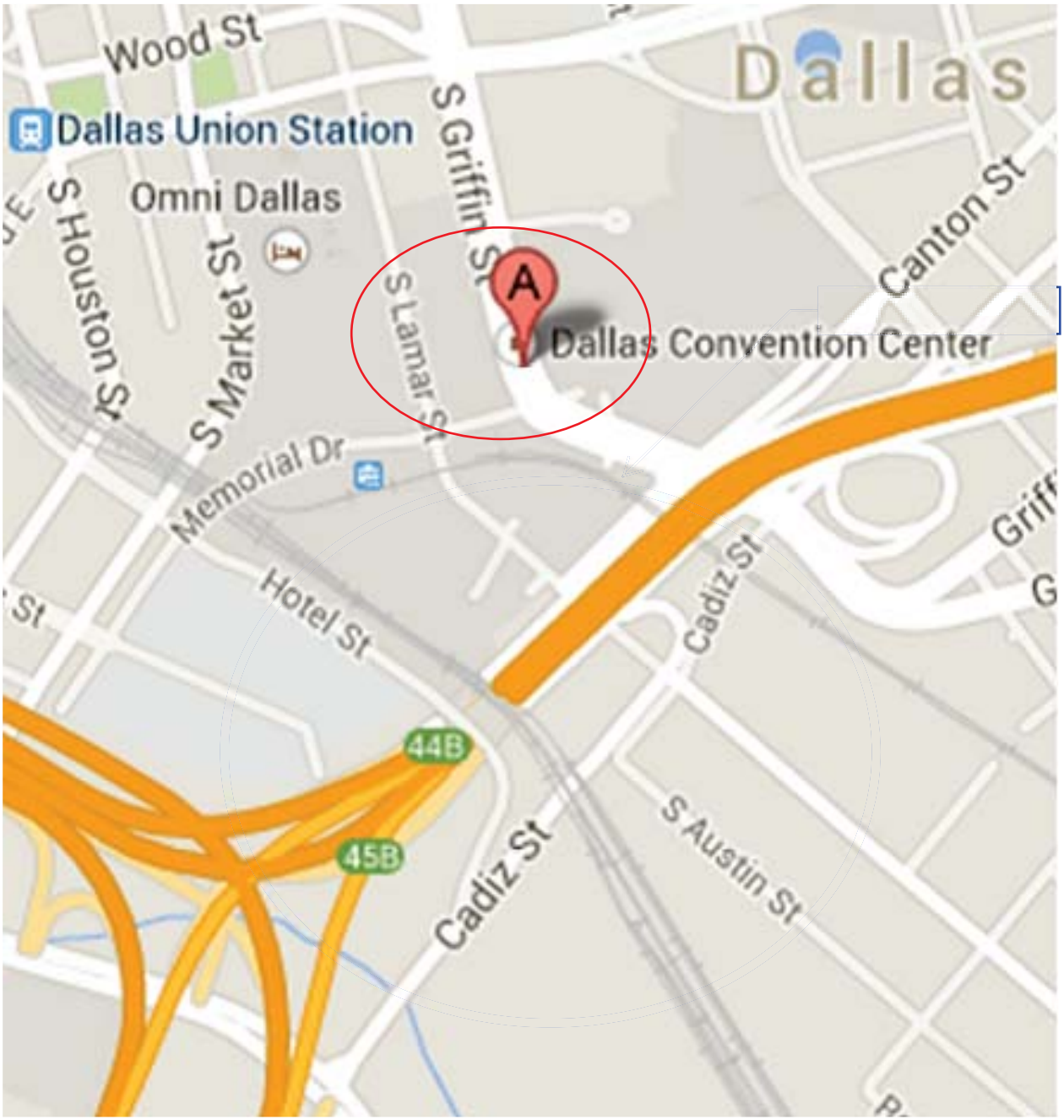
Non-Local Contractors / Sub-Contractors

Non-local	Certification	Amount	Percent
Dennis Services	WFDB95526Y0917	$607,658.00	100.00%
Total Minority - Non-local		$607,658.00	100.00%

TOTAL M/WBE CONTRACT PARTICIPATION

	Local	Percent	Local & Non-Local	Percent
African American	$0.00	0.00%	$0.00	0.00%
Hispanic American	$0.00	0.00%	$0.00	0.00%
Asian American	$0.00	0.00%	$0.00	0.00%
Native American	$0.00	0.00%	$0.00	0.00%
WBE	$0.00	0.00%	$607,658.00	25.00%
Total	$0.00	0.00%	$607,658.00	25.00%

Kay Bailey Hutchison
Convention Center - Dallas



Mapsco 45P

April 12, 2017

WHEREAS, the need to perform a replacement of two chillers, cooling towers and associated pumps located in Hall C of the Kay Bailey Hutchison Convention Center Dallas, located at 650 South Griffin Street was identified; and

WHEREAS, Trane U.S., Inc. submitted a proposal through the U.S. Communities Government Purchasing Alliance for replacement of two chillers, cooling towers and associated pumps located in Hall C of the Kay Bailey Hutchison Convention Center Dallas; and

WHEREAS, it is now desirable to authorize a contract with Trane U.S., Inc., through the U.S. Communities Government Purchasing Alliance for the purchase and installation of two replacement chillers, cooling towers and associated pumps for the Kay Bailey Hutchison Convention Center Dallas, in an amount not to exceed $2,430,632.

Now, Therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DALLAS:

SECTION 1. That the City Manager is hereby authorized to execute a contract with Trane U.S., Inc., through the U.S. Communities Government Purchasing Alliance for the purchase and installation of two replacement chillers, cooling towers and associated pumps in Hall C of the Kay Bailey Hutchison Convention Center Dallas, in an amount not to exceed $2,430,632, after approval as to form by the City Attorney.

SECTION 2. That the Chief Financial Officer is hereby authorized to disburse funds in accordance with the terms and conditions of the contract to Trane U.S., Inc. from Convention and Event Services Current Funds, Fund 0080, Department CCT, Unit 7826, Object 4720, Encumbrance CT 17CCT-7826HVACHC2, Vendor 192154.

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.

AGENDA ITEM # 17

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: April 12, 2017

COUNCIL DISTRICT(S): 4

DEPARTMENT: Housing & Neighborhood Revitalization

CMO: Theresa O'Donnell, 670-3309

MAPSCO: 55A

SUBJECT

Authorize **(1)** approval of the development plan submitted to the Dallas Housing Acquisition and Development Corporation by City Wide Community Development Corporation for the construction of houses; **(2)** the sale of one vacant lot (list attached) from Dallas Housing Acquisition and Development Corporation to City Wide Community Development Corporation; and **(3)** execution of a release of lien for any non-tax liens on the one property that may have been filed by the City – Financing: No cost consideration to the City

BACKGROUND

On June 18, 2003, Governor Rick Perry signed the Urban Land Bank Demonstration Program Act. The Act allows the governing body of a municipality to adopt an Urban Land Bank Demonstration Program in which the officer charged with selling real property ordered sold pursuant to foreclosure of a tax lien may sell certain eligible real property by private sale to a land bank for the purpose of housing developments. The City Council then established the Dallas Housing Acquisition and Development Corporation (DHADC) as its land bank for the purpose of acquiring, holding and transferring unimproved real property under Subtitle A, Title 12, Local Government Code, Chapter 379C on January 28, 2004.

City Wide Community Development Corporation has submitted a proposal and development plan to DHADC for one lot shown on the attached list. The DHADC board of directors has approved the development plan and sale of the one lot, subject to City Council approval. This item will authorize City Council approval of the development plan submitted to DHADC by City Wide Community Development Corporation, the sale of that one lot from DHADC to City Wide Community Development Corporation and execution of a release of lien for any non-tax liens on the property that may have been filed by the City. The vacant lot was purchased by DHADC from a Sheriff's sale pursuant to foreclosure of tax liens and any non-tax liens.

BACKGROUND (continued)

DHADC's Deed without Warranty to City Wide Community Development Corporation will contain a reverter that returns the property to DHADC if a construction permit is not applied for by City Wide Community Development Corporation and construction financing is not closed within three years of conveyance.

City Wide Community Development Corporation will build a house on the lot. The approximate square footage and sale price of the house will be from 1,400 to 1,700 square feet and from $130,000 to $150,000. The lot will be deed restricted for sale to an eligible family.

DHADC will receive $5,000 for the sale price of the vacant lot to City Wide Community Development Corporation, as calculated from the 2016-17 Land Bank Plan approved by City Council.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On January 28, 2004, City Council established DHADC as its land bank for the purpose of acquiring, holding and transferring unimproved real property for the purpose of promoting the development of housing as allowed under Chapter 379C of the Texas Local Government Code by Resolution No. 04-0458.

On September 19, 2016, the Housing Committee was briefed regarding the Urban Land Bank Demonstration Program which outlined the process and status of the program.

On January 17, 2017, the Housing Committee was briefed regarding possible changes to the Urban Land Bank Demonstration Program.

On February 16, 2017, the DHADC board of directors approved the development plan and sale of one lot from DHADC to City Wide Community Development Corporation.

City Council will be briefed by memorandum regarding this matter on March 31, 2017.

FISCAL INFORMATION

No cost consideration to the City.

DEVELOPER

City Wide Community Development Corporation

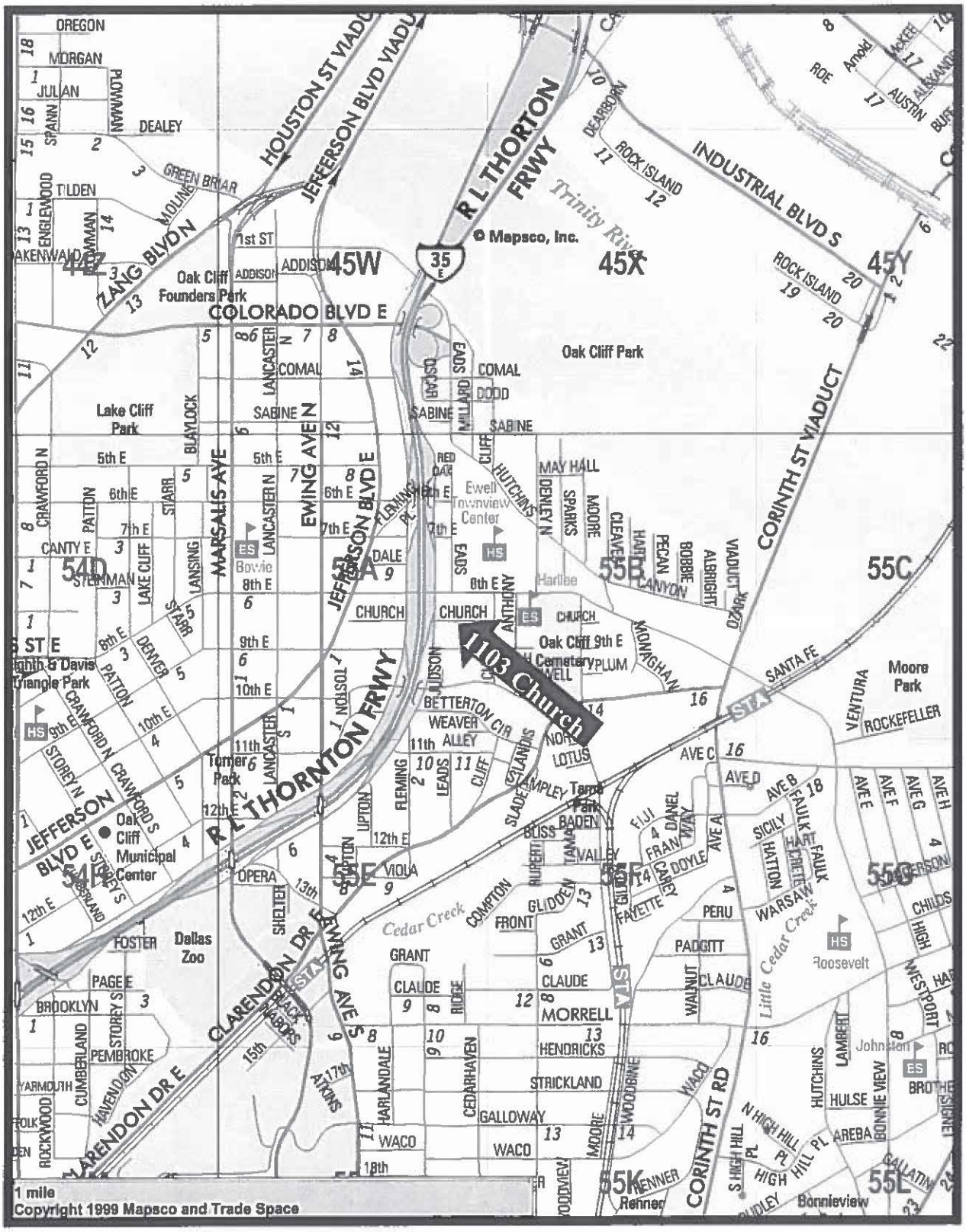
Sherman Roberts, President

MAP

Attached

Land Bank (DHADC) Sale of Lot to
City Wide Community Development Corporation

Property Address	Mapsco	Council District	Amount of Non-Tax Liens
1. 1103 Church	55A	4	$22,097.28


1103 Church
R L THORNTON FRWY
HOUSTON ST VIADUCT
JEFFERSON BLVD VIADUCT
INDUSTRIAL BLVD S
CORINTH ST VIADUCT
COLORADO BLVD E
EWING AVE N
MARSALIS AVE
JEFFERSON BLVD E
CLARENDON DR E
CORINTH ST RD
Trinity River
Cedar Creek
Little Cedar Creek
Mapsco, Inc.
Oak Cliff Founders Park
Lake Cliff Park
Oak Cliff Park
Oak Cliff Municipal Center
Dallas Zoo
Turner Park
Tanner Park
Moore Park
Ewell Townview Center
Oak Cliff Cemetery
Bowie
Harllee
Johnston
Roosevelt
Renner
Bonnieview
45W
45X
45Y
55A
55B
55C
55D
55E
55F
55G
55K
55L
54D
54E
54F
1 mile
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MAPSCO 55A

April 12, 2017

WHEREAS, on January 28, 2004, City Council established the Dallas Housing Acquisition and Development Corporation (DHADC) as its land bank for the purpose of acquiring, holding and transferring unimproved real property under Subtitle A, Title 12, Local Government Code, Chapter 379C by Resolution No. 04-0458; and

WHEREAS, City Wide Community Development Corporation submitted a proposal and development plan to DHADC for one lot shown on Exhibit "A" and the DHADC Board has approved the development plan and sale, subject to City Council approval; and

WHEREAS, City Council desires to approve the development plan shown on Exhibit "B" indicating the approximate square footage and sale price ranges of the proposed house submitted by City Wide Community Development Corporation and authorize the sale of one lot from DHADC to City Wide Community Development Corporation to build a house.

Now, Therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DALLAS:

SECTION 1. That the development plan shown on Exhibit "B" indicating the approximate square footage and sale price ranges of the proposed house submitted by City Wide Community Development Corporation and the sale of one lot shown on Exhibit "A" from DHADC to City Wide Community Development Corporation is approved.

SECTION 2. That the City Manager, after approval as to form by the City Attorney is hereby authorized to execute a Deed without Warranty and release of lien for any non-tax liens that may have been filed by the City on the lot shown on Exhibit "A".

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.

EXHIBIT "A"

LAND BANK PROPERTY				
PARCEL NUMBER	**STREET ADDRESS LEGAL DESCRIPTION**	**QUALIFIED PURCHASER**	**NUMBER OF HOMEOWNER UNITS**	**SALE AMOUNT**
1	**1103 Church** East 1/2 of Lot 12, Original Town of Oak Cliff Block 84A/3065	City Wide Community Development Corporation	1	$5,000.00
TOTAL				**$5,000.00**

EXHIBIT B

SECTION II: DEVELOPMENT PLAN

A. DESCRIPTION OF THE LAND REQUESTED FOR DEVELOPMENT

(1) Number of lots requested in this proposal. 1

(2) Provide the property address and legal description of the land requested (attach extra sheets if necessary) (the "Property"). 1103 Church Street
Oak Cliff Original
Blk 84A/3065 E ½ LOT 12

B. DESCRIPTION OF PROPOSED HOUSES ENTITY WILL CONSTRUCT

At least 25% of the Land Bank properties sold during any given fiscal year to be developed shall be deed restricted for sale to households with gross annual incomes not greater than 60% of AMFI. No more than 30% of the Land Bank properties sold during any given fiscal year to be developed shall be deed restricted for sale to households with gross annual incomes between 81% and 115% of AMFI. (At least 70% of the Land Bank properties sold during any fiscal year to be developed shall be deed restricted for sale to households with gross annual incomes at 80% AMFI or less.)

Single Family Home (to be sold to low income households at 60% or less of AMFI):

Number of homes to be built _____
Square Footage **range** of each home _____
Number of Bedrooms/Baths in each home_____/_____
Number of Garages____ Number of Carports ____ Detached ____ Attached ____
Type of Exterior Veneer_____ Which sides _____
Your Sales Price **range** without Subsidies to Qualified Low Income Buyer_____

Single Family Home (to be sold to low income households at 80% or less of AMFI):

Number of homes to be built 1
Square Footage **range** of each home 1,400 – 1,700
Number of Bedrooms/Baths in each home 3 / 2
Number of Garages 1 Number of Carports ____ Detached ____ Attached ____
Type of Exterior Veneer Brick Which sides All
Your Sales Price **range** without Subsidies to Qualified Low Income Buyer $130K-150K

Single Family Home (to be sold to low income households between 81% and 115% of AMFI):

Number of homes to be built _____
Square Footage **range** of each home _____
Number of Bedrooms/Baths in each home_____/_____
Number of Garages____ Number of Carports ____ Detached ____ Attached ____
Type of Exterior Veneer_____ Which sides _____
Your Sales Price **range** without Subsidies to Qualified Low Income Buyer_____

Attach extra sheet(s) breaking out above information for each different model of home.

PROVIDE FLOOR PLANS AND ELEVATIONS.

C. CONSTRUCTION TIMETABLE

State the number of days it will take you to complete construction and sale of improved Property from the date of obtaining the executed deed from DHADC. Attach a schedule, if you desire. The deed conveying property sold by DHADC will include a right of reverter so that if the Entity does not apply for a construction permit and close on any construction financing within a three year period following the date of conveyance of the property from the DHADC to the Entity, the property will revert to the DHADC for subsequent resale.

Start of Construction: 90 days after receiving the deed to the property

Completion of Construction: 210 days after start of construction

Sale of first affordable housing unit to low income household: 365 days after completion of construction

Sale of last affordable unit to low income households: 365 days after completion of first house

AGENDA ITEM # 18

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: April 12, 2017

COUNCIL DISTRICT(S): 5

DEPARTMENT: Housing & Neighborhood Revitalization

CMO: Theresa O'Donnell, 670-3309

MAPSCO: 48N

SUBJECT

Authorize **(1)** approval of the development plan submitted to the Dallas Housing Acquisition and Development Corporation by Confia Homes, L.L.C. for the construction of a house; **(2)** the sale of one vacant lot (list attached) from Dallas Housing Acquisition and Development Corporation to Confia Homes, L.L.C.; and **(3)** execution of a release of lien for any non-tax liens on the one property that may have been filed by the City – Financing: No cost consideration to the City

BACKGROUND

On June 18, 2003, Governor Rick Perry signed the Urban Land Bank Demonstration Program Act. The Act allows the governing body of a municipality to adopt an Urban Land Bank Demonstration Program in which the officer charged with selling real property ordered sold pursuant to foreclosure of a tax lien may sell certain eligible real property by private sale to a land bank for the purpose of housing developments. The City Council then established the Dallas Housing Acquisition and Development Corporation (DHADC) as its land bank for the purpose of acquiring, holding and transferring unimproved real property under Subtitle A, Title 12, Local Government Code, Chapter 379C on January 28, 2004.

Confia Homes, L.L.C. has submitted a proposal and development plan to DHADC for one lot shown on the attached list. The DHADC board of directors has approved the development plan and sale of the one lot, subject to City Council approval. This item will authorize City Council approval of the development plan submitted to DHADC by Confia Homes, L.L.C., the sale of that lot from DHADC to Confia Homes, L.L.C. and the release of lien for any non-tax liens on the one property that may have been filed by the City. The vacant lot was purchased by DHADC from a Sheriff's sale pursuant to foreclosure of tax liens and any non-tax liens. DHADC's Deed without Warranty to Confia Homes, L.L.C. will contain a reverter that returns the property to DHADC if a construction permit is not applied for by Confia Homes, L.L.C. and construction financing is not closed within three years of conveyance.

BACKGROUND (continued)

Confia Homes, L.L.C. will build a house on the lot. The approximate square footage and sale price of the house will be from 1,236 to 1,600 square feet and from $119,900 to $134,900. The lot will be deed restricted for sale to an eligible family.

DHADC will receive $5,000 for the sale price of the vacant lot to Confia Homes, L.L.C., as calculated from the 2016-17 Land Bank Plan approved by City Council.

PRIOR ACTION/REVIEW (COUNCIL, BOARD, COMMISSIONS)

On January 28, 2004, City Council established DHADC as its land bank for the purpose of acquiring, holding and transferring unimproved real property for the purpose of promoting the development of housing as allowed under Chapter 379C of the Texas Local Government Code by Resolution No. 04-0458.

On September 19, 2016, the Housing Committee was briefed regarding the Urban Land Bank Demonstration Program which outlined the process and status of the program.

On January 17, 2017, the Housing Committee was briefed regarding possible changes to the Urban Land Bank Demonstration Program.

On February 16, 2017, the DHADC board of directors approved the development plan and sale of one lot from DHADC to Confia Homes, L.L.C.

City Council will be briefed by memorandum regarding this matter on March 31, 2017.

FISCAL INFORMATION

No cost consideration to the City.

DEVELOPER

Confia Homes, L.L.C.

RobertsCarrillo Management, Inc., Manager

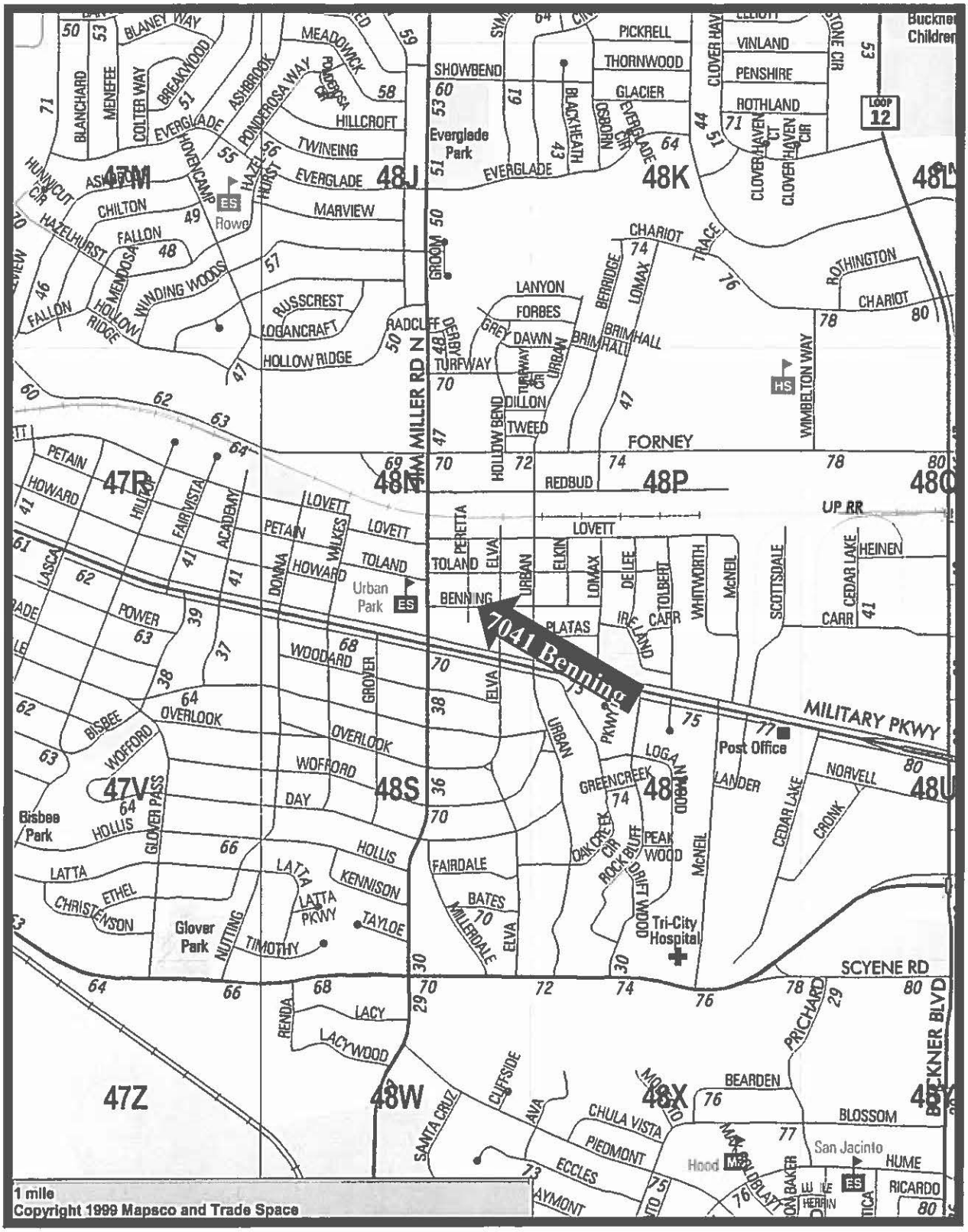
Kenneth E. Roberts, Chief Operating Officer

MAP

Attached

Land Bank (DHADC) Sale of Lot to
Confia Homes, L.L.C.

Property Address	Mapsco	Council District	Amount of Non-Tax Liens
1. 7041 Benning	48N	5	$15,150.02


7041 Benning
MAPSCO 48N
1 mile
Copyright 1999 Mapsco and Trade Space
Everglade Park
Rowe ES
Urban Park ES
Bisbee Park
Glover Park
Tri-City Hospital
Post Office
San Jacinto ES
HS
MILITARY PKWY
SCYENE RD
FORNEY
UP RR
BUCKNER BLVD
SAM MILLER RD N
47M
48J
48K
48L
47R
48N
48P
48Q
47V
48S
48T
48U
47Z
48W
48X
48Y

April 12, 2017

WHEREAS, on January 28, 2004, City Council established the Dallas Housing Acquisition and Development Corporation (DHADC) as its land bank for the purpose of acquiring, holding and transferring unimproved real property under Subtitle A, Title 12, Local Government Code, Chapter 379C by Resolution No. 04-0458; and

WHEREAS, Confia Homes, L.L.C. submitted a proposal and development plan to DHADC for one lot shown on Exhibit "A" and the DHADC Board has approved the development plan and sale, subject to City Council approval; and

WHEREAS, City Council desires to approve the development plan shown on Exhibit "B" indicating the approximate square footage and sale price ranges of the proposed house submitted by Confia Homes, L.L.C. and authorize the sale of one lot from DHADC to Confia Homes, L.L.C. to build a house.

Now, Therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DALLAS:

SECTION 1. That the development plan shown on Exhibit "B" indicating the approximate square footage and sale price ranges of the proposed house submitted by Confia Homes, L.L.C. and the sale of one lot shown on Exhibit "A" from DHADC to Confia Homes, L.L.C. is approved.

SECTION 2. That the City Manager, after approval as to form by the City Attorney is hereby authorized to execute a Deed without Warranty and release of lien for any non-tax liens that may have been filed by the City on the lot shown on Exhibit "A".

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.

EXHIBIT "A"

LAND BANK PROPERTY				
PARCEL NUMBER	**STREET ADDRESS LEGAL DESCRIPTION**	**QUALIFIED PURCHASER**	**NUMBER OF HOMEOWNER UNITS**	**SALE AMOUNT**
1	**7041 Benning** East 50 Feet of Lot 31, Urbandale Addition Block 5823	Confia Homes, L.L.C.	1	$5,000.00
TOTAL				**$5,000.00**

EXHIBIT B

SECTION II: DEVELOPMENT PLAN

A. DESCRIPTION OF THE LAND REQUESTED FOR DEVELOPMENT

(1) Number of lots requested in this proposal. 1

(2) Provide the property address and legal description of the land requested (attach extra sheets if necessary) (the "Property").

7041 Benning

B. DESCRIPTION OF PROPOSED HOUSES ENTITY WILL CONSTRUCT

At least 25% of the Land Bank properties sold during any given fiscal year to be developed shall be deed restricted for sale to households with gross annual incomes not greater than 60% of AMFI. No more than 30% of the Land Bank properties sold during any given fiscal year to be developed shall be deed restricted for sale to households with gross annual incomes between 81% and 115% of AMFI. (At least 70% of the Land Bank properties sold during any fiscal year to be developed shall be deed restricted for sale to households with gross annual incomes at 80% AMFI or less.)

Single Family Home (to be sold to low income households at 60% or less of AMFI):

Number of homes to be built _____
Square Footage **range** of each home _____
Number of Bedrooms/Baths in each home _____/_____
Number of Garages____ Number of Carports ____ Detached ____ Attached ____
Type of Exterior Veneer_____ Which sides _____
Your Sales Price **range** without Subsidies to Qualified Low Income Buyer_____

Single Family Home (to be sold to low income households at 80% or less of AMFI):

Number of homes to be built _____
Square Footage **range** of each home _____
Number of Bedrooms/Baths in each home_____/_____
Number of Garages____ Number of Carports ____ Detached ____ Attached ____
Type of Exterior Veneer_____ Which sides _____
Your Sales Price **range** without Subsidies to Qualified Low Income Buyer_____

Single Family Home (to be sold to low income households between 81% and 115% of AMFI):

Number of homes to be built 1
Square Footage **range** of each home 1,236-1,600
Number of Bedrooms/Baths in each home 3 or 4 / 2 or 2.5
Number of Garages 0 or 1 Number of Carports 0 or 1 Detached ____ Attached X
Type of Exterior Veneer Brick and Siding Which sides Brick - FR, Siding - R
Your Sales Price **range** without Subsidies to Qualified Low Income Buyer $119,900-$134,900

Attach extra sheet(s) breaking out above information for each different model of home.

PROVIDE FLOOR PLANS AND ELEVATIONS.

C. CONSTRUCTION TIMETABLE

State the number of days it will take you to complete construction and sale of improved Property from the date of obtaining the executed deed from DHADC. Attach a schedule, if you desire. The deed conveying property sold by DHADC will include a right of reverter so that if the Entity does not apply for a construction permit and close on any construction financing within a three year period following the date of conveyance of the property from the DHADC to the Entity, the property will revert to the DHADC for subsequent resale.

Start of Construction: 30 days after receiving the deed to the property

Completion of Construction: 120 days after start of construction

Sale of first affordable housing unit to low income household: 30 days after completion of construction

Sale of last affordable unit to low income households: 120 days after completion of first house

AGENDA ITEM # 19

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: April 12, 2017

COUNCIL DISTRICT(S): 6

DEPARTMENT: Housing & Neighborhood Revitalization

CMO: Theresa O'Donnell, 670-3309

MAPSCO: 44J N

SUBJECT

Authorize **(1)** approval of the development plan submitted to the Dallas Housing Acquisition and Development Corporation by Confia Homes, L.L.C. for the construction of houses; **(2)** the sale of two vacant lots (list attached) from Dallas Housing Acquisition and Development Corporation to Confia Homes, L.L.C.; and **(3)** execution of a release of lien for any non-tax liens on the two properties that may have been filed by the City – Financing: No cost consideration to the City

BACKGROUND

On June 18, 2003, Governor Rick Perry signed the Urban Land Bank Demonstration Program Act. The Act allows the governing body of a municipality to adopt an Urban Land Bank Demonstration Program in which the officer charged with selling real property ordered sold pursuant to foreclosure of a tax lien may sell certain eligible real property by private sale to a land bank for the purpose of housing developments. The City Council then established the Dallas Housing Acquisition and Development Corporation (DHADC) as its land bank for the purpose of acquiring, holding and transferring unimproved real property under Subtitle A, Title 12, Local Government Code, Chapter 379C on January 28, 2004.

Confia Homes, L.L.C. has submitted a proposal and development plan to DHADC for two lots shown on the attached list. The DHADC board of directors has approved the development plan and sale of the two lots, subject to City Council approval. This item will authorize City Council approval of the development plan submitted to DHADC by Confia Homes, L.L.C., the sale of those lots from DHADC to Confia Homes, L.L.C. and the release of lien for any non-tax liens on the two properties that may have been filed by the City. The vacant lots were purchased by DHADC from a Sheriff's sale pursuant to foreclosure of tax liens and any non-tax liens. DHADC's Deed without Warranty to Confia Homes, L.L.C. will contain a reverter that returns the property to DHADC if a construction permit is not applied for by Confia Homes, L.L.C. and construction financing is not closed within three years of conveyance.

BACKGROUND (continued)

Confia Homes, L.L.C. will build houses on the lots. The approximate square footage and sale price of the houses will be from 1,236 to 1,600 square feet and from $119,900 to $134,900. The lots will be deed restricted for sale to eligible families.

DHADC will receive $10,000 for the sale price of the vacant lots to Confia Homes, L.L.C., as calculated from the 2016-17 Land Bank Plan approved by City Council.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On January 28, 2004, City Council established DHADC as its land bank for the purpose of acquiring, holding and transferring unimproved real property for the purpose of promoting the development of housing as allowed under Chapter 379C of the Texas Local Government Code by Resolution No. 04-0458.

On September 19, 2016, the Housing Committee was briefed regarding the Urban Land Bank Demonstration Program which outlined the process and status of the program.

On January 17, 2017, the Housing Committee was briefed regarding possible changes to the Urban Land Bank Demonstration Program.

On February 16, 2017, the DHADC board of directors approved the development plan and sale of two lots from DHADC to Confia Homes, L.L.C.

City Council will be briefed by memorandum regarding this matter on March 31, 2017.

FISCAL INFORMATION

No cost consideration to the City.

DEVELOPER

Confia Homes, L.L.C.

RobertsCarrillo Management, Inc., Manager

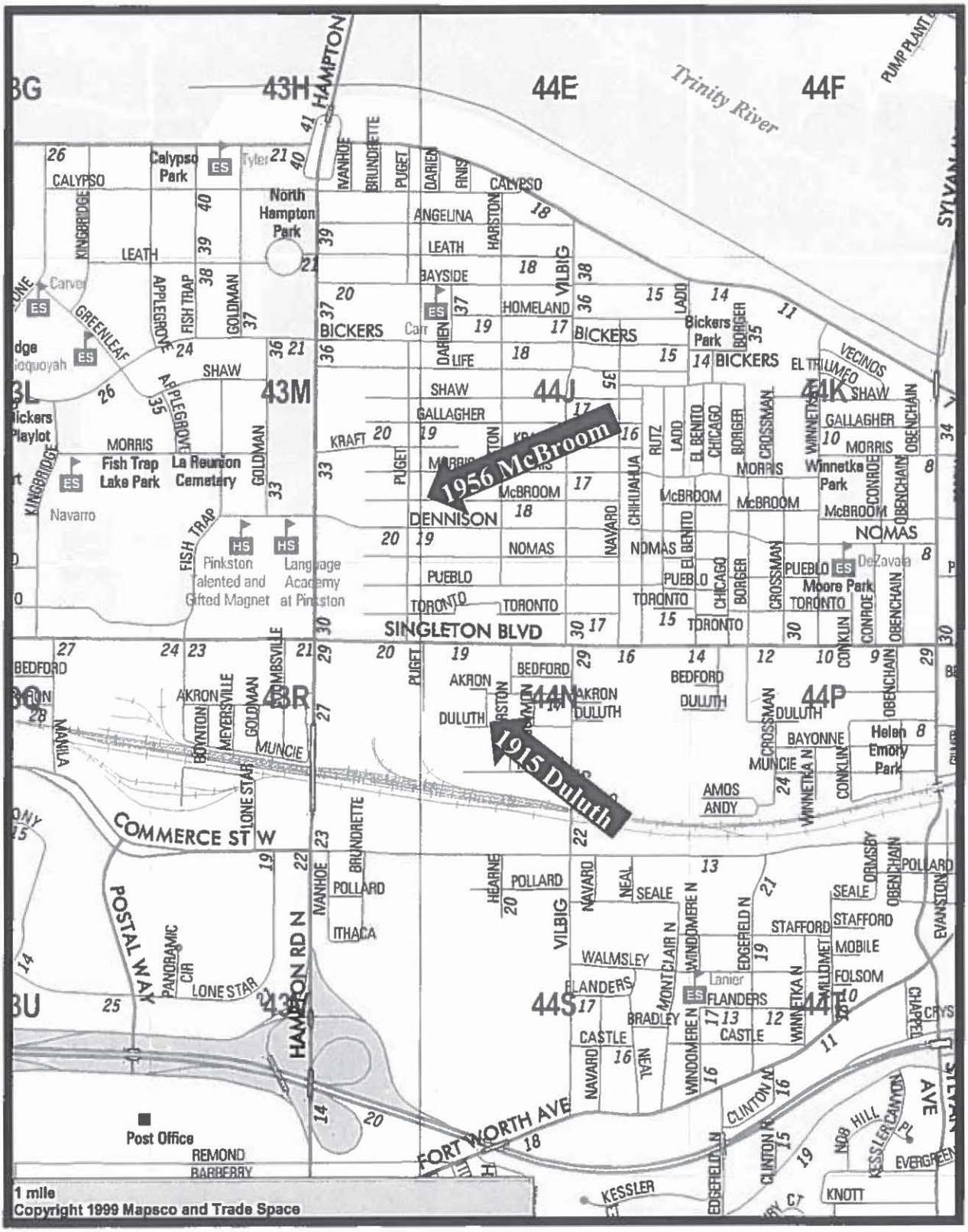
Kenneth E. Roberts, Chief Operating Officer

MAP

Attached

Land Bank (DHADC) Sale of Lots to
Confia Homes, L.L.C.

Property Address	Mapsco	Council District	Amount of Non-Tax Liens
1. 1956 McBroom	44J	6	$ 9,309.57
2. 1915 Duluth	44N	6	$11,229.18



MAPSCO 44J & 44N

April 12, 2017

WHEREAS, on January 28, 2004, City Council established the Dallas Housing Acquisition and Development Corporation (DHADC) as its land bank for the purpose of acquiring, holding and transferring unimproved real property under Subtitle A, Title 12, Local Government Code, Chapter 379C by Resolution No. 04-0458; and

WHEREAS, Confia Homes, L.L.C. submitted a proposal and development plan to DHADC for two lots shown on Exhibit "A" and the DHADC Board has approved the development plan and sale, subject to City Council approval; and

WHEREAS, City Council desires to approve the development plan shown on Exhibit "B" indicating the approximate square footage and sale price ranges of the proposed houses submitted by Confia Homes, L.L.C. and authorize the sale of two lots from DHADC to Confia Homes, L.L.C. to build houses.

Now, Therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DALLAS:

SECTION 1. That the development plan shown on Exhibit "B" indicating the approximate square footage and sale price ranges of the proposed houses submitted by Confia Homes, L.L.C. and the sale of two lots shown on Exhibit "A" from DHADC to Confia Homes, L.L.C. is approved.

SECTION 2. That the City Manager, after approval as to form by the City Attorney is hereby authorized to execute a Deed without Warranty and release of lien for any non-tax liens that may have been filed by the City on the lots shown on Exhibit "A".

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.

EXHIBIT "A"

LAND BANK PROPERTY				
PARCEL NUMBER	**STREET ADDRESS LEGAL DESCRIPTION**	**QUALIFIED PURCHASER**	**NUMBER OF HOMEOWNER UNITS**	**SALE AMOUNT**
1	**1956 McBroom** Part of Lot 4, Victory Gardens Addition No. 4 Block 6/7126	Confia Homes, L.L.C.	1	$5,000.00
2	**1915 Duluth** Lot A, 45x150, Duluth & Harston Addition Block 7238	Confia Homes, L.L.C.	1	$5,000.00
TOTAL				**$10,000.00**

EXHIBIT B

SECTION II: DEVELOPMENT PLAN

A. DESCRIPTION OF THE LAND REQUESTED FOR DEVELOPMENT

(1) Number of lots requested in this proposal. 2

(2) Provide the property address and legal description of the land requested (attach extra sheets if necessary) (the "Property").

1956 McBroom

1915 Duluth

B. DESCRIPTION OF PROPOSED HOUSES ENTITY WILL CONSTRUCT

At least 25% of the Land Bank properties sold during any given fiscal year to be developed shall be deed restricted for sale to households with gross annual incomes not greater than 60% of AMFI. No more than 30% of the Land Bank properties sold during any given fiscal year to be developed shall be deed restricted for sale to households with gross annual incomes between 81% and 115% of AMFI. (At least 70% of the Land Bank properties sold during any fiscal year to be developed shall be deed restricted for sale to households with gross annual incomes at 80% AMFI or less.)

Single Family Home (to be sold to low income households at 60% or less of AMFI):

Number of homes to be built _____
Square Footage **range** of each home _____
Number of Bedrooms/Baths in each home _____ / _____
Number of Garages ____ Number of Carports ____ Detached ____ Attached ____
Type of Exterior Veneer _____ Which sides _____
Your Sales Price **range** without Subsidies to Qualified Low Income Buyer _____

Single Family Home (to be sold to low income households at 80% or less of AMFI):

Number of homes to be built _____
Square Footage **range** of each home _____
Number of Bedrooms/Baths in each home _____ / _____
Number of Garages ____ Number of Carports ____ Detached ____ Attached ____
Type of Exterior Veneer _____ Which sides _____
Your Sales Price **range** without Subsidies to Qualified Low Income Buyer _____

Single Family Home (to be sold to low income households between 81% and 115% of AMFI):

Number of homes to be built 2
Square Footage **range** of each home 1,236-1,600
Number of Bedrooms/Baths in each home 3 or 4 / 2 or 2.5
Number of Garages 0 or 1 Number of Carports 0 or 1 Detached ____ Attached X
Type of Exterior Veneer Brick and Siding Which sides Brick - FR, Siding - R
Your Sales Price **range** without Subsidies to Qualified Low Income Buyer $119,900-$134,900

Attach extra sheet(s) breaking out above information for each different model of home.

PROVIDE FLOOR PLANS AND ELEVATIONS.

C. CONSTRUCTION TIMETABLE

State the number of days it will take you to complete construction and sale of improved Property from the date of obtaining the executed deed from DHADC. Attach a schedule, if you desire. The deed conveying property sold by DHADC will include a right of reverter so that if the Entity does not apply for a construction permit and close on any construction financing within a three year period following the date of conveyance of the property from the DHADC to the Entity, the property will revert to the DHADC for subsequent resale.

Start of Construction: 30 days after receiving the deed to the property

Completion of Construction: 120 days after start of construction

Sale of first affordable housing unit to low income household: 30 days after completion of construction

Sale of last affordable unit to low income households: 120 days after completion of first house

AGENDA ITEM # 20

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: April 12, 2017

COUNCIL DISTRICT(S): 7

DEPARTMENT: Housing & Neighborhood Revitalization

CMO: Theresa O'Donnell, 670-3309

MAPSCO: 56B

SUBJECT

Authorize **(1)** approval of the development plan submitted to the Dallas Housing Acquisition and Development Corporation by Confia Homes, L.L.C. for the construction of a house; **(2)** the sale of one vacant lot (list attached) from Dallas Housing Acquisition and Development Corporation to Confia Homes, L.L.C.; and **(3)** execution of a release of lien for any non-tax liens on the one property that may have been filed by the City - Financing: No cost consideration to the City

BACKGROUND

On June 18, 2003, Governor Rick Perry signed the Urban Land Bank Demonstration Program Act. The Act allows the governing body of a municipality to adopt an Urban Land Bank Demonstration Program in which the officer charged with selling real property ordered sold pursuant to foreclosure of a tax lien may sell certain eligible real property by private sale to a land bank for the purpose of housing developments. The City Council then established the Dallas Housing Acquisition and Development Corporation (DHADC) as its land bank for the purpose of acquiring, holding and transferring unimproved real property under Subtitle A, Title 12, Local Government Code, Chapter 379C on January 28, 2004.

Confia Homes, L.L.C. has submitted a proposal and development plan to DHADC for one lot shown on the attached list. The DHADC board of directors has approved the development plan and sale of the one lot, subject to City Council approval. This item will authorize City Council approval of the development plan submitted to DHADC by Confia Homes, L.L.C., the sale of that lot from DHADC to Confia Homes, L.L.C. and the release of lien for any non-tax liens on the one property that may have been filed by the City. The vacant lot was purchased by DHADC from a Sheriff's sale pursuant to foreclosure of tax liens and any non-tax liens. DHADC's Deed without Warranty to Confia Homes, L.L.C. will contain a reverter that returns the property to DHADC if a construction permit is not applied for by Confia Homes, L.L.C. and construction financing is not closed within three years of conveyance.

BACKGROUND (continued)

Confia Homes, L.L.C. will build a house on the lot. The approximate square footage and sale price of the house will be from 1,236 to 1,600 square feet and from $119,900 to $134,900. The lot will be deed restricted for sale to an eligible family.

DHADC will receive $5,000 for the sale price of the vacant lot to Confia Homes, L.L.C., as calculated from the 2016-17 Land Bank Plan approved by City Council.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On January 28, 2004, City Council established DHADC as its land bank for the purpose of acquiring, holding and transferring unimproved real property for the purpose of promoting the development of housing as allowed under Chapter 379C of the Texas Local Government Code by Resolution No. 04-0458.

On September 19, 2016, the Housing Committee was briefed regarding the Urban Land Bank Demonstration Program which outlined the process and status of the program.

On January 17, 2017, the Housing Committee was briefed regarding possible changes to the Urban Land Bank Demonstration Program.

On February 16, 2017, the DHADC board of directors approved the development plan and sale of one lot from DHADC to Confia Homes, L.L.C.

City Council will be briefed by memorandum regarding this matter on March 31, 2017.

FISCAL INFORMATION

No cost consideration to the City.

DEVELOPER

Confia Homes, L.L.C.

RobertsCarrillo Management, Inc., Manager

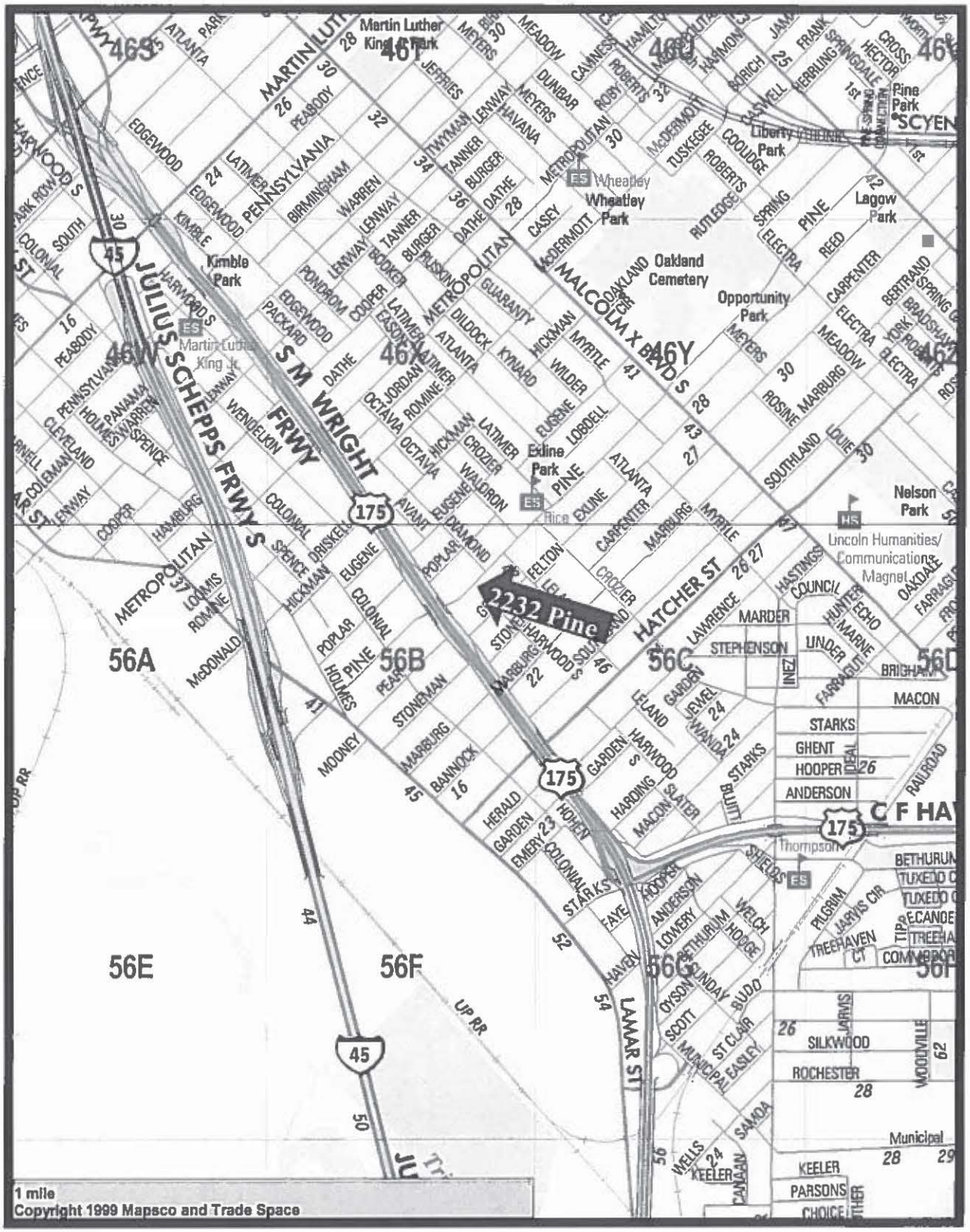
Kenneth E. Roberts, Chief Operating Officer

MAP

Attached

Land Bank (DHADC) Sale of Lot to
Confia Homes, L.L.C.

Property Address	Mapsco	Council District	Amount of Non-Tax Liens
1. 2232 Pine	56B	7	$13,555.89


2232 Pine
Martin Luther King Jr. Park
Kimble Park
Wheatley Park
Oakland Cemetery
Opportunity Park
Exline Park
Nelson Park
Lagow Park
Liberty Park
Pine Park
Lincoln Humanities/ Communications Magnet
Thompson
Martin Luther King Jr.
JULIUS SCHEPPS FRWYS
S M WRIGHT FRWY
MALCOLM X BLVD S
METROPOLITAN
HATCHER ST
LAMAR ST
46T
46U
46V
46W
46X
46Y
56A
56B
56C
56D
56E
56F
56G
1 mile
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MAPSCO 56B

April 12, 2017

WHEREAS, on January 28, 2004, City Council established the Dallas Housing Acquisition and Development Corporation (DHADC) as its land bank for the purpose of acquiring, holding and transferring unimproved real property under Subtitle A, Title 12, Local Government Code, Chapter 379C by Resolution No. 04-0458; and

WHEREAS, Confia Homes, L.L.C. submitted a proposal and development plan to DHADC for one lot shown on Exhibit "A" and the DHADC Board has approved the development plan and sale, subject to City Council approval; and

WHEREAS, City Council desires to approve the development plan shown on Exhibit "B" indicating the approximate square footage and sale price ranges of the proposed house submitted by Confia Homes, L.L.C. and authorize the sale of one lot from DHADC to Confia Homes, L.L.C. to build a house.

Now, Therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DALLAS:

SECTION 1. That the development plan shown on Exhibit "B" indicating the approximate square footage and sale price ranges of the proposed house submitted by Confia Homes, L.L.C. and the sale of one lot shown on Exhibit "A" from DHADC to Confia Homes, L.L.C. is approved.

SECTION 2. That the City Manager, after approval as to form by the City Attorney is hereby authorized to execute a Deed without Warranty and release of lien for any non-tax liens that may have been filed by the City on the lot shown on Exhibit "A".

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.

EXHIBIT "A"

LAND BANK PROPERTY				
PARCEL NUMBER	**STREET ADDRESS LEGAL DESCRIPTION**	**QUALIFIED PURCHASER**	**NUMBER OF HOMEOWNER UNITS**	**SALE AMOUNT**
1	**2232 Pine** Part of Lot 4, 150x76, Taylor & Wilson Addition Block B/1750	Confia Homes, L.L.C.	1	$5,000.00
TOTAL				**$5,000.00**

EXHIBIT B

SECTION II: DEVELOPMENT PLAN

A. DESCRIPTION OF THE LAND REQUESTED FOR DEVELOPMENT

(1) Number of lots requested in this proposal. 1

(2) Provide the property address and legal description of the land requested (attach extra sheets if necessary) (the "Property").

2232 Pine

B. DESCRIPTION OF PROPOSED HOUSES ENTITY WILL CONSTRUCT

At least 25% of the Land Bank properties sold during any given fiscal year to be developed shall be deed restricted for sale to households with gross annual incomes not greater than 60% of AMFI. No more than 30% of the Land Bank properties sold during any given fiscal year to be developed shall be deed restricted for sale to households with gross annual incomes between 81% and 115% of AMFI. (At least 70% of the Land Bank properties sold during any fiscal year to be developed shall be deed restricted for sale to households with gross annual incomes at 80% AMFI or less.)

Single Family Home (to be sold to low income households at 60% or less of AMFI):

Number of homes to be built _____
Square Footage **range** of each home _____
Number of Bedrooms/Baths in each home _____/_____
Number of Garages____ Number of Carports ____ Detached ____ Attached ____
Type of Exterior Veneer_____ Which sides _____
Your Sales Price **range** without Subsidies to Qualified Low Income Buyer_____

Single Family Home (to be sold to low income households at 80% or less of AMFI):

Number of homes to be built _____
Square Footage **range** of each home _____
Number of Bedrooms/Baths in each home_____/_____
Number of Garages____ Number of Carports ____ Detached ____ Attached ____
Type of Exterior Veneer_____ Which sides _____
Your Sales Price **range** without Subsidies to Qualified Low Income Buyer_____

Single Family Home (to be sold to low income households between 81% and 115% of AMFI):

Number of homes to be built 1
Square Footage **range** of each home 1,236-1,600
Number of Bedrooms/Baths in each home 3 or 4 /2 or 2.5
Number of Garages 0 or 1 Number of Carports 0 or 1 Detached ____ Attached X
Type of Exterior Veneer Brick and Siding Which sides Brick - FR, Siding - R
Your Sales Price **range** without Subsidies to Qualified Low Income Buyer $119,900-$134,900

Attach extra sheet(s) breaking out above information for each different model of home.

PROVIDE FLOOR PLANS AND ELEVATIONS.

C. CONSTRUCTION TIMETABLE

State the number of days it will take you to complete construction and sale of improved Property from the date of obtaining the executed deed from DHADC. Attach a schedule, if you desire. The deed conveying property sold by DHADC will include a right of reverter so that if the Entity does not apply for a construction permit and close on any construction financing within a three year period following the date of conveyance of the property from the DHADC to the Entity, the property will revert to the DHADC for subsequent resale.

Start of Construction: 30 days after receiving the deed to the property

Completion of Construction: 120 days after start of construction

Sale of first affordable housing unit to low income household: 30 days after completion of construction

Sale of last affordable unit to low income households: 120 days after completion of first house

AGENDA ITEM # 21

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: April 12, 2017

COUNCIL DISTRICT(S): 7

DEPARTMENT: Housing & Neighborhood Revitalization

CMO: Theresa O'Donnell, 670-3309

MAPSCO: 56G H

SUBJECT

Authorize **(1)** approval of the development plan submitted to the Dallas Housing Acquisition and Development Corporation by Dallas Area Habitat for Humanity for the construction of houses; **(2)** the sale of eight vacant lots (list attached) from Dallas Housing Acquisition and Development Corporation to Dallas Area Habitat for Humanity; and **(3)** execution of a release of lien for any non-tax liens on the eight properties that may have been filed by the City – Financing: No cost consideration to the City

BACKGROUND

On June 18, 2003, Governor Rick Perry signed the Urban Land Bank Demonstration Program Act. The Act allows the governing body of a municipality to adopt an Urban Land Bank Demonstration Program in which the officer charged with selling real property ordered sold pursuant to foreclosure of a tax lien may sell certain eligible real property by private sale to a land bank for the purpose of housing developments. The City Council then established the Dallas Housing Acquisition and Development Corporation (DHADC) as its land bank for the purpose of acquiring, holding and transferring unimproved real property under Subtitle A, Title 12, Local Government Code, Chapter 379C on January 28, 2004.

Dallas Area Habitat for Humanity has submitted a proposal and development plan to DHADC for eight lots shown on the attached list. The DHADC board of directors has approved the development plan and sale of the eight lots, subject to City Council approval. This item will authorize City Council approval of the development plan submitted to DHADC by Dallas Area Habitat for Humanity, the sale of those lots from DHADC to Dallas Area Habitat for Humanity and the release of lien for any non-tax liens on the eight properties that may have been filed by the City. The vacant lots were purchased by DHADC from a Sheriff's sale pursuant to foreclosure of tax liens and any non-tax liens. DHADC's Deed without Warranty to Dallas Area Habitat for Humanity will contain a reverter that returns the property to DHADC if a construction permit is not applied for by Dallas Area Habitat for Humanity and construction financing is not closed within three years of conveyance.

BACKGROUND (continued)

Dallas Area Habitat for Humanity will build houses on the lots. The approximate square footage and sale prices of the houses will be approximately 1,387 square feet and from $93,500 to $115,000. The lots will be deed restricted for sale to eligible families.

DHADC will receive $40,000 for the sale price of the vacant lots to Dallas Area Habitat for Humanity, as calculated from the 2016-17 Land Bank Plan approved by City Council.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On January 28, 2004, City Council established DHADC as its land bank for the purpose of acquiring, holding and transferring unimproved real property for the purpose of promoting the development of housing as allowed under Chapter 379C of the Texas Local Government Code by Resolution No. 04-0458.

On September 19, 2016, the Housing Committee was briefed regarding the Urban Land Bank Demonstration Program which outlined the process and status of the program.

On January 17, 2017, the Housing Committee was briefed regarding possible changes to the Urban Land Bank Demonstration Program.

On February 16, 2017, the DHADC board of directors approved the development plan and sale of eight lots from DHADC to Dallas Area Habitat for Humanity.

City Council will be briefed by memorandum regarding this matter on March 31, 2017.

FISCAL INFORMATION

No cost consideration to the City.

DEVELOPER

Dallas Area Habitat for Humanity

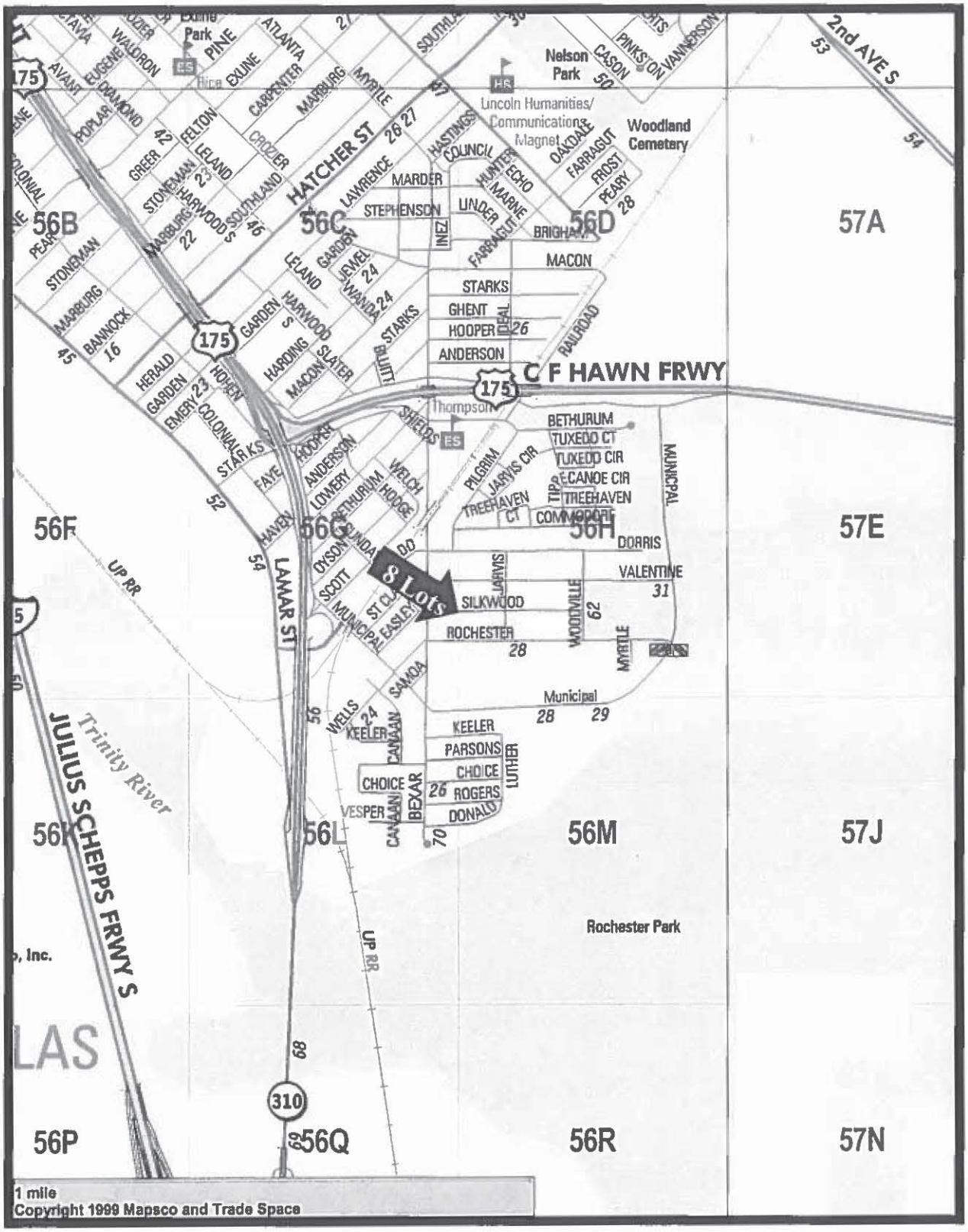
William D. Hall, Chief Executive Officer

MAP

Attached

Land Bank (DHADC) Sale of Lots to
Dallas Area Habitat for Humanity

Property Address	Mapsco	Council District	Amount of Non-Tax Liens
1. 2614 Silkwood	56G	7	$18,371.82
2. 2618 Silkwood	56G	7	$ 2,220.16
3. 2620 Silkwood	56G	7	$ 8,121.15
4. 2730 Silkwood	56H	7	$ 7,305.82
5. 2808 Silkwood	56H	7	$ 3,191.09
6. 2802 Valentine	56H	7	$10,148.84
7. 2811 Valentine	56H	7	$ 3,593.37
8. 2718 Rochester	56H	7	$11,772.09



MAPSCO 56G & 56H

April 12, 2017

WHEREAS, on January 28, 2004, City Council established the Dallas Housing Acquisition and Development Corporation (DHADC) as its land bank for the purpose of acquiring, holding and transferring unimproved real property under Subtitle A, Title 12, Local Government Code, Chapter 379C by Resolution No. 04-0458; and

WHEREAS, Dallas Area Habitat for Humanity submitted a proposal and development plan to DHADC for eight lots shown on Exhibit "A" and the DHADC Board has approved the development plan and sale, subject to City Council approval; and

WHEREAS, City Council desires to approve the development plan shown on Exhibit "B" indicating the approximate square footage and sale price ranges of the proposed houses submitted by Dallas Area Habitat for Humanity and authorize the sale of eight lots from DHADC to Dallas Area Habitat for Humanity to build houses.

Now, Therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DALLAS:

SECTION 1. That the development plan shown on Exhibit "B" indicating the approximate square footage and sale price ranges of the proposed houses submitted by Dallas Area Habitat for Humanity and the sale of eight lots shown on Exhibit "A" from DHADC to Dallas Area Habitat for Humanity is approved.

SECTION 2. That the City Manager, after approval as to form by the City Attorney is hereby authorized to execute a Deed without Warranty and release of lien for any non-tax liens that may have been filed by the City on the lots shown on Exhibit "A".

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.

EXHIBIT "A"

LAND BANK PROPERTY				
PARCEL NUMBER	**STREET ADDRESS LEGAL DESCRIPTION**	**QUALIFIED PURCHASER**	**NUMBER OF HOMEOWNER UNITS**	**SALE AMOUNT**
1	**2614 Silkwood** Lot 4, Rochester Park Addition Block 2/7072	Dallas Area Habitat for Humanity	1	$5,000.00
2	**2618 Silkwood** Lot 5, Rochester Park Addition Block 2/7072	Dallas Area Habitat for Humanity	1	$5,000.00
3	**2620 Silkwood** Lot 6, Rochester Park Addition Block 2/7072	Dallas Area Habitat for Humanity	1	$5,000.00
4	**2730 Silkwood** Lot 15, Rochester Park Addition Block 2/7072	Dallas Area Habitat for Humanity	1	$5,000.00
5	**2808 Silkwood** Lot 3, Rochester Park Addition Block 7/7072	Dallas Area Habitat for Humanity	1	$5,000.00
6	**2802 Valentine** Lot 1, Rochester Park Addition Block 6/7072	Dallas Area Habitat for Humanity	1	$5,000.00
7	**2811 Valentine** Lot 18, Rochester Park Addition Block 5/7072	Dallas Area Habitat for Humanity	1	$5,000.00
8	**2718 Rochester** Lot 12, Rochester Park Addition Block 3/7072	Dallas Area Habitat for Humanity	1	$5,000.00
TOTAL				**$40,000.00**

EXHIBIT B

SECTION II: DEVELOPMENT PLAN

A. DESCRIPTION OF THE LAND REQUESTED FOR DEVELOPMENT

(1) Number of lots requested in this proposal. 8

(2) Provide the property address and legal description of the land requested (attach extra sheets if necessary) (the "Property").

No.	Street #	Street Name		Lot	Block	Subdivision	DCAD Value	Plan
1	2614	Silkwood	LB	4	2/7072	Rochester Park	$ 3,000.00	TBD
2	2618	Silkwood	LB	5	2/7072	Rochester Park	$ 3,000.00	TBD
3	2620	Silkwood	LB	6	2/7072	Rochester Park	$ 3,000.00	TBD
4	2730	Silkwood	LB	15	2/7072	Rochester Park	$ 2,630.00	TBD
5	2808	Silkwood	LB	3	7/7072	Rochester Park	$ 1,000.00	TBD
6	2802	Valentine	LB	1	6/7072	Rochester Park	$ 1,000.00	TBD
7	2811	Valentine	LB	18	5/7072	Rochester Park	$ 1,000.00	TBD
8	2718	Rochester	LB	12	3/7072	Rochester Park	$ 1,000.00	TBD

B. DESCRIPTION OF PROPOSED HOUSES ENTITY WILL CONSTRUCT

At least 25% of the Land Bank properties sold during any given fiscal year to be developed shall be deed restricted for sale to households with gross annual incomes not greater than 60% of AMFI. No more than 30% of the Land Bank properties sold during any given fiscal year to be developed shall be deed restricted for sale to households with gross annual incomes between 81% and 115% of AMFI. (At least 70% of the Land Bank properties sold during any fiscal year to be developed shall be deed restricted for sale to households with gross annual incomes at 80% AMFI or less.)

Single Family Home (to be sold to low income households at 60% or less of AMFI):

Number of homes to be built on lots ____
Square Footage of each home _____
Number of Bedrooms/Baths in each home _____/_____
Number of Garages 1 Number of Carports ____ Detached ____ Attached ____
Type of Exterior Veneer ____ Which sides ____
Your Sales Price ranges without Subsidies to Qualified Low Income Buyer

Single Family Home (to be sold to low income households at 80% or less of AMFI):

Number of homes to be built on lots 8
Square Footage of each home Approximately 1387 AC; 1804 total

Number of Bedrooms/Baths in each home 3 / 2
Number of Garages 1 Number of Carports ____ Detached ____ Attached ____
Type of Exterior Veneer Brick and/or hardiboard Which sides see elevations for details
Your Sales Price ranges without Subsidies to Qualified Low Income Buyer $93,500-115,000

Single Family Home (to be sold to low income households between 81% and 115% of AMFI):

Number of homes to be built on lots _____
Square Footage of each home _____
Number of Bedrooms/Baths in each home 3 / 2
Number of Garages 1 Number of Carports ____ Detached ____ Attached ____
Type of Exterior Veneer Brick and/or hardiboard Which sides see elevations for details
Your Sales Price ranges without Subsidies to Qualified Low Income Buyer

Attach extra sheet(s) breaking out above information for each different model of home.

PROVIDE FLOOR PLANS AND ELEVATIONS.

C. CONSTRUCTION TIMETABLE

State the number of days it will take you to complete construction and sale of improved Property from the date of obtaining the executed deed from DHADC. Attach a schedule, if you desire. The deed conveying property sold by DHADC will include a right of reverter so that if the Entity does not apply for a construction permit and close on any construction financing within a three year period following the date of conveyance of the property from the DHADC to the Entity, the property will revert to the DHADC for subsequent resale.

Commencement of Construction _1095__ days
Completion of Construction ___1215__ days
Sale of first affordable housing unit to low income households _1305___ days
Sale of last affordable unit to low income households __1305____ days

AGENDA ITEM # 22

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: April 12, 2017

COUNCIL DISTRICT(S): 7

DEPARTMENT: Housing & Neighborhood Revitalization

CMO: Theresa O'Donnell, 670-3309

MAPSCO: 47J N

SUBJECT

Authorize **(1)** approval of the development plan submitted to the Dallas Housing Acquisition and Development Corporation by KW New Vision Properties and Land, Inc. for the construction of houses; **(2)** the sale of two vacant lots (list attached) from Dallas Housing Acquisition and Development Corporation to KW New Vision Properties and Land, Inc.; and **(3)** execution of a release of lien for any non-tax liens on the two properties that may have been filed by the City - Financing: No cost consideration to the City

BACKGROUND

On June 18, 2003, Governor Rick Perry signed the Urban Land Bank Demonstration Program Act. The Act allows the governing body of a municipality to adopt an Urban Land Bank Demonstration Program in which the officer charged with selling real property ordered sold pursuant to foreclosure of a tax lien may sell certain eligible real property by private sale to a land bank for the purpose of housing developments. The City Council then established the Dallas Housing Acquisition and Development Corporation (DHADC) as its land bank for the purpose of acquiring, holding and transferring unimproved real property under Subtitle A, Title 12, Local Government Code, Chapter 379C on January 28, 2004.

KW New Vision Properties and Land, Inc. has submitted a proposal and development plan to DHADC for two lots shown on the attached list. The DHADC board of directors has approved the development plan and sale of the two lots, subject to City Council approval. This item will authorize City Council approval of the development plan submitted to DHADC by KW New Vision Properties and Land, Inc., the sale of those lots from DHADC to KW New Vision Properties and Land, Inc. and the release of lien for any non-tax liens on the two properties that may have been filed by the City. The vacant lots were purchased by DHADC from a Sheriff's sale pursuant to foreclosure of tax liens and any non-tax liens.

BACKGROUND (continued)

DHADC's Deed without Warranty to KW New Vision Properties and Land, Inc. will contain a reverter that returns the property to DHADC if a construction permit is not applied for by KW New Vision Properties and Land, Inc. and construction financing is not closed within three years of conveyance.

KW New Vision Properties and Land, Inc. will build houses on the lots. The approximate square footage and sale prices of the houses will be from 1,400 to 1,600 square feet and from $110,000 to $140,000. The lots will be deed restricted for sale to eligible families.

DHADC will receive $10,000 for the sale price of the vacant lots to KW New Vision Properties and Land, Inc., as calculated from the 2016-17 Land Bank Plan approved by City Council.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On January 28, 2004, City Council established DHADC as its land bank for the purpose of acquiring, holding and transferring unimproved real property for the purpose of promoting the development of housing as allowed under Chapter 379C of the Texas Local Government Code by Resolution No. 04-0458.

On September 19, 2016, the Housing Committee was briefed regarding the Urban Land Bank Demonstration Program which outlined the process and status of the program.

On January 17, 2017, the Housing Committee was briefed regarding possible changes to the Urban Land Bank Demonstration Program.

On February 16, 2017, the DHADC board of directors approved the development plan and sale of two lots from DHADC to KW New Vision Properties and Land, Inc.

City Council will be briefed by memorandum regarding this matter on March 31, 2017.

FISCAL INFORMATION

No cost consideration to the City.

DEVELOPER

KW New Vision Properties and Land, Inc.

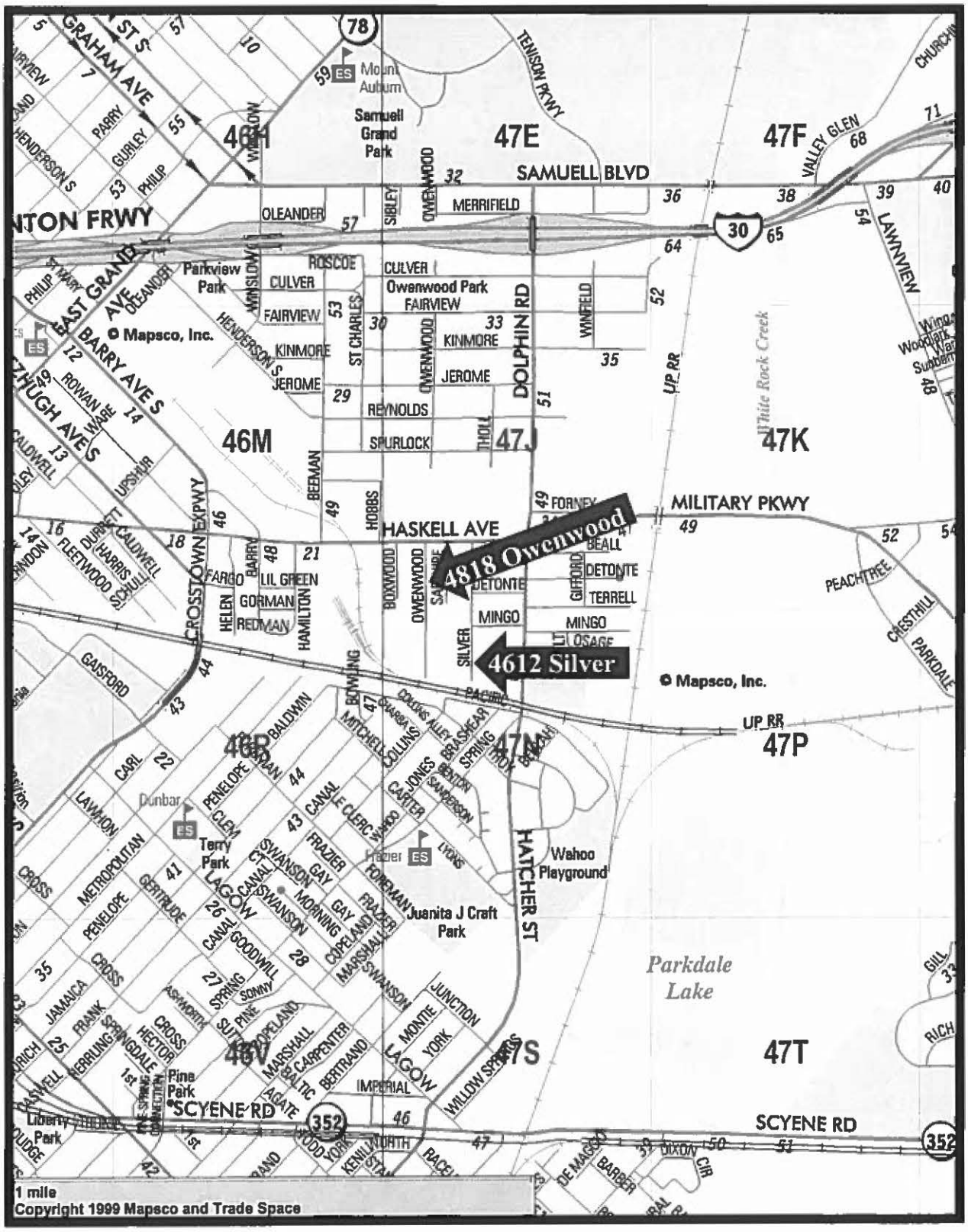
Kelvin Williams, President

MAP

Attached

Land Bank (DHADC) Sale of Lots to
KW New Vision Properties and Land, Inc.

Property Address	Mapsco	Council District	Amount of Non-Tax Liens
1. 4818 Owenwood	47J	7	$12,984.62
2. 4612 Silver	47N	7	$ 3,027.93



MAPSCO 47J & 47N

April 12, 2017

WHEREAS, on January 28, 2004, City Council established the Dallas Housing Acquisition and Development Corporation (DHADC) as its land bank for the purpose of acquiring, holding and transferring unimproved real property under Subtitle A, Title 12, Local Government Code, Chapter 379C by Resolution No. 04-0458; and

WHEREAS, KW New Vision Properties and Land, Inc. submitted a proposal and development plan to DHADC for two lots shown on Exhibit "A" and the DHADC Board has approved the development plan and sale, subject to City Council approval; and

WHEREAS, City Council desires to approve the development plan shown on Exhibit "B" indicating the approximate square footage and sale price ranges of the proposed houses submitted by KW New Vision Properties and Land, Inc. and authorize the sale of two lots from DHADC to KW New Vision Properties and Land, Inc. to build houses.

Now, Therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DALLAS:

SECTION 1. That the development plan shown on Exhibit "B" indicating the approximate square footage and sale price ranges of the proposed houses submitted by KW New Vision Properties and Land, Inc. and the sale of two lots shown on Exhibit "A" from DHADC to KW New Vision Properties and Land, Inc. is approved.

SECTION 2. That the City Manager, after approval as to form by the City Attorney is hereby authorized to execute a Deed without Warranty and release of lien for any non-tax liens that may have been filed by the City on the lots shown on Exhibit "A".

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.

EXHIBIT "A"

LAND BANK PROPERTY				
PARCEL NUMBER	**STREET ADDRESS LEGAL DESCRIPTION**	**QUALIFIED PURCHASER**	**NUMBER OF HOMEOWNER UNITS**	**SALE AMOUNT**
1	**4818 Owenwood** Lot 5, Sapphire Addition Block 2619	KW New Vision Properties and Land, Inc.	1	$5,000.00
2	**4612 Silver** Lot 11, White Rock Heights Addition Block E/2624	KW New Vision Properties and Land, Inc.	1	$5,000.00
TOTAL				**$10,000.00**

EXHIBIT B

SECTION II: DEVELOPMENT PLAN

A. DESCRIPTION OF THE LAND REQUESTED FOR DEVELOPMENT

(1) Number of lots requested in this proposal. 2

(2) Provide the property address and legal description of the land requested (attach extra sheets if necessary) (the "Property").

4818 Owenwood, Dallas; 4612 Silver, Dallas

B. DESCRIPTION OF PROPOSED HOUSES ENTITY WILL CONSTRUCT

At least 25% of the Land Bank properties sold during any given fiscal year to be developed shall be deed restricted for sale to households with gross annual incomes not greater than 60% of AMFI. No more than 30% of the Land Bank properties sold during any given fiscal year to be developed shall be deed restricted for sale to households with gross annual incomes between 81% and 115% of AMFI. (At least 70% of the Land Bank properties sold during any fiscal year to be developed shall be deed restricted for sale to households with gross annual incomes at 80% AMFI or less.)

Single Family Home (to be sold to low income households at 60% or less of AMFI):

Number of homes to be built _____
Square Footage range of each home _____
Number of Bedrooms/Baths in each home_____/_____
Number of Garages____ Number of Carports ____ Detached ____ Attached ____
Type of Exterior Veneer_____ Which sides _____
Your Sales Price range without Subsidies to Qualified Low Income Buyer_____

Single Family Home (to be sold to low income households at 80% or less of AMFI):

Number of homes to be built 2
Square Footage range of each home 1400-1600
Number of Bedrooms/Baths in each home 3-4 / 2
Number of Garages 1-2 Number of Carports ____ Detached ____ Attached X
Type of Exterior Veneer Brick Which sides ____ Front _____
Your Sales Price range without Subsidies to Qualified Low Income Buyer 110-140K

Single Family Home (to be sold to low income households between 81% and 115% of AMFI):

Number of homes to be built _____
Square Footage range of each home _____
Number of Bedrooms/Baths in each home_____/_____
Number of Garages _____ Number of Carports ____ Detached ____ Attached ____
Type of Exterior _____ Which sides _____
Your Sales Price range without Subsidies to Qualified Low Income Buyer___

Attach extra sheet(s) breaking out above information for each different model of home.

PROVIDE FLOOR PLANS AND ELEVATIONS.

C. CONSTRUCTION TIMETABLE

State the number of days it will take you to complete construction and sale of improved Property from the date of obtaining the executed deed from DHADC. Attach a schedule, if you desire. The deed conveying property sold by DHADC will include a right of reverter so that if the Entity does not apply for a construction permit and close on any construction financing within a three year period following the date of conveyance of the property from the DHADC to the Entity, the property will revert to the DHADC for subsequent resale.

Start of Construction: __ 60____ days after receiving the deed to the property

Completion of Construction: __ 120____ days after start of construction

Sale of first affordable housing unit to low income household: __ 30_____ days after completion of construction

Sale of last affordable unit to low income households: __ 30_____ days after completion of first house

AGENDA ITEM # 23

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: April 12, 2017

COUNCIL DISTRICT(S): 7

DEPARTMENT: Housing & Neighborhood Revitalization

CMO: Theresa O'Donnell, 670-3309

MAPSCO: 46Q

SUBJECT

Authorize **(1)** approval of the development plan submitted to the Dallas Housing Acquisition and Development Corporation by South Dallas Fair Park Innercity Community Development Corporation for the construction of houses; **(2)** the sale of two vacant lots (list attached) from Dallas Housing Acquisition and Development Corporation to South Dallas Fair Park Innercity Community Development Corporation; and **(3)** execution of a release of lien for any non-tax liens on the two properties that may have been filed by the City - Financing: No cost consideration to the City

BACKGROUND

On June 18, 2003, Governor Rick Perry signed the Urban Land Bank Demonstration Program Act. The Act allows the governing body of a municipality to adopt an Urban Land Bank Demonstration Program in which the officer charged with selling real property ordered sold pursuant to foreclosure of a tax lien may sell certain eligible real property by private sale to a land bank for the purpose of housing developments. The City Council then established the Dallas Housing Acquisition and Development Corporation (DHADC) as its land bank for the purpose of acquiring, holding and transferring unimproved real property under Subtitle A, Title 12, Local Government Code, Chapter 379C on January 28, 2004.

South Dallas Fair Park Innercity Community Development Corporation has submitted a proposal and development plan to DHADC for two lots shown on the attached list. The DHADC board of directors has approved the development plan and sale of the two lots, subject to City Council approval. This item will authorize City Council approval of the development plan submitted to DHADC by South Dallas Fair Park Innercity Community Development Corporation, the sale of those lots from DHADC to South Dallas Fair Park Innercity Community Development Corporation and the release of lien for any non-tax liens on the two properties that may have been filed by the City. The vacant lots were purchased by DHADC from a Sheriff's sale pursuant to foreclosure of tax liens and any non-tax liens.

BACKGROUND (continued)

DHADC's Deed without Warranty to South Dallas Fair Park Innercity Community Development Corporation will contain a reverter that returns the property to DHADC if a construction permit is not applied for by South Dallas Fair Park Innercity Community Development Corporation and construction financing is not closed within three years of conveyance.

South Dallas Fair Park Innercity Community Development Corporation will build houses on the lots. The approximate square footage and sale prices of the houses will be from 1,300 to 1,400 square feet and from $95,000 to $105,000. The lots will be deed restricted for sale to eligible families.

DHADC will receive $10,000 for the sale price of the vacant lots to South Dallas Fair Park Innercity Community Development Corporation, as calculated from the 2016-17 Land Bank Plan approved by City Council.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On January 28, 2004, City Council established DHADC as its land bank for the purpose of acquiring, holding and transferring unimproved real property for the purpose of promoting the development of housing as allowed under Chapter 379C of the Texas Local Government Code by Resolution No. 04-0458.

On September 19, 2016, the Housing Committee was briefed regarding the Urban Land Bank Demonstration Program which outlined the process and status of the program.

On January 17, 2017, the Housing Committee was briefed regarding possible changes to the Urban Land Bank Demonstration Program.

On February 16, 2017, the DHADC board of directors approved the development plan and sale of two lots from DHADC to South Dallas Fair Park Innercity Community Development Corporation.

City Council will be briefed by memorandum regarding this matter on March 31, 2017.

FISCAL INFORMATION

No cost consideration to the City.

DEVELOPER

South Dallas Fair Park Innercity Community Development Corporation

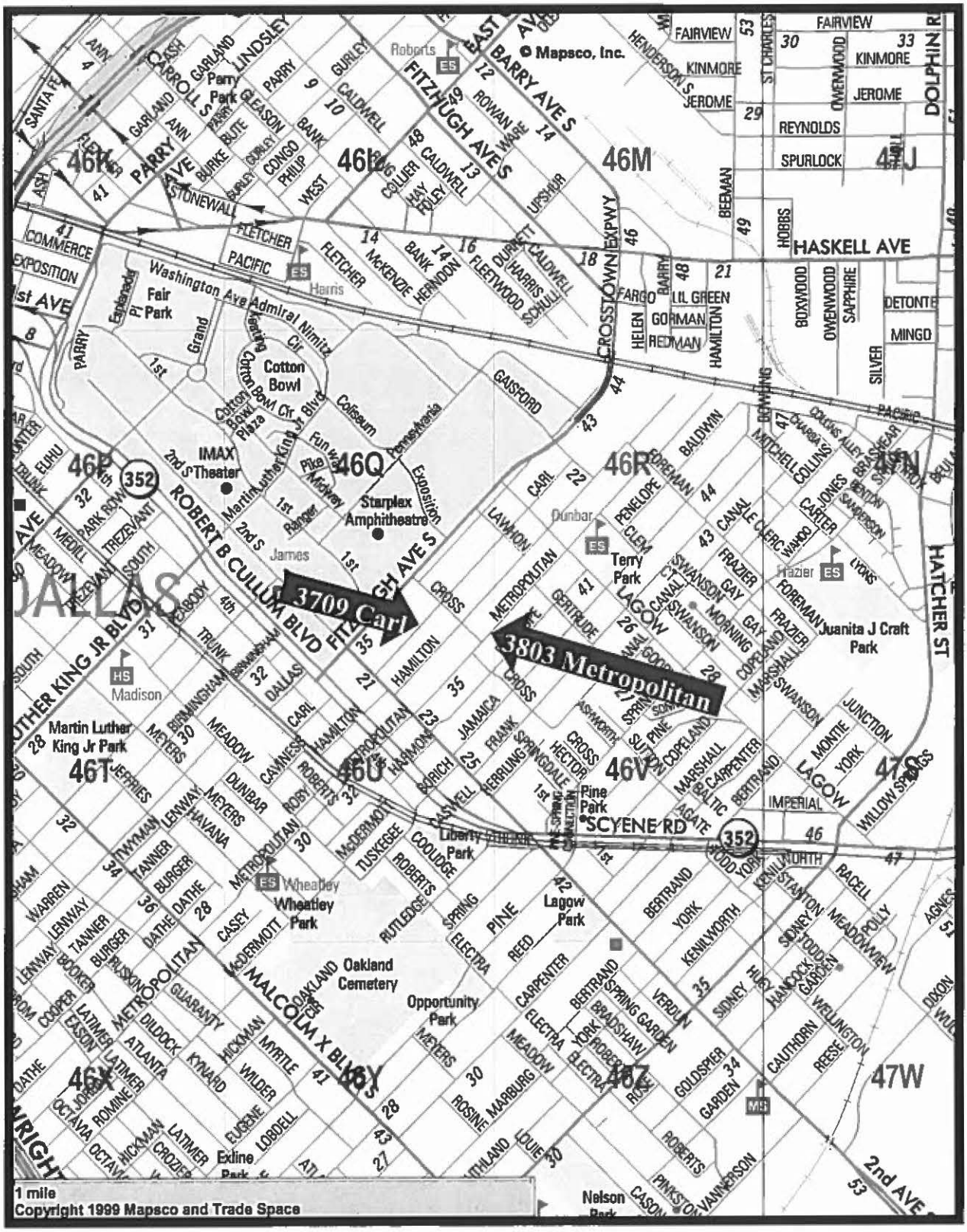
Diane Ragsdale, Managing Director

MAP

Attached

Land Bank (DHADC) Sale of Lots to
South Dallas Fair Park Innercity Community Development Corporation

Property Address	Mapsco	Council District	Amount of Non-Tax Liens
1. 3803 Metropolitan	46Q	7	$12,687.21
2. 3709 Carl	46Q	7	$10,386.86


3709 Carl
3803 Metropolitan
MAPSCO 46Q
1 mile
Copyright 1999 Mapsco and Trade Space
© Mapsco, Inc.
DALLAS
Cotton Bowl
Fair Park
Starplex Amphitheatre
IMAX 2nd's Theater
Martin Luther King Jr Park
Juanita J Craft Park
Pine Park
Lagow Park
Wheatley Park
Liberty Park
Opportunity Park
Oakland Cemetery
Exline Park
Nelson Park
Terry Park
Dunbar
Roberts
Harris
Madison
Hazier
James
Parry Park
SCYENE RD
HASKELL AVE
FITZHUGH AVES
ROBERT B CULLUM BLVD
MARTIN LUTHER KING JR BLVD
MALCOLM X BLVD
CROSSTOWN EXPWY
HATCHER ST
2nd AVE
46K
46L
46M
46P
46Q
46R
46T
46V
46X
46Y
47J
47N
47S
47W
47Z

April 12, 2017

WHEREAS, on January 28, 2004, City Council established the Dallas Housing Acquisition and Development Corporation (DHADC) as its land bank for the purpose of acquiring, holding and transferring unimproved real property under Subtitle A, Title 12, Local Government Code, Chapter 379C by Resolution No. 04-0458; and

WHEREAS, South Dallas Fair Park Innercity Community Development Corporation submitted a proposal and development plan to DHADC for two lots shown on Exhibit "A" and the DHADC Board has approved the development plan and sale, subject to City Council approval; and

WHEREAS, City Council desires to approve the development plan shown on Exhibit "B" indicating the approximate square footage and sale price ranges of the proposed houses submitted by South Dallas Fair Park Innercity Community Development Corporation and authorize the sale of two lots from DHADC to South Dallas Fair Park Innercity Community Development Corporation to build houses.

Now, Therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DALLAS:

SECTION 1. That the development plan shown on Exhibit "B" indicating the approximate square footage and sale price ranges of the proposed houses submitted by South Dallas Fair Park Innercity Community Development Corporation and the sale of lots shown on Exhibit "A" from DHADC to South Dallas Fair Park Innercity Community Development Corporation is approved.

SECTION 2. That the City Manager, after approval as to form by the City Attorney is hereby authorized to execute a Deed without Warranty and release of lien for any non-tax liens that may have been filed by the City on the lots shown on Exhibit "A".

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.

EXHIBIT "A"

LAND BANK PROPERTY				
PARCEL NUMBER	**STREET ADDRESS LEGAL DESCRIPTION**	**QUALIFIED PURCHASER**	**NUMBER OF HOMEOWNER UNITS**	**SALE AMOUNT**
1	**3803 Metropolitan** Lot 50, Camps Second Avenue Addition Block F/1817	South Dallas Fair Park Innercity Community Development Corporation	1	$5,000.00
2	**3709 Carl** Tract 12, Thomas Lagow Survey, Abstract No. 759 Block 1556	South Dallas Fair Park Innercity Community Development Corporation	1	$5,000.00
TOTAL				**$10,000.00**

EXHIBIT B

SECTION II: DEVELOPMENT PLAN

A. DESCRIPTION OF THE LAND REQUESTED FOR DEVELOPMENT

(1) Number of lots requested in this proposal. _____2_____

(2) Provide the property address and legal description of the land requested (attach extra sheets if necessary) (the "Property").

3803 Metropolitan BLK F/1817 LT 50 50x125 3709 Carl BLK 1556 48x138

B. DESCRIPTION OF PROPOSED HOUSES ENTITY WILL CONSTRUCT

At least 25% of the Land Bank properties sold during any given fiscal year to be developed shall be deed restricted for sale to households with gross annual incomes not greater than 60% of AMFI. No more than 30% of the Land Bank properties sold during any given fiscal year to be developed shall be deed restricted for sale to households with gross annual incomes between 81% and 115% of AMFI. (At least 70% of the Land Bank properties sold during any fiscal year to be developed shall be deed restricted for sale to households with gross annual incomes at 80% AMFI or less.)

Single Family Home (to be sold to low income households at 60% or less of AMFI):

Number of homes to be built _____
Square Footage range of each home _
Number of Bedrooms/Baths in each home_____/_____
Number of Garages___ Number of Carports ____ Detached ____ Attached ____
Type of Exterior Veneer_ _____ Which sides
Your Sales Price range without Subsidies to Qualified Low Income Buyer_____

Single Family Home (to be sold to low income households at 80% or less of AMFI):

Number of homes to be built ____2_____
Square Footage range of each home _1300-1400 sq. ft._____
Number of Bedrooms/Baths in each home___3_____/___2_____
Number of Garages__2__ Number of Carports ____ Detached ____ Attached _2___
Type of Exterior Veneer___hardi_____ Which sides all
Your Sales Price range without Subsidies to Qualified Low Income Buyer $95-$105K

Single Family Home (to be sold to low income households between 81% and 115% of AMFI):

Number of homes to be built _____
Square Footage range of each home _____
Number of Bedrooms/Baths in each home_____/_____
Number of Garages____ Number of Carports ____ Detached ____ Attached ____
Type of Exterior Veneer_____ Which sides _____
Your Sales Price range without Subsidies to Qualified Low Income Buyer_____

Attach extra sheet(s) breaking out above information for each different model of home.

PROVIDE FLOOR PLANS AND ELEVATIONS.

C. CONSTRUCTION TIMETABLE

State the number of days it will take you to complete construction and sale of improved Property from the date of obtaining the executed deed from DHADC. Attach a schedule, if you desire. The deed conveying property sold by DHADC will include a right of reverter so that if the Entity does not apply for a construction permit and close on any construction financing within a three year period following the date of conveyance of the property from the DHADC to the Entity, the property will revert to the DHADC for subsequent resale.

Start of Construction: _3/1/17_____ days after receiving the deed to the property

Completion of Construction: __9/1/17____ days after start of construction

Sale of first affordable housing unit to low income household: _10/1/17_____ days after completion of construction

Sale of last affordable unit to low income households: _12/18_____ days after completion of first house

AGENDA ITEM # 24

KEY FOCUS AREA: Clean, Healthy Environment

AGENDA DATE: April 12, 2017

COUNCIL DISTRICT(S): All

DEPARTMENT: Housing & Neighborhood Revitalization

CMO: Alan Sims, 670-3302

MAPSCO: N/A

SUBJECT

Authorize **(1)** a Memorandum of Understanding with Metro Dallas Homeless Alliance (MDHA) for continued participation in the local Homeless Management Information System (HMIS), effective April 1, 2017; **(2)** a Subscription Services Agreement with Pieces Technology, Inc., for use of the Pieces Iris™ software solution being implemented by MDHA as the new HMIS, effective April 1, 2017; and **(3)** execution of any and all documents required for participation in the HMIS - Financing: No cost consideration to the City

BACKGROUND

The Homeless Management Information System is a community-wide software solution designed to capture client-level information on the characteristics and service needs of individuals and families experiencing homelessness. In response to a 2001 Congressional directive, the U.S. Department of Housing and Urban Development (HUD) requires that all Continuum of Care (CoC) communities across the country have a local HMIS. Dallas has been in compliance with this requirement since late 2002.

City of Dallas, CoC grant programs have participated in HMIS since its inception, and Emergency Solutions Grant (ESG) programs were added by HUD mandate in 2012. The City's HOME Tenant Based Rental Assistance, Housing Opportunities for Persons with AIDS (HOPWA), and Project-Based Voucher programs were added in 2015. Currently, all City of Dallas Homeless Services programs participate in HMIS, as do contractors serving homeless persons.

MDHA is the HUD-designated HMIS administrator for the Dallas City & County/Irving Continuum of Care (TX-600). Most recently, MDHA has provided the local HMIS by licensing the CaseWorthy™ software, referred to locally as Empowered Case Management (ECM).

BACKGROUND (continued)

In January 2016, MDHA partnered with the Parkland Center for Clinical Innovation (PCCI), a local scientific research and development nonprofit corporation, to develop and implement a new local HMIS system using PCCI's Pieces Iris™ software, which was subsequently spun off to a separate for-profit technology company called Pieces Technology, Inc. (Pieces Tech). In August 2016, MDHA entered into a service agreement with Pieces Tech to implement the Pieces Iris™ software as the new HMIS for the local area. Beginning in April 2017, all current HMIS projects and users will be migrated over to the new system. MDHA and Pieces Tech will provide training and technical support for the migration.

MDHA is responsible for managing its service agreement with Pieces Tech, and paying all license fees the new software. However, each agency participating in HMIS (including the City of Dallas) must sign a Subscription Services Agreement with Pieces Tech agreeing to the terms and conditions for use of the software. In addition, each participating agency must sign an updated Memorandum of Understanding with MDHA for participation in HMIS outlining the joint duties of MDHA and partner agencies for ongoing HMIS activities, including confidentiality and security, reporting, training, adherence to policies and procedures, and network operations and data entry requirements.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On October 11, 2016, City Council authorized the FY 2016-17 HMIS user fees payable to MDHA for City of Dallas programs by Resolution No. 16-1660.

City Council will be briefed by memorandum regarding this matter on March 31, 2017.

FISCAL INFORMATION

No cost consideration to the City.

April 12, 2017

WHEREAS, the U.S. Department of Housing and Urban Development (HUD) has mandated that all Continuum of Care (CoC) communities implement a local Homeless Management Information System (HMIS); and

WHEREAS, the City of Dallas Homeless Services Programs participate in the local HMIS, including the CoC Grant, Emergency Solutions Grant (ESG), HOME Tenant Based Rental Assistance, Housing Opportunities for Persons with AIDS (HOPWA), and Dallas Housing Authority Project-Based Voucher Programs; and

WHEREAS, Metro Dallas Homeless Alliance (MDHA) is the HUD-designated HMIS administrator for the Dallas City & County/Irving Continuum of Care (TX-600); and

WHEREAS, MDHA has entered into a service agreement to license the Pieces Iris™ software from Pieces Technology, Inc. and implement the software as the new local HMIS, and all current HMIS projects and users will be migrated over to the new system, beginning in April 2017.

Now, Therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DALLAS:

SECTION 1. That following approval as to form by the City Attorney, the City Manager is hereby authorized to: **(1)** enter into a Memorandum of Understanding with Metro Dallas Homeless Alliance for continued participation in the local Homeless Management Information System, effective April 1, 2017; **(2)** enter into a Subscription Services Agreement with Pieces Technology, Inc., for use of the Pieces Iris™ software solution being implemented by MDHA as the new HMIS, effective April 1, 2017; and **(3)** execute any and all documents required for participation in the HMIS.

SECTION 2. 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.

AGENDA ITEM # 25

KEY FOCUS AREA: Clean, Healthy Environment

AGENDA DATE: April 12, 2017

COUNCIL DISTRICT(S): 3, 7, 9

DEPARTMENT: Housing & Neighborhood Revitalization

CMO: Theresa O'Donnell, 670-3309

MAPSCO: 73A

SUBJECT

Authorize **(1)** an amendment to the grant agreement (Grant No. TX0236L6T001507) between the City of Dallas and the U.S. Department of Housing and Urban Development (HUD) to add The Way Apartments, The Vineyards at Forest Edge Apartments, and The Vineyards at the Ranch Apartments as project sites to the grant agreement; **(2)** three Memorandums of Understanding (MOUs) between the City of Dallas and the three apartment property owners, MDL The Way LP herein referred to as The Way, Indigo JV LLC herein referred to as Forest Edge, and Stone Ranch Owner LLC herein referred to as The Ranch to provide project-based affordable housing to the Gateway to Permanent Supportive Housing Program, contingent upon approval of the amendment by HUD in Subject Number 1 for the term March 1, 2017 through December 31, 2017, with two twelve-month renewal options; and **(3)** execution of the amendment to the grant agreement and of the MOUs - Financing: No cost consideration to the City

BACKGROUND

The Way Apartments, Forest Edge Apartments, and The Ranch Apartments expressed an interest in partnering with the City of Dallas to provide housing units for program participants in the Comprehensive Homeless Services Program. Discussions were held between the City of Dallas and property management at each of the sites to determine if the property accommodates the project-based program needs. Tours were conducted at each of the properties and the apartment units. The properties were selected because of its capacity to house program participants, amenities comparable to the current site, and close proximity to bus lines. Units at each property will be required to meet Housing Quality Standards. Each of the properties will commit up to 25 units at their respective sites. The Way Administrative Office is located at 5301 Marvin D. Love Freeway, Dallas, TX 75232. The Forest Edge Administrative Office is located at 9669 Forest Lane, Dallas, TX 75243. The Ranch Administrative Office is located at 9350 Skillman, Dallas, TX 75243.

BACKGROUND (continued)

The City of Dallas contacted the U.S. Department of Housing and Urban Development (HUD) to request guidance on the process to include The Way, Forest Edge, and The Ranch as additional project sites for the Gateway to Permanent Supportive Housing Program. HUD provided the following guidance: the City of Dallas must (1) document site control with additional sites via an MOU; the document will be binding upon HUD'S approval of the City's requested grant amendment (Grant No. TX0236L6T001507); (2) conduct an environmental review; and (3) amend the application to include the additional sites. This agenda item is the first step in the process to document site control by executing a separate MOU with each site for a total of three MOUs for the three sites . All of these documents will be submitted to HUD for review and approval. HUD will issue a grant amendment for execution between HUD and the City of Dallas once all documents have been reviewed and approved.

Each MOU outlines the City of Dallas' responsibilities as the service provider, and The Way, Forest Edge, and The Ranch as the property owners. City staff will continue to provide supportive services to all persons for whom rental payments are made. City staff will continue to partner with community agencies through non-financial agreements. Services include case management, drug treatment, medications, psychiatric counseling, legal aid, employment, and training classes. Clients/Tenants will continue to be referred to the program directly by homeless service providers and health professionals. Property management staff carry out rent collections from clients paying a portion of their rent towards their own assistance; janitorial, maintenance, repair, and other related services for the safety and security of staff and clients. City staff will have offices at each complex and access to space for community meetings.

The City of Dallas has received funding for the Permanent Supportive Housing Grant since 2008 for project-based rental assistance and case management for chronically homeless persons. Under the grant agreement, the program will pay rent and utilities for 70 chronically homeless persons annually. Rental payments will be made directly to the apartment complex based on rent reasonableness and the Fair Market Rent (FMR) rate as determined by HUD. Clients/Tenants are eligible to receive rental assistance permanently depending on the client's need.

Program participants must sign a minimum of a one-year lease agreement under project-based housing. Lease must also comply with other HUD requirements. All clients are expected to be housed by October 1, 2017. Grant funds may be used to assist with moving costs for those clients requiring moving assistance.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On May 14, 2014, City Council authorized an amendment to the grant agreement between the City of Dallas and HUD to add Eban Village as a project site and approve a Memorandum of Understanding between the City and Eban Village by Resolution No. 14-0750.

On August 13, 2014, City Council authorized acceptance of a Continuum of Care Permanent Supportive Housing Grant to provide rental assistance and case management for single homeless persons by Resolution No. 14-1217.

On August 12, 2015,City Council authorized acceptance of a Continuum of Care Permanent Supportive Housing Grant to provide rental assistance and case management for single homeless persons by Resolution No. 15-1364.

On August 24, 2016, City Council authorized acceptance of a Continuum of Care Permanent Supportive Housing Grant to provide project-based rental assistance and case management for single homeless persons by Resolution No. 16-1328.

City Council will be briefed by memorandum regarding this matter on March 31, 2017.

FISCAL INFORMATION

No cost consideration to the City.

WHEREAS, there is a need to assist single chronically homeless persons by providing rental assistance, in conjunction with support services, to break the cycle of homelessness; and

WHEREAS, the U.S. Department of Housing and Urban Development (HUD) provides for the distribution of Permanent Supportive Housing Grant funds to assist the homeless with rental assistance; and

WHEREAS, HUD has executed the FY 2015 grant agreement for the Continuum of Care Grant funds totaling $802,120 for this program; and

WHEREAS, The City of Dallas desire to enter into a Memorandum of Understanding with The Way Apartments, The Vineyards at Forest Edge Apartments, and The Vineyards at the Ranch Apartments.

Now, Therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DALLAS:

SECTION 1. That following approval as to form by the City Attorney, the City Manager is hereby authorized to **(1)** amend the grant agreement (Grant No. TX0236L6T001507) between the City of Dallas and the U. S. Department of Housing and Urban Development (HUD) to add The Way Apartments, The Vineyards at Forest Edge Apartments, and The Vineyards at the Ranch Apartments as project sites to the grant agreement; and **(2)** enter into three Memorandums of Understanding (MOUs) with the three apartment property owners, MDL The Way LP herein referred to as The Way, Indigo JV LLC herein referred to as Forest Edge, and Stone Ranch Owner LLC herein referred to as The Ranch to provide project-based affordable housing to the Gateway to Permanent Supportive Housing Program, contingent upon approval of the amendment by HUD in Subject Number 1 for the term March 1, 2017 through December 31, 2017, with two twelve-month renewal options.

SECTION 2. That the City Manager is hereby authorized to execute all agreements and provide additional information and make adjustments to take other actions relating to these budgets as may be necessary in order to satisfy HUD requirements.

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.

AGENDA ITEM # 26

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: April 12, 2017

COUNCIL DISTRICT(S): 7

DEPARTMENT: Housing & Neighborhood Revitalization

CMO: Theresa O'Donnell, 670-3309

MAPSCO: 56H

SUBJECT

Authorize a public hearing to be held on May 10, 2017, to receive comments on the proposed sale of eight unimproved properties (list attached) acquired by the taxing authorities from the Sheriff to Dallas Neighborhood Alliance for Habitat, a qualified non-profit organization, under the HB110 process of the City's Land Transfer Program and the release of the City's non-tax liens included in the foreclosure judgment and post-judgment non-tax liens, if any - Financing: No cost consideration to the City

BACKGROUND

The HB110 process of the City's Land Transfer Program, in accordance with Section 2-26 of the Dallas City Code ("Code") and with Section 253.010 of the Texas Local Government Code, permits the City to sell land, which the City has acquired as a trustee, for itself and the other taxing jurisdictions, from the Sheriff pursuant to the tax foreclosure process, to a qualified non-profit organization for the purpose of providing affordable housing, subject to the consent of the other taxing jurisdictions.

Property eligible for the HB110 process of the City's Land Transfer Program must be sold by quitclaim deed and include a possibility of reverter and right of re-entry, triggered under certain conditions, including if construction of affordable housing is not completed on the property within three years of the non-profit's receipt of the quitclaim deed. The quitclaim deed must also include deed restrictions that ensure the desired development of the property and maintain the affordability of the property as required by the Code. Per the Code, the sales price of each property is $1,000 for up to 7,500 square feet of land plus $0.133 for each additional square foot of land, which amount is distributed by the City to both the City and the other taxing jurisdictions in accordance with Section 34.06 of the Texas Tax Code, plus an amount equal to the actual fees charged for recording the Sheriff's deed and the quitclaim deed in the real property records. Prior to the approval of any sale, the Code requires that the City Council hold a public hearing to receive comments on the proposed sale of land and provide certain notices to the public.

BACKGROUND (continued)

Dallas Neighborhood Alliance for Habitat (DNAH), submitted a proposal to construct eight single-family homes containing approximately 1,378 square feet on the eight unimproved HB110 process-eligible, Land Transfer Program properties, identified on Exhibit A, attached to the resolution, for purchase by low to moderate income homebuyers at a proposed sales price of approximately $95,000 to $110,000 with construction to begin in April 2020.

This item calls for a public hearing on May 10, 2017, at 1:00 p.m. in the City Council Chambers, Dallas City Hall, 6th floor, 1500 Marilla Street, Dallas, Texas, to allow the public an opportunity to comment on the proposed sale of the eight unimproved properties to DNAH. At the close of the public hearing, the City Council will be asked to authorize the sale of the properties to DNAH by quitclaim deeds and the release of the City's non-tax liens included in the foreclosure judgment and the post-judgment non-tax liens, if any.

In conformance with the Code, at least ten calendar days prior to the public hearing, a sign indicating the time and place of the public hearing will be placed on the property, notification of the public hearing will be mailed to property owners within 200 feet of the property, and notice of the public hearing will be published in the Dallas Morning News.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

This item has no prior action.

FISCAL INFORMATION

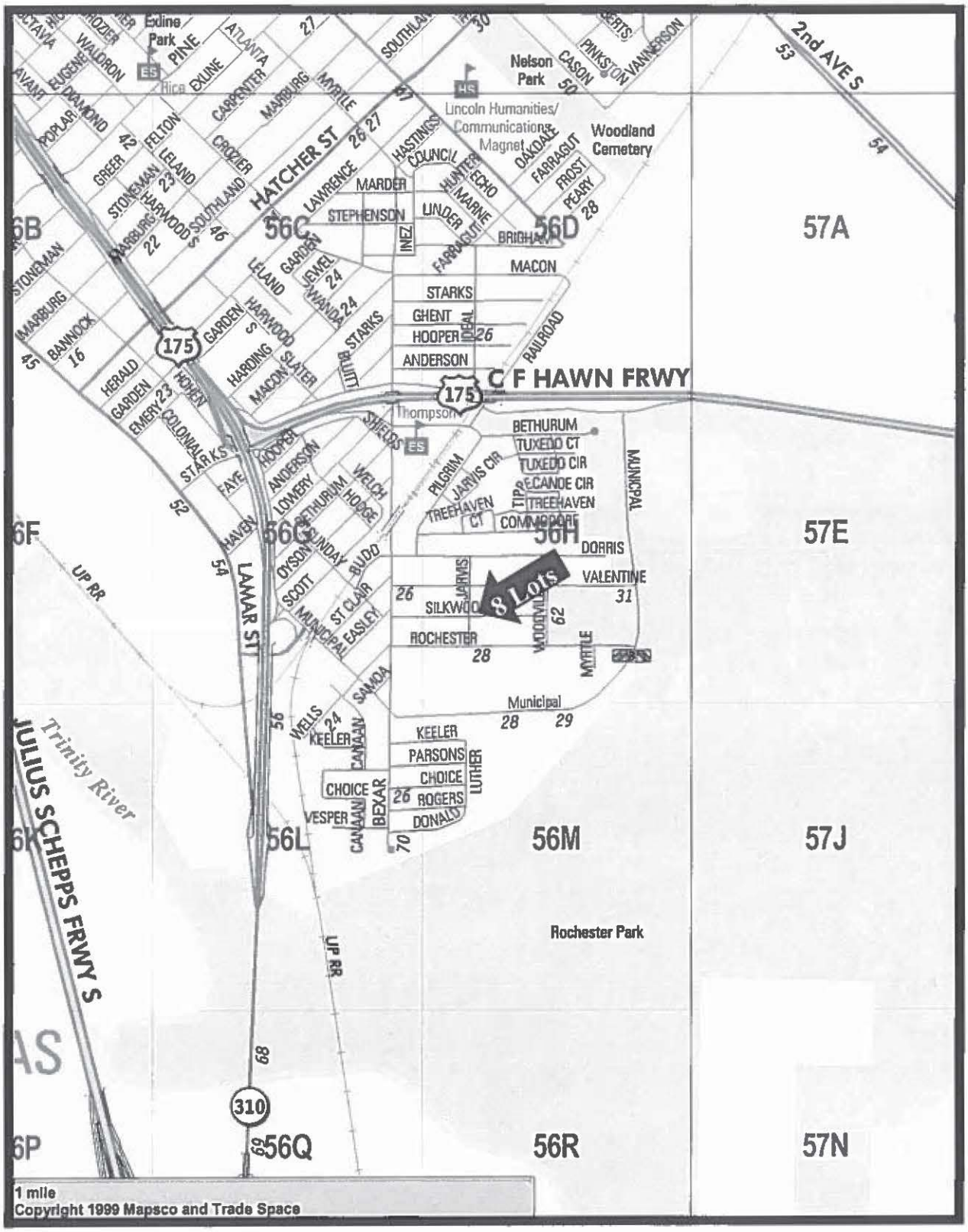
No cost consideration to the City.

MAP

Attached

Tax Foreclosure and Seizure Property Resale

Parcel No.	Address	Non-Profit Organization	Mapsco	DCAD Amount	Sale Amount	Vac/ Imp	Zoning
1.	2723 Silkwood	Dallas Neighborhood Alliance for Habitat	56H	$1,000	$1,000.00	V	PD-595
2.	2726 Silkwood	Dallas Neighborhood Alliance for Habitat	56H	$1,000	$1,000.00	V	PD-595
3.	3015 Valentine	Dallas Neighborhood Alliance for Habitat	56H	$1,000	$1,000.00	V	PD-595
4.	3027 Valentine	Dallas Neighborhood Alliance for Habitat	56H	$1,600	$1,585.00	V	PD-595
5.	2907 Rochester	Dallas Neighborhood Alliance for Habitat	56H	$1,000	$1,000.00	V	PD-595
6.	2932 Rochester	Dallas Neighborhood Alliance for Habitat	56H	$1,000	$1,000.00	V	PD-595
7.	3000 Rochester	Dallas Neighborhood Alliance for Habitat	56H	$1,000	$1,000.00	V	PD-595
8.	3014 Rochester	Dallas Neighborhood Alliance for Habitat	56H	$1,000	$1,000.00	V	PD-595


Edline Park
Nelson Park
Lincoln Humanities/ Communications Magnet
Woodland Cemetery
HATCHER ST
C F HAWN FRWY
LAMAR ST
JULIUS SCHEPPS FRWY S
UP RR
Trinity River
Thompson
Rice
Municipal
Rochester Park
8 Lots
56C
56D
56G
56H
56L
56M
56Q
56R
6B
6F
6K
6P
57A
57E
57J
57N
1 mile
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MAPSCO 56H

WHEREAS, the City's Land Transfer Program, in accordance with Section 2-26 of the Dallas City Code ("Code") and with Section 253.010 of the Texas Local Government Code, permits the City to sell land, which the City has acquired as a trustee, for itself and the other taxing jurisdictions, from the Sheriff pursuant to the tax foreclosure process, to a qualified non-profit organization for the purpose of providing affordable housing, subject to the consent of the other taxing jurisdictions; and

WHEREAS, property eligible for the HB110 process of the City's Land Transfer Program must be sold by quitclaim deed and include a possibility of reverter and right of re-entry, triggered under certain conditions, including if construction of affordable housing is not completed on the property within three years of the non-profit's receipt of the quitclaim deed; and

WHEREAS, the quitclaim deeds must also include deed restrictions that ensure the desired development of the property and maintain the affordability of the property as required by the Code; and

WHEREAS, per the Code, the sales price of each property is $1,000 for up to 7,500 square feet of land plus $0.133 for each additional square foot of land, which amount is distributed by the City to both the City and the other taxing jurisdictions in accordance with Section 34.06 of the Texas Tax Code, plus an amount equal to the actual fees charged for recording the Sheriff's deed and the quitclaim deeds in the real property records; and

WHEREAS, prior to the approval of any sale, the Code requires that the City Council hold a public hearing to receive comments on the proposed sale of land and provide certain notices to the public; and

WHEREAS, Dallas Neighborhood Alliance for Habitat (DNAH) submitted a proposal to construct eight single-family homes containing approximately 1,378 square feet on the eight unimproved HB110 process-eligible, Land Transfer Program properties, identified on Exhibit A, attached hereto, for purchase by low to moderate income homebuyers at a proposed sales price from approximately $95,000 to $110,000 with construction to begin in April 2020; and

WHEREAS, at least ten calendar days prior to the public hearing, a sign indicating the time and place of the public hearing will be placed on the property, notification of the public hearing will be mailed to property owners within 200 feet of the property, and notice of the public hearing will be published in the Dallas Morning News.

Now, Therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DALLAS:

April 12, 2017

SECTION 1. That the public hearing shall be held at 1:00 p.m. on May 10, 2017, in the City Council Chambers, Dallas City Hall, 6th floor, 1500 Marilla Street, Dallas, Texas, at which time any interested person may appear and speak for or against the proposed sale by quitclaim deeds of eight unimproved properties, identified on Exhibit A, acquired by the taxing authorities from the Sheriff to DNAH, a qualified non-profit organization, in accordance with the HB 110 process of the City's Land Transfer Program.

SECTION 2. That at least ten calendar days prior to the public hearing, a sign indicating the time and place of the public hearing shall be placed on the property, notification of the public hearing shall be mailed to property owners within 200 feet of the property, and notice of the public hearing shall be published in the Dallas Morning News.

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.

EXHIBIT "A"

LAND TRANSFER PROPERTIES				
PARCEL NUMBER	**STREET ADDRESS LEGAL DESCRIPTION**	**QUALIFIED PURCHASER**	**NUMBER OF HOMEOWNER UNITS**	**SALE AMOUNT**
1	**2723 Silkwood** Lot 13, Rochester Park Block 1/7072	Dallas Neighborhood Alliance for Habitat	1	$1,000.00
2	**2726 Silkwood** Lot 14, Rochester Park Block 2/7072	Dallas Neighborhood Alliance for Habitat	1	$1,000.00
3	**3015 Valentine** TR 15 - 40x120, 170'FR Woodville Block 7068	Dallas Neighborhood Alliance for Habitat	1	$1,000.00
4	**3027 Valentine** TR 17 - 100x120, 250'FR Woodville Block 7068	Dallas Neighborhood Alliance for Habitat	1	$1,585.00
5	**2907 Rochester** Lot 24, Rochester Park Block 7/7072	Dallas Neighborhood Alliance for Habitat	1	$1,000.00
6	**2932 Rochester** Lot 15, Rochester Park Block 8/7072	Dallas Neighborhood Alliance for Habitat	1	$1,000.00
7	**3000 Rochester** TR 1 - 50x127.5, Rochester and Woodville Block 7070	Dallas Neighborhood Alliance for Habitat	1	$1,000.00
8	**3014 Rochester** TR 4 Block 7070	Dallas Neighborhood Alliance for Habitat	1	$1,000.00
TOTAL				**$8,585.00**

AGENDA ITEM # 27

KEY FOCUS AREA:	Economic Vibrancy
AGENDA DATE:	April 12, 2017
COUNCIL DISTRICT(S):	9, 10
DEPARTMENT:	Mobility and Street Services Water Utilities
CMO:	Majed A. Al-Ghafry, 670-3302 Jill A. Jordan, P.E., 670-5299
MAPSCO:	27T U 38L

SUBJECT

Authorize a contract with Jeske Construction Company, lowest responsive bidder of five, for the construction of street and alley paving, storm drainage, water and wastewater main improvements for Project Group 12-3004 (list attached) - Not to exceed $911,793 - Financing: 2012 Bond Funds ($729,680), Water Utilities Capital Improvement Funds ($168,613) and Water Utilities Capital Construction Funds ($13,500)

BACKGROUND

On January 22, 2014, City Council authorized a professional services contract with BDS Technologies, Inc. for the engineering design of street and alley improvement, by Resolution No. 14-0190. This action will authorize a contract with Jeske Construction Company for the construction of street and alley paving, storm drainage, water and wastewater main improvements for Project Group 12-3004, which consists of street improvement for Stevens Street from Cayuga Drive to Davilla Avenue and Davilla Avenue from Stevens Street to Drake Street, and the alley southwest and parallel to Shoreview Road from Forest Trail to Eagle Trail to Nimrod Trail. The street improvements will consist of upgrading the existing unimproved two-lane asphalt street with 26-foot wide concrete pavement with curbs, sidewalks, drive approaches, drainage installation system, water and wastewater main improvements. The alley improvements will consist of upgrading the unimproved gravel and dirt alley with 10-foot wide concrete pavement.

BACKGROUND (continued)

The following chart shows Jeske Construction Company's completed contractual activities for the past three years.

	STS	WTR	PKR
Projects Completed	8	0	0
Change Orders	0	0	0
Projects Requiring Liquidated Damages	0	0	0
Projects Completed by Bonding Company	0	0	0

ESTIMATED SCHEDULE OF PROJECT

Began Design	March 2014
Completed Design	October 2016
Begin Construction	May 2017
Complete Construction	May 2018

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On January 22, 2014, City Council authorized a professional services contract for engineering services by Resolution No. 14-0190.

On January 11, 2017, City Council authorized street paving improvements and a benefit assessment hearing by Resolution No. 17-0081.

On February 22, 2017, City Council considered this item; it was deferred by Councilmember Clayton until March 22, 2017, with the public hearing open.

Information about this item was provided to the Transportation and Trinity River Project Committee on February 27, 2017.

FISCAL INFORMATION

2012 Bond Funds - $729,680.00
Water Utilities Capital Construction Funds - $13,500.00
Water Utilities Capital Improvement Funds - $168,613.00

Design	$ 61,069.75
Construction (this action)	
Paving & Drainage - STS	$729,680.00
Water & Wastewater - DWU	$182,113.00
Total Project Cost	$972,862.75

Council District	Amount
9	$590,068.50
10	$321,724.50
Total	$911,793.00

This project does involve assessments.

M/WBE INFORMATION

See attached.

ETHNIC COMPOSITION

Jeske Construction Company

Hispanic Female	0	Hispanic Male	18
African-American Female	0	African-American Male	8
Other Female	0	Other Male	0
White Female	1	White Male	5

BID INFORMATION

The following bids with quotes were received and opened on December 2, 2016.

*Denotes successful bidder

BIDDERS	BID AMOUNT
*Jeske Construction Company P. O. Box 59025 Dallas, TX 75229	$ 911,793.00
Axis Contracting, Inc.	$1,005,144.00
Camino Construction, LP	$1,024,979.50
ARK Contracting Services	$1,107,892.00
**MACVAL Associates, LLC	Non-responsive

**MACVAL Associates, LLC was deemed non-responsive due to not meeting specifications.

Original estimate: STS - $733,805.00
WTR - $152,923.76

Total $886,728.76

OWNER

Jeske Construction Company

Steve Jeske, President

MAPS

Attached

Project Group 12-3004

Project	**Limits**	**Council District**
Stevens Street	from Cayuga Drive to Davilla Avenue and Davilla Avenue from Stevens Street to Drake Street	9
Alley southwest and parallel to Shoreview Road	from Forest Trail to Eagle Trail to Nimrod Trail	10

BUSINESS INCLUSION AND DEVELOPMENT PLAN SUMMARY

PROJECT: Authorize a contract with Jeske Construction Company, lowest responsive bidder of five, for the construction of street and alley paving, storm drainage, water and wastewater main improvements for Project Group 12-3004 (list attached) - Not to exceed $911,793 - Financing: 2012 Bond Funds ($729,680), Water Utilities Capital Improvement Funds ($168,613) and Water Utilities Capital Construction Funds ($13,500)

Jeske Construction Company is a local, non-minority firm, has signed the "Business Inclusion & Development" documentation, and proposes to use the following sub-contractors.
PROJECT CATEGORY: Construction

LOCAL/NON-LOCAL CONTRACT SUMMARY

	Amount	Percent
Total local contracts	$910,793.00	99.89%
Total non-local contracts	$1,000.00	0.11%
TOTAL CONTRACT	$911,793.00	100.00%

LOCAL/NON-LOCAL M/WBE PARTICIPATION

Local Contractors / Sub-Contractors

Local	Certification	Amount	Percent
Logan Trucking	BMMB63584N1116	$22,000.00	2.42%
Flow Line Utilities	HMMB64155N0217	$207,043.00	22.73%
WOE Construction	WFWD51223N0518	$2,000.00	0.22%
Total Minority - Local		$231,043.00	25.37%

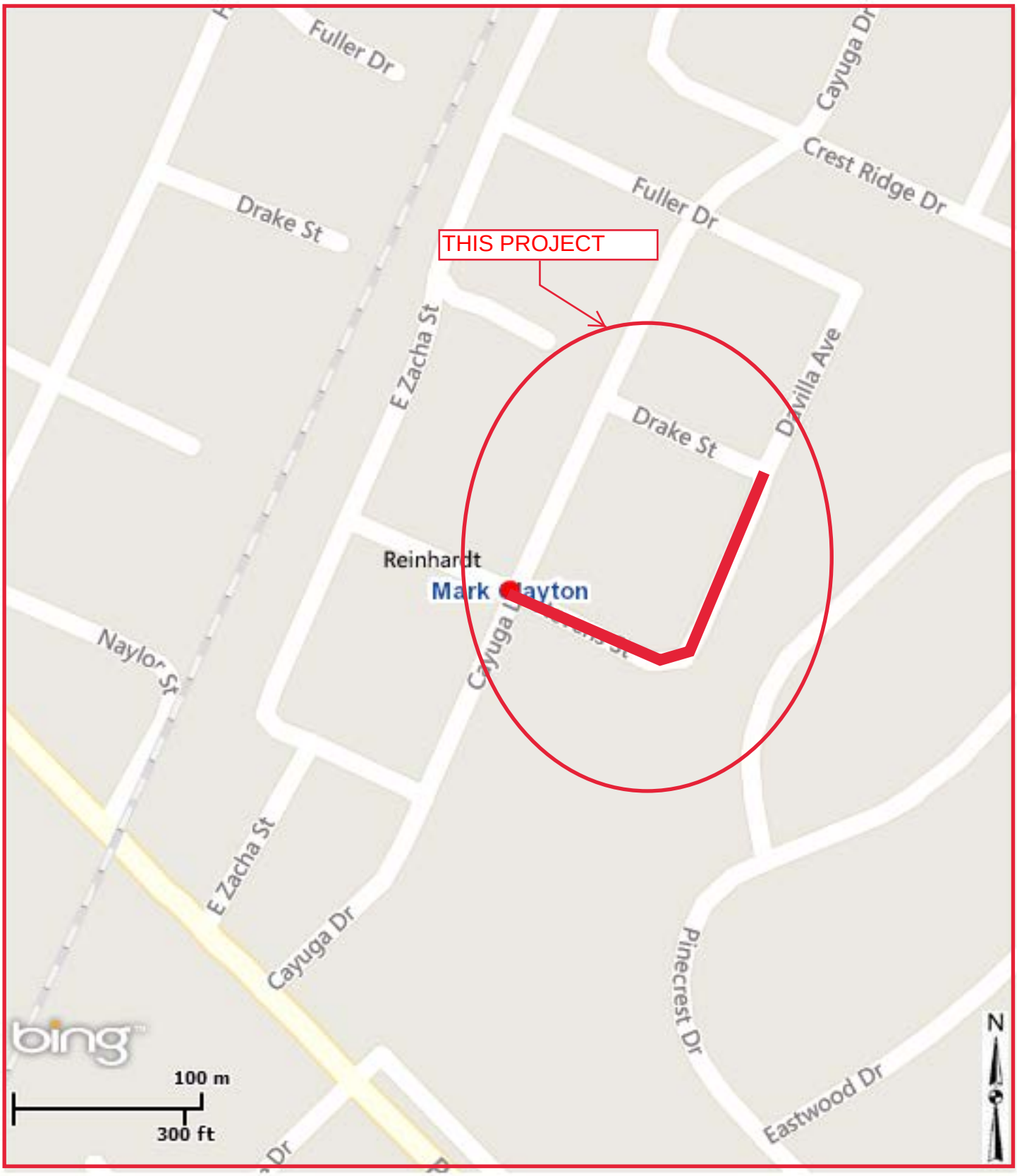
Non-Local Contractors / Sub-Contractors

Non-local	Certification	Amount	Percent
Buyers Barricades	WFDB52135Y0617	$1,000.00	100.00%
Total Minority - Non-local		$1,000.00	100.00%

TOTAL M/WBE CONTRACT PARTICIPATION

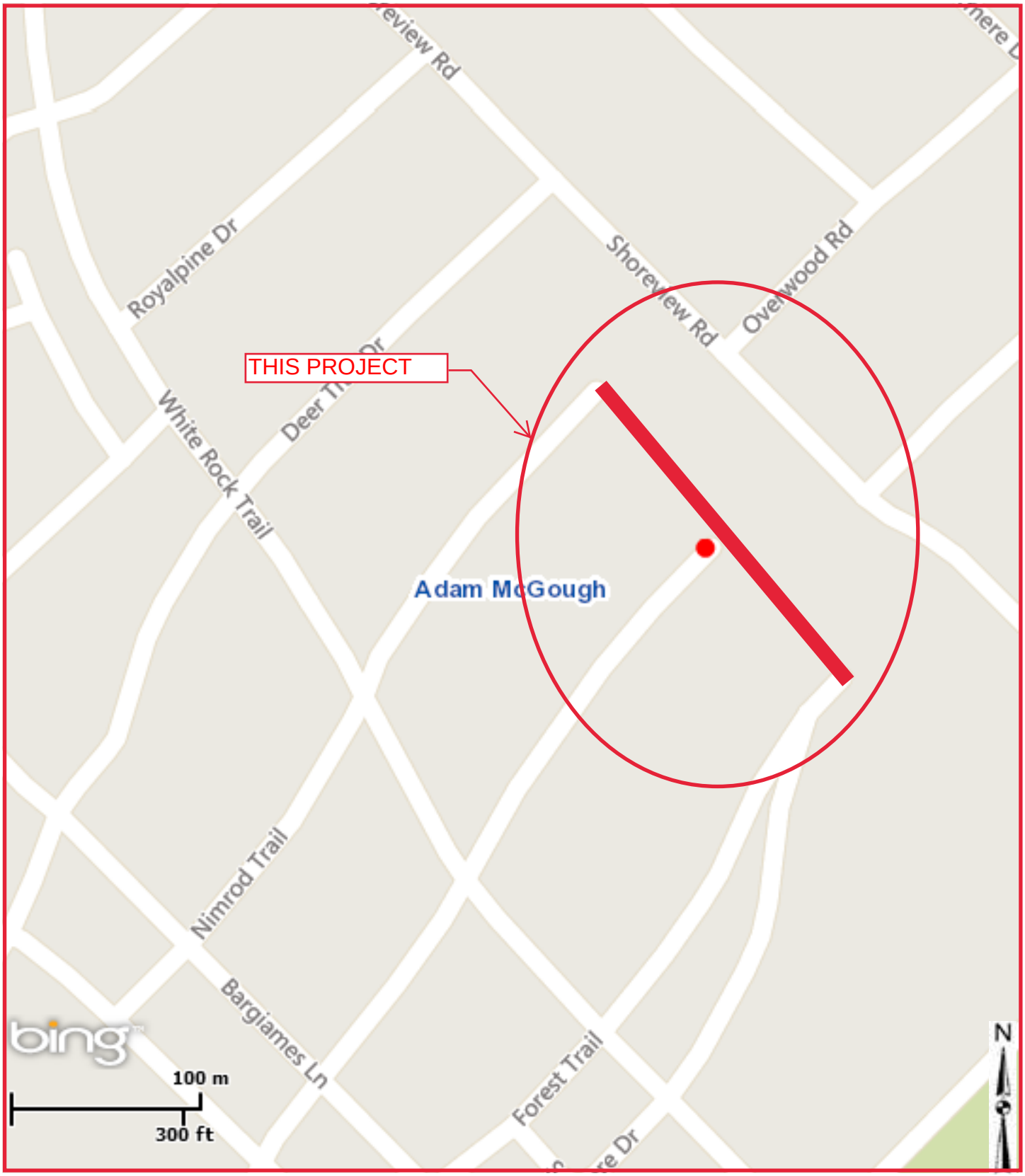
	Local	Percent	Local & Non-Local	Percent
African American	$22,000.00	2.42%	$22,000.00	2.41%
Hispanic American	$207,043.00	22.73%	$207,043.00	22.71%
Asian American	$0.00	0.00%	$0.00	0.00%
Native American	$0.00	0.00%	$0.00	0.00%
WBE	$2,000.00	0.22%	$3,000.00	0.33%
Total	$231,043.00	25.37%	$232,043.00	25.45%

PROJECT GROUP 12-3004



MAPSCO 38L

PROJECT GROUP 12-3004



MAPSCO 27T & U

April 12, 2017

WHEREAS, on January 22, 2014, City Council authorized a professional services contract with BDS Technologies, Inc. for the engineering design services for Project Group 12-3004 in an amount not to exceed $284,658.75, by Resolution No. 14-0190; and

WHEREAS, on January 11, 2017, City Council authorized street paving improvements and the benefit assessment hearing by Resolution No. 17-0081; and

WHEREAS, bids were received on December 2, 2016 for the construction of street and alley paving, storm drainage, water and wastewater main improvements for Project Group 12-3004, as follows:

BIDDERS	**BID AMOUNT**
Jeske Construction Company	$ 911,793.00
Axis Contracting, Inc.	$1,005,144.00
Camino Construction, LP	$1,024,979.50
ARK Contracting Services	$1,107,892.00
**MACVAL Associates, LLC	Non-responsive

**MACVAL Associates, LLC was deemed non-responsive due to not meeting specifications.

Now, Therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DALLAS:

SECTION 1. That the City Manager is hereby authorized to execute a contract with Jeske Construction Company for the construction of street and alley paving, storm drainage and water and wastewater main improvements for Project Group 12-3004, in an amount not to exceed $911,793.00, this being the lowest responsive bid received as indicated by the tabulation of bids, after approval as to form by the City Attorney.

SECTION 2. That the Chief Financial Officer is hereby authorized to disburse funds in accordance with the terms and conditions of the contract, as follows:

Street and Transportation Improvements Fund
Fund 3U22, Department STS, Unit S208, Activity APET
Object 4510, Program PB12S208, CT STS12S208E1
Vendor 083791 $254,600.00

SECTION 2. (continued)

Street and Transportation Improvements Fund Fund 3U22, Department STS, Unit S426, Activity STPT Object 4510, Program PB12S426, CT STS12S208E1 Vendor 083791	$475,080.00
Water Construction Fund Fund 0102, Department DWU, Unit CW42, Object 3221 Program 717009X, CT-PBW717009EN Vendor 083791	$ 9,660.00
Water Capital Improvement Fund Fund 3115, Department DWU, Unit PW42, Object 4550 Program 717009, CT-PBW717009CP Vendor 083791	$105,588.00
Wastewater Construction Fund Fund 0103, Department DWU, Unit CS42, Object 3222 Program 717010X, CT-PBW717010EN Vendor 083791	$ 3,840.00
Wastewater Capital Improvement Fund Fund 3116, Department DWU, Unit PS42, Object 4560 Program 717010, CT-PBW717010CP Vendor 083791	$ 63,025.00
Total amount not to exceed	$911,793.00

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.

AGENDA ITEM # 28

KEY FOCUS AREA:	Economic Vibrancy
AGENDA DATE:	April 12, 2017
COUNCIL DISTRICT(S):	14
DEPARTMENT:	Mobility and Street Services Water Utilities
CMO:	Majed A. Al-Ghafry, 670-3302 Jill Jordan, 670-5299
MAPSCO:	45F

SUBJECT

Authorize **(1)** alley paving, water and wastewater main improvements, for Alley Group 12-1126; provide for partial payment of construction costs by assessment of abutting property owners; an estimate of the cost of the improvements to be prepared as required by law (list attached); and **(2)** a benefit assessment hearing to be held on May 24, 2017, to receive comments - Financing: No cost consideration to the City

BACKGROUND

The alley between Hibernia Street and State Street from Boll Street to Worthington Street was requested by property owner petition and accepted on August 2, 2010. The alley between Hibernia Street and McKinney Avenue from Routh Street to Boll Street was requested by property owner petition and accepted on August 11, 2010. The alley between State Street and Thomas Avenue from Routh Street to Boll Street was requested by property owner petition and accepted on September 14, 2010. All of these alley projects were subsequently funded in the 2012 Bond Program. On January 22, 2017, City Council authorized a professional services contract by Resolution No. 14-0190. This action will authorize the project, partial payment of cost by assessment, and a benefit assessment hearing. The alley improvements will consist of upgrading the unimproved gravel and dirt alleys with 10-foot wide concrete pavement, water and wastewater main improvements.

The paving assessment process requires the following three steps:

1. Authorize paving improvements
2. Authorize a benefit assessment hearing
3. Benefit assessment hearing, ordinance levying assessments and authorize contract for construction

These actions are the first and second steps in the process.

ESTIMATED SCHEDULE OF PROJECT

Began Design	March 2014
Completed Design	February 2017
Begin Construction	August 2017
Complete Construction	February 2018

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On January 22, 2014, City Council authorized a professional services contract for engineering services, by Resolution No.14-0190.

Information about this item was provided to the Transportation and Trinity River Project Committee on March 27, 2017.

FISCAL INFORMATION

Design	$ 36,653.50
Construction	
Paving (MSS)	$236,215.00 (est.)
Water & Wastewater (WTR)	$167,758.00 (est.)
Total Project Cost	$440,626.50 (est.)

This project does involve assessments.

MAP

Attached

Alley Group 12-1126

Project	Limits	Council District
Alley between Hibernia Street and State Street	from Boll Street to Worthington Street	14
Alley between Hibernia Street and McKinney Avenue	from Routh Street to Boll Street	14
Alley between State Street and Thomas Avenue	from Routh Street to Boll Street	14

ALLEY GROUP 12-1126



MAPSCO 45F

N

April 12, 2017

WHEREAS, the City of Dallas deems it necessary to permanently improve the hereinafter named alleys within the City of Dallas.

Now, Therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DALLAS:

SECTION 1. That the following alleys:

Alley Group 12-1126

1. Alley between Hibernia Street and State Street from Boll Street to Worthington Street
2. The alley between Hibernia Street and McKinney Avenue from Routh Street to Boll Street
3. The alley between State Street and Thomas Avenue from Routh Street to Boll Street

shall be improved in the following manner, to wit:

(1) That said alleys shall be profiled so as to bring same to design grade.

(2) That said alleys shall be paved with 6-inch thick, 4500-pounds per square inch reinforced concrete, 10 feet in width, with a 6-inch thick flex base subgrade; and

That any permanent improvements in place, meeting these specifications, or which can be utilized, shall be left in place, if any, and corresponding credits to the property owners shall be allowed on the assessments.

That bids shall be taken for the construction of the work for the type of construction enumerated above, and the work shall be done with the materials and according to plans and methods selected by the City Council after the bids are opened.

That the cost of said improvements shall be paid for as follows, to wit:

(a) That the City of Dallas shall pay only an amount equal to the cost of storm sewers, and all the cost of improving intersections of said alleys with other streets and alleys, and partial adjusted frontages on side property, except so much thereof as shall be borne by streets, railways, and steam railways, as provided in Subsection (a).

(b) That after deducting the proportion of the cost provided for in said Subsection (a) above, the whole remaining cost, including the cost of concrete curbs or curbs and gutters, driveways, sidewalks and alleys shall be paid by the owners of property abutting on said streets and alleys named to be paved, in the following manner, to wit:

SECTION 1. (continued)

That the cost shall be assessed against said owners and their property respectively, in accordance with what is known as the "Front-Foot Plan", in proportion as the frontage of the property of each owner is to the whole frontage improved and shall be payable in monthly installments not to exceed one hundred twenty in number, the first of which shall be payable within thirty days from the date of the completion of said improvements and their acceptance by the City of Dallas, and one installment each month thereafter until paid, together with interest thereon at the current rate established and adopted by the City Council applicable to Public Improvement Assessment Accounts being paid by installments and not to exceed the statutory rate, with the provision that any of said installments may be paid at any time before maturity by the payment of the principal and the accrued interest thereon. Any property owner against whom and whose property an assessment has been levied may pay the whole assessment chargeable to him without interest within thirty days after the acceptance and completion of said improvements.

Provided that, if the application of the above-mentioned rule of apportionment between property owners would, in the opinion of the City Council, in particular cases be unjust or unequal, it shall be the duty of the said Council to assess and apportion said cost in such manner as it may deem just and equitable, having in view the special benefits in enhanced value to be received by each owner of such property, the equities of owners, and the adjustment of such apportionment, so as to produce a substantial equality of benefits received by and burdens imposed upon such owners.

That no such assessment shall be made against any owner of abutting property, if any, until after the notice and hearing provided by law, and no assessment shall be made against an owner of abutting property in excess of the benefits to such property in enhanced value thereof by means of such improvements.

That the contractor shall be paid for the work performed under the specifications, upon monthly estimates to be prepared by the Director of Mobility and Street Services. That there shall be deducted as a retainage fee, five percent of such monthly estimates, to be held by the City of Dallas until the contract is performed and executed to the satisfaction of the Director of Mobility and Street Services. The monthly estimates shall be paid on or before the 10th day of the next succeeding month for the work performed during the previous month.

SECTION 1. (continued)

For that part of the cost of the improvements that shall be determined to be levied against the owners of abutting property and their property shall be levied by assessment as herein provided, and said improvements may further be secured by Mechanic's Liens to be executed in favor of the City of Dallas, provided by law in accordance with the terms and provisions of this resolution. Paving certificates evidencing the assessment shall be issued in favor of the City of Dallas for the amount of the assessment, whether the property owners have executed Mechanic's Liens to secure the payment or not, and shall be payable for the use and benefit of the Revolving Fund established for the purpose of financing paving improvements.

That the Director of Mobility and Street Services is hereby directed to prepare at once the specifications and an estimate of the cost of such improvements and file the same with the City Council for the hereinabove described pavement and improvements. That in the specifications prepared, provision shall be made to require all contractors to give such bonds as may be necessary or as required by law.

That such specifications shall require the bidder to make a bid upon the type of improvements above described, with such bonds as may be required.

That the specifications shall also state the amounts of the required bonds, as well as the method by which it is proposed to pay the cost of said improvements, said method being in accordance with this resolution.

SECTION 2. That the City Council, in initiating this proceeding, is acting under the terms and provisions of the Act passed at the First Called Session of the Fortieth Legislature of the State of Texas, and known as Chapter 106 of the Acts of said Session, together with any amendments thereto, now shown as Texas Transportation Code Annotated Sections 311 and 313 (Vernon’s 1996), which said law, as an alternative method for the construction of street and alley improvements in the City of Dallas, Texas, has been adopted and made a part of the Charter of said City, being Chapter XX of said Charter.

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.

NOTICE OF ASSESSMENT PROCEEDINGS AND LIEN UPON ABUTTING PROPERTY

NOTICE is hereby given that the Governing Body of the City of Dallas, in the County of Dallas, in the State of Texas, by Resolution No._____ dated_____ has ordered and directed that the following street in said City be improved, to wit:

Alley Group 12-1126

The Alley between Hibernia Street and State Street from Boll Street to Worthington Street

Northwest Side of Alley			Southeast Side of Alley		
Subdivision	**Block**	**Lot**	**Subdivision**	**Block**	**Lot**
Smith & Watson	B/562	4	Worthington	B/562	6, Acs 0.2314
Smith & Watson	B/562	3			72X140
			Smith & Watson	B/562	5

The Alley between State Street and Thomas Avenue from Routh Street to Boll Street

Northwest Side of Alley			Southeast Side of Alley		
Subdivision	**Block**	**Lot**	**Subdivision**	**Block**	**Lot**
Overlands Addition	C/556	1B	Overlands	C/556	11, 50X150
Overlands	C/556	NE 40' Lt 2	Overlands	C/556	10
		& SW 12' Lt 3	Overlands	C/556	9
		25X150	Overlands	C/556	7 & 8
Overlands	C/556	Mid Pt 3			
		27X150			
Overlands	C/556	11 Ft Lt 3			
		& 30 Ft Lt 4			
Overlands	C/556	E 20 Ft Lt 4			
		& W 40 Ft Lt 5			
		60X150			

In case of conflict between numbers and street names and limits, street names will govern. A portion of the cost of such improvements is to be specially assessed as a lien upon property abutting thereon.

City of Dallas, Texas

By _____
City Secretary

(File in Deed of Trust Records)

April 12, 2017

WHEREAS, the City Council of the City of Dallas is of the opinion that it is necessary to levy an assessment against the property and the owners thereof abutting upon the following:

Alley Group 12-1126

1. Alley between Hibernia Street and State Street from Boll Street to Worthington Street
2. The alley between Hibernia Street and McKinney Avenue from Routh Street to Boll Street
3. The alley between State Street and Thomas Avenue from Routh Street to Boll Street

for a part of the cost of improving said alleys, fixing a time for the hearing of the owners of said property concerning the same, and directing the City to give notice of said hearing, as required by law; and,

WHEREAS, the City Council has heretofore, by resolution, ordered the improvement of the alleys enumerated above, by paving said alleys with 6-inch thick, 4500-pounds per square inch reinforced concrete, 10 feet in width, with a 6-inch thick flex base subgrade; and

Any existing permanent improvements in place, meeting these specifications, or which can be utilized, shall be left in place, if any, and corresponding credits to the property owners shall be allowed on the assessments; and

WHEREAS, the Director of Mobility and Street Services of the City of Dallas has, in accordance with the law, filed his report with the City Council, and the property owners, in the cost thereof, together with the names of the owners and the description of said property, and the work to be done adjacent thereto, and the amounts proposed to be assessed against each lot or parcel and its owners and all other matters required by the applicable law.

Now, Therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DALLAS:

SECTION 1. That the report or statement filed by the Director of Mobility and Street Services having been duly examined is hereby approved.

SECTION 2. That it is hereby found and determined that the cost of improvements on the hereinafter described alleys, with the amount or amounts per front foot proposed to be assessed for such improvements against abutting property and the owners thereof, are as follows, to wit:

SECTION 2. (continued)

Alley Group 12-1126

1. Alley between Hibernia Street and State Street from Boll Street to Worthington Street
2. The alley between Hibernia Street and McKinney Avenue from Routh Street to Boll Street
3. The alley between State Street and Thomas Avenue from Routh Street to Boll Street

shall be paved with 6-inch thick, 4500-pounds per square inch reinforced concrete, 10 feet in width, with a 6-inch thick flex base subgrade; and

The estimated cost of the improvements is **$403,973.00 (est.)**

a. The estimated rate per square yard to be assessed against abutting property and the owners thereof for concrete drive approaches is **$53.46/S. Y.**

b. The estimated rate per front foot to be assessed against abutting property and the owners thereof for concrete alley is: **$21.21/L. F.**

All assessments, however, are to be made and levied by the City Council as it may deem just and equitable, having in view the special benefits in enhanced value to be received by such parcels of property and owners thereof, the equities of such owners, and the adjustment of the apportionment of the cost of improvements so as to produce a substantial equality of benefits received and burdens imposed.

SECTION 3. That a hearing shall be given to said owners of abutting property, or their agents or attorneys and all persons interested in said matter, as to the amount to be assessed against each owner and his abutting property and railways and street railways and as to the benefits to said property by reason of said improvement, or any other matter of thing in connection therewith, which hearing shall be held in the Council Chamber of the City Hall of the City of Dallas, County of Dallas, on the **24th** day of **May,** A.D. **2017**, at **1:00** o'clock P.M., at which time all the said owners, their agents or attorneys or other interested persons are notified to appear and be heard, and at said hearing said owners and other persons may appear, by counsel or in person, and may offer evidence, and said hearing shall be adjourned from day to day until fully accomplished.

SECTION 3. (continued)

That the City shall give notice of the time and place of such hearing and of other matters and facts in accordance with the terms of provisions of the Act passed at the First Called Session of the Fortieth Legislature of the State of Texas, and known as Chapter 106 of the Acts of said Session, together with any amendments thereto, now shown as Texas Transportation Code Annotated Section 311 and 313 (Vernon's 1996), which said law, as an alternative method for the construction of street improvements in the City of Dallas, Texas, has been adopted and made a part of the charter of said City, being Chapter XX of said Charter. Said notice shall be by advertisement inserted at least three times in a newspaper published in the City of Dallas, Texas, the first publication to be made at least twenty-one days before the date of said hearing. Said notice shall comply with and be in accordance with the terms and provisions of said Act.

That the City shall give additional written notice of said hearing by mailing to said owners a copy of said notice deposited in the Post Office at Dallas, Texas, at least fourteen days prior to the date of said hearing, provided however, that any failure of the property owners to receive said notice, shall not invalidate these proceedings.

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.

Engineer's Report

April 12, 2017

TO THE CITY COUNCIL OF THE CITY OF DALLAS, TEXAS

As requested by your Honorable Body, the undersigned has prepared plans and specifications for the improvements of Alley Group 12-1126. That said alleys shall be paved with 6-inch thick, 4500-pounds per square inch reinforced concrete, 10 feet in width; with a 6-inch thick flex base subgrade and with estimates of the cost of improving the alleys as listed thereon, together with the proposed assessments, a part of the cost to be made against the abutting properties and the property owners, and part of the cost to be paid by the City. The report of these improvements is as follows:

Alley Group 12-1126

1. Alley between Hibernia Street and State Street from Boll Street to Worthington Street

Total Property Owners' Cost – Assessments		$6,044.03
Total Estimated City of Dallas' Cost - Paving	$71,985.97	
Total Estimated Water Utilities Department Cost Water and Wastewater Main Improvements	$44,539.00	
Total Estimated City of Dallas' Cost		$116,524.97
Total Estimated Cost of Improvements		$122,569.00

2. The alley between Hibernia Street and McKinney Avenue from Routh Street to Boll Street

Total Property Owners' Cost – Assessments		$0.00
Total Estimated City of Dallas' Cost - Paving	$80,155.00	
Total Estimated Water Utilities Department Cost Wastewater Main Improvements	$44,047.00	
Total Estimated City of Dallas' Cost		$124,202.00
Total Estimated Cost of Improvements		$124,202.00

3. The alley between State Street and Thomas Avenue from Routh Street to Boll Street

Total Property Owners' Cost – Assessments		$11,132.67
Total Estimated City of Dallas' Cost - Paving	$66,897.33	
Total Estimated Water Utilities Department Cost Water and Wastewater Main Improvements	$79,172.00	
Total Estimated City of Dallas' Cost		$146,069.33
Total Estimated Cost of Improvements		$157,202.00

Alley Group 12-1126

1. Alley between Hibernia Street and State Street from Boll Street to Worthington Street
2. The alley between Hibernia Street and McKinney Avenue from Routh Street to Boll Street
3. The alley between State Street and Thomas Avenue from Routh Street to Boll Street

Grand Total Property Owners' Cost - Assessments		$17,176.70
Estimated Grand Total City of Dallas' Cost - Paving	$219,038.30	
Estimated Grand Total Water Utilities Department Cost Water and Wastewater Main Improvements	$167,758.00	
Estimated Grand Total City of Dallas' Cost		$386,796.30
Estimated Grand Total Cost of Improvements		$403,973.00

The Director of Mobility and Street Services reports that representatives of this Department have studied the actual existing conditions on the ground on these particular alleys and find that the existing dirt and gravel alleys have accessibility and drainage issues. Taking these and other factors into consideration; plans and specifications have been prepared for these improvements. We believe that this paving will improve the properties abutting on said alleys, and the proposed assessment is equitable for the enhancement value achieved on the abutting properties. Final determination of assessments will be made based on analysis of enhancement.

Respectfully submitted,

Director, Mobility and Street Services Department

ALLEY GROUP 12-1126

1. ALLEY BETWEEN HIBERNIA STREET AND STATE STREET FROM BOLL STREET TO WORTHINGTON STREET SHALL BE PAVED WITH 6-INCH THICKNESS 4500-POUNDS PER SQUARE INCH REINFORCED CONCRETE 10 FEET WIDE

OWNER	LOT(S)	BLOCK	FRONTAGE	RATE	AMOUNT	TOTAL ASSESSMENT
NORTHWEST SIDE OF ALLEY						
			SMITH & WATSON			
JOHN F HUMPHRIES 2700 HIBERNIA ST DALLAS, TEXAS 75204	4	B/562	72 FT PMVT	$21.21	$1,527.12	**$1,527.12**
RAYMOND ALLIE MYSLIWY & DEBORAH ANN MYSLIWY 2706 HIBERNIA ST DALLAS, TEXAS 75204	3	B/562	71 FT PMVT 5.5 SY DR(20'Wide)	$21.21 $53.46	$1,505.91 $294.03	**$1,799.94**
SOUTHEAST SIDE OF ALLEY						
			WORTHINGTON			
CURTIS W MEADOWS JR & PATRICIA B MEADOWS 2707 STATE ST DALLAS, TEXAS 75204	6 Acs 0.2314 72X140	B/562	70 FT PMVT 20 FT DRIVE	$21.21 No Cost	$1,484.70 $0.00	**$1,484.70**
			SMITH & WATSON			
ADA CAPITAL LTD 2701 STATE ST DALLAS, TEXAS 75204	5 **2410** **Boll St**	B/562	57 FT PMVT 10 FT DRIVE	$21.21 No Cost	$1,208.97 $0.00	**$1,208.97**

ALLEY GROUP 12-1126

1. ALLEY BETWEEN HIBERNIA STREET AND STATE STREET FROM BOLL STREET TO WORTHINGTON STREET

TOTAL PROPERTY OWNERS' COST ASSESSMENTS		$6,020.73
ESTIMATED TOTAL CITY OF DALLAS' COST - PAVING	$72,009.27	
ESTIMATED TOTAL DALLAS WATER UTILITIES COST WATER AND WASTEWATER MAIN IMPROVEMENTS	$44,539.00	
ESTIMATED TOTAL CITY OF DALLAS' COST		$116,548.27
ESTIMATED TOTAL COST OF IMPROVEMENTS		$122,569.00

ALLEY GROUP 12-1126

2. ALLEY BETWEEN HIBERNIA STREET AND MCKINNEY AVENUE FROM ROUTH STREET TO BOLL STREET
SHALL BE PAVED WITH 6-INCH THICKNESS 4500-POUNDS PER SQUARE INCH REINFORCED CONCRETE 10 FEET WIDE

OWNER	LOT(S)	BLOCK	FRONTAGE	RATE	TOTAL AMOUNT ASSESSMENT
NORTHWEST SIDE OF ALLEY					
			OVERLANDS		
UPTOWN ENERGY PARTNERS LP 2602 MCKINNEY AVE SUITE 330 DALLAS, TEXAS 75204	1&2	A/554		**NO ASSESSMENT** **PAVEMENT IN PLACE**	
J&K REAL ESTATE INV LTD 2340 W INTERSTATE 20 SUITE 100 ARLINGTON, TEXAS 76017	3&4 Acs 0.4928 **2614** **Mckinney Ave**	A/554		**NO ASSESSMENT** **PAVEMENT IN PLACE**	
SOUTHEAST SIDE OF ALLEY					
JOSH R FEFERMAN 2511 BOLL ST DALLAS, TEXAS 75204	7 Acs 0.09	A/554		**NO ASSESSMENT** **PAVEMENT IN PLACE**	
MATTHEW DALE SWIFT 8184 SAN BENITO WAY DALLAS, TEXAS 75218	E Pt Lt 6 Hibernia Adj Lt 7 54.5X134X68.8 24.7X35.2X40 **2615** **Hibernia St**	A/554		**NO ASSESSMENT** **PAVEMENT IN PLACE**	
JOHN HUMPHRIES JR 2700 HIBERNIA ST DALLAS, TEXAS 75204	E12 Lt 5 50.5X40X35.2 **2609** **Hibernia St**	A/554		**NO ASSESSMENT** **PAVEMENT IN PLACE**	

ALLEY GROUP 12-1126

2. ALLEY BETWEEN HIBERNIA STREET AND MCKINNEY AVENUE FROM ROUTH STREET TO BOLL STREET
SHALL BE PAVED WITH 6-INCH THICKNESS 4500-POUNDS PER SQUARE INCH REINFORCED CONCRETE 10 FEET WIDE

OWNER	LOT(S)	BLOCK	FRONTAGE	RATE	TOTAL AMOUNT ASSESSMENT
JOHN HUMPHRIES JR 2700 HIBERNIA ST DALLAS, TEXAS 75204	Mid Pt Lt 5 53.5X80 **2605** **Hibernia St**	A/554		**NO ASSESSMENT** **PAVEMENT IN PLACE**	
FATIMA LLC 7139 HILLGREEN DR #B DALLAS, TEXAS 75214	Pt Lt 5 Acs 0.1331 **2500** **Routh St**	A/554		**NO ASSESSMENT** **PAVEMENT IN PLACE**	

ALLEY GROUP 12-1126

2. ALLEY BETWEEN HIBERNIA STREET AND MCKINNEY AVENUE FROM ROUTH STREET TO BOLL STREET

TOTAL PROPERTY OWNERS' COST ASSESSMENTS		$0.00
ESTIMATED TOTAL CITY OF DALLAS' COST - PAVING	$80,155.00	
ESTIMATED TOTAL DALLAS WATER UTILITIES COST WATER AND WASTEWATER MAIN IMPROVEMENTS	$44,047.00	
ESTIMATED TOTAL CITY OF DALLAS' COST		$124,202.00
ESTIMATED TOTAL COST OF IMPROVEMENTS		$124,202.00

ALLEY GROUP 12-1126

3. ALLEY BETWEEN STATE STREET AND THOMAS AVENUE FROM ROUTH STREET TO BOLL STREET
SHALL BE PAVED WITH 6-INCH THICKNESS 4500-POUNDS PER SQUARE INCH REINFORCED CONCRETE 10 FEET WIDE

OWNER	LOT(S)	BLOCK	FRONTAGE	RATE	AMOUNT	TOTAL ASSESSMEN
NORTHWEST SIDE OF ALLEY						
			OVERLANDS ADDITION			
DOUGLAS R NICHOLS DBA 2600 STATE ST INVESTORS 2603 FAIRMOUNT ST DALLAS, TEXAS 75201	1B **2312** **Routh St**	C/556	50 FT PMVT	$21.21	$1,060.50	**$1,060.50**
			OVERLANDS			
ALLMILAND LTD 2606 STATE ST DALLAS, TEXAS 75204	NE 40' Lt 2 & SW 12' Lt 3 25X150	C/556	52 FT PMVT	$21.21	$1,102.92	**$1,102.92**
LAURENCE J PRAEGER & JESSICA PRAEGER 2608 STATE ST DALLAS, TEXAS 75204	Mid Pt 3 27X150	C/556	27 FT PMVT 6 SY DR(27'Wide)	$21.21 $53.46	$572.67 $320.76	**$893.43**
AMY GRAGERT 2610 STATE ST DALLAS, TEXAS 75204	11 Ft Lt 3 & 30 Ft Lt 4	C/556	41 FT PMVT 8.8 SY DR(40'Wide)	$21.21 $53.46	$869.61 $470.45	**$1,340.06**
LEON R SIMS 2616 STATE ST DALLAS, TEXAS 75204	E 20 Ft Lt 4 & w 40 Ft Lt 5 60X150	C/556	59 FT PMVT	$21.21	$1,251.39	**$1,251.39**
MARY D MCKNIGHT 2620 STATE ST DALLAS, TEXAS 75204	6 & W10' Lot 5 60X150	C/556	**NO ASSESSMENT** **PAVEMENT IN PLACE**			

ALLEY GROUP 12-1126

3. ALLEY BETWEEN STATE STREET AND THOMAS AVENUE FROM ROUTH STREET TO BOLL STREET SHALL BE PAVED WITH 6-INCH THICKNESS 4500-POUNDS PER SQUARE INCH REINFORCED CONCRETE 10 FEET WIDE

OWNER	LOT(S)	BLOCK	FRONTAGE	RATE	AMOUNT	TOTAL ASSESSMEN
SOUTHEAST SIDE OF ALLEY						
			TOPHI			
ALLMILAND LTD 2606 STATE ST DALLAS, TEXAS 75204	Lt 12A Acs 0.0712 **2309** **Boll St**	C/556	**NO ASSESSMENT** **PAVEMENT IN PLACE**			
			OVERLANDS			
BARNEY & DAVID LTD 6333 E MOCKINGBIRD LN SUITE 147 DALLAS, TEXAS 75214	11 50X150 **2617** **Thomas Ave**	C/556	50 FT PMVT 14 FT DRIVE 15 FT DRIVE	$21.21 No Cost No Cost	$1,060.50 $0.00 $0.00	**$1,060.50**
BOBUM III LLC 1825 MARKET CENTER BLVD #385 DALLAS, TEXAS 75207	10 **2613** **Thomas Ave**	C/556	50 FT PMVT 18 FT DRIVE	$21.21 No Cost	$1,060.50 $0.00	**$1,060.50**
2609 THOMAS LLC 122 JAMES DR HEATH, TEXAS 75032	9 **2609** **Thomas Ave**	C/556	48 FT PMVT 3.3 SY DR(10' Wide)	$21.21 $53.46	$1,018.08 $176.42	**$1,194.50**
DOOFER LLC 2300 WOLF ST 14A DALLAS, TEXAS 75201	7 & 8 100X150 **2605** **Thomas Ave**	C/556	100 FT PMVT 18 FT DRIVE	$21.21 No Cost	$2,121.00 $0.00	**$2,121.00**

ALLEY GROUP 12-1126

3. ALLEY BETWEEN STATE STREET AND THOMAS AVENUE FROM ROUTH STREET TO BOLL STREET

TOTAL PROPERTY OWNERS' COST ASSESSMENTS		$11,084.80
ESTIMATED TOTAL CITY OF DALLAS' COST - PAVING	$66,945.20	
ESTIMATED TOTAL DALLAS WATER UTILITIES COST WATER AND WASTEWATER MAIN IMPROVEMENTS	$79,172.00	
ESTIMATED TOTAL CITY OF DALLAS' COST		$146,117.20
ESTIMATED TOTAL COST OF IMPROVEMENTS		$157,202.00

AGENDA ITEM # 29

KEY FOCUS AREA:	Economic Vibrancy
AGENDA DATE:	April 12, 2017
COUNCIL DISTRICT(S):	1
DEPARTMENT:	Mobility and Street Services Water Utilities
CMO:	Majed A. Al-Ghafry, 670-3302 Jill A. Jordan, P.E., 670-5299
MAPSCO:	54C G

SUBJECT

Authorize **(1)** street paving and water improvements for North Adams Avenue from Tenth Street to Davis Street; provide for partial payment of construction cost by assessment of abutting property owners; an estimate of the cost of the improvements to be prepared as required by law; and **(2)** a benefit assessment hearing to be held on May 24, 2017, to receive comments - Financing: No cost consideration to the City

BACKGROUND

North Adams Avenue from Tenth Street to Davis Street was included in the 2012 Bond Program as a Target Neighborhood project. A professional services contract for the design of this project was authorized by City Council on September 25, 2013, by Resolution No. 13-1731, and this action will authorize the project, partial payment of costs by assessment, and a benefit assessment hearing. The improvements will consist of a 40-foot wide concrete pavement with curbs, sidewalks, on-street parking, drive approaches, and installation of a water main improvements.

The paving assessment process requires the following three steps:

1. Authorize paving improvements.
2. Authorize a benefit assessment hearing.
3. Benefit assessment hearing, ordinance levying assessments and authorize contract for construction.

These actions are the first and second steps in the process.

ESTIMATED SCHEDULE OF PROJECT

Began Design	October 2013
Completed Design	March 2017
Begin Construction	July 2017
Complete Construction	April 2018

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On September 25, 2013, City Council authorized a professional services contract for engineering services by Resolution No. 13-1731.

Information about this item was provided to the Transportation and Trinity River Project Committee on March 27, 2017.

FISCAL INFORMATION

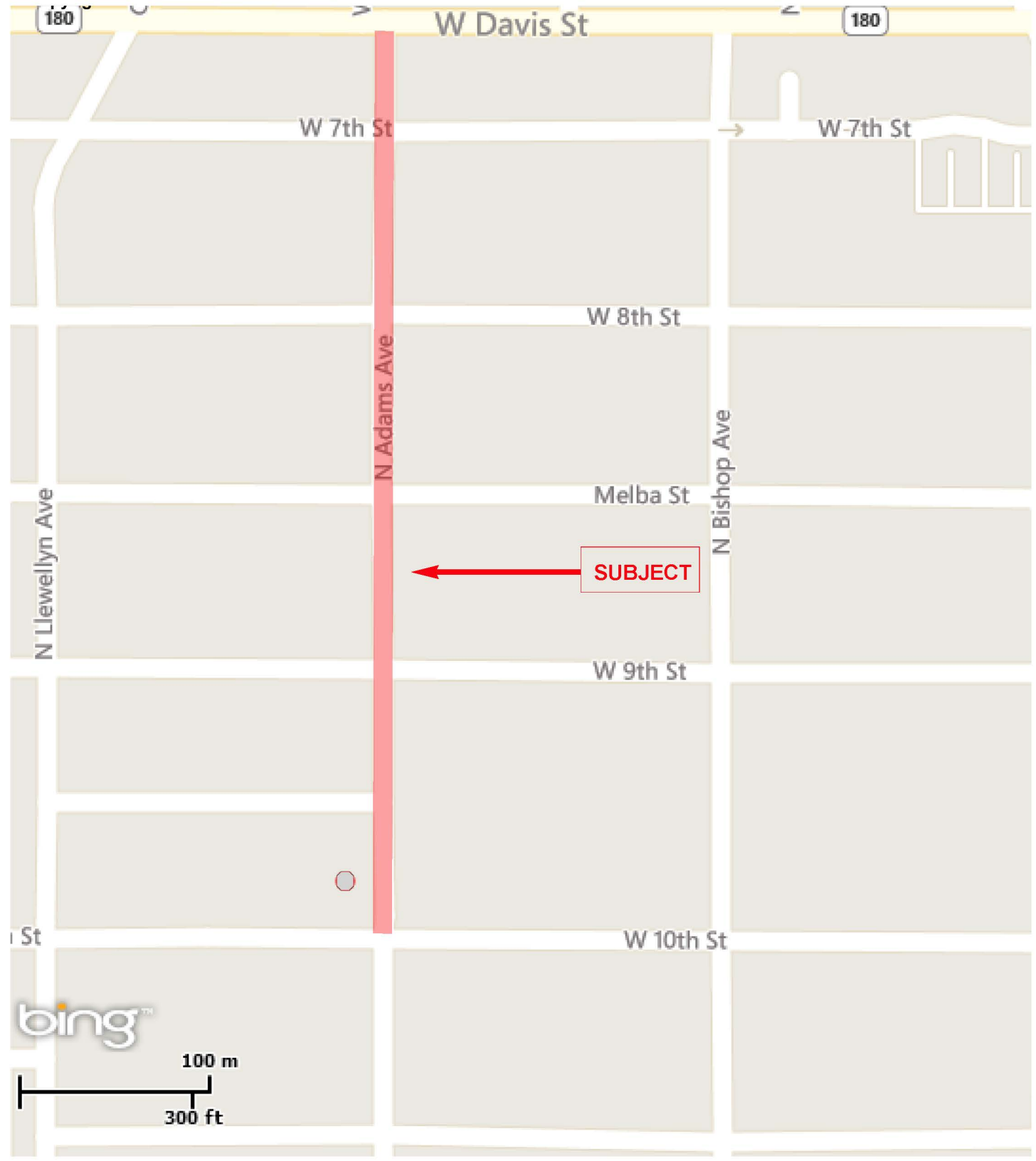
Design	$103,636
Construction	
Paving - STS	$702,525 (est.)
Water - WTR	$154,253 (est.)
Total Project Cost	$960,414 (est.)

This project does involve assessments.

MAP

Attached

NORTH ADAMS AVENUE FROM TENTH STREET TO DAVIS STREET



MAPSCO 54C, G

N

April 12, 2017

WHEREAS, the City of Dallas deems it necessary to permanently improve the hereinafter named street within the City of Dallas.

Now, Therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DALLAS:

SECTION 1. That the following street:

North Adams Avenue from Tenth Street to Ninth Street to Melba Street to Eighth Street to Seventh Street to Davis Street

shall be improved in the following manner, to wit:

(1) That said street shall be profiled so as to bring same to design grade.

(2) That said street shall be paved from curb to curb with 8-inch thick 4000-pounds per square inch reinforced concrete pavement; with 6-inch thick lime treated subgrade and cement stabilization; with 6-inch high integral curbs, with 6-inch thick reinforced concrete drive approaches; with 4-inch thick reinforced concrete sidewalk 6 feet wide, with on-street parking, so that the roadway shall be 40 feet in width; and

That any permanent improvements in place, meeting these specifications, or which can be utilized, shall be left in place, if any, and corresponding credits to the property owners shall be allowed on the assessments.

That bids shall be taken for the construction of the work for the type of construction enumerated above, and the work shall be done with the materials and according to plans and methods selected by the City Council after the bids are opened.

That the cost of said improvements shall be paid for as follows, to wit:

(a) That the City of Dallas shall pay only an amount equal to the cost of water main, and also all the cost of improving intersections of said street with other streets, and partial adjusted frontages on side property, except so much thereof as shall be borne by streets.

(b) That after deducting the proportion of the cost provided for in said Subsection (a) above, the whole remaining cost, including the cost of concrete curbs or curbs and gutters, driveways, sidewalks shall be paid by the owners of property abutting on said street named to be paved, in the following manner, to wit:

SECTION 1. (continued)

That the cost shall be assessed against said owners and their property respectively, in accordance with what is known as the "Front-Foot Plan", in proportion as the frontage of the property of each owner is to the whole frontage improved and shall be payable in monthly installments not to exceed one hundred and twenty in number, the first of which shall be payable within thirty days from the date of the completion of said improvements and their acceptance by the City of Dallas, and one installment each month thereafter until paid, together with interest thereon at the current rate established and adopted by the City Council applicable to Public Improvement Assessment Accounts being paid by installments and not to exceed the statutory rate, with the provision that any of said installments may be paid at any time before maturity by the payment of the principal and the accrued interest thereon. Any property owner against whom and whose property an assessment has been levied may pay the whole assessment chargeable to him without interest within thirty days after the acceptance and completion of said improvements.

Provided that, if the application of the above-mentioned rule of apportionment between property owners would, in the opinion of the City Council, in particular cases be unjust or unequal, it shall be the duty of the said Council to assess and apportion said cost in such manner as it may deem just and equitable, having in view the special benefits in enhanced value to be received by each owner of such property, the equities of owners, and the adjustment of such apportionment, so as to produce a substantial equality of benefits received by and burdens imposed upon such owners.

That no such assessment shall be made against any owner of abutting property, if any, until after the notice and hearing provided by law, and no assessment shall be made against an owner of abutting property in excess of the benefits to such property in enhanced value thereof by means of such improvements.

That the contractor shall be paid for the work performed under the specifications, upon monthly estimates to be prepared by the Director of Mobility and Street Services. That there shall be deducted as a retainage fee, five percent of such monthly estimates, to be held by the City of Dallas until the contract is performed and executed to the satisfaction of the Director of Mobility and Street Services. The monthly estimates shall be paid on or before the 10th day of the next succeeding month for the work performed during the previous month.

SECTION 1. (continued)

For that part of the cost of the improvements that shall be determined to be levied against the owners of abutting property and their property shall be levied by assessment as herein provided, and said improvements may further be secured by Mechanic's Liens to be executed in favor of the City of Dallas, provided by law in accordance with the terms and provisions of this resolution. Paving certificates evidencing the assessment shall be issued in favor of the City of Dallas for the amount of the assessment, whether the property owners have executed Mechanic's Liens to secure the payment or not, and shall be payable for the use and benefit of the Revolving Fund established for the purpose of financing paving improvements.

That the Director of Mobility and Street Services is hereby directed to prepare at once the specifications and an estimate of the cost of such improvements and file the same with the City Council for the hereinabove described pavement and improvements. That in the specifications prepared, provision shall be made to require all contractors to give such bonds as may be necessary or as required by law.

That such specifications shall require the bidder to make a bid upon the type of improvements above described, with such bonds as may be required.

That the specifications shall also state the amounts of the required bonds, as well as the method by which it is proposed to pay the cost of said improvements, said method being in accordance with this resolution.

SECTION 2. That the City Council, in initiating this proceeding, is acting under the terms and provisions of the Act passed at the First Called Session of the Fortieth Legislature of the State of Texas, and known as Chapter 106 of the Acts of said Session, together with any amendments thereto, now shown as Texas Transportation Code Annotated Sections 311 and 313 (Vernon’s 1996), which said law, as an alternative method for the construction of street improvements in the City of Dallas, Texas, has been adopted and made a part of the Charter of said City, being Chapter XX of said Charter.

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.

NOTICE OF ASSESSMENT PROCEEDINGS AND LIEN UPON ABUTTING PROPERTY

NOTICE is hereby given that the Governing Body of the City of Dallas, in the County of Dallas, in the State of Texas, by Resolution No._____ dated_____ has ordered and directed that the following street in said City be improved, to wit:

North Adams Avenue from Tenth Street to Ninth Street to Melba Street to Eighth Street to Seventh Street to Davis Street

West Side of Street

Subdivision	**Block**	**Lot**
John H Reagan Addition	34/3154	1A
Dallas Land and Loan 2	25/3145	Lt 10 & Pt Lt 9
Dallas Land and Loan 2	25/3145	Lt 11 & Pt Lt 12
Hillside	4/3144	Lts 8, 9 & 10
Hillside	4/3144	11

East Side of Street

Subdivision	**Block**	**Lot**
Hillside	3/3143	20
Hillside	3/3143	1
Dallas Land and Loan 2	26/3146	W 50 Ft Lt 20
Dallas Land and Loan 2	26/3146	Lt 1 & Pt Lt 2
Dallas Land and Loan 2	33/3153	W 55 Ft Lt 20
Dallas Land and Loan 2	33/3153	Lt 1 & Pt Lt 2
Dallas Land and Loan 2	36/3156	Pt Lt 20
Dallas Land and Loan 2	36/3156	1B, Acs 0.1393

In case of conflict between numbers and street names and limits, street names will govern. A portion of the cost of such improvements is to be specially assessed as a lien upon property abutting thereon.

City of Dallas, Texas

By _____
City Secretary

(File in Deed of Trust Records)

April 12, 2017

WHEREAS, the City Council of the City of Dallas is of the opinion that it is necessary to levy an assessment against the property and the owners thereof abutting upon the following:

North Adams Avenue from Tenth Street to Ninth Street to Melba Street to Eighth Street to Seventh Street to Davis Street

for a part of the cost of improving said street, fixing a time for the hearing of the owners of said property concerning the same, and directing the City to give notice of said hearing, as required by law; and

WHEREAS, the City Council has heretofore, by resolution, ordered the improvement of the street enumerated above, by paving said street from curb to curb with 8-inch thick 4000-pounds per square inch reinforced concrete pavement; with 6-inch thick lime treated subgrade and cement stabilization; with 6-inch high integral curbs; with 6-inch thick reinforced concrete drive approaches; with 4-inch thick reinforced concrete sidewalk 6 feet wide, with on-street parking, so that the roadway shall be 40 feet in width; and

Any existing permanent improvements in place, meeting these specifications, or which can be utilized, shall be left in place, if any, and corresponding credits to the property owners shall be allowed on the assessments; and

WHEREAS, the Director of Mobility and Street Services of the City of Dallas has, in accordance with the law, filed his report with the City Council, and the property owners, in the cost thereof, together with the names of the owners and the description of said property, and the work to be done adjacent thereto, and the amounts proposed to be assessed against each lot or parcel and its owners and all other matters required by the applicable law.

Now, Therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DALLAS:

SECTION 1. That the report or statement filed by the Director of Mobility and Street Services having been duly examined is hereby approved.

SECTION 2. That it is hereby found and determined that the cost of improvements on the hereinafter described street, with the amount or amounts per front foot proposed to be assessed for such improvements against abutting property and the owners thereof, are as follows, to wit:

SECTION 2. (continued)

North Adams Avenue from Tenth Street to Ninth Street to Melba Street to Eighth Street to Seventh Street to Davis Street

shall be improved from curb to curb with 8-inch thick 4000-pounds per square inch reinforced concrete pavement; with 6-inch thick lime treated subgrade and cement stabilization; with 6-inch high integral curbs; with 6-inch thick reinforced concrete drive approaches; with 4-inch thick reinforced concrete sidewalk 6 feet wide, with on-street parking, so that the roadway shall be 40 feet in width; and

The estimated cost of the improvements is **$856,778.00 (est.)**

a. The estimated rate per square yard to be assessed against abutting property and the owners thereof for concrete drive approaches is **$53.46/S. Y.**

b. The estimated rate per front foot to be assessed against abutting property and the owners thereof for pavement improvements is as follows:

Where Property Classification is WSR-I (Residential)

The side frontage rate for 8-inch adjusted to 6-inch thick reinforced concrete pavement 2.5 feet wide with curb: **$20.52/L. F.**
The side frontage rate for 4-inch thick reinforced concrete sidewalk is**: $5.17/L. F.**

Where Property Classification is WSR-II (Multifamily)

The rate for 8-inch thick reinforced concrete pavement 18.5 feet wide with curb: **$133.57/L. F.**
The rate for 8-inch thick reinforced concrete pavement 18.5 feet wide with existing curb: **$130.71/L. F.**
The rate for 8-inch thick reinforced concrete pavement 13.5 feet wide with curb: **$98.24/L. F.**

Where Property Classification is WSR-III (Commercial)

The rate for 8-inch thick reinforced concrete pavement 18.5 feet wide with curb: **$133.57/L. F.**

The rate for 4-inch thick reinforced concrete sidewalk is**: $10.35/L. F.**

SECTION 2. (continued)

All assessments, however, are to be made and levied by the City Council as it may deem just and equitable, having in view the special benefits in enhanced value to be received by such parcels of property and owners thereof, the equities of such owners, and the adjustment of the apportionment of the cost of improvements so as to produce a substantial equality of benefits received and burdens imposed.

SECTION 3. That a hearing shall be given to said owners of abutting property, or their agents or attorneys and all persons interested in said matter, as to the amount to be assessed against each owner and his abutting property and railways and street railways and as to the benefits to said property by reason of said improvement, or any other matter of thing in connection therewith, which hearing shall be held in the Council Chamber of the City Hall of the City of Dallas, County of Dallas, on the **24th** day of **May,** A.D. **2017**, at **1:00** o'clock P.M., at which time all the said owners, their agents or attorneys or other interested persons are notified to appear and be heard, and at said hearing said owners and other persons may appear, by counsel or in person, and may offer evidence, and said hearing shall be adjourned from day to day until fully accomplished.

That the City shall give notice of the time and place of such hearing and of other matters and facts in accordance with the terms of provisions of the Act passed at the First called Session of the Fortieth Legislature of the State of Texas, and known as Chapter 106 of the Acts of said Session, together with any amendments thereto, now shown as Texas Transportation Code Annotated Section 311 and 313 (Vernon's 1996), which said law, as an alternative method for the construction of street improvements in the City of Dallas, Texas, has been adopted and made a part of the charter of said City, being Chapter XX of said Charter. Said notice shall be by advertisement inserted at least three times in a newspaper published in the City of Dallas, Texas, the first publication to be made at least twenty-one days before the date of said hearing. Said notice shall comply with and be in accordance with the terms and provisions of said Act.

That the City shall give additional written notice of said hearing by mailing to said owners a copy of said notice deposited in the Post Office at Dallas, Texas, at least fourteen days prior to the date of said hearing, provided however, that any failure of the property owners to receive said notice, shall not invalidate these proceedings.

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.

April 12, 2017

TO THE CITY COUNCIL OF THE CITY OF DALLAS, TEXAS

As requested by your Honorable Body, the undersigned has prepared plans and specifications for the improvements of North Adams Avenue from Tenth Street to Ninth Street to Melba Street to Eighth Street to Seventh Street to Davis Street. That said street shall be paved curb to curb with 8-inch thick 4000-pounds per square inch reinforced concrete pavement; with 6-inch thick lime treated subgrade and cement stabilization; with 6-inch high integral curbs; with 6-inch thick reinforced concrete drive approaches; with 4-inch thick reinforced concrete sidewalk 6 feet wide, with on-street parking, so that the roadway shall be 40 feet in width; and with estimates of the cost of improving the street as listed thereon, together with the proposed assessments, a part of the cost to be made against the abutting properties and the property owners, and part of the cost to be paid by the City. The report of these improvements is as follows:

North Adams Avenue from Tenth Street to Ninth Street to Melba Street to Eighth Street to Seventh Street to Davis Street

Total Property Owners' Cost – Assessments		$97,966.54
Total Estimated City of Dallas' Cost - Paving	$604,558.46	
Total Estimated Water Utilities Department Cost Water Main Improvements	$154,253.00	
Total Estimated City of Dallas' Cost		$758,811.46
Total Estimated Cost of Improvements		$856,778.00

North Adams Avenue from Tenth Street to Ninth Street to Melba Street to Eighth Street to Seventh Street to Davis Street

Total Property Owners' Cost – Assessments		$97,966.54
Total Estimated City of Dallas' Cost - Paving	$604,558.46	
Total Estimated Water Utilities Department Cost Water Main Improvements	$154,253.00	
Total Estimated City of Dallas' Cost		$758,811.46
Total Estimated Cost of Improvements		$856,778.00

The Director of Mobility and Street Services reports that representatives of this Department have studied the actual existing conditions on this street, and found that the existing roadway have a narrow asphalt surface with shallow earth ditches; which have accessibility and drainage issues. Taking this into consideration, plans and specifications have been prepared for these improvements. We believe that this paving will improve the properties abutting on said street, and the proposed assessment is equitable for the enhancement value achieved on the abutting properties. Final determination of assessments will be made based on analysis of enhancement.

Respectfully submitted,

Director, Mobility & Street Services Department

NORTH ADAMS AVENUE FROM TENTH STREET TO NINTH STREET TO MELBA STREET TO EIGHTH STREET TO SEVENTH STREET TO DAVIS STREET SHALL BE PAVED FROM CURB TO CURB WITH 8-INCH THICKNESS 4000-POUNDS PER SQUARE INCH REINFORCED CONCRETE PAVEMENT; WITH A 6-INCH LIME STABILIZED BASE; WITH 6-INCH HEIGHT INTEGRAL CURBS; WITH A 6-INCH THICKNESS REINFORCED CONCRETE DRIVE APPROACH; WITH 4-INCH THICKNESS REINFORCED CONCRETE SIDEWALKS 6 FEET WIDE; WITH ON-STREET PARKING, SO THAT THE ROADWAY SHALL BE 40 FEET IN WIDTH

OWNER	LOT(S)	BLOCK	FRONTAGE		RATE	AMOUNT	TOTAL ASSESSMENT
WEST SIDE OF STREET							
		DALLAS LAND AND LOAN 2					
MEAZELL MALENA PAOG ETAL	Pt Lts 9&10	35/3155					
MEAZEL INS AGENCY	73.9X125				**NO ASSESSMENT**		
799 S R L THORNTON FWY	**501**				**PAVEMENT IN PLACE**		
DALLAS, TEXAS 75203	**W 10th St**						
ALEJANDRO H MONTIEL	Pt Lts 9&10	35/3155					
644 N TYLER ST	**115**				**NO ASSESSMENT**		
DALLAS, TEXAS 75208	**North Adams Ave**				**PAVEMENT IN PLACE**		
RAQUEL CANO	Pt Lts 11&12	35/3155					
119 N ADAMS AVE					**NO ASSESSMENT**		
DALLAS, TEXAS 75208					**PAVEMENT IN PLACE**		
REGINALDO & PETRA RUBIO	Pt Lt 11	35/3155					
125 N ADAMS AVE	43.2X120				**NO ASSESSMENT**		
DALLAS, TEXAS 75208					**PAVEMENT IN PLACE**		
NINTH STREET INTERSECTS							
		JOHN H REAGAN ADDITION					
DALLAS ISD	1A	34/3154	229	FT PVMT	$130.71	$29,932.59	
ATTN TREASURER	**201**		229	FT WALK	No Cost	$0.00	
3700 ROSS AVE BOX 109	**North Adams Ave**						**$29,932.59**
DALLAS, TEXAS 75204							
MELBA STREET INTERSECTS							
		DALLAS LAND AND LOAN 2					
MICHAEL A ARREAGA	Lt 10&Pt Lt 9	25/3145	112	FT PVMT	$20.52	$2,298.24	
505 MELBA ST			101	FT WALK	No Cost	$0.00	
DALLAS, TEXAS 75208			11	FT DRIVE	No Cost	$0.00	
							$2,298.24

NORTH ADAMS AVENUE FROM TENTH STREET TO NINTH STREET TO MELBA STREET TO EIGHTH STREET TO SEVENTH STREET TO DAVIS STREET SHALL BE PAVED FROM CURB TO CURB WITH 8-INCH THICKNESS 4000-POUNDS PER SQUARE INCH REINFORCED CONCRETE PAVEMENT; WITH A 6-INCH LIME STABILIZED BASE; WITH 6-INCH HEIGHT INTEGRAL CURBS; WITH A 6-INCH THICKNESS REINFORCED CONCRETE DRIVE APPROACH; WITH 4-INCH THICKNESS REINFORCED CONCRETE SIDEWALKS 6 FEET WIDE; WITH ON-STREET PARKING, SO THAT THE ROADWAY SHALL BE 40 FEET IN WIDTH

OWNER	LOT(S)	BLOCK	FRONTAGE		RATE	AMOUNT	TOTAL ASSESSMENT
			DALLAS LAND AND LOAN 2				
APPLE VILLA SOUTH	Lt 11&Pt Lt 12	25/3145	116	FT PVMT	$95.38	$11,064.08	
3550 E 46TH ST STE 120	**502**		98	FT WALK	No Cost	$0.00	
MINNEAPOLIS,	**W 8th St**		18	FT DRIVE	No Cost	$0.00	
MINNESOTA 55406							**$11,064.08**
EIGHTH STREET INTERSECTS							
			HILLSIDE				
APPLE VILLA SOUTH	Lts 8,9 & 10	4/3144	119	FT PVMT	$95.38	$11,350.22	
3550 E 46TH ST STE 120	**505**		119	FT WALK	No Cost	$0.00	
MINNEAPOLIS,	**W 8th St**						**$11,350.22**
MINNESOTA 55406							
APOLINAR &	11	4/3144	118	FT PVMT	$20.52	$2,421.36	
GRISELDA CARDENAS	**500**		99	FT WALK	No Cost	$0.00	
1112 STINNETT PL	**W 7th St**		19	FT DRIVE	No Cost	$0.00	
DESOTO, TEXAS 75115							**$2,421.36**
SEVENTH STREET INTERSECTS							
SANTOS & MARIA LEAL	6	9/3139					
1326 FT WORTH AVE	**502**			**NO ASSESSMENT**			
DALLAS, TEXAS 75208	**W Davis St**			**PAVEMENT IN PLACE**			
EAST SIDE OF STREET							
FORD COIN REALTY LP	10	10/3138					
2626 COLE AVE # 650	**440**			**NO ASSESSMENT**			
DALLAS, TEXAS 75204	**W Davis St**			**PAVEMENT IN PLACE**			

NORTH ADAMS AVENUE FROM TENTH STREET TO NINTH STREET TO MELBA STREET TO EIGHTH STREET TO SEVENTH STREET TO DAVIS STREET SHALL BE PAVED FROM CURB TO CURB WITH 8-INCH THICKNESS 4000-POUNDS PER SQUARE INCH REINFORCED CONCRETE PAVEMENT; WITH A 6-INCH LIME STABILIZED BASE; WITH 6-INCH HEIGHT INTEGRAL CURBS; WITH A 6-INCH THICKNESS REINFORCED CONCRETE DRIVE APPROACH; WITH 4-INCH THICKNESS REINFORCED CONCRETE SIDEWALKS 6 FEET WIDE; WITH ON-STREET PARKING, SO THAT THE ROADWAY SHALL BE 40 FEET IN WIDTH

OWNER	LOT(S)	BLOCK	FRONTAGE	RATE	AMOUNT	TOTAL ASSESSMENT
SEVENTH STREET INTERSECTS						
		HILLSIDE				
MONTY GAMBER	20	3/3143	118 FT PVMT	$20.52	$2,421.36	
1310 KINGS HIGHWAY	**438**		118 FT WALK	No Cost	$0.00	
DALLAS, TEXAS 75208	**W 7th St**					**$2,421.36**
ELENA MENDOZA	1	3/3143	119 FT PVMT	$20.52	$2,441.88	
439 W 8TH ST			119 FT WALK	No Cost	$0.00	
DALLAS, TEXAS 75208						**$2,441.88**
EIGHTH STREET INTERSECTS						
		DALLAS LAND AND LOAN 2				
JOSE & MARIE SOLIS	W 50Ft Lt 20	26/3146	116 FT PVMT	$20.52	$2,380.32	
436 W 8TH ST			96 FT WALK	No Cost	$0.00	
DALLAS, TEXAS 75208			21.7 SY DR(20'Wide)	$53.46	$1,160.08	
						$3,540.40
UG MELBA LLC	Lt 1 & Pt Lt 2	26/3146	115 FT PVMT	$133.57	$15,360.55	
616 HAWTHORNE ST STE 200	**437**		115 FT WALK	No Cost	$0.00	
HOUSTON, TEXAS 77006	**Melba St**					**$15,360.55**
MELBA STREET INTERSECTS						
GUADALUPE BANDA	W 55 Ft Lt 20	33/3153	115 FT PVMT	$20.52	$2,359.80	
436 MELBA ST			100 FT WALK	No Cost	$0.00	
DALLAS, TEXAS 75208			17.8 SY DR(15'Wide)	$53.46	$951.59	
						$3,311.39
MARGIE LEE DRENNAN	Lt 1 & Pt Lt 2	33/3153	112 FT PVMT	$98.24	$11,002.88	
3230 STONEHEDGE LN	**439**		94 FT WALK	No Cost	$0.00	
CARROLLTON, TEXAS 75006	**W 9th St**					**$11,002.88**

NORTH ADAMS AVENUE FROM TENTH STREET TO NINTH STREET TO MELBA STREET TO EIGHTH STREET TO SEVENTH STREET TO DAVIS STREET
SHALL BE PAVED FROM CURB TO CURB WITH 8-INCH THICKNESS 4000-POUNDS PER SQUARE INCH REINFORCED CONCRETE PAVEMENT; WITH A 6-INCH LIME STABILIZED BASE; WITH 6-INCH HEIGHT INTEGRAL CURBS; WITH A 6-INCH THICKNESS REINFORCED CONCRETE DRIVE APPROACH; WITH 4-INCH THICKNESS REINFORCED CONCRETE SIDEWALKS 6 FEET WIDE; WITH ON-STREET PARKING, SO THAT THE ROADWAY SHALL BE 40 FEET IN WIDTH

OWNER	LOT(S)	BLOCK	FRONTAGE		RATE	AMOUNT	TOTAL ASSESSMENT
			DALLAS LAND AND LOAN 2				
NINTH STREET INTERSECTS							
JOSE S TOVAR JR	Pt Lt 20	36/3156	144	FT PVMT	No Cost	$0.00	
ROSALBA TOVAR			116	FT WALK	No Cost	$0.00	
ROSALBA HERNANDEZ ETAL			20.1	SY DR(18'Wide)	$53.46	$1,074.55	
440 W 9TH ST			13.9	SY DR(10'Wide)	$53.46	$743.09	
DALLAS, TEXAS 75208							**$1,817.64**
FRANCISCO M RIBERA	Pt Lts 19 & 20	36/3156					
118 N ADAMS AVE	48.75X100		**NO ASSESSMENT**				
DALLAS, TEXAS 75208			**PAVEMENT IN PLACE**				
ALEJANDRO MONTIEL	1A	36/3156					
644 N TYLER ST	Acs 0.1394		**NO ASSESSMENT**				
DALLAS, TEXAS 75208	**110**		**PAVEMENT IN PLACE**				
	North Adams Ave						
RIPPLE DB CO	1B	36/3156	97	FT PVMT	No Cost	$0.00	
744 BANDIT TRL	Acs 0.1393		97	FT WALK	$10.35	$1,003.95	
KELLER, TEXAS 76248	**435**						**$1,003.95**
	W 10th St						

AGENDA ITEM # 30

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: April 12, 2017

COUNCIL DISTRICT(S): 12

DEPARTMENT: Mobility and Street Services

CMO: Majed A. Al-Ghafry, 670-3302

MAPSCO: 6F

SUBJECT

Authorize **(1)** the receipt and deposit of funds in the amount of $254,561 from Highland Springs for the construction of a new traffic signal at Frankford Road and Unnamed Street FN3; and **(2)** an increase in appropriations in the amount of $254,561 in the Capital Projects Reimbursement Fund - Not to exceed $254,561 - Financing: Capital Projects Reimbursement Funds

BACKGROUND

The Highland Springs senior living facility is located on the south side of Frankford Road just east of Coit Road. All residents and visitors enter and leave the facility through one driveway onto Frankford Road. Highland Springs had agreed to contribute all construction costs associated with building a new traffic signal at the intersection of the Highland Springs driveway and Frankford Road. The Highland Springs driveway will be the south leg to the signalized intersection, while the north leg is a currently unnamed City street that connects to the eastbound frontage road of President George Bush Turnpike. The full cost of this traffic signal will be covered by Highland Springs and the signal will be constructed using an existing City Master Agreement for traffic signal construction.

This intersection was previously studied by the City of Dallas in June 2015 and was found to meet signal warrants with existing traffic volumes.

Highland Springs understands that, upon City Council approval of the required funding, funds in the amount of $254,560.43 are to be deposited with the City of Dallas before any signal-related materials or labor can be provided by the City.

It is understood that the final construction costs will be determined by the City upon completion of the project, and that Highland Springs will be billed for any amount over the prepayment amount or refunded any unused funds.

BACKGROUND (continued)

This estimate includes all City of Dallas signal equipment, materials and labor associated with the construction of the signalized location.

Intersection	Council District
Frankford Road and Unnamed Street FN3	12

ESTIMATED SCHEDULE OF PROJECT

Begin Construction	April 2017
Complete Construction	December 2017

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Information about this item was provided to the Transportation and Trinity River Project Committee on March 27, 2017.

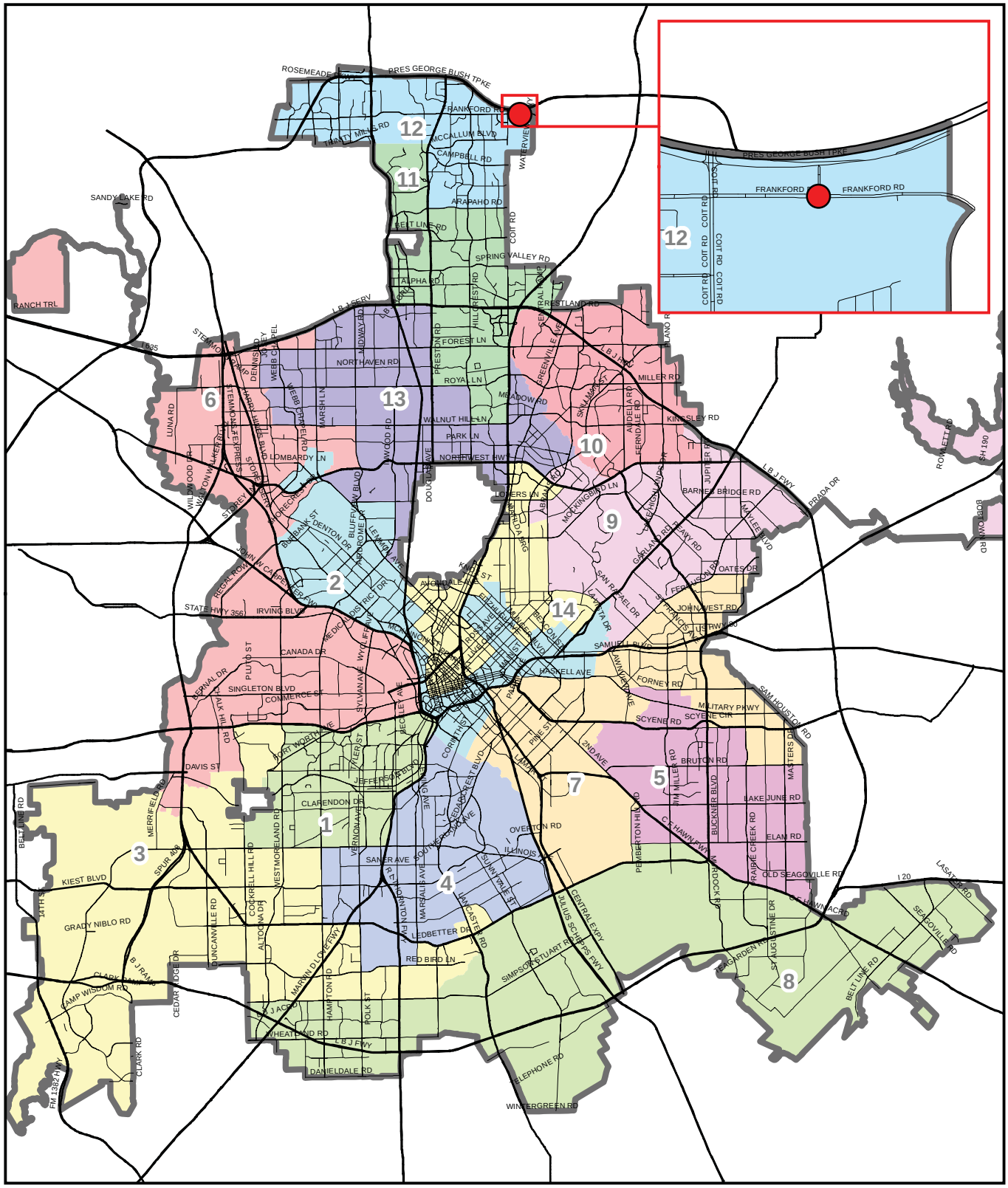
FISCAL INFORMATION

Capital Projects Reimbursement Funds - $254,560.43

MAP

Attached

New Traffic Signal
Frankford Road and "Unnamed Street FN3"(George Bush Connector east of Coit Road)



Council District 12
Mapsco Page 6F

Map by Transportation GIS, February 2017

April 12, 2017

WHEREAS, Highland Springs is contributing 100 percent of the construction costs for a new traffic signal at the intersection at Frankford Road and Unnamed Street FN3; and

WHEREAS, the intersection was studied by the City of Dallas and was found to meet the traffic volume criteria for warranting a new traffic signal; and

WHEREAS, Highland Springs has agreed to reimburse the City of Dallas for material, equipment and labor costs related to the construction of the traffic signal.

Now, Therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DALLAS:

SECTION 1. That the Chief Financial Officer is hereby authorized to receive and deposit funds from Highland Springs for material, equipment and labor costs related to the construction of the traffic signal being constructed at the intersection of Frankford Road and Unnamed Street FN3, in an amount not to exceed $254,560.43 in the Capital Projects Reimbursement Fund, Fund 0556, Department STS, Unit W171, Revenue Code 8492.

SECTION 2. That the City Manager is hereby authorized to increase appropriations in the Capital Projects Reimbursement Fund, Fund 0556, Department STS, Unit W171, Object 4820, Activity THRG, Program TPW17171, in an amount not to exceed $254,560.43.

SECTION 3. That the Chief Financial Officer is hereby authorized to disburse funds received from Highland Springs in the amount of $254,560.43 from Capital Projects Reimbursement Fund, Fund 0556, Department STS, Unit W171, Object 4820, Activity THRG, Program TPW17171 for services related to the construction of the new traffic signal.

SECTION 4. That the Chief Financial Officer is hereby authorized to bill Highland Springs for any amount over the prepayment amount or refund any unused funds.

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.

AGENDA ITEM # 31

KEY FOCUS AREA:	Economic Vibrancy
AGENDA DATE:	April 12, 2017
COUNCIL DISTRICT(S):	14
DEPARTMENT:	Mobility and Street Services Water Utilities
CMO:	Majed Al-Ghafry, 670-3302 Jill A. Jordan, P.E., 670-5299
MAPSCO:	45L

SUBJECT

Authorize Supplemental Agreement No. 4 to the professional services contract with EJES, Inc. for additional engineering design of street paving, drainage, sidewalk, streetscaping, traffic signal, street lights, landscaping, and water main improvements for Pearl Expressway from Pacific Avenue to Live Oak Street - Not to exceed $112,444, from $466,347 to $578,791 - Financing: 2006 Bond Funds ($97,479) and Water Utilities Capital Construction Funds ($14,965)

BACKGROUND

On April 23, 2008, City Council authorized a professional services contract was awarded to EJES, Inc. for the engineering design services for the reconstruction of Pearl Street from Commerce Street to Live Oak Street to include street paving, drainage, streetscaping, water and wastewater main improvements for Pearl Expressway from Commerce Street to Live Oak Street, in an amount not to exceed $274,057.35.

On January 5, 2011, Administrative Action No. 11-0458 authorized Supplemental Agreement No. 1 to the professional services contract, in an amount not to exceed $21,196.48, from $274,057.35 to $295,253.83.

On June 27, 2012, City Council authorized Supplemental Agreement No. 2 to the professional services contract with EJES, Inc., in an amount no to exceed $149,164.32, from $295,253.83 to $444,418.15, by Resolution No. 12-1643.

On June 2, 2016, Administrative Action No. 16-6303 authorized Supplemental Agreement No. 3 to the professional services contract, in an amount not to exceed $21,928.40, from $444,418.15 to $466,346.55.

BACKGROUND (continued)

Pearl Expressway between Pacific Avenue and Live Oak Street was originally included in the scope for the ongoing Cesar Chavez/Central Expressway from Commerce Street to Live Oak Street construction project. The original scope included realigning and converting Pearl Expressway from Live Oak Street to Jackson Street to two-way traffic and constructing the block between Live Oak Street and Pacific Avenue as a six-lane divided roadway. However, the construction for this section of Pearl Expressway has been put on hold and will be constructed at a later date as a separate project so the roadway can be redesigned to accommodate planned improvements to John W. Carpenter Park. The proposed redesign of Pearl Expressway will reduce the street cross-section from the originally planned six-lane divided roadway to a four-lane divided roadway. The proposed redesign will serve to slow vehicular traffic and create a more pedestrian-friendly roadway conducive to the urban park environment envisioned for the future-improved John W. Carpenter Park.

This action will authorize Supplemental Agreement No. 4 to the professional services contract with EJES, Inc. for additional engineering design of Pearl Expressway from Pacific Avenue to Live Oak Street, in an amount not to exceed $112,444.00, increasing the contract from $466,346.55 to $578,790.55. This engineering design is for street paving, sidewalk, drainage, traffic signal, striping, and water main improvements. Also, this contract will include landscaping, streetscaping and irrigation design. This design will provide for a four-lane divided roadway. Once the design is complete, the project will be bid for construction.

ESTIMATED SCHEDULE OF PROJECT

Began Design	September 2008
Complete Design	October 2017
Begin Construction	January 2018
Complete Construction	January 2019

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On April 23, 2008, City Council authorized a professional services contract for engineering services by Resolution No. 08-1278.

On June 27, 2012, City Council authorized Supplemental Agreement No. 2 to the professional services contact with EJES, Inc. by Resolution No. 12-1643.

On October 20, 2016, the City Plan Commission Transportation Committee acted on the proposed amendment to the City of Dallas Central Business District (CBD) Streets and Vehicular Circulation Plan to change the operational characteristic on Pearl Expressway between Pacific Avenue and Live Oak Street, and followed staff recommendation of approval.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS) (continued)

On November 17, 2016, the City Plan Commission acted on the proposed amendment to the City of Dallas CBD Streets and Vehicular Circulation Plan to change the operational characteristic on Pearl Expressway between Pacific Avenue and Live Oak Street, and followed staff recommendation of approval.

On January 11, 2017, a public hearing was conducted to authorize an amendment to the City of Dallas Central Business District Streets and Vehicular Circulation Plan to change the operational characteristic on Pearl Expressway between Pacific Avenue and Live Oak Street from a five-lane roadway southbound within 85-146 feet of right-of-way to a two-lane roadway northbound and a two-lane roadway southbound within 85 feet of right-of-way by Resolution No. 17-0120.

Information about this item was provided to the Transportation and Trinity River Project Committee on March 27, 2017.

FISCAL INFORMATION

2006 Bond Funds - $97,479
Water Utilities Capital Construction Funds - $14,965

Design	$ 274,057.35
Supplemental Agreement No. 1	$ 21,196.48
Supplemental Agreement No. 2	$ 149,164.32
Supplemental Agreement No. 3	$ 21,928.40
Supplemental Agreement No. 4 (this action)	$ 112,444.00
Construction	
Paving and Drainage - STS	$12,071,235.99 (est.)
Water and Wastewater - DWU	$ 3,501,640.00 (est.)
Total	$16,151,666.54 (est.)

M/WBE INFORMATION

See attached.

ETHNIC COMPOSITION

EJES, Inc.

African-American Female	21	African-American Male	22
Hispanic Female	1	Hispanic Male	2
White Female	4	White Male	23
Other Female	3	Other Male	7

OWNER

EJES, Inc.

Edwin Jones, P.E., President

MAP

Attached

BUSINESS INCLUSION AND DEVELOPMENT PLAN SUMMARY

PROJECT: Authorize Supplemental Agreement No. 4 to the professional services contract with EJES, Inc. for additional engineering design of street paving, drainage, sidewalk, streetscaping, traffic signal, street lights, landscaping, and water main improvements for Pearl Expressway from Pacific Avenue to Live Oak Street - Not to exceed $112,444, from $466,347 to $578,791 - Financing: 2006 Bond Funds ($97,479) and Water Utilities Capital Construction Funds ($14,965)

EJES, Inc. is a local, minority firm, has signed the "Business Inclusion & Development" documentation, and proposes to use the following sub-contractors.
PROJECT CATEGORY: Professional Services

LOCAL/NON-LOCAL CONTRACT SUMMARY - THIS ACTION ONLY

	Amount	Percent
Local contracts	$101,534.00	90.30%
Non-local contracts	$10,910.00	9.70%
TOTAL THIS ACTION	$112,444.00	100.00%

LOCAL/NON-LOCAL M/WBE PARTICIPATION THIS ACTION

Local Contractors / Sub-Contractors

Local	Certification	Amount	Percent
EJES, Inc.	BMDB53984Y1017	$101,534.00	100.00%
Caye Cook & Associates	WFWB56133Y0618	$10,910.00	10.75%
Total Minority - Local		$112,444.00	110.75%

Non-Local Contractors / Sub-Contractors

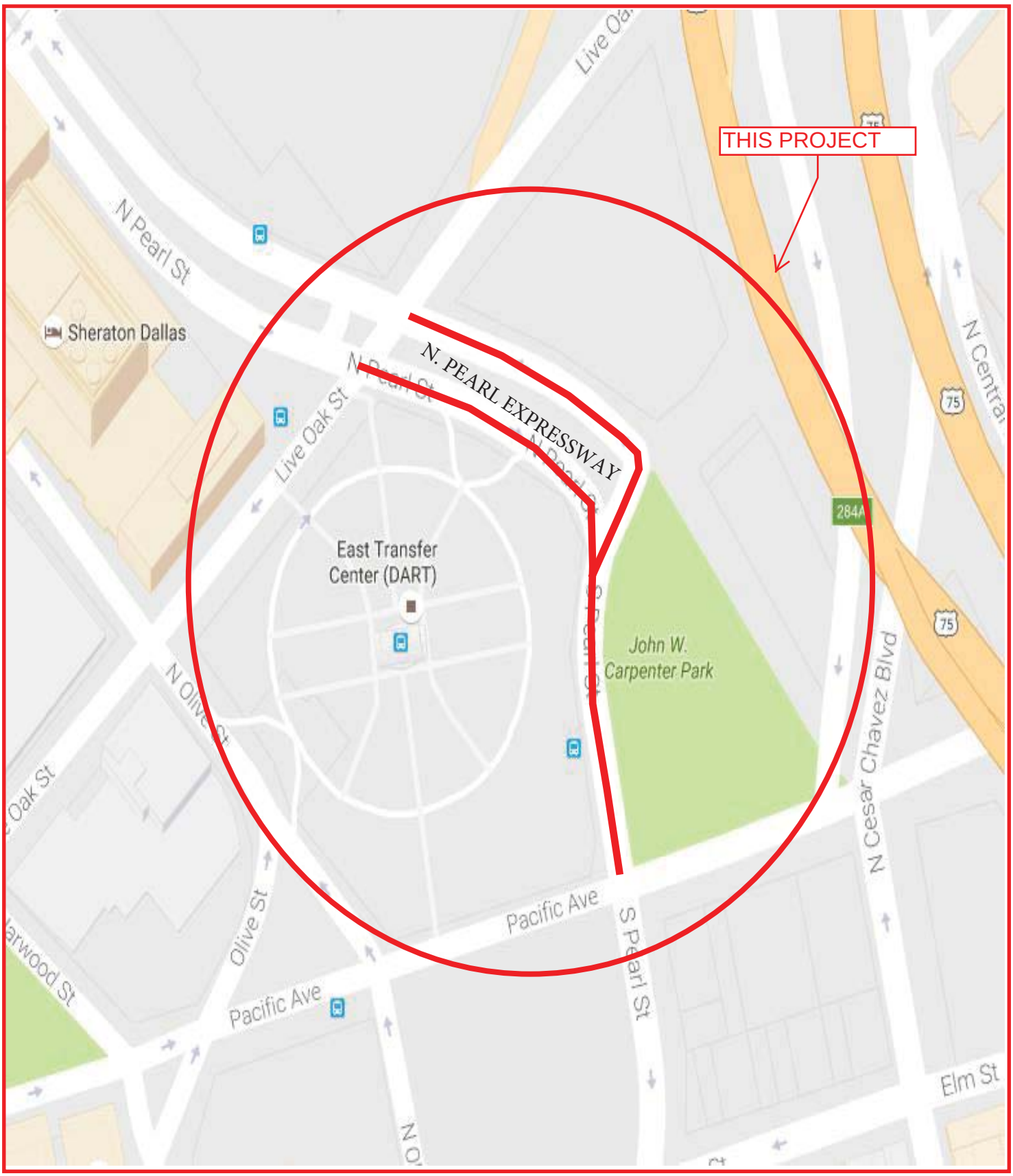
None

TOTAL M/WBE PARTICIPATION

	This Action		Participation to Date	
	Amount	Percent	Amount	Percent
African American	$101,534.00	90.30%	$368,269.59	63.63%
Hispanic American	$0.00	0.00%	$0.00	0.00%
Asian American	$0.00	0.00%	$56,858.50	9.82%
Native American	$0.00	0.00%	$0.00	0.00%
WBE	$10,910.00	9.70%	$96,072.46	16.60%
Total	$112,444.00	100.00%	$521,200.55	90.05%

PEARL EXPRESSWAY

FROM PACIFIC AVENUE TO LIVE OAK STREET



MAPSCO 45L

April 12, 2017

WHEREAS, on April 23, 2008, City Council authorized a professional services contract for the engineering design of Pearl Expressway from Commerce Street to Live Oak Street for street paving, storm drainage, water and wastewater improvements, in the amount of $274,057.35, by Resolution No. 08-1278; and

WHEREAS, on January 5, 2011, Administrative Action No. 11-0458 authorized Supplemental Agreement No. 1 to the professional services contract with EJES, Inc. to extend the project limits from Commerce Street to Jackson Street for sidewalk improvements, striping and traffic signal upgrades, in an amount not to exceed $21,196.48, from $274,057.35 to $295,253.83; and

WHEREAS, on June 27, 2012, City Council authorized Supplemental Agreement No. 2 to the professional services contract with EJES, Inc. to include street modifications for the DART transfer station, sidewalks and barrier free ramps for the Pearl Expressway from Commerce Street to Live Oak Street Project, in an amount not to exceed $149,164.32, from $295,253.83 to $444,418.15, by Resolution No. 12-1643; and

WHEREAS, on June 2, 2016, Administrative Action No. 16-6303 authorized Supplemental Agreement No. 3 to the professional services contract with EJES, Inc. to modify the paving, drainage, striping and signal plans to comply with the City of Dallas Thoroughfare Plan, in an amount not to exceed $21,928.40, from $444,418.15 to $466,346.55; and

WHEREAS, on January 11, 2017, City Council authorized an amendment to the City of Dallas Central Business District Streets and Vehicular Circulation Plan to change the operational characteristic on Pearl Expressway between Pacific Avenue and Live Oak Street from a five-lane roadway southbound within 85-146 feet of right-of-way to a two-lane roadway northbound and a two-lane roadway southbound within 85 feet of right-of-way by Resolution No. 17-0120; and

WHEREAS, it is now necessary to authorize Supplemental Agreement No. 4 to the professional services contract with EJES, Inc. for additional engineering design services for street paving, drainage, sidewalk, streetscaping, traffic signal, street lights, landscaping, and water main improvements for Pearl Expressway from Pacific Avenue to Live Oak Street, in an amount not to exceed $112,444.00, from $466,346.55 to $ 578,790.55.

Now, Therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DALLAS:

SECTION 1. That the City Manager is hereby authorized to execute Supplemental Agreement No. 4 to the professional services contract with EJES, Inc. for additional engineering design services for street paving, drainage, sidewalk, streetscaping, traffic signal, street lights, landscaping, and water main improvements for Pearl Expressway from Pacific Avenue to Live Oak Street, in an amount not to exceed $112,444.00, increasing the contract amount from $466,346.55 to $578,790.55, after approval as to form by the City Attorney.

SECTION 2. That the Chief Financial Officer is hereby authorized to disburse funds in accordance with the terms and conditions of the contract, as follows:

Street and Transportation Improvements Fund Fund 8T22, Department STS, Unit U798, Activity THRF Object 4111, Program PB06U798, CT PBW06U798G1 Vendor 505524	$ 97,479.00
Water Construction Fund Fund 0102, Department DWU, Unit CW42 Activity 708043, Object 4111, Program 708043 CT PBW708043EN, Vendor 505524	$ 13,965.00
Wastewater Construction Fund Fund 0103, Department DWU, Unit CS42 Activity 708044, Object 4111, Program 708044 CT PBW708044EN, Vendor 505524	$ 1,000.00
Total amount not to exceed	$112,444.00

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.

AGENDA ITEM # 32

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

AGENDA DATE: April 12, 2017

COUNCIL DISTRICT(S): N/A

DEPARTMENT: Office of Cultural Affairs

CMO: Joey Zapata, 670-1204

MAPSCO: N/A

SUBJECT

Authorize **(1)** the Cultural Facilities Program to support long-term improvement, renovation or major repairs of cultural facilities owned and operated by not-for-profit organizations with an annual operating budget less than $5 million; and **(2)** execution of the grant agreements up to $200,000 per qualifying organization and any other legal instruments, after approval as to form by the City Attorney, in accordance with the requirements in the Cultural Facilities Program Guidelines - Not to exceed $400,000 - Financing: Capital Construction Funds (in FY 2016-17 and additional program funds in successive fiscal years) (subject to future appropriations)

BACKGROUND

As part of the FY 2016-17 capital budget, on September 21, 2016, Ordinance No. 30179 was authorized by the City Council, which appropriated $1 million for major maintenance and repair of cultural facilities. The City Council designated $400,000 of the appropriation in a budget workshop on September 21, 2016 for improvement and renovation or major repair of cultural facilities owned and operated by not-for-profit cultural organizations with annual operating budgets less than $5 million. The Office of Cultural Affairs has developed program guidelines for a competitive program to award these funds to eligible organizations. The program guidelines are attached to this item as Exhibit A, Cultural Facilities Program Guidelines.

Through the Cultural Facilities Program, eligible organizations may be awarded up to $200,000 for projects which provide a long-term improvement, renovation or major repairs to cultural facilities. Additionally, should appropriations for this program be available in future years, organizations may apply for funding for different phases of the same project over a period of five consecutive fiscal years (up to $500,000). Projects must have a public purposed, a measurable community impact, and address at least one of the following priorities:

BACKGROUND (continued)

- To address an urgent remodeling need, renovation or major repairs of existing facilities including equipment and technology upgrades or replacement
- To provide improvements to a historic building
- To allow for significant organizational growth
- To bring buildings into compliance with the Americans with Disabilities Act or other building code requirements
- To provide for parking expansion

Similar to other funding programs administered by the Office of Cultural Affairs, organizations must provide matching funds for the project. Organizations with annual budgets less than $1 million are required to provide a 1/2:1 match, and organizations with budgets between $1 million and $4,999,999 are required to provide a 1:1 match. Further information pertaining to this requirement and others are detailed in the program guidelines.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On February 16, 2017, the Cultural Affairs Commission was briefed on the Cultural Facilities Program Guidelines.

On February 21, 2017, the Arts, Culture and Libraries Committee was briefed on the Cultural Facilities Program Guidelines.

On March 20, 2017, the Arts, Culture and Libraries Committee was briefed on the Cultural Facilities Program Guidelines.

FISCAL INFORMATION

Capital Construction Funds - $400,000 (in FY 2016-17 and additional program funds in successive fiscal years) (subject to future appropriations)

April 12, 2017

WHEREAS, on September 21, 2016, by Ordinance No. 30179, the City Council appropriated $1 million for the purpose of major maintenance and repair of cultural facilities; and

WHEREAS, the City Council designated $400,000 of the appropriation for improvement and renovation or major repair of cultural facilities owned and operated by not-for-profit cultural organizations with annual operating budgets less than $5 million through a competitive funding program administered by the Office of Cultural Affairs with the review and advice of the Cultural Affairs Commission; and

WHEREAS, the Arts & Economic Prosperity IV study reported that Dallas' nonprofit arts and culture industry generated $322 million in annual economic activity, 11,227 full-time equivalent jobs, $286 million in household income, and $38 million in local and state government revenues; and

WHEREAS, arts and cultural organizations, and services associated with the operation and maintenance of their facilities, add cultural and economic diversity to a city; enhance the lives of the city's residents and visitors and positively impact the city's economy by generating jobs and revenue; and

WHEREAS, the Cultural Facilities Program would support existing arts and cultural organizations that are invested in Dallas and support the City's goals for development and job creation, and encourage the retention of arts and cultural organizations to remain in Dallas and entice new arts organizations to invest in Dallas through recognition of the City's holistic support of arts and culture on many levels.

Now, Therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DALLAS:

SECTION 1. That the City Council of the City of Dallas hereby authorizes and establishes the Cultural Facilities Program, which shall provide funding for long-term improvement, renovation or major repairs of cultural facilities owned and operated by not-for profit cultural organizations with annual operating budgets less than $5 million, and approves the program guidelines that is attached to this Resolution as Exhibit A, Cultural Facilities Program Guidelines. The Office of Cultural Affairs shall administer the program with the review and advice of the Cultural Affairs Commission.

SECTION 2. That the City Manager or his designee is hereby authorized to execute future grant agreements up to a maximum of $200,000 each, and any other legal instruments, approved as to form by the City Attorney, with qualified organizations in accordance with the Program and the eligibility and criteria set forth in Exhibit A, Cultural Facilities Program Guidelines.

SECTION 3. That the Chief Financial Officer is authorized to disburse program funds of $400,000 to future grant recipients, and additional program funds in successive fiscal years subject to future appropriations, from Capital Construction Fund, Fund 0671, Department OCA, Unit W149, Object 4310.

SECTION 4. That the provisions of Sections 1, 2, and 3 of this Resolution shall automatically terminate if the City Council does not appropriate funds to the Cultural Facilities Program for three consecutive fiscal years.

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, and it is accordingly so resolved.

City of Dallas

EXHIBIT A

OFFICE OF CULTURAL AFFAIRS
CULTURAL FACILITIES PROGRAM GUIDELINES

Purpose of This Grant

The Cultural Facilities Program coordinates and guides the City of Dallas support and funding of investment in long-term improvement, renovation or major repairs of cultural facilities owned and operated by organizations with an annual operating budget less than $5 million.

The applicant's primary mission must be to conduct arts and cultural programming. By program definition, a cultural facility is a building which shall be used for the programming, production, presentation, exhibition of any of the arts and cultural disciplines. These disciplines are music, dance, theatre, creative writing, literature, architecture, painting, sculpture, folk arts, photography, crafts, media arts, visual arts, and programs of museums and must comprise at least 85% of facility use. The Program is intended for investment, long-term improvement, renovation or major repair. City funding IS NOT to be used for land, facility acquisition, landscaping, constructing or fabricating exhibits.

The City may structure award agreements as a secured loan, requiring a lien be placed on the contractor's property, to be amortized (written off) over a period of time (see Contracting and Schedule of Payments section for more details).

Projects must have a public purpose, a measurable community impact, and should address at least one of the following priorities:

- Urgent-need remodeling, renovation or major repairs of existing facilities including equipment and technology upgrades or replacement
- Improvements to a historic building
- Allow for significant organizational growth
- Bring buildings into compliance with the Americans with Disabilities Act or other building code requirements
- Parking expansion

Funding Period

Awarded funds must be spent on project expenses incurred during the funding period as defined in your funding award agreement.

Request Amount

Applicants may request up to $200,000 for the long-term improvement, renovation, or major repair of a cultural facility. There is no minimum request amount.

Eligibility

All applicants must meet the following requirements. All documentation must be provided by the application deadline unless otherwise noted. In other words, documentation must be submitted with the application and will not be accepted later.

1. Have the correct **legal status** (not-for-profit, tax-exempt, Texas corporation)
2. Have **unrestricted use** of the land and buildings associated with the project (for new construction or renovation) which means you **MUST** be able to file a Restrictive Covenant on the property with the Clerk of Court for up to ten (10) years. See Unrestricted Use of Land and/or Buildings for additional information.
3. **Retain ownership** of all improvements made under the funding program
4. Provide documentation of **Total Support and Revenue** (operating budget) for the last completed fiscal year
5. Have appropriate **matching** funds and properly document matching funds at submission
6. Provide an 8.5" x 11" reduction of **current architectural plans for renovation projects**
7. Have **support of local community leaders** —for this project— documented in writing with the application
8. A certificate appropriateness is required for construction, demolition or alteration of any structure or site that is located in a designated landmark district or is designated as a landmark site
9. Complete an application form
10. All projects must happen within the city limits of Dallas to receive funding
11. Administrative offices permanently located in the City of Dallas

Legal Status

All applicant organizations must:

1. Have been established as a **not-for-profit, tax-exempt Texas corporation** according to the following definitions:
    a. Incorporated as an active not-for-profit Texas corporation. OCA staff will verify that the applicant was in "active" status at the time of application
    b. Designated as a tax-exempt organization as defined in Section 501(c)(3) or 501(c)(4), of the Internal Revenue Code of 1954 and
    c. Allowed to receive contributions pursuant to the provisions of s. 170 of the Internal Revenue Code of 1954

Documentation of Legal Status

Organizations must provide IRS determination letter documenting not-for-profit, tax-exempt status with each application. The IRS determination letter must be submitted with the application.

The Office of Cultural Affairs will verify that the applicant is registered with the Texas Secretary of State Corporations Section as of the application deadline. If the applicant is not registered by the application deadline, the application will be ineligible.

For more information on corporate status, visit http://sos.state.tx.us or call the Corporations section at (512) 463-5555.

Number of applications per deadline

You may only submit one (1) Cultural Facilities Program application per deadline, for a single facility, project, site, or phase.

Number of applications per project

Applicants may request funding for different phases of the same project over a period of 5 consecutive fiscal years should appropriations for the Cultural Facilities Program be available in future years. These are called multiphase projects, and they must have activity in each year for which funding is requested.

In multiphase projects, matching funds may be expended on the current project phase in advance; however, city funds may only be expended on activity occurring after a contract is fully executed. You may not use funds expended in earlier phases as match for later phases.

The phase number of the project is equal to the number of applications submitted to the Office of Cultural Affairs over a 5-year period in order to complete the project. All eligibility criteria continue to apply.

Restrictions (City funds may not be used for…)

- Facilities that provide less than 85% of Cultural Programming by non-profit organizations
- Specific non-allowable expenses
- Project planning such as feasibility studies and architectural drawings but may be used as match if within 5 years of funding. City funds may be used for shop drawings and field engineering
- Projects or facilities restricted to private or exclusive participation, including restriction of access to programs on the basis of sex, race, creed, national origin, disability, age, marital status, sexual orientation or gender identity and expression
- Projects funded by the City outside of this funding program during the same fiscal year
- Design, fabrication or construction of exhibits
- Commercial property
- No project may receive more than $500,000 during a 5-consecutive fiscal year period. ("Receive" means measured from October 1 through September 30 of the fiscal year in which funds were awarded if funds are available.)

Non-Allowable Expenses

The Grantee agrees to expend all funds received under this agreement solely for the purposes for which they were authorized and appropriated. Program funds may not be spent on the following:

- General Operating Expenses (GOE): Administrative costs for running the organization (including but not limited to salaries, travel, personnel, office supplies, mortgage or rent, operating overhead or indirect costs, minor repairs or maintenance etc.)
    - Up to 10% of awarded funds may be used for construction management
- Costs associated with representation, proposal, or application preparation
- Costs incurred or obligated outside of the funding period
- Costs for lobbying or attempting to influence federal, state or local legislation, the judicial branch, or any City agency
- Costs for planning, which include those for preliminary and schematic drawings, and design development documents necessary to carry out the project
- Costs associated with prior debts, contingencies (money set aside for possible expenses), fines and penalties, interest, taxes (of any kind), and other financial costs including bank fees and charges and credit card debts
- Costs for travel, private entertainment, food, beverages, plaques, awards, or scholarships
- Projects restricted to private or exclusive participation, including restriction of access to programs on the basis of sex, race, creed, national origin, disability, age, or marital status, sexual orientation or gender identity and expression
- Re-granting, contributions, and donations
- Reimbursement of costs that are paid prior to the execution of the Funding Award Agreement or outside the dates stated in the grant award agreement

Matching Funds

You must match your request amount with non-City funds. The amount you must provide as match depends on your Total Support and Revenue (annual budget).

Summary of Match Requirements	
Total Support and Revenue	Required Match
Annual Budget less than $1,000,000	½:1
Annual Budget of $1,000,000 - $4,999,999	1:1

Types of Match

There are four types of match:

- Cash on Hand (liquid assets), at least 25% of total request amount match must be cash-on-hand

- Expenditures (expenditures must be made within 5 years before the application deadline) and may not have been used as match in a previous project funded by the City
- Irrevocable pledges (no more than 50% of the match)
- Documented in-kind contributions (no more than 50% of the match)

All applicants must have all match complete and confirmed at execution of the contract.

Restrictions on Matching Funds

- Funds that are for General Operating Expenses (i.e. the un-restricted column on the Statement of Activity page of the organization's audit) will not be allowed.
- Revenue from grants that have not yet been awarded will not be acceptable as match.
- Fundraising costs will not be acceptable as match
- Legal fees or taxes will not be acceptable as match
- Matching funds will be designated only to the project phase presented in this application and may not be used in previous or succeeding applications, or in any other City grant
- Matching funds may have been expended prior to the execution date of the Funding Award Agreement; as long as the funds are clearly a part of the project described and can be documented. However, **at least 25% of the matching funds must be cash-on-hand** at the application deadline
- Interest paid on mortgage (the interest paid on the mortgage is considered to be the "cost of doing business," and may not be used as match)
- Building or land as match:
    - The value of buildings or land not owned by the applicant may not be used as match.
    - The building or land **must have been purchased or acquired within 5 years prior** to the award of the grant (For the purposes of this program, award means October 1 of the fiscal year in which funds are appropriated by the City of Dallas for this grant)
    - Only the purchase price or documented acquisition date value, not current market value, may be used as match
- **Loans may not be used as match**, only unencumbered equity may be counted as match
- Any City of Dallas funds may not be used as match for this program

Matching Funds Documentation

Documentation of matching funds may include:

- Award letters from third parties
- A list of irrevocable pledges; list of in-kind contributors
- Bank statement confirming Cash-on-Hand

- A list of liquid assets dedicated to the project, or other documents that substantiate funds claimed as match
- Expenditures made within five (5) years before the application deadline for Scope of Work as described in the application

Unrestricted Use of Land and/or Buildings

You must provide documentation that the Applicant has Unrestricted Use (ownership) of the building and the land associated with the proposal/project.

- **Ownership.** Legal proof of unrestricted ownership of property and building. Unrestricted means unqualified ownership and power of disposition. Property that does not meet the unrestricted ownership criterion will not be eligible for match. Documentation may include a deed, title, or a copy of a recent property tax statement. Provisional sales contracts, binders, or letters of intent are not acceptable documentation of ownership.

- **Ownership of Improvements** Applicants must retain ownership of all improvements made under the program.

Total Support and Revenue (Annual Budget)

You must provide documentation of your Total Support and Revenue (annual operating budget) for your last completed fiscal year.

- Provide an audit to substantiate Total Support and Revenue that has been conducted by an outside certified accountant for the recently completed fiscal year.

Architectural Plans for Renovation Projects

All applicants for renovation projects must provide an 8 ½" x 11" reduction of current architectural plans for the facility. DO NOT send full size architectural plans or drawings with the application. See below for suggested submissions for each project type:

- For renovations an architectural drawing, artist's rendering of the proposed renovation if the renovation is an addition; or a "footprint" of the facility with the renovations clearly marked

Historical Review Requirements

A Certificate of Appropriateness is required for construction, demolition or alteration of any structure or site that is located in a designated landmark district or is designated as a landmark site.

For more information regarding compliance with Dallas historic preservation regulations visit http://dallascityhall.com/departments/sustainabledevelopment/historicpreservation/ or call 214-670-4209.

Local Support

All applicants must submit current letters of support from community leaders who are lending support to this project. Letters should be from individuals who have actually visited the facility (if a renovation project) or participated in programs. **Applicants should avoid form letters; original letters are preferred**. Three to six support letters are sufficient.

Support letters will not be accepted after the application deadline.

Proof of Insurance

Insurance requirements will be included in the contract. A certificate of insurance must be submitted to the City whenever a policy expires and is renewed. Funds cannot be released without a memorandum of compliance from the Office of Risk Management stating insurance requirements have been met. Proof of insurance must meet the specific terms of the contract**.** Failure to meet insurance requirements could possible result in contract termination.

Applicants are required to obtain and maintain during the contract term all necessary licenses, permits, insurance and other approvals required by law for the provision of services.

Contracting and Schedule of Payments

State law authorizes the purchase of services on behalf of the public, but not the donation of public money to organizations or individuals. Funded organizations must provide public benefits to citizens of Dallas equal to the amount of the award as a condition of their funding.

At the City's discretion, the contract may be structured as a secured loan, requiring a lien be placed on the Contractor's property, the amount of which shall be amortized over a period of time correlated with the funding amount. The lien amount will be reduced in a proportionate amount annually upon completion of the project's scope of work. Should the contractor default on obligations of the contract, the lien will remain in full force and effect until the outstanding balance is repaid to the City.

The Director of Cultural Affairs may authorize subordination of City's lien to that of other lenders that have issued or may issue debt for the same project.

After funding recommendations are approved, the Office of Cultural Affairs staff will work with the applicant to develop a contract, including a scope of services (public benefit). These contracts will govern project evaluation and the payment of funds. Contractors are

generally paid on a reimbursement basis, and will be scheduled per the contract requirements. Up to 25% of the award amount may be paid in advance, provided that appropriate protections for the funds are provided, as determined by the City Attorney. A percentage of the allocation will be withheld pending the City's receipt and approval of the final narrative and financial reports upon project completion.

Payments may be delayed or withheld at the discretion of the City if determined that the organization is not in full compliance with the terms of the contract. All financial obligations of the City shall be subject to appropriation of funds by the City Council. Contractors agree and understand that the full scope of services and/or amounts payable under the contract is subject to amendment and revision. Any such revision shall be accomplished pursuant to the pertinent sections of the Dallas City Code.

Final Report

A final evaluation report of a summary of activities for the contract period must be submitted to OCA upon completion of the project. Failure to submit the report in a timely manner or submission of an incomplete report may result in delayed payment of the final contract installment as well as payment on future contracts. **All Supplemental material should be submitted online as well.**

Submitting the Application

All application information submitted to the Office of Cultural Affairs are open for public inspection and subject to the Texas Public Information Act.

Application Form

The application form must be completed using the Office of Cultural Affairs grant application and submitted online by 5:00 pm on the application deadline. Deadlines are is posted on the OCA's web site.

Attachments and Support Materials

Submit your attachments and support materials. Acceptable file formats are as follows:

- .pdf, (documents)
- .jpg, .gif, .pdf (images)
- .mp3 (audio excerpts)
- .mp4, .mov, .wmv (video excerpts)

The application must include the following:

1. **Matching Funds** Documentation
    1. Bank statements, awards, contracts, and/or a list of liquid assets for **cash on hand**
    2. Cash receipts for **expenditures** (must be within five (5) years)
    3. A list of **irrevocable pledges**

    4. A list of **in-kind contributions**
2. Documentation of **Unrestricted Use** (construction and renovation projects) or **Intent to Sell** (acquisitions)
    1. Deed, title, property tax statement to document **unrestricted use,** OR
    2. Executed copy of lease and written explanation of any easements, covenants, or other conditions to document **unrestricted use,** OR
    3. Description of facility, purchase price and letter of **intent to sell**
3. **Total Support and Revenue** Documentation
4. Audit that has been conducted by an outside certified accountant for the recently completed fiscal year.
5. 8.5 x 11 inch reduction of current **Architectural Plans**
6. **Local Support** Documentation
    1. Up to 6 current letters of support from community leaders
7. **Non-profit IRS Letter**. Not-for profit tax exempt applicants must provide one (1) copy of your IRS 501(c) (3) determination letter.
8. **Support Materials** such as:
    1. Photographs (original or electronic on CD)
    2. Supplemental or expanded budgets
    3. Flyers, brochures
    4. Newspaper articles
    5. Plans for sustainable design

Review Process (How your application will be reviewed)

The Office of Cultural Affairs shall administer the Cultural Facilities Program with the review and advice of the Cultural Affairs Commission. The Director of Cultural Affairs shall assemble an advisory panel composed of a diverse group of artists, representatives from cultural institutions and organizations, and representatives from the community to assist with the review of applicant proposals. The director shall have final approval of awards for this program.

Review steps:

1. OCA staff will review the applications for basic eligibility and meeting all criteria. OCA will submit eligible applications to a grant review panel.
2. The panel will evaluate each application on the four review criteria and assign a score.
3. OCA will forward a ranked list to the Allocations Committee of the Cultural Affairs Commission for review and recommendations.
4. The Allocations Committee forwards the ranked list to the full Cultural Affairs Commission for final review and funding recommendation.

Note: Material variances from these guidelines shall require City Council approval.

Review Criteria and Scoring

Each eligible application will be evaluated on four competitive criteria:

Criteria	Application section(s)	Worth
Scope/Feasibility of Work	Scope of Work: Project Narrative and Deliverables	up to 20 points
Capacity: Project Budget and Matching Funds	Proposal Budget Detail: Expenses Proposal Budget Detail: Income Matching Funds Statement Project Team	up to 20 points
Community Impact	Need for Project, Operating Forecast Detail and Project Impact	up to 40 points
Organizational Impact	Will improve the organization’s effectiveness	up to 20 pts

The total possible number of points the panel can award to an application is 100. The panel's evaluation will be based on the information contained in the application, required attachments and support materials submitted with the application. The panel's individual scores will be averaged to determine a final score for each application.

Applications must receive a minimum average score of 75 or higher to be recommended for funding.

AGENDA ITEM # 33

KEY FOCUS AREA: E-Gov

AGENDA DATE: April 12, 2017

COUNCIL DISTRICT(S): N/A

DEPARTMENT: Office of Financial Services

CMO: Elizabeth Reich, 670-7804

MAPSCO: N/A

SUBJECT

Authorize final adoption of Reprogramming Budget No. 1 to the FY 2016-17 Action Plan for U.S. Department of Housing and Urban Development Grant Funds to use unspent prior year Community Development Block Grant Funds in the amount of $1,413,595 for the Major Systems Repair Program - Financing: No cost consideration to the City

BACKGROUND

On August 18, 1993, City Council established specific timeframes for the obligation and expenditure of Community Development Block Grant (CDBG) funds by Resolution No. 93-3001. Funds are to be obligated within 12 months and expended within 24 months of budget adoption.

On March 28, 2007, City Council enhanced the City's existing expenditure policy with additional benchmarks by Resolution No. 07-0992.

The FY 2016-17 review of projects based on the timely expenditure policy (including benchmarks) identified unspent funds remaining in 11 projects, totaling $1,413,595, recommended for reprogramming.

On February 2, 2017 the Community Development Commission (CDC) was briefed on the proposed Reprogramming Budget.

On February 6, 2017 the Housing Committee and the Budget, Finance, and Audit Committee were briefed on the proposed Reprogramming Budget. Both committees provided favorable recommendations to move forward to City Council for approval.

Federal Regulations and the City's Citizen Participation Plan require a public hearing to receive comments. From February 23, 2017 through April 11, 2017, this budget was made available for public review and comment. A public hearing was held on March 22, 2017.

BACKGROUND (continued)

This action authorizes final adoption of Reprogramming Budget No. 1 to the FY 2016-17 Action Plan.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On August 18, 1993, City Council established specific timeframes for the obligation and expenditure of Community Development Block Grant (CDBG) Funds by Resolution No. 93-3001.

On March 28, 2007, City Council enhanced the City's existing expenditure policy with additional benchmarks by Resolution No. 07-0992.

On December 13, 2016, the Community Development Commission (CDC) Financial Monitoring/Performance Standards Committee reviewed and recommended the City Manager's proposed extensions and reprogramming of CDBG funds with no amendments.

On January 5, 2017, the Community Development Commission was briefed and recommended extending and reprogramming of the CDBG project funds. Unspent prior year funds remaining in 11 CDBG projects, totaling $1,413,595, were identified for reprogramming.

On February 2, 2017, the CDC was briefed on the need to maintain ongoing compliance with the timely expenditure policy of the U.S. Department of Housing and Urban Development (HUD) and the proposed Reprogramming Budget No. 1 to the FY 2016-17 Action Plan to use unspent prior year CDBG funds in the amount of $1,413,595 for the Major Systems Repair Program.

On February 6, 2017, the Housing Committee and the Budget, Finance, and Audit Committee were both briefed on the FY 2016-17 CDBG Extensions and Reprogramming recommendations which included proposed Reprogramming Budget No. 1 to the FY 2016-17 Action Plan to use unspent prior year CDBG funds in the amount of $1,413,595 for the Major Systems Repair Program.

On February 22, 2017, City Council approved preliminary adoption of the Proposed Reprogramming Budget No. 1 to the FY 2016-17 Action Plan for U.S. Department of Housing and Urban Development Grant Funds and authorized a public hearing by Resolution No. 17-0396.

On March 22, 2017, City Council held a public hearing to receive comments on the proposed Reprogramming No. 1 to the FY 2016-17 Action Plan.

City Council will be briefed by memorandum regarding this matter on March 31, 2017.

FISCAL INFORMATION

Source of Funds:

Unspent Prior Year CDBG Funds	$1,413,595

Use of Funds:

FY 2016-17 Reprogramming Budget No. 1 Major Systems Repair Program	$1,413,595

April 12, 2017

WHEREAS, on August 18, 1993, City Council authorized the establishment of specific timeframes for the obligation and expenditure of Community Development Block Grant (CDBG) funds by Resolution No. 93-3001; and

WHEREAS, on March 28, 2007, City Council authorized the enhancement of the City's existing expenditure policy with additional benchmarks Resolution No. 07-0992 by; and

WHEREAS, on December 13, 2016, the Community Development Commission (CDC) Financial Monitoring/Performance Standards Committee reviewed and recommended the City Manager's proposed extensions and reprogramming of CDBG funds with no amendments; and

WHEREAS, on January 5, 2017, the Community Development Commission was briefed and recommended extending and reprogramming of the CDBG project funds. Unspent prior year funds remaining in 11 CDBG projects, totaling $1,413,595, were identified for reprogramming; and

WHEREAS, on February 2, 2017, the CDC was briefed on the need to maintain ongoing compliance with the timely expenditure policy of the U. S. Department of Housing and Urban Development (HUD) and the proposed Reprogramming Budget No. 1 to the FY 2016-17 Action Plan to use unspent prior year CDBG funds in the amount of $1,413,595 for the Major Systems Repair Program; and

WHEREAS, on February 6, 2017, the Housing Committee and the Budget, Finance, and Audit Committee were both briefed on the FY 2016-17 CDBG Extensions and Reprogramming recommendations which included proposed Reprogramming Budget No. 1 to the FY 2016-17 Action Plan to use unspent prior year CDBG funds in the amount of $1,413,595 for the Major Systems Repair Program; and

WHEREAS, on February 22, 2017, City Council approved preliminary adoption of the Proposed Reprogramming Budget No. 1 to the FY 2016-17 Action Plan for U.S. Department of Housing and Urban Development Grant Funds and authorized a public hearing by Resolution No. 17-0396; and

WHEREAS, on March 22, 2017, City Council held a public hearing to receive comments on proposed Reprogramming No. 1 to the FY 2016-17 Action Plan.

Now, Therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DALLAS:

SECTION 1. That the City Council authorizes final adoption of Reprogramming Budget No. 1 to the FY 2016-17 Action Plan to use unspent prior year CDBG funds in the amount of $1,413,595 for the Major Systems Repair Program.

SECTION 2. That the City Manager is hereby authorized to transfer HUD grant funds between projects and individual object codes and/or categories in accordance with HUD regulations and the City's Citizen Participation Plan for Reprogramming Budget No. 1 to the FY 2016-17 Action Plan.

SECTION 3. That the Chief Financial Officer is hereby authorized to disburse funds up to the amount of the Reprogramming Budget No. 1 to the FY 2016-17 Action Plan.

SECTION 4. That this resolution shall take effect immediately from and after its passage in accordance with the Charter of the City of Dallas, and it is accordingly so resolved.

AGENDA ITEM # 34

KEY FOCUS AREA: E-Gov

AGENDA DATE: April 12, 2017

COUNCIL DISTRICT(S): N/A

DEPARTMENT: Office of Financial Services
Mobility and Street Services

CMO: Elizabeth Reich, 670-7804
Majed Al-Ghafry, 670-3302

MAPSCO: N/A

SUBJECT

An ordinance authorizing Oncor Electric Delivery Company LLC, Tariff for Retail Delivery Service Section 6.1.1.1.8.2 Lighting Service in the City of Dallas as requested by Oncor Electric Delivery Company LLC pursuant to its statement of intent filed with the City on or about December 16, 2016 - Financing: No cost consideration to the City

BACKGROUND

Oncor Electric Delivery Company LLC (Oncor) provides electric distribution utility service in Dallas in accordance with City franchise Ordinance No. 27485 and Title 2, Chapter 37, Texas Utilities Code, Public Utility Regulatory Act (PURA). On December 16, 2016 Oncor filed its Statement of Intent Tariff for Retail Delivery Service Section 6.1.1.1.8.2 Lighting Service in the City of Dallas, effective January 22, 2017.

On January 11, 2017, City Council suspended the effective date of the new tariff for an additional 90 days to permit time for staff to fully review the filing and determine if the new rates were appropriate by Resolution No. 17-0130. After reviewing the new tariff and supplemental information received from Oncor, staff has determined that the rates are in line with similar services offered by Oncor and that implementation of the new rates would benefit the City of Dallas and its citizens.

Current Oncor tariffs for Street Lighting Service limit LED lights to 100 watts or less. This tariff will add additional rates for LED lights of 101 watts to 150 watts and LED lights of 151 watts to 200 watts. These two new rates will provide additional flexibility to properly size streetlight wattage for the specific location. Further, the City will save on energy consumption by installing LED lights instead of traditional sodium vapor or metal halide lights.

The rates as proposed are fair and reasonable for the citizens of Dallas and equitable for Oncor.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On January 11, 2017, City Council suspended tariffs for an additional 90 days by Resolution No. 17-0130.

City Council will be briefed by memorandum regarding this matter on March 31, 2017.

FISCAL INFORMATION

No cost consideration to the City.

ORDINANCE NO. _____

WHEREAS, Oncor Electric Delivery Company LLC ("Oncor") provides electric distribution utility service within the City of Dallas in accordance with Ordinance No. 27485; and

WHEREAS, Oncor filed a Statement of Intent to Implement Tariff for Retail Delivery Services 6.1.1.1.8.2 Lighting Service in the City of Dallas, on or about December 16, 2016; and

WHEREAS, Oncor requested an effective date for the new tariff of January 22, 2017; and

WHEREAS, on January 11, 2017, City Council suspended the effective date of the proposed tariff for an additional 90 days to permit time for the City to fully review the requested tariff by Resolution No. 17-0130; and

WHEREAS, the City of Dallas has reviewed the proposed tariff for Tariff for Retail Delivery Services 6.1.1.1.8.2 Lighting Service in the City of Dallas and determined that implementation of the tariff will benefit the City and citizens of Dallas; and

WHEREAS, the Tariff for Retail Delivery Services 6.1.1.1.8.2 Lighting Service in the City of Dallas, attached to this Ordinance as Tariff, Exhibit A, and Exhibit B, is determined to be fair and reasonable.

Now, Therefore,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DALLAS:

SECTION 1. That the Tariff for Retail Delivery Services 6.1.1.1.8.2 Lighting Service in the City of Dallas filed by Oncor Electric Delivery Company LLC on or about December 16, 2016, attached hereto as Tariff, Exhibit A, and Exhibit B, is hereby approved effective April 12, 2017.

SECTION 2. That this ordinance 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 ordained.

APPROVED AS TO FORM:
Larry E. Casto, City Attorney

By_____
Assistant City Attorney

BEFORE THE GOVERNING BODY OF THE
CITY OF DALLAS, TEXAS

**STATEMENT OF INTENT TO
IMPLEMENT TARIFF SECTION 6.1.1.1.8.2
LIGHTING SERVICE TO IMPLEMENT
AN LED STREET LIGHTING RATE**

STATEMENT OF INTENT

TO THE HONORABLE SAID GOVERNING BODY:

COMES NOW Oncor Electric Delivery Company LLC ("Oncor" or "Company") and files this its Statement of Intent to implement proposed Tariff for Retail Delivery Service ("Tariff") Section 6.1.1.1.8.2 Lighting Service – City of Dallas, respectfully showing the following:

I.

Oncor has conducted an LED street lighting pilot. The City of Dallas ("City") has indicated that it desires an LED street lighting option for City-owned street lights. By this filing Oncor requests that the City approve new Tariff Section 6.1.1.1.8.2 Lighting Service – City of Dallas, available only to the municipal government of the City. This proposed new tariff provision consists of the provisions in current Tariff Section 6.1.1.1.8, plus the modifications necessary to provide an LED street lighting option for City-owned lights under Schedule D and to limit the applicability of the new section to the City. Existing Tariff Section 6.1.1.1.8 will remain in effect unchanged for lighting service to entities other than the City. Oncor also requests that the Tariff's Table of Contents be modified to reflect the proposed new Tariff provision.

The modifications to current Tariff Section 6.1.1.1.8 contained in proposed Section 6.1.1.1.8.2 are set out in redline format in Exhibit A (including the corresponding change to the Table of Contents). Proposed Tariff Section 6.1.1.1.8.2 is set out in Exhibit B (including the revised Table of Contents).

II.

Oncor's authorized representatives are:

J. Michael Sherburne
Senior Director – Rates & Financial Analysis
Oncor Electric Delivery Company LLC
1616 Woodall Rodgers Frwy, Suite 6D-007
Dallas, Texas 75202
Telephone: (214) 486-4981

and

Howard V. Fisher
Senior Counsel
Oncor Electric Delivery Company LLC
1616 Woodall Rodgers Frwy, Suite 6065
Dallas, Texas 75202
Telephone: (214) 486-3026

General inquiries concerning this Statement of Intent should be directed to Mr. Sherburne at the above-stated address and telephone number. All pleadings, motions, orders, and other documents filed in this proceeding should be served upon Mr. Fisher at the above-stated address.

III.

The City has jurisdiction over Oncor and the subject matter hereof by virtue of Sections 33.001, 36.001, 36.003, and 36.101-36.111 of the Public Utility Regulatory Act ("PURA"), Texas Utilities Code Title 2.

IV.

In accordance with the provisions of PURA § 36.102, Oncor proposes that these proposed rates be implemented effective on January 23, 2017 (which is at least 35 days after the filing hereof), the proposed effective date, or as soon thereafter as permitted by law.

V.

The proposed LED rates are entirely optional, and the only entity authorized to take service under proposed new Section 6.1.1.1.8.2 is the City itself. Thus, public notice of this Statement of Intent and the proposed new tariff provision is not required.

VI.

WHEREFORE, PREMISES CONSIDERED, Oncor respectfully prays that proposed Tariff Section 6.1.1.1.8.2 Lighting Service – City of Dallas, and the corresponding change to the Table of Contents, as contained in Exhibit B be approved as filed.

Respectfully submitted,

ONCOR ELECTRIC DELIVERY COMPANY LLC
Howard V. Fisher
Senior Counsel
State Bar No. 07051500
1616 Woodall Rodgers Frwy, Suite 6065
Dallas, Texas 75202
Telephone: (214) 486-3026
Fax: (214) 486-3221

By: Howard V. Fisher
ATTORNEY FOR ONCOR ELECTRIC DELIVERY COMPANY LLC

Exhibit A

6.1.1.1.8.2 Lighting Service – City of Dallas

Street Lighting Service

AVAILABILITY

Applicable to Competitive Retailer for street lighting, pedestrian walkway lighting, and overhead sign lighting service to ~~governmental entities in areas served by Company.~~the municipal government of the City of Dallas. Overhead sign lighting is available only under the provisions of Schedule D of the Monthly Rate - Unmetered Facilities or the Monthly Rate - Metered Facilities - Non-Company-Owned provisions or the appropriate Secondary Service or Primary Service Rate Schedule.

TYPE OF SERVICE

Single or three phase, 60 hertz, at any of the Company's standard secondary or primary service voltages as required by Competitive Retailer. Where existing distribution facilities are not adjacent to the point of delivery, additional charges and special contract arrangements may be required prior to its being furnished. If service is provided at primary voltage, Company may at its option meter service on the secondary side of the governmental entity's transformers and adjust for transformer losses in accordance with Company's Tariff for Retail Delivery Service.

MONTHLY RATE

I. Unmetered Facilities

Points of Delivery (POD) Charge: $57.41 per governmental entity served by the Competitive Retailer.

Lamp	Watts	Lumens	kWh	Schedule			Rectangular*	Post-Top*
				A	B*	C* and D		
Mercury Vapor * (See Note 1)	175	7,900	70	$10.49	$14.88	$1.53	$26.77	$9.63
	400	21,000	150	$11.47	$20.06	$3.14	N.A.	N.A.
	1,000	63,000	370	$14.55	$24.30	$7.56	N.A.	N.A.
Sodium Vapor	100	9,500	40	$10.19	$14.59	$0.92	$26.54	$9.34
	150	16,000	70	$10.71	$16.24	$1.53	N.A.	N.A.
	200	22,000	80	$10.78	$19.37	$1.73	N.A.	N.A.
	250	27,500	100	$11.00	$19.60	$2.13	$25.69	N.A.
	400	50,000	160	$12.49	$22.23	$3.34	N.A.	N.A.
	1,000*	140,000	375	$14.51	$24.28	$7.66	N.A	N.A.
Metal Halide	150	14,000	65	$12.42	N.A	$1.43	N.A.	N.A.
	175 (see note 2)	14,000	65	$12.42	$18.80	$1.43	N.A.	N.A.
	250	25,000	100	$14.26	$22.29	$2.13	$36.62	N.A.
	400	36,000	160	$14.74	$23.04	$3.94	$36.62	N.A.
	1,000*	110,000	370	$17.75	$26.03	$7.56	$40.98	N.A.
LED/Low Wattage (See Note 3)	0 - 100		40	N.A.	N.A.	$0.92	N.A.	N.A.
	101 - 150		70	N.A.	N.A.	$1.53	N.A.	N.A.
	151 - 200		80	N.A.	N.A.	$1.73	N.A.	N.A.
	201 - 250		100	N.A.	N.A.	$2.13	N.A.	N.A.
Other								
Incandescent*	All			$10.19				
Historical*								
Mercury Vapor	175	7,900	70	$10.47				
Sodium Vapor	100	9,500	40	$10.19				
Sodium Vapor	150	16,000	70	$10.72				
Metal Halide	175	14,000	65	$12.40				

Note 1: Mercury Vapor (MV) options are closed to new installations. Company will continue to maintain existing ~~Mercury Vapor~~MV installations and will, at Company's option, install a Metal Halide ballast in place of a failed ~~Mercury Vapor~~MV ballast. As existing fixtures are damaged and must be replaced, Retail Customer will have the option to switch its service to the lamp type as specified in Mercury Vapor Fixture Replacement Schedule below or to cancel service at no cost. Existing 250 Watt ~~Mercury Vapor~~MV lighting will be billed at same rate as 175 Watt.

Note 2: 175 Watt Metal Halide option is closed to new installations. Company will continue to maintain existing 175 watt metal halide lamps as long as replacement lamps are available. When replacement lamps are no longer available, Company will replace failed 175 watt metal halide lamps with 150 watt metal halide lamps. Customer will have the option to cancel 175 watt service at no cost.

Note 3: LED and other low wattage installations (100 watts or below) not listed above shall be billed under Schedule D and have a calculated consumption of 40 kWh per lamp per month. LED installations of 101 – 150 watts shall have a calculated consumption of 70 kWh per lamp per month. LED installations of 151-200 watts shall have a calculated consumption of 80 kWh, and LED installations of 201-250 watts shall have a calculated consumption of 100 kWh. LED installations in excess of 250 watts shall be served as a metered load under the appropriate Secondary Service tariff.

* Closed to new street lighting installations

II. System Benefit Fund:	See Rider SBF	
III. Transition Charge:	See Riders TC1 and TC2	
IV. Nuclear Decommissioning Charge:	See Rider NDC	per kWh
V. Transmission Cost Recovery Factor:	See Rider TCRF	
VI. Energy Efficiency Cost Recovery Factor:	See Rider EECRF	
VII. Advanced Metering Cost Recovery Factor:	See Rider AMCRF	
Other Charges or Credits		
VIII. Rate Case Expense Surcharge:	See Rider RCE	per kWh
IX. State Colleges and Universities Discount:	See Rider SCUD	
X. Rate Case Expense Surcharge Two:	See Rider RCE2	per kWh

DEFINITIONS

Pedestrian Walkway Lighting:
Pedestrian walkway lighting is used to illuminate sidewalks along municipally-owned streets and roads and within municipally-owned parks and recreational areas.

Standard Allowance:
An amount equal to the average installed cost of a street light of a type normally used by Company and served either overhead or underground.

Repair and Maintenance:
Repair consists of the repair or replacement of any individual component associated with the pole or fixture that allows the facility to operate safely and effectively. Maintenance includes photocell replacement and cleaning of lens at the time of bulb replacement. Repair and Maintenance do not include painting or straightening of poles unless Company determines that safety or operation is adversely affected.

Replacement:
Replacement includes only the complete replacement of the street light luminaire and pole caused by impacts related to weather, construction, or traffic accidents.

For street lights installed after the effective date of this revision, Schedules A and D are defined as follows:
Schedule A applies to Company installed, owned, operated, and maintained street lights of the types and sizes provided in the chart under Section I. Unmetered Facilities.

Schedule D applies to Retail Customer owned, operated and maintained street lights and overhead sign lights or where such lights are installed by a governmental entity for the use of Retail Customer, and Company supplies distribution service to Retail Customer for the operation of the street lights or overhead sign lights. Company does not provide maintenance to Schedule D lights in accordance with this tariff.

For street lights installed prior to the effective date of this revision, Schedules A, B, C, and D are defined as follows:

Schedule A applies to:
Company installed, owned, operated, and maintained street lights mounted on wood poles and served overhead.

Company installed, owned, operated, and maintained street lights mounted on wood, steel, or ornamental poles of a type normally used by Company, and served overhead or underground, and Retail Customer has contributed to Company an amount equivalent to the difference between the total installed cost of such street lighting and the total installed cost of an equivalent lighting system mounted on wood poles and served overhead.

Schedule B applies to:
Company installed, owned, operated, and maintained street lights mounted on steel or other ornamental poles of a type normally used by Company and served overhead. If the number of steel and/or other ornamental poles exceeds the number of such poles on which lights are mounted, there will be an additional charge of $5.34 per month for each such excess pole. Where two street lights with lamps of the same size are mounted on the same steel and/or other ornamental pole, Schedule B applies to one of the lights and Schedule A to the other.

Company installed, owned, operated, and maintained street lights mounted on steel or other ornamental poles of a type normally used by Company and served underground, and Retail Customer has contributed to Company an amount equivalent to the difference between the total installed cost of the underground circuits serving the street lights and the total installed cost of overhead circuits. Where two street lights with lamps of the same size are mounted on the same steel and/or other ornamental pole, Schedule B applies to one of the lights and Schedule A to the other.

Schedule C applies to:
Street lights installed for the use of Retail Customer by Retail Customer or by a governmental subdivision. All equipment replacement and maintenance is performed by Retail Customer or the governmental subdivision. Company provides lamp replacement service only which includes lamp and labor (unless otherwise requested in writing by Retail Customer).

Company owned street lights mounted on steel or other ornamental poles of a type not normally used by Company, and Retail Customer has contributed to Company an amount equivalent to the entire construction cost of the street lighting facilities including luminaires and circuits.

Company operates all street lights under Schedule C (must be of a type suitable for use with the lamp sizes provided for herein) and makes all normal lamp replacements which includes lamp and labor at its expense. All other maintenance will be billed to Retail Customer on the basis of actual costs including appropriate overhead expenses.

Schedule D applies to:
Retail Customer operated and maintained street lights and overhead sign lights or where such lights are installed by a governmental subdivision for the use of Retail Customer, and Company supplies distribution service to Retail Customer for the operation of the street lights or overhead sign lights.

CONVERSION OR REPLACEMENT OF EXISTING FACILITIES

Company will convert existing Company-owned facilities (size or type of luminaire) to a different Company-offered size or type of luminaire upon request of and payment by Retail Customer of an amount equal to the estimated cost of such conversion, including labor and materials, less the salvage value of the existing facilities.

Company will replace existing lighting facilities upon request of and payment by Retail Customer of an amount equal to the estimated removal cost less salvage value of existing facilities. Installation of new facilities requested by Retail Customer will be performed pursuant to the Standard Allowance described above.

Customer Requested Removal of Existing Facilities
Company will remove existing facilities upon request by Retail Customer if Customer pays an amount pursuant to Section 6.1.2.1, Charge No. SD16.

SPECIAL CONDITIONS

For billing purposes the monthly street lighting and overhead sign lighting burning hours are 333 hours per month and all connections and disconnections are assumed to have occurred at the beginning of the current month's billing period.

Retail Customer-owned unmetered lamps other than those of the lamp sizes shown under Schedule D existing prior to the effective date of this tariff are billed under the metered rate and the amount of monthly energy is determined by multiplying the connected load (including ballast) by the number of burning hours.

New Service provided to customer-owned street light other than the types and sizes provided in Schedule D will be provided under the appropriate Secondary Service or Primary Service Rate Schedule.

Company reserves the right to discontinue service at locations where excessive maintenance and/or lamp replacement occur, or Company may charge Retail Customer for such maintenance and/or lamp replacements. Company makes all connections and disconnections to its distribution system.

Company-owned, operated, and maintained lighting facilities shall be installed in accordance with National Electrical Safety Code standards.

AGREEMENT

An Agreement for Street Lighting Service with a term of not less than ten years is required.

NOTICE

This rate schedule is subject to the Company's Tariff and Applicable Legal Authorities.

MONTHLY RATE

I. Metered Facilities – Non-Company Owned

Applicable for distribution service supplied at one point of delivery and measured through one meter to Retail Customer owned, operated and maintained street and highway lighting, overhead sign lighting, and incidental safety lighting equipment which operates same hours as normal street lighting.

Customer Charge	$2.33	per Retail Customer
Metering Charge	$12.61	per Retail Customer
Distribution System Charge	$0.016851	per kWh

II. System Benefit Fund:	See Rider SBF	
III. Transition Charge:	See Riders TC1 and TC2	
IV. Nuclear Decommissioning Charge:	See Rider NDC	per kWh
V. Transmission Cost Recovery Factor:	See Rider TCRF	
VI. Energy Efficiency Cost Recovery Factor:	See Rider EECRF	
VII. Competitive Meter Credit:	See Rider CMC	
VIII. Advanced Metering Cost Recovery Factor:	See Rider AMCRF	

Other Charges or Credits

IX. Rate Case Expense Surcharge:	See Rider RCE	per kWh
X. State Colleges and Universities Discount:	See Rider SCUD	
XI. Rate Case Expense Surcharge Two:	See Rider RCE2	per kWh

MONTHLY RATE

I. Metered Facilities - Company-Owned (Closed to new installations)

Customer Charge	$2.33	per Retail Customer
Metering Charge	$12.61	per Retail Customer
Distribution System Charge	$0.116851	per kWh

II. System Benefit Fund:	See Rider SBF	
III. Transition Charge:	See Riders TC1 and TC2	
IV. Nuclear Decommissioning Charge:	See Rider NDC	per kWh
V. Transmission Cost Recovery Factor:	See Rider TCRF	
VI. Energy Efficiency Cost Recovery Factor:	See Rider EECRF	
VII. Competitive Meter Credit:	See Rider CMC	
VIII. Advanced Metering Cost Recovery Factor:	See Rider AMCRF	

Other Charges or Credits

IX. Rate Case Expense Surcharge:	See Rider RCE	per kWh
X. State Colleges and Universities Discount:	See Rider SCUD	
XI. Rate Case Expense Surcharge Two:	See Rider RCE2	per kWh

MERCURY VAPOR FIXTURE REPLACEMENT SCHEDULE

For Company-owned lights, when existing mercury vapor fixtures require replacement, Company will make such replacements with comparable high pressure sodium vapor lighting at no cost, as specified below:

Existing Mercury Vapor Lighting :			Sodium Vapor Replacement :		
Wattage	Lumens	kWh	Wattage	Lumens	kWh
175	7,900	70	100	9,500	40
400	21,000	150	200	22,000	80
1,000	63,000	370	400	50,000	160

Upon replacement, Retail Customer will be billed at the applicable facilities charge and associated kWh usage for the sodium vapor replacement lighting.

Upon request of the Retail Customer, Company will convert or replace existing mercury vapor lighting to street lighting options other than those indicated above, as stated in "CONVERSION OR REPLACEMENT OF EXISTING FACILITIES."

Outdoor Lighting Service (CLOSED)

AVAILABILITY

Applicable to Competitive Retailers for unmetered lighting service supplied exclusively to one or more existing outdoor lamps as specified below operating automatically from dusk to dawn.

Not applicable to street lighting.

MONTHLY RATE

I. Unmetered Facilities

Point of Delivery (POD) Charge: $1.30 per premise.

Guard Lights

Type	Watts	kWh	Lumens	Facilities Charge
Mercury Vapor	175	70	7,900	$7.07
(See Note 1)	400	150	21,000	$10.78
Sodium Vapor	100	40	9,500	$6.65
	200	80	22,000	$9.42

Note 1: Company will continue to maintain existing Mercury Vapor installations and will, at Company's option, install a Metal Halide ballast in place of a failed Mercury Vapor ballast. As existing fixtures are damaged and must be replaced, Retail Customer will have the option to switch its service to another lamp type as specified in Mercury Vapor Fixture Replacement Schedule below or cancel service at no cost.

Flood Lights

Type	Watts	kWh	Lumens	Facilities Charge
Metal Halide	175	65	14,000	$9.16
	250	100	25,000	$12.46
	400	160	36,000	$15.02
	1000	370	110,000	$26.33
Sodium Vapor	100	40	9,500	$9.05
	200	80	22,000	$9.42
	250	100	27,000	$11.62
	400	160	50,000	$14.87
	1000	375	140,000	$27.22

II. System Benefit Fund: See Rider SBF

III. Transition Charge: See Riders TC1 and TC2

IV. Nuclear Decommissioning Charge: See Rider NDC per kWh

V. Transmission Cost Recovery Factor: See Rider TCRF

VI. Energy Efficiency Cost Recovery Factor: See Rider EECRF

VII. Competitive Meter Credit: See Rider CMC

VIII. Advanced Metering Cost Recovery Factor: See Rider AMCRF

Other Charges or Credits

IX. Rate Case Expense Surcharge: See Rider RCE per kWh

X. State Colleges and Universities Discount: See Rider SCUD

XI. Rate Case Expense Surcharge Two: See Rider RCE2 per kWh

Extra Spans: Plus $2.85 per span of secondary line installed hereunder in excess of one span per light.

MERCURY VAPOR FIXTURE REPLACEMENT SCHEDULE

When existing mercury vapor fixtures require replacement, Company will make such replacements with comparable high pressure sodium vapor lighting at no cost as specified below:

Existing Mercury Vapor Lighting :			Sodium Vapor Replacement :		
Wattage	Lumens	kWh	Wattage	Lumens	kWh
175	7,900	70	100	9,500	40
400	21,000	150	200	22,000	80

Upon replacement, Retail Customer will be billed at the applicable facilities charge and associated kWh usage for the sodium vapor replacement lighting.

MAINTENANCE OF FACILITIES

Company will maintain all facilities incidental to providing this service, including replacement of burned-out lamps.

Company reserves the right to discontinue service at locations where excessive maintenance and/or lamp replacements are, in Company's sole judgment, likely to or actually do occur.

REMOVAL OF EXISTING FACILITIES

Except as specified above, Company will replace existing Company-owned luminaires with any of the outdoor lighting options above or remove the existing luminaire upon request of and payment by Retail Customer in accordance with the Company's Standard Discretionary Service Charge, SD15 – Security Light Removal, for each luminaire to cover the labor cost of removal and Company's average unamortized investment in the existing luminaire. This charge is applicable to all replacements whether or not an outdoor lighting service is active or inactive or a customer change has taken or is taking place.

NOTICE

This rate schedule is subject to the Company's Tariff and Applicable Legal Authorities.

Exhibit B

6.1.1.1.8.2 Lighting Service – City of Dallas

Street Lighting Service

AVAILABILITY

Applicable to Competitive Retailer for street lighting, pedestrian walkway lighting, and overhead sign lighting service to the municipal government of the City of Dallas. Overhead sign lighting is available only under the provisions of Schedule D of the Monthly Rate - Unmetered Facilities or the Monthly Rate - Metered Facilities - Non-Company-Owned provisions or the appropriate Secondary Service or Primary Service Rate Schedule.

TYPE OF SERVICE

Single or three phase, 60 hertz, at any of the Company's standard secondary or primary service voltages as required by Competitive Retailer. Where existing distribution facilities are not adjacent to the point of delivery, additional charges and special contract arrangements may be required prior to its being furnished. If service is provided at primary voltage, Company may at its option meter service on the secondary side of the governmental entity's transformers and adjust for transformer losses in accordance with Company's Tariff for Retail Delivery Service.

MONTHLY RATE

i. Unmetered Facilities

Points of Delivery (POD) Charge: $57.41 per governmental entity served by the Competitive Retailer.

Lamp	Watts	Lumens	kWh	Schedule			Rectangular*	Post-Top*
				A	B*	C* and D		
Mercury Vapor * (See Note 1)	175	7,900	70	$10.49	$14.88	$1.53	$26.77	$9.63
	400	21,000	150	$11.47	$20.06	$3.14	N.A.	N.A.
	1,000	63,000	370	$14.55	$24.30	$7.56	N.A.	N.A.
Sodium Vapor	100	9,500	40	$10.19	$14.59	$0.92	$26.54	$9.34
	150	16,000	70	$10.71	$16.24	$1.53	N.A.	N.A.
	200	22,000	80	$10.78	$19.37	$1.73	N.A.	N.A.
	250	27,500	100	$11.00	$19.60	$2.13	$25.69	N.A.
	400	50,000	160	$12.49	$22.23	$3.34	N.A.	N.A.
	1,000*	140,000	375	$14.51	$24.28	$7.66	N.A	N.A.
Metal Halide	150	14,000	65	$12.42	N.A	$1.43	N.A.	N.A.
	175 (see note 2)	14,000	65	$12.42	$18.80	$1.43	N.A.	N.A.
	250	25,000	100	$14.26	$22.29	$2.13	$36.62	N.A.
	400	36,000	160	$14.74	$23.04	$3.34	$36.62	N.A.
	1,000*	110,000	370	$17.75	$26.03	$7.56	$40.98	N.A.
LED/Low Wattage (See Note 3)	0 - 100		40	N.A.	N.A.	$0.92	N.A.	N.A.
	101 - 150		70	N.A.	N.A.	$1.53	N.A.	N.A.
	151 - 200		80	N.A.	N.A.	$1.73	N.A.	N.A.
	201 - 250		100	N.A.	N.A.	$2.13	N.A.	N.A.
Other								
Incandescent*	All			$10.19				
Historical*								
Mercury Vapor	175	7,900	70	$10.47				
Sodium Vapor	100	9,500	40	$10.19				
Sodium Vapor	150	16,000	70	$10.72				
Metal Halide	175	14,000	65	$12.40				

Note 1: Mercury Vapor (MV) options are closed to new installations. Company will continue to maintain existing MV installations and will, at Company's option, install a Metal Halide ballast in place of a failed MV ballast. As existing fixtures are damaged and must be replaced, Retail Customer will have the option to switch its service to the lamp type as specified in Mercury Vapor Fixture Replacement Schedule below or to cancel service at no cost. Existing 250 Watt MV lighting will be billed at same rate as 175 Watt.

Note 2: 175 Watt Metal Halide option is closed to new installations. Company will continue to maintain existing 175 watt metal halide lamps as long as replacement lamps are available. When replacement lamps are no longer available, Company will replace failed 175 watt metal halide lamps with 150 watt metal halide lamps. Customer will have the option to cancel 175 watt service at no cost.

Note 3: LED and other low wattage installations (100 watts or below) not listed above shall be billed under Schedule D and have a calculated consumption of 40 kWh per lamp per month. LED installations of 101 – 150 watts shall have a calculated consumption of 70 kWh per lamp per month, LED installations of 151-200 watts shall have a calculated consumption of 80 kWh, and LED installations of 201-250 watts shall have a calculated consumption of 100 kWh. LED installations in excess of 250 watts shall be served as a metered load under the appropriate Secondary Service tariff.

* Closed to new street lighting installations

II. System Benefit Fund:	See Rider SBF	
III. Transition Charge:	See Riders TC1 and TC2	
IV. Nuclear Decommissioning Charge:	See Rider NDC	per kWh
V. Transmission Cost Recovery Factor:	See Rider TCRF	
VI. Energy Efficiency Cost Recovery Factor:	See Rider EECRF	
VII. Advanced Metering Cost Recovery Factor:	See Rider AMCRF	
Other Charges or Credits		
VIII. Rate Case Expense Surcharge:	See Rider RCE	per kWh
IX. State Colleges and Universities Discount:	See Rider SCUD	
X. Rate Case Expense Surcharge Two:	See Rider RCE2	per kWh

DEFINITIONS

Pedestrian Walkway Lighting:
Pedestrian walkway lighting is used to illuminate sidewalks along municipally-owned streets and roads and within municipally-owned parks and recreational areas.

Standard Allowance:
An amount equal to the average installed cost of a street light of a type normally used by Company and served either overhead or underground.

Repair and Maintenance:
Repair consists of the repair or replacement of any individual component associated with the pole or fixture that allows the facility to operate safely and effectively. Maintenance includes photocell replacement and cleaning of lens at the time of bulb replacement. Repair and Maintenance do not include painting or straightening of poles unless Company determines that safety or operation is adversely affected.

Replacement:
Replacement includes only the complete replacement of the street light luminaire and pole caused by impacts related to weather, construction, or traffic accidents.

For street lights installed after the effective date of this revision, Schedules A and D are defined as follows:
Schedule A applies to Company installed, owned, operated, and maintained street lights of the types and sizes provided in the chart under Section I. Unmetered Facilities.

Schedule D applies to Retail Customer owned, operated and maintained street lights and overhead sign lights or where such lights are installed by a governmental entity for the use of Retail Customer, and Company supplies distribution

service to Retail Customer for the operation of the street lights or overhead sign lights. Company does not provide maintenance to Schedule D lights in accordance with this tariff.

For street lights installed prior to the effective date of this revision, Schedules A, B, C, and D are defined as follows:

Schedule A applies to:
Company installed, owned, operated, and maintained street lights mounted on wood poles and served overhead.

Company installed, owned, operated, and maintained street lights mounted on wood, steel, or ornamental poles of a type normally used by Company, and served overhead or underground, and Retail Customer has contributed to Company an amount equivalent to the difference between the total installed cost of such street lighting and the total installed cost of an equivalent lighting system mounted on wood poles and served overhead.

Schedule B applies to:
Company installed, owned, operated, and maintained street lights mounted on steel or other ornamental poles of a type normally used by Company and served overhead. If the number of steel and/or other ornamental poles exceeds the number of such poles on which lights are mounted, there will be an additional charge of $5.34 per month for each such excess pole. Where two street lights with lamps of the same size are mounted on the same steel and/or other ornamental pole, Schedule B applies to one of the lights and Schedule A to the other.

Company installed, owned, operated, and maintained street lights mounted on steel or other ornamental poles of a type normally used by Company and served underground, and Retail Customer has contributed to Company an amount equivalent to the difference between the total installed cost of the underground circuits serving the street lights and the total installed cost of overhead circuits. Where two street lights with lamps of the same size are mounted on the same steel and/or other ornamental pole, Schedule B applies to one of the lights and Schedule A to the other.

Schedule C applies to:
Street lights installed for the use of Retail Customer by Retail Customer or by a governmental subdivision. All equipment replacement and maintenance is performed by Retail Customer or the governmental subdivision. Company provides lamp replacement service only which includes lamp and labor (unless otherwise requested in writing by Retail Customer).

Company owned street lights mounted on steel or other ornamental poles of a type not normally used by Company, and Retail Customer has contributed to Company an amount equivalent to the entire construction cost of the street lighting facilities including luminaires and circuits.

Company operates all street lights under Schedule C (must be of a type suitable for use with the lamp sizes provided for herein) and makes all normal lamp replacements which includes lamp and labor at its expense. All other maintenance will be billed to Retail Customer on the basis of actual costs including appropriate overhead expenses.

Schedule D applies to:
Retail Customer operated and maintained street lights and overhead sign lights or where such lights are installed by a governmental subdivision for the use of Retail Customer, and Company supplies distribution service to Retail Customer for the operation of the street lights or overhead sign lights.

CONVERSION OR REPLACEMENT OF EXISTING FACILITIES

Company will convert existing Company-owned facilities (size or type of luminaire) to a different Company-offered size or type of luminaire upon request of and payment by Retail Customer of an amount equal to the estimated cost of such conversion, including labor and materials, less the salvage value of the existing facilities.

Company will replace existing lighting facilities upon request of and payment by Retail Customer of an amount equal to the estimated removal cost less salvage value of existing facilities. Installation of new facilities requested by Retail Customer will be performed pursuant to the Standard Allowance described above.

Customer Requested Removal of Existing Facilities
Company will remove existing facilities upon request by Retail Customer if Customer pays an amount pursuant to Section 6.1.2.1, Charge No. SD16.

SPECIAL CONDITIONS

For billing purposes the monthly street lighting and overhead sign lighting burning hours are 333 hours per month and all connections and disconnections are assumed to have occurred at the beginning of the current month's billing period.

Retail Customer-owned unmetered lamps other than those of the lamp sizes shown under Schedule D existing prior to the effective date of this tariff are billed under the metered rate and the amount of monthly energy is determined by

multiplying the connected load (including ballast) by the number of burning hours.

New Service provided to customer-owned street light other than the types and sizes provided in Schedule D will be provided under the appropriate Secondary Service or Primary Service Rate Schedule.

Company reserves the right to discontinue service at locations where excessive maintenance and/or lamp replacement occur, or Company may charge Retail Customer for such maintenance and/or lamp replacements. Company makes all connections and disconnections to its distribution system.

Company-owned, operated, and maintained lighting facilities shall be installed in accordance with National Electrical Safety Code standards.

AGREEMENT

An Agreement for Street Lighting Service with a term of not less than ten years is required.

NOTICE

This rate schedule is subject to the Company's Tariff and Applicable Legal Authorities.

MONTHLY RATE

I. Metered Facilities – Non-Company Owned

Applicable for distribution service supplied at one point of delivery and measured through one meter to Retail Customer owned, operated and maintained street and highway lighting, overhead sign lighting, and incidental safety lighting equipment which operates same hours as normal street lighting.

Customer Charge	$2.33	per Retail Customer
Metering Charge	$12.61	per Retail Customer
Distribution System Charge	$0.016851	per kWh

II. System Benefit Fund:	See Rider SBF	
III. Transition Charge:	See Riders TC1 and TC2	
IV. Nuclear Decommissioning Charge:	See Rider NDC	per kWh
V. Transmission Cost Recovery Factor:	See Rider TCRF	
VI. Energy Efficiency Cost Recovery Factor:	See Rider EECRF	
VII. Competitive Meter Credit:	See Rider CMC	
VIII. Advanced Metering Cost Recovery Factor:	See Rider AMCRF	

Other Charges or Credits

IX. Rate Case Expense Surcharge:	See Rider RCE	per kWh
X. State Colleges and Universities Discount:	See Rider SCUD	
XI. Rate Case Expense Surcharge Two:	See Rider RCE2	per kWh

MONTHLY RATE

I. Metered Facilities - Company-Owned (Closed to new installations)

Customer Charge	$2.33	per Retail Customer
Metering Charge	$12.61	per Retail Customer
Distribution System Charge	$0.116851	per kWh

II. System Benefit Fund:	See Rider SBF	
III. Transition Charge:	See Riders TC1 and TC2	
IV. Nuclear Decommissioning Charge:	See Rider NDC	per kWh
V. Transmission Cost Recovery Factor:	See Rider TCRF	
VI. Energy Efficiency Cost Recovery Factor:	See Rider EECRF	
VII. Competitive Meter Credit:	See Rider CMC	
VIII. Advanced Metering Cost Recovery Factor:	See Rider AMCRF	

Other Charges or Credits

IX. Rate Case Expense Surcharge:	See Rider RCE	per kWh
X. State Colleges and Universities Discount:	See Rider SCUD	
XI. Rate Case Expense Surcharge Two:	See Rider RCE2	per kWh

MERCURY VAPOR FIXTURE REPLACEMENT SCHEDULE

For Company-owned lights, when existing mercury vapor fixtures require replacement, Company will make such replacements with comparable high pressure sodium vapor lighting at no cost, as specified below:

Existing Mercury Vapor Lighting :			Sodium Vapor Replacement :		
Wattage	Lumens	kWh	Wattage	Lumens	kWh
175	7,900	70	100	9,500	40
400	21,000	150	200	22,000	80
1,000	63,000	370	400	50,000	160

Upon replacement, Retail Customer will be billed at the applicable facilities charge and associated kWh usage for the sodium vapor replacement lighting.

Upon request of the Retail Customer, Company will convert or replace existing mercury vapor lighting to street lighting options other than those indicated above, as stated in "CONVERSION OR REPLACEMENT OF EXISTING FACILITIES."

Outdoor Lighting Service (CLOSED)

AVAILABILITY

Applicable to Competitive Retailers for unmetered lighting service supplied exclusively to one or more existing outdoor lamps as specified below operating automatically from dusk to dawn.

Not applicable to street lighting.

MONTHLY RATE

I. Unmetered Facilities

Point of Delivery (POD) Charge: $1.30 per premise.

Guard Lights

Type	Watts	kWh	Lumens	Facilities Charge
Mercury Vapor (See Note 1)	175	70	7,900	$7.07
	400	150	21,000	$10.78
Sodium Vapor	100	40	9,500	$6.65
	200	80	22,000	$9.42

Note 1: Company will continue to maintain existing Mercury Vapor installations and will, at Company's option, install a Metal Halide ballast in place of a failed Mercury Vapor ballast. As existing fixtures are damaged and must be replaced, Retail Customer will have the option to switch its service to another lamp type as specified in Mercury Vapor Fixture Replacement Schedule below or cancel service at no cost.

Flood Lights

Type	Watts	kWh	Lumens	Facilities Charge
Metal Halide	175	65	14,000	$9.16
	250	100	25,000	$12.46
	400	160	36,000	$15.02
	1000	370	110,000	$26.33
Sodium Vapor	100	40	9,500	$9.05
	200	80	22,000	$9.42
	250	100	27,000	$11.62
	400	160	50,000	$14.87
	1000	375	140,000	$27.22

II. System Benefit Fund: See Rider SBF

III. Transition Charge: See Riders TC1 and TC2

IV. Nuclear Decommissioning Charge: See Rider NDC per kWh

V. Transmission Cost Recovery Factor: See Rider TCRF

VI. Energy Efficiency Cost Recovery Factor: See Rider EECRF

VII. Competitive Meter Credit: See Rider CMC

VIII. Advanced Metering Cost Recovery Factor: See Rider AMCRF

Other Charges or Credits

IX. Rate Case Expense Surcharge: See Rider RCE per kWh

X. State Colleges and Universities Discount: See Rider SCUD

XI. Rate Case Expense Surcharge Two: See Rider RCE2 per kWh

Extra Spans: Plus $2.85 per span of secondary line installed hereunder in excess of one span per light.

MERCURY VAPOR FIXTURE REPLACEMENT SCHEDULE

When existing mercury vapor fixtures require replacement, Company will make such replacements with comparable high pressure sodium vapor lighting at no cost as specified below:

Existing Mercury Vapor Lighting :			Sodium Vapor Replacement :		
Wattage	Lumens	kWh	Wattage	Lumens	kWh
175	7,900	70	100	9,500	40
400	21,000	150	200	22,000	80

Upon replacement, Retail Customer will be billed at the applicable facilities charge and associated kWh usage for the sodium vapor replacement lighting.

MAINTENANCE OF FACILITIES

Company will maintain all facilities incidental to providing this service, including replacement of burned-out lamps.

Company reserves the right to discontinue service at locations where excessive maintenance and/or lamp replacements are, in Company's sole judgment, likely to or actually do occur.

REMOVAL OF EXISTING FACILITIES

Except as specified above, Company will replace existing Company-owned luminaires with any of the outdoor lighting options above or remove the existing luminaire upon request of and payment by Retail Customer in accordance with the Company's Standard Discretionary Service Charge, SD15 – Security Light Removal, for each luminaire to cover the labor cost of removal and Company's average unamortized investment in the existing luminaire. This charge is applicable to all replacements whether or not an outdoor lighting service is active or inactive or a customer change has taken or is taking place.

NOTICE

This rate schedule is subject to the Company's Tariff and Applicable Legal Authorities.

AGENDA ITEM # 35

KEY FOCUS AREA: E-Gov

AGENDA DATE: April 12, 2017

COUNCIL DISTRICT(S): N/A

DEPARTMENT: Office of Financial Services

CMO: Elizabeth Reich, 670-7804

MAPSCO: N/A

SUBJECT

A resolution suspending the effective date of the rate filing made by Oncor Electric Delivery Company LLC on March 17, 2017 for an additional 90 days - Financing: No cost consideration to the City

BACKGROUND

Oncor Electric Delivery Company LLC ("Oncor" or "the Company") filed an application on or about March 17, 2017 with the City of Dallas seeking to increase rates within the City of Dallas.

This resolution suspends the April 21, 2017 effective date of the Company's rate request for the maximum period permitted by law to allow the City to evaluate the filing, determine whether the filing complies with law, and if lawful, to determine if the requested rates are appropriate.

The law provides that a rate request made by an electric utility cannot become effective until at least 35 days following the filing of the application to change rates. The law permits the City to suspend the rate change for 90 days after the date the rate change would otherwise be effective. If the City fails to take some action regarding the filing before the effective date, Oncor's rate request is deemed administratively approved.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Information about this item was provided to the Budget, Finance, and Audit Committee on January 3, 2017.

FISCAL INFORMATION

No cost consideration to the City.

April 12, 2017

WHEREAS, on or about March 17, 2017, Oncor Electric Delivery Company LLC (Oncor), pursuant to Public Utility Regulatory Act (PURA) §§ 33.001 and 36.001 filed with the City of Dallas a Statement of Intent to increase electric transmission and distribution rates effective April 21, 2017; and

WHEREAS, the City of Dallas is a member of the Steering Committee of Cities Served by Oncor ("Steering Committee") and will cooperate with 156 similarly situated city members and other city participants to conduct a review of Oncor's application, to hire and direct legal counsel and consultants, to prepare a common response, to negotiate with Oncor prior to getting reasonable rates and direct any necessary litigation; and

WHEREAS, PURA § 36.108 grants local regulatory authorities the right to suspend the effective date of proposed rate changes for ninety days after the date the rate change would otherwise be effective; and

WHEREAS, the suspension of the effective date is necessary to provide the City sufficient time to adequately review the proposed rate increase; and

WHEREAS, PURA § 33.023 provides that costs incurred by Cities in ratemaking activities are to be reimbursed by the regulated utility.

Now, Therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DALLAS:

SECTION 1. That the April 21, 2017 effective date of the rate request submitted by Oncor, on or about March 17, 2017 be suspended for the maximum period allowed by law to permit adequate time to review the proposed changes and to establish reasonable rates.

SECTION 2. As indicated in the City's resolution approving membership in the Steering Committee, the Executive Committee of the Steering Committee is authorized to hire and direct legal counsel and consultants, to prepare a common response, negotiate with Oncor, make recommendations regarding reasonable rates, and to intervene and direct any necessary administrative proceedings or court litigation associated with an appeal of a rate ordinance and the rate case filed with the City or The Public Utility Commission of Texas.

SECTION 3. That the City's reasonable rate case expenses shall be reimbursed by Oncor.

SECTION 4. That it is hereby officially founded and determined that the meeting at which this Resolution is passed is open to the public as required by law and the public notice of the time, place, and purpose of said meeting was given as required.

SECTION 5. A copy of this resolution shall be sent to Oncor, care of Howard Fisher, Oncor Electric Delivery Company LLC, 1616 Woodall Rodgers Freeway, Dallas, Texas 75202 and to Thomas Brocato, Counsel to the Steering Committee, Lloyd Gosselink Rochelle & Townsend, P.C, P.O. Box 1725, Austin, Texas 78767-1725.

SECTION 6. 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.

AGENDA ITEM # 36

KEY FOCUS AREA:	Culture, Arts and Recreation and Educational Enhancements
AGENDA DATE:	April 12, 2017
COUNCIL DISTRICT(S):	2, 4, 6, 7, 9, 10, 14
DEPARTMENT:	Park & Recreation Mobility and Street Services
CMO:	Willis Winters, 670-4071 Majed Al-Ghafry, 670-3302
MAPSCO:	27K P 34U X Y 35U X 36F J K 37X 44C D 45E F K 47B C F G K P Q T U

SUBJECT

Authorize **(1)** application of seven candidate projects to the North Central Texas Council of Governments through the Transportation Alternatives Set-Aside Program for cost reimbursement in (a) the Active Transportation Project category for the proposed: Katy Trail Bridges Project, Lake Highlands Trail Northern Extension, Lake Highlands Trail Phase 2A, 2B Project, Ridgewood Trail Lighting Project, Trinity Forest Spine Trail Project, Trinity Strand Trail Phase 2 Project, and Union Bikeway Connector Project and (b) the Safe Routes to School Project category: Lake Highlands Trail Northern Extension Project; and **(2)** a required local match not to exceed $9,152,799 - Financing: This action has no cost consideration to the City

BACKGROUND

The Transportation Alternatives Set-Aside (TA Set-Aside) Program was authorized under Section 1109 of Fixing America's Surface Transportation Act (FAST Act) (the current transportation funding and authorization bill) and provides funding for programs and projects defined as transportation alternatives. The program is similar to the former Transportation Alternatives Program (TAP), Transportation Enhancement (TE), and Safe Routes to School (SRTS) Programs. The Regional Transportation Council (RTC) has deemed eligible projects to be those which include active transportation projects that make non-motorized transport safe, convenient, and appealing. Such types of eligible projects include: on-and off-road pedestrian and bicycle facilities, infrastructure projects for improving non-driver access to public transportation, enhanced mobility, and pedestrian and bicycle infrastructure associated with Safe Routes to School Projects that will substantially improve safety and the ability for students to walk and bike to school.

BACKGROUND (continued)

The program in North Central Texas is being administered by the RTC and the North Central Texas Council of Governments (NCTCOG). Of the total approximate $23,446,079 funds available approximately $15,407,560 funds are being made available in the Eastern Subregion of NCTCOG. There is no limit to how many projects may be submitted by a municipality. Successful projects are eligible for a federal funding award of between $150,000 - $5,000,000 per project. The minimum local match requirement is 20 percent with projects eligible for reimbursement of up to 80 percent of allowable costs. The program is not a grant and funds are provided on a cost reimbursement basis. Though applications were due by February 24, 2017, the required resolution of a local cash-match commitment of local funds may be submitted by April 21, 2017. For each successful project submission, the municipality will need to consummate a project agreement with the Texas Department of Transportation (TxDOT) within one year after selection. Subsequently, a construction contract must be consummated within three years of the date of selection.

Seven projects were selected and submitted to NCTCOG on February 24, 2017:

The **Katy Trail Bridges Project** provides for separate pedestrian bridges located at Lemmon Avenue East and Fitzhugh Avenue. The project is on the City's Dallas Trail Network Plan and the Regional Veloweb. The bridges provide for much-needed separation of trail use at these critical points. The project is estimated to cost $2,002,000. This application requests $1,601,600 of Active Transportation Project funding.The Friends of the Katy Trail have funding available for this project, in the amount of $400,400, which meets the local match requirement.

The **Lake Highlands Trail Northern Extension Project** provides for a hike and bike trail which connects the north-south section of the existing Lake Highlands Trail to the east-west section of the existing Lake Highlands Trail bridging this existing north-south gap in the trail. The project is on the City's Dallas Trail Network Plan and the Regional Veloweb. The project is estimated to cost $1,996,500. This application requests $1,597,200 of Safe Routes to School Project funding. Funding for this project is available from 2012 Bond Funds, in the amount of $399,300, which meets the local match requirement.

The **Lake Highlands Trail Phase 2A, 2B Project** provides for a hike and bike trail which connects the east-west section of the existing Lake Highlands Trail to Harry S. Moss Park and the existing White Rock Creek Trail. The project is on the City's Dallas Trail Network Plan and the Regional Veloweb. The project is estimated to cost $5,143,710. This application requests $4,114,968 of Active Transportation Project funding. Funding for this project is available from 2012 Bond Funds, in the amount of $1,028,742, which meets the local match requirement.

BACKGROUND (continued)

The **Ridgewood Trail Lighting Project** provides for trail lighting on the Ridgewood Trail. The project is on the City's Dallas Trail Network Plan and the Regional Veloweb. The project is estimated to cost $859,100. This application requests $687,280 of Active Transportation Project funding. The University Crossing Public Improvement District (UCPID) has funding available for this project, in the amount of $171,820, which meets the local match requirement.

The **Trinity Forest Spine Trail** provides for a hike and bike trail in southeast Dallas extending from the existing Santa Fe Trail to Lawnview Park and the Lawnview DART Station. The project is on the City's Dallas Trail Network Plan and the Regional Veloweb. The project is estimated to cost $10,000,000. This application requests $5,000,000 of Active Transportation Project funding. The Circuit Trail Conservancy has funding available for this project, in the amount of $5,000,000, which meets the local match requirement.

The **Trinity Strand Trail Phase 2** provides for a hike and bike trail connection to the existing Trinity Strand Trail and ending at the DART Inwood/Love Field Station. The project is on the City's Dallas Trail Network Plan and the Regional Veloweb. The Trinity Strand Trail Phase 2 estimated total project cost is $7,000,000. This application requests $5,000,000 of Active Transportation Project funding. Funding for this project is available from the 2012 Bond Funds, in the amount of $2,000,000, which meets the local match requirement.

The **Union Bikeway Connector Project** will connect the Katy Trail and existing bike lane facilities on Houston Street to Klyde Warren Park. The project is on the City's 2011 Dallas Bikeway System Master Plan. The project is estimated to cost $762,687. This application requests $610,150 of Active Transportation Project funding. City Center TIF District and/or Downtown Connection TIF District has funding available for this project in the amount of $152,537 which meets the local match requirement. This item did not go to Park Board as the application was prepared by Mobility and Streets Services and the project is not within City parkland. Mobility and Streets Services will be coordinating this project if selected.

*Please note that this action does not encumber funds.

ESTIMATED SCHEDULE OF PROJECT

Submit project to NCTCOG	February 24, 2017
Selection of projects by RTC	June 8, 2017

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On February 13, 2017, the Transportation & River Corridor Project Committee was briefed.

On February 23, 2017, the Park and Recreation Board authorized six transportation alternative project applications.

On February 23, 2017, the Union Bikeway Connector item did not go to the Park and Recreation Board as the application was prepared by Mobility and Streets Services and the project is not within City parkland. Mobility and Streets Services will be coordinating this project if selected.

Information about this item will be provided to the Quality of Life & Environment Committee on April 10, 2017

FISCAL INFORMATION

Katy Trail Bridges	
Estimated Total Project Cost:	$2,002,000
Requested TA Set-Aside Funding:	$1,601,600
Local Match:	$ 400,400
Lake Highlands Trail Northern Extension	
Estimated Total Project Cost:	$1,996,500
Requested TA Set-Aside Funding:	$1,597,200
Local Match:	$ 399,300
Lake Highlands Trail Phase 2A, 2B	
Estimated Total Project Cost:	$5,143,710
Requested TA Set-Aside Funding:	$4,114,968
Local Match:	$1,028,742
Ridgewood Trail Lighting	
Estimated Total Project Cost:	$ 859,100
Requested TA Set-Aside Funding:	$ 687,280
Local Match:	$ 171,820
Trinity Forest Spine Trail	
Estimated Total Project Cost:	$10,000,000
Requested TA Set-Aside Funding:	$ 5,000,000
Local Match:	$ 5,000,000

FISCAL INFORMATION (continued)

Trinity Strand Trail Phase 2	
Estimated Total Project Cost:	$7,000,000
Requested TA Set-Aside Funding:	$5,000,000
Local Match:	$2,000,000
Union Bikeway Connector	
Estimated Total Project Cost:	$ 762,687
Requested TA Set-Aside Funding:	$ 610,150
Local Match:	$ 152,537
Total City's Match	$9,152,799

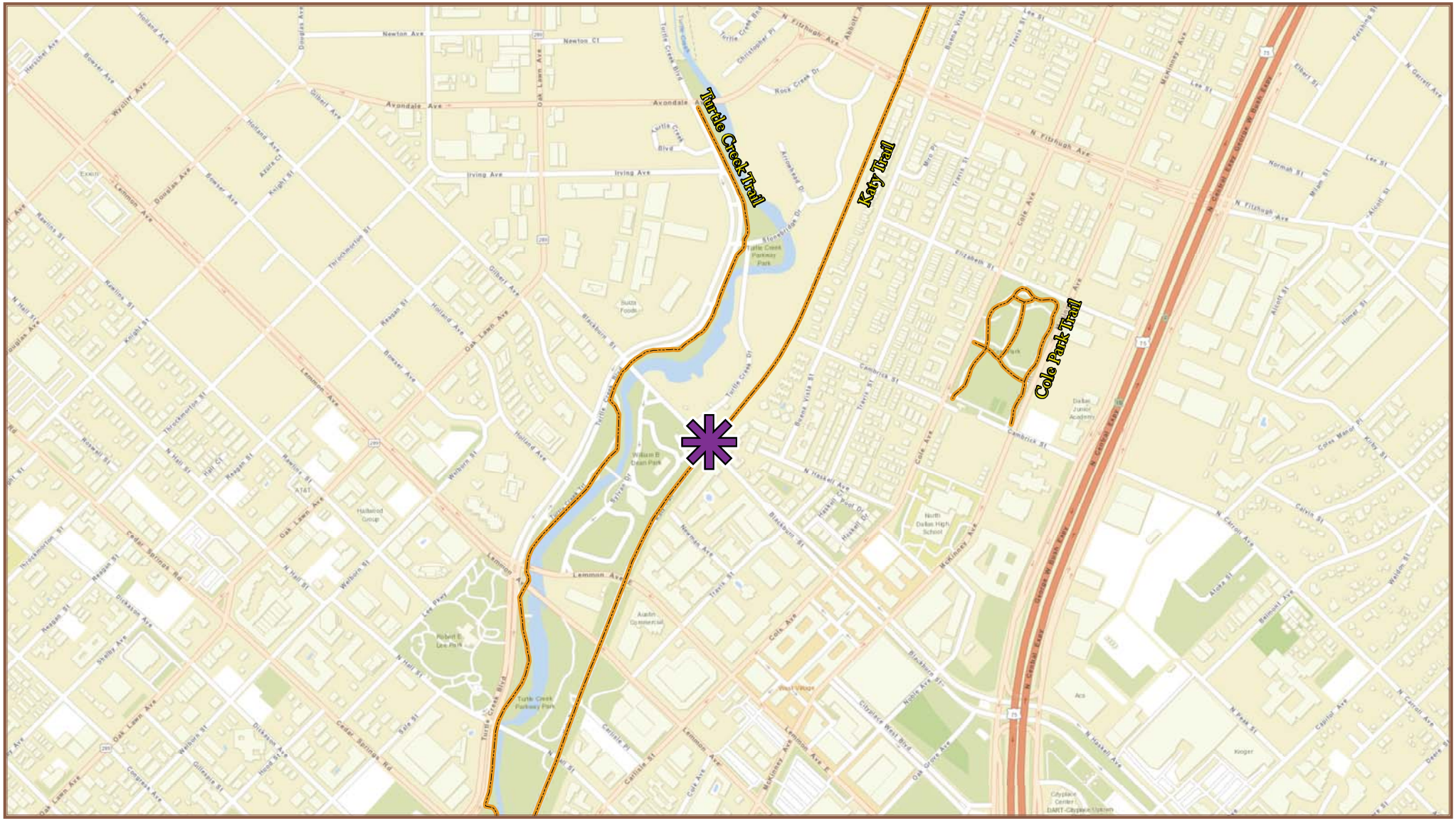
COUNCIL DISTRICT	**AMOUNT**
2	$ 872,881
6	$1,500,000
7	$3,150,000
9	$1,500,000
10	$1,428,042
14	$ 701,876
Total Amount	$9,152,799

FISCAL INFORMATION

No cost consideration to the City.

MAPS

Attached



0 265 530 1,060 1,590 Feet

N
W E
S

Katy Trail

Mapsco
35 U,X

District
14

February 23, 2017

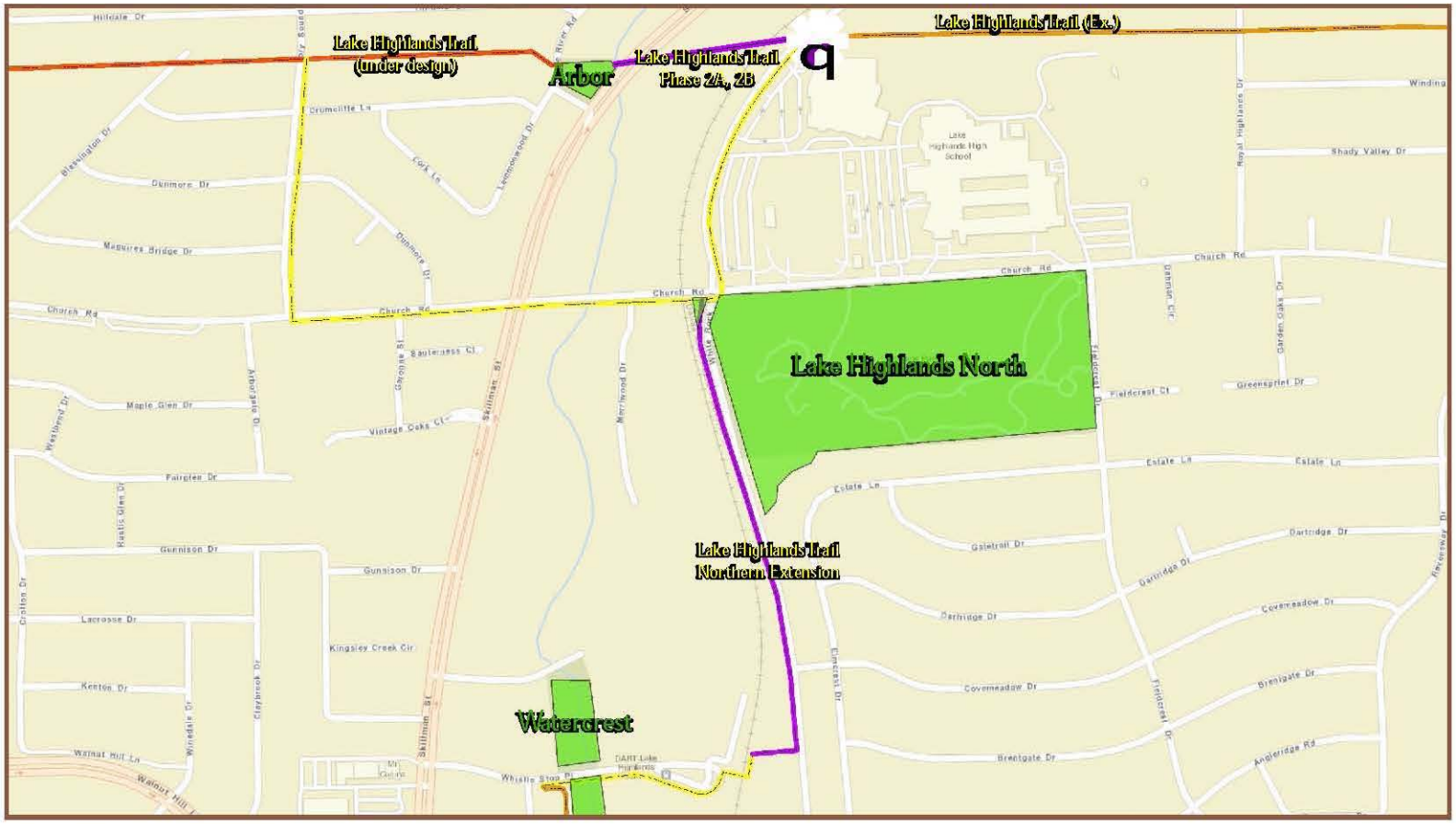


Lake Highlands Trail Northern Extension

Mapsco
27 K

District
10

February 23, 2017

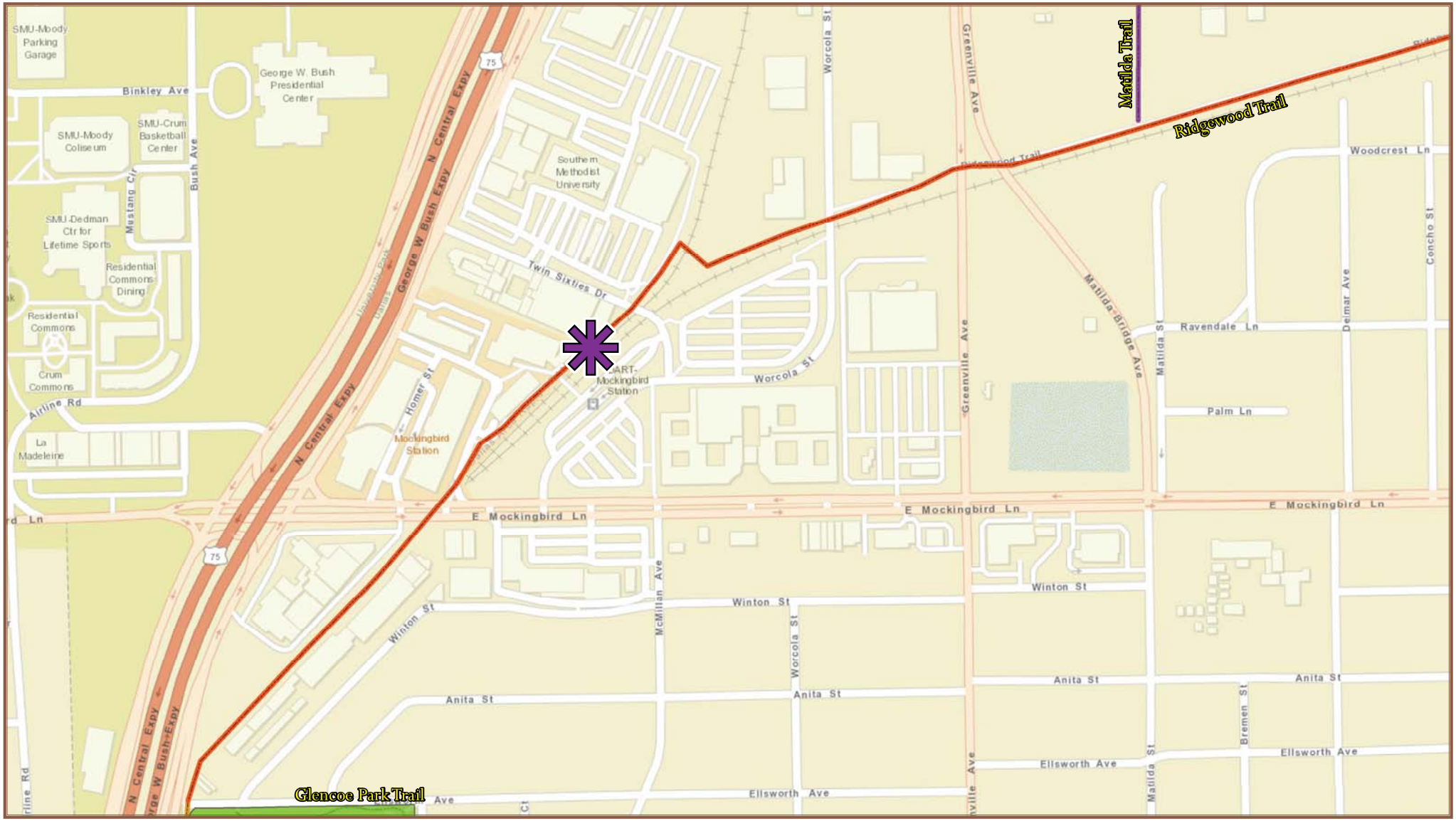


February 23, 2017

Lake Highlands Trail Phase 2A, 2B

Mapsco
27 K,P

District
10



0 165 330 660 990 Feet

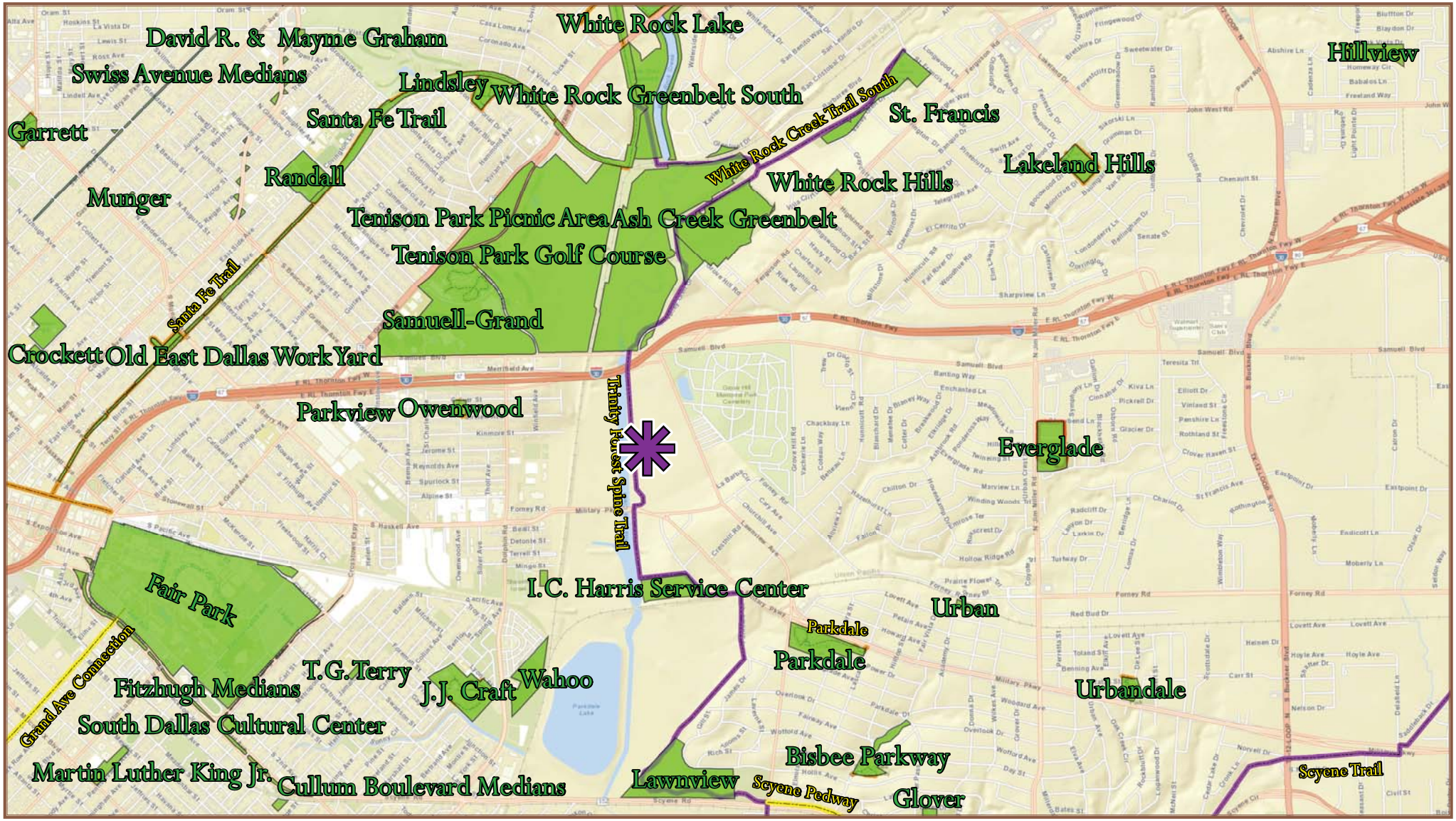
N W E S

Ridgewood Trail

Mapsco 36 F,J,K

District 14

February 23, 2017



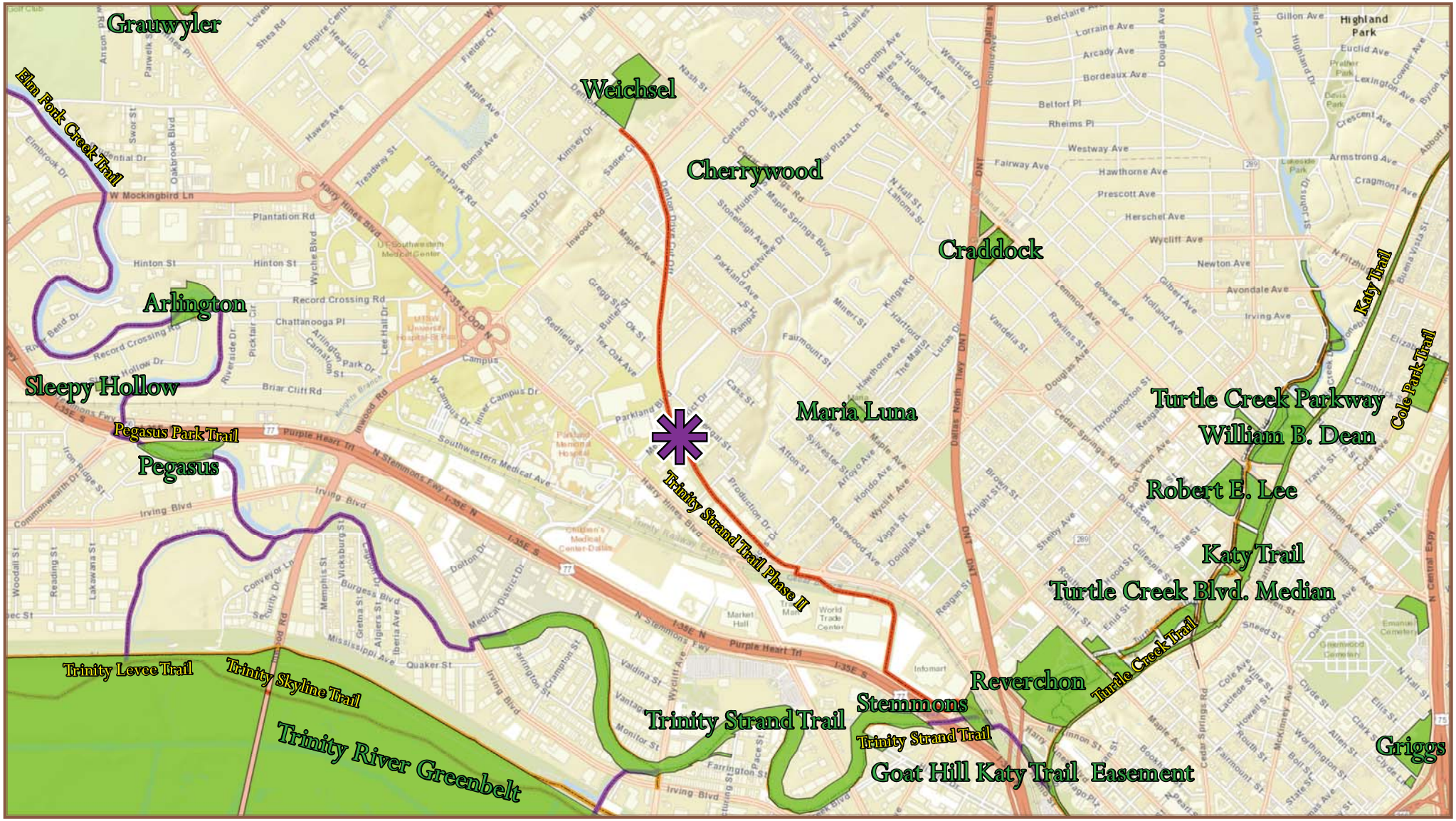
0 950 1,900 3,800 5,700 Feet

February 23, 2017

Trinity Forest Spine Trail
(White Rock Creek Trail to Lawnview Park)

Mapsco: 37 X 47 B,C,F,G,K,P,Q,T,U

District: 2,7,9

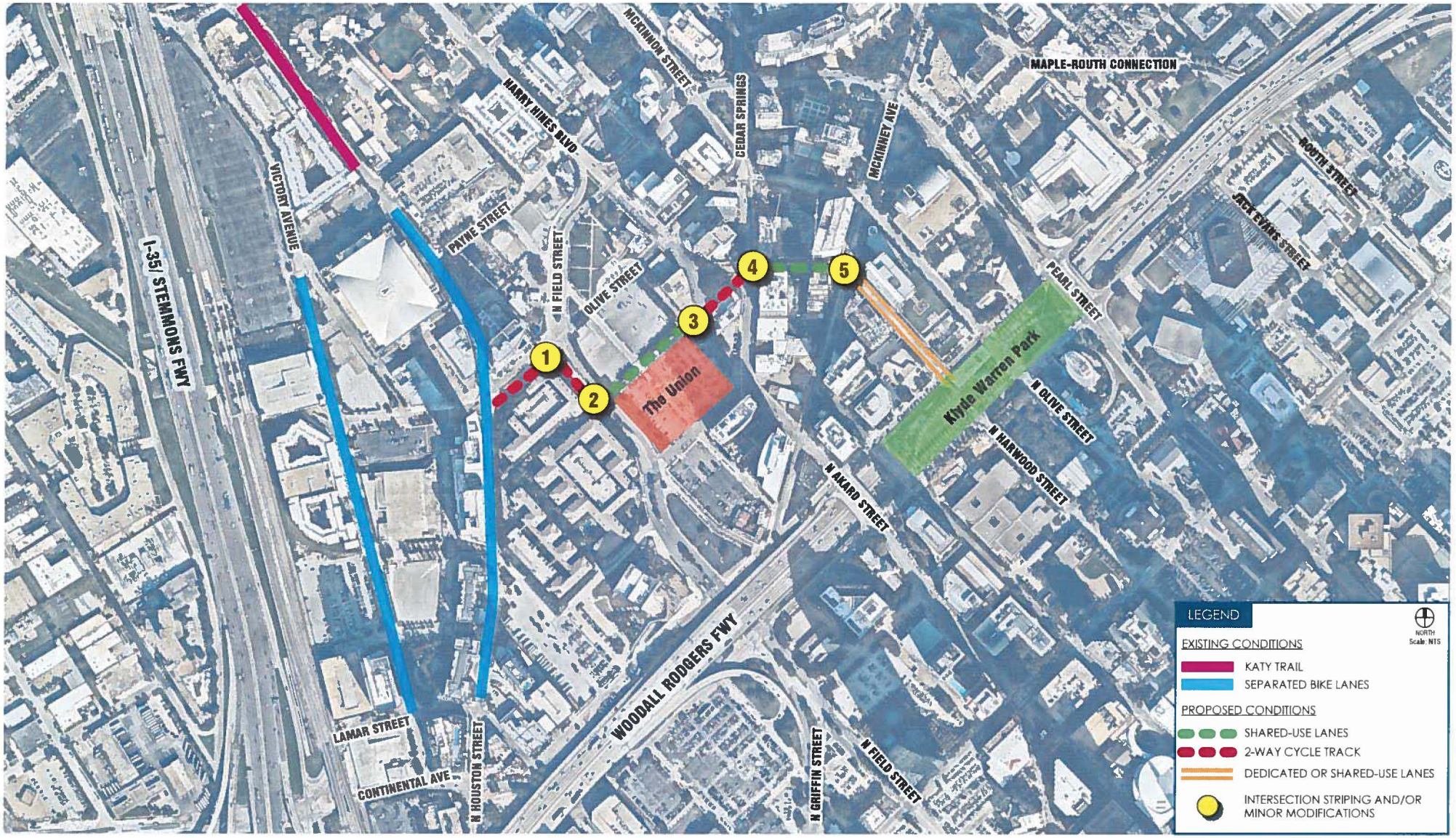


Trinity Strand Trail Phase 2

Mapsco
34 U,X,Y 44 C,D

District
2

February 23, 2017



BICYCLE CONNECTION CONCEPTS

Downtown | Concept Plan | Dallas, Texas | January 2016 | Kimley»Horn

Mapsco 45 E, F, K

Council District #2, 4

April 12, 2017

WHEREAS, the Regional Transportation Council, comprised primarily of local elected officials, is the regional transportation policy board associated with the North Central Texas Council of Governments (NCTCOG) and the regional forum for cooperative decisions on transportation; and

WHEREAS, the Regional Transportation Council approved on December 8, 2016 approximately $23 million (approximately $15.4 million for the Eastern Subregion) for the current Transportation Alternatives Set-Aside (TA Set-Aside) Program call for projects; and

WHEREAS, the City of Dallas intends to submit transportation alternative project applications for: the Katy Trail Bridges Project, Lake Highlands Trail Northern Extension Project, Lake Highlands Trail Phase 2A, 2B Project, Ridgewood Trail Lighting Project, Trinity Forest Spine Trail Project, Trinity Strand Trail Phase 2 Project, and Union Bikeway Connector Project to NCTCOG prior to the February 24, 2017 deadline (Council resolution is required by April 21, 2017); and

WHEREAS, the Regional Transportation Council requires the submittal of a resolution as part of the TA Set-Aside Call for Projects application submission.

Now, Therefore,

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

SECTION 1. The City of Dallas supports the Katy Trail Bridges Project, Lake Highlands Trail Northern Extension Project, Lake Highlands Trail Phase 2A, 2B Project, Ridgewood Trail Lighting Project, Trinity Forest Spine Trail Project, Trinity Strand Trail Phase 2 Project, and Union Bikeway Connector Project as applied for in the 2017 TA Set-Aside Program Call for Projects applications.

SECTION 2. The City of Dallas will serve as the public sponsor and lead project contact on these projects. The City of Dallas agrees to designate a single point of contact for the projects.

SECTION 3. The City of Dallas commits to fund or pass through funds from other sources for a minimum local cash match of 20 percent of the total project cost.

SECTION 4. The City of Dallas confirms that the City of Dallas, not the Regional Transportation Council, will be responsible for any cost overruns.

SECTION 5. The City of Dallas understands and acknowledges that all awarded funding is provided on a reimbursement basis.

SECTION 6. The City of Dallas confirms the project timeline is realistic and commits that if the project is selected for funding, an agreement will be executed within one year of selection and the project will advance to construction within three years from the date of selection.

SECTION 7. The City of Dallas will execute a donation agreement with partner groups which require non-City funding prior to execution of a funding agreement with the Texas Department of Transportation for all projects selected.

SECTION 8. 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.

AGENDA ITEM # 37

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

AGENDA DATE: April 12, 2017

COUNCIL DISTRICT(S): 10

DEPARTMENT: Park & Recreation
Mobility and Street Services

CMO: Willis Winters, 670-4071
Majed Al-Ghafry, 670-3302

MAPSCO: 27K

SUBJECT

Authorize a Memorandum of Understanding with Richardson Independent School District as required for application submission for the Transportation Alternatives Set-Aside Safe Routes to School infrastructure application Call for Projects for the Lake Highlands Trail Northern Extension Project – Financing: No cost consideration to the City

BACKGROUND

The Transportation Alternatives Set-Aside (TA Set-Aside) Program was authorized under Section 1109 of Fixing America's Surface Transportation Act (FAST Act) (the current transportation funding and authorization bill) and provides funding for programs and projects defined as transportation alternatives. The program is similar to the former Transportation Alternatives Program (TAP), Transportation Enhancement (TE), and Safe Routes to School (SRTS) programs. The Regional Transportation Council (RTC) has deemed eligible projects to be those which include active transportation projects that make non-motorized transport safe, convenient, and appealing. Such types of eligible projects include: on- and off-road pedestrian and bicycle facilities, infrastructure projects for improving non-driver access to public transportation and enhanced mobility, and pedestrian and bicycle infrastructure associated with Safe Routes to School projects that will substantially improve safety and the ability for students to walk and bicycle to school.

BACKGROUND (continued)

The program in North Central Texas is being administered by the RTC and the North Central Texas Council of Governments (NCTCOG). Of the total approximate $23,446,079 funds available a total of approximate $15,407,560 funds are being made available in the Eastern Subregion of NCTCOG. There is no limit to how many project may be submitted by a municipality. Successful projects are eligible for a Federal funding award of between $150,000 - $5,000,000 per project. The minimum local match requirement is 20 percent with projects eligible for reimbursement of up to 80 percent of allowable costs. The program is not a grant and funds are provided on a cost reimbursement basis. Though applications were due by February 24, 2017 the required resolution of local cash-match commitment of local funds may be submitted by April 21, 2017. For each successful project submission, the municipality will need to enter into a project agreement with TxDOT within one year after selection. Subsequently, a construction contract must be executed within three years of the date of selection.

As required by this application the City must enter into a Memorandum of Understanding with the local school district, Richardson Independent School District (RISD), to establish roles and responsibilities, that include: (1) preparation of the application by the City, (2) coordination with NCTCOG on the project scope, budget, schedule, and project limits if the project is selected for funding, and (3) coordination with Texas Department of Transportation (TxDOT) on the performance of all work; RISD shall continue to support and encourage students to safely walk and bike to school upon completion of the project.

One project was selected and submitted to NCTCOG on February 24, 2017 for the Safe Routes to School infrastructure application Call for Projects:

The **Lake Highlands Trail Northern Extension Project** provides for a hike and bike trail which connects the north-south section of the existing Lake Highlands Trail to the east-west section of the existing Lake Highlands Trail bridging this existing north-south gap in the trail. The project is on the City's Dallas Trail Network Plan and the Regional Veloweb. The project is estimated to cost $1,996,500. This application requests $1,597,200 of Safe Routes to School Project funding. Funding for this project is available from the 2012 Bond Funds in the amount of $399,300, which meets the local match requirement.

*Please note that this action does not encumber funds.

ESTIMATED SCHEDULE OF PROJECT

Submit project to NCTCOG	February 24, 2017
Selection of projects by RTC	June 8, 2017

FISCAL INFORMATION

Lake Highlands Trail Northern Extension

Requested TA Set-Aside Funding:	$1,597,200
City's Match:	$ 399,300
Estimated Total Project Cost:	$1,996,500

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSION)

On April 6, 2017, the Park and Recreation Board will consider the application.

Information about this item will be provided to the Quality of Life & Environment Committee on April 10, 2017.

FISCAL INFORMATION

No cost consideration to the City.

MAP

Attached



Lake Highlands Trail Northern Extension

Mapsco
27 K

District
10

February 23, 2017

April 12, 2017

WHEREAS, the Regional Transportation Council approved approximately $23 million (approximately $15.4 million for the Eastern Subregion) for the current Transportation Alternatives Set-Aside (TA Set-Aside) Program call for projects on December 8, 2016; and

WHEREAS, the City of Dallas intends to submit transportation alternative project applications for Lake Highlands Trail Northern Extension Project to North Central Texas Council of Governments (NCTCOG) prior to the February 24, 2017 deadline (Council resolution is required by April 21, 2017); and

WHEREAS, the Regional Transportation Council requires consummation of a Memorandum of Understanding (MOU) with Richardson Independent School District (RISD) as required for application submission for the TA Set-Aside Safe Routes to School infrastructure application Call for Projects; and

WHEREAS, such a MOU shall be established for the submittal of a Safe Routes to School infrastructure application, and in anticipation of receiving a funding award through the federal Transportation Alternatives Set-Aside (TA Set-Aside) Program, awarded by the (NCTCOG) and administered by the Texas Department of Transportation (TxDOT); and

WHEREAS, the City of Dallas and RISD have determined that a need exists to improve the routes on which children walk and bicycle to and from school; and

WHEREAS, it is recognized that the creation of Safe Routes to School programs assists cities with the establishment of safe and healthy communities; and is beneficial to school districts in curbing childhood obesity and promoting social interaction among students and parents through walking, biking, and physical activity.

Now, Therefore,

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

SECTION 1. That the President of the Park and Recreation Board and the City Manager are hereby authorized to enter into a Memorandum of Understanding with Richardson Independent School District for the purpose of application of the TA Set-Aside Safe Routes to School infrastructure application Call for Projects and to describe and delimit the roles and responsibilities of each party.

SECTION 2. That the Park and Recreation Board and the City Manager are hereby authorized to execute a Memorandum of Understanding with Richardson Independent School District, after approval as to form by the City Attorney.

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.

AGENDA ITEM # 38

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

AGENDA DATE: April 12, 2017

COUNCIL DISTRICT(S): 7

DEPARTMENT: Park & Recreation

CMO: Willis Winters, 670-4071

MAPSCO: 48A B

SUBJECT

Authorize the rejection of proposals for a new pavilion at Lakeland Hills Park located at 2600 St. Francis Avenue - Financing: No cost consideration to the City

BACKGROUND

On January 6, 2017, seven proposals were received for a new pavilion at Lakeland Hills Park. One proposal was non-responsive and all other proposals submitted were over the available funding. It is recommended that the project be constructed by the Park and Recreation Department's Facility Services staff, which can perform the work within budget.

This action will authorize the rejection of all proposals received on January 6, 2017.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On August 18, 2011, the Park and Recreation Board authorized proceeding with construction advertisement.

On March 23, 2017, the Park and Recreation Board authorized the rejection of proposals.

Information about this item will be provided to the Quality of Life & Environment Committee on April 10, 2017.

FISCAL INFORMATION

No cost consideration to the City.

MAP

Attached



0 70 140 280 420 Feet

March 23, 2017

Lakeland Hills Park
(2600 St. Francis Avenue)

Mapsco
48 A,B

District
7

April 12, 2017

WHEREAS, on January 6, 2017, seven proposals were received for construction of a new pavilion at Lakeland Hills Park located on 2600 St. Francis Street; and

WHEREAS, all seven proposals are over the available funding; and

WHEREAS, it is recommended that all proposals received be rejected and the project be constructed by the Dallas Park and Recreation Department's Facility Services construction crew; and

WHEREAS, it has been determined that it is in the best interest of the City of Dallas to reject the seven proposals received for construction of a new pavilion at Lakeland Hills 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 seven proposals received for construction of a new pavilion at Lakeland Hills Park are hereby rejected.

SECTION 2. That this resolution shall take effect immediately from and after its passage in accordance with provisions of the Charter of the City of Dallas, and it is accordingly so resolved.

AGENDA ITEM # 39

KEY FOCUS AREA: Public Safety

AGENDA DATE: April 12, 2017

COUNCIL DISTRICT(S): All

DEPARTMENT: Police

CMO: Eric Campbell, 670-3255

MAPSCO: N/A

SUBJECT

Authorize a Memorandum of Agreement between the City of Dallas through the Dallas Police Department and the Department of Homeland Security, Federal Law Enforcement Training Centers regarding collaborative training delivery of the jointly developed interrogation case study - Financing: No cost consideration to the City

BACKGROUND

The purpose of this Memorandum of Agreement (MOA) is to set forth the terms by which the Behavioral Science Division (BSD) of the Federal Law Enforcement Training Centers at Glynco, Georgia (FLETC)/GLYNCO) will jointly deliver with the Dallas Police Department (DPD) Detective Guest Instructors training associated with A 360 Degree Look at Criminal Interrogation video-based training tool, and to identify how the FLETC will provide training support to the DPD. It also discusses additional potential collaboration. Four DPD detective guest instructors will be selected by the Investigations Bureau Chief. A 360 Degree Look at Criminal Interrogation will provide training and education to officers throughout the country when trained by the FLETC BSD. DPD will receive approved enrollment for additional officers to attend the interrogation series based on the frequency of instructors provided by DPD. Additional instructors will only be sent with approval through the chain of command. The additional instructors' meals, lodging, and tuition will be covered by the FLETC; transportation will be the responsibility of the individual or the organization.

FLETC will provide a minimum of one exportable training program per fiscal year to the Dallas Police Department based on their training needs/interests expressed by the Dallas Police Department. FLETC will cover approved DPD attendees' costs incurred for the once-a-year training, to include lodging, food, and cost of the course.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Information about this item was provided to the Public Safety Committee on March 27, 2017.

FISCAL INFORMATION

No cost consideration to the City.

WHEREAS, the City desires to enter into a Memorandum of Agreement with the Department of Homeland Security, Federal Law Enforcement Training Centers; and

WHEREAS, it is in the best interest of the City of Dallas to enter into this Memorandum of Agreement.

Now, Therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DALLAS:

SECTION 1. That the City Manager is hereby authorized to enter into a Memorandum of Agreement with the Department of Homeland Security, Federal Law Enforcement Training Centers regarding collaborative training delivery of the jointly developed interrogation case study.

SECTION 2. 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.

AGENDA ITEM # 40

KEY FOCUS AREA: Public Safety

AGENDA DATE: April 12, 2017

COUNCIL DISTRICT(S): All

DEPARTMENT: Police

CMO: Eric Campbell, 670-3255

MAPSCO: N/A

SUBJECT

Authorize the creation and implementation of a Cite and Release Pilot Program with Dallas County in accordance with Texas Criminal Code Section 14.06 for Class A and B misdemeanor possession of marijuana and Class B criminal mischief, graffiti, theft, theft of service, contraband in a correctional facility, and driving with an invalid license, effective October 1, 2017 through March 31, 2018 - Financing: No cost consideration to the City

BACKGROUND

In 2007, the 80th Texas Legislature passed House Bill 2391, which amended Texas Criminal Code Section 14.06, relating to the appearance of certain misdemeanor offenders before a magistrate. House Bill 2391 authorizes a peace officer charging a person with committing an offense that is a Class A or B misdemeanor may, instead of taking the person before a magistrate, issue a citation to the person that contains written notice of the time and place the person must appear before the magistrate if that person resides in the county where the offense occurred. This described process is commonly referred to as cite and release.

House Bill 2391 enumerated these certain misdemeanors to include: Class A and B possession of marijuana, Class B criminal mischief, graffiti, theft, theft of service, contraband in a correctional facility, and driving with an invalid license.

The Dallas Police Department, through collaborative discussions and agreement with the Dallas County District Attorney's Office, developed guidelines to implement cite and release for certain Class A and B misdemeanors that include: (1) having a valid state issued identification on the person charged; (2) having no prior convictions that would enhance the charge; (3) providing a thumbprint; (4) requiring the person charged to be 17 years of age or older; (5) requiring a signature on the citation; and (6) video recording the encounter from contact to release, when possible.

BACKGROUND (continued)

At the January 6, 2016 City Council Briefing, City Council directed the City Manager to work with four other counties within the City of Dallas (Collin, Denton, Kaufman, and Rockwall) to establish a cite and release pilot program to further the City's goal of reducing the jail population for non-violent offenders.

This program would reduce the time officers spend on jail processing procedures and improve response times by getting officers back into service more quickly.

In February 2016, the Dallas Police Department met with the four counties (Collin, Denton, Kaufman, and Rockwall) to discuss establishing a Cite and Release Pilot Program with the City of Dallas for Class A and B misdemeanor possession of marijuana; these four counties declined to participate.

On February 22, 2017, a five-signature memorandum requested that cite and release for all offenses listed in House Bill 2391 from the 80th Legislature be placed on the first available agenda.

In March 2017, the Dallas Police Department contacted the four counties (Collin, Denton, Kaufman, and Rockwall), all of which continue to respectfully decline participation in a cite and release program.

Additionally, the Dallas Police Department contacted Dallas County about including Class B criminal mischief, graffiti, theft, theft of service, contraband in a correctional facility, and driving with an invalid license in the cite and release program and they declined.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSION)

Information about this item was provided to the Public Safety Committee on December 8, 2015, and to the City Council on January 6, 2016.

On March 23, 2016, City Council voted on Resolution No. 16-0491 for the Dallas Police Department to implement a cite and release pilot program with Dallas County. The item failed.

FISCAL INFORMATION

No cost consideration to the City.

April 12, 2017

WHEREAS, the 80th Texas Legislature passed House Bill 2391, which amended Texas Criminal Code Section 14.06, relating to the appearance of certain misdemeanor offenders before a magistrate; and

WHEREAS, House Bill 2391 authorizes a peace officer charging a person committing an offense that is a Class A or B misdemeanor to issue a citation with written notice of a later time and place to appear before the magistrate instead of taking the person immediately before the magistrate if that person resides in the county where the offense occurred ("cite and release"); and

WHEREAS, House Bill 2391 enumerated these certain misdemeanors to include: Class A and B possession of marijuana, and Class B criminal mischief, graffiti, theft, theft of service, contraband in a correctional facility, and driving with an invalid license; and

WHEREAS, the Dallas Police Department through collaborative discussions and agreement with the Dallas County District Attorney's Office developed guidelines to implement cite and release for certain Class A and B misdemeanors that include: (1) having a valid state issued identification on the person charged; (2) having no prior convictions that would enhance the charge; (3) providing a thumbprint; (4) requiring the person charged to be 17 years of age or older; (5) requiring a signature on the citation; and (6) video recording the encounter from contact to release, when possible; and

WHEREAS, the City Council's Public Safety Committee and the City Council have been previously briefed on the history of House Bill 2391, options and processes for implementing a cite and release program with Dallas County for certain Class A and B misdemeanors, and the goals of a cite and release program; and

WHEREAS, the City Council previously directed the City Manager to work with four other counties within the City of Dallas (Collin, Denton, Kaufman, and Rockwall) to establish a cite and release program to further the City's goal of reducing the jail population for non-violent offenders, reducing the time officers spend on jail processing procedures, and improving response times by getting officers back into service more quickly; and

WHEREAS, in March 2017, the Dallas Police Department contacted the four counties (Collin, Denton, Kaufman, and Rockwall), all of which continue to respectfully decline participation in a cite and release program; and

WHEREAS, because the City Council still seeks to further the goals of reducing the jail population for non-violent offenders, reducing the time officers spend on jail processing procedures, and improving response times by getting officers back into service more quickly, a cite and release program with Dallas County for Class A and B misdemeanor possession of marijuana and Class B criminal mischief, graffiti, theft, theft of service, contraband in a correctional facility, and driving with an invalid license is in the best interest of the City of Dallas and it's citizens.

Now, Therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DALLAS:

SECTION 1. That the City Manager is directed to implement a cite and release program with Dallas County in accordance with Texas Criminal Code Section 14.06 for Class A and B misdemeanor possession of marijuana.

SECTION 2. That the City Manager is directed to continue working with Dallas County to consider including additional cite and release offenses, including Class B criminal mischief, graffiti, theft, theft of service, contraband in a correctional facility, and driving with an invalid license.

SECTION 3. That the cite and release program incorporates the guidelines developed with the Dallas County District Attorney's Office that include: (1) having a valid state issued identification on the person charged; (2) having no prior convictions that would enhance the charge; (3) providing a thumbprint; (4) requiring the person charged to be 17 years of age or older; (5) requiring a signature on the citation; and (6) video recording the encounter from contact to release, when possible.

SECTION 4. That the cite and release program with Dallas County shall take effect on October 1, 2017.

SECTION 5. That the City Manager is directed to continue working with all counties within the City of Dallas to implement a cite and release program to further the City's goal of reducing the jail population for non-violent offenders, reducing the time officers spend on jail processing procedures, and improving response times by getting officers back into service more quickly.

SECTION 6. That, within six months after the cite and release program takes effect, the City Manager shall provide a report to City Council, including a statistical overview of the effectiveness of the cite and release program.

SECTION 7. 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.

AGENDA ITEM # 41

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: April 12, 2017

COUNCIL DISTRICT(S): 4, 7, 8

DEPARTMENT: Sustainable Development and Construction

CMO: Majed Al-Ghafry, 670-3302

MAPSCO: 55L R 56B T 65D 66E

SUBJECT

Authorize **(1)** the quitclaim of 15 properties acquired by the taxing authorities from the Tax Foreclosure Sheriff's Sale to the highest bidders; and **(2)** the execution of release of liens for any non-tax liens that may have been filed by the City and were included in the foreclosure judgment (list attached) - Revenue: $66,542

BACKGROUND

This item authorizes the quitclaim of 15 properties that were foreclosed by the Sheriff's Department for unpaid taxes pursuant to judgments or seizure warrants from a District Court and the release of liens for any non-tax liens that may have been filed by the City and were included in the foreclosure judgment. These properties are being sold to the highest bidders and will return to the tax rolls upon conveyance.

Successful bidders are required to sign a certification stating that they are not purchasing these properties on behalf of the foreclosed owners and that they have no debts owed to the City, no pending code violations, and are not chronic code violators.

All properties were reviewed by the Housing Department for infill housing and were not desired for that program.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

The Economic Development Committee was briefed by memorandum regarding this matter on March 27, 2017.

FISCAL INFORMATION

Revenue - $66,542

OWNERS

Nextlots Now L.L.C.
Lee J. Schmitt, Managing Member

Title & Title Properties, LLC
W. Justin Title, Managing Member

Jesjor TX, Inc.
John D'Silva, President

Adiel Quiroz

Katrina Pitre

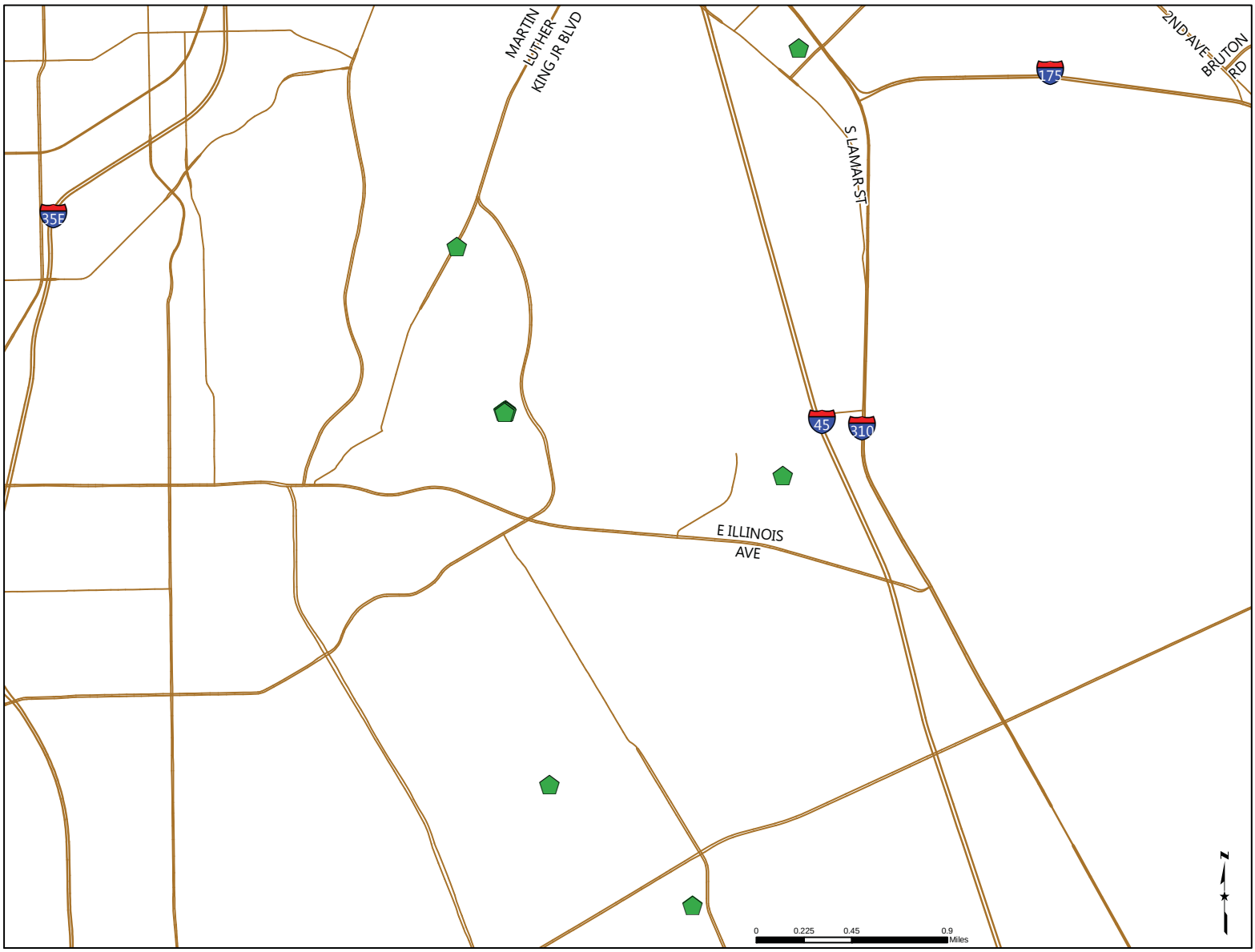
Prince Elizalde

MAP

Attached

TAX FORECLOSED AND SEIZURE WARRANT PROPERTY RESALES
PROPERTY LIST

ITEM #	STREET ADDRESS	VAC/ IMP	COUNCIL DISTRICT	ZONING	PARCEL SIZE	STRUCKOFF AMOUNT	# BIDS	MINIMUM BID	HIGHEST BID AMOUNT	DCAD	HIGHEST BIDDER
1	3807 AROCHA	V	4	CS	.1905	$5,000.00	4	$1,000.00	$1,895.00	$5,000.00	Nextlots Now L.L.C.
2	2554 CEDAR CREST	V	4	NS(A)	.2887	$9,487.00	9	$3,000.00	$5,551.00	$12,580.00	Adiel Quiroz
3	4600 COLONIAL	V	7	PD-595	.1147	$4,500.00	2	$1,000.00	$1,819.00	$4,500.00	Title & Title Properties, LLC
4	5125 CORRIGAN	I	8	R-7.5(A)	.2078	$26,610.00	14	$3,000.00	$18,000.00	$28,330.00	Prince Elizalde
5	2318 MOFFATT	I	4	R-7.5(A)	.1628	$9,990.00	4	$3,000.00	$3,777.00	$9,990.00	Jesjor Tx, Inc.
6	2213 PORTERFIELD	V	4	R-7.5(A)	.2170	$1,829.33	7	$1,000.00	$3,500.00	$2,250.00	Katrina Pitre
7	2221 PORTERFIELD	V	4	R-7.5(A)	.2170	$1,829.33	7	$1,000.00	$3,500.00	$2,250.00	Katrina Pitre
8	2210 PORTERFIELD	V	4	R-7.5(A)	.2323	$1,829.33	5	$1,000.00	$3,500.00	$2,250.00	Katrina Pitre
9	2209 PORTERFIELD	V	4	R-7.5(A)	.1166	$1,829.33	8	$1,000.00	$3,500.00	$2,250.00	Katrina Pitre
10	2214 PORTERFIELD	V	4	R-7.5(A)	.2323	$1,829.33	5	$1,000.00	$3,500.00	$2,250.00	Katrina Pitre
11	2218 PORTERFIELD	V	4	R-7.5(A)	.2320	$1,829.33	5	$1,000.00	$3,500.00	$2,250.00	Katrina Pitre
12	2217 PORTERFIELD	V	4	R-7.5(A)	.2170	$1,829.33	6	$1,000.00	$3,500.00	$2,250.00	Katrina Pitre
13	2205 PORTERFIELD	V	4	R-7.5(A)	.1895	$1,829.33	8	$1,000.00	$3,500.00	$2,250.00	Katrina Pitre
14	2206 PORTERFIELD	V	4	R-7.5(A)	.2963	$1,829.33	5	$1,000.00	$4,000.00	$2,250.00	Katrina Pitre
15	2222 PORTERFIELD	V	4	R-7.5(A)	.2329	$1,829.33	6	$1,000.00	$3,500.00	$2,250.00	Katrina Pitre


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Miles

April 12, 2017

WHEREAS, the City of Dallas ("City"), the State of Texas ("State"), the County of Dallas, ("County"), and/or Dallas Independent School District ("DISD") acquired Sheriff Deeds to properties ("Properties") at a sheriff tax sale ("the First Sale") authorized by a Judicial Foreclosure ("Judgment") in a District Court in Dallas County, Texas. The Sheriff's Deeds were recorded in the real property records of Dallas County, Texas as described on "Exhibit A," attached herein and incorporated by reference; and

WHEREAS, pursuant to the Texas Attorney General Opinion No. JM-1232 and Section 34.05(a) of the Texas Property Tax Code, the City may re-sell the Properties ("the Second Sale") subject to any right of redemption existing at the time of the Second Sale; and

WHEREAS, pursuant to the provisions of Chapter 34, Section 34.05 of the Texas Property Tax Code, a taxing entity is authorized to re-sell the Properties ("the Second Sale"); and

WHEREAS, by accepting its pro rata proceeds from the Second Sale, the State agrees to the transfer of Properties in which it has an interest; and

WHEREAS, the City Manager, acting on behalf of the County pursuant to a County Commissioner's Court Order, and acting on behalf of DISD pursuant to a School Board Resolution have the authority to execute Quitclaim Deeds to the purchasers of Properties at the Second Sale, and transfer any rights, title, or interests acquired or held by each taxing entity that was a party to the Judgment at the First Sale; and

WHEREAS, the Properties were advertised in the Dallas Morning News on the dates indicated on Exhibit A; and

WHEREAS, the City Council has previously approved the re-sale of other Properties where funds were not received, nor disbursed prior to the April 1, 2001 Tax Collection Consolidation with Dallas County; and

WHEREAS, the distribution of the proceeds from the resale of the Properties will be in accordance with Chapter 34, Section 34.06 of the Texas Property Tax Code.

Now, Therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DALLAS:

SECTION 1. That upon receipt of the monetary consideration from the purchasers of the Properties listed on Exhibit A, and upon consent by the County and DISD, the City Manager after approval as to form by the City Attorney and attested by the City Secretary, is hereby authorized to execute Quitclaim Deeds to the Properties, conveying to the purchasers the right, title, and interest acquired or held by each taxing entity that was a party to the Judgment, subject to any right of redemption, post Judgment taxes and post Judgment non-municipal liens, and in accordance with the written agreement of the terms, conditions, and release of the taxing entities.

SECTION 2. That the consideration received from the Second Sale shall be distributed pursuant to Chapter 34, Section 34.06 of the Texas Property Tax Code, and applied to the payment of the court costs, interest, and cost of sale and applied to the amount of delinquent taxes, penalties, and non-tax municipal liens as set forth in the Judgment and pursuant to the order of the court.

SECTION 3. That all purchasers shall be responsible for the pro rata portion of property taxes for the remaining part of the current calendar year that will be assessed from the date of closing of the Second Sale. Purchasers shall also be responsible for any post-Judgment taxes, penalties and interest, pursuant to the Texas Property Tax Code, and post-Judgment non-municipal liens. The Properties shall be replaced on the tax rolls as of the date of execution of Quitclaim Deeds.

SECTION 4. That to the extent authorized by law, any liens securing taxes referenced in Section 2 above are hereby released. That the City Manager, after approval as to form by the City Attorney, is authorized to execute a release(s) of lien for any non-tax municipal lien(s) which (i) are included in the Judgments issued in the foreclosure suits filed by the City on the lot(s) shown on Exhibit “A”; or (ii) arise or are filed of record post Judgment and prior to the Second Sale by the City on the lot(s) shown on Exhibit “A”.

SECTION 5. That any and all proceeds from the Second Sale, including funds not received, nor disbursed prior to the April 1, 2001 Tax Collection Consolidation with Dallas County will be deposited to General Fund 0001, Department DEV, Balance Sheet Account 0519.

SECTION 6. That upon receipt of the consideration from the Second Sale, the Chief Financial Officer is hereby authorized to disburse the proceeds in accordance with Chapter 34, Section 34.06 of the Texas Property Tax Code. Calculations for disbursements shall be provided by the Director of Sustainable Development and Construction to the City of Dallas Land Based Receivables, the Dallas County District Clerk, and the Dallas County Tax Office from the account specified in Section 5, above.

SECTION 7. 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.

TAX FORECLOSED AND SEIZURE WARRANT PROPERTY RESALES
EXHIBIT A

ITEM #	STREET ADDRESS	LEGAL DESCRIPTION	VAC/ IMP	OWNED BY TAXING ENTITIES	DMN DATES ADVERTISEMENT	# BIDS	MINIMUM BID	HIGHEST BID AMOUNT	HIGHEST BIDDER
1	3807 AROCHA	Lot 17, Block C/6095	V	1, 2, 3	12/18 & 12/19	4	$1,000.00	$1,895.00	Nextlots Now L.L.C.
2	2554 CEDAR CREST	Lot 3, Block B/7533	V	1, 2, 3	12/18 & 12/19	9	$3,000.00	$5,551.00	Adiel Quiroz
3	4600 COLONIAL	Part of Lot 1, Block H/1692	V	1, 2, 3	12/18 & 12/19	2	$1,000.00	$1,819.00	Title & Title Properties, LLC
4	5125 CORRIGAN	Lot 10, Block 3/6857	I	1, 2, 3	12/18 & 12/19	14	$3,000.00	$18,000.00	Prince Elizalde
5	2318 MOFFATT	Lot 12, Block 2/5851	I	1, 2, 3	12/18 & 12/19	4	$3,000.00	$3,777.00	Jesjor Tx, Inc.
6	2213 PORTERFIELD	Lot 7, Block B/7541	V	1, 2, 3	12/18 & 12/19	7	$1,000.00	$3,500.00	Katrina Pitre
7	2221 PORTERFIELD	Lot 9, Block B/7541	V	1, 2, 3	12/18 & 12/19	7	$1,000.00	$3,500.00	Katrina Pitre
8	2210 PORTERFIELD	Lot 5, Block C/7541	V	1, 2, 3	12/18 & 12/19	5	$1,000.00	$3,500.00	Katrina Pitre
9	2209 PORTERFIELD	Lot 6, Block B/7541	V	1, 2, 3	12/18 & 12/19	8	$1,000.00	$3,500.00	Katrina Pitre
10	2214 PORTERFIELD	Lot 6, Block C/7541	V	1, 2, 3	12/18 & 12/19	5	$1,000.00	$3,500.00	Katrina Pitre
11	2218 PORTERFIELD	Lot 7, Block C/7541	V	1, 2, 3	12/18 & 12/19	5	$1,000.00	$3,500.00	Katrina Pitre
12	2217 PORTERFIELD	Lot 8, Block B/7541	V	1, 2, 3	12/18 & 12/19	6	$1,000.00	$3,500.00	Katrina Pitre
13	2205 PORTERFIELD	Lot 5, Block B/7541	V	1, 2, 3	12/18 & 12/19	8	$1,000.00	$3,500.00	Katrina Pitre
14	2206 PORTERFIELD	Lot 4 and 15 feet of Lots 1, 2 and 3, Block C/7541	V	1, 2, 3	12/18 & 12/19	5	$1,000.00	$4,000.00	Katrina Pitre
15	2222 PORTERFIELD	Lot 8, Block C/7541	V	1, 2, 3	12/18 & 12/19	6	$1,000.00	$3,500.00	Katrina Pitre

*1=CITY, 2=DISD, 3=COUNTY, 4=STATE (All properties are located in the City of Dallas, Dallas County, Texas)

AGENDA ITEM # 42

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: April 12, 2017

COUNCIL DISTRICT(S): 7

DEPARTMENT: Sustainable Development and Construction

CMO: Majed Al-Ghafry, 670-3302

MAPSCO: 46X

SUBJECT

A resolution **(1)** declaring approximately 6,500 square feet of developable land unwanted and unneeded, located near the intersection of Edgewood Street and Birmingham Avenue, and authorizing its advertisement for sale by public auction; and **(2)** authorizing a Purchase and Sale Agreement to be prepared for the auctioned surplus property receiving the highest qualified bid that is sold absolute - Estimated Revenue: $6,000

BACKGROUND

This item will declare approximately 6,500 square feet of developable land unwanted and unneeded, located near the intersection of Edgewood Street and Birmingham Avenue, and authorizing its advertisement for sale by public auction. This property has been routed to City departments and outside agencies to determine whether any had a need for the property.

Texas Local Government Code Section 253.008 authorizes municipalities to sell real property owned by the municipality at an advertised public auction. Section 272.001 states fair market value may be determined by the highest bid price obtained by a municipality at an advertised auction.

This property will be advertised for sale by public auction with a reservation of all oil, gas and other minerals in and under the property and a restriction prohibiting the placement of industrialized housing.

Upon receipt of the highest qualified bid sold absolute, a Purchase and Sale Agreement, approved as to form by the City Attorney, will be prepared for the highest bidder. Staff will ensure the highest bidder is qualified to bid and be awarded the property.

BACKGROUND (continued)

This property will return to the tax rolls upon conveyance.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

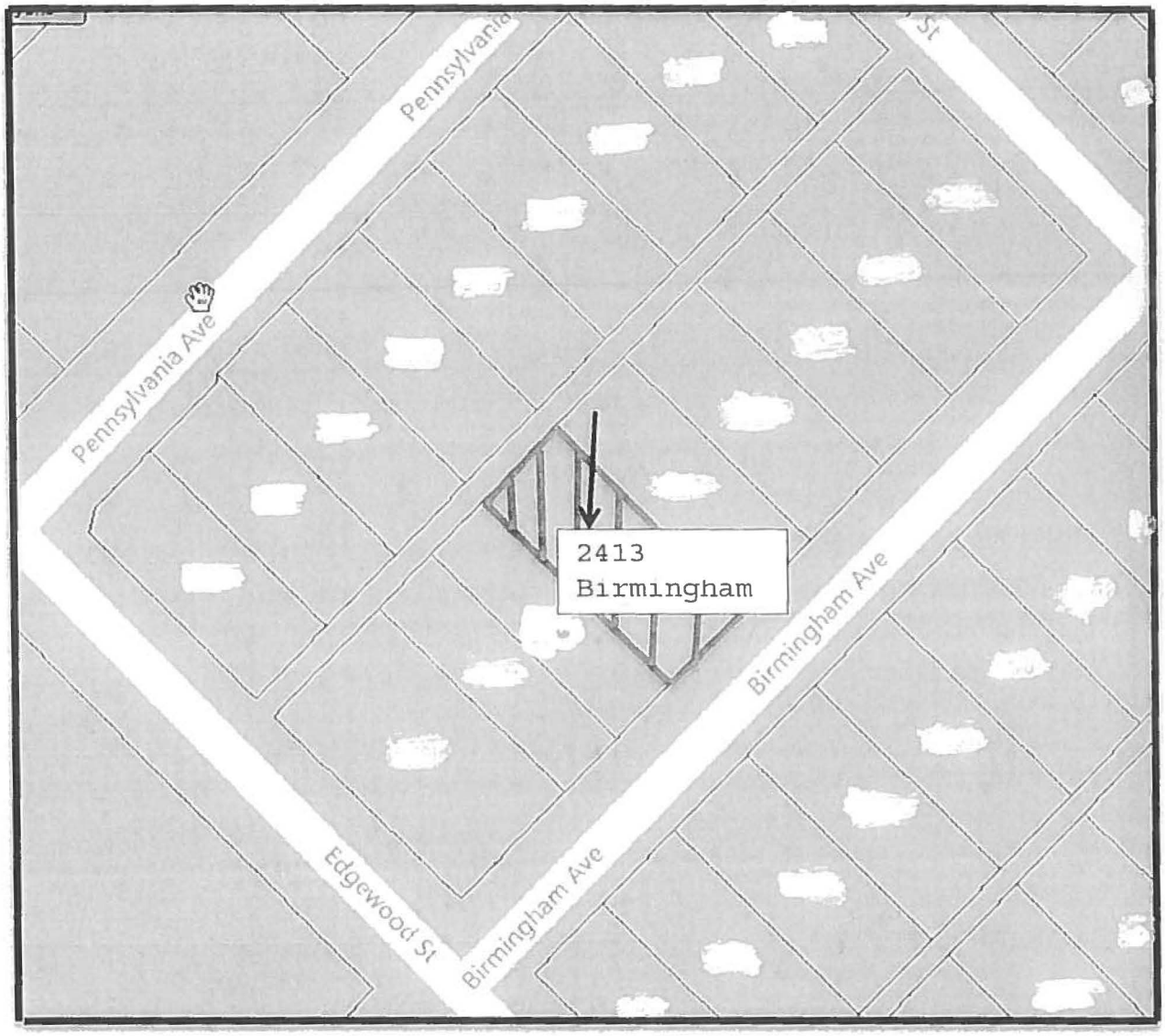
The Economic Development Committee was briefed by memorandum regarding this matter on March 27, 2017.

FISCAL INFORMATION

Estimated Revenue - $6,000

MAP

Attached



BLOCK: 30/1305

SURPLUS PROPERTY: 2413 BIRMINGHAM AVE

N

April 12, 2017

WHEREAS, the City of Dallas ("City") is the owner of a tract of unwanted and unneeded land containing approximately 6,500 square feet, located in the City of Dallas, Dallas County, Texas as described on Exhibit "A", attached herein and incorporated by reference, and which are no longer needed for municipal use; and

WHEREAS, said City property is currently developable and may be disposed of by public auction in accordance with the provisions of Section 2-24.1 of the Dallas City Code, which requires a minimum reserve amount be established, and Sections 253.008 and 272.001 of the Texas Local Government Code, as amended; and

WHEREAS, pursuant to Section 2-24.1(e) of the Dallas City Code, the procedures required by Section 2-24.1 of the Dallas City Code that are not required by state law may be waived; and

WHEREAS, the minimum reserve amount provided for in Section 2-24.1(b) of the Dallas City Code is not required for the sale of the property by public auction to proceed pursuant to Section 253.008 and Section 272.001 of the Texas Local Government Code which instead provide that the City may sell its property by public auction where the highest bid received reflects the fair market value of the property; and

WHEREAS, pursuant to Section 2-24.1(e) of the Dallas City Code, in accordance with certain procedures, the City recommends the minimum reserve amount requirement of Section 2-24.1(b) of the Dallas City Code be waived and the sale of said City property be authorized to instead proceed by public auction without a minimum reserve amount, pursuant to Section 2-24.1 of the Dallas City Code and Section 253.008 and Section 272.001 of the Texas Local Government Code, where the highest bid received reflects the fair market value of the property; and

WHEREAS, on June 22, 2011, City Council approved Resolution No. 11-1651 authorizing a three-year service contract with Hudson & Marshall, a Real Estate auction firm, this contract was amended by Administrative Action No. 15-7374 to extend an additional 18 months.

Now, Therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DALLAS:

SECTION 1. That the City-owned property listed on Exhibit "A", attached herein and incorporated by reference, is declared unwanted and unneeded by the City Council; that the minimum reserve amount requirement of Section 2-24.1(b) of the Dallas City Code is hereby waived for the sale of this property; and the property is to be advertised for sale and sold by public auction pursuant to Section 2-24.1 of the Dallas City Code and Section 253.008 and Section 272.001 of the Texas Local Government Code, without a minimum reserve and where the highest bid received reflects the fair market value of the property.

SECTION 2. That the Director of Sustainable Development and Construction is authorized to advertise the property listed on Exhibit "A" for sale by public auction and upon conclusion of the advertising period conduct the public auction as authorized herein.

SECTION 3. That the advertisement of the property shall state:

a) That the sale shall be by Deed Without Warranty in a form approved by the City Attorney.

b) That the sale shall be subject to the terms, covenants, conditions, reservations, restrictions and exceptions of this authorizing resolution, including without limitation of the following:

i) a restriction prohibiting the placement of industrialized housing on the property;

ii) reservation by the City of Dallas of all oil, gas and other minerals in and under the property with a waiver of surface access rights relating to said minerals;

iii) any and all visible and apparent easements and encroachments, whether of record or not;

iv) any and all covenants, conditions, reservations, restrictions, exceptions, easements, rights-of-way, mineral interests, mineral leases, or other instruments of record and applicable to the property or any part thereof; and

v) standby fees, taxes and assessments, if any, by any taxing authority for the year of closing and subsequent years and assessments by any taxing authority for prior years due to changes in land usage or ownership, the payment of said standby fees, taxes, and assessments being assumed by **GRANTEE**.

c) That, to the maximum extent allowed by law, the sale shall be strictly on an "AS IS, WHERE IS, WITH ALL FAULTS" basis.

d) That as a material part of the consideration for the sale, the grantee and the City shall acknowledge and agree and provided in any relevant instrument that, to the maximum extent allowed by law, (a) **GRANTEE** is taking the property "AS IS, WHERE IS, WITH ALL FAULTS", (b) the City disclaims responsibility as to the accuracy or completeness of any information relating to the property,

(c) **GRANTEE** assumes all responsibility to examine all applicable building codes and zoning ordinances to determine if the property can be used for the purposes desired and to check for outstanding or pending code enforcement actions including but not limited to repair or demolition orders, and (d) the City expressly disclaims and grantee expressly waives, any warranty or representation, express or implied, including without limitation any warranty of condition, habitability, merchantability or fitness for a particular purpose of the property. Without limiting the foregoing, the City makes no representations of any nature regarding the property and specifically disclaims any warranty, guaranty or representation, oral or written, express or implied, past, present, or future, concerning: (i) the nature and condition of the property, including without limitation, the water, soil and geology, and the suitability thereof and the property for any and all activities and uses which grantee may elect to conduct thereon, and the existence of any environmental substances, hazards or conditions or presence of any endangered or protected species thereon or compliance with all applicable laws, rules or regulations; (ii) the nature and extent of any right-of-way, lease, possession, lien, encumbrance, license, reservation, condition or otherwise; (iii) the compliance of the property or its operation with any law, ordinance or regulation of any federal, state, or local governmental authority; and (iv) whether or not the property can be developed or utilized for any purpose. For purposes hereof, "environmental substances" means the following: (a) any "hazardous substance" under the Comprehensive Environmental Response, Compensation and Liability Act of 1980, 42 U.S.C.A. Section 9601 et. seq., as amended, (b) any "hazardous substance" under the Texas Hazardous Substances Spill Prevention and Control Act, Tex. Water Code, Section 26.261, et. seq., as amended, (c) petroleum or petroleum-based products (or any derivative or hazardous constituents thereof or additives thereto), including without limitation, fuel and lubrication oils, (d) any "hazardous chemicals" or "toxic chemicals" under the Occupational Safety and Health Act, 29 U.S.C.A. Section 651 et. seq., as amended, (e) any "hazardous waste" under the Resource Conservation and Recovery Act, 42 U.S.C.A. Section 6901 et. seq., as amended, (f) asbestos, (g) polychlorinated biphenyls, (h) underground storage tanks, whether empty, filled, or partially filled with any substance, (i) any substance, the presence of which is prohibited by federal, state or local laws and regulations, and (j) any other substance which by federal, state or local laws and regulations requires special handling or notification of governmental authorities in its collection, storage, treatment or disposal. References to particular acts or codifications in this definition include all past and future amendments thereto, as well as applicable rules and regulations as now or hereafter promulgated.

e) Such other terms and requirements of the sale and/or disclaimers as the City deems necessary, convenient or appropriate.

SECTION 4. That, upon the conclusion of the public auction that has been advertised and conducted pursuant to Section 2-24.1 and state law, as applicable, the highest qualified bid received at such auction for each listed surplus property shall be deemed the sales price and shall be conclusive of the fair market value of such property and shall be accepted by the City.

SECTION 5. That the City Manager or designee is authorized to execute a Purchase and Sales Agreement, approved as to form by the City Attorney, to be entered into with respect to each such surplus property between the City and the highest qualified bidder for such property at such advertised public auction.

SECTION 6. That, upon receipt of the consideration from the highest bidder, the City Manager or designee is authorized to execute a Deed Without Warranty to be attested by the City Secretary, and other miscellaneous closing documents upon approval as to from by the City Attorney.

SECTION 7. That the sale proceeds shall be deposited into the General Fund 0001, Department DEV, Bal Sheet 0519 and Department of Sustainable Development and Construction, Real Estate Division shall be reimbursed for the cost of obtaining legal description, appraisal and other administrative costs incurred. The reimbursement proceeds shall be deposited in General Fund 0001, Department DEV, Unit 1183, Object 5011.

SECTION 8. That if a title policy is desired by **GRANTEE**, same shall be at the expense of the **GRANTEE**.

SECTION 9. That the sale shall be subject to standby fees, taxes and assessments, if any, by any taxing authority for the year of the closing and subsequent years and assessments by any taxing authority for prior years due to changes in land usage or ownership, the payment of said standby fees, taxes and assessments being assumed by **GRANTEE**.

SECTION 10. 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.

APPROVED AS TO FORM:
Larry E. Casto, City Attorney

BY _____
Assistant City Attorney

Exhibit A

Field Notes Describing Land
In Block 30/1305

Being situated in the Macum Main Survey, Abstract Number 995, City of Dallas, Dallas County, Texas, and being all of Lots 25 and 26, Block 30/1305 (Official City of Dallas Block Numbers) of the South Park Addition, an addition to the City of Dallas dated January 3, 1889 and recorded in Volume 99, Page 304, of the Deed Records of Dallas County, Texas and being all of the property conveyed to the City of Dallas by Deed dated April 2, 1947 and recorded in Volume 2813, Page 41 of the Deed Records of Dallas County Texas, and containing approximately 6,500 Square Feet (0.149 Acres) of land, according to the plat thereof.

This Description is approved as to form.

Scott Holt

Scott Holt, RPLS
Survey Program Manager
City of Dallas

2-1-2017

Date:

AGENDA ITEM # 43

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: April 12, 2017

COUNCIL DISTRICT(S): 14

DEPARTMENT: Sustainable Development and Construction

CMO: Majed Al-Ghafry, 670-3302

MAPSCO: 45P

SUBJECT

An ordinance granting a private license to LICGF Dallas Lofts, Inc. for the use of a total of approximately 85 square feet of aerial space to utilize and maintain two projecting attached video board signs over portions of Main and Elm Streets rights-of-way, near their intersection with Akard Street - Revenue: $2,000 annually, plus the $20 ordinance publication fee

BACKGROUND

This item grants a private license to LICGF Dallas Lofts, Inc. for the use of a total of approximately 85 square feet of aerial space to utilize and maintain two projecting attached video board signs over portions of Main and Elm Streets rights-of-way, near their intersection with Akard Street. The use of this area will not impede pedestrian or vehicular traffic.

The licensee will indemnify the City and carry general liability insurance naming the City as an additional insured.

PRIOR ACTION/REVIEW (COUNCIL,BOARDS,COMMISSIONS)

The Economic Development Committee was briefed by memorandum regarding this matter on March 27, 2017.

FISCAL INFORMATION

Revenue - $2,000 annually, plus the $20 ordinance publication fee

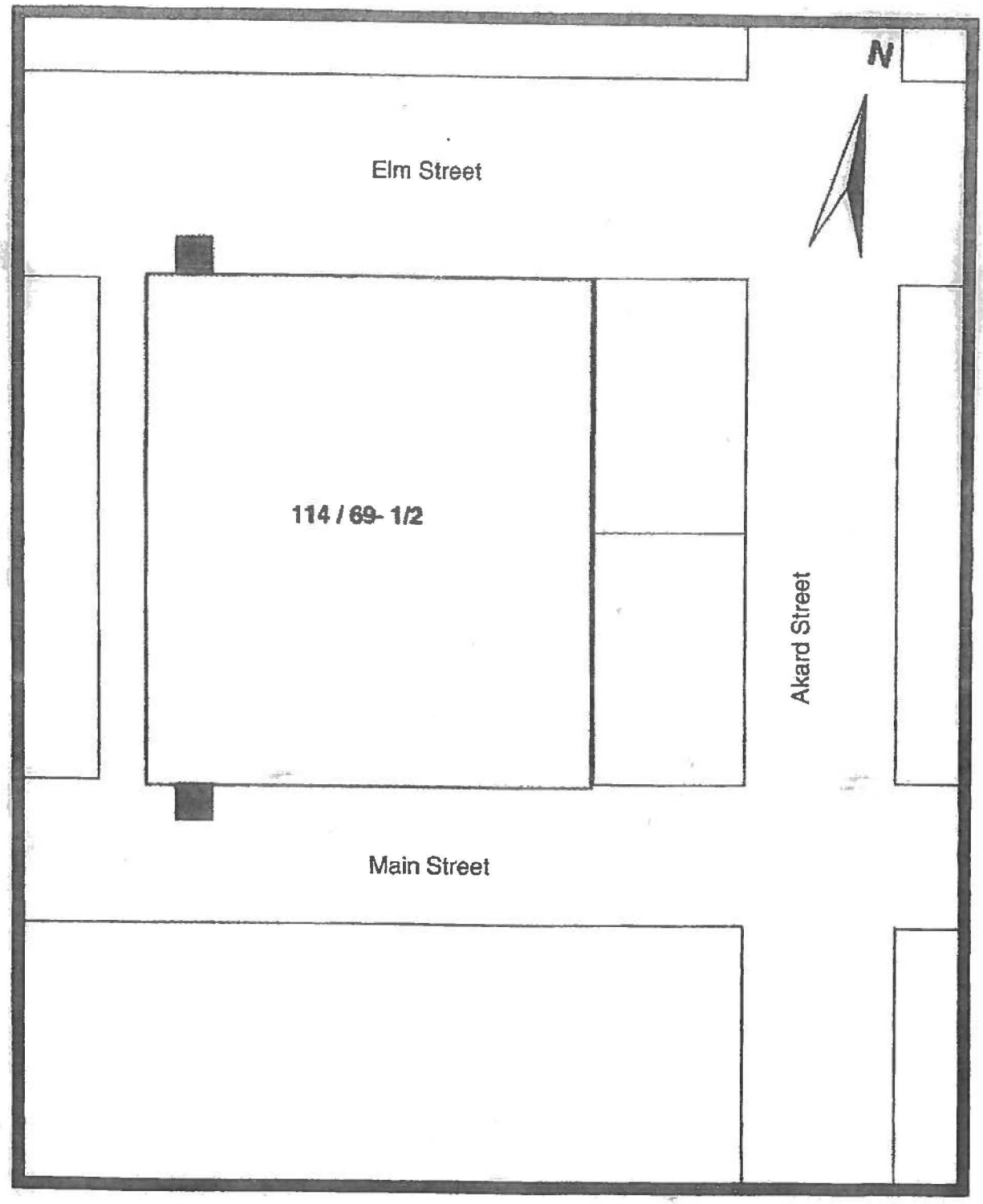
OWNER

LICGF Dallas Lofts, Inc.

Heiner Franssen, Governing Person

MAP

Attached



LICENSE AREAS

ORDINANCE NO. _____

An ordinance granting a private license to LICGF Dallas Lofts, Inc. to utilize and maintain aerial space over portions of Main Street and Elm Street rights-of-way located near the intersection of Akard Street adjacent to City Block 114/69 ½ within the limits hereinafter more fully described, for the purpose of utilizing and maintaining two projecting attached video board signs; providing for the terms and conditions of this license; providing for the annual compensation to be paid to the City of Dallas; providing for payment of the publication fee; and providing an effective date of this license and ordinance.

ooo0ooo

WHEREAS, on November 10, 2010, the City Council of the City of Dallas passed Ordinance No. 28049, thereby granting DLD Properties, Ltd., the right, privilege and franchise to utilize portions of Main and Elm Streets rights-of-way for the maintenance and use of two projecting attached video board signs; and

WHEREAS, the rights granted by said ordinance expired November 10, 2016; and

WHEREAS, LICGF Dallas Lofts, Inc. has requested renewal of the rights granted by said ordinance; and

WHEREAS, the City Council of the City of Dallas is of the opinion that a license should be granted to LICGF Dallas Lofts, Inc. to continue to use this public property for said purpose, subject to the conditions hereinafter more fully set out.

Now, Therefore,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DALLAS:

SECTION 1. That a private license, hereinafter referred to as "license", subject to the restrictions and conditions of this ordinance, is hereby granted to LICGF Dallas Lofts, Inc. a Delaware corporation, its successors and assigns, hereinafter referred to as **"GRANTEE"**, to occupy, maintain and utilize for the purpose set out hereinbelow the tracts of land described in Exhibit A, hereinafter referred to as "licensed areas" which is attached hereto and made a part hereof.

SECTION 2. That this license is granted for a term of forty years, unless sooner terminated according to other terms and provisions herein contained.

SECTION 3. That **GRANTEE** shall pay to the City of Dallas the sum of **TWO THOUSAND AND NO/100 ($2,000.00) DOLLARS** annually for the license herein granted, said sum to become due and payable on the 2nd day of January each year, in advance, during the term hereof; provided, however, that the first payment due hereunder in the sum of **TWO THOUSAND AND NO/100 ($2,000.00) DOLLARS** shall be paid prior to the final passage of this ordinance and shall cover the consideration for 2017. Such consideration shall be in addition to and exclusive of any other taxes or special assessments required by law to be paid by **GRANTEE**. Should **GRANTEE** fail to pay the above stated annual fee within sixty days of the due date, the Director of Department of Sustainable Development and Construction may terminate this license. All sums payable to the City of Dallas hereunder shall be paid to the Chief Financial Officer of the City of Dallas and deposited in Fund 0001, Department DEV, Unit 1181, Revenue Code 8200. In the event **GRANTEE's** check for the license fee is dishonored, **GRANTEE** shall pay to the City a processing fee of $25.00 for each dishonored check. Additionally, all monies owed to the City under this license shall be subject to the assessment of interest at a rate of 10 percent a year from the day after any monies become due until it is paid in full, in accordance with Section 2-1.1 of the Dallas City Code.

SECTION 4. That the licensed areas shall be used by **GRANTEE** for the following purpose under the direction of the Director of Department of Sustainable Development and Construction of the City of Dallas: install, maintain, and use two projecting, attached video board signs.

SECTION 5. That this license is subject to the provisions set forth in EXHIBIT B, attached hereto and made a part hereof.

SECTION 6. That this license is nonexclusive and is made expressly subject and subordinate to the right of the City to use the licensed areas for any public purpose.

SECTION 6. (continued)

The Governing Body of the City of Dallas reserves the right by resolution duly passed by said Governing Body, to terminate and cancel this license upon giving **GRANTEE** sixty days notice of its intent to cancel. Upon termination, all rights granted hereunder shall thereupon be considered fully terminated and cancelled and the City of Dallas shall not be held liable by reason thereof. Said resolution shall be final and shall not be subject to review by the Courts. **GRANTEE** shall have the right of cancellation upon giving the City of Dallas sixty (60) days written notice of its intention to cancel, and in either event upon the termination or cancellation by the City or **GRANTEE**, as the case may be, this license shall become null and void and **GRANTEE** or anyone claiming any rights under this instrument shall remove, to the extent required by the Director of Department of Sustainable Development and Construction, any improvements and encroachments from the licensed areas at **GRANTEE's** expense. Failure to do so shall subject **GRANTEE** to the provisions contained in EXHIBIT B, Subsection (a). All work shall be done at the sole cost of **GRANTEE** and to the satisfaction of the Director of Department of Sustainable Development and Construction.

SECTION 7. That the license is subject to the following conditions, terms and reservations:

a) **GRANTEE** shall submit plans to Sustainable Development and Construction Engineering Department to ensure the sign locations do not interfere with the effectiveness of traffic control devices.

b) **GRANTEE** acknowledges ATMOS Energy retains all easement rights.

c) **GRANTEE** shall keep a minimum height clearance of 13.6 feet per the Dallas Fire Department.

d) **GRANTEE** shall ensure existing and/or proposed improvements maintain a minimum horizontal distance of 5 feet from the outer diameter of the water or wastewater mains. **GRANTEE** shall maintain a minimum vertical distance of 2 feet from the outer diameter of the improvements to the outer diameter of the water or wastewater mains. **GRANTEE** must also locate all water meters and valves and any water vaults.

SECTION 7. (continued)

GRANTEE shall contact Dallas Water Utilities Utility Coordination at 214-948-4584 at least 15 working days prior to construction to obtain as-built maps and plans of existing water and wastewater mains and to coordinate **GRANTEE's** proposed construction plans. Also, **GRANTEE** shall call 311 from a Dallas local area code number to locate the existing DWU utilities in the field. Where the stated distance is not possible, **GRANTEE** shall submit any variations in writing to Dallas Water Utilities Engineering Services along with a set of plans for review and approval by the appropriate Division. **GRANTEE** shall contact Dallas Water Utilities at 214-670-5111 at least two working days prior to construction to have the existing water and wastewater mains located in the field.

e) **GRANTEE** shall submit an approved right-of-way permit prior to any field work for upgrades or repairs.

SECTION 8. That upon the effectiveness of this ordinance, the Director of Department of Sustainable Development and Construction, or designee, is hereby authorized to execute a NOTICE OF LICENSE and to file same in the deed records of Dallas County, Texas. Additionally, the Director of Department of Sustainable Development and Construction, or designee, is hereby authorized to execute a cancellation of Notice of License upon termination by the City or **GRANTEE** and to file such cancellation of Notice of License in the deed records of Dallas County, Texas.

SECTION 9. That the terms and conditions contained in this ordinance shall be binding upon **GRANTEE**, its successors and assigns.

SECTION 10. That this license may not be assigned without prior written approval from the Director of Department of Sustainable Development and Construction, or designee. Such assignment shall recite that it is subject to the terms, restriction and conditions contained in this ordinance. The assignee shall deliver evidence of ownership of property abutting the licensed area, and a copy of the assignment, along with the assignee's written acceptance of the provisions of this ordinance, to the Director of Department of Sustainable Development and Construction within 10 days of such assignment;

SECTION 10. (continued)

said assignment and written acceptance shall be forwarded to the City Secretary of the City of Dallas. Should **GRANTEE** fail to obtain prior written approval for assignment of this license or fail to provide the City of Dallas with the required written acceptance and a copy of the assignment, the Director of Department of Sustainable Development and Construction, or designee, may terminate this license.

SECTION 11. That the City Secretary is hereby authorized and directed to certify a copy of this ordinance for recordation in the Deed Records of Dallas County, Texas, which certified copy shall be delivered to the Director of Department of Sustainable Development and Construction, or designee. Upon receipt of the fee pursuant to Section 3 of this ordinance, an acceptable certificate of insurance and the fee for publishing this ordinance which **GRANTEE** shall likewise pay, the Director of Department of Sustainable Development and Construction, or designee, shall deliver to **GRANTEE** the certified copy of this ordinance. The Director of Department of Sustainable Development and Construction, or designee, shall be the sole source for receiving certified copies of this ordinance for one year after its passage.

SECTION 12. That this ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so ordained.

APPROVED AS TO FORM:
LARRY E. CASTO
City Attorney

BY _____
Assistant City Attorney

DAVID COSSUM
Director of Department of Sustainable Development and Construction

BY _____
Assistant Director

Passed _____.

EXHIBIT A TRACT 1

LICENSE AGREEMENT

Four Way Place / Elm Street
Adjacent to City of Dallas
Block 114/69–1/2
City of Dallas, Dallas County, Texas

BEING *a 42.25 square feet or (0.001 acres) tract of land situated in the John Grigsby Survey, Abstract No. 495, City of Dallas, Dallas County, Texas, adjacent to City Block 114/ 69-1/2 and being within the right-of-way of Elm Street (80' public right-of-way) at a distance of 20.00 feet above the existing sidewalk and extending upward a distance of 18.00 feet; said tract being more particularly described by metes and bounds as follows:*

COMMENCING *at a P.K. nail found at the intersection of the Southerly right-of-way line of said Elm Street with the Easterly right-of-way line of Four Way Place (18.5' public right-of-way), being at the Northwest corner of Lot 2A, Block No. 114/69-1/2, MEA ADDITION, an addition to the City of Dallas, Dallas County, Texas, according to the Plat thereof recorded in Instrument No. 20070252210, Official Public Records, Dallas County, Texas, said nail also being the Northwest corner of a tract of land conveyed by Special Warranty Deed to DLD Properties, Ltd., recorded in Volume 2004191, Page 3277, Official Public Records, Dallas County, Texas;*

THENCE *North 76°12'01" East, departing the Easterly line of said Four Way Place and along the Southerly right-of-way line of said Elm Street and the North line of said Lot 2A, a distance of 0.37 feet to the* ***POINT OF BEGINNING*** *of the herein described tract;*

THENCE *North 13°47'59" West, departing said Southerly line of Elm Street and the North line of said Lot 2A, a distance of 13.00 feet;*

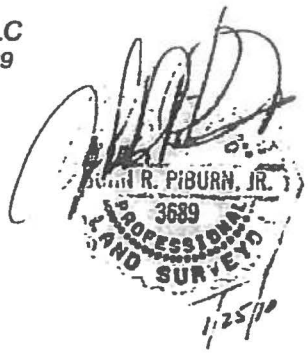
THENCE *North 76°12'01" East, being 13.00 feet from and parallel to the Southerly right-of-way line of said Elm Street, a distance of 3.25 feet;*

THENCE *South 13°47'59" East, a distance of 13.00 feet, to the Southerly right-of-way line of said Elm Street and the North line of said Lot 2A;*

THENCE *South 76°12'01" West, along the Southerly line of said Elm Street and said North line of Lot 2A, a distance of 3.25 feet to the* ***POINT OF BEGINNING and*** *containing 42.25 square feet or (0.001 acres) of land, more or less.*

- *Bearings are based on the South right-of-way line of Elm Street (80' public R.O.W.) (N 76°12'01" E) per plat of MEA Addition, Dallas County, Texas, according to the plat thereof recorded in Instrument No. 20070252210, Official Public Records, Dallas County, Texas.*

PIBURN & PARTNERS, LLC
9535 FOREST LANE, SUITE 229
DALLAS, TX 75243
(214) 328-3500
www.piburnpartners.com



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Reviewed By: DBF
Date: 1-26-2010
SPRG NO.: 1840

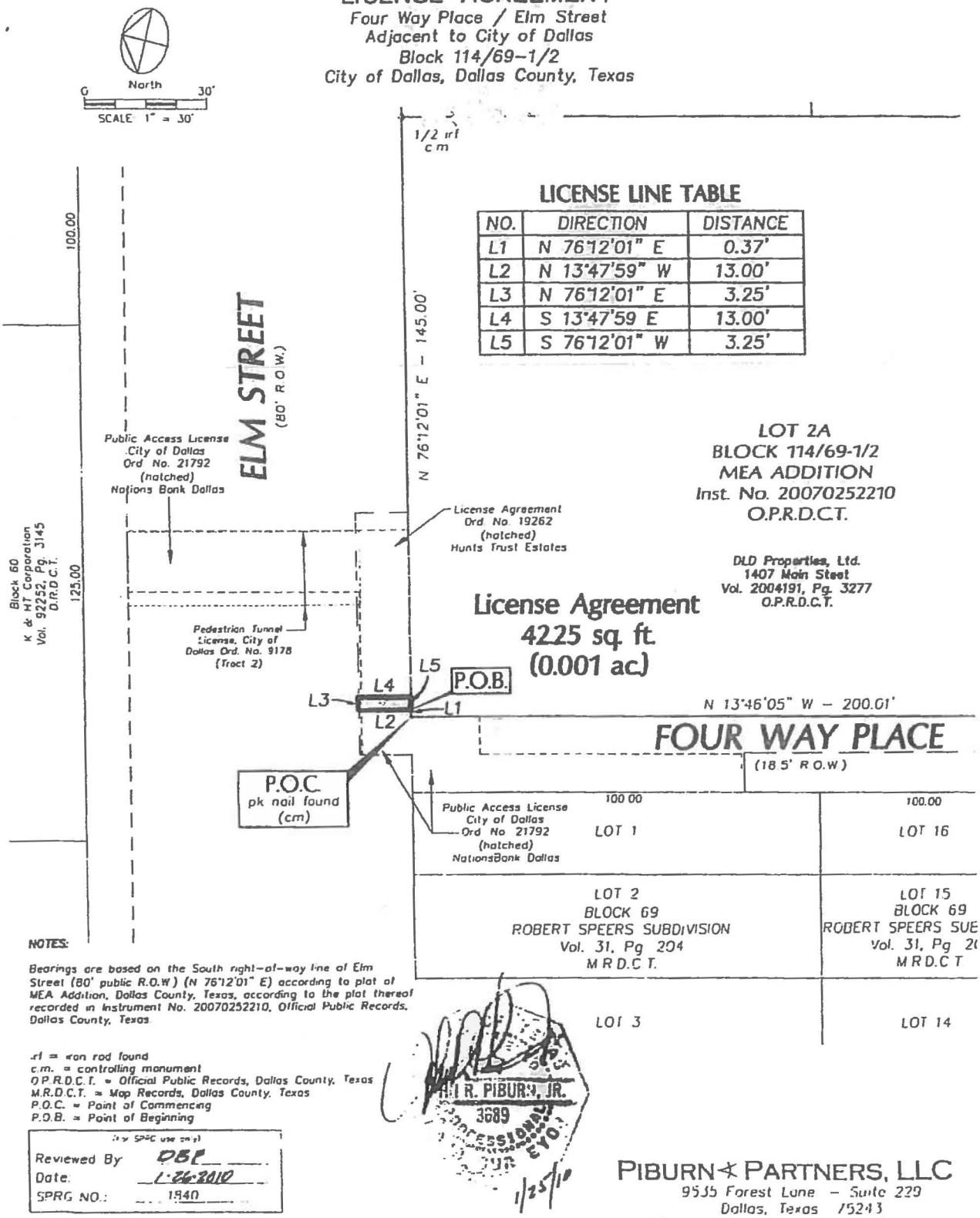
December 7, 2009
Project No 09118-1_Elm St

PIBURN & PARTNERS, LLC
9535 Forest Lane – Suite 229
Dallas, Texas 75243
ph: (214) 328-3500 fax. (214) 328-3512
email@piburnpartners.com

EXHIBIT A TRACT 1

LICENSE AGREEMENT

Four Way Place / Elm Street
Adjacent to City of Dallas
Block 114/69-1/2
City of Dallas, Dallas County, Texas



LICENSE LINE TABLE

NO.	DIRECTION	DISTANCE
L1	N 76°12'01" E	0.37'
L2	N 13°47'59" W	13.00'
L3	N 76°12'01" E	3.25'
L4	S 13°47'59 E	13.00'
L5	S 76°12'01" W	3.25'

NOTES:

Bearings are based on the South right-of-way line of Elm Street (80' public R.O.W.) (N 76°12'01" E) according to plat of MEA Addition, Dallas County, Texas, according to the plat thereof recorded in Instrument No. 20070252210, Official Public Records, Dallas County, Texas.

irf = iron rod found
c.m. = controlling monument
O.P.R.D.C.T. = Official Public Records, Dallas County, Texas
M.R.D.C.T. = Map Records, Dallas County, Texas
P.O.C. = Point of Commencing
P.O.B. = Point of Beginning

(For SPRG use only)
Reviewed By: PBL
Date: 1-26-2010
SPRG NO.: 1940

December 7, 2009
Project No. 09118-1_Elm Street

H. R. PIBURN, JR. 3689 REGISTERED PROFESSIONAL LAND SURVEYOR 1/25/10

PIBURN & PARTNERS, LLC
9535 Forest Lane - Suite 229
Dallas, Texas 75243
ph. (214) 328-3500 fax. (214) 328-3512
email@piburnpartners.com

EXHIBIT A TRACT 2

LICENSE AGREEMENT

Four Way Place / Main Street
Adjacent to City of Dallas
Block 114/69-1/2
City of Dallas, Dallas County, Texas

BEING *a 42.25 square feet or (0.001 acres) tract of land situated in the John Grigsby Survey, Abstract No. 495, City of Dallas, Dallas County, Texas, adjacent to City Block 114/69-1/2 and being within the right-of-way of Main Street (79.5' public right-of-way) at a distance of 20.00 feet above the existing sidewalk and extending upward a distance of 18.00 feet; said tract being more particularly described by metes and bounds as follows:*

COMMENCING *at a "X" cut in concrete found at the intersection of the Northerly right-of-way line of said Main Street with the Easterly right-of-way line of Four Way Place (18.5' public right-of-way), and being at the Southwest corner of Lot 2A, Block No. 114/69-1/2, MEA ADDITION, an addition to the City of Dallas, Dallas County, Texas, according to the Plat thereof recorded in Instrument No. 20070252210, Official Public Records, Dallas County, Texas, said "X" also being the Southwest corner of a tract of land conveyed by Special Warranty Deed to DLD Properties, Ltd., recorded in Volume 2004191, Page 3277, Official Public Records, Dallas County, Texas;*

THENCE *North 76°13'47" East, departing the Easterly line of said Four Way Place and along the Northerly right-of-way line of said Main Street, a distance of 0.37 feet to the* ***POINT OF BEGINNING*** *of the herein described tract;*

THENCE *North 76°13'47" East, continuing along the Northerly right-of-way line of said Main Street and said South line of Lot 2A, a distance of 3.25 feet;*

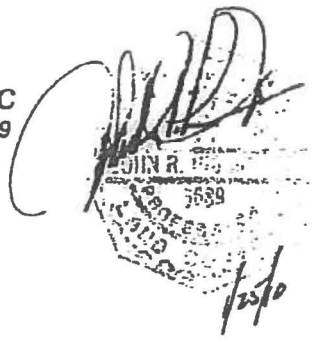
THENCE *South 13°46'13" East, departing the Northerly line of said Main Street and the South line of said Lot 2A, a distance of 13.00 feet;*

THENCE *South 76°13'47" West, being 13.00 feet from and parallel to the Northerly right-of-way line of Main Street, a distance of 3.25 feet;*

THENCE *North 13°46'13" West, a distance of 13.00 feet to the* ***POINT OF BEGINNING*** *and containing 42.25 square feet or (0.001 acres) of land, more or less.*

- *Bearings are based on the North right-of-way line of Main Street (80' public R.O.W.) (N 76°13'47" E) according to plat of MEA Addition, Dallas County, Texas, according to the plat thereof recorded in Instrument No. 20070252210, Official Public Records, Dallas County, Texas.*

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(214) 328-3500
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Reviewed By: DBF
Date: 1-26-2010
SPRG NO 1841

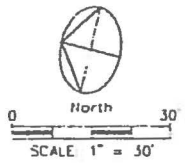
December 7, 2009
Project No. 09118-2_Main St

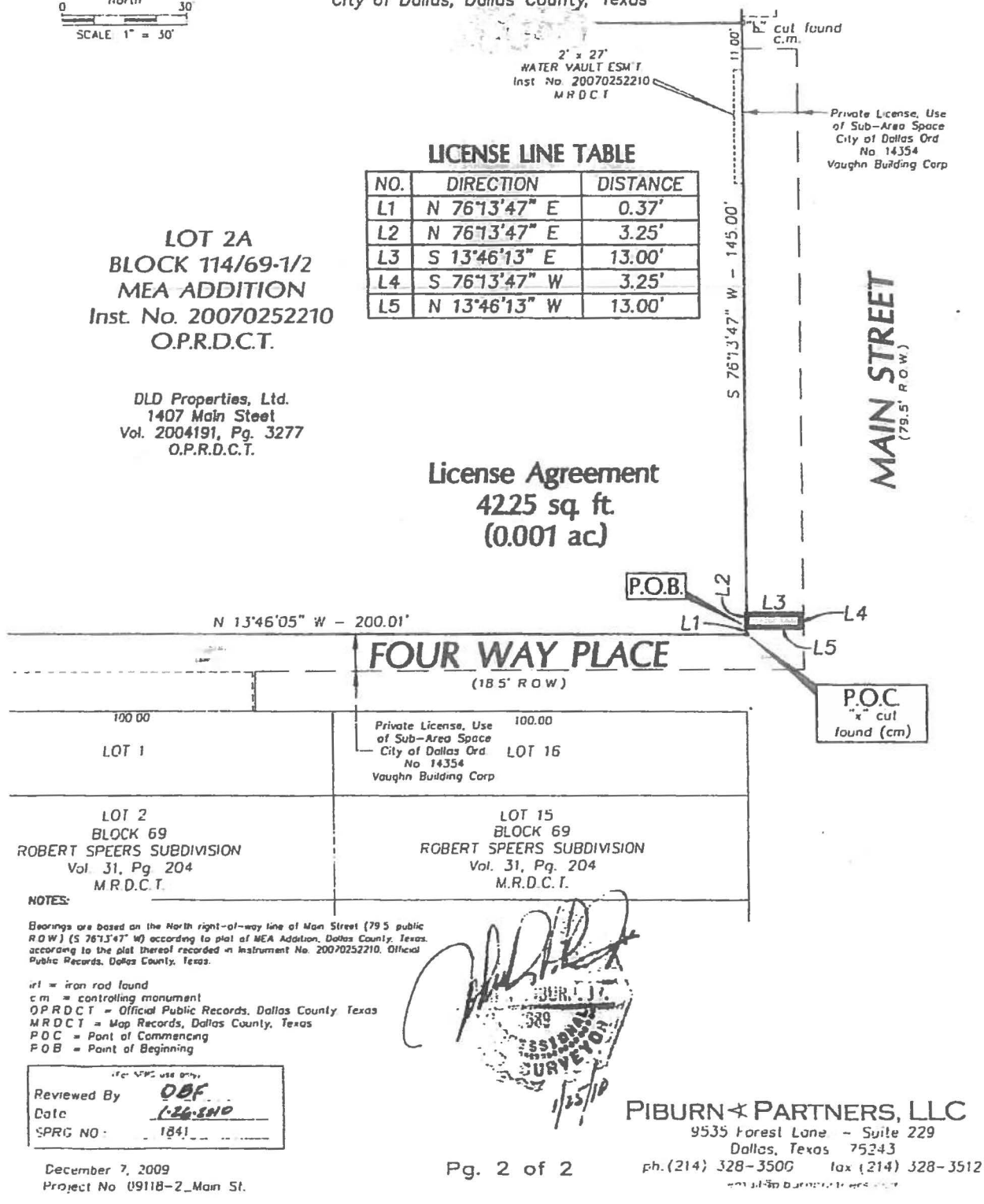
PIBURN & PARTNERS, LLC
9535 Forest Lane - Suite 229
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ph (214) 328-3500 fax (214) 328-3512
email@piburnpartners.com

EXHIBIT A TRACT 2

LICENSE AGREEMENT

Four Way Place / Main Street
Adjacent to City of Dallas
Block 114/69-1/2
City of Dallas, Dallas County, Texas





LICENSE LINE TABLE

NO.	DIRECTION	DISTANCE
L1	N 76°13'47" E	0.37'
L2	N 76°13'47" E	3.25'
L3	S 13°46'13" E	13.00'
L4	S 76°13'47" W	3.25'
L5	N 13°46'13" W	13.00'

LOT 2A
BLOCK 114/69-1/2
MEA ADDITION
Inst. No. 20070252210
O.P.R.D.C.T.

DLD Properties, Ltd.
1407 Main Steet
Vol. 2004191, Pg. 3277
O.P.R.D.C.T.

License Agreement
4225 sq. ft.
(0.001 ac)

NOTES:

Bearings are based on the North right-of-way line of Main Street (79.5 public R.O.W.) (S 76°13'47" W) according to plat of MEA Addition, Dallas County, Texas, according to the plat thereof recorded in Instrument No. 20070252210, Official Public Records, Dallas County, Texas.

irf = iron rod found
c.m. = controlling monument
O.P.R.D.C.T. = Official Public Records, Dallas County Texas
M.R.D.C.T. = Map Records, Dallas County, Texas
P.O.C. = Point of Commencing
P.O.B. = Point of Beginning

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Reviewed By OBF
Date 1-26-2010
SPRG NO. 1841

December 7, 2009
Project No. 09118-2_Main St.

PIBURN & PARTNERS, LLC
9535 Forest Lane - Suite 229
Dallas, Texas 75243
ph.(214) 328-3500 fax (214) 328-3512

EXHIBIT B
COMMERCIAL ENTITY
ADDITIONAL LICENSE PROVISIONS

That this license is granted subject to the following additional conditions, terms and reservations:

(a) That at such time as this license is terminated or canceled for any reason whatsoever, **GRANTEE**, upon orders issued by the City acting through the Director of Sustainable Development and Construction, or designee, shall remove all installations, improvements and appurtenances owned by it situated in, under or attached to the licensed area, and shall restore the premises to its former condition in accordance with the requirements of the Director of Sustainable Development and Construction at the sole cost of **GRANTEE**. In the event, upon termination of this license, **GRANTEE** shall fail to remove its installations, improvements and appurtenances and to restore the licensed area in compliance with orders issued by City, or such work is not done to the satisfaction of the Director of Sustainable Development and Construction, then in either event the City shall have the right to do all work necessary to restore said area to its former condition or cause such work to be done, and to assess the cost of all such work against **GRANTEE**; in neither event shall the City of Dallas be liable to **GRANTEE** on account thereof.

(b) It is further understood that if and when the City of Dallas, in the exercise of its discretion, shall determine that the grade of any street, sidewalk or parkway should be modified or changed, or that any other work should be done in connection with any public improvement which will affect the licensed area, and/or any of **GRANTEE's** installations and improvements thereon, any modifications or changes to **GRANTEE's** facilities in the licensed area or in construction or reconstruction of any public improvement attributable to **GRANTEE's** use of the licensed area and/or its installations and improvements thereon, shall be made at the sole expense of **GRANTEE** and to the satisfaction of the Director of Sustainable Development and Construction.

(c) At such time as this license is granted, it is agreed, and a condition hereof, that **GRANTEE** shall procure and keep in full force and effect **Commercial General Liability Insurance** coverage issued by an insurance company authorized and approved by the State of Texas, acceptable to the City of Dallas and issued in the standard form approved by the Texas Department of Insurance. The insured provisions of this policy must name the City of Dallas as an additional insured protecting the City of Dallas against any and all claims for damages to persons or property as a result of or arising out of the use, operation and maintenance by **GRANTEE** of the licensed area and **GRANTEE's** installations, improvements, landscaping and equipment in connection therewith and located therein. The Commercial General Liability coverage must include, but not limited to, Premises/Operations, Independent Contractors and Contractual Liability with minimum combined bodily injury (including death) and property damage limits of not less than $500,000 per occurrence and $500,000 annual aggregate. This insurance shall also include coverage for underground, explosion and collapse hazards (i.e. not excluded). If this insurance is written on a claims-made form, coverage shall be continuous (by renewal or extended reporting period) for not less than

twelve (12) months following termination of this license and removal of the installations, improvements and appurtenances and restoration of the licensed area pursuant to paragraph (a) above. Coverage, including any renewals, shall contain the same retroactive date as the original policy applicable to this license. The City of Dallas reserves the right to review the insurance requirements set forth herein during the effective term of the license and to adjust insurance coverages and their limits when deemed necessary and prudent by the City of Dallas' Risk Management based upon changes in statutory law, court decisions, or the claims history of the industry as well as the City of Dallas.

1. **GRANTEE** agrees that with respect to the above required insurance, all insurance contracts and certificates of insurance will contain and state, in writing, that coverage shall not be canceled, nonrenewed or materially changed except after thirty (30) days written notice by certified mail to Department of Sustainable Development and Construction.
2. **GRANTEE** shall carry said insurance at its expense and shall furnish the City of Dallas proof of such insurance. In the event said insurance should terminate during the licensing term hereof, or **GRANTEE** fails to furnish proof of insurance coverage in accordance with the specifications as required by this section, the Director of Sustainable Development and Construction, or designee, may terminate the license granted herein.

(d) **GRANTEE** is prohibited from using the licensed area in any manner which violates Federal, State or local laws, regulations, rules and orders, regardless of when they become or became effective, including without limitation, those related to health, safety, noise, environmental protection, waste disposal and water and air quality, and shall provide satisfactory evidence of compliance upon the request of the City of Dallas. Should any discharge, leakage, spillage, emission or pollution of any type occur upon or from the licensed area due to **GRANTEE's** use and occupancy thereof, **GRANTEE**, at its expense, shall be obligated to clean up the licensed area to the satisfaction of the City of Dallas and any governmental body having jurisdiction thereover. The City of Dallas may, at its option, clean the licensed area. If the City of Dallas elects to do so, **GRANTEE** shall promptly pay to the City of Dallas the reasonable cost of such cleanup upon receipt of bills therefore. **GRANTEE** agrees that the indemnity provisions contained in paragraph (g) herein shall be fully applicable to the requirements of this paragraph, in event of **GRANTEE's** breach of this paragraph, or as a result of any such discharge, leakage, spillage, emission or pollution arising out of the **GRANTEE's** use of the licensed area.

(e) This license is subject to all State laws, the provisions of the Charter of the City of Dallas as it now exists, or may hereafter be adopted or amended, and the ordinances of the City of Dallas now in effect or those which may hereafter be passed or adopted. The City of Dallas shall have the right to increase or decrease the compensation to be charged for the use contemplated by this grant in

accordance with the provisions of the Dallas City Code as it now exists, or as may hereafter be adopted or amended.

(f) The Governing Body of the City of Dallas reserves the right, at any time without notice, to terminate and cancel this license, by resolution, upon a finding by the Governing Body that this license is inconsistent with the public use of the property or whenever the purpose or use of the license is likely to become a nuisance and all rights granted hereunder shall thereupon be considered fully terminated and canceled and the City of Dallas shall not be held liable by reason thereof. The decision of the Governing Body of the City in this matter shall be final and binding upon all parties insofar as the City's determination as to whether the **GRANTEE's** use of this license constitutes a nuisance or is inconsistent with the public use of the property.

(g) As a condition hereof, **GRANTEE** agrees and is bound to defend, indemnify and hold the City of Dallas, its officers, agents and employees, harmless against any and all claims, lawsuits, judgments, costs and expenses for bodily injury (including death), property damage or other harm for which recovery of damages is sought, suffered by any person or persons, that may arise out of or be occasioned by the use, occupancy and maintenance of the licensed area or **GRANTEE's** installations and improvements within the licensed area, from any act or omission of any representative, agent, customer and/or employee of **GRANTEE**, or by **GRANTEE's** breach of any of the terms or provisions of this license, or by any negligent or strictly liable act or omission of **GRANTEE**, its officers, agents, employees or contractors in the use, occupancy and maintenance of **GRANTEE's** installations and improvements within the licensed area; except that the indemnity provided for in this paragraph shall not apply to any liability resulting from the sole negligence or fault of the City of Dallas, its officers, agents, employees or separate contractors, and in the event of joint and concurring negligence or fault of both the **GRANTEE** and the City of Dallas, responsibility and liability, if any, shall be apportioned comparatively in accordance with the laws of the State of Texas, without, however, waiving any governmental immunity available to the City of Dallas under Texas law and without waiving any defenses of the parties under Texas law. This obligation to indemnify and defend shall also include any claim for damage that any utility or communication company, whether publicly or privately owned, may sustain or receive by reason of **GRANTEE's** use of the licensed area or **GRANTEE's** improvements and equipment located thereon. In addition to the foregoing, **GRANTEE** covenants and agrees never to make a claim of any kind or character whatsoever against the City of Dallas for damage of any kind that it may suffer by reason of the installation, construction, reconstruction, operation or maintenance of any public improvement, utility or communication facility on the licensed area, whether presently in place or which may in the future be constructed or installed, including but not limited to, any water or wastewater mains or storm sewer facilities, regardless of whether such damage is due to

flooding, infiltration, backflow or seepage caused from the failure of any installation, natural causes, City's negligence, or from any other cause whatsoever.

(h) This license is subject to any existing utilities or communication facilities, including drainage, presently located within the licensed area, owned and/or operated by the City of Dallas or any utility or communications company, public or private, and to any vested rights presently owned by an utility or communications company, public or private, for the use of the licensed area for facilities presently located within the boundaries of said licensed area. It is the intent of the foregoing that this permission herein is made expressly subject to the utilization of the licensed area for communication and utility purposes, both public and private, including drainage, over, under, through, across and along the licensed area. No buildings shall be constructed or placed upon, over or across the licensed area in such a manner as to interfere with the operation of any utilities and communication facilities. All and any communication company and utility, both public and private, shall have the right to remove and keep removed all or parts of any buildings which may in any way endanger or interfere with the construction, maintenance or efficiency of its respective systems within the licensed area. All communication companies and utilities, both public and private, shall have the full right to remove and keep removed all parts of any buildings, fences, trees, or other improvements or growths which in any way may endanger or interfere with the construction, maintenance and efficiency of its respective system and shall at all times have the full right of ingress and egress to or from and upon the licensed area for the purpose of constructing, relocating, inspecting, patrolling, maintaining and adding to or removing all or part of its respective systems without the necessity at any time of procuring the permission of anyone.

AGENDA ITEM # 44

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: April 12, 2017

COUNCIL DISTRICT(S): 14

DEPARTMENT: Sustainable Development and Construction

CMO: Majed Al-Ghafry, 670-3302

MAPSCO: 35R

SUBJECT

An ordinance abandoning a sanitary sewer easement to Travis Cole Apartments 2012 LP, the abutting owner, containing approximately 5,428 square feet of land, located near the intersection of Cole and Hester Avenues, and providing for the dedication of approximately 6,364 square feet of land needed for a wastewater easement - Revenue: $5,400, plus the $20 ordinance publication fee

BACKGROUND

This item authorizes the abandonment of a sanitary sewer easement to Travis Cole Apartments 2012 LP, the abutting owner. The area will be included with the property of the abutting owner for a new multi-family development. The owner will dedicate approximately 6,364 square feet of land needed for a wastewater easement. The cost for this abandonment is the minimum processing fee pursuant to the Dallas City Code, therefore, no appraisal is required.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On September 22, 2015, City Council authorized Ordinance No. 29873.

The Economic Development Committee was briefed by memorandum regarding this matter on March 27, 2017.

FISCAL INFORMATION

Revenue - $5,400, plus the $20 ordinance publication fee

OWNER

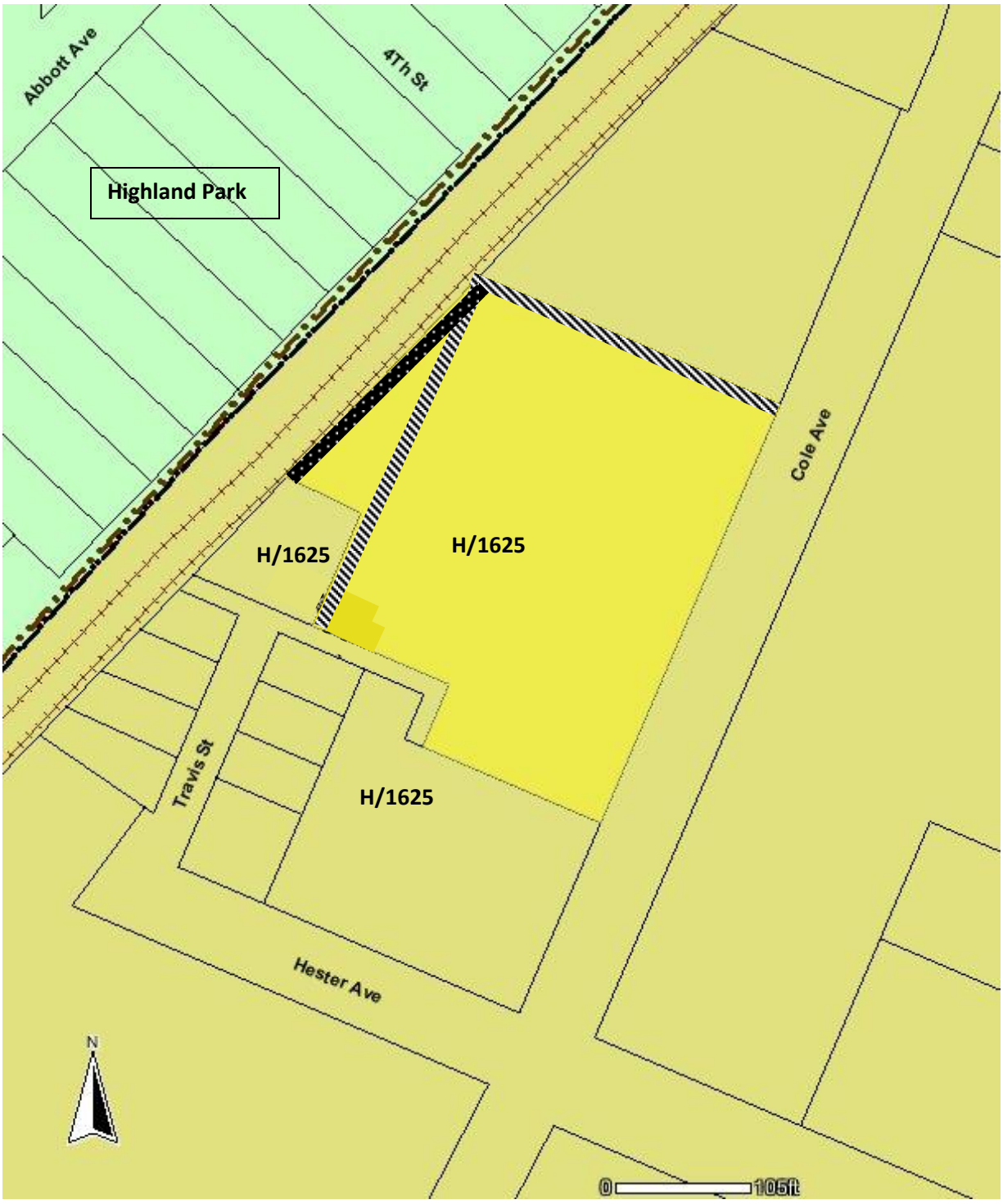
Travis Avenue Apartments 2012 LP

TKG Saltillo Apartments Realty, Inc.

R. Otto Maly, President

MAP

Attached



Abandonment Area:

Dedication Area:

ORDINANCE NO. _____

An ordinance providing for the abandonment and relinquishment of a sanitary sewer easement, located in City Blocks H/1625 and I/1626 in the City of Dallas and County of Dallas, Texas; providing for the quitclaim thereof to Travis Cole Apartments 2012 LP; providing for the terms and conditions of the abandonment, relinquishment and quitclaim made herein; providing for the conveyance of a new easement to the City of Dallas and the relocation of existing facilities; providing for the indemnification of the City of Dallas against damages arising out of the abandonment herein; providing for the consideration to be paid to the City of Dallas; providing a future effective date for the abandonment, relinquishment and quitclaim made herein; providing for the payment of the publication fee; and providing an effective date for this ordinance.

ooo0ooo

WHEREAS, on September 22, 2015, the City Council of the City of Dallas passed Ordinance No. 29873, providing for the abandonment of a sanitary sewer to the abutting owner Travis Cole Apartments 2012 LP; and

WHEREAS, the conditions of said Ordinance were not met by the grantee therein named within the specified time period; and

WHEREAS, Ordinance No. 29873 is now null and void; and

WHEREAS, the City Council of the City of Dallas, acting pursuant to law and upon the request and petition of Travis Cole Apartments 2012 LP, a Texas limited partnership; hereinafter referred to as **GRANTEE**, deems it advisable to abandon, relinquish and quitclaim the City of Dallas' right, title and interest in and to the hereinafter described tract of land to **GRANTEE**, and is of the opinion that, subject to the terms and conditions herein provided, said easement is no longer needed for municipal use, and same should be abandoned, relinquished and quitclaimed to **GRANTEE** as hereinafter provided, for the consideration hereinafter stated; and

WHEREAS, the City Council of the City of Dallas is of the opinion that the best interest and welfare of the City will be served by abandoning, relinquishing and quitclaiming the same to **GRANTEE** for the consideration and subject to the terms and conditions hereinafter more fully set forth.

Now, Therefore,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DALLAS:

SECTION 1. That the City of Dallas hereby abandons and relinquishes all of its right, title and interest in and to the tract of land described in Exhibit A, attached hereto and made a part hereof; subject, however, to the conditions and future effective date hereinafter more fully set out.

SECTION 2. That for and in monetary consideration of the sum of **FIVE THOUSAND FOUR HUNDRED AND NO/100 ($5,400.00) DOLLARS** paid by **GRANTEE**, and the further consideration described in Sections 8, 9, and 10, the City of Dallas does by these presents **FOREVER QUITCLAIM** unto the said **GRANTEE**, subject to the conditions, reservations, future effective date and exceptions hereinafter made and with the restrictions and upon the covenants below stated, all its right, title and interest in and to the certain tract or parcel of land hereinabove described in Exhibit A. **TO HAVE AND TO HOLD** all of such right, title and interest in and to the property and premises, subject aforesaid, together with all and singular the rights, privileges, hereditaments and appurtenances thereto in any manner belonging unto the said **GRANTEE** forever.

SECTION 3. That upon payment of the monetary consideration set forth in Section 2, **GRANTEE** accepts the terms, provisions, and conditions of this ordinance.

SECTION 4. That the Chief Financial Officer is authorized hereby to deposit the sum paid by **GRANTEE** pursuant to Section 2 above in the General Fund 0001, Department DEV, Balance Sheet 0519 and Department of Sustainable Development and Construction - Real Estate Division shall be reimbursed for the cost of obtaining the legal description, appraisal and other administrative costs incurred.

SECTION 4. (continued)

The reimbursement proceeds shall be deposited in General Fund 0001, Department DEV, Unit 1183, Object 5011 and any remaining proceeds shall be transferred to the General Capital Reserve Fund 0625, Department BMS, Unit 8888, Revenue Code 8416.

SECTION 5. That the abandonment, relinquishment and quitclaim provided for herein are made subject to all present zoning and deed restrictions, if the latter exist, and are subject to all existing easement rights of others, if any, whether apparent or non-apparent, aerial, surface, underground or otherwise.

SECTION 6. That the terms and conditions contained in this ordinance shall be binding upon **GRANTEE**, its successors and assigns.

SECTION 7. That the abandonment, relinquishment and quitclaim provided for herein shall extend only to that interest the Governing Body of the City of Dallas may legally and lawfully abandon, relinquish and quitclaim.

SECTION 8. That as a condition of this abandonment and as a part of the consideration for the quitclaim to **GRANTEE** herein, **GRANTEE**, its successors and assigns, agree to indemnify, defend, release and hold harmless the City of Dallas as to any and all claims for damages, fines, penalties, costs or expenses to persons or property that may arise out of, or be occasioned by or from: (i) the use and occupancy of the area described in Exhibit A by **GRANTEE**, its successors and assigns; (ii) the presence, generation, spillage, discharge, release, treatment or disposition of any Hazardous Substance on or affecting the area set out in Exhibit A; (iii) all corrective actions concerning any discovered Hazardous Substances on or affecting the area described in Exhibit A, which **GRANTEE**, its successors and assigns agree to undertake and complete in accordance with applicable federal, state and local laws and regulations; and (iv) the abandonment, closing, vacation and quitclaim by the City of Dallas of the area set out in Exhibit A. **GRANTEE**, its successors and assigns hereby agree to defend any and all suits, claims, or causes of action brought against the City of Dallas on account of same, and discharge any judgment or judgments that may be rendered against the City of Dallas in connection therewith. For purposes hereof, "Hazardous Substance" means the following: (a) any "hazardous substances" under the Comprehensive Environmental

SECTION 8. (continued)

Response, Compensation, and Liability Act, 42 U.S.C. Section 9601 et seq., as amended; (b) any "hazardous substance" under the Texas Hazardous Substances Spill Prevention and Control Act, TEX. WATER CODE, Section 26.261 et seq., as amended; (c) petroleum or petroleum-based products (or any derivative or hazardous constituents thereof or additives thereto), including without limitation, fuel and lubricating oils; (d) any "hazardous chemicals" or "toxic chemicals" under the Occupational Safety and Health Act, 29 U.S.C. Section 651 et seq., as amended; (e) any "hazardous waste" under the Resource Conservation and Recovery Act, 42 U.S.C. Section 6901 et seq., as amended; and (f) any "chemical substance" under the Toxic Substance Control Act, 15 U.S.C. Section 2601 et seq., as amended. References to particular acts or codifications in this definition include all past and future amendments thereto, as well as applicable rules and regulations as now or hereafter promulgated thereunder.

SECTION 9. That this abandonment, relinquishment and quitclaim of the City's right, title and interest in and to said sanitary sewer easement shall not become effective until and unless: (i) the existing installations and facilities are relocated, at **GRANTEE's** expense, to the new easement to be provided by **GRANTEE** and acceptable to the Director of Department of Sustainable Development and Construction, as is hereinafter provided; and (ii) plans for the construction and relocation of installations within the new easement are approved by the Director of Department of Sustainable Development and Construction; and (iii) said construction and relocation of installations are completed, approved and accepted in writing by the Director of Department of Sustainable Development and Construction. **GRANTEE** will grant the new easement at no cost consideration to the City and all work shall be done at the sole cost of **GRANTEE** and to the satisfaction of the Director of Department of Sustainable Development and Construction.

SECTION 10. That as a condition of this abandonment and relinquishment and as a part of the consideration for the quitclaim made herein, **GRANTEE** shall record a final replat of adjoining properties within one year after passage of this ordinance showing the dedication of not less than 6,364 square feet for a wastewater easement in City Blocks H/1625 and I/1626 satisfactory to the Director of Department of Sustainable

SECTION 10. (continued)

Development and Construction. This final replat shall be recorded by **GRANTEE** in the Deed Records of Dallas County, Texas after its approval by the City Plan Commission of the City of Dallas. Failure to record a final replat in accordance with the terms of this section shall render this ordinance null and void, and of no further effect. Further, the final replat shall be filed with the Department of Sustainable Development and Construction of the City of Dallas before a certified copy of this ordinance shall be delivered to **GRANTEE**.

SECTION 11. That the City Secretary is hereby authorized and directed to certify a copy of this ordinance for recordation in the Deed Records of Dallas County, Texas, which certified copy shall be delivered to the Director of Department of Sustainable Development and Construction, or designee. Upon receipt of the monetary consideration set forth in Section 2, the recording of the final replat as set forth in Section 10, plus the fee for the publishing of this ordinance, which **GRANTEE** shall likewise pay, the Director of Department of Sustainable Development and Construction, or designee shall deliver to **GRANTEE** a certified copy of this ordinance. The Director of Department of Sustainable Development and Construction, or designee, shall be the sole source for receiving certified copies of this ordinance for one year after its passage.

SECTION 12. That this ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so ordained.

APPROVED AS TO FORM:
LARRY E. CASTO
City Attorney

BY _____
Assistant City Attorney

DAVID COSSUM
Director of Department of Sustainable Development and Construction

BY _____
Assistant Director

Passed _____.

EXHIBIT A

10' SANITARY SEWER EASEMENT ABANDONMENT

Part of Lot 1, Block I/1626 and Part of Lot 15, Block H/1625,
Fairland Annex and
Part of the Abandoned Mabry Street
John Cole Survey, Abstract No. 268
City of Dallas, Dallas County, Texas

DESCRIPTION, of a 5,428 square foot (0.125 acre) tract of land situated in the John Cole Survey, Abstract No. 268, City of Dallas, Dallas County, Texas; said tract being part of Lot 1, Block I/1626, part of Lot 15, Block H/1625, both of Fairland Annex, an addition to the City of Dallas, Texas according to the plat recorded in Volume 1, Page 222 of the Map Records of Dallas County, Texas, part of the abandoned portion of Mabry Street, abandoned by Ordinance No. 12444 recorded in Volume 69036, Page 20 of the Deed Records of Dallas County, Texas and part of that certain tract of land described as "Tract 1" in Special Warranty Deed to Travis Cole Apartments 2012 LP recorded in Instrument No. 201200378203 of the Official Public Records of Dallas County, Texas; said tract also being all of that 10-foot wide Sanitary Sewer Easement recorded in Volume 69015, Page 765 of said Deed Records; said 5,428 square foot tract being more particularly described as follows:

BEGINNING, at a 1/2-inch iron rod found for corner in the southeast line of that certain tract of land described in Deed to Dallas Area Rapid Transit recorded in Volume 88083, Page 4905 of said Deed Records; said point being the northernmost corner of said Lot 1 and the westernmost corner of Lot 2A, Block I/1626, Cole Avenue Building Addition, an addition to the City of Dallas, Texas according to the plat recorded in Volume 83179, Page 2634 of said Deed Records;

THENCE, South 66 degrees, 46 minutes, 32 seconds East, departing the said southeast line of the Dallas Area Rapid Transit tract and along the southwest line of said Lot 2A and the northeast line of said Lot 1, at a distance of 252.27 feet passing an angle point in the northwest right-of-way line of Cole Avenue (a variable width right-of-way) and the southernmost corner of said Lot 2A, then continuing along an offset in the said northwest line of Cole Avenue, in all a total distance of 254.27 feet to a 1-inch iron pipe found for corner; said point being an angle point in the said northwest line of Cole Avenue and the easternmost corner of said Lot 1;

THENCE, South 23 degrees, 13 minutes, 28 seconds West, departing the said offset in the northwest line of Cole Avenue and along the said northwest line of Cole Avenue and the southeast line of said Lot 1, a distance of 10.00 feet to a point for corner;

THENCE, North 66 degrees, 46 minutes, 32 seconds West, departing the said northwest line of Cole Avenue and the said southeast line of Lot 1, a distance of 245.00 feet to a point for corner;

THENCE, South 23 degrees, 13 minutes, 28 seconds West, a distance of 287.91 feet to a point for corner in the northeast right-of-way line of a 15-foot wide alley situated in Block 1625 and the southwest line of said Lot 15;

THENCE, North 66 degrees, 46 minutes, 32 seconds West, along the northeast line of said alley and the said southwest line of Lot 15, a distance of 10.00 feet to a point for corner;

(For SPRG use only)	
Reviewed By:	DBF
Date:	07-06-2015
SPRG NO:	3244

EXHIBIT A

10' SANITARY SEWER EASEMENT ABANDONMENT

Part of Lot 1, Block I/1626 and Part of Lot 15, Block H/1625,
Fairland Annex and
Part of the Abandoned Mabry Street
John Cole Survey, Abstract No. 268
City of Dallas, Dallas County, Texas

THENCE, North 23 degrees, 13 minutes, 28 seconds East, departing the northeast line of said alley and the said southwest line of Lot 15, a distance of 295.96 feet to a point for corner in the said southeast line of the Dallas Area Rapid Transit tract and the northwest line of said Lot 1;

THENCE, North 43 degrees, 47 minutes, 03 seconds East, along the said southeast line of the Dallas Area Rapid Transit tract and the said northwest line of Lot 1, a distance of 2.09 feet to the POINT OF BEGINNING;

CONTAINING, 5,428 square feet or 0.125 acres of land, more or less.

(Bearing system for this survey is based on the State Plane Coordinate System, North American Datum of 1983 (2011), Texas North Central Texas Zone 4202. Distances shown have been brought to surface by applying the Dallas County TxDot adjustment factor of 1.000136506)

(A survey plat of even survey date herewith accompanies this description.)

The undersigned, Registered Professional Land Surveyor, hereby certifies that the foregoing description accurately sets out the metes and bounds of the easement abandonment tract described.

02/09/2015

STATE OF TEXAS
REGISTERED
MICHAEL C. CLOVER
5225
PROFESSIONAL
LAND SURVEYOR

Michael C. Clover Date
Registered Professional Land Surveyor No. 5225
Pacheco Koch, LLC
8350 N. Central Expwy, #1000, Dallas TX 75206
(972) 235-3031
TX Reg. Surveying Firm LS-10193805

3654-14.463EX1.doc
3654-14.463EX1.dwg JRM

(For SPRG use only)	
Reviewed By:	DBF
Date:	07.08.2015
SPRG NO:	3244

EXHIBIT A



(For SPRG use only)
Reviewed By: DBF
Date: 07.08.2015
SPRG NO: 3244

LEGEND

———	PROPERTY LINE
———	EASEMENT ABANDONMENT LINE
— — —	EASEMENT LINE
D.R.D.C.T.	DEED RECORDS OF DALLAS COUNTY, TEXAS
M.R.D.C.T.	MAP RECORDS OF DALLAS COUNTY, TEXAS
O.P.R.D.C.T.	OFFICIAL PUBLIC RECORDS OF DALLAS COUNTY, TEXAS
O	POINT FOR CORNER (UNLESS OTHERWISE NOTED)
(C.M.)	– CONTROLLING MONUMENT

NOTES:

1. A metes and bounds description of even survey date herewith accompanies this plat of survey.
2. Bearing system for this survey is based on the State Plane Coordinate System, North American Datum of 1983 (2011), Texas North Central Zone, 4202. Distances shown have been brought to surface by applying the Dallas County TxDOT adjustment factor of 1.000136506.

The undersigned, Registered Professional Land Surveyor, hereby certifies that this plat of survey accurately sets out the metes and bounds of the easement abandonment tract described.

STATE OF TEXAS REGISTERED MICHAEL C. CLOVER 5225 PROFESSIONAL LAND SURVEYOR

Michael C. Clover
Registered Professional
Land Surveyor No. 5225

Date 02/09/2015

Pacheco Koch
8350 N. CENTRAL EXPWY. SUITE 1000
DALLAS, TX 75206 972.235.3031
TX REG. ENGINEERING FIRM F-14439
TX REG. SURVEYING FIRM LS-10193805

DRAWN BY	CHECKED BY	SCALE	DATE	JOB NUMBER
JRM	MCC	1"=##	FEB. 2015	3654-14.463

10' SANITARY SEWER EASEMENT ABANDONMENT

PART OF BLOCKS I/1626 AND H/1625
FAIRLAND ANNEX
JOHN COLE SURVEY, ABSTRACT NO. 268
CITY OF DALLAS, DALLAS COUNTY, TEXAS
SHEET 3 OF 3

DWG FILE: 3654-14.463EX1.DWG

M:\DWG-36\3654-14.463\DWG\SURVEY C3D 2012\3654-14.463EX1.DWG
02/09/2015 - 8:45AM
MCLOVER

AGENDA ITEM # 45

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: April 12, 2017

COUNCIL DISTRICT(S): 7

DEPARTMENT: Sustainable Development and Construction

CMO: Majed Al-Ghafry, 670-3302

MAPSCO: 48G

SUBJECT

An ordinance abandoning a wastewater easement to Good Cluck, LLC, the abutting owner, containing a total of 1,588 square feet of land, located near the intersection of Buckner and Samuell Boulevards - Revenue: $5,400, plus the $20 ordinance publication fee

BACKGROUND

This item authorizes the abandonment of a wastewater easement to Good Cluck, LLC, the abutting owner. The area will be included with the property of the abutting owner for the construction of a fast food restaurant. The cost for this abandonment is the minimum processing fee pursuant to the Dallas City Code, therefore, no appraisal is required.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

The Economic Development Committee was briefed by memorandum regarding this matter on March 27, 2017.

FISCAL INFORMATION

Revenue - $5,400, plus the $20 ordinance publication fee

OWNER

Good Cluck, LLC

Christopher Aslam, Manager

MAP

Attached



ABANDONMENT AREA
Wastewater Easement

ORDINANCE NO. _____

An ordinance providing for the abandonment and relinquishment of a portion of a wastewater easement, located in City Block A/8476 in the City of Dallas and County of Dallas, Texas; providing for the quitclaim thereof to Good Cluck, LLC; providing for the terms and conditions of the abandonment, relinquishment and quitclaim made herein; providing for the indemnification of the City of Dallas against damages arising out of the abandonment herein; providing for the consideration to be paid to the City of Dallas; providing a future effective date for the abandonment, relinquishment and quitclaim made herein; providing for the payment of the publication fee; and providing an effective date for this ordinance.

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WHEREAS, the City Council of the City of Dallas, acting pursuant to law and upon the request and petition of Good Cluck, LLC, a Texas limited liability company; hereinafter referred to as **GRANTEE**, deems it advisable to abandon, relinquish and quitclaim the City of Dallas' right, title and interest in and to the hereinafter described tract of land to **GRANTEE**, and is of the opinion that, subject to the terms and conditions herein provided, said wastewater easement is no longer needed for municipal use, and same should be abandoned, relinquished and quitclaimed to **GRANTEE** as hereinafter provided, for the consideration hereinafter stated; and

WHEREAS, the City Council of the City of Dallas is of the opinion that the best interest and welfare of the City will be served by abandoning, relinquishing and quitclaiming the same to **GRANTEE** for the consideration and subject to the terms and conditions hereinafter more fully set forth.

Now, Therefore,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DALLAS:

SECTION 1. That the City of Dallas hereby abandons and relinquishes all of its right, title and interest in and to the tract of land described in Exhibit A, attached hereto and made a part hereof; subject, however, to the conditions and future effective date hereinafter more fully set out.

SECTION 2. That for and in monetary consideration of the sum of **FIVE THOUSAND FOUR HUNDRED AND NO/100 ($5,400.00) DOLLARS** paid by **GRANTEE**, and the further consideration described in Sections 8 and 9, the City of Dallas does by these presents **FOREVER QUITCLAIM** unto the said **GRANTEE**, subject to the conditions, reservations, future effective date and exceptions hereinafter made and with the restrictions and upon the covenants below stated, all its right, title and interest in and to the certain tract of land hereinabove described in Exhibit A. **TO HAVE AND TO HOLD** all of such right, title and interest in and to the property and premises, subject aforesaid, together with all and singular the rights, privileges, hereditaments and appurtenances thereto in any manner belonging unto the said **GRANTEE** forever.

SECTION 3. That upon payment of the monetary consideration set forth in Section 2, **GRANTEE** accepts the terms, provisions, and conditions of this ordinance.

SECTION 4. That the Chief Financial Officer is hereby authorized to deposit the sum paid by **GRANTEE** pursuant to Section 2 above in the General Fund 0001, Department DEV, Balance Sheet 0519 and Department of Sustainable Development and Construction - Real Estate Division shall be reimbursed for the cost of obtaining the legal description, appraisal and other administrative costs incurred. The reimbursement proceeds shall be deposited in General Fund 0001, Department DEV, Unit 1183, Object 5011 and any remaining proceeds shall be transferred to the General Capital Reserve Fund 0625, Department BMS, Unit 8888, Revenue Code 8416.

SECTION 5. That the abandonment, relinquishment and quitclaim provided for herein are made subject to all present zoning and deed restrictions, if the latter exist, and are subject to all existing easement rights of others, if any, whether apparent or non-apparent, aerial, surface, underground or otherwise.

SECTION 6. That the terms and conditions contained in this ordinance shall be binding upon **GRANTEE**, its successors and assigns.

SECTION 7. That the abandonment, relinquishment and quitclaim provided for herein shall extend only to that interest the Governing Body of the City of Dallas may legally and lawfully abandon, relinquish and quitclaim.

SECTION 8. That as a condition of this abandonment and as a part of the consideration for the quitclaim to **GRANTEE** herein, **GRANTEE**, its successors and assigns, agree to indemnify, defend, release and hold harmless the City of Dallas as to any and all claims for damages, fines, penalties, costs or expenses to persons or property that may arise out of, or be occasioned by or from: (i) the use and occupancy of the area described in Exhibit A by **GRANTEE**, its successors and assigns; (ii) the presence, generation, spillage, discharge, release, treatment or disposition of any Hazardous Substance on or affecting the area set out in Exhibit A; (iii) all corrective actions concerning any discovered Hazardous Substances on or affecting the area described in Exhibit A, which **GRANTEE,** its successors and assigns agree to undertake and complete in accordance with applicable federal, state and local laws and regulations; and (iv) the abandonment, closing, vacation and quitclaim by the City of Dallas of the area set out in Exhibit A. **GRANTEE,** its successors and assigns hereby agree to defend any and all suits, claims, or causes of action brought against the City of Dallas on account of same, and discharge any judgment or judgments that may be rendered against the City of Dallas in connection therewith. For purposes hereof, " Hazardous Substance" means the following: (a) any "hazardous substances" under the Comprehensive Environmental Response, Compensation, and Liability Act, 42 U.S.C. Section 9601 et seq., as amended; (b) any "hazardous substance" under the Texas Hazardous Substances Spill Prevention and Control Act, TEX. WATER CODE, Section 26.261 et seq., as amended; (c) petroleum or petroleum-based products (or any derivative or hazardous constituents thereof or additives thereto), including without limitation, fuel and lubricating oils; (d) any "hazardous chemicals" or "toxic chemicals" under the Occupational Safety and Health Act, 29 U.S.C. Section 651 et seq., as amended; (e) any "hazardous waste" under the Resource Conservation and Recovery Act, 42 U.S.C. Section 6901 et seq., as amended; and (f) any "chemical substance" under the Toxic Substance Control Act, 15 U.S.C. Section 2601 et seq., as amended. References to particular acts or codifications in this definition include all past and future amendments thereto, as well as applicable rules and regulations as now or hereafter promulgated thereunder.

SECTION 9. That as a condition of this abandonment, relinquishment and quitclaim made herein, **GRANTEE** shall execute and complete the terms of a Private Development Contract (P-Contract) with the City and retain the wastewater easement until main is disconnected. **GRANTEE** shall also ensure all services upstream are maintained. Any new main must be accessible to Dallas Water Utilities staff through appropriate right-of-way.

SECTION 10. That the City Secretary is hereby authorized and directed to certify a copy of this ordinance for recordation in the Deed Records of Dallas County, Texas, which certified copy shall be delivered to the Director of Department of Sustainable Development and Construction, or designee. Upon receipt of the monetary consideration set forth in Section 2, plus the fee for the publishing of this ordinance, which **GRANTEE** shall likewise pay, the Director of Department of Sustainable Development and Construction, or designee shall deliver to **GRANTEE** a certified copy of this ordinance. The Director of Department of Sustainable Development and Construction, or designee, shall be the sole source for receiving certified copies of this ordinance for one year after its passage.

SECTION 11. That this ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so ordained.

APPROVED AS TO FORM:
LARRY E. CASTO
City Attorney

BY _____
Assistant City Attorney

DAVID COSSUM
Director of Department of Sustainable Development and Construction

BY _____
Assistant Director

Passed _____.

Exhibit A

WASTEWATER EASEMENT ABANDONMENT
BUCKNER CROSSING
LOT 4, BLOCK A/8476
DAVID A. BADGELEY SURVEY, ABSTRACT No. 65
CITY OF DALLAS, DALLAS COUNTY, TEXAS

BEING a 1,588 square foot or 0.036 acre lot, tract or parcel of land situated in of the David A. Badgeley Survey, Abstract Number 65, City of Dallas, Dallas County, Texas, and being a part of Lot 4, Block A/8476 of Buckner Crossing, an addition to the City of Dallas, Dallas County, Texas, according to the plat thereof recorded under Instrument Number 200900038099 of the Official Public Records of Dallas County, Texas, and being part of that certain tract of land described by Special Warranty Deed to Good Cluck, LLC, recorded under Instrument Number 201600010384 of the Official Public Records of Dallas County, Texas, and being more particularly described as follows:

COMMENCING at a point for the common west corner of said Lot 4 and Lot 3 of said Block A/8476, being in the east line of Buckner Boulevard, a variable width right-of-way, created in Volume 76140, Page 1661, Deed Records, Dallas County, Texas, from which a concrete Texas Department of Transportation monument found for the most westerly northwest corner of said Lot 4 bears North 23 degrees 06 minutes 06 seconds East, a chord distance of 192.80 feet;

THENCE North 89 degrees 32 minutes 31 seconds East, with the common line of said Lot 3 and said Lot 4, a distance of 40.99 feet to a point, being in the westerly line of a 25 foot wide Water, Wastewater and Drainage Easement, as shown in said Buckner Crossing plat (200900038099);

THENCE North 19 degrees 50 minutes 54 seconds East, within said Lot 4 and with the westerly line of said 25 foot wide easement, a distance of 22.36 feet to the most northwesterly corner of said 25 foot wide easement;

THENCE South 70 degrees 09 minutes 06 seconds East, continuing within said Lot 4 and with the northerly line of said 25 foot wide easement, a distance of 2.50 feet to the **POINT OF BEGINNING**, said point being the southwesterly corner of a 20 foot wide Wastewater Easement as shown in said Buckner Crossing plat (200900038099);

THENCE North 19 degrees 47 minutes 50 seconds East, within said Lot 4 and with the westerly line of said 20 foot wide easement, a distance of 79.42 feet to a point, being the northwesterly corner of said 20 foot wide easement;

THENCE South 70 degrees 09 minutes 06 seconds East, continuing within said Lot 4 and with the northerly line of said 20 foot wide easement, a distance of 20.00 feet to a point, being the northeasterly corner of said 20 foot wide easement, from which a 4 inch aluminum Texas

(For SPRG use only)
Reviewed by: A. Rodriguez
Date: 11/2/17
SPRG No. 3959

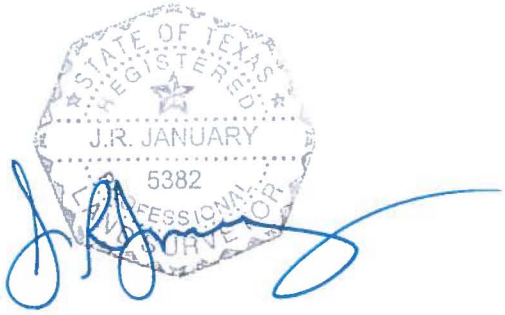
rthur Surveying Co., Inc.
Professional Land Surveyors
972-221-9439 ~ Fax 972-221-4675
220 Elm Street, Suite 200 ~ P.O. Box 54
Lewisville, Texas 75067 ~ TFRN No. 10063800
Established 1986
www.arthursurveying.com

Bearings based on north line of Lot 4 (S65°51'23"E) on record plat of Buckner Crossing, recorded under Instrument No. 200900038099, O.P.R.D.C.T.

Department of Transportation disc found for corner in the northerly line of said Lot 4 bears North 38 degrees 45 minutes 42 seconds East, a distance of 104.27 feet;

THENCE South 19 degrees 47 minutes 50 seconds West, continuing within said Lot 4 and with the easterly line of said 20 foot wide easement, a distance of 79.42 feet to a point, being the southeasterly corner of said 20 foot wide easement and being in the northerly line of said 25 foot wide easement;

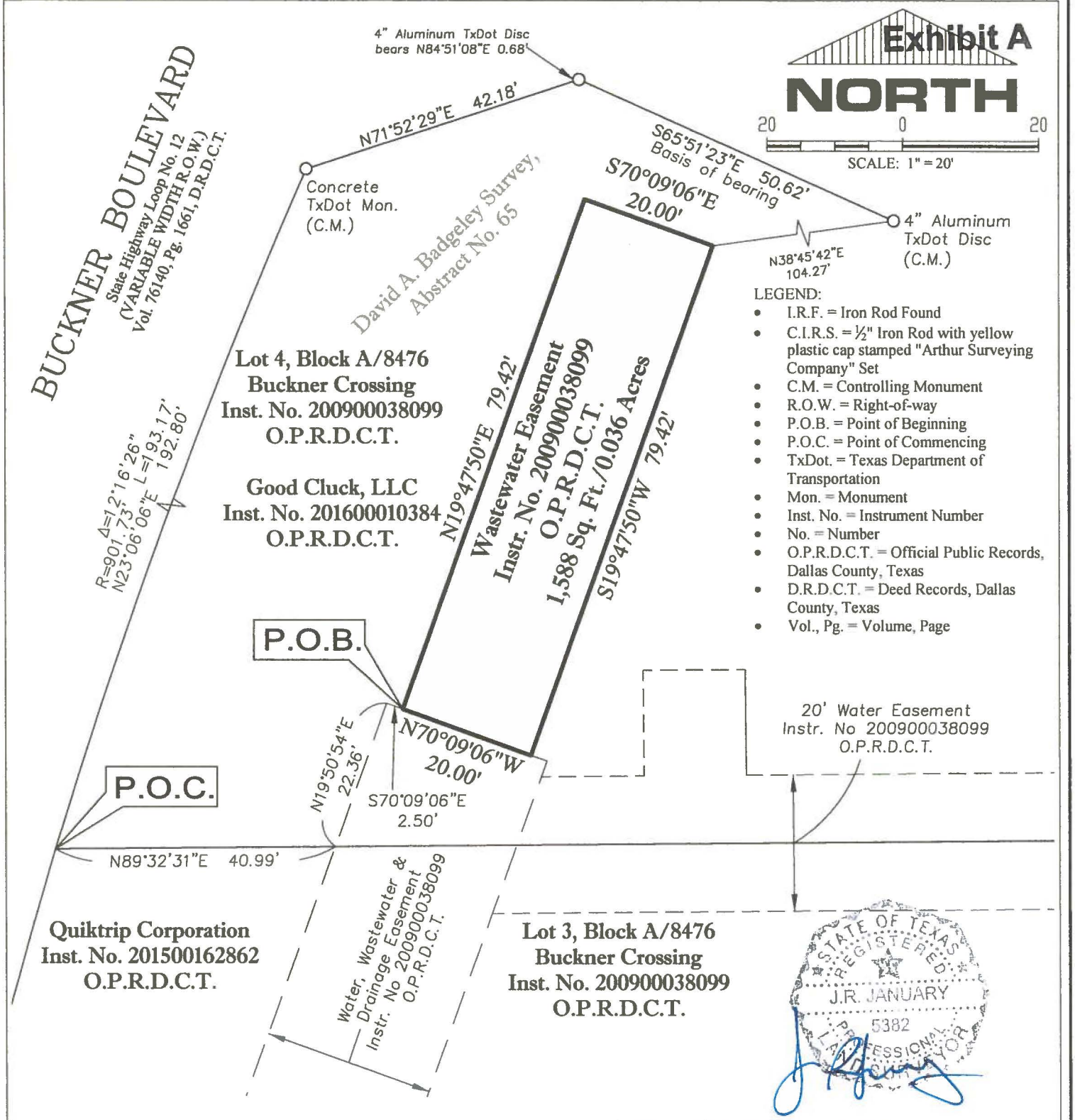
THENCE North 70 degrees 09 minutes 06 seconds West, continuing within said Lot 4 and with the common line of said 20 foot wide easement and said 25 foot wide easement, a distance of 20.00 feet to the **POINT OF BEGINNING**, and containing 0.036 acres or 1,588 square feet of land, more or less.



(For SPRG use only)
Reviewed by: A. Rodriguez
Date: 1/12/17
SPRG No. 3959

Arthur Surveying Co., Inc.
Professional Land Surveyors
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220 Elm Street, Suite 200 ~ P.O. Box 54
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Bearings based on north line of Lot 4 (S65°51'23"E) on record plat of Buckner Crossing, recorded under Instrument No. 200900038099, O.P.R.D.C.T.



LEGEND:

- I.R.F. = Iron Rod Found
- C.I.R.S. = ½" Iron Rod with yellow plastic cap stamped "Arthur Surveying Company" Set
- C.M. = Controlling Monument
- R.O.W. = Right-of-way
- P.O.B. = Point of Beginning
- P.O.C. = Point of Commencing
- TxDot. = Texas Department of Transportation
- Mon. = Monument
- Inst. No. = Instrument Number
- No. = Number
- O.P.R.D.C.T. = Official Public Records, Dallas County, Texas
- D.R.D.C.T. = Deed Records, Dallas County, Texas
- Vol., Pg. = Volume, Page

STATE OF TEXAS
REGISTERED
J.R. JANUARY
5382
PROFESSIONAL
LAND SURVEYOR

(For SPRG use only)
Reviewed by: A. Rodriguez
Date: 1/12/17
SPRG No. 3959

NOTE:

- Bearings based on north line of Lot 4 (S65°51'23"E) on record plat of Buckner Crossing, as recorded under Inst. No. 200900038099, O.P.R.D.C.T.

Arthur Surveying Co., Inc.
Professional Land Surveyors
(972) 221-9439 Fax: (972) 221-4675
220 Elm Street, Suite 200 ~ P.O. Box 54
Lewisville, Texas 75067 ~ TRFN NO: 10063800
Established ~ 1986
www.arthursurveying.com

Wastewater Easement Abandonment

Buckner Crossing
Lot 4, Block A/8476
David A. Badgeley Survey, Abstract No. 65
City of Dallas, Dallas County, Texas
– 2017 –

P:\1-ARTHUR\Titles\Buckner-Buckner Crossing-Lots 1-3-4-5 - Block A-Mesquite\dwg\1507260-3 Easement6_REV.dwg 1/6/2017 1:55:33 PM CST

AGENDA ITEM # 46

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: April 12, 2017

COUNCIL DISTRICT(S): 14

DEPARTMENT: Sustainable Development and Construction

CMO: Majed Al-Ghafry, 670-3302

MAPSCO: 45E

SUBJECT

An ordinance abandoning a wastewater easement to Harwood International Center V, L.P., the abutting owner, containing approximately 1,925 square feet of land, located near the intersection of McKinnon and Randall Streets - Revenue: $5,400, plus the $20 ordinance publication fee

BACKGROUND

This item authorizes the abandonment of a wastewater easement to Harwood International Center V, L.P., the abutting owner. The area will be included with the property of the abutting owner for development of a 22-story office building. The cost for this abandonment is the minimum processing fee pursuant to the Dallas City Code, therefore, no appraisal is required.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

The Economic Development Committee was briefed by memorandum regarding this matter on March 27, 2017.

FISCAL INFORMATION

Revenue - $5,400, plus the $20 ordinance publication fee

OWNER

Harwood International Center V, L.P.

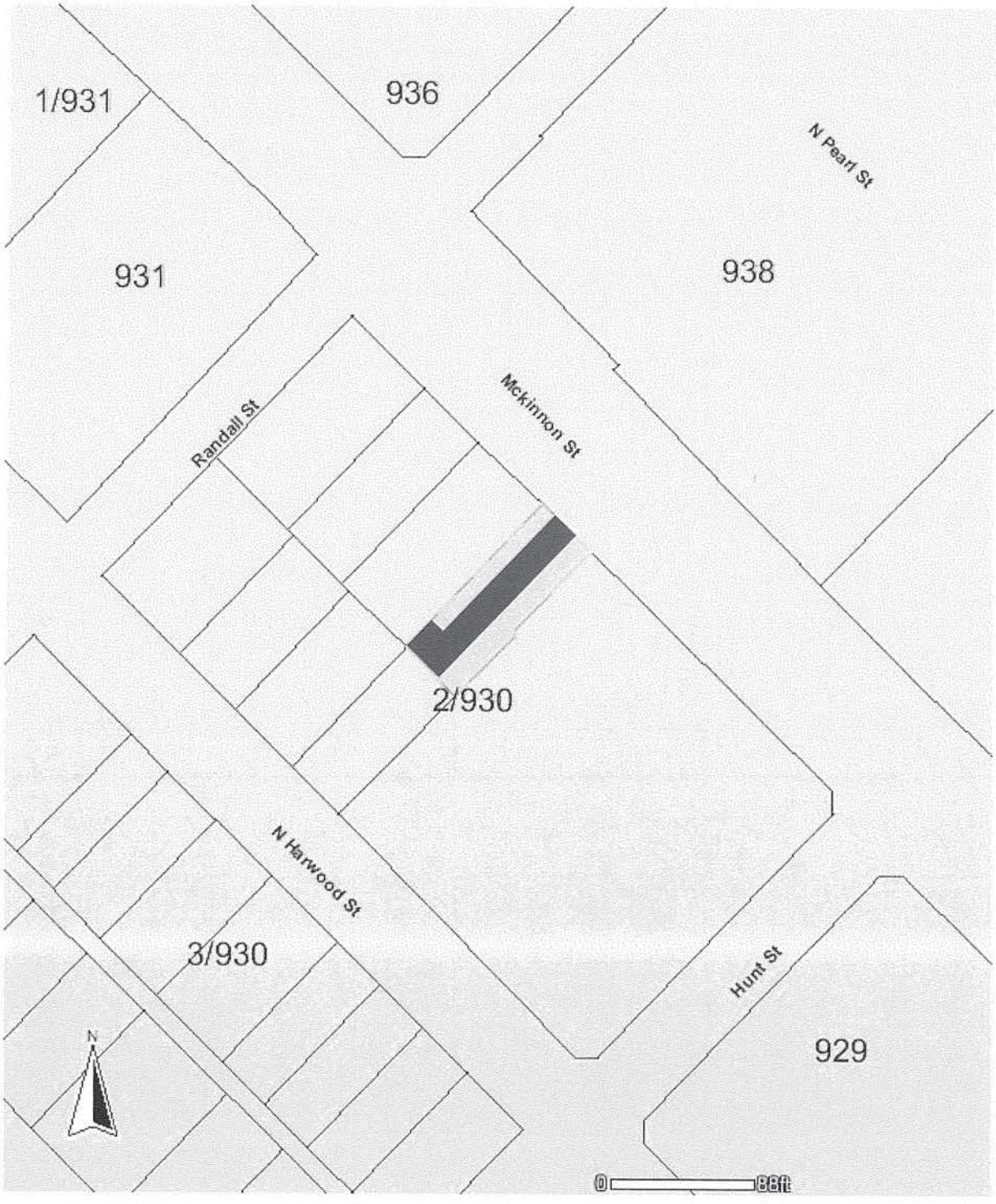
Harwood International Center V GP, L.P.

Harwood District B, LLC

Gabriel J. Barbier-Mueller, President

MAP

Attached



Abandonment area =

ORDINANCE NO. _____

An ordinance providing for the abandonment and relinquishment of a wastewater easement, located in City Block 2/930 in the City of Dallas and County of Dallas, Texas; providing for the quitclaim thereof to Harwood International Center V, L.P., a Texas limited partnership; providing for the terms and conditions of the abandonment, relinquishment and quitclaim made herein; providing for the conveyance of a new easement, if needed, to the City of Dallas and the relocation of existing facilities; providing for the indemnification of the City of Dallas against damages arising out of the abandonment herein; providing for the consideration to be paid to the City of Dallas; providing a future effective date for the abandonment, relinquishment and quitclaim made herein; providing for the payment of the publication fee; and providing an effective date for this ordinance.

ooo0ooo

WHEREAS, the City Council of the City of Dallas, acting pursuant to law and upon the request and petition of Harwood International Center V, L.P., a Texas limited partnership; hereinafter referred to as **GRANTEE**, deems it advisable to abandon, relinquish and quitclaim the City of Dallas' right, title and interest in and to the hereinafter described tract of land to **GRANTEE**, and is of the opinion that, subject to the terms and conditions herein provided, said wastewater easement is no longer needed for municipal use, and same should be abandoned, relinquished and quitclaimed to **GRANTEE** as hereinafter provided, for the consideration hereinafter stated; and

WHEREAS, the City Council of the City of Dallas is of the opinion that the best interest and welfare of the City will be served by abandoning, relinquishing and quitclaiming the same to **GRANTEE** for the consideration and subject to the terms and conditions hereinafter more fully set forth.

Now, Therefore,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DALLAS:

SECTION 1. That the City of Dallas hereby abandons and relinquishes all of its right, title and interest in and to the tract of land described in Exhibit A, attached hereto and made a part hereof; subject, however, to the conditions and future effective date hereinafter more fully set out.

SECTION 2. That for and in monetary consideration of the sum of **FIVE THOUSAND FOUR HUNDRED AND NO/100 ($5,400.00) DOLLARS** paid by **GRANTEE**, and the further consideration described in Sections 8 and 9, the City of Dallas does by these presents **FOREVER QUITCLAIM** unto the said **GRANTEE**, subject to the conditions, reservations, future effective date and exceptions hereinafter made and with the restrictions and upon the covenants below stated, all its right, title and interest in and to the certain tract or parcel of land hereinabove described in Exhibit A. **TO HAVE AND TO HOLD** all of such right, title and interest in and to the property and premises, subject aforesaid, together with all and singular the rights, privileges, hereditaments and appurtenances thereto in any manner belonging unto the said **GRANTEE** forever.

SECTION 3. That upon payment of the monetary consideration set forth in Section 2, **GRANTEE** accepts the terms, provisions, and conditions of this ordinance.

SECTION 4. That the Chief Financial Officer is authorized to deposit the sum paid by **GRANTEE** pursuant to Section 2 above in the General Fund 0001, Department DEV, Balance Sheet 0519 and Department of Sustainable Development and Construction - Real Estate Division shall be reimbursed for the cost of obtaining the legal description, appraisal and other administrative costs incurred. The reimbursement proceeds shall be deposited in General Fund 0001, Department DEV, Unit 1183, Object 5011 and any remaining proceeds shall be transferred to the General Capital Reserve Fund 0625, Department BMS, Unit 8888, Revenue Code 8416.

SECTION 5. That the abandonment, relinquishment and quitclaim provided for herein are made subject to all present zoning and deed restrictions, if the latter exist, and are subject to all existing easement rights of others, if any, whether apparent or non-apparent, aerial, surface, underground or otherwise.

SECTION 6. That the terms and conditions contained in this ordinance shall be binding upon **GRANTEE**, its successors and assigns.

SECTION 7. That the abandonment, relinquishment and quitclaim provided for herein shall extend only to that interest the Governing Body of the City of Dallas may legally and lawfully abandon, relinquish and quitclaim.

SECTION 8. That as a condition of this abandonment and as a part of the consideration for the quitclaim to **GRANTEE** herein, **GRANTEE**, its successors and assigns, agree to indemnify, defend, release and hold harmless the City of Dallas as to any and all claims for damages, fines, penalties, costs or expenses to persons or property that may arise out of, or be occasioned by or from: (i) the use and occupancy of the area described in Exhibit A by **GRANTEE**, its successors and assigns; (ii) the presence, generation, spillage, discharge, release, treatment or disposition of any Hazardous Substance on or affecting the area set out in Exhibit A, (iii) all corrective actions concerning any discovered Hazardous Substances on or affecting the area described in Exhibit A, which **GRANTEE**, its successors and assigns agree to undertake and complete in accordance with applicable federal, state and local laws and regulations; and (iv) the abandonment, closing, vacation and quitclaim by the City of Dallas of the area set out in Exhibit A. **GRANTEE**, its successors and assigns hereby agree to defend any and all suits, claims, or causes of action brought against the City of Dallas on account of same, and discharge any judgment or judgments that may be rendered against the City of Dallas in connection therewith. For purposes hereof, "Hazardous Substance" means the following: (a) any "hazardous substances" under the Comprehensive Environmental Response, Compensation, and Liability Act, 42 U.S.C. Section 9601 et seq., as amended; (b) any "hazardous substance" under the Texas Hazardous Substances Spill Prevention and Control Act, TEX. WATER CODE, Section 26.261 et seq., as amended; (c) petroleum or petroleum-based products (or any derivative or hazardous constituents thereof or additives thereto), including without limitation, fuel and lubricating oils; (d) any "hazardous chemicals" or "toxic chemicals" under the Occupational Safety and Health Act, 29 U.S.C. Section 651 et seq., as amended;

SECTION 8. (continued)

(e) any “hazardous waste” under the Resource Conservation and Recovery Act, 42 U.S.C. Section 6901 et seq., as amended; and (f) any “chemical substance” under the Toxic Substance Control Act, 15 U.S.C. Section 2601 et seq., as amended. References to particular acts or codifications in this definition include all past and future amendments thereto, as well as applicable rules and regulations as now or hereafter promulgated thereunder.

SECTION 9. That this abandonment, relinquishment and quitclaim of the City's right, title and interest in and to said wastewater easement shall not become effective until and unless: (i) the existing installations and facilities are relocated, at **GRANTEE's** expense, to the new easement, if needed, to be provided by **GRANTEE** and acceptable to the Director of Department of Sustainable Development and Construction, as is hereinafter provided; and (ii) plans for the construction and relocation of installations within the new easement are approved by the Director of Department of Sustainable Development and Construction; and (iii) said construction and relocation of installations are completed, approved and accepted in writing by the Director of Department of Sustainable Development and Construction. **GRANTEE** will grant the new easement at no cost consideration to the City and all work shall be done at the sole cost of **GRANTEE** and to the satisfaction of the Director of Department of Sustainable Development and Construction.

SECTION 10. That the City Secretary is hereby authorized and directed to certify a copy of this ordinance for recordation in the Deed Records of Dallas County, Texas, which certified copy shall be delivered to the Director of Department of Sustainable Development and Construction, or designee. Upon receipt of the monetary consideration set forth in Section 2, plus the fee for the publishing of this ordinance, which **GRANTEE** shall likewise pay, the Director of Department of Sustainable Development and Construction, or designee shall deliver to **GRANTEE** a certified copy of this ordinance. The Director of Department of Sustainable Development and Construction, or designee, shall be the sole source for receiving certified copies of this ordinance for one year after its passage.

SECTION 11. That this ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so ordained.

APPROVED AS TO FORM:
LARRY E. CASTO
City Attorney

BY _____
Assistant City Attorney

DAVID COSSUM
Director of Department of Sustainable Development and Construction

BY _____
Assistant Director

Passed _____.

EXHIBIT A

Wastewater Easement Abandonment
In Lot 2A, Block 2/930
International Center – Phase IV
In John Grigsby Survey, Abstract No. 495
City of Dallas, Dallas County, Texas

BEING 1,925 SQUARE FOOT PARCEL OF LAND IN LOT 2A, BLOCK 2/930, INTERNATIONAL CENTER - PHASE IV, AN ADDITION TO THE CITY OF DALLAS, DALLAS COUNTY, TEXAS, AS RECORDED IN VOLUME 99085, PAGE 35, DEED RECORDS, DALLAS COUNTY, TEXAS, SITUATED IN JOHN GRIGSBY SURVEY, ABSTRACT NUMBER 495, AND BEING DESCRIBED AS TRACT II, IN SPECIAL WARRANTY DEED TO HARWOOD INTERNATIONAL CENTER V ,L.P., AS RECORDED IN INSTRUMENT NUMBER 201300299865, DEED RECORDS, DALLAS COUNTY, TEXAS, SAID 1,925 SQUARE FOOT PARCEL BEING ALL OF A WASTEWATER EASEMENT CREATED BY SAID ADDITION RECORDED IN VOLUME 99085, PAGE 35, AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

COMMENCING AT "X" CUT IN CONCRETE FOUND FOR THE EAST CORNER OF SAID LOT 2A, AND THE NORTH CORNER OF LOT 1A, OF SAID INTERNATIONAL CENTER-PHASE IV, IN THE SOUTHWEST RIGHT-OF-WAY LINE OF McKINNON STREET (VARIABLE WIDTH RIGHT-OF-WAY);

THENCE NORTH 45 DEGREES 46 MINUTES 58 SECONDS WEST, 19.18 FEET WITH THE SOUTHWEST RIGHT-OF-WAY LINE OF SAID McKINNON STREET AND THE NORTHEAST LINE OF SAID LOT 2A, TO THE **POINT OF BEGINNING;**

THENCE SOUTH 43 DEGREES 24 MINUTES 30 SECONDS WEST, 120.96 FEET TO THE SOUTHWEST LINE OF SAID LOT 2A;

THENCE NORTH 44 DEGREES 53 MINUTES 57 SECONDS WEST, 22.51 FEET WITH THE SOUTHWEST LINE OF SAID LOT 2A TO THE WEST CORNER OF SAID LOT 2A;

THENCE NORTH 43 DEGREES 24 MINUTES 30 SECONDS EAST, 15.01 FEET WITH THE NORTHWEST LINE OF SAID LOT 2A;

THENCE SOUTH 44 DEGREES 53 MINUTES 57 SECONDS EAST, 7.50 FEET;

THENCE NORTH 43 DEGREES 24 MINUTES 30 SECONDS EAST, 105.72 FEET TO THE NORTHEAST LINE OF SAID LOT 2A, FROM WHICH AN "X" CUT IN CONCRETE FOUND FOR THE NORTH CORNER OF SAID LOT 2A, BEARS NORTH 45 DEGREES 46 MINUTES 58 SECONDS WEST, 7.50 FEET;

THENCE SOUTH 45 DEGREES 46 MINUTES 58 SECONDS EAST, 15.00 FEET TO THE POINT OF BEGINNING AND CONTAINING 1,925 SQUARE FEET OR 0.044 OF AN ACRE OF LAND MORE OR LESS.

Note: Surveyed on the ground November 2015.
Note: Bearings are relative to True North obtained from Global Positioning Satellite System (GPS) Observations, North American Datum 1983 (NAD '83), Texas State Plane Coordinate System, North Central Zone.

(For SPRG use only)
Reviewed by: JP
Date: 10/27/2016
SPRG No. 3750

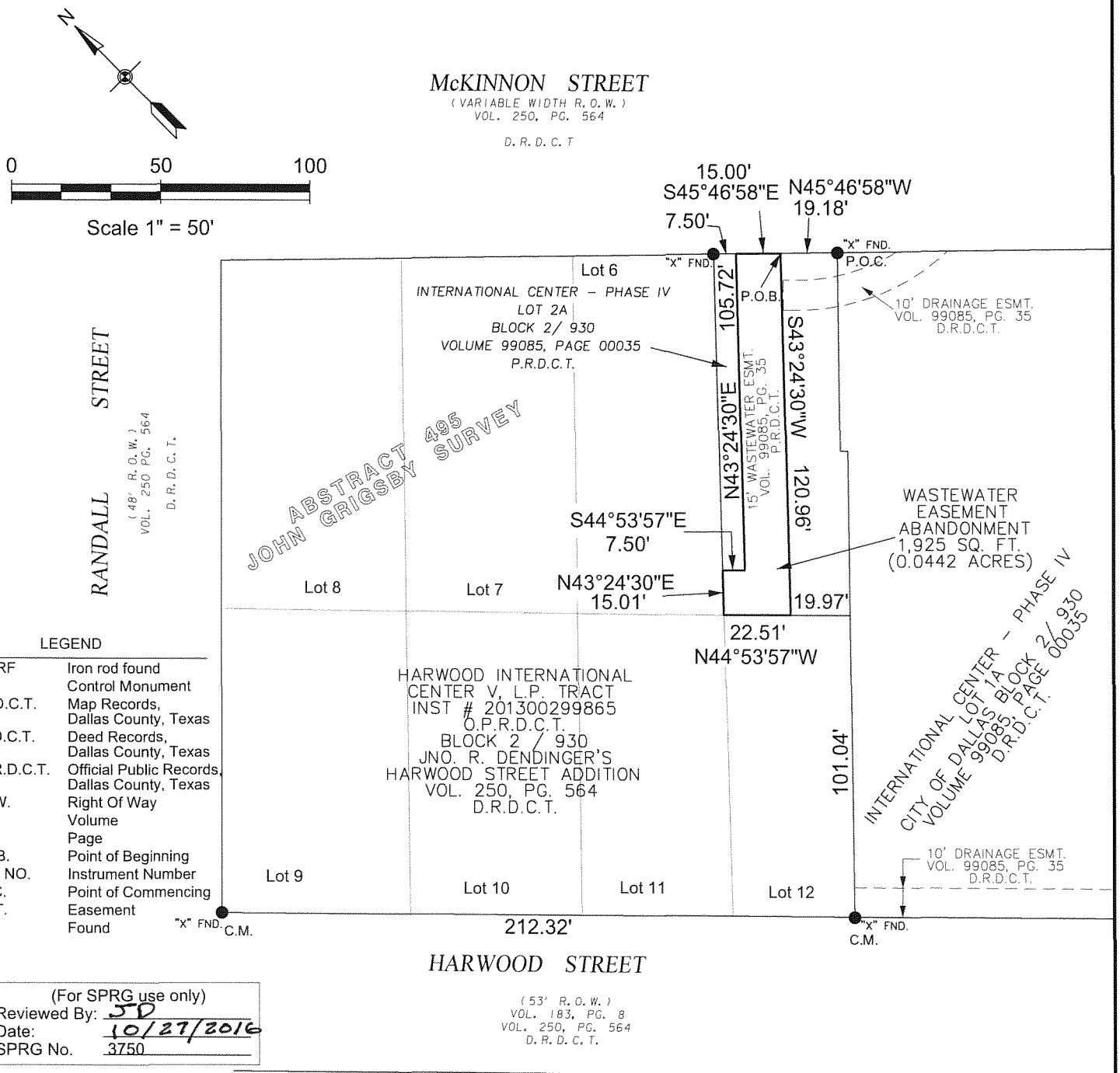


10-26-16

A.N.A. Consultants, L.L.C.
5000 Thompson Terrace
Colleyville, TX 76034

REVISION: 05-12-16

EXHIBIT A



LEGEND

5/8" IRF	Iron rod found
C.M.	Control Monument
M.R.D.C.T.	Map Records, Dallas County, Texas
D.R.D.C.T.	Deed Records, Dallas County, Texas
O.P.R.D.C.T.	Official Public Records, Dallas County, Texas
R.O.W.	Right Of Way
VOL.	Volume
PG.	Page
P.O. B.	Point of Beginning
INST. NO.	Instrument Number
P.O.C.	Point of Commencing
ESMT.	Easement
FND.	Found

(For SPRG use only)
Reviewed By: JD
Date: 10/27/2016
SPRG No. 3750

Note: Bearings Basis are relative to True North obtained from Global Positioning Satellite System (GPS) Observations, State Plane Coordinate System, Texas North Central Zone 4202, north American Datum of 1983. Adjustment Realization 2011.

STATE OF TEXAS
REGISTERED
EDWARD K. KHALIL
5951
PROFESSIONAL
LAND SURVEYOR

10-26-16

WASTEWATER EASEMENT ABANDONMENT
IN LOT 2A, BLOCK 2/930
INTERNATIONAL CENTER - PHASE IV
JOHN GRIGSBY SURVEY,
ABSTRACT NO. 495,
CITY OF DALLAS
DALLAS COUNTY, TEXAS

DRAWN BY: EK
DATE: 05-12-16
DGN. NO.: 150690_A-SSE
APPROVED BY: EK
REVISED: 10-19-16

A.N.A. CONSULTANTS, L.L.C.
ENGINEERS SURVEYORS PLANNERS
5000 Thompson Terrace
Colleyville, Texas 76034
Office: (817) 335-9900
Fax: (817) 335-9955
F.R.N. 10090800

AGENDA ITEM # 47

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: April 12, 2017

COUNCIL DISTRICT(S): 13

DEPARTMENT: Sustainable Development and Construction

CMO: Majed Al-Ghafry, 670-3302

MAPSCO: 26K

SUBJECT

An ordinance abandoning a temporary turnaround easement and a drainage easement to HT Midtown LP, the abutting owner, containing a total of approximately 985 square feet of land, located near the intersection of Meadow and Rambler Roads; and authorizing the quitclaim - Revenue: $14,196, plus the $20 ordinance publication fee

BACKGROUND

This item authorizes the abandonment of a temporary turnaround easement and a drainage easement to HT Midtown LP, the abutting owner. The area will be included with the property of the abutting owner for the development of single family homes. The abandonment fee is based on Dallas Central Appraisal District values.

Notices were sent to two property owners located within 300 feet of the proposed abandonment area. There were zero responses received in opposition to this request.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

The Economic Development Committee was briefed by memorandum regarding this matter on March 27, 2017.

FISCAL INFORMATION

Revenue - $14,196 plus the $20 ordinance publication fee

OWNER

HT Midtown LP

Hines Midtown Associates Limited Partnership

Hines Midtown GP LLC

Hines Investment Management Holdings Limited Partnership

HIMH GP LLC

Hines Real Estate Holdings L.P.

JCH Investments, Inc.

Jeffrey C. Hines, President

MAP

Attached



Abandonment areas =

ORDINANCE NO. _____

An ordinance providing for the abandonment of a temporary turnaround easement and a drainage easement located in City Blocks C/6138, E/6138, and A/7518 in the City of Dallas and County of Dallas, Texas; providing for the quitclaim thereof to HT Midtown LP; providing for the terms and conditions of the abandonment and quitclaim made herein; providing for barricading; providing for the indemnification of the City of Dallas against damages arising out of the abandonment herein; providing for the consideration to be paid to the City of Dallas; providing for the payment of the publication fee; and providing an effective date for this ordinance.

ooo0ooo

WHEREAS, the City Council of the City of Dallas, acting pursuant to law and upon the request and petition of HT Midtown LP, a Delaware limited partnership, hereinafter referred to as **GRANTEE**, deems it advisable to abandon and quitclaim the hereinafter described tracts of land to **GRANTEE**, and is of the opinion that, subject to the terms and conditions herein provided, said easements are not needed for public use, and same should be abandoned and quitclaimed to **GRANTEE**, as hereinafter stated; and

WHEREAS, the City Council of the City of Dallas is of the opinion that the best interest and welfare of the public will be served by abandoning and quitclaiming the same to **GRANTEE** for the consideration and subject to the terms and conditions hereinafter more fully set forth.

Now, Therefore,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DALLAS:

SECTION 1. That the tracts of land described in Exhibit A, which is attached hereto and made a part hereof for all purposes, be and the same is abandoned, vacated and closed insofar as the right, title and interest of the public are concerned; subject, however, to the conditions hereinafter more fully set out.

SECTION 2. That for and in monetary consideration of the sum of **FOURTEEN THOUSAND ONE HUNDRED NINETY-SIX AND NO/100 DOLLARS ($14,196.00)** paid by **GRANTEE**, and the further consideration described in Sections 8, 9, and 10, the City of Dallas does by these presents **FOREVER QUITCLAIM** unto the said **GRANTEE**, subject to the conditions, reservations, and exceptions hereinafter made and with the restrictions and upon the covenants below stated, all of its right, title and interest in and to the certain tracts of land hereinabove described in Exhibit A. **TO HAVE AND TO HOLD** all of such right, title and interest in and to the property and premises, subject aforesaid, together with all and singular the rights, privileges, hereditaments and appurtenances thereto in any manner belonging unto the said **GRANTEE** forever.

SECTION 3. That upon payment of the monetary consideration set forth in Section 2, **GRANTEE** accepts the terms, provisions, and conditions of this ordinance.

SECTION 4. That the Chief Financial Officer is hereby authorized to deposit the sum paid by **GRANTEE** pursuant to Section 2 above in the General Fund 0001, Department DEV, Balance Sheet 0519 and Department of Sustainable Development and Construction - Real Estate Division shall be reimbursed for the cost of obtaining the legal description, appraisal and other administrative costs incurred. The reimbursement proceeds shall be deposited in General Fund 0001, Department DEV, Unit 1183, Object 5011 and any remaining proceeds shall be transferred to the General Capital Reserve Fund 0625, Department BMS, Unit 8888, Revenue Code 8416.

SECTION 5. That the abandonment and quitclaim provided for herein are made subject to all present zoning and deed restrictions, if the latter exist, and are subject to all existing easement rights of others, if any, whether apparent or non-apparent, aerial, surface, underground or otherwise.

SECTION 6. That the terms and conditions contained in this ordinance shall be binding upon **GRANTEE**, its successors and assigns.

SECTION 7. That the abandonment and quitclaim provided for herein shall extend only to the public right, title, easement and interest, and shall be construed to extend only to that interest the Governing Body of the City of Dallas may legally and lawfully abandon and vacate.

SECTION 8. That as a condition of this abandonment and as a part of the consideration for the quitclaim to **GRANTEE** herein, **GRANTEE**, its successors and assigns, agree to indemnify, defend, release and hold harmless the City of Dallas as to any and all claims for damages, fines, penalties, costs or expenses to persons or property that may arise out of, or be occasioned by or from: (i) the use and occupancy of the areas described in Exhibit A by **GRANTEE**, its successors and assigns; (ii) the presence, generation, spillage, discharge, release, treatment or disposition of any Hazardous Substance on or affecting the areas set out in Exhibit A; (iii) all corrective actions concerning any discovered Hazardous Substances on or affecting the areas described in Exhibit A, which **GRANTEE**, its successors and assigns agree to undertake and complete in accordance with applicable federal, state and local laws and regulations; and (iv) the abandonment, closing, vacation and quitclaim by the City of Dallas of the areas set out in Exhibit A. **GRANTEE**, its successors and assigns, hereby agree to defend any and all suits, claims, or causes of action brought against the City of Dallas on account of same, and discharge any judgment or judgments that may be rendered against the City of Dallas in connection therewith. For purposes hereof, "Hazardous Substance" means the following: (a) any "hazardous substances" under the Comprehensive Environmental Response, Compensation, and Liability Act, 42 U.S.C. Section 9601 et seq., as amended; (b) any "hazardous substance" under the Texas Hazardous Substances Spill Prevention and Control Act, TEX. WATER CODE, Section 26.261 et seq., as amended; (c) petroleum or petroleum-based products (or any derivative or hazardous constituents thereof or additives thereto), including without limitation, fuel and lubricating oils; (d) any "hazardous chemicals" or "toxic chemicals" under the Occupational Safety and Health Act, 29 U.S.C. Section 651 et seq., as amended; (e) any "hazardous waste" under the Resource Conservation and Recovery Act, 42 U.S.C. Section 6901 et seq., as amended; and (f) any "chemical substance" under the Toxic Substance Control Act, 15 U.S.C. Section 2601 et seq., as amended. References to particular acts or codifications in this definition include all past and future amendments thereto, as well as applicable rules and regulations as now or hereafter promulgated thereunder.

SECTION 9. That as a condition of this abandonment and as a part of the consideration for the quitclaim made herein, **GRANTEE** shall file a final replat of the adjoining properties prior to the issuance of any building permits affecting the tracts of land abandoned and quitclaimed herein. This final replat shall be recorded by **GRANTEE** in the official real property records of the county in which the abandoned area is located after its approval by the City Plan Commission of the City of Dallas.

SECTION 10. That as a condition of this abandonment and as a part of the consideration for the quitclaim made herein, **GRANTEE** shall, immediately upon the passage of this ordinance, close, barricade and/or place signs in the area described in Exhibit A – Tract 1 in accordance with detailed plans approved by the Director of Department of Sustainable Development and Construction. **GRANTEE's** responsibility for keeping the area described in Exhibit A – Tract 1 closed, barricaded and/or the signs in place shall continue until the street improvements and intersection returns are removed by **GRANTEE**, its successors and assigns, to the satisfaction of the Director of Department of Sustainable Development and Construction.

SECTION 11. That the City Secretary is hereby authorized and directed to certify a copy of this ordinance for recordation in the official real property records of the county in which the abandonment area is located, which certified copy shall be delivered to the Director of Department of Sustainable Development and Construction, or designee. Upon receipt of the monetary consideration set forth in Section 2, plus the fee for the publishing of this ordinance; which **GRANTEE** shall likewise pay, the Director of Department of Sustainable Development and Construction, or designee: (i) shall deliver to **GRANTEE** a certified copy of this ordinance; and (ii) is authorized to and shall prepare and deliver a **QUITCLAIM DEED** with regard to the area abandoned herein, to **GRANTEE** hereunder, same to be executed by the City Manager on behalf of the City of Dallas, attested by the City Secretary and approved as to form by the City Attorney. The Director of Department of Sustainable Development and Construction, or designee, shall be the sole source for receiving certified copies of this ordinance for one year after its passage.

SECTION 12. That this ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so ordained.

APPROVED AS TO FORM:
LARRY CASTO
City Attorney

BY _____
Assistant City Attorney

DAVID COSSUM
Director of Department of Sustainable Development and Construction

BY _____
Assistant Director

Passed _____.

EXHIBIT A-TRACT 1

TEMPORARY TURNAROUND EASEMENT ABANDONMENT

BEING PART OF MERION AT MIDTOWN PARK PHASE 1
DAVID BARROW SURVEY, ABSTRACT NO. 177
CITY OF DALLAS, DALLAS COUNTY, TEXAS

BEING A 733 SQUARE FEET OR 0.017 ACRE TRACT OF LAND SITUATED IN THE DAVID BARROW SURVEY, ABSTRACT NO. 177, CITY OF DALLAS, DALLAS COUNTY, TEXAS, AND BEING ALL OF A TEMPORARY TURNAROUND EASEMENT CREATED BY MEADOW ROAD NO. ADDITION, AN ADDITION TO THE CITY OF DALLAS, AS RECORDED IN VOLUME 76021, PAGE 4, DEED RECORDS, DALLAS COUNTY, TEXAS, PART OF BLOCK C/6138 MERION AT MIDTOWN PARK, PHASE 1, AN ADDITION TO THE CITY OF DALLAS, AS RECORDED IN COUNTY CLERK'S FILE NUMBER 201600134925, OFFICIAL PUBLIC RECORDS, DALLAS COUNTY, TEXAS, PART OF A 2.239 ACRE TRACT OF LAND, CONVEYED TO THE CITY OF DALLAS BY WARRANTY DEED RECORDED IN COUNTY CLERK'S FILE NO. 201600008980, OFFICIAL PUBLIC RECORDS, DALLAS COUNTY, TEXAS, AND DEDICATED AS RAMBLER ROAD, BY SAID PLAT OF MERION AT MIDTOWN PARK, PHASE 1, AND PART OF HT-MIDTOWN TRACT III, BY SPECIAL WARRANTY DEED RECORDED IN COUNTY CLERK'S FILE NO. 201400298731, OFFICIAL PUBLIC RECORDS, DALLAS COUNTY, TEXAS. SAID 0.017 ACRE TRACT WITH BEARING BASIS BEING GRID NORTH, TEXAS STATE PLANE COORDINATES, NORTH CENTRAL ZONE, NORTH AMERICAN DATUM83 (NAD83 (2011) EPOCH 2010), DETERMINED BY GPS OBSERVATIONS, CALCULATED FROM DALLAS CORS ARP (PID-DF8984) AND ARLINGTON RRP2 CORS ARP (PID-DF5387), AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

COMMENCING AT A 5/8" IRON ROD WITH A 3" ALUMINUM MONUMENT STAMPED "MERION AT MIDTOWN PARK, PH.1-JACOBS" FOUND FOR THE NORTHWEST CORNER OF COMMON AREA E, BLOCK C/6138, OF SAID MERION AT MIDTOWN PARK, PHASE 1, AND BEING ON THE EASTERLY LINE OF SAID RAMBLER ROAD;

THENCE, OVER AND ACROSS SAID MERION AT MIDTOWN PARK PHASE 1 AND SAID RAMBLER ROAD, THE FOLLOWING COURSES AND DISTANCES:

SOUTH 04 DEGREES 34 MINUTES 26 SECONDS EAST, A DISTANCE OF 53.81 FEET TO THE **POINT OF BEGINNING**, AND THE BEGINNING OF A NON-TANGENT CURVE TO THE RIGHT HAVING A CENTRAL ANGLE OF 90 DEGREES 53 MINUTES 00 SECONDS, A RADIUS OF 50.00 FEET, AND A LONG CHORD THAT BEARS SOUTH 47 DEGREES 36 MINUTES 19 SECONDS EAST A DISTANCE OF 71.25 FEET;

ALONG SAID NON-TANGENT CURVE TO THE RIGHT, AN ARC DISTANCE OF 79.31 FEET TO A POINT FOR CORNER;

NORTH 47 DEGREES 36 MINUTES 19 SECONDS WEST, A DISTANCE OF 71.25 FEET TO THE **POINT OF BEGINNING** AND CONTAINING A CALCULATED AREA OF 733 SQUARE FEET, OR 0.017 ACRES OF LAND.

(for SPRG use only)	
Reviewed By:	JL
Date:	8-24-16
SPRG NO:	3739

EXHIBIT A-TRACT 1

TEMPORARY TURNAROUND EASEMENT ABANDONMENT

BEING PART OF MERION AT MIDTOWN PARK PHASE 1
DAVID BARROW SURVEY, ABSTRACT NO. 177
CITY OF DALLAS, DALLAS COUNTY, TEXAS

EXHIBIT PREPARED OF EQUAL DATE HEREWITH ACCOMPANIES THIS PROPERTY DESCRIPTION.

Elliott Pat Busby, R.P.L.S.
Registered Professional Land Surveyor
Texas Registration No. 5561
Jacobs Engineering Group, Inc.
1999 Bryan Street, Suite 1200
Dallas, Texas 75201-3136
Phone 214-638-0145 Fax 214-638-0447

AUGUST 18, 2016



(for SPRG use only)	
Reviewed By:	JL
Date:	8-24-16
SPRG NO:	3739

EXHIBIT A-TRACT 1

CURVE	CENTRAL ANGLE	RADIUS	CHORD BEARING	CHORD LENGTH	ARC LENGTH
C1	90°53'00"	50.00'	S47°36'19"E	71.25'	79.31'
C2	24°42'31"	210.00'	N56°25'16"E	89.86'	90.56'

LINE	BEARING	DISTANCE
L1	S04°34'26"E	53.81'

40 20 0

(for SPRG use only)
Reviewed By: JL
Date: 8-24-16
SPRG NO: 3739

DAVID BARROW SURVEY
ABSTRACT NO. 177

60'
30'
30'

TREEHOUSE LANE
VOLUME 77044, PAGE 671
VOLUME 74076, PAGE 2239
D.R.D.C.T.
(PUBLIC RIGHT-OF-WAY)
ABANDONDED BY
ORDINANCE NO. 29904
C.C. NO. 201600008979
O.P.R.D.C.T.

DRAINAGE EASEMENT
VOLUME 74160, PAGE 18
D.R.D.C.T.

VARIABLE WIDTH
DRAINAGE EASEMENT
VOLUME 74160, PAGE 18
D.R.D.C.T.
(ABANDONED)
CITY OF DALLAS
ORDINANCE NO. 27073

TRACT II
HT MIDTOWN, LP
C.C. NO. 201400298731
O.P.R.D.C.T.

20' WASTEWATER EASEMENT
C.C. NO. 201400186126
O.P.R.D.C.T.

BLOCK E/6138
MEADOW ROAD
APARTMENTS
NO. 3 ADDITION
VOLUME 77044, PAGE 671
D.R.D.C.T.

PROPOSED MERION AT MIDTOWN PARK PHASE 3

TRACT III
HT MIDTOWN, LP
C.C. NO. 201400298731
O.P.R.D.C.T.

ONCOR ELECTRIC
DELIVERY COMPANY,
LLC EASEMENT
C.C. NO.
201600115179
O.P.R.D.C.T.

(C.M.)

DIRECTIONAL
CONTROL LINE

C2

P.O.C.
(C.M.)

C.A.E.

ORIGINAL
PLAT LINE

49
50
51
BLOCK
C/6138

MERION AT
MIDTOWN PARK,
PHASE 1
C.C. NO.
201600134925
O.P.R.D.C.T.

P.O.B.

C1
733 S.F.
0.017 ACRES
N47°36'19"W
71.25'

TEMPORARY
TURNAROUND
EASEMENT VOLUME
76021 PAGE 4
D.R.D.C.T.

PLAT LINE

RAMBLER ROAD
VARIABLE WIDTH
RIGHT-OF-WAY
2.239 ACRES
CITY OF DALLAS
C.C. NO.
201600008980
O.P.R.D.C.T.

MERION AT
MIDTOWN PARK,
PHASE 2
C.C. NO.
201600161071
O.P.R.D.C.T.

119
120 BLOCK
E/6138

TRACT 1
TKG VALENCIA-MIDTOWN, LLC
C.C. NO. 201100334216
O.P.T.D.C.T.

BLOCK C/6138
MEADOW ROAD
APARTMENTS ADDITION
VOLUME 74076, PAGE 2239
D.R.D.C.T.

20' FIRE & SERVICE LANE
EASEMENT
VOLUME 74076, PAGE 2239
D.R.D.C.T.
(ABANDONED)
CITY OF DALLAS
ORDINANCE NO. 27073

LEGEND

D.R.D.C.T.	DEED RECORDS, DALLAS COUNTY, TEXAS
O.P.R.D.C.T.	OFFICIAL PUBLIC RECORDS, DALLAS COUNTY, TEXAS
IRF	IRON ROD FOUND
CIRF	5/8" IRON ROD WITH A YELLOW PLASTIC CAP STAMPED "JACOBS" FOUND
(C.M.)	CONTROLLING MONUMENT
P.O.B.	POINT OF BEGINNING
P.O.C.	POINT OF COMMENCING
C.C. NO.	COUNTY CLERK'S FILE NUMBER
●	5/8" IRON ROD WITH A 3" ALUMINUM MONUMENT STAMPED "MERION AT MIDTOWN PARK, PH.1-JACOBS" FOUND

STATE OF TEXAS
REGISTERED
ELLIOTT PAT BUSBY
5561
PROFESSIONAL
LAND SURVEYOR

BEARING BASIS BEING GRID NORTH, TEXAS STATE PLANE COORDINATES, NORTH CENTRAL ZONE, NORTH AMERICAN DATUM83 (NAD83 (2011) EPOCH 2010), DETERMINED BY GPS OBSERVATIONS, CALCULATED FROM DALLAS CORS ARP (PID-DF8984) AND ARLINGTON RRP2 CORS ARP (PID-DF5387).

SHEET 3 OF 3

DATE: 08/182016
SCALE: 1" = 40'
DRAWN BY: B.M.Y.
CHECKED BY: E.P.B.

TEMPORARY TURNAROUND EASEMENT ABANDONMENT
BEING PART OF MERION AT MIDTOWN PARK PHASE 1
OUT OF THE DAVID BARROW SURVEY, ABSTRACT NO. 177
IN THE
CITY OF DALLAS, DALLAS COUNTY, TEXAS

JACOBS®
1999 BRYAN STREET, SUITE 1200
DALLAS, TEXAS 75201-3136
PHONE 214-638-0145 FAX 214-638-0447
TBPLS FIRM# 10152300

I:\SLDWFXM9700\700 CADD\713 SURVEY\713.5 EASEMENT\WFXM9700EX45 TEMP TURNAROUND ABANDONMENT.DWG 8/18/2016 8:36:08 AM

EXHIBIT A-TRACT 2

DRAINAGE EASEMENT ABANDONMENT

BEING PART OF MERION AT MIDTOWN PARK PHASE 1 BLOCK E/6138 MEADOW ROAD APARTMENTS NO. 3 DAVID BARROW SURVEY, ABSTRACT NO. 177 CITY OF DALLAS, DALLAS COUNTY, TEXAS

BEING A 252 SQUARE FEET, OR 0.006 ACRE TRACT OF LAND SITUATED IN THE DAVID BARROW SURVEY, ABSTRACT NO. 177, CITY OF DALLAS, DALLAS COUNTY, TEXAS, AND BEING ALL OF A DRAINAGE EASEMENT CONVEYED AS TRACT NO. 3, BY DEED RECORDED IN VOLUME 74160, PAGE 18, DEED RECORDS, DALLAS COUNTY, TEXAS, PART OF A 2.239 ACRE TRACT OF LAND, CONVEYED TO THE CITY OF DALLAS BY WARRANTY DEED RECORDED IN COUNTY CLERK'S FILE NO. 201600008980, OFFICIAL PUBLIC RECORDS, DALLAS COUNTY, TEXAS, AND DEDICATED AS RAMBLER ROAD, BY PLAT OF MERION AT MIDTOWN PARK, PHASE 1, AN ADDITION TO THE CITY OF DALLAS, AS RECORDED IN COUNTY CLERK'S FILE NO. 201600134925, OFFICIAL PUBLIC RECORDS, DALLAS COUNTY, TEXAS, PART OF HT-MIDTOWN TRACTS I & II, BY SPECIAL WARRANTY DEED RECORDED IN COUNTY CLERK'S FILE NO. 201400298731, OFFICIAL PUBLIC RECORDS, DALLAS COUNTY, TEXAS, AND PART OF BLOCK A/7518 AND BLOCK E/6138 MEADOW ROAD APARTMENTS NO. 3, AN ADDITION TO THE CITY OF DALLAS, AS RECORDED IN VOLUME, 77044, PAGE 671, DEED RECORDS, DALLAS COUNTY, TEXAS. SAID 0.017 ACRE TRACT WITH BEARING BASIS BEING GRID NORTH, TEXAS STATE PLANE COORDINATES, NORTH CENTRAL ZONE, NORTH AMERICAN DATUM83 (NAD83 (2011) EPOCH 2010), DETERMINED BY GPS OBSERVATIONS, CALCULATED FROM DALLAS CORS ARP (PID-DF8984) AND ARLINGTON RRP2 CORS ARP (PID-DF5387), AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

COMMENCING AT A 1/2" IRON ROD FOUND FOR THE SOUTHEAST CORNER OF SAID BLOCK E/6138, AND THE COMMON NORTHEAST CORNER OF BLOCK C/6138 OF MEADOW ROAD APARTMENTS ADDITION, AN ADDITION TO THE CITY OF DALLAS, AS RECORDED IN VOLUME 74076, PAGE 2239, DEED RECORDS, DALLAS COUNTY, TEXAS, SAME BEING THE NORTHEAST CORNER OF A TRACT OF LAND CONVEYED AS TRACT 1 TO TKG VALENCIA-MIDTOWN, LLC, BY SPECIAL WARRANTY DEED RECORDED IN COUNTY CLERK'S FILE NO. 201100334216, OFFICIAL PUBLIC RECORDS, DALLAS COUNTY, TEXAS;

THENCE, ALONG THE SOUTHERLY LINE OF SAID BLOCK E/6138 AND THE COMMON NORTHERLY LINE OF SAID BLOCK C/6138, AND INTO AFORESAID RAMBLER ROAD, NORTH 42 DEGREES 33 MINUTES 46 SECONDS EAST, A DISTANCE OF 27.96 FEET TO THE **POINT OF BEGINNING**;

THENCE, OVER AND ACROSS SAID RAMBLER ROAD, AND SAID BLOCK E/6138, THE FOLLOWING COURSES AND DISTANCES:

NORTH 47 DEGREES 36 MINUTES 46 SECONDS WEST, A DISTANCE OF 7.21 FEET TO A POINT FOR CORNER;

NORTH 02 DEGREES 36 MINUTES 46 SECONDS WEST, A DISTANCE OF 22.07 FEET TO A POINT FOR CORNER;

(for SPRG use only)	
Reviewed By:	JL
Date:	8-18-16
SPRG NO:	3740

EXHIBIT A-TRACT 2

DRAINAGE EASEMENT ABANDONMENT

BEING PART OF MERION AT MIDTOWN PARK PHASE 1
BLOCK E/6138 MEADOW ROAD APARTMENTS NO. 3
DAVID BARROW SURVEY, ABSTRACT NO. 177
CITY OF DALLAS, DALLAS COUNTY, TEXAS

NORTH 87 DEGREES 23 MINUTES 14 SECONDS EAST, DISTANCE OF 10.00 FEET TO A POINT FOR CORNER;

SOUTH 02 DEGREES 36 MINUTES 46 SECONDS EAST, A DISTANCE OF 17.93 FEET TO A POINT FOR CORNER;

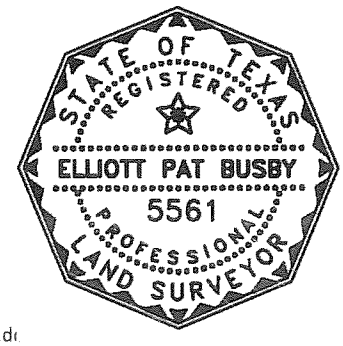
SOUTH 47 DEGREES 36 MINUTES 46 SECONDS EAST, A DISTANCE OF 3.10 FEET TO A POINT FOR CORNER;

SOUTH 42 DEGREES 33 MINUTES 46 SECONDS WEST, A DISTANCE OF 10.00 FEET TO THE **POINT OF BEGINNING** AND CONTAINING A CALCULATED AREA OF 252 SQUARE FEET, OR 0.006 ACRES OF LAND.

EXHIBIT PREPARED OF EQUAL DATE HEREWITH ACCOMPANIES THIS PROPERTY DESCRIPTION.

Elliott Pat Busby, R.P.L.S.
Registered Professional Land Surveyor
Texas Registration No. 5561
Jacobs Engineering Group, Inc.
1999 Bryan Street, Suite 1200
Dallas, Texas 75201-3136
Phone 214-638-0145 Fax 214-638-0447

AUGUST 04, 2016



(for SPRG use only)	
Reviewed By:	JL
Date:	8-18-16
SPRG NO:	3740

EXHIBIT A-TRACT 2

CURVE	CENTRAL ANGLE	RADIUS	CHORD BEARING	CHORD LENGTH	ARC LENGTH
C1	31°47'58"	200.00'	S58°13'10"W	109.58'	111.00'

LINE	BEARING	DISTANCE
L1	N47°36'46"W	7.21'
L2	N02°36'46"W	22.07'
L3	N87°23'14"E	10.00'
L4	S02°36'46"E	17.93'
L5	S47°36'46"E	3.10'
L6	S42°33'46"W	10.00'
L7	N42°33'46"E	27.96'

40 20 0

(for SPRG use only)
Reviewed By: JL
Date: 8-18-16
SPRG NO: 3740

BLOCK A/7518
MEADOW ROAD
APARTMENTS
NO. 3 ADDITION
VOLUME 77044, PAGE 671
D.R.D.C.T.

TRACT I
HT MIDTOWN, LP
C.C. NO. 201400298731
O.P.R.D.C.T.

FLOODWAY EASEMENT
VOL. 77044, PG. 671
D.R.D.C.T.

PROPOSED MERION AT MIDTOWN PARK PHASE 3

60'
30'
30'

MERION AT MIDTOWN PARK, PHASE 1
C.C. NO. 201600134925
O.P.R.D.C.T. (C.M.)

C.A. E

49
50
BLOCK C/6138
51

ORIGINAL PLAT LINE

TREEHOUSE LANE
VOL. 77044, PG. 671
VOL. 74076, PG. 2239
D.R.D.C.T.
(PUBLIC RIGHT-OF-WAY)
ABANDONDED BY
ORDINANCE NO. 29904
C.C. NO. 201600008979
O.P.R.D.C.T.

DRAINAGE EASEMENT
VOLUME 74160, PAGE 18
D.R.D.C.T.

10' SANITARY SEWER EASEMENT
VOLUME 389
PAGE 490
D.R.D.C.T.

252 S.F.
0.006 ACRES

L3
L4
L5
L6
L7
L1
L2

VARIABLE WIDTH DRAINAGE EASEMENT
VOLUME 74160, PAGE 18
D.R.D.C.T.
(ABANDONED)
CITY OF DALLAS
ORDINANCE NO. 27073

MERION AT MIDTOWN PARK, PHASE 1
C.C. NO. 201600134925
O.P.R.D.C.T.

TRACT II
HT MIDTOWN, LP
C.C. NO. 201400298731
O.P.R.D.C.T.

P.O.B.

1/2"IRF (C.M.)

P.O.C.

ONCOR ELECTRIC DELIVERY COMPANY, LLC EASEMENT
C.C. NO. 201600115179
O.P.R.D.C.T.

MERION AT MIDTOWN PARK, PHASE 2
C.C. NO. 201600161071
O.P.R.D.C.T.

PLAT LINE

BLOCK E/6138
MEADOW ROAD
APARTMENTS
NO. 3 ADDITION
VOLUME 77044, PAGE 671
D.R.D.C.T.

C1

1/2"IRF (C.M.)

DIRECTIONAL CONTROL LINE

BLOCK E/6138
119
120

RAMBLER ROAD
VARIABLE WIDTH
RIGHT-OF-WAY
2.239 ACRES
CITY OF DALLAS
C.C. NO.
201600008980
O.P.R.D.C.T.

TRACT 1
TKG VALENCIA-MIDTOWN, LLC
C.C. NO. 201100334216
O.P.R.D.C.T.

BLOCK C/6138
MEADOW ROAD
APARTMENTS ADDITION
VOLUME 74076, PAGE 2239
D.R.D.C.T.

LEGEND

D.R.D.C.T.	DEED RECORDS, DALLAS COUNTY, TEXAS
O.P.R.D.C.T.	OFFICIAL PUBLIC RECORDS, DALLAS COUNTY, TEXAS
IRF	IRON ROD FOUND
CIRF	5/8" IRON ROD WITH A YELLOW PLASTIC CAP STAMPED "JACOBS" FOUND
(C.M.)	CONTROLLING MONUMENT
P.O.B.	POINT OF BEGINNING
P.O.C.	POINT OF COMMENCING
C.C. NO.	COUNTY CLERK'S FILE NUMBER
●	5/8" IRON ROD WITH A 3" ALUMINUM MONUMENT STAMPED "MERION AT MIDTOWN PARK, PH.1-JACOBS" FOUND

STATE OF TEXAS
REGISTERED
ELLIOTT PAT BUSBY
5561
PROFESSIONAL
LAND SURVEYOR

BEARING BASIS BEING GRID NORTH, TEXAS STATE PLANE COORDINATES, NORTH CENTRAL ZONE, NORTH AMERICAN DATUM83 (NAD83 (2011) EPOCH 2010), DETERMINED BY GPS OBSERVATIONS, CALCULATED FROM DALLAS CORS ARP (PID-DF8984) AND ARLINGTON RRP2 CORS ARP (PID-DF5387).

SHEET 3 OF 3

DATE: 08/04/2016
SCALE: 1" = 40'
DRAWN BY: E.A.T.
CHECKED BY: E.P.B.

DRAINAGE EASEMENT ABANDONMENT

BEING PART OF MERION AT MIDTOWN PARK PHASE 1
BLOCK E/6138, MEADOW ROAD
APARTMENTS NO. 3 ADDITION
OUT OF THE DAVID BARROW SURVEY, ABSTRACT NO. 177
IN THE CITY OF DALLAS, DALLAS COUNTY, TEXAS

JACOBS®
1999 BRYAN STREET, SUITE 1200
DALLAS, TEXAS 75201-3136
PHONE 214-638-0145 FAX 214-638-0447
TBPLS FIRM# 10152300

I:\SLDWFXM9700\700 CADD\713 SURVEY\713.5 EASEMENT\WFXM9700EX44.DWG 8/5/2016 8:04 AM

AGENDA ITEM # 48

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: April 12, 2017

COUNCIL DISTRICT(S): 13

DEPARTMENT: Sustainable Development and Construction

CMO: Majed Al-Ghafry, 670-3302

MAPSCO: 26K

SUBJECT

An ordinance abandoning a water easement and portions of a variable width floodway easement and wastewater easement to HT Midtown LP, the abutting owner, containing a total of approximately 25,343 square feet of land, located near the intersection of Treehouse Lane and Meadow Road and providing for the dedication of approximately 23,235 square feet of land needed for a floodway easement - Revenue: $5,400, plus the $20 ordinance publication fee

BACKGROUND

This item authorizes the abandonment of a water easement and portions of a variable width floodway easement and wastewater easement to HT Midtown LP, the abutting owner. The area will be included with the property of the abutting owner for the development of single family homes. The owner will dedicate approximately 23,235 square feet of land needed for a floodway easement. The cost for this abandonment is the minimum processing fee pursuant to the Dallas City Code, therefore, no appraisal is required.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Information about this item will be provided to the Economic Development Committee on April 3, 2017.

FISCAL INFORMATION

Revenue - $5,400, plus the $20 ordinance publication fee

OWNER

HT Midtown LP

Hines Midtown Associates Limited Partnership

Hines Midtown GP LLC

Hines Investment Management Holdings Limited Partnership

HIMH GP LLC

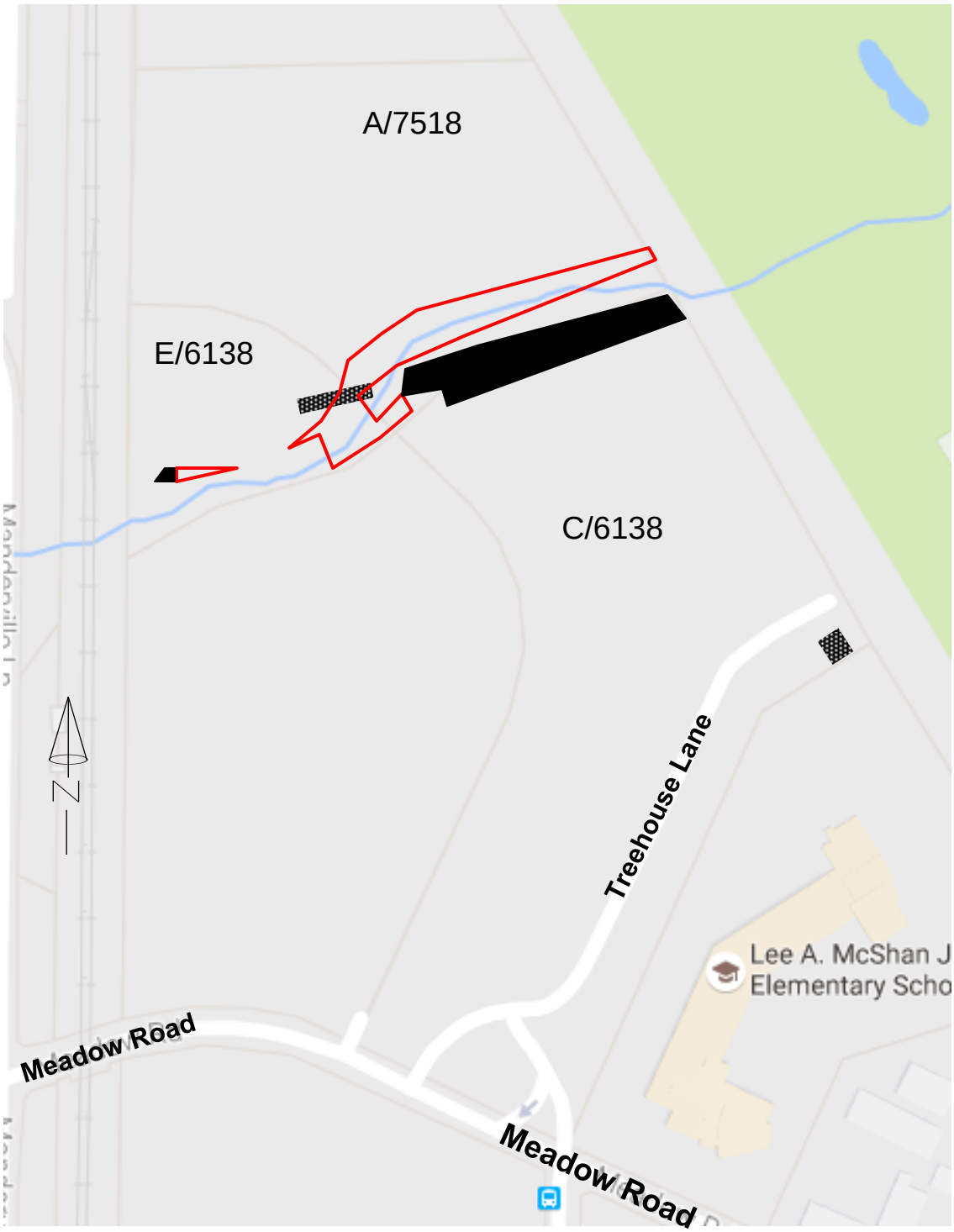
Hines Real Estate Holdings L.P.

JCH Investments, Inc.

Jeffrey C. Hines, President

MAP

Attached



Abandonment areas =

Dedication areas =

ORDINANCE NO. _____

An ordinance providing for the abandonment and relinquishment of a water easement and portions of a floodway easement and a wastewater easement, located in City Blocks A/7518, C/6138 and E/6138 in the City of Dallas and County of Dallas, Texas; providing for the quitclaim thereof to HT Midtown LP; providing for the terms and conditions of the abandonment, relinquishment and quitclaim made herein; providing for the conveyance of a new easement to the City of Dallas and the relocation of existing facilities; providing for the indemnification of the City of Dallas against damages arising out of the abandonments herein; providing for the consideration to be paid to the City of Dallas; providing a future effective date for the abandonment, relinquishment and quitclaim made herein; providing for the payment of the publication fee; and providing an effective date for this ordinance.

ooo0ooo

WHEREAS, the City Council of the City of Dallas, acting pursuant to law and upon the request and petition of HT Midtown LP, a Delaware limited partnership; hereinafter referred to as **GRANTEE**, deems it advisable to abandon, relinquish and quitclaim the City of Dallas' right, title and interest in and to the hereinafter described tracts of land to **GRANTEE**, and is of the opinion that, subject to the terms and conditions herein provided, said easements are no longer needed for municipal use, and same should be abandoned, relinquished and quitclaimed to **GRANTEE** as hereinafter provided, for the consideration hereinafter stated; and

WHEREAS, the City Council of the City of Dallas is of the opinion that the best interest and welfare of the City will be served by abandoning, relinquishing and quitclaiming the same to **GRANTEE** for the consideration and subject to the terms and conditions hereinafter more fully set forth.

Now, Therefore,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DALLAS:

SECTION 1. That the City of Dallas hereby abandons and relinquishes all of its right, title and interest in and to the tracts of land described in Exhibit A, attached hereto and made a part hereof; subject, however, to the conditions and future effective date hereinafter more fully set out.

SECTION 2. That for and in monetary consideration of the sum of **FIVE THOUSAND FOUR HUNDRED AND NO/100 ($5,400.00) DOLLARS** paid by **GRANTEE**, and the further consideration described in Sections 8, 9 and 10, the City of Dallas does by these presents **FOREVER QUITCLAIM** unto the said **GRANTEE**, subject to the conditions, reservations, future effective date and exceptions hereinafter made and with the restrictions and upon the covenants below stated, all its right, title and interest in and to the certain tracts or parcels of land hereinabove described in Exhibit A. **TO HAVE AND TO HOLD** all of such right, title and interest in and to the property and premises, subject aforesaid, together with all and singular the rights, privileges, hereditaments and appurtenances thereto in any manner belonging unto the said **GRANTEE** forever.

SECTION 3. That upon payment of the monetary consideration set forth in Section 2, **GRANTEE** accepts the terms, provisions, and conditions of this ordinance.

SECTION 4. That the Chief Financial Officer is authorized to deposit the sum paid by **GRANTEE** pursuant to Section 2 above in the General Fund 0001, Department DEV, Balance Sheet 0519 and Department of Sustainable Development and Construction - Real Estate Division shall be reimbursed for the cost of obtaining the legal description, appraisal and other administrative costs incurred. The reimbursement proceeds shall be deposited in General Fund 0001, Department DEV, Unit 1183, Object 5011 and any remaining proceeds shall be transferred to the General Capital Reserve Fund 0625, Department BMS, Unit 8888, Revenue Code 8416.

SECTION 5. That the abandonment, relinquishment and quitclaim provided for herein are made subject to all present zoning and deed restrictions, if the latter exist, and are subject to all existing easement rights of others, if any, whether apparent or non-apparent, aerial, surface, underground or otherwise.

SECTION 6. That the terms and conditions contained in this ordinance shall be binding upon **GRANTEE**, its successors and assigns.

SECTION 7. That the abandonment, relinquishment and quitclaim provided for herein shall extend only to that interest the Governing Body of the City of Dallas may legally and lawfully abandon, relinquish and quitclaim.

SECTION 8. That as a condition of this abandonment and as a part of the consideration for the quitclaim to **GRANTEE** herein, **GRANTEE**, its successors and assigns, agree to indemnify, defend, release and hold harmless the City of Dallas as to any and all claims for damages, fines, penalties, costs or expenses to persons or property that may arise out of, or be occasioned by or from: (i) the use and occupancy of the areas described in Exhibit A by **GRANTEE**, its successors and assigns; (ii) the presence, generation, spillage, discharge, release, treatment or disposition of any Hazardous Substance on or affecting the areas set out in Exhibit A, (iii) all corrective actions concerning any discovered Hazardous Substances on or affecting the areas described in Exhibit A, which **GRANTEE**, its successors and assigns agree to undertake and complete in accordance with applicable federal, state and local laws and regulations; and (iv) the abandonment, closing, vacation and quitclaim by the City of Dallas of the areas set out in Exhibit A. **GRANTEE,** its successors and assigns hereby agree to defend any and all suits, claims, or causes of action brought against the City of Dallas on account of same, and discharge any judgment or judgments that may be rendered against the City of Dallas in connection therewith. For purposes hereof, "Hazardous Substance" means the following: (a) any "hazardous substances" under the Comprehensive Environmental Response, Compensation, and Liability Act, 42 U.S.C. Section 9601 et seq., as amended; (b) any "hazardous substance" under the Texas Hazardous Substances Spill Prevention and Control Act, TEX. WATER CODE, Section 26.261 et seq., as amended; (c) petroleum or petroleum-based products (or any derivative or hazardous constituents thereof or additives thereto), including without limitation, fuel and lubricating oils; (d) any "hazardous chemicals" or "toxic chemicals" under the Occupational Safety and Health Act, 29 U.S.C. Section 651 et seq., as amended; (e) any "hazardous waste"under the Resource Conservation and Recovery Act, 42 U.S.C.

SECTION 8. (continued)

Section 6901 et seq., as amended; and (f) any "chemical substance" under the Toxic Substance Control Act, 15 U.S.C. Section 2601 et seq., as amended. References to particular acts or codifications in this definition include all past and future amendments thereto, as well as applicable rules and regulations as now or hereafter promulgated thereunder.

SECTION 9. That as a condition of this abandonment, relinquishment and quitclaim made herein, **GRANTEE** shall retain the existing water easement and wastewater easement until existing water and sewer mains are disconnected.

SECTION 10. That as a condition of this abandonment and relinquishment and as a part of the consideration for the quitclaim made herein, **GRANTEE** shall record a final replat of adjoining properties within one year after passage of this ordinance showing the dedication of not less than 25,343 square feet for a floodway easement in City Block C/6138 satisfactory to the Director of Department of Sustainable Development and Construction. This final replat shall be recorded by **GRANTEE** in the Deed Records of Dallas County, Texas after its approval by the City Plan Commission of the City of Dallas. Failure to record a final replat in accordance with the terms of this section shall render this ordinance null and void, and of no further effect. Further, the final replat shall be filed with the Department of Sustainable Development and Construction of the City of Dallas before a certified copy of this ordinance shall be delivered to **GRANTEE**.

SECTION 11. That the City Secretary is hereby authorized and directed to certify a copy of this ordinance for recordation in the Deed Records of Dallas County, Texas, which certified copy shall be delivered to the Director of Department of Sustainable Development and Construction, or designee. Upon receipt of the monetary consideration set forth in Section 2, and the recording of the final replat as set forth in Section 9, plus the fee for the publishing of this ordinance, which **GRANTEE** shall likewise pay, the Director of Department of Sustainable Development and Construction, or designee shall deliver to **GRANTEE** a certified copy of this ordinance. The Director of Department of Sustainable Development and Construction, or designee, shall be the sole source for receiving certified copies of this ordinance for one year after its passage.

SECTION 12. That this ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so ordained.

APPROVED AS TO FORM:
LARRY E. CASTO
City Attorney

BY _____
Assistant City Attorney

DAVID COSSUM
Director of Department of Sustainable Development and Construction

BY _____
Assistant Director

Passed _____.

EXHIBIT A-TRACT 1

FLOODWAY EASEMENT ABANDONMENT

MEADOW ROAD APARTMENTS NO. 3 ADDITION
PART OF BLOCK A/7518 AND BLOCK E/6138
MERION AT MIDTOWN PARK, PHASE 1
BEING PART OF BLOCK C/6138
AND BEING PART OF RAMBLER ROAD
DAVID BARROW SURVEY, ABSTRACT NO. 177
CITY OF DALLAS, DALLAS COUNTY, TEXAS

TRACT 1

BEING A 23,913 SQUARE FEET OR 0.549 ACRE TRACT OF LAND SITUATED IN THE DAVID BARROW SURVEY, ABSTRACT NO. 177, IN THE CITY OF DALLAS, DALLAS COUNTY, TEXAS, AND BEING PART OF TRACTS OF LAND CONVEYED AS TRACTS I AND II, TO HT-MIDTOWN, LP, BY SPECIAL WARRANTY DEED RECORDED IN COUNTY CLERK'S FILE NUMBER 201400298731, OFFICIAL PUBLIC RECORDS, DALLAS COUNTY, TEXAS, AND BEING PART OF BLOCKS A/7518 AND E/6138 MEADOW ROAD APARTMENTS NO. 3 ADDITION, AN ADDITION TO THE CITY OF DALLAS, AS RECORDED IN VOLUME 77044, PAGE 671, DEED RECORDS, DALLAS COUNTY, TEXAS AND PART OF A FLOODWAY EASEMENT CREATED BY SAID MEADOW ROAD APARTMENTS NO. 3 ADDITION, AND BEING PART OF BLOCK C/6138 MERION AT MIDTOWN PARK, PHASE 1, AN ADDITION TO THE CITY OF DALLAS, AS RECORDED IN COUNTY CLERK'S FILE NUMBER 201600134925, OFFICIAL PUBLIC RECORDS, DALLAS COUNTY, TEXAS, AND BEING PART OF RAMBLER ROAD, A VARIABLE WIDTH RIGHT-OF-WAY, AS RECORDED IN COUNTY CLERK'S FILE NO. 201600008980, OFFICIAL PUBLIC RECORDS, DALLAS COUNTY, TEXAS, AND IN COUNTY CLERK'S FILE NO. 201600134925, OFFICIAL PUBLIC RECORDS, DALLAS COUNTY, TEXAS. SAID 0.549 ACRE TRACT WITH BEARING BASIS BEING GRID NORTH, TEXAS STATE PLANE COORDINATES SYSTEM, NORTH CENTRAL ZONE 4202, NORTH AMERICAN DATUM (NAD 83 (2011) EPOCH 2010), DETERMINED BY GPS OBSERVATIONS, CALCULATED FROM DALLAS CORS ARP (PID-DF8984) AND ARLINGTON RRP2 CORS ARP (PID-DF5387), AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

COMMENCING AT A 1/2" IRON ROD FOUND FOR THE SOUTHEAST CORNER OF SAID TRACT I AND BLOCK A/7518, AND THE COMMON NORTHEAST CORNER OF A TRACT OF LAND CONVEYED AS TRACT III TO HT-MIDTOWN, LP., BY SPECIAL WARRANTY DEED, RECORDED IN COUNTY CLERK'S FILE NO. 201400298731, OFFICIAL PUBLIC RECORDS, DALLAS COUNTY, TEXAS, SAME BEING THE NORTHEAST CORNER OF BLOCK D/6138 OF MEADOW ROAD NO. 2 ADDITION, AN ADDITION TO THE CITY OF DALLAS, AS RECORDED IN VOLUME 76021, PAGE 4, DEED RECORDS, DALLAS COUNTY, TEXAS, AND BEING ON THE WESTERLY LINE

(for SPRG use only)	
Reviewed By:	A. Rodriguez
Date:	12/02/16
SPRG NO:	3881

EXHIBIT A-TRACT 1

FLOODWAY EASEMENT ABANDONMENT

MEADOW ROAD APARTMENTS NO. 3 ADDITION
PART OF BLOCK A/7518 AND BLOCK E/6138
MERION AT MIDTOWN PARK, PHASE 1
BEING PART OF BLOCK C/6138
AND BEING PART OF RAMBLER ROAD
DAVID BARROW SURVEY, ABSTRACT NO. 177
CITY OF DALLAS, DALLAS COUNTY, TEXAS

OF A TRACT OF LAND CONVEYED TO DALLAS AREA RAPID TRANSIT, BY DEED RECORDED IN VOLUME 88083, PAGE 4905, DEED RECORDS, DALLAS COUNTY, TEXAS, FROM WHICH A 5/8" IRON ROD WITH A 3" MONUMENT STAMPED "MERION AT MIDTOWN PARK, PH.1-JACOBS" SET FOR THE NORTHEAST CORNER OF AFORESAID MERION AT MIDTOWN PARK, PHASE 1, BEARS SOUTH 32 DEGREES 37 MINUTES 33 SECONDS EAST, A DISTANCE OF 10.07 FEET;

THENCE, NORTH 32 DEGREES 43 MINUTES 11 SECONDS WEST, ALONG THE EASTERLY LINE OF SAID TRACT I, SAID BLOCK A/7518, AND THE COMMON WESTERLY LINE OF SAID DALLAS AREA RAPID TRANSIT TRACT, A DISTANCE OF 63.62 FEET TO THE **POINT OF BEGINNING**;

THENCE, OVER AND ACROSS SAID TRACTS I AND II, AND BLOCKS A/7518 AND E/6138 OF SAID MEADOW ROAD APARTMENTS NO. 3 ADDITION, SAID BLOCK C/6138 OF SAID MERION AT MIDTOWN PARK, PHASE 1, AND AFORESAID RAMBLER ROAD, THE FOLLOWING COURSES AND DISTANCES:

SOUTH 69 DEGREES 01 MINUTE 38 SECONDS WEST, A DISTANCE OF 300.94 FEET TO A POINT FOR CORNER;

SOUTH 62 DEGREES 45 MINUTES 06 SECONDS WEST, A DISTANCE OF 27.36 FEET TO A POINT FOR CORNER;

SOUTH 58 DEGREES 54 MINUTES 57 SECONDS WEST, A DISTANCE OF 27.38 FEET TO A POINT FOR CORNER;

SOUTH 51 DEGREES 19 MINUTES 56 SECONDS WEST, A DISTANCE OF 27.35 FEET TO A POINT FOR CORNER;

(for SPRG use only)	
Reviewed By:	A. Rodriguez
Date:	12/02/16
SPRG NO:	3881

EXHIBIT A-TRACT 1

FLOODWAY EASEMENT ABANDONMENT

MEADOW ROAD APARTMENTS NO. 3 ADDITION
PART OF BLOCK A/7518 AND BLOCK E/6138
MERION AT MIDTOWN PARK, PHASE 1
BEING PART OF BLOCK C/6138
AND BEING PART OF RAMBLER ROAD
DAVID BARROW SURVEY, ABSTRACT NO. 177
CITY OF DALLAS, DALLAS COUNTY, TEXAS

SOUTH 49 DEGREES 12 MINUTES 00 SECONDS WEST, A DISTANCE OF 39.28 FEET TO A POINT FOR CORNER ON THE EAST RIGHT-OF-WAY LINE OF AFORESAID RAMBLER ROAD, AND THE BEGINNING OF A NON-TANGENT CURVE TO THE RIGHT HAVING A CENTRAL ANGLE OF 11 DEGREES 57 MINUTES 02 SECONDS, A RADIUS OF 228.00 FEET, AND A LONG CHORD THAT BEARS SOUTH 35 DEGREES 43 MINUTES 17 SECONDS EAST A DISTANCE OF 47.47 FEET;

ALONG THE EAST RIGHT-OF-WAY LINE OF SAID RAMBLER ROAD, AND SAID NON-TANGENT CURVE TO THE RIGHT, AN ARC DISTANCE OF 47.56 FEET TO A 5/8" IRON ROD WITH A 3" ALUMINUM MONUMENT STAMPED "MERION AT MIDTOWN PARK, PH.1-JACOBS" FOUND FOR CORNER ON THE NORTH LINE OF SAID MERION AT MIDTOWN PARK, PHASE 1, AND THE BEGINNING OF A NON-TANGENT CURVE TO THE RIGHT HAVING A CENTRAL ANGLE OF 13 DEGREES 18 MINUTES 53 SECONDS, A RADIUS OF 210.00 FEET, AND A LONG CHORD THAT BEARS NORTH 50 DEGREES 43 MINUTES 26 SECONDS EAST A DISTANCE OF 48.69 FEET;

DEPARTING THE EAST RIGHT-OF-WAY LINE OF SAID RAMBLER ROAD, AND ALONG SAID NON-TANGENT CURVE TO THE RIGHT, AN ARC DISTANCE OF 48.80 FEET TO A POINT FOR CORNER;

SOUTH 03 DEGREES 40 MINUTES 07 SECONDS WEST, DEPARTING THE NORTH LINE OF SAID MERION AT MIDTOWN PARK, PHASE 1, A DISTANCE OF 21.08 FEET TO A POINT FOR CORNER, AND THE BEGINNING OF A NON-TANGENT CURVE TO THE LEFT HAVING A CENTRAL ANGLE OF 04 DEGREES 53 MINUTES 18 SECONDS, A RADIUS OF 200.00 FEET, AND A LONG CHORD THAT BEARS SOUTH 44 DEGREES 56 MINUTES 07 SECONDS WEST A DISTANCE OF 17.06 FEET;

ALONG SAID NON-TANGENT CURVE TO THE LEFT, AN ARC DISTANCE OF 17.06 FEET TO A POINT FOR CORNER;

(for SPRG use only)	
Reviewed By:	A. Rodriguez
Date:	12/02/16
SPRG NO:	3881

EXHIBIT A-TRACT 1

FLOODWAY EASEMENT ABANDONMENT

MEADOW ROAD APARTMENTS NO. 3 ADDITION
PART OF BLOCK A/7518 AND BLOCK E/6138
MERION AT MIDTOWN PARK, PHASE 1
BEING PART OF BLOCK C/6138
AND BEING PART OF RAMBLER ROAD
DAVID BARROW SURVEY, ABSTRACT NO. 177
CITY OF DALLAS, DALLAS COUNTY, TEXAS

SOUTH 42 DEGREES 33 MINUTES 46 SECONDS WEST, PASSING AT A DISTANCE OF 21.94 FEET THE EAST RIGHT-OF-WAY LINE OF AFORESAID RAMBLER ROAD, AND CONTINUING FOR A TOTAL DISTANCE OF 84.62 FEET TO A POINT FOR CORNER ON THE WEST RIGHT-OF-WAY LINE OF SAID RAMBLER ROAD, AND THE BEGINNING OF A NON-TANGENT CURVE TO THE LEFT HAVING A CENTRAL ANGLE OF 22 DEGREES 06 MINUTES 14 SECONDS, A RADIUS OF 172.00 FEET, AND A LONG CHORD THAT BEARS NORTH 27 DEGREES 26 MINUTES 03 SECONDS WEST A DISTANCE OF 65.94 FEET;

ALONG THE WEST RIGHT-OF-WAY LINE OF SAID RAMBLER ROAD, AND SAID NON-TANGENT CURVE TO THE LEFT AN ARC DISTANCE OF 66.35 FEET TO A POINT FOR CORNER;

SOUTH 48 DEGREES 02 MINUTES 06 SECONDS WEST, DEPARTING THE WEST RIGHT-OF-WAY LINE OF SAID RAMBLER ROAD, A DISTANCE OF 52.60 FEET TO A POINT FOR CORNER;

SOUTH 55 DEGREES 02 MINUTES 46 SECONDS WEST, A DISTANCE OF 11.54 FEET TO A POINT FOR CORNER;

NORTH 42 DEGREES 33 MINUTES 46 SECONDS EAST, A DISTANCE OF 83.75 FEET TO A POINT FOR CORNER;

NORTH 24 DEGREES 55 MINUTES 36 SECONDS EAST, A DISTANCE OF 34.96 FEET TO A POINT FOR CORNER;

NORTH 13 DEGREES 14 MINUTES 46 SECONDS EAST, PASSING AT A DISTANCE OF 5.25 FEET THE EAST RIGHT-OF-WAY LINE OF SAID RAMBLER ROAD, AND CONTINUING FOR A TOTAL DISTANCE OF 87.00 FEET TO A POINT FOR CORNER;

(for SPRG use only)	
Reviewed By:	A. Rodriguez
Date:	12/02/16
SPRG NO:	3881

EXHIBIT A-TRACT 1

FLOODWAY EASEMENT ABANDONMENT

MEADOW ROAD APARTMENTS NO. 3 ADDITION
PART OF BLOCK A/7518 AND BLOCK E/6138
MERION AT MIDTOWN PARK, PHASE 1
BEING PART OF BLOCK C/6138
AND BEING PART OF RAMBLER ROAD
DAVID BARROW SURVEY, ABSTRACT NO. 177
CITY OF DALLAS, DALLAS COUNTY, TEXAS

NORTH 47 DEGREES 57 MINUTES 41 SECONDS EAST, A DISTANCE OF 38.73 FEET TO A POINT FOR CORNER;

NORTH 77 DEGREES 44 MINUTES 46 SECONDS EAST, A DISTANCE OF 138.00 FEET TO A POINT FOR CORNER;

NORTH 75 DEGREES 30 MINUTES 35 SECONDS EAST, A DISTANCE OF 60.52 FEET TO A POINT FOR CORNER;

NORTH 80 DEGREES 44 MINUTES 46 SECONDS EAST, A DISTANCE OF 146.95 FEET TO A POINT FOR CORNER ON THE EAST LINE OF SAID TRACT I AND THE SAID BLOCK A/7518 AND THE COMMON WEST LINE OF AFORESAID DALLAS AREA RAPID TRANSIT TRACT, FROM WHICH A 5/8" IRON ROD FOUND FOR THE NORTHEAST CORNER OF SAID TRACT I, AND SAID BLOCK A/7518, AND THE COMMON SOUTHEAST CORNER OF A TRACT OF LAND CONVEYED AS BLOCK A/7517 TO DALLAS POWER & LIGHT COMPANY, BY DEED RECORDED IN VOLUME 75027, PAGE 1916, DEED RECORDS, DALLAS COUNTY, TEXAS, BEARS NORTH 32 DEGREES 43 MINUTES 11 SECONDS WEST, A DISTANCE OF 344.51 FEET;

THENCE, SOUTH 32 DEGREES 43 MINUTES 11 SECONDS EAST, ALONG SAID COMMON LINE, A DISTANCE OF 10.14 FEET TO THE **POINT OF BEGINNING** AND CONTAINING A CALCULATED AREA OF 23,913 SQUARE FEET, OR 0.549 ACRES OF LAND.

(for SPRG use only)	
Reviewed By:	A. Rodriguez
Date:	12/02/16
SPRG NO:	3881

EXHIBIT A-TRACT 1

FLOODWAY EASEMENT ABANDONMENT

MEADOW ROAD APARTMENTS NO. 3 ADDITION
PART OF BLOCK A/7518 AND BLOCK E/6138
MERION AT MIDTOWN PARK, PHASE 1
BEING PART OF BLOCK C/6138
AND BEING PART OF RAMBLER ROAD
DAVID BARROW SURVEY, ABSTRACT NO. 177
CITY OF DALLAS, DALLAS COUNTY, TEXAS

TRACT 2

BEING A 1,942 SQUARE FEET OR 0.045 ACRE TRACT OF LAND SITUATED IN THE DAVID BARROW SURVEY, ABSTRACT NO. 177, IN THE CITY OF DALLAS, DALLAS COUNTY, TEXAS, AND BEING PART OF A TRACT OF LAND CONVEYED AS TRACT II, TO HT-MIDTOWN, LP, BY SPECIAL WARRANTY DEED RECORDED IN COUNTY CLERK'S FILE NUMBER 201400298731, OFFICIAL PUBLIC RECORDS, DALLAS COUNTY, TEXAS, AND BEING PART OF BLOCK E/6138 MEADOW ROAD APARTMENTS NO. 3 ADDITION, AN ADDITION TO THE CITY OF DALLAS, AS RECORDED IN VOLUME 77044, PAGE 671, DEED RECORDS, DALLAS COUNTY, TEXAS AND PART OF A FLOODWAY EASEMENT CREATED BY SAID MEADOW ROAD APARTMENTS NO. 3 ADDITION, AND PART OF A FLOODWAY EASEMENT. SAID 0.045 ACRE TRACT WITH BEARING BASIS BEING GRID NORTH, TEXAS STATE PLANE COORDINATES SYSTEM, NORTH CENTRAL ZONE 4202, NORTH AMERICAN DATUM (NAD 83 (2011) EPOCH 2010), DETERMINED BY GPS OBSERVATIONS, CALCULATED FROM DALLAS CORS ARP (PID-DF8984) AND ARLINGTON RRP2 CORS ARP (PID-DF5387), AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

COMMENCING AT A 5/8" IRON ROD FOUND AT THE SOUTHWEST CORNER OF SAID TRACT II, SAID BLOCK E/6138, AND THE COMMON NORTHWEST CORNER OF A TRACT OF LAND CONVEYED AS TRACT 1, TO TKG VALENCIA-MIDTOWN, LLC., BY SPECIAL WARRANTY DEED RECORDED IN COUNTY CLERK'S FILE NO. 201100334216, OFFICIAL PUBLIC RECORDS, DALLAS COUNTY, TEXAS, SAME BEING THE NORTHWEST CORNER OF BLOCK C/6138 OF THE MEADOW ROAD APARTMENTS ADDITION, AN ADDITION TO THE CITY OF DALLAS, AS RECORDED IN VOLUME 74076, PAGE 2239, DEED RECORDS, DALLAS COUNTY, TEXAS, AND BEING ON THE EAST LINE OF A TRACT OF LAND CONVEYED TO DALLAS AREA RAPID TRANSIT, BY DEED RECORDED IN VOLUME 88083, PAGE 4905, DEED RECORDS, DALLAS COUNTY, TEXAS, FROM WHICH A 5/8" IRON ROD WITH CAP STAMPED "KHA" FOUND BEARS NORTH 00 DEGREES 20 MINUTES 20 SECONDS WEST, A DISTANCE OF 800.78 FEET;

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Reviewed By:	A. Rodriguez
Date:	12/02/16
SPRG NO:	3881

EXHIBIT A-TRACT 1

FLOODWAY EASEMENT ABANDONMENT

MEADOW ROAD APARTMENTS NO. 3 ADDITION
PART OF BLOCK A/7518 AND BLOCK E/6138
MERION AT MIDTOWN PARK, PHASE 1
BEING PART OF BLOCK C/6138
AND BEING PART OF RAMBLER ROAD
DAVID BARROW SURVEY, ABSTRACT NO. 177
CITY OF DALLAS, DALLAS COUNTY, TEXAS

THENCE, NORTH 34 DEGREES 07 MINUTES 33 SECONDS EAST, OVER AND ACROSS SAID TRACT II AND SAID BLOCK 3/6138, A DISTANCE OF 204.02 FEET TO THE **POINT OF BEGINNING;**

THENCE, CONTINUING OVER AND ACROSS SAID TRACT II, AND BLOCK E/6138, THE FOLLOWING COURSES AND DISTANCES:

NORTH 49 DEGREES 16 MINUTES 51 SECONDS EAST, A DISTANCE OF 34.14 FEET TO A POINT FOR CORNER;

NORTH 85 DEGREES 14 MINUTES 46 SECONDS EAST, A DISTANCE OF 110.00 FEET TO A POINT FOR CORNER;

NORTH 73 DEGREES 05 MINUTES 28 SECONDS EAST, A DISTANCE OF 70.05 FEET TO A POINT FOR CORNER;

SOUTH 62 DEGREES 19 MINUTES 49 SECONDS WEST, A DISTANCE OF 23.93 FEET TO A POINT FOR CORNER;

SOUTH 70 DEGREES 25 MINUTES 41 SECONDS WEST, A DISTANCE OF 37.91 FEET TO A POINT FOR CORNER;

SOUTH 75 DEGREES 45 MINUTES 00 SECONDS WEST, A DISTANCE OF 37.79 FEET TO A POINT FOR CORNER;

SOUTH 80 DEGREES 17 MINUTES 25 SECONDS WEST, A DISTANCE OF 110.56 FEET TO THE **POINT OF BEGINNING** AND CONTAINING A CALCULATED AREA OF 1,942 SQUARE FEET, OR 0.045 ACRES OF LAND.

(for SPRG use only)	
Reviewed By:	A. Rodriguez
Date:	12/02/16
SPRG NO:	3881

EXHIBIT A-TRACT 1

FLOODWAY EASEMENT ABANDONMENT

MEADOW ROAD APARTMENTS NO. 3 ADDITION
PART OF BLOCK A/7518 AND BLOCK E/6138
MERION AT MIDTOWN PARK, PHASE 1
BEING PART OF BLOCK C/6138
AND BEING PART OF RAMBLER ROAD
DAVID BARROW SURVEY, ABSTRACT NO. 177
CITY OF DALLAS, DALLAS COUNTY, TEXAS

EXHIBIT PREPARED OF EQUAL DATE HEREWITH ACCOMPANIES THIS PROPERTY DESCRIPTION.

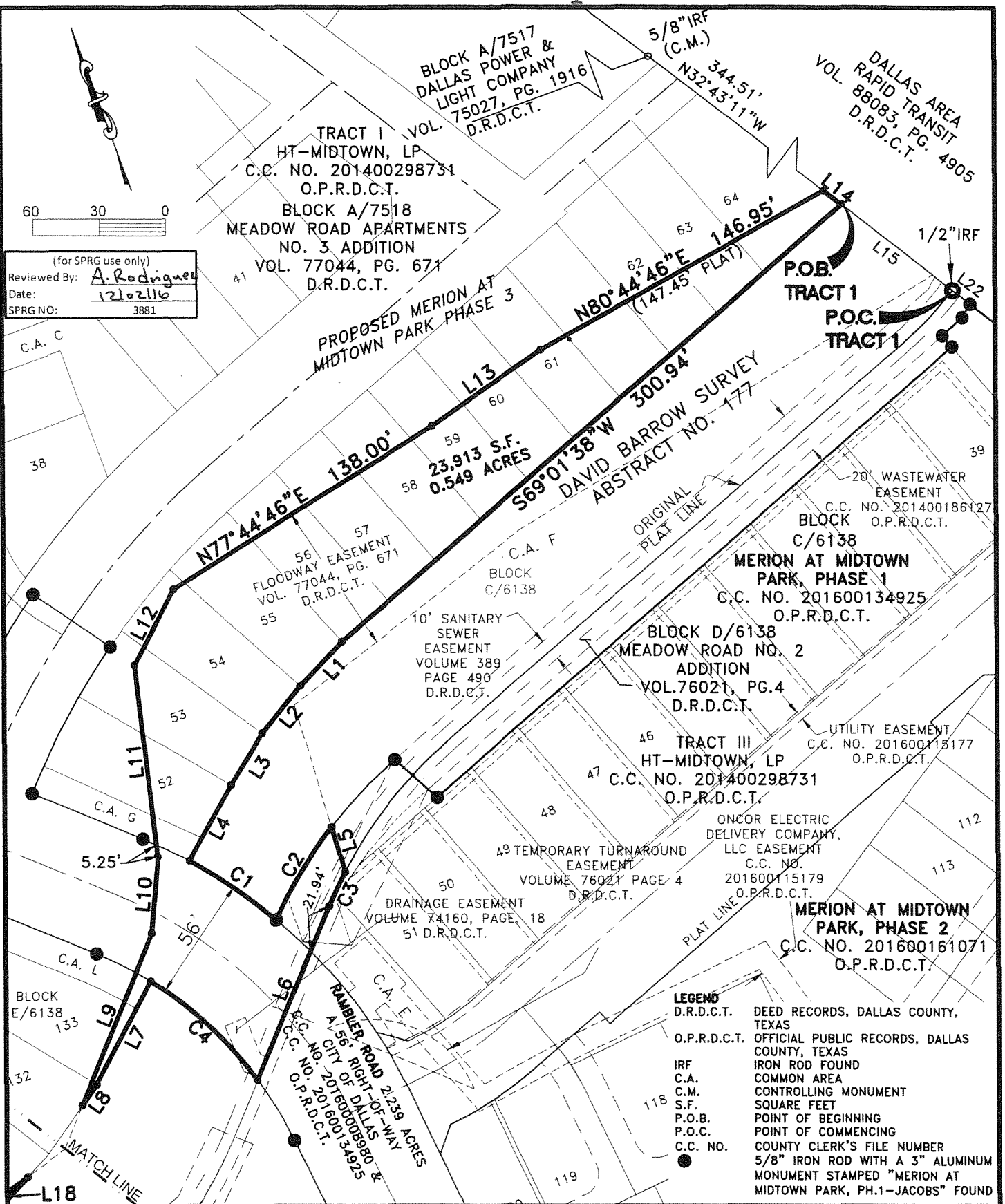
Elliott Pat Busby, R.P.L.S.
Registered Professional Land Surveyor
Texas Registration No. 5561
Jacobs Engineering Group, Inc.
1999 Bryan Street, Suite 1200
Dallas, Texas 75201-3136
Phone 214-638-0145 Fax 214-638-0447

NOVEMBER 29, 2016



(for SPRG use only)	
Reviewed By:	A. Rodriguez
Date:	12/02/16
SPRG NO:	3881

EXHIBIT A-TRACT 1

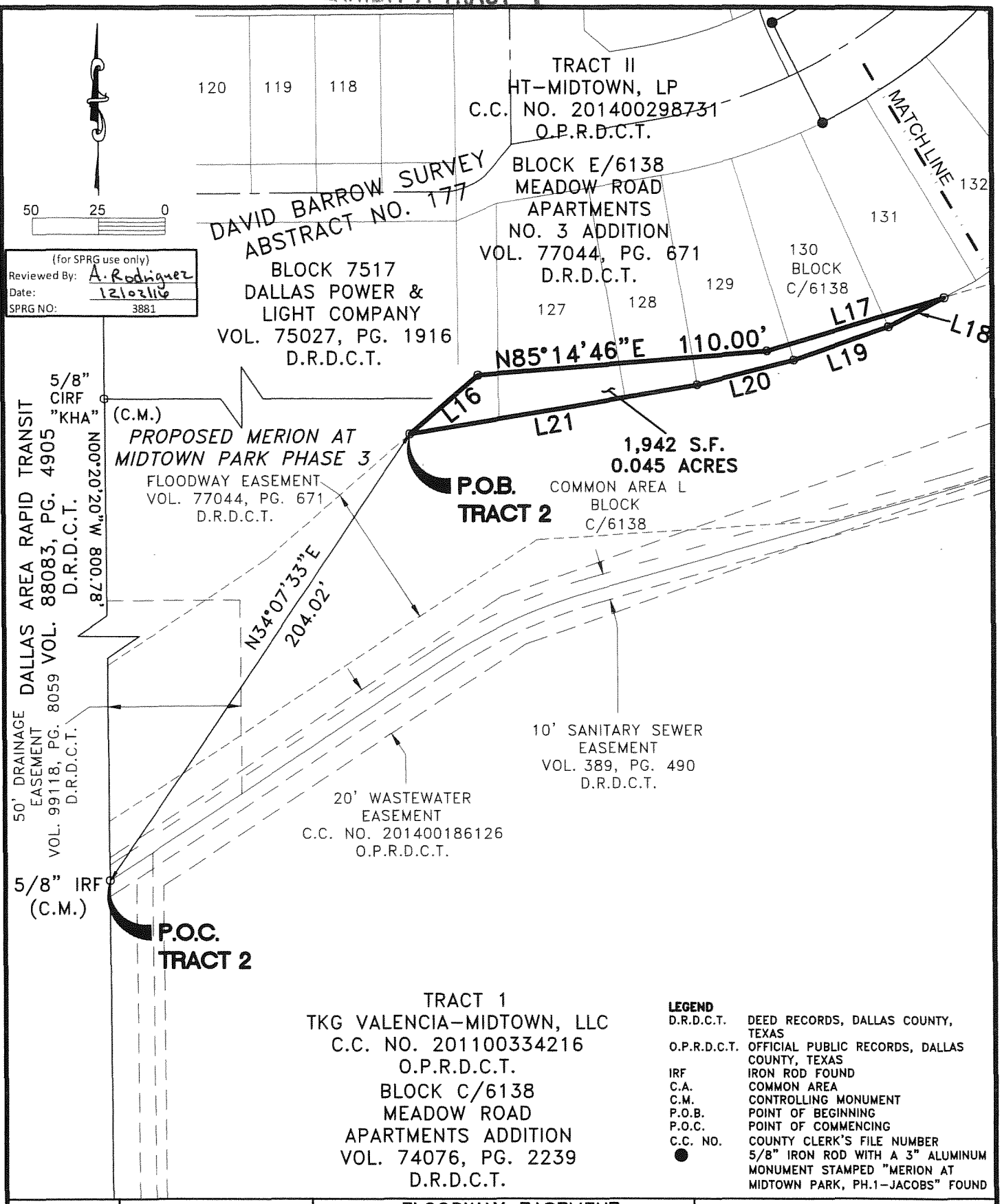


I:\SLD\WFXM9700\700 CADD\713 SURVEY\713.5 EASEMENT\WFXM9700EX52 FLOODWAY ABANDONMENT.DWG 11/29/2016 10:38 AM

PAGE 9 OF 11	DATE: 11/29/2016 SCALE: 1" = 60' DRAWN BY: B.M.Y. CHECKED BY: E.P.B.	**FLOODWAY EASEMENT ABANDONMENT** MEADOW ROAD APARTMENTS NO. 3 ADDITION PART OF BLOCK A/7518 AND BLOCK E/6138 MERION AT MIDTOWN PARK, PHASE 1 BEING PART OF BLOCK C/6138 AND BEING PART OF RAMBLER ROAD DAVID BARROW SURVEY, ABSTRACT NO. 177 CITY OF DALLAS, DALLAS COUNTY, TEXAS

JACOBS®
1999 BRYAN STREET, SUITE 1200
DALLAS, TEXAS 75201-3136
PHONE 214-638-0145 FAX 214-638-0447
TBPLS FIRM# 10152300

EXHIBIT A-TRACT 1



TRACT 1
TKG VALENCIA-MIDTOWN, LLC
C.C. NO. 201100334216
O.P.R.D.C.T.
BLOCK C/6138
MEADOW ROAD
APARTMENTS ADDITION
VOL. 74076, PG. 2239
D.R.D.C.T.

LEGEND

D.R.D.C.T.	DEED RECORDS, DALLAS COUNTY, TEXAS
O.P.R.D.C.T.	OFFICIAL PUBLIC RECORDS, DALLAS COUNTY, TEXAS
IRF	IRON ROD FOUND
C.A.	COMMON AREA
C.M.	CONTROLLING MONUMENT
P.O.B.	POINT OF BEGINNING
P.O.C.	POINT OF COMMENCING
C.C. NO.	COUNTY CLERK'S FILE NUMBER
●	5/8" IRON ROD WITH A 3" ALUMINUM MONUMENT STAMPED "MERION AT MIDTOWN PARK, PH.1-JACOBS" FOUND

PAGE 10 OF 11

DATE: 11/29/2016
SCALE: 1" = 50'
DRAWN BY: B.M.Y.
CHECKED BY: E.P.B.

FLOODWAY EASEMENT ABANDONMENT

MEADOW ROAD APARTMENTS NO. 3 ADDITION
PART OF BLOCK A/7518 AND BLOCK E/6138
MERION AT MIDTOWN PARK, PHASE 1
BEING PART OF BLOCK C/6138
AND BEING PART OF RAMBLER ROAD
DAVID BARROW SURVEY, ABSTRACT NO. 177
CITY OF DALLAS, DALLAS COUNTY, TEXAS

JACOBS®
1999 BRYAN STREET, SUITE 1200
DALLAS, TEXAS 75201-3136
PHONE 214-638-0145 FAX 214-638-0447
TBPLS FIRM# 10152300

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EXHIBIT A-TRACT 1

CURVE	CENTRAL ANGLE	RADIUS	CHORD BEARING	CHORD LENGTH	ARC LENGTH
C1	11°57'02"	228.00'	S35°43'17"E	47.47'	47.56'
C2	13°18'53"	210.00'	N50°43'26"E	48.69'	48.80'
C3	4°53'18"	200.00'	S44°56'07"W	17.06'	17.06'
C4	22°06'14"	172.00'	N27°26'03"W	65.94'	66.35'

LINE	BEARING	DISTANCE
L1	S62°45'06"W	27.36'
L2	S58°54'57"W	27.38'
L3	S51°19'56"W	27.35'
L4	S49°12'00"W	39.28'
L5	S03°40'07"W	21.08'
L6	S42°33'46"W	84.62'
L7	S48°02'06"W	52.60'
L8	S55°02'46"W	11.54'
L9	N42°33'46"E	83.75'
L10	N24°55'36"E	34.96'
L11	N13°14'46"E	87.00'
L12	N47°57'41"E	38.73'
L13	N75°30'35"E	60.52'
L14	S32°43'11"E	10.14'
L15	N32°43'11"W	63.62'
L16	N49°16'51"E	34.14'
L17	N73°05'28"E	70.05'
L18	S62°19'49"W	23.93'
L19	S70°25'41"W	37.91'
L20	S75°45'00"W	37.79'
L21	S80°17'25"W	110.56'
L22	S32°37'33"E	10.07'

(for SPRG use only)	
Reviewed By:	A. Rodriguez
Date:	12/02/16
SPRG NO:	3881

BEARING BASIS BEING GRID NORTH, TEXAS STATE PLANE COORDINATES SYSTEM, NORTH CENTRAL ZONE 4202, NORTH AMERICAN DATUM 83 (NAD83 (2011) EPOCH 2010), DETERMINED BY GPS OBSERVATIONS, CALCULATED FROM DALLAS CORS ARP (PID-DF8984) AND ARLINGTON RRP2 CORS ARP (PID-DF5387).

STATE OF TEXAS
REGISTERED
ELLIOTT PAT BUSBY
5561
PROFESSIONAL
LAND SURVEYOR

PAGE 11 OF 11

DATE: 11/29/2016

DRAWN BY: B.M.Y.

CHECKED BY: E.P.B.

FLOODWAY EASEMENT ABANDONMENT

MEADOW ROAD APARTMENTS NO. 3 ADDITION
PART OF BLOCK A/7518 AND BLOCK E/6138
MERION AT MIDTOWN PARK, PHASE 1
BEING PART OF BLOCK C/6138
AND BEING PART OF RAMBLER ROAD
DAVID BARROW SURVEY, ABSTRACT NO. 177
CITY OF DALLAS, DALLAS COUNTY, TEXAS

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PHONE 214-638-0145 FAX 214-638-0447
TBPLS FIRM# 10152300

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EXHIBIT A-TRACT 2

20' WASTEWATER EASEMENT ABANDONMENT

MERION AT MIDTOWN PARK, PHASE 1
PART OF BLOCK C/6138
MEADOW ROAD APARTMENTS NO. 3 ADDITION
BEING PART OF BLOCK A/7518
DAVID BARROW SURVEY, ABSTRACT NO. 177
CITY OF DALLAS, DALLAS COUNTY, TEXAS

BEING A 1,708 SQUARE FEET OF LAND OR 0.039 ACRE TRACT OF LAND SITUATED IN THE DAVID BARROW SURVEY, ABSTRACT NO. 177, CITY OF DALLAS, DALLAS COUNTY, TEXAS, AND BEING PART OF BLOCK C/6138 OF MERION AT MIDTOWN PARK, PHASE 1, AN ADDITION TO THE CITY OF DALLAS, AS RECORDED IN COUNTY CLERK'S FILE NUMBER 201600134925, OFFICIAL PUBLIC RECORDS, DALLAS COUNTY, TEXAS, AND BEING PART OF BLOCK A/7518 OF MEADOW ROAD APARTMENTS NO. 3 ADDITION, AN ADDITION TO THE CITY OF DALLAS, AS RECORDED IN VOLUME 77044, PAGE 671, DEED RECORDS, DALLAS COUNTY, TEXAS, SAME BEING PART OF TRACT I, CONVEYED BY SPECIAL WARRANTY DEED TO HT MIDTOWN, L.P., BY DEED RECORDED IN COUNTY CLERK'S FILE NO. 201400298731, OFFICIAL PUBLIC RECORDS, DALLAS COUNTY, TEXAS, AND BEING PART OF A 20 FOOT WASTEWATER EASEMENT AS RECORDED IN COUNTY CLERK'S FILE NO. 201400186127, OFFICIAL PUBLIC RECORDS, DALLAS COUNTY, TEXAS. SAID 0.039 ACRE TRACT WITH BEARING BASIS BEING GRID NORTH, TEXAS STATE PLANE COORDINATES SYSTEM, NORTH CENTRAL ZONE 4202, NORTH AMERICAN DATUM 83 (NAD83 (2011) EPOCH 2010), DETERMINED BY GPS OBSERVATIONS, CALCULATED FROM DALLAS CORS ARP (PID-DF8984) AND ARLINGTON RRP2 CORS ARP (PID-DF5387).

BEGINNING AT A 5/8" IRON ROD WITH A 3" ALUMINUM MONUMENT STAMPED "MERION AT MIDTOWN PARK, PH.1-JACOBS" FOUND FOR THE NORTHEAST CORNER OF COMMON AREA E OF SAID MERION AT MIDTOWN PARK PHASE 1;

THENCE, SOUTH 28 DEGREES 23 MINUTES 50 SECONDS EAST, ALONG THE EAST LINE OF SAID COMMON AREA E, A DISTANCE OF 20.16 FEET TO A POINT FOR CORNER, FROM WHICH A 5/8" IRON ROD WITH A 3" ALUMINUM MONUMENT STAMPED "MERION AT MIDTOWN PARK, PH.1-JACOBS" FOUND FOR AN INTERIOR ELL CORNER OF SAID PHASE 1 AND BEING ON THE NORTH LINE OF LOT 49, BLOCK C/6138 OF SAID PHASE 1 BEARS SOUTH 28 DEGREES 23 MINUTES 50 SECONDS EAST, A DISTANCE OF 5.43 FEET;

THENCE, OVER AND ACROSS SAID COMMON AREA E AND LOTS 50 AND 51 OF SAID MERION AT MIDTOWN PHASE 1, THE FOLLOWING COURSES AND DISTANCES:

SOUTH 46 DEGREES 24 MINUTES 41 SECONDS WEST, A DISTANCE OF 78.55 FEET TO A POINT FOR CORNER;

NORTH 66 DEGREES 06 MINUTES 39 SECONDS WEST, A DISTANCE OF 21.65 FEET TO A POINT FOR CORNER;

(for SPRG use only)	
Reviewed By:	A. Rodriguez
Date:	12/02/16
SPRG NO:	3882

EXHIBIT A-TRACT 2

20' WASTEWATER EASEMENT ABANDONMENT

MERION AT MIDTOWN PARK, PHASE 1
PART OF BLOCK C/6138
MEADOW ROAD APARTMENTS NO. 3 ADDITION
BEING PART OF BLOCK A/7518
DAVID BARROW SURVEY, ABSTRACT NO. 177
CITY OF DALLAS, DALLAS COUNTY, TEXAS

NORTH 46 DEGREES 24 MINUTES 41 SECONDS EAST, A DISTANCE OF 90.80 FEET TO A POINT FOR CORNER ON A NORTH LINE OF SAID COMMON AREA E;

THENCE, NORTH 68 DEGREES 47 MINUTES 49 SECONDS EAST, ALONG SAID NORTH LINE, A DISTANCE OF 1.43 FEET TO THE **POINT OF BEGINNING**, AND CONTAINING A CALCULATED AREA OF 1,708 SQUARE FEET OR 0.039 ACRES OF LAND.

EXHIBIT PREPARED OF EQUAL DATE HEREWITH ACCOMPANIES THIS PROPERTY DESCRIPTION.

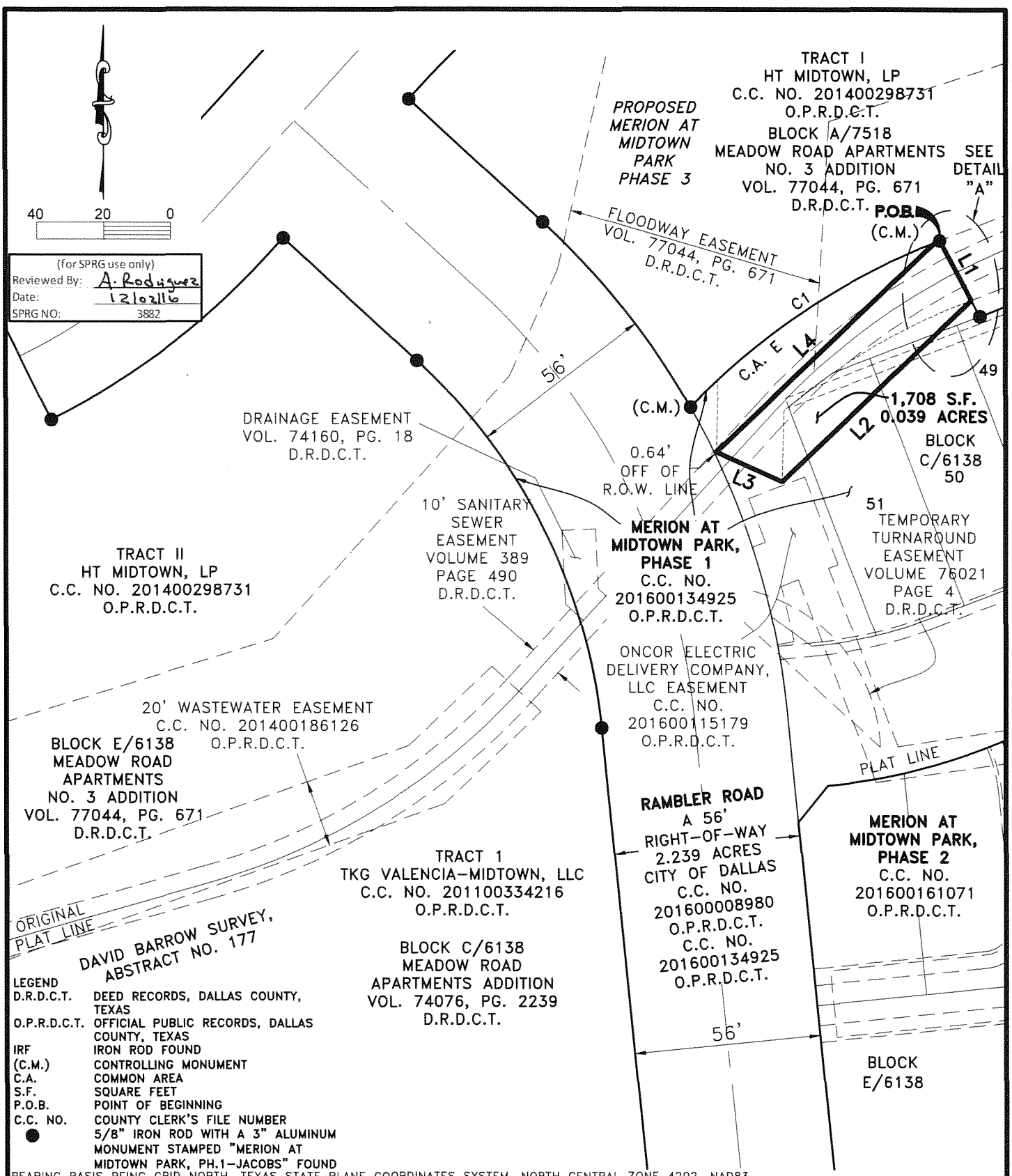
Elliott Pat Busby, R.P.L.S.
Registered Professional Land Surveyor
Texas Registration No. 5561
Jacobs Engineering Group, Inc.
1999 Bryan Street, Suite 1200
Dallas, Texas 75201-3136
Phone 214-638-0145 Fax 214-638-0447

NOVEMBER 29, 2016



(for SPRG use only)	
Reviewed By:	A. Rodriguez
Date:	12/02/16
SPRG NO:	3882

EXHIBIT A-TRACT 2



LEGEND	
D.R.D.C.T.	DEED RECORDS, DALLAS COUNTY, TEXAS
O.P.R.D.C.T.	OFFICIAL PUBLIC RECORDS, DALLAS COUNTY, TEXAS
IRF	IRON ROD FOUND
(C.M.)	CONTROLLING MONUMENT
C.A.	COMMON AREA
S.F.	SQUARE FEET
P.O.B.	POINT OF BEGINNING
C.C. NO.	COUNTY CLERK'S FILE NUMBER
●	5/8" IRON ROD WITH A 3" ALUMINUM MONUMENT STAMPED "MERION AT MIDTOWN PARK, PH.1-JACOBS" FOUND

BEARING BASIS BEING GRID NORTH, TEXAS STATE PLANE COORDINATES SYSTEM, NORTH CENTRAL ZONE 4202, NAD83 (NAD83 (2011) EPOCH 2010), DETERMINED BY GPS OBSERVATIONS, CALCULATED FROM DALLAS CORS ARP (PID-DF8984) AND ARLINGTON RRP2 CORS ARP (PID-DF5387).

PAGE	3 OF 4
DATE:	11/23/2016
SCALE:	1" = 40'
DRAWN BY:	E.A.T.
CHECKED BY:	E.P.B.

20' WASTEWATER EASEMENT ABANDONMENT

MERION AT MIDTOWN PARK, PHASE 1
PART OF BLOCK C/6138
MEADOW ROAD APARTMENTS NO. 3 ADDITION
BEING PART OF BLOCK A/7518
DAVID BARROW SURVEY, ABSTRACT NO. 177
CITY OF DALLAS, DALLAS COUNTY, TEXAS

JACOBS®
1999 BRYAN STREET, SUITE 1200
DALLAS, TEXAS 75201-3136
PHONE 214-638-0145 FAX 214-638-0447
TBPLS FIRM# 10152300

I:\SLD\WFXM9700\700 CADD\713 SURVEY\713.5 EASEMENT\WFXM9700EX19 WWE ABANDONMENT.DWG 11/29/2016 10:45 AM

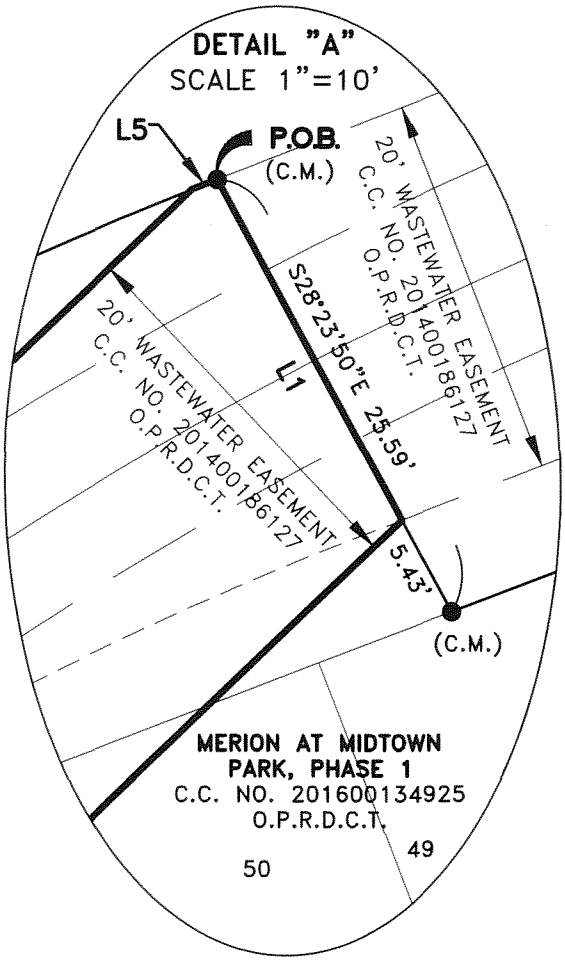
EXHIBIT A-TRACT 2

CURVE	CENTRAL ANGLE	RADIUS	CHORD BEARING	CHORD LENGTH	ARC LENGTH
C1	24°42'31"	210.00'	N56°25'16"E	89.86'	90.56'

LINE	BEARING	DISTANCE
L1	S28°23'50"E	20.16'
L2	S46°24'41"W	78.55'
L3	N66°06'39"W	21.65'
L4	N46°24'41"E	90.80'
L5	N68°47'49"E	1.43'

10 5 0

(for SPRG use only)
Reviewed By: A. Rodriguez
Date: 12/02/16
SPRG NO: 3882



LEGEND

D.R.D.C.T.	DEED RECORDS, DALLAS COUNTY, TEXAS
O.P.R.D.C.T.	OFFICIAL PUBLIC RECORDS, DALLAS COUNTY, TEXAS
IRF	IRON ROD FOUND
(C.M.)	CONTROLLING MONUMENT
C.A.	COMMON AREA
S.F.	SQUARE FEET
P.O.B.	POINT OF BEGINNING
C.C. NO.	COUNTY CLERK'S FILE NUMBER
●	5/8" IRON ROD WITH A 3" ALUMINUM MONUMENT STAMPED "MERION AT MIDTOWN PARK, PH.1-JACOBS" FOUND

STATE OF TEXAS
REGISTERED
ELLIOTT PAT BUSBY
5561
PROFESSIONAL
LAND SURVEYOR

PAGE 4 OF 4	DATE: 11/23/2016 SCALE: 1" = 10' DRAWN BY: E.A.T. CHECKED BY: E.P.B.	**20' WASTEWATER EASEMENT ABANDONMENT** MERION AT MIDTOWN PARK, PHASE 1 PART OF BLOCK C/6138 MEADOW ROAD APARTMENTS NO. 3 ADDITION BEING PART OF BLOCK A/7518 DAVID BARROW SURVEY, ABSTRACT NO. 177 CITY OF DALLAS, DALLAS COUNTY, TEXAS

JACOBS®
1999 BRYAN STREET, SUITE 1200
DALLAS, TEXAS 75201-3136
PHONE 214-638-0145 FAX 214-638-0447
TBPLS FIRM# 10152300

I:\SLD\WFXM9700\700 CADD\713 SURVEY\713.5 EASEMENT\WFXM9700EX19 WWE ABANDONMENT.DWG 11/29/2016 10:45 AM

EXHIBIT A-TRACT 3

20'x20' WATER EASEMENT ABANDONMENT

MERION AT MIDTOWN PARK, PHASE 1
PART OF LOT 24, BLOCK C/6138
DAVID BARROW SURVEY, ABSTRACT NO. 177
CITY OF DALLAS, DALLAS COUNTY, TEXAS

BEING A 400 SQUARE FOOT OR 0.009 ACRE TRACT OF LAND SITUATED IN THE DAVID BARROW SURVEY, ABSTRACT NO. 177, CITY OF DALLAS, DALLAS COUNTY, TEXAS, AND BEING PART OF LOT 24, BLOCK C/6138 OF MERION AT MIDTOWN PARK, PHASE 1, AN ADDITION TO THE CITY OF DALLAS AS RECORDED IN COUNTY CLERK'S FILE NUMBER 201600134925, OFFICIAL PUBLIC RECORDS, DALLAS COUNTY, TEXAS. SAID 0.009 ACRE TRACT WITH BEARING BASIS BEING GRID NORTH, TEXAS STATE PLANE COORDINATES SYSTEM, NORTH CENTRAL ZONE 4202, NORTH AMERICAN DATUM 83 (NAD 83 (2011) EPOCH 2010), DETERMINED BY GPS OBSERVATIONS, CALCULATED FROM DALLAS CORS ARP (PID-DF8984) AND ARLINGTON RRP2 CORS ARP (PID-DF5387), AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

COMMENCING AT A 1/2 INCH IRON ROD FOUND FOR THE SOUTHEAST CORNER OF COMMON AREA C, BLOCK C/6138 OF SAID MERION AT MIDTOWN PHASE 1 AND THE COMMON NORTHEAST CORNER OF LOT 1A, BLOCK B/6138, LEE McSHAN, JR. ELEMENTARY SCHOOL, AS RECORDED IN VOLUME 2005123, PAGE 154, DEED RECORDS, DALLAS, COUNTY, TEXAS, AND BEING ON THE WESTERLY LINE OF A TRACT OF LAND CONVEYED TO DALLAS AREA RAPID TRANSIT, AS RECORDED IN VOLUME 88083, PAGE 4905, DEED RECORDS, DALLAS COUNTY, TEXAS;

THENCE, SOUTH 57 DEGREES 08 MINUTES 33 SECONDS WEST, ALONG THE SOUTHERLY LINE OF SAID LOT 24 AND THE COMMON NORTHERLY LINE OF SAID LOT 1A, A DISTANCE OF 15.00 FEET TO THE **POINT OF BEGINNING**;

THENCE, CONTINUING ALONG SAID COMMON LINE, SOUTH 57 DEGREES 08 MINUTES 33 SECONDS WEST, A DISTANCE OF 20.00 FEET TO A POINT FOR CORNER, FROM WHICH A 5/8 INCH IRON ROD FOUND FOR AN ANGLE POINT ON THE SOUTH LINE OF SAID MERION AT MIDTOWN PARK, PHASE 1, AND THE COMMON NORTH LINE OF SAID LOT 1A BEARS SOUTH 57 DEGREES 08 MINUTES 33 SECONDS WEST, A DISTANCE OF 169.07 FEET;

THENCE, DEPARTING SAID COMMON LINE, OVER AND ACROSS AFORESAID LOT 24, THE FOLLOWING COURSES AND DISTANCES:

(for SPRG use only)	
Reviewed By:	A. Rodriguez
Date:	12/02/16
SPRG NO:	3883

EXHIBIT A-TRACT 3

20'x20' WATER EASEMENT ABANDONMENT

MERION AT MIDTOWN PARK, PHASE 1
PART OF LOT 24, BLOCK C/6138
DAVID BARROW SURVEY, ABSTRACT NO. 177
CITY OF DALLAS, DALLAS COUNTY, TEXAS

NORTH 32 DEGREES 39 MINUTES 46 SECONDS WEST, A DISTANCE OF 20.00 FEET TO A POINT FOR CORNER;

NORTH 57 DEGREES 08 MINUTES 33 SECONDS EAST, A DISTANCE OF 20.00 FEET TO A POINT FOR CORNER ON THE EASTERLY LINE OF SAID LOT 24 AND THE COMMON WESTERLY LINE OF AFORESAID COMMON AREA C;

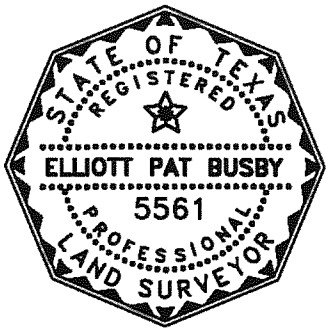
THENCE, ALONG SAID COMMON LINE, SOUTH 32 DEGREES 39 MINUTES 46 SECONDS EAST, A DISTANCE OF 20.00 FEET TO THE **POINT OF BEGINNING**, AND CONTAINING A CALCULATED AREA OF 400 SQUARE FEET, OR 0.009 ACRES OF LAND.

EXHIBIT PREPARED OF EQUAL DATE HEREWITH ACCOMPANIES THIS PROPERTY DESCRIPTION.

Elliott Pat Busby

Elliott Pat Busby, R.P.L.S.
Registered Professional Land Surveyor
Texas Registration No. 5561
Jacobs Engineering Group, Inc.
1999 Bryan Street, Suite 1200
Dallas, Texas 75201-3136
Phone 214-638-0145 Fax 214-638-0447

NOVEMBER 29, 2016



(for SPRG use only)	
Reviewed By:	A. Rodriguez
Date:	12/02/16
SPRG NO:	3883

EXHIBIT A-TRACT 3

LINE	BEARING	DISTANCE
L1	S57°08'33"W	20.00'
L2	N32°39'46"W	20.00'
L3	N57°08'33"E	20.00'
L4	S32°39'46"E	20.00'



SCALE: 1' = 20'

20 10 0

SCALE IN FEET

3' AERIAL OVERHANG AND MAINTENANCE EASEMENT C.C. NO. 201600134925 O.P.R.D.C.T.

BLOCK C/6138 COMMON AREA C

15' WATER EASEMENT C.C. NO. 201600134925 O.P.R.D.C.T.

24

MERION AT MIDTOWN PARK, PHASE 1 C.C. NO. 201600134925 O.P.R.D.C.T.

HT-MIDTOWN, LP, C.C. NO. 201400298731 O.P.R.D.C.T.

WATER EASEMENT C.C. NO. 201600134925 O.P.R.D.C.T.

L3

L4

L2

L1

400 S.F. 0.009 ACRES

15.00'

P.O.C.

1/2" IRF (CM)

P.O.B.

23

DALLAS AREA RAPID TRANSIT VOL.88083, PG.4905 D.R.D.C.T.

(for SPRG use only)	
Reviewed By:	A. Rodriguez
Date:	12/02/16
SPRG NO:	3883

169.07'

DIRECTIONAL CONTROL LINE S57°08'33"W 204.08'

15' TXU ELECTRIC DELIVERY COMPANY EASEMENT VOL. 2005123, PG. 154 D.R.D.C.T.

5/8" IRF (CM)

15' TXU ELECTRIC DELIVERY COMPANY EASEMENT VOL. 2005123, PG. 154 D.R.D.C.T.

20' UTIILITY EASEMENT VOLUME 76158, PAGE 327 O.P.R.D.C.T.

LOT 1A, BLOCK B/6138 LEE McSHAN, JR. ELEMENTARY SCHOOL VOLUME 2005123, PAGE 154 D.R.D.C.T.

DALLAS INDEPENDENT SCHOOL DISTRICT VOLUME 2004027, PAGE 1892 D.R.D.C.T.

5' UTILITY EASEMENT VOLUME 2005123, PAGE 154 D.R.D.C.T.

APPROXIMATE SURVEY LINE

DAVID BARROW SURVEY ABSTRACT NO. 177

NEAL McCREARY SURVEY ABSTRACT NO. 996

LEGEND

D.R.D.C.T.	DEED RECORDS, DALLAS COUNTY, TEXAS
O.P.R.D.C.T.	OFFICIAL PUBLIC RECORDS, DALLAS COUNTY, TEXAS
IRF	IRON ROD FOUND
(CM)	CONTROLLING MONUMENT
P.O.B.	POINT OF BEGINNING
P.O.C.	POINT OF COMMENCING
S.F.	SQUARE FEET
C.C. NO.	COUNTY CLERK'S FILE NUMBER

STATE OF TEXAS REGISTERED ELLIOTT PAT BUSBY 5561 PROFESSIONAL LAND SURVEYOR

BEARING BASIS BEING GRID NORTH, TEXAS STATE PLANE COORDINATES SYSTEM, NORTH CENTRAL ZONE 4202, NAD83 (NAD83 (2011) EPOCH 2010), DETERMINED BY GPS OBSERVATIONS, CALCULATED FROM DALLAS CORS ARP (PID-DF8984) AND ARLINGTON RRP2 CORS ARP (PID-DF5387).

PAGE 3 OF 3

DATE: 11/29/2016

SCALE: 1" = 20'

DRAWN BY: E.A.T.

CHECKED BY: E.P.B.

20'x20' WATER EASEMENT ABANDONMENT

MERION AT MIDTOWN PARK, PHASE 1
PART OF LOT 24, BLOCK C/6138
DAVID BARROW SURVEY, ABSTRACT NO. 177
CITY OF DALLAS, DALLAS COUNTY, TEXAS

JACOBS®
1999 BRYAN STREET, SUITE 1200
DALLAS, TEXAS 75201-3136
PHONE 214-638-0145 FAX 214-638-0447
TBPLS FIRM# 10152300

I:\SLD\WFXM9700\700 CADD\713 SURVEY\713.5 EASEMENT\WFXM9700EX48 WE ABANDONMENT.DWG 11/29/2016 10:43 AM

AGENDA ITEM # 49

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: April 12, 2017

COUNCIL DISTRICT(S): 13

DEPARTMENT: Sustainable Development and Construction

CMO: Majed Al-Ghafry, 670-3302

MAPSCO: 26P

SUBJECT

An ordinance abandoning a water easement and two sanitary sewer easements to Capref Walnut Hill, LLC, the abutting owner, containing a total of approximately 8,194 square feet of land, located near the intersection of North Central Expressway and Walnut Hill Lane - Revenue: $5,400, plus the $20 ordinance publication fee

BACKGROUND

This item authorizes the abandonment of a water easement and two sanitary sewer easements to Capref Walnut Hill, LLC, the abutting owner. The area will be included with the property of the abutting owner for the new construction of a shopping center. The cost for this abandonment is the minimum processing fee pursuant to the Dallas City Code, therefore, no appraisal is required.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

The Economic Development Committee was briefed by memorandum regarding this matter on March 27, 2017.

FISCAL INFORMATION

Revenue - $ 5,400, plus the $20 ordinance publication fee

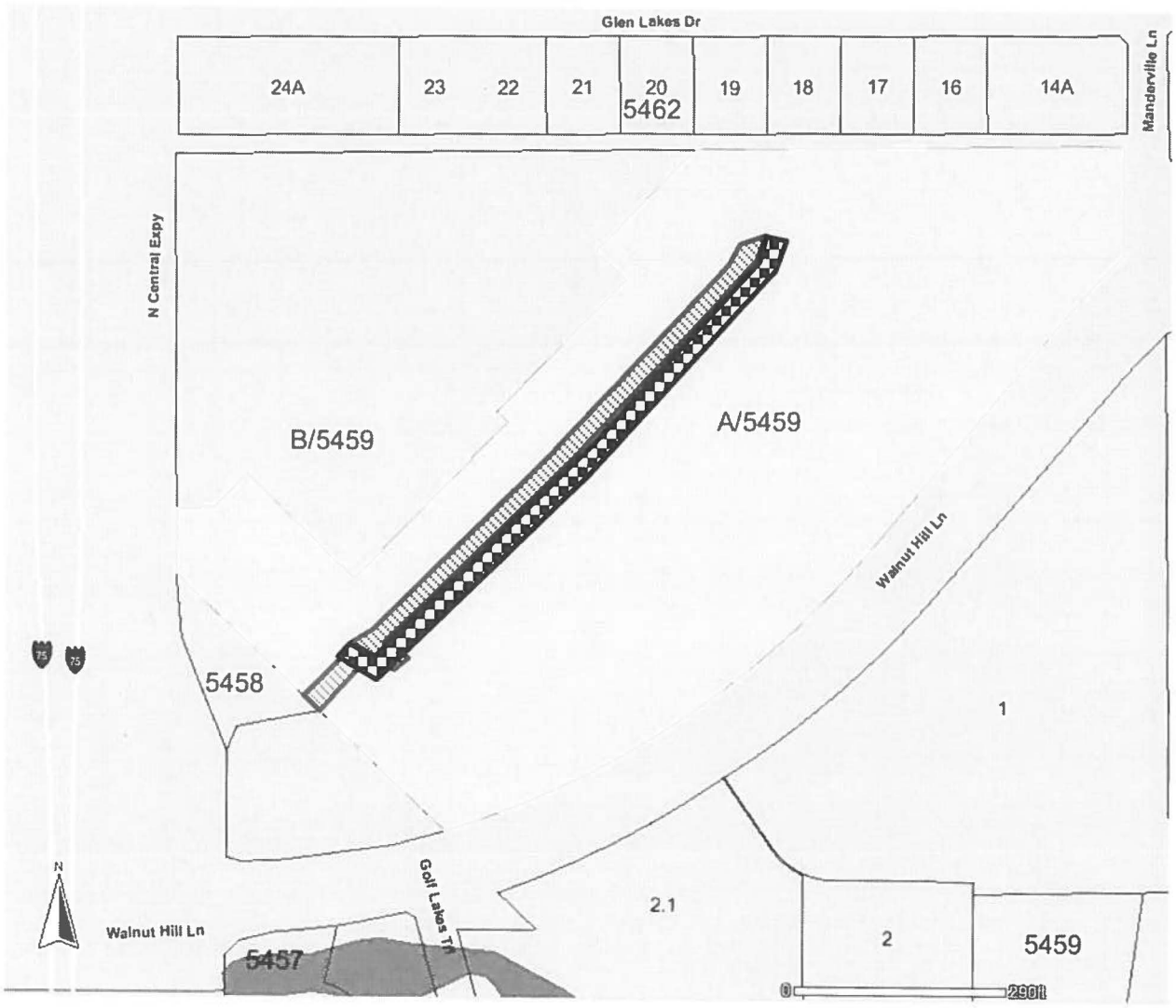
OWNER

Capref Walnut Hill, LLC

Todd Minis, Governing Person

MAP

Attached



Log 43258

Applicant: Capref Walnut Hill, LLC

Mapsco: 26P

Abandonment:

ORDINANCE NO. _____

An ordinance providing for the abandonment and relinquishment of a water easement and two sanitary sewer easements, located in City Block A/5459 and B/5459 in the City of Dallas and County of Dallas, Texas; providing for the quitclaim thereof to Capref Walnut Hill, LLC; providing for the terms and conditions of the abandonment, relinquishment and quitclaim made herein; providing for the conveyance of a new easement, to the City of Dallas and the relocation of existing facilities; providing for the indemnification of the City of Dallas against damages arising out of the abandonments herein; providing for the consideration to be paid to the City of Dallas; providing a future effective date for the abandonment, relinquishment and quitclaim made herein; providing for the payment of the publication fee; and providing an effective date for this ordinance.

ooo0ooo

WHEREAS, the City Council of the City of Dallas, acting pursuant to law and upon the request and petition of Capref Walnut Hill, LLC, a Delaware limited liability company; hereinafter referred to as **GRANTEE**, deems it advisable to abandon, relinquish and quitclaim the City of Dallas' right, title and interest in and to the hereinafter described tracts of land to **GRANTEE**, and is of the opinion that, subject to the terms and conditions herein provided, said easements are no longer needed for municipal use, and same should be abandoned, relinquished and quitclaimed to **GRANTEE** as hereinafter provided, for the consideration hereinafter stated; and

WHEREAS, the City Council of the City of Dallas is of the opinion that the best interest and welfare of the City will be served by abandoning, relinquishing and quitclaiming the same to **GRANTEE** for the consideration and subject to the terms and conditions hereinafter more fully set forth.

Now, Therefore,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DALLAS:

SECTION 1. That the City of Dallas hereby abandons and relinquishes all of its right, title and interest in and to the tracts of land described in Exhibit A, attached hereto and made a part hereof; subject, however, to the conditions and future effective date hereinafter more fully set out.

SECTION 2. That for and in monetary consideration of the sum of **FIVE THOUSAND FOUR HUNDRED AND NO/100 ($5,400.00) DOLLARS** paid by **GRANTEE**, and the further consideration described in Sections 8 and 9, the City of Dallas does by these presents **FOREVER QUITCLAIM** unto the said **GRANTEE**, subject to the conditions, reservations, future effective date, and exceptions hereinafter made and with the restrictions and upon the covenants below stated, all its right, title and interest in and to the certain tracts or parcels of land hereinabove described in Exhibit A. **TO HAVE AND TO HOLD** all of such right, title and interest in and to the property and premises, subject aforesaid, together with all and singular the rights, privileges, hereditaments and appurtenances thereto in any manner belonging unto the said **GRANTEE** forever.

SECTION 3. That upon payment of the monetary consideration set forth in Section 2, **GRANTEE** accepts the terms, provisions, and conditions of this ordinance.

SECTION 4. That the Chief Financial Officer is hereby authorized to deposit the sum paid by **GRANTEE** pursuant to Section 2 above in the General Fund 0001, Department DEV, Balance Sheet 0519 and Department of Sustainable Development and Construction - Real Estate Division shall be reimbursed for the cost of obtaining the legal description, appraisal and other administrative costs incurred. The reimbursement proceeds shall be deposited in General Fund 0001, Department DEV, Unit 1183, Object 5011 and any remaining proceeds shall be transferred to the General Capital Reserve Fund 0625, Department BMS, Unit 8888, Revenue Code 8416.

SECTION 5. That the abandonment, relinquishment and quitclaim provided for herein are made subject to all present zoning and deed restrictions, if the latter exist, and are subject to all existing easement rights of others, if any, whether apparent or non-apparent, aerial, surface, underground or otherwise.

SECTION 6. That the terms and conditions contained in this ordinance shall be binding upon **GRANTEE**, its successors and assigns.

SECTION 7. That the abandonment, relinquishment and quitclaim provided for herein shall extend only to that interest the Governing Body of the City of Dallas may legally and lawfully abandon, relinquish and quitclaim.

SECTION 8. That as a condition of this abandonment and as a part of the consideration for the quitclaim to **GRANTEE** herein, **GRANTEE**, its successors and assigns, agree to indemnify, defend, release and hold harmless the City of Dallas as to any and all claims for damages, fines, penalties, costs or expenses to persons or property that may arise out of, or be occasioned by or from: (i) the use and occupancy of the areas described in Exhibit A by **GRANTEE**, its successors and assigns; (ii) the presence, generation, spillage, discharge, release, treatment or disposition of any Hazardous Substance on or affecting the areas set out in Exhibit A; (iii) all corrective actions concerning any discovered Hazardous Substances on or affecting the areas described in Exhibit A, which **GRANTEE**, its successors and assigns agree to undertake and complete in accordance with applicable federal, state and local laws and regulations; and (iv) the abandonment, closing, vacation and quitclaim by the City of Dallas of the areas set out in Exhibit A. **GRANTEE**, its successors and assigns hereby agree to defend any and all suits, claims, or causes of action brought against the City of Dallas on account of same, and discharge any judgment or judgments that may be rendered against the City of Dallas in connection therewith. For purposes hereof, "Hazardous Substance" means the following: (a) any "hazardous substances" under the Comprehensive Environmental Response, Compensation, and Liability Act, 42 U.S.C. Section 9601 et seq., as amended; (b) any "hazardous substance" under the Texas Hazardous Substances Spill Prevention and Control Act, TEX. WATER CODE, Section 26.261 et seq., as amended; (c) petroleum or petroleum-based products (or any derivative or hazardous constituents thereof or additives thereto), including without limitation, fuel and lubricating oils;

SECTION 8. (continued)

(d) any “hazardous chemicals” or “toxic chemicals” under the Occupational Safety and Health Act, 29 U.S.C. Section 651 et seq., as amended; (e) any “hazardous waste” under the Resource Conservation and Recovery Act, 42 U.S.C. Section 6901 et seq., as amended; and (f) any “chemical substance” under the Toxic Substance Control Act, 15 U.S.C. Section 2601 et seq., as amended. References to particular acts or codifications in this definition include all past and future amendments thereto, as well as applicable rules and regulations as now or hereafter promulgated thereunder.

SECTION 9. That this abandonment, relinquishment and quitclaim of the City's right, title and interest in and to said water easement and two sanitary sewer easements shall not become effective until and unless: (i) the existing installations and facilities are relocated, at **GRANTEE's** expense, to the new easement, to be provided by **GRANTEE** and acceptable to the Director of Department of Sustainable Development and Construction, as is hereinafter provided; and (ii) plans for the construction and relocation of installations within the new easement are approved by the Director of Department of Sustainable Development and Construction; and (iii) said construction and relocation of installations are completed, approved and accepted in writing by the Director of Department of Sustainable Development and Construction. **GRANTEE** will grant the new easement, if needed, at no cost consideration to the City and all work shall be done at the sole cost of **GRANTEE** and to the satisfaction of the Director of Department of Sustainable Development and Construction.

SECTION 10. That the City Secretary is hereby authorized and directed to certify a copy of this ordinance for recordation in the Deed Records of Dallas County, Texas, which certified copy shall be delivered to the Director of Department of Sustainable Development and Construction, or designee. Upon receipt of the monetary consideration set forth in Section 2, plus the fee for the publishing of this ordinance, which **GRANTEE** shall likewise pay, the Director of Department of Sustainable Development and Construction, or designee shall deliver to **GRANTEE** a certified copy of this ordinance. The Director of Department of Sustainable Development and Construction, or designee, shall be the sole source for receiving certified copies of this ordinance for one year after its passage.

SECTION 11. That this ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so ordained.

APPROVED AS TO FORM:
LARRY E. CASTO
City Attorney

BY _____
Assistant City Attorney

DAVID COSSUM
Director of Department of Sustainable Development and Construction

BY _____
Assistant Director

Passed _____.

WATER EASEMENT ABANDONMENT

The Corner at Walnut Hill and Central Expressway, Installment I & 2
City Blocks A/5459 & B/5459
Neal McCraney Survey, Abstract No. 996
City of Dallas, Dallas County, Texas

EXHIBIT A-TRACT 1

DESCRIPTION, of a 3,982 square foot (0.091 acre) tract of land situated in the Neal McCraney Survey, Abstract No. 996, Dallas County, Texas; said tract being part of City Block B/5459, The Corner At Walnut Hill and Central Expressway, Installment 2, an addition to the City of Dallas, Texas according to the plat recorded in Volume 77216, Page 1637 of the Deed Records of Dallas County, Texas; and City Block A/5459, The Corner at Walnut Hill and Central Expressway, Installment I, an addition to the City of Dallas, Dallas County, Texas according to the plat recorded in Volume 76202, Page 1 of said Deed Records; said tract also being part of Phase I, a tract of land described in Special Warranty Deed to Capref Walnut Hill, LLC, recorded in Instrument Number 201400271484 of the Official Public Records of Dallas County, Texas; said tract also being a portion of a 10-foot water easement recorded in Volume 77216, Page 1637 of said Deed Records and Volume 76202, Page 1 of said Deed Records; said 3,982 square foot tract of land being more particularly described as follows:

COMMENCING, at 5/8-inch iron rod with "KADLECK 3952" cap found for corner in the northwest right-of-way line of Walnut Hill Lane (a 100-foot wide right-of-way recorded in Volume 168, Page 2538 of said Deed Records); said point being in the southeast line of said Block A/5459, The Corner At Walnut Hill and Central Expressway, Installment I;

THENCE, South 39 degrees, 50 minutes, 21 seconds West, along the said northwest line of Walnut Hill Lane and the said southeast line of Block A/5459, a distance of 396.09 feet to a 5/8-inch iron rod with "KADLECK 3952" cap found at the beginning of a tangent curve to the right;

THENCE, in a southwesterly direction, continuing along said northwest line of Walnut Hill Lane and the said southeast line of Block A/5459 and along said curve to the right, having a central angle of 32 degrees, 58 minutes, 50 seconds, a radius of 1,220.68 feet, a chord bearing and distance if South 56 degrees, 19 minutes, 46 seconds West, 692.98 feet, an arc distance of 702.64 feet to a point for corner; said point being the southwest corner of Block B/5459, The Corner At Walnut Hill Lane and Central Expressway, Installment 2 and in the southwest line of said Neal McCraney Survey, Abstract No. 996 and the northeast line of the W. Caruth & Brother Survey, Abstract No. 357 (approximate location); from said point a 1/2-inch iron rod found bears North 64 degrees, 22 minutes East, a distance of 0.9 feet;

THENCE, North 46 degrees, 35 minutes, 49 seconds West, departing the said north line of Walnut Hill Lane and along the southwest line of said Block B/5459, The Corner at Walnut Hill Lane and Central Expressway, Installment 2 and the said southwest line of the Neal McCraney Survey and the said northeast line of the W. Caruth & Brother Survey, a distance of 223.80 feet to an angle point;

THENCE, North 70 degrees, 56 minutes, 20 seconds East, departing the said southwest line of Block B/5459, The Corner at Walnut Hill Lane and Central Expressway, Installment 2 and the said Neal McCraney Survey and the said northeast line of the W. Caruth & Brother Survey, over and across said Block B/5459, The Corner at Walnut Hill Lane and Central Expressway, Installment 2, a distance of 33.83 feet to the **POINT OF BEGINNING**;

THENCE, over and across said Block B/5459 and said Block A/5459, the following ten (10) calls:

North 46 degrees, 35 minutes, 49 seconds West, a distance of 29.37 feet to a point for corner;

(For SPRG use only)	
Reviewed By:	A. Rodriguez
Date:	12/13/16
SPRG NO:	3728

EXHIBIT A-TRACT 1

North 82 degrees, 11 minutes, 24 seconds East, a distance of 12.83 feet to a point for corner;

South 46 degrees, 35 minutes, 49 seconds East, a distance of 15.26 feet to a point for corner;

North 70 degrees, 56 minutes, 20 seconds East, a distance of 177.95 feet to a point for corner;

North 59 degrees, 48 minutes, 14 seconds East, at a distance of 103.49 feet passing the east line of said Block B/5459, The Corner at Walnut Hill Lane and Central Expressway, Installment 2 and the west line of said Block A/5459, The Corner at Walnut Hill and Central Expressway, Installment I, in all a total distance of 157.75 feet to a point for corner;

North 44 degrees, 06 minutes, 22 seconds East, a distance of 26.77 feet to a point for corner;

North 75 degrees, 58 minutes, 50 seconds East, a distance of 18.94 feet to a point for corner;

South 44 degrees, 06 minutes, 22 seconds West, a distance of 44.23 feet to a point for corner;

South 59 degrees, 48 minutes, 14 seconds West, at a distance of 52.82 feet passing the said west line of Block A/5459, The Corner at Walnut Hill and Central Expressway, Installment I and the east line of said Block B/5459, The Corner at Walnut Hill Lane and Central Expressway, Installment 2, in all a total distance of 160.10 feet to a point for corner;

South 70 degrees, 56 minutes, 20 seconds West, a distance of 184.99 feet to the **POINT OF BEGINNING**;

CONTAINING: 3,982 square feet or 0.091 acres of land, more or less.

BASIS OF BEARING: Bearing system for this survey is based on the North American Datum of 1983, Texas State Plane Coordinate System, North Central Texas, Zone 4202. Distances shown have been adjusted to surface by applying the Dallas County TxDOT combination factor of 1.000136506.

(A survey plat of even survey date herewith accompanies this description.)

The undersigned, Registered Professional Land Surveyor, hereby certifies that the foregoing description accurately sets out the metes and bounds of the easement abandonment tract described.

11/16/16

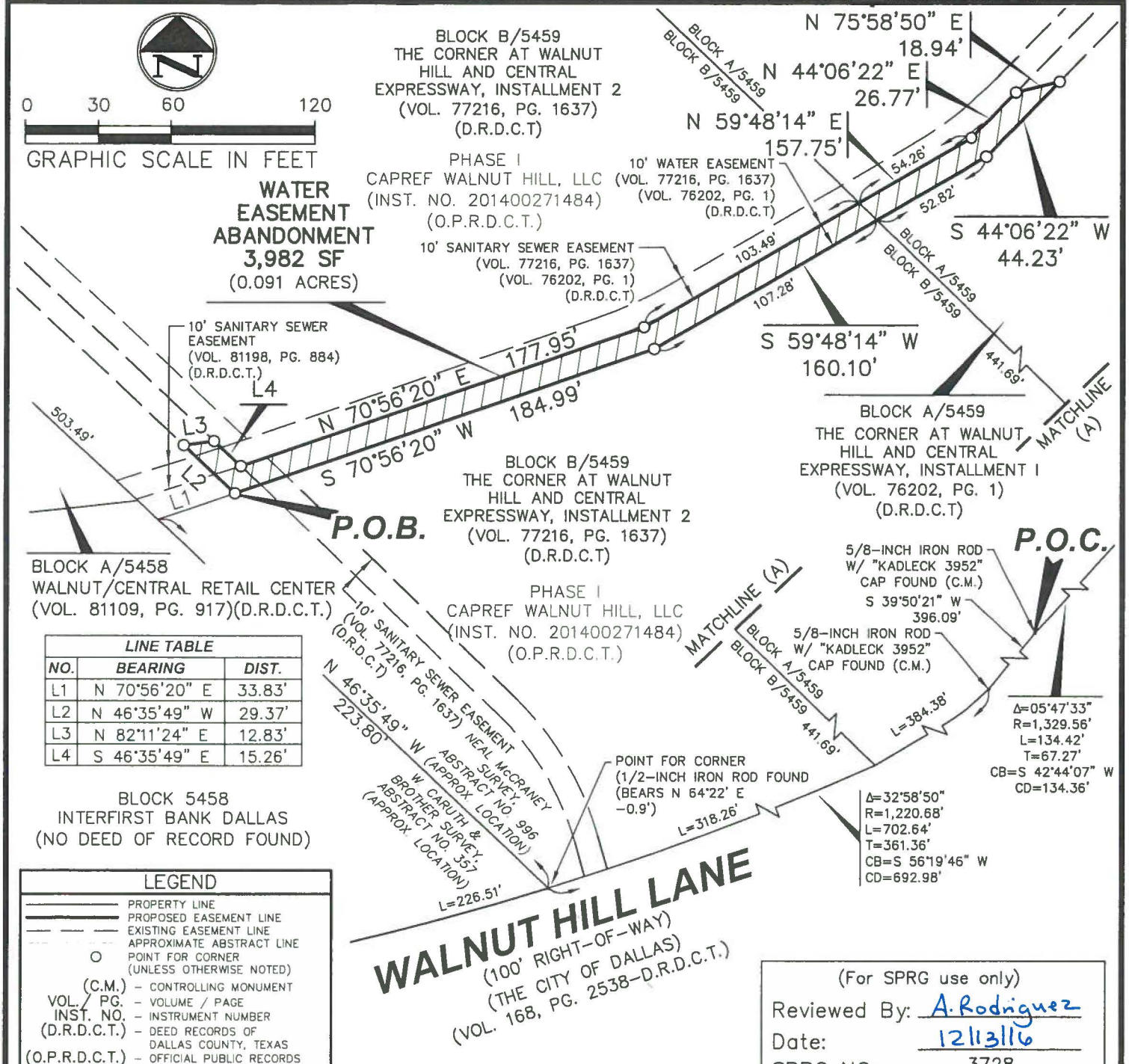
Kyle Coleman Harris Date
Registered Professional Land Surveyor No. 6266
Pacheco Koch, LLC
7557 Rambler Road, Suite 1400, Dallas TX 75231
(972) 235-3031
TX Reg. Surveying Firm LS-10193805

STATE OF TEXAS
REGISTERED
KYLE COLEMAN HARRIS
6266
PROFESSIONAL
LAND SURVEYOR

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3610-15.167EX9rev3.dwg mww

(For SPRG use only)
Reviewed By: A. Rodriguez
Date: 12/13/16
SPRG NO: 3728

EXHIBIT A-TRACT 1



LINE TABLE		
NO.	BEARING	DIST.
L1	N 70°56'20" E	33.83'
L2	N 46°35'49" W	29.37'
L3	N 82°11'24" E	12.83'
L4	S 46°35'49" E	15.26'

LEGEND

	PROPERTY LINE
	PROPOSED EASEMENT LINE
— — —	EXISTING EASEMENT LINE
- - - -	APPROXIMATE ABSTRACT LINE
O	POINT FOR CORNER (UNLESS OTHERWISE NOTED)
(C.M.)	– CONTROLLING MONUMENT
VOL. / PG.	– VOLUME / PAGE
INST. NO.	– INSTRUMENT NUMBER
(D.R.D.C.T.)	– DEED RECORDS OF DALLAS COUNTY, TEXAS
(O.P.R.D.C.T.)	– OFFICIAL PUBLIC RECORDS OF DALLAS COUNTY, TEXAS
P.O.B.	– POINT OF BEGINNING
P.O.C.	– POINT OF COMMENCING
SF	– SQUARE FEET

(For SPRG use only)
Reviewed By: A. Rodriguez
Date: 12/13/16
SPRG NO: 3728

NOTES:

1. A metes and bounds description of even survey date herewith accompanies this plat of survey.
2. Bearing system for this survey is based on the North American Datum of 1983, Texas State Plane Coordinate System, North Central Texas, Zone 4202. Distances shown have been adjusted to surface by applying the Dallas County TxDOT combination factor of 1.000136506.

The undersigned, Registered Professional Land Surveyor, hereby certifies that this plat of survey accurately sets out the metes and bounds of the easement abandonment tract described.

11/16/16
Kyle Coleman Harris Date
Registered Professional
Land Surveyor No. 6266

STATE OF TEXAS
REGISTERED
KYLE COLEMAN HARRIS
6266
PROFESSIONAL
LAND SURVEYOR

Pacheco Koch
7557 RAMBLER ROAD, SUITE 1400
DALLAS, TX 75231 972.235.3031
TX REG. ENGINEERING FIRM F-14439
TX REG. SURVEYING FIRM LS-10193805

DRAWN BY	CHECKED BY	SCALE	DATE	JOB NUMBER
CM	MWW	1"=60'	NOV. 2016	3610-15.167

WATER EASEMENT ABANDONMENT

THE CORNER AT WALNUT HILL AND CENTRAL EXPRESSWAY, INSTALLMENT I & 2
CITY BLOCK A/5459 & B/5459,
NEAL McCRANEY SURVEY, ABSTRACT NO. 996,
CITY OF DALLAS, DALLAS COUNTY, TEXAS
SHEET 3 OF 3

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SANITARY SEWER EASEMENT ABANDONMENT

The Corner at Walnut Hill and Central Expressway, Installment I & 2
City Block A/5459 & B/5459
Neal McCraney Survey, Abstract No. 996,
City of Dallas, Dallas County, Texas

EXHIBIT A-TRACT 2

DESCRIPTION, of a 3,759 square foot (0.086 acre) tract of land situated in the Neal McCraney Survey, Abstract No. 996, Dallas County, Texas; said tract being part of City Block B/5459, The Corner At Walnut Hill and Central Expressway, Installment 2, an addition to the City of Dallas, Dallas County, Texas according to the plat recorded in Volume 77216, Page 1637 of the Deed Records of Dallas County, Texas; and City Block A/5459, The Corner at Walnut Hill and Central Expressway, Installment I, an addition to the City of Dallas, Dallas County, Texas according to the plat recorded in Volume 76202, Page 1 of said Deed Records; said tract also being part of Phase I, a tract of land described in Special Warranty Deed to Capref Walnut Hill, LLC, recorded in Instrument Number 201400271484 of the Official Public Records of Dallas County, Texas; said tract also being a portion of a 10-foot water easement recorded in Volume 77216, Page 1637 of said Deed Records and Volume 76202, Page 1 of said Deed Records; said 3,759 square foot tract of land being more particularly described as follows:

COMMENCING, at 5/8-inch iron rod with "KADLECK 3952" cap found for corner in the northwest right-of-way line of Walnut Hill Lane (a 100-foot wide right-of-way recorded in Volume 168, Page 2538 of said Deed Records); said point being in the southeast line of said Block A/5459, The Corner At Walnut Hill and Central Expressway, Installment I;

THENCE, South 39 degrees, 50 minutes, 21 seconds West, along the said northwest line of Walnut Hill Lane and the said southeast line of Block A/5459, a distance of 396.09 feet to a 5/8-inch iron rod with "KADLECK 3952" cap found at the beginning of a tangent curve to the right;

THENCE, in a southwesterly direction, continuing along said northwest line of Walnut Hill Lane and the said southeast line of Block A/5459 and along said curve to the right, having a central angle of 32 degrees, 58 minutes, 50 seconds, a radius of 1,220.68 feet, a chord bearing and distance if South 56 degrees, 19 minutes, 46 seconds West, 692.98 feet, an arc distance of 702.64 feet to a point for corner; said point being the southwest corner of Block B/5459, The Corner At Walnut Hill Lane and Central Expressway, Installment 2 and in the southwest line of said Neal McCraney Survey, Abstract No. 996 and the northeast line of the W. Caruth & Brother Survey, Abstract No. 357 (approximate location); from said point a 1/2-inch iron rod found bears North 64 degrees, 22 minutes East, a distance of 0.9 feet;

THENCE, North 46 degrees, 35 minutes, 49 seconds West, departing the said northwest line of Walnut Hill Lane and along the southwest line of said Block B/5459, The Corner At Walnut Hill and Central Expressway, Installment 2 and the said southwest line of the Neal McCraney Survey and the said northeast line of the W. Caruth & Brother Survey, a distance of 196.87 feet to an angle point;

THENCE, North 43 degrees, 24 minutes, 11 seconds East, departing the said southwest line of Block B/5459, The Corner At Walnut Hill and Central Expressway, Installment 2, the said Neal McCraney Survey and the said northeast line of the W. Caruth & Brother Survey, over and across said Block B/5459, The Corner At Walnut Hill and Central Expressway, Installment 2, a distance of 39.92 feet to the **POINT OF BEGINNING**;

THENCE, over and across said Block B/5459, The Corner At Walnut Hill and Central Expressway, Installment 2 and said Block A/5459, The Corner At Walnut Hill and Central Expressway, Installment I, the following seventeen (17) calls:

North 45 degrees, 53 minutes, 38 seconds West, a distance of 6.71 feet to a point for corner;

(For SPRG use only)	
Reviewed By:	A. Rodriguez
Date:	12/13/16
SPRG NO:	3730

EXHIBIT A-TRACT 2

North 46 degrees, 35 minutes, 49 seconds West, a distance of 25.91 feet to a point for corner;

North 82 degrees, 11 minutes, 24 seconds East, a distance of 12.83 feet to a point for corner;

South 46 degrees, 35 minutes, 49 seconds East, a distance of 1.16 feet to a point for corner;

North 70 degrees, 56 minutes, 20 seconds East, a distance of 154.34 feet to a point for corner; said point being the beginning of a tangent curve to the left;

Northeasterly, along said curve to the left, having a central angle of 11 degrees, 08 minutes, 07 seconds, a radius of 170.00 feet, a chord bearing and distance of North 65 degrees, 22 minutes, 16 seconds East, 32.99 feet, an arc distance of 33.04 feet to a point for corner at the end of said curve;

North 59 degrees, 48 minutes, 14 seconds East, at a distance of 83.14 feet passing the east line of said Block B/5459, The Corner At Walnut Hill and Central Expressway, Installment 2 and the west line of said Block A/5459, The Corner At Walnut Hill and Central Expressway, Installment I, in all a total distance of 115.39 feet to a point for corner; said point being the beginning of a tangent curve to the left;

Northeasterly, along said curve to the left, having a central angle of 10 degrees, 33 minutes, 32 seconds, a radius of 170.00 feet, a chord bearing and distance of North 54 degrees, 31 minutes, 28 seconds East, 31.28 feet, an arc distance of 31.33 feet to a point for corner at the end of said curve;

North 75 degrees, 58 minutes, 50 seconds East, a distance of 20.23 feet to a point for corner;

South 44 degrees, 06 minutes, 22 seconds West, a distance of 1.95 feet to a point for corner; said point being the beginning of a non-tangent curve to the right;

Southwesterly, along said curve to the right, having a central angle of 15 degrees, 41 minutes, 52 seconds, a radius of 180.00 feet, a chord bearing and distance of South 51 degrees, 57 minutes, 18 seconds West, 49.16 feet, an arc distance of 49.32 feet to a point for corner at the end of said curve;

South 59 degrees, 48 minutes, 14 seconds West, at a distance of 29.44 feet passing the said west line of Block A/5459, The Corner At Walnut Hill and Central Expressway, Installment I and the said east line of Block B/5459, The Corner At Walnut Hill and Central Expressway, Installment 2, in all a total distance of 115.39 feet to a point for corner; said point being the beginning of a tangent curve to the right;

Southwesterly, along said curve to the right, having a central angle of 11 degrees, 08 minutes, 07 seconds, a radius of 180.00 feet, a chord bearing and distance of South 65 degrees, 22 minutes, 16 seconds West, 34.93 feet, an arc distance of 34.98 feet to a point for corner at the end of said curve;

South 70 degrees, 56 minutes, 20 seconds West, a distance of 149.12 feet to a point for corner;

South 46 degrees, 35 minutes, 49 seconds East, a distance of 5.43 feet to a point for corner;

(For SPRG use only)	
Reviewed By:	A. Rodriguez
Date:	12/13/16
SPRG NO:	3730

EXHIBIT A-TRACT 2

South 45 degrees, 53 minutes, 48 seconds East, a distance of 16.02 feet to a point for corner;

South 86 degrees, 40 minutes, 29 seconds West, a distance of 13.58 feet to the **POINT OF BEGINNING**;

CONTAINING: 3,759 square feet or 0.086 acres of land, more or less.

BASIS OF BEARING: Bearing system for this survey is based on the North American Datum of 1983, Texas State Plane Coordinate System, North Central Texas, Zone 4202. Distances shown have been adjusted to surface by applying the Dallas County TxDOT combination factor of 1.000136506.

(A survey plat of even survey date herewith accompanies this description.)

The undersigned, Registered Professional Land Surveyor, hereby certifies that the foregoing description accurately sets out the metes and bounds of the easement abandonment tract described.

11/16/16

Kyle Coleman Harris Date
Registered Professional Land Surveyor No. 6266
Pacheco Koch, LLC
7557 Rambler Road, Suite 1400, Dallas TX 75231
(972) 235-3031
TX Reg. Surveying Firm LS-10193805

STATE OF TEXAS REGISTERED KYLE COLEMAN HARRIS 6266 PROFESSIONAL LAND SURVEYOR

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3610-15.167EX10rev3.dwg mww

(For SPRG use only)	
Reviewed By:	A. Rodriguez
Date:	12/13/16
SPRG NO:	3730

EXHIBIT A-TRACT 2

CURVE TABLE						
NO.	DELTA	RADIUS	LENGTH	TANGENT	CHORD BEARING	CHORD
C1	11°08'07"	170.00'	33.04'	16.57'	N 65°22'16" E	32.99'
C2	10°33'32"	170.00'	31.33'	15.71'	N 54°31'28" E	31.28'
C3	15°41'52"	180.00'	49.32'	24.81'	S 51°57'18" W	49.16'
C4	11°08'07"	180.00'	34.98'	17.55'	S 65°22'16" W	34.93'

LINE TABLE		
NO.	BEARING	DIST.
L1	N 43°24'11" E	39.92'
L2	N 45°53'38" W	6.71'
L3	N 46°35'49" W	25.91'
L4	N 82°11'24" E	12.83'
L5	S 46°35'49" E	1.16'
L6	S 44°06'22" W	1.95'
L7	S 86°40'29" W	13.58'

BLOCK B/5459
THE CORNER AT WALNUT HILL AND CENTRAL EXPRESSWAY, INSTALLMENT 2
(VOL. 77216, PG. 1637)
(D.R.D.C.T)

BLOCK A/5458
WALNUT/CENTRAL RETAIL CENTER
(VOL. 81109, PG. 917)(D.R.D.C.T.)

10' SANITARY SEWER EASEMENT
(VOL. 81198, PG. 884)
(D.R.D.C.T)

10' SANITARY SEWER EASEMENT
(VOL. 77216, PG. 1637)
(VOL. 76202, PG. 1)
(D.R.D.C.T)

10' WATER EASEMENT
(VOL. 77216, PG. 1637)
(VOL. 76202, PG. 1)
(D.R.D.C.T)

BLOCK 5458
INTERFIRST BANK
DALLAS
(NO DEED OF
RECORD FOUND)

BLOCK A/5459
THE CORNER AT WALNUT HILL AND CENTRAL EXPRESSWAY, INSTALLMENT I
(VOL. 76202, PG. 1)
(D.R.D.C.T)

BLOCK B/5459
THE CORNER AT WALNUT HILL AND CENTRAL EXPRESSWAY, INSTALLMENT 2
(VOL. 77216, PG. 1637)
(D.R.D.C.T)

PHASE I
CAPREF WALNUT HILL, LLC
(INST. NO. 201400271484)
(O.P.R.D.C.T.)

N 75°58'50" E
20.23'

N 59°48'14" E
115.39'

S 59°48'14" W
115.39'

N 70°56'20" E 154.34'

S 70°56'20" W 149.12'

S 46°35'49" E
5.43'

S 45°53'48" E
16.02'

N 46°35'49" W
196.87'

L=226.51'

L=318.26'

L=384.39'

441.69'

503.49'

32.25'

83.14'

85.95'

29.44'

SANITARY SEWER EASEMENT ABANDONMENT
3,759 SF
(0.086 ACRES)

P.O.B.

P.O.C.

MATCHLINE (A)

5/8-INCH IRON ROD W/ "KADLECK 3952" CAP FOUND (C.M.)

N 39°50'21" E
396.09'

5/8-INCH IRON ROD W/ "KADLECK 3952" CAP FOUND (C.M.)

Δ=05°47'33"
R=1,329.56'
L=134.42'
T=67.27'
CB=S 42°44'07" W
CD=134.36'

Δ=32°58'50"
R=1,220.68'
L=702.64'
T=361.36'
CB=S 56°19'46" W
CD=692.98'

POINT FOR CORNER
(1/2-INCH IRON ROD FOUND
(BEARS N 64°22' E -0.9')

NEAL McCRANEY SURVEY
ABSTRACT NO. 996
(APPROX. LOCATION)

W. CARUTH & BROTHER SURVEY
ABSTRACT NO. 357
(APPROX. LOCATION)

WALNUT HILL LANE
(100' RIGHT-OF-WAY)
(THE CITY OF DALLAS)
(VOL. 168, PG. 2538-D.R.D.C.T.)

0 30 60 120
GRAPHIC SCALE IN FEET

LEGEND

- PROPERTY LINE
- PROPOSED EASEMENT LINE
- EXISTING EASEMENT LINE
- APPROXIMATE ABSTRACT LINE
- O POINT FOR CORNER (UNLESS OTHERWISE NOTED)
- (C.M.) – CONTROLLING MONUMENT
- VOL. / PG. – VOLUME / PAGE
- INST. NO. – INSTRUMENT NUMBER
- (D.R.D.C.T.) – DEED RECORDS OF DALLAS COUNTY, TEXAS
- (O.P.R.D.C.T.) – OFFICIAL PUBLIC RECORDS OF DALLAS COUNTY, TEXAS
- P.O.B. – POINT OF BEGINNING
- P.O.C. – POINT OF COMMENCING
- SF – SQUARE FEET

(For SPRG use only)
Reviewed By: A. Rodriguez
Date: 12/13/16
SPRG NO: 3730

NOTES:

1. A metes and bounds description of even survey date herewith accompanies this plat of survey.
2. Bearing system for this survey is based on the North American Datum of 1983, Texas State Plane Coordinate System, North Central Texas, Zone 4202. Distances shown have been adjusted to surface by applying the Dallas County TxDOT combination factor of 1.000136506.

The undersigned, Registered Professional Land Surveyor, hereby certifies that this plat of survey accurately sets out the metes and bounds of the easement abandonment tract described.

STATE OF TEXAS
REGISTERED
KYLE COLEMAN HARRIS
6266
PROFESSIONAL
LAND SURVEYOR

11/16/16
Kyle Coleman Harris Date
Registered Professional
Land Surveyor No. 6266

Pacheco Koch
7557 RAMBLER ROAD, SUITE 1400
DALLAS, TX 75231 972.235.3031
TX REG. ENGINEERING FIRM F-14439
TX REG. SURVEYING FIRM LS-10193805

DRAWN BY	CHECKED BY	SCALE	DATE	JOB NUMBER
CM	MWW	1"=60'	NOV. 2016	3610-15.167

SANITARY SEWER EASEMENT ABANDONMENT

THE CORNER AT WALNUT HILL AND CENTRAL EXPRESSWAY, INSTALLMENT I & 2
CITY BLOCK A/5459 & B/5459,
NEAL McCRANEY SURVEY, ABSTRACT NO. 996,
CITY OF DALLAS, DALLAS COUNTY, TEXAS
SHEET 4 OF 4

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SANITARY SEWER EASEMENT ABANDONMENT

The Corner at Walnut Hill and Central Expressway, Installment 2
City Block B/5459,
Neal McCraney Survey, Abstract No. 996,
City of Dallas, Dallas County, Texas

EXHIBIT A-TRACT 3

DESCRIPTION, of a 453 square foot (0.010 acre) tract of land situated in the Neal McCraney Survey, Abstract No. 996, Dallas County, Texas; said tract being part of Block B/5459, The Corner At Walnut Hill and Central Expressway, Installment 2, an addition to the City of Dallas, Texas according to the plat recorded in Volume 77216, Page 1637 of the Deed Records of Dallas County, Texas; said tract also being part of Phase I, a tract of land described in Special Warranty Deed to Capref Walnut Hill, LLC, recorded in Instrument Number 201400271484 of the Official Public Records of Dallas County, Texas; said tract also being all of a Sanitary Sewer Easement recorded in Volume 81198, Page 884 of said Deed Records; said 453 square foot tract of land being more particularly described as follows:

COMMENCING, at 5/8-inch iron rod with "KADLECK 3952" cap found for corner in the northwest right-of-way line of Walnut Hill Lane (a 100-foot wide right-of-way recorded in Volume 168, Page 2538 of said Deed Records); said point being in the southeast line of said Block A/5459, The Corner At Walnut Hill and Central Expressway, Installment I;

THENCE, South 39 degrees, 50 minutes, 21 seconds West, along the said northwest line of Walnut Hill Lane and the said southeast line of Block A/5459, a distance of 396.09 feet to a 5/8-inch iron rod with "KADLECK 3952" cap found at the beginning of a tangent curve to the right;

THENCE, in a southwesterly direction, continuing along said northwest line of Walnut Hill Lane and the said southeast line of Block A/5459 and along said curve to the right, having a central angle of 32 degrees, 58 minutes, 50 seconds, a radius of 1,220.68 feet, a chord bearing and distance if South 56 degrees, 19 minutes, 46 seconds West, 692.98 feet, an arc distance of 702.64 feet to a point for corner; said point being the southwest corner of Block B/5459, The Corner At Walnut Hill Lane and Central Expressway, Installment 2 and in the southwest line of said Neal McCraney Survey, Abstract No. 996 and the northeast line of the W. Caruth & Brother Survey, Abstract No. 357 (approximate location); from said point a 1/2-inch iron rod found bears North 64 degrees, 22 minutes East, a distance of 0.9 feet;

THENCE, North 46 degrees, 35 minutes, 49 seconds West, departing the said north line of Walnut Hill Lane and along the southwest line of said Block B/5459, The Corner At Walnut Hill and Central Expressway, Installment 2 and the said southwest line of the Neal McCraney Survey and the said northeast line of the W. Caruth & Brother Survey, passing at a distance 235.21 feet the southeast corner of Block A/5458 of Walnut/Central Retail Center, an addition to the City of Dallas, Dallas County, Texas according to the plat thereof recorded in Volume 81109, Page 917 of said Deed Records, in all a total distance of 236.12 feet to the **POINT OF BEGINNING**;

THENCE, North 46 degrees, 35 minutes, 49 seconds West, along the said southwest line of Block B/5459, The Corner At Walnut Hill and Central Expressway, Installment 2, the said southwest line of the Neal McCraney Survey, the said northeast line of the W. Caruth & Brother Survey and the northeast line of said Block A/5458, Walnut/Central Retail Center, a distance of 11.39 feet to a point for corner;

(For SPRG use only)	
Reviewed By:	A. Rodriguez
Date:	12/13/16
SPRG NO:	3729

SANITARY SEWER EASEMENT ABANDONMENT
The Corner at Walnut Hill and Central Expressway, Installment 2
City Block B/5459,
Neal McCraney Survey, Abstract No. 996,
City of Dallas, Dallas County, Texas

EXHIBIT A-TRACT 3

THENCE, departing the said west line of Block B/5459, The Corner At Walnut Hill and Central Expressway, Installment 2, the said southwest line of the Neal McCraney Survey, the said northeast line of the W. Caruth & Brother Survey and the said northeast line of Block A/5458, Walnut/Central Retail Center, over and across said Block B/5459, The Corner At Walnut Hill and Central Expressway, Installment 2, the following three (3) calls:

North 72 degrees, 13 minutes, 33 seconds East, a distance of 45.66 feet to a point for corner;

South 46 degrees, 35 minutes, 49 seconds East, a distance of 11.28 feet to a point for corner;

South 72 degrees, 06 minutes, 07 seconds West, a distance of 45.60 feet to the **POINT OF BEGINNING**;

CONTAINING: 453 square feet or 0.010 acres of land, more or less.

BASIS OF BEARING: Bearing system for this survey is based on the North American Datum of 1983, Texas State Plane Coordinate System, North Central Texas, Zone 4202. Distances shown have been adjusted to surface by applying the Dallas County TxDOT combination factor of 1.000136506).

(A survey plat of even survey date herewith accompanies this description.)

The undersigned, Registered Professional Land Surveyor, hereby certifies that the foregoing description accurately sets out the metes and bounds of the easement abandonment tract described.

11/16/16

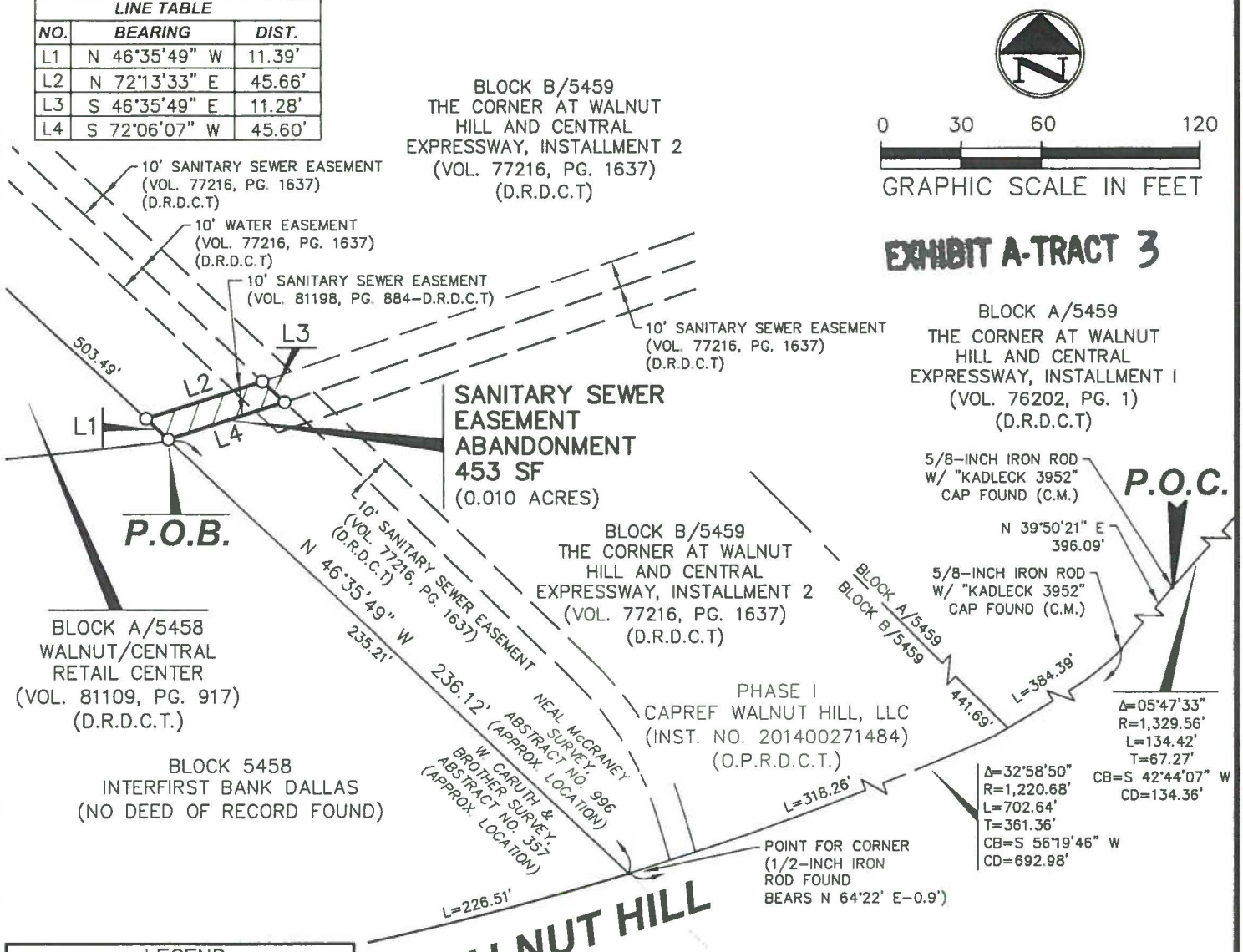
Kyle Coleman Harris Date
Registered Professional Land Surveyor No. 6266
Pacheco Koch, LLC
7557 Rambler Road, Suite 1400, Dallas TX 75231
(972) 235-3031
TX Reg. Surveying Firm LS-10193805

STATE OF TEXAS
REGISTERED
KYLE COLEMAN HARRIS
6266
PROFESSIONAL
LAND SURVEYOR

3610-15.167EX11rev3.doc
3610-15.167EX11rev3.dwg mww

(For SPRG use only)
Reviewed By: A. Rodriguez
Date: 12/13/16
SPRG NO: 3729

LINE TABLE		
NO.	BEARING	DIST.
L1	N 46°35'49" W	11.39'
L2	N 72°13'33" E	45.66'
L3	S 46°35'49" E	11.28'
L4	S 72°06'07" W	45.60'



LEGEND	
	PROPERTY LINE
	PROPOSED EASEMENT LINE
— — —	EXISTING EASEMENT LINE
- - - -	APPROXIMATE ABSTRACT LINE
O	POINT FOR CORNER (UNLESS OTHERWISE NOTED)
(C.M.)	- CONTROLLING MONUMENT
VOL. / PG.	- VOLUME / PAGE
INST. NO.	- INSTRUMENT NUMBER
(D.R.D.C.T.)	- DEED RECORDS OF DALLAS COUNTY, TEXAS
(O.P.R.D.C.T.)	- OFFICIAL PUBLIC RECORDS OF DALLAS COUNTY, TEXAS
P.O.B.	- POINT OF BEGINNING
P.O.C.	- POINT OF COMMENCING
SF	- SQUARE FEET

(For SPRG use only)
Reviewed By: A. Rodriguez
Date: 12/13/16
SPRG NO: 3729

NOTES:

1. A metes and bounds description of even survey date herewith accompanies this plat of survey.
2. Bearing system for this survey is based on the North American Datum of 1983, Texas State Plane Coordinate System, North Central Texas, Zone 4202. Distances shown have been adjusted to surface by applying the Dallas County TxDOT combination factor of 1.000136506.

The undersigned, Registered Professional Land Surveyor, hereby certifies that this plat of survey accurately sets out the metes and bounds of the easement abandonment tract described.

11/16/16
Kyle Coleman Harris Date
Registered Professional
Land Surveyor No. 6266

STATE OF TEXAS
REGISTERED
KYLE COLEMAN HARRIS
6266
PROFESSIONAL
LAND SURVEYOR

Pacheco Koch

7557 RAMBLER ROAD, SUITE 1400
DALLAS, TX 75231 972.235.3031
TX REG. ENGINEERING FIRM F-14439
TX REG. SURVEYING FIRM LS-10193805

DRAWN BY	CHECKED BY	SCALE	DATE	JOB NUMBER
CM	MWW	1"=60'	NOV. 2016	3610-15.167

SANITARY SEWER EASEMENT ABANDONMENT

THE CORNER AT WALNUT HILL AND CENTRAL EXPRESSWAY, INSTALLMENT 2
CITY BLOCK B/5459,
NEAL McCRANEY SURVEY, ABSTRACT NO. 996,
CITY OF DALLAS, DALLAS COUNTY, TEXAS
SHEET 3 OF 3

11/10/2016 11:34 AM MWELK
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AGENDA ITEM # 50

KEY FOCUS AREA:	Economic Vibrancy
AGENDA DATE:	April 12, 2017
COUNCIL DISTRICT(S):	14
DEPARTMENT:	Trinity Watershed Management City Attorney's Office
CMO:	Mark McDaniel, 670-3256 Larry Casto, 670-3491
MAPSCO:	45H

SUBJECT

Authorize **(1)** settlement in lieu of proceeding further with condemnation in the condemnation suit styled City of Dallas v. Bryan/Haskell, Ltd., a Colorado limited partnership, et al., Cause No. CC-15-05434-B, pending in Dallas County Court at Law No. 2, of a subsurface easement under approximately 12,070 square feet of land from Bryan/Haskell, Ltd., located on Haskell Avenue at its intersection with Bryan Street for the Mill Creek/Peaks Branch/State-Thomas Drainage Relief Tunnel Project; and **(2)** the deposit of the settlement amount reached through negotiation of the condemnation suit for an amount not to exceed the settlement amount – Not to exceed $20,752, increased from $79,748 ($77,248 plus closing costs and title expenses not to exceed $2,500) to $100,500 ($98,000 being the settlement amount plus closing costs and title expenses not to exceed $2,500) - Financing: 2006 Bond Funds

BACKGROUND

This item authorizes settlement for the acquisition of a subsurface easement located under approximately 12,070 square feet of land from Bryan/Haskell, Ltd. for the Mill Creek/Peaks Branch/State-Thomas Drainage Relief Tunnel Project. This settlement will allow acquisition of the property without further condemnation proceedings.

On March 25, 2015, City Council authorized the first resolution for acquisition, including the exercise of the right of eminent domain, of a subsurface easement under approximately 12,070 square feet of land located on Haskell Avenue at its intersection with Bryan Street for the Mill Creek/Peaks Branch/State-Thomas Drainage Relief Tunnel Project, in an amount not to exceed $47,159, includes closing costs and title expenses, by Resolution No. 15-0563.

BACKGROUND (continued)

The appraisal was updated March 11, 2016, and the offer amount was revised to $60,350. The owner rejected the official offer and the City Attorney filed the condemnation proceeding for the acquisition of the property for the project. The Special Commissioners awarded $77,248 on March 29, 2016. The Defendant filed Objections to the Special Commissioners' Award on March 29, 2016.

On April 13, 2016, City Council authorized the second resolution to deposit the amount awarded by the Special Commissioners to acquire a subsurface easement under approximately 12,070 square feet of land located on Haskell Avenue at its intersection with Bryan Street for the Mill Creek/Peaks Branch/State-Thomas Drainage Relief Tunnel Project; and settlement of the condemnation proceeding for the amount not to exceed the award amount of $79,748, which included the award and closing costs and title expenses by Resolution No. 16-0594. The Special Commissioners' Award was deposited with the County Clerk of Dallas County, Texas on May 10, 2016.

The City and Bryan/Haskell, Ltd. entered into negotiation discussions and agreed on the proposed amount to settle the lawsuit.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On March 25, 2015, City Council authorized the acquisition by Resolution No. 15-0563.

On April 13, 2016, City Council authorized deposit of Special Commissioners' Award by Resolution No. 16-0594.

Information about this item was presented to the Transportation and Trinity River Project Committee on March 27, 2017.

City Council will be briefed by memorandum regarding this matter on April 7, 2017.

FISCAL INFORMATION

2006 Bond Funds - $20,752

Resolution No. 1	$ 47,159
Resolution No. 2 (increase)	$ 32,589
Additional Amount (this action)	$ 20,752
Total Authorized Amount	$100,500

OWNER

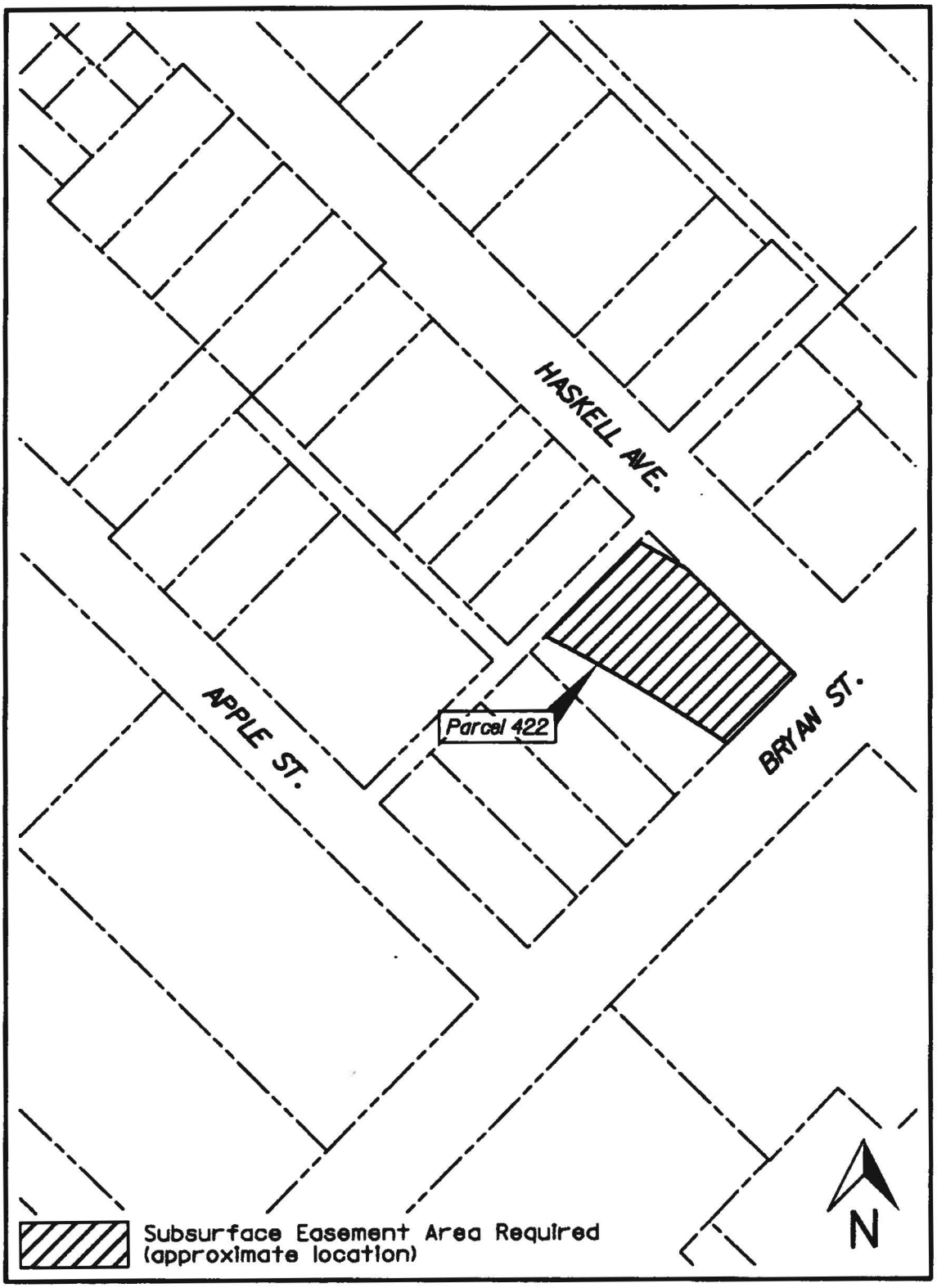
Bryan/Haskell, Ltd.

SLJ Company, LLC, General Partner

Louis H. Lebowitz, President

MAP

Attached


HASKELL AVE.
APPLE ST.
BRYAN ST.
Parcel 422
N
Subsurface Easement Area Required
(approximate location)

April 12, 2017

A RESOLUTION AUTHORIZING SETTLEMENT OF A CONDEMNATION LAWSUIT.

All capitalized terms are defined in Section 1 below.

WHEREAS, the Dallas City Council by the FIRST RESOLUTION found that the USE of the PROPERTY INTEREST in and to the PROPERTY for the PROJECT is a public use; and

WHEREAS, the Dallas City Council by the FIRST RESOLUTION found that a public necessity requires that CITY acquire the PROPERTY INTEREST in and to the PROPERTY from OWNER for the PROJECT; and

WHEREAS, the Dallas City Council by the FIRST RESOLUTION authorized acquisition, by purchase and/or condemnation, of the PROPERTY INTEREST in and to the PROPERTY held by OWNER for the PROJECT; and

WHEREAS, OWNER refused to sell the PROPERTY INTEREST in and to the PROPERTY to CITY for the OFFICIAL OFFER AMOUNT contained in the FIRST RESOLUTION; and

WHEREAS, the Dallas City Council by the FIRST RESOLUTION authorized and directed the City Attorney to file the necessary proceeding and to take the necessary action for the acquisition of the PROPERTY INTEREST in and to the PROPERTY by condemnation, or in any other manner provided by law; and

WHEREAS, the City Attorney, pursuant to the FIRST RESOLUTION, filed a CONDEMNATION PROCEEDING for the acquisition of the PROPERTY INTEREST in and to the PROPERTY for the PROJECT; and

WHEREAS, the Dallas City Council by the SECOND RESOLUTION authorized the City Attorney to deposit the SPECIAL COMMISSIONERS' AWARD AMOUNT rendered by the Special Commissioners appointed by the Court in the CONDEMNATION PROCEEDING; and

WHEREAS, objections to the SPECIAL COMMISSIONERS' AWARD AMOUNT were filed, turning the CONDEMNATION PROCEEDING into a CONDEMNATION LAWSUIT; and

WHEREAS, OWNERS have agreed to settle the CONDEMNATION LAWSUIT for the SETTLEMENT AMOUNT; and

WHEREAS, the Dallas City Council desires to authorize the City Attorney and the City Manager to settle the CONDEMNATION LAWSUIT for the SETTLEMENT AMOUNT.

Now, Therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DALLAS:

SECTION 1. For the purposes of this resolution, the following definitions shall apply:

"CITY": The City of Dallas

"FIRST RESOLUTION": Resolution No. 15-0563 approved by the Dallas City Council on March 25, 2015, authorizing acquisition, including the exercise of the right of eminent domain, of a subsurface easement, which is incorporated herein by reference.

"CONDEMNATION PROCEEDING/LAWSUIT": Cause No. CC-15-05434-B, in Dallas County Court at Law No. 2, and styled City of Dallas v. Bryan/Haskell, Ltd., a Colorado limited partnership, et al., filed pursuant to the FIRST RESOLUTION.

"SECOND RESOLUTION": Resolution No. 16-0594 approved by the Dallas City Council on April 13, 2016, authorizing deposit of the SPECIAL COMMISSIONERS' AWARD AMOUNT, which is incorporated herein by reference.

"PROPERTY": Located under approximately 12,070 square feet in area, lying between the subsurface elevations of 224 feet and 398 feet (U.S. Survey Feet), inclusive, North American Vertical Datum of 1988, located in Dallas County, Texas, as described in the CONDEMNATION PROCEEDING.

"PROPERTY INTEREST": Flood Control Tunnel Easement

"PROJECT": Mill Creek/Peaks Branch/State-Thomas Drainage Relief Tunnel Project

"USE": The below ground construction, installation, use, and maintenance of a deep tunnel for storage and transmission of storm drainage, together with such appurtenant facilities as may be necessary, however, to the extent flood control tunnel easement title to the PROPERTY is acquired through instrument, such title in and to the PROPERTY shall not be limited to, or otherwise deemed restricted to, the USE herein provided.

"OFFICIAL OFFER AMOUNT": $44,659, as approved in the FIRST RESOLUTION.

"SPECIAL COMMISSIONERS' AWARD AMOUNT": $77,248, the same having been previously deposited pursuant to the SECOND RESOLUTION.

"SETTLEMENT AMOUNT": $98,000, which includes the SPECIAL COMMISSIONERS' AWARD AMOUNT.

"ADDITIONAL AMOUNT": $20,752, the difference between the SETTLEMENT AMOUNT and the SPECIAL COMMISSIONERS' AWARD AMOUNT.

"CLOSING COSTS AND TITLE EXPENSES": Not to exceed $2,500

"AUTHORIZED AMOUNT": Not to exceed $23,252 (ADDITIONAL AMOUNT plus CLOSING COSTS AND TITLE EXPENSES)

"DESIGNATED FUNDS": Payable out of the 2006 Bond Funds, Fund 3T23, Department TWM, Unit T525, Activity SDRS, Program PB06T525, Object 4210, Encumbrance CT-TWM06T525H6A-1, CLOSING COSTS AND TITLE EXPENSES payable out of the 2006 Bond Funds, Fund 3T23, Department TWM, Unit T525, Activity SDRS, Program PB06T525, Object 4230, Encumbrance CT-PBW06T525F28.

SECTION 2. That the City Attorney and the City Manager are hereby authorized to settle the CONDEMNATION LAWSUIT for the SETTLEMENT AMOUNT.

SECTION 3. That the City Attorney and the City Manager are hereby authorized to prepare and execute such documents as may be necessary to effect the settlement described herein.

SECTION 4. That if the PROPERTY INTEREST in and to the PROPERTY is being acquired by instrument, the Chief Financial Officer is hereby authorized and directed to issue a check, paid out of and charged to the DESIGNATED FUNDS, in the amount of the ADDITIONAL AMOUNT, made payable to OWNER, or the then current owner(s) of record, or to the title company insuring the transaction described herein. If the PROPERTY INTEREST in and to the PROPERTY is not being acquired through instrument, the Chief Financial Officer is hereby authorized and directed to issue a check, paid out of and charged to the DESIGNATED FUNDS, in an amount not to exceed the ADDITIONAL AMOUNT, made payable to the County Clerk of Dallas County, Texas, which is to be deposited into the registry of the Court. The Chief Financial Officer is further authorized and directed to issue another check, to be paid out of and charged to the DESIGNATED FUNDS, in the amount of the CLOSING COSTS AND TITLE EXPENSES, made payable to the title company insuring the transaction described herein. The ADDITIONAL AMOUNT and the CLOSING COSTS AND TITLE EXPENSES together shall not exceed the AUTHORIZED AMOUNT.

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.

APPROVED AS TO FORM:
LARRY E. CASTO, City Attorney

BY _____
Assistant City Attorney

AGENDA ITEM # 51

KEY FOCUS AREA:	Economic Vibrancy
AGENDA DATE:	April 12, 2017
COUNCIL DISTRICT(S):	2
DEPARTMENT:	Trinity Watershed Management City Attorney's Office
CMO:	Mark McDaniel, 670-3256 Larry Casto, 670-3491
MAPSCO:	46E

SUBJECT

Authorize **(1)** settlement in lieu of proceeding further with condemnation in the condemnation suit styled City of Dallas v. M.I. Gaston Partners, Ltd., a Texas limited partnership, et al., Cause No. CC-16-00392-B, pending in Dallas County Court at Law No. 2, of a subsurface easement under approximately 10,702 square feet of land from M.I. Gaston Partners, Ltd., located on Gaston Avenue near its intersection with Peak Street for the Mill Creek/Peaks Branch/State-Thomas Drainage Relief Tunnel Project; and **(2)** the deposit of the settlement amount reached through negotiation of the condemnation suit for an amount not to exceed the settlement amount – Not to exceed $19,000, increased from $70,500 ($68,000 plus closing costs and title expenses not to exceed $2,500) to $89,500 ($87,000 being the settlement amount plus closing costs and title expenses not to exceed $2,500) - Financing: 2006 Bond Funds

BACKGROUND

This item authorizes settlement for the acquisition of a subsurface easement located under approximately 10,702 square feet of land from M.I. Gaston Partners, Ltd. for the Mill Creek/Peaks Branch/State-Thomas Drainage Relief Tunnel Project. This settlement will allow acquisition of the property without further condemnation proceedings.

On May 13, 2015, City Council authorized the first resolution for acquisition, including the exercise of the right of eminent domain, of a subsurface easement under approximately 10,702 square feet of land located on Gaston Avenue near its intersection with Peak Street for the Mill Creek/Peaks Branch/State-Thomas Drainage Relief Tunnel Project, in an amount not to exceed $34,606, includes closing costs and title expenses, by Resolution No. 15-0857.

BACKGROUND (continued)

On September 9, 2015, City Council authorized the second resolution to amend Resolution No. 15-0857, previously approved on May 13, 2015, to modify the elevations of the subsurface easement and authorize acquisition, including the exercise of the right of eminent domain, of a subsurface easement located under approximately 10,702 square feet of land located on Gaston Avenue near its intersection with Peak Street for the Mill Creek/Peaks Branch/State-Thomas Drainage Relief Tunnel Project by Resolution No. 15-1662.

The official offer for purchase and/or condemnation was in the amount of $34,606 based on an independent appraisal and inclusive of title expenses and closing costs not to exceed $2,500. The appraisal was updated March 8, 2016, and the offer amount was revised to $53,510. The owner rejected the official offer and the City Attorney filed the condemnation proceeding for the acquisition of the property for the project.

On June 2, 2016, the Special Commissioners awarded $68,000. The Defendant filed Objections to the Special Commissioners' award on June 7, 2016.

On June 15, 2016, City Council authorized the third resolution to deposit the amount awarded by the Special Commissioners to acquire a subsurface easement under approximately 10,702 square feet of land located on Gaston Avenue near its intersection with Peak Street for the Mill Creek/Peaks Branch/State-Thomas Drainage Relief Tunnel Project; and settlement of the condemnation proceeding for the amount not to exceed the award of $70,500, which included the award and closing costs and title expenses by Resolution No. 16-1028. On September 15, 2016, the Special Commissioners' Award was deposited with the County Clerk of Dallas County, Texas.

The City and M.I. Gason Partners, Ltd. entered into a negotiation discussions and agreed on the proposed amount to settle the lawsuit.

PRIOR ACTION/REVIEW (COUNCIL BOARDS, COMMISSIONS)

On May 13, 2015, City Council authorized the first resolution for acquisition, including the exercise of the right of eminent domain by Resolution No. 15-0857.

On September 9, 2015, City Council authorized the second resolution for an amendment to previously approved Resolution No. 15-0857 for modification of elevations of the subsurface easement and authorized acquisition, including the exercise of the right of eminent domain by Resolution No. 15-1662.

On June 15, 2016, City Council authorized deposit of Special Commissioners' award by Resolution No. 16-1028.

Information about this item was provided to the Transportation and Trinity River Project Committee on March 27, 2017.

PRIOR ACTION / REVIEW (COUNCIL BOARDS, COMMISSIONS) (continued)

City Council will be briefed by memorandum regarding this matter on April 7, 2017.

FISCAL INFORMATION

2006 Bond Funds - $19,000

Resolution No. 1	$34,606
Resolution No. 2	$ 0
Resolution No. 3 - Increase	$35,894
Additional Settlement Amount (this action)	$19,000
Total Authorized Amount	$89,500

OWNER

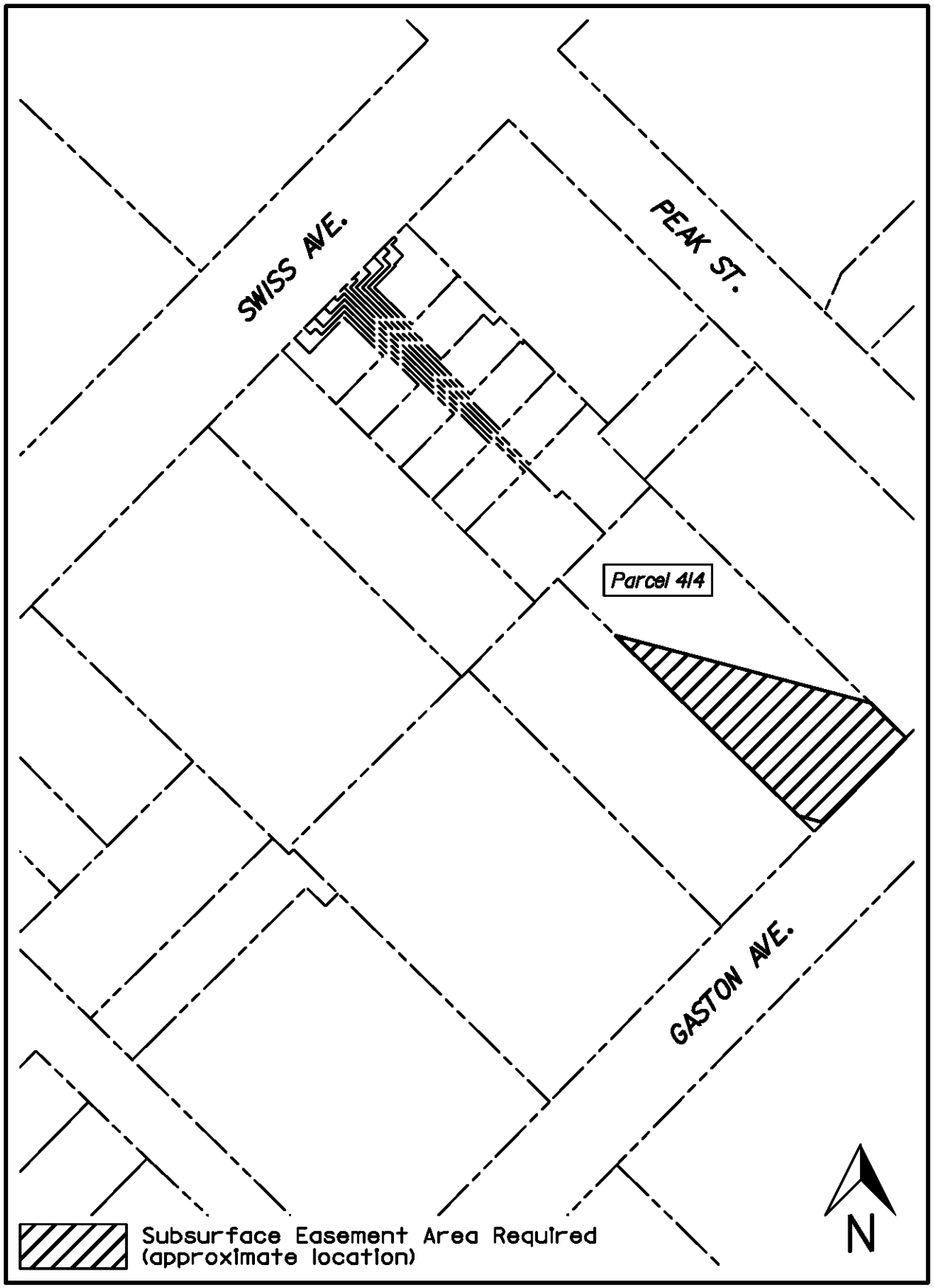
M.I. Gaston Partners, Ltd.

KM3 Operating, Inc., General Partner

Kenneth Murchison, III, President

MAP

Attached


SWISS AVE.
PEAK ST.
Parcel 414
GASTON AVE.
N
Subsurface Easement Area Required
(approximate location)

April 12, 2017

A RESOLUTION AUTHORIZING SETTLEMENT OF A CONDEMNATION LAWSUIT.

All capitalized terms are defined in Section 1 below.

WHEREAS, the Dallas City Council by the FIRST RESOLUTION found that the USE of the PROPERTY INTEREST in and to the PROPERTY for the PROJECT is a public use; and

WHEREAS, the Dallas City Council by the FIRST RESOLUTION found that a public necessity requires that CITY acquire the PROPERTY INTEREST in and to the PROPERTY from OWNER for the PROJECT; and

WHEREAS, the Dallas City Council by the FIRST RESOLUTION authorized acquisition, by purchase and/or condemnation, of the PROPERTY INTEREST in and to the PROPERTY held by OWNER for the PROJECT; and

WHEREAS, the Dallas City Council by the SECOND RESOLUTION modified the elevation reference for the subsurface easement in the legal description of the PROPERTY; and

WHEREAS, OWNER refused to sell the PROPERTY INTEREST in and to the PROPERTY to CITY for the OFFICIAL OFFER AMOUNT contained in the FIRST RESOLUTION; and

WHEREAS, the Dallas City Council by the FIRST RESOLUTION authorized and directed the City Attorney to file the necessary proceeding and to take the necessary action for the acquisition of the PROPERTY INTEREST in and to the PROPERTY by condemnation, or in any other manner provided by law; and

WHEREAS, the City Attorney, pursuant to the FIRST RESOLUTION, filed a CONDEMNATION PROCEEDING for the acquisition of the PROPERTY INTEREST in and to the PROPERTY for the PROJECT; and

WHEREAS, the Dallas City Council by the THIRD RESOLUTION authorized the City Attorney to deposit the SPECIAL COMMISSIONERS' AWARD AMOUNT rendered by the Special Commissioners appointed by the Court in the CONDEMNATION PROCEEDING; and

WHEREAS, objections to the SPECIAL COMMISSIONERS' AWARD AMOUNT were filed, turning the CONDEMNATION PROCEEDING into a CONDEMNATION LAWSUIT; and

WHEREAS, OWNERS have agreed to settle the CONDEMNATION LAWSUIT for the SETTLEMENT AMOUNT; and

WHEREAS, the Dallas City Council desires to authorize the City Attorney and the City Manager to settle the CONDEMNATION LAWSUIT for the SETTLEMENT AMOUNT.

Now, Therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DALLAS:

SECTION 1. For the purposes of this resolution, the following definitions shall apply:

"CITY": The City of Dallas

"FIRST RESOLUTION": Resolution No. 15-0857 approved by the Dallas City Council on May 13, 2015, authorizing an acquisition, including the exercise of the right of eminent domain, of a subsurface easement, which is incorporated herein by reference.

"SECOND RESOLUTION": Resolution No. 15-1662 approved by the Dallas City Council on September 9, 2015, authorizing an amendment to Resolution No. 15-0857, previously approved on May 13, 2015, to modify the elevations of the subsurface easement and authorize acquisition, including the exercise of the right of eminent domain, of a subsurface easement, which is incorporated herein by reference.

"CONDEMNATION PROCEEDING/LAWSUIT": Cause No. CC-16-00392-B, in Dallas County Court at Law No. 2, and styled City of Dallas v. M.I. Gaston Partners, Ltd., a Texas limited partnership, et al., filed pursuant to the FIRST RESOLUTION.

"THIRD RESOLUTION": Resolution No. 16-1028 approved by the Dallas City Council on June 15, 2016, authorizing deposit of the SPECIAL COMMISSIONERS' AWARD AMOUNT, which is incorporated herein by reference.

"PROPERTY": Located under approximately 10,702 square feet in area, lying between the subsurface elevations of 214 feet and 389 feet (U.S. Survey Feet), inclusive, North American Vertical Datum of 1988, located in Dallas County, Texas, as described in the CONDEMNATION PROCEEDING.

"PROPERTY INTEREST": Flood Control Tunnel Easement

"PROJECT": Mill Creek/Peaks Branch/State-Thomas Drainage Relief Tunnel Project

"USE": The below ground construction, installation, use, and maintenance of a deep tunnel for storage and transmission of storm drainage, together with such appurtenant facilities as may be necessary, however, to the extent flood control tunnel easement title to the PROPERTY is acquired through instrument, such title in and to the PROPERTY shall not be limited to, or otherwise deemed restricted to, the USE herein provided.

"OFFICIAL OFFER AMOUNT": $32,106, as approved in the FIRST RESOLUTION.

"SPECIAL COMMISSIONERS' AWARD AMOUNT": $68,000, the same having been previously deposited pursuant to the THIRD RESOLUTION.

"SETTLEMENT AMOUNT": $87,000, which includes the SPECIAL COMMISSIONERS' AWARD AMOUNT.

"ADDITIONAL AMOUNT": $19,000, the difference between the SETTLEMENT AMOUNT and the SPECIAL COMMISSIONERS' AWARD AMOUNT.

"CLOSING COSTS AND TITLE EXPENSES": Not to exceed $2,500

"AUTHORIZED AMOUNT": Not to exceed $21,500 (ADDITIONAL AMOUNT plus CLOSING COSTS AND TITLE EXPENSES)

"DESIGNATED FUNDS": Payable out of the 2006 Bond Funds, Fund 3T23, Department TWM, Unit T525, Activity SDRS, Program PB06T525, Object 4210, Encumbrance CT-PBW06T525G48A, CLOSING COSTS AND TITLE EXPENSES payable out of the 2006 Bond Funds, Fund 3T23, Department TWM, Unit T525, Activity SDRS, Program PB06T525, Object 4230, Encumbrance CT-PBW06T525G49.

SECTION 2. That the City Attorney and the City Manager are hereby authorized to settle the CONDEMNATION LAWSUIT for the SETTLEMENT AMOUNT.

SECTION 3. That the City Attorney and the City Manager are hereby authorized to prepare and execute such documents as may be necessary to effect the settlement described herein.

SECTION 4. That if the PROPERTY INTEREST in and to the PROPERTY is being acquired by instrument, the Chief Financial Officer is hereby authorized and directed to issue a check, paid out of and charged to the DESIGNATED FUNDS, in the amount of the ADDITIONAL AMOUNT, made payable to OWNER, or the then current owner(s) of record, or to the title company insuring the transaction described herein. If the PROPERTY INTEREST in and to the PROPERTY is not being acquired through instrument, the Chief Financial Officer is hereby authorized and directed to issue a check, paid out of and charged to the DESIGNATED FUNDS, in an amount not to exceed the ADDITIONAL AMOUNT, made payable to the County Clerk of Dallas County, Texas, which is to be deposited into the registry of the Court. The Chief Financial Officer is further authorized and directed to issue another check, to be paid out of and charged to the DESIGNATED FUNDS, in the amount of the CLOSING COSTS AND TITLE EXPENSES, made payable to the title company insuring the transaction described herein. The ADDITIONAL AMOUNT and the CLOSING COSTS AND TITLE EXPENSES together shall not exceed the AUTHORIZED AMOUNT.

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.

APPROVED AS TO FORM:
LARRY E. CASTO, City Attorney

BY _____
Assistant City Attorney

AGENDA ITEM # 52

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: April 12, 2017

COUNCIL DISTRICT(S): 10

DEPARTMENT: Trinity Watershed Management

CMO: Mark McDaniel, 670-3256

MAPSCO: 17Y 27B 27C

SUBJECT

Authorize a professional services contract with O'Brien Engineers, Inc. for the engineering design of two erosion control improvement projects (list attached) - Not to exceed $91,998 - Financing: 2012 Bond Funds

BACKGROUND

This action will authorize a professional services contract with O'Brien Engineers, Inc. for the engineering design of two erosion control improvement projects. These projects were funded in the 2012 Bond Program. The erosion control projects have been divided into geographically based groups. This item will provide engineering design for Group 3 (9737/9747 Whitehurst Drive, and 11601/11655 Audelia Road) as outlined in the 2012 Bond Program.

The erosion control improvement projects will include the installation of gabion walls, retaining walls, gabion mattresses, and slope and channel improvements to protect structures and minimize creek bank erosion along various creeks throughout the city.

ESTIMATED SCHEDULE OF PROJECT

Erosion Control Improvement Projects

Location	Began Design	Complete Design
Group 3		
9737/9747 Whitehurst Drive	March 2017	August 2017
11601/11655 Audelia Road	March 2017	August 2017

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Information about this item was provided to the Transportation and Trinity River Project Committee on March 27, 2017.

FISCAL INFORMATION

2012 Bond Funds - $91,997.60

Erosion Control Improvement Projects

Group 3

Design	$ 91,997.60 (est.)
Construction	$871,145.00 (est.)
Total Project Cost	$963,142.60 (est.)

M/WBE INFORMATION

See attached.

ETHNIC COMPOSITION

O'Brien Engineers, Inc.

Hispanic Female	0	Hispanic Male	1
African-American Female	0	African-American Male	0
White Female	4	White Male	6
Other Female	1	Other Male	0

OWNER

O'Brien Engineers, Inc.

Jim O'Brien, Principal

MAP

Attached

Erosion Control Improvement Projects

Location	Council District	Amount
Group 3		
9737/9747 Whitehurst Drive	10	$32,259.40
11601/11655 Audelia Road	10	$59,738.20

BUSINESS INCLUSION AND DEVELOPMENT PLAN SUMMARY

PROJECT: Authorize a professional services contract with O'Brien Engineers, Inc. for the engineering design of two erosion control improvement projects (list attached) - Not to exceed $91,998 - Financing: 2012 Bond Funds

O'Brien Engineers, Inc. is a local, non-minority firm, has signed the "Business Inclusion & Development" documentation, and proposes to use the following sub-contractors.
PROJECT CATEGORY: Professional Services

LOCAL/NON-LOCAL CONTRACT SUMMARY

	Amount	Percent
Total local contracts	$91,997.60	100.00%
Total non-local contracts	$0.00	0.00%
TOTAL CONTRACT	$91,997.60	100.00%

LOCAL/NON-LOCAL M/WBE PARTICIPATION

Local Contractors / Sub-Contractors

Local	Certification	Amount	Percent
Alliance Geotechnical Group, Inc.	BMDB15110Y0118	$15,200.00	16.52%
Pacheo Koch Consulting Engineers, Inc.	HMMB25567Y0917	$15,165.00	16.48%
Total Minority - Local		$30,365.00	33.01%

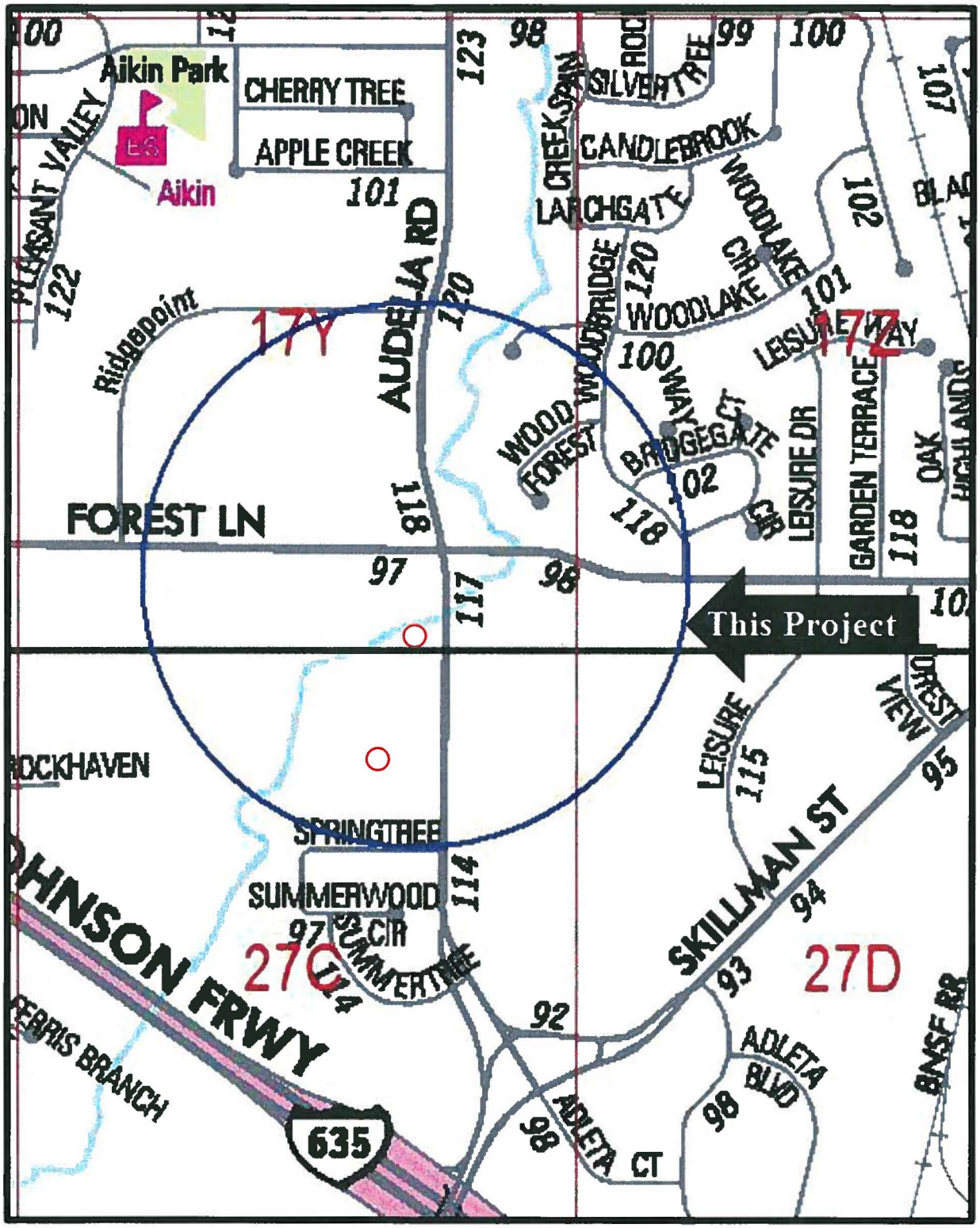
Non-Local Contractors / Sub-Contractors

None

TOTAL M/WBE CONTRACT PARTICIPATION

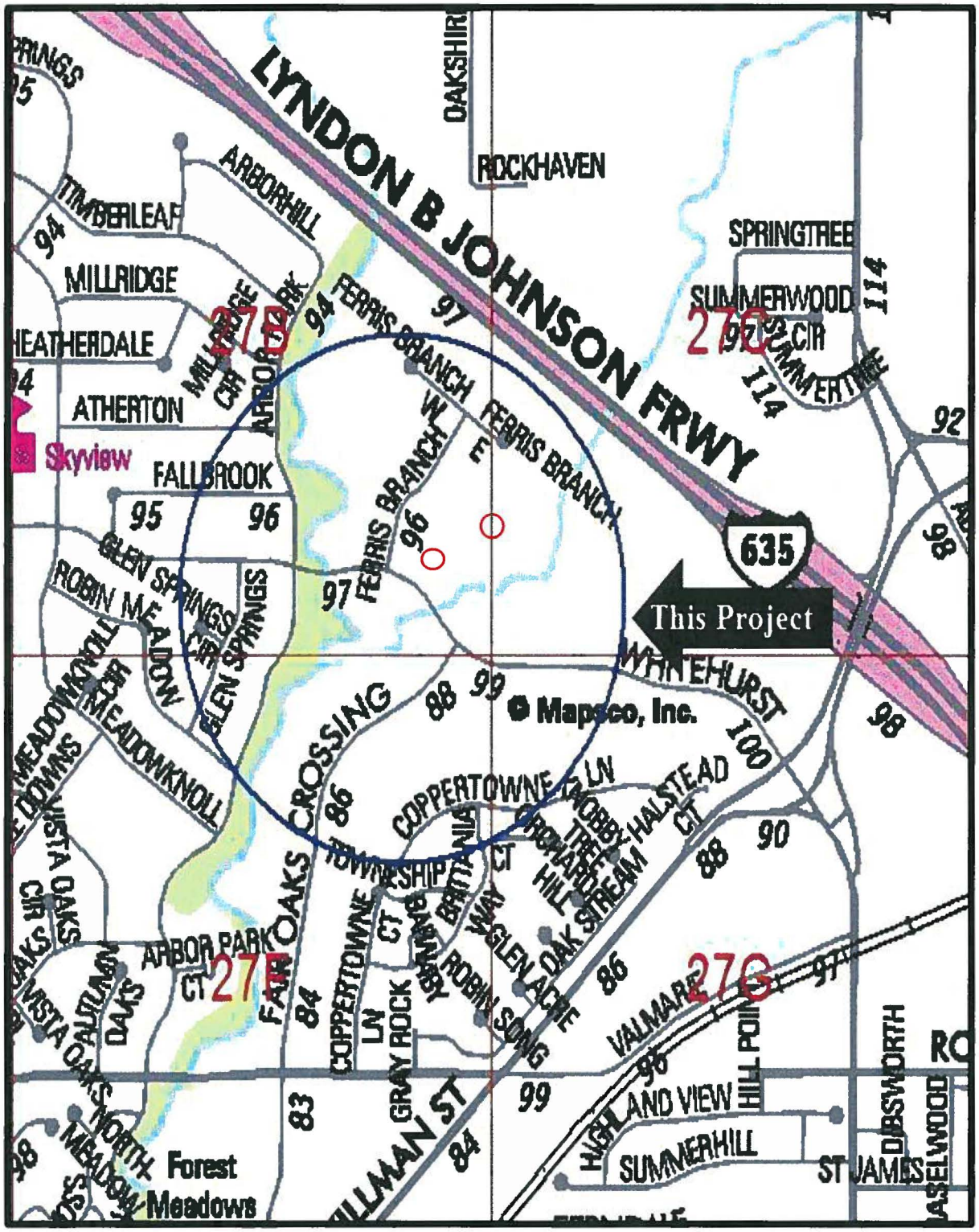
	Local	Percent	Local & Non-Local	Percent
African American	$15,200.00	16.52%	$15,200.00	16.52%
Hispanic American	$15,165.00	16.48%	$15,165.00	16.48%
Asian American	$0.00	0.00%	$0.00	0.00%
Native American	$0.00	0.00%	$0.00	0.00%
WBE	$0.00	0.00%	$0.00	0.00%
Total	$30,365.00	33.01%	$30,365.00	33.01%

EROSION CONTROL GROUP 3



MAPSCO 17-Y, 27-C

EROSION CONTROL GROUP 3



MAPSCO 27-B; 27-C

April 12, 2017

WHEREAS, O'Brien Engineers, Inc. was selected to provide the engineering design of two erosion control improvement projects.

Now, Therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DALLAS:

SECTION 1. That the City Manager is hereby authorized to execute a professional services contract with O'Brien Engineers, Inc. for the engineering services for erosion control improvement projects in an amount not to exceed $91,997.60, after it has been approved as to form by the City Attorney.

SECTION 2. That the Chief Financial Officer is hereby authorized to disburse funds in accordance with the terms and conditions of the contracts, as follows:

Flood Protection and Storm Drainage Facilities Fund 3U23, Department TWM, Unit S702, Activity ERCT Object 4111, Program TW12S702, CT TWM12S702E5 Vendor 352724	$59,738.20
Flood Protection and Storm Drainage Facilities Fund 3U23, Department TWM, Unit S762, Activity ERCT Object 4111, Program TW12S762, CT TWM12S702E5 Vendor 352724	$32,259.40
Total amount not to exceed	$91,997.60

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.

AGENDA ITEM # 53

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: April 12, 2017

COUNCIL DISTRICT(S): 1, 6

DEPARTMENT: Trinity Watershed Management

CMO: Mark McDaniel, 670-3256

MAPSCO: 44V 45S

SUBJECT

Authorize **(1)** the receipt and deposit of funds in the amount of $100,000 from the Trinity Trust Foundation in support of the Margaret McDermott (IH30) Bridge over the Trinity Floodway; **(2)** Supplemental Agreement No. 3 to decrease the professional services contract with Santiago Calatrava, LLC for the IH30 Bridge over the Trinity Floodway for a contract credit, in an amount not to exceed ($125,000), from $10,688,500 to $10,563,500 without any change in the services to be performed under the contract; **(3)** an increase in appropriations in the IH30 Bridge Donation Fund in the amount of $100,000; and **(4)** payment to the Texas Department of Transportation in an amount not to exceed $222,017 for additional costs associated with the construction of the pedestrian and bicycle components of the IH30 Bridge over the Trinity Floodway - Financing: IH30 Bridge Donation Funds ($97,017) and 2006 Bond ($125,000)

BACKGROUND

Since the early 1990's, the Trinity River Corridor Project has been discussed with the community at large. Thousands of participants have contributed to the overall plan which includes flood protection, recreation, transportation, ecosystem restoration and economic development. Signature bridges have been considered a critical component of both the transportation and economic development initiatives. The City worked with Santiago Calatrava, LLC as a part of the 1998 Bond Program to design signature bridge components for the Trinity River Corridor Project. The first Calatrava bridge, the Margaret Hunt Hill Bridge, was completed in 2012. The Margaret McDermott (IH30) Bridge is the second Calatrava Bridge project.

BACKGROUND (continued)

On April 13, 2011, City Council awarded a professional services contract with Santiago Calatrava, LLC by Resolution No. 11-1004 for engineering and design services for the new IH30 Bridge Pedestrian and Bicycle Components across the Trinity. This project was funded through public and private partnerships. The City has had two prior zero-sum supplemental agreements to the contract with Santiago Calatrava LLC, which were authorized by Administrative Actions, to modify the design scope, construction budget, and project schedule. Design of the second signature bridge was completed in August 2012.

The Texas Department of Transportation (TxDOT) is responsible for the construction of the Margaret McDermott Bridge (IH30) as part of the Horseshoe Project. The Horseshoe Project entails the reconstruction of the Margaret McDermott (IH30) and Interstate Highway 35 bridges across the Trinity River Floodway and the connecting freeway segment locally known as the downtown "mixmaster." The City entered into an Interlocal Agreement with TxDOT, authorized by City Council on June 27, 2012, by Resolution No. 12-2138. Under this agreement, the City is responsible for project shortfalls and construction change orders.

TxDOT awarded the Horseshoe Design-Build contract to Pegasus Link Constructors (PLC) on November 15, 2012. The actual bids for the IH30 signature bridges came in at $114,987,000. However, due to several value engineering strategies, the costs have been reduced to a total of $112,563,459 which has been made available for the construction of the signature bridges including $91,353,860 in federal funding, $11,633,140 in Regional Transportation Council funding, and $9,576,459 in City and private funding. The City issued the first payment for items that did not meet final value engineering on June 22, 2016, by Resolution No. 16-1082. TxDOT informed the City of additional costs associated with the construction of the signature bridges in the amount of $222,016.18 for additional cable testing and dampers.

This action will authorize the receipt and deposit of funds in the amount of $100,000 from the Trinity Trust Foundation in support of the Margaret McDermott (IH30) Bridge over the Trinity Floodway, Supplemental Agreement No. 3 to decrease the value of the professional services contract with Santiago Calatrava, LLC for the Margaret McDermott (IH30) Bridge over the Trinity Floodway for a contract credit in an amount not to exceed ($125,000), from $10,688,500 to $10,563,500 without any change in the services to be performed under the contract, an increase in appropriations in the IH30 Bridge Donation Fund in the amount of $100,000; and payment to the Texas Department of Transportation, in an amount not to exceed $222,017 for additional costs associated with the construction of the bicycle and pedestrian components of the Margaret McDermott (IH30) Bridge over the Trinity Floodway.

ESTIMATED SCHEDULE OF PROJECT

Began Design	June 2011
Completed Design	January 2013
Began Construction	April 2013
Complete Construction	December 2017

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On June 23, 1999, City Council authorized support of the concept of signature bridges by Resolution No. 99-2138.

On April 5, 2011, the Trinity River Corridor Project Committee was briefed and recommended the IH30 Bridge Possible New Strategy and contract for Santiago Calatrava, LLC be moved forward to full Council for approval.

On April 13, 2011, City Council authorized a professional services contract with Santiago Calatrava, LLC for engineering and design services for IH30 Bridge Pedestrian and Bicycle Components by Resolution No. 11-1004.

On June 27, 2012, City Council authorized an Interlocal Agreement with the Texas Department of Transportation to establish responsibilities for construction funding for the bicycle and pedestrian components for the Margaret McDermott (IH30) Bridge over the Trinity River by Resolution No. 12-1739.

On January 14, 2013, the Trinity River Corridor Project Committee was briefed on the Margaret McDermott Bridge Update.

On January 23, 2013, City Council authorized payment to the Texas Department of Transportation in the amount of $8,438,228 for the City's construction funding responsibilities for the bicycle and pedestrian components of the Margaret McDermott (IH30) Bridge over the Trinity Floodway by Resolution No. 13-0250.

On January 23, 2013, City Council authorized a Project Specific Agreement with Dallas County for funding participation for design and construction of IH30 bicycle and pedestrian connections between Riverfront Boulevard and Beckley Avenue, including the Margaret McDermott (IH30) Bicycle and Pedestrian Bridges over the Trinity River Floodway by Resolution No. 13-0251.

On February 22, 2016, the Transportation and Trinity River Project Committee was briefed on the Margaret McDermott Bridge.

On June 22, 2016, City Council authorized payment to the Texas Department of Transportation for additional costs associated with the construction of the bicycle and pedestrian components of the Margaret McDermott (IH30) Bridge over the Trinity Floodway by Resolution No. 16-1082.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS) (continued)

Information about this item was provided to the Transportation and Trinity River Project Committee on March 27, 2017.

FISCAL INFORMATION

IH30 Bridge Donation Funds - $97,016.18
2006 Bond - $125,000.00

Council District	Amount
1	$111,008.09
6	$111,008.09
Total	$222,016.18

MAP

Attached

BUSINESS INCLUSION & DEVELOPMENT PLAN SUMMARY

PROJECT: Authorize **(1)** the receipt and deposit of funds in the amount of $100,000 from the Trinity Trust Foundation in support of the Margaret McDermott (IH30) Bridge over the Trinity Floodway; **(2)** Supplemental Agreement No. 3 to decrease the professional services contract with Santiago Calatrava, LLC for the IH30 Bridge over the Trinity Floodway for a contract credit, in an amount not to exceed ($125,000), from $10,688,500 to $10,563,500 without any change in the services to be performed under the contract; **(3)** an increase in appropriations in the IH30 Bridge Donation Fund in the amount of $100,000; and **(4)** payment to the Texas Department of Transportation in an amount not to exceed $222,017 for additional costs associated with the construction of the pedestrian and bicycle components of the IH30 Bridge over the Trinity Floodway - Financing: IH30 Bridge Donation Funds ($97,017) and 2006 Bond ($125,000)

Santiago Calatrava, LLC is a non-local, non-minority firm, has signed the "Business Inclusion & Development" documentation, and proposes to use their workforce.
PROJECT CATEGORY: Architecture & Engineering

LOCAL/NON-LOCAL CONTRACT SUMMARY

	This Action Amount	Revised Amount	Percent
Local contracts	$0.00	$0.00	0.00%
Non-local contracts	($125,000.00)	$8,623,500.00	100.00%
TOTAL CONTRACT	($125,000.00)	$8,623,500.00	100.00%

LOCAL/NON-LOCAL M/WBE PARTICIPATION THIS ACTION

Local Contractors / Sub-Contractors

None

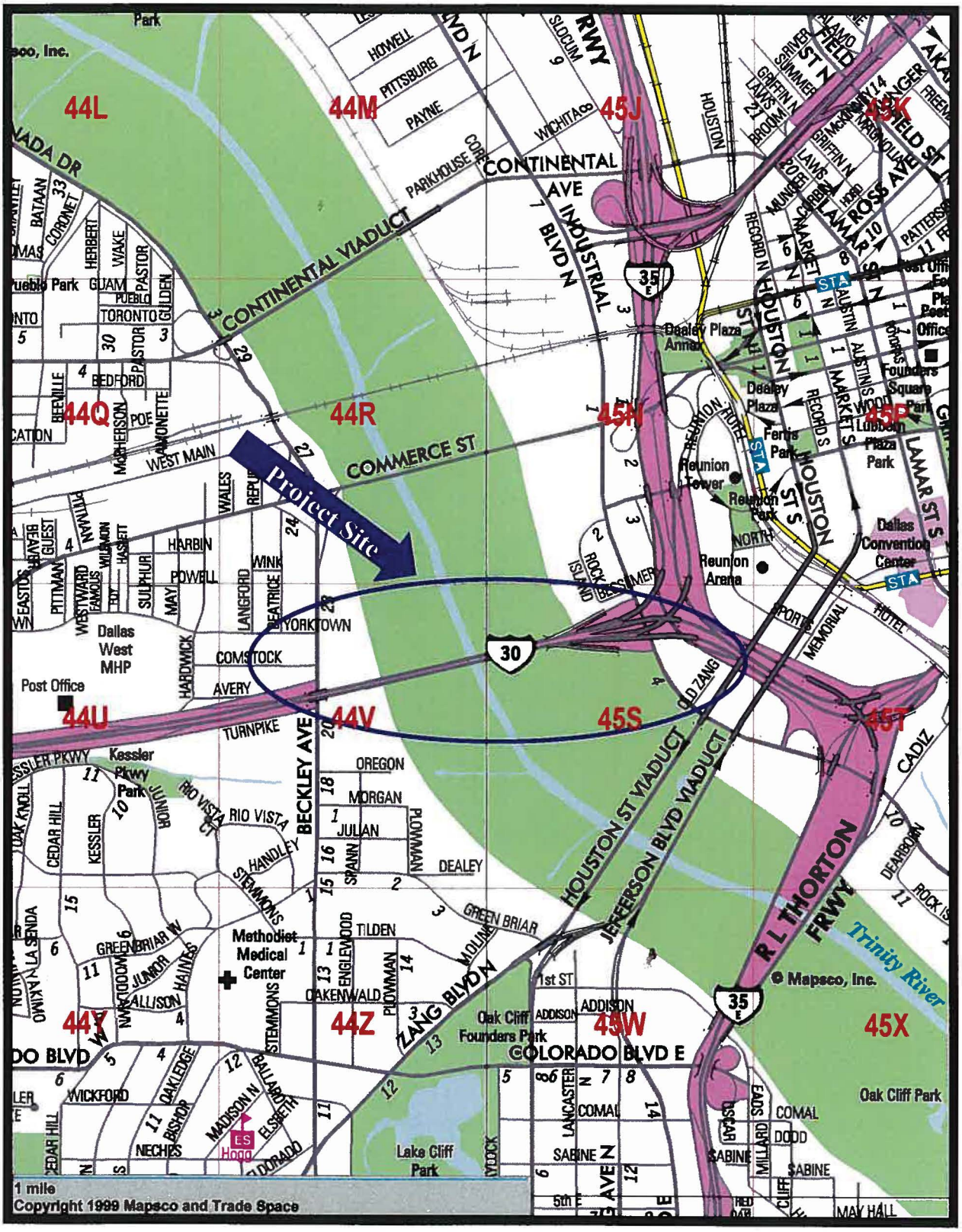
Non-Local Contractors / Sub-Contractors

None

TOTAL M/WBE PARTICIPATION

	Original Amount	Percent	This Action Amount	Percent
African American	$0.00	0.00%	$0.00	0.00%
Hispanic American	$0.00	0.00%	$0.00	0.00%
Asian American	$0.00	0.00%	$0.00	0.00%
Native American	$0.00	0.00%	$0.00	0.00%
WBE	$0.00	0.00%	$182,500.00	1.71%
Total	$0.00	0.00%	$182,500.00	1.71%

IH 30 Bicycle and Pedestrian Facilities



Mapsco 44V, 45S

WHEREAS, on June 23, 1999, City Council authorized support of the concept of one or more signature bridges and design enhancements for all new and replacement bridges across the Trinity River by Resolution No. 99-2138; and

WHEREAS, on April 13, 2011, City Council authorized a professional services contract with Santiago Calatrava, LLC for engineering and design services for IH30 Bridge Pedestrian and Bicycle Components by Resolution No. 11-1004; and

WHEREAS, the City of Dallas administered the design of the signature Margaret McDermott (IH30) Pedestrian and Bicycle Bridges across the Trinity River Floodway; and

WHEREAS, on March 19, 2012, Administrative Action No. 12-0757 authorized Supplemental Agreement No. 1 to modify the design scope, projects construction budget, and project schedule at no cost to the City; and

WHEREAS, on June 27, 2012, City Council authorized an Interlocal Agreement with the Texas Department of Transportation to establish responsibilities for construction funding for the bicycle and pedestrian components of the Margaret McDermott (IH30) Bridge over the Trinity River Floodway by Resolution No. 12-1739; and

WHEREAS, on August 29, 2012, Administrative Action No. 12-2045 authorized Supplemental Agreement No. 2 to modify the design scope and payment conditions under the contract at no cost to the City; and

WHEREAS, the Texas Department of Transportation will administer the construction of the Margaret McDermott Pedestrian and Bicycle Bridges as part of the Horseshoe Design-Build Project which entails the reconstruction of the IH30 and Interstate Highway 35E freeway bridges over the Trinity River and the connecting freeway segment locally known as the downtown “mixmaster”; and

WHEREAS, the Texas Department of Transportation conditionally awarded the Horseshoe Design-Build Project to Pegasus Link Constructors (PLC) on November 15, 2012; and

WHEREAS, on January 23, 2013, City Council authorized payment to the Texas Department of Transportation for the City’s construction funding responsibility for the bicycle and pedestrian components of the Margaret McDermott (IH30) Bridge over the Trinity Floodway by Resolution No. 13-0250; and

April 12, 2017

WHEREAS, on January 23, 2013, City Council authorized a Project Specific Agreement with Dallas County for funding participation in design and construction of IH30 bicycle and pedestrian connections between Riverfront Boulevard and Beckley Avenue, including the Margaret McDermott (IH30) Bicycle and Pedestrian Bridges over the Trinity River Floodway Resolution No. 13-0251; and

WHEREAS, on June 22, 2016, City Council authorized payment to the Texas Department of Transportation for the City's share of construction funding difference for the bicycle and pedestrian components of the Margaret McDermott (IH30) Bridge over the Trinity Floodway by Resolution No. 16-1082; and

WHEREAS, on December 2, 2016, Administrative Action No. 16-1266 authorized payment to the Texas Department of Transportation for the City's share of additional costs associated with the construction of the bicycle and pedestrian components of the Margaret McDermott (IH30) Bridge over the Trinity Floodway; and

WHEREAS, on March 8, 2017, Administrative Action No. 17- 0317 authorized payment to the Texas Department of Transportation for the City's share of additional costs associated with the construction of the bicycle and pedestrian components of the Margaret McDermott (IH30) Bridge over the Trinity Floodway; and

WHEREAS, it is not necessary to authorize **(1)** the receipt and deposit of funds in the amount of $100,000 from the Trinity Trust Foundation in support of the Margaret McDermott (IH30) Bridge over the Trinity Floodway; **(2)** Supplemental Agreement No. 3 to decrease the value of the professional services contract with Santiago Calatrava, LLC for the Margaret McDermott (IH30) Bridge over the Trinity Floodway for a contract credit in an amount not to exceed ($125,000), from $10,688,500 to $10,563,500 without any change in the services to be performed under the contract; **(3)** an increase in appropriations in the IH30 Bridge Donation Fund in the amount of $100,000; and **(4)** payment to the Texas Department of Transportation, in an amount not to exceed $222,017 for additional costs associated with the construction of the bicycle and pedestrian components of the Margaret McDermott (IH30) Bridge over the Trinity Floodway.

Now, Therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DALLAS:

SECTION 1. That the Chief Financial Officer is hereby authorized to receive and deposit funds from the Trinity Trust Foundation in support of the Margaret McDermott (IH30) Bridge over the Trinity Floodway in the IH30 Bridge Donation Fund, Fund DL14, Department TWM, Unit P107, Revenue Code 8411, in an amount not to exceed $100,000.

SECTION 2. That the City Manager is hereby authorized to execute Supplemental Agreement No. 3 to decrease the professional services contract with Santiago Calatrava, LLC. for the Margaret McDermott (IH30) Bridge over the Trinity Floodway for a contract credit, in an amount not to exceed ($125,000), from $10,688,500 to $10,563,500, without any change in the services to be performed, after approval as to form by the City Attorney.

SECTION 3. That the Chief Financial Officer is hereby authorized to reduce encumbrance to Santiago Calatrava, LLC, in an amount not to exceed ($125,000) from Street and Transportation Fund, Fund 2T22, Department PBW, Unit P658, Activity BRAM, Object 3511, Program PB06P658, CT PBW06P658G2, Vendor 504072.

SECTION 4. That the City Manager is hereby authorized to increase appropriations in the IH30 Bridge Donation Fund, Fund DL14, Department TWM, Unit P107, Object 3511, in an amount not to exceed $100,000.

SECTION 5. That the Chief Financial Officer is hereby authorized to disburse funds to the Texas Department of Transportation for the City's share of additional costs associated with the construction of the bicycle and pedestrian components of the Margaret McDermott (IH30) Bridge over the Trinity Floodway in accordance with the terms and conditions of the Interlocal Agreement, as follows:

IH30 Bridge Donation Fund Fund DL14, Department TWM, Unit P107, Activity TRPP, Object 3511, Program PB98P107, CT PBW98P107D3, Vendor 239588	$ 97,016.18
Street and Transportation Fund Fund 2T22, Department STS, Unit P658 Activity TRPP, Object 3511, Program PB98P107 CT PBW98P107D3, Vendor 239588	$125,000.00
Total not to exceed	$222,016.18

SECTION 6. 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.

DEPARTMENT: City Secretary

AGENDA DATE: April 12, 2017

COUNCIL DISTRICT(S): N/A

SUBJECT

Consideration of appointments to boards and commissions and the evaluation and duties of board and commission members (List of nominees is available in the City Secretary's Office)

AGENDA ITEM # 55

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: April 12, 2017

COUNCIL DISTRICT(S): 2

DEPARTMENT: Sustainable Development and Construction

CMO: Majed Al-Ghafry, 670-3302

MAPSCO: 45 R

SUBJECT

A resolution granting a waiver from the standard for naming a street within two years after the death of a person as required by Section 51A-9.304(c)(2) of the Dallas Development Code for a newly platted street (St. Louis Street Reservation on the preliminary plat) between South Pearl Expressway and South Cesar Chavez Boulevard - Financing: No cost consideration to the City

BACKGROUND

Section 9.304(g) of Chapter 51A of the Dallas Development Code allows the City Council to grant a waiver of standards for street names by a three-quarters vote of the City Council. Section 51A-9.304(c)(2) states that a "street name commemorating a person or a historic site or area is prohibited until at least two years after the death of the person to be honored or the occurrence of the event to be commemorated." A preliminary plat approved by City Plan Commission on July 25, 2013, shows a portion of a newly platted street (St. Louis Street Reservation on the preliminary plat) between South Pearl Expressway and South Cesar Chavez Boulevard. A condition of the preliminary plat is to find an appropriate name for the street before the final plat.

The North Texas Food Bank offices in the Farmers Market are located along the newly platted street. The North Texas Food Bank, with the concurrence of the property owner platting the adjacent property, recommends naming the street "Jan Pruitt Way." Jan Pruitt, who led the North Texas Food Bank for 20 years, was a visionary leader in the Dallas community in bringing attention, resources, and problem resolution to the issue of hunger. Ms. Pruitt was also instrumental in launching the Mass Care Task Force to establish a framework for large-scale disaster relief. Ms. Pruitt passed away on January 2, 2017.

BACKGROUND (continued)

Jan Pruitt Way meets all of the requirements for a street name as outlined in Section 9.304 of Chapter 51A of the Dallas Development Code except the standard requiring a two-year waiting period after a person's death before naming a street after him or her. This waiver would allow the property owner to name the newly platted street "Jan Pruitt Way" on the final plat.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

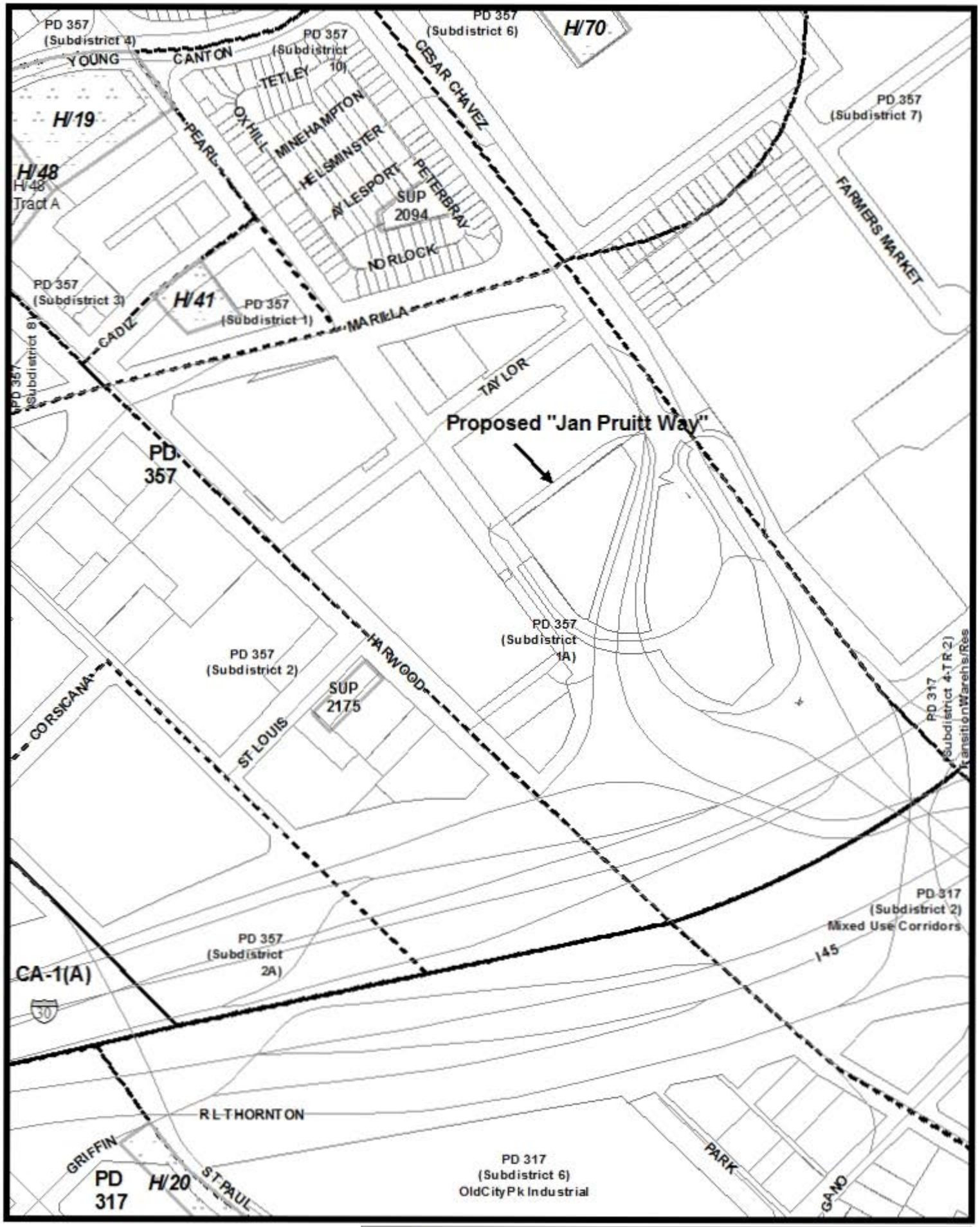
This item has no prior actions.

FISCAL INFORMATION

No cost consideration to the City.

MAP

Attached



1:3,000

Waiver from standard for naming a street
Proposed Jan Pruitt Way

North Texas Food Bank

February 28, 2017

City of Dallas
Attn: Department of Sustainable Development and Construction
1500 Marilla Street, 5DN
Dallas, TX 75201

Re: Street Naming of "Jan Pruitt Way"

Dear Mr. Cossum,

We are hereby asking for a waiver of Section 51A-9.304(c)(2) that prohibits "a street name commemorating a person or a historic site or area is prohibited until at least two years after the death of the person to be honored or the occurrence of the event to be commemorated." This waiver is requested pursuant to Section 51A-9.304(g) that states "the city council, by a three-fourths vote of its members, may waive any of the standards contained in this section when waiver would be in the public interest and would not impair the public health, safety, or welfare."

Jan Pruitt was a visionary leader in the Dallas community in bringing attention, resources and problem resolution to the issue of hunger. In Jan's career in service to the public, she led the North Texas Food Bank for 20 years (and before that Lancaster Outreach Center, and Feeding Texas) to identify, give voice to and meet the needs of the hungry. Jan was also instrumental in launching the Mass Care Task Force to establish a framework for large-scale disaster relief. Jan passed on January 2nd, 2017 after a 15-month battle with cancer.

The street we would like to name in her honor runs in front of the North Texas Food Bank's offices in the Farmers Market (see highlighted area on preliminary plat attached – now shown as St. Louis Street Reservation). The other property owners in the area are the City of Dallas, FM Harvest, Ltd and DF Market 2, LLC. The managing partner of both FM Harvest, Ltd and DF Market 2, LLC, Brian Bergersen, supports renaming the street "Jan Pruitt Way".

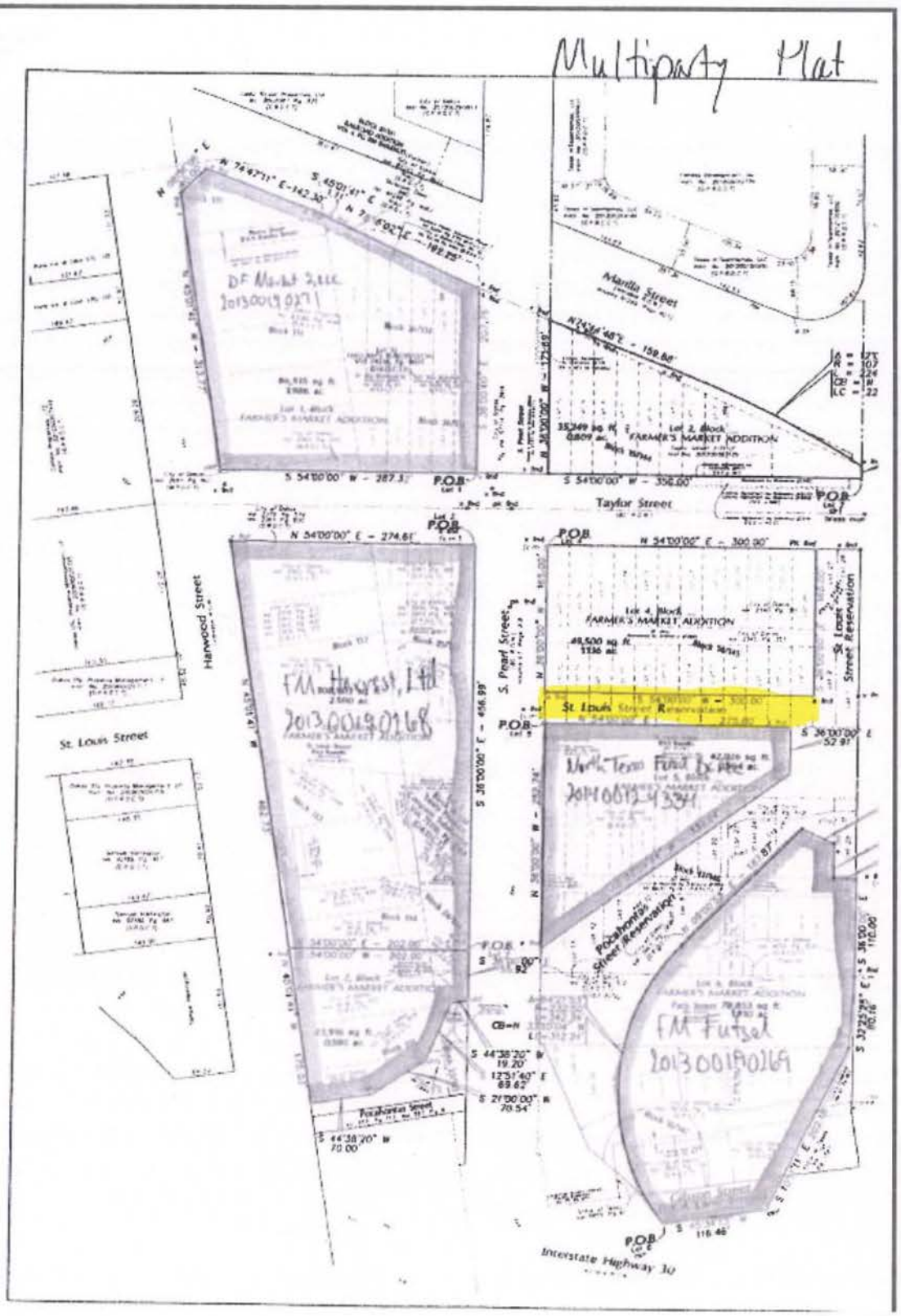
The area is in the process of being replatted by Piburn and Carson, and the street name "Jan Pruitt Way" will be incorporated into the new plat pending this waiver.

Thank you for your consideration of this request.

Regards,

Tom Black
Board Chairman

North Texas Food B



April 12, 2017

WHEREAS, Section 51A-9.304(g) of the Dallas Development Code authorizes the City Council to grant waivers from standards for street names as prescribed by Section 51A-9.304 of the Dallas Development Code; and

WHEREAS, Section 51A-9.304(c)(2) states a "street name commemorating a person or a historical site or area is prohibited until at least two years after the death of the person to be honored or the occurrence of the event to be commemorated"; and

WHEREAS, the North Texas Food Bank has submitted a request to name a newly platted street (St. Louis Street Reservation on the preliminary plat) between South Pearl Expressway and South Cesar Chavez Boulevard on preliminary plat S123-197 as Jan Pruitt Way; and

WHEREAS, the North Texas Food Bank's Farmers Market offices are located on the newly platted street; and

WHEREAS, Jan Pruitt led the North Texas Food Bank for 20 years and was a visionary leader in the Dallas community in bringing attention, resources, and problem resolution to the issue of hunger; and

WHEREAS, Jan Pruitt passed away on January 2, 2017; and

WHEREAS, the City Council, after consideration of the health, safety, and welfare of the public and the equities of the situation, finds that enforcement of the street naming standard in this particular instance is not in the best interest of the public; and

WHEREAS, the City Council desires to grant the waiver of the street name standard commemorating a person within two years of their death.

Now, Therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DALLAS:

SECTION 1. That the waiver of the street name standard commemorating a person within two years of their death is granted.

SECTION 2. That this resolution shall take effect immediately from and after its passage in accordance with the Charter of the City of Dallas, and it is accordingly so resolved.

April 12, 2017

APPROVED AS TO FORM:

LARRY E. CASTO, City Attorney

By _____
Assistant City Attorney

AGENDA ITEM # 56

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: April 12, 2017

COUNCIL DISTRICT(S): 14

DEPARTMENT: Sustainable Development and Construction

CMO: Majed Al-Ghafry, 670-3302

MAPSCO: 45F K

SUBJECT

An ordinance granting a private license to Arts District Properties, Ltd., for the use of a total of approximately 15,694 square feet of land to install, maintain, and utilize landscape with irrigation, planters with appurtenances, thirty-three trees, twenty-three bollards, decorative pavers and eleven pole lights along portions of Pearl, Flora, and Olive Streets rights-of-way, near their intersection - Revenue: $600 one-time fee, plus the $20 ordinance publication fee

BACKGROUND

This item was on the addendum because additional review time was required. This item grants a private license to Arts District Properties, Ltd., for the use of a total of approximately 15,694 square feet of land to install, maintain and utilize landscape with irrigation, planters with appurtenances, thirty-three trees, twenty-three bollards, decorative pavers and eleven pole lights along portions of Pearl, Flora, and Olive Streets rights-of-way, near their intersection. The use of this area will not impede pedestrian or vehicular traffic.

The licensee will indemnify the City and carry general liability insurance naming the City as an additional insured.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Information about this item was provided to the Economic Development Committee on March 20, 2017.

On March 22, 2017, this item was deferred by Councilmember Philip T. Kingston.

FISCAL INFORMATION

Revenue - $600 one-time fee, plus the $20 ordinance publication fee

OWNER

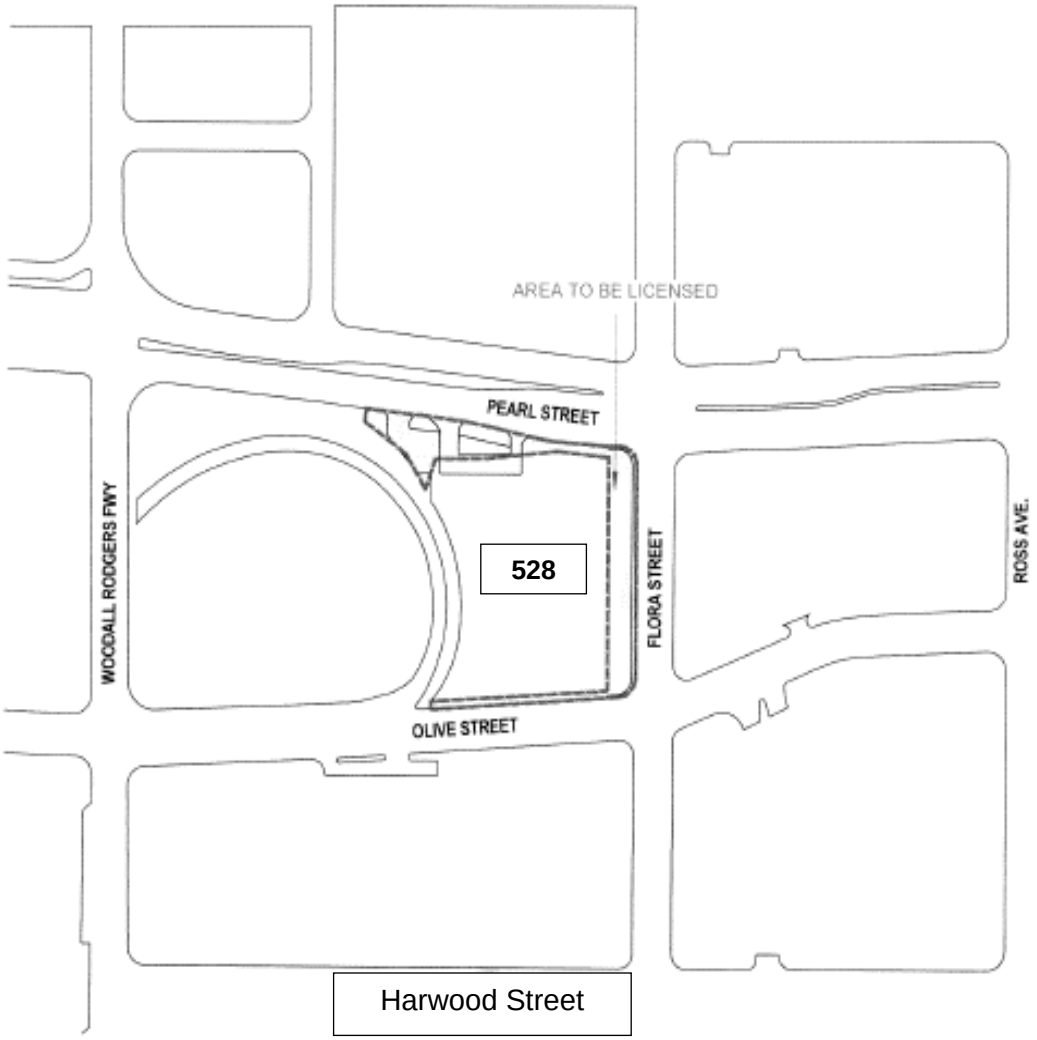
Arts District Properties, Ltd.

Metroarts Corporation, General Partner

Graham Greene, President

MAP

Attached.



1 VICINITY MAP
1" = 160'-0"

N
TRUE
PLAN

LICENSING AREA

ATELIER | FLORA LOFTS
219420179

LANDSCAPE LICENSE PLAN
1" = 160'-0"

ORDINANCE NO. _____

An ordinance granting a private license to Arts District Properties, Ltd. to occupy, maintain and utilize a portion of Pearl, Flora, and Olive Streets rights-of-way located near its intersection of Pearl, Flora, and Olive Streets adjacent to City Block 528 within the limits hereinafter more fully described, for the purpose of installing and maintaining landscaping with irrigation, planters with appurtenances, thirty-three trees, twenty-three bollards, decorative pavers and eleven pole lights; providing for the terms and conditions of this license; providing for the one-time fee compensation to be paid to the City of Dallas; providing for payment of the publication fee; and providing an effective date of this license and ordinance.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DALLAS:

SECTION 1. That a private license, hereinafter referred to as "license", subject to the restrictions and conditions of this ordinance, is hereby granted to Arts District Properties, Ltd., a Texas limited partnership its successors and assigns, hereinafter referred to as **"GRANTEE"**, to occupy, maintain and utilize for the purpose set out hereinbelow the tract of land described in Exhibit A, hereinafter referred to as "licensed area" which is attached hereto and made a part hereof.

SECTION 2. That this license is granted for a term of forty (40) years, unless sooner terminated according to other terms and provisions herein contained.

SECTION 3. That **GRANTEE** shall pay to the City of Dallas a one-time license fee in the sum of **SIX HUNDRED ($600.00) DOLLARS**, for the license herein granted, said sum to be paid prior to the final passage of this ordinance and shall cover the consideration for the license term, in accordance with special fees established by Section 43-115.1 of the Dallas City Code. Such consideration shall be in addition to and exclusive of any other taxes or special assessments required by law to be paid by **GRANTEE**. All sums payable to the City of Dallas hereunder shall be paid to the Chief Financial Officer of the City of Dallas and deposited in Fund 0001, Department DEV, Unit 1181, Revenue Source 8200. In the event **GRANTEE's** check for the license fee

is dishonored, **GRANTEE** shall pay to the City a processing fee of $25.00 for each dishonored check. Additionally, all monies owed to the City under this license shall be subject to the assessment of interest at a rate of 10% a year from the day after any monies become due until it is paid in full, in accordance with Section 2-1.1 of the Dallas City Code.

SECTION 4. That the licensed area shall be used by **GRANTEE** for the following purpose under the direction of the Director of Department of Sustainable Development and Construction of the City of Dallas: installation, maintenance of landscaping with irrigation, planters with appurtenances, thirty-three trees, twenty-three bollards, decorative pavers and eleven pole lights.

SECTION 5. That this license is subject to the provisions set forth in EXHIBIT B, attached hereto and made a part hereof.

SECTION 6. That this license is nonexclusive and is made expressly subject and subordinate to the right of the City to use the licensed area for any public purpose. The Governing Body of the City of Dallas reserves the right by resolution duly passed by said Governing Body, to terminate and cancel this license upon giving **GRANTEE** sixty (60) days notice of its intent to cancel. Upon termination, all rights granted hereunder shall thereupon be considered fully terminated and cancelled and the City of Dallas shall not be held liable by reason thereof. Said resolution shall be final and shall not be subject to review by the Courts. **GRANTEE** shall have the right of cancellation upon giving the City of Dallas sixty (60) days written notice of its intention to cancel, and in either event upon the termination or cancellation by the City or **GRANTEE**, as the case may be, this license shall become null and void and **GRANTEE** or anyone claiming any rights under this instrument shall remove, to the extent required by the Director of Department of Sustainable Development and Construction, any improvements and encroachments from the licensed areas at **GRANTEE's** expense. Failure to do so shall subject **GRANTEE** to the provisions contained in EXHIBIT B, Subsection (a). All work shall be done at the sole cost of **GRANTEE** and to the satisfaction of the Director of Department of Sustainable Development and Construction.

SECTION 7. That the license is subject to the following conditions, terms and reservations:

a) **GRANTEE** shall provide a minimum five feet (5') of unobstructed sidewalk along license area eliminating line of sight of trees too close to driveways; and

b) **GRANTEE** shall not cause any items to be installed within eighteen inches (18") of the existing curb along license area. If designed concrete, pavers or other specialty material are used for the sidewalk installation, the **GRANTEE** must not place said materials within eighteen inches (18") of the curb unless they are installed to be easily removed or to allow sign post/meter poles to be placed. **GRANTEE** shall provide that no parking meters and on-street parking are removed or obstructed from use; and

c) **GRANTEE** shall not prohibit, impede, or reduce: (i) the number of available on-street parking spaces; (ii) the public's ability to on-street park; and (iii) the City of Dallas' ability to install or replace new or used parking meters, or governmental signage; and

d) **GRANTEE** shall (i) adhere to and comply with the Texas Accessibility Standard Requirements administered by the Texas Department of Licensing and Regulation and Americans with Disability Act (TDLR/ADA) requirements, and (ii) submit plans identifying an accessible path along license area to show that the TDLR/ADA required slopes, clearances, surface finishes and other pathway clearances are achieved; and

e) **GRANTEE** shall submit plans for City review and approval which clearly shows and labels existing and proposed sidewalks and barrier-free ramps; and which show that there is an unobstructed, ADA compliant, pedestrian path on all street frontages within the rights-of-way subject of this license; and

f) **GRANTEE** acknowledges existing and proposed water and wastewater mains are or are to be located in the license area and **GRANTEE** shall not construct in, or install landscaping trees within 10' from said water and wastewater locations. Alternatively, **GRANTEE** shall, at its cost and expense relocate the existing and/or proposed water and wastewater mains and meter vault; and

g) **GRANTEE** shall meet design requirements as referenced by the Plan Development District (PDD) # 145 zoning for the Dallas Arts District, subject to compliance with Dallas City Code; and

h) **GRANTEE** acknowledges Atmos has active facilities in the licensed area and **GRANTEE** shall be responsible to relocate said facilities if conflict exists.

SECTION 8. This license shall not become effective unless and until the execution of the Quitclaim Deed and Release of Access Restrictions has been conveyed to the city by the State of Texas as shown in Exhibit C.

SECTION 9. That upon the effectiveness of this ordinance, the Director of Department of Sustainable Development and Construction, or designee, is hereby authorized to execute a NOTICE OF LICENSE and to file same in the deed records of Dallas County, Texas. Additionally, the Director of Department of Sustainable Development and Construction, or designee, is hereby authorized to execute a cancellation of Notice of License upon termination by the City or **GRANTEE** and to file such cancellation of Notice of License in the deed records of Dallas County, Texas.

SECTION 10. That the terms and conditions contained in this ordinance shall be binding upon **GRANTEE**, its successors and assigns.

SECTION 11. That this license may not be assigned without prior written approval from the Director of Department of Sustainable Development and Construction, or designee. Such assignment shall recite that it is subject to the terms, restriction and conditions contained in this ordinance.

The assignee shall deliver evidence of ownership of property abutting the licensed area and a copy of the assignment, along with the assignee's written acceptance of the provisions of this ordinance, to the Director of Department of Sustainable Development and Construction within 10 days of such assignment; said assignment and written acceptance shall be forwarded to the City Secretary of the City of Dallas. Should **GRANTEE** fail to obtain prior written approval for assignment of this license or fail to provide the City of Dallas with the required written acceptance and a copy of the assignment, the Director of Department of Sustainable Development and Construction, or designee, may terminate this license.

SECTION 12. That the City Secretary is hereby authorized and directed to certify a copy of this ordinance for recordation in the Deed Records of Dallas County, Texas, which certified copy shall be delivered to the Director of Department of Sustainable Development and Construction, or designee. Upon receipt of the fees pursuant to Section 3 of this ordinance, an acceptable certificate of insurance and the fee for publishing this ordinance which **GRANTEE** shall likewise pay, the Director of Department of Sustainable Development and Construction, or designee, shall deliver to **GRANTEE** the certified copy of this ordinance. The Director of Department of Sustainable Development and Construction, or designee, shall be the sole source for receiving certified copies of this ordinance for one year after its passage.

SECTION 13. That this ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so ordained.

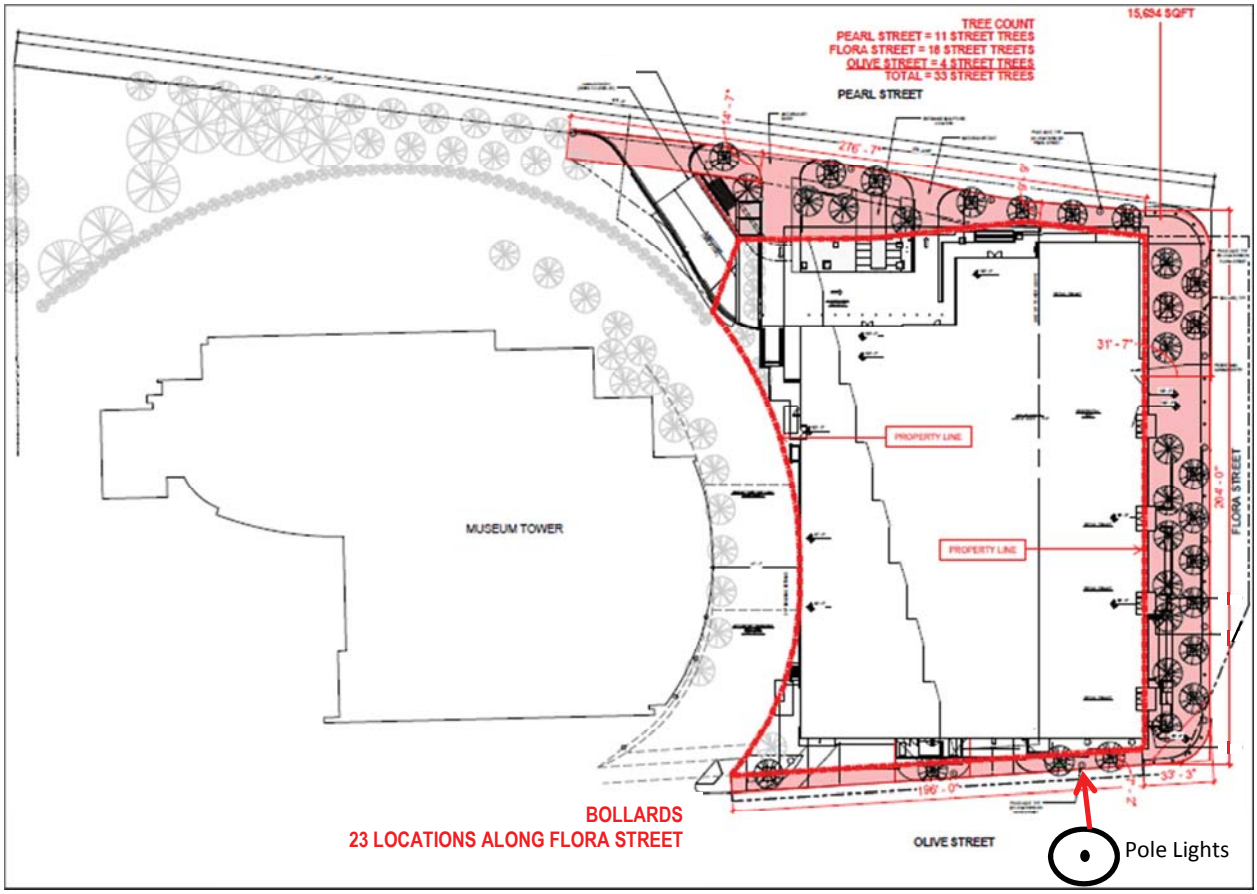
APPROVED AS TO FORM:
LARRY E. CASTO
City Attorney

DAVID COSSUM
Director of Department of Sustainable Development and Construction

BY _____ **BY** _____
Assistant City Attorney **Assistant Director**

Passed _____.

EXHIBIT A



N

LEGEND

Streetscape elements areas approx. 15,694

Portions of Decorative Pavers and Landscape/Irrigation

Pole Lights = 11

Trees = 33

Bollards = 23

EXHIBIT B
COMMERCIAL ENTITY
ADDITIONAL LICENSE PROVISIONS

That this license is granted subject to the following additional conditions, terms and reservations:

(a) That at such time as this license is terminated or canceled for any reason whatsoever, **GRANTEE**, upon orders issued by the City acting through the Director of Sustainable Development and Construction, or designee, shall remove all installations, improvements and appurtenances owned by it situated in, under or attached to the licensed area, and shall restore the premises to its former condition in accordance with the requirements of the Director of Sustainable Development and Construction at the sole cost of **GRANTEE**. In the event, upon termination of this license, **GRANTEE** shall fail to remove its installations, improvements and appurtenances and to restore the licensed area in compliance with orders issued by City, or such work is not done to the satisfaction of the Director of Sustainable Development and Construction, then in either event the City shall have the right to do all work necessary to restore said area to its former condition or cause such work to be done, and to assess the cost of all such work against **GRANTEE**; in neither event shall the City of Dallas be liable to **GRANTEE** on account thereof.

(b) It is further understood that if and when the City of Dallas, in the exercise of its discretion, shall determine that the grade of any street, sidewalk or parkway should be modified or changed, or that any other work should be done in connection with any public improvement which will affect the licensed area, and/or any of **GRANTEE's** installations and improvements thereon, any modifications or changes to **GRANTEE's** facilities in the licensed area or in construction or reconstruction of any public improvement attributable to **GRANTEE's** use of the licensed area and/or its installations and improvements thereon, shall be made at the sole expense of **GRANTEE** and to the satisfaction of the Director of Sustainable Development and Construction.

(c) At such time as this license is granted, it is agreed, and a condition hereof, that **GRANTEE** shall procure and keep in full force and effect **Commercial General Liability Insurance** coverage issued by an insurance company authorized and approved by the State of Texas, acceptable to the City of Dallas and issued in the standard form approved by the Texas Department of Insurance. The insured provisions of this policy must name the City of Dallas as an additional insured protecting the City of Dallas against any and all claims for damages to persons or property as a result of or arising out of the use, operation and maintenance by **GRANTEE** of the licensed area and **GRANTEE's** installations, improvements, landscaping and equipment in connection therewith and located therein. The Commercial General Liability coverage must include, but not limited to, Premises/Operations, Independent Contractors and Contractual Liability with minimum combined bodily injury (including death) and property damage limits of not less than $500,000 per occurrence and $500,000 annual aggregate. This insurance shall also include coverage for underground, explosion and collapse hazards (i.e. not excluded). If this insurance is written on a claims-made form, coverage shall be continuous (by renewal or extended reporting period) for not less than

twelve (12) months following termination of this license and removal of the installations, improvements and appurtenances and restoration of the licensed area pursuant to paragraph (a) above. Coverage, including any renewals, shall contain the same retroactive date as the original policy applicable to this license. The City of Dallas reserves the right to review the insurance requirements set forth herein during the effective term of the license and to adjust insurance coverages and their limits when deemed necessary and prudent by the City of Dallas' Risk Management based upon changes in statutory law, court decisions, or the claims history of the industry as well as the City of Dallas.

1. **GRANTEE** agrees that with respect to the above required insurance, all insurance contracts and certificates of insurance will contain and state, in writing, that coverage shall not be canceled, nonrenewed or materially changed except after thirty (30) days written notice by certified mail to Department of Sustainable Development and Construction.
2. **GRANTEE** shall carry said insurance at its expense and shall furnish the City of Dallas proof of such insurance. In the event said insurance should terminate during the licensing term hereof, or **GRANTEE** fails to furnish proof of insurance coverage in accordance with the specifications as required by this section, the Director of Sustainable Development and Construction, or designee, may terminate the license granted herein.

(d) **GRANTEE** is prohibited from using the licensed area in any manner which violates Federal, State or local laws, regulations, rules and orders, regardless of when they become or became effective, including without limitation, those related to health, safety, noise, environmental protection, waste disposal and water and air quality, and shall provide satisfactory evidence of compliance upon the request of the City of Dallas. Should any discharge, leakage, spillage, emission or pollution of any type occur upon or from the licensed area due to **GRANTEE's** use and occupancy thereof, **GRANTEE**, at its expense, shall be obligated to clean up the licensed area to the satisfaction of the City of Dallas and any governmental body having jurisdiction thereover. The City of Dallas may, at its option, clean the licensed area. If the City of Dallas elects to do so, **GRANTEE** shall promptly pay to the City of Dallas the reasonable cost of such cleanup upon receipt of bills therefore. **GRANTEE** agrees that the indemnity provisions contained in paragraph (g) herein shall be fully applicable to the requirements of this paragraph, in event of **GRANTEE's** breach of this paragraph, or as a result of any such discharge, leakage, spillage, emission or pollution arising out of the **GRANTEE's** use of the licensed area.

(e) This license is subject to all State laws, the provisions of the Charter of the City of Dallas as it now exists, or may hereafter be adopted or amended, and the ordinances of the City of Dallas now in effect or those which may hereafter be passed or adopted. The City of Dallas shall have the right to increase or decrease the compensation to be charged for the use contemplated by this grant in

accordance with the provisions of the Dallas City Code as it now exists, or as may hereafter be adopted or amended.

(f) The Governing Body of the City of Dallas reserves the right, at any time without notice, to terminate and cancel this license, by resolution, upon a finding by the Governing Body that this license is inconsistent with the public use of the property or whenever the purpose or use of the license is likely to become a nuisance and all rights granted hereunder shall thereupon be considered fully terminated and canceled and the City of Dallas shall not be held liable by reason thereof. The decision of the Governing Body of the City in this matter shall be final and binding upon all parties insofar as the City's determination as to whether the **GRANTEE's** use of this license constitutes a nuisance or is inconsistent with the public use of the property.

(g) As a condition hereof, **GRANTEE** agrees and is bound to defend, indemnify and hold the City of Dallas, its officers, agents and employees, harmless against any and all claims, lawsuits, judgments, costs and expenses for bodily injury (including death), property damage or other harm for which recovery of damages is sought, suffered by any person or persons, that may arise out of or be occasioned by the use, occupancy and maintenance of the licensed area or **GRANTEE's** installations and improvements within the licensed area, from any act or omission of any representative, agent, customer and/or employee of **GRANTEE**, or by **GRANTEE's** breach of any of the terms or provisions of this license, or by any negligent or strictly liable act or omission of **GRANTEE**, its officers, agents, employees or contractors in the use, occupancy and maintenance of **GRANTEE's** installations and improvements within the licensed area; except that the indemnity provided for in this paragraph shall not apply to any liability resulting from the sole negligence or fault of the City of Dallas, its officers, agents, employees or separate contractors, and in the event of joint and concurring negligence or fault of both the **GRANTEE** and the City of Dallas, responsibility and liability, if any, shall be apportioned comparatively in accordance with the laws of the State of Texas, without, however, waiving any governmental immunity available to the City of Dallas under Texas law and without waiving any defenses of the parties under Texas law. This obligation to indemnify and defend shall also include any claim for damage that any utility or communication company, whether publicly or privately owned, may sustain or receive by reason of **GRANTEE's** use of the licensed area or **GRANTEE's** improvements and equipment located thereon. In addition to the foregoing, **GRANTEE** covenants and agrees never to make a claim of any kind or character whatsoever against the City of Dallas for damage of any kind that it may suffer by reason of the installation, construction, reconstruction, operation or maintenance of any public improvement, utility or communication facility on the licensed area, whether presently in place or which may in the future be constructed or installed, including but not limited to, any water or wastewater mains or storm sewer facilities, regardless of whether such damage is due to

flooding, infiltration, backflow or seepage caused from the failure of any installation, natural causes, City's negligence, or from any other cause whatsoever.

(h) This license is subject to any existing utilities or communication facilities, including drainage, presently located within the licensed area, owned and/or operated by the City of Dallas or any utility or communications company, public or private, and to any vested rights presently owned by an utility or communications company, public or private, for the use of the licensed area for facilities presently located within the boundaries of said licensed area. It is the intent of the foregoing that this permission herein is made expressly subject to the utilization of the licensed area for communication and utility purposes, both public and private, including drainage, over, under, through, across and along the licensed area. No buildings shall be constructed or placed upon, over or across the licensed area in such a manner as to interfere with the operation of any utilities and communication facilities. All and any communication company and utility, both public and private, shall have the right to remove and keep removed all or parts of any buildings which may in any way endanger or interfere with the construction, maintenance or efficiency of its respective systems within the licensed area. All communication companies and utilities, both public and private, shall have the full right to remove and keep removed all parts of any buildings, fences, trees, or other improvements or growths which in any way may endanger or interfere with the construction, maintenance and efficiency of its respective system and shall at all times have the full right of ingress and egress to or from and upon the licensed area for the purpose of constructing, relocating, inspecting, patrolling, maintaining and adding to or removing all or part of its respective systems without the necessity at any time of procuring the permission of anyone.

EXHIBIT C

County: Dallas
Highway: State Highway Spur 366
Control Section: 0196-07

August 1, 2016

DESCRIPTION FOR TRACT 1
A PART OF PEARL STREET
0.0951 ACRE (4,141 SQ. FT.)
SITUATED IN THE JOHN GRIGSBY SURVEY,
ABSTRACT NUMBER 495
CITY OF DALLAS, DALLAS COUNTY, TEXAS

BEING a 4,141 square foot tract of land situated in the John Grigsby Survey, Abstract Number 495, City of Dallas, Dallas County, Texas, City of Dallas Block Number 528, and being part of Pearl Street (variable width right-of-way) and part of Lots 1, 2 and 3 of Hensley Addition, an addition to the City of Dallas, as recorded in Volume 90, Page 274 and 275 of the Deed Records of Dallas County, Texas (D.R.D.C.T.), also being part of that tract of land described as Tract No. 1, being an abandonment of a portion of Old Pearl Street-Munger Avenue (formerly Juliette Street, called 40-foot wide right-of-way, as recorded in said Hensley Addition), as described in City of Dallas Ordinance Number 17633, as recorded in Volume 82250, Page 1383, D.R.D.C.T., and being part of that tract of land described in Agreed Judgement Deed to State of Texas, as recorded in Volume 84020, Page 3739, D.R.D.C.T., and being more particularly described as follows:

BEGINNING at the most southeasterly northeast corner (not monumented) of said State of Texas tract, having Texas Coordinate System, NAD83, North Central Zone 4202 surface coordinates North=6,975,153.9036 feet, East=2,491,537.4263 feet;

1) THENCE South 44 degrees 13 minutes 56 seconds West, with the southeast line of said State of Texas tract, passing at a distance of 7.01 feet to the northeast line of Lot 1 of said Hensley Addition, and continuing for a total distance of 19.97 feet to the most southeasterly southeast corner of said State of Texas tract, from which a found "X" cut in concrete bears North 78 degrees 51 minutes 21 seconds West, a distance of 0.23 of a foot;

2) THENCE North 39 degrees 19 minutes 54 seconds West, with the southwest line of said State of Texas tract and over and across Lots 1 and 2 of said Hensley Addition, a distance of 57.00 feet to a found "Y" cut in concrete for corner;

3) THENCE North 51 degrees 22 minutes 13 seconds West, with the southwest line of said State of Texas tract and over and across said Lot 2, a distance of 18.37 feet to the southeast corner (not monumented) of a tract of land described as Tract 2 in deed to the City of Dallas, as recorded in Instrument Number 201500081469 of the Official Public Records of Dallas County, Texas (O.P.R.D.C.T.);

FIELD NOTES APPROVED: 8/9/16

4) THENCE North 35 degrees 34 minutes 05 seconds West, departing the southwest line of said State of Texas and with the northeast line of said Tract 2 and over and across said State of Texas tract and Lots 2 and 3 of said Hensley Addition, a distance of 1.71 feet to a corner (not monumented), said corner being the point of curvature of a tangent circular curve to the right having a radius of 515.00 feet, chord that bears North 34 degrees 29 minutes 09 seconds West, a distance of 19.45 feet;

5) THENCE Northwesterly, continuing with the northeast line of said Tract 2, over and across said State of Texas tract and Lot 3 of said Hensley Addition, and with said curve, through a central angle of 02 degrees 09 minutes 52 seconds, passing at a distance of 1.95 feet to the northeast line of said Lot 3, and continuing over and across said State of Texas tract and the with the northeast line of said Tract 2, a total arc distance of 19.45 feet to a corner (not monumented), said corner being the point of reverse curvature of a circular curve to the left having a radius 1,485.00 feet, chord that bears North 36 degrees 05 minutes 14 seconds West, a distance of 139.06 feet;

6) THENCE Northwesterly, continuing with the northeast line of said Tract 2, over and across said State of Texas tract and with said curve, through a central angle of 05 degrees 22 minutes 02 seconds, an arc distance of 139.11 feet to a corner (not monumented);

7) THENCE North 38 degrees 46 minutes 15 seconds West, with the northeast line of said Tract 2 and over and across said State of Texas tract, a distance of 39.94 feet to the north corner (not monumented) of said Tract 2, said corner being on the northeast line of said State of Texas tract;

THENCE with the northeast line of said State of Texas tract, the following bearings and distances:

8) South 46 degrees 47 minutes 36 seconds East, a distance of 105.37 feet to a corner (not monumented);

9) South 39 degrees 09 minutes 58 seconds East, a distance of 132.10 feet to a corner (not monumented);

10) South 39 degrees 54 minutes 29 seconds East, a distance of 36.02 feet to the POINT OF BEGINNING AND CONTAINING 0.0951 of an acre (4,141 square feet) of land, more or less.

The Basis of Bearing of this survey is the Texas Coordinate System of 1983, North Central Zone (4202) as derived by GPS measurements. All distances and/or coordinates shown hereon are surface and may be converted by the published TXDOT "Surface Adjustment Factor" for Dallas County of 1.000136506.

Tract 1 is part of the Parcel shown on sheet 6A of State Highway Spur 366 (0196-07)

I, Getsy J. Suthan a Registered Professional Land Surveyor, hereby certify that the legal description hereon and the accompanying plat of even date represent an actual survey made on the ground under my supervision.

G. J. Suthan Aug 01

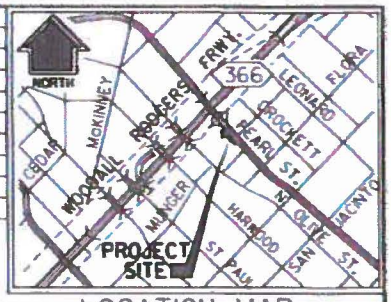
Getsy J. Suthan
Registered Professional Land Surveyor
Texas No. 6449
Halff Associates, Inc.,
1201 North Bowser Rd.
Richardson, Texas 75081
TBPLS Firm No. 10029600



EXHIBIT C

CURVE TABLE					
NO.	Δ	RADIUS	LENGTH	CHORD LENGTH	CHORD BEARING
C1	02°09'52"(RT)	515.00'	19.45'	19.45'	N 34°29'09" W
C2	05°22'02"(LT)	1,485.00'	139.11'	139.06'	N 36°05'14" W

LINE TABLE		
NO.	BEARING	DISTANCE
L1	S 44°13'56" W	19.97'
L2	N 39°19'54" W	57.00'
L3	N 51°22'13" W	18.37'
L4	N 35°34'05" W	1.71'
L5	N 38°46'15" W	39.94'
L6	S 09°32'56" W	57.28'
L7	S 13°35'36" E	43.00'
L8	N 63°37'08" E	33.72'



LOCATION MAP
NOT TO SCALE

GRAPHIC SCALE
0' 30' 60' 120'

PEARL STREET
(VARIABLE WIDTH PUBLIC R.O.W.)
VOL. 32, PG. 305, D.R.D.C.T.

PEARL STREET RAMP
(S.H. SPUR 366)
AGREED JUDGEMENT
DISTRICT COURT NO. 83-2891-D
VOL. 84020, PG. 3739
D.R.D.C.T.

MUSEUM TOWER, LP
ARTS DISTRICT
PROPERTIES, LTD.
INST. NO. 200503581423
O.P.R.D.C.T.

S 46°47'36" E
105.37'

OUTCLAIM DEED TO
CITY OF DALLAS
TRACT 2
INST. NO. 201500081469
O.P.R.D.C.T.

"TRACT NO. 1" ABANDONMENT
(OLD PEARL STREET-MUNGER AVE.
ORDINANCE NO. 17633
VOL. 82250, PG. 1383
D.R.D.C.T.

GENERAL UTILITY EASEMENT
EXHIBIT "D"
CITY OF DALLAS
ORDINANCE NO. 18028
VOL. 84020, PG. 3704
VOL. 84020, PG. 3734
D.R.D.C.T.

FOUND P.K.
W/ SHINER
STAMPED
"HALFF" (C.M.)

S 39°09'58" E
132.10'

TRACT 1
0.0951 ACRE
(4,141 SQ. FT.)

PEARL STREET RAMP
(S.H. SPUR 366)
AGREED JUDGMENT
DISTRICT COURT NO. 83-2891-D
VOL. 84020, PG. 3739
D.R.D.C.T.

MUSEUM TOWER
A CONDMINIUM
INST. NO. 20070418077
O.P.R.D.C.T.

JOHN GRIGSBY SURVEY,
ABSTRACT NUMBER 495

S 39°54'29" E
36.02'

POINT OF BEGINNING
TRACT 1
N=6,975,153.9036
E=2,491,537.4263

SIDEWALK EASEMENT
CITY OF DALLAS
VOL.85069, PG.2967
D.R.D.C.T.

FOUND
"Y" CUT
(C.M.)

L=1.95'

PEARL STREET RAMP
(S.H. SPUR 366)
AGREED JUDGEMENT DISTRICT
COURT NO. 83-2891-D
VOL. 84020, PG. 3739
D.R.D.C.T.

"TRACT NO. 1" ABANDONMENT
(OLD PEARL STREET-MUNGER AVE.
ORDINANCE NO. 17633
VOL. 82250, PG. 1383
D.R.D.C.T.

7.01'

FOUND "X"
CUT BEARS
N78°51'21"W
0.23'

N 45°43'28" W
50.00'

FOUND
"X" CUT
(C.M.)

HENSLEY ADDITION
VOL. 90, PG. 274-275
D.R.D.C.T.

DALLAS BLOCK 528

MUNGER AVENUE
(FORMERLY 25' LITTLE STREET)
(40' TOTAL WIDE R.O.W.)

SUBSURFACE ABANDONED
BY CITY OF DALLAS
ORDINANCE NO. 18028
VOL. 84020, PG. 3704
D.R.D.C.T.

ARTS DISTRICT
PROPERTIES, LTD
"TRACT III"
VOL. 98103, PG. 66
D.R.D.C.T.

"TRACT II"
ARTS DISTRICT
PROPERTIES, LTD.
VOL. 98103, PG. 66
D.R.D.C.T.

FLORA STREET
(VARIABLE WIDTH PUBLIC R.O.W.)
VOL. 90, PG. 274, D.R.D.C.T.

STATE OF TEXAS
REGISTERED
GETSY J. SUTHAND
6449
PROFESSIONAL
LAND SURVEYOR

S.S.S. Aug. 1/16

NOTES:
1. Basis of Bearing is the Texas Coordinate System of 1983, North Central Zone (4202) as derived by GPS measurements. All distances and/or coordinates shown hereon are surface and may be converted by the published TXDOT "Surface Adjustment Factor" for Dallas County of 1.000136506.
2. This exhibit was prepared with a metes and bounds description of even date.
3. This survey was prepared without the benefit of a title commitment.
4. Tract 1 is part of parcel shown on sheet 6A of SH SPUR 366 (0196-07)

LEGEND

———	PROPOSED TRACT LINE
- - - -	EXISTING LOT LINE
———	PROPERTY LINE
●	FOUND MONUMENT (AS NOTED)
O	NOT MONUMENTED (UNLESS NOTED)
(C.M.)	CONTROL MONUMENT
FIR	FOUND IRON ROD
R.O.W.	RIGHT-OF-WAY
INST. NO.	INSTRUMENT NUMBER
VOL. PG.	VOLUME, PAGE
O.P.R.D.C.T.	OFFICIAL PUBLIC RECORDS OF DALLAS COUNTY, TEXAS
D.R.D.C.T.	DEED RECORDS OF DALLAS COUNTY, TEXAS

DESCRIPTION OF TRACT 1
A PART OF PEARL STREET
0.0951 ACRE (4,141 SQ. FT.)
SITUATED IN THE JOHN GRIGSBY SURVEY, ABSTRACT NUMBER 495
CITY OF DALLAS, DALLAS COUNTY, TEXAS

HALFF
TBPE FIRM #F-312
TBPLS FIRM NO. 10029600
1201 N.BOWSER ROAD RICHARDSON, TEXAS 75081
TELE. (214)346-6200 FAX (214)739-0095

DATE: AUGUST 1, 2016
AVO: 30735

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8/1/2016 9:29:57 AM

EXHIBIT C

County: Dallas
Highway: State Highway Spur 366
CSJ: 0196-07

August 1, 2016

DESCRIPTION FOR TRACT 2
A PART OF PEARL STREET
0.1882 ACRE (8,198 SQ. FT.)
SITUATED IN THE JOHN GRIGSBY SURVEY,
ABSTRACT NUMBER 495
CITY OF DALLAS, DALLAS COUNTY, TEXAS

BEING a 8,198 square foot tract of land situated in the John Grigsby Survey, Abstract Number 495, City of Dallas, Dallas County, Texas, City of Dallas Block Number 528, and being part of Pearl Street (variable width right-of-way) and part of Lots 1, 2, 3 and 4 of Hensley Addition, an addition to the City of Dallas, as recorded in Volume 90, Page 274 and 275 of the Deed Records of Dallas County, Texas (D.R.D.C.T.), also being part of that tract of land described as Tract No. 1, being an abandonment of a portion of Old Pearl Street-Munger Avenue (formerly Juliette Street, called 40-foot wide right-of-way, as recorded in said Hensley Addition), as described in City of Dallas Ordinance Number 17633, as recorded in Volume 82250, Page 1383, D.R.D.C.T., and being part of that tract of land described in Agreed Judgement Deed to State of Texas, as recorded in Volume 84020, Page 3739, D.R.D.C.T., and being all of that tract of land described as Tract 2 in quitclaim deed to the City of Dallas, as recorded in Instrument Number 201500081469 of the Official Public Records of Dallas County, Texas (O.P.R.D.C.T.), and being more particularly described as follows:

BEGINNING at the most southeasterly northeast corner (not monumented) of said State of Texas tract, having Texas Coordinate System, NAD83, North Central Zone 4202 surface coordinates North=6,975,153.9036 feet, East=2,491,537.4263 feet;

1) THENCE South 44 degrees 13 minutes 56 seconds West, with the southeast line of said State of Texas tract, passing at a distance of 7.01 feet to the northeast line of said Lot 1, and continuing for a total distance of 19.97 feet to the most southeasterly southeast corner, from which a found "X" cut in concrete bears North 78 degrees 51 minutes 21 seconds West, a distance of 0.23 of a foot;

2) THENCE North 39 degrees 19 minutes 54 seconds West, with the southwest line of said State of Texas tract and over and across said Lots 1 and 2, a distance of 57.00 feet to a found "Y" cut in concrete for corner;

FIELD NOTES APPROVED: 9/6/16

3) THENCE North 51 degrees 22 minutes 13 seconds West, with the southwest line of said State of Texas tract and over and across said Lot 2, passing at a distance of 18.37 feet to the southeast corner of said Tract 2, and continuing with the southwest line of said Tract 2 and said State of Texas tract, and over and across said Lots 2 and 3, for a total distance of 76.10 feet for an "ell" corner of said Tract 2 and said State of Texas tract;

4) THENCE North 46 degrees 45 minutes 01 second West, with the southwest line of said Tract 2 and said State of Texas and over and across said State of Texas tract and said Lot 3, passing at a distance of 12.24 feet to the northeast line of said Lot 3, and the south line of said Tract No. 1, and continuing with the southwest line of said Tract 2 and said State of Texas tract, and over and across said Tract No. 1, a total distance of 60.72 feet to a found "PK" nail with shiner stamped "HALFF" for an "ell" corner of said Tract 2 and said State of Texas;

5) THENCE South 63 degrees 37 minutes 08 seconds West, with the south line of said Tract 2 and said State of Texas tract, passing at a distance of 4.28 feet to the westerly line of said Tract No. 1, and continuing over and across said Lot 4, and with the south line of said Tract 2 and State of Texas tract, a distance of 33.72 feet to the southwest corner (not monumented) of said Tract 2;

6) THENCE North 13 degrees 35 minutes 36 seconds East, over and across said State of Texas tract and with the west line of said Tract 2, a distance of 43.00 feet to a corner (not monumented);

7) THENCE North 09 degrees 32 minutes 56 seconds West, over and across said State of Texas tract and with the west line of said Tract 2, a distance of 57.28 feet to a corner (not monumented), said corner being on the northeast line of said State of Texas tract;

THENCE with the northeast line of said State of Texas tract, the following bearings and distances:

8) South 46 degrees 47 minutes 36 seconds East, a distance of 105.37 feet to a corner (not monumented);

9) South 39 degrees 09 minutes 58 seconds East, a distance of 132.10 feet to a corner (not monumented);

10) South 39 degrees 54 minutes 29 seconds East, a distance of 36.02 feet to the POINT OF BEGINNING AND CONTAINING 0.1882 of an acre (8,198 square feet) of land, more or less.

The Basis of Bearing of this survey is the Texas Coordinate System of 1983, North Central Zone (4202) as derived by GPS measurements. All distances and/or coordinates shown hereon are surface and may be converted by the published TXDOT "Surface Adjustment Factor" for Dallas County of 1.000136506.

Tract 2 is part of the Parcel shown on sheet 6A of State Highway Spur 366 (0196-07)

I, Getsy J. Suthan a Registered Professional Land Surveyor, hereby certify that the legal description hereon and the accompanying plat of even date represent an actual survey made on the ground under my supervision.

G. S. Suthan Aug. 1/16

Getsy J. Suthan
Registered Professional Land Surveyor
Texas No. 6449
Halff Associates, Inc.,
1201 North Bowser Rd.
Richardson, Texas 75081
TBPLS Firm No. 10029600

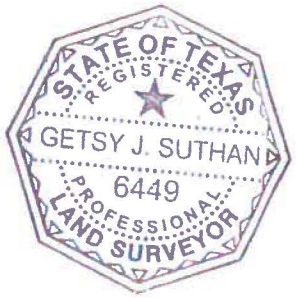
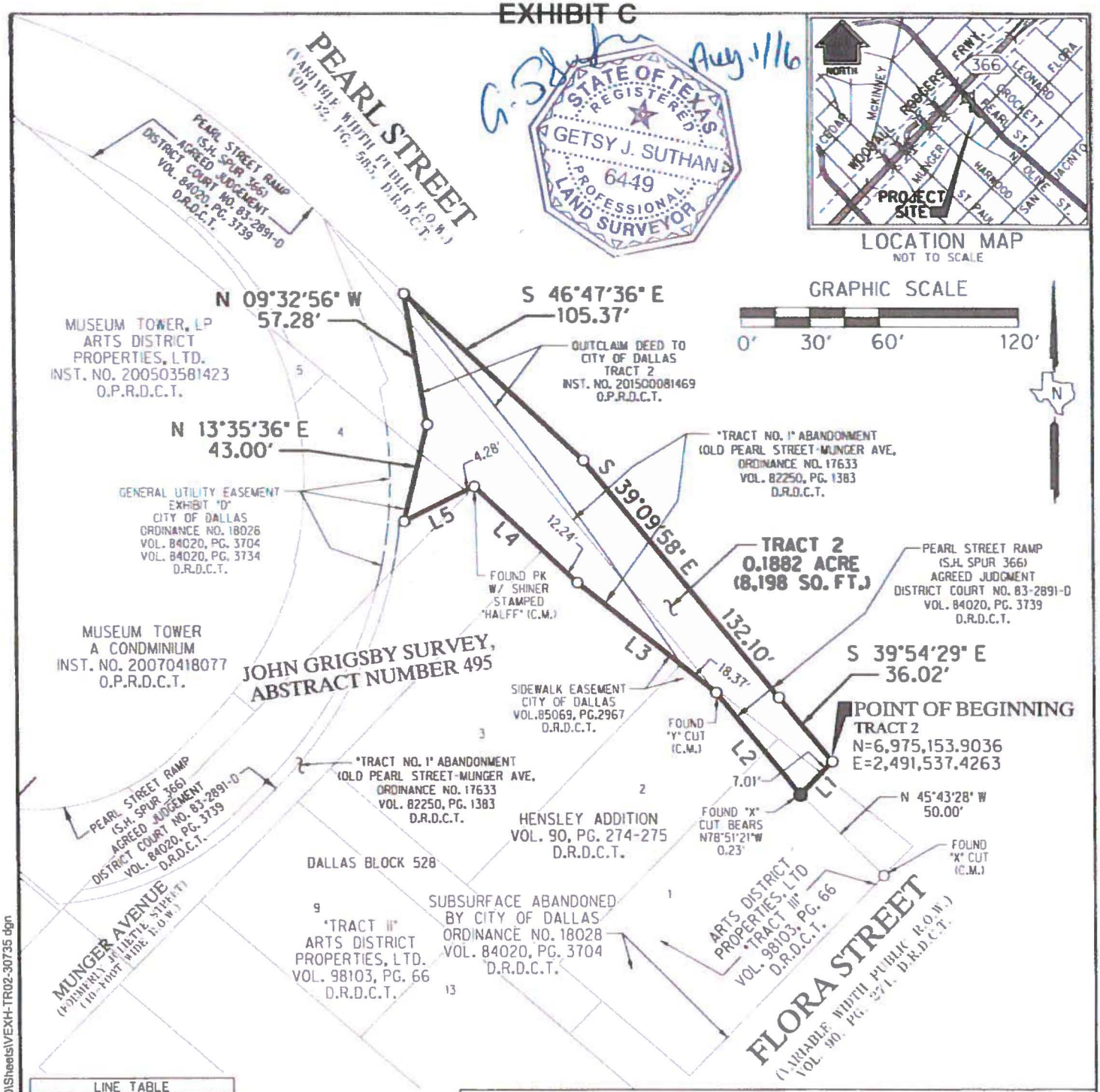


EXHIBIT C



LINE TABLE		
NO.	BEARING	DISTANCE
L1	S 44°13'56" W	19.97'
L2	N 39°19'54" W	57.00'
L3	N 51°22'13" W	76.10'
L4	N 46°45'01" W	60.72'
L5	S 63°37'08" W	33.72'

LEGEND

———	PROPOSED TRACT LINE
- - - -	EXISTING LOT LINE
———	PROPERTY LINE
●	FOUND MONUMENT (AS NOTED)
O	NOT MONUMENTED (UNLESS NOTED)
(C.M.)	CONTROL MONUMENT
FIR	FOUND IRON ROD
R.O.W.	RIGHT-OF-WAY
INST. NO.	INSTRUMENT NUMBER
VOL. PG.	VOLUME, PAGE
O.P.R.D.C.T.	OFFICIAL PUBLIC RECORDS OF DALLAS COUNTY, TEXAS
D.R.D.C.T.	DEED RECORDS OF DALLAS COUNTY, TEXAS

NOTES:
1. Basis of Bearing is the Texas Coordinate System of 1983, North Central Zone (4202) as derived by GPS measurements. All distances and/or coordinates shown hereon are surface and may be converted by the published TXDOT "Surface Adjustment Factor" for Dallas County of 1.000136506.
2. This exhibit was prepared with a metes and bounds description of even date.
3. This survey was prepared without the benefit of a title commitment.
4. Tract 2 is part of parcel shown on sheet 6A of SH SPUR 366 (0196-07)

DESCRIPTION OF TRACT 2
A PART OF PEARL STREET
0.1882 ACRE (8,198 SQ. FT.)
SITUATED IN THE JOHN GRIGSBY SURVEY, ABSTRACT NUMBER 495
CITY OF DALLAS, DALLAS COUNTY, TEXAS

HALFF
TBPE FIRM #F-312
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1201 N.BOWSER ROAD RICHARDSON, TEXAS 75081
TELE. (214)346-6200 FAX (214)739-0095

DATE: AUGUST 1, 2016
AVO: 30735

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8/1/2016 9:30:15 AM

AGENDA ITEM # 57

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: April 12, 2017

COUNCIL DISTRICT(S): 14

DEPARTMENT: Sustainable Development and Construction

CMO: Majed Al-Ghafry, 670-3302

MAPSCO: 45F K

SUBJECT

An ordinance abandoning aerial portions of Pearl and Flora Streets and a subsurface portion of Flora Street to Arts District Properties, Ltd., the abutting owner, containing a total of approximately 2,628 square feet of land, located near the intersection of Flora and Olive Streets, and authorizing the quitclaim - Revenue: $286,811, plus the $20 ordinance publication fee

BACKGROUND

This item was on the addendum because additional review time was required. This item authorizes the abandonment of aerial portions of Pearl and Flora Streets and a subsurface portion of Flora Street to Arts District Properties, Ltd., the abutting owner. These areas will be included with the property of the abutting owner for a multi-family development. The abandonment fee is based on an independent appraisal.

Notices were sent to 68 property owners located within 300 feet of the proposed abandonment area. There was one response received in opposition to this request.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Information about this item was provided to the Economic Development Committee on March 20, 2017.

On March 22, 2017, this item was deferred by Councilmember Philip T. Kingston.

FISCAL INFORMATION

Revenue - $286,811, plus the $20 ordinance publication fee

OWNER

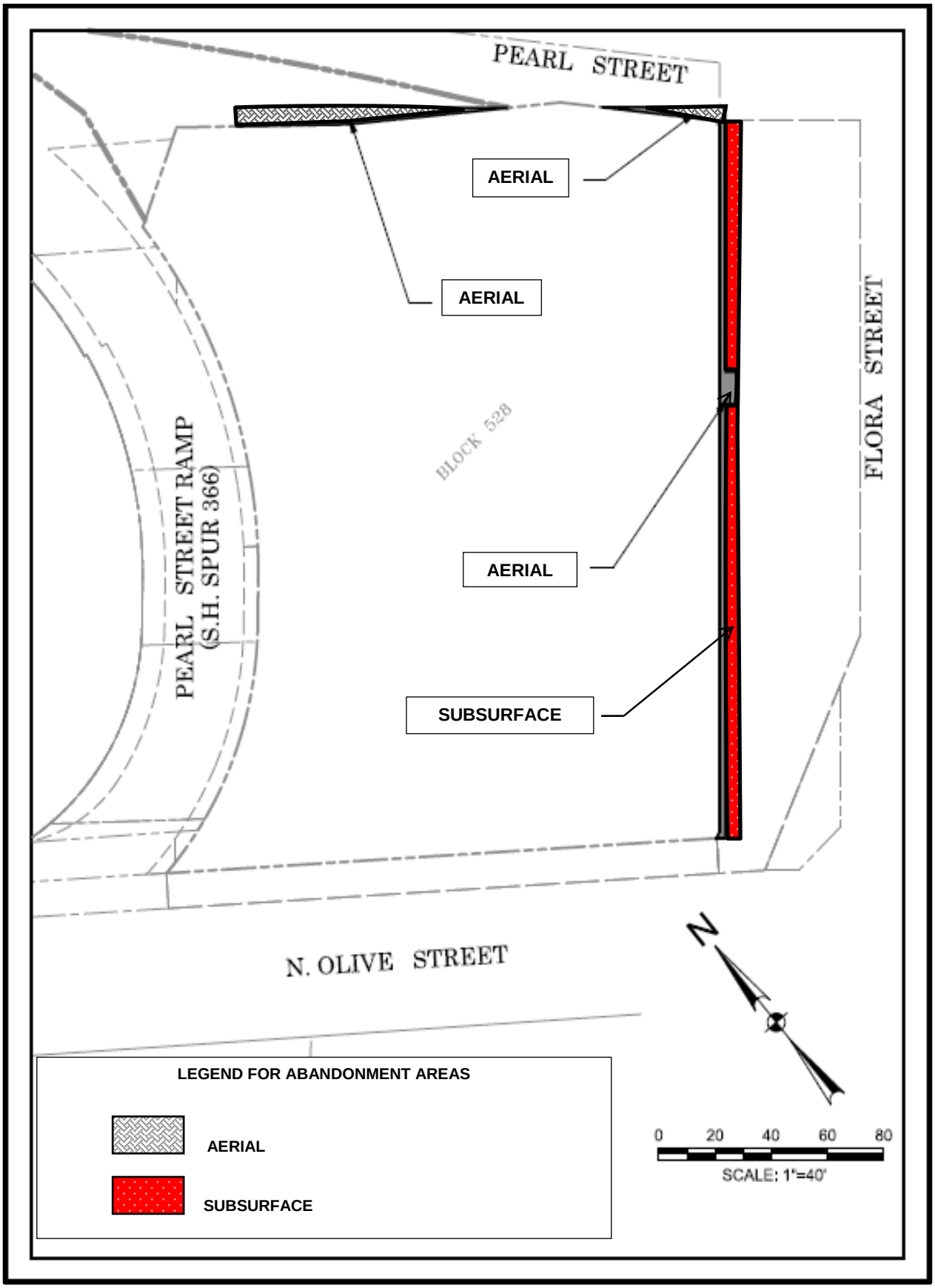
Arts District Properties, Ltd.

Metroarts Corporation, General Partner

Graham Greene, President

MAP

Attached


PEARL STREET
AERIAL
AERIAL
AERIAL
SUBSURFACE
BLOCK 528
PEARL STREET RAMP
(S.H. SPUR 366)
FLORA STREET
N. OLIVE STREET
N
LEGEND FOR ABANDONMENT AREAS
AERIAL
SUBSURFACE
0 20 40 60 80
SCALE: 1"=40'

ORDINANCE NO. _____

An ordinance providing for the abandonment of aerial portions of Pearl and Flora Streets and a subsurface portion of Flora Street located in and adjacent to City Block 528 in the City of Dallas and County of Dallas, Texas, subject to a reverter; providing for the quitclaim thereof to Arts District Properties, Ltd.; providing for the terms and conditions of the abandonment and quitclaim made herein; providing for the indemnification of the City of Dallas against damages arising out of the abandonment herein; providing for the consideration to be paid to the City of Dallas; providing for the payment of the publication fee; and providing an effective date.

ooo0ooo

WHEREAS, the City Council of the City of Dallas, acting pursuant to law and upon the request and petition of Arts District Properties, Ltd., a Texas limited partnership, hereinafter referred to as **GRANTEE**, deems it advisable to abandon and quitclaim, subject to a reverter interest, the hereinafter described areas and is of the opinion that, subject to the terms conditions and reverters herein provided, said portion of aerial rights over Pearl Street, as more fully described in Exhibit A-Tract I and Exhibit A-Tract II, respectively, beginning at an elevation of 482.5' above mean sea level and extending to an elevation to 882.0' above mean sea level; said portion of aerial rights over Flora Street, as more fully described in Exhibit A-Tract III, beginning at an elevation of 468.33' above mean sea level and extending to an elevation to 484.67' above mean sea level, said portion of subsurface rights, as more fully described in Exhibit A-Tract IV, from 1' below surface to 8' below surface, are not currently needed for public use, and same should be abandoned and quitclaimed to **GRANTEE**, as hereinafter provided, for the consideration hereinafter stated; and

WHEREAS, the City Council of the City of Dallas is of the opinion that the best interest and welfare of the public will be served by abandoning and quitclaiming the same to **GRANTEE** for the consideration and subject to the terms, conditions and reverter hereinafter more fully set forth; **Now, Therefore,**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DALLAS:

SECTION 1. That the portion of aerial rights over Pearl Street, beginning at an elevation of 482.5' above mean sea level and extending to an elevation of 882.0' above mean sea level over the tracts of land described in Exhibit A-Tract I and Exhibit A-Tract II, and that the portion of aerial rights over Flora Street, beginning at an elevation of 468.33' above mean sea level and extending to an elevation of 484.67' above mean sea level over the tract of land described in Exhibit A-Tract III, and that the portion of subsurface rights below Flora Street, from 1' below surface to 8' below surface described in Exhibit A-Tract IV, which is attached hereto and made a part hereof, be and the same are abandoned, vacated and closed insofar as the right, title and easement of the public are concerned; subject, however, to the reverter and the conditions hereinafter more fully set out.

SECTION 2. That for and in monetary consideration of the sum of **TWO HUNDRED EIGHTY-SIX THOUSAND EIGHT HUNDRED ELEVEN AND NO/100 ($286,811.00) DOLLARS** paid by **GRANTEE**, and the further consideration described in Sections 8 and 9, the City of Dallas does by these presents QUITCLAIM unto the said **GRANTEE**, subject to the conditions, reservations and exceptions hereinafter made and with the reverter interest herein stated, all its right, title and interest in and to the portion of aerial rights over Pearl Street, beginning at an elevation of 482.5' above mean sea level and extending to an elevation of 882.0' above mean sea level over the tracts of land described in Exhibit A-Tract I and Exhibit A-Tract II, and that the portion of aerial rights over Flora Street, beginning at an elevation of 468.33' above mean sea level and extending to an elevation of 484.67' above mean sea level over the tracts of land described in Exhibit A-Tract III, and that the subsurface rights below Flora Street, from 1' below surface to 8' below surface described in Exhibit A-Tract IV. Provided however, that if the improvements situated on and adjacent to the areas, to be abandoned are ever respectively: (i) partially demolished, removed or damaged and are not promptly thereafter repaired or rebuilt;

(ii) substantially or totally demolished, removed or damaged; or (iii) abandoned in whole or in part by **GRANTEE**, its successors and assigns, then this ordinance and quitclaim shall be rendered null and void and the right, title and easement of the public shall absolutely revert without any necessity for suit or re-entry by the City; and no act or omission on the part of the City, its successors and assigns, shall be a waiver of the operation or enforcement of this ordinance. **TO HAVE AND TO HOLD** all of such right, title and interest in and to the property and premises, subject aforesaid, together with all and singular the rights, privileges, hereditaments and appurtenances thereto in any manner belonging unto the said **GRANTEE**.

SECTION 3. That upon payment of the monetary consideration set forth in Section 2, **GRANTEE** accepts the terms, provisions, and conditions of this ordinance.

SECTION 4. That the Chief Financial Officer is authorized to deposit the sum paid by **GRANTEE** pursuant to Section 2 above in the General Fund 0001, Department DEV, Balance Sheet 0519 and Department of Sustainable Development and Construction - Real Estate Division shall be reimbursed for the cost of obtaining the legal description, appraisal and other administrative costs incurred. The reimbursement proceeds shall be deposited in General Fund 0001, Department DEV, Unit 1183, Object 5011 and any remaining proceeds shall be transferred to the General Capital Reserve Fund 0625, Department BMS, Unit 8888, Revenue Source 8416.

SECTION 5. That the abandonment provided for herein is made subject to all present zoning and deed restrictions, if the latter exist, and are subject to all existing easement rights of others, if any, whether apparent or non-apparent, aerial, surface, underground or otherwise, and are further subject to the conditions contained in Exhibit B, which is attached hereto for all intents and purposes made a part hereof.

SECTION 6. That the terms and conditions contained in this ordinance shall be binding upon **GRANTEE**, its successors and assigns.

SECTION 7. That the abandonment and quitclaim provided for herein shall extend only to the public right, title, easement and interest, and shall be construed to extend only to that interest the Governing Body of the City of Dallas may legally and lawfully abandon and vacate.

SECTION 8. That as a condition of this abandonment and as a part of the consideration for the quitclaim to **GRANTEE** herein, **GRANTEE**, its successors and assigns, agree to indemnify, defend, release and hold harmless the City of Dallas as to any and all claims for damages, fines, penalties, costs or expenses to persons or property that may arise out of, or be occasioned by or from: (i) the use and occupancy of the areas described in Exhibit A by **GRANTEE**, its successors and assigns; (ii) the presence, generation, spillage, discharge, release, treatment or disposition of any Hazardous Substance on or affecting the areas set out in Exhibit A, (iii) all corrective actions concerning any discovered Hazardous Substances on or affecting the areas described in Exhibit A, which **GRANTEE**, its successors and assigns, agree to undertake and complete in accordance with applicable federal, state and local laws and regulations; and (iv) the abandonment, closing, vacation and quitclaim by the City of Dallas of the areas set out in Exhibit A. **GRANTEE**, its successors and assigns, hereby agree to defend any and all suits, claims, or causes of action brought against the City of Dallas on account of same, and discharge any judgment or judgments that may be rendered against the City of Dallas in connection therewith. For purposes hereof, "Hazardous Substance" means the following: (a) any "hazardous substances" under the Comprehensive, Environmental Response, Compensation Liability Act, 42 U.S.C. Section 9601 et seq., as amended, (b) any "hazardous substances": under the Texas Hazardous Substances Spill Prevention and Control Act, TEX. WATER CODE, Section 26.261 et seq., as amended, (c) petroleum or petroleum-based products (or any derivative or hazardous constituents thereof or additives thereto), including without limitation, fuel and lubricating oils, (d) any "hazardous chemicals" or "toxic chemicals" under the Occupational Safety and Health Act, 29 U.S.C. Section 651 et seq., as amended, (e) any "hazardous waste" under the Resource Conservation and Recovery Act, 42 U.S.C. Section 6901 et seq., as amended; and (f) any "chemical substance" under the Toxic Substance Control Act, 15 U.S.C. Section 2601 et seq., as amended. References to particular acts or codifications in this definition include all past and future amendments thereto, as well as applicable rules and regulations as now or hereafter promulgated thereunder.

SECTION 9. That as a condition of this abandonment and as a part of the consideration for the quitclaim made herein, **GRANTEE** shall:

a) abide by City of Dallas Central Business District Vehicular and Circulation Plan, Section 51-9.100; requiring city to retain 100 feet of right-of-way along Pearl Street and 100 feet of right-of-way along Flora Street.

b) apply for and be issued a Right-of-Way Permit prior to commencing any field work in the right-of-way.

c) meet design requirements as referenced by the Plan Development District (PDD) #145 zoning for the Dallas Arts District, subject to compliance with Dallas City Code.

SECTION 10. That the City Secretary is hereby authorized and directed to certify a copy of this ordinance for recordation in the Deed Records of Dallas County, Texas, which certified copy shall be delivered to the Director of Department of Sustainable Development and Construction, or designee. Upon receipt of the monetary consideration set forth in Section 2, plus the fee for the publishing of this ordinance, which **GRANTEE** shall likewise pay, the Director of Department of Sustainable Development and construction, or designee: (i) shall deliver to **GRANTEE** a certified copy of this ordinance, and (ii) is authorized to and shall prepare and deliver a **QUITCLAIM DEED** with regard to the areas abandoned herein, subject to a reverter interest, to **GRANTEE** hereunder, same to be executed by the City Manager on behalf of the City of Dallas, attested by the City Secretary and approved as to form by the City Attorney. The Director of Department of Sustainable Development and Construction, or designee, shall be the sole source for receiving certified copies of this ordinance for one year after its passage.

SECTION 11. That this ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so ordained.

APPROVED AS TO FORM:
LARRY E. CASTO
City Attorney

DAVID COSSUM
Director of Department of Sustainable Development and Construction

BY _____
Assistant City Attorney

BY _____
Assistant Director

Passed _____.

EXHIBIT A-TRACT I

AERIAL ABANDONMENT
PART OF LOTS 2, 3, AND 4 OF A.T. HENSLEY ADDITION
PART OF PEARL STREET
CITY OF DALLAS BLOCK NUMBER 528
BETWEEN THE ELEVATIONS OF 482.5' AND 882.0' MEAN SEA LEVEL
SITUATED IN THE
JOHN GRIGSBY SURVEY, ABSTRACT NUMBER 495
CITY OF DALLAS, DALLAS COUNTY, TEXAS

BEING a 397 square foot (0.0091 acre) tract of land situated in the John Grigsby Survey, Abstract Number 495, City of Dallas, Dallas County, Texas, City of Dallas Block Number 528, and being part of Pearl Street (created in Volume 52, Page 582-583 of the Deed Records of Dallas County, Texas, (D.R.D.C.T.), a variable width right-of-way) and part of Lots 2, 3 and 4 of A.T. Hensley Addition, an addition to the City of Dallas, as recorded in Volume 90, Pages 274 and 275, D.R.D.C.T, and being part of that tract of land described as Tract No. 1, being an abandonment of a portion of Old Pearl Street-Munger Avenue (formerly Juliette Street, called 40-foot wide right-of-way, as recorded in said Hensley Addition), as described in City of Dallas Ordinance Number 17633, as recorded in Volume 82250, Page 1383, D.R.D.C.T., and being part of that tract of land described in Agreed Judgment Deed to State of Texas, as recorded in Volume 84020, Page 3739, D.R.D.C.T., and being more particularly described as follows, but only as to that portion of the aerial abandonment between the elevations of 482.5' and 882.0' mean sea level:

COMMENCING at a PK nail found with shiner stamped "HALFF" (hereinafter referred to as "with shiner") for the northwest corner of that tract of land described as Tract II in Special Warranty deed to Arts District Properties, Ltd., as recorded in Volume 98103, Page 66, D.R.D.C.T., and an "ell" corner of said State of Texas tract;

THENCE South 46 degrees 45 minutes 00 second East, with the south line of said State of Texas tract, and the north line of said Tract II, a distance of 21.30 feet to a corner (not monumented) for the POINT OF BEGINNING;

THENCE North 43 degrees 15 minutes 00 seconds East, departing said north line of Tract II and a southwest line of said State of Texas tract, and over and across said State of Texas tract, a distance of 6.35 feet to a corner(not monumented);

THENCE South 45 degrees 43 minutes 28 seconds East, continuing over and across said State of Texas tract, a distance of 96.58 feet to a corner (not monumented), said corner being on the south line of said State of Texas tract and the north line of said Tract II;

THENCE North 51 degrees 22 minutes 13 seconds West, with the south line of said State of Texas tract, and the north line of said Tract II, a distance of 57.33 feet to a corner (not monumented);

THENCE North 46 degrees 45 minutes 00 second West, with the south line of said State of Texas tract, and the north line of said Tract II, a distance of 39.42 feet to the POINT OF BEGINNING AND CONTAINING 397 square feet or 0.0091 acres of land, more or less.

(For SPRG use only)	
Reviewed By:	A. Rodriguez
Date:	2/27/17
SPRG NO.:	3935

AERIAL ABANDONMENT
PART OF LOTS 2, 3, AND 4 OF A.T. HENSLEY ADDITION
PART OF PEARL STREET
CITY OF DALLAS BLOCK NUMBER 528
BETWEEN THE ELEVATIONS OF 482.5' AND 882.0' MEAN SEA LEVEL
SITUATED IN THE
JOHN GRIGSBY SURVEY, ABSTRACT NUMBER 495
CITY OF DALLAS, DALLAS COUNTY, TEXAS

Basis of Bearing: State Plane Coordinate System, Texas North Central Zone 4202, North American Datum of 1983. 2011 Adjustment, Epoch 2010.00. All coordinates and distances shown hereon are US Survey Feet, displayed in surface values and may be converted to grid by dividing by the TxDOT Surface Adjustment Factor of 1.000136506.

This metes and bounds description was prepared with an exhibit of even date.

This survey was prepared without the benefit of a title commitment. Easement may exists where none are shown.

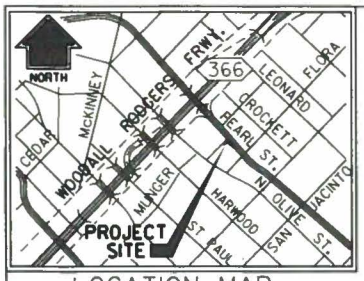
G.J. Suthan June 9/2016

Getsy J. Suthan
Registered Professional Land Surveyor
Texas No. 6449
Halff Associates, Inc.,
1201 North Bowser Rd.
Richardson, Texas 75081
713-588-2466
TBPLS Firm No. 10029600



(For SPRG use only)
Reviewed By: A. Rodriguez
Date: 2/27/17
SPRG NO.: 3935

EXHIBIT A-TRACT 1



LOCATION MAP
NOT TO SCALE

LINE	BEARING	DISTANCE
L1	N43°15'00"E	6.35'
L2	S45°43'28"E	96.58'
L3	N51°22'13"W	57.33'
L4	N46°45'00"W	39.42'
L5	S63°37'08"W	36.17'

QUITCLAIM DEED TO CITY OF DALLAS TRACT 2 INST. NO. 201500081469 O.P.R.D.C.T.

POINT OF COMMENCING

S46°45'00"E 21.30'

P.K. FND. W/ SHINER STAMPED "HALFF" (C.M.)

5/8" FIR W/ "SURVCON" CAP

POINT OF BEGINNING

PEARL STREET RAMP (S.H. SPUR 366) AGREED JUDGMENT DISTRICT COURT NO. 83-2891-D VOL. 84020, PG. 3739 D.R.D.C.T.

AERIAL ABANDONMENT BETWEEN THE ELEVATIONS OF 482.5' AND 882.0' MEAN SEA LEVEL 397 SQ. FT. OR 0.0091 ACRE

CITY OF DALLAS VOL. 52, PAGE 582 D.R.D.C.T.

PEARL STREET (VARIABLE WIDTH PUBLIC R.O.W.)

CITY OF DALLAS TRACT 2 VOL. 82250, PG. 428 D.R.D.C.T.

ORIGINAL 50' PUBLIC R.O.W.

QUITCLAIM DEED TO CITY OF DALLAS VOL. 84020, PG. 3799 D.R.D.C.T.

"TRACT NO. 1" ABANDONMENT (OLD PEARL STREET-MUNGER AVE., ORDINANCE NO. 17633) VOL. 82250, PG. 1383 D.R.D.C.T.

S51°22'13"E 18.77'

CITY OF DALLAS VOL. 52, PAGE 583 D.R.D.C.T.

SIDEWALK AND DRAINAGE EASEMENT CITY OF DALLAS VOL. 85069, PG. 2967 D.R.D.C.T.

S39°19'54"E 57.00'

CITY OF DALLAS VOL. 52 PG. 585 D.R.D.C.T.

CITY OF DALLAS VOL. 78249, PG. 3889 D.R.D.C.T.

FND. "X" CUT Bears=N78°51'21"W 0.25'

S45°43'28"E 50.00'

FOUND "X" CUT (C.M.)

A.T. HENSLEY ADDITION VOL. 90, PG. 274-275 D.R.D.C.T.

"TRACT II" ARTS DISTRICT PROPERTIES, LTD. VOL. 98103, PG. 66 D.R.D.C.T.

PEARL STREET RAMP (S.H. SPUR 366) AGREED JUDGMENT DISTRICT COURT NO. 83-2891-D VOL. 84020, PG. 3739 D.R.D.C.T.

MUNGER AVENUE (FORMERLY JULIETTE STREET) (40-FOOT WIDE R.O.W.)

DALLAS BLOCK 528

20' ALLEY ABANDONMENT ORDINANCE NO. 17633 VOL. 82250, PG. 1383 D.R.D.C.T.

JOHN GRIGSBY SURVEY, ABSTRACT NO. 495

ARTS DISTRICT PROPERTIES, LTD SUBSURFACE TRACT III "TRACT III" ESTATE VOL. 98103, PG. 66 D.R.D.C.T.

ORIGINAL 40' PUBLIC R.O.W.

CITY OF DALLAS VOL. 78249, PG. 3889 D.R.D.C.T.

FLORA STREET (VARIABLE WIDTH PUBLIC R.O.W.) VOL. 90, PG. 274, D.R.D.C.T.

STREET EASEMENT, TRACT 2 VOL. 86028, PG. 4387, D.R.D.C.T.

DALLAS HAR ADDITION LOT 1, BLOCK 1 529 VOL. 2002210, PG. 11 D.R.D.C.T.

OLIVE STREET (VARIABLE WIDTH PUBLIC R.O.W.) CITY OF DALLAS CAUSE NO. 53592-B VOL. 19, PG. 268, CC *2 D.R.D.C.T.

CITY OF DALLAS VOL. 84020, PG. 3763 D.R.D.C.T.

TRACT III SUBSURFACE ABANDONED BY CITY OF DALLAS ORDINANCE NO. 18028 VOL. 84020, PG. 3704 D.R.D.C.T.

100' (CALCULATED)

ORIGINAL 40' PUBLIC R.O.W.

54'

STREET EASEMENT TRACT 1 VOL. 86028, PG. 4387 D.R.D.C.T.

NOTES:

1. Basis of Bearing: State Plane Coordinate System, Texas North Central Zone 4202, North American Datum of 1983. 2011 Adjustment, Epoch 2010.00. All coordinates and distances shown hereon are US Survey Feet, displayed in surface values and may be converted to grid by dividing by the TxDOT Surface Adjustment Factor of 1.000136506.
2. This exhibit was prepared with a metes and bounds description of even date.
3. This survey was prepared without the benefit of a title commitment.

LEGEND

O	NOT MONUMENTED (UNLESS NOTED)
(C.M.)	CONTROLLING MONUMENT
FIR	FOUND IRON ROD
SQ. FT.	SQUARE FEET
R.O.W.	RIGHT-OF-WAY
VOL. PG.	VOLUME AND PAGE
INST. NO.	INSTRUMENT NUMBER
D.R.D.C.T.	DEED RECORDS DALLAS COUNTY, TEXAS
O.P.R.D.C.T.	OFFICIAL PUBLIC RECORD DALLAS COUNTY, TEXAS
- - - - -	EASEMENT LINE
———	LOT LINE
℄	PROPERTY LINE
CC	COUNTY COURT

0 25 50 75 100

SCALE: 1"=50'

N

STATE OF TEXAS REGISTERED GETSY J. SUTHAN 6449 PROFESSIONAL LAND SURVEYOR

G. Sutha 9/2016

(For SPRG use only)

Reviewed By: A. Rodriguez

Date: 2/27/17

SPRG NO.: 3935

PAGE 3 OF 3

AERIAL ABANDONMENT
PART OF LOTS 2, 3, AND 4 OF
A.T. HENSLEY ADDITION
AND PART OF PEARL STREET
CITY OF DALLAS BLOCK NUMBER 528
BETWEEN THE ELEVATIONS OF 482.5'
AND 882.0' MEAN SEA LEVEL
SITUATED IN THE
JOHN GRIGSBY SURVEY, ABSTRACT NO. 495
CITY OF DALLAS, DALLAS COUNTY, TEXAS

HALFF

TBPLS FIRM NO. 10029600

HALFF ASSOCIATES, INC. ENGINEERS ~ SURVEYORS
1201 NORTH BOWSER ROAD ~ RICHARDSON, TEXAS ~ 75081-2275
SCALE: 1"=50 (214)346-6200 AVO. 30735 FEBRUARY, 2017

2/23/2017 12:48:56 PM ah2472 HALFF I:\30000s\30735\CADD\Sheets\SI01VEXH-EXHIBIT-01-30735.DGN Sheet 2S_IRC5240_MON_FS_FW_CR.plt

EXHIBIT A-TRACT II

AERIAL ABANDONMENT
PART OF PEARL STREET
PART OF LOTS 1 AND 2 OF A.T. HENSLEY ADDITION
CITY OF DALLAS BLOCK NUMBER 528
BETWEEN THE ELEVATIONS OF 482.5' AND 882.0' MEAN SEA LEVEL
SITUATED IN THE
JOHN GRIGSBY SURVEY, ABSTRACT NUMBER 495
CITY OF DALLAS, DALLAS COUNTY, TEXAS

BEING a 99 square foot (0.0023 acre) tract of land situated in the John Grigsby Survey, Abstract Number 495, City of Dallas, Dallas County, Texas, City of Dallas Block Number 528, and being part of Pearl Street (created in Volume 78249, Page 3889, of the Deed Records of Dallas County, Texas, (D.R.D.C.T.), a variable width right-of-way) and part of Lots 1, and 2 of A.T. Hensley Addition, an addition to the City of Dallas, as recorded in Volume 90, Pages 274 and 275, D.R.D.C.T, and being part of that tract of land described in Agreed Judgment Deed to State of Texas, as recorded in Volume 84020, Page 3739, D.R.D.C.T., and being more particularly described as follows, but only as to that portion of the aerial abandonment between the elevations of 482.5' and 882.0' mean sea level:

BEGINNING at the northeast corner of Tract II and the northwest corner of Tract III of that tracts of land described in Special Warranty deed to Arts District Properties, Ltd., as recorded in Volume 98103, Page 66, D.R.D.C.T., and the southeast corner of said State of Texas tract, from which a found "X" cut bears North 78 degrees 51 minutes 21 seconds West, 0.23 feet, and another "X" cut found bears South 45 degrees 43 minutes 28 seconds East, a distance of 50.00 feet;

THENCE North 39 degrees 19 minutes 55 seconds West, with the south line of said State of Texas tract and the north line of said Tract II, a distance of 40.42 feet to a corner (not monument);

THENCE South 45 degrees 43 minutes 28 seconds East, departing said south line of State of Texas tract, and the north line of said Tract II, and over and across said State of Texas tract, a distance of 42.00 feet to a corner (not monumented);

THENCE South 44 degrees 16 minutes 32 seconds West, over and across said Lot 1, a distance of 4.50 feet to a corner (not monument), said corner being on the north line of said Tract III;

THENCE North 45 degrees 43 minutes 28 seconds West, with the north line of said Tract III, a distance of 1.83 feet to the POINT OF BEGINNING AND CONTAINING 99 square feet or 0.0023 acres of land, more or less.

(For SPRG use only)
Reviewed By: A. Rodriguez
Date: 2/27/17
SPRG NO.: 3932

EXHIBIT A-TRACT II

AERIAL ABANDONMENT
PART OF PEARL STREET
PART OF LOTS 1 AND 2 OF A.T. HENSLEY ADDITION
CITY OF DALLAS BLOCK NUMBER 528
BETWEEN THE ELEVATIONS OF 482.5' AND 882.0' MEAN SEA LEVEL
SITUATED IN THE
JOHN GRIGSBY SURVEY, ABSTRACT NUMBER 495
CITY OF DALLAS, DALLAS COUNTY, TEXAS

Basis of Bearing: State Plane Coordinate System, Texas North Central Zone 4202, North American Datum of 1983. 2011 Adjustment, Epoch 2010.00. All coordinates and distances shown hereon are US Survey Feet, displayed in surface values and may be converted to grid by dividing by the TxDOT Surface Adjustment Factor of 1.000136506.

This metes and bounds description was prepared with an exhibit of even date.

This survey was prepared without the benefit of a title commitment. Easement may exists where none are shown.

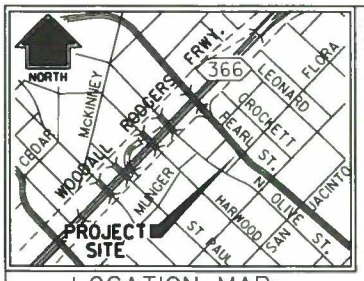
09 JUNE 2016

Jason A. Jernigan
Registered Professional Land Surveyor
Texas No. 6023
Halff Associates, Inc.,
1201 North Bowser Rd.
Richardson, Texas 75081
214-346-6200
TBPLS Firm No. 10029600

STATE OF TEXAS
REGISTERED
JASON A. JERNIGAN
6023
PROFESSIONAL
LAND SURVEYOR

(For SPRG use only)
Reviewed By: A. Rodriguez
Date: 2/27/17
SPRG NO.: 3932

EXHIBIT A-TRACT II



LOCATION MAP
NOT TO SCALE

QUITCLAIM DEED TO CITY OF DALLAS VOL. 84020, PG. 3799 D.R.D.C.T.

CITY OF DALLAS VOL. 52, PAGE 582 D.R.D.C.T.

PEARL STREET RAMP (S.H. SPUR 366) AGREED JUDGMENT DISTRICT COURT NO. 83-2891-D VOL. 84020, PG. 3739 D.R.D.C.T.

QUITCLAIM DEED TO CITY OF DALLAS TRACT 2 INST. NO. 201500081469 O.P.R.D.C.T.

CITY OF DALLAS TRACT 2 VOL. 82250, PG. 428 D.R.D.C.T.

"TRACT NO. 1" ABANDONMENT (OLD PEARL STREET-MUNGER AVE, ORDINANCE NO. 17633) VOL. 82250, PG. 1383 D.R.D.C.T.

CITY OF DALLAS VOL. 52, PAGE 583 D.R.D.C.T.

PEARL STREET (VARIABLE WIDTH PUBLIC R.O.W.)

ORIGINAL 50' PUBLIC R.O.W.

SIDEWALK & DRAINAGE EASEMENT CITY OF DALLAS VOL. 85069, PG. 2967 D.R.D.C.T.

AERIAL ABANDONMENT BETWEEN THE ELEVATIONS OF 482.5' AND 882.0' MEAN SEA LEVEL 99 SQ. FT. OR 0.0023 ACRE

CITY OF DALLAS VOL. 52, PAGE 585 D.R.D.C.T.

CITY OF DALLAS VOL. 78249, PG. 3889 D.R.D.C.T.

POINT OF BEGINNING

L1 L2 L3 L4

S45°43'28"E 48.17'

FND. "X" CUT BEARS N78°51'21"W 0.23'

FND. "X" CUT (C.M.)

PEARL STREET RAMP (S.H. SPUR 366) AGREED JUDGMENT DISTRICT COURT NO. 83-2891-D VOL. 84020, PG. 3739 D.R.D.C.T.

A.T. HENSLEY ADDITION VOL. 90, PG. 274-275 D.R.D.C.T.

20' ALLEY ABANDONMENT ORDINANCE NO. 17633 VOL. 82250, PG. 1383 D.R.D.C.T.

"TRACT II" ARTS DISTRICT PROPERTIES, LTD. VOL. 98103, PG. 66 D.R.D.C.T.

DALLAS BLOCK 528

MUNGER AVENUE (FORMERLY JULIETTE STREET) (40-FOOT WIDE R.O.W.)

ARTS DISTRICT PROPERTIES, LTD. "TRACT III" SUBSURFACE FEE ESTATE VOL. 98103, PG. 66 D.R.D.C.T.

242.74'

175.57'

CITY OF DALLAS VOL. 78249, PG. 3889 D.R.D.C.T.

FLORA STREET (VARIABLE WIDTH PUBLIC R.O.W.) VOL. 90, PG. 274, D.R.D.C.T.

ORIGINAL 40' PUBLIC R.O.W.

100' (CALCULATED)

STREET EASEMENT TRACT 2 VOL. 86028, PG. 4387 D.R.D.C.T.

OLIVE STREET (VARIABLE WIDTH PUBLIC R.O.W.) CITY OF DALLAS CAUSE NO. 53592-B VOL. 18, PG. 268, CC #2 D.R.D.C.T.

CITY OF DALLAS VOL. 84020, PG. 3763 D.R.D.C.T.

N44°16'32"E

TRACT III ABANDONED SUBSURFACE EASEMENT BY CITY OF DALLAS ORDINANCE NO. 18028 VOL. 81020, PG. 3701 D.R.D.C.T.

S44°16'32"W

ORIGINAL 40' PUBLIC R.O.W.

54'

5/8" FIR W/ "SURVCON" CAP (C.M.)

FND. "X" CUT (C.M.)

STREET EASEMENT TRACT 1 VOL. 86028, PG. 4387 D.R.D.C.T.

DALLAS BAR ADDITION LOT 1, BLOCK A 529 VOL. 20022 0 PG. 44 D.R.D.C.T.

JOHN GRIGSBY SURVEY, ABSTRACT NO. 495

N

0 25 50 75 100

SCALE: 1"=50'

NOTES:

1. Basis of Bearing: State Plane Coordinate System, Texas North Central Zone 4202, North American Datum of 1983. 2011 Adjustment, Epoch 2010.00. All coordinates and distances shown hereon are US Survey Feet, displayed in surface values and may be converted to grid by dividing by the TxDOT Surface Adjustment Factor of 1.000136506.

2. This exhibit was prepared with a metes and bounds description of even date.

3. This survey was prepared without the benefit of a title commitment.

LEGEND

O	NOT MONUMENTED (UNLESS NOTED)
(C.M.)	CONTROLLING MONUMENT
FIR	FOUND IRON ROD
R.O.W.	RIGHT-OF-WAY
SQ. FT.	SQUARE FEET
VOL. PG.	VOLUME AND PAGE
INST. NO.	INSTRUMENT NUMBER
D.R.D.C.T.	DEED RECORDS DALLAS COUNTY, TEXAS
O.P.R.D.C.T.	OFFICIAL PUBLIC RECORD DALLAS COUNTY, TEXAS
- - - - -	EASEMENT LINE
———	LOT LINE
℄	PROPERTY LINE
CC	COUNTY COURT

LINE	BEARING	DISTANCE
1	N39°19'55"W	40.42'
2	S45°43'28"E	42.00'
3	S44°16'32"W	4.50'
4	N45°43'28"W	1.83'

09/29/2016

STATE OF TEXAS REGISTERED JASON A. JERNIGAN 6023 PROFESSIONAL LAND SURVEYOR

(For SPRG use only)

Reviewed By: A. Rodriguez

Date: 2/27/17

SPRG NO.: 3932

AERIAL ABANDONMENT
PART OF PEARL STREET AND
PART OF LOTS 1 AND 2 OF A.T. HENSLEY ADDITION
CITY OF DALLAS BLOCK NUMBER 528
BETWEEN THE ELEVATIONS OF 482.5' AND
882.0' MEAN SEA LEVEL
SITUATED IN THE
JOHN GRIGSBY SURVEY, ABSTRACT NO. 495
CITY OF DALLAS, DALLAS COUNTY, TEXAS

HALFF
TBPLS FIRM NO. 10029600
HALFF ASSOCIATES, INC. ENGINEERS ~ SURVEYORS
1201 NORTH BOWSER ROAD ~ RICHARDSON, TEXAS ~ 75081-2275
SCALE: 1"=50 (214)346-6200 AVO. 30735 FEBRUARY, 2017

3/7/2017 1:23:06 PM ah2582 HALFF I:\30000s\30735\CADD\Sheets\SI01\VEXH-EXHIBIT-02 30735.DGN Sheet 2S_IRC5240_MON_FS_FW_MR.plt

EXHIBIT A-TRACT III

AERIAL ABANDONMENT
PART OF LOTS 1, 10, 13, AND 20' ALLEY OF A.T. HENSLEY ADDITION
CITY OF DALLAS BLOCK NUMBER 528
BETWEEN THE ELEVATIONS OF 468.33' AND 484.67' MEAN SEA LEVEL
SITUATED IN THE
JOHN GRIGSBY SURVEY, ABSTRACT NUMBER 495
CITY OF DALLAS, DALLAS COUNTY, TEXAS

BEING a 496 square foot (0.0114 acre) tract of land situated in the John Grigsby Survey, Abstract Number 495, City of Dallas, Dallas County, Texas, City of Dallas Block Number 528, and being part of Lots 1, 10, 13, and 20' Alley of A.T. Hensley Addition, an addition to the City of Dallas, as recorded in Volume 90, Pages 274 and 275 of the Deed Records of Dallas County, Texas (D.R.D.C.T), and being part of Flora Street (created by Volume 90, Page 274, Volume 78249, Page 3889, and Volume 84020, Page 3763, D.R.D.C.T.), and being more particularly described as follows, but only as to that portion of the aerial abandonment between the elevations of 468.33' and 484.67' mean sea level:

BEGINNING at a 5/8-inch found iron rod with cap stamped "SURVCON" for corner at the southwest end of a corner clip at the intersection of the northwesterly right-of-way line of said Flora Street, a variable width right-of-way, with the northeasterly right-of-way line of Olive Street (created in City of Dallas cause No. 53592-B, Volume 18, Page 268, D.R.D.C.T., a variable width right-of-way), and the common corner of that tract of land described as Tract II and Tract III in Special Warranty deed to Arts District Properties, Ltd., as recorded in Volume 98103, Page 66, D.R.D.C.T.;

THENCE with the common line between said Tract II, and said Tract III, the following bearings and distances:

North 67 degrees 07 minutes 16 seconds East, a distance of 2.75 feet to a 5/8-inch found iron rod with cap stamped "SURVCON" for corner at the northeast end of said corner clip;

North 44 degrees 16 minutes 32 seconds East, a distance of 242.74 feet to the south corner of a tract of land described in Agreed Judgment Deed to State of Texas, as recorded in Volume 84020, Page 3739, D.R.D.C.T., and the northeast corner of said Tract II, and the northwest corner of said Tract III, from which a found "X" cut bears North 78 degrees 51 minutes 21 seconds West, a distance of 0.23 feet, said corner being on the southwest right-of-way line of Pearl Street (created in Volume 84020, age 3739, Volume 82250, Page 428, Volume 90, Page 274, and Volume 78249, Page 3889, D.R.D.C.T., a variable width right-of-way);

THENCE South 45 degrees 43 minutes 28 seconds East, with the northeast line of said Flora Street (created by Volume 78249, Page 3889, a distance of 1.83 feet to a corner (not monument);

THENCE over and across said Tract III, and Lots 1, 10, and 13 of said Hensley Addition, the following bearings and distances:

South 44 degrees 16 minutes 32 seconds West, a distance of 85.76 feet to a corner (not monument);

(For SPRG use only)
Reviewed By: A. Rodriguez
Date: 2/27/17
SPRG NO.: 3933

AERIAL ABANDONMENT
PART OF LOTS 1, 10, 13, AND 20' ALLEY OF A.T. HENSLEY ADDITION
CITY OF DALLAS BLOCK NUMBER 528
BETWEEN THE ELEVATIONS OF 468.33' AND 484.67' MEAN SEA LEVEL
SITUATED IN THE
JOHN GRIGSBY SURVEY, ABSTRACT NUMBER 495
CITY OF DALLAS, DALLAS COUNTY, TEXAS

South 45 degrees 43 minutes 28 seconds East, a distance of 4.10 feet to a corner (not monument);
South 44 degrees 16 minutes 32 seconds West, a distance of 11.00 feet to a corner (not monument);

North 45 degrees 43 minutes 28 seconds West, a distance of 4.10 feet to a corner (not monument);

South 44 degrees 16 minutes 32 seconds West, a distance of 148.51 feet to a corner (not monument);

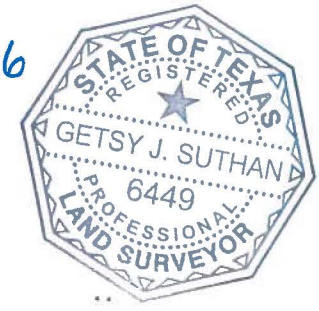
North 45 degrees 49 minutes 53 seconds West, a distance of 2.90 feet to the POINT OF BEGINNING AND CONTAINING 496 square feet or 0.0114 acres of land, more or less.

Basis of Bearing: State Plane Coordinate System, Texas North Central Zone 4202, North American Datum of 1983. 2011 Adjustment, Epoch 2010.00. All coordinates and distances shown hereon are US Survey Feet, displayed in surface values and may be converted to grid by dividing by the TxDOT Surface Adjustment Factor of 1.000136506.

This metes and bounds description was prepared with an exhibit of even date.

This survey was prepared without the benefit of a title commitment. Easement may exists where none are shown.

G. J. Suthan June 9/2016

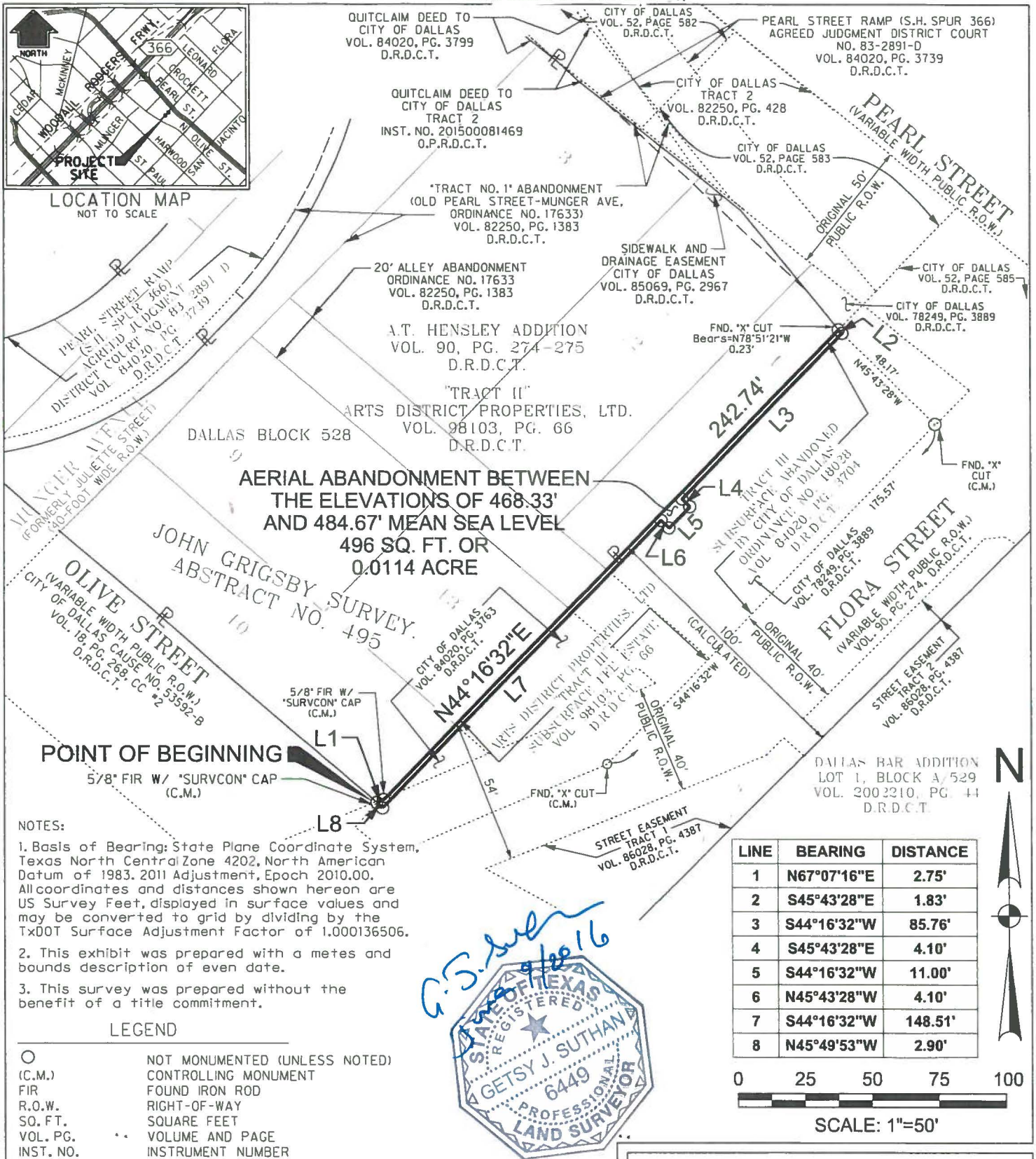


Getsy J. Suthan
Registered Professional Land Surveyor
Texas No. 6449
Halff Associates, Inc.,
1201 North Bowser Rd.
Richardson, Texas 75081
713-588-2466
TBPLS Firm No. 10029600

(For SPRG use only)
Reviewed By: A. Rodriguez
Date: 2/27/17
SPRG NO.: 3933

EXHIBIT A-TRACT III

LOCATION MAP
NOT TO SCALE



NOTES:

1. Basis of Bearing: State Plane Coordinate System, Texas North Central Zone 4202, North American Datum of 1983. 2011 Adjustment, Epoch 2010.00. All coordinates and distances shown hereon are US Survey Feet, displayed in surface values and may be converted to grid by dividing by the TxDOT Surface Adjustment Factor of 1.000136506.
2. This exhibit was prepared with a metes and bounds description of even date.
3. This survey was prepared without the benefit of a title commitment.

LINE	BEARING	DISTANCE
1	N67°07'16"E	2.75'
2	S45°43'28"E	1.83'
3	S44°16'32"W	85.76'
4	S45°43'28"E	4.10'
5	S44°16'32"W	11.00'
6	N45°43'28"W	4.10'
7	S44°16'32"W	148.51'
8	N45°49'53"W	2.90'

0 25 50 75 100

SCALE: 1"=50'

LEGEND

O	NOT MONUMENTED (UNLESS NOTED)
(C.M.)	CONTROLLING MONUMENT
FIR	FOUND IRON ROD
R.O.W.	RIGHT-OF-WAY
SQ. FT.	SQUARE FEET
VOL. PG.	VOLUME AND PAGE
INST. NO.	INSTRUMENT NUMBER
D.R.D.C.T.	DEED RECORDS DALLAS COUNTY, TEXAS
O.P.R.D.C.T.	OFFICIAL PUBLIC RECORD DALLAS COUNTY, TEXAS
- - - - -	EASEMENT LINE
———	LOT LINE
℄	PROPERTY LINE
CC	COUNTY COURT

STATE OF TEXAS REGISTERED GETSY J. SUTHAN 6449 PROFESSIONAL LAND SURVEYOR

9/28/16

(For SPRG use only)
Reviewed By: A. Rodriguez
Date: 2/27/17
SPRG NO.: 3933

AERIAL ABANDONMENT
PART OF LOTS 1, 10, 13 AND 20' ALLEY OF
A.T. HENSLEY ADDITION AND
CITY OF DALLAS BLOCK NUMBER 528
BETWEEN THE ELEVATIONS OF 468.33'
AND 484.67' MEAN SEA LEVEL
SITUATED IN THE
JOHN GRIGSBY SURVEY, ABSTRACT NO. 495
CITY OF DALLAS, DALLAS COUNTY, TEXAS

HALFF
TBPLS FIRM NO. 10029600
HALFF ASSOCIATES, INC. ENGINEERS ~ SURVEYORS
1201 NORTH BOWSER ROAD ~ RICHARDSON, TEXAS ~ 75081-2275
SCALE: 1"=50 (214)346-6200 AVO: 30735 FEBRUARY, 2017

2S_IRC5240_MON_FS_FW_CR.plt Sheet I:\30000s\30735\CADD\Sheets\SK01\VEXH-EXHIBIT-04-30735.DGN 2/23/2017 12:32:53 PM ah2472 HALFF

EXHIBIT A-TRACT IV

SUBSURFACE ABANDONMENT
PART OF LOTS 1, 10, 13, AND 20' ALLEY OF A.T. HENSLEY ADDITION
CITY OF DALLAS BLOCK NUMBER 528
FROM 1' BELOW SURFACE TO 8' BELOW SURFACE
SITUATED IN THE
JOHN GRIGSBY SURVEY, ABSTRACT NUMBER 495
CITY OF DALLAS, DALLAS COUNTY, TEXAS

BEING a 1,636 square foot (0.0376 acre) tract of land situated in the John Grigsby Survey, Abstract Number 495, City of Dallas, Dallas County, Texas, City of Dallas Block Number 528, and being part of Lots 1, 10, 13, and 20' Alley of A.T. Hensley Addition, an addition to the City of Dallas, as recorded in Volume 90, Pages 274 and 275 of the Deed Records of Dallas County, Texas (D.R.D.C.T), and being part of a Subsurface Fee Estate described as "Tract III" in Special Warranty deed to Arts District Properties, Ltd., as recorded in Volume 98103, Page 66, D.R.D.C.T., and being part of Flora Street (variable width right-of-way, created in Volume 78249, Page 3889, and Volume 84020, Page 3763, D.R.D.C.T.), and being more particularly described as follows, but only as to that portion of the subsurface abandonment from 1' below surface to 8' below surface:

BEGINNING at a 5/8-inch found iron rod with cap stamped "SURVCON" for corner at the southwest end of a corner clip at the intersection of the northwesterly right-of-way line of Flora Street (created in Volume 90, Page 274, Volume 78249, Page 3889, and Volume 84020, Page 3763, D.R.D.C.T., a variable width right-of-way) with the northeasterly right-of-way line of Olive Street (created in City of Dallas cause No. 53592-B, Volume 18, Page 268, D.R.D.C.T., a variable width right-of-way), and the common corner of said Tract III and Tract II of aforementioned deed to Arts District Properties, Ltd.;

THENCE with the common line between Tract II and Tract III said Arts Properties, Ltd, the following bearings and distances:

North 67 degrees 07 minutes 16 seconds East, a distance of 2.75 feet to a 5/8-inch found iron rod with cap stamped "SURVCON" for corner at the northeast end of said corner clip;

North 44 degrees 16 minutes 32 seconds East, a distance of 242.74 feet to the south corner of a tract of land described in Agreed Judgment Deed to State of Texas, as recorded in Volume 84020, Page 3739, D.R.D.C.T., and the northeast corner of said Tract II, and the northwest corner of said Tract III, from which a found "X" cut bears North 78 degrees 51 minutes 21 seconds West, a distance of 0.23 feet, said corner being on the southwest right-of-way line of Pearl Street (created in Volume 84020, age 3739, Volume 82250, Page 428, Volume 90, Page 274, and Volume 78249, Page 3889, D.R.D.C.T., a variable width right-of-way);

THENCE South 45 degrees 43 minutes 28 seconds East, with the northeast line of said Tract III, a distance of 6.67 feet to a corner (not monument);

(For SPRG use only)	
Reviewed By:	A. Rodriguez
Date:	2/28/17
SPRG NO.:	3936

SUBSURFACE ABANDONMENT
PART OF LOTS 1, 10, 13, AND 20' ALLEY OF A.T. HENSLEY ADDITION
CITY OF DALLAS BLOCK NUMBER 528
FROM 1' BELOW SURFACE TO 8' BELOW SURFACE
SITUATED IN THE
JOHN GRIGSBY SURVEY, ABSTRACT NUMBER 495
CITY OF DALLAS, DALLAS COUNTY, TEXAS

THENCE over and across said Tract III, and Lots 1, 10, and 13 of said Hensley Addition, the following bearings and distances:

South 44 degrees 16 minutes 32 seconds West, a distance of 245.26 feet to a corner (not monument);

North 45 degrees 49 minutes 53 seconds West, a distance of 7.73 feet to the POINT OF BEGINNING AND CONTAINING 1,636 square feet or 0.0376 acres of land, more or less.

Basis of Bearing: State Plane Coordinate System, Texas North Central Zone 4202, North American Datum of 1983. 2011 Adjustment, Epoch 2010.00. All coordinates and distances shown hereon are US Survey Feet, displayed in surface values and may be converted to grid by dividing by the TxDOT Surface Adjustment Factor of 1.000136506.

This metes and bounds description was prepared with an exhibit of even date.

This survey was prepared without the benefit of a title commitment. Easement may exists where none are shown.

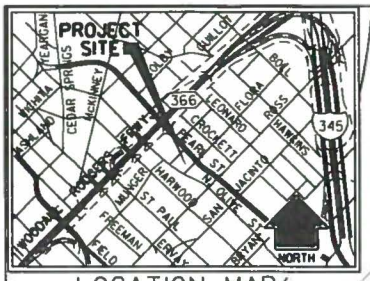
G. J. Suthan June 9/2016



Getsy J. Suthan
Registered Professional Land Surveyor
Texas No. 6449
Halff Associates, Inc.,
1201 North Bowser Rd.
Richardson, Texas 75081
713-588-2466
TBPLS Firm No. 10029600

(For SPRG use only)
Reviewed By: A. Rodriguez
Date: 2/28/17
SPRG NO.: 3936

EXHIBIT A-TRACT IV



LOCATION MAP
NOT TO SCALE

QUITCLAIM DEED TO CITY OF DALLAS VOL. 84020, PG. 3799 D.R.D.C.T.

CITY OF DALLAS VOL. 52, PAGE 582 D.R.D.C.T.

PEARL STREET RAMP (S.H. SPUR 366) AGREED JUDGMENT DISTRICT COURT NO. 83-2891-D VOL. 84020, PG. 3739 D.R.D.C.T.

QUITCLAIM DEED TO CITY OF DALLAS TRACT 2 INST. NO. 201500081469 O.P.R.D.C.T.

CITY OF DALLAS TRACT 2 VOL. 82250, PG. 428 D.R.D.C.T.

PEARL STREET (VARIABLE WIDTH PUBLIC R.O.W.)

"TRACT NO. 1" ABANDONMENT (OLD PEARL STREET-MUNGER AVE. ORDINANCE NO. 17633) VOL. 82250, PG. 1383 D.R.D.C.T.

CITY OF DALLAS VOL. 52, PAGE 583 D.R.D.C.T.

ORIGINAL 50' PUBLIC R.O.W.

SIDEWALK & DRAINAGE EASEMENT CITY OF DALLAS VOL. 85069, PG. 2967 D.R.D.C.T.

CITY OF DALLAS VOL. 78249, PG. 3889 D.R.D.C.T.

CITY OF DALLAS VOL. 52, PAGE 585 D.R.D.C.T.

PEARL STREET RAMP (S.H. SPUR 366) AGREED JUDGMENT DISTRICT COURT NO. 83-2891-D VOL. 84020, PG. 3739 D.R.D.C.T.

JOHN GRIGSBY SURVEY, ABSTRACT NO. 495

A.T. HENSLEY ADDITION VOL. 90, PG. 274-275 D.R.D.C.T.

"TRACT II" ARTS DISTRICT PROPERTIES, LTD. VOL. 98103, PG. 66 D.R.D.C.T. DALLAS BLOCK 528

20' ALLEY ABANDONMENT ORDINANCE NO. 17633 VOL. 82250, PG. 1383 D.R.D.C.T.

FND. "X" CUT BEARS N78°51'21"W 0.23'

L2

N45°43'28"W 45.33'

FND. "X" CUT (C.M.)

242.74'

245.26'

SUBSURFACE ABANDONED BY CITY OF DALLAS ORDINANCE NO. 18028 VOL. 84020, PG. 3704 D.R.D.C.T.

175.57'

CITY OF DALLAS VOL. 78249, PG. 3889 D.R.D.C.T.

SUBSURFACE ABANDONMENT FROM 1' BELOW SURFACE TO 8' BELOW SURFACE 1,636 SQ. FT. OR 0.0376 ACRE

FLORA STREET (VARIABLE WIDTH PUBLIC R.O.W.) VOL. 90, PG. 274, D.R.D.C.T.

OLIVE STREET (VARIABLE WIDTH PUBLIC R.O.W.) CITY OF DALLAS CAUSE NO. 53592-B VOL. 18, PG. 268, CC #2 D.R.D.C.T.

CITY OF DALLAS VOL. 84020, PG. 3763 D.R.D.C.T.

N 44°16'32" E

S 44°16'32" W

ARTS DISTRICT PROPERTIES, LTD TRACT III VOL. 98103, PG. 66 D.R.D.C.T.

100' (CALCULATED)

ORIGINAL 40' PUBLIC R.O.W.

S44°16'32"W

54'

5/8" FIR W/ "SURVCON" CAP (C.M.)

L1

POINT OF BEGINNING

5/8" FIR W/"SURVCON" CAP (C.M.)

FND. "X" CUT (C.M.)

STREET EASEMENT TRACT 2 VOL. 86028, PG. 4387 D.R.D.C.T.

STREET EASEMENT TRACT 1 VOL. 86028, PG. 4387 D.R.D.C.T.

DALLAS BAR ADDITION LOT 1 BLOCK V/3 9 VOL 300-210, PG. 44 D R D C T

N 45°49'53" W 7.73'

NOTES:

1. Basis of Bearing: State Plane Coordinate System, Texas North Central Zone 4202, North American Datum of 1983, 2011 Adjustment, Epoch 2010.00. All coordinates and distances shown hereon are US Survey Feet, displayed in surface values and may be converted to grid by dividing by the TxDOT Surface Adjustment Factor of 1.000136506.
2. This exhibit was prepared with a metes and bounds description of even date.
3. This survey was prepared without the benefit of a title commitment.

LINE	BEARING	DISTANCE
1	N67°07'16"E	2.75'
2	S45°43'28"E	6.67'

LEGEND

O	NOT MONUMENTED (UNLESS NOTED)
(C.M.)	CONTROLLING MONUMENT
FIR	FOUND IRON ROD
R.O.W.	RIGHT-OF-WAY
SQ. FT.	SQUARE FEET
VOL. PG.	VOLUME AND PAGE
INST. NO.	INSTRUMENT NUMBER
D.R.D.C.T.	DEED RECORDS DALLAS COUNTY, TEXAS
O.P.R.D.C.T.	OFFICIAL PUBLIC RECORD DALLAS COUNTY, TEXAS
- - - - -	EASEMENT LINE
———	LOT LINE
℄	PROPERTY LINE
CC	COUNTY COURT

N

0 25 50 75 100

SCALE: 1"=50'

G.S. Suthan 6/9/2016

STATE OF TEXAS REGISTERED GETSY J. SUTHAN 6449 PROFESSIONAL LAND SURVEYOR

(For SPRG use only)

Reviewed By: A. Rodriguez

Date: 2/28/17

SPRG NO.: 3936

PAGE 3 OF 3

SUBSURFACE ABANDONMENT
PART OF LOTS 1, 10, 13 AND 20' ALLEY OF
A.T. HENSLEY ADDITION AND
CITY OF DALLAS BLOCK NUMBER 528
FROM 1' BELOW SURFACE TO 8' BELOW SURFACE
SITUATED IN THE
JOHN GRIGSBY SURVEY, ABSTRACT NO. 495
CITY OF DALLAS, DALLAS COUNTY, TEXAS

HALFF

TBPLS FIRM NO. 10029600

HALFF ASSOCIATES, INC. ENGINEERS ~ SURVEYORS
1201 NORTH BOWSER ROAD ~ RICHARDSON, TEXAS ~ 75081-2275
SCALE: 1"=50 (214)346-6200 AVO. 30735 FEBRUARY, 2017

2/28/2017 8:14:05 AM ah2472 HALFF I:\30000s\30735\CADD\Sheets\S01\VEXH-EXHIBIT-03-30735.DGN Sheet 2S_IRC5240_MON_FS_FW_CR.plt

EXHIBIT B

ADDITIONAL ABANDONMENT PROVISIONS

That as a condition hereof, this abandonment is subject to any utilities or communication facilities, including without limitation water and wastewater lines, gas lines, and storm sewers, ("Facilities") presently located within the abandoned area described in Exhibit "A", owned and/or operated by the City of Dallas or any utility or communications company, public or private, ("Utility") and to the rights of any Utility for the use of the abandoned area for its Facilities. It is the intent of the foregoing to confirm and maintain and there is hereby reserved and excepted unto the City of Dallas, and not abandoned or conveyed hereunder, an easement (to which this abandonment is made expressly subject) over, upon, under, through, in, and across the abandoned area for each Utility for its respective Facilities located therein at the time of this abandonment, together with the right to make any subsequent alterations, additions, expansions, upgrades or modifications to such Facilities as may, from time to time be deemed necessary or convenient by the Utility owning and/or operating same. No buildings, structures (above or below ground) or trees shall be constructed or placed within the abandoned area without written consent of each affected Utility. Each Utility shall have the full right to remove and keep removed all or part of any buildings, fences, trees, or other improvements or growths which in any way may endanger or interfere with the construction, maintenance or efficiency of its respective Facilities lying within the abandoned area and shall at all times have the full right of ingress and egress to or from and upon the abandoned area for the purposes of reconstructing, removing, relocating, inspecting, patrolling, maintaining, expanding, upgrading, and/or adding to all or part of its Facilities without the necessity at any time of procuring the permission of anyone. The easement reserved hereunder and the conditions and restrictions to which this abandonment is subject shall remain for the benefit of the applicable Utility and/or operators of the Facilities until said Facilities are removed and relocated from the abandoned area. The relocation, removal or adjustment of any or all such Facilities, if made necessary by GRANTEE'S (whether one or more natural persons or legal entities) use of the abandonment area, shall be at the expense of GRANTEE herein, or GRANTEE'S successors and assigns. Should GRANTEE'S relocation or removal of the Facilities require the obtaining of new easements, the acquisition of same shall be at the expense of GRANTEE, GRANTEE'S successors and assigns. If any of the Facilities (or relocations thereof) are allowed to remain on any part of the abandoned area, the easements and buildings restrictions provided herein shall remain thereon. Upon removal or relocation of all of the Facilities, any easements reserved or created herein relating to such removed or relocated Facilities shall terminate, and any building restrictions herein created shall cease.

AGENDA ITEM # 58

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: April 12, 2017

COUNCIL DISTRICT(S): 14

DEPARTMENT: Sustainable Development and Construction

CMO: Majed Al-Ghafry, 670-3302

MAPSCO: 45F K

SUBJECT

An ordinance abandoning a portion of a sidewalk and drainage easement to Arts District Properties, Ltd., the abutting owner, containing approximately 252 square feet of land, located near the intersection of Pearl and Flora Streets - Revenue: $46,053, plus the $20 ordinance publication fee

BACKGROUND

This item is was on the addendum because additional review time was required. This item authorizes the abandonment of a portion of a sidewalk and drainage easement to Arts District Properties, Ltd., the abutting owner. The area will be included with the property of the abutting owner for a multi-family development. The abandonment fee is based on an independent appraisal.

Notices were sent to 68 property owners located within 300 feet of the proposed abandonment area. There were two responses received in opposition to this request.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Information about this item was provided to the Economic Development Committee on March 20, 2017.

On March 22, 2017, this item was deferred by Councilmember Philip T. Kingston.

FISCAL INFORMATION

Revenue - $46,053, plus the $20 ordinance publication fee

OWNER

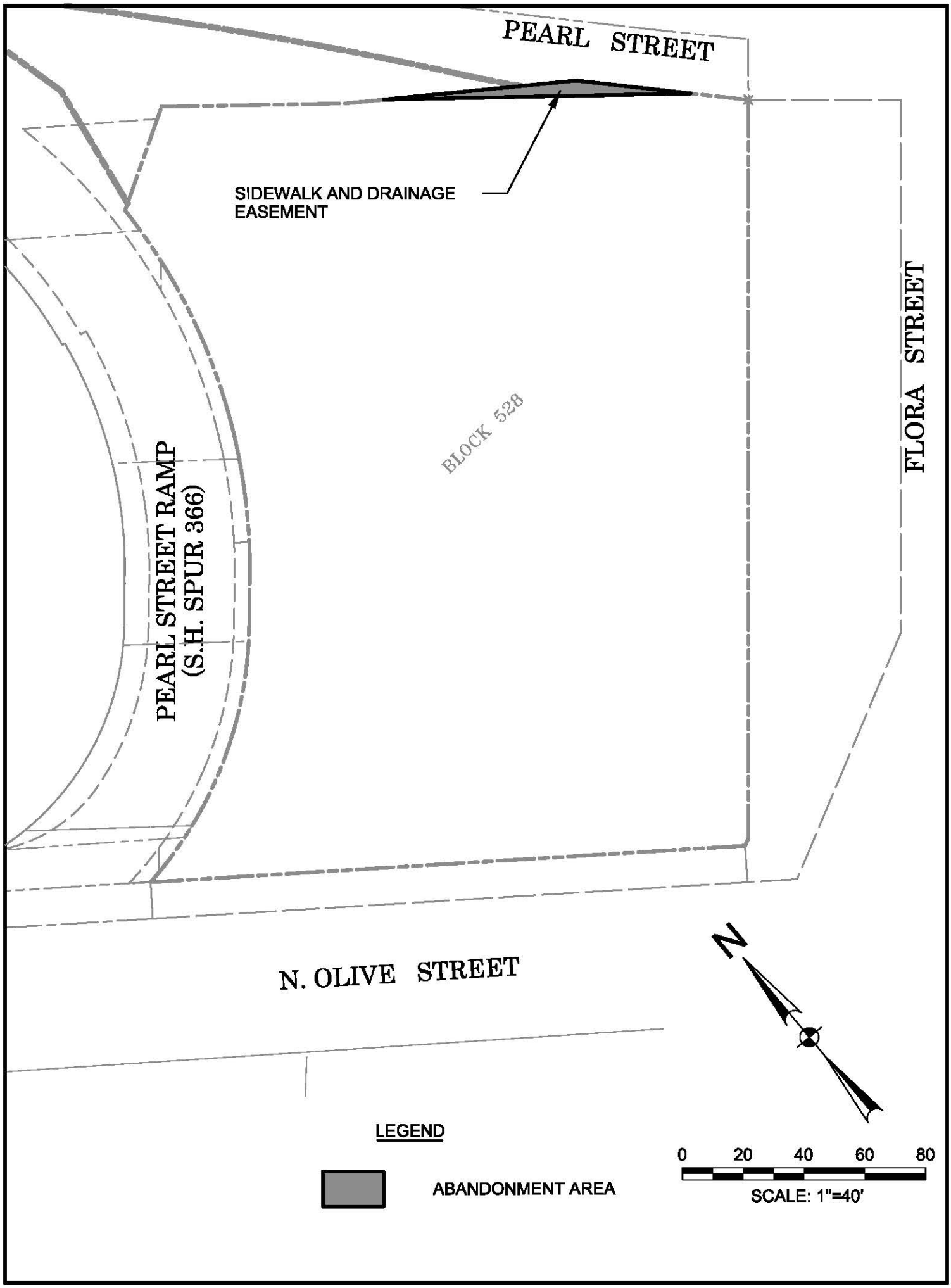
Arts District Properties, Ltd.

Metroarts Corporation, General Partner

Graham Greene, President

MAP

Attached


PEARL STREET
SIDEWALK AND DRAINAGE EASEMENT
FLORA STREET
BLOCK 528
PEARL STREET RAMP (S.H. SPUR 366)
N. OLIVE STREET
N
LEGEND
ABANDONMENT AREA
0 20 40 60 80
SCALE: 1"=40'

ORDINANCE NO. _____

An ordinance providing for the abandonment and relinquishment of a sidewalk and drainage easement, located in and adjacent to City Block 528 in the City of Dallas and County of Dallas, Texas; providing for the quitclaim thereof to Arts District Properties, Ltd.; providing for the terms and conditions of the abandonment, relinquishment and quitclaim made herein; providing for the conveyance of a new easement, if needed, to the City of Dallas and the relocation of existing facilities; providing for the indemnification of the City of Dallas against damages arising out of the abandonment herein; providing for the consideration to be paid to the City of Dallas; providing a future effective date for the abandonment, relinquishment and quitclaim made herein; providing for the payment of the publication fee; and providing an effective date for this ordinance.

ooo0ooo

WHEREAS, the City Council of the City of Dallas, acting pursuant to law and upon the request and petition of Arts District Properties, Ltd., a Texas limited partnership; hereinafter referred to as **GRANTEE**, deems it advisable to abandon, relinquish and quitclaim the City of Dallas' right, title and interest in and to the hereinafter described tract of land to **GRANTEE**, and is of the opinion that, subject to the terms and conditions herein provided, said sidewalk and drainage easement is no longer needed for municipal use, and same should be abandoned, relinquished and quitclaimed to **GRANTEE** as hereinafter provided, for the consideration hereinafter stated; and

WHEREAS, the City Council of the City of Dallas is of the opinion that the best interest and welfare of the City will be served by abandoning, relinquishing and quitclaiming the same to **GRANTEE** for the consideration and subject to the terms and conditions hereinafter more fully set forth; **Now, Therefore,**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DALLAS:

SECTION 1. That the City of Dallas hereby abandons and relinquishes all of its right, title and interest in and to the tract of land described in Exhibit A, attached hereto and made a part hereof; subject, however, to the conditions and future effective date hereinafter more fully set out.

SECTION 2. That for and in monetary consideration of the sum of **FORTY SIX THOUSAND FIFTY THREE AND NO/100 ($46,053.00) DOLLARS** paid by **GRANTEE**, and the further consideration described in Sections 8 and 9, the City of Dallas does by these presents **FOREVER QUITCLAIM** unto the said **GRANTEE**, subject to the conditions, reservations, future effective date and exceptions hereinafter made and with the restrictions and upon the covenants below stated, all its right, title and interest in and to the certain tract or parcel of land hereinabove described in Exhibit A. **TO HAVE AND TO HOLD** all of such right, title and interest in and to the property and premises, subject aforesaid, together with all and singular the rights, privileges, hereditaments and appurtenances thereto in any manner belonging unto the said **GRANTEE** forever.

SECTION 3. That upon payment of the monetary consideration set forth in Section 2, **GRANTEE** accepts the terms, provisions, and conditions of this ordinance.

SECTION 4. That the Chief Financial Officer is authorized to deposit the sum paid by **GRANTEE** pursuant to Section 2 above in the General Fund 0001, Department DEV, Balance Sheet 0519 and Department of Sustainable Development and Construction - Real Estate Division shall be reimbursed for the cost of obtaining the legal description, appraisal and other administrative costs incurred. The reimbursement proceeds shall be deposited in General Fund 0001, Department DEV, Unit 1183, Object 5011 and any remaining proceeds shall be transferred to the General Capital Reserve Fund 0625, Department BMS, Unit 8888, Revenue Source 8416.

SECTION 5. That the abandonment, relinquishment and quitclaim provided for herein are made subject to all present zoning and deed restrictions, if the latter exist, and are subject to all existing easement rights of others, if any, whether apparent or non-apparent, aerial, surface, underground or otherwise.

SECTION 6. That the terms and conditions contained in this ordinance shall be binding upon **GRANTEE**, its successors and assigns.

SECTION 7. That the abandonment, relinquishment and quitclaim provided for herein shall extend only to that interest the Governing Body of the City of Dallas may legally and lawfully abandon, relinquish and quitclaim.

SECTION 8. That as a condition of this abandonment and as a part of the consideration for the quitclaim to **GRANTEE** herein, **GRANTEE**, its successors and assigns, agree to indemnify, defend, release and hold harmless the City of Dallas as to any and all claims for damages, fines, penalties, costs or expenses to persons or property that may arise out of, or be occasioned by or from: (i) the use and occupancy of the area described in Exhibit A by **GRANTEE**, its successors and assigns; (ii) the presence, generation, spillage, discharge, release, treatment or disposition of any Hazardous Substance on or affecting the area set out in Exhibit A; (iii) all corrective actions concerning any discovered Hazardous Substances on or affecting the area described in Exhibit A, which **GRANTEE**, its successors and assigns agree to undertake and complete in accordance with applicable federal, state and local laws and regulations; and (iv) the abandonment, closing, vacation and quitclaim by the City of Dallas of the area set out in Exhibit A. **GRANTEE**, its successors and assigns hereby agree to defend any and all suits, claims, or causes of action brought against the City of Dallas on account of same, and discharge any judgment or judgments that may be rendered against the City of Dallas in connection therewith. For purposes hereof, "Hazardous Substance" means the following: (a) any "hazardous substances" under the Comprehensive Environmental Response, Compensation, and Liability Act, 42 U.S.C. Section 9601 et seq., as amended; (b) any "hazardous substance" under the Texas Hazardous Substances Spill Prevention and Control Act, TEX. WATER CODE, Section 26.261 et seq., as amended; (c) petroleum or petroleum-based products (or any derivative or hazardous constituents thereof or additives thereto), including without limitation, fuel and lubricating oils; (d) any "hazardous chemicals" or "toxic chemicals" under the Occupational Safety and Health Act, 29 U.S.C. Section 651 et seq., as amended; (e) any "hazardous waste" under the Resource Conservation and Recovery Act, 42 U.S.C. Section 6901 et seq., as amended; and (f) any "chemical substance"

under the Toxic Substance Control Act, 15 U.S.C. Section 2601 et seq., as amended. References to particular acts or codifications in this definition include all past and future amendments thereto, as well as applicable rules and regulations as now or hereafter promulgated thereunder.

SECTION 9. That this abandonment, relinquishment and quitclaim of the City's right, title and interest in and to said sidewalk and drainage easement shall not become effective until and unless: (i) the existing installations and facilities are relocated, at **GRANTEE's** expense, to the new easement, if needed, to be provided by **GRANTEE** and acceptable to the Director of Department of Sustainable Development and Construction, as is hereinafter provided; and (ii) plans for the construction and relocation of installations within the new easement are approved by the Director of Department of Sustainable Development and Construction; and (iii) said construction and relocation of installations are completed, approved and accepted in writing by the Director of Department of Sustainable Development and Construction. **GRANTEE** will grant the new easement at no cost consideration to the City and all work shall be done at the sole cost of **GRANTEE** and to the satisfaction of the Director of Department of Sustainable Development and Construction. Failure to relocate to the new easement in accordance with the terms of this section shall render this ordinance null and void and of no further effect.

SECTION 10. **GRANTEE**, acknowledges that Atmos and Southwestern Bell Telephone have facilities in the area described in Exhibit A and shall be responsible to relocate said facilities if conflicts exists.

SECTION 11. That the City Secretary is hereby authorized and directed to certify a copy of this ordinance for recordation in the Deed Records of Dallas County, Texas, which certified copy shall be delivered to the Director of Department of Sustainable Development and Construction, or designee. Upon receipt of the monetary consideration set forth in Section 2, plus the fee for the publishing of this ordinance, which **GRANTEE** shall likewise pay, the Director of Department of Sustainable Development and Construction, or designee shall deliver to **GRANTEE** a certified copy of this ordinance.

The Director of Department of Sustainable Development and Construction, or designee, shall be the sole source for receiving certified copies of this ordinance for one year after its passage.

SECTION 12. That this ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so ordained.

APPROVED AS TO FORM:
LARRY E. CASTO
City Attorney

BY _____
Assistant City Attorney

DAVID COSSUM
Director of Department of Sustainable Development and Construction

BY _____
Assistant Director

Passed _____.

EXHIBIT A

SIDEWALK AND DRAINAGE EASEMENT ABANDONMENT
PART OF LOTS 1, 2, AND 3 OF A.T. HENSLEY ADDITION
CITY OF DALLAS BLOCK NUMBER 528
SITUATED IN THE
JOHN GRIGSBY SURVEY, ABSTRACT NUMBER 495
CITY OF DALLAS, DALLAS COUNTY, TEXAS

BEING a 252 square foot (0.0058 acre) tract of land situated in the John Grigsby Survey, Abstract Number 495, City of Dallas, Dallas County, Texas, City of Dallas Block Number 528, and being part of Lots 1, 2 and 3 of A.T. Hensley Addition, an addition to the City of Dallas, as recorded in Volume 90, Pages 274 and 275 of the Deed Records of Dallas County, Texas (D.R.D.C.T), and being part of that tract of land described as Tract II in Special Warranty deed to Arts District Properties, Ltd., as recorded in Volume 98103, Page 66, D.R.D.C.T., and being all of that tract of land described as Tract No. 1 (Sidewalk and Drainage Easement) in Easement deed to City of Dallas as recorded in Volume 85069, Page 2967, D.R.D.C.T., and being more particularly described as follows:

COMMENCING at a point for the northeast corner of said Arts District tract, the most easterly southeast corner of that tract of land described in Agreed Judgment Deed to State of Texas, as recorded in Volume 84020, Page 3739 and the northwest corner of that tract of land described as Tract III of said Arts District Properties, Ltd. deed, and being on the south right-of-way line of Pearl Street (created in Court No. 83-2891-D, Volume 84020, Page 3739, and Volume 78249, Page 3889, D.R.D.C.T., variable width right-of-way) from which an "X" cut found bears North 78 degrees 51 minutes 21 seconds West, a distance of 0.23 of a foot and another "X" cut found bears South 45 degrees 43 minutes 28 seconds East, a distance of 50.00 feet;

THENCE North 39 degrees 19 minutes 54 seconds West, with the common line between said State of Texas tract and said Tract II, a distance of 19.22 feet to a point (not monumented) for the POINT OF BEGINNING, said point being the southeast corner of said easement tract;

THENCE North 46 degrees 54 minutes 30 seconds West, departing said common line and over and across said Tract II, said Lots 1, 2, and 3, and with the south line of said easement tract, a distance of 101.29 feet to a point (not monumented) for corner on said common line, said point being the northwest corner of said easement tract;

THENCE South 51 degrees 22 minutes 13 seconds East, with said common line and with the northwest line of said easement tract, a distance of 64.03 feet to a "Y" cut found for common corner of said State of Texas tract, said easement tract and said Tract II;

THENCE South 39 degrees 19 minutes 54 seconds East, with said common line and with the northeast line of said easement tract, a distance of 37.78 feet to the POINT OF BEGINNING AND CONTAINING 252 square feet or 0.0058 acres of land, more or less.

(For SPRG use only)	
Reviewed By:	A. Rodriguez
Date:	2/27/17
SPRG NO.:	3934

EXHIBIT A

SIDEWALK AND DRAINAGE EASEMENT ABANDONMENT
PART OF LOTS 1, 2, AND 3 OF A.T. HENSLEY ADDITION
CITY OF DALLAS BLOCK NUMBER 528
SITUATED IN THE
JOHN GRIGSBY SURVEY, ABSTRACT NUMBER 495
CITY OF DALLAS, DALLAS COUNTY, TEXAS

Basis of Bearing: State Plane Coordinate System, Texas North Central Zone 4202, North American Datum of 1983. 2011 Adjustment, Epoch 2010.00. All coordinates and distances shown hereon are US Survey Feet, displayed in surface values and may be converted to grid by dividing by the TxDOT Surface Adjustment Factor of 1.000136506.

This metes and bounds description was prepared with an exhibit of even date.

This survey was prepared without the benefit of a title commitment. Easement may exists where none are shown.

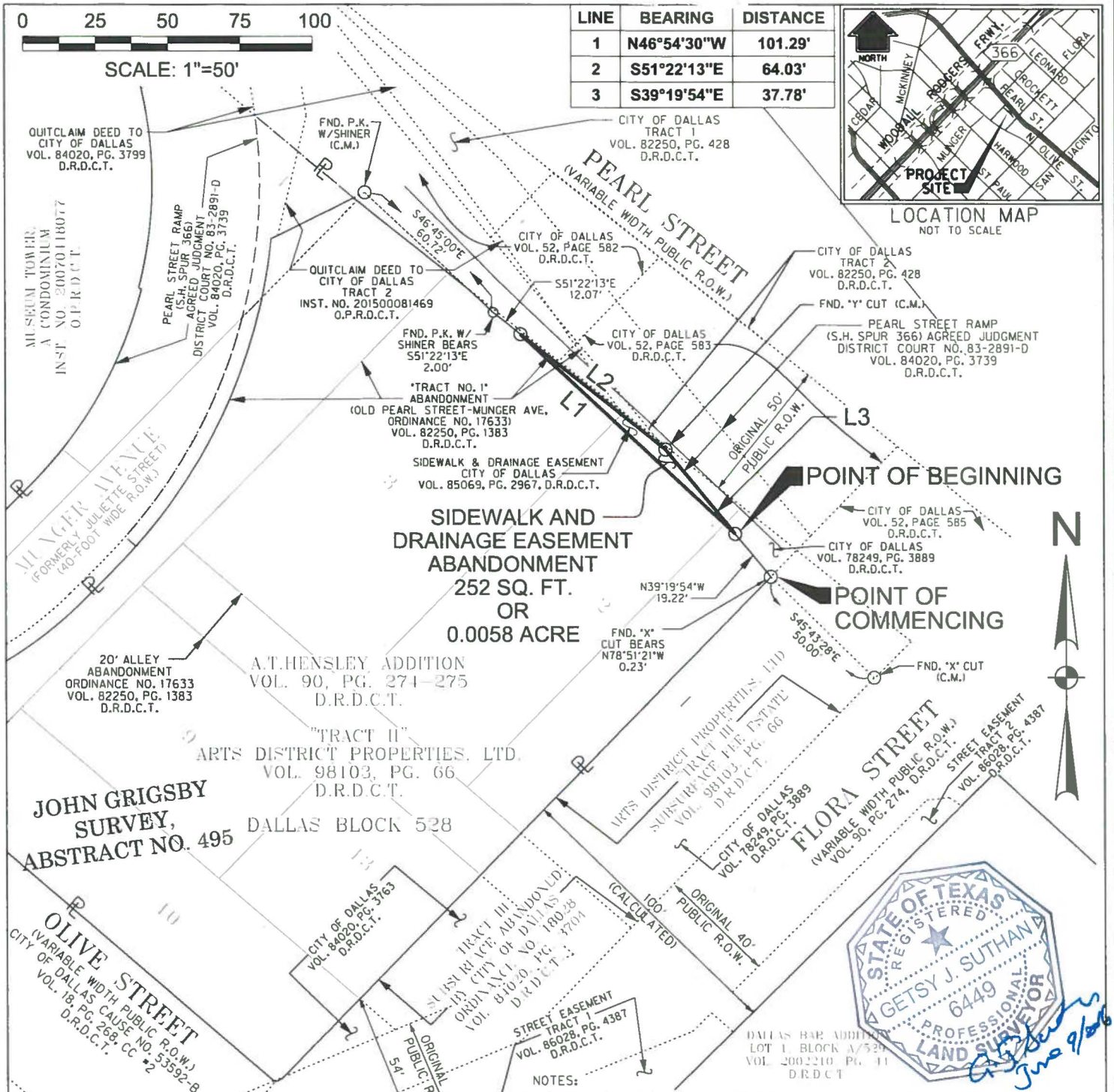
G.J. Suthan June 9/2016



Getsy J. Suthan
Registered Professional Land Surveyor
Texas No. 6449
Halff Associates, Inc.,
1201 North Bowser Rd.
Richardson, Texas 75081
713-588-2466
TBPLS Firm No. 10029600

(For SPRG use only)
Reviewed By: A. Rodriguez
Date: 2/27/17
SPRG NO.: 3934

EXHIBIT A



LEGEND

O	NOT MONUMENTED (UNLESS NOTED)
(C.M.)	CONTROLLING MONUMENT
FIR	FOUND IRON ROD
R.O.W.	RIGHT-OF-WAY
SQ. FT.	SQUARE FEET
VOL. PG.	VOLUME AND PAGE
INST. NO.	INSTRUMENT NUMBER
D.R.D.C.T.	DEED RECORDS DALLAS COUNTY, TEXAS
O.P.R.D.C.T.	OFFICIAL PUBLIC RECORD DALLAS COUNTY, TEXAS
— — — —	EASEMENT LINE
— — — —	LOT LINE
PL	PROPERTY LINE
CC	COUNTY COURT

NOTES:

1. Basis of Bearing: State Plane Coordinate System, Texas North Central Zone 4202, North American Datum of 1983, 2011 Adjustment, Epoch 2010.00. All coordinates and distances shown hereon are US Survey Feet, displayed in surface values and may be converted to grid by dividing by the TxDOT Surface Adjustment Factor of 1.000136506.
2. This exhibit was prepared with a metes and bounds description of even date.
3. This survey was prepared without the benefit of a title commitment.

(For SPRG use only)

Reviewed By: A. Rodriguez

Date: 2/27/17

SPRG NO.: 3934

SIDEWALK AND DRAINAGE EASEMENT ABANDONMENT
PART OF LOTS 1, 2, AND 3 OF
A.T. HENSLEY ADDITION
CITY OF DALLAS BLOCK NUMBER 528
SITUATED IN THE
JOHN GRIGSBY SURVEY, ABSTRACT NO. 495
CITY OF DALLAS, DALLAS COUNTY, TEXAS

HALFF
TBPLS FIRM NO. 10029600
HALFF ASSOCIATES, INC. ENGINEERS ~ SURVEYORS
1201 NORTH BOWSER ROAD ~ RICHARDSON, TEXAS ~ 75081-2275
SCALE: 1"=50 (214)346-6200 AVO. 30735 JANUARY, 2017

2/23/2017 12:54:56 PM ah2472 HALFF I:\30000s\30735\CADD\Sheets\S01\WEXH-SIDEWALK EASEMENT-30735.DGN Sheet 25_IRC5240_MON_FS_FW_CR.plt

AGENDA ITEM # 59

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: April 12, 2017

COUNCIL DISTRICT(S): 2

DEPARTMENT: Office of Economic Development

CMO: Theresa O'Donnell, 670-3309

MAPSCO: 45J

SUBJECT

Authorize a Development Agreement with GPIF Houston Street LLC, to assist with the Corgan-Crescent addition project located at 401 North Houston Street in the City Center TIF District - Not to exceed $875,000 - Financing: City Center TIF District Funds (subject to future appropriations from future tax increments)

BACKGROUND

The proposed project is a transit-oriented multi-tenant office addition in the West End area of Dallas. The project is primarily intended to create additional space for Corgan, connected to its current headquarters building. Design includes the addition of 95,000 square feet for a total of approximately 155,000 square feet of office space within the site. This includes a 20,000 square foot expansion for Corgan and an additional 75,000 square feet of speculative tenant space, as well as a 435 space parking structure.

Requested TIF incentives in an amount not to exceed $875,000 are for infrastructure improvements including street improvements, utility upgrades, landscaping, soil remediation and related design. The TIF funds will allow for compliance with Peer Review recommendations, including street activation and enhanced pedestrian environment. The TIF funds also assist with moving existing Oncor poles that are on the surface parking lots in the area. The funds will be used to reroute the Oncor infrastructure so that this parking lot can be developed and allows for improved power routing to the planned Holocaust Museum and the existing Sixth Floor Museum. TIF incentives will also assist in remediating the soil conditions.

Apart from the Arts District, this will be one of the only new downtown office buildings constructed in three decades. The private investment for the proposed project will be approximately $41.8 million. 401 North Houston Street is an endeavor of Crescent Real Estate Holdings LLC and Corgan Associates, Inc. The project is anticipated to break ground on July 1, 2017, with the intent of opening in December 2018. Corgan's office will remain operational during the construction phase.

ESTIMATED PROJECT SCHEDULE

Project Start Date July 2017
Project Completion Date December 2018

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On March 9, 2017, the City Center TIF District Board of Directors reviewed and recommended approval of a Development Agreement with GPIF Houston Street LLC for TIF incentives and dedication of TIF funding for TIF-eligible project costs associated with the Corgan-Crescent addition project located at 401 North Houston Street in an amount not to exceed $875,000.

City Council will be briefed by memorandum regarding this matter on March 31, 2017.

FISCAL INFORMATION

City Center TIF District Funds - $875,000 (subject to future appropriations from future tax increments)

OWNER/DEVELOPER

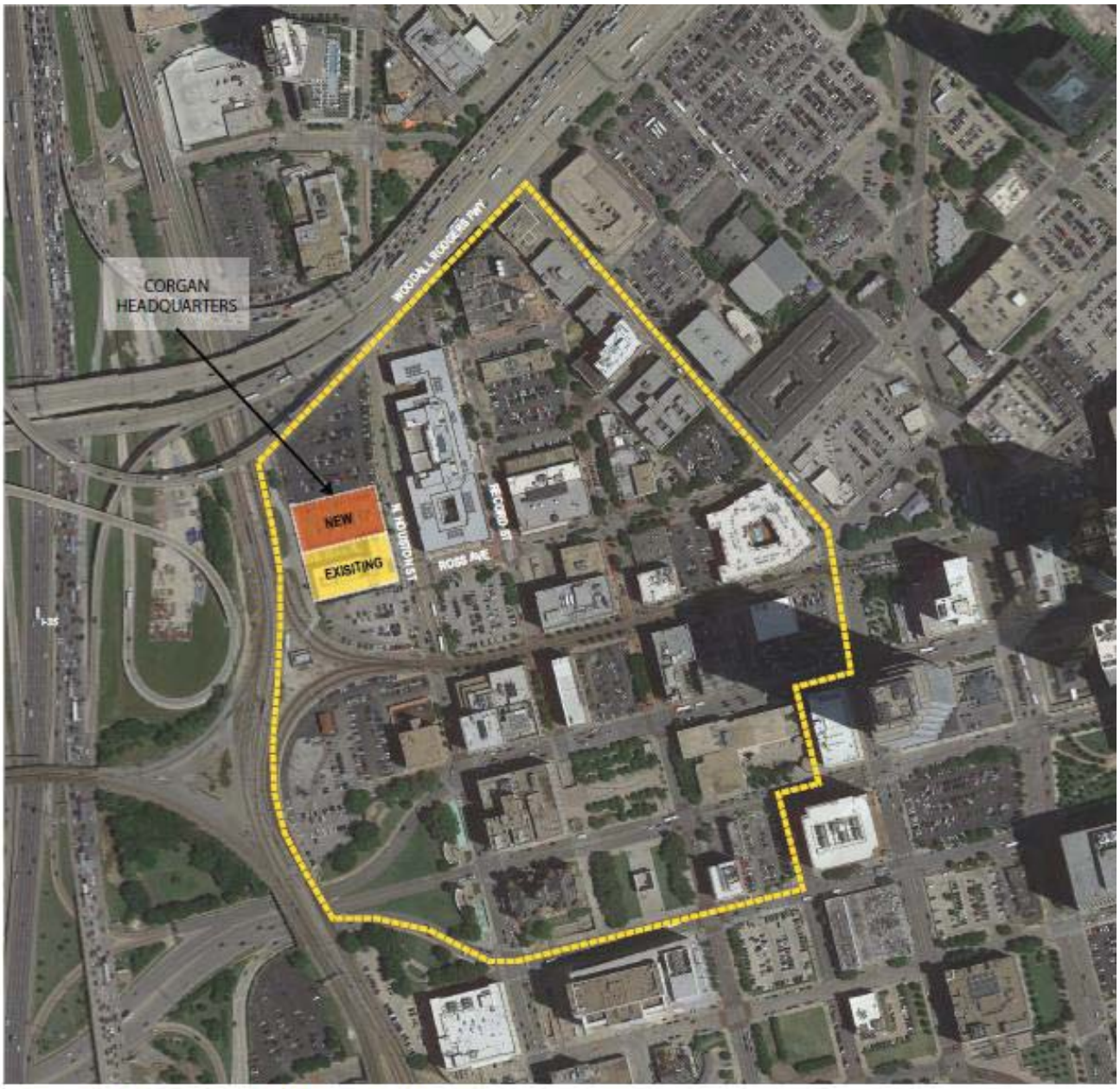
GPIF Houston Street LLC

John Zogg, Managing Director
200 Crescent Court, Suite 200
Dallas, Texas 75201

MAP

Attached

Corgan-Crescent addition project located at 401 N. Houston Street



WEST END DISTRICT BOUNDRY MAP

WHEREAS, the City recognizes the importance of its role in local economic development; and

WHEREAS, on June 26, 1996, City Council established Tax Increment Financing Reinvestment Zone Five (City Center TIF District) in accordance with the Tax Increment Financing Act, as amended (V.T.C.A. Tax Code, Chapter 311, hereafter the "Act") to promote development and redevelopment in the City Center area through the use of tax increment financing as amended by Ordinance No. 22802; and

WHEREAS, on February 12, 1997, City Council authorized the City Center TIF District Project Plan and Reinvestment Zone Financing Plan for the City Center TIF District, as amended by Ordinance No. 23034; and

WHEREAS, on December 12, 2012, City Council conducted a public hearing, received comments and approved amendments to the City Center TIF District Project and Reinvestment Zone Financing Plans and authorized Ordinance No. 28865 amending Ordinance No. 22802, previously approved on June 26, 1996, and Ordinance No. 23034, previously approved February 12, 1997, to: (1) create two sub-districts within the City Center TIF District: (a) City Center Sub-district (original district boundary) and (b) Lamar Corridor/West End Sub-district; (2) increase the geographic area of the City Center TIF District to add approximately 27.14 acres to create the Lamar Corridor/West End Sub-district; (3) extend the current termination date of the City Center TIF District from December 31, 2012, to December 31, 2022, for the City Center Sub-district and establish a termination date for the Lamar Corridor/West End Sub-district of December 31, 2037; (4) decrease the percentage of tax increment contributed by the City of Dallas during the extended term of the TIF District and establish other taxing jurisdictions participation percentages; (5) increase the City Center TIF District's budget from $87,567,717 total dollars to $151,968,546 total dollars; and (6) make corresponding modifications to the City Center TIF District boundary, budget and Project and Reinvestment Zone Financing Plans; and

WHEREAS, on March 9, 2017, the City Center TIF District Board of Directors reviewed and recommended approval of a Development Agreement with GPIF Houston Street LLC for TIF incentives and dedication of TIF funding for TIF-eligible project costs associated with the Corgan-Crescent addition project located at 401 North Houston Street in an amount not to exceed $875,000; and

WHEREAS, in furtherance of the City Center TIF District Project Plan and Reinvestment Zone Financing Plan and to promote within the City Center TIF District: (1) development and diversification of the economy, (2) elimination of unemployment and underemployment, and (3) to provide economic incentives to GPIF Houston Street LLC, for the Corgan-Crescent addition project located at 401 North Houston Street in the City Center Sub-district of the City Center TIF District as depicted in the project's renderings and elevations attached hereto as **Exhibit A**; and

WHEREAS, the expenditure of TIF funds supporting this redevelopment project is consistent with promoting development and redevelopment of the City Center TIF District in accordance with the purposes for its creation, the City's revised Public/Private Partnership Guidelines and Criteria, the ordinance adopted by the City Council approving the Project and Financing Plan, as amended, and is for the purpose of making public improvements consistent with and described in the Project and Financing Plan, as amended, for the City Center TIF District.

Now, Therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DALLAS:

SECTION 1. That the City Manager, upon approval as to form by the City Attorney is hereby authorized to execute a development agreement with GPIF Houston Street LLC and the City of Dallas for the Corgan-Crescent addition project located at 401 North Houston Street and that future City Center TIF revenues in an amount not to exceed $875,000 is hereby dedicated to TIF-eligible project costs associated with the Corgan-Crescent addition project located at 401 North Houston Street, as shown in **Exhibit B** - TIF Budget. TIF reimbursable project costs include, but are not limited to, street improvements, landscaping and site remediation.

SECTION 2. That the Chief Financial Officer is hereby authorized to encumber and disburse funds from future tax increments and subject to future appropriations, as follows:

City Center TIF District Fund
Fund 0035, Department ECO, Unit W174
Object 4599, Activity TCCN, Program CCTIF0016
Encumbrance CTECO17W174F310, Vendor VS94339 $725,000

City Center TIF District Fund
Fund 0035, Department ECO, Unit W174
Object 4599, Activity TCCN, Program CCTIF0016
Encumbrance CTECO17W174F310, Vendor VS94339 $150,000

Total amount not to exceed $875,000

SECTION 3. That funds may be shifted among categories as long as the total TIF funding does not exceed $875,000.

SECTION 4. That nothing in this resolution shall be construed to require the City to approve future dedications of City Center TIF revenues (the "TIF Subsidy") from any source of the City funds other than the City Center TIF District Fund. Any portion of the TIF Subsidy that remains unpaid due to lack or unavailability of City Center TIF District. Funds shall no longer be considered project costs of the City Center TIF District or the City and the obligation of the City Center TIF District to pay the Owner shall automatically expire.

SECTION 5. That in addition to the conditions set out in the Sections above, the development agreement is hereby expressly made subject to all of the following contingencies which must be performed or occur:

A. Minimum private investment (acquisition, construction and construction related soft costs) of $28,900,000 for the Project, as defined in 5. B.

The term "Invest" or "Investment" means the sum of all acquisition costs, construction costs (hard and soft) paid, payable or actually incurred by or on behalf of the Owner, with respect to the Project and the improvements thereon. Construction related soft costs include the following items: architecture and engineering, interior design, consulting, construction management. Construction management is solely intended to cover fees paid to an outside consultant or third party who confirms the quality of the work. Construction management fees must be invoiced with a detailed description of work performed. Carrying or other similar costs shall not be considered toward this definition of project investment. The owner must provide verification of all expenditures. Any work completed prior to the execution of an agreement may be counted toward the minimum investment requirement but it is still subject to M/WBE requirements.

B. Development of the 401 North Houston Street building shall include the following (collectively, the "Project"):

a. Minimum 95,000 square feet office building addition to the existing Corgan Building on the existing adjoining surface parking lot
b. 435 enclosed parking spaces
c. Streetscape improvements

C. Obtain a building and/or demolition permit from the City and start construction for the Project by July 1, 2017.

D. Obtain a Certificate of Occupancy (CO) for a minimum of 95,000 square feet of office space by December 15, 2018.

SECTION 5. (continued)

E. Obtain final acceptance of public infrastructure improvements associated with the Project, as evidenced by the issuance of a Green Tag from the Mobility and Street Services Department by December 15, 2018, and submit documentation to the Office of Economic Development (the "OED").

F. If applicable, execute an Operating and Maintenance agreement for non-standard public infrastructure improvements associated with the Project (i.e., possibly for those improvements located on City right of way) by December 15, 2018, for a period of 20 years.

If Developer chooses to forgo the TIF Subsidy or if the TIF development agreement terminates due to an uncured default by Developer, Developer shall remain responsible for the maintenance of those non-standard public improvements that it has installed for the term of the Operating and Maintenance agreement.

G. 100 percent of the leasable ground floor office space must be occupied prior to TIF reimbursement and shall not permanently discontinue or close at any time during the TIF reimbursement payment period.

H. Design Review by the Urban Design Peer Review Panel, an independent group of design, engineering, and/or planning professionals selected by the Dallas City Manager, is required for all City Center TIF District projects. The Project's design plans shall include:

a. A site plan showing the location of parcel boundaries clearly differentiating publicly accessible space from private space
b. A pedestrian lighting plan for the site showing existing lighting and location of new pedestrian lighting using lighting acceptable to the City
c. A sidewalk plan for the Project
d. Elevations for all sides of the building visible from the public right of way, focusing on the ground floor
e. Signage plan for the building

I. Construct the Project in substantial conformance with Peer Review recommended design plans as approved by the City Center TIF Board of Directors and Dallas City Council.

J. Owner shall submit to the Director of the OED a quarterly status report for ongoing work on the project, as well as public improvements. Status reports will be due once every three months after the Council approval date.

SECTION 5. (continued)

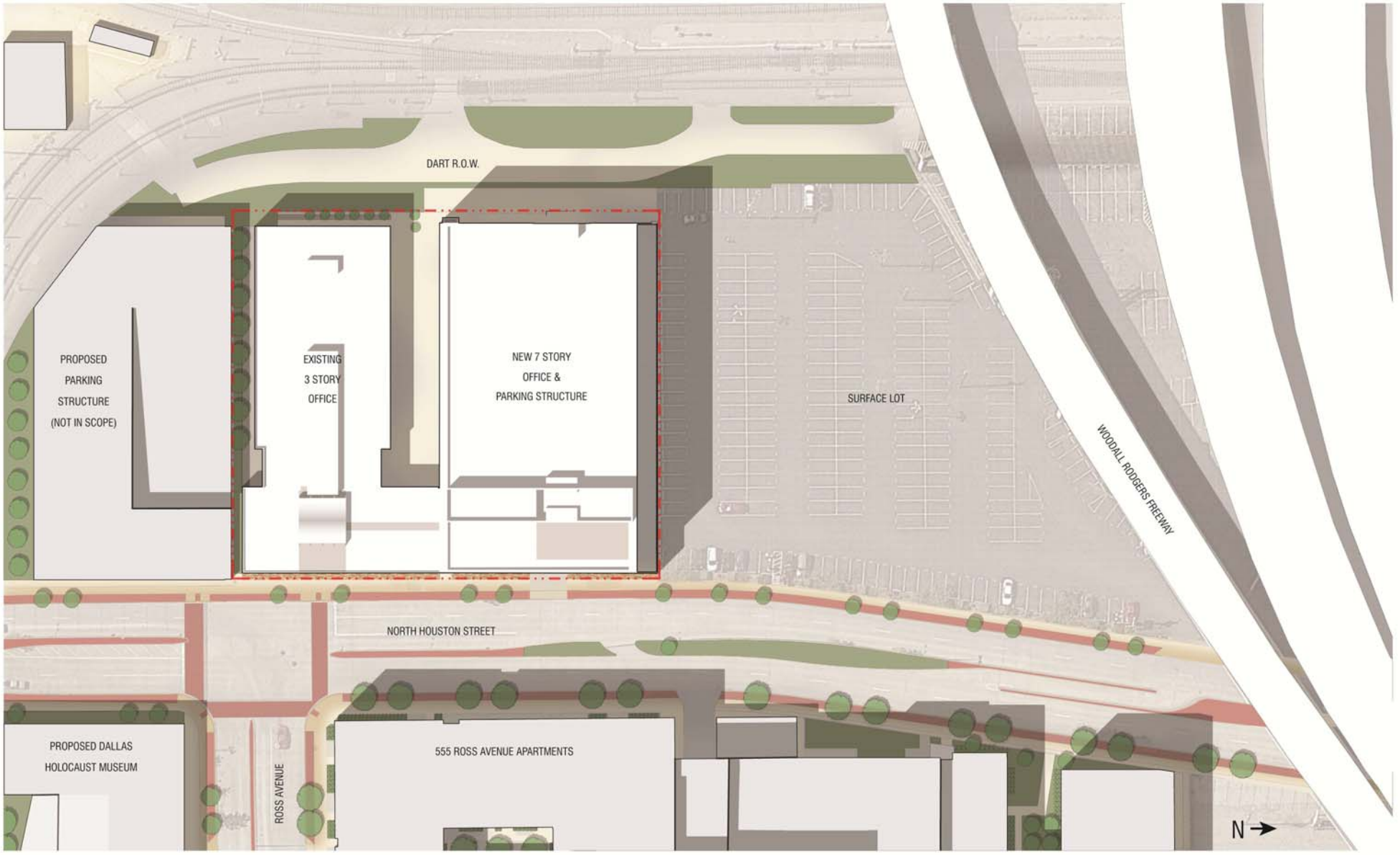
K. Owner shall make a good faith effort to (i) comply with the Business Inclusion and Development ("BID") goal of 25 percent Minority/Women-owned Business Enterprise (M/WBE) participation for TIF reimbursable improvements and (ii) achieve a goal of 25 percent certified M/WBE participation for total private improvement construction expenditures for the Project, and meet all reporting requirements for each.

L. If necessary, the Project deadline can be extended up to 6 months, subject to the Office of Economic Development Director's and City Center TIF District Board of Director's approval.

SECTION 6. That should GPIF Houston Street LLC not perform one or more of the contingencies listed above, the City Manager is authorized to terminate the development agreement and disallow the total TIF Subsidy up to an amount not to exceed $875,000.

SECTION 7. 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.

EXHIBIT A

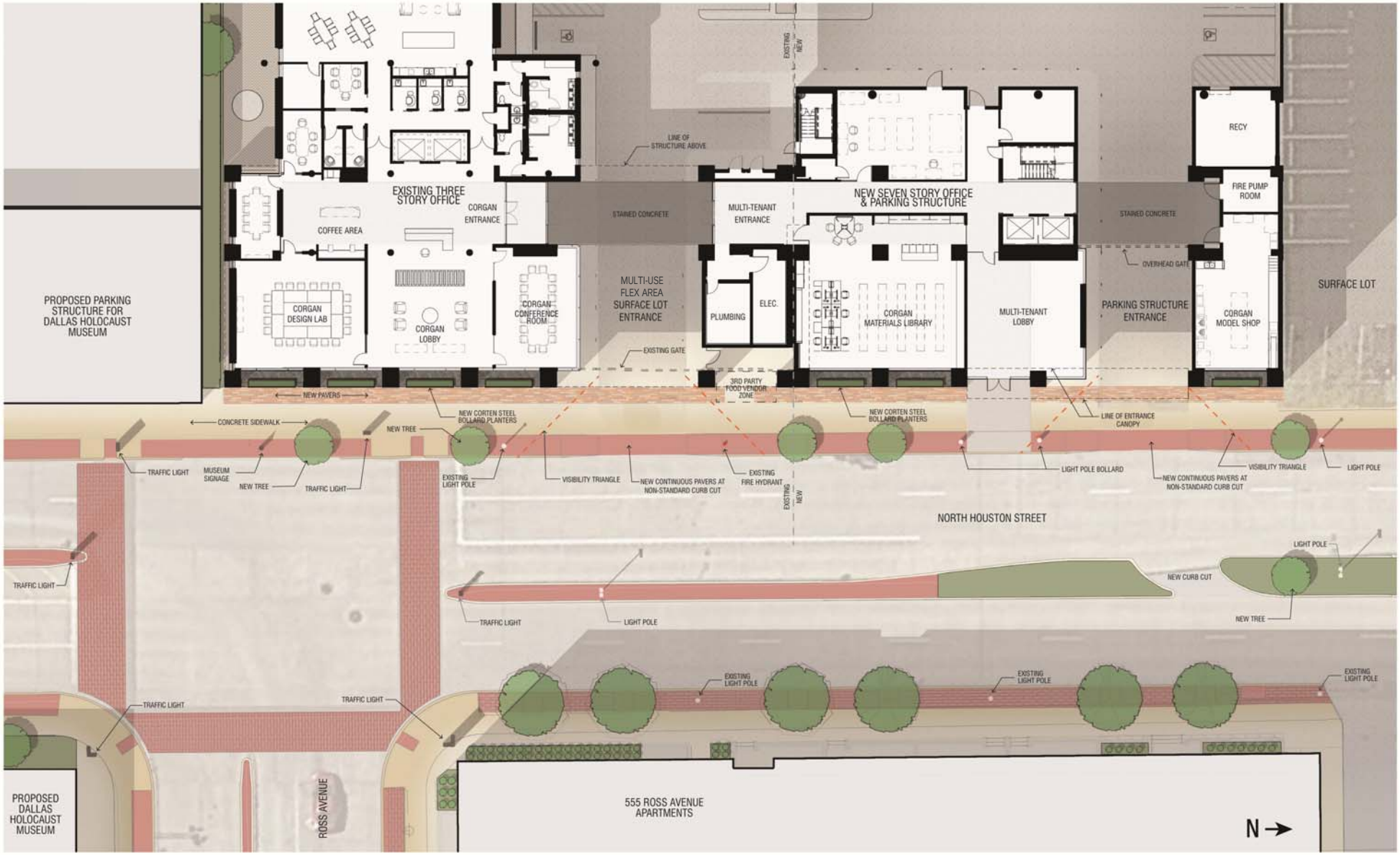


401 NORTH HOUSTON STREET EXPANSION

CITY OF DALLAS | URBAN DESIGN PEER REVIEW | 03.09.17

CRESCENT

EXHIBIT A



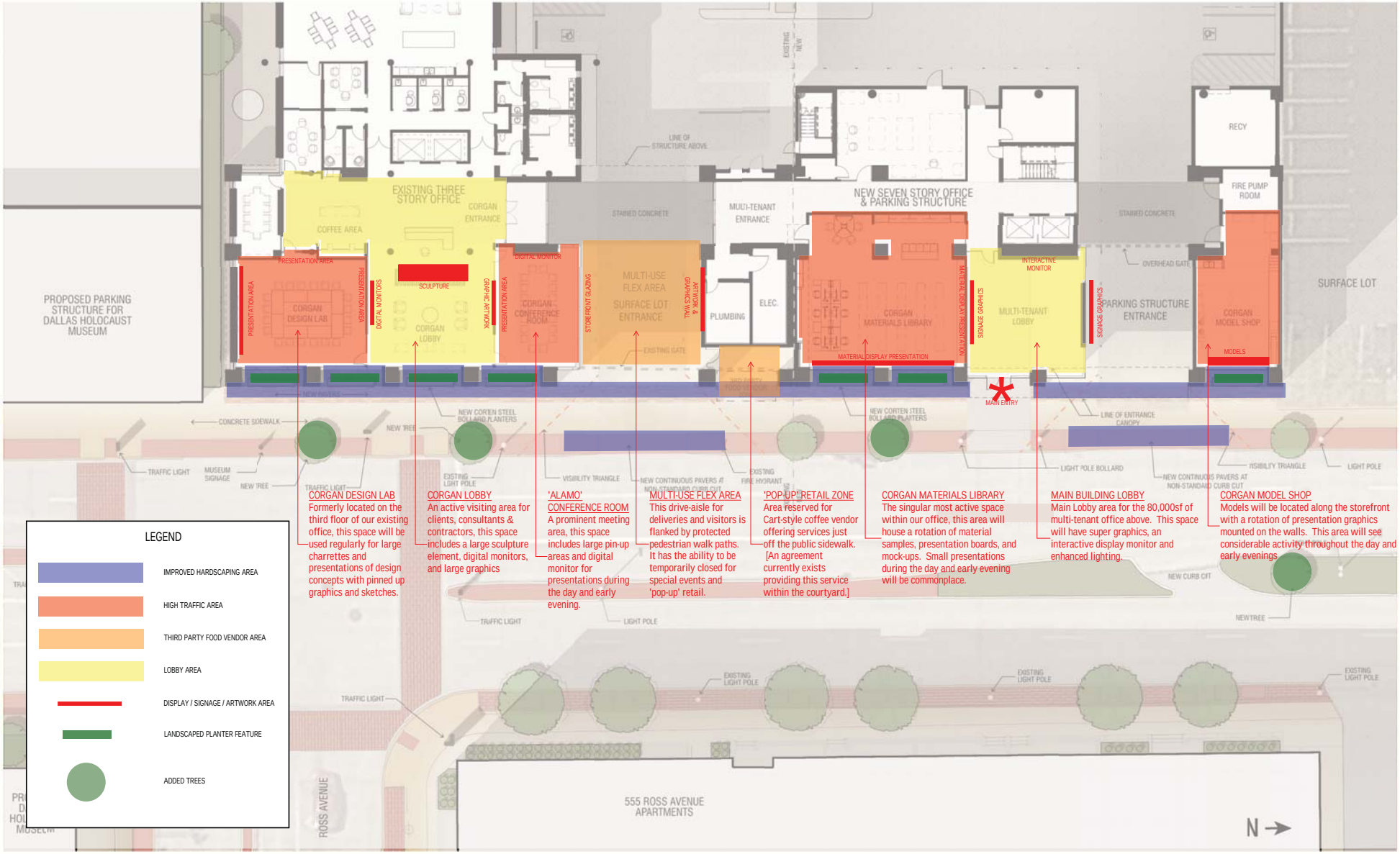
401 NORTH HOUSTON STREET EXPANSION

CITY OF DALLAS | URBAN DESIGN PEER REVIEW | 03.09.17

0' 12' 25' 50' 100'

CRESCENT

EXHIBIT A



CORGAN DESIGN LAB
Formerly located on the third floor of our existing office, this space will be used regularly for large charrettes and presentations of design concepts with pinned up graphics and sketches.

CORGAN LOBBY
An active visiting area for clients, consultants & contractors, this space includes a large sculpture element, digital monitors, and large graphics

'ALAMO' CONFERENCE ROOM
A prominent meeting area, this space includes large pin-up areas and digital monitor for presentations during the day and early evening.

MULTI-USE FLEX AREA
This drive-aisle for deliveries and visitors is flanked by protected pedestrian walk paths. It has the ability to be temporarily closed for special events and 'pop-up' retail.

'POP-UP' RETAIL ZONE
Area reserved for Cart-style coffee vendor offering services just off the public sidewalk. [An agreement currently exists providing this service within the courtyard.]

CORGAN MATERIALS LIBRARY
The singular most active space within our office, this area will house a rotation of material samples, presentation boards, and mock-ups. Small presentations during the day and early evening will be commonplace.

MAIN BUILDING LOBBY
Main Lobby area for the 80,000sf of multi-tenant office above. This space will have super graphics, an interactive display monitor and enhanced lighting.

CORGAN MODEL SHOP
Models will be located along the storefront with a rotation of presentation graphics mounted on the walls. This area will see considerable activity throughout the day and early evenings

401 NORTH HOUSTON STREET EXPANSION

CITY OF DALLAS | URBAN DESIGN PEER REVIEW | 03.09.17

0' 12' 25' 50' 100'

CRESCENT

EXHIBIT A



EAST ELEVATION

EXHIBIT A



PERSPECTIVE FROM SOUTHEAST

401 NORTH HOUSTON STREET EXPANSION

CITY OF DALLAS | URBAN DESIGN PEER REVIEW | 03.09.17

CRESCENT CORGAN

EXHIBIT A



PERSPECTIVE FROM SOUTHWEST

401 NORTH HOUSTON STREET EXPANSION

CITY OF DALLAS | URBAN DESIGN PEER REVIEW | 03.09.17

CRESCENT

EXHIBIT A

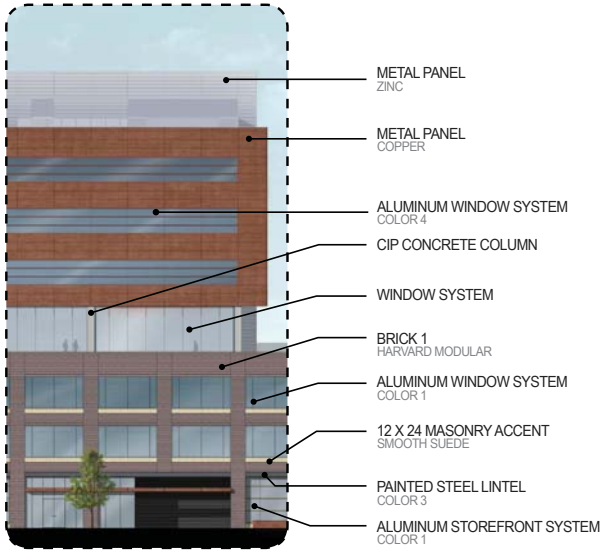


PERSPECTIVE FROM STREET LEVEL

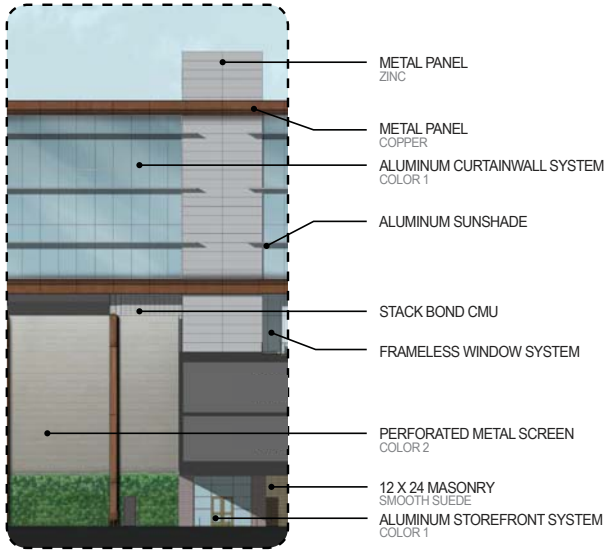
401 NORTH HOUSTON STREET EXPANSION

CITY OF DALLAS | URBAN DESIGN PEER REVIEW | 03.17.17

EXHIBIT A

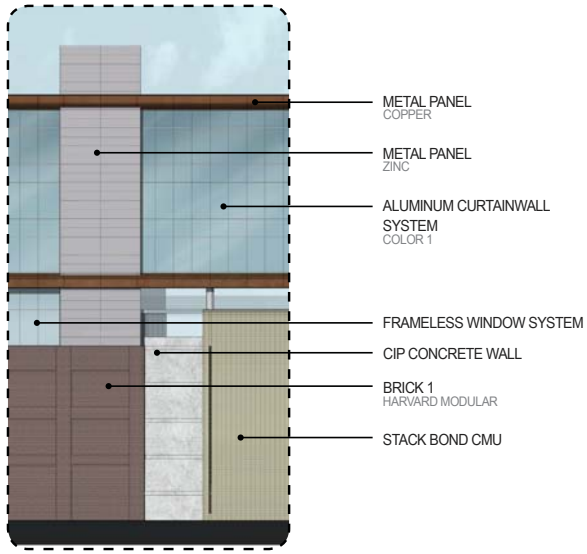


PARTIAL ELEVATION - EAST



PARTIAL ELEVATION - SOUTH

1



PARTIAL ELEVATION - NORTH



COLOR 1



COLOR 2



COLOR 3



COLOR 4



HARVARD MODULAR BRICK



STACK BOND CMU



ZINC METAL PANEL



FRENCH GREY
MODULAR BRICK



12 X 24 MASONRY
SMOOTH SUEDE



COPPER METAL PANEL

Exhibit B - TIF Budget

If all conditions of the agreement are met, a maximum of $250,000 may be released prior to the expiration of the City Center Sub-District (December 31, 2022 with last collection and disbursement 2023), unless funds are available after all City Center Sub-District obligations have been fulfilled. The remaining TIF funds may be reimbursed from the West End/Lamar Sub-District, beginning in 2023, with 2024 collections.

Description	Amount
Public Infrastructure Improvements *Public utility relocation, Streetscape/Sidewalk Improvements, Landscaping, Lighting, Design and Engineering, Contingency Costs (5%)*	*$725,000*
Redevelopment/Development Projects *Site Remediation, Design and Engineering, Contingency Costs (5%)*	*$150,000*
Total TIF Funding Recommended	**$875,000**

AGENDA ITEM # 60

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: April 12, 2017

COUNCIL DISTRICT(S): 2

DEPARTMENT: Office of Economic Development

CMO: Theresa O'Donnell, 670-3309

MAPSCO: 45Y

SUBJECT

Authorize a Chapter 380 Economic Development Grant Agreement with S&D Longhorn Partners, LLC and/or its affiliates ("Owner"), in an amount not to exceed $500,000 in consideration of the Owner's investment in eligible expenditures for improvements to the Longhorn Ballroom site and buildings located at 200 and 216 North Corinth Street, pursuant to the Public/Private Partnership Program - Not to exceed $500,000 - Financing: Public/Private Partnership Funds

BACKGROUND

S&D Longhorn Partners, LLC approached the City near the end of 2016 for financial assistance to renovate/redevelop the Longhorn Ballroom (the "Property"), located at the northeast corner of North Corinth Street and South Riverfront Boulevard, as an entertainment destination. Known since the 1950s for country music, the Longhorn Ballroom is unique in character and contributes to the cultural significance of the city. The iconic Longhorn Ballroom sign was designated as a landmark sign in 1984 by Ordinance No. 18516.

The Property includes two existing buildings (totaling approximately 43,032 square feet on approximately 2.45 acres). Building #1 (the Longhorn Ballroom) totals approximately 20,096 square feet, and Building #2 (which has served multiple uses over the years) totals approximately 22,936 square feet. Presently, Building #2 includes a 6,000 square feet restaurant known as Raul's, as well as 16,936 square feet of storage. In the past, Building #2 was used for lodging and retail.

The Owner purchased the property in February 2017 (after negotiating potential assistance for the project with city staff) and plans to invest approximately $2.0 million over the next two years. Improvements will focus on increasing aesthetic appeal of the Property, retaining its character-defining features, and enhancing connectivity/access to the Trinity Corridor (trailhead is located 1,000 feet to the south).

BACKGROUND (continued)

The scope of the project (the "Project") is anticipated to include, but is not limited to, the improvements listed below:

- Repair, restoration, reassembly, and reoperation of the landmark "Longhorn Ballroom" sign (including the barn-like façade, marquee, three-dimensional longhorn steer, and planter box)
- Resurfacing of the parking lot (including reconfiguration and restriping)
- Installation of new lighting
- Installation of new landscaping/irrigation
- Water/sewer improvements
- Repair and restoration of iconic building facade on Building #1 (including removal of non-contributing additions/alterations)
- Repair/repainting of murals on the exterior of Building #1
- Various interior improvements to Building #1 (e.g. structural; mechanical electrical; plumbing; lighting; heating, ventilation and air conditioning (HVAC); fire alarm/sprinkler; security system; Americans with Disabilities Act (ADA) compliance; removal of non-contributing additions/alterations; finish-out)
- Various façade and interior improvements to Building #2

The Project represents a catalyst opportunity for revitalization of the Cedars West area. With the successful redevelopment of the Longhorn Ballroom, the Owner has additional plans for future phases, including development of a new outdoor multi-purpose event/entertainment space, a new hotel/conference center, additional retail/restaurants, and apartments.

The proposed economic development grant agreement is subject to the following key terms:

1. A grant ("Grant") equal to 25 percent of the Owner's private investment in eligible expenditures for the Project up to an amount not to exceed $500,000.

2. The Owner agrees to invest or cause to be invested a minimum of $1,400,000 in eligible expenditures for the Project. Eligible expenditures for the Project shall include costs incurred on or after the date of acquisition of the Property (Exhibit B of the Resolution includes a list of eligible and non-eligible expenditures).

BACKGROUND (continued)

3. The Grant shall be payable in two installments:

   - The first installment shall be paid upon substantial completion and verification of associated eligible expenditures for: (i) the site improvements and (ii) the building improvements specifically for the Longhorn Ballroom (Building #1 on Exhibit A of the Resolution).
   - The second installment shall be paid upon substantial completion and verification of associated eligible expenditures for the building improvements specifically for Building #2.

4. At a minimum, the Project is required to specifically include the following elements:

   - Repair, restoration, reassembly, and reoperation of the "Longhorn Ballroom" sign (including the barn-like façade, marquee, three-dimensional longhorn steer, and planter box).
   - Repair and restoration of the iconic facade of Building #1 (including any removal of non-contributing additions/alterations and the repair/repainting of murals).

5. The Project shall be substantially completed within thirty months from the date of execution of the grant agreement.

Pursuant to the City's Public/Private Partnership (PPP) Program Guidelines and Criteria (effective for the period January 1, 2017 through December 31, 2018), the Project does not meet the minimum eligibility requirements for a Non-Target Area.

Notwithstanding, the Project represents a unique development opportunity and, as such, is considered a "Non-Conforming Project" pursuant to the PPP Program. As a Non-Conforming Project, the proposed Grant requires approval by a three-fourths vote of the City Council.

ESTIMATED SCHEDULE OF PROJECT

Began Construction	February 2017
Complete Construction	June 2019

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

City Council will be briefed by memorandum regarding this matter on March 31, 2017.

FISCAL INFORMATION

Public/Private Partnership Funds - $500,000

OWNER

S&D Longhorn Partners, LLC (a Texas Limited Liability Company)

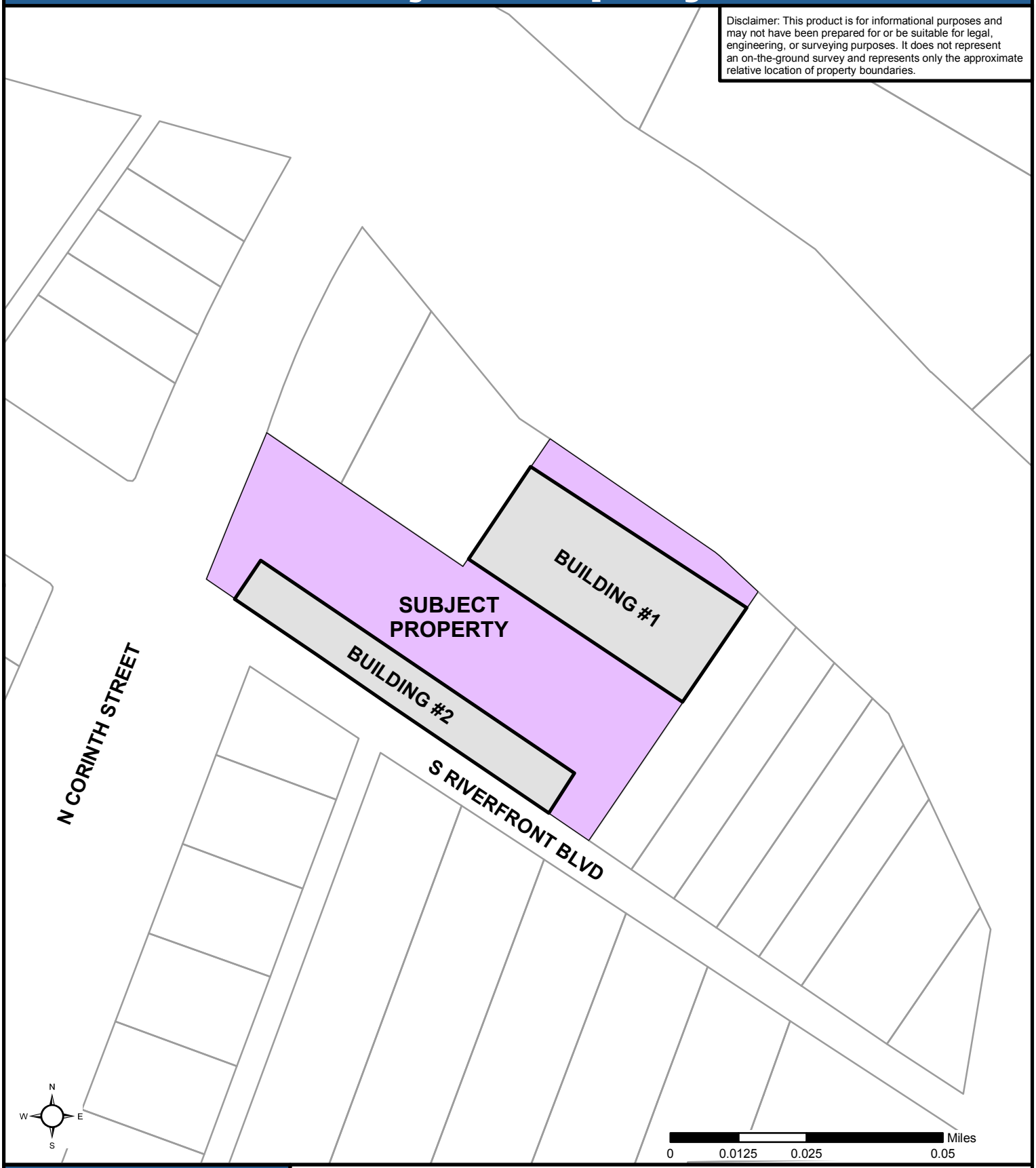
Jay LaFrance, Manager

MAP

Attached

Subject Property

Disclaimer: This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.



DALLAS
ECONOMIC
DEVELOPMENT

Research & Information Division
214.670.1685
dallas-ecodev.org

Created 01.18.17, Last Updated 01.18.17 - N Riverfront

Legend

Subject Property

WHEREAS, the City of Dallas recognizes the importance of its role in local economic development; and

WHEREAS, investment decisions made by commercial property owners are often influenced by a municipality's ability to provide economic development incentives; and

WHEREAS, the Longhorn Ballroom ("Property") is an existing neighborhood commercial/retail site (approximately 43,032 square feet on approximately 2.45 acres) located at the northeast corner of North Corinth Street and South Riverfront Boulevard (as shown in **Exhibit A**); and

WHEREAS, the Property is unique and contributes to the cultural significance of the City as a world-renowned entertainment venue for country music since the 1950s; and

WHEREAS, the Property's iconic "Longhorn Ballroom" sign was designated as a landmark sign in 1984 by Ordinance No. 18516; and

WHEREAS, S&D Longhorn Partners, LLC and/or its affiliates (the "Owner"), purchased the property in February 2017 after negotiating potential assistance for (the "Project") with city staff; and

WHEREAS, the Owner is planning to invest approximately $2 million in the Project at the Property; and

WHEREAS, the Project is anticipated to be a catalyst for revitalization of the Cedars West area; and

WHEREAS, the Project aims to retain the character-defining features of the Property, improve the aesthetic appeal of the Property, re-establish the property as an entertainment destination and cultural landmark, and increase opportunities for connectivity/access to the Trinity Corridor; and

WHEREAS, on December 14, 2016, the City Council (1) authorized the continuation of its Public/Private Partnership Program - Guidelines and Criteria, which established certain guidelines and criteria for the use of City incentive programs for private development projects; and (2) established programs for making loans and grants of public money to promote local economic development and to stimulate business and commercial activity in the City of Dallas pursuant to the Economic Development Programs provisions under Chapter 380 of the Texas Local Government Code, (the "Act"); and

WHEREAS, the Project represents a unique development opportunity and is considered a “Non-Conforming Project” pursuant to the Public/Private Partnership Program - Guidelines and Criteria (effective for the period January 1, 2017 through December 31, 2018); and

WHEREAS, the decision of the Owner to make an investment of approximately $2 million for improvements to the Property will not occur without an offer of an economic development grant incentive from the City of Dallas; and

WHEREAS, the City of Dallas desires to enter into an Economic Development Grant Agreement with S&D Longhorn Partners, LLC and/or its affiliates to promote economic development, stimulate private sector investment, and grow the tax base in the City of Dallas.

Now, Therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DALLAS:

SECTION 1. That the City Manager, upon approval as to form by the City Attorney, is hereby authorized to execute an economic development grant agreement with S&D Longhorn Partners, LLC and/or its affiliates (“Owner") in consideration of the Owner’s investment in eligible expenditures for improvements to the Longhorn Ballroom (“Property”) located at 200 and 216 North Corinth Street.

SECTION 2. That the Property is depicted on the attached location map (**Exhibit A)**.

SECTION 3. That the Owner is planning to invest approximately $2.0 million for improvements to the Property over the next two years. The scope of the project (the “Project”) is anticipated to include, but is not limited to, the improvements listed below:

- Repair, restoration, reassembly, and reoperation of the landmark “Longhorn Ballroom” sign (including the barn-like façade, marquee, three-dimensional longhorn steer, and planter box)
- Resurfacing of the parking lot (including reconfiguration and restriping)
- Installation of new lighting
- Installation of new landscaping/irrigation
- Water/sewer improvements
- Repair and restoration of iconic building facade on Building #1 (including removal of non-contributing additions/alterations).
- Repair/repainting of murals on the exterior of Building #1

SECTION 3. (continued)

- Various interior improvements to Building #1 (e.g. structural; mechanical; electrical; plumbing; lighting; heating, ventilation and air-conditioning (HVAC); fire alarm/sprinkler; security system; Americans with Disabilities Act (ADA) compliance; removal of non-contributing additions/alterations; finish-out)
- Various exterior and interior improvements to Building #2

SECTION 4. That the economic development grant shall be in an amount not to exceed $500,000 provided the Owner meets its obligations under the grant agreement with the City.

SECTION 5. That the key terms of the economic development grant agreement shall be as follows:

1. A grant ("Grant") equal to 25 percent of Owner's private investment in eligible expenditures for the Project up to an amount not to exceed $500,000.

2. In consideration of the Grant, the Owner agrees to invest or cause to be invested a minimum of $1,400,000 in eligible expenditures for the Project. Eligible expenditures for the Project shall include costs incurred on or after February 6, 2017. **Exhibit B** (attached) includes a list of eligible and non-eligible expenditures.

3. The Grant shall be payable in up to two installments:

    a. The first installment shall be paid upon substantial completion and verification of associated eligible expenditures for: (i) the site improvements and (ii) the building improvements specifically for the Longhorn Ballroom (Building #1 on **Exhibit A**).

    b. The second installment shall be paid upon substantial completion and verification of associated eligible expenditures for the building improvements specifically for Building #2 on **Exhibit A**.

4. At minimum, the Project is required to specifically include the following elements:

    a. Repair, restoration, reassembly, and reoperation of the "Longhorn Ballroom" sign (including the barn-like façade, marquee, three-dimensional longhorn steer, and planter box).

SECTION 5. (continued)

b. Repair and restoration of the iconic facade of Building #1 (including any removal of non-contributing additions/alterations and the repair/repainting of murals).

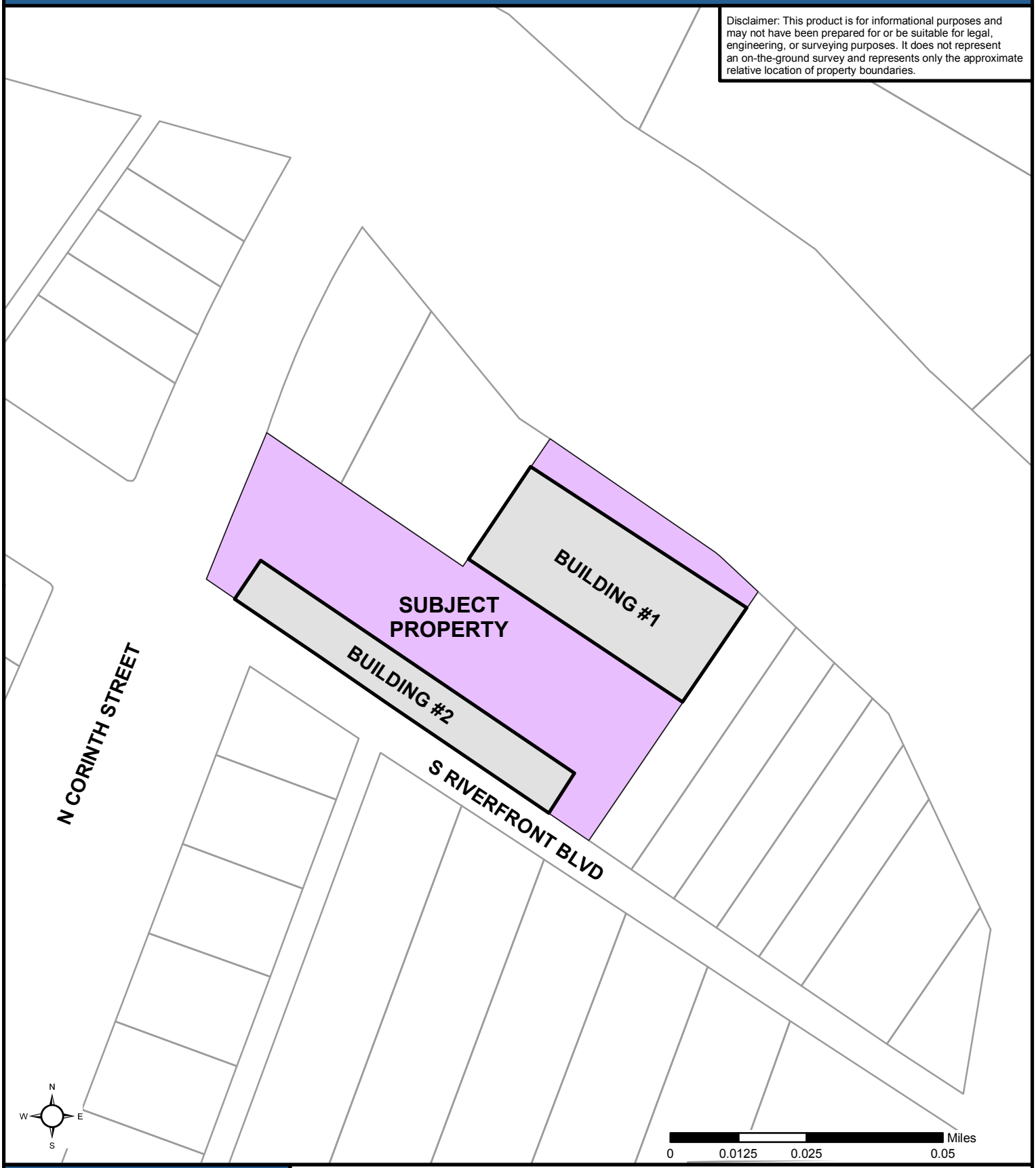
5. The Project shall be substantially completed within thirty months from the date of execution of the grant agreement.

SECTION 6. That the Chief Financial Officer is hereby authorized to encumber and disburse future funds from: Public/Private Partnership Fund, Fund 0352, Department ECO, Unit W166, Object 3016, Activity PPPF, Encumbrance ECO17W166F309, Vendor VS94200, in an amount not to exceed $500,000.

SECTION 7. 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.

EXHIBIT A

Disclaimer: This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.



DALLAS
ECONOMIC
DEVELOPMENT

Research & Information Division
214.670.1685
dallas-ecodev.org

Created 01.18.17, Last Updated 01.18.17 - N Riverfront

Legend

Subject Property

EXHIBIT B

Proposed Public/Private Partnership at the Longhorn Ballroom
200 and 216 Corinth Street

Eligible Expenditures for Real Property Improvements

- Environmental remediation costs (if any)
- Demolition costs (including dumpsters, hauling, disposal)
- Permitting/inspection costs
- Hard construction costs (materials and labor) involving improvements to the land and the existing buildings (Building #1 and Building #2 on Exhibit A), including any of the following elements:
    - Site grading
    - Site paving/asphalt/curbing/flatwork (including striping)
    - Site landscaping, hardscaping, irrigation
    - Site lighting
    - Water/sewer/storm drainage (on-site or any off-site improvements directly associated with the project)
    - ADA compliance
    - Fencing/screening walls
    - Repair and reassembly of the landmark "Longhorn Ballroom" sign
    - Building exterior improvements (roof repair; siding/trim repair; painting; windows; doors; signage; lighting; façade restoration; removal of non-contributing additions/alterations; repainting murals)
    - Building interior improvements (structural; mechanical; electrical; plumbing; lighting; HVAC; fire alarm/sprinkler; security system; ADA compliance; removal of non-contributing additions/alterations; finish-out)
- Construction-related soft costs, including:
    - Architect fees (including fees for specialty consultants providing technical assistance for historic preservation/restoration)
    - Engineer fees
    - Landscape architect fees
    - Interior designer fees
    - Material testing fees
    - Construction management fees
    - Builder's risk insurance

Non-Eligible Expenditures

- Legal costs
- Marketing costs
- Leasing commissions
- Construction financing costs (fees; loan interest; closing costs)
- Furniture
- Typical carrying costs for the property (insurance; taxes; maintenance costs)

AGENDA ITEM # 61

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: April 12, 2017

COUNCIL DISTRICT(S): 7

DEPARTMENT: Sustainable Development and Construction

CMO: Majed Al-Ghafry, 670-3302

MAPSCO: 49 S; W

SUBJECT

A public hearing to receive comments regarding an application for and an ordinance granting a CR Community Retail District and a resolution accepting deed restrictions volunteered by the applicant on property zoned an R-7.5(A) Single Family District on the northeast corner of North Prairie Creek Road and Scyene Road
Recommendation of Staff and CPC: Approval, subject to deed restrictions volunteered by the applicant
Z156-277(WE)

HONORABLE MAYOR & CITY COUNCIL WEDNESDAY, APRIL 12, 2017
ACM: Majed Al-Ghafry

FILE NUMBER: Z156-277(WE) **DATE FILED:** June 7, 2016

LOCATION: North Prairie Creek Road and Scyene Road, northeast corner

COUNCIL DISTRICT: 7 **MAPSCO:** 49-S, W

SIZE OF REQUEST: Approx. 1.029 acres **CENSUS TRACT:** 121.00

APPLICANT / OWNER: Kent Carter

REPRESENTATIVE: Kent Carter

REQUEST: An application for a CR Community Retail District with deed restrictions volunteered by the applicant on property zoned an R-7.5(A) Single Family District.

SUMMARY: The purpose of this request is to allow for the development of retail uses on site. The applicant has volunteered deed restrictions to prohibit various intrusive uses as well as prohibit access onto Kingsford Avenue.

CPC RECOMMENDATION: **Approval**, subject to deed restrictions volunteered by the applicant.

STAFF RECOMMENDATION: **Approval**, subject to deed restrictions volunteered by the applicant.

BACKGROUND INFORMATION:

- The request site is currently undeveloped.

- The applicant proposes to develop the site with retail uses.

- The applicant volunteered deed restrictions that will prohibit certain uses as well as prohibit access onto the adjacent residential street. The following uses will be prohibited on site via the volunteered deed restrictions: cemetery or mausoleum; college, university, or seminary; open-enrollment charter school or private school; public school other than open-enrollment charter school; college dormitory, fraternity, or sorority house; business school; car wash; commercial amusement (outside); commercial parking lot or garage; and a mortuary; funeral home or commercial wedding chapel. In addition, the applicant will build a brick wall along the northern property line. The brick wall will provide screening and will buffer the proposed retail use from the adjacent residential uses. The wall will not exceed 10 feet in height.

- The applicant has also volunteered to prohibit access onto Kingsford Avenue if the property is zoned for retail uses.

Zoning History: There has not been any zoning changes requested in the past five years.

Thoroughfares/Streets:

Thoroughfare/Street	Type	Existing ROW	Proposed ROW
North Prairie Creek Road	Principal Arterial	100 ft.	100 ft.
Scyene Road	Principal Arterial	100 ft.	100 ft.
Kingsford Avenue	Local	50 ft.	50 ft.

Traffic: The Engineering Division of the Sustainable Development and Construction Department has reviewed the request and determined that the proposed development will not have a negative impact on the surrounding street system.

COMPREHENSIVE PLAN: The *fowardDallas! Comprehensive Plan* was adopted by the City Council in June 2006. The *fowardDallas! Comprehensive Plan* outlines several goals and policies which can serve as a framework for assisting in evaluating the applicant's request.

ECONOMIC

GOAL 2.1 PROMOTE BALANCED GROWTH

Policy 2.1.1 Ensure that zoning is flexible enough to respond to changing economic conditions

URBAN DESIGN

GOAL 5.3 ESTABLISHING WALK-TO CONVENIENCE

Policy 5.3.1 Encourage a balance of land uses within walking distance of each other.

Land Use:

	Zoning	Land Use
Site	R-7.5(A)	Undeveloped
North	R-7.5(A)	Single Family
South	R-75(A)	Undeveloped
East	R-75(A)	Single Family
West	CR-D	Auto Related use

STAFF ANALYSIS:

Land Use Compatibility: The approximately 1.029 acre site is undeveloped and is adjacent to residential uses. The property abuts two principal arterials that flow in a north and south direction and an east and west direction and have approximately 100 feet of right-of-way. In addition, there is a local street that is adjacent to site's eastern property line and has approximately 50 feet of right-of-way. The surrounding land uses consist of several parcels of undeveloped land and residential uses. West of the request site, across North Prairie Creek Road are two auto related uses that are located within a CR Community Retail District.

The applicant's request for a CR Community Retail District will allow for the development of a community serving retail use on site. The development of a retail use must comply with the residential proximately slope because of the residential adjacency. The maximum structure height of any structure in the CR District is 54 feet; however, because of the residential adjacency, the maximum structure height may not exceed 26 feet. The residential proximity slope is a plane projected upward and outward from the every site of origination, which is any private property in a residential district. The angle of projection in a Residential, Duplex ad Townhouse District is a 1 to 3 slope and in a Cluster Housing and Multifamily District is a 1 to 1 slope. The RPS in the Cluster Housing and Multifamily Districts terminates at a horizontal distance of 50 feet from the site of origination.

The applicant has also volunteered deed restrictions that will prohibit certain main uses from being developed on site as well as prohibit access onto Kingsford Road.

The applicant will also have to provide a minimum 10-foot landscape buffer from the existing residential use to the north. The applicant currently owns the property to the north and could use the property as an additional buffer from the residential uses further north.

The CR District is consistent with the adjacent retail zoning pattern on the western side of North Prairie Creek Road and the volunteered deed restrictions should mitigate any negative impact the proposed use may have on the adjacent properties.

Development Standards:

DISTRICT	SETBACKS		Density	Height	Lot Coverage	Special Standards	PRIMARY Uses
	Front	Side/Rear					
R-7.5(A) – existing Single Family	25'	5'	1 Dwelling Unit/ 7,500 sq. ft.	30'	45%		Single family
CR - proposed Community retail	15'	20' adjacent to residential OTHER: No Min.	0.75 FAR overall 0.5 office	54' 4 stories	60%	Proximity Slope Visual Intrusion	Retail & personal service, office

Landscaping: Landscaping of any development will be in accordance with Article X, as amended.

CPC Action (March 2, 2017)

Motion: It was moved to recommend **approval** of a CR Community Retail District with deed restrictions volunteered by the applicant, subject to revised deed restrictions volunteered by the applicant with a modification to change the word “west” to “east” under Additional Conditions, (2) on property zoned an R-7.5(A) Single Family District on the northeast corner of North Prairie Creek Road and Scyene Road.

Maker: Jung
Second: Davis
Result: Carried: 15 to 0

For: 15 - Anglin, Rieves, Houston*, Davis, Shidid, Anantasomboon, Haney, Mack, Jung, Housewright, Schultz, Peadon, Murphy, Ridley, Tarpley

Against: 0
Absent: 0
Vacancy: 0

*out of the room, shown voting in favor

Notices: Area: 300 Mailed: 29
Replies: For: 3 Against: 0

Speakers: For (Did not speak): Kent Carter, 8344 E. R.L. Thornton Fwy., Dallas, TX, 75228
Against: None

PROPOSED DEED RESTRICTIONS

DEED RESTRICTIONS

THE STATE OF TEXAS)
) KNOW ALL PERSONS BY THESE PRESENTS:
COUNTY OF DALLAS)

I.

The undersigned, Kent Carter , an individual ("the Owner"), is the owner of the following described property ("the Property"), being a portion of lots 1 and 2 , City Block 6784, East Side Addition to the City of Dallas, Dallas County, Texas, and being that same tract of land conveyed to the Owner by Bobby Lynn Ehrenberger and Deborah Rose Greenhaw, by deed dated October 13, 2015, and recorded as Instrument No. 201500283739, in the Deed Records of Dallas County, Texas, and being more particularly described as follows:

See Exhibit A

II.

The Owner does hereby impress all of the Property with the following deed restrictions ("restrictions"), to wit:

The following uses are prohibited:

(1) Institutional and community services uses.
-- Cemetery or mausoleum.
-- College, university, or seminary
-- Open-enrollment charter school or private school
-- Public school other than open-enrollment charter school

(2) Lodging uses.
-- None permitted

(3) Residential uses.
-- College dormitory, fraternity, or sorority house.

(4) Retail and personal services uses.
-- Business school
-- Car wash

-- Commercial amusement (outside)
-- Commercial .parking lot or garage
-- Mortuary, funeral home or commercial wedding chapel

(5) Transportation uses.
-- None permitted.

(6) Utility and public service uses.
-- None permitted.

.

(7) Wholesale, distribution, and storage uses.
-- None permitted

Additional Conditions:

(1) Wall must be built at north side of property, if property directly north to it is zoned residential.

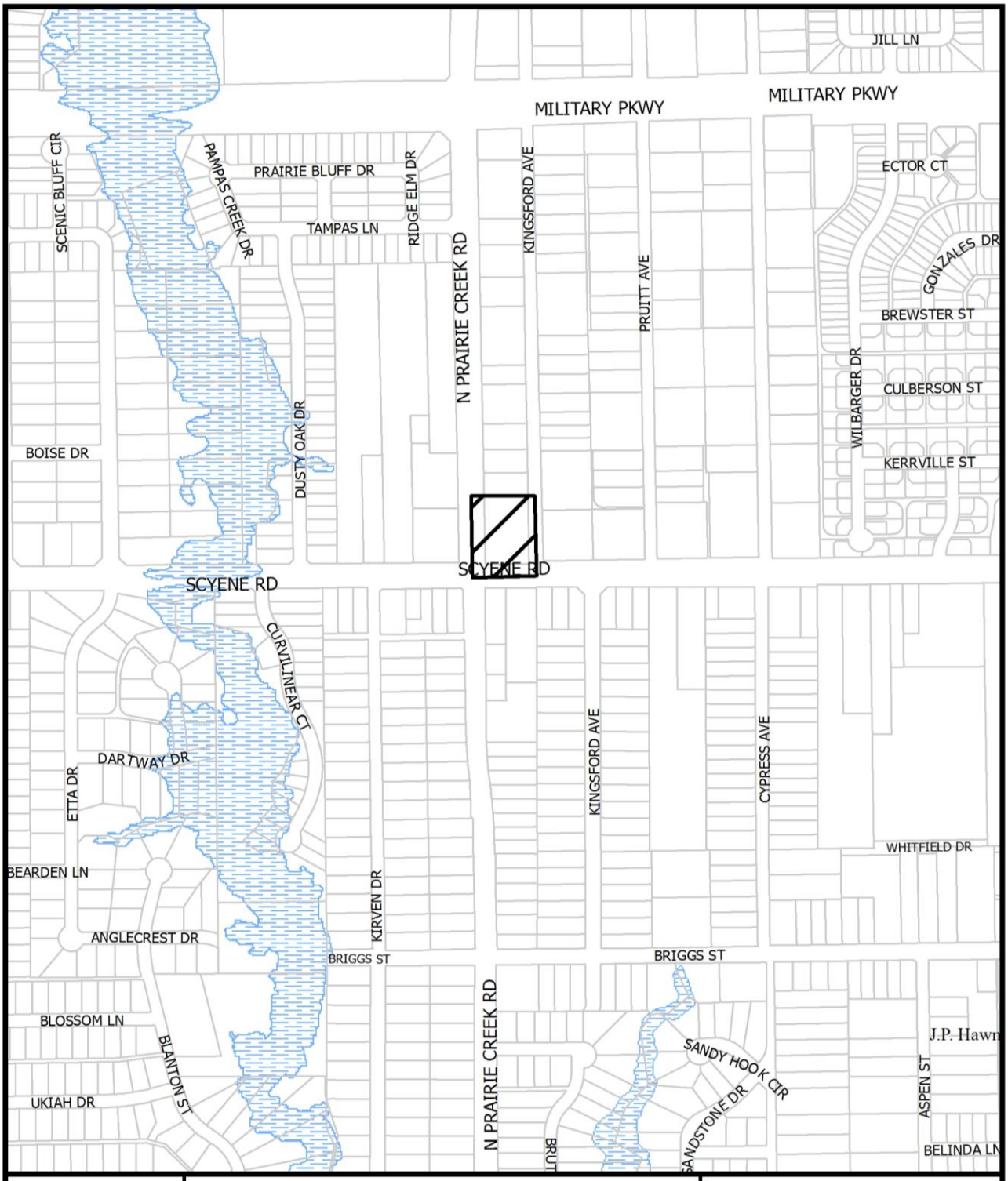
(2) On east side of said property, no curb cuts or access to property if property to the east is zoned residential.

III.

These restrictions shall continue in full force and effect for a period of 20 years from the date of execution, and shall automatically be extended for additional periods of 10 years unless amended or terminated in the manner specified in this document.

IV.

These restrictions may be amended or terminated as to any portion of the Property, upon application to the City of Dallas by the current owner of that portion of the Property, without the concurrence of the owners of the remaining portion of the Property. These restrictions may be amended or terminated only after a public hearing before the City Plan Commission and a public hearing before and approval by the City Council of the City. Notice of the public hearings must be given as would be required by law for a zoning change on the Property. The amending or terminating instrument must be approved as to form by the city attorney. If the City Council approves an amendment or termination of these restrictions, the Owner must then file the amending or terminating instrument in the Deed Records of the county or counties where the Property is located at his or her sole cost and expense before the amendment or termination becomes effective.

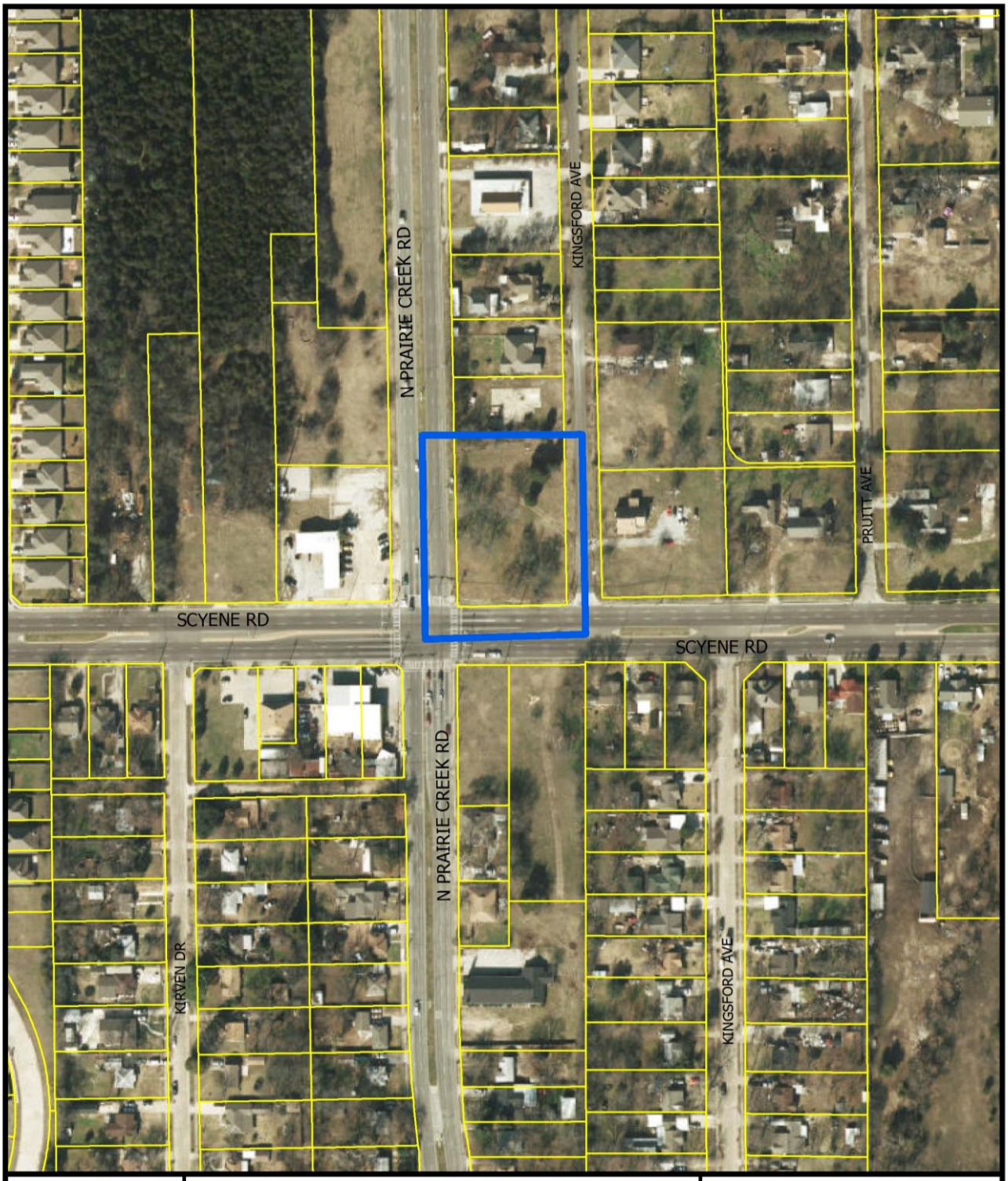


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VICINITY MAP

Case no: Z156-277

Date: 1/5/2017

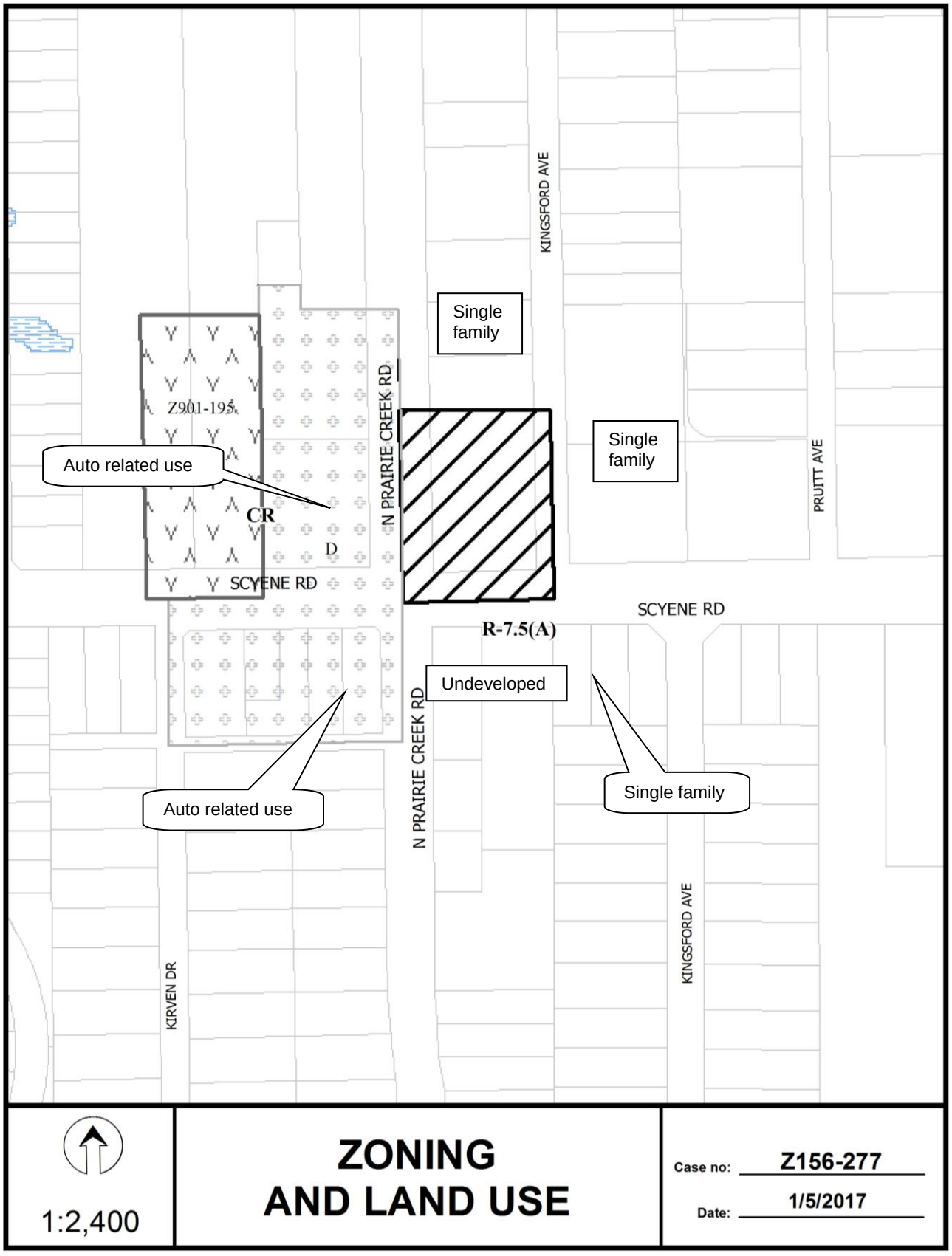


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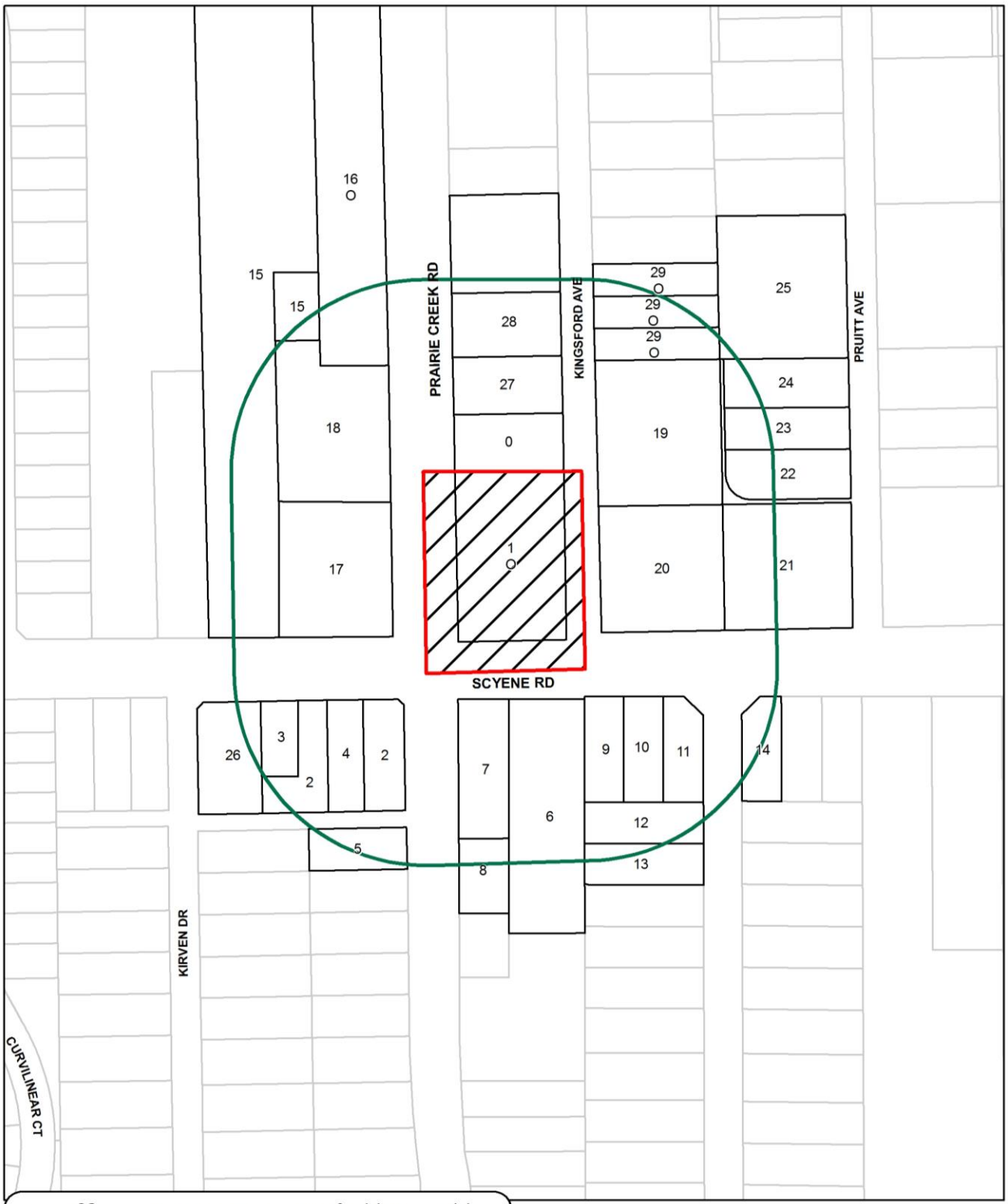
AERIAL MAP

Case no: Z156-277

Date: 1/5/2017


KINGSFORD AVE
Single family
Z901-195
N PRAIRIE CREEK RD
Single family
Auto related use
PRUITT AVE
CR
D
SCYENE RD
SCYENE RD
R-7.5(A)
Undeveloped
N PRAIRIE CREEK RD
Auto related use
Single family
KINGSFORD AVE
KIRVEN DR
1:2,400
ZONING
AND LAND USE
Case no: Z156-277
Date: 1/5/2017

CPC RESPONSES



29	Property Owners Notified (35 parcels)
3	Replies in Favor (5 parcels)
0	Replies in Opposition (0 parcels)
300'	Area of Notification
3/2/2017	Date

Z156-277
CPC

N
W E
S

1:2,400

Notification List of Property Owners

Z156-277

29 Property Owners Notified 3 Property Owners in Favor 0 Property Owners Opposed

Reply	*Label #*		*Address*	*Owner*
O	1	3005	KINGSFORD AVE	CARTER KENT
	2	9114	SCYENE RD	GARCIA MARTIN
	3	9110	SCYENE RD	PEREZ FRANK A
	4	9120	SCYENE RD	GARCIA MARTIN
	5	2935	N PRAIRIE CREEK RD	PETERSON CHARLES W
	6	9212	SCYENE RD	WHITNEY ROBERT ETAL
	7	9202	SCYENE RD	WHITNEY ROBERT R &
	8	2934	N PRAIRIE CREEK RD	SOTO JOSE CRUZ
	9	9220	SCYENE RD	THOMPSON BUDDIE & BETTY
	10	9224	SCYENE RD	MEJIA DORA &
	11	9230	SCYENE RD	FAZ JULISSA
	12	2941	KINGSFORD AVE	SERVIN ESMERALDA &
	13	2935	KINGSFORD AVE	GARCIA LEOPOLDO
	14	9302	SCYENE RD	MEZA JESUS
	15	9107	SCYENE RD	MCBRIDEANDREASON BECKI L
O	16	3200	N PRAIRIE CREEK RD	CARTER KENT
	17	9115	SCYENE RD	WACKEROW MARY H
	18	3125	N PRAIRIE CREEK RD	NOSHAHI MOHAMMAD H
	19	3116	KINGSFORD AVE	PEREZ PEDRO SAUCEDO & GABRIELA RAMIREZ
	20	3006	KINGSFORD AVE	HERNANDEZ GUSTAVO
	21	3005	PRUITT AVE	HENDERSON DEBRA FURMAN
	22	3103	PRUITT AVE	CASTILLO JOSE ARIEL
	23	3109	PRUITT AVE	FEUERBACHER DENNIS & MARGARET
	24	3117	PRUITT AVE	PETTY GWENDOLYN M
	25	3217	PRUITT AVE	HERNANDEZ MIGUEL ANGEL
	26	9102	SCYENE RD	PEREZ FRANK & CAROL

03/01/2017

Reply	*Label #*		*Address*	*Owner*
	27	3117	KINGSFORD AVE	JOHNSON GLORIA I
	28	3207	KINGSFORD AVE	TORRES JOSE I & GUADALUPE
O	29	3204	KINGSFORD AVE	TONGRA LP

AGENDA ITEM # 62

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: April 12, 2017

COUNCIL DISTRICT(S): 8

DEPARTMENT: Sustainable Development and Construction

CMO: Majed Al-Ghafry, 670-3302

MAPSCO: 69 Q; U

SUBJECT

A public hearing to receive comments regarding an application for and an ordinance granting a Specific Use Permit for a private recreation center, club, or area on property zoned an A(A) Agricultural District on the south line of Tea Garden Road, west of Haymarket Road
Recommendation of Staff and CPC: Approval for a two-year period, subject to a site plan and conditions
Z156-323(JM)

HONORABLE MAYOR & CITY COUNCIL **WEDNESDAY, APRIL 12, 2017**

ACM: Majed Al-Ghafry

FILE NUMBER: Z156-323(JM) **DATE FILED:** July 29, 2016

LOCATION: On the south line of Tea Garden Road, west of Haymarket Road.

COUNCIL DISTRICT: 8 **MAPSCO:** 69-Q, U

SIZE OF REQUEST: ±16.313 acres **CENSUS TRACT:** 171.02

REPRESENTATIVE/
APPLICANT/OWNER: Joel Torres

REQUEST: An application for a Specific Use Permit for a private recreation center, club, or area on property zoned an A(A) Agricultural District.

SUMMARY: The purpose of this request is to allow for the following private fields: three baseball fields and one volleyball court.

CPC RECOMMENDATION: **Approval** for a two-year period, subject to a site plan and conditions.

STAFF RECOMMENDATION: **Approval** for a two-year period, subject to a site plan and conditions.

BACKGROUND INFORMATION:

- The request is made to allow one volleyball court and three baseball fields as part of a private recreation center, club, or area.

- The site is operated as an agricultural use with livestock. The owner currently hosts baseball and volleyball games for local adult male baseball teams. Code enforcement notified the owner to contact the Sustainable Development and Construction Department to discuss how to proceed with this use. A specific use permit is required to allow the continued use as a private recreation center, club, or area in a residential zoning district, including the A(A) Agricultural District.

Zoning History:

There have been no zoning cases within the vicinity of the area of request in the last five years.

Thoroughfares/Streets:

Thoroughfare/Street	Type	Right-of-Way
Tea Garden Road	Local	60 feet

Traffic:

The Engineering Division of the Sustainable Development and Construction Department has reviewed the request and determined that it will not have a detrimental impact on the surrounding street system; however, “no parking” signs are required along Tea Garden Road. The requirement is made due to the narrow pavement conditions (approximately 20 feet) along Tea Garden Road.

Comprehensive Plan:

The *forwardDallas! Comprehensive Plan* was adopted by the City Council in June 2006. The *forwardDallas! Comprehensive Plan* outlines several goals and policies which can serve as a framework for assisting in evaluating the applicant’s request. The comprehensive plan does not make a specific land use recommendation related to the request. The Plan identifies the request site being located in a Residential Building Block.

Single-family dwellings are the dominate land use in these areas. Some shops, restaurants or institutional land uses such as schools and religious centers that serve neighborhood residents may be located at the edges or at key intersections.

The request complies with the following land use goals and policies of the

Comprehensive Plan:

LAND USE ELEMENT

GOAL 1.1 ALIGN LAND USE STRATEGIES WITH ECONOMIC DEVELOPMENT PRIORITIES

Policy 1.1.5 Strengthen existing neighborhoods and promote neighborhoods' unique characteristics. Acknowledge the importance of neighborhoods to the city's long-term health and vitality.

Implementation Measure 1.1.5.3 Encourage neighborhood-serving office, retail, or other non-residential uses to be located in residential community areas, primarily on significant roadways or at key intersections.

GOAL 1.2 PROMOTE DESIRED DEVELOPMENT

Policy 1.2.1 Use Vision Building Blocks as a general guide for desired development patterns.

The requested recreational use is characteristic of the Residential Building Block, which is predominately for single-family uses, but allows recreational and institutional uses to serve the surrounding neighborhoods.

Land Use Compatibility:

The subject site is currently zoned an A(A) Agricultural District. The uses permitted in this district are intended to accommodate normal farming, ranching, and gardening activities. Over time, it is expected that agricultural zoned properties will eventually develop into urban sites.

	Zoning	**Land Use**
Site	A(A) Agricultural	Agricultural and existing playing fields
North	A(A) Agricultural	Single family and agricultural
East	A(A) Agricultural	Single family and agricultural
South	A(A) Agricultural	Single family and agricultural
West	A(A) Agricultural, PD No. 819, R-7,5(A), R-5(A), and Deed Restrictions	Single family, public school, and agricultural

Surrounding land uses include single family and agricultural, with a school nearby as well. These uses are typical in residential neighborhoods with low density. The private recreation center, club, or area use is permitted by right in retail, commercial service, industrial, central area, mixed use, multiple commercial and urban corridor districts. When feasible, this use is allowed in residential districts with special consideration by

SUP. The intent of allowing it by SUP in residential districts is to gauge the level of appropriateness and provide for public comment.

The site is currently agricultural land. The fields exist and are used by the property owner and baseball teams from around the metroplex, according to the applicant (owner). The applicant had originally requested the right to operate seven days a week. After discussing concerns over the need for a break in the currently remote and residential area, the applicant amended the request to three days a week, Friday, Saturday, and Sunday. To address privacy and future maintenance, a six-foot solid privacy fence is required to be provided and maintained around the perimeter of the site. Hours of operation limit the use to certain times of day. The use of lighting and amplified sound is limited to the hours of operation. Paved parking far exceeding the code requirement is being offered within the site. Sec. 51A 4.208(2)(c) requires three parking spaces per playing field and an additional one parking space per 150 square feet of floor area. In all, approximately 44 parking spaces are required for the three baseball fields, one volleyball court, and 4,680 square feet of additional floor area (storage buildings and covered porches). Portable toilets and a dumpster will be required as identified on the site plan.

Staff believes that with compliance to the proposed site plan and conditions, the use could be an asset to the area as it develops into an urban site in the future. In an effort to ensure that the site matches the future development of the area, staff is recommending the time period be two years with no auto renewal recommended. This gives neighbors the opportunity to experience the facility under the SUP regulations imposed by this request. If additional concerns arise, the conditions may be amended when the SUP comes in for renewal.

The general provisions for a Specific Use Permit in Section 51A-4.219 of the Dallas Development Code specifically state: (1) The SUP provides a means for developing certain uses in a manner in which the specific use will be consistent with the character of the neighborhood; (2) Each SUP application must be evaluated as to its probable effect on the adjacent property and the community welfare and may be approved or denied as the findings indicate appropriate; (3) The city council shall not grant an SUP for a use except upon a finding that the use will: (A) complement or be compatible with the surrounding uses and community facilities; (B) contribute to, enhance, or promote the welfare of the area of request and adjacent properties; (C) not be detrimental to the public health, safety, or general welfare; and (D) conform in all other respects to all applicable zoning regulations and standards.

Parking:

Sec. 51A 4.208(2)(c) requires three parking spaces per playing field and an additional one parking space per 150 square feet of floor area. In all, approximately 44 parking spaces are required for the three baseball fields, one volleyball court, and 4,680 square feet of additional floor area (storage buildings and covered porches for audiences). The proposed site plan depicts that the applicant will provide 116 parking spaces, of which five are van accessible handicapped spaces.

Landscaping and Screening:

According to the City arborist, this request meets the requirements of Article X. Staff recommended the addition of a six-foot solid privacy fence around the perimeter of the site to reinforce the separation of the use from surrounding agricultural and single-family uses.

CPC Action:
February 16, 2017

Motion: It was moved to recommend **approval** of a Specific Use Permit for a private recreation center, club, or area for a two-year period, subject to a site plan and conditions on property zoned an A(A) Agricultural District on the south line of Tea Garden Road, west of Haymarket Road.

Maker: Haney
Second: Davis
Result: Carried: 12 to 0

For: 12 - Anglin, Rieves, Houston, Davis, Shidid, Haney, Mack, Jung, Housewright, Peadon, Murphy, Ridley

Against: 0
Absent: 3 - Anantasomboon, Schultz, Tarpley
Vacancy: 0

Notices: Area: 400 Mailed: 18
Replies: For: 0 Against: 6

Speakers: None

CPC SUP CONDITIONS
Z156-323

1. USE: The only use authorized by this specific use permit is a private recreation center, club, or area.

2. SITE PLAN: Use and development of the Property must comply with the attached site plan.

3. TIME LIMIT: This specific use permit expires on _2_ years from passage of this ordinance (date).

4. HOURS OF OPERATION: A private recreation center, club, or area may operate between 4:00 p.m. and 8:00 p.m., Friday through Sunday.

5. LIGHTING: Operation of outdoor lighting is limited to the hours between 4:00 p.m. and 8:00 p.m., Friday through Sunday.

6. SCREENING: Except for required visibility triangles and points of ingress and egress, a minimum six–foot-tall solid screen must be provided and maintained along the perimeter of the property. Screening material must be wood or masonry.

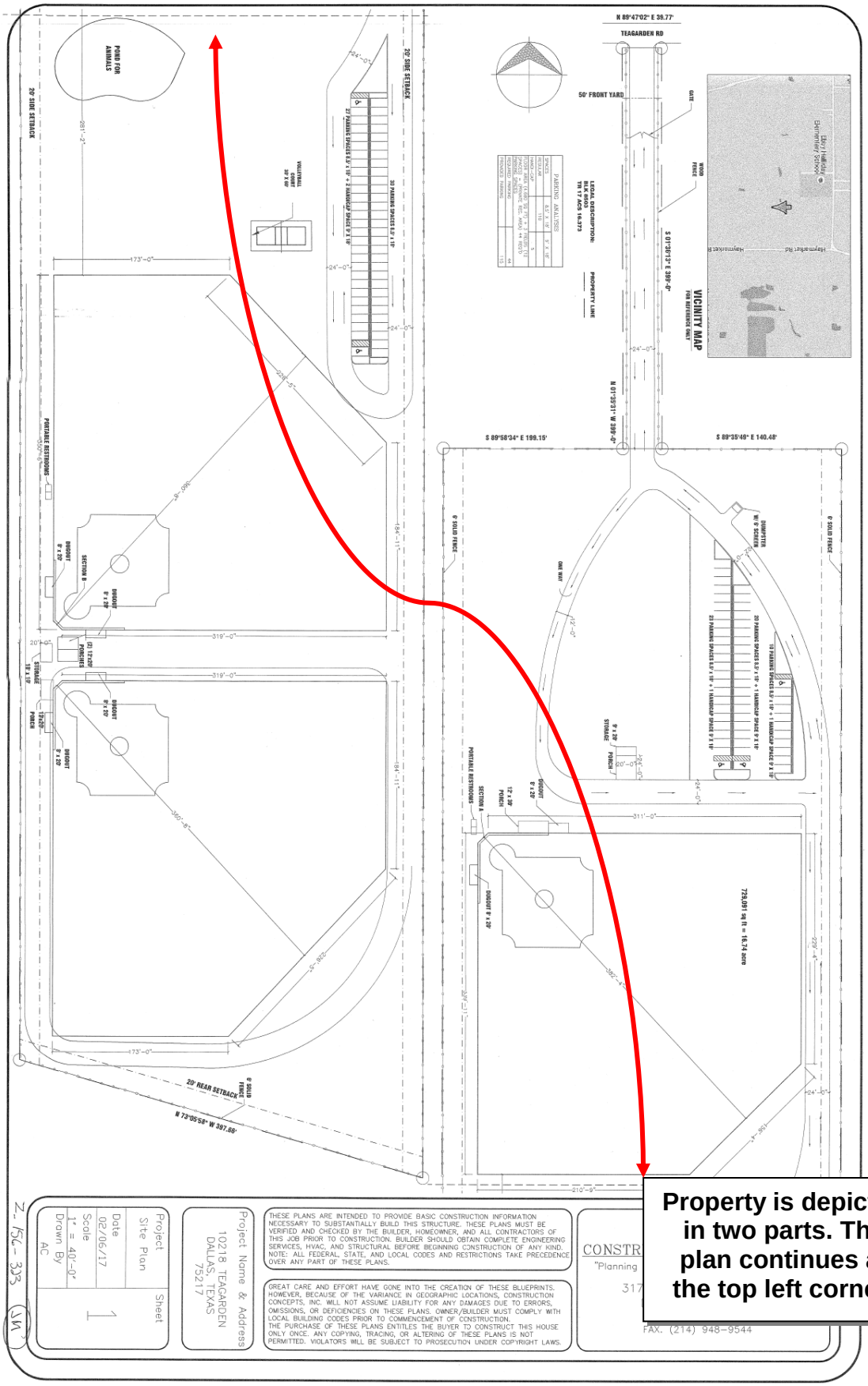
7. SOUND: Operation of loudspeakers and other forms of amplification is limited to the hours between 4:00 p.m. and 8:00 p.m., Friday through Sunday.

8. SIGNS: "No Parking" signs must be installed at the owner/operator's expense on the property street frontage along Tea Garden Road.

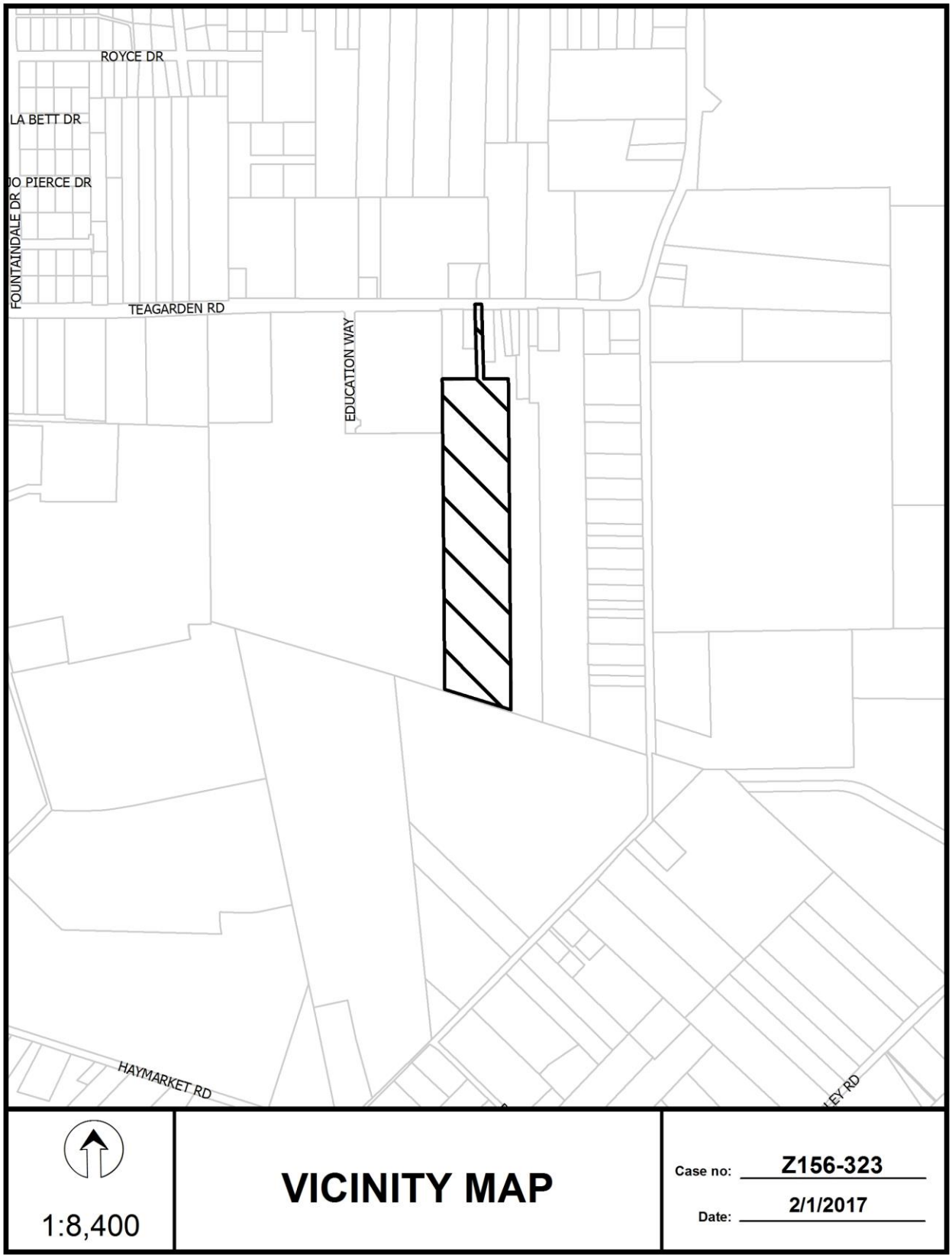
9. MAINTENANCE: The Property must be properly maintained in a state of good repair and neat appearance.

10. GENERAL REQUIREMENTS: Use of the Property must comply with all federal and state laws and regulations, and with all ordinances, rules, and regulations of the City of Dallas.

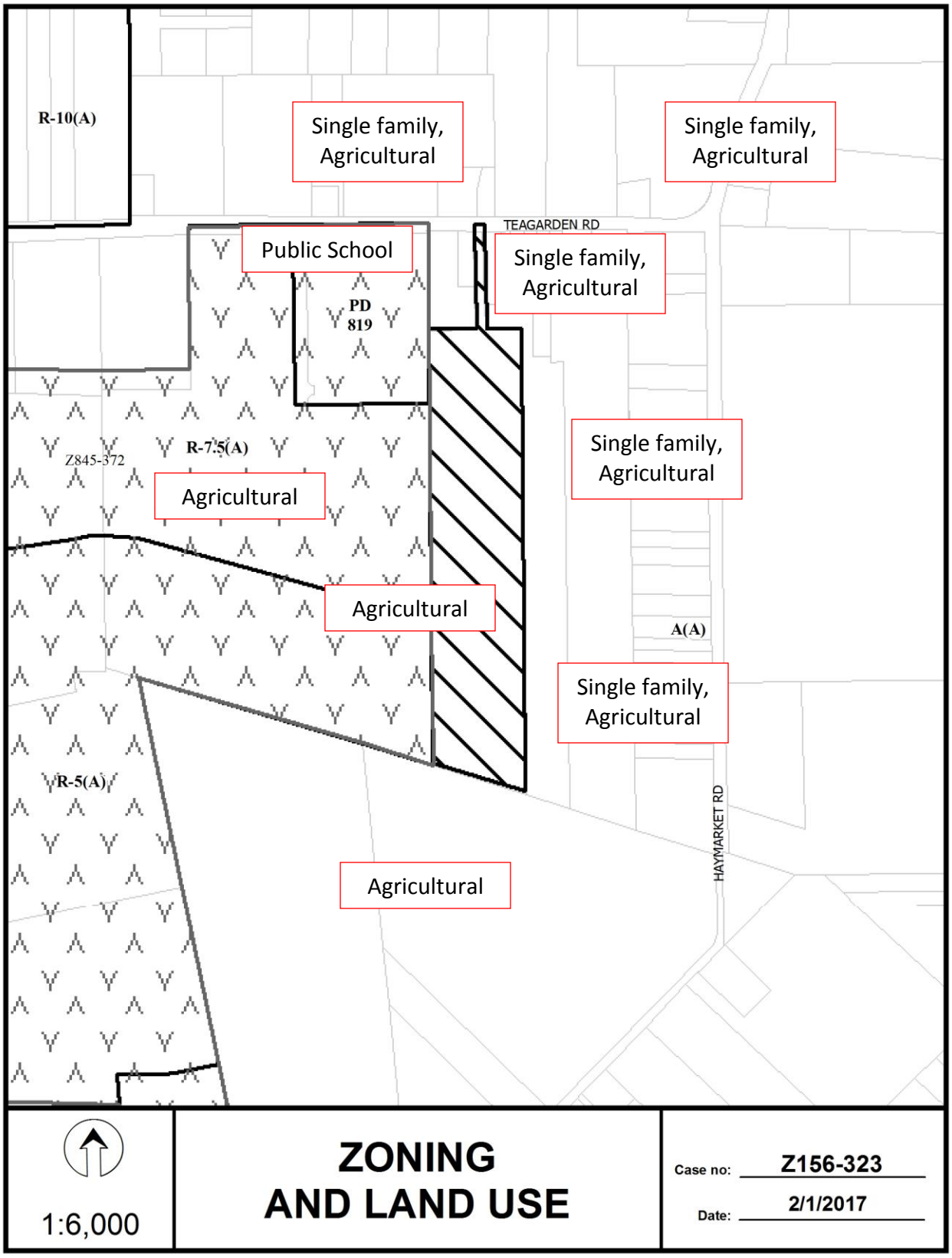
Proposed Site Plan



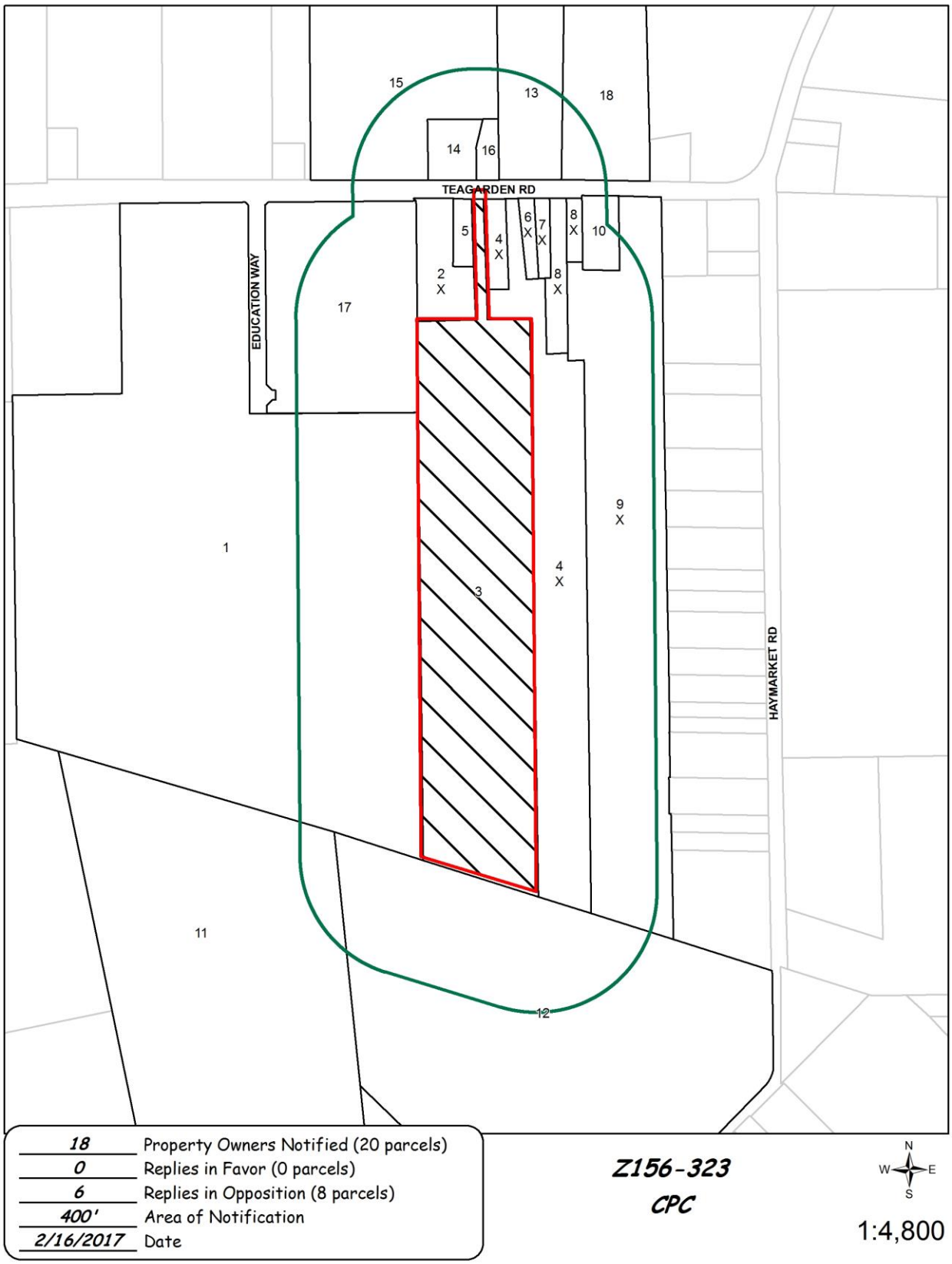
Property is depicted in two parts. The plan continues at the top left corner.


ROYCE DR
LA BETT DR
JO PIERCE DR
FOUNTAINDALE DR
TEAGARDEN RD
EDUCATION WAY
HAYMARKET RD
1:8,400
VICINITY MAP
Case no: Z156-323
Date: 2/1/2017


TEAGARDEN RD
EDUCATION WAY
HAYMARKET RD
1:6,000
AERIAL MAP
Case no: Z156-323
Date: 2/1/2017


R-10(A)
Single family, Agricultural
Single family, Agricultural
TEAGARDEN RD
Public School
Single family, Agricultural
PD 819
Single family, Agricultural
R-7.5(A)
Z845-372
Agricultural
Agricultural
A(A)
Single family, Agricultural
R-5(A)
HAYMARKET RD
Agricultural
1:6,000
ZONING AND LAND USE
Case no: Z156-323
Date: 2/1/2017

CPC Responses



02/15/2017

Reply List of Property Owners

Z156-323

18 Property Owners Notified ***0 Property Owners in Favor*** ***6 Property Owners Opposed***

Reply	*Label #*	*Address*		*Owner*
	1	10020	TEA GARDEN RD	10020 TEA GARDEN ROAD LLP
X	2	10214	TEA GARDEN RD	MARTENSEN GAYLE
	3	10218	TEA GARDEN RD	TORRES JOEL
X	4	10224	TEA GARDEN RD	TERRY DONNA LYNN
	5	10216	TEA GARDEN RD	GUZMAN MARIO
X	6	10230	TEA GARDEN RD	HARGROVE GEORGE &
X	7	10310	TEA GARDEN RD	HARGROVE GEORGE
X	8	10318	TEA GARDEN RD	HARGROVE GEORGE W & DONNA
X	9	10360	TEA GARDEN RD	HARGROVE GEORGE W JR &
	10	10334	TEA GARDEN RD	JORDON JIMMY D & PATRICIA
	11	2411	HAYMARKET RD	WEBB WALTER E & MELISSA A
	12	2500	HAYMARKET RD	CERVANTES JUAN C
	13	10327	TEA GARDEN RD	BARRIOS SALVADOR
	14	10215	TEA GARDEN RD	VARGAS JOSE
	15	10209	TEA GARDEN RD	LAIR BILLY WAYNE &
	16	10217	TEA GARDEN RD	LAIR LARRY DEAN & DONNA SUE
	17	10210	TEA GARDEN RD	Dallas ISD
	18	10229	TEA GARDEN RD	BARRIOS SALVADOR

AGENDA ITEM # 63

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: April 12, 2017

COUNCIL DISTRICT(S): 2

DEPARTMENT: Sustainable Development and Construction

CMO: Majed Al-Ghafry, 670-3302

MAPSCO: 34 M

SUBJECT

A public hearing to receive comments regarding an application for and an ordinance granting a Planned Development District for R-7.5(A) Single Family District uses and a child-care facility; and an ordinance repealing Specific Use Permit No. 597 for a day nursery on property zoned an R-7.5(A) Single Family District, on the northwest corner of Inwood Road and Oriole Drive

Recommendation of Staff and CPC: Approval, subject to a development plan and conditions; and approval of the repealing of Specific Use Permit No. 597

Z156-334(OTH)

HONORABLE MAYOR & CITY COUNCIL **WEDNESDAY, APRIL 12, 2017**

ACM: Majed Al-Ghafry

FILE NUMBER: Z156-334(OTH) **DATE FILED:** July 22, 2016

LOCATION: On the northwest corner of Inwood Road and Oriole Drive

COUNCIL DISTRICT: 2 **MAPSCO:** 34-M

SIZE OF REQUEST: ± 1.03 acres **CENSUS TRACT:** 71.02

APPLICANT/ OWNER: Park Cities Pre School LLC

REPRESENTATIVE: Karl A. Crawley, MASTERPLAN

REQUEST: An application for a Planned Development District for R-7.5(A) Single Family District uses and a child-care facility and repealing Specific Use Permit No. 597 for a day nursery on property zoned an R-7.5(A) Single Family District.

SUMMARY: The applicant proposes to demolish the existing building and build a 13,639 square foot, two-story building for a child-care facility.

CPC RECOMMENDATION: **Approval**, subject to a development plan and conditions; and **approval** of the repealing of Specific Use Permit No. 597.

STAFF RECOMMENDATION: **Approval**, subject to a development plan and conditions; and **approval** of the repealing of Specific Use Permit No. 597.

Background:

- The proposed 1.03 acres are currently developed with a 4,642 square foot, one-story structure built in 1950. The property was previously used for a day school.
- The applicant is proposing to demolish the existing building and construct a new 13,805 square foot, two-story structure for a child-care facility.
- The child-care facility will operate from 6:30 a.m. to 6:30 p.m. from Monday to Friday and serve approximately 180 to 200 students daily.

Zoning History: There has been one zoning request in the area within the last five years.

1. BDA 134-018 On March 17, 2014, the Board of Adjustment granted a special exception to the fence height of four feet, subject to compliance with the submitted revised site plan and elevation.

Thoroughfares/Streets:

Thoroughfare/Street	Type	Existing ROW
Oriole Drive	Local	50 feet
Inwood Road	Principal Arterial	100 ft.

Land Use:

	Zoning	Land Use
Site	R-7.5(A), SUP No. 597	Vacant
North	R-7.5(A)	Single Family, undeveloped
East	R-7.5(A)	Single Family
South	MF-(A)	Multifamily
West	MF-(A)	Multifamily

STAFF ANALYSIS:

Comprehensive Plan:

The *forwardDallas! Comprehensive Plan* was adopted by the City Council in June 2006. The *forwardDallas! Comprehensive Plan* outlines several goals and policies which can serve as a framework for assisting in evaluating the applicant's request.

The following goals and policies support the proposed development:

Land Use Element

GOAL 1.1 Align Land Use Strategies with Economic Development Priorities

Policy 1.1.5 Strengthen existing neighborhoods and promote neighborhoods' unique characteristics.

GOAL 1.2 Promote Desired Development

Policy 1.2.1 Use Vision Building Blocks as a general guide for desired development patterns.

The area of request is located in a Residential Neighborhood Building Block. Single family dwellings are the dominate land use with some shops, restaurants or institutional uses such as schools that serve the neighborhood residents. Such uses are more likely to be located along edges or at key intersections. The proposed development and use of the property is characteristic of a Residential Neighborhood Building Block as the property is located on the edge of the neighborhood and may provide a service to nearby residents.

Urban Design

GOAL 5.2 Strengthen Community and Neighborhood Identity

Policy 5.2.1 Maintain neighborhood scale and character.

Land Use Compatibility:

The proposed site is currently developed with a 4,642 square foot, one-story structure built in 1950. The property was previously use for a day school. The applicant is proposing to demolish the existing building and construct a new 13,805 square foot, two-story structure for a child-care facility.

The request site is surrounded by multifamily to the northwest, west, and south; single family and undeveloped to the north; and single family to the east.

The proposed hours of operation (6:30 a.m. to 6:30 p.m. Monday-Friday) seem to be appropriate for the neighboring area. The center will provide service to approximately 180 to 200 students daily.

In the PD conditions, the child-care facility use will be limited to a maximum structure height of 35 feet; minimum front yard setback on Oriole Drive of 15 feet; 14,000 square feet of floor area; as well as specific requirements for the lighting of the property so it does not interfere with the surrounding areas.

Traffic:

The applicant provided a Traffic Management Plan letter for staff review. The Engineering Division of the Sustainable Development and Construction Department has determined that the proposed use will not significantly impact the surrounding roadway system.

Parking:

The parking requirement for a child-care facility is one parking space for every 500 square feet of floor area for the use. The applicant is required to provide 28 parking spaces for the proposed child-care facility. The applicant is providing 34 parking spaces. Required parking must be provided as shown in the development plan.

Landscaping:

The applicant is requesting that landscaping be required in accordance to Article X.

CPC ACTION:
March 2, 2017

Motion: It was moved to recommend **approva**l of a Planned Development District for R-7.5(A) Single Family District uses and a child-care facility, subject to a revised development plan and revised conditions; and **approval** of the repealing of Specific Use Permit No. 597 for a day nursery on property zoned an R-7.5(A) Single Family District, on the northwest corner of Inwood Road and Oriole Drive.

Maker: Rieves
Second: Murphy
Result: Carried: 14 to 0

For: 14 - Anglin, Rieves, Houston*, Davis, Shidid, Anantasomboon, Mack, Jung, Housewright, Schultz, Peadon, Murphy, Ridley, Tarpley

Against: 0
Absent: 1 - Haney
Vacancy: 0

*out of the room, shown voting in favor

Notices: Area: 500 Mailed: 248
Replies: For: 8 Against: 7

Speakers: For: Karl Crawley, 900 Jackson St., Dallas, TX, 75202
Against: None

Partners and Principles

Park Cities Pre School, LLC, owner/operator

Noel J. Rigley, Manager
Pratiksha Rigley, Manager

PROPOSED CONDITIONS

Z156-334

ARTICLE ___.

PD ____.

SEC. 51P-___.101. LEGISLATIVE HISTORY.

PD ___ was established by Ordinance No. _____, passed by the Dallas City Council on ____.

SEC. 51P-___.102. PROPERTY LOCATION AND SIZE.

PD _____ is established on property located at the northwest corner of Inwood Road and Oriole Drive. The size of PD ____ is approximately 1.03 acres.

SEC. 51P-___.103. DEFINITIONS AND INTERPRETATIONS.

(a) Unless otherwise stated, the definitions and interpretations in Chapter 51A apply to this article.

(b) Unless otherwise stated, all references to articles, divisions, or sections in this article are to articles, divisions, or sections in Chapter 51A.

(c) This district is considered to be a residential zoning district.

SEC. 51P-___.104. EXHIBITS.

The following exhibit is incorporated into this article: Exhibit ___A: development plan.

SEC. 51P-___.105. DEVELOPMENT PLAN.

Development and use of the Property must comply with the development plan (Exhibit ___) If there is a conflict between the text of this article and the development plan, the text of this article controls

SEC. 51P-___.106. MAIN USES PERMITTED.

(a) Except as provided in this section, the only main uses permitted are those main uses permitted in in the R-7.5(A) Single Family District, subject to the same conditions applicable in the R-7.5(A) Single Family District, as set out in Chapter 51A. For example, a use

permitted in the R-7.5(A) Single Family District only by specific use permit (SUP) is permitted in this district only by SUP; a use subject to development impact review (DIR) in the R-7.5(A) Single Family District is subject to DIR in this district; etc.

(b) The following additional main use is permitted by right:

-- Child-care facility.

SEC. 51P-___.107. ACCESSORY USES.

As a general rule, an accessory use is permitted in any district in which the main use is permitted. Some specific accessory uses, however, due to their unique nature, are subject to additional regulations in Section 51A-4.217. For more information regarding accessory uses, consult Section 51A-4.217.

SEC. 51P-___.108. YARD, LOT AND SPACE REGULATIONS

(Note: The yard, lot, and space regulations in this section must be read together with the yard, lot, and space regulations in Division 51A-4.400. If there is a conflict between this section and Division 51A-4.400, this section controls.)

(a) In general. Except as provided in this section, the yard, lot, and space regulations for the R-7.5(A) Single Family District apply.

(b) Child-care facility.

(1) Front yard. Minimum front yard is 15 feet on Oriole Drive. Playground equipment is permitted in the required front yard on Inwood Road and Oriole Drive.

(2) Floor area. Maximum floor area is 14,000 square feet.

(3) Height. Maximum structure height is 35 feet, measured to the highest point of the structure. One ornamental cupola or dome is allowed to exceed the maximum height by four feet.

(4) Residential proximity slope. Except as provided in this subsection, any portion of a structure over 26 feet in height may not be located above a residential proximity slope. The residential proximity slope is a plane projected upward and outward at a one-to-three rise over run from private property in a single family district. Structures listed in Section 51A-408 are exempt from Residential Proximity Slope requirements.

SEC. 51P-___.109. OFF-STREET PARKING AND LOADING.

(a) In general. Except as provided in this section, consult the use regulations in Division 51A-4.200 for the specific off-street parking and loading requirements for each use.

(b) Child-care facility.

(1) Off-street parking and loading must be provided as shown on the development plan.

(2) Parking may be provided in the required front yards along Inwood Road and Oriole Drive as shown on the development plan.

(3) Screening of parking must be a minimum height of three feet. Screening of parking is required along the Inwood Road, Oriole Drive, and the northern Property boundary.

(4) One small loading space must be provided.

SEC. 51P-___.110. ENVIRONMENTAL PERFORMANCE STANDARDS.

See Article VI.

SEC. 51P-___.111. LANDSCAPING.

(a) Landscaping must be provided in accordance with Article X.

(b) Plant materials must be maintained in a healthy, growing condition.

(c) Screening of parking as required in Sec. 51P___.109 can be used as a design standard per Article X.

(d) Screening of on-ground mechanical equipment is required through the use of evergreen shrubs with a minimum height of three feet.

(e) Evergreen shrubs capable of obtaining a solid appearance and a minimum height of six feet within 24 months must be planted and maintained along the western and northern boundary between the property line and the fence. Evergreen screening under this provision is not required in the front yard.

SEC. 51P-___.112. SIGNS.

Signs must comply with the provisions for non-business zoning districts in Article VII.

SEC. 51P-____. 113 LIGHTING.

(a) Prohibited light sources. The following light fixtures and sources may not be used if the direct light emitted is visible from adjacent areas:

(1) Low-pressure sodium and mercury vapor light sources.

(2) Cobra-head type fixtures having dished or drop lenses or refractors which house other than incandescent sources.

(3) Searchlights and other high-intensity narrow-beam fixtures.

(b) Lighting design requirements.

(1) In general. Outdoor lighting must primarily be used to provide safety, accent key architectural elements, or emphasize public areas or landscape features. All lighting fixtures must meet the requirements of this section.

(2) Fixture (luminaire).

(A) In order to direct light downward, all lighting fixtures must be full cutoff fixtures.

(B) Fixtures must be mounted in such a manner that the cone of light is contained on-site and does not cross any property line of the site.

(C) Lighting fixtures may not exceed 20 feet in height above the parking.

(D) Lighting fixtures may not be less than nine feet nor more than 15 feet in height above the sidewalk in pedestrian areas. All light fixtures located within 50 feet of a residential district may not extend more than 15 feet in height.

(3) Light source (lamp).

(A) The light source must be concealed and must not be visible from any public right of way or adjacent properties.

(B) Only incandescent, fluorescent, metal halide, or color-corrected high pressure sodium may be used.

(C) The same light source type must be used for the same or similar types of lighting throughout the development.

(4) Security lighting.

(A) Building-mounted security light fixtures such as wall packs may not project above the roof line of the building and must be shielded.

(B) Security fixtures may not be substituted for parking area or walkway lighting and are restricted to loading, storage, service and similar locations.

(5) Accent lighting. Only lighting used to accent architectural elements, landscaping, or art may be directed upward, provided that the fixture is located, aimed, or shielded to minimize light spill into the night sky.

SEC. 51P-___.114. ADDITIONAL PROVISIONS.

(a) Child-care facility.

(1) Fences with a maximum height of six feet are allowed in the required yards.

(2) Enrollment. Except as provided in this subsection, maximum enrollment for a child-care facility is 200 children. Enrollment for after school programs is limited to 22 children.

(3) Hours of Operation: The child-care facility may only operate from 6:30 a.m. to 6:30 p.m., Monday through Friday. After hours activities are prohibited.

(4) At least 30 days before filing with the city any application for:

(A) a zoning change;

(B) an amendment to the development plan;

(C) an application to the board of adjustment for a variance or special exception;

The applicant shall submit a copy of the application to the Bordeaux Village Association at President Bordeaux Village Homeowners Association 6310 Bordeaux Avenue, Dallas Texas 75209

(5) Bus and van parking: Any bus or van used by the child-care facility and parked on the Property overnight must be parked a minimum of 60 feet north of Oriole Drive.

(b) The Property must be properly maintained in a state of good repair and neat appearance.

(c) Development and use of the Property must comply with all federal and state laws and regulations, and with all ordinances, rules, and regulations of the city.

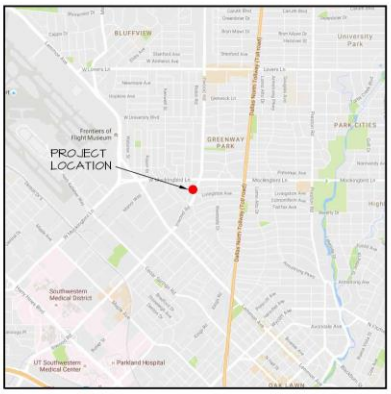
SEC. 51P-___.115. COMPLIANCE WITH CONDITIONS.

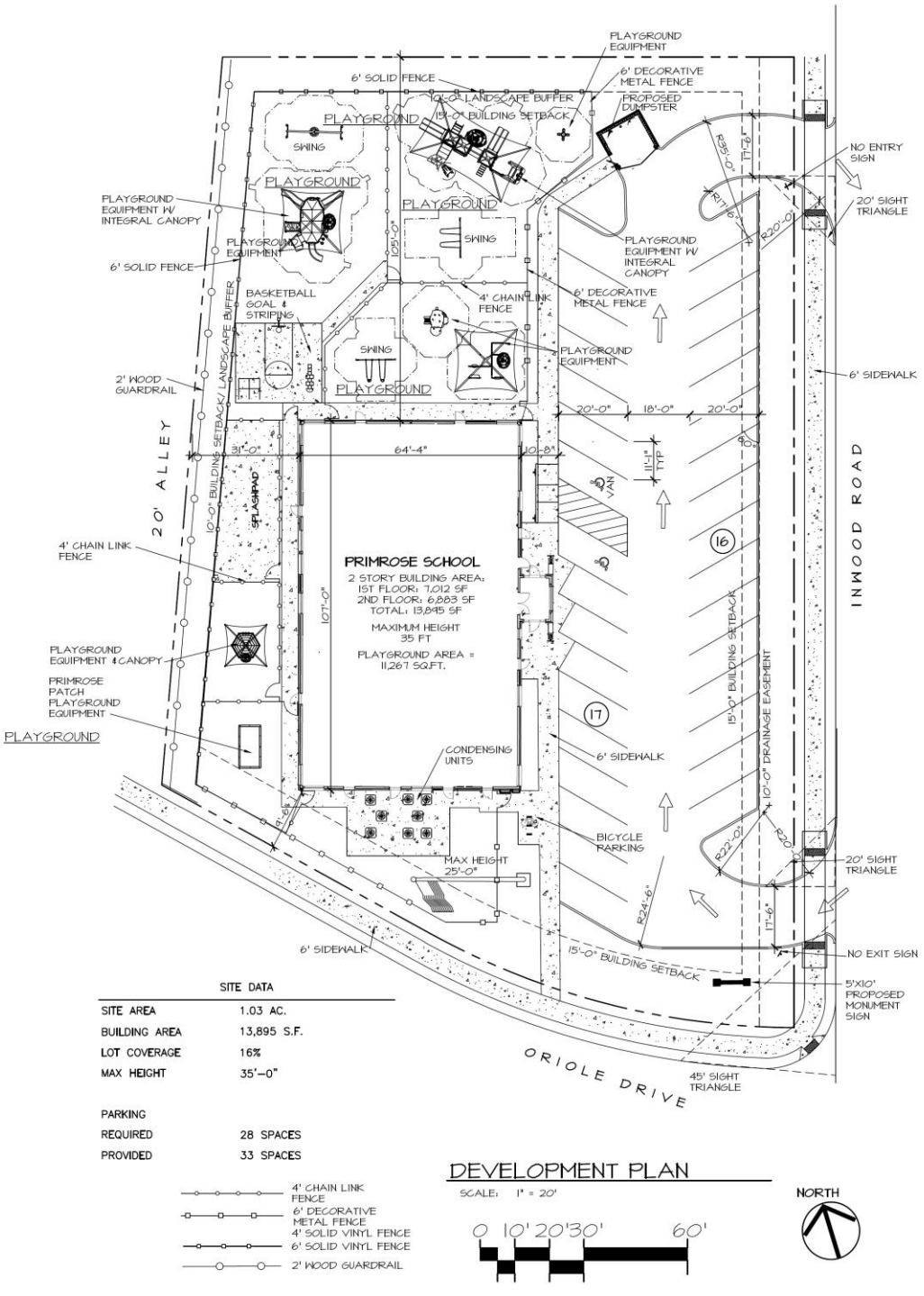
(a) All paved areas, permanent drives, streets, and drainage structures, if any, must be constructed in accordance with standard city specifications, and completed to the satisfaction of the city.

(b) The building official shall not issue a building permit to authorize work, or a certificate of occupancy to authorize the operation of a use, until there has been full compliance with this article, the Dallas Development Code, the construction codes, and all other ordinances, rules, and regulations of the city.

PROPOSED DEVELOPMENT PLAN

VICINITY MAP

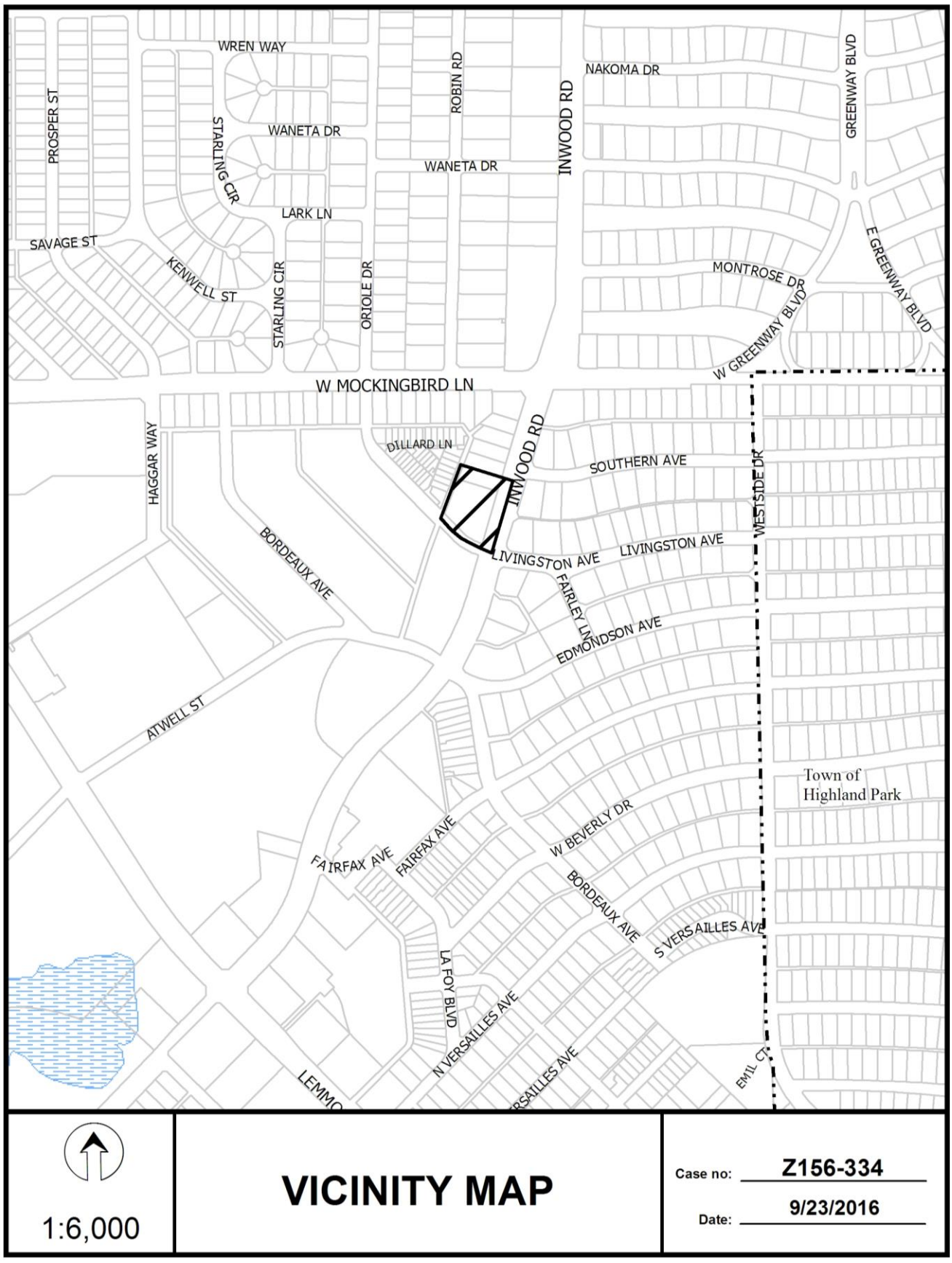


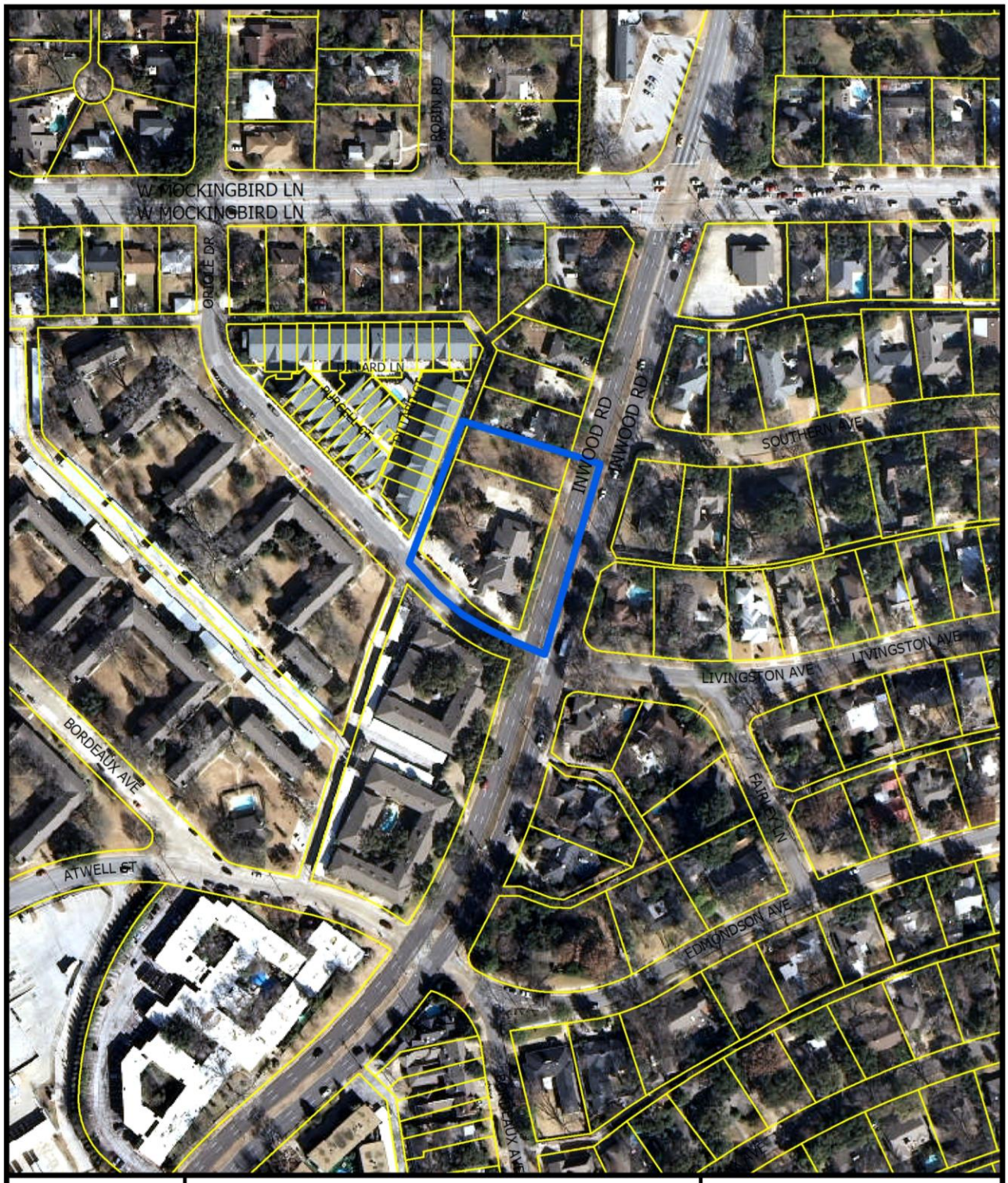


SITE DATA	
SITE AREA	1.03 AC.
BUILDING AREA	13,895 S.F.
LOT COVERAGE	16%
MAX HEIGHT	35'-0"
PARKING	
REQUIRED	28 SPACES
PROVIDED	33 SPACES

4' CHAIN LINK FENCE
6' DECORATIVE METAL FENCE
4' SOLID VINYL FENCE
6' SOLID VINYL FENCE
2' WOOD GUARDRAIL

DEVELOPMENT PLAN
SCALE: 1" = 20'
0 10' 20' 30' 60'
NORTH


WREN WAY
PROSPER ST
STARLING CIR
WANETA DR
ROBIN RD
INWOOD RD
NAKOMA DR
GREENWAY BLVD
WANETA DR
LARK LN
SAVAGE ST
KENWELL ST
STARLING CIR
ORIOLE DR
MONTROSE DR
E GREENWAY BLVD
W GREENWAY BLVD
W MOCKINGBIRD LN
DILLARD LN
INWOOD RD
SOUTHERN AVE
HAGGAR WAY
BORDEAUX AVE
LIVINGSTON AVE
LIVINGSTON AVE
WESTSIDE DR
FAIRLEY LN
EDMONDSON AVE
ATWELL ST
Town of
Highland Park
W BEVERLY DR
FAIRFAX AVE
FAIRFAX AVE
BORDEAUX AVE
S VERSAILLES AVE
LA FOY BLVD
N VERSAILLES AVE
EMIL CT
LEMMO
1:6,000
VICINITY MAP
Case no: Z156-334
Date: 9/23/2016

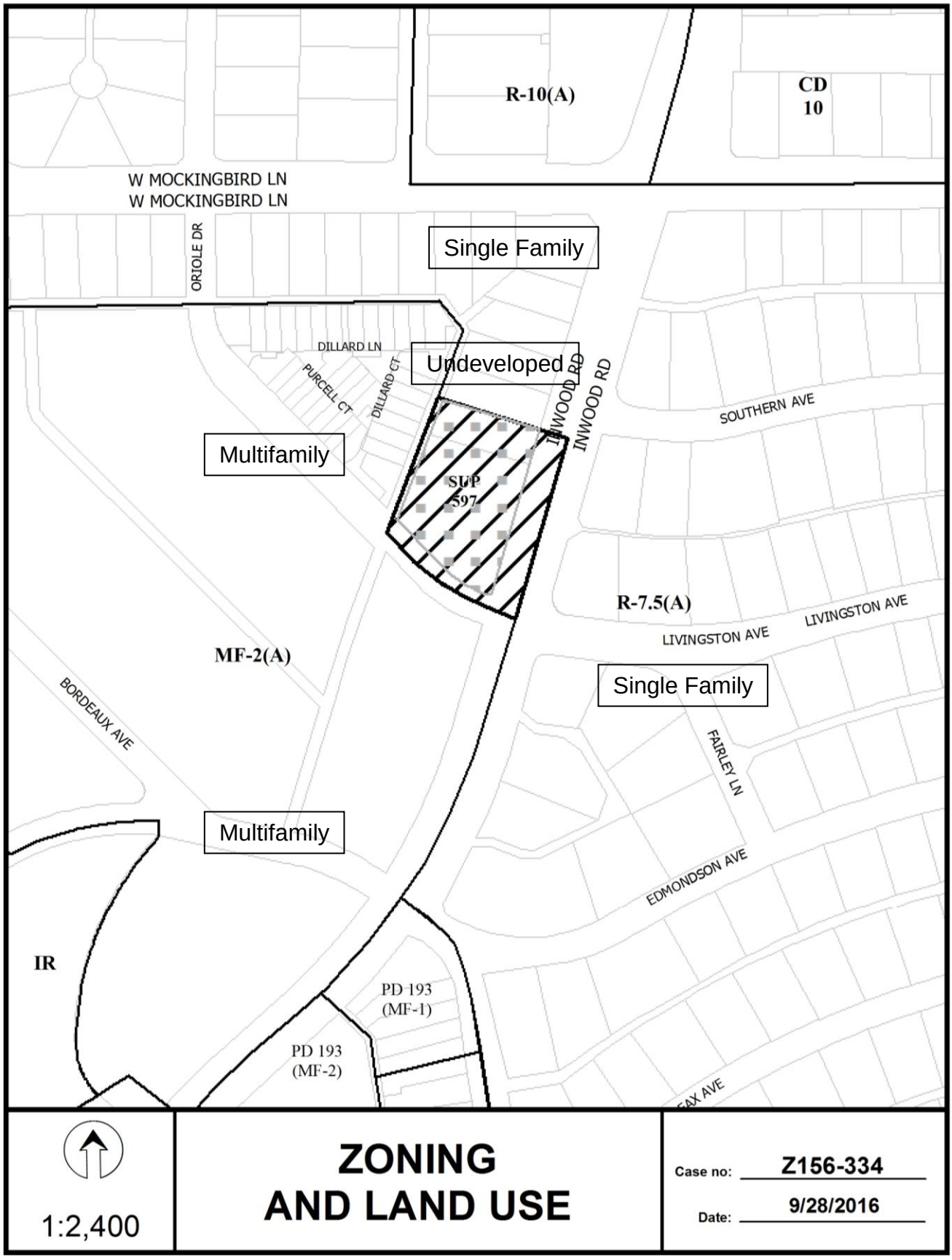


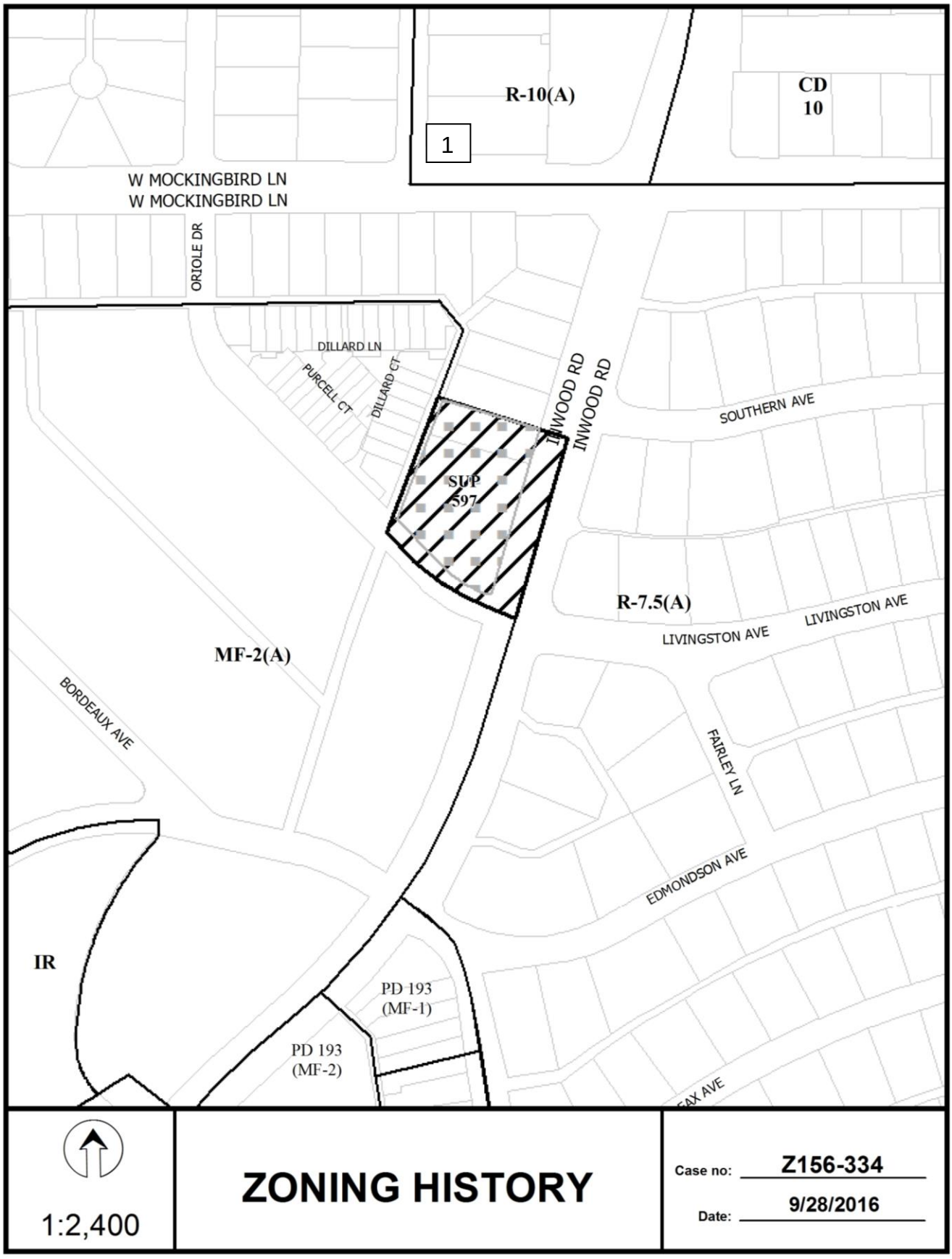
1:2,400

AERIAL MAP

Case no: Z156-334

Date: 9/23/2016


R-10(A)
CD 10
W MOCKINGBIRD LN
W MOCKINGBIRD LN
ORIOLE DR
Single Family
DILLARD LN
PURCELL CT
DILLARD CT
Undeveloped
INWOOD RD
INWOOD RD
SOUTHERN AVE
Multifamily
SUP 597
R-7.5(A)
LIVINGSTON AVE
LIVINGSTON AVE
MF-2(A)
Single Family
BORDEAUX AVE
FAIRLEY LN
Multifamily
EDMONDSON AVE
IR
PD 193 (MF-1)
PD 193 (MF-2)
1:2,400
ZONING AND LAND USE
Case no: Z156-334
Date: 9/28/2016


R-10(A)
CD 10
1
W MOCKINGBIRD LN
W MOCKINGBIRD LN
ORIOLE DR
DILLARD LN
PURCELL CT
DILLARD CT
INWOOD RD
INWOOD RD
SOUTHERN AVE
SUP 597
R-7.5(A)
LIVINGSTON AVE
LIVINGSTON AVE
MF-2(A)
BORDEAUX AVE
FAIRLEY LN
EDMONDSON AVE
IR
PD 193 (MF-1)
PD 193 (MF-2)
1:2,400
ZONING HISTORY
Case no: Z156-334
Date: 9/28/2016

CPC RESPONSES



02/15/2017

Reply List of Property Owners

Z156-334

248 Property Owners Notified ***8 Property Owners in Favor*** ***7 Property Owners Opposed***

Reply	*Label #*	*Address*		*Owner*
O	1	4021	INWOOD RD	PARK CITIES PRE SCHOOL LLC
	2	5300	W MOCKINGBIRD LN	NORTH SPANISH CONGREGATION OF
	3	5312	W MOCKINGBIRD LN	JACKSON DALE S
	4	5314	W MOCKINGBIRD LN	NILES JOHN &
	5	5318	W MOCKINGBIRD LN	MCALEXANDER JOHN P &
	6	5331	SOUTHERN AVE	NORRED J WESLEY &
	7	5323	SOUTHERN AVE	PEARL ALISON
	8	5315	SOUTHERN AVE	KELLEY RICHARD &
	9	5311	SOUTHERN AVE	SCHONERT CHARLES G
	10	5305	SOUTHERN AVE	BLESSING WILLIAM & ELISABETH ANN
	11	5203	LIVINGSTON AVE	LAVIE ROBERT
	12	5217	LIVINGSTON AVE	BOOTH ANNETTE
	13	5305	LIVINGSTON AVE	WORKMAN HILMA
	14	5313	LIVINGSTON AVE	VANAMBURGH AMY
	15	5319	LIVINGSTON AVE	DEMARCO JENNIFER ANNE
	16	5327	LIVINGSTON AVE	POLLOCK MAUREEN D
	17	5330	SOUTHERN AVE	MCGEE NANCY CLARK MGMT TRUST
	18	5322	SOUTHERN AVE	MAHER CATHARINE M & PATRICK J
	19	5314	SOUTHERN AVE	VAREL NICHOLOUS MARK JR &
	20	5308	SOUTHERN AVE	CROSBIE DARREN BRUCE
	21	5304	SOUTHERN AVE	OKEEFE MARY K
	22	5304	LIVINGSTON AVE	CREWS PATRICIA COOK
	23	5314	LIVINGSTON AVE	RYDER MARY LYNN M
	24	5305	EDMONDSON AVE	SABO MARY SWAIN
	25	5206	LIVINGSTON AVE	KERLEY MARGUERITE A
O	26	5214	LIVINGSTON AVE	SHACKELFORD JOHN C &

02/15/2017

Reply	*Label #*	*Address*		*Owner*
	27	3915	FAIRLEY LN	EWERT TRAVIS C & CHRISTINA B
	28	3922	INWOOD RD	CALISE CHARLES J & SVITLANA V
	29	3914	INWOOD RD	BRIGGS MICHAEL JAMES
	30	5203	EDMONDSON AVE	AUMAN SHERRILL LEONARD JR
	31	5225	EDMONDSON AVE	5225 EDMONDSON LLC
	32	5239	EDMONDSON AVE	WESTEN TRACY A & LINDA LAWSON
	33	6529	INWOOD RD	CORPORATION OF EPISCOPAL
	34	6515	ROBIN RD	LAMBERT ARTHUR V & JESSICA AYN
	35	6507	ROBIN RD	BERRY MURDINE
	36	5111	W MOCKINGBIRD LN	WILSON MARY S
	37	5016	W MOCKINGBIRD LN	SU GU REN
	38	5022	W MOCKINGBIRD LN	SCHEPP ASHLEY STEINER
	39	5102	W MOCKINGBIRD LN	STEINER JUNE &
	40	5106	W MOCKINGBIRD LN	ELMA NIHAL
	41	5112	W MOCKINGBIRD LN	DAVIS ROSEMARY
	42	5116	W MOCKINGBIRD LN	SEITZ WILLIAM RAYMOND
	43	5122	W MOCKINGBIRD LN	MAGERS BRUCE TERRY
	44	5126	W MOCKINGBIRD LN	CONDON SEAN P &
X	45	5202	W MOCKINGBIRD LN	MUELLER JOHN R &
	46	5208	W MOCKINGBIRD LN	DODD ERNEST WAYNE
X	47	5214	W MOCKINGBIRD LN	KOELZER RONALD J &
X	48	4103	INWOOD RD	SCHWARZ CHAD J
O	49	4031	INWOOD RD	DODSON JULIA ANN
O	50	4025	INWOOD RD	WITHERS BETTY GANTT
	51	5323	LIVINGSTON AVE	GARY HOLLAND P & LEILA HENDERSON
	52	6510	ROBIN RD	YOUNG DARCY &
	53	6506	ROBIN RD	STRICKFADEN BRIAN & CAROLYN
	54	6328	ORIOLE DR	PCTH LTD
	55	5103	DILLARD LN	COHEN DAVID J
	56	5105	DILLARD LN	DOUGLAS ROBERT SAMUEL JR
X	57	5107	DILLARD LN	LIM LAURA

02/15/2017

Reply	*Label #*	*Address*		*Owner*
	58	5109	DILLARD LN	SEHAT REZA
	59	5111	DILLARD LN	RAWLINSON MELINDA A
O	60	5113	DILLARD LN	LOSADA CARA
	61	5115	DILLARD LN	SEHAT ALVAN J & SAHHAND C
	62	5117	DILLARD LN	ROEVER RICHARD O
	63	26	DILLARD LN	HOA PARK CITIES TOWNH INC
	64	5119	DILLARD LN	SHU LI
	65	5121	DILLARD LN	SISCO DANA & G KIRK
O	66	5123	DILLARD LN	TOMASO BRUCE NICHOLAS & PATRICIA ANN NOLAN
	67	5125	DILLARD LN	SCHOLIN RICHARD J & CATHERINE L
	68	5127	DILLARD LN	GIBSON DANA
	69	4016	DILLARD CT	VANDIVER WENDY
	70	4014	DILLARD CT	ROTNOFSKY HEATHER A
O	71	4012	DILLARD CT	OHERN PETER M & VICTORIA
	72	4010	DILLARD CT	DELROSAL KARLA
	73	4008	DILLARD CT	STOKER DARREN J
	74	4006	DILLARD CT	HOM SUZANNE
	75	4004	DILLARD CT	OLSEN PHYLLIS M
	76	4002	DILLARD CT	HUSSEY JUSTIN & KATHRYN L
	77	6344	ORIOLE AVE	MARTINEZ SUSANA
	78	6346	ORIOLE AVE	BOWEN MICHAEL DAVID
X	79	6348	ORIOLE AVE	BANDY JASON SHAWN &
	80	6350	ORIOLE AVE	KESSLER RAYMOND G & WALTRAUT L
	81	6352	ORIOLE AVE	ZHU HONG
X	82	6354	ORIOLE AVE	BLAIR BELINDA B
	83	6356	ORIOLE AVE	FARBER KELLY A
	84	6402	ORIOLE AVE	SHEEHAN MAEVE
	85	6404	ORIOLE AVE	BROUILLARD DIANE M
O	86	6406	ORIOLE AVE	CONWAY THAIS CORINNE
X	87	6312	PURCELL CT	MCCARTHY MASOUMEH HASHEMI

02/15/2017

Reply	*Label #*	*Address*		*Owner*
	88	6310	PURCELL CT	CALHOUN DIONNE L
	89	6308	PURCELL CT	BETTY YOUNG FAMILY LTD
	90	6306	PURCELL CT	WESTHOFF PAIGE
	91	6304	PURCELL CT	RODRIGUE MICHAEL
	92	6456	BORDEAUX AVE	DE MARCO ROBERT T
	93	6458	BORDEAUX AVE	MOITZ MELISSA & RICHARD JR
	94	6460	BORDEAUX AVE	SCHULTZE ULRIKE
	95	6462	BORDEAUX AVE	FU CHIAWAN
	96	6464	BORDEAUX AVE	DAY EVELYN H
	97	6466	BORDEAUX AVE	ROSS LISA RENEE
	98	6468	BORDEAUX AVE	EELLS ANDREW T & NOHELIA A
	99	6470	BORDEAUX AVE	COLOSIMO DOMINIC A &
	100	6472	BORDEAUX AVE	KAZI SABIHA
	101	6474	BORDEAUX AVE	FREEMAN REBECCA E
	102	6476	BORDEAUX AVE	HINOJOSA ALICIA C
	103	6478	BORDEAUX AVE	LEWIS SHERIDAN F
	104	6480	BORDEAUX AVE	LINDSAY CARREY THOMAS
	105	6482	BORDEAUX AVE	MBLS REVOCABLE TRUST
	106	6484	BORDEAUX AVE	COLLINS CHRISTA
	107	6486	BORDEAUX AVE	SANDLER FRADA
	108	6488	BORDEAUX AVE	MARSHALL ROBERT L
	109	6490	BORDEAUX AVE	MORRIS BRODY H & PAYDEN E
	110	6492	BORDEAUX AVE	BLANSHARD ROBERT JR
	111	6494	BORDEAUX AVE	LAMENSDORF EDWARD B
	112	6496	BORDEAUX AVE	MCCORMACK MYLES
	113	6498	BORDEAUX AVE	FRANK PORFIRIA J
	114	6444	BORDEAUX AVE	PRETZLAFF KARA &
	115	6446	BORDEAUX AVE	CODY CRISTAL L
	116	6448	BORDEAUX AVE	MULVENNA CARLO JOHN & DEBRA
	117	6450	BORDEAUX AVE	AMINMAHMOUDI MASOUMEH &
	118	6452	BORDEAUX AVE	EDWARDS STEVEN H &
	119	6454	BORDEAUX AVE	ESPINOZA FRANCES A

02/15/2017

Reply	*Label #*	*Address*		*Owner*
	120	6400	BORDEAUX AVE	GASS CHARLEEN S
	121	6402	BORDEAUX AVE	SPERRY KATHRYN
	122	6404	BORDEAUX AVE	TAYLOR MARK H
	123	6406	BORDEAUX AVE	WAGNER RACHEL
	124	6408	BORDEAUX AVE	SHIELDS JOSEPH M
	125	6410	BORDEAUX AVE	HAWKINS MARK E
	126	6412	BORDEAUX AVE	JONES CATHERINE
	127	6414	BORDEAUX AVE	UNGUREANU VANDA
	128	6416	BORDEAUX AVE	SMITH OLIVIA GRACE
	129	6418	BORDEAUX AVE	WOODBURY MICHELLE
	130	6420	BORDEAUX AVE	RAY CYNTHIA A
	131	6422	BORDEAUX AVE	MORKEN MITCHELL W &
	132	6424	BORDEAUX AVE	OLIVE WALK PPTIES LLC
	133	6426	BORDEAUX AVE	PORTER RONALD JAMES
	134	6428	BORDEAUX AVE	RIFKIN GARY S
	135	6430	BORDEAUX AVE	CLIFTON DOUGLAS W
	136	6432	BORDEAUX AVE	NALL STEVE
	137	6434	BORDEAUX AVE	HALL JEFFREY A
	138	6436	BORDEAUX AVE	MORGAN MELISSA BETH ET AL
	139	6438	BORDEAUX AVE	ENLOW J ANDREW & NANCY L
	140	6440	BORDEAUX AVE	PORCARI CYNTHIA L
	141	6442	BORDEAUX AVE	SANDOVAL BARRY D
	142	6336	BORDEAUX AVE	TROOP SARAH
	143	6338	BORDEAUX AVE	MOSMEYER RACHEL A
	144	6340	BORDEAUX AVE	MONTGOMERY MARGARET
	145	6342	BORDEAUX AVE	BERAUD KEVAH C
	146	6344	BORDEAUX AVE	GERTSON CAROL A
	147	6346	BORDEAUX AVE	JOHNSON JIM S & SUSAN H
	148	6348	BORDEAUX AVE	HART KRISTEN DALE
	149	6350	BORDEAUX AVE	WILLIAMS SHANNON M
	150	6352	BORDEAUX AVE	WITT CAROLINE W

02/15/2017

Reply	*Label #*	*Address*		*Owner*
	151	6354	BORDEAUX AVE	CHANG YAMEI
	152	6356	BORDEAUX AVE	PERRYMAN KRISTAN
	153	6358	BORDEAUX AVE	CRAWFORD MARK S
	154	6360	BORDEAUX AVE	SULTEMEIER CINDY
	155	6362	BORDEAUX AVE	JACKSON MICHEAL W
	156	6364	BORDEAUX AVE	IRWIN WILLIAM C
	157	6366	BORDEAUX AVE	DION LONA JEAN
	158	6370	BORDEAUX AVE	CORNELL REGENT
	159	6372	BORDEAUX AVE	MCELYEA MATTHEW S
	160	6374	BORDEAUX AVE	HAFFORD MELANIE
	161	6376	BORDEAUX AVE	CROSSLEY ANNE BLAIR
	162	6378	BORDEAUX AVE	PETERSON ASHLEY F
	163	6324	BORDEAUX AVE	COX AMY SUE
	164	6326	BORDEAUX AVE	RANGER CRAIG
	165	6328	BORDEAUX AVE	FEDERAL NATIONAL MTG ASSOC
	166	6330	BORDEAUX AVE	GONIWIECHA RACHEL
	167	6332	BORDEAUX AVE	SUAREZ PETER M JR
	168	6334	BORDEAUX AVE	TUCKER LINDA E LIFETIME
	169	6314	BORDEAUX AVE	FERGUSON NANCY S
	170	6316	BORDEAUX AVE	GONZALEZ VERONICA DARLENE
	171	6318	BORDEAUX AVE	WAMSA LLC
	172	6320	BORDEAUX AVE	FORD LEIGH R
	173	6322	BORDEAUX AVE	ELASHMAWY MARIAM A &
	174	6449	ORIOLE DR	GONZALEZ LIZA MARIE
	175	6451	ORIOLE DR	JOHNSON JIM S
	176	6453	ORIOLE DR	HOFFMAN KELLY D
	177	6455	ORIOLE DR	LANE KELLY K
	178	6441	ORIOLE DR	LILES JUDY A
	179	6443	ORIOLE DR	BUSH EMMA J
	180	6445	ORIOLE DR	HENDRIX CHRIS E
	181	6447	ORIOLE DR	FUTRELL L RON JR

02/15/2017

Reply	*Label #*	*Address*		*Owner*
	182	6401	ORIOLE DR	KELLEY NANCY ANN
	183	6403	ORIOLE DR	CURATOLO KELLY
	184	6405	ORIOLE DR	GINDRAT TRINA
	185	6407	ORIOLE DR	COX JOHN ROBERT
	186	6409	ORIOLE DR	WORTHINGTON SUSAN C
	187	6411	ORIOLE DR	BERRY RUSSELL
	188	6413	ORIOLE DR	FRAWLEY STEVEN A
	189	6415	ORIOLE DR	PASCHAL KYLE K
	190	6417	ORIOLE DR	LEWIS BRANDEE YVONNE
	191	6419	ORIOLE DR	DANIELSON KEVIN L
	192	6421	ORIOLE DR	HOFFMAN KEITH
	193	6423	ORIOLE DR	SUAN MCKENZIE LEHUA &
	194	6425	ORIOLE DR	MASSAD KELLY
	195	6427	ORIOLE DR	DUCHENE ELEANOR A
	196	6429	ORIOLE DR	CEVALLOS NICHOLAS D
	197	6431	ORIOLE DR	BALDWIN DAVID
	198	6433	ORIOLE DR	SMITH JUDY GATHRIGHT
	199	6435	ORIOLE DR	WOLFE JOHN & LINDA
	200	6437	BORDEAUX AVE	LONDON LISA K & MARIAN J
	201	6365	ORIOLE DR	MORRISON M MONICA
	202	6367	ORIOLE DR	ALTMAN MARCUS I
	203	6369	ORIOLE DR	WANG CYNTHIA
	204	6371	ORIOLE DR	OLIVE WALK PPTIES LLC
	205	6325	ORIOLE DR	BAKER RAMONA A &
	206	6327	BORDEAUX AVE	HARRISON JOSHUA
	207	6329	ORIOLE DR	PALERMO JO CAROLE
	208	6331	ORIOLE DR	WILSON MICHAEL
	209	6333	ORIOLE DR	BELLAMY MARCUS D
	210	6335	ORIOLE DR	MCKIE REVOCABLE TRUST
	211	6337	ORIOLE DR	SCOTT PAUL T
	212	6339	ORIOLE DR	NAUGHTON ELIZABETH A

02/15/2017

Reply	*Label #*	*Address*		*Owner*
	213	6341	ORIOLE DR	WHEELER ALBERT &
	214	6343	ORIOLE DR	WAGNER YVONNE C
	215	6345	ORIOLE DR	MARTIN DEBRA D
	216	6347	ORIOLE DR	BLACKWELL JANET E
	217	6349	ORIOLE DR	ANYZESKI DARLENE M
	218	6351	ORIOLE DR	SCHAEFBAUER SUZANNE
	219	6353	ORIOLE DR	LYDAY LESLIE MARVIN
	220	6355	ORIOLE DR	MARTIN MEGAN RENEE
	221	6357	ORIOLE DR	LOGAN JENNIFER J
	222	6359	ORIOLE DR	GRIFFIN LAURA
	223	6361	ORIOLE DR	GOODMAN SALLY GLENN
	224	6363	ORIOLE DR	DEPAULA STEPHEN D & KAREN
	225	6317	ORIOLE DR	LERNER PATRICIA M
	226	6319	ORIOLE DR	DAVIS MELISSA
	227	6321	ORIOLE DR	MORGAN KRISTY JOAN
	228	6323	ORIOLE DR	THORSTENS PAMELA ANN
	229	3909	INWOOD RD	BALLAS VICTOR
	230	3909	INWOOD RD	SANTANGELO WILLIAM C
	231	3909	INWOOD RD	BALLAS VICTOR
	232	3913	INWOOD RD	ALFORD LORIEN
	233	3913	INWOOD RD	ROARK J FRANK
	234	3917	INWOOD RD	PORGIER PIER PROPERTIES LLC
	235	3917	INWOOD RD	GEROW DAVID P LIVING TRUST
	236	3917	INWOOD RD	KELLER ANTHONY PAUL
	237	3917	INWOOD RD	MCWILLIAMS COLBY L
	238	3921	INWOOD RD	MILLER TONY & MELISSA A
	239	3917	INWOOD RD	WARBINGTON RICK
	240	3917	INWOOD RD	WOODWARD ROBERT A
	241	3921	INWOOD RD	4T ESTATE INVESTMENTS LLC
	242	3925	INWOOD RD	ELLIOTT JOSEPHINE L
	243	3925	INWOOD RD	NEALY DEBBRA

02/15/2017

Reply	*Label #*	*Address*		*Owner*
	244	3929	INWOOD RD	BELL LAUREN T
	245	3933	INWOOD RD	BALLAS VICTOR E
	246	3933	INWOOD RD	KRUYSHOP KLAAS JR
	247	3937	INWOOD RD	SKAUG BRIAN A
	248	3937	INWOOD RD	PIERCE SUE HELEN

AGENDA ITEM # 64

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: April 12, 2017

COUNCIL DISTRICT(S): 9

DEPARTMENT: Sustainable Development and Construction

CMO: Majed Al-Ghafry, 670-3302

MAPSCO: 38 G

SUBJECT

A public hearing to receive comments regarding an application for and an ordinance granting a D-1 Liquor Control Overlay and an ordinance granting a Specific Use Permit for the sale of alcoholic beverages in conjunction with a restaurant without drive-in or drive-through service on property zoned a CR-D Community Retail District with a D Liquor Control Overlay, on the southeast side of Garland Road, north of Alvin Street
Recommendation of Staff and CPC: Approval of the D-1 Liquor Control Overlay; and approval of the Specific Use Permit for a two-year period with eligibility for automatic renewals for additional five-year periods, subject to a site plan and conditions
Z156-348(AR)

HONORABLE MAYOR & CITY COUNCIL **WEDNESDAY, APRIL 12, 2017**

ACM: Majed Al-Ghafry

FILE NUMBER: Z156-348(AR) **DATE FILED:** August 25, 2016

LOCATION: Southeast side of Garland Road, north of Alvin Street

COUNCIL DISTRICT: 9 **MAPSCO:** 38-G

SIZE OF REQUEST: ± 0.786 acres **CENSUS TRACT:** 128.00

APPLICANT: Hacienda 2 Monterrey, Inc.

REPRESENTATIVE: Pamela Craig

OWNER: Jungs & Young Hyun, Inc.

REQUEST: An application for a D-1 Liquor Control Overlay and a Specific Use Permit for the sale of alcoholic beverages in conjunction with a restaurant without drive-in or drive-through service on property zoned a CR-D Community Retail District with a D Liquor Control Overlay.

SUMMARY: The purpose of this request is to allow for the sale of alcohol for on-premise consumption in conjunction with the existing restaurant without drive-in or drive-through service [Monterrey BBQ & Mexican Cuisine].

CPC RECOMMENDATION: **Approval** of the D-1 Liquor Control Overlay; and **approval** of the Specific Use Permit for a two-year period with eligibility for automatic renewals for additional five-year periods, subject to a site plan and conditions.

STAFF RECOMMENDATION: **Approval** of the D-1 Liquor Control Overlay; and **approval** of the Specific Use Permit for a two-year period with eligibility for automatic renewals for additional five-year periods, subject to a site plan and conditions.

Background Information:

- The request site is currently operating as a restaurant without drive-in or drive-through service.
- The building at the request site was constructed in 1964 and the current operator was issued a Certificate of Occupancy in July 2014.
- The applicant would like to sell alcohol in conjunction with the existing restaurant without drive-in or drive-through service.

Surrounding Zoning History:

1. Z145-339 On May 25, 2016, the City Council approved the renewal of Specific Use Permit No. 1864 for the sale of alcoholic beverages in conjunction with a general merchandise or food store greater than 3,500 square feet on property zoned CR Community Retail District with a D-1 Liquor Control Overlay.

2. Z123-249 On August 28, 2013, the City Council approved the renewal of Specific Use Permit No. 1864 for the sale of alcoholic beverages in conjunction with a general merchandise or food store greater than 3,500 square feet on property zoned CR Community Retail District with a D-1 Liquor Control Overlay.

3. Z112-305 On January 9, 2013, the City Council approved a D-1 Liquor Control Overlay and a Specific Use Permit for the sale of alcoholic beverages in conjunction with a general merchandise or food store greater than 3,500 square feet on property zoned Planned Development District No. 7 with a D Liquor Control Overlay.

Thoroughfares/Streets:

Thoroughfare/Street	Type	Existing ROW
Garland Road	Principal Arterial	80 feet
Alvin Road	Local	20 feet

Surrounding Land Uses:

	Zoning	Land Use
Site	CR-D	Restaurant
North	CR-D & MF-2(A)	Retail, Multifamily
East	CR-D	Auto Service Center, Financial institution, and Medical clinic
South	CS & PD No. 7-D	Mini-warehouse and Retail
West	CR-D & CR	Personal Service, Vacant, and Auto Service Center

STAFF ANALYSIS:

Comprehensive Plan:

The *forwardDallas! Comprehensive Plan* was adopted by the City Council in June 2006. The *forwardDallas! Comprehensive Plan* outlines several goals and policies which can serve as a framework for assisting in evaluating the applicant's request.

The *fowardDallas! Comprehensive Plan* outlines the following goal and policy to support the applicant's request:

The proposed use complements the characteristics of the Garland Road corridor which is a mix of uses such as retail, personal service uses and office uses.

URBAN DESIGN

GOAL 5.3 ESTABLISHING WALK-TO CONVENIENCE

Policy 5.3.1 Encourage a balance of land uses within walking distance of each other.

Land Use Compatibility:

The surrounding land uses consist of a variety of retail, personal service, office, and storage uses. The request site is in close proximity to a church, located on the northeast side of the property. However, the site meets the 300-foot, door-to-door distance requirement. (See attached Alcohol Measurement Survey.)

The "D-1" Overlay District is a Liquor Control Overlay District which requires an individual to obtain a Specific Use Permit in order to sell or serve alcoholic beverages for consumption on or off the premises.

The general provisions for a Specific Use Permit in Section 51A-4.219 of the Dallas Development Code specifically state: (1) The SUP provides a means for developing certain uses in a manner in which the specific use will be consistent with the character of the neighborhood; (2) Each SUP application must be evaluated as to its probable effect on the adjacent property and the community welfare and may be approved or denied as the findings indicate appropriate; (3) The city council shall not grant an SUP for a use except upon a finding that the use will: (A) complement or be compatible with the surrounding uses and community facilities; (B) contribute to, enhance, or promote the welfare of the area of request and adjacent properties; (C) not be detrimental to the public health, safety, or general welfare; and (D) conform in all other respects to all applicable zoning regulations and standards. The regulations in this chapter have been established in accordance with a comprehensive plan for the purpose of promoting the health, safety, morals, and general welfare of the city.

The request is compatible with the surrounding uses as there are a variety of retail, personal service, office, and storage uses in the area. The relatively short initial time period for the SUP will provide an opportunity for staff to evaluate the impact of the use on the surrounding area to ensure the ongoing compatibility of the use and to identify any detrimental affects the use may have on the surrounding area.

Development Standards:

District	Setbacks		Density/ FAR	Height	Lot Coverage	Special Standards	Primary Uses
	Front	Side/Rear					
CR Community retail	15’	20’ adjacent to residential OTHER: No Min.	0.75 FAR overall 0.5 office	54’ 4 stories	60%	Proximity Slope Visual Intrusion	Retail & personal service, office

Traffic:

The Engineering Division of the Sustainable Development and Construction Department reviewed the proposed zoning and determined it will not have a negative impact on the existing street system.

Parking:

Pursuant to the Dallas Development Code, the off-street parking requirement for a restaurant without drive-in or drive-through service use is one space per 100 square feet of floor area. Therefore, the ± 5,219-square-foot restaurant requires 52 parking spaces. As depicted on the site plan, the proposed development will meet this parking requirement.

Landscaping:

Landscaping must be provided in accordance with Article X of the Dallas Development Code.

List of Officers

OWNER OF THE PROPERTY

Jungs & Young Hyun, Inc.

Officers:

Chang Dal Jung
Hae Won Jung

OPERATING TENANT OF THE PROPERTY

Hacienda 2 Monterrey, Inc.

Sole Officer and Director:

Barbarito Muniz

CPC ACTION
March 2, 2017

Motion: It was moved to recommend **approval** of a D-1 Liquor Control Overlay and; **approval** of a Specific Use Permit for the sale of alcoholic beverages in conjunction with a restaurant without drive-in service for a two-year period with eligibility for automatic renewals for additional five-year periods, subject to a site plan and conditions on property zoned a CR-D Community Retail District with a D Liquor Control Overlay, on the southeast side of Garland Road, north of Alvin Street.

Maker: Jung
Second: Davis
Result: Carried: 15 to 0

For: 15 - Anglin, Rieves, Houston*, Davis, Shidid, Anantasomboon, Haney, Mack, Jung, Housewright, Schultz, Peadon, Murphy, Ridley, Tarpley

Against: 0
Absent: 0
Vacancy: 0
*out of the room, shown voting in favor

Notices: Area: 200 Mailed: 15
Replies: For: 0 Against: 0

Speakers: For (Did not speak): Pamela Craig, 400 S. Zang Blvd., Dallas, TX, 75208
Against: None

PROPOSED SUP CONDITIONS

1. USE: The only use authorized by this specific use permit is the sale of alcoholic beverages in conjunction with a restaurant without drive-in or drive-through service.

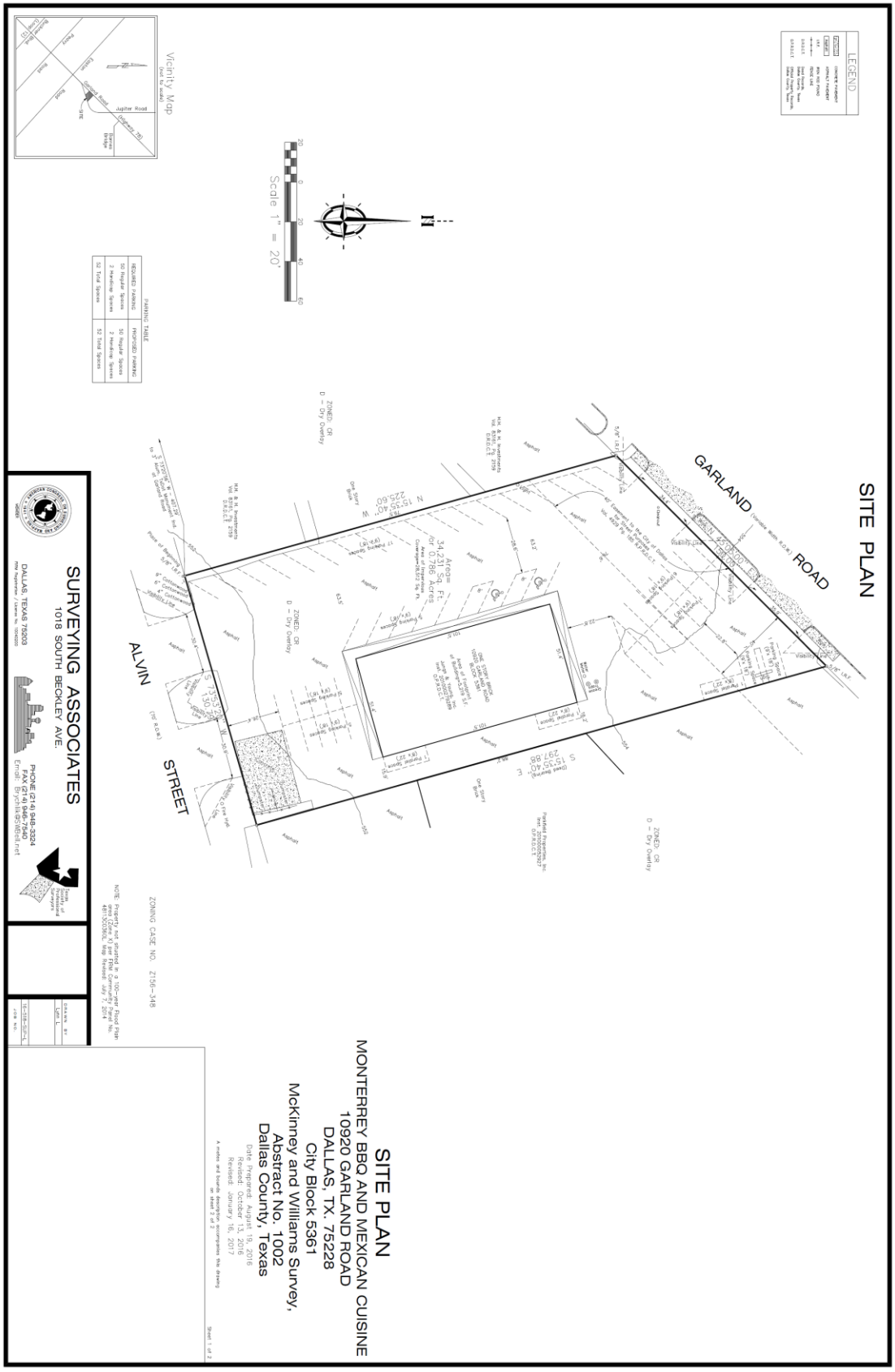
2. SITE PLAN: Use and development of the Property must comply with the attached site plan.

3. TIME LIMIT: This specific use permit expires on (two years)_____, but is eligible for automatic renewal for additional five-year periods pursuant to Section 51A-4.219 of Chapter 51A of the Dallas City Code, as amended. For automatic renewal to occur, the Property owner must file a complete application for automatic renewal with the director before the expiration of the current period. Failure to timely file a complete application will render this specific use permit ineligible for automatic renewal. (Note: The Code currently provides that applications for automatic renewal must be filed after the 180th but before the 120th day before the expiration of the current specific use permit period. The Property owner is responsible for checking the Code for possible revisions to this provision. The deadline for applications for automatic renewal is strictly enforced.)

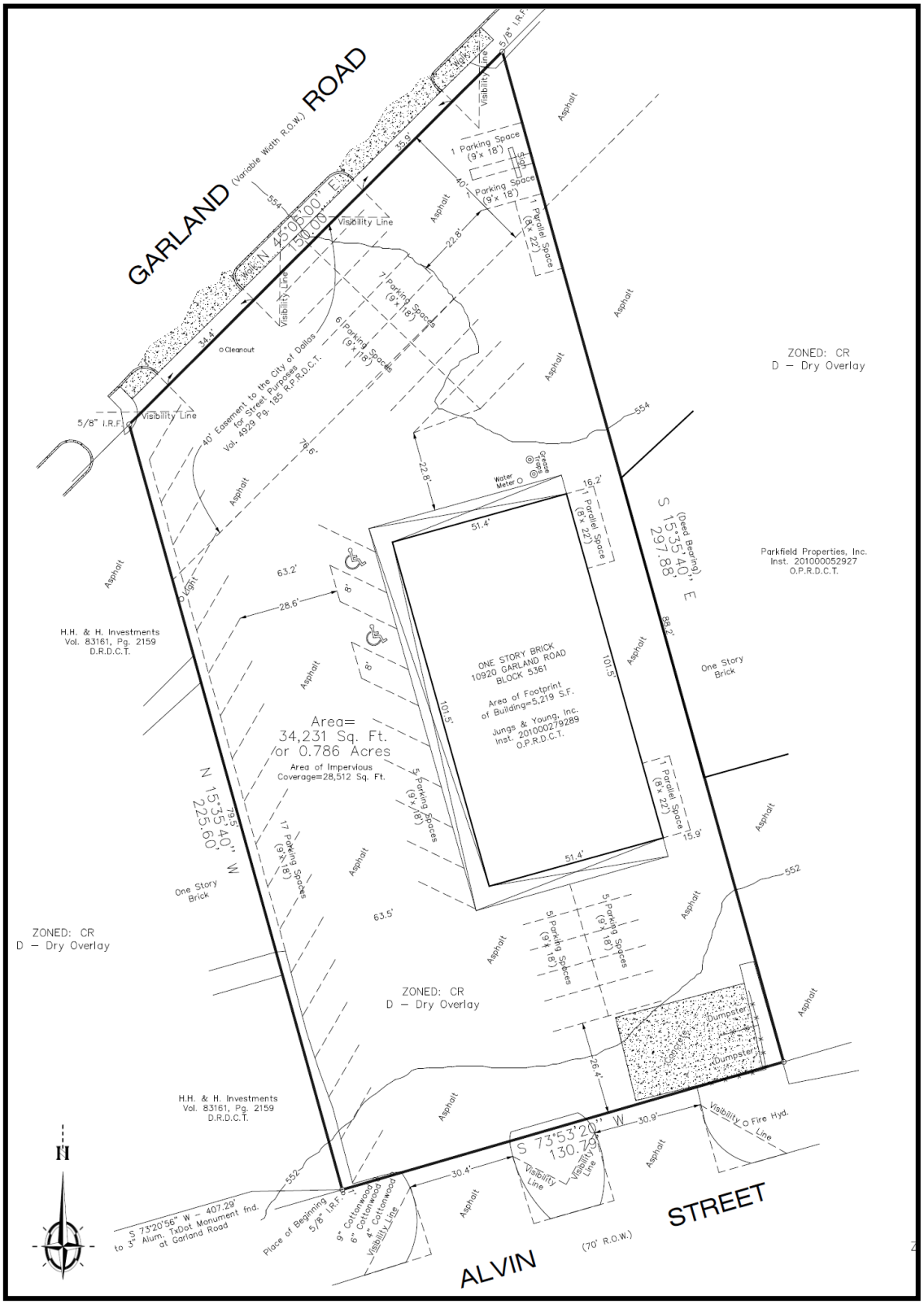
4. MAINTENANCE: The Property must be properly maintained in a state of good repair and neat appearance.

5. GENERAL REQUIREMENTS: Use of the Property must comply with all federal and state laws and regulations, and with all ordinances, rules, and regulations of the City of Dallas.

Proposed Site Plan



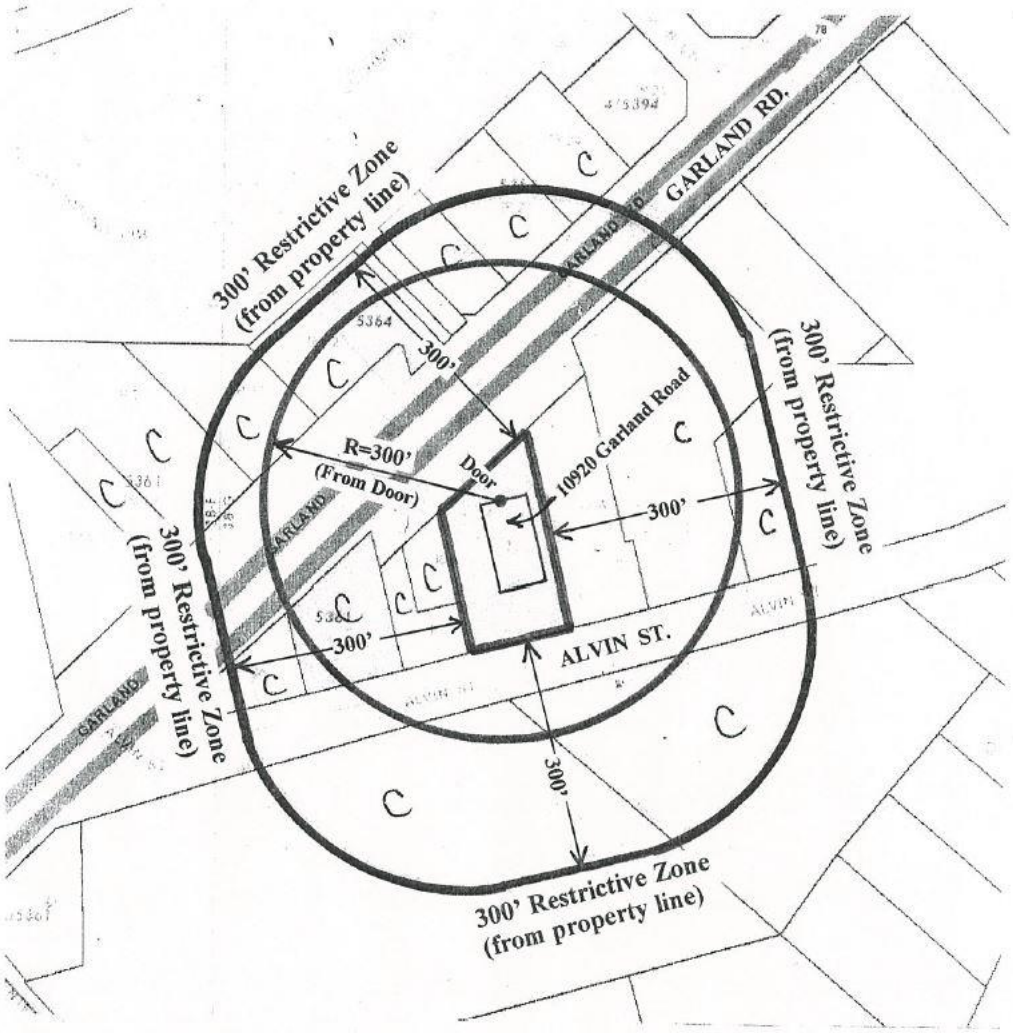
Proposed Site Plan (enlarged)



Alcohol Measurement Survey

MONTERREY BBQ &
MEXICAN CUISINE
10920 Garland Road
Dallas, Texas 75218
Mapsco Page 38–G
Able of Texas

ALCOHOL MEASUREMENT PLAT



SCALE 1" = 200'

Z156-348

I have conducted (or caused to be conducted) a physical inspection of the area and a diligent search of public records to determine if the place of business is located near any protected uses. This survey map shows that the place of business where alcoholic beverages will be sold meets the location requirements in Dallas City Code 6–4.

The MONTERREY BBQ & MEXICAN CUISINE, located at 10920 Garland Road, in the City of Dallas, is not within 300 feet of a church, public or private school, day care center, child care facility or a public hospital as defined in Dallas City Code Section 6–4.

R = Residential
C = Commercial
V = Vacant

Date 8/16/2016
Job 16–518

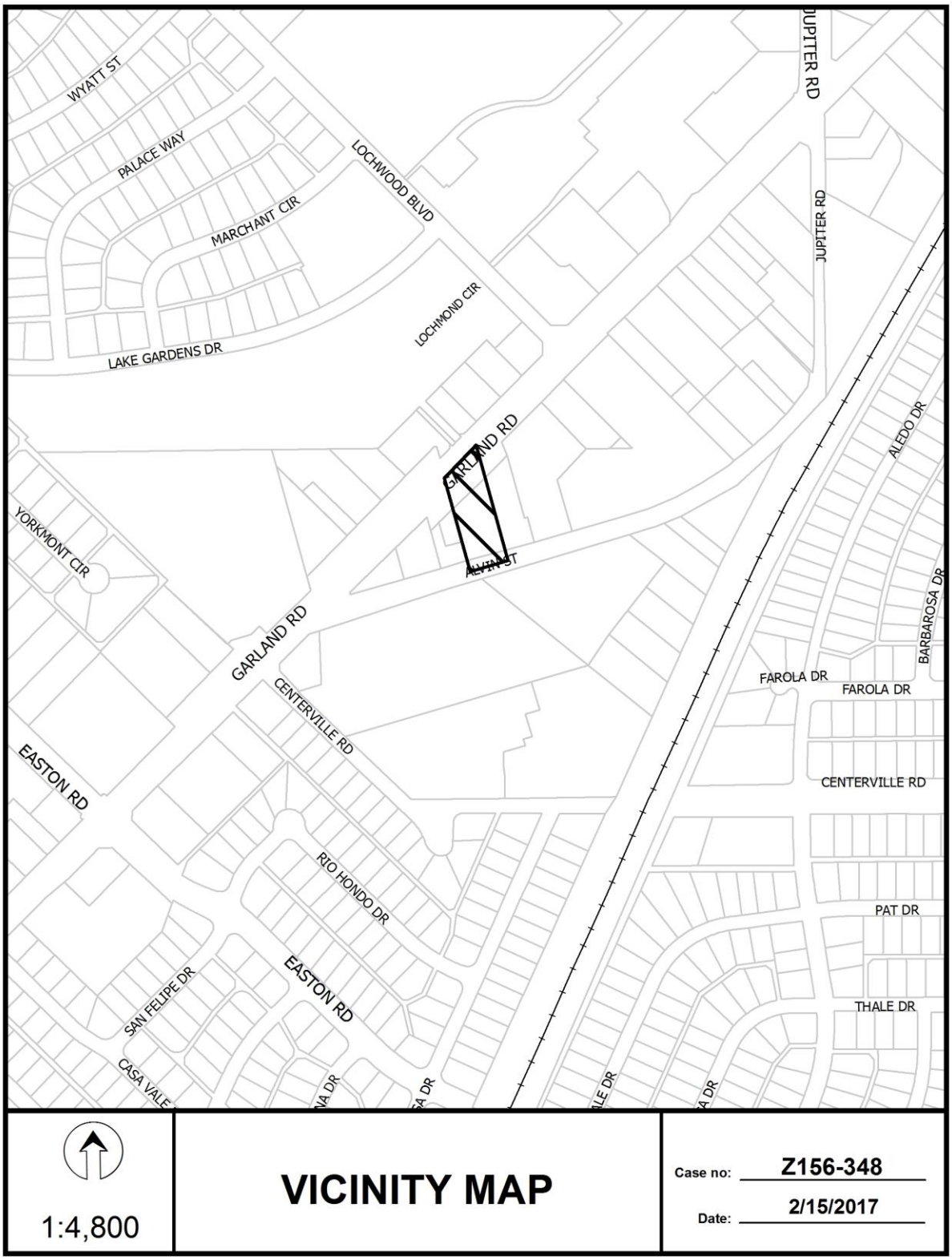
This survey was performed for an alcohol–measurement certification. All improvements may not been shown as existed at the time of survey. Research of protected properties included a search of appraisal district records, parole evidence of the owner/manager and a physical inspection on the ground.

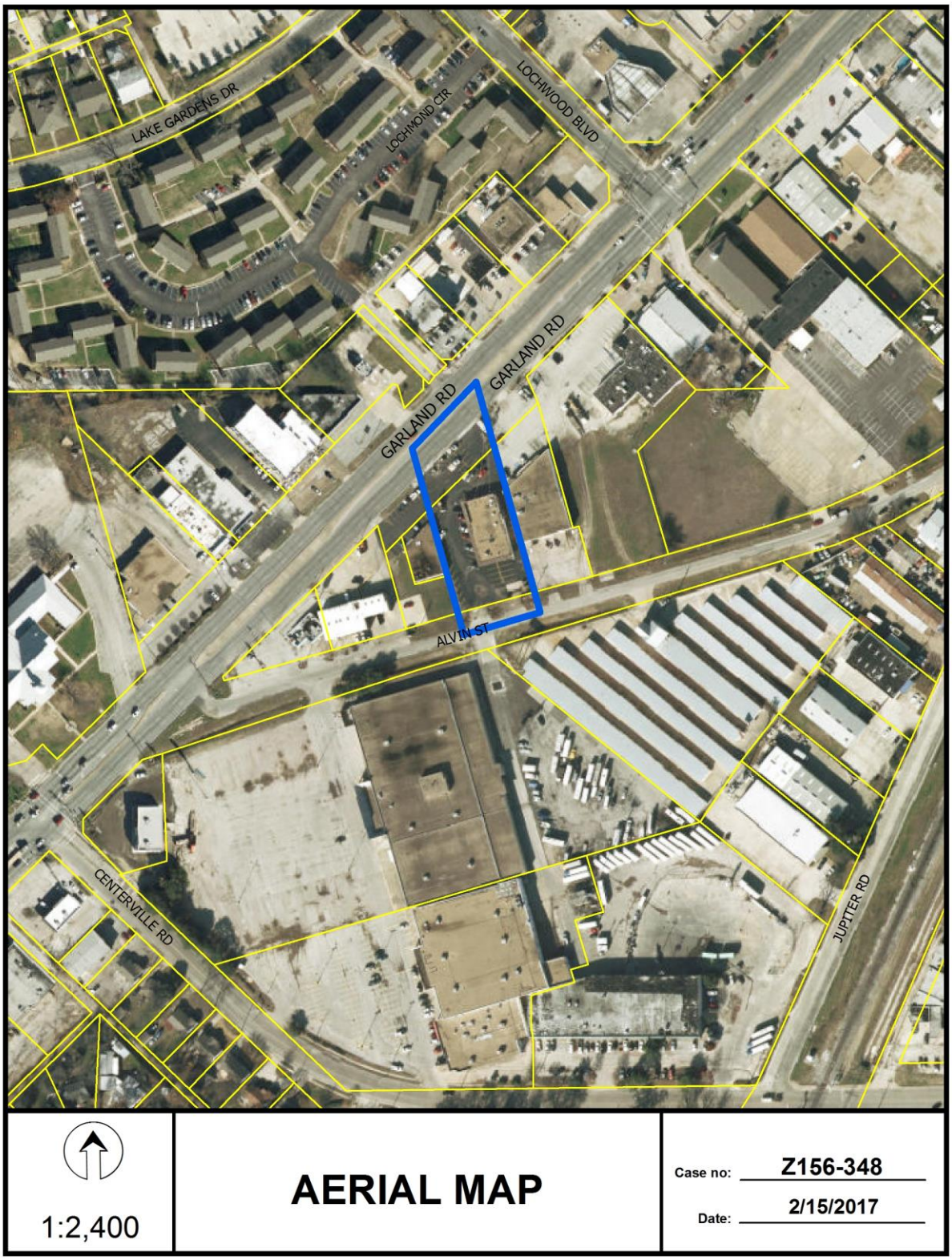
STATE OF TEXAS REGISTERED BEN D. RYCHLIK #1630 PROFESSIONAL LAND SURVEYOR

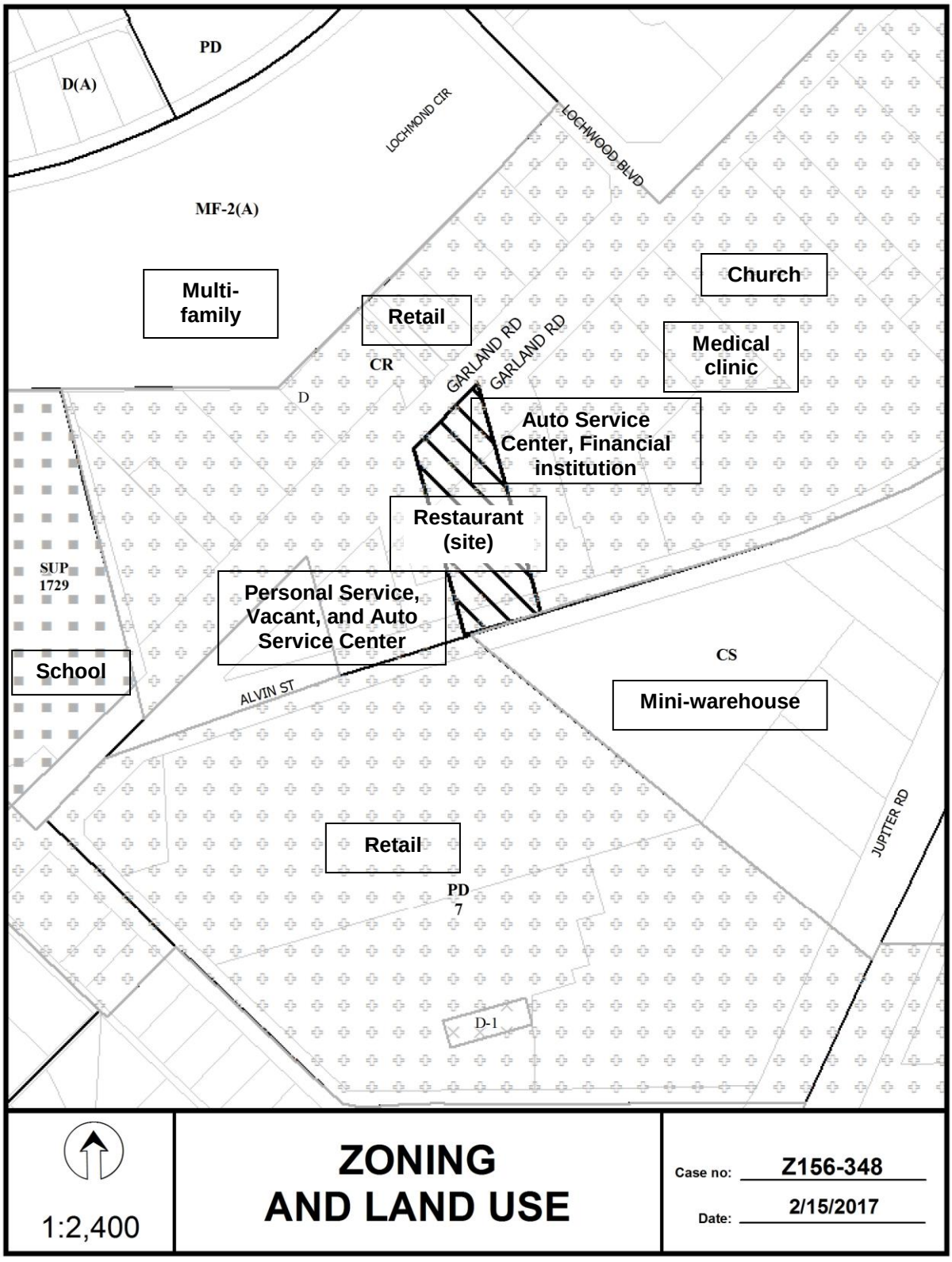
Registered Professional Land Surveyor 1630

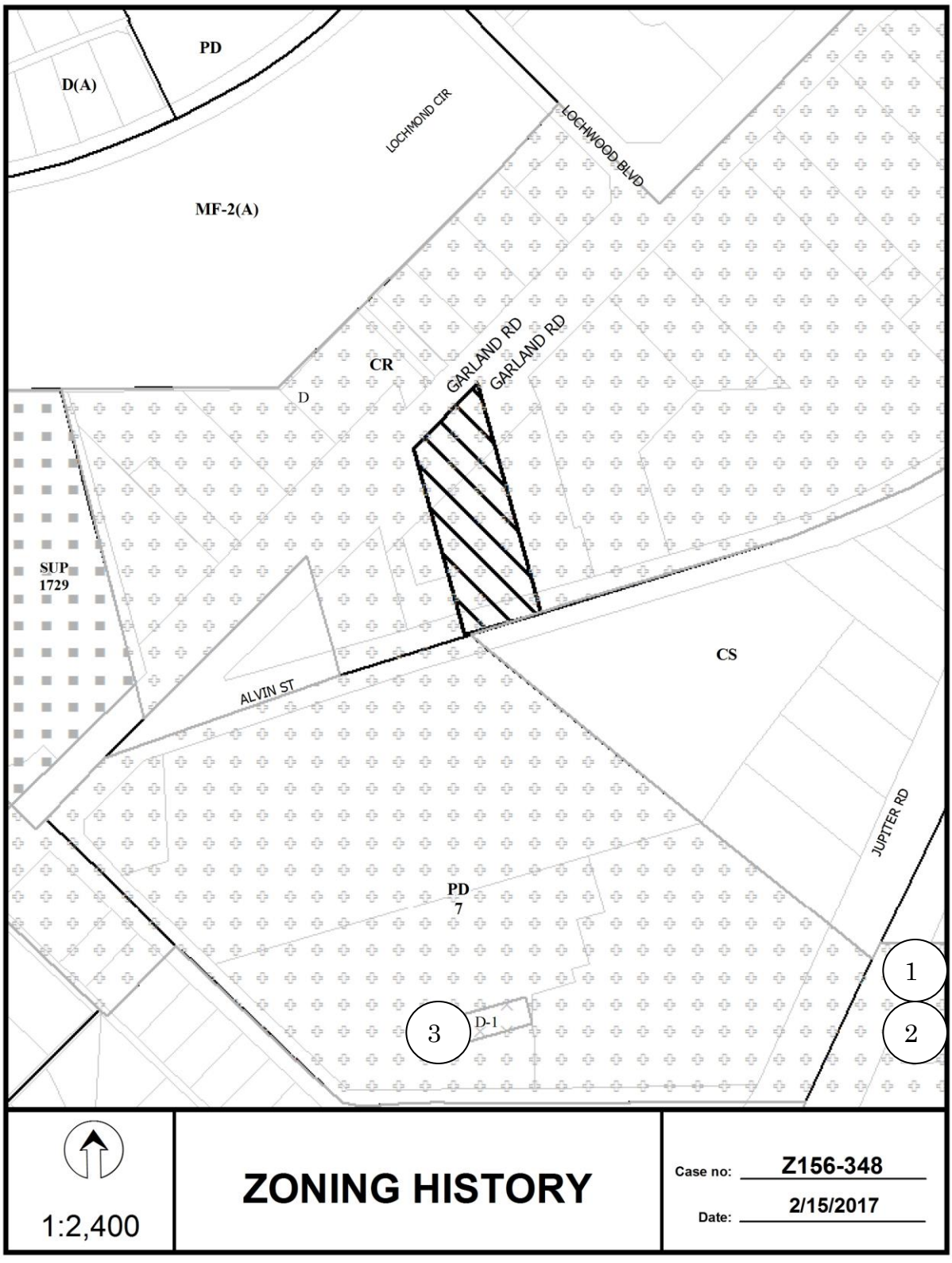
SURVEYING ASSOCIATES
1018 S. Beckley, Dallas, Tx. 75203
Phone: (214) 948–3324
Fax: (214) 946–7540

FIRM Registration / License No. 10040200


WYATT ST
PALACE WAY
MARCHANT CIR
LOCHWOOD BLVD
LAKE GARDENS DR
LOCHMOND CIR
JUPITER RD
JUPITER RD
ALEDO DR
GARLAND RD
YORKMONT CIR
GARLAND RD
CENTERVILLE RD
EASTON RD
BARBAROSA DR
FAROLA DR
FAROLA DR
CENTERVILLE RD
RIO HONDO DR
PAT DR
EASTON RD
SAN FELIPE DR
THALE DR
CASA VALE
1:4,800
VICINITY MAP
Case no: Z156-348
Date: 2/15/2017


LAKE GARDENS DR
LOCHMOND CIR
LOCHWOOD BLVD
GARLAND RD
GARLAND RD
ALVIN ST
CENTERVILLE RD
JUPITER RD
1:2,400
AERIAL MAP
Case no: Z156-348
Date: 2/15/2017


PD
D(A)
LOCHMOND CIR
LOCHWOOD BLVD
MF-2(A)
Multi-family
Retail
CR
GARLAND RD
GARLAND RD
Church
Medical clinic
D
Auto Service Center, Financial institution
Restaurant (site)
SUP 1729
Personal Service, Vacant, and Auto Service Center
School
ALVIN ST
CS
Mini-warehouse
JUPITER RD
Retail
PD 7
D-1
1:2,400
ZONING AND LAND USE
Case no: Z156-348
Date: 2/15/2017


PD
D(A)
LOCHMOND CIR
LOCHWOOD BLVD
MF-2(A)
CR
GARLAND RD
GARLAND RD
D
SUP
1729
CS
ALVIN ST
JUPITER RD
PD
7
D-1
1
2
3
1:2,400
ZONING HISTORY
Case no: Z156-348
Date: 2/15/2017

CPC Responses



03/01/2017

Reply List of Property Owners

Z156-348

15 Property Owners Notified ***0 Property Owners in Favor*** ***0 Property Owners Opposed***

Reply	*Label #*	*Address*		*Owner*
	1	10920	GARLAND RD	JUNGS & YOUNG INC
	2	10926	GARLAND RD	PARKFIELD PROPERTIES INC
	3	10740	GARLAND RD	EXTRA SPACE PPTIES 26 LLC
	4	11038	ALVIN ST	STORAGE EQUITIES INC
	5	10910	GARLAND RD	H H & H INVESTMENTS
	6	10908	GARLAND RD	HOFFER DAVID &
	7	10908	GARLAND RD	H H & H INVESTMENTS
	8	11000	GARLAND RD	GEMCO PROPERTY CORP
	9	11041	GARLAND RD	HBSP LLC
	10	11011	GARLAND RD	GAMINO REYES &
	11	11001	GARLAND RD	G & W ASSOCIATES IV
	12	11005	GARLAND RD	CASEY JACK & BARBARA
	13	11117	LOCHWOOD BLVD	LIVE OAK LOCHWOOD LLC
	14	10901	GARLAND RD	J T REALTY INC
	15	10915	GARLAND RD	CIAPA ENTERPRISES INC

AGENDA ITEM # 65

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: April 12, 2017

COUNCIL DISTRICT(S): 7

DEPARTMENT: Sustainable Development and Construction

CMO: Majed Al-Ghafry, 670-3302

MAPSCO: 48 L

SUBJECT

A public hearing to receive comments regarding an application for and an ordinance granting a Specific Use Permit for a motor vehicle fueling station on property zoned an NS(A)-D-1 Neighborhood Service District with a D-1 Liquor Control Overlay on the west corner of Buckner Boulevard and St. Francis Avenue

Recommendation of Staff and CPC: Approval for a five-year period with eligibility for automatic renewals for additional five-year periods, subject to a site plan, landscape plan and conditions

Z156-360(PD)

HONORABLE MAYOR & CITY COUNCIL **WEDNESDAY, APRIL 12, 2017**

ACM: Majed Al-Ghafry

FILE NUMBER: Z156-360(PD) **DATE FILED:** September 9, 2016

LOCATION: West corner of Buckner Boulevard and St. Francis Avenue

COUNCIL DISTRICT: 7 **MAPSCO:** 48-L

SIZE OF REQUEST: Approx. ± 3.0 acres **CENSUS TRACT:** 0122.07

APPLICANT/OWNER: Sikka Investments LLC

REPRESENTATIVE: S.I. Abed

REQUEST: An application for a Specific Use Permit for a motor vehicle fueling station on property zoned an NS(A)-D-1 Neighborhood Service District with a D-1 Liquor Control Overlay.

SUMMARY: The applicant proposes to develop the property with a general merchandise or food store greater than 3,500 square feet. The floor area of 18,652 square feet will consist of a 3,484 square foot laundromat, 734 square feet for restrooms, a 927 square foot dining area, a 700 square foot retail area, a 2,345 square foot restaurant with a 927 square foot dining area, a 2,930 square foot convenience store and a 6,750 square foot canopied motor vehicle fueling station with ten fuel pumps and two 391 square foot loading/unloading zones at each end of the canopy. The retail and personal service uses are permitted by right. The restaurant use is permitted subject to residential adjacency review. The motor vehicle fueling station requires an SUP.

CPC RECOMMENDATION: **Approval** for a five-year period with eligibility for automatic renewals for additional five-year periods, subject to site plan, landscape plan and conditions.

STAFF RECOMMENDATION: **Approval** for a five-year period with eligibility for automatic renewals for additional five-year periods, subject to a site plan, landscape plan and conditions.

Background:

- The site is approximately 130,636 square feet and has never been developed.
- On July 26, 2016, the applicant applied for building permits and a Certificate of Occupancy (CO) DBA: Lucky Texan #8 – Fox Fuels #8; however, the scheduled predevelopment meeting was cancelled when staff determined an SUP is needed for the motor vehicle fueling station with canopy.
- The request site is located within the Urbandale/Parkdale NeighborUp target area convened to accelerate the GrowSouth vision and mobilize economic development.

Zoning History:

There have been two zoning changes in the area within the last five years; however, these areas are farther north of the site and not located on the zoning history map.

1. **Z167-102** On January 25, 2017, the City Council approved an amendment to Specific Use Permit No. 1501 for a private recreation center, club, or area and private elementary school use to include a middle school and a high school and to revise the existing site plan on property zoned an R-7.5(A) Single Family District on property located on the south line of Samuell Boulevard, east of South Buckner Boulevard.

2. **Z156-114** On January 27, 2016, the City Council approved a D-1 Liquor Control Overlay and a Specific Use Permit for the sale of alcoholic beverages in conjunction with a general merchandise or food store 3,500 square feet or less on property zoned an RR Regional Detail District on property on the south side of Samuell Boulevard, east of North Jim Miller Road

Thoroughfares/Streets:

Thoroughfare/Street	Type	Existing ROW
Buckner Blvd.	Principal Arterial	107 feet
Eastpoint Dr.	Community Collector	60 feet

Traffic:

The Engineering Division of the Department of Sustainable Development and Construction reviewed the request and determined that it will not significantly impact the surrounding roadway system.

STAFF ANALYSIS:

Comprehensive Plan:

The *forwardDallas! Comprehensive Plan* was adopted by the City Council in June 2006. The *forwardDallas! Comprehensive Plan* outlines several goals and policies which can serve as a framework for assisting in evaluating the applicant's request.

The use is consistent with the following land use policy:

Land Use Element

GOAL 1.1 ALIGN LAND USE STRATEGIES WITH ECONOMIC DEVELOPMENT PRIORITIES.

Policy 1.1.2 Focus on Southern Sector development opportunities.

Implementation Measure 1.1.2.1 Initiate Area Plans to evaluate land use opportunities for appropriate and compatible development and to coordinate public investment and land use regulations with development activity. Include area stakeholders in the development of Area Plans.

Policy 1.1.5 Strengthen existing neighborhoods and promote neighborhoods' unique characteristics. Acknowledge the importance of neighborhoods to the city's long-term health and vitality.

Implementation Measure 1.1.5.3 Encourage neighborhood-serving office, retail, or other non-residential uses to be located in residential community areas, primarily on significant roadways or at key intersections.

Area Plan:

NeighborUp is an independent collective impact nonprofit, convened to accelerate the GrowSouth vision and mobilize economic development in three target Southern Dallas neighborhoods. These neighborhoods are: 1) Red Bird from I-35 to S. Cockrell Hill Rd; 2) Parkdale/Urbandale, a far southeast Dallas neighborhood, and 3) The Education Corridor between Paul Quinn College on the east and the University of North Texas-Dallas on the west. Neighbor Up serves as a new tool to attack poverty and stimulate growth and improvement in Southern Dallas.

Goals of the Parkdale/Urbandale target area are to secure this neighborhood as the best place to raise a family by ensuring great schools through encouraging formalized neighborhood association and school partnerships and increased parental engagement and student awareness of the emerging Dallas job market; ensuring nice homes/neighborhoods through allocating GrowSouth challenge grants to promote beautification events; and providing a great quality of life by promoting ridership and engagement with DART, improving parks and decreasing crime.

Surrounding Land Uses:

	Zoning	Land Use
Site	NS(A) - D-1	Undeveloped
North	NS(A) - D-1	Undeveloped
South	MF-2(A)	Multifamily
West	MF-2(A)	Multifamily
East	LI	Undeveloped

Land Use Compatibility:

The request site is approximately 3.0 acres and is currently undeveloped. The existing zoning of the property is NS(A)-D-1 Neighborhood Service District with a Liquor Control Overlay. The property is adjacent to undeveloped land to the north and east and multifamily development to the west and south with a high density single family neighborhood further north of the site.

The applicant is proposing to develop the request site with an 11,120 square foot building and a 6,750 square foot canopied motor vehicle fueling station with 10 fuel pumps and two, 391 square foot loading/unloading zones at each end of the canopy.

The general provisions for a Specific Use Permit in Section 51A-4.219 of the Dallas Development Code specifically state: (1) The SUP provides a means for developing certain uses in a manner in which the specific use will be consistent with the character of the neighborhood; (2) Each SUP application must be evaluated as to its probable effect on the adjacent property and the community welfare and may be approved or denied as the findings indicate appropriate; (3) The city council shall not grant an SUP for a use except upon a finding that the use will: (A) complement or be compatible with the surrounding uses and community facilities; (B) contribute to, enhance, or promote the welfare of the area of request and adjacent properties; (C) not be detrimental to the public health, safety, or general welfare; and (D) conform in all other respects to all

applicable zoning regulations and standards. The request does not appear to have an adverse impact on the surrounding zoning and land uses.

Although the request site is adjacent to several tracts of undeveloped land to the north and east, the site is immediately adjacent to a multifamily district. The proposed design provides an enhanced landscape plan to ensure compatibility with the existing multifamily development to the west and south. In addition, the facility will be secured by a six-foot solid fence to the west and the installation of five foot wide sidewalks will provide accessibility and walkability to the facility from St. Francis Avenue and South Bucker Boulevard. Further in an effort to not only provide a service but to also complement the community by serving as an asset, the applicant intends to operate the facility 24 hours a day. By operating the business 24 hours a day and maintaining a well-lighted facility, the applicant believes it will discourage any unwanted activity within the area. The periodic review during the automatic renewal process will help to ensure the use continues to operate according the conditions and site plan.

Parking:

The Dallas Development Code requires off-street parking to be provided for a general merchandise use at 1 space for each 200 square feet of floor area, 1 space for each 100 square feet of restaurant use, and two spaces for a motor vehicle fueling station. Therefore, the parking requirements for the proposed 3,272 square foot restaurant use are 33 spaces; 22 spaces for the 4,364 square foot general merchandise store, 17 spaces for the 3,484 square foot laundry use and two spaces for the 7,532 square foot motor vehicle fueling station. The total required parking spaces is 74. The attached site plan depicts a total of 74 parking spaces.

Landscaping:

The proposed development is required to provide landscaping in accordance with Article X of the Dallas Development Code. Some of the mandatory requirements are: 10-foot landscape buffer and a solid fence along the boundaries where adjacent residential development occurs, site trees, street trees, and screening of off-street parking.

List of Partners

AP & TA Investments, Inc

Mr. Atiq Pradhan	Owner/President
Mr. Talat Mahmood	Owner/Vice President

City Plan Commission Action:
March 2, 2017

Motion: It was moved to recommend **approva**l of a Specific Use Permit for a motor vehicle fueling station for a five-year period with eligibility for automatic renewals for additional five-year periods, subject to a site plan, landscape plan and conditions on property zoned an NS(A)-D-1 Neighborhood Service District with a D-1 Liquor Control Overlay on the west corner of Buckner Boulevard and St. Francis Avenue.

Maker: Mack
Second: Houston
Result: Carried: 14 to 0

For: 14 - Anglin, Rieves, Houston, Davis, Shidid, Anantasomboon, Mack, Jung, Housewright, Schultz, Peadon, Murphy, Ridley, Tarpley

Against: 0
Absent: 1 - Haney
Vacancy: 0

Notices: Area: 300 Mailed: 28
Replies: For: 1 Against: 5

Speakers: For: Daniel Wood, 5137 Colter Way, Dallas, TX, 75227
For (Did not speak): Shazeb Daredia, 8088 Park Ln., Dallas, TX, 75231
Against: None

Proposed SUP Conditions

1. USE: The only use authorized by this specific use permit is a motor vehicle fueling station.

2. SITE PLAN: Use and development of the Property must comply with the attached site plan.

3. TIME LIMIT: This specific use permit expires five years from the passage of this ordinance, but is eligible for automatic renewal for additional five-year periods pursuant to Section 51A-4.219 of Chapter 51A of the Dallas City Code, as amended. For automatic renewal to occur, the Property owner must file a complete application for automatic renewal with the director before the expiration of the current period. Failure to timely file a complete application will render this specific use permit ineligible for automatic renewal. (Note: The Code currently provides that applications for automatic renewal must be filed after the 180th but before the 120th day before the expiration of the current specific use permit period. The Property owner is responsible for checking the Code for possible revisions to this provision. The deadline for applications for automatic renewal is strictly enforced.)

4. FENCE: A six-foot-high solid wood fence must be provided in the location shown on the attached landscape plan.

5. INGRESS-EGRESS: Ingress and egress must be provided in the location shown on the attached site plan. No other ingress or egress is permitted.

6. PARKING: Off-street parking must be located as shown on the attached site plan.

7. MAINTENANCE: The Property must be properly maintained in a state of good repair and neat appearance.

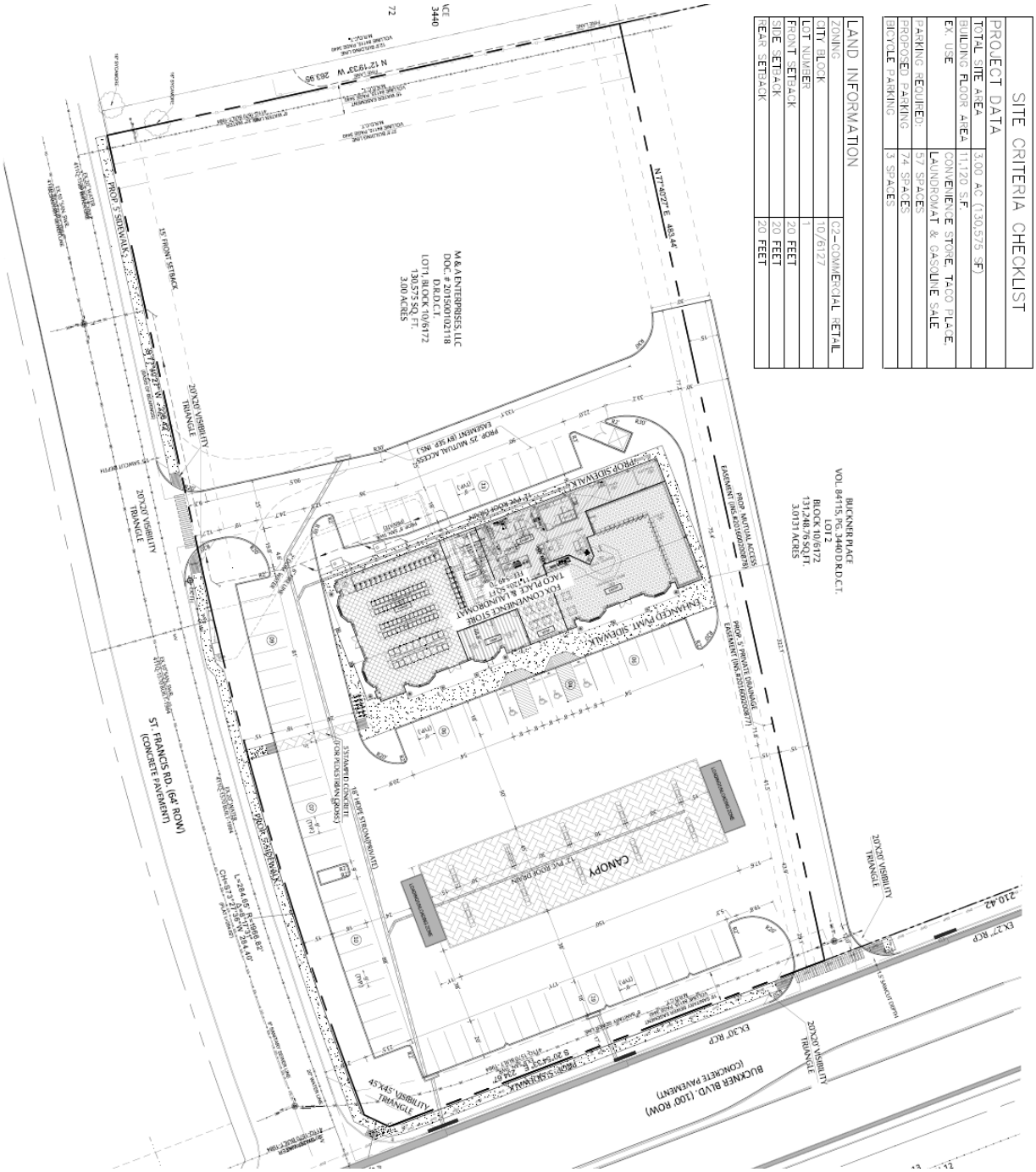
8. GENERAL REQUIREMENTS: Use of the Property must comply with all federal and state laws and regulations, and with all ordinances, rules, and regulations of the City of Dallas."

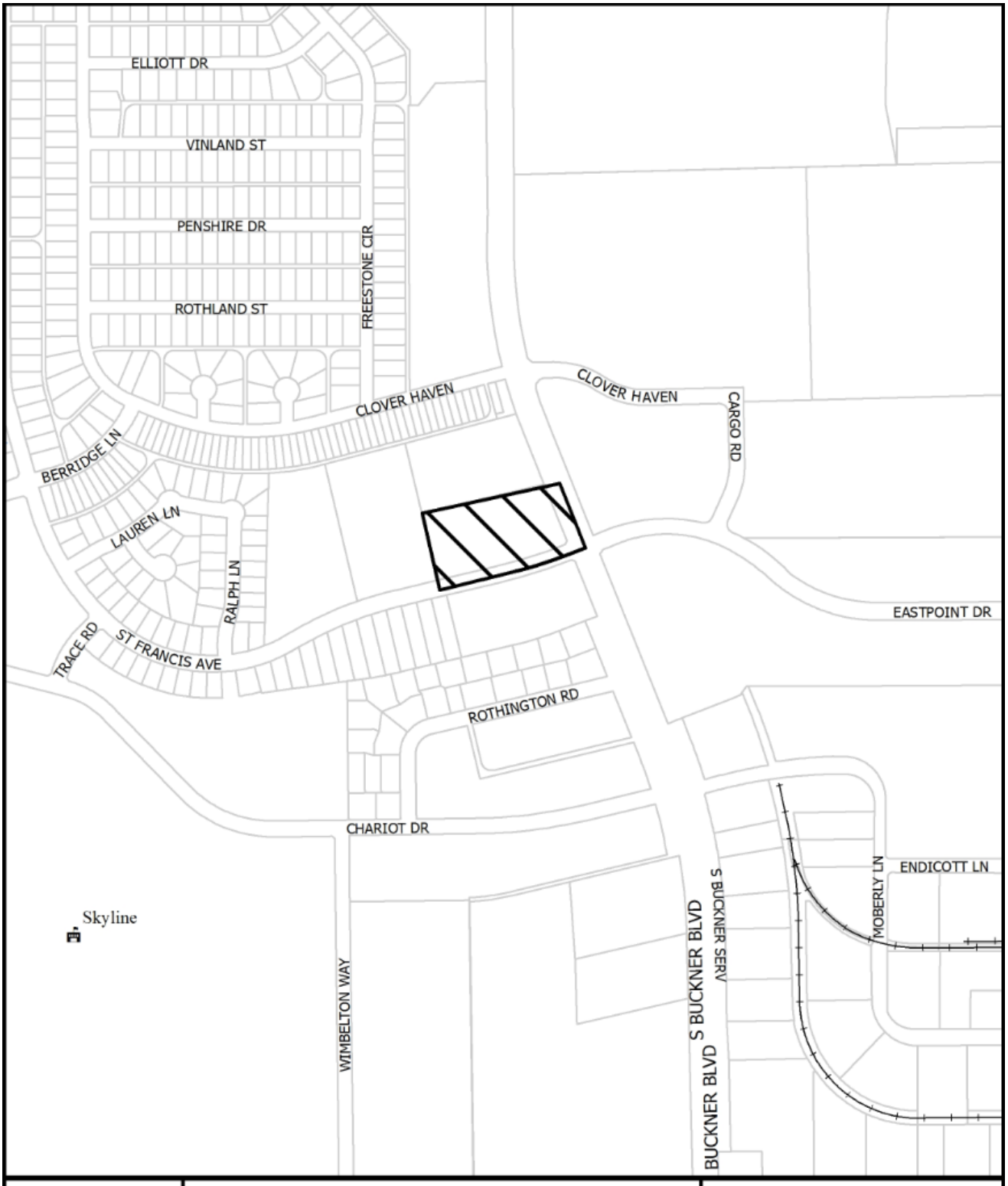
Proposed Site Plan

SITE CRITERIA CHECKLIST	
PROJECT DATA	
TOTAL SITE AREA	3.00 AC (130,575 SF)
BUILDING FLOOR AREA	11,120 S.F.
EX. USE	CONVENIENCE STORE, TACO PLACE, LAUNDROMAT & GASOLINE SALE
PARKING REQUIRED:	57 SPACES
PROPOSED PARKING	74 SPACES
BICYCLE PARKING	3 SPACES

LAND INFORMATION	
ZONING	CR-COMMERCIAL RETAIL
CITY BLOCK	10/6127
LOT NUMBER	1
FRONT SETBACK	20 FEET
SIDE SETBACK	20 FEET
REAR SETBACK	20 FEET

FLOOR AREA CALCULATIONS	
LEGEND	AREA
LAUNDRY MART	3,484SF
REST ROOM	734SF
DINING	927SF
RETAIL (SUITES)	700SF
TACO RESTAURANT (KITCHEN)	2,345SF
CONVENIENCE STORE	2,930SF
TOTAL	11,120SF





1:6,000

VICINITY MAP

Case no: Z156-360

Date: 12/22/2016

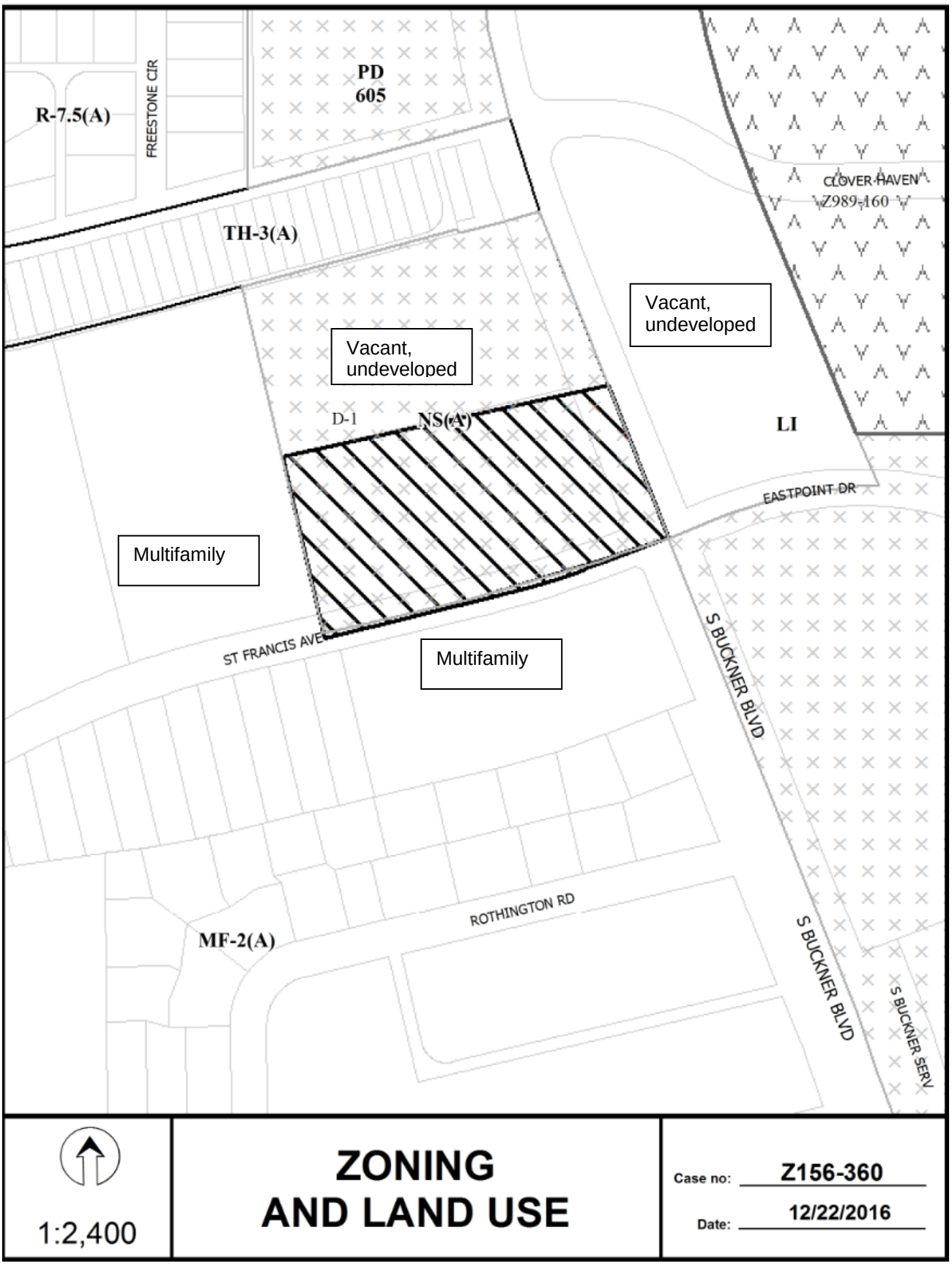


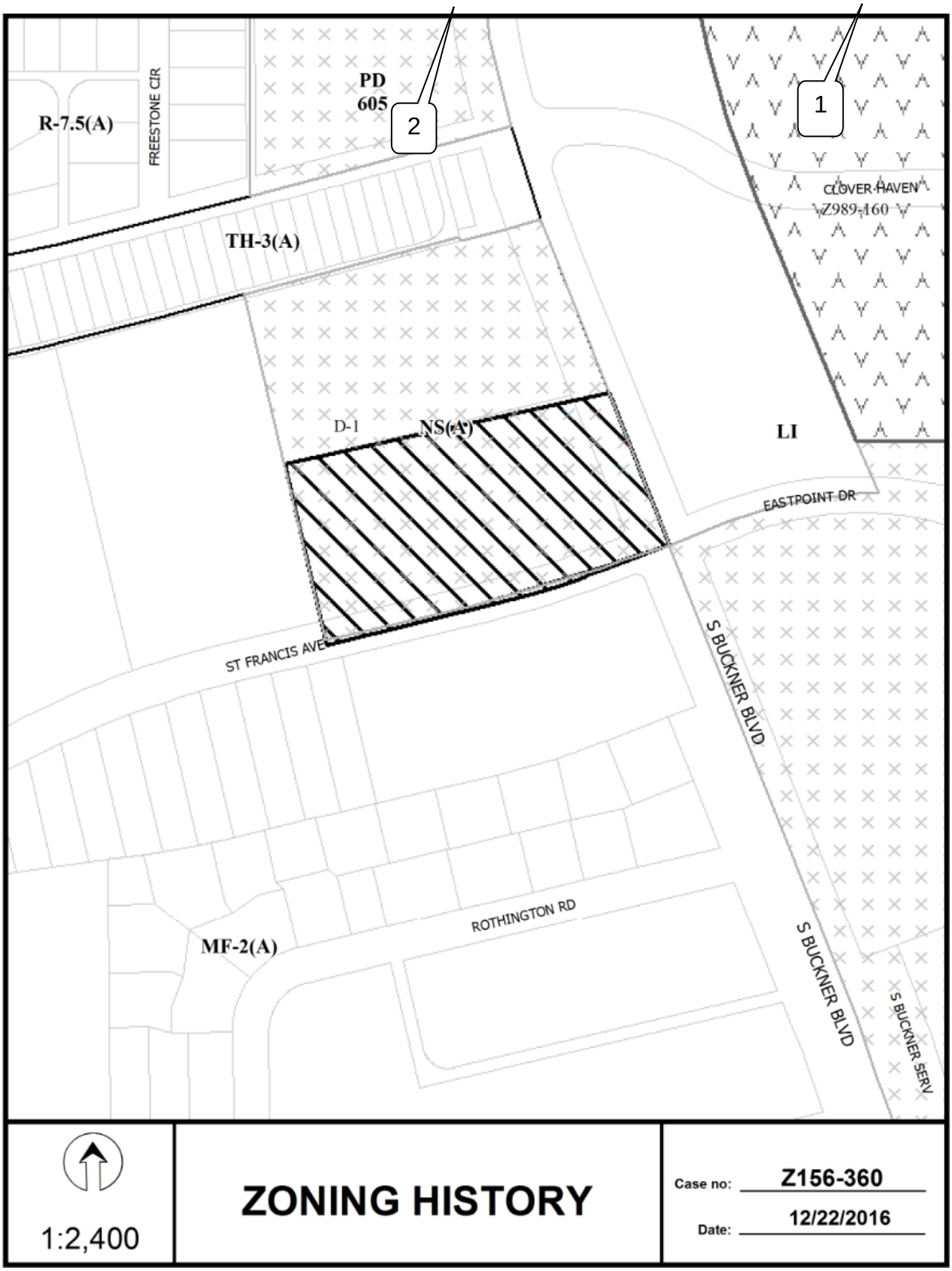
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AERIAL MAP

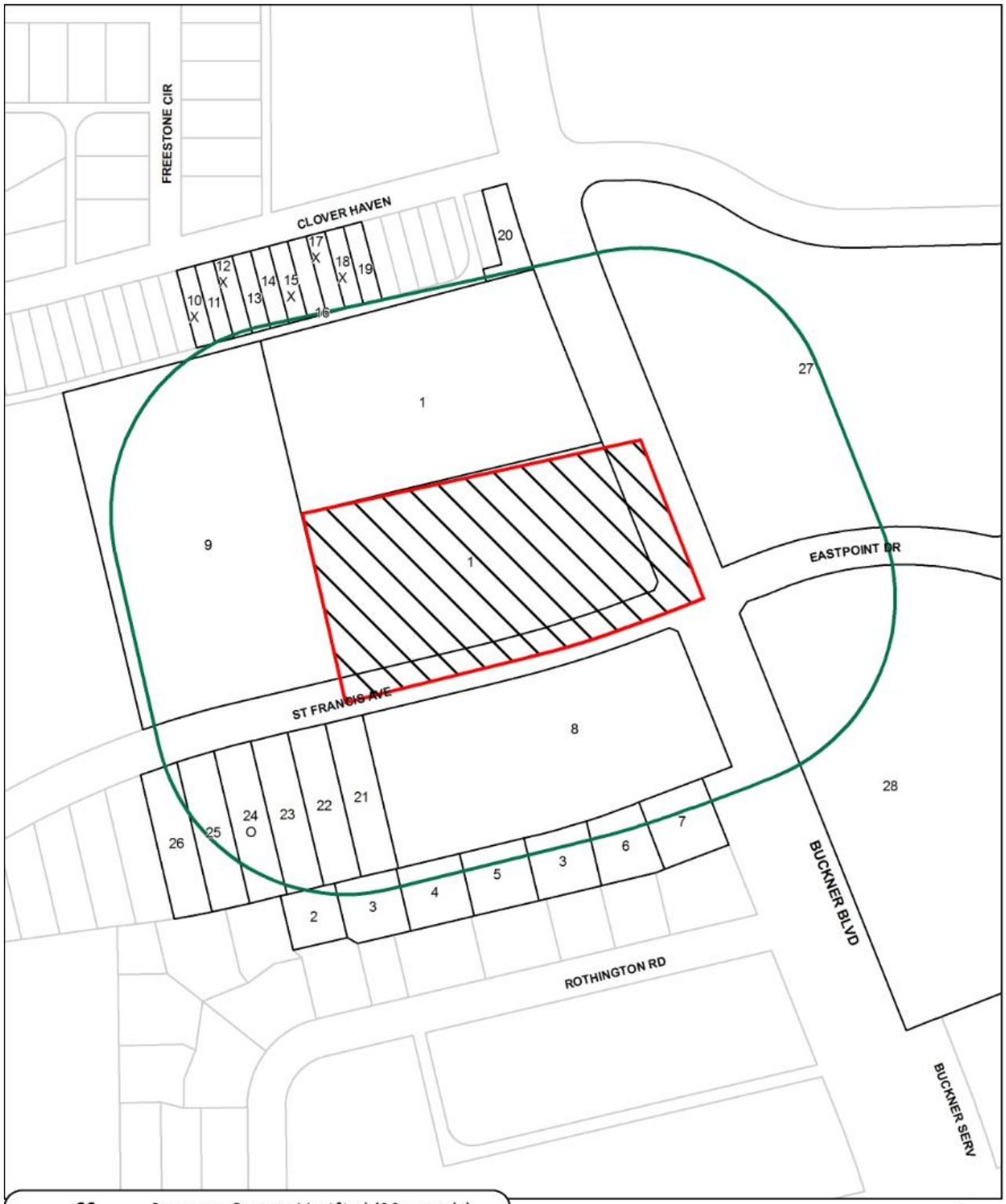
Case no: Z156-360

Date: 12/22/2016


R-7.5(A)
FREESTONE CIR
PD 605
TH-3(A)
CLOVER HAVEN
Z989-160
Vacant, undeveloped
Vacant, undeveloped
D-1
NS(A)
LI
EASTPOINT DR
Multifamily
ST FRANCIS AVE
Multifamily
S BUCKNER BLVD
ROTHINGTON RD
MF-2(A)
S BUCKNER BLVD
S BUCKNER SERV
1:2,400
ZONING
AND LAND USE
Case no: Z156-360
Date: 12/22/2016


R-7.5(A)
FREESTONE CIR
PD
605
2
1
CLOVER HAVEN
Z989-160
TH-3(A)
D-1
NS(A)
LI
EASTPOINT DR
ST FRANCIS AVE
S BUCKNER BLVD
ROTHINGTON RD
MF-2(A)
S BUCKNER BLVD
S BUCKNER SERV
1:2,400
ZONING HISTORY
Case no: Z156-360
Date: 12/22/2016

CPC Responses



28	Property Owners Notified (30 parcels)
1	Replies in Favor (1 parcels)
5	Replies in Opposition (5 parcels)
300'	Area of Notification
3/2/2017	Date

Z156-360
CPC

N
W E
S

1:2,400

03/01/2017

Reply List of Property Owners

Z156-360

28 Property Owners Notified ***1 Property Owners in Favor*** ***5Property Owners Opposed***

Reply	*Label #*	*Address*		*Owner*
	1	5100	S BUCKNER BLVD	M & A ENTERPRISES LLC
	2	8005	ROTHINGTON RD	KHAN ARIF
	3	8005	ROTHINGTON RD	TKN REALTY LLC
	4	8005	ROTHINGTON RD	PHAN VINH KHAI &
	5	8005	ROTHINGTON RD	NGUYEN TUNG KIM
	6	8007	ROTHINGTON RD	ROTHINGTON APTS LLC
	7	8007	ROTHINGTON RD	TNK REALTY LLC
	8	4999	S BUCKNER BLVD	BUCKNER TOWN VIEW HOLDINGS LTD
	9	4748	ST FRANCIS AVE	RANCHO BUCKNER LTD
X	10	4803	CLOVER HAVEN	MORENO BRENDA DARLINE
	11	4763	CLOVER HAVEN	BROWN EDWARD
X	12	4759	CLOVER HAVEN	KINGBLACK SANDRA E
	13	4755	CLOVER HAVEN	WILLIAMS ERMA JEAN
	14	4751	CLOVER HAVEN	ANDERSON GARY D
X	15	4747	CLOVER HAVEN	CARRAWAY KAROLYN
	16	4743	CLOVER HAVEN	PIERRO MAYOLA
X	17	4739	CLOVER HAVEN	THOMAS CAROLYN ANN
X	18	4735	CLOVER HAVEN	MENDOZA J CONSEPCION BARBOZA &
	19	4731	CLOVER HAVEN	REDDIC GLORIA
	20	4703	CLOVER HAVEN	MAYWEATHER LARETA
	21	4727	ST FRANCIS AVE	ALLEN JIMMY L & CLOMA M
	22	4723	ST FRANCIS AVE	LONG CARL
	23	4719	ST FRANCIS AVE	HICKS TONIE Y
O	24	4715	ST FRANCIS AVE	PITTS SUZANNE
	25	4711	ST FRANCIS AVE	HERRERA CECILIA P
	26	4707	ST FRANCIS AVE	SANCHEZ JUANA &

03/01/2017

Reply	*Label #*	*Address*		*Owner*
	27	5194	BUCKNER BLVD	EXTER BUCKNER LAND LP
	28	8200	EASTPOINT DR	VALLEY COCA COLA BOTTLING

AGENDA ITEM # 66

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: April 12, 2017

COUNCIL DISTRICT(S): 3

DEPARTMENT: Sustainable Development and Construction

CMO: Majed Al-Ghafry, 670-3302

MAPSCO: 61B G; L

SUBJECT

A public hearing to receive comments regarding an application for and an ordinance granting a Specific Use Permit for a private school or an open-enrollment charter school on property zoned an A(A) Agricultural District on the north line of Grady Niblo Road, between the termini of Old Settlers Way and Founders Court
Recommendation of Staff and CPC: Approval for a five-year period, subject to a site plan, a traffic management plan and conditions
Z167-123(JM)

HONORABLE MAYOR & CITY COUNCIL **WEDNESDAY, APRIL 12, 2017**

ACM: Majed Al-Ghafry

FILE NUMBER: Z167-123(JM) **DATE FILED:** October 28, 2016

LOCATION: On the north line of Grady Niblo Road, between the termini of Old Settlers Way and Founders Court.

COUNCIL DISTRICT: 3 **MAPSCO:** 61B - G, L

SIZE OF REQUEST: ±6.99 acres **CENSUS TRACT:** 165.21

REPRESENTATIVE: Craig Spiers, PE

APPLICANT/OWNER: Bethel Temple Lakeview

REQUEST: An application for a Specific Use Permit for a private school or an open-enrollment charter school on property zoned an A(A) Agricultural District.

SUMMARY: The purpose of this request is to allow an open-enrollment charter school to operate at the existing church.

CPC RECOMMENDATION: **Approval** for a five-year period, subject to a site plan, a traffic management plan and conditions.

STAFF RECOMMENDATION: **Approval** for a five-year period, subject to a site plan, a traffic management plan and conditions.

BACKGROUND INFORMATION:

- The request is made to allow an open-enrollment charter school use to operate at the existing church.

- On September 24, 2008, the City Council approved SUP No. 1716 for an open enrollment charter school use for a five-year period on the request site. The SUP expired on September 24, 2013.

- The church began operating a new open-enrollment charter school in the fall of 2016, believing they were still permitted to do so under the expired SUP No. 1716. Expected enrollment could reach up to 70 students. At this time, there are five students.

- A traffic management plan was approved by the City Engineering Division.

Zoning History:

There has been one zoning cases within the vicinity of the area of request in the last five years.

1. **Z145-186**: On August 12, 2015, City Council approved an amendment to Planned Development District No. 612 and repealed Specific Use Permit No. 1950 for an open-enrollment charter school on the east side of Spur 408, north of Grady Niblo Road.

Thoroughfares/Streets:

Thoroughfare/Street	Type	Right-of-Way
Grady Niblo Road	Local	60 feet

Land Use:

	Zoning	Land Use
Site	A(A)	Church/school
North	MF-1(A)	Undeveloped
East	A(A)	Livestock
South	PD No. 701	Single-family
West	MF-1(A)	Multifamily

Traffic:

The Engineering Division of the Sustainable Development and Construction Department has reviewed the request and determined that it will not have a detrimental impact on the surrounding street system. A traffic management plan was provided and is attached.

Comprehensive Plan:

The *forwardDallas! Comprehensive Plan* was adopted by the City Council in June 2006. The *forwardDallas! Comprehensive Plan* outlines several goals and policies which can serve as a framework for assisting in evaluating the applicant's request.

The request complies with the following land use goals and policies of the Comprehensive Plan:

NEIGHBORHOOD PLUS

Policy 4.2 Support and leverage emerging school quality and school choice programs.

Land Use Compatibility:

The subject site is currently zoned an A(A) Agricultural District. The uses permitted in this district are intended to accommodate normal farming, ranching, and gardening activities. Over time, it is expected that agriculturally zoned properties will develop into other sites.

Surrounding land uses include agricultural or undeveloped land to the north, northwest, and east. A new multifamily development is to the southwest. Single family subdivisions exist across Grady Niblo Road to the south and southeast.

The general provisions for a Specific Use Permit in Section 51A-4.219 of the Dallas Development Code specifically state: (1) The SUP provides a means for developing certain uses in a manner in which the specific use will be consistent with the character of the neighborhood; (2) Each SUP application must be evaluated as to its probable effect on the adjacent property and the community welfare and may be approved or denied as the findings indicate appropriate; (3) The city council shall not grant an SUP for a use except upon a finding that the use will: (A) complement or be compatible with the surrounding uses and community facilities; (B) contribute to, enhance, or promote the welfare of the area of request and adjacent properties; (C) not be detrimental to the public health, safety, or general welfare; and (D) conform in all other respects to all applicable zoning regulations and standards. The request does not appear to have an adverse impact on the surrounding zoning and land uses.

The proposed school is specifically for children with dyslexia. This specialized service will be offered to students from across the region, although the conditions do not limit the school to children with special needs. As this area has begun to take shape as a

residential neighborhood with a variety of densities, institutional uses can help provide services to the region.

This request is tied to a site plan, conditions, and a traffic management plan. The site plan indicates that 10,000 sq. ft. of floor area would be used for educational purposes. This is the part of the church that was previously used for a school, as well. The traffic management plan indicates that traffic will be shifted to one-way along the U-shaped driveway. A few parking spaces have been set as pick-up and drop-off. The traffic management plan is required to be updated on an annual basis following approval. This condition is made to ensure that as the school grows or operations evolve, consideration is given to how to best accommodate the changes to minimize dangers or traffic concerns. The site offers a long driveway for queuing off of the public right-of-way (about 300 feet).

There is an abundance of undeveloped and agricultural land in the area. As the surrounding properties develop, needs could change. Staff has recommended a preliminary approval period of five years. No auto renewals are recommended at this time.

Parking:

Parking required by Sec. 51A 4.204(17) states that one and a half parking spaces are required for each elementary school class (including kindergarten). The applicant has proposed a maximum of seven classrooms for elementary school uses. This means that 11 parking spaces are required for the school use.

Additionally, Sec. 51A4.204(4) states that for a church use with a facility with less than 5,000 sq. ft., one parking space must be provided for every 333 sq. ft. of floor area. The site plan provided identifies 5,000 sq. ft. of church floor area. The required parking is 15 spaces.

Overall, 26 parking spaces are required by code. A total of 67 parking spaces, including four handicapped, van accessible spaces, are provided for the proposed school and the existing church.

Landscaping:

The request will comply with Article X.

CPC Action:
February 16, 2017

Motion: It was moved to recommend **approval** of a Specific Use Permit for a private school or open- enrollment charter school for a five-year period, subject to a site plan, a traffic management plan and conditions on property zoned an A(A) Agricultural District on the north line of Grady Niblo Road, between the termini of Old Settlers Way and Founders Court.

Maker: Davis
Second: Schultz
Result: Carried: 13 to 0

For: 13 - Anglin, Rieves, Houston, Davis, Shidid*, Haney, Mack, Jung, Housewright, Schultz, Peadon, Murphy, Ridley
Against: 0
Absent: 2 - Anantasomboon, Tarpley
Vacancy: 0

*out of the room, shown voting in favor

Notices: Area: 400 Mailed: 30
Replies: For: 1 Against: 1

Speakers: None

List of Owners

Bethel Temple Lakeview

The Church located at 6801 Grady Niblo Road, Dallas, Texas 75236 has the following Pastors/Officers/Advisory Board members:

Reverend Paul Ward -	Pastor
Reverend Sandy Ward-	Pastor
Mr. Ernie Resendiz-	Board Member
Mr. Bryant Wray-	Board Member
Mr. Craig Spiers-	Secretary/ Treasurer

Z167-123

CPC RECOMMENDED SPECIFIC USE PERMIT CONDITIONS

1. USE: The only use authorized by this specific use permit is an open-enrollment charter school.

2. SITE PLAN: Use and development of the Property must comply with the attached site plan.

3. TIME LIMIT: This specific use permit expires on _5_ years from passage of this ordinance (date).

4. LANDSCAPING: Landscaping must be provided and maintained in accordance with Article X of the Dallas Development Code, as amended.

5. CLASSROOMS: The maximum number of classrooms is seven elementary classrooms.

6. DRIVE: A pick-up and drop-off area for students must be provided in the location shown on the attached site plan.

7. HOURS OF OPERATION: The open-enrollment charter school may only operate between 6:30 a.m. and 6:00 p.m., Monday through Friday.

8. INGRESS/EGRESS: Ingress and egress must be provided in, the locations shown on the attached site plan. No other ingress or egress is permitted.

9. PARKING: Parking must be located as shown on the attached site plan.

10. TRAFFIC MANAGEMENT PLAN: The open-enrollment charter school use must comply with the attached traffic management plan (Exhibit B).

(a) In general. The operation of the uses must comply with the traffic management plan.

(b) Queuing. Queuing is only permitted inside the Property. Student drop-off and pick-up are not permitted within city rights-of-way.

(c) Traffic study.

(1) The Property owner or operator shall prepare a traffic study evaluating the sufficiency of the traffic management plan. The initial traffic study must be submitted to the director by one year from approval date. After the initial traffic study, the Property owner or operator shall submit annual updates of the traffic study to the director by November 1st of each year.

(2) The traffic study must be in writing, performed by a licensed engineer (if trips generated is greater than 1,000 per day per the City of Dallas Traffic Impact Worksheet), based on a minimum of four samples taken on different school days at different drop-off and pick-up times over a two-week period, and must contain an analysis of the following:

(A) ingress and egress points;

(B) queue lengths;

(C) number and location of personnel assisting with loading and unloading of students;

(D) drop-off and pick-up locations;

(E) drop-off and pick-up hours for each grade level;

(F) hours for each grade level; and

(G) circulation.

(3) Within 30 days after submission of a traffic study, the director shall determine if the current traffic management plan is sufficient.

(A) If the director determines that the current traffic management plan is sufficient, the director shall notify the applicant in writing.

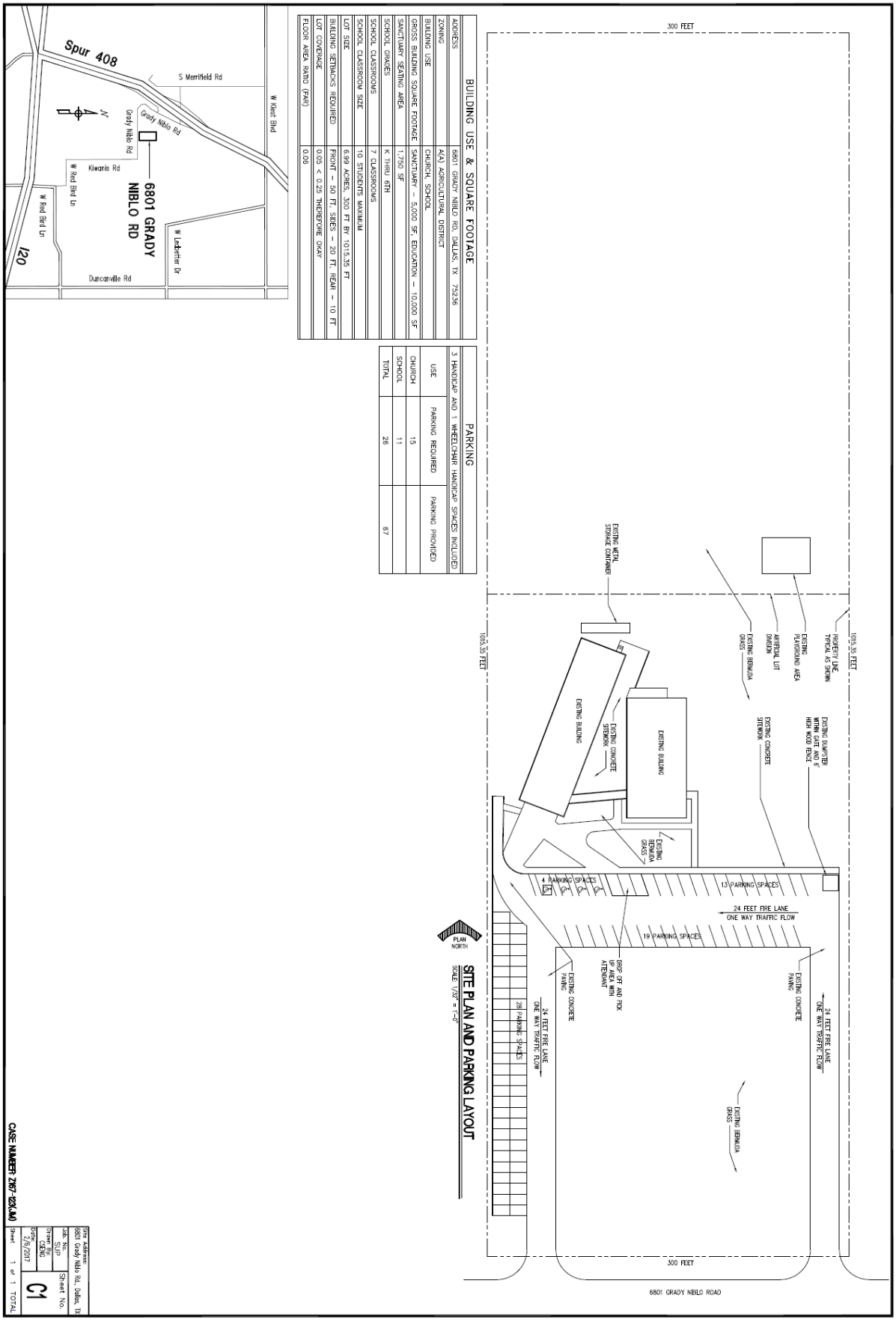
(B) If the director determines that the current traffic management plan results in traffic hazards or traffic congestion, the director shall require the Property owner to submit an amended traffic management plan. If the Property owner fails to submit an amended traffic management plan within 30 days, the director shall notify the city plan commission.

11. MAINTENANCE: The Property must be properly maintained in a state of good repair and neat appearance.

12. GENERAL REQUIREMENTS: Use of the Property must comply with all federal and state laws and regulations, and with all ordinances, rules, and regulations of the City of Dallas.

Z167-123(JM)

Proposed Site Plan



Traffic Management Plan

Traffic Management Plan and Queuing Analyses

Hope Academy for Dyslexia located at 6801 Grady Niblo Road, Dallas, TX 75236 will provide education services to a maximum of 72 students as follows:

Kindergarten - (10 students maximum per class, maximum 1 classes per grade)

1st thru 6th grades - (10 students maximum per class, maximum 1 classes per grade)

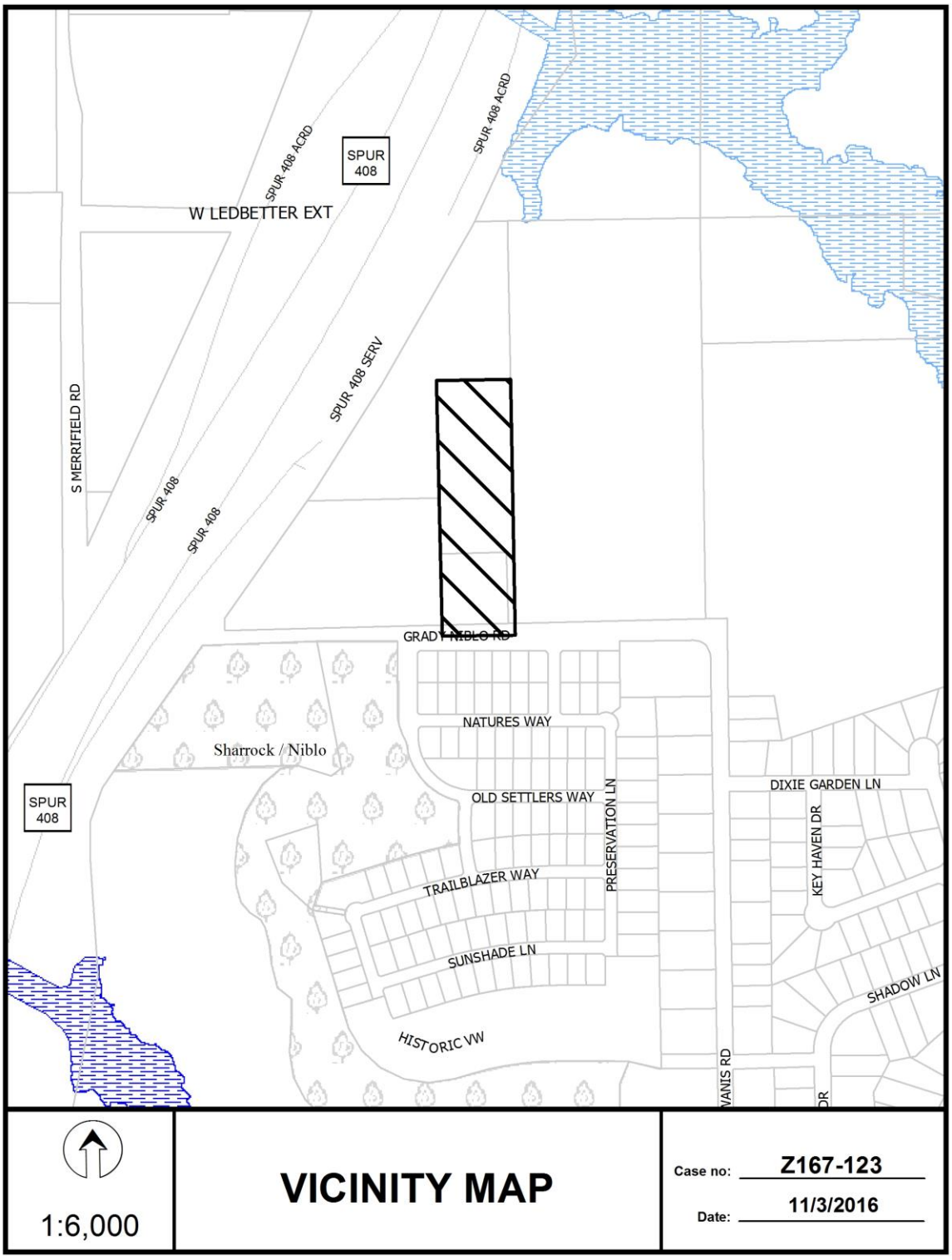
The school provides one central drop off location (see site plan for location) with 66 spaces, each space measuring minimum 9 feet by 20 feet with 500 feet available for queuing of vehicles in a single file.

During traffic periods (drop off and pick up) the school will provide an Administrator and carpool attendants (as needed) to assist children exiting the vehicles thereby decreasing the time a vehicle waits in a Drop Off location. The school will provide security personnel to assist with traffic management as needed. During Drop Off the school expects to have a maximum of 2 vehicles in the Drop Off location and 8 to 10 vehicles in the queuing spaces provided at any given time, if needed. With over 20 student enrolled, more attendants will be provided and different grade levels will be staggered by 5 minutes. During pick up parents will have the option as to parking and escort student(s) to vehicle or student will be escorted to vehicle by carpool attendants.

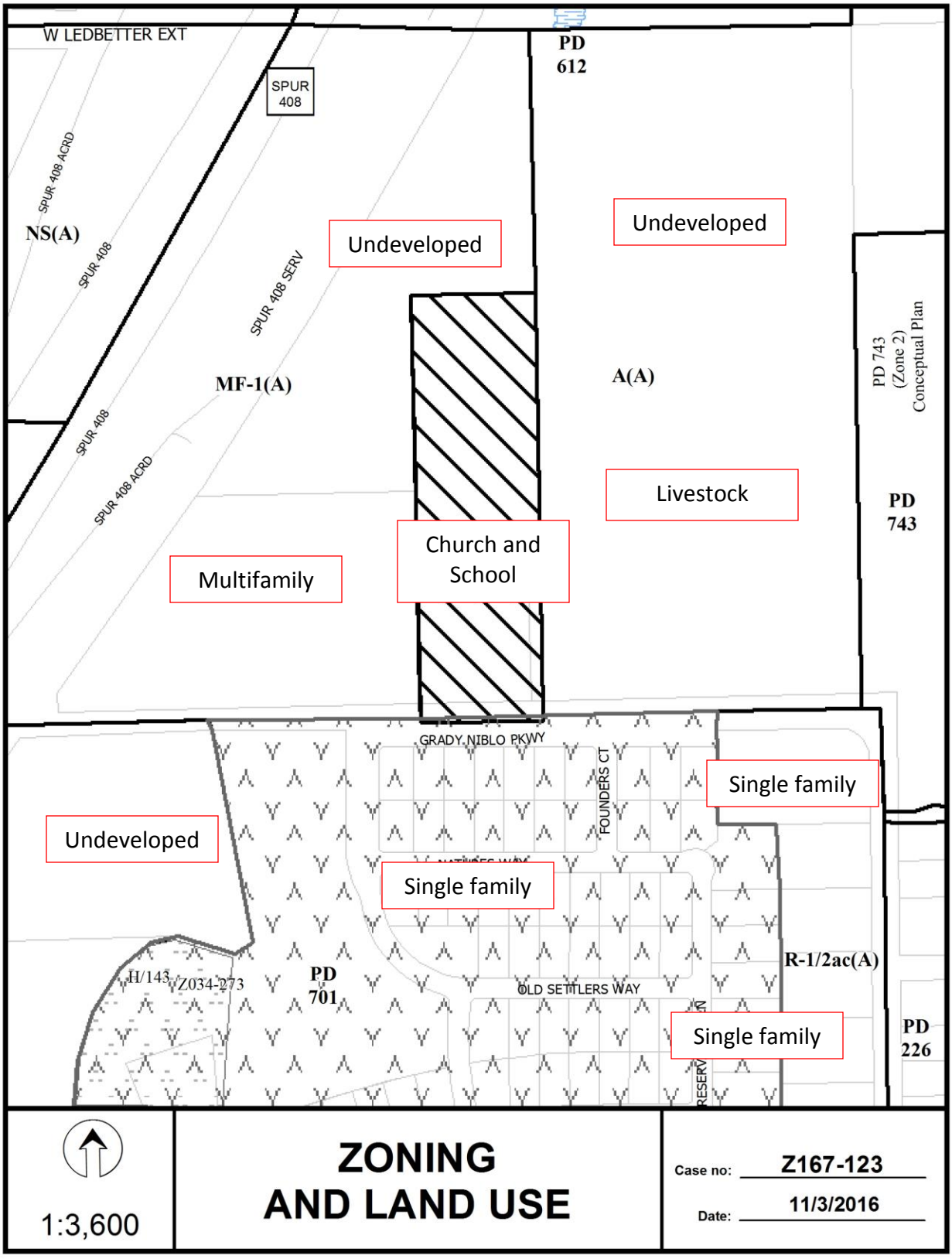
Each entrance and exit from the campus is unidirectional, allowing for only one way traffic. Vehicle flow throughout the campus is primarily from north to south along a one-way road. All exits from the campus allow for egress to the east or west along Grady Niblo Road. The school will provide their own private security to assist with traffic flow as necessary.

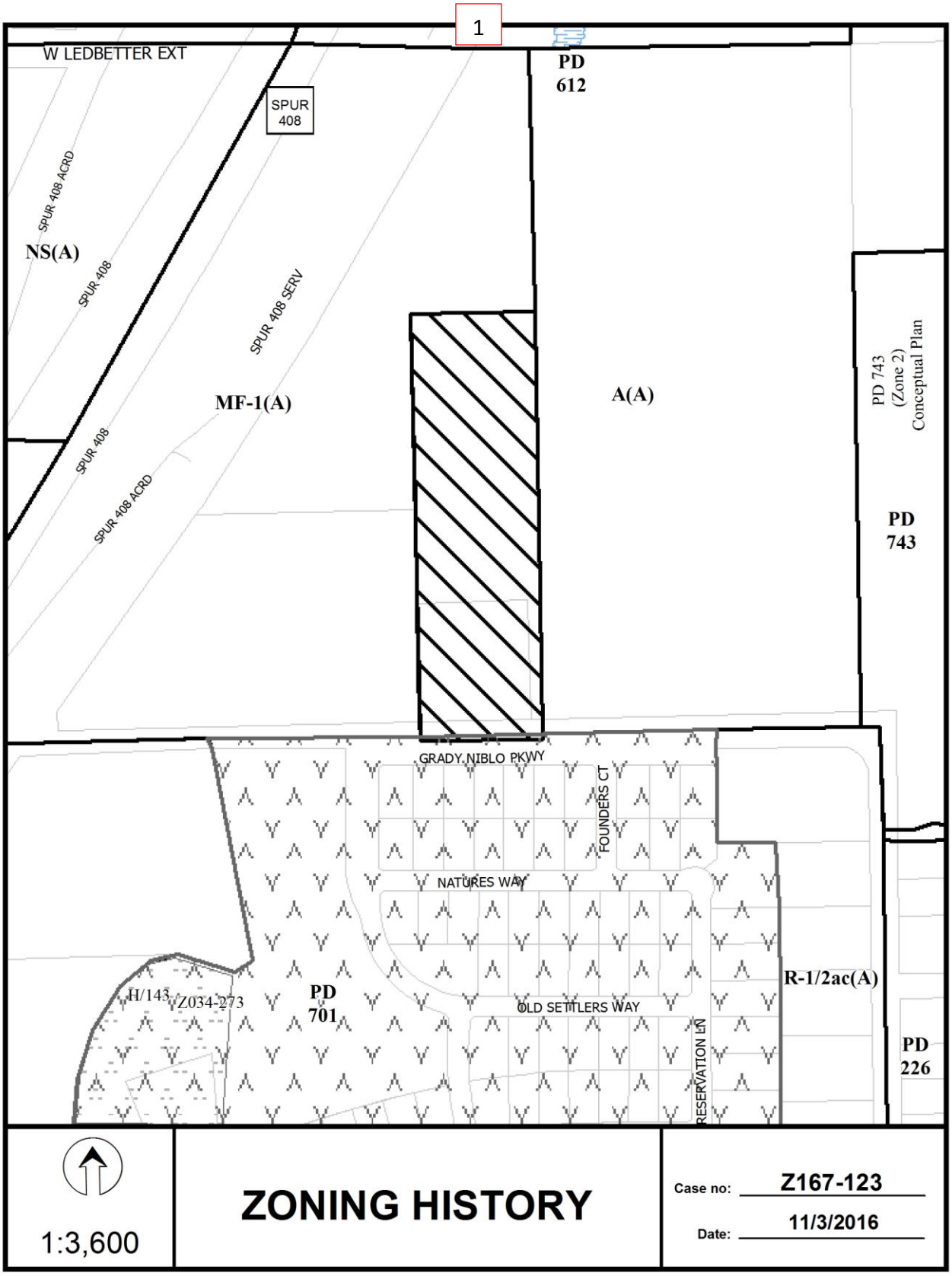
All families will be educated as to the traffic flow plan of the school. This educational process takes place throughout the year by means of meetings and fliers.

This Traffic Management plan will be filed with the City of Dallas' Department of Public Works and Transportation Department and updated each year during the school's summer break.

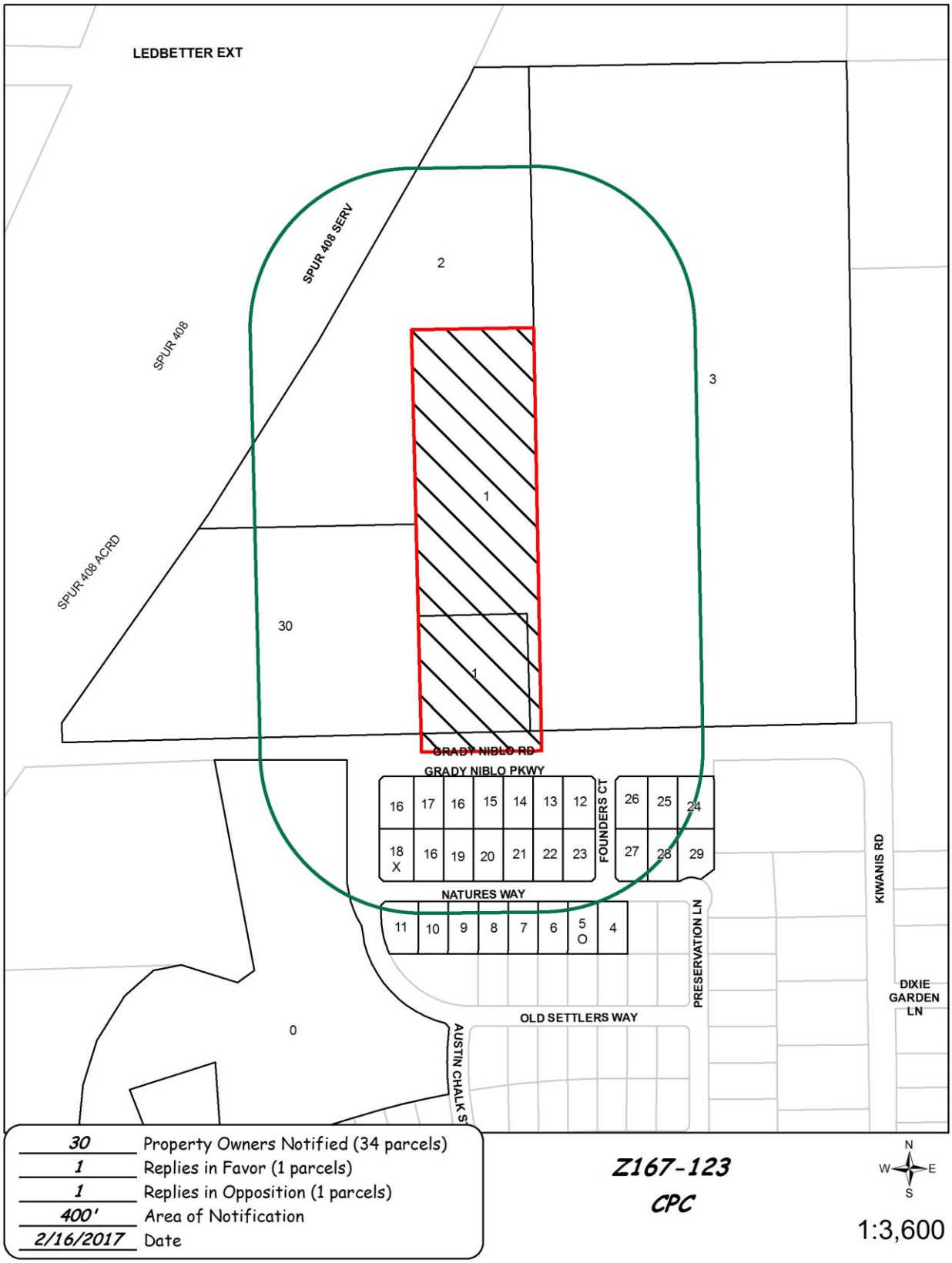

SPUR 408 ACRD
SPUR 408
SPUR 408 ACRD
W LEDBETTER EXT
SPUR 408 SERV
S MERRIFIELD RD
SPUR 408
SPUR 408
GRADY NIBLO RD
NATURES WAY
Sharrock / Niblo
SPUR 408
OLD SETTLERS WAY
PRESERVATION LN
DIXIE GARDEN LN
KEY HAVEN DR
TRAILBLAZER WAY
SUNSHADE LN
SHADOW LN
HISTORIC VW
VANIS RD
1:6,000
VICINITY MAP
Case no: Z167-123
Date: 11/3/2016


W LEDBETTER EXT
SPUR 408
SPUR 408 ACRD
SPUR 408
SPUR 408 SERV
SPUR 408
SPUR 408 ACRD
GRADY NIBLO RD
GRADY NIBLO PKWY
FOUNDERS CT
NATURES WAY
KIWANIS RD
OLD SETTLERS WAY
RESERVATION LN
1:3,600
AERIAL MAP
Case no: Z167-123
Date: 11/3/2016


W LEDBETTER EXT
SPUR 408
SPUR 408 ACRD
SPUR 408
SPUR 408 SERV
SPUR 408
SPUR 408 ACRD
NS(A)
MF-1(A)
PD 612
A(A)
PD 743 (Zone 2) Conceptual Plan
PD 743
Undeveloped
Undeveloped
Livestock
Church and School
Multifamily
GRADY NIBLO PKWY
FOUNDERS CT
Single family
Undeveloped
Single family
H/143 Z034-273
PD 701
OLD SETTLERS WAY
R-1/2ac(A)
Single family
PD 226
1:3,600
ZONING AND LAND USE
Case no: Z167-123
Date: 11/3/2016


1
W LEDBETTER EXT
SPUR 408
SPUR 408 ACRD
SPUR 408
SPUR 408 SERV
SPUR 408
SPUR 408 ACRD
NS(A)
MF-1(A)
PD 612
A(A)
PD 743 (Zone 2) Conceptual Plan
PD 743
GRADY NIBLO PKWY
FOUNDERS CT
NATURES WAY
OLD SETTLERS WAY
RESERVATION LN
H/143 Z034-273
PD 701
R-1/2ac(A)
PD 226
1:3,600
ZONING HISTORY
Case no: Z167-123
Date: 11/3/2016

CPC Responses



02/15/2017

Reply List of Property Owners

Z167-123

30 Property Owners Notified ***1 Property Owners in Favor*** ***1 Property Owners Opposed***

Reply	*Label #*	*Address*		*Owner*
	1	6801	GRADY NIBLO RD	BETHEL TEMPLE LAKEVIEW
	2	4500	SPUR 408	SHONUGA GABRIEL T &
	3	6711	GRADY NIBLO RD	JOHNSON ZELDA FAY ET AL
	4	6720	NATURES WAY	CRIMBLEY NATHANIEL I & APRIL
O	5	6726	NATURES WAY	WOODELL NANCY G
	6	6732	NATURES WAY	PENQUITE SHAVODKAY & MICHAEL
	7	6738	NATURES WAY	THOMAS JULIE L &
	8	6744	NATURES WAY	GREGORY ALEXANDER ROBERT
	9	6750	NATURES WAY	HERNANDEZ JESUS H
	10	6756	NATURES WAY	VIGIL CARLOS E & MARIA C
	11	6762	NATURES WAY	MILLER TIMOTHY & JANET
	12	6724	GRADY NIBLO PKWY	IDEMUDIA JIMMY
	13	6730	GRADY NIBLO PKWY	COBBS BARRY G & ELIDA
	14	6736	GRADY NIBLO PKWY	VILLANUEVA DAN & FERMINA
	15	6802	GRADY NIBLO PKWY	AGUIRRE HUMBERTO
	16	6808	GRADY NIBLO PKWY	GEHAN HOMES LTD
	17	6814	GRADY NIBLO RD	GEHAN HOMES LTD
X	18	6763	NATURES WAY	SANCHEZ HECTOR JR
	19	6751	NATURES WAY	PEDERSEN DALE E & ANNETTE J
	20	6745	NATURES WAY	MILLER FELICIA W
	21	6739	NATURES WAY	GUPTA RAJIV K & BHAVANA
	22	6733	NATURES WAY	SANTOS DAENA DE LOS
	23	6727	NATURES WAY	FINCHER KIMBERLY R & KENNETH D
	24	6702	GRADY NIBLO PKWY	PICKNEY JASON A & DEANNE L
	25	6706	GRADY NIBLO PKWY	TIMBERLAKE MICHAEL RAY
	26	6714	GRADY NIBLO PKWY	COOMER JEFFREY

02/15/2017

Reply	*Label #*	*Address*		*Owner*
	27	6715	NATURES WAY	JOHNS KENNETH PERNELL &
	28	6709	NATURES WAY	HAWTHORNE CYNETHIA D
	29	6703	NATURES WAY	WOODELL ALBERT F IV & ERICA RENE
	30	4810	SPUR 408	PATRIOT RIDGE LTD

AGENDA ITEM # 67

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: April 12, 2017

COUNCIL DISTRICT(S): 7

DEPARTMENT: Sustainable Development and Construction

CMO: Majed Al-Ghafry, 670-3302

MAPSCO: 46 R

SUBJECT

A public hearing to receive comments regarding an application for and an ordinance granting an R-3.8(A) Single Family Subdistrict on property zoned an NC Neighborhood Commercial Subdistrict within Planned Development District No. 595, the South Dallas/Fair Park Special Purpose District, on the northwest line of Frank Street, northeast of Foreman Street
Recommendation of Staff and CPC: Approval
Z167-150(JM)

HONORABLE MAYOR & CITY COUNCIL **WEDNESDAY, APRIL 12, 2017**

ACM: Majed Al-Ghafry

FILE NUMBER: Z167-150(JM) **DATE FILED:** December 6, 2016

LOCATION: On the northwest line of Frank Street, northeast of Foreman Street.

COUNCIL DISTRICT: 7 **MAPSCO:** 46-R

SIZE OF REQUEST: ±4,800 square feet **CENSUS TRACT:** 27.01

REPRESENTATIVE: Diane Ragsdale

APPLICANT/OWNER: South Dallas/Fairpark Innercity Community Development Corporation

REQUEST: An application for an R-3.8(A) Single Family Subdistrict on property zoned an NC Neighborhood Commercial Subdistrict within Planned Development District No. 595, the South Dallas/Fair Park Special Purpose District.

SUMMARY: The purpose of this request is to allow a single family residence on the lot.

CPC RECOMMENDATION: **Approval**

STAFF RECOMMENDATION: **Approval**

BACKGROUND INFORMATION:

- According to city permit records, a building was established at the site in 1971. In 1996, a demolition permit was issued to raze a 1,313 sq. ft. single family home.

- PD No. 595, the South Dallas/Fair Park Special Purpose District was established in 2001 and contains approximately 3,547 acres.

- The site is currently undeveloped. The existing zoning designation of an NC Neighborhood Commercial Subdistrict within PD No. 595 does not allow for residential development.

- The request is made to allow for the site to be developed with a single-family home. While the nearest residential zoning adjacent to the west and south is zoned an R-5(A) Single Family Subdistrict, the subject property does not meet the minimum lot size of 5,000 sq. ft.

- The proposed zoning of an R-3.8(A) Single Family Subdistrict will allow for land use consistency within this block on Frank Street.

Zoning History:

1. **Z167-178:** On March 16, 2017, the City Plan Commission approved an application for an R-5(A) Single Family Subdistrict on property zoned an NC Neighborhood Commercial Subdistrict within Planned Development District No. 595, the South Dallas/Fair Park Special Purpose District, on the northwest line of Frank Street, south of Foreman Street. *(Pending City Council, 4-26-17)*

Thoroughfares/Streets:

Thoroughfare/Street	Type	Right-of-Way
Frank Street	Local	Variable (30'-45')

Traffic:

The Engineering Division of the Sustainable Development and Construction Department has reviewed the request and determined that it will not have a detrimental impact on the surrounding street system.

Comprehensive Plan:

The *forwardDallas! Comprehensive Plan* was adopted by the City Council in June 2006. The *forwardDallas! Comprehensive Plan* outlines several goals and policies which can serve as a framework for assisting in evaluating the applicant's request.

The request complies with the following land use goals and policies of the Comprehensive Plan:

LAND USE ELEMENT

GOAL 1.1 ALIGN LAND USE STRATEGIES WITH ECONOMIC DEVELOPMENT PRIORITIES

Policy 1.1.2 Focus on Southern Sector development opportunities.

GOAL 1.3 PROVIDE EQUITABLE OPPORTUNITIES FOR DALLAS RESIDENTS

Policy 1.3.1 Create housing opportunities throughout Dallas. The City must ensure affordable, quality rental housing and investments in multifamily housing. Using creative financing options will help create higher standards of living for all Dallas residents.

ECONOMIC ELEMENT

Policy 2.1.3 Support efforts to grow retail and residential opportunities in the Southern Sector.

NEIGHBORHOOD PLUS

Policy 3.2 Develop programs and partnerships to return blighted properties to productive uses.

Policy 3.3 Dispose of City-owned and land bank properties more strategically and efficiently.

Policy 4.3 Enhance neighborhood desirability by improving infrastructure, housing stock, recreation and safety

Land Use Compatibility:

The subject site is currently zoned an NC Neighborhood Commercial Subdistrict. This Subdistrict is characterized by small institutional and community service, office, and retail and personal service uses primarily serving nearby residential areas. The scale, intensity, and design of structures are similar to surrounding residential areas so as to minimize the impact on surrounding neighborhoods.

The proposed zoning district will reduce allowable uses significantly, primarily allowing a single-family residential dwelling unit. While there are several vacant lots in the area and located directly on Frank Street, this property was previously held by the City's Land Bank and is being developed to provide a low to moderate income family a housing opportunity.

Surrounding land uses include primarily single family and/or undeveloped properties. The NC Neighborhood Commercial Subdistrict properties in the vicinity are largely undeveloped.

Area	Zoning	Land Use
Site	PD No. 595 (NC) Neighborhood Commercial	Undeveloped
Northwest	PD No. 595 (NC) Neighborhood Commercial	Undeveloped
Northeast	PD No. 595 (R-5(A)) Single Family	Single Family
Southeast	PD No. 595 (R-5(A)) Single Family	Single Family
Southwest	PD No. 595 (NC) Neighborhood Commercial	Undeveloped

Development Standards:

District	Setbacks		Height	Lot Coverage	FAR	Stories	Primary Uses
	Front	Side/Rear					
Existing: PD No. 595, NC Neighborhood Commercial	0' to 15' w/ landscape	0' to 5' Or 15' w/ residential	30', RPS	40%	no dwelling allowed	2	Institutional and community service, recreation, office, a few retail and personal service, and utility and public service uses.
Proposed: PD No. 595, R-3.8(A) Single Family Residential	15'	5' for single-family 10' all others	30'	50% residential 25% all others	no dwelling max	No Provision	Residential, institutional, recreation, and utility and public service uses.

Parking:

Parking will be provided according to the Dallas Development Code.

Landscaping:

Landscaping will be provided per Article X, as amended.

CPC Action:
February 16, 2017

Motion: It was moved to recommend **approval** of an R-3.8(A) Single Family Subdistrict on property zoned an NC Neighborhood Commercial Subdistrict within Planned Development District No. 595, the South Dallas/Fair Park Special Purpose District, on the northwest line of Frank Street, northeast of Foreman Street.

Maker: Davis
Second: Schultz
Result: Carried: 13 to 0

For: 13 - Anglin, Rieves, Houston, Davis, Shidid*, Haney, Mack, Jung, Housewright, Schultz, Peadon, Murphy, Ridley

Against: 0
Absent: 2 - Anantasomboon, Tarpley
Vacancy: 0

*out of the room, shown voting in favor

Notices: Area: 200 Mailed: 28
Replies: For: 0 Against: 0

Speakers: None

List of Officers/Partners

ICDC

South Dallas/Fair Park Innercity Community Development Corporation
2016 ICDC Board of Directors

President - Lewis Rhone Sr., Neighborhood Leader
CEO Lewis Rhone & Assocs.
2235 Lawrence St., Dallas, TX 75215
(214) 426-4436 Hm
(214) 797-3552 Cell
Email: lewisrhodot@msn.com

Vice-President - Thomas Muhammad,
(Retired) Human Services City of Dallas
305 West Willow Creek Dr., Glenn Heights, TX 75154
(972) 217-1950 Hm
(214) 460-7672. Cell
Email: tmuhammad2003@yahoo.com

Secretary - Wanda Huckaby, TEA Consultant
(Retired) Dallas-ISD Administrator
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(214) 794-0136 Cell
Email: whuckaby@sbcglobal.net

Treasurer - Joan Smotzer, Business Manager
(Retired) (Sullivan Perkins)
3310 Fairmount St. #8F, Dallas, TX 75201
(214) 521-1918 Hm
(214) 642-4480) Cell
Email: smotzerjoan6@gmail.com

Assistant Treasurer - Eugene Bynum,
(Retired) Real Estate Banker) JPMorgan/Chase Bank
3604 Sandia Dr., Plano, TX 75023
(972) 867-5623 Hm
(214) 395-0468 Cell
(214) 915-9931 Wk
Email: ewb719@yahoo.com

Robert Foster, Neighborhood Leader
Security Senior Facility
2806 Tanner St., Dallas, TX 75215
(214)421-7119 Hm
(214)663-1553 Cell
Email: foster.robertlee@gmail.com

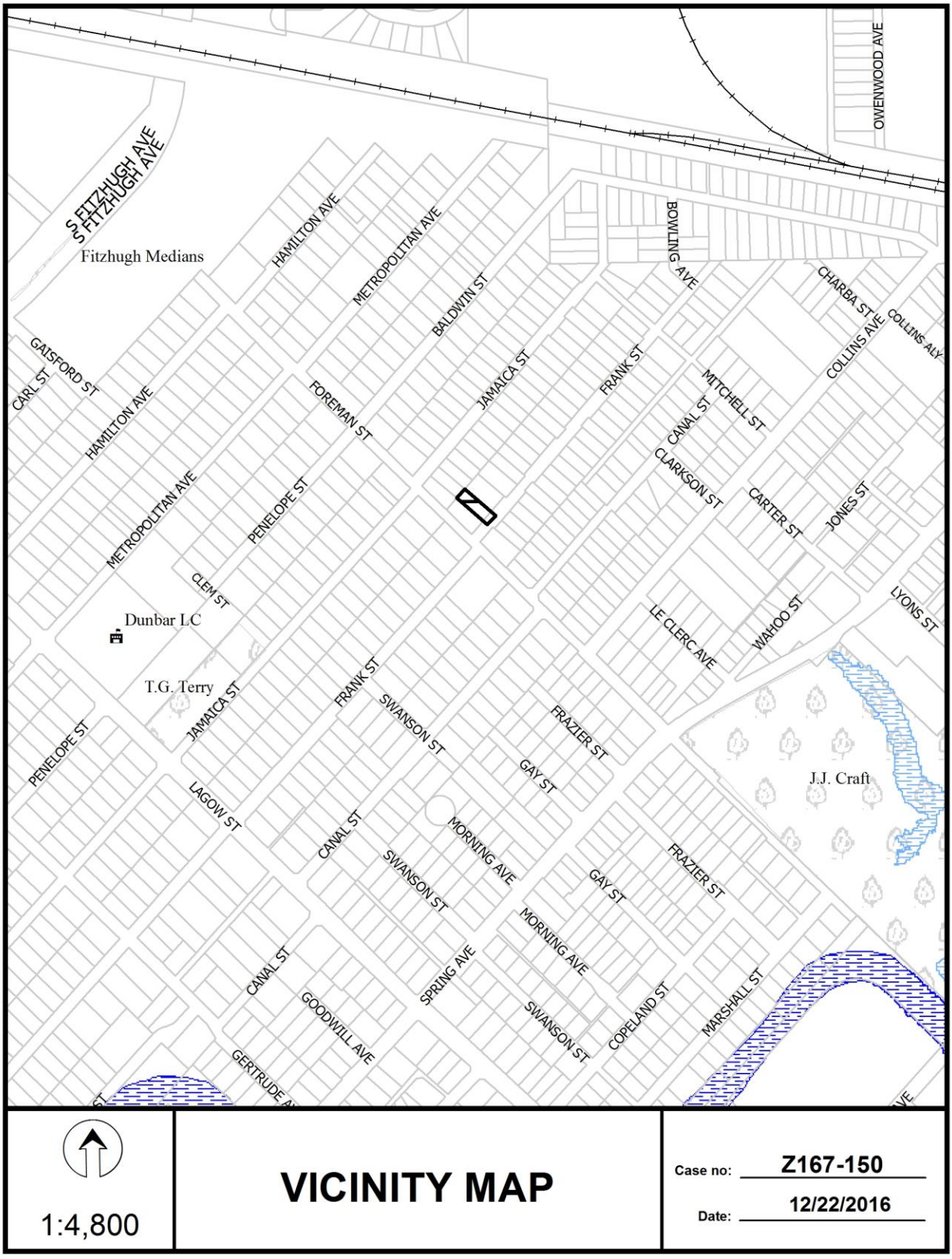
Asst. Secretary – Dr. Teresa L. Jackson, Neighborhood Leader
Doctor of Psychology
4250 Carl St., Dallas, TX 75210
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Email: tljackson901@sbcglobal.net

Scott Pierce, Neighborhood Leader
Sales Consultant
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Dr. Verdell Marsh,
(Retired) Veterans Administration Hospital
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972-240-1104 Hm
Email: Vmarsh7@earthlink.net

Ex-Officio Diane Ragsdale, Managing Director (ICDC)
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(214) 428-6143 Hm
(214) 264-3061 Cell
(214) 915-9904 Wk
Email: dragsdale@icdc.biz

Z167-150


S FITZHUGH AVE
S FITZHUGH AVE
Fitzhugh Medians
HAMILTON AVE
METROPOLITAN AVE
BALDWIN ST
BOWLING AVE
OWENWOOD AVE
CHARBA ST
COLLINS AVE
COLLINS ALY
GAISFORD ST
CARL ST
HAMILTON AVE
FOREMAN ST
JAMAICA ST
FRANK ST
MITCHELL ST
CANAL ST
CLARKSON ST
CARTER ST
JONES ST
METROPOLITAN AVE
PENELOPE ST
CLEM ST
Dunbar LC
LE CLERC AVE
WAHOO ST
LYONS ST
T.G. Terry
FRANK ST
JAMAICA ST
SWANSON ST
FRAZIER ST
PENELOPE ST
GAY ST
J.J. Craft
LAGOW ST
CANAL ST
MORNING AVE
SWANSON ST
FRAZIER ST
GAY ST
MORNING AVE
CANAL ST
SPRING AVE
GOODWILL AVE
SWANSON ST
COPELAND ST
MARSHALL ST
GERTRUDE AVE
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VICINITY MAP
Case no: Z167-150
Date: 12/22/2016

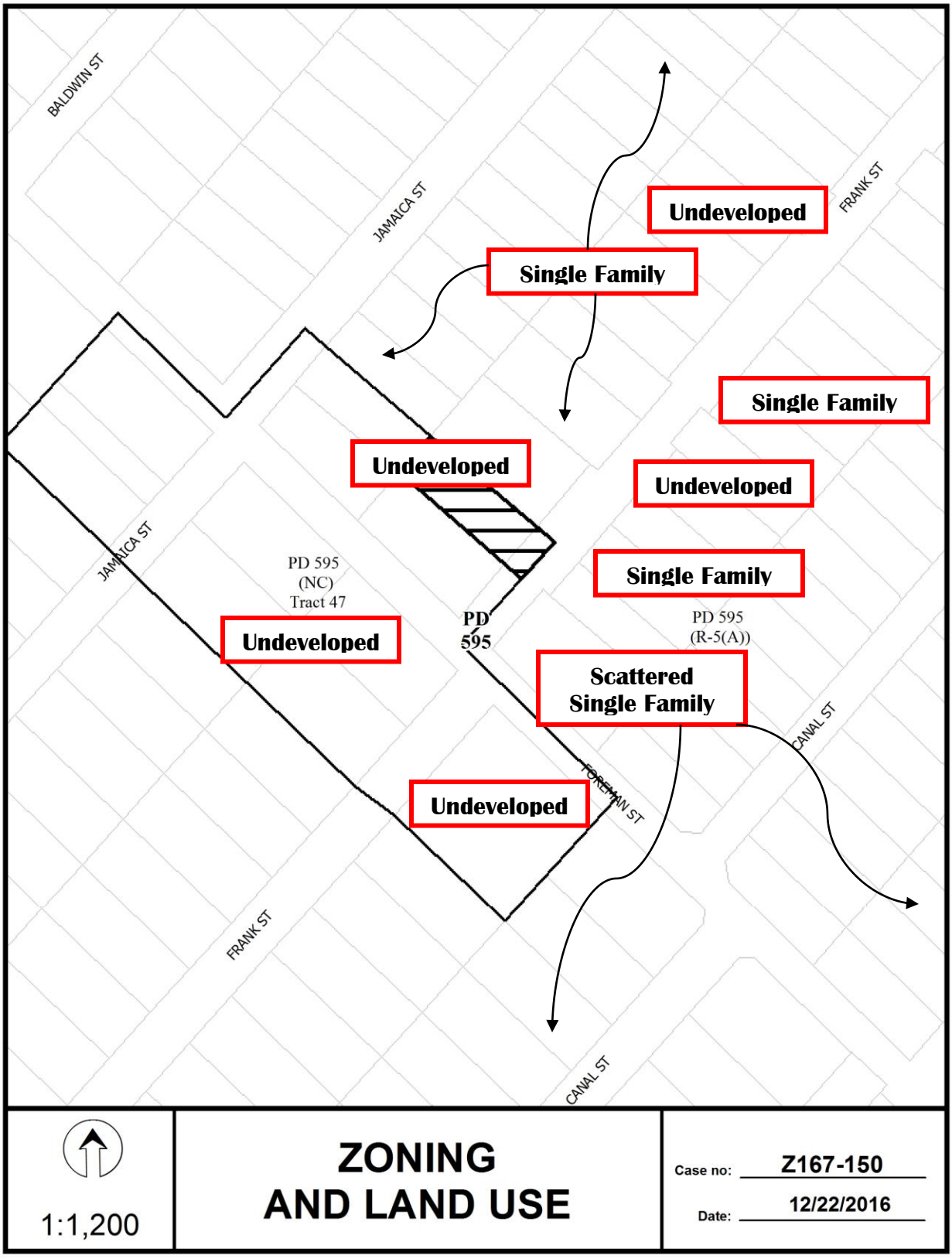


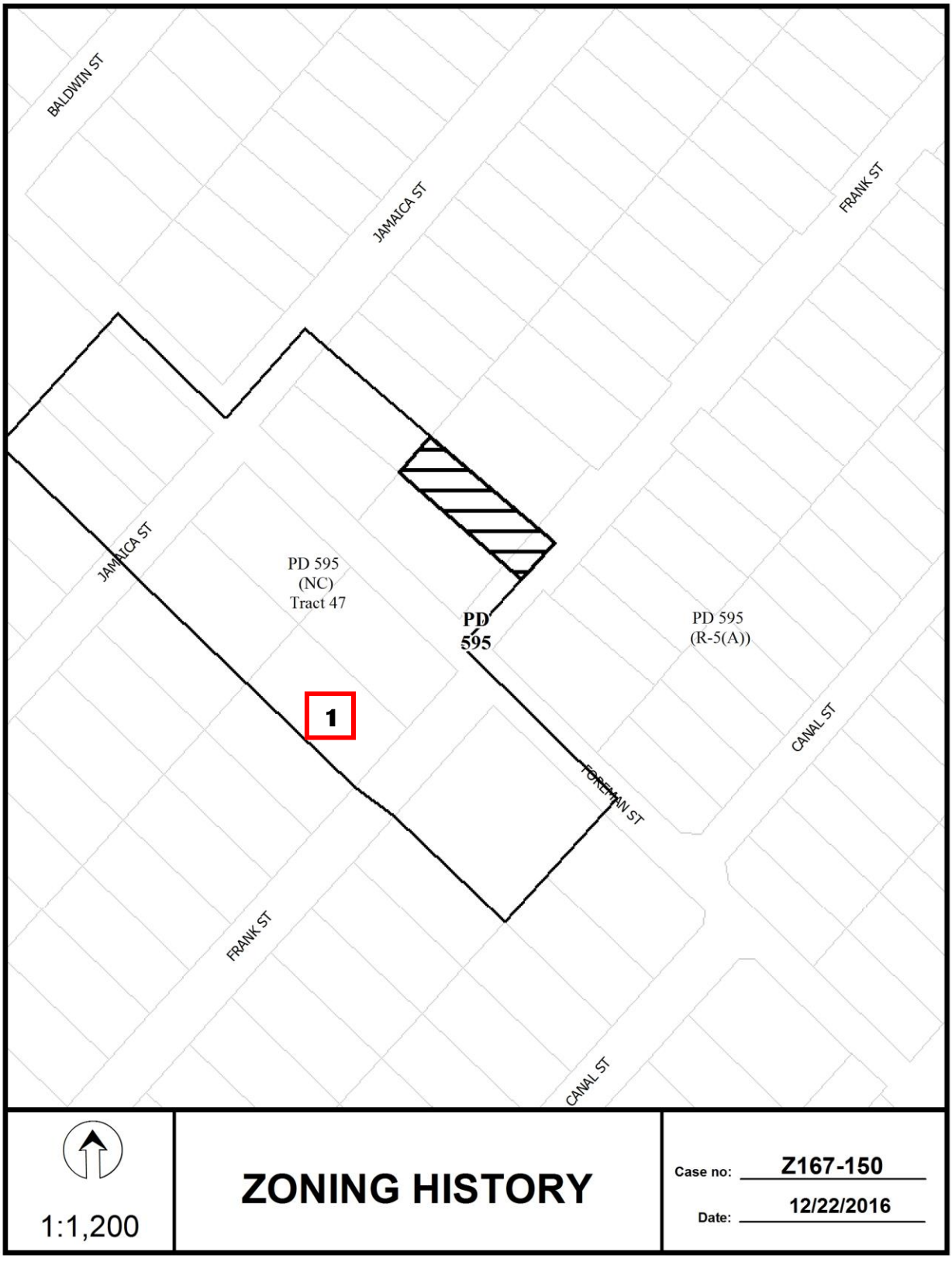
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AERIAL MAP

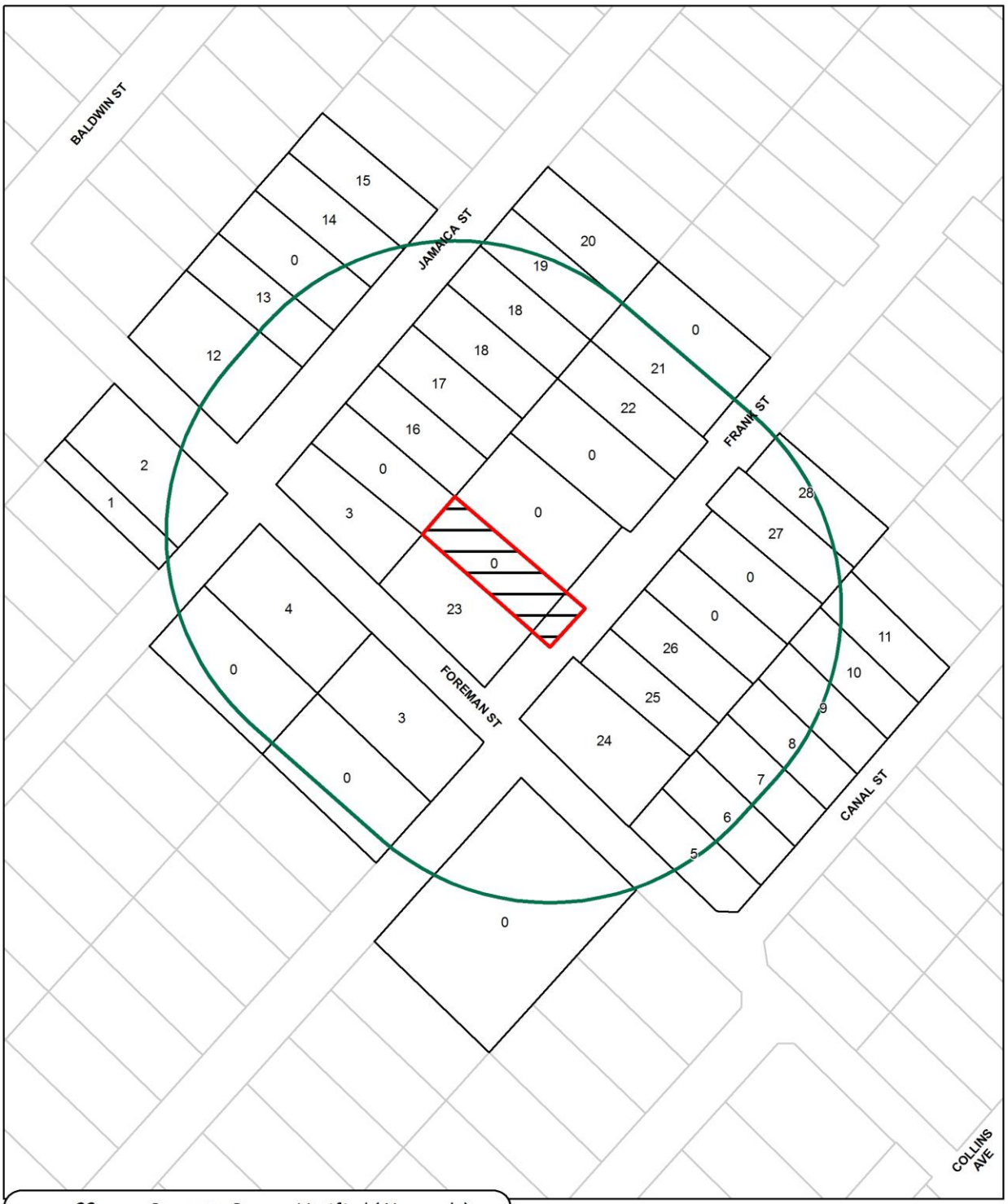
Case no: Z167-150

Date: 12/22/2016


BALDWIN ST
JAMAICA ST
FRANK ST
Undeveloped
Single Family
Single Family
Undeveloped
Undeveloped
JAMAICA ST
PD 595
(NC)
Tract 47
Undeveloped
PD
595
Single Family
PD 595
(R-5(A))
Scattered
Single Family
CANAL ST
FOREMAN ST
Undeveloped
FRANK ST
CANAL ST
1:1,200
ZONING
AND LAND USE
Case no: Z167-150
Date: 12/22/2016


BALDWIN ST
JAMAICA ST
FRANK ST
JAMAICA ST
PD 595
(NC)
Tract 47
PD
595
PD 595
(R-5(A))
1
FOREMAN ST
CANAL ST
FRANK ST
CANAL ST
1:1,200
ZONING HISTORY
Case no: Z167-150
Date: 12/22/2016

CPC Responses



02/15/2017

Reply List of Property Owners

Z167-150

28 Property Owners Notified ***0 Property Owners in Favor*** ***0 Property Owners Opposed***

Reply	*Label #*	*Address*		*Owner*
	1	4349	JAMAICA ST	CHANDLER W H
	2	4351	JAMAICA ST	MARTINEZ MARGARITA H
	3	4351	FRANK ST	DANIELS JEANNE
	4	4352	JAMAICA ST	BERRY RODNEY
	5	4403	CANAL ST	LEWIS SAMMY FRANK
	6	4407	CANAL ST	HUDGENS LEROY SR
	7	4411	CANAL ST	DALLAS NEIGHBORHOOD ALLIANCE &
	8	4415	CANAL ST	KING REGINA A
	9	4419	CANAL ST	VALE OF THE SUN LLC
	10	4423	CANAL ST	COMSTOCK CHUCK
	11	4427	CANAL ST	CORNSTOCK CHARLES M
	12	4405	JAMAICA ST	LONG NELLA B &
	13	4411	JAMAICA ST	VILLANUEVA ZOILA
	14	4419	JAMAICA ST	AGUILAR ANTHONY
	15	4421	JAMAICA ST	HORTON ALMA L
	16	4410	JAMAICA ST	CLEVELAND WILLIE & ANNIE
	17	4414	JAMAICA ST	CLEVELAND ANNIE F
	18	4418	JAMAICA ST	DALLAS AREA HABITAT FOR HUMANITY INC
	19	4426	JAMAICA ST	V L LACY & CO INC
	20	4430	JAMAICA ST	JACKSON DAFFAY
	21	4427	FRANK ST	WARD BILLY JOE &
	22	4423	FRANK ST	TEFFERA MEGERSA & BINIAM
	23	2510	FOREMAN ST	JUNIOR CHARLES E
	24	4402	FRANK ST	JACKSON TROY
	25	4404	FRANK ST	HARRIS SAM ESTATE
	26	4410	FRANK ST	MARYMAN DARLENE

02/15/2017

Reply	*Label #*	*Address*		*Owner*
	27	4422	FRANK ST	BROWN WILLIE
	28	4428	FRANK ST	AUSTIN SPENCER ESTATE OF

AGENDA ITEM # 68

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: April 12, 2017

COUNCIL DISTRICT(S): 2

DEPARTMENT: Sustainable Development and Construction

CMO: Majed Al-Ghafry, 670-3302

MAPSCO: 45 M

SUBJECT

A public hearing to receive comments regarding an application for and an ordinance granting the renewal of Specific Use Permit No. 2122 for a bar, lounge, or tavern use on property zoned Tract A within Planned Development District No. 269 on the south side of Elm Street, west of North Crowdus Street

Recommendation of Staff and CPC: Approval for a three-year period, subject to conditions

Z167-154(OTH)

HONORABLE MAYOR & CITY COUNCIL **WEDNESDAY, APRIL 12, 2017**

ACM: Majed Al-Ghafry

FILE NUMBER: Z167-154(OTH) **DATE FILED:** December 9, 2016

LOCATION: South side of Elm Street, west of North Crowdus Street

COUNCIL DISTRICT: 2 **MAPSCO:** 45-M

SIZE OF REQUEST: Approx. 0.03 acres **CENSUS TRACT:** 204.00

OWNER: Elm Street Realty, Ltd.

APPLICANT/REPRESENTATIVE: Dan Murry

REQUEST: An application to renew Specific Use Permit No. 2122 for a bar, lounge, or tavern use on property zoned Tract A within Planned Development District No. 269.

SUMMARY: The purpose of this request is to continue the use of the property for bar, lounge, or tavern to operate in conjunction with the existing restaurant within the Deep Ellum District. [Armory]

CPC RECOMMENDATION; **Approval** for a three-year period, subject to conditions.

STAFF RECOMMENDATION: **Approval** for a three-year period, subject to conditions.

BACKGROUND:

- The 2,393-square-foot tenant space is located within a one-story, multi-tenant structure with mixed uses. It is adjacent to a vacant structure and a parking lot. The applicant proposes to continue the use of the restaurant and the patio of which 265 square feet are covered.

- Specific Use Permit No. 2122 was approved by City Council on December 10, 2014 for a two-year period. The SUP would have expired on December 10, 2016. The applicant submitted the application on December 9, 2016.

- The applicant is not proposing changes to either the existing site plan or the existing conditions.

Zoning History: The following are recent zoning request within the vicinity.

1. **Z167-142** On March 22, 2017, the City Council approved the renewal of Specific Use Permit No. 2019 for an alcoholic beverage establishment limited to a bar, lounge or tavern and a commercial amusement (inside) limited to a live music venue on property zoned Tract A within Planned Development District No. 269, the Deep Ellum/Near East Side District south side of Elm Street, east of North Good Latimer Expressway.

2. **Z156-230** On June 22, 2016 the City Council approved the renewal of Specific Use Permit No. 1913 for a bar, lounge, or tavern on property zoned Tract A within Planned Development District No. 269, the Deep Ellum/Near East Side District located at 2638 Elm Street.

3. **Z145-249** On August 12, 2015 the City Council approved the renewal of Specific Use Permit No. 2050 for an alcoholic beverage establishment use limited to a bar, lounge, or tavern on property within Tract A of Planned Development District No. 269, the Deep Ellum/Near East Side District.

4. **Z145-176** On May 13, 2015, the City Council approved the renewal and amendment of Specific Use Permit No. 1696 for an alcoholic beverage establishment use limited to a bar, lounge, or tavern on property within Tract A of Planned Development District No. 269, the Deep Ellum/Near East Side District on the south side of Elm Street, west of North Crowdus Street.

5. **Z145-160** On April 22, 2015, the City Council approved a Specific Use Permit for a Bar, lounge, or tavern on property zoned Tract A, Planned Development No. 269, the Deep Ellum/Near East Side District located on the north side of Main Street, west of North Crowdus Street.

6. **Z145-121** On February 11, 2016, the City Council approved the renewal of Specific Use Permit No. 1783 for a bar, lounge or tavern on property within the Tract A portion of Planned Development District No. 269, the Deep Ellum/Near East Side District.

7. **Z134-307** On December 13, 2014 City Council approved the renewal of Specific Use Permit No. 1982 for a bar, lounge, or tavern and an inside commercial amusement limited to a Class A dance hall on property zoned Planned Development District No. 269, Tract A, the Deep Ellum/Near East Side Special Purpose District on the south line of Elm Street, west of North Crowdus Street.

8. **Z134-222** On August 13, 2014, the City Council approved the renewal of Specific Use Permit No. 1757 for an alcoholic beverage establishment use limited to a bar, lounge or tavern and an inside commercial amusement use limited to a live music venue on property zoned Planned Development District No. 269, the Deep Ellum/Near East Side Special Purpose District north of Elm Street and west of North Crowdus Street.

9. **Z123-206** On June 12, 2013, City Council approved renewal of Specific Use Permit No. 1707 for a Tattoo studio on property within the Tract A portion of Planned Development District No. 269, the Deep Ellum/Near East Side Special Purpose District on the northwest line of Main Street, East of Crowdus Street.

Thoroughfares/Streets:

Thoroughfare/Street	Type	Existing ROW
Elm Street	Local	60 feet

Surrounding Land Uses:

	Zoning	Land Use
Site	PDD No. 269, Tract A	Vacant retail space
North	PDD No. 269, Tract A	Restaurants, surface parking lot
East	PDD No. 269, Tract A	Vacant structures, restaurants, bars
South	PDD No. 269, Tract A	Retail
West	PDD No. 269, Tract A	Surface parking lot, restaurants, bars

COMPREHENSIVE PLAN:

The *forwardDallas! Comprehensive Plan* was adopted by the City Council in June 2006. The *forwardDallas! Comprehensive Plan* outlines several goals and policies which can serve as a framework for assisting in evaluating the applicant's request.

The *fowardDallas! Comprehensive Plan* outlines several goals and policies to support the applicant's request:

Land Use Element

GOAL 1.1 Align Land Use Strategies with Economic Development Priorities

Policy 1.1.5 Strengthen existing neighborhoods and promote neighborhoods' unique characteristics.

Economic Element

GOAL 2.5 Foster a City of Great Neighborhoods

Policy 2.5.1 Promote strong and distinctive neighborhoods to enhance Dallas' quality of life.

URBAN DESIGN

GOAL 5.2 Strengthen Community and Neighborhood Identity

Policy 5.2.1 Maintain neighborhood scale and character.

STAFF ANALYSIS:

Land Use Compatibility:

The 2,393-square-foot tenant space is located within a one-story, multi-tenant structure with mixed uses. The applicant proposes to continue the use of the restaurant and the patio of which 265 square feet are covered.

The request site is adjacent to a vacant structure and a parking lot. The surrounding uses are office, restaurant, parking lot and bar, lounge or tavern uses.

A bar, lounge, or tavern means an establishment principally for the sale and consumption of alcoholic beverages on the premises that derives 75 percent or more of its gross revenue from the service of alcoholic beverages, as defined in the Texas Alcoholic Beverage Code, for on-premise consumption.

The general provisions for a Specific Use Permit in Section 51A-4.219 of the Dallas Development Code specifically state: (1) The SUP provides a means for developing certain uses in a manner in which the specific use will be consistent with the character of the neighborhood; (2) Each SUP application must be evaluated as to its probable effect on the adjacent property and the community welfare and may be approved or denied as the findings indicate appropriate; (3) The city council shall not grant an SUP for a use except upon a finding that the use will: (A) complement or be compatible with the surrounding uses and community facilities; (B) contribute to, enhance, or promote the welfare of the area of request and adjacent properties; (C) not be detrimental to the public health, safety, or general welfare; and (D) conform in all other respects to all applicable zoning regulations and standards. The request does not appear to have an adverse impact on the surrounding zoning and land uses. Based upon the abovementioned criteria, staff has determined that the request site complies with the provisions for a Specific Use Permit.

The request is compatible in scale and character with the surrounding restaurants and entertainment venues in Deep Ellum. The property had few police issues in the recent history. The short time period will help staff evaluate the request to ensure any potential detrimental effects are not allowed to arise.

Landscaping: The request site is located within an existing structure and the landscaping requirements will not be triggered.

Traffic: The Engineering Division of the Sustainable Development and Construction Department reviewed the request and determined that it will not significantly impact the surrounding street system for the proposed development.

Parking: PDD No. 269 specifies that "no off-street parking spaces are required for the first 2,500 square feet of floor area in a ground level use that has a separate certificate of occupancy if the use is located in an original building". The following paragraph stipulates the parking requirements for the use:

Sec. 51P_ 269.105(j)(1)(E)(i-v) For a bar, lounge, or tavern and private club uses the parking requirements are as follows:

(i) Except as provided in this subparagraph, one off-street parking space for each 100 square feet of floor area is required.

(ii) No off-street parking spaces are required for the first 2,500 square feet of floor area in a ground level use that has a separate certificate of occupancy if the use is located in an original building.

(iii) Delta credits, as defined in Section 51A - 4.704(b)(4)(A), may not be used to meet the off - street parking requirement.

(iv) If an outdoor seating area with a non-permeable cover is within 20 feet of, and has direct access to a street, sidewalk, or publically accessible open space, the

outdoor seating area is not included in the parking requirement calculations for up to 25 percent of the size of the interior floor area.

(v) An outdoor seating area that is uncovered or has a permeable cover is not considered floor area and is not included in the required off street parking calculations.

The area dedicated for the use is 2,393 square-feet; the covered patio is 265 square feet and is not included in the parking calculations. The use is located in an original building. Therefore, the parking requirements are calculated as follows:

Total bar area:	2,393 sq. ft.
Excluded area:	2,500 sq. ft.
Total area to be parked:	- 107 sq. ft.
Total parking required	0 spaces.

Police Records:

The following are the police records for the period of December 10, 2014 to February 1, 2017.

Premise	Incident	Offenses
Sidewalk/street	Item found	1
Bar/NightClub/DanceHall etc.	UUMV	1
Highway street, Alley	Criminal assault	1
Bar/NightClub/DanceHall etc.	Major disturbance ambulance	2
		2

CPC ACTION:
February 16, 2017

Motion: It was moved to recommend **approval** of the renewal of Specific Use Permit No. 2122 for a bar, lounge, or tavern use for a three-year period, subject to conditions on property zoned Tract A within Planned Development District No. 269 Tract A on the south side of Elm Street, west of North Crowdus Street.

Maker: Davis
Second: Schultz
Result: Carried: 13 to 0

For: 13 - Anglin, Rieves, Houston, Davis, Shidid*, Haney, Mack, Jung, Housewright, Schultz, Peadon, Murphy, Ridley

Against: 0
Absent: 2 - Anantasomboon, Tarpley
Vacancy: 0

*out of the room, shown voting in favor

Notices: Area: 200 Mailed: 15
Replies: For: 3 Against: 0

Speakers: None

Partners and Principles

Elm Street Realty, Ltd.	Joseph G. Beard	President

PROPOSED SUP CONDITIONS

Z134-154(OTH)

1. USE: The only uses authorized by this specific use permit are an alcoholic beverage establishment limited to a bar, lounge or tavern.

2. SITE PLAN: Use and development of the Property must comply with the attached site plan.

3. TIME LIMIT: This specific use permit expires on ___ three years) ~~December 10, 2016~~.

4. FLOOR AREA:

   A. Maximum floor area for a bar, lounge or tavern is 2,393 square feet in the location shown on the site plan.

   B. Maximum floor area for the covered patio is 265 square feet in the location shown on the site plan.

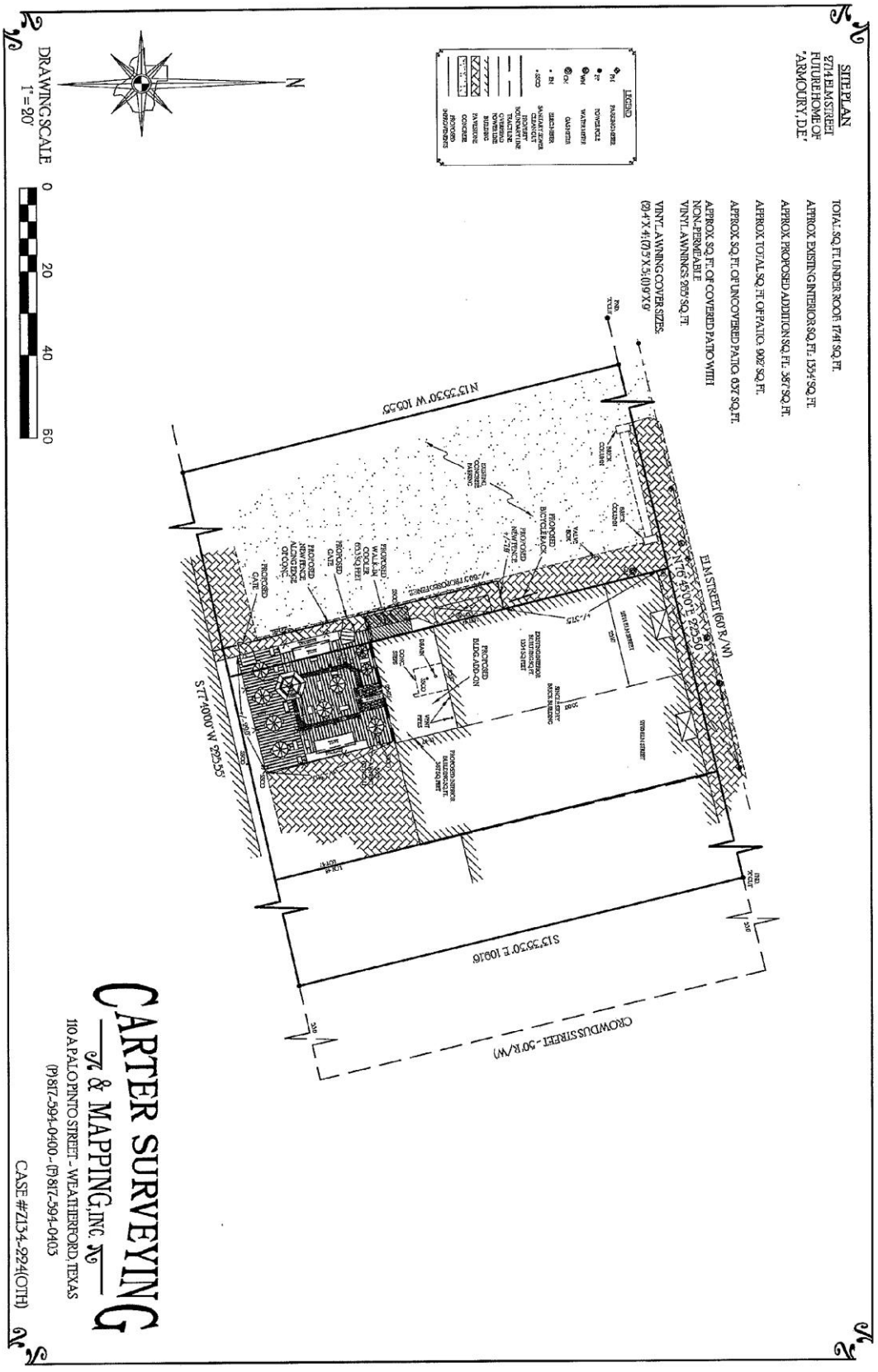
5. HOURS OF OPERATION: The bar, lounge or tavern may only operate between 4:00 p.m. and 2:00 a.m. (the next day), Monday through Friday, and between 11a.m. and 2 a.m. (the next day), on Saturday and Sunday.

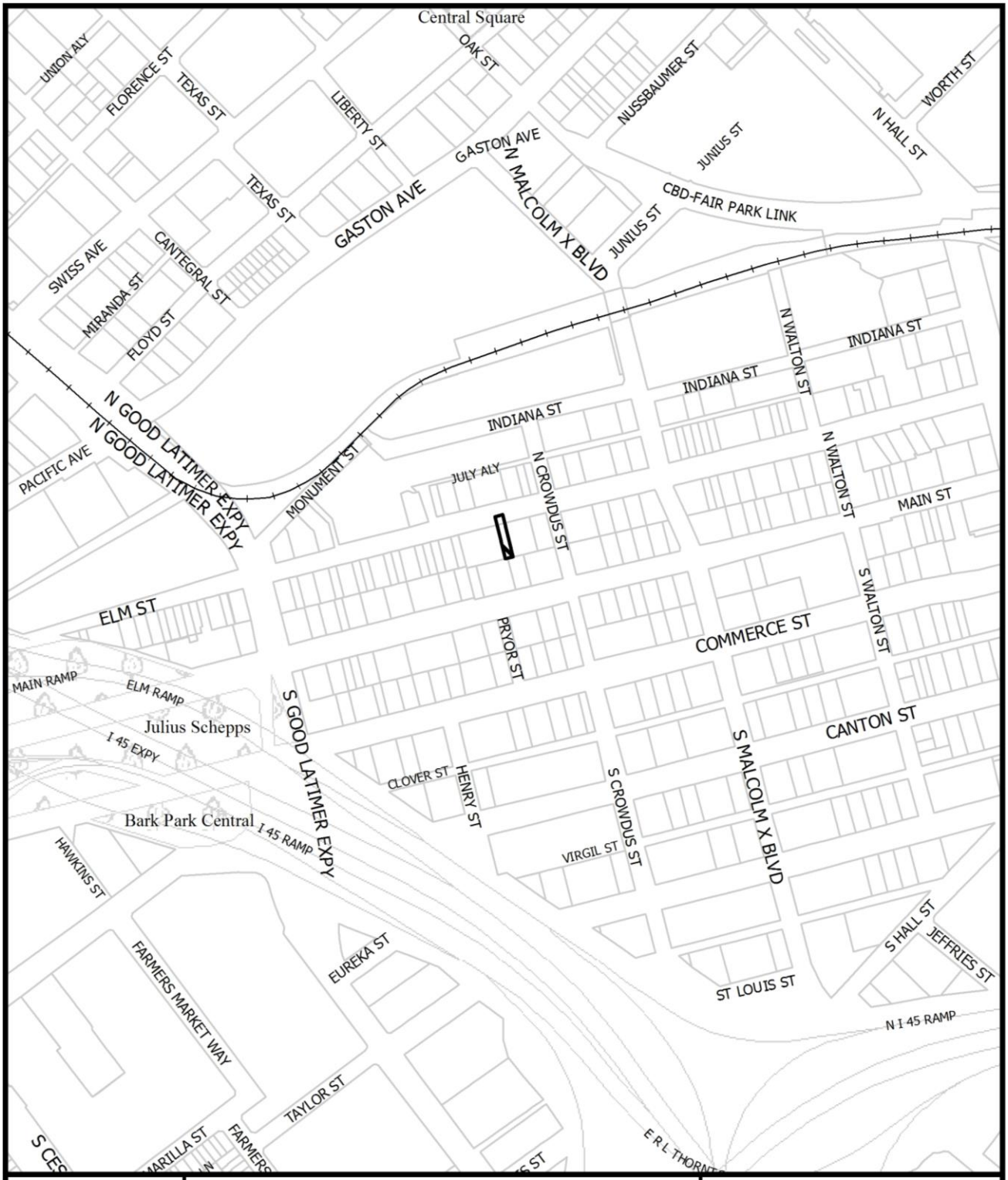
6. PARKING: Parking must be provided in accordance with the requirements of Planned Development District No. 269, the Deep Ellum/Near East Side District. Delta credits, as defined in Section 51A-4.704(b)(4)(A), may not be used to meet the off-street parking requirement.

7. MAINTENANCE: The Property must be properly maintained in a state of good repair and neat appearance.

8. GENERAL REQUIREMENTS: Use of the Property must comply with all federal and state laws and regulations, and with all ordinances, rules, and regulations of the City of Dallas.

EXISTING SITE PLAN



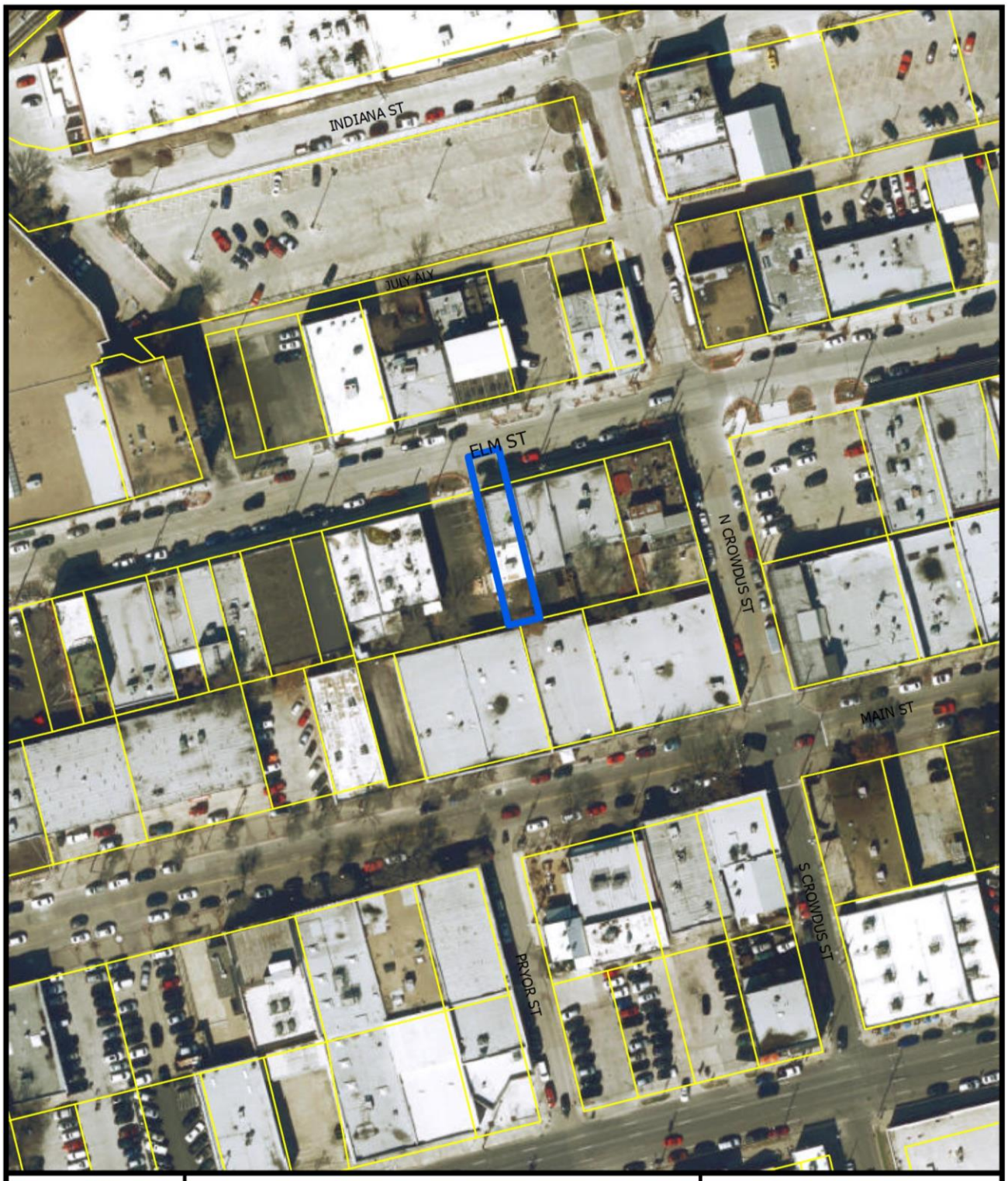


1:4,800

VICINITY MAP

Case no: Z167-154

Date: 12/22/2016

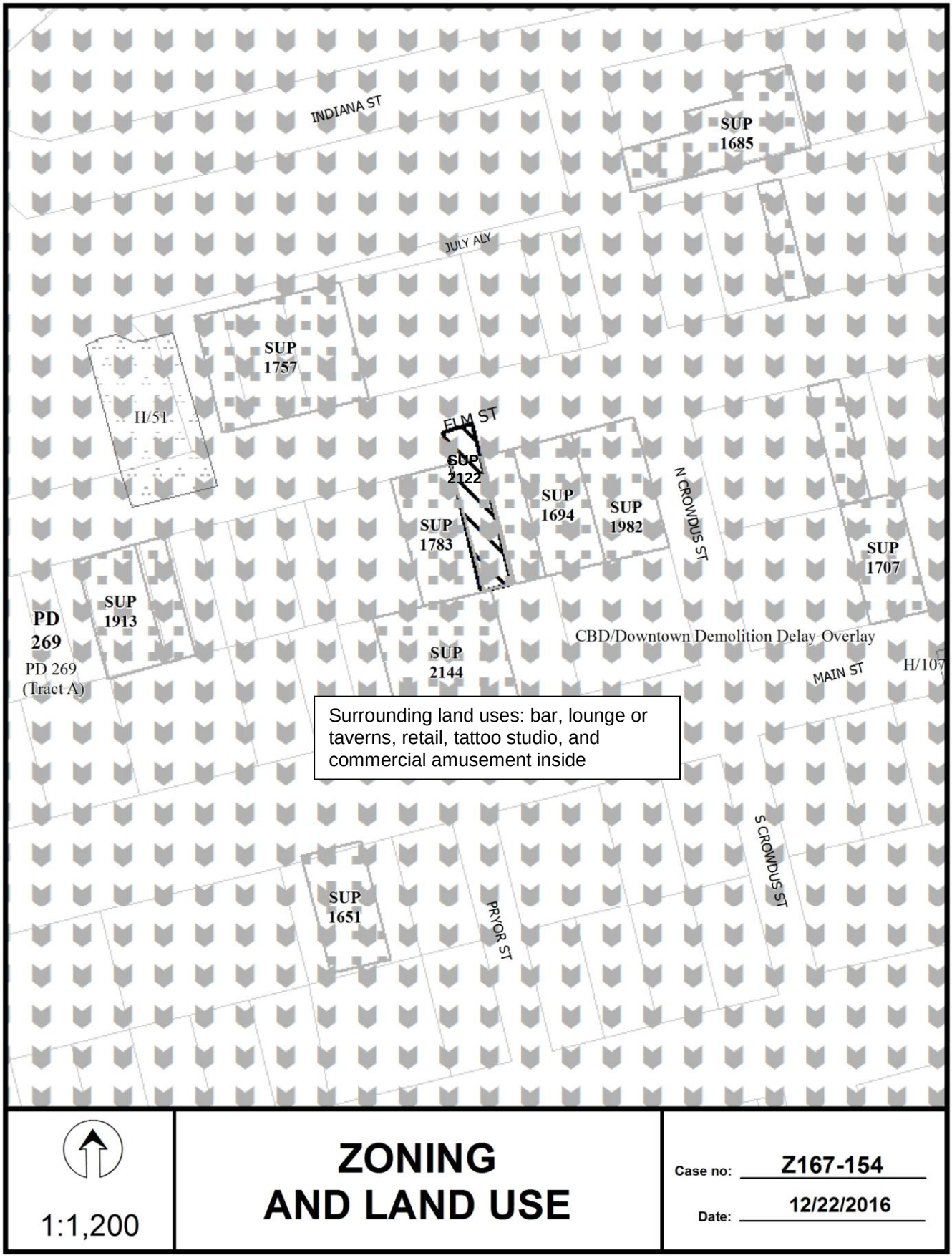


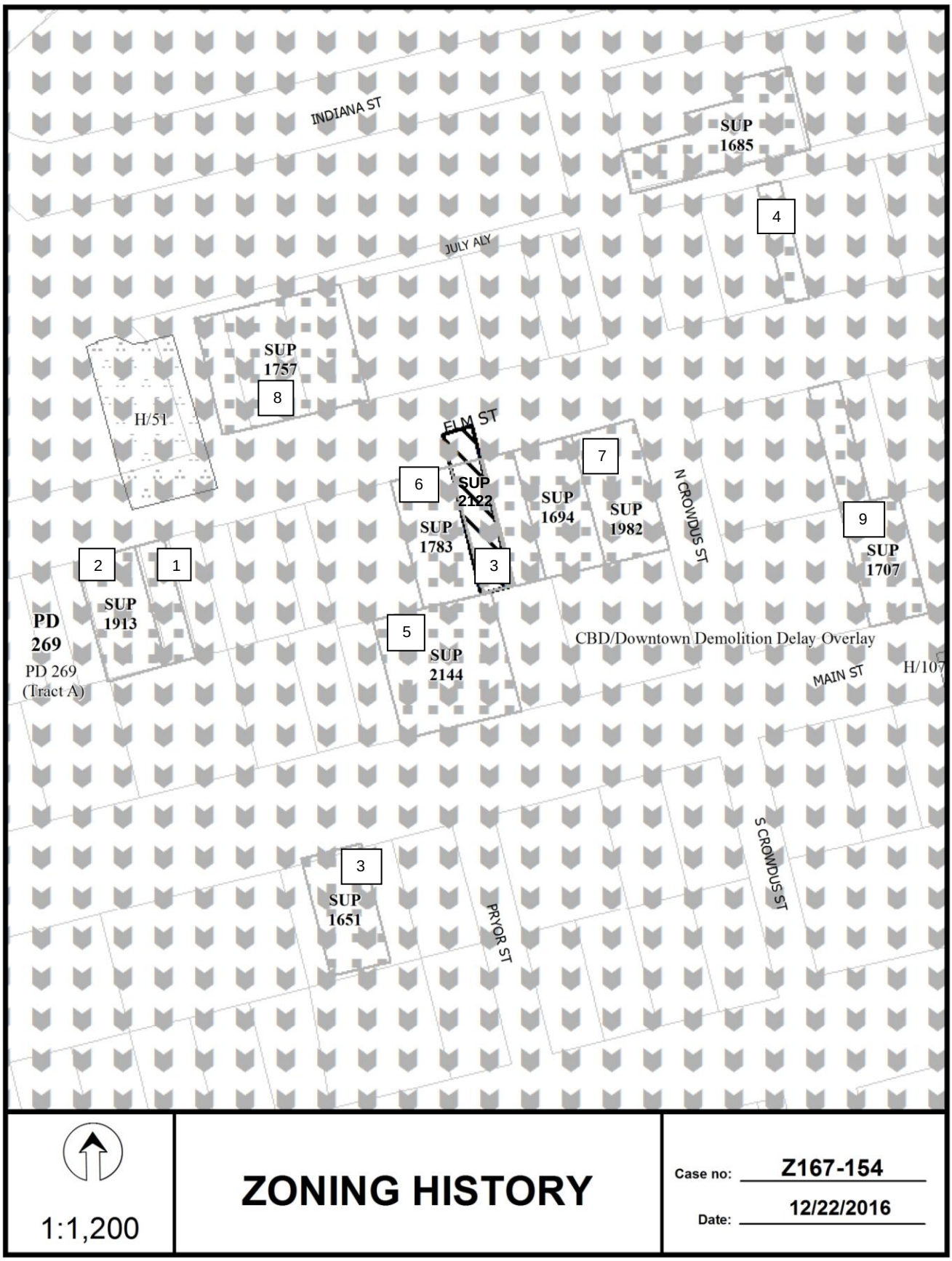
1:1,200

AERIAL MAP

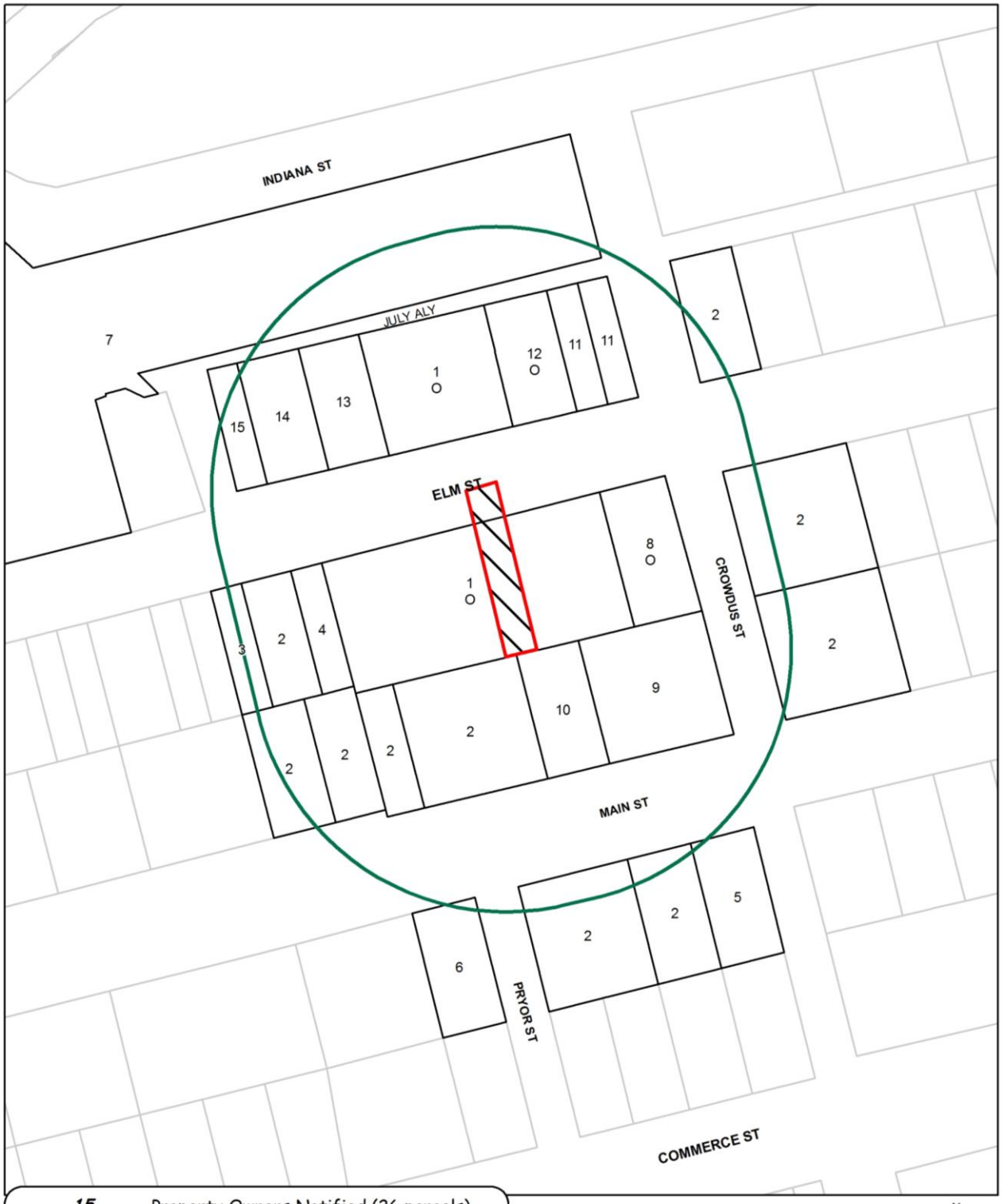
Case no: Z167-154

Date: 12/22/2016


INDIANA ST
SUP 1685
JULY ALY
SUP 1757
H/51
ELM ST
SUP 2122
SUP 1694
SUP 1982
SUP 1783
N CROWDUS ST
SUP 1707
SUP 1913
PD 269
PD 269 (Tract A)
CBD/Downtown Demolition Delay Overlay
SUP 2144
MAIN ST
H/107
Surrounding land uses: bar, lounge or taverns, retail, tattoo studio, and commercial amusement inside
S CROWDUS ST
SUP 1651
PRYOR ST
1:1,200
ZONING AND LAND USE
Case no: Z167-154
Date: 12/22/2016


INDIANA ST
SUP 1685
4
JULY ALY
SUP 1757
8
H/51
ELM ST
7
6
SUP 2122
SUP 1694
SUP 1982
N CROWDUS ST
9
SUP 1707
SUP 1783
3
2
1
SUP 1913
PD 269
PD 269 (Tract A)
5
SUP 2144
CBD/Downtown Demolition Delay Overlay
MAIN ST
H/107
S CROWDUS ST
3
SUP 1651
PRYOR ST
1:1,200
ZONING HISTORY
Case no: Z167-154
Date: 12/22/2016

CPC RESPONSES



15	Property Owners Notified (26 parcels)
3	Replies in Favor (4 parcels)
0	Replies in Opposition (0 parcels)
200'	Area of Notification
2/16/2017	Date

Z167-154
CPC

N
W E
S

1:1,200

02/15/2017

Reply List of Property Owners

Z167-154

15 Property Owners Notified ***3 Property Owners in Favor*** ***0 Property Owners Opposed***

Reply	*Label #*		*Address*	*Owner*
O	1	2720	ELM ST	ELM STREET REALTY LTD
	2	2649	MAIN ST	42 DEEP ELLUM LP
	3	2644	ELM ST	CAMERON PAUL DARREN
	4	2650	ELM ST	ELM ELM LLC
	5	2712	MAIN ST	CASS DON E TR
	6	2656	MAIN ST	SCHWARTZ HYMIE TRUST &
	7	2625	ELM ST	UPLIFT EDUCATION
O	8	2724	ELM ST	WESTDALE PROPERTIES AMERICA I LTD
	9	2715	MAIN ST	MAIN PROPERTIES LLC
	10	2707	MAIN ST	DEALEY CHRISTOPHER C
	11	2723	ELM ST	2723 ELM STREET JV
O	12	2717	ELM ST	WESTDALE PPTIES AMERICA LTD
	13	2707	ELM ST	BELMOR CORP
	14	2703	ELM ST	BELMOR CORP
	15	2701	ELM ST	BELMOR CORP

AGENDA ITEM # 69

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: April 12, 2017

COUNCIL DISTRICT(S): 11

DEPARTMENT: Sustainable Development and Construction

CMO: Majed Al-Ghafry, 670-3302

MAPSCO: 26 J

SUBJECT

A public hearing to receive comments regarding an application for and an ordinance granting an amendment to Planned Development District No. 206 for a pre-retirement home and a private community center to revise the parking regulations and update the uses to MF-2(A) Multifamily District uses on the northeast corner of Meadow Road and Stone Canyon Road
Recommendation of Staff and CPC: Approval, subject to a revised development plan, a revised landscape plan, and conditions
Z167-156(JM)

HONORABLE MAYOR & CITY COUNCIL **WEDNESDAY, APRIL 12, 2017**

ACM: Majed Al-Ghafry

FILE NUMBER: Z167-156(JM) **DATE FILED:** December 12, 2016

LOCATION: On the northeast corner of Meadow Road and Stone Canyon Road.

COUNCIL DISTRICT: 11 **MAPSCO:** 26-J

SIZE OF REQUEST: ± 5.5656 acres **CENSUS TRACT:** 131.05

OWNER/APPLICANT: Meadowstone Limited Partnership

REPRESENTATIVE: Rob Baldwin

REQUEST: An application to amend Planned Development District No. 206 for a pre-retirement home and a private community center to revise the parking regulations and update the uses to MF-2(A) Multifamily District uses.

SUMMARY: The purpose of this request is to amend the parking requirements for the retirement housing to refer to current code regulations for parking. Additionally, the uses and definitions would be updated to current code requirements in Chapter 51A. No new units or changes to the existing structures and parking are proposed with this request.

CPC RECOMMENDATION: **Approval**, subject to a revised development plan, a revised landscape plan, and conditions.

STAFF RECOMMENDATION: **Approval**, subject to a revised development plan, a revised landscape plan, and conditions.

BACKGROUND INFORMATION:

- The subject site is developed with retirement housing. The applicant is updating the PD to reflect the current code requirements for retirement housing. This includes referring to Chapter 51A overall, and removing the definition/use for "pre-retirement homes" as it is currently defined under Chapter 51A as retirement housing. The intent of the request is to make the site compliant with current code.

- PD No. 206 was established on June 12, 1985 for "pre-retirement homes and private recreation center uses only." The pre-retirement home use was defined as a multiple-family use. The proposed amendment will have the PD refer to MF-2(A) Multifamily District regulations, since these allow retirement housing by right and a private recreation center as an accessory use.

- There are no proposed increases in density or height. Adopting current code parking requirements for retirement housing will reduce the parking required, but continue to utilize the parking provided.

- The request is made to allow accessory structures like carports, dumpsters, and laundry facilities in the setbacks. The existing development plan showed the carports, dumpsters, laundry facilities, and A/C units. The setbacks were established by the development plan. The proposed setbacks would match MF-2(A) Multifamily District except as provided in PD No. 206 conditions, as proposed.

Zoning History: There has been one recent zoning case in the vicinity in the last five years.

1. **Z156-155:** An application to amend Planned Development District No. 750 for certain mixed uses on property generally located on the northwest corner of North Central Expressway and Walnut Hill Lane. *(Pending CPC on 4/6/17)*

Thoroughfares/Streets:

Thoroughfare/Street	Type	Existing ROW
Meadow Road	Community Collector	60 feet
Stone Canyon Road	Local	60 feet

Traffic:

The Engineering Division of the Sustainable Development and Construction Department reviewed the proposed zoning and determined it will not have a negative impact on the existing street system. The development already exists and is not seeking expansion.

Comprehensive Plan:

The *forwardDallas! Comprehensive Plan* was adopted by the City Council in June 2006. The *forwardDallas! Comprehensive Plan* outlines several goals and policies which can serve as a framework for assisting in evaluating the applicant's request. The comprehensive plan does not make a specific land use recommendation related to the request, however the *forwardDallas! Vision Illustration* is comprised of a series of Building Blocks that depict general land use patterns.

Building Blocks are generalized patterns without well-defined boundaries that indicate where certain types and densities of development might logically occur. The Plan identifies the request site as being within an Urban Neighborhood Building Block. These areas are predominately residential but are distinguished from other neighborhoods by the wide variety of housing options they provide and easy access to public transit. The development embodies the characteristics of an Urban Neighborhood.

The request complies with the following land use goals and policies of the Comprehensive Plan:

LAND USE ELEMENT

GOAL 1.2 PROMOTE DESIRED DEVELOPMENT

Policy 1.2.1 Use Vision Building Blocks as a general guide for desired development patterns.

GOAL 1.3 PROVIDE EQUITABLE OPPORTUNITIES FOR DALLAS RESIDENTS

Policy 1.3.1 Create housing opportunities throughout Dallas. The City must ensure affordable, quality rental housing and investments in multifamily housing. Using creative financing options will help create higher standards of living for all Dallas residents.

Land Use Compatibility:

The request site is developed with a retirement housing use providing 142 units in a residential facility principally designed for persons 55 years of age or older. This use does not include a convalescent and nursing homes, hospice care, and related institutions.

The surrounding area is developed with a variety of housing options including multifamily, duplex, and single family uses. The retirement housing site has contributed

to the area by providing homes for the elderly since it was issued a certificate of occupancy in June 1986.

	Zoning	Land Use
Site	PD No. 206	Retirement Housing
North	MF-2(A)	Multifamily
East	MF-2(A)	Multifamily
South	MF-2(A)	Multifamily
West	D(A) and R-10(A)	Duplex & Single Family

Development Standards:

District	Setbacks		Height	Lot Coverage	Special Standards	Primary Uses
	Front	Side/Rear				
Existing: PD No. 206	Per plan		36’	43%	RPS	Pre-retirement homes and Private community center uses.
Proposed: PD No. 206 MF-2(A) Base	15’	10’/15’ Provision allowing accessory structures to encroach	36’	50% by PD (60% per MF-2(A))	RPS	MF-2(A)

Landscaping:

Landscaping must be provided per the approved landscape plan. Article X was not in existence when PD No. 206 was established so the landscape was based on the approved plan. If the applicant chooses to change the existing landscape, an amendment to the plan would be required. There are no changes being requested at this time, but the previous landscape plan was determined to be overly specific. The applicant has followed staff direction in consolidating the two page landscape plan into one page. The City arborist found the consolidated plan to be representative of what the original plan required as well as current conditions at the site.

Parking:

Sec. 51P-206.111 requires 184 off-street parking spaces for 142 dwelling units. Conditions at the site have changed over time, including providing larger, van accessible handicapped parking spaces. The site currently has 159 parking spaces. The Dallas Development Code was updated to include a retirement housing use category. Per Sec. 51A 4.209 (5.2)(C), a retirement housing use requires one parking space per dwelling unit or suite. There are 142 dwelling units and 159 parking spaces provided, including six handicapped spaces. The applicant has requested to change the parking to allow the site to continue to operate and provide 159 parking spaces for the 142 dwelling units.

CPC Action:
February 16, 2017

Motion: It was moved to recommend **approval** of an amendment to Planned Development District No. 206 for a pre-retirement home and a private community center to revise the parking regulations and update the uses to MF-2(A) Multifamily District uses, subject to a development plan, a landscape plan, and conditions on the northeast corner of Meadow Road and Stone Canyon Road.

Maker: Davis
Second: Schultz
Result: Carried: 13 to 0

For: 13 - Anglin, Rieves, Houston, Davis, Shidid*, Haney, Mack, Jung, Housewright, Schultz, Peadon, Murphy, Ridley

Against: 0
Absent: 2 - Anantasomboon, Tarpley
Vacancy: 0

*out of the room, shown voting in favor

Notices: Area: 500 Mailed: 680
Replies: For: 203 Against: 0

Speakers: None

List of Officers/Partners

Meadowstone Limited Partnership

Brian Bergersen, Manager

Meadowstone Place Apartments, LP

Brian Bergersen, Manager

Meadowstone Place, LP

Brian Bergersen, Manager

Proposed Revisions to PD Conditions

ARTICLE 206.

PD 206.

SEC. 51P-206.101. LEGISLATIVE HISTORY.

PD 206 was established by Ordinance No. 18761, passed by the Dallas City Council on June 12, 1985. Ordinance No. 18761 amended Ordinance No. 10962, Chapter 51 of the Dallas City Code, as amended. (Ord. Nos. 10962; 18761; 25711)

SEC. 51P-206.102. PROPERTY LOCATION AND SIZE.

PD 206 is established on property generally located at the northeast corner of Meadow Road and Stone Canyon Road. The size of PD 206 is approximately 5.5656 acres.

SEC. 51P-206.103. DEFINITIONS AND INTERPRETATIONS.

(a) Unless otherwise stated, the definitions and interpretations in ~~Chapter 51~~ Chapter 51A apply to this article.

(b) Unless otherwise stated, all references to articles, divisions, or sections in this article are to articles, divisions, or sections in ~~Chapter 51~~ Chapter 51A.

(c) This district is considered to be a residential zoning district.

SEC. 51P-206 .103.1. EXHIBITS.

Exhibits section added to follow new format for PDs;

The following exhibits are incorporated into this article:

(1) Exhibit 206A: development plan.

(2) Exhibit 206B: landscape plan.

SEC. 51P-206.104. DEVELOPMENT PLAN.

Development of the Property must comply with the development plan (Exhibit 206A). If there is a conflict between the text of this article and the development plan, the text of this article controls.

SEC. 51P-206.105. MAIN USES PERMITTED.

The only main uses permitted are those main uses permitted in the MF-2(A) Multifamily District, subject to the same conditions applicable in the MF-2(A) Multifamily District, as set out in Chapter 51A. For example, a use permitted in the MF-2(A) Multifamily District only by specific use permit (SUP) is permitted in this district only by SUP; a use subject to development impact review (DIR) in the MF-2(A) Multifamily District is subject to DIR in this district; etc.

~~[The only permitted uses on the Property are a pre-retirement home and a private community center.~~

~~(1) Pre-retirement home. For the purposes of this article, pre-retirement home means a multiple-family use as defined in the Dallas Development Code except that occupancy of the units within this PD is limited to pre-retirement families. Pre-retirement family means three persons or less, excluding servants, one of whom is age 55 or older, living together as a single household unit. Multiple-family uses are also permitted on the Property without restriction if off-street parking is provided in accordance with the Dallas Development Code.~~

~~(2) Private community center. For purposes of this article, private community center means as defined in the Dallas Development Code. Food service for the residents and their guests is permitted within the private community center.~~]

SEC. 51P-206.106. YARD, LOT, AND SPACE REGLATIONS [~~**DENSITY**~~**].**

(Note: The yard, lot, and space regulations in this section must be read together with the yard, lot, and space regulations in Division 51A-4.400. If there is a conflict between this section and Division 51A-4.400, this section controls.)

(a) In general. Except as provided, the yard, lot, and space regulations for the MF-2(A) Multifamily District apply.

(b) Side and rear yard. Accessory structures for a residential use, such as carports, dumpsters, and laundry buildings, do not require a side or rear yard setback.

(c) Density. No more than 142 dwelling units are permitted on the Property.

[~~**SEC. 51P-206.107. SETBACKS.**~~

~~Minimum setbacks must comply with the development plan. (Ord. Nos. 18761; 25711)~~

~~**SEC. 51P-206.108. MAXIMUM FLOOR AREA.]**~~

(d) Floor area. The private community center may not exceed 5,367 square feet of floor area.

~~**SEC. 51P-206.109. HEIGHT.**~~

~~Maximum permitted height for all structures is 36 feet. (Ord. Nos. 18761; 25711)~~

~~**SEC. 51P-206.110. COVERAGE.**~~]

(f) Lot coverage. Maximum lot coverage [~~of the Property~~] is 50 percent. Aboveground [~~, excluding~~] parking structures are included in lot coverage calculations; surface parking lots and underground parking structures are not.

SEC. 51P-206.107[~~**111**~~]**. PARKING.**

(a) Consult the use regulations in Division 51A-4.200 for the specific off-street parking and loading requirements for each use.

(b) The Property is considered one lot for parking.

[~~A minimum of 184 off-street parking spaces must be provided until a parking audit is conducted, after which, more spaces may be required by the city. A parking audit must be performed by a registered professional engineer within three years of June 12, 1985, and must be conducted as outlined in the Parking Audit Exhibit (Exhibit 206B), to the satisfaction of the director of public works and transportation. If the parking audit indicates a parking deficiency in the opinion of the director of public works and transportation, the owner(s) must provide additional spaces to satisfy the indicated deficiency, by constructing all or a portion of the parking deck as shown on the development plan, or any other means authorized by the Dallas Development Code. If the audit is not conducted within the specified period, the city may cause it to be conducted. If additional parking is necessary to satisfy the parking deficiency and none is provided within one year of notification of the deficiency, the city may cause additional parking to be constructed on the easement granted for that purpose. If the city causes the parking audit to be conducted, or causes the additional parking to be constructed, or both, the city may submit a draft for up to $200,000 to recover its costs in accordance with the certificate and letter of credit (Exhibit 206C).~~]

SEC. 51P-206.108[~~**112**~~]**. PAVING.**

(a) All streets, driveways, parking spaces, and maneuvering areas for parking and loading must comply with the requirements of the Dallas Development Code.

(b) All paved areas, permanent drives, streets, and drainage structures, if any, must be constructed in accordance with standard city specifications, and completed to the satisfaction of the city [~~director of public works and transportation~~].

SEC. 51P-206.109[~~113~~]. LANDSCAPING.

(a) Landscaping must be provided as shown on [~~installed and maintained in accordance with~~] the landscape plan (Exhibit 206B[~~D~~]). If there is a conflict between the text of this article and the landscape plan, the text of this article controls.

(b) All landscaped areas must be fully sprinkled.

[~~**SEC. 51P-206.114. EASEMENT.**~~

~~Prior to issuance of a certificate of occupancy for the private community center, the owner(s) must submit an instrument granting an easement to the city for the area designated as a parking deck on the development plan that would allow the city to construct additional parking spaces as specified above.~~]

SEC. 51P-206.110[~~115~~]. GENERAL REQUIREMENTS.

(a) The Property must be properly maintained in a state of good repair and neat appearance.

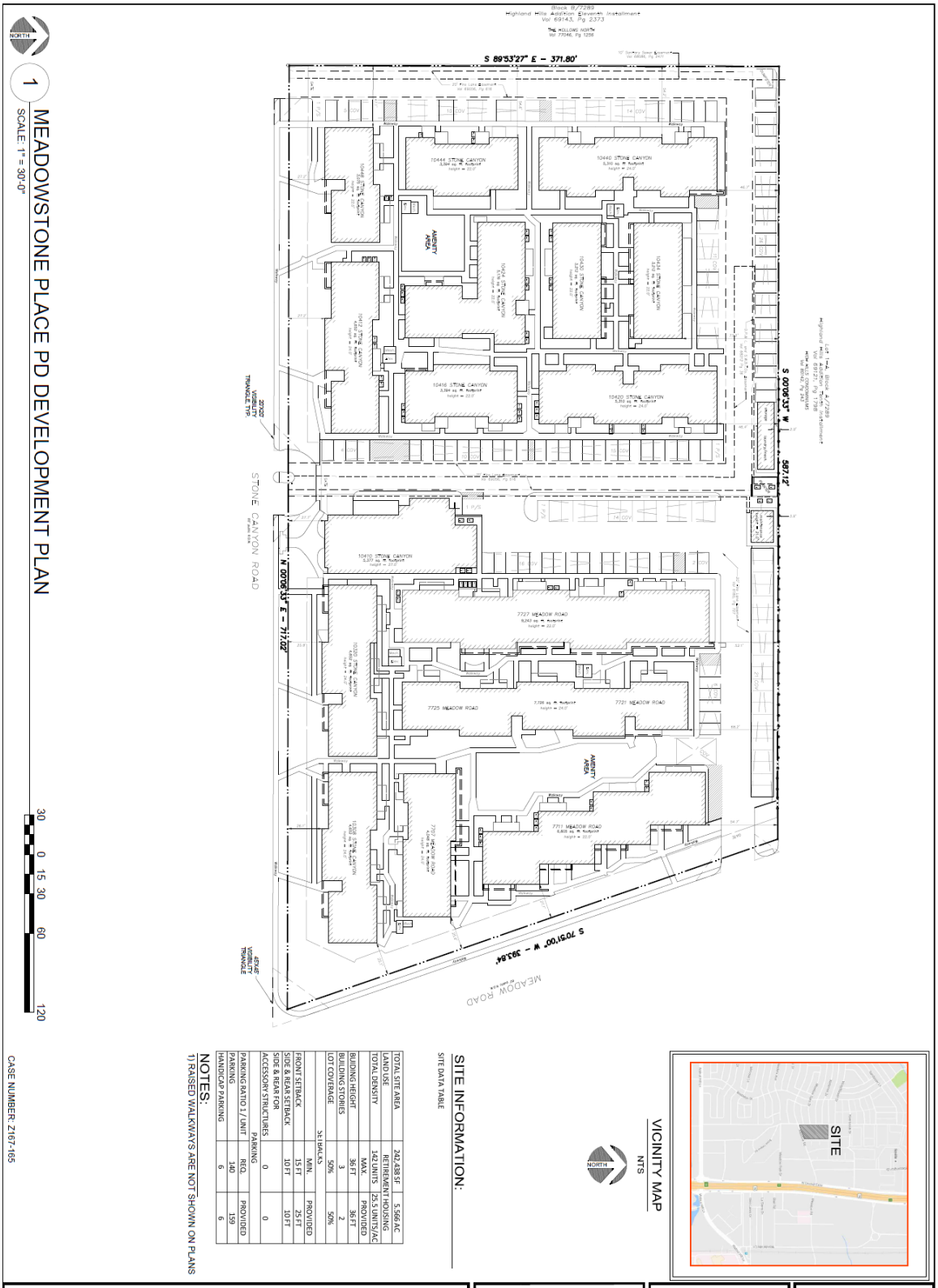
(b) Development and use of the Property must be comply [~~in accordance~~] with all federal and state laws and regulations and with all ordinances, rules, and regulations[~~, and requirements~~] of the city.

(c[~~b~~]) The building official shall not issue a building permit to authorize work or a certificate of occupancy to authorize [~~for~~] a use, [~~in this PD~~] until there has been full compliance with this article, the Dallas Development Code, the construction codes, and all other applicable ordinances, rules, and regulations of the city.

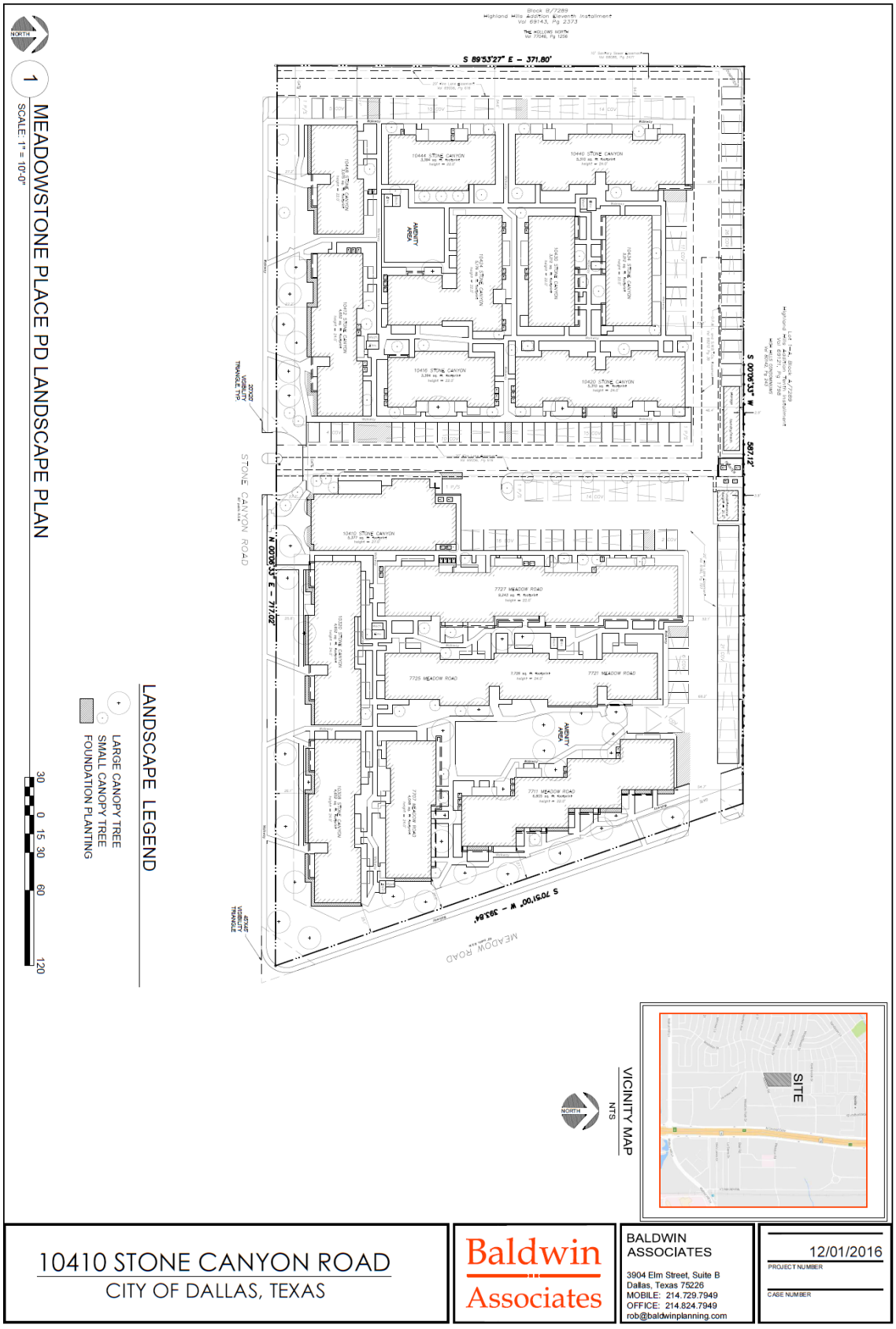
[~~**SEC. 51P-206.116. ZONING MAP.**~~

~~PD 206 is located on Zoning Map No. E-8.~~]

Proposed Development Plan

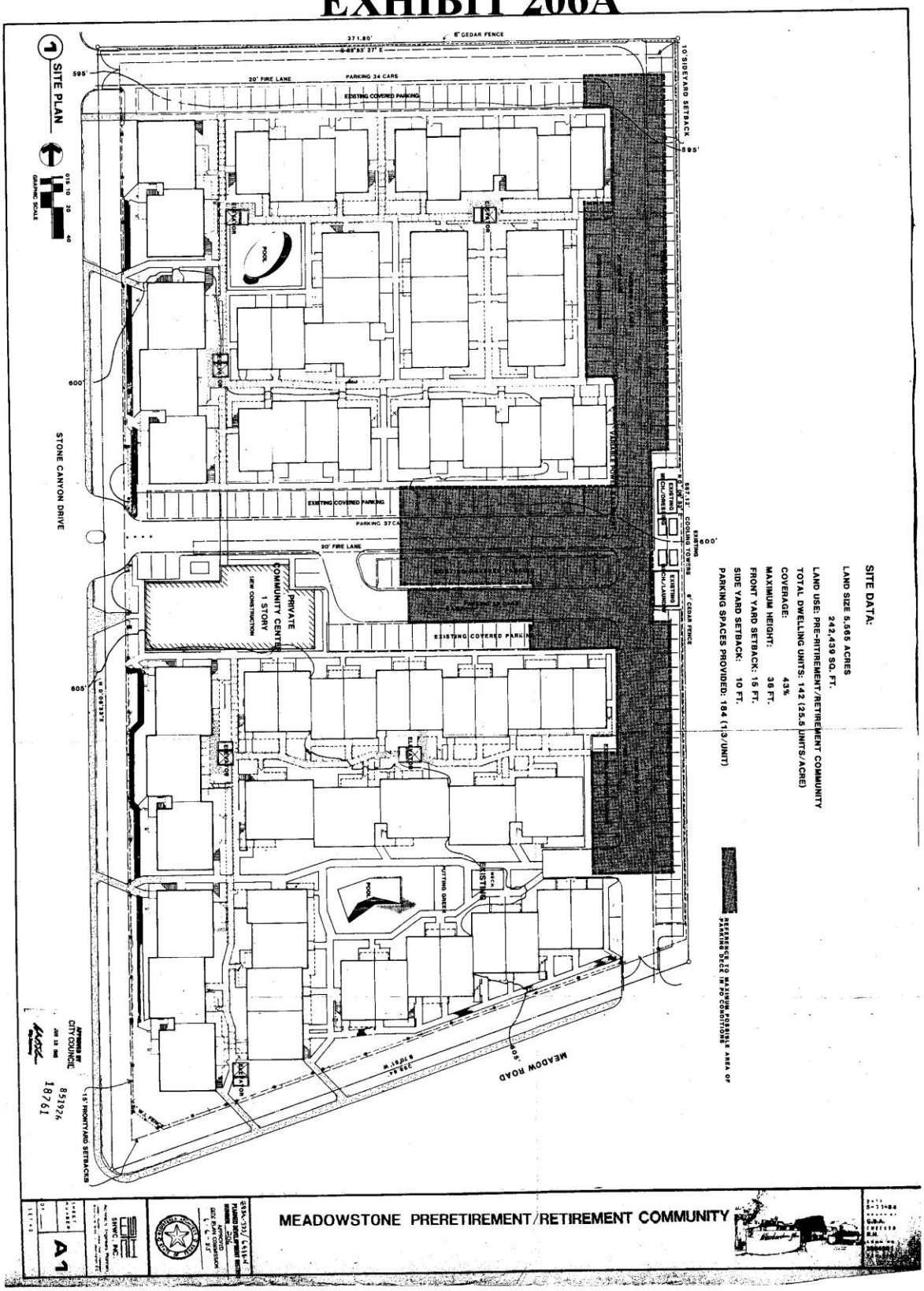


Proposed Landscape Plan



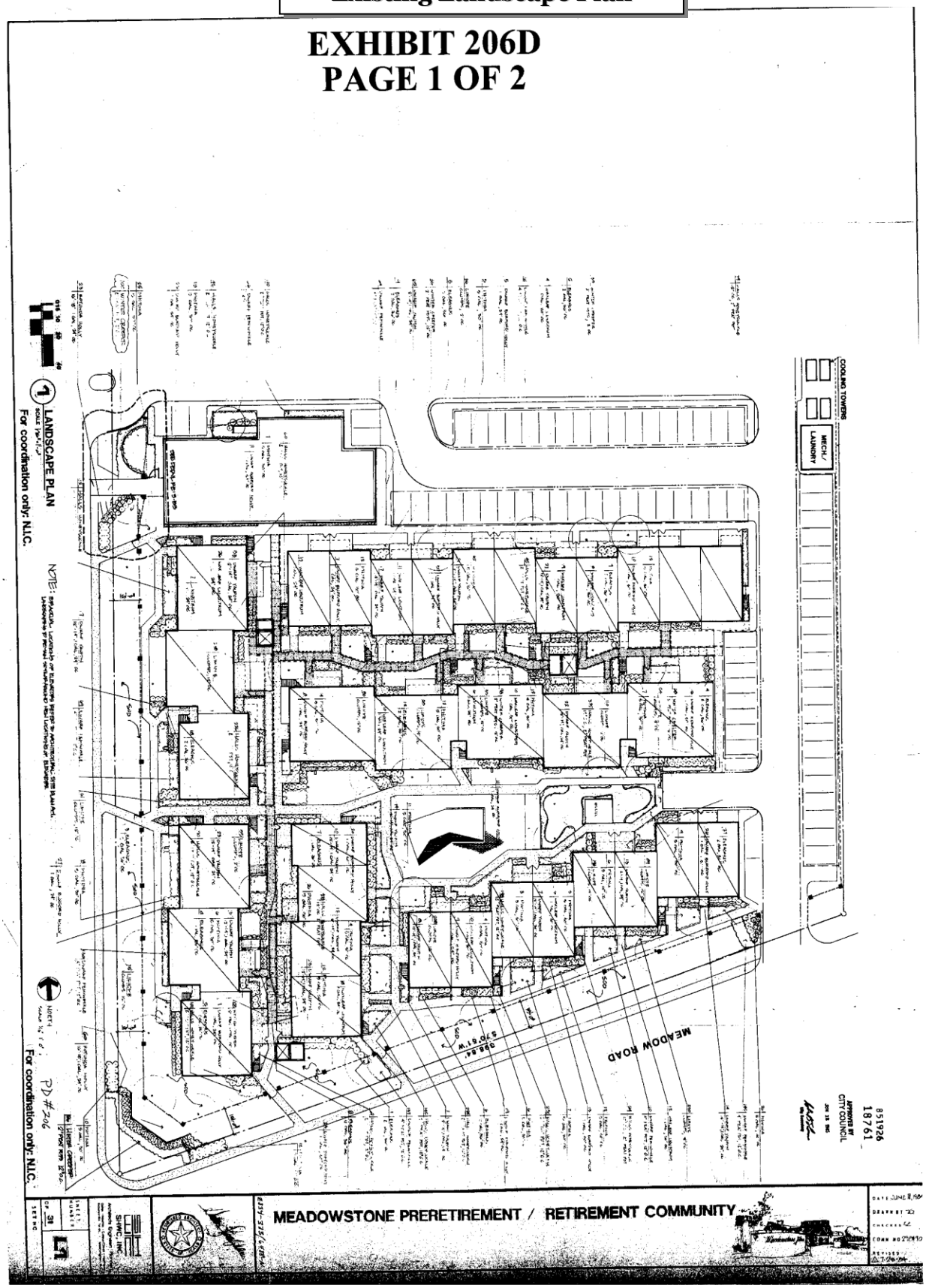
Existing Development Plan

EXHIBIT 206A

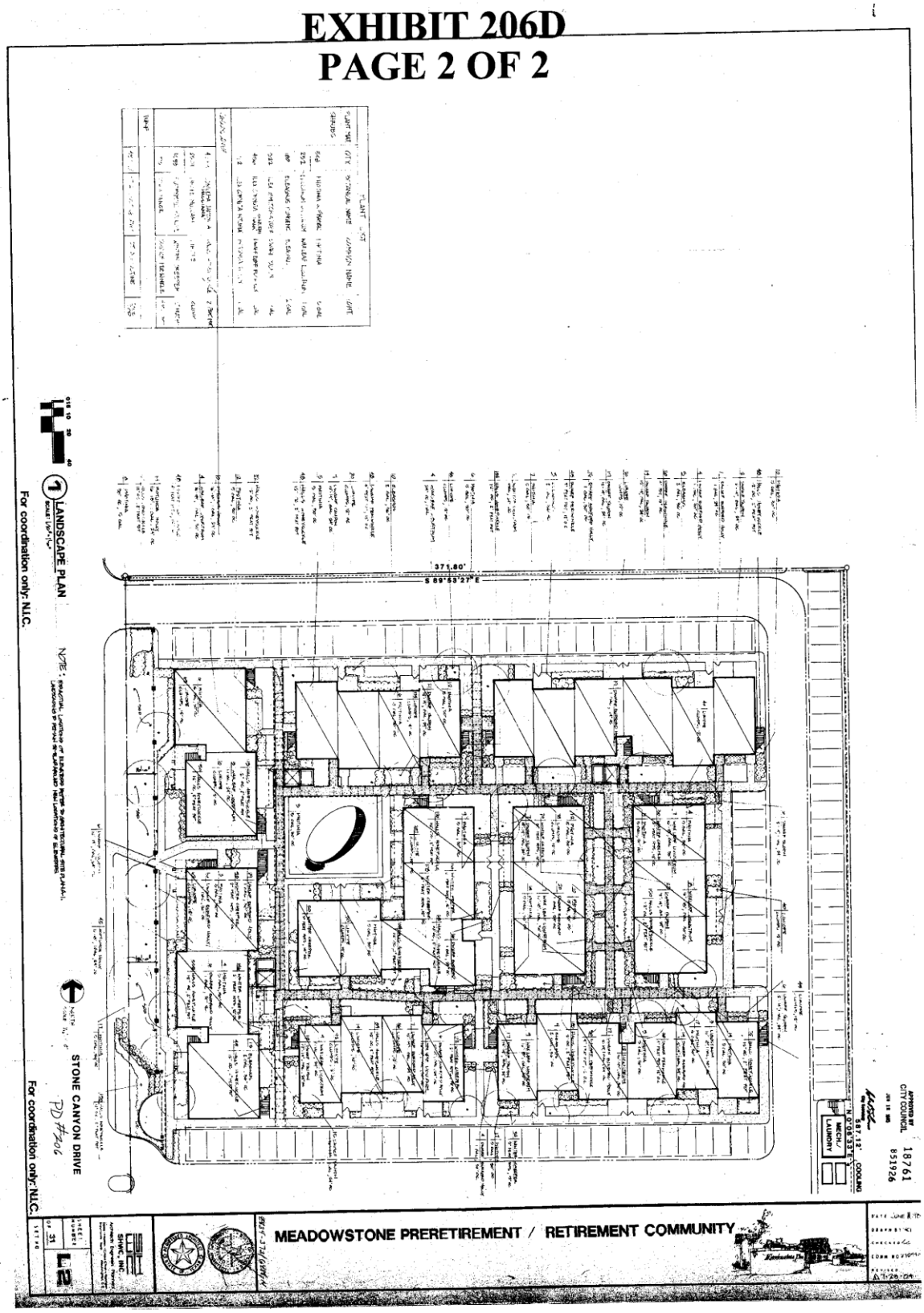


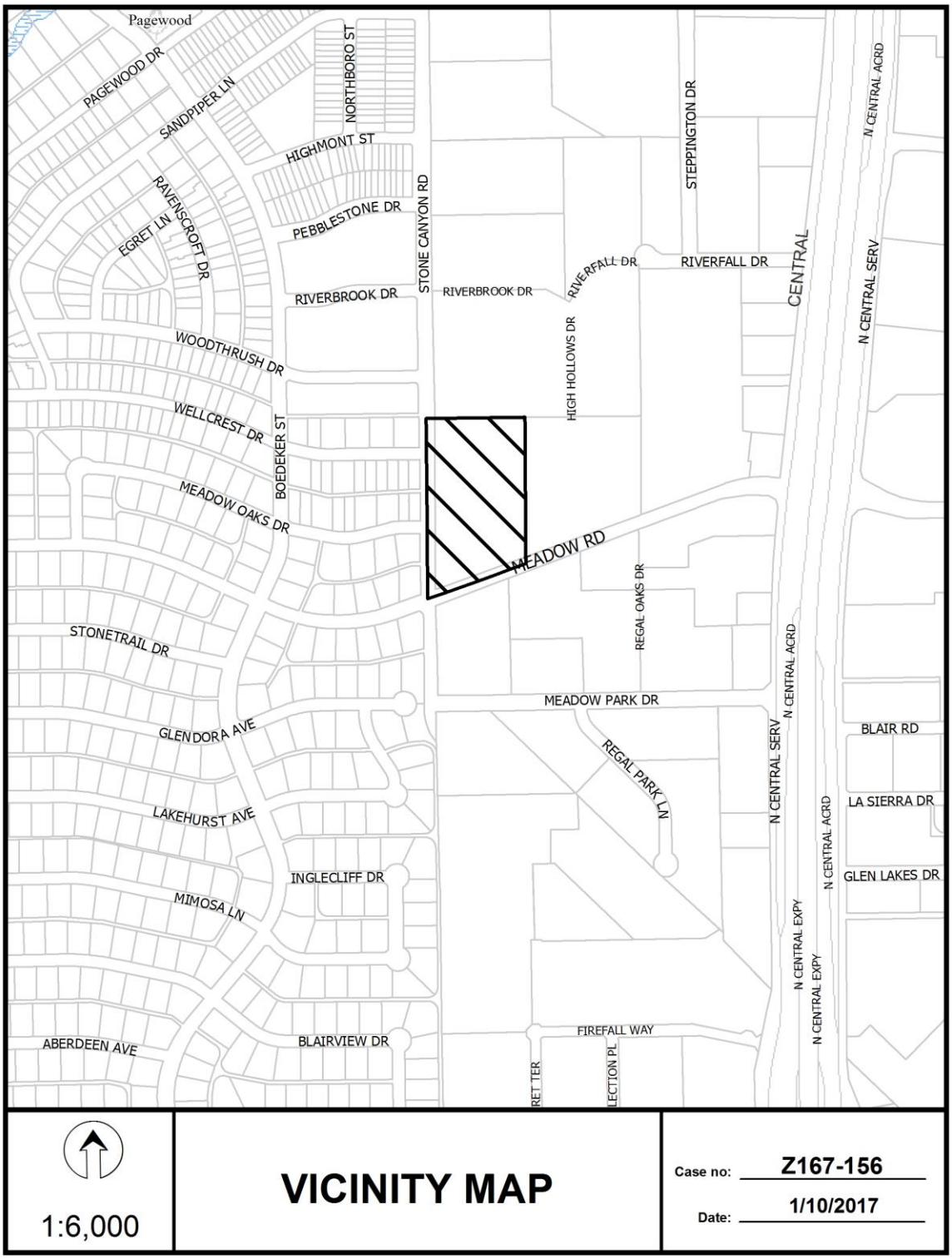
Existing Landscape Plan

EXHIBIT 206D
PAGE 1 OF 2

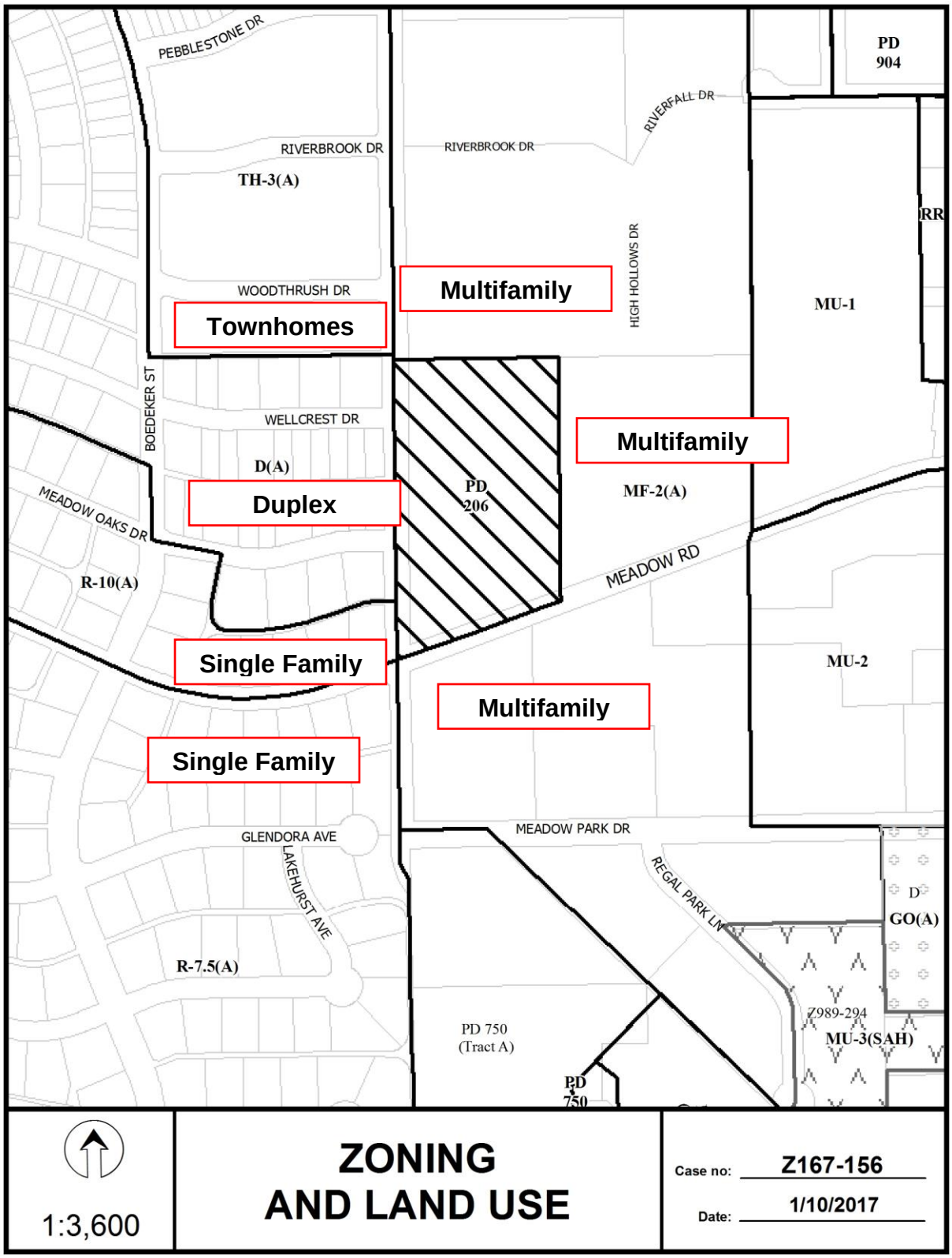


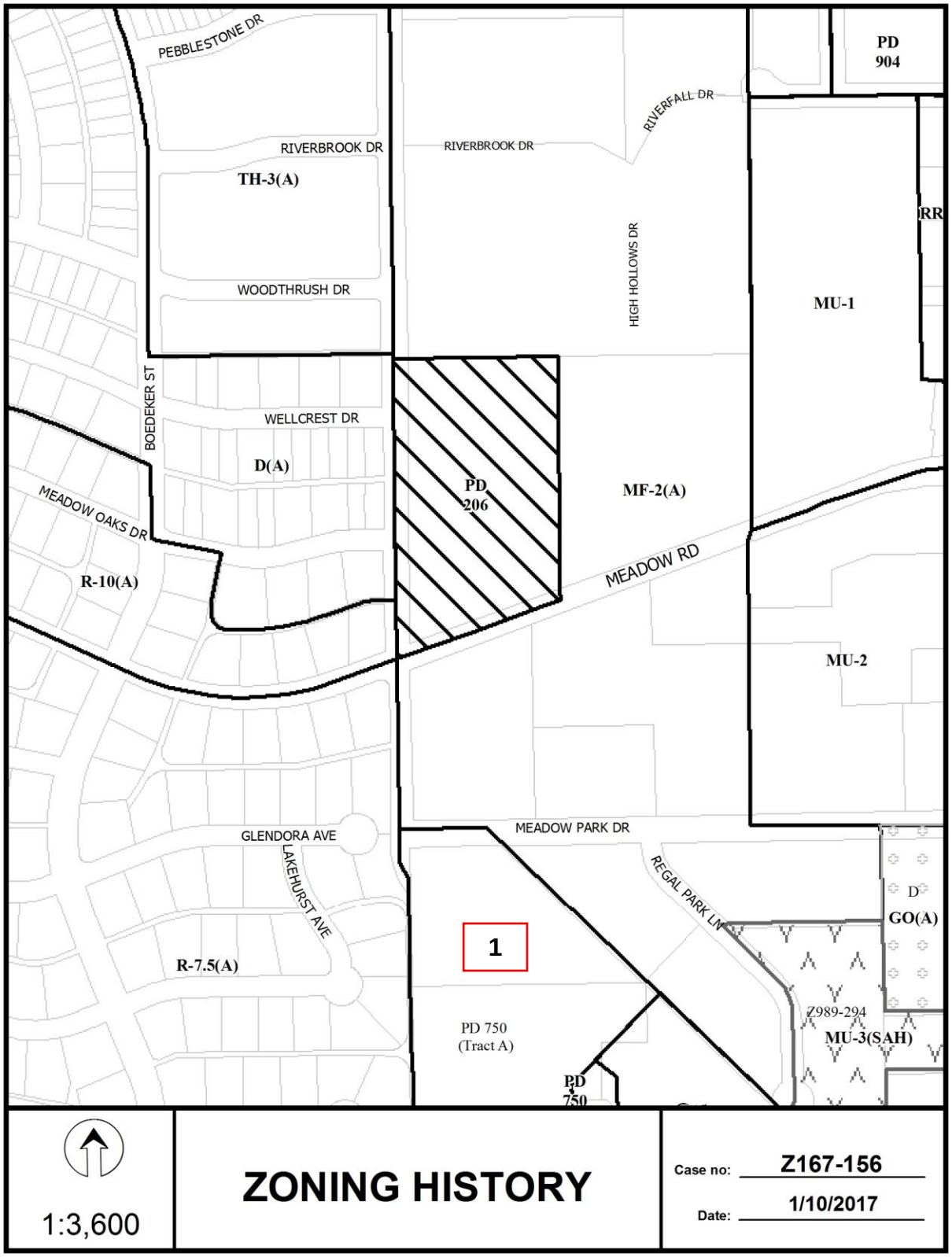
Existing Landscape Plan



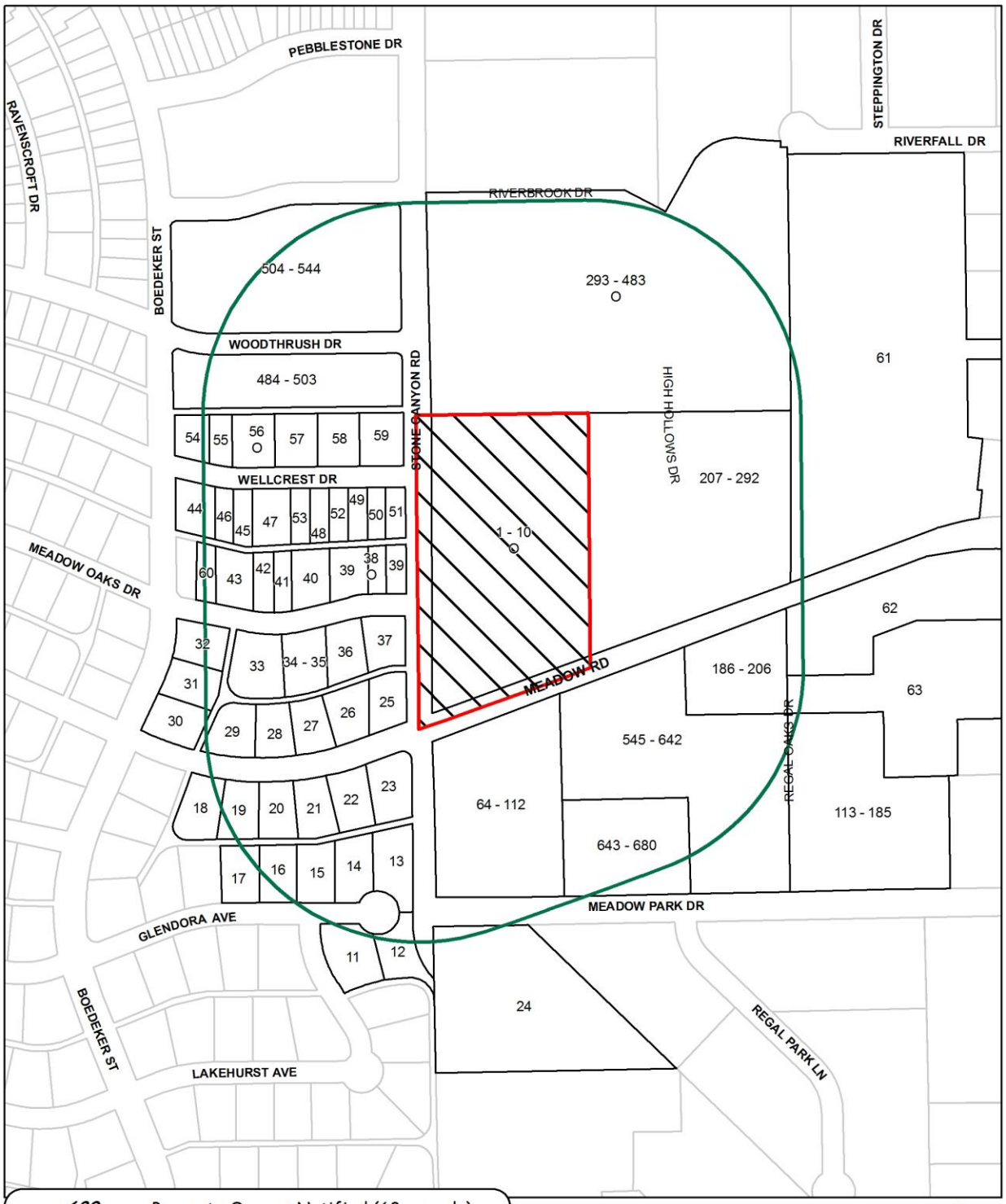

Pagewood
PAGEWOOD DR
SANDPIPER LN
NORTHBORO ST
HIGHMONT ST
RAVENSCROFT DR
EGRET LN
PEBBLESTONE DR
STONE CANYON RD
STEPPINGTON DR
N CENTRAL ACRD
RIVERBROOK DR
RIVERBROOK DR
RIVERFALL DR
RIVERFALL DR
CENTRAL
N CENTRAL SERV
WOODTHRUSH DR
HIGH HOLLOWS DR
WELLCREST DR
BOEDEKER ST
MEADOW OAKS DR
MEADOW RD
REGAL OAKS DR
STONETRAIL DR
MEADOW PARK DR
GLENDORA AVE
REGAL PARK LN
BLAIR RD
LAKEHURST AVE
LA SIERRA DR
INGLECLIFF DR
GLEN LAKES DR
MIMOSA LN
N CENTRAL EXPY
ABERDEEN AVE
BLAIRVIEW DR
FIREFALL WAY
1:6,000
VICINITY MAP
Case no: Z167-156
Date: 1/10/2017


PEBBLESTONE DR
RIVERBROOK DR
RIVERBROOK DR
RIVERFALL DR
RIVERFALL DR
HIGH HOLLOWS DR
WOODTHRUSH DR
WELLCREST DR
BOEDEKER ST
MEADOW OAKS DR
MEADOW RD
REGAL OAKS DR
STONE CANYON RD
MEADOW PARK DR
GLENDORA AVE
LAKEHURST AVE
REGAL PARK LN
1:3,600
AERIAL MAP
Case no: Z167-156
Date: 1/10/2017


PEBBLESTONE DR
RIVERBROOK DR
TH-3(A)
WOODTHRUSH DR
Townhomes
Multifamily
RIVERBROOK DR
RIVERFALL DR
HIGH HOLLOWS DR
PD 904
MU-1
BOEDEKER ST
WELLCREST DR
D(A)
Duplex
PD 206
MF-2(A)
Multifamily
MEADOW OAKS DR
R-10(A)
MEADOW RD
MU-2
Single Family
Multifamily
Single Family
GLENDORA AVE
LAKEHURST AVE
R-7.5(A)
MEADOW PARK DR
REGAL PARK LN
GO(A)
Z989-294
MU-3(SAH)
PD 750 (Tract A)
PD 750
1:3,600
ZONING AND LAND USE
Case no: Z167-156
Date: 1/10/2017


PEBBLESTONE DR
RIVERBROOK DR
TH-3(A)
WOODTHRUSH DR
RIVERBROOK DR
RIVERFALL DR
HIGH HOLLOWS DR
PD 904
MU-1
BOEDEKER ST
WELLCREST DR
D(A)
PD 206
MF-2(A)
MEADOW OAKS DR
R-10(A)
MEADOW RD
MU-2
GLENDORA AVE
LAKEHURST AVE
MEADOW PARK DR
REGAL PARK LN
GO(A)
R-7.5(A)
1
PD 750 (Tract A)
Z989-294
MU-3(SAH)
PD 750
1:3,600
ZONING HISTORY
Case no: Z167-156
Date: 1/10/2017

CPC Responses



680	Property Owners Notified (63 parcels)
203	Replies in Favor (4 parcels)
0	Replies in Opposition (0 parcels)
500'	Area of Notification
2/16/2017	Date

Z167-156
CPC

N
W E
S

1:3,600

02/15/2017

Reply List of Property Owners

Z167-156

680 Property Owners Notified 203 Property Owners in Favor 0 Property Owners Opposed

Reply	*Label #*	*Address*		*Owner*
O	1	10412	STONE CANYON RD	MEADOWSTONE LIMITED PS
O	2	10308	STONE CANYON RD	MEADOWSTONE LIMITED
O	3	10412	STONE CANYON RD	MEADOWSTONE PLACE APTS LP
O	4	10308	STONE CANYON RD	MEADOSTONE LTD PL
O	5	10448	STONE CANYON RD	MEADOWSTONE LP
O	6	10320	STONE CANYON RD	MEADOWSTONE LTD PS
O	7	10440	STONE CANYON RD	MEADOWSTONE LIMITED PARTNERSHIP
O	8	10434	STONE CANYON RD	MEADOWSTONE LIMITED PARTNERSHIP
O	9	10412	STONE CANYON RD	MEADOWSTONE L P
O	10	10424	STONE CANYON RD	MEADOWSTONE PLACE LP
	11	7348	GLENDORA AVE	TONTZ DANIEL D
	12	7352	GLENDORA AVE	ROBINSON ROBERT K
	13	7351	GLENDORA AVE	LEIBFARTH JAMES H
	14	7347	GLENDORA AVE	ISAACS MARILYN
	15	7341	GLENDORA AVE	BROADDUS JACK &
	16	7335	GLENDORA AVE	ROBERTS DONALD E &
	17	7329	GLENDORA AVE	WHITWORTH LOIS A TR
	18	7516	MEADOW RD	HOLTSCLAW OTIS E
	19	7522	MEADOW RD	BURKHALTER PAUL B & CHERYL VERA
	20	7606	MEADOW RD	7606 MEADOW RD JOINT VENTURE
	21	7612	MEADOW RD	MORGAN BLANCHE T
	22	7620	MEADOW RD	SENIOR NANCY P &
	23	7628	MEADOW RD	YOUNG CHARLYNE F
	24	7700	MEADOW PARK DR	75 AND WALNUT HILL LLC
	25	7631	MEADOW RD	WILLIAMS DEBRA C M K
	26	7623	MEADOW RD	BROWN CHERYL JACKSON

02/15/2017

Reply	*Label #*	*Address*		*Owner*
	27	7615	MEADOW RD	POKHAREL ISHWOR &
	28	7607	MEADOW RD	DAILEY P K
	29	7519	MEADOW RD	LOVELESS THOMAS N & JANE
	30	10308	BOEDEKER DR	HENDRICKS MICHAEL & MICHELLE
	31	10316	BOEDEKER DR	SMITH LIONEL & JO ANN
	32	10324	BOEDEKER ST	PATTERSON BRIAN S
	33	7518	MEADOW OAKS DR	DANIEL LINDA L
	34	7608	MEADOW OAKS DR	COPLEY HELEN GLADYS FASON
	35	7610	MEADOW OAKS DR	COPLEY HELEN FASON
	36	7614	MEADOW OAKS DR	HEATH NED M &
	37	7622	MEADOW OAKS DR	MASON EDGAR
O	38	7623	MEADOW OAKS DR	DUNBAR ANN
	39	7625	MEADOW OAKS DR	DUNBAR ANN H
	40	7607	MEADOW OAKS DR	GLASS STUART E
	41	7525	MEADOW OAKS DR	JOHNSON BARBARA L
	42	7523	MEADOW OAKS DR	ROSSITER STEPHEN L
	43	7517	MEADOW OAKS DR	HOWE JANET
	44	7506	WELLCREST DR	BOGNER PHILLIP & VICTORIA L
	45	7516	WELLCREST DR	DISEKER RODNEY &
	46	7514	WELLCREST DR	DISEKER RODNEY & SARAH
	47	7522	WELLCREST DR	CASPERSON PAUL & CYNTHIA FAMILY TRUST
	48	7608	WELLCREST DR	BROWN KAREN
	49	7616	WELLCREST DR	MOSELEY SARA C
	50	7622	WELLCREST DR	BOGEL PHILIP R II & SARA
	51	7624	WELLCREST DR	HALL ETHAN C
	52	7614	WELLCREST DR	ARANGO GISELE
	53	7606	WELLCREST DR	JOHNS RUTH
	54	7507	WELLCREST DR	BOGNER DONNA L LIFE ESTATE
	55	7509	WELLCREST DR	BOGNER PHILLIP A
O	56	7517	WELLCREST DR	WELLCREST PROPERTIES LLC
	57	7607	WELLCREST DR	MCLENDON BETH B

02/15/2017

Reply	*Label #*	*Address*		*Owner*
	58	7615	WELLCREST DR	GRIFFIN JAMES W
	59	7623	WELLCREST DR	MATZKE BRENDA R
	60	7507	MEADOW OAKS DR	TRUE NANCY
	61	10455	N CENTRAL EXPY	MEADOW & CENTRAL LTD PS
	62	10333	N CENTRAL EXPY	HPTRI CORPORATION
	63	10325	N CENTRAL EXPY	HOSPITALITY PROPERTIES
	64	7709	MEADOW PARK DR	SHWIFF HOWARD C
	65	7709	MEADOW PARK DR	SCOTT CONDOS LLC
	66	7709	MEADOW PARK DR	FARROKH SHARAFPOUR
	67	7709	MEADOW PARK DR	MANDELSTAM MARCY
	68	7709	MEADOW PARK DR	BICKELMANN SUSAN L
	69	7709	MEADOW PARK DR	BAKER BRITTANY RYAN
	70	7707	MEADOW PARK DR	RUGGLES BRUCE M
	71	7705	MEADOW PARK DR	BESEDA CAROL
	72	7705	MEADOW PARK DR	APPLE ANNE ELIZABETH
	73	7705	MEADOW PARK DR	BRIZIUS CHARLES A JR
	74	7705	MEADOW PARK DR	HARDY ROBERT HOLBROOK
	75	7705	MEADOW PARK DR	GAREAU JAMES ANTHONY
	76	7705	MEADOW PARK DR	DURAINI BAHA
	77	7705	MEADOW PARK DR	ECONOMY3 REAL ESTATE A LLC
	78	7705	MEADOW PARK DR	NADELMAN JOHN E &
	79	7705	MEADOW PARK DR	COLLIER LARRY B
	80	7705	MEADOW PARK DR	MARQUETTE PAMELA
	81	7706	MEADOW PARK DR	HERRINGTON STEPHEN F
	82	7707	MEADOW PARK DR	LOWREY JEFFREY P
	83	7700	MEADOW RD	HARBISON LYNNA THELMA
	84	7700	MEADOW RD	WALSH MICHAEL J & POLLY T
	85	7700	MEADOW PARK DR	TROSPER PHYLLIS LIV TRUST
	86	7700	MEADOW RD	MITCHELL ROBERT
	87	7700	MEADOW RD	HAYTER VENTURES LLC
	88	7700	MEADOW RD	SAMBOL MARC D

02/15/2017

Reply	*Label #*	*Address*		*Owner*
	89	7700	MEADOW RD	APEX FINANCIAL CORP
	90	7702	MEADOW RD	YOUKERS JACKIE
	91	7704	MEADOW RD	LAMPERT JESSICA S
	92	7702	MEADOW RD	SCOTT CONDOS LLC
	93	7702	MEADOW RD	WALLACE DEBORAH SCOTT
	94	7704	MEADOW RD	DATOON DARIEL JOSEPH ANG &
	95	7706	MEADOW RD	POSNER PENELOPE RUTH SODEN &
	96	7706	MEADOW RD	BROWN SAVOHNA J
	97	7706	MEADOW RD	SHELDON KIMBERLY A
	98	7706	MEADOW RD	SANCHEZ IVY L CARRIGER
	99	7706	MEADOW RD	RISNER CLINTON L
	100	7706	MEADOW PARK DR	VANGELI MICHAEL F
	101	7706	MEADOW RD	SMITH WILLIAM
	102	7706	MEADOW RD	TANEZER CHARLOTTE
	103	7706	MEADOW RD	LAMPERT JESSICA S
	104	7704	MEADOW RD	LEHNHOFF KATHLEEN D &
	105	7704	MEADOW RD	ASEL ROGER S & JERRYE S
	106	7704	MEADOW RD	TALLANT J L EST OF
	107	7704	MEADOW RD	MARTINEZ CARLOS &
	108	7711	MEADOW PARK DR	LUCAS JENNIFER D
	109	7711	MEADOW RD	OWEN INGRID H LIVING TRUST
	110	7711	MEADOW RD	WILLIAMS SENA
	111	7705	MEADOW PARK DR	A & R TEXAS PROPERTIES LLC
	112	7704	MEADOW RD	ZHANG YUANMING
	113	7855	MEADOW PARK DR	MEAD KATHY
	114	7855	MEADOW PARK DR	THOMAS CAROLYN
	115	7855	MEADOW PARK DR	LUKOWSKI MICHAEL &
	116	7855	MEADOW PARK DR	LUKOWSKI MIKE
	117	7861	MEADOW PARK DR	SCHOENICK KATHLEEN
	118	7867	MEADOW PARK DR	EPSTEIN ALVIN L & LOIS B
	119	7867	MEADOW PARK DR	MUSGROVE DEBRA

02/15/2017

Reply	*Label #*	*Address*		*Owner*
	120	7867	MEADOW PARK DR	PARCHEM ANN
	121	7867	MEADOW PARK DR	NANNINGA CARROLL
	122	10212	REGAL OAKS DR	OH JOSEPH
	123	10212	REGAL OAKS DR	LUNA OSCAR M
	124	10212	REGAL OAKS DR	RODRIGUEZ RITA ROSA
	125	10212	REGAL OAKS DR	SOLOMON YOSEPH
	126	10216	REGAL OAKS DR	SAMANO MARIO EST OF
	127	10216	REGAL OAKS DR	BERMAN MARK J
	128	10216	REGAL OAKS DR	LODI EDNAN &
	129	10216	REGAL OAKS DR	MCALEB DEBORAH
	130	10220	REGAL OAKS DR	SOWARD MARY LOU
	131	10220	REGAL OAKS DR	NGUYEN LORI
	132	10220	REGAL OAKS DR	LUKOWSKI MICHAEL
	133	10220	REGAL OAKS DR	ALVAREZ FRANKLIN A
	134	10236	REGAL OAKS DR	CARTER KACIE HUNTER
	135	10236	REGAL OAKS DR	SCHROLLER JACQUELINE
	136	10236	REGAL OAKS DR	MORALES JANICE DENISE EUBANKS
	137	10236	REGAL OAKS DR	GENSON BILL L TR & LADONNA R TR
	138	10238	REGAL OAKS DR	BIRD SUZY
	139	10240	REGAL OAKS DR	BARNARD DOROTHY
	140	10240	REGAL OAKS DR	JONES HOWELL R
	141	10240	REGAL OAKS DR	CROCKETT TIMMIE LEPINCE
	142	10240	REGAL OAKS DR	KATHREE NADIM
	143	10224	REGAL OAKS DR	LUKOWSKI MARTA
	144	10224	REGAL OAKS DR	TOPLETZ JACK M & JUDY K
	145	10224	REGAL OAKS DR	KEBEDE MULUGETA ANTENEH
	146	10224	REGAL OAKS DR	MEHANI AVIRAM
	147	10228	REGAL OAKS DR	NAVARRO JOHN
	148	10228	REGAL OAKS DR	LIPMAN BRYAN
	149	10232	REGAL OAKS DR	LANE STEPHEN B
	150	10232	REGAL OAKS DR	DEANS REX D

02/15/2017

Reply	*Label #*	*Address*		*Owner*
	151	10232	REGAL OAKS DR	LIN FRANK
	152	10232	REGAL OAKS DR	RODRIGUEZ PEDRO JULIO
	153	10244	REGAL OAKS DR	DODD MARY M
	154	10244	REGAL OAKS DR	TARBUTTON JAMES D & EVA
	155	10244	REGAL OAKS DR	HERNANDEZ ROSENID
	156	10244	REGAL OAKS DR	ABRAMSON ELSA
	157	10248	REGAL OAKS DR	KAPLAN BEATRICE
	158	10248	REGAL OAKS DR	MASTERS CHARLES L
	159	10248	REGAL OAKS DR	BERMAN MARK J &
	160	10248	REGAL OAKS DR	HUFFMAN SCOTT
	161	10252	REGAL OAKS DR	REED BRANDI
	162	10252	REGAL OAKS DR	AMERICAN REALTY SERVICES INC
	163	10252	REGAL OAKS DR	ALI BERTUKEN A
	164	10252	REGAL OAKS DR	HURTADODEMENDOZA AURELIO
	165	7903	MEADOW PARK DR	TAYLOR KATHRYN R
	166	7903	MEADOW PARK DR	CHAVEZ BLANCA AMELIA AGUILAR
	167	7907	MEADOW PARK DR	HATAMI MANDUCHEHR
	168	7907	MEADOW PARK DR	LOREDO PEDRO JUAN
	169	7911	MEADOW PARK DR	J STEWART PROPERTIES 1 LLC
	170	7911	MEADOW PARK DR	MORELLI LUCRETIA
	171	7915	MEADOW PARK DR	HATAMI MANOUCHEHR
	172	7915	MEADOW PARK DR	MEADOW PARK 791 110 LAND TR
	173	7903	MEADOW PARK DR	KAWINSKA MARIA KRISTINA
	174	7907	MEADOW PARK DR	WILLIAMS MICHAEL DEE
	175	7911	MEADOW PARK DR	TORRES KARINA
	176	7915	MEADOW PARK DR	FOSTER CHIMEKA S
	177	7915	MEADOW PARK DR	JUSZCZYK HIERONIM
	178	7929	MEADOW PARK DR	CANADA BENNIE LOU
	179	7829	MEADOW PARK DR	NGE NU N
	180	7919	MEADOW PARK DR	LEGORRETA PABLO A
	181	7929	MEADOW PARK DR	MEADOW 7929 202 LAND TRUST

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	182	7919	MEADOW PARK DR	MONTE DHEENA
	183	7919	MEADOW PARK DR	YANNIELLO CHRISTOPHER &
	184	7919	MEADOW PARK DR	HERRERA ABNER ARON
	185	7919	MEADOW PARK DR	DEVERICKS SHANE M
	186	7770	MEADOW RD	MAWANI AMIN
	187	7770	MEADOW RD	DFW SYNERGY LLC
	188	7770	MEADOW RD	LANGIN NICOLE
	189	7770	MEADOW RD	LANCER CONSTRUCTION & DEVELOPMENT LLC
	190	7770	MEADOW RD	CLAYTON CASSANDRA LYNN
	191	7770	MEADOW RD	ELEGANT INVESTMENT GROUP INC
	192	7770	MEADOW RD	COKER TRAVIS A
	193	7770	MEADOW RD	DIEHL BOBBIE JO
	194	7770	MEADOW RD	WALTERS FREDERICK W
	195	7770	MEADOW RD	ARSHAD MUHAMMAD
	196	7770	MEADOW RD	LEWIS MAIYA D
	197	7770	MEADOW RD	LIVENGOOD JENNIFER
	198	7770	MEADOW RD	LAMBERTH REBECCA A
	199	7770	MEADOW RD	RHEIN ROBERT
	200	7770	MEADOW RD	ALLAIN JOSEPH R
	201	7770	MEADOW RD	CHOKEL CHAD B
	202	7770	MEADOW RD	MORAN MICHAEL & BELINDA L
	203	7770	MEADOW RD	HOGAN JONATHON L &
	204	7770	MEADOW RD	LE JENNY N
	205	7770	MEADOW RD	TODD LINDSAY GAVOS &
	206	7770	MEADOW RD	ALVEAR MARIA N
	207	10401	HIGH HOLLOWS DR	FORD DIANN C
	208	10401	HIGH HOLLOWS DR	HUMPHRIES JOHN F JR
	209	10403	HIGH HOLLOW DR	BREWER BETTY SUE
	210	10403	HIGH HOLLOWS DR	SANCHEZ RENE M
	211	10403	HIGH HOLLOWS DR	GAMEL DAVID B
	212	10403	HIGH HOLLOWS DR	FRANKENS HTI LTD

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	213	10405	HIGH HOLLOWS DR	SPARLIN JIMI
	214	10405	HIGH HOLLOWS DR	GROSSMAN ELIZABETH
	215	10405	HIGH HOLLOWS DR	ZUCKER ALAN M & DIANNA K
	216	10405	HIGH HOLLOWS DR	JANCO HOWARD L
	217	10407	HIGH HOLLOWS DR	WALTERS CHRISTINA
	218	10407	HIGH HOLLOWS DR	TINKLE MARILYN
	219	10407	HIGH HOLLOWS DR	WHITE RICKRICH LLC
	220	10419	HIGH HOLLOWS DR	MOFFETT SHARON C
	221	10419	HIGH HOLLOWS DR	RUBIN LINDSEY
	222	10419	HIGH HOLLOWS DR	JONES SYLVIA
	223	10419	HIGH HOLLOWS DR	CABRERA ROXANNE M & LAWRENCE K WHITE
	224	10421	HIGH HOLLOWS DR	HARPER JACK
	225	10421	HIGH HOLLOWS DR	BREWER AMY
	226	10423	HIGH HOLLOWS DR	BECK DEBRA LYNN SUPPLEMENTAL NEEDS TRUST
	227	10423	HIGH HOLLOWS DR	THOMAS MARGARET
	228	10423	HIGH HOLLOWS DR	GILLIAM JAMES ROBERT
	229	10423	HIGH HOLLOWS DR	YANG FAN &
	230	10431	HIGH HOLLOWS DR	PELUSO JOANNA GRACE LIVING TRUST
	231	10431	HIGH HOLLOWS DR	DOZIER DAVID
	232	10431	HIGH HOLLOWS DR	KELL LINDSEY P
	233	10431	HIGH HOLLOWS DR	HARPER CAROLYN F
	234	10433	HIGH HOLLOWS DR	DELATORRE MARIZEL
	235	10433	HIGH HOLLOWS DR	SPIGEL DONALD
	236	10433	HIGH HOLLOWS DR	PIERCE DEBRA
	237	10433	HIGH HOLLOWS DR	RIGGINS SUMMER
	238	10437	HIGH HOLLOWS DR	THOMPSON DOUGLAS DUANE
	239	10437	HIGH HOLLOWS DR	HOWDESHELL BECKY
	240	10437	HIGH HOLLOWS DR	GRAHAM NANCY
	241	10437	HIGH HOLLOWS DR	NEVE SARAPON ANN

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	242	10439	HIGH HOLLOWS DR	BORBRENKOVA IRINA &
	243	10439	HIGH HOLLOWS DR	HAUGHT KIMBERLY M &
	244	10439	HIGH HOLLOWS DR	GOOLSBY MICHELLE P &
	245	10439	HIGH HOLLOWS DR	ROGERS DANA DRVER
	246	10441	HIGH HOLLOWS DR	CONDON THOMAS JOSEPH
	247	10441	HIGH HOLLOWS DR	LEONARD SHIRLEY
	248	10404	HIGH HOLLOWS DR	SALTZMAN STEVEN A
	249	10404	HIGH HOLLOWS DR	BENINGER GREGORY C
	250	10404	HIGH HOLLOWS DR	TUCCI JOYCE
	251	10404	HIGH HOLLOWS DR	FOY JOAN
	252	10406	HIGH HOLLOWS DR	HUMPHRIES JOHN E JR
	253	10406	HIGH HOLLOWS DR	KHAN FARHAN
	254	10408	HIGH HOLLOWS DR	DUTY DEBORAH
	255	10408	HIGH HOLLOWS DR	THOMPSON WALTER ROWAN
	256	10408	HIGH HOLLOWS DR	PERRY KAREN L
	257	10408	HIGH HOLLOWS DR	BRADLEY ALISON
	258	10410	HIGH HOLLOWS DR	LOEST BARBARA C
	259	10410	HIGH HOLLOWS DR	KIBLER CAROLE JEAN
	260	10410	HIGH HOLLOWS DR	REGAN LOYD
	261	10414	HIGH HOLLOWS DR	ROCA CARLOS ANDRES
	262	10414	HIGH HOLLOWS DR	JONES TAMARA RENEE
	263	10416	HIGH HOLLOWS DR	ANSPACHER RICHARD B EST OF
	264	10416	HIGH HOLLOWS DR	EGAN DEBORAH M
	265	10416	HIGH HOLLOWS DR	HALLMARK KAREN SUMMERS
	266	10416	HIGH HOLLOWS DR	BATSON BARBARA
	267	10420	HIGH HOLLOWS DR	LEVATINO SAL
	268	10420	HIGH HOLLOWS DR	GAMMON CATHY
	269	10420	HIGH HOLLOWS DR	AVLARADO ERINA OBRIEN &
	270	10420	HIGH HOLLOWS DR	FREITAG ALYSSA A
	271	10424	HIGH HOLLOWS DR	CORSON ALINE WEST
	272	10424	HIGH HOLLOWS DR	COWAN GERALDINE

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	273	10424	HIGH HOLLOWS DR	MARVELLI CRISTINA
	274	10424	HIGH HOLLOWS DR	WHITE CAROLINE C
	275	10430	HIGH HOLLOWS DR	LEONARD SHIRLEY
	276	10430	HIGH HOLLOWS DR	BOROUJERDI AMIR H
	277	10430	HIGH HOLLOWS DR	BARNARD BRASHIER & JUDITH DAINES
	278	10430	HIGH HOLLOWS DR	MARCH ELAINE ET AL
	279	10432	HIGH HOLLOWS DR	STAVERN GLENN VAN
	280	10432	HIGH HOLLOWS DR	MIANO PAULA L
	281	10432	HIGH HOLLOWS DR	HURLEY ROBERT H
	282	10432	HIGH HOLLOWS DR	MADDEN JAMES D &
	283	10436	HIGH HOLLOWS DR	WALKER DONALD F
	284	10436	HIGH HOLLOWS DR	ZUBIK JACQUELINE A
	285	10436	HIGH HOLLOWS DR	BERGER SUZANNE W
	286	10436	HIGH HOLLOWS DR	LEE DIANE W
	287	10438	HIGH HOLLOWS DR	WOODRUFF STEPHANIE
	288	10438	HIGH HOLLOWS DR	VICHYASTIT JAY M
	289	10438	HIGH HOLLOWS DR	WOLF MARK
	290	10438	HIGH HOLLOWS DR	HARRIS MAYNARD B III
	291	10440	HIGH HOLLOWS DR	RICKRICH WHITE LLC
	292	10440	HIGH HOLLOWS DR	MARCH DONNA EILEEN
O	293	10526	STONE CANYON RD	EUBANK CAROLYN
O	294	10526	STONE CANYON RD	MILLER MURIEL LIEBERS
O	295	10526	STONE CANYON RD	FARRIS ROY D JR
O	296	10526	STONE CANYON RD	STEWART VERA A
O	297	10526	STONE CANYON RD	BERRY KENNETH
O	298	10526	STONE CANYON RD	VYAS ABHINAV
O	299	10526	STONE CANYON RD	TIMRECK THOMAS J
O	300	10526	STONE CANYON RD	FLEMING GRACE
O	301	10530	STONE CANYON RD	EVANS EVA L
O	302	10530	STONE CANYON RD	KLEINMAN DIANA E
O	303	10530	STONE CANYON RD	CLAWSON LINDA
O	304	10530	STONE CANYON RD	SCHNORMEIER MARILYN R

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O	305	10530	STONE CANYON RD	KANNER LEONARD
O	306	10530	STONE CANYON RD	IALLONARDO GINO
O	307	10530	STONE CANYON RD	TURNER KEVIN F & ET AL
O	308	10530	STONE CANYON RD	YOUNG YVONNE A
O	309	10532	STONE CANYON RD	KLP INVESTMENTS LLC
O	310	10532	STONE CANYON RD	GREEN KAY S
O	311	10532	STONE CANYON RD	DALEY PATRICK
O	312	10532	STONE CANYON RD	STONE MARILYN R
O	313	10534	STONE CANYON RD	HERNANDEZ REGINA T
O	314	10534	STONE CANYON RD	OVERTON BRENT L
O	315	10534	STONE CANYON RD	HAMILTON GREGORY G
O	316	10534	STONE CANYON RD	HERMOSILLO JOSE
O	317	10534	STONE CANYON RD	LINCOLN SUSAN W
O	318	10534	STONE CANYON RD	RUBENSTEIN LEON
O	319	10534	STONE CANYON RD	M QUAD GROUP LLC
O	320	10536	STONE CANYON RD	LONGORIA BARBARA
O	321	10536	STONE CANYON RD	REEVES TERRY F
O	322	10536	STONE CANYON RD	GONZALES VANESSA V
O	323	10536	STONE CANYON RD	DOCKERY DANIEL G
O	324	10536	STONE CANYON RD	APODACA ADRIAN IVAN
O	325	10536	STONE CANYON RD	LOZANO ENEDELIA
O	326	10536	STONE CANYON RD	BOLES MCGUIRE
O	327	10536	STONE CANYON RD	SPAETH WILLIAM P & CAROL A
O	328	10544	STONE CANYON RD	WARD BERT TRUST
O	329	10544	STONE CANYON RD	SUDDATH JOSEPH A
O	330	10544	STONE CANYON RD	MURPHREE JOHN E
O	331	10544	STONE CANYON RD	GOODSON CAROLYN K
O	332	10544	STONE CANYON RD	WEISFELD RONALD A
O	333	10544	STONE CANYON RD	DONALDSON JAMES A
O	334	10544	STONE CANYON RD	BLAKE CHRISTOPHER & LYNNE BOWEN
O	335	10544	STONE CANYON RD	WIGLEY FAMILY TRUST
O	336	10546	STONE CANYON RD	RIESMAN LINDY K

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O	337	10546	STONE CANYON RD	GORDON RANDI
O	338	10546	STONE CANYON RD	
O	339	10546	STONE CANYON RD	CULPEPPER RONALD
O	340	10546	STONE CANYON RD	NAVARRO WENDY C
O	341	10546	STONE CANYON RD	DOWLING JOHN
O	342	10546	STONE CANYON RD	SANTIAGO DEWITT L
O	343	10546	STONE CANYON RD	MULLEY MARY
O	344	10548	STONE CANYON RD	DUKE BILLY J
O	345	10548	STONE CANYON RD	DUKE BJ
O	346	10548	STONE CANYON RD	SCALLON BETTY
O	347	10548	STONE CANYON RD	WALLACE JILL SANDEL BALLARD
O	348	10548	STONE CANYON RD	ISAACSON PAMELA
O	349	10548	STONE CANYON RD	CONDON KATHLEEN
O	350	10548	STONE CANYON RD	ZORG ENTERPRISES LLC
O	351	10548	STONE CANYON RD	CLINE KINSEY
O	352	10550	HIGH HOLLOWS DR	ONEILL SHARON
O	353	10550	HIGH HOLLOWS DR	DAVIS MICHAEL
O	354	10550	HIGH HOLLOWS DR	ELKINS LAUREL J
O	355	10550	HIGH HOLLOWS DR	CANTY JOHN P
O	356	10552	HIGH HOLLOWS DR	SMITH DONALD R & LYNDA J
O	357	10552	HIGH HOLLOWS DR	GONZALEZ BRUNO &
O	358	10552	HIGH HOLLOWS DR	HAVERSTICK MICHAEL
O	359	10552	HIGH HOLLOWS DR	MCCORMICK RICHARD V
O	360	10552	HIGH HOLLOWS DR	SHALLENBERGER DAVID M & PUNAM D
O	361	10552	HIGH HOLLOWS DR	GENTILE NANCY
O	362	10552	HIGH HOLLOWS DR	FOREMAN SHERYL L
O	363	10552	HIGH HOLLOWS DR	CARSON WILLIAM C
O	364	10556	HIGH HOLLOWS DR	JACOBSON G & M FAMILY TR
O	365	10556	HIGH HOLLOWS DR	LOONEY DAVID
O	366	10556	HIGH HOLLOWS DR	IALLONARDO ROSS JAMES
O	367	10556	HIGH HOLLOWS DR	SCHILL TERRY M

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O	368	10556	HIGH HOLLOWS DR	BARGONETTI MERRY ANN
O	369	10556	HIGH HOLLOWS DR	TRAN BAO H
O	370	10556	HIGH HOLLOWS DR	VELASQUEZ MARIA
O	371	10556	HIGH HOLLOWS DR	WEISS ANNE MARIE
O	372	10558	HIGH HOLLOWS DR	MATISE JAN C
O	373	10558	HIGH HOLLOWS DR	KENDRA KAROL A
O	374	10558	HIGH HOLLOWS DR	MOMIN ASMA S
O	375	10558	HIGH HOLLOWS DR	WHITESIDE JADE ALEXANDRA
O	376	10558	HIGH HOLLOWS DR	WILLITS STEPHANIE L
O	377	10558	HIGH HOLLOWS DR	AGADA THERESA & AZU
O	378	10558	HIGH HOLLOWS DR	EVC PROPERTIES LLC
O	379	10558	HIGH HOLLOWS DR	BRAMNIK GEORGE & TAMARA
O	380	10562	HIGH HOLLOWS DR	MINTZ ERIN M
O	381	10562	STONE CANYON RD	HIGH HOLLOWS 10562 #147 LAND TRUST
O	382	10562	HIGH HOLLOWS DR	ZUNIGA ADA M
O	383	10562	HIGH HOLLOWS DR	C8 GROUP LLC
O	384	10562	HIGH HOLLOWS DR	KLEIN KATHERINE JOANNA
O	385	10562	HIGH HOLLOWS DR	PARHAM ELIZABETH
O	386	10562	HIGH HOLLOWS DR	BLAIR DAVID C
O	387	10562	HIGH HOLLOWS DR	SIMON JASMINE
O	388	10564	HIGH HOLLOWS DR	SOLSBERY CUSHLA FRANCES
O	389	10564	HIGH HOLLOWS DR	PALMER CONNELLY
O	390	10564	HIGH HOLLOWS DR	BARBERO ISABEL
O	391	10564	HIGH HOLLOWS DR	FITZGERALD DAVID
O	392	10564	HIGH HOLLOWS DR	MCCURRACH PAMELA & DAVID
O	393	10564	HIGH HOLLOWS DR	FIRST HOME GROUP LLC
O	394	10564	HIGH HOLLOWS DR	GRIFFITH CHARLES D
O	395	10564	HIGH HOLLOWS DR	HOLM RICHARD D
O	396	10566	HIGH HOLLOWS DR	BARRETT MARTHA E
O	397	10566	HIGH HOLLOWS DR	VINSONHALER MARY C
O	398	10566	HIGH HOLLOWS DR	BERNBAUM PHYLISS N EST OF

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O	399	10566	HIGH HOLLOWS DR	COUNTS LYNNA KAY
O	400	10566	HIGH HOLLOWS DR	ORDNER KAREN W TRUSTEE
O	401	10566	HIGH HOLLOWS DR	MOORE D P
O	402	10566	HIGH HOLLOWS DR	BOAKYE GOLDA NAANA
O	403	10566	HIGH HOLLOWS DR	ALCALA LUIS M
O	404	10570	HIGH HOLLOWS DR	SORIA MARIO &
O	405	10570	HIGH HOLLOWS DR	JERNIGAN JACK & STACEY
O	406	10570	HIGH HOLLOWS DR	YARBROUGH DANA LEE
O	407	10570	HIGH HOLLOWS DR	CATHCART PATRICIA
O	408	10572	HIGH HOLLOWS DR	MONTGOMERY MILLIE
O	409	10572	HIGH HOLLOWS DR	TSCHUMY SHEILA A
O	410	10572	HIGH HOLLOWS DR	CARTER VAN C
O	411	10572	HIGH HOLLOWS DR	SKIPPER TODD
O	412	10574	HIGH HOLLOWS DR	WILKERSON KAREN M
O	413	10574	HIGH HOLLOWS DR	ALOI TOM
O	414	10574	HIGH HOLLOWS DR	SMITH SHARON E
O	415	10574	HIGH HOLLOWS DR	DUBNOV WILLIAM L
O	416	10574	HIGH HOLLOWS DR	MOORE CHRISTOPHER HART CAMPBELL
O	417	10574	HIGH HOLLOWS DR	GLENN DON V
O	418	10574	HIGH HOLLOWS DR	C&C RESIDENTIAL PROPERTIES
O	419	10574	HIGH HOLLOWS DR	JSL TRUST
O	420	10578	HIGH HOLLOWS DR	MARTIN OPAL S
O	421	10578	HIGH HOLLOWS DR	VIRDEN JOHN C
O	422	10578	HIGH HOLLOWS DR	MARSHALL JUNE
O	423	10578	HIGH HOLLOWS DR	SMITH DIANNE
O	424	10578	HIGH HOLLOWS DR	DURKEE MELISA A
O	425	10578	HIGH HOLLOWS DR	KINTZ KEVIN GERARD &
O	426	10578	HIGH HOLLOWS DR	MONSEES MARY S
O	427	10578	HIGH HOLLOWS DR	KNOX WILLIAM DAVID
O	428	10580	HIGH HOLLOWS DR	KEOUGH KATHRYN
O	429	10580	HIGH HOLLOWS DR	SAIDI ROSAMOND VIRGINIA

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O	430	10580	HIGH HOLLOWS DR	AIKMAN ANITA G
O	431	10580	HIGH HOLLOWS DR	BLOCK HOWARD
O	432	10580	HIGH HOLLOWS DR	BITHAS CHARLES
O	433	10580	HIGH HOLLOWS DR	FANG XU &
O	434	10580	HIGH HOLLOWS DR	KENT MEREDITH C &
O	435	10580	HIGH HOLLOWS DR	GUCHEREAU JAN
O	436	10584	HIGH HOLLOWS DR	WILMOTH AMANDA BYARS &
O	437	10584	HIGH HOLLOWS DR	FRENCH JOHN &
O	438	10584	HIGH HOLLOWS DR	WILSON BRANDON & KELLY
O	439	10584	HIGH HOLLOWS DR	JESNESS ELIZABETH FISHER TRUSTEE &
O	440	10584	HIGH HOLLOWS DR	BAGGETT SUSANNE L
O	441	10584	HIGH HOLLOWS DR	GARNER NANCY
O	442	10584	HIGH HOLLOWS DR	10584 HIGH HOLLOWS LLC
O	443	10584	HIGH HOLLOWS DR	HEVEY CONNIE &
O	444	10586	HIGH HOLLOWS DR	JACKSON LORIE M
O	445	10584	HIGH HOLLOWS DR	BRZEZINSKI MARIA &
O	446	10586	HIGH HOLLOWS DR	JANIAK TERESA
O	447	10586	HIGH HOLLOWS DR	GOLDBERG DAVID V
O	448	10588	HIGH HOLLOWS DR	GALER VINCENT H
O	449	10588	HIGH HOLLOWS DR	STONE HOMER E
O	450	10588	HIGH HOLLOWS DR	WERN JASON E
O	451	10588	HIGH HOLLOWS DR	GARNER NANCY
O	452	10588	HIGH HOLLOWS DR	DANIEL THIRD PARTY SPECIAL NEEDS TRUST
O	453	10588	HIGH HOLLOWS DR	SWITZER CASEY A
O	454	10588	HIGH HOLLOWS DR	MARTINEZ ARMANDO & FLORENCIA
O	455	10588	HIGH HOLLOWS DR	WANG DI
O	456	10590	HIGH HOLLOWS DR	WILSON STEPHEN T
O	457	10590	HIGH HOLLOWS DR	MOHEL TIMOTHY D
O	458	10590	HIGH HOLLOWS DR	BRUCH MICHELE
O	459	10590	HIGH HOLLOWS DR	DOWLER LYNNE L
O	460	10590	HIGH HOLLOWS DR	MOHEL TIMOTHY

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O	461	10590	HIGH HOLLOWS DR	LAMBERT HELEN &
O	462	10590	HIGH HOLLOWS DR	DOWLER LYNNE L
O	463	10590	HIGH HOLLOWS DR	REN XIJING
O	464	10594	HIGH HOLLOWS DR	WILLIAMS GRIFFIN D
O	465	10594	HIGH HOLLOWS DR	IALLONARDO JAMES J
O	466	10594	HIGH HOLLOWS DR	ASTRAHAN EDELWEISS P
O	467	10594	HIGH HOLLOWS DR	GARCIA RUBIELA VILLA
O	468	10594	HIGH HOLLOWS DR	WILDBERGER PAUL L
O	469	10594	HIGH HOLLOWS DR	CLARK ADAIR W
O	470	10594	HIGH HOLLOWS DR	TSHIBAMBA DANIEL &
O	471	10594	HIGH HOLLOWS DR	MINOR TRACY
O	472	10596	HIGH HOLLOWS DR	SEIJAS ENNIE
O	473	10596	HIGH HOLLOWS DR	ZHANG HUI
O	474	10596	HIGH HOLLOWS DR	SEIJAS ENNIE G
O	475	10596	HIGH HOLLOWS DR	CADY LESLIE G & CHARLINE
O	476	10598	HIGH HOLLOWS DR	BARNETT DON &
O	477	10598	HIGH HOLLOWS DR	MUETHER ROBERT MICHAEL
O	478	10598	HIGH HOLLOWS DR	GOULD KEVIN A
O	479	10598	HIGH HOLLOWS DR	SOLOV ELLEN ROBIN
O	480	10598	HIGH HOLLOWS DR	HUBBELL ANNA FIRIEL
O	481	10598	HIGH HOLLOWS DR	RUPP BETTY JO
O	482	10598	HIGH HOLLOWS DR	SCHLICHTING STEPHEN J
O	483	10598	HIGH HOLLOWS DR	HOWELL CRAIG
	484	7502	WOODTHRUSH DR	ROMAN JOSEPH & ASHLEY
	485	7504	WOODTHRUSH DR	PEOPLES DESIREE NICHOLE
	486	7506	WOODTHRUSH DR	SMITH JULIE & PATRICK
	487	7508	WOODTHRUSH DR	RODRIGUEZ MARCIA &
	488	7510	WOODTHRUSH DR	COOPER TIM
	489	7512	WOODTHRUSH DR	WALKER HELEN C
	490	7514	WOODTHRUSH DR	WILSON DAVID R
	491	7516	WOODTHRUSH DR	WARREN MELINDA L

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	492	7518	WOODTHRUSH DR	MCBRIDE ROBIN
	493	7520	WOODTHRUSH DR	WILLIAMS VEE
	494	7602	WOODTHRUSH DR	SARSHALOM DORIT
	495	7604	WOODTHRUSH DR	MCAULEY RUTHANN
	496	7606	WOODTHRUSH DR	LEE MARIE D
	497	7608	WOODTHRUSH DR	GRUNNAH ROBERT J SR
	498	7610	WOODTHRUSH DR	KELLY JANET L
	499	7612	WOODTHRUSH DR	MILLER JO CAROLYN D FAMILY LIVING TRUST
	500	7614	WOODTHRUSH DR	JORDAN MICHAEL
	501	7616	WOODTHRUSH DR	SLAYDEN SUMMER
	502	7618	WOODTHRUSH DR	RITTER LAUREN E & EDWARD G
	503	7620	WOODTHRUSH DR	HAND HOWARD W & JAMIE A
	504	7503	WOODTHRUSH DR	LOGAN CHRISTINA LYNN
	505	7505	WOODTHRUSH DR	CARVER CANDICE
	506	7507	WOODTHRUSH DR	HARRISON JAMES
	507	7509	WOODTHRUSH DR	HARRIS JEFFREY & ANA
	508	7511	WOODTHRUSH DR	PEREZ THERISA S
	509	7515	WOODTHRUSH DR	ONEAL MICHAEL
	510	7517	WOODTHRUSH DR	MURRAY HEIDI K
	511	7519	WOODTHRUSH DR	VAUGHAN GAYMARIE &
	512	7521	WOODTHRUSH DR	DODSON CLIFFORD & DEBORAH RENE
	513	7603	WOODTHRUSH DR	SHARP KIMBERLY CECIL
	514	7605	WOODTHRUSH DR	BOLANOS MATTHEW &
	515	7607	WOODTHRUSH DR	LUM LINDA
	516	7609	WOODTHRUSH DR	MURPHY SAM HOUSTON III
	517	7611	WOODTHRUSH DR	DU KIM N
	518	7615	WOODTHRUSH DR	WARE JANET ALLEN
	519	7617	WOODTHRUSH DR	DAVIS MARY MCKEOWN
	520	7619	WOODTHRUSH DR	LYNCH CYNTHIA ANDRA &
	521	7621	WOODTHRUSH DR	MENCHACA NORMA L
	522	7623	WOODTHRUSH DR	CHIA SHIH SUNG

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Reply	*Label #*	*Address*		*Owner*
	523	7625	WOODTHRUSH DR	WILSON MARY
	524	7502	RIVERBROOK DR	MURRAY HEIDI K
	525	7504	RIVERBROOK DR	BASTIDA ALBERTO JORGE
	526	7506	RIVERBROOK DR	DONNERSBERGER FLORENCE J
	527	7508	RIVERBROOK DR	VERMILLION KATHRYN A TR
	528	7510	RIVERBROOK DR	NEWTON JAMES C III
	529	7512	RIVERBROOK DR	FABIAN DANIEL W
	530	7514	RIVERBROOK DR	BUECHLER MARY V & PAUL A
	531	7516	RIVERBROOK DR	DAVIS SCOTT & LINDA
	532	7518	RIVERBROOK DR	HARRISON JAMES GREGORY
	533	7520	RIVERBROOK DR	JENKINS JOHN & CATHERINE
	534	7602	RIVERBROOK DR	SEXTON SHELLY K
	535	7604	RIVERBROOK DR	MAGUIRE JOHN M
	536	7606	RIVERBROOK DR	MOLLOY BETTY LOUISE LUTTRELL
	537	7608	RIVERBROOK DR	LEE STUART E
	538	7610	RIVERBROOK DR	JOHNSON MARY GLENDA
	539	7612	RIVERBROOK DR	ALLEN MARILYN J
	540	7614	RIVERBROOK DR	RIMES LARA A
	541	7616	RIVERBROOK DR	DEASON CLIFFORD R &
	542	7618	RIVERBROOK DR	IMREN OYA
	543	7620	RIVERBROOK DR	COGGAN ERIC
	544	7622	RIVERBROOK DR	WRIGHT PETER W &
	545	10215	REGAL OAKS DR	BOGARD TABITHA
	546	10217	REGAL OAKS DR	GILLIAM CASEY L
	547	10219	REGAL OAKS DR	FAWCETT KATHLEEN BERRY
	548	10221	REGAL OAKS DR	DENNY RACHEL C
	549	10223	REGAL OAKS DR	HEMMER RONALD F
	550	10211	REGAL OAKS DR	ALEXANDER MIA
	551	10211	REGAL OAKS DR	GIERKE EMILY
	552	10211	REGAL OAKS DR	MARZKA CRAIG
	553	10211	REGAL OAKS DR	OBUSEK DEBORAH

Reply	*Label #*	*Address*		*Owner*
	554	10211	REGAL OAKS DR	WEIDNER KRISTIN
	555	10211	REGAL OAKS DR	JOHNSON KIMBERLY
	556	10205	REGAL OAKS DR	KINSMAN RYAN J
	557	10205	REGAL OAKS DR	HAAS DEREK A
	558	10205	REGAL OAKS DR	BRETSCHNEIDER ANDREW THOMAS
	559	10205	REGAL OAKS DR	VANDERGRIFT FRANKLIN J
	560	10205	REGAL OAKS DR	GREENE RICHARD
	561	10205	REGAL OAKS DR	STEBBINS CARI
	562	10203	REGAL OAKS DR	MCGAUGHEY LESLIE
	563	10203	REGAL OAKS DR	ESSER STEPHANIE
	564	10201	REGAL OAKS DR	BULINO TRACY A
	565	10201	REGAL OAKS DR	COX GREGORY B & PATRICIA K
	566	10203	REGAL OAKS DR	SMITH TRAVIS M
	567	10203	REGAL OAKS DR	MUNN AMY J
	568	10201	REGAL OAKS DR	GOSWAMI SONAL
	569	10201	REGAL OAKS DR	HEINBUCH DENNIS
	570	7807	MEADOW PARK DR	ELLIS DIANE
	571	7807	MEADOW PARK DR	COREY MEREDITH L
	572	7807	MEADOW PARK DR	WHITEHEAD MASON TR & BRENNA TR
	573	7807	MEADOW PARK DR	BURGHARDT RICHARD L
	574	7809	MEADOW PARK DR	JONES DAVID
	575	7809	MEADOW PARK DR	PRIMITIVE PETROLEUM INC
	576	10207	REGAL OAKS DR	LAFITTE JUSTIN & GLENNA
	577	10207	REGAL OAKS DR	MELANAPHY KATHRYN ELIZABETH &
	578	7809	MEADOW PARK DR	MURPHEY DONALD V &
	579	7809	MEADOW PARK DR	KIMBALL MICHELE E
	580	10207	REGAL OAKS DR	HUNG HUA HSING
	581	10207	REGAL OAKS DR	MOREAU PERLE
	582	10209	REGAL OAKS DR	BROWN CRYSTAL &
	583	10209	REGAL OAKS DR	HO THU THI
	584	10209	REGAL OAKS DR	JUNG NICHOLAS J

02/15/2017

Reply	*Label #*	*Address*		*Owner*
	585	10209	REGAL OAKS DR	ROSS JOAN EST OF
	586	10209	REGAL OAKS DR	JEFFREY DONNA S
	587	10209	REGAL OAKS DR	OVERSTREET KRISTIN E
	588	10209	REGAL OAKS DR	MAR STEVEN
	589	10209	REGAL OAKS DR	DRAKE RUSSELL M
	590	10213	REGAL OAKS DR	DION ERIC
	591	10213	REGAL OAKS DR	SHEARER MARK
	592	10213	REGAL OAKS DR	PAGE STEPHANIE L
	593	10213	REGAL OAKS DR	LIM DOUGLAS
	594	10213	REGAL OAKS DR	SANTISTEVAN TANIA
	595	10213	REGAL OAKS DR	SNYDERMAN JOEL ALLEN
	596	10213	REGAL OAKS DR	VIVEROS RUBN
	597	10213	REGAL OAKS DR	SENA SARA ELIABETH
	598	7736	MEADOW RD	HORN WILLIAM C
	599	7736	MEADOW RD	BOROUGHS NANCY LEE &
	600	7736	MEADOW RD	MATHIS KIMBERLY L
	601	7736	MEADOW RD	GREEN AMY S
	602	7736	MEADOW RD	SPARROW CHASE K
	603	7736	MEADOW RD	BOMMA SATISH &
	604	7730	MEADOW RD	RAMON MANUEL JR &
	605	7730	MEADOW RD	8109 SKILLMAN MM LLC &
	606	7730	MEADOW RD	ELMORE JAMES M
	607	7730	MEADOW RD	DELZELL EDWIN C
	608	7730	MEADOW RD	LEE MARY ALICE
	609	7738	MEADOW RD	KENNEMER MEREDITH
	610	7738	MEADOW RD	PETERSON KRISTIN D
	611	7738	MEADOW RD	GUNTER KEVIN T
	612	7738	MEADOW RD	PIERCE ROBERT
	613	7732	MEADOW RD	FLEISHMAN DEBBIE
	614	7732	MEADOW RD	HOGE VALERIE
	615	7732	MEADOW RD	CONTE DERRICK J

02/15/2017

Reply	*Label #*	*Address*		*Owner*
	616	7732	MEADOW RD	MURDOCH STEPHANIE
	617	7732	MEADOW RD	BAKER CODY
	618	7732	MEADOW RD	SARTORIS TANIA M
	619	7732	MEADOW RD	CARDENAS LIBRADO
	620	7732	MEADOW RD	DIULUS JOHN
	621	7740	MEADOW RD	KARRAS VALERIE ANN
	622	7740	MEADOW RD	POLLARD JUSTIN ANDREW
	623	7740	MEADOW RD	DEVEGOWDA ANIL
	624	7740	MEADOW RD	KEATLEY ANDREW
	625	7734	MEADOW RD	WASHINGTON RODNEY T
	626	7734	MEADOW RD	LIM DEAN
	627	7734	MEADOW RD	HOFFACKER CHLOE L &
	628	7734	MEADOW RD	PETERSON DAVID BLAIR
	629	7734	MEADOW RD	DERICHSWELLER MARK A & JANET D
	630	7734	MEADOW RD	JORDAN BLAKE ELLIOTT
	631	7734	MEADOW RD	SIBLEY AMII
	632	7734	MEADOW RD	PUGH MARK ROBERT
	633	7734	MEADOW RD	HOPE GINA
	634	7734	MEADOW RD	SPENCER ARNOLD AUGUR
	635	7734	MEADOW RD	BART MCCLENDON BROADCASTI
	636	7734	MEADOW RD	BARKER JENNISSA L
	637	7734	MEADOW RD	WHITAKER SHANE A
	638	7734	MEADOW RD	SCOTT JOHN C
	639	7734	MEADOW RD	STENGLE JAMIE L
	640	7734	MEADOW RD	WILLIAMS TAMEKA
	641	7734	MEADOW RD	BRADFORD ANDREW & CHRISTINA
	642	7734	MEADOW RD	GARCIA ALBERTINA LEON
	643	7721	MEADOW PARK DR	PRICE MARTIN
	644	7721	MEADOW PARK DR	OBIKE MERCY UZOMOA
	645	7721	MEADOW PARK DR	CAYCE JOHN STEPHEN
	646	7721	MEADOW PARK DR	ENGLAND SHEILA M

02/15/2017

Reply	*Label #*	*Address*		*Owner*
	647	7721	MEADOW PARK DR	SHERA B DALE
	648	7721	MEADOW PARK RD	SHERRY RUBIA E ETAL
	649	7721	MEADOW PARK DR	DIMAKOPOULOS VASSILIOS
	650	7721	MEADOW PARK DR	VANZANELLA VERA THERESA
	651	7721	MEADOW PARK DR	WERRY BETTYE JO
	652	7723	MEADOW PARK DR	ALBANOON SERAJ S
	653	7723	MEADOW PARK DR	COLEMAN JULIUS H
	654	7725	MEADOW PARK DR	RAYBLATT MORRIS
	655	7725	MEADOW PARK DR	PETERSON ERIK
	656	7727	MEADOW PARK DR	CHEN MIKE
	657	7727	MEADOW PARK DR	TEDDLIE LIVING TRUST
	658	7727	MEADOW PARK DR	TEDDLIE MERRIT B LIV TR
	659	7727	MEADOW PARK DR	BAVARIAN CYRUS &
	660	7727	MEADOW PARK DR	TEDDLIE LIVING TRUST
	661	7725	MEADOW PARK DR	WADE JOHN P
	662	7725	MEADOW PARK DR	ALBANOON SERAJ S
	663	7725	MEADOW PARK DR	PHELPS JANICE
	664	7727	MEADOW PARK DR	FLUSCHE MICHAEL
	665	7727	MEADOW PARK DR	PENNYMAC LOAN SERVICES LLC
	666	7727	MEADOW PARK DR	HURT SHARA LYNN
	667	7727	MEADOW PARK DR	SWARTZ BRYAN
	668	7727	MEADOW PARK DR	JAY DEVON
	669	7729	MEADOW PARK DR	MARTIN HOWARD L &
	670	7729	MEADOW PARK DR	TEDDLIE MERRITT B LIVING TRUST
	671	7729	MEADOW PARK DR	STONE JOHN JEFFERY
	672	7729	MEADOW PARK DR	BOND DOROTHY E
	673	7731	MEADOW PARK DR	MILESROSENFIELD MARTI
	674	7731	MEADOW PARK DR	HARNISCH ANTHONY & RACHEL H
	675	7731	MEADOW PARK DR	RODGERS E ARLENE
	676	7731	MEADOW PARK DR	KIDWELL TOMMY R
	677	7731	MEADOW PARK DR	NEPOMNICK DIANE

02/15/2017

Reply	*Label #*	*Address*		*Owner*
	678	7731	MEADOW PARK DR	CARR LUKEISHA
	679	7731	MEADOW PARK DR	HOLLAR LINDA L
	680	7731	MEADOW PARK DR	SWINDLE LEA ANN

AGENDA ITEM # 70

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: April 12, 2017

COUNCIL DISTRICT(S): 2

DEPARTMENT: Sustainable Development and Construction

CMO: Majed Al-Ghafry, 670-3302

MAPSCO: 46 H

SUBJECT

A public hearing to receive comments regarding an application for and an ordinance granting a P(A) Parking District on property zoned an R-7.5(A) Single Family District and a portion of Planned Development District No. 136, on the north side of Culver Street, west of Beeman Avenue
Recommendation of Staff and CPC: Approval, subject to a site plan
Z167-157(KK)

HONORABLE MAYOR & CITY COUNCIL **WEDNESDAY, APRIL 12, 2017**

ACM: Majed Al-Ghafry

FILE NUMBER: Z167-157(KK) **DATE FILED:** December 13, 2016

LOCATION: North side of Culver Street, west of Beeman Avenue

COUNCIL DISTRICT: 2 **MAPSCO:** 46-H

SIZE OF REQUEST: Approx. 1.47 acres **CENSUS TRACT:** 25.00

APPLICANT/ OWNER: St. Luke Community United Methodist Church

REPRESENTATIVE: White & Wiggins, LLP., Martha Melaku

REQUEST: An application for a P(A) Parking District on property zoned an R-7.5(A) Single Family District and a portion of Planned Development District No. 136.

SUMMARY: The purpose of this request is to construct a commercial parking lot use to allow for overflow parking from an adjacent church. The request site is partially developed with a surface parking lot.

STAFF RECOMMENDATION: **Approval**, subject to a site plan.

CPC RECOMMENDATION: **Approval**, subject to a site plan.

BACKGROUND INFORMATION:

- The request site is located within PDD No. 136 and an R-7.5(A) Single Family District.
- The request site is partially developed with a surface parking lot allowed by right from PDD No. 136, the remainder of the request site is undeveloped.
- The reason for this request is the applicant wishes to construct a commercial parking lot to provide overflow parking for the adjacent church.
- The difference between a surface parking lot and a commercial parking lot is a surface parking lot provides an adjacent use their required parking only by code via a remote parking agreement. No additional spaces are provided. If there are no uses that need to obtain remote parking to meet their code requirement the parking lot is then considered a commercial parking lot. A commercial parking lot is defined in the Dallas Development Code as a vehicle parking facility that is operated as a business enterprise. This use is allowed to charge for parking because these spaces are not required to meet any code required parking demands. The applicant has not stated whether or not parking will be for a fee.
- The surrounding land uses consist of a variety commercial land uses to the north and single family and church land uses to the south, east and west.

Zoning History: There has not been any recent zoning changes requested in the area.

Thoroughfares/Streets:

Thoroughfare/Street	Type	Existing ROW
Culver Street	Substandard Street	56 ft.
Beeman Avenue	Substandard Street	56 ft.

Traffic:

The Engineering Division of the Department of Sustainable Development and Construction has reviewed the request and determined that the proposed general zoning change will not have a negative impact on the surrounding street system.

Surrounding Land Uses:

	Zoning	Land Use
Site	PDD No.136 & R-7.5(A)	Commercial Parking Lot, Undeveloped
North	CR & P(A)	General Merchandise/Motor Vehicle Fueling Station, Liquor Store, Commercial Parking Lot
East	R-7.5(A)	Church, Single Family Dwellings
South	PDD No.136 & R-7.5(A)	Single Family Dwellings
West	PDD No.136	Single Family Dwellings, City Park

STAFF ANALYSIS:

Comprehensive Plan:

The *forwardDallas! Comprehensive Plan* was adopted by the City Council in June 2006. The *forwardDallas! Comprehensive Plan* outlines several goals and policies which can serve as a framework for assisting in evaluating the applicant's request.

ENVIRONMENTAL ELEMENT

GOAL 6.4 IDENTIY, PROTECT AND RESTORE OPEN SPACE

Policy 6.4.4 Restore and manage sensitive areas.
Restoring and managing ecologically sensitive areas will include planting, managing and replanting native or climate tolerant vegetation.

The applicants request to allow a parking lot would provide extra parking, but would also allow for the planting of native vegetation and add more green space to the area of request. The applicant is proposing to plant drought tolerant large canopy, non-canopy and small trees throughout the site. The sidewalk will be directly adjacent to the planting area providing a green path east and north.

Land Use Compatibility:

The approximately 1.47 acre request site, previously accommodating for residential uses, is partially undeveloped and adjacent to commercial uses to the north and single family uses to the east, south and west. The parcel located in the current R-7.5(A) zoning had a single family structure constructed on it. This structure has since been demolished and the lot is in the process of being cleared and the foundation being removed. The remainder of the site that is developed has surface parking lots that will be redeveloped when the property is re-platted into one lot. This redesign is reflected in the attached site plan. The existing surface parking lots are allowed by right per PDD No. 136.

Surrounding land use follows a typical pattern found throughout the city; retail, restaurant, entertainment uses along a thoroughfare, transitioning to low density residential uses inward from the thoroughfare-fronting nonresidential development. Specifically, the area north of the site possesses such a land use pattern, with low density residential uses south, east and west along Beeman Avenue and Culver Street.

The applicant's request for a P(A) Parking District will allow for the construction of a commercial parking lot to provide overflow parking for the adjacent land use. The owner of the request site also owns the adjacent church, St. Luke Methodist Church. This request will allow the church to provide more parking to the church members and visitors.

As reflected on the site plan, in order for the site to be compliant with Article X landscaping requirements, the applicant is planting drought tolerant large canopy, non-canopy and small trees throughout the site. An evergreen shrub row will screen the parking from the adjacent residential uses.

When considering a P(A) Parking District within Chapter 51A, Dallas Development Code, the following should be considered:

1) Parking must be contiguous or directly across an alley or street from the main use(s) is serves;
2) Ownership of the lot in a parking district contiguous to an R, R(A) district shall provide and maintain a minimum front yard of ten feet;
3) The lot must detail all landscaping required, including screening, that meets the requirements of Article X;
4) All parking lot lighting must meet the requirements of Sec.51A-4.301(e); and
5) The site plan must show curb cuts for vehicular access designed to direct traffic to the nearest thoroughfare and must meet all requirements set forth in the Off-Street Parking and Driveway Handbook

The proposed development meets all of the criteria outlined above, and as far as compliance with Article X, this site exceeds those requirements.

Development Standards:

DISTRICT	SETBACKS		Density	Height	Lot Coverage	Special Standards	PRIMARY Uses
	Front	Side/Rear					
R-7.5(A) – existing Single Family	25’	5’	1 Dwelling Unit/ 7,500 sq. ft.	30’	45%		Single family
PDD No.136 – existing	10’	5’	1 Dwelling Unit/ 7,250 sq. ft.	30’	45%		Singly family, Duplex, Multifamily, Office, Retail, Surface Parking
P(A) - proposed Parking District	10’ adjacent to residential	No Min.	N/A	N/A	N/A		Commercial parking lot, surface parking lot

Parking:

Pursuant to the Dallas Development Code, off-street parking and loading must be provided in accordance with Division 51A-4.200. The Dallas Development Code requires no off-street parking for a surface parking lot or commercial parking lot. Parking must installed per the approved site plan.

Landscaping:

Landscaping will be in accordance with Article X and the landscape plan.

CPC Action

March 2, 2017:

Motion: It was moved to recommend **approval** of P(A) Parking District, subject to a site plan on property zoned an R-7.5(A) Single Family District and a portion of Planned Development District No. 136, on the north side of Culver Street, west of Beeman Avenue.

Maker: Jung
Second: Davis
Result: Carried: 15 to 0

For: 15 - Anglin, Rieves, Houston*, Davis, Shidid, Anantasomboon, Haney, Mack, Jung, Housewright, Schultz, Peadon, Murphy, Ridley, Tarpley

Against: 0
Absent: 0
Vacancy: 0

*out of the room, shown voting in favor

Notices: Area: 300 Mailed: 45
Replies: For: 3 Against: 0

Speakers: None

List of Partners/Principals/Officers

Vincent Simms – Church Council, Chairperson

Kevinal Stumon – Vice-Chairperson, Administration

Stephen Rice – Vice-Chairperson, Programming

Lorna Bonner – Vice-Chairperson, Programming

Tommye Hardy/Alfrelynn Roberts – Membership Secretary

Rhonda Sullivan – Secretary

Cindy Moy Bent – Parliamentarian

Shirely Ison-Newsome – Lay Leader

Carl Shields – Finance Ministry Team, Chairperson

Billy Ratcliff – Financial Secretary

Bernice J. Washington – Staff Parish Relations Committee, Chairperson

Alfred Roberts – Sub-Personnel Committee, Chairperson

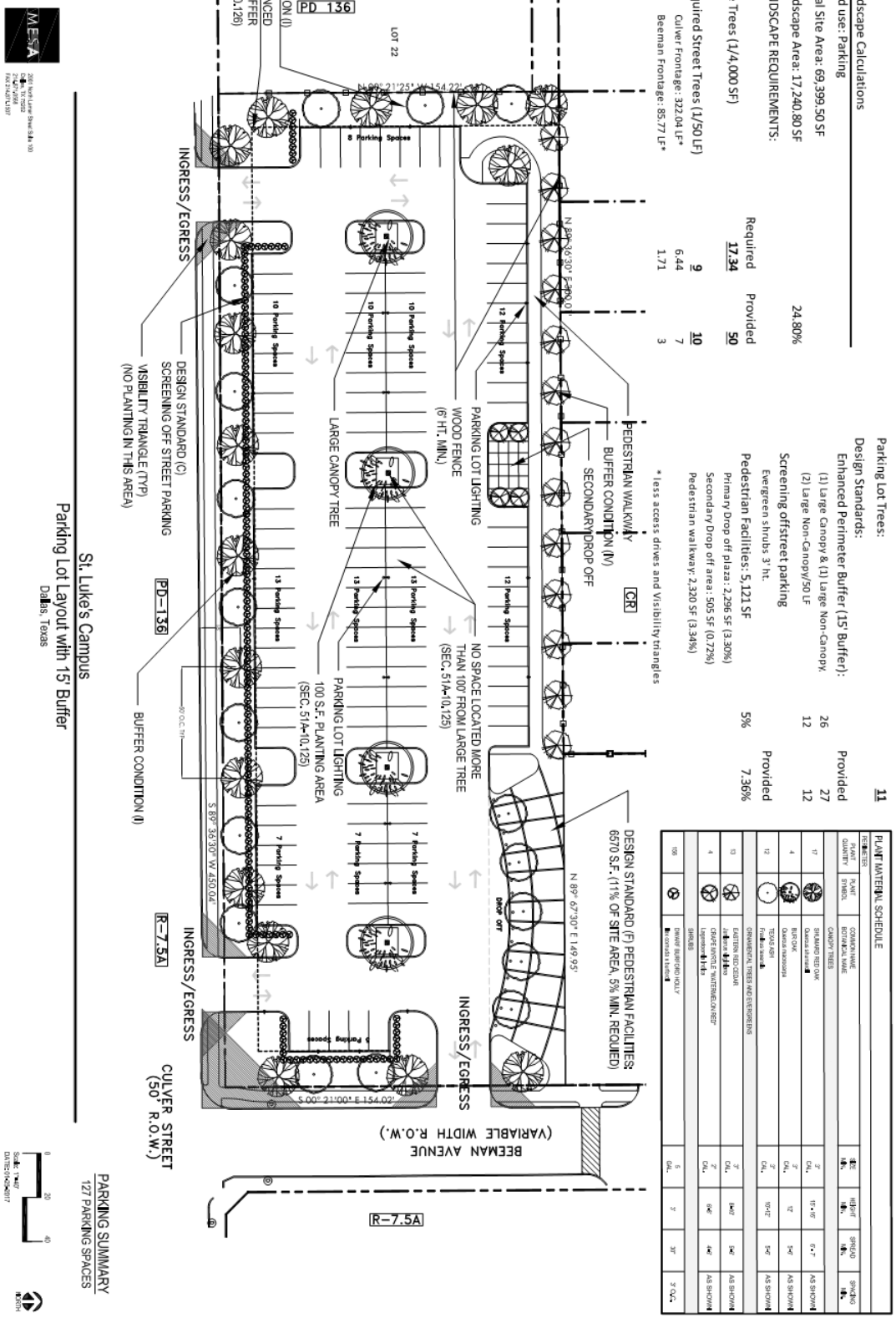
Ron Hurdle – Board of Trustees, Chairperson

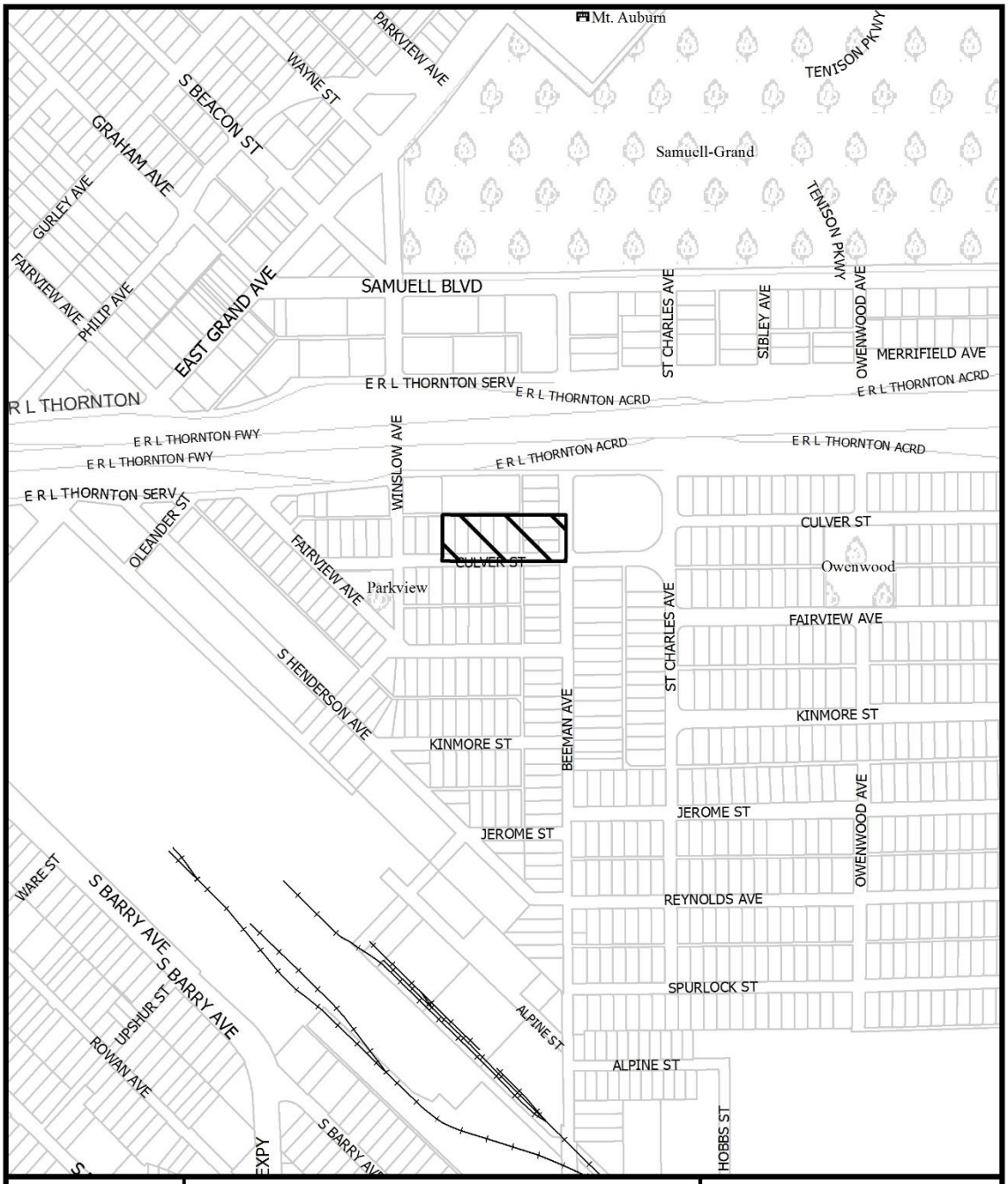
Terry Robinson – United Methodist Men, President

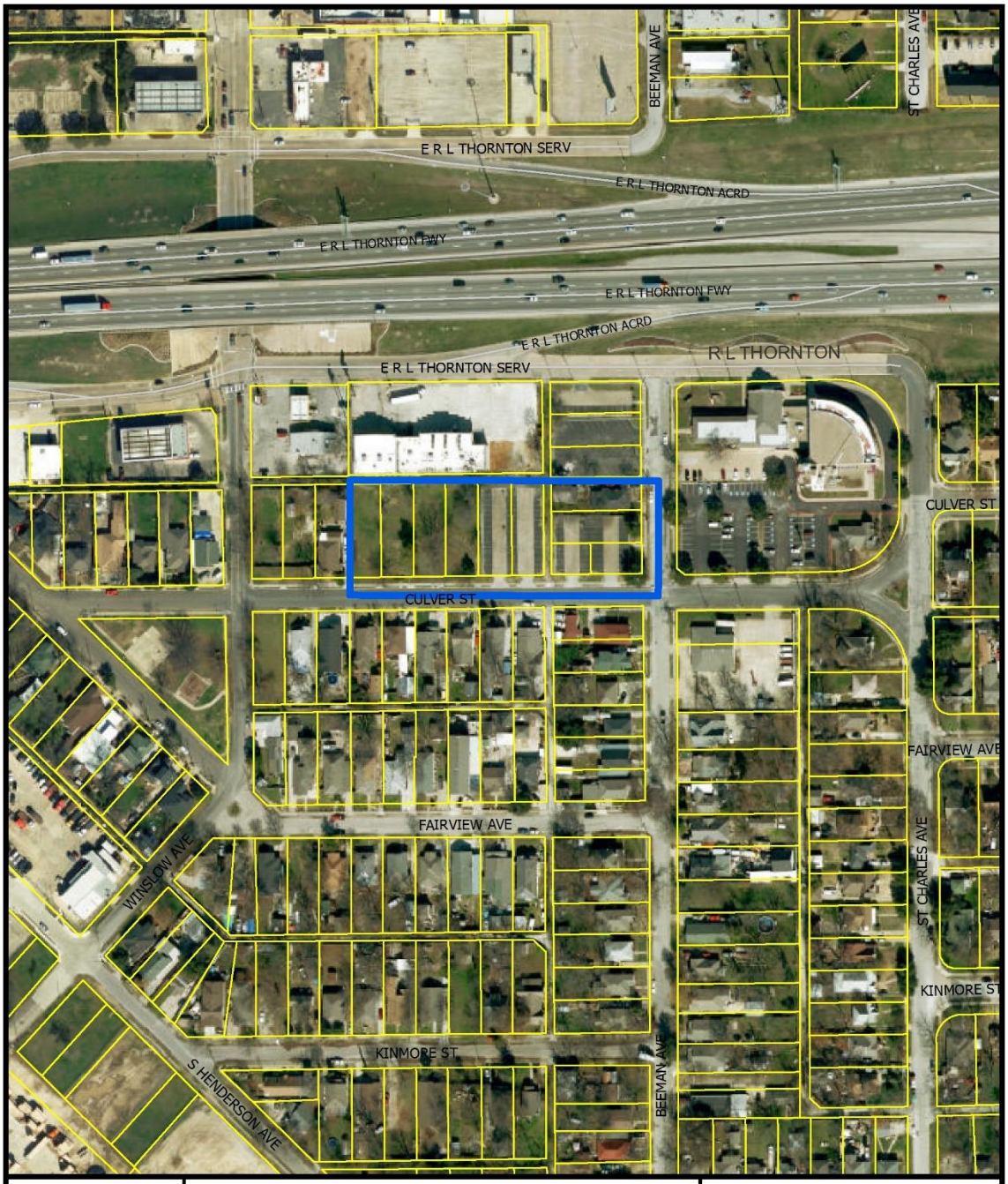
Hella Mayberry – United Methodist Women, President

Joyce Bell – Committee on Nomination and Leadership, Vice-Chairperson

PROPOSED SITE PLAN


Landscape Calculations
Land use: Parking
Total Site Area: 69,399.50 SF
Landscape Area: 17,240.80 SF 24.80%
LANDSCAPE REQUIREMENTS:
Site Trees (1/4,000 SF) Required 17.34 Provided 50
Required Street Trees (1/50 LF) 9 Provided 10
Culver Frontage: 322.04 LF* 6.44 7
Beeman Frontage: 85.77 LF* 1.71 3
* less access drives and Visibility triangles
Parking Lot Trees: 11
Design Standards:
Enhanced Perimeter Buffer (15' Buffer): 26 Provided 27
(1) Large Canopy & (1) Large Non-Canopy: 12 12
(2) Large Non-Canopy/50 LF
Screening offstreet parking Provided
Evergreen shrubs 3' ht. 5% 7.36%
Pedestrian Facilities: 5,121 SF
Primary Drop off plaza: 2,296 SF (3.30%)
Secondary Drop off area: 505 SF (0.72%)
Pedestrian walkway: 2,320 SF (3.34%)
PLANT MATERIAL SCHEDULE
SCHEDULE OF PLANTS
PLANT QUANTITY
PLANT SYMBOL
COMMON NAME
BOTANICAL NAME
SIZE
HEIGHT
SPREAD
SPACING
CANOPY TREES
SHUMARD RED OAK
Quercus shumardii
BUR OAK
Quercus macrocarpa
TEXAS ASH
Fraxinus texensis
ORNAMENTAL TREES AND EVERGREENS
EASTERN RED CEDAR
Juniperus virginiana
CRAPE MYRTLE 'NATCHEZ/LIN 1837'
Lagerstroemia indica x fauriei
SHRUBS
DWARF BURFORD HOLLY
Ilex cornuta burfordii
3" CAL.
10'-12'
6'-7'
AS SHOWN
2" CAL.
12'
5-6'
AS SHOWN
3" CAL.
10'-12'
5-6'
AS SHOWN
3" CAL.
5-6'
5-6'
AS SHOWN
2" CAL.
5-6'
4-5'
AS SHOWN
5 GAL.
3'
30"
3' O.C.
PD 136
LOT 22
N 89° 21'25" W 154.22'
8 Parking Spaces
BUFFER CONDITION (I)
15' ENHANCED PERIMETER BUFFER (SEC. 51A-10.126)
INGRESS/EGRESS
N 89° 36'30" E 450.04'
12 Parking Spaces
PEDESTRIAN WALKWAY
CR
BUFFER CONDITION (V)
SECONDARY DROP OFF
PARKING LOT LIGHTING
WOOD FENCE (6' HT. MIN.)
10 Parking Spaces
LARGE CANOPY TREE
13 Parking Spaces
NO SPACE LOCATED MORE THAN 100' FROM LARGE TREE (SEC. 51A-10.125)
PARKING LOT LIGHTING
100 S.F. PLANTING AREA (SEC. 51A-10.125)
7 Parking Spaces
DESIGN STANDARD (F) PEDESTRIAN FACILITIES: 6570 S.F. (11% OF SITE AREA, 5% MIN. REQUIED)
N 89° 67'30" E 149.95'
DROP OFF
INGRESS/EGRESS
BEEMAN AVENUE (VARIABLE WIDTH R.O.W.)
R-7.5A
DESIGN STANDARD (C) SCREENING OFF STREET PARKING
VISIBILITY TRIANGLE (TYP) (NO PLANTING IN THIS AREA)
PD-136
BUFFER CONDITION (I)
30' O.C. TYP.
S 89° 36'30" W 450.04'
INGRESS/EGRESS
R-7.5A
5.00° 21'00" E 154.02'
CULVER STREET (50' R.O.W.)
MESA
St. Luke's Campus
Parking Lot Layout with 15' Buffer
Dallas, Texas
PARKING SUMMARY
127 PARKING SPACES
SCALE: 1"=20'
DATE: 01-NOV-2017
NORTH


Mt. Auburn
PARKVIEW AVE
WAYNE ST
S BEACON ST
GRAHAM AVE
GURLEY AVE
FAIRVIEW AVE
PHILIP AVE
EAST GRAND AVE
TENISON PKWY
Samuell-Grand
TENISON PKWY
SAMUELL BLVD
ST CHARLES AVE
SIBLEY AVE
OWENWOOD AVE
MERRIFIELD AVE
E R L THORNTON SERV
E R L THORNTON ACRD
E R L THORNTON ACRD
R L THORNTON
E R L THORNTON FWY
E R L THORNTON FWY
WINSLOW AVE
E R L THORNTON ACRD
E R L THORNTON ACRD
E R L THORNTON SERV
OLEANDER ST
CULVER ST
CULVER ST
Owenwood
FAIRVIEW AVE
Parkview
ST CHARLES AVE
FAIRVIEW AVE
S HENDERSON AVE
BEEMAN AVE
KINMORE ST
KINMORE ST
JEROME ST
JEROME ST
OWENWOOD AVE
REYNOLDS AVE
WARE ST
S BARRY AVE
S BARRY AVE
SPURLOCK ST
UPSHUR ST
ALPINE ST
ROWAN AVE
ALPINE ST
HOBBS ST
S BARRY AVE
EXPY
1:6,000
VICINITY MAP
Case no: Z167-157
Date: 1/10/2017

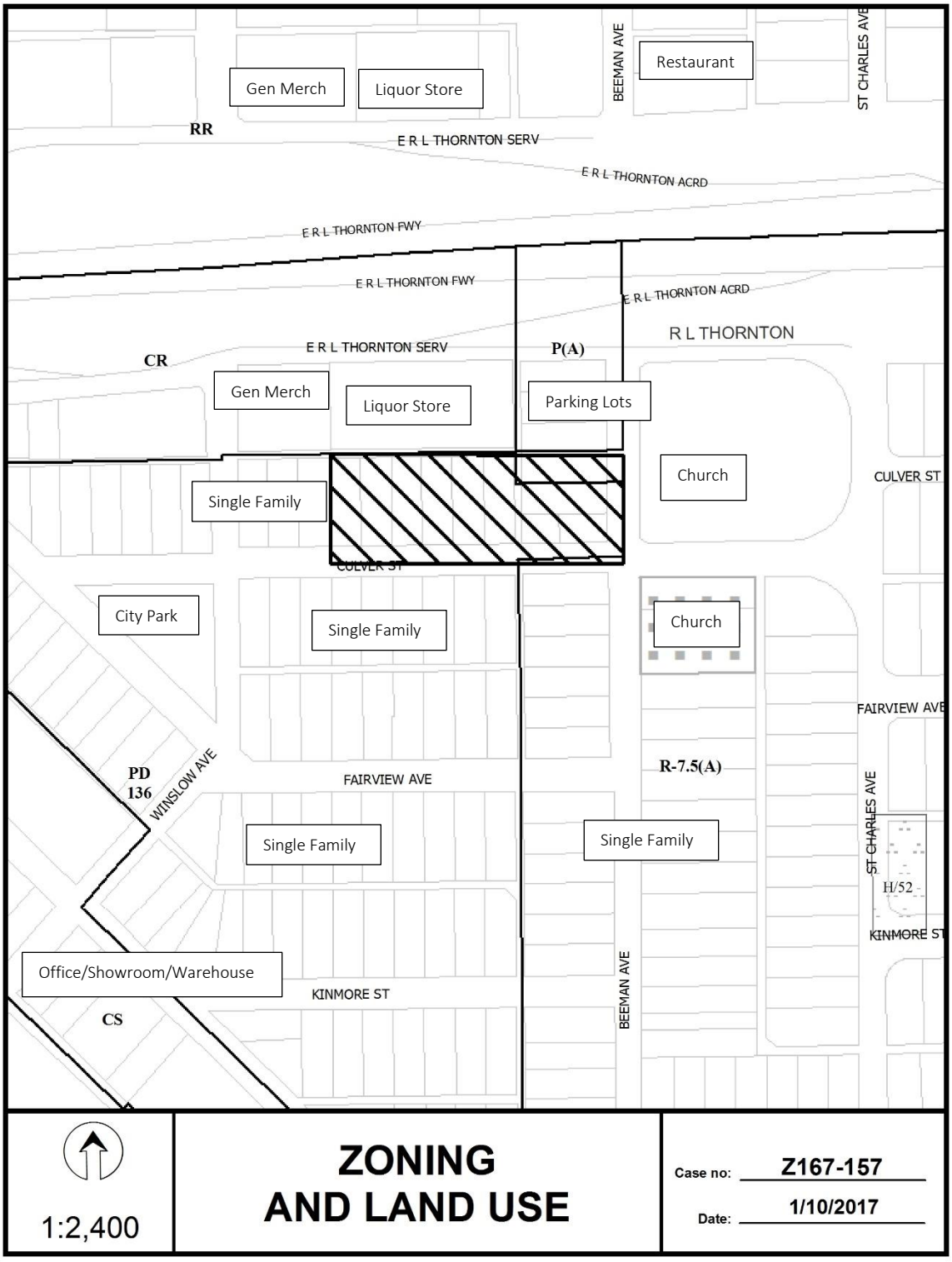


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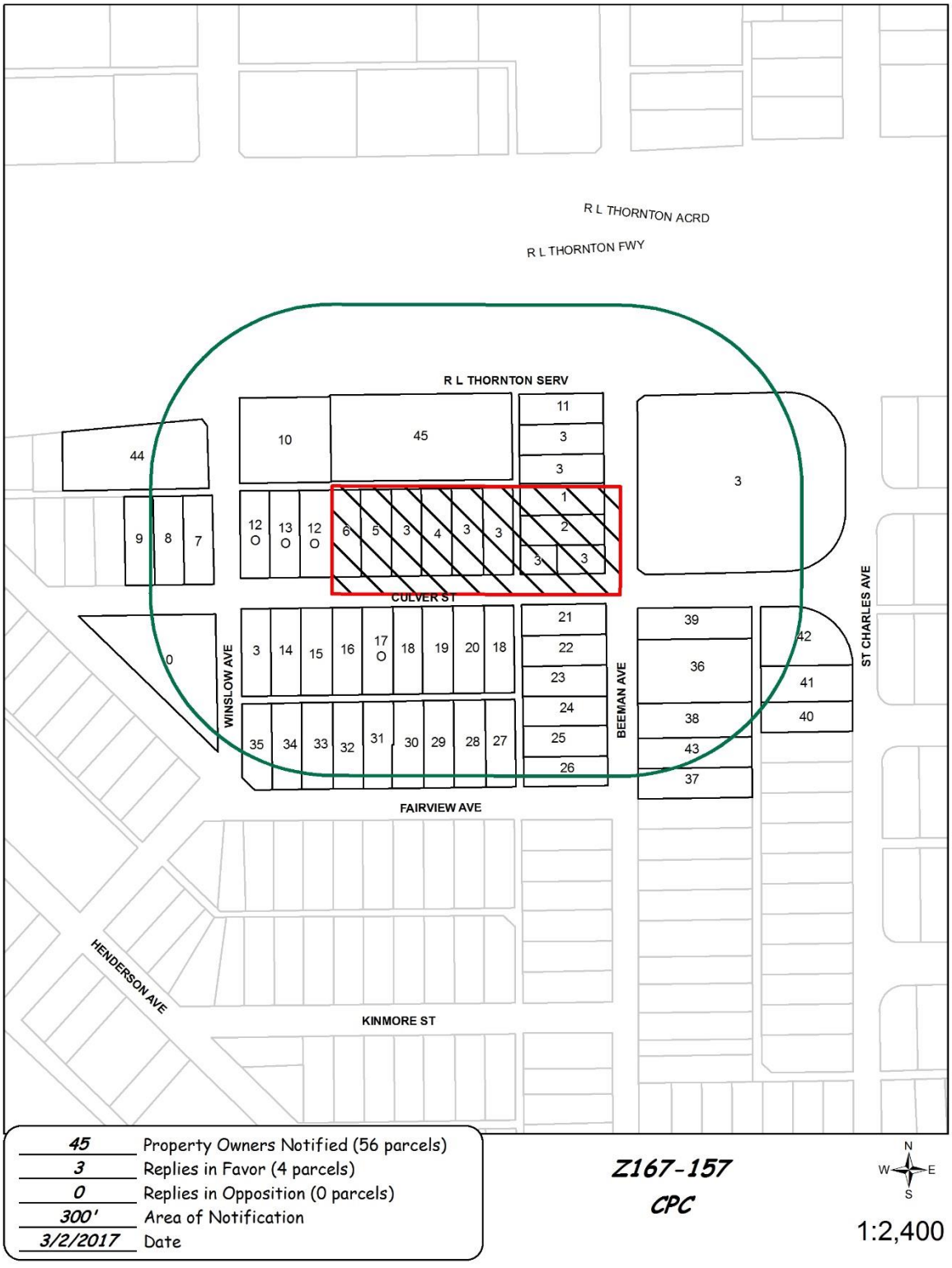
AERIAL MAP

Case no: Z167-157

Date: 1/10/2017


Gen Merch
Liquor Store
BEEMAN AVE
Restaurant
ST CHARLES AVE
RR
E R L THORNTON SERV
E R L THORNTON ACRD
E R L THORNTON FWY
E R L THORNTON FWY
E R L THORNTON ACRD
R L THORNTON
CR
E R L THORNTON SERV
P(A)
Gen Merch
Liquor Store
Parking Lots
Church
CULVER ST
Single Family
CULVER ST
City Park
Single Family
Church
FAIRVIEW AVE
PD 136
WINSLOW AVE
FAIRVIEW AVE
R-7.5(A)
ST CHARLES AVE
Single Family
Single Family
H/52
KINMORE ST
Office/Showroom/Warehouse
KINMORE ST
BEEMAN AVE
CS
1:2,400
ZONING AND LAND USE
Case no: Z167-157
Date: 1/10/2017

CPC RESPONSES



03/01/2017

Reply List of Property Owners

Z167-157

45 Property Owners Notified ***3 Property Owners in Favor*** ***0 Property Owners Opposed***

Reply	*Label #*	*Address*		*Owner*
	1	5339	BEEMAN AVE	ST LUKE COMMUNITY CHURCH
	2	5335	BEEMAN AVE	ST LUKE COMM UN METH CH
	3	5347	BEEMAN AVE	ST LUKE COMMUNITY UNITED
	4	5625	CULVER ST	ST LUKE COMMUNITY
	5	5619	CULVER ST	ST LUKE COMMUNITY UNITED METHODIST CHURCH
	6	5615	CULVER ST	ST LUKE COMMUNITY UNITED
	7	5523	CULVER ST	GALLEGOS RAFAEL
	8	5519	CULVER ST	GALLEGOS RAFAEL
	9	5515	CULVER ST	GUTIERREZ RICHARD
	10	5606	E R L THORNTON FWY	QUIK WAY RETAIL AS II LTD
	11	5351	BEEMAN AVE	ST LUKE COMM METHODIST CH
O	12	5611	CULVER ST	ALVAREZ MAURO & SOLEDAD
O	13	5607	CULVER ST	ALVAREZ MAURO &
	14	5606	CULVER ST	CEDILLO SAMUEL & ELENA
	15	5610	CULVER ST	JUAN J HERNANDEZ
	16	5614	CULVER ST	HERNANDEZ CARLOS
O	17	5618	CULVER ST	VASQUEZ SALVADOR R &
	18	5622	CULVER ST	GALLEGOS RAFAEL
	19	5626	CULVER ST	BRAVO MONICA LIRA
	20	5630	CULVER ST	LIRA MONICA
	21	5323	BEEMAN AVE	RODRIGUEZ JESUS DAVID
	22	5319	BEEMAN AVE	VIDANA ARMANDO
	23	5315	BEEMAN AVE	VAQUERA MARIO & ROSALVA
	24	5311	BEEMAN AVE	ALCARAZ ELISA &
	25	5307	BEEMAN AVE	GUERRERO ALEJANDRA
	26	5303	BEEMAN AVE	GUERRERO PEDRO ALBERTO &

02/15/2017

Reply	*Label #*	*Address*		*Owner*
	27	1535	FAIRVIEW AVE	GALLEGOS RAFAEL
	28	1531	FAIRVIEW AVE	GUTIERREZ MARIA SANTA
	29	1527	FAIRVIEW AVE	HERNANDEZ JUAN
	30	1523	FAIRVIEW AVE	PINA JOSE J
	31	1519	FAIRVIEW AVE	VARGAS ALFREDO &
	32	1515	FAIRVIEW AVE	REYNA CATARINO VARELA &
	33	1511	FAIRVIEW AVE	B & G PROPERTIES
	34	1507	FAIRVIEW AVE	DEL BOSQUE DIAMANTINA &
	35	5410	WINSLOW AVE	TALAVERA SONIA G
	36	5314	BEEMAN AVE	ST LUKE UNITED METHODIST CHURCH
	37	5304	BEEMAN AVE	GUERRERO PEDRO &
	38	5308	BEEMAN AVE	GUTIERREZ JOSE DE JESUS EST OF
	39	5322	BEEMAN AVE	ST LUKE UNITED METHODIST
	40	5263	ST CHARLES AVE	RAMIREZ JAMES Q
	41	5267	ST CHARLES AVE	JOHNSON CHARLIE MAE
	42	5271	ST CHARLES AVE	FRANCISCO GOMEZ J &
	43	5306	BEEMAN AVE	JAIMES ESTER
	44	5526	E R L THORNTON FWY	MODERN PYRAMIDS INC
	45	5626	E R L THORNTON FWY	LY & LY INVESTMENT LP

AGENDA ITEM # 71

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: April 12, 2017

COUNCIL DISTRICT(S): 13

DEPARTMENT: Sustainable Development and Construction

CMO: Majed Al-Ghafry, 670-3302

MAPSCO: 26 K; L

SUBJECT

A public hearing to receive comments regarding an application for and an ordinance granting an amendment to Planned Development District No. 76 to allow changes to the sign regulations on the northeast corner of Walnut Hill Lane and Rambler Road
Recommendation of Staff and CPC: Approval, subject to a sign location plan and conditions
Z167-161(JM)

HONORABLE MAYOR & CITY COUNCIL **WEDNESDAY, APRIL 12, 2017**

ACM: Majed Al-Ghafry

FILE NUMBER: Z167-161(JM) **DATE FILED:** December 20, 2016

LOCATION: On the northeast corner of Walnut Hill Lane and Rambler Road.

COUNCIL DISTRICT: 13 **MAPSCO:** 26 K, L

SIZE OF REQUEST: ± 11.243 acres **CENSUS TRACT:** 78.23

OWNER/APPLICANT: Woodhill Medical Park and Texas Health Resources

REPRESENTATIVE: Masterplan Consultants

REQUEST: An application to amend Planned Development District No. 76 to allow changes to the sign regulations.

SUMMARY: The purpose of this request is to allow for four monument signs for the medical office plaza. No other changes are associated with this zoning request.

CPC RECOMMENDATION: **Approval**, subject to a sign location plan and conditions.

STAFF RECOMMENDATION: **Approval**, subject to a sign location plan and conditions.

BACKGROUND INFORMATION:

- PD No. 76 was established on November 9, 1988 and contains the entire subject site, 11.243 acres. The uses permitted were medical in nature and prescribed to specific floor areas. There are no changes being requested to allowable uses or square footages.

- The subject site was developed with approximately 25,500 sq. ft. of medical office space in 1974. This request consists of modifying the PD regulations to allow additional signs. Existing PD regulations refer to the non-business category for sign standards and are held to a maximum of two detached premise signs. The applicant is seeking to allow four detached premise signs, as indicated on the proposed sign location plan and revised PD conditions.

- The existing exhibits, the development plan (which includes landscaping), and, an as-built survey, are not being modified. In the event that the applicant would like to make additions to the property, a revised development plan and landscape plan would be required.

- Since PD No. 76 refers to Chapter 51 for definitions and regulations, the PD must be updated to refer to the current code, Chapter 51A.

Zoning History: There have been four recent zoning cases in the vicinity in the last five years.

1. **Z145-320:** On Wednesday, September 28, 2016, the City Council approved an amendment to Specific Use Permit No. 1785 for an alcoholic beverage establishment limited to a bar, lounge, or tavern located on the northeast corner of Greenville Avenue and Pineland Drive.
2. **Z145-204:** On Wednesday, August 12, 2015, the City Council approved an amendment to Subareas C and D within Planned Development District No. 745, on property bounded by the west line of Manderville Lane and the north line Midtown Boulevard.
3. **Z145-183:** On Wednesday, May 25, 2016, the City Council approved Planned Development District No. 961 for MU-2 Mixed Use District and mini-warehouse uses and Specific Use Permit No. 2192 for a mini-warehouse on the south side of Meadow Road, west of Greenville Avenue.
4. **Z134-234:** On Wednesday, September 10, 2014, the City Council approved Planned Development District No. 926 for multifamily and nonresidential uses on the north side of Walnut Hill Lane, west of Rambler Road.

Thoroughfares/Streets:

Thoroughfare/Street	Type	Existing ROW
Walnut Hill Lane	Principal Arterial	Variable
Rambler Road	Local	50 feet

Traffic:
The Engineering Division of the Sustainable Development and Construction Department reviewed the proposed zoning and determined it will not have a negative impact on the existing street system. The development already exists and is not seeking expansion.

Comprehensive Plan:
The *forwardDallas! Comprehensive Plan* was adopted by the City Council in June 2006. The *forwardDallas! Comprehensive Plan* outlines several goals and policies which can serve as a framework for assisting in evaluating the applicant's request. The comprehensive plan does not make a specific land use recommendation related to the request.

The request complies with the following land use goals and policies of the Comprehensive Plan:

ECONOMIC ELEMENT

GOAL 2.4 CREATE AND MAINTAIN AN ENVIRONMENT FRIENDLY TO BUSINESSES AND ENTREPRENEURS

Policy 2.4.2 Restore Dallas as the premier city for conducting business within the region.

Land Use Compatibility:

The subject site is a part of a larger medical network in the region. The continued use as a medical office park is consistent with the area. Surrounding uses include the hospital and additional medical offices to the south, and a mix of offices, restaurants, and personal service uses to the north, east, and west. Finally, there are multifamily and nursing home units to the west.

Staff recommends approval of the amendment to the planned development district in order to allow for new signage at the site. The surrounding properties have similar or larger signs. Additionally, the medical office park is a significant facility, with over 25,500 sq. ft. of floor area. The maximum of 340 sq. ft. of signage divided among the proposed four detached premise signs (monument signs) is appropriate given the size of the site.

	Zoning	Land Use
Site	PD No. 76	Medical Offices
North	GO(A) w/Deed Rest.	Office and Retail
East	MU-2 and PD No. 961, SUP No. 2192	Restaurant , Office, Mini Warehouse, and Bank w/drive-through
South	PD No. 453	Hospital and Medical Offices
West	PD No. 926, MC-1, MU-3, GO(A)	Office, Bank w/ drive-through, Multifamily, and Nursing Home

Signs:

The existing PD regulations on signs allow two detached premise signs on the corner property with over 25,000 square feet of medical office space. Additionally, the reference to the non-business zoning district sign regulations further limits the size, luminance, and number of signs allowed (further limited by the PD restriction to two detached premise signs—no others).

The applicant is requesting to amend the conditions to refer to the business zoning district and to allow four detached premise signs, two along Rambler Road, one at the intersection of Rambler Road and Walnut Hill Lane, and one on Walnut Hill Lane. A sign location plan denotes where the signs would be allowed. Additionally, size regulations ensure that each structure could not be larger than 85 square feet. The message area would be up to 30 square feet. In this case, since the change to business zoning district would have allowed a greater size, luminance, and/or number of signs, the proposed PD regulations further limit the size and number signs. If the wants to move or amend the signs, a PD amendment would be required.

Landscaping:

Landscaping must be provided per the approved development/landscape plan. No amendments have been requested at this time.

Parking:

No changes are requested to the parking conditions found in Sec. 51P-76.106.

CPC Action:
February 16, 2017

Motion: It was moved to recommend **approval** of an amendment to Planned Development District No. 76 to allow changes to the sign regulations, subject to a sign location plan and revised conditions on the northeast corner of Walnut Hill Lane and Rambler Road.

Maker: Davis
Second: Schultz
Result: Carried: 13 to 0

For: 13 - Anglin, Rieves, Houston, Davis, Shidid*, Haney, Mack, Jung, Housewright, Schultz, Peadon, Murphy, Ridley

Against: 0
Absent: 2 - Anantasomboon, Tarpley
Vacancy: 0

*out of the room, shown voting in favor

Notices: Area: 500 Mailed: 34
Replies: For: 0 Against: 0

Speakers: None

List of Officers/Partners

LIST OF OFFICERS/PRINCIPALS/PARTNERS

WOODHILL MEDICAL PARK

James Utter, President

Pat Allen, Secretary

Ernie Fernandez, Treasurer

Bryan Henderson, Director

Thomas Hedrick, Director

Mark Kogut, Director

TEXAS HEALTH RESOURCES INC.

Barclay E. Berdan, Chief Executive Officer

Ronald R. Long, Chief Financial Officer and Executive President of Resource Development and Deployment

Jeffrey L. Canose, Chief Operating Officer and Senior Executive Vice President

Britt R. Berrett, Executive Vice President and President of Texas Health Presbyterian Hospital Dallas

Lillie M. Biggins, President of Texas Health Fort Worth

Z167-161

Proposed Revisions to PD Conditions

ARTICLE 76.

PD 76.

SEC. 51P-76.101. LEGISLATIVE HISTORY.

PD 76 was established by Ordinance No. 14838, passed by the Dallas City Council on March 17, 1975. Ordinance No. 14838 amended Ordinance No. 10962, Chapter 51 of the 1960 Revised Code of Civil and Criminal Ordinances of the City of Dallas. Ordinance No. 14838 was amended by Ordinance No. 19830, passed by the Dallas City Council on January 13, 1988, and Ordinance No. 20129, passed by the Dallas City Council on November 9, 1988. (Ord. Nos. 10962; 14838; 19830; 20129; 25423)

SEC. 51P-76.102. PROPERTY LOCATION AND SIZE.

PD 76 is established on property generally located at the intersection of the north right-of-way line of Walnut Hill Road and the east right-of-way line of Rambler Road. The size of PD 76 is approximately 11.243 acres. (Ord. Nos. 14838; 25423)

SEC. 51P-76.103. DEFINITIONS AND INTERPRETATIONS.

(a) Unless otherwise stated, the definitions and interpretations in ~~Chapter 51~~ Chapter 51A apply to this article.

(b) Unless otherwise stated, all references to articles, divisions, or sections in this article are to articles, divisions, or sections in ~~Chapter 51~~ Chapter 51A.

(c) This district is considered to be a nonresidential zoning district.

SEC. 51P-76 .103.1. EXHIBITS.

The following exhibits are incorporated into this article:

(1) Exhibit 76A: development/landscape plan.

(2) Exhibit 76B: as-built survey.

(3) Exhibit 76C: sign location plan.

SEC. 51P-76.104. DEVELOPMENT PLAN.

Development of the Property must comply with the development/landscape plan (Exhibit 76A). If there is a conflict between the text of this article and the development plan, the text of this article controls.

~~Utilization of the Property must generally be in conformance with a city plan commission approved site plan (Exhibit 76A) which is attached to and made a part of Ordinance No. 14838. [Note: An "as-built" survey was attached to Ordinance No. 20129 and is labelled Exhibit 76B for reference.] (Ord. Nos. 14838; 20129; 25423)~~

SEC. 51P-76.105. USES PERMITTED AND SQUARE FOOTAGE OF EACH.

The subject property may contain the following uses with the indicated maximum square footage of each: **BUILDING 8325**

FIRST FLOOR

Use	**Square Footage**
1 - Medical Office and Medical	11,023.24

Laboratory or General Office	
2 - Post Office for Woodhill Medical Park	200.00
3 - Restaurant	6,216.00
Combined Maximum Total	11,023.24
SECOND FLOOR	
1 - Medical or General Office	11,170.98
BASEMENT	
1 - Private Recreation Club (For use by tenants only)	5,429.00

~~(Ord. Nos. 20129; 25423)~~

SEC. 51P-76.106. OFF-STREET PARKING.

Off-street parking must be provided at the following ratios:

(1) Post office for Woodhill Medical Park - One space per 200 square feet.

(2) General office - One space per 300 square feet.

(3) Restaurant - One space per 100 square feet.

(4) Private recreation club - One space per 100 square feet.

(5) Medical office - One space per 150 square feet.

(6) Medical laboratory - One space per 300 square feet. (Ord. Nos. 19830; 25423)

SEC. 51P-75.107 BUILDING HEIGHT.

Building heights may not exceed a maximum height of 36 feet. (Ord. Nos. 14838; 25423)

SEC. 51P-76.108. SIGNS.

Signs must comply with the business zoning district of Chapter 51-7.100, "Sign Regulations", of the Dallas City Code, with the following exceptions:

(a) That a maximum of two monument signs are allowed along the Rambler Road frontage, with minimum setback of 10 feet;
(b) That a maximum of one monument sign is allowed along the Walnut Hill Lane frontage, with minimum setback of 10 feet;

(c) That a maximum of one monument sign is allowed at the corner of Rambler Road and Walnut Hill Lane, with minimum setback of 10 feet and not to impede on the visibility triangle; and

Monument signs shall not exceed 85 square feet of the total structure or 30 feet active sign area. As located on the attached, Sign Location Plan (Exhibit 76C___)

~~Signs must comply with the non-business category of Chapter 41, "Sign Standards," of the Dallas City Code, with the exception that a maximum of two detached premise signs are allowed. (Ord. Nos. 14838; 25423)~~

~~SEC. 51P-76.109. FIRE LANES.~~

~~Fire lanes must be provided as required by Section 16-61 of the Dallas Fire Code. (Ord. Nos. 14838; 25423)~~

~~SEC. 51P-76.110. DRAINAGE AND UTILITY REQUIREMENTS.~~

~~Drainage and utility requirements must comply with the requirements of the department of public works and transportation. (Ord. Nos. 14838; 25423)~~

~~SEC. 51P-76.111. GENERAL REQUIREMENTS.~~

~~Development within this PD must be in compliance with the requirements of all departments of the city. (Ord. Nos. 14838; 25423)~~

SEC. 51P-76.109. ~~112~~. LANDSCAPE PLAN.

A city plan commission approved landscape plan (Exhibit 76A) is attached to and made a part of Ordinance No. 14838. Landscaping must be provided as shown on the landscape plan and must be maintained in a healthy and growing condition at all times. (Ord. Nos. 14838; 25423)

SEC. 51P-76-110. ADDITIONAL PROVISIONS.

(a) The entire Property must be properly maintained in a state of good repair and neat appearance.
(b) Development and use of the Property must comply with all federal and state laws and regulations, and with all ordinances, rules, and regulations of the city. (Ord. Nos. 25535; 26102)

~~SEC. 51P-76.113. PAVING.~~

~~All paved areas, permanent drives, streets, and drainage structures, if any, must be constructed in accordance with standard city specifications to the satisfaction of the director of public works and transportation. (Ord. Nos. 14838; 25423; 26102)~~

SEC. 51P-76-111. ~~114~~ COMPLIANCE WITH CONDITIONS.

(a) All paved areas, permanent drives, streets, and drainage structures, if any, must be constructed in accordance with standard city specifications, and completed to the satisfaction of the director of public works and transportation.

(b) The building official shall not issue a building permit to authorize work, or a certificate of occupancy to authorize the operation of a use in this district until there has been full compliance with this article, the Dallas Development Code, the construction codes, and all other ordinances, rules, and regulations of the city. (Ord. Nos. 25535; 26102)

~~No certificate of occupancy may be issued by the building official until there has been full compliance with this article and any applicable provisions of the zoning ordinance and the building codes. (Ord. Nos. 14838; 25423)~~

SEC. 51P-76.112. ~~115~~ ZONING MAP.

PD 76 is located on Zoning Map Nos. E-8 and F-8. (ord. Nos. 19830; 25423)

Proposed Sign Control Plan

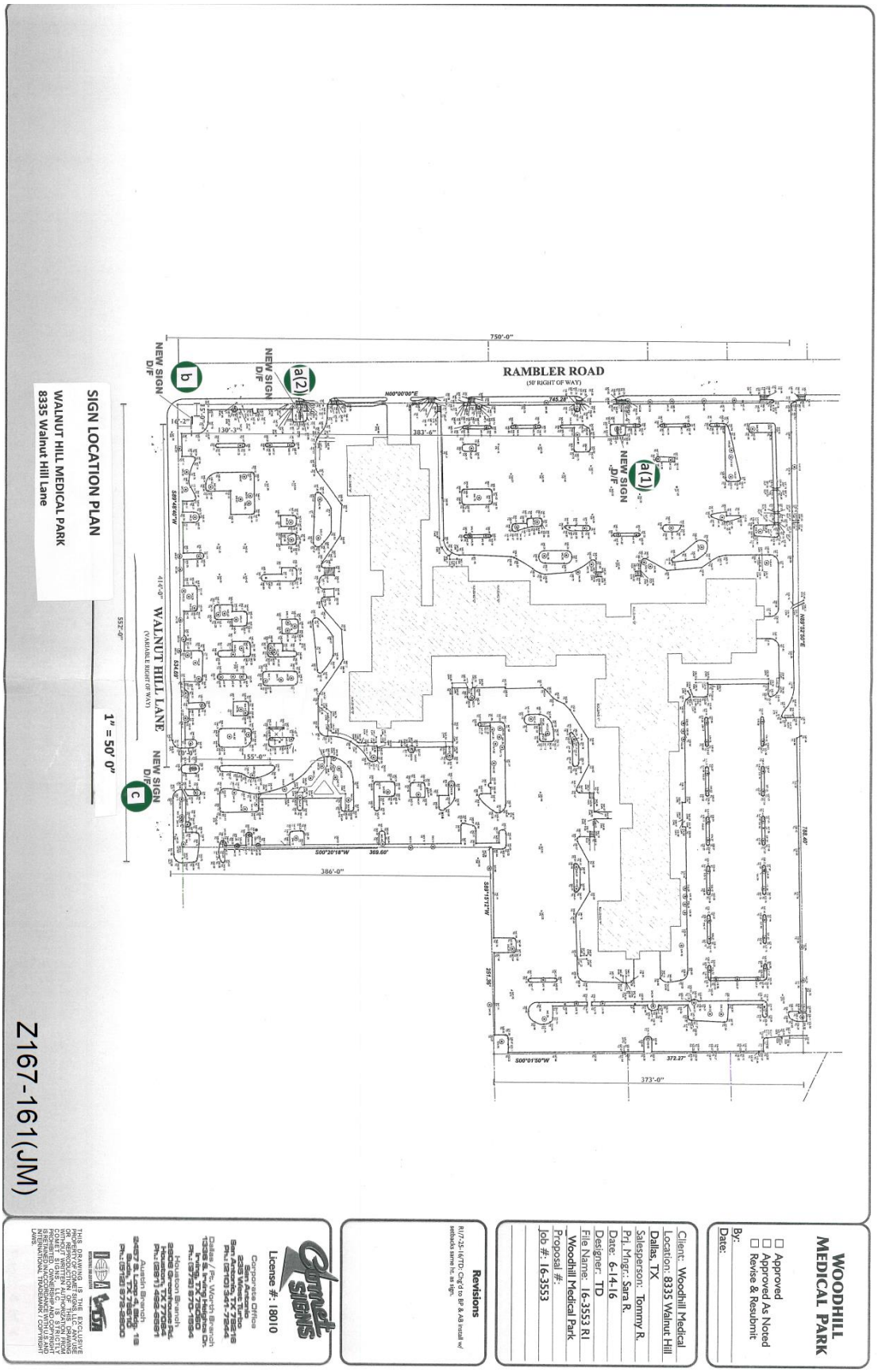


Exhibit 76A
Existing Development Plan

25423 032856

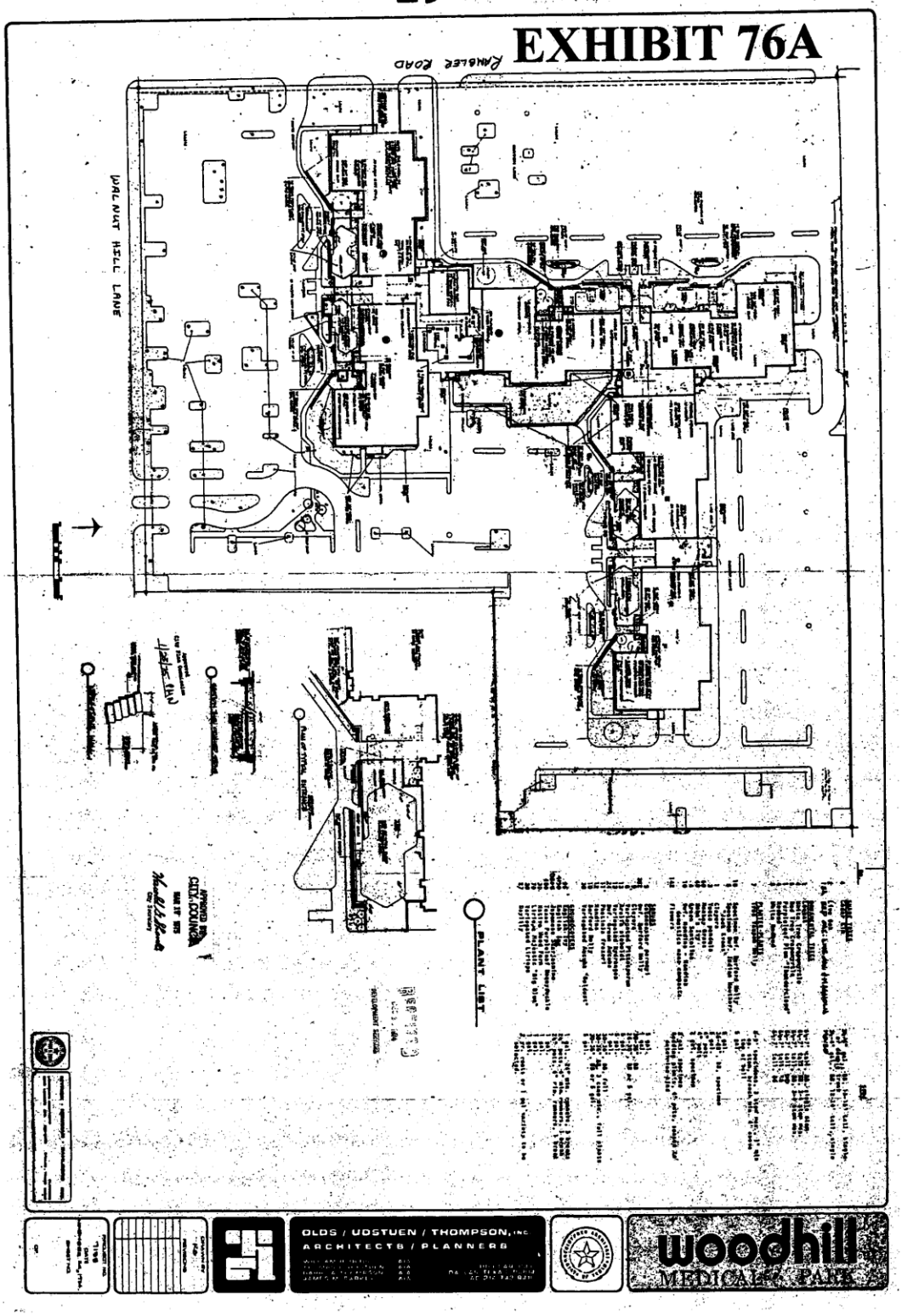
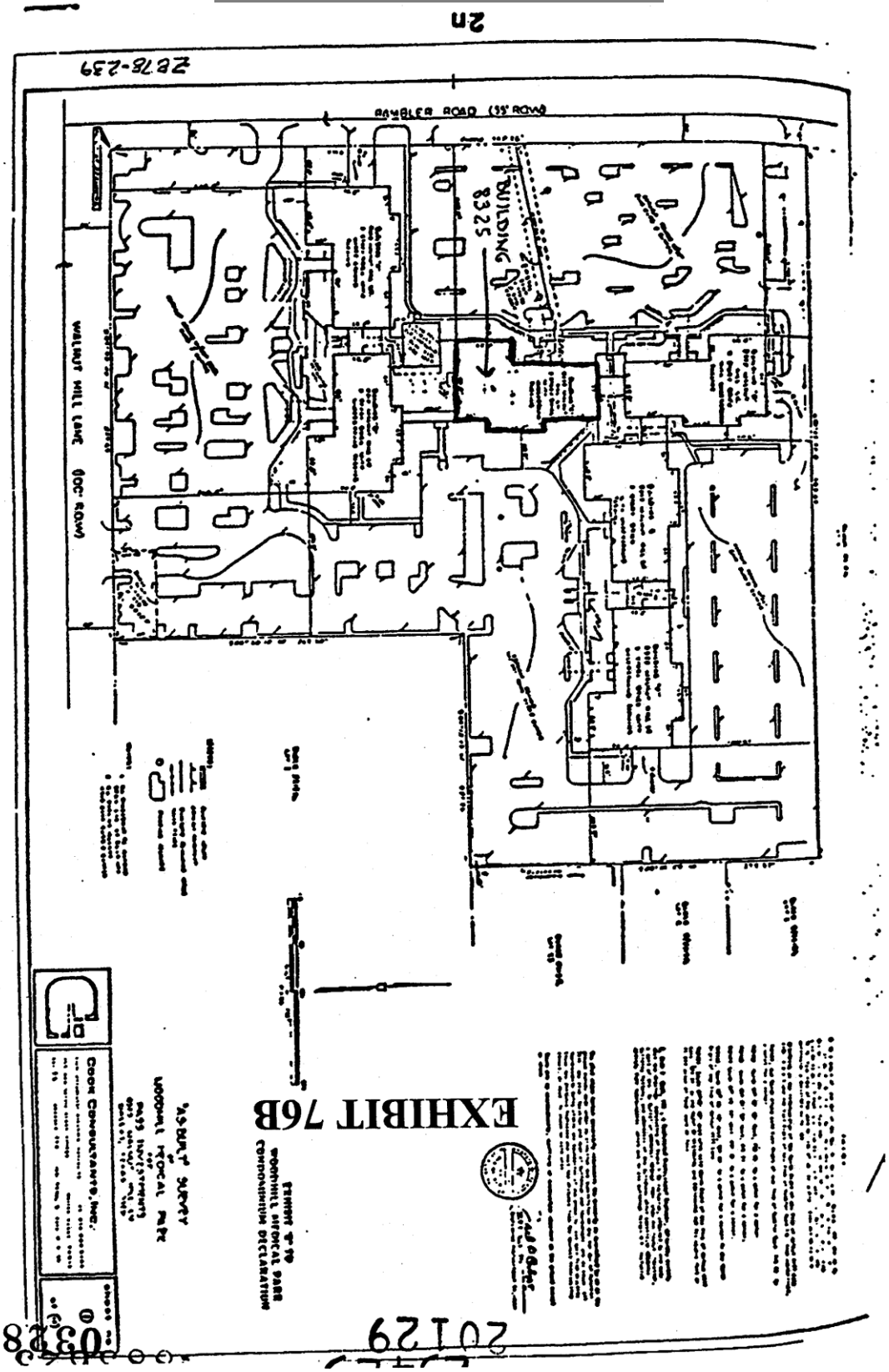
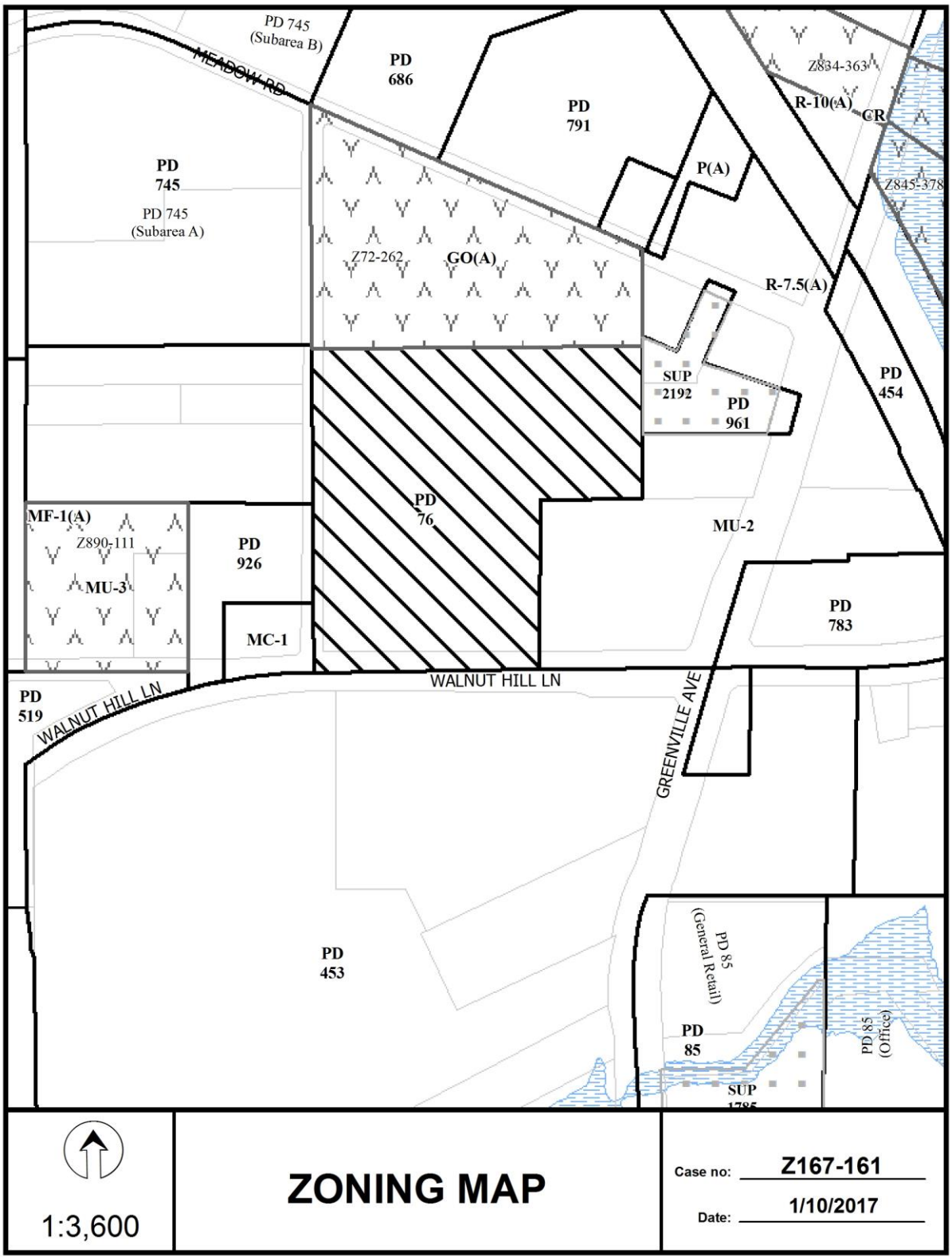
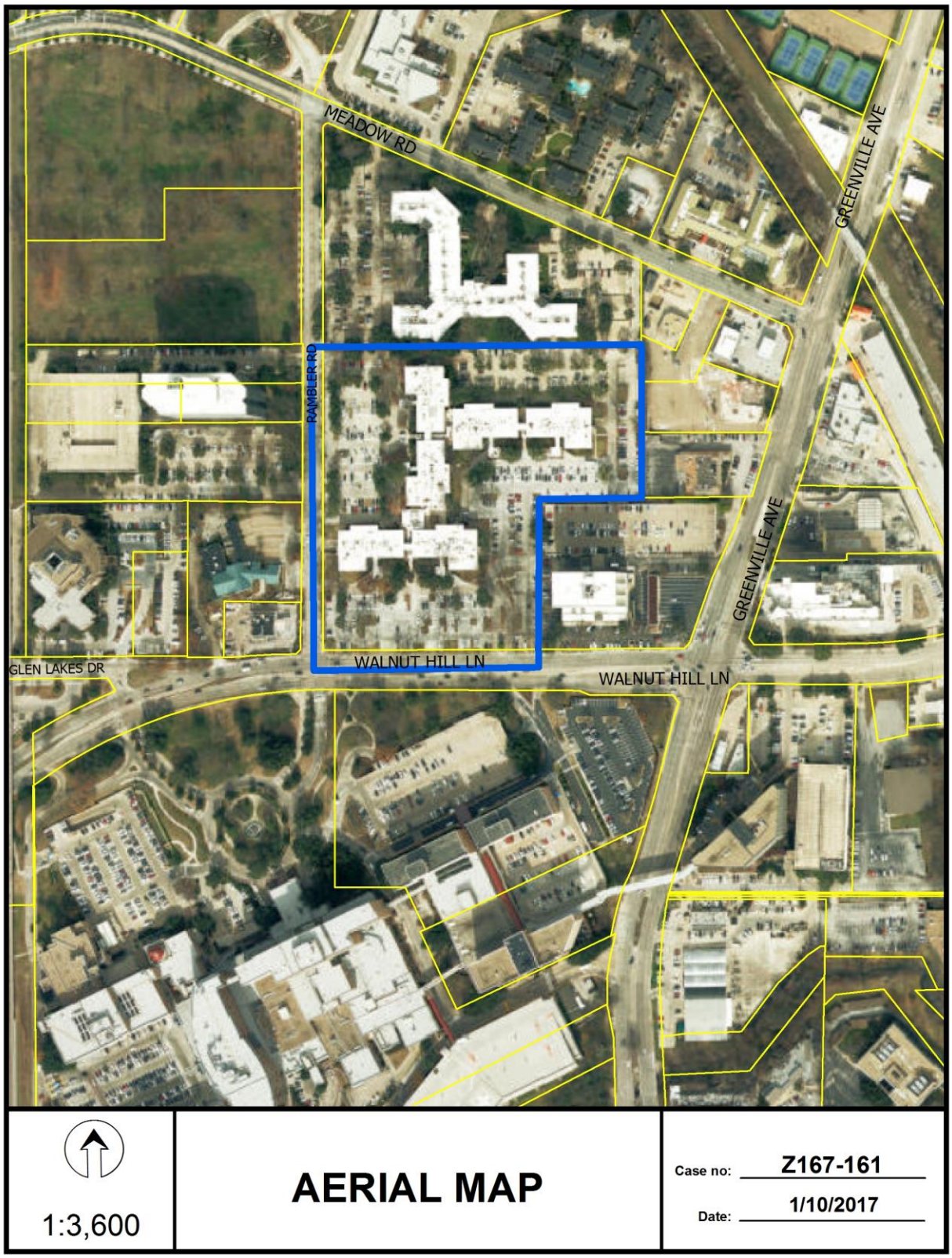
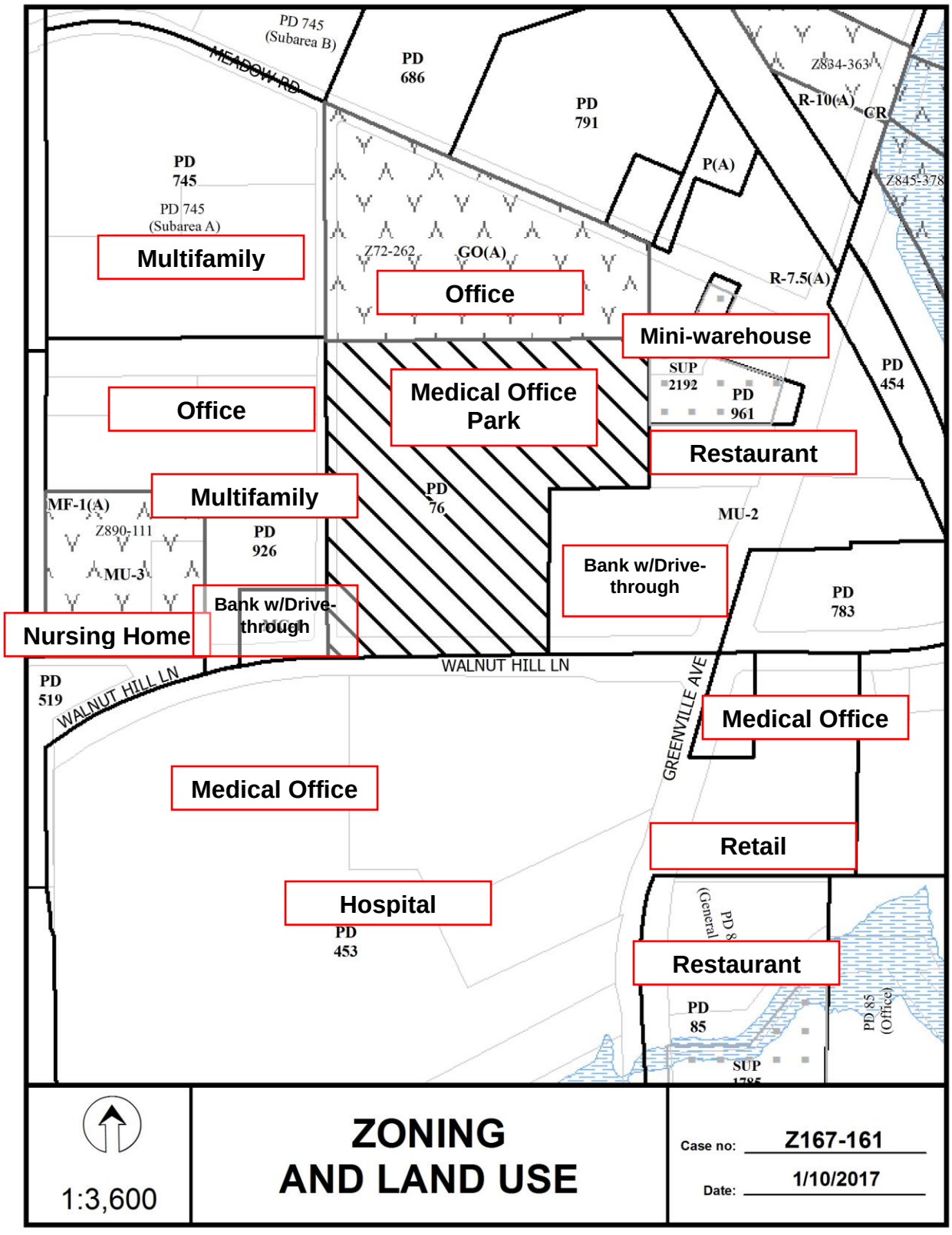


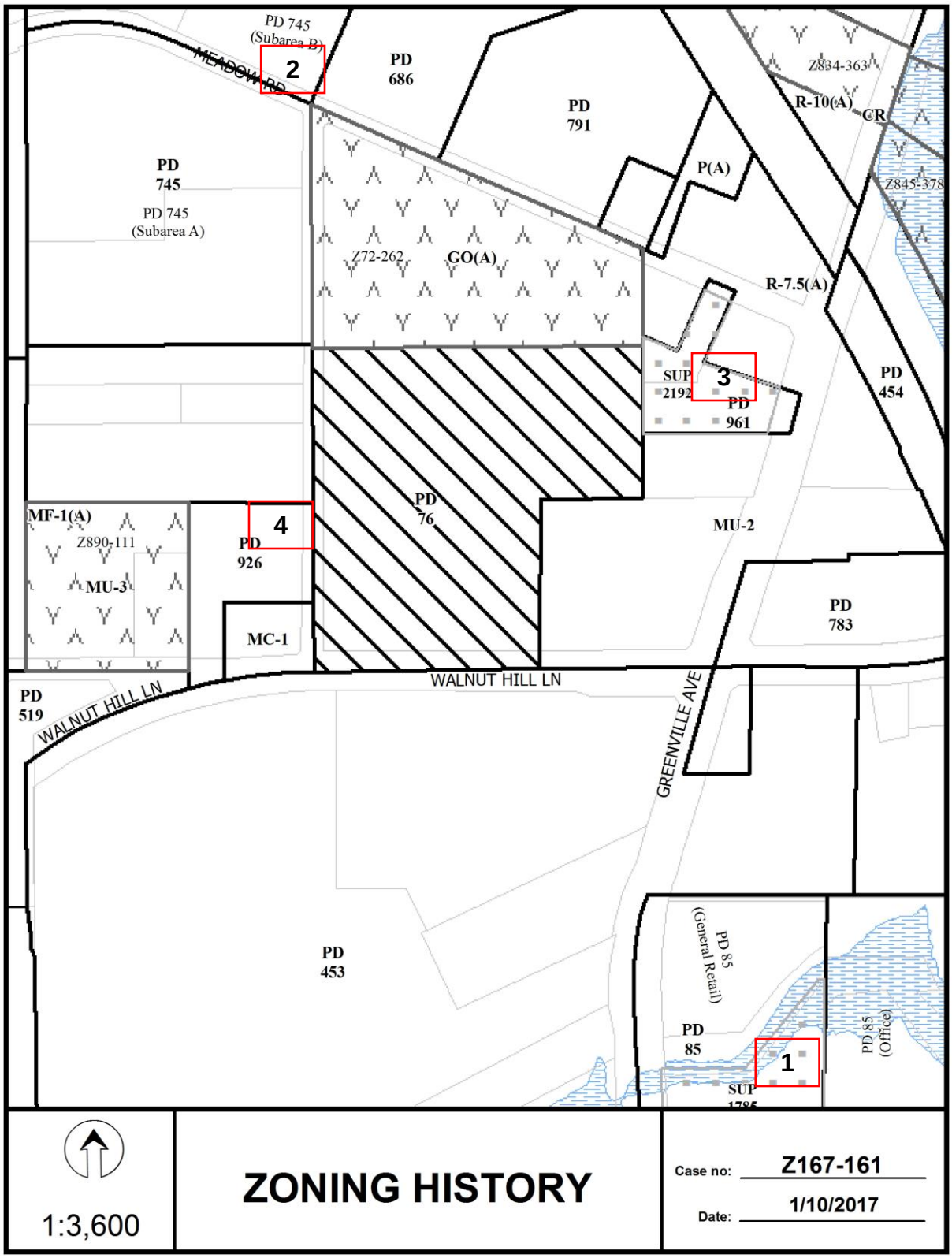
Exhibit 76B
Existing As-Built Survey



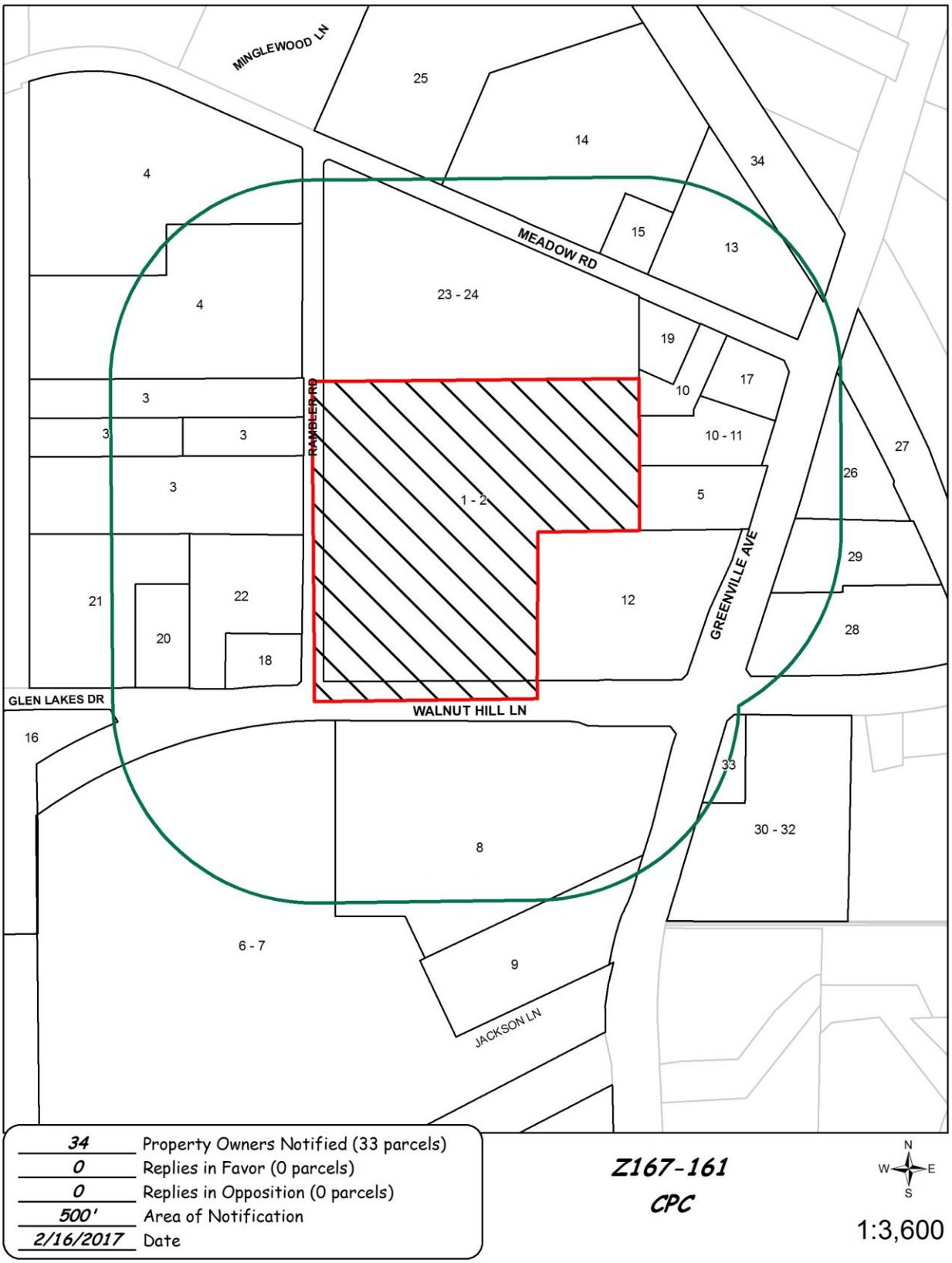

PD 745 (Subarea B)
MEADOW RD
PD 686
PD 791
Z834-363
R-10(A)
CR
Z845-378
P(A)
PD 745
PD 745 (Subarea A)
Z72-262
GO(A)
R-7.5(A)
SUP 2192
PD 961
PD 454
PD 76
MU-2
MF-1(A)
Z890-111
MU-3
PD 926
MC-1
PD 783
WALNUT HILL LN
PD 519
WALNUT HILL LN
GREENVILLE AVE
PD 453
PD 85 (General Retail)
PD 85
PD 85 (Office)
SUP
1:3,600
ZONING MAP
Case no: Z167-161
Date: 1/10/2017


MEADOW RD
GREENVILLE AVE
RAMBLER RD
WALNUT HILL LN
GLEN LAKES DR
WALNUT HILL LN
GREENVILLE AVE
1:3,600
AERIAL MAP
Case no: Z167-161
Date: 1/10/2017


PD 745 (Subarea B)
MEADOW RD
PD 686
PD 791
Z834-363
R-10(A)
CR
P(A)
Z845-378
PD 745
PD 745 (Subarea A)
Multifamily
Z72-262
GO(A)
Office
R-7.5(A)
Mini-warehouse
SUP 2192
PD 961
PD 454
Office
Medical Office Park
Restaurant
Multifamily
MF-1(A)
Z890-111
PD 926
MU-3
PD 76
MU-2
Bank w/Drive-through
PD 783
Bank w/Drive-through
Nursing Home
WALNUT HILL LN
PD 519
WALNUT HILL LN
GREENVILLE AVE
Medical Office
Medical Office
Retail
Hospital
PD 453
PD 8 (General)
Restaurant
PD 85
PD 85 (Office)
SUP 1785
1:3,600
ZONING AND LAND USE
Case no: Z167-161
Date: 1/10/2017


PD 745
(Subarea B)
2
MEADOW RD
PD
686
PD
791
Z834-363
R-10(A)
GR
Z845-378
P(A)
PD
745
PD 745
(Subarea A)
Z72-262
GO(A)
R-7.5(A)
SUP
2192
3
PD
961
PD
454
MF-1(A)
Z890-111
MU-3
4
PD
926
PD
76
MU-2
PD
783
MC-1
WALNUT HILL LN
PD
519
WALNUT HILL LN
GREENVILLE AVE
PD
453
PD 85
(General Retail)
PD
85
1
SUP
PD 85
(Office)
1:3,600
ZONING HISTORY
Case no: Z167-161
Date: 1/10/2017

CPC Responses



02/15/2017

Reply List of Property Owners

Z167-161

34 Property Owners Notified ***0 Property Owners in Favor*** ***0 Property Owners Opposed***

Reply	*Label #*	*Address*		*Owner*
	1	8325	WALNUT HILL LN	TEXAS HEALTH RESOURCES
	2	8325	WALNUT HILL LN	WOODHILL MED PARK CONDO
	3	7537	RAMBLER RD	RG RAMBLER LLC &
	4	7615	RAMBLER RD	MP DALLAS PROJECT OWNER LLC
	5	7525	GREENVILLE AVE	WILLS KAZE LLC
	6	8200	WALNUT HILL LN	PRESBYTERIAN HEALTHCARE
	7	8200	WALNUT HILL LN	TEXAS HEALTH RESOURCES
	8	8210	WALNUT HILL LN	TEXAS HEALTH RESOURCES
	9	8230	WALNUT HILL LN	TEXAS HEALTH RESOURCES
	10	7557	GREENVILLE AVE	CROESUS GREENVILLE AVENUE LP
	11	7557	GREENVILLE AVE	CROESUS GRENVILLE AVENUE LP
	12	7515	GREENVILLE AVE	GREENVILLE PROPERTIES LTD
	13	8383	MEADOW RD	DTX MEADOWS REALTY LLC
	14	8325	MEADOW RD	PARK CENTRAL RESIDENTIAL LLC
	15	8363	MEADOW RD	ISLA FIRENZE LTD
	16	8240	WALNUT HILL LN	DALLAS AREA RAPID TRANSIT
	17	7567	GREENVILLE AVE	7567 GREENVILLE ASSOC LLC
	18	8277	WALNUT HILL LN	SWISS AVENUE STATE BANK
	19	8380	MEADOW RD	7ELEVEN INC
	20	5515	GLEN LAKES DR	TELESIS II
	21	5515	GLEN LAKES DR	NIC 16 WALNUT PLACE OWNER LLC
	22	8255	WALNUT HILL LN	EVERTON RESIDENTIAL LP
	23	8350	MEADOW RD	TEXAS HEALTH RESOURCES
	24	8330	MEADOW RD	PECAN CREEK OWNERS ASSOCI
	25	8307	MEADOW RD	Dallas ISD
	26	7560	GREENVILLE AVE	COMMERCIAL NET LEASE

02/15/2017

Reply	*Label #*	*Address*		*Owner*
	27	7568	GREENVILLE AVE	SHURGARD FREMONT PARTNERS
	28	7502	GREENVILLE AVE	HC 7502 GREENVILLE AVENUE LLC
	29	7520	GREENVILLE AVE	RAMSEY LUTHER H
	30	8440	WALNUT HILL LN	TEXAS HELATH RESOURCES
	31	7450	GREENVILLE AVE	TEXAS HEALTH RESOURCES
	32	8440	WALNUT HILL LN	TEXAS HEALTH RESOURCES
	33	7470	GREENVILLE AVE	GREENVILLE AVE FUEL
	34	401	S BUCKNER BLVD	DART

AGENDA ITEM # 72

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: April 12, 2017

COUNCIL DISTRICT(S): 6

DEPARTMENT: Sustainable Development and Construction

CMO: Majed Al-Ghafry, 670-3302

MAPSCO: 45 N

SUBJECT

A public hearing to receive comments regarding an application for and **(1)** an ordinance granting the creation of a new subdistrict within Planned Development District No. 784 to allow a tower/antenna for cellular communication use by Specific Use Permit; and **(2)** an ordinance granting a Specific Use Permit for the tower/antenna for cellular communication use on property zoned the Mixmaster Riverfront Subarea within Planned Development District No. 784, Trinity River Corridor Special Purpose District, on the southeast side of Rock Island Street, west of South Riverfront Boulevard

Recommendation of Staff and CPC: Approval of a new Subdistrict; and approval of a Specific Use Permit for a ten-year period with eligibility for automatic renewals for additional ten-year periods, subject to a site plan and conditions

Z167-162(KK)

HONORABLE MAYOR & CITY COUNCIL **WEDNESDAY, APRIL 12, 2017**

ACM: Majed Al-Ghafry

FILE NUMBER: Z167-162(KK) **DATE FILED:** December 20, 2016

LOCATION: Southeast side of Rock Island Street, west of South Riverfront Boulevard

COUNCIL DISTRICT: 6 **MAPSCO:** 45-N

SIZE OF REQUEST: Approx. 0.13 acres **CENSUS TRACT:** 100.00

APPLICANT/ OWNER: Crown Castle/AT&T Mobility – New Cingular Wireless

REPRESENTATIVE: Vincent Gerard & Associates Inc., Vincent Gerard

REQUEST: An application 1) to create a new subdistrict within Planned Development District No. 784 to allow a tower/antenna for cellular communication use by Specific Use Permit and 2) a Specific Use Permit for the tower/antenna for cellular communication use on property zoned the Mixmaster Riverfront Subarea within PDD No. 784, Trinity River Corridor Special Purpose District.

SUMMARY: The applicant proposes to allow a tower/antenna for cellular communication at this location, to increase the height of the existing cell tower from 75 feet in height to 95 feet, and remove two of the existing cell towers. The land use was established in 1992 with an approved Certificate of Occupancy and before the change in zoning to PDD No. 784.

CPC RECOMMENDATION: **Approval** for a new Subdistrict; and **approval** of a Specific Use Permit for a ten-year period with eligibility for automatic renewals for additional ten-year periods, subject to a site plan and conditions.

STAFF RECOMMENDATION: **Approval** for a new Subdistrict; and **approval** of a Specific Use Permit for a ten-year period with eligibility for automatic renewals for additional ten-year periods, subject to a site plan and conditions.

BACKGROUND INFORMATION:

- The request site is located within the Mixmaster Riverfront Subarea and the development is governed by the Downtown Form District regulations. The Downtown regulations permit the development of a tower/antenna for cellular communication listed by right; however, this use is restricted to only mounted cellular antennas. The existing use is a monopole cellular tower, which is currently not allowed in PDD No. 784. The proposed request will be regulated by a Specific Use Permit, which will have a site plan and conditions. Since the applicant is requesting modifications to the form base district, a site plan and elevations showing the location of the cellular tower, auxiliary building, and the proposed height of the tower provided staff with a level of comfort of the proposed development.

- The request site is currently developed with three cell towers and one auxiliary building.

- Three hundred thirty-eight acres, including the area of request, in an area bounded by the Union Pacific Railroad on the north, I-35 (Stemmons Freeway) on the east and south, the Union Pacific Railroad on the northeast, the DART right-of-way on the southeast, and the east Trinity River levee on the southwest and west was rezoned to PDD No. 784 Trinity River Corridor Special Purpose District in 2008. The zoning for this area prior to 2008 was MU-2 Mixed Use District, CS Commercial Service District, and IM Industrial Manufacturing District.

- Of the above referenced original zoning districts a monopole cellular tower is allowed by right. Upon the zoning change of this property this use became a legal non-conforming use.

- Building permits were applied for and granted in 2015 and 2016 to add equipment to the existing cell towers.

- The reason for this request is the applicant wishes to increase the height of the cell tower from 75 feet in height to 95 feet. This will allow for the other two cell towers to be removed from the site because the carriers will be collocated on the taller remaining cell tower. This will leave one cell tower and one auxiliary building on site.

- The surrounding land uses consist of a variety office/showroom/warehouse land uses, bail bonds businesses, and the Lew Sterrett Justice Center is to the far north of the request site.

Zoning History: There has not been any recent zoning changes requested in the area.

Thoroughfares/Streets:

Thoroughfare/Street	Type	Existing ROW
Rock Island Street	Substandard Street	56 ft.

Traffic:

The Engineering Division of the Department of Sustainable Development and Construction has reviewed the request and determined that the proposed SUP and PDD amendment will not have a negative impact on the surrounding street system. The analysis is based upon the traffic worksheet the applicant provided during the application submittal.

Surrounding Land Uses:

	Zoning	Land Use
Site	PDD No.784	Tower/Antenna for Cellular Communication
North	PDD No.784	Surface Parking Lot
South	PDD No.784	Office/Showroom/Warehouse, Animal Shelter
East	PDD No. 784, SUP No. 2167	Vacant Bail Bonds
West	IR, PDD No. 784	Undeveloped, Trinity Levee

STAFF ANALYSIS:

Comprehensive Plan:

The *forwardDallas! Comprehensive Plan* was adopted by the City Council in June 2006. The *forwardDallas! Comprehensive Plan* outlines several goals and policies which can serve as a framework for assisting in evaluating the applicant's request.

There are no goals or policies supporting or opposing the request.

Land Use Compatibility:

The request site is currently developed and adjacent to a surface parking lot, a bail bonds establishment, office/showroom/warehouse uses, an animal shelter, and to the far north Lew Sterrett Justice Center. The land uses east of the request site, across

Riverfront Boulevard consist of bar, lounge or tavern land use, a surface parking lot, a general merchandise or food store with a fueling station, several construction staging areas, and a restaurant use.

The general provisions for a Specific Use Permit in Section 51A-4.219 of the Dallas Development Code specifically state: (1) The SUP provides a means for developing certain uses in a manner in which the specific use will be consistent with the character of the neighborhood; (2) Each SUP application must be evaluated as to its probable effect on the adjacent property and the community welfare and may be approved or denied as the findings indicate appropriate; (3) The city council shall not grant an SUP for a use except upon a finding that the use will: (A) complement or be compatible with the surrounding uses and community facilities; (B) contribute to, enhance, or promote the welfare of the area of request and adjacent properties; (C) not be detrimental to the public health, safety, or general welfare; and (D) conform in all other respects to all applicable zoning regulations and standards.

The request for a new subarea within Planned Development District No. 748 will allow for the development of a monopole cellular tower by specific use permit. With this approval this would allow for the developed site to come into compliance with the existing non-conforming land use.

The cellular tower and developed site will not meet five provisions of the form base requirements in PDD No. 748 as it is developed today. The provisions that cannot be met with the existing development pertain to the frontage types, pedestrian amenities, building siting and building elements and design standards, and landscaping. The proposed development is located on a triangular lot that has no structures that would be considered habitable floor area per the International Building Code. To bring this site into compliance with the current zoning would be impossible due to the strict regulations laid out in the form district zoning for the land use of a tower/antenna for cellular communication. The site is constructed and established with the only change being the increase in height of the tower. There are no water taps to this property and no requirement to obtain a water connection because there are no habitable structures on site requiring a water service; therefore, installing, irrigating, and maintaining landscape would require getting water service to the site.

The proposed cellular tower's increase in height will allow ownership to remove the other two towers on site. Staff believes that by amending the zoning to allow this use by specific use permit, and allowing the tower to go 20' higher is a better option than keeping three cell towers on the site. The proposed cellular tower will provide service to the area and enhance and promote welfare to the adjacent properties not just for personal cellular communication, but also for all first responder communications. This taller tower will not only consolidate all current carriers into one tower but strengthen the signal they are able to provide.

Staff's recommendation is for approval of a new subarea and approval of a Specific Use Permit for a tower/antenna for cellular communication limited to a monopole cellular

tower, for a ten year time period with eligibility for automatic renewals for additional ten-year periods, subject to a site plan and conditions.

Parking:

Pursuant to the Dallas Development Code, off-street parking and loading must be provided in accordance with Division 51A-4.200. The Dallas Development Code requires off-street parking to be provided at one space if the cellular communication tower has an auxiliary building. The site plan shows that applicant providing two parking spaces. Parking must comply with the approved site plan.

Landscaping:

The utility or government installation other than listed use will not trigger any requirements under Article X.

CPC Action

February 16, 2017:

Motion: It was moved to recommend **approval** of the creation of a new subdistrict within Planned Development District No. 784 to allow a tower/antenna for cellular communication use by Specific Use Permit; and **approval** of a Specific Use Permit for the tower/antenna for cellular communication use for a ten-year period with eligibility for automatic renewals for additional ten-year periods, subject to a site plan and conditions on property zoned the Mix Master Riverfront Subarea within Planned Development District No. 784, Trinity River Corridor Special Purpose District, on the southeast side of Rock Island Street, west of South Riverfront Boulevard.

Maker: Rieves
Second: Mack
Result: Carried: 9 to 0

For: 9 - Anglin, Rieves, Houston, Davis, Shidid, Mack, Haney, Peadon, Murphy

Against: 0
Absent: 4 – Anantasomboon, Housewright, Schultz, Tarpley
Vacancy: 0
Conflict: 2 – Jung, Ridley

Notices: Area: 500 Mailed: 18
Replies: For: 3 Against: 2

Speakers: For: Vincent Huebrug, 1715 Capital Texas Highway South, Austin, TX, 78746
Against: None

List of Partners/Principals/Officers

Jay A. Brown – President & Chief Executive Officer

James D. Young – Chief Operating Officer

Daniel K. Schlanger – Senior Vice President & Chief Financial Officer

Kenneth J. Simon – Senior Vice President & General Counsel

Patrick Slowey – Senior Vice President & Chief Commercial Officer

Phil Kelley – Senior Vice President, Corporate Development and Strategy

Laura Nichol – Senior Vice President, Business Support

W. Benjamin Moreland – Executive Vice Chairman

PROPOSED PDD CONDITIONS

ARTICLE 784.

PD 784.

Trinity River Corridor Special Purpose District

PART I.

GENERAL PROVISIONS.

SEC. 51P-784.101. LEGISLATIVE HISTORY.

Date passed	Ordinance Number	Description
9-24-08	27331	Established Planned Development District No. 784.

SEC. 51P-784.102. PROPERTY LOCATION AND SIZE.

PD 784 is established on property generally bounded by the Union Pacific Railroad on the north, I-35 (Stemmons Freeway) on the east and south, the Union Pacific Railroad on the northeast, the DART right-of-way on the southeast, and the east Trinity River levee on the southwest and west. The size of PD 784 is approximately 338 acres.

SEC. 51P-784.103. PURPOSE, VISION, AND COMPONENTS.

(a) Purpose. The purpose of form-based zoning is to integrate urban design into land use and development regulations and to define the desired scale and character of a particular area. Form-based zoning focuses on controlling the form and placement of buildings on a lot by describing the building types that may be developed, what the sidewalks and public spaces should look like, and how these elements relate to one another. Form-based zoning also uses simple graphic depictions to illustrate the required zoning and development regulations.

(b) Vision. The Trinity River Corridor Comprehensive Land Use Plan was adopted on March 9, 2005 by City Council Resolution No. 05-0983. The Trinity River Corridor Comprehensive Land Use Plan established a broad vision that describes the Corridor as the heart of a thriving Dallas with unified, diverse neighborhoods and business centers connected by a ribbon of water and green spaces. The Trinity River Corridor Comprehensive Land Use Plan establishes the Corridor as the city's model for economic growth without physical, social, or economic barriers, which attracts residents and visitors to live, learn, work, shop, and play within a cosmopolitan urban core alongside the river's meandering environment. This article implements the Plan.

(c) Components. This article includes:

(1) Part I, General Provisions. Applies to the Property.

(2) Part II, Form District Regulations. Development and use standards for each form district.

(3) Part III, Subarea Regulations. Regulating plans showing the subarea boundaries and height regulations, and additional regulations such as streetscape standards, build-to lines, setback lines, and parking setback lines for each subarea.

PART II.

FORM DISTRICT REGULATIONS.

SEC. 51P-784.201. CREATION OF FORM DISTRICTS.

(a) Form district regulations are zoning district regulations that may be applied to any subarea.

(b) The following form districts are incorporated into the Trinity River Special Purpose District:

(1) Downtown.

(2) Urban village.

SEC. 51P-784.202. DOWNTOWN FORM DISTRICT REGULATIONS.

(a) In general.

(1) The downtown form district is the most intense level of development in the Corridor, combining a dense mix of office, retail, residential, lodging, and civic uses to create a vibrant, urban, pedestrian-oriented environment. This form district creates a destination that draws residents, tourists, and businesses to retail, cultural, and civic attractions. Development will include low, mid-rise, and high-rise structures with active pedestrian frontages. The streets and open spaces will form a network with wide sidewalks and other pedestrian amenities.

(2) This district is considered to be a nonresidential zoning district.

(d) Frontage types.

(1) Except as provided in Paragraph (2)(d), the frontage types shown in Illustration 202A are the only frontage types permitted:

(2) No frontage types are required in the Mixmaster Riverfront Subarea Tract 1 (Able Pump Station).

(3) This subsection does not apply to tower/antenna uses located in Tract 2.

(e) Pedestrian amenities.

(1) Except as provided in Paragraph (2)(e), pedestrian amenity requirements are shown on Illustration 202B and listed in Table 202.1. To the extent possible, pedestrian amenities and enhanced pavement must be the same on both sides of a block face abutting a street. Amenities may not be historical in appearance, but must be of a modern character. Amenities must be neutral in color. Pedestrian amenities are required for any new development or increase in floor area of existing development.

(2) No pedestrian amenities for all street types are required in the Mixmaster Riverfront Subarea Tract 1 (Able Pump Station).

(3) This subsection does not apply to tower/antenna uses located in Tract 2.

(f) Building siting.

(1) Except as provided in Paragraph (2)(f), building siting requirements are shown in Illustration 202C and listed in Table 202.2.

(2) No building siting requirements are required in the Mixmaster Riverfront Subarea Tract 1 (Able Pump Station).

(3) This subsection does not apply to tower/antenna uses located in Tract 2.

(i) Building elements and design standards.

(1) Except as provided in Paragraph (2)(e), building elements and design standards are shown in Illustration 202F and listed in Tables 202.5, 202.6, and 202.7.

(2) No building elements and design standards are required in the Mixmaster Riverfront Subarea Tract 1 (Able Pump Station).

(3) This subsection does not apply to tower/antenna uses located in Tract 2.

(l) Uses permitted.

(3) Main uses. The only main uses permitted are listed in Table 202.13.

Table 202.13. Main uses permitted in the downtown form district.

Uses		Additional Provisions
Utility and public service uses		
Tower/antenna for cellular communication	Permitted SUP only in the Mixmaster Riverfront Subarea Tract 2	Height may not exceed 100’

PART III.

SUBAREA REGULATIONS.

SEC. 51P-784.301. REGULATING PLANS.

Use and development of the Property must comply with the regulating plan approved for each subarea. If there is a conflict between the text of this article and a regulating plan, the text of this article controls.

SEC. 51P-784.302. CREATION OF SUBAREAS.

(a) Subareas are geographic areas within the district. The form district regulations are applied to the subareas.

(b) The following subarea are incorporated into the Trinity River Special Purpose District (See Illustration 302A):

(1) Mixmaster Riverfront Subarea.

(A) Mixmaster Riverfront Subarea Tract 1 (Able Pump Station)
(B) Mixmaster Riverfront Subarea Tract 2

(2) Cedars West Subarea

(A) Cedars West Subdistrict No. 1.

Proposed SUP Conditions

1. USE: The only use authorized by this specific use permit is a tower/antenna for cellular communication.

2. SITE PLAN: Use and development of the Property must comply with the attached site plan and elevation.

3. TIME LIMIT: This specific use permit expires on (ten years from the passage of the ordinance), but is eligible for automatic renewal for additional 10-year periods, pursuant to Section 51A-4.219 of Chapter 51A of the Dallas City Code, as amended. For automatic renewal to occur, the Property must file a complete application for automatic renewal with the director before the expiration of the current period. Failure to timely file a complete application will render this specific use permit ineligible for automatic renewal.

4. MONOPOLE CELLULAR TOWER: The pole portion of a monopole cellular tower may not exceed 42 inches in diameter. The platform portion of a monopole cellular tower may not have a horizontal cross sectional area greater than 196 square feet. The depth of the platform may not exceed four feet, excluding any whip antenna.

5. FENCE: A minimum solid six-foot fence must be provided in the location shown on the attached site plan.

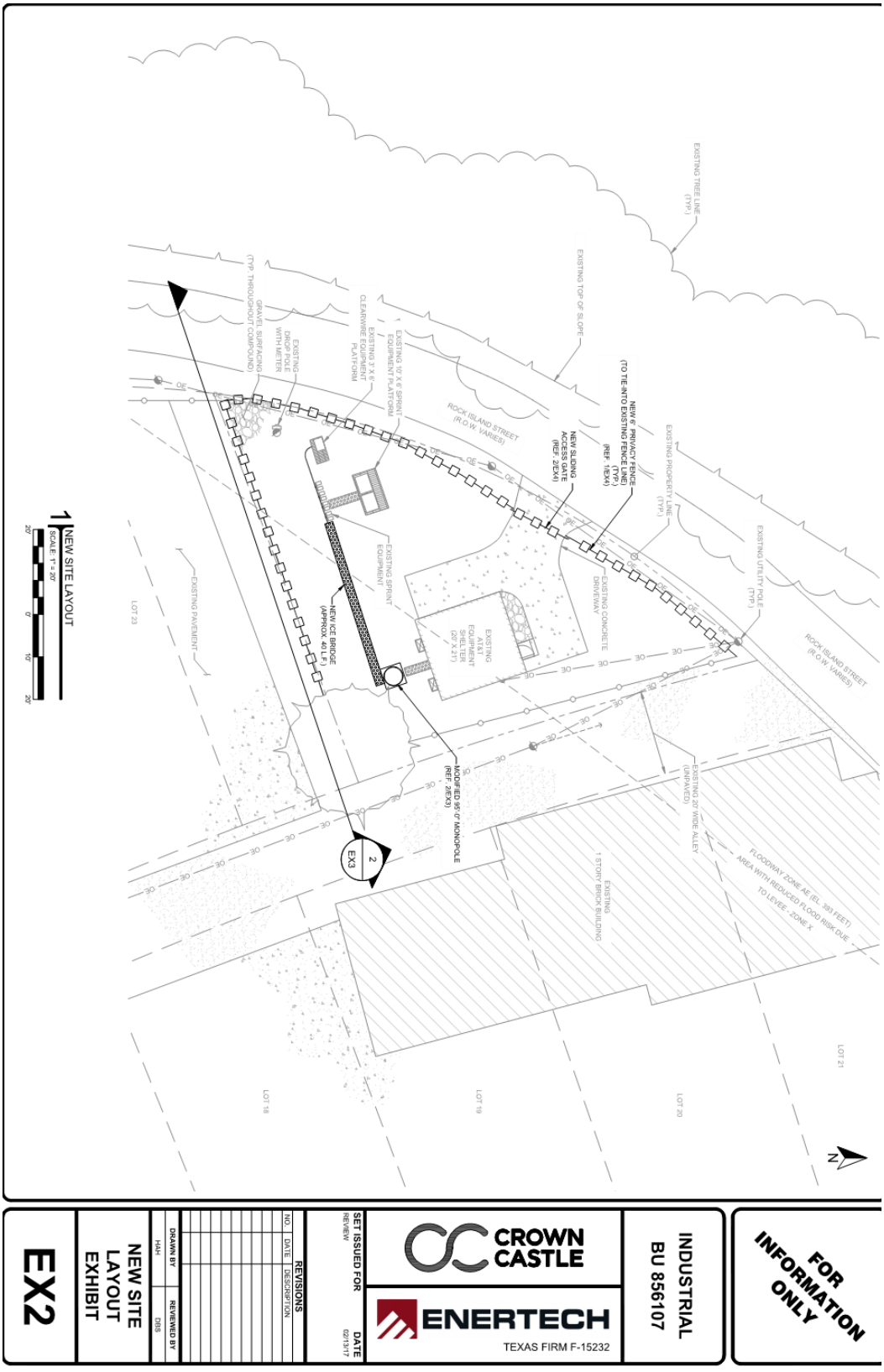
6. HEIGHT: The tower/antenna for cellular communication may not exceed 100 feet in height.

7. SHARED USE WITH OTHER CARRIERS: Any tower/antenna for cellular communication over 65 feet in height must be constructed to support the antenna arrays for at least two other wireless communications carriers, and the tower/antenna for cellular communication must be made available to other carriers upon reasonable terms.

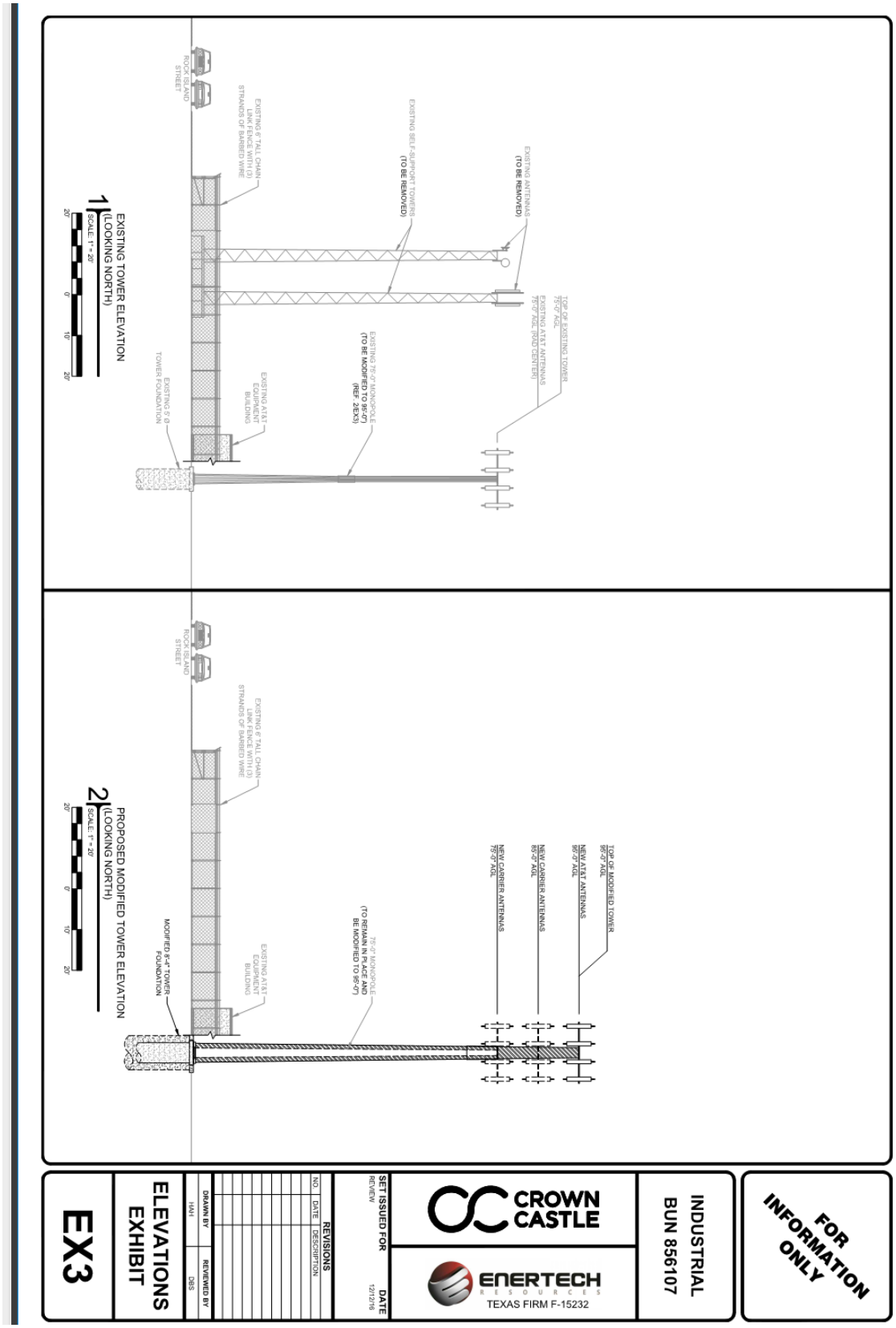
8. MAINTENANCE: The Property must be properly maintained in a state of good repair and neat appearance.

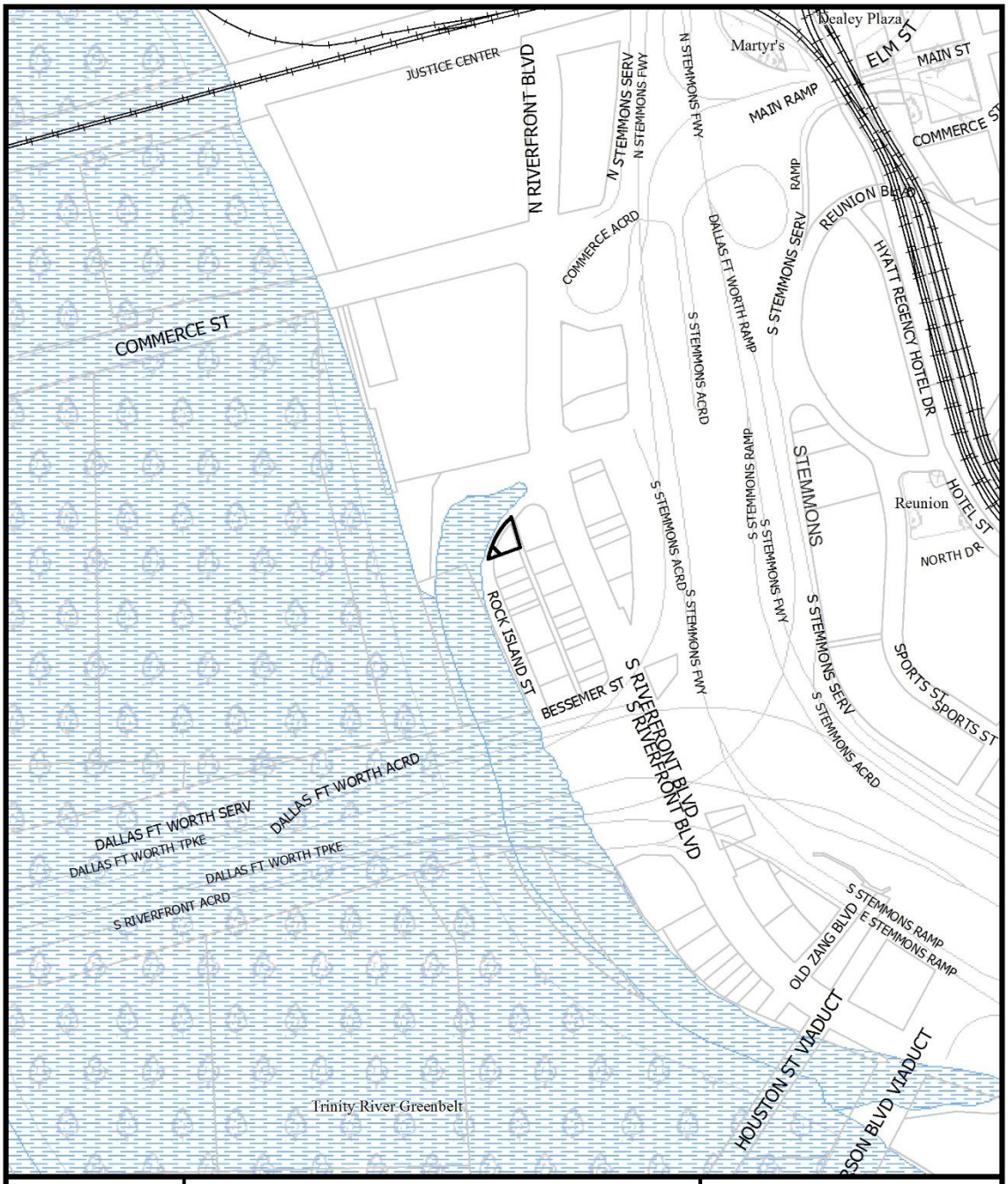
9. GENERAL REQUIREMENTS: Use of the Property must comply with all federal and state laws and regulations, and with all ordinances, rules, and regulations of the City of Dallas.

PROPOSED SITE PLAN



PROPOSED ELEVATIONS





1:6,000

VICINITY MAP

Case no: Z167-162

Date: 2/1/2017

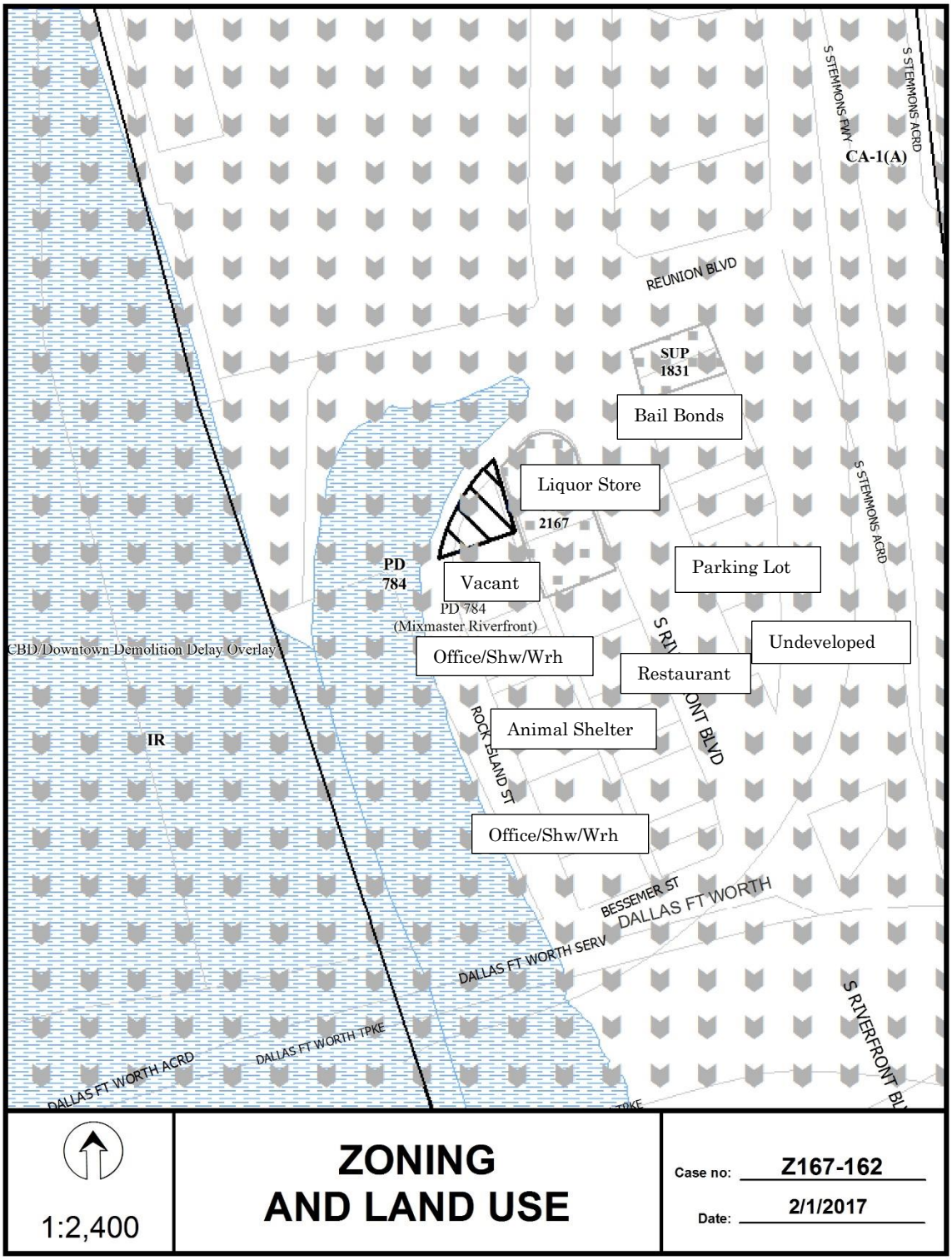


1:2,400

AERIAL MAP

Case no: Z167-162

Date: 2/1/2017


S STEMMONS FWY
S STEMMONS ACRD
CA-1(A)
REUNION BLVD
SUP
1831
Bail Bonds
Liquor Store
2167
S STEMMONS ACRD
PD
784
Vacant
Parking Lot
PD 784
(Mixmaster Riverfront)
CBD/Downtown Demolition Delay Overlay
Office/Shw/Wrh
Undeveloped
Restaurant
Animal Shelter
IR
ROCK ISLAND ST
Office/Shw/Wrh
BESSEMER ST
DALLAS FT WORTH
DALLAS FT WORTH SERV
S RIVERFRONT BLVD
DALLAS FT WORTH ACRD
DALLAS FT WORTH TPKE
1:2,400
ZONING
AND LAND USE
Case no: Z167-162
Date: 2/1/2017

CPC RESPONSES



02/15/2017

Reply List of Property Owners

Z167-162

18 Property Owners Notified ***3 Property Owners in Favor*** ***2 Property Owners Opposed***

Reply	*Label #*	*Address*		*Owner*
	1	200	ROCK ISLAND ST	NCWPCS MPL 28 YR SITE TWR HOLDINGS LLC
	2	417	ROCK ISLAND ST	CITY & COUNTY LEVEE
	3	351	S RIVERFRONT BLVD	LAKHANI MEHMOOD &
	4	345	S RIVERFRONT BLVD	LAKHANI MEHMOOD
	5	331	S RIVERFRONT BLVD	CHPD LP
	6	323	S RIVERFRONT BLVD	LAMS FAMILY LTD
O	7	317	S RIVERFRONT BLVD	JIFFY PROPERTIES LP
O	8	311	S RIVERFRONT BLVD	JIFFY PPTIES LP
	9	314	ROCK ISLAND ST	HARGETT ELECTRIC COMPANY LP
X	10	310	ROCK ISLAND ST	WILLIAM , LYN , CASH & ELLA LLC
	11	350	S RIVERFRONT BLVD	330 RIVERFRONT JOINT VENTURE LLC
	12	330	S RIVERFRONT BLVD	TOBACK & ASSOCIATES
	13	330	S RIVERFRONT BLVD	330 RIVERFRONT JOINT VENTURE LLC
O	14	314	S RIVERFRONT BLVD	OZNICK LAUREN LYNN &
	15	220	S RIVERFRONT BLVD	FRANCIS FAMILY HOLDINGS LTD
	16	100	W COMMERCE ST	CHPD-LP
X	17	304	ROCK ISLAND ST	THOMPSON RUSSELL W
	18	362	S RIVERFRONT BLVD	SANTIAGO GP LLC

AGENDA ITEM # 73

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: April 12, 2017

COUNCIL DISTRICT(S): 7

DEPARTMENT: Sustainable Development and Construction

CMO: Majed Al-Ghafry, 670-3302

MAPSCO: 49 N

SUBJECT

A public hearing to receive comments regarding an application for **(1)** a TH-2(A) Townhouse District with deed restriction volunteered by the applicant on property zoned an LI Light Industrial District and an R-7.5(A) Single Family District on the northern portion of the request area; and **(2)** the termination of existing deed restrictions on property zoned an LI Light Industrial District, on the east line of North Prairie Creek Road, north of Cedar Run Drive

Recommendation of Staff and CPC: Approval of a TH-2(A) Townhouse District, subject to deed restrictions volunteered by the applicant; and approval of the termination of existing deed restrictions

Z167-114(JM)

HONORABLE MAYOR & CITY COUNCIL **WEDNESDAY, APRIL 12, 2017**

ACM: Majed Al-Ghafry

FILE NUMBER: Z167-114(JM) **DATE FILED:** October 21, 2016

LOCATION: On the east line of North Prairie Creek Road, north of Cedar Run Drive

COUNCIL DISTRICT: 7 **MAPSCO:** 49-N

SIZE OF REQUEST: ±14.69 acres **CENSUS TRACT:** 121.00

APPLICANT/ REPRESENTATIVE: Victor Toledo, Greenleaf Ventures, LLC

OWNER: DWL Real Estate Inc.

REQUEST: An application for 1) a TH-2(A) Townhouse District with deed restrictions volunteered by the applicant on property zoned an LI Light Industrial District and an R-7.5(A) Single Family District on the northern portion of the request area, and (2) termination of existing deed restrictions on property zoned an LI Light Industrial District.

SUMMARY: The purpose of the request is to allow single-family, detached dwelling units with reduced lot sizes and setbacks. Deed restrictions volunteered by the applicant restrict all other uses including townhome uses. The deed restrictions being terminated remove height, floor area ratio, lot coverage, industrial uses, setbacks, and screening, which would now have to match the proposed TH-2(A) Townhouse District proposed. A section of the park was originally included in the existing deed restrictions. The park will remain and will be relieved of the deed restrictions, as part of this request.

CPC RECOMMENDATION: **Approval** of a TH-2(A) Townhouse District, subject to deed restrictions volunteered by the applicant; and **approval** of the termination of existing deed restrictions.

STAFF RECOMMENDATION: **Approval** of a TH-2(A) Townhouse District, subject to deed restrictions volunteered by the applicant; and **approval** of the termination of existing deed restrictions.

BACKGROUND INFORMATION:

- The request is made to allow single family, detached dwelling units on smaller lots with reduced setbacks on the northern portion of the request site. The existing zoning of an LI Light Industrial District does not allow for residential uses.

- New deed restrictions being offered with the TH-2(A) request would only allow single family, detached dwelling units.

- Deed restrictions being terminated included a height restriction of 45 feet, a 1:1 floor area ratio maximum, 60% lot coverage maximum, required a 25 foot front yard and a 10 foot side setback, required screening, and prohibited the following uses: multiple family, open storage, auto repair garage (outside), aluminum collection center, auto painting or body rebuilding shop (outside). The area included a portion of park land. For this reason, the existing deed restrictions had to be terminated and new deed restrictions are being offered solely on the northern area of the request.

Zoning History:

There has been one zoning cases within the vicinity of the area of request in the last five years.

1. **Z156-234**: On September 1, 2016, CPC approved an application for a CS Commercial Service District on property zoned an LI Light Industrial District with a D-1 Liquor Control Overlay on the southwest corner of Forney Road and North Prairie Creek Road. *(Pending City Council, 4-26-17)*

Thoroughfares/Streets:

Thoroughfare/Street	Type	Right-of-Way
Prairie Creek Road	Principal Arterial	100 feet

Traffic:
The Engineering Division of the Sustainable Development and Construction Department has reviewed the request and determined that it will not have a detrimental impact on the surrounding street system.

Comprehensive Plan:
The *forwardDallas! Comprehensive Plan* was adopted by the City Council in June 2006. The *forwardDallas! Comprehensive Plan* outlines several goals and policies which can serve as a framework for assisting in evaluating the applicant's request.

The request complies with the following land use goals and policies of the Comprehensive Plan:

LAND USE ELEMENT

GOAL 1.3 PROVIDE EQUITABLE OPPORTUNITIES FOR DALLAS RESIDENTS

Policy 1.3.1 Create housing opportunities throughout Dallas. The City must ensure affordable, quality rental housing and investments in multifamily housing. Using creative financing options will help create higher standards of living for all Dallas residents.

NEIGHBORHOOD PLUS

Policy 4.3 Enhance neighborhood desirability by improving infrastructure, housing stock, recreation and safety

Policy 5.1 Encourage a wider range of well-designed and affordable housing types as a response to emerging homeownership preferences.

Land Use Compatibility:

	Zoning	Land Use
Site	LI Light Industrial and R-7.5(A) Residential	Undeveloped and park
North	LI Light Industrial	Railroad, machinery, heavy equipment, or truck sales and services
East	R-7.5(A) Residential	A drainage canal and single family
South	R-7.5(A) Residential	A park and single family
West	LI Light Industrial	Undeveloped

A large portion of the subject site is currently zoned an LI Light Industrial District. The purpose of this district is to provide for light industrial office, research and development, and commercial uses in an industrial park setting. This district is designed to be located in areas appropriate for industrial development which may be adjacent to residential communities. This land contains the existing deed restrictions which focus on limiting the height to 45 feet, providing a 1:1 floor area ratio maximum, 60% lot coverage maximum, a 25 foot front yard and a 10 foot side setback, required screening, and prohibited the following uses: multiple family, open storage, auto repair garage (outside), aluminum collection center, auto painting or body rebuilding shop (outside). All other light industrial uses would be allowed by right. This area includes a portion of park land. The park does not need the existing deed restrictions in order to serve the

public. The park land is a buffer to the single family neighborhoods to the south. The park land would remain an LI Light Industrial District, which allows a park by right.

The area is bisected by an active railroad track. Industrial uses are predominant on the north side of the train tracks. On the south side, land uses shift to accommodate residential neighborhoods. The subject site is located on the south side of the railroad tracks. Those tracks serve as an appropriate division between the light industrial uses to the north, and the residential neighborhoods to the south. The request supports the continued development of the residential neighborhoods to the south.

The easterly section of the area of request is zoned an R-7.5(A) Single Family District. Besides the park land, the remainder area zoned an LI Light Industrial District along with this easterly section compose the new site where the request is made to allow a TH-2(A) Townhouse District with deed restrictions volunteered by the applicant which only allow a detached, single family use on the property. Furthermore, the proposed deed restrictions expressly state that townhomes will not be allowed.

Surrounding land uses include light industrial and commercial and business service uses to the north of the train tracks, a park, drainage canal, and residential uses (single family) to the east and south, and undeveloped land to the west—as well as the subject site.

Development Standards:

District	Setbacks		Height	Lot Coverage	Special Standards	Primary Uses
	Front	Side/Rear				
Existing: LI w/Deed Restrictions (DR)	15’ 25’ by DR	30’ res. 0’ nonres 10’ by DR 0’ rear	70’ 45’ by DR	80% 60% by DR	RPS	Commercial and business service, institutional and community service, office, recreation, retail and personal service, utility and public service, wholesale, distribution, and storage, a few industrial uses.
Existing: R-7.5(A) Residential	25’	5’ res. 10’ nonres 15’	30’	45% res. 25% nonres.	RPS	Residential—single family, institutional and community service, recreation, and utility and public service uses.
Proposed: TH-2(A) Townhouse (Northern portion)	0’	0’ single family 5’ duplex 10’ others 0’ single family 10’ duplex 10’ others	36’	60% res. 25% nonres.	RPS	Residential—single family, duplex, institutional and community service, recreation, and utility and public service uses.

The most notable change is the lack of front yards and side setbacks allowed by the proposed TH-2(A) Townhouse District. As the applicant has offered new deed restrictions that state the only allowable use is detached single family, it is clear that the front yard and side yard provisions would allow the site to be developed with no front

and side yards, if chosen. Otherwise, the request provides reduced height and removes all but single family uses.

Parking:

Parking will be provided per the Dallas Development Code.

Landscaping:

The request is required to comply with Article X.

CPC Action:
February 16, 2017

Motion: It was moved to recommend **approval** of a TH-2(A) Townhouse District, subject to revised deed restrictions volunteered by the applicant on property zoned an LI Light Industrial District and an R-7.5(A) Single Family District on the northern portion of the request area; and **approval** of the termination of existing deed restrictions on property zoned an LI Light Industrial District, on the east line of North Prairie Creek Road, north of Cedar Run Drive.

Maker: Mack
Second: Shidid
Result: Carried: 13 to 0

For: 13 - Anglin, Rieves, Houston, Davis, Shidid, Haney, Mack, Jung, Housewright, Schultz, Peadon, Murphy, Ridley

Against: 0
Absent: 2 - Anantasomboon, Tarpley
Vacancy: 0

Notices: Area: 400 Mailed: 55
Replies: For: 0 Against: 2

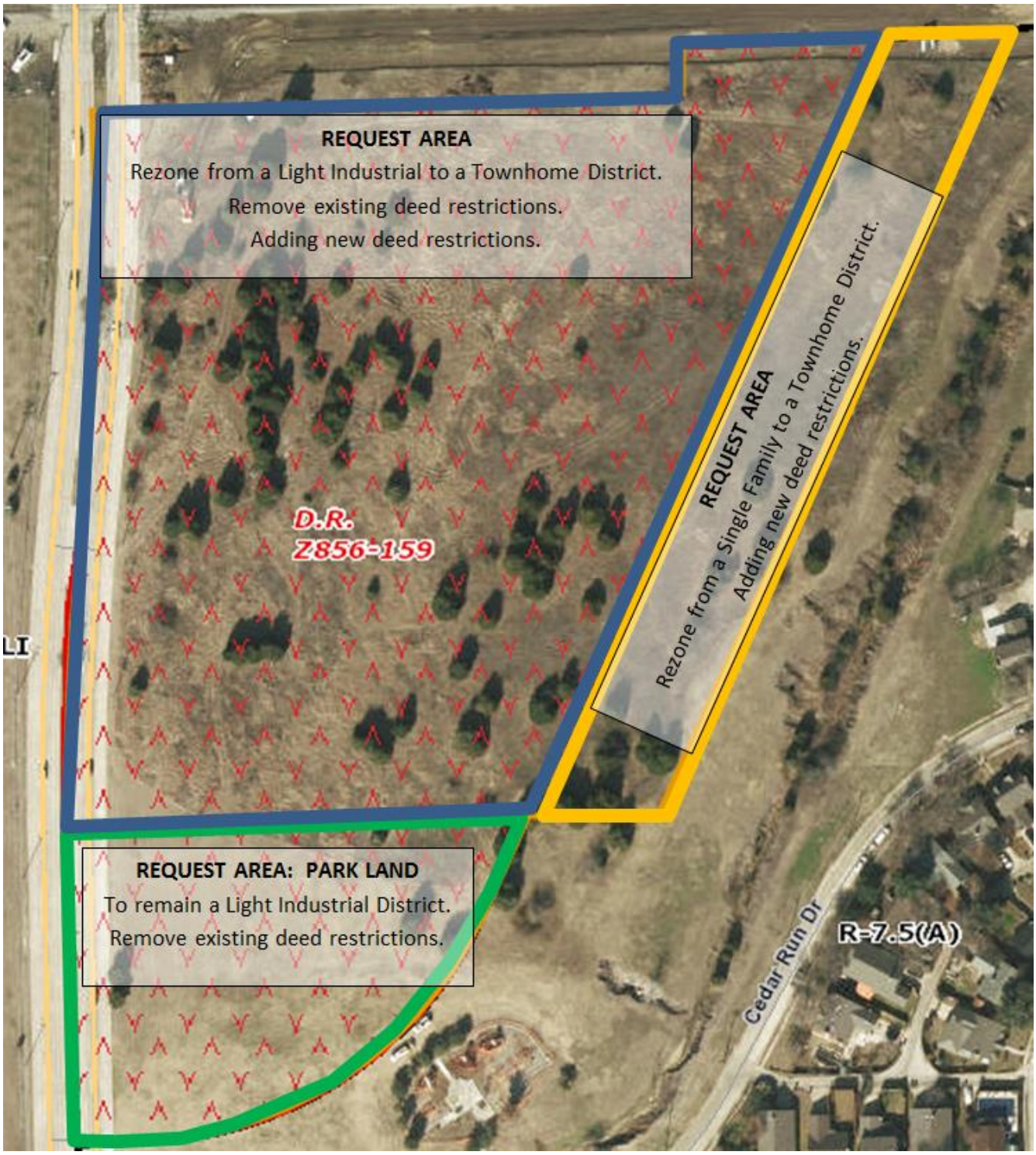
Speakers: For: Victor Toledo, 4400 N. Prairie Creek Rd., Dallas, TX, 75227
Against: None

List of Owners

DWL Real Estate Inc.

Don W. Ledbetter--sole principal/owner

Clarification of Area of Request



Deed Restrictions Being Terminated

861447

DEED RESTRICTIONS

A 2995 0 11.00 DEED 1 05/15/86

THE STATE OF TEXAS I
I KNOW ALL MEN BY THESE PRESENTS:
COUNTY OF DALLAS I

That the undersigned, Fox & Jacobs, Inc., a Nevada corporation is owner of the following described property situated in Dallas County, Texas as evidenced by the deed from Baker & Assoc.,1filed on Sept. 16, 1983, and recorded in the Deed Records of Dallas County, Texas, in volume 83185 at Page 0117. The property is more particularly described as follows:

Being 12.3953 acres out of the Job Badgley Survey, Abstract No. 75, City of Dallas, Dallas County, Texas, described in Exhibit A.

That the said owner does hereby impress all of the above described property, hereinafter referred to as "THE PROPERTY," with the following deed restrictions:

1. No structure on THE PROPERTY may exceed 45 feet in height.

2. Development on THE PROPERTY is limited to no more than a one to one (1:1) floor area ratio.

3. Coverage of THE PROPERTY is limited to no more than 60 percent.

4. The only permitted uses on THE PROPERTY are those permitted in an Industrial-1 zoning district pursuant to the Dallas Development Code, as amended, except that the following uses are prohibited on THE PROPERTY:

   a. Multiple-family.

   b. Open storage.

   c. Auto repair garage (outside).

   d. Aluminum collection center.

   e. Auto painting or body rebuilding shop (outside).

5. The front yard setback on THE PROPERTY must be no less than 25 feet. If the side yards or rear yards on THE PROPERTY adjoin a single-family zoning district, a setback of no less than ten feet must be provided.

6. The owner must provide screening as described in Section 51-4.602 of the Dallas Development Code, as amended, on any building site that is adjacent to a residentially zoned district before the issuance of a certificate of occupancy.

7. For the purposes of these restrictions, all definitions of the Dallas Development Code, as amended, apply and are incorporated into this document as if recited verbatim herein.

86095 1401 Z856-159/6101-E

ACS/TRC DALLAS Doc: 000952995 Date: 05/14/1986 Vol: 0086095 Page: 01401 Page: 1 Of 6

Z167-114

Volunteered Deed Restrictions

DEED RESTRICTIONS

THE STATE OF TEXAS)
)
COUNTY OF _____)

KNOW ALL PERSONS BY THESE PRESENTS:

I.

The undersigned, Greenleaf Ventures, LLC ("the Owner"), is the owner of the following described property ("the Property"), being in particular a tract of land out of the _____ Survey, Abstract No. _____ , City Block _____ , City of Dallas ("City"), _____ County, Texas, and being that same tract of land conveyed to the Owner by _____ , by deed dated _____ , and recorded in Instrument Number _____, in the Deed Records of _____ County, Texas, and being more particularly described as follows:

[*Insert property description*]

II.

The Owner does hereby impress all of the Property with the following deed restrictions ("restrictions"), to wit:

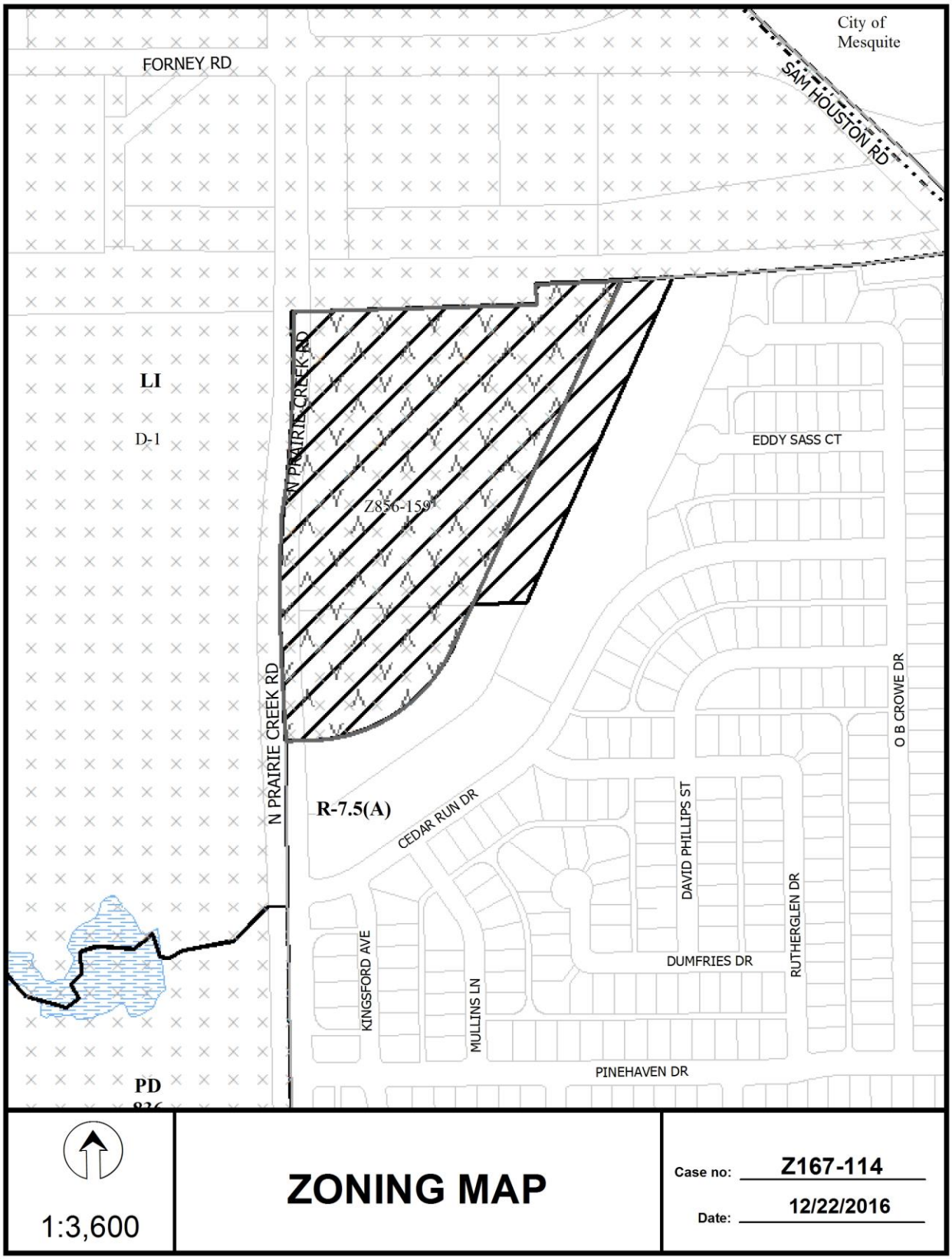
The Property shall be used for single-family detached residential purposes only. No other use, including townhome, is permitted.

III.

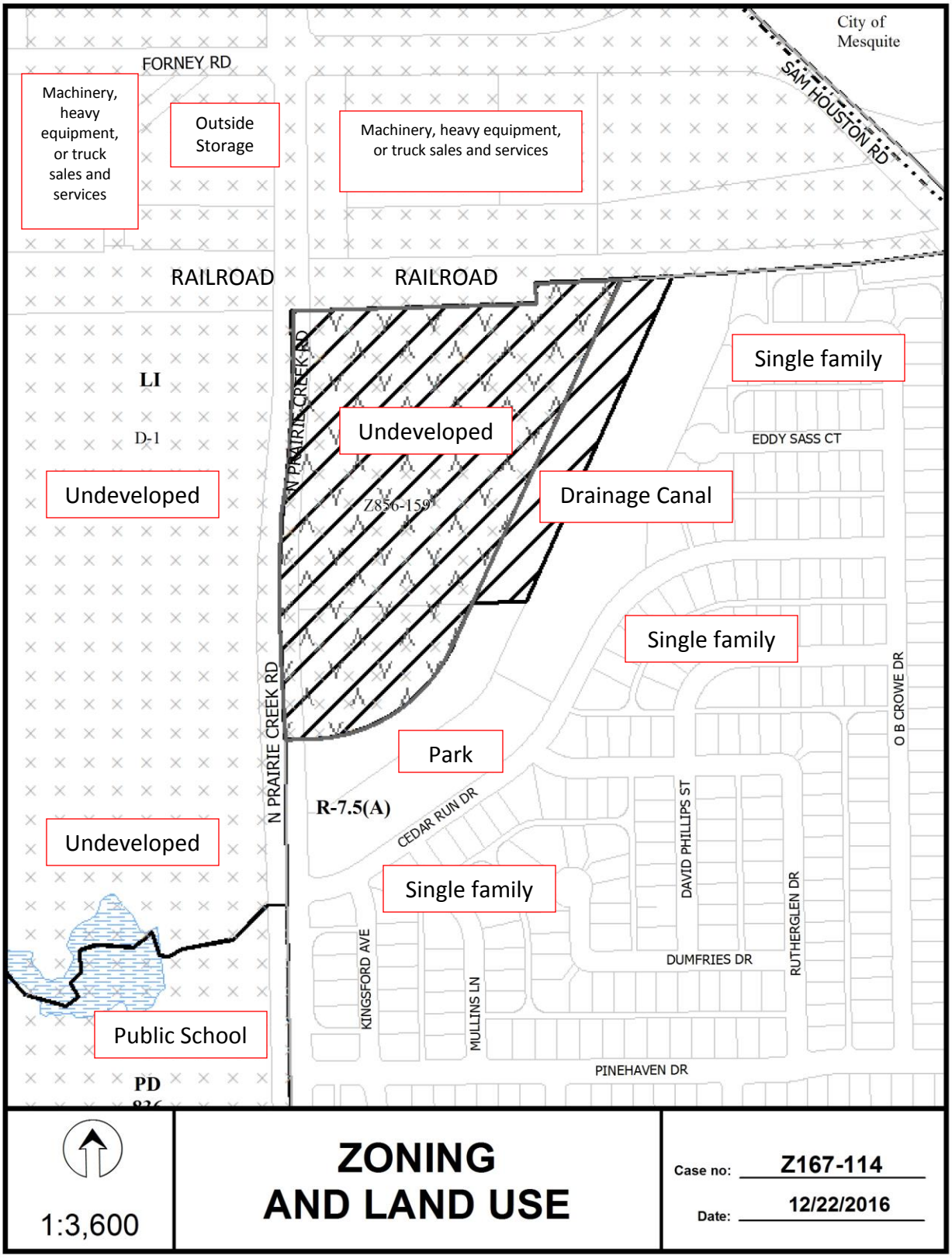
These restrictions shall continue in full force and effect for a period of 20 years from the date of execution, and shall automatically be extended for additional periods of 10 years unless amended or terminated in the manner specified in this document.

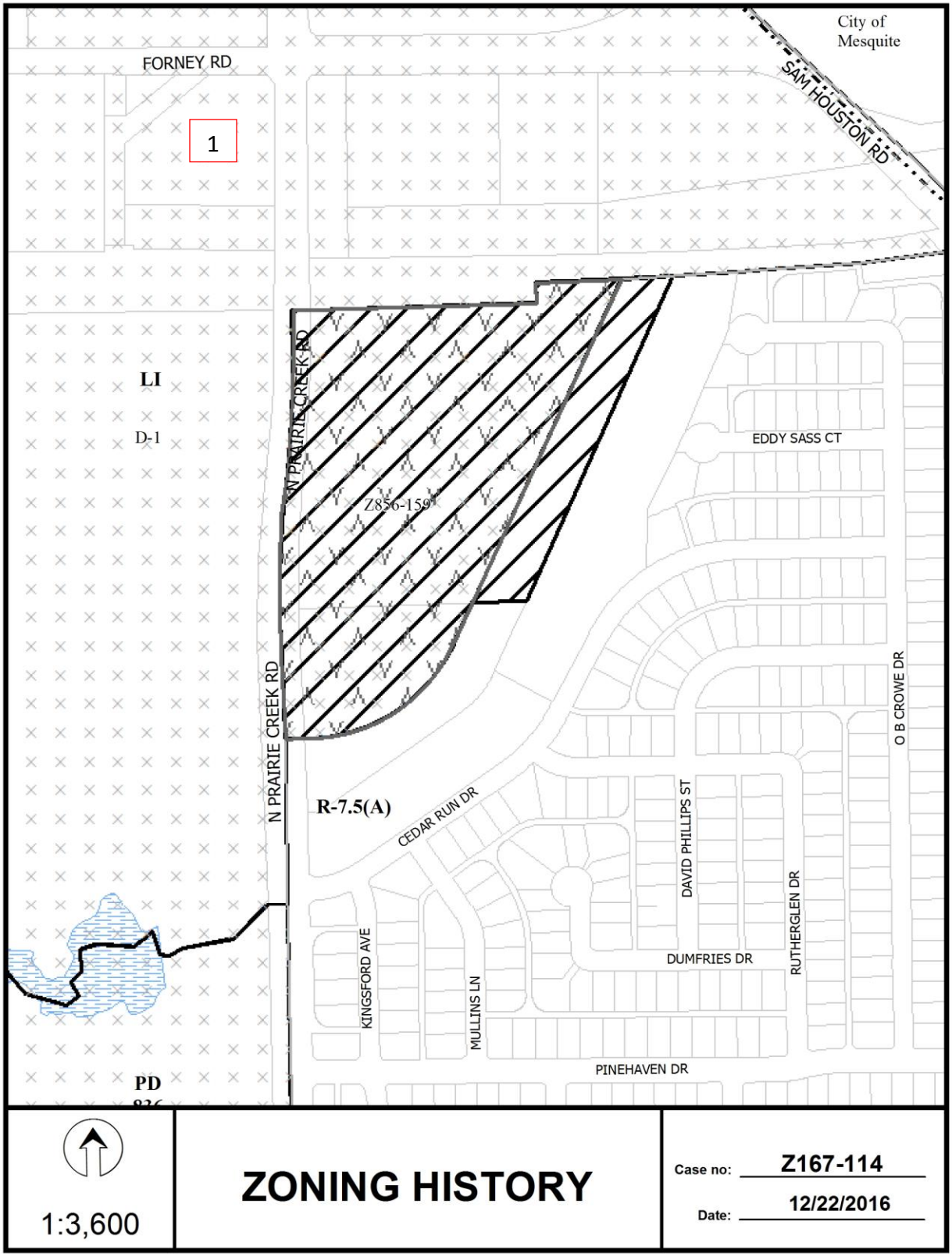
IV.

These restrictions may be amended or terminated as to any portion of the Property, upon application to the City of Dallas by the current owner of that portion of the Property, without the concurrence of the owners of the remaining portion of the Property. These restrictions may be amended or terminated only after a public hearing before the City Plan Commission and a public hearing before and approval by the City Council of the City. Notice of the public hearings must be given as would be required by law for a zoning change on the Property. The amending or terminating instrument must be approved as to form by the city attorney. If the City Council approves an amendment or termination of these restrictions, the Owner must then file the amending or terminating instrument in the Deed Records of the county or counties where the Property is located at his or her sole cost and expense before the amendment or termination becomes effective.

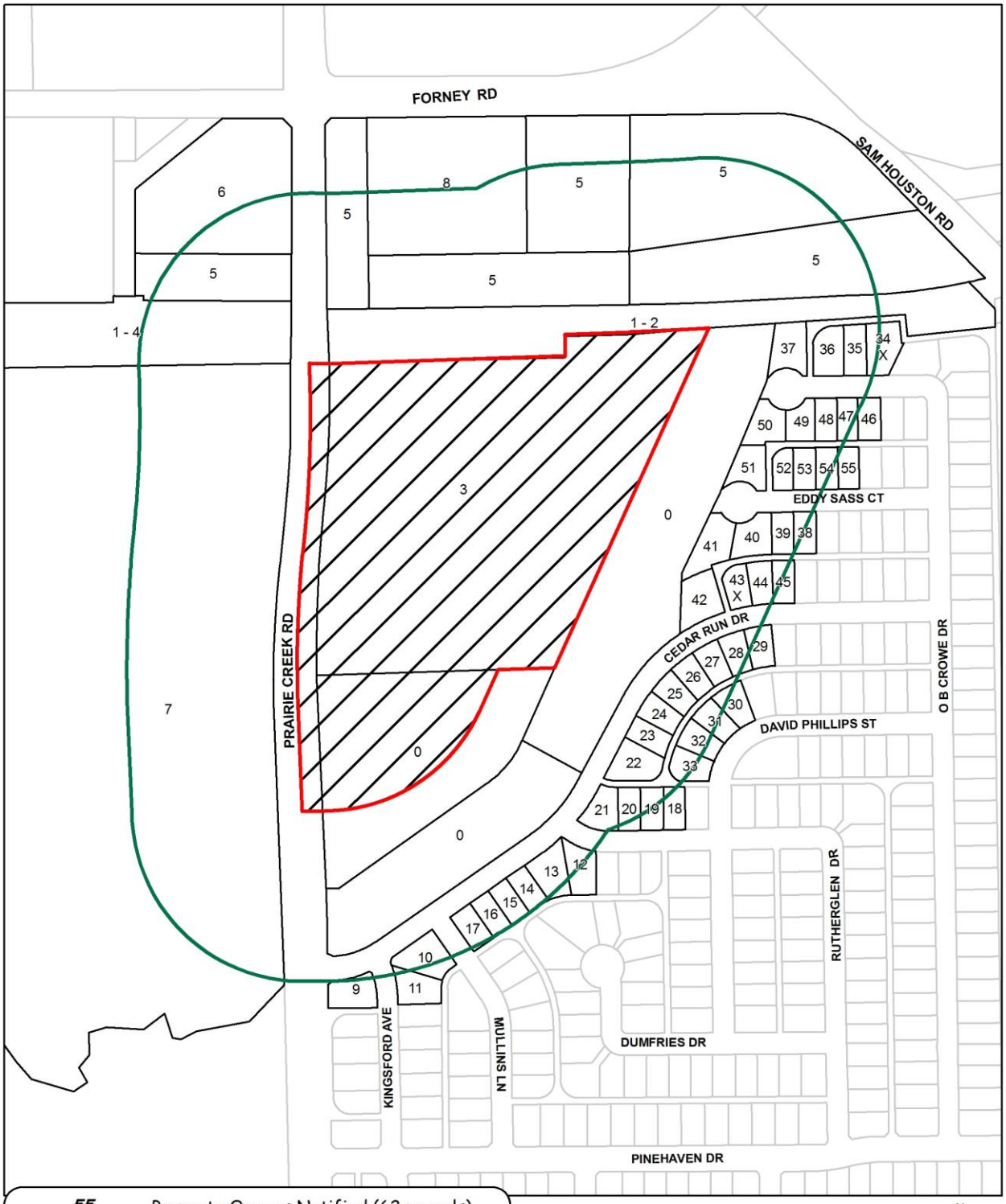

City of Mesquite
FORNEY RD
SAM HOUSTON RD
LI
D-1
N PRAIRIE CREEK RD
Z856-159
EDDY SASS CT
O B CROWE DR
R-7.5(A)
CEDAR RUN DR
DAVID PHILLIPS ST
RUTHERGLEN DR
KINGSFORD AVE
MULLINS LN
DUMFRIES DR
PINEHAVEN DR
PD
1:3,600
ZONING MAP
Case no: Z167-114
Date: 12/22/2016


FORNEY RD
City of Mesquite
SAM HOUSTON RD
EDDY SASS CT
O B CROWE DR
CEDAR RUN DR
DAVID PHILLIPS ST
RUTHERGLEN DR
N PRAIRIE CREEK RD
PRAIRIE CREEK RD
KINGSFORD AVE
MULLINS LN
DUMFRIES DR
PINEHAVEN DR
1:3,600
AERIAL MAP
Case no: Z167-114
Date: 12/22/2016


City of Mesquite
FORNEY RD
SAM HOUSTON RD
Machinery, heavy equipment, or truck sales and services
Outside Storage
Machinery, heavy equipment, or truck sales and services
RAILROAD
RAILROAD
LI
D-1
N PRAIRIE CREEK RD
Undeveloped
Single family
EDDY SASS CT
Undeveloped
Z856-159
Drainage Canal
Single family
O B CROWE DR
Park
R-7.5(A)
CEDAR RUN DR
DAVID PHILLIPS ST
Undeveloped
Single family
KINGSFORD AVE
MULLINS LN
DUMFRIES DR
RUTHERGLEN DR
Public School
PINEHAVEN DR
PD
1:3,600
ZONING
AND LAND USE
Case no: Z167-114
Date: 12/22/2016


City of Mesquite
FORNEY RD
SAM HOUSTON RD
1
LI
D-1
N PRAIRIE CREEK RD
Z856-159
EDDY SASS CT
O B CROWE DR
R-7.5(A)
CEDAR RUN DR
DAVID PHILLIPS ST
RUTHERGLEN DR
DUMFRIES DR
KINGSFORD AVE
MULLINS LN
PINEHAVEN DR
PD
1:3,600
ZONING HISTORY
Case no: Z167-114
Date: 12/22/2016

CPC Responses



55	Property Owners Notified (62 parcels)
0	Replies in Favor (0 parcels)
2	Replies in Opposition (2 parcels)
400'	Area of Notification
2/16/2017	Date

Z167-114
CPC

N
W E
S

1:3,600

Reply List of Property Owners

Z167-114

55 Property Owners Notified 0 Property Owners in Favor 2 Property Owners Opposed

Reply	*Label #*	*Address*		*Owner*
	1	4401	LINFIELD RD	ST LOUIS S W RAILWAY CO
	2	9999	NO NAME ST	UNION PACIFIC RR CO
	3	4400	N PRAIRIE CREEK RD	DWL REAL ESTATE INC
	4	4401	LINFIELD RD	ST LOUIS S W RAILWAY CO
	5	4501	PRAIRIE CREEK RD	TEXAS UTILITIES ELEC CO
	6	9124	FORNEY RD	WEST TEXAS REBAR PLACERS INC
	7	4401	PRAIRIE CREEK RD	DAL TILE CORP
	8	9208	FORNEY RD	BERRY MARK W &
	9	3923	KINGSFORD AVE	HARPER STEPHANIE ESTATE OF
	10	9114	CEDAR RUN DR	JONES SHERLYN QUINNELL
	11	3928	KINGSFORD AVE	BABU SOPHIA
	12	9304	RUTHERGLEN DR	RUIZ GABRIEL
	13	9220	CEDAR RUN DR	JONES BRUCE B & MARY L
	14	9216	CEDAR RUN DR	PERICA INVESTMENTS LLC
	15	9212	CEDAR RUN DR	ONTIVEROS JOSE &
	16	9208	CEDAR RUN DR	CHANDY JOSEPH
	17	9204	CEDAR RUN DR	ENGLISH WARD BROWN JR
	18	9315	RUTHERGLEN DR	JONES KRISSANDRA
	19	9311	RUTHERGLEN DR	GRJKJ HOLDINGS LLC
	20	9307	RUTHERGLEN DR	WELDAI HABTEZGHI & SARA G
	21	9303	RUTHERGLEN DR	MUHAMMAD BILAL A A &
	22	9308	CEDAR RUN DR	RESENDIZ JULITA &
	23	9312	CEDAR RUN DR	WILLIAMS MILTON L & PATRICIA A
	24	9316	CEDAR RUN DR	BULLARD GARY LYNN & OLGA SANTA MARIE
	25	9320	CEDAR RUN DR	WOOD KAREN L
	26	9324	CEDAR RUN DR	WALLER BRANDON C

02/15/2017

Reply	*Label #*	*Address*		*Owner*
	27	9328	CEDAR RUN DR	RODRIGUEZ IMELDA
	28	9332	CEDAR RUN DR	GARCIA JUAN M
	29	9336	CEDAR RUN DR	BROWN MICHAEL
	30	4115	DAVID PHILLIPS ST	SCRUGGS SHELIA
	31	4111	DAVID PHILLIPS ST	CONTRERAS SUSANA
	32	4107	DAVID PHILLIPS ST	HICKERSON KEITH R &
	33	4103	DAVID PHILLIPS ST	CASTILLO JORGE & MARIA D
X	34	4132	O B CROWE DR	LILLY LORENZA LEE &
	35	4136	O B CROWE DR	HAIRE LAQUENTUS U &
	36	4140	O B CROWE DR	ASTLE JOHN DANUIL &
	37	4144	O B CROWE DR	CRENSHAW LEAH &
	38	9416	EDDY SASS CT	PORTLEY CEDRIC W &
	39	9412	EDDY SASS CT	SIMPSON CLEVON D &
	40	9408	EDDY SASS CT	WILLIAMS ERROL GEORGE &
	41	9404	EDDY SASS CT	REYNOLDS MYRTIS L
	42	9327	CEDAR RUN DR	PENALOZA SHIRLEY
X	43	9331	CEDAR RUN DR	IKEMENOGO DONATUS I &
	44	9335	CEDAR RUN DR	ARTEAGA ELIZABETH &
	45	9403	CEDAR RUN DR	INGRAM PATRICIA A &
	46	4131	O B CROWE DR	LOFTON SHERRON DAVIS
	47	4135	O B CROWE DR	AMAYA DANA E &
	48	4139	O B CROWE DR	CHEATHAM YULONDA
	49	4143	O B CROWE DR	HERRERA JOE ANGEL JR &
	50	4147	O B CROWE DR	NGUYEN HAI LUONG &
	51	9405	EDDY SASS CT	FORDE RAENELL H
	52	9411	EDDY SASS CT	MAGALINDAN MANUEL A &
	53	9415	EDDY SASS CT	VAZQUEZ MARIBEL TORRES &
	54	9419	EDDY SASS CT	PRELOW ALDORSEY III
	55	9423	EDDY SASS CT	CARDENAS ARMANDO & ANITA HERNANDEZ

AGENDA ITEM # 74

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: April 12, 2017

COUNCIL DISTRICT(S): 1

DEPARTMENT: Sustainable Development and Construction

CMO: Majed Al-Ghafry, 670-3302

MAPSCO: 54 B

SUBJECT

A public hearing to receive comments regarding an application for and an ordinance granting a Specific Use Permit for an alcoholic beverage establishment limited to a bar, lounge or tavern and a private club-bar on property zoned Subdistrict 6 (Davis Corridor) within Planned Development District No. 830 on the east side of North Tyler Street, between Fouraker Street and West Davis Street

Recommendation of Staff: Approval for a two-year period, subject to a site plan and conditions

Recommendation of CPC: Approval for a three-year period with eligibility for automatic renewals for additional five-year periods, subject to a site plan and conditions

Z167-164(WE)

HONORABLE MAYOR & CITY COUNCIL WEDNESDAY, APRIL 12, 2017
ACM: Majed Al-Ghafry

FILE NUMBER: Z167-164(WE) **DATE FILED:** December 22, 2016

LOCATION: East side of North Tyler Street, between Fouraker Street and West Davis Street

COUNCIL DISTRICT: 1 **MAPSCO:** 54-B

SIZE OF REQUEST: Approx. 17,859.6 sq. ft. **CENSUS TRACT:** 42.01

APPLICANT/OWNER: Good Space X, LLC
David Spence, Sole Owner

REPRESENTATIVE: Santos Martinez
MASTERPLAN

REQUEST: An application for a Specific Use Permit for an alcoholic beverage establishment limited to a bar, lounge or tavern and a private club-bar on property zoned Subdistrict 6 (Davis Corridor) within Planned Development District No. 830.

SUMMARY: The purpose of the request is to operate a private club-bar within an existing retail development. The proposed private club-bar will have an outside patio area on the northern portion of the site.

CPC RECOMMENDATION: **Approval** for a three-year period with eligibility for automatic renewals for additional five-year periods, subject to a site plan and conditions.

STAFF RECOMMENDATION: **Approval** for a two-year period, subject to a site plan and conditions.

BACKGROUND INFORMATION:

- The request site is located within a one-story, 12,000 square foot, multi-tenant retail development. The applicant is proposing to renovate approximately 1,007 square feet of floor area on the western portion of the retail development to operate an alcoholic beverage establishment (private club). The proposed private club-bar will also have an outside patio space of 350 square feet.

- The 12,000 square foot multi-tenant structure was built in 1935. Recent history shows that request site was used as a retail space.

- The request site is located in an area that was formerly dry for TABC purposes. In 2010, the local option election allowed beer and wine sales for off-premise consumption as well as alcohol sales in conjunction with a food and beverage certificate. The 2010 election did not change the way establishments that sell mixed beverages without a food and beverage license are regulated by TABC. Those establishments are still treated as private clubs.

- By providing for both a private club-bar and a bar, lounge or tavern land uses in the SUP, the applicant can have both options, depending on the TABC permit obtained.

- The request site is adjacent to a variety of retail and personal service use that are located within the existing building. In 2000, the Building Official issued a CO Certificate of Occupancy for a church for the structure to the north of the site. However, the church is no longer in operation. Properties to the east, across North Tyler Street, are developed with an auto related use and a residential use.

Zoning History: There has been one zoning change requested in the past 5 years.

1. Z134-308 On August 15, 2015, the City Council approved a renewal of Specific Use Permit No. 2016 for an alcoholic beverage establishment limited to a bar, lounge or tavern and a microbrewery, microdistillery or winery on property zoned Subdistrict 6 within Planned Development District No. 830.

Thoroughfares/Streets:

Thoroughfare/Street	Type	Existing ROW	Proposed ROW
North Tyler Street	Minor Arterial	100 ft.	100 ft.

Traffic: The Engineering Division of the Sustainable Development and Construction Department has reviewed the request and determined that the proposed development will not have a negative impact on the surrounding street system.

COMPREHENSIVE PLAN: The *fowardDallas! Comprehensive Plan* was adopted by the City Council in June 2006. The *fowardDallas! Comprehensive Plan* outlines several goals and policies which can serve as a framework for assisting in evaluating the applicant's request.

Urban Design Element

GOAL 5.3 Establishing Walk-to Convenience

Policy 5.3.1 Encourage a balance of land uses within walking distance of each other.

Land Use:

	Zoning	Land Use
Site	PDD No. 830, Subdistrict 6	Vacant
North	PDD No. 830, Subdistrict 6	Vacant church
South	PDD No. 830, Subdistrict 6	Retail
East	PDD No. 830, Subdistrict 6	Retail
West	PDD No. 830, Subdistrict 5, CD No. 1	Auto Related use, Single family

STAFF ANALYSIS:

Land Use Compatibility: The approximately 17,859.6 square foot site is located within a 12,000 square foot, multi-tenant retail development. The applicant's request for a Specific Use Permit will allow for the operation of a bar, lounge or tavern or a private club-bar within the existing retail development. The applicant will also use a portion of an outside patio space that is located on the northern building façade. The outdoor patio space is limited to a maximum of 350 square feet of area. In addition, the applicant proposes to operate the use between 11:00 a.m. and 2:00 a.m. (the next day), Monday through Sunday.

The criteria that establishes a Legacy Building are as follows: 1) the building was constructed before 1957 if fronting on Davis Street, Tyler Street, Polk Street, or 7th Street east of Madison Avenue and before 1945 if fronting on Bishop Avenue; 2) for buildings with frontage on Davis Street or Bishop Avenue, the primary street facing facade of the building is within 10 feet of the right-of-way line of Davis Street or within five feet of the 25-foot front yard setback line on Bishop Avenue; 3) the building's main entrance faces Davis Street, Tyler Street, Polk Street, 7th Street, or Bishop Avenue; 4) the building facade with the main entrance must have window and door openings that total at least 20 percent of the facade area; and (5) off-street parking is not located in the required front yard.

Planned Development District No. 830 also identifies the type retail-related uses that can operate within a legacy building. These uses are an antique shop, art gallery, dry cleaning or laundry store, general merchandise or food store, nursery, garden shop, or plant sales and personal service uses. An alcoholic beverage establishment use is not a part of the original list of retail uses and therefore is required to provide off-street parking.

The request site is adjacent to a variety of retail and personal service use that are located within the building. There is a one story structure to the north that was previously a church. However, the church is no longer in operation. Properties to the west, across North Tyler Street, are developed with an auto related use and a residential use.

In order to be considered as a bar, lounge or tavern or a private-club bar, the development code provides the following criteria for each use. A bar, lounge or tavern is "an establishment principally for the sale and consumption of alcoholic beverages in the premises that derives 75 percent or more of its gross revenue on a quarterly (three-month) basis from the sale or service of alcoholic beverages, as defined in the Texas Alcoholic Beverage Code, for on-premise consumption."

A private-club bar is "an establishment holding a private-club permit under Chapter 32 and 33 of the Texas Alcoholic Beverage Code that derives 35 percent or more of its gross revenue from the sale or service of alcoholic beverages for on-premise consumption and that is located within a dry area as defined in Title 6 (Local Option Elections) of the Texas Alcoholic Beverage Code. Private-Club Bar does not include a fraternal or veterans organization, as defined in the Texas Alcoholic Beverage Code, holding a private club permit under Chapter 32 or 33 of the Texas Alcoholic Beverage Code. Private-Club bar does not include the holder of a food and beverage certificate, as defined in the Texas Alcoholic Beverage Code."

The general provisions for a Specific Use Permit in Section 51A-4.219 of the Dallas Development Code specifically state: (1) The SUP provides a means for developing certain uses in a manner in which the specific use will be consistent with the character of the neighborhood; (2) Each SUP application must be evaluated as to its probable effect on the adjacent property and the community welfare and may be approved or denied as the findings indicate appropriate; (3) The city council shall not grant an SUP for a use except upon a finding that the use will: (A) complement or be compatible with the surrounding uses and community facilities; (B) contribute to, enhance, or promote the welfare of the area of request and adjacent properties; (C) not be detrimental to the public health, safety, or general welfare; and (D) conform in all other respects to all applicable zoning regulations and standards. The regulations in this chapter have been established in accordance with a comprehensive plan for the purpose of promoting the health, safety, morals, and general welfare of the city.

The request is compatible with the mix of mainly retail uses in the area. The short initial time period for the SUP will provide an opportunity for staff to evaluate the impact of the

use on the surrounding area and to ensure the use is not detrimental to the area. The conditions include hours of operation, limits the outdoor speaker height, and limits the hours of when the speakers will be turned-off also helps to ensure compatibility.

Development Standards:

DISTRICT	SETBACKS		Density	Height	Lot Coverage	Special Standards	PRIMARY Uses
	Front	Side/Rear					
PDD No. 830 Subdistrict 6	0'	0'/0'.	none	75'	100%	Proximity Slope Visual Intrusion	Retail & personal service, office

Landscaping: The renovation of a portion of the existing structure will not increase the impervious coverage and as a result will not trigger any landscaping requirements.

Parking: PDD No. 830 identifies the retail development as a Legacy Building. These uses are an antique shop, art gallery, dry cleaning or laundry store, general merchandise or food store, nursery, garden shop, or plant sales and personal service uses.

Off-street parking is not required for retail-related uses and office uses within a Legacy Building. However, an alcoholic beverage establishment is not listed as a retail use in Planned Development District No. 830 and as a result will have to park the use.

The off-street parking regulation will apply to the alcoholic beverage establishment use. The off-street parking for an alcoholic beverage establishment is one space for each 100 square feet of floor area. The outdoor patio space will not be calculated towards the off-street parking requirement because the area is not covered, and therefore, is not considered to be additional floor area. Based on the 1,007 square feet of total floor area for the alcoholic beverage establishment, 10 spaces are required. The applicant is showing 48 spaces for the building site, with the remaining 38 spaces being used for overflow parking.

The two buildings that are identified on the site plan are considered to be located on one building site. Since the site is considered as one building site, the Building Office has determined that the parallel parking on North Tyler Street and Davis Street can be counted toward the off-street parking requirements.

Dallas Police Department: The proposed development has not received a certificate of certificate (CO) to operate an alcoholic beverage establishment within the existing multi-tenant development. Therefore, staff did not request a police report for the request site.

CPC Action (March 2, 2017)

Motion: It was moved to recommend **approval** of a Specific Use Permit for an alcoholic beverage establishment limited to a bar, lounge or tavern and a private club-bar for a three-year period with eligibility for automatic renewals for additional five-year periods, subject to a site plan and revised applicant's conditions with the following additional modifications: 1) Remove Condition #5 that reads: "5. OUTSIDE SPEAKERS: Outside speakers are prohibited.", 2) Limit Outside seating to the approved patio area located immediately adjacent to the north façade of the bar/tavern/lounge permitted by the Specific Use Permit (33 ft. x 10.61 sq. ft.), 3) Install Outside speaker more than 6 feet, and less than 40 feet from the eastern boundary of the Tyler Street right-of-way, install in a direct downward orientation (facing the ground), and turn off speakers from 10:00 p.m. each evening until 11:00 a.m., of the following day on property zoned Subdistrict 6 (Davis Corridor) within Planned Development District No. 830, on the east side of North Tyler Street, between Fouraker Street and West Davis Street.

Maker: Anglin
Second: Houston
Result: Carried: 10 to 3

For: 10 - Anglin, Houston*, Davis, Shidid, Anantasomboon, Mack, Housewright, Peadon, Murphy, Tarpley

Against: 3 - Rieves, Jung, Ridley
Absent: 1 - Haney
Vacancy: 0
Abstained: 1 - Schultz**

*out of the room, shown voting in favor
**abstained from voting, due to bus tour requirement

Notices: Area: 200 Mailed: 19
Replies: For: 15 Against: 1

Speakers: For: David Spence, 408 W. 8th St., Dallas, TX, 75208
Branden Hays, 4403 Cole Ave., Dallas, TX, 75205
Santos Martinez, 900 Jackson St., Dallas, TX, 75202
Lisa Benskin, 639 Turner Ave., Dallas, TX, 75208
For (Did not speak): Phillip Schanbaum, 2728 Cedar Springs Rd., Dallas, TX, 75201
Against: Pam Conley, P.O. Box 5212, Dallas, TX, 75208
Randall Richins, 825 Elsbeth Ave., Dallas, TX, 75208

CPC SUP CONDITIONS

1. USE: The only use authorized by this specific use permit is the sale of alcoholic beverages limited to a bar, lounge or tavern and a private club.

2. SITE PLAN: Use and development of the Property must comply with the attached site plan.

CPC Recommendation

3. TIME LIMIT: This specific use permit expires on_____, (three-year period from the passage of this ordinance), but is eligible for automatic renewals for additional five-year periods, pursuant to Section 51A-4.219 of Chapter 51A of the Dallas City Code, as amended. For automatic renewal to occur, the Property owner must file a complete application for automatic renewal with the director before the expiration of the current period. Failure to timely file a complete application will render this specific use permit ineligible for automatic renewal. (Note: The Code currently provides that applications for automatic renewal must be filed after the 180th but before the 120th day before the expiration of the current specific use permit period. The Property owner is responsible for checking the Code for possible revisions to this provision. The deadline for applications for automatic renewal is strictly enforced).

Staff's Recommendation

3. TIME LIMIT: This specific use permit expires on_____, (two-year period from the passage of this ordinance.

4. FLOOR AREA: Maximum floor area is 1,007 square feet. Maximum outdoor patio area is 350 square feet.

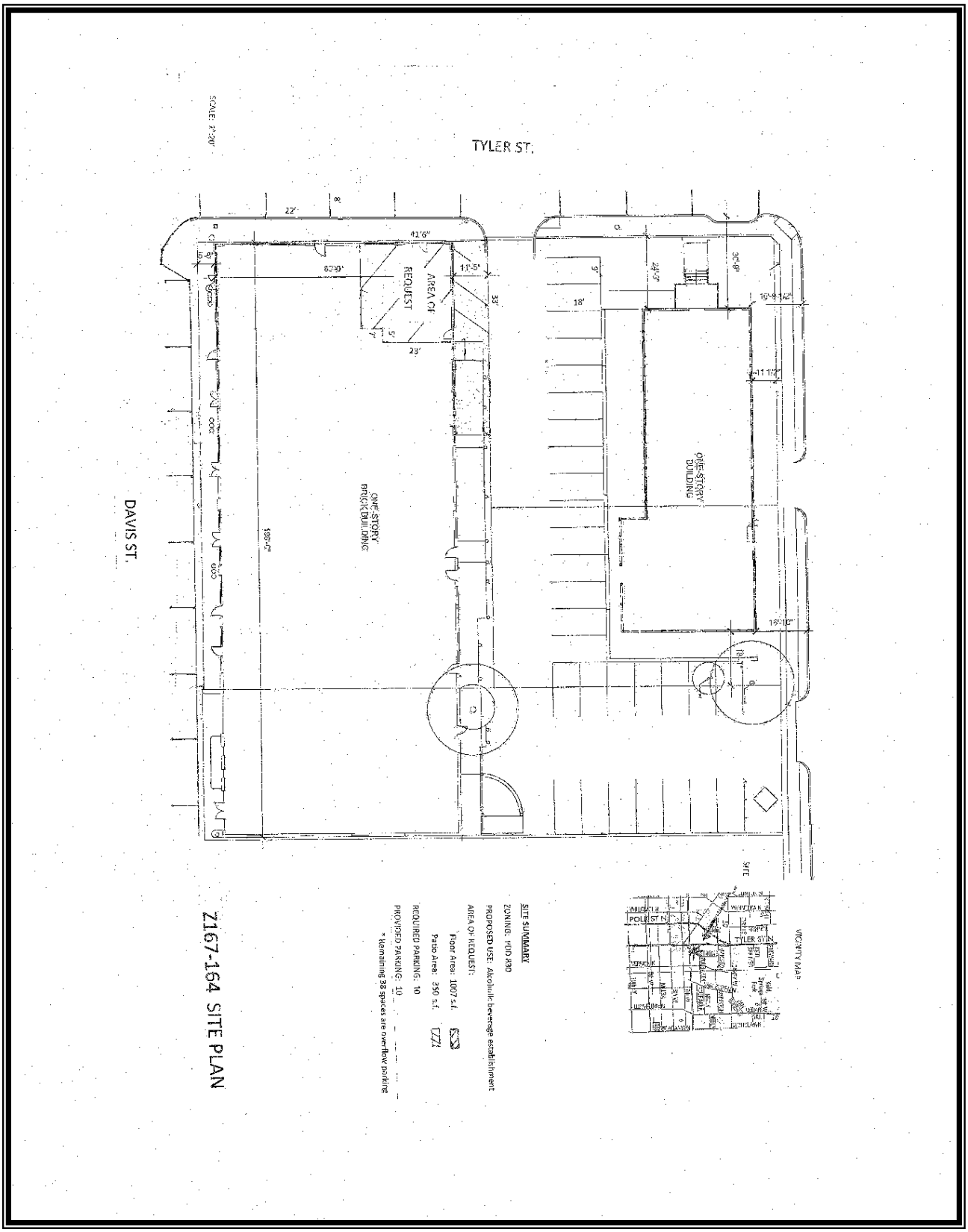
5. HOURS OF OPERATION: The bar, lounge or tavern may only operate between 11:00 a.m. and 2:00 a.m. (the next day), Monday through Sunday.

5. OUTSIDE SPEAKERS: Install outside speaker more than 6 feet, and less than 40 feet from the eastern boundary of the Tyler Street right-of-way, install in a direct downward orientation (facing the ground), and turn off speakers from 10:00 p.m. each evening until 11:00 a.m., of the following day.

6. MAINTENANCE: The Property must be properly maintained in a state of good repair and neat appearance.

7. GENERAL REQUIREMENTS: Use of the Property must comply with all federal and state laws and regulations, and with all ordinances, rules, and regulations of the City of Dallas.

PROPOSED SITE PLAN





1:4,800

VICINITY MAP

Case no: Z167-164

Date: 1/10/2017

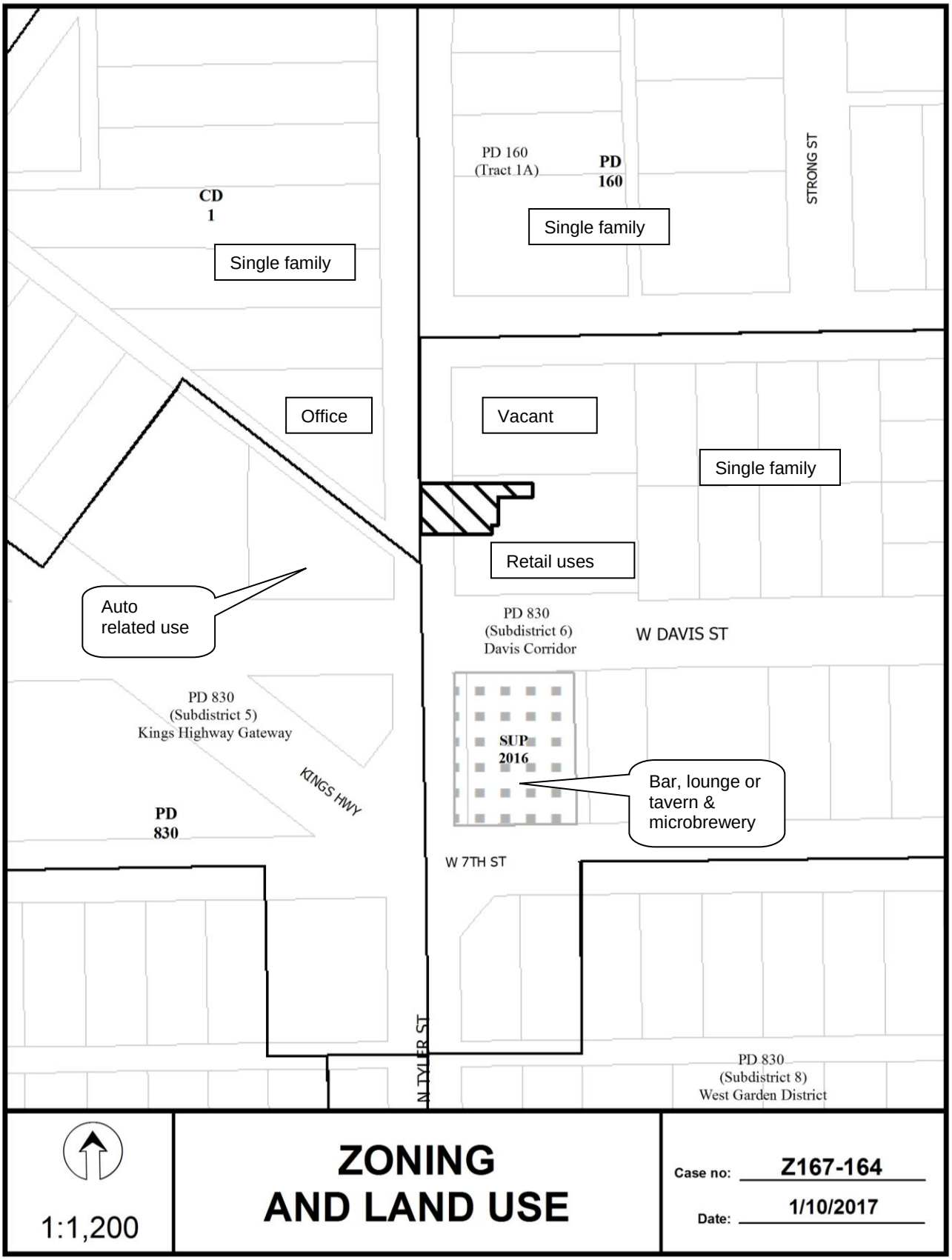


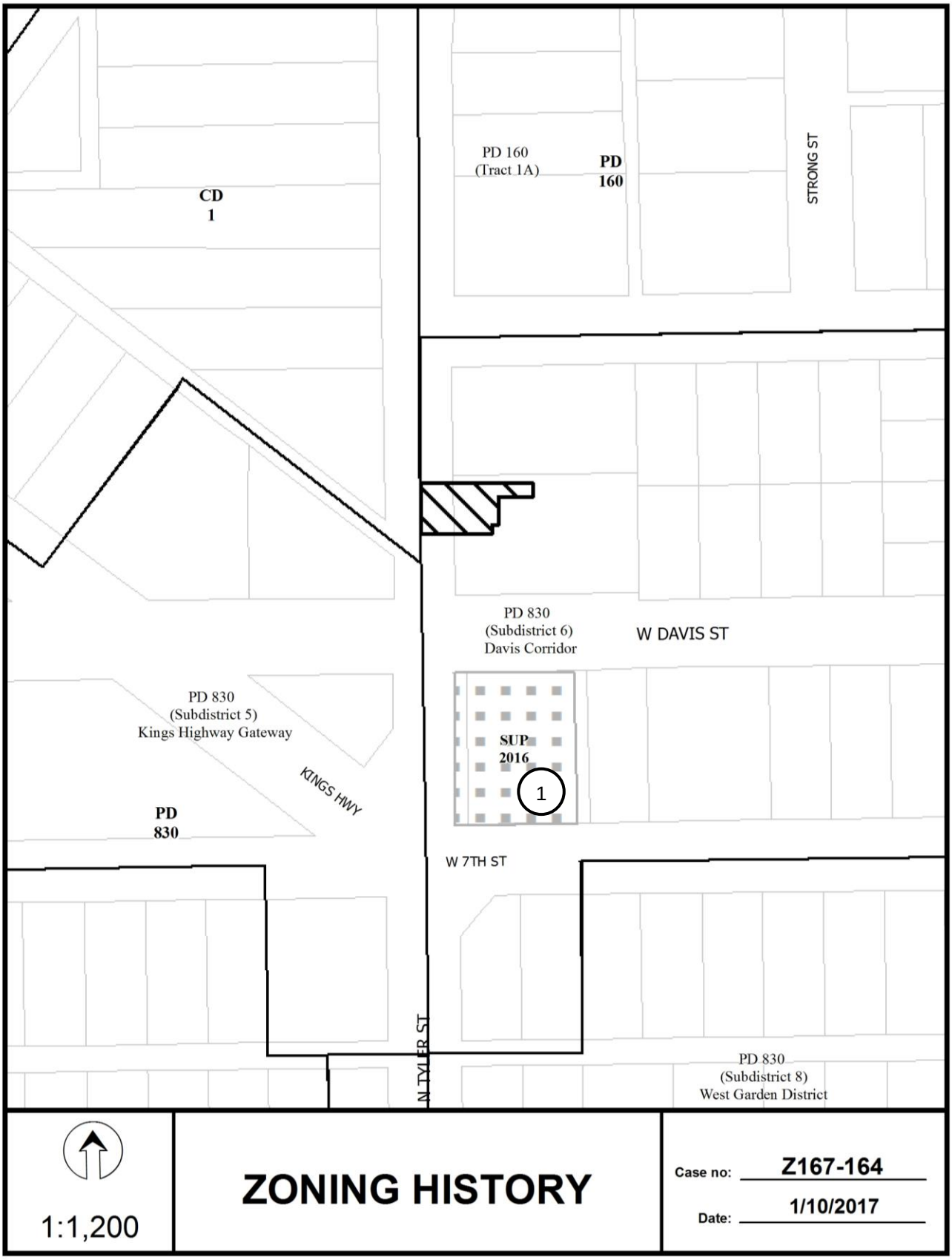
1:1,200

AERIAL MAP

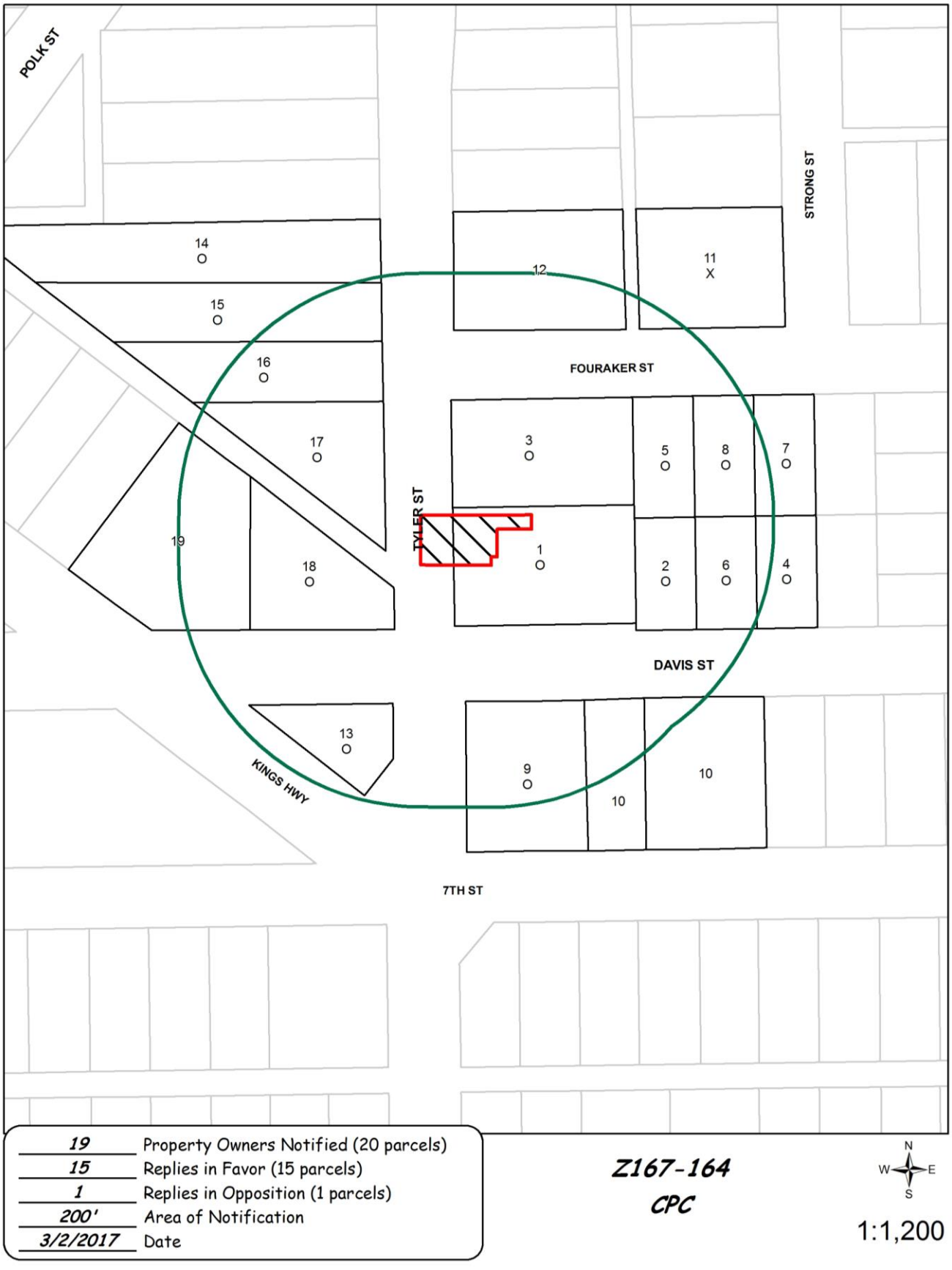
Case no: Z167-164

Date: 1/10/2017


CD
1
Single family
PD 160
(Tract 1A)
PD
160
Single family
STRONG ST
Office
Vacant
Single family
Retail uses
Auto
related use
PD 830
(Subdistrict 6)
Davis Corridor
W DAVIS ST
PD 830
(Subdistrict 5)
Kings Highway Gateway
KINGS HWY
SUP
2016
Bar, lounge or
tavern &
microbrewery
PD
830
W 7TH ST
N TYLER ST
PD 830
(Subdistrict 8)
West Garden District
1:1,200
ZONING
AND LAND USE
Case no: Z167-164
Date: 1/10/2017


CD
1
PD 160
(Tract 1A)
PD
160
STRONG ST
PD 830
(Subdistrict 6)
Davis Corridor
W DAVIS ST
PD 830
(Subdistrict 5)
Kings Highway Gateway
KINGS HWY
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2016
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W 7TH ST
N TYLER ST
PD 830
(Subdistrict 8)
West Garden District
1:1,200
ZONING HISTORY
Case no: Z167-164
Date: 1/10/2017

CPC RESPONSES



19	Property Owners Notified (20 parcels)
15	Replies in Favor (15 parcels)
1	Replies in Opposition (1 parcels)
200'	Area of Notification
3/2/2017	Date

Z167-164
CPC

N
W E
S

1:1,200

Notification List of Property Owners

Z167-164

19 Property Owners Notified 15 Property Owners in Favor 1 Property Owners Opposed

Reply	*Label #*		*Address*	*Owner*
O	1	600	N TYLER ST	GOOD SPACE X LLC
O	2	821	W DAVIS ST	GOOD SPACE X LCC
O	3	610	N TYLER ST	GOOD SPACE X LLC
O	5	824	FOURAKER ST	GOOD SPACE X LLC
O	9	833	W 7TH ST	GIURA PETER
	10	828	W DAVIS ST	828 DAVIS LLC
X	11	623	STRONG ST	TEJADA JESUS S &
	12	624	N TYLER ST	ANDREW GONZALES
O	14	625	N TYLER ST	CAMSTAM LP
O	15	621	N TYLER ST	CAMSTAM LP ET AL
O	16	617	N TYLER ST	EOJ BUSINESS TRUST ORGANIZATION
O	17	611	N TYLER ST	SALINAS SALVADOR &
	19	1001	KINGS HWY	RAHIM TAISER
O	A1	819	W DAVIS ST	VALPARAISO HOLDINGS LLC
O	A2	817	W DAVIS ST	VALPARAISO HOLDINGS LLC
O	A3	820	FOURAKER ST	VALPARAISO HOLDINGS LLC
O	A4	816	FOURAKER ST	ANGELL 11 11 LLC
O	A5	900	W DAVIS ST	TYLER ARTS DISTRICT INVESTMENTS LLC
O	A6	901	W DAVIS ST	WILSON VERNON E

AGENDA ITEM # 75

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: April 12, 2017

COUNCIL DISTRICT(S): 14

DEPARTMENT: Sustainable Development and Construction

CMO: Majed Al-Ghafry, 670-3302

MAPSCO: 45 B

SUBJECT

A public hearing to receive comments regarding an application for and an ordinance granting an amendment to, and an expansion of, Planned Development Subdistrict No. 111 for LC Light Commercial Subdistrict uses on property zoned an LC Light Commercial Subdistrict and Planned Development Subdistrict No. 111 within Planned Development District No. 193, the Oak Lawn Special Purpose District, on the northwest line of McKinney Avenue, northeast of Bowen Street

Recommendation of Staff and CPC: Approval, subject to a development plan and conditions

Z156-278(WE)

Note: This item was considered by the City Council at a public hearing on March 22, 2017, and was deferred until April 12, 2017, with the public hearing open

HONORABLE MAYOR & CITY COUNCIL WEDNESDAY, APRIL 12, 2017
ACM: Majed Al-Ghafry

FILE NUMBER:	Z156-278(WE)	**DATE FILED:**	June 10, 2016
LOCATION:	Northwest line of McKinney Avenue, northeast of Bowen Street		
COUNCIL DISTRICT:	14	**MAPSCO:**	45-B
SIZE OF REQUEST:	Approx. 0.623 acres	**CENSUS TRACT:**	18.00

APPLICANT: Dallas CF Hospitality Associates, LLC

OWNER: W & K Real Estate Partners, Inc., a Texas Corporation

REPRESENTATIVE: Dallas Cothrum
MASTERPLAN

REQUEST: An application for an amendment to, and an expansion of, Planned Development Subdistrict No. 111 for LC Light Commercial Subdistrict uses on property zoned an LC Light Commercial Subdistrict and Planned Development Subdistrict No. 111 within Planned Development District No. 193, the Oak Lawn Special Purpose District.

SUMMARY: The purpose of the request is threefold: 1) expand the maximum floor area of all uses combined, 2) reduce a portion of the rear yard setback, and 3) eliminate the design standards for the parking structure. The proposed expansion will not increase the structure height, but will allow for certain design features to be increased as a result of a larger footprint.

CPC RECOMMENDATION: **Approval**, subject to a development plan and conditions.

STAFF RECOMMENDATION: **Approval**, subject to a development plan and conditions.

BACKGROUND INFORMATION:

- On January 28, 2015, the City Council approved Planned Development Subdistrict No. 111 for LC Light Commercial subdistrict uses on property zoned an LC Light Commercial Subdistrict within Planned Development District No. 193, the Oak Lawn Special Purpose District.

- The request for an amendment to, and expansion of, Planned Development Subdistrict No. 111 is threefold: 1) expand the maximum floor area of all uses combined, 2) reduce a portion of the rear yard setback, and 3) eliminate the design standards for the parking structure.

- The applicant proposes to increase the floor area by 106,052 square feet, and increase the number of rooms from 128 to 264. In addition, due to the increase in the hotel's footprint, the maximum floor area for the meeting space will increase from 3,000 square feet to 7,000 square feet and the maximum combined floor area for nonresidential uses in conjunction with a hotel or motel use increase from 7,000 square feet to 9,475 square feet, excluding the meeting rooms.

- PDS No. 111 permitted the development of a two-story above-ground parking structure that had to comply with several design standards. As a result of the increase in land area, the applicant will provide all off-street parking underground; therefore removing the conditions that reference the design standards for the parking structure.

- The loading and unloading area will be located in the rear of the proposed development, which is adjacent to an existing alley. The loading and unloading area will not be visible from the adjacent residential uses.

- The request site is surrounded by several multiple family and office uses. There is currently a mixed use development that is under construction that will consist of multiple family uses, non-residential uses and a museum and trolley barn for the McKinney Avenue Transit Authority [PDS No. 113].

Zoning History: There have been two zoning changes requested in the area during the past five years.

1. Z134-280 On January 28, 2015, the City Council approved a Planned Development Subdistrict for LC Light Commercial subdistrict uses on property zoned an LC Light Commercial Subdistrict within Planned Development District No. 193, the Oak Lawn Special Purpose District on the northwest side of McKinney Avenue, northeast of Bowen Street. [request site]

2. Z134-333 On February 25, 2015, the City Council approved a Planned Development Subdistrict for LC Light Commercial Subdistrict Uses on property zoned an LC Light Commercial Subdistrict within Planned Development District No. 193, the Oak Lawn Special Purpose District on the northeast Line of Bowen Street, between McKinney Avenue and Oak Grove Avenue

Thoroughfares/Streets:

Thoroughfare/Street	Type	Existing ROW	Proposed ROW
McKinney Avenue	Minor Arterial	60 ft.	60 ft.

Land Use:

	Zoning in PD No. 193	Land Use
Site	LC, PDS No. 111	Undeveloped, Office
Northeast	LC	Multiple Family
Southeast	PDS No. 113	Mixed use
Northwest	MF-2	Multiple Family
Southwest	LC, PDS No. 35	Office, Multiple family

Comprehensive Plan: The *fowardDallas! Comprehensive Plan* was adopted by the City Council in June 2006. The *fowardDallas! Comprehensive Plan* outlines several goals and policies which can serve as a framework for assisting in evaluating the applicant's request.

The proposed mixed use development will continue the pedestrian walkability along McKinney Street as well as provide an option for hotel near the downtown area. The applicant will meet the landscape requirements in accordance with PDD No. 193. The proposed hotel use will be developed near the downtown area were redevelopment activity is occurring with the development of multiple family and non-residential uses [PDS No. 113], which is southeast of the request site, across the McKinney Avenue. The design and landscape provisions in PDD No. 193 are intended to promote pedestrian walkability and activity along the street edge.

Land Use

GOAL 1.1 ALIGN LAND USE STRATEGIES WITH ECONOMIC DEVELOPMENT PRIORITIES

Policy 1.1.5 Strengthen existing neighborhoods and promote neighborhoods' unique characteristics. Acknowledge the importance of neighborhoods to the city's long-term health and vitality.

Area Plans:

The Oak Lawn Special Purpose District and the Oak Lawn Plan include the following objectives:

(1) To achieve buildings more urban in form.

(2) To promote and protect an attractive street level pedestrian environment with continuous street frontage activities in retail areas.

(3) To encourage the placement of off-street parking underground or within buildings similar in appearance to non-parking buildings.

(4) To promote development appropriate to the character of nearby neighborhood uses by imposing standards sensitive to scale and adjacency issues.

(5) To use existing zoned development densities as a base from which to plan, while providing bonuses to encourage residential development in commercial areas.

(6) To discourage variances or zoning changes which would erode the quantity or quality of single-family neighborhoods, or would fail to adhere to the standards for multiple-family neighborhoods and commercial areas.

(7) To promote landscape/streetscape quality and appearance.

The proposed changes to PDS No. 111 will meet most of the objectives that are outlined in the criteria above. The applicant will maintain the urban fabric of the development by designing the building close to the street edge. In addition, to promote walkability along McKinney Avenue, the applicant has established design guidelines for transparency for street-level structures, and for hotel or motel room fenestrations and for the vertical plane of the hotel tower. The applicant will build an underground parking structure in lieu of constructing a two-story above grade parking structure. All required off-street parking will be in the underground parking structure.

However, to comply with a portion of objective #5 as it relates to the providing bonuses to encourage residential development in commercial areas, the applicant would have to include residential uses within the development. The proposed development does not comply with encouraging residential development in commercial areas. The characteristics of the boutique hotel are in line with the Oak Lawn Forum's Plan and the urban form of the building will allow for an easy integration along McKinney Ave.

STAFF ANALYSIS:

Land Use Compatibility: The 27,177 square foot site is partially undeveloped. The portion of the request site, which includes the expansion area, is developed with a two-story office building. The applicant proposes to raze the structure to expand the floor area of a previously approved 89,250 square foot hotel use. The request for an amendment to, and expansion of Planned Development Subdistrict No. 111 for LC Light Commercial Subdistrict uses is threefold: 1) expand the maximum floor area of all uses combined, 2) reduce a portion of the rear yard setback, and 3) eliminate to design standards for the parking structure.

The increase to the overall combined floor area of the proposed development should not negatively impact the surrounding land uses. The expansion of the proposed development will include the property to the north and comply with a majority of the development standards that were approved for PDS No. 111. With respect to incorporating a larger building footprint, 1) the number the rooms will increase from 128 to 254 rooms, 2) the overall floor area will increase from 89,250 square feet to 195,302 square feet, 3) a portion of the rear setback will be reduced from 20 feet to 10 feet for the structure exceeding 50 feet in height, and 4) provide all parking underground. In addition, the design guidelines to limit the intrusion into the adjacent multiple family units will remain. The applicant has worked with the adjacent residents to incorporate additional provisions in the conditions that reflect the proposed outdoor pool. The outdoor pool area will be located on the top level of the hotel, but the minimum distance requirement of the outdoor pool from McKinney Avenue was changed. Also, additional screening provisions were added to absorb the sound from the pool area.

With respect to the increase in the total buildable area, the overall floor area ratio increased from 5.67:1 to 6.70:1. In addition, the proposed hotel development is limited to a maximum structure height to 155 feet, with 12 feet of mechanical overruns. Planned Development Subdistrict No. 113, which is across McKinney Avenue, was approved for a maximum floor area ratio of 5.78:1 and a maximum structure height of 240 feet.

In maintaining the urban fabric of the development, the applicant will retain the design standards for the hotel or motel use or restaurant use in conjunction with a hotel or motel use along McKinney Avenue, which requires a minimum transparency for street-level structures of 75 percent, excluding openings for a parking structure. The City Plan Commission recommended increasing the maximum combined floor area for nonresidential uses in conjunction with a hotel or motel use from 7,000 square feet to 12,265 square feet. The increase in floor area for non-residential uses will allow for a larger kitchen area for the various restaurants that are being proposed in the hotel.

The chart below shows a comparison between the existing PDS No. 111 development standards and the proposed amendment to the development standards. The LC Light Commercial Subdistrict currently permits the development of residential and retail uses at a maximum height of 240 feet.

Development Standards:

	PDS No. 111	Proposed amendment to and expansion of PDS No. 111
Total Land area	15,725 sq. ft.	27,177 sq. ft.
Front Yard	17' (special hotel use) 25' above 38'	No change
Side Yard	0'	No change
Rear Yard	10' up to 50'; 20' above 44' or max width of 35 % of structure	10' up to 50'; 10' above 50' or max width of 38 % of structure
Lot coverage	82.5% Above 38' lot coverage is 54% (hotel use only)	No change
FAR	5.67:1 (0.31:1 non-res)	6.70:1
Height	155' per the PD conditions	No change
Density	128 rooms	264 rooms
Uses	Same uses with special requirements for hotel use.	No change
Parking	Per 193 Hotel use all parking within a structure, No parking directly accessed from McKinney, Special valet requirements. Hotel 0.85/room; restaurant with Hotel 1 space/175 s.f.; loading within building	All off street parking will be underground. Access to the parking garage is on McKinney Avenue; No parking directly accessed from McKinney Avenue; Loading /unloading is from the ally; Special valet requirements. Hotel 0.85/room; restaurant with Hotel 1 space/175 s.f.; loading within building
Landscaping and sidewalk	Per PD No.193	No change

Note: All other uses will have the same development standards as LC Subdistrict

Landscaping: Landscaping will be maintained in accordance with Part 1 of Planned Development District No. 193.

Traffic: The Engineering Division of the Sustainable Development and Construction Department has reviewed the applicant's request Traffic Impact Analysis Report and determined that it will not impact the surrounding street system for the proposed development.

The City Plan Commission recommended reducing the off-street parking requirements for a hotel use from one space per 0.85 guest rooms/suites to one space per 0.75 guest rooms/suites. The applicant's request for a parking reduction is based on published data in the Institute of Transportation Engineers (ITE) Parking Generation manual (4th Edition), that indicates the peak parking demand for urban hotels is 0.64 spaces per room on weekdays and 0.90 spaces per room on weekends, inclusive of parking for

ancillary uses such as restaurants, meeting rooms, etc. Based upon the anticipated size of the proposed hotel development (in round numbers - 250 rooms, 10,000 SF of restaurant/bar), the parking spaces required by the adjusted parking rates will accommodate the anticipated peak parking demand based upon the ITE rates.

The Engineering Division of the Sustainable Development and Construction Department has reviewed the additional information and has no objections to the reduction in the parking ratio for the hotel//motel use.

CPC Action (January 19, 2017)

Motion: In considering an application for an amendment to, and an expansion of, Planned Development Subdistrict No. 111 for LC Light Commercial Subdistrict uses on property zoned an LC Light Commercial Subdistrict and Planned Development Subdistrict No. 111 within Planned Development District No. 193, the Oak Lawn Special Purpose District, on the northwest line of McKinney Avenue, northeast of Bowen Street, it was moved to **hold** this case under advisement until February 2, 2017.

Maker: Shidid
Second: Murphy
Result: Carried: 15 to 0

For: 15 - Anglin, Rieves, Houston, Davis, Shidid, Anantasomboon, Mack, Haney, Jung, Housewright, Schultz, Peadon, Murphy, Ridley, Tarpley

Against: 0
Absent: 0
Vacancy: 0

Notices: Area: 500 Mailed: 402
Replies: For: 3 Against: 0

Speakers: None

CPC Action (February 2, 2017)

***De minimus* Significate Change Motion:** In considering the requirement in Section 5(m)(1)(B) of the CPC Rules of Procedure, the finding is it does not apply because the impact of the proposed change to the parking in the commission's judgment is *de minimus* in nature.

Maker: Ridley
Second: Anglin
Result: Carried: 11 to 2
For: 11 - Anglin, Rieves, Houston*, Davis, Shidid, Anantasomboon, Haney, Housewright, Schultz, Ridley, Tarpley

Against: 2 - Jung, Peadon
Absent: 2 - Mack, Murphy
Vacancy: 0

*out of the room, shown voting in favor

Motion: It was moved to recommend **approval** of an amendment to, and an expansion of, Planned Development Subdistrict No. 111 for LC Light Commercial Subdistrict uses, subject to a development plan and revised conditions with the following modifications: 1) Under SEC. S-111.109. OFF-STREET PARKING AND LOADING, (b) Hotel or motel use. (1) Off-street parking, reduce the minimum required off-street parking from one space per 0.85 guest rooms/suites to one space per 0.75 guest rooms/suites and 2) Under SEC. S-111.108. YARD, LOT, AND SPACE REGULATIONS, (c) Hotel or motel use. (5) Floor area, (C) Nonresidential floor area, change the maximum combined floor area for nonresidential uses in conjunction with a hotel or motel use to 12,265 square feet on property zoned an LC Light Commercial Subdistrict and Planned Development Subdistrict No. 111 within Planned Development District No. 193, the Oak Lawn Special Purpose District, on the northwest line of McKinney Avenue, northeast of Bowen Street.

Maker: Ridley
Second: Schultz
Result: Carried: 13 to 0

For: 13 - Anglin, Rieves, Houston*, Davis, Shidid, Anantasomboon, Haney, Jung, Housewright, Schultz, Peadon, Ridley, Tarpley

Against: 0
Absent: 2 - Mack, Murphy
Vacancy: 0

*out of the room, shown voting in favor

Notices: Area: 500 Mailed: 402
Replies: For: 3 Against: 0

Speakers: For: Dallas Cothrum, 900 Jackson St., Dallas, TX, 75202
Against: None

LIST OF OFFICERS
W & K Real Estate Partners, Inc.

- Peter A. Kraus President

LIST OF OFFICERS
Dallas CF Hospitality Associates, LLC.

- Rabinder Pal Singh Manager

CPC PROPOSED AMENDMENT TO PDS No. 111 CONDITIONS

SEC. S-111.101. LEGISLATIVE HISTORY.

PD Subdistrict 111 was established by Ordinance No. 29622, passed by the Dallas City Council on January 28, 2015.

SEC. S-111.102. PROPERTY LOCATION AND SIZE.

PD Subdistrict 111 is established on property located on McKinney Avenue, northeast of Bowen Street. The size of PD Subdistrict 111 is approximately [~~15,725~~] 27,177 square feet of land.

SEC. S-111.103. DEFINITIONS AND INTERPRETATIONS.

(a) Unless otherwise stated, the definitions and interpretations in Chapter 51 and Part I of this article apply to this division. If there is a conflict, this division controls. If there is a conflict between Chapter 51 and Part I of this article, Part I of this article controls.

(b) In this division, SUBDISTRICT means a subdistrict of PD 193.

(c) Unless otherwise stated, all references to articles, divisions, or sections in this division are to articles, divisions, or sections in Chapter 51.

(d) This subdistrict is considered to be a nonresidential zoning district.

SEC. S-111.104. EXHIBIT.

The following exhibit is incorporated into this division: Exhibit S-111A: development plan.

SEC. S-111.105. DEVELOPMENT PLAN.

(a) In general. Except as provided in this section, no development plan is required, and the provisions of Section 51-4.702 regarding submission of or amendments to a development plan, site analysis plan, development schedule, and landscape plan do not apply.

(b) Hotel or motel use. For a hotel or motel use, development and use of the Property must comply with the development plan (Exhibit S-111A). If there is a conflict between the text of this division and the development plan, the text of this division controls.

SEC. S-111.106. MAIN USES PERMITTED.

The only main uses permitted in this subdistrict are those main uses permitted in the LC Light Commercial Subdistrict, subject to the same conditions applicable in the LC Light Commercial Subdistrict, as set out in Part I of this article. For example, a use permitted in the LC Light Commercial Subdistrict only by specific use permit (SUP) is permitted in this subdistrict only by SUP; a use subject to development impact review (DIR) in the LC Light Commercial Subdistrict is subject to DIR in this Subdistrict; etc.

SEC. S-111.107. ACCESSORY USES.

(a) As a general rule, an accessory use is permitted in any subdistrict in which the main use is permitted. Some specific accessory uses, however, due to their unique nature, are subject to additional regulations in Section 51P-193.108. For more information regarding accessory uses, consult Section 51P-193.108.

(b) The following accessory uses are not permitted in this subdistrict:

-- Amateur communication tower.
-- Open storage.
-- Private stable.

SEC. S-111.108. YARD, LOT, AND SPACE REGULATIONS.

(Note: The yard, lot, and space regulations in this section must be read together with the yard, lot, and space regulations in Part I of this article. If there is a conflict between this section and Part I of this article, this section controls.)

(a) In general. Except as provided in this section, the yard, lot, and space regulations for the LC Light Commercial Subdistrict apply.

(b) Floor area. Maximum floor area for all uses combined is [~~89,250~~] 195,302 square feet.

(c) Hotel or motel use.

(1) Front yard.

(A) In general. Except as provided in this paragraph, minimum front yard is 17 feet.

(B) Urban form. Along McKinney Avenue, minimum front yard setback above 38 feet in height is 25 feet.

(2) Side yard. No minimum side yard is required.

(3) Rear yard.

(A) Structures 50 feet in height or less. Minimum rear yard is 10 feet.

(B) Structures greater than 50 feet in height.

(i) In general. Minimum rear yard is [~~20~~]10 feet.

(ii) Structure width. Within 50 feet of the northwest Property line, maximum structure width is [~~35~~] 38 percent of the width of the lot.

(4) Density. Maximum number of guest rooms/suites is [~~128~~] 264.

(5) Floor area.

(A) Hotel or motel use. Maximum floor area ratio is [~~85,000~~] 195,302 square feet or 6.70:1 for a hotel or motel and related uses, including restaurant uses, meeting space and nonresidential floor area.

(B) Meeting space. Maximum floor area for meeting space in conjunction with a hotel or motel use is [~~3,000~~] 7,000 square feet.

(C) Nonresidential floor area. Maximum combined floor area for nonresidential uses in conjunction with a hotel or motel use is [~~7,000~~] 12,265 square feet, [~~including meeting space~~].

(6) Height.

(A) Except as provided in this paragraph, maximum structure height is 155 feet, measured from grade along McKinney Avenue.

(B) Structures listed in Section 51P-193.123(2)(a) may project up to 12 feet above the maximum structure height.

(7) Lot coverage.

(A) In general. Except as provided in this paragraph, maximum lot coverage is 82.5 percent. Aboveground parking structures are included in lot coverage calculations; surface parking lots and underground parking structures are not.

(B) Urban form. Above 50 feet in height, maximum lot coverage is [~~54~~] 55 percent, measured from grade along from McKinney Avenue.

(d) ~~Outdoor swimming pools~~. **Roof top restaurant and outdoor pool.**

(1) Outdoor swimming pools must be located a minimum of [~~75~~] 60 feet from the northwest Property line.

(2) A minimum [~~10~~] 12-foot-high solid screening wall or other solid structure is required between an outdoor swimming pool and roof top restaurant and the northwest Property line. [~~The minimum 10-foot-high solid screening wall or other solid screening structure must be located on the same level as the pool~~.] A minimum six (6) foot tall glass or similar material wind/sound barrier is required along the southwest

Property in those areas not enclosed by a 12-foot high solid screening wall or other solid structure. A sound absorbing landscape buffer consisting of evergreen shrubs or other evergreen plant material is required along the southwest Property line. Use of the outdoor pool is prohibited between sunset and sunrise and the water surface of the pool must be covered with a sound absorbing pool cover during the times the pool is required to be closed. Access to the outdoor pool and pool deck is prohibited between the hours of 10:30 p.m. and 8:00 a.m. by the use of control access door/gates and/or fences as required. No dance floor is allowed on the outdoor pool deck or within the roof top restaurant.

SEC. S-111.109. OFF-STREET PARKING AND LOADING.

(a) In general. Except as provided in this section, consult Part I of this article for the specific off-street parking and loading requirements for each use.

(b) Hotel or motel use.

(1) Off-street parking. Minimum required off-street parking is one space per 0.[~~8~~]75 guest rooms/suites.

(2) Valet parking.

(A) Vehicle queuing, drop-off, and pick-up are not permitted within the public right-of-way.

(B) Valet parking, drop-off, and pick-up must be located within a parking structure.

(C) Packed parking is allowed for valet parking only.

(3) Parking structure.

(A) Off-street parking located on the Property must be within a parking structure located below grade.

~~(B) At grade off-street parking may not be accessed from McKinney Avenue.~~

~~(C) [A parking structure may not exceed two stories in height, measured at grade along McKinney Avenue.]~~

(D) Access to the alley is prohibited except for high clearance vehicles. This allowed access is limited to egress only entry through a solid door which must remain closed except during the exiting of a vehicle.

(4) Loading areas. Loading areas must be enclosed on all four sides and accessed with a gated entry that remains closed except during deliveries.

(c) Restaurant use.

(1) Minimum required off-street parking is one space per 175 square feet of floor area.

(2) Valet parking, drop-off, and pick-up must be located within a parking structure.

(3) Loading areas must be enclosed on all four sides and accessed with a gated entry that remains closed except during deliveries.

SEC S-111.110. ENVIRONMENTAL PERFORMANCE STANDARDS.

(a) Except as provided in this section, see Article VI.

(b) Outside live music is not allowed.

(c) Outside amplified sound is not allowed.

SEC. S-111.111. LANDSCAPING.

(a) Landscaping and screening must be provided in accordance with Part I of this article.

(b) Plant materials must be maintained in a healthy, growing condition.

SEC. S-111.112. DESIGN STANDARDS FOR HOTEL OR MOTEL USE STREET FRONTAGES.

(a) Purpose. Continuous facades along pedestrian oriented streets often have negative impacts on community aesthetics, pedestrian circulation, and the scale and rhythm of streetscapes. The design standards in this section are intended to mitigate the negative impact of monotonous, blank, or inactive facades, while allowing creativity, flexibility, and variety in design.

[(b) ~~Parking structures.~~]

~~(1) [Except as provided in this subsection, all aboveground parking structures must comply with Section 51P-193.127(a).]~~

~~(2) [Parking structure facades must include at least one of the following: heavy gauge metal screen, pre-cast concrete panels, laminated glass, photovoltaic panels, or other elements.]~~

~~(3) [Aboveground parking structures must have a solid wall or panel on each level with a minimum height of 36 inches to block light spillage from headlights.]~~

~~(4) [Parking structures over one story that front on a public right-of-way must have the following additional design standards on the facade facing the public right-of-way:]~~

~~(A) [Each story must be differentiated horizontally to minimize the vertical plane of the parking structure facade using changes in wall materials, garage screening materials, or offsets or projections from the face of the adjacent story by a minimum of six inches.]~~

~~(B) [The horizontal plane of the facade wall of each parking structure story may not exceed 60 feet without a change in material, color, offset, or projection.]~~

(c) Hotel or motel use or restaurant use in conjunction with a hotel or motel use. Along McKinney Avenue, minimum transparency for street-level structures is 75 percent, excluding openings for a parking structure.

(d) Hotel or motel room fenestrations. Hotel or motel use fenestrations located within 50 feet of the northwest Property line must be designed to restrict the view from the hotel or motel use to the property located across the alley from the hotel or motel use. View restrictions may be accomplished using inset fenestrations, translucent glazing, or mounted architectural elements, which would direct views away from property across the alley.

(e) Vertical plane of the hotel tower. Any continuous vertical plane of a hotel or motel use must be altered vertically at a minimum of every 30 feet in elevation using openings, architectural components, articulation in wall detailing, change in texture, or change in color or materials, or a combination of these techniques.

SEC. S-111.113. SIGNS.

Signs must comply with the provisions for business zoning districts in Article VII.

SEC. S-111.114. ADDITIONAL PROVISIONS.

(a) Sidewalks must continue at a level walking surface adjacent to curb-cuts to give priority to the pedestrian.

(b) Exterior building construction is only allowed between 7 a.m. and 7 p.m., Monday through Friday.

(c) The Property must be properly maintained in a state of good repair and neat appearance.

(d) Development and use of the Property must comply with all federal and state laws and regulations, and with all ordinances, rules, and regulations of the city.

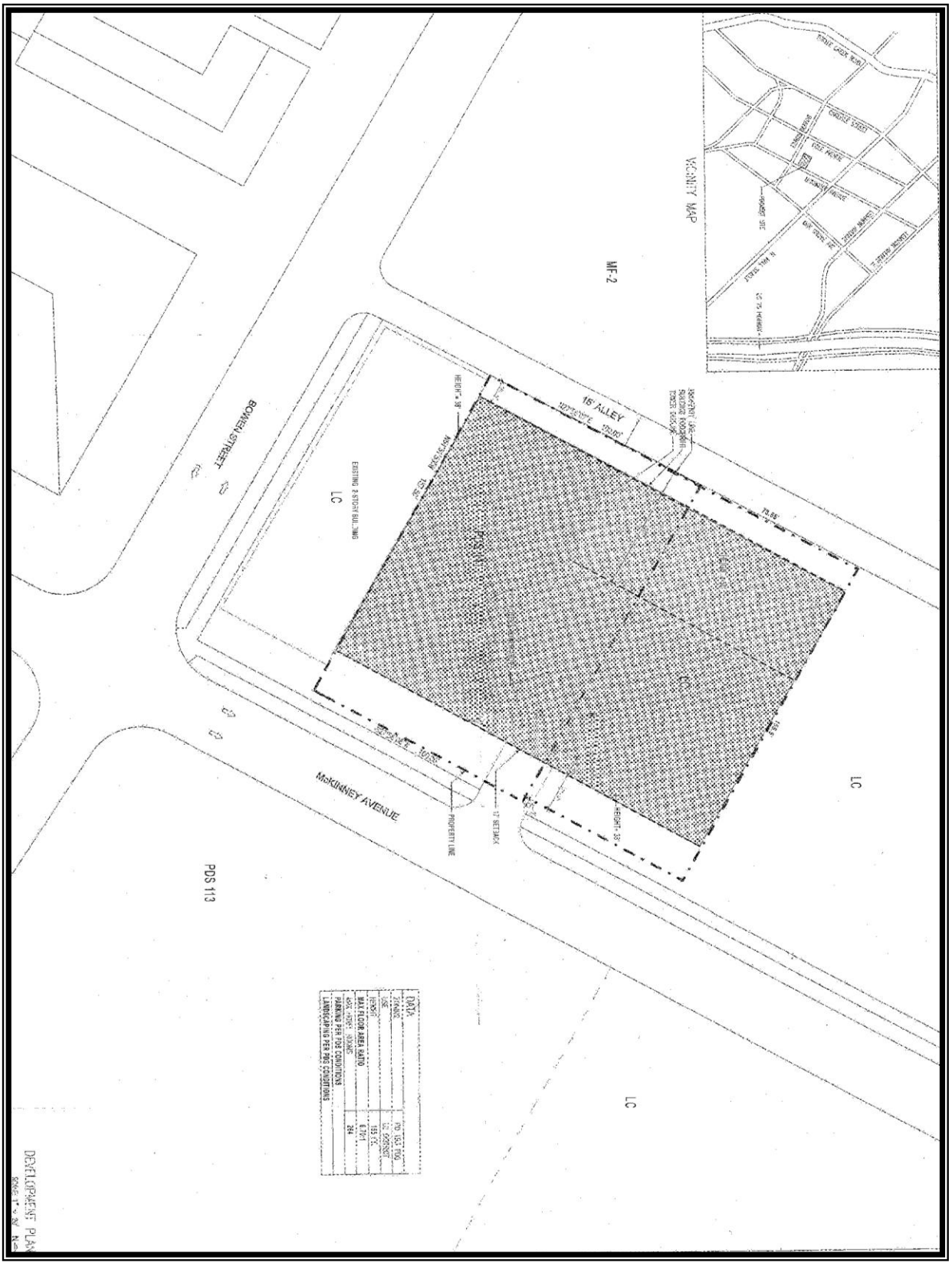
(e) Development and use of the Property must comply with Part I of this article.

SEC. S-111.115. COMPLIANCE WITH CONDITIONS.

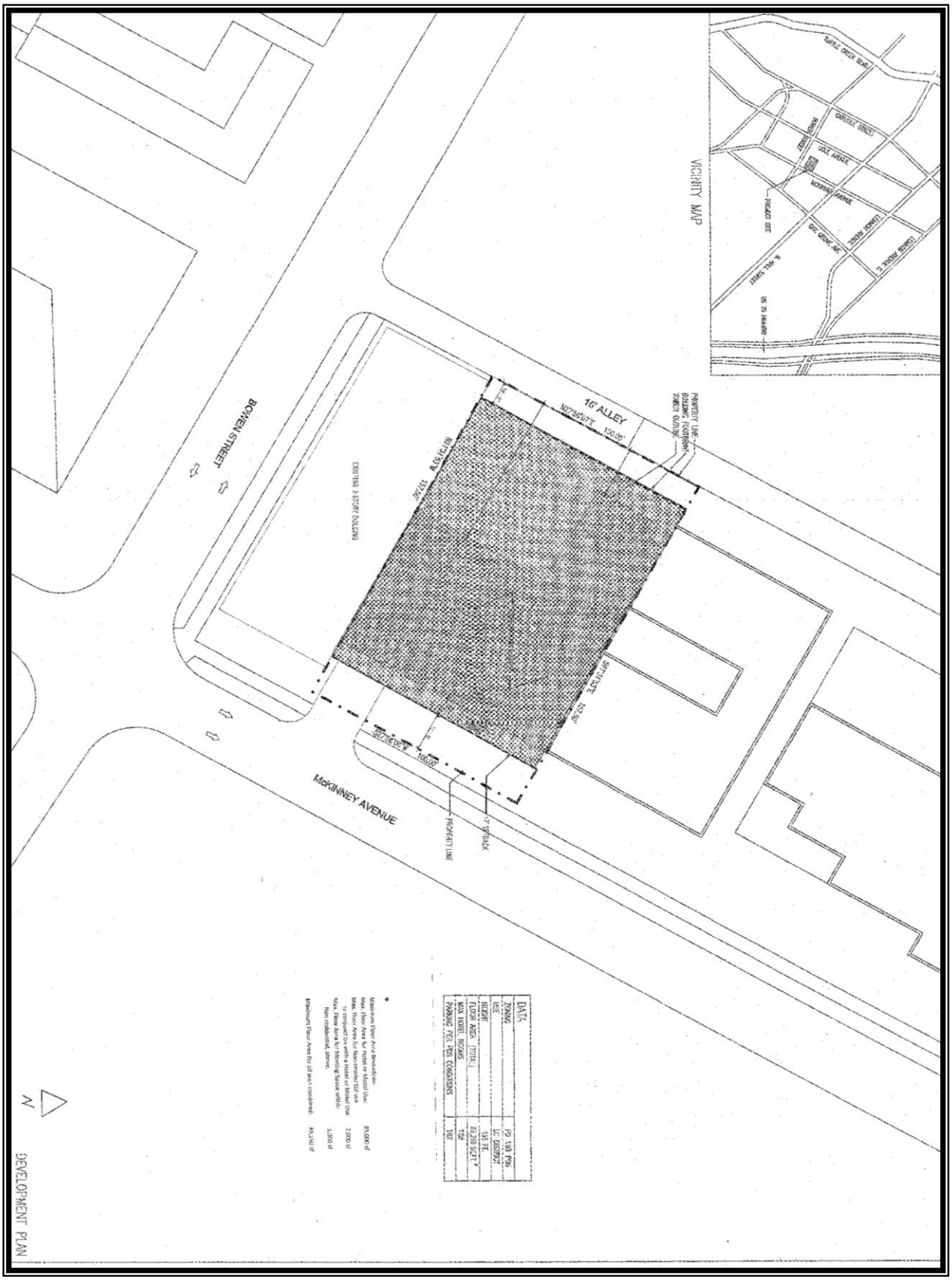
(a) All paved areas, permanent drives, streets, and drainage structures, if any, must be constructed in accordance with standard city specifications, and completed to the satisfaction of the city.

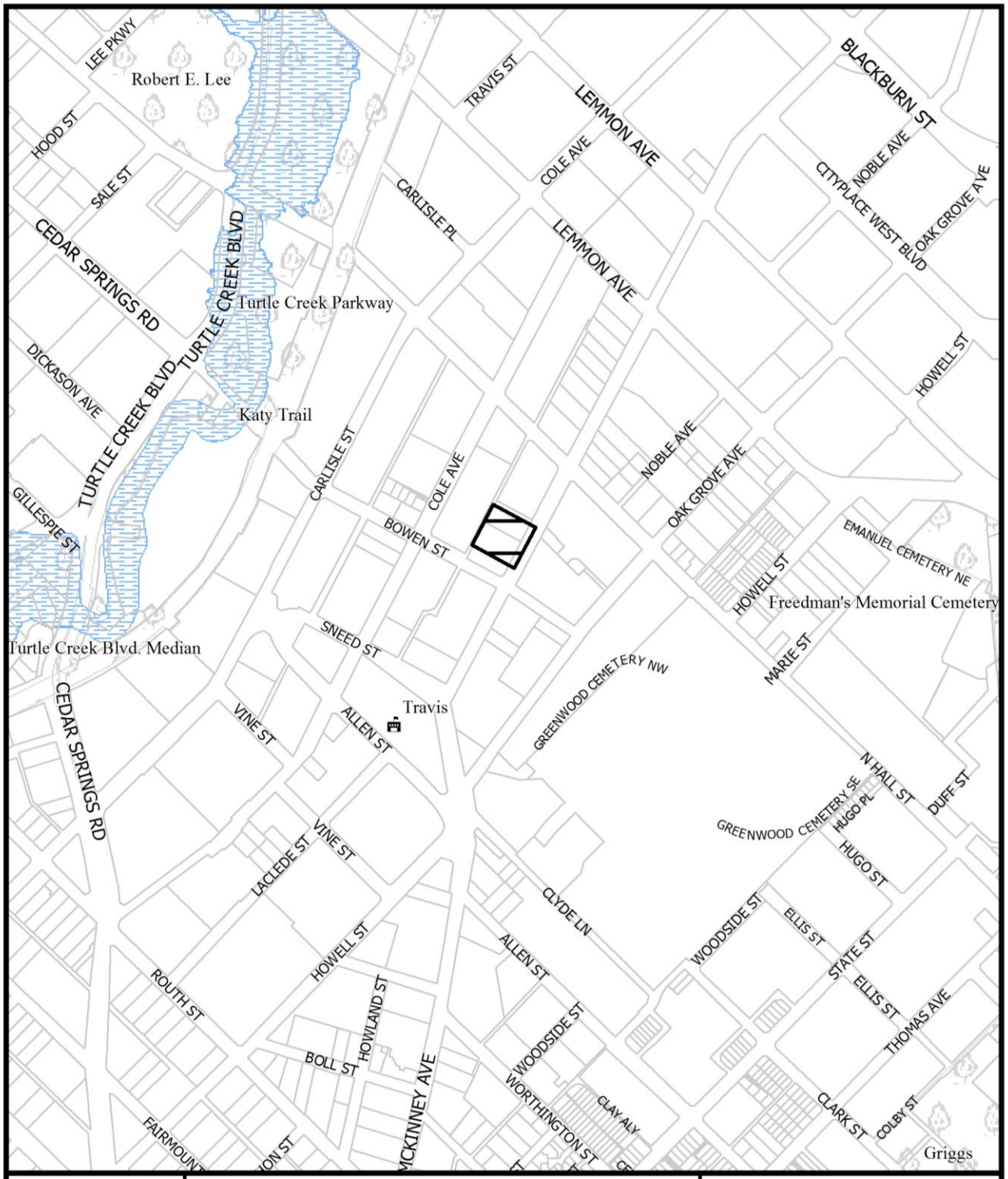
(b) The building official shall not issue a building permit to authorize work, or a certificate of occupancy to authorize the operation of a use, in this subdistrict until there has been full compliance with this division, the Dallas Development Code, the construction codes, and all other ordinances, rules, and regulations of the city.

PROPOSED DEVELOPMENT PLAN



EXISTING DEVELOPMENT PLAN



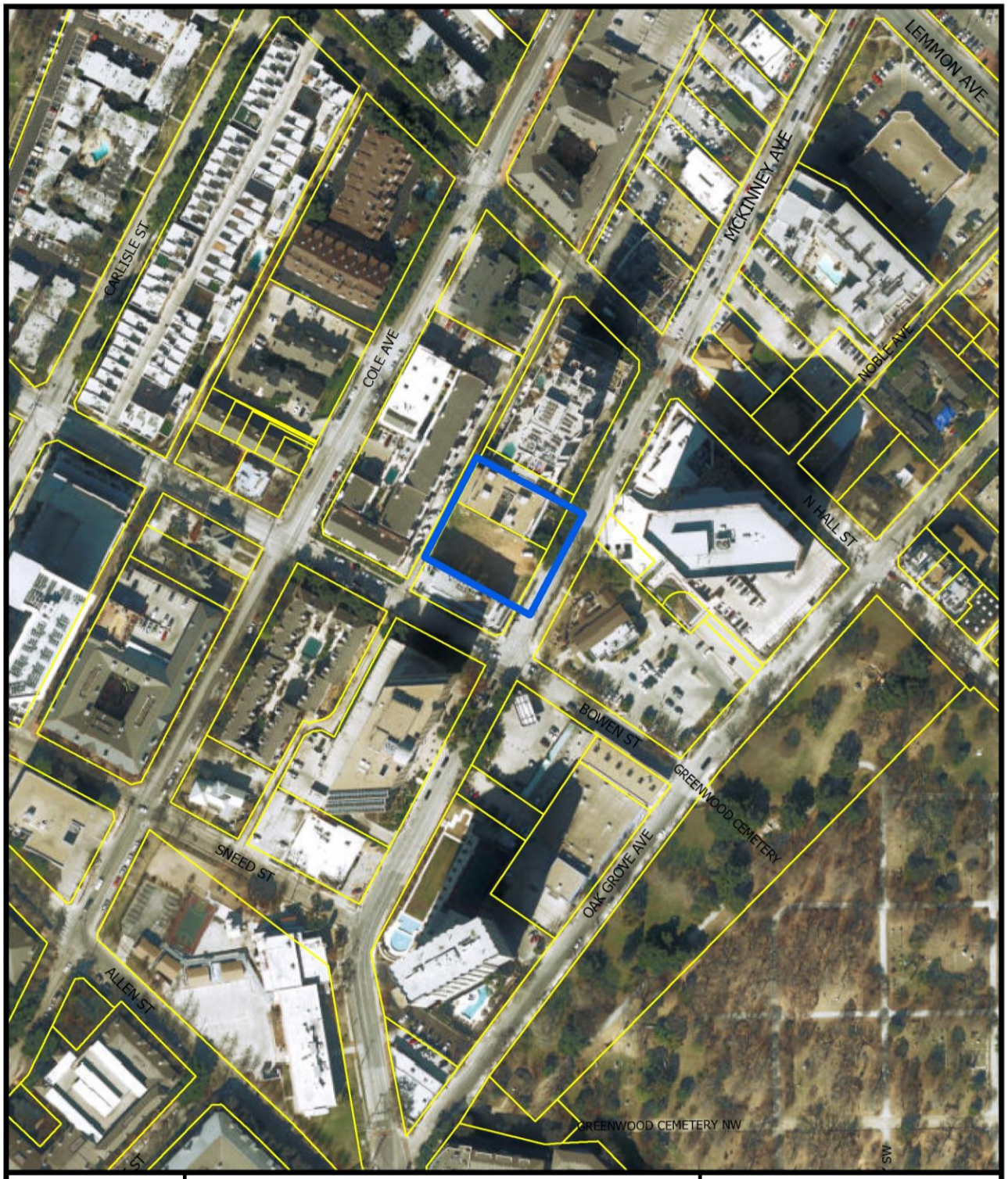


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VICINITY MAP

Case no: Z156-278

Date: 1/5/2017

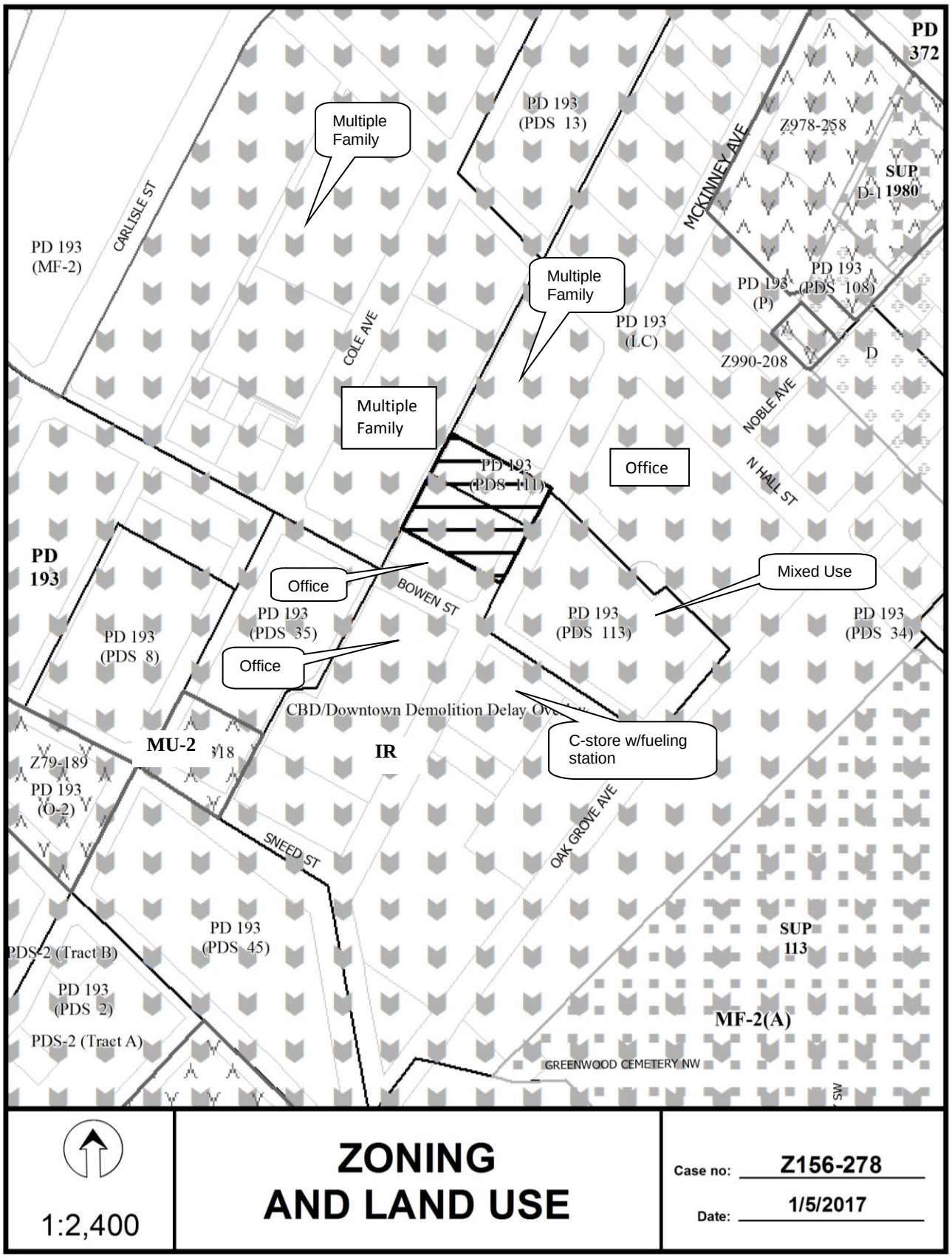


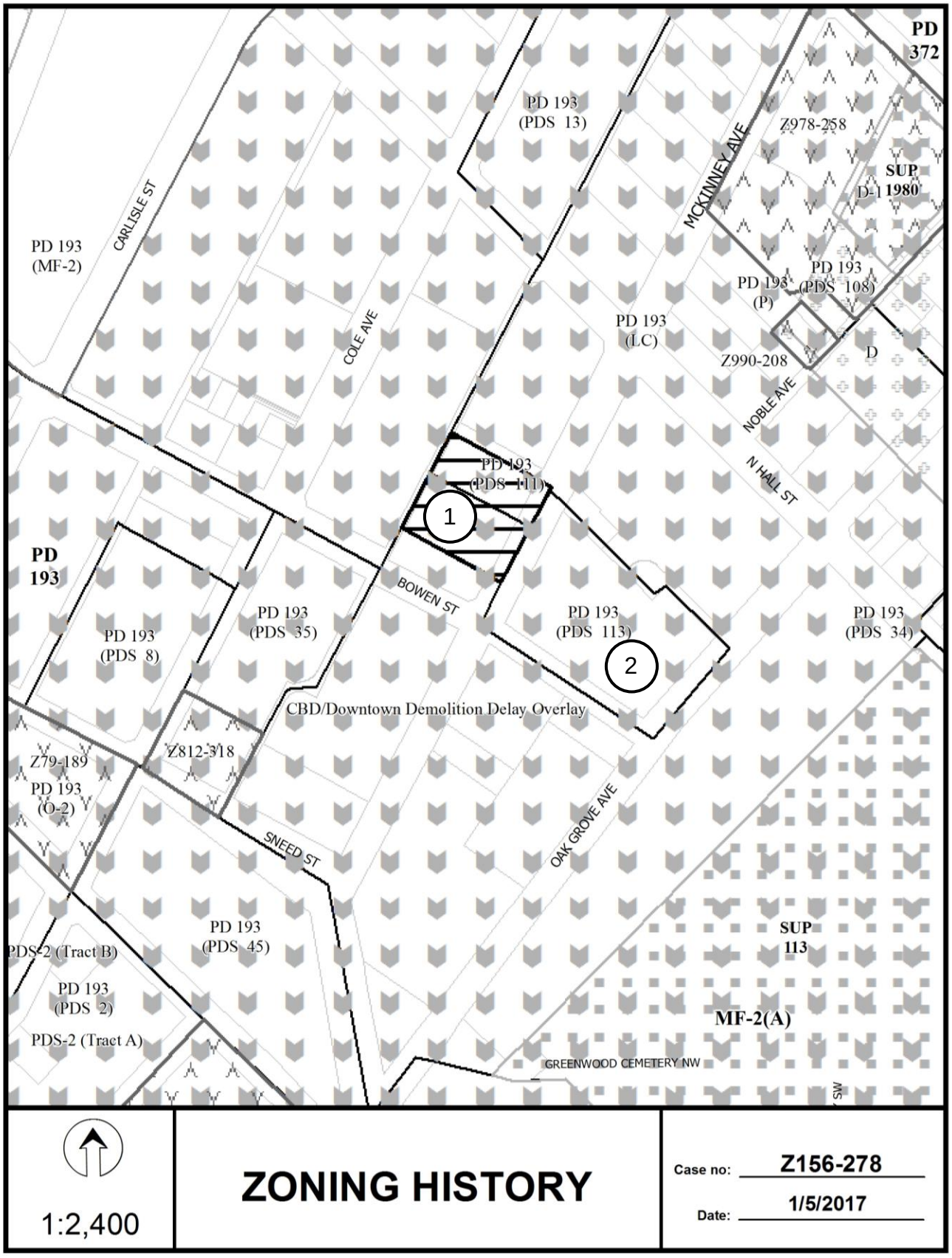
1:2,400

AERIAL MAP

Case no: Z156-278

Date: 1/5/2017


PD 372
Multiple Family
PD 193 (PDS 13)
Z978-258
SUP D-1 1980
MCKINNEY AVE
CARLISLE ST
PD 193 (MF-2)
Multiple Family
PD 193 (P)
PD 193 (PDS 108)
PD 193 (LC)
COLE AVE
Z990-208
D
Multiple Family
NOBLE AVE
PD 193 (PDS 111)
Office
N HALL ST
PD 193
Office
Mixed Use
BOWEN ST
PD 193 (PDS 35)
PD 193 (PDS 113)
PD 193 (PDS 34)
PD 193 (PDS 8)
Office
CBD/Downtown Demolition Delay Ov
MU-2
IR
C-store w/fueling station
Z79-189
PD 193 (O-2)
OAK GROVE AVE
SNEED ST
PD 193 (PDS 45)
SUP 113
PDS-2 (Tract B)
PD 193 (PDS 2)
MF-2(A)
PDS-2 (Tract A)
GREENWOOD CEMETERY NW
1:2,400
ZONING AND LAND USE
Case no: Z156-278
Date: 1/5/2017


PD 372
PD 193 (PDS 13)
Z978-258
MCKINNEY AVE
SUP D-1 1980
CARLISLE ST
PD 193 (MF-2)
PD 193 (P)
PD 193 (PDS 108)
COLE AVE
PD 193 (LC)
Z990-208
D
NOBLE AVE
N HALL ST
PD 193 (PDS 111)
1
PD 193
BOWEN ST
PD 193 (PDS 35)
PD 193 (PDS 8)
PD 193 (PDS 113)
2
PD 193 (PDS 34)
CBD/Downtown Demolition Delay Overlay
Z812-318
Z79-189
PD 193 (O-2)
SNEED ST
OAK GROVE AVE
PD 193 (PDS 45)
SUP 113
PDS-2 (Tract B)
PD 193 (PDS 2)
MF-2(A)
PDS-2 (Tract A)
GREENWOOD CEMETERY NW
1:2,400
ZONING HISTORY
Case no: Z156-278
Date: 1/5/2017

CPC RESPONSES



402	Property Owners Notified (52 parcels)
3	Replies in Favor (4 parcels)
0	Replies in Opposition (0 parcels)
500'	Area of Notification
2/2/2017	Date

Z156-278
CPC

N
W E
S

1:2,400

Notification List of Property

Z156-278

402 Property Owners Notified ***3 Property Owners in Favor*** ***0 Property Owners Opposed***

Reply	*Label #*	*Address*		*Owner*
	1	3207	MCKINNEY AVE	DALLAS CF HOSPITALITY
	2	3219	MCKINNEY AVE	W&K REAL ESTATE PTNRS INC
	3	3100	OAK GROVE AVE	GREENWOOD CEMETERY ASSN
	4	3124	MCKINNEY AVE	MCKINNEY AVENUE
	5	3120	MCKINNEY AVE	MCKINNEY AVENUE
	6	3153	OAK GROVE AVE	MCKINNEY AVENUE TRANSIT
	7	3101	MCKINNEY AVE	YOUNG CANNON PROPERTIES LP
	8	3131	MCKINNEY AVE	3131 MCKINNEY INC
	9	3111	COLE AVE	ANDERSON MICHAEL J
	10	3107	COLE AVE	BOUCHER DANIEL D
	11	3112	BOWEN ST	KASNETZ ANDREW B TRUSTEE
	12	3205	COLE AVE	KASNETZ ANDREW B TRUSTEE
	13	3205	COLE AVE	KASNETZ ANDREW B
	14	2910	N HALL ST	OAK GROVE HOTEL GROUP LP
	15	2916	N HALL ST	GIBON MCCROREY HOLDINGS LLC
	16	3307	NOBLE AVE	PORTOLANI FAMILY LP
	17	3300	MCKINNEY AVE	REGISTER CHARLES
	18	3312	MCKINNEY AVE	HUGHES HULL HOLDINGS LLC
	19	3317	MCKINNEY AVE	PDC INTERESTS LLC
	20	3309	MCKINNEY AVE	RACHOFSKY M J TRUST ETAL
	21	3104	N HALL ST	KENSINGTON CARLISLE LLC
	22	2828	N HALL ST	DENNING JEREMY & DEANNA
O	23	3232	MCKINNEY AVE	GAEDEKE HOLDINGS II LTD
	24	3230	MCKINNEY AVE	LISAR INC
	25	3230	MCKINNEY AVE	LISAR INC
	26	3128	MCKINNEY AVE	AZIZA INVESTMENTS INC

02/01/2017

Reply	*Label #*	*Address*		*Owner*
O	27	3006	COLE AVE	ROCKLAND LP
	28	3100	CARLISLE ST	HART TAYLOR LLC
	29	3015	COLE AVE	POST APARTMENT HOMES LP
O	30	3207	COLE AVE	WARNICK HAROLD B
	31	3207	COLE AVE	STANIS GRANT
	32	3207	COLE AVE	HANSEN SARAH M LIFE ESTATE
	33	3207	COLE AVE	PAYNE NORRIS SHELDON & MARGARET L
	34	3207	COLE AVE	LOUKAIDES ALEXANDER
	35	3227	MCKINNEY AVE	FATH DALLAS RESIDENCES LP
	36	3203	MCKINNEY AVE	DFW MAPLE LEAF PTNRS LLC
	37	3324	MCKINNEY AVE	3324 MCKINNEY AVE APTS INV LLC
	38	3321	OAK GROVE AVE	DEARING GEORGE C
	39	3321	OAK GROVE AVE	GAY DONNA BERNARD
	40	3321	OAK GROVE AVE	LAMB MICHAEL D
	41	3321	OAK GROVE AVE	MANRIQUE RAUL E CUBILLAS
	42	3321	OAK GROVE AVE	GODFREY DANIEL E
	43	3321	OAK GROVE AVE	HUTCHINSON JEFFREY KEITH
	44	3321	OAK GROVE AVE	MAHMALKIS REAL ESTATE & INVESTMENTS LLC
	45	3321	OAK GROVE AVE	CONNER CRAIG
	46	3321	OAK GROVE AVE	DEMIRANDA KATE MCNAB
	47	3321	OAK GROVE AVE	PERRY BRIAN
	48	3321	OAK GROVE AVE	NOBLE JEFFREY S
	49	3321	OAK GROVE AVE	REDINGER SARA J
	50	3321	OAK GROVE AVE	MAHMALKIS REAL ESTATE INVESTMENTS LLC
	51	3321	OAK GROVE AVE	JERNIGAN BRUCE ALLLEN
	52	3321	OAK GROVE AVE	MCMAHON NENA L
	53	3321	OAK GROVE AVE	BORG STEPHEN W
	54	3321	OAK GROVE AVE	MINTER STEVEN S
	55	3321	OAK GROVE AVE	GOODING BRAD E
	56	3208	COLE AVE	DILLING CAITLIN C

02/01/2017

Reply	*Label #*	*Address*		*Owner*
	57	3208	COLE AVE	PINKER MARC
	58	3208	COLE AVE	JAMES KIM
	59	3208	COLE AVE	WOODALL MARK E &
	60	3208	COLE AVE	PLESNARSKI WILLIAM
	61	3208	COLE AVE	SEMMA JOSEPH JR
	62	3208	COLE AVE	EVANGELISTA LUCAS
	63	3208	COLE AVE	PAK CHRISTOPHER
	64	3208	COLE AVE	DYNAN THOMAS & CAROLINE M
	65	3208	COLE AVE	WICKER MALLORIE
	66	3208	COLE AVE	CAHILL HEATHER
	67	3208	COLE AVE	ARNOLD NANCY G
	68	3208	COLE AVE	HANNA MARY C
	69	3208	COLE AVE	WIDENER MICHAEL LEE & INNA
	70	3208	COLE AVE	DUELKS BRADFORD B
	71	3208	COLE AVE	GONZALEZ RAY L
	72	3208	COLE AVE	SAKHAI MARYAM
	73	3208	COLE AVE	PATEL CHIRAG
	74	3208	COLE AVE	VARGHESE THOMAS
	75	3208	COLE AVE	STEPHENS CHARLES
	76	3208	COLE AVE	KOJDER JESSICA
	77	3208	COLE AVE	MITTEN JENNIFER
	78	3208	COLE AVE	THAKRAR ANISH
	79	3208	COLE AVE	HAYES JILL BETH
	80	3208	COLE AVE	PAPE AUTUMN R
	81	3208	COLE AVE	DEMIRKOL HANDE
	82	3208	COLE AVE	LIU JINGCHAO
	83	3208	COLE AVE	KRACKE KIM B
	84	3208	COLE AVE	MINGLE DANIEL
	85	3208	COLE AVE	BELL THERESA MARIE
	86	3208	COLE AVE	KNOTT LAURA G
	87	3208	COLE AVE	CURRA CHRISTOPHER J
	88	3208	COLE AVE	DURBIN LUCY

02/01/2017

Reply	*Label #*	*Address*		*Owner*
	89	3208	COLE AVE	HOUCK TROY
	90	3208	COLE AVE	WOODS JOSEPH D
	91	3208	COLE AVE	NEUNERT CINDY E
	92	3208	COLE AVE	PIERCE ROGER A
	93	3208	COLE AVE	HARE JAMIE
	94	3208	COLE AVE	LATHAM KATHLEEN
	95	3208	COLE AVE	HERNANDEZCARDENAS ANA V
	96	3208	COLE AVE	EGGEBRECHT DARREN W
	97	3208	COLE AVE	CALEGARI MAUD B
	98	3208	COLE AVE	PFITZINGER BRIAN S
	99	3208	COLE AVE	CHARUWORN NART
	100	3208	COLE AVE	FEDERAL NATIONAL MORTGAGE ASSOCIATION
	101	3208	COLE AVE	HARLOW CHARLES J
	102	3208	COLE AVE	DAVIS JENNIFER
	103	3208	COLE AVE	MARSHALL KELLY S
	104	3208	COLE AVE	GREEN MARY POLK
	105	3208	COLE AVE	WOODALL KATHERINE ANN
	106	3208	COLE AVE	LAU HOWARD
	107	3208	COLE AVE	HURTADO ANDREA
	108	3230	COLE AVE	BHAMIDIPATI PRABHAKAR
	109	3230	COLE AVE	GARLICK RYAN M
	110	3230	COLE AVE	WOODWARD LOIS N
	111	3230	COLE AVE	WEBER KARIN
	112	3230	COLE AVE	WILLIAMS STEVE F
	113	3230	COLE AVE	LUNA JOHN B
	114	3230	COLE AVE	WANG NING &
	115	3230	COLE AVE	WILLIAMS CURTIS A
	116	3230	COLE AVE	ARMSTRONG ADAM
	117	3230	COLE AVE	COSTA FRANCESCO
	118	3230	COLE AVE	KLUGE DENNIS L &
	119	3230	COLE AVE	POSGATE LOUIS &

02/01/2017

Reply	*Label #*	*Address*		*Owner*
	120	3230	COLE AVE	PETERSON DAVID J &
	121	3230	COLE AVE	HESS DOUGLAS ALLEN
	122	3230	COLE AVE	RIVERA FRANK
	123	3215	COLE AVE	L1 PROPERTIES LLC
	124	3215	COLE AVE	HARRISON SUZANNE & JAMES M
	125	3209	COLE AVE	LOPEZ ROLAND V
	126	3209	COLE AVE	GONZALEZ DEVIN
	127	3215	COLE AVE	OLIVERI CHARLES
	128	3215	COLE AVE	OLIVERI CHARLES W SR
	129	3215	COLE AVE	MCBEE DAVID H
	130	3209	COLE AVE	BRIDGE TOWER DALLAS ONE LLC
	131	3215	COLE AVE	CONERLY BRITNEY M
	132	3209	COLE AVE	HERNANDEZ GUILLERMO A & GABRIELA
	133	3209	COLE AVE	LOGSDON JAMES J JR & LAURA S
	134	3215	COLE AVE	VIOLI MICHAEL &
	135	3209	COLE AVE	MORROW SAMUEL S
	136	3215	COLE AVE	BRAY STEVEN A
	137	3030	MCKINNEY AVE	ROBINSON INDUSTRIES, INC
	138	3030	MCKINNEY AVE	BRINKMAN JEANNIE &
	139	3030	MCKINNEY AVE	AMMON SUSAN
	140	3030	MCKINNEY AVE	DOTY YVONNE D
	141	3030	MCKINNEY AVE	HALYBURTON WILLIAM D & KRISTY
	142	3030	MCKINNEY AVE	HAYS RAYMOND R & DINAH D
	143	3030	MCKINNEY AVE	NEUSE JASPER MICHAEL
	144	3030	MCKINNEY AVE	PIONONO INVESTMENTS LLC
	145	3030	MCKINNEY AVE	KLEINE WILLIAMS D & ANN
	146	3030	MCKINNEY AVE	BROSI SCOTT C &
	147	3030	MCKINNEY AVE	FRANK ROBERT C JR & SELENA M
	148	3030	MCKINNEY AVE	GARCIA RICARDO LUIS & VERONICA M
	149	3030	MCKINNEY AVE	SIMPSON ANN
	150	3030	MCKINNEY AVE	HAIRE SCOTT L

02/01/2017

Reply	*Label #*	*Address*		*Owner*
	151	3030	MCKINNEY AVE	PHILLIPS WAYNE D
	152	3030	MCKINNEY AVE	STEELE JOHN RODMAN EST OF &
	153	3030	MCKINNEY AVE	SAHWANI DIANA
	154	3030	MCKINNEY AVE	ROMBERG BERTHOLD &
	155	3030	MCKINNEY AVE	MURRAY JANE E
	156	3030	MCKINNEY AVE	MULLICAN MARY A
	157	3030	MCKINNEY AVE	VU CHI T
	158	3030	MCKINNEY AVE	AVIRETT TIMOTHY T
	159	3030	MCKINNEY AVE	GARRETT JESSICA L
	160	3030	MCKINNEY AVE	OLKKOLA EDWARD E
	161	3030	MCKINNEY AVE	KLEIN HANNE
	162	3030	MCKINNEY AVE	DYKES DONALD E
	163	3030	MCKINNEY AVE	GOLDFARB FAMILY TRUST U A
	164	3030	MCKINNEY AVE	PEPMILLER DELMAR D &
	165	3030	MCKINNEY AVE	CARNEY TIMOTHY
	166	3030	MCKINNEY AVE	SAMARA KENNETH J
	167	3030	MCKINNEY AVE	BAILEY KATHLEEN C LIVING TRUST
	168	3030	MCKINNEY AVE	BATCHELOR JAMES F &
	169	3030	MCKINNEY AVE	ESTRADA ROBERT A & CATHERINE BERNELL
	170	3030	MCKINNEY AVE	GRIFFIN ELIZABETH R
	171	3030	MCKINNEY AVE	ESTELLHANCOCK MARITA
	172	3030	MCKINNEY AVE	BAKER DONNA LYNN
	173	3030	MCKINNEY AVE	L & E PROPERTIES LLC
	174	3030	MCKINNEY AVE	ISMAIL SALIM & SHIREEN SALIM
	175	3030	MCKINNEY AVE	WALKER DAVID G
	176	3030	MCKINNEY AVE	HARLAN ELIZABETH B
	177	3030	MCKINNEY AVE	GWYN JAMES W & V MARIE
	178	3030	MCKINNEY AVE	SEAMAN GARY L & CAROLYN K
	179	3030	MCKINNEY AVE	LITTLE WILLIAM H & LORI G
	180	3030	MCKINNEY AVE	SPIEGELMAN WILLARD
	181	3030	MCKINNEY AVE	MALKA MICHAEL A

02/01/2017

Reply	*Label #*	*Address*		*Owner*
	182	3030	MCKINNEY AVE	CARPENTER SUSAN
	183	3030	MCKINNEY AVE	DONALDSON NIGEL A
	184	3030	MCKINNEY AVE	KEARNEY BARBARA
	185	3030	MCKINNEY AVE	SANDKNOP RYAN
	186	3030	MCKINNEY AVE	LAMB SHELLY S
	187	3030	MCKINNEY AVE	MOSSER ROBERT E & ROBERT J
	188	3030	MCKINNEY AVE	MCKEE JOHN
	189	3030	MCKINNEY AVE	BALL JEANNIE C
	190	3030	MCKINNEY AVE	KHOSHNOUDI AHMAD &
	191	3030	MCKINNEY AVE	WOOD ELLEN
	192	3030	MCKINNEY AVE	MCDONALD MARLA
	193	3030	MCKINNEY AVE	HALLIDAY EDWIN JAY & LYNN MARY
	194	3030	MCKINNEY AVE	WANSTRATH LAURA
	195	3030	MCKINNEY AVE	BRITTINGHAM GUILLERMO M &
	196	3030	MCKINNEY AVE	DUFFIELD ANNE E
	197	3030	MCKINNEY AVE	SCHROEDER PATRICIA C REVOCABLE TR
	198	3030	MCKINNEY AVE	DIPASQUA ALPHONSO &
	199	3030	MCKINNEY AVE	MILES JANIS C
	200	3030	MCKINNEY AVE	CARUSO RONALD
	201	3030	MCKINNEY AVE	THOMAS JOHN C & DEBRA
	202	3030	MCKINNEY AVE	FRANKEL DOUGLAS &
	203	3030	MCKINNEY AVE	GILHOOLY STEPHEN
	204	3030	MCKINNEY AVE	FREEMAN REVOCABLE TRUST THE
	205	3030	MCKINNEY AVE	ASANTE MOLEFI KETE & ANA
	206	3030	MCKINNEY AVE	SELLARS JOHN P
	207	3030	MCKINNEY AVE	HARRIS CURTIS D &
	208	3030	MCKINNEY AVE	BROOKSHIER FAMILY TRUST
	209	3030	MCKINNEY AVE	BERNSTEIN BASIL
	210	3030	MCKINNEY AVE	MUIR J DUNCAN
	211	3030	MCKINNEY AVE	PRICE SANDRA NELSON
	212	3030	MCKINNEY AVE	SUCRE RICHARD & ANGELA

02/01/2017

Reply	*Label #*	*Address*		*Owner*
	213	3030	MCKINNEY AVE	GREEN RAY E
	214	3030	MCKINNEY AVE	BOLAND THOMAS C & DEBRA A
	215	3030	MCKINNEY AVE	CUNNINGHAM GENE M
	216	3030	MCKINNEY AVE	BRYAN BARRY
	217	3030	MCKINNEY AVE	KHOSHNOUDI BAHAR
	218	3030	MCKINNEY AVE	BROWN WILLIAM T II
	219	3030	MCKINNEY AVE	AVANCE PROPERTIES LLC
	220	3030	MCKINNEY AVE	HARRIS ELIZABETH K
	221	3030	MCKINNEY AVE	FISCHER REVOCABLE TRUST
	222	3030	MCKINNEY AVE	LADD DENNIS MICHAEL &
	223	3030	MCKINNEY AVE	ASCENZO DANIEL
	224	3030	MCKINNEY AVE	LADD DENNIS &
	225	3030	MCKINNEY AVE	AHNERT EDWARD F &
	226	3030	MCKINNEY AVE	TRIMBLE RODNEY B
	227	3030	MCKINNEY AVE	BARNES JOSEPH ANTHONY &
	228	3030	MCKINNEY AVE	WHITWELL STEPHEN
	229	3030	MCKINNEY AVE	SCHMIDT KEITH A
	230	3030	MCKINNEY AVE	BARNES MITZI T
	231	3030	MCKINNEY AVE	RAMSEY CHARLES E JR MARITAL TRUST
	232	3030	MCKINNEY AVE	KELLY MICHAEL J
	233	3030	MCKINNEY AVE	HAKIM CAMILLE A &
	234	3030	MCKINNEY AVE	DOLAN F PETER & MARCY HEIDISH
	235	3030	MCKINNEY AVE	FELSTED KAREN E
	236	3030	MCKINNEY AVE	FARROWGILLIESPIE ALAN C
	237	3030	MCKINNEY AVE	FRANKS ROBERT C &
	238	3030	MCKINNEY AVE	HARGROVE T GEDDIE
	239	3030	MCKINNEY AVE	BARTON STANLEY & LINDA
	240	3030	MCKINNEY AVE	PUTNAM DONOVAN &
	241	3030	MCKINNEY AVE	APPERSON MARK W
	242	3030	MCKINNEY AVE	COLLINS FLOYD W
	243	3030	MCKINNEY AVE	ROGERS CULLEN A &

02/01/2017

Reply	*Label #*	*Address*		*Owner*
	244	3030	MCKINNEY AVE	CORTEZ CARLOS R
	245	3030	MCKINNEY AVE	MCLAUGHLIN KATHLEEN
	246	3030	MCKINNEY AVE	BIRKNER JOHN H
	247	3030	MCKINNEY AVE	SHELMIRE SUSAN
	248	3030	MCKINNEY AVE	JORDAN STEVEN C
	249	3030	MCKINNEY AVE	HAKIM CAMILLE & HAIFA TR
	250	3030	MCKINNEY AVE	BERG ALAN G
	251	3030	MCKINNEY AVE	BUTTS KELEM B &
	252	3030	MCKINNEY AVE	HEPFNER JAMES P
	253	3030	MCKINNEY AVE	ROBERTSON REBEL LEA &
	254	3030	MCKINNEY AVE	PETERS JEFF & CAROL
	255	3030	MCKINNEY AVE	MILDEBRATH MARK E & DANA
	256	3030	MCKINNEY AVE	NELSON RANDALL & KIMBERLY
	257	3030	MCKINNEY AVE	BERGNER JOHN F &
	258	3030	MCKINNEY AVE	STEWART JEFFREY G
	259	3030	MCKINNEY AVE	ZIELKE PETER B
	260	3030	MCKINNEY AVE	PETERS JEFF & CAROL
	261	3030	MCKINNEY AVE	HAWLEY JOHN R & MARCIA H
	262	3030	MCKINNEY AVE	SKYLINE TRUST
	263	3030	MCKINNEY AVE	SKYLINE TRUST
	264	3030	MCKINNEY AVE	SKYLINE TRUST
	265	3100	COLE AVE	AFTABROUSHADR KAMBIZ
	266	3100	COLE AVE	ALLSION CHRIS
	267	3100	COLE AVE	RAFFEL SCOTT J & KATHY E
	268	3100	COLE AVE	ZHANG HELEN X Y
	269	3100	COLE AVE	BRANT SARAH M
	270	3100	COLE AVE	LARKIN WILLIAM A
	271	3100	COLE AVE	PALETTI SONIA
	272	3100	COLE AVE	NICOLLE BRYCE DAUVERGNE
	273	3100	COLE AVE	CHESNUT JOHN
	274	3100	COLE AVE	SMITH HOLLY F

02/01/2017

Reply	*Label #*	*Address*		*Owner*
	275	3100	COLE AVE	REYES ROBERT M
	276	3100	COLE AVE	TEJURA SEEMA V
	277	3100	COLE AVE	RAFEA VEEDA
	278	3100	COLE AVE	ZERR JOSEPH
	279	3100	COLE AVE	KJELDGAARD DAVID
	280	3100	COLE AVE	TOMASZCZUK KATY &
	281	3100	COLE AVE	DRAPER DUANE D &
	282	3100	COLE AVE	SPADE PHILIP FREDERICK
	283	3100	COLE AVE	LINSCOTT WHITNEY K
	284	3100	COLE AVE	WHEAT DAVID G
	285	3100	COLE AVE	BRAY CHASE LANDON
	286	3100	COLE AVE	LEE BIK HAN & LEE SAI SHEK
	287	3100	COLE AVE	BENAVIDES MICHAEL L
	288	3100	COLE AVE	RIOS SANDRA B
	289	3100	COLE AVE	GAMINI MORTEZA & BORTAY
	290	3100	COLE AVE	SKAINES JONATHAN B
	291	3100	COLE AVE	LOZANO JAVIER ALBERTO NEYRA & YEAL JOSEPH GARCIA
	292	3100	COLE AVE	ANDERSON JONATHAN D & TARA L
	293	3100	COLE AVE	OREILLEY KATHLEEN
	294	3100	COLE AVE	SALANON EMANUEL JOEL
	295	3100	COLE AVE	GARCIA EDWARD I
	296	3100	COLE AVE	AHN SAM
	297	3100	COLE AVE	MILLIET MARK JOSEPH
	298	3100	COLE AVE	MAYES EVAN Z
	299	3100	COLE AVE	REISMAN MARK L
	300	3100	COLE AVE	PHILLIPS THOMAS L
	301	3100	COLE AVE	ROSENBAUM RICO
	302	3100	COLE AVE	BAYS VANCE J
	303	3100	COLE AVE	CLIFT SUSANNE A & KEVIN
	304	3100	COLE AVE	VONBORSIG MICHAEL A
	305	3100	COLE AVE	LIN CONSTANCE LEECHEN

02/01/2017

Reply	*Label #*	*Address*		*Owner*
	306	3100	COLE AVE	BATA INVESTMENTS LLC
	307	3100	COLE AVE	DEMEIS DANIEL G
	308	3210	CARLISLE ST	PAGE ANTHONY R
	309	3210	CARLISLE ST	DAVIS JAMES KYLE &
	310	3210	CARLISLE ST	GIORDANO JOHN V
	311	3210	CARLISLE ST	CHOI YUN H
	312	3210	CARLISLE ST	ENGWICHT JACKIE L & CORY J
	313	3210	CARLISLE ST	TURNBULL RANDALL C &
	314	3210	CARLISLE ST	HARVEY DEAN & CATHY
	315	3210	CARLISLE ST	TORCHIO PAOLO
	316	3210	CARLISLE ST	CHAKAL NAVDEEP S &
	317	3210	CARLISLE ST	ATALLAH RABIH
	318	3210	CARLISLE ST	SWANK JENNIFER MICHELLE & RYAN PAUL
	319	3210	CARLISLE ST	WENTWORTH BARBARA
	320	3210	CARLISLE ST	NICKS CHRISTOPHER STEPHEN & LYNN HOLLEY
	321	3210	CARLISLE ST	DEFARRO GIANPAOLO &
	322	3210	CARLISLE ST	ZIMMERMAN KATHERYN
	323	3210	CARLISLE ST	JEFFREY B JOHNS 2007 TRUST
	324	3210	CARLISLE ST	NORTH TIMOTHY G &
	325	3210	CARLISLE ST	DAVIS JON C
	326	3210	CARLISLE ST	FOX MICHAEL & JULIANNE
	327	3210	CARLISLE ST	HORTON LANCE
	328	3210	CARLISLE ST	MCKAY JOHN K & ANN
	329	3210	CARLISLE ST	STOJANOVIC VESNA
	330	3210	CARLISLE ST	SICHENZIO RICHARD &
	331	3210	CARLISLE ST	GOODWIN BOBBY A &
	332	3210	CARLISLE ST	BALDOR JORGE L
	333	3210	CARLISLE ST	RUSCHHAUPT REED
	334	3210	CARLISLE ST	DUNTON STACY
	335	3210	CARLISLE ST	STANFORD CHRISTIN C & ERIK

02/01/2017

Reply	*Label #*	*Address*		*Owner*
	336	3210	CARLISLE ST	LYNCH DAVID E
	337	3210	CARLISLE ST	WOODARD BRYAN T
	338	3210	CARLISLE ST	LUONG PHUONG M
	339	3210	CARLISLE ST	FLOWERS ROBERT R
	340	3210	CARLISLE ST	THOMAS JONATHAN S & CYNTHIA L
	341	3210	CARLISLE ST	BURNS MICHAEL R &
	342	3210	CARLISLE ST	LOCKE KELLY
	343	3210	CARLISLE ST	BENTOW JASON
	344	3210	CARLISLE ST	LYONS KEVIN & MEGAN
	345	3210	CARLISLE ST	HARMAN ROBERT KING & LINDA ANNE
	346	3210	CARLISLE ST	MINK JUSTIN
	347	3210	CARLISLE ST	PRESSLER FAMILY TRUST
	348	3210	CARLISLE ST	ALVAREZ PEDRO JR &
	349	3210	CARLISLE ST	HENRY MOLLIE MAILMAN &
	350	3210	CARLISLE ST	GEIKEN CHAD D
	351	3210	CARLISLE ST	WILLIAMS MITCHELL A
	352	3210	CARLISLE ST	WCISLO BRIAN &
	353	3210	CARLISLE ST	CUMMINS CHRISTINA LYNN
	354	3210	CARLISLE ST	SLAVIN DIERDRE
	355	3210	CARLISLE ST	WELLS CORY
	356	3210	CARLISLE ST	POTTER JEFFREY &
	357	3210	CARLISLE ST	HAWKINS DWAYNE W
	358	3210	CARLISLE ST	LAVENDER RACHEL LAUREN
	359	3210	CARLISLE ST	HUANG THERESA T
	360	3210	CARLISLE ST	KAUFMAN CAPITAL LLC
	361	3210	CARLISLE ST	ATKINS JOSEPH B JR &
	362	3210	CARLISLE ST	WALKER PHILIP & JULIE
	363	3210	CARLISLE ST	TERRY JASON E
	364	3210	CARLISLE ST	THIRD & WILLIS LLC
	365	3210	CARLISLE ST	HASS RACHEL
	366	3210	CARLISLE ST	MIRE DENNIS

02/01/2017

Reply	*Label #*	*Address*		*Owner*
	367	3210	CARLISLE ST	YOUNG AMY C
	368	3210	CARLISLE ST	SMITH EDWARD A
	369	3210	CARLISLE ST	HAMM PHILIP
	370	3210	CARLISLE ST	POWELL ADAM J
	371	3235	COLE AVE	COOKE AMY M
	372	3235	COLE AVE	NGUYEN THONG
	373	3235	COLE AVE	MOSCA CELESTE ALISA
	374	3235	COLE AVE	
	375	3235	COLE AVE	HALL DOUGLAS K
	376	3235	COLE AVE	SHEINBERG DARREN
	377	3235	COLE AVE	THIGPEN THOMAS
	378	3235	COLE AVE	CHAPMAN ALBERT J III
	379	3235	COLE AVE	WELLS ALEX L
	380	3235	COLE AVE	HALLOCK KEITH R JR
	381	3235	COLE AVE	KNOWLTON KELLY
	382	3235	COLE AVE	MAJOR DAVID P
	383	3235	COLE AVE	MALLOY BETHANY E
	384	3235	COLE AVE	THOMPSON SCOTT JAY
	385	3235	COLE AVE	DEERING CHRISTOPHER
	386	3235	COLE AVE	HALL DAVID JR
	387	3235	COLE AVE	LINNSTAEDTER LEAH NICOLE
	388	3235	COLE AVE	ELCHAMMAS MANAR
	389	3235	COLE AVE	WHITE STEVEN M & TERESA J
	390	3235	COLE AVE	ALIMCHANDANI NEERAJ
	391	3235	COLE AVE	LITOFF AUSTIN
	392	3235	COLE AVE	LECOVER MATTHEW L
	393	3235	COLE AVE	KUO ANDY
	394	3235	COLE AVE	FICKE GEOFFREY E
	395	3235	COLE AVE	AN JADHAVJI INVESTMENTS LLC
	396	3235	COLE AVE	BARNEY JOHN DAVID
	397	3235	COLE AVE	TAYLOR RYAN
	398	3235	COLE AVE	SANTAULARIA JOSEPH W

02/01/2017

Reply	*Label #*	*Address*		*Owner*
	399	3235	COLE AVE	VANN RHONDA H
	400	3235	COLE AVE	CROSSETT MATTHEW ADAM &
	401	3235	COLE AVE	FIORE ANGELA M
	402	3235	COLE AVE	MAIONE MICHAEL

AGENDA ITEM # 76

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: April 12, 2017

COUNCIL DISTRICT(S): 9

DEPARTMENT: Sustainable Development and Construction

CMO: Majed Al-Ghafry, 670-3302

MAPSCO: 26 Z

SUBJECT

A public hearing to receive comments regarding an application for and an ordinance granting a Planned Development District for RR Regional Retail District uses and multifamily use by right, and a resolution accepting deed restrictions volunteered by the applicant, and a resolution accepting the termination of existing deed restrictions on property zoned an RR Regional Retail District with deed restrictions on the northwest corner of Abrams Road and Northwest Highway

Recommendation of Staff: Approval, subject to a conceptual plan and staff's recommended conditions; and approval of the termination of existing deed restrictions

Recommendation of CPC: Approval, subject to a conceptual plan, a monument sign exhibit, and conditions; and deed restrictions volunteered by the applicant; and approval of the termination of existing deed restrictions

Z156-255(OTH)

HONORABLE MAYOR & CITY COUNCIL **WEDNESDAY, APRIL 12, 2017**

ACM: Majed Al-Ghafry

FILE NUMBER:	Z156-255(OTH)	**DATE FILED:**	October 13, 2015
LOCATION:	Northwest corner of Abrams Road and Northwest Highway		
COUNCIL DISTRICT:	9	**MAPSCO:**	26 - Z
SIZE OF REQUEST:	Approx. 14.178 acres	**CENSUS TRACT:**	78.09

APPLICANT: Ainbinder Northwest Highway, LLC

OWNER: 6411 East Northwest, LLC

REPRESENTATIVE: Karl Crawley/Dallas Cothrum, Masterplan

REQUEST: An application for a Planned Development District for RR Regional Retail District uses and multifamily use by right with deed restrictions volunteered by the applicant and termination of the existing deed restrictions on property zoned an RR Regional Retail District with deed restrictions.

SUMMARY: The purpose of this request is to develop the site with retail uses with the possibility of a multifamily component.

CPC RECOMMENDATION: **Approval**, subject to a conceptual plan, a monument sign exhibit, and conditions; and deed restrictions volunteered by the applicant; and **approval** of the termination of the existing deed restrictions.

STAFF RECOMMENDATION: **Approval**, subject to a conceptual plan and staff's recommended conditions; and **approval** of the termination of the existing deed restrictions.

DESIGNATED ZONING CASE

BACKGROUND:

- The property is the comprised of two properties to be platted together with a total of approximately 14.178 acres. The formerly vacant buildings were demolished in the past few years and vacant for several years prior to their demolition.

- The applicant is proposing to develop the site with retail uses, but with the option of developing it with multifamily uses or a combination of uses. The intent is to build a large building to accommodate several tenants, with the building not to exceed 100,000 square feet. The applicant also wants to have three small buildings on the site. The large building will most likely be located along the northern property line of the site. The smaller buildings may be located along East Northwest Highway.

- The applicant is in the process of platting the property. The abandonment of Quality Lane was approved by City Council on December 17, 2016. The abandonment instrument stipulates certain conditions that the applicant must comply with during the platting process and development of the property. The plat was approved by City Plan Commission on April 21, 2016. One of these items is a sidewalk easement on the north boundary of the property to connect Abrams Road and Theater Way. A traffic light will be installed at the drive approach to connect the area of request to the property to the southwest, which is a major retail center.

- The applicant is requesting to terminate the existing deed restriction on the properties. The deed restrictions include restrictions on uses, height, floor area ratio and landscaping.

- At the CPC hearing, the applicant offered deed restrictions for the removal of the existing billboard sign. After the hearing, the owner removed the billboard and has indicated a desire to no longer volunteer the deed restrictions as the billboard has been removed. The deed restricts are provided in the case report since they are part of CPC's recommendation.

Zoning History: There have not been any zoning cases in the area over the past five years.

Thoroughfares/Streets:

Thoroughfare/Street	Type	Existing ROW
Abrams Road	Local	80 feet
East Northwest Highway	Principal Arterial	100 feet (variable)

Traffic Impact Analysis:

The Engineering Division of the Sustainable Development and Construction Department reviewed the Traffic Impact Analysis submitted with the application for the retail aspect of the request. The multifamily component was not included in the TIA. Staff reviewed an updated Traffic Impact Analysis to consider the multifamily component and can support the inclusion of multifamily based on the updated TIA.

However, staff's recommendation of 320 multifamily dwelling units is based on an average dwelling unit per acre for MF-2(A) for one bedroom units on the eight acres limited to multifamily in the proposal.

COMPREHENSIVE PLAN:

The *forwardDallas! Comprehensive Plan* was adopted by the City Council in June 2006. The *forwardDallas! Comprehensive Plan* outlines several goals and policies which can serve as a framework for assisting in evaluating the applicant's request.

The request is consistent with the following policies:

Economic Development

GOAL 2.1 Promote Balanced Growth

Policy 2.1.1 Ensure that zoning is flexible enough to respond to changing economic conditions.

Policy 2.2.6 Restore Dallas as the foremost retail location in the region.

Urban Design

GOAL 5.1 Promote a Sense of Place, Safety and Walkability

Policy 5.1.1 Promote pedestrian-friendly streetscapes.

	Zoning	Land Use
Site	RR with Deed Restrictions	Undeveloped
Northeast	MF-1(A), CR	Multifamily and retail
Southeast	CR, SUP No. 1431,	Retail
Southwest	CR, TH-3(A), SUP No. 1589	Retail, residential
Northwest	PD No. 742, CR	Retail

Land Use Compatibility:

The proposed 14.178 acres of land site is currently undeveloped. The applicant proposes to develop the property with retail uses with the option of developing the site with multifamily uses or a combination of uses.

The site is located on the intersection of East Northwest Highway and Abrams Road. It is adjacent and surrounded by multifamily and retail uses to the northeast; retail and residential uses to the southeast; retail on the southwest; retail on the northwest. The property is close to residential and retail development and in the intersection of major thoroughfares. Even though there is no DART rail system the property is served by the DART bus system.

The applicant proposes to have major retailers in the property as well as restaurants, with the possibility of having multifamily uses. The proposed uses are compatible with the surrounding uses.

The request site has two sets of deed restrictions that were volunteered when the property changed from a CR Community Retail District to an RR Regional Retail District. The existing deed restrictions on the northwest side of the site were volunteered in July 28, 1999. The deed restrictions include restrictions on uses, height, floor area ratio and landscaping.

Staff has reviewed the applicant's request and recommends approval subject to a conceptual plan and staff's recommended conditions.

Development Standards:

DISTRICT	SETBACKS		Density	Height	Lot Coverage	Special Standards	PRIMARY Uses
	Front	Side/Rear					
Proposed							
PDD	20' Along E. NW Hwy, Abrams Road and Theater Way/northern boundary	10'	820 dwelling units Max FAR for non-residential 500,000 sq. ft.	Max 70' Min 36' for MF Non-res. 54' No more than 45' within 100' from Residential or MF Districts	70% entire property 80% individual lots		Retail, residential
RR Regional retail	15'	20' adjacent to residential OTHER: No Min.	1.5 FAR overall 0.5 office	70' 5 stories	80%	Proximity Slope U-form setback Visual Intrusion	Retail & personal service, office

Landscaping:

The request must comply with Article X with a few exceptions. The applicant is proposing more trees by changing the required spacing from 120 feet to 80 feet, and increasing the tree caliper from two inches to three inches.

The Chief Arborist supports the proposed landscape conditions except for the perimeter landscape strip along Theater Way and the northern boundary having trees spaced 30 feet instead of the applicant's requested 40 feet. The applicant also wants to use the Article X requirement of the landscape strip as a design standard. Since the buffer is a requirement, staff feels the applicant should provide a separate design standard.

Design Standards:

The applicant is proposing design standards for the development. The design standards are different for residential and nonresidential portions. Some of the design standards are based on the regulations for a 'big box' type of development.

Staff's recommendation differs from the applicant's in the parking lot division into sections with the applicant proposing no more than 225 spaces in a section and staff recommending 150 spaces. The big box standards in Chapter 51A require no more than 120 spaces in a section. CPC recommended to limit parking sections to no more than 200 spaces instead of 225 as the applicant requested or 150 as staff recommends.

Parking:

The applicant is requesting a reduction in parking. For any use located in the large building, which must be 100,000 square feet or greater, one parking space is required for every 250 square feet. For restaurant and alcoholic beverage establishment uses that are located in the large building, one space for every 125 square feet of restaurant

space once the combined uses exceed 12,500 square feet. The required parking for all other uses located in buildings less than 100,000 square feet will be per Code.

Staff is supportive of this request only if the development of the property provides a reasonable amount of pedestrian amenities such as seating areas other than those for outdoor restaurants or bars, and pedestrian facilities for customers to walk safely from a retail store to a restaurant or bar, or to the parking lot. Staff is also supportive of the parking reduction if the applicant provides a sidewalk outside the 10 foot landscape buffer along Abrams Road and East Northwest Highway.

Signs:

The applicant is requesting one 40-foot tall multi-tenant monument sign along Northwest Highway and one 35-foot tall multi-tenant sign on Abrams Road. The applicant proposes the signs to each have an effective area of 800 square feet. The applicant provided a monument sign exhibit showing the basic design of the signs as well as showing the locations of the signs on the Conceptual Plan.

Staff supports the applicant's request for two multi-tenant monument signs but recommends the effective area to be 300 square feet on Northwest Highway and 200 square feet effective area on Abrams Road.

CPC recommended two multi-tenant monument signs. The sign along Northwest Highway is 35 feet tall with the maximum advertising area limited to 450 square feet. The sign along Abrams Road is limited to 35 feet with an advertising area of 375 square feet. CPC further recommended the signs be at least 20 feet from Northwest Highway and at least 10 feet from Abrams Road in the locations shown on the Conceptual Plan and the illustration in the Monument Sign Exhibit.

CPC ACTION:
March 2, 2017

Motion: It was moved to recommend **approval** of a Planned Development District for RR Regional Retail District uses and multifamily use by right, subject to deed restrictions volunteered by the applicant, a revised conceptual plan, a monument sign exhibit, and applicant's revised conditions with the following changes: 1) In Section 104, add reference to a monument sign exhibit; 2) In Section 109(a)(4), follow staff's recommendation conditions for projections, with corrected numbering (A) through (F); 3) In Section 109(d), follow staff's recommendation limiting the basic height to 54 feet in subsection 1, correct the applicant's requested maximum height for multifamily or mixed use structures to 90 feet, change condition 5 to read:" No non-residential structure above 45 feet is allowed within 100 feet of the northern boundary of the property."; and add condition 6 to read: "If any portion of a structure is over 26 feet in height, that portion may not be located above a residential proximity slope. Except for chimneys, structures listed in Section 51A-4.408(a) (2) may project through the slope to a height not to exceed that maximum structure height, or 12 feet above the slope, whichever is less. Chimney's may project through the slope to a maximum structure height 12 feet above the slope and 12 feet above the maximum structure height."; 4) In Section 110(b), change 75,000 square feet to 100,000 square feet both times it appears; 5) In Section 110(d), change the applicant's proposed maximum parking lot section size from 225 parking spaces to 200 parking spaces, correct the applicant's request by adding back "Pedestrian pathways with a minimum width of five feet" as a means of dividing the parking lot, and delete that last sentence as superfluous; 6) In Section 113(c) change the height of the Northwest Highway sign to 35 feet, change the last sentence to read: "Maximum advertising area is limited to 450 square feet for the monument sign along Northwest Highway and 375 square feet for the monument sign along Abrams Road, as shown on the attached monument sign exhibit,", add a sentence to read: "Monument signs shall be set at least 20 feet along Northwest Highway and at least 10 feet along Abrams Road, and are limited to the two signs and locations shown on the conceptual plan."; and **approval** of the termination of existing deed restrictions on property zoned an RR Regional Retail District with deed restrictions on the northwest corner of Abrams Road and Northwest Highway.

Maker: Jung
Second: Houston
Result: Carried: 9 to 3

For: 9 - Rieves, Houston, Davis, Shidid, Anantasomboon, Jung, Peadon, Murphy, Tarpley

Against: 3 - Anglin, Housewright, Schultz
Absent: 2 - Haney, Mack

Vacancy: 0
Conflict: 1 - Ridley

Notices: Area: 500 Mailed: 175
Replies: For: 2 Against: 0

Speakers: For: Dallas Cothrum, 900 Jackson St., Dallas, TX, 75202
Karl Crawley, 900 Jackson St., Dallas, TX, 75202
Against (Did not speak): Carlota Robinson, 6108 Abrams Rd., Dallas, TX, 75231

Officers and Partners

OWNERS:

6411 East Northwest LLC
2228 Tacketts Mill Drive
Woodridge VA 22192-3012

LG NW HWY LLC
2301 Cedar Springs
Suite 200
Dallas TX 75201

Proposed Conditions
Z157-255(OTH)

ARTICLE .

PD .

SEC. 51P-.101. LEGISLATIVE HISTORY.

SEC. 51P-.102. PROPERTY LOCATION AND SIZE.

PD xxx is established on property located at the northwest corner of Abrams Road and Northwest Highway. The size of PD is approximately 14.55 acres.

SEC. 51P-.103. DEFINITIONS AND INTERPRETATIONS.

(a) Unless otherwise stated, the definitions and interpretations in Chapter 51A apply to this article. In this district:

(1) BAIL BOND OFFICE means an office for the issuance, brokerage, or procurement of bail bonds as an accessory use or a main use.

(2) REAR FACADE WALL means the facade wall containing service areas.

(3) SERVICE AREA means any area for loading docks, outdoor storage (other than outdoor display, sales and storage area), trash collection or compaction, truck parking, or similar functions.

(4) TANDEM PARKING means one parking space in front of another parking space, making it necessary to pass through one parking space to gain vehicular access to the other parking space.

(5) TATTOO OR BODY PIERCING STUDIO means a business in which tattooing or body piercing is performed. Tattooing means the practice of producing an indelible mark or figure on the human body by scarring or inserting a pigment under the skin using needles, scalpels, or other related equipment. Body piercing means the piercing of body parts, other than ears, for purposes of allowing the insertion of jewelry.

(b) Unless otherwise stated, all references to articles, divisions, or sections in this article are to articles, divisions, or sections in Chapter 51A.

(c) This district is considered to be a nonresidential zoning district.

SEC. 51P-.104. EXHIBITS.

The following exhibit is incorporated into this article:

Exhibit ____A: conceptual plan.

Exhibit B: monument sign exhibit.

SEC. 51P-.105. CONCEPTUAL PLAN.

Development and use of the Property must comply with the conceptual plan (Exhibit ___A). If there is a conflict between the text of this article and the conceptual plan, the text of this article controls.

SEC. 51P-.106. DEVELOPMENT PLAN.

A development plan must be approved by the city plan commission before the issuance of any building permit to authorize work in this district. If there is a conflict between the text of this article and the development plan, the text of this article controls.

SEC. 51P-.107. MAIN USES PERMITTED.

(a) Except as provided in this subsection, the only main uses permitted are those main uses permitted in the RR Regional Retail District, subject to the same conditions applicable in the RR Regional Retail District, as set out in Chapter 51A. For example, a use permitted in the RR Regional Retail District only by specific use permit (SUP) is permitted only by SUP; a use subject to development impact review (DIR) in the RR Regional Retail District is subject to DIR; etc.

(b) The following use is permitted by right:

-- Multifamily.

(c) A maximum of two drive-in or drive-through uses are allowed in the property.

(d) The following uses are prohibited:

-- Alternative financial establishment.
-- Bail bond office.
-- Commercial amusement (outside).
-- Swap or buy shop.
-- Tattoo or body piercing studio.
-- Building repair and maintenance shop.
-- Gas drilling and production.
-- Halfway house.
-- Overnight general purpose shelter.

SEC. 51P-.108. ACCESSORY USES.

As a general rule, an accessory use is permitted in any district in which the main use is permitted. Some specific accessory uses, however, due to their unique nature, are subject to additional regulations in Section 51A-4.217. For more information regarding accessory uses, consult Section 51A-4.217.

SEC. 51P-.109. YARD, LOT, AND SPACE REGULATIONS.

(Note: The yard, lot, and space regulations in this section must be read together with the yard, lot, and space regulations in Division 51A-4.400. If there is a conflict between this section and Division 51A-4.400, this section controls.)

(a) Setbacks.

(1) Applicability. Setbacks apply to the perimeter of the Property only. Setbacks are not required between lots within the Property.

(2) Minimum setbacks. Except as provided in this subsection, minimum setback is:

(i) 20 feet along Abrams Road.

(ii) 20 feet along East Northwest Highway.

(iii) 20 feet along Theater Way/northern boundary.

(iv) 10 feet along all other perimeter property lines.

(3) Urban form setback and tower spacing. An additional 20-foot front yard setback is required for that portion of a structure above 45 feet in height along Northwest Highway and along Abrams Road. An additional setback of ten feet is required for any portion of a structure above 45 feet in height along Theater Way or other perimeter property lines. No additional setbacks for structures greater than 45 feet are required for internal lot lines.

CPC Recommendation:

(4) Projections. Balconies, bay windows, awnings, eaves**,** patios, signs, and entryways affixed to the building or part of the foundation may project up to five feet into a required setback. Stoops, retaining walls, benches, pots, raised planters, sculptures, cabanas and other decorative landscape items may be located within the required setback.

Staff's recommendation:

(4) Projections. The following elements are allowed to project up to five feet into a required setback:

(A) Balcones, bay windows, awnings and eaves.

(B) Patios built at grade.

(C) Attached signs.

(D) Entryways or part of the foundation.

(E) Stoops.

(F) Retaining walls, benches, pots, raised planters, sculptures, and other decorative landscape items may be located within the required setback, but not allowed to obstruct the sidewalks.

(b) Floor area ratio. Maximum floor area ratio for the entire Property is 2:1. Maximum floor area ratio for any individual lot is 4:1.

CPC Recommendation:

(c) Density. Maximum number of dwelling units is 800 units.

Staff Recommendation:

(c) Density. Maximum number of dwelling units is 320 units.

CPC Recommendation:

(d) Height.

(1) Except as provided in this subsection, maximum structure height is 54 feet.

(2) For multifamily or mixed use structures, maximum structure height is 90 feet. Minimum structure height for multifamily buildings is 36 feet.

(3) For parking structures, maximum structure height is 60 feet.

(4) Roof-mounted mechanical equipment may project up to eight feet above the maximum structure height.

(5) No structure above 45 feet is allowed within 100 feet of the northern boundary of the property.

(5) Roof-mounted mechanical equipment may project up to eight feet above the maximum structure height.

(6) No non-residential structure above 45 feet is allowed within 100 feet of the northern boundary of the property.

(6) If any portion of a structure is over 26 feet in height, that portion may not be located above a residential proximity slope. Except for chimneys, structures listed in Section 51A-4.408(a)(2) may project through the slope to a height not to exceed the maximum structure height, or 12 feet above the slope, whichever is less. Chimneys may project through the slope to a height 12 feet above the slope and 12 feet above the maximum height.

Staff's Recommendation:

(d) Height.

(1) Except as provided in this subsection, maximum structure height is 54 feet.

(2) For multifamily or mixed use structures, maximum structure height is 70 feet. Minimum structure height for multifamily buildings is 36 feet.

(3) For parking structures, maximum structure height is 60 feet.

(4) Roof-mounted mechanical equipment may project up to eight feet above the maximum structure height.

(5) No structure above 45 feet is allowed within 100 feet of the northern boundary of the property.

(6) If any portion of a structure is over 26 feet in height, that portion may not be located above a residential proximity slope. Except for chimneys, structures listed in Section 51A-4.408(a)(2) may project through the slope to a height not to exceed the maximum structure height, or 12 feet above the slope, whichever is less. Chimneys may project through the slope to a height 12 feet above the slope and 12 feet above the maximum height.

(e) Lot size. No minimum lot size.

(f) Stories.

(1) Except as provided in this subsection, minimum number of stories for multifamily uses is three.

(2) For parking structures, maximum number of stories is five.

(g) Floor area. The maximum floor area for non-residential uses is 500,000 square feet

(h) Lot Coverage. The maximum lot coverage for the entire Property is 70 percent. Maximum lot coverage for any individual lot is 80 percent.

(j) Maximum area for residential uses and amenities. Residential uses and residential amenities, as listed in Sec. 51P-___.114 b) iii) are limited to a maximum area of eight acres.

SEC. 51P-.110. OFF-STREET PARKING AND LOADING.

(a) Except as provided in this section, consult the use regulations in Division 51A-4.200 for the specific off-street parking/loading requirements for each use.

(b) Except as provided in this subsection, for non-residential uses housed in one contiguous structure with a total floor area greater than 100,000 square feet, one space per 250 square feet of floor area is required. If the floor area for all restaurant and alcoholic beverage establishment uses combined exceeds 12,500 square feet in a contiguous structure with a floor area greater than 100,000 square feet, the floor area of restaurant and alcoholic beverage establishment uses exceeding 12,500 square feet must be parked at one space per 125 square feet of floor area.

(c) Parking lots must have a pedestrian pathway system distinguished from the parking and driving surface by landscape barriers or a change in surface materials such as pavers or patterned concrete. Pedestrian pathways may not be distinguished by paint alone. Pedestrian pathways must be a minimum of six feet wide. There must be a minimum of one pedestrian pathway from Northwest Highway and from Abrams Road into the Property.

CPC Recommendation:

(d) Parking lots, excluding spaces adjacent to the perimeter of the Property, must be divided into sections containing no more than 200 parking spaces. Parking lots must be divided by landscaped dividers. Landscaped dividers must have trees spaced at a maximum of 40 feet on center and ground cover or shrubs. Pedestrian pathways with a minimum of five feet must be provided as a means of dividing the parking lot.

Staff's Recommendation:

(d) Parking lots, excluding spaces adjacent to the perimeter of the Property, must be divided into sections containing no more than 150 parking spaces. Internal parking lots must be divided by landscaped dividers. Landscaped dividers must have trees spaced at a maximum of 30 feet on center and ground cover or shrubs. Pedestrian pathways with a minimum of five feet must be provided as a means of dividing the parking lot.

Applicant's Request:

(d) Parking lots, excluding spaces adjacent to the perimeter of the Property, must be divided into sections containing no more than 225 parking spaces. Parking lots must be divided by landscaped dividers. Landscaped dividers must have trees spaced at a maximum of 40 feet on center and ground cover or shrubs. Pedestrian pathways with a minimum of five feet must be provided as a means of dividing the parking lot.

(e) For parking and loading purposes the entire Property is considered as one lot.

SEC. 51P. .111. ENVIRONMENTAL PERFORMANCE STANDARDS.

See Article VI.

SEC. 51P. .112. LANDSCAPING.

(a) Except as provided in this section, landscaping and tree preservation, removal, and replacement must be provided in accordance with Article X.

(b) All plant materials must be maintained in a healthy, growing condition.

(c) Minimum widths for landscape buffers:

1.	Abrams Road	10 feet
2.	Theater Way/northern boundary	10 feet
3.	Western boundary	5 feet
4.	Northwest Highway	10 feet

(d) Landscaped islands of a minimum of 80 square feet per row of cars must be placed at both ends of each parking row. Each landscaped island must have ground cover and a minimum of one tree.

CPC Recommendation:

(e) Except as provided in this subsection, perimeter landscape buffer strips along Theater Way and along the northern and western boundary of the property must contain large trees spaced no farther than 30 feet on center. Designated buffer plant materials are not required within any required perimeter landscape buffer strip where a local utility easement and installation prohibits the planting and maintenance of trees or shrubs. A sidewalk may be placed between the north property boundary and the perimeter landscape buffer. The required perimeter landscape buffer strip along Northwest Highway and Abrams Road must be landscaped with a minimum three-foot-tall evergreen hedge and large trees spaced at a maximum 40 feet on center.

Applicant Request:

(e) Except as provided in this subsection, perimeter landscape buffer strips along Theater Way and along the northern and western boundary of the property must contain large trees spaced no farther than 30 feet on center. Designated buffer plant materials are not required within any required perimeter landscape buffer strip where a local utility easement and installation prohibits the planting and maintenance of trees or shrubs. A sidewalk may be placed between the north property boundary and the perimeter landscape buffer. The required perimeter landscape buffer strip along Northwest Highway and Abrams Road must be landscaped with a minimum three-foot-tall evergreen hedge and large trees spaced at a maximum 30 feet on center.

(f) All mandatory landscape buffers must be installed prior to the initial certificate of occupancy for any use on the Property.

(g) Site and street trees must have a minimum caliper of three inches.

(h) No required parking space may be located more than 80 feet from the trunk of a large canopy tree. Parking lot trees must have a minimum caliper of three inches.

(i) If the Property is developed with nonresidential uses, a minimum of five percent of the Property must be designated as landscaped area. Landscaping may include ground cover, turf grass, seasonal plantings, and trees or shrubs. The required landscaped area may include landscaped medians and buffers.

SEC. 51P-.113. SIGNS.

(a) Except as provided in this section, signs must comply with the provisions for business zoning districts in Article VII.

(b) For purposes of non-premise signage and movement control signage, the Property is considered one lot.

CPC Recommendation:

(c) One multi-tenant monument sign is allowed along Northwest Highway and along Abrams Road. Maximum height of the monument sign along Northwest Highway is 35 feet, with a maximum advertising area is limited to 450 square feet for the monument sign along Northwest Highway and 375 square feet for the monument sing along Abrams Road, as shown on the attached monument sign exhibit. The monument signs shall be set back at least 20 feet along Northwest Highway and at least 10 feet along Abrams Road, and are limited to the two signs and locations shown on the conceptual plan.

Staff's recommendation:

(c) One multi-tenant monument sign is allowed along Northwest Highway and along Abrams Road. Maximum height of the monument sign along Northwest Highway is 40 feet, with a maximum effective area of 300 feet. Maximum height of the monument sign along Abrams Road is 35 feet, with a maximum effective area of 200 square feet.

Applicant's request:

(c) A maximum of one multi-tenant monument sign is allowed along Northwest Highway and along Abrams Road. Maximum height of the monument sign along Northwest Highway is 40 feet. Maximum height of the monument sign along Abrams Road is 35 feet. Maximum effective area of each monument sign is 800 square feet.

(d) Movement control signs for a medical clinic, ambulatory surgical center, or hospital use must meet the following requirements:

(1) Maximum effective area is six square feet.
(2) Maximum height of text is eight inches.

SEC. 51P-___.114. DESIGN STANDARDS.

(a) Structures containing non-residential uses.

(1) No more than 75 percent of a facade wall, exclusive of fenestration, may have a single material or color.

(2) Vinyl or metal siding may not be used as an exterior finish.

(3) Facades must incorporate:

(A) Changes of color, texture, or material, either diagonally or vertically, at intervals of not less than 30 feet and not more than 100 feet.

(B) Changes in plane with a depth of at least 4 inches, horizontally or vertically, at intervals of not less than 30 feet and not more than 100.

(4) Rear facade walls must be made up of two or more of the following materials: concrete, stone, brick, stucco, or masonry units.

(5) Rear facade walls must incorporate at least two of the following design elements:

(A) A repeating pattern of wall recesses and projections, such as bays, offsets, reveals, or projecting ribs, that have a relief of at least four inches.

(B) A repeating pattern of pilasters projecting from the façade wall by a minimum of four inches.

(C) Trim or accent elements using decorative contrasting colors.

(D) Trim or accent elements using decorative colors of at least 10 percent of the area of the façade wall exclusive of fenestration.

(6) Split faced or smooth faced concrete block and Tilt-up concrete panels that are textured and painted may only be used on rear facade walls:

(7) Facades facing Northwest Highway or Abrams Road, must incorporate one or more of the following:

(A) Changes of color, texture, or material, either diagonally, horizontally, or vertically, at intervals of not less 20 feet and not more than 200 feet.

(B) Changes in plane with a depth of at least 8 inches, either diagonally, horizontally, or vertically, at intervals of not less than 20 feet and not more than 200 feet.

(8) Shopping cart storage areas adjacent to facades (not located in parking lots) must be screened with landscaping or a maximum four-foot-high wall constructed of materials matching the materials of the primary facade. No more than two shopping cart storage areas, one on each side of an entrance, may be provided on any facade. Shopping cart storage areas may not exceed 40 feet in length.

CPC Recommendation:

~~(9) A minimum of two 500 square-foot seating areas with benches, trash receptacles and landscape or green space must be provided no more than 300 feet from a building 50,000 square feet or more.~~

Staff's Recommendation:

(9) A minimum of two 500-square-foot pedestrian seating areas with benches, trash receptacles, and landscaped area or green space must be provided no more than 300 feet from a building 50,000 square feet or more.

(b) Structures containing residential uses,

(1) Facade walls must incorporate one or more of the following:

(A) Changes of color, texture, or material, either diagonally, horizontally, or vertically, at intervals of not less than 20 foot and not more than 100 foot.

(B) Changes in plane, either diagonally, horizontally, or vertically, at intervals of not less than 20 feet and not more than 100 feet.

(2) No more than 80 percent of the area of a street facade wall, exclusive of fenestration, may consist of a single color. A minimum of 80 percent of facades facing a public street, excluding doors, windows and recessed or projected areas for porches, balconies and entries, must be constructed of brick or stone up to the level of the third story floor plate. If more than three stories in height, the remaining 20 percent and the facade above the fourth story floor plate must be constructed of masonry material, including brick, stone, stucco, or fiber cement exterior cladding material.

(3) Primary building entrances must be clearly identified using an awning, paving treatments, a change in roofline, porticos, arcades, arches, integral planters, a stoop, or front porch, unique color treatments or similar means may be approved provided the same effect is achieved.

(4) A minimum of three of the following amenities must be provided:

(A) Swimming pool with a minimum surface area of 500 square feet.

(B) Fitness center with a minimum floor area of 500 square feet.

(C) Landscaped green space with tables, chairs and other seating with a minimum area of 1,000 square feet.

(D) Meeting room or indoor recreation area with a minimum floor area of 500 square feet.

(E) Outdoor dog park with a minimum area of 500 square feet.

(F) Bicycle storage or repair room with a minimum area of 200 square feet.

SEC. 51P-.115. SIDEWALKS.

(a) In addition to the pedestrian pathway system required for parking lots in Section 51P-___.110, all buildings are required to have a sidewalk an unobstructed four-foot-wide sidewalk around the perimeter. This provision does not apply to rear facade walls.

(b) Sidewalks along Abrams Road must be a minimum unobstructed six feet wide.

(c) Sidewalks are not required along Northwest Highway.

SEC. 51P-.116. ADDITIONAL PROVISIONS.

(a) A mixed use development must contain a minimum 80 percent multifamily use within the structure.

(b) The Property must be properly maintained in a state of good repair and neat appearance.

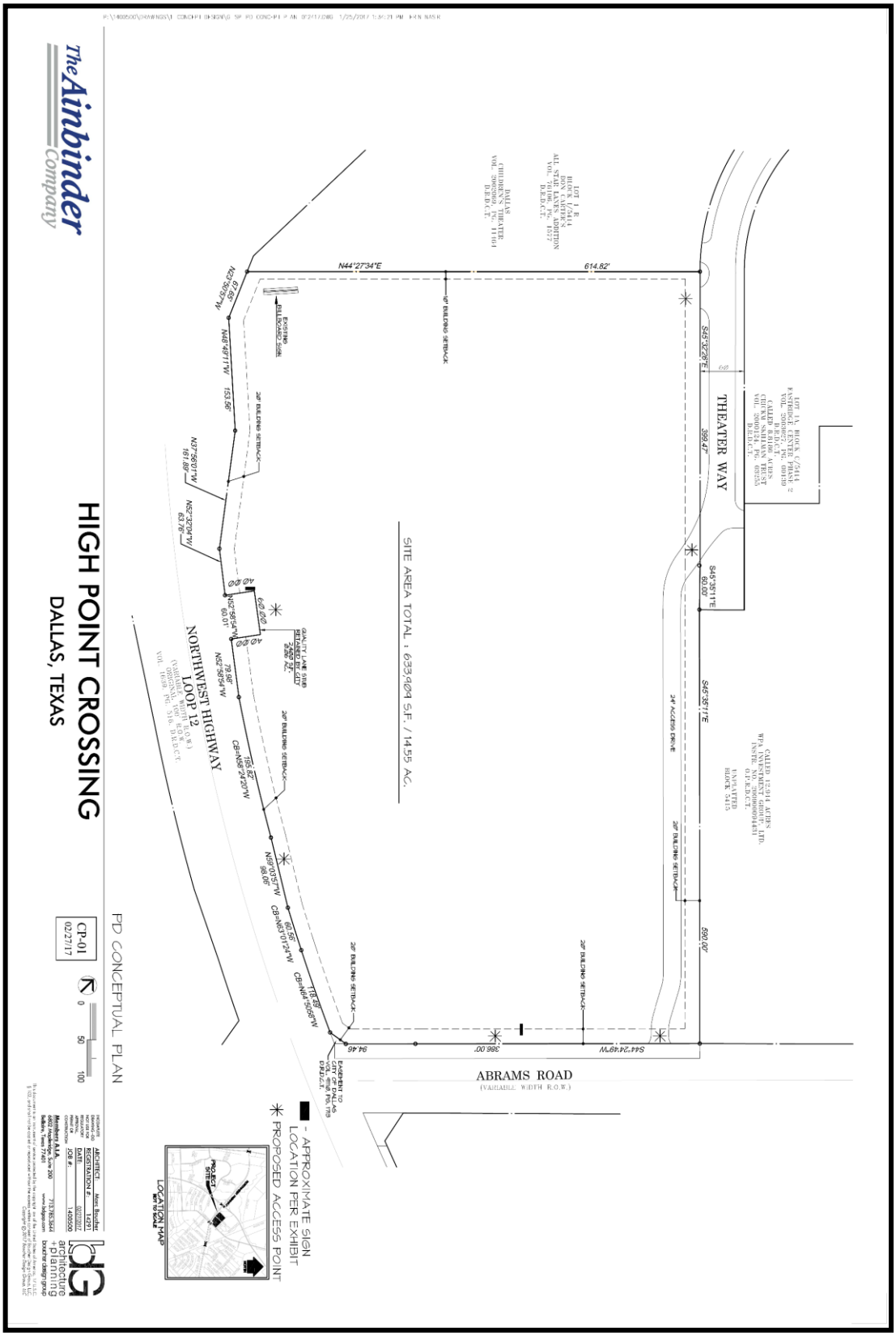
(b) Development and use of the Property must comply with all federal and state laws and regulations, and with all ordinances, rules, and regulations of the city.

SEC. 51P___.117. COMPLIANCE WITH CONDITIONS.

(a) All paved areas, permanent drives, streets, and drainage structures, if any, must be constructed in accordance with standard city specifications, and completed to the satisfaction of the director of public works and transportation.

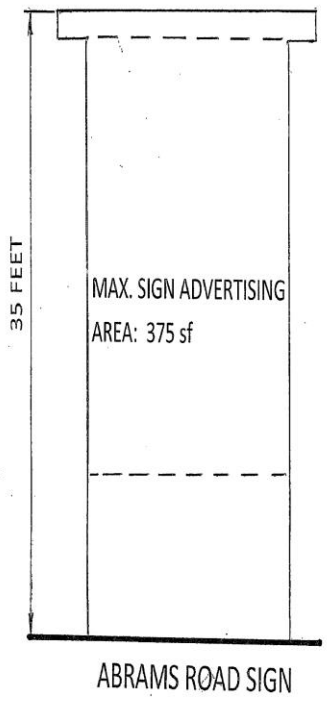
(b) The building official shall not issue a building permit or a certificate of occupancy for a use in this district until there has been full compliance with this article, the Dallas Development Code, the construction codes, and all other ordinances, rules, and regulations of the city.

PROPOSED CONCEPTUAL PLAN



MONUMENT SIGN EXHIBIT

SIGN EXHIBIT



ABRAMS ROAD SIGN



NORTHWEST HWY. SIGN

NOTE: Sign shown is for illustrative purposes only, final design to be determined at time of permit. Maximum height and advertising area per this Exhibit.

VOLUNTEERED DEED RESTRICTIONS

II.

The Owner does hereby impress all of the Property with the following deed restrictions ("restrictions"), to wit:

The existing detached sign frame located on the Property, as shown on the attached Exhibit "B" must be removed prior to the application for a certificate of occupancy for any use on the Property.

NOTE: On March 3, 2017, the applicant removed the billboard. As a result, the applicant has indicated the volunteered deed restrictions are no longer necessary.

Existing Deed Restrictions (Corner lot)

Z012-205

II.

The Owner does hereby impress all of the Property with the following deed restrictions ("Restrictions"), to wit:

(1) Floor Area Ratio: The maximum floor area ratio is as follows: (i) 0.5 for office uses; and (ii) 0.75 for all uses combined.

(2) Height: Permanent improvements constructed on the Property shall be restricted to the maximum structure height for "CR", Community Retail District as set forth in Chapter 51A of the Dallas Development Code, as amended. Except for parking garages, the maximum number of stories above grade is four. Parking garages must comply with the height regulations for CR Community Retail District.

(3) Uses: (a) Subject to the conditions set forth herein, the following uses are prohibited on the Property:

(i) alcoholic beverage establishment; and
(ii) liquor store.

(b) Notwithstanding Paragraph (a) package sale of beer, wine, liquor, or alcoholic beverages for on-premise or off-premise consumption as an accessory to other uses, including, without limitation, restaurant, general merchandise or food store, commercial amusement (inside), or motor vehicle fueling station use, is permitted.

(4) Landscaping: If the Property is to be used for "vehicle display, sales and service" use during the term of these Restrictions, the

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0219

Property must be brought into compliance with the provisions of Article X of Chapter 51A of the Dallas Development Code, as amended, within 36 months after the commencement of that use.

Existing Deed Restrictions (Internal lot)
Z989-236

II.

The Owner does hereby impress all of the Property with the following deed restrictions ("Restrictions"), to wit:

(1) Floor Area Ratio: The maximum floor area ratio is: (i) 0.5 for office uses; and (ii) 0.75 for all uses combined.

(2) Height: Permanent improvements constructed on the Property shall be restricted to the maximum structure height for "CR", Community Retail District as set forth in Chapter 51A of the Dallas Development Code, Part II, as amended. The maximum number of stories above grade is four. Parking garages are exempt from this requirement, but must comply with the height regulations in the previous sentence.

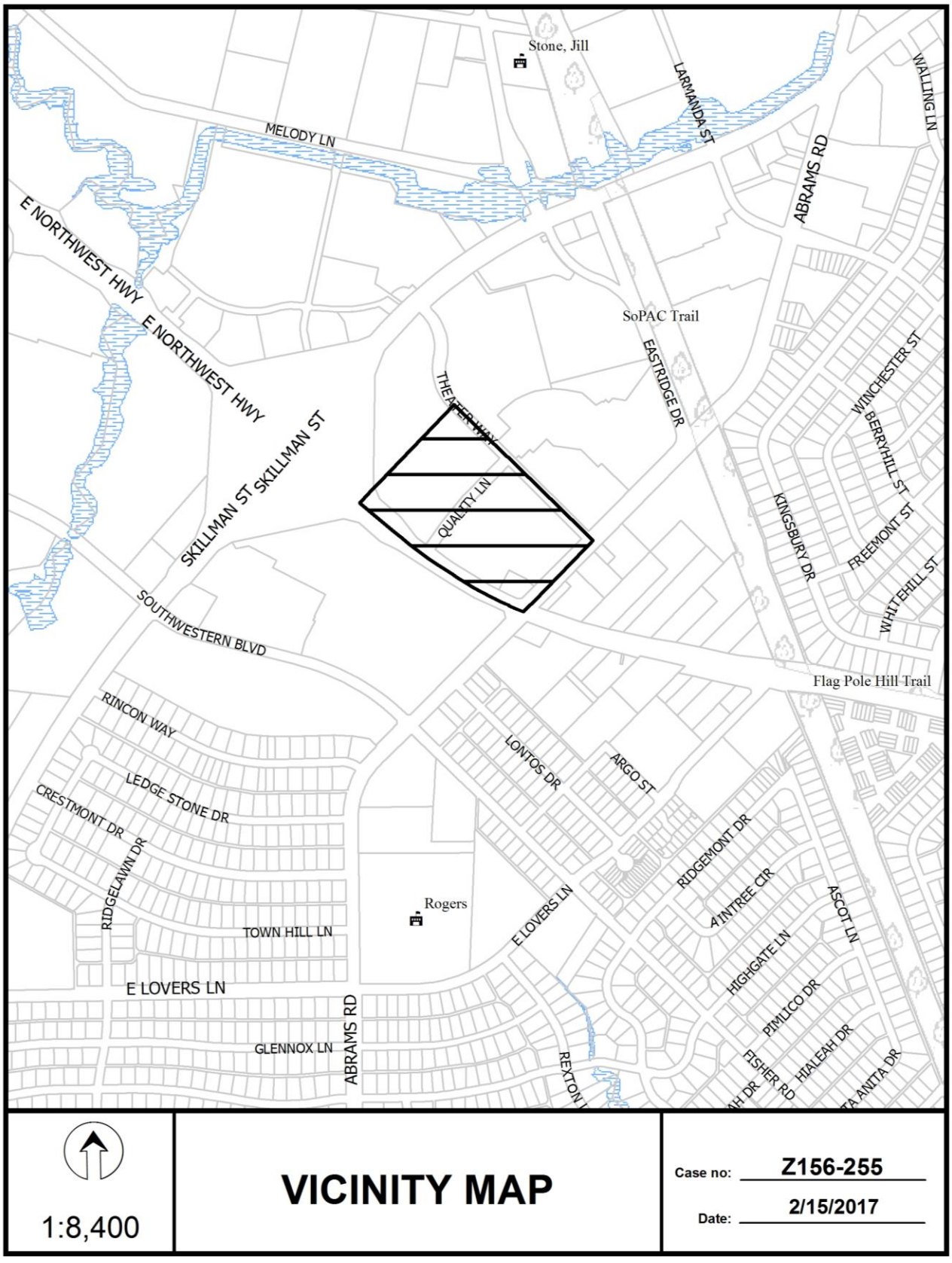
(3) Uses: (a) Subject to the conditions set forth herein, the following uses are prohibited on the Property:

(i) alcoholic beverage establishment
(ii) liquor store
(iii) sexually oriented business as defined by Chapter 41A of the Dallas City Code of Ordinances.

(b) Nothing contained herein, including, without limitation, the provisions of (a) (i) and (ii) above shall prohibit the package sale of beer, wine or liquor or the sale of alcoholic beverages by the drink as an accessory use to other uses, including, without limitation, restaurants, drug stores, grocery stores, department stores, or general merchandisers.

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Z989-236/10904-NE(RB)


Stone, Jill
MELODY LN
LARMANDA ST
WALLING LN
ABRAMS RD
E NORTHWEST HWY
E NORTHWEST HWY
SoPAC Trail
EASTRIDGE DR
WINCHESTER ST
BERRYHILL ST
SKILLMAN ST
SKILLMAN ST
THEATER WAY
QUALITY LN
KINGSBURY DR
FREEMONT ST
WHITEHILL ST
SOUTHWESTERN BLVD
Flag Pole Hill Trail
RINCON WAY
LONTOS DR
ARGO ST
LEDGE STONE DR
CRESTMONT DR
RIDGELAWN DR
RIDGEMONT DR
AINTREE CIR
ASCOT LN
Rogers
E LOVERS LN
HIGHGATE LN
TOWN HILL LN
PIMLICO DR
E LOVERS LN
ABRAMS RD
GLENNOX LN
FISHER RD
HIALEAH DR
REXTON
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VICINITY MAP
Case no: Z156-255
Date: 2/15/2017

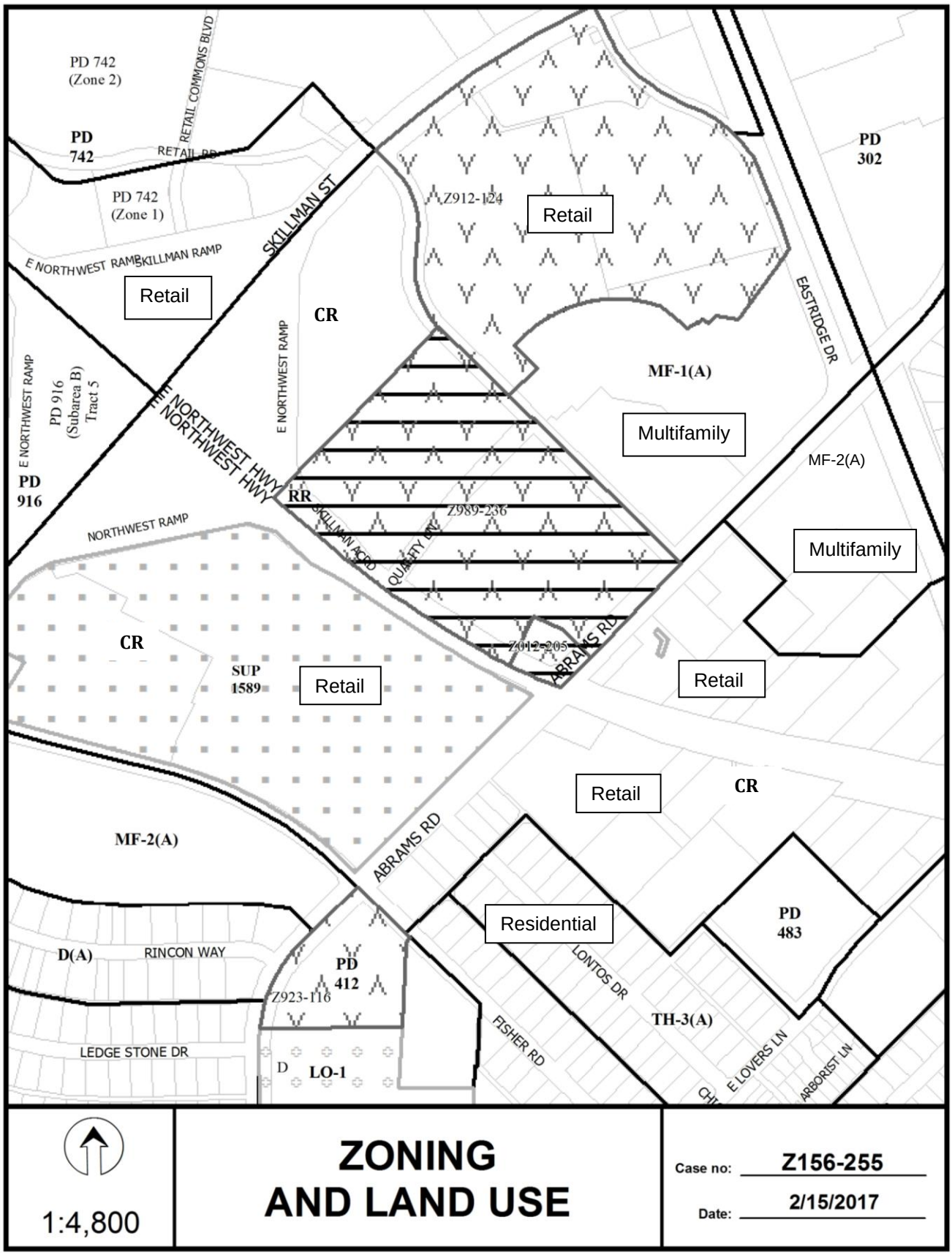


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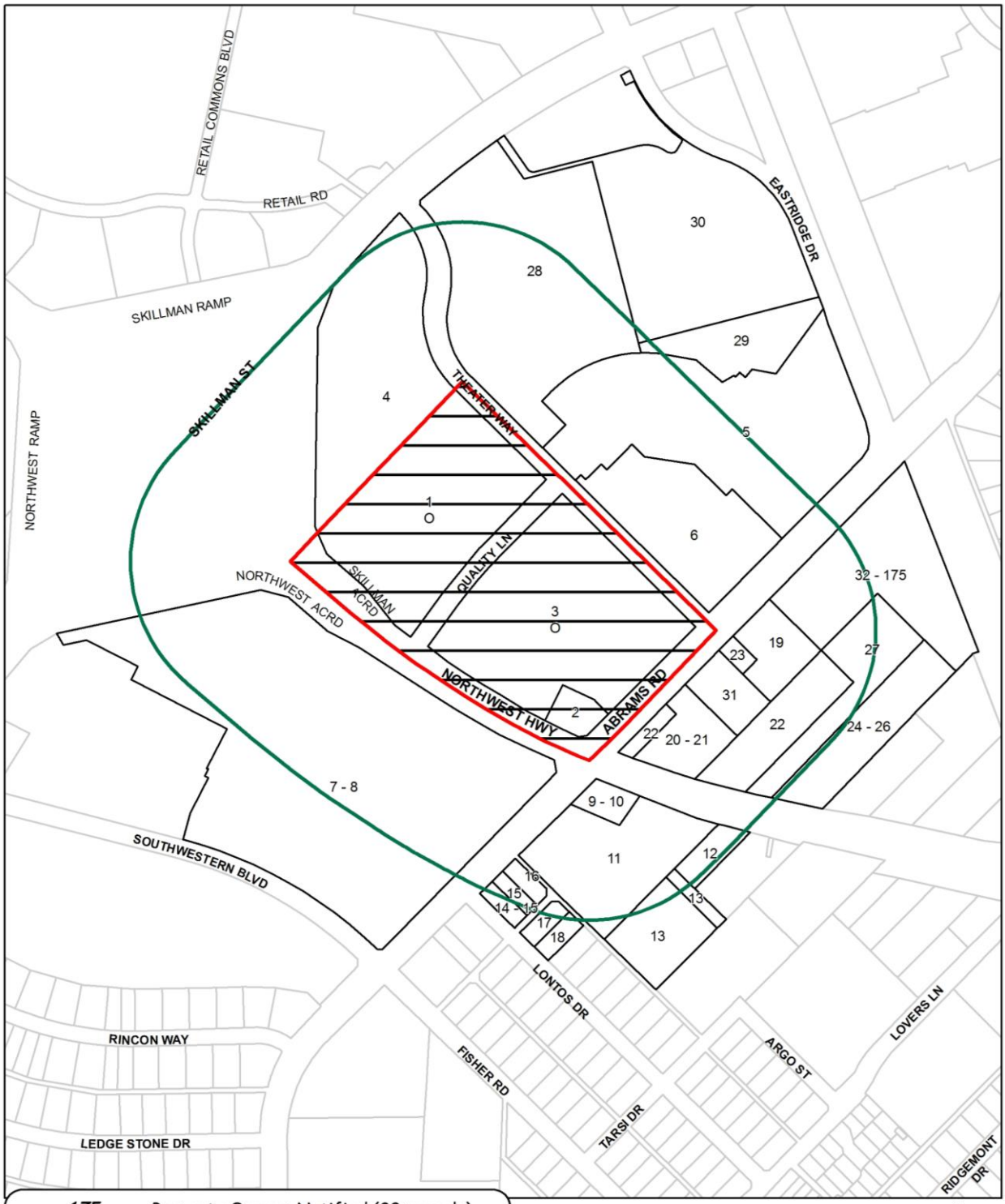
AERIAL MAP

Case no: Z156-255

Date: 2/15/2017


PD 742
(Zone 2)
RETAIL COMMONS BLVD
PD 742
RETAIL RD
PD 742
(Zone 1)
SKILLMAN ST
E NORTHWEST RAMP
SKILLMAN RAMP
Retail
CR
Z912-124
Retail
PD 302
EASTRIDGE DR
MF-1(A)
Multifamily
MF-2(A)
E NORTHWEST RAMP
PD 916
(Subarea B)
Tract 5
E NORTHWEST HWY
E NORTHWEST HWY
E NORTHWEST RAMP
PD 916
RR
Z989-236
SKILLMAN ACRD
QUALITY DR
NORTHWEST RAMP
Multifamily
CR
SUP
1589
Retail
Z012-205
ABRAMS RD
Retail
Retail
CR
MF-2(A)
ABRAMS RD
Residential
PD
483
D(A)
RINCON WAY
PD
412
Z923-116
LONTOS DR
TH-3(A)
FISHER RD
LEDGE STONE DR
D
LO-1
E LOVERS LN
ARBORIST LN
1:4,800
ZONING
AND LAND USE
Case no: Z156-255
Date: 2/15/2017

CPC RESPONSES



175	Property Owners Notified (29 parcels)
2	Replies in Favor (2 parcels)
0	Replies in Opposition (0 parcels)
500'	Area of Notification
3/2/2017	Date

Z156-255
CPC

N
W E
S

1:4,800

03/01/2017

Reply List of Property Owners

Z156-255

175 Property Owners Notified ***2 Property Owners in Favor*** ***0 Property Owners Opposed***

Reply	*Label #*	*Address*		*Owner*
O	1	6310	THEATER WAY	AINBINDER NORTHWEST HWY LLC
	2	6463	E NORTHWEST HWY	LG NW HWY LLC
O	3	6411	E NORTHWEST HWY	AINBINDER NORTHWEST HWY LLC
	4	6343	E NORTHWEST HWY	DALLAS CHILDRENS THEATRE
	5	6015	ABRAMS RD	WPA INVESTMENT GROUP LTD
	6	6003	ABRAMS RD	WPA INVESTMENT GROUP LTD
	7	6464	E NORTHWEST HWY	CARUTH W W TRUST
	8	6300	E NORTHWEST HWY	MEDALLION CENTER PARTNERS LP
	9	6500	E NORTHWEST HWY	MOBIL OIL CORP TETCO STOR
	10	6500	E NORTHWEST HWY	NORTHWEST ABRAMS SHOPPING
	11	5828	ABRAMS RD	NORTHWEST ABRAMS SHOPPING
	12	6520	E NORTHWEST HWY	L & S RENTAL PROPERTY
	13	6522	E NORTHWEST HWY	L & S RENTAL PROPERTY
	14	5804	ABRAMS RD	THREE THOUSAND FIVE INV
	15	5804	ABRAMS RD	LONTOS GEORGE
	16	5818	ABRAMS RD	COSMO VENTURES LLC
	17	6417	LONTOS DR	TAMEZ CYNTHIA
	18	6421	LONTOS DR	KLOPFENSTEIN BRENT & JUDY
	19	6012	ABRAMS RD	MARCER INVESTMENTS LLC
	20	6509	E NORTHWEST HWY	NORTHWEST JJJ INC TR
	21	6505	ABRAMS RD	QUICK-WAY RETAIL ASSOCATES 11, LTD
	22	6515	E NORTHWEST HWY	NORTHWEST JJJ INC
	23	5942	ABRAMS RD	DLTT LLC
	24	6555	E NORTHWEST HWY	ALBOA COMPANY
	25	6537	E NORTHWEST HWY	NORTHWEST DR IN INC
	26	6545	E NORTHWEST HWY	KELLER R JACKSON

03/01/2017

Reply	*Label #*	*Address*		*Owner*
	27	6537	E NORTHWEST HWY	KELLER R JACKSON ETAL
	28	6010	SKILLMAN ST	CRICKM SKILLMAN
	29	6310	EASTRIDGE DR	KREATIVE KIDS ACADEMY
	30	6410	EASTRIDGE DR	HOME DEPOT USA INC
	31	5934	ABRAMS RD	MCDONALDS USA LLC
	32	6108	ABRAMS RD	BROWN JOHNNIE R
	33	6108	ABRAMS RD	DEVEREAUX TIFFANY
	34	6108	ABRAMS RD	STABLE RIDGE CONDOS LLC
	35	6108	ABRAMS RD	BML ASSET HOLDINGS LLC
	36	6108	ABRAMS RD	STABLE RIDGE CONDOS LLC
	37	6108	ABRAMS RD	BRIDGEFORD WAYNE A
	38	6108	ABRAMS RD	WALKER LYLE B
	39	6108	ABRAMS RD	JYT ONE LLC
	40	6108	ABRAMS RD	GURMENDI LEXA
	41	6108	ABRAMS RD	ZAPATA MACRINA
	42	6108	ABRAMS RD	AGNEW SERITA GRACE
	43	6108	ABRAMS RD	GARZA ABIGAIL J
	44	6108	ABRAMS RD	DELEON MARIA E
	45	6108	ABRAMS RD	ABRAMS 6108 115 LAND TRUST
	46	6108	ABRAMS RD	BOTEJU BERNARD
	47	6108	ABRAMS RD	SMITH DIANE
	48	6108	ABRAMS RD	COLEMAN PRENTIS JIM & SUE
	49	6108	ABRAMS RD	SOLIS LUIS TREJO
	50	6108	ABRAMS RD	RYDZAK JOHN C
	51	6108	ABRAMS RD	AZIZ MOHAMMED
	52	6108	ABRAMS RD	OCTOBER PROPERTIES LLC
	53	6108	ABRAMS RD	BRISCO ANDREW W
	54	6108	ABRAMS RD	EQUITY TR CO CUSTODIAN
	55	6108	ABRAMS RD	WILLIS MARK A
	56	6108	ABRAMS RD	FRONTIER REALTY
	57	6108	ABRAMS RD	RODRIGUEZ CARLOS

03/01/2017

Reply	*Label #*	*Address*		*Owner*
	58	6108	ABRAMS RD	CRISTAL MARTIN CAZARES
	59	6108	ABRAMS RD	TAN JINI
	60	6108	ABRAMS RD	LU GUANGRONG &
	61	6108	ABRAMS RD	GARCIA FERNANDO G &
	62	6108	ABRAMS RD	GURMENDI LEXA
	63	6108	ABRAMS RD	JYT ONE LLC
	64	6108	ABRAMS RD	BEN ZEN PROPERTIES LLC
	65	6108	ABRAMS RD	ROSTRO JOSE L
	66	6108	ABRAMS RD	HILL VERNON STEWART JR
	67	6108	ABRAMS RD	5 STAR FUNDING
	68	6108	ABRAMS RD	TAN JINI L
	69	6108	ABRAMS RD	DOSS JOYCE B
	70	6108	ABRAMS RD	MARRERO DANIEL
	71	6108	ABRAMS RD	GONZALEZ NOEMI PILAR
	72	6108	ABRAMS RD	SCHULTE CHARLES & PATRICIA
	73	6108	ABRAMS RD	MUJAHID QURAN
	74	6108	ABRAMS RD	T&J ASSETS LLC
	75	6108	ABRAMS RD	SAY PROPERTIES LLC
	76	6108	ABRAMS RD	CHAN SEAN CHRISTOPHER
	77	6108	ABRAMS RD	JYT ONE LLC
	78	6108	ABRAMS RD	LEAL LUPE S & BEATRICE E
	79	6108	ABRAMS RD	MORANZ THOMAS V
	80	6108	ABRAMS RD	SARGENT MARY ELLEN
	81	6108	ABRAMS RD	KARKARIA BURGES & PARINAZ
	82	6108	ABRAMS RD	TORRES A J
	83	6108	ABRAMS RD	MCNUTT DAVIDAGE E SPECIAL SUPPLEMENTAL CARE TRUST
	84	6108	ABRAMS RD	HAMILTON MELBA
	85	6108	ABRAMS RD	VICTORINA DE LA VEGA
	86	6108	ABRAMS RD	GARCIA HORTENCIA
	87	6108	ABRAMS RD	LAMELA LEONIDA O
	88	6108	ABRAMS RD	WATERS BRADLEY A

03/01/2017

Reply	*Label #*	*Address*		*Owner*
	89	6108	ABRAMS RD	SARGENT BART
	90	6108	ABRAMS RD	PURVIS GARY A EST OF
	91	6108	ABRAMS RD	ROSA ELVIN JOHN
	92	6108	ABRAMS RD	GOMEZ YOLANDA D
	93	6108	ABRAMS RD	FRANCO EMMA
	94	6108	ABRAMS RD	SABLE RIDGE CONDOS LLC
	95	6108	ABRAMS RD	LOPEZ MANUEL A
	96	6108	ABRAMS RD	GORMAN KAREN
	97	6108	ABRAMS RD	HANSLIK JEFFREY
	98	6108	ABRAMS RD	SARGENT BARTON
	99	6108	ABRAMS RD	TROXELL FRANK
	100	6108	ABRAMS RD	RHODES GROUP LLC THE
	101	6108	ABRAMS RD	ARANGO WILLIAM & OMAIRA
	102	6108	ABRAMS RD	LEGRAND JOYCE
	103	6108	ABRAMS RD	PHOON KWOK H &
	104	6108	ABRAMS RD	WOODWORTH LIVING TRUST THE
	105	6108	ABRAMS RD	VOGES RICHARD ALAN
	106	6108	ABRAMS RD	ROSE DONALD LEE
	107	6108	ABRAMS RD	RODRIGUEZ ROGER
	108	6108	ABRAMS RD	BOTEJU ANTHONY &
	109	6108	ABRAMS RD	SOUTHWESTERN ALLIANCE FIN
	110	6108	ABRAMS RD	CLARENCE H MAIRE
	111	6108	ABRAMS RD	VANIAN MARY TRUSTEE
	112	6108	ABRAMS RD	BUNDREN CHARLES & KAREN
	113	6108	ABRAMS RD	BUNDREN CHARLES & KAREN
	114	6108	ABRAMS RD	GAUTHIER FELECIA
	115	6108	ABRAMS RD	MCMILLEN MICHAEL
	116	6108	ABRAMS RD	PAN YAQIN
	117	6108	ABRAMS RD	6108 ABRAMS
	118	6108	ABRAMS RD	KAHLER BARRY CLINTON
	119	6108	ABRAMS RD	C & K RESIDENTIAL PROPERTIES

03/01/2017

Reply	*Label #*	*Address*		*Owner*
	120	6108	ABRAMS RD	SARGENT CANDACE & BARTON
	121	6108	ABRAMS RD	EATON CLIFTON & MARVIS L
	122	6108	ABRAMS RD	GHEBREGLULL AL
	123	6108	ABRAMS RD	CHAVEZ ROSALIO &
	124	6108	ABRAMS RD	CHOU VA PHILLIP
	125	6108	ABRAMS RD	SARGENT MARY ELLEN
	126	6108	ABRAMS RD	SABLE RIDGE OWNERS ASSOCIATION INC
	127	6108	ABRAMS RD	HALL DORIS J ESTATE OR
	128	6108	ABRAMS RD	JOHNSON DON ALLEN
	129	6108	ABRAMS RD	SCHULTE CHARLES & PATRICIA
	130	6108	ABRAMS RD	CAMPUZANO MANUEL &
	131	6108	ABRAMS RD	DNI PROPERTIES LLC
	132	6108	ABRAMS RD	ROJERO MARIBEL
	133	6108	ABRAMS RD	TURNERMASON DELISA L
	134	6108	ABRAMS RD	SCHULTE CHARLES &
	135	6108	ABRAMS RD	HAMILTON GWEN S
	136	6108	ABRAMS RD	RANGEL JOSE R
	137	6108	ABRAMS RD	CLIFTON BILLY E &
	138	6108	ABRAMS RD	BEEBE JIMMY R & TERRY
	139	6108	ABRAMS RD	DALLAS LONE STAR ESTATES LLC
	140	6108	ABRAMS RD	MBNJ INVESTMENT CORPORATION
	141	6108	ABRAMS RD	LE PHAT
	142	6108	ABRAMS RD	SLICKSON RENTALS LP
	143	6108	ABRAMS RD	SALTO MARIA L V
	144	6108	ABRAMS RD	MASSIEBOTO PATTIE
	145	6108	ABRAMS RD	MORRIS ANDREW
	146	6108	ABRAMS RD	BOTEJU BERNARD
	147	6108	ABRAMS RD	BUTCHER JOYCE
	148	6108	ABRAMS RD	GUZMAN HERIBERTO & ALICIA
	149	6108	ABRAMS RD	ROBINSON CARLOTA
	150	6108	ABRAMS RD	SANCHEZ CESAR

03/01/2017

Reply	*Label #*	*Address*		*Owner*
	151	6108	ABRAMS RD	HYNES HAROLD & CATHERINE
	152	6108	ABRAMS RD	COLON EDNA
	153	6108	ABRAMS RD	WEBB JIMMIE RUSSELL
	154	6108	ABRAMS RD	THOMPSON KENNETH L & ETAL
	155	6108	ABRAMS RD	ROBINSON CARLOTA
	156	6108	ABRAMS RD	MIAN OMAR
	157	6108	ABRAMS RD	SABLE RIDGE OWNERS ASSOCIATION INC
	158	6108	ABRAMS RD	CASTILLO SAMUEL
	159	6108	ABRAMS RD	ALFIA DOR
	160	6108	ABRAMS RD	STEWARD VANESSA D
	161	6108	ABRAMS RD	CLARK CRYSTAL N
	162	6108	ABRAMS RD	LAKEW ABEBA
	163	6108	ABRAMS RD	RAY STEVEN & NYCOLE
	164	6108	ABRAMS RD	MERREN LUIS A JR
	165	6108	ABRAMS RD	MONTOGOMERY JOHN
	166	6108	ABRAMS RD	MMCP LLC
	167	6108	ABRAMS RD	MAI NHAN V &
	168	6108	ABRAMS RD	BAJONERO APOLINAR P
	169	6108	ABRAMS RD	DIGGS SHERMAN WILLIAM &
	170	6108	ABRAMS RD	NEFF SARAH J
	171	6108	ABRAMS RD	GEZAHEGNE GEBRE
	172	6108	ABRAMS RD	HOGMAN BRUCE R
	173	6108	ABRAMS RD	BONCEA MARIUS & CLAUDIA
	174	6108	ABRAMS RD	BRICKMAN THOMAS M
	175	6108	ABRAMS RD	GREENE MARQUES

AGENDA ITEM # 77

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: April 12, 2017

COUNCIL DISTRICT(S): 8

DEPARTMENT: Sustainable Development and Construction

CMO: Majed Al-Ghafry, 670-3302

MAPSCO: 69 M; R

SUBJECT

A public hearing to receive comments regarding an application for and an ordinance granting a Specific Use Permit for the placement of fill material on property zoned an A(A) Agricultural District and an R-10(A) Single Family District on the east side of Haymarket Road, south of LBJ Freeway
Recommendation of Staff and CPC: Approval for a three-year period, subject to an operations plan and conditions
Z156-273(OTH)

HONORABLE MAYOR & CITY COUNCIL **WEDNESDAY, APRIL 12, 2017**

ACM: Majed Al-Ghafry

FILE NUMBER:	Z156-273(OTH)	**DATE FILED:**	October 13, 2016
LOCATION:	East side of Haymarket Road, south of LBJ Freeway		
COUNCIL DISTRICT:	8	**MAPSCO:**	69 M, R
SIZE OF REQUEST:	Approx. 89 acres	**CENSUS TRACT:**	171.02

APPLICANT/ OWNER: Ruibal's Farms LP

REPRESENTATIVE: Santos Martinez, Masterplan

REQUEST: An application for a Specific Use Permit for the placement of fill material on property zoned an A(A) Agricultural District and an R-10(A) Single Family District.

SUMMARY: The purpose of this request is to bring the site into compliance for the placement of infill material already deposited on the site and for future placement of fill material.

CPC RECOMMENDATION: **Approval** for a three-year period, subject to an operations plan and conditions.

STAFF RECOMMENDATION: **Approval** for a three-year period, subject to an operations plan and conditions.

DESIGNATED ZONING CASE

BACKGROUND:

- The 89 acre site is comprised of two properties currently undeveloped. The applicant plans to ultimately use the land for farming.

- A portion of the proposed site was previously used for sand and gravel mining before it was annexed into the City of Dallas. This use terminated in 1989. There is a pond on the southern portion of the property due to the excavation activity. The pond will be maintained.

- The applicant requested a certificate of occupancy (CO) several times, but either the COs were not finalized or the applicant cancelled the request. The applicant obtained a permit from the Texas Commission of Environmental Quality (TCEQ) and began bringing dirt to the site without the necessary SUP.

- The applicant estimates that an approximately 265,000 cubic yards of dirt is needed to level the property to be able to start crop production. The approximate time to add the dirt is estimated to be three years depending on the availability of appropriate dirt.

- The applicant has placed fill material from the Dallas Arboretum parking garage, Farmers Market, Texas Department of Transportation construction projects, and THE Bleu Ciel project. These materials, according to the applicant, complied with the qualified fill material requirement, which means nonhazardous excess soil excavated from improvements containing only clean, uncontaminated soil, dirt, clay, or inert natural materials not regulated by the TCEQ.

- The applicant intends to bring more material from the improvements of LBJ and CF Hawn Freeway Interchange, which is located northeast of the property.

Zoning History: There has been one zoning case in the area over the past five years.

Z156-347 On February 8, 2017, the City Council approved an R-7.5(A) Single Family District on property zoned a CR-D-1 Community Retail District with a D-1 Liquor Control Overlay and deed restrictions located on the northwest corner of Haymarket Road and Oakwood Drive.

Thoroughfares/Streets:

Thoroughfare/Street	Type	Existing ROW
Haymarket Road	Collector	60 Feet

Traffic:

The Engineering Division of the Department of Sustainable Development and Construction has reviewed the request and determined that it will not have a detrimental impact on the surrounding street system.

COMPREHENSIVE PLAN:

The *forwardDallas! Comprehensive Plan* was adopted by the City Council in June 2006. The *forwardDallas! Comprehensive Plan* outlines several goals and policies which can serve as a framework for assisting in evaluating the applicant's request.

The use is consistent with the following land use policy:

Environment Element

GOAL 6.6 Increase Recycling and Conservation of Renewable Resources

Policy 6.4.4 Restore and manage sensitive areas.

	Zoning	Land Use
Site	A(A), R-10(A)	Undeveloped
North	R-10(A)	Single Family
East	R-10(A) & A(A)	Single Family and undeveloped
South	A(A)	Single family and undeveloped
West	R-7.5(A), A(A), CR-D-1 with deed restrictions	Single family; nursery, garden shop or plant sales; undeveloped.

Land Use Compatibility:

The property is zoned an R-10(A) Single Family District and an A(A) Agricultural District, and the applicant is proposing to use the property for farming. The surrounding uses are residential, retail, undeveloped and a nursery, garden shop or plant sales. The ultimate use of the land, farming, is compatible with the surrounding uses in the area.

The property is near an inactive landfill. However, the Texas Commission of Environmental Quality (TECQ) has reviewed the documentation required by the state to allow the placement of fill material on the property. The Office of Environmental Quality as well as the Storm Water Management support the request based on staff discussions and the TECQ comments.

The general provisions for a Specific Use Permit in Section 51A-4.219 of the Dallas Development Code specifically state: (1) The SUP provides a means for developing certain uses in a manner in which the specific use will be consistent with the character of the neighborhood; (2) Each SUP application must be evaluated as to its probable effect on the adjacent property and the community welfare and may be approved or denied as the findings indicate appropriate; (3) The city council shall not grant an SUP for a use except upon a finding that the use will: (A) complement or be compatible with the surrounding uses and community facilities; (B) contribute to, enhance, or promote the welfare of the area of request and adjacent properties; (C) not be detrimental to the public health, safety, or general welfare; and (D) conform in all other respects to all applicable zoning regulations and standards.

The short period of time for the request will allow the neighbors and the City to evaluate the use, if the applicant chooses to renew the SUP. The TECQ, the Office of Environmental Quality and Storm Water Management Departments of the City of Dallas have oversight and monitoring authority over the site. The conditions including the operation plan will help to ensure the use is not detrimental to the surrounding uses.

Development Standards:

DISTRICT	SETBACKS		Density	Height	Lot Coverage	Special Standards	PRIMARY Uses
	Front	Side/Rear					
A(A) Agricultural	50'	20'/50'	1 Dwelling Unit/3 Acres	24'	10%		Agricultural & single family
R-10(A) Single Family	30'	6'	1 Dwelling Unit/ 10,000 sq. ft.	30'	45%		Single family

Landscaping:

The request does not trigger landscape requirements.

Parking:

There is no parking or loading requirements for the proposed use.

Operations Plan:

The proposed use does not require a site plan but does require an operations plan. An operations plan must include hours of operation; location and depth of fill; fences or any other barriers necessary for safety and screening; drainage and erosion measures; mean of protection of trees; truck routes to be used; the length of time to complete the filling; and sufficient ingress and egress to and from the site. The applicant complies with the operations plan requirements.

CPC ACTON:
March 2, 2073

Motion: It was moved to recommend **approval** of a Specific Use Permit for the placement of fill material for a three-year period, subject to an operations plan and conditions on property zoned an A(A) Agricultural District and R-10(A) Single Family District on the east side of Haymarket Road, south of LBJ Freeway.

Maker: Davis
Second: Murphy
Result: Carried: 13 to 0

For: 13 - Anglin, Rieves*, Houston*, Davis, Shidid, Anantasomboon, Jung, Housewright, Schultz, Peadon, Murphy, Ridley, Tarpley

Against: 0
Absent: 1 - Haney
Vacancy: 0
Conflict: 1 - Mack

*out of the room, shown voting in favor

Notices: Area: 500 Mailed: 76
Replies: For: 3 Against: 1

Speakers: None

Officers and Partners

Ruibal Farm LP

Linda Ruibal	Manager
Mike Ruibal	Manager

Proposed Conditions
Z156-273(OTH)

1. USE: The only use authorized by this specific use permit is placement of fill material limited to qualified fill material. Qualified fill material means nonhazardous excess soil excavated from improvements containing only clean, uncontaminated soil, dirt, clay, or inert natural materials not regulated by the Texas Commission on Environmental Quality.

2. OPERATIONS PLAN: Use and development of the Property must comply with the attached operations plan.

3. TIME LIMIT: This specific use permit expires on three-years of the passage of this ordinance.

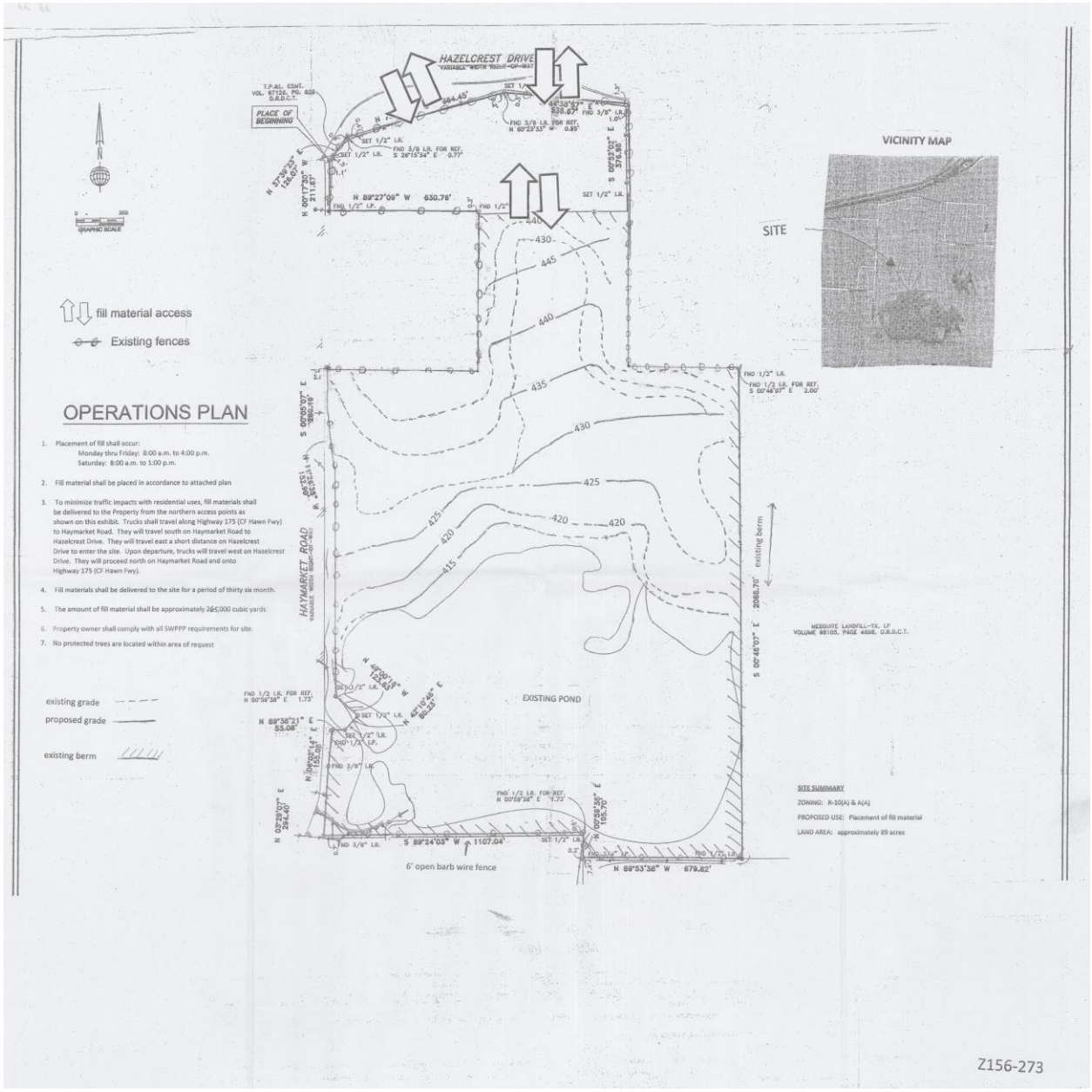
4. ENVIRONMENTAL TESTING: All appropriate environmental testing and studies regarding the condition of the qualified fill material must be performed for every 50,000 cubic yards of qualified fill material, and all sampling plans and results must be provided to the director of Office of Environmental Quality to ensure compliance with this condition.

5. INGRESS-EGRESS: Ingress and egress must be provided in the locations shown on the attached site plan. No other ingress or egress is permitted.

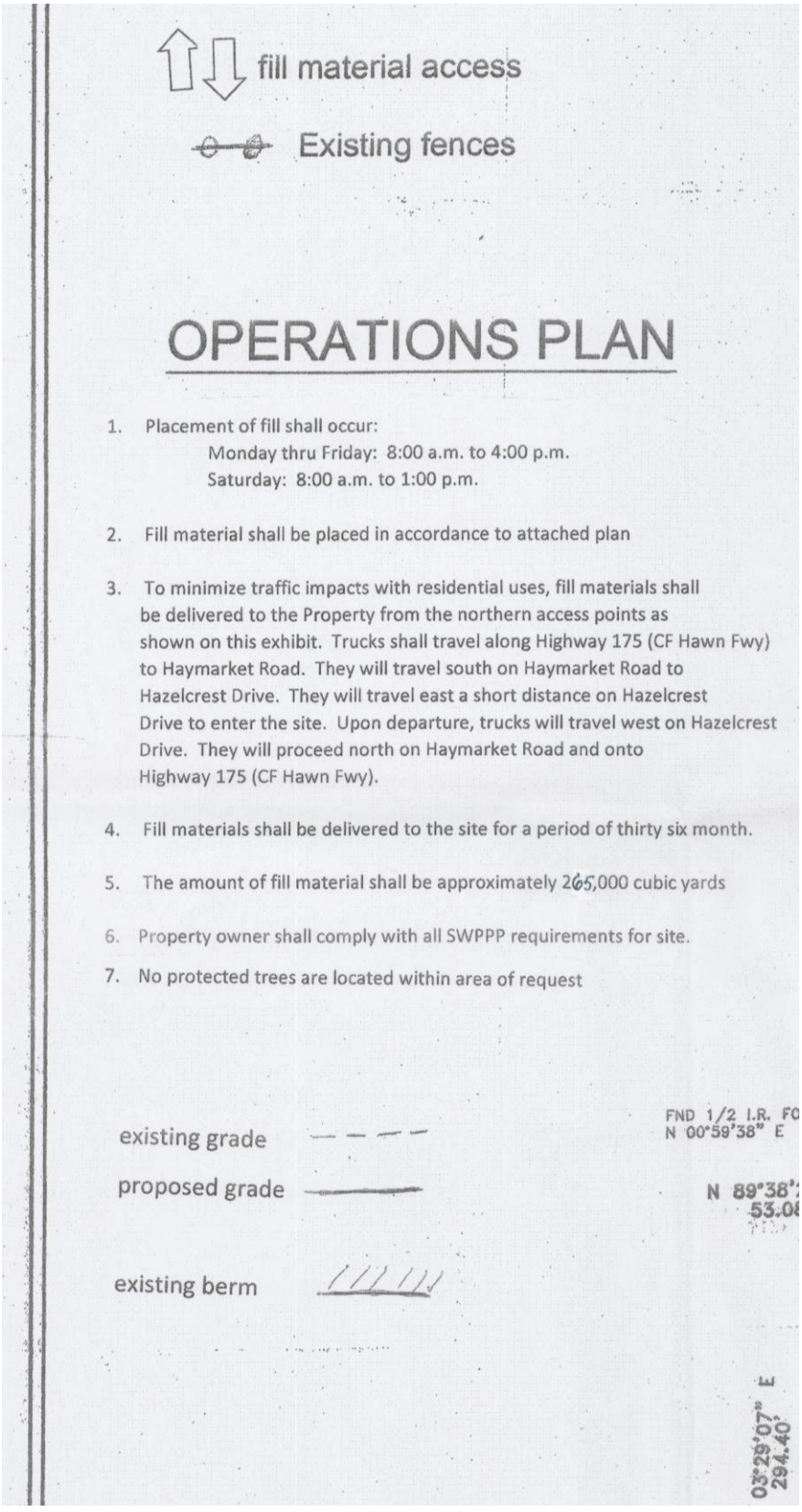
6. MAINTENANCE: The Property must be properly maintained in a state of good repair and neat appearance.

7. GENERAL REQUIREMENTS: Use of the Property must comply with all federal and state laws and regulations, and with all ordinances, rules, and regulations of the City of Dallas.

PROPOSED OPERATIONS PLAN



PROPOSED OPERATIONS PLAN (enlargement)



fill material access

Existing fences

OPERATIONS PLAN

1. Placement of fill shall occur:
   Monday thru Friday: 8:00 a.m. to 4:00 p.m.
   Saturday: 8:00 a.m. to 1:00 p.m.
2. Fill material shall be placed in accordance to attached plan
3. To minimize traffic impacts with residential uses, fill materials shall be delivered to the Property from the northern access points as shown on this exhibit. Trucks shall travel along Highway 175 (CF Hawn Fwy) to Haymarket Road. They will travel south on Haymarket Road to Hazelcrest Drive. They will travel east a short distance on Hazelcrest Drive to enter the site. Upon departure, trucks will travel west on Hazelcrest Drive. They will proceed north on Haymarket Road and onto Highway 175 (CF Hawn Fwy).
4. Fill materials shall be delivered to the site for a period of thirty six month.
5. The amount of fill material shall be approximately 265,000 cubic yards
6. Property owner shall comply with all SWPPP requirements for site.
7. No protected trees are located within area of request

existing grade

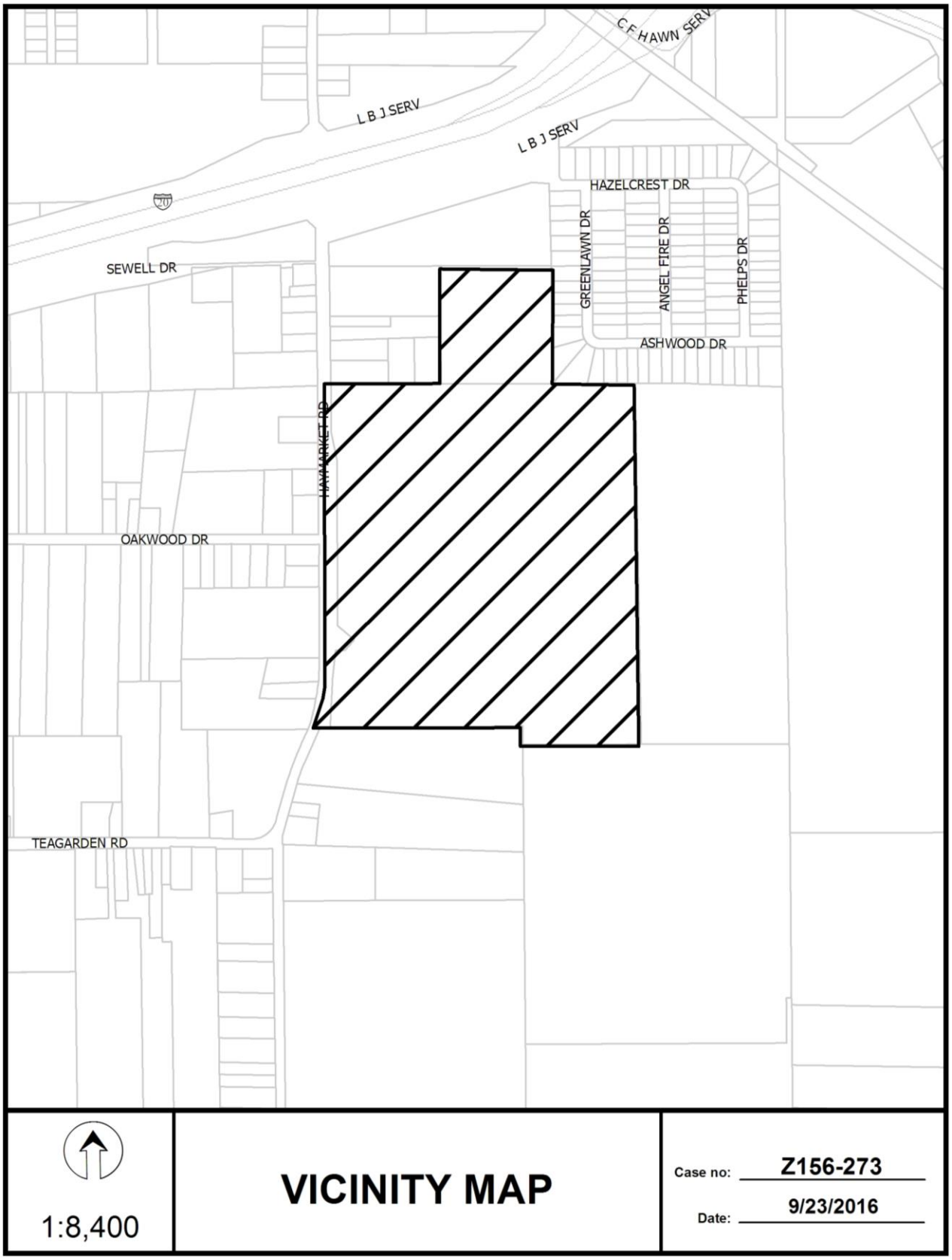
proposed grade

existing berm

FND 1/2 I.R. FC
N 00°59'38" E

N 89°38'
53.0

03°29'07" E
294.40'


C F HAWN SERV
L B J SERV
L B J SERV
HAZELCREST DR
GREENLAWN DR
ANGEL FIRE DR
PHELPS DR
ASHWOOD DR
SEWELL DR
HAYMARKET RD
OAKWOOD DR
TEAGARDEN RD
1:8,400
VICINITY MAP
Case no: Z156-273
Date: 9/23/2016

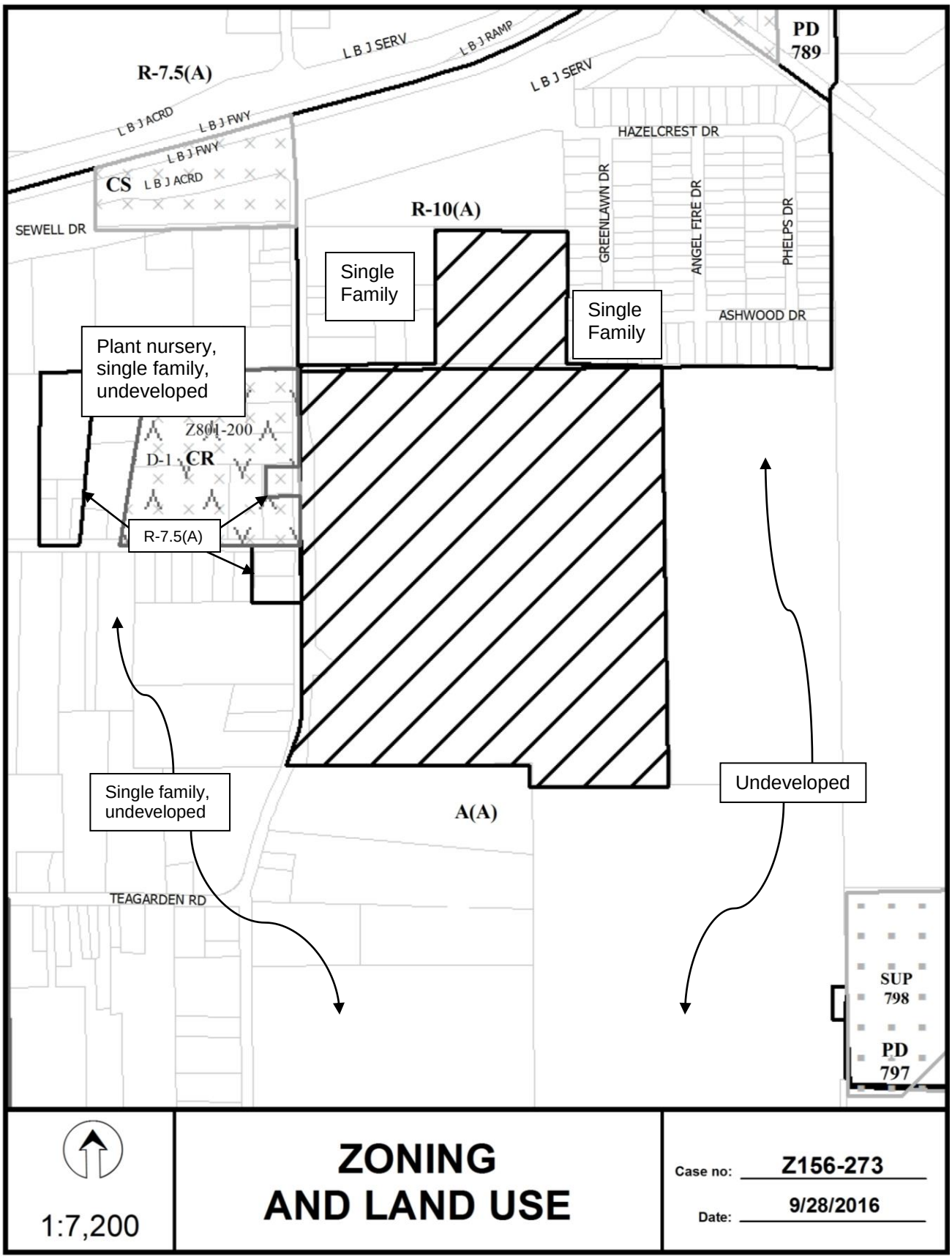


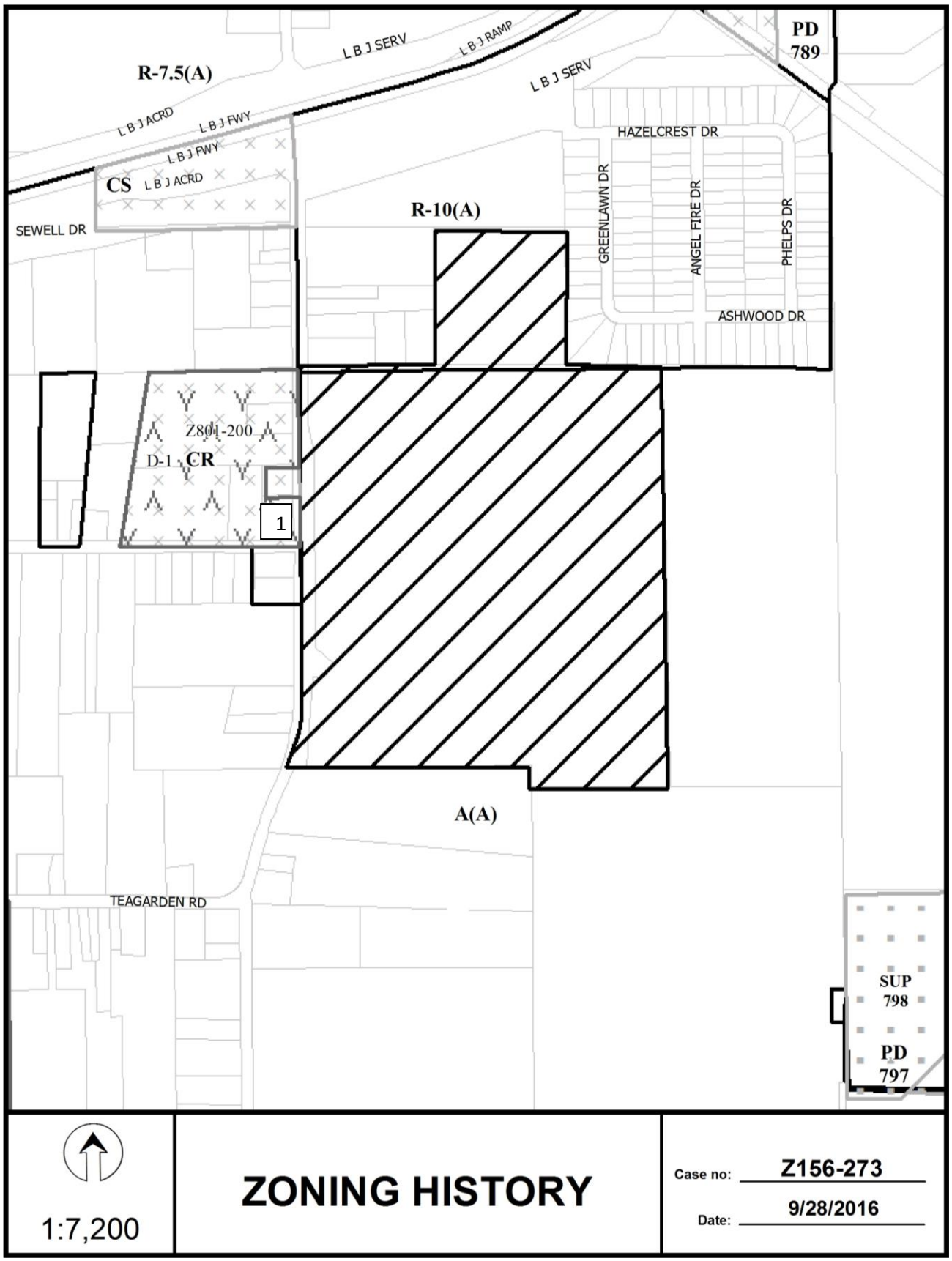
1:7,200

AERIAL MAP

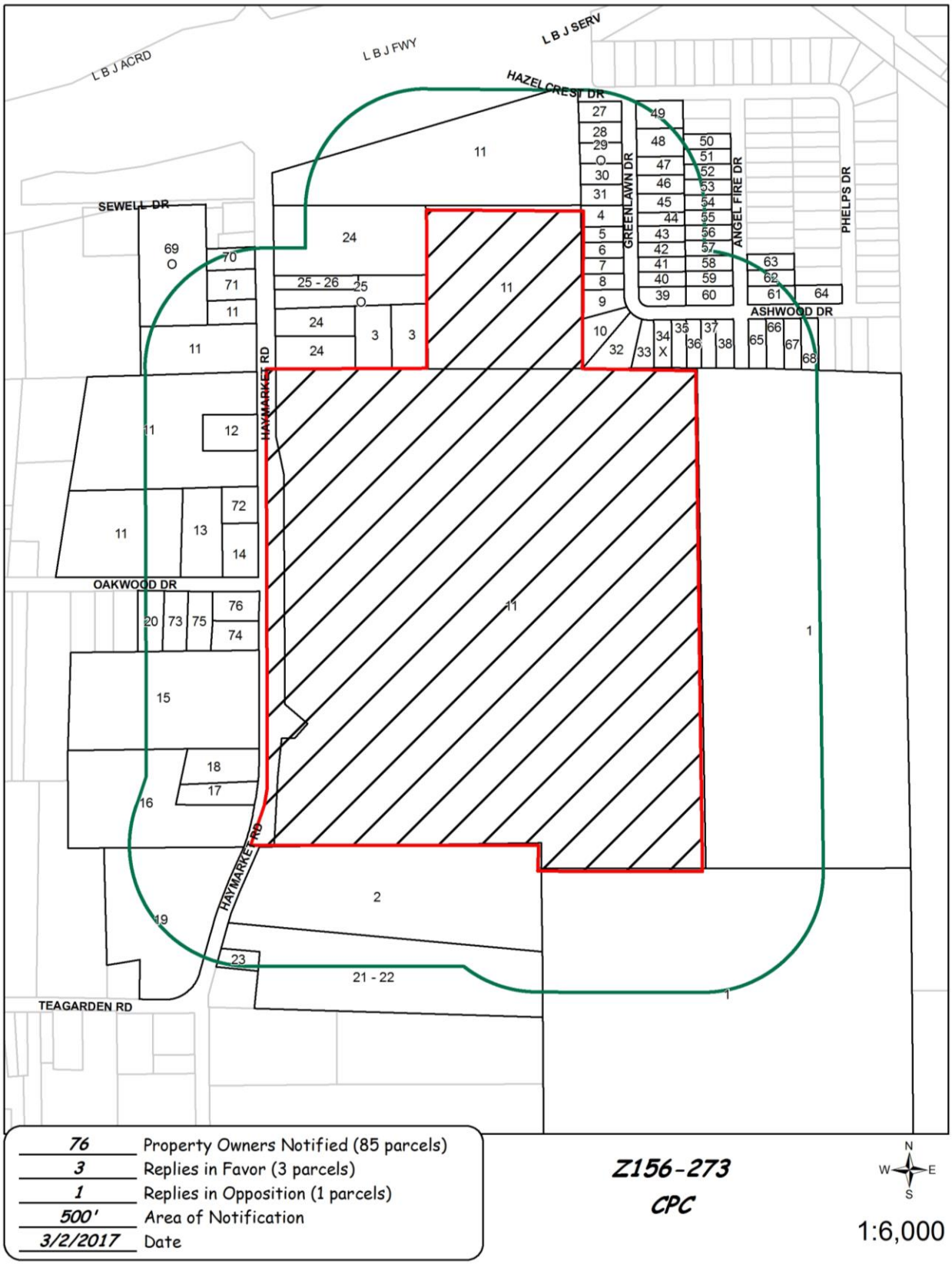
Case no: Z156-273

Date: 9/23/2016


R-7.5(A)
L B J SERV
L B J RAMP
L B J SERV
PD 789
L B J ACRD
L B J FWY
L B J FWY
CS
L B J ACRD
HAZELCREST DR
GREENLAWN DR
ANGEL FIRE DR
PHELPS DR
SEWELL DR
R-10(A)
Single Family
Single Family
ASHWOOD DR
Plant nursery, single family, undeveloped
Z801-200
D-1
CR
R-7.5(A)
Single family, undeveloped
A(A)
Undeveloped
TEAGARDEN RD
SUP 798
PD 797
1:7,200
ZONING AND LAND USE
Case no: Z156-273
Date: 9/28/2016


R-7.5(A)
L B J SERV
L B J RAMP
L B J SERV
PD 789
L B J ACRD
L B J FWY
L B J FWY
CS
L B J ACRD
HAZELCREST DR
GREENLAWN DR
ANGEL FIRE DR
PHELPS DR
SEWELL DR
R-10(A)
ASHWOOD DR
Z804-200
D-1
CR
1
A(A)
TEAGARDEN RD
SUP 798
PD 797
1:7,200
ZONING HISTORY
Case no: Z156-273
Date: 9/28/2016

CPC RESPONSES



03/01/2017

Reply List of Property Owners

Z156-273

76 Property Owners Notified ***3 Property Owners in Favor*** ***1 Property Owners Opposed***

Reply	*Label #*	*Address*		*Owner*
	1	2000	JORDAN VALLEY RD	MESQUITE LANDFILL TX LP
	2	1814	HAYMARKET RD	HUTCHESON CHILDRENS TRUST THE
	3	8790	HAYMARKET RD	BOHANNON DONNA P
	4	1603	GREENLAWN DR	PRESIDIO ALTO LLC 1603G
	5	1607	GREENLAWN DR	TROUTMAN JOHN F & GLORIA
	6	1611	GREENLAWN DR	WEBB GEORGE JR
	7	1615	GREENLAWN DR	WEBB GEORGE JR
	8	1619	GREENLAWN DR	DALLAS CITY OF COUNTY OF
	9	1623	GREENLAWN DR	NUNO JAIME &
	10	1627	GREENLAWN DR	TATUM DIANNE
	11	1543	HAYMARKET RD	RUIBAL FARMS LP
	12	1651	HAYMARKET RD	RUIBAL MATTHEW J
	13	10531	OAKWOOD DR	BAKER GERALD A
	14	10540	OAKWOOD DR	ALVAREZ PEDRO FERNANDO
	15	1733	HAYMARKET RD	HAWTHORNE BRENT A &
	16	1801	HAYMARKET RD	LOZANO MALIO & RAQUEL
	17	1747	HAYMARKET RD	VELAZQUEZ JOSE J
	18	1739	HAYMARKET RD	MOLINA OSCAR &
	19	1700	HAYMARKET RD	HOWARD JAMES
	20	10524	OAKWOOD DR	HERRERA RAUL & MARTHA
	21	1818	HAYMARKET RD	RUIBAL FARMS LP
	22	1820	HAYMARKET RD	RUIBAL FARMS LP
	23	1822	HAYMARKET RD	RODRIGUEZ AUDIE &
	24	1512	HAYMARKET RD	BOHANNON DONNA P
O	25	1522	HAYMARKET RD	DUKE JAMES FRANKLIN
	26	1522	HAYMARKET RD	DUKE PRODUCTS CO
	27	1507	GREENLAWN DR	BENITEZ MARIA DOLORES

03/01/2017

Reply	*Label #*	*Address*		*Owner*
	28	1515	GREENLAWN DR	FUENTES JUAN ANTONIO
O	29	1521	GREENLAWN DR	ALVAREZ CARLOS &
	30	1525	GREENLAWN DR	ALBARRAN VICTOR
	31	1531	GREENLAWN DR	NETROGARCIA YESSENIA
	32	11208	ASHWOOD DR	RUIZ JUAN
	33	11212	ASHWOOD DR	HERNANDEZ PEDRO
X	34	11216	ASHWOOD DR	BOYD ROBERT HOWARD
	35	11220	ASHWOOD DR	JUAREZ RODOLFO
	36	11224	ASHWOOD DR	RENTAL STABLE LLC
	37	11228	ASHWOOD DR	M R WEST PROPERTIES LLC
	38	11232	ASHWOOD DR	HERNANDEZ HERACLIO &
	39	1626	GREENLAWN DR	UMANZOR CIRIACO TIBURCIO
	40	1622	GREENLAWN DR	GALVAN SAMUEL & CARMELA
	41	1618	GREENLAWN DR	RAMIREZ CECILIO &
	42	1614	GREENLAWN DR	VILLALOBOS ISMARL &
	43	1610	GREENLAWN DR	GOODSON M E
	44	1606	GREENLAWN DR	NOE BARBARA J
	45	1602	GREENLAWN DR	LONG JAMES B JR
	46	1532	GREENLAWN DR	MERCADO JUANA
	47	1526	GREENLAWN DR	RODRIQUEZ ABEL VILLA
	48	1522	GREENLAWN DR	VERA FRANCISCO J
	49	1506	GREENLAWN DR	LUPIAN ESTHER
	50	1519	ANGEL FIRE DR	RENTERIA JOSE N & ROCIO
	51	1523	ANGEL FIRE DR	WILSON LAWRENCE R SR
	52	1527	ANGEL FIRE DR	AGUILAR FELEX
	53	1533	ANGEL FIRE DR	RODRIGUEZ BAUDELIO A
	54	1605	ANGEL FIRE DR	NETRO BENITO
	55	1609	ANGEL FIRE DR	SENDEJO ROY S
	56	1615	ANGEL FIRE DR	LEDEZMA ANTONIO
	57	1619	ANGEL FIRE DR	PEREZ JAIME LEAL &
	58	1623	ANGEL FIRE DR	DAVALOS MARTIN
	59	1627	ANGEL FIRE DR	LOPEZORTEGA ENDI EFRAY &

03/01/2017

Reply	*Label #*	*Address*		*Owner*
	60	1631	ANGEL FIRE DR	RADA ANTONIO S
	61	1630	ANGEL FIRE DR	MOORE WILLIE EARL JR &
	62	1626	ANGEL FIRE DR	VILLALOBOS JESSE & ELVA
	63	1622	ANGEL FIRE DR	HERRERA ERNESTO ESQUIVEL &
	64	1633	PHELPS DR	GRIFFITH JUNE
	65	1	ASHWOOD DR	BASS BOBBY G
	66	2	ASHWOOD DR	JORDAN ROBIN BASS ET AL
	67	11252	ASHWOOD DR	LOPEZ ROGELIO &
	68	11258	ASHWOOD DR	PADILLA JOSE PIEDAD ORAS
O	69	10440	SEWELL RD	LEMONS JAMES D
	70	1517	HAYMARKET RD	STARNES MARY ALICE
	71	1523	HAYMARKET RD	STARNES WELDON EUGENE &
	72	1699	HAYMARKET RD	SOSA JOSE HUGO & KAREN
	73	10526	OAKWOOD DR	ESPINO GONZALO
	74	1723	HAYMARKET RD	SWEET BILLIE JEANE
	75	10530	OAKWOOD DR	MEDINA ARACELI &
	76	9999	OAKWOOD DR	GUTIERREZ ADEL

AGENDA ITEM # 78

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: April 12, 2017

COUNCIL DISTRICT(S): 6

DEPARTMENT: Sustainable Development and Construction

CMO: Majed Al-Ghafry, 670-3302

MAPSCO: 44 P

SUBJECT

A public hearing to receive comments regarding an application for the renewal of Specific Use Permit No. 1813 for a recycling collection center for the collection of household metals, industrial metals and recyclable materials on property zoned an IR Industrial Research District on the northeast corner of Sylvan Avenue and Fabrication Street
Recommendation of Staff: Approval for an 18-month period, subject to conditions
Recommendation of CPC: Denial
Z156-332(PD)

HONORABLE MAYOR & CITY COUNCIL **WEDNESDAY, APRIL 12, 2017**

ACM: Majed Al-Ghafry

FILE NUMBER: Z156-332(PD) **DATE FILED:** August 11, 2016

LOCATION: Northeast corner of Sylvan Avenue and Fabrication Street

COUNCIL DISTRICT: 6 **MAPSCO:** 44-P

SIZE OF REQUEST: ±0.2635 acres **CENSUS TRACT:** 0043.00

APPLICANT / OWNER: Rigoberto Rosales

REPRESENTATIVE: Peter Kavanagh

REQUEST: An application for the renewal of Specific Use Permit No. 1813 for a recycling collection center for the collection of household metals, industrial metals, and recyclable materials on property zoned an IR Industrial Research District.

SUMMARY: The request is to allow for the recycling collection center to continue operating at this location. There are no proposed changes to the conditions or the site/landscape plan of Specific Use Permit No. 1813.

CPC RECOMMENDATION: **Denial**

STAFF RECOMMENDATION: **Approval** for an 18-month period, subject to conditions.

DESIGNATED ZONING CASE

BACKGROUND:

- The recycling collection center is located on ±11,456 square feet of land with ingress from Fabrication Street and egress onto an adjacent alley north of the site that leads to Sylvan Avenue.

- The site is developed with two buildings, an office building and a storage facility for the collection of the recyclable materials. The site is secured by a 6-foot tall perimeter fence which provides screening of the entire site, parking and drop-off area. To further minimize the visual impact of the site a landscape buffer consisting of eight mature Bradford Pear trees align Sylvan Avenue.

- The original SUP was approved on October 13, 2010 for a two-year period. The SUP was renewed on October 10, 2012, and August 12, 2015, for additional two-year periods. The Dallas Development Code permits no more than a two-year period for this use.

- The SUP would have expired on August 12, 2016; however, the applicant submitted the renewal application on August 11, 2016.

- On September 2, 2016, staff conducted a site visit and determined that the site was out of compliance with the approved site/landscape plan. Staff held the application until compliance was met.

- On June 19, 2013, City Council approved PD No. 891 providing the beginning of incremental zoning changes in general compliance with the West Dallas Urban Structure and Guidelines area plan (The Structure).

Zoning History: There have been three recent zoning change requests within the area in the last five years. Additionally there have been three zoning change requests within the vicinity of the request site that will work in tandem with the vision of the West Dallas Urban Structure and Guidelines area plan (The Structure), but are not in immediate proximity of the request site, and therefore are not shown on the zoning history map.

1. Z156-302 On September 28, 2016, City Council approved an expansion to Planned Development District No. 891. No changes to the conditions of PD No. 891 are requested with this request.

2. Z164-282 On December 10, 2014, City Council approved Planned Development District No. 933 for certain Mixed Uses on property zoned an IR Industrial Research District.

3. Z112-319 On June 19, 2013, City Council approved Planned Development District No. 891 for certain Mixed Uses on property zoned an IR Industrial Research District.

Thoroughfares/Streets:

Thoroughfare/Street	Type	Existing ROW
Sylvan Avenue	Local	80 ft.
Fabrication Street	Local	50 ft.

Traffic: The Engineering Division of the Sustainable Development and Construction Department has reviewed the request and has determined that the development has not had a negative impact on the surrounding street system.

Thoroughfare and Special Cross Section Plans: On June 19, 2013, the City Council approved an amendment to the Thoroughfare Plan by making the following changes: 1. changing the dimensional classification of Singleton Boulevard from Sylvan Avenue to Canada Drive from a six-lane divided [M-6-D(A)] roadway within 100 feet of right-of-way to a special four lane divided (SPCL 4D) roadway with bicycle lanes within 88 feet of right-of-way; 2. Adding Bataan Street from Singleton Boulevard to Commerce Street as a special two lane undivided collector (SPCL 2U) roadway with on-street parking within 54 feet of right-of-way; 3. Adding Herbert Street from Singleton Boulevard to Commerce Street as a special two-lane undivided collector (SPCL 2U) roadway with on-street parking within feet of right-of-way; and 4. Adding Amonette Street from Singleton Boulevard to Commerce Street as a two-lane undivided collector (SPCL 2U) roadway with on-street parking within 54 feet of right-of-way.

The (Structure) calls for an enhanced street grid that prioritizes pedestrians, bicycles, and transit over movement of goods and services and the automobile. The City of Dallas Thoroughfare Plan was amended to provide for this connected grid. These links, in conjunction with the City's bond program are intended to provide north/south thoroughfares under the Union Pacific Railroad right-of-way which is directly south of Sylvan Avenue and will enhance connectivity for this portion of West Dallas to other areas of the city.

Surrounding Land Uses:

	Zoning	Land Use
Site	IR, SUP No. 1813	Recycling facility
North	IR	Home Improvement Center/Building Materials Yard
South	IR	Retail/Bakery
East	IR	Outside Storage
West	IR, TH-3(A)	Single Family/Undeveloped Lot

COMPREHENSIVE PLAN: The *forwardDallas! Comprehensive Plan* was adopted by the City Council in June 2006. The *forwardDallas! Comprehensive Plan* outlines several goals and policies which can serve as a framework for assisting in evaluating the applicant's request.

GOAL 1.1 Align Land Use Strategies with Economic Development Priorities

Policy 1.1.2 Focus on Southern Sector development opportunities.

1.1.2.1 Initiate Area Plans to evaluate land use opportunities for appropriate and compatible development and to coordinate public investment and land use regulations with development activity. Include area stakeholders in the development of Area Plans.

GOAL 2.1 Promote Balance Growth

Policy 2.1.2 Ensure that Area Plans include an economic development component to address the economic factors of the areas in the context of the City as a whole.

Area Plan:

On March 9, 2011, City Council approved the West Dallas Urban Structure and Guidelines area plan (the Structure). The plan provides a template for redevelopment of the area generally bounded by Canada Drive/Beckley Avenue, IH-30, and Sylvan Avenue; and envisions dense, pedestrian-oriented, mixed-use neighborhoods along the Singleton Boulevard and Herbert Street corridors.

The Structure prefers residential urban development characterized by three to five story buildings containing multiple residential units. This type of development provides a more human-scale type development and higher density residential development along the Trinity River which is the desired land use. While the proposed use is not compatible with the vision of the area plan, the property is maintained in good condition and provides a viable use as the area progresses toward the vision of the West Dallas Urban Structure and Guidelines area plan.

The Structure was developed using a collaborative community-based process under the guidance of the Dallas CityDesign Studio. Public input was a cornerstone of the Structure's development, with over 40 community meetings as well as detailed discussion and interaction with the applicant in order to reach a consensus around the vision for the area.

As an investment in this key move to reformat the built environment in the area, the City of Dallas included $34 million in the 2012 Bond Program to design and construct underpasses under the existing Union Pacific Railroad. This improved connectivity places the target for growth directly south of Sylvan Avenue.

STAFF ANALYSIS:

Land Use Compatibility:

The request site is located in an area with a myriad of uses with vastly approaching mixed used development. Presently Sylvan Avenue acts as delineation in not only the change of use but also the intensity of uses. The request site is located within an industrial area. The property is surrounded by a variety of uses that vary in parcel size and level of intensity ranging from large and small scale warehouses to a small bakery.

The site is designed in a way that places the entrance along Fabrication Street which minimizes any impact along Sylvan Avenue. People conducting business onsite enter from Fabrication Street and exit north onto an adjacent alley that leads to Sylvan Avenue. The site's development contains the use entirely within a structure and is totally surrounded and enclosed by a solid fence. In an effort to further contribute to the enhancement, safety and welfare of the neighborhood, the site is securely gated nightly at the close of business. These overall site characteristics serve to minimize the impact of the development on the surrounding properties.

The general provisions for a Specific Use Permit in Section 51A-4.219 of the Dallas Development Code specifically state: (1) The SUP provides a means for developing certain uses in a manner in which the specific use will be consistent with the character of the neighborhood; (2) Each SUP application must be evaluated as to its probable effect on the adjacent property and the community welfare and may be approved or denied as the findings indicate appropriate; (3) The city council shall not grant an SUP for a use except upon a finding that the use will: (A) complement or be compatible with the surrounding uses and community facilities; (B) contribute to, enhance, or promote the welfare of the area of request and adjacent properties; (C) not be detrimental to the public health, safety, or general welfare; and (D) conform in all other respects to all applicable zoning regulations and standards. The regulations in this chapter have been established in accordance with a comprehensive plan for the purpose of promoting the health, safety, morals, and general welfare of the city.

The proposed use not only provides a service to the City but is also not anticipated to negatively impact adjacent properties as long as it remains compliant with the conditions of the SUP. Further the specific use permit process provides the City an

opportunity to establish conditions such as hours of operation and site layout to mitigate any potential negative impacts. In the future, staff believes that when this area transitions, this use will in fact not be the best fit for the area. However, presently due to the size of the site, containment of the use internal to the site and its structure which helps to control the exterior maintenance of the site and noise; the recommended one-year time frame allowing the City to continuously re-evaluate the compatibility of the use provides a short term viable interim use for this site that would otherwise be vacant.

Development Standards:

DISTRICT	SETBACKS		Density	Height	Lot Coverage	Special Standards	PRIMARY Uses
	Front	Side/Rear					
IR - Existing Industrial	15'	0'	No Maximum	200'	80%	NA	Industrial

Landscaping: No additional landscape is required or proposed.

Police Department: The Dallas Police Department has indicated that the applicant is in compliance with Chapter 40B in operating the proposed recycling collection center. Chapter 40B has a set of regulations that are tailored to minimize the potential of purchasing stolen items. Regulations listed in Chapter 40B include a list of prohibited items that cannot be purchased by secondary metal recyclers; identification protocol that has to be met; the need for secondary metal recyclers to maintain a seller inventory; and stipulations on how payments can be made.

Crime Statistics: Since the approval of SUP No. 1813, there have been no records for Arrest, Calls, or Citations for the site.

CPC ACTION

January 5, 2017:

Motion: It was moved to recommend **denial** of the renewal of Specific Use Permit No. 1813 for a recycling collection center for the collection of household metals, industrial metals and recyclable materials on property zoned an IR Industrial Research District on the northeast corner of Sylvan Avenue and Fabrication Street.

Maker: Anantasomboon
Second: Davis
Result: Carried: 9 to 4

For: 9 - Anglin, Rieves, Houston, Davis, Anantasomboon, Haney, Jung, Schultz, Peadon

Against: 4 - Shidid, Murphy, Ridley, Tarpley
Absent: 1 - Housewright
Vacancy: 1 - District 7

Notices: Area: 200 Mailed: 18
Replies: For: 2 Against: 0

Speakers: For: Peter Kavanagh, 1620 Handley Dr., Dallas, TX, 75208
Against: None

APPLICANT/STAFF PROPOSED SUP CONDITIONS

1. USE: The only use authorized by this specific use permit is a recycling collection center for the collection of household metals, industrial metals, and recyclable materials. No other materials may be collected or recycled.

2. SITE/LANDSCAPE PLAN: Use and development of the Property must comply with the attached site plan.

3. TIME LIMIT: This specific use permit expires on [~~August 12, 2016~~] eighteen months from passage of this ordinance.

4. LANDSCAPING: Landscaping must be provided as shown on the attached site plan.

5. HOURS OF OPERATION: The recycling collection center may only operate between 8:00 a.m. and 6:00 p.m., Monday through Friday, and between 8:00 a.m. and 5:00 p.m. on Saturday.

6. INGRESS-EGRESS: Ingress and egress must be provided in the location shown on the attached site plan. No other ingress or egress is permitted.

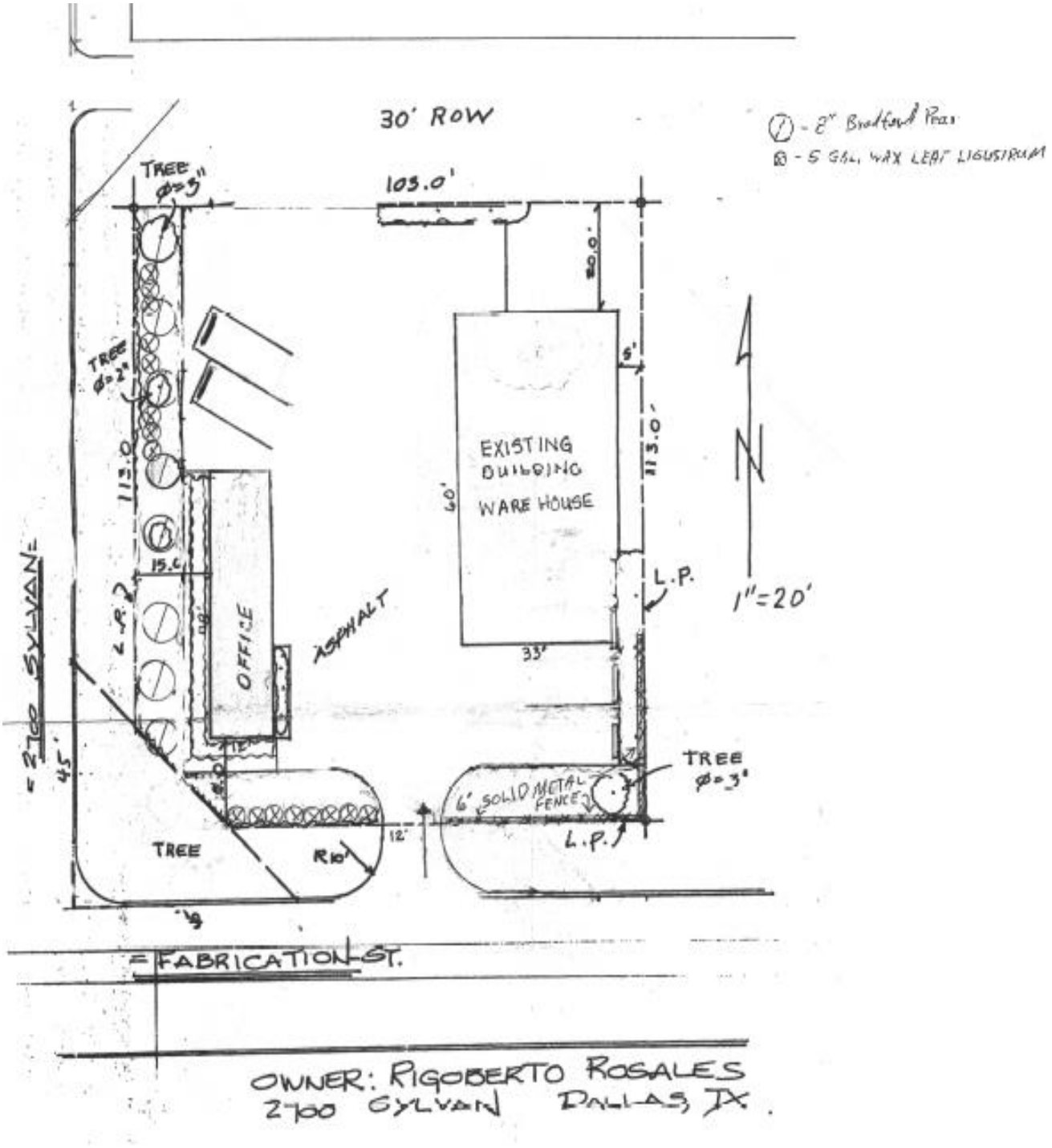
7. PARKING: Parking must be located as shown on the attached site plan.

8. REGULATED PROPERTY LICENSE: The operator of this use must have a secondary metals recyclers' license under Dallas City Code Chapter 40B.

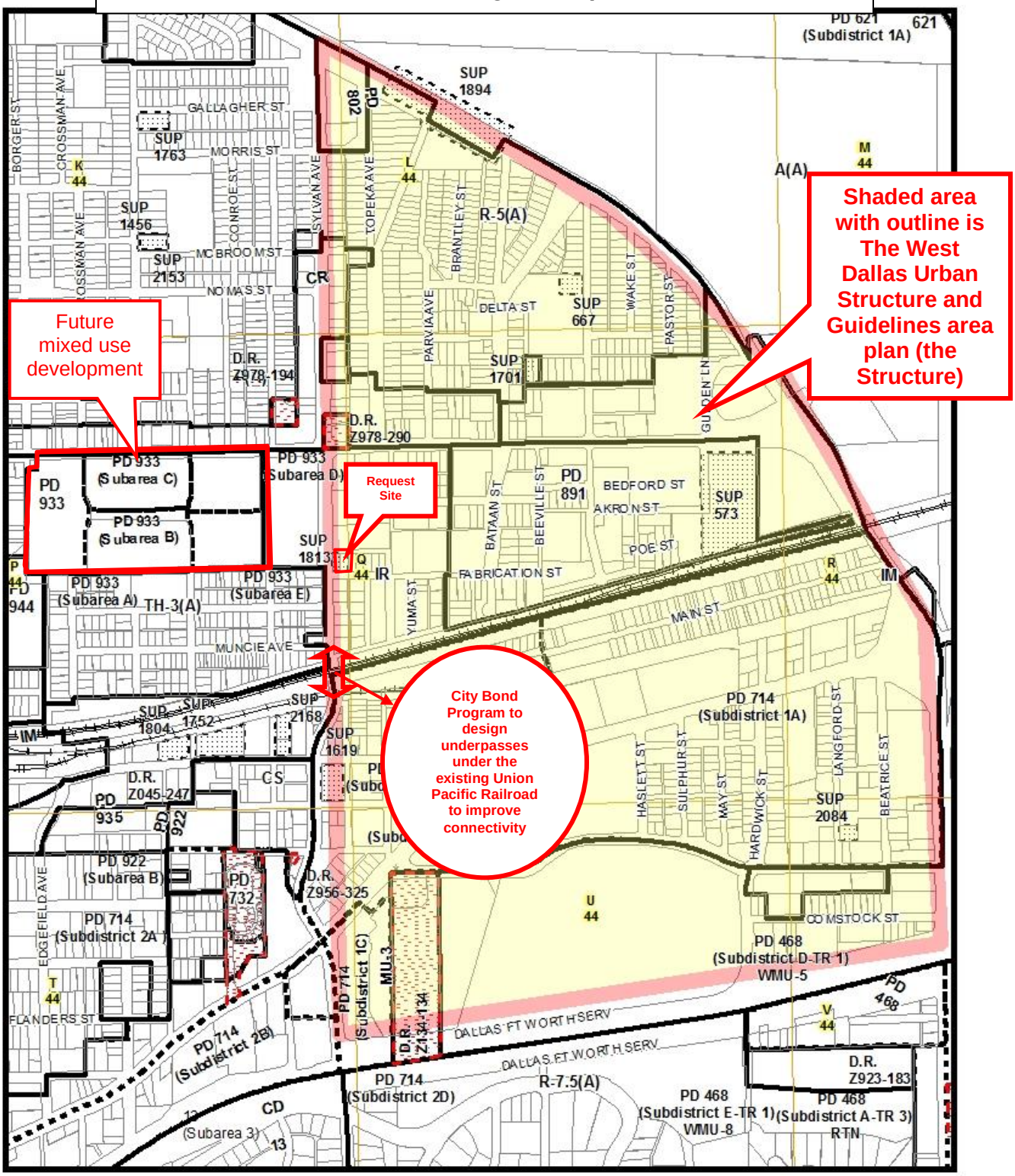
9. MAINTENANCE: The Property must be properly maintained in a state of good repair and neat appearance.

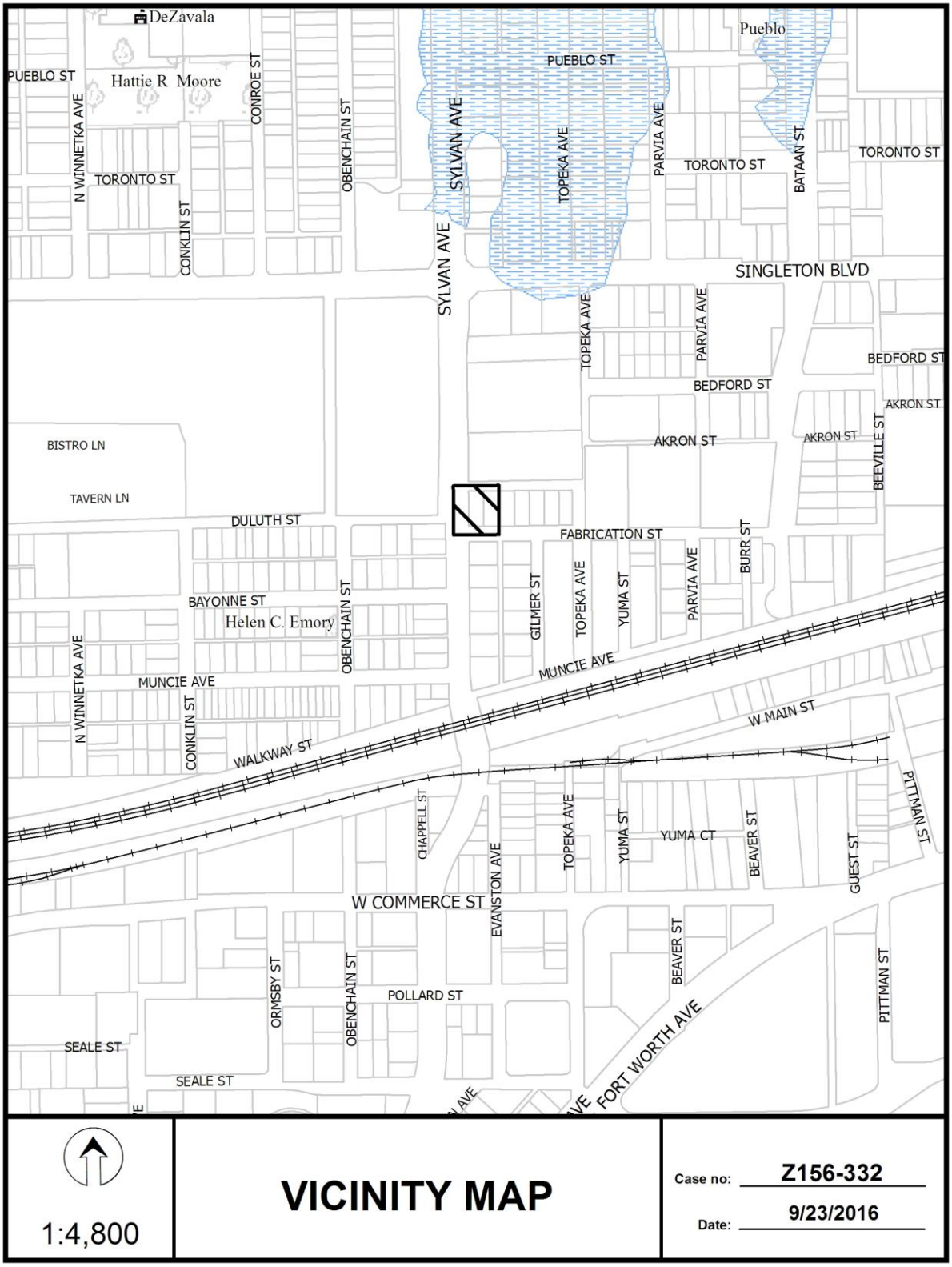
10. GENERAL REQUIREMENTS: Use of the Property must comply with all federal and state laws and regulations, and with all ordinances, rules, and regulations of the City of Dallas.

EXISTING SUP SITE PLAN



Request site in relation to The West Dallas Urban Structure and Guidelines area plan (The Structure), Thoroughfare Plan and new surrounding development





1:4,800

VICINITY MAP

Case no: Z156-332

Date: 9/23/2016

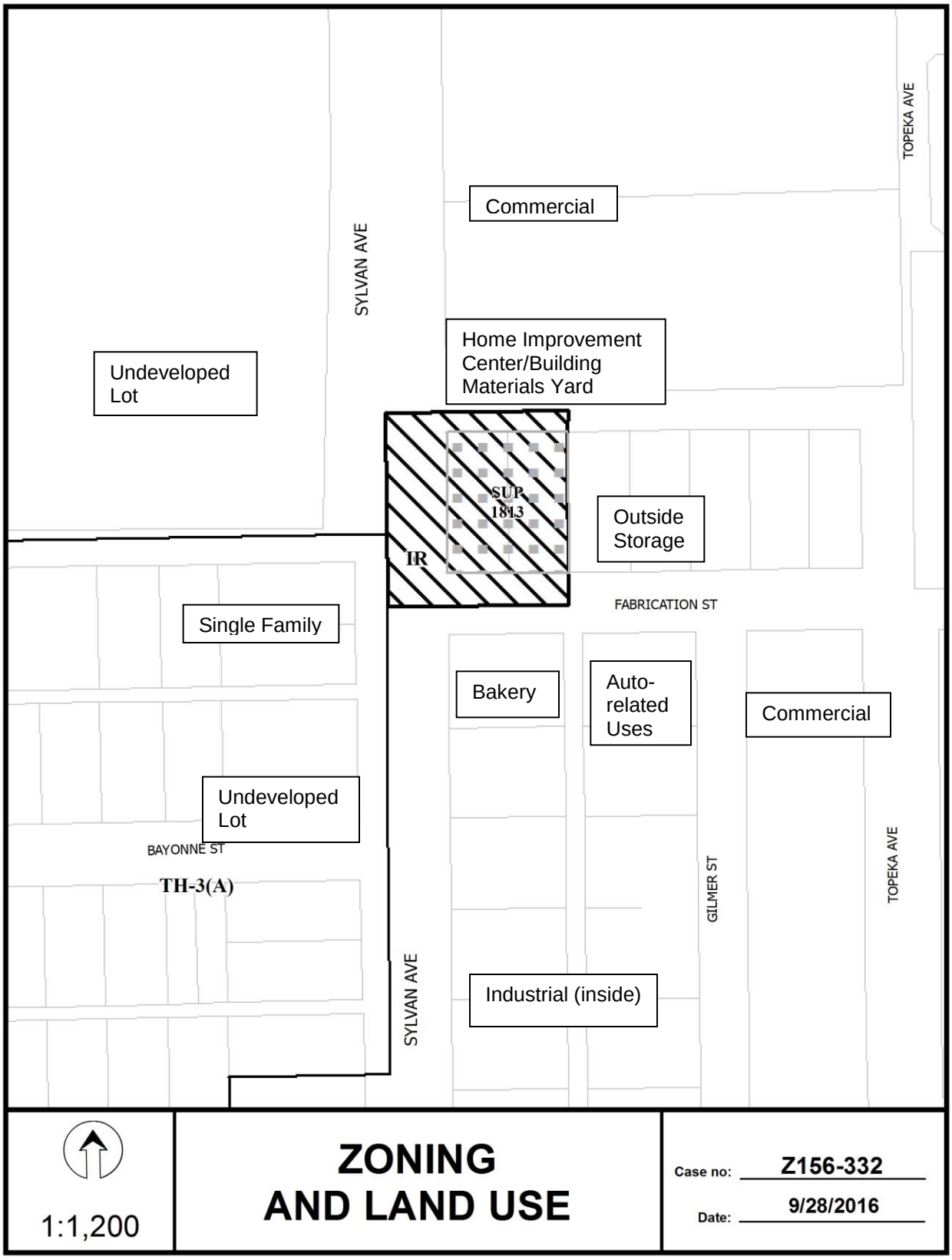


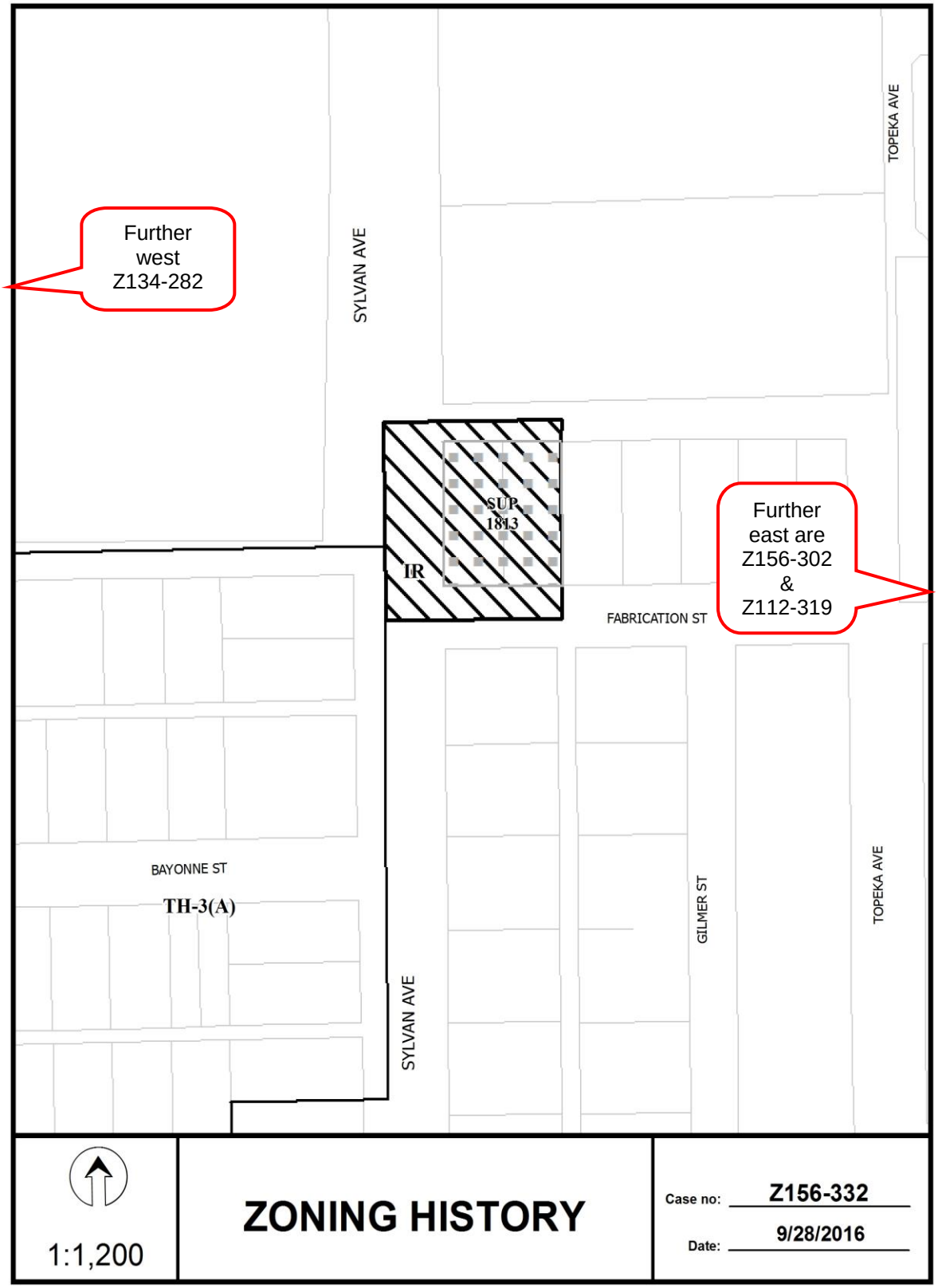
1:1,200

AERIAL MAP

Case no: Z156-332

Date: 9/23/2016


TOPEKA AVE
Commercial
SYLVAN AVE
Home Improvement Center/Building Materials Yard
Undeveloped Lot
SUP 1813
Outside Storage
IR
FABRICATION ST
Single Family
Bakery
Auto-related Uses
Commercial
Undeveloped Lot
BAYONNE ST
TH-3(A)
GILMER ST
TOPEKA AVE
SYLVAN AVE
Industrial (inside)
1:1,200
ZONING AND LAND USE
Case no: Z156-332
Date: 9/28/2016


Further west Z134-282
SYLVAN AVE
TOPEKA AVE
SUP 1813
IR
Further east are Z156-302 & Z112-319
FABRICATION ST
BAYONNE ST
TH-3(A)
SYLVAN AVE
GILMER ST
TOPEKA AVE
1:1,200
ZONING HISTORY
Case no: Z156-332
Date: 9/28/2016

CPC RESPONSES



01/04/2017

Reply List of Property Owners

Z156-332

18 Property Owners Notified ***2 Property Owners in Favor*** ***0 Property Owners Opposed***

Reply	*Label #*	*Address*		*Owner*
O	1	2700	SYLVAN AVE	BONNILLA JOSE S &
O	2	727	FABRICATION ST	BONNILLA JOSE S &
	3	818	SINGLETON BLVD	ATLAS METAL WORKS
	4	805	BAYONNE ST	DALLAS HOUSING ACQUISITION & DEV CORP
	5	2611	SYLVAN AVE	MATHEWS DAVID Q &
	6	2615	SYLVAN AVE	CERVANTES RICHARD FLORES &
	7	810	DULUTH ST	HURD CHARLIE B
	8	814	DULUTH ST	HURD WILLIAM SAMUEL
	9	2720	SYLVAN AVE	WEST DALLAS INVESTS LP
	10	2816	SYLVAN AVE	BIG D TRUCK & TRAILER
	11	719	FABRICATION ST	SHERARD SCOTT T
	12	717	FABRICATION ST	ORTIZ ANTONIO M
	13	711	FABRICATION ST	CARDENAS ROSALIO & MARIA
	14	707	FABRICATION ST	SHERARD SCOTT THOMAS
	15	2610	SYLVAN AVE	TAHERKHARSANDI ALI
	16	2521	GILMER ST	MOHAMMADIAN MOHAMMAD R
	17	714	FABRICATION ST	NASSERI MASSOUD
	18	700	FABRICATION ST	DAVIS RALEIGH F JR &

AGENDA ITEM # 79

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: April 12, 2017

COUNCIL DISTRICT(S): 3

DEPARTMENT: Sustainable Development and Construction

CMO: Majed Al-Ghafry, 670-3302

MAPSCO: 61B-U

SUBJECT

A public hearing to receive comments regarding an application for and an ordinance granting an amendment to Planned Development District No. 938 on property on the south side of Clarkwood Drive and the east side of Clark Springs Drive, north of Camp Wisdom Road
Recommendation of Staff: Approval, subject to a revised development plan and staff's recommended conditions
Recommendation of CPC: Approval, subject to a revised development plan and conditions
Z167-101(OTH)

HONORABLE MAYOR & CITY COUNCIL **WEDNESDAY, APRIL 12, 2017**

ACM: Majed Al-Ghafry

FILE NUMBER: Z167-101(OTH) **DATE FILED:** October 3, 2016

LOCATION: On the south side of Clarkwood Drive and the east side of Clark Springs Drive, north of Camp Wisdom Road.

COUNCIL DISTRICT: 3 **MAPSCO:** 61B-U

SIZE OF REQUEST: Approx. 25.68 acres **CENSUS TRACT:** 165.21

APPLICANT: Clark Ridge Canyon Ltd.

OWNER: Thomas M. Gaubert Trust

REPRESENTATIVE: Dr. Carrie Gordon

REQUEST: An application to amend Planned Development District No. 938.

SUMMARY: The applicant is requesting to increase the density from 200 units to 248; reduce the height of the structures from 38 feet to 35 feet; reduce the required distance for the location of the six-foot fence from 10 feet to three feet; reduce the distance for the location of the front retention wall from 10 feet to three feet; to add the parking garages, storage areas and carports on the development plan; and to reduce the required open area/conservation easement/tree preservation zone.

CPC RECOMMENDATION: **Approval**, subject to a revised development plan and conditions.

STAFF RECOMMENDATION: **Approval**, subject to a revised development plan and staff's recommended conditions.

DESIGNATED ZONING CASE

BACKGROUND:

- The 25.68 acres of land in the request site is currently undeveloped. The applicant is preparing the grounds for construction.

- Planned Development District No. 938 was originally approved on March 28, 2015. The CPC approved a waiver of the two year waiting period to allow this application to amend the PD.

- The original Planned Development District was created for a total density of 200 dwelling units (4-plex units) within 50 buildings, a club house, and 14 plus acres of open area/conservation easement/tree preservation zone. As the applicant prepared the land for construction, it was discovered that more land could be developed than originally thought. Thus the request to increase the total number of units to 248.

- Staff was supportive of the existing density in the PD (200 units) because the applicant provided a reasonable open area/conservation easement/tree preservation zone to compensate for the high density.

- In addition to an increase in density, the applicant is requesting the following: 1) to reduce the required open area/conservation easement/tree preservation zone to 7.4876 acres from 14.4 acres to accommodate the proposed additional density; 2) to reduce the required distance of the location of the six-foot fence and the retaining wall from 10 feet to three feet in the front yard setback; 3) to add the garages with storage units and carports to the development plan.

- The maximum height currently allowed in the PD is 38 feet. However, the property has deed restrictions on a portion (southwest end of the property) that restrict the height to a maximum of 35 feet. The applicant agreed to match the height to the deed restricted height.

Zoning History: There have not been any zoning changes in the vicinity within the last five years.

Thoroughfares/Streets:

Thoroughfare/Street	Type	Existing ROW
Clarkridge Drive	Local	56' ROW
Clarkwood Drive	Local	56' ROW
Clark Road	Principal Arterial	Variable ROW

STAFF ANALYSIS:

Comprehensive Plan:

The *forwardDallas! Comprehensive Plan* was adopted by the City Council in June 2006. The *forwardDallas! Comprehensive Plan* outlines several goals and policies which can serve as a framework for assisting in evaluating the applicant's request.

LAND USE ELEMENT

GOAL 1.1 Align Land Use Strategies with Economic Development Priorities

Policy 1.1.5 Strengthen existing neighborhoods and promote neighborhoods' unique characteristics.

The existing density is high for the location of the property. By increasing the density from 200 to 248 units, staff believes the development would not be compatible with the character of the existing single family neighborhood. The property is surrounded by single family and townhome development in the area. To the east of the property is undeveloped, flood plain and tree canopy.

Surrounding Land Uses:

	Zoning	Land Use
Site	PD No. 938 with deed restrictions on a portion	Undeveloped
North	A(A)	LBJ Freeway ramp
East	TH-1(A), A(A), NS(A)	Single family, undeveloped, flood plain, tree canopy
South	City of Duncanville	Single family
West	PD No. 599, CR with deed restrictions	Single Family, undeveloped

Land Use Compatibility:

The 25.68 acres of land in the request area are currently being prepared for construction. The applicant is requesting to increase the dwelling unit density from 200 units to 248, reduce the required distance of the location of the six-foot fence and retaining wall from 10 feet to three-feet; to include the parking garages, storage areas and carports on the development plan; reduce the height of the structures from 38 feet to 35 feet; and to reduce the open space/conservation easement/tree preservation zone area from 14.40 acres of open space/conservation easement/tree preservation zone to 7.4876 acres of required open space/conservation easement/tree preservation zone.

Density:

The applicant is requesting to increase the density from 200 to 248 units. The original Planned Development District was created for a total density of 200 dwelling units (4-plex units) within 50 buildings along with a 4,000 plus square feet club house. The original density is already high in comparison to the density allowed by the original zoning district of the land, TH-1(A) District. The TH-1(A) District allows for six dwelling units per acre (154 units). The CR District does not allow for residential uses.

When the applicant requested the creation of the PD, staff's recommendation of approval was primarily based in the fact that the applicant was offering a preservation area on the property to protect the existing habitat, the existing tree canopy, and provide open space/conservation easement/tree preservation zone.

As the applicant prepared the land for construction, it was discovered that more land could be developed, thus the request. Even though the zoning of the surrounding area is for PD No. 599 and TH-1(A) which allow for multifamily and single family uses respectively, the site is nestled in a primarily single family developed area. Staff believes the proposed density is generally not compatible in scale to the existing single family development across Clarkwood Drive/Clarkridge Drive.

While it was agreed that some trigger towards the construction of a traffic signal at Clark Road and Clark Ridge Road was acceptable prior to obtaining a building permit to go beyond 200 units, the applicant will did not want the additional units to be contingent on a contract being in place for its construction. The applicant indicated a willingness to commit to help funding it, but did not want to commit to a trigger that was beyond their control such as the City executing a contract for construction of the signal. However, staff is not supportive of adding additional units unless the signal is under contract in order to ensure it will be in place in a reasonable time period.

Location of the retention wall and fence, and type of fence:

The applicant is requesting to reduce the required distance of the location of the fence and retaining wall from 10 feet to three feet. Staff is not supportive of this request for aesthetic reasons and for block face compatibility. The residential development across the street has approximately 20 feet unobstructed front yard setback. That is five more feet than required in PD No. 938. The PD requires a 15 feet front yard setback.

Allowing for a six foot fence and a retaining wall within three feet of the property line, the front yard of the development along the street will not have a complimentary design for the already established single family development on the other side of the street and the area in general.

The location of the retention wall and fence within three feet of the property line along the street will not allow sufficient space for the adequate landscaping along the front of the property. According to the applicant, the retaining wall location is variable depending on the final grading of the site. The development plan indicates a retaining wall will only be necessary in certain locations along the street frontage. However, this could change depending on the final grading of the site.

The applicant proposes to install a six foot wrought-iron or tubular metal fence with masonry columns at corners along the street frontages and provide a three foot setback to allow for landscaping. Staff's preferred location of the fence and retaining wall is as it is already permitted in the existing conditions of the PD.

Staff's preferred design along the street right-of-way is to provide a street frontage compatible to that of the existing single family development across Clarkwood Drive/Clark Springs Drive.

Height:

The maximum height currently allowed in the PD is 38 feet. However, a portion of the property currently has deed restrictions that restrict the height to a maximum of 35 feet (southwest end of the property). After discussing with the applicant, it was agreed that for practical reasons the maximum height allowed in the entire PD should be 35 feet.

DISTRICT	Setbacks		Density	Height	Lot Coverage	Special Standards	Primary Uses
	Front	Side/Rear					
Existing							
PD No. 938 Multifamily	15'	5'	8 dwelling units per acre	35'	75%		Multifamily
Proposed							
PD No. 938 Multifamily	15'	5'	10 dwelling units per acre	35'	75%		Multifamily

Pedestrian Trail:

The applicant had originally proposed constructing a pedestrian trail in the open space area but that is not being proposed as a condition of the PD. Any active use of the proposed conservation area would need to be reviewed to ensure no natural areas were being disturbed.

Parking:

For multifamily uses, the off-street parking must be provided in accordance with Division 51A-4.200 for each use. For multifamily development, a minimum of one parking space is required per bedroom. An additional one-quarter space per dwelling unit must be provided for guest parking if the required parking is restricted to resident parking only. If the property is developed as proposed, the required parking will be a minimum 348 parking spaces for the 248 dwelling units, 62 spaces for guests and five parking spaces required for the club house. The total required parking is 415 parking spaces. The applicant is providing a total of 491 parking spaces, which is an excess of 76 parking spaces for the proposed development.

The applicant proposed to amend the existing development plan to show the parking garages, storage areas and the carports. The structures were inadvertently left out of the original development plan. The garage/storage units will be one-story structures.

Landscaping:

In general, landscaping will be provided in accordance with Article X. As mentioned before, the applicant is proposing a reduction of the required distance of the location of the six-foot fence and 10-foot retaining wall from 10 feet to three feet. The reduction of the setback for the fence and retaining wall will not allow enough space to provide trees to be located between the street and the fence or wall. Staff would prefer to see trees placed closer to the street rather than behind the fence and wall.

Reduction of the required open space/conservation easement/tree preservation zone:

The applicant is requesting to reduce the open space/conservation easement/tree preservation zone (tree conservation area in conditions) as shown on the approved development plan to accommodate the proposed additional 12 buildings, and garages, carports and storage areas. The applicant is requesting the reduction of the open space/conservation easement/tree preservation zone from 14.4 acres to 7.4876 acres.

After the PD was originally created, the City arborist received an inventory of the existing trees. When the lower slope and creek area was surveyed, a larger protected tree count was established. Based on the new information, the arborist determined the potential mitigation for the previously approved development. The applicant removed unprotected trees and vegetation for property assessment after the initial tree survey

was approved by the Chief Arborist. Any ongoing work in the area before mass grading should only be to remove the mass of tree and vegetation debris to prevent public safety issues.

Based on initial survey and sampling of protected trees throughout the property, it is the opinion of the arborist that the expansion of the development shall be mitigated with the tree conservation area after adjustment for the larger development area. Additional required landscape trees would add to the replacement of removed protected trees.

A condition has been added to the Landscaping Section to regulate the preservation of the trees in the conservation areas (as shown on the development plan). A conservation easement must be dedicated prior to obtaining a building permit.

Traffic:

In the original zoning case (Z134-116), staff based the Traffic Impact Analysis on the proposal to develop 156 dwelling units. At that time, staff's comments were that the proposed number of units at build-out would affect the level of service at the intersection of Clark Road and Clark Ridge Drive, reducing the level to D. At the time of the application to create PD No. 938, the TIA recommended that a traffic signal be installed at the intersection. With an increase of units from 156 (original TIA was for only for 156 dwelling units) to 248, or 59 percent, the level of service (LOS) will diminish even more without a traffic signal.

The Engineering Division of the Sustainable Development and Construction Department and the Mobility and Streets Service Department met to discuss the project's proposed 248 dwelling units and the impact on the traffic and the need for a traffic signal at the intersection of Clark Road and Clark Ridge Drive.

The PD conditions have been updated to include the requirement for the traffic signal to be under contract for construction before the applicant obtains a building permit for any dwelling units above 200.

The Traffic Impact Analysis submitted with the application to amend the Plan Development District indicated that increasing the density on the area will deteriorate the levels of service even more than what they are now. For that reason, and after several discussions with staff members from the Mobility and Streets Services Department and the Sustainable Development and Construction Department, the applicant voluntarily will pay to $200,000 towards the installation of the traffic light at the intersection of Clark Drive and Clarkridge Drive. City staff will take a resolution to the Council for acceptance of the $200,000 contribution towards construction of the traffic signal.

Conditions:

Staff and the applicant agree on all conditions except for the fence and retaining walls location along the public right-of-way, where the applicant is requesting to reduce the

distance from 10 feet to 3 feet. Staff does not support this portion of the request. The City Plan Commission approved the applicant's request to locate the fence and the retaining wall three feet from the property line.

CPC ACTION:
February 16, 2017

Motion: It was moved to recommend **approval** of an amendment to Planned Development District No. 938, subject to a revised development plan and staff's recommended conditions (as briefed) with the applicant's request regarding the property line fence retaining wall on property on the south side of Clarkwood Drive and the east side of Clark Springs Drive, north of Camp Wisdom Road.

Maker: Houston
Second: Ridley
Result: Carried: 11 to 1

For: 11 - Anglin, Rieves, Houston, Davis, Shidid*, Haney, Mack, Jung, Housewright*, Murphy, Ridley

Against: 1 - Peadon
Absent: 3 - Anantasomboon, Schultz, Tarpley
Vacancy: 0

*out of the room, shown voting in favor

Notices: Area: 500 Mailed: 184
Replies: For: 3 Against: 12

Speakers: For: Thomas Gaubert, 1120 N. Westmoreland Rd., Desoto, TX, 75115
Against: None

Partners & Principles

Clark Ridge Canyon , Ltd.

General Partner is Clark Ridge Canyon GP, LLC
Member Thomas M. Gaubert
President Thomas. M. Gaubert
Chief Financial Officer David L. Hager
Secretary Jessica Trevizo

Class A. Limited Partners
Thomas M. Gaubert

Class Limited Partner
Henry Building Inc.

Class C. Limited Partner
Wildwood Development Company Inc.

PROPOSED CONDITIONS

ARTICLE 938.
PD 938.

SEC. 51P-938.1O1. LEGISLATIVE HISTORY.

PD 938 was established by Ordinance No.29685, passed by the Dallas City Council on March 25, 2015.

SEC. 51P-938.102. PROPERTY LOCATION AND SIZE.

PD 938 was established on property located on Camp Wisdom Road east of Clark Road. The size of PD 938 is approximately 25.68 acres.

SEC. 51P-938.103. DEFINITIONS AND INTERPRETATIONS.

(a) Unless otherwise stated, the definitions and interpretations in Chapter 51A apply to this article. In this article, STOOP means a small porch leading to the entrance of a residence.

(b) Unless otherwise stated, all references to articles, divisions, or sections in this article are to articles, divisions, or sections in Chapter 51A.

(c) This district is considered to be a residential zoning district.

SEC. 51P-938.104. EXHIBIT.

The following exhibit is incorporated into this article: Exhibit 938A development plan, as amended.

SEC. 51P-938.105. DEVELOPMENT PLAN.

Development and use of the Property must comply with the development plan (Exhibit 938A, as amended). If there is a conflict between the text of this article and the development plan, the text of this article controls.

SEC. 51P-938.106. MAIN USES PERMITTED.

The only main uses permitted are those main uses permitted in the MF-1(A) Multifamily District, subject to the same conditions applicable in the MF-1(A) Multifamily District, as set out in Chapter 51A. For example, a use permitted in the MF-1(A) Multifamily District only by specific use permit (SUP) is permitted in this district only by SUP; a use subject to development impact review (DIR) in the MF-1(A) Multifamily District is subject to DIR in this district; etc.

SEC. 51P-938.107. ACCESSORY USES.

As a general rule, an accessory use is permitted in any district in which the main use is permitted. Some specific accessory uses, however, due to their unique nature, are subject to additional regulations in Section 51A-4.217. For more information regarding accessory uses, consult Section 51A-4.217.

SEC. 51P-938.108. YARD, LOT, AND SPACE REGULATIONS.

(Note: The yard, lot, and space regulations in this section must be read together with the yard, lot, and space regulations in Division 51A-4.400. If there is a conflict between this section and Division 51A-4.400, this section controls.)

(a) Front yard.

(1) Minimum front yard is 15 feet.

(2) Cantilevered roof eaves, stoops, and stairs may project up to five feet into the required front yard. Stoops and stairs that project into the front yard may not exceed eight feet in width and four feet in height.

(3) Railings for stoops, stairs, and porches may project up to five feet into the required front yard. Railings that project into the front yard may not exceed 42 inches in height.

(b) Side and rear yard. Minimum side yard is five feet. Minimum rear yard is five feet.

(c) Density. Maximum dwelling unit density is 8.35 ~~7.79~~ units per acre. Maximum number of dwelling units is 248 ~~200~~. No building permit shall be provided for more than 200 dwelling units unless there is proof that the contract for the installation of the signal light at the intersection of Clarkridge Drive and Clark Road is signed.

(d) Floor area ratio. No maximum floor area ratio.

(e) Height.

(1) Maximum structure height is 35~~8~~ feet.

(2) The following structures may project a maximum of 12 feet above the maximum structure height:

(A) Ornamental cupola or dome.

(B) Skylights.

(C) Chimney and vent stacks.

(f) Lot coverage. Maximum lot coverage is 75 percent. Above ground parking structures are included in lot coverage calculations; surface parking lots and underground parking structures are not.

(g) Lot size. No minimum lot size.

(h) Stories. Maximum number of stories above grade is one.

(i) Traffic Light: No building permit shall be issued for more than 200 dwelling units unless there is a contract for installation of the traffic light at the intersection of Clark Road and Clarkridge Drive.

SEC. 51P-938.109. OFF-STREET PARKING AND LOADING.

(a) Except as provided in this section, consult the use regulations in Division 51A4.200 for the specific off-street parking and loading requirements for each use.

(b) For an accessory community center (private), one space per 1,000 square feet of floor area is required.

SEC. 51P-938.11O. ENVIRONMENTAL PERFORMANCE STANDARDS.

See Article VI.

SEC. 51P-938.111. LANDSCAPING.

(a) In general.

(1) Except as provided in this section, landscaping and tree preservation, removal, and replacement must be provided in accordance with Article X.

(2) Plant materials must be maintained in a healthy, growing condition.

(b) Tree Conservation Areas.

(1) Protected trees located in a tree conservation area, as shown on the development plan, within a 100-year flood plain may count towards mitigation at a ratio of one inch of replacement tree for every two inches of conserved protected trees.

(2) Protected trees located in a tree conservation area, as shown on the development plan, not located in a 100-year flood plain may count towards mitigation at a ratio of one inch of replacement tree for every one inch of conserved protected trees.

(3) The protected trees in the tree conservation areas shown on the development plan must be preserved. Before the issuance of a building permit, a

conservation easement complying with Article X must be dedicated in the locations shown as tree conservation areas on the development plan.

SEC. 51P-938.112. FENCES AND RETAINING WALLS.

(a) Fencing located in a~~the~~ required front yard must be wrought-iron or tubular metal with masonry columns at corners ~~an open tubular steel type~~.

CPC Recommendation:

(b) Fencing located in a required front yard may be a maximum height of six ~~eight~~ feet if the fencing is setback three ~~10~~ feet from the Property line.

(c) Retaining walls located in a front yard may not exceed 10 feet in height and must be setback three ~~10~~ feet from the Property line.

Staff's Recommendation:

(b) Fencing located in a required front yard may be a maximum height of six ~~eight~~ feet if the fencing is setback 10 feet from the Property line.

(c) Retaining walls located in a front yard may not exceed 10 feet in height and must be setback 10 feet from the Property line.

SEC. 51P-938.113. SIGNS.

Signs must comply with the provisions for non-business zoning districts in Article VII.

SEC. 51P-938.114. ADDITIONAL PROVISIONS.

(a) The Property must be properly maintained in a state of good repair and neat appearance.

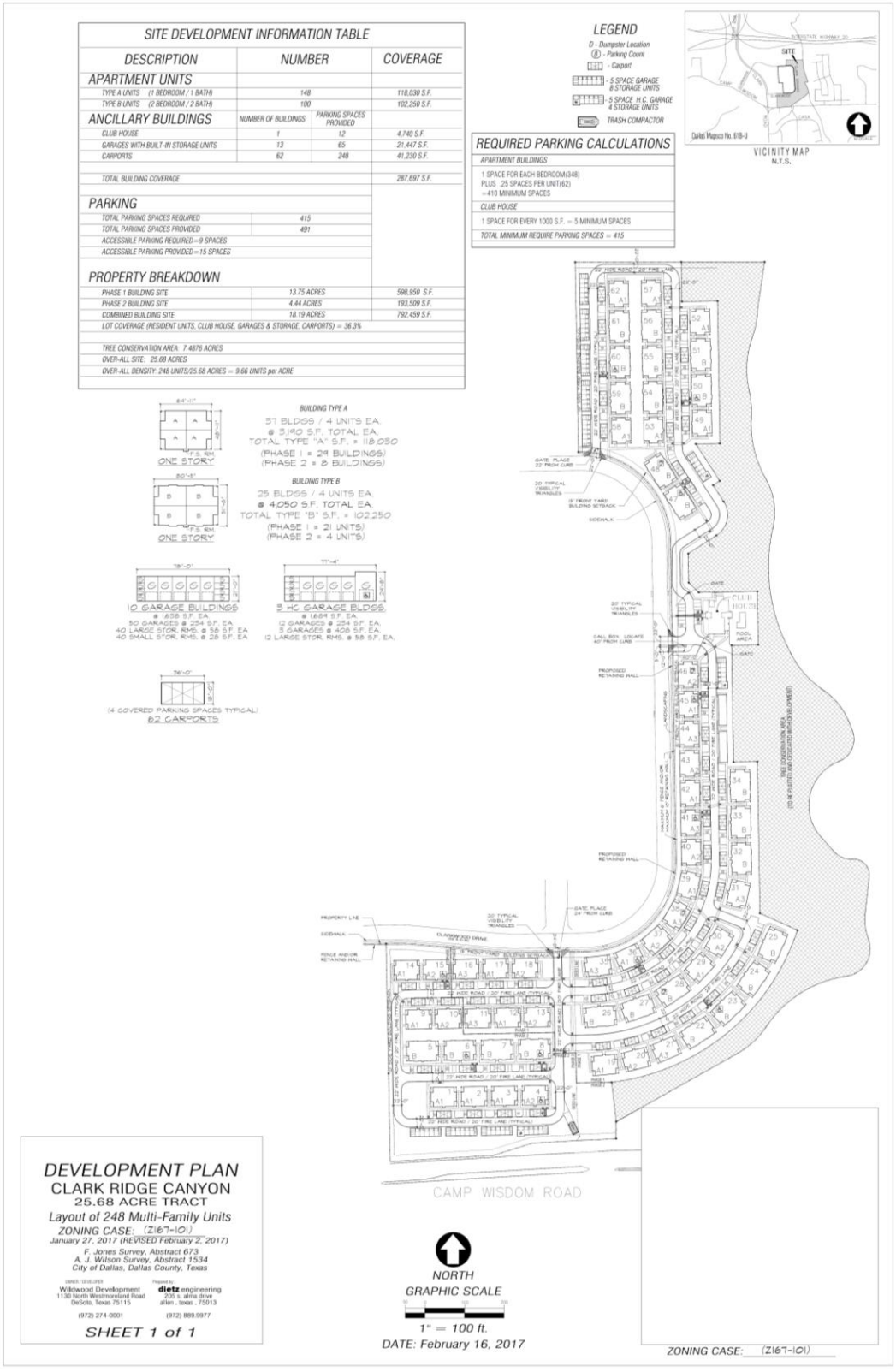
(b) Development and use of the Property must comply with all federal and state laws and regulations, and with all ordinances, rules, and regulations of the city.

SEC. 51P-938.115. COMPLIANCE WITH CONDITIONS.

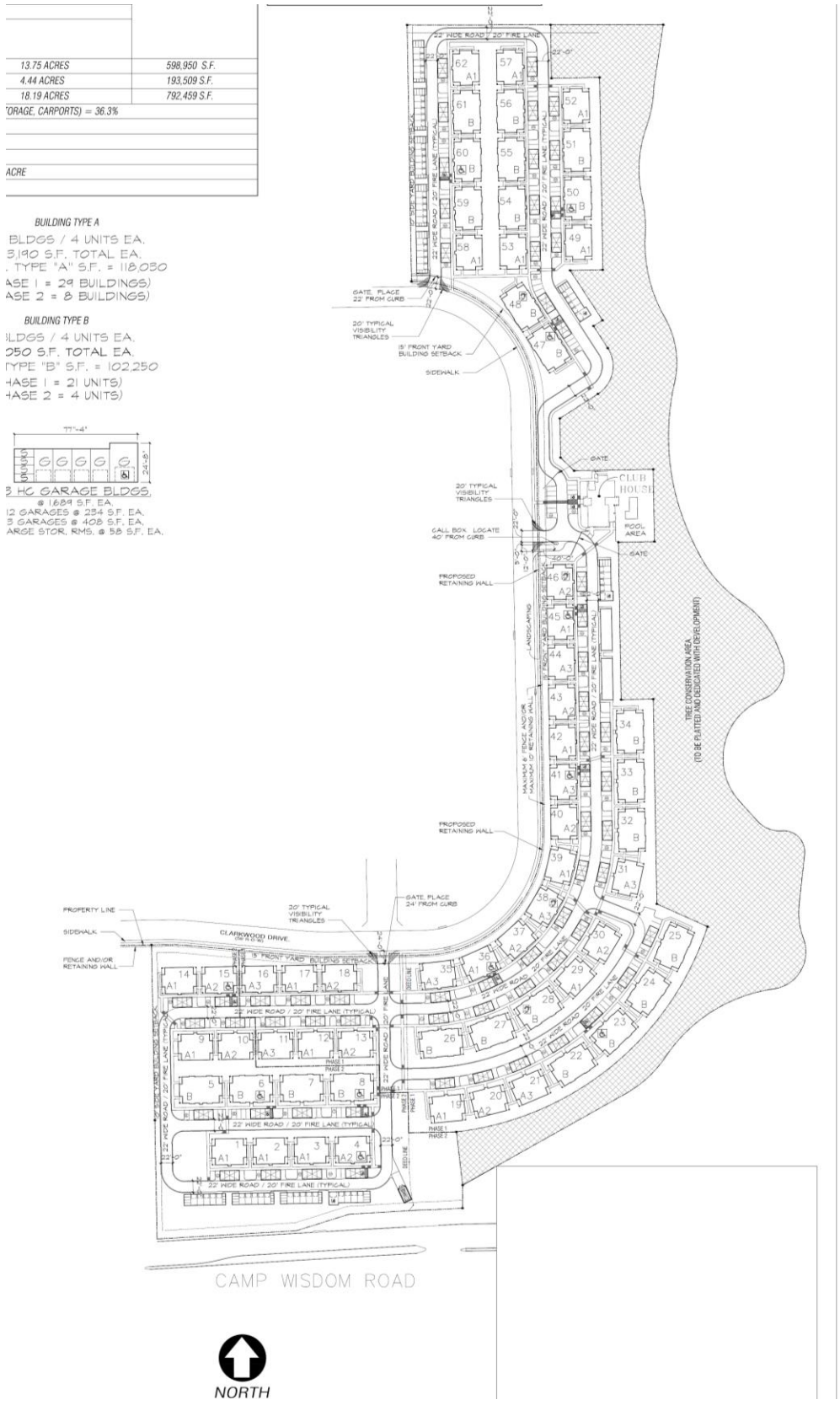
(a) All paved areas, permanent drives, streets, and drainage structures, if any, must be constructed in accordance with the standard city specifications and completed to the satisfaction of the city.

(b) The building official shall not issue a building permit to authorize work, or a certificate of occupancy to authorize the operation of a use, until there has been full compliance with this article, the Dallas Development Code, the construction codes, and all other ordinances, rules, and regulations of the city.

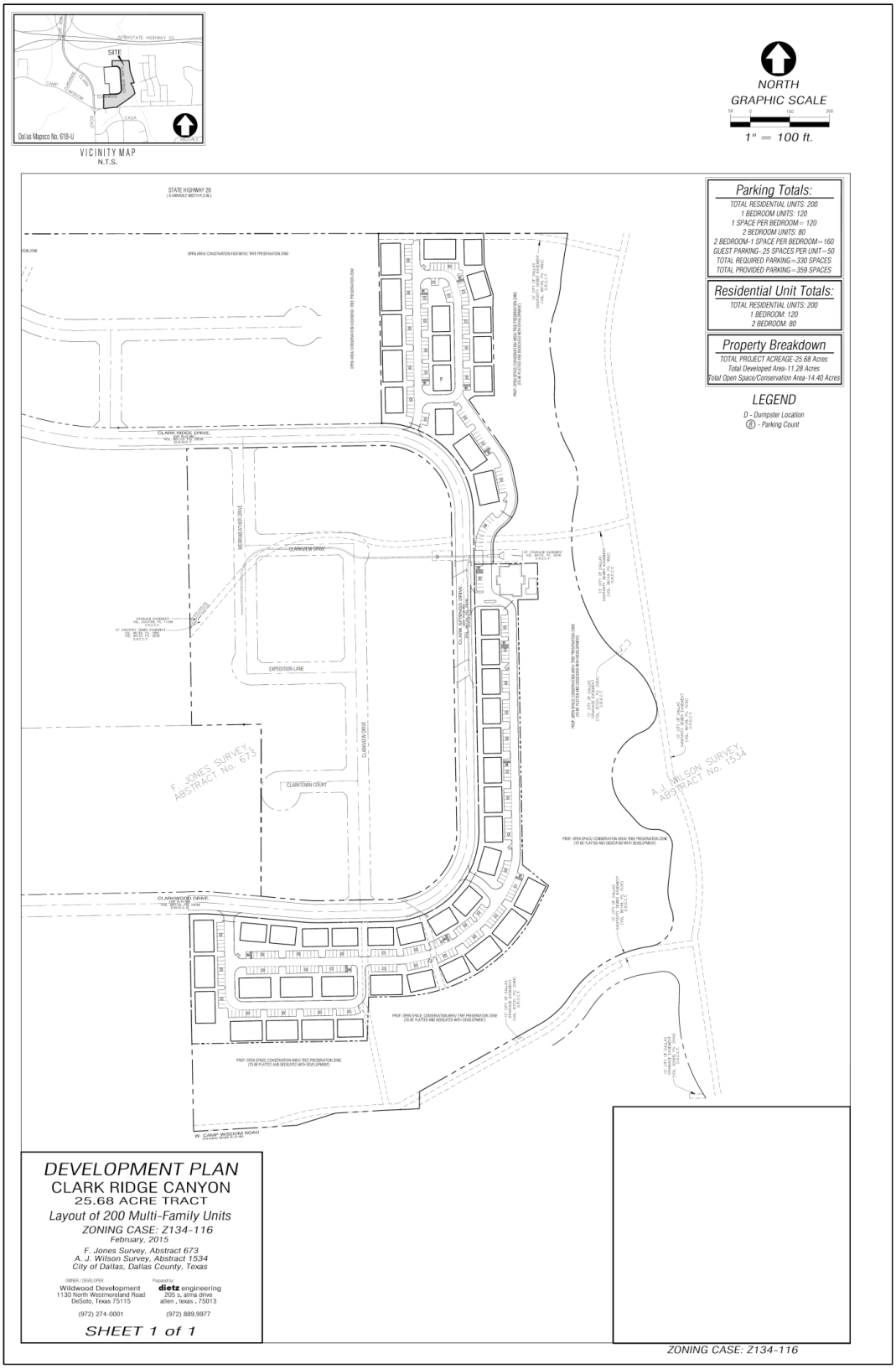
PROPOSED DEVELOPMENT PLAN

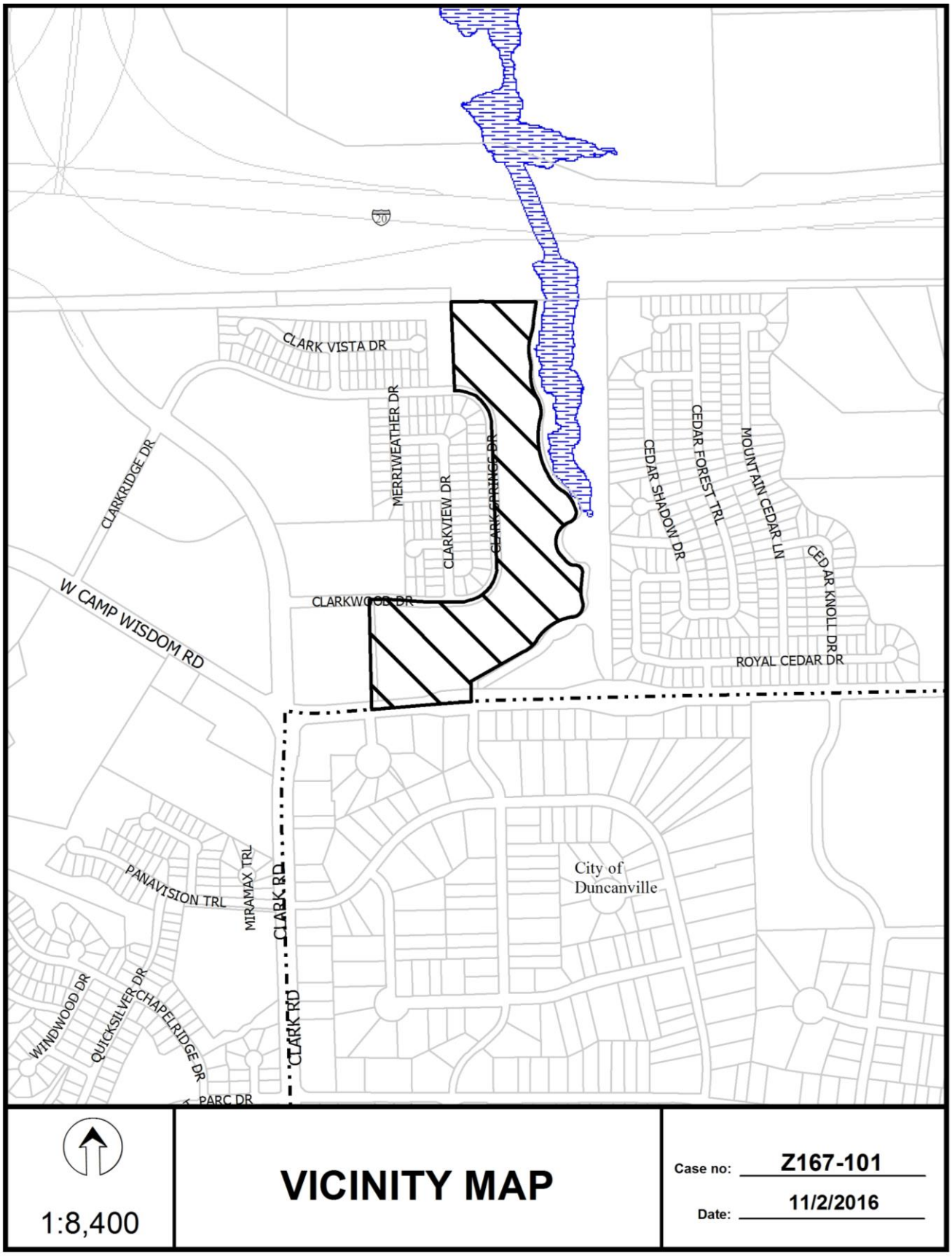


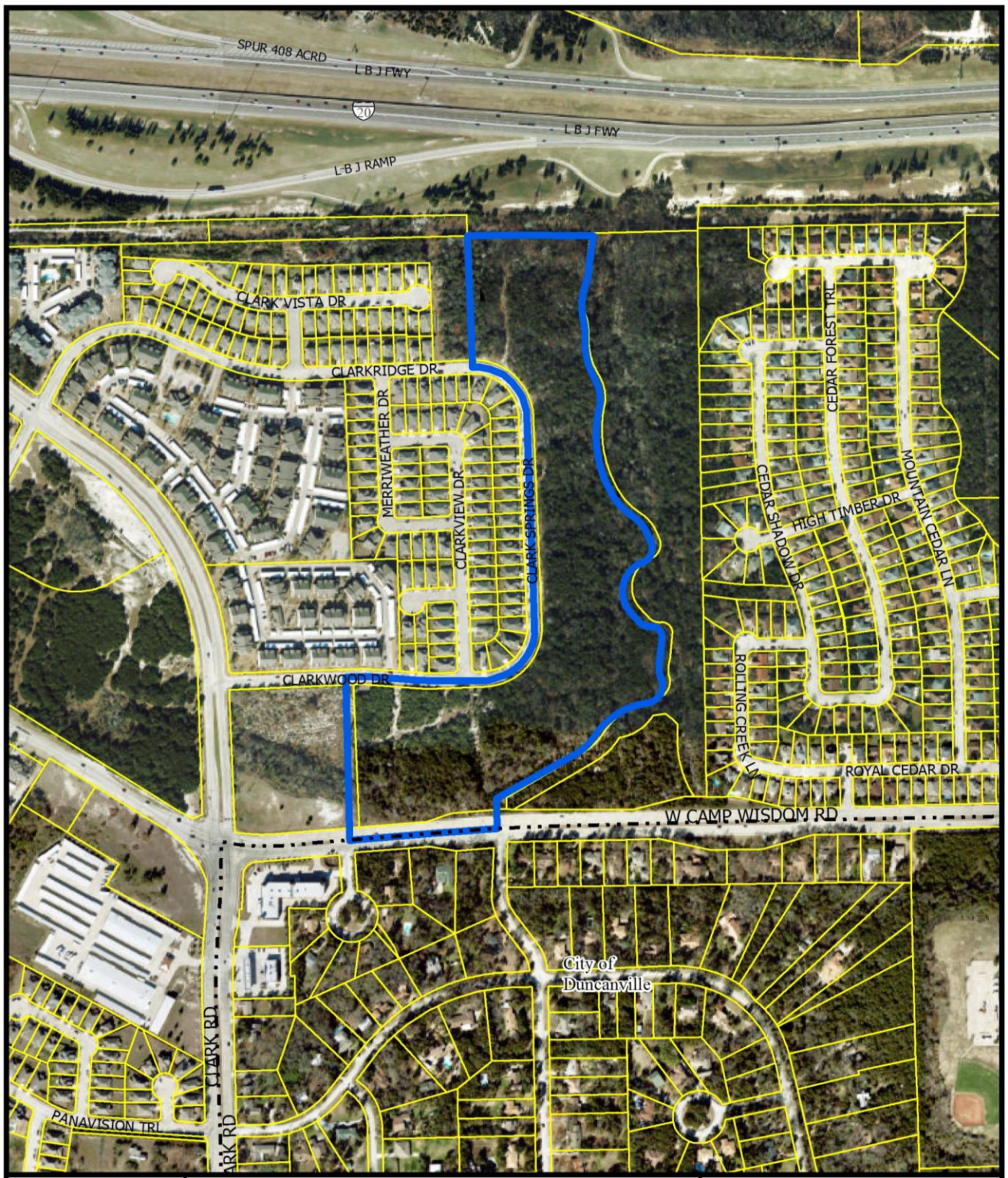
ENLARGEMENT OF DEVELOPMENT PLAN

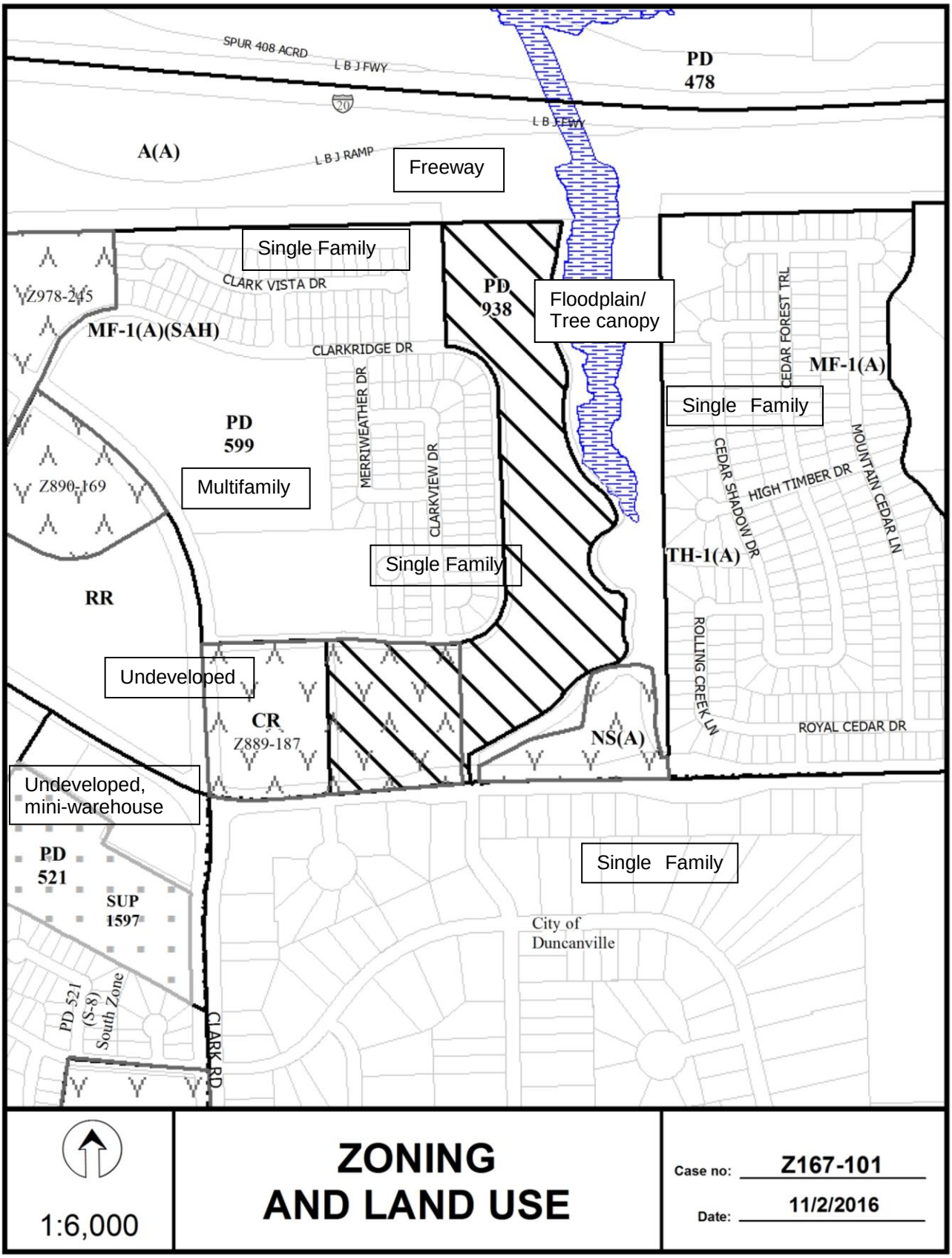


EXISTING DEVELOPMENT PLAN

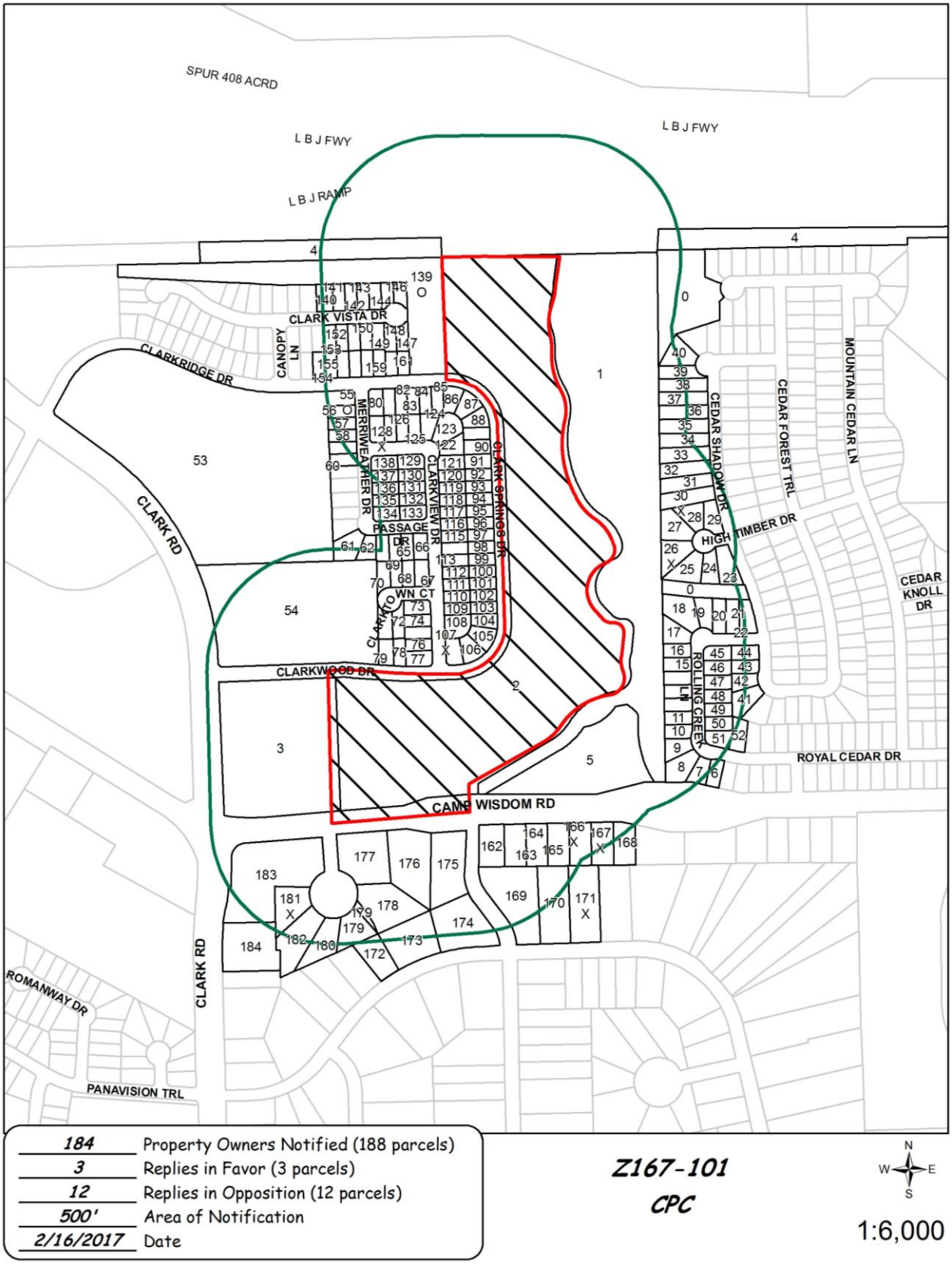



CLARK VISTA DR
CLARKRIDGE DR
MERRIWEATHER DR
CLARKVIEW DR
CLARK SPRINGS DR
CEDAR SHADOW DR
CEDAR FOREST TRL
MOUNTAIN CEDAR LN
CEDAR KNOLL DR
ROYAL CEDAR DR
W CAMP WISDOM RD
CLARKWOOD DR
City of Duncanville
PANAVISION TRL
MIRAMAX TRL
CLARK RD
WINDWOOD DR
QUICKSILVER DR
CHAPELRIDGE DR
PARC DR
1:8,400
VICINITY MAP
Case no: Z167-101
Date: 11/2/2016


SPUR 408 ACRD
L B J FWY
20
L B J FWY
L B J RAMP
CLARK VISTA DR
CLARKRIDGE DR
MERRIWEATHER DR
CLARKVIEW DR
CLARK SPRINGS DR
CLARKWOOD DR
CEDAR FOREST TRL
CEDAR SHADOW DR
HIGH TIMBER DR
MOUNTAIN CEDAR LN
ROLLING CREEK LN
ROYAL CEDAR DR
W CAMP WISDOM RD
City of Duncanville
CLARK RD
PANAVISION TRL
1:6,000
AERIAL MAP
Case no: Z167-101
Date: 11/2/2016


SPUR 408 ACRD
L B J FWY
20
PD 478
A(A)
L B J RAMP
Freeway
Single Family
CLARK VISTA DR
Z978-245
MF-1(A)(SAH)
CLARKRIDGE DR
PD 938
Floodplain/ Tree canopy
CEDAR FOREST TRL
MF-1(A)
Single Family
PD 599
MERRIWEATHER DR
CLARKVIEW DR
Z890-169
Multifamily
CEDAR SHADOW DR
HIGH TIMBER DR
MOUNTAIN CEDAR LN
TH-1(A)
Single Family
RR
ROLLING CREEK LN
ROYAL CEDAR DR
Undeveloped
CR
Z889-187
NS(A)
Undeveloped, mini-warehouse
PD 521
SUP 1597
Single Family
City of Duncanville
PD 521 (S-8) South Zone
CLARK RD
1:6,000
ZONING AND LAND USE
Case no: Z167-101
Date: 11/2/2016

CPC RESPONSES



Reply List of Property Owners

Z167-101

184 Property Owners Notified ***3 Property Owners in Favor*** ***12 Property Owners Opposed***

Reply	*Label #*	*Address*		*Owner*
	1	40810	LBJ FWY	LUCAS LARRY W CO
	2	40800	LBJ FWY	BAUER GERALD J & HEIDI A
	3	1431	W CAMP WISDOM RD	TEXAZ PERCEPTIONS PTNR
	4	40900	LBJ FWY	TEXAS UTILITIES ELEC CO
	5	6000	W CAMP WISDOM RD	BAUER GERALD J & HEIDI A
	6	6524	ROYAL CEDAR DR	RODRIGUEZ JUAN CARLOS
	7	6528	ROYAL CEDAR DR	GARCIA JOSE ROMEO
	8	6935	ROLLING CREEK LN	GONZALEZ VICKY
	9	6931	ROLLING CREEK LN	BOWMAN WILLIAM D
	10	6927	ROLLING CREEK LN	MILLER BILLY DON TRUST THE
	11	6923	ROLLING CREEK LN	HARRIS JAMES C &
	12	6919	ROLLING CREEK LN	SANCHEZ INOCENCIA C
	13	6915	ROLLING CREEK LN	ESCOBAR FRANCIS V
X	14	6911	ROLLING CREEK LN	HALL SHIQUITA
	15	6907	ROLLING CREEK LN	MILAM MICHAEL
	16	6903	ROLLING CREEK LN	MAREK SHELLEY J
	17	6823	ROLLING CREEK LN	IBARRA NOEL
	18	6819	ROLLING CREEK LN	SHUMATE COLIN R & RANDEE
	19	6815	ROLLING CREEK LN	COWAN RENTALS LLC
	20	6811	ROLLING CREEK LN	GREER DANNY E & LINDA
	21	6807	ROLLING CREEK LN	BARRAZA VICTOR H
	22	6803	ROLLING CREEK LN	GLOWACZ FRANK J II &
	23	6504	HIGH TIMBER DR	PIZANO SERVANDO
	24	6508	HIGH TIMBER DR	FERGUSON CHARLES E &
	25	6512	HIGH TIMBER DR	VELAZQUEZ GILDARDO & ELISA
X	26	6516	HIGH TIMBER DR	NOVOA MARIA G

02/15/2017

Reply	*Label #*	*Address*		*Owner*
	27	6515	HIGH TIMBER DR	BARRICK RICHARD H JR &
	28	6509	HIGH TIMBER DR	SOBANDE OLASUNKANMI
	29	6503	HIGH TIMBER DR	CONTRERAS ANITA
X	30	6735	CEDAR SHADOW DR	MASCARDO DOMINADOR A JR &
	31	6731	CEDAR SHADOW DR	GRIFFIN MARGARET A
	32	6727	CEDAR SHADOW DR	TAI PHAI &
	33	6723	CEDAR SHADOW DR	RICHARDSON CHERYL
	34	6719	CEDAR SHADOW DR	BERNAL ROLANDO &
	35	6715	CEDAR SHADOW DR	GROFF RANDALL K
	36	6711	CEDAR SHADOW DR	SHORTES STANLEY
	37	6707	CEDAR SHADOW DR	BRIDGES BEN GERALD JR &
	38	6703	CEDAR SHADOW DR	JENNINGS PEGGY &
	39	6631	CEDAR SHADOW DR	MCCLELLAND LAKEITRIA D
	40	6627	CEDAR SHADOW DR	MENDOZAMALDONADO MARLON J
	41	6847	CEDAR SHADOW DR	REAGOR SHAMEKQWA DENISE
	42	6843	CEDAR SHADOW DR	BROKAW MICHAEL J
	43	6839	CEDAR SHADOW DR	CANALES JAVIER & CHERRY J
	44	6835	CEDAR SHADOW DR	ST JOHN LAWRENCE D
	45	6904	ROLLING CREEK LN	CONWRIGHT CRAIG & CYNTHIA
	46	6908	ROLLING CREEK LN	SONNIER KAREN ANN EWRIN
	47	6912	ROLLING CREEK LN	BUCKALOO ROBERT J
	48	6916	ROLLING CREEK LN	KNIGHT BONITA L
	49	6920	ROLLING CREEK LN	BROWN GARY A & VICKEY L
	50	6924	ROLLING CREEK LN	SMITH FAMILY TRUST
	51	6928	ROLLING CREEK LN	DIOSDADO ROSA
	52	6519	ROYAL CEDAR DR	PEREZ JOSE L
	53	6968	CLARKRIDGE DR	RIDGE PARC DEV CORP
	54	6855	CLARKWOOD DR	DALLAS HOUSING AUTHORITY
O	55	8203	MERRIWEATHER DR	MARTIN JEROME
	56	8207	MERRIWEATHER DR	TUDMAN SAMUEL
	57	8211	MERRIWEATHER DR	HALL SHONDA

02/15/2017

Reply	*Label #*	*Address*		*Owner*
	58	8215	MERRIWEATHER DR	FREEMAN LATRECE N
O	59	8219	MERRIWEATHER DR	REED ELMER K & LINDA T
	60	8223	MERRIWEATHER DR	HIROTA TAKESHI & MARIELA
	61	8247	MERRIWEATHER DR	BARRAGAN APRIL & ABRAHAM KHALOUFAH
	62	6820	PASSAGE DR	JACKSON PATRICE
	63	6816	PASSAGE DR	JENKINS TAMEKA NICHOLE
	64	6812	PASSAGE DR	LUCAS MARTHA JEAN
	65	6808	PASSAGE DR	JACKSON ROLSHELL
	66	6804	PASSAGE DR	FUENTES IRMA
	67	6803	CLARKTOWN CT	WILLS BENJAMIN & SARA
	68	6807	CLARKTOWN CT	SANCHEZ ENRIQUE JR
	69	6811	CLARKTOWN CT	MURATA LYNLEE MARIA
	70	6815	CLARKTOWN CT	DORSEY MONICA D
	71	6816	CLARKTOWN CT	WILMINGTON SAVINGS FUND SOCIETY
	72	6812	CLARKTOWN CT	FEARS MELISSA ANNETTE
	73	8277	CLARKVIEW DR	HOWARDLANDRUM LAWNITA DAWNYELL
	74	8281	CLARKVIEW DR	WATTS TANISHA L
X	75	8285	CLARKVIEW DR	MURANDA JOCONIA &
	76	8289	CLARKVIEW DR	FALKQUAY CECILIA T
	77	8293	CLARKVIEW DR	NGUYEN LANCE
	78	6719	CLARKWOOD DR	BROOKS CHERYL JEAN
	79	6723	CLARKWOOD DR	WILLIAMS MARTHA
	80	6828	CLARK RIDGE DR	WALKER JANICE
	81	6824	CLARK RIDGE DR	AMELA CAROLE AGITO & CHRISTIAN LOMOTO
	82	6820	CLARK RIDGE DR	ANDREWS SHAUNAE N
	83	6816	CLARK RIDGE DR	FERNANDEZ MARIA D
	84	6812	CLARK RIDGE DR	BRISTER DENISE
	85	6808	CLARK RIDGE DR	SCOTT LOUIS M
	86	6802	CLARK RIDGE DR	ELIZONDO ALEX & ANGELES DE JESUS
	87	8203	CLARK SPRINGS DR	KLINGENSMITH JAMES RICHARD &

02/15/2017

Reply	*Label #*	*Address*		*Owner*
	88	8207	CLARK SPRINGS DR	BANDARODRIGUEZ JOSE LUIS
X	89	8211	CLARK SPRINGS DR	MAULL JAMIE CHARLENE
	90	8215	CLARK SPRINGS DR	JOHNSON GAY & LARRY
	91	8219	CLARK SPRINGS DR	ROQUEMORE ERICKA M
	92	8223	CLARK SPRINGS DR	LINDSEY ANTHONY W & LUCRETIA A
	93	8227	CLARK SPRINGS DR	KING EVADA C
	94	8231	CLARK SPRINGS DR	TAYLOR ARGUADIA CASHAL
	95	8235	CLARK SPRINGS DR	ADELEKE ADEWALE T
	96	8239	CLARK SPRINGS DR	LOVELACE SHANTER S
	97	8243	CLARK SPRINGS DR	SPEED ZORANA
	98	8247	CLARK SPRINGS DR	BOLDEN SHARON M
	99	8251	CLARK SPRINGS DR	WILSON ALLAN
	100	8255	CLARK SPRINGS DR	THAMMAVONG KYLE & SOPHIA
	101	8259	CLARK SPRINGS DR	WILLIAMS PORTIA
	102	8263	CLARK SPRINGS DR	CONTRERAS EDGAR
	103	8267	CLARK SPRINGS DR	WASHINGTON ELLA &
	104	8271	CLARK SPRINGS DR	HARDY DEBRA JOYCE & DARREN DEWAYNE
	105	8275	CLARK SPRINGS DR	SANDERS BRANDON L &
	106	6703	CLARKWOOD DR	WILMINGTON SAVINGS FUND SOCIETY
X	107	6707	CLARKWOOD DR	MABRY BETTY J
	108	8282	CLARKVIEW DR	BROWN TOYA
	109	8278	CLARKVIEW DR	JONES L OREAL HELAINE
	110	8274	CLARKVIEW DR	TOBUN ADEMOLA &
	111	8270	CLARKVIEW DR	ALVAREZ HUGO
	112	8266	CLARKVIEW DR	RUSHDAN VALERIE D
	113	8262	CLARKVIEW DR	FUNES JOSE ALEXANDER
	114	8258	CLARKVIEW DR	YOUNG DANIELLE
	115	8254	CLARKVIEW DR	SISTRUNK TERRELL B
	116	8250	CLARKVIEW DR	ANDERSON LEDORA W
	117	8246	CLARKVIEW DR	SIMS DANA ELIZABETH
	118	8242	CLARKVIEW DR	THAMES LAMONICA

02/15/2017

Reply	*Label #*	*Address*		*Owner*
	119	8238	CLARKVIEW DR	KING DEMARCO RASHAD & VIRGINIA ANN
	120	8234	CLARKVIEW DR	SIMPSON SURENA D
	121	8230	CLARKVIEW DR	MCGRIFF EVETTA L
	122	8226	CLARKVIEW DR	RUSSELL WILLIAM
	123	8222	CLARKVIEW DR	THOMAS KATIE N
	124	8218	CLARKVIEW DR	RAMEY COLLIS J &
	125	8214	CLARKVIEW DR	RICHARDS JESSICA N
	126	8210	CLARKVIEW DR	LEWIS TERRI L
	127	8206	CLARKVIEW DR	RODRIGUEZ RIVERA ARVIN M
X	128	8202	CLARKVIEW DR	DREW DIANNA LYNN
	129	8229	CLARKVIEW DR	BROWN JAURICE L SR & CYNTHIA D BROWN
	130	8233	CLARKVIEW DR	MARTINEZ ARACELI
	131	8237	CLARKVIEW DR	HUFF LA VYTRICE D
	132	8241	CLARKVIEW DR	FRANKS CHRISTOPHER N & DESTINI L
	133	8245	CLARKVIEW DR	CRITTENDEN RUTHA
	134	8242	MERRIWEATHER DR	ANDERSON DEBRA N
	135	8238	MERRIWEATHER DR	LOPEZ KIMBERLY
	136	8234	MERRIWEATHER DR	STEPHENS AJ
	137	8230	MERRIWEATHER DR	AMH 2014 1 BORROWER LLC
	138	8226	MERRIWEATHER DR	FULLER NAKIA A
O	139	6800	CLARKRIDGE DR	WILDWOOD DEV CO 1 LTD
	140	6827	CLARK VISTA DR	DAL 2 SF LLC
	141	6823	CLARK VISTA DR	CARR MARCUS
	142	6819	CLARK VISTA DR	FISCHER CAROLYN
	143	6815	CLARK VISTA DR	HURD KETTI ROCHELL
	144	6811	CLARK VISTA DR	OVALLE VIRIDIANA
X	145	6807	CLARK VISTA DR	JOHNSON KEISHA T
	146	6803	CLARK VISTA DR	GARCIA JOSE O
	147	6802	CLARK VISTA DR	DAVALOS JUAN
	148	6806	CLARK VISTA DR	SARROUH SOUHEIL

02/15/2017

Reply	*Label #*	*Address*		*Owner*
	149	6810	CLARK VISTA DR	ISMAEL PAVIA &
	150	6814	CLARK VISTA DR	FIRSTLEY TYISHA T
	151	6818	CLARK VISTA DR	BUNTING TAMMY L
	152	6822	CLARK VISTA DR	COLCLOUGH LAMEKA
	153	6826	CLARK VISTA DR	RAMIREZ MELVIN A
	154	6853	CLARKRIDGE DR	TRKM GLOBAL INVESTMENTS INC
	155	6849	CLARKRIDGE DR	WILLIAMS TERRY &
	156	6845	CLARKRIDGE DR	BRIDGES HENRY
	157	6841	CLARKRIDGE DR	SMITH LATONYA F &
	158	6837	CLARKRIDGE DR	BALLARD CHARLENE &
	159	6833	CLARKRIDGE DR	TAYLOR SAMANTHA E
	160	6829	CLARKRIDGE DR	CHAVARRIA LETICIA S
	161	6825	CLARKRIDGE DR	JONES DWAINIA L
	162	1226	W CAMP WISDOM RD	BURSON GERALD D
	163	1222	W CAMP WISDOM RD	EVANS TONY & VIRGINIA R
	164	1218	W CAMP WISDOM RD	EDWARDS MATTIE
	165	1214	W CAMP WISDOM RD	ROBINSONWHITE MABLE LEE
X	166	1210	W CAMP WISDOM RD	WOOTEN LE ROY JR &
X	167	1206	W CAMP WISDOM RD	DRISCOLL THOMAS B &
	168	1202	W CAMP WISDOM RD	ANDERSON JOHN L & JOY G
	169	702	ROYAL OAK DR	LATHAM JOHN H
	170	638	CASA GRANDE PL	MASK RUSSELL L & PENNY C
X	171	634	CASA GRANDE PL	JOHNSON VERNOY EMANUEL
	172	710	N CASA GRANDE CIR	MEYER ANDRE
	173	708	N CASA GRANDE CIR	MACLEAN RICHARD S & LORI
	174	702	N CASA GRANDE CIR	RIOS JUAN
	175	1302	W CAMP WISDOM RD	THOMAS MYRTLE A
	176	1306	W CAMP WISDOM RD	FARJARDO JESSICA &
	177	714	KEYWE PL	GAONA RICARDO
	178	706	KEYWE PL	FERNANDEZ JOSE R &
	179	702	KEYWE PL	PERRY TIMOTHY L & ANNE G
	180	703	KEYWE PL	WALKER LEON & ROSE
X	181	711	KEYWE PL	MCCALLUM ELAINE

02/15/2017

Reply	*Label #*	*Address*		*Owner*
	182	707	KEYWE PL	JOHANSEN MARK C
	183	700	N CLARK RD	MAKANCLARK LTD &
	184	626	N CLARK RD	RSK GROUP INC

AGENDA ITEM # 80

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: April 12, 2017

COUNCIL DISTRICT(S): 2

DEPARTMENT: Sustainable Development and Construction

CMO: Majed Al-Ghafry, 670-3302

MAPSCO: 34 U

SUBJECT

A public hearing to receive comments regarding an application for and an ordinance granting a Planned Development Subdistrict for GR General Retail Subdistrict, bank or savings and loan office with drive-through window service, and service station uses on property zoned an LC Light Commercial and MF-2 Multiple Family Subdistricts within Planned Development District No. 193, the Oak Lawn Special Purpose District, on the west corner of Denton Drive and Hudnall Street

Recommendation of Staff and CPC: Approval, subject to a development plan and conditions

Z167-163(SM)

HONORABLE MAYOR & CITY COUNCIL **WEDNESDAY, APRIL 12, 2017**

ACM: Majed Al-Ghafry

FILE NUMBER: Z167-163(SM) **DATE FILED:** December 21, 2016

LOCATION: West corner of Denton Drive and Hudnall Street

COUNCIL DISTRICT: 2 **MAPSCO:** 34-U

SIZE OF REQUEST: Approx. 5.22 acres **CENSUS TRACT:** 4.04

APPLICANT / OWNER: RP Dentwood SC, LP

REPRESENTATIVE: Rob Baldwin

REQUEST: An application for a Planned Development Subdistrict for GR General Retail Subdistrict, bank or savings and loan office with drive-through window service, and service station uses on property zoned an LC Light Commercial and MF-2 Multiple Family Subdistricts within Planned Development District No. 193, the Oak Lawn Special Purpose District.

SUMMARY: The purpose of the request is to construct a new development with consideration of the following: 1) require the first 30 feet of a building, measured inward from the street-facing facade, to be limited to residential uses along Denton Drive and along Hudnall Street northwest of centerline of the terminus of Fleetwood Oaks Avenue; 2) require street-facing dwelling units to provide entries that directly connect to the adjacent public sidewalk; 3) establish setbacks, height, lot coverage, and density; and 4) allow two new uses: bank or savings and loan office with drive-through window service, with a maximum of two drive-through lanes, and service station only if it is on same lot as a retail food store that is 50,000 square feet or larger.

CPC RECOMMENDATION: **Approval**, subject to a development plan and conditions.

STAFF RECOMMENDATION: **Approval**, subject to a development plan and conditions.

BACKGROUND INFORMATION:

- The southern portion of the site was previously developed with an auto sales use that was demolished in 2009, according to permit records.

- The Inwood/Love Field Station on DART's Green light rail line opened December 6, 2010.

- The northern portion of the site was developed with medium-density multiple family buildings and was demolished in 2012, according to permit records.

Zoning History: There have not been any zoning changes in the surrounding area in the last five years.

Traffic: The Engineering Division of the Sustainable Development and Construction Department has reviewed the request and determined that the proposed development will not have a negative impact on the surrounding street system. The analysis is based upon a traffic impact analysis the applicant provided during the application submittal.

Thoroughfare/Street	Function	Proposed Dimension
Denton Drive Cut Off	Collector	3 lanes undivided, 60-80' ROW, with bicycle lanes
Denton Drive	Local	56' ROW
Hudnall Street	Local	50' ROW

Comprehensive Plan:

The *forwardDallas! Comprehensive Plan* was adopted by the City Council in June 2006. The *forwardDallas! Comprehensive Plan* outlines several goals and policies which can serve as a framework for assisting in evaluating the applicant's request.

LAND USE ELEMENT

GOAL 1.2 PROMOTE DESIRED DEVELOPMENT

Policy 1.2.1 Use Vision Building Blocks as a general guide for desired development patterns.

Policy 1.1.4 Capitalize on transit oriented development opportunities.

The Vision Illustration depicts the request site as within an *Urban Mixed-Use* and the site is within a quarter mile of a light rail station. The request is characteristic of the Urban Mixed-Use Building Block because it provides residents with a vibrant blend of

opportunities to live, work, shop and play within a closely defined area and it capitalizes on transit oriented development opportunities.

URBAN DESIGN ELEMENT

GOAL 5.1 PROMOTE A SENSE OF PLACE, SAFETY AND WALKABILITY

Policy 5.1.3 Encourage complementary building height, scale, design and character.

Area Plans:

The Oak Lawn Special Purpose District and the Oak Lawn Plan include the following objectives:

(1) To achieve buildings more urban in form.

(2) To promote and protect an attractive street level pedestrian environment with continuous street frontage activities in retail areas.

(3) To encourage the placement of off-street parking underground or within buildings similar in appearance to non-parking buildings.

(4) To promote development appropriate to the character of nearby neighborhood uses by imposing standards sensitive to scale and adjacency issues.

(5) To use existing zoned development densities as a base from which to plan, while providing bonuses to encourage residential development in commercial areas.

(6) To discourage variances or zoning changes which would erode the quantity or quality of single-family neighborhoods, or would fail to adhere to the standards for multiple-family neighborhoods and commercial areas.

(7) To promote landscape/streetscape quality and appearance.

The applicant's request for a new PDS meets the above listed objectives. The Property will be redeveloped with a small pad site with an optional drive through and surface parking at the corner of Denton Drive Cut Off and Hudnall Street and one large structure that has ground-level vehicular circulation that breaks up the development into two connected structures. The large structure on the area of request is proposed to be part of an overall development with the property to the northwest of the request site. The proposed overall development, including the portion that is currently zoned GR and is outside of the area request, is a mixed use development that engages and enhances the adjacent Inwood/Love Field DART light rail station and is proposed in accordance with transit oriented objectives.

The proposed development complies with objectives one through four and with objectives six and seven as follows. According to the proposed development plan, the middle portion of the area of request is proposed to be a maximum of four stories and may contain a mixture of uses with a portion of the maximum of 425 dwelling units as prescribed in the proposed subdistrict. The reminder of the property shown on the development plan allows a maximum five stories of an above grade parking structure that is wrapped with a maximum of three stories of a use that is not parking. The proposed wrap must (1) have a minimum depth of 30 feet from facades, (2) the wrap's ground level uses are restricted to residential uses along Denton Drive and along Hudnall Street northwest of centerline of the terminus of Fleetwood Oaks Avenue, (3) the wrap is limited to 36 feet in height along Denton Drive and along Hudnall Street northwest of centerline of the terminus of Parkland Avenue, and (4) those units must have entries that connect directly to the adjacent sidewalk in order to activate the ground floor and screen the parking structure. The above requirements are characteristic of the Oak Lawn Plans objectives.

The request is also consistent with the fifth objective, "to use existing zoned development densities as a base from which to plan, while providing bonuses to encourage residential development in commercial areas." The Oak Lawn Special Purpose District regulates densities based on subdistrict, lot size, and configuration of units (e.g. efficiency, one-bedroom, two-bedroom, etc.). The request site is currently split-zoned with approximately 54,600 square feet in the LC Subdistrict and 160,940 square feet in the MF-2 Subdistrict, each figure excludes rights-of-way. Based on these lot areas, the area of request is currently limited to 436 one-bedroom units in the LC Subdsitrict lot area and 160 one-bedroom units in the MF-2 Subdistrict lot area, these two figures total a maximum of 596 one-bedroom units allowed. If these two lot areas were considered for all two-bedroom units, the existing zoning would allow 498 two-bedroom units. Since the request limits density to 425 units, regardless of number of bedrooms, the density proposed is consistent with the existing zoned densities.

STAFF ANALYSIS:

Land Use:

	Zoning	Land Use
Site	PDD No. 193 (LC & MF-2)	Undeveloped
Northeast	PDD No. 193 (R-7.5)	Single Family
Southeast	PDD No. 193 (R-7.5; MF-2; LC)	Single Family; Multiple family; Mixed retail and entertainment uses
Southwest	IR; PDD No. 862	Auto Service; Multifamily
Northwest	PDD No. 193 (GR)	Vacant Retail

Development Standards:

DISTRICT	SETBACKS		FAR	Height	Lot Coverage	PRIMARY Uses
	Front	Side/Rear				
MF-2 Multiple-family Subdistrict (existing)	15'	10'/15'	N/A	36'	50%	Retail, Office, single family, multiple-family
LC Light Commercial Subdistrict (existing)	10'	0'/0'	4:1	36' sf 240' non-residential	80%	Retail, Office, single family, Multiple-family
GR General Retail (base of proposed and to northwest)	10'	0'	2.5:1	120'	80%	Residential, Community service, Medical uses, Personal, professional, and custom craft uses
PDD for GR General Retail	10' & 15'	0'	2.5:1	48'	80%	Residential, Community service, Medical uses, Personal, professional, and custom craft uses

Landscaping: Landscaping must be provided in accordance with Part I of PDD No. 193, the Oak Lawn Special Purpose District.

Parking: The applicant is not requesting any parking reductions and will comply with the parking requirements set forth in Part I of PDD No. 193, the Oak Lawn Special Purpose District.

CPC Motion – February 16, 2017:

Motion: It was moved to recommend **approval** of a Planned Development Subdistrict for GR General Retail Subdistrict, bank or savings and loan office with drive-through window service, and service station uses, subject to a revised development plan and revised conditions (as briefed) on property zoned an LC Light Commercial and an MF-2 Multiple Family Subdistricts within Planned Development District No. 193, the Oak Lawn Special Purpose District, on the west corner of Denton Drive and Hudnall Street.

Maker: Rieves
Second: Haney
Result: Carried: 13 to 0

For: 13 - Anglin, Rieves, Houston, Davis, Shidid, Haney, Mack, Jung, Housewright, Schultz, Peadon, Murphy, Ridley

Against: 0
Absent: 2 - Anantasomboon, Tarpley
Vacancy: 0

Notices: Area: 500 Mailed: 261
Replies: For: 5 Against: 2

Speakers: For: Rob Baldwin, 3904Elm St., Dallas, TX, 75226
Greg Coutant, 3102 Oak Lawn Ave., Dallas, TX, 75219
Against: None

LIST OF OFFICIERS

RP Dentwood SC, LP

RP Dentwood SC/GP, LLC

Elizabeth J. Rader, Manager

Homer J. Rader, III, Member

William S. Rader, Member

CPC RECOMMENDED PDS CONDITIONS

Proposed PD conditions

Division S-___. PD Subdistrict ___.

SEC. S-___.___. LEGISLATIVE HISTORY.

PD Subdistrict ___ was established by Ordinance No. ___, passed by the Dallas City Council on ____.

SEC. S-___.102. PROPERTY LOCATION AND SIZE.

PD Subdistrict ___ is established on property located at the west corner of Denton Drive and Hudnall Drive. The size of PD Subdistrict ___is 4.2210 acres.

SEC. S-___.103. DEFINITIONS AND INTERPRETATIONS.

(a) Unless otherwise stated, the definitions and interpretations in Chapter 51 and Part I of this article apply to this division. If there is a conflict, this division controls. If there is a conflict between Chapter 51 and Part I of this article, Part I of this article controls.

(b) In this division, SUBDISTRICT means a subdistrict of PD 193.

(c) Unless otherwise stated, all references to articles, divisions, or sections in this division are to articles, divisions, or sections in Chapter 51.

(d) This subdistrict is considered to be a nonresidential zoning district.

SEC. S-___.104. EXHIBIT.

The following exhibit is incorporated into this division: Exhibit S-___A: development plan.

SEC. S-___.105. DEVELOPMENT PLAN.

Development and use of the Property must comply with the development plan (Exhibit ___). If there is a conflict between the text of this division and the development plan, the text of this division controls.

SEC. S-___.106. MAIN USES PERMITTED.

(a) Except as provided, the only main uses permitted in this subdistrict are those main uses permitted in the GR General Retail Subdistrict, subject to the same conditions applicable in the GR General Retail Subdistrict, as set out in Part I of this article. For example, a use permitted in the GR General Retail Subdistrict only by specific use permit (SUP) is permitted in this subdistrict only by SUP; a use subject to development impact review (DIR) in the GR General Retail Subdistrict is subject to DIR in this subdistrict; etc.

(b) The following main use is also permitted:

-- Bank or savings and loan office with drive-through window service. *[Limited to two drive-through lanes.]*

-- Service station. *[Must be on same lot as a retail food store that is 50,000 square feet or larger. Maximum one service station use per city block.]*

(c) Along Denton Drive and along Hudnall Street northwest of centerline of the terminus of Fleetwood Oaks Avenue, the ground story for the first 30 feet of the building measured inward from the street-facing facade is limited to residential uses.

SEC. S-___.107. ACCESSORY USES.

As a general rule, an accessory use is permitted in any subdistrict in which the main use is permitted. Some specific accessory uses, however, due to their unique nature, are subject to additional regulations in Section 51P-193.108. For more information regarding accessory uses, consult Section 51P-193.108.

SEC. S-___.108. YARD, LOT, AND SPACE REGULATIONS.

(a) In general. Except as provided, the yard, lot, and space regulations for the GR General Retail Subdistrict apply.

(b) Front yard.

(1) For Denton Drive and Hudnall Drive, minimum front yard is 15 feet.

(2) For Denton Drive Cut Off, minimum front yard is 10 feet.

(3) Encroachments such as stairs and stoops and landscape walls four feet in height and less are allowed five feet into the required setback and need not be shown on the development plan.

(4) No additional setback is required above 36 feet.

(c) Side and rear yard. No side or rear yard setback is required.

(d) Height.

(1) Except as provided in this subsection, maximum height is 48 feet.

(2) Along Denton Drive and along Hudnall Street northwest of centerline of the terminus of Parkland Avenue, the first 30 feet of the building measured inward from the street-facing facade, maximum height is 36 feet.

(3) The following structures may project a maximum of 12 feet above the maximum structure height:

(A) Elevator penthouse or bulkhead.

(B) Mechanical equipment room.

(C) Cooling tower.

(D) Tank designed to hold liquids.

(E) Gable, hip, or gambrel roof.

(F) Skylights.

(G) Clerestory.

(H) Visual screens which surround roof mounted mechanical equipment.

(I) Chimney and vent stacks.

(J) Light standards on a parking structure.

(K) Parapet wall and parking structure safety wall, limited to a height of four feet.

(e) Lot coverage. Maximum lot coverage is 80 percent.

(f) Lot area. No minimum lot area.

(g) Density. Maximum number of dwellings is 425.

SEC. S- ____.109. URBAN DESIGN STANDARDS.

(a) Entries. A minimum of 80 percent of the street-facing, ground-level dwelling units must have individual entries that face the street and have an improved path connecting to the public sidewalk. Individual sidewalks may be constructed of concrete or a permeable hardscape material such as decomposed granite.

(b) Off-street parking structure. Where directly across a street from a single family district, off-street parking structures must contain a permitted main use that is not parking or vehicular circulation on the ground story for the first 30 feet of the building measured inward from the street-facing facade. Otherwise, there is no active ground-story use requirement and off-street parking structures must comply with Sec. 51P-193.127(a).

(c) Pedestrian crossings at driveways that intersect Hudnall Drive or Denton Drive must be enhanced, using striping, pavers, or providing a continuous elevation across the driveway if the continuous elevation does not create a traffic hazard.

SEC. S-___.110. OFF-STREET PARKING AND LOADING.

Consult Part I of this article for the specific off-street parking and loading requirements for each use.

SEC. S-___.111. ENVIRONMENTAL PERFORMANCE STANDARDS.

See Article VI.

SEC. S-___.112. LANDSCAPING.

(a) Landscaping and screening must be provided in accordance with Part I of this article.

(b) Plant materials must be maintained in a healthy, growing condition.

SEC. S-___.113. SIGNS.

Signs must comply with the provisions for business zoning districts in Article VII.

SEC. S-___.114. ADDITIONAL PROVISIONS.

(a) The Property must be properly maintained in a state of good repair and neat appearance.

(b) Development and use of the Property must comply with all federal and state laws and regulations, and with all ordinances, rules, and regulations of the city.

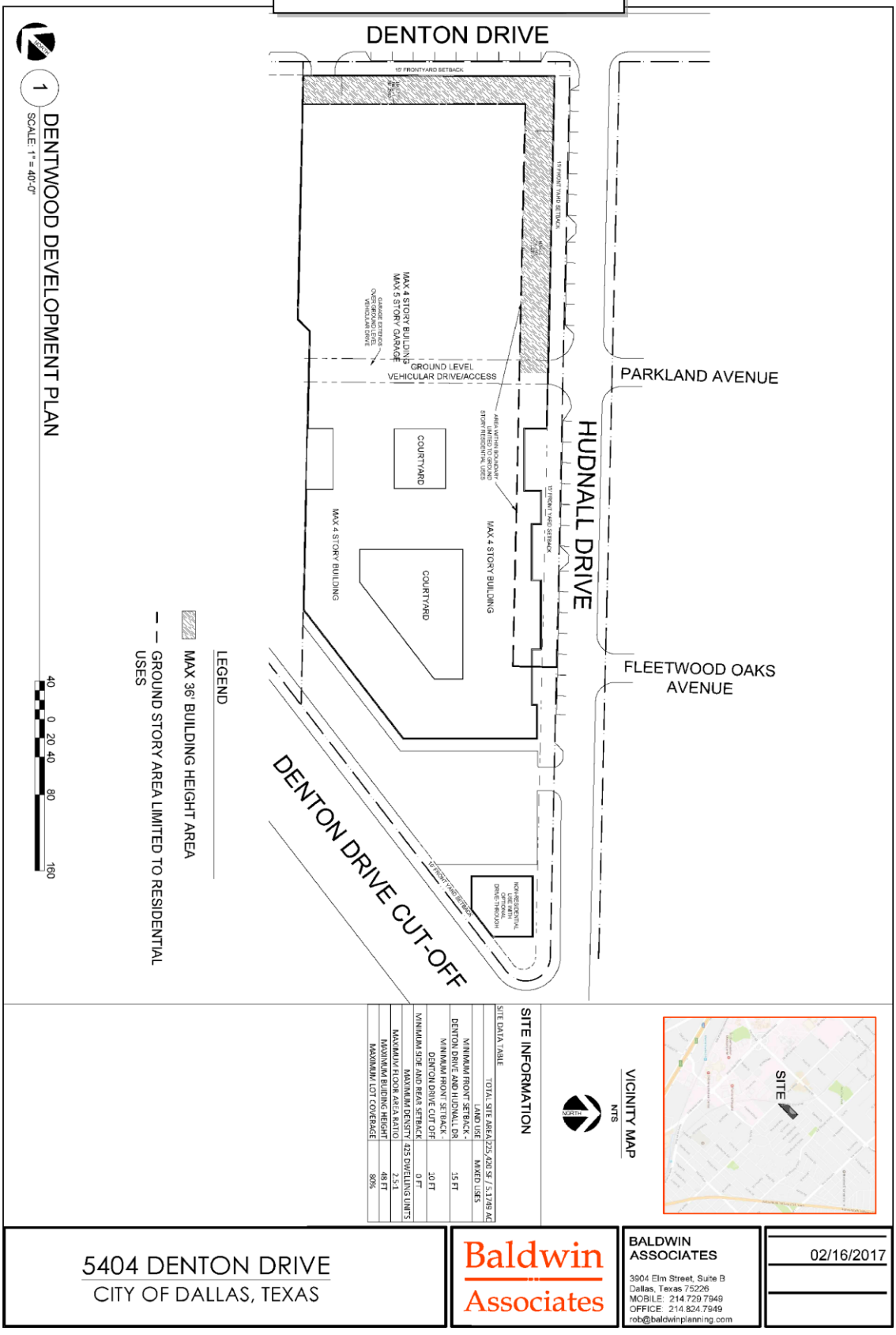
(c) Development and use of the Property must comply with Part I of this article.

SEC. S-___.115. COMPLIANCE WITH CONDITIONS.

(a) All paved areas, permanent drives, streets, and drainage structures, if any, must be constructed in accordance with standard city specifications, and completed to the satisfaction of the city.

(b) The building official shall not issue a building permit to authorize work, or a certificate of occupancy to authorize the operation of a use, in this subdistrict until there has been full compliance with this division, the Dallas Development Code, the construction codes, and all other ordinances, rules, and regulations of the city.

CPC RECOMMENDED DEVELOPMENT PLAN

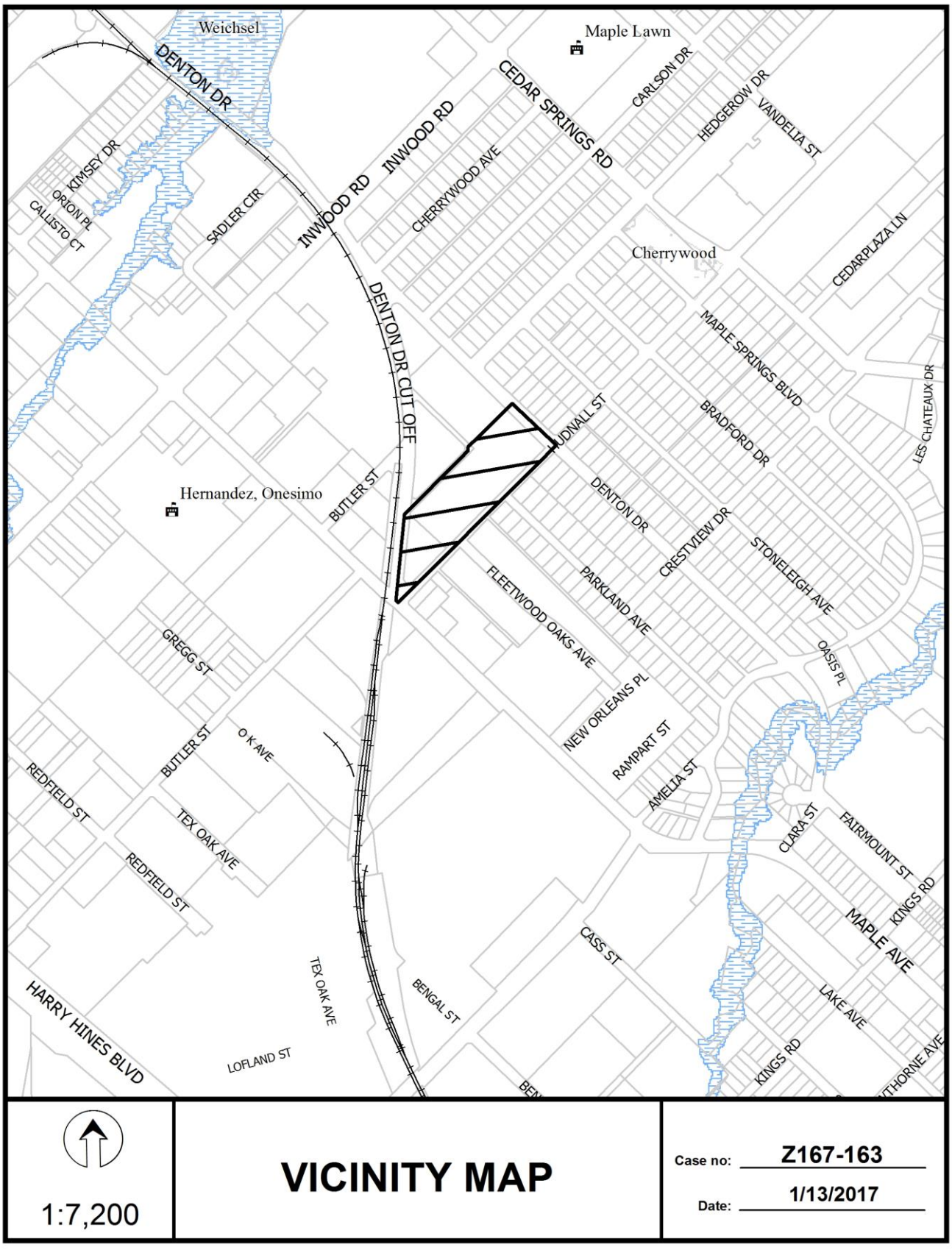


5404 DENTON DRIVE
CITY OF DALLAS, TEXAS

Baldwin Associates

BALDWIN ASSOCIATES
3904 Elm Street, Suite B
Dallas, Texas 75226
MOBILE: 214.729.7949
OFFICE: 214.824.7949
rob@baldwinplanning.com

02/16/2017



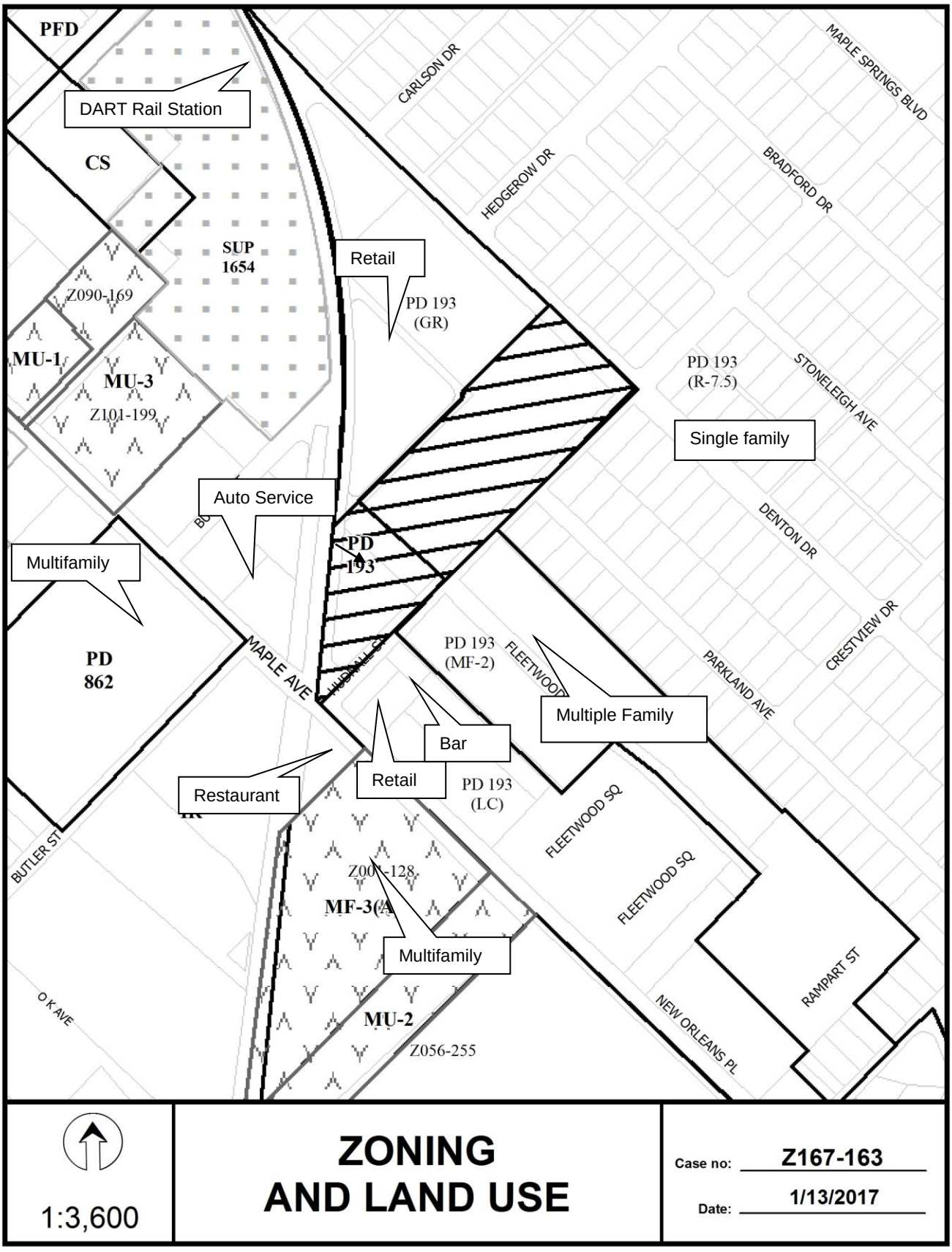
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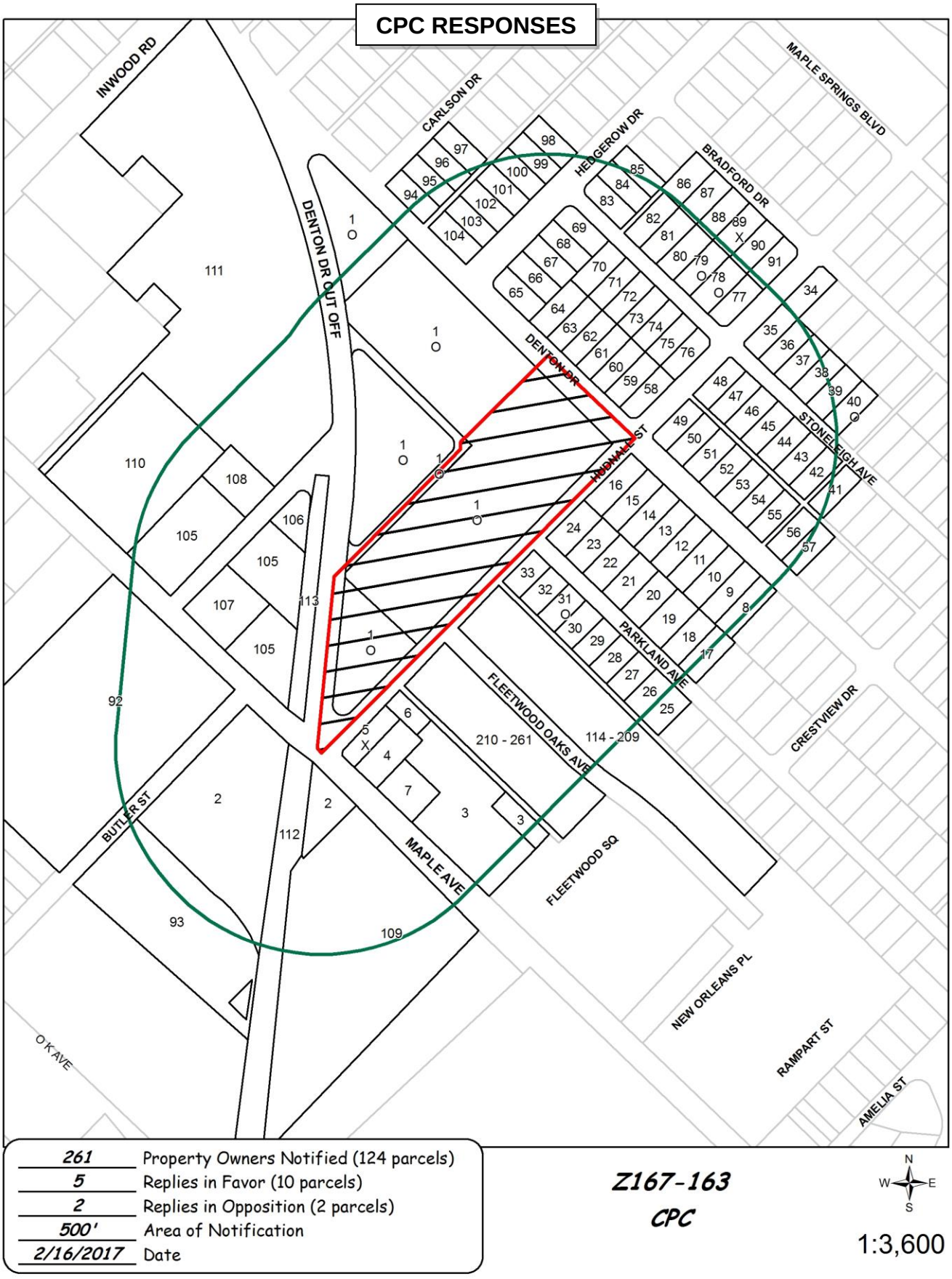
VICINITY MAP

Case no: Z167-163

Date: 1/13/2017


INWOOD RD
DENTON DR CUT OFF
CARLSON DR
DENTON DR
HEDGEROW DR
MAPLE SPRINGS BLVD
BRADFORD DR
STONELEIGH AVE
BUTLER ST
MAPLE AVE
HUDNALL ST
PARKLAND AVE
CRESTVIEW DR
FLEETWOOD OAKS AVE
FLEETWOOD SQ
FLEETWOOD SQ
NEW ORLEANS PL
RAMPART ST
AMELIA ST
O'K AVE
BUTLER ST
1:3,600
AERIAL MAP
Case no: Z167-163
Date: 1/13/2017


PFD
DART Rail Station
CS
SUP 1654
Z090-169
MU-1
MU-3
Z101-199
Retail
PD 193 (GR)
CARLSON DR
MAPLE SPRINGS BLVD
HEDGEROW DR
BRADFORD DR
PD 193 (R-7.5)
STONELEIGH AVE
Single family
Auto Service
PD 193
DENTON DR
Multifamily
PD 862
MAPLE AVE
PD 193 (MF-2)
FLEETWOOD
PARKLAND AVE
CRESTVIEW DR
Multiple Family
Bar
Retail
Restaurant
PD 193 (LC)
FLEETWOOD SQ
BUTLER ST
Z001-128
MF-3(A)
Multifamily
O K AVE
MU-2
Z056-255
NEW ORLEANS PL
RAMPART ST
1:3,600
ZONING AND LAND USE
Case no: Z167-163
Date: 1/13/2017


CPC RESPONSES
INWOOD RD
CARLSON DR
HEDGEROW DR
MAPLE SPRINGS BLVD
BRADFORD DR
DENTON DR CUT OFF
DENTON DR
HUBBALL ST
STONELEIGH AVE
PARKLAND AVE
FLEETWOOD OAKS AVE
CRESTVIEW DR
BUTLER ST
MAPLE AVE
FLEETWOOD SQ
NEW ORLEANS PL
RAMPART ST
AMELIA ST
O K AVE
210 - 261
114 - 209
261 Property Owners Notified (124 parcels)
5 Replies in Favor (10 parcels)
2 Replies in Opposition (2 parcels)
500' Area of Notification
2/16/2017 Date
Z167-163
CPC
N
W
E
S
1:3,600

02/15/2017

Reply List of Property Owners

Z167-163

261 Property Owners Notified ***5 Property Owners in Favor*** ***2 Property Owners Opposed***

Reply	*Label #*	*Address*		*Owner*
O	1	5520	DENTON DR CUT OFF DR	RP DENTWOOD SC LP
	2	5321	MAPLE AVE	CRS MAPLE LLC
	3	5308	MAPLE AVE	MAYA FOODS INC
	4	5320	MAPLE AVE	ES & S REALTY LLC
X	5	5326	MAPLE AVE	ES & S REALTY LLC
	6	2514	HUDNALL ST	RUBIN CANDACE
	7	5312	MAPLE AVE	SCHWARTZ JERRY TRUSTEE &
	8	5223	DENTON DR	PAIR DOUGLAS B
	9	5227	DENTON DR	GEORGE EDWARD &
	10	5303	DENTON DR	BURTCHAELL CAROL ANN
	11	5307	DENTON DR	GONZALEZ SALVADOR &
	12	5311	DENTON DR	HAWKEN RICHARD K
	13	5315	DENTON DR	NIXON V BRUCE
	14	5319	DENTON DR	LOPEZ JULIO
	15	5323	DENTON DR	MC DESIGN LLC
	16	5327	DENTON DR	VONGPHACHANH XAYVIPHAEH
	17	5220	PARKLAND AVE	HENDON HARPER M
	18	5224	PARKLAND AVE	BROWN ADAM B & REBECCA M
	19	5304	PARKLAND AVE	FOX THOMAS P &
	20	5308	PARKLAND AVE	BRITT KATIE B
	21	5312	PARKLAND AVE	UGALDE FIDEL
	22	5314	PARKLAND AVE	M Y A L TEXAS LLC
	23	5322	PARKLAND AVE	JIMENEZ IRENE H & JOE
	24	5328	PARKLAND AVE	LACKIE JAMES K
	25	5219	PARKLAND AVE	SWEERBRIAR INVESTMENTS INC
	26	5223	PARKLAND AVE	ANISE MARY C &

02/15/2017

Reply	*Label #*	*Address*		*Owner*
	27	5227	PARKLAND AVE	GRAF JOYCE ANN &
	28	5303	PARKLAND AVE	AGER SUSAN N & BRADLY E
	29	5307	PARKLAND AVE	MENDEZ MARTIN & ANGELICA
	30	5311	PARKLAND AVE	SLAUGHTER SCOTT A &
O	31	5315	PARKLAND AVE	MITLYNG JAMES ALLAN & SUSAN JANE
	32	5317	PARKLAND AVE	GUTIERREZ MANUEL SR
	33	5323	PARKLAND AVE	JARVIS STEVEN D
	34	5327	BRADFORD DR	VALENCIA KENNETH L
	35	5328	STONELEIGH AVE	ALONZO MARTIN P
	36	5322	STONELEIGH AVE	BERKLEY NANCY J
	37	5320	STONELEIGH AVE	VAZQUEZ GABRIEL
	38	5314	STONELEIGH AVE	PHAM VIET MY
	39	5310	STONELEIGH AVE	SILVA MANUEL R
O	40	5306	STONELEIGH AVE	GOWDY CHRISTOPHER MICHAEL &
	41	5227	STONELEIGH AVE	MCDONALD JAMES
	42	5303	STONELEIGH AVE	MENCHACA FAINE H
	43	5307	STONELEIGH AVE	IBARRA MARIA ESPERANZA
	44	5311	STONELEIGH AVE	GUAJARDO PATRICIA & MARTIN
	45	5315	STONELEIGH AVE	VILLASANA EULALIA
	46	5319	STONELEIGH AVE	FLORES CARLOS C
	47	5323	STONELEIGH AVE	BEARDEN BILL S
	48	5325	STONELEIGH AVE	SOWDEN JOAN ELAINE
	49	5328	DENTON DR	SERAPHY INVESTMENTS INTERNATIONAL
	50	5322	DENTON DR	WELF ERICK S
	51	5318	DENTON DR	KEESEE JEFFREY A &
	52	5314	DENTON DR	NOLEN DARRELL
	53	5310	DENTON DR	MARTINEZ FEDERICO J &
	54	5306	DENTON DR	FLORES ALBERTO
	55	5302	DENTON DR	SROPATHI CHANDRA & SUNANDA
	56	5226	DENTON DR	GARCIA FEDERICO
	57	5222	DENTON DR	CERRILLO ROSA A

02/15/2017

Reply	*Label #*	*Address*		*Owner*
	58	5402	DENTON DR	MARTINEZ TRINIDAD A
	59	5406	DENTON DR	REDWINE TONY TR
	60	5410	DENTON DR	RUIZ DAVID GERARDO
	61	5414	DENTON DR	MEYER LAURA A
	62	5418	DENTON DR	GARCIA RICHARD
	63	5422	DENTON DR	ROGERS CORINNA GARCIA
	64	5426	DENTON DR	ALMARAZ TRINIDAD &
	65	2802	HEDGEROW DR	DENNIS LOUIS
	66	2806	HEDGEROW DR	JC LEASING LLP
	67	2810	HEDGEROW DR	WEST CHRISTINE E
	68	2814	HEDGEROW DR	SEHAT MEHRDAD
	69	2820	HEDGEROW DR	VILLESCAS VINCENT G
	70	5427	STONELEIGH AVE	PRZYBORSKI JAY
	71	5423	STONELEIGH AVE	MAIA DAVID E
	72	5419	STONELEIGH AVE	BISHOP DAVID C
	73	5415	STONELEIGH AVE	RADO MARK ALEXANDER
	74	5411	STONELEIGH AVE	MANN SUSAN J
	75	5407	STONELEIGH AVE	KAZANAS DEAN
	76	5403	STONELEIGH AVE	DUSSEAU BERNARD G & DONNA L
	77	5402	STONELEIGH AVE	WOOD GREGORY S
O	78	5406	STONELEIGH AVE	DAVIS ASHLEY M & TAYLOR R
O	79	5410	STONELEIGH AVE	TRENT DONALD L
	80	5418	STONELEIGH AVE	PERINI CAROLINE &
	81	5422	STONELEIGH AVE	MANN SUSAN
	82	5426	STONELEIGH AVE	WOOD AUTUMN
	83	2826	HEDGEROW DR	NOW HOMES LLC
	84	2832	HEDGEROW DR	DELEON JUANITA
	85	2836	HEDGEROW DR	SANCHEZ RICHARD
	86	5427	BRADFORD DR	THOMPSON DENNIS M &
	87	5423	BRADFORD DR	RIVERA RACHEL &
	88	5419	BRADFORD DR	JONES AMANDA S

02/15/2017

Reply	*Label #*	*Address*		*Owner*
X	89	5411	BRADFORD DR	GILBERT JAMES RALPH
	90	5407	BRADFORD DR	MARCHESE GREGORY & ELIZABETH
	91	5403	BRADFORD DR	BERENCSI ERICA
	92	5415	MAPLE AVE	MAPLE BUTLER LLC
	93	2422	BUTLER ST	DALLAS COUNTY HOSPITAL DISTRICT
	94	2802	CARLSON DR	RIVERA SOLEDAD
	95	2806	CARLSON DR	GALVAN MARIO A &
	96	2810	CARLSON DR	FRANCO ANADELINA
	97	2814	CARLSON DR	MARTINEZ JO ANN B
	98	2831	HEDGEROW DR	MONDRAGON JUANITA
	99	2825	HEDGEROW DR	MOLINA JUAN & M GUADALUPE
	100	2821	HEDGEROW DR	ROJAS ARCELIA DEL CARMEN
	101	2815	HEDGEROW DR	DAVILA ELENA SALINAS
	102	2811	HEDGEROW DR	MARTINEZ CARMEN
	103	2807	HEDGEROW DR	BAIRD ROBERT KENNETH
	104	2803	HEDGEROW DR	LONG ELENA
	105	5454	MAPLE AVE	PIMENTAL HOLDINGS LLC
	106	2530	BUTLER ST	4152 BUENA VISTA LTD
	107	2500	BUTLER ST	TEXAS UTILITIES ELEC CO
	108	2525	BUTLER ST	CONSTANCE 2525 BUTLER LTD
	109	5225	MAPLE AVE	MAEDC MAPLE APTS LLC
	110	5522	MAPLE AVE	SHREE MAPLE LLC
	111	2720	INWOOD RD	DART
	112	401	S BUCKNER BLVD	DART
	113	555	2ND AVE	DART
	114	5322	FLEETWOOD OAKS DR	FLEETWOOD OAKS 5322 143 LAND TRUST
	115	5322	FLEETWOOD OAKS DR	GUZMAN MANUEL
	116	5322	FLEETWOOD OAKS DR	LASKA DAVID
	117	5322	FLEETWOOD OAKS DR	LITTLE ROGER L
	118	5326	FLEETWOOD OAKS DR	STORY SHAN
	119	5326	FLEETWOOD OAKS DR	GONZALEZ JULIO E

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Reply	*Label #*	*Address*		*Owner*
	120	5326	FLEETWOOD OAKS DR	MCCLUNG ALAN C
	121	5326	FLEETWOOD OAKS DR	BURK MICHAEL T &
	122	5322	FLEETWOOD OAKS DR	JOUZDANI ELAHE
	123	5322	FLEETWOOD OAKS DR	MIDDLETON RICHARD H
	124	5322	FLEETWOOD OAKS DR	JOYNER EDWIN E
	125	5322	FLEETWOOD OAKS DR	PELLEGRINE JOSEPH MARK
	126	5326	FLEETWOOD OAKS DR	RAMOS ROMAN
	127	5326	FLEETWOOD OAKS DR	WATSON MATTHEW M
	128	5326	FLEETWOOD OAKS DR	YUAN JAY &
	129	5326	FLEETWOOD OAKS DR	DARTY STEPHANIE W
	130	5310	FLEETWOOD OAKS DR	WELTY TROY
	131	5310	FLEETWOOD OAKS DR	KALIENTE INC
	132	5310	FLEETWOOD OAKS DR	BENNETT HARALD
	133	5310	FLEETWOOD OAKS DR	MIDDLETON RICHARD
	134	5322	FLEETWOOD OAKS DR	MATA NORBERTO
	135	5322	FLEETWOOD OAKS DR	RIVERA JAIME ENRIQUE
	136	5322	FLEETWOOD OAKS DR	JENKINS RANDALL L
	137	5322	FLEETWOOD OAKS DR	VILLARREAL MARIO &
	138	5310	FLEETWOOD OAKS DR	ARATA DAVID MICHAEL
	139	5310	FLEETWOOD OAKS DR	JLC PROPERTIES LLC
	140	5310	FLEETWOOD OAKS DR	MIDDLETON RICHARD
	141	5310	FLEETWOOD OAKS DR	BARRETT JAMES
	142	5322	FLEETWOOD OAKS DR	HENNEN WILMA MARIE &
	143	5322	FLEETWOOD OAKS DR	MOSLEY ANGELA ET AL
	144	5322	FLEETWOOD OAKS DR	SIMMONS CYNTHIA ANN
	145	5322	FLEETWOOD OAKS DR	BOLIVER DOUGLAS
	146	5310	FLEETWOOD OAKS DR	MORGAN BRYAN II
	147	5310	FLEETWOOD OAKS DR	DUBE CHARLES M JR &
	148	5310	FLEETWOOD OAKS DR	REGAN MICHAEL
	149	5310	FLEETWOOD OAKS DR	SLAGLE KAREN &
	150	5310	FLEETWOOD OAKS DR	BLACHUT AGNES STELLA

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Reply	*Label #*	*Address*		*Owner*
	151	5310	FLEETWOOD OAKS DR	MIDDLETON SUSAN L
	152	5306	FLEETWOOD OAKS DR	COVINGTON ROBERT LEE JR
	153	5306	FLEETWOOD OAKS DR	ROWLAND SIDNEY F JR &
	154	5306	FLEETWOOD OAKS DR	RODRIGUEZ ENRIQUE
	155	5306	FLEETWOOD OAKS DR	MIDDLETON RICHARD
	156	5310	FLEETWOOD OAKS DR	GONZALEZ RAY L
	157	5310	FLEETWOOD OAKS DR	MAYIM FL LLC
	158	5310	FLEETWOOD OAKS DR	MITCHELL STEVEN L
	159	5310	FLEETWOOD OAKS DR	LEBLANC STEPHEN BLAKE
	160	5306	FLEETWOOD OAKS DR	HALL JERRY
	161	5306	FLEETWOOD OAKS DR	MCCLURE WAYNE
	162	5306	FLEETWOOD OAKS DR	OMAR YAZAN
	163	5306	FLEETWOOD OAKS DR	GALVAN STEVEN
	164	5310	FLEETWOOD OAKS DR	WOOD JIM
	165	5310	FLEETWOOD OAKS DR	WANG BING
	166	5310	FLEETWOOD OAKS DR	ROY DAVID
	167	5234	FLEETWOOD OAKS DR	JACOBSON G & M FAMILY TR &
	168	5234	FLEETWOOD OAKS DR	HALL TERRY
	169	5234	FLEETWOOD OAKS DR	DUBE CHARLES M &
	170	5238	FLEETWOOD OAKS DR	MCCLURE WAYNE &
	171	5238	FLEETWOOD OAKS DR	GIOVANNONI BRET L
	172	5238	FLEETWOOD OAKS DR	PETERSON DAVID
	173	5234	FLEETWOOD OAKS DR	HAGE DONNA J LIVING TRUST
	174	5234	FLEETWOOD OAKS DR	DUBE CHARLES M &
	175	5234	FLEETWOOD OAKS DR	COVINGTON ROBERT LEE JR
	176	5238	FLEETWOOD OAKS DR	MCCLURE WAYNE
	177	5238	FLEETWOOD OAKS DR	KOLENOVIC MIRALEM
	178	5238	FLEETWOOD OAKS DR	WHITTINGTON LARA J
	179	5218	FLEETWOOD OAKS DR	OAKLAWN GROUP LLC
	180	5220	FLEETWOOD OAKS DR	TABER WAYLAN
	181	5220	FLEETWOOD OAKS DR	HILL DARRYL W

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Reply	*Label #*	*Address*		*Owner*
	182	5222	FLEETWOOD OAKS DR	MORSHED TANYA F
	183	5222	FLEETWOOD OAKS DR	COLEMAN CHRISTOPHER RICHARD & ELAINE FERGUSON
	184	5226	FLEETWOOD OAKS DR	WILLIAM PAUL ART MACMAHON
	185	5226	FLEETWOOD OAKS DR	ANDREWS SHERRI
	186	5232	FLEETWOOD OAKS DR	TOMASI SALVATORE
	187	5232	FLEETWOOD OAKS DR	SIMPSON JOHN K
	188	5218	FLEETWOOD OAKS DR	CUMMINGS EUGENE
	189	5218	FLEETWOOD OAKS DR	ALFARO MANUEL
	190	5220	FLEETWOOD OAKS DR	FLEETWOOD OAKS 5220#209 LAND TRUST
	191	5220	FLEETWOOD OAKS DR	RHODES CHRISTOPHER L
	192	5222	FLEETWOOD OAKS DR	MACMAHON PAUL
	193	5222	FLEETWOOD OAKS DR	ELLIS CHANTAL D
	194	5226	FLEETWOOD OAKS DR	HARVEL STUART
	195	5226	FLEETWOOD OAKS DR	SMITHERMAN THOMAS SCOTT
	196	5232	FLEETWOOD OAKS DR	YU YONGHAO &
	197	5232	FLEETWOOD OAKS DR	NEWLAND ALAN R
	198	5212	FLEETWOOD OAKS DR	DYNASTY ALPHA LLC
	199	5212	FLEETWOOD OAKS DR	BOLIVER DOUGLAS B
	200	5212	FLEETWOOD OAKS DR	HU GENE SEAN
	201	5214	FLEETWOOD OAKS DR	HART CHARLES
	202	5214	FLEETWOOD OAKS DR	FELCH ALAN
	203	5214	FLEETWOOD OAKS DR	ROBINSON KEVIN M
	204	5212	FLEETWOOD OAKS DR	BRADLEY SUSAN S
	205	5212	FLEETWOOD OAKS DR	BACALAO NELSON & MARIA DE ARIZON
	206	5212	FLEETWOOD OAKS DR	DAVIS KENNETH W
	207	5214	FLEETWOOD OAKS DR	RATIGAN CHRISTOPHER R
	208	5214	FLEETWOOD OAKS DR	PRENTICE PHILIP
	209	5214	FLEETWOOD OAKS DR	MARTINEZ FERNANDO &
	210	5325	FLEETWOOD OAKS DR	BIRDWELL CARY
	211	5325	FLEETWOOD OAKS DR	JENSEN DAVID
	212	5325	FLEETWOOD OAKS DR	LI LIN &

02/15/2017

Reply	*Label #*	*Address*		*Owner*
	213	5323	FLEETWOOD OAKS DR	COCO MAR PROPERTIES COMPANY LLC
	214	5323	FLEETWOOD OAKS DR	TURNER LARRY J
	215	5323	FLEETWOOD OAKS DR	BOLIVER DOUGLAS B
	216	5325	FLEETWOOD OAKS DR	MIDDLETON RICHARD
	217	5325	FLEETWOOD OAKS DR	KATES ROBERT ALEXANDER
	218	5325	FLEETWOOD OAKS DR	BOON JESSICA
	219	5323	FLEETWOOD OAKS DR	ANWEILER DAVID W
	220	5323	FLEETWOOD OAKS DR	LI LIN &
	221	5323	FLEETWOOD OAKS DR	REYNOLDS JEAN H
	222	5319	FLEETWOOD OAKS DR	MAO YI &
	223	5139	FLEETWOOD OAKS DR	GHEEN BOBBY D
	224	5315	FLEETWOOD OAKS DR	REYNOSO JOSE
	225	5315	FLEETWOOD OAKS DR	IVEY EDWARD W JR
	226	5315	FLEETWOOD OAKS DR	MARTIN CHARLES D
	227	5319	FLEETWOOD OAKS DR	ESPINO HECTOR
	228	5319	FLEETWOOD OAKS DR	HARRELL MICHAEL H
	229	5315	FLEETWOOD OAKS DR	AHMED NIDA
	230	5315	FLEETWOOD OAKS DR	PANTOJA PONCIANO R
	231	5311	FLEETWOOD OAKS DR	SHARKEY DANIEL P
	232	5311	FLEETWOOD OAKS DR	GIBSON MARK
	233	5311	FLEETWOOD OAKS DR	MOSHINSKI KEVIN C
	234	5311	FLEETWOOD OAKS DR	SHUEY RAYMOND V & CAROL A
	235	5311	FLEETWOOD OAKS DR	SHUEY RAYMOND V & CAROL
	236	5311	FLEETWOOD OAKS DR	MORENO BARBARA
	237	5311	FLEETWOOD OAKS DR	RAMIREZ FREED
	238	5311	FLEETWOOD OAKS DR	KAMY REAL PPTY TRUST
	239	5311	FLEETWOOD OAKS DR	HENKE JOHN R
	240	5311	FLEETWOOD OAKS DR	KAHN RICHARD
	241	5311	FLEETWOOD OAKS DR	NASTASI RAYMOND LEE
	242	5311	FLEETWOOD OAKS DR	KNIGHT CLYDE LEROY JR
	243	5311	FLEETWOOD OAKS DR	BARNETT DON & MARY ALICE

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Reply	*Label #*	*Address*		*Owner*
	244	5311	FLEETWOOD OAKS DR	PRIORE JOSEPH A
	245	5311	FLEETWOOD OAKS DR	PIERCE BARRY
	246	5311	FLEETWOOD OAKS DR	BARCENAS LEONARDO &
	247	5311	FLEETWOOD OAKS DR	BROWN THOMAS L & JULIE A
	248	5311	FLEETWOOD OAKS DR	RILEY JEWELL W
	249	5311	FLEETWOOD OAKS DR	PHAM DIANA
	250	5311	FLEETWOOD OAKS DR	CARROLL LEA
	251	5305	FLEETWOOD OAKS DR	FINCH MAID SVC LC
	252	5305	FLEETWOOD OAKS DR	ROGERS JOHN NATHAN &
	253	5305	FLEETWOOD OAKS DR	SHUEY RAYMOND V & CAROL A
	254	5303	FLEETWOOD OAKS DR	SHUEY RAYMOND V & CAROL
	255	5303	FLEETWOOD OAKS DR	BARROW THOMAS
	256	5305	FLEETWOOD OAKS DR	GEARA PETRA
	257	5305	FLEETWOOD OAKS DR	BOLIVER DOUGLAS B
	258	5305	FLEETWOOD OAKS DR	MCCAIN WILLIAM D &
	259	5303	FLEETWOOD OAKS DR	POLK GREGORY SCOTT
	260	5303	FLEETWOOD OAKS DR	DALY PATRICK W
	261	5303	FLEETWOOD OAKS DR	CLIFTING LLC

AGENDA ITEM # 81

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: April 12, 2017

COUNCIL DISTRICT(S): 2, 14

DEPARTMENT: Mobility and Street Services

CMO: Majed A. Al-Ghafry, 670-3302

MAPSCO: 45L P Q

SUBJECT

A public hearing to receive comments to amend the City of Dallas Central Business District Streets and Vehicular Circulation Plan to: **(1)** change the operational characteristics of Commerce Street from Houston Street to Cesar Chavez Boulevard from a four-lane eastbound roadway in 80 feet of right-of-way to a three-lane eastbound roadway in 80 feet of right-of-way; **(2)** delete Akard Street between Jackson Street and Wood Street; **(3)** change the operational characteristics of Akard Street from Wood Street to Young Street from a three-lane southbound roadway in 61-74 feet of right-of-way to a one-lane northbound and one-lane southbound roadway in 61-74 feet of right-of-way; **(4)** close Jackson Street between Field Street and 350 feet west of Lane Street to vehicular access; **(5)** change the operational characteristics of Jackson Street from 350 feet west of Lane Street to Cesar Chavez Boulevard from a three-lane westbound roadway in 50-70 feet of right-of-way to a one-lane westbound and one-lane eastbound roadway in 50-70 feet of right-of-way; and **(6)** change the operational characteristics of Wood Street from Griffin Street to Pearl Expressway from a three-lane eastbound roadway in 45-80 feet of right-of-way to a one-lane westbound and one-lane eastbound roadway in 45-80 feet of right-of-way; and at the close of the hearing, authorize an ordinance implementing the change - Financing: No cost consideration to the City

BACKGROUND

AT&T has submitted an application to change the operation of the roadways surrounding its downtown campus. The applicant is requesting changes to Commerce Street, Akard Street, Jackson Street, and Wood Street. The proposed amendments will facilitate the design and development of the *AT&T Discovery District* and create a more walkable, open-space campus environment. Pedestrian circulation throughout the area will be improved with wider sidewalks along Commerce Street. Jackson Street will be designed to accommodate a greater pedestrian and cycling experience, providing an extensive network from the Trinity to the Santa Fe Trail. The Akard Street closure will extend and enhance the existing plaza, and create an outdoor venue to be used as a destination for those who live, work and visit downtown Dallas.

BACKGROUND (continued)

A Corridor Study was conducted by HNTB to determine the feasibility of the proposed amendments. The study evaluated four performance measures: (1) mode assessment, (2) screen line/traffic flow demand, (3) level of service, and (4) travel time. The results of the analysis determined that the proposals are feasible and will improve mobility for all modes. DART has committed to diverting buses from Commerce Street to other corridors. This diversion eliminates the need for a dedicated transit lane, therefore maintaining three through travel lanes on Commerce Street. The proposed amendment to close a segment on Jackson Street and Akard Street will not preclude access to existing buildings, garages or other parking and will not preclude pedestrian or bicycle access. Stakeholders in the corridor have been engaged and many support the proposed changes that allow for movement of vehicular traffic while simultaneously incorporating pedestrian amenities.

The proposed amendments conform with the Dallas complete Streets Manual and have extensive stakeholder support, therefore staff recommends approval.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On January 19, 2017, the City Plan Commission Thoroughfare Committee acted on this item and held the item until February 16, 2017.

On February 16, 2017, the City Plan Commission Thoroughfare Committee acted on this item and followed staff recommendation of approval.

The City Plan Commission acted on this item on March 2, 2017 and: (1) Did not follow staff recommendation and proposed changing the limits on Commerce Street from Houston Street to Ervay Street; (2) Followed staff recommendation; (3) Followed staff recommendation; (4) Followed staff recommendation; (5) Did not follow staff recommendation and proposed changing the limits on Jackson Street from 350 feet west of Lane Street to Ervay Street; and (6) Followed staff recommendation. City Plan Commission also recommended maintaining the one-way westbound on Jackson Street between Field Street and AT&T parking garage entrance/exit and create a one-way southbound slip road on Browder Street between Jackson Street and Wood Street.

MAP

Attached

Commerce Street

Houston Street to Cesar Chavez Boulevard

Akard Street

Young Street to Jackson Street

Jackson Street

Field Street to Cesar Chavez Boulevard

Wood Street

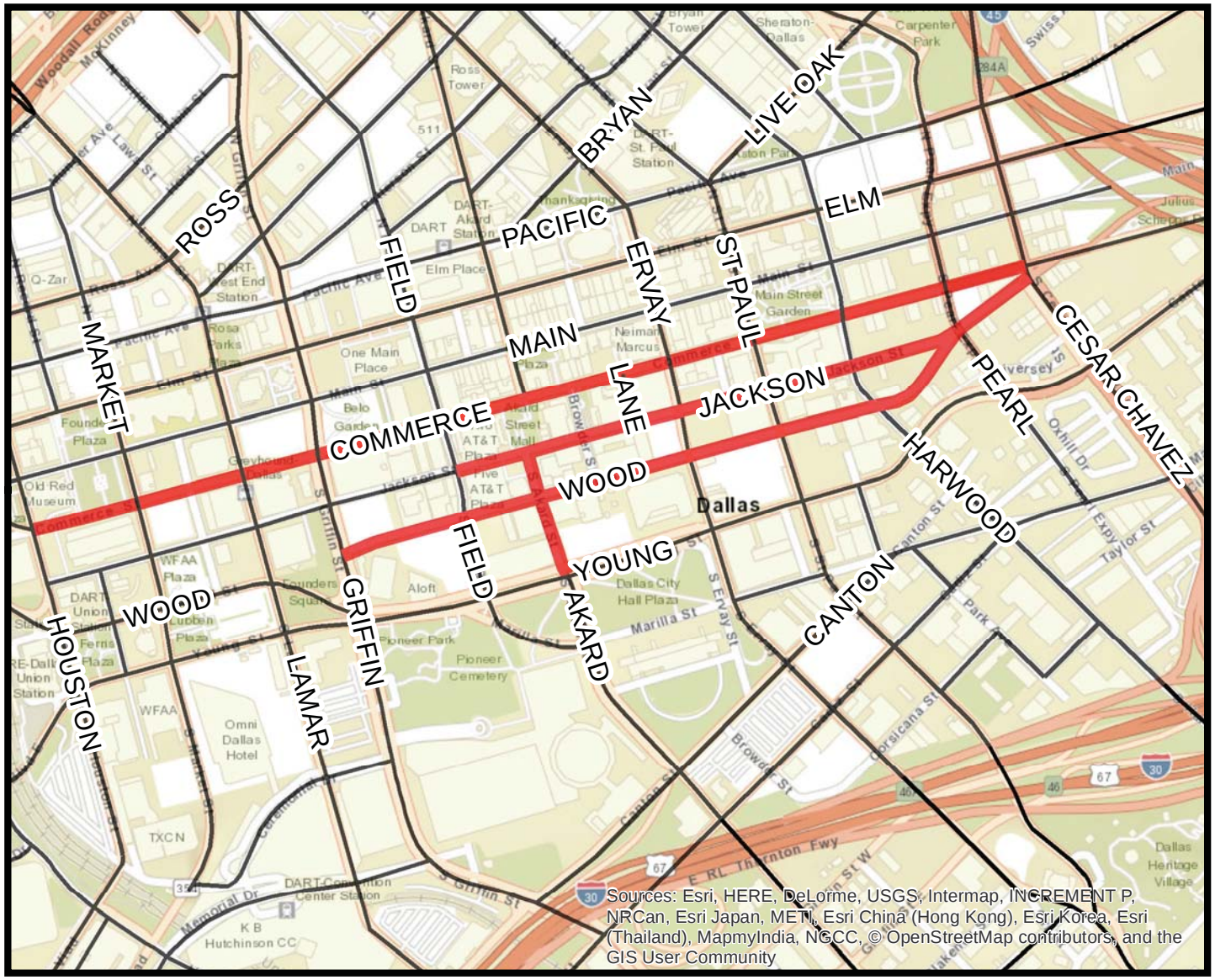
Griffin Street to Pearl Expressway

Council District: 2 & 14

MAPSCO: 45L,P,Q

Central Business District Streets and Vehicular Circulation Plan Amendment Map





AGENDA ITEM # 82

KEY FOCUS AREA: Clean, Healthy Environment

AGENDA DATE: April 12, 2017

COUNCIL DISTRICT(S): 6

DEPARTMENT: Office Of Environmental Quality

CMO: Jill A. Jordan, P.E., 670-5299

MAPSCO: N/A

SUBJECT

A public hearing to receive comments on a proposed municipal setting designation to prohibit the use of groundwater as potable water beneath property owned by Storage Choice - Design District, Ltd., located near the intersection of Slocum Street and Wichita Street and adjacent street rights-of-way; and an ordinance authorizing support of the issuance of a municipal setting designation to Storage Choice - Design District, Ltd., by the Texas Commission on Environmental Quality and prohibiting the use of groundwater beneath the designated property as potable water - Financing: No cost consideration to the City

Recommendation of Staff: Approval

BACKGROUND

Based on information provided by the Applicant, the designated property is underlain by a groundwater bearing zone that is encountered within a clay unit at approximately 20 to 25 feet below ground surface (bgs) and extends to approximately 50 feet bgs where the Eagle Ford Formation is estimated to be encountered. The estimated thickness of the Eagle Ford Formation in the area is approximately 480 feet thick and consists of shale, sandstone, and limestone. The direction of groundwater flow beneath the designated property is to the southeast. This shallow groundwater has been affected by trichloroethene (TCE), cis-1, 2-dichloroethene (cis-DCE), and lead at concentrations above groundwater ingestion standards. The suspected onsite source for TCE and cis-DCE is from a historical photograph engraving shop that operated from approximately 1947 to 1981. The suspected onsite source for lead could also be from the historical photograph engraving shop, although lead concentrations encountered are consistent with natural background levels in the Dallas Fort-Worth area.

A portion of the designated property was entered into the Voluntary Cleanup Program (VCP) administered by the Texas Commission on Environmental Quality (TCEQ) in April 2016 and is designated as VCP Facility ID No. 2807.

BACKGROUND (continued)

The applicant has requested that the City support its application for a Municipal Setting Designation (MSD). A public meeting will be held on April 4, 2017 to receive comments and concerns. Notices of the meeting were sent to 743 property owners within 2,500 feet of the property and 76 private well owners within 5 miles of the property. There are no other municipalities within one-half mile of the property.

This item is a municipal setting designation ordinance prohibiting the use of potable groundwater beneath property located near the intersection of Slocum and Wichita Streets including adjacent street rights-of-way; and supporting the issuance of a MSD by TCEQ.

The applicant's current plan is to obtain closure through the VCP supported by a MSD. Currently the designated property is paved vacant land with a remnant concrete slab from the former building foundation used as a parking lot. The future use of the designated property is anticipated to be storage units.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

This item has no prior action.

FISCAL INFORMATION

No cost consideration to the City.

OWNER

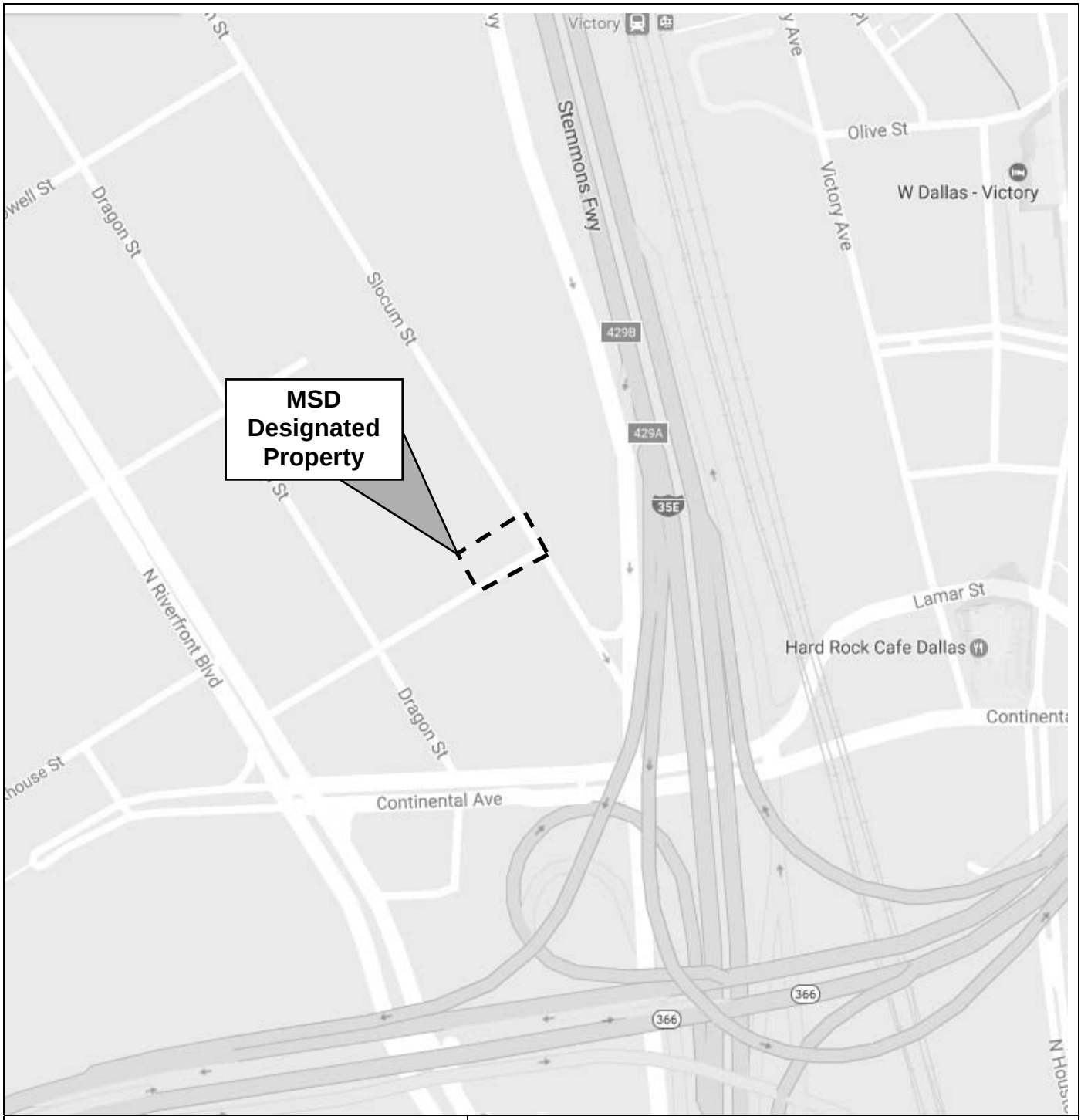
Storage Choice - Design District, Ltd.

SC Design District GP, LLC, General Partner

Paul Glover, Manager

MAP

Attached



CITY OF DALLAS

Municipal Setting Designation
Designated Property Boundary Map
MSD Log OEQ0063
Applicant – Storage Choice – Design District, Ltd.
Designated Property Address
903 Slocum Street (aka 901 & 905 Slocum Street)
Dallas, TX 75207

3-2-17

ORDINANCE NO. _____

A municipal setting designation ordinance prohibiting the use of designated groundwater from beneath property generally located at 903 Slocum Street (aka 901 and 905 Slocum Street) and supporting issuance of a municipal setting designation certificate by the Texas Commission on Environmental Quality; providing a penalty not to exceed $2,000; providing a saving clause; providing a severability clause; and providing an effective date.

WHEREAS, Subchapter W, "Municipal Setting Designations," of Chapter 361, "Solid Waste Disposal Act," of the Texas Health and Safety Code authorizes the Texas Commission on Environmental Quality to create municipal setting designations; and

WHEREAS, Section 51A-6.108, "Municipal Setting Designation Ordinance," of Article VI, "Environmental Performance Standards," of Chapter 51A, "Dallas Development Code: Ordinance No. 19455, as amended," of the Dallas City Code authorizes municipal setting designation ordinances prohibiting the use of designated groundwater as potable water and thereby enable the Texas Commission on Environmental Quality to certify a municipal setting designation for designated property; and

WHEREAS, the city council finds that:

(1) the eligibility criteria of Section 361.803 of the Texas Health and Safety Code have been met;

(2) this municipal setting designation ordinance will not have an adverse effect on the current or future water resource needs or obligations of the city of Dallas;

(3) there is a public drinking water supply system that satisfies the requirements of Chapter 341 of the Texas Health and Safety Code and that supplies or is capable of supplying drinking water to the designated property and property within one-half mile of the designated property; and

(4) this municipal setting designation ordinance is necessary because the concentration of contaminants of concern exceed ingestion protective concentration levels for human ingestion; and

WHEREAS, the city council, in accordance with the Charter of the City of Dallas, the state law, and the ordinances of the city of Dallas, have given the required notices and have held the required public hearings regarding this municipal setting designation ordinance; Now Therefore,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DALLAS:

SECTION 1. That for purposes of this municipal setting designation ordinance, the "designated property" means the property described in Exhibit A, attached to the ordinance.

SECTION 2. That for purposes of this municipal setting designation ordinance, "designated groundwater" means water below the surface of the designated property to a depth of 200 feet.

SECTION 3. That use of the designated groundwater from beneath the designated property as potable water is prohibited.

SECTION 4. That the use of the designated groundwater from beneath public rights-of-way included in the designated property as potable water is prohibited.

SECTION 5. That the following uses of or contacts with the designated groundwater are prohibited:

(1) Human consumption or drinking.

(2) Showering or bathing.

(3) Cooking.

(4) Irrigation of crops for human consumption.

SECTION 6. That the following conditions are imposed on the designated property and designated groundwater:

(1) The potable use of the designated groundwater from beneath the designated property is prohibited.

(2) The potable use of the designated groundwater from beneath public rights-of-way included in the designated property is prohibited.

(3) The portion of the designated property assigned VCP No. 2807 must receive a certificate of completion from the Texas Commission on Environmental Quality by no later than April 12, 2019.

SECTION 7. That the city council supports the application to the Texas Commission on Environmental Quality for a municipal setting designation on the designated property, with the following comments:

(1) The Texas Commission on Environmental Quality, as the state agency chartered to protect human health and the environment, is requested to thoroughly review the conditions of the designated property and issue a certificate of completion only when all contaminants of concern, through the applicable routes of exposure, have been addressed.

SECTION 8. That the public rights-of-way immediately adjacent to the designated property must be included, at no additional cost to the city of Dallas, in the application to the Texas Commission on Environmental Quality.

SECTION 9. That a state or federal program must address the entire non-ingestion protective concentration level exceedence zone originating from sources on the designated property or migrating from the designated property no later than April 12, 2019. That within this time period, the applicant shall provide the managing director of the office of environmental quality documentation, including a certificate of completion from the Texas Commission on Environmental Quality, that it has been addressed to the satisfaction of the agency administering the program. If it has not been addressed, the managing director of the office of environmental quality may, for good cause, take any of the following actions:

(1) allow additional time to address the non-ingestion protective concentration level exceedence zone;

(2) request a review by the Texas Commission on Environmental Quality or the agency administering the program;

(3) recommend to the city council that this municipal setting designation ordinance be repealed;

(4) request additional information or documentation from the applicant; or

(5) pursue other actions that the managing director of the office of environmental quality believes may be warranted.

SECTION 10. That any person owning, operating, or controlling the designated property remains responsible for complying with all applicable federal and state laws and regulations; all ordinances, rules, and regulations of the city of Dallas; and all environmental regulations, and that this municipal setting designation ordinance in itself does not change any environmental assessment or cleanup requirements applicable to the designated property.

SECTION 11. That any person owning, operating, or controlling any portion of the designated property is responsible for ensuring compliance with this ordinance with respect to their portion of the designated property. Allowing use of designated ground water for potable purposes or failure to provide the managing director of the office of environmental quality with required documentation is a violation of this ordinance and may result in the ordinance being repealed for that portion of the designated property.

SECTION 12. That approval of this municipal setting designation ordinance shall not be construed to subject the city of Dallas to any responsibility or liability for any injury to persons or damages to property caused by any contaminant of concern.

SECTION 13. That within 30 days after adoption of this municipal setting designation ordinance, the applicant shall provide the managing director of the office of environmental quality with an electronic file showing the location of the designated property and the designated groundwater in a format compatible with the city of Dallas' geographic information system.

SECTION 14. That within 60 days after adoption of this municipal setting designation ordinance, the managing director of the office of environmental quality shall file a certified copy of this municipal setting designation ordinance in the deed records of the county where the designated property is located.

SECTION 15. That within 60 days after adoption of this municipal setting designation ordinance, the managing director of the office of environmental quality shall send a certified copy of this municipal setting designation ordinance to the applicant and the Texas Commission on Environmental Quality, and that the managing director of the office of environmental quality shall notify the Texas Commission on Environmental Quality 60 days prior to any amendment or repeal of this municipal setting designation ordinance.

SECTION 16. That the applicant shall provide the managing director of the office of environmental quality with a copy of the municipal setting designation certificate issued by the Texas Commission on Environmental Quality pursuant to Section 361.807 of the Texas Health and Safety Code within 30 days after issuance of the certificate.

SECTION 17. That the applicant shall provide the managing director of the office of environmental quality with a copy of the certificate of completion or other documentation issued by the Texas Commission on Environmental Quality showing that any site investigations and response actions required pursuant to Section 361.808 of the Texas Health and Safety Code have been completed to the satisfaction of the Texas Commission on Environmental Quality within the time period required. The managing director of the office of environmental quality may, for good cause, extend the time for submitting the documentation.

SECTION 18. That the applicant shall notify the managing director of the office of environmental quality in writing if the applicant determines that notice is required to be sent to an owner of other property beyond the boundaries of the designated property under Title 30 Texas Administrative Code, Chapter 30, Section 350.55(b), and provide the name of the property owner, the property address, and a copy of the notice sent to the property owner.

SECTION 19. That a person violating a provision of this municipal setting designation ordinance, upon conviction, is punishable by a fine not to exceed $2,000, and that the Texas Commission on Environmental Quality shall be notified of any violations.

SECTION 20. That Chapter 51A of the Dallas City Code shall remain in full force and effect, save and except as amended by this municipal setting designation ordinance.

SECTION 21. That the terms and provisions of this municipal setting designation ordinance are severable and are governed by Section 1-4 of Chapter 1 of the Dallas City Code, as amended.

SECTION 22. That this municipal setting designation ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so ordained.

APPROVED AS TO FORM:

LARRY E. CASTO, City Attorney

By_____
Assistant City Attorney

Passed _____

MUNICIPAL SETTING DESIGNATION SURVEY
GARRETT FOX SURVEY, ABSTRACT NO. 1679
CITY OF DALLAS BLOCK NO. 409, DALLAS COUNTY, TEXAS

GIS_Approved

Being a 62,898 square foot (1.444 acre) tract of land situated in the Garrett Fox Survey, Abstract No. 1679, in the City of Dallas Block No. 409, Dallas County, Texas, and being all that tract of land conveyed to Storage Choice-Design District, Ltd, a Texas limited partnership by Special Warranty Deed recorded in Instrument No. 201600057868, Official Public Records, Dallas County, Texas and a part of Slocum Street (called 80' right-of-way) and Wichita Street (called 70' right-of-way), and being more particularly described by metes and bounds as follows:

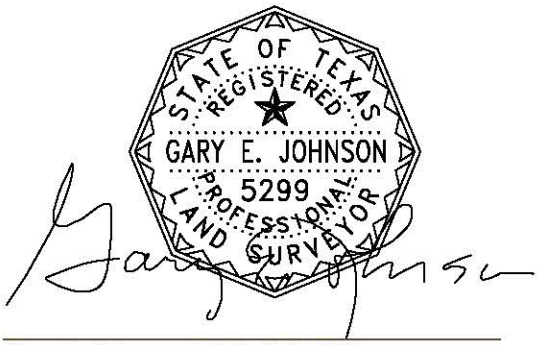
Beginning at a 1/2 inch iron rod found at the West corner of said Storage Choice-Design District, Ltd tract, said point being an ell corner of a tract of land conveyed to Feizy Properties, Inc. by Deed recorded in Volume 2001162, Page 5414, Deed Records, Dallas County, Texas;

Thence North 57 degrees 26 minutes 45 seconds East, along the West line of said Storage Choice-Design District, Ltd tract, passing, at a distance of 226.50 feet, a 1/2 inch iron rod found at the common East corner of a tract of land conveyed to Robert B. Cousins IV and Ralph L. Cousins by Deed recorded in Volume 2003123, Page 6271, Deed Records, Dallas County, Texas, and the North corner of said Storage Choice-Design District, Ltd, and laying on the Southwest right-of-way of said Slocum Street, and continuing across said Slocum Street a total distance of 306.92 feet to a point for corner in the common Northeast right-of-way line of said Slocum Street and the Southwest line of a tract of land conveyed to the County of Dallas, State of Texas by Deed recorded in Volume 85001, Page 2592, Deed Records, Dallas County, Texas;

Thence South 32 degrees 35 minutes 32 seconds East, along the common Southwest line of said County of Dallas, State of Texas tract and the Northeast right-of-way line of said Slocum Street, a distance of 205.10 feet to a point for corner;

Thence South 57 degrees 31 minutes 39 seconds West, leaving the common Northeast right-of-way line of said Slocum Street and the Southwest line of said County of Dallas, State of Texas tract, a distance of 307.06 feet to a point for corner in the common Southeast right-of-way line of said Wichita Street and the Northwest line of a tract of land conveyed to GLI Acquisition Company by Deed recorded in Volume 89001, Page 7233, Deed Records, Dallas County, Texas;

Thence North 32 degrees 33 minutes 15 seconds West, leaving the common Southeast right-of-way line of said Wichita Street and the Northwest line of said GLI Acquisition Company tract, a distance of 204.67 feet to the Point of Beginning and containing 62,898 square feet or 1.444 acres of land.



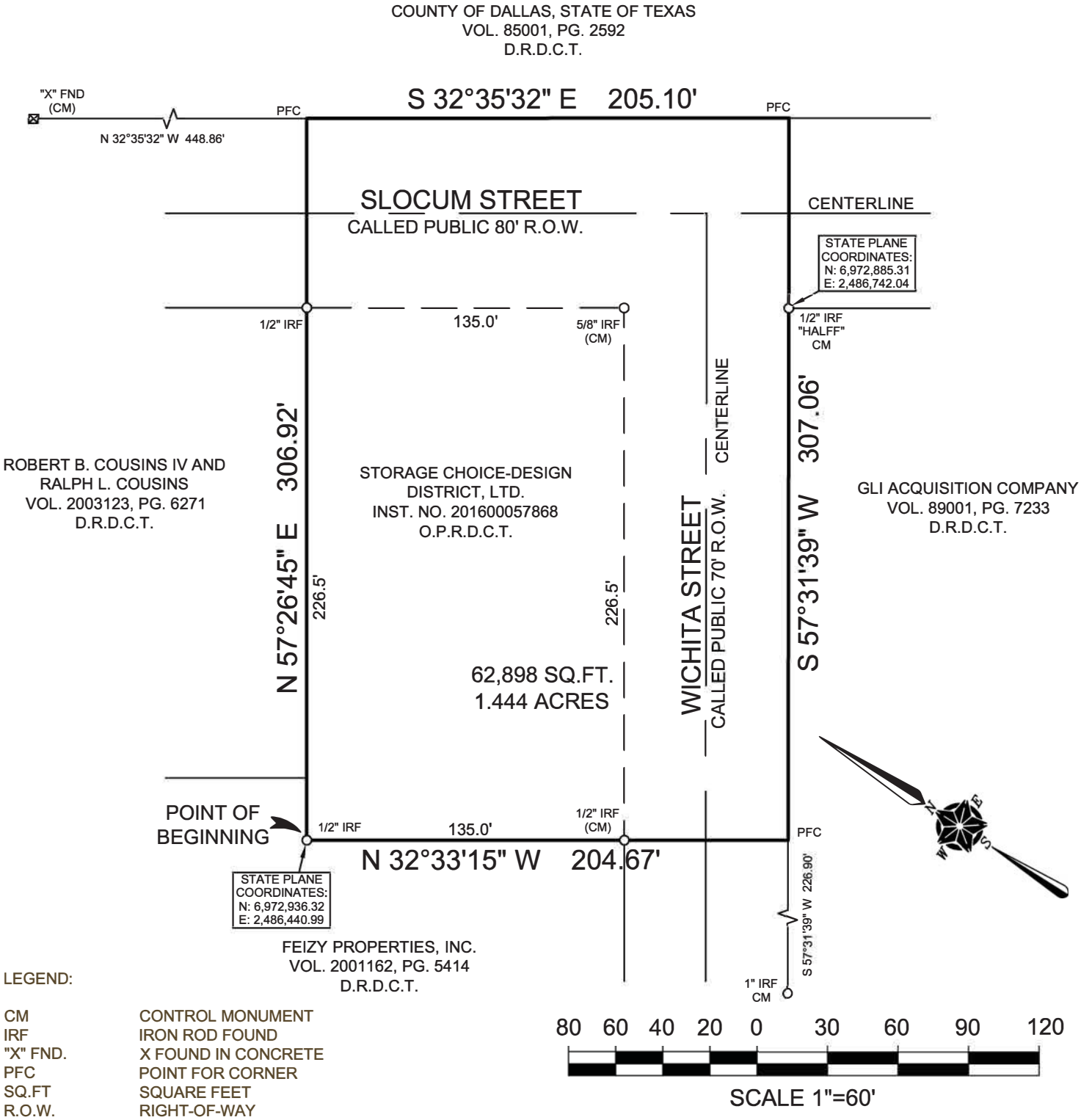
Gary E. Johnson, R.P.L.S.# 5299

TEXAS HERITAGE SURVEYING, INC.
10610 Metric Drive, Suite 124, Dallas, TX 75243
Office 214-340-9700 Fax 214-340-9710
txheritage.com
Firm No. 10169300

Bearings are based upon the Texas State Plane Coordinate System, North Central Zone, North American Datum of 1983, (2011)

JOB# 1601154-1
DATE: 04/27/16
Page 2 of 2
Drawn by: MC

MUNICIPAL SETTING DESIGNATION SURVEY
GARRETT FOX SURVEY, ABSTRACT NO. 1679
CITY OF DALLAS BLOCK NO. 409, DALLAS COUNTY, TEXAS



LEGEND:

CM	CONTROL MONUMENT
IRF	IRON ROD FOUND
"X" FND.	X FOUND IN CONCRETE
PFC	POINT FOR CORNER
SQ.FT	SQUARE FEET
R.O.W.	RIGHT-OF-WAY
D.R.D.C.T	DEED RECORDS, DALLAS COUNTY, TEXAS
O.P.R.D.C.T.	OFFICIAL PUBLIC RECORDS, DALLAS COUNTY, TEXAS

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JOB# 1601154-1
DATE: 04/27/16

Scale: 1" - 60'
Drawn by: MC

APRIL 12, 2017 CITY COUNCIL ADDENDUM
CERTIFICATION

This certification is given pursuant to Chapter XI, Section 9 of the City Charter for the City Council Addendum dated April 12, 2017. We hereby certify, as to those contracts, agreements, or other obligations on this Agenda authorized by the City Council for which expenditures of money by the City are required, that all of the money required for those contracts, agreements, and other obligations is in the City treasury to the credit of the fund or funds from which the money is to be drawn, as required and permitted by the City Charter, and that the money is not appropriated for any other purpose.

T.C. Broadnax
City Manager

04/07/2017
Date

For: Elizabeth Reich
Chief Financial Officer

4/7/2017
Date

RECEIVED
2017 APR -7 PM 3:56
CITY SECRETARY
DALLAS, TEXAS

ADDENDUM
CITY COUNCIL MEETING
WEDNESDAY, APRIL 12, 2017
CITY OF DALLAS
1500 MARILLA
COUNCIL CHAMBERS, CITY HALL
DALLAS, TX 75201
9:00 A.M.

REVISED ORDER OF BUSINESS

Agenda items for which individuals have registered to speak will be considered no earlier than the time indicated below:

9:00 a.m.	**INVOCATION AND PLEDGE OF ALLEGIANCE**	
	OPEN MICROPHONE	
	CLOSED SESSION	
	MINUTES	Item 1
	CONSENT AGENDA	Items 2 - 53

ITEMS FOR INDIVIDUAL CONSIDERATION

No earlier	Items 54 - 60
than 9:15 a.m.	Addendum Items 1 - 3

PUBLIC HEARINGS AND RELATED ACTIONS

1:00 p.m.	Items 61 - 82

Handgun Prohibition Notice for Meetings of Government Entities

"Pursuant to Section 30.06, Penal Code (trespass by license holder with a concealed handgun), a person licensed under Subchapter H, Chapter 411, Government Code (handgun licensing law), may not enter this property with a concealed handgun."

"De acuerdo con la sección 30.06 del código penal (ingreso sin autorización de un titular de una licencia con una pistola oculta), una persona con licencia según el subcapitulo h, capitulo 411, código del gobierno (ley sobre licencias para portar pistolas), no *puede ingresar a esta propiedad con una pistola oculta."*

"Pursuant to Section 30.07, Penal Code (trespass by license holder with an openly carried handgun), a person licensed under Subchapter H, Chapter 411, Government Code (handgun licensing law), may not enter this property with a handgun that is carried openly."

"De acuerdo con la sección 30.07 del código penal (ingreso sin autorización de un titular de una licencia con una pistola a la vista), una persona con licencia según el subcapitulo h, capitulo 411, código del gobierno (ley sobre licencias para portar pistolas), no *puede ingresar a esta propiedad con una pistola a la vista."*

ADDENDUM
CITY COUNCIL MEETING
APRIL 12, 2017
CITY OF DALLAS
1500 MARILLA
COUNCIL CHAMBERS, CITY HALL
DALLAS, TEXAS 75201
9:00 A. M.

ADDITIONS:

Closed Session
Attorney Briefings (Sec. 551.071 T.O.M.A.)
- Legal issues related to the Dallas Police & Fire Pension System.

ITEMS FOR INDIVIDUAL CONSIDERATION

City Secretary's Office

1. A resolution designating an absence by Councilmember Casey Thomas as being for "Official City Business" - Financing: No cost consideration to the City

Housing & Neighborhood Revitalization

2. Authorize **(1)** the creation and incorporation of a Dallas Area Partnership to End and Prevent Homelessness Local Government Corporation (LGC) with a citizen advisory board; **(2)** consideration of two alternative ordinances amending Chapter 2, "Administration," of the Dallas City Code to create a citizen homelessness commission of either (A) twenty-three members, fifteen of whom shall be appointed by the Dallas City Council, six by Dallas County, and two by the City Manager; or (B) fifteen members appointed by the Dallas City Council; and **(3)** an Interlocal Cooperation Agreement between the City of Dallas and Dallas County - Not to exceed $50,000 - Financing: Current Funds

Mayor and City Council

3. Authorize the creation and implementation of a cite and release program with Dallas County in accordance with Texas Criminal Code Section 14.06 for Class A and B misdemeanor possession of marijuana and Class B criminal mischief, graffiti, theft, theft of service, contraband in correctional facility, and driving while license is invalid, effective October 1, 2017 - Financing: No cost consideration to the City (via Council Members Griggs, Medrano, Young, Clayton, Kingston)

ADDENDUM
CITY COUNCIL MEETING
APRIL 12, 2017

DELETION:

Police

40. Authorize the creation and implementation of a Cite and Release Pilot Program with Dallas County in accordance with Texas Criminal Code Section 14.06 for Class A and B misdemeanor possession of marijuana and Class B criminal mischief, graffiti, theft, theft of service, contraband in a correctional facility, and driving with an invalid license, effective October 1, 2017 through March 31, 2018 - Financing: No cost consideration to the City

ADDENDUM DATE April 12, 2017

ITEM #	OK	IND DEF	DISTRICT	TYPE	DEPT.	DOLLARS	LOCAL	MWBE	DESCRIPTION
1			N/A	I	SEC	NC	NA	NA	A resolution designating an absence by Councilmember Casey Thomas as being for "Official City Business" - Financing: No cost consideration to the City
2			All	I	HOU	$50,000.00	NA	NA	Authorize (1) the creation and incorporation of a Dallas Area Partnership to End and Prevent Homelessness Local Government Corporation with a citizen advisory board; (2) consideration of two alternative ordinances amending Chapter 2, "Administration," of the Dallas City Code to create a citizen homelessness commission of either (A) twenty-three members, fifteen of whom shall be appointed by the Dallas City Council, six by Dallas County, and two by the City Manager; or (B) fifteen members appointed by the Dallas City Council; and (3) an Interlocal Cooperation Agreement between the City of Dallas and Dallas County - Not to exceed $50,000 - Financing: Current Funds
3			All	I	MCC	NC	NA	NA	Authorize the creation and implementation of a cite and release program with Dallas County in accordance with Texas Criminal Code Section 14.06 for Class A and B misdemeanor possession of marijuana and Class B criminal mischief, graffiti, theft, theft of service, contraband in correctional facility, and driving while license is invalid, effective October 1, 2017 - Financing: No cost consideration to the City (via Council Members Griggs, Medrano, Young, Clayton, Kingston)

TOTAL $50,000.00

ADDENDUM ITEM # 1

KEY FOCUS AREA: E-Gov

AGENDA DATE: April 12, 2017

COUNCIL DISTRICT(S): N/A

DEPARTMENT: City Secretary

CMO: Rosa Rios, 670-3738

MAPSCO: N/A

SUBJECT

A resolution designating an absence by Councilmember Casey Thomas as being for "Official City Business" - Financing: No cost consideration to the City

BACKGROUND

This item is on the addendum to allow council members additional time to request approval of their outstanding absences (if applicable) as "Official City Business."

Chapter III, Section 4(e) of the Dallas City Charter provides in part, "If any city council member, including the mayor, misses more than 10 percent of the total number of regular meetings held by the city council during any compensation year, then the city council member's compensation...for that year will be reduced proportionately by the percentage of meetings missed.... Meetings missed by a city council member while he or she is on the official business of the city council and at the direction of the city council will not be counted towards the percentage of missed meetings for which compensation reduction is required... but will be counted as though the member had attended the meetings that are missed while so engaged in city business."

Section 4.11(b) of the City Council Rules of Procedure provides that an absence by a council member for (1) attending a meeting or conference of a professional organization of or association of municipalities or municipal officers, (2) testifying at a legislative hearing at the request of the mayor, the city council, the chair of the council's legislative affairs committee or the city manager, or (3) attending a meeting of a board, commission, or committee to which the council member has been appointed by the mayor or the city council, will automatically be deemed to be for "official city business at the direction of the city council" and will not be counted against a city council member for purposes of determining the council member's annual compensation.

BACKGROUND (continued)

Section 4.11(c) of the City Council Rules of Procedure provides that, in addition to those absences automatically considered to be on "official city business at the direction of the city council" under Section 4.11(b) above, the city council may by resolution designate whenever a council member's absence is for official city business and not counted as a missed meeting for purposes of determining the council member's annual compensation under Chapter III, Section 4 of the Dallas City Charter.

The proposed resolution authorizes and directs the city secretary to amend the minutes of city council meetings, without further city council action or approval, to reflect when the absences by designated council members have been deemed by the city council to be for "official city business."

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

This item has no prior action.

FISCAL INFORMATION

No cost consideration to the City.

April 12, 2017

WHEREAS, Chapter III, Section 4(e) of the Dallas City Charter provides in part, "If any city council member, including the mayor, misses more than 10 percent of the total number of regular meetings held by the city council during any compensation year, then the city council member's compensation... for that year will be reduced proportionately by the percentage of meetings missed.... Meetings missed by a city council member while he or she is on the official business of the city council and at the direction of the city council will not be counted towards the percentage of missed meetings for which compensation reduction is required... but will be counted as though the member had attended the meetings that are missed while so engaged in city business"; and

WHEREAS, Section 4.11(b) of the City Council Rules of Procedure provides that an absence by a council member for (1) attending a meeting or conference of a professional organization of or association of municipalities or municipal officers, (2) testifying at a legislative hearing at the request of the mayor, the city council, the chair of the council's legislative affairs committee or the city manager, or (3) attending a meeting of a board, commission, or committee to which the council member has been appointed by the mayor or the city council, will automatically be deemed to be for "official city business at the direction of the city council" and will not be counted against a city council member for purposes of determining the council member's annual compensation; and

WHEREAS, Section 4.11(c) of the City Council Rules of Procedure provides that, in addition to those absences automatically considered to be on "official city business at the direction of the city council" under Section 4.11(b) referenced above, the city council may by resolution designate whenever a council member's absence is for official city business and not counted as a missed meeting for purposes of determining the council member's annual compensation under Chapter III, Section 4 of the Dallas City Charter; and

WHEREAS, Councilmember Casey Thomas participated in event(s) and/or meeting(s), as described in **Exhibit A** attached, which required him to miss all or part of one or more city council meeting(s) or committee meeting(s) on the date(s) noted.

Now, Therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DALLAS:

SECTION 1. That, in accordance with Chapter III, Section 4(e) of the Dallas City Charter and Section 4.11(c) of the City Council Rules of Procedure, the event(s) and/or meeting(s) described in **Exhibit A,** attached, are hereby deemed to be for "official city business," and any absences from city council meeting(s) and/or city council committee meeting(s), on the date(s) noted in **Exhibit A**, by Councilmember Casey Thomas because of his participation in any event(s) and/or meeting(s) will not be counted against them in determining his annual compensation under Chapter III, Section 4 of the Dallas City Charter.

SECTION 2. That, in accordance with Section 4.11(a) of the City Council Rules of Procedure, the City Secretary shall maintain a record of the absence on official city business so that such absence(s) will not count against Councilmember Casey Thomas in determining his annual compensation under Chapter III, Section 4 of the Dallas City Charter.

SECTION 3. That the City Secretary is authorized and directed to amend the minutes of each city council meeting held on the date(s) specified in Exhibit A, if applicable, to reflect that the absence(s) by Councilmember Casey Thomas as described in Exhibit A, were for "official city business," and no further city council action or approval of those minutes is required.

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.

EXHIBIT A
CITY COUNCIL MEMBER(S)
REQUEST ABSENCE AS OFFICIAL CITY BUSINESS

COUNCILMEMBER	MEETING DATE	MEETING EXEMPTION	PURPOSE/LOCATION	ABSENCE TYPE
Casey Thomas	3/20/2017	Housing Committee	Working in official capacity with the Meals on Wheels program Dallas, Texas	Absent

ADDENDUM ITEM # 2

KEY FOCUS AREA: Clean, Healthy Environment

AGENDA DATE: April 12, 2017

COUNCIL DISTRICT(S): All

DEPARTMENT: Housing & Neighborhood Revitalization

CMO: Alan Sims, 670-3302

MAPSCO: N/A

SUBJECT

Authorize **(1)** the creation and incorporation of a Dallas Area Partnership to End and Prevent Homelessness Local Government Corporation with a citizen advisory board; **(2)** consideration of two alternative ordinances amending Chapter 2, "Administration," of the Dallas City Code to create a citizen homelessness commission of either (A) twenty-three members, fifteen of whom shall be appointed by the Dallas City Council, six by Dallas County, and two by the City Manager; or (B) fifteen members appointed by the Dallas City Council; and **(3)** an Interlocal Cooperation Agreement between the City of Dallas and Dallas County - Not to exceed $50,000 - Financing: Current Funds

BACKGROUND

This item was placed on the addendum following the March 30, 2017 City Council Retreat briefing and respective feedback.

On May 9, 2016, Dallas Mayor Michael Rawlings and other community leaders announced the formation of the Dallas Commission on Homelessness (the "Commission"), created in response to concerns about the current level of homelessness in Dallas. The Commission was not a public body, but rather an ad hoc group of community representatives studying homelessness. It was charged with the following: 1) analyzing the community's current system of addressing homelessness, 2) comparing it to best practices in similar communities, and 3) delivering a focused set of strategies and recommendations for the city and county to consider going forward. The Commission's charge did not include detailed operational planning, which is the responsibility of organizations that fund and implement strategies.

Consistent with its charge, the Commission created a report to detail Dallas' current environment in relation to homelessness, best practices gleaned from similar cities, and the Commission's overarching recommendations, as well as to outline the subcommittees' specific recommended strategies for improvement.

BACKGROUND (continued)

The first recommendation in the Commission's report was to immediately get organized and aligned by developing a community-wide system of leadership, accountability, and sustainable funding. The Commission recommended that the City of Dallas and Dallas County develop a formal and ongoing collaborative structure that would provide overarching leadership and sustainable funding, coordinate community investments, develop and oversee the implementation of a comprehensive plan, and guide and direct improvements in the homelessness service system.

An effective structure was defined as one that addresses ending homelessness from the broader community perspective, identifying priorities, establishing alignment, and bringing resources to bear from many sources: federal, state, local, and private sectors. Fully utilizing existing resources, maximizing new opportunities, and identifying sustainable funding streams would be essential.

Further defined, the new organizational structure should complement the existing work of the Continuum of Care (CoC). It would also benefit from the advice of citizens.

After briefing the Housing Committee of the City Council and the full City Council in January and February of this year, two options are being presented for consideration. This agenda item will offer the City Council the opportunity to create a multijurisdictional Local Government Corporation (LGC) with Dallas County. The LGC will be made up of representatives from:

City of Dallas Mayor nominee
Dallas County Judge nominee
U.S. Department of Veterans Affairs representative
Housing Authority of the City of Dallas representative
The Real Estate Council representative
Apartment Association of Greater Dallas representative
Local philanthropic representative nominated by the City of Dallas Mayor
Local philanthropic representative nominated by the Dallas County Judge
Parkland Health & Hospital System representative
North Texas Behavioral Health Authority representative
An officer of the current Continuum of Care lead agency board or CoC board
A representative of an independent school district in Dallas County
A representative of a public safety organization in Dallas County

This City Council action approves the Articles of Incorporation and Bylaws for the LGC along with an Interlocal Cooperation Agreement with Dallas County. This action also provides for an ordinance amending Chapter 2 of the Dallas City Code to create the Citizens Homelessness Commission and provide for the Commission's membership and duties.

BACKGROUND (continued)

Two options are being offered respective to the Citizen Homeless Commission shown as Exhibits D and E. The first option includes the creation of the LGC with a twenty-three member Citizen Homeless Commission: fifteen members appointed by the Dallas City Council members and Mayor, six members appointed by the Dallas County commissioners and Judge, and two members appointed by the City of Dallas City Manager.

The second option includes the creation of the LGC with a fifteen-member Citizen Homeless Commission appointed by the Dallas City Council members and Mayor.

Dallas County approved the first option in February 2017.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On January 3, 2017, the City Council Housing Committee was briefed on the Homeless Commission report and public input was received.

On February 15, 2017, the City Council was briefed on possible structures of a City of Dallas Homeless Commission and a Collaborative Partnership.

FISCAL INFORMATION

Current Funds - $50,000

April 12, 2017

WHEREAS, the Texas Transportation Corporation Act, Chapter 431 of the Texas Transportation Code (the "Act"), and Chapter 394 of the Texas Local Government Code ("Chapter 394") authorize the creation of a joint local government corporation to aid and act on behalf of local governments to accomplish a governmental purpose of the local governments; and

WHEREAS, Chapter 394 requires, as a condition to the creation of a joint local government corporation, that three residents of each sponsoring local government who are citizens of the state and at least 18 years of age submit a written application for the incorporation of the joint local government corporation with the Articles of Incorporation; and

WHEREAS, the City Council of the City of Dallas, Texas ("City Council") and the Commissioners Court of Dallas County, Texas (the "Commissioners Court") have determined that homelessness can consume public resources, such as depleting law enforcement time and energy, judicial and medical resources, and negatively impact individual health; and

WHEREAS, the City Council and the Commissioners Court have recognized the benefits of providing a partnership to end and prevent homelessness; and

WHEREAS, as reflected in an Interlocal Corporation Agreement to be executed by both parties, the City of Dallas ("City") and Dallas County (the "County") desire to jointly create a Local Government Corporation to aid and act on their behalf to accomplish the governmental purpose of staffing and managing a Dallas Area Partnership to End and Prevent Homelessness; and

WHEREAS, the City has received an application that meets the requirements of the Act and Chapter 394 for the creation of a joint local government corporation to be known as the Dallas Area Partnership to End and Prevent Homelessness Local Government Corporation, and desires to approve the application, approve the proposed Articles of Incorporation of the joint corporation, approve its by-laws, confirm the appointment of the joint corporation's initial members of the Board of Directors and of the initial Co-Chairs of the Board of Directors, and take such other actions as the City deems appropriate.

Now, Therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DALLAS:

SECTION 1. The recitals of facts contained in the preamble of this Resolution are founded and declared to be true and correct and are adopted as part of this Resolution for all purposes.

SECTION 2. The City Council determines that it is wise, expedient, necessary and advisable that a local government corporation, to be named the Dallas Area Partnership to End and Prevent Homelessness Local Government Corporation, be created to aid and act on behalf of the City and County to accomplish the governmental purpose of staffing and managing the local government corporation.

SECTION 3. The City Council authorizes the creation and incorporation of the Dallas Area Partnership to End and Prevent Homeless Local Government Corporation (LGC) under the Act and Chapter 394.

SECTION 4. The City Council approves the Articles of Incorporation that are attached as Exhibit A and authorizes the incorporators of the Corporation to file the Articles of Incorporation with the Secretary of State of the State of Texas in the manner provided by law.

SECTION 5. The City Council confirms the appointment of the persons listed in the Articles of Incorporation to serve as the initial members of the Board of Directors of the Corporation, and confirms Mark Clayton and Theresa Daniels to serve as the initial Co-Chairs of the Board.

SECTION 6. The City Council approves the Bylaws of the Corporation that are attached as Exhibit B.

SECTION 7. The City Council directs and declares that the Articles of Incorporation and the Bylaws of the Corporation may be amended from time to time by the Board of Directors of the Corporation as long as both the City Council and the Commissioner's Court approve of such amendments and they are in accordance with the Act, Chapter 394, and other applicable laws.

SECTION 8. The City Council approves the Interlocal Cooperation Agreement between the City of Dallas and Dallas County that is attached as Exhibit C.

SECTION 9. That the Chief Financial Officer is hereby authorized to encumber and disburse funds for the LGC, in an amount not to exceed $50,000 from Fund 0001, Department HOU, Unit 4311, Object 3070, MASC DLSHOMESLESSLGC, Vendor 014003.

SECTION 10. The City Council authorizes and directs the City Manager and all other City officials and employees to perform all such acts as may be necessary or desirable in order to carry out the terms and provisions of this Resolution.

SECTION 11. The City Manager is hereby authorized to sign a contract with Dallas County, approved as to form by the City Attorney, for an Interlocal Cooperation Agreement.

SECTION 12. 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.

EXHIBIT A

ARTICLES OF INCORPORATION
OF
DALLAS AREA PARTNERSHIP TO END AND PREVENT HOMELESSNESS
LOCAL GOVERNMENT CORPORATION

The undersigned natural persons, each of whom is at least eighteen (18) years of age or more and a citizen of the State of Texas, and at least three of whom are residents of the City of Dallas, Texas (the "City") and at least three of whom are residents of Dallas County, Texas (the "County"), acting as incorporators of a corporation under the provisions of Subchapter D, Chapter 431, Texas Transportation Code ("Chapter 431"), Chapter 394, Texas Local Government Code ("Chapter 394"), and Chapter 22, Business Organizations Code ("Chapter 22"), do hereby adopt the following Articles of Incorporation for such corporation:

ARTICLE I

The name of the corporation is Dallas Area Partnership to End and Prevent Homelessness Local Government Corporation (the "Corporation").

ARTICLE II

The Corporation is a public non-profit corporation.

ARTICLE III

The period of duration of the Corporation shall be perpetual.

ARTICLE IV

The Corporation is organized for the purpose of aiding, assisting, and acting on behalf of the City and the County to accomplish their governmental purpose; namely to develop strategies, policies, and priorities to address homelessness, and to advise the entities represented by the Board members as well as the TX-600 Dallas City & County/Irving Continuum of Care ("CoC"), and the lead agency of the CoC, which is currently Metro Dallas Homeless Alliance, as to these strategies, policies and priorities.

The goals and purposes of the Corporation are as follows:

i. Review all federal and local plans related to homelessness, and develop clear policy recommendations and objective processes to measure the effectiveness of new and existing policies in ending and preventing homelessness.
b. Be a knowledgeable and effective advocate for the proposed policies.
c. Coordinate homelessness efforts among the entities represented on the Corporation's Board to increase efficiency and effectiveness of the entities' programs.
d. Hold accountable entities represented on the Corporation's Board, housing and service providers, the CoC board of directors, and the CoC lead agency for progress in implementing the recommended policies and ending and preventing homelessness.
e. Raise capital to support policy goals, as needed.
f. Prepare annual written reports detailing progress to date and goals for the future.
g. Coordinate with advisory groups.
    i. One advisory group will be comprised of employees of the entities and organizations represented by the Board members.
    ii. The board will also coordinate with any citizen homelessness advisory board created by the City and/or County.
    iii. The Corporation may create additional advisory groups at its discretion.

To accomplish said goals and purpose, the Corporation shall be authorized to:

1. Contract with persons, and with governmental, for-profit and non-profit entities for the procuring of services and supplies and the hiring of personnel;
2. Acquire and hold title to real property and interests in real property;
3. Accept funds and property appropriated by the City and the County and by other entities;
4. Apply for grants of funds, services, and things of value and to accept awards of such grants;
5. Accept donations of funds, services and things of value;
6. Issue bonds, notes, and other debt obligations as necessary for the accomplishment of the governmental purpose stated above, provided that the Corporation shall not incur debt without the consent of the City Council of the City and the Commissioners Court of the County, as evidenced by an ordinance, order or resolution approved by both; and
7. Engage in other lawful activities to accomplish the governmental purpose stated above.

The Corporation is formed pursuant to the provisions of Chapter 431 as it now or may hereafter be amended and in the manner specified by Chapter 394, which authorize the Corporation to assist and act on behalf of the City and the County to accomplish any governmental purpose of the City and the County and to engage in activities in the furtherance of the purposes for its creation.

The Corporation shall have and exercise all of the rights, powers, privileges, authority, and functions given by the general laws of the State of Texas to non-profit corporations incorporated under Chapter 431, including, without limitation, the powers granted under Chapter 22.

The Corporation shall have all other powers of a like or different nature not prohibited by law which are available to non-profit corporations under Chapter 22 and which are necessary or useful to enable the Corporation to perform the purposes for which it is created.

The Corporation is created as a local government corporation pursuant to Chapter 431 and shall be a governmental unit within the meaning of Subdivision (3), Section 101.001, Texas Civil Practice and Remedies Code. The operations of the Corporation are governmental and not proprietary functions for purposes of the Texas Tort Claims Act, Section 101.001 *et seq*., Texas Civil Practice and Remedies Code.

In the exercise of its powers, the Corporation may enter into any loan, lease, or other agreement as authorized by Chapter 431 that are necessary and appropriate to the fulfillment of the public purpose of the Corporation. In connection with the issuance of bonds or other debt instruments, the Corporation shall select bond counsel and financial advisors acceptable to the City Attorney and District Attorney.

ARTICLE V

The Corporation shall have no members and shall have no stock.

ARTICLE VI

All powers of the Corporation shall be vested in a Board of Directors ("Board") consisting of the following thirteen persons:

1. City of Dallas Mayor nominee
2. Dallas County Judge nominee
3. U.S. Department of Veterans Affairs representative
4. Housing Authority of the City of Dallas representative
5. The Real Estate Council representative
6. Apartment Association of Greater Dallas representative
7. Local philanthropic representative nominated by the City of Dallas Mayor
8. Local philanthropic representative nominated by the Dallas County Judge
9. Parkland Health & Hospital System representative
10. North Texas Behavioral Health Authority representative
11. An officer of the current Continuum of Care lead agency board or CoC board
12. A representative of an independent school district in Dallas County
13. A representative of a public safety organization in Dallas County

Directors shall be officers or C-Suite leaders of the organizations they represent.

Directors 1, 3, 4, 5, 7, and 11 (as numbered above) and their successors will be nominated by the Mayor of the City of Dallas ("Mayor") and will be confirmed by the City Council. Directors 2, 6, 8, 9, and 10 (as numbered above) and their successors will be nominated by the Dallas County Judge ("County Judge") and confirmed by the Commissioner's Court. Directors 11 and 12 (as numbered above) will be nominated by the Chair of the Board and confirmed by the Board.

Directors shall serve staggered terms of two years. Directors 1-6 (as numbered above) serve terms which will end on September 30 of each even-numbered year. These Directors' initial terms will end on September 30, 2020. Directors 7-13 serve terms which will end on September 30 of each odd-numbered year. These Directors' initial terms will end on September 30, 2019. The eleven initial Directors nominated by the Mayor and County Judge are named in Article IX herein, and approval of these Articles of Incorporation by the City Council and Commissioner's Court is also confirmation of the initial Directors.

Each subsequent Director, a majority of whom must reside in the City and the County, shall serve for a term of two years or until his or her successor is appointed, unless such Director has been appointed to fill an unexpired term, in which case the term of such Director shall expire on the expiration date of the term of the Director who he or she was appointed to replace. Initial Directors and succeeding Directors may serve up to three consecutive terms.

Directors 1 and 2 will serve as co-chairs of the Board until September 30, 2018. Thereafter, Directors 1 and 2 will alternate two-year terms as chair and vice chair of the Board, with the order of service determined by vote of the Board.

Directors 1-11 may be removed from the Board by a resolution approved by a majority vote of its appointing local government if such local government finds that (i) that the Director has committed one or more of the acts or omissions described in Section 7.001(c) of the Business Organizations Code and described in Article XI, below, or (ii) the Director is derelict in his or her duties by failing to attend four consecutive meetings, including any combination of annual meetings, regular meetings, or special meetings, unless the Director can show good cause for the absences. Directors 12 and 13 may be removed from the Board by vote of the Board if the Board finds that (i) that the Director has committed one or more of the acts or omissions described in Section 7.001(c) of the Business Organizations Code and described in Article XI, below, or (ii) the Director is derelict in his or her duties by failing to attend four consecutive meetings, including any combination of annual meetings, regular meetings, or special meetings, unless the Director can show good cause for the absences.

All other matters pertaining to the internal affairs of the Corporation shall be governed by the Bylaws of the Corporation, so long as such Bylaws are not inconsistent with these Articles of Incorporation or the laws of the State of Texas.

ARTICLE VII

The street address of the initial registered office of the Corporation is 1500 Marilla, 7DN, Dallas, TX 75201, which is within the city limits of the City and the corporate limits of the County, and the name of its initial registered agent at such address is T.C. Broadnax, City Manager.

ARTICLE VIII

The names and addresses of the incorporators, each of whom is more than 18 years of age and a resident of the state of Texas, and at least three of whom are residents of City and three of whom are residents of County, are:

NAME	ADDRESS
Michael Rawlings	1500 Marilla, Dallas, TX 75201
Mark Clayton	1500 Marilla, Dallas, TX 75201
Clay Jenkins	411 Elm St., Dallas TX 75202
Theresa Daniel	411 Elm St., 2nd Floor, Dallas TX 75202
Linda McMahon	3100 McKinnon St., No. 1150, Dallas, Texas 75201
Britton Banowsky	2323 Farrington, Dallas, TX 75207

ARTICLE IX

The names and street addresses of the initial Directors, a majority of whom reside within both the City and the County, are:

	NAME	ADDRESS	AGENCY
1	Mark Clayton	1500 Marilla, Dallas, TX 75201	Dallas City Council Member
2	Theresa Daniel	411 Elm St., 2nd Floor, Dallas, Texas 75202	Dallas County Commissioner
3	Jeffrey Milligan	4500 S Lancaster Rd., Dallas, TX 75216	U.S. Department of Veterans Affairs
4	Albert Black	3939 N. Hampton Rd., Dallas, Texas 75212	Housing Authority of the City of Dallas
5	Linda McMahon	3100 McKinnon St., No. 1150, Dallas, Texas 75201	The Real Estate Council
6	Kin Oldham	5728 LBJ Frwy., Ste. 100, Dallas, TX 75240	Apartment Association of Greater Dallas
7	Hannah Buchanan	3300 Mockingbird Lane, Dallas, TX 75205	Highland Park United Methodist Church
8	Cindy Patrick	3003 Swiss Ave., Dallas, TX 75204	The Meadows Foundation
9	Frederick P. Cerise	5200 Harry Hines Blvd., Dallas, TX 75235	Parkland Health & Hospital System
10	Carol Lucky	9441 Lyndon B Johnson Fwy., Ste. 350 Dallas, TX 75243	North Texas Behavioral Health Authority
11	Britton Banowsky	2323 Farrington, Dallas, TX 75207	MDHA/CoC

Mark Clayton and Theresa Daniel are hereby appointed and confirmed as the initial Co-Chairs of the Board in conformance with Article VI.

ARTICLE X

Resolutions approving the form of these Articles of Incorporation have been adopted by the City Council on _____, 2017, and by the Commissioners Court on _____, 2017.

ARTICLE XI

No Director shall be liable to the Corporation for monetary damages for an act or omission in the Director's capacity as a Director, except for liability (i) for any breach of the Director's duty of loyalty to the Corporation, (ii) for acts or omissions not in good faith or which involve intentional misconduct or a knowing violation of law, (iii) for any transaction from which the Director received an improper benefit, regardless of whether the benefit resulted from an act taken within the scope of the Director's office, or (iv) for acts or omissions for which the liability of a Director is expressly provided by statute. Any repeal or amendment of this Article shall be prospective only, and shall not adversely affect any limitation on the personal liability of a Director existing at the time of such repeal or amendment. In addition to the circumstances in which a Director is not personally liable as set forth in the preceding sentences, a Director shall not be liable to the fullest extent permitted by any amendment to the Texas statutes hereafter enacted that further limits the liability of a Director.

ARTICLE XII

In accordance with the provisions of Section 501(c)(J) of the Internal Revenue Code of 1986, as amended (the "Internal Revenue Code"), and regardless of any other provisions of these Articles of Incorporation or the laws of the State of Texas, the Corporation: (i) shall not permit any part of the net earnings of the Corporation to inure to the benefit of any private individual (except that reasonable compensation may be paid for personal services rendered to or for the Corporation in effecting one or more of its purposes); (ii) shall not direct any of its activities to attempting to influence legislation by propaganda or otherwise; (iii) shall not participate in or intervene in (including the publication or distribution of statements), any political campaign on behalf of (or in opposition to) any candidate for public office; and (iv) shall not attempt to influence the outcome of any election for public office or to carry on, directly or indirectly, any voter registration drives. Any income earned by the Corporation after payment of reasonable expenses, debt, other obligations, and such reserves as may be necessary as set forth in the authorizing documents related to the issuance of debt by the Corporation shall accrue to the City and the County as mutually agreed to by the City and the County.

The City and County shall, at all times, have an unrestricted right to receive any income earned by the Corporation, exclusive of amounts needed to cover reasonable expenditures and reasonable reserves for future activities. Any income of the Corporation received by the City and the County shall be deposited into such accounts or funds as determined by the City Council of the City and

the Commissioners Court of the County. No part of the Corporation's income shall inure to the benefit of any private interests.

ARTICLE XIII

If the Corporation is a private foundation within the meaning of Section 509(a) of the Internal Revenue Code, the Corporation (a) shall distribute its income for each taxable year at such time and in such manner as not to become subject to the tax on undistributed income imposed by Section 4942 of the Internal Revenue Code; (b) shall not engage in any act of self-dealing as defined in Section 4941(d) of the Internal Revenue Code; (c) shall not retain any excess business holdings as defined in Section 4943(c) of the Internal Revenue Code; (d) shall not make any investments in such manner as to subject it to tax under Section 4944 of the Internal Revenue Code; and (e) shall not make any taxable expenditures as defined in Section 4945(d) of the Internal Revenue Code.

ARTICLE XIV

If the Board of Directors determines by resolution that the purposes for which the Corporation was formed have been substantially met and all bonds issued by and all obligations incurred by the Corporation have been fully paid or provision made for such payment, the Board shall execute a certificate of dissolution which states those facts and declares the Corporation dissolved in accordance with the requirements of Section 394.026 of the Texas Local Government Code, or with applicable law then in existence.

The City Council and the Commissioners Court may at any time consider and approve resolutions directing the Board of Directors to proceed with the dissolution of the Corporation, at which time the Board of Directors shall proceed with the dissolution of the Corporation in accordance with applicable state law. The failure of the Board of Directors to proceed with the dissolution of the Corporation in accordance with this Section shall be deemed a cause for the removal from office of any or all of the Directors as permitted by Article VI of these Articles of Incorporation.

In the event of dissolution or liquidation of the Corporation, all assets will be turned over to the City and the County for deposit into such accounts or funds as the City Council and the Commissioners Court shall direct.

ARTICLE XV

The Corporation is a constituted authority and a public or governmental instrumentality within the meaning of the regulations of the United States Treasury Department and the rulings of the Internal Revenue Service prescribed and promulgated pursuant to Section 103 of the Internal Revenue Code. Although the Corporation is authorized to act on behalf of one or more governmental entities as provided in these Articles, the Corporation is not a political subdivision or political authority of the State of Texas within the meaning of the Constitution and laws of the State of Texas, including, without limitation, Article III, Section 52 of the Texas Constitution, and no agreement, bond, debt, or obligation of the Corporation shall be deemed to be the agreement, bond, debt, or obligation, or

the lending of credit, or a grant of public money or thing of value, of or by the City or County or any other political subdivision or authority or agency of the State of Texas, or a pledge of the faith and credit of any of them. No action of the Corporation shall be an action of the City or County or their agents or employees, and neither these Articles nor any action by the Board, the City Council, or the Commissioner's Court shall create a joint enterprise.

ARTICLE XVI

These Articles of Incorporation may be amended in either of the following manners: (i) the Board may file with the City Council and the Commissioners Court an application in writing requesting permission to amend the Articles of Incorporation, specifying in the application the amendment proposed to be made, and the City Council and the Commissioners Court, after considering the application and each finding and determining that it is wise, expedient, necessary, or advisable that the proposed amendment be made, may authorize by resolution that the proposed amendment be made, and then the Board may amend the Articles of Incorporation by adopting the amendment by resolution at a meeting of the Board and filing the amendment with the Office of the Texas Secretary of State, or (ii) the City Council and the Commissioners Court may jointly, at any time, alter or change the structure, organization, programs, activities, or duration of the Corporation, subject to any limitations on the impairment of contracts entered into by the Corporation, by adopting an amendment to the Articles of Incorporation of the Corporation at a meeting of the City Council and of the Commissioners Court and filing the amendment with the Office of the Texas Secretary of State.

ARTICLE XVII

These Articles of Incorporation shall be effective when fully executed and filed with the Office of the Texas Secretary of State. Each of the undersigned executes this instrument subject to the penalties imposed by law for the submission of a materially false or fraudulent instrument and certifies under penalty of perjury that he and she is authorized to execute this instrument.

_____
Incorporator

_____
Incorporator

_____
Incorporator

_____
Incorporator

_____

Incorporator

_____

Incorporator

ACKNOWLEDGMENTS

This instrument was acknowledged before me on this _____ day of April 2017 by Michael Rawlings, being sworn on his oath that he is an individual residing in the City of Dallas, Dallas County, Texas. Given under my hand and seal of office this April ___ 2017.

_____
Notary Public
State of Texas

This instrument was acknowledged before me on this _____ day of April 2017 by Mark Clayton, being sworn on his oath that he is an individual residing in the City of Dallas, Dallas County, Texas. Given under my hand and seal of office this April ___ 2017.

_____
Notary Public
State of Texas

This instrument was acknowledged before me on this _____ day of April 2017 by Britton Banowsky, being sworn on his oath that he is an individual residing in the City of Dallas, Dallas County, Texas. Given under my hand and seal of office this April ___ 2017.

_____
Notary Public
State of Texas

This instrument was acknowledged before me on this _____ day of April 2017 by Clay Jenkins, being sworn on his oath that he is an individual residing in Dallas County, Texas. Given under my hand and seal of office this April ___ 2017.

_____
Notary Public
State of Texas

This instrument was acknowledged before me on this _____ day of April 2017 by Theresa Daniel, being sworn on her oath that she is an individual residing in Dallas County, Texas. Given under my hand and seal of office this April ___ 2017.

_____
Notary Public
State of Texas

This instrument was acknowledged before me on this _____ day of April 2017 by Linda McMahon, being sworn on her oath that she is an individual residing in Dallas County, Texas. Given under my hand and seal of office this April ___ 2017.

_____
Notary Public
State of Texas

EXHIBIT B

BYLAWS OF THE DALLAS AREA PARTNERSHIP TO END AND PREVENT HOMELESSNESS LOCAL GOVERNMENT CORPORATION

ARTICLE 1
Name, Offices, and Purposes

1.1 Name. The name of the corporation is the Dallas Area Partnership to End and Prevent Homelessness Local Government Corporation (the "Corporation").

1.2 Offices. The Corporation may have, in addition to its registered office, offices at such places as the Board of Directors may from time to time determine or as the activities of the Corporation may require.

1.3 Purposes. The Corporation shall be incorporated to aid and to act on behalf of the City of Dallas (the "City") and Dallas County (the "County") to accomplish their governmental purpose; namely to develop strategies, policies, and priorities to address homelessness, and to advise the entities represented by the Board members as well as the TX-600 Dallas City & County/Irving Continuum of Care ("CoC"), and the lead agency of the CoC, which is currently Metro Dallas Homeless Alliance, as to these strategies, policies and priorities.

The goals and purposes of the Corporation are as follows:

a. Review all federal and local plans related to homelessness, and develop clear policy recommendations and objective processes to measure the effectiveness of new and existing policies in ending and preventing homelessness.
b. Be a knowledgeable and effective advocate for the proposed policies.
c. Coordinate homelessness efforts among the entities represented on the Corporation's Board to increase efficiency and effectiveness of the entities' programs.
d. Hold accountable entities represented on the Corporation's Board, housing and service providers, the CoC board of directors, and the CoC lead agency for progress in implementing the recommended policies and ending and preventing homelessness.
e. Raise capital to support policy goals, as needed.
f. Prepare annual written reports detailing progress to date and goals for the future.
g. Coordinate with advisory groups.
    a. The first group will be comprised of employees of the entities and organizations represented by the Board members.
    b. The board will also coordinate with any citizen homelessness advisory board created by the City and/or County. The Corporation may create additional advisory groups at its discretion.

To accomplish said goals and purpose, the Corporation shall be authorized to:

a. Contract with persons and with governmental, for-profit and non-profit entities for the procuring of services and supplies and the hiring of personnel;
b. Acquire and hold title to real property and interests in real property;
c. Accept funds and property appropriated by the City and the County and by other entities;
d. Apply for grants of funds, services, and things of value and accept awards of such grants;
e. Accept donations of funds, services and things of value;
f. Issue bonds, notes, and other debt obligations as necessary for the accomplishment of the governmental purpose stated above, provided that the Corporation shall not incur debt without the consent of the City Council of the City and the Commissioners Court of the County, as evidenced by an ordinance, order or resolution approved by both; and
g. Engage in other lawful activities to accomplish the governmental purpose stated above.

ARTICLE 2
Board of Directors

2.1 Management. Subject to the Articles of Incorporation, management of the affairs of the Corporation shall be vested in the directors, who together constitute the Board of Directors (the "Board"). The qualifications of the directors, as well as the procedures for their appointment and removal, shall be prescribed by the Articles of Incorporation.

2.2 Annual Meetings. The Board shall meet at least annually at a time and place in the City or County designated by resolution of the Board. Failure to hold an annual meeting at the designated time or place shall not work a dissolution of the Corporation nor impair the powers, rights, and duties of the Corporation's directors and officers.

2.3 Regular Meetings. The Board may provide for regular meetings by resolution stating the time and place of such meetings.

2.4 Special Meetings; Emergency Meetings. Special and emergency meetings of the Board shall be held whenever called by the Chair of the Board or by a majority of the directors who are serving duly appointed terms of office at the time the meeting is called.

The Secretary shall give notice of each special meeting in person, by telephone, electronic transmission (e.g., facsimile transmission or electronic mail), or mail at least three (3) days before the meeting to each director. Notice of each emergency meeting shall also be given in the manner required under Chapter 551, Texas Government Code (the "Open Meetings Act"). For purposes of these Bylaws, an "emergency meeting" is a meeting of the Board to consider a circumstance that, in the absence of immediate action by the Board, may have a material, adverse impact upon the Corporation or the homeless population of the City or County. The person(s) calling the special or emergency meeting shall provide the Secretary of the Corporation with a statement of the reason(s) for the meeting, which statement shall be included in the notice of the meeting.

2.5 Notice of Meetings of the Board. The Board shall meet in accordance with and file notice of each meeting of the Board in the same manner as required of the Dallas City Council and the

Dallas County Commissioners Court under the Open Meetings Act. Notice of each meeting shall be posted by the Dallas City Secretary and the Dallas County Clerk at the same location or locations notice of each City Council and Commissioners Court meeting is posted. Additional notice of each meeting may be posted at one or more other locations.

2.6 Manner of Conducting Meetings. At the meetings of the Board, matters pertaining to the purposes of the Corporation shall be considered in such order as from time to time the Board may determine.

At all meetings of the Board the Chair shall preside, and in the absence of the Chair, the Vice Chair shall preside. In the absence of the Chair and the Vice Chair, an acting presiding officer shall be chosen by the Board from among the directors present.

The Secretary of the Corporation shall act as secretary of all meetings of the Board, but in the absence of the Secretary, the presiding officer may appoint any person to act as secretary of the meeting.

2.7 Quorum. A majority of the Board shall constitute a quorum. If at any meeting of the Board there is less than a quorum present, business of the Board shall not be conducted. The act of a majority of the directors present and voting at a meeting at which a quorum is in attendance shall constitute the act of the Board, unless the act of a greater number is required by law, by the Articles of Incorporation, or by these Bylaws.

2.8 Committees. The Board may, by resolution passed by a majority of the directors, designate three (3) or more directors to constitute an executive committee or other type of committee. To the extent provided in the authorizing resolution, a committee shall have and may exercise all of the authority of the Board in the management of the Corporation, except where action of the Board is specified by statute. A committee shall act in the manner provided in the authorizing resolution. Each committee so designated shall keep regular minutes of the transactions of its meetings and shall cause such minutes to be recorded in books kept for that purpose in the office of the Corporation, and shall report the same to the Board from time to time. Committees authorized to exercise the powers of the Board shall give notice of any meeting in the manner required for a meeting of the Board.

2.9 Compensation. No part of the income or revenues of the Corporation shall ever be paid to or inure to the benefit of any director except for reimbursement of actual expenses incurred in connection with the business affairs of the Corporation, and no such reimbursement of expenses shall be made unless approved by the Board.

2.10 Duties. Directors shall discharge their duties in good faith, with ordinary care, and in a manner each director reasonably believes to be in the Corporation's best interests. In this context, "ordinary care" means the care that ordinarily prudent persons in similar positions would exercise under similar circumstances. In discharging their duties, directors may rely in good faith on information, opinions, reports, or analyses, including financial data, prepared or presented by persons reasonably appearing to be qualified in such matters. A director is not relying in good faith if he or she has knowledge that renders such reliance unwarranted or unreasonable. Directors are not

deemed to have the duties of trustees of a trust with respect to the Corporation or with respect to property held or administered by the Corporation, including property subject to restrictions imposed by a donor or other transferor of the property.

ARTICLE 3
Officers

3.1 Titles and Term of Office. The officers of the Corporation shall be the President/Chair, the Vice President/Vice Chair, a Secretary, a Treasurer, and such other officers as the Board may from time to time elect or appoint as described in section 3.6 below. One person may hold the position of one or more offices for the Corporation except that the Chair may not also hold the office of Secretary. Except as otherwise indicated in Sections 3.2 and 3.3 below, the term of office for each officer shall be two years commencing with the date of the meeting of the Board at which each such officer is elected. Officers may be re-elected.

3.2 President/Chair.

(a) The President and Chair of the Board ("Chair") shall be selected as provided by the Articles of Incorporation. In conformance with the Articles of Incorporation, from formation of the Corporation until September 30, 2018, there will be two Co-Presidents and Co-Chairs of the Board, and on and after October 1, 2018 there will be one President/Chair. From formation of the Corporation until September 30, 2018, all references in these bylaws to the "Chair" or "President" shall refer to the Co-Chairs, and any action or authority of the "Chair" or "President" shall refer to the joint action and joint authority of the Co-Chairs.

(b) The Chair shall preside at all meetings of the Board. In furtherance of the purposes of the Corporation and subject to the limitations contained in the Articles of Incorporation, the Chair may, upon authorization by resolution of the Board, sign and execute all bonds, notes, deeds, conveyances, franchises, assignments, mortgages, contracts, and other instruments of any kind in the name of the Corporation.

3.3 Vice President/Vice Chair.

(a) Prior to October 1, 2018, the Vice President/Vice Chair of the Board shall be elected in conformance with Section 3.1. On and after October 1, 2018, the Vice President and Vice Chair of the Board ("Vice Chair") shall be selected as provided by the Articles of Incorporation.

(b) The Vice Chair shall perform the duties and exercise the powers of the Chair upon the Chair's death, absence, disability, or resignation, or upon the Chair's inability to perform the duties of his or her office. Any action taken by the Vice Chair in the performance of the duties of the Chair shall be conclusive evidence of the absence or inability to act of the Chair at the time such action was taken.

3.4 Secretary. The Board shall appoint the Secretary of the Corporation to keep the minutes of the meetings of the Board in one or more books provided for that purpose, see that all notices are

duly given in accordance with the provisions of these Bylaws or as required by law, be custodian of the Corporation records, and in general perform all duties incident to the office of Secretary and such other duties as from time to time may be assigned by the Board or the Chair. The Secretary of the Corporation shall serve at the discretion of the Board, and may be removed as Secretary by the Board at any time, with or without cause.

3.5 Treasurer. The Board shall appoint the Treasurer of the Corporation, who shall have charge and custody of and be responsible for all funds and securities of the Corporation, receive and give receipts for monies due and payable to the Corporation for any source whatsoever, deposit all such monies in the name of the Corporation in such banks as shall be selected in accordance with the provisions of these Bylaws, and in general perform all duties incident to the office of Treasurer and such other duties as from time to time may be assigned by the Chair or by the Board. The Treasurer of the Corporation shall serve at the discretion of the Board, and may be removed as Treasurer by the Board at any time, with or without cause.

3.6 Other Officers. The Board may appoint other officers of the Corporation and other authorized representatives of the Corporation, who shall have the powers and duties as may be delegated by the Board. Such additional officers and authorized representatives shall serve at the discretion of the Board, and may be removed by the Board at any time, with or without cause.

ARTICLE 4
Contracts; Financial Matters; Seal

4.1 Fiscal Year. The fiscal year of the Corporation shall commence on October 1 and end on September 30 each year.

4.2 Contracts. The Board may authorize any officer or officers or agent or agents of the Corporation to enter into any contract or execute and deliver any instrument in the name of and on behalf of the Corporation, and such authority may be general or confined to specific instances.

4.3 Deposits. All funds of the Corporation shall be deposited to the credit of the Corporation in a state or national bank or other federally insured depository institution selected by the Board, subject to and in accordance with the requirements of Chapter 105, Texas Local Government Code and, as applicable, the Public Funds Investment Act, Chapter 2256, Texas Government Code.

4.4 Payment of Funds. All checks, drafts, or orders for the payment of money, notes, or other evidences of indebtedness issued in the name of the Corporation shall be signed by such officer or officers or agent or agents of the Corporation and in such manner as shall from time to time be determined by resolution of the Board. In the absence of such determination by the Board, such instruments shall be signed by the Secretary or Treasurer and countersigned by the Chair.

4.5 Audits. The Board shall cause to be maintained a proper and complete system of records and accounts of all transactions, business, and affairs of the Corporation. Within a reasonable time after the end of each fiscal year, the Board shall cause the preparation of a financial statement for

the Corporation, which shall be audited by an independent certified public accountant or firm of independent certified public accountants retained by the Board for such purpose.

4.6 Books and Records. The Corporation shall keep correct and complete books and records of accounts and shall also keep minutes of the proceedings of its Board. All books and records may be inspected by representatives of the City and the County at any reasonable time.

4.7 Seal. The Board may but is not required to adopt a corporate seal in such form and to be used in such manner as may be approved by the Board.

ARTICLE 5
General Provisions

5.1 Supremacy of Articles of Incorporation. These Bylaws are subject to and governed by the Articles of Incorporation.

5.2 Amendment. A proposal to alter, amend, or repeal these Bylaws may be made by the affirmative vote of a majority of the full Board at any meeting if notice of the proposed amendment is contained in the notice of said special meeting. However, any proposed change or amendment to the Bylaws must be approved by the City Council of the City and Commissioners Court of the County to be effective.

5.3 Effective Date. These Bylaws shall be effective upon adoption by an affirmative vote of a majority of the directors at a meeting of the Board, provided that notice of the proposed adoption shall have been received by each director at least five business days before the said meeting.

[Remainder of Page Intentionally Blank]

EXHIBIT C

INTERLOCAL COOPERATION AGREEMENT BETWEEN THE CITY OF DALLAS AND DALLAS COUNTY FOR THE CREATION OF A LOCAL GOVERNMENT CORPORATION TO END AND PREVENT HOMELESSNESS

PARTIES

This Interlocal Agreement ("Agreement") is entered into by the City of Dallas, a Texas home rule municipal corporation and political subdivision of the State of Texas ("City") and Dallas County, a political subdivision of the State of Texas ("County").

RECITALS

City and County desire and intend to create a local government corporation (the "Corporation") to develop strategies, policies, and priorities to address homelessness, and to advise the entities represented by the Board members as well as the TX-600 Dallas City & County/Irving Continuum of Care ("CoC"), and the lead agency of the CoC, which is currently Metro Dallas Homeless Alliance, as to these strategies, policies and priorities.

The authority to create this Corporation exists pursuant to the Texas Local Government Code, Chapter 394. City and County are authorized to enter into this Agreement through the Texas Constitution, Article 3, Section 64, and "The Interlocal Cooperation Act," Texas Government Code, Chapter 791.

NOW, THEREFORE, in consideration of the mutual promises and agreements contained herein, the sufficiency of which is acknowledged, City and County agree to the terms and conditions stated in this Agreement as follows:

1. **Purpose and Scope**. The purpose of this Agreement is to set forth the terms and conditions under which City and County shall create the Corporation. The goals and purposes of the Corporation are as follows:

    a. Review all federal and local plans related to homelessness, and develop clear policy recommendations and objective processes to measure the effectiveness of new and existing policies in ending homelessness.
    b. Be a knowledgeable and effective advocate for the proposed policies.
    c. Coordinate homelessness efforts among the entities represented on the Corporation's Board to increase efficiency and effectiveness of the entities' programs.
    d. Hold accountable entities represented on the Corporation's Board, housing and service providers, the CoC board of directors, and the CoC lead agency for progress in implementing the recommended policies and ending homelessness.
    e. Raise capital to support policy goals, as needed.

f. Prepare annual written reports detailing progress to date and goals for the future
g. Coordinate with advisory groups
    i. The first group will be comprised of employees of the entities and organizations represented by the Board members.
    ii. The board will also coordinate with any citizen advisory board created by the City and/or the County.
    iii. The Corporation may create additional advisory groups at its discretion.

2. **Term**. The term of this Agreement begins upon execution by both parties and continue through September 30, 2018, unless sooner terminated as provided herein.

3. **Entire Agreement**. All oral and written agreements between the Parties to this Agreement relating to the Corporation that were made prior to the execution of this Agreement, including the applicable terms of the Agreement, have been reduced to writing and are contained in this Agreement.

4. **Amendments**. Either Party may propose an Amendment to this Agreement. An Amendment to this Agreement is effective only when approved by the governing bodies of both Parties and fully executed by both Parties.

5. **Approval of Incorporation**. The Parties agree to work together to form the Corporation, including acceptance by the Parties of an application for incorporation as required by Section 394.012 of the Texas Local Government Code, and approval by ordinance, resolution, or order of the governing body of each Party of the formation of the Corporation, including approval of the articles of incorporation and bylaws.

6. **Board Members**. The Parties agree that the Corporation should have a 13-member board of directors consisting of the following persons:

    1) City of Dallas Mayor nominee
    2) Dallas County Judge nominee
    3) U.S. Department of Veterans Affairs representative
    4) Housing Authority of the City of Dallas representative
    5) The Real Estate Council representative
    6) Apartment Association of Greater Dallas representative
    7) Local philanthropic representative nominated by the City of Dallas Mayor
    8) Local philanthropic representative nominated by the Dallas County Judge
    9) Parkland Health & Hospital System representative
    10) North Texas Behavioral Health Authority representative
    11) Current Continuum of Care lead agency board chair or CoC board chair
    12) A representative of an independent school district in Dallas County
    13) A representative of a public safety organization in Dallas County

    Directors shall be officers or C-Suite leaders of the organizations they represent.

Directors 1, 3, 4, 5, 7, and 11 (as numbered above) and their successors will be nominated by the Mayor of the City of Dallas and will be confirmed by the City Council. Directors 2, 6, 8, 9, and 10 (as numbered above) and their successors will be nominated by the Dallas County Judge and confirmed by the Commissioner's Court. Directors 11 and 12 (as numbered above) will be nominated by the Chair of the Board and confirmed by the Board.

Directors shall serve staggered terms of two years. Directors 1-6 (as numbered above) serve terms which will end on September 30 of each even-numbered year. These Directors' initial terms will end on September 30, 2020. Directors 7-13 serve terms which will end on September 30 of each odd-numbered year. These Directors' initial terms will end on September 30, 2019. The eleven initial Directors nominated by the Mayor and County Judge are named in Article IX herein, and approval of these Articles of Incorporation by the City Council and Commissioner's Court is also confirmation of the initial Directors.

Each subsequent Director, a majority of whom must reside in the City and the County, shall serve for a term of two years or until his or her successor is appointed, unless such Director has been appointed to fill an unexpired term, in which case the term of such Director shall expire on the expiration date of the term of the Director who he or she was appointed to replace. Initial Directors and succeeding Directors may serve up to three consecutive terms.

Directors 1 and 2 will serve as co-chairs of the Board until September 30, 2018. Thereafter, Directors 1 and 2 will alternate two-year terms as chair and vice chair of the Board, with the order of service determined by vote of the Board.

7. **Insurance**. City and County acknowledge and agree that each Party is self-insured and will require that the Corporation maintain coverage deemed necessary by the Parties' risk managers.

8. **Financial Contributions**. City and County each agree to pay one half of the Corporation's operating costs during the term of this Agreement that are not covered by other sources of revenue, up to a maximum payment by each Party not to exceed $50,000.00 for a total combined payment of $100,000.00. The expectation of the Parties is that the Corporation will seek fundraising opportunities, such as private and corporate donations as well as available grant funding, to cover all future operating costs.

9. **City and County Cooperation**. City and County each agree to fully cooperate and act to ensure that Corporation is able to carry out the goals and purposes identified in Section 1, including but not limited to making available employees for the advisory group described in Section 1(g), making space available for Corporation meetings or meetings of the advisory groups, and timely posting Corporation meeting notices in conformance with the Texas Open Meetings Act.

10. **Termination of Agreement**. If (i) at any point it becomes clear that the Parties cannot agree on the terms of the Corporation's articles of incorporation or bylaws, (ii) either Party's governing body fails to approve this Agreement, formation of the Corporation, or the articles of incorporation or bylaws, or (iii) the governing body of either Party fails to

appropriate funding for the Corporation's operating costs in the full amount described in Section 8 prior to or simultaneously with approval of the articles of incorporation or bylaws of the Corporation, then either Party may terminate this Agreement on 10 days written notice to the other Party. Either Party may terminate this Agreement, with or without cause, on 60 days' written notice to the other Party.

11. **Monitoring**. Parties agree that they will monitor the Corporation to ensure that its operations meet or exceed the expectations of its intended purpose. The Corporation will give Parties access to and the right to examine all books, accounts, records, reports, files and other papers, things or property belonging to or in use by the Corporation at reasonable times and for reasonable periods. These rights to access shall continue as long as the records are required to be retained by the Corporation and for any additional time period that the records are retained by the Corporation.

12. **Dissolution of Corporation.** Upon the dissolution or other termination of the existence of the Corporation, assets of the Corporation will be divided equally between the Parties.

13. **Requirements**. Except as otherwise specifically noted herein, any notice required or permitted to be given under this Agreement by one Party to the other shall be in writing and shall be given and deemed to have been given immediately if delivered in person to the address set forth in this Section 13, or on the third day following mailing if placed in the United States Mail, postage prepaid, by registered or certified mail with return receipt requested, addressed to the Party at the address hereinafter specified.

    The address of County for all purposes under this Agreement shall be:

    _____
    _____
    _____
    _____

    The address of the City for all purposes under this Agreement shall be:

    T.C. Broadnax
    City Manager
    1500 Marilla
    Dallas, TX 75201

    With copy to:

    Robin Bentley
    Assistant City Attorney
    1500 Marilla, 7DN
    Dallas, TX 75201

Each Party may change the address for notice to it by giving written notice of the change.

14. **Third party Beneficiary**. This Agreement sets out the agreements and obligations between City and County only, and no provision in this Agreement creates any rights in any person or entity that is not a party to this Agreement. The rights to performance in this Agreement are only enforceable by City and County.

15. **Legal Authority**. The person or persons signing this Agreement on behalf of each Party warrant that he, she or they have been duly authorized by their respective entities to sign this Agreement on behalf of the entity and to bind the entity validly and legally to all terms, performances, and provisions in this Agreement. Each Party warrants that the Party possesses the legal authority to enter into this Agreement and to perform the services that Party has obligated itself to perform under this Agreement.

16. **Applicable laws**. This Contract is made subject to the provisions of the Charter and Ordinances of City of Dallas, as amended, and all applicable legal terms and provisions of this Contract shall be governed by and construed in accordance with the laws and court decisions of the State of Texas. Exclusive venue for any legal action between the parties arising from this Contract shall be in Dallas, Dallas County, Texas.

17. **Legal construction**. In case any one or more of the provisions contained in this Contract shall for any reason be held to be invalid, illegal, or unenforceable in any respect, such invalidity, illegality, or unenforceability shall not affect any other provision hereof, and this Contract shall be construed as if such invalid, illegal, or unenforceable provision had never been contained in the Contract.

18. **Venue and Governing Law**. The obligations of the parties to this Agreement will be performed in Dallas, Dallas County, Texas, and if legal action is necessary in connection therewith, exclusive venue shall lie in Dallas County, Texas. This Agreement shall be governed by and construed in accordance with the laws and court decisions of the State of Texas.

19. **Counterparts**. This Agreement may be executed in any number of counterparts, each of which shall be deemed an original and constitute one and the same instrument.

20. **Captions**. The captions to the various clauses of this Agreement are for informational purposes only and shall not alter the substance of the terms and conditions of this Agreement.

21. **Entire Agreement**. This Agreement embodies the complete understanding and agreement of the parties hereto, superseding all oral or written previous and contemporary agreements between the parties relating to matters contained in this Agreement. Except as otherwise provided herein, this Agreement cannot be modified without written supplemental agreement of the parties.

EXECUTED to be effective as of the _____ day of _____, 2017, by City signing by and through its City Manager, duly authorized to execute same by City Council Resolution No. _____ dated _____, and by County, acting through its duly authorized officials, duly authorized to execute same by Commissioner's Court Order No. _____ adopted by the Commissioner's Court on _____.

.

CITY OF DALLAS:
T.C. Broadnax
City Manager

BY_____
Assistant City Manager

COUNTY OF DALLAS

BY _____
Clay Lewis Jenkins
Dallas County Judge

APPROVED AS TO FORM:
Larry E. Casto
City Attorney

BY_____
Assistant City Attorney

APPROVED AS TO FORM:
Faith Johnson
District Attorney

BY _____
Assistant District Attorney

EXHIBIT D

ORDINANCE NO. _____

An ordinance amending Chapter 2, "Administration," of the Dallas City Code by amending Sections 2-147 thru 2-149; creating a citizen homelessness commission; providing for the commission's purpose, membership, and meetings; providing the commission's duties and functions; providing a saving clause; providing a severability clause; and providing an effective date.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DALLAS:

SECTION 1. That Article XX, "Reserved," of Chapter 2, "Administration," of the Dallas City Code is retitled "Citizen Homelessness Commission."

SECTION 2. That Article XX, "Citizen Homelessness Commission," of Chapter 2, "Administration," of the Dallas City Code is amended by adding the following:

"**SECTION 2-147. PURPOSE.**

The purpose of this commission is to assure participation from, and inclusion of, all stakeholders, including those with past or present experience with homelessness, in order to develop policy recommendations to ensure alignment of city services with regional services to enhance efficiency, quality, and effectiveness of the community-wide response to homelessness.

SECTION 2-148. CREATED; MEMBERSHIP; TERMS; MEETINGS.

(a) There is hereby created the citizen homelessness commission, which shall be an advisory body of 23 members, who must be approved by the full city council, and who will be appointed as follows:

(1) 15 members by each city council member;

(2) 6 members by Dallas County; and

(3) 2 members by the city manager.

(b) The mayor shall appoint the chair, and the full city council shall appoint the vice-chair.

(c) Members of the commission must meet the following qualifications:

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(1) two members must have past or present experience as a homeless person, and the city council may, after a review of the specific circumstances, waive disqualification under Section 8-1.4 of this code for these members;

(2) one member must be a representative from a faith-based organization; and

(3) the remaining members must be chosen from the general public.

(d) All members shall be appointed for an initial term to expire on September 30, 2019. Subsequent appointments will be made in September of each odd-numbered year for a two-year term beginning on October 1.

(e) The commission must meet at least once each month and may hold additional meetings at the call of the chair.

SECTION 2-149. DUTIES AND FUNCTIONS.

(a) The commission, in carrying out its purpose, shall act as an advisory body to the city manager and the city council and shall:

(1) advise the city manager and the city council on issues affecting homelessness;

(2) assist the city in evaluating new and existing programs;

(3) coordinate with other local and regional bodies addressing homelessness; and

(4) perform such other duties assigned by the city manager or city council.

(b) The city manager shall provide information and assistance to the commission in the performance of its duties and functions."

SECTION 3. That Chapter 2 of the Dallas City Code shall remain in full force and effect, save and except as amended by this ordinance. Any proceeding, civil or criminal, based upon events that occurred prior to the effective date of this ordinance are saved, and the former law is continued in effect for that purpose.

SECTION 4. That any act done or right vested or accrued, or any proceeding, suit, or prosecution had or commenced in any action before the amendment or repeal of any ordinance, or

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part thereof, shall not be affected or impaired by amendment or repeal of any ordinance, or part thereof, and shall be treated as still remaining in full force and effect for all intents and purposes as if the amended or repealed ordinance, or part thereof, had remained in force.

SECTION 5. That the terms and provisions of this ordinance are severable and are governed by Section 1-4 of Chapter 1 of the Dallas City Code, as amended.

SECTION 6. That this ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so ordained.

APPROVED AS TO FORM:

LARRY E. CASTO, City Attorney

By _____
Assistant City Attorney

Passed _____

DRAFT

EXHIBIT E

ORDINANCE NO. _____

An ordinance amending Chapter 2, "Administration," of the Dallas City Code by amending Sections 2-147 thru 2-149; creating a citizen homelessness commission; providing for the commission's purpose, membership, and meetings; providing the commission's duties and functions; providing a saving clause; providing a severability clause; and providing an effective date.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DALLAS:

SECTION 1. That Article XX, "Reserved," of Chapter 2, "Administration," of the Dallas City Code is retitled "Citizen Homelessness Commission."

SECTION 2. That Article XX, "Citizen Homelessness Commission," of Chapter 2, "Administration," of the Dallas City Code is amended by adding the following:

"**SECTION 2-147. PURPOSE.**

The purpose of this commission is to assure participation from, and inclusion of, all stakeholders, including those with past or present experience with homelessness, in order to develop policy recommendations to ensure alignment of city services with regional services to enhance efficiency, quality, and effectiveness of the community-wide response to homelessness.

SECTION 2-148. CREATED; MEMBERSHIP; TERMS; MEETINGS.

(a) There is hereby created the citizen homelessness commission, which shall be an advisory body of 15 members. Each city council member shall appoint one member to the commission. The mayor shall appoint the chair, and the full city council shall appoint the vice-chair.

(b) Members of the commission must meet the following qualifications:

(1) two members must have past or present experience as a homeless person, and the city council may, after a review of the specific circumstances, waive disqualification under Section 8-1.4 of this code for these members;

(2) one member must be a representative from a faith-based organization; and

(3) twelve members must be chosen from the general public.

(c) All members shall be appointed for an initial term to expire on September 30, 2019. Subsequent appointments will be made in September of each odd-numbered year for a two-year term beginning on October 1.

(d) The commission must meet at least once each month and may hold additional meetings at the call of the chair.

SECTION 2-149. DUTIES AND FUNCTIONS.

(a) The commission, in carrying out its purpose, shall act as an advisory body to the city manager and the city council and shall:

(1) advise the city manager and the city council on issues affecting homelessness;

(2) assist the city in evaluating new and existing programs;

(3) coordinate with other local and regional bodies addressing homelessness; and

(4) perform such other duties assigned by the city manager or city council.

(b) The city manager shall provide information and assistance to the commission in the performance of its duties and functions."

SECTION 3. That Chapter 2 of the Dallas City Code shall remain in full force and effect, save and except as amended by this ordinance. Any proceeding, civil or criminal, based upon events that occurred prior to the effective date of this ordinance are saved, and the former law is continued in effect for that purpose.

SECTION 4. That any act done or right vested or accrued, or any proceeding, suit, or prosecution had or commenced in any action before the amendment or repeal of any ordinance, or part thereof, shall not be affected or impaired by amendment or repeal of any ordinance, or part thereof, and shall be treated as still remaining in full force and effect for all intents and purposes as if the amended or repealed ordinance, or part thereof, had remained in force.

DRAFT

SECTION 5. That the terms and provisions of this ordinance are severable and are governed by Section 1-4 of Chapter 1 of the Dallas City Code, as amended.

SECTION 6. That this ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so ordained.

APPROVED AS TO FORM:

LARRY E. CASTO, City Attorney

By _____
Assistant City Attorney

Passed _____

DRAFT

ADDENDUM ITEM # 3

KEY FOCUS AREA: Public Safety

AGENDA DATE: April 12, 2017

COUNCIL DISTRICT(S): All

DEPARTMENT: Mayor and City Council

CMO: T.C. Broadnax, 670-3297

MAPSCO: N/A

SUBJECT

Authorize the creation and implementation of a cite and release program with Dallas County in accordance with Texas Criminal Code Section 14.06 for Class A and B misdemeanor possession of marijuana and Class B criminal mischief, graffiti, theft, theft of service, contraband in correctional facility, and driving while license is invalid, effective October 1, 2017 - Financing: No cost consideration to the City (via Council Members Griggs, Medrano, Young, Clayton, Kingston)

BACKGROUND

This item is on the addendum to update and replace the original item that was deleted on the April 12th regular agenda.

In 2007, the 80th Texas Legislature passed House Bill 2391, which amended Texas Criminal Code Section 14.06, relating to the appearance of certain misdemeanor offenders before a magistrate. House Bill 2391 authorizes a peace officer charging a person with certain Class A or B misdemeanors to issue a citation with written notice of a later time and place to appear before the magistrate instead of taking the person immediately before the magistrate if that person resides in the county where the offense occurred. This described process is commonly referred to as cite and release.

House Bill 2391 enumerated these certain misdemeanors to include Class A and B possession of marijuana, and Class B criminal mischief, graffiti, theft, theft of service, contraband in correctional facility, and driving while license is invalid.

The Dallas Police Department through collaborative discussions and agreement with the Dallas County District Attorney's Office developed guidelines to implement cite and release for certain Class A and B misdemeanors that include: (1) having a valid state issued identification on the person charged; (2) having no prior convictions that would enhance the charge; (3) providing a thumbprint; (4) requiring the person charged to be 17 years of age or older; (5) requiring a signature on the citation; and (6) video recording the encounter from contact to release, when possible.

BACKGROUND (continued)

At the January 6, 2016, City Council briefing, Council directed the City Manager to work with the other four counties within the City of Dallas (Collin, Denton, Kaufman, and Rockwall) to establish a cite and release pilot program that includes all five counties to further the City's goals of reducing the jail population for non-violent offenders.

This program would reduce the time officers spend on jail processing procedures, and improve response times by getting officers back into service quicker.

In February 2016, the Dallas Police Department met with the four counties (Collin, Denton, Kaufman, and Rockwall) to discuss establishing a cite and release pilot program with the City of Dallas for Class A and B misdemeanor possession of marijuana, and these four counties declined to participate.

On February 22, 2017, a five-signature memorandum requested that cite and release for all offenses listed in House Bill 2391 from the 80th Legislature be placed on the first available agenda.

In March 2017, the Dallas Police Department again contacted the four counties (Collin, Denton, Kaufman, and Rockwall), all of which continue to respectfully decline participation in a cite and release program.

Additionally, Dallas Police Department contacted Dallas County about including Class B criminal mischief, graffiti, theft, theft of service, contraband in correctional facility, and driving while license is invalid in the cite and release program and they declined.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Information about this item was provided to the Public Safety Committee on December 8, 2015, and to City Council on January 6, 2016.

On March 23, 2016, City Council voted on a resolution for the Dallas Police Department to implement a cite and release pilot program with Dallas County for Class A and B misdemeanor possession of marijuana. The item failed.

FISCAL INFORMATION

No cost consideration to the City.

April 12, 2017

WHEREAS, the 80th Texas Legislature passed House Bill 2391, which amended Texas Criminal Code Section 14.06, relating to the appearance of certain misdemeanor offenders before a magistrate; and

WHEREAS, House Bill 2391 authorizes a peace officer charging a person with certain Class A or B misdemeanors to issue a citation with written notice of a later time and place to appear before the magistrate instead of taking the person immediately before the magistrate if that person resides in the county where the offense occurred ("cite and release"); and

WHEREAS, House Bill 2391 enumerated these certain misdemeanors to include Class A and B possession of marijuana and Class B criminal mischief, graffiti, theft, theft of service, contraband in correctional facility, and driving while license is invalid; and

WHEREAS, the Dallas Police Department through collaborative discussions and agreement with the Dallas County District Attorney's Office developed guidelines to implement cite and release for certain Class A and B misdemeanors that include: (1) having a valid state issued identification on the person charged; (2) having no prior convictions that would enhance the charge; (3) providing a thumbprint; (4) requiring the person charged to be 17 years of age or older; (5) requiring a signature on the citation; and (6) video recording the encounter from contact to release, when possible; and

WHEREAS, the City Council's Public Safety Committee and the City Council have been previously briefed about the history of House Bill 2391; options and process for implementing a cite and release program with Dallas County for certain Class A and B misdemeanors; and the goals of a cite and release program; and

WHEREAS, the City Council previously directed the City Manager to work with the other four counties within the City of Dallas (Collin, Denton, Kaufman, and Rockwall) to establish a cite and release program that includes all five counties to further the City's goals of reducing the jail population for non-violent offenders, reducing the time officers spend on jail processing procedures, and improving response times by getting officers back into service quicker; and

WHEREAS, in March 2017, the Dallas Police Department again contacted the four counties (Collin, Denton, Kaufman, and Rockwall), all of which continue to respectfully decline participation in a cite and release program; and

WHEREAS, because the City Council still seeks to further the goals of reducing the jail population for non-violent offenders, reducing the time officers spend on jail processing procedures, and improving response times by getting officers back into service quicker, a cite and release program with Dallas County for Class A and B misdemeanor possession of marijuana and Class B criminal mischief, graffiti, theft, theft of service, contraband in correctional facility, and driving while license is invalid is in the best interest of the City of Dallas and its citizens.

Now, Therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DALLAS:

SECTION 1. That the City Manager is directed to implement a cite and release program with Dallas County in accordance with Texas Criminal Code Section 14.06 for Class A and B misdemeanor possession of marijuana.

SECTION 2. That the City Manager is directed to continue working with Dallas County to consider including additional cite and release offenses, including Class B criminal mischief, graffiti, theft, theft of service, contraband in correctional facility, and driving while license is invalid.

SECTION 3. That the cite and release program incorporates the guidelines developed with the Dallas County District Attorney's Office that include: (1) having a valid state issued identification on the person charged; (2) having no prior convictions that would enhance the charge; (3) providing a thumbprint; (4) requiring the person charged to be 17 years of age or older; (5) requiring a signature on the citation; and (6) video recording the encounter from contact to release, when possible.

SECTION 4. That the cite and release program with Dallas County shall take effect on October 1, 2017.

SECTION 5. That the City Manager is directed to continue working with all counties within the City of Dallas to implement a cite and release program to further the City's goals of reducing the jail population for non-violent offenders, reducing the time officers spend on jail processing procedures, and improving response times by getting officers back into service quicker.

SECTION 6. That, within six months after the cite and release program takes effect, the City Manager shall provide a report to City Council, including a statistical overview, of the effectiveness of the cite and release program.

SECTION 7. 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.

Memorandum

CITY OF DALLAS

DATE February 22, 2017
TO Honorable Mayor Michael S. Rawlings
FROM Philip T. Kingston
SUBJECT Cite and Release

Please place Cite and Release for all offenses listed in HB 2391 from the 80th Legislature on the first available voting agenda.

REVISED AGENDA ITEM # 25

KEY FOCUS AREA: Clean, Healthy Environment

AGENDA DATE: April 12, 2017

COUNCIL DISTRICT(S): 3, 7, ~~9~~ 10

DEPARTMENT: Housing & Neighborhood Revitalization

CMO: Theresa O'Donnell, 670-3309

MAPSCO: 73A

SUBJECT

Authorize **(1)** an amendment to the grant agreement (Grant No. TX0236L6T001507) between the City of Dallas and the U.S. Department of Housing and Urban Development (HUD) to add The Way Apartments, The Vineyards at Forest Edge Apartments, and The Vineyards at the Ranch Apartments as project sites to the grant agreement; **(2)** three Memorandums of Understanding (MOUs) between the City of Dallas and the three apartment property owners, MDL The Way LP herein referred to as The Way, Indigo JV LLC herein referred to as Forest Edge, and Stone Ranch Owner LLC herein referred to as The Ranch to provide project-based affordable housing to the Gateway to Permanent Supportive Housing Program, contingent upon approval of the amendment by HUD in Subject Number 1 for the term March 1, 2017 through December 31, 2017, with two twelve-month renewal options; and **(3)** execution of the amendment to the grant agreement and of the MOUs - Financing: No cost consideration to the City

BACKGROUND

The Way Apartments, Forest Edge Apartments, and The Ranch Apartments expressed an interest in partnering with the City of Dallas to provide housing units for program participants in the Comprehensive Homeless Services Program. Discussions were held between the City of Dallas and property management at each of the sites to determine if the property accommodates the project-based program needs. Tours were conducted at each of the properties and the apartment units. The properties were selected because of its capacity to house program participants, amenities comparable to the current site, and close proximity to bus lines. Units at each property will be required to meet Housing Quality Standards. Each of the properties will commit up to 25 units at their respective sites. The Way Administrative Office is located at 5301 Marvin D. Love Freeway, Dallas, TX 75232. The Forest Edge Administrative Office is located at 9669 Forest Lane, Dallas, TX 75243. The Ranch Administrative Office is located at 9350 Skillman, Dallas, TX 75243.

BACKGROUND (continued)

The City of Dallas contacted the U.S. Department of Housing and Urban Development (HUD) to request guidance on the process to include The Way, Forest Edge, and The Ranch as additional project sites for the Gateway to Permanent Supportive Housing Program. HUD provided the following guidance: the City of Dallas must (1) document site control with additional sites via an MOU; the document will be binding upon HUD'S approval of the City's requested grant amendment (Grant No. TX0236L6T001507); (2) conduct an environmental review; and (3) amend the application to include the additional sites. This agenda item is the first step in the process to document site control by executing a separate MOU with each site for a total of three MOUs for the three sites . All of these documents will be submitted to HUD for review and approval. HUD will issue a grant amendment for execution between HUD and the City of Dallas once all documents have been reviewed and approved.

Each MOU outlines the City of Dallas' responsibilities as the service provider, and The Way, Forest Edge, and The Ranch as the property owners. City staff will continue to provide supportive services to all persons for whom rental payments are made. City staff will continue to partner with community agencies through non-financial agreements. Services include case management, drug treatment, medications, psychiatric counseling, legal aid, employment, and training classes. Clients/Tenants will continue to be referred to the program directly by homeless service providers and health professionals. Property management staff carry out rent collections from clients paying a portion of their rent towards their own assistance; janitorial, maintenance, repair, and other related services for the safety and security of staff and clients. City staff will have offices at each complex and access to space for community meetings.

The City of Dallas has received funding for the Permanent Supportive Housing Grant since 2008 for project-based rental assistance and case management for chronically homeless persons. Under the grant agreement, the program will pay rent and utilities for 70 chronically homeless persons annually. Rental payments will be made directly to the apartment complex based on rent reasonableness and the Fair Market Rent (FMR) rate as determined by HUD. Clients/Tenants are eligible to receive rental assistance permanently depending on the client's need.

Program participants must sign a minimum of a one-year lease agreement under project-based housing. Lease must also comply with other HUD requirements. All clients are expected to be housed by October 1, 2017. Grant funds may be used to assist with moving costs for those clients requiring moving assistance.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On May 14, 2014, City Council authorized an amendment to the grant agreement between the City of Dallas and HUD to add Eban Village as a project site and approve a Memorandum of Understanding between the City and Eban Village by Resolution No. 14-0750.

On August 13, 2014, City Council authorized acceptance of a Continuum of Care Permanent Supportive Housing Grant to provide rental assistance and case management for single homeless persons by Resolution No. 14-1217.

On August 12, 2015,City Council authorized acceptance of a Continuum of Care Permanent Supportive Housing Grant to provide rental assistance and case management for single homeless persons by Resolution No. 15-1364.

On August 24, 2016, City Council authorized acceptance of a Continuum of Care Permanent Supportive Housing Grant to provide project-based rental assistance and case management for single homeless persons by Resolution No. 16-1328.

City Council will be briefed by memorandum regarding this matter on March 31, 2017.

FISCAL INFORMATION

No cost consideration to the City.

WHEREAS, there is a need to assist single chronically homeless persons by providing rental assistance, in conjunction with support services, to break the cycle of homelessness; and

WHEREAS, the U.S. Department of Housing and Urban Development (HUD) provides for the distribution of Permanent Supportive Housing Grant funds to assist the homeless with rental assistance; and

WHEREAS, HUD has executed the FY 2015 grant agreement for the Continuum of Care Grant funds totaling $802,120 for this program; and

WHEREAS, The City of Dallas desire to enter into a Memorandum of Understanding with The Way Apartments, The Vineyards at Forest Edge Apartments, and The Vineyards at the Ranch Apartments.

Now, Therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DALLAS:

SECTION 1. That following approval as to form by the City Attorney, the City Manager is hereby authorized to **(1)** amend the grant agreement (Grant No. TX0236L6T001507) between the City of Dallas and the U. S. Department of Housing and Urban Development (HUD) to add The Way Apartments, The Vineyards at Forest Edge Apartments, and The Vineyards at the Ranch Apartments as project sites to the grant agreement; and **(2)** enter into three Memorandums of Understanding (MOUs) with the three apartment property owners, MDL The Way LP herein referred to as The Way, Indigo JV LLC herein referred to as Forest Edge, and Stone Ranch Owner LLC herein referred to as The Ranch to provide project-based affordable housing to the Gateway to Permanent Supportive Housing Program, contingent upon approval of the amendment by HUD in Subject Number 1 for the term March 1, 2017 through December 31, 2017, with two twelve-month renewal options.

SECTION 2. That the City Manager is hereby authorized to execute all agreements and provide additional information and make adjustments to take other actions relating to these budgets as may be necessary in order to satisfy HUD requirements.

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.

REVISED AGENDA ITEM # 56

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: April 12, 2017

COUNCIL DISTRICT(S): 14

DEPARTMENT: Sustainable Development and Construction

CMO: Majed Al-Ghafry, 670-3302

MAPSCO: 45F K

SUBJECT

An ordinance granting a private license to Arts District Properties, Ltd., for the use of a total of approximately 15,694 square feet of land to install, maintain, and utilize landscape with irrigation, planters with appurtenances, thirty-three trees, twenty-three bollards, decorative pavers and eleven pole lights along portions of Pearl, Flora, and Olive Streets rights-of-way, near their intersection - Revenue: $600 one-time fee, plus the $20 ordinance publication fee

BACKGROUND

This item was on the addendum because additional review time was required. This item grants a private license to Arts District Properties, Ltd., for the use of a total of approximately 15,694 square feet of land to install, maintain and utilize landscape with irrigation, planters with appurtenances, thirty-three trees, twenty-three bollards, decorative pavers and eleven pole lights along portions of Pearl, Flora, and Olive Streets rights-of-way, near their intersection. The use of this area will not impede pedestrian or vehicular traffic.

The licensee will indemnify the City and carry general liability insurance naming the City as an additional insured.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Information about this item was provided to the Economic Development Committee on March 20, 2017.

On March 22, 2017, this item was deferred by Councilmember Philip T. Kingston.

FISCAL INFORMATION

Revenue - $600 one-time fee, plus the $20 ordinance publication fee

OWNER

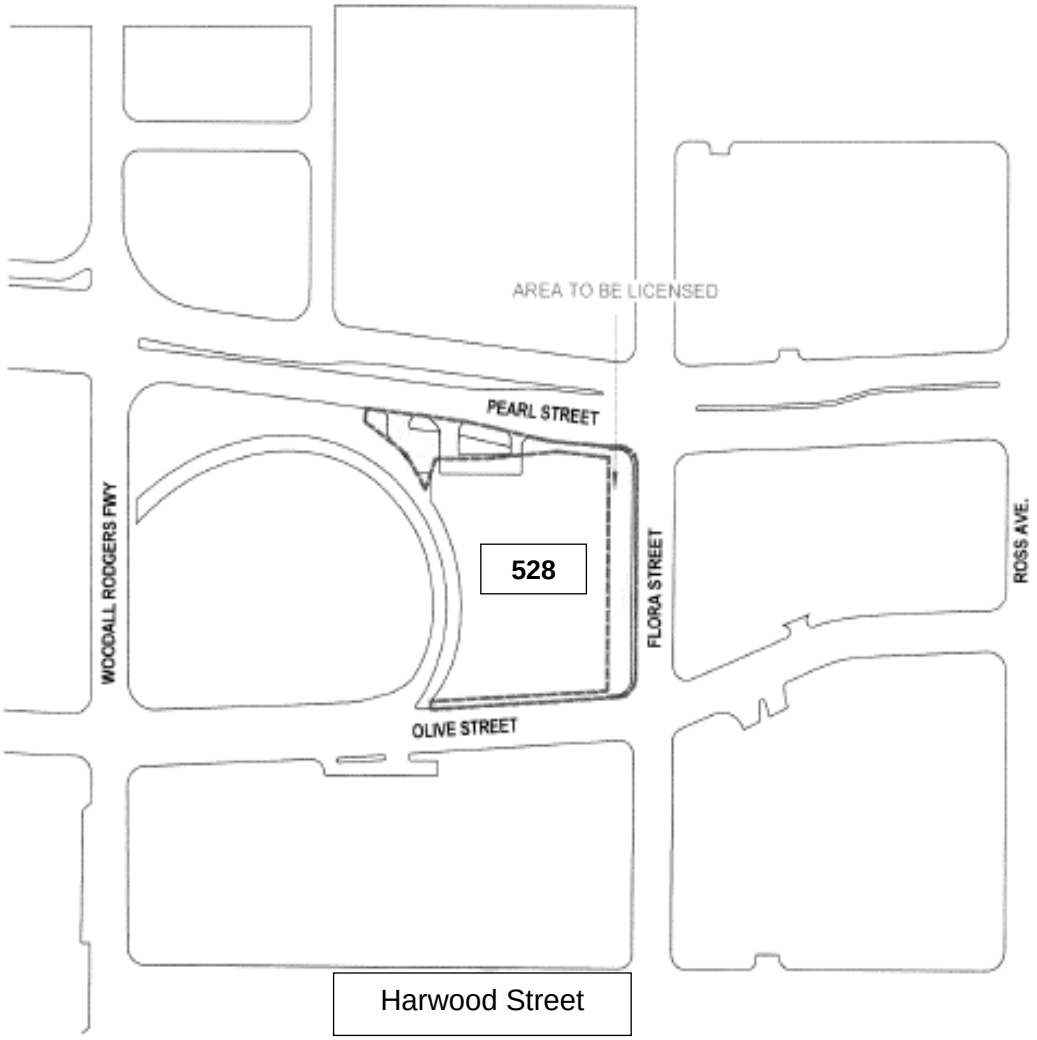
Arts District Properties, Ltd.

Metroarts Corporation, General Partner

Graham Greene, President

MAP

Attached.



1 VICINITY MAP
1" = 160'-0"

N
TRUE
PLAN

LICENSING AREA

ATELIER | FLORA LOFTS
219420179

LANDSCAPE LICENSE PLAN
1" = 160'-0"

ORDINANCE NO. _____

An ordinance granting a private license to Arts District Properties, Ltd. to occupy, maintain and utilize a portion of Pearl, Flora, and Olive Streets rights-of-way located near its intersection of Pearl, Flora, and Olive Streets adjacent to City Block 528 within the limits hereinafter more fully described, for the purpose of installing and maintaining landscaping with irrigation, planters with appurtenances, thirty-three trees, twenty-three bollards, decorative pavers and eleven pole lights; providing for the terms and conditions of this license; providing for the one-time fee compensation to be paid to the City of Dallas; providing for payment of the publication fee; and providing an effective date of this license and ordinance.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DALLAS:

SECTION 1. That a private license, hereinafter referred to as "license", subject to the restrictions and conditions of this ordinance, is hereby granted to Arts District Properties, Ltd., a Texas limited partnership its successors and assigns, hereinafter referred to as **"GRANTEE"**, to occupy, maintain and utilize for the purpose set out hereinbelow the tract of land described in Exhibit A, hereinafter referred to as "licensed area" which is attached hereto and made a part hereof.

SECTION 2. That this license is granted for a term of forty (40) years, unless sooner terminated according to other terms and provisions herein contained.

SECTION 3. That **GRANTEE** shall pay to the City of Dallas a one-time license fee in the sum of **SIX HUNDRED ($600.00) DOLLARS**, for the license herein granted, said sum to be paid prior to the final passage of this ordinance and shall cover the consideration for the license term, in accordance with special fees established by Section 43-115.1 of the Dallas City Code. Such consideration shall be in addition to and exclusive of any other taxes or special assessments required by law to be paid by **GRANTEE**. All sums payable to the City of Dallas hereunder shall be paid to the Chief Financial Officer of the City of Dallas and deposited in Fund 0001, Department DEV, Unit 1181, Revenue Source 8200. In the event **GRANTEE's** check for the license fee

is dishonored, **GRANTEE** shall pay to the City a processing fee of $25.00 for each dishonored check. Additionally, all monies owed to the City under this license shall be subject to the assessment of interest at a rate of 10% a year from the day after any monies become due until it is paid in full, in accordance with Section 2-1.1 of the Dallas City Code.

SECTION 4. That the licensed area shall be used by **GRANTEE** for the following purpose under the direction of the Director of Department of Sustainable Development and Construction of the City of Dallas: installation, maintenance of landscaping with irrigation, planters with appurtenances, thirty-three trees, twenty-three bollards, decorative pavers and eleven pole lights.

SECTION 5. That this license is subject to the provisions set forth in EXHIBIT B, attached hereto and made a part hereof.

SECTION 6. That this license is nonexclusive and is made expressly subject and subordinate to the right of the City to use the licensed area for any public purpose. The Governing Body of the City of Dallas reserves the right by resolution duly passed by said Governing Body, to terminate and cancel this license upon giving **GRANTEE** sixty (60) days notice of its intent to cancel. Upon termination, all rights granted hereunder shall thereupon be considered fully terminated and cancelled and the City of Dallas shall not be held liable by reason thereof. Said resolution shall be final and shall not be subject to review by the Courts. **GRANTEE** shall have the right of cancellation upon giving the City of Dallas sixty (60) days written notice of its intention to cancel, and in either event upon the termination or cancellation by the City or **GRANTEE**, as the case may be, this license shall become null and void and **GRANTEE** or anyone claiming any rights under this instrument shall remove, to the extent required by the Director of Department of Sustainable Development and Construction, any improvements and encroachments from the licensed areas at **GRANTEE's** expense. Failure to do so shall subject **GRANTEE** to the provisions contained in EXHIBIT B, Subsection (a). All work shall be done at the sole cost of **GRANTEE** and to the satisfaction of the Director of Department of Sustainable Development and Construction.

SECTION 7. That the license is subject to the following conditions, terms and reservations:

a) **GRANTEE** shall provide a minimum five feet (5') of unobstructed sidewalk along license area eliminating line of sight of trees too close to driveways; and

b) **GRANTEE** shall not cause any items to be installed within eighteen inches (18") of the existing curb along license area. If designed concrete, pavers or other specialty material are used for the sidewalk installation, the **GRANTEE** must not place said materials within eighteen inches (18") of the curb unless they are installed to be easily removed or to allow sign post/meter poles to be placed. **GRANTEE** shall provide that no parking meters and on-street parking are removed or obstructed from use; and

c) **GRANTEE** shall not prohibit, impede, or reduce: (i) the number of available on-street parking spaces; (ii) the public's ability to on-street park; and (iii) the City of Dallas' ability to install or replace new or used parking meters, or governmental signage; and

d) **GRANTEE** shall (i) adhere to and comply with the Texas Accessibility Standard Requirements administered by the Texas Department of Licensing and Regulation and Americans with Disability Act (TDLR/ADA) requirements, and (ii) submit plans identifying an accessible path along license area to show that the TDLR/ADA required slopes, clearances, surface finishes and other pathway clearances are achieved; and

e) **GRANTEE** shall submit plans for City review and approval which clearly shows and labels existing and proposed sidewalks and barrier-free ramps; and which show that there is an unobstructed, ADA compliant, pedestrian path on all street frontages within the rights-of-way subject of this license; and

f) **GRANTEE** acknowledges existing and proposed water and wastewater mains are or are to be located in the license area and **GRANTEE** shall obtain approval from Dallas Water Utilities prior to any construction or installation of ~~not construct in, or install~~ landscaping trees ~~within 10' from~~ near said water and wastewater locations. Alternatively, **GRANTEE** shall, at its cost and expense relocate the existing and/or proposed water and wastewater mains and meter vault; and

g) **GRANTEE** shall meet design requirements as referenced by the Plan Development District (PDD) # 145 zoning for the Dallas Arts District, subject to compliance with Dallas City Code; and

h) **GRANTEE** acknowledges Atmos has active facilities in the licensed area and **GRANTEE** shall be responsible to relocate said facilities if conflict exists.

SECTION 8. This license shall not become effective unless and until the execution of the Quitclaim Deed and Release of Access Restrictions has been conveyed to the city by the State of Texas as shown in Exhibit C.

SECTION 9. That upon the effectiveness of this ordinance, the Director of Department of Sustainable Development and Construction, or designee, is hereby authorized to execute a NOTICE OF LICENSE and to file same in the deed records of Dallas County, Texas. Additionally, the Director of Department of Sustainable Development and Construction, or designee, is hereby authorized to execute a cancellation of Notice of License upon termination by the City or **GRANTEE** and to file such cancellation of Notice of License in the deed records of Dallas County, Texas.

SECTION 10. That the terms and conditions contained in this ordinance shall be binding upon **GRANTEE**, its successors and assigns.

SECTION 11. That this license may not be assigned without prior written approval from the Director of Department of Sustainable Development and Construction, or designee. Such assignment shall recite that it is subject to the terms, restriction and conditions contained in this ordinance.

The assignee shall deliver evidence of ownership of property abutting the licensed area and a copy of the assignment, along with the assignee's written acceptance of the provisions of this ordinance, to the Director of Department of Sustainable Development and Construction within 10 days of such assignment; said assignment and written acceptance shall be forwarded to the City Secretary of the City of Dallas. Should **GRANTEE** fail to obtain prior written approval for assignment of this license or fail to provide the City of Dallas with the required written acceptance and a copy of the assignment, the Director of Department of Sustainable Development and Construction, or designee, may terminate this license.

SECTION 12. That the City Secretary is hereby authorized and directed to certify a copy of this ordinance for recordation in the Deed Records of Dallas County, Texas, which certified copy shall be delivered to the Director of Department of Sustainable Development and Construction, or designee. Upon receipt of the fees pursuant to Section 3 of this ordinance, an acceptable certificate of insurance and the fee for publishing this ordinance which **GRANTEE** shall likewise pay, the Director of Department of Sustainable Development and Construction, or designee, shall deliver to **GRANTEE** the certified copy of this ordinance. The Director of Department of Sustainable Development and Construction, or designee, shall be the sole source for receiving certified copies of this ordinance for one year after its passage.

SECTION 13. That this ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so ordained.

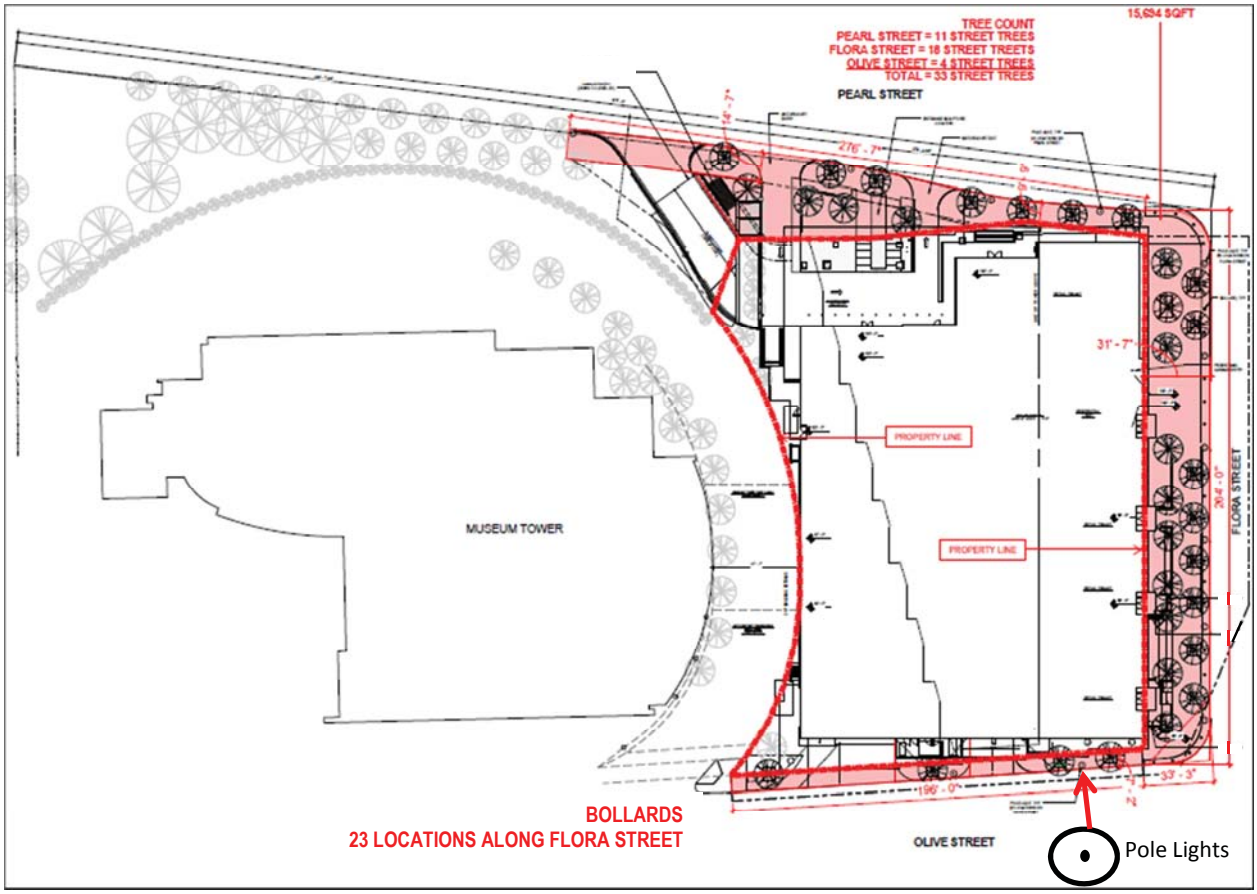
APPROVED AS TO FORM:
LARRY E. CASTO
City Attorney

DAVID COSSUM
Director of Department of Sustainable Development and Construction

BY _____ **BY** _____
Assistant City Attorney **Assistant Director**

Passed _____.

EXHIBIT A



N

LEGEND

Streetscape elements areas approx. 15,694

Portions of Decorative Pavers and Landscape/Irrigation

Pole Lights = 11

Trees = 33

Bollards = 23

EXHIBIT B
COMMERCIAL ENTITY
ADDITIONAL LICENSE PROVISIONS

That this license is granted subject to the following additional conditions, terms and reservations:

(a) That at such time as this license is terminated or canceled for any reason whatsoever, **GRANTEE**, upon orders issued by the City acting through the Director of Sustainable Development and Construction, or designee, shall remove all installations, improvements and appurtenances owned by it situated in, under or attached to the licensed area, and shall restore the premises to its former condition in accordance with the requirements of the Director of Sustainable Development and Construction at the sole cost of **GRANTEE**. In the event, upon termination of this license, **GRANTEE** shall fail to remove its installations, improvements and appurtenances and to restore the licensed area in compliance with orders issued by City, or such work is not done to the satisfaction of the Director of Sustainable Development and Construction, then in either event the City shall have the right to do all work necessary to restore said area to its former condition or cause such work to be done, and to assess the cost of all such work against **GRANTEE**; in neither event shall the City of Dallas be liable to **GRANTEE** on account thereof.

(b) It is further understood that if and when the City of Dallas, in the exercise of its discretion, shall determine that the grade of any street, sidewalk or parkway should be modified or changed, or that any other work should be done in connection with any public improvement which will affect the licensed area, and/or any of **GRANTEE's** installations and improvements thereon, any modifications or changes to **GRANTEE's** facilities in the licensed area or in construction or reconstruction of any public improvement attributable to **GRANTEE's** use of the licensed area and/or its installations and improvements thereon, shall be made at the sole expense of **GRANTEE** and to the satisfaction of the Director of Sustainable Development and Construction.

(c) At such time as this license is granted, it is agreed, and a condition hereof, that **GRANTEE** shall procure and keep in full force and effect **Commercial General Liability Insurance** coverage issued by an insurance company authorized and approved by the State of Texas, acceptable to the City of Dallas and issued in the standard form approved by the Texas Department of Insurance. The insured provisions of this policy must name the City of Dallas as an additional insured protecting the City of Dallas against any and all claims for damages to persons or property as a result of or arising out of the use, operation and maintenance by **GRANTEE** of the licensed area and **GRANTEE's** installations, improvements, landscaping and equipment in connection therewith and located therein. The Commercial General Liability coverage must include, but not limited to, Premises/Operations, Independent Contractors and Contractual Liability with minimum combined bodily injury (including death) and property damage limits of not less than $500,000 per occurrence and $500,000 annual aggregate. This insurance shall also include coverage for underground, explosion and collapse hazards (i.e. not excluded). If this insurance is written on a claims-made form, coverage shall be continuous (by renewal or extended reporting period) for not less than

twelve (12) months following termination of this license and removal of the installations, improvements and appurtenances and restoration of the licensed area pursuant to paragraph (a) above. Coverage, including any renewals, shall contain the same retroactive date as the original policy applicable to this license. The City of Dallas reserves the right to review the insurance requirements set forth herein during the effective term of the license and to adjust insurance coverages and their limits when deemed necessary and prudent by the City of Dallas' Risk Management based upon changes in statutory law, court decisions, or the claims history of the industry as well as the City of Dallas.

1. **GRANTEE** agrees that with respect to the above required insurance, all insurance contracts and certificates of insurance will contain and state, in writing, that coverage shall not be canceled, nonrenewed or materially changed except after thirty (30) days written notice by certified mail to Department of Sustainable Development and Construction.
2. **GRANTEE** shall carry said insurance at its expense and shall furnish the City of Dallas proof of such insurance. In the event said insurance should terminate during the licensing term hereof, or **GRANTEE** fails to furnish proof of insurance coverage in accordance with the specifications as required by this section, the Director of Sustainable Development and Construction, or designee, may terminate the license granted herein.

(d) **GRANTEE** is prohibited from using the licensed area in any manner which violates Federal, State or local laws, regulations, rules and orders, regardless of when they become or became effective, including without limitation, those related to health, safety, noise, environmental protection, waste disposal and water and air quality, and shall provide satisfactory evidence of compliance upon the request of the City of Dallas. Should any discharge, leakage, spillage, emission or pollution of any type occur upon or from the licensed area due to **GRANTEE's** use and occupancy thereof, **GRANTEE**, at its expense, shall be obligated to clean up the licensed area to the satisfaction of the City of Dallas and any governmental body having jurisdiction thereover. The City of Dallas may, at its option, clean the licensed area. If the City of Dallas elects to do so, **GRANTEE** shall promptly pay to the City of Dallas the reasonable cost of such cleanup upon receipt of bills therefore. **GRANTEE** agrees that the indemnity provisions contained in paragraph (g) herein shall be fully applicable to the requirements of this paragraph, in event of **GRANTEE's** breach of this paragraph, or as a result of any such discharge, leakage, spillage, emission or pollution arising out of the **GRANTEE's** use of the licensed area.

(e) This license is subject to all State laws, the provisions of the Charter of the City of Dallas as it now exists, or may hereafter be adopted or amended, and the ordinances of the City of Dallas now in effect or those which may hereafter be passed or adopted. The City of Dallas shall have the right to increase or decrease the compensation to be charged for the use contemplated by this grant in

accordance with the provisions of the Dallas City Code as it now exists, or as may hereafter be adopted or amended.

(f) The Governing Body of the City of Dallas reserves the right, at any time without notice, to terminate and cancel this license, by resolution, upon a finding by the Governing Body that this license is inconsistent with the public use of the property or whenever the purpose or use of the license is likely to become a nuisance and all rights granted hereunder shall thereupon be considered fully terminated and canceled and the City of Dallas shall not be held liable by reason thereof. The decision of the Governing Body of the City in this matter shall be final and binding upon all parties insofar as the City's determination as to whether the **GRANTEE's** use of this license constitutes a nuisance or is inconsistent with the public use of the property.

(g) As a condition hereof, **GRANTEE** agrees and is bound to defend, indemnify and hold the City of Dallas, its officers, agents and employees, harmless against any and all claims, lawsuits, judgments, costs and expenses for bodily injury (including death), property damage or other harm for which recovery of damages is sought, suffered by any person or persons, that may arise out of or be occasioned by the use, occupancy and maintenance of the licensed area or **GRANTEE's** installations and improvements within the licensed area, from any act or omission of any representative, agent, customer and/or employee of **GRANTEE**, or by **GRANTEE's** breach of any of the terms or provisions of this license, or by any negligent or strictly liable act or omission of **GRANTEE**, its officers, agents, employees or contractors in the use, occupancy and maintenance of **GRANTEE's** installations and improvements within the licensed area; except that the indemnity provided for in this paragraph shall not apply to any liability resulting from the sole negligence or fault of the City of Dallas, its officers, agents, employees or separate contractors, and in the event of joint and concurring negligence or fault of both the **GRANTEE** and the City of Dallas, responsibility and liability, if any, shall be apportioned comparatively in accordance with the laws of the State of Texas, without, however, waiving any governmental immunity available to the City of Dallas under Texas law and without waiving any defenses of the parties under Texas law. This obligation to indemnify and defend shall also include any claim for damage that any utility or communication company, whether publicly or privately owned, may sustain or receive by reason of **GRANTEE's** use of the licensed area or **GRANTEE's** improvements and equipment located thereon. In addition to the foregoing, **GRANTEE** covenants and agrees never to make a claim of any kind or character whatsoever against the City of Dallas for damage of any kind that it may suffer by reason of the installation, construction, reconstruction, operation or maintenance of any public improvement, utility or communication facility on the licensed area, whether presently in place or which may in the future be constructed or installed, including but not limited to, any water or wastewater mains or storm sewer facilities, regardless of whether such damage is due to

flooding, infiltration, backflow or seepage caused from the failure of any installation, natural causes, City's negligence, or from any other cause whatsoever.

(h) This license is subject to any existing utilities or communication facilities, including drainage, presently located within the licensed area, owned and/or operated by the City of Dallas or any utility or communications company, public or private, and to any vested rights presently owned by an utility or communications company, public or private, for the use of the licensed area for facilities presently located within the boundaries of said licensed area. It is the intent of the foregoing that this permission herein is made expressly subject to the utilization of the licensed area for communication and utility purposes, both public and private, including drainage, over, under, through, across and along the licensed area. No buildings shall be constructed or placed upon, over or across the licensed area in such a manner as to interfere with the operation of any utilities and communication facilities. All and any communication company and utility, both public and private, shall have the right to remove and keep removed all or parts of any buildings which may in any way endanger or interfere with the construction, maintenance or efficiency of its respective systems within the licensed area. All communication companies and utilities, both public and private, shall have the full right to remove and keep removed all parts of any buildings, fences, trees, or other improvements or growths which in any way may endanger or interfere with the construction, maintenance and efficiency of its respective system and shall at all times have the full right of ingress and egress to or from and upon the licensed area for the purpose of constructing, relocating, inspecting, patrolling, maintaining and adding to or removing all or part of its respective systems without the necessity at any time of procuring the permission of anyone.

EXHIBIT C

County: Dallas
Highway: State Highway Spur 366
Control Section: 0196-07

August 1, 2016

DESCRIPTION FOR TRACT 1
A PART OF PEARL STREET
0.0951 ACRE (4,141 SQ. FT.)
SITUATED IN THE JOHN GRIGSBY SURVEY,
ABSTRACT NUMBER 495
CITY OF DALLAS, DALLAS COUNTY, TEXAS

BEING a 4,141 square foot tract of land situated in the John Grigsby Survey, Abstract Number 495, City of Dallas, Dallas County, Texas, City of Dallas Block Number 528, and being part of Pearl Street (variable width right-of-way) and part of Lots 1, 2 and 3 of Hensley Addition, an addition to the City of Dallas, as recorded in Volume 90, Page 274 and 275 of the Deed Records of Dallas County, Texas (D.R.D.C.T.), also being part of that tract of land described as Tract No. 1, being an abandonment of a portion of Old Pearl Street-Munger Avenue (formerly Juliette Street, called 40-foot wide right-of-way, as recorded in said Hensley Addition), as described in City of Dallas Ordinance Number 17633, as recorded in Volume 82250, Page 1383, D.R.D.C.T., and being part of that tract of land described in Agreed Judgement Deed to State of Texas, as recorded in Volume 84020, Page 3739, D.R.D.C.T., and being more particularly described as follows:

BEGINNING at the most southeasterly northeast corner (not monumented) of said State of Texas tract, having Texas Coordinate System, NAD83, North Central Zone 4202 surface coordinates North=6,975,153.9036 feet, East=2,491,537.4263 feet;

1) THENCE South 44 degrees 13 minutes 56 seconds West, with the southeast line of said State of Texas tract, passing at a distance of 7.01 feet to the northeast line of Lot 1 of said Hensley Addition, and continuing for a total distance of 19.97 feet to the most southeasterly southeast corner of said State of Texas tract, from which a found "X" cut in concrete bears North 78 degrees 51 minutes 21 seconds West, a distance of 0.23 of a foot;

2) THENCE North 39 degrees 19 minutes 54 seconds West, with the southwest line of said State of Texas tract and over and across Lots 1 and 2 of said Hensley Addition, a distance of 57.00 feet to a found "Y" cut in concrete for corner;

3) THENCE North 51 degrees 22 minutes 13 seconds West, with the southwest line of said State of Texas tract and over and across said Lot 2, a distance of 18.37 feet to the southeast corner (not monumented) of a tract of land described as Tract 2 in deed to the City of Dallas, as recorded in Instrument Number 201500081469 of the Official Public Records of Dallas County, Texas (O.P.R.D.C.T.);

FIELD NOTES APPROVED: 8/9/16

4) THENCE North 35 degrees 34 minutes 05 seconds West, departing the southwest line of said State of Texas and with the northeast line of said Tract 2 and over and across said State of Texas tract and Lots 2 and 3 of said Hensley Addition, a distance of 1.71 feet to a corner (not monumented), said corner being the point of curvature of a tangent circular curve to the right having a radius of 515.00 feet, chord that bears North 34 degrees 29 minutes 09 seconds West, a distance of 19.45 feet;

5) THENCE Northwesterly, continuing with the northeast line of said Tract 2, over and across said State of Texas tract and Lot 3 of said Hensley Addition, and with said curve, through a central angle of 02 degrees 09 minutes 52 seconds, passing at a distance of 1.95 feet to the northeast line of said Lot 3, and continuing over and across said State of Texas tract and the with the northeast line of said Tract 2, a total arc distance of 19.45 feet to a corner (not monumented), said corner being the point of reverse curvature of a circular curve to the left having a radius 1,485.00 feet, chord that bears North 36 degrees 05 minutes 14 seconds West, a distance of 139.06 feet;

6) THENCE Northwesterly, continuing with the northeast line of said Tract 2, over and across said State of Texas tract and with said curve, through a central angle of 05 degrees 22 minutes 02 seconds, an arc distance of 139.11 feet to a corner (not monumented);

7) THENCE North 38 degrees 46 minutes 15 seconds West, with the northeast line of said Tract 2 and over and across said State of Texas tract, a distance of 39.94 feet to the north corner (not monumented) of said Tract 2, said corner being on the northeast line of said State of Texas tract;

THENCE with the northeast line of said State of Texas tract, the following bearings and distances:

8) South 46 degrees 47 minutes 36 seconds East, a distance of 105.37 feet to a corner (not monumented);

9) South 39 degrees 09 minutes 58 seconds East, a distance of 132.10 feet to a corner (not monumented);

10) South 39 degrees 54 minutes 29 seconds East, a distance of 36.02 feet to the POINT OF BEGINNING AND CONTAINING 0.0951 of an acre (4,141 square feet) of land, more or less.

The Basis of Bearing of this survey is the Texas Coordinate System of 1983, North Central Zone (4202) as derived by GPS measurements. All distances and/or coordinates shown hereon are surface and may be converted by the published TXDOT "Surface Adjustment Factor" for Dallas County of 1.000136506.

Tract 1 is part of the Parcel shown on sheet 6A of State Highway Spur 366 (0196-07)

I, Getsy J. Suthan a Registered Professional Land Surveyor, hereby certify that the legal description hereon and the accompanying plat of even date represent an actual survey made on the ground under my supervision.

G. J. Suthan Aug 01

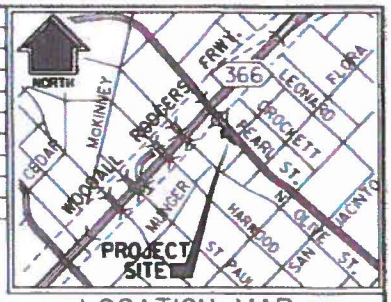
Getsy J. Suthan
Registered Professional Land Surveyor
Texas No. 6449
Halff Associates, Inc.,
1201 North Bowser Rd.
Richardson, Texas 75081
TBPLS Firm No. 10029600



EXHIBIT C

CURVE TABLE					
NO.	Δ	RADIUS	LENGTH	CHORD LENGTH	CHORD BEARING
C1	02°09'52"(RT)	515.00'	19.45'	19.45'	N 34°29'09" W
C2	05°22'02"(LT)	1,485.00'	139.11'	139.06'	N 36°05'14" W

LINE TABLE		
NO.	BEARING	DISTANCE
L1	S 44°13'56" W	19.97'
L2	N 39°19'54" W	57.00'
L3	N 51°22'13" W	18.37'
L4	N 35°34'05" W	1.71'
L5	N 38°46'15" W	39.94'
L6	S 09°32'56" W	57.28'
L7	S 13°35'36" E	43.00'
L8	N 63°37'08" E	33.72'



LOCATION MAP
NOT TO SCALE

GRAPHIC SCALE
0' 30' 60' 120'

PEARL STREET
(VARIABLE WIDTH PUBLIC R.O.W.)
VOL. 32, PG. 305, D.R.D.C.T.

PEARL STREET RAMP
(S.H. SPUR 366)
AGREED JUDGEMENT
DISTRICT COURT NO. 83-2891-D
VOL. 84020, PG. 3739
D.R.D.C.T.

MUSEUM TOWER, LP
ARTS DISTRICT
PROPERTIES, LTD.
INST. NO. 200503581423
O.P.R.D.C.T.

S 46°47'36" E
105.37'

OUTCLAIM DEED TO
CITY OF DALLAS
TRACT 2
INST. NO. 201500081469
O.P.R.D.C.T.

"TRACT NO. 1" ABANDONMENT
(OLD PEARL STREET-MUNGER AVE.
ORDINANCE NO. 17633
VOL. 82250, PG. 1383
D.R.D.C.T.

GENERAL UTILITY EASEMENT
EXHIBIT "D"
CITY OF DALLAS
ORDINANCE NO. 18028
VOL. 84020, PG. 3704
VOL. 84020, PG. 3734
D.R.D.C.T.

FOUND P.K.
W/ SHINER
STAMPED
"HALFF" (C.M.)

S 39°09'58" E
132.10'

TRACT 1
0.0951 ACRE
(4,141 SQ. FT.)

PEARL STREET RAMP
(S.H. SPUR 366)
AGREED JUDGMENT
DISTRICT COURT NO. 83-2891-D
VOL. 84020, PG. 3739
D.R.D.C.T.

MUSEUM TOWER
A CONDMINIUM
INST. NO. 20070418077
O.P.R.D.C.T.

JOHN GRIGSBY SURVEY,
ABSTRACT NUMBER 495

S 39°54'29" E
36.02'

POINT OF BEGINNING
TRACT 1
N=6,975,153.9036
E=2,491,537.4263

SIDEWALK EASEMENT
CITY OF DALLAS
VOL.85069, PG.2967
D.R.D.C.T.

FOUND
"Y" CUT
(C.M.)

L=1.95'

PEARL STREET RAMP
(S.H. SPUR 366)
AGREED JUDGEMENT DISTRICT
COURT NO. 83-2891-D
VOL. 84020, PG. 3739
D.R.D.C.T.

"TRACT NO. 1" ABANDONMENT
(OLD PEARL STREET-MUNGER AVE.
ORDINANCE NO. 17633
VOL. 82250, PG. 1383
D.R.D.C.T.

7.01'

FOUND "X"
CUT BEARS
N78°51'21"W
0.23'

N 45°43'28" W
50.00'

FOUND
"X" CUT
(C.M.)

HENSLEY ADDITION
VOL. 90, PG. 274-275
D.R.D.C.T.

DALLAS BLOCK 528

MUNGER AVENUE
(FORMERLY 25' LITTLE STREET)
(40' TOTAL WIDE R.O.W.)

SUBSURFACE ABANDONED
BY CITY OF DALLAS
ORDINANCE NO. 18028
VOL. 84020, PG. 3704
D.R.D.C.T.

ARTS DISTRICT
PROPERTIES, LTD
"TRACT III"
VOL. 98103, PG. 66
D.R.D.C.T.

"TRACT II"
ARTS DISTRICT
PROPERTIES, LTD.
VOL. 98103, PG. 66
D.R.D.C.T.

FLORA STREET
(VARIABLE WIDTH PUBLIC R.O.W.)
VOL. 90, PG. 274, D.R.D.C.T.

STATE OF TEXAS
REGISTERED
GETSY J. SUTHAND
6449
PROFESSIONAL
LAND SURVEYOR

S.S.S. Aug. 1/16

NOTES:
1. Basis of Bearing is the Texas Coordinate System of 1983, North Central Zone (4202) as derived by GPS measurements. All distances and/or coordinates shown hereon are surface and may be converted by the published TXDOT "Surface Adjustment Factor" for Dallas County of 1.000136506.
2. This exhibit was prepared with a metes and bounds description of even date.
3. This survey was prepared without the benefit of a title commitment.
4. Tract 1 is part of parcel shown on sheet 6A of SH SPUR 366 (0196-07)

LEGEND

———	PROPOSED TRACT LINE
- - - -	EXISTING LOT LINE
———	PROPERTY LINE
●	FOUND MONUMENT (AS NOTED)
O	NOT MONUMENTED (UNLESS NOTED)
(C.M.)	CONTROL MONUMENT
FIR	FOUND IRON ROD
R.O.W.	RIGHT-OF-WAY
INST. NO.	INSTRUMENT NUMBER
VOL. PG.	VOLUME, PAGE
O.P.R.D.C.T.	OFFICIAL PUBLIC RECORDS OF DALLAS COUNTY, TEXAS
D.R.D.C.T.	DEED RECORDS OF DALLAS COUNTY, TEXAS

DESCRIPTION OF TRACT 1
A PART OF PEARL STREET
0.0951 ACRE (4,141 SQ. FT.)
SITUATED IN THE JOHN GRIGSBY SURVEY, ABSTRACT NUMBER 495
CITY OF DALLAS, DALLAS COUNTY, TEXAS

HALFF
TBPE FIRM #F-312
TBPLS FIRM NO. 10029600
1201 N.BOWSER ROAD RICHARDSON, TEXAS 75081
TELE. (214)346-6200 FAX (214)739-0095

DATE: AUGUST 1, 2016
AVO: 30735

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8/1/2016 9:29:57 AM

EXHIBIT C

County: Dallas
Highway: State Highway Spur 366
CSJ: 0196-07

August 1, 2016

DESCRIPTION FOR TRACT 2
A PART OF PEARL STREET
0.1882 ACRE (8,198 SQ. FT.)
SITUATED IN THE JOHN GRIGSBY SURVEY,
ABSTRACT NUMBER 495
CITY OF DALLAS, DALLAS COUNTY, TEXAS

BEING a 8,198 square foot tract of land situated in the John Grigsby Survey, Abstract Number 495, City of Dallas, Dallas County, Texas, City of Dallas Block Number 528, and being part of Pearl Street (variable width right-of-way) and part of Lots 1, 2, 3 and 4 of Hensley Addition, an addition to the City of Dallas, as recorded in Volume 90, Page 274 and 275 of the Deed Records of Dallas County, Texas (D.R.D.C.T.), also being part of that tract of land described as Tract No. 1, being an abandonment of a portion of Old Pearl Street-Munger Avenue (formerly Juliette Street, called 40-foot wide right-of-way, as recorded in said Hensley Addition), as described in City of Dallas Ordinance Number 17633, as recorded in Volume 82250, Page 1383, D.R.D.C.T., and being part of that tract of land described in Agreed Judgement Deed to State of Texas, as recorded in Volume 84020, Page 3739, D.R.D.C.T., and being all of that tract of land described as Tract 2 in quitclaim deed to the City of Dallas, as recorded in Instrument Number 201500081469 of the Official Public Records of Dallas County, Texas (O.P.R.D.C.T.), and being more particularly described as follows:

BEGINNING at the most southeasterly northeast corner (not monumented) of said State of Texas tract, having Texas Coordinate System, NAD83, North Central Zone 4202 surface coordinates North=6,975,153.9036 feet, East=2,491,537.4263 feet;

1) THENCE South 44 degrees 13 minutes 56 seconds West, with the southeast line of said State of Texas tract, passing at a distance of 7.01 feet to the northeast line of said Lot 1, and continuing for a total distance of 19.97 feet to the most southeasterly southeast corner, from which a found "X" cut in concrete bears North 78 degrees 51 minutes 21 seconds West, a distance of 0.23 of a foot;

2) THENCE North 39 degrees 19 minutes 54 seconds West, with the southwest line of said State of Texas tract and over and across said Lots 1 and 2, a distance of 57.00 feet to a found "Y" cut in concrete for corner;

FIELD NOTES APPROVED: 9/6/16

3) THENCE North 51 degrees 22 minutes 13 seconds West, with the southwest line of said State of Texas tract and over and across said Lot 2, passing at a distance of 18.37 feet to the southeast corner of said Tract 2, and continuing with the southwest line of said Tract 2 and said State of Texas tract, and over and across said Lots 2 and 3, for a total distance of 76.10 feet for an "ell" corner of said Tract 2 and said State of Texas tract;

4) THENCE North 46 degrees 45 minutes 01 second West, with the southwest line of said Tract 2 and said State of Texas and over and across said State of Texas tract and said Lot 3, passing at a distance of 12.24 feet to the northeast line of said Lot 3, and the south line of said Tract No. 1, and continuing with the southwest line of said Tract 2 and said State of Texas tract, and over and across said Tract No. 1, a total distance of 60.72 feet to a found "PK" nail with shiner stamped "HALFF" for an "ell" corner of said Tract 2 and said State of Texas;

5) THENCE South 63 degrees 37 minutes 08 seconds West, with the south line of said Tract 2 and said State of Texas tract, passing at a distance of 4.28 feet to the westerly line of said Tract No. 1, and continuing over and across said Lot 4, and with the south line of said Tract 2 and State of Texas tract, a distance of 33.72 feet to the southwest corner (not monumented) of said Tract 2;

6) THENCE North 13 degrees 35 minutes 36 seconds East, over and across said State of Texas tract and with the west line of said Tract 2, a distance of 43.00 feet to a corner (not monumented);

7) THENCE North 09 degrees 32 minutes 56 seconds West, over and across said State of Texas tract and with the west line of said Tract 2, a distance of 57.28 feet to a corner (not monumented), said corner being on the northeast line of said State of Texas tract;

THENCE with the northeast line of said State of Texas tract, the following bearings and distances:

8) South 46 degrees 47 minutes 36 seconds East, a distance of 105.37 feet to a corner (not monumented);

9) South 39 degrees 09 minutes 58 seconds East, a distance of 132.10 feet to a corner (not monumented);

10) South 39 degrees 54 minutes 29 seconds East, a distance of 36.02 feet to the POINT OF BEGINNING AND CONTAINING 0.1882 of an acre (8,198 square feet) of land, more or less.

The Basis of Bearing of this survey is the Texas Coordinate System of 1983, North Central Zone (4202) as derived by GPS measurements. All distances and/or coordinates shown hereon are surface and may be converted by the published TXDOT "Surface Adjustment Factor" for Dallas County of 1.000136506.

Tract 2 is part of the Parcel shown on sheet 6A of State Highway Spur 366 (0196-07)

I, Getsy J. Suthan a Registered Professional Land Surveyor, hereby certify that the legal description hereon and the accompanying plat of even date represent an actual survey made on the ground under my supervision.

G. S. Suthan Aug. 1/16

Getsy J. Suthan
Registered Professional Land Surveyor
Texas No. 6449
Halff Associates, Inc.,
1201 North Bowser Rd.
Richardson, Texas 75081
TBPLS Firm No. 10029600

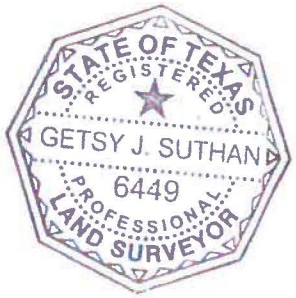
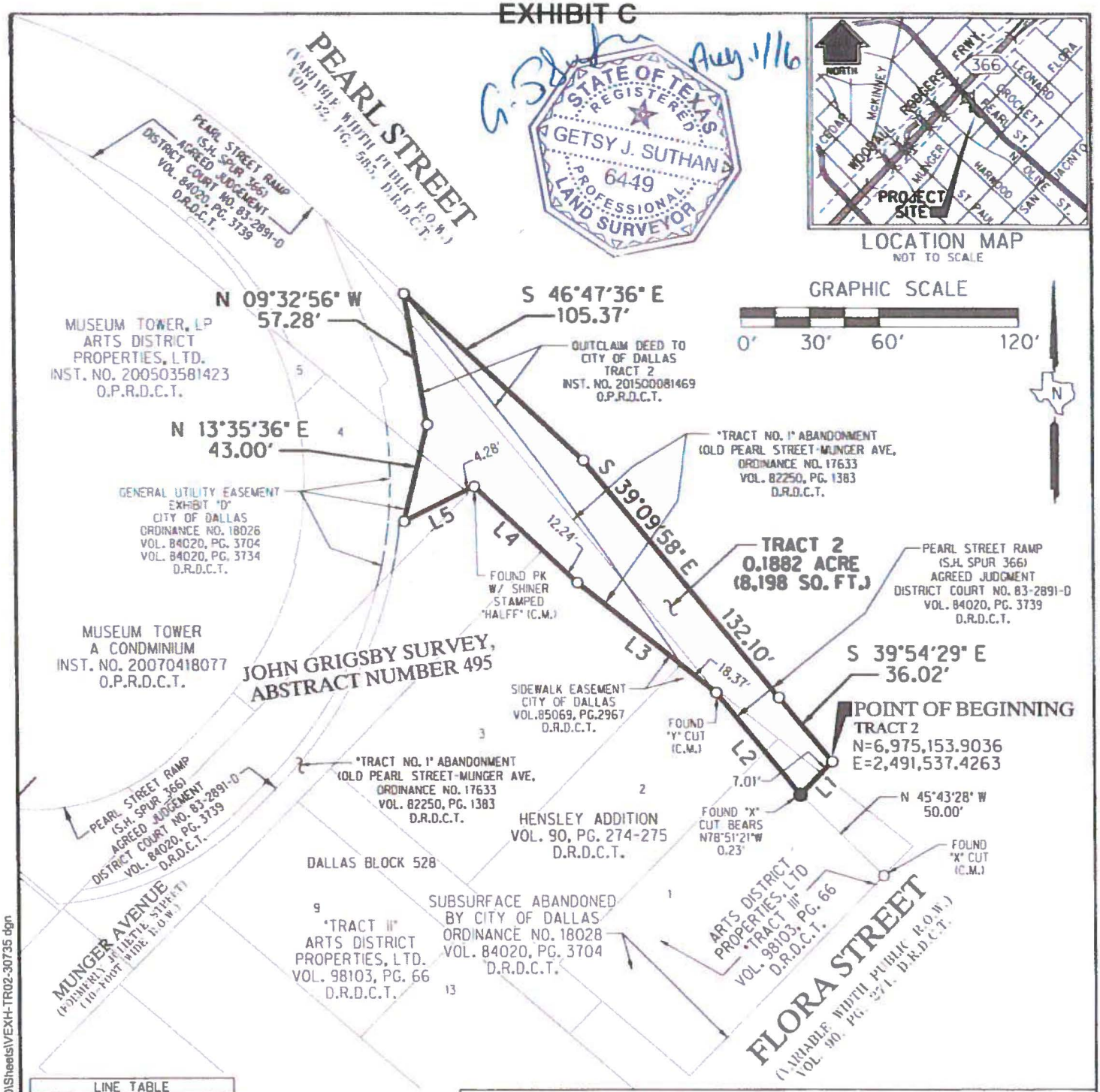


EXHIBIT C



LINE TABLE		
NO.	BEARING	DISTANCE
L1	S 44°13'56" W	19.97'
L2	N 39°19'54" W	57.00'
L3	N 51°22'13" W	76.10'
L4	N 46°45'01" W	60.72'
L5	S 63°37'08" W	33.72'

LEGEND

———	PROPOSED TRACT LINE
- - - -	EXISTING LOT LINE
———	PROPERTY LINE
●	FOUND MONUMENT (AS NOTED)
O	NOT MONUMENTED (UNLESS NOTED)
(C.M.)	CONTROL MONUMENT
FIR	FOUND IRON ROD
R.O.W.	RIGHT-OF-WAY
INST. NO.	INSTRUMENT NUMBER
VOL. PG.	VOLUME, PAGE
O.P.R.D.C.T.	OFFICIAL PUBLIC RECORDS OF DALLAS COUNTY, TEXAS
D.R.D.C.T.	DEED RECORDS OF DALLAS COUNTY, TEXAS

NOTES:
1. Basis of Bearing is the Texas Coordinate System of 1983, North Central Zone (4202) as derived by GPS measurements. All distances and/or coordinates shown hereon are surface and may be converted by the published TXDOT "Surface Adjustment Factor" for Dallas County of 1.000136506.
2. This exhibit was prepared with a metes and bounds description of even date.
3. This survey was prepared without the benefit of a title commitment.
4. Tract 2 is part of parcel shown on sheet 6A of SH SPUR 366 (0196-07)

DESCRIPTION OF TRACT 2
A PART OF PEARL STREET
0.1882 ACRE (8,198 SQ. FT.)
SITUATED IN THE JOHN GRIGSBY SURVEY, ABSTRACT NUMBER 495
CITY OF DALLAS, DALLAS COUNTY, TEXAS

HALFF
TBPE FIRM #F-312
TBPLS FIRM NO. 10029600
1201 N.BOWSER ROAD RICHARDSON, TEXAS 75081
TELE. (214)346-6200 FAX (214)739-0095

DATE: AUGUST 1, 2016
AVO: 30735

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8/1/2016 9:30:15 AM

REVISED AGENDA ITEM # 57

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: April 12, 2017

COUNCIL DISTRICT(S): 14

DEPARTMENT: Sustainable Development and Construction

CMO: Majed Al-Ghafry, 670-3302

MAPSCO: 45F K

SUBJECT

An ordinance abandoning aerial portions of Pearl and Flora Streets and a subsurface portion of Flora Street to Arts District Properties, Ltd., the abutting owner, containing a total of approximately 2,628 square feet of land, located near the intersection of Flora and Olive Streets, and authorizing the quitclaim - Revenue: $286,811, plus the $20 ordinance publication fee

BACKGROUND

This item was on the addendum because additional review time was required. This item authorizes the abandonment of aerial portions of Pearl and Flora Streets and a subsurface portion of Flora Street to Arts District Properties, Ltd., the abutting owner. These areas will be included with the property of the abutting owner for a multi-family development. The abandonment fee is based on an independent appraisal.

Notices were sent to 68 property owners located within 300 feet of the proposed abandonment area. There was one response received in opposition to this request.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Information about this item was provided to the Economic Development Committee on March 20, 2017.

On March 22, 2017, this item was deferred by Councilmember Philip T. Kingston.

FISCAL INFORMATION

Revenue - $286,811, plus the $20 ordinance publication fee

OWNER

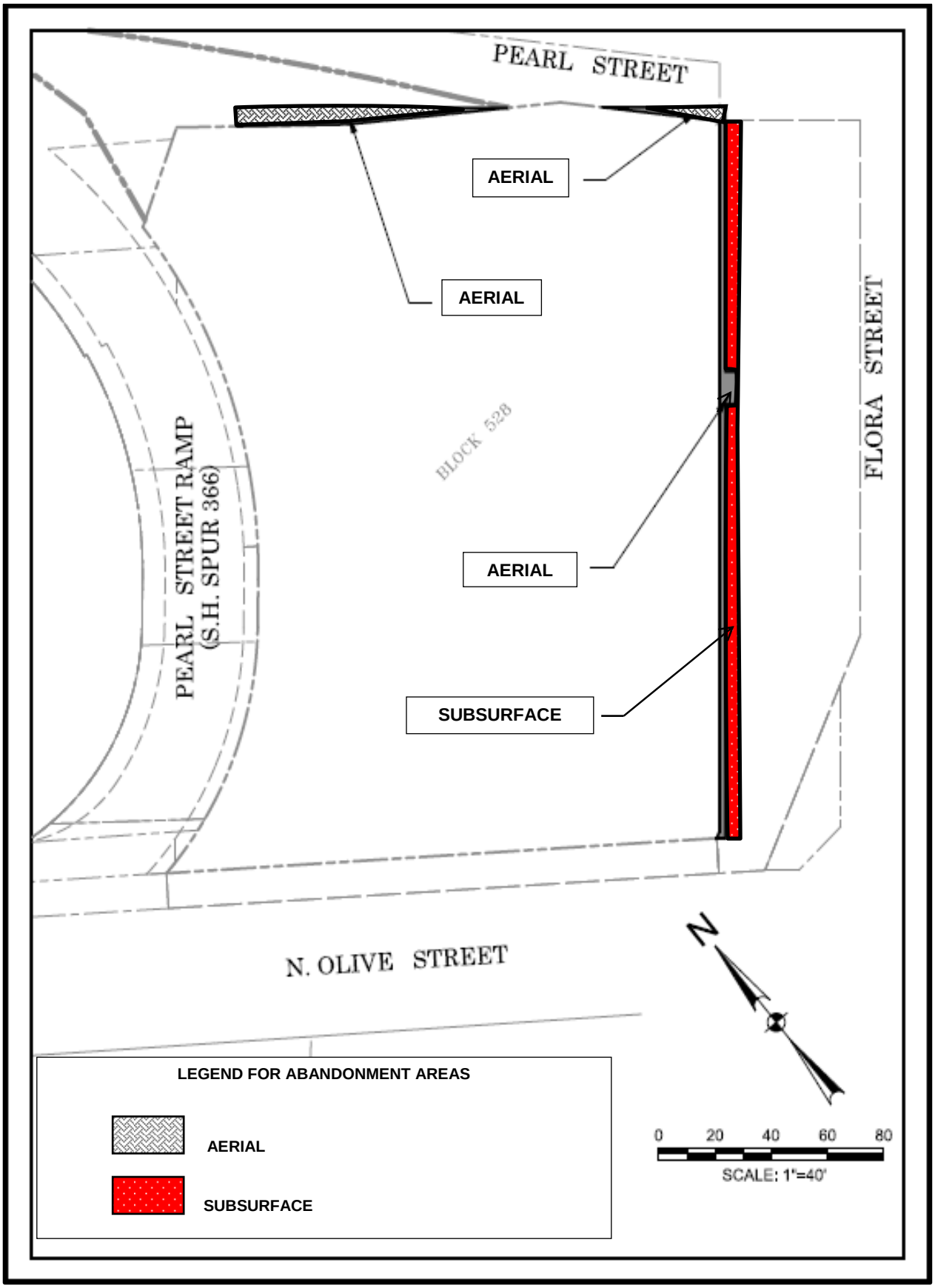
Arts District Properties, Ltd.

Metroarts Corporation, General Partner

Graham Greene, President

MAP

Attached


PEARL STREET
AERIAL
AERIAL
AERIAL
SUBSURFACE
BLOCK 528
PEARL STREET RAMP
(S.H. SPUR 366)
FLORA STREET
N. OLIVE STREET
N
LEGEND FOR ABANDONMENT AREAS
AERIAL
SUBSURFACE
0 20 40 60 80
SCALE: 1"=40'

ORDINANCE NO. _____

An ordinance providing for the abandonment of aerial portions of Pearl and Flora Streets and a subsurface portion of Flora Street located in and adjacent to City Block 528 in the City of Dallas and County of Dallas, Texas, subject to a reverter; providing for the quitclaim thereof to Arts District Properties, Ltd.; providing for the terms and conditions of the abandonment and quitclaim made herein; providing for the indemnification of the City of Dallas against damages arising out of the abandonment herein; providing for the consideration to be paid to the City of Dallas; providing for the payment of the publication fee; and providing an effective date.

ooo0ooo

WHEREAS, the City Council of the City of Dallas, acting pursuant to law and upon the request and petition of Arts District Properties, Ltd., a Texas limited partnership, hereinafter referred to as **GRANTEE**, deems it advisable to abandon and quitclaim, subject to a reverter interest, the hereinafter described areas and is of the opinion that, subject to the terms conditions and reverters herein provided, said portion of aerial rights over Pearl Street, as more fully described in Exhibit A-Tract I and Exhibit A-Tract II, respectively, beginning at an elevation of 482.5' above mean sea level and extending to an elevation to 882.0' above mean sea level; said portion of aerial rights over Flora Street, as more fully described in Exhibit A-Tract III, beginning at an elevation of 468.33' above mean sea level and extending to an elevation to 484.67' above mean sea level, said portion of subsurface rights, as more fully described in Exhibit A-Tract IV, from 1' below surface to 8' below surface, are not currently needed for public use, and same should be abandoned and quitclaimed to **GRANTEE**, as hereinafter provided, for the consideration hereinafter stated; and

WHEREAS, the City Council of the City of Dallas is of the opinion that the best interest and welfare of the public will be served by abandoning and quitclaiming the same to **GRANTEE** for the consideration and subject to the terms, conditions and reverter hereinafter more fully set forth; **Now, Therefore,**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DALLAS:

SECTION 1. That the portion of aerial rights over Pearl Street, beginning at an elevation of 482.5' above mean sea level and extending to an elevation of 882.0' above mean sea level over the tracts of land described in Exhibit A-Tract I and Exhibit A-Tract II, and that the portion of aerial rights over Flora Street, beginning at an elevation of 468.33' above mean sea level and extending to an elevation of 484.67' above mean sea level over the tract of land described in Exhibit A-Tract III, and that the portion of subsurface rights below Flora Street, from 1' below surface to 8' below surface described in Exhibit A-Tract IV, which is attached hereto and made a part hereof, be and the same are abandoned, vacated and closed insofar as the right, title and easement of the public are concerned; subject, however, to the reverter and the conditions hereinafter more fully set out.

SECTION 2. That for and in monetary consideration of the sum of **TWO HUNDRED EIGHTY-SIX THOUSAND EIGHT HUNDRED ELEVEN AND NO/100 ($286,811.00) DOLLARS** paid by **GRANTEE**, and the further consideration described in Sections 8 and 9, the City of Dallas does by these presents QUITCLAIM unto the said **GRANTEE**, subject to the conditions, reservations and exceptions hereinafter made and with the reverter interest herein stated, all its right, title and interest in and to the portion of aerial rights over Pearl Street, beginning at an elevation of 482.5' above mean sea level and extending to an elevation of 882.0' above mean sea level over the tracts of land described in Exhibit A-Tract I and Exhibit A-Tract II, and that the portion of aerial rights over Flora Street, beginning at an elevation of 468.33' above mean sea level and extending to an elevation of 484.67' above mean sea level over the tracts of land described in Exhibit A-Tract III, and that the subsurface rights below Flora Street, from 1' below surface to 8' below surface described in Exhibit A-Tract IV. Provided however, that if the improvements situated on and adjacent to the areas, to be abandoned are ever respectively: (i) partially demolished, removed or damaged and are not promptly thereafter repaired or rebuilt;

(ii) substantially or totally demolished, removed or damaged; or (iii) abandoned in whole or in part by **GRANTEE**, its successors and assigns, then this ordinance and quitclaim shall be rendered null and void and the right, title and easement of the public shall absolutely revert without any necessity for suit or re-entry by the City; and no act or omission on the part of the City, its successors and assigns, shall be a waiver of the operation or enforcement of this ordinance. **TO HAVE AND TO HOLD** all of such right, title and interest in and to the property and premises, subject aforesaid, together with all and singular the rights, privileges, hereditaments and appurtenances thereto in any manner belonging unto the said **GRANTEE**.

SECTION 3. That upon payment of the monetary consideration set forth in Section 2, **GRANTEE** accepts the terms, provisions, and conditions of this ordinance.

SECTION 4. That the Chief Financial Officer is authorized to deposit the sum paid by **GRANTEE** pursuant to Section 2 above in the General Fund 0001, Department DEV, Balance Sheet 0519 and Department of Sustainable Development and Construction - Real Estate Division shall be reimbursed for the cost of obtaining the legal description, appraisal and other administrative costs incurred. The reimbursement proceeds shall be deposited in General Fund 0001, Department DEV, Unit 1183, Object 5011 and any remaining proceeds shall be transferred to the General Capital Reserve Fund 0625, Department BMS, Unit 8888, Revenue Source 8416.

SECTION 5. That the abandonment provided for herein is made subject to all present zoning and deed restrictions, if the latter exist, and are subject to all existing easement rights of others, if any, whether apparent or non-apparent, aerial, surface, underground or otherwise, and are further subject to the conditions contained in Exhibit B, which is attached hereto for all intents and purposes made a part hereof.

SECTION 6. That the terms and conditions contained in this ordinance shall be binding upon **GRANTEE**, its successors and assigns.

SECTION 7. That the abandonment and quitclaim provided for herein shall extend only to the public right, title, easement and interest, and shall be construed to extend only to that interest the Governing Body of the City of Dallas may legally and lawfully abandon and vacate.

SECTION 8. That as a condition of this abandonment and as a part of the consideration for the quitclaim to **GRANTEE** herein, **GRANTEE**, its successors and assigns, agree to indemnify, defend, release and hold harmless the City of Dallas as to any and all claims for damages, fines, penalties, costs or expenses to persons or property that may arise out of, or be occasioned by or from: (i) the use and occupancy of the areas described in Exhibit A by **GRANTEE**, its successors and assigns; (ii) the presence, generation, spillage, discharge, release, treatment or disposition of any Hazardous Substance on or affecting the areas set out in Exhibit A, (iii) all corrective actions concerning any discovered Hazardous Substances on or affecting the areas described in Exhibit A, which **GRANTEE**, its successors and assigns, agree to undertake and complete in accordance with applicable federal, state and local laws and regulations; and (iv) the abandonment, closing, vacation and quitclaim by the City of Dallas of the areas set out in Exhibit A. **GRANTEE**, its successors and assigns, hereby agree to defend any and all suits, claims, or causes of action brought against the City of Dallas on account of same, and discharge any judgment or judgments that may be rendered against the City of Dallas in connection therewith. For purposes hereof, "Hazardous Substance" means the following: (a) any "hazardous substances" under the Comprehensive, Environmental Response, Compensation Liability Act, 42 U.S.C. Section 9601 et seq., as amended, (b) any "hazardous substances": under the Texas Hazardous Substances Spill Prevention and Control Act, TEX. WATER CODE, Section 26.261 et seq., as amended, (c) petroleum or petroleum-based products (or any derivative or hazardous constituents thereof or additives thereto), including without limitation, fuel and lubricating oils, (d) any "hazardous chemicals" or "toxic chemicals" under the Occupational Safety and Health Act, 29 U.S.C. Section 651 et seq., as amended, (e) any "hazardous waste" under the Resource Conservation and Recovery Act, 42 U.S.C. Section 6901 et seq., as amended; and (f) any "chemical substance" under the Toxic Substance Control Act, 15 U.S.C. Section 2601 et seq., as amended. References to particular acts or codifications in this definition include all past and future amendments thereto, as well as applicable rules and regulations as now or hereafter promulgated thereunder.

SECTION 9. That as a condition of this abandonment and as a part of the consideration for the quitclaim made herein, **GRANTEE** shall:

a) abide by City of Dallas Central Business District Vehicular and Circulation Plan, Section ~~51-9.100;~~ 51A-9.100, appertaining to City's surface rights; requiring city to retain 100 feet of right-of-way along Pearl Street and 100 feet of right-of-way along Flora Street.

b) apply for and be issued a Right-of-Way Permit prior to commencing any field work in the right-of-way.

c) meet design requirements as referenced by the Plan Development District (PDD) #145 zoning for the Dallas Arts District, subject to compliance with Dallas City Code.

SECTION 10. That the City Secretary is hereby authorized and directed to certify a copy of this ordinance for recordation in the Deed Records of Dallas County, Texas, which certified copy shall be delivered to the Director of Department of Sustainable Development and Construction, or designee. Upon receipt of the monetary consideration set forth in Section 2, plus the fee for the publishing of this ordinance, which **GRANTEE** shall likewise pay, the Director of Department of Sustainable Development and construction, or designee: (i) shall deliver to **GRANTEE** a certified copy of this ordinance, and (ii) is authorized to and shall prepare and deliver a **QUITCLAIM DEED** with regard to the areas abandoned herein, subject to a reverter interest, to **GRANTEE** hereunder, same to be executed by the City Manager on behalf of the City of Dallas, attested by the City Secretary and approved as to form by the City Attorney. The Director of Department of Sustainable Development and Construction, or designee, shall be the sole source for receiving certified copies of this ordinance for one year after its passage.

SECTION 11. That this ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so ordained.

APPROVED AS TO FORM:
LARRY E. CASTO
City Attorney

DAVID COSSUM
Director of Department of Sustainable Development and Construction

BY _____
Assistant City Attorney

BY _____
Assistant Director

Passed _____.

EXHIBIT A-TRACT I

AERIAL ABANDONMENT
PART OF LOTS 2, 3, AND 4 OF A.T. HENSLEY ADDITION
PART OF PEARL STREET
CITY OF DALLAS BLOCK NUMBER 528
BETWEEN THE ELEVATIONS OF 482.5' AND 882.0' MEAN SEA LEVEL
SITUATED IN THE
JOHN GRIGSBY SURVEY, ABSTRACT NUMBER 495
CITY OF DALLAS, DALLAS COUNTY, TEXAS

BEING a 397 square foot (0.0091 acre) tract of land situated in the John Grigsby Survey, Abstract Number 495, City of Dallas, Dallas County, Texas, City of Dallas Block Number 528, and being part of Pearl Street (created in Volume 52, Page 582-583 of the Deed Records of Dallas County, Texas, (D.R.D.C.T.), a variable width right-of-way) and part of Lots 2, 3 and 4 of A.T. Hensley Addition, an addition to the City of Dallas, as recorded in Volume 90, Pages 274 and 275, D.R.D.C.T, and being part of that tract of land described as Tract No. 1, being an abandonment of a portion of Old Pearl Street-Munger Avenue (formerly Juliette Street, called 40-foot wide right-of-way, as recorded in said Hensley Addition), as described in City of Dallas Ordinance Number 17633, as recorded in Volume 82250, Page 1383, D.R.D.C.T., and being part of that tract of land described in Agreed Judgment Deed to State of Texas, as recorded in Volume 84020, Page 3739, D.R.D.C.T., and being more particularly described as follows, but only as to that portion of the aerial abandonment between the elevations of 482.5' and 882.0' mean sea level:

COMMENCING at a PK nail found with shiner stamped "HALFF" (hereinafter referred to as "with shiner") for the northwest corner of that tract of land described as Tract II in Special Warranty deed to Arts District Properties, Ltd., as recorded in Volume 98103, Page 66, D.R.D.C.T., and an "ell" corner of said State of Texas tract;

THENCE South 46 degrees 45 minutes 00 second East, with the south line of said State of Texas tract, and the north line of said Tract II, a distance of 21.30 feet to a corner (not monumented) for the POINT OF BEGINNING;

THENCE North 43 degrees 15 minutes 00 seconds East, departing said north line of Tract II and a southwest line of said State of Texas tract, and over and across said State of Texas tract, a distance of 6.35 feet to a corner(not monumented);

THENCE South 45 degrees 43 minutes 28 seconds East, continuing over and across said State of Texas tract, a distance of 96.58 feet to a corner (not monumented), said corner being on the south line of said State of Texas tract and the north line of said Tract II;

THENCE North 51 degrees 22 minutes 13 seconds West, with the south line of said State of Texas tract, and the north line of said Tract II, a distance of 57.33 feet to a corner (not monumented);

THENCE North 46 degrees 45 minutes 00 second West, with the south line of said State of Texas tract, and the north line of said Tract II, a distance of 39.42 feet to the POINT OF BEGINNING AND CONTAINING 397 square feet or 0.0091 acres of land, more or less.

(For SPRG use only)	
Reviewed By:	A. Rodriguez
Date:	2/27/17
SPRG NO.:	3935

AERIAL ABANDONMENT
PART OF LOTS 2, 3, AND 4 OF A.T. HENSLEY ADDITION
PART OF PEARL STREET
CITY OF DALLAS BLOCK NUMBER 528
BETWEEN THE ELEVATIONS OF 482.5' AND 882.0' MEAN SEA LEVEL
SITUATED IN THE
JOHN GRIGSBY SURVEY, ABSTRACT NUMBER 495
CITY OF DALLAS, DALLAS COUNTY, TEXAS

Basis of Bearing: State Plane Coordinate System, Texas North Central Zone 4202, North American Datum of 1983. 2011 Adjustment, Epoch 2010.00. All coordinates and distances shown hereon are US Survey Feet, displayed in surface values and may be converted to grid by dividing by the TxDOT Surface Adjustment Factor of 1.000136506.

This metes and bounds description was prepared with an exhibit of even date.

This survey was prepared without the benefit of a title commitment. Easement may exists where none are shown.

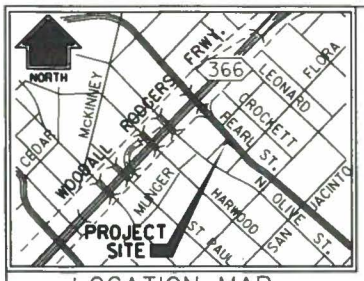
G.J. Suthan June 9/2016

Getsy J. Suthan
Registered Professional Land Surveyor
Texas No. 6449
Halff Associates, Inc.,
1201 North Bowser Rd.
Richardson, Texas 75081
713-588-2466
TBPLS Firm No. 10029600



(For SPRG use only)
Reviewed By: A. Rodriguez
Date: 2/27/17
SPRG NO.: 3935

EXHIBIT A-TRACT 1



LOCATION MAP
NOT TO SCALE

LINE	BEARING	DISTANCE
L1	N43°15'00"E	6.35'
L2	S45°43'28"E	96.58'
L3	N51°22'13"W	57.33'
L4	N46°45'00"W	39.42'
L5	S63°37'08"W	36.17'

QUITCLAIM DEED TO CITY OF DALLAS TRACT 2 INST. NO. 201500081469 O.P.R.D.C.T.

POINT OF COMMENCING

S46°45'00"E 21.30'

P.K. FND. W/ SHINER STAMPED "HALFF" (C.M.)

5/8" FIR W/ "SURVCON" CAP

POINT OF BEGINNING

PEARL STREET RAMP (S.H. SPUR 366) AGREED JUDGMENT DISTRICT COURT NO. 83-2891-D VOL. 84020, PG. 3739 D.R.D.C.T.

AERIAL ABANDONMENT BETWEEN THE ELEVATIONS OF 482.5' AND 882.0' MEAN SEA LEVEL 397 SQ. FT. OR 0.0091 ACRE

CITY OF DALLAS VOL. 52, PAGE 582 D.R.D.C.T.

PEARL STREET (VARIABLE WIDTH PUBLIC R.O.W.)

CITY OF DALLAS TRACT 2 VOL. 82250, PG. 428 D.R.D.C.T.

ORIGINAL 50' PUBLIC R.O.W.

QUITCLAIM DEED TO CITY OF DALLAS VOL. 84020, PG. 3799 D.R.D.C.T.

"TRACT NO. 1" ABANDONMENT (OLD PEARL STREET-MUNGER AVE., ORDINANCE NO. 17633) VOL. 82250, PG. 1383 D.R.D.C.T.

S51°22'13"E 18.77'

CITY OF DALLAS VOL. 52, PAGE 583 D.R.D.C.T.

SIDEWALK AND DRAINAGE EASEMENT CITY OF DALLAS VOL. 85069, PG. 2967 D.R.D.C.T.

S39°19'54"E 57.00'

CITY OF DALLAS VOL. 52 PG. 585 D.R.D.C.T.

CITY OF DALLAS VOL. 78249, PG. 3889 D.R.D.C.T.

FND. "X" CUT Bears=N78°51'21"W 0.25'

S45°43'28"E 50.00'

FOUND "X" CUT (C.M.)

A.T. HENSLEY ADDITION VOL. 90, PG. 274-275 D.R.D.C.T.

"TRACT II" ARTS DISTRICT PROPERTIES, LTD. VOL. 98103, PG. 66 D.R.D.C.T.

PEARL STREET RAMP (S.H. SPUR 366) AGREED JUDGMENT DISTRICT COURT NO. 83-2891-D VOL. 84020, PG. 3739 D.R.D.C.T.

MUNGER AVENUE (FORMERLY JULIETTE STREET) (40-FOOT WIDE R.O.W.)

DALLAS BLOCK 528

20' ALLEY ABANDONMENT ORDINANCE NO. 17633 VOL. 82250, PG. 1383 D.R.D.C.T.

JOHN GRIGSBY SURVEY, ABSTRACT NO. 495

ARTS DISTRICT PROPERTIES, LTD SUBSURFACE TRACT III "TRACT III" ESTATE VOL. 98103, PG. 66 D.R.D.C.T.

ORIGINAL 40' PUBLIC R.O.W.

CITY OF DALLAS VOL. 78249, PG. 3889 D.R.D.C.T.

FLORA STREET (VARIABLE WIDTH PUBLIC R.O.W.) VOL. 90, PG. 274, D.R.D.C.T.

STREET EASEMENT, TRACT 2 VOL. 86028, PG. 4387, D.R.D.C.T.

DALLAS HAR ADDITION LOT 1, BLOCK 1 529 VOL. 2002210, PG. 11 D.R.D.C.T.

OLIVE STREET (VARIABLE WIDTH PUBLIC R.O.W.) CITY OF DALLAS CAUSE NO. 53592-B VOL. 19, PG. 268, CC *2 D.R.D.C.T.

CITY OF DALLAS VOL. 84020, PG. 3763 D.R.D.C.T.

TRACT III SUBSURFACE ABANDONED BY CITY OF DALLAS ORDINANCE NO. 18028 VOL. 84020, PG. 3704 D.R.D.C.T.

100' (CALCULATED)

ORIGINAL 40' PUBLIC R.O.W.

54'

STREET EASEMENT TRACT 1 VOL. 86028, PG. 4387 D.R.D.C.T.

NOTES:

1. Basis of Bearing: State Plane Coordinate System, Texas North Central Zone 4202, North American Datum of 1983. 2011 Adjustment, Epoch 2010.00. All coordinates and distances shown hereon are US Survey Feet, displayed in surface values and may be converted to grid by dividing by the TxDOT Surface Adjustment Factor of 1.000136506.
2. This exhibit was prepared with a metes and bounds description of even date.
3. This survey was prepared without the benefit of a title commitment.

LEGEND

O	NOT MONUMENTED (UNLESS NOTED)
(C.M.)	CONTROLLING MONUMENT
FIR	FOUND IRON ROD
SQ. FT.	SQUARE FEET
R.O.W.	RIGHT-OF-WAY
VOL. PG.	VOLUME AND PAGE
INST. NO.	INSTRUMENT NUMBER
D.R.D.C.T.	DEED RECORDS DALLAS COUNTY, TEXAS
O.P.R.D.C.T.	OFFICIAL PUBLIC RECORD DALLAS COUNTY, TEXAS
- - - - -	EASEMENT LINE
———	LOT LINE
℄	PROPERTY LINE
CC	COUNTY COURT

0 25 50 75 100

SCALE: 1"=50'

N

STATE OF TEXAS REGISTERED GETSY J. SUTHAN 6449 PROFESSIONAL LAND SURVEYOR

G. Sutha 9/2016

(For SPRG use only)

Reviewed By: A. Rodriguez

Date: 2/27/17

SPRG NO.: 3935

PAGE 3 OF 3

AERIAL ABANDONMENT
PART OF LOTS 2, 3, AND 4 OF
A.T. HENSLEY ADDITION
AND PART OF PEARL STREET
CITY OF DALLAS BLOCK NUMBER 528
BETWEEN THE ELEVATIONS OF 482.5'
AND 882.0' MEAN SEA LEVEL
SITUATED IN THE
JOHN GRIGSBY SURVEY, ABSTRACT NO. 495
CITY OF DALLAS, DALLAS COUNTY, TEXAS

HALFF

TBPLS FIRM NO. 10029600

HALFF ASSOCIATES, INC. ENGINEERS ~ SURVEYORS
1201 NORTH BOWSER ROAD ~ RICHARDSON, TEXAS ~ 75081-2275
SCALE: 1"=50 (214)346-6200 AVO. 30735 FEBRUARY, 2017

2/23/2017 12:48:56 PM ah2472 HALFF I:\30000s\30735\CADD\Sheets\SI01VEXH-EXHIBIT-01-30735.DGN Sheet 2S_IRC5240_MON_FS_FW_CR.plt

EXHIBIT A-TRACT II

AERIAL ABANDONMENT
PART OF PEARL STREET
PART OF LOTS 1 AND 2 OF A.T. HENSLEY ADDITION
CITY OF DALLAS BLOCK NUMBER 528
BETWEEN THE ELEVATIONS OF 482.5' AND 882.0' MEAN SEA LEVEL
SITUATED IN THE
JOHN GRIGSBY SURVEY, ABSTRACT NUMBER 495
CITY OF DALLAS, DALLAS COUNTY, TEXAS

BEING a 99 square foot (0.0023 acre) tract of land situated in the John Grigsby Survey, Abstract Number 495, City of Dallas, Dallas County, Texas, City of Dallas Block Number 528, and being part of Pearl Street (created in Volume 78249, Page 3889, of the Deed Records of Dallas County, Texas, (D.R.D.C.T.), a variable width right-of-way) and part of Lots 1, and 2 of A.T. Hensley Addition, an addition to the City of Dallas, as recorded in Volume 90, Pages 274 and 275, D.R.D.C.T, and being part of that tract of land described in Agreed Judgment Deed to State of Texas, as recorded in Volume 84020, Page 3739, D.R.D.C.T., and being more particularly described as follows, but only as to that portion of the aerial abandonment between the elevations of 482.5' and 882.0' mean sea level:

BEGINNING at the northeast corner of Tract II and the northwest corner of Tract III of that tracts of land described in Special Warranty deed to Arts District Properties, Ltd., as recorded in Volume 98103, Page 66, D.R.D.C.T., and the southeast corner of said State of Texas tract, from which a found "X" cut bears North 78 degrees 51 minutes 21 seconds West, 0.23 feet, and another "X" cut found bears South 45 degrees 43 minutes 28 seconds East, a distance of 50.00 feet;

THENCE North 39 degrees 19 minutes 55 seconds West, with the south line of said State of Texas tract and the north line of said Tract II, a distance of 40.42 feet to a corner (not monument);

THENCE South 45 degrees 43 minutes 28 seconds East, departing said south line of State of Texas tract, and the north line of said Tract II, and over and across said State of Texas tract, a distance of 42.00 feet to a corner (not monumented);

THENCE South 44 degrees 16 minutes 32 seconds West, over and across said Lot 1, a distance of 4.50 feet to a corner (not monument), said corner being on the north line of said Tract III;

THENCE North 45 degrees 43 minutes 28 seconds West, with the north line of said Tract III, a distance of 1.83 feet to the POINT OF BEGINNING AND CONTAINING 99 square feet or 0.0023 acres of land, more or less.

(For SPRG use only)
Reviewed By: A. Rodriguez
Date: 2/27/17
SPRG NO.: 3932

EXHIBIT A-TRACT II

AERIAL ABANDONMENT
PART OF PEARL STREET
PART OF LOTS 1 AND 2 OF A.T. HENSLEY ADDITION
CITY OF DALLAS BLOCK NUMBER 528
BETWEEN THE ELEVATIONS OF 482.5' AND 882.0' MEAN SEA LEVEL
SITUATED IN THE
JOHN GRIGSBY SURVEY, ABSTRACT NUMBER 495
CITY OF DALLAS, DALLAS COUNTY, TEXAS

Basis of Bearing: State Plane Coordinate System, Texas North Central Zone 4202, North American Datum of 1983. 2011 Adjustment, Epoch 2010.00. All coordinates and distances shown hereon are US Survey Feet, displayed in surface values and may be converted to grid by dividing by the TxDOT Surface Adjustment Factor of 1.000136506.

This metes and bounds description was prepared with an exhibit of even date.

This survey was prepared without the benefit of a title commitment. Easement may exists where none are shown.

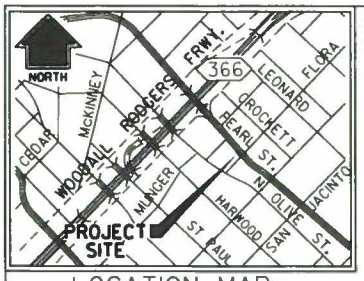
09 JUNE 2016

Jason A. Jernigan
Registered Professional Land Surveyor
Texas No. 6023
Halff Associates, Inc.,
1201 North Bowser Rd.
Richardson, Texas 75081
214-346-6200
TBPLS Firm No. 10029600

STATE OF TEXAS
REGISTERED
JASON A. JERNIGAN
6023
PROFESSIONAL
LAND SURVEYOR

(For SPRG use only)
Reviewed By: A. Rodriguez
Date: 2/27/17
SPRG NO.: 3932

EXHIBIT A-TRACT II



LOCATION MAP
NOT TO SCALE

QUITCLAIM DEED TO CITY OF DALLAS VOL. 84020, PG. 3799 D.R.D.C.T.

CITY OF DALLAS VOL. 52, PAGE 582 D.R.D.C.T.

PEARL STREET RAMP (S.H. SPUR 366) AGREED JUDGMENT DISTRICT COURT NO. 83-2891-D VOL. 84020, PG. 3739 D.R.D.C.T.

QUITCLAIM DEED TO CITY OF DALLAS TRACT 2 INST. NO. 201500081469 O.P.R.D.C.T.

CITY OF DALLAS TRACT 2 VOL. 82250, PG. 428 D.R.D.C.T.

"TRACT NO. 1" ABANDONMENT (OLD PEARL STREET-MUNGER AVE, ORDINANCE NO. 17633) VOL. 82250, PG. 1383 D.R.D.C.T.

CITY OF DALLAS VOL. 52, PAGE 583 D.R.D.C.T.

PEARL STREET (VARIABLE WIDTH PUBLIC R.O.W.)

ORIGINAL 50' PUBLIC R.O.W.

SIDEWALK & DRAINAGE EASEMENT CITY OF DALLAS VOL. 85069, PG. 2967 D.R.D.C.T.

AERIAL ABANDONMENT BETWEEN THE ELEVATIONS OF 482.5' AND 882.0' MEAN SEA LEVEL 99 SQ. FT. OR 0.0023 ACRE

CITY OF DALLAS VOL. 52, PAGE 585 D.R.D.C.T.

CITY OF DALLAS VOL. 78249, PG. 3889 D.R.D.C.T.

POINT OF BEGINNING

L1 L2 L3 L4

S45°43'28"E 48.17'

FND. "X" CUT BEARS N78°51'21"W 0.23'

FND. "X" CUT (C.M.)

PEARL STREET RAMP (S.H. SPUR 366) AGREED JUDGMENT DISTRICT COURT NO. 83-2891-D VOL. 84020, PG. 3739 D.R.D.C.T.

A.T. HENSLEY ADDITION VOL. 90, PG. 274-275 D.R.D.C.T.

20' ALLEY ABANDONMENT ORDINANCE NO. 17633 VOL. 82250, PG. 1383 D.R.D.C.T.

"TRACT II" ARTS DISTRICT PROPERTIES, LTD. VOL. 98103, PG. 66 D.R.D.C.T.

DALLAS BLOCK 528

MUNGER AVENUE (FORMERLY JULIETTE STREET) (40-FOOT WIDE R.O.W.)

ARTS DISTRICT PROPERTIES, LTD. "TRACT III" SUBSURFACE FEE ESTATE VOL. 98103, PG. 66 D.R.D.C.T.

242.74'

175.57'

CITY OF DALLAS VOL. 78249, PG. 3889 D.R.D.C.T.

FLORA STREET (VARIABLE WIDTH PUBLIC R.O.W.) VOL. 90, PG. 274, D.R.D.C.T.

ORIGINAL 40' PUBLIC R.O.W.

100' (CALCULATED)

STREET EASEMENT TRACT 2 VOL. 86028, PG. 4387 D.R.D.C.T.

OLIVE STREET (VARIABLE WIDTH PUBLIC R.O.W.) CITY OF DALLAS CAUSE NO. 53592-B VOL. 18, PG. 268, CC #2 D.R.D.C.T.

CITY OF DALLAS VOL. 84020, PG. 3763 D.R.D.C.T.

N44°16'32"E

TRACT III ABANDONED SUBSURFACE EASEMENT BY CITY OF DALLAS ORDINANCE NO. 18028 VOL. 81020, PG. 3701 D.R.D.C.T.

S44°16'32"W

ORIGINAL 40' PUBLIC R.O.W.

54'

5/8" FIR W/ "SURVCON" CAP (C.M.)

FND. "X" CUT (C.M.)

STREET EASEMENT TRACT 1 VOL. 86028, PG. 4387 D.R.D.C.T.

DALLAS BAR ADDITION LOT 1, BLOCK A 529 VOL. 20022 0 PG. 44 D.R.D.C.T.

JOHN GRIGSBY SURVEY, ABSTRACT NO. 495

N

0 25 50 75 100

SCALE: 1"=50'

NOTES:

1. Basis of Bearing: State Plane Coordinate System, Texas North Central Zone 4202, North American Datum of 1983. 2011 Adjustment, Epoch 2010.00. All coordinates and distances shown hereon are US Survey Feet, displayed in surface values and may be converted to grid by dividing by the TxDOT Surface Adjustment Factor of 1.000136506.

2. This exhibit was prepared with a metes and bounds description of even date.

3. This survey was prepared without the benefit of a title commitment.

LEGEND

O	NOT MONUMENTED (UNLESS NOTED)
(C.M.)	CONTROLLING MONUMENT
FIR	FOUND IRON ROD
R.O.W.	RIGHT-OF-WAY
SQ. FT.	SQUARE FEET
VOL. PG.	VOLUME AND PAGE
INST. NO.	INSTRUMENT NUMBER
D.R.D.C.T.	DEED RECORDS DALLAS COUNTY, TEXAS
O.P.R.D.C.T.	OFFICIAL PUBLIC RECORD DALLAS COUNTY, TEXAS
- - - - -	EASEMENT LINE
———	LOT LINE
℄	PROPERTY LINE
CC	COUNTY COURT

LINE	BEARING	DISTANCE
1	N39°19'55"W	40.42'
2	S45°43'28"E	42.00'
3	S44°16'32"W	4.50'
4	N45°43'28"W	1.83'

09/29/2016

STATE OF TEXAS REGISTERED JASON A. JERNIGAN 6023 PROFESSIONAL LAND SURVEYOR

(For SPRG use only)

Reviewed By: A. Rodriguez

Date: 2/27/17

SPRG NO.: 3932

AERIAL ABANDONMENT
PART OF PEARL STREET AND
PART OF LOTS 1 AND 2 OF A.T. HENSLEY ADDITION
CITY OF DALLAS BLOCK NUMBER 528
BETWEEN THE ELEVATIONS OF 482.5' AND
882.0' MEAN SEA LEVEL
SITUATED IN THE
JOHN GRIGSBY SURVEY, ABSTRACT NO. 495
CITY OF DALLAS, DALLAS COUNTY, TEXAS

HALFF
TBPLS FIRM NO. 10029600
HALFF ASSOCIATES, INC. ENGINEERS ~ SURVEYORS
1201 NORTH BOWSER ROAD ~ RICHARDSON, TEXAS ~ 75081-2275
SCALE: 1"=50 (214)346-6200 AVO. 30735 FEBRUARY, 2017

3/7/2017 1:23:06 PM ah2582 HALFF I:\30000s\30735\CADD\Sheets\SI01\VEXH-EXHIBIT-02 30735.DGN Sheet 2S_IRC5240_MON_FS_FW_MR.plt

EXHIBIT A-TRACT III

AERIAL ABANDONMENT
PART OF LOTS 1, 10, 13, AND 20' ALLEY OF A.T. HENSLEY ADDITION
CITY OF DALLAS BLOCK NUMBER 528
BETWEEN THE ELEVATIONS OF 468.33' AND 484.67' MEAN SEA LEVEL
SITUATED IN THE
JOHN GRIGSBY SURVEY, ABSTRACT NUMBER 495
CITY OF DALLAS, DALLAS COUNTY, TEXAS

BEING a 496 square foot (0.0114 acre) tract of land situated in the John Grigsby Survey, Abstract Number 495, City of Dallas, Dallas County, Texas, City of Dallas Block Number 528, and being part of Lots 1, 10, 13, and 20' Alley of A.T. Hensley Addition, an addition to the City of Dallas, as recorded in Volume 90, Pages 274 and 275 of the Deed Records of Dallas County, Texas (D.R.D.C.T), and being part of Flora Street (created by Volume 90, Page 274, Volume 78249, Page 3889, and Volume 84020, Page 3763, D.R.D.C.T.), and being more particularly described as follows, but only as to that portion of the aerial abandonment between the elevations of 468.33' and 484.67' mean sea level:

BEGINNING at a 5/8-inch found iron rod with cap stamped "SURVCON" for corner at the southwest end of a corner clip at the intersection of the northwesterly right-of-way line of said Flora Street, a variable width right-of-way, with the northeasterly right-of-way line of Olive Street (created in City of Dallas cause No. 53592-B, Volume 18, Page 268, D.R.D.C.T., a variable width right-of-way), and the common corner of that tract of land described as Tract II and Tract III in Special Warranty deed to Arts District Properties, Ltd., as recorded in Volume 98103, Page 66, D.R.D.C.T.;

THENCE with the common line between said Tract II, and said Tract III, the following bearings and distances:

North 67 degrees 07 minutes 16 seconds East, a distance of 2.75 feet to a 5/8-inch found iron rod with cap stamped "SURVCON" for corner at the northeast end of said corner clip;

North 44 degrees 16 minutes 32 seconds East, a distance of 242.74 feet to the south corner of a tract of land described in Agreed Judgment Deed to State of Texas, as recorded in Volume 84020, Page 3739, D.R.D.C.T., and the northeast corner of said Tract II, and the northwest corner of said Tract III, from which a found "X" cut bears North 78 degrees 51 minutes 21 seconds West, a distance of 0.23 feet, said corner being on the southwest right-of-way line of Pearl Street (created in Volume 84020, age 3739, Volume 82250, Page 428, Volume 90, Page 274, and Volume 78249, Page 3889, D.R.D.C.T., a variable width right-of-way);

THENCE South 45 degrees 43 minutes 28 seconds East, with the northeast line of said Flora Street (created by Volume 78249, Page 3889, a distance of 1.83 feet to a corner (not monument);

THENCE over and across said Tract III, and Lots 1, 10, and 13 of said Hensley Addition, the following bearings and distances:

South 44 degrees 16 minutes 32 seconds West, a distance of 85.76 feet to a corner (not monument);

(For SPRG use only)
Reviewed By: A. Rodriguez
Date: 2/27/17
SPRG NO.: 3933

AERIAL ABANDONMENT
PART OF LOTS 1, 10, 13, AND 20' ALLEY OF A.T. HENSLEY ADDITION
CITY OF DALLAS BLOCK NUMBER 528
BETWEEN THE ELEVATIONS OF 468.33' AND 484.67' MEAN SEA LEVEL
SITUATED IN THE
JOHN GRIGSBY SURVEY, ABSTRACT NUMBER 495
CITY OF DALLAS, DALLAS COUNTY, TEXAS

South 45 degrees 43 minutes 28 seconds East, a distance of 4.10 feet to a corner (not monument);
South 44 degrees 16 minutes 32 seconds West, a distance of 11.00 feet to a corner (not monument);

North 45 degrees 43 minutes 28 seconds West, a distance of 4.10 feet to a corner (not monument);

South 44 degrees 16 minutes 32 seconds West, a distance of 148.51 feet to a corner (not monument);

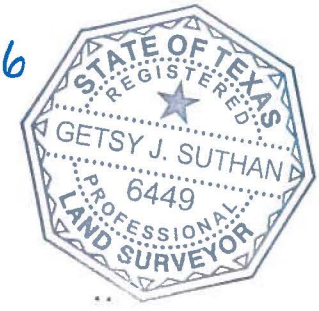
North 45 degrees 49 minutes 53 seconds West, a distance of 2.90 feet to the POINT OF BEGINNING AND CONTAINING 496 square feet or 0.0114 acres of land, more or less.

Basis of Bearing: State Plane Coordinate System, Texas North Central Zone 4202, North American Datum of 1983. 2011 Adjustment, Epoch 2010.00. All coordinates and distances shown hereon are US Survey Feet, displayed in surface values and may be converted to grid by dividing by the TxDOT Surface Adjustment Factor of 1.000136506.

This metes and bounds description was prepared with an exhibit of even date.

This survey was prepared without the benefit of a title commitment. Easement may exists where none are shown.

G. J. Suthan June 9/2016

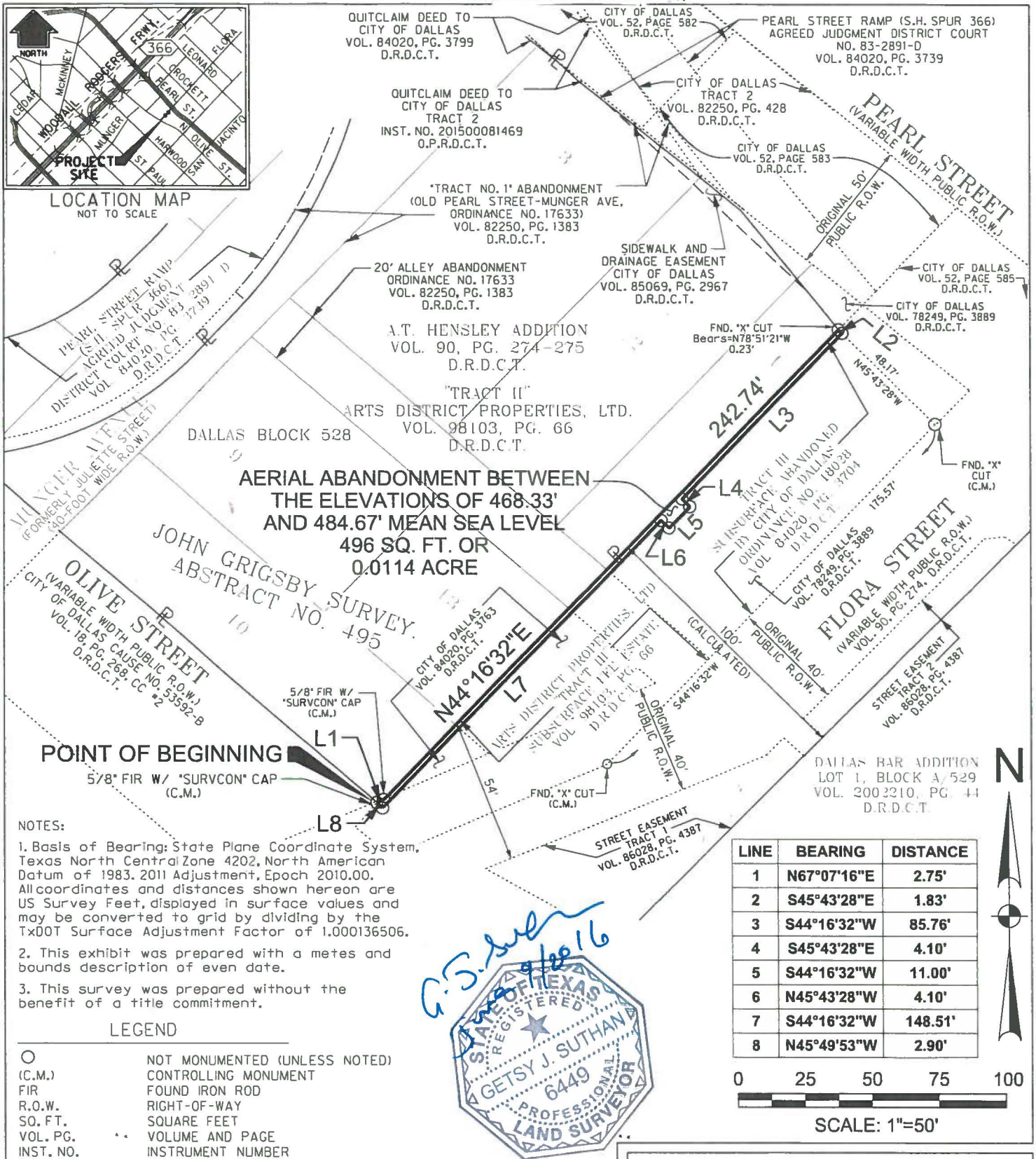


Getsy J. Suthan
Registered Professional Land Surveyor
Texas No. 6449
Halff Associates, Inc.,
1201 North Bowser Rd.
Richardson, Texas 75081
713-588-2466
TBPLS Firm No. 10029600

(For SPRG use only)
Reviewed By: A. Rodriguez
Date: 2/27/17
SPRG NO.: 3933

EXHIBIT A-TRACT III

LOCATION MAP
NOT TO SCALE



NOTES:

1. Basis of Bearing: State Plane Coordinate System, Texas North Central Zone 4202, North American Datum of 1983. 2011 Adjustment, Epoch 2010.00. All coordinates and distances shown hereon are US Survey Feet, displayed in surface values and may be converted to grid by dividing by the TxDOT Surface Adjustment Factor of 1.000136506.
2. This exhibit was prepared with a metes and bounds description of even date.
3. This survey was prepared without the benefit of a title commitment.

LINE	BEARING	DISTANCE
1	N67°07'16"E	2.75'
2	S45°43'28"E	1.83'
3	S44°16'32"W	85.76'
4	S45°43'28"E	4.10'
5	S44°16'32"W	11.00'
6	N45°43'28"W	4.10'
7	S44°16'32"W	148.51'
8	N45°49'53"W	2.90'

0 25 50 75 100

SCALE: 1"=50'

LEGEND

O	NOT MONUMENTED (UNLESS NOTED)
(C.M.)	CONTROLLING MONUMENT
FIR	FOUND IRON ROD
R.O.W.	RIGHT-OF-WAY
SQ. FT.	SQUARE FEET
VOL. PG.	VOLUME AND PAGE
INST. NO.	INSTRUMENT NUMBER
D.R.D.C.T.	DEED RECORDS DALLAS COUNTY, TEXAS
O.P.R.D.C.T.	OFFICIAL PUBLIC RECORD DALLAS COUNTY, TEXAS
- - - - -	EASEMENT LINE
———	LOT LINE
℄	PROPERTY LINE
CC	COUNTY COURT

STATE OF TEXAS REGISTERED GETSY J. SUTHAN 6449 PROFESSIONAL LAND SURVEYOR

9/28/16

(For SPRG use only)
Reviewed By: A. Rodriguez
Date: 2/27/17
SPRG NO.: 3933

AERIAL ABANDONMENT
PART OF LOTS 1, 10, 13 AND 20' ALLEY OF
A.T. HENSLEY ADDITION AND
CITY OF DALLAS BLOCK NUMBER 528
BETWEEN THE ELEVATIONS OF 468.33'
AND 484.67' MEAN SEA LEVEL
SITUATED IN THE
JOHN GRIGSBY SURVEY, ABSTRACT NO. 495
CITY OF DALLAS, DALLAS COUNTY, TEXAS

HALFF
TBPLS FIRM NO. 10029600
HALFF ASSOCIATES, INC. ENGINEERS ~ SURVEYORS
1201 NORTH BOWSER ROAD ~ RICHARDSON, TEXAS ~ 75081-2275
SCALE: 1"=50 (214)346-6200 AVO: 30735 FEBRUARY, 2017

2S_IRC5240_MON_FS_FW_CR.plt Sheet I:\30000s\30735\CADD\Sheets\SK01\VEXH-EXHIBIT-04-30735.DGN 2/23/2017 12:32:53 PM ah2472 HALFF

EXHIBIT A-TRACT IV

SUBSURFACE ABANDONMENT
PART OF LOTS 1, 10, 13, AND 20' ALLEY OF A.T. HENSLEY ADDITION
CITY OF DALLAS BLOCK NUMBER 528
FROM 1' BELOW SURFACE TO 8' BELOW SURFACE
SITUATED IN THE
JOHN GRIGSBY SURVEY, ABSTRACT NUMBER 495
CITY OF DALLAS, DALLAS COUNTY, TEXAS

BEING a 1,636 square foot (0.0376 acre) tract of land situated in the John Grigsby Survey, Abstract Number 495, City of Dallas, Dallas County, Texas, City of Dallas Block Number 528, and being part of Lots 1, 10, 13, and 20' Alley of A.T. Hensley Addition, an addition to the City of Dallas, as recorded in Volume 90, Pages 274 and 275 of the Deed Records of Dallas County, Texas (D.R.D.C.T), and being part of a Subsurface Fee Estate described as "Tract III" in Special Warranty deed to Arts District Properties, Ltd., as recorded in Volume 98103, Page 66, D.R.D.C.T., and being part of Flora Street (variable width right-of-way, created in Volume 78249, Page 3889, and Volume 84020, Page 3763, D.R.D.C.T.), and being more particularly described as follows, but only as to that portion of the subsurface abandonment from 1' below surface to 8' below surface:

BEGINNING at a 5/8-inch found iron rod with cap stamped "SURVCON" for corner at the southwest end of a corner clip at the intersection of the northwesterly right-of-way line of Flora Street (created in Volume 90, Page 274, Volume 78249, Page 3889, and Volume 84020, Page 3763, D.R.D.C.T., a variable width right-of-way) with the northeasterly right-of-way line of Olive Street (created in City of Dallas cause No. 53592-B, Volume 18, Page 268, D.R.D.C.T., a variable width right-of-way), and the common corner of said Tract III and Tract II of aforementioned deed to Arts District Properties, Ltd.;

THENCE with the common line between Tract II and Tract III said Arts Properties, Ltd, the following bearings and distances:

North 67 degrees 07 minutes 16 seconds East, a distance of 2.75 feet to a 5/8-inch found iron rod with cap stamped "SURVCON" for corner at the northeast end of said corner clip;

North 44 degrees 16 minutes 32 seconds East, a distance of 242.74 feet to the south corner of a tract of land described in Agreed Judgment Deed to State of Texas, as recorded in Volume 84020, Page 3739, D.R.D.C.T., and the northeast corner of said Tract II, and the northwest corner of said Tract III, from which a found "X" cut bears North 78 degrees 51 minutes 21 seconds West, a distance of 0.23 feet, said corner being on the southwest right-of-way line of Pearl Street (created in Volume 84020, age 3739, Volume 82250, Page 428, Volume 90, Page 274, and Volume 78249, Page 3889, D.R.D.C.T., a variable width right-of-way);

THENCE South 45 degrees 43 minutes 28 seconds East, with the northeast line of said Tract III, a distance of 6.67 feet to a corner (not monument);

(For SPRG use only)	
Reviewed By:	A. Rodriguez
Date:	2/28/17
SPRG NO.:	3936

SUBSURFACE ABANDONMENT
PART OF LOTS 1, 10, 13, AND 20' ALLEY OF A.T. HENSLEY ADDITION
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CITY OF DALLAS, DALLAS COUNTY, TEXAS

THENCE over and across said Tract III, and Lots 1, 10, and 13 of said Hensley Addition, the following bearings and distances:

South 44 degrees 16 minutes 32 seconds West, a distance of 245.26 feet to a corner (not monument);

North 45 degrees 49 minutes 53 seconds West, a distance of 7.73 feet to the POINT OF BEGINNING AND CONTAINING 1,636 square feet or 0.0376 acres of land, more or less.

Basis of Bearing: State Plane Coordinate System, Texas North Central Zone 4202, North American Datum of 1983. 2011 Adjustment, Epoch 2010.00. All coordinates and distances shown hereon are US Survey Feet, displayed in surface values and may be converted to grid by dividing by the TxDOT Surface Adjustment Factor of 1.000136506.

This metes and bounds description was prepared with an exhibit of even date.

This survey was prepared without the benefit of a title commitment. Easement may exists where none are shown.

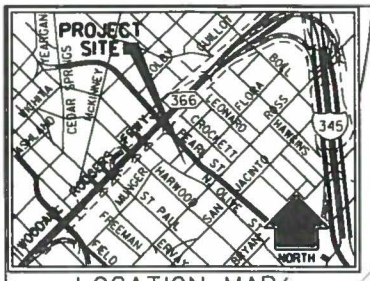
G. J. Suthan June 9/2016



Getsy J. Suthan
Registered Professional Land Surveyor
Texas No. 6449
Halff Associates, Inc.,
1201 North Bowser Rd.
Richardson, Texas 75081
713-588-2466
TBPLS Firm No. 10029600

(For SPRG use only)
Reviewed By: A. Rodriguez
Date: 2/28/17
SPRG NO.: 3936

EXHIBIT A-TRACT IV



LOCATION MAP
NOT TO SCALE

QUITCLAIM DEED TO CITY OF DALLAS VOL. 84020, PG. 3799 D.R.D.C.T.

CITY OF DALLAS VOL. 52, PAGE 582 D.R.D.C.T.

PEARL STREET RAMP (S.H. SPUR 366) AGREED JUDGMENT DISTRICT COURT NO. 83-2891-D VOL. 84020, PG. 3739 D.R.D.C.T.

QUITCLAIM DEED TO CITY OF DALLAS TRACT 2 INST. NO. 201500081469 O.P.R.D.C.T.

CITY OF DALLAS TRACT 2 VOL. 82250, PG. 428 D.R.D.C.T.

PEARL STREET (VARIABLE WIDTH PUBLIC R.O.W.)

"TRACT NO. 1" ABANDONMENT (OLD PEARL STREET-MUNGER AVE. ORDINANCE NO. 17633) VOL. 82250, PG. 1383 D.R.D.C.T.

CITY OF DALLAS VOL. 52, PAGE 583 D.R.D.C.T.

ORIGINAL 50' PUBLIC R.O.W.

SIDEWALK & DRAINAGE EASEMENT CITY OF DALLAS VOL. 85069, PG. 2967 D.R.D.C.T.

CITY OF DALLAS VOL. 78249, PG. 3889 D.R.D.C.T.

CITY OF DALLAS VOL. 52, PAGE 585 D.R.D.C.T.

PEARL STREET RAMP (S.H. SPUR 366) AGREED JUDGMENT DISTRICT COURT NO. 83-2891-D VOL. 84020, PG. 3739 D.R.D.C.T.

JOHN GRIGSBY SURVEY, ABSTRACT NO. 495

A.T. HENSLEY ADDITION VOL. 90, PG. 274-275 D.R.D.C.T.

"TRACT II" ARTS DISTRICT PROPERTIES, LTD. VOL. 98103, PG. 66 D.R.D.C.T. DALLAS BLOCK 528

20' ALLEY ABANDONMENT ORDINANCE NO. 17633 VOL. 82250, PG. 1383 D.R.D.C.T.

FND. "X" CUT BEARS N78°51'21"W 0.23'

L2

N45°43'28"W 45.33'

FND. "X" CUT (C.M.)

242.74'

245.26'

SUBSURFACE ABANDONED BY CITY OF DALLAS ORDINANCE NO. 18028 VOL. 84020, PG. 3704 D.R.D.C.T.

175.57'

CITY OF DALLAS VOL. 78249, PG. 3889 D.R.D.C.T.

SUBSURFACE ABANDONMENT FROM 1' BELOW SURFACE TO 8' BELOW SURFACE 1,636 SQ. FT. OR 0.0376 ACRE

FLORA STREET (VARIABLE WIDTH PUBLIC R.O.W.) VOL. 90, PG. 274, D.R.D.C.T.

OLIVE STREET (VARIABLE WIDTH PUBLIC R.O.W.) CITY OF DALLAS CAUSE NO. 53592-B VOL. 18, PG. 268, CC #2 D.R.D.C.T.

CITY OF DALLAS VOL. 84020, PG. 3763 D.R.D.C.T.

N 44°16'32" E

S 44°16'32" W

ARTS DISTRICT PROPERTIES, LTD TRACT III VOL. 98103, PG. 66 D.R.D.C.T.

100' (CALCULATED)

ORIGINAL 40' PUBLIC R.O.W.

S44°16'32"W

54'

5/8" FIR W/ "SURVCON" CAP (C.M.)

L1

POINT OF BEGINNING

5/8" FIR W/"SURVCON" CAP (C.M.)

FND. "X" CUT (C.M.)

STREET EASEMENT TRACT 2 VOL. 86028, PG. 4387 D.R.D.C.T.

STREET EASEMENT TRACT 1 VOL. 86028, PG. 4387 D.R.D.C.T.

DALLAS BAR ADDITION LOT 1 BLOCK V/3 9 VOL 300-210, PG. 44 D R D C T

N 45°49'53" W 7.73'

NOTES:

1. Basis of Bearing: State Plane Coordinate System, Texas North Central Zone 4202, North American Datum of 1983, 2011 Adjustment, Epoch 2010.00. All coordinates and distances shown hereon are US Survey Feet, displayed in surface values and may be converted to grid by dividing by the TxDOT Surface Adjustment Factor of 1.000136506.
2. This exhibit was prepared with a metes and bounds description of even date.
3. This survey was prepared without the benefit of a title commitment.

LINE	BEARING	DISTANCE
1	N67°07'16"E	2.75'
2	S45°43'28"E	6.67'

LEGEND

O	NOT MONUMENTED (UNLESS NOTED)
(C.M.)	CONTROLLING MONUMENT
FIR	FOUND IRON ROD
R.O.W.	RIGHT-OF-WAY
SQ. FT.	SQUARE FEET
VOL. PG.	VOLUME AND PAGE
INST. NO.	INSTRUMENT NUMBER
D.R.D.C.T.	DEED RECORDS DALLAS COUNTY, TEXAS
O.P.R.D.C.T.	OFFICIAL PUBLIC RECORD DALLAS COUNTY, TEXAS
- - - - -	EASEMENT LINE
———	LOT LINE
℄	PROPERTY LINE
CC	COUNTY COURT

N

0 25 50 75 100

SCALE: 1"=50'

G.S. Suthan 6/9/2016

STATE OF TEXAS REGISTERED GETSY J. SUTHAN 6449 PROFESSIONAL LAND SURVEYOR

(For SPRG use only)

Reviewed By: A. Rodriguez

Date: 2/28/17

SPRG NO.: 3936

PAGE 3 OF 3

SUBSURFACE ABANDONMENT
PART OF LOTS 1, 10, 13 AND 20' ALLEY OF
A.T. HENSLEY ADDITION AND
CITY OF DALLAS BLOCK NUMBER 528
FROM 1' BELOW SURFACE TO 8' BELOW SURFACE
SITUATED IN THE
JOHN GRIGSBY SURVEY, ABSTRACT NO. 495
CITY OF DALLAS, DALLAS COUNTY, TEXAS

HALFF

TBPLS FIRM NO. 10029600

HALFF ASSOCIATES, INC. ENGINEERS ~ SURVEYORS
1201 NORTH BOWSER ROAD ~ RICHARDSON, TEXAS ~ 75081-2275
SCALE: 1"=50 (214)346-6200 AVO. 30735 FEBRUARY, 2017

2/28/2017 8:14:05 AM ah2472 HALFF I:\30000s\30735\CADD\Sheets\S01\VEXH-EXHIBIT-03-30735.DGN Sheet 2S_IRC5240_MON_FS_FW_CR.plt

EXHIBIT B

ADDITIONAL ABANDONMENT PROVISIONS

That as a condition hereof, this abandonment is subject to any utilities or communication facilities, including without limitation water and wastewater lines, gas lines, and storm sewers, ("Facilities") presently located within the abandoned area described in Exhibit "A", owned and/or operated by the City of Dallas or any utility or communications company, public or private, ("Utility") and to the rights of any Utility for the use of the abandoned area for its Facilities. It is the intent of the foregoing to confirm and maintain and there is hereby reserved and excepted unto the City of Dallas, and not abandoned or conveyed hereunder, an easement (to which this abandonment is made expressly subject) over, upon, under, through, in, and across the abandoned area for each Utility for its respective Facilities located therein at the time of this abandonment, together with the right to make any subsequent alterations, additions, expansions, upgrades or modifications to such Facilities as may, from time to time be deemed necessary or convenient by the Utility owning and/or operating same. No buildings, structures (above or below ground) or trees shall be constructed or placed within the abandoned area without written consent of each affected Utility. Each Utility shall have the full right to remove and keep removed all or part of any buildings, fences, trees, or other improvements or growths which in any way may endanger or interfere with the construction, maintenance or efficiency of its respective Facilities lying within the abandoned area and shall at all times have the full right of ingress and egress to or from and upon the abandoned area for the purposes of reconstructing, removing, relocating, inspecting, patrolling, maintaining, expanding, upgrading, and/or adding to all or part of its Facilities without the necessity at any time of procuring the permission of anyone. The easement reserved hereunder and the conditions and restrictions to which this abandonment is subject shall remain for the benefit of the applicable Utility and/or operators of the Facilities until said Facilities are removed and relocated from the abandoned area. The relocation, removal or adjustment of any or all such Facilities, if made necessary by GRANTEE'S (whether one or more natural persons or legal entities) use of the abandonment area, shall be at the expense of GRANTEE herein, or GRANTEE'S successors and assigns. Should GRANTEE'S relocation or removal of the Facilities require the obtaining of new easements, the acquisition of same shall be at the expense of GRANTEE, GRANTEE'S successors and assigns. If any of the Facilities (or relocations thereof) are allowed to remain on any part of the abandoned area, the easements and buildings restrictions provided herein shall remain thereon. Upon removal or relocation of all of the Facilities, any easements reserved or created herein relating to such removed or relocated Facilities shall terminate, and any building restrictions herein created shall cease.

RECEIVED
2017 APR 11 PM 6:08
CITY SECRETARY
DALLAS, TEXAS

EMERGENCY SUPPLEMENTAL ADDENDUM TO THE AGENDA
CITY COUNCIL MEETING
APRIL 12, 2017
CITY OF DALLAS
1500 MARILLA
COUNCIL CHAMBERS, CITY HALL
DALLAS, TEXAS 75201
9:00 A.M.

ADDITIONS:

ITEMS FOR INDIVIDUAL CONSIDERATION

Office of Emergency Management

4. Briefing on critical system vulnerabilities and authorize Supplemental Agreement No. 1 to increase the service contract with West Shore Services, Inc. for immediate security enhancements to address an imminent threat to public health and safety and to address a reasonably unforeseen situation - Not to exceed $100,000, from $567,368 to $667,368 - Financing: Current Funds (subject to appropriations)

Handgun Prohibition Notice for Meetings of Government Entities

"Pursuant to Section 30.06, Penal Code (trespass by license holder with a concealed handgun), a person licensed under Subchapter H, Chapter 411, Government Code (handgun licensing law), may not enter this property with a concealed handgun."

"De acuerdo con la sección 30.06 del código penal (ingreso sin autorización de un titular de una licencia con una pistola oculta), una persona con licencia según el subcapitulo h, capitulo 411, código del gobierno (ley sobre licencias para portar pistolas), no *puede ingresar a esta propiedad con una pistola oculta."*

"Pursuant to Section 30.07, Penal Code (trespass by license holder with an openly carried handgun), a person licensed under Subchapter H, Chapter 411, Government Code (handgun licensing law), may not enter this property with a handgun that is carried openly."

"De acuerdo con la sección 30.07 del código penal (ingreso sin autorización de un titular de una licencia con una pistola a la vista), una persona con licencia según el subcapitulo h, capitulo 411, código del gobierno (ley sobre licencias para portar pistolas), no *puede ingresar a esta propiedad con una pistola a la vista."*

ADDENDUM ITEM # 4

KEY FOCUS AREA: Public Safety

AGENDA DATE: April 12, 2017

COUNCIL DISTRICT(S): All

DEPARTMENT: Office of Emergency Management

CMO: Eric Campbell, 670-3255

MAPSCO: N/A

SUBJECT

Briefing on critical system vulnerabilities and authorize Supplemental Agreement No. 1 to increase the service contract with West Shore Services, Inc. for immediate security enhancements to address an imminent threat to public health and safety and to address a reasonably unforeseen situation - Not to exceed $100,000, from $567,368 to $667,368 - Financing: Current Funds (subject to appropriations)

BACKGROUND

On April 8, 2017 at 11:42 p.m. an intrusion into the City's outdoor warning siren system unexpectedly activated and sounded sirens throughout the City. Staff attempted to silence the system through appropriate measures which were unsuccessful. The intrusion into the system continually sent alert messages to each of the individual sirens to continuously sound until the system was fully disconnected from operation.

It has been determined that a security vulnerability in the system was exploited causing complete loss of control over the system. Repeated messages sent by the intruder countered all efforts to silence the system except to completely deactivate the system.

This Supplemental Agreement increases the value of the contract by $100,000 for immediate security enhancements to the outdoor warning siren system following the intrusion of the system on April 8, 2017.

This action does not encumber funds; the purpose of a service contract is to establish firm pricing for services, for a specific term, which are ordered on an as needed basis.

This will provide immediate security enhancements and repair services for the City's outdoor warning siren system that currently consists of 156 sirens strategically located throughout the City. The system alerts residents of approaching or existing hazardous conditions throughout the City to ensure the widest possible coverage. Typically, the outdoor warning siren system is used as a warning tool for a tornado or other dangerous weather conditions, it is one of the primary means of emergency warnings for Dallas residents and visitors for all types of hazards.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On August 26, 2015, City Council authorized a six-year service contract, for preventive maintenance and repair services for the City's outdoor warning siren system by Resolution No. 15-1521.

On November 9, 2016, City Council authorized a six-year service contract, for preventive maintenance and repair services for the City’s outdoor warning siren system by Resolution No. 16-1798.

FISCAL INFORMATION

Current Funds - $100,000 (subject to appropriations)

April 12, 2017

WHEREAS, on April 8, 2017 an intrusion caused activation of the City's outdoor warning siren system; and

WHEREAS, immediate security enhancements are required to provide complete restoration and functionality of the City's outdoor warning siren system; and

WHEREAS, on August 26, 2015, City Council authorized a six-year service contract, for preventive maintenance and repair services for the City's outdoor warning siren system by Resolution No. 15-1521; and

WHEREAS, November 09, 2016, City Council authorized a six-year service contract, for preventive maintenance and repair services for the City's outdoor warning siren system by Resolution No. 16-1798.

Now, Therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DALLAS:

SECTION 1. The City Manager is hereby authorized to sign Supplemental Agreement No. 1 with West Shore Services, Inc. (VS0000052434), approved as to form by the City Attorney, for immediate security enhancements in an amount not to exceed $100,000, increasing the service contract from $567,368 to $667,368. If the service was bid or proposed on an as needed, unit price basis for performance of specified tasks, payment to West Shore Services, Inc. shall be based only on the amount of the services directed to be performed by the City and properly performed by West Shore Services, Inc. under the contract.

SECTION 2. That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed $100,000 (subject to appropriations) from Service Contract No. MASCMGTFY2017SIRENCT.

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.